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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

SENATE—*Tuesday, August 15, 1972*

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for the quietness of the morning hour when the day is new, the mind is clear, and the soul receptive to Thy presence. Move among us, O Divine Spirit, to lighten our burdens, lift our spirits, warm our hearts, and direct our actions. When hours grow tedious or tension is high, still give us Thy quickening power and Thy refining and steadying grace. When perplexity or bewilderment overtakes us and we are unsure of the course to follow, guide us through the difficulties to a victorious conclusion in accord with Thy will. So may we "serve the present age our calling to fulfill." And when the day is ended may we have Thy benediction and hearts at peace with Thee. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 14, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs; the Committee on the District of Columbia; the Committee on Commerce; the Committee on Armed Services; the Committee on Government Operations; the Committee on Finance; the Committee on Labor and Public Welfare; and the Committee on Public Works may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LAND ACQUISITION APPROPRIATIONS FOR THE NATIONAL PARK SYSTEM

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 981.

The PRESIDENT pro tempore. The clerk will report the bill.

The legislative clerk read as follows:

Calendar No. 981 (S. 2806) a bill to authorize appropriations for additional costs of land acquisition for the national park system.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears no objection, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment beginning on page 1, line 11, after "P.L. 91–646; 84 Stat. 1894).", insert "There are also authorized to be appropriated such sums as may be necessary in addition to those authorized in Public Law 92–272 (86 Stat. 120) to provide for such costs, benefits, and expenses in connection with the acquisition of lands authorized therein.

SEC. 2. Whenever an owner of property elects to retain a right of use and occupancy pursuant to any statute authorizing the acquisition of property for purposes of a unit of the National Park System, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in all instances where authorizations of appropriations for the acquisition of lands for the National Park System enacted prior to January 9, 1971, do not include provisions therefor, there are authorized to be appropriated such additional sums as may be necessary to provide for moving costs, relocation benefits, and other expenses incurred pursuant to the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646; 84 Stat. 1894). There are also authorized to be appropriated such sums as may be necessary in addition to those authorized in Public Law 92–272 (86 Stat. 120) to provide for such costs, benefits, and expenses in connection with the acquisition of lands authorized therein.

SEC. 2. Whenever an owner of property elects to retain a right of use and occupancy pursuant to any statute authorizing the acquisition of property for purposes of a unit of the National Park System, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101 (6) of that Act.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2806) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1032), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND

Public Law 91–646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, was enacted on January 2, 1971. The purpose of this legislation was to provide for uniform and equitable treatment of persons displaced from their homes, businesses, on farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs. The application of the provisions for Public Law 91–646 is mandatory.

Briefly, the benefits which agencies are required to pay under Public Law 91–646 are as follows: A landowner being displaced from a dwelling that he occupies is entitled to (1) actual moving and related expenses, or an in lieu payment not to exceed $500; and (2) replacement housing cost (the amount required to pay the difference between the dwelling sold to the Government and the dwelling purchased, including increased interest payments and closing costs), not to exceed $15,000.

A tenant being displaced from a dwelling is entitled to the following benefits: (1) actual moving and related expenses, or an in-lieu payment not to exceed $500; and (2) rental not to exceed $4,000 over a 4-year period or, in lieu thereof, the amount necessary to enable such a person to make a down payment on the purchase of a decent, safe, and sanitary dwelling, up to $2,000. An additional payment up to $2,000 can be made on a matching basis with money provided by the tenant. Such total Federal contribution, however, in no event will exceed $4,000 or the maximum amount of the rental differential payment. This is done in order to encourage home ownership. In other words, payment by the Government of any amount up to a second $2,000 of the $4,000 maximum payment must be matched by an equal amount provided by the tenant.

Displaced owners or tenants occupying and operating farms or commercial units are entitled to actual moving and related expenses, or an in-lieu payment not to exceed $10,000. They are also entitled to actual costs of moving personal property and to replacement housing not to exceed $4,000 for tenants or $15,000 for owners.

An occupant of a seasonal cottage is entitled to actual moving and related expenses, or an in-lieu payment not to exceed $500.

In addition to the above, the property owner is entitled to incidental expenses resulting from the transfer to title to the United States, including recording fees, transfer taxes, prepayment penalty costs, and prorata portion of real property taxes which are the United States. An owner of unimproved land which is acquired by the Federal Government is entitled to these same benefits.

NEED

In creating the foregoing statutory benefits over and above just compensation, Public Law 91–646 has increased the cost of land acquisition. For the National Park Service, where authorizations are limited by individual area laws, this means that the acquisition program cannot be completed within the statutory ceilings set by the Congress.

At the time of the enactment of Public Law 91–646, the National Park Service was engaged in land acquisition in some 54 areas where Congress had previously established a statutory ceiling on appropriations for land acquisition. Therefore, in order for the Service to comply with Public Law 91–646 in these areas, it is necessary that legislation be enacted to authorize the service to exceed those ceilings by the amounts necessary to pay additional costs and expenses incurred by reasons of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The bill specifically makes increases applicable only to those areas in which a congressionally imposed land acquisition ceiling does not include estimated amounts, or other provisions, for moving costs and other relocation benefits, and the related administrative expenses arising from payment of such benefits.

COST

Enactment of S. 2806, of itself, carries no cost, since the costs of relocation and other benefits are already required to be paid under existing law. The Department of the Interior estimates that the additional land acquisition costs attributable to Public Law 91–646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, in the areas of the National Park System where Congress has imposed land acquisition ceilings, is $15,343,595. However, elections and options are available to the landowner and actual costs will not be known until the landowner is displaced; therefore, it was necessary to rely on averages to arrive at the estimated cost.

AMENDMENTS

The Interior Department recommended that S. 2806 be amended to apply to the new authorizations in the omnibus park legislation (Public Law 92–272) recently approved by the Congress. Accordingly, the recommended amendment would enable the National Park Service to request funds needed to pay relocation costs in connection with the recent omnibus park legislation. The amendment is as follows:

On line 11 after the period insert:

There are also authorized to be appropriated such sums as may be necessary in addition to those authorized in Public Law 92–272 to provide for such costs, benefits, and expenses in connection with the acquisition of lands authorized therein.

The committee is concerned, in this connection, about the applicability of this general statute, which was intended primarily to ease the impact of major ongoing acquisition programs such as the Federal-Aid Highway and Urban Renewal programs, to the acquisition of land for units of the National Park System, areas that are individually authorized and considered on a case-by-case basis by the Congress.

As a consequence of individual consideration of park area legislation certain benefits have been inserted into park authorization statutes that do not appear in legislation authorizing the ongoing Federal programs referred to above. For example, most recent recreational area legislation considered by this committee permits owners to retain a right of use and occupancy for their lifetimes or for a specific term of not to exceed 25 years. Yet, as the Department of the Interior's Office of the Solicitor has ruled, such owners are entitled to receive relocation benefits at the end of their retained term. Clearly, the costs of relocation benefits—and thus the full cost of land acquisition—cannot be ascertained with certainty at the time Congress authorizes the park if this situation prevails. Moreover, the committee believes there is a question as to whether such owners should be entitled to benefits if they elect to retain a right of use and occupancy.

It is the committee's belief that areas of the national park system where owners are permitted to retain the use of their dwelling and not—as would be the case under the highway program, for example—required to be displaced immediately ought to be treated differently. These general relocation benefits must be tailored, in the case of park land acquisition, to fit other rights and privileges written into park legislation by this committee. Accordingly, the committee recommends an amendment in the form of a new section to provide that an owner who elects to retain a right of use and occupancy, wherever authorized in a park law, thereby elects not to avail himself of the additional relocation assistance benefits of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

The committee does not object to providing such owners with actual moving expenses at such time as they are displaced. Rather, the amendment seeks only to avoid the situation where an owner elects to retain a right of use and occupancy in his dwelling for a term of years after which he is entitled to assistance in obtaining replacement housing. In the committee's view, such an owner should be given the choice, on the date of acquisition, whether he wishes to stay in his house or move with the Government's help. Without the amendment he could do both.

Requiring the owner to make such a choice is, the committee believes, consistent with the purposes of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Relocation assistance and replacement housing benefits were intended to promote continuity of home ownership, in order that the Social and economic impact of Federal acquisition would be lessened. However, a person who is displaced 25 years after he is paid for his property will likely have dissipated the fund with which to acquire comparable housing by the time of displacement. The chances of his being able to acquire comparable housing after 25 years, even with Government assistance, would also be very slim in many cases.

The amendment is as follows: On page 1 add the following new section:

Sec. 2. Whenever an owner of property elects to retain a right of use and occupancy pursuant to any statute authorizing the acquisition of property for purposes of a unit of the national park system, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Relocation Assistance and Real Property Acquisition Polices Act of 1970 (84 Stat. 1894), and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101 (6) of that Act.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNATIONAL ATOMIC ENERGY COMMISSION

The second assistant legislative clerk proceeded to read sundry nominations in the International Atomic Energy Commission.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask that the President be notified immediately of the confirmation of the nominations.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

STATEMENT BY RAMSEY CLARK ON PRISONERS OF WAR

Mr. SCOTT. Mr. President, I think it is most unfortunate that upon his return from Hanoi Mr. Ramsey Clark made the statement that after talking to a cabinet officer of Hanoi and a journalist he believed that Hanoi would not return the prisoners of war until the candidate of the opposing party is elected President. This has the effect of saying that he believes Hanoi is holding our prisoners of war hostage for the election of Senator McGovern. That kind of reports injects Hanoi into the American political campaign.

Aside from the unwisdom of having joined a commission examining U.S. war crimes, which itself is a prejudgment, and then having made a statement while visiting with that commission—which would strongly imply that he believes the United States has committed war crimes—and to include in that the comment that he believes Hanoi will only release the prisoners subject to an outcome of the election which they regard as favorable to them is, in my mind, an extremely unfortunate position for Mr. Clark to take.

I make this statement regretfully because I know Mr. Clark, I have worked with him on various occasions and I like him very much, but when somebody goes foolish it seems to me it has to be noted, if going foolish involves the security of a foreign policy of the United States. So I regret Mr. Clark allowed himself to be used by Hanoi. I regret this kind of intervention of Hanoi into the American political campaign. I hope that Americans generally will reject this kind of campaigning from over the enemy's borders.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from Virginia (Mr. Harry F. Byrd, Jr.) is recognized for not to exceed 15 minutes.

Mr. HARRY F. BYRD, JR. Will the Chair inform the Senator from Virginia when there is 3 minutes remaining?

The PRESIDENT pro tempore. Yes.

RHODESIA

Mr. HARRY F. BYRD, JR. Mr. President, the House of Representatives last Thursday, August 10, again—again—struck a blow against those who would subordinate the American Congress to the Security Council of the United Nations.

By an almost 2-to-1 vote the House struck from the foreign assistance legislation a proposal which, in effect, would have repealed the Byrd amendment to the military authorization bill which was passed by the Senate, by the House, and signed by the President last year.

Mr. President, I think a little history is in order. About 5 years ago, the President, by unilateral action, at the request of the United Nations Security Council, declared an embargo on trade with Rhodesia.

Rhodesia is the world's richest source of chrome ore, a material vital to defense, and the embargo made the United States dependent on Russia for this commodity.

Last fall legislation was presented in the Senate to set aside this embargo insofar as the importation of a strategic material, namely chrome ore, is concerned.

In the Senate the legislation to set aside the embargo was presented by the Senator from Virginia, the Senator from North Carolina (Mr. Ervin), the Senator from Florida (Mr. Gurney), the senior Senator from Arizona (Mr. Fannin), and the junior Senator from Arizona (Mr. Goldwater).

A bill to the same effect was presented in the House by the Honorable James M. Collins of Texas.

Between last fall and the present time, on three separate occasions, the Senate voted to set aside the embargo of the United Nations—an embargo placed on the United States unilaterally by President Johnson—insofar as importation of a strategic material from Rhodesia is concerned.

The House by a vote of 251 to 100 last fall sustained the Senate's action. So the vote last Thursday again sustained the action of the Senate and the action which the House took last fall.

In the meantime, a group of House Members brought a suit in the Federal Court of the District of Columbia, requesting that the court throw out the legislation setting aside the United Nations embargo. The Federal judge ruled in favor of Congress.

So now we have a clear-cut situation in which the Senate on three separate occasions, the House on two separate occasions, and a U.S. District Court all have stated loud and clear that the Congress of the United States has the power and the right to set aside any embargo that might be placed on the American people by the United Nations or by the unilateral action of the President of the United States.

That is highly significant, Mr. President.

It goes beyond the question of Rhodesia; it goes beyond the question of chrome, it goes beyond the question of a strategic material; and it goes beyond the question of national defense.

If the courts or Congress had acted otherwise, it would have meant that the Congress of the United States would be subordinate to the Security Council of the United Nations, and that would be an intolerable situation.

I am glad that those who opposed my proposal, those who have been demanding that Congress subordinate itself to the United Nations, have continued to press the issue. Every time they have lost—and in losing they have built a stronger case for those of us who feel that the embargo unilaterally decreed by President Johnson was wrong—they have strengthened the position of those of us who feel that the U.S. Congress must not be subordinated to the United Nations, and this Nation must not be dependent on Communist Russia for a strategic defense material.

Mr. President, today I want to mention those who participated so effectively in the debate in the House of Representatives last Thursday. Ten Members of the House took part in that debate, in sustaining the position previously taken by the Senate and previously taken by the House.

The fight was led by that fiery and able Representative from Pennsylvania, John H. Dent, a Democrat, and by James M. Collins, of Texas, a Republican. Joined with them were Representatives J. Herbert Burke, of Florida, Republican; Wayne L. Hays, of Ohio, Democrat; Frank M. Clark, of Pennsylvania, Democrat; William L. Dickinson, Alabama, Republican; Joe D. Waggonner, Louisiana, Democrat; John Buchanan, Alabama, Republican; Robert Sikes, Florida, Democrat, and John Ashbrook, Ohio, Republican.

It was a bipartisan effort of five Democrats and five Republicans.

When one analyzes the rollcall vote, one finds that Representatives from 42 of the 50 States supported the position that the U.S. Congress must not be subordinate to the United Nations and that this country must not be dependent on Communist Russia for a strategic material; namely, chrome.

So the issue that the Senate has been fighting, the position on which the Congress of the United States has made its voice felt several times now, is not a sectional issue or a regional issue. It is a national issue. Representatives from 42 of the 50 States last Thursday cast their vote in support of the Byrd amendment dealing with the importation of chrome.

When one adds the Senate votes to that, one finds that representatives from 46 of the 50 States at one time or another—and we have had a series of votes—have voted to set aside the United Nations embargo; have voted to permit the importation of chrome; and have voted that the U.S. Congress shall not be dependent on or subordinated to the United Nations Security Council.

I think that the vote of last week struck yet another blow for a very important principle. It struck yet another blow against those who would say, as so many Senators have said on this floor, and as some Representatives have said on the floor of the House of Representatives, "Oh, we cannot do anything the United Nations does not want us to do. We cannot go against the United Nations. They want us to have an embargo, and the Security Council voted for the embargo, so the American Government then must knuckle down and do what they say and we must have an embargo." I am very pleased that the Congress of the United States stood up against that.

The PRESIDENT pro tempore. The Senator has 3 more minutes.

Mr. HARRY F. BYRD, JR. I thank the Chair.

I want to pay tribute to my distinguished colleagues in the House of Representatives who fought such a difficult battle last week to sustain once again the position which has been sustained three times in the Senate and once by a Federal court.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order the Senator from Wisconsin (Mr. Proxmire) is recognized for not to exceed 15 minutes.

BUDGET CEILING SHOULD BE ESTABLISHED AT $240 BILLION

Mr. PROXMIRE. Mr. President, I intend to offer an amendment which would set a budget ceiling for fiscal year 1973 at $240 billion. This is $10 billion below the $250 billion ceiling proposed by the Nixon administration but it is still $8.5 billion higher than budget outlays for fiscal year 1972—$231.6.

$250 BILLION CEILING MEANINGLESS

The $250 billion ceiling proposed by the administration is too high. Since that is what the administration expects to spend in any case, it is really meaningless as far as a ceiling for the administration is concerned. It is particularly meaningless because it is the President—the executive branch—which has control over spending or "outlays." By a stroke of the pen, by a verbal order to the Budget Director, or by a letter to the Defense Department, the President of the United States has the power and the authority to limit or cut or reduce "outlays."

We in Congress have no such power. We control "new obligational authority." We appropriate funds. Some of the funds are spent this year—in fact, the bulk of them are spent in the year appropriated. But billions are not spent this year. The Pentagon alone has a $40 billion backlog of money—a huge honey jar—which they continue to draw down year in and year out even as the Congress cuts the new appropriations. We control appropriations. We do not control spending.

NEED CEILING ON OUTLAYS

It is, therefore, necessary to have a "ceiling" on expenditures or "outlays." I commend the Senator from Delaware (Mr. ROTH) for his amendment. But the problem with his amendment is that he sets the ceiling at the amount the President intends to spend in any case. It establishes no new "control" or "discipline" over the executive branch.

$240 BILLION CEILING WOULD FORCE DISCIPLINE

What my amendment would do is to require that the President cut "outlays" and "cut them by $10 billion." This is some whopping $8.5 billion over last year, and a very modest ceiling indeed when the Government is telling private business and labor to cut back with price and wage controls.

We can do this and we should do this.

ROTH AMENDMENT LETS PENTAGON OUT FROM UNDER CEILING

A second problem with the ceiling amendment proposed by the administration is that it does not require a cut in the Defense Department. The additional outlays of $1.2 billion which the President requested for Vietnam is outside this ceiling. The President intends to increase defense spending by that amount, but he intends to take it out of the other agencies and departments of the Government.

Further proof of that fact is seen in the way the President and his supporters in the Senate worked against the McGovern ceiling amendment on defense funds. When the Senator from South Dakota proposed that the new obligational authority for the Pentagon be established this year at last year's level, or a savings of $4 billion, the Pentagon and the administration worked against it and every Republican in the Senate save one, voted against it.

What we have now in the administration $250 billion is a ceiling amendment which exempts the Pentagon from the discipline of the budget ceiling. They are outside the rules. They are not only going to spend every dime that was asked for in the 1973 budget but $1.2 billion in addition.

But if we pass my amendment, they too will have to come under the discipline of the budget ceiling. They too will have to make choices and establish priorities.

CHOICES FOR THE PENTAGON

If they want to continue bombing North Vietnam into the stone ages, let them at least take the funds out of their existing budget. We should not give them more money to do that.

If they continue, as they are continuing, to have overruns on their major weapons systems of $35 billion, let us cut their money and force them to establish some fiscal discipline in their procurement.

If they continue with procurement contracts which are almost 90 percent negotiated—and only 10 percent let by competitive advertised bids—the lowest percent in years—let us cut their budget to enforce some discipline over their excesses.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. I rise only for the purpose of raising the question and asking the distinguished Senator to furnish some information. Is my understanding correct that there were $400 million left in the budget of the Navy which was disposed of in the last day or so, or the last week or so, of the last fiscal year?

Mr. PROXMIRE. The Senator is absolutely correct. As a matter of fact, the Chief of Naval Operations, Admiral Zumwalt, sent out a memorandum urging the Navy to get rid of that money, saying if necessary to require overtime, or anything they could do to use up that $400 million.

Mr. MANSFIELD. I raise the question because I think the Senator himself raised the question in the first place, and I was seeking clarification.

The second question has to do with another statement made by the Senator to the effect that something like $38 billion has been lost in contracts let for the development of exotic weapons. Could the Senator furnish a list, so that we could have that material in the RECORD?

Mr. PROXMIRE. I shall be very happy to do that. I do not have it with me now, but I have it at my office, and will be happy to have it incorporated into the RECORD as a part of my remarks this morning. I ask unanimous consent that I may do that at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MANSFIELD. Does the Senator recall the approximate figure?

Mr. PROXMIRE. The approximate figure, as I recall, was about $36 billion in overruns over the cost of the original contracts. This was something provided for us by the General Accounting Office, and we recalculated it to adjust for the fact that there had been changes in quantities, and so forth, in particular weapons orders.

Mr. MANSFIELD. Was that prior to the cancellation of the Cheyenne helicopter contract a few days ago?

Mr. PROXMIRE. It was.

Mr. MANSFIELD. I thank the Senator.

Mr. PROXMIRE. I thank the majority leader very much.

Mr. President, the Pentagon now has some 400 major and nearly 3,000 minor bases scattered in 30 countries around the world. Let them cut back on many of these which are hold-overs from World War II.

They now spend some $6 billion a year in all forms of foreign military aid to over 46 countries in the world. Let us put a ceiling on expenditures which would force the military to make some tough hard choices about military foreign aid.

We now have more high-ranking officers of some grades—than we had at the peak of World War II. Excesses could be cut there.

The Pentagon is building massive new weapons systems while continuing to build the older systems. With more firepower, far more costly planes and ships, and huge overruns, they should be required to pick and choose and make choices as every one else must do.

NONDEFENSE SPENDING COULD BE CUT

But it is not only in the Pentagon that Government waste and Government spending can be cut.

SUBSIDIES, SUBSIDIES, SUBSIDIES

The Joint Economic Committee, in a landmark study issued last January, established at least $63 billion a year which is paid out in one form of subsidy or another. Not all of these are bad, but much of it is either wasteful, or goes to wealthy recipients, or is unneeded. A $240 billion ceiling would require a reexamination of these subsidies.

PUBLIC WORKS WASTE

We all know the extent of waste in public works projects. We know that investment of private capital in the country brings in at least 12-percent return. But the discount rate or cost of public funds invested in public works projects is calculated at less than 6 percent. That means we take money from taxpayers to pump into projects that return less than they would return if invested in private business. That is inefficient. A $240 billion ceiling would force the Budget Bureau and the President to toughen up on wasteful public works projects.

MANNED SPACE FLIGHT WASTEFUL

Manned space flights are excessive. The most competent scientists tell us we can do everything with machines and do it for about half the cost of manned flights. A $240 billion ceiling would force a review of this problem.

PAYMENTS TO WEALTHY FARMERS

We have excessive spending for farm program payments which go to very wealthy farmers. A $20,000 ceiling on payments to any one farm or farmers, which the administration has fought against, could save tens of millions of dollars in the farm program and help those who really need help the worst. A $240 billion ceiling would force action in this area.

EXCESSIVE HIGHWAY SPENDING

Spending for highways is out of hand. Some $120 million alone is being spent for the Shirley Highway mixing bowl here in Washington. That is outrageous. But the highway lobby has its funds protected by the trust fund, so they can spend and spend and spend while other vital needs like mass transit are deprived. A $240 billion ceiling on spending could force a review of the highway trust fund. And that is long overdue.

WASTE IN HEALTH AND EDUCATION PROGRAMS

While I am a strong supporter of health programs and education programs, everyone knows that the National Institutes of Health have been stuffed with funds which they have used very poorly. And we know that Health, Education, and Welfare spends education money in some very bad ways. Impacted aid is a primary target. A $240 billion ceiling could force a ground up review of these expenditures.

And in passing I should point out that not even a majority of Republicans and administration supporters voted for the ceiling on the HEW appropriations when that proposal was before us a few days ago.

There are excesses in urban renewal, model cities, and sections 235 and 236 housing programs.

The so-called uncontrollables should also be reviewed. Medicare costs have gone through the roof. But a review of medicare practices can save tens of millions without harming the needy elderly.

REVIEW NEEDED FROM BOTTOM UP

I assert that the budget of the United States can be cut by $10 billion without harming the people of the United States. In fact, by cutting back on military fat and waste, by applying priorities to domestic spending, by reviewing every program from the bottom up and by cutting back on huge subsidies—sugar subsidies, housing subsidies, interest rate subsidies, subsidies to big farmers, subsidies to big shipbuilders, subsidies to the banks and highway and earth moving industries who benefit from foreign aid, subsidies to defense contractors through Government provision of their plants and working capital—we could save billions of dollars which could better be spent in the private sector and which now cost the American taxpayers billions of dollars in execessive taxation.

$240 BILLION CEILING NECESSARY

For all of these reasons, I say that a $250 billion ceiling—a ceiling with little or no warning for that is exactly what the President intends to spend in any case—is not enough and that if we are to establish a working, meaningful ceiling it should be established at $240 billion. That is $8.5 billion more than we spent last year.

It is only $6 billion less than the President originally asked for.

It would make the Pentagon eat its excesses.

It would establish some discipline over Government spending.

I urge its acceptance.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the distinguished Senator from Florida.

Mr. GURNEY. I have been listening carefully to the Senator's statement, and I must say I agree with his general thesis that we have been spending too much money and we should start cutting back rather severely and carefully.

I would like to question the Senator, however, about defense spending. He mentioned defense manpower. Is it not true that manpower in the Defense Department, both in uniform and out of uniform on the civilian side, has been cut back rather severely in the last year or two?

Mr. PROXMIRE. It is true that there have been some cutbacks, but the cutbacks have been less than could be justified on the basis of the cutback in Vietnam. Also, there has not been as great a cutback on the civilian side in the military establishment in relationship to those in uniform. I believe a limited, modest reduction could be achieved. Certainly not the 1.7 million in 3 years that has been suggested—that is too much, but I think there could be some reduction below what the President has proposed.

Mr. GURNEY. Is it not also true that although our defense budget is the largest single budget in the history of Federal budgeting, actually the percentage of defense spending compared to the gross national product has decreased continually over the last few years, while the social spending has increased considerably?

Mr. PROXMIRE. The Senator is correct, and of course this is because there has been a wind down, and I think all of us should be happy and grateful that there has been, of the war in Vietnam. But, once again, the war in Vietnam has been cut back by about $20 billion a year in expenditures, and it seems to me that reduction has not been reflected in a corresponding cutback, even allowing for pay increases and inflation and corresponding reductions in military expenditures.

Mr. President, I yield the floor.

Exhibit 1

Costs of 45 Selected Major Weapons Systems Increased by $36.5 Billion

Mr. Proxmire. Mr. President, the costs of 45 selected major weapons systems have increased by $36.5 billion over the original planning estimates for those weapons.

This is the largest accumulative overrun reported so far.

Last November I reported a $35.2 billion cost overrun on the same 45 programs. The November figures were based on data compiled by the Department of Defense as of June 30, 1971. The figures I am making available today are based on data compiled by the Department of Defense as of March 31, 1972.

In the 9 months separating the two sets of figures, the costs of the same 45 programs increased by $1.3 billion.

Despite the countless congressional investigations, reports, exposes, and blue ribbon panel studies, the message that billions of dollars are being lost through mismanagement and waste in military procurement has either gotten lost or been ignored.

The picture would have looked even worse except for the fact that seven of the 45 weapons programs were removed from the Pentagon's reporting system and figures for these programs can no longer be updated. Most of the programs in this category were dropped from the reporting system because they were either canceled or completed. Three are among the most mismanaged in recent years. They are the Main Battle Tank, which was canceled after a dismal performance; the Gamma Goat, which received a scathing report from the House Armed Services Committee just a few days ago; and the FB–111, a program whose technical performance is as poor as its cost record.

Several other factors tend to understate the size of the cost overrun problem. Among these is the fact that the data supplied by the Pentagon is often seriously outdated and is sometimes inaccurate.

The Pentagon shows a cost overrun of $222.1 million on the F–14 aircraft program. The Navy has distorted the F–14 picture by supplying a current estimate of $5.3 billion to complete the program when in fact the Navy estimates that it will cost $6.5 billion to complete the program. Instead of a $222.1 million cost overrun, the Pentagon ought to be reporting a $1.5 billion cost overrun.

In the case of the LHA ship program, the Navy reports that it will cost $970 million to complete when, in fact, the Navy now estimates that it will cost $1.4 billion to complete. The LHA cost overrun has been understated by approximately $471 million.

The Air Force has managed to minimize the F–15 aircraft cost overrun by changing the cost base. The original planning estimate for this program was $5.1 billion, as shown in Development Concept Paper No. 19, dated September 28, 1968. But the Air Force now reports a planning estimate of $6 billion, thereby shrinking the difference between the planning estimate and what it will cost to finish the program. Instead of a $1.8 billion cost overrun in this program, there is really an overrun of $2.7 billion.

The omissions in the Pentagon's reporting system in these three programs alone understate the cumulative cost overrun by $2.6 billion.

Other programs showing extremely large increases include Safeguard ABM, $2.1 billion; the B–1 bomber, $2.2 billion; the C5–A aircraft, $1.8 billion; the F–111 aircraft, $4.9 billion; and the SRAM missile, $1 billion.

Another shortcoming in the Pentagon's reporting system is the practice of omitting the costs of large subsystems and associated costs of major weapons. The Safeguard ABM report, for example, ignores the costs of warheads, family housing construction and operation, missile test range support, hospitalization, training, and other Armywide support activities. The most recent estimate of these costs was in excess of $1 billion, and that estimate was made in 1970. The Army has refused to revise this figure.

A March 1972 GAO report on Safeguard strongly suggests that the Army is concealing the full costs of the program. The Army would not make available to GAO documentation showing the basis and source of its planning estimate for Safeguard. GAO concluded that the Safeguard estimate did not contain the provisions for certain known or anticipated costs and were significantly lower than estimates prepared by the weapon system contractor. In my experience, when the military estimate of the cost of a program is lower than the contractor's estimate for that program, the contractor almost always turns out to be right.

In the case of the DD-963 destroyer, all signs point to another large cost increase on top of the already large overrun that has been acknowledged. The DD-963 is supposed to be built in the same shipyard as the LHA and the delays on the LHA have already had a detrimental impact on the DD-963, although the Navy has so far refused to admit it.

Finally, the cumulative nature of the data on costs often obscures the reasons for the overruns. Admittedly, some overruns are excusable. When the cost of a weapon rises because more weapons are being purchased than was originally planned, the rise may be justified if the decision to buy more weapons was a wise one and was not concealed from Congress at the time the planning estimate was made. Changes in a weapon as it undergoes development and production may also increase costs, and this increase may be warranted. There are other factors, such as general economic inflation, which affect the costs of weapons.

In stating the overruns for the 45 selected weapons in this report, I have taken into account as much of the dollar costs of the quantity changes as is possible. Where the quantity to be purchased was increased, I have revised the planning estimate upward by the appropriate amount in order to arrive at the net overrun. Where the quantity was reduced, I have revised the planning estimates downward.

Too often the causes of cost-overruns are gross mismanagement on the part of the Pentagon and inefficiency on the part of the defense contractors. Most of the cost overruns I have studied fall into this category. Unnecessary cost overruns have contributed to general inflation.

Another problem is the intentional underestimate of the cost of a weapon program. A relatively low price tag combined with the rest of the Pentagon's sales pitch has succeeded in winning support for weapons which may otherwise have not been approved by Congress. A number of major weapons fall into this category.

The Pentagon has obviously been unable to cope with the cost overrun problem. The situation seems to me to be growing worse instead of improving. In addition, Congress and the public are still not being told the truth about cost overruns on major weapons.

I request unanimous consent to have printed in the RECORD a report of the costs of 45 selected weapons systems provided to me at my request by the General Accounting Office.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, D.C., July 24, 1972.

The Honorable WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government, Joint Economic Committee, Congress of the United States.

B-163058

DEAR MR. CHAIRMAN: Enclosed is the updated summary of estimated cost data, on the status of 45 selected major weapon systems. Since our last report to you 7 of the 45 systems have been dropped from the Selected Acquisition Reporting System.

Attachments I and II presents the estimated cost data for 38 major weapon systems as presented in the March 31, 1972, Selected Acquisition Reports (SARs) as released by the Department of Defense. Attachment III presents the estimated cost data on the 7 major weapon systems at the time they were dropped from Selected Acquisition Reporting. We have made no audit or verification of the reported data.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Enclosures—3.

ATTACHMENT I

COMPARISON OF THE ESTIMATED COST DATA AS OF MAR. 31, 1972, WITH THE ESTIMATED COST DATA OF JUNE 30, 1971, FOR 38 WEAPON SYSTEMS

[Dollars in millions]

Number of systems	Planning estimate	Development estimate	Cost change		Current estimate
			Quantity	Other	
Army (8)	$10,892.7	$11,701.9	$1,234.6	$3,130.8	$16,067.3
Navy (20)	29,731.3	37,490.6	(576.2)	5,280.6	42,195.0
Air Force (10)	33,273.6	41,082.1	(3,762.5)	9,859.8	47,179.4
Total (38) as of Mar. 31, 1972	73,897.6	90,274.6	(3,104.1)	18,271.2	105,441.7
Total (38) as of June 30, 1971	73,897.6	89,083.5	(5,871.8)	18,124.6	101,336.3
Difference between June 30, 1971, and Mar. 31, 1972	0	1,191.1	2,767.7	146.6	4,105.4

Note: The amounts indicated above for current estimate show a net increase of $4,105,400,000 as compared to the similar total as of June 30, 1971. This net increase consists of an increase of $3,324,800,000 for the Army, a decrease of $301,300,000 for the Navy ($68,600,000 related to Navy actions and $232,700,000 due to elimination of the Air Force portion of Sparrow E from SAR), and an increase of $1,081,900,000 for the Air Force.

The systems accounting for the major changes are as follows:

ARMY

Safeguard: Increase—$1,791.0 million.

This increase includes $856 million for adding a fourth site to the program, $417 million due to stretchout of equipment readiness date of the third site, $225 million support change primarily for adding a Safeguard Missile Integrated Reliability Test (SMIRT) Plan, and $199 million for incorporation of OSD projected price indices.

SAM-D: Increase—$1,318.7 million.

This increase is due to $49 million for additional testing equipment, $54 million for anti-missile/nuclear option, $91 million for management reserve, $600 million for reconfiguration and quantity change, and $530 million for revised estimate and economic escalation.

TOW: Decrease—$62.7 million.

This decrease is attributable to $25 million for a reduction in quantity to reflect current inventory objectives and a $39 million decrease due to revising cost estimates based on existing multi-year missile contracts and changes in support requirements. These decreases were offset by about $1 million increase for economic escalation.

Dragon: Increase—$214.8 million.

This increase is attributable to $101 million quality change as a result of a revision in combat and training consumption rates and forces to be equipped, $67 million due to change in learning curve computations, labor rates, overhead rates and estimating error, $12 million for stretchout of procurement, $24 million to update futue economic escalation, and $11 million for support costs.

Cheyenne: Increase—$38.2 million.

This increase is primarily a result of the request for fiscal year 1973 funds for the fabrication of an additional prototype utilizing parts and tools available from the original production program, and for the renovation of two existing development prototypes.

NAVY

SSN—688: Increase—$250.2 million.

This increase is primarily due to an increase in the quantity of ships at a cost of about $182 million and $69 million for update of escalation.

Poseidon: Decrease—$303.6 million.

This decrease is primarily due to net reductions associated with lower negotiated missile and other equipment costs of about $245 million, and a decrease in the estimated cost for escalation of $14 million.

Mark 48: Decrease—$306.0 million.

The current SAR reflects the Mark 48 Mod 1 torpedo program for which a production contract was awarded in July 1971. The decrease shown above is primarily attributed to the elimination of $281 million in costs related to the Mark 48 Mod 0/2 programs which have been cancelled.

AIR FORCE

F-15: Increase—$493.0 million.

This increase reflects a $26 million increase in development program based on contractor cost data submitted for renegotiation of engine contract after deletion of engines for F-14B aircraft, $2 million for added program scope requirements for missile test hardware and a decease of $4 million for deletion of test center service funding. In addition, the air vehicle price increased $412 million based on contractor data submitted for renegotiation of engine contract after deletion of F-14B aircraft which was offset by a decrease of $8 million for refinement of previous estimates. Initial spares estimates increased $94 million due to deletion of engines for the F-14B aircraft which was offset by $44 million as a result of computing spare engines on a modular support concept.

F-111: Increase $326.7 million.

This increase is attributable to $293 million for an increase in quantity of aircraft to be procured and $33 million for initial spares cost increase.

Minuteman II: Increase—$161.8 million.

This increase is primarily due to force modernization costs.

Minuteman III: Increase—$128.8 million.

This increase is primarily due to force modernization costs.

ATTACHMENT II

SCHEDULE OF PROGRAM COST DATA APPEARING ON THE MAR. 31, 1972, SARS

[In millions of dollars]

System	Planning estimate	Development estimate	Cost change		Current estimate
			Quantity	Other	
Army (8):					
Cheyenne[1]	125.9	129.9	15.4	189.9	331.2
Safeguard[2]	4,185.0	4,185.0	1,686.0	2,104.0	7,975.0
Dragon	382.2	404.2	(131.9)	212.8	485.1
Sam-D[3]	4,916.8	5,240.5			5,240.5
Lance	586.7	652.9	5.9	115.4	774.2
Tow	410.4	727.3	(307.4)	232.0	651.9
M-60A2	162.1	205.6	(45.3)	243.2	403.5
Tacfire	123.6	160.5	11.9	33.5	205.9
Total	0,892.7	11,701.9	1,234.6	3,130.8	16,067.3
Navy (20):					
SSN-688	1,658.0	5,747.5	1,084.0	243.6	7,075.1
DLGN-38[4]	769.2	820.4			820.4
S-3A	1,763.8	2,891.1		260.7	3,151.8
F-14	6,166.0	6,166.0	(1,116.6)	222.1	5,271.6
EA-6B	689.7	817.7	(50.8)	452.3	1,219.2
P-3C	1,294.2	1,294.2	949.0	46.3	2,289.5
A-7E	1,465.6	1,465.6	(70.5)	755.3	2,150.4
Vast 247	241.1	312.0	(180.7)	312.3	443.6
Phoenix	370.8	536.4	185.5	529.5	1,251.4
Condor	356.3	441.0	(146.0)	85.5	380.5
Poseidon[2]	4,568.7	4,568.7	(243.6)	425.9	4,751.0
Sparrow E[5]	1,215.8	740.7	(529.7	120.6	331.6
Sparrow F[6]	151.5	707.7	28.0	490.6	1,226.3
Mark 48[7]	720.5	1,753.8	(4.3)	183.5	1,933.0
LHA	1,380.3	1,380.3	(480.6)	70.3	970.0
CVAN-68/69	946.5	1,063.2		253.0	1,316.2
DE-1052	1,285.1	1,259.7		170.9	1,430.6
SSN-637[2]	2,515.8	2,515.8		428.2	2,944.0
DD-963	1,784.4	2,581.2		173.3	2,754.5
Aegis	388.0	427.6		56.7	484.3
Total	29,731.3	37,490.6	(576.2)	5,280.6	42,195.0
Air Force (10):					
B-1	8,954.5	11,218.8	(33.8)	(72.4)	11,112.6
F-15	6,039.1	7,355.2		446.5	7,810.7
C-5A	3,423.0	3,413.2	(710.3)	1,823.5	4,526.4
F-111	4,686.6	5,505.5	(2,628.0)	4,117.1	6,994.6
A-7D	1,379.1	1,379.1	(282.6)	252.2	1,348.7
AWACS	2,656.7	2,661.6		(.3)	2,661.3
Maverick	257.9	383.4	(82.1)	84.0	385.3
SRAM	167.1	236.6	125.6	969.7	1,331.9
Minuteman II	3,014.1	4,254.9	4.0	647.5	4,906.4
Minuteman III	2,695.5	4,673.8	(155.3)	1,592.0	6,110.5
Total	33,273.6	41,082.1	(3,762.5)	9,859.8	47,179.4

[1] The Cheyenne costs represent research and development costs only. These est mates do not include termination costs related to the cancelled production contract.

[2] For the programs where the SAR's have shown only a development or a planning estimate, we have made both estimates the same to prevent distortion between the totals of these columns.

[3] The development estimate of $4,031,000,000 formerly reported, dated March 1967, was changed to $5,240,500,000 in March 1972, to reflect the entry into engineering development.

[4] Although no development estimate was shown on the June 30, 1971, SAR, our last report included the same cost for the planning and development estimates in order to prevent distortion between the totals of these 2 estimates. With the award of the production contract, the Navy established a development estimate in the Dec. 31, 1971, SAR and is reflected in this schedule.

[5] Cost estimates for the Air Force portion of this program were deleted from the SAR in December 1971.

[6] Cost estimates include Air Force estimates for its portion of the Sparrow F program.

[7] The development estimate was revised based on the award of the production contract in July 1971.

ATTACHMENT III

WEAPON SYSTEMS REMOVED FROM THE SAR

[Dollar amounts in millions]

System	Planning estimate	Development estimate	Cost change		Current estimate	Date of final SAR
			Quantity	Other		
MBT-70[1]	2,126.5	2,100.9	(602.4)	721.2	2,219.7	Sept. 30, 1971
Gama goat[2]	69.1	163.9	(5.5)	22.7	181.1	June 30, 1971
SQS-23[2]	157.1	170.5	(82.7)	94.6	182.4	Do.
SSN-685[2]	100.8	151.7		26.2	177.9	Do.
DLG Conv.[3]	698.8	698.8		307.8	1,006.6	Do.
Amtrac[2]	324.4	328.5	(126.9)	0.4	202.0	June 30, 1971
FB-111[2]	1,781.5	1,781.5	(1,043.3)	546.6	1,284.8	Sept. 30, 1971
Total	5,258.2	5,395.8	(1,860.8)	1,719.5	5,254.5	

[1] Dropped from the SAR because program was canceled.

[2] Dropped from the SAR because production was completed or substantially completed, or the program costs are below the revised OSD thresholds.

[3] Dropped from the SAR because visibility required by the SAR is no longer necessary and an internal monthly status report will be substituted in its place.

THE INTERIM OFFENSIVE WEAPONS AGREEMENT

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Under the previous order, the Senator from Mississippi (Mr. STENNIS) is recognized for not to exceed 15 minutes.

Mr. STENNIS. I thank the Chair.

Mr. President, I shall speak at this hour on the Interim Offensive Weapons Agreement, and say that I do this under the pressure of other demanding assignments for today. I shall return to the floor and undertake to debate any point I make that might be challenged or commented on.

I want to say, at the outset, that I support the SALT agreements, both the ABM treaty—now approved—and the pending 5-year limitation on offensive weapons. I certainly hope—and expect—that, having approved the treaty, the Senate will quickly approve the interim agreement.

Occasionally, we in this Chamber have an opportunity to cast our votes on an issue which vitally and basically affects man's state—the status of mankind—not only in the United States and what we call the "free world," but the state of man everywhere. I believe this is such an issue, approval of these agreements.

I do not mean to say that these agreements, if approved by the appropriate actions here and in Moscow, will put us unfailingly on the straight and narrow path to lasting peace. I do not say that. No single action, in this Chamber or elsewhere can do that.

I believe strongly, however, that these agreements can be a beginning—a start—toward better relations between the United States and the Soviet Union. That would be a start, a significant start toward a more tranquil world.

These agreements are just a start, a first step, but President Nixon has made it clear that he wants to begin negotiations at once on a second-step strategic arms agreement. That is why we have moved rapidly to consider—and, I believe, to approve both these agreements.

CAREFULLY REVIEWED

Despite this priority action here, these agreements have been considered by two Senate committees. Other speakers will, I am sure, discuss the policy findings of the Senate Foreign Relations Committee. I want to state for the record that the Senate Armed Services Committee has carefully considered military implications of the agreements.

Actually, the Armed Services Committee, through a Subcommittee headed by the Senator from Washington (Mr. JACKSON) kept itself informed on the progress of the 3 years of SALT negotiations in Helsinki and Vienna. Since those talks were completed at the Moscow Summit, the full committee has held hearings on the resulting agreements.

As chairman of the committee, I took part in those hearings and heard all the witnesses except two, and I have reviewed their testimony.

Public and executive sessions were held before and after the July congressional recess. Witnesses heard included the Secretary of Defense, Mr. Laird; the chairman, Admiral Moorer, and members of the Joint Chiefs of Staff, and Ambassador Smith and members of his SALT delegation.

As I have said, these hearings focused on the military implications of the agreements. The committee did not ask that the agreements be formally referred to us; we held our hearings to bring out information and assure ourselves with respect to military implications of these agreements.

Under these circumstances, the Senate Armed Services did not and will not issue a formal report on the agreements. We asked the Printing Office for a rush job, however, and our printed hearings are now available.

SOUND AND SAFE

I will not attempt to summarize our testimony in detail, Mr. President, but I would like to tell the Senate of the questions with which I entered our committee review and the answers which emerged from it.

I began our hearings with the conviction that we now have a strategic force which is clearly strong enough to deter any challenge. But I wanted to be quite sure about that point.

I also wanted to inquire whether we would have the authority, under this interim agreement, to maintain and update a fully credible deterrent so that it would be available at the end of the 5-year period coverd by the agreement. I wanted an answer to that question in case it should develop that the 5-year interim agreement could not be renewed or extended.

Finally, there was a question in my mind about verification. I wanted to be quite sure that we will know what the other side is doing under these agreements. Would we know that the terms of the agreement were being observed?

Our SALT hearings strengthened my conviction that we now have a credible deterrent—that we have a force so strong, so diverse, that potential enemies would not risk attacking us.

Thus, it leaves the matter up to us solely, while making judgments on this question. I will leave the floor shortly to go to a meeting of the Committee on Armed Services, which is passing on the identical point, as to how far we should go with reference to these weapons.

Our hearings also persuaded me that our deterrent will still be strong and wholly credible 5 years hence if we continue to modernize our weapons and improve our technology—as we are permitted to do under the agreements.

Our hearings convinced me that we do have the means to know what the other side is doing while the treaty is in force.

In short, I concluded that the treaty and the interim agreement are sound and that we can safely approve them as the basis for new negotiations aimed at tighter limitations on offensive strategic arms.

Looking toward those SALT II negotiations, I am pleased to be a cosponsor of the amended approval language proposed by the Senator from Washington (Mr. JACKSON). Over the years, no Member of the Senate has given closer attention than he to the strategic posture of the United States as against that of the Soviet Union.

I share some of the concerns he expressed during his exhaustive questioning of witnesses at the committee's SALT hearings. I agree, for example, that this agreement is only an interim agreement. If no permanent agreement—no treaty—has been negotiated by 1977, the United States will certainly have to look down the road—and look down that road before then—and assure the survivability of its deterrent in future years. That is, I believe, the concept expressed in the first part of Senator JACKSON's amendment.

Further, the present 5-year agreement gives certain numerical advantages to the Soviet Union based, in part at least, on technological advantages which we now enjoy. Those technological advantages cannot be assumed to continue for all time. A permanent treaty, therefore, must take this into account and balance the level of strategic forces on both sides by considering numbers of launchers, numbers of warheads, destructive power of weapons, and potential growth within the terms of the treaty. This, as I understand it, is the main aim of the second portion of the Jackson amendment.

The third portion of the Jackson amendment pledges us to a vigorous program of weapons research and weapons modernization. To my mind, this is just commonsense.

As I have said, I wholeheartedly support this interim agreement. I also support the Jackson amendment because I do not believe it places any reservation or limitation on the basic offensive weapons agreement. I do not, and would not, support any limitation or reservation, or anything I judged to be a limitation or reservation.

I believe, however, that the Jackson amendment, as it stands, as he offered it on August 7, constitutes a wise expression of views by Congress as it approves the agreement.

JOINT CHIEFS APPROVE

I am confident that my conclusions about the agreements were solidly based on the facts presented and the best military judgments available.

We questioned Admiral Moorer, Chairman of the Joint Chiefs, and Admiral Zumwalt, General Ryan, and General Palmer very closely. I believe their view is quite clear.

The Joint Chiefs of Staff, who followed the negotiations closely, favor approval of the treaty and the interim agreement, provided we continue to go forward with modernization of strategic weapons and improvement of weapons technology.

Here is the position of the Joint Chiefs of Staff as presented to the Armed Services Committee on June 20 by Admiral Moorer:

> The Joint Chiefs of Staff were officially represented on the SALT delegation and were consulted prior to signature. If we press forward vigorously with our programs designed to protect against a degradation in national security posture, the Joint Chiefs of Staff believe that the deterrent capability of our strategic forces will not be impaired, that peace of the world may be enhanced, and that the undertakings will be in the best interests of the United States.

I am confident, based in part on decisions of the past and in particular on our recent procurement debate here and the decisions then made, that the Senate will continue to back the SALT agreements with adequate funds for improved weapons and technology within the terms of the agreements.

SALT SAVINGS

One final word about these agreements. As chairman of the Senate Armed Services Committee, I want to take issue with those critics who complain that savings anticipated under SALT, have proven illusory and that the money saved has been engulfed in funds for new weapons spending. That is not true if we look ahead a few years—as we must look ahead.

Before the SALT agreements, Congress was committed, in some degree, to four ABM sites. The Defense Department had set its sights on 12 of them. Under the treaty we will buy no more than two.

Before the SALT agreements, the Russians were rapidly expanding their land and sea-based strategic missile forces, and there was no apparent end to it. Well before the 5-year term of the proposed offensive agreement, we would have to take aggressive—and expensive—steps to counter the expanding threat.

I believe that we would have to move, in the strategic weapons area—and move soon—if the agreements were not approved and the Russians were to continue their open-ended expansion of their missile programs.

Looking down the road, there are savings, very great savings, implicit for the future in these SALT agreements. Of course, it will require some hard decisions by Congress and the executive branch as to whether or not we really make these savings.

A START

We will save money in the long run under these SALT agreements, but, as I have said, the agreements promise much more than a measure of relief for the American taxpayer. They promise a start towards arms control—I do not say disarmament—in the nuclear age. It is a start which I believe we should make, first, in our own best interests, but also in the interests of others.

Mr. President, I do not want to get excited about it, but I have been very close to these problems for the last several years; and I say on my responsibility—every ounce of it—that there is no complete defense to a nuclear attack; that if these arms are ever turned loose by one party or another and we have a nuclear war, great parts of the world will be destroyed and a great percentage of the population of the world will be destroyed.

Senators should face the fact that, while we debate this bilateral first step, the nuclear arms race is accelerating among other powers. The ban on nuclear testing does not apply to underground tests, and some nuclear powers do not abide by the 1963 treaty. Several nations already have nuclear weapons and limited delivery systems. These are just—well known facts. They are not often mentioned because they are so unpleasant but it is a part of the world in which we live. In fact, the Atomic Energy Commission lists 23 nations capable of developing nuclear weapons and sophisticated delivery systems within 5 to 20 years.

Picture that—if anyone can—a world 5 to 20 years from now in which 23 nations will be capable of having nuclear weapons with modern delivery systems, that is, the ability to deliver a nuclear weapon on target. It is unthinkable that we should not try, now, to go as far as possible in preparing against that day.

It is high time that the major powers took steps toward curbing their nuclear arms so that other nations with a menacing potential can be drawn into an arms control network.

I urge approval of the interim agreement which is limited but is a start.

Let me emphasize, in concluding, that we do now have, beyond doubt, in being, sophisticated weapons that are entirely capable of providing the necessary deterrent that we need to deter any nation from risking the consequences of an attack upon us.

Further, for emphasis, under the terms of the agreement to which I have addressed myself, we will have sufficient deterrent force and we can provide, for the intervening period, and the period beyond the 5-year period, should there be no extension of this agreement, or should it be violated in the meantime.

We have an opportunity, and the time, to provide the benefits of research and development and technology that would update the weapons we have, or even bring forth new weapons that would add to our deterrent capability.

Further, I am satisfied—and this is something new, it was not true a few years ago—that we now have the capability to detect and to be able to tell on a week-to-week and a month-to-month basis what is going on on the other side, what they are doing, and what their activities are. I do not mean looking into their minds as to what they are planning, but finding out what they are doing toward improving their own position and thus avoiding, through this marvelous technology, getting caught by surprise.

No system is perfect, but I have been here a good many years and I am satisfied that we are not taking too much of a chance. We are not taking an unreasonable chance in making this modest start, because I realize that something has got to be done. I believe this will prove to be the germ—the beginning—of what will finally develop, I hope, into a worldwide limitation of some kind with reference to nuclear weapons. I am not off on a rosy path of thinking about disarmament or unilateral action, but thinking totally within the terms of this agreement as I have outlined it.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Under the previous order, the senior Senator from Kentucky (Mr. COOPER) is now recognized for not to exceed 10 minutes.

INDIA'S 25TH ANNIVERSARY AS AN INDEPENDENT, DEMOCRATIC NATION

Mr. COOPER. Mr. President, I send to the desk for myself and on behalf of Senators CHURCH, TUNNEY, JAVITS, SAXBE, KENNEDY, STEVENS, PERCY, CASE, BAYH, HOLLINGS, CRANSTON, BROOKE, MATHIAS, TAFT, HATFIELD, and ROTH, a resolution expressing the congratulations of the Senate to the Republic of India on its 25th anniversary as an independent, democratic nation.

Mr. President, as I have just said, I have submitted today on behalf of myself and the Senators I have named, a Senate resolution extending to the Republic of India and to Prime Minister Indira Gandhi, to its Parliament and people, the congratulations and good wishes of the Senate of the United States on the 25th anniversary of India's establishment as an independent, sovereign and democratic nation. I know that we are joined by millions of the people of the United States in this expression of good will.

It was 25 years ago that the partition of the subcontinent of India was completed. To one who has spent any time in India, I think it would be clear that there never was any question in its long history that India would be independent. The strength and continuity of its ancient culture and its history made independence inescapable. The part that Ghandiji, the late Prime Minister Jawaharlal Nehru and other great leaders played in hastening independence were in a larger sense an expression of Indian thought and purpose and determination. I think it worthwhile also to remember that Great Britain and her statesmen played an enlightened role at the time of her independence. But, above all, it was the unwavering spirit of the Indian people and their leaders growing out of its long history and culture that assured independence.

It has been 25 years since that historic day of independence and in the years that have passed, India's progress and work have been marked by the spirit and activity which only independence and complete freedom can give.

It was my opportunity to serve in 1955 and 1956 as Ambassador of the United States to the Republic of India and I have revisited India on three occasions since that time. Each time I have seen the continuous growth and success of its economy in the field of agriculture and industry. But of equal importance, this economic growth has been accompanied by a concern for the social and humane needs of its people in health and education and social justice.

India's life has stayed firmly bound to democratic values in its parliamentary institutions, the rule of the law, its free courts and the holding of free elections, larger in point of participation by its people than any other country in the history of the world.

India has had its trials but it has held true to its course of independence and democratic and human values.

The United States, throughout the years, has been of assistance to the people of India. I hope that the spirit and the values of the peoples of the two countries will be increasingly close and bound together to friendship.

We extend to the Republic of India, to Prime Minister Indira Gandhi, a great leader of her people, to our sister parliament, and to India's people our congratulations on its success and our best wishes for the future.

I ask unanimous consent to have printed in the RECORD an excerpt of Gandhi's writings which tells much about the spirit of the Republic of India.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> Recall the face of the poorest and the most helpless man whom you may have seen and ask yourself, if the step you contemplate is going to be of any use to him. Will he be able to gain anything by it? Will it restore him to a control over his own life and destiny? In other words, will it lead to swaraj or self-rule for the hungry and also spiritually starved millions of our countrymen? Then you will find your doubts and yourself melting away.

The PRESIDING OFFICER. Under the previous order the distinguished Senator from Idaho (Mr. CHURCH) is now recognized for not to exceed 10 minutes.

TO THE NEW INDIA—HAPPY 25TH BIRTHDAY

Mr. CHURCH. Mr. President, today, the Republic of India is celebrating its 25th independence anniversary. I am delighted to submit a sense of the Senate resolution, along with Senators COOPER and TUNNEY and others, expressing this body's congratulations to the Parliament of India on such a significant occasion.

Through this resolution, we in the U.S. Senate want to express to our legislative counterparts halfway around the world our good will and best wishes, and pay our compliments to the people of India for their impressive economic and social achievements over the past quarter of a century, and for their steadfast support of parliamentary government.

The world's most populous democracy and the foremost power in South Asia, India is a free and secular society based on a written constitution that seeks social, economic, and political justice for all its citizens. Its judicial system is devoted to the rule of law. From the time that Prime Minister Jawaharlal Nehru spoke on behalf of India's freedom 25 years ago, the United States has supported and encouraged India's efforts to develop its economy and strengthen its democracy.

I first saw India during World War II; I returned for the second time at the end of November 1971. During my brief visit last year, I caught a glimpse of India's energetic program of economic development to raise up 550 million people from the depths of poverty and to make the transition from a traditional society to one of just distribution of the benefits of wealth, science, and technology. I saw the infrastructure, which Prime Minister Indira Gandhi has said "will enable us to become a modern economy." I saw the modernization of India's agriculture, known universally as the green revolution, whereby the country has reached self-sufficiency in rice production.

In the industrial sector, after major diversification, India today ranks as the world's eighth industrial nation, able to supply to its people consumer and capital goods as well as to export sophisticated products.

The Government has worked hard to raise the living standards of the Indian people by providing extensive health services, raising life expectancy from a grim 29 years at independence to 55 years today, by increasing the literacy rate from 14 percent in 1947 to over 30 percent in 1972, and by promoting effective family planning programs nationwide.

Since India's political system, like that of the United States, is a test and a proof of the democratic path to achieve social justice and economic well-being, what happens in India, especially over the next 25 years, will help to determine the future of other nations in Asia that look to this democratic power for guidance and leadership. The significance of India's economic well-being then, realized in the open air of democracy, extends not only to the country's 500,000 villages and cities, but far beyond India's borders.

The diverse cultures of India and the United States are naturally bound by the bridge of democracy by which both societies guarantee free debate, free worship, and free elections, India having had six national elections since independence. Both countries share values that are set forth in the American Declaration of Independence, and both nations have demonstrated a deep sense of responsibility toward mankind by offering refuge to the oppressed. The 10 million East Bengalis who fled to India during Bangladesh's war of independence last year have returned home, but India still hosts the Dali Lama and close to 100,000 of his Tibetan followers.

India and the United States have chosen to follow the path of progress for the many rather than the few. Thomas Jefferson said:

> Men are naturally divided into two parties, (1) those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes; and (2) those who identify themselves with the people, [and] have confidence in them.

On its silver independence anniversary, India can look back with satisfaction on 25 years of building, of exemplifying that the state does exist to serve the people, not that the people exist to serve the state. As in the case of Jefferson's America, India can look forward to expanded horizons for growth with a society firmly based on democratic institutions.

As a friend of India, I offer my heartfelt congratulations on its 25th birthday. May this be the opening of an era of increasing prosperity and opportunity, domestic tranquility, and peace for the Indian people.

The words of the poet, Shelley, apply: "The world's great age begins anew."

I ask unanimous consent that an interview with Prime Minister Gandhi in Sunday's Parade magazine and a dispatch from Delhi in today's Washington Post be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Parade magazine, Aug. 13, 1972]

A TALK WITH INDIRA GANDHI

(By Michael Gorkin)

NEW DELHI.—"We are quite willing to forget what has happened, and to make a new start with the United States. We want your friendship. But the Nixon Administration has shown no real desire to improve its relations with India. The American people—that's another story. They have consistently been sympathetic. I, personally, get such a vast number of letters from Americans—in every state, and every age—all expressing their friendship for India. We are grateful for this support. And we sincerely hope that the U.S. Administration, too, will try to undertand our point of view and our problems. It is never too late or too early to be friends."

Thus did Prime Minister Indira Gandhi, leader of India's 560 million people, express to Parade her hopes for future U.S.-Indian relations. Coming as they do, on the eve of India's 25th anniversary of Independence from Britain (on Tuesday), her words are a reminder that there still may be some common ground between the world's most powerful democracy, the United States, and the world's largest democracy, India. They are also a reminder that never in the past 25 years have relations between our two countries been worse.

THORNY PATH OF INDIA-UNITED STATES RELATIONS

To some observers, the surprising thing is that Indian-American relations didn't fall apart a long time ago. For, ever since 1954, the U.S. has been allied to India's arch-enemy, Moslem Pakistan. We have spent billions of dollars in military aid, propping up various dictatorships in Pakistan, which borders on the Soviet Union and agreed to be our ally. And while we have also invested some $10 billion in "non-aligned" India (almost all of it economic aid) we have consistently been more critical of India, and we have usually looked the other way when Pakistan pointed its American-supplied guns in India's direction.

NEW NATION OF BANGLADESH

This was perhaps never more evident than last December, when India and Pakistan got embroiled in their fourth war in 25 years—a war that saw East Pakistan emerge, with India's assistance, as the independent country of Bangladesh. During the 14-day conflict, and for several months preceding it, the U.S. gave moral support to Pakistan, even though we claimed publicly to be neutral. (The "Anderson Papers," it will be recalled, made this embarrassingly clear.) As a result, Indian-American relations plummeted to a new low—in fact, to the point where the newly retired American Ambassador here, Kenneth Keating, had to be accompanied by a 24-hour armed guard.

As might be expected, the main beneficiary of all this bad feeling between the U.S. and India is the Soviet Union, which, for the past few years has steadily increased its strength on the subcontinent. At this point they are now India's main arms supplier, having pumped in some $1.8 billion since 1965. ("We pay for all of our arms from the Soviet Union, and this in no way affects our status of 'non-alignment,'" counters Mrs. Gandhi.) Moreover, in August, 1971, India and the Soviet Union signed a 20-year Treaty of Peace, Friendship and Cooperation—which, though not a mutual-defense pact, nonetheless has sent the shivers up some American spines. As Kenneth Keating expressed it, with diplomatic calm: "Mrs. Gandhi will perhaps tell you that the Treaty in no way affects India's status of 'non-alignment' [she did] but for the American mind, at least, it is difficult to imagine the Treaty having no effect, or making no changes, isn't it?"

MRS. GANDHI GAINS POWER

Such worries notwithstanding, it is probably too soon to say whether the Soviet Union has won a permanent place for itself in India, or whether the U.S. has lost the world's second most populous country as a friend. But what is certain is that much will depend on India's popular and powerful Mrs. Gandhi. At 54, she has been India's Prime Minister for six years; yet, it wasn't until her overwhelming success in last year's elections, followed by the victory over Pakistan in December, that she became India's undisputed leader. Today, in fact, many observers feel that no leader in India's recent history—not even her father, Jawaharlal Nehru, who was Prime Minister from 1947 until he died in 1964—has had as much power as the strong-willed, brilliant, attractive Mrs. Gandhi.

In a way, Indira Priyadarshini ("dearly beloved") Gandhi has been grooming for this position ever since she was a child living in her grandfather's mansion in northern India. Both her grandfather and father were leaders in India's struggle for independence, and Indira was often present when British officers came to cart them off for interrogation and prison—or, as her father called it, his "other home." During his long stays in prison, Nehru sent letters to Indira—his only child—often confiding to her his deepest hopes for India's future. It wasn't long before Indira, too, joined in the "freedom struggle," nor was it long before she emerged as one of its young leaders, and was tossed, along with her father, into that "other home."

This close working relationship with her father continued even after India won its independence in 1947 and Nehru became its first Prime Minister. Nehru's wife having died, he asked Indira—who by then had married a childhood friend and was a mother—to move, along with her family, into the Prime Minister's residence and to serve as his official hostess. Indira thought about it, argued about it—with her husband Feroze (he died in 1960)—and then agreed. Thus, for the next 17 years she was constant witness to the comings and goings of world leaders (she has met, for example, all the American Presidents since Truman); and she was constant "ear" to her father, who continued to discuss with her his problems and plans. Not surprisingly, by the time he died, Indira knew as much about politics and leadership as anyone in India. And just two years later, she got a chance to prove it when she was elected Prime Minister.

UNITED STATES WAS SOURCE OF INSPIRATION

Today, at the pinnacle of her power, Mrs. Gandhi is attempting to finish the job that her father barely started—namely, that of bringing a peaceful, democratic revolution to poverty-wracked India. To do this, she obviously needs all the help she can get, and what has been disappointing is that the U.S. has not come down firmly on India's side. As Mrs. Gandhi expressed it, somewhat philosophically: "For many of us who were in the freedom struggle in India, the U.S. was a source of inspiration. The speeches and sayings of Thomas Jefferson and Abraham Lincoln—we looked to these with great admiration. But look what has happened: the U.S. has taken to supporting regimes that are alienated from their own people—in Pakistan, in Vietnam, throughout the world. In fact, if we look at this recent history, we must ask whether America, with all its talk of democracy, is really supporting democracy anywhere.

"Yet, even though I say this, it is also true that there *has* been friendship in the past. As I've said, the American people have always shown a sympathy and understanding for us. But what is also necessary is for America's *present* leaders to understand the problems of our area. For instance, you simply cannot overlook the spirit of nationalism in Asia. Almost all our countries have only recently won their independence: so, when we hear America's leaders talk about how they have gone into Vietnam to defend and develop the Vietnamese, it just sounds like an old version of 'the white man's burden' to us. Therefore, what we in India say is that it would be better for American troops to get out of Asia altogether. On the other hand, if

America genuinely wants to help us, and be friends with us—we welcome it."

The kind of "help" Mrs. Gandhi is referring to, quite obviously is American dollars. And no doubt, one of the first steps the U.S. must take to patch up relations with India is to resume—if not increase—our foreign aid to them (since December we have cut off aid to Mrs. Gandhi's government). But, as one American official pointed out, "she is hardly going to come begging for it. And besides, as much as Mrs. Gandhi would like our assistance, she knows that in the end it is up to India to solve its problems mostly by itself."

And staggering problems they are. For India today is a terribly poor country (per capita annual income is less than $100), and there is barely enough food to go around. Moreover, the population is increasing by some 13 million per year—which means that, at the present rate of growth, by the year 2000 there will be a billion mouths to feed. And, how does one change this trend—how does one modernize agriculture and cut down the birthrate—when most of the people are tradition-bound and uneducated (70 percent are illiterate)?

LEGACY OF COLONIAL RULE

"Obviously it will take some time to completely conquer these problems," explains Mrs. Gandhi. "Centuries of British colonial rule left us in a state of terrible stagnation, and we have had only a few years to get over it. But the point is, we *are* getting over it. We have a sense of self-confidence that we never had before, and already we have begun to make important inroads into these problems."

No doubt, the most crucial inroad made in recent years is what Indians call the "green revolution." By introducing into some regions the newly developed varieties of wheat and rice (which increase yields some 200-300 percent), and by applying large amounts of fertilizer, India has in just five years become self-sufficient in these vital foods—which means, incidentally, the Indian's leaders no longer have to go pleading, as they did in 1966, to the wealthy countries to rescue their people from starvation.

'"And now what we have to do is spread our 'revolution' to all regions, and all farms in the country," says J. Katarya, an agricultural technician in north India. "You see, once we convince farmers that fertilizer won't—as some of them say—rob the soil of its strength, and once we get them to see that even though the new wheat and rice taste different they are still good, then these farmers are happy to go along with us. And once we have all farmers using new methods, there will be enough wheat and rice for everyone to eat as much as he likes."

Maybe so. But undoubtedly much will depend on just how successful India is in limiting the number of mouths it will have to feed. Thus, in the last few years the government has tried almost every method possible to encourage birth control: a "standing army of 90,000 workers" has been organized to tour the countryside and spread the message of family-planning; sterilization centers have been set up to perform vasectomies, for which the sterilized man is paid some $15, or about two months' wages; and contraceptives are now being sold—at government-subsidized rates—in almost every nook and cranny of the country.

PROGRESS MADE, BUT CHANGES TAKE TIME

"We still haven't made as much progress as we would like in some of the poorer areas," concedes Uma Dixit, Minister of Health and Family Planning. "Many parents still have the old ideas about needing a lot of children to support them in old age, or needing many sons to protect them against their neighbors. And, of course, in many of these areas there isn't much else to do for entertainment at night. But, even so, we have made some progress, and I am optimistic that we can keep India's population down to manageable proportions. It's just that we can't expect to see these changes take place overnight; it's going to take some time."

But, how long does India have? And what if India cannot keep her population from growing by leaps and bounds? And what if the green revolution then cannot produce enough food to go around?

These are the troublesome questions that hang over India on this, the 25th anniversary of her Independence. And these are the problems that Mrs. Gandhi—who has promised her people "Out With Poverty!"—is now trying to solve. But, while everyone here knows that India alone is ultimately responsible for their solution, there is still a disappointed feeling that 10,000 miles away, the world's wealthiest country doesn't much care.

[From the Washington Post, Aug. 15, 1972]

India, Free 25 Years, Enjoys Stability Amid Poverty

(By Lewis M. Simons)

New Delhi.—In the 25 years since Jawaharlal Nehru kept his country's "tryst with destiny," the government of independent India has made remarkable progress toward modern statehood.

But the people of India have not kept pace.

As a government, India has advanced far toward the recognition its leaders dearly crave from the world beyond the Subcontinent. Political stability is so much a fact of life that opposition is almost nonexistent and critics are beginning to raise cries of "dictator" against Nehru's daughter, Prime Minister Indira Gandhi.

As a people, the great Indian masses are as impoverished today as they were on this day in 1947, the day Britain set them free.

To the outsider, witnessing this phenomenon of advancing government and lagging populace can be like watching a lumbering bullock cart. But on this cart, sometimes one wheel rolls forward and one stands still, and the cart turns in a circle.

ECONOMIC EVALUATION

Consider this evaluation of the Indian economy 25 years after independence by Finance Minister Y. B. Chavan:

"All-round economic progress since independence has radically altered the character of our economy and brought about a significant increase in real incomes generally.

"But, the absolute number of those living in abject poverty has scarcely diminished; economic disparities appear to have widened; unemployment has become a seemingly intractable problem."

Or again, in an analysis of land reform by State Minister of Agriculture Sher Singh, the wheels seem to spin in two directions:

"One of the spectacular results of the spread of modern technology has been a widening of the disparities in wealth and income in rural areas.

"On top of this, the unplanned spread of mechanization threatens not only to accentuate the inequalities but also to reduce employment opportunities. In the result, new social tensions are developing in the countryside."

DEFICIT ELIMINATED

On occasion, the wheel of the government and the wheel of the people seem to roll smoothly alongside each other, and the results can be startling. The "Green Revolution" of Indian agriculture is one of these rare achievements.

Spurred by the disastrous droughts and famine of 1965–67, government leaders, scientists, technicians and peasants pulled together. Within five years, they eliminated the great food deficit which had plagued this country from antiquity and built a reserve now claimed to be adequate to ward off starvation for more than a year.

While this is an achievement that would doubtless stun the founders of independent India, Gandhi and Nehru, once more it is beginning to look as through the accomplishment will be that of the government more than of the people.

FOOD EXPORTED

After its resounding defeat of Pakistan last December, the government delivered a reported 750,000 tons of rice to its newly liberated neighbor, Bangladesh. The word went out: For the first time in history, India can export food grains.

A deal with a Japanese company was reported in which India was bartering 100,000 tons of corn. The government offered "miracle rice" seeds to North Vietnam.

The government also claims its storehouses hold 9.5 million tons of food grains. Some politicians in opposition to Prime Minister Gandhi have disputed the figure, but this can probably be dismissed as sniping and most diplomatic observers accept the official statistics.

Yet, when the current monsoon was late in developing and summer crops were burning in the parched ground, it was only a matter of weeks before peasants began dying. Government officials, anxious that green revolution not appear to be a fragile shell, insisted they were dying of malnutrition, not starvation.

Now, although the monsoon has come, great damage has been done to crops, and no more is to be heard about grain exports. The Japanese deal is back "under negotiation." The U.S. mining of North Vietnam's ports eliminated the seed offer.

There is no doubt that India is capable of feeding itself and even of exporting grain. The point has been made. What has not been proven is that the diverse elements of the government and the people can be made to haul together in good times as well as bad to overcome dependence on the capricious monsoon and to make agriculture a manageable science.

INDUSTRY'S ROLE

Industrial growth since independence does not approach agricultural gains. In 1950, three years after the Union Jack was lowered in New Delhi, industry contributed about 5 per cent to India's national income. By 1968, this contribution had doubled.

Since then, however, with the government moving increasingly into the industrial picture, growth has fallen off sharply. In the last four years, the government has granted only 125 out of 1,000 applications by large private industrial organizations seeking expansion.

This shackling of the private sector has caused the government to dip deeper and deeper into bank credits to help develop public sector growth. In the last fiscal year, the government borrowed a record $1.1 billion.

The handful of indigenous industrial giants has grown frustrated. In an annual report to one of his companies last month, the country's leading business figure, J. R. D. Tata, complained bitterly:

". . . Modern and mature countries which, whether calling themselves socialist or not, have provided their people with the highest standards of living and the most complete welfare services in the world, have resolutely turned their back on outdated Marxist theories and shibboleths still blindly accepted by so many in our country who think the prosperity and welfare of the people can only come from the destruction of all private ownership and enterprise."

Most observers in New Delhi are not as convinced as Tata, who is frequently described as an "enlightened capitalist," that Mrs. Gandhi intends to destroy private enterprise. What she does seem intent on doing, however, is developing something she calls the "joint sector," an ill-defined melding of government and private management.

POLITICAL MOTIVATION

The effort to eat into private control of industry appears to be politically motivated. Long-time observers note that dramatic moves, such as nationalizing a huge private factory, can pay dividends in impressing a large number of poor people, even though the benefits to them may be nil.

To those of India's supper class—a class which forms an eggshell-like veneer over the depths of grinding poverty—Mrs. Gandhi has become an object of scorn for her steps in nationalization and her efforts to place restrictions on both rural and urban landholdings.

To this class, from which Mrs. Gandhi and her aristocratic father themselves came, she is "that woman," just as Franklin Roosevelt was "that man in the White House" to critics of his New Deal.

The argument over nationalization is a constant one here. But, while critics can cite convincing figures as evidence that nationalized industries such as banking, insurance, and some steel plants, are doing very poorly, proponents can point only to future hopes.

As to what this furiously spinning government wheel is churning out for the people of India, Times of India columnist Prem Shankar Jha wrote recently: "What difference does it make to the 200 million people who live below the bread line whether industry is controlled by 100 or 1,000 families or, for that matter, by the state?"

GREATEST FAILURES

At this "below the breadline" level of society lie India's greatest failures in its first quarter century: Failure to provide housing for more than 10.5 million families; failure to provide education for the children of these families; and failure to provide basic medical attention.

Clinging to the lowest rung on India's social ladder are some 80 million Untouchables, or as Gandhi called them with heart-rending affection, Harijans—Children of God.

(The Untouchables were members of certain Indian castes which, though considered Hindus, were excluded from the ordinary social and religious privileges of Hinduism. India outlawed "untouchability" in 1949 and made persecution of untouchables punishable by law.

(How this caste came to be ostracized is obscure. According to one definition, Untouchables are best described as Hindus who were not allowed to enter ordinary Hindu temples and who supposedly caused pollution to ordinary Hindus either by touch or by proximity.)

Untouchability, in effect relegated an entire community to the dregs of society. And, as American Blacks have learned, prejudice cannot be legislated out of existence. Untouchability is still very much a fact of Indian life, not only in the villages but in the big cities as well.

Even in New Delhi, where a handful of Harijans have become Cabinet ministers and public figures, the men and women who sweep the streets and empty latrines are always Untouchables.

In the villages, their lot is far more degrading—and dangerous. In the first six months of this year alone, 20 cases have been reported of Untouchables being made human sacrifices to satisfy obscure religious rites. Those cases not reported, according to one authority, "must be legion."

Officially, prejudice against Untouchables is exercised in diverse ways. For instance, when electric power is installed in rural villages, the adjacent slum areas occupied by the Untouchables of the village are inevitably ignored. There is now a program to provide electrification for one Harijan settlement a day in each state in the country.

But, according to one official source, government measures have no significant effect on improving the overall status of Untouchables since 1947.

The Untouchables and the lower, or "scheduled," castes and tribal groups make up the breeding ground for India's exploding population. According to the official 1971 census, the population now stands at 548 million, an increase of 24.8 per cent in the last decade—the highest growth rate for any decade to date.

RATE OF BIRTHS

According to informed observers, the total population is nearer 500 million and the rate of births may be even higher than the one officially reported.

The goal of the national family planning program is to reduce the growth rate from 39 per thousand to 32 by the end of the current five-year plan in mid-1974. "The achievements so far do not indicate that, except in a few states, this goal will be reached," Health and Family Planning Minister Uma Shankar Dixit said recently.

All these are social problems and very serious. Some of Prime Minister Gandhi's harshest critics say India's social ills continue unabated because she has concentrated her efforts on making a place for herself—and India—in the world instead of making India a better place to live.

Whether this criticism is valid or not, there is no question that the daughter of Nehru has far surpassed her predecessors in gaining international position and respect for both herself and her country.

By shrewdly accepting the courtship of the Soviet Union at a time when war with Pakistan over Bengali nationalism was growing imminent, she cleared the way for her generals to fight the battle without having to worry about super-power intervention.

RINGING VICTORY

The ringing victory over Pakistan has also swept aside that lingering aura of nonalignment, so carefully nurtured by Nehru. And though Mrs. Gandhi and her ministers would be loath to admit that nonalignment is a thing of the past, leading Indian political scientists are not only open about it, but proud.

"Nonalignment answered our needs for security and our urges for prestige," said a top government defense analyst in an interview. "By being friendly in varying degrees with Washington, Moscow and Peking, Mr. Nehru hoped to make the Subcontinent free from excessively hostile interference by any major power. Indo-Pak strains were there for anyone to exploit."

For a number of years, India consoled itself by saying it was an area of agreement between the Soviet Union and the United States. But as ambitious a figure as Mrs. Gandhi could not be content with this self-deception forever.

Then, in December, 1970, Sheikh Mujibur Rahman won an impressive victory in the east Pakistani elections, and Mrs. Gandhi saw that the unity of Pakistan was in serious trouble.

Here at last was a hope for India to reconstruct the Subcontinent to its liking.

Victory gave India the position it has carved since Britain partitioned the Subcontinent preceding independence.

WANTS RECOGNITION

What Mrs. Gandhi wants now from the United States and China, and already enjoys from the Soviet Union, is the recognition that India reigns supreme in South Asia.

There can be no doubt that much of the indigenous criticism levelled at Mrs. Gandhi is political carping. She has achieved in her tenure progress and stability beyond the dreams of the former British rulers and the Indians who initially inherited leadership.

In some ways, progress has been so significant as to cause some criticism to become quite fine-grained, in itself a tribute to India's first 25 years.

But there can also be no doubt that the next 25 years must be a period of advance for the Indian people themselves. While they may no longer be the starving masses that once haunted the conscience of the world, their suffering is still overwhelming.

Until this suffering is alleviated, India's progress will continue to be irregular, like the two-wheeled bullock cart, sometimes lurching forward and sometimes lumbering in a circle.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from California (Mr. TUNNEY) will be recognized for not to exceed 10 minutes.

INDIA: 25 YEARS OF INDEPENDENCE

Mr. TUNNEY. I am pleased to join today with my distinguished colleagues from Kentucky, Idaho, and others in submitting this resolution to extend warmest congratulations to the Parliament and all other citizens of India on the 25th anniversary of India's independence.

This date, August 15, marks not only a beginning of a new era in the long history of India, but also the Renaissance of earlier times when Indians governed themselves. Some 5,000 years ago, when the rest of the world still wandered through the mists of precivilization, a remarkable civilization developed on the shores of the Indus River. Spreading from the river valley, the Indus Valley civilization developed a rich and varied culture which modified and transformed its many conquerors for centuries to come.

Various peoples and cultures followed the Indus Valley civilization. These included the Indo-Aryans, Greeks, Mauryas, Hindus, and finally the Europeans. Vasco Da Gama's success in reaching India sailing around Africa in 1498 inaugurated a 200-year struggle by the Europeans for control of the fabulous jewel of the "Indies." Finally, through the efforts of the East India Co. the British achieved complete control of the river valleys and coastal plains, the sources of most of the colonial wealth Britain sought. After the great Sepoy revolt of 1857-58, the company ceded the government to the British crown.

Interior and less-accessible areas were left under the control of the local hereditary rulers, but with British supervision.

In 1947, following years of protest, consultation, and careful planning, India finally achieved her rightful independence under the leadership of the immortal Mohandas K. Gandhi, the Mahatma. Gandhi's greatest contribution to his country may have been his work and influence toward peaceful independence. Many, however, prefer to regard as his greatest gift to India the legacy of spiritual truth and love that he so impressed in his people; it has become inseparable from their national character.

Certainly he and his works must be considered with Siddhartha Gautama, the Buddha, as one of the greatest of India's contributions to the spiritual well-being of mankind. He is symbolic of the India of peace and moderation, of contemplation and mercy, of understanding and cooperation for peace.

Yet attaining independence did not ease India's long-term economic and social problems. A country of approximately 550 million people, India supports an average population density of more than 400 per square mile. Approximately 20 million Indians are unemployed, and per capita income measures $8 per month. The literacy rate hovers at 30 percent.

Linguistic and religious fragmentation remain even more troublesome. Fifteen different languages and 800 dialects are spoken in India, usually on a regional basis. Approximately 15 percent of India's population is non-Hindu, and strong tensions between some Hindus and some Moslems still exist.

India is steadily confronting those aspects which hindered economic growth in the first decade after independence: The lack of development capital, low level of consumer income, inadequate transport facilities, limited power supplies, and the lack of skilled technicians and experienced management. India has faced these difficult challenges with spirit and imagination. With time, all of these problems are being surmounted as the entire economy matures and continues to grow at a rate that is envied by developed and underdeveloped nations alike.

Although agriculture continues to be the predominant component of the Indian economy, comprising about half of the national income, the contribution of the other sectors to the economy has increased steadily since independence. The annual industrial expansion has averaged 10 percent, aggregating 150 percent during the period 1951 to 1965. Large modern steel mills, fertilizer plants, heavy machinery plants, oil refineries, and locomotive works have been constructed at an amazingly rapid rate. New plants turn out a wide variety of consumer and producer goods, many never before manufactured in India.

Despite her economic accomplishments, India's greatest achievement in the last 25 years has probably been her system of government. Although technically establishing a parliamentary form of government, India's constitution of 1950 adopted several features of our own system of government. By sharing power with the numerous states, the Indian National Government has embraced federalism in hopes of channeling regional pride for the national good. Consequently, the Indian Parliament consists of two chambers, one representing the individual states and the other representing the general population.

As the largest democratic nation in the world, India has faced political obstacles which would amaze most Americans. The country remained united largely through the efforts of one of the world's most effective political organizations—the Congress Party. Yet after the deaths of its great leaders, Mohandas Gandhi, Jawaharlal Nehru, and Lal Bahadur Shastri, the power of the Congress Party waned in 1966 and 1967.

Under Mrs. Indira Gandhi's leadership, however, the new Congress Party has gained new-found support. Recently, the economy showed new resiliency as the production of food grains rose sharply at a 6 percent annual rate for 3 consecutive years. Then Mrs. Gandhi, with great political acumen, called for elections 1 year ahead of schedule and campaigned energetically on her pledge to "remove poverty." The result was a landslide victory at the polls as the new Congress Party elected 351 of the 517 members in the Lok Sabha, the lower House of Parliament.

The attempts of this democracy to alleviate some of the world's most acute poverty explains the tremendous interest of developing nations and the superpowers in India's future. In its approach to the problems of development, India has adopted an approach so different from that of mainland China that a significant rivalry has developed. Will India and the democratic path to development that it pursues produce the results necessary to maintain a viable economic and political community? The stakes could not be higher.

India has very great problems indeed, but it has been blessed with the spirit and determination to make remarkable progress.

As a person who has traveled in India extensively on two occasions, I think that the achievements of the Indian form of government, enabling it to maintain a democracy with as many diverse linguistic and ethnic cultures as exist in India, is proof that democracy can work in the underdeveloped world if there is the kind of political leadership India has enjoyed for the past 25 years. I have every reason to believe that India has become symbolic to underdeveloped nations of the world, as a country which does not have to depend upon totalitarian methods of rule to elicit the cooperation of its citizens and to achieve economic progress.

Therefore, I am most pleased to join so many of my colleagues in the Senate in wishing India success in the next several centuries of her existence.

Mr. President, I ask for immediate consideration of the resolution which has been submitted by the Senator from Kentucky (Mr. Cooper).

The PRESIDING OFFICER. The Chair would inquire whether or not the Senator has cleared the matter with the leadership on both sides.

Mr. TUNNEY. Mr. President, I believe that it has been cleared with the leadership on both sides.

The PRESIDING OFFICER. The leadership on both sides?

Mr. TUNNEY. I yield to the Senator from Idaho for a statement as to whether it has been cleared.

Mr. CHURCH. I spoke with the majority leader just a few moments ago. With respect to the minority leader, I ask that the Senator from Kentucky speak on that point.

Mr. COOPER. Has it been cleared on both sides of the aisle?

Mr. CHURCH. I have only spoken with the majority leader. I would have to defer to the Senator from Kentucky to speak for the minority leader.

Mr. COOPER. I see no reason that it should not be considered, but the question has been raised, and I want to be fair about it.

The PRESIDING OFFICER. Does the Senator from Kentucky (Mr. Cooper) feel that the matter would be agreeable to the distinguished minority leader?

Mr. COOPER. We have time available until 10:30 a.m. If the Senator will allow me, I will check it with the minority leader.

Mr. GURNEY. If the Senator will yield, this Senator is the acting minority whip at the moment. I will check with the minority leader and report back to the Senator.

Mr. COOPER. I thank the Senator.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. BUCKLEY. Mr. President, I ask the senior Senator from Kentucky to add my name as a cosponsor of the resolution.

Mr. COOPER. I am glad to. I ask unanimous consent that the name of the junior Senator from New York be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, we still have 3 or 4 minutes remaining. I can get the assurance of the minority leader in that time.

In the meantime, I would like to say I am grateful to the Senator from Idaho (Mr. Church), the Senator from California (Mr. Tunney), the Senator from New York (Mr. Buckley), and all others who have joined in this resolution. The Senator from California called this to my attention several days ago and he was very anxious that such a resolution and statements be made on this matter. I hope very much there will be no objection to the immediate consideration of the resolution.

We have had our difficulties in the past between the two countries but there are so many ideas which may be expressed in different ways and which are common between the two countries that I think it is of great importance that the Senator make an expression of feeling on behalf of people throughout the United States, and to give this expression to the Government of the people of India.

QUORUM CALL

Mr. TUNNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Tunney). Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I understand clearance has been obtained from both sides for the immediate consideration of a resolution.

Mr. GURNEY. Mr. President, I have checked with the Republican leader. He has no objection to the immediate consideration of the resolution.

Mr. CHURCH. Mr. President, I ask the Chair to lay before the Senate, for immediate consideration, the resolution recognizing India's 25th anniversary as an independent, democratic nation.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read the resolution by title, as follows:

Senate resolution 354 recognizing India's 25th Anniversary as an independent, democratic nation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the resolution was considered and unanimously agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 354

Whereas 25 years ago, on August 15, 1947, India's achieved its independence, becoming the world's most populous democracy; and

Whereas the United States from 1947 has supported and encouraged India's impressive efforts to develop its economy and strengthen its democracy; and

Whereas India's free and secular society is based on a Constitution that seeks social, economic, and political justice for all its citizens; and

Whereas India's judicial system is devoted to the rule of law and justice; and

Whereas over the last 25 years, India has embarked on an energetic program of economic development to raise up 550 million people from the depths of poverty and to make the transition from a traditional society to one providing a just distribution of the benefits of wealth, science, and technology; and

Whereas, with the modernization of agriculture known as the "Green Revolution", India is approaching self-sufficiency in wheat and rice production, and after major diversification of its industrial base, it presently ranks as the world's eighth industrial nation, able to supply to its people consumer and capital goods as well as export products; and

Whereas, by raising the living standards of its people, India is providing extensive health services, consequently raising life expectancy from a grim 29 years at the time of its independence to 55 years today; has increased the literacy rate from 14 percent in 1947 to over 30 percent in 1972; and is waging effective family planning programs nation-wide;

Whereas what happens in India, especially over the next 25 years will help to determine the future of other nations in Asia that look to this democratic power for guidance and leadership; that India's political system, like that of the United States' is a test and a proof of the democratic path to achieve social justice and economic well being; and that the significance of India's economic well-being and social justice, wrought in the open air of democracy, extends not only to the country's 500,000 villages and cities, but far beyond India's borders; and

Whereas the diverse cultures of India and the United States are naturally bound by the bridge of democracy by which both societies guarantee free debate, free elections, and free worship; and both countries share the values set forth in the American Declaration of Independence, and demonstrate a deep sense of responsibility toward mankind, by offering a refuge for the oppressed: Now, therefore, be it

Resolved by the Senate, That the Congress of the United States hereby extend its cordial congratulations and wholehearted best wishes to the Parliament and the people of India, upon the occasion of the twenty-fifth anniversary of India's establishment as an independent, democratic nation.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution, through the Department of State, to the President of India.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent, with respect to the resolution that was adopted earlier today by the Senate (S. Res. 354), recognizing India's 25th anniversary as an independent, democratic nation, that in the resolving clause, the word "Congress" be deleted and the word "Senate" be substituted in lieu thereof.

I know that this will meet with the approval of the sponsors of the resolution because the Senate can only resolve an action on the part of the Senate and not on the part of the Congress.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

APPROVAL OF LOAN TO BRAZOS ELECTRIC POWER COOPERATIVE, INC., WACO, TEX.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, on the approval of a loan to Brazos Electric Power Cooperative, Inc. of Waco, Tex., in the amount of $21,819,000 (with an accompanying paper); to the Committee on Appropriations.

REPORT ON EXPERIMENTAL, DEVELOPMENTAL, TEST, AND RESEARCH PROCUREMENT ACTION

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on experimental, developmental, test and research procurement action, for the 6-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Service.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Efforts to Combat Drug Abuse", dated August 14, 1972 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT OF WILD AND SCENIC RIVERS ACT

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Wild and Scenic Rivers Act (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT OF ARCHITECT OF THE CAPITOL

A letter from the Architect of the Capitol, transmitting pursuant to law, a report of all expenditures from moneys appropriated to the Architect of the Capitol, during the period January 1, 1972 through June 30, 1972 (with an accompanying report); ordered to lie on the table and to be printed.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION NO. 22

"Relative to noise pollution

"Whereas, The California Legislature has long recognized the problems of noise pollution; and

"Whereas, The California Legislature has actively sought to control noise pollution for over 20 years; and

"Whereas, California has pioneered as a laboratory for the development of pollution control technology; and

"Whereas, The California Legislature fought successfully, with the support of California's congressional delegation, to retain the right to set air pollution control standards more stringent than those adopted by the federal government; and

"Whereas, The magnitude of California's population, size, resources, industrialization and urbanization intensify the problems of noise suppression; and

"Whereas, The people of this nation already have serious reservations about the ability of government to deal effectively with environmental problems; and

"Whereas, Federal preemption of noise standards would destroy California's innovative efforts to control vehicle and aircraft noise long before the effects of such controls can be evaluated; now, therefore, be it

"*Resolved, by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorialize the people of the United States, and the President and the Congress of the United States, to reaffirm the fundamental right and obligation of the states to defend the health, welfare, and safety of their citizens; and be it further

"*Resolved,* That this Legislature respectfully memorializes the Congress of the United States to reject any plan or noise regulation which would prohibit states from adopting standards more stringent than those adopted by the federal government; and be it further

"*Resolved,* That this Legislature respectfully memorializes the Congress of the Congress of the United States to support California's efforts to adopt more stringent noise standards, in order that the technology of noise suppression may be advanced as rapidly as economically feasible; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and the Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator, and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Commerce:

"SENATE JOINT RESOLUTION NO. 16

"Relative to television blackouts of sports events

"Whereas, Millions of sports fans who are unable to attend sports events in their locality due to health, advanced age, lack of adequate transportation, or inability to purchase tickets, either because of a sellout, or the cost, should be able to watch these events on television; and

"Whereas, Sports events are, however, not shown on television while they are occurring in the locality in which they take place, thus depriving these millions of sports fans of the opportunity to watch these sports events on T.V.; and

"Whereas, Many sports fans have installed fringe area T.V. antennas to receive sports events from stations located outside the blackout area, thus contravening the effects of the blackout; and

"Whereas, The rationale for the blackout, which is to secure the largest possible attendance at the sports events, is no longer valid after all the tickets have been sold and attendance at the game is no longer possible; and

"Whereas, The rationale has never been, and should not be, to prevent the poor, sick, aged, and disadvantaged from watching the game, yet this is the effect; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States, and the Federal Communications Commission, to take such action as may be necessary to prevent blackouts of nationally televised sports events *whenever the event is sold out at least two weeks in advance;* and be it further

"Resolved, That the Secretary of the Senate transmit a copy of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Federal Communications Communication."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"SENATE JOINT RESOLUTION NO. 12

"Relative to the preservation and protection of an archaeological site

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully requests the Department of the Interior, through the Bureau of Land Management, to enter into negotiations with the State Lands Commission for an exchange of the north one-half, or all, of Section 22 of Township 10 North, Range 2 East, San Bernardino Meridian, *upon the United States having clear fee title to such lands,* for state lands in the vicinity, or for the purchase of such federal lands by the state, or for such other alternative as the Bureau of Land Management may find is suitable, in order to insure the preservation and protection of an archaeological site located on the lands, and to permit the state to take the necessary steps to construct buildings and other facilities essential to such preservation and protection; and be it further

"Resolved, That the Legislature respectfully requests the Bureau of Land Management to take whatever steps are necessary to preserve and protect such archaeological site pending the outcome of negotiations; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Director of the Bureau of Land Management, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

Two joint resolutions of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"SENATE JOINT RESOLUTION NO. 18

"Relative to mine safety

"Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to support and enact legislation which would provide up to 50 percent funding for mine safety programs in states which have chosen to retain jurisdiction over mine safety; and be it further.

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"SENATE JOINT RESOLUTION NO. 23

"Relative to emergency food for farm workers

"Whereas, Many thousands of farmworkers *and other allied agricultural workers* will be underemployed or unemployed in the Central Valley area during the 1972–73 fiscal year as a result of the frost damage to crops; and

"WHEREAS, In order to sustain these farmworkers *and other allied agricultural workers* and their dependents, it is necessary to provide a minimum of 1.8 million dollars in emergency food in such area; and

"WHEREAS, The Governor of this state has declared an emergency and has requested the President of the United States to declare part of California, including the Fresno County area, a disaster area; and

"Whereas, Actions by various agencies have already gone into effect regarding emergency loans to the farmowners; however, no action has been taken to alleviate the plight of the farmworker *and other allied agricultural workers* who will be unable to purchase the basic necessity of food as a result of the loss or decrease in earning capability due to the frost disaster; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States and the Director of the Office of Economic Opportunity to approve the application of the Fresno County Economic Opportunities Commission, and applications of any and all counties which apply, for funds to purchase and distribute emergency food to farmworkers *and other allied agricultural workers* during the 1972–1973 fiscal year; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Director of the Office of Economic Opportunity, to Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Veterans' Affairs:

"SENATE JOINT RESOLUTION NO. 25

"Relative to adequate educational benefits for Vietnam veterans

"Whereas, More than two million American veterans of the Vietnam war face adjustment to civilian life; and

"Whereas, That adjustment has been made more difficult by persistent inflation and chronic unemployment in our economy; and

"Whereas, Generally, education benefits have declined for veterans, since for military service in World War II, returning servicemen received full tuition fees and the cost of books and were given a minimum of $75 monthly for living expenses, while single servicemen returning from Vietnam receive only $175 a month for all expenses including tuition, or up to $230 if they have two dependents; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to give full consideration to higher educational benefits for Vietnam veterans; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 34

"Relative to strip and open-pit mining in the Los Padres National Forest

"Whereas, A proposed phosphate pit mine operation under federal lease in the Los Padres National Forest in Ventura County about 25 miles north of the City of Ventura would cause serious and irreparable harm to the environment; and

"Whereas, The operation would be located adjacent to State Highway Route 33, a proposed scenic highway, would be expected to last at least 50 years, would use a million gallons of water per day, and would emit more sulfur dioxide into the air than all existing sources in Ventura County combined; and

"Whereas, To allow such a strip or open-pit mining operation to be conducted on federal lands in this area would be inconsistent with the National Environmental Policy Act of 1969; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to take all steps necessary to prevent strip and open-pit mining in the Los Padres National Forest; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Labor and Public Welfare:

"ASSEMBLY JOINT RESOLUTION NO. 15

"Relative to immigrant children

"Whereas, The Immigration Act of 1965 drastically altered the flow of new immigrants to the United States of America; and

"Whereas, The United States of America has always attempted to provide the same opportunity to immigrants as we have to our native-born citizens; and

"Whereas, Large numbers of the children of new immigrants need special educational services to allow them to participate in regular school programs; and

"Whereas, The majority of such students need special training in the English language in order to receive the full benefits of public education; and

"Whereas, Local school districts in California and throughout the nation wish to provide such children with such necessary services; and

"Whereas, Current financial constraints make it impossible for districts always to provide such services; and

"Whereas, the federal government of the United States has a special responsibility to ensure that such children receive equal educational opportunities; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to provide local school districts in California and throughout the nation with the financial resources necessary to meet the special educational needs of children of immigrants; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Legislature of the State of California; to the Committee on Veterans' Affairs:

"House Resolution No. 115

"Relative to veterans' pensions

"Whereas, The Hartke-Thurmond amendment to HR 15495, now pending before the Congress of the United States would increase the retirement pay of all pensioned veterans of all branches of services so as to equalize the pensions of older retirees with the pensions of more recent retirees of equivalent rank or grade and length of service; and

"Whereas, Present inequities in the retirement laws for veterans are unfair in that older retirees do not presently receive such equivalent benefits; now, therefore, be it

"*Resolved by the Assembly of the State of California,* That the President and Congress of the United States are respectfully memorialized to support and enact the Hartke-Thurmond amendment to HR 15495 to equalize the pensions of veterans; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. Res. 329. A resolution to refer the bill (S. 1594) for the relief of John J. Yarnell to the Chief Commissioner of the United States Court of Claims for a report thereon (Rept. No. 92–1046).

EXECUTIVE REPORTS OF COMMITTEES

Mr. THURMOND. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of three general officers in the Army, one rear admiral in the Navy, 12 general officers in the Marine Corps and two general officers in the Air Force.

I ask that these 18 nominations be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Lt. Gen. Donald Vivian Bennett, Army of the United States (major general, U.S. Army), to be assigned to a position of importance and responsibility designated by the President, to be General;

Rear Adm. Damon W. Cooper, U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Gen. Jack G. Merrell (major general, Regular Air Force) U.S. Air Force, to be placed on the retired list in the grade of general;

Lt. Gen. George B. Simler (major general, Regular Air Force) U.S. Air Force, to be assigned to a position of importance and responsibility, requiring the rank of general;

Lt. Gen. Alexander Day Surles, Jr., Army of the United States (major general, U.S. Army), to be placed on the reitred list in the grade of lieutenant general;

Samuel Jaskilka, and sundry other officers, for temporary promotion in the Marine Corps;

Clarence H. Schmid, and sundry other officers, for temporary promotion in the Marine Corps; and

Brig. Gen. George Joseph Hayes, Army of the United States (colonel, Medical Corps, U.S. Army), for temporary appointment in the Army of the United States, to the grade of major general.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENTSEN:

S. 3918. A bill for the relief of Guillermo Teodoro Ardid-Borraz. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 3919. A bill for the relief of Chung-Tung Yue;

S. 3920. A bill for the relief of Albien L. Taylor; and

S. 3921. A bill for the relief of George W. Wright. Referred to the Committee on the Judiciary.

By Mr. PERCY (for himself, Mr. Brock, Mr. Cooper, Mr. Pastore, Mr. Taft, and Mr. Bentsen):

S. 3922. A bill relating to employment of inmates in Federal and D.C. penal and correctional institutions. Referred to the Committee on the Judiciary.

By Mr. ERVIN:

S.J. Res. 258. A joint resolution designating October 8–14, 1972, as "Newspaper Week" and October 14, 1972, as "Newspaper Carrier Day." Referred to the Committee on the Judiciary.

By Mr. PERCY:

S.J. Res. 259. A joint resolution to authorize the President to designate the period from March 4, 1973, through March 10, 1973, as "National Nutrition Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (for himself, Mr. Brock, Mr. Cooper, Mr. Pastore, Mr. Taft, and Mr. Bentsen):

S. 3922. A bill relating to employment of inmates in Federal and District of Columbia penal and correctional institutions. Referred to the Committee on the Judiciary.

WORK YOUR WAY OUT OF PRISON

Mr. PERCY. Mr. President, a principal reason ex-offenders return to crime, and to prison, is the inability to get a job. They cannot find jobs because they lack work skills. They lack work skills because they have never received adequate vocational training. The unemployed person often turns to crime to obtain the money he needs. But, once sentenced to prison, the inmate rarely develops a marketable skill he can use to get a legitimate job when he is again on the outside. His time in prison is too often occupied with useless tasks in an environment of indolence and lethargy. There are two reasons for this: It has long been thought that it would cost the Government too much money to become really involved in effective vocational training for each inmate; and, in addition, a plethora of laws stand in the way of innovative projects that could increase the inmate's job potential.

The costs of keeping people in prison without preparing them to make their way on the outside are high. The inmate becomes a greater burden to society. The Government spends an average of $11.55 per day to keep an inmate locked up in a cell that may have cost up to $30,000 to construct. Once released, 7 of 10 prisoners will return to prison within a few years, having learned nothing in prison except to continue as a criminal.

There are other, less obvious costs. Some 55,000 families receive AFDC payments because the family wage earner is in prison and unable to support them. This increases government welfare costs and encourages the breakup of the family unit. Too often, the ties of a prisoner with his family are strained, if not severed. And the result of this high cost? The typical prisoner comes out from behind prison walls with no money, no job skill, and probably no family.

The cost—to society and the individual—is devastating.

Mr. President, I have been active in the field of criminal justice reform because many crimes are a direct result of the failure of the criminal justice system. When 80 percent of all crimes are committed by people who have previously been in prison, the entire system should be revamped. New programs and organizational changes are necessary. I am not an expert in the field of criminal justice, but a great many experts have contributed ideas for change. Since 1967, four presidential commissions, dozens of legislative reports and more than 500 books and articles have recommended reform in our correctional system. It is about time that some of these reforms are implemented.

The President's Commission on Law Enforcement and Administration of Justice pointed out that work skills are badly needed by many offenders. The Commission said:

> These skills are best developed under realistic conditions of production.

It recommended that:

> States should work together with the Federal Government to institute modern correctional industries programs aimed at rehabilitation of offenders through instilling good work habits and methods. State and Federal

laws restricting the sale of prison-made products should be modified or repealed. (*The Challenge of Crime in a Free Society*, 1967, page 176.)

President Nixon reiterated this thought when, on November 13, 1969, he stated:

> Private industry can help rehabilitate criminals in many ways, such as retraining and hiring those who have served time.

Mr. President, the legislation that I am introducing today provides for a program that would flesh out many of the ideas put forth on this matter.

Specifically, the legislation would authorize the Federal Government, along with the District of Columbia, to implement pilot projects involving the private sector which would provide vocational training opportunities within the prison to prisoners while they are serving their terms. This "work your way out of prison plan" calls for private industry to lease prison property on a long-term basis, and to provide work facilities within the prisons. In these facilities, the employer would hire prison inmates at union-scale wages to produce regularly marketable items, just as if they were employed at a plant or factory on the outside. Participation in this program by a prisoner would be completely voluntary. The employer would also be expected to provide such supportive services for the inmates of the prison, as training, education, counseling, and so forth.

By earning a union-scale wage, the prisoner could pay the Government for his room, board, and maintenance. He could also help support his family, pay taxes and make social security payments. In addition, he would be required to contribute up to 10 percent of his wages to a fund to compensate victims of crime.

These demonstration projects would run for at least 2 years, at which time the Attorney General would report to the Congress on the progress of the programs. Assuming the programs will have proven their viability, they could be extended and expanded to include all Federal correctional institutions.

This legislation is designed to enable someone to emerge from prison with a marketable skill, work habits, a stake in the community, and a family that relies on him and not on welfare. Instead of a financial and criminal liability, the ex-offender hopefully would be a positive contributor to society, a person who can pay his own way.

I have worked closely with the Federal Bureau of Prisons in the development of this bill, and the Bureau has given its full support.

Mr. President, I ask unanimous consent that a letter from Norman Carlson, Director of the Federal Bureau of Prisons, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Department of Justice,
Bureau of Prisons,
Washington, D.C., August 1, 1972.

Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.

Attention: William B. Lytton, Staff Assistant.

Dear Senator Percy: At your request, I have had my staff review your draft for a bill relating to the employment of inmates in Federal and District of Columbia penal and correctional institutions.

Upon review we can say that we are able to support this proposal, as it is consistent with our program of developing in each offender skills consistent with modern industry demands. If the industry can locate on or near an institution, if it can employ offenders at reasonable market wages and if it can absorb some of these new employees into its operation after their release, we believe that chance of the participating offender returning to crime is greatly decreased.

Sincerely,

Norman A. Carlson,
Director.

Mr. PERCY. Mr. President, this bill would also apply to the District of Columbia, and officials there also have given it their support. I ask unanimous consent that a letter from Kenneth Hardy, Director of the District of Columbia Department of Corrections, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Corrections,
Washington, D.C., August 8, 1972.

Hon. Charles H. Percy,
U.S. Senate,
Washington, D.C.

Dear Senator Percy: This is in response to your request for comment on your proposed legislation relating to the employment of inmates in Federal and District of Columbia penal institutions, the D.C. Department of Corrections intends to implement Project W.E.A.R. (Work Experience in Automotive Repair) as our demonstration project.

Project W.E.A.R. aims to establish a training program for inmates in the field of automotive body repair and spray painting. Your bill will enable us to expand this program by developing an auto body shop that will be owned by one or several of the area automobile agencies who in turn may hire the residents of Lorton at prevailing wages. The Automobile Manufacturers Association is expected to cooperate in this endeavor by establishing guidelines for the training program and may provide further employment opportunities for releasees.

Employment and adequate income are among the most important needs of offenders and the involvement of private industries towards meeting these needs is urgent. The Department of Corrections anxiously looks forward to the passage of your bill.

Sincerely,

Kenneth L. Hardy, *Director.*

Mr. PERCY. Mr. President, this concept should not be limited to the Federal and District of Columbia systems. States could have a great deal of success with such a program. For example, in Illinois, a new unified Code of Corrections was recently signed by Governor Ogilvie. This new law provides that prison-made products can be sold to nonprofit organizations, such as church groups and universities. The opening up of potential markets provides an avenue for similar programs to be instituted. I have discussed this project with the director of the Illinois Department of Corrections, Peter Bensinger, and he will be working actively to promote such a demonstration project in the State of Illinois. I ask unanimous consent that a letter from Peter Bensinger be printed in the Record at this point.

There being no objection, the letter was ordered printed in the Record, as follows:

Department of Corrections,
Springfield, Ill., July 20, 1972.

Hon. Charles H. Percy,
U.S. Senator, Committee on Government Operations, Washington, D.C.

Dear Senator Percy: Thank you for sharing your most recent draft of legislation relating to the employment of inmates in Federal and District of Columbia penal and correctional institutions.

The Bill appears to be an admirable piece of legislation, practicable for the Director of the Federal Bureau of Prisons and the Commissioner of Washington, D.C., and a model for progressive state correctional systems.

I have two specific comments to make, both of which may be served as well by being passed on to the involved correctional administrators as by being written into the program's enabling legislation.

It may be advantageous to contract for labor services directly between the inmates and the employers, rather than have the inmates subcontracted to private industry. The reasoning here is that in Illinois at least, prison laborers are not considered employees of the State, and so are not eligible for Workmen's Compensation benefits and rights. In the case of injuries, their remedy is limited to a tort recovery.

However, in my opinion, private industry-employed, union wage inmate workers should be eligible for Workmen's Compensation. To avoid this possible inequity, inmates should not be made available through the correctional agency involved contractually.

Also, in case of theft, vandalism or accidental destruction of private property, the incoming industry must be made aware that the correctional institution is in no way responsible, unless conclusively shown to have been done by a member of the correctional institution's staff action or inaction. Although the institutional administrators are still going to be responsible for security, industry must be alerted that the correctional system is not automatically responsible for the inmates' total conduct.

With these caveats, neither of which is necessarily legislative in nature, the legislation has my complete endorsement. As always, my staff and I are at your service to review proposed legislation related to the field of corrections.

I am sure you have discussed this with Norm Carlson of the Federal Bureau of Prisons, and I think he and I would both be interested in this pilot project.

Sincerely yours,

Peter B. Bensinger, *Director.*

Mr. PERCY. Mr. President, apart from the support of those in Government, this legislation needs and deserves the support of both business and labor. I have been in contact with leaders from both areas and each person I have consulted supports the idea behind this bill.

Mr. President, I do not believe that this will be a controversial piece of legislation. The net savings, in dollars, to the Government will be dramatic but, more importantly the savings to society in terms of reduced crime and recidivism will be substantial. This legislation merits close scrutiny and quicky action by the Congress. We cannot afford to wait any longer to undertake the vital task of reforming our correctional process, thereby serving society by helping to reduce the rates of crime and recidivism.

I think employment is an important key to the problem of reducing crime and I feel that implementation of a program such as this one would be a step in the right direction.

Mr. President, I ask unanimous con-

sent that the text of the bill be printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Federal Prison Industries is authorized to establish and carry out, within the exterior boundary of any Federal penal or correctional institution, demonstration type projects involving the employment of inmates of such institutions. Such projects may also provide for the provision of supportive services to inmates of the demonstration institutions, such as training, education, counselling, and the like. In establishing such projects, the Federal Prison Industries is authorized to enter into agreements (by contract or otherwise) with any private person pursuant to which such person shall be authorized to establish (by construction, lease, or otherwise) facilities within the exterior boundaries of such penal or correctional institutions for the purpose of carrying out industrial or other operations herein authorized, notwithstanding the provisions of section 436 of title 18, United States Code. *Provided however,* That the employment within such institutions of inmates shall be on a voluntary basis.

(b) Any such agreement shall contain provisions assuring that the wages paid to such inmates shall not be less than those paid as union wages for work of similar nature in the locality in which the work is to be performed.

(c) Any inmate of any such institution so employed shall be entitled to receive, after deductions authorized in subsection (d) of this section or under any other law, wages earned by him in performing such work, except that, such wages shall be made available to such inmate at such time or times as the Attorney General may by regulation prescribe, but in no event later than at the time of his release by parole or otherwise, from confinement in a Federal penal or correctional institution.

(d) Any inmate so employed shall be required, pursuant to regulations promulgated by the Attorney General, to pay from the wages received for work in accordance with this section, and the Attorney General is authorized to deduct therefrom—

(1) such costs incident to the inmate's confinement as the Attorney General deems appropriate and reasonable;

(2) such amounts to the dependents of such inmate as the Attorney General deems appropriate and reasonable; and

(3) such amount to any Federal fund established by law to compensate victims of crime, as the Attorney General deems appropriate and reasonable, but in no event in an amount in excess of 10 per centum of such wages earned during any calendar month.

(e) Any amounts deducted by the Attorney General pursuant to paragraph (1) of subsection (d), shall be deposited in the Treasury of the United States as miscellaneous receipts. Any amounts so deducted pursuant to paragraph (2) or (3) of such subsection, shall be payable in such manner as the Attorney General may by regulation prescribe. The provisions of section 4126 of title 18, United States Code, shall not be applicable with respect to any such amounts so deducted pursuant to this Act.

(f) In administering the provisions of this section, the Federal Prison Industries, with the approval of the Director of the Bureau of Prisons, is authorized, as a part of, or in connection with, any agreement pursuant to subsection (a) of this section, to make available, by lease or otherwise, land (together with improvements thereon) located within the exterior boundary of any Federal penal or correctional institution for use by the private party to such agreement for providing employment in accordance with this section. Such lands (including improvements) shall be made available pursuant to such terms and conditions as the Director of the Bureau of Prisons may prescribe.

(g) Nothing in this section shall be construed to prohibit the sale to the public of any products produced by inmates of Federal penal or correctional institutions in accordance with the provisions of this section, and the provisions of section 4122 of title 18, United States Code, relating to competition with private enterprise, the provisions of the first paragraph of section 4123 of such title, and the provisions of the first paragraph of section 4123 of such title, and the provisions of section 1 of the Act of January 19, 1929 (45 Stat. 1084), shall not be applicable with respect to industrial operations under this section. The provisions of section 1761 of title 18, United States Code, shall not be applicable with respect to any such products shipped in interstate or foreign commerce.

(h) As used in this section, the term "person" means any individual, corporation, partnership, association or other entity.

(i) On or before the expiration of the twenty-four calendar month period following the date of the enactment of this section, the Attorney General shall submit a report to the Congress concerning the administration of the provisions of this section, together with his views and recommendations with respect thereto.

Sec. 2. (a) The Commissioner of the District of Columbia is authorized to establish and carry out, within the exterior boundary of any one penal or correctional institution under the direction of the Commissioner of the District of Columbia, a demonstration type project involving the employment of inmates of that institution. Such projects may also provide for the provision of supportive services to inmates of the demonstration institutions, such as training, education, counseling, and the like. In establishing such project, the Commissioner is authorized to enter into an agreement (by contract or otherwise) with any private person pursuant to which such person shall be authorized to establish (by construction, lease, or otherwise) facilities within the exterior boundaries of such penal or correctional institution for the purpose of carrying out industrial or other operations herein authorized, notwithstanding the provisions of section 436 of title 18, United States Code. *Provided, however,* That the employment within such institutions of inmates shall be on a voluntary basis within such institution.

(b) Any such agreement shall contain provisions assuring that the wages paid to such inmates shall not be less than those paid as union wages for work of similar nature in the locality in which the work is to be performed.

(c) Any inmate of any such institution so employed shall be entitled to receive, after deductions authorized in subsection (d) of this section or under any other law, wages earned by him in performing such work, except that, such wages shall be made available to such inmate at such time or times as the Commissioner of the District of Columbia may by regulation prescribe, but in no event later than at the time of his release by parole or otherwise, from confinement in a District of Columbia penal or correctional institution.

(d) Any inmate so employed shall be required, pursuant to regulations promulgated by the Commissioner, to pay from the wages received for work in accordance with this section, and the Commissioner is authorized to deduct therefrom—

(1) such costs incident to the inmate's confinement as the Commissioner deems appropriate and reasonable;

(2) such amounts to the dependents of such inmate as the Commissioner deems approriate and reasonable; and

(3) such amount to any Federal fund established by law to compensate victims of crime, as the Commissioner deems appropriate and reasonable, but in no event in an amount in excess of 10 per centum of such wages earned during any calendar month.

(e) Any amounts deducted by the Commissioner pursuant to paragraph (1) of subsection (d), shall be deposited in the correctional industries fund in the Treasury of the United States, established pursuant to the first section of the Act of October 3, 1964 (D.C. Code, sec. 24–451). Any amount so deducted pursuant to paragraph (2) or (3) of such subsection, shall be payable in such manner as the Commissioner may by regulation prescribe.

(f) In administering the provisions of this section, the Commissioner is authorized, as a part of, or in connection with, any agreement pursuant to subsection (a) of this section, to make available, by lease or otherwise, land (together with improvements thereon) located within the exterior boundary of any District of Columbia penal or correctional institution for use by the private party to such agreement for providing employment in accordance with this section. Such lands (including improvements) shall be made available pursuant to such terms and conditions as the Commissioner may prescribe.

(g) Nothing in this section shall be construed to prohibit the sale to the public of any products produced by inmates of any such penal or correctional institution in accordance with the provisions of this section, and the provisions of section 4122 of title 18, United States Code, relating to competition with private enterprise, the provisions of the first paragraph of section 4123 of such title, and the provisions of section 1 of the Act of January 19, 1929 (45 Stat. 1084), shall not be applicable with respect to industrial operations under this section. The provisions of section 1761 of title 18, United States Code, shall not be applicable with respect to any such products shipped in interstate or foreign commerce.

(h) As used in this section, the term "person" means any individual, corporation, partnership, association or other entity.

(i) On or before the expiration of the twenty-four calendar month period following the date of the enactment of this Act, the Commissioner shall submit a report to the Congress concerning the administration of the provisions of this section, together with his views and recommendations with respect thereto.

Sec. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. ERVIN:

S.J. Res. 258. A joint resolution designating October 8–14, 1972, as "Newspaper Week" and October 14, 1972, as "Newspaper Carrier Day." Referred to the Committee on the Judiciary.

HONORING THE NATION'S NEWSPAPERS

Mr. ERVIN. Mr. President, Thomas Jefferson once remarked:

> The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.

Most Americans would agree with Thomas Jefferson's view that a free press is essential to any free society. Newspapers and other forms of communication have enabled the American people to determine for themselves whether government is serving the best interests of the country. They have added greatly to the social, intellectual, and spiritual horizons of us all. Despite some attempts by government over the years to quiet or intimidate the press, our Nation continues to be enriched by an active, independent, and robust free press.

In recognition of the vital role which a free press has in our society, I am introducing a joint resolution entitled "Designating October 8 to 14, 1972, as 'Newspaper Week' and October 14, 1972, as 'Newspaper Carrier Day.'" Congressman CLARENCE J. BROWN, of Ohio, has introduced the same resolution in the House of Representatives.

It is my understanding that the first National Newspaper Week was held in October 1940. Since that time, professional news associations have joined in an effort once a year to emphasize the importance of newspapers to America. In the past, the President of the United States has designated the week during which recognition is given to newspapers. In my opinion it is appropriate for the Congress to join the President in honoring this Nation's newspapers.

I ask unanimous consent that the text of this proposed joint resolution be printed in full at this point in the CONGRESSIONAL RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 258

Whereas it is an important part of freedom and democracy for people to be well informed about current events and matters that affect their lives, and

Whereas newspapers historically and traditionally have been the basic news medium for informing citizens of the United States in greatest detail, and

Whereas the Nation's more than nine thousand weekly and daily newspapers provide vital information of economic, educational, social, and political value to the citizens of the Nation, and

Whereas more than five million public and parochial school students annually receive instruction through newspaper-in-the-classroom programs using newspapers as text material for many different subjects, and

Whereas the newspapers of the Nation have donated much space for community and national service campaigns without charge, and

Whereas newspapers have always contributed to the cause of protecting consumers and improving consumer education and information, including rejection of much unacceptable and unreliable advertising, and

Whereas over six hundred thousand young men and women serve more than seventy million newspaper subscribers of the United States as independent, responsible junior business executives in delivering newspapers to homes and families, and

Whereas improved people-to-people communications and understanding through newspapers are keys to a better future for all citizens, and

Whereas newspapers are continuing to prove themselves to be the full information medium needed for a free and open society: Therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 8–14, 1972, be observed as Newspaper Week '72 and October 14, 1972, as Newspaper Carrier Day by the Congress of the United States of America on this — day of 1972.

By Mr. PERCY:

S.J. Res. 259. A joint resolution to authorize the President to designate the period from March 4, 1973, through March 10, 1973, as "National Nutrition Week." Referred to the Committee on the Judiciary.

SENATOR PERCY REQUESTS PROCLAMATION OF NATIONAL NUTRITION WEEK

Mr. PERCY. Mr. President, recent years have witnessed a tremendous increase of public interest in the subject of the nutritional adequacy of the foods we eat. Americans have come to realize that it is not only the quantity of food we eat that determines our health and well-being, but also the quality of what we eat. We are learning that it is possible for our bodies to be starving for essential proteins, vitamins, and minerals even though we eat three meals each day.

Studies have shown that many of the most popular food products on the market are entirely lacking in nutritional value. Fortunately, the public is gradually coming to realize that the most widely advertised products and the foods that are marketed in the brightest, boldest packages are not necessarily the foods that are most supportive of good health.

Despite the gains that have been made, however, much effort still needs to be devoted to providing the American public with an adequate education in the field of personal and family nutrition. Many Americans still do not realize how vitally necessary good nutrition is to basic good health. And only a minority among us fully understand that a balanced diet not only helps to prevent illness but is conducive to vitality of mind and spirit as well.

Furthermore, among those Americans who understand the benefits that good nutrition can bring, far too few are cognizant of the necessary ingredients of a balanced and nutritious diet. Not only is it important to select foods with a sufficient amount and variety of nutrients each day, but proper food preparation is also essential to good nutrition. While a person may conscientiously try to provide himself with a balanced and varied diet, he may unwittingly be ignoring some essential nutrients as well as unknowingly depleting the nutritional value of his meal by the common practice of overcooking.

It is my hope that with the encouragement of Congress and the administration, concerned groups and organizations will pursue activities especially intended to make known to all Americans the importance and the necessary components of good nutrition. Further, it is my hope that with this encouragement, individual Americans will take the opportunity to educate themselves and their families regarding good nutrition.

Therefore, Mr. President, I am pleased to introduce today a joint resolution calling for the designation of National Nutrition Week. I urge the support of my colleagues for this resolution in this further effort to end malnutrition in America. The proclamation of National Nutrition Week will also serve to honor the expanding field of professional nutritionists and dieticians. I hope that my fellow Senators will join me in taking this further step toward eradicating nutritional ignorance and naivete in this country.

Mr. President, I ask unanimous consent that the text of my joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 259

Whereas good nutrition is of vital importance to the health and well-being of this Nation's citizens; and

Whereas many Americans are not yet aware of the importance of good nutrition; and

Whereas most Americans are not entirely familiar with the necessary composition of a nutritious diet: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the period from March 4, 1973, through March 10, 1973, as "National Nutrition Week," and calling upon the people of the United States and interested groups and organizations to observe that week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 325

Mr. BEALL. Mr. President, I am very pleased to hear that the Senate Armed Services Committee has ordered reported to the full Senate the survivors benefits legislation.

As the author of S. 325, the survivors benefits measure, which has 45 cosponsors, and as one who appeared before the Senate Armed Services Committee recently urging expeditious action on this "must" legislation, I naturally am pleased with this development. I certainly hope that the leadership will schedule this bill for Senate floor action as soon as possible so that this measure might be signed into law by the President.

I am pleased to announce that both Senators STAFFORD and BAKER have agreed to cosponsor S. 325, I ask unanimous consent that their names be added as cosponsors of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3156

At the request of Mr. MCCLELLAN, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 3156, a bill to amend the Federal Property and Administrative Services Act to establish Federal policy concerning selection of firms and individuals to perform architect and engineering and related services for the Federal Government.

S. 3741

At the request of Mr. MATHIAS, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 3741, a bill to amend title 18 of the United States Code to promote public confidence in the legislative branch of the Government by requiring full financial disclosure by Members of Congress and certain employees of the Congress.

S. 3785

At the request of Mr. MATHIAS, the Senator from West Virginia (Mr. ROBERT

C. Byrd), the Senator from Florida (Mr. Chiles), the Senator from Hawaii (Mr. Fong), the Senator from West Virginia (Mr. Randolph), the Senator from Vermont (Mr. Stafford), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 3785, a bill to promote the sale and development of American arts and handcrafts.

S. 3872

At the request of Mr. Javits, the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 3872, the Japanese-American Friendship Act.

S. 3880

At the request of Mr. Schweiker, the Senator from West Virginia (Mr. Randolph) was added as a cosponsor of S. 3880, the National Diabetes Education and Detection Act.

SENATE JOINT RESOLUTION 243

At the request of Mr. Mathias, the Senator from New York (Mr. Javits) and the Senator from New Jersey (Mr. Williams) were added as cosponsors of Senate Joint Resolution 243, providing U.S. support for the United Nations Office of Disaster Relief.

LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1972—AMENDMENT

AMENDMENT NO. 1440

(Ordered to be printed and to lie on the table.)

Mr. BOGGS. Mr. President, I send to the desk an amendment that I intend to call up during the Senate's consideration of S. 632, the proposed "Land Use Policy and Planning Assistance Act of 1972." I submit the amendment on behalf of myself, as well as Senators Cooper, Muskie, and Tunney.

I ask unanimous consent that the brief text of the amendment be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BOGGS. Mr. President, the purpose and content of this amendment is very simple and direct. It is intended to assure States that they can and should establish a portion of their lands for the purpose of preserving and conserving natural resources for the future.

Title III of S. 632 authorizes the Federal Government to make annual grants to assist the States in developing and administering a State land-use program.

Section 301 lays out the basis for determining if a State is in a position to initiate such a program.

Section 302 establishes conditions for evaluating the process under which a State develops its land-use plan.

If a State is to receive continued Federal support for land-use planning after 3 full fiscal years following enactment, the conditions of section 302 must be met.

The Federal Government's determination on the adequacy of the State's planning process is made on a number of points, the third of which, beginning on page 73, line 22, reads:

> (3) projections of the nature and quantity of land needed and suitable for recreation and esthetic appreciation; agriculture, mineral development, and forestry; industry and commerce, including the development, generation, and transmission of energy; transportation; urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which possess a narrow economic base; rural development, taking into consideration future demands for and limitations upon products of the land; and health, educational, and other State and local governmental services;

The amendment I am offering on behalf of myself and several colleagues would insert another phrase in that list. After the word "appreciation," which ends on page 72, line 24, the amendment would insert the phrase "conservation and preservation of natural resources."

This subsection requires that the statewide land-use process must include projections on the nature and quantity of land needed and suitable for a variety of purposes. We believe it is necessary to add language that will assure the consideration of "conservation and preservation of natural resources" in making these projections.

As reported, paragraph (3) of Section 302(a) relating to preparation of statewide projections of the nature and quality of land is limited to present or future developmental uses of land such as recreation, transportation, or urbanization. An inventory which does not include consideration of conservation and preservation—land set aside for no use at all—is inadequate.

It is our view that the conservation and preservation of natural resources must be weighed in any such evaluation of land use policy.

I believe this option is vital to preserve a proper balance in order to protect our environment for future generations. As paragraph 3 of section 302(a) is now proposed, it appears to me that a restrictive, or nonuse, classification could not be considered as an alternative. This amendment would make clear that States may establish such restrictive or "nonuse" classifications.

The intent of the bill should be a balancing one. The language we offer will assure such a balancing test and criteria.

EXHIBIT 1

AMENDMENT NO. 1440

On page 72, line 24, insert the following: before the word "agriculture," insert "conservation and preservation of natural resources;".

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Mississippi (Mr. Eastland), I announce the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Frank D. McCown of Texas, to be U.S. attorney for the northern district of Texas, for the term of 4 years, vice Eldon B. Mahon, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, August 22, 1972, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING ON INDIAN BILL

Mr. BURDICK. Mr. President, on behalf of the Senator from Washington (Mr. Jackson), I wish to announce for the information of the Senate and all other interested parties that the Subcommittee on Indian Affairs has scheduled an open public hearing for September 12, 1972, on S. 3377, a bill to extend the time for commencing actions on behalf of an Indian tribe, band, or group.

The hearing will be held in room 3110, New Senate Office Building, and begin at 10 a.m.

NOTICE OF HEARINGS BY THE DISTRICT OF COLUMBIA COMMITTEE

Mr. EAGLETON. Mr. President, I wish to announce hearings on Thursday, August 17, 1972, at 9:30 a.m. in room 6226, New Senate Office Building, by the District of Columbia Committee on the following:

Nomination of H. Carl Moultrie, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia;

Nomination of Stanley S. Harris, of Maryland, to be associate judge of the District of Columbia Court of Appeals; and

S. 3861, to convey to the city of Alexandria, Va., certain lands of the United States, and for other purposes.

Persons interested in testifying on these matters should contact Mr. Gene E. Godley, General Counsel, in room 6222, New Senate Office Building.

NOTICE OF HEARING ON NEW JERSEY AND NEW YORK COMPACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Mississippi (Mr. Eastland), I announce that a special subcommittee of the Committee on the Judiciary has scheduled public hearings for Tuesday, September 19, 1972, at 9:30 a.m., in room 2228 New Senate Office Building, on the resolution, Senate Joint Resolution 54, granting the consent of Congress to the States of New Jersey and New York for certain amendments to the waterfront commission compact and for entering into the airport commission compact, and for other purposes.

Notice is hereby given to all persons interested in this resolution of this public hearing.

The subcommittee consists of the Senator from Mississippi (Mr. Eastland), chairman; the Senator from Arkansas (Mr. McClellan) and the Senator from Nebraska (Mr. Hruska).

ADDITIONAL STATEMENTS

SALUTE TO A GREAT AMERICAN

Mr. McINTYRE. Mr. President, I wish to pay personal tribute to a man in my hometown of Laconia, N.H., who epitomizes loyalty, devotion, dedication, and service to his country.

I speak of Dr. Richard H. Whitehead, the man who helped to build the Panama Canal; a man who has given nearly three-score years of his life to serving the best interests of the United States of America.

Dr. Whitehead, who is 85, has been ill in recent weeks, but is now recuperating at home. I take this occasion to pay him homage and to thank him, in behalf of his fellow countrymen, for all that he has done for us.

On July 26, Mr. President, an interview with Dr. Whitehead was published in the Manchester, N.H., Union Leader. That interview attested, once again, to the professional competence of a man who was once described by the builder of the Panama Canal, Gen. George W. Goethals, as "the greatest living engineer." Of equal importance, the interview also attests to Dr. Whitehead's unceasing concern for the canal and its most effective use.

Specifically, the interview reports Dr. Whitehead's assessment of a just-published book, "The Panama Canal, 'Heart' of America's Security." Dr. Whitehead takes issue with author Jon P. Speller's advocacy of the modernization of the waterway.

Mr. President, I am not an engineer, so I would not presume to comment on the substance of Dr. Whitehead's views. My purpose today is simply to make just recognition of his many contributions and his devotion to his country, and to express my personal respect for him and my appreciation of his friendship.

I ask unanimous consent that the Manchester Union Leader's interview with Dr. Whitehead be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

LACONIA MAN WHO HELPED BUILD FAMED CANAL TAKES ISSUE WITH AUTHOR'S VIEWS—NEW BOOK ON PANAMA CANAL REVIEWED

(By Earl O. Anderson)

LACONIA.—"The American public has been misled to believe that the (Panama) Canal is obsolete, and only a sea-level canal would suffice . . . the best course to take with our unsettled economy is to leave the canal alone, keep intact our rights, and give consideration to increased tolls."

That is the reply of a man distinguished in many fields, who helped to build the canal some six decades ago, to a just-published book by Jon P. Speller which advocates the modernization of the waterway.

Dr. Richard H. Whitehead of this city, now 85, was once described by Gen. George W. Goethals, the man responsible for building this vital artery to world commerce, as "the greatest living engineer."

Whitehead, in an exclusive interview with this newspaper, claims that the real purpose of the book is "to eliminate the locks on the Pacific side, replacing them further south with a combined set of locks, then to build additional new and larger locks, and an 85-foot dam on the outskirts of Panama, to form a new, terminal lake, at unnecessary expense, to replace the present small Miraflores Lake."

The elevation is 54 feet, it was explained, between the Miraflores and Pedro Miguel locks, fed largely through the (Gaillard) cut.

This book, it was contended, serves to promote the so-called "Terminal Lake Plan," backed by U.S. Sen. Strom Thurmond (R) and U.S. Rep. Daniel J. Flood (D), in a bill now before Congress, for canal modernization."

These men are, however, commended as "able, capable, congressional leaders" by the book's critic.

Its author is also described as "rightly opposing" the proposed treaties that would give the Canal Zone to Panama and operate it under dual authority.

SEES NO MERIT

"As the engineer who organized the Pedro Miguel and Miraflores lakes and operating forces and tested out and put into service the lock-operating equipment, and was initially in charge of the Pacifica Locks." Dr. Whitehead asserted flatly, "I regard the Terminal Locks plan without merit."

"Incorrect and misleading" were terms used by him regarding the book's statement that the bottleneck of the canal is the Pedro Miguel locks.

"Pedro Miguel, located at southern entrance to the Gaillard Cut," explained Whitehead, "with its emergency dams, safeguards the Pacific side of the canal from the waters of the Great Gatun lake, has the capacity of the other locks, and a good safety operating record."

"CHOKEPOINT"

The "real chokepoint", he maintains, was Gaillard Cut, which he points out has been widened from 300 feet to 500 over a period of years, permitting former "clear cut" ships to pass each other.

"The former 'able' Governor Leber, who completed this work," noted Whitehead, "has plans for further reasonable expenditure that will greatly increase canal capacity without new locks.

"Larger locks will never be large enough to handle 'super' ships being built," the canal engineer firmly believes," and the cost would be exhorbitant, and borne by regular traffic, under present legislation requiring the canal to be self-sufficient."

Such additional costs would greatly increase tolls on present shipping, it is maintained, "probably to an amount that would decrease present traffic."

An increase of 25 per cent would, however, in Dr. Whitehead's opinion, probably have small effect on the traffic.

"We have had no increase in tolls since opening of the canal in 1914," recalled the man who helped to construct it, 'with the recent devaluation of the dollar, an increase should be made, to also provide larger payments to Panama, because of this devaluation."

GREATLY IMPROVED

It is now evident that during its many years of heavy transits, the canal has not only been greatly improved, but it is today an "ideal, cheap and efficient" waterway," Whitehead asserted.

"It is a main artery vital to our national defense and economy," he emphasized.

"No consideration has been given . . . to a like waterway across Lake Nicaragua," pointed out this man of many accomplishments.

"It would cost no more than the just-completed Arkansas River Development," he contends, "and would likewise create wealth exceeding its costs, besides bringing New Orleans (La.) 560 miles closer to San Francisco."

The best course to take, with the nation's unsettled economy, the canal engineer said he is convinced, "is to leave it alone, and keep our rights intact."

Dr. Whitehead said that he regards the Speller book, entitled, "The Panama Canal, 'Heart of America's Security," as of "no contribution" to present works, and says that it fails to give valuable references.

"It does not even mention George W. Goethals, the builder of the canal, recognized as such by Congress," Whitehead noted.

(It does however, dedicate the book "to the builders, operators and defenders of the Panama Canal.")

CITES PURPOSE

Author Speller says in his foreword that purpose of the 164-page volume is to "simplify the issues" revolving around the Panama Canal.

"No great issue has been subject to such confusion as has this one," asserts Speller.

Much-needed modernization of the canal, he claims, has been delayed, due to attempts to cloud the issues. Speller voices the hope that his book "will cut through the fog of confusion" and help passage of those bills related to the canal's improvement, which he says have been "thoroughly studied and prepared."

"If it can serve to remove the current 'impediments' to their passage," concludes Speller, "it can represent, in my belief, a contribution to the future security of ourselves, our children and future generations of Americans."

Dr. Whitehead cited a visit by him only last year to the Panama Canal, and what he observed.

"I spent several weeks on the canal," he stated, "and discussed future plans with top echelon officials and engineers in charge.

"I was much impressed with the handling of 300,000 ton ships through the Pedro Miguel locks by the new towing locomotives," he added.

"After over 50 years of service," Whitehead observed, "we have a fine, modern canal," with a capable organization and greatly-increased capacity.

"We should hang on to it, and give up no measure of control," he made clear. "We have served well all of the nations using it, and traffic has developed beyond anticipation by the capable builders."

The prosperity and capability of Panama, by the same means, has been helped by the canal, he said, together with "our benevolent attitude" toward their well-being, and the fact that they are on the cross roads of the continent in a "dollar economy."

"We and Panama need each other," emphasized this canal builder, who has achieved prominence in so many fields. "So every effort should be made to 'keep alive' the policies that have brought such prosperity to Panama, and made the canal a vital artery to world trade."

RETIREMENT OF GORDON F. HARRISON, STAFF DIRECTOR, COMMITTEE ON RULES AND ADMINISTRATION

Mr. CASE. Mr. President, early in my service in the Senate, I became a member of the Committee on Rules and Administration. Gordon F. Harrison was then its staff director, and I remember well his courtesy and helpfulness in making me feel at home with the committee and its work. Always affable and a mine of information about the committee, Gordon served five committee chairmen with dedication and loyalty. As the present chairman of the Rules Committee already noted, if Gordon has any weakness at all, it is his inability to turn any fellow away from his door.

He will be greatly missed, not only by the committee and its staff, but also by the host of friends he has throughout the Senate.

THE GENOCIDE CONVENTION AND AMERICAN PRISONERS OF WAR

Mr. **PROXMIRE.** Mr. President, the day for Senate debate and action on the Genocide Treaty is finally in view. Unfortunately, an old but persistent argument against the treaty is again surfacing in the press. It is being charged that if we ratify the Genocide Treaty, we will be opening up an avenue for the conviction of American prisoners of war on charges of genocide.

This contention is a fear not founded on the facts. Mr. Eberhard P. Deutsch, a prominent member of the American Bar Association, appearing before a subcommittee of the Committee on Foreign Relations, has provided us with strong words to the contrary. He has stated:

> I do not believe that the United States of America will ever be charged truthfully, properly or justifiably with the commission of genocide as such.

Ratification of the Genocide Convention will not subject our fighting men to any new hazards. An enemy power can charge an American prisoner of war with any crime that it dreams up. Acceptance of the Genocide Convention does not change that situation.

Mr. Nicholas Katzenbach, who as a former Attorney General is well qualified to give an opinion on this matter, has clearly stated that agreement to the treaty will present no new dangers for our American troops.

Mr. President, it is quite clear that our ratification of the genocide will not endanger the American prisoners of war. Therefore, I strongly urge that we ratify the Genocide Convention.

DISTRIBUTION OF INCOME AND WEALTH

Mr. **HARRIS.** Mr. President, for more than 30 years both Republicans and Democrats have agreed on how the country should be run. To correct gross inequities caused by our economic system, the Federal Government should provide subsidies to citizens aggrieved. And for the past 30 years political debate has centered in the size of the subsidy with the Democrats tending to be more generous and the Republicans more conservative.

The problem, however, is that the subsidy system does not work. I am the first to admit that so long as our economy remains unreformed, the system is necessary. We cannot ignore poverty or unemployment. We have to do something about these problems and until we have better tools, we must make use of those we have. Even so, can anyone contend that existing policies have been very successful?

Increasingly, a few far-sighted men are attempting to get at the deeper issues. They are pointing out that if our economy had a more equitable distribution of wealth and income, as well as more real competition, then there would be far less need for the Federal Government intervention which so alarms many in our society. They note that if we are dissatisfied with the results of government intervention, the answer is not to end that intervention when we do not have anything to put in its place but to study and implement proposals to alter and improve the distribution of wealth and income in the country and to establish real competition.

With these points in mind, I invite the attention of Senators to two remarkable documents. The first is an article published in the July 2, 1972, Minneapolis Tribune about the attempts of the wealthy and famous Pillsbury family to carry out real and meaningful change in America. The second is the commencement address by the Honorable Luis A. Ferre, Governor of Puerto Rico at the Graduate School of Business at the University of Pittsburgh on August 4, 1972.

The article on the Pillsbury family is remarkable because young Charles Pillsbury is a fervent McGovern supporter, while his father George Pillsbury supports President Nixon. Yet despite these political disagreements, they both agree that the fundamental problem facing America is the maldistribution of wealth and income.

The turning point in the father's point of view came when he retired from the business world and decided to manage his family investments while devoting most of his time to charitable works. To his astonishment, he accumulated more wealth at a faster rate than while he was employed. It made him understand why a Harris poll showed 68 percent of Americans now subscribe to the notion that the "rich get richer and the poor, poorer." In the words of wealthy George Pillsbury, "the fact of the matter is it's true." George Pillsbury now believes we must find ways to diffuse wealth-holding patterns in our society, so that a majority of Americans and not just a few gain access to "income producing property."

This is also the revolutionary concept behind Governor Ferre's Proprietary Fund in Puerto Rico. The idea is to make every worker the private owner of the wealth of the country. Like George Pillsbury, Governor Ferre would consider himself a political conservative, but I believe both have understood something about human nature. Over the long run, no system is viable which steadily concentrates more and more wealth in the hands of a few. It is possible that the wealthy can be persuaded to distribute some of their wealth to working people through progressive taxes. But even this system is unstable over the long run because it asks the majority of the people to become the charitable wards of a handful of rich people. The only real answer is a more democratic distribution of real property in the country. By this we do not mean naive leveling but institutional pressures which guarantee that the present trends towards increased concentration can be halted and a new trend toward wider distribution of ownership established.

I urge all Senators to read the Tribune article and Governor Ferre's commencement address with care. Both documents raise questions which should now be before Congress. Instead we must commend a progressive businessman and an imaginative Governor for their willingness to experiment with new ideas.

Mr. President, I ask unanimous consent that the two documents be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

TWO PILLSBURYS GET TOGETHER ON A POLITICAL THEORY: FATHER, SON BELIEVE WORKERS MUST BECOME CAPITALISTS ALSO

(By Bernie Shellum)

A funny thing happened to George Pillsbury after he let go of his big executive's paycheck and dropped out of the big business world to tinker with his family's investments and do good works for the 99 percent who have to make do with less.

What happened? He accumulated more wealth at a faster rate than he had before.

That just proved to him that his 24-year-old son Charles had been right all along, while he was only half-right; it is ownership, not just production, that must be expanded if the gap between the rich and the poor is to be narrowed.

Until the 50-year-old Pillsbury altered his thinking, there had been, in his son's words, "heated debates."

Like the typical businessman, George Pillsbury had argued that the proper task of industry is to "make a larger pie," that is, to produce more goods which would find their way into more and more hands.

"A lot of good that does," Charles Pillsbury was wont to reply, "for people who don't own a piece of the pie." He viewed the mere expansion of production as a formula whereby: "the rich get even richer and the poor get the crumbs."

But now the father—a Republican for Richard Nixon—and the son—a Democrat for George McGovern—see eye to eye.

Together they espouse "universal capitalism," which involves a fundamental restructuring of the economy. It's so far-reaching it makes McGovern's so-called radical program to redistribute wealth look like a welfare dole.

In his presidential campaign, McGovern advocates an annual federal payment—something like $1,000—to every man, woman and child, regardless of income or assets, to increase the purchasing power of the poor and the tax liability of the well-to-do.

To Charles Pillsbury, whose support for McGovern rests on his criticism of the defense budget, the candidate's economic program "is for the birds."

"McGovern's only talking about redistribution of income," he said last week in a joint interview with his father.

"McGovern is no threat to a Bruce Dayton (board chairman of Dayton Hudson Corp.) or a J. Paul Getty (billionaire oil man). He's a threat to the professional—the doctor, the lawyer—who has a high income. He cuts into that, but he's not touching the very rich."

Both George and Charles Pillsbury, heirs of one of Minnesota's oldest families, count themselves among the very rich, defined as the 1 percent who derive more than half their income from investments.

Being political realists, they have no intention to pool their holdings, or to propose that the government confiscate those of other wealthy owners as part of some altruistic scheme.

"If you divide up what everyone has now," said the younger Pillsbury, "there wouldn't be enough to go around."

He asserts, and his father vehemently agrees, that it is essential to "slow this irrational accumulation of wealth by the wealthy, and to allow those who have nothing—who have no property at all—to gain access to capital, to income-producing property."

In Charles's dictum, "If capitalism is good for a few, then it's good for everyone."

It is the objective of his father, a Conservative state senator from Orono, to make "universal capitalism" the policy of Minnesota's government.

Then corporations no longer would raise almost all of their new investment capital by the orthodox issuance of new stock or borrowing from large institutions, the system that now serves to enrich further those few who have the most wealth.

Rather, in George Pillsbury's words, something like this would take place:

"When a company, such as the Pillsbury Co., needs additional capital, instead of going to the market place, instead of going to the present owners, you set up an employee stock ownership plan and you give the employees a chance to own the additional equity.

"They and the company would set up an employee stock ownership trust. The company would issue the new shares of stock that it needed. Say it needed $10 million; it would issue $10 million of Pillsbury stock, at market value, to the trust.

"In turn, the company and the trust would go to a lending institution and borrow the $10 million. It would be given to the trust and the company would guarantee the repayment of the loan. The trust, in turn, would give the $10 million to the Pillsbury Co. in payment for the stock that was issued.

"Now the company has $10 million, the trust has $10 million worth of Pillsbury stock and it has a note. It owes the lending institution $10 million. Over the ensuing years, the company would pay into the trust dividends on the stock and up to 15 percent of its payroll."

Janitors, clerks and top executives would share the ownership of the stock in relation to the size of their paychecks. Once the $10 million debt was paid off, the dividends would pass through to the employee-owners, who would have become capitalists the same way most rich people do—on borrowed money.

During a visit to Minnesota about two weeks ago, the origial architect of "universal capitalism," Louis Kelso, informed George Pillsbury and the other members of the Legislature's Reconversion Study Commission that there is no end to its applicability. With variations, it can be used, Kelso said, in corporate farming, even on behalf of government bureaucracies.

Corporations are turning more and more to stock ownership, he said, "to motivate their labor force, to raise low-cost capital, to prevent labor union pressure demanding more and more pay for less and less work, to eliminate the alienation that reflects itself in our society in dope-taking, hijacking, bombings, sabotage, wasting materials, lousy craftsmanship and a thousand other ways."

Some of these maladies were on George Pillsbury's mind, too, last week. The Harris Survey had just reported that 68 percent of Americans now subscribe to the notion that "the rich get richer and the poor get poorer," compared with 48 percent who did so in 1966.

"The fact of the matter," Pillsbury said, "is it's true."

It has been two years and eight months now since George Pillsbury left the Pillsbury Co., founded by his grandfather in 1869, "to do my own thing and to work in the public sector." Before retiring, he had observed that "the blue-collar worker who owned Pillsbury stock thought differently from the union member who didn't," however small his holdings. But Pillsbury failed to persuade the other directors to broaden employee ownership of the company.

Eighteen months ago Charles Pillsbury, a Yale student who attained notoriety as a critic of corporations that supply arms for Vietnam, received in the mail a copy of Kelso's "Two Factor Theory: the Economics of Reality."

Initially, he said, "I thought it was from a nut." But eventually he showed it to his father. "It reconciled to some extent the heated debates that we would have over the division of wealth in the world," Charles said.

Now George Pillsbury describes the Kelso doctrine as "very sound," and he is trying to persuade the Reconversion Study Commission to recommend it.

Through "universal capitalism" he sees the prospect of "a more stable country."

"How can a man be politically independent," Pillsbury asks, "if he has no security? And what gives a man or woman security but ownership of property?"

In that outlook, too, he has an ally in his son Charles, a conscientious objector and the founder and leading force of the Council for Corporate Review, a Minneapolis organization striving to make corporations more alert to social concerns.

"I see my own political independence, my own outspokenness as based on my total economic security," Charles said. "There's not much that anybody can do."

COMMENCEMENT ADDRESS BY THE HONORABLE LUIS A. FERRE, AT THE GRADUATION EXERCISES OF THE GRADUATE SCHOOL OF BUSINESS OF THE UNIVERSITY OF PITTSBURGH, AUGUST 4, 1972

Chancellor Posvar, Dean Zoffer, distinguished members of the faculty, members of the graduating class of the Graduate School of Business, ladies and gentlemen:

It is for me a very special honor to be able to address you today. I say that, because the invitation to speak to you was issued to me on the recommendation of the student executive board. I have given a few commencement addresses before, but never had I been asked to do so by the students themselves. It is a tribute of which I shall always be particularly proud and I thank the members of the student body very sincerely for asking me to be here today.

For the past twenty years we have witnessed a revolution in our means of communications. The tremendous improvements in television broadcasting coupled with the use of satellites, make it possible for three or four hundred millon people throughout the world to watch a particular event simultaneously. Such was the case of the first lunar landing and the world championship soccer game played in 1970. But the improvements in our means of communications have also brought about a wave of rising expectations and, unfortunately, our socio-economic systems have not been able to keep abreast of this increase in the expectations of our people. The result has been the mounting unrest which we see in all of the world today.

Finding the way to effectively meet these rising expectations will be the greatest challenge that you will face when you enter the business world. It is a challenge which you will have to meet quickly because the improvements in communications are bringing about an instant consciousness not just of lunar landings, but also of hunger and of great disparities in wealth, not only within every country, but also between the different countries all over the world.

The communist solution to this problem has been to put all wealth in the hands of the state. But in so doing, socialist countries have found that they have destroyed the incentives that move men to produce greater wealth and at the same time they have destroyed individual liberty. Under such societies, regimented under a tyrannical order, the outcome has been a distribution of scarcity.

To meet this challenge of rising expectations we need a virtual revolution in our socio-economic structures, a revolutionary change which, while keeping the advantages of our system of free enterprise and private property and without destroying individual freedom, will enable all our citizens to achieve equality in their opportunity to fulfill their aspirations. Speaking to the national Press Club in 1969, I described my political philosophy as being "revolutionary in ideas, liberal in objectives, and conservative in methods". The institution about which I will speak today fits this phrase pretty well; the objective of making every worker the private owner of the wealth of the country is sufficiently new and untried so as to call it liberal, if not revolutionary. But the method of achieving this objective, namely, through existing financial institutions, and while maintaining our system of private enterprise, is traditional enough to be called conservative.

In spite of all its defects, capitalism is still the most effective economic system yet devised by man for creating wealth. This is amply demonstrated by the recent announcements that an American oil company has entered into a large contract with the Russian government for the exploration and development of an oil field in Siberia and the subsequent announcement that one of our aircraft companies will be selling airplanes and spare parts to the Chinese Government—nevertheless, the wealth that our capitalistic system has created is still concentrated in the hands of a relatively small portion of our citizens. In a world of increasingly rising expectations this can only be a source of friction unless we do something about it.

This proprietary fund for the progress of Puerto Rico, is our way of doing something to correct the uneven distribution of wealth in our system. It is based on the idea of changing our present utilitarian capitalism to what I call altruistic capitalism. The mere production of wealth should not be the ultimate goal of capitalism, though it is very important to maintain its incentives to do so. The production of wealth should be a means to a higher goal. In our constitution we have stated the three natural rights of man: life, liberty and the pursuit of happiness. Through our capitalistic system and our scientific and technological progress, we have guaranteed the right to life to the vast majority of our citizens; through our democratic institutions we have guaranteed our liberties—but the pursuit of happiness has been sadly forgotten. And today, we find ourselves surrounded with material goods, but with our lives spiritually frustrated and with our world on the verge of an ecological collapse.

It is the young people who have sensed the great danger; it is they who are forcing us to re-examine our goals and it is their refusal to continue accepting our established patterns as unchangeable that has started a reappraisal of the goals of our society.

There is nothing wrong with capitalism per se. But its present goal of merely increasing production, without any consideration of its social impact, is wrong.

Unfortunately, the rejection of strictly utilitarian capitalism, has produced a backlash against our technological progress which again is wrong. Technology and science are neither good nor bad. They are not value bearing activities. It is the use that man puts them to, which makes them good or bad. We must evaluate their uses from the point of view of their social significance and their ecological impact. We cannot forget that the population of the world today is 3.7 billion people, which is three times the population of the year 1850, and that it will be 6.5 billion people by the year 2000. Certainly such an increase in world population needs the help of our present technology to assure its survival, for without present technology, industry could not provide enough food, clothing, housing and other essentials to satisfy its needs.

Thus, the world you are entering upon graduation is a world which needs basic changes in its structures, viewpoints and goals. It has excellent tools to work with: creative capitalism, democracy, science and technology. It also has rich values: compassion, love and respect for human life and dignity. The latter must become the goals of the former if humanity is to survive. This is the challenge to the young people of today. They must probe new ways to obtain this purpose, amongst which is the turning of valueless utilitarian capitalism into value-rich altruistic capitalism. Capitalism should become a means and not an end. Its goal, within our free society, should be the efficient production of wealth to satisfy the material needs of man, distributed with a deep sense of social justice, in order to give life spiritual richness. The old dictum, the greatest good for the greatest number, should become the greatest good for everybody.

The proprietary fund is a step in this direction. It proposes to correct the shortcomings of the present economic order and to substitute instead a more equitable economic order in which all of the people participate in the production and enjoyment of goods and services not through employment alone but also through their individual ownership of productive capital. In this respect, the propietary fund is perhaps more of a social measure than an economic one, though it has a great potential for stimulating our economy.

Let's take a look now at how the fund works. First of all, it will have a board of directors consisting of twelve members, initially, they will be appointed by the Governor of Puerto Rico, but a mechanism is provided so that after three years the shareholders of the proprietary fund will be electing six of the twelve directors. All directors will serve a two-year term.

The actual management of the fund will be in the hands of a president, to be selected by the board of directors. It is our intention to go into the ranks of the financial community and obtain the best possible professional talent for the position of president and for his staff. It will be their job to operate the fund in a strictly professional, business-like way, so as to obtain the best possible benefits for the stockholders.

The proprietary fund will have two classes of stock: Common stock, without par value, and convertible preferred stock of a par value of one dollar per share. The preferred shares shall be entitled to a cumulative preferred dividend of seven cents per share per year. The shares will be available only to residents of Puerto Rico which meet certain requirements spelled out in the law.

The preferred shares are, in effect, a means of financing a person's participation in the proprietary fund. They will be available only to workers who earned not less than $800 nor more than $7,800 the preceding year and whose income from other sources did not exceed $1,000 for the previous year (unemployed persons may not purchase these shares). The common shares will be available to any worker resident of Puerto Rico whose income the previous year did not exceed $18,000. The reason for so limiting the number of persons who may participate in the fund is that the fund is designed to help only those workers who cannot acquire capital by ordinary means. It is felt that any one with an income of over $18,000 should acquire capital through the available market mechanisms, without any special help from the government.

Once an eligible worker has indicated, in a special form that the fund will provide, his desire to purchase preferred shares, and his eligibility has been ascertained, he will be issued fifty dollars in preferred shares which will in turn be matched with fifty dollars of common shares that the government of Puerto Rico, through the fund, will purchase for this person. The purchase of the preferred shares will be financed, at the election of the purchaser, through loans from banks, which loans will be arranged by the fund. The common shares will be issued free to the purchaser of the preferred shares but will serve as collateral for the loan that the purchaser made in order to buy the preferred shares. The dividends from both the preferred and the common shares will be applied to repay the principal and interest on each loan. If a loan is not repaid within five years, the government undertakes to pay its outstanding balance and all dividends on the corresponding shares will be applied to repay the amounts advanced by the government.

This plan, which we have called the commonwealth co-investment plan, is the heart of the proprietary fund. It is the motor that drives what I call our vehicle for achieving a better distribution of wealth in Puerto Rico. Quite frankly, although the proposal has been the subject of some criticism, we are very confident that it will be a great success.

Through the co-investment plan, the worker will be able to purchase one hundred dollars of stock without using even one penny of his pay or his savings. We expect that the shares will increase in value so that after a period of eight or ten years he should have acquired, without using any of his own funds, a relatively significant participation in the wealth of his economy, and a participation which, if he continues to elect through the years, could become a substantial one for him.

Obviously, the success of the fund will depend on the success of the institutions in which it invests. We have quite a number of both small and large corporations in Puerto Rico which have been very successful, and which have produced extremely favorable returns. We have actually approached some of the more successful ones and they have indicated their willingness to make large blocks of their stock available to the fund. Furthermore, the fund itself will be exempt of all taxes, and gains realized in selling to the fund equity in business enterprises will be exempt from income tax. Through these means we expect the fund to earn enough money to pay out dividends to both its preferred and common stockholders.

Dividends paid on the shares of the fund shall not be subject to income tax for the stockholder. Similarly, the acquisition by the fund of common shares for a qualified worker under the co-investment plan shall not be treated as income received by the worker. Once a worker's shares pay out the loan he made to purchase those shares, they will begin to provide the worker a tax-free annual return which can grow into a substantial source of additional income for that worker.

The proprietary fund should be such an attractive proposition to the persons eligible to participate in it that we expect that all eligible workers will want to participate. Unfortunately, Puerto Rico does not have enough resources at this time to allocate to the fund enough money to allow every qualified worker to participate. Therefore, the bill creating the fund provides an order of priority of participation. The order of priority will be in inverse relation to the workers' income; that is, the first ones chosen to participate will be workers who earned $800 the previous year, and so forth, until the Government appropriation for such year is used up. For the first year we propose an appropriation of $10,000,000 which we estimate will cover about twenty to twenty-five percent of the eligible workers. Hopefully, the Government will be able to increase its appropriation as time goes on. In addition, as the fund grows, its own funds should become available for the co-investment plan.

As far as the mechanics of operating the fund are concerned, we realized early that banks would be very reluctant to undertake the financing of thousands of small, fifty dollar loans. In order to cut down the paperwork and make it as simple as possible, the bill creates a statutory short form which, in a single document, will constitute an application for a loan, an agreement to subscribe to shares of the fund, a power of attorney to the fund to apply to a bank for a five-year loan and to execute and deliver to the bank, on behalf of the applicant, the necessary promissory note and other legal documents. It will also constitute the broadest authorization to the fund to take whatever measures are deemed necessary or convenient to properly implement the financing plan. We envision that the fund will process several thousands of these forms and then take them, in a single large block, to a bank and, in effect apply for one single large loan, rather than thousands of small loans. In our preliminary discussions, representatives of Puerto Rico's banks have indicated their belief that this procedure will make it feasible for them to finance the purchase of shares under the co-investment plan.

Time does not allow me to go into more of the details of our vehicle for achieving a better distribution of wealth. However, as I said before, there has been some criticism of the plan and I will like to discuss some of it. I must emphasize here that the proprietary fund is a dynamic concept, a new approach, which can and will certainly be the object of improvements. We do not pretend that it will instantly bring about a new economic order but we certainly believe that it can lead us to a more equitable distribution of wealth within our framework of private property.

First of all, the fund is not meant to tempt workers into venture equity investment. Its officers will invest only in proven enterprises and the bill provides limits to the fund's participation in any one company so that if one company should fail, only a small portion of the fund's investment will be jeopardized. Secondly, we feel that it is quite sound and proper to use a small (just over one percent) portion of our revenues as an incentive for the workers to save. I use the term save because the worker will not be able to touch his shares during the first five year period when they are not paid for; the proceeds of the loan he made will be invested for him by the fund, in the capital of our economy. In other words, the Government appropriation will increase capital investment.

It is true that low income classes have a lower propensity to save and that in such cases, a rapid redistribution of income results in more spending without any increase in savings. This has been pointed out by Professor Rosenstein-Rodan, formerly of M.I.T. and now with Boston University. It was after discussions with Professor Rosenstein that I began to conceive the details of the proprietary fund. In order to avoid the inflationary effect that a rapid redistribution of income would have, we have provided special mechanisms in the fund which will "freeze" the worker's investment for a period of time. In addition, a worker who sells his shares and pulls out of the program will be penalized for so doing, the penalty being that he will not be able to participate again for three years.

This will be another incentive to keep his investment in the fund.

We are also concerned with the possibility that a small group of persons might try to acquire a majority or a substantial number of shares of the fund. To avoid that, the bill will provide that no person may own at any time a number of shares greater than the maximum number of shares that could have been acquired by a qualified worker in all the years since the initial offering of shares by the fund. The only exception to this is with respect to shares acquired by inheritance. You can see that we have tried to keep it as "safe" as possible from speculators. Like I said before, we do not pretend that our proposal is perfect; we will welcome any changes that improve upon it. What we *do* claim is that it is a bold, new first step into what I already suggested should be your own goal: To re-orient our capitalistic system towards the solution of the inequities that exist in our present economic order and to maximize the income of every family and individual not only through opportunities for better employment, but also through feasible opportunities for acquiring ownership of productive capital.

Let me stress that I do not hold that this is the only solution to the problem of how to keep the creative power of capitalism, while giving it a social goal, and protecting the freedom of the individual. But as a practical business-man, a practicing politician and a person with an inquisitive mind that is not afraid to tread new paths, I think it is a step in the right direction. It may sound like a dream. But in Shakespeare's words: "Dreams are the stuff our lives are made of", and I add, only young hearts that have not lost their ability to dream, will find the ways to progress.

GOP PLATFORM SUGGESTIONS

Mr. GURNEY. Mr. President, to read the newspapers or to watch television, one would think that the GOP platform hearings now going on in Miami Beach are in the nature of a rubberstamp session—window dressing for a pretailored White House policy statement. The implication that this might be so, or that there is little or no room for alternative proposals and constructive debate, frankly concerns me.

I know that there are many, many Republicans like myself who are deeply concerned about what goes into their party platform. Given the importance of this election to the country and given the evidence that far too many Americans do not understand where the parties, or the candidates, stand on the issues, this concern is fully justified. The future of the country is too important a subject for there not to be the fullest possible discussion of the issues by all interested parties.

Because I am concerned about where we are headed and because I have some specific ideas as to the direction we should take, I have made a number of recommendations—10 in all—to the platform committee. These suggestions were submitted Sunday, however, the press of Senate business made it impossible for me to deliver them in person today. Therefore, for the benefit of Senators. I ask unanimous consent that they be printed in the Record.

There being no objection, the suggestions were ordered to be printed in the Record, as follows:

Remarks of Senator Edward J. Gurney, Republican Resolution Committee, Miami Beach, Fla.

I. INTRODUCTION

Mr. Chairman, when looking back over the course of history, certain dates stick out as being decisive. When 21st century historians write about 20th century America, they may well look back at November 7, 1972 as being one of those dates.

Judging from the positions taken by the Democratic Nominee and the posture adopted by the Democratic Party in its platform, Americans will have a real choice to make this November. Issues like isolationism versus internationalism, national security, the economy, welfare and tax reform, preservation of the environment, and domestic tranquility are of the utmost importance. There is a big difference between the promises of the Democrats and the record of the Republicans on these issues, the choice we make now will determine direction of this Nation for years to come.

A recent Harris Poll has indicated that a great many Americans do not understand the positions of Richard Nixon and George McGovern on the issues. Given the importance of the electoral decision to be made, this is a circumstance that needs to be rectified. Records are important, for in judging the qualifications of a candidate or of a political party, one must take into account what has been accomplished as well as what has been promised. As Roscoe Drummond, in his recent column entitled "Upside Down Politics" pointed out, the campaign theme of the party out of power invariably is "Throw the Rascals Out." Certainly that is the case this year. But, as Mr. Drummond notes, Democrats have controlled the White House for 28 of the last 40 years and Congress for 36 of the last 40 years. Yet, we have the Democrats condemning a war they got us into, attacking attempts to control an inflationary spiral they were responsible for, lashing out at tax loopholes they wrote into law, criticizing a crazy-quilt welfare system they have designed and promoted, and assailing Congress for not exercising its prerogatives when they were the leadership in Congress.

On the other hand the Republicans have a record of both consistency and accomplishment. The GOP platform in 1969 called for an honorable end to the war in Vietnam. Since then, Richard Nixon has withdrawn over 500,000 men from South Vietnam without compromising that nation's right to defend itself from Communist aggression. The GOP platform in 1964 called for an end to the draft. Since then, Richard Nixon has proposed a volunteer Army, a lottery system has been established, draft calls have been reduced and the end of conscription is in sight.

In 1964 and 1968, we Republicans called for a restoration of law and order in this country. Yet from 1964 through 1968, urban riots, campus disturbances and crime in the streets all increased. However, since 1969, under a Republican administration; the incidence of urban riots has dropped to practically zero, campus unrest has dwindled sharply, and an all out effort has been launched against crime in the streets. In Washington, D.C. for instance, the crime rate has dropped to its lowest point in five years.

Another hallmark of the Republican administration has been its commitment to reducing inflation and getting the economy going again.

From 1965 to 1969 inflation increased dramatically reaching a high of 6.1% the year President Nixon took office. Now, the latest economic reports show that it is down to 2.7%. In addition, real output jumped an incredible 8.9% last quarter. Employment has increased 2¼ million in the past year and the unemployment rate has declined from 6.1% just before the freeze to 5.5% in June. And, finally, real purchasing power—the true indicator of how much progress the workingman is making—has risen 4.5% since last August.

These figures are just one more example of the old adage about actions speaking louder than words. When the facts are presented to the people, I have every confidence they will recognize who got us into economic difficulty and who is getting us out, who makes promises and who delivers.

And what about the foreign policy initiatives undertaken by the present administration? For the first time since the days of the Eisenhower administration, the United States has gone on the offensive diplomatically. Instead of simply reacting to the initiatives of other nations, we have taken some major steps which could lead to a lasting world peace.

Of course, when dealing with the Communists, nothing is certain and, as the administration has so often stated, we have to keep up our guard, not only to protect ourselves, but also to give the Soviets the incentive to negotiate further. And what does the Democratic candidate offer—a 40% cut in our defense budget. If that were to happen, how would we live up to our commitments in Europe, in Asia, in the Middle East?

In foreign policy, the Republican position has been one of peace through strength. It has worked for us in the past, and there is no reason to think that it will not work well for us in the future. We have honored our commitments and have lived up to our responsibilities as a leader in the free world. To now turn our back on these responsibilities, to venture down the path of isolationism, would be a terrible mistake just as it was in the years before the outbreak of World War II.

Ours must be a positive policy for peace, but at the same time it must be realistic. In the last 4 years, it has been both.

What about the future? Well, as far as this Senator is concerned, we cannot afford to rest on the past. We must push ahead—in foreign policy, in space, in the field of transportation, and in dealing with the problems of senior citizens. We must assure all our citizens that they won't be discriminated against because of sex or color. We must provide for quality education while at the same time ending the senseless business of forced busing. We must tackle the task of bringing our court system up-to-date so that it can provide a fair and effective system of justice in today's modern world.

For the benefit of the Committee on Resolutions, I would like to go into these problems I have just mentioned in greater detail and make some suggestions as to what provisions the GOP platform should contain.

II. THE OLDER AMERICAN

The point has often been made, but it certainly bears repeating, that we Republicans are extremely interested in, and concerned about, the problems facing the older American. Certainly, the administration record over the last four years reflects not only that concern, but also a determination to do something about it. Now it is our job to suggest what should be added to what has already been done.

As a Senator from Flordia, I am particularly aware of the problems of senior citizens. Florida's pleasant climate has attracted many retirement families. As of 1970, almost 18% of the people of Florida were sixty-two or over. I am talking to these people all the time and I tell you that a greater effort than ever is needed to resolve their problems.

In the last sixty years, the number of older Americans in the United States has increased dramatically. In 1910, they comprised only 4.1% of the total population; now, they account for 9.9% If you add in the nearly ten million people between sixty and sixty-five, the percentage rises considerably. Moreover, many of these senior citizens live on very limited incomes—social security and perhaps a small pension—and they have been hurt badly by an inflation inherited from the previous Democratic administration.

To emphasize the point, a few statistics are perhaps in order. In 1970, about 3.6 million families have a person sixty-five or over as head of the household had incomes of less than $6,000 and almost half of these made less than $3,000. In addition, another 2.9 million senior citizens living alone or with nonrelatives had incomes of less than $1,500. No wonder some 20% of the Nation's 25 million poor are elderly.

In the field of elderly housing, it has been estimated that there is a need for between a million and a quarter and a million and a half new units. We also need to make it possible for the large number of senior citizens who own their own homes—some 70%—to go on living in those homes.

Medical costs and the cost of prescription drugs have also risen sharply. In the last five years, expenses for an average three month illness have risen 42%. Considering that 86% of all Americans over sixty-five have at least one chronic disease, the effect of such increases on limited budgets is painfully obvious.

What does the senior citizen on a fixed income do when faced by rising costs for food, drugs, clothes, housing and transportation? The answer, all too often, is to do without. This, despite the fact that when this nation adopted the social security program, it committed itself to providing a reasonable means of support for senior citizens in their retirement years. Older Americans have held up their end of the bargain. We cannot let inflation and changing patterns of family living deprive them of the dignity that is the cornerstone of a meaningful retirement.

Fortunately, President Nixon is fully aware of the income problem and its sweeping ramifications. As he so aptly put it, "If we fail to move here, the other battles will be impossible." And, he has acted. During this administration, social security benefits have been increased 46%, increases which I personally supported. Perhaps even more important for the future is the fact that the recent 20% social security increase also included a clause making future benefit increases automatic every time the cost of living rises more than 3% in one year. This will end, once and for all, the political football syndrome that has occurred in the past. Time after time, benefit increases have either been timed for political considerations or attached to other, unpopular legislation in the hopes that this attachment would insure passage. Given this cost of living provision, we should have no repetition of this kind of situation.

Public housing units for the elderly have been increased by almost 60% since 1968; a bill to provide for better nutrition has been signed into law; social security and medicare reform measures have been pushed; programs to enlist the energies of elderly Americans have been implemented; the first White House Conference on Aging in ten years has been held, and, perhaps most importantly, meeting the needs of our senior citizens has been made a top level national priority.

Where do we go from here? Well, first of all, the remaining sections of H.R. 1 dealing with social security and medicare need to be acted upon. This bill was proposed by the President three years ago, yet it still has to be voted on by the Senate. The Republican Party should go on record in support of those provisions which:

(1) Increase the earnings limitation for social security recipients to $3,000.

(2) Increase widow's social security benefits by 17.5%.

(3) Eliminate the existing medicare part B fee and

(4) Make individual members of retirement families over sixty, who are not now covered by medicare, eligible for it.

Just passing a long overdue social security benefit increase is not the answer to all senior citizen problems. Other things have to be considered.

For instance, another area of concern should be the provision of free prescription drugs to senior citizens. Reduced hospital costs won't do much good if the necessary follow-up medication is beyond the means of the recently hospitalized senior citizen.

Then there is the quality of health care. Demonstration projects and professional standards review organizations are needed to improve the quality of medical attention under medicare and, as the President has pointed out, stricter regulations are needed for nursing homes.

Housing, as I have indicated, is a problem, with rising property taxes a major difficulty. Expansion of Federal assistance to senior citizens who want to buy their own homes will no doubt help, but since 70% of our senior citizens already own their own homes, the President's actions in sponsoring revenue sharing and his promise to develop other property tax substitute proposals in the not too distant future are likely to have a far greater impact.

Another alternative that should be examined is the possibility of developing local senior citizens co-ops that could contract for home maintenance and repair services at lower cost. This would cut down on the physical and financial problems facing a senior citizen living in his or her own home.

Transportation, of course, is another major problem facing the elderly. In this regard, physical handicaps as well as income limitations must be considered. Programs such as the one being tried in Washington, which provides for reduced bus fares for senior citizens, will reduce costs, will encourage municipalities to provide transit vehicles that are safe for and accessible to older people and will help overcome the physical limitations of age—a combination that should promote the sense of self-sufficiency that is so essential if our senior citizens are to maintain their dignity.

To those who would argue that retirement communities offer a better solution, it should also be pointed out that senior citizens want to be an active part of society, not segregated from it. Many senior citizens look upon retirement as a time to contribute more to the community rather than less; to cast aside their talents and experience would be unfortunate not only for them but also for all those that they might overwise be able to help. Senior citizens may have special problems, but that does not make them different people.

One could go on almost indefinitely about various senior citizen problems. The party platform should discuss such things as home health care, tax problems, employment opportunities, legal services, consumer protection, and the necessity for controlling inflation. But, we might also consider these problems—and our response to them—in a broader context, with an overall theme, if you will, and that theme, I might suggest, should be dignity.

Older Americans have worked hard for their retirement and have unselfishly contributed a great deal to this Nation. They are not welfare cases and they are not looking for a handout. What they want, and it is certainly a reasonable request, is to get a return on their investment in this country. In drawing up this platform plank, the party should redeem that promise and ease the plight of those who have done so much to help make America the great Nation it is today.

III. COURT REFORM

For too long, the United States has lagged behind other nations of the world in its judicial system. For too long, justice in this country has been neither swift nor certain. Among the greatest crises facing the United States as a nation today is the desperate need for reform in this area; the tragedy lies in that this need continues to go unanswered.

When the situation gets so desperate that there is danger the legal system will simply cease to function, as has occurred recently in New York and Philadelphia—the response has been swift, but uncertain, un-coordinated and piecemeal. For true reform, an organized, well funded and well coordinated effort at all levels is not only crucial, but is absolutely essential, if our legal system is to even survive.

Basically, reform must cover all areas of our judicial system—civil as well as criminal, and it may involve actual elimination of some court activities, as well as the updating and streamlining of others.

It would be possible to speed up justice if we could actually remove certain procedures from their traditional place in the judicial system. There are certain matters which are, in effect, not really serious enough to be considered crimes at all, and these could be removed from our over-burdened courts, and handled more expeditiously by social welfare agencies and/or the various police departments.

Most traffic offenses—such as speeding—could be expedited by the arresting police department. For example, in the various State district courts in Rhode Island, one day a week is set aside simply for the "trying" of traffic "cases." Considering the fact that most individuals so charged pleaded "guilty" and payed the required fine, it is ludicrous in these days of legal turmoil to see a sitting judge, his clerk and bailiff, spending an entire day dealing with such offenses. All except the most major traffic offenses, those involving damage to persons or property, should be dealt with by the police, thus freeing these judges to deal with more important matters.

Similarly, "crimes" of drunkenness and vagrancy could be channelled through social welfare agencies which are far better equipped to handle these matters than an already overworked judge.

Much the same can be said of domestic relations matters, which originally entered the realm of the courts because of clashes between royal and ecclesiastical courts in England. In several states, "chancellors"—practicing attorneys appointed for that purpose—make decisions and grant decrees regarding divorces and other family law matters, thus freeing the courts from lengthy and often time-consuming litigation.

While delay in a civil suit, such as a traffic accident case, may be several years and may involve economic loss to all those involved, particularly the injured plaintiff, delay in a criminal action is far more serious, and often involves the loss of freedom for the accused. In criminal matters, "justice delayed" is truly "justice denied." A person ineligible for or unable to produce bail, may languish in jail for weeks or months, awaiting trial. Indeed, in cases of crimes whose penalties are relatively short periods of incarceration where the courts may subtract the time spent awaiting trial from the actual sentence, it is not unusual for the defendant to have spent more time before his trial, than his sentence would call for.

A number of diverse reforms are needed to effect a true speedup of the criminal justice system, from arrest through trial and sentencing.

In the United Kingdom, most individuals charged with criminal offenses, are brought to *trial* within sixty days of their *arrest*. Unfortunately, this is far from the case in this country, where an individual may wait a year before being brought to trial.

One reform in this area would require the court with jurisdiction over the defendant to drop all charges against any prisoner who—through no fault of his own—has not been brought to trial within a reasonable time of the date of his arrest. An exception to this rulewould be made where the individual had been charged with homicide.

This reform has been working in New York, California, Illinois, the District of Columbia, and the courts of the 2d Federal Circuit, composed of the States of New York, Connecticut, and Vermont. Basically it puts pressure on the prosecution to move as expeditiously as possible. Conversely, it is possible to put similar pressure on defense lawyers, requiring them to be ready and to avoid delaying tactics, by having them operate under a penalty of fine should they fail to be ready when the prosecution is.

In the criminal courts themselves, the abolition of the traditional "central calendar system: would speed up the operation of the system considerably, and hand down justice in a fairer manner. Under the central calendar, used in most large cities, one charged with a crime may appear before a different judge at each stage of his case, from initial hearing, through trial and final sentencing. Under this, the case is shifted from one judge's own calendar to another's, thus preventing any one jurist from acquiring a "feel" for the case and from rendering a truly fair judgment. Also, it is a time-consuming, paper-generating antiquated process which has no place in a modern judicial system.

The central calendar system, should be replaced by an "individual assignment" system under which each criminal case would be assigned to an individual judge at the outset, and this judge would be responsible for the case all the way through.

The reasonable time limitation coupled with the individual assignment system would greatly speed up the judicial process, particularly in the courts of our huge cities, where the crisis has been greatest and most serious.

In many areas, there is a severe shortage of manpower in the legal system. Judges, particularly at the local levels, are often over-worked and the courts themselves are poorly-managed, if it can be said that they are managed at all. Often, there are insufficient numbers of prosecutors to handle the work load. All courts are buried beneath a never-ending sea of self-generating paper, the location of the individual droplets of which is left to an antiquated system of file drawers and clerks.

While a large input of personnel at all levels is not the sole answer, more judges, prosecutors and supporting individuals in well-chosen areas is definitely one answer. The channeling of "victimless" crimes out of court would release large numbers of capable jurists for service in other, much more crucial matters.

The need for competent, capable court administrators is essential. Men, lawyers or not, trained specifically to deal with a complex system of opposing forces and ideas, tenuously held together by tradition and rules, and to make this system run, are a major part of the solution. The Republican Party must go on record in support of full-funding of regional facilities for the training and placement of skilled court administrators.

In areas where the crisis is not so great, the appointment and training of an administrative judge to oversee the courts is recommended.

Where prosecutors are at a premium, it is possible to invite former assistant district attorneys back to work on a per diem basis to assist in the disposal of cases. A number of young lawyers, particularly in our large metropolitan areas, began their careers in these positions, and their experience is invaluable and should not be allowed to go to waste in attempting to solve the current crisis.

The computer has proven successful in industry and government, and its value to the court system should not be overlooked. Whole case files can be reduced to microfilm or computer tape and can be located at the push of a button, instead of at the whim of a file clerk.

The Republican Party must go on record in full support of the funding of reform and upgrading of State courts. An office, similar to the law enforcement assistant administration, in the Department of Justice should be established for this purpose.

All these reforms should be pursued in a coordinated, well-financed manner. The crisis is so awesome at all levels that the time for scattered, poorly-funded attempts at reform must be over. The Republican Party and the Nation must recognize this fact, and we as a party and we as a Nation must not be afraid to take what some would see as radical action, and to spend what some would see as great sums of money in order to achieve true "equal justice under law."

The Republican Party should recommend a well-financed, coordinated, nationwide program to upgrade the administration of justice in the United States. Specifically, the Republican Party should go on record in support of the establishment and funding of a national office to fund and coordinate court reform programs at all levels of government, including the following:

A restructuring of lower-court jurisdiction to relieve judges of needless litigation in automobile, vagrancy and domestic relations matters.

A re-ordering of the criminal justice system so as to require that a criminally-charged defendant must be brought to trial within two months of his arrest, further requiring that if this is not done, that all charges against him will be dropped.

An increase in manpower, where needed, at all levels of the judicial system, including clerks, bailiffs and secretaries, as well as well-trained, competent jurists.

The employment of skilled, highly-trained professional court administrators in order to increase the efficiency of courts at all levels.

The use of part-time prosecutors in areas of heavy criminal litigation coupled with severe, present or potential, backlogs.

The maximum use of computerized and microfilm data retrieval systems in order to speed the processing of records and to eliminate the needless mounds of paperwork.

IV. BUSING

Ever since 1647, when Massachusetts adopted the first rudimentary public school law, Americans have recognized, ever more fully, that the twin objectives of education—increasing knowledge while transmitting culture—were essential to the development of a strong nation. Out of this realization emerged public school systems, compulsory school attendance requirements, and, starting in 1869, free pupil transportation laws—all implemented in the hope that better education would promote better citizenship.

Over the years, our system of public education has expanded and improved. Some of the biggest steps have been taken during Republican administrations. For instance, during the Eisenhower administration, the first big steps were taken to end the system of de jure segregation that deprived many black Americans of the chance to get a quality education at the school of their choice. During the Nixon administration more money than ever before has gone to improving the quality of education for all Americans; in 1973 we will be spending $12 billion more than in 1963. The Republican record, therefore, is clear; we take a back seat to no one in our commitment to provide every child access to a quality education.

However, when the Supreme Court ruled, in 1954, that "separate but equal" schools were unconstitutional, it was the intention of the Court to eliminate race as a factor in determining pupil assignment. In the Court's view, the practice of busing black children away from their neighborhoods to maintain segregation was to end, and no child was to be legally prevented from attending the school of his or her choice on the basis of color. That was a landmark decision, long overdue, one that overturned a long-time injustice being done to one group of our citizens and one that opened the way for all Americans to have access to a quality education.

Now, however, we have come full circle. Instead of having school boards that are colorblind with regard to pupil assignments, we have courts ordering school systems to assign and bus students in order to achieve a certain racial balance. Not surprisingly, we see that many black Americans find busing for balance almost as noxious as busing for segregation. To say that the black child can only improve himself academically by being bused to a white school is almost as obvious a suggestion of inferiority as was the idea that the black child was not good enough to go to school with the white. The only difference is that the first is grossly patronizing and insulting while the second is blatantly discriminatory. Neither idea is right and the former should be rejected as soundly as the latter has been.

This is but one argument, albeit a compelling one, against the forced busing of schoolchildren to schools not of their parents choosing. There are, of course, others, perhaps the most significant of which deal with the question of whether forced busing (1) raises the academic achievement levels of educationally underprivileged children or (2) improves the chances for mutual understanding. However, when put to the test, results show that forced busing accomplishes neither. According to a recent study published in the summer issue of *The Public Interest* by David J. Armor, Harvard University professor and former researcher for the U.S. Civil Rights Commission, achievement levels are not materially raised while, at the same time, racial tensions in the public schools are heightened.

This is certainly not the only study that leads to the same conclusion. Statistical studies done in California, New York and Illinois show that achievement levels have risen far less than pro-busers had expected and, in at least one case, they actually declined. And, as far as racial tensions are concerned, studies lead inescapably to the conclusion that forced busing makes things worse rather than better.

Now this is not to say that school integration should be thrown in the ash can. Far from it. People of good will in both races must redouble their efforts to make it work better. What it does suggest is that forced busing is not likely to contribute to either good education or better understanding.

As if these factors were not enough, there is also the matter of cost. Those who claim that busing for racial balance constitutes only a small fraction of pupil transportation costs forget that busing has heretofore been confined to the south and that, usually, the figures they quote do not include the massive forced busing of the last two years. In fact, forced busing is a very expensive proposition, one that takes millions of tax dollars desperately needed for new schools, more teachers and better equipment and wastes them on something that does nothing to improve the overall quality of education.

For example, in Los Angeles, school officials have estimated that the eight year plan they developed in anticipation of court ordered busing will require the busing of 196,000 children twice a day as compared to the 35,000 being transported now. The cost will be a whopping $180 million. During the first year alone, if Los Angeles were to use that money for $10,000 a year teachers, they could add no less than 3,600 of them to the school system.

In Richmond, Virginia, forced busing is already an expensive proposition. In April 1971 a court order forced the city of Richmond to bus 7,000 more students than the previous year, a move that required an extra fifty-six buses costing $500,000. Now, if Judge Mehrige's order is upheld, the metropolitan area will have to bus 78,000 out of 104,000 children—10,000 more than last year. School officials estimate that in Henrico County alone, the new plan will cost them two or three times the $743,000 now being spent on pupil transportation. This is only the initial cost. The big yearly driver and maintenance cost will be on top of that.

At Columbus, Georgia, an excellent example of misplaced priorities is apparent. Two years ago, pupil transportation cost the city about $365,000. This year the cost will be an estimated $720,000. The reason—a forced busing plan which has increased the number of pupils being bused from about 10,000 last year to over 14,000 now. And if this staggering increase—nearly 100%—were not sobering enough, consider for a moment the fact that the Georgia State Board of Education has recently termed twenty-two of the sixty-seven schools in the district substandard and has recommended that they be phased out. Nine of these schools are considered to be fire hazards. As long as facilities are substandard or unsafe, or schools are unaccredited, it seems only logical that every available dollar go to correcting these deficiencies.

Jacksonville, Florida, is a somewhat similar case. In that city, there has been a long, hard struggle to regain accreditation for their schools. A Federal Court Order, issued last summer, required that 12,000 additional school children be bused to achieve racial balance as soon as the necessary buses could be purchased. In practical terms, this means that next year over one million dollars that could have been spent further upgrading the schools will be wasted busing children an average of twelve to thirteen miles a day (some will have to go thirty-one miles). How does this enhance quality education?

Here in Miami, the situation may be even worse. Last winter, a Federal Court Order prompted the Dade County School Board to propose a county-wide plan that would have bused, over and above the 37,000 children bused already, 8,000 students next fall and 33,000 in the next five years—at a staggering cost of approximately $3.8 million. A school boycott caused the school board to drop that idea and submit a more modest proposal, but the precedent set by the Richmond decision makes it quite likely that another ambitious county-wide forced busing plan will be pushed upon Miami by the courts.

And finally, there is the case of Detroit, where a Federal judge, Stephen J. Roth, has ordered the State to buy 295 school buses, costing $3 million, so that an interim busing plan for Detroit may be implemented this fall as a prelude to an even more comprehensive plan that would affect 780,000 students in 53 school districts. Now, the 6th U.S. circuit court of appeals has stayed that order, but unless congressional action is taken to put an end to court ordered forced busing, sooner or later, this order, or one like it, is sure to be put into effect.

Another thing that must be considered is that forced busing, rather than overcoming segregation, is actually promoting it. In order to put their children in quality schools, many parents are moving away from areas where forced busing plans are in effect. The result is that once integrated schools soon become resegregated. Instead of helping matters, enlarging the scope of busing simply increases suburban sprawl and hastens the decay of the inner city. Unless the government starts regulating where we live—something I believe no government has a right to do—this process will continue. Forced busing can only make it worse.

And what about the students? How do they profit from spending two hours a day on a bus, riding into a strange neighborhood, when they could have gone to a school a couple of blocks away? How do they benefit from not being able to participate in school supported extracurricular activities because they have to catch the bus home? Who profits from a reduction in parent participation in, and support of, our public school system? How does a child get a better education when the school at the other end of the bus line is inferior to the one around the corner or when he or she suffers psychological disorientation from moving twice a day from one neighborhood to another? The answer to all of these questions is that forced busing does not benefit the child, the parent or the community.

The American people have certainly made their position clear on this issue. Recent polls have shown that a majority of blacks, and 70–75% of all Americans, oppose forced busing. In Florida, the vote ran 77% opposed to busing—in Tennessee, 80%. Wherever it has been implemented, busing has been opposed, not because Americans want a return to segregated schools, but because they see absolutely no point in sending their kids to a school across town when there is one, often a better one, right around the corner. Parents also recent, and rightly so, the fact that, after putting out a lot of money, perhaps their life savings, to move into a neighborhood with a good school, they cannot send their children to that school. All Americans—black and white—should have the right to send their children to the neighborhood school of their choice, to require otherwise represents a basic denial of individual rights.

Building a nationwide network of quality public school systems is no easy task. To accomplish it, we need to put all our time and resources to the best possible use. To that end, the Republican Party affirms its wholehearted support of all efforts that would promote quality education and expresses its determined opposition to those schemes which do not materially contribute to that objective. We support increased aid to public education and we favor compensatory programs that will upgrade those schools which need help the most, but we must oppose programs, such as forced busing, which deny all parents the basic right to send their children to the school of their choice.

V. THE EXPLORATION OF SPACE

One of the most shocking omissions in the platform approved by the 1972 Democratic Party Convention is the total lack of reference to the United States space program. In this, and in other respects, the Democratic Party and its chief national spokesmen continue to indicate their lack of appreciation for the necessity of pursuing advances in science and technology across the entire range of human experience.

The Democrats talk about the need for more jobs, they ring their hands over foreign competition, and yet their only solution to the employment ills of this country is to turn the Federal Government into an employer. Now in certain cases this may have merit, but I submit that if we do not continue to pursue excellence in the areas of science and technology all of us will be forced to turn to that employer of last resort, the Government. We might even reach the ridiculous position, which the new Democratic Party would probably consider gainful enterprise, of swapping food stamps back and forth.

Throughout history nations have either grown, developed and pursued technological advances or they have fallen by the wayside, relegated to the backwaters of history. Indeed the history of man is a continuous narration of one society after another building and progressing and expanding technological horizons.

If it were not for the level of technology we enjoy, our unemployment rate would not be the present 5% but would be a great deal higher. There is no doubt that we have problems in this country—the Republican Party has recognized those problems and the Nixon Administration has isolated them and proceeded to deal with them strongly and effectively, but to turn our backs on science and technology, to turn our backs on programs such as the space program, is not a solution but an acceleration of some of the problems.

In just one area alone—that of foreign trade—the results of this downgrading of technology would be disastrous. The American worker today is the highest paid worker in the world. By virtue of his skills, by virtue of his industry, he deserves that high salary. He deserves to continue to be the highest paid worker in the world. But, because of this, the American industry cannot compete in world markets in the area of low technology products, those products where labor costs are a substantial part of the total sale price. However, we can compete in areas of high technology where our labor force can apply highly developed skills and where our basic science and research potential are such that we offer a product that surpasses anything produced by any other nation.

This is the goal to pursue, to avoid a situation where our workers would be reduced to the level of wages paid in Korea or Hong Kong and to promote the active cultivation of markets for our communication satellites, our launch vehicles, and our airplanes.

One of the great pluses of the space program is that it pursues excellence in the areas of science and technology across the broadest possible spectrum ranging from fuel technology and metallurgy to communications and medical science. Lives are saved each day as a result of space program spinoffs. For instance, as a result of related medical advances today a cardiac victim can have his heartbeat monitored by a hospital while he is being carried to that hospital in an ambulance. In the hospital his heart is continuously monitored by a centrally located trained technician. This high quality care was a direct fallout and application of the space program.

Furthermore, it is estimated that 50,000 lives were saved during Hurricane Camille as a result of advance meteorological forecasting through the use of weather satellites.

And how do we place a value upon the use of communications satellites in places all over the world? Satellites placed in fixed orbit can be used to reach radios throughout scattered, isolated and remote villages and bring education and news to people who would otherwise never receive them.

Because of this, the Republican Party should make clear that one of the most important goals of the Nixon administration should be continued advancement in every area of science and technology, with particular emphasis on the importance of the space program as a means of increasing the knowledge of this Nation.

We also urge cooperation between all nations in the use and exploration of space for peaceful benefits for all mankind.

I believe strongly that we must continue technological development if our Nation is to progress. Historically those nations that have failed to develop their technology have lost their ability to maintain and raise the quality of life of their citizens.

Sir Bernard Lovell, director of Britain's Jodrell Bank Observatory, has offered a significant word of caution:

"If you look at the thousands of years of civilization, you will find that only those communities that have been prepared to struggle with the nearly insolvable problems at the limits of their technical capacities—these are the only communities, the only times, that civilization has advanced. The Roman Empire decayed when it ceased to be progressive in this sense, and there are other examples. To a certain extent, you see the beginnings of it in the United Kingdom today, but fortunately, not in the United States, and certainly not in the Soviet Union."

Throughout the history of man there have been doomsayers, those individuals who have said "Let us not go farther else we shall suffer destruction." I am sure these people were around when man first decided to harness the energy of fire. I am sure that they were around when the phoenicians developed ships to set sail and trade throughout the Mediterranean Basin. I am sure that there were gloomy defenders of the status quo in the court of Queen Isabella who told her that the money obtained from pawning her jewels could be better spent elsewhere, that she should not invest in Columbus' trip, because after all everyone knew that there was nothing on the other side of the world and that his venture would inevitably fail.

President Nixon has committeed this Nation to advances in science. He has done so by initiating such programs as the space shuttle. His commitment has been most wise.

I submit to you that the history of mankind is an uninterrupted history of the achievement of those who have ignored the doomsayers and brought increased benefits to all mankind. We as a nation cannot afford to turn our backs on the future. We as a nation cannot afford to abandon what technological superiority we still enjoy and retreat to the point where we become a second-class power, a nation increasingly relegated to the backwaters of history, a nation which cannot compete in space technology or, for that matter, in military might, or in trade competition with its neighbors.

The Republican Party must make clear its support for a national commitment in the area of science and technology, especially the space program, and strongly support the Nixon Administration in its establishment of a such a policy.

VI. TRANSPORTATION

In transportation efforts, our country has been concerned primarily with connecting separate urban centers by a continuous network of roads, waterways, railroads, and airways—with spanning our vast land area as quickly as possible. By means of both private and public investment, America, in the past century, has established a transportation system which, in the aggregate, is recognized as moving more goods and services to more people, more efficiently than anywhere else in the world.

The creation of this fundamental transportation system has been essential to the economic development of our country. The construction of highways, airports, and waterways has been rapid and on a grand scale, to enable necessary commerce and pleasure travel; but, it has been accomplished only with substantial social costs, which have only recently been recognized. The history of America's transportation development is marked with short-range, immediate goals, coupled with a failure to recognize future consequences of a national transportation policy that developed haphazardly.

Most of the existing situations which have now been recognized by local, State, and Federal bodies as pressing transportation problems could have been avoided if the history of federal involvement had demonstrated more consistency, more comprehensive analysis, and a more systematic approach. In the major effort to facilitate free, easy movement through the United States, the transportation programs of the Federal Government have failed historically to demonstrate comprehensive planning and efficient integration of various transportation modes. Highways have been built where rapid rail transit would have served better, waterways have been constructed where railroads would have provided better less costly service.

Urban congestion in airways and on highways could have been eliminated, or at least relieved, if resources had been channeled to providing larger capacity vehicles and carriers and to planning methods for reducing the number of peak hour operations.

The present financial distress of some modes of transportation (specifically, the railroad, airline, and maritime industries) has been aggravated by a history of specific tax relief measures which reflected no clear-cut federal concern for maintaining a competitive economic climate for all elements of the transportation industry. Furthermore transportation safety hazards persist with a history of federal reluctance in establishing industry-wide safety standards. Untold environmental damage has resulted from unwise decisions in constructing the nation's transportation system. Air pollution from auto, truck, and bus emissions, annoying noise pollution, water pollution from transportation projects and vehicle operations are imbedded in the fabric of our everyday life. Little use has been made of existing technology in reducing environmental damage in the development of a national transportation system.

The present Republican administration has made major contributions to unravelling the themes of federal transportation policy, to identifying need priorities, and to solving transportation problems requiring urgent attention. The 1970 airport and airway development act has enabled more than $1 billion in improvements of airport facilities and air navigation and traffic control systems. The 1970 urban mass transportation assistance act made $10 billion in federal funds available to initiate a national program of capitol investment in urban transportation. In the next four years, the administration must intensify efforts to consolidate federal resources which can be allocated for transportation purposes and to formulate consciously a national policy which gives greater flexibility to localities and regions in fulfilling their specific transportation needs.

The Republican party pledges:

(1) To Hasten the introduction of new technology into the nation's transportation system to improve the environmental effects of transportation development.

(2) To create a federal funding mechanism whereby regions and localities, whether urban or rural, can finance appropriate, tailor-made transportation systems, efficiently integrating the various transportation modes.

(3) To increase Federal efforts to eliminate traffic safety hazards by expanding Federal regulation of safety in highway travel.

(4) To formulate transportation policy with a full consideration of social costs of new airway, waterway, and highway systems.

(5) To rationalize the freight system with the intention of making rates more directly a function of cost in rail, truck, and barge industries, thereby increasing competition.

(6) To place greater reliance on collective bargaining and less on federal intervention in settling labor disputes.

(7) To identify the unique transportation problems of the elderly and the handicapped and to devote necessary federal research and implementation resources to effect solutions.

(8) To re-organize the government agency responsible for directing national transportation policy, giving it authority to develop a more comprehensive, better planned approach—including considerations of local, state, and federal goals in environmental quality, economic development and maximum safety.

VII. FOREIGN POLICY

All of us commend the President in his endeavors to reach agreements with the Soviet Union and with the peoples Republic of China that would assure future generations peace in this world.

The Republican party has made clear its support of such negotiations and agreements. However, the party should also make clear that those negotiations can only be successful, and can only be in the best interests of this country, when they are negotiated and entered into from a position of strength.

Both Republican and Democratic Administrations have learned that when a strong posture is taken the communists will back down, but that when the least sign of hesitation or weakness is displayed the result is detrimental to the United States. Since the end of World War II there have been numerous instances of this principle.

President Truman's Marshall plan, for example, counteracted the Soviet inspired revolt threat to Turkey and Greece and retained those countries within the western family of nations. In 1948 President Truman's swift airlift response to the Soviet Blockade of Western Berlin resulted in that city being saved by a takeover by the Communists.

The Dispatch of U.S. Marines to Lebanon in 1958 by President Eisenhower protected that country against the takover inspired by Moscow and Cairo.

The stand by the late President Kennedy over Soviet attempts to place missiles in Cuba in 1962 caused Moscow to back down and remove the missles from that island. And then in 1970 Swift Action by President Nixon (which included a visit to the 6th fleet) discouraged Soviet backed Syria and Iraqi troops from intervening in the Jordanian Civil War and helping dethrone pro-Western King Hussein. If this were not enough, the swift flow of events this past year have indicated once again the desirability and necessity of the United States taking a firm and decisive position on foreign policy matters.

In the far east, those democratic Doomsayers who seek capitulation as the only alternative to Armageddon raised screams of protest over the mining of Haiphong Harbor and the bombing of North Vietnam. They warned of all sorts of dire consequences ranging from cancellation of the Moscow trip to active intervention in the war by Communist China. Of coures none of the predictions have come to pass. Any student of 20th century history could have told them as much.

VIII. ISRAEL

In the Middle East our Communist enemies and their Arab satellites took as a sign of weakness the sincere attempts of the Nixon Administration to work out a compromise solution to the Middle East situation that would be acceptable to all parties. Once the Nixon Administration made very clear that this Nation would support Israel, would supply Israel with necessary military equipment and would not force her into any negotiations that would require a lessening of her needed security, what happened? The Arab countries protested somewhat and then kicked their Russian advisors out of Cairo.

The upshot of all this is that the possibility of face to face negotiations between the parties in the area to achieve solutions to their problems on their own without any outside interference and intervention has improved.

The Republican Party should go on record as recognizing the importance of the Middle East to the United States foreign policy and the necessity for blocking Soviet expansion to that area. It should also recognize the fact that this posture can only occur with two preconditions.

The first is that we maintain a very strong military presence in the Mediterranean, including a naval establishment in that ocean which is second to none. The second is that Israel should be made the cornerstone of our Middle East policy and that we should continue to make clear that we support that Nation in its attempts to attain permanent security and peace for itself and its neighbors. In implementing this, the second Nixon Administration should make it clear that any future settlement of grievances in the Middle East will have to be worked out by the parties themselves. We should support quite firmly the position of international law that international waterways such as the Suez Canal and the straits of Tiran must remain open to the shipping of all Nations and that no discrimination amongst Nations will be tolerated by this country.

We should oppose any efforts to divide Jerusalem, to return Jerusalem to its Arab administrators or even to make it an international city. Under Israeli control, the city, for the first time in recent history, has been open to all faiths; now Jews, as well as Moslems, and Christians are entitled to visit shrines sacred to all. The people calling for a change, whether it be restoration to the Arabs or internationalization, are those same people that remained totally silent during the long years when people of the Jewish faith were deprived of access to their holy places in that city. They do not bring their arguments forward with clean hands and they should not be countenanced. The Nixon administration should make it clear that the United States neither supports nor wishes any change in the control of Jerusalem.

Finally, the Nixon administration should be commended for taking the initiative in discussing with the Kremlin leaders the plight of Soviet Jews. The GOP should go on record in supporting all administration efforts to assist these unfortunate individuals in their desire to leave the Soviet Union and Communist oppression and emmigrate to Israel. We should also express our clear disapproval of the tactics employed by the Kremlin leaders in imprisoning and otherwise punishing Jewish citizens of that country who desire to escape to freedom. The Republican party fully supports the Nixon administration in all efforts to assist Israel in the resettlement of these individuals including direct aid and the use of counterpart funds for the establishment of centers for education and training.

IX. CUBA

Turning to our own hemisphere, the Republican Party should reaffirm its commitment of assistance to and cooperation with the nations of Latin America. At the same time, we should also reaffirm—in the strongest terms—our policy of political and economic sanctions against the dictatorial communist regime of Fidel Castro.

Back in October 1962, just prior to the Cuban missile crisis, Congress passed a resolution "that the U.S. is determined to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere; to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and to work with the organization of American States and with freedom loving Cubans to support the asperations of the Cuban people for self determination." Such a statement is as applicable now as it was then and the Republican Party would do well to express its continued support of the principles contained therein.

We would also do well, in light of recent events and in view of the fact that the Democratic platform suggests re-examination of our policy towards Cuba, to express our opposition to any weakening in the U.S. policy of non recognition of, and economic sanctions against, Cuba.

It has been eleven years since the United States broke off diplomatic relations with Fidel Castro's Cuban government in response to Cuba's limitation of our embassy staff, the continuing stream of anti-American invective, and the expropriation, without compensation, of American property in Cuba. In that time, two things have become evident. First, there has been a concerted effort on his part to export violent revolution throughout the hemisphere especially to other Latin American nations who want no part of his brand of communism. Second, Castro has shown no indication that he (1) wants the U.S. to be anything other than a punching bag to use as an excuse for his domestic failures, or that he (2) will compensate Americans for losses suffered at his hands.

The record is quite clear as to Castro's responsibility for the breakoff in relations, and his persistence in widening the rift over the years. There also can be no doubt, as the governments of such nations as Costa Rica, Venezuela, Guatemala, Colombia, Bolivia, Uruguay and Brazil would attest, about Castro's long-standing efforts, dating back to 1960, to export his type of revolution to the rest of Latin America.

In spite of this record, and in spite of evidence that Cuban trained revolutionaries were involved in the kidnaping of the U.S. Ambassador to Brazil and the assassination of the U.S. Ambassador to Guatemala, there are some people who believe that Castro has reduced his efforts to export revolution to Latin America. What, in fact, has happened is that, instead of a reduction, there has been a shift in tactics from rural to urban terrorism. On a philosophical level, this shift has manifested itself in the replacement of the Guevara's Guerrila warfare by Carlos Marighella's Mini Manual of the Urban Guerrilla as the bible for revolutionary subversion; on a practical level it has meant changes in the guerrilla training programs being conducted by Castro. Instead of training a large number of revolutionaries as in the past, Castro gives a limited number of them specialized training in urban terrorism at one of the dozen or more Cuban run training camps. The reduction that some have perceived is, therefore, deliberate; Castro has concluded that there is more to be gained by sending a smaller number of better trained guerrillas to certain selected Latin American countries. According to recent estimates, there are about 2,000 of these revolutionaries now operating in Latin America.

Time and time again Castro has restated his intention to revolutionize the hemisphere. On April 19, 1971 he said that, before a truly inter-American system can function "There first must be revolution in each of the Latin American countries." And that "American revolutionary peoples can depend" on Cuba for support. On July 26, 1971, he said that revolutionaries "shall not make a single concession to imperialism" and that they "shall stand here firmly erect, raising our banners until the last Latin American nation is liberated." In August, 1971 he said "We have not repented one whit and the path we have followed up to today is the path we will follow in the future. And, following the visit of Soviet Premier Kosygin in October 1971 Castro hailed "An upsurge of revolutionary movement in Latin America." By now, the rest of the hemisphere should have gotten the message that the only type of recognition Castro wants is the type accorded a dictator by those unfortunate enough to have no other choice.

On September 16, 1971, Deputy Assistant Secretary of State for Inter-American Affairs, Robert Hurwitch, put the matter in its proper perspective when he stated, to the Senate Foreign Relations Committee, that "unless the Cuban Government were to abandon its policies and actions which constitute a threat to the peace and security of the hemisphere, the benefits to be derived from normalization of relations with Cuba are not readily apparent, whereas the costs are clear." Any reversal of this position would not, in my opinion, be in the best interests of the United States or of the rest of Latin America. Furthermore, continuation of our present policy of political and economic sanctions offers a greater prospect for success now than at any time in recent years.

I say this for two reasons. First, Cuba continues to be an economic drain on the Soviet Union and second, the Soviets may no longer, in view of recent events, be willing to assume such a burden indefinitely.

In the last 10 years or so, Communist bloc nations have given Cuba a total of $3.6 billion in economic assistance. Over $3 billion of that—$1.5 million a day—has come from the Soviet Union in the form of loans which are still outstanding. And, as far as the Soviets can see, there is little hope for improvement. Castro failed in his attempt to promote a 10-million ton sugar harvest in 1969–70 and the effort resulted in a much lower sugar crop last year and this year. Since sugar is Cuba's principal earner of foreign exchange, Cuba is likely to be dependent on Soviet aid for a while to come. About the only thing that could change that would be if the United States reestablished normal trade relations with Cuba and took the Soviets off the hook. In my view, that would be a mistake since there are indications that the Soviets may be coming to the conclusion that Castro isn't worth it.

One of the most striking things that has emerged from the President's trip to Moscow, has been the hint that the Soviets are interested in a relaxation of tensions—at least temporarily—between the United States and the U.S.S.R. If the Soviets are unwilling to run the blockage of North Vietnam, then it follows they may not be so interested in continuing to prop up a Cuban government that the Soviets know has been an aggravation to the United States. The Soviets are not ones to pour money into expensive projects that do not promote their own interests.

Therefore, if the United States and other Latin American nations continue their economic boycott, Castro may, as a result of Soviet aid cutbacks, be forced to make a choice—either explain to the Cuban people his failures or adopt a responsible or responsive attitude towards the rest of the Hemisphere. The possibility of forcing Castro into such a position requires that we continue political and economic sanctions; to ignore the opportunity would be to break faith with the OAS and with freedom loving people around the world, including some 650,000 refugees who have fled Castro's tyranny. The time has long since come for Castro to give up his dreams of revolution and to make good on the promise of freedom that brought him to power. The burden of proof is upon Castro; when he is ready to return Cuba to the Western Hemisphere, the Hemisphere will be ready to reevaluate him.

X. EQUAL RIGHTS FOR WOMEN

In 1923, nearly fifty years ago, the first equal rights amendment was introduced in Congress. During the decades that followed, the Republican Party has reiterated time and again its endorsement of the principle that "equality of rights shall not be abridged by the United States or by any State on account of sex".

In 1972, with the support of a Republican administration, Congress finally passed the equal rights amendment. We should commend this first step toward assuring constitutional protection for the rights of women. At the same time, we must recognize that congressional approval alone will not achieve our desired goal. Only upon ratification by the States can we truly begin to correct those inequities which have, since the founding of our Nation, relegated half of our population to second class citizenship.

It should be the goal of our party to secure ratification of the equal rights amendment.

In addition, we should seek effective promulgation and enforcement of equal rights laws. It is anticipated that there will be a need for ancillary legislation as well as modification of existing statutes at the various government levels. It should be our resolute intention to encourage reform in our legal system which will allow full compliance with the congressional intent of the equal rights amendment.

Discrimination on the basis of sex in the areas of education and employment must be eliminated. The Republican Party should vigorously support and undertake to achieve the following goals:

(1) Support the full and equal participation in the political and governmental process and especially support women seeking elective public office.

(2) No female shall be denied acceptance to any public educational institution on the basis of sex.

(3) Job opportunities, both in the private and public sectors, must be made available strictly on the basis of qualification to perform the given function.

(4) Wage laws must be worded to assure equal pay for equal work.

(5) Job promotion, advancement, tenure and salary increases must be given to women on the basis of performance and ability, as they would apply to men in comparable positions.

(6) Training programs of all kinds shall be available to women on a more equitable basis.

(7) Efforts must be made to ensure women a better representation in the higher echelons of Government service, appointed positions, advisory commissions, and special task forces.

(8) Women shall be given full and equal opportunities in any program, contract or grant utilizing Federal funds.

(9) Reductions in force shall not be made indiscriminately on the basis of sex.

One area adjunct to employment is that of protective labor laws. According to a labor department study, "The special restrictions originally designed to protect women now tend to discriminate rather than protect". The Republican Party should support a careful revision of these laws, to eliminate unfair restrictions on working women. Laws conferring maternity benefits should be made available to women who work.

We should support more equitable treatment of women relative to financial status, not only on the basis of wages, but also in the area of tax benefits and financial transactions.

Our present tax system should be adjusted to reflect fairer treatment of single women and working mothers.

Changes are needed in social security and other retirement benefits to allow just compensation for widows and their families and women heads of households.

In addition, we should support modification of regulations and laws which apply to financial transactions and contracts such as leases, property rights for married women, credit and financing procedures.

Finally, we must be prepared to assist those agencies, at every level of government, whose responsibility it is to see that equal rights are not violated.

We should be pledged to this program.

We should not be satisfied with mere token compliance.

We should not be satisfied with attempts to abrogate the intent of this amendment.

We should not be satisfied with anything less than full equal rights for the women of this country.

RETIREMENT OF GORDON F. HARRISON

Mr. JACKSON. Mr. President, with the retirement from the Senate of Gordon Harrison we have lost one of the most skilled, dedicated and honorable men with whom I have had the honor to be associated. Every Senator has benefited from the excellence with which this man pursued his work as chief counsel and staff director of the Senate Committee on Rules and Administration. He was appointed to this position by Senator Theodore Francis Green of Rhode Island shortly after I came to the Senate in 1952. A mark of this man's loyalty and dedication is that he continued to serve in this position through each succeeding chairman. These qualities coupled with the technical skills which span the entire gamut of Senate administration made him an invaluable source of guidance and counsel for all of us.

From Senator to newest Senate staffer Gordon Harrison always had time to help.

Mr. President, I want to take this opportunity to express my personal thanks to this exemplary lawyer, naval officer, Senate staffer, and friend for his years of public service. His retirement will leave a wide gap in our ranks. He will be missed.

ITT HOLDINGS IN MAINE

Mr. HARRIS. Mr. President, we have been shocked in recent months by ITT's activities in the Federal Government and in Chile. We should have known that that company would be active at the State and local level as well.

On August 8, the Wall Street Journal reported on ITT's efforts to buy up huge sections of the State of Maine. In typical fashion, the company refuses to state the purpose for which it is buying this land. This is a surprise which will be sprung on the residents of Maine sometime in the future, when it is too late.

I believe that other Senators will be interested in this latest piece of evidence on ITT's activities. I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUST EXACTLY WHAT ARE THOSE ITT GUYS UP TO IN MAINE WILDS? FIRM HAS BOUGHT LOTS OF LAND BUT WON'T HINT AT REASON; "JUST A BUNCH OF FARMERS"

(By David Gumpert)

EUSTIS, MAINE.—The pain in Maine lies mainly in the mystery: Namely, why is International Telephone & Telegraph Corp. buying up the state?

Well, not exactly all of it, of course, but in the past two years an ITT resources development subsidiary, Raymidga Co., has acquired large chunks of wild Maine backcountry and is seeking to buy more. True to form, ITT will say next to nothing about why it is buying the land. And Maine residents, mindful of the company's image as a memo-shredding, coup-plotting, behind-the-scenes mover and shaker, are getting downright jittery.

"I wouldn't be so concerned about it except it's so secretive," says Pat Fogarty, a community organizer in the Eustis area. Normally easy-going state officials also are edgy. "They're so huge, and we're just a bunch of farmers," frets one of them.

ITT's land lies just north of this tiny (pop. 595) town in northwest Maine, a largely untouched area of heavily wooded mountains and sparkling streams and lakes. The nearest commercial development, the Sugarloaf ski area, is 30 miles south. Over the years, the land has been held as reserves by lumber and paper companies, who were sellers to ITT.

IS ITT DROOLING?

"If I were a developer, that land would make me drool," says James Haskell, executive director of a state agency that overseas unorganized territory. Many Maine people suspect ITT is drooling, too, which is why there is renewed vigor in the continuing debate over conservation versus economic growth. That debate has added significance here because Maine's 10.6 million unsettled acres—nearly half the state—is probably the biggest expanse of unspoiled scenery in the Eastern U.S.

Exactly how much of it ITT controls isn't an established matter of fact. A spokesman says the company owns "around 50,000 acres" and is leasing an additional 21,000 that it hopes to acquire eventually; that adds up to 111 square miles. However, the state's Land Use Regulation Commission, Mr. Haskell's agency, says it understands ITT owns 45,317 acres and leases 9,000. And the Maine Bureau of Taxation's records indicate ownership of only 22,437 acres.

"This is what they've got, and this is what they're going to be billed for" in 1972 taxes, says an official with finality.

The biggest worry, though, is what will be done with the land. ITT's chief spokesman within the state, Fred Baird, rides around the Eustis area in a telephone-equipped Jeep, but he isn't very communicative. C. B. Cox, ITT's director of conservation, speaks of plans for "the long-term development of natural resources," and also mentions "a small wood industry" and "a timber management program." But when pressed for details, he says, "I'm really not in a position to go into it."

AIRPORT AND A GOLF COURSE

Fueled by this reticence, rumors and speculation fly. Among the guesses: a huge four-seasons resort; mines to extract some newly discovered mineral deposits; maybe even a self-contained "new city" on the order of Columbia, Md. A state official tosses out possible clues by saying that ITT has informally discussed building a golf course, an airport, multi-income housing and a manufacturing project that would use every bit of a piece of timber, down to wood chips and sawdust.

Except for this plant, the clues fit another popular theory—ITT plans to build a plush retreat for its executives. The company already has put up a hunting and fishing camp on its land. It apparently is near a lake because an amphibious plane flies executives and their guests to the camp almost every summer weekend, say airport personnel in Augusta, 100 miles south.

Whatever the plans, ITT has begun exercising its owner's prerogatives.

It hired a watchman and built a new log cabin for him and his family along the main dirt road leading in from the highway. A heavy chain is slung across the road at the house, and a woman comes out to tell unwanted visitors that if they proceed further it will have to be on foot. Several people with vacation cottages on ITT land have been told their leases have been canceled.

UNNEIGHBORLY RETALIATION?

However legal it may be, such treatment doesn't sit well with a lot of residents. They might respond with unneighborliness of their own, hints Linwood Rolfe, owner of a sporting goods store in nearby Farmington. In late summer, he says, forest fires become more prevalent and local residents are often recruited to help fight them in the unorganized territory. ITT might find such help hard to find, he says.

The underlying fear, of course, is that ITT will buy more and more land, despite assurances from the company's Mr. Cox that the only additional land it wants is that which it has under lease. But residents here find it easier to believe such folks as Basil Powers, a farmer who owns 200 acres near ITT's holdings. He claims to have heard that big landowners nearby have been pressured to sell. He expresses the rumor-fed bitterness he shares with many of his neighbors:

"This isn't going to be the state of Maine, it's going to be the state of ITT."

NATIONAL HISTORICAL PUBLICATIONS COMMISSION

Mr. ROTH. Mr. President, I am pleased to cosponsor S. 3899, introduced by the Senator from Rhode Island, to expand the work of the National Historical Publications Commission. For 5 years Senator PELL has ably represented the Senate on this Commission whose important work has largely escaped the public eye. The Commission's activities assisting in the collecting, describing, editing, and publishing of documentary sources important to American history—are likely to have a lasting influence on the way in which we interpret our country's history and traditions.

Perhaps it was President Eisenhower who best described the need for such a program when he said:

> The free world must have histories written by men and women in search of the truth—not by those seeking to rewrite the records of the past to their own advantage. This underlines the essential need of a broad and incorruptible supply of our Nation's documentary resources.

During the past decade, under the direction of its able and experienced Executive Director, Dr. Oliver W. Holmes, the Commission has been engaged in a program to make more broadly available the documentary resources of which President Eisenhower spoke. Its grant program has assisted in the publication of letters, papers, and other documentary sources relating to famous Americans such as Thomas Jefferson, John C. Calhoun, Henry Clay, Benjamin Franklin, Alexander Hamilton, Woodrow Wilson, Andrew Johnson, James K. Polk, Ulysses S. Grant, John C. Fremont, Jefferson Davis, George Mason, and John Marshall. The Commission has been able to undertake such an extensive program despite a very limited budget because these projects have attracted outside contributions from universities, foundations, charitable organizations, and other groups that are nearly double the Federal grants.

As the work continues, the words of the men and women who did the most to shape our Nation's institutions and values are collected from all the scattered and fragile source material and put on microfilm or in books where everyone can read them.

I can perhaps best illustrate the value of this work by referring to the papers of John Dickinson, a Delawarean, whose influential tracts and writings earned him the appellation of "penman of the Revolution." Some of the Dickinson papers are stored at the Historical Society of Delaware, where requests come in from researchers and historians from all over the country asking for information about their contents. Although Dale Fields, the executive director of the historical society, and his staff do their best to service these requests, it is impossible to provide all the information asked for, and every reference to the original papers contributes to their deterioration. From the point of view of those who write in, the specific letter or paper in which they are interested may not be in the historical society collection, but in some other collection, and they may have to write several letters before locating a document.

If these papers were available on microfilm or in a published form, they could easily be checked by the research scholar in his own library. Moreover, the added convenience would make it much more likely that the scholar would extensively consult the original documents, giving him a more thorough firsthand knowledge of his subject.

Mr. President, S. 3899 will make it possible for the work of the National Historical Publications Commission to continue in an expanded form as part of our observance of our Nation's bicentennial celebration. At this time, when we will be especially thinking about our country's future, it is important also that we reflect upon its past to remember and rediscover the ideas and principles that lay behind the American achievement.

REVENUE SHARING

Mr. SPARKMAN. Mr. President, a $30-billion revenue-sharing bill now before the Senate is currently stalled because of unresolved jurisdictional questions. I would hope that these questions can be cleared up quickly so that the Senate can move ahead with this extremely important legislation.

Revenue sharing is a concept whose time is long past due. It could well be the salvation of our cities and counties—many of which are on the brink of financial disaster.

Not only does this bill provide financial relief, but it also begins a trend of returning some of the power and authority of government to the local level. We must return some decisionmaking authority to those State, county, and local officials who are able and willing to provide solutions to problems facing their communities.

I also happen to believe that the Senate version of the revenue sharing bill is superior to the one passed by the House. In my own State of Alabama, this bill would provide some $127.6 million—or about $47 million more than was provided in the House-passed version of the bill.

Mr. President, we cannot afford to let this golden opportunity slip away from us. The bill will, I believe, pass overwhelmingly once it reaches the floor of the Senate. So I would hope that the unresolved questions about jurisdiction can be resolved speedily and that we can get on with the passage of what is truly historic legislation.

TAX REFORM

Mr. HARRIS. Mr. President, on August 3, I discussed with commentator Frank McGee, on the Today show, the problem of tax reform and other matters. I request unanimous consent that the interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

SENATOR FRED HARRIS INTERVIEWED

FRANK MCGEE. One of the battles at the Democratic Convention last month was over tax reform. A minority proposal for repeal of the present income tax system, in favor of a more sharply graduated income tax, was defeated, but narrowly, and on a voice vote.

The idea of tax reform is not necessarily limited to the Democratic Party. Shortly after the Democratic Convention the Republican administration's leading tax expert, Undersecretary of the Treasury Edwin S. Cohen, suggested in Congressional testimony that Congress rewrite and toughen the tax laws so that wealthy persons would pay a greater share of federal income taxes.

Senator Fred Harris of Oklahoma, who joined with economist J. Kenneth Galbraith to promote the tax reform idea at the Democratic Convention, is with us this morning to discuss his tax proposals, and the larger subject, actually, the question of a redistribution of wealth in the United States

If I understand your position, you feel that this question, a redistribution of wealth, and the power that stems from wealth, will be the dominant issue in politics throughout the decade of the seventies. What leads you to that conviction?

Senator FRED HARRIS. Well, I do, and I hope that that's so. Actually, the reason why we're organized as a government is to better and more fairly distribute income, wealth, and power. Now we haven't said that as plainly as I think we ought to, but that's what it's all about. Because rich and powerful people, they can take care of themselves. What we want to do is to try to give people a better chance at what income and wealth buy—health, housing, education, and so forth. That's what government's about. But the fact is that we're doing a very poor job of it.

MCGEE. Is the idea here to try to get — aside from the merit of the ideas—is it to get money into the hands of the people directly rather than through, say, federal health programs, federal insurance programs, federal housing programs, and things like that?

Senator HARRIS. It's actually mixed. But we ought to focus on this business of income. For example, we're good at treating symptoms. So we look at, say, the problems of elderly people and we say, ah ha elderly people have—often have problems of nutrition. So why don't we have a food program? They have—a lot of them are having to give up breakfast or lunch to buy medicine. So why don't we give them medicine? Or they have very poor housing, many do. So why don't we provide housing?

Well all these things are important. But what we often miss is that income is what they lack. If you had income you could buy housing and health and medicine and nutrition, and that gives you more options too. I talked to an elderly fellow down in—my wife and I did—in one of those high rise housing projects in Miami not long ago. And he said, I have cataracts in both eyes, and he said, I can't shop anymore. I can't cook, I live alone. Why can't I take my food stamps to the cafe and buy prepared food? Well you think why can't he? And then you go past that and you think why can't he just have the money, and then he could do whatever he pleased. That, I think, would be a far better way. Of course, what we're talking about primarily with income is the right to a job and a decent income. And those who can't work or can't get work we think ought to have a decent income.

McGee. Well Senator, if this approach has merit, that you just give them the money and they'll take care of themselves, that is a kind of an abrupt turnaway, is it not, from the New Deal concept?

Senator Harris. It is. The thing you have to focus on is that there is a terrible maldistribution of income and wealth and power in this country. And as a result of that you have these terrible stresses and strains in our society. And this isn't—it's not just an economic matter, it's a social matter. We have a kind of social contract with each other. And we say that we're banded together in a society that's going to try to be fair with its members, and people ought to have some kind of fair chance for a job, and so forth. Now if that breaks down—if as is true the upper two percent hold eighty percent—own eighty percent of all the individually owned corporate stock in America, one hundred percent of all the tax exempt municipal bonds—if it's true that the upper one-fifth of our population has forty-one percent of the income—eight times the income of the lower one-fifth—then you can see that that social contract is beginning to kind of break apart.

And so it evidences itself in a lot of pathological symptoms—rising alcoholism, rising crime, rising use of narcotics, apathy and withdrawal, violence of various kinds, self destructive behaviour. Our tendency is to treat the symptoms, and that is important. But what's more important is to get at these terrible strains and stresses that are tearing the social contract apart.

McGee. Well if, as we suggested, that this is a departure from the New Deal concept, do you think that the problem is as aggravated—as pronounced today—as it was at the time that the New Deal concept for economic and social legislation came into being?

Senator Harris. Yes it is, and in many ways it's worse. You and I grew up down there in Oklahoma. I came from a background which by any standards would have to be called poor. We were working poor, but we were very poor. But that didn't seem quite so—quite so bad because nearly everybody I knew was poor as well. Now—a part of it is relative deprivation. But while we're the wealthiest country in the world, we have tremendously rich people—enormously rich people—we still have the working class people, and those who are poor—below the working class—that are left out. And their opportunities are far less to break out of that economic class today than they once were.

A good example of that is how industry has become more and more closely held, more and more concentrated, fewer and fewer big corporations now dominate the economy, and the worst example of the unfairness in the social contract and economically is the tax system. If the way we finance government is unfair, why then what is fair? And that's why we need to get rid of all these loopholes, many of which are rather recent in the law, and at least quit redistributing income in the wrong direction through tax breaks, through these huge farm subsidies, and other kinds of more hidden subsidies. We redistribute income in the wrong direction. And at least we ought to stop that.

McGee. Well given the opposition to really wholesale tax reform in the Congress, what makes you believe that's the best way to tackle this problem if we admit the problem exists?

Senator Harris. I don't think you'll do it through the Congress. First of all, you need a President. I support Senator McGovern because one of the main things he said is do something about this tax reform. And he's talked about redistribution of income and wealth.

But I believe that just as you didn't get progress on a broad range of fields like civil rights, the Vietnam war—ending the Vietnam war—the environment, women's rights through political action—or it didn't originate there—but it originated with citizens' movements, I believe the same must be done about calling this country to its main goal—a redistribution of income, wealth, and power, concentrating first on tax reform.

And so I'm head of an organization called New Populist Action which this fall I hope will have teach-ins around the country to call attention to tax avoiders by name, and how they avoid taxes, both property taxes and estate taxes as well as federal income taxes. And then I hope next spring we can put together a series of tax rallies, of demonstrations against and picketing of tax avoiders, perhaps even work stoppages, to build the kind of citizens' movement that the government cannot fail to respond to.

McGee. Well to get right down to it Senator, what effect is all this activity going to have on Chairman Wilbur Mills of the House Ways and Means Committee? Now he's the tax writer.

Senator Harris. Wilbur Mills is, of course, the man who knows as much about the tax system as any man in America. He's also shown, as with Medicare, revenue sharing, welfare reform, that he can respond and will respond to public sentiment. On all those issues, I believe, at one time or another Congressman Mills was against them. Now he—with the public sentiment having been demonstrated and built up—he at least in part is for all or some of those programs. And I believe that the Congress in our democratic society can be made to respond to an outraged citizenry. Seventy-four percent of the people said in a poll by Louis Harris last month that they believed that the rich were favored by the taxes, and that working class people were paying an unfair burden. Now that's something that we can build upon and make the government respond to.

McGee. We have very little time, but that's not a new attitude. That's an old complaint.

Senator Harris. That's true. Back at the turn of the century down in my part of the country and all around America there was a Populist movement. But I'm talking about a new Populist movement. Back then down in Kansas they said, farmers have to raise more hell and less corn. And I believe that's true of working class people generally, and others around this country now.

McGee. Thank you. We've been talking with Senator Fred Harris of Oklahoma.

THE POSITION OF JAPANESE-AMERICANS

Mr. HARRIS. Mr. President, it has at last become part of the common wisdom that there is a close and inseverable relationship between our foreign and domestic affairs. But nowhere is this linkage more clearly established than in an article in the Wall Street Journal of August 8 which describes the impact of President Nixon's policy toward Japan on the Japanese-American community.

According to the author, Norman Pearlstine, with the new chill in relations between Japan and the United States, hostility in America toward Japanese-Americans is beginning to surface again. Among examples he cites is the Congressional Record insertion by Representative James R. Mann of a song entitled the "Import Blues." One verse:

> Buying Jap-made products so sleazy to see
> Is a damn fool thing for you and me
> And I'm fighting back because I won't run
> From the slant-eyed people of the Risin' Sun.

Pearlstine also reports ads in Phoenix, Ariz., by a Chevrolet dealer who warns:

> Remember Pearl Harbor, when they tried to take your country from you. They are back with cheap imports to take your jobs, pensions and social security.

I hope, Mr. President, that in the coming weeks the Democratic ticket will be able to expose this administration's mistaken policy toward Japan. I hope that as Democrats we can outline clearly the steps we will take in the next administration to reestablish close contacts with a nation which may now be as important to our prosperity and security as any other country in the world.

But most important, I hope that we will make clear that we will vigorously oppose any measure of discrimination directed against Japanese-Americans or any other group of American citizens. The World War II internment of Japanese-American is a disgrace for which this country has never fully atoned. We have a special obligation to prevent any recurrence.

Mr. President, I ask unanimous consent that the Wall Street Journal article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The "Quiet Minority"—Tokyo-United States Differences Stir Fear and Militancy in Japanese-Americans

(By Norman Pearlstine)

Manzanar, Calif.—A biting morning wind whips through the sagebrush and mesquite, blowing up billows of sand that momentarily blur the peaks enclosing this desolate valley. Not a soul is in sight, but there are ghosts everywhere.

Here and there, rising from the sand, are relics: decaying barracks floors, a guardhouse, a cemetery near an old garbage dump. They are the remains of a different Manzanar, one of 10 internment camps that 30 years ago held 110,000 Japanese-Americans who, it was feared, might otherwise conduct crippling sabotage in the U.S. and help Japan win World War II.

Beginning in the spring of 1942, federal authorities rounded up almost every Japanese-American on the West Coast, from old women to little children, and penned them into places like Manzanar where they lived surrounded by barbed wire, guards and the suspicions of their fellow Americans. Though many were allowed to leave the camps over the next couple of years and relocate outside the West Coast (some entered the U.S. armed forces), a number died in the camps, and others were incarcerated until 1945.

When they were imprisoned they were ordered to leave almost everything behind. Some sold their homes and businesses at heavy discounts or losses. Others finally returned to find their property stolen or in ruins or destroyed by vandals. In 1947 the Federal Reserve Board estimated their losses at $400 million. The government paid $38.5 million in property claims.

THE WINDS OF CHANGE

Few Japanese-Americans today believe that the degradation of Manzanar will again be visited on their people. But this camp, in the Owens Valley about 250 miles northeast of Los Angeles, stands as a stark reminder that white America's attitude toward citizens of

Japanese extraction blows hot and cold with changes in relations between Japan and the U.S. With a definite chill between the two nations now, mainly because of economic matters, hostility is beginning to come to the surface again—and with it, fear. Some examples:

In Phoenix, Star Chevrolet warns the public in ads: "Remember Pearl Harbor, when they tried to take your country from you. They are back with cheap imports to take your jobs, pensions and social security."

During a strike at the Fontana, Calif., plant of Kaiser Steel Corp., workers on the picket line cry, "Jap steel Jap steel!" and curse the supervisors who drive through in Datsuns and Toyotas. They say nothing to men driving Volkswagens.

A South Carolina Congressman, Rep. James R. Mann, a Democrat whose constituents include many unemployed textile workers, inserts a song called "The Import Blues" into the Congressional Record. One verse: "Buying Jap-made products so sleazy to see/Is a damn fool thing for you and me/And I'm fighting back because I won't run/From the slant-eyed people of the Risin' Sun."

The American Immigration Committee of Decatur, Ga., a small right-wing group, publishes a "population report" calling for an end to immigration of "aggressive Japanese" who the committee warns, might wind up controlling the federal government.

The Seattle firefighters' union magazine suggests, in an article intended to be humorous, that lowering of the height requirements to 5-feet-6-inches means that rice and chopsticks will have to be delivered to all fire stations.

CAUSE FOR ALARM

The 600,000 Japanese-Americans aren't laughing. They know what even trival insults can portend: being stuck in the middle between Japan and the U.S. And for those Japanese-Americans who might have thought that the old grudges have been forgotten by whites, there are disturbing indications to the contrary.

For example in 1967, when relations between the two nations were better than they are now, researchers at the University of California at Los Angeles published a poll showing that 48% of Californians approved the incarceration of Japanese-Americans in camps during the war. According to researchers who supervised the study, the poll showed a strong relation between the image Californians have of Japan and acceptance of Japanese-Americans.

Faced with such attitudes, the historically passive "quiet minority" is beginning to grow restless—particularly the *sansei*, or third-generation citizen, and the more militant members of the *nisei*, or second generation.

Their militancy is a far cry from the confrontation tactics and near guerrilla warfare that have sometimes marked the black drive for civil rights. It nevertheless represents a major step for Japanese-Americans, who have not heretofore believed in rocking the boat or drawing public attention to themselves or challenging authority lest they endanger their drive to assimilate with American whites.

POLICY UNDER FIRE

By avoiding confrontation tactics and following a policy of assimilation rather than separatism, Japanese-Americans have become far more prosperous and better-educated than blacks or Mexican-Americans. But the prosperity came in the years soon after World War II when Japan wasn't a threat to the U.S. and the two countries got along well. Today many Japanese-Americans feel ignored by America. All the barriers are not yet down, they say, and they are beginning to feel that white Americans aren't particularly concerned about it.

So the policy of assimilation is being seriously questioned for the first time by many Japanese-Americans who believe that it hasn't worked. Instead they want to promote more cohesion and racial pride, challenging authority when they think authority is taking advantage of them, and joining with other Asian minorities as well as blacks and Chicanos in fighting discrimination.

In the San Francisco Bay area, with a large population of Japanese-Americans and many militants, young protesters have picketed S. I. Hayakawa, the president of California State University, San Francisco, who is a steadfast believer in assimilation, calling him a "banana"—yellow on the outside—white inside—the equivalent of the blacks' epithet "Oreo."

Japanese-Americans in San Francisco have also allied themselves with Chinese-Americans, Filipinos, Samoans and other Asian minorities to form an Asian-American Political Caucus that seeks representation on the city's school board and city council. They have even protested the visit of Japanese warships to the city, asserting that their presence would only be harmful to Japanese-Americans.

Elsewhere, other changes are occurring. At least one Japanese-American underground paper has been formed, there are two other Asian-American papers, and Los Angeles now has an Asian-American bookstore. Many California colleges have Asian-American student centers and courses in Asian-American studies.

California has about 215,000 Japanese-Americans, second only to Hawaii. Hawaii has about 225,000. They constitute 40% of Hawaii population, and discrimination isn't much of a problem there. Other states with sizable Japanese populations are New York and Washington, with 20,000 each; Illinois, 17,000; Oregon, 6,800, and Texas, 6,500.

The growing solidarity of Japanese-Americans, and their increased willingness to become more visible as a minority, were evident in the case of Dr. Thomas T. Noguchi, the flamboyant Japanese-American coroner of Los Angeles County. In 1969 his superiors discharged Dr. Noguchi on the ground that he wasn't doing his job properly.

Dr. Noguchi fought back with the help of JUST (Japanese United in Search for Truth), a group that thought the firing may have been racially inspired. The group collected over 10,000 signatures protesting his dismissal and raised money for a court challenge. The coroner was subsequently reinstated and is still on the job.

Militants concede it is difficult to get Japanese-Americans to take a more active role because of the notion of *shikataganai* (translated loosely as "it can't be helped"), which reflects a fatalism and belief in accommodation that arrived here with the first immigrants from Japan and which continues today with many of their descendants.

IMPACT OF AFFLUENCE

In addition, the material affluence that many Japanese-Americans have experienced in recent years may have made them less interested in pushing for social equity.

George Omi, a landscape architect in Sausalito, Calif., is perhaps typical of those Japanese-Americans who appear to have "made it" in white America. Mr. Omi says he "detached" himself from San Francisco's Japanese-American community seven years ago because he wanted a better future for himself and his family in the suburbs. Though he spent 2½ years in an internment camp, he says that he isn't bitter about it and that he wants nothing more than to be a respected and accepted citizen in his home community. That is still the goal of many—to blend into the white world.

But for others, that isn't enough. William Marumoto, a White House special assistant, says there is need to escape "the complacency of affluence." He adds, "A lot of us are out there in the suburbs now, with two-car garages, color TV, electric hibachis, the whole image of making it in America. Everything is okay now, and all we have to worry about is our kids smoking pot, the mortgage on our crabgrass, and how the Rams will do next fall. We have become the epitome of westernization. We have become the perfect yellow WASP."

Mr. Marumoto adds, however, that despite this material success, anti-Japanese feelings can sprout up again. "The root of the trouble, prejudice based on race, most certainly still exists," he says.

He ticks off some figures showing that, outside Hawaii, Japanese-Americans are almost invisible in power positions: Of some 1,600 mainland colleges and universities, only one has a Japanese-American president (Mr. Hayakawa, a famous semanticist); although there are 20,000 school districts on the mainland, Mr. Marumoto says he knows of no Japanese-American superintendent of schools; and there are, according to Mr. Marumoto, only about 20 Orientals—the number of Japanese-Americans among these 20 isn't available—among the 5,500 civil service employes in "supergrade," or top, federal positions.

"TECHNOLOGICAL COOLIES"

Others besides Mr. Marumoto complain that Japanese-Americans, though skilled and decently paid, are denied access to high positions. "We are no longer laboring in the fields," says Raymond Okamura, a chemist with the California Department of Public Health, "but we are now nothing more than technological coolies who are systematically denied management positions in most white enterprises."

Many Japanese-Americans complain that even Japanese companies setting up U.S. subsidiaries hire almost no Japanese-Americans for responsible posts, preferring to employ native Japanese or "real" Americans as show-window types better suited to dealing with Americans.

In their personal lives, too, Japanese-Americans are constantly given the impression that what Lt. Gen. John L. DeWitt said 30 years ago is an accurate statement of the feelings of much of white America today. Gen. DeWitt, who was in charge of the wartime internment of Japanese-Americans, said: "A Jap's a Jap . . . it makes no difference whether he is an American."

Japanese-Americans whose families have been here for generations say they are still treated as Japanese. "No matter how good my English is, or how stylishly I'm dressed, I am still viewed as a foreigner by most white Americans," says Paul Takagi, a Sacramento-born sociology professor at the University of California at Berkeley.

Prof. Takagi, like many Japanese-Americans, fears that discrimination will mount as more and more blame is heaped on Japan for U.S. economic problems. "In the 1930s we had a similar situation," he says. "It started with bad-mouthing of the Japanese and then the hostility was turned on us. And I'm afraid it's happening again."

Warren Furutani, a fourth generation Japanese-American from Los Angeles who has been an active supporter of many social causes, says: "As soon as I get on the picket line, whites shout at me, 'Why don't you go back to where you came from?' The minute we start to rock the boat, we are no longer accepted."

REQUESTS FOR AID

Japanese-American groups also complain that their requests for state and federal aid for the needy in their communities are regularly turned down. One frustrated fund-raiser says: "The impression seems to be that we have all made it materially and that there aren't problems like poverty, juvenile delinquency and drug abuse."

Indeed, "the last 25 years have been pretty good ones for Japanese-Americans," says Jeffrey Y. Matsui of Los Angeles, former associate director of the Japanese-American Citizens League, a national organization with 25,000 members that is active in fighting discrimination. "But lately," Mr. Matsui adds, "we've been sounding warnings that the honeymoon may be over and that tougher times are coming."

There are ample lessons in history. The first Japanese in the U.S. came to the West Coast in 1869 but were pretty much left alone until after 1890. By then, they were present in large numbers and many had moved out of the laboring class to compete in business with white entrepreneurs. Under pressure from exclusionists, the U.S. got Japan to agree in 1908 to a so-called "Gentlemen's Agreement" limiting the influx of Japanese laborers to the U.S. In 1913, California prohibited Japanese from owning land or from leasing it for more than three years.

Anti-Japanese feeling largely evaporated between then and 1920, after Japan entered World War I on the side of the Allies. But then the steady growth of Japanese military and industrial power over the next 20 years led to growing hostility toward Japanese-Americans; they were viewed as part of "The Yellow Peril."

In 1924, under heavy pressure from California, Congress excluded Japanese from entering this country. Exclusion was repealed in 1952.

RELATIONS TODAY

Today, many Japanese-Americans believe relations between Japan and the U.S. are worse than at any other time in the last 25 years. And many white Americans believe that the aggressive trade policy and economic strength of modern Japan pose a real danger to their own well-being. Hence such reactions as the shouts at the Fontana picket line and the South Carolina Congressman's attack on Japanese imports.

Many Americans have become increasingly concerned about Japan's growing trade surplus with the U.S. The surplus was in the U.S.'s favor until the mid-1960's, and as recently as 1968 the surplus in favor of Japan was only $1.1 billion. Last year it was $3.2 billion, and this year some experts predict it may reach $4 billion.

In addition, many Americans resent the rigid quotas that Japan has on many items that U.S. businessmen would like to export to Japan, including many agricultural products such as beef and oranges, and computers and many computer components.

The extent to which such resentment of Japanese economic power and policies turns into resentment of Japanese-Americans may be indicated by the response to a photographic exhibit that deals sympathetically with the Japanese-Americans who were interned in the World War II camps. The exhibit has prompted a number of hate calls and letters to several California cities where it has been shown. And Roberty Abernathy, a newsman for KNBC–TV in Los Angeles, is still stunned by the violent viewer reaction to a brief item reviewing the exhibit.

"In the first 10 minutes after the segment went on the air, we got 55 calls cursing us for implying that the round-up of Japanese-Americans had been a mistake," he says. "The callers didn't see any difference between Japanese soldiers in the Western Pacific and Japanese-Americans here." Mr. Abernethy adds:

"They thought internment was better than they deserved, then or now."

THE MYTHS OF WELFARE—ADDRESS BY SENATOR McGOVERN

Mr. HARRIS. Mr. President, during the Democratic Convention, the Senator from South Dakota (Mr. McGOVERN) delivered an excellent speech to the National Welfare Rights Organization, pointing out the myths of welfare that are used to discredit poor people.

The real problem in America today is that there simply are not enough jobs that provide a decent standard of living for people. I think Senator McGOVERN understands the basic need for decent jobs at livable wages. I think he will bring our country out of its present economic disaster, and I think he will see that those who cannot work or cannot find work will have the basic necessities of life.

Mr. President, I ask unanimous consent that Senator McGOVERN's remarks before the NWRO be printed in the RECORD:

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE WELFARE MYTHOLOGY

(Remarks by Senator GEORGE McGOVERN)

I am happy to speak to the last N.W.R.O. Convention held during Richard Nixon's last term as President of the United States.

And I am proud to speak to this organization because you have broken the age-rule that the poor should endure, but not be heard.

You have reminded the rest of us that no citizen is simply a welfare case, to be supported by government and supervised by bureaucrats.

You have taught us that the poor are not just a cause for action by others, but human beings with a right to fight for the cause that is their own.

In word and deed, you have shown us in the 1970s some truths that should have been self-evident long ago.

It is not a shameful thing for an American to be poor. But it is shameful that America still tolerates the stain of poverty. None of us will deserve our liberty until all of us are liberated from deprivation. And who among us can be content when a hungry child is crying only moments or miles away? Surely, a nation that worries about balanced diets for household pets can afford to feed that child. And any nation capable of inflicting an unthinkable level of human destruction around the world should also be able to afford at least a minimum level of human subsistence in its own land.

What, then, stays the hand that could help those in need?

The fault is not in the essential character of our country, but in the failure of too many of our countrymen to see the truth. And, as John Kennedy once told us, "The greatest enemy of the truth is very often not the lie . . . but the myth." So your great enemy now—and the greatest ally of poverty—is a welfare mythology which traffics in stereotypes, confuses with code words, and misleads America away from justice and compassion.

Old myths die hard, especially when they serve the interests and solve the conscience of those who oppose what is right because they have a stake in things that are wrong. And this is why the welfare myths live on. They are used by the powerful and the privileged to divide the minority who are poor from the majority who are not rich. They are used to preserve a system which burdens workers and welfare recipients alike—and barely taxes the wealthy, the boardrooms of Wall Street, and the billion dollar corporations.

Yet I believe we can dispel the myths. For if we have learned anything from the politics of 1972, it is that the American people are tired of being tricked into voting against their best instincts and their own interests. They want the truth—and they are anxious for economic justice. So today and throughout the campaign let us talk about poverty and welfare—and let us lead our fellow citizens to see where justice lies by separating the myths from the truth.

The first and the greatest welfare myth is that the government has done all it should for those who earn less than they should.

This myth is no new invention. It is as old as the poorhouses of sixteenth century England—which imprisoned thousands in virtual slavery, but were hailed as a remarkable social advance by those in power. Since then, the repression of the poor has often come in the clothing of reform. And that is exactly what is happening today.

Richard Nixon has offered us something he calls welfare reform. I call it repression.

It is repression—not reform—when human beings are asked to exist on $2400 a year for a family of four—which is less than we spend to care for some of the animals in the National Zoo.

It is repression—not reform—when Americans are told to work for a slave labor wage of a dollar and twenty cents an hour—at that rate you have to work two months to make what the President of ITT collects every single hour.

And it is repression—not reform—when residency requirements are reinstated and the rights of the poor are reduced—which means that some bureaucrat will have the power to sentence a family to slow starvation with the stroke of a pen.

The traditional myth is that government has done enough for the poor. The current form of the myth is that the President's plan will do even more. But the plain truth is that the Nixon welfare reform is nothing but a charter for repression, which will make millions of Americans exiles from the freedom and abundance of their own land.

The second and the most contemptible welfare myth is that people are poor because they are lazy.

This myth is a White House favorite. The President likes to imply that the poor could be prosperous if only they were willing to scrub floors and empty bedpans. I have some news for Richard Nixon—the poor are already scrubbing floors and emptying bedpans—and they are still poor. And most of them cannot find any job at all.

The problem is not that people are too proud to work. The problem is the economic incompetence of the Nixon Administration. Where are the jobs? If the President knows, he should tell five million unemployed Americans. And then he should explain why only five per cent of the welfare recipients who have been retrained are at work today.

Of course, Richard Nixon is not really hiding jobs—he is just attempting to hide his own failure. His mask is a myth—that the poor prefer a relief check to a paycheck. And he has exploited this myth to justify welfare repression.

His plan requires two and a half million poor Americans to register for employment or training. The President promises to put them to work. That is a lie—and Richard Nixon knows it. The welfare repression bill calls for only 400,000 training slots and only 200,000 jobs—and after the first four years, the federal government will spend nothing to keep people at work. It is bad enough to compel the poor to take jobs without compelling employers to pay a living wage. It is even worse to trick those who are deprived and those who pay for welfare into hoping for jobs which will not be there.

Employment cannot be created by edicts which say that people must work when work is not available. And no myth can justify forced labor for mothers—who cannot leave their children for a job now, even when they decide they should—because Richard Nixon vetoed day care centers last December. The American people have a veto too—and they will exercise it to veto this Administration out of office next November.

The third great welfare myth is that we lack the resources to assure every American the fundamental necessities of life.

This myth is a major issue in 1972. The Agnews and the Doles who do Mr. Nixon's hatchet work are already carrying it with them down the low road of politics. Once again, they are trying to frighten people—this time, by telling them that a decent standard of living for the poor will mean a lower standard of living for workers.

It is not surprising to hear this from men who know it is a lie. For they do not dare to tell the truth—just as Richard Nixon does not dare to disclose the names of his campaign contributors. The special interests own this Administration—and this Administration owes them special favors. The Republicans cannot support genuine welfare reform because they oppose meaningful tax reform. And what they are really trying to protect is not the income of workers, but the privileges of the wealthy.

It is time for every American to pay a fair share in taxes—so no American will have to settle for a grim share of poverty. And, if I may borrow a phrase, it is time to crack down on the really big welfare recipients of our society.

It is time to crack down on the welfare boys in the executive suite at Lockheed—they took the government for the largest welfare payment in history—$250 million.

It is time to crack down on the welfare boys who just pushed through an $8 billion tax cut for big business—they wanted something for nothing—and the Nixon Administration gave it to them.

And it is time to crack down on all the welfare boys who have lobbied for tax loopholes—they are saving billions while the poor are left with too little and middle Americans are paying too much.

Maximum tax reform can make possible a minimum standard of security for every citizen. We will not achieve as much as we want as fast as we want. I wish that we could afford an immediate guarantee of $6,500 for a family of four. I believe that this remains, not only a rallying cry, but a deeply human goal. And though we will have to accept something else, let us demand far more than a welfare mess which has abandoned millions to poverty and alienated millions of others from the poor.

Let us demand at least that an average family be assured of a poverty level income. We can finance this reform without raising taxes on families who earn under $20,000. And at the same time, we can raise the income of hard-pressed working families.

The myth has it that we cannot afford a decent society—that we must permanently exist part prosperous and part poor. Like the rest of welfare mythology, this myth is wrong. It underestimates the greatness of our wealth and the generosity of our people. And it betrays every American who has ever trusted in the capacity of this country to achieve its ancient dream—that through sweat and sacrifice, we can extend the boundaries of justice to encompass all our people.

But no matter how wrong they are, we cannot expect the mythmakers in the White House to change course in the months ahead. For in almost every area of endeavor, the President has nothing left but myths. He will use them to play on our fears. Vice President Agnew will use them to convey what the old Nixon once said, but the new Nixon is too embarrassed to say. And the Republican Party will use the myths to excuse every error and answer every attack.

We will hear the myth that it is not those who support the war in Vietnam—but those who oppose it—who stand in the way of peace. It is the same thing we heard ten and twenty and fifty thousand American lives ago. Before another American is killed, we must decide how we will answer W. H. Auden's bitter question: "To save your world, you asked this man to die/Would this man, could he see you now, ask why?" Now, we must resolve that never again will we commit the young life of this land to the defense of a cruel and corrupt dictatorship ten thousand miles away.

We will also hear the myth that national health insurance is too expensive. It is the same thing we heard when the A.M.A. was fighting Medicare a decade ago. In 1972, we must reject the myth again—and vote to take the dollar sign out of American medicine forever.

And we will continue to hear the myth of the new prosperity. It is the same thing we heard last month and last year. Now we must insist on a new prosperity that is not the old Nixon recession—and we must demand a job for every American who wants to work.

These are the common goals of countless citizens. Just as working Americans share your interest in welfare reform, so you share their interests in a host of vital areas. A coalition for fundamental change is gathering in this country—and it is a coalition of conscience as well as self-interest. We welcome and we seek the allegiance of everyone who is committed to economic justice—whether they are wealthy or poor or in the middle. But one thing I will never do is to sacrifice my beliefs to buy the support of entrenched privilege.

And this above everything else is what I believe: We must become in this nation what you are to each other in this organization—not merely associates in a shared effort, but brothers and sisters in all things.

As brothers and sisters, we must meet the deepest of all human obligations—to live as though every other life depended on our own. We must learn that none of us can abandon even one of us to poverty. And we must understand that the death of any family's son in war diminishes every family.

Finally, as brothers and sisters, we must bring America home from the long dark night of conflict and doubt, destruction and despair. Then our children and their children after them will love this land, not just because they were born here, but because of the great and good country that you and I together have made it.

ABUSE OF THE GRAND JURY IN FORT WORTH, TEX.

Mr. KENNEDY. Mr. President, day after day, the Department of Justice indicts itself by tolerating the unfair and unconscionable imprisonment of five Irish-Americans from New York in the Tarrant County jail in Fort Worth, Tex.

For more than 6 weeks, these men have been imprisoned, far from their homes and families and friends. They have been indicted for no crime, convicted of no offense. Yet they languish in jail, imprisoned without bail, charged with contempt of court because they refuse to answer questions before a Federal grand jury investigating possible gunrunning from the United States to the Irish Republican Army in Northern Ireland.

As I have repeatedly emphasized, I hold no grief for the IRA. I condemn the indiscriminate killing and violence that the IRA has so wantonly inflicted on the people of Northern Ireland. I would warmly support any legitimate investigation to prevent gunrunning from this country to the IRA.

But the imprisonment in Fort Worth exceeds all bounds of legitimate investigation. The five witnesses have raised a substantial legal challenge against the validity of their imprisonment, primarily on the ground that the immunity the Justice Department granted them was too narrow to protect them from future prosecution. That clear-cut issue is now before the courts. Pending the resolution of the issue—and inevitably, the final resolution must come from the Supreme Court—these men deserve to be granted their freedom on bail. To do otherwise is to deny them justice.

As individual citizens, they may be too weak to test the jailer's key or to challenge the enormous power of the Attorney General of the United States. Too often, as we know, individuals are easily crushed unfairly by the machinery of our justice. We cannot let that happen now.

This is a case that cries out for notice and attention. I do not underestimate the power of the spotlight of public opinion, or its ability to demonstrate, that, each day these men rot in jail, the quality of American justice is diminished. That is why I have spoken out on this issue in the past, and that is why I shall continue to speak out until justice is done at last.

More than 2 weeks ago, I wrote to Attorney General Kleindienst, urging him to make a thorough inquiry into the circumstances of the Fort Worth investigation, and to take whatever steps may be necessary to secure the prompt release of the five imprisoned men.

So far, I have received only an interim reply, from Mr. A. William Olson, the Assistant Attorney General in charge of the Internal Security Division, acknowledging my letter, stating that a full reply is being prepared, and commenting ambiguously on the relationship of Great Britain to the origin of the investigation.

During the same period, I have also received a handwritten letter from each of the five imprisoned men. One speaks of the hardship on his family, of how his son thinks he may be dead. Others state that none of them have ever been in jail before. All give eloquent testimony against the denial of the basic rights they now are forced to suffer.

But the imprisonment of the Fort Worth Five has a more insidious connotation, because it bears the hallmark of an attempt to harass and intimidate peaceful and lawful activities by Irish-Americans in this country in behalf of the rights of the Catholic minority in Northern Ireland.

For many months, concerned citizens in America and throughout the world have raised their voices in protest against Britain's repressive policy of internment without trial in Ulster. Now, by some cruel irony, the United States is implicated in the process, as our own Department of Justice practices internment without trial in Texas.

In the convention days ahead, we shall hear much of the administration's achievements. We shall hear much of their platform and programs for the future. We shall even hear of their devotion to civil liberties and to the quality of justice in our Nation.

But their rhetoric will have a hollow ring. So long as five victims of their justice rest unjustly in a Texas jail under the authority of the Attorney General, their imprisonment will be a silent damning indictment of the promises we shall hear. I urge the Attorney General to act now to end this unfair treatment. I urge him to remove this cloud that mars his justice. I urge him to acquiesce in the release of these men on bail and return them to their families.

Mr. President, I ask unanimous consent that the text of the letters I have received from Mr. Olson and the five imprisoned men, together with a letter from Mrs. Eileen Laffey, the wife of one of the imprisoned men, may be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., August 10, 1972.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The Attorney General has asked me to send this interim reply acknowledging receipt of your letter of August 1, 1972, concerning the incarceration, on the basis of civil contempt of court, of five individuals in Fort Worth, Texas.

One point in your letter, however, should be clarified at this time. You express your understanding "that this investigation was initiated by the Department of Justice, upon the basis of representations made by the Government of Great Britain." It should be definitely understood that this Department's investigation was in no respect initiated at the suggestion or the request of the government of Great Britain.

The Attorney General is having prepared a full reply to the matters raised in your letter, and you can expect to hear from him in the near future.

Sincerely,

/s/ A. WILLIAM OLSON,
Assistant Attorney General.

TARRANT COUNTY JAIL,
FORT WORTH, TEX.,
August 2, 1972.

Senator E. M. KENNEDY.

DEAR SENATOR: How elated and thankful we are here (the five imprisoned Irish born men) for your plea on our account. This great humanity of yours extends to our children & wives; one of my little boys thinks I am dead and my wife and the older children have to keep reassuring him that I am alive, thank God.

Your great heart and humanity I am sure will be appreciated by all decent people. Cardinal Cooke is also with Bishop Casatta of Ft. Worth looking in on our unsual case. There was trouble in getting permission for priests to visit us here in prison. My wife has explained to our children that jails are meant for bad men but that unfortunately too many men who try to go good often end up in jail.

I am very grateful to you Senator for your courageous statement, Mr. Heath will not be pleased, but it may sober him to realize that people are "their brothers keepers".

Very sincerely,

/s/ KENNETH TIERNEY.

P.S. We are much in the same position as the Civil Rights workers who in North East Ireland were dubbed I.R.A. and thrown into jail, just to silence them! they also without charge or trial either.

TARRANT COUNTY JAIL,
FORT WORTH, TEX.,
August 2, 1972.

DEAR SENATOR KENNEDY: I am writing you this short letter to express to you my deepest gratitude to you for interceding on our behalf. This gratitude comes from my family also, my wife Eileen and three young children.

It is a great feeling to have a Senator such as you to speak out against this grave injustice. Your brothers R.I.P. would surely be proud of you.

There will always be a warm spot in every Irishman's heart and in the hearts and minds of all freedom loving people for what you have done for us.

By speaking out for us you are indeed keeping alive the democratic ideals that the Kennedy brothers have always possessed and which all of you fought hard for.

There is not much else I can say but to say thank you and God bless.

/s/ THOMAS LAFFEY.

TARRANT COUNTY JAIL,
Fort Worth, Tex.

DEAR SENATOR KENNEDY: I am very grateful to you for having spoken out on behalf of our civil rights.

My comrades and I have never been in prison before. When we read your statement in today's newspaper, it was a thrilling elevation for our great hopes.

Again, I must thank you on behalf of myself and my immediate family.

Yours sincerely,

/s/ DANNY CRAWFORD.

TARRANT COUNTY JAIL,
Fort Worth, Tex., Aug. 2, 1972.

DEAR SENATOR KENNEDY: I am most grateful to you for having spoken out against my imprisonment here in Fort Worth 1400 miles from my wife and children.

Your great concern for civil rights for all people makes you as one of the greatest men in this nation.

On behalf of my wife and family I wish to express my deepest thanks.

Very sincerely,

/s/ MATTHIAS REILLY.

TARRANT COUNTY JAIL,
Fort Worth, Tex., Aug. 2, 1972.

DEAR SENATOR KENNEDY: As one of the five imprisoned Irishmen here in Fort Worth jail, I wish to thank you most sincerely for your personal appeal to Richard Kleindienst to have us released from jail.

I as a good Irishman, have never been involved in any violation of the law, my records can be traced back to Ireland as well as here in New York.

This country was built in practically every aspect by Irishmen and now we are victims of Police State tactics.

As a little boy in Ireland I was fascinated by your late brother, then President Kennedy R.I.P. Mr. Kennedy, it is wonderful to have a man of your esteem, speak out on this grave matter here, as well as N. Ireland.

Thanking you again,

Sincerely,

/s/ PASCHAL MORAHAN.

WILLISTON PARK,
New York, Aug. 7, 1972.

DEAR SENATOR KENNEDY: I wish to thank you from the bottom of my heart for your concern on behalf of my husband, Thomas Laffey who for the past six weeks has been in jail in Fort Worth, Texas. Please continue to use your good influence to have him released and able to come home to me and my three young children.

Your help so desperately needed at this time is deeply appreciated by me and my family.

Thank you.

Sincerely,

/s/ MRS. EILEEN LAFFEY.

GOP CONVENTION RULES

Mr. PERCY. Mr. President, I wish to commend my own Illinois colleagues, Representatives TOM RAILSBACK and JOHN ANDERSON for the fine work they have been doing, along with other Republican Members of the House, in the area of rules reform for the Republican Convention.

I have enjoyed working with these men. This is a project that we are working on together, irrespective of ideology, for the formulation of new rules for the convention that are both right and constitutional. We are united in our opposition to any system based on quotas or compulsion.

An article by Representative RAILSBACK, published in the Washington Post of August 14, dealt with what he is trying to accomplish in the way of reform.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"BROADEST POSSIBLE PARTICIPATION"—GOP PARTY RULES: A CONGRESSMAN CALLS FOR REFORM

(By Representative TOM RAILSBACK)

A while ago I joined with a group of Republicans, who represent diverse ideological views, in drafting reform recommendations that we will make to both the Rules Committee of the Republican National Committee and the Convention Rules Committee in Miami. Our recommendations represent an effort that is meant to signal that we in the Republican Party want the broadest possible participation of all segments of our voting population—including young people, senior citizens, minorities, and women.

At least with respect to one voting group, young people, Republicans are not doing as well as they should be. The March Gallup Poll revealed that only 19% of the 18-20-year-old voters intend to vote Republican this year. There are 11 million of these newly enfranchised voters.

I remember in 1968, participating as a freshman member of Congress in a political science seminar at Western Illinois University in Macomb, and being asked, "What are you doing in the Republican Party?" The questioner implied that he could not understand why anyone relatively young and concerned about solving national problems would be a member of the Republican Party. I pointed out that from an age standpoint the Republican members of both Houses of Congress were considerably younger on the average than their Democratic colleagues. I also expressed my pride in the progressive attitude of many of the newly-elected young legislators. Since that time, I have had an opportunity to visit many other campuses all over the country, and have found the same skeptical attitude among young people toward the Republican Party.

Personally, I happen to believe President Nixon should do well in November with young people. In his 1968 campaign, Mr. Nixon urged that the voting age be lowered to 18, and on June 20, 1970, he signed such legislation into law. Also, he has worked to reorder our priorities by placing a heavier emphasis on human needs. For the first time, under the Nixon Administration, the United States is spending more on human needs than on defense. The President has moved us—as he says—from an era of confrontation to one of negotiation, and has journeyed to Peking and Moscow on missions of peace. He has withdrawn half a million men from Southeast Asia.

Yet, despite all this, young people are still reluctant to support the Republican Party. Blacks, too, have not given substantial support to a Republican candidate since the 1930s—except to President Eisenhower—although blacks voted largely Republican in the first three decades of the 20th Century. Perhaps one reason these and other groups have not supported the Republican Party proceeds from their inability to get inside the party and to help make decisions. That is what we are trying to encourage.

In 1968, only 1% of the delegates at the Republican National Convention were under 30. This year we expect approximately 10% young people at Miami. In 1968, only 17% of the delegates were women. That figure will increase to at least 30% for the 1972 Convention. Four years ago, blacks made up only 1.9% of the Republican Convention, and I have read projections of 4 or 5% for this Convention. However, there is clearly much more to be done. Our Ad Hoc Committee on Delegate Selection Reform has now made recommendations which are directed at further opening the door for broader participation in the party by providing open meetings, prohibiting proxy voting, abolishing automatic delegate selection, abolishing fees and assessments of delegates, and eliminating other restrictive practices presently conducted in some states.

We specifically favor a proposal declaring that each state shall endeavor to provide equal representation of men and women in its delegation. However, we are opposed to quotas and have chosen not to support recommendations which would impose them. Instead, we would direct the Republican National Committee as well as the State's Governing Committee to take positive action to achieve the broadest possible participation of all segments of the voting population.

We would also have the Republican National Chairman appoint a national committee broadly reflective of all voting segments to review, study and work with the states in implementing the rules adopted by the 1972 Convention.

The members of the ad hoc committee, besides myself, include Lou Frey (Fla.), John Anderson (Ill.), Bill Frenzel (Minn.), John Heinz (Pa.), Bill Keaing (Ohio), Jack Kemp (N.Y.), Margaret Heckler (Mass.), John Dellenback (Oregon), Clarence Brown (Ohio), and Bill Steiger (Wis.), Senators Bob Packwood (Oregon) and Bill Brock (Tenn.) have also participated as members of our group.

In addition, Senators Percy, Javits and Mathias have endorsed our proposals. These senators, and Senators Packwood and Brock, have been working on their own reform proposals, including the allocation of delegates. On August 8, our ad hoc group met with Clark MacGregor and explained our recommendations to him. At that time he indicated he had no objection to our recommendations and would check with the White House to determine the views of the President. I expect to get a report back from Clark MacGregor within the next few days.

It seems to me important that we not overlook the fact that the Republican Party is still a minority party. There are only 20 Republican governors. Since 1965 only about 25% of our population considered itself Republican. However, in 1964, 53% of the population considered itself Democratic. In 1968, this figure was drastically reduced to 46% and in 1972, 44% of the population identified with the Democratic Party. During this same period, the percentage of independents has increased from 22% to 31%. The Republican Party now finds itself in the unusual position of controlling the White House at a time when allegiance to either major party is low. Both Republicans and Democrats are losing people to the independents, and Republicans must redouble their efforts to attract them.

Naturally, there are those who would oppose any change we propose. Whenever change occurs, some individuals are affected, and therefore quite naturally object. However, the changes the Ad Hoc Committee on Delegate Selection Reform propose are changes that will be of benefit to the party. We believe that for our party to be successful in coming elections, there must be the opportunity for all to participate, work, and earn a place as a delegate. We must open the door of the party so that those persons who have not participated in the recent past will be encouraged to participate.

For too long, the Democratic Party has taken the young, the black, the minorities for granted, because we Republicans have written them off. It's now time for us to change the past, so that we can look forward to a future in which the Republican Party properly reflects all segments of our society.

Mr. PERCY. Mr. President, the efforts of Representatives RAILSBACK and ANDERSON have also been directed toward the goal of achieving an accurate reflection of both population and Republican strength in the State delegations to the convention by revamping the system in which delegates are allocated to the individual States. I am pleased to have worked with them in this area.

I ask unanimous consent to have printed at this point in the RECORD a statement that I delivered before the Rules Committee of the Republican National Convention at its meeting in Miami Beach yesterday.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR CHARLES H. PERCY

It is a pleasure to meet with you, and I particularly appreciate your willingness to forgive my inability to arrive here earlier today in time for the hearings of the full Rules Committee.

Our party has achieved remarkable successes, but it also has some difficult problems.

We have elected a President who, in my judgment, is better equipped than any other man in American history to hold the Presidency. I think we can look forward confidently to another four years of President Nixon's Administration.

But I worry about our Party for another reason. We are very much in the minority in voter registration, and we are the minority party in the Senate and the House. We must, it seems to me, expand our Party's membership in order to bring into the Party the new, younger voters, and in order to gain majorities in both Houses of Congress. President Nixon's effectiveness has been impaired by not having a Republican majority. So many of his great programs—revenue sharing, welfare reform, executive reorganization—have been set back because of this.

As President Eisenhower said, most organizations tend to organize fewer and fewer people, better and better. President Nixon has asked us to be wary of this tendency. As he said so eloquently when dedicating the new headquarters of the Republican National Committee on Capitol Hill, we must become the Party of the open door—open to everyone, receptive to everyone's views, willing to go out and bring in the new majority—younger voters, women, people of different ethnic and racial origins, and our senior citizens.

Your work as a member of the rules committee at this Convention will have a fundamental impact on the future vitality of our Party, and on our ability to obtain a majority in the Congress and among the voters in the future.

This morning you heard from many Party leaders about rules reform. Senator Javits, Senator Mathias, Senator Packwood, Senator Brock and I have been working with the ad hoc group of members of the House to develop rules proposals. I support their efforts to change Rule 32 to make state parties more representative of the voters in each state, and to remove procedural obstacles to open participation in our Party.

I think it is important to draw very carefully the distinction between Rule 30's delegate allocation provisions, and those proposed changes in Rules 32 and 29 which have to do with the makeup of individual State delegations. Rule 30, as you know, determines how many delegates each state will send to the Convention. It has nothing to do with those who are chosen to be delegates. The objective of the House and Senate groups with regard to Rules 32 and 29 has been to try to make delegations more representative of the population and the Republican voter base in each State.

There has been some confusion about this subject as well. Attempts to make delegations more representative of the voter base have been called "quotas." I am absolutely opposed to any quota system. Quotas cannot guarantee representativeness. For example, a delegation containing a certain proportion of delegates over 65 who are mainly professional and business people would not accurately represent those one out of four of our citizens over 65 who live in poverty.

We want to achieve representativeness in general terms, without any kind of quota system. By asking state parties to use their best efforts to try to broaden their organizations we hope we can obtain a more representative total delegate body. A council composed of members appointed by the National Chairman to work with the states to increase representativeness will, I believe, be very helpful and effective.

More importantly, however, we must remove any obstacles, procedural or monetary, to participation in the affairs of the party at the grass-roots level.

We must eliminate all of the obstacles to open participation in the delegate selection process by implementing DO Commission recommendations one through six. Proxy voting should be eliminated, for example, as should any kind of payment or fee to be a delegate.

No person should be prevented from being a delegate because he cannot pay his way to the Convention. These costs can be very high. The Republican National Committee should, I believe, at least pay the costs of delegate transportation. In this way we can do much without the application of any kind of quota or sanction.

Our groups have also discussed changes in Rule 30's delegate allocation formula, which in my judgment is the single most important issue at this Convention.

As I have studied this problem I have been struck by the extent to which Rule 30 now results in surprising degress of inequality among the states. Delegates from large states represent many times as many people as delegates from small states. I have attached a table which compares Rule 30 delegate allocation with 1968 Presidential vote and population. A glance at the table will show some of the inequalities. For example, Delaware sends 12 delegates to this Convention; each delegate represents 8,060 votes for President Nixon in 1968 and 45,675 people, according to the 1970 census. California sends 96 delegates to this Convention, but each delegate represents 36,122 votes for President Nixon in 1968, and 207,845 people.

These basic facts about the results of the application of Rule 30 have caused court action, as you know. The District Court in *Ripon* v. *National Republican Party* found this spring that the present formula contains inequities that result in under-representation of the more heavily populated states in the Republican Presidential nominating process, and enjoined us from using it after 1972.

The present rule, the court said, is not "constitutionally permissable" because it allocates delegates according to a formula based on electoral college votes and bonus delegates.

The *Ripon* decision, and other decisions, provide ample guidance for structuring a constitutionally correct delegate allocation formula. In *Ripon*, Judge Jones said that a formula based on electoral college votes or Republican voting strength, *"or some combination of these factors,"* would be constitutionally rational.

In the case of *Bode* v. *National Democratic Party*, the U.S. Appeals Court for the District of Columbia found that a formula based strictly on party voting strength would be incorrect. The Court said that a formula that balances almost equally both population size and party voting strength is correct, and found that a formula allocating 46 percent of the delegates on the basis of party vote and 54 percent on the basis of population strength would be correct.

In *Georgia* v. *National Democratic Party*, the U.S. Appeals Court for the District of Columbia decided that a formula based solely on population strength would not be correct, because it would, for example, give an almost entirely Democratic state, such as Mississippi, as much representation at the Convention as an entirely Republican state of the same size.

So I think we as a Party are faced with these central facts:

The present delegate allocation system clearly does not reflect accurately the popular and Republican voting strength of the larger states.

A District Court has found our present formula to be incorrect, inconsistent with Constitutional guarantees, and has enjoined us from using it after this Convention.

Two Appeals Courts have laid down very clear guidelines that provide a rational basis for structuring a constitutionally correct delegate allocation formula.

We want to become the majority party by broadening our total national strength, increasing Republican Party strength in the larger states that elect the bulk of the Congressman, and drawing new people into the Party.

The conclusion is inescapable: we must change the present rule. I urge that this Committee, and this Convention, adopt a new Rule 30. We have all the facts. We know what is right, and we know how to draft a new Rule 30 that is constitutionally acceptable.

Let us not put ourselves in the position of the Democratic Party, which was required by Court order to act.

I propose that the following principles guide our new delegate allocation formula:

This Convention should adopt a new Rule 30 that is structured in such a way that all states are given fair delegate representation in the Party's nominating process, based on measures both of population size and Republican voting strength.

At the same time we should structure the formula so that those states that might lose delegates through application of a new, more proportionate formula should be permitted to retain the same number of delegates at the 1976 Convention as they send to this Convention.

Such a formula should be drawn so as to come within the guidelines contained in recent court decisions regarding constitutionally correct delegate allocation formulas.

I am very pleased to report that this statement of the need for change in Rule 30 has received very encouraging support from a number of my colleagues in both the House and Senate; Congressmen Anderson (Ill.), Andrews (N. Dak.), Biester (Pa.), Dellenback (Oreg.), Heinz (Pa.), and Railsback (Ill.), and Senators Dominick (Colo.), Javits (N.Y.), Mathias (Md.), Schweiker (Pa.), Scott (Pa.), Taft (Ohio), and Saxbe (Ohio).

I can report a strong belief among many of my colleagues, and among party officials with whom I have spoken, that the present formula should be changed here in Miami Beach.

I have prepared my own formula based on the above principles. My proposed language for Rule 30, and the results of the application of the proposal, are attachments 2 and 3.

My formula would:

—Allocate four at-large delegates to each state, plus two delegates for each Congressional district. This part of the formula in effect gives every state 2 delegates for each electoral college vote, thus reflecting the state's population, while retaining the bias that already exists toward the smaller states which have a proportionately larger electoral college vote.

—Provide one additional District Delegate from each Congressional district for each 35,000 votes or major fraction thereof of the largest Republican vote cast for the Republican candidate for President in the last election in that district, or cast for the Republican candidate for Governor, Senator, or House of Representatives in that district, whichever is greater. This provides a measure of Republican voting strength in the state, and thus provides the necessary balance between population size and party voting strength in the formula.

—Provide a savings, or grandfather, provision which would insure that no state, as the result of the adoption of this formula, will have fewer delegates in 1976 than it has at this Convention.

This formula treats the District of Columbia as a state, taking it out of the "Territories" category to which it is traditionally relegated, and thus recognizing that citizens of the District may vote for President, and that they now designate a Delegate to the House of Representatives. Territories are assigned delegates based on population strength, and they are also grandfathered.

Let me comment briefly on some similarities, as well as some differences, between the present Rule 30 and the formulation I am proposing.

Rule 30 now consists of two elements, electoral college votes and "bonus delegates."

The electoral college element derives from Rule 30's provision for four at-large delegates from each state (or two for each Senator) and the two delegates for each Congressional district that are provided by Section (b). Rule 30's Section (b), of course, *appears* to be a measure of Republican voting strength, but in practice it does not work that way. Only two Congressional districts of 435 failed to cast fewer than 12,500 votes for the Republican Presidential candidate in 1968, or the Republican nominee for Congress in 1970. Thus, every Congressional district but two is represented by two delegates to this Convention (or two for each Congressman), plus two for every Senator, exactly double the number of the electoral college, minus two.

Thus, one element of the present rule in practice almost exactly reflects electoral college strength, which is a measure, though a distorted one, of a state's population. As we know, in *Georgia* v. *National Democratic Party*, the Court found that a formula reflecting population size alone was not proper. The additional award of six bonus delegates to every state that produces Republican victories, no matter how large the state, simply adds to the distortion. Smaller states have two types of advantages: one created by their advantage in the electoral college, and the other created by the award of bonus delegates on a non-proportionate basis.

My formula provides two at-large delegates for each Senate seat, and two delegates for each Congressional district, thus providing an accurate measure of electoral college strength, apportioned among the states on the basis of 1970 population. By eliminating the bonus rule, and substituting a provision that apportions delegates on the basis of district Republican voting strength, my formula provides a nearly perfect balance of delegates, totalling 2,130. Of this total, 1,076 are provided by the electoral college factor (204 at-large delegates, plus 872 representing Congressional seats). An additional 1,013 delegates are assigned on the basis of Republican voting strength, providing a nearly perfect division between the two standards, which is entirely consistent with the Court's dictum in *Bode* v. *National Democratic Party*. These totals are contained in attachment 3.

Against a total of 2,130 delegates, the provision for 34 "grandfathered" delegates is clearly not significant enough to distort the formula in any but a *de minimis* way.

I have tried to draft and present to you a formula that is consistent with court decisions and the best interests of the Republican Party.

One concern that has been expressed is that this formula provides too large a delegate body to assure that the Convention is conducted in orderly fashion. With the addition of one alternate for each delegate, the total number of delegates and alternates on the Convention floor would be 4260. The Democratic Convention provided for close to 3,000 delegates, with half that number of alternates, for a total of about 4,500. And that was, from appearances at least, an orderly Convention.

If we wanted to increase the number of delegates and yet keep the delegate body small in total, we too could provide one alternate for every two delegates.

I have also heard it said that a very large delegate body reduces the number of cities that can accommodate a Republican Convention. But it would seem that only five or six cities—New York, Chicago, San Francisco, Miami, Atlantic City, and Houston—can handle a Convention even of our present size.

I am not wedded to this particular formulation, however. We could draw up a formula that produces a smaller or larger total number of delegates, that reduces the importance of electoral college votes, or increases the proportion of delegates assigned according to party voting strength.

I would point out that my proposal has two advantages. First, it retains electoral college strength as a key factor in the formula, and it thus permits the smaller states to keep the advantage they now derive from the makeup of the electoral college. Second, it grandfathers the smaller states that would lose delegates. By balancing delegates produced by the electoral college factor with a large block of delegates produced by party voting strength, the resulting allocation of delegates becomes constitutionally correct.

Though we can devise different formulas, what is most important is that we set to work now to change Rule 30 in a way that is consistent with court rulings. It can be argued that we should wait until after the Appeals Court decides on the Republican National Committee's appeal before changing Rule 30. I would argue, instead, that we should act now to do what we know is right. Let us wholeheartedly embrace reform, not be forced to do it by court order. Let us bring the rules of the Republican Party into conformity with the Constitution of the United States. Let us ensure that our 1976 Convention is truly representative of a *national* party.

ATTACHMENT I

COMPARISON OF DELEGATE ALLOCATION: RULE 30 AND PERCY FORMULA

State	Delegates under rule 30	GOP vote per delegate (1968)	Population per delegate under rule 30 (1970)	Electoral college vote	Percy formula
Alabama	17	8, 643	202, 598	9	25
Alaska	12	3, 133	25, 181	3	12 (7)
Arizona	18	14, 818	98, 471	6	20
Arkansas	18	10, 598	106, 850	6	21
California	96	36, 122	207, 845	45	199
Colorado	20	20, 467	110, 363	7	27
Connecticut	22	25, 306	137, 828	8	33
Delaware	12	8, 060	45, 675	3	12 (9)
District of Columbia	9	3, 446	84, 057	3	9 (7)
Florida	40	22, 170	169, 736	17	66
Georgia	24	15, 838	191, 232	12	36
Hawaii	14	6, 530	54, 994	4	14 (12)
Idaho	14	11, 812	50, 929	4	14 (13)
Illinois	50	37, 496	191, 620	26	120
Indiana	32	33, 371	162, 302	13	57
Iowa	22	28, 141	128, 411	8	34
Kansas	20	23, 934	112, 454	7	29
Kentucky	24	19, 267	133, 138	9	32
Louisiana	20	12, 877	102, 159	10	27
Maine	8	21, 157	124, 208	4	13
Maryland	26	19, 923	150, 862	10	35
Massachusetts	34	22, 554	167, 329	14	58
Michigan	48	28, 556	184, 896	21	85
Minnesota	26	25, 332	146, 349	10	43
Mississippi	13	6, 809	170, 532	7	17
Missouri	30	27, 064	155, 913	12	48
Montana	14	9, 917	49, 601	4	14 (12)
Nebraska	16	20, 073	92, 737	5	19
Nevada	12	6, 099	40, 728	3	12 (8)
New Hampshire	14	11, 064	52, 692	4	14 (13)
New Jersey	40	33, 137	179, 204	17	73
New Mexico	14	12, 121	72, 571	4	14 (13)
New York	88	34, 181	206, 713	41	175
North Carolina	32	19, 600	158, 814	13	47
North Dakota	12	11, 556	51, 480	3	12 (10)
Ohio	56	31, 982	190, 215	25	113
Oklahoma	22	20, 441	116, 330	8	29
Oregon	18	22, 691	116, 188	6	24
Pennsylvania	60	34, 834	196, 565	27	123
Rhode Island	8	15, 295	118, 715	4	13
South Carolina	22	11, 548	117, 751	8	23
South Dakota	14	10, 703	47, 590	4	14 (13)
Tennessee	26	18, 177	150, 929	10	36
Texas	52	23, 612	215, 322	26	88
Utah	14	17, 052	75, 662	24	16
Vermont	12	7, 095	37, 061	3	12 (10)
Virginia	30	19, 677	154, 050	12	41
Washington	24	24, 521	142, 049	9	38
West Virginia	18	17, 086	96, 902	6	23
Wisconsin	28	28, 928	157, 783	11	48
Wyoming	12	5, 911	27, 701	2	12 (8)
Total	1, 335				2, 119 (30)
Puerto Rico	5		542, 408		5
Virgin Islands	3		28, 332		3 (1)
Guam	3		20, 823		3 (1
Total					2, 130

RULE 50

(Proposed new language to implement "Percy Formula")

The membership of the next National Convention shall consist of:

A. DELEGATES FROM THE 50 STATES AND THE DISTRICT OF COLUMBIA

1. Four (4) Delegates at Large from each of the fifty (50) States, and the District of Columbia.

2. Two (2) additional Delegates at Large for each Representative at Large in Congress from each State, including the District of Columbia.

3. Two (2) District Delegates from each Congressional District.

4. One (1) additional District Delegate from each Congressional District and one (1) additional Delegate for each State having only one (1) Congressional District, for each 35,000 votes or major fraction thereof, of the largest Republican vote cast for the Republican nominee for President in the last preceding Presidential election, or for the Republican candidate for Governor, Senator, or for all Republican candidates for Representative at Large or Member of Congress, in that election or a subsequent election, whichever is greater.

D. DELEGATES FROM THE TERRITORIES

1. Five (5) Delegates at Large for Puerto Rico.

2. One (1) Delegate at Large for the Virgin Islands.

3. One (1) Delegate at Large for Guam.

C. SAVINGS PROVISION

In any case when the application of this Rule for apportionment of Delegates to a State, the District of Columbia, or Territory results in the designation of fewer Delegates than such State, the District of Columbia, or Territory sent to the 1972 Republican National Convention, such State, the District of Columbia, or Territory shall have the same number of Delegates at the 1976 Republican National Convention.

D. ALTERNATE DELEGATES

One (1) Alternate Delegate shall be provided for each Delegate to the National Convention.

ATTACHMENT 3

RESULTS OF "PERCY FORMULA"

	Number	Percent
1. Number of delegates at-large (4 for each State and District of Columbia)	204	9.6
2. Number of district delegates based on congressional seats	872	47.6
3. Number of district delegates assigned according to Republican voting strength	1,013	40.9
4. Number of "grandfathered" delegates	34	1.6
5. Delegates assigned to Puerto Rico, Virgin Islands, and Guam	7	.3
Total	2,130	100.0
Balance of delegates based on electoral college vote vs. delegates based on party voting strength:		
Delegates reflecting electoral college votes (1 and 2 above)	1,076	50.59
Delegates reflecting party voting strength	1,013	47.60

CHILD NUTRITION PROGRAMS

Mr. PERCY. Mr. President, I commend the work of the Committee on Agriculture and Forestry in reporting H.R. 14896. I think it is basically a good bill that will clear up many uncertainties about our child nutrition programs for the school year ahead.

I am pleased that the bill as reported contains many of the elements found in S. 3661, a bill which I cosponsored. I felt that S. 3661, prepared, as it was, by the USDA in consultations with many concerned individuals and groups inside and outside of Government, offered the best framework for improving the present structure of child nutrition programs.

I trust that our consideration of this bill will not preclude the possibility of a more searching examination of our present programs and the consideration of more fundamental and far-reaching reforms such as are embodied in my own bill, S. 3904, The Comprehensive Child Nutrition Act of 1972. My cosponsors and I are convinced that a fresh start is badly needed in this field if we are to achieve our final goal of assuring adequate nutrition for all needy children.

But that is in the long run, and we are faced today with amendments to the National School Lunch Act and the Child Nutrition Act that are necessary for the coming school year.

I applaud the steps which are taken in this bill to strengthen and improve the school breakfast program, the special or nonschool food assistance program, and the nonfood or equipment assistance program.

I also support the committee's action in fixing free and reduced price meal eligibility guidelines at no more than 125 percent and 150 percent respectively of the income poverty guideline. I shall support efforts to amend the bill to include a so-called grandfather clause to cover those areas which presently have higher eligibility standards.

In general, I believe in the performance funding concept which the committee has proposed for section 4 food assistance and which the Senator from Iowa (Mr. MILLER) will, I understand, propose by floor amendment for section 11, special lunch assistance. But I would like to clarify a few points with the managers of the bill before we vote on final passage. I take this occasion in advance of consideration of the bill to advise my colleagues, a few unanswered questions that I have is they are now on the floor at the moment.

As I understand it, the bill guarantees a State a dollar amount equal to the number of lunches it serves multiplied by the average national payment per lunch which in no case shall be less than 8 cents. I presume this is correct.

But a school within a State is not necessarily guaranteed an amount equal to the number of lunches it serves multiplied by the average national payment. The answer appears to be correct.

So some schools in Illinois, for example, may actually be receiving a payment equal to 6 cents per lunch while others may be receiving the equivalent of 10 cents per lunch. I wonder if this may not be a disincentive to some schools to do the very best job they can in providing nutrition services to all needy children.

In this same regard, why does the legislation speak of a national average payment per lunch? Am I to take this to mean that in fact one-half of the States and territories may be receiving, say, 6 cents per lunch and the other half 10 cents per lunch for a national average of 8 cents? Taking the language at face value, the answer to this must be "Yes."

Is this equitable? I think we shall hear many complaints—and justifiably so, in my opinion—if in the next fiscal year an average payment per lunch nationwide is achieved by below-average payments to some schools and to some States and above-average payments to others.

Would it not be more equitable if we guarantee the States as well as the schools within each State a minimum payment per lunch? This would make our meaning absolutely clear: Eight cents per lunch would mean at least 8 cents and not perhaps as low as 6 or as high a 10.

Did the committee consider this language? I would hope the managers would consider amending the bill to this effect.

INDIA AT 25

Mr. HUMPHREY. Mr. President, it was on August 15, 1947, that the British recognized India's independence, and it was on August 15, 1947, that the dream of Mahatma Gandhi and Jawaharlal Nehru came true. There was a rebirth of a great nation, an awakening and revitalization of a great people but at the same time there was the cold realization of the responsibilities which lay ahead for an impoverished, albeit independent, country with the second largest population in the world.

All was not euphoria at the time of independence day celebrations, any more than it is today. The responsibilities remain, and, if anything, they have grown more complex due to the rapid growth of population in India which continues to absorb her real economic growth, and due to evolving power relationships throughout the world. Nevertheless, India has weathered many of the storms. Its democratic, parliamentary system has remained in tact. It has a strong, perceptive Prime Minister, Indira Gandhi, at its helm and a commitment to social reform and economic development.

Usually, at anniversary times, especially one as important as the one India is celebrating now, commemorative speeches are lengthy in their praise and short on the hard stuff of what lies ahead. I will not be long in my praise because I count on others for that. I rely on the qualities of contemporary Indian civilization to speak for itself. And I will not be long in my criticism either.

Mr. President, my intent is only to wish this great country and its people well and to stress that the problems ahead will challenge the best of them. India's future lies not in ambitious plans done in the abstract for classroom consumption, but in the formulation and implementation of policies which meet the needs of the people—needs that are written in their faces and are a part of everyday of their lives. I am speaking of providing food, improving agricultural production, raising industrial productivity, initiating urban housing and welfare programs, rationalization of the economy, and a redistribution of wealth to reduce the income disparities which persist.

Recent articles commemorating India's 25th anniversary of independence describe in a very vivid way the needs of the people and what remains to be done. I ask unanimous consent, that two relevant articles published in the New York Times and Washington Post be printed at this point in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 14, 1972]

India, Still in Shadow of Poverty, Shows Pride as a Nation Now 25

(By Robert Trumbull)

New Delhi.—Prime Minister Indira Gandhi is about to open a subdued year-long celebration of the 25th anniversary of Indian independence in a country where much has changed, yet much remains the same, since her father, Jawaharlal Nehru, hailed the new nation's "tryst with destiny" as Britain handed over power in the first minutes of Aug. 15, 1947.

Physical improvements have brightened the face of this ancient and long-suffering land, though Mr. Nehru's comment that "we have achieved much" but "we must achieve much more" is as applicable today as when he made it on the first Independence Day.

The shining image of India in the emerging "third world" of former colonial countries has dulled in the years of shifting alliances and the declining relevance of neutralism, the basis of Indian foreign policy under Mr. Nehru, the first Prime Minister.

The internal political complexion of the country has also altered, with the power no longer in the hands of the old Congress party as Mr. Nehru had known it until his death in 1964. Indians say that Mrs. Gandhi's rule at the head of a reconstructed party, younger and more leftist, is firmer than her father's ever was.

Mrs. Gandhi has taken the economy, never strong, into uncharted socialist paths. With wages low, prices up, productivity down and unemployment growing, the success of the socialist experiment is yet to be established.

Meanwhile, uncontrollable natural factors of alternating floods and droughts, and the savage summer heat, are unchanging agonies in a disaster-prone country poorly served by nature.

Following a recurrence this summer of the droughts that periodically deprive struggling industry of needed electric power and threaten food shortages where many already are hungry, Mrs. Gandhi has decreed an austere observance of the 25th Independence Day in order to rebuild depleted reserves.

Such spectacular holiday displays as the outlining of public buildings with electric lights on the festive night have been barred and the public has been asked to forgo the customary ostentatious anniversary parties.

In the midst of India's modernization, some things remain unchanged. Despite a jagged new skyline of monolithic high-rise buildings, the environs of the capital retain an ambiance of timeless antiquity through the spectacular old monuments of bygone eras, like the huge seventeenth-century Red Fort, once the seat of Mogul emperors.

With urban sprawl pushing New Delhi's boundaries ever outward to country that was semidesert, the quiet of the night in this once-compact capital is shattered by traffic sounds instead of the jackal's eerie wail. These noisy, skulking animals that once scavenged nightly in the city's outskirts shun the new suburbs.

But the twilight hour, when sunset cuts the heat like the closing of an oven door, is still made vivid by flocks of screeching parakeets darting above the city streets like streaks of green flame.

A MIXTURE OF SOUNDS

Besides the screams, chirps and caws of the many kinds of birds, the cacophony of Indian cities includes the chattering of untamed rhesus monkeys roaming the urban roofs, and the undulating tones of the snake charmer's flute.

In the countryside around New Delhi a motorist may have to swerve to avoid hitting a wild peacock strutting on the highway. In the railway yards of eastern India elephants are preferred to engines for shifting boxcars.

The new mingles with the old.

Soviet-made tractors, driven by bearded, turbaned Sikhs, dodge around bullock carts and camels on the Grand Trunk Road, the great Punjab artery described in Rudyard Kipling's tales of British India.

Children of the untouchables, lowest of the low in the stratified Hindu social order, earn university degrees although their fathers may still live in hovels and follow inherited menial occupations that members of the higher castes hold in contempt.

In teeming cities like New Delhi, Calcutta, Bombay and Madras, new apartment houses are rising in vast slum-clearance projects. But in most cities the odorous colonies of tumbledown makeshift huts also grow despite regulations against them. "You can enforce regulations only so far," said a municipal housing official in Madras.

A notable feature of the new India is the air of cheery pride exhibited in fields and factories where so many faces once were hangdog and discouraged.

"You know, we send technicians to other countries now," said an Indian irrigation expert in Himachal Pradesh, a mountain state whose melting Himalayan snows water the burning northern plain.

"Garibi Hatao"—"Banish poverty"—is the slogan adopted by the new Congress party built by Mrs. Gandhi after she had led the elections in casting out the old guard.

The socialist approach has so far produced a mixed pattern of Government monopoly, official competition with private enterprises, Government and private partnerships and the purely private sector.

To its existing monopolies in communications and transportation, the Government has added banking, insurance and coal, and 80 per cent control of the steel industry.

"Actually, we have nationalized very little," a close adviser to Mrs. Gandhi said in a recent interview. "Mostly, we have merely taken over ailing businesses to put them on their feet."

Private businessmen have been unimpressed by such assurances. "We are living on a knife edge, wondering what the Government is going to seize next," said one successful entrepreneur in Bombay.

Some Western economic analysts here charge the Indian Government with being overly nationalistic and conservative in managing what Mrs. Gandhi calls the "commanding heights" of the economy.

"India is too cautious in hoarding $1.25 billion in foreign exchange instead of using some of it on projects to expand the economy," an American expert declared.

SOME IMPORTS HALTED

Imports of consumer goods have virtually ceased, judging by the goods available in shops, although the black market is another matter. "You can get anything if you can pay for it,' said a Calcutta resident.

However, India now produces a spectrum of items covering everyday wants, from canned foods to cameras, though the variety and quality may leave much to be desired, and prices are high.

"They tell us we make machinery good enough to be sold in the United States," said a Bombay housewife. "Then why can't we make a toaster that won't break down in a few days?"

According to a recent report by Moinul Haque Chaudhuri, the Minister for Industrial Development, Government ventures suffered an over-all loss of more than 100 million rupees in the 1969–1970 fiscal year, but lost only 30.7 million rupees in 1971–72. The Indian rupee is exchanged at about 7.5 to the dollar.

"We don't look just at the balance sheet," a Government economist said. "We also take into account the social benefits flowing from Government enterprise."

In many instances, he said, when the Government takes over an enterprise it "virtually creates a new company town" at the plant, enabling the employes to "live better than they otherwise would."

In Punjab and other states, where the "green revolution" in grain production has enabled India to halt costly importing and even to think of exporting food soon, the successful farmers have been discouraged by the Government's imminent imposition of a ceiling of 10 to 12 acres of land holdings.

"I may as well sell my tractor and move to the city,' said a Punjab farmer who had arrived as a destitute refugee from Pakistan 25 years ago and now owns 90 productive acres and employs several families. "But think of the millions of landless cultivators who will become owners when the excess acreage is redistributed," a state official insisted, when told of the Punjab farmer's despair.

A proposal to limit urban property holdings is expected to be put before the parliament, where Mrs. Gandhi commands an overwhelming majority, as soon as a New Congress party committee has worked out the details.

The plan upset a New Delhi widow who has just built a four-bedroom house, modern in all respects, that she can rent to an embassy family for the equivalent of $400 a month.

"After expenses and taxes I'll have nothing left," said the widow, who lives in a small apartment, "and I don't even know if I will be allowed to leave the property to my children."

Concern for the myriad underfed, jobless poor has enabled Mrs. Gandhi to renege without a qualm on pledges by her father's Government, such as the payment of privy purses—in effect, pensions—to the former princely rulers in return for ceding their states to the Indian union. Her action in stopping the payments bothered the consciences of many Indians.

Mrs. Gandhi's tendency to act on significant matters without consulting Parliament has been criticized by Indians who feel that ignoring the forms of democracy can engender contempt for the substance.

A close associate of Mrs. Gandhi recently described her ideology as "centrist, or left of center." At the same time she keeps the support of the extreme left, including a new youth corps that has evolved from the wreckage of the Naxalites, a Maoist organization that had advocated violent revolution.

Mrs. Gandhi's luster at home has been enhanced by India's victory over Pakistan in the war last December, which resulted in the creation of Bangladesh in what was formally East Pakistan.

Except for Hindu diehards, the country has acclaimed the accords worked out by Mrs. Gandhi and President Zulfikar Ali Bhutto of Pakistan in Simla last month, beginning an effort to end 25 years of ill-will and four wars between the two countries.

While relations with Pakistan are improving at last, the suspicions of small states for giant neighbors has lessened India's popularity in Nepal, Bhutan, Bangladesh and Sikkim, the latter an Indian protectorate.

Nearby Ceylon has displeased New Delhi by moving closer to China. The border dispute with Peking, which resulted in an Indian military defeat in 1962, still poisons relations between the two Asian giants, once the warmest of friends.

India's confidence of her role as a leader among the neutralist states was shaken when many of these countries decided not to take sides in the conflict between New Delhi and Peking, and declined to support India in United Nations debates on the Bangladesh affair.

Except for the tiny Himalayan kingdom of Bhutan, which is committed by treaty to be "guided" by India in foreign affairs, only the Soviet Union and her satellites supported New Delhi's opposition to a cease-fire in Bangladesh.

India's status as a nonaligned nation has been impugned since New Delhi and Moscow signed a treaty last year that has military overtones. India spokesmen, however, insist that no Soviet military aid has been accepted.

The increasing commitment to the Soviet Union, India's consistent supporter in international disputes, and the alienation from the United States since President Nixon's reported "tilt" toward Pakistan in the Bangladesh situation disturb many Indians.

American friends of India have noted that criticism of United States policies, to the extent of denigrating the effect of great amounts of American economic aid, has become distressingly fashionable in official and intellectual circles.

The image of antimilitarism and nonviolence cultivated by Indians, already tarnished by the invasions of the recalcitrant princely states of Junagadh and Hyderabad and the seizure of Goa and other Portuguese enclaves in 1961, not to mention the events leading up to the war in Bangladesh, has been further tarnished by recent talk of developing nuclear weapons, although Mrs. Gandhi has disavowed any such idea.

However, talks with many officials, industrialists, professional people and residents in a selection of key cities, towns and villages during a tour of more than seven weeks have uncovered a tremendous reservoir of admiration and regard for Americans in general, if not for Mr. Nixon.

"Indians have never forgotten American support for Indian independence," said a university professor in Bangalore, an industrial hub of the south. "We would have starved without American wheat," a businessman in Calcutta declared.

"For God's sake," a high Government official begged an American journalist friend, "tell your people that we aren't in the Russians' pockets."

[From the Washington Post, Aug. 15, 1972]

INDIA, FREE 25 YEARS, ENJOYS STABILITY AMID POVERTY

(By Lewis M. Simons)

NEW DELHI.—Aug. 15 (Tuesday)—In the 25 years since Jawaharlal Nehru kept his country's "tryst with destiny," the government of independent India has made remarkable progress toward modern statehood.

But the people of India have not kept pace.

As a government, India has advanced far toward the recognition its leaders dearly crave from the world beyond the Subcontinent. Political stability is so much a fact of life that opposition is almost nonexistent and critics are beginning to raise cries of "dictator" against Nehru's daughter, Prime Minister Indira Gandhi.

As a people, the great Indian masses are as impoverished today as they were on this day in 1947, the day Britain set them free.

To the outsider, witnessing this phenomenon of advancing government and lagging populace can be like watching a lumbering bullock cart. But on this cart, sometimes one wheel rolls forward and one stands still, and the cart turns in a circle.

ECONOMIC EVALUATION

Consider this evaluation of the Indian economy 25 years after independence by Finance Minister Y. B. Chavan:

"All-round economic progress since independence has radically altered the character of our economy and brought about a significant increase in real incomes generally.

"But, the absolute number of those living in abject poverty has scarcely diminished; economic disparities appear to have widened; unemployment has become a seemingly intractable problem."

Or again, in an analysis of land reform by State Minister of Agriculture Sher Singh, the wheels seem to spin in two directions:

"One of the spectacular results of the spread of modern technology has been a widening of the disparities in wealth and income in rural areas.

"On top of this, the unplanned spread of mechanization threatens not only to accentuate the inequalities but also to reduce employment opportunities. In the result, new social tensions are developing in the countryside."

DEFICIT ELIMINATED

On occasion, the wheel of the government and the wheel of the people seem to roll smoothly alongside each other, and the results can be startling. The "Green Revolution" of Indian agriculture is one of these rare achievements.

Spurred by the disastrous droughts and famine of 1965–67, government leaders, scientists, technicians and peasants pulled together. Within five years, they eliminated the great food deficit which had plagued this country from antiquity and built a reserve now claimed to be adequate to ward off starvation for more than a year.

While this is an achievement that would doubtless stun the founders of independent India, Gandhi and Nehru, once more it is beginning to look as though the accomplishment will be that of the government more than of the people.

FOOD EXPORTED

After its resounding defeat of Pakistan last December, the government delivered a reported 750,000 tons of rice to its newly liberated neighbor, Bangladesh. The word went out: For the first time in history, India can export food grains.

A deal with a Japanese company was reported in which India was bartering 100,000 tons of corn. The government offered "miracle rice" seeds to North Vietnam.

The government also claims its storehouses hold 9.5 million tons of food grains. Some politicians in opposition to Prime Minister Gandhi have disputed the figure, but this can probably be dismissed as sniping and most diplomatic observers accept the official statistics.

Yet, when the current monsoon was late in developing and summer crops were burning in the parched ground, it was only a matter of weeks before peasants began to die. Government officials, anxious that the green revolution not appear to be a fragile shell, insisted they were dying of malnutrition, not starvation.

Now, although the monsoon has come, great damage has been done to crops, and no more is to be heard about grain exports. The Japanese deal is back "under negotiation." The U.S. mining of North Vietnam's ports eliminated the seed offer.

There is no doubt that India is capable of feeding itself and even of exporting grain. The point has been made. What has not been proven is that the diverse elements of the government and the people can be made to haul together in good times as well as bad to overcome dependence on the capricious monsoon and to make agriculture a manageable science.

INDUSTRY'S ROLE

Industrial growth since independence does not approach agricultural gains. In 1950, three years after the Union Jack was lowered in New Delhi, industry contributed about 5 per cent to India's national income. By 1968, this contribution had doubled.

Since then, however, with the government moving increasingly into the industrial picture, growth has fallen off sharply. In the last four years, the government has granted only 125 out of 1,000 applications by large private industrial organizations seeking expansion.

This shackling of the private sector has caused the government to dip deeper and deeper into bank credits to help develop public sector growth. In the last fiscal year, the government borrowed a record $1.1 billion.

The handful of indigenous industrial giants has grown frustrated. In an annual report to one of his companies last month, the country's leading business figure, J. R. D. Tata, complained bitterly:

". . . Modern and mature countries which, whether calling themselves socialist or not, have provided their people with the highest standards of living and the most complete welfare services in the world, have resolutely turned their back on outdated Marxist theories and shibboleths still blindly accepted by so many in our country who think the prosperity and welfare of the people can only come from the destruction of all private ownership and enterprise."

Most observers in New Delhi are not as convinced as Tata, who is frequently described as an "enlightened capitalist," that Mrs. Gandhi intends to destroy private enterprise. What she does seem intent on doing, however, is developing something she calls the "joint sector," an ill-defined melding of government and private management.

POLITICAL MOTIVATION

The effort to eat into private control of industry appears to be politically motivated. Long-time observers note that dramatic moves, such as nationalizing a huge private factory, can pay dividends in impressing a large number of poor people, even though the benefits to them may be nil.

To those of India's upper class—a class which forms an eggshell-like veneer over the depths of grinding poverty—Mrs. Gandhi has become an object of scorn for her steps in nationalization and her efforts to place restrictions on both rural and urban landholdings.

To this class, from which Mrs. Gandhi and her aristocratic father themselves came, she is "that woman," just as Franklin Roosevelt was "that man in the White House" to critics of his New Deal.

The argument over nationalization is a constant one here. But, while critics can cite convincing figures as evidence that nationalized industries such as banking, insurance, and some steel plants, are doing very poorly, proponents can point only to future hopes.

As to what this furiously spinning government wheel is churning out for the people of India, Times of India columnist Prem Shankar Jha wrote recently: "What difference does it make to the 200 million people who live below the bread line whether industry is controlled by 100 or 1,000 families or, for that matter, by the state?"

GREATEST FAILURES

At this "below the breadline" level of society lie India's greatest failures in its first quarter century: Failure to provide housing for more than 10.5 million families; failure to provide education for the children of these families; and failure to provide basic medical attention.

Clinging to the lowest rung on India's social ladder are some 80 million Untouchables, or as Gandhi called them with heart-rending affection, Harijans—Children of God.

(The Untouchables were members of certain Indian castes which, though considered Hindus, were excluded from the ordinary social and religious privileges of Hinduism. India outlawed "untouchability" in 1949 and made persecution of untouchables punishable by law.

(How this caste came to be ostracized is obscure. According to one definition, Untouchables are best described as Hindus who were not allowed to enter ordinary Hindu temples and who supposedly caused pollution to ordinary Hindus either by touch or by proximity.)

Untouchables, in effect relegated an entire community to the dregs of society. And, as American Blacks have learned, prejudices cannot be legislated out of existence. Untouchability is still very much a fact of Indian life, not only in the villages but in the big cities as well.

Even in New Delhi, where a handful of Harijans have become Cabinet ministers and public figures, the men and women who sweep the streets and empty latrines are always Untouchables.

In the villages, their lot is far more degrading—and dangerous. In the first six months of this year alone, 20 cases have been reported of Untouchables being made human sacrifices to satisfy obscure religious rites. Those cases not reported, according to one authority, "must be legion."

Officially, prejudice against Untouchables is exercised in diverse ways. For instance, when electric power is installed in rural villages, the adjacent slum areas occupied by the Untouchables of the village are inevitably ignored. There is now a program to provide electrification for one Harijan settlement a day in each state in the country.

But, according to one official source, government measures have had no significant effect on improving the overall status of Untouchables since 1947.

The Untouchables and the lower, or "scheduled," castes and tribal groups make up the breeding ground for India's exploding population. According to the official 1971 census, the population now stands at 548 million, an increase of 24.8 per cent in the last decade—the highest growth rate for any decade to date.

RATE OF BIRTHS

According to informed observers, the total population is nearer 560 million and the rate of births may be even higher than the one officially reported.

The goal of the national family planning program is to reduce the growth rate from 39 per thousand to 32 by the end of the current five-year plan in mid-1974. "The achievements so far do not indicate that, except in a few states, this goal will be reached," Health and Family Planning Minister Uma Shankar Dixit said recently.

All these social problems are very serious. Some of Prime Minister Ghandi's harshest critics say India's social ills continue unabated because she has concentrated her efforts on making a place for herself—and India—in the world instead of making India a better place to live.

Whether this criticism is valid or not, there is no question that the daughter of Nehru has far surpassed her predecessors in gaining international position and respect for both herself and her country.

By shrewdly accepting the courtship of the Soviet Union at a time when war with Pakistan over Bengali nationalism was growing imminent, she cleared the way for her generals to fight the battle without having to worry about superpower intervention.

RINGING VICTORY

The ringing victory over Pakistan has also swept aside that lingering aura of nonalignment, so carefully nurtured by Nehru. And though Mrs. Gandhi and her ministers would be loath to admit that nonalignment is a thing of the past, leading Indian political scientists are not only open about it, but proud.

"Nonalignment answered our needs for security and our urges for prestige," said a top government defense analyst in an interview. "By being friendly in varying degrees with Washington, Moscow and Peking, Mr. Nehru hoped to make the Subcontinent free from excessively hostile interference by any major power. Indo-Pak strains were there for anyone to exploit."

For a number of years, India consoled itself by saying it was an area of agreement between the Soviet Union and the United States. But as ambitious a figure as Mrs. Gandhi could not be content with this self-deception forever.

Then, in December, 1970, Sheikh Mujibur Rahman won an impressive victory in the East Pakistani elections, and Mrs. Gandhi saw that the unity of Pakistan was in serious trouble.

Here at last was a hope for India to reconstruct the Subcontinent to its liking.

Victory gave India the position it has craved since Britain partitioned the Subcontinent preceding independence.

WANTS RECOGNITION

What Mrs. Gandhi wants now from the United States and China, and already enjoys from the Soviet Union, is the recognition that India reigns supreme in South Asia.

There can be no doubt that much of the indigenous criticism leveled at Mrs. Gandhi is political carping. She has achieved in her tenure progress and stability beyond the dreams of the former British rulers and the Indians who initially inherited leadership.

In some ways, progress has been so significant as to cause some criticism to become quite fine-grained, in itself a tribute to India's first 25 years.

But there can also be no doubt that the next 25 years must be a period of advance for the Indian people themselves. While they may no longer be the starving masses that once haunted the conscience of the world, their suffering is still overwhelming.

Until this suffering is alleviated, India's progress will continue to be irregular, like the two-wheeled bullock cart, sometimes lurching forward and sometimes lumbering in a circle.

Mr. HUMPHREY. Mr. President, in noting the problems which India faces, it would be supercilious for us to leave it at that. The scale of India's problems may dwarf our own in some areas, but not all. In fact what is most striking are the resemblances and the need for greater cooperation between the United States and India in solving our problems. Mrs. Gandhi spoke in part about this in her very eloquent address to the International Conference on the Human Environment in Stockholm. Few representatives of our own Government have really spoken in concrete terms about how we can collaborate with Indian leaders to tackle the problems we share and those we do not as well. Little representation has been made on the part of this administration about American concern that close relations between the United States and India not languish any longer. Too little has been done, and too much remains to be done.

There are those of us in this country who are sensitive to this gap. And we will do all we can to repair it. Confirmation of this desire is better than shallow adulation. India is a great land, and can be a stabilizing force for peace in Asia. But it needs assurance and encouragement, something we can provide with effort and imagination.

Independence was a great achievement in Indian history. There have been other great achievements in its most recent history, but none would be so monumental as the achievement of high socioeconomic standards and peace in South Asia. None would be so respected as a devotion of human energies to the individual and the mass of people in India, to their satisfaction and contents.

> When one knows thee, then alien there is none, then no door is shut. Oh, grant me my prayer that I may never lose the touch of the one in the play of the many.
>
> —Rabindranath Tagore.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, Senate Joint Resolution 241, which the clerk will state by title.

The assistant legislative clerk read the joint resolution as follows:

A joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana. The yeas and nays have been ordered.

THE SENATE'S ROLE IN STRATEGIC ARMS LIMITATION—THE JACKSON-SCOTT AMENDMENT

Mr. BELLMON. Mr. President, I am happy to be one of the cosponsors of a significant amendment to Senate Joint Resolution 241. The amendment, as Members know, has gained support from both sides of the aisle and from the administration itself. This spirit of bipartnership has an honorable history in the conduct of U.S. foreign policy. Our greatest successes in this area have come when partisanship was laid aside, and when all Americans rallied around certain enduring principles of policy.

Mr. President, there has been broad acclaim, both here and abroad, for the President's achievements in SALT I. But not even the President has claimed that the ABM Treaty and the interim agreement have put the problem of strategic weapons to rest. Nor has the President done anything but encourage the closest congressional scrutiny of these accords. The President recognizes that when the security of the Nation is involved, there should be no such thing as rivalry between the parties or between the branches of Government.

Mr. President, the limitation of strategic arms is as important a matter as we have ever undertaken in the foreign policy field. Success in controlling strategic weapons can bring us closer to the goal we have sought since atomic weapons were first made—a reduction in the possibility of nuclear war. It is, therefore, of the highest importance that the Senate do its share in establishing principles to guide consideration of this all-important matter, and that those principles be of a kind which can gather the broadest public support.

I believe that the amendment we are proposing does embody simple and sensible and consistent principles. I believe these are principles that the American people are prepared to support. I would add, Mr. President, that there has been much public confusion over the terms of the agreements we are being asked to approve. There has been considerable public discussion of the technical problems involved in the limitation of strategic arms, but comparatively little consideration given to the guidelines which should govern the conduct of future negotiations. I think it is high time that the American people know the Senate's views on these matters.

Now, what principles should we be talking about? I suggest, Mr. President, that the most important are set forth in the text of this amendment. It should be perfectly clear to the entire world that this Nation's intentions are entirely peaceful. It should be clear that we have no desire for territorial gain, and no desire to exert our will over the people of any other nation.

Actions of the United States following World War II should have made these facts abundantly clear. At the end of the war, the United States had the most powerful military establishment ever known to mankind—a military machine that, with very little effort, could have conquered and dominated every continent.

We were the first and only nation to possess the atomic bomb, and this weapon alone was sufficiently ominous to blackmail the rest of mankind. But instead of using our atomic capability for national gain, we shared the knowledge with the nations of the world.

In terms of conventional forces, at that time we had more men under arms, more ships, more planes, more tanks, and other heavy armaments than any other nation.

Instead of using these forces for military gain, this great machine was virtually dismantled, the planes junked, the ships put in mothballs, and the soldiers returned to civilian life.

We did not have claim on any territory from wartime victories.

Our industrial complex, which was the greatest ever conceived and built by mankind, was totally untouched by the ravages of war. Yet the military production from this military complex was rapidly changed to civilian production. So, in my mind, there can be no genuine question about the peaceful actions and peaceful intentions of the United States and of the citizens of the country. But, to help keep the record straight, I would like to contrast the actions of the United States at the end of World War II and in the time since then with the actions of the Soviet Union.

Since World War II, we have seen the Russian Government cause frequent and serious disruptions of international affairs. We remember clearly the actions that led up to the Berlin blockade. We remember the Russian military activities at the time of the Hungarian Revolution. We remember similar actions on the part of the Russian Government when there was an uprising in East Germany. We remember vividly the Russian involvement in Cuba which led to the Cuban crisis.

More recently, we know of the construction of the Berlin Wall and of the Russian military action in Czechoslovakia which crushed the freedom of the citizens of that country.

Now, Mr. President, we are subjected to a period of time when, for reasons which none of us can fully understand, the Russian Government seems to be smiling, but none of us can be certain how long this frame of mind will last for that Government, which has caused so much trouble in the world since World War II. We know that zebras do not change their stripes, but we are not certain yet whether or not a bear can permanently change its personality.

Mr. President, in addition to the other actions that I have mentioned that our country has taken since World War II to bring about peace in the world, I would call the attention of the Senate to the fact that during this period, according to the best records I can get, the United States has put forth a grand total of almost $150 billion in foreign aid, to former foes and to our friends alike, and this has gone a long way toward building up the economies of many countries, some of which are now strong enough to challenge us seriously and successfully in the marketplace.

So the record is that for more than 25 years, the United States has sought ways to prevent the outbreak of general nuclear war. All of the strategic programs funded by the Congress have had that end in mind. We have committed ourselves to a posture of deterrence, a posture which says to any potential adversary that the initiation of nuclear hostilities against the United States will be tantamount to self-destruction.

Such a posture will work, such a posture will be believed, only when an adversary is convinced that he cannot execute a disarming first strike against us. He will not, therefore, look solely at the size of our inventory of strategic weapons—the number of missiles, the number of aircraft, or the number of warheads. He will concentrate instead on the number of strategic weapons that will be able to survive his first attack. Thus it is the survivability of our strategic arsenal, even more than its size or its destructive power, which is vital to the maintenance of deterrence.

The testimony of our diplomatic and military experts before Senate committees makes it plain that the interim agreement, in and of itself, does not provide certain assurance of the survivability of America's deterrent. The record of the hearings—a record I commend to the attention of all Senators—makes it clear that there is enough leeway permitted to the Soviets in the way of military modernization to cause me to conclude that the survivability of a sufficient U.S. deterrent force is not a certainty in or after 1977.

The capacity to retaliate after a first strike is affected crucially by the type of weapon available. Current American ICBM and Polaris capabilities would be most effective against cities, the so-called soft targets. In contrast, the Soviet nuclear force, with its SS-9 ICBM armed with a 25 megaton warhead, seems to be designed primarily for destroying ICBM silos and other strategic capabilities without employing the smaller warhead missiles deployed on the submarine force. The United States could retaliate with its Polaris squadrons primarily against Soviet cities. But this would still leave the Soviet Union with a capability for destroying American cities. In these circumstances, as President Nixon has asked:

> Should a President, in the event of a nuclear attack, be left with the single option of ordering the mass destruction of enemy civilians, in the face of the certainty that it would be followed by the mass slaughter of Americans?

If the U.S.S.R. possesses a counterforce first-strike arsenal, possession of even an assured second-strike capacity by both sides is not the equivalent of parity. The threat of such a Soviet counterforce capability is precisely the reason for the alarm over the Soviet strategic programs.

The U.S.S.R. has constructed a large ICBM, the SS-9, for which the United States has no counterpart. Deployed in sufficient numbers and armed with the multiple independently targetable warheads—MIRV's—of sufficient accuracy, this missile could threaten our land-based ICBM forces. Our MIRV systems, by contrast, do not have the combination of numbers, accuracy, and warhead yield to pose a threat to the Soviet land-based ICBM force.

The political consequence of this sort of "parity"—which is really U.S. inferiority—is the elimination of the U.S. nuclear force as protection for our allies and friends against a Soviet military incursion, or at least a major decline in its credibility.

It is this fact which makes necessary and appropriate the declaration of policy that a failure to achieve an agreement which limits the threat to the survivability of our deterrent within 5 years could jeopardize the supreme interests of the United States. With this language, the Senate will be expressing its view that action on the part of the Soviets which could call into question the survivability of our deterrent is incompatible with international stability and American interests. As such, our amendment is a reaffirmation of the principle which has governed our strategic planning for a quarter of a century. It makes it clear to friend and adversary alike that the United States is determined to maintain a credible strategic posture. And it tells the American people that they can have confidence in the determination of their Congress to protect their security.

The adoption of this amendment in no way alters the content of the interim agreement which we are asked to approve. Adopting this amendment will indicate, however, that we are prepared to face up to whatever problems we may encounter over the next 5 years. I certainly hope that these problems will not arise, but it is only prudent to recognize the possibility.

Can we forget that the Soviet Union adheres to a doctrine of historical evolution which can be described only as expansionist, the eventual triumph of the Soviet brand of communism as the future world order?

As Leonid Brezhnev put it at the 1971 24th Congress of the Communist Party of the Soviet Union:

> In recognition of its international duty, the USSR will continue to pursue a line in international affairs toward promoting the further activation of the world anti-imperialist struggle and the strengthening of the combat unity of all its participants. The total triumph of socialism the world over is inevitable, and for this triumph, for the happiness of the working people, we will fight, unsparing of our strength.

The other important principle I would emphasize today, Mr. President, is the need for Soviet-American balance in any comprehensive agreement on strategic offensive arms. I must say, in all candor, that I am surprised that this aspect of our amendment has engendered controversy. I would have thought that no Member of the Senate would recommend that the President of the United States sign a permanent treaty in which the United States did not receive equal consideration with the other party. I would have thought, therefore, that no Senator would oppose a declaration of the Senate's views on this matter.

What we will be saying in approving this amendment, Mr. President, is that in any treaty on strategic offensive arms, the United States should not be limited to levels of intercontinental strategic forces below, or inferior to, the levels established for the Soviet Union. Now, in proposing this amendment, we do not mean to suggest that numbers alone can be or should be the sole determinant of strategic equality. Obviously, important characteristics of strategic weapons, such as throw weight, must be a part of the calculation. But it is important to point out that the administration's argument in behalf of the interim agreement rests on the premise that our advantage in technology balances out the large Soviet advantage in numbers. I therefore ask the Senate to consider how strategic equality is to be calculated once the technological gap between ourselves and the Soviets—especially in crucial areas of military technology—begins to narrow as it necessarily must over the next 5 years. Will we then be able to say that the relationship which held true in 1972 will still hold true in 1977? I think not.

In March, 1971, President Nixon said:

> There are two great powers facing us, Russia and China . . . Certainly neither of them wants war. But both are motivated by a philosophy which announces itself as expansionist in character. This they will admit themselves. And only the U.S. has sufficient strength to be able to help maintain a balance in Europe and other areas that might be affected.

The great increase in Soviet strategic and conventional military power relative to the United States is no longer a matter of controversy. Within one 2-week period, the President of the United States, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff all delineated the existing and projected force levels of the Soviet Union and the United States.

The most significant elements of the Soviet military buildup relate to strategic forces, naval forces, and research and development. With respect to the first of these, President Nixon declared:

> We believe the number of Soviet strategic forces now exceeds the level needed for deterrence.

More explicitly, he asserted:

> The design and growth of these [Soviet] forces leads inescapably to profound questions concerning the threats we will face in the future, and the adequacy of our current strategic forces to meet the requirements of our society.

As to naval forces, Adm. Thomas H. Moorer summed up as follows:

> The Soviet deep water fleet, over the past decade, has been steadily expanding in size and capability. They are expected to have some 217 operational combat surface ships by the middle of this year, and this number will probably increase through the 1970's. In contrast to our fleet, which still has a sizable number of combat ships more than 20 years old, the Soviet fleet is much newer, with very few ships more than 20 years old.

With respect to research and engineering, Dr. John Foster, Director of Defense Research and Engineering, testified in recent hearings before the Armed Services Committees of the House and Senate that, since 1968, the Soviet Union has allocated most of its funding in research, development, testing, and engineering to the military. Since 1968, there has been an annual growth rate of about 15 percent in Soviet military expenditures. As a result, the Soviet devoted the equivalent of about $11 billion to military research and development during fiscal

1972, 40 to 50 percent more than the United States. Secretary of Defense Laird has acknowledged that "reductions in technological areas already have seriously affected our ability to sustain essential technological leadership."

The possibility of successful recourse by the United States to superior technology as a shortcut for diplomatic or military error is fast disappearing. In fact, the declining U.S. effort in R. & D. increases the prospects for the kind of technological surprise that is exemplified in the Soviet launching of the first Sputnik in 1957. Failure to maintain its competitive position on the frontiers of science research and technological development reduces the ability of the United States to respond effectively to Soviet advances. A disorganized and declining R. & D. program cannot be revived immediately, even by the most prodigious efforts, because of the lead time between scientific discovery, technological application and industrial production. At best, United States-Soviet R. & D., competition "is a horse race, with the United States now ahead by a neck, but falling back." So it is obvious that we cannot place our total dependence upon the temporary and diminishing technological advantages that this country presently enjoys.

The U.S.S.R.'s motives in arms control are numerous. And its reasons for favoring an agreement may include a desire to slow the U.S. deployment of advanced weapons systems while the Soviet Union registers technological advances.

For the U.S.S.R. an agreed arms control formula which halts further quantitative deployment in offensive systems is more desirable than one which prevents qualitative improvement of existing weapons.

The motives, definition, and type of limitation converge in the issue of verification. For example, a limitation on MIRVs cannot be supervised by means of short ground inspection, but new missile silos under construction can be observed by satellite.

The ability of the United States to enter a strategic arms agreement compatible with national security depends largely upon an estimate of U.S. ability to restore a balanced relationship between United States and Soviet strategic capabilities through qualitative improvements. Simultaneously, the United States and its allies must be able to match Soviet conventional forces in the post-SALT era.

The nuclear protection provided by U.S. strategic forces to our friends and allies is being reduced by the vast increase in Soviet military capabilities. In addition, the Soviet Union appears to be developing naval and air forces capable of projecting its political influence on a global scale.

Through its superior conventional strength and growing nuclear forces, the Soviet Union is enjoying the status quo in Eastern Europe, while maneuvering to keep Western Europe divided and to strengthen forces friendly to the Soviet Union. Soviet influence and presence are expanding in the Mediterranean, in the Middle East, and in the Indian Ocean. Through skillful manipulation of local conflict and direct military intervention along the Suez Canal, the Soviet Union is bidding for control of the old British imperial route to the Indian Ocean and Far East.

The political trends in the Southern Hemisphere—anti-American and revolutionary—favor Soviet activities which have the effect, at the least, of restricting future U.S. flexibility in dealing with the crises like Cuba—1962—and the Dominican Republic—1965.

The uncertainty associated with nuclear deterrence cannot check a calculated, incremental extension of Soviet foreign policy interests and commitments, buttressed by conventional military presence and an ever more-powerful strategic nuclear force. Even the most cautious and least pretentious of the tendencies in Soviet foreign policy presumes the growth of Soviet power and influence in areas from which the Soviet Union has been historically excluded—from the Middle East to Southeast Asia to Latin America. The Soviet Union stands ready, as never before, to complement and consolidate the political gains of the indirect approach by military might.

The reluctance of many Americans to cope with the world beyond U.S. borders could be read by Soviet policymakers as presenting opportunities to alter the global balance of power, to fragment our alliances, and to threaten U.S. security itself.

Growing American appearances of irresolution before Soviet advances are already making the United States a questionable partner for those who must risk our friendship as an alternative to accommodation with the Soviet Union. The United States can have no policy save retreat if it is unable or unwilling to maintain political commitments with a defense capability sufficient to deter the Soviet Union from political exploitation of the vast Soviet military establishment.

Yet, in recent years, we have sought to achieve security at bargain rates. The proof of this can be seen in the continuous decline in the portion of our ever-expanding GNP that is committed to national defense—in contrast to the steady increase in comparable Soviet expenditures. Although the wide margin of superiority we enjoyed over the Soviet Union a decade ago has, until recently, sustained the psychological appearance of U.S. advantage, we have failed to recognize that national security and international peace cannot be bought cheaply. The United States may have forgotten the maxim that there is room for only one at the top. Leonid Brezhnev's declaration to the 24th party congress—"the total triumph of socialism the world over is inevitable"—reminds us that the Soviet Union wants to be that one. This fact should not be lost upon present or future Presidents of the United States or upon the negotiators who represent this country at the conference table, and this is the reason for the Jackson amendment.

Mr. President, I hold in my hands a document entitled "National Security Strategy of Realistic Deterrence" put out by Secretary of Defense Laird in connection with his Department's report for fiscal year 1973. Throughout the document there are repeated statements which lend credence to the position I have been expressing; namely, that our negotiators and our Government need the support of the Congress and the people of this country as they attempt to work out an agreement with the Soviet Union that provides a balance between the military capabilities of our two countries.

On page 16 of this report, Secretary Laird says:

> We face a whole range of incredibly complex problems. The responsibility of meeting these problems is one the Congress shares with us.

So, Mr. President, to me, this plainly says that the Department of Defense recognizes the need for congressional understanding and support as they attempt to prepare themselves to cope with the incredibly complex problems he mentions.

On page 22, the Secretary says:

> Successful implementation of the Strategy of Realistic Deterrence is, I believe, the most difficult and challenging national security effort this country has ever undertaken. This is so because we must move forward in an environment of virtual balance in the strategic nuclear field, and in a period of vigorous Soviet military expansion at sea, on the land, in the air and in space.

Later on he says:

> Success will require deep understanding and strong support, both from Congress and the American people. For without understanding of our national objectives, and without support for the means we adopt to reach them, no strategy pursued by the representative leaders of a free and open society can possibly succeed for long when contested by a powerful, closed society. Free nations must measure the ultimate strength of their defense policies in proportion to the willing support their citizens give to those policies. A closed society is not dependent on such popular support.

So, Mr. President, it is obvious to me that the Secretary of Defense, who must face these questions daily, is virtually pleading for action by Congress to show that the American people and this body are behind the administration in their efforts to achieve the kind of balance that can lead to lasting peace.

Again, on page 24, the Secretary says:

> Effective deterrence, of course, is not divisible. It is based on a balanced force structure of strategic and theater nuclear weapons and adequate U.S. and allied conventional defenses.

It is obvious from this report that the Secretary of Defense needs and solicits and, in fact, almost requires two things; one is the support which only the Congress can give and, second, are the tools to keep a reasonable balance between the strategic forces of the United States and the Soviet Union.

In February of 1972, President Nixon sent Congress a report entitled "United States Foreign Policy for the 1970's—The Emerging Structuring of Peace."

On page 171 of that report is an expression by the President of his feeling on the matter that the Senate now has under consideration and I should like to read for the RECORD what the President had to say:

> National security is the paramount responsibility of any American President. There has always been an essential continuity between administrations in meeting this responsibility. Just as long-range decisions of previous Presidents have shaped present capabilities, the choices I make today will be crucial to our future security.
>
> Security issues in the 1970's are more complex than ever before.
>
> The fundamental requirements for our security are not as obvious today as they were in the earlier bipolar era when threats were less complex.
>
> Many citizens and legislators are understandably concerned over the high cost of modern weapons systems, and over the size of the U.S. share of the heavy security burdens borne by us and our increasingly prosperous allies.
>
> The Vietnam experience has left some Americans skeptical concerning defense issues.

Then this paragraph which seems to be particularly pertinent and applies to the debate now going on:

> The current strategic balance with the Soviet Union creates new conditions which could provide additional incentives for negotiations on limiting armaments, but could also lead to localized conflicts below the level of strategic nuclear war.

The President goes on to say:

> To meet our security requirements under the Nixon Doctrine and a national strategy of realistic deterrence, we must harmonize our essential strategic objectives, our general defense posture, and our foreign policy requirements with the resources available to meet our security and domestic needs. Our military program must not absorb resources beyond those essential to meet foreseeable dangers. Nevertheless, I recognize that there is a prudent minimum below which we cannot go without jeopardizing the nation's fundamental security interests. If this were allowed to happen, we would lose control over our destiny both at home and abroad.
>
> In this Administration, we have been able, for the first time in twenty years, to spend more on domestic social programs than on defense. The total defense budget is today a smaller portion of the Federal Budget and a smaller portion of our Gross National Product than at any time since the Korean War. Measured in terms of constant dollars, our defense spending is already down to the pre-Vietnam War level. It will remain so next year, even though overall defense spending will be increased in order to maintain our security at an adequate level.

Then this is what President Nixon had to say on the subject we are discussing now:

> American strength is essential if we are to move from an era of confrontation toward an era of negotiation. As the world's strongest power, this nation has important responsibilities to its friends as well as unique opportunities for improving global stability. American weakness would make no contribution to peace. On the contrary, it would undermine prospects for peace.

The Jackson amendment would have the effect of insisting that our negotiators not negotiate us into a position of weakness but rather we insist on a position of balance but in an equality so that we would be able to continue to make a contribution to peace through the strength of our military strategic forces.

President Nixon continues:

> We have taken a number of steps to nurture an international climate in which progress in arms control is possible. In the past year we have moved forward in bilateral discussions with the Soviet Union on strategic arms limitations and in multilateral efforts to provide a firm basis for control of both nuclear and conventional weapons. We have made important advances toward achieving strategic stability, but there also have been disturbing developments. While engaged in the strategic arms negotiations we have witnessed a continuing Soviet buildup in nearly every major category of military power.

What that says is, we may be dealing with an enemy, a potential enemy who puts on two faces. On the one hand he seems to be smiling and willing to work out an agreement that will help preserve the peace and then, on the other hand, he is developing his capacity for making war at a highly accelerated rate.

President Nixon says further:

> An agreement to limit strategic weapons would be an unprecedented achievement. Our goal is to stabilize the strategic balance through mutual restraint and agreements which provide no unilateral advantage. We recognize that only a mutually designed balance of strategic armaments can establish a shared basis for security. On the other hand, if the Soviet Union attempts to extend its strategic buildup beyond equality, the United States will have no choice but to initiate compensating actions.

Mr. President, in my opinion based upon the statements by both the Secretary of Defense and President Nixon, our Government's leaders are inviting, and, in fact, almost beseeching Congress to give them the support that they need at the negotiating table to help make certain that this country does not find itself in a position of inferiority which would certainly do a great deal to unsettle conditions in the world and that would certainly contribute nothing to the peace of the world.

For that reason, Mr. President, the Jackson amendment deserves the support of the Senate. It will establish the Senate's position in finding a balance between our country and the U.S.S.R. in the future. It will help us in our efforts to secure a more peaceful world. We should approve the Interim Agreement on Offensive Weapons. However, at the same time we should express our real and legitimate concerns by voting for the Jackson amendment.

Mr. President, it seems appropriate to me to quote a statement made by President Nixon in 1971 when he said:

> We are not bent on conquest or on threatening others. But we do have a nuclear umbrella that can protect others, above all the states to which we are allied or in which we have great national interest. This is the moral force behind our position. We could become a terrible threat to the world if we were to lose that restraint or if we were to sacrifice our own power and allow ourselves to become too weak to uphold the weak.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from New York is recognized.

Mr. BUCKLEY. Mr. President, I will shortly be addressing myself to the Jackson amendment. However, at this time I would like to make some comments about the interim agreement.

The very title of the interim agreement placing limitations on certain categories of strategic arms reminds us that we are concerned with a part of an ongoing process. I mention this obvious fact because it would be unwise for us to consider the agreement as an end in itself. As an interim agreement, it should serve not to put end to thought about the state of our national defense in the field of nuclear arms, but to prod us into thinking through the difficult and complex problems with which we are presently faced and will continue to be faced during the next 5 critical years.

We in the Senate have the responsibility to advise as well as consent in matters affecting our country's external affairs. Any thoughtful debate on the matter now before us must necessarily take into consideration the larger perspective of our long-term security needs.

It is of fundamental importance that we understand that in the interim agreement, the United States has accepted a position of significant quantitative inferiority in every area of offensive strength which is subject to its control. Depending on how the parties choose to exercise their options under the agreement, the Soviet Union will be able to deploy, in round figures, between 1,400 and 1,600 intercontinental ballistic missiles to our 1,000, and over 1,000 submarine-launched ballistic missiles to our 700. She will be able to expand her fleet of modern Y-class nuclear-powered submarines to 62, while retaining 22 diesel-powered G-class submarines, for a total force of 84 missile-launching submarines in comparison with the fleet of 44 which we will be allowed to maintain.

Most significantly, because of the enormous size of Russia's heavy missiles, the ceilings placed on intercontinental and submarine-launched ballistic missiles will provide the Soviets with a more than four times advantage over the United States in the payload capacity or "throw-weight" of these weapons systems. This means that the Russians will be guaranteed the capability, during the term of the agreement, to deploy on these missiles more than four times as many warheads as the United States, should they achieve parity with us in warhead design. Furthermore, if the Soviets make improvements in the propulsion system and other characteristics of their missiles which are permitted under the agreement, the advantage could be as much as 9 or 10 to 1.

It is argued that the quantitative superiority in ICBM's and SLBM's which the interim agreement provides the Soviets is not cause for concern because first, the Soviets will not be able to exploit that superiority before the expiration of the agreement 5 years hence; and second, if we take into consideration all nuclear weapons at our disposal—airborne as well as missile launched—we currently enjoy a 2-to-1 advantage over the Russians in deliverable nuclear warheads which is more than adequate to protect us during the life of the agreement. This argument is based on U.S. superiority in manned heavy bombers, in multiple warhead technology, and in forward based systems. I believe, however, that it is important to emphasize the fragile and transitory character of this "advantage."

First, with regard to the U.S. superiority in manned bombers, this advantage quickly disappears when one includes the medium bomber forces available to both sides. While the United States has about 75 refuelable FB–111 medium bombers in the Strategic Air Command which can operate as part of our retaliatory force, the Soviets have approximately 550 TU–16 Badgers and 150 TU–22 Blinder refuelable medium bombers which are capable of reaching the United States.

Second, while a combination of skillful warhead miniaturization and relatively accurate guidance systems provides the United States with a formidable present advantage in multiple warhead technology, we have little reason to be complacent. It should be noted that the United States developed its multiple warhead hardware in approximately 3 years, from 1966 through 1969. Discussions of the engineering characteristics of our multiple warhead missiles have been widely disseminated in trade journals and congressional hearings. I believe it would be imprudent, at best, to presume that the Soviets are so technologically retarded that they would be incapable of developing and deploying significant numbers of multiple warheads within the 5-year term of the interim agreement.

It has been argued that our intelligence estimates give the Soviet Union only a limited capability to develop multiple warhead technology. I would point out that these intelligence analysts are the ones who have consistently underestimated Soviet nuclear force objectives. It is these same intelligence analysts who advised Secretary of Defense Robert S. McNamara in the mid-1960's that the Soviet Union had permanently accepted the status of strategic inferiority. It is these same intelligence analysts who concluded in 1964 that the Chinese Communists would detonate a primitive nuclear device made of plutonium rather than the uranium device actually detonated, a device which required a huge gaseous diffusion plant for the manufacture of nuclear material.

Third, with regard to forward based systems, it is true that the United States maintains a force of several hundred fighter bombers based on the European mainland. In addition, the 6th Fleet maintains several aircraft carriers in the Mediterranean with aircraft capable of reaching Soviet targets. The weakness in relying on forward based systems for deterrence purposes lies in our vulnerability to preemption.

The Soviet Union maintains a force of some 700 medium and intermediate range ballistic missiles targeted on Western Europe. Virtually all U.S. aircraft based on the European mainland could be wiped out in a Soviet first strike. This would leave the relatively few nuclear-capable heavy aircraft based on attack aircraft carriers in the Mediterranean for deterrence purposes. Aircraft from the Mediterranean would not have the range to attack sufficient numbers of targets within the Soviet Union to provide credible deterrence. Thus, for strategic deterrence purposes, the U.S. "advantage" in forward based systems is illusory.

With respect to these and other advantages which the United States may currently possess in noncontrolled strategic offensive weapons, it should be noted that there is nothing in the SALT accords to prevent the Soviet Union from overtaking us in every category while these accords prohibit us from overtaking the Soviet Union in those areas where they have been assured substantial margins of superiority.

There are additional hazards in the interim agreement which result from ambiguities in its text or from the inadequacy of its provisions for verification. For example:

First. The agreement places a ceiling on intercontinental ballistic missiles based on the number of light and heavy missile launchers in place or under construction as of July 1, 1972. Yet the United States has no definitive information as to the size, number, and approximate location of land-based Soviet strategic missile forces. At the present time, the United States is relying entirely on its own intelligence estimates. It should be noted that the general area in which Soviet ICBM's are deployed is in North-Central Asia, where the normal cloud cover is among the heaviest of any region in the Northern Hemisphere. It is entirely possible that at some time subsequent to July 1, 1972, scores of additional ICBM's could be discovered by our reconnaissance satellites. As the agreement only prohibits "starts" on new construction after that date, we would face the practical difficulty of not being able to establish whether or not newly discovered missile sites had been constructed in violation of the agreement.

Second. It is not at all clear that the so-called national technical means of verification available to the United States will suffice to provide conclusive evidence as to whether or not Soviet medium and intermediate range ballistic missiles—M/IRBM—will be upgraded to an intercontinental capability through the replacement of obsolescent SS–4 and SS–5 missiles with variable range SS–11 missiles. It has already been noted in the press and elsewhere that the Soviet Union has begun to place SS–11 missiles in her M/IRBM fields in the western part of the Soviet Union. If the United States does not obtain ironclad proof that an upgrading to an intercontinental capability is not taking place the Soviet Union could add an additional 700 ICBM's to its arsenal without detection.

Third. While it is agreed that missiles and launchers may be modernized and replaced so long as the respective ceilings on light and heavy missiles are not exceeded, nowhere is there an unambiguous definition of what is meant by a "heavy missile." The United States has issued a unilateral definition, but this is somewhat less than satisfactory. If, for example, the Soviet Union were to exchange its existing SS–9's for new missiles having twice their payload capacity—and this may well be possible even within our own definition of what constitutes a heavy missile—the resulting threat to our land-based forces could be so formidable as to allow us no prudent alternative but to develop and deploy a mobile ICBM system on an urgent basis.

I am quite prepared to accept the proposition that given the rate at which the Soviet Union has been overtaking us in its deployment of ICBM's and nuclear-powered submarines, the risks which we are most assuredly assuming under the interim agreement are nonetheless far smaller than those we would be assuming if current trends were allowed to continue. I do feel, however, that it is most important that the Congress recognize that we are, in fact, assuming substantial risks so that we may take appropriate measures to minimize them during the term of the agreement and to place ourselves in an optimum position to negotiate a satisfactory SALT II agreement within the next 5 years; or should this fail, to move swiftly to restore and sustain a posture of parity in offensive nuclear weapons.

I believe that it is imperative that the debate in the Congress and the language of the resolution approving the agreement reflect the following position; namely, that the United States cannot prudently enter into the interim agreement except with the understanding that it must immediately intensify its investment in military research, development and procurement so as to first, preserve those areas of strategic superiority which it currently enjoys, and second, achieve the maximum qualitative improvement possible during the term of the interim agreement in those weapons systems in which it will be frozen into a position of quantitative inferiority. The debate must also show that we intend to be thoroughly alert during the period of the interim agreement, and that we will not hesitate to exercise our right of termination if we should find the survivability of our deterrent forces threatened by significant qualitative improvements in the Soviet Union's offensive capabilities.

I believe that if the Congress will so condition its approval of the interim agreement, and if the Congress will give further evidence that it understands the agreement's inherent risks by launching a serious and sustained program to upgrade our strategic and military capabilities within the limits imposed by the two agreements, then we will not only minimize those risks as they affect our physical security, but will at the same time avoid a critical dilution of our influence in world affairs.

If we do anything less, if it appears that we are willing to retreat to a position of permanent strategic inferiority, then we will see subtle but corrosive forces at work in the world arena which will have the most serious implications for the United States and for the cause of a lasting peace.

We can expect, for example, to see the Soviet leadership intensify its diplomatic pressures around the globe; and in any future confrontations with the West, to assume more confident and intransigent attitudes. By the same token, to the extent that the relative strategic position of the United States declines, so will the options which are available to an American President in any such future political crisis with the inevitable erosion of his ability to support vital foreign policy objectives. Furthermore, it is not only our own diplomatic options which will be affected by an understanding that the Soviet Union has achieved a position of strategic supremacy. In testifying before the Foreign Relations Committee, Dr. Donald G. Brennan, of the Hudson Institute, pointed to the following adverse political consequences:

> The new imbalance of power will become established in the minds of our allies, which will utimately lead them to be more responsive, perhaps unduly responsive, to Soviet diplomatic pressures and initiatives.

What Dr. Brennan is speaking of is a position where Soviet strength vis-a-vis American strength becomes so large that no European nation could prudently anticipate that we would, in fact, launch a nuclear attack to protect Western European interests because of the certainty that our own cities would be devasted.

Nor can we expect the Japanese to accept with equanimity so dramatic a change in the relative strength of the super powers. Japan will be left little choice but either to seek an accommodation with the Communist powers or, in the alternative, to develop an independent military and strategic capability which will guarantee it a degree of independence in matters affecting its own security.

I can assure Members of the Senate that no one in the western Pacific today would look forward to the time when Japan once again achieved the capacity for imperialistic or expansive aggressive military action.

What I am suggesting, in short, is that unless we couple our approval of the interim agreement with a clear indication that we will settle for nothing less than nuclear parity, unless we launch credible programs for the modernization of our strategic capabilities within the limits set by this agreement, the SALT accords will prove not only dangerous to the security of the United States but to the political stability of the globe.

Mr. President, we find ourselves in a unique historical position. We do not yet know the nature of the interim period to which the title of the agreement refers. Perhaps history will record that it was an interim between an age of nuclear fear and an age of international peace based on prudence and reason. Perhaps, on the other hand, it will be seen as an interim between a time when the United States was the leading nuclear power and a time when it lost that position of power to the Soviet Union.

We cannot know now what history will say about the next 5 critical years. What we can do is to make certain that whatever the ultimate verdict of history, no one will ever be able to look back upon the debate in this chamber and say that we did not work hard enough or long enough, or think problems through carefully enough, or undertake to sacrifice enough to make certain that we will have done all that human beings can do to insure the security and freedom of our people.

Mr. GURNEY. Mr. President, I wish to express my wholehearted support for the proposed amendment of the distinguished Senator from Washington (Mr. JACKSON) to the interim agreement which we have before us now.

The issue before the Senate today, of course, is the approval of the interim agreement limiting certain strategic offensive weapons, which was signed by the President and Chairman Brezhnev of the Soviet Union in Moscow on May 26, 1972. Specifically, should the Senate of the United States simply approve these agreements without any comment, or should we express the views of the Senate on certain specific issues which have before now been widely debated in this body and in the public?

I believe we have an obligation to express our views as precisely as possible, and this is why I support the proposed amendment to the resolution submitted by my colleague from the State of Washington for himself and the Senator from Pennsylvania (Mr. SCOTT) and a broad bipartisan group of cosponsors.

The President advised us, when he sent the SALT agreements up here, to examine them very carefully and debate them very fully, and this is what we have done. This is what we are doing. In the course of that debate some Senators have expressed concern about the strategic situation which could emerge as a result of these agreements. I share those concerns.

Let me make it clear that I do not consider our security to be imperiled at the present time by the agreements, or our strategic posture to declare attacks or thrusts against us and our allies, as nearly as I can determine by the testimony and remarks of those more closely connected with the military situation of our country than I.

My concern is with the future, and on that point, looking down the road to the future, it seems to me that the interim agreement that we have before us, which, of course, runs for 5 years, while it places certain limits on strategic offensive forces, leaves much unlimited. In particular, it places no limitations on qualitative improvements in strategic offensive forces.

We are told by the experts there are things which the Soviet Union could do within the next 5 years which would seriously threaten our strategic capability. It is only prudent to accept that estimate. The Soviets have the capability and can surely within the 5-year period develop a MIRV warhead and to begin deployment of it.

Some of the experts in this field say they will achieve this capability long before the 5-year period has ended. Such a capability would pose a threat to our Minuteman force and thereby threaten the stability of our deterrence. Thus, by the end of that 5-year period they could be in a position to move ahead with a very serious threat to our deterrent. We simply could not stand by should such a threat begin to emerge. It would take us time to develop and deploy measures necessary to counter such a threat.

Thus, in the interest of our security and in the interest of stability, we ought to make very clear to the Soviet Union that we will not stand by and watch a threat develop without taking compensating action.

I think that by approving the proposed Jackson-Scott amendment to the resolution, we can help convey that message, and that the Soviets will understand that message, which, of course, is precisely what the amendment is designed to do.

We also, by approving this amendment, will convey the message that the United States is not prepared to permit the Soviet Union a strategic advantage in any future negotiations.

It is important not only to make this clear to the Soviet Union but also to our allies. They, after all, depend heavily on the U.S. strategic deterrent for their security. They are extremely conscious of any disparities that may exist between the United States and the Soviet Union and the respective power of these two great nations.

They follow carefully the discussion of these matters in the United States and are alert to any signal of a change in U.S. policy or any change in the strategic balance between the two nations, the Soviet Union and ourselves.

While they have supported the SALT accords to date, they also fully expect us to maintain parity with the Soviet Union, and to continue to extend our deterrent to them.

I want the Senate to approve this amendment, making clear where the United States stands, making clear that any future agreement must provide for equality.

It seems to me it is clear from the record of the past SALT negotiations that the Soviet leaders respect strength and are quite prepared to take advantage of weakness. We have an excellent example in the SALT negotiations just completed earlier this year resulting in a treaty to limit antiballistic missiles. Throughout the 2½ years of these negotiations, the United States pursued an ABM program. Many of my colleagues in this body voted against the moneys for ABM, and at least some—rather, I think many—in the belief that it would improve the prospects of negotiating ABM limits. As a matter of fact, a great deal of the debate—the historic debate, I might say—that centered around an ABM shortly after the Nixon administration took office was around the argument that we should not go ahead with the ABM, and we should not develop it, we should not deploy it, because this would somehow annoy the Soviet Union, destroy the SALT talks, and shoot down any prospects for arms limitation or peace in our time.

Fortunately, in my view, these arguments did not prevail, and as our ABM program continued, so did the SALT negotiations continue, and we now have an ABM treaty.

As a matter of fact again, one of the principal arguments in the debate on the ABM by the proponents of an ABM was that developing an ABM and deploying it would be the one greatest motivating influence on the Soviets to go ahead with a treaty limiting antiballistic missiles. As I say, the Soviets respect strength. They do not respect weakness. Many, including a number of our negotiators, and certainly including this Senator, are convinced that a major incentive for the Soviets to conclude the Moscow accords was to limit expansion of our ABM program.

They went ahead with a treaty because they respect our scientific knowledge and expertise. They knew we were ahead of them in a sophisticated ABM program. They felt that with the development and deployment of an ABM program it would perhaps alter the nuclear balance and would perhaps pose a threat to their ability to knock out our intercontinental ballistic missiles and, of course, destroy our cities and a large part of our population, and in order to stop our going ahead with our very fine ABM program, it occurs to me—and I think many others agree with this viewpoint—the Russians decided to go ahead and sign and conclude the ABM treaty.

There remain certain programs that we need to pursue if we are to maintain credible strategic deterrence. Within the terms of the interim agreement, this requires qualitative excellence in strategic forces rather than mere quantity. While the proposed amendment commits us to no specific programs, it does make clear our determination to retain qualitative excellence. I think this is most important at a time when doubts have been raised about how much money we should be spending for defense. The level of defense spending is likely to be a major issue in our political campaign this fall, and I think it will be a legitimate issue. When I say likely to be an issue, I am making a gross understatement, because it is already a big issue in the campaign with the candidates for the Republican Party and the Democratic Party, respectively, taking diametrically opposed positions on how much we should spend for defense.

Many Members of this body sincerely believe that the defense budget can and should be reduced, and that this can be done without sacrifice to our security. This issue will be debated at another time when the defense appropriations are before us.

Meanwhile, however, I believe that it is extremely desirable to make clear that, whatever our views of defense spending are on specific programs, this body is prepared to support whatever measures may be necessary to maintain a modern strategic deterrent that is inferior to none.

It is this Senator's own personal view on defense spending, that instead of cutting it, I think we should be expanding, because while the defense budget is the largest single budget in the Federal spending, it is also a fact that all during recent years the percentage of defense spending, in comparison with the gross national product and with the expanding wealth and productivity of this country, has decreased; it has not increased, it has not even remained level, but it has gone down and down every year. Not only that, but the manpower of our armed services has gone down. The employment of civilians in the Defense Department has gone down.

As far as developing any new weapons systems, we have had to struggle within the Senate and in the House of Representatives every year just in order to save the few programs we have going on now.

Mr. BUCKLEY. Mr. President, will the Senator yield for a question?

Mr. GURNEY. I am glad to yield to the distinguished Senator from New York.

Mr. BUCKLEY. Is it not true that during this period the Senator describes, in which our military spending has been declining as a percentage of our gross national product or of our Federal budget, we have also so increased salaries that, whereas we used to be spending about half of our budget for pay, we are now approaching 60 or 65 percent?

Mr. GURNEY. That is true, and the Senator makes an excellent point there. That means that, because a much larger percentage of defense spending is going for salaries, it jeopardizes the new programs we need for new weapons to keep abreast of the Soviet Union.

Mr. BUCKLEY. Is it not also true that if we take into consideration inflation, we are spending far less now than we were 10 years ago on our strategic and other weapons research?

Mr. GURNEY. The speaker is eminently correct on that point.

Mr. BUCKLEY. Is it not also true that, first of all, the Soviets are making twice the relative effort that we are at the present time, and that, with much lower manpower costs, therefore, their overall efforts in every area of military research, development, and deployment are far ahead of those of the United States?

Mr. GURNEY. I am sure the Senator's statement is correct. I do not know the percentages myself, but knowing what the Soviet Union generally does in the area of defense spending, in research and in technology, I am certain that the Senator is correct in his assumption.

Mr. BUCKLEY. I am glad to hear the Senator say that. I have a feeling, Mr. President, that so much has been said over the past years about reordering priorities that the American public at large, and perhaps even some of our colleagues who have not studied the figures, are under the impression that we have been in an arms race—by "we" I mean the United States. But I think that any careful, fair examination of the actual figures will show that we have a tortoise and a hare situation, except that the Russian hare shows no inclination to sit down and rest.

Mr. GURNEY. I think the Senator has made a very good analogy, and I think we have reached a point in the respective strengths of the two countries—in all of their weapons systems, in all of their defense establishments, in the number of soldiers they have as opposed to the number we have, in the numbers of planes they have as opposed to the numbers we have, in the numbers of submarines they have and are going to have as opposed to the numbers that we have, as well as, of course, in this whole area of intercontinental ballistic missiles, where they have more than we do, and they, of course, are racing just as hard as they can to develop the technology that we have—that it almost has come down to, not an arms race at all, but from our point of view it is almost a race for survival.

If we do not go ahead with the development of our weapons systems, especially improving the qualitative aspect of our weapons systems, then many of us believe—as I do and I am sure the distinguished Senator from New York does—that we are not only going to be in an inferior position, but that if we expect to catch up, the race is going to be one for survival—not just an arms race to keep abreast of each other, but for us to catch up in order to survive.

Mr. BUCKLEY. I am glad to hear the Senator from Florida say that, Mr. President. It also opens up another area. He has spoken about our finding ourselves in a position where we will be ending up fighting for our own survival. This suggests that we may find ourselves in a position where the balance of forces aimed at the United States becomes so large that we will no longer have the surplus strength to be able to occupy that position of being the balance wheel on the West to offset the accumulation of power behind the Iron and Bamboo Curtains.

We do know that as a result of treaties for mutual security that the United States has entered into in Europe and elsewhere since shortly after the end of the Second World War, we have been able to maintain some kind of tenuous peace, some kind of stability, all based on the assumption that the United States had the absolute power of striking at the Soviet Union without the risk of unacceptable loss to the United States. But I suggest that if we do not take the posture which is incorporated in the Jackson amendment, we will telegraph to our allies that we will find ourselves, at the end of 5 years, with a chance of being in such a position of inferiority that they can no longer rely on the United States for their protection. Is this, in the mind of the Senator from Florida, a correct assessment?

Mr. GURNEY. Yes. I think, again, that the Senator from New York has made a very viable point, and that his statement is a correct one.

In this whole area—that is, this whole area of whether the Soviets believe that we are going to undertake our responsibility to defend ourselves and also make secure our allies around the world—we could talk about other things, too: For example, whether our word is credible. That certainly is a part of the argument in connection with these agreements before us. If we let the Soviet Union go ahead of us in nuclear power, then, of course, we lose our credibility with other countries so far as our defense posture is concerned.

But this is also involved in other areas. Take the area of naval strength: Since the beginning of the recorded history of mankind, certainly a large part of the power of any nation has existed in its naval strength. That certainly is true in modern times, when Great Britain was considered the world's dominant power, or when France was considered the world's dominant power, or when Spain, during the days of the Spanish Armada, was considered the dominant power of the world. Then going back to ancient times, the Romans, and before them the Carthaginians, which nation had a very considerable navy; the Phoenicans before them—and on back through history we have never seen a time when a powerful nation did not have a strong navy.

Well, what is happening in this area? Of course, after World War II the American Navy was by far the strongest navy in the world. Great Britain, for financial reasons, gave up her colonies; and, instead of being a world power, retreated to the status of a small island nation, and at the same time gave up her large navy. Now it has only a small force. That is true of the naval nations, such as France.

On the other hand, the Soviet Union, which had no navy at all to speak of, certainly in modern times, not even in World World II, now lays great emphasis upon its navy. We know the submarine strength of the Soviet Union, because that has been discussed here day after day. It is now much greater than our own in numbers. So far as modern nuclear submarines are concerned, she of course will go past us in the near future; and the ability to go past us has been assured by this agreement, which was made in Moscow fairly recently and which we are debating today.

But submarines are only a part of it. The Russian Navy is expanding in all kinds of vessels. Whereas they had no presence in the Mediterranean, now their fleets are as powerful as the U.S. 6th Fleet in the Mediterranean. Whereas they did not have a single ship in the Indian Ocean, they now have many ships there.

The Russian Navy is a very modern navy. I am told that the average age of a Russian naval ship is less than 10 years; whereas, the average age of a U.S. naval ship is now somewhere around 20 years, which is considered an old ship in the Navy and ought to be retired. As a matter of fact, we are retiring them, as I am sure the Senator is well aware.

What I am saying is that we are no longer the naval power we were. Our naval forces are dwindling each year, and the Russian forces are getting stronger each year. They are challenging us all over the world with their naval presence. And in the U.S. Senate, every time we have a military bill, those of us who want a strong Defense Department have to fight with all our power to make sure we have a modern navy.

So the whole business of credibility—that is, whether the Russians are going to believe that we intend to maintain an adequate defense and whether our allies are going to believe that we are going to maintain an adequate defense—goes far beyond the subject matter we are discussing today—that is, the agreements and the nuclear capability of both nations. It goes throughout the Defense Establishment of both the United States and the Soviet Union, and that is why I took the time to say a little about the naval strengths of the respective nations.

Mr. BUCKLEY. I am glad the Senator from Florida has done so, because he has pointed out a critically important point, which is this: Assuming that we can emerge from the interim agreement period covered by a satisfactory SALT II agreement assuring parity—meaningful parity—then we really have established the conditions for a nuclear standoff.

At that point, that element which had been the predominant source of strength, the predominant source for the security of the free world, will, in effect, be placed on the shelf; and once again we will be in the condition in which conventional arms become important. Therefore, we should not be deflected by our preoccupation these days with strategic arms from the absolute necessity to make certain that we have the traditional military capabilities of holding our own in any conflict with the Soviet Union.

I am particularly glad that the Senator mentioned the situation with respect to our fleet. Americans are in the habit of assuming that we rule the seas. We still do, as of this moment, but at the rate at which the Soviets have been launching new and modern, well-designed, imaginative vessels, at the rate at which we have to retire our own units, we will see that superiority challenged.

I know that many Americans say, "Why do we need military force? All we need is to make sure that no one can land on the shores of New York or Florida or California." But, at the same time, Americans do understand that in the world as it is constituted today, America has to operate in the world arena; and this is where military forces have been used, not in the traditional sense of defense, not in the traditional sense of offense, of aggression, but in showing that we have the sheer power to back this Nation's foreign policy decisions that we need to back in order to preserve stability in the world.

One area of the world is of particular interest to large numbers of my constituents—as a matter of fact, to all Americans. Over the years, spokesmen for both the Democratic Party and the Republican Party have combined in their understanding of the strategic importance of stability in the Middle East to America's economic, strategic, and military interests.

I believe that the present Democratic platform has a plank with respect to the need to maintain the security of the State of Israel.

But how in the world do you maintain the security of the State of Israel if you do not at the same time maintain a quality of aircraft, a quality of ships, a number of ships which can enable the United States to effectively prevent the Soviets from becoming tempted to enter actively in another breakout in this highly contagious area? We know that through the skillful deployment of our 6th Fleet in recent crises involving the Middle East, we have in fact, prevented a large conflagration from taking place. We have, in fact, deterred the Soviets from any temptation to become involved in an active way. We have, in fact, provided Jordan with the strength required to hold back the Syrian tanks and to beat them back.

This is where military power becomes essential to the job of preserving the peace. This is something that I fear is not sufficiently understood by the American public at large and by some of our colleagues.

Mr. GURNEY. The point of the Senator from New York is extremely well made. I am glad he brought up the whole question of the Middle East; because if there is an area in the world today that has been on the brink of war for years and on the brink of a conflict which, if it had been touched off, if it had started, might well have developed into a world war, it is the Middle East, because immense forces were arrayed on both sides there. Surely, the ability of the United States, with its Defense Department and with its strong military capability, was the factor that prevented it.

The furnishing of our first line fighter planes to the gallant little State of Israel certainly prevented the Egyptians, aided by their promoters and suppliers, the Soviet Union, from launching another attack against Israel.

There is no question that our furnishing arms to Israel was the most important factor in preserving the peace in the Middle East. I must say that in preserving the peace in the Middle East by the furnishing of the military supplies, in point of time, the Egyptians finally became disgusted with the Soviet promoters because the Russians were not supplying them with all the things they asked for, and the Egyptians finally kicked the Russians out.

So surely we accomplish a very wonderful step in the furtherance of peace in the Middle East. As the Senator pointed out, the Jordanian incident was again another example of where quick action and a massive presence on the part of the United States' 6th Fleet in the Mediterranean stopped in its tracks the tank assault by Syria on Jordan and Iraqi forces moving into Jordan, too. That again most certainly stopped a war in the Middle East and might have even stopped another and more dangerous conflict. So the Senator's point is well made. The only reason why this was able to be done was that we have a strong Department of Defense. Indeed, we are preserving peace around the world in very admirable and notable fashion.

Mr. President, the Senator from New York has brought up, really, the major factor. While he and I both support the Jackson amendment to the interim agreement, it is wrapped up in the word "parity" which the Senator from New York talked about. That, I think, is what the amendment seeks to talk about, that the important thing in any kind of agreement with the Soviet Union, this agreement we have before us, but perhaps even more important, looking down the road to whatever agreements we may enter into the future, hopefully, in the continuing SALT talks, the best thing we can do to insure peace in the world is to make sure that we have parity so far as our defense strength is concerned and so far as our military strength is concerned with the Soviet Union.

For the life of me, I cannot understand how some of us here in the Senate and in the Congress, in considering these very important treaties and agreements we have before us and the comments made about them in the press and the other media and by the people who tend to be expert in these matters, how this whole business of history can be overlooked so far as the respective strength of nations is concerned and parity among the nations.

It occurs to me that a study of history would indicate clearly that certainly, so far as the world's greatest conflict is concerned, World War II, the reason why it started was that there was no parity between the Axis powers—I guess we still call them that—Germany, Italy, and their allies—and France, Great Britain, and the other allies who joined their cause.

Following World War I, the world was eager to disarm. We did disarm. We destroyed a lot of our armaments. We had the naval treaty, of course, which all nations entered into and we put out of commission a great many war vessels.

England and France, it seems to me, got interested in other things, peaceful endeavors, and did not keep up their military establishments.

Germany, on the other hand, of course, began to build up her armaments. When Adolf Hitler came into power, the rebuilding of Germany's armaments was greatly accelerated.

Then of course, the Nazi regime under Adolf Hitler made a number of moves in order to regain their place in the sun which they held prior to World War I and which they thought they were entitled to hold again.

They marched into the Rhineland and into the Saar which were demilitarized areas, areas under international control, which had belonged to Germany prior to World War I and were taken away from her by the Treaty of Versailles. They did that, really, with police and no army. I think, at the time, if we reread history, Germany must have wondered whether they were going to get away with it. But, of course, they did. France and England and their leaders made noises that this was not a very nice thing to do, but they did not do anything to stop Germany from doing it at that time.

My recollection of history is that both France and England had military forces, weak as they were, which were much more powerful than the Germans had, that could have stopped Germany from going into the Rhineland and into the Saar.

Well, of course, that did not satisfy the German appetite and they continued to rebuild their armies, and they got themselves an air force. History will show they started in with gliders and small airplanes like Piper Cub types. They trained people to fly and moved on from there into military aircraft.

Then, of course, the next move was against the Sudentenland, which was part of Austria and then, of course, they gobbled up all of Austria. Then, finally, having gotten away with all of that, in the interim we had the Munich agreement where the British Prime Minister came back with his umbrella on his arm and said that he had negotiated an agreement which would give "peace in our time." Of course, it did not give any peace at all. All it did was to whet the appetities of the Germans to become increasingly stronger and to get away with land and territory grabs one after the other, until Hitler and his cohorts—Goering and the others—were convinced they had the world by the tail and no one could stop them.

Then an interesting thing happened. They made a little side agreement with the Russians, the same people whom we made an agreement with a few weeks ago. The little side agreement was for Russia and Germany to carve up Poland and each to take one-half of that country. That is exactly what happened. Germany moved in from the east and Russia moved in from the west. And that was the end of Poland.

About that time the British and French Governments decided that the time had now come to do something about it. However, it was too late. They had no power. Germany was much stronger than the combined strength of Great Britain and France. And we had the greatest war in the history of the world. Billions and billions of treasure went down the drain, and millions and millions of men were killed.

The war raged on every ocean. There were military installations on every continent. There was fighting on most of the continents throughout the world.

I think that one of the reasons why all of this happened was because there was not parity. One side let the other side become too strong. I mentioned the allies. However, I should not drop this subject unless I talk about ourselves. We had also drawn into a cocoon on this side of the globe. We did not do anything about it. We said: "Russia is not our problem. That is the problem of France and England. If they are in an argument with Germany, let them argue with Germany. We are safe over here. We don't have to become involved."

Everyone knows that we finally became more involved or as much involved as any other nation of the world. And as a result, World War II occurred.

So, I say that I cannot understand why we do not go back and take a look at some of the historical examples, because much can be learned from history. And I think this is especially true with regard to military matters and war and peace.

Another example that comes to mind was back in the early days of Rome when Carthage was regarded as one of the great and powerful nations of the world. It was a country on the north shore of Africa. Rome and Carthage were two of the most powerful nations in the world, and they fought each other constantly down through the years. Then they finally agreed on peace. Carthage was the aggressor, at least in that occasion when they tried to invade Italy and Rome and went over the Alps, if the Senator recalls, on their elephants. Rome repulsed them. Peace was maintained.

Then what happened? This is a very interesting thing. Way back in ancient history, I think the same thing happened. It happened during World War II. Rome became more powerful. However, as she became more powerful, she thought about Carthage, her old enemy. She felt that she would never dominate the world and would never be the world power. Am I talking about the ancient world?

Then Rome decided that she would get rid of and do away with Carthage for all time. I cannot remember who it was who made the suggestion. It comes to my mind that it was Julius Ceasar, although I might be wrong. At any rate, some Roman statesman at that time said:

> The way to stop all future threats from Carthage is to destroy Carthage.

That is what the Romans set out to do and what they planned to do.

In the meantime, Carthage had reduced its military forces, the size of its army, the size of its navy. Then Rome began pressing them for agreements of advantage. And Carthage, like England and France did in World War II, gave a little bit here and gave a little bit there until finally Rome, of course, was much more powerful than they were militarily.

The leaders of Carthage had done this. Then the people of Carthage began to suspect that perhaps all was not too well and that they had become too weak and had allowed Rome to become too strong. They insisted that Carthage do a turnabout and reestablish its military defenses and become strong again so that it could meet any threat that the Romans posed against them.

My recollection of history is that Carthage went to work on almost a 7-day-week basis, around the clock, and started to rebuild their army. They made swords and spears and all of the paraphernalia of war at that time and started to rebuild their navy. However, before they were able to rebuild their strength, the Romans came and absolutely destroyed Carthage and leveled every building in that great city, a city that was as great as Rome was in its day. They killed every inhabitant of Carthage. That great nation was utterly destroyed and wiped out. And of course it has never been resurrected since.

We learn much from history. We learn that when we let other nations of the world whose interests may run counter to ours become more powerful than us, that is when the danger arises. That is when we invite war. And that is when, sometimes, we make war.

Mr. BUCKLEY. Mr. President, I believe that the distinguished Senator from Florida is saying that many things have changed, but not human nature, and that for better or worse there are always some nations that are aggressors.

Certainly I know that for centuries the Russian boundaries expanded and they had been extending their spheres of influence and domination over Eastern Europe.

I think the lessons of history should teach us and should underscore the things that are so absolutely rooted in human experience. We ignore them at our peril. It is not only that weakness invites a strike, but also that it reflects a national will. And if that national will is underestimated, we also invite danger.

This has caused me great concern in the debates that have taken place in the Congress of the United States in the last 2 or 3 years. We seem to be telegraphing to the world an intention to move inward, to withdraw from world responsibilities, which could have the greatest effect and be one of the things that pushes the world into the horrors of a third World War.

The Senator was describing the deplorable record of this century. At one point the Secretary of State of the United States declared that henceforth we would have no interest in what happened in Korea. Within a matter of months we saw what developed, and we had no choice but to go back in.

So I think that the Senator has raised points that are of profound importance not only in terms of our over-all strategic situation, military situation, or economic situation, but also in terms of the subject matter of the debate now in hand.

If we allow ourselves to be put in the position of Carthage where we look at the interim agreement as an umbrella and a shelter for 5 years while we do nothing and let the Soviets exploit the technology which will give them that awesome advantage in intercontinental ballistic missiles and SLBM's, if we then wait until that last minute to see what they are then capable of doing to us, we will not have the time to catch up. The Carthaginians did not have to have 4, 5, or 6 year leadtime before they could strike their swords or build their ships, but we do. That is why it is necessary that we give assurance to the American pubic that we understand the implications of the agreement. Then and only then can we make sure that the atmosphere in which the SALT II negotiations are undertaken will be most conducive to achieving what we all want, namely a condition where we have parity, at the same time reducing, reducing, reducing the implementation of weapons of mass destruction. This must be our position.

I cannot understand why the policy statements given us by the President interpreting these agreements should give us such concern.

Mr. GURNEY. I think the Senator's point on Korea is extremely well taken. It is a classic example of what happens when there is not equal strength.

Mr. BUCKLEY. Or the intention to use equal strength.

Mr. GURNEY. That is true; or the intention to use equal strength.

There is another example of Communist intransigence in Korea because Korea for centuries wanted to be an independent nation. She was under the domination of Japan, even though she thought she was going to be an independent nation after World War II. This is what we strived to gain during the peace conference with the Soviet Union, but of course the Soviet Union was adamant, as the Senator well knows. No, they were not going to permit any unified Korea. Finally they insisted—I do not know if I should say we threw in the towel or not, but we agreed and we have a Korea divided, a Communist north and a free south.

After that we were anxious to get rid of our burdens, as the Senator pointed out, and we withdrew almost all of our Armed Forces from Korea and, as the Senator, pointed out, our Government made the statement that we were not really interested in Korea; it is on the other side of the world, and the U.S. foreign policy was not concerned with that.

Hardly had that statement been out of the mouth of the spokesman on our side before the North Koreans struck and war started, and we got into a big conflict in Korea.

Of course, had we simply made our intentions known to the Soviets, the Chinese, and the North Koreans that we intended to support South Korea, that we intended for her to remain a free nation, the Korean war, in my view, and I think the Senator will agree with me because he brought up the example, would never have happened; and all the blood, sweat, and treasure that went down the drain as far as the United States was concerned, as well as a lot of other nations, would never have happened.

But because we refused to maintain parity, and because we refused to maintain equal strength on the side of the North Koreans and South Koreans, and because we refused to indicate we would not continue our commitment to this free nation, we had war.

I think another example that comes much closer to home about weakness and misunderstanding of the intent on the part of other nations was the entire Cuban missile crisis. When the Russians decided to move into Cuba back in 1962 with intermediate range nuclear missiles—she did not have the submarines then she now has—she thought there was a great launching pad for her to look down our throats, as far as nuclear capability was concerned. Why did that happen? Of course, I do not know what was in Mr. Khrushchev's mind or the minds of his advisers, but one of the reasons of war, and I feel sure that many people who have commented on the Cuban missile crisis have made this argument, that the reason Mr. Khrushchev did that, or one of the motivating reasons he made that whole gamble was because he thought the new, young President of the United States really would not face him down and really would not say no. I do not know why he thought that was true, but that was the way I assessed the situation. He really did not think that once those missiles were introduced—some were beginning to be introduced—that we would have the guts and courage to demand that they be removed. Thank goodness we did have that courage; the Russians were told to move their missiles and they did. There is some question because nobody ever inspected the cargo ships to find out if they were or were not, but the point of the story is that even though we had tremendous strength as far as weapons, as far as bombers, as far as the Navy, and as far as the Defense Department are concerned, the Russians had the idea that we were getting soft, that we really would not face up to them and live up to our commitments. We took the gamble. I think that is another example of misunderstood intentions.

That is what we are arguing about here so far as the amendment to the interim agreement is concerned. The agreement was signed in Moscow.

Mr. BUCKLEY. Mr. President, if the Senator will yield, the Senator does not mean the amendment to the agreement itself, but merely the language of the resolution.

Mr. GURNEY. I do mean that.

Mr. BUCKLEY. Because I would suggest that the amending language in no way changes the agreement, the intention between the parties.

Mr. GURNEY. I am glad the Senator mentioned that. That is what I meant.

Again, as I see it, in the Jackson-Scott amendment, we are saying, "Yes, we in good faith signed the agreement with Moscow which permitted you to have more missiles than we have and more submarines. We do this because we feel at the moment the quality of our capability is greater than yours, so we do not feel any danger that we permitted you more missiles."

But on the other hand we are saying, "If you are not honest and sincere about this agreement in keeping parity, if you are going to negotiate sincerely and honestly in further SALT agreements so we can, indeed, do away with some of the nuclear weapons that we both have, and indeed so that we can come to grips with honest-to-goodness disarmament, and on the SALT talks we will have in the future so that we will have parity a hundred years from now, then we think we should spell out in this Jackson-Scott amendment that if you are going down the road to try to get the edge on us, and not live up to the spirit of these historic agreements signed by President Nixon and Mr. Brezhnev in Moscow, then we say we are going to have to take steps in order to make sure that we maintain our parity with you."

In other words, we are trying to make clear to the Russians what apparently was not clear to them. Mr. Khrushchev tried to introduce missiles into Cuba because he thought we were too soft and would not do anything about it. We are trying to avoid that and get this message across to the Russians now in this interim agreement that we will not put up with any actions on their part to take advantage of us.

Is not that what we are trying to say?

Mr. BUCKLEY. I think so, absolutely, and I think it merely underscores what I understand to be the official U.S. policy with respect to the SALT II agreements.

I would like to call the Senator's attention to certain excerpts from the letter of transmittal by Secretary Rogers to the President, dated June 10, 1972, the letter transmitting the text of the ABM treaty and the interim agreement. In it the Secretary says:

> In this connection, the United States has stressed the unique relationship between limitations on offensive and defensive strategic arms. This interrelationship lends extraordi-

nary importance to the undertaking in Article XI "to continue active negotiations for limitations on strategic offensive arms."

The special importance we attach to this relationship was reflected in the following formal statement relating to Article XI, which was made by the Head of the United States Delegation on May 9, 1972:

I will skip a few sentences:

Both sides recognize that the initial agreements would be steps toward the achievement of more complete limitations on strategic arms.

And this is Ambassador Smith in his official statement to his Russian conegotiators:

If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty.

Then he goes on to say:

The U.S. Executive will inform the Congress, in connection with Congressional consideration of the ABM Treaty and the Interim Agreement, of this statement of the U.S. position.

In other words, it is the official U.S. policy that we have an interim agreement—that is what it is, a standby agreement—which is a transition from the position we find ourselves in toward that hoped for, ultimate situation where we have an agreement which will provide a sensible limitation on the offensive weapons on both sides, namely parity. It also makes clear that if we do not achieve that objective within this 5-year period, then all bets are off; we would no longer have an interim agreement because it would have expired, and conditions existing then would constitute such a threat to our deterrent capability that we would no longer have an ABM treaty.

It seems to me that is the essence of the situation as understood by the U.S. negotiators. That is the essence of the U.S. position as delivered to the joint Houses of the Congress. Therefore, when the Senate, in its capacity of advising as well as consenting, incorporates that specific language into language authorizing the President to execute these agreements, it reinforces, by bringing the legislative branch shoulder to shoulder with the executive, our determination not to ignore the realities of this world, not to find ourselves 5 years hence in a position of inferiority, without the ability to catch up.

As I said earlier, I do not understand why there should be any argument in that simple statement of America's self-interest. Also, it is in the interest of the Soviet Union, because the great wars in the past started by aggressors, which happily in our century they have lost, have always been triggered when expansionist nations have miscalculated the determination of free men. It is this which we need to avoid—the possibility of miscalculation on the part of the Soviet Union.

Mr. GURNEY. It seems to me that also, in dealing with the Russians, it is necessary to make oneself clear and one's position crystal clear so they do understand.

Certainly, all of us hope that this interim agreement will lead to meaningful future SALT talks, and hopefully, disarmament in the area of nuclear weapons in the future. We all want that. It is why we are negotiating in SALT. That is why we signed this agreement. But I think we can neither ignore the realities of our world nor the fact that the Russians do not live up to their agreements very well, and tear them up if it suits their purposes. It also seems to me there are other factors which are tied in with negotiations in this particular agreement that we ought to talk about and that ought to be a warning sign as to what the Russian intentions may be.

For example, it struck me as being rather odd that the Soviets refuse any inspection of what they are going to do as far as building submarines and other weapons are concerned. We pressed for that. We wanted inspection. We were willing to have them inspect what is going on over here, but they refused to do anything about the inspection part of this agreement. Now, that struck me as rather odd if they really want to get ahead with the business of nuclear disarmament.

Another thing that struck me as rather odd, too, was that we have an agreement, of course, on nuclear submarines, but we have no agreement on diesel-powered submarines. Under this agreement, they can build all the diesel-powered submarines they want to. As a matter of fact, my understanding is that they are building a good number of them and intend to build more. To be sure, a diesel-power submarine is not the same as a nuclear-powered submarine. It can remain on station only for a limited period; it has to surface for air, it is noisy, and all that sort of thing. But I can see, if the Soviet Union built several score or several hundred of these diesel-powered submarines and always had one on station off the Atlantic coast and off the Pacific coast, armed with nuclear missiles, I do not care whether it is a diesel-powered submarine or one with a nuclear powerplant in it, as far as the safety of American citizens is concerned, and as far as the safety of their cities is concerned, and as far as the vulnerability of our B-52 fields and wings are concerned, it seems to me they are just as vulnerable with a lot of diesel-powered submarines off our two coasts, as if they were nuclear-powered submarines.

I was surprised that that was completely omitted from the treaty. They can build all they want to. I simply say that is something we ought to think about a little bit. Why was that omitted? Why was that not included, if they really mean what they say?

Does the Senator share my concern about that?

Mr. BUCKLEY. The Senator from New York certainly does. I think the Senator has focused on just one area of the many deficiencies of the situation with which we would have to live during the next 5 years if the interim agreement is ratified or authorized, as it no doubt will be.

The Soviets, as the Senator has pointed out, have denied us the ability to inspect on the ground their compliance with the two agreements. We have offered them that opportunity. They have refused.

People who have studied these matters are concerned that they can cheat on these agreements and escape detection at the same time. For example, they have some very high altitude antiaircraft missiles which reach up to 100,000 feet. There are experts in the field who believe these can be converted to ABM capacity and linked up with necessary radars in a manner that will not be observed by our satellites. Again, the ABM Treaty provides there shall be no multiple launchers in order to get around the limitation of 200 interceptors per nation.

We happen to know that, the way their ABM's are constructed, it would not be all that difficult to build multiple launching mechanisms and store them in warehouses somewhere out of sight, one day to be installed and presented as a fait accompli.

We know that, as I was mentioning a few minutes ago here on the floor, they have an SS-11 missile which may have intercontinental capability, which could be substituted for some of their M/IRBM's. This is permitted under the treaty. In any number of areas, we must face up to the fact that we are assuming calculated risks, strong risks.

We believe that since, as of this moment, we have the overall advantage in terms of numbers of deployable warheads and in terms of technology, this may be a risk which we can accept in order to slow down the rate at which the Soviets have been installing these huge intercontinental missiles and the rate at which they have been deploying their new submarines. But what all this does is to reinforce the simple premise that the American people, if they value their freedom, if they value their security, cannot afford not to invest important new sums of money in basic research and basic development, not only to get the maximum advantage under the terms allowed us and the limitations allowed us under the treaties, but also to modernize our conventional weapons, so that we become competitive once again, not dominant, but just competitive.

Also, we must recognize that it is possible, men being what men are, that we cannot negotiate a satisfactory acceptance of the interim agreement, in which event we must be poised to take off and really engage ourselves in an arms race, much as the Senator from Florida would hate to see that and much as the Senator from New York would hate to see it.

Mr. GURNEY. The Senator's point is well made. He mentioned the fact that they have another missile more improved, apparently, one of greater capability than the SS-9 which is certainly a big bang father, much larger than anything we have here; and that brings to mind another point in this interim agreement that I think is very interesting, that caused me concern, which was the provision for silos for

ICBM's being permitted to be expanded by a size of 15 percent.

Now, I am not exactly sure how this 15 percent is figured, but I understand that you can juggle this 15 percent around so that it would accommodate a much bigger or much more improved ICBM than the Russians now have.

Mr. BUCKLEY. It is my understanding that this is not an increase of 15 percent in volume, but 15 percent in linear dimensions, which translates into about 50-percent increase, which takes their already huge missile, many times larger than ours in its lift capacity, and increases that capacity 50 percent again.

Mr. GURNEY. I am glad the Senator has explained that very technical point, that I did not understand. All I understood was that it is there so they can have a bigger missile; and now the Senator has explained how they can, when already they have a missile, the SS–9, that is far, far larger than anything we had.

Now, we did not want that 15-percent increase. That was something the Soviets asked for, and obviously asked for because they wanted it for something; they had something in mind. And the Senator has ably explained what they do have in mind: That it will permit them to put into those silos a much bigger weapon in the future if they want to.

Now, all these little things that are in that agreement, and some things that are not in that agreement, like inspection, cause this Senator great concern and great worry as to precisely what the intentions of the Soviet Union may be in so eagerly going ahead with this interim agreement as it now stands.

I understand and I support the position of the Administration that for now we are safe, because we do have a qualitative edge and a qualitative advantage on the Russians. We understand that.

The Russians today, this day in August, and certainly for at least a short time down the future, are not going to engage in any nuclear warfare with us, because if they do, they are going to come off just as badly injured and hurt as we are. They know that, and that is why they will not do it; but why they will not do it is because we do have a slight edge at the moment.

What we are saying is that we do not necessarily want to maintain an edge, so that the Soviets are scared into an arms race; but neither do we want to be placed in second position. We do not want them to have the edge. We do not want them to take advantage of any loopholes in this treaty, any language in this treaty, or any factor that is in this treaty that may permit them to go ahead and get a nuclear edge on the United States.

That is why this Senator supports the Jackson-Scott amendment. He thinks it is absolutely essential that we make sure in language—which does not alter the treaty any, as the Senator has pointed out—that we are not going to stand idly by if their intention in executing this agreement is to get an edge on the United States in nuclear capability. That is extremely important, and I hope that the U.S. Senate, when we vote on this amendment, I suppose some time tomorrow, will vote overwhelmingly in support of it and give the administration the extra tool it needs in an expression of the understandings, intentions, and concerns the Senate has about this matter, and that they are hopefully sending a clear message to the Russians: "Yes, we want peace. We want to cut back on nuclear weapons; hopefully, some day we can do without them at all," as we made the offer way back in Truman days to give up all our nuclear missiles if the Russians would not go ahead with theirs.

Certainly the intentions of the United States are good in this area, and are well known. We want them to know.

Mr. BUCKLEY. The Senator has spoken of U.S. intentions. I think it is very important that we understand something about ourselves, lest we be defeated by ourselves.

I think that any fair examination of history will lead to the conclusion that there has never been a power such as the United States that meant as well, that dealt in as good faith, that had less ambition to overcome and dominate others. But our problem is that we suffer from a certain sense of insularity. We assume others have those same intentions, and we blind ourselves to what history teaches us.

We spoke earlier about trusting the Russians. We have heard a great deal of rhetoric in this room in the last few weeks that we are now going into an area of detente; how can we achieve peace, good will, and so forth, if we demonstrate that we do not trust the Russians?

This is, in light of the record and in the light of Communist writings, the greatest naivete. The Russians pride themselves on the fact that they believe that any tactic, any deceit, is proper and justified, and desirable, if it will help in the long-term defeat of the capitalist nations.

This is one of their tactics we have noticed in the past, and there have been other areas of detente, and so on. But every time that the Soviet Union has felt it to be to her advantage to break an agreement, break an understanding, break a treaty, she has done so, and certainly there has been no better example of that than when she broke the moratorium on atmospheric tests. While we were dismantling all our equipment, and so on, in good faith reliance on their word, the Soviets were vigorously and feverishly undertaking a whole series of tests which gave them information we will never be able to secure for ourselves, which has implications for our security which we do not know how to estimate, and then quickly signed on the dotted line an agreement that kept us from catching up.

There is no reason to believe that the Soviets will not exploit this situation to every advantage available to them in the next 5 years. It is for that reason, not only for our own protection but also to persuade the Russians, that the American people are not ever going to be willing to take second seat in this essential military posture. Only by showing the Russians that we will not disarm ourselves without seeing that they are equally disarmed can we hope to end up with a meaningful treaty that will in fact protect the world from the possibility of a nuclear holocaust.

Mr. GURNEY. I could not agree more with the Senator from New York.

The Senator mentioned detente and the euphoria that seems to surround that word, certainly so far as the interpretation of it is concerned by certain people in the United States. I think that all of us—the Senator from New York as well as I—would like to have some detente with the Russians; but I think that he and I believe very strongly that we will get no detente with the Russians unless we operate from a position of strength and that with a position of weakness there will be no detente at all.

Mr. President, as Senators, every one of us is charged with the distinct and vital responsibility of doing everything possible to insure that our citizens are not subjected, unnecessarily, to the risks of an attack by a foreign power. In carrying out this responsibility, each of us has to answer to the dictates of his or her own conscience, knowing that, in this nuclear age, to make a misjudgment is to invite disaster. This reason, and because I would rather be safe than sorry in matters where the survival of the Nation is concerned, is why I feel it essential to speak out in support of the Jackson amendment to interim agreement on offensive weapons.

In looking at this interim agreement—and at the arguments being put forth pro and con—I have become increasingly concerned about what it would do to the national defense posture of the United States. Both the Senator from Colorado, Senator ALLOTT, and the Senator from Washington, Senator JACKSON, made some telling points in their presentations Thursday, August 3—points that have not been refuted.

For instance, it greatly disturbs me that this agreement leaves the Soviet Union with a guaranteed, 5-year, 50-percent lead in all types of intercontinental ballistic missiles, yet permits the Soviets to catch up in the area of warheads and delivery systems where they are presently at a disadvantage. If the goal is balanced forces, then we should have, as a goal, parity as soon as possible. We have agreed to numerical parity in ABM's; why should we not make it very clear to the Russians that we expect parity in every respect to result from this interim offensive weapons agreement?

At present, we have fewer missiles, more warheads, and the all-important ability to MIRV our missiles. Hence, we can offset the megatonnage gap that the Russians would otherwise enjoy with their combination of bigger missiles, bigger warheads, and no MIRV. However, as practically everyone agrees, the Soviet Union will, within a year or so, have MIRV capability and parity will then no longer exist. Technology will be even, but they will have more of everything else.

In prior debate, we have heard arguments to the effect that U.S. bases in Europe and the U.S. advantage in long-range bombers offset the quantitative

Russian advantage in ICBM's and SLBM's.

I remain unconvinced of this for several reasons: First, the Russians have enough IRBM's and MRBM's to take care of our European bases, and even if they do not, they have a great number of surface-to-air missiles and fighter interceptors. Second, the United States has no IRBM's, MRBM's or ABM's to offset the Russian missiles. Put the two together and the supposed U.S. advantage is no advantage at all.

As far as the bombers are concerned, those arguing that our 400 odd B–52's constitute an advantage forget that the plane is old and basically obsolete; just recently, we recognized that when we voted to go ahead with the B–1 bomber. They also forget to figure in the Soviet medium range bombers which, when added in, give the Soviets slightly over 800 bombers to our 460, and they overlook the aforementioned Soviet lead in fighter interceptors and surface-to-air missiles. As if we needed any reminder on the effectiveness of the latter against the B–52, we have only to look at the extremes to which we have gone to keep the B–52's from being shot down in Vietnam. They hardly constitute an adequate deterrent anymore.

There are several other aspects of this agreement which bother me as well. As Senator Allott pointed out, in his excellently researched study, there is no limitation placed on the Soviet Union's G-class missile launching submarine, 22 of which are now in existence. Just because these subs are diesel powered, and have missiles with a limited range, does not mean they cannot sit a few miles offshore and knock our bombers and bomber bases not to mention what they can accomplish in wiping out all our great cities which would be within their range either from the Atlantic or Pacific Oceans. So, not only is our disadvantage in missile firing subs greater than we believed—84 to 44 instead of 62 to 44—but there is nothing to keep the Soviets from building more of these diesel-powered missile subs in the future. This, I think, has to be considered when we talk about parity.

And then there is this business about no increases in the dimensions of the silos exceeding 15 percent. But, if, that 15 percent is at the bottom of the silo, it will make a big difference in the capability of the missile involved. As Senator Allott pointed out, any addition to those big Russian missiles can, along with MIRVing, soon wipe out our lead in the quantity of warheads.

Still another point, and one that concerns me, is this business of inspection. I have heard it argued that we should not question the sincerity of the Soviet Union by adding this amendment to the resolution, yet it occurs to me that they never gave us their actual missile numbers and it was they who balked over inspection of covered submarine berths. This distrust business cuts two ways: Their suspicions should be matched by our own. For instance, on inspection, how are we to check on areas that are often shielded by clouds. If a militarily significant part of the Soviet Union is covered by clouds at least 80 percent of the time, as has been implied, then we should recognize still another weakness exists in the treaty.

Finally, there is an overall consideration that trouble me and that is that this agreement has been based, in part, on this premise that, without it, we would have dropped hopelessly far behind the Soviet Union in offensive weapons. If that premise is accurate, we must ask ourselves, first, how did we let such a thing happen and, second, if it happened once, could it happen again as a result of these agreements?

Mr. President, in my view, acceptance of this agreement, without an indication that Soviet MIRV'ing could lead to its abrogation, will simply encourage the Soviets to take all kinds of liberties. They have already clearly indicated that they will be building everything allowed them under the combination of treaty, agreement, and protocol, and if we do not indicate now that we do not intend to accept a position of permanent inferiority, we may get backed into a corner later. In any event, we will not be in as good a position to bargain as we would be if Congress were to pass the proposed amendment now. It will do no harm, since it does not change the agreement itself, and it is likely to do a great deal of good. Therefore, I urge my colleagues to support the Jackson amendment and reassure all Americans that the security of the country will not be further endangered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

INTERNATIONAL EXPOSITION ON THE ENVIRONMENT—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Hollings) laid before the Senate the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

In accordance with Public Law 91–269, I wish to inform the Congress today of current plans for the six-month International Exposition on the Environment to be held in Spokane, Washington in 1974.

This exposition will be a particularly welcomed event in America. The Spokane exposition and the 1976 Winter Olympics are now the only internationally recognized events scheduled for this country during our Bicentennial Era. In addition to stimulating trade and cultural exchanges, the exposition through its theme—"How Man Can Live, Work and Play in Harmony with His Environment"—will also focus fresh attention on one of the most pressing concerns of our time.

In November 1970, Expo '74, the nonprofit corporation which is sponsoring the exposition and is responsible for its planning and operation, applied for Federal recognition of the exposition under the provisions of Public Law 91–269. After reviewing the plans of the sponsor, the Secretary of Commerce submitted to me the detailed report required under Section 2(a)(1) of Public Law 91–269 and recommended Federal recognition. A copy of the Secretary's report is transmitted herewith. In this report the Secretary indicated that the sponsor had fulfilled all of the requirements of that law and the regulations issued thereunder (15 CFR § 667).

The Secretary concluded that the environmental theme of the exposition was relevant to current national concerns and was appropriate to the exposition site. He also determined that the sponsors had obtained from the State of Washington, the local governments involved, business and civic leaders of the region and others the financial and other support necessary to assure the successful development of the exposition.

The Secretary of State also reported under Section 2(a)(2) of Public Law 91–269 that the event qualified for registration by the Bureau of International Expositions as a Special Category event.

Based on these favorable reports, I advised the Secretaries of State and Commerce on October 15, 1971, that the exposition warranted Federal recognition as provided by statute. I also indicated that it was my intention to extend this Administration's fullest possible support to foster a successful event.

On November 24, 1971, upon request of the United States, the Bureau of International Expositions in Paris officially recognized the event as a Special Category exposition and approved its General Rules and Regulations by unanimous vote. At its meeting on May 16, 1972 the Bureau also established procedures for sanctioning the special rules and regulations for the exposition.

On January 31, 1972, I issued a proclamation directing the Secretary of State to invite such foreign countries as he may consider appropriate to participate in this event. The Secretary issued those invitations through diplomatic channels on February 15, 1972. Thus far, Canada, the USSR, and Iran have accepted—and many other countries are now expected to accept. In that proclamation, I also indicated that I planned to appoint a United States Commissioner General to exercise the responsibility of the United States Government for fulfillment of the Convention Relating to International Expositions of November 22, 1928, as modified. Pending this appointment, I am designating the Secretary of Commerce to serve in that capacity on an acting basis. In addition, the Secretary is currently preparing a plan for Federal participation under Section 3 of Public Law 92–269, which I will transmit to the Congress at some later date.

Richard Nixon.

The White House, *August 15, 1972.*

REPORT OF NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Hollings) laid before the Senate the following message from the President of the

United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Pursuant to Public Law 89-794, I have the honor to transmit herewith the Fifth Annual Report of the National Advisory Council on Economic Opportunity.

RICHARD NIXON.

THE WHITE HOUSE, *August 15, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. HOLLINGS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 596. An act to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof;

H.R. 6957. An act to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes; and

H.R. 15692. An act to authorize for a limited period additional loan assistance under the Small Business Act for disaster victims, to provide for a study and report to the Congress by the President setting forth recommendations for a comprehensive revision of disaster relief legislation, and for other purposes.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

DEPARTMENT OF TRANSPORTATION APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I submit a report of the committee of conference on H.R. 15097, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HOLLINGS). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15097) making appropriations to the Department of Transportation and related agencies for the fiscal year ending June 30, 1972, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 7, 1972, at p. 27166.)

Mr. ROBERT C. BYRD. Mr. President, I have cleared with the ranking minority member of my Subcommittee on Appropriations the matter of calling up this conference report at this time.

Mr. President, when the Senate concluded consideration of H.R. 15097, the Department of Transportation and related agencies appropriation bill for 1973—June 16—the bill, as amended, was a net $115.4 million over the House version of the bill. This net increase consisted of total increases of approximately $157.2 million, offset by decreases of $41.8 million, and included 55 amendments.

I should like to highlight at this point the conferees' recommendations on salient items among the amendments.

The conferees agreed upon the addition of $50.7 million to provide 84 instrument landing systems, 30 control towers, and three airport surveillance radars; these facilities, essential for air traffic safety enhancement, are for localities eligible for such installations under agency criteria, but were not included in the budget request or House version of the bill. In connection with the facilities program, the joint explanatory statement of the managers includes the following language:

> The conferees are concerned over the delay in the implementation of this program. Accordingly, the conferees direct FAA to submit, by October 1, 1972, its plan for obligating all appropriated funds and its schedule for commissioning all instrument landing systems, control towers, and airport surveillance radars for which funds have been provided.

The recommendations of the conferees also include the addition of $100,000, as added to the Senate version of the bill, to accelerate the development and technical feasibility of devices which would provide pilots with timely and adequate information on terrain obstacles, particularly during approach to landing under poor visibility conditions.

The conferees' recommendations provide the $3.5 million of the Senate version for screening devices necessary for aviation security, and the managers' statement includes the following language:

> This appropriation would also permit the Federal Aviation Administrator to extend the benefit of the funding action to those airlines which responded promptly to the new aviation security regulations by reimbursing such airlines for (or acquiring from such airlines) screening devices heretofore acquired by the airlines.
>
> The conferees expect that FAA and the airlines will agree on uniform procedures which will supplement the screening devices and decrease the time involved in providing comprehensive coverage of airport boarding gates in order to assure safety of citizens in air transportation.

The conferees' recommendations include, under the heading of "Railroad Research," the $150,000 proposed by the Senate for railroad grade crossing and track relocation studies at Wheeling, W. Va.; Lincoln, Nebr.; and Lafayette, Ind.

The conference recommendation for the high speed ground transportation research and development program provides for $52.5 million, an approximate split between the $45 million proposed by the House and the $60.9 million included in the Senate version of the bill. These funds provide for the Metroliner and turbotrain demonstrations and other important rail research and demonstrations to be carried out largely at the Pueblo Test Center.

The Senate version of the bill had included $16.5 million not allowed by the House for dual mode research, an area of study to develop a vehicle capable of automated operation on or in guideways and convertible to manual operations on a conventional road or highway. The conferees' recommendations provided $4 million for this purpose.

The conference recommendation provides $875,000, of a requested $1 million requested in the Senate version as compared with $750,000 of the House version of the bill, for grants-in-aid for natural gas pipeline safety.

The conferees agreed to the inclusion of the $31.7 million for the Coast Guard's Select Reserve as provided in the House bill. This item had been deleted for lack of authorization at the time it was under consideration in the Senate committee. The authorization is contained in the military procurement authorization bill, which is now in conference.

The recommendations provided $4.5 million, proposed at $3 million in the House version and $7.5 million in the Senate version, for the Coast Guard's State boating safety assistance grant program to encourage greater State participation in the reduction of boating fatalities.

In conclusion, the conferees' recommendations totaled $2,999,118,095 in new budget authority, which is $39,057,000 under the Senate version which totaled $3,038,175,095; it is $76,323,000 over the House version which totals $2,922,795,095. It is $41,244,000 under the 1973 budget estimates of $3,040,362,095—which excludes $37,361,000 deferred for lack of authorization—and it is $195,496,902 under the 1972 appropriation of $3,194,614,997. In addition to the new budget authority, the bill also includes $5,393,990,000 in appropriations to liquidate contract authorizations—funds required to meet commitments made under authorizations contained in substantive bills. This would include the payments from the Highway Trust Fund for the Federal-aid highway programs, funds from the Airport and Airway Trust Fund for airport grants-in-aid, funds for highway traffic safety programs, as well as amounts necessary to meet commitments made under the Urban Mass Transportation Fund. The grand total for the bill, as recommended by the conferees, is $8,393,273,000.

I should call to the attention of the Senate that funds added in the Senate version of the bill and agreed to by the conferees are strongly oriented toward the safety of the traveling public, especially in the field of air transportation.

Funds have been added for all airports throughout the country which qualify for instrument landing systems, airport traffic control towers, and airport surveillance radars. It is my belief—and the conferees concurred—that we should provide all the funds which can be properly and feasibly spent for magnetometers and other screening devices to deter aircraft hijacking and for construction of airport equipment to insure every degree of safety and protection possible for the ever-increasing number of air travelers. This same preoccupation with safety considerations led to the addition of funds for the expedited development of an improved ground proximity warning indicator for aircraft and grade crossing elimination studies.

The public is entitled to such safety and protection, and I am pleased that the conferees share your committee's concern and determination to provide the necessary funding.

I shall be pleased to answer such questions as Members of the Senate may have with respect to any other items not covered.

The conference report is signed by all conferees—however, note that Senator ALLOTT "reserves" on amendment 34—High Speed Ground Transportation, Federal Railroad Administration—and amendment 39—Research, Development and Demonstrations, Urban Mass Transportation Administration.

Mr. President, I ask unanimous consent that two statements by the distinguished Senator from Colorado (Mr. ALLOTT), also a member of the subcommittee, be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR ALLOTT

Mr. President, I should like to address myself to several specific points relating to the Transportation Appropriations Conference Report now presented.

My name appears as having signed the conference report. I did sign it, but noted my reservations to Amendment No. 34, relating to appropriations for the High Speed Ground Transportation Research and Development program, and to Amendment No. 38, relating to research and development funds for the Urban Mass Transit Administration.

My reservations appeared neither in the first printing of the Conference Report nor in the placement of that Report in the Congressional Record. Therefore, at this time, I should like to delineate my rationale for these specific and firm reservations.

The Senate had increased the appropriation for High Speed Ground Transportation research and development over the House figure by $15 million. This fully restored the substantial cut proposed by the House which had only allocated $45 million to this project. After a great deal of debate and discussion in the Conference Committee, we arrived at a figure of $52,500,000. This figure falls short by $2 million the minimum amount of money which prudent judgment recognizes as necessary for the continued orderly development of some of the most important transportation projects in the Nation. Whereas the House and the Senate in their individual appropriations bills appeared to accept the breakdown in the amounts of money to be spent on individual programs for high speed ground transportation, the Conference Report does not specify where the $52,500,000 is to be spent.

Generally speaking, however, this will give the Federal Railroad Administration the flexibility it needs to go ahead with those programs which are most important at this particular time. I am sure the Department agrees with me that the funds which had been cut originally by the House for development of the Pueblo Test facility must be restored by the Department as it makes its own decision. The funds for development at Pueblo relate to the physical plant there. If money is diverted from this to other projects, it would simply mean a delay in any number of additional programs which could not be tested or deployed as the result of the lack of completion of the requisite facilities at Pueblo.

I am also sure that the Federal Railroad Administration will agree with the Congress that swift development of the tracked air cushion vehicle will be of great value in determining where we go in the decades ahead. Therefore, I am sure that the Department will desire to use some of the money which was restored toward that end.

Mr. President, I believe, in all of the projects which have been put forth by the Office of High Speed Ground Transportation. I fought for them with all the strength at my command in the Conference. Unfortunately, all of the money was not restored; therefore, some of the long-range programs will simply have to be deferred a bit longer. I regret this as much as those in charge of the programs, but I am confident that if the Federal Railroad Administration demonstrates real progress with the $52 million which has been appropriated for this year, we can move ahead without similar problems in the years ahead.

Now, Mr. President, I want to turn to the appropriations for research and development in the Urban Mass Transit Administration.

I was quite displeased with the final outcome in this category. The $11,500,000 for an urban demonstration of the PRT Systems (the so-called "people movers") does not provide the type of resources which I believe would have enabled the Department to go full speed ahead. Nevertheless, the restoration is a far cry from the House position, which allocated only $1 million, and which would have confined UMTA to testing the PRT's at Dulles Airport for an additional year.

Very frankly, one of the criticisms that I heard brought up in the Conference Committee, which I believe to be a justifiable criticism to some extent, was that UMTA has waited until the end of the fiscal year to commit its project funds. It appeared to some members of the Conference Committee that UTMA was simply trying to spend for the sake of spending in order to justify an increase in appropriations for the next fiscal year. I am satisfied that Carlo Villarreal, Administrator of the Urban Mass Transit Administration, has delayed committing funds because he has wanted to be sure that the funds were properly spent. In many cases, he has devoted a great deal of time and effort to a close examination of what transportation projects would best serve the needs of the Nation. However, Mr. President, I think that UMTA can clear up the question that was raised in this regard by complying with the language expressed in the Senate Appropriations Report to name the demonstration site for the PRT System within 60 days of the adoption of the Conference Report which we are now considering. This would be most reasonable and would show the members of the Senate and House Transportation Appropriations Committees that UMTA is ready to move forward with progressive and innovative programs.

The $4 million for the Dual Mode Transit System development could, in all probability, have been better used elsewhere. Nevertheless, if we are going ahead with this program, it must be under the jurisdiction of UMTA alone and should not get caught in an intra-bureaucratic struggle within the Department. I regret that additional funds could not be made available for the urban tracked air cushion vehicle. However, the $4,500,000 which was allocated, I am confident, is enough money to enable that program to be tested next year.

I opposed in the Senate and I continue to oppose any money for Service Development. My opposition to this program is predicated on the fact that "Service Development" is merely an aggrandizement for an out-and-out subsidy. This is an example of a situation I see all too often whereby utilizing the ploy of a "catchy" title, a program is able to continue momentum without the careful scrutiny it deserves. I regret that the conference committee agreed to the $1,750,000 for that item. The money does not serve a useful purpose and I expect to begin earlier next year, if the voters of Colorado see fit to send me back here, to insure that projects of this kind are eliminated completely from the budget.

While the conference committee did not address itself to this point because there was no "line item" in the budget, I wish again to call attention to the Senate language which directed that more resources from the rail portion of research and development funds be diverted into the "light rail" field. The Senate agreed with my suggestion that "light rail" projects should be tested at Pueblo. In any case, I will be looking for some swift action in this area in the coming months.

Finally, Mr. President, I wish to touch upon the appropriation for the Civil Aeronautics Board for payments to air carriers. The Senate added $11.4 million to the House allowance of $54 million. This increase represented the short-fall of the 1972 fiscal year appropriation. Class Rate 6 was promulgated near the end of Fiscal Year 1972. I believed a wise course to follow was to appropriate in this Appropriation Bill an amount needed to fully fund the subsidy need for last fiscal year.

On page 9 of the Conference Report, it states, and I quote:

> "It is the understanding of the Conferees that the CAB can borrow forward to pay the additional amounts due in fiscal year 1972 resulting from the promulgation of Class Rate VI. It is, of course, the intention of the Conferees to recognize the obligations of the Government with respect to payments to air carriers under the applicable law."

Because the CAB can utilize Fiscal Year 1973 monies in order to pay the additional amount due in Fiscal Year 1972, all of the obligations of the Federal Government will be fulfilled and the air carriers will receive full funding of the amounts due them under that Class Rate.

The CAB will be formulating a new estimate of the subsidy need for Fiscal Year 1973. At such time as the Fiscal Year 1973 appropriation becomes inadequate, a supplemental appropriation must be submitted. It is clear from the Conference Report that both the House and the Senate Committees will be very receptive to any supplemental request along this line.

Mr. President, as many Senators know, I believe very strongly that the Federal Government has a contractual obligation to these air carriers which serve our rural communities. Over-zealous attempts to economize in this area can retard the effect of the massive sums that Congress has allocated for rural development. Accordingly, I will closely monitor the CAB subsidy determination for Fiscal 1973 to assure the continued viability of this program.

Mr. President, it has long concerned me that there is a general lack of understanding of this program. Accordingly, the program has often suffered from neglect. So that Senators may have further information available to them, I add the following statement of mine which addresses this subject:

Local Service Airline Subsidies

(Statement by Senator Gordon Allott before the Senate Transportation Appropriations Subcommittee)

Mr. Chairman, If you will permit me, I would like to make a brief statement relative to the Local Service Airline Subsidy issue. I think it will be useful to impose on our later discussions an overview of relevant issues.

As you know, the Senate recently passed a multi-billion dollar Rural Development Bill. A major purpose of that legislation is to stimulate growth in our rural areas which, as we all know, means attracting more jobs to those rural areas. Air service is a prerequisite to most any business move to a new location; thus, an over-riding issue of this Local Service Subsidy is rural development.

Air transportation is vital—the life blood, if you will—to these rural communities. This is the reason that over the years, I have continued to express my concern regarding an inadequate subsidy level.

Let us look at the results of inadequate subsidy. It causes the air carriers to lose money; the carriers tend to cut back on their scheduling to the minimum certificate service; and eventually, encourages the carrier to terminate their service on subsidy-eligible routes. This certainly is not the intended result of the expressed Congressional mandate. Everyone loses when this occurs. First, the citizens of rural America; secondly, the local service air carriers and their stockholders; thirdly, the citizens of chocked urban centers which need growth directed *from* them—all lose whenever the rural development effort is retarded or impeded.

To be parochial for a moment, I wish to translate this situation to my State of Colorado. Frontier Airlines serves Colorado; and they have been cutting back to minimum certificated service in many places around the State. And although this action greatly disturbs me, I cannot in good conscience blame the Company . . . because the Company has received an inadequate level of subsidy for the past few years. Because of this inadequate subsidy level, they had no choice but to drastically cut costs to stay in business. The days of inadequate subsidy must end!

An over-zealous attempt to economize in this local service subsidy area which nets a savings of a few million dollars today can negate the effect of the billions of dollars that we plan to spend in the next few years for rural development. This effect is on top of the fact that, by law, the Federal Government has a legal obligation to provide a fair rate of return to the local service air carriers—an obligation which, in my opinion, has not been met by the Federal Government in recent years.

CAB member, Robert T. Murphy was quoted in the May 10, 1972 edition of *Aviation Daily* as saying,

"Moreover, on hindsight, I believe that we at the Board and you in the industry were too quick to reduce subsidy after 1966 considering the commitments required for new equipment, the time necessary to promote and develop the new routes and the unanticipated turndown in traffic."

Mr. Chairman, I would like, at this point, to quote statistics from a March 1972 staff study of the CAB's Bureau of Operating Rights entitled "Service to Small Communities" Part I, "Local Service Carrier Costs and Subsidy Need Requirements to Serve Marginal Routes." In 1969, according to this staff study:

Frontier Airlines was paid $4.3 million less than its subsidy need;

Texas International Airlines was paid $600,000 less than its subsidy need;

Allegheny Airlines was paid $3.8 million less than its subsidy need.

As we approach the overall task of rural development and this Committee's immediate task of providing adequate air transportation to rural communities, it is most relevant to look at the stockholder equity position of the nine local service air carriers.

Mr. Chairman, I would like to ask your consent that two tables I have prepared on this subject appear in the hearings record at this point.

TABLE I

Local service industry retained earnings

1960	$1,088
1961	5,263
1962	10,818
1963	14,798
1964	21,771
1965	31,323
1966	36,634
1967	28,401
1968	(2,672)
1969	(68,650)
1970	(79,931)
1971	(89,733)

TABLE 2

Local service industry net profit or (loss)

1960	$1,940
1961	4,841
1962	5,962
1963	4,862
1964	7,772
1965	12,722
1966	10,376
1967	(4,472)
1968	(29,800)
1969	(63,008)
1970	(61,426)
1971	(10,226)

Table 1 deals with the retained earnings of the local service industry and Table 2 deals with the net profits or loss of this industry. In summary, the statistics reveal that eight of the nine local service carriers today have a negative cumulative net earnings position. As a group, including the one carrier out of nine which has positive net earnings, the carriers show a $89 million net loss through 1971.

In arriving at the level of subsidy each year, the CAB allows the carriers a certain "rate of return." As I understand it, briefly, the Board most recently has allowed the carriers a 7.25% rate of return on their debt capital and a 20% rate of return on its equity. In the most recent CAB determination, I am informed that this calculation allows for a 12.35% overall rate of return for the carriers in Class Rate Six. For the record, I want to point out that from this "rate of return" the individual carrier must pay its interest expenses and "disallowed expenses." (Disallowed expenses are those incurred which are not allowed as a valid operating expense in determining subsidy need. For example, legal fees in excess of $15,000; executive salaries in excess of $25,000, and the payment to employees of bonuses related to profits.)

From information available to me, the 12.35% "rate of return" allowed in Class Rate Six will allow most carriers approximately a 5% profit. I believe, and I hope that Chairman Browne will correct me if I misstate the fact, but I believe that a lower "rate of return" is allowed for subsidy operations than for fare purposes.

Mr. Chairman, you will recall this Subcommittee's direction contained in the FY–72 Committee Report:

"The Committee approves an appropriation of $53,600,000 for payments to local service air carriers, the same amount as the House allowance. Evidence indicated that this was the minimum amount that would be necessary to fulfill this obligation. The CAB in repeated appearances before this Committee has stated that it has a contract liability for such subsidy payments to the certificated air carriers. Because estimates of the level of subsidy needed were as high as $82,000,000 and because this group of air carriers has sustained net losses on these routes for three consecutive years, the Committee directs the Board, as soon as it is feasible, to re-evaluate the level of payments required for this fiscal year. The Committee will be receptive to any supplemental request based thereon, in order to assure that large segments of the American public will continue to receive at least minimum air service." (Page 27, Senate Report No. 92–271, July 20, 1971.)

Since that time, the Board and the carriers as a group have been negotiating on Class Rate Six. Needless to say, I am disappointed that the Class Rate has not been published at this late date. As I understand it, the carriers submitted up-dated information on March 31, 1971. After the Committee's direction to which I have referred, the carriers again up-dated information through June 30, 1971. In studying the implications of the Presidentially invoked wage price freeze, the Board demanded the carriers up-date through September 30, 1971 and finally, an up-dating was also provided through December 31, 1971. Thus, the Class Rate for Fiscal Year 1972 was basically negotiated using as a base calendar 1971. Bear in mind that these Class Rates are supposed to be *prospective*. Informal information I have received from the staff of the Board indicates that the Class Rate is now near finalization.

Prior to asking a few questions, I want to make the record clear on one point. As I predicted a year ago, the subsidy request by the CAB was inadequate to meet the needs. Your estimation of $53.6 million has risen to approximately $65 million. The $65 million figure is designed to produce profits for the carriers on their subsidy eligible system of about $5.5 million.

Resumption of Statement

Those are the main matters for concern in this legislation.

I wish again to express my appreciation to the distinguished Senator from West Virginia (Mr. Robert C. Byrd) for his unending indulgence and cooperation as we continued to work on a bill which, for its seeming lack of controversy, has turned out to be one of the most difficult appropriations bills to be worked out this year.

Mr. ROBERT C. BYRD. Mr. President, I move adoption of the conference report.

The motion was agreed to.

The PRESIDING OFFICER (Mr. Hollings). The clerk will state the amendment in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 3 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed, insert: "$875,000".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House to the amendment of the Senate numbered 3.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record a table showing the budget estimates, the House and Senate allowances, and the amounts agreed to in conference for each item in the bill.

There being no objection, the table was ordered to be printed in the Record, as follows:

SUMMARY OF H.R. 15097—DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1972 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1973

Item (1)	New budget (obligational) authority, fiscal year 1972 (enacted to date) (2)	Budget estimate, fiscal year 1973 (3)	Version of bill— House (4)	Version of bill— Senate (5)	Conference recommendation (6)
DEPARTMENT OF TRANSPORTATION					
OFFICE OF THE SECRETARY					
Salaries and expenses	$21,592,000	[1] $26,053,000	$23,970,000	$24,120,000	$23,970,000
By transfer	[2] (417,000)				
Transportation planning, research and development:					
Appropriation	22,000,000	[1] 42,100,000	30,000,000	38,000,000	31,500,000
By transfer	(6,500,000)	(7,000,000)	(7,000,000)	(7,000,000)	(7,000,000)
Transportation reseach activities overseas (special foreign currency program)	500,000	500,000			
Grants-in-aid for natural gas pipeline safety	750,000	1,000,000	750,000	1,000,000	875,000
Consolidation of departmental headquarters	1,760,000	857,000	800,000	800,000	800,000
Civil supersonic aircraft development termination	58,500,000				
Total, Office of the Secretary	105,102,000	70,510,000	55,520,000	63,920,000	57,145,000
COAST GUARD					
Operating expenses	[2] 503,378,000	[3] 551,000,000	548,900,000	551,000,000	548,900,000
Applied to debt reduction (deduct)	−143,003	−164,905	−164,905	−164,905	−164,905
Acquisition, construction, and improvements	97,682,000	[4] 131,922,000	131,550,000	134,680,000	131,550,000
Alteration of bridges	9,750,000	12,500,000	12,500,000	12,500,000	12,500,000
Retired pay	71,371,000	[1 5] 72,789,000	72,789,000	72,789,000	72,789,000
Reserve training	[2] 27,434,000	[6] 31,735,000	[6] 31,735,000		31,735,000
By transfer	(571,000)				
Research, development, test, and evaluation	14,500,000	[1] 18,256,000	16,500,000	18,256,000	17,500,000
State boating safety assistance	[2] 3,000,000	7,500,000	3,000,000	7,500,000	4,500,000
Total, Coast Guard	726,971,997	825,537,095	816,809,095	796,560,095	819,309,095
FEDERAL AVIATION ADMINISTRATION					
Operations	[7] 1,149,074,000	[1] 1,175,156,000	1,173,138,000	1,175,256,000	1,173,238,000
Reappropriation	(77,625,000)				
Earmarking for screening devices			(2,000,000)	(3,500,000)	3,500,000
Facilities and equipment (airport and airway trust fund)	301,809,300	[1] 251,939,000	251,939,000	302,650,000	302,650,000
Reappropriation	(153,741,000)				
Research, engineering, and development (airport and airway trust fund)	63,360,700	[1] 74,568,000	66,000,000	66,000,000	66,000,000
Reappropriation	(14,925,000)				
Research and development	15,033,000				
Grants-in-aid for airports (airport and airway trust fund):					
Airport planning grants	15,000,000	15,000,000	15,000,000	15,000,000	15,000,000
Liquidation of contract authorization	(92,000,000	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)
Limitation on obligations (Sec. 302)	(280,000,000)		(280,000,000)	[Deleted.]	(280,000,000)
Federal payment to the airport and airway trust fund	[2] (646,882,000)	[1] (6,585,000)		(48,728,000)	(48,728,000)
Operation and maintenance, National Capital Airports	11,467,000	[1] 12,522,000	12,200,000	12,265,000	12,265,000
Construction, National Capital Airports	4,930,000	[1] 3,608,000	2,600,000	3,608,000	2,600,000
U.S. International Aeronautical Exposition	2,000,000				
Total, Federal Aviation Administration	1,552,674,000	1,532,793,000	1,520,877,000	1,574,779,000	1,571,753,000
FEDERAL HIGHWAY ADMINISTRATION					
Salaries and expenses:					
Appropriation	7,123,000	16,420,000	13,400,000	13,325,000	13,325,000
By transfer	[2] (94,221,000)	[1] (104,410,000)	(98,400,000)	(99,535,000)	(98,400,000)
Highway beautification:					
Administrative expenses	1,100,000	[1] 1,365,000	965,000	965,000	965,000
Liquidation of contract authorization	(10,000,000)	(15,000,000)	(12,000,000)	(12,000,000)	(12,000,000)
Limitation on obligations (Sec. 303)	(40,000,000)		(30,000,000	[deleted]	(40,000,000)
Highway-related safety grants (liquidation of contract authorization)	(5,000,000)	(12,000,000)	(12,000,000)	(12,000,000)	(12,000,000)
Limitation on obligations (Sec. 304)	[1] (80,000,000)		(80,000,000)	[deleted]	(85,000,000)
Rail crossings—demonstration projects	10,000,000	10,000,000	2,000,000	10,000,000	2,000,000
Territorial highways (liquidation of contract authorization)	(1,000,000)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
Limitation on obligations (Sec. 305)			(4,000,000)	[deleted]	(4,000,000)
Darien Gap Highway	15,000,000	30,000,000	25,000,000	15,000,000	15,000,000
Federal-Aid Highways (Trust Fund)	(4,662,093,000)	(4,898,000,000)	(4,891,990,000)	(4,893,125,000)	(4,891,990,000)
Right-of-Way Revolving fund (liquidation of contract authorization)	(25,000,000)	(45,000,000)	(35,000,600)	(35,000,000)	(35,000,000)
Forest highways (liquidation of contract authorization)	(35,000,000)	(23,000,000)	(23,000,000)	(23,000,000)	(23,000,000)
Limitation on obligations (Sec. 306)	(20,000,000)		(20,000,000)	[deleted]	(20,000,000)
Public lands highways (liquidation of contract authorization)	(5,000,000)	(16,000,900)	(16,000,000)	(16,000,000)	(16,000,000)
Limitation on obligations (Sec. 307)	(10,000,000)		(12,000,000)	[deleted]	(12,000,000)
Baltimore Washington Parkway (trust fund)	2,500,000				
Total, Federal Highway Administration	35,729,000	56,794,000	41,365,000	39,290,000	31,290,000
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION					
Traffic and highway safety	69,337,000	[8] 48,268,000	43,000,000	45,673,000	44,185,000
Construction of compliance facilities	9,600,000				
State and community highway safety (liquidation of contract authorization)	[2] (67,000,000)	(75,000,000)	(70,000,000)	(70,000,000)	(70,000,000)
Limitation on obligations (Sec. 304)	(80,000,000)		(80,000,000)	[deleted]	(85,000,000)
Total, National Highway Traffic Safety Administration	78,937,000	48,268,000	43,000,000	45,673,000	44,185,000
FEDERAL RAILROAD ADMINISTRATION					
Office of the Administrator:					
Salaries and expenses	2,205,000	[1] 3,142,000	2,750,000	2,921,000	2,835,000
By transfer	[2] (35,000)				
Railroad research	10,350,000	10,600,000	10,350,000	10,500,000	10,350,000
Bureau of railroad safety	5,631,000	[1] 7,110,000	6,900,000	7,110,000	7,000,000
High-speed ground transportation research and development	25,000,000	[1] 60,879,000	45,000,000	60,879,000	52,500,000
Grants to the national railroad passenger corporation	[2] 170,000,000				
Alaska railroad revolving fund	Language	Language	Language	Language	Language
Total, Federal Railroad Administration	213,186,000	81,731,000	65,000,000	81,410,000	72,685,000

Item (1)	New budget (obligational) authority, fiscal year 1972 (enacted to date) (2)	Budget estimate, fiscal year 1973 (3)	Version of bill— House (4)	Version of bill— Senate (5)	Conference recommendation (6)
URBAN MASS TRANSPORTATION ADMINISTRATION					
Administrative expenses	[9] $6,300,000	[1] [9] $7,419,000	$6,400,000	[9] $6,684,000	$6,542,000
Research, development, and demonstrations and university research and training	65,000,000	118,000,000	74,000,000	118,000,000	96,250,000
Earmarking language for:					
Research, development, and demonstrations	(62,000,000)	(115,000,000)	(71,000,000)	(115,000,000)	(93,250,000)
University research and training	(3,000,000)	(2,500,000)	(2,500,000)	(2,500,000)	(2,500,000)
Managerial training		(500,000)	(500,000)	(500,000)	(500,000)
Liquidation of contract authorization	(150,000,000)	(232,000,000)	(232,000,000)	(232,000,000)	(232,000,000)
Limitations on obligations (Sec. 508)	(900,000,000)		(1,000,000,000)	(1,000,000,000)	(1,000,000,000)
Total, Urban Mass Transportation Administration	71,300,000	125,419,000	80,400,000	124,684,000	102,792,000
ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION					
Limitation on administrative expenses	[2] (762,000)	[1] (797,000)	(797,000)	(797,000)	(797,000)
Total, Department of transportation:					
New budget authority	2,793,899,997	2,741,052,095	2,622,971,095	2,726,316,095	2,699,159,095
Appropriations to liquidate contract authorization	5,052,093,000	5,418,000,000	5,393,990,000	5,395,125,000	(5,393,990,000)
Applied to debt reduction	143,003	164,905	164,905	164,905	164,905
Reappropriations	246,291,000				
Total, title I, Department of Transportation	8,092,427,000	8,159,217,000	8,017,126,000	8,121,606,000	8,093,314,000
RELATED AGENCIES					
National Transportation Safety Board					
Salaries and expenses	7,150,000	[2] 7,785,000	7,700,000	8,285,000	7,785,000
Civil Aeronautics Board					
Salaries and expenses	[2] 13,543,000	[1] 14,123,000	14,123,000	14,173,000	14,173,000
Payments to air carriers	53,600,000	54,000,000	54,000,000	65,400,000	54,000,000
Total, Civil Aeronautics Board	67,143,000	68,123,000	68,123,000	79,573,000	68,173,000
Interstate Commerce Commission					
Salaries and expenses	30,640,000	[10] 31,660,000	33,120,000	33,120,000	33,120,000
Payment of loan guaranties	[11] 28,000,000				
Total, Interstate Commerce Commission	58,240,000	31,660,000	33,120,000	33,120,000	33,120,000
The Panama Canal					
Canal Zone Government					
Operating expenses	50,800,000	[1] 55,464,000	55,200,000	55,200,000	55,200,000
Capital outlay	3,700,000	5,097,000	4,500,000	4,500,000	4,500,000
The Panama Canal Company					
Limitation on genera. and administrative expenses	(19,283,000)	[1] (20,556,000)	(20,556,000)	(20,556,000)	(20,556,000)
Total, the Panama Canal	54,500,000	60,561,000	59,700,000	59,700,000	59,700,000
Washington Metropolitan Area Transit Authority					
Federal contribution:					
Fiscal year 1972	38,011,000				
Fiscal year 1973	174,321,000				
Fiscal year 1974		131,181,000	131,181,000	131,181,000	131,181,000
Aviation Advisory Commission					
Salaries and expenses	750,000				
Commission on Highway Beautification					
Salaries and expenses	200.000				
Total, Related Agencies	400,715,000	299,310,000	299,824,000	311,859,000	299,959,000
Grand total, new budget authority	3,194,614,997	3,040,362,095	2,922,795,095	3,038,175,095	2,999,118,095
Consisting of—					
Appropriations:					
Fiscal 1972	(3,020,295,997)				
Fiscal 1973	(174,321,000)	(2,909,181,095)	(2,791,614,095)	(2,906,994,095)	(2,867,937,095)
Fiscal 1974		(131,181,000)	(131,181,000)	(131,181,000)	(131,181,000)
Memoranda:					
Appropriations to liquidate contract authorizations	5,052,093,000	5,418,000,000	5,393,990,000	5,395,125,000	5,393,990,000
Appropriations for debt reduction	143,003	164,905	164,905	164,905	164,905
Reappropriations	246,291,000				
Grand total	8,493,142,000	8,458,527,000	8,316,950,000	8,433,465,000	8,393,273,000

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[1] Includes budget amendment for increased pay costs (H. Doc. 92-267).

[2] Includes funds provided in 2d supplemental appropriation, 1972 (Public Law 92-306).

[3] Includes $21,500,000 budget amendment for increased pay costs (H. Doc. 92-267) and $6,200,000 budget amendment for activities at Kodiak, Alaska (H. Doc. 92-289).

[4] Includes $372,000 budget amendment for increased pay costs (H. Doc. 92-267) and —$4,110,000 budget amendment (H. Doc. 92-289).

[5] Proposed as an indefinite appropriation.

[6] Not authorized.

[7] Includes $989,074,000 from the airport and airway trust fund.

[8] Excludes $37,361,000 not authorized.

[9] "to remain available until expended."

[10] Includes $1,500,000 contained in H. Doc. 92-267 and $760,000 contained in H. Doc. 92-271.

[11] Plus accrued interest.

Note: All references to General Provisions' section numbers in this tabulation relate to the House-approved version of this bill.

Mr. GURNEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. EDWARDS). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Madam President, I move that the Senate stand in recess, subject to the call of the Chair, with the understanding that the recess not extend beyond 1:30 p.m. today.

The motion was agreed to; and at 12:58 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 1:30 p.m. when called to order by the Presiding Officer (Mrs. EDWARDS.)

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. BENTSEN. Madam President, I rise to support the amendment offered by the distinguished Senator from the State of Washington.

Let me say at the outset that it is my intention to support the interim agreement which has been reported by the Foreign Relations Committee. I feel that it marks a significant step forward in the effort to limit the arms race and that it is certainly a welcome development.

My concern here, Madam President, and my purpose in cosponsoring the amendment of the Senator from Washington is to put the Congress on record in favor of an arms limitation agreement that will in fact insure a more stable world and a certain peace. We are not seeking to impede SALT–II but rather to improve its chances for success.

The measure before us is only an interim understanding and leaves a great number of important policy issues unresolved. I feel that the Congress has a role to play in shaping the policy which will be the basis for the final United States-Soviet Arms Control Agreement to be reached during SALT–II.

The Jackson amendment deals with three issues of crucial significance to the security of the United States:

First. The threat to the survivability of the U.S. strategic deterrent forces under the interim agreement.

Second. The need for equality in any follow-on agreement on offensive intercontinental strategic weapons and

Third. The need for research development and force modernization.

Certainly, there can be little disagreement with the principal thrust of any of these three points. On the first point, no Senator, I feel sure, would ask the United States, for the sake of an arms agreement, to place itself in an indefensible position in which our own strategic forces would be threatened by advances in Soviet weaponry. The Jackson amendment merely asks us to confirm that belief in the context of this interim agreement.

On the second point, certainly most Senators would expect the United States to secure an agreement in the SALT–II negotiations that leaves the United States on equal footing with the Soviets in terms of strategic intercontinental weapons.

The language of the amendment does not commit us to any numerical formula that would tie the hands of the negotiators at Helsinki. It does, however, put the negotiators on notice that the Congress expects them to drive a hard bargain which will leave us at parity with the Russians in terms of major strategic weapons systems. This point of view concerning the second round, by the way, has been shared by every major administration witness to testify before the Armed Services Committee on the interim agreement.

On the third point, Madam President, I feel that a majority of the Senate would continue to support a vigorous program of research, development, and modernization in support of a prudent strategic posture. The Senate approved this year an $8.5 billion authorization for research and development within the Department of Defense which represents the largest amount ever approved for these important activities by the Congress.

The language of the Jackson amendment merely reaffirms the intent of the Congress to continue to support a research and development program that will enable us to maintain technological parity with the Soviet Union.

This language in no way commits the Congress to support any particular weapons system or research program.

Madam President, I feel that the Jackson amendment is an imminently correct assertion of the Senate's right to advise and consent in foreign policy matters. The U.S. negotiators at Helsinki, as well as the Soviet representatives they will face, deserve an expression from the Congress as to what are our expectations for the second stage of SALT. It may well be, Madam President, that an affirmative statement by the Congress today could eliminate any subtle misunderstandings on the part of the negotiators which could jeopardize the approval of a permanent arms control agreement in the future. For this reason I will support the Jackson amendment and hope that a majority of the Senate will share in this view.

Mr. JACKSON. Madam President, will the Senator yield?

Mr. BENTSEN. I am glad to yield to the distinguished Senator from Washington, who is one of the authorities on this problem and how we should deal with it and who has expended a great amount of time on it.

Mr. JACKSON. Madam President, first of all, I want to say to the Senate that no one on the Armed Services Committee took a keener interest in connection with the witnesses who appeared before our committee on this particular subject of the strategic arms limitation talks than the able and distinguished Senator from Texas.

Mr. BENTSEN. I thank the Senator.

Mr. JACKSON. I say this in all objectivity. His questions were penetrating and to the point. He helped to bring out many of the issues he has been bringing out here today by his searching questions. I, as one who is sponsoring this amendment with the Senator from Texas and other Senators on a bipartisan basis, am deeply in his debt for the record he has made on this subject.

I just wanted to ask the Senator a question. Does he not feel it is important to consider the fact that the interim agreement, that we are called upon to approve upon an interim basis, is in fact an agreement that leaves the United States during this 5-year period on a basis of, shall we say, subparity in the specific subjects involved; that is, sea-launched missiles and land-based missiles? Is that not correct?

Mr. BENTSEN. I would say in particular it leaves the United States in a position where, without our moving ahead in modernization and research, they could move substantially ahead of us, because in that area there is no limitation.

Mr. JACKSON. Beyond that, under the agreement the Soviets are given an advantage of 50 percent in launchers and a throw-weight capacity advantage of 4 to 1?

Mr. BENTSEN. Yes.

Mr. JACKSON. So the particular amendment the Senator has addressed himself to this afternoon does not run in effect to what we are referring to as the interim agreement, but runs as a policy directive, does it not, to the negotiators and the President who will have his representatives at Geneva in October. to say, "Look, we can approve this interim agreement on a 5-year basis, but what we want is to achieve strategic equality as stipulated in the amendment." We got equality in the ABM treaty, and the Russians insisted on equality. Did they not?

Mr. BENTSEN. That is correct.

Mr. JACKSON. We got two ABM sites and they got two ABM sites. Actually, we will utilize only one site. All we are asking for in this declaration is that we obtain equality and parity with the Soviet Union in strategic offensive arms.

We have agreed to equality or parity in limits on defensive arms, antiballistic missile systems, is that not correct?

Mr. BENTSEN. That is correct. I would say to the distinguished Senator from Washington that what we are asking is that we tell our negotiators and the Russians ahead of time, before acceptance of the guidelines, that we do not want to have to come in here with 20–20 hindsight and tell them what they did wrong, but that we believe that the exercise of the power to advise ahead of time is a part of the proper role of the U.S. Congress.

Mr. JACKSON. And if we fail in this, it might put our negotiators in a difficult spot. I can hear the Russians saying, "Congress has already agreed to an agreement that gives the Russians 50 percent more in the way of launchers and a 4 to 1 advantage in throw weight or carrying capacity." The amendment we propose would make clear that the interim agreement is one thing and the permanent agreement, which will involve a treaty, is another, and that in the permanent treaty or agreement that we hope we can negotiate, we will expect equality.

As I have said, Madam President, on a number of occasions since the debate got underway, I would like to see the Soviet Union cut back their offensive forces to where we are, that is, from 1,618 missiles down to 1,000, and I would like to see them stop right now on their Y-class submarine force, and agree to either 44 or 41 submarines.

People who talk about ending the arms race should be talking in these terms, it seems to me. This is the kind of rough equality that I think we are trying to achieve. The amendment is very clear. On page 2 of the amendment, line 9, we have laid it out as clearly as anyone can. What we say is this:

> The Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

That is the heart of the amendment. How in the world can there be any objection to that kind of policy guidance to the President and to his negotiators? I just would like to see some reductions on the Soviet side. In the ABM treaty that I voted for and the able Senator voted for the United States has agreed to reduce our ABM forces; have we not?

Mr. BENTSEN. That is correct.

Mr. JACKSON. We are dismantling the force at Malmstrom Strategic Air Force Base in Montana. Would it not be wonderful, if we could make some progress in the control and limitation of arms by which the Soviet Union would agree to cut their offensive strategic forces back to the levels that we have tried to maintain?

Mr. BENTSEN. Let me make this point very clear: No one more than the Senator from Texas would like to see an end to this arms race, and see those funds diverted to things that we need for our people in this country. But I understand there is also the question of surviving as a nation. In this interim agreement, we have arrived at two kinds of numbers. We are talking about the Russians having the ability to have 950 SLBM launchers, and we are talking about the United States having 710 such SLBM launchers.

Mr. JACKSON. And in addition to their 950, they get to keep the G-class submarines.

Mr. BENTSEN. That is correct.

Mr. JACKSON. That would add 70, if they exercise that option.

Mr. BENTSEN. We are talking about our having some 44, maximum number of modern ballistic missile submarines to launch such missiles, but the Russians having some 62.

I am willing to accept that if I am also to understand that we are going to work toward parity in the long run.

Mr. JACKSON. In the next round of negotiations.

Mr. BENTSEN. Yes. If we are really going to have an arms agreement that can survive, then it has to be one that finally works toward parity, where neither side has an advantage over the other. That is the only way we are going to end this arms race, and the only way the people of this Nation should accept it.

Mr. JACKSON. Right. In other words, what the Senator is saying, too, is that we want agreements that will stabilize, not destabilize. We do not want either side to have an advantage, and if we are going to bring about a more peaceful world, it has to be a world in which the major powers, at least, can be assured that they have the means of defending themselves against any kind of catastrophic attack that the other side might make, that they will have a survivable and, therefore, a credible force; is that what the Senator is saying, in part?

Mr. BENTSEN. I would concur with that. I say also to the Senator that the argument can be made and should be made, to fully understand the situation, that while we have more missile heads than do the Russians at this stage, and while we have MIRV'ed more warheads, can the Russians be far behind? With their technology, I am sure they will be MIRV'ing theirs very shortly; and then, with their additional throw-weight, with their larger missiles, that can take more technological advancements than ours by their size alone, they can very rapidly pass us in the number of missile heads themselves.

Mr. JACKSON. And in the yield—the size of the missiles.

Mr. BENSTEN. There is no question about that. They are already there on throw-weight. They have already passed us in the yield per warhead on each of those missiles.

Mr. JACKSON. That is correct.

Mr. BENTSEN. These are things we have to be concerned with in attempting to establish a parity that this Nation can live with over the years.

Mr. JACKSON. Madam President, I just want to say, in conclusion, with the Senator's permission, that I think he deserves tremendous credit for the time that he has spent in connection with the hearings, in digging out the critical information, when we had all of the key witnesses there and we spent several days with the Joint Chiefs of Staff, the Secretary of Defense, representatives of the Arms Control and Disarmament Agency, and outside experts. The record of our hearings speaks for itself, but I wish to express my deep appreciation to the able Senator from Texas for his invaluable contribution. And I might say that what he was able to elicit, in substantial part, from the witnesses laid the foundation for the amendment that we all drafted, cosponsored by some 27 Senators from both sides of the aisle, and I want to express my deep appreciation to him.

Mr. BENTSEN. I thank the Senator from Washington, and I yield to the Senator from Utah.

Mr. BENNETT. Madam President, I am not a member of the Committee on Armed Services, so I have to approach this problem without the basic technical information that many of my colleagues, like those who have just spoken, possess. But I think that I can understand the problems which underlie the need for the amendment that has been offered by the Senator from Washington, and I join my many colleagues who have supported his amendment, as I do. My colleagues, as they have spoken, have addressed themselves to a number of issues with which I find myself in full accord:

The imperative that the United States not accept a position of inferiority in any final strategic offensive arms agreement seems so obvious that I am led to wonder why this Senate finds it necessary to debate the point. If there are those amongst us who would truly prefer a position of inferiority let them so state. I agree with those who have noted that this is not a position which the American public is prepared to endorse.

So too do I agree with those who have emphasized the importance of strictly adhering in this agreement to intercontinental strategic forces; that is, intercontinental ballistic missiles, submarine-launched ballistic missiles, and intercontinental range bombers. To do otherwise—implicity or explicitly—raises the question of the integrity of our alliance commitment. Involving systems or forces devoted to the direct defense of the territories of our allies in bilateral United States-Soviet talks is certainly not appropriate.

I have heard no one argue that the subject of systems and forces in which our allies might be involved cannot or should not be considered separately and on its own merits. But this should be done in its own time and place and in particular with the direct involvement and participation of those allies who would be affected.

I have also listened with great interest as a number of my colleagues have addressed the issues of the military dangers inherent in the massive buildup of Soviet strategic armaments. The facts are unpleasant, but they are facts, and we would ignore at our peril the deployment of this enormous capability by the USSR.

All those who have testified before the Senate committees—whatever their political convictions and however they may view the value of the strategic offensive arms agreement—are unanimous in their judgment that the Soviets are deploying forces grossly in excess of those they would require strictly for deterrence.

Finally, I have been equally impressed by the arguments I have heard which suggest that it is not merely the direct military threat from Soviet forces with which we must concern ourselves but the political implications that are inherent in the massive Soviet strategic buildup.

In this connection, I am bound to state that the sort of commentary to be found in the editorial in yesterday's Washington Post strikes me as missing a good part of the point expressed by the Jackson amendment. It is not just the physical danger of attack which would concern us in viewing recent Soviet deployments. We must also acknowledge the fact that those forces might be utilized to exert political pressures as well, a technique whose mastery the Soviet leadership has demonstrated.

Military power carries with it an unmistakable impression of political power, and there are those who would use it deliberately in that way. Nor can this strategic force buildup be viewed apart from Soviet conventional force capabilities, which have been ominously large for years.

What, for example, are those who are dependent on military power to think when they read in the recent edition of the highly respected Jane's Fighting Ships that "it is a sobering thought that no other country in the world in this day and age of sophistication and inflation can possibly build as many submarines as the Soviet Navy has at the present time"?

In our capitalist economies we have to account for our expenditures. Under the

Soviet system, their Government can use any percentage of the total output of the people in any way it pleases, and they have demonstrated that by their emphasis on the building up of their submarine navy.

We cannot and must not let it be said that the strategic relationship between Soviet offensive forces and those of the United States can never be redressed.

Having associated myself, therefore, with many of my colleagues who clearly support the Jackson-Scott amendment, I should like to address myself to an additional point which to me is of equal importance.

The Jackson-Scott amendment provides for "the maintenance of a vigorous R. & D. and modernization program." I think it is vitally important for the Senate to express support for such a provision. It is perfectly apparent to all who are students of military programs that technology does not stand still. One might wistfully yearn for the days of the bow and arrow or the musket, but they are gone, never to return. One might hope, also, that at any given point in time, two potential military opponents such as the United States and the U.S.S.R. might be completely equal, might have the same number of submarines with the same number of missiles and the same number of men, and so forth. But, of course, that is not what happens.

We do not plan and build our forces on the same pattern, and there is never a point in time when we can say that there is actual, measurable equality. Actually, what happens is a sort of game of leapfrog, and I think nothing illustrates that better than our submarine situation.

When World War II ended, we began to build up the first fleet of nuclear submarines; and for a generation we possessed the only effective fleet of nuclear submarines, mounting missiles with nuclear warheads, in the world. The Russians waited 20-odd years before they began their fleet, and now they are building one much more rapidly than we have done; but they are able to capitalize not only on our mistakes—if we made any—but also on the increased and improved technology.

So I do not think we are being unpatriotic when we admit that the new 1972 nuclear submarines coming out of the Russian shipyards are better than any nuclear submarine we have. This, I hope, is a temporary thing; and if we can continue—again to quote the words of the Jackson-Scott amendment—"the maintenance of a vigorous R. & D. and modernization program," we can leapfrog over the Russians when the time comes.

That is the way arms progress goes, because we do not all build the same thing at the same time, on the same blueprints—which means, of course, that we cannot afford to stand still. We must continue to attempt to gain additional knowledge, additional technical skill, in order that the weapons we build—the submarines, the airplanes, and the missiles—will be better than those the Russians have because they are later and have the benefit of the later technology. In the meantime—and this is the meantime, in a sense—the Russians are ahead of us, and we cannot afford to sit back and let that condition continue indefinitely.

It is equally wistful to yearn for an end to the process of refinement and further development of modern military technology. It just violates all the meaning of the human attitude. We struggle constantly to do better whatever we do. We have tremendous curiosity, all of us. We try to find new ways and new things. If we require any proof of that, we need only look back to the naval limitations we tried to enter into in the 1920's and realize how far we have gone in the 50 years since, and realize that that limitation failed because—for one reason, among others—neither we nor our allies nor the people who signed that agreement with us could be content to leave things as they were.

I confess that I sometimes wonder—when I read the statements of some well-meaning citizens and even distinguished groups such as the Federation of American Scientists—whether their interest is not first and foremost an attempt to shackle U.S. military technology development, leaving that of the Soviet Union free to grow as it will. It is hard for me to understand how a group of men who call themselves a Federation of American Scientists can believe that the scientific approach, the scientific mind, will not continue to operate, because if they are true scientists, they will never be content with the situation as it is. It seems to me pollyannish not to face the fact that our future security will be dependent upon our attainment of the most advanced state of the art in military weaponry at each step and each point in time in our history. One might wish that it would be otherwise. But sadly, this is the state of the world in which we live. If we should decide that we have come to the end of our ability or our interest in increasing our military sophistication, we can be sure that there are other men, other scientists in other nations who will press on and continue to seek for more effective weapons.

I can only say that I count it as a blessing that American genius has kept the quality of our military forces as nearly in the forefront of technological capacity as we now are. I count on them to continue to keep us abreast, in uneven steps, perhaps, but, over time, at a pace which will equal those of the other nations of the world.

Mr. President, the Jackson-Scott amendment recognizes the problems and challenges that lie ahead. If we adopt it, we will commit our Nation to the necessary improvements and commitments that it must make if we are, over time, to be sure of our independence, of our freedom, and of our place as the leader of the free world.

I think that if the Senate approves the Jackson-Scott amendment, as I hope it will—and I shall vote for it—it will be making a substantial contribution not only to the safety of this Nation in the future but also to the future of the peace of the world.

Mr. HARRY F. BYRD, JR. Mr. President, the address just given by the able senior Senator from Utah (Mr. BENNETT) is a magnificent one. I wish that all the American people could have heard it. It enunciated the principle of the Jackson-Scott amendment which I think all Americans subscribe to; namely, that the United States must be sure it has equality with any potential enemy in the field of nuclear arms.

Mr. BENNETT. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I am glad to yield to the Senator from Utah.

Mr. BENNETT. I tried to make the point that we cannot hope to maintain constant parallel equality. It seems to me that one of the important values of this amendment is it does give us the opportunity to catch up in those fields in which we might temporarily be behind.

Mr. HARRY F. BYRD, JR. Yes. That is what impressed me about the Senator's statement. As he points out, under the interim agreement, in some areas we are temporarily behind and will be behind during the period of the interim agreement in certain numerical cases.

The Jackson-Scott proposal looks to the future. It says to our future negotiators that Congress feels, on the question of nuclear weaponry, in this very dangerous period in world history, that the United States must not conclude an agreement that would put our nuclear forces in a subparity position vis-a-vis the Soviet Union.

This whole debate of the past few days has been most desirable. I believe that the distinguished Senator from Washington (Mr. JACKSON) deserves high commendation for forcing the debate. Had he not presented the amendment, it is unlikely that the Senate would have given detailed discussion to this interim agreement which was signed by President Nixon and Chairman Brezhnev in Moscow not long ago. It is important that the Senate debate this matter at some length. The vehicle for the debate has been the Jackson-Scott proposal.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TAFT). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAFT). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 141. An act to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes;

S. 1475. An act to authorize the Secretary of the Interior to provide for the restoration, reconstruction, and exhibition of the gunboat "Cairo," and for other purposes;

S. 2166. An act to authorize the establishment of the Grant-Kohrs Ranch National

Historic Site in the State of Montana, and for other purposes; and

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Junior, Memorial Parkway, and for other purposes.

The message also announced that the House had passed the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress, with amendments, in which it requested the concurrence of the Senate; that the House insisted upon its amendments to the bill, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MORGAN, Mr. ZABLOCKI, Mr. HAYS, Mr. FASCELL, Mr. MAILLIARD, Mr. FRELINGHUYSEN, and Mr. FINDLEY were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 10486. An act to make the basic pay of the Master Chief Petty Officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes;

H.R. 12383. An act to amend chapter 30 of title 39, United States Code, to permit a person, in complete anonymity, to send substances in the mails which they suspect are drugs to Government officials for analysis, and for other purposes;

H.R. 13697. An act to amend the provisions of title 14, United States Code, relating to the flag officer structure of the Coast Guard, and for other purposes;

H.R. 13792. An act to amend title 10, United States Code, to limit, and to provide more effective control with respect to, the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other Federal agencies, and for other purposes;

H.R. 13825. An act to extend the time for commencing actions on behalf of an Indian tribe, band, or group;

H.R. 14891. An act to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of Regular forces;

H.R. 15577. An act to give the consent of Congress to the construction of certain international bridges, and for other purposes;

H.R. 15922. An act to amend the Railroad Retirement Act of 1937 to simplify administration of the act;

H.J. Res. 1211. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission; and

H.J. Res. 1257. Joint resolution to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 10486. An act to make the basic pay of the master chief petty officer of the Coast Guard comparable to the basic pay of the senior enlisted advisers of the other Armed Forces, and for other purposes;

H.R. 13697. An act to amend the provisions of title 14, United States Code, relating to the flag officer structure of he Coast Guard, and for other purposes; and

H.R. 14891. An act to amend title 14, United States Code, to authorize involuntary active duty for Coast Guard reservists for emergency augmentation of regular forces; to the Committee on Commerce.

H.R. 12383. An act to amend chapter 30 of title 39, United States Code, to permit a person, in complete anonymity, to send substances in the mails which they suspect are drugs to Government officials for analysis, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 13792. An act to amend title 10, United States Code, to limit, and to provide more effective control with respect to, the use of Government production equipment by private contractors under contracts entered into by the Department of Defense and certain other Federal agencies, and for other purposes; to the Committee on Armed Services.

H.R. 13825. An act to extend the time for commencing actions on behalf of an Indian tribe, band, or group; to the Committee on Interior and Insular Affairs.

H.R. 15577. An act to give the consent of Congress to the construction of certain international bridges, and for other purposes;

H.J. Res. 1211. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission; and

H.J. Res. 1257. Joint resolution to authorize an appropriation for the the annual contributions by the United States for the support of the International Agency for Research on Cancer; to the Committee on Foreign Relations.

H.R. 15922. An act to amend the Railroad Retirement Act of 1937 to simplify administration of the Act; to the Committee on Labor and Public Welfare.

SIGNALS FOR PEACE IN 1969

Mr. FULBRIGHT. Mr. President, the competing national candidates have been engaged in a protracted controversy over whether in the first months of his administration President Nixon ignored a "signal" for genuine peace talks from Hanoi. In the course of this discussion, Vice President AGNEW has acted in character by hurling political epithets at Mr. Shriver, while Secretary of State Rogers has acted quite out of character by doing the same. Whatever the merits of the controversy pro and con, Senators of both parties will surely agree that it would be most inappropriate if the Secretary of State were to demean his office by signing on as another partisan hatchet man for Mr. Nixon—especially since the administration is already lavishly endowed with that particular talent.

Although I have no firsthand knowledge of the event, I think it likely that the inexperienced Nixon administration of 1969 did ignore a signal for peace from Hanoi, as our former negotiators in Paris, Averell Harriman and Cyrus Vance, as well as Mr. Shriver, who was then Ambassador in Paris, have testified. And there is no doubt whatever that the administration ignored an even stronger signal for peace from the American people. Whatever Mr. Nixon may have lacked in diplomatic experience in early 1969, he was certainly was not lacking in political experience. He could hardly by that time have forgotten his explicit campaign promise of the previous year:

> If in November this war is not over after all of this power has been at their disposal, then I say that the American people will be justified to elect new leadership and I pledge to you that the new leadership will end the war and win the peace in the Pacific and that is what America wants.[1]

Like most other Americans, I took it for granted that Mr. Nixon intended to honor his promise and carry out the mandate of his election. As it turned out I was mistaken, but it was not yet clear by March of 1969 that the Nixon plan to end the war would in fact be a plan to perpetuate it through the program called "Vietnamization." On the assumption that Mr. Nixon was interested in a compromise peace rather than a military victory for the Thieu regime, I gave the President a memorandum of recommendations at a private meeting on March 27, 1969. My "peace signal" was ignored like the others—those from Hanoi and from the American people. Nonetheless, my memorandum of March 1969 may be pertinent to the current discussion; I therefore ask unanimous consent to have it printed in the RECORD at this point.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM GIVEN TO PRESIDENT NIXON BY J. W. FULBRIGHT AT A PRIVATE MEETING ON MARCH 27, 1969

If there was any recognizable mandate from the electorate in the November election, it was that the Vietnam war should be brought to an end as quickly and efficiently as possible. How to carry out that mandate will probably be the most important issue to face the President during his term in office and will have great impact on the course of domestic politics and foreign policy for years to come. This memorandum is based on the assumption that the President seeks a compromise settlement which will bring about the withdrawal of United States forces and leave South Vietnam's internal political problems to be settled by the Vietnamese.

With this mandate the President, unhampered by ties to past policy, has much room to maneuver in charting a new course for United States policy. But it is imperative that he act decisively before events foreclose his options. Those options are being foreclosed rapidly by actions in South Vietnam and inaction in Paris. The failure of United States negotiators, thus far, to pursue diplomacy in Paris on substantice issues, plus an aggressive military and political posture in South Vietnam, again raise serious questions about United States objectives, resurrecting the doubts which doomed peace gestures by the Johnson Administration.

Credibility has a fragile and elusive quality and, once destroyed, is most difficult to reconstruct. If progress is to be made in Paris, the President must make the United States policy of seeking a compromise settlement more credible. There are many pressures at work to escalate our objectives, with the aim of avoiding genuine political compromise which will bring about the withdrawal of American forces. These pressures, if allowed to go unchecked, will soon destroy the delicate balance which brought the parties together in Paris and dash any hope for a early end to the war.

1. VIETNAM AND PARIS

The decision to halt the bombing signaled admission by both sides of the existence of a military stalemate, a situation in which further escalation would not advance the objectives of either side. That decision presumably carried, as a correlative to the understanding that Hanoi would not take military advantage of the halt, the implication that the United States and South Vietnam would show a degree of military restraint in the South. If it were otherwise, the North Vietnamese and Viet Cong forces, without reinforcements from the North, would have been subject to sure extermination by our side. One must assume that the North Vietnamese did not intend to make such a sacrifice.

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[1] Speech at Hampton, N.H., quoted in "Nixon Says He'd End War, Contends LBJ Has Not Used Power Wisely," Washington Post, March 6, 1968, p. 1.

Thus it was reasonable to assume that if one side took undue advantage of the situation, the other side would feel compelled to retaliate in order to maintain the validity of its negotiation position. Their current offensive is a logical and predictable result of Allied military operations in South Vietnam since the bombing halt. There are ominous signs that the military war has regained a momentum which threatens to defeat the political approach to a settlement.

Official reports and news accounts reveal that there has been a concerted step-up in both the military and the political aspects of the war in the South since October. Department of Defense statistics show that in the three months following the bombing halt the number of battalion-size operations against the enemy increased by 33%; the monthly toll of enemy troops killed in action went up by 46%; enemy weapon losses increased by 44%; and United States troop strength increased by 12,000. News reports indicate that bombing raids and other operations against long-held Viet Cong areas increased substantially since the bombing stopped. And during November and December, under the accelerated pacification program, the number of hamlets under government control increased by 7%, while those under Viet Cong control decreased by 4½%.

The step-up in military operations has been accompanied by a hardening of the Thieu government's political policies. It has not moved to broaden its base or take other steps to strengthen its position for dealing with the National Liberation Front on a political basis. Repression rather than reconciliation seems to be the government's theme. The closing of newspapers, arrests of public figures and religious leaders, and general coercion of those who advocate peace evidence uncertainty and weakness, not assurance or a willingness to contest politically with the National Liberation Front. This pattern of conduct, carried out with the apparent acquiescence of the United States, is hardly conducive to creating the proper atmosphere for negotiations and, again, speaks far more persuasively to North Vietnam and the National Liberation Front about our objectives, than do the words of our spokesmen in Paris. If our policy makers were in the shoes of the other side, they too might have doubts about United States intentions.

The siren song of those who would turn that last corner, seeking the victory which has eluded Vietnam policy makers for so many years, will only lure the United States into a deeper and more devastating war. Too many United States officials equate the objectives of the Thieu government with our own, and believe that, if we keep up the military pressure, the negotiations will eventually become a forum to define the surrender terms for the other side. But neither side has come to surrender, and if the President is to avoid becoming a prisoner of events, he must take steps to insure that our military actions in South Vietnam are carefully geared to advancing a compromise solution in Paris; that we begin the painful, but essential, process of divorcing our interests from those of the Thieu government; and that our negotiators make every effort to begin serious conversations with the other side on political issues.

2. THE NATIONAL INTEREST

The terms of peace we seek and the means by which we seek them necessarily depend upon what we conceive our interests to be in Vietnam and what we conceive it not to be. That has been, and remains, the controlling, unresolved issue of American policy in Vietnam. Until it is resolved, questions of the feasibility of one plan of procedure as against another are premature if not irrelevant; the question remains: feasible to what end? Is it our aim to eliminate the Viet Cong insurgency or to come to terms with it? And, more broadly, in seeking to end the war, are we trying to realize a positive purpose or to liquidate an unsound policy?

Although it was not always so, there is now widespread agreement among politicians, diplomats and academicians that our policy has been ill-advised, that there is no vital security interest of the United States at stake in Vietnam, and, accordingly, that the nature of the government of South Vietnam is not a matter of vital interest to the United States but only one of strong preference. The premise on which this outlook is based is that our vital interest is a strategic rather than an ideological one, which is to say, that American security depends not upon the elimination of the Viet Cong or any other Communist movement but rather upon the discouragement, or containment, of Chinese expansion.

It is not my purpose to repeat the now familiar arguments against the war in Vietnam. It may be useful, however, to list them because, taken together, and representing as they now do, the weight of informed political and academic opinion, they constitute a powerful—to my mind irrefutable—case against pursuing the war toward its original aim of eliminating the insurgent threat to the Saigon government.

The first point to be made is that this goal is unattainable. As Ambassador Yost wrote:

"The most decisive lesson of Viet Nam would seem to be that no matter how much force it may expend, the United States cannot ensure the security of a country whose government is unable to mobilize and maintain sufficient popular support to control domestic insurgency. . ."[1]

No less unrealistic is the concept of an exemplary war, a war designed to prove that "wars of national liberation" cannot succeed and to demonstrate America's fidelity to its alleged commitments. Mr. Kissinger has written:

". . . Whatever the outcome of the war in Vietnam it is clear that it has greatly diminished American willingness to become involved in this form of warfare elsewhere. Its utility as a precedent has therefore been importantly undermined."[2]

Equally fallacious is the expectation that the war in Vietnam will "contain" China. The prevalent view among southeast Asian specialists is that the Chinese challenge in south Asia is more political and cultural than military, that a strong independent Communist regime is a more effective barrier to Chinese power than a weak non-Communist regime, that the Hanoi government is nationalist and independent, that, accordingly, once peace is restored, North Vietnam will serve as a barrier rather than as an avenue to Chinese expansion. It is also pointed out that the primary targets of Chinese supported insurgency have been those countries—notably Vietnam, Laos and Thailand—which have allied themselves militarily to the United States, while those—such as Burma and Cambodia—which have accepted Chinese cultural and political predominance have by and large been left alone, free to enjoy a tolerable independent existence.

Assuming still that our national interest in Asia is strategic rather than ideological, it follows that the United States has no vital security interest in the preservation of South Vietnam as an independent, non-Communist state. We have, to be sure, a moral obligation to those South Vietnamese whose lives would be jeopardized by an American military withdrawal, but this obligation can be met by any one of a number of means as part of a peace settlement and certainly does not in itself justify the continuing sacrifice of two hundred or more American lives every week. The basic point is that it is not a matter of vital interest to the United States whether South Vietnam is governed by Communists, non-Communists or a coalition; nor is it a matter of vital interest to the United States whether North and South Vietnam are united or divided. Our interest is in the prevalence, whatever its form, of indigenous Vietnamese nationalism; beyond that strategic interest gives way to ideological preference.

C. CONDITIONS OF PEACE

Mr. Kissinger may well have had an important insight in asserting that "the subject of a coalition government is the "most thankless and tricky area for negotiation *by outsiders*."[3] Whether or not American representatives actively participate in negotiations for a new political regime in South Vietnam, quite obviously the consent of the immediate parties, the Saigon government and the National Liberation Front, will be of primary importance. In addition to being *impractical*—and more to the point from the standpoint of American interests—it is *unnecessary* for the United States to *impose* a coalition government on South Vietnam.

It is equally unnecessary—for the same reasons of American national interest—for the United States to put the weight of its power behind Saigon's refusal to enter—or even to discuss—a coalition government. That, to all appearances, is what the United States is now doing, thereby sacrificing American lives for a purpose which is not vital to American interests. As long as the Saigon government is allowed to believe that it can count on undiminished American military backing regardless of its refusal to make concessions to the National Liberation Front, there can be little prospect for the successful negotiation of a compromise settlement. The issue seems to be one not of what we may impose on the Saigon government but what we allow it to impose upon us. By the same logic that the United States ought not to impose a coalition government upon South Vietnam, neither ought it to shield the Saigon leadership from having to enter a coalition government should that be the result of the natural interplay of indigenous forces within Vietnam.

The primary requirement is that the internal political regime of South Vietnam be determined by the unhampered interplay of indigenous forces. Whether this is accomplished by direct negotiations between the Saigon government and the National Liberation Front, by an internationally supervised election as called for by the Geneva Accords of 1954, or by some other means is not of critical importance. In extremity, should the two parties prove intransigent, we have the option simply to let them fight it out—without further American military participation.

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[1] Charles W. Yost, "World Order and American Responsibility," *Foreign Affairs*, October 1968, pp. 9–10.

[2] Henry Kissinger, "Central Issues of American Foreign Policy," in *Agenda for the Nation* (Kermit Gordon, ed., Washington: The Brookings Institution, 1968), p. 591.

[3] Henry Kissinger, "The Viet Nam Negotiations," *Foreign Affairs*, January 1969, p. 228.

We have that option because our own vital security interests are not at stake in Vietnam. Nor indeed is the political and personal prestige of the new Administration at stake, although continued delay in the initiation of a new policy cannot but have the effect of associating the new Administration with the old policy, and is likely, moreover, to result in the loss of the broad domestic political support which the Administration now commands.

I recommend accordingly, that the American negotiating position in Paris be adjusted to comply with the following general principles: (1) that the United States has no vital security interest at stake in Vietnam; (2) that, accordingly, it is the invention of the United States to withdraw its forces from Vietnam as soon as circumstances allow; (3) that these circumstances can best be brought about by the conclusion of a direct agreement between the Saigon government and the National Liberation Front; and (4) that, to this end, the Saigon government must be advised and kept aware that the United States is not prepared to secure for that government a military victory and, indeed, is not prepared to take any further military action beyond the requirements of American security interests.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. FANNIN. Mr. President, I am very pleased to speak in support of the amendment offered by the distinguished Senator from Washington, Senator JACKSON for himself, Senator SCOTT and 25 other cosponsors. The amendment is a sensible way to establish basic policy guidelines for the second round of the SALT talks.

Representatives of the United States are being asked to meet with representatives of the Soviet Union in October to begin negotiating what may be a long-term agreement limiting offensive nuclear weapons. I maintain that it was one thing for our negotiators to accept as a temporary measure an agreement which was designed to freeze the deployment of forces, without regard to the long-term consequences of such deployment—indeed, the consequences of such deployments over the next 5 years. It is quite another matter, I maintain, to ignore the fact that our negotiators must reengage representatives of the Soviet Union in hammering out an agreement which could affect the interest of both nations well into the future. When our representatives undertake these negotiations, I believe it imperative that they speak with a clear and strong voice. That voice must convey the message that this country, while seeking an equitable agreement, will not tolerate permanent inferiority, inferiority in terms of the limits set upon our strategic armaments. I believe it important—indeed vital—for our negotiators to understand that they speak not merely for the executive branch of this Government but for the Congress as well.

Surely, the approval of this amendment will offer an opportunity for the Senate of the United States to reassert its rightful role in sharing responsibility with the President for formulating our foreign policies. Moreover, this amendment provides us with an opportunity to join in an expression of support for the general objectives sought by the administration. The White House and the Secretaries of State and Defense have made clear the administration's support for the Jackson-Scott amendment.

I am surprised that some of my colleagues—Senators that I would have expected to be in the forefront of those supporting Senatorial prerogative—were prepared to approve the resolution on the interim agreement without including the advice of the Senate, indeed, almost without comment. That is remarkable.

Mr. President, I should like to call attention to one consideration not explicitly covered by the pending amendment but one which I take to be one of the concerns leading to its introduction. This has to do with the issue of verification. I remind my distinguished colleagues that the interim agreement provides for no on-site inspection—despite the fact that a requirement for on-site inspection has been a central fixture of all major U.S. arms control proposals. We have felt that this requirement was essential to give confidence to both parties that arms control agreements would be adhered to in all respects. Considering the closed nature of the Soviet society, as contrasted to the very open nature of our own, I would have felt that insistence on a similar provision in this agreement would have been in the U.S. interest. Indeed I still feel that, and I would hope that our negotiators will find it incumbent upon themselves to explore, to the maximum extent possible, on-site inspection as part of the next SALT agreement.

But should we fail in that objective, we shall presumably be forced to rely upon so-called national means for purposes of verification. It is common knowledge that these national means do in fact provide a very high degree of verification. But they are by no means infallible. The systems themselves have inherent shortcomings and they are, moreover, subject to external environmental circumstances over which they have no control. Finally, and in my view most importantly, they are subject to a degree of reliance on proper conduct and good faith on the part of those whose territories are the subject of this verification.

We should note, in this regard, that article V of the present agreement states that:

> Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means . . .

Are we entirely clear on what is meant by deliberate concealment measures? I am not confident that we are. There are perhaps some such measures which would be perfectly recognizable as deliberate concealment, but others might not be. Yet, verifying the present interim agreement depends upon the effectiveness of our national means, in the face of ambiguity about what constitutes deliberate concealment.

If a follow-on SALT II agreement is basically sound, if it provides limits under which neither side is frozen into a position of inferiority, we may perhaps have somewhat less concern over the inherent limitations in our capability to verify. Conversely, if the terms of the agreement itself permit gross disparity in levels of intercontinental strategic weapons allowed the two sides, we may be operating closer to the margins if cheating takes place. Thus a sound agreement, as called for by the terms of the Jackson-Scott amendment in itself, should make the agreement, if and when reached, more stable and long lasting.

We are here dealing with a matter central to the future security and welfare of this Nation. Our Founding Fathers established a Constitution under which the general security and welfare were vested in the elected representatives. We are duty-bound to discharge that responsibility and it is apparent to me that the Jackson-Scott amendment makes a major contribution to this end.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FANNIN. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I congratulate my senior colleague on a very well thought out argument for the Jackson-Scott amendment. I want to join him in supporting this amendment because I feel it is vital if we are going to enter into this agreement as the President has suggested.

This agreement the President has suggested sounds as if it makes a lot of sense. If one wants to confine himself to the basic arguments that if we do not enter into this agreement, that at the end of 5 years even if we continue our present productivity and the Soviets continue theirs, we will not be able to get together in the same ball park because they will be so far ahead of us. That argument can be brought by anyone in this Chamber even though we have reached a terrible time in our history when we have to admit that any country in this world can surpass the United States in armament and the development of new ideas, and continue to do so.

I cannot understand the argument in this body against the language that merely says in effect that this "would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union." This to me is, as we say in the West, common horse sense. As a matter of fact, I wish more parts of this country had more horse sense; we might have more horse sense.

But any agreement that we make—the Soviets are our only potential enemies as of now—the advantage over us not only is now, but also for the 5 years until 1977, which is the running time of this agreement, and on into perpetuity, if it works out to be a big mistake.

I have seen some propaganda put out by the Committee on Foreign Relations.

Again, I am reminded of a book I once saw on how to lie with statistics. In this case I think it might have been objected to by some Members of this body, but nevertheless the figures are completely misleading. For example, we are talking about the importance of the Jackson amendment and giving the United States an opportunity to maintain equality. The Committee on Foreign Relations pamphlet shows an inferiority in bombers. If we want to count heavy bombers that we have against the heavy bombers the Soviets have, we are ahead of them by quite a bit and probably will remain that way. However, what we fail to recognize is that quite a few years ago the United States in a completely unilateral way mothballed every one of our B-47's which constituted our intermediate range bombers. What the Committee on Foreign Relations and its chairman carefully overlooked is the fact that the Soviets have a vast number of intermediate range bombers that can reach the United States. It is true they might not get back, but we have known enemies that did not care, and I think if it ever came to war with the Soviets we would find an enemy that did not care if its bombers got back or not.

So if we want to be realistic from an air standpoint, we are at a standoff vis-a-vis the intermediate range bombers and long range bombers. They have a number that will not only equal but will surpass ours. I am not aware of the megatonnage but I am sure that they could inflict damage on most cities of the United States and then either land, if they care to, or carry to a friendly country, like Cuba.

In submarines, a field where I am sure the Senator from Washington is most concerned, we have given the Soviets the right to outnumber us in submarine launched ballistic systems by over 20, and we are not even yet in production with our submarine, the Trident, which will come in the inventory some time in the 1980's.

In the meantime, we have given the Soviets the right to continue building eight a year. This is another sad commentary to me on our situation in this country. We could not build eight a year unless we undertook a crash program, and under testimony from the Navy Department it might take 5 or 6 years to reach that. The Soviets can do it today.

My next point, and this will be the end of my remarks today, is in the general field of missiles, which again I know the distinguished Senator from Washington (Mr. JACKSON) is most disturbed about. I am sure my senior colleague is disturbed about it, because in our State we happen to house some of the old Titan missiles. They outnumber us in land-based missiles by 600. They will outnumber us in submarine missiles by quite a number when they finish their 62 missiles they are allowed to build.

It is true they do not have the MIRV. I do not know whether I am disclosing any secret information, but it seems to me that I have read in a technical paper from a foreign source that we have had the footprint of a MIRV launched by the Soviets. If they do not have it now, they can have it. It is not a complicated type of missile to build.

Again, in this general field, we are told by the Foreign Relations Committee not to worry, because we have warheads. That might be true, but I would like to inform members of the Foreign Relations Committee that screwing another warhead on another missile is not like loading a .30-caliber rifle. It takes quite a long time. Then it takes a long time to insure the accuracy of the aiming that is put into these devices. So that, on the whole, no matter how many warheads we have stored, the Soviets outnumber us in deliverable missiles and certainly outweigh us in deliverable megatonnage.

Again, I can remember the little chart in that foreign policy comic book, I would like to call it, that pooh-poohs the idea that a 25-megaton device is any more effective than a 1.2-megaton device. Let me repeat, a 1.2-megaton device could miss Washington by 10 miles. We would feel it, but Washington would remain. A 25-megaton device could miss Washington by 10 miles, but there would not be any Washington. A lot of people might say, "That is a good idea." I do not agree with that. We did not build a lot of megatonnage bombs, because we thought we did not need them.

Another point made by the foreign policy paper is that they stress the extreme accuracy of our Minuteman. I remind my colleagues that we have never tested a warhead on a Minuteman. We do not know whether a warhead will even ride on it, because it sets up vibrations. We do not know what the accuracy is. We figure a CEP, which is a measure of accuracy, of a mile, or perhaps even a half-mile. These are the figures that a computer would give us. That is what we got from Robert McNamara, whose middle name was Strange—which was very accurate, I may say. I would bet my money that they are accurate, even though we never tested them, but we were denied the opportunity to find the answer by going into the Test Ban Treaty. So we do not know what the answer is about our antiballistic missiles, because these answers cannot be found underground. The Soviets have all the answers they need to prevent our attacking them, because again we do not know what our missiles will do.

I apologize to my senior colleague for taking so long to ask what should have been a question. Instead, it turns out to be a compliment to him for this thoughtful message that the least this body can do, I think, is support the Jackson amendment before it goes on and says to the Soviet Union, "We are going to stop. You stop it, even though you are football fields ahead of us. We hope you are honest this time." We certainly hope they are.

My decision has not been made as to how I will vote on this measure unless the Jackson amendment is in it. I am tempted strongly to vote against it, because I do not think, without the Jackson amendment, it would be in the best interests of the United States.

Mr. FANNIN. Mr. President, I wish to express my appreciation to my distinguished colleague. I know of his expertise in this field. There is no Member in the U.S. Senate, or in all of Congress, who can speak with as great an expertise in this particular area. I agree with him. I know of his long study in the field of aviation and his long and dedicated service to the Armed Services Committee. He realizes that we are in a serious position what with the Russians continuing to go forward while we are standing still—in fact, going backward. My colleague has brought out that much of our equipment is becoming obsolete and some of that equipment is stored in our State of Arizona. I wholeheartedly agree with him.

I appreciate the fact that the distinguished Senator from Arizona has brought out these facts which are so important in the decisionmaking process of this body. I know the information he has disclosed here today will be read with a great deal of interest by the other Members of this body, as well as by Members of the House of Representatives.

I yield the floor.

Mr. HARRY F. BYRD, JR. Mr. President, I share many of the concerns expressed so ably by the two distinguished Senators from Arizona. I have been inclined to support the interim agreement signed by President Nixon and Chairman Brezhnev. I am convinced, however, that it would be greatly improved should the Jackson amendment be adopted.

The longer this debate goes on, the more convinced I am of the service which the Senator from Washington is giving the American people and the Congress in airing so fully the problems connected with the limitation of nuclear weapons.

The two Senators from Arizona just brought out some extremely important points in this regard. For the life of me, I cannot see how any Member of the Senate could object to voting for an amendment such as that presented by the Senator from Washington (Mr. JACKSON) and the Senator from Pennsylvania (Mr. SCOTT), which says that, in the oncoming discussions with the Soviet Union in regard to nuclear weapons, the United States must not accept an inferior position. How in the world could anyone object to that? How could any Member of Congress vote against an amendment to the pending legislation saying that the United States, in the question of nuclear weapons, should have parity and should have equality? That is all the Jackson proposal does.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. FANNIN. Mr. President, I want to commend the distinguished Senator from Virginia for stating his position so eloquently. I agree that not to insist upon equality would be a great mistake. In fact, I am sure the Senator agrees, because he has so stated, that we should have superiority. To forgo both superiority and equality would be tragic.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I am glad to yield to the Senator from Louisiana.

Mr. LONG. I am compelled to concur with the Senator. I, for the life of me, do not see why, in an arms limitation agreement between the two great powers, the United States and the Soviet Union, the United States should negotiate for anything less than equality, equal power, possessing vast weapons which we hope neither will ever use. The idea of limitation generally is to allow both powers to have that which they deem necessary for their defense and that which they would need in case one attacks the other by surprise, for instance.

Does the Senator think it is possible that we ought to enter into a limitation where the other fellow has far more power to strike us than we have to strike him in return? For my part, I cannot see that.

Mr. FANNIN. I certainly agree with the distinguished Senator; we have always talked about negotiating from a position of strength. Here we are negotiating a treaty that is important not only to us, but to the entire free world. If we do not undertake to negotiate from a position of strength we are not being fair to the people of America or the other free nations of the world.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. LONG. It occurs to me that if we are not going to ask for it, we are certainly not going to get it. What is the point of not asking for it?

Mr. FANNIN. I agree we must ask for it. I think we would be very negligent in our obligations, as I say, not only to the American people but to the free nations of the world, if we did not ask for it, and I thank the distinguished Senator from Louisiana.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. FANNIN. I am very pleased to yield to the distinguished Senator from New York.

Mr. BUCKLEY. I have been very puzzled, over the past few days, as to why there should be any objection whatever on the part of any Senator to the Jackson amendment. I wonder if the Senator could enlighten me as to what there is in that amendment that is inconsistent with what the negotiators of the SALT agreements have told us is the official policy of the United States.

Mr. FANNIN. I would say to the distinguished Senator from New York that the Members of the Senate have over and over again expressed that this is the position to which the administration agreed. I feel just like the Senator from New York in wondering why we are debating this issue when it is so evident that it is the desire of most of the Members of the Senate? But we just cannot bring it to a vote.

It surprises me to hear some of the Senators who were thought perhaps to be against this treaty neglect to discuss on the floor why they are against this amendment.

Mr. BUCKLEY. As yet, I have not been able to find out.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FANNIN. I yield to my distinguished colleague from Arizona.

Mr. GOLDWATER. I do not know if I can shed a lot of light on what the Senator from New York has asked, but I detected, as long ago as 1960, a very strong movement in this country toward unilateral disarmament. I have watched this movement grow. I have watched it grow on the floors of Congress. I have watched it become evident in the amendments that we have been asked to support on both floors of Congress, that would take away from the President his powers of war. I have watched it in the arguments made by Members of this body and by groups like Peace Through Law, that we ought to destroy the armament of our country.

While I do not like to think for one moment that a Senate committee bearing the title of Foreign Relations would be interested in the unilateral disarmament of our country, I would like to be around in 150 or 200 years, because I think the answer to the Senator's question will be quite obvious. Yet there continue to be groups of people in this country who would like to see the United States reduced in armament and reduced in power, not only its military power but its power in the world to work for good. I think those forces are working to the end that amendments such as the Jackson amendment will be defeated. I see no other reason for activity against this amendment.

The amendment makes sense. It is something that we all, as Americans, have called for in every other action we have ever taken with a foreign country, and to suddenly find this body even faintly considering entering into negotiations without this guarantee seems patently to be ridiculous.

Mr. BUCKLEY. I was interested in the Senator's analysis about the impulses of the last 10 or 12 years, because as a matter of fact they must have been to a degree successful, or we would not have found ourselves in a posture where we would have to face this awful alternative of continuing as we are doing, with the Russians overtaking us on such a massive scale, especially on these weapons of massive destruction, or, in the alternative, agree to an interim agreement which would slow that down but not stop it, which will freeze us for a 5-year period into a position where they will have a significant quantitative advantage over us in the weapons affected.

This, of course, is a quandary which we have to face one way or the other, but it has resulted from this antimilitarism which has pervaded this country, an antimilitarism which does not understand that it is precisely our strength which has maintained world peace since the Russians started flexing their muscles back in the 1950's.

I really believe that one of the problems we have is to communicate to the American people—and this is why I think this debate is so hopeful, if it will be reported—that we are entering a period in which we face greater danger than in any other since the end of World War II, if we enact these accords, because when the Russians will come to the end of that 5-year period, they will have had the opportunity to develop and install those qualitative refinements which will give them an overwhelming superiority to the United States in the weapons of terror.

Therefore, it is important to telegraph to the Russians and now to the American people that we must begin looking now to see to it that should the Interim Agreement fall apart, should we not succeed in achieving a new agreement which imposes true parity, we will then be in a position far behind, but at least we will have the option to try to protect the United States by going ahead and developing the weapons we need.

Mr. GOLDWATER. If the Senator will yield, I might remind the Senator once again that the United States, as have many, many other countries prior to this country, is going through the same thing that civilization after civilization has gone through; namely, reaching that affluent point in their history where they felt that that in itself, with the goodness of themselves, the beneficence of themselves, would keep other powers away, when the history of the world is absolutely replete with example after example of countries falling through the middle, through loss of morale and their willingness to be taken over by or fall under the influence of countries which became strong.

I think our present dilemma stems, to a great degree, from the fact that we emerged from World War II as the leader of the world, without many people in this country, except maybe five or six in Washington, realizing that it was coming, or why we were becoming the world leader.

I think also the enactment of the massive retaliation concept, which has always been sort of a dirty word or phrase to many, but nevertheless a correct one, did not really begin, with the American people, until about 1960, when they began to become aware of the great number of treaties that we had entered into in the 1950's, that not only took us to war but took us up to the approaches of war.

I think it was about that time that opinion in the country began to be divided—I do not believe the division started in Congress, though I think it has been helped by Congress—until today we find the American people sorely puzzled, not understanding why it is necessary for us to maintain our position of leadership, naively feeling that we can pull in our horns to the days of the 1920's, and 1930's, when we were a completely isolated country. Those people, I fear, will be terribly disappointed to find out the reaction within the coming days of history to any negative action on the part of the United States that would result in our giving up any more of the military power that we have held in the past, and I would hope that the Jackson amendment would indicate to the rest of the world that Congress realizes the seriousness of making an agreement with the Soviets, and wants to reserve for itself the power of decision that can, at some later date, enable us to act in the best interests of the United States.

Mr. FANNIN. I thank my colleague and the distinguished Senator from New York for their valuable contribution to this colloquy; they have brought out facts that are very important to the consideration of this amendment. I wholeheartedly agree with them that the future of this Nation and the free world depend to a great extent on the decisions that will be made here in the next few days. We are dependent upon the power and the ability of this Nation to face up to the obligation we have as a leader in this world, and we certainly cannot afford to fall behind. If we do not go forward with what is contemplated by the Jackson amendment, we no doubt will fall behind further and further.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. TAFT). The question is on agreeing to the amendment.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, several more Senators wish to participate in this debate. They are at a meeting at the present time and are not available. I understand that the Senator from Arkansas would like to speak.

Mr. FULBRIGHT. I would like to say a few words. I have not had an opportunity.

Mr. HARRY F. BYRD, JR. Mr. President, I yield the floor.

Mr. FULBRIGHT. I thank the Senator from Virginia.

Mr. President, it has been said by the junior Senator from Washington that the proponents of this treaty and the opponents of the Jackson amendment have not taken much time, so I think it is appropriate to say a few words about the matter.

Mr. President, as Senators undoubtedly know, there were lengthy negotiations yesterday and much of today between the Senator from Washington and those who are supporting his position and those of us who support the agreement as signed and as accepted by the President and as presented to the Members of Congress in the meeting at the White House upon the return of President Nixon from Russia. Up to this time, there has been no tangible agreement resulting from these negotiations.

I feel that the Rules of the Senate, at least as they used to be followed and applied, encourage full and free debate on important issues. That is the proper course to follow.

I think agreements to limit time on routine legislation are quite proper, and they do facilitate the work of the Senate. But the Senate is given a special responsibility in the field of foreign policy; and when a matter is brought up that is as important as the interim agreement is for the relations of this country with Russia, I believe we are entirely justified in reverting to the traditional rules of the Senate, the traditional practice of the Senate, to engage in full and free debate on an issue. Much too much is riding on the subject of this debate for us to accept the restrictions we apply to ordinary routine legislation. Therefore, I make no apologies for not agreeing to limit debate to a few minutes on each amendment or on the agreement itself. I think we are entitled to a full opportunity to discuss this matter.

Mr. CHURCH. Mr. President, would the Senator from Arkansas be good enough to yield at that point?

Mr. FULBRIGHT. Yes, I yield. For a question?

Mr. CHURCH. I merely wanted to comment on the position taken by the chairman and to quote the President in support of that position. As I understood the Senator from Arkansas, he feels that the present agreement, and any language that the Senate may add to it, is a matter of such importance, it should be fully examined through extended debate, which is the normal practice of the Senate when faced with issues of gravity.

I would simply point out to him that President Nixon took the same view in his address before the joint session on June 1, which was broadcast to the Nation on television and by radio, when he explained the agreements that he had entered into between the United States and the Soviet Union at the Summit Conference in Moscow.

This is what he said about the interim agreement and the role of Congress with respect to it:

> I ask from this Congress and I ask from the Nation the fullest scrunity of these accords. I am confident such examination will underscore the truth of what I told the Soviet people on television just a few nights ago, that this is an agreement in the interest of both nations. From the standpoint of the United States, when we consider what the strategic balance would have looked like later in the 1970's if there had been no arms limitation, it is clear that the agreements forestall a major spiraling of the arms race, one which would have worked to our disadvantage since we have no current building programs for the categories of weapons which have been frozen, and since no new building program could have produced any new weapons in those categories during the period of the freeze.
>
> My colleagues in the Congress, I have studied the strategic balance in great detail with my senior advisers for more than 3 years; and I can assure you, the Members of the Congress and the American people tonight, that the present and planned strategic forces of the United States are without question sufficient for the maintenance of our security and the protection of our vital interests.
>
> No power on earth is stronger than the United States of America today, and none will be stronger than the United States of America in the future.

Mr. President, I call this to the Senator's attention because it seems to me that the President not only invited the fullest scrutiny of Congress, which our distinguished chairman advocates, but he also went on to reassure the country and the Congress that, in his estimation, the accords reached in Moscow fully protected the security of the United States. He declared most forcefully that the accords placed the deterrent power of the United States, in no jeopardy whatever. Does the Senator agree?

Mr. FULBRIGHT. The Senator is absolutely correct. It was on that assumption that the Committee on Foreign Relations, after thorough hearings unanimously approved the agreement. Our hearings to which the Senator from Washington says we paid no attention, are on the desk of each Senator in this Chamber and they total 400 pages, including the actual hearings plus supporting documents. They were good hearings. We heard 24 witnesses representing all shades of expertise and opinion. We voted unanimously to report this agreement for approval without any amendments. Subsequent to that, this question has arisen. The committee met again. It felt that no amendment was necessary. It was the intervention of the Senator from Washington and his amendment, with some kind of endorsement by the White House—and I have never seen anything specific from the President directly, only from his spokesmen—that has led to this controversy.

Mr. CHURCH. The very confusion that has been created by the ambivalent position of the White House is, to my mind, most regrettable. I have read into the RECORD the affirmative endorsement the President gave the agreements when he returned from the summit. There is no question that he was fully satisfied, then, that the agreements protected the vital security interests of the United States in all respects. He had no doubts about it when he delivered his message to the 2 bodies of Congress and to the American people.

Now, for reasons that are quite baffling, he endorses the amendment suddenly offered by the Senator from Washington which, when read, can only be construed as raising serious doubts about the accords entered into in Moscow and laying down guidelines which, in effect, say, "Don't do it this way again."

Yet his spokesmen, while affirming that the President endorses the amendment of the Senator from Washington, are at great pains to say that the administration disassociates itself from the interpretation given the amendment by the author himself. That is baffling. It can only lead the public and Congress to wonder where the President does stand. Does he favor the accord entered into, as he said so positively to the Congress only a few weeks ago, or does he himself now have doubts about that agreement, or is this merely a political game in which he is undertaking to be all things to all people?

I do not know where the President stands. No one can say for sure what he means by endorsing an amendment which, at the very least, is highly critical of the accords and, at most, repudiatory of them, and then carefully disassociates himself from the interpretation laid on that very amendment by the author himself.

What a compromising position for the President to take. What a vacillating position on a matter of such crucial importance to the country.

Mr. FULBRIGHT. May I say to the Senator, too, that this amendment proposed by Mr. JACKSON is rather an odd document. It does not undertake to change the text of the agreement signed by the President. It is, in form, simply advice given to the President. The President could say on his own, "It is my intention to be much tougher in the next negotiation. I will insist upon equality"—whatever that may mean. The President does not need any amendment to do that.

This is not a law. It does not affect the President's constitutional powers. It does not affect anyone's power. It is merely a vague guideline.

On the very issue of equality, what kind of equality does the Senator from Washington have in mind? Now, if the President has a different view of the meaning of "equality" than the author of the amendment, it is very easy for him to say so. He did say so in the briefing at the White House in which he said in effect that neither side won, neither side lost. This agreement is to the advantage of both sides.

The words he used to describe equality, it seems to me, are much more accurate than to say that equality consists only of equal numbers of ICBM's, which I think is the thrust of the language of the Senator from Washington.

Mr. CHURCH. Mr. President, would the Senator from Arkansas agree that if the Senate approves the Jackson amendment, the country and the world will of necessity assume that the Senate is dissatisfied with the results of the President's Moscow accords and harbors some idea that they would place the United States at a strategic disadvantage?

Mr. FULBRIGHT. Mr. President, I do not see how it could be interpreted in any other way. Attaching this language to our resolution of approval leaves the implication that the Senator describes, that there is something inadequate in the agreement signed by the President.

If the Senator from Washington wishes to give the President the views of the Senate, he could bring in a separate resolution and say, "Resolved, that it is the sense of the Senate that in the negotiations the Senate wants to be much tougher."

That is the point the Senator seeks to accomplish by his amendment. I think the procedure of using an amendment to express his view of what he believes should happen in the future is very unfortunate, because under all the circumstances it necessarily leaves the implication that there is something wrong with this present agreement. I do not think there is anything wrong with it. Neither did the committee. Neither did the President. This is what is so wrong with the approach of the Senator from Washington. The committee unanimously thought that there was nothing wrong with the agreement. We voted unanimously for it.

Mr. CHURCH. The statement was made by Mr. Kissinger. I have already quoted from the President himself, from his address to the Congress and to the Nation on June 1, but let me quote from the statement of Mr. Kissinger, who spoke on behalf of the President on this very question of whether the accords entered into with the Russians place the United States at any strategic disadvantage.

This is what Mr. Kissinger had to say:

> We reject the premise of that question on two grounds. First, the present situation is on balance advantageous to the United States. Second, the Interim Agreement perpetuates nothing which did not already exist in fact and which could only have gotten worse without an agreement.
>
> Our present strategic military situation is sound. Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But, this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement; our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward base systems.
>
> The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of agreement, even if the Soviets develop and deploy MIRV's of their own.
>
> Then there are such factors as deployment characteristics. For example, because of the difference in geography and basing, it has been estimated that the Soviet Union requires three submarines for two of ours to be able to keep an equal number on station.
>
> When the total picture is viewed, our strategic forces are seen to be completely sufficient.

So we have both the assurance of the President and his chief spokesman on foreign affairs, Mr. Kissinger, to the effect that the present agreement places the United States at no strategic disadvantage. For what reason, therefore, should the Senate adopt language which would call the wisdom of the accords into question?

I think this is precisely what the Jackson language would do. Does the Senator agree?

Mr. FULBRIGHT. I agree completely with the Senator. And I think in that connection that it would be interesting to read into the record part of what Mr. Kissinger stated on May 26, 1972, while he was still in Moscow. This matter was fresh on his mind. I read from what he said in Moscow:

> The first point to make is that in an agreement that involves the central armaments on both sides, it is foolish or shortsighted to approach the negotiations from the point of view of gaining a unilateral advantage. Neither nation will possibly put its security and its survival at the hazard of its opponent and no agreement that brings disadvantage to either side can possibly last and can possibly bring about anything other than a new circle of insecurity. Therefore, the temptation that is ever present when agreements of this kind are analyzed as to who won is exceptionally inappropriate.

Mr. President, there is much more that was said in support of this position. What the Jackson amendment implies is that in this case the agreement was to the advantage of the Russians. And that this is what is so puzzling to all of us, that the messages from the White House—and I see no direct statement of the President—subscribe to that view. This is against human nature. I cannot believe that the White House believes the agreement was to the advantage of the Russians.

There is something behind the White House support of the amendment that does not meet the eye. This is why it is so necessary that there be some debate and some effort to clarify exactly what the situation is.

I personally still subscribe to the committee's view that this is a good agreement and that the reasons given earlier by the President and by Mr. Kissinger are sound, that it ought to be approved without any amendment.

After we approve the agreement, then we could take up, if someone wishes, the question of giving advice to the President under the advice and consent clause of the Constitution. If the Senator from Washington wishes to initiate a sense of the Senate resolution, I would certainly not object to it. Whether I would agree with what his views would be is another matter. But I strongly disagree with his effort to encumber this particular resolution approving the agreement with an amendment which raises doubts about the validity of the agreement itself. This undermines the agreement as the Senator so well put it. This is why it is so difficult to resolve this question of getting to a vote, because the sponsor of the amendment apparently wishes to bring about a vote very soon and quickly with a minimum amount of debate under controlled time. I cannot help believing that this is partly because if this matter were thoroughly understood it would raise serious questions in the minds of many Members as to whether it should be approved.

The Jackson Amendment sounds plausible on its face. He speaks of equality but he limits it only to equality in limited classes of weapons as he defines them.

Mr. CHURCH. Mr. President, I would like to explore with the Senator the lopsided concept of equality embraced in the Jackson amendment, because the distinguished Senator from Washington has so frequently emphasized equality as the reason why the Senate should adopt his amendment. If he has said once, he has said a hundred times, that all he is seeking is equality; who can be against that? Indeed, who can? Who is?

I have just quoted from the President and Mr. Kissinger to demonstrate that, in their judgment—and they are hardly uninformed—we have here an accord that fully protects the United States and gives no advantage to the Soviet Union.

But I would think, beyond anything that either the President or Mr. Kissinger have said, that no Member of the Senate would want to endorse or subscribe to some future accord with the Soviet Union on the subject of nuclear weapons which did not preserve equality, in terms of the overall nuclear strength of the two countries.

Indeed, it is hard for me to envision any kind of agreement being reached with the Soviet Union which did not seem to the two sides to observe that principle.

Having said that, and I want to get to the question of what the Senator from Washington means by "equality," which is the core of the argument. I subscribe to the principle of equality fully as much as the Senator from Washington, or any other Member of this body. Nevertheless, I would like to explore with the Senator from Arkansas the mystery of what happened to the doctrine of sufficiency.

A couple of years ago, it was the President, himself, who said that all we needed, insofar as our nuclear forces were concerned, was a sufficient deterrent; that when you reach the point where the nuclear arsensal has grown so large on either side that, in a full-scale thermonuclear exchange, both parties can be incinderized many times over, and the populations in both countries utterly destroyed, then what meaning do such terms as "equality," "preponderance," and "superiority" have any more? We are not talking about the kind of cannon fired at Waterloo. We are talking about weapons that have the awesome capacity of wiping out the entire populations of both the United States and the Soviet Union.

So I thought that a ray of light had finally begun to penetrate the fog and sophistry that surrounds the nuclear weapons argument, when the President of the United States said, 2 years ago, that all we need is a sufficient deterrent. That word "sufficiency" looked to me like a robust, healthy, pink-cheeked, new guest brought in, along with a gust of fresh air, through a door thrown open to the roundtable of high-nuclear strategy, heretofore surrounded by the generals who alone passed judgment on how much is enough.

But whatever happened to that young, robust, healthy, pink-cheeked new occupant at the table? He has disappeared. Presumably, he is dead. He has been interred, and not a single Senator, let alone anyone downtown, has even dropped a withered flower on his grave.

I ask, what was wrong with the doctrine of sufficiency? If we have a retaliatory force that can survive any first strike directed against us, and the surviving force possesses sufficient power to incinderize the Soviet Union, what more deterrent do we need? Why is not sufficiency enough?

Suppose the Senator from Arkansas, for a moment, were to personify the Soviet Union. And suppose the Senator from Idaho were to personify the United States. Both of us are in a closet together. The Senator from Arkansas holds a .45 caliber pistol at my temple and I hold a .38 caliber pistol at his temple. Both of us know, if he ever pulls the trigger of his pistol, I automatically pull mine. What difference does it make if mine is a .38 caliber pistol, the Senator from Arkansas is going to be just as dead as I am, if ever he pulls the trigger of his .45 caliber pistol.

None of the experts have ever told us why the doctrine of sufficiency was not sound. Nobody has ever explained why that young, new participant at the nuclear roundtable, was suddenly yanked away and buried in an unmarked grave.

Mr. FULBRIGHT. If the Senator will yield, that argument could go solely to the ICBM's, which is what the Senator from Washington is talking about. In other words, if you do exclude all other weapons except 1,054 ICBM's on one side and 1,618 on the other, it is as the distinguished Senator said with respect to the .38 and the .45 caliber pistol. But the argument proceeds beyond that and ignores aircraft carriers with all their nuclear arms, and capacity for delivery, and forward-based planes with thousands of warheads deliverable by fighter-bombers, and all the bomber force—these should not be considered at all.

As a matter of fact, if those are added to the other forces you get a great advantage in warheads, a deliverable advantage for destruction. So I think the Senator's analogy is correct. I regret the departure from the concept of sufficiency. There is something peculiar about this idea that the administration supports this amendment because it runs so counter to the things they said in support of it and so counter to the previous concept of sufficiency, which the Senator so well discussed. It does not add up. There is something fishy about this whole business. This has to be explored because it would be a great tragedy to leave an agreement as important as this in an ambiguous situation where the people of this country and, equally important, the people of Russia did not understand the meaning of the Jackson amendment and its effect on the basic agreement. It is very necessary that this be clarified.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. CHURCH. I would like to examine into this matter further, but at this time I yield to the Senator from Missouri.

Mr. FULBRIGHT. I yield to the Senator from Missouri for a question.

Mr. SYMINGTON. Thank you. I would comment and question.

Mr. FULBRIGHT. Very well.

Mr. SYMINGTON. I have been reading the debates and doing my best to understand this strange development.

It was stated recently on the floor that the nuclear capability of the United States in Europe is potentially limited so far as reaching the Soviet Union is concerned. We have approximately 40 air bases it was said, whereas the Soviets have some 600 IRBM's, and 100 of the latter could reach every one of these bases, we were told.

There is no reason why, however, if considered important enough, that we could not have some form of alert at far less cost, comparable to what was planned for the Strategic Air Force some time back when an air alert was considered important.

I have always felt that, with our forward base system in Europe, when one of our fighters could drop—with one refueling, in itself no problem—a nuclear weapon on Moscow many, many times more lethal than the Hiroshima bomb——

Mr. FULBRIGHT. What the Senator calls tactical bombing?

Mr. SYMINGTON. In the Battle of the Bulge, B–17 bombers, the largest we had in Europe, performed a tactical mission in aiding our troops in the Battle of the Bulge. The P–51, a short range fighter, when it left Iwo Jima at the end of the war to destroy plants in southern Japan, was performing a strategic mission. Therefore, the words "strategic" and "tactical" are secondary to what the plane does in the way of mission.

Mr. FULBRIGHT. The size and nature of the bomb is what makes it considered to be tactical or strategic.

Mr. SYMINGTON. The size of the modern bomb on a fighter would be many, many times stronger than the Hiroshima bomb, and the Hiroshima bomb killed, almost instantaneously, some 68,000 people. One could ask, how many people have to be killed before a weapon becomes strategic rather than tactical. If the criterion is destruction, certainly this bomb on our fighters would be a strategic weapon performing a strategic mission.

If we have that additional deterrent, that capacity, would it not be logical to include those fighter systems in any agreement on strategic force levels, regardless of whether we call said planes strategic or tactical? The Soviets have as much knowledge about this as we do. There is no secret about our true position in Europe.

Carrying the thought on further, if these forward air bases do not add to our nuclear deterrent capability, why do we waste billions of dollars of our taxpayers' money maintaining them? Surely we do not plan on some form of nuclear tactical war with such tremendously powerful nuclear weapons in Europe. Does anybody honestly think this is not part of our strategic picture? What would we think, what would be our position, if the Soviets had such a position against us, in countries on or close to our boundaries.

Mr. FULBRIGHT. Many of those bombs are under the direct control of this government. Not all of them are there dedicated to NATO so that we could not use them?

Mr. SYMINGTON. Very few are under any joint control. Nearly all are entirely under U.S. control.

Mr. FULBRIGHT. A statement has been made by the Senator from Washington that, in some way, these are dedicated to NATO and that we could not use them in our calculations because they are under NATO jurisdiction. That is only in regard to a few of them; is that not correct?

Mr. SYMINGTON. The Senator brings up an important point. If we arbitrarily eliminate these worldwide nuclear forces which to my knowledge, after some 30 years in this town directly connected with the subject of defense, I believe the Soviets will think, if we have all that and also want equality on ICBM's and SLBM's, that we are going for superiority, not just equality. We now have these, our nuclear weapons, in some 12 countries. If they are not to be considered part of our strategic assets, let us get them out promptly and save the taxpayers many billions in installation cost, as well as running the dangers involved in protecting such weapons with our troops. To me they are part of our strategic nuclear deterrent and should be considered so in any equation of comparison of United States-Soviet strength.

It is also important that the Soviets think about all this. We reacted very rapidly indeed when they tried to put nuclear missiles 90 miles from this country, but they know we have nuclear weapons in countries not 1 inch from their borders.

Why is not what is sauce for the goose also sauce for the gander? The Senator from Washington says the standard is equality, not superiority.

Mr. CHURCH. Mr. President, will the Senator yield for an observation?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. I must say I have been unable to follow the argument of the Senator from Washington when he gets beyond the appealing generic terms of "equality" and "parity," in which we all concur. When it comes down to what the Senators means by these terms, I lose him. For example, just the other day we had a colloquy—it is in the Record for anyone to read—and I asked the Senator if a B–52 bomber was an intercontinental strategic weapon to be placed, in any future equation, on our side of the scale. He said yes, because the B–52 has a strategic capability; namely, it can reach the Soviet Union and deliver a warhead, and therefore has to be counted as a strategic weapon to be placed in the balance in any future agreement.

Now, it is true the B–52 has tactical capabilities, as well as strategic. We are using some 200 B–52's to deliver an incessant rain of bombs on Vietnam, and have done so for years, as the Senator well knows. But the fact that the B–52 has tactical capability should not prevent it from being placed in the equation as a strategic weapon, and I agree.

So then I asked the Senator from Washington, What about aircraft carries? We have around 15 aircraft carriers, and the Russians have none, except for helicopter carriers. Aircraft carriers can also approach the shores of the Soviet Union and launch aircraft that can travel at supersonic speeds and deliver nuclear bombs over the Soviet Union.

Mr. SYMINGTON. The Senator is ahead of me on that. I have read the questions he asked, also the constructive testimony he gave. As I understand it, the proponents of this amendment say they would not include aircraft carriers that have nuclear weapons capability as part of our strategic forces. What would they consider enemy aircraft carriers to be 500 miles off our coast, carriers that had supersonic planes and also missiles?

Mr. CHURCH. As I say, I cannot follow the logic of the Senator from Washington. On the one hand, he says B–52's, though they have tactical capability as well as strategic, should figure in the balance in any future agreement, but on the other hand, he says aircraft carriers should not, because he views them as tactical weapons primarily, even though they have strategic capability.

If it does not make sense to me, how is it ever going to make sense to the Russians, and what chance is there going to be of ever reaching any further accords

Mr. SYMINGTON. If they have only a tactical use, why are our carriers in the Mediterranean equipped with nuclear weapons?

Mr. CHURCH. The question answers itself. The test of whether they are part of our strategic force is whether they are capable of reaching the Soviet Union with nuclear warheads. Anybody who talks about equality and says, "Oh, but we exclude aircraft carriers," is not talking about equality at all. He is talking about a formula which is designed to assure the United States a preponderance of nuclear power in the future. The trouble with that is, as long as we insist upon a preponderance, we are not going to reach any further agreements.

Mr. FULBRIGHT. That is the main point that the Senator makes. This all adds up that if this amendment is adopted and the President follows it, if he should follow it, it would mean no more progress in SALT II, because the Russians cannot be expected to accept any such idea of equality, distorted as it is, as the Senator has shown.

Mr. CHURCH. All we need to ask ourselves is, if we reversed our position with that of the Russians, would we accept the Jackson concept of equality?

Mr. SYMINGTON. As I have read the Record over recent days, it has often been mentioned that Soviet IRBM's could knock out our bases in Europe, and therefore, the billions we have in those bases would be useless. But our bases are all over the world. They are not just in Europe.

What would be the answer about the bases that have on them our nuclear weapons which could not be knocked out by IRBM's in the Soviet Union? Should not they also be taken into consideration? Should not the number of locations of our nuclear weapons in the Far East, for example, be a part of our strategic position? If they should not, then why do we have them at all?

Mr. FULBRIGHT. And there are thousands of them.

Mr. SYMINGTON. It has already been announced that there are over 7,000 in Europe. Of course, all around the world there are a lot more than that.

During the debate on Friday, there was discussion of the Polaris-Poseidon submarine bases, in such places as Spain, Scotland and Guam. It was stated at one point that the Soviets do not need comparable submarine bases abroad, because they have an operational 3,000-mile missile. However the range of Poseidon is very close to 3,000 miles, so why then do we need these sub bases abroad?

In addition, it is now known that the so-called ULMS–1, the first Trident missile, would have a range of around 4,500 miles, and we are told by the experts that the Poseidon submarine can be retrofitted with the ULMS–1 missile. All the arguments seem to be built upon the importance of getting equality. Looking at this objectively, however, it would now appear we are asking for, not equality, but superiority. This can only guarantee trouble in any future SALT talks.

Mr. CHURCH. That is precisely the objective. It is the inevitable objective of the adoption of the Jackson language. It would cause the country, if the President were to adhere to it, to conform to guidelines that do not result in equality at all, but in inequality; and if we expect to make any further progress in bringing this nuclear arms race under control, then it is obvious that we are going to have to negotiate on the basis of true equality. That means we have to take the entire mix of strategic nuclear weapons on both sides, and put them on the scale. We cannot say, "No, put all of yours on the scales here, and we will put part of ours on the scales there," and expect to get an agreement.

Mr. SYMINGTON. Mr. President, let me make this observation, then I shall be through: Yesterday or Friday, when we were discussing our operations in Laos in conference with the House, a letter was produced which gave us the position of the President with respect to Laos.

That letter resulted in a decision which in my judgment was not the right decision with respect to our vast expenditures in Laos. But if the President can sign a letter about Laos, surely he can sign a letter that bears on the future of the world.

Mr. FULBRIGHT. With respect to Russia.

Mr. SYMINGTON. We are told by the Senator from Washington that the White House agrees with his position. But I put in the Record yesterday a statement which was printed in the State Department. That printed brochure said that, as of now, we have 6,000 nuclear warheads, the Soviet Union 2,500. It adds that, after taking into consideration the SALT talks, at the end of 5 years we will have 10,000 nuclear warheads, the Soviets 4,000.

I cannot believe the State Department would dare put that out unless they had checked first with the White House staff, Dr. Kissinger, and so forth. That has been characteristic of all such operations in the recent past.

Why is it not possible for us to receive a comparable letter from the President stating in effect that "The agreements which I arrived at in Moscow were not in the best interests of the United States, therefore I ask you to support the Jackson amendments"?

If it is correct, and I am sure the able Senator from Washington believes it correct, that the President does support his position, would it not be logical for him to express his support in writing. This problem affects the security of the world. Again, he expressed his opinion in writing with respect to the problem of Laos? Does not the able Senator agree?

Mr. FULBRIGHT. I certainly do. This is a much more important issue to the future of our country than whatever happens in Laos.

Mr. President, yesterday, August 14, there were exchanges between the Senator from Washington (Mr. Jackson) and Senators Pastore and Symington on the subject of the degree of support which the President or the White House has given the amendments which have been proposed by the Senator from Washington.

In an effort to clarify the situation, I wish to put a series of documents and statements in the Record so that Members of the Senate may satisfy themselves as to the degree of support which the President has given the Senator from Washington.

First, on August 3, the Committee on Foreign Relations received informally from the Department of State a copy of what was stated to be an amendment to Senate Joint Resolution 241 which the

Senator from Washington expected to offer.

Later on the same day, we received a copy of the proposed amendment from the office of Senator JACKSON, with the notation that the amendment was "to be proposed by Senator JACKSON, Senator SCOTT, and others."

I refer to this proposed amendment as Jackson version No. 1, and I ask unanimous consent that the proposed amendment, including a "Memorandum of Explanation," be printed in the RECORD at this point.

There being no objection, the proposed amendment was ordered to be printed in the RECORD, as follows:

[Jackson Amendment No. 1, Aug. 3]

S.J. RES. 241

Authorization of the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress would consider action or deployment by the Soviet Union, having the effect of endangering the survivability of the strategic deterrent forces of the United States, whether or not such action or deployment was undertaken within the terms of the interim agreement referred to in section 2, to be contrary to the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.

SEC. 2. The President is hereby authorized to approve on behalf of the United States the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, and the protocol related thereto, signed at Moscow on May 26, 1972, by Richard Nixon, President of the United States of America, and Leonid I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union.

AUGUST 3, 1972.

MEMORANDUM OF EXPLANATION OF JACKSON AMENDMENT TO SENATE JOINT RESOLUTION 241, VERSION NO. 1

The Senate will soon have before it S.J. Res. 241 authorizing the President to sign the interim agreement on offensive weapons concluded in Moscow. It is our intention to offer an amendment to S.J. Res. 241 that, in addition to approving the agreement would express the view of the Congress with respect to the present agreements and our attitude toward further agreements in SALT II. In this effort we are joined by a bipartisan group of Senators.

Our amendment bears on three things: (1) the objective of equal limits on both countries in SALT II; (2) the survivability of our strategic deterrent under the terms of the SALT I agreement; (3) the importance of research, development and force modernization in a period of rapidly changing weapons technology.

1. THE OBJECTIVE OF EQUAL LIMITS IN SALT II

A. Our amendment notes the principle of U.S.-Soviet equality that is reflected in the identical limits imposed on both countries in the ABM treaty and urges the President to seek a future treaty that, *inter alia,* would provide for similarly equal limits on offensive forces.

B. We are confident that the Senate would not wish to see the United States undertake, in an international treaty, limits on U.S. defenses that are inferior to the levels permitted for the Soviet Union.

2. THE SURVIVABILITY OF THE U.S. DETERRENT UNDER SALT

A. Testimony before the Armed Services Committee and discussion with Administration officials has made clear the fact that the Soviets could, without actually breaking the terms of the interim agreement, create a strategic force that would leave major elements of the U.S. deterrent extremely vulnerable. Since the purpose of the SALT agreement is to reduce the threat to our deterrent and thereby increase strategic stability, our amendment merely puts the Soviets on notice that action or deployment endangering the strategic deterrent forces of the United States is contrary to our supreme national interests.

B. Soviet action or deployment that could have the effect of endangering the survivability of our deterrent forces might include such measures as extensive anti-silo MIRV deployments, massive retrofitting of existing Soviet silos with a view to increasing their lethality against our hardened strategic installations, etc.

3. RESEARCH, DEVELOPMENT AND MODERNIZATION

A. Our amendment adds language expressing the view of the Congress that our efforts to obtain more comprehensive agreements must be accompanied by a sound national program of research and development and modernization leading to a prudent strategic posture.

B. This last point in no way reflects on any procurement item, all of which will have been disposed of before the Senate takes up consideration of the SALT authorizing resolution.

Mr. FULBRIGHT. Jackson version No. 1 contained these words:

> The Congress would consider action or deployment by the Soviet Union, having the effect of endangering the survivability of the strategic deterrent forces of the United States, whether or not such action or deployment was undertaken within the terms of the interim agreement referred to in section 2, to be contrary to the supreme national interests of the United States.

Jackson version No. 1 was apparently circulated to various Members of the Senate who indicated they would join with Senator JACKSON in sponsoring the amendment.

I do not know whether Jackson version No. 1—either in its precise language, or the interpretation thereof—was ever approved by anyone in the White House, although I have heard references to the fact that Jackson version No. 1 did receive some form of White House approval.

There was such an uproar when the Jackson version No. 1 became public that its revision was necessary. Over the weekend of August 5 and 6, it was reported in the press that Senator JACKSON, working closely with the White House, had devised a new version of the Jackson amendment which I refer to as Jackson version No. 2.

It is Jackson version No. 2 which was introduced on August 7. It had at least the merit of omitting the sentence to which I earlier referred, thus toning down to some extent the impact which that earlier language might have had on future negotiations.

I am prone to believe that when the White House read the Jackson version No. 1, it was appalled and found it necessary to beat a hasty retreat from its support of the earlier version.

Even prior to the Senator's introduction of the Jackson version No. 2, the White House issued a statement, beginning:

> We are informed that Senator JACKSON will today present to the Senate his amendment to the resolution approving the Interim Agreement.

I ask unanimous consent that the White House statement of August 7 be printed in the RECORD at this point, along with a copy of the Jackson version No. 2 (amendment No. 1406).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHITE HOUSE STATEMENT, AUGUST 7

We are informed that Senator Jackson will today present to the Senate his amendment to the resolution approving the Interim Agreement with the Soviet Union limiting strategic arms. He did so after consulting with the Administration regarding its wording.

Senator Jackson's purpose in which he is joined by Senators Scott, Allott and others is to insure the broadest possible understanding of and support for the agreement in the United States Senate.

The Administration is in sympathy with that purpose. In view of Senator Jackson's prestige as an authority on defense and strategic matters and his questions about some aspects of the Interim Agreement we are gratified at his willingness to support the agreement and we worked with him to that end.

The Jackson amendment is consistent with the undertakings in Moscow. It reflects what we believe to be broad Senate support for statements made by the Administration in connection with the understanding accompanying the agreements and previously transmitted to the Congress. It does not constitute a "reservation" or an "interpretation" to the agreement in any legal sense.

It is clearly the business of Congress to decide on the wording of the Joint Resolution of approval which we have requested. It is our hope that the resolution will receive the support of the maximum number of Senators.

We believe the Jackson amendment will help achieve that. The President also hopes that the Senate leadership will proceed now to take action on this matter without delay. Without timely and favorable action by the Congress on the Interim Agreement as well as the treaty the second phase of SALT negotiations will be delayed.

We should not lose the momentum which the Moscow agreements have given to our efforts to limit strategic arms.

The President is deeply appreciative of the prompt action of the Senate in giving its overwhelming approval to the ABM treaty.

S.J. RES. 241

On page 1, between lines 2 and 3, insert the following: "That the Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggresson. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrant forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballisic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.".

On page 1, line 3, strike out "That the" and insert in lieu thereof "SEC. 2. The".

Mr. FULBRIGHT. I quote further from this White House statement to indicate that on August 7, the White House thought the amendment unobjectionable.

The Jackson amendment is consistent with the undertakings in Moscow—It does not constitute a "reservation" or an "interpretation" to the agreement in any legal sense.

That White House statement was good for about 24 hours—until the White House began to read the interpretations the Senator from Washington and his colleague Senator ALLOTT began to put on the new language. The Senator from Washington explained his amendment to the Senate on August 7, at page 27050. The Senator from Colorado at a press conference of August 8 set forth his views, which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR GORDON ALLOTT

The three purposes of the Jackson-Allott amendment (1) it puts the Russians on notice that if the threat to the survivability of U.S. strategic forces is not limited by a follow-on agreement within five years, then our supreme national interest could be jeopardized, with all that implies.

(2) it calls upon the President to achieve a treaty involving numerical equality in the aggregate, taking account of throwweight. Technology cannot substitute for numbers. You cannot freeze technology. Therefore, we must have equality measured in terms of numbers and throwweight.

(3) it calls for vigorous research and development and modernization.

Mr. FULBRIGHT. On August 9, the White House spokesman found it necessary to clarify the situation again—to back away from what had seemed to be its August 7 unqualified support of the Jackson amendment.

Mr. Ziegler said:

What we have said is that we endorse the Jackson amendment and feel that that is consistent with our position, *but we do not endorse separate elaborations of that amendment*. We feel the amendment, as offered, speaks for itself. (Italic supplied.)

Mr. President, I ask unanimous consent that all relevant portions of the August 9 White House news conference be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Also, the President today is transmitting to the Congress, as required by law, a report on the status of negotiations with the States of New York and New Jersey regarding a Compact for the Hudson River Basin. The report is made by the Secretary of the Interior and copies of it are available for those of you who would like to pursue that story in the press office.

The President today is transmitting to the Congress the Seventh Annual Report of the Department of Housing and Urban Development. There will be a limited number of copies of that report available in the press office following the briefing.

Those are all the announcements that we have today.

There is one subject I would like to cover with you briefly this morning. It relates to the interim agreement on offensive weapons that was, as you know, agreed to between the President of the United States and the leaders of the Soviet Union during the President's visit to Moscow in May.

There has been some speculation, as I am sure you are aware, which emanates from discussions in the Senate with respect to the Jackson Amendment dealing with the offensive weapons interim agreement with the Soviet Union.

There have been reports of consultations here in Washington with Soviet officials with respect to the text of the Jackson Amendment, which, as you know, has been offered in the Senate. I think that point should be clarified.

In talking to Jerry, these reports may be attributed to Jerry's comments yesterday on the subject. It should be understood, and I think Jerry did point this out, that his comments were given in the context of the discussions held during the SALT I negotiations, the strategic arms limitation talks that were held prior to the Agreement reached in Moscow, and not in reference to discussions held here in Washington with Soviet officials regarding the language of the Jackson Amendment.

Q. Would you say that again? I am sorry, but I got lost. You said it should be understood that Jerry's comments——

Mr. ZIEGLER. Were given or made in the the context of discussions that were held during the strategic arms limitation talks, Bob, and not in relation to discussions held here in Washington following the Agreement reached in the Soviet Union.

In other words, Jerry was referring to the very thorough discussions that were held in Moscow, in the course of the talks, relating to the understandings which you recall we sent to the Senate.

Q. Ron, I asked the question at the time that elicited the response and the question had to do specifically with discussions of the Jackson Amendment. It had nothing to do with discussions held in Moscow or prior to that.

Mr. ZIEGLER. Will you hold your questions for a moment, so I can make my point?

The point I am making, so that it is clear in your mind, is that there were no consultations with officials of the Soviet Union regarding the language of the Jackson Amendment. That is the context in which you should take the White House remarks yesterday relating to the discussions of the understanding that were held in the Soviet Union and also during the course of the SALT talks.

The language of the Jackson Amendment is consistent with the language of the unilateral United States statement that developed during the discussions held in conjunction with the SALT I phase of the talks, which, as I mentioned before, were subsequently conveyed to the Congress at the time the Agreements were submitted for Congressional consideration.

Therefore, the Soviet Union was aware of the U.S. view and the matter which is contained in the Jackson Amendment and the Jackson Amendment represents a Congressional endorsement of views already presented by the Administration to the Soviet side.

So, the point I am making is that the Jackson Amendment is consistent with the unilateral statement made by the United States in relation to the interim offensive agreement. That unilateral statement which was submitted to the Senate was thoroughly discussed with the Soviet Union during the course of the strategic arms limitation talks and again in Moscow. So the Soviets were fully aware of the United States view on this matter which is also represented in the Jackson Amendment. The two are consistent.

Secondly, there has been considerable discussion about interpretations made by various Senators, including Senator Jackson, with respect to the language of his amendment. For example, Senator Jackson said the other day that his amendment excludes the consideration of European nuclear forces in future SALT negotiations for achieving equality of intercontinental strategic systems.

That interpretation given by Senator Jackson has given rise to the question as to whether or not the Administration supports that particular interpretation. The Administration's views of Senator Jackson's Amendment was stated by Jerry Warren on August 7th and at that time, he said we do not endorse any elaboration or interpretations of the language of that amendment.

In other words, what we have said is that we endorse the Jackson Amendment and feel that that is consistent with our position, but we do not endorse separate elaborations of that amendment. We feel the Amendment, as offered, speaks for itself.

It is our future view that the second phase of the strategic arms limitation negotiations will be the proper occasion to deal with the matters raised by Senator Jackson similar to the one I just referred to. The appropriate place to deal with those matters would be in the second phase of the strategic arms limitation talks.

Finally, I should say that the President believes that the fundamental issues relating to that Agreement have been fully aired. Of course, we welcomed this. We requested this. The important point to remember is that we want to proceed with the next phase of the strategic arms limitation negotiations. This, of course, required approval of the interim agreement which is now before Congress and approval by the Congress before they recess, so that preparation for the next phase of the SALT talks can go forward with that approval.

It is the President's strong hope that the interim agreement will now move to a vote in the Senate and that the support which he has requested from the Senate be acted on quickly.

Q. Ron, are you open for questions now?

Mr. ZIEGLER. Yes, Bob.

Q. You obviously have received some heat from the Soviet Union on this. Can you be a little more forthright in telling us exactly what transpired here because if I misunderstood Jerry—and I think perhaps a number of the others in this room did at the time—we are now being asked to roll back on the story, is that correct, because the Soviet Union has contacted you?

Mr. ZIEGLER. I think the point I want to make here, Bob, is that I don't know if misinterpretation was involved or not. I would not accept the premise of your statement that we have received, as you referred to in your question, and they are your words, "heat from the Soviet Union." Those are not my words.

I simply repeat them to say that is not the appropriate context for what I said. What we want to do this morning is to point out that, first of all, the Jackson Amendment is consistent with the unilateral statement that we have submitted to the Congress which you have copies of.

The United States unilateral statement which was talked about during the SALT talks and again in the Soviet Union and submitted to the Congress, we feel, is consistent with the Jackson Amendment which is being offered.

Based upon the fact that the Soviets understood our position as stated in the unilateral statement, they were already aware of our opinion and our position which is consistent with the Jackson Amendment.

Therefore, there was no need for consultation with Soviet officials on this matter and therefore there was no consultation with Soviet officials on the matter of the Jackson Amendment. That is the number one point I am making.

The second point I am making is that we feel that the Jackson Amendment is consistent and we feel there should be a Senate vote, which I think there will be soon so that we can receive Senate and Congressional endorsement of the interim agreement so that we can proceed with preparation of SALT 2.

What we are attempting to do this morning, Bob, is to put into proper context the discussion that has been held and to make sure that our position on this matter is clearly understood.

Q. You have not had any heat from the Soviet Union, to use Bob Pierpoint's phrase, that has impelled you to come out here and rewrite yesterday's briefing?

Mr. ZIEGLER. It is not an attempt to rewrite yesterday's briefing. It is an effort to put into perspective our position and attitude regarding the discussion that is occurring in the Senate.

Q. Nothing has happened in the intervening hours between yesterday's 11:00 o'clock briefing and now, other than the fact somebody here in the White House feels that there has been a little lack of perspective.

Mr. ZIEGLER. I am sorry, it was Monday afternoon's briefing, not yesterday's. Well, there have been stories written and there are continuing questions in the Congress as to what our position is.

I would say those events have happened and that is why I wanted to make the comments I made to you this morning.

Q. I don't quite understand this. You were saying that you don't agree with some of the elaborations offered by Senator Jackson himself.

Mr. ZIEGLER. And other Senators.

Q. Yes, and you specifically named one. Would you go over that again?

Mr. ZIEGLER. Apart from the Jackson Amendment, Senator Jackson, and I think some other Senators, as individual Senators, have elaborated on and given interpretations as to their feelings as to what the amendment means. I referred to one by Senator Jackson who said his amendment excludes the consideration of European nuclear forces in future SALT negotiations for achieving equality of intercontinental strategic systems.

The point I was making there is that we do not endorse any elaborations or interpretations of the language of that amendment. What we accept as consistent with the United States view is the Jackson Amendment itself.

Q. So we don't get hung up on semantics, could we substitute for "heat", an "inquiry from the Soviets"?

Mr. ZIEGLER. No, That would be an incorrect assumption. That is why I responded as I did to Bob Pierpoint's questions.

Q. Aside from the question of heat, has the American Government conveyed to the Soviet Union its contention that the Jackson Amendment is consistent with unilateral statements?

Mr. ZIEGLER. The point I was making is that the Soviet Union is already aware of that. They are aware of the Jackson Amendment and also our unilateral statement which has been widely reported on and is before the Congress.

Q. Have you been in touch with them, nevertheless, to point this out, to refresh their memory, if you will?

Mr. ZIEGLER. I am not prepared to talk about the contact we have with the Soviet Union. Those happen on a frequent basis.

The point I am making is that we had no consultation with Soviet officials regarding the Jackson Amendment specifically.

Q. Did Senator Jackson himself object to the suggestion that there may have been some consultation on the language?

Mr. ZIEGLER. No, not at all.

Q. I am a little puzzled as to why the Administration wanted the Jackson Amendment and backed it if, in fact, it did not change anything.

Mr. ZIEGLER. As we said at the time the President submitted the offensive interim agreement to the Congress, we did that for the purpose of having healthy discussions on the matter. He sought the views of the Congress on this interim agreement. He wanted their views.

We have had that discussion which the President called for and wanted. He wanted the views of the Senate on the matter which can only occur through debate and discussion on the subject. That has been held now. We note the points that are made in the course of that discussion, but we do that in the context which I have just stated.

Q. Aside from the Russians having been aware of our unilateral position on this, have they raised no objections? They have not been asked for any further consultation on the Jackson Amendment being accepted by the Administration?

Mr. ZIEGLER. There has been no official discussion with the Soviet Union in any way on any aspect of misunderstanding about the Jackson Amendment or anything of that sort. That is the point I am making because the unilateral statement of understanding which you have before you, or we have copies available for you, is consistent with the Jackson Amendment.

Q. So they raised no objection to its including in this Agreement?

Mr. ZIEGLER. That is a moot point. That was not even a point before us.

Q. Let me rephrase what I think Helen is trying to get at. Did the Soviet Union in any way get in touch with us seeking clarification of this entire situation after the Jackson Amendment was made public?

Mr. ZIEGLER. No. I think I said earlier there official? Was there any unofficial consultation on this.

Q. You said official. What do you mean by official? Was there any unofficial consultation on the matter?

Mr. ZIEGLER. You never have unofficial consultation on matters such as this.

Q. Why do you qualify it?

Mr. ZIEGLER. It was not meant as a qualification. It was meant to make a point. The statement this morning is not being offered for any other reason than to make sure that this matter is put into proper context and perspective because there has been some confusion that has surrounded the Jackson Amendment and some confusion about the United States position on this matter.

The Jackson Amendment, as I said earlier, is consistent with our unilateral statement of understanding. The Jackson Amendment and what is being discussed in the Senate now is consistent with the United States view. It is this step which will lead to the action which the President requested when he submitted the interim agreement to the Congress, and that is their thoughts, their discussions and also their approval and endorsement of the interim agreement.

We want that to go through the process in proper context and not through the process in the context of the fact that there was some misunderstanding or confusion that surrounded it because it is not that complicated.

Q. It was not the stories that were confusing. The Senators were confused as to what the Administration's position was, Fulbright, and others who felt the White House was being very ambiguous. Have you tried to convey what is truly the White House position?

Mr. ZIEGLER. We are doing that now in the course of Congressional contact with Members of the Senate.

Q. To go to the other part of your statement, your point that the elaboration of the Jackson Amendment by Senator Jackson himself and others—and you have twice cited the question of the European nuclear force.

Mr. ZIEGLER. I did that because I was requested to do it.

Q. Right. But are we to get the impression that you are saying that the elaboration such as what Senator Jackson has had to say about a European nuclear force would prejudge SALT 2 and limit the President's action?

Mr. ZIEGLER. Our position is that the Senators are free to state their views. When I make a statement about that amendment being consistent with our unilateral understanding, I am referring to the language of the Jackson Amendment. I am not referring to elaborations or interpretations of the amendment. It is our view, as I stated earlier, that the second phase of the SALT negotiations will be the proper occasion to deal with such matters as Senator Jackson raised and some of the other Senators have raised, not only to the matter I referred to in relation to the European nuclear forces, but also, for example, to forward base systems, etc.

Q. Then I rather get the impression that they are not disagreeing with the interpretation. Do you think that these elaborations would prejudge SALT 2 and limit the President's freedom of action?

Mr. ZIEGLER. We feel the appropriate place to deal with any expansion or discussion of this type should take place in SALT 2.

Q. Are you saying that if this misunderstanding persists that that could jeopardize those discussions in SALT 2 or complicate them unnecessarily in some way.

Mr. ZIEGLER. No, because I don't believe a misunderstanding does exist. What I am saying is that the Jackson Amendment which is now being considered, together with a resolution of support in the Senate, is consistent with the United States Government's view and would constitute support of the interim agreement.

The place to talk about any elaboration of or interpretations of the amendment, any interpretations of what should apply to the SALT 2 negotiations on offensive weapons, the proper place to explore those matters is at the negotiating table during SALT 2.

Q. If the Russians did not complain or Senator Jackson did not complain, will you tell me why the sensitivity about what could not have been much more than a line or two in the stories we wrote, that the White House had discussed this matter with the Soviet Union? What would be so wrong?

Mr. ZIEGLER. I think, as much as anything else when you are dealing with very complicated negotiations and specific documents of endorsement from the United States Senate that relate to very complicated negotiations that have not even gotten under way yet, we have an obligation and indeed a responsibility within the public record, as the Senate action goes in the public record, to make that record clear and as precise as we can in terms of what our view is at that given time.

That is what we are attempting to do this morning.

Q. Were there any contacts, whether initiated by the Soviets or the United States, between the two countries on the question of the elaborations?

Mr. ZIEGLER. Not that I am aware of.

Q. Ron, on this question of discussions between Senator Jackson and the White House, which apparently took place over the weekend, there were some NSC and Congressional leaders here. The Senator feels very strongly that his amendment guaranteed a right to equality of offensive weapons which is an interpretation you are rejecting. My question is: Did the Senator raise this so-called elaboration or interpretation with the NSC people and the Congressional liaison people with the White House over the weekend and if so, what did the White House tell him at that time?

Mr. ZIEGLER. Of course, we have had discussions with Senator Jackson about his amendment. My reference to the elaboration or interpretation that I made earlier does not relate to the specific language of the amendment.

Now whether or not those elaborations were discussed with him one way or another, I dont' know. But I want to make sure you are clear on this point. When I made reference to the fact that in a private elaboration of his amendment, Senator Jackson said that his amendment excludes a consideration of European nuclear forces in future SALT negotiations for achieving equality of intercontinental strategic systems, what I am saying there is that the United States does not endorse that elaboration.

The Senator has made that elaboration as others have also, as other Senators have made elaborations in terms of the amendment. We accept the amendment as consistent with the position that we have already taken. But any elaboration of the type I just referred to, we feel, is something that should be properly discussed and determined at the negotiating table as we proceed to SALT 2.

What I am saying is that we note those points. We note the discussion that has taken place and indeed, we encouraged it. Now what our position will be at the time the SALT 2 begins, I am not prepared to say. We have the process of preparation to proceed with.

Q. When do you expect SALT 2 to begin?

Mr. ZIEGLER. I would say in the near future.

Q. In October?

Mr. ZIEGLER. We have made reference to October. Perhaps it can be under way by that time.

Q. The suspicion, of course, lingers among some members of the Senate that there is a supposition here in the Jackson Amendment of equality, in addition to what Jackson himself said and that this is some subtle change in terms from the agreed unilateral statement in Moscow.

Are you now saying there is no suggestion of equality in line with the Jackson Amendment?

Mr. ZIEGLER. No. That is why I want you to be very careful on the use of that word. I would suggest that you reread the unilateral statement of understanding that we issued which basically says that we feel that we should proceed with a long-term agreement on offensive armaments and that as we proceed with the question of armament talks, that it is important the environment not change that has led to the agreements that we have reached at this point.

Q. Ron, when you say the future of the European nuclear forces ought to be determined in Phase 2, what do you mean with European nuclear forces? The umpteen thousand U.S. nuclear warheads deposited over there or the two European nuclear forces?

Mr. ZIEGLER. We don't mean anything by that. Those are questions that are reserved for step 2.

Q. What did Jackson say in his elaboration, European nuclear forces or European based nuclear forces?

Mr. ZIEGLER. European nuclear forces.

Q. Can you tell us what the President, his Cabinet and political advisers discussed last evening?

Mr. ZIEGLER. I am not prepared to give you an extensive rundown on that. I think Jerry told you yesterday that the President wanted to have the Cabinet up to Camp David for an informal evening. It was that. I think you will recall that in the same month of 1969, the President also had an informal dinner at Camp David. They talked about a lot of things during the course of the evening, legislation in the coming months ahead, the convention, the campaign. They talked about things that the Administration had accomplished. They had a very, very general far-ranging talk about things.

Mr. FULBRIGHT. Mr. President, I appreciate the comments of the Senator from New York and the Senator from Idaho on the critical question of what is equality.

With respect to the glib assumption that equality is self-evident, that everybody knows what it is, obviously, that is not true. There are many variations of what constitutes equality. The specific and detailed concept of equality that is involved in the Senator from Washington's view as to the meaning of his amendment is the question at issue.

I agree with the Senator from Idaho and the Senator from Missouri that if we accept Mr. JACKSON'S concept of equality, it means no further progress in any further SALT talks with the Russians.

I can imagine that the Senator from Washington feels so strongly, that his distaste and distrust of the Russians is so great, that he may think it is not in our interest to have any further agreement with the Russians, and that is his right. It is his privilege to feel that way. But I do not believe that is the feeling of the people of this country, and I certainly have been led to believe that it is not the feeling of the President of the United States. It is so important that this issue be carefully and fully explored. The Senate and the country should know that the Russians will be disposed to put an interpretation on the Jackson amendment, perhaps more drastic than the Senator from Idaho does. Russia is very likely to do so, in view of the long history of 25 years of the cold war. It will not be easy to overcome their suspicion.

Mr. CHURCH. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. CHURCH. It has been called to my attention that the distinguished Senator from Mississippi (Mr. STENNIS), the chairman of the Armed Services Committee, whose knowledge of military affairs is great, addressed the Senate this morning. I want to quote from his address concerning his evaluation of the 5-year accord between the Soviet Union and the United States.

The Armed Services Committee held hearings, as did the Committee on Foreign Relations. Much testimony was taken. The Senator from Mississippi had this to say about his appraisal of the accords after he had evaluated all the testimony:

> Our SALT hearings strengthened my conviction that we now have a credible deterrent—that we have a force so strong that potential enemies would not risk attacking us.
>
> Our hearings also persuaded me that our deterrent will still be strong and wholly credible five years hence if we continue to modernize our weapons and improve our technology—as we are permitted to do under the agreements.
>
> Our hearings convinced me that we do have the means to know what the other side is doing while the treaty is in force.
>
> In short, I concluded that the treaty and the interim agreement are sound and that we can safely approve them as the basis for new negotiations aimed at tighter limitations on offensive strategic arms.

That is a quote directly from the address of the Senator from Mississippi (Mr. STENNIS) which represents the appraisal of the chairman of the Armed Services Committee on the accords.

He then goes on to refer to the Jackson amendment. His understanding of the Jackson amendment is expressed in the following words, again taken from the address of the distinguished Senator from Mississippi (Mr. STENNIS):

> Further, the present five year agreement gives certain numerical advantages to the Soviet Union based, in part at least, on technological advantages which we now enjoy. Those technological advantages cannot be assumed to continue for all time. A permanent treaty, therefore, must take this into account and balance the level of strategic forces on both sides by considering numbers of launchers, numbers of warheads, destructive power of weapons and potential growth within the terms of the treaty. This, as I understand it, is the aim of the second portion of the Jackson amendment.

I must say, this demonstrates the mischief done by adopting the Jackson language. The interpretation placed on it by the Senator from Mississippi is not, I dare say, the interpretation of its own author. The Senator from Mississippi does not say "intercontinental strategic forces," he says "strategic forces." Yet the Senator from Washington insists upon the limiting term, "intercontinental." That is quite a different concept.

The Senator from Mississippi says that in any future negotiation, the numbers of warheads should be taken into account. I have heard hardly any mention of the number of warheads in the argument presented by the Senator from Washington. In other words, see the confusion——

Mr. FULBRIGHT. Let me say that the other day, in an exchange, we mentioned warheads and the Senator from Washington specifically said, "Oh, those in Europe would not be counted." He says, "They are there but they should not be counted because they are subject to destruction." In other words, he dismisses them.

Mr. CHURCH. The point I wish to make is that every Senator may have a different interpretation of the Jackson amendment. It is clear that there is confusion as to its exact meaning between the author and the chairman of the

Armed Services Committee. All we will do, if we pass this amendment, is create a climate of suspicion, confusion, and distrust concerning the purposes of the Government of the United States.

The President himself has contributed to the confusion in a most disappointing way. This is his own agreement that he is in the act of sabotaging. If the Senate approves the Jackson amendment, then the confusion will be compounded. If we cannot agree among ourselves as to what it means, how can we expect the Russians to know? And, why should we create for ourselves more obstacles as we look ahead toward the second phase of these negotiations?

Everyone knows it will be difficult enough to reach an agreement that begins to reduce the heavy burden of nuclear weapons on either side. With vested interests on each side keeping the arms race alive, such negotiations are extremely difficult at best. Passing this amendment would create another obstacle for ourselves and greatly jeopardize the success of the upcoming SALT talks.

Mr. FULBRIGHT. I agree completely with the Senator from Idaho. He has described very well what is involved here.

I can only comment further that this agreement was 3 years in the process of negotiation. It was not suddenly thought up. The language agreed to was very thoroughly examined during that period, as the Senator well knows.

It seems to me very unwise for us, here within a few days of discussion of this matter, to undertake to vote on this amendment by the Senator from Washington, in view of the confusion that already obviously exists as to its meaning.

I may say, in that connection, that during the past 2 or 3 days—really, since last Friday, intermittently—but very strongly yesterday and today—there has been an effort to force a vote, to restrict the time.

The more I think of it and the more I hear the kind of discussion and information that the Senator from Idaho has just given the Senate, the more I think it is wise for us to take the time to try to understand what is involved and to enable the rest of the Senate and the country to understand the concern we have about the Jackson amendment.

There are some one-third of Senators legitimately and necessarily absent in connection with the Republican Convention. I do not think it is wise for them to be brought back, without having heard any of this debate, and to be asked to vote on the issue which will be presented to them as simple equality, that is, "You are for equality, or are you not?" That is all they will know. They will be told, when they come in, having heard no discussion, "Are you for or are you against equality?" They will all say, "Sure, I am for equality," and therefore they would vote for it.

I should like time to explain why some of my associates, including the Senator from Idaho, have felt that added time is required to focus on the national interest on this issue, and we have resisted an agreement for a very limited time to vote on this issue this week. That again does not mean we do not approve the basic interim agreement.

I repeat that the committee voted unanimously in favor of it. I am in favor of it. The Senator from Idaho is strongly in favor of it. However, we do not wish for it to be undermined in its validity by any quick and superficial examination and vote on it and attaching to it an amendment which undertakes indirectly to interpret it and to give guidance for the future. There is no place in the agreement at all for the amendment.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. CHURCH. Mr. President, the Senator has referred to hasty and simplistic notions of equality that might easily mislead the Senate when it comes to voting on the Jackson amendment. I could not agree with the Senator more.

Some could be misled as a result of what is going on right now out in the Vice President's office. I was taken in there a few minutes ago and shown two models. One model is of the SS–9. It stands about this high, fully 2 feet off the table. It is a very menacing looking weapon. One is especially struck by the size of the scale model of the SS–9 when it is compared with the model, also to scale, of the Minuteman missile which sits next to it.

Senators are led into this room to look at these two models. The conclusion they easily could reach is that the Russians must certainly have an advantage over us because the SS–9 is so much larger than the Minuteman.

When I was shown this exhibit, I asked why we built the Minuteman so much smaller when we could have built a missile that is the equivalent of the SS–9.

Mr. FULBRIGHT. We have the Titan.

Mr. CHURCH. We have the technology to build a big missile. However, we choose to build a smaller missile. This was not because we were hoodwinked by the Russians. It was because we have a different strategic concept of the use of nuclear weapons than the Russians. They have put great store in the building of larger missiles with larger throw weight capacity, with larger nuclear warheads, while we have put emphasis upon a greater number of smaller warheads.

We had a reason for doing this. If a Senator walks into that room and looks at the two models and decides that there is an obvious inequality, he overlooks the fact that we decided as a matter of efficient utilization of nuclear strength that it is better to have many warheads that can blanket the Soviet Union and have a more complete devastating effect upon the target than to have fewer warheads that make larger holes. In other words, we prefer to make many smaller craters, each one being roughly the area of a city.

Many smaller craters can be more effectively used against an enemy in a nuclear exchange than fewer larger craters.

Mr. FULBRIGHT. The Senator is quite correct. The official analysis says that four 1-megaton weapons are equal approximately to one 16-megaton weapon. It is 4 to 1 more efficient and effective destructive capacity per megaton.

That is why we did it, because it is a more efficient way.

Mr. CHURCH. The very people who decided our course and told us that this is the most efficient way to develop our nuclear power—because it would result in more complete destruction of enemy cities, harbors, and population—are now showing us two models in the Vice President's room. The intention to show that their decision was in error and that the Russians now have an advantage because the SS–9 is so much larger than the Minuteman.

What they do not tell us is the information that I had printed in the RECORD of August 14 having to do with the number of deliverable warheads. That is the critical question. These charts appear on pages 28066 and 28067 of the RECORD. A very brief examination shows that the United States has an estimated 5,746 deliverable warheads in its strategic nuclear force now while the Soviet Union has less than half of that number or about 2,492.

The charts also show that by the end of the 5-year interval covered by the accords, the United States could increase the number of warheads to more than 10,000. If the Trident and B–1 bomber are built—and it looks as though they will be, for they have already been approved by the Congress—in the early 1980's we could have perhaps 14,564 deliverable warheads against 3,869 for the Soviet Union.

So, we begin with a 2-to-1 advantage. And we could conclude the 5-year period covered with about a 3–to-1 advantage. If we look forward into the 1980's, we could have a 5-to-1 advantage in the number of warheads of the type which our own military command has told us is the most efficient way to inflict the greatest possible damage upon the enemy.

For the life of me, I cannot see how it makes sense, in light of these figures, to argue that the Senate should adopt the Jackson amendment in order to assure us equality and parity with the Soviet Union in the future.

Mr. FULBRIGHT. I agree with the Senator. And I think there is an inherent inconsistency between the Jackson amendment and the agreement itself.

May I ask the Senator, since I have not been invited into the Vice President's room, whether the Vice President's room is now a substation of the National Security Council? Is it used for the purpose of influencing the votes of Senators? I have not been in there. Is this an exhibit hall?

Mr. CHURCH. Yes. I suggest to the Senator that he go and knock at the door and ask if they will let him in.

Mr. FULBRIGHT. Is that what the Senator did?

Mr. CHURCH. No. I was led by the hand.

Mr. FULBRIGHT. The Senator was invited in.

Mr. CHURCH. The Senator is correct.

Mr. FULBRIGHT. Mr. President, I

thought that was a ceremonial hall for the Vice President. However, it is now an exhibit hall for the National Security Council. Is that what it is now?

Mr. CHURCH. Apparently so.

Mr. FULBRIGHT. Mr. President, this is rather peculiar in view of the fact that officials of the National Security Council, including Mr. Kissinger, refuse to come to the Hill for committee hearings. Now instead of coming to the Hill to testify, they have the exhibits here and ask Senators into the Vice President's room so that they can see these models.

Mr. CHURCH. It is a very eloquent exhibit. If one does not ask questions it conveys the impression that the Russians are so far ahead that any of us would vote for the Jackson amendment. Of course, that impression does not bear up under more careful analysis.

Mr. FULBRIGHT. Do they have exhibits of the Poseidon, the B–1, and aircraft carriers?

Mr. CHURCH. Just the two missiles—the SS–9 and the Minuteman.

Mr. FULBRIGHT. They do not have a complete array of all the various missiles?

Mr. CHURCH. No.

Mr. FULBRIGHT. I suppose they would not promote their case if they did.

Mr. CHURCH. Apparently not.

Mr. FULBRIGHT. Does the Senator know if it is customary that that room is used for this purpose on all legislation?

Mr. CHURCH. I do not know.

Mr. FULBRIGHT. Has the Senator ever been invited there before?

Mr. CHURCH. I have never been invited before to see this kind of exhibit, but this suits the purpose of the administration.

Mr. FULBRIGHT. I did not know that room was provided for that purpose, an administration substation for lobbying the Senate. I do not think it was used for that purpose in the past. It used to be for ceremonial purposes. Is that correct?

Mr. CHURCH. That is correct, as far as I know.

Mr. FULBRIGHT. I wonder if we could have another room set aside for lobbyists on the other side so that we could have other witnesses, such as Mr. Panofsky and other witnesses come in. They could set up an exhibit.

Mr. CHURCH. The Senator knows that an effort of that kind would cause a great uproar.

Mr. FULBRIGHT. Is the Senator not for equality? Does not the Senator sustain the principle of equality in this area as well as in others?

Mr. CHURCH. I think the exhibit reflects the kind of argument the Senator from Washington is talking about in his amendment. It does not present the whole picture. Two missiles are shown to us as if these two missiles constituted the equation on the balance between the nuclear strategic strength of the United States and the Soviet Union.

The irony is that the very size of the Minuteman missile is the size prescribed to us by our military command because of their belief that a larger number of smaller warheads constituted the best method of inflicting maximum damage on the enemy.

Are they retreating from their own doctrine? Are they confessing they were in error? If so, we should know it. We have spent many billions of dollars adopting, approving, and financing the strategic recommendations of our own military command. It is a curious world, and it gets "curiouser and curiouser" as we examine more fully the implications of the Jackson amendment.

Mr. FULBRIGHT. I agree with the Senator. I think his discussion of this matter has done a great deal to sharpen the issue and enlighten my colleagues and the country with respect to what is involved in this issue.

Now, Mr. President, there are some other items I would like to discuss.

It strikes me that the views of the Senator from Washington and his associates completely ignore the significance of the ABM Treaty which we approved here just a few days ago. That treaty, as we know, was an undertaking without any dissent, or without any serious criticism, that each one is giving up voluntarily the effort to create a defense against the use of nuclear weapons. I think it is a very significant matter.

A very perspective writer said that we and the Russians had agreed to put our people and our cities as hostages to each other's nuclear capability. This, he wrote, would contribute more to a stable deterrence, a stable nuclear relationship between the two great powers than anything he could think of.

I think the Senator from Washington and his associates also ignore the statement of basic principles signed in Moscow by President Nixon and Mr. Brezhnev. Those general principles have not attracted a great deal of attention. In essence, however, they are indications of a mutual desire and intention on the part of our two great countries to cooperate in various fields of endeavor. I think those principles recognize a new attitude and approach on the part of the greatest military powers in the world.

Twenty-five years of antagonism and hostility have distinguished the cold war. I think those statements of a growing new relationship are extremely important.

I am afraid the Senator from Washington (Mr. JACKSON) is so blinded by his suspicions and hatred of the Russians that he is incapable of understanding the significance of these statements of principle, together with the ongoing negotiations for trade and other new relations. For example, within recent days there has been the sale of wheat. In the last statement which I saw, it is anticipated the Russians will purchase $1 billion worth of wheat from us in coming months. Then there is the move toward settlement of the lend-lease account and the possibility that we and the Russians may engage in joint ventures.

These new opportunities are described in this morning's New York Times in an article entitled " 'Promise' Seen by Peterson in Operations by Companies." I will read part of the article and ask unanimous consent that the entire article may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"PROMISE" SEEN BY PETERSON IN OPERATIONS BY COMPANIES

WASHINGTON, August 14.—Commerce Secretary Peter G. Peterson said today that he saw "great promise" in the possibility of American companies engaging in joint ventures with Soviet enterprises to exploit the Soviet Union's untapped energy and raw materials, such as natural gas, oil, platinum, copper, chrome, zinc and timber.

In the strongest Administration endorsement yet of joint ventures by which the Soviet Union could find the means to pay for its anticipated large-scale increases in imports from this country, Mr. Peterson said it was necessary to think in "large and unconventional terms."

Mr. Peterson's views were contained in a lengthy report on his recent visit to the Soviet Union that was released today. It was called "U.S.-Soviet Commercial Relationships in a New Era," and, in addition to his comments, contained explanatory material and tables about the Soviet economic system.

In a telephone interview, Mr. Peterson expanded on his report to disclose that the United States was giving considerable attention to the possibility of joint ventures to exploit the Soviet Union's vast natural gas reserves in western Siberia.

He said three American companies were presently engaged in talks with the Russians on possible ventures to export liquefied natural gas to the United States. One concern, the El Paso Natural Gas Company, was discussing collaboration with the Japanese to export liquefied gas to the United States West Coast from Soviet Far Eastern ports. Two others, Tenneco, Inc., and the Texas Eastern Transmission Corporation, were discussing the export of liquefied gas to the American East Coast via the port of Murmansk.

In addition, Mr. Peterson said, there were discussions with the Russians on the export to the United States of platinum because of the need for that metal in anti-pollution devices in automobiles.

The principal problem is to find the needed capital for these ventures. The natural-gas ventures would require capital inputs of more than $5-billion, Mr. Peterson said. This would exceed the ability of the United States Government's Export-Import Bank, and would require private investment as well.

In his report, Mr. Peterson listed many of the questions that were being asked now, such as how much of a return should American companies receive, and what recourse would there be against a failure of the Soviet side to live up to its commitments.

In summary, he said, "I believe that these types of joint projects are potentially the single most important product of the new commercial relationship in which the two largest economies in the world each adjust their ways of doing business to the mutual benefit of both."

He cited, in addition to natural gas and platinum, oil, copper, chrome, zinc and timber as possible areas. He also said other projects might include the manufacture of such products as fertilizers, farm implements and cellulose.

Mr. Peterson was in Moscow last month as head of the joint Soviet-American trade commission, negotiating a possible trade agreement. That pact has still not been approved, largely because of the inability of the two sides so far to compromise differences over the Soviet Union's lend-lease debts during World War II.

He gave a very optimistic outlook, however, for long-range prospects on trade based on mutual benefit to the two countries. The Russians, in recent weeks, have already indicated that they will buy $1-billion worth of agricultural products over the next 12 months, and have been purchasing industrial equipment as well.

Mr. FULBRIGHT. Mr. President, the article states in part:

> Commerce Secretary Peter G. Peterson said today that he saw "great promise" in the possibility of American companies engaging in joint ventures with Soviet enterprises to exploit the Soviet Union's untapped energy and raw materials, such as natural gas, oil, platinum, copper, chrome, zinc and timber.
>
> In the strongest Administration endorsement yet of joint ventures by which the Soviet Union could find the means to pay for its anticipated large-scale increases in imports from this country, Mr. Peterson said it was necessary to think in "large and unconventional terms."
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> Mr. Peterson's views were contained in a lengthy report on his recent visit to the Soviet Union that was released today. It was called "U.S.-Soviet Commercial Relationships in a New Era," and, in addition to his comments, contained explanatory material and tables about the Soviet economic system.
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>
> He cited, in addition to natural gas and platinum, oil, copper, chrome, zinc, and timber as possible areas. He also said other projects might include the manufacture of such products as fertilizers, farm implements and cellulose.
>
> He gave a very optimistic outlook, however, for long-range prospects on trade based on mutual benefit to the two countries. The Russians, in recent weeks, have already indicated that they will buy $1-billion worth of agricultural products over the next 12 months, and have been purchasing industrial equipment as well.

Some years ago—I suppose nearly 10 years ago—I entered into this effort to reach a compromise by submitting some advisory suggestions as to how we might settle the lend-lease accounts. At that time the Russians had offered $300 million; we had demanded $800 million, and the negotiations came to a stalemate. I suggested then if we would agree on $500 million as a comprimise, the $500 million to be advanced by the Russians for the purpose of creating a joint enterprise. Russia would agree to pay us the $500 million. It would be invested in a joint enterprise, similar to these described here; we would ultimately be paid out of the proceeds of the products of those joint enterprises so that in effect it would constitute no drain on the Soviets' balance of payments, but we would be paid from the new products of the joint enterprise.

I think there is great promise in movement in this direction. The point of it is that this program, as described by Mr. Peterson, it seems to me, is utterly inconsistent with the basic assumption of the Senator from Washington. The basic assumption of Mr. Jackson as is quite clear in his major statement, is that the Soviets are straining at the leash to take advtantage of every opportunity to increase their capacity to create a first strike capability.

His description of what they are going to do with MIRV's and many of the various weapons they will build is frightening, of course, and it is intended to be frightening to all of us so that we will support his amendment. But it is obviously inconsistent with the basic assumptions of the Peterson negotiations. You cannot have it both ways, Mr. President. If the Soviets are interested in joint ventures that involve large amounts of capital going over many years, how is it possible to assume at the same time, and as a part thereof, that they are making plans to do everything possible to do us in? It seems to me there must be some degree of confidence in their purpose if we are to go through with these joint ventures about which Mr. Peterson is so very optimistic.

As a nation we cannot proceed on these two tracks at the same time without creating great confusion and schizophrenia in our own policy.

Mr. President, I ask unanimous consent to yield to the Senator from Minnesota without losing my right to the floor, for the purpose of bringing up a conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL EXPORT OPPORTUNITY ACT—CONFERENCE REPORT

Mr. MONDALE. Mr. President, I submit a report of the committee of conference on S. 3726, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

Conference Report

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—AMENDMENTS TO THE EXPORT ADMINISTRATION ACT OF 1969

Sec. 101. This title may be cited as the "Equal Export Opportunity Act".

Sec. 102. Section 2(3) of the Export Administration Act of 1969 is amended by inserting before the period at the end thereof a comma and the following: "particularly when export restrictions applied by the United States are more extensive than export restrictions imposed by countries with which the United States has defense treaty commitments".

Sec. 103. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(6) It is the policy of the United States that the desirability of subjecting, or continuing to subject, particular articles, materials, or supplies, including technical data or other information, to United States export controls should be subjected to review by and consultation with representatives of appropriate United States Government agencies and qualified experts from private industry."

Sec. 104. (a) Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established under section 5(c), shall undertake an investigation to determine which articles, materials, and supplies, including technical data and other information, should no longer be subject to export controls because of their significance to the national security of the United States. Notwithstanding the provisions of paragraph (1) the President shall remove unilateral export controls on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, except that any such control may remain in effect if the President determines that adequate evidence has been presented to him demonstrating that the absence of such a control would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the special report required by paragraph (4).

"(3) In conducting the investigation referred to in paragraph (2) and in taking the action required under such paragraph, the Secretary of Commerce shall give priority to those controls which apply to articles, materials, and supplies, including technical data and other information, for which there are significant potential export markets.

"(4) Not later than nine months after the date of enactment of the Equal Export Opportunity Act, the Secretary of Commerce shall submit to the President and to the Congress a special report of actions taken under paragraphs (2) and (3). Such report shall contain—

"(A) a list of any articles, materials and supplies, including technical data and other information, which are subject under this Act to export controls greater than those imposed by nations with which the United States has defense treaty commitments, and the reasons for such greater controls; and

"(B) a list of any procedures applicable to export licensing in the United States which may be or are claimed to be more burdensome than similar procedures utilized in nations with which the United States has defense treaty commitments, and the reasons for retaining such procedures in their present form.".

(b)(1) Section 4(e) of such Act is amended to read as follows:

"(e) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils or animal hides or skins, without the approval of the Secretary of Agriculture. The Secretary of Agriculture shall not approve the exercise of such authority with respect to any such commodity during any period for which the supply of such commodity is determined by him to be in excess of the requirements of the domestic economy, except to the extent the President determines that such exercise of authority is required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act."

(2) Any rule, regulation, proclamation, or order issued after July 1, 1972, under section 4 of the Export Administration Act of 1969, exercising any authority conferred by such section with respect to any agricultural commodity, including fats and oils or animal hides or skins, shall cease to be effective upon the date of enactment of this Act.

Sec. 105. Section 5 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(c)(1) Upon written request by representatives of a substantial segment of any industry which produces articles, materials and supplies, including technical data and other information, which are subject to export controls or are being considered for such controls because of their significance to the national security of the United States, the Secretary of Commerce shall appoint a technical advisory committee for any grouping of such articles, materials, and supplies, including technical data and other information, which he determines is difficult to evaluate because of questions concerning technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures. Each such committee shall consist of representatives of United States industry and government. No person serving on any such committee who is representative of industry shall serve on such committee for more than two consecutive years.

"(2) It shall be the duty and function of the technical advisory committees established under paragraph (1) to advise and assist the Secretary of Commerce and any other department, agency, or official of the Government of the United States to which the President has delegated power, authority, and discretion under section 4(d) with respect to actions designed to carry out the policy set forth in section 3 of this Act. Such committees shall be consulted with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to any articles, materials, or supplies, including technical data or other information, and including those whose export is subject to multilateral controls undertaken with nations with which the United States has defense treaty commitments, for which the committees have expertise. Such committees shall also be consulted and kept fully informed of progress with respect to the investigation required by section 4(b)(2) of this Act. Nothing in this subsection shall prevent the Secretary from consulting, at any time, with any person representing industry or the general public regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary of Commerce, to present evidence to such committees.

"(3) Upon request of any member of any such committee, the Secretary may, if he determines it appropriate, reimburse such member for travel, subsistence, and other necessary expenses incurred by him in connection with his duties as a member.

"(4) Each such committee shall elect a chairman, and shall meet at least every three months at the call of the Chairman, unless the Chairman determines, in consultation with the other members of the committee, that such a meeting is not necessary to achieve the purposes of this Act. Each such committee shall be terminated after a period of two years, unless extended by the Secretary for additional periods of two years. The Secretary shall consult each such committee with regard to such termination or extension of that committee."

Sec. 106. Section 14 of the Export Administration Act of 1969 is amended by striking out "August 1, 1971" and inserting in lieu thereof "June 30, 1974".

Sec. 107. Nothing in this title shall be construed to require the release or publication of information which is classified pursuant to Executive order or to affect the confidentiality safeguards provided in section 7(c) of the Export Administration Act of 1969.

Sec. 108. The provisions of this title take effect as of the close of July 31, 1972.

TITLE II—COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SHORT TITLE

Sec. 201. This title may be cited as the "International Economic Policy Act of 1972".

STATEMENT OF PURPOSES

Sec. 202. It is the purpose of this title to provide for closer Federal interagency coordination in the development of a more rational and orderly international economic policy for the United States.

FINDINGS AND POLICY

Sec. 203. The Congress finds that there are many activities undertaken by various departments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (1) domestic and foreign economic activity, and (2) in particular, that economic behavior which, taken together, constitutes United States international economic policy. Therefore this Act establishes a Council on International Economic Policy which will provide for—

(A) a clear top level focus for the full range of international economic issues; deal with international economic policies including trade, investment, balance of payments, and finance as a coherent whole;

(B) consistency between domestic and foreign economic policy; and

(C) close coordination with basic foreign policy objectives.

The Congress intends that the Council shall be provided with the opportunity to (i) investigate problems with respect to the coordination, implementation, and long-range development of international economic policy, and (ii) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

CREATION OF COUNCIL ON INTERNATIONAL ECONOMIC POLICY

Sec. 204. There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter referred to in this title as the "Council").

MEMBERSHIP

Sec. 205. The Council shall be composed of the following members and such additional members as the President may designate:

(1) The President.

(2) The Secretary of State.

(3) The Secretary of the Treasury.

(4) The Secretary of Defense.

(5) The Secretary of Agriculture.

(6) The Secretary of Commerce.

(7) The Secretary of Labor.

(8) The Director of the Office of Management and Budget.

(9) The Chairman of the Council of Economic Advisers.

(10) The Special Representative for Trade Negotiations.

The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place.

DUTIES OF THE COUNCIL

Sec. 206. Subject to the direction of the President, and in addition to performing such other functions as he may direct, the Council shall—

(1) Assist and advise the President in the preparation of the International Economic Report required under section 207.

(2) Review the activities and the policies of the United States Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry.

(3) Collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters. Such evaluations shall include but not be limited to the impact of international trade on the level, stability, and financial rewards for domestic labor and the impact of the transnational corporation on international trade flows.

(4) Consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more consistent international economic policy, and make recommendations to the President in connection therewith.

(5) Continually assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy.

(6) Make recommendations to the President for domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States competitive position in world trade;

(B) achieving equilibrium in international payment accounts of the United States;

(C) increasing exports of goods and services;

(D) protecting and improving the earnings of foreign investments consonant with the concepts of tax equity and the need for domestic investment;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis;

(F) increasing the real employment and income of workers and consumers on the basis of international economic activity; and

(G) preserving the diversified industrial base of the United States.

REPORT

Sec. 207. (a) The President shall transmit to the Congress an annual report on the international economic position of the United States. Such report (hereinafter referred to as the "International Economic Report") shall be submitted not later than sixty days after the beginning of each regular session of the Congress, and shall include—

(1) information and statistics describing characteristics of international economic activity and identifying significant current and foreseeable trends and developments;

(2) a review of the international economic program of the Federal Government and a review of domestic and foreign economic conditions and other significant matters affecting the balance of international payments of the United States and of their effect on the international trade, investment, financial, and monetary position of the United States;

(3) a review of the impact of international voluntary standards, the foreign investments of United States based transnational firms, and the level of foreign wage rates on the level, stability, and financial reward for domestic employment; and

(4) a program for carrying out the policy objectives of this title, together with such recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the International Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in this title.

EXECUTIVE DIRECTOR AND STAFF OF THE COUNCIL

SEC. 208. (a) The staff of the Council shall be headed by an Executive Director who shall be appointed by the President, and he shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313). He shall keep the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Banking and Currency of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee fully and currently informed regarding the activities of the Council.

(b) (1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff personnel as he deems necessary. Except as provided in paragraph (2), the staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) With the approval of the Council, the Executive Director may appoint and fix the compensation not to exceed the rate provided for level IV of the Federal Executive Salary Schedule, and appoint and fix the compensation of two officers at rates of basic compensation not to exceed the rate provided for level V of the Federal Executive Salary Schedule.

(c) With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS-18.

(d) Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this title.

SEC. 209. The provisions of this title shall expire on June 30, 1973, unless extended by legislation enacted by the Congress.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 210. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated not to exceed $1,400,000 for fiscal year 1973.

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

JOHN SPARKMAN,
H. A. WILLIAMS,
W. F. MONDALE,
WALLACE F. BENNETT,
BILL BROCK,
Managers on the Part of the Senate.
WRIGHT PATMAN,
WM. BARRETT,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
THOMAS L. ASHLEY,
FERNAND J. ST GERMAIN,
WILLIAM B. WIDNALL,
ALBERT W. JOHNSON,
GARRY BROWN,
Managers on the Part of the House.

Mr. MONDALE. Mr. President, I also ask unanimous consent that requirement for printing the conference report as a Senate report be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MONDALE. Mr. President, this measure returns from conference in almost identical form as was adopted by the Senate sometime back. It is a two-part measure, designed to promote American exports and increase employment here in the United States.

Title I of the bill amends the Export Administration Act and requires that the Secretary of Commerce move swiftly to end unilateral U.S. controls on the export of peaceful, nonstrategic goods. This amendment was largely the work of the distinguished Presiding Officer (Mr. TAFT).

I believe that these unilateral controls are largely self-defeating. Their removal would be particularly helpful to our high technology industries and will allow them to compete on a much more favorable basis in the rapidly growing Eastern European market.

Title II of this measure creates in the White House a Council on International Economic Policy. We are very hopeful this council can provide a better focus on the problems, as well as the solutions, which bear on the aggravating and difficult problems of the U.S. balance of trade.

I now yield to the distinguished ranking minority member of the Committee on Banking, Housing and Urban Affairs (Mr. BENNETT).

Mr. BENNETT. Mr. President, I would like to express my support for the conference report on S. 3726, containing amendments to the Export Administration Act. In addition to extending the authority of the act, the amendments more clearly define the policy of the Congress with regard to export controls, and establish by statute a Council on International Economic Policy in the Executive Office of the President for a period of about 10 months. Appropriations of $1,400,000 for funding its operations for fiscal year 1973 are also authorized. This Council will serve as an important coordinating mechanism for the more than 60 agencies now engaged in international economic affairs. The Council is established to review the policies of these agencies and make recommendations to the President for improving and assuring consistency in our international economic policy.

I believe that it is important to assure that there be no misunderstanding of the requirement that the Executive Director of the Council keep various committees of the Congress fully and currently informed of the activities of the Council. It is especially important so that a constructive and cooperative relationship may be maintained on international economic policy between the Congress and the executive branch, a relationship which is beneficial and which, I am sure, both are anxious to preserve.

As a member of the conference committee I can say that the conference committee considered this question at some length during the three sessions which were held on the bill. It was agreed that the "fully and currently informed" provision does not require the Executive Director of the Council to testify formally before congressional committees. While the conference committee deleted the requirement that the Executive Director be an Assistant to the President, it is certainly a possibility that the President would appoint a Presidential Assistant to that position. In such an event, it is not intended that the long-standing tradition that those who hold such a position have a personal, confidential staff relationship to the President and are not required to testify be altered. When the President seeks and receives advice from his assistants, both must have the assurance that their communications with each other will remain confidential. The conference committee specifically rejected a proposition that the Executive Director be required to testify. It also rejected a proposal that such an understanding be included in the statement of managers. This does not mean however, that the Council may operate without keeping the Congress fully informed of its activities.

The legislation specifically requires that the appropriate congressional committees be kept "fully and currently informed regarding the activities of the Council." Furthermore, this is a specific responsibility of the Executive Director of the Council.

I have been assured that the Executive Director will make himself available for informal meetings and briefings with members and committees of the Congress. Beyond that, of course, there are additional ways to keep the Congress appropriately informed. The annual report by the President on international economic matters which is required by the legislation, is one of those ways. In addition, those members of the Council who are heads of departments such as the Secretaries of State, Treasury, Agriculture, and Commerce will of course be available for testimony before various congressional committees.

On most matters of international economic policy, congressional action is necessary to effectuate policy, either by ratification of treaties, enactment of substantive legislation, by appropriation of funds, or extension of Presidential authority. There can be little doubt that the Congress will receive the information it needs from the Executive Director in order to carry out its responsibilities.

Equally as important as the need for the executive branch to cooperate with the Congress in order to obtain congressional cooperation for its recommendations is the congressional control retained in this legislation by providing a statutory life only until June 30 of next year. Assuming that this legislation is approved by the Congress this week and that it is accepted by the President, it is still necessary to obtain appropriations to fund the Council. By the time funding is received and the Council is staffed and becomes operative, its authorized life will be only several months. During that period, because of the Executive Branch's strong desire to have such a Council in order to properly coordinate international economic policies and realizing that if satisfactory cooperation is not forthcoming the Congress will likely not act to extend the life of the Council, I believe that we can expect the greatest effort on the part of the Executive Director to provide all of the information possible to the interested committees and Members of the Congress.

Mr. President, I look forward to good cooperation and a satisfactory relationship between the Congress and the Council. I believe that on such a basis, the Council can fulfill an important function for both the executive branch and for the Congress, and that the result will be better coordination in the development of international economic policy and better coordination of domestic and foreign economic policies.

I recommend that the Senate accept the conference report.

Mr. MONDALE. I thank the distinguished Senator from Utah for his support of this measure, and for his assistance in the consideration of the conference report now before the Senate.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT—CONFERENCE REPORT

Mr. EAGLETON. Mr. President, I submit a report of the committee of conference on H.R. 15580, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. TAFT). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—AMENDMENTS TO DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACTS

SEC. 101. The salary schedule contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended to read as follows:

"SALARY SCHEDULE

"Salary class and title	Service step— 1	2	3	4	5	6	7	8	9
Class 1: Fire private, police private	$10,000	$10,300	$10,800	$11,300	$12,100	$12,900	$12,400	$13,900	$14,400
Class 2: Fire inspector	11,400	12,100	12,800	13,500	14,300	14,900	15,600		
Class 3: Detective, assistant pilot, assistant marine engineer	12,500	13,125	13,750	14,375	15,000	15,625	16,250		
Class 4: Fire sergeant, police sergeant, detective sergeant	13,580	14,260	14,940	15,620	16,300	16,980			
Class 5: Fire lieutenant, police lieutenant	15,700	16,485	17,270	18,055	18,840				
Class 6: Marine engineer, pilot	17,150	18,005	18,860	19,715					
Class 7: Fire captain, police captain	18,600	19,530	20,480	21,390					
Class 8: Battalion fire chief, police inspector	21,560	22,640	23,720	24,800					
Class 9: Deputy fire chief, deputy chief of police	25,300	27,015	28,730	30,445					
Class 10: Assistant chief of police, assistant fire chief, commanding officer of the executive protective service, commanding officer of the U.S. Park Police	30,000	32,000	34,000						
Class 11: Fire chief, chief of police	34,700	36,800							"

SEC. 102. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–823) is amended (1) by striking out "The" and inserting in lieu thereof "(a) Except as provided in subsection (b), the", and (2) by inserting after the salary schedule in that section the following:

"(b) Compensation may not be paid, by reason of any provision of this Act, at a rate in excess of the rate of basic pay for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code."

SEC. 103. Section 201 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–824) is amended to read as follows:

"SEC. 201. The rates of basic compensation of officers and members in active service on the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall be adjusted as follows:

"(1) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 1 in the salary schedule in effect on and after such date, and each such officer or member shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 1 in the salary schedule in effect on and after such date, and each such officer or member shall be placed in a service step as follows:

"From—	To—
Class 1, subclass (a) or (b):	Class 1:
Longevity step A	Service step 7.
Longevity step B	Service step 8.
Longevity step C	Service step 9.

"(2) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each such officer or member shall be placed in a service step as follows:

"From—	To—
Class 2, subclass (a) or (b):	Class 2:
Longevity step A	Service step 5.
Longevity step B	Service step 6.
Longevity step C	Service step 7.

"(3) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the day next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the day next preceding such effective date shall receive basic compensation at the corresponding salary class in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—	To—
Class 3:	Class 3:
Longevity step A	Service step 5.
Longevity step B	Service step 6.
Longevity step C	Service step 7.

"From—	To—
Class 5:	Class 5:
Longevity steps A and B	Service step 5.

"From—	To—
Class 6, 7, 8, or 9:	Class 6, 7, 8, or 9:
Longevity steps A and B	Service step 4.

"(4) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on or after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—	To—
Class 4, subclass (a), (b), or (c):	Class 4:
Longevity step A	Service step 5.
Longevity steps B and C	Service step 6.

"(5) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of salary class 10 or 11 in the salary schedule in effect on the day next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date, except that any such officer or member who immediately prior to such date was serving in service step 4 of salary class 10 or in service step 3 of salary class 11 shall be placed in and receive basic compensation in a service step as follows:

"From—	To—
Class 10:	Class 10:
Service step 4	Service step 3.

"From—	To—
Class 11:	Class 11:
Service step 3	Service step 2."

SEC. 104. Section 202 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–825) is amended to read as follows:

"SEC. 202. Each officer or member of the Metropolitan Police force, Executive Protective Service, and United States Park Police force assigned on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972—

"(1) to perform the duty of a helicopter pilot, or

"(2) to render explosive devices ineffective or to otherwise dispose of such devices,

shall receive, in addition to his scheduled rate of basic compensation, $2,100 per annum so long as he remains in such assignment. The additional compensation authorized by this section shall be paid to an officer or member in the same manner as he is paid the basic compensation to which he is entitled. No officer or member who receives the additional compensation authorized by this section may receive additional compensation under section 302."

SEC. 105. (a) Section 203 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–826) is amended to read as follows:

"SEC. 203. The aide to the Fire Marshal shall be included as a Fire Inspector in salary class 2."

(b) Section 204 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code sec. 4–826a) is repealed.

SEC. 106. Section 302 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code. sec. 4–828) is amended to read as follows:

"SEC. 302. (a) The Commissioner of the District of Columbia, in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, are authorized to establish and determine, from time to time, the positions in salary classes 1, 2, and 4 to be included as technicians' positions.

"(b) Each officer or member—

"(1) who immediately prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972—

"(A) was in a position assigned to subclass (b) of salary class 1 or 2 or subclass (c) of salary class 4, or

"(B) was in salary class 4 and was performing the duty of a dog handler, or

"(2) whose position is determined under subsection (a) to be included in salary class 1, 2, or 4 on or after such date as a technician's position,

shall on or after such date receive, in addition to his scheduled rate of basic compensation, $680 per annum. An officer or member described in paragraph (1)(A) or (2) shall receive the additional compensation authorized by this subsection until his position is determined under subsection (a) not to be included in salary class 1, 2, or 4 as a technician's position or until he no longer occupies such position, whichever occurs first. An officer or member described in paragraph (1)(B) shall receive such compensation so long as he performs the duty of a dog handler. If the position of dog handler is included under subsection (a) as a technician's position, an officer or member performing the duty of a dog handler may not receive both the additional compensation authorized for an officer or member occupying a technician's position and the additional compensation authorized for officers and members performing the duty of a dog handler.

"(c) Each officer or member who immediately prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 was assigned as a detective sergeant in subclass (b) of salary class 4 shall on or after such date, receive, in addition to his scheduled rate of basic compensation, $500 per annum so long as he remains in such assignment. Each officer or member who is promoted after such date to the rank of detective sergeant shall receive, in addition to his scheduled rate of basic compensation, $500 per annum so long as he remains in such assignment.

"(d) The additional compensation authorized by subsections (b) and (c) shall be paid to an officer or member in the same manner as he is paid the basic compensation to which he is entitled."

SEC. 107. Section 303 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829) is amended to read as follows:

"SEC. 303. (a) Each officer and member, if he has a current performance rating of 'satisfactory' or better, shall have his service step adjusted in the following manner:

"(1) Each officer and member in service step 1, 2, or 3 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of fifty-two calendar weeks of active service in his service step.

"(2) Each officer and member in service step 4 or 5 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service in his service step.

"(3) Each officer and member in service step 6, 7, or 8 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and fifty-six calendar weeks of active service in his service step.

"(4) Each officer and member in salary classes 2 through 11 who has not attained the maximum service step rate of compensation for the rank or title in which he is placed shall be advanced in compensation successively to the next higher service step rate for such rank or title at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service in his service step, except that in the case of an officer or member in service step 4, 5, or 6 of salary class 2 or 3, service step 4 or 5 of salary class 4, and service step 4 of salary class 5, such officer or member shall be advanced successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of the one hundred and fifty-six calendar weeks of active service in his service step.

"(b) As used in this title, the term 'calendar week of active service' includes all periods of leave with pay, and periods of nonpay status which do not cumulatively equal one basic workweek."

SEC. 108. Section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–830) is amended to read as follows:

"SEC. 304. (a) Except as otherwise provided in subsection (b) of this section, any officer or member who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher salary class which exceeds his existing scheduled rate of basic compensation by not less than one step increase of the next higher step of the salary class from which he is promoted or transferred.

"(b) Any officer or member receiving additional compensation as provided in section 302 of this Act who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher class which exceeds his existing scheduled rate of basic compensation by at least the sum of one step increase of the next higher step of the salary class from which he is promoted or transferred and the amount of such additional compensation."

Sec. 109. Section 305 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–831) is amended by (1) striking out "Commissioners" and inserting in lieu thereof "Commissioner", and (2) striking out "or Subclass" immediately after "Class".

Sec. 110. Section 401 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–832) is amended to read as follows:

"Sec. 401. (a) (1) In recognition of long and faithful service, each officer and member in the active service on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall receive per annum, in addition to the rate of basic compensation prescribed in the salary schedule contained in section 101 of this Act, an amount computed in accordance with the following table:

"If an officer or member has completed at least:	He shall receive per annum an amount, fixed to the nearest dollar, equal to:
15 years of continuous service	5 per centum of the rate basic compensation prescribed for service step 1 of the salary class of such salary schedule which he occupies.
20 years of continuous service	10 per centum of such compensation.
25 years of continuous service	15 per centum of such compensation.
30 years of continuous service	20 per centum of such compensation.

"(2) For purposes of paragraph (1), continuous service as an officer or member includes any period of his service in the Armed Forces of the United States other than any period of such service (A) determined not to have been satisfactory service, (B) rendered before appointment as an officer or member, or (C) rendered after resignation as an officer or member.

"(3) Each officer and member shall receive additional compensation in accordance with paragraph (1) only as long as he remains in the active service. Such compensation shall be paid in the same manner as the basic compensation to which such officer or member is entitled, except that it shall not be subject to deduction and withholding for retirement and insurance, and shall not be considered as salary for the purpose of computing annuities pursuant to the Policemen and Firemen's Retirement and Disability Act and for the purpose of computing insurance coverage under the provisions of chapter 87 of title 5, United States Code.

"(b) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, and who are entitled to receive a pension relief allowance or retirement compensation under the Policemen and Firemen's Retirement and Disability Act, shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

"(c) Notwithstanding any other provision of this or any other law, each deputy chief of the Metropolitan Police force and of the Fire Department of the District of Columbia shall, upon completion of thirty years of continuous service on the police force or fire department, as the case may be, be placed in, and receive basic compensation at, the highest service step in the salary class to which his position is assigned in the salary schedule contained in section 101. For purposes of this subsection, in computing a deputy chief's continuous service on the police force or fire department, there shall be included any period of his service in the Armed Forces of the United States other than any period of such service—

"(1) determined not to have been satisfactory service,

"(2) rendered before appointment as an officer or member, or

"(3) rendered after resignation as an officer or member."

Sec. 111. Section 501 of the District of Columbia Police and Firemen's Salary Act od 1958 (D.C. Code, sec. 4–833) is amended by (1) adding "and the Executive Protective Service" immediately after "United States Park Police", and (2) striking out "or Sub-Classes" at the end of such section.

Sec. 112. The act approved May 25, 1926 (D.C. Code, sec. 4–131), is amended (1) by inserting "(a)" immediately after "That", and (2) by adding at the end thereof the following new subsection:

"(b) The Chief of Police of the Metropolitan Police force, the Commanding Officer of the Executive Protective Service, and the Commanding Officer of the United States Park Police force, are each authorized to provide a clothing allowance, not to exceed $300 in any one year, to an officer or member assigned to perform duties in 'plainclothes'. Such clothing allowance is not to be treated as part of the officer's or member's basic compensation and shall not be used for the purpose of computing his overtime, promotions, or retirement benefits. Such allowance for any officer or member may be discontinued at any time upon written notification by the authorizing official."

Sec. 113. Subsection (h) of the first section of the Act approved August 15, 1950 (D.C. Code, sec. 4–904(h)), is amended by striking out "class 1C" wherever it appears therein and inserting in lieu thereof "the salary class applicable to the Fire Chief and Chief of Police".

Sec. 114. Section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (D.C. Code, sec. 4–518) is amended—

(1) by striking out "Such" in the second sentence and inserting in lieu thereof "Except as otherwise provided in this section, such";

(2) by striking out the third sentence;

(3) by inserting "(a)" immediately after "Sec. 301." and by adding the following at the end thereof:

"(b) The increase prescribed by subsection (a) of this section in the pension relief allowance or retirement compensation received by an individual retired from active service before the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 under the Policemen and Firemen's Retirement and Disability Act as a result of the increase in salary provided by the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall not be less than 17 per centum of such allowance or compensation.

"(c) Each individual retired from active service and entitled to receive a pension relief allowance or retirement compensation under the Policemen and Firemen's Retirement and Disability Act shall be entitled to receive, without making application therefor, with respect to each increase in salary, granted by any law which takes effect after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, to which he would be entitled if he were in active service, an increase in his pension relief allowance or retirement compensation computed as follows: His pension relief allowance or retirement compensation shall be increased by an amount equal to the product of such allowance or compensation and the per centum increase made by such law in the scheduled rate of compensation to which he would be entitled if he were in active service on the effective date of such increase in salary.

"(d) Each increase in pension relief allowance or retirement compensation made under this section because of an increase in salary shall take effect as of the first day of the first month following the effective date of such increase in salary."

Sec. 115. (a) Section 2 of the Act of September 8, 1960 (D.C. Code, sec. 4–823b) is repealed.

(b) Section 2 of the Act of October 24, 1962 (D.C. Code, sec. 4–823c) is repealed.

(c) Section 102 of the Act of September 2, 1964 (D.C. Code, sec. 4–823d) is repealed.

(d) Section 102 of the District of Columbia Policemen and Firemen's Salary Act Amendments of 1966 (D.C. Code, sec. 4–823d–1) is repealed.

(e) Section 2 of the District of Columbia Police and Firemen's Salary Act Amendments of 1968 (D.C. Code, sec. 4–823d–2) is repealed.

(f) Section 103 of the District of Columbia Police and Firemen's Salary Act Amendments of 1970 (D.C. Code, sec. 4–823d–3) is repealed.

Sec. 116. (a) Retroactive compensation or salary shall be paid by reason of the amendments made by this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service, who retired during the period beginning on the first day of the first pay period which begins on or after May 1, 1972, and ending on the date of enactment of this Act for services rendered during such period, and (2) in accordance with the provisions of subchapter 8 of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which begins on or after May 1, 1972, and ending on the date of enactment of this Act, by an officer or member who dies during such period.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

(c) For the purpose of determining the amount of insurance for which an officer or member is eligible under the provisions of chapter 87 of title 5, United States Code (relating to government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act.

Sec. 117. (a) If an officer or member of the Metropolitan Police Force, the Fire Department of the District of Columbia, the Executive Protective Service, or the United States Park Police force engages in educational course work in police or fire science or administration and if he is eligible for payments or reimbursements under section 4109(a) (2) (C) of title 5 of the United States Code for tuition expenses for such course work, the Commissioner of the District of Columbia, the Secretary of the Treasury, and the Secretary of the Interior shall, in accordance with such section 4109(a)(2)(C), pay or reimburse each such officer and member under their jurisdiction for all his tuition expenses for such course work.

(b) Subsection (a) of this section shall take effect on the date of enactment of this Act.

SEC. 118. Except as provided in section 117 (b), the effective date of this title and the amendments made by this title shall be the first day of the first pay period beginning on or after May 1, 1972.

SEC. 119. This title may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1972".

TITLE II—POLICEMEN AND FIREMEN'S RETIREMENT AND DISABILITY ACT AMENDMENTS

SEC. 201. (a) The Policemen and Firemen's Retirement and Disability Act (section 12 of the Act of September 1, 1916, D.C. Code, sec. 4–521 et seq.) is amended as follows:

(1) Subparagraph (5)(B) of subsection (a) of such Act (D.C. Code, sec. 4–521) is amended by striking out "or" immediately after "residence".

(2) Paragraph (5) of subsection (c) of such Act (D.C. Code, sec. 4–523) is amended by adding at the end thereof the following new sentence: "No deposit shall be required for days of unused sick leave credited under subsection (h) of this section.".

(3) Subsection (h) of such Act (D.C. Code, sec. 4–528) is amended by adding at the end thereof the following new paragraph:

"(4) In computing an annuity under this subsection, the police or fire service of a member who has not retired prior to the effective date of this paragraph shall include, without regard to the limitation imposed by paragraph (3) of this subsection, the days of unused sick leave credited to him. Days of unused sick leave shall not be counted in determining a member's eligibility for an annuity under this subsection."

(4) The first paragraph of subsection (k) of such Act (D.C. Code, sec. 4–531) is amended to read as follows:

"(k)(1) If any member—

"(A) dies in the performance of duty and the Commissioner determines that (i) the member's death was the sole and direct result of a personal injury sustained while performing such duty, (ii) his death was not caused by his willful misconduct or by his intention to bring about his own death, and (iii) intoxication of the member was not the proximate cause of his death; and

"(B) is survived by a survivor, parent, or sibling, a lump sum payment of $50,000 shall be made to his survivor if the survivor received more than one-half of his support from such member or if such member is not survived by any survivor (including a survivor who did not receive more than one-half of his support from such member) to his parent or sibling if the parent or sibling received more than one-half of his support from such member. If such member is survived by more than one survivor entitled to receive such payment, each such survivor shall be entitled to receive an equal share of such payment; or if such member leaves no survivor and more than one parent or sibling who is entitled to receive such payment, each such parent or sibling shall be entitled to receive an equal share of such payment."

(b) The amendments made by paragraphs (1) and (4) of subsection (a) of this section shall be effective on and after November 1, 1970. The amendments made by paragraphs (2) and (3) of such subsection shall be effective on the first day of the first pay period beginning on or after the date of enactment of this title.

SEC. 202. (a) Section 3 of the Act of July 11, 1947 (D.C. Code, sec. 4–183a), is amended by striking out "on the effective date of this section".

(b) Section 4 of such Act (D.C. Code, sec. 4–183b) is amended by striking out "on September 22, 1959".

(c) The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 203. (a) Subsection (m) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–533) is amended by inserting "(1)" after "(m)" and by adding at the end thereof the following:

"(2) If a member is retired under subsection (f) or (g) of this section and is employed on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, such member shall, in accordance with such regulations as the Commissioner shall prescribe, notify the Commissioner of the employment; and the Commissioner shall, as soon as practicable after the receipt of such notice, require each such member to undergo a medical examination (satisfactory to the Commissioner) of the disability upon which the member's retirement under such subsection is based."

(b) The Commissioner of the District of Columbia shall (1) promulgate the regulations required by paragraph (2) of subsection (m) of the Policemen and Firemen's Retirement and Disability Act not later than ninety days after the date of the enactment of this Act, and (2) give timely written notice to each member retired under subsection (f) or (g) of the Policemen and Firemen's Retirement and Disability Act of the promulgation of such regulations.

(c) This section shall take effect on the date of the enactment of this Act.

TITLE III—REVENUE FOR SALARY INCREASES

SEC. 301. (a)(1) Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47–2602) is amended by striking out "4 per centum" in the matter preceding paragraph (1) and inserting in lieu thereof "5 per centum".

(2) Paragraphs (2) and (3) of such section 125 are each amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

(3)(A) Paragraph (a) of section 127 of such Act (D.C. Code, sec. 47–2604(a)) is amended by striking out "and other than sales or charges for rooms, lodgings, or accommodations furnished to transients,".

(B) Paragraph (c) of such section is repealed.

(C) Paragraphs (a) and (b) of such section are redesignated as paragraphs (1) and (2), respectively.

(b)(1) Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47–2702) is amended by striking out "4 per centum" in the matter preceding paragraph (1) and inserting in lieu thereof "5 per centum".

(2) Paragraphs (2) and (3) of such section 212 are each amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

(c) The amendments made by this section shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

And the Senate agree to the same.

THOMAS F. EAGLETON,
DANIEL K. INOUYE,
CHARLES McC. MATHIAS, Jr.,
Managers on the Part of the Senate.

JOHN L. McMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, Jr.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

RETROACTIVITY

Section 118 of the Senate amendment provided that salary increases will be effective beginning with the first pay period beginning on or after March 1, 1972. Section 117 of the House bill provided that salary increases will be effective beginning with the first pay period beginning on or after July 1, 1972. The conference substitute provides that salary increases will be effective beginning with the first pay period beginning on or after May 1, 1972.

LONGEVITY COMPENSATION IN COMPUTATION OF RETIREMENT ANNUITIES

Section 110 of the Senate amendment provided that total service longevity compensation would be included in the computation of the amount of the retirement annuity of an officer or member. Section 110 of the House bill provided that such compensation would not be included in computing the retirement annuity of an officer or member. The conference substitute adopts the House provision.

DEPUTY CHIEFS

Section 110 of the House bill retained the provision of existing law which provides that deputy chiefs with 30 years of continuous service shall be placed in, and receive basic compensation at, the highest step in the salary class to which the position of deputy chief is assigned. Section 110 of the Senate amendment repealed this provision of law. The conference substitute adopts the House provision.

EDUCATIONAL SUBSIDIES

Section 113 of the Senate amendment authorized the Commissioner of the District of Columbia in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, to pay additional compensation for successful completion by an officer or member of educational course work leading to a degree in police or fire science or administration. The additional annual compensation would be $200 for each 15 credit hours completed, except that such compensation could not exceed $1,600. The House bill contained no such provision. The conference substitute provides that if an officer or member is eligible to receive payment or reimbursement under section 4109 of title 5, United States Code, for his tuition expenses for educational course work in police or fire science or administration, such payment or reimbursement shall be increased to cover all such officer's or member's tuition expenses. Currently, 90 per centum of such tuition expenses are covered under section 4109.

SALARY USED IN COMPUTATION OF RETIREMENT ANNUITY

Section 201 of the House bill provided that the retirement annuity of officers and members who first came on active duty after July 9, 1972, would be based on the highest annual rate resulting from averaging his basic salary for any three years of continuous service. The retirement annuity of officers and members on active duty on July 9, 1972, would be based on the higher of (1) a three-year average of his salary, or (2) his pre-July 9, 1972, salary increased by 17 percent. The Senate amendment contained no such provision thus retaining existing law which provides that the retirement annuity of an officer or member is to be based on the basic salary of the officer or member in effect on the date of his retirement. The conference substitute adopts the Senate position, retaining existing law.

The conferees further agreed that the Commissioner of the District of Columbia should conduct a full and complete study of the feasibility and cost of, and the effect on morale of the officers and members as a result of, adopting a system of computing retirement annuities using a three-year average salary rate (as provided in the House bill). The conferees agreed that the results of the study should include the views and opinions of the Secretary of the Interior and the Secretary of the Treasury, and should be transmitted to the Congress within six months after the date of the enactment of the bill.

MEDICAL EXAMINATIONS FOR OFFICERS AND MEMBERS RETIRED FOR DISABILITY

Section 202 of the House bill provided that an officer or member who is retired for a disability and who on or after July 9, 1972, is employed shall notify the Commissioner of his employment and shall undergo such medical examination of his disability as the Commissioner may prescribe. The Senate amendment contained no such provision. The conference substitute adopts the House provision.

TREATMENT OF UNUSED SICK LEAVE

Sections 201(a) (2) and (3) of the Senate amendment authorized unused sick leave to be used in determining the amount of and optional retirement annuity of an officer or member. It was also provided that the days of unused sick leave shall not be counted in determining eligibility for an optional retirement annuity. The House bill contained no such provisions. The conference substitute adopts the Senate provisions.

SURVIVORS LUMP SUM BENEFIT

Section 201(a)(4) of the Senate amendment expanded eligibility for the $50,000 lump sum benefit payable upon the death of a member in the performance of duty to include a deceased member's parents and siblings who received more than one-half of their support from the deceased member. A parent or sibling would be eligible only if the deceased member is not survived by a spouse or child. The House bill contained no such provision. Existing law provides that only the spouse and the children who received more than one-half of their support from the deceased member are entitled to such benefit. The conference substitute adopts the Senate provision which is to take effect as of November 1, 1970.

RETIREMENT ANNUITY OF POLICE BAND DIRECTOR

Section 202 of the Senate amendment permitted the current police band director and his successors to retire under provisions of District of Columbia law which previously were limited to the band director in office in September of 1959. The House bill contained no such provision. The conference substitute adopts the Senate provision.

SALES TAX INCREASE

Section 302 of the Senate amendment increased the rate of the sales and use tax on laundry and dry cleaning services, sales of nonprescription drugs, and charges for textiles rentals from 2 percent to 5 percent. The House bill contained no such provisions. The conference substitute contains no such provisions.

INCREASE IN CIGARETTE TAX

Section 311 of the Senate amendment increased the tax on cigarettes from 4¢ per package to 6¢ per package. The House bill contained no such provison. The conference substitute contains no such provision.

THOMAS F. EAGLETON,
DANIEL K. INOUYE,
CHARLES McC. MATHIAS, Jr.,
Managers on the Part of the Senate.
JOHN L. McMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, Jr.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the printing of the conference report as a Senate report be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EAGLETON. I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

QUORUM CALL

The PRESIDING OFFICER. What is the will of the Senate?

Mr. EAGLETON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate resumed the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. FULBRIGHT. Mr. President, I was just called out of the Chamber by members of the press who asked me to comment upon a statement made by the junior Senator from Washington. I cannot quote him exactly, but members of the press told me they have a tape recording of what he did say. But the purport of the Senator's statement was that he has evidence that in the course of the Administration's negotiations for the interim agreement which is now under consideration, the Russians lied to the President of the United States and, I assume, to the negotiators. I believe the press said it was to the President, with regard to the number of missile submarines, particularly the Y-class submarines, which I understand is the most modern of their submarines; that the Russians said they had under construction or in being 48; whereas, they only had 42.

It is, of course, a serious charge that a country has lied on a matter of this kind. I am not quite sure how significant it would have been in the final assessment as to what the overall mix would have been. But, in any case, I assume by the nature of press questions that they think this is a most serious charge. It raises very serious questions about the purposes of the junior Senator from Washington, whether he really is out to sabotage the approval of the interim agreement. I, of course, reserve judgment on that. I think that his proposal is inconsistent with a desire to go forward in SALT II.

But to make charges such as this reminds me somewhat of the effect of the U–2 incident on the Eisenhower conference with Khrushchev in Paris and the planned trip of President Eisenhower to Russia. It is always a source of great regret on my part that President Eisenhower did not go to Russia and did not make progress with Chairman Khrushchev in bringing about a detente with Russia at that time. I have often thought that we missed a great opportunity at that time to improve our relations. But now, for a second time, we appear to be on the road to improving our relations and I do not want to lose that road.

A few minutes ago, I read a press account of Mr. Peterson's highly optimistic report with regard to trade with Russia. I subscribe wholeheartedly to the need and his optimism. It would be a great tragedy if charges of the kind I have mentioned stir up the latent chauvinism and distrust of Russia to the point where the forward movement in the arms limitation agreements is stopped or diverted.

I shall ask the staff of the Committee on Foreign Relations to get in touch with the Central Intelligence Agency and ask them whether they have evidence of the charge made by the Senator from Washington.

Of course, I would hope that the President of the United States would take the occasion to clarify this situation—either explain it, deny it, or reconcile it. I do not know what he can do with it. He is in a position to know. I, obviously, am not in a position to say whether it is true or untrue. But the Committee on Foreign Relations will undertake to check on this report at the earliest opportunity.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 559. An act for the relief of Albina Lucio Z. Manlucu;

S. 889. An act to restore the postal service seniority of Elmer Erickson; and

S. 2704. An act for the relief of Rita Rosella Valleriani.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10676) for the relief of Lester L. Stiteler.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, August 15, 1972, he presented to the President of the United States the enrolled bill (S. 596) to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof.

SELECT COMMITTEE TO STUDY SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 974, S. Res. 299.

The PRESIDING OFFICER (Mr. TAFT). The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 299) to establish a Select Committee to study questions related to secret and confidential government documents.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JAVITS. Mr. President, this measure was passed on the consent calendar last Friday, and at my request the action taken on it was vacated because the Senator from Nebraska (Mr. HRUSKA) wished to introduce a statement—I consider it a very important statement—respecting this measure, about which he had had serious doubts—and he still does.

He had not had an opportunity to prepare it, so we vacated the passage on the Consent Calendar.

Subsequently, the Senator from Nebraska inserted his statement, which will be found on page S13439 of the RECORD of August 14, 1972. We have talked with his office and he is agreed that the bill may now be passed, with his statement included in the RECORD.

So, Mr. President, I ask unanimous consent that the statement of the distinguished Senator from Nebraska (Mr. HRUSKA) with reference to Senate Resolution 299 be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR HRUSKA

The substance and the desirability of S. Res. 299 have been considered in this body on two previous occasions. One was on May 8, 1972, beginning at page 28005 of the Congressional Record. A second occasion was June 22 at pages 21980 and following.

Those colloquys, chiefly between this Senator and the Senator from New York (Mr. Javits), resulted in the referral of the resolution to the Government Operations Committee for its study and recommendation by a day certain. It has now been returned to the Senate for further consideration.

Mr. President, the Government Operations Committee in its report now before us amended the original resolution to extend the time for reporting from this special committee to February 15, 1972. Otherwise, the text of the resolution remains as it was on June 22.

Reference to the Government Operations Committee accomplished one objective, namely, it resolved a rather discouraging aspect of the matter in the following fashion: Senate approval of the resolution had been sought on a virtually summary and expedited basis on the floor of the Senate. This undesirable effort was averted by the reference of the resolution to the Committee, whose report we now consider. This is in keeping with better, more deliberative, more established and more wholesome procedure.

Mr. President, my present position is that I shall defer to the judgment of the Government Operations Committee. I will not oppose the approval of the resolution, even though I find myself in respectful disagreement with the Committee's conclusions.

Objections which I voiced in June are still applicable. Some of them I shall restate and incorporate in these remarks.

The purpose of these present remarks is to make a record for future ventures of this kind into special or ad hoc committees some sound and wholesome reasons for preventing similar incursions into the provinces of standing committees with definitely assigned responsibilities.

Mr. President, the interest of this Senator in the general subject of secrecy, confidentiality and classification of government documents generally is of long-standing study and activity. My desires and goals are to render the development and the availability of these documents in an open and in a timely way consistent with the best interests of sound government. This means that there must be taken into consideration at least two fundamental doctrines: (I) Separation of Powers, and (II) Executive Privilege.

The history of both doctrines goes back to the beginnings of the Republic. I believe that the incorporation at this point of some of my remarks on June 22 will illustrate the reasons for my interest in S. Res. 299.

Mr. HRUSKA. I yield myself 10 minutes.

Mr. President, this resolution should be referred to a committee for regular processing. There are a number of reasons and elements that can be found in support of that statement.

It undertakes to establish a select committee to study and report on laws, rules and questions relating to secret, confidential, and classified Government documents. There was an inquiry into a specific situation as to the conduct of an individual Member of this body but the subject generally, basically, and fundamentally, has never been referred to or been considered by a committee.

The resolution contains no provision for funding. I do not know that that will be necessary but, at any rate, there is no provision or any consideration as to whether funding would be needed.

The subject is extensive. It is profound. It is complex. A cursory and fleeting examination and report by a short-lived select committee, as contemplated here, would necessarily be superficial and would serve no useful purpose.

The resolution, Mr. President, is a usurpation and an encroachment on the province and the jurisdiction of a standing committee, which would be fully justified in deeply resenting such intrusion. It is unseemly for the Senate to circumvent the functioning of the committee system in this fashion.

Now, Mr. President, it is suggested that the resolution arose and was brought about as a result of the closed-door session we had some weeks ago, when a Senator had received a document and breached, violated, imposed on, or exploited his immunity to the extent of publishing or seeking to publish that document. It presented a situation which would require, in the judgment of the Senator from New York and the cosponsors of this resolution, the collective judgment of the Senate as to what should be done in such a situation, and that a smaller body than the Senate itself would be requested for that purpose, the purpose being not to consider legislation, but this particular situation. As I understand it, that is the thrust of the argument made on behalf of the resolution.

Well, Mr. President, the leadership can undertake an informal discussion of this particular situation on its own, in its role as a leadership organization on both sides of the aisle. It can summon to its assistance and to counsel it any Member of the Senate that it wishes. It can call upon the chairman or the ranking members of committees if it wishes, and formulate some program or some proposal that it can bring forward before a future executive session of the Senate. That is entirely within its power and jurisdiction. It is its prerogative right now.

It is said now that we have to do something, that we have to have a crutch, that we have to have a resolution of substance here, something substantive.

Well, Mr. President, that is the province of a standing committee. I suggested that the leadership on its own can get together and formulate a proposition of any kind they wish as to the particular conduct of a particular Senator under particular situations. That they can do. Then he would debate that in the Senate, either in open or in executive session, and go on from there.

But when it is to formalize an organization known as a select committee for the purpose of dealing with matters of substance, and dealing with rules and classified regulations that in here in this situation, then we get into the province of a standing committee with its expertise and authority. I say again that the standing committee that would be entitled to it would have reason and ground to be resentful of that kind of usurpation and intrusion. I do not say that they have, Mr. President. I think they have justification for it. There was no resentment in the heart of the chairman of the Government Operations Committee when he considered this. There was no resentment on my part that we were not given the matter to discuss and consider in the Judiciary Committee, nor in the mind of the chairman of the Judiciary Committee himself. No one got mad. But the point is we are repudiating and circumventing the functioning of the committee system in this fashion.

Why should it be considered by a standing committee? Because a standing committee has also had some exposure to the problem.

I should like to call attention to the fact that we developed 600 printed pages of testimony in the Subcommittee on Separation of Powers last year dealing with this entire subject. There have been hearings held last March in the Armed Services Committee in the House on this, on a bill that would set up a commission for the purpose of getting at this problem, H.R. 9853.

Of course it is a very deep, profound, and complex problem. But these committees have already been exposed to it. They have developed expertise, knowledge and experience in it. It is they who should be considering anything that goes into a substantive proposal in the nature of a rule or a law, or an interpretation of the law, and bring it back to the Senate for the purpose of handling it.

Mr. President, the question is asked, "What committee is it, and is there a committee that can handle the conduct of Senators under circumstances of this kind?"

My suggestion to that is again that the leadership can formulate some proposition and make it fair and present the issue in a particular case of a particular Senator. That is within their power. That is within the purview of their legislative duties. With regard to conduct beyond that of an individual, rules for general application, that is within the jurisdiction of the Government Operations Committee.

Mr. President, that is the way to handle a situation of this kind. The leadership needs to be called in on the question concerning to whom the Senator wishes to assign the duty of inquiring into the conduct of a particular Senator under particular circumstances. But when we leave that point, then we have any number of committees, as has been suggested, that would be eligible to consider the study and any specific measure or proposal.

It could be the Armed Services Committee if it is a proposition dealing exclusively or heavily with military secrets or weaponry or strategy, or documents of that kind.

It could be the Foreign Relations Committee if treaties are involved or documents relating to treaties.

It could be the Judiciary Committee where internal security is a matter that has been assigned and delegated to the Subcommittee on Internal Security.

It could be the Government Operations Committee whose authority cuts across and covers all departments and their operation and performance.

That is why this matter should be referred to a committee and let the leadership develop its own devices for the purpose of dealing with a particular situation.

Senate Resolution 299, now pending before the Senate for final action, would establish a select committee to study questions related to secret and confidential Government documents. It has never been referred to any committee and contains no provisions for funding.

There is pending before the Committee on Government Operations, of which the distinguished senior Senator from Arkansas (Mr. McClellan) is chairman, a bill, S. 2965, to provide greater access to Government information, and for other purposes. Under its provisions, there would be established an independent disclosure board charged with the supervision and review of the entire Government classification system.

Senator McClellan is unable to be present today. In view of the close relationship in the subject matter of these measures, he believes it would be appropriate to consider them both at the same time. Accordingly, he has asked me, on his behalf, to request that the resolution be referred to the Committee on Government Operations. We have been informed that the Committee on Rules and Administration would have no objection to the reference.

So, pursuant to this request, Mr. President, I ask unanimous consent on behalf of the senior Senator from Arkansas (Mr. McClellan) that Senate Resolution 229 be referred to the Committee on Government Operations.

The substance and logic of the foregoing remarks remain applicable to this present situation. At a later time in the discussion on June 22, the Senator from California (Mr. Tunney) stated:

"Mr. President, I wonder if the Senator from Nebraska opposes the basic principle outlined in the resolution of the Senator from New York, that the Senate of the United States investigate through a delegation of authority to ten Senators or whatever number it might be, the various laws covering classification and the responsibilities of the individual Senators when matters that are classified come to them and their right to disclose such classified material to the American public.

"Does the Senator oppose the Senate, through a Committee, studying this matter and furnishing the Senate with some guidelines which individual Senators will be able to follow in the future?"

To this question by the Senator from California I made the following response:

"Mr. President, if the Senator will remember—perhaps he was not here when I made my remarks—I do not object to that. I think it would be notable for the majority leader, the minority leader, their assistants or deputies, any any number of Senators who want to get together for the purpose of counseling and deliberating on a matter, to go into that. That is fine. However, the matter they should consider would be the particular conduct of a particular Senator under particular circumstances, such as we considered in executive session some time ago.

"However, as soon as we formalize that kind of body and charge it with the responsibility to come here with their findings and recommendations not only with respect to that type of situation, but also recommendations on laws relating to secrecy, confidentiality, and classification of classified documents and so forth, when you do that or seek to do it, then you are intruding upon the jurisdiction and the province of the standing committee. It should not be so, and this Senate should not do that; they should not do that. It is a reflection on that committee that they were not asked. If you want to do something, ask them and let them do it.

"In my experience here, on at least three occasions, we have gone into this matter in depth in the Committee on the Judiciary. The first time, in 1957 and 1958, under the leadership of the late and very lamented Senator Tom Hennings of Missouri, we struggled with that problem for the greater part of the summer and into the next year and turned up doing nothing. Why? It is that type situation, as pointed out in the testimony of Assistant Attorney General Erickson before the Committee on Armed Services in the House, that the thrust and burden depends on executive and administrative action, and their good faith in setting up rules that will be reasonable and accommodate the Senate and the House as much as possible without compromising those portions by way of secrecy necessary to conduct this Nation's affairs properly.

"We got stalemated because we reached that situation. There may be penalties for disclosing classified documents. But on these other matters we reached that conclusion. Four or 5 years later we went back and we reached the same conclusion and the same result. I venture to say we will come to that same conclusion again.

"I differentiate that from the situation where a particular Senator, acting in a particular fashion with particular documents comes into the Senate and, in the view of some Senators, either violates his immunity, abuses or exploits it. Some Members of this body might not like that and might want to take action not only to deal with that situation but also similar situations, following the precedent set in that case. That is a different thing. For that purpose I say there should be an informal meeting of the leadership. They have certain powers and responsibilities. They should meet and come here with a position paper or two, and supporting documents, and then let the Members of the Senate act upon that case and not try to raise this entire field which is very complex, very extensive and very profound, and it has all kinds of implications and ramifications which can be dealt with most effectively and properly by a standing committee that has acquired through its years of experience and literature some experience in that field.

"This Senator went into great detail on the ramifications of this type of procedure when Senate Resolution 299 was called up at an earlier time. I refer the Senator to my statement on the Senate floor on May 8, 1972, beginning at page 28005. The reasons why I oppose this resolution are set out at some length there. I will not take the Senator's time to repeat them now."

Mr. President, the foregoing remarks should be sufficient to delineate the area involved and some of the considerations which go into the vast, massive, comprehensive and complex problem involved.

It would be my hope that these remarks together with the references made therein will be a foundation for considering any future and additional efforts to displace standing committees with declared and assigned powers and responsibilities by the formation of ad hoc or special committees which seem to invade that jurisdiction and that subject matter.

It is my hope that these remarks will serve that purpose.

Mr. JAVITS. Mr. President, under this resolution a committee of 10 Senators would be appointed, five from each party, under the leadership of the majority and minority leaders. The purpose of the committee simply would be to conduct a study and report to the Senate recommendations on questions relating to secrecy, confidentiality and classification of documents committed to the Senate or any Member and also to generally look at the laws and rules relating to secrecy and classification of Government documents.

We had an example of problems arising in this area in the case of the Senator from Alaska (Mr. Gravel). We all felt that there may be similar cases in the future, and it will be recalled that the entire issue was the subject of a secret session. I felt that I was more or less carrying out the will of the Senate that had been expressed at the secret session when I introduced this resolution shortly thereafter.

I wish to make it clear that the resolution does not give this Committee of Ten any legislative authority, nor does it prevent this committee from suggesting to the Senate that a measure be introduced or that a particular pending bill be passed. The jurisdiction of the standing committees of the Senate such as Government Operations or Judiciary, or other committees will not be affected by this committee. It simply is a way to get some advice as to what should be done about this vexing matter. The Senator from Nebraska (Mr. Hruska), when the matter was first debated, decided that he wished to refer the bill to the Government Operations Committee, a committee on which I am a member. It was so referred, with my agreement, with a date for reporting by August 7, 1972. The committee actually dealt with the matter on August 8 and found no objection to the resolution except that it directed me to amend it so that a report should be forthcoming to the Senate from the Committee of Ten on or before February 15, 1973. To demonstrate the committee's backing for that position, the Senator from North Carolina (Mr. Ervin), the chairman, the Senator from Illinois (Mr. Percy), the ranking minority member, joined me in that amendment.

I deeply appreciate the views and the feelings of the Senator from Nebraska (Mr. Hruska), and I am sure that they will receive a most profound consideration from this new ad hoc committee. I am very pleased and appreciative that the Senator has not interposed further objections so that the matter may now go forward and we may see what can be done along the lines contemplated by Senate Resolution 299.

Under all those circumstances, Mr. President, I hope that the Senate will look favorably on the resolution.

AMENDMENT NO. 1425

Mr. President, I call up my amendment No. 1425 and ask that it be stated.

The PRESIDING OFFICER (Mr. BENTSEN). The amendment will be stated.

The legislative clerk read as follows:

On page 2, line 2, after the comma, delete all that follows up to the first comma on line 3 and insert the following in lieu thereof: "by February 15, 1973,".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. JAVITS).

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

S. RES. 299

Resolution to establish a select committee to study questions related to secret and confidential Government documents

Resolved, That there is hereby established a special ad hoc committee of the Senate to be composed of ten members, five from the majority and five from the minority. The majority leader shall be the chairman and the minority leader the cochairman. Of the remaining eight members, four will be appointed by the majority leader and four by the minority leader. Any member appointed under the provision of this resolution shall be exempt from the provisions of the Reorganization Act relating to limitations on committee service.

The committee shall conduct a study and report its findings and recommendations to the Senate, by February 15, 1973, on all questions relating to the secrecy, confidentiality, and classification of Government documents committed to the Senate, or any Member thereof, and propose guidelines with respect thereto; and, the laws and rules relating to secrecy, confidentiality, and classification, of Government documents, and the authority therefor.

Mr. JAVITS. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. BUCKLEY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMENDATION OF SENATOR JOHN L. McCLELLAN ON HIS SERVICE AS CHAIRMAN OF THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. ERVIN. Mr. President, I ask unanimous consent for the immediate consideration of a resolution which is cosponsored by the Senator from Arkansas (Mr. FULBRIGHT) and, with the exception of Senator McCLELLAN, the entire membership of the Senate Committee on Government Operations.

Mr. ALLEN. I ask that the resolution be stated at length.

The PRESIDING OFFICER (Mr. COOK). The resolution will be read in full.

The legislative clerk read as follows:

S. RES. 355

Whereas Senator John L. McClellan has been a member of the Committee on Government Operations and its predecessor, the Committee on Expenditures in the Executive Departments, since January 14, 1943, longer than any other member, and has served as its chairman from January 10, 1949 to January 13, 1953, and from January 11, 1955 to August 2, 1972—longer than any other chairman; and

Whereas Senator McClellan was chairman of the Committee on Government Operations during years which saw a sweeping transformation and reorganization of the Government of the United States; and

Whereas Senator McClellan served as a member of the first and second Hoover Commissions, during which time he worked diligently to improve the structure and operation of the executive branch of the Government, and authored a number of bills to implement the Commission's recommendations, and

Whereas Senator McClellan was the author of the bill creating the General Services Administration gathering the Government's multi-billion-dollar business operations into one agency for greater efficiency and economy; and

Whereas Senator McClellan was the principal sponsor of the Federal Property and Administrative Services Act of 1949, which has provided for the donation of $8 billion worth of Federal surplus property to the States for health and educational purposes; and

Whereas Senator McClellan sponsored and managed the legislation that led to the enactment of the Budget and Accounting Act of 1950 which modernized the Government's budget and accounting procedures; and

Whereas Senator McClellan guided to enactment the legislation that created two major new executive departments—the Department of Housing and Urban Development, in 1965, and the Department of Transportation in 1966; and

Whereas Senator McClellan, as Chairman of the Permanent Subcommittee on Investigations of the Committee on Government Operations, has been acclaimed nationally as a vigorous, able and effective investigator and has won a reputation for judicial impartiality and fairness; and

Where as Senator McClellan conducted an investigation into corruption, gangsterism and racketeering and questionable financial practices in labor unions and anti-union practices by management which resulted in enactment of the landmark Welfare and Pension Plans Disclosure Act of 1958 and the Labor-Management Reporting and Disclosure Act of 1959; and

Whereas Senator McClellan investigated the operations of organized crime which led to the enactment of legislation to strengthen the hand of our law enforcement agencies in fighting the crime syndicates; and

Whereas Senator McClellan conducted a six year study of the development and production programs for the TFX aircraft which saved the Government and taxpayers untold millions of dollars; and

Whereas Senator McClellan resigned on August 2, 1972 as Chairman of the Committee on Government Operations to assume the Chairmanship of the Committee on Appropriations: Therefore, be it

Resolved, That the Senate expresses its warm affection for Senator McClellan, and its deep appreciation for his devotion to duty and for the outstanding service which he has rendered to the people of Arkansas, to the Committee on Government Operations, to the Senate and to the United States, by his great ability, initiative and statesmanship.

The PRESIDING OFFICER. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider Senate Resolution 355.

Mr. JACKSON. Mr. President, it has been my privilege to serve on the Committee on Government Operations since I received my first committee assignment in the Senate, in January, 1953, and ever since that time I have served next to the distinguished senior Senator from Arkansas (Mr. McCLELLAN).

I am very proud of that association. We have been through some real battles together. I recall that the first big battle was the famous Army-McCarthy hearings in 1954 and the activity preceding that. I have worked with Senator McCLELLAN subsequent to that time on the various investigations of the committee—and also, of course, in connection with the many other activities that are within the jurisdiction of the Committee on Government Operations.

This committee, especially the investigating side, requires a chairman who has the kind of judicial temperament possessed by the able and distinguished Senator from Arkansas. He is a cool, able, forthright legislator and lawyer. He is the kind of Senator with whom one can disagree without his being disagreeable. He is the kind of Senator who, when he gives his word, keeps it. He is a man of great integrity. He is a man who has commanded the respect of the people of the Nation in the handling of some of the most difficult investigative matters ever to come before Congress.

It has been a rare privilege to have served with him on that committee these past 20 years—this is the 20th year.

I want to join my colleagues—as I have in this resolution—in honoring him and commending him for the great service he has rendered to the Nation and to his great State of Arkansas.

We have to face many problems in this body; and life is much easier in this body when one has the opportunity to work with, associate with, and, yes on occasion disagree with—as he would expect it—a Senator of the character, the integrity, and the ability of JOHN L. McCLELLAN, of Arkansas.

I am confident that in his new capacity as chairman of the Committee on Appropriations and as ranking member of the Committee on Government Operations next to its distinguished chairman, the senior Senator from North Carolina (Mr. ERVIN), Senator McCLELLAN will continue to lend to the Senate, to the committee, and to the country the kind of service that makes us all proud to serve in this body.

Mr. ERVIN. Mr. President, my first assignment upon coming to the Senate, 18 years ago, was to the Committee on Government Operations, so I can testify in full measure to everything that the Senator from Washington has said.

Mr. CHURCH. I should like to add that I am very much pleased that this resolution honoring Senator McCLELLAN has been submitted.

It was my privilege to serve on the committee that Senator McCLELLAN headed some years ago which looked into rackets in industry and labor. I was then a freshman Senator. I always appreciated the fair treatment that Senator McCLELLAN extended to me and the education that that experience brought to me, which was largely due to the distinguished chairman of that select committee. I am indebted to him for what I learned in a comparatively brief time about proper Senate procedures and the fair handling of investigations.

So I am pleased to add my compliments to the Senator from Arkansas on this occasion, and I express my appreciation to the Senator from North Carolina for having submitted the resolution.

Mr. GURNEY. Mr. President, all of us are familiar with the outstanding record of service which Senator McClellan has achieved and which is outlined in this resolution of commendation. His service to the Nation and the Senate is reflected in the rollcall of his achievements. His name is historically associated with sound national leadership during the dangerous years of World War II, through the trying postwar confrontations, and throughout many years of peaceful domestic progress.

His record of accomplishment is indispensable to any discussion of the Committee on Expenditures in the Executive Departments, the Committee on Government Operations, the Hoover commissions and the permanent Subcommittee on Investigations. His role in the creation of the General Services Administration and in the passage of the Federal Property and Administrative Services Act of 1949 and the Budget and Accounting Act of 1950 point out his concern for efficiency and economy in Government; the creation of the Department of Housing and Urban Development and the Department of Transportation emphasize his concern for social justice and domestic needs; and his investigations into crime and into Government procurement contracts illustrate his basic concern for governmental honesty and integrity.

All of this is public record and is well recognized by Senators and by the informed citizens of the Nation. I should like, however, to supplement the resolution now before us by mentioning the fair and considerate treatment which Senator McClellan has consistently afforded both majority and minority members of the Committee on Government Operations and the permanent Subcommittee on Investigations while serving as chairman of those groups.

As a first-term Senator, sitting with the minority on those two committees, I have experienced firsthand many instances of courtesy and fair play which might not have been expected from a lesser man.

I believe these little known daily acts of character performed with no rewarding publicity or personal recognition, reflect the true nature of this great statesman and gentleman, even more than his public record of achievement.

I am pleased to have this opportunity to salute Senator John McClellan.

Mr. RIBICOFF. Mr. President, I join with my colleagues on the Government Operations Committee in commending Senator John McClellan on his 22 years of distinguished service as chairman of the committee.

It has been an honor for me to serve on the committee under the Senator's leadership for almost 10 years. This has been a period of great accomplishment under the able direction of Senator McClellan. Two new Government departments have been approved—Housing and Urban Development and Transportation. The Permanent Investigations Subcommittee, which he chairs, has also compiled a superb record of accomplishment, including the TFX investigation and the inquiry which led to the reform of military post exchanges.

Senator McClellan has proven to be a fair and wise chairman. He is a leader in the Senate and the Nation. The list of his achievements for his State and the country, as recorded in our resolution, is highly impressive.

Senator McClellan has served as chairman of the Government Operations Committee longer than any other Senator in the history of the committee. The Senate and the Nation owe a large debt of gratitude to this quiet man who has made such an outstanding record.

Though Senator McClellan now leaves the chairmanship of the committee, he will remain one of its members. This is indeed fortunate for I know we all look forward to his guidance on the many problems which come before us. I know he will remain a valued member of the committee for many years to come.

Mr. PERCY. Mr. President, I regret deeply that business elsewhere in the Senate prevented my being in the Chamber in order to hear the remarks of my valued colleagues regarding Senator McClellan.

I was proud to serve over the past few years on the committee with the Senator from Alabama (Mr. Allen), both of us as members of the Government Operations Committee, and to draft a resolution of appreciation and commendation to our distinguished past chairman for his services over a period of years to the Government Operations Committee.

I have served in the last 2 years as the ranking Republican member on that committee, and it has been my pleasure to work intimately with the Senator from Arkansas on the work of the committee, as well as serving with him on the Permanent Investigations Subcommittee of the Government Operations Committee.

I have seen his tenacity of purpose, I have seen his perseverance, I have seen his perception. He has been totally nonpartisan in the way that he has conducted the Government Operations Committee. I believe it is this imprint he has made on the committee's work that has been so valuable.

We have an oversight responsibility in connection with the entire Federal Government. We have the largest, the most effective, and the best trained investigative staff of any committee in the U.S. Senate. If there was one iota of partisanship in the conduct of our affairs, it would detract from the quality of our work. Whether it was under a Democratic or a Republican administration, the Senator from Arkansas carried forward his work in a nonpartisan way. I have greatly enjoyed working with Senator McClellan and deeply regret his leaving the chairmanship, but I am pleased that he will still stay as the ranking Democratic member of the committee. Also, of course, we will work closely with him in his capacity as Chairman of the Committee on Appropriations.

The resolution which the Senator from Alabama (Mr. Allen) and I have drawn, which has been presented and unanimously and enthusiastically approved by the Government Operations Committee, fully reflects my feelings about my distinguished friend and colleague Senator McClellan.

Mr. JAVITS. Mr. President, for some years I have been a member of the Committee on Government Operations and of its Subcommittee on Investigations, and its acting ranking minority member, until, as the result of a most admirable reform of the seniority rule, I yielded that post to the distinguished Senator from Illinois (Mr. Percy), as I now occupy a similar position on another legislative committee, the Committee on Labor and Public Welfare.

I pay great tribute to Senator McClellan. I believe I am in a unique position to do so, because not only can I testify that he is a splendid Senator, as shown by the tremendous record outlined in this resolution, but, so far as I am concerned, speaking in a very personal sense, he has been a most interesting colleague and friend.

It is well known that on many questions the Senator from Arkansas and I disagree in terms of policy. His views toward the situation of our country and the actions that our country ought to take are very understandable, considering his background and the views of the people of his State. The issues which affect the people of his State would naturally be very different from those which affect the people of mine. But I have rarely met a colleague who was more understanding, and not only tolerant of dissent, but willing to give dissenters every opportunity to be heard, realizing how much dissent is a part of the American scheme, and that is the conflict of ideas which ultimately produces the best policy.

Senator McClellan is personally solicitous in the provision of providing staff and other conveniences which a chairman may afford or withhold, giving the fullest opportunity for the development of the individual Senator in the work of the committee.

Notwithstanding his zeal in questioning witnesses and driving directly to what he felt was the best resolution of the public's business and the right of the public to know through the inquiries of congressional committees, he has been ever-sensitive to any suggestion respecting the consideration of matters in executive session before they are heard in public session. This was done so that we might be solicitous of the personal standing and reputation of individuals who might be charged and the individuals were then given an opportunity to appear and answer them.

In many other ways, he has shown not only great consideration but also great feeling for all the elements of the American system, and for that I pay him a personal and very warm tribute.

While Senator McClellan remains as a member of the Government Operations Committee, he relinquishes his chairmanship and moves onto a tremendous responsibility as chairman of the Committee on Appropriations, on which I also, for a time, had the honor to serve with him. I know that he will carry to that assignment the judicious consideration which has been so typical of him, as well as the evangelistic zeal which has heretofore distinguished him in committee and on the floor of the Senate. I think his elevation to the chairmanship augurs very well for the future of that fine committee.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was unanimously agreed to.

The preamble was unanimously agreed to.

TRIBUTE TO THE LATE RALPH TYLER SMITH

Mr. PERCY. Mr. President, it is my sad task today to report the passing of our former colleague and friend, Ralph Tyler Smith, who served in this body as the junior Senator from Illinois from September 1969 to November 1970.

I extend my deepest sympathy to his beloved wife, Mary, and daughter, Sharon.

Ralph Tyler Smith loved politics and devoted much of his life to service to the people of Illinois. He was appointed by Illinois Gov. Richard Ogilvie to fill the unexpired term of the incomparable Everett McKinley Dirksen. All of the Members have can appreciate what an extraordinary role that was to fill, but I know we would all agree that Ralph Smith undertook it with courage and ability.

Mr. President, the funeral services will be in Alton, Ill., tomorrow afternoon at 2 p.m. I will be absent from the Senate for the purpose of speaking at the funeral service and will, of course, express deep regret, on behalf of all my colleagues, at his passing to his wife and to his immediate family.

Ralph Tyler Smith came to the Senate well prepared and well skilled in the art of legislation. First elected as a State representative in the Illinois General Assembly in 1954, Ralph was reelected to that office for seven consecutive terms. In 1963, he was elected majority whip of that body and in 1967, he was elevated to the position of speaker of the house. During his years in the Illinois Legislature, he developed into one of the most able masters of the art of State legislation that Illinois has ever seen.

In addition to his expertise as a legislator, Ralph Smith brought to the Senate a keen knowledge of the people of Illinois, whom he had served for so long in the State. He was active in his home community of Alton in the Presbyterian Church, the Greater Alton Association of Commerce, the American Legion, Veterans of Foreign Wars, the Alton-Wood River, Madison County and Illinois State Bar Associations, and many other organizations.

His political work for the Republican Party in Illinois was vast. He was the downstate campaign manager in the successful gubernatorial campaign of Gov. Richard B. Ogilvie in 1968 and in my own 1966 campaign for the Senate. Ralph Smith believed in the principles of the Republican Party and his efforts on behalf of the Party and its candidates in Illinois were unceasing. He was a tireless campaigner for his Republican colleagues, and, I might add, an effective one.

On many occasion Ralph Smith made known to our Governor and me that his life long ambition was to serve as a U.S. Senator.

In his brief term in the Senate Ralph Smith compiled a remarkable record. He lent his efforts to such diverse programs as the Coal Mine Safety Act, a $20,000 limitation crop control payments, the Water Quality Improvement Act, a 15 percent increase in social security benefits, the Crime Control Act of 1969, and the repeal of the Gulf of Tonkin resolution. The legislative experience he gathered in his many years of service in the Illinois Legislature served him well here in the U.S. Senate and enabled him to serve Illinoisans as effectively in this forum as he had in the Illinois State capital and became one of the most effective legislators of our time. In my judgment his services in the U.S. Senate were among the happiest and most rewarding of his life.

Mr. President, I know that I speak on behalf of all the people of Illinois when I say that we feel we have lost a good friend with the passing of Ralph Smith. He was a native Illinoisan whose primary interest in life was serving the best interests of the people of his State. I know that the Members of the Senate will want to join Mrs. Percy and our family in extending their condolences to Mrs. Smith and their daughter Sharon in this time of sorrow.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOSS AND SENATOR TUNNEY TOMORROW; AND FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the two leaders under the standing order tomorrow, the distinguished Senator from Utah (Mr. MOSS) be recognized for not to exceed 15 minutes; that he then be followed by the distinguished Senator from California (Mr. TUNNEY) for not to exceed 15 minutes; after which there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the conclusion of routine morning business tomorrow, the Senate resume the consideration of the unfinished business, Senate Joint Resolution 241.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR REDUCTION OF TIME FOR CONSIDERATION OF H.R. 14896 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent with respect to the agreement previously entered into regarding H.R. 14896, the school lunch bill, that time on the bill be reduced from 3 hours to 1½ hours; and that time on any amendments in the first degree be reduced from 1 hour, as previously ordered, to 40 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. May I say, Mr. President, that I have cleared this request, amending the time agreement on H.R. 14896, as previously entered, with the distinguished Senator from Minnesota (Mr. HUMPHREY), the distinguished Senator from Alabama (Mr. ALLEN), the distinguished Senator from Iowa (Mr. MILLER), and with other Senators on both sides of the aisle.

ORDER FOR CONSIDERATION OF NATIONAL SCHOOL LUNCH ACT AND LAYING ASIDE OF UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at no later than 2 p.m. tomorrow, it be in order for the distinguished majority leader or his designee temporarily to set aside the unfinished business (S.J. Res. 241) and proceed to the consideration of the National School Lunch Act, as amended, H.R. 14896, and that the unfinished business remain in a temporarily laid aside status until final disposition of H.R. 14896 or until the close of business tomorrow, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR COMMERCE COMMITTEE TO FILE REPORT ON S. 2483

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce have until midnight

Wednesday to file its report on S. 2483, the Metric Conversion Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER (Mr. BENTSEN). The Senate will be in order. The Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. tomorrow. After the two leaders have been recognized under the standing order, the distinguished Senator from Utah (Mr. Moss) will be recognized for not to exceed 15 minutes; after which the distinguished junior Senator from California (Mr. TUNNEY) will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate the unfinished business, Senate Joint Resolution 241, a joint resolution authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

No agreements have been reached with respect to time thereon or with respect to time on any amendment thereto.

At no later than 2 p.m. under the prior order, the distinguished majority leader or his designee will call up H.R. 14896, the National School Lunch Act, on which there is a time agreement allowing 1½ hours on the bill, the time to be equally divided; 40 minutes on amendments in the first degree, the time to be equally divided; and 30 minutes on amendments in the second degree, the time to be equally divided.

Yea-and-nay votes will occur. We understand that at least five proposed amendments to the bill will be called up, each of which will very likely require a yea-and-nay vote.

Following the disposition of H.R. 14896, the National School Lunch Act on tomorrow, the Senate will resume the consideration of the unfinished business (S.J. Res. 241), the interim agreement, or will go to other business. In either case, yea-and-nay votes may occur.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 5:14 p.m. the Senate adjourned until tomorrow, Wednesday, August 16, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 15, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Frank T. Bow, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

IN THE MARINE CORPS

The following-named (Naval Reserve Officer Training Corps) for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Caldwell, John.

The following-named temporary disability retired officer for reappointment to the grade of lieutenant colonel in the Marine Corps, subject to the qualifications therefor as provided by law:

Gebsen, Clarence U., [redacted], USMC.

CONFIRMATIONS

Executive nominations confirmed by the Senate, August 15, 1972:

INTERNATIONAL ATOMIC ENERGY AGENCY

James R. Schlesinger, of Virginia, to be the Representative of the United States of America to the Sixteenth Session of the General Conference of the International Atomic Energy Agency.

The following-named persons to be Alternate Representatives of the United States of America to the Sixteenth Session of the General Conference of the International Atomic Energy Agency:

William O. Doub, of Maryland.
T. Keith Glennan, of Virginia.
Robert H. McBride, of New Hampshire.
Dwight J. Porter, of Nebraska.
James T. Ramey, of Illinois.
Herman Pollack, of Maryland.

HOUSE OF REPRESENTATIVES—*Tuesday, August 15, 1972*

The House met at 12 o'clock noon.

Rev. Wallace Chappell, McKendree United Methodist Church, Nashville, Tenn., offered the following prayer:

Eternal God, our Father, we are in Thy presence, conscious of the divisions that separate us: color, background, creed, party; yet we want to be made more conscious of those dedications that unite us: commitment to God, service to country, peace for humanity.

We want to be so aware of these lasting likenesses that the dedications will surpass the divisions, thus allowing us to contribute significantly to the brotherhood of our Nation and the freedom of our world. And this we pray in the name of Him who gave Himself for us all. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on August 10, 1972, the President approved and signed bills of the House of the following titles:

H.R. 489. An act to approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Modoc Point unit of the Klamath Indian irrigation project, Oregon.

H.R. 1682. An act to provide for deferment of construction charges payable by Westlands Water District attributable to lands of the Naval Air Station, Lemoore, Calif., included in said district, and for other purposes;

H.R. 5721. An act pertaining to the inheritance of enrolled members of the Confederated Tribes of the Warm Spring Reservation of Oregon;

H.R. 6745. An act to amend section 122 of title 28 of the United States Code to transfer certain counties of the central division of the judicial district of South Dakota;

H.R. 11350. An act to increase the limit on dues for U.S. membership in the International Criminal Police Organization;

H.R. 12979. An act to amend title 28, United States Code, to authorize the recall of retired commissioners of the U.S. Court of Claims for temporary assignments;

H.R. 13435. An act to increase the authorization for appropriation for continuing work in the Upper Colorado River Basin by the Secretary of the Interior;

H.R. 14108. An act to authorize appropriations for activities of the National Science Foundation, and for other purposes; and

H.R. 15418. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3524. An act to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended.

The message also announced that the Vice President, pursuant to Public Law 92–352, appointed the following to the Commission on the Organization of the Government for the Conduct of Foreign Policy: Mr. SPONG and Mr. PEARSON, as members on the part of the Senate; and Mrs. Charles Engelhard and Mr. Frank C. P. McGlinn, as members from private life.

TRIBUTE TO REV. WALLACE CHAPPELL

(Mr. FULTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FULTON. Mr. Speaker, it is with great pleasure and honor that the House today opened its business session with a prayer by one of Nashville's most distinguished clergymen, Rev. Wallace Chappell. Rev. Wallace Chappell is a pastor and noted author who is serving at McKendree Methodist Church in Nashville. He has been serving the needs of our community for approximately 13 years. During all of this time it has been my pleasure to have Reverend Chappell as my friend.

Reverend Chappell's family has been involved in bringing the gospel to the people for much longer than this period of time. His uncle, Rev. Clovis Chappell, served at Washington's Mount Vernon Methodist Church in the 1920's while also devoting time to the authoring of 36 books. Following this training, Rev. Wallace Chappell has written six books of his own, the best known of which is "Who Jesus Says You Are."

INTRODUCING A RESOLUTION ON STAFF APPOINTMENTS

(Mr. FRASER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FRASER. Mr. Speaker, I rise to speak about an internal problem in the House which may be the cause of some inconvenience today.

On the House Foreign Affairs Committee I serve as chairman of one of the subcommittees. An excellent staff member on my recommendation was hired by the committee to work with the subcommittee.

Toward the end of July our colleague from Ohio, Mr. Hays, as chairman of the House Administration Committee, deleted the name of this staff member when certifying the payroll for the House of Representatives for payment for the month of July.

Chairman Hays was apparently bothered by some of the work of the staff member. Specifically, the staff member had contacted another Member of the House to see if he wished to testify or submit a statement on behalf of a bill of which I was a sponsor and which was before a subcommittee which Mr. Hays chairs and on which I serve. Mr. Hays apparently regarded this action as an unwarranted interference with his subcommittee.

Neither the House Administration Committee nor the Foreign Affairs Committee authorized Chairman Hays to strike the name.

Two and one-half weeks have gone by without remedial action. Since the House will recess on Friday I am compelled to seek relief.

I am filing today a resolution for consideration by the Committee on Rules. A copy will appear at the end of my statement. You will note that the resolution deals also with the matter of appointments by the Speaker. I have not consulted with the Speaker on the provision, but include it because an equally serious problem—as I am informed—exists in the case of certain appointments he has submitted.

I apologize for the inconvenience which will occur in order to press for action on this matter. However, I am sure you would wish to protect your own employees from arbitrary action just as I seek to do.

Mr. Speaker, I will include a copy of the resolution in the Extensions of Remarks section for the information of the Members.

THE TERMS OF SURRENDER TO BARBARIC AGGRESSION

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, we have had reports in the past few days about envoys to Hanoi coming back and pronouncing they have found a solution to the war in Vietnam. Judging from the source of these reports and the nature of the terms offered, what they are really telling the American people is that we can surrender today on the same terms we could have surrendered 4 years ago.

Frankly, I do not expect us to surrender today, and I do not expect to surrender anytime in the future.

If these people want to do the United States a favor, they can advise their comrades in North Vietnam to withdraw their troops from South Vietnam and stop their barbaric aggression.

PRESIDENTIAL CANDIDATE GEORGE McGOVERN HAS ANSWERING TO DO TO THE AMERICAN PEOPLE

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, presidential candidate George McGovern has some answering to do to the American people concerning North Vietnam, Ramsey Clark, and Jane Fonda's attempts to use American POW's to influence the election of the President. Specifically, he needs to personally state whether he or any of his campaign staff gave instructions to actress Jane Fonda prior of after her trip to North Vietnam in which she engaged in propaganda broadcasts directed at American service personnel. Also, he needs to state whether or not his staff had contact with or gave instructions to Ramsey Clark prior to or after his visit to North Vietnam as part of an international Communist propaganda committee termed, "International Committee To Investigate U.S. War Crimes in Indochina."

The sequence of events is more than accidental. First, Jane Fonda in Paris said that if President Nixon were reelected, the POW's feared they would never be released. Then Ramsey Clark stated that should George McGovern be elected the POW's would be released on Inauguration Day.

I am astounded that neither of these so-called Americans would denounce the North Vietnamese for their refusal to comply with the provisions of the Geneva Convention or even approach the subject with them. Instead, they spouted a propaganda line soothing to the North Vietnamese and designed to promote the candidacy of George McGovern for President.

The people of America have a right to have George McGovern speak out as to whether his Senate or campaign staff counseled or advised either Fonda or Clark in this connection in an effort to help him in his poltical campaign.

REMARKS BY FORMER ATTORNEY GENERAL RAMSEY CLARK

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, Ramsey Clark, the former Attorney General of the United States of America, has returned from Hanoi, and he is again projecting the Communist line. It seems so strange to me that Mr. Clark is unable to address himself to the predicament of the people of South Vietnam and the atrocities that are being reported that have been committed by the North Vietnamese army, the invaders of South Vietnam.

He makes great issue about some holes in a dike, but makes no reference to the fact that the dikes are the main platforms of support for the North Vietnam artillery that has been shelling Hue and other cities of South Vietnam, causing considerable casualties among refugees and the civilian population there.

After hearing what Mr. Clark had to say last night, there is no wonder in my mind as to why the Justice Department under Ramsey Clark had such a dismal record. Hanoi should bestow the title of "propagandist minister without portfolio" upon Clark.

INTERNATIONAL EXPOSITION ON THE ENVIRONMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs:

To the Congress of the United States;

In accordance with Public Law 91–269, I wish to inform the Congress today of current plans for the six-month International Exposition on the Environment to be held in Spokane, Washington in 1974.

This exposition will be a particularly welcomed event in America. The Spokane exposition and the 1976 Winter Olympics are now the only internationally recognized events scheduled for this country during our Bicentennial Era. In addition to stimulating trade and cultural exchanges, the exposition through its theme—"How Man Can Live, Work, and Play in Harmony with His Environment"—will also focus fresh attention on one of the most pressing concerns of our time.

In November 1970, Expo '74, the nonprofit corporation which is sponsoring the exposition and is responsible for its planning and operation, applied for Federal recognition of the exposition under the provisions of Public Law 91-269. After reviewing the plans of the sponsor, the Secretary of Commerce submitted to me the detailed report required under Section 2(a)(1) of Public Law 91-269 and recommended Federal recognition. A copy of the Secretary's report is transmitted herewith. In this report the Secretary indicated that the sponsor had fulfilled all of the requirements of that law and the regulations issued thereunder (15 CFR § 667).

The Secretary concluded that the environmental theme of the exposition was relevant to current national concerns and was appropriate to the exposition site. He also determined that the sponsors had obtained from the State of Washington, the local governments involved, business, and civic leaders of the region and others the financial and other support necessary to assure the successful development of the exposition.

The Secretary of State also reported under Section 2(a)(2) of Public Law 91-269 that the event qualified for registration by the Bureau of International Expositions as a Special Category event.

Based on these favorable reports, I advised the Secretaries of State and Commerce on October 15, 1971, that the exposition warranted Federal recognition as provided by statute. I also indicated that it was my intention to extend this Administration's fullest possible support to foster a successful event.

On November 24, 1971, upon request of the United States, the Bureau of International Expositions in Paris officially recognized the event as a Special Category exposition and approved its General Rules and Regulations by unanimous vote. At its meeting on May 16, 1972, the Bureau also established procedures for sanctioning the special rules and regulatons for the exposition.

On January 31, 1972, I issued a proclamation directing the Secretary of State to invite such foreign countries as he may consider appropriate to participate in this event. The Secretary issued those invitations through diplomatic channels on February 15, 1972. Thus far, Canada, the USSR, and Iran have accepted—and many other countries are now expected to accept. In that proclamation, I also indicated that I planned to appoint a United States Commissioner General to exercise the responsibility of the United States Government for fulfilment of the Convention Relating to International Expositions of November 22, 1928, as modified. Pending this appointment, I am designating the Secretary of Commerce to serve in that capacity on an acting basis. In addition, the Secretary is currently preparing a plan for Federal participation under Section 3 of Public Law 91-269, which I will transmit to the Congress at some later date.

RICHARD NIXON.

THE WHITE HOUSE, *August 15, 1972.*

CALL OF THE HOUSE

Mr. FRASER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. BYRNE of Pennsylvania. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 322]

Abourezk
Abzug
Ashley
Baker
Barrett
Betts
Brasco
Carter
Chamberlain
Clancy
Clark
Clay
Conte
Davis, Wis.
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Ford, William D.
Frelinghuysen
Gallagher
Gray
Hagan
Hastings
Hébert
Heckler, Mass.
Hosmer
Hull
Keith
Kemp
Landrum
Leggett
Lennon
Lent
Long, La.
McCloskey
McDade
McDonald, Mich.
McEwen
McKevitt
McMillan
Michel
Passman
Pelly
Powell
Railsback
Rarick
Rhodes
Rooney, N.Y.
Ruppe
Ryan
St Germain
Scheuer
Schmitz
Scott
Staggers
Stephens
Sullivan
Talcott
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Ullman
Veysey
Waldie
Whalen

The SPEAKER. On this rollcall 366 Members have answered to their names, a quorum.

Without objection, further proceedings under the call will be dispensed with.

Mr. FRASER. Mr. Speaker, I do object to dispensing with further proceedings under the rollcall.

The SPEAKER. The question is on dispensing with further proceedings under the call.

The question was taken; and the Speaker announced that the ayes had it.

Mr. FRASER. Mr. Speaker, I object to the vote on the ground that a quorum was not present and make the point of order that a quorum is not present.

The SPEAKER. The Chair will remind the gentleman that the House has just established a quorum and there has been no intervening business. There is a quorum present. Under the call of the House a quorum is present.

The Clerk will read a message from the President.

FIFTH ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-342)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

Pursuant to Public Law 89-794, I have the honor to transmit herewith the Fifth Annual Report of the National Advisory Council on Economic Opportunity.

RICHARD NIXON.

THE WHITE HOUSE, *August 15, 1972.*

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first bill on the Calendar.

CALL OF THE HOUSE

Mr. FRASER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. YATES. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 323]

Abzug
Addabbo
Anderson, Ill.
Archer
Ashley
Baker
Betts
Blackburn
Blanton
Brasco
Carter
Chamberlain
Clancy
Clark
Clay
Conte
Davis, Wis.
Delaney
Dingell
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Ford, William D.
Frelinghuysen
Gallagher
Hagan
Hanna
Hansen, Wash.
Hastings
Hébert
Heckler, Mass.
Hull
Jacobs
Karth
Keith
Kemp
Landrum
Leggett
Lennon
Lent
Long, La.
McCloskey
McDonald, Mich.
McMillan
Mailliard
Michel
Montgomery
Moorhead
Murphy, N.Y.
Passman
Pelly
Rarick
Rees
Rhodes
Rooney, N.Y.
Ruth
Ryan
St Germain
Scheuer
Schmitz
Smith, Calif.
Stanton, J. William
Stuckey
Symington
Teague, Tex.
Ullman
Veysey
Waldie
Wilson, Charles H.

The SPEAKER. On this rollcall 362 Members have answered to their names, a quorum.

MOTION OFFERED BY MR. BOLAND

Mr. BOLAND. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

CONFERENCE REPORT ON H.R. 15580, DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT

Mr. CABELL, on behalf of Mr. MCMILLAN, filed the following conference report and statement on the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 92-1340)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—AMENDMENTS TO DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACTS

SEC. 101. The salary schedule contained in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-823) is amended to read as follows:

"SALARY SCHEDULE

"Salary class and title	Service step— 1	2	3	4	5	6	7	8	9
Class 1: Fire private, police private	$10,000	$10,300	$10,800	$11,300	$12,100	$12,900	$13,400	$13,900	$14,400
Class 2: Fire inspector	11,400	12,100	12,800	13,500	14,200	14,900	15,600		
Class 3: Detective, assistant pilot, assistant marine engineer	12,500	13,125	13,750	14,375	15,000	15,625	16,250		
Class 4: Fire sergeant, police sergeant, detective sergeant	13,580	14,260	14,940	15,620	16,300	16,980			
Class 5: Fire lieutenant, police lieutenant	15,700	16,485	17,270	18,055	18,840				
Class 6: Marine engineer, pilot	17,150	18,005	18,860	19,715					
Class 7: Fire captain, police captain	18,600	19,530	20,460	21,390					
Class 8: Battalion fire chief, police inspector	21,560	22,640	23,720	24,800					
Class 9: Deputy fire chief, deputy chief of police	25,300	27,015	28,730	30,445					
Class 10: Assistant chief of police, assistant fire chief, commanding officer of the Executive Protective Service, commanding officer of the U.S. Park Police	30,000	32,000	34,000						
Class 11: Fire chief, chief of police	34,700	36,800							

SEC. 102. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-823) is amended (1) by striking out "The" and inserting in lieu thereof "(a) Except as provided in subsection (b), the", and (2) by inserting after the salary schedule in that section the following:

"(b) Compensation may not be paid, by reason of any provision of this Act, at a rate in excess of the rate of basic pay for level V of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code."

SEC. 103. Section 201 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-824) is amended to read as follows:

"SEC. 201. The rates of basic compensation of officers and members in active service on the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall be adjusted as follows:

"(1) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 1 in the salary schedule in effect on and after such date, and each such officer or member shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a) or (b) of salary class 1 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 1 in the salary schedule in effect on and after such date, and each such officer or member shall be placed in a service step as follows:

"From—	To—
Class 1, subclass (a) or (b):	Class 1:
Longevity step A	Service step 7.
Longevity step B	Service step 8.
Longevity step C	Service step 9.

"(2) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedule in effect on and after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a) or (b) of salary class 2 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 2 in the salary schedules in effect on and after such date, and each such officer or member shall be placed in a service step as follows:

"From—	To—
Class, subclass (a) or (b):	Class 2:
Longevity step A	Service step 5.
Longevity step B	Service step 6.
Longevity step C	Service step 7.

"(3) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of salary class 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the day next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of salary class, 3, 5, 6, 7, 8, or 9 in the salary schedule in effect on the day next preceding such effective date shall receive basic compensation at the corresponding salary class in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—	To—
Class 3:	Class 3:
Longevity step A	Service step 5.
Longevity step B	Service step 6.
Longevity step C	Service step 7.

"From—	To—
Class 5:	Class 5:
Longevity steps A and B	Service step 5.

"From—	To—
Class 6, 7, 8, and 9:	Class 6, 7, 8, or 9:
Longevity steps A and B	Service step 4.

"(4) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on or after such date, and each shall be placed at the respective service step in which he was serving immediately prior to such date. Each officer or member receiving basic compensation immediately prior to such date at one of the scheduled longevity step rates of subclass (a), (b), or (c) of salary class 4 in the salary schedule in effect on the day next preceding such effective date shall be placed in and receive basic compensation in salary class 4 in the salary schedule in effect on and after such date, and each shall be placed in a service step as follows:

"From—	To—
Class 4, subclass (a), (b), or (c):	Class 4:
Longevity step A	Service step 5.
Longevity steps B and C	Service step 6.

"(5) Each officer or member receiving basic compensation immediately prior to such effective date at one of the scheduled service step rates of salary class 10 or 11 in the salary schedule in effect on the day next preceding such effective date shall receive a rate of basic compensation at the corresponding scheduled service step and salary class in the salary schedule in effect on and after such date, except that any such officer or member who immediately prior to such date was serving in service step 4 of salary class 10 or in service step 3 of salary class 11 shall be placed in and receive basic compensation in a service step as follows:

"From—	To—
Class 10:	Class 10:
Service step 4	Service step 3.

"From—	To—
Class 11:	Class 11:
Service step 3	Service step 2."

SEC. 104. Section 202 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-825) is amended to read as follows:

"SEC. 202. Each officer or member of the Metropolitan Police force, Executive Protective Service, and United States Park Police force assigned on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972—

"(1) to perform the duty of a helicopter pilot, or

"(2) to render explosive devices ineffective or to otherwise dispose of such devices. shall receive, in addition to his scheduled rate of basic compensation, $2,100 per annum so long as he remains in such assignment. The additional compensation authorized by this section shall be paid to an officer or member in the same manner as he is paid the basic compensation to which he is entitled. No officer or member who receives the additional compensation authorized by this section may receive additional compensation under section 302."

SEC. 105. (a) Section 203 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–826) is amended to read as follows:

"SEC. 203. The aide to the Fire Marshal shall be included as a Fire Inspector in salary class 2."

(b) Section 204 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–826a) is repealed.

SEC. 106. Section 302 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–828) is amended to read as follows:

"SEC. 302. (a) The Commissioner of the District of Columbia, in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, are authorized to establish and determine, from time to time, the positions in salary classes 1, 2, and 4 to be included as technicians' positions.

"(b) Each officer or member—

"(1) who immediately prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972—

"(A) was in a position assigned to subclass (b) of salary class 1 or 2 or subclass (c) of salary class 4, or

"(B) was in salary class 4 and was performing the duty of a dog handler, or

"(2) whose position is determined under subsection (a) to be included in salary class 1, 2, or 4 on or after such date as a technician's position,

shall on or after such date receive, in addition to his scheduled rate of basic compensation, $680 per annum. An officer or member described in paragraph (1)(A) or (2) shall receive the additional compensation authorized by this subsection until his position is determined under subsection (a) not to be included in salary class 1, 2, or 4 as a technician's position or until he no longer occupies such position, whichever occurs first. An officer or member described in paragraph (1)(B) shall receive such compensation so long as he performs the duty of a dog handler. If the position of dog handler is included under subsection (a) as a technician's position, an officer or member performing the duty of a dog handler may not receive both the additional compensation authorized for an officer or member occupying a technician's position and the additional compensation authorized for officers and members performing the duty of a dog handler.

"(c) Each officer or member who immediately prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 was assigned as a detective sergeant in subclass (b) of salary class 4 shall on or after such date, receive, in addition to his scheduled rate of basic compensation, $500 per annum so long as he remains in such assignment. Each officer or member who is promoted after such date to the rank of detective sergeant shall receive, in addition to his scheduled rate of basic compensation, $500 per annum so long as he remains in such assignment.

"(d) The additional compensation authorized by subsections (b) and (c) shall be paid to an officer or member in the same manner as he is paid the basic compensation to which he is entitled."

SEC. 107. Section 303 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–829) is amended to read as follows:

"SEC. 303. (a) Each officer and member, if he has a current performance rating of 'satisfactory' or better, shall have his service step adjusted in the following manner:

"(1) Each officer and member in service step 1, 2, or 3 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of fifty-two calendar weeks of active service in his service step.

"(2) Each officer and member in service step 4 or 5 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service in his service step.

"(3) Each officer and member in service step 6, 7, or 8 of salary class 1 shall be advanced in compensation successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and fifty-six calendar weeks of active service in his service step.

"(4) Each officer and member in salary classes 2 through 11 who has not attained the maximum service step, rate of compensation for the rank or title in which he is placed shall be advanced in compensation successively the the next higher service step rate for such rank or title at the beginning of the first pay period immediately subsequent to the completion of one hundred and four calendar weeks of active service in his service step, except that in the case of an officer or member in service step 4, 5, or 6 of salary class 2 or 3, service step 4 or 5 of salary class 4, and service step 4 of salary class 5, such officer or member shall be advanced successively to the next higher service step at the beginning of the first pay period immediately subsequent to the completion of one hundred and fifty-six calendar weeks of active service in his service step.

"(b) As used in this title, the term 'calendar week of active service' includes all periods of leave with pay, and periods of nonpay status which do not cumulatively equal one basic workweek."

SEC. 108. Section 304 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–830) is amended to read as follows:

"SEC. 304. (a) Except as otherwise provided in subsection (b) of this section, any officer or member who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher salary class which exceeds his existing scheduled rate of basic compensation by not less than one step increase of the next higher step of the salary class from which he is promoted or transferred.

"(b) Any officer or member receiving additional compensation as provided in section 302 of this Act who is promoted or transferred to a higher salary class shall receive basic compensation at the lowest scheduled rate of such higher class which exceeds his existing scheduled rate of basic compensation by at least the sum of one step increase of the next higher step of the salary class from which he is promoted or transferred and the amount of such additional compensation."

SEC. 109. Section 305 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–831) is amended by (1) striking out "Commissioners" and inserting in lieu thereof "Commissioner", and (2) striking out "or Subclass" immediately after "Class".

SEC. 110. Section 401 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–832) is amended to read as follows:

"SEC. 401. (a) (1) In recognition of long and faithful service, each officer and member in the active service on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall receive per annum, in addition to the rate of basic compensation prescribed in the salary schedule contained in section 101 of this Act, an amount computed in accordance with the following table:

"If an officer or member has completed at least:	He shall receive per annum an amount, fixed to the nearest dollar, equal to:
15 years of continuous service	5 per centum of the rate of basic compensation prescribed for service step 1 of the salary class of such salary schedule which he occupies.
20 years of continuous service	10 per centum of such compensation.
25 years of continuous service	15 per centum of such compensation.
30 years of continuous service	20 per centum of such compensation.

"(2) For purposes of paragraph (1), continuous service as an officer or member includes any period of his service in the Armed Forces of the United States other than any period of such service (A) determined not to have been satisfactory service, (B) rendered before appointment as an officer or member, or (C) rendered after resignation as an officer or member.

"(3) Each officer and member shall receive additional compensation in accordance with paragraph (1) only as long as he remains in the active service. Such compensation shall be paid in the same manner as the basic compensation to which such officer or member is entitled, except that it shall not be subject to deduction and withholding for retirement and insurance, and shall not be considered as salary for the purpose of computing annuities pursuant to the Policemen and Firemen's Retirement and Disability Act and for the purpose of computing insurance coverage under the provisions of chapter 87 of title 5, United States Code.

"(b) Notwithstanding any other provision of this or any other law, individuals retired from active service prior to the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, and who are entitled to receive a pension relief allowance or retiremrent compensation under the Policemen and Firemen's Retirement and Disability Act, shall not be entitled to receive an increase in their pension relief allowance or retirement compensation by reason of the enactment of this section.

"(c) Notwithstanding any other provision of this or any other law, each deputy chief of the Metropolitan Police force and of the Fire Department of the District of Columbia shall, upon completion of thirty years of continuous service on the police force or fire department, as the case may be, be placed in, and receive basic compensation at, the highest service step in the salary class to which his position is assigned in the salary schedule contained in section 101. For purposes of this subsection, in computing a deputy chief's continuous service on the police force or fire department, there shall be included any period of his service in the Armed Forces of the United States other than any period of such service—

"(1) determined not to have been satisfactory service,

"(2) rendered before appointment as an officer or member, or

"(3) rendered after resignation as an officer or member."

SEC. 111. Section 501 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4–833), is amended by (1) adding "and the Executive Protective Service" immediately after "United States

Park Police", and (2) striking out "or Sub-Classes" at the end of such section.

SEC. 112. The Act approved May 25, 1926 (D.C. Code, sec. 4–131), is amended (1) by inserting "(a)" immediately after "That", and (2) by adding at the end thereof the following new subsection:

"(b) The Chief of Police of the Metropolitan Police force, the Commanding Officer of the Executive Protective Service, and the Commanding Officer of the United States Park Police force, are each authorized to provide a clothing allowance, not to exceed $300 in any one year, to an officer or member assigned to perform duties in 'plainclothes'. Such clothing allowance is not to be treated as part of the officer's or member's basic compensation and shall not be used for the purpose of computing his overtime, promotions, or retirement benefits. Such allowance for any officer or member may be discontinued at any time upon written notification by the authorizing official."

SEC. 113. Subsection (h) of the first section of the Act approved August 15, 1950 (D.C. Code, sec. 4–904(b), is amended by striking out "class 10" wherever it appears therein and inserting in lieu thereof "the salary class applicable to the Fire Chief and Chief of Police".

SEC. 114. Section 301 of the District of Columbia Police and Firemen's Salary Act of 1953 (D.C. Code, sec. 4–518) is amended—

(1) by striking out "Such" in the second sentence and inserting in lieu thereof "Except as otherwise provided in this section, such";

(2) by striking out the third sentence;

(3) by inserting "(a)" immediately after "SEC. 301." and by adding the following at the end thereof:

"(b) The increase prescribed by subsection (a) of this section in the pension relief allowance or retirement compensation received by an individual retired from active service before the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972 under the Policemen and Firemen's Retirement and Disability Act as a result of the increase in salary provided by the District of Columbia Police and Firemen's Salary Act Amendments of 1972 shall not be less than 17 per centum of such allowance or compensation.

"(c) Each individual retired from active service and entitled to receive a pension relief allowance or retirement compensation under the Policemen and Firemen's Retirement and Disability Act shall be entitled to receive, without making application therefor, with respect to each increase in salary, granted by any law which takes effect after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, to which he would be entitled if he were in active service, an increase in his pension relief allowance or retirement compensation computed as follows: His pension relief allowance or retirement compensation shall be increased by an amount equal to the product of such allowance or compensation and the per centum increase made by such law in the scheduled rate of compensation to which he would be entitled if he were in active service on the effective date of such increase in salary.

"(d) Each increase in pension relief allowance or retirement compensation made under this section because of an increase in salary shall take effect as of the first day of the first month following the effective date of such increase in salary."

SEC. 115. (a) Section 2 of the Act of September 8, 1960 (D.C. Code, sec. 4–823b) is repealed.

(b) Section 2 of the Act of October 24, 1962 (D.C. Code, sec. 4–823c) is repealed.

(c) Section 102 of the Act of September 2, 1964(D.C. Code, sec. 4–823d) is repealed.

(d) Section 102 of the District of Columbia Policemen and Firemen's Salary Act Amendments of 1966 (D.C. Code, sec. 4–823d–1) is repealed.

(e) Section 2 of the District of Columbia Police and Firemen's Salary Act Amendments of 1968 D.C. Code, sec. 4–823d–2) is repealed.

(f) Section 103 of the District of Columbia Police and Firemen's Salary Act Amendments of 1970 (D.C. Code, sec. 4–823–3) is repealed.

SEC. 116. (a) Retroactive compensation or salary shall be paid by reason of the amendments made by this title only in the case of an individual in the service of the District of Columbia government or of the United States (including service in the Armed Forces of the United States) on the date of enactment of this Act, except that such retroactive compensation or salary shall be paid (1) to an officer or member of the Metropolitan Police force, the Fire Department of the District of Columbia, the United States Park Police force, or the Executive Protective Service, who retired during the period beginning on the first day of the first pay period which begins on or after May 1, 1972, and ending on the date of enactment of this Act for services rendered during such period, and (2) in accordance with the provisions of subchapter 8 of chapter 55 of title 5, United States Code (relating to settlement of accounts of deceased employees), for services rendered during the period beginning on the first day of the first pay period which begins on or after May 1, 1972, and ending on the date of enactment of this Act, by an officer or member who dies during such period.

(b) For the purposes of this section, service in the Armed Forces of the United States, in the case of an individual relieved from training and service in the Armed Forces of the United States or discharged from hospitalization following such training and service, shall include the period provided by law for the mandatory restoration of such individual to a position in or under the Federal Government or the municipal government of the District of Columbia.

(c) For the purpose of determining the amount of insurance for which an officer or member is eligible under the provisions of chapter 87 of title 5, United States Code (relating to government employees group life insurance), all changes in rates of compensation or salary which result from the enactment of this title shall be held and considered to be effective as of the date of enactment of this Act.

SEC. 117. (a) If an officer or member of the Metropolitan Police Force, the Fire Department of the District of Columbia, the Executive Protective Service, or the United States Park Police force engages in educational course work in police or fire science or administration and if he is eligible for payments or reimbursements under section 4109(a)(2)(C) of title 5 of the United States Code for tuition expenses for such course work, the Commissioner of the District of Columbia, the Secretary of the Treasury, and the Secretary of the Interior shall, in accordance with such section 4109(a)(2)(C), pay or reimburse each such officer and member under their jurisdiction for all his tuition expenses for such course work.

SEC. 118. Except as provided in section 117 (b), the effective date of this title and the amendments made by this title shall be the first day of the first pay period beginning on or after May 1, 1972.

(b) Subsection (a) of this section shall take effect on the date of enactment of this Act.

SEC. 119. This title may be cited as the "District of Columbia Police and Firemen's Salary Act Amendments of 1972".

TITLE II—POLICEMEN AND FIREMEN'S RETIREMENT AND DISABILITY ACT AMENDMENTS

SEC. 201. (a) The Policemen and Firemen's Retirement and Disability Act (section 12 of the Act of September 1, 1916, D.C. Code, sec. 4–521 et seq.) is amended as follows:

(1) Subparagraph (5)(B) of subsection (a) of such Act (D.C. Code, sec. 4–521) is amended by striking out "or" immediately after "residence".

(2) Paragraph (5) of subsection (c) of such Act (D.C. Code, sec 4—523) is amended by adding at the end thereof the following new sentence: "No deposit shall be required for days of unused sick leave credited under subsection (h) of this section.".

(3) Subsection (h) of such Act (D.C. Code, sec. 4–528) is amended by adding at the end thereof the following new paragraph:

"(4) In computing an annuity under this subsection, the police or fire service of a member who has not retired prior to the effective date of this paragraph shall include, without regard to the limitation imposed by paragraph (3) of this subsection, the days of unused sick leave credited to him. Days of unused sick leave shall not be counted in determining a member's eligibility for an annuity under this subsection."

(4) The first paragraph of subsection (k) of such Act (D.C. Code, sec. 4–531) is amended to read as follows:

"(k)(1) If any member—

"(A) dies in the performance of duty and the Commissioner determines that (i) the member's death was the sole and direct result of a personal injury sustained while performing such duty, (ii) his death was not caused by his willful misconduct or by his intention to bring about his own death, and (iii) intoxication of the member was not the proximate cause of his death; and

"(B) is survived by a survivor, parent, or sibling,

a lump sum payment of $50,000 shall be made to his survivor if the survivor received more than one-half of his support from such member or if such member is not survived by any survivor (including a survivor who did not receive more than one-half of his support from such member), to his parent or sibling if the parent or sibling received more than one-half of his support from such member. If such member is survived by more than one survivor entitled to receive such payment, each such survivor shall be entitled to receive an equal share of such payment; or if such member leaves no survivor and more than one parent or sibling who is entitled to receive such payment, each such parent or sibling shall be entitled to receive an equal share of such payment."

(b) The amendments made by paragraphs (1) and (4) of subsection (a) of this section shall be effective on and after November 1, 1970. The amendments made by paragraphs (2) and (3) of such subsection shall be effective on the first day of the first pay period beginning on or after the date of enactment of this title.

SEC. 202. (a) Section 3 of the Act of July 11, 1947 (D.C. Code, sec. 4–183a), is amended by striking out "on the effective date of this section".

(b) Section 4 of such Act (D.C. Code, sec. 4–183b) is amended by striking out "on September 22, 1959".

(c) The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 203. (a) Subsection (m) of the Policemen and Firemen's Retirement and Disability Act (D.C. Code, sec. 4–533) is amended by inserting "(1)" after "(m)" and by adding at the end thereof the following:

"(2) If a member is retired under subsection (f) or (g) of this section and is employed on or after the effective date of the District of Columbia Police and Firemen's Salary Act Amendments of 1972, such member shall, in accordance with such regulations as the Commissioner shall prescribe, notify the Commissioner of the employment; and the Commissioner shall, as soon as practicable after the receipt of such notice, require each such member to undergo a medical examination (satisfactory to the Commissioner) of the disability upon which the member's retirement under such subsection is based."

(b) The Commissioner of the District of Columbia shall (1) promulgate the regulations required by paragraph (2) of subsection (m) of the Policemen and Firemen's Retirement and Disability Act not later than ninety days after the date of the enactment of this Act, and (2) give timely written notice to each member retired under subsection (f) or (g) of the Policemen and Firemen's Retirement and Disability Act of the promulgation of such regulations.

(c) This section shall take effect on the date of the enactment of this Act.

TITLE III—REVENUE FOR SALARY INCREASES

SEC. 301. (a) (1) Section 125 of the District of Columbia Sales Tax Act (D.C. Code, sec. 47-2602) is amended by striking out "4 per centum" in the matter preceding paragraph (1) and inserting in lieu thereof "5 per centum".

(2) Paragraphs (2) and (3) of such section 125 are each amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

(3) (A) Paragraph (a) of section 127 of such Act (D.C. Code, sec. 47-2604(a)) is amended by striking out "and other than sales or charges for rooms, lodgings, or accommodations furnished to transients,".

(B) Paragraph (c) of such section is repealed.

(C) Paragraphs (a) and (b) of such section are redesignated as paragraphs (1) and (2), respectively.

(b) (1) Section 212 of the District of Columbia Use Tax Act (D.C. Code, sec. 47-2702) is amended by striking out "4 per centum" in the matter preceding paragraph (1) and inserting in lieu thereof "5 per centum".

(2) Paragraphs (2) and (3) of such section 212 are each amended by striking out "5 per centum" and inserting in lieu thereof "6 per centum".

(c) The amendments made by this section shall take effect on the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

And the Senate agree to the same.

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, Jr.,
ANCHER NELSEN,
JOEL T. BROYHILL,
Managers on the Part of the House.
THOMAS F. EAGLETON,
DANIEL K. INOUYE,
CHARLES MCC. MATHIAS, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

RETROACTIVITY

Section 118 of the Senate amendment provided that salary increases will be effective beginning with the first pay period beginning on or after March 1, 1972. Section 117 of the House bill provided that salary increases will be effective beginning with the first pay period beginning on or after July 1, 1972. The conference substitute provides that salary increases will be effective beginning with the first pay period beginning on or after May 1, 1972.

LONGEVITY COMPENSATION IN COMPUTATION OF RETIREMENT ANNUITIES

Section 110 of the Senate amendment provided that total service longevity compensation would be included in the computation of the amount of the retirement annuity of an officer or member. Section 110 of the House bill provided that such compensation would not be included in computing the retirement annuity of an officer or member. The conference substitute adopts the House provision.

DEPUTY CHIEFS

Section 110 of the House bill retained the provision of existing law which provides that deputy chiefs with 30 years of continuous service shall be placed in, and receive basic compensation at, the highest step in the salary class to which the position of deputy chief is assigned. Section 110 of the Senate amendment repealed this provision of law. The conference substitute adopts the House provision.

EDUCATIONAL SUBSIDIES

Section 113 of the Senate amendment authorized the Commissioner of the District of Columbia, in the case of the Metropolitan Police force and the Fire Department of the District of Columbia, the Secretary of the Treasury, in the case of the Executive Protective Service, and the Secretary of the Interior, in the case of the United States Park Police force, to pay additional compensation for successful completion by an officer or member of educational course work leading to a degree in police or fire science or administration. The additional annual compensation would be $200 fo each 15 credit hours completed except that such compensation could not exceed $1,600. The House bill contained no such provision. The conference substitute provides that if an officer or member is eligible to receive payment or reimbursement under section 4109 of title 5, United States Code, for his tuition expenses for educational course work in police or fire science or administration, such payment or reimbursement shall be increased to cover all such officer's or member's tuition expenses, Currently, 90 per centum of such tuition expenses are covered under section 4109.

SALARY USED IN COMPUTATION OF RETIREMENT ANNUITY

Section 201 of the House bill provided that the retirement annuity of officers and members who first came on active duty after July 9, 1972, would be based on the highest annual rate resulting from averaging his basic salary for any three years of continuous service. The retirement annuity of officers and members on active duty on July 9, 1972, would be based on the higher of (1) a three-year average of his salary, or (2) his pre-July 9, 1972, salary increased by 17 percent. The Senate amendment contained no such provision thus retaining existing law which provides that the retirement annuity of an officer or member is to be based on the basic salary of the officer or member in effect on the date of his retirement. The conference substitute adopts the Senate position, retaining existing law.

The conferees further agreed that the Commissioner of the District of Columbia should conduct a full and complete study of the feasibility and cost of, and the effect on morale of the officers and members as a result of, adopting a system of computing retirement annuities using a three-year average salary rate (as provided in the House bill). The conferees agreed that the results of the study should include the views and opinions of the Secretary of the Interior and the Secretary of the Treasury, and should be transmitted to the Congress within six months after the date of the enactment of the bill.

MEDICAL EXAMINATIONS FOR OFFICERS AND MEMBERS RETIRED FOR DISABILITY

Section 202 of the House bill provided that an officer or member who is retired for a disability and who on or after July 9, 1972, is employed shall notify the Commissioner of his employment and shall undergo such medical examinaton of his disability as the Commissioner may prescribe. The Senate amendment contained no such provision. The conference substitute adopts the House provision.

TREATMENT OF UNUSED SICK LEAVE

Sections 201(a) (2) and (3) of the Senate amendment authorized unused sick leave to be used in determining the amount of an optional retirement annuity of an officer or member. It was also provided that the days of unused sick leave shall not be counted in determining eligibility for an optional retirement annuity. The House bill contained no such provisions. The conference substitute adopts the Senate provisions.

SURVIVORS LUMP SUM BENEFIT

Section 201(a) (4) of the Senate amendment expanded eligibility for the $50,000 lump sum benefit payable upon the death of a member in the performance of duty to include a deceased member's parents and siblings who receive more than one-half of their support from the deceased member. A parent or sibling would be eligible only if the deceased member is not survived by a spouse or child. The House bill contained no such provision. Existing law provides that only the spouse and the children who received more than one-half of their support from the deceased member are entitled to such benefit. The conference substitute adopts the Senate provision which is to take effect as of November 1, 1970.

RETIREMENT ANNUITY OF POLICE BAND DIRECTOR

Section 202 of the Senate amendment permitted the current police band director and his successors to retire under provisions of District of Columbia law which previously were limited to the band director in office in September of 1959. The House bill contained no such provision. The conference substitute adopts the Senate provision.

SALES TAX INCREASE

Section 302 of the Senate amendment increased the rate of the sales and use tax on laundry and dry cleaning services, sales of nonprescription drugs, and charges for textiles rentals from 2 percent to 5 percent. The House bill contained no such provisions. The conference substitute contains no such provisions.

INCREASE IN CIGARETTE TAX

Section 311 of the Senate amendment increased the tax on cigarettes from 4¢ per package to 6¢ per package. The House bill contained no such provision. The conference substitute contains no such provision.

JOHN L. MCMILLAN,
EARLE CABELL,
W. S. (BILL) STUCKEY, Jr.,
ANCHER NELSEN,
JOEL BROYHILL,
Managers on the Part of the House.
THOMAS F. EAGLETON,
DANIEL K. INOUYE,
CHARLES MCC. MATHIAS, Jr.,
Managers on the Part of the Senate.

CALL OF THE HOUSE

Mr. FRASER. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **O'NEILL**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 324]

Abzug
Anderson, Ill.
Ashley
Baker
Betts
Blanton
Boggs
Brademas
Brasco
Carter
Clancy
Clark
Clay
Colmer
Conte
Coughlin
Davis, Wis.
Dingell
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Erlenborn
Evins, Tenn.
Foley
Ford, William D.
Fraser
Frelinghuysen
Gallagher
Gibbons
Gray
Hagan
Harsha
Hathaway
Hébert
Heckler, Mass.
Horton
Hull
Jacobs
Keith
Kemp
Landrum
Leggett
Lennon
Lent
Long, La.
McCloskey
McDonald, Mich.
McMillan
Mailliard
Mayne
Michel
Passman
Pelly
Pickle
Rarick
Rees
Rhodes
Riegle
Rooney, N.Y.
Rosenthal
Ryan
Scheuer
Schmitz
Smith, Calif.
Stuckey
Veysey
Waldie
Wilson, Charles H.

The **SPEAKER**. On this rollcall 362 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PRIVATE CALENDAR

The **SPEAKER**. The Clerk will call the first bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. **ROUSSELOT**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. **HALL**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ALBINA LUCIO Z. MANLUCU

The Clerk called the bill (S. 559) for the relief of Albina Lucio Z. Manlucu.

There being no objection, the Clerk read the bill as follows:

S. 559

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Albina Lucio Z. Manlucu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraph (1) through (8) of section 203(a) of the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. **ROUSSELOT**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. **GROSS**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. **ROUSSELOT**. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to

the request of the gentleman from California?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

SGT. GARY L. RIVERS

The Clerk called the bill (H.R. 12638) for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired.

There being no objection, the Clerk read the bill as follows:

H.R. 12638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Sergeant Gary L. Rivers, United States Marine Corps, retired, is relieved of all liability for repayment to the United States of the sum of $1,147.41 representing the amount of overpayment of compensation from (1) overcrediting a variable reenlistment bonus of $675.60; (2) failure to liquidate a previous overpayment of $239.31; and (3) payment of $232.50 of allotments without corresponding deductions. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Sergeant Gary L. Rivers, the sum of any amounts received or withheld from him on account of the overpayments referred to in the first section of this Act.

(b) No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 5, strike "$1,147.41" and insert "$1,153.86".

Page 1, line 9, strike "and".

Page 1, line 10, after "deductions", insert "; and (4) failure to recoup a pro rata portion of reenlistment bonus and variable reenlistment bonus for a period of time lost, in the amount of $6.45".

Page 2, line 10, strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SEAVIEW ELECTRIC CO.

The Clerk called the resolution (H. Res. 943) to refer the bill (H.R. 3462) entitled "A bill for the relief of Seaview Electric Company" to the Chief Commissioner of the Court of Claims.

There being no objection, the Clerk read the resolution as follows:

H. Res. 943

Resolved, That H.R. 3462, entitled "A bill for the relief of Seaview Electric Company", together with all accompanying papers, is hereby referred to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, for further proceedings in accordance with applicable law.

The resolution was agreed to.

ELMER ERICKSON

The Clerk called the bill (S. 889) to restore the postal service seniority of Elmer Erickson.

There being no objection, the Clerk read the bill as follows:

S. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, in the administration of the laws, rules, and regulations pertaining to the seniority rights of employees of the Post Office Department, Elmer O. Erickson, of Minneapolis, Minnesota, an employee of the postal service assigned to the Saint Paul and Aberdeen railway post office, Minnesota, shall be entitled to receive credit for service performed by him in the postal service during the period from August 12, 1940, through January 13, 1961, in like manner as if the provisions of sections 748.1 through 748.17 of the Postal Transportation Service seniority rules, Post Office Department Publication 31, dated August 18, 1958, under which certain employees who transfer from and later reenter an occupational group subject to such rules will have service seniority based upon the seniority they had attained before transferring from such group, had been applicable with respect to the said Elmer O. Erickson during the period from January 14, 1961, the date he transferred from the clerical group, which is the occupational group into which he and all other former employees of the Postal Transportation Service were placed when such Service was merged into the post offices, to April 29, 1961, the date he transferred to such group.

Sec. 2. In making any adjustment in salary level or step authorized by section 1 of this Act, no payment shall be made by the United States Postal Service for any period prior to the date of enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM JOHN WEST

The Clerk called the bill (S. 2575) for the relief of William John West.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

RITA ROSELLA VALLERIANI

The Clerk called the bill (S. 2704) for the relief of Rita Rosella Valleriani.

There being no objection, the Clerk read the bill as follows:

S. 2704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Rita Rosella Valleriani shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Vincenzo Valleriani, citizens of the United States: *Provided,* That the parents, brothers, or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALTER EDUARD KOENIG

The Clerk called the bill (H.R. 14173) for the relief of Walter Eduard Koenig.

There being no objection, the Clerk read the bill as follows:

H.R. 14173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Walter Eduard Koenig, shall be held and considered to have complied with the provisions of section 316 of that Act as they relate to residence and physical presence.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

MRS. GAVINA A. PALACAY

The Clerk called the bill (H.R. 4646) for the relief of Mrs. Gavina A. Palacay.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS. PURITA PANINGBATAN BOHANNON

The Clerk called the bill (H.R. 10711) for the relief of Mrs. Purita Paningbatan Bohannon.

There being no objection, the Clerk read the bill as follows:

H.R. 10711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Purita Paningbatan Bohannon, the widow of a United States citizen, shall be determined to be an immediate relative within the meaning of section 201(b) of that Act and the provisions of section 204 shall be inapplicable in her case.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FLORA DATILES TABAYO

The Clerk called the bill (H.R. 10712) for the relief of Flora Datiles Tabayo.

There being no objection, the Clerk read the bill, as follows:

H.R. 10712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Flora Datiles Tabayo may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Jack Lee, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendments:

On page 1, line 7, strike out the language "citizens of the United States," and substitute in lieu thereof the following: a citizen of the United States and a lawfully resident alien, respectively.

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAY ALEXIS CALIGDONG SIAOTONG

The Clerk called the bill (H.R. 12204) for the relief of Jay Alexis Caligdong Siaotong.

There being no objection, the Clerk read the bill, as follows:

H.R. 12204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jay Alexis Caligdong Siaotong may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Bautista and Coronacion Siaotong, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANKA KOSANOVIC

The Clerk called the bill (H.R. 1777) for the relief of Anka Kosanovic.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARIA CAMILLA GIULIANI NIRO

The Clerk called the bill (H.R. 3899) for the relief of Maria Camilla Giuliani Niro.

There being no objection, the Clerk read the bill, as follows:

H.R. 3899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 316(a) of the Immigration and Nationality Act as they relate to residence and physical presence requirements for naturalization, shall be inapplicable in the case of Maria Camilla Giuliani Niro.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROSITA E. HODAS

The Clerk called the bill (H.R. 5324) for the relief of Rosita E. Hodas.

There being no objection, the Clerk read the bill, as follows:

H.R. 5324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Rosita E. Hodas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct the required number from the total number of immigrant visas and conditional entries which are made available to natives of the country of each alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Rosia E. Hodas, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. NGUYEN THI LE FINTLAND AND SUSAN FINTLAND

The Clerk called the bill (H.R. 5923) for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland.

There being no objection, the Clerk read the bill, as follows:

H.R. 5923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Nguyen Thi Le Fintland and Susan Fintland shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fees. Upon the granting of permanent residence to such aliens as provided in this Act, the Secretary of State shall instruct the proper officer to deduct two numbers from the total number of immigrant visas and conditional entries which are made available to natives of the aliens' birth under paragraphs (1) through (8) of section 203(a) the Immigration and Nationality Act.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, in the administration of the Immigration and Nationality Act, Mrs. Nguyen Thi Le Fintland and Susan Fintland, the widow and stepdaughter, respectively, of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in their cases."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

DEFENSE DEPARTMENT BRIEFING ON VIETNAM

(Mr. PRICE of Illinois asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PRICE of Illinois. Mr. Speaker, I take this occasion to invite the Members, all Members of the House, to attend a briefing tomorrow morning at 10:30 in the committee room of the House Committee on Armed Services. At that time the Defense Department will brief the Members on the current situation in Vietnam.

CONTROVERSY OVER STAFF MEMBER OF THE COMMITTEE ON FOREIGN AFFAIRS

(Mr. HAYS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, by some strange coincidence, I did not get a copy of the letter which the gentleman from Minnesota (Mr. Fraser) circulated this morning telling his side of the little controversy about the staff member on the Committee on Foreign Affairs.

The truth of the matter is that the staff member was one of those created by the Hansen committee, of which I am a member. Apparently, some of these staff people think that they owe allegiance to nobody, and especially not the chairman of the full committee.

What this man was doing, as it was reported to me by the staff of the full committee, was arranging and scheduling hearings for my subcommittee, of which I am the chairman, without either consulting me or the chairman of the full committee.

But, be that as it may, I have agreed on my own initiative to sign his payroll for July. I am not going to do anything about August until the chairman of the full committee, the gentleman from Pennsylvania (Mr. Morgan) has a chance to talk with him, and to tell him—as I am told he is going to tell him—that he is to work for one subcommittee, and that subcommittee only, unless he clears it with the chairman of the full committee to work for another.

Mr. Speaker, while I am on this subject, let me say to the Members that the Committee on House Administration unanimously ordered me last week to write a letter, which is in the process of being prepared, to all chairmen, advising them that these extra staff people for subcommittee chairmen who were funded by the Committee on House Administration, and that they are under the ultimate responsibility of the chairman of the full committee.

I do not know whether it is true or not, but I have heard report and, in fact, I had one chairman, and I will not mention his name because he told me in confidence—he told me that two of the people he had signed on for last January, he had never seen or heard of since. He does not know whether they are in Washington and whether they are working or not.

Now the truth is—this House Administration Committee has to fund these extra jobs and we are going to be a little bit reluctant unless we know more about it.

Finally, I have no fear of going to the Rules Committee. But there are 1,700,000 flood victims waiting for this bill which was first on the calendar today and I am not willing for this matter to stand in the way of getting that bill passed even if Mr. Fraser is willing to hold it up by quorum calls.

But, if you folks in the House of Representatives want a rubber-stamp to be put on every payroll—you pass a law to that effect. Do not say that the chairman, as long as it is me, shall sign it because I do not rubberstamp anything. That is why the cafeterias were losing a half million dollars a year, because the payrolls were rubber-stamped every 2 weeks.

THE POWERS OF THE COMMITTEE ON HOUSE ADMINISTRATION

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Mr. Speaker, I yield to the gentleman from Minnesota (Mr. Fraser).

Mr. FRASER. Mr. Speaker, I do not want to argue here the question of whether my staff employee, who is a hard-working employee, and who has done a good job, may have done something to which Mr. Hays could properly take offense or not.

My problem was, that regardless of what was involved, the first announcement I got from Mr. Hays was that my man had been fired by Mr. Hays acting in his capacity as chairman of the House Administration Committee.

Neither the rules of the House or the resolution on the contingent funds or any other statute provides the chairman with such power. The power to approve vouchers to pay committee employees resides in the full committee.

I am delighted that we have passed beyond the issue of getting the staff member paid. I apologize to the House for the inconvenience which occurred today, but the issue remains as to whether the chairman of the House Administration Committee should have the power to withhold approval of payment of the employees of committees, or payment of your telephone account, and disbursements from your other special allowances that come from the contingent fund, or refuse to approve the appointment by the Speaker or by other officers of the House to fill already authorized positions.

I believe that this question must be addressed by the House in the future and I hope the House will have an opportunity to do so.

INVESTIGATION OF NONESSENTIAL EMPLOYEES

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute.)

Mr. ANNUNZIO. Mr. Speaker, I would like the Members of the House to know, as a member of the House Administration Committee, that I was appointed by the chairman of that committee as chairman of a special committee to investigate nonessential employment in the four divisions that cover the House of Representatives.

In that capacity, the full chairman of the committee has given me complete authority to act.

I have frozen all jobs. We have not tried to fill any job and I want the Members to know that the people of the U.S. Civil Service Commission are making a study on every employee of this House as to their duties, their salaries, and their functions.

I want to commend the chairman of the House Administration Committee for taking this long needed step in this House. You and I know we have too many people who are around, they are faceless people and when this study is completed by the U.S. Civil Service Commission, I want the Members of the House to know that the appropriate action will be taken by me in making my recommendations to the chairman and to the committee, and we intend to save money wherever money is needed to be saved, as our distinguished chairman has done in the cafeteria and restaurants.

INVESTIGATION OF NONESSENTIAL EMPLOYEES

(Mr. SIKES asked and was given permission to address the House for 1 minute.)

Mr. SIKES. Mr. Speaker, I yield to the gentleman from Ohio (Mr. Hays).

Mr. HAYS. Mr. Speaker, I do not want to keep this going. There are two things I want to say.

First, as you know, Mr. Fraser had a minute earlier.

I think the gentleman from Illinois (Mr. Annunzio) inadvertently said "Members" of the House. What he meant to say is "staff officials" of the House and of the House itself.

The second thing is, I have not refused to sign any properly documented appointment by the Speaker or anybody else. I resent Mr. Fraser's dragging that in. It was not true. The facts of the matter are, when these documents came to my desk I was out of town and I simply do not allow the staff, as was the custom in the past, to use a rubber stamp and put my name on it. When I came back there were a couple of jobs that were supposed to be frozen. The Doorkeeper had tried to run around the House Administration Committee. He sent them upstairs first; they did not get signed; he took them to the Speaker and the Speaker and I sat down and ironed that matter out.

Mr. ANNUNZIO. Will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. I thank the gentleman for making that correction, but I thought I said four divisions of the House, meaning the Clerk of the House of Representatives, the Postmaster, the

Sergeant at Arms, and the Doorkeeper, the divisions under the House. We have nothing to do with the staffs of Members of the House. That is strictly their business.

Mr. HAYS. I thank the gentleman.

LESTER L. STITELER

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10676) for the relief of Lester L. Stiteler, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 4, strike out "comprise," and insert "compromise,".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

DISASTER RELIEF SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I call up the bill (H.R. 16254) making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1973, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

For an additional amount for "Salaries and expenses," $1,800,000.

CHAPTER II

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general," $3,500,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood control and coastal emergencies," $26,000,000, to remain available until expended.

EXECUTIVE OFFICE OF THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For an additional amount for "Appalachian regional development programs," $16,000,000, to remain available until expended.

CHAPTER III

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

DEVELOPMENT FACILITIES

For an additional amount for "Development facilities," $30,000,000: *Provided,* That such additional amount shall not be subject to the restrictions of the last sentence of Section 105 of the Public Works and Economic Development Act of 1965, as amended.

PLANNING, TECHNICAL ASSISTANCE, AND RESEARCH

For an additional amount for "Planning, technical assistance, and research," $9,100,000.

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration," $900,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses," $20,000,000, to be transferred from the "Disaster loan fund."

DISASTER LOAN RELIEF

For additional capital for the "Disaster loan fund," authorized by the Small Business Act, as amended, $1,300,000,000, to remain available until expended.

CHAPTER IV

EXECUTIVE OFFICE OF THE PRESIDENT

DISASTER RELIEF

For an additional amount for "Disaster relief," $200,000,000, to remain available until expended: *Provided,* That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

CHAPTER V

GENERAL PROVISION

No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

(Mr. MAHON asked and was given permission to revise and extend his remarks, and to include certain tables and documentary material.)

Mr. MAHON. Mr. Speaker, the supplemental disaster relief appropriations required at this time are greater than at any time in the history of the Republic. Tropical storm Agnes caused unparalleled destruction in many areas of the Eastern United States.

The bill before us provides $1,587,300,000 for further assistance to disaster victims and to States and communities affected. The bill is made up of several chapters. The report is available to Members.

In addition to the $1.5 billion-plus in the pending bill, there was recently made available $200 million to the highway program, which makes a total of about $1.7 billion-plus. If you couple that to appropriations made otherwise for disaster relief, the total appropriation or other availability for this session is in excess of $2 billion.

Insofar as I know, there is no controversy in regard to the measure before us, and unless there are Members who are interested in particular questions, we can, I think, move along rather rapidly.

Of course, everyone has the opportunity to speak or to offer amendments. I would point out, as does the report, that we are providing the amounts requested by the President, plus $17.5 million additional. It seems to me to be the best that we can do under the circumstances. It may very well develop that as the progress of reconstruction progresses, that additional funds will be found necessary.

Mr. KAZEN. Mr. Speaker, will the gentleman yield for a question?

Mr. MAHON. I yield to the gentleman from Texas.

Mr. KAZEN. Mr. Speaker, yesterday the House concurred in the conference report on the disaster bill. Will these appropriations that are contained in this bill be used in furtherance of that law we passed yesterday?

Mr. MAHON. The funds are available under several laws for disaster relief and assistance in connection with the Agnes disaster. The broadening and liberalization of the programs represented by the additional legislation referred to, as I understand, may or may not have been fully anticipated in this appropriation. I doubt that anyone can say for certain at this time.

Mr. KAZEN. That precisely is my question, Mr. Speaker. In other words, Mr. Speaker, what I am interested in knowing is whether the moneys in this appropriation bill will cover the subject of the bill we passed last night.

Mr. MAHON. I would hope so, but if it does not the additional funds can be requested and provided.

Mr. KAZEN. Because, as the chairman knows, the bill we approved yesterday provides not only for the Agnes disaster but also for disasters going back to January 1, of 1972.

Mr. MAHON. The gentleman is correct.

Mr. KAZEN. The moneys in this bill are going toward solving the problems from January 1, 1972, to the present.

Mr. MAHON. This appropriation is a supplemental appropriation to cover all the disasters insofar as the funds will go, and if the funds are adequate it would cover all requirements that were anticipated or authorized by law.

Mr. KAZEN. I thank the chairman.

Mr. MAHON. That, I believe, is a fair interpretation.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, this is emergency legislation. We all realize the importance of it. Those of us who represent areas which were hard hit by this hurricane have had people coming to us wondering when they are going to get help and get relief. All over this country these questions are being asked. I would hope we could obtain a statement by the chairman of the sense of the Congress that, in view of the fact this supplemental appropriation is being passed, we expect relief to be provided expeditiously and efficiently.

Mr. MAHON. The gentleman is correct in that we need to provide the assistance as quickly as reasonably possible. The gentleman from Maryland has been insisting on a more expeditious and efficient handling of the program. He raised this matter some weeks ago when we had another bill providing supplemental funds for the program. I would say I shall do everything I can, and I want the record to show that the Congress expects these funds to be expended expeditiously in the interest of the flood sufferers. Of course, we want it done without waste or mismanagement.

Mr. LONG of Maryland. We should all thank the chairman for the expeditious way in which he has handled this legislation.

The SPEAKER. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. ROBISON of New York. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from New York.

Mr. ROBISON of New York. Mr. Speaker, in further reply to the question the chairman answered a moment ago, relative to the moneys in this bill and as far as the changes in the disaster relief program, broadly the bill we accepted the conference report on yesterday directs itself to homeowners and businessmen. I would point out to the chairman and my colleagues that this bill does approve $1.3 billion appropriations for the Small Business Administration, and a part of that will go to meet the costs of this program. How much that will be, I do not think anybody at the present time knows, but this would be the best estimate we have at the present time.

Mr. MAHON. I thank the gentleman for his contribution.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from California.

Mr. CORMAN. Does the Appropriations Committee have any estimate as to the public property damage; that is, the property owned by the public which, as I understand it, is to be paid for in full by the Federal Government? Are there any estimates as to how much that obligation will be? That is exclusive of our obligation for losses to private individuals.

What is the public loss for which we will assume total responsibility?

Mr. MAHON. Some facts were developed on the matter in the hearings. I do not have the exact figures at my fingertips but of course there were vast losses in the public domain.

As Members know, $200 million has been made available not through this legislation but otherwise for the highway program.

The gentleman from Oklahoma (Mr. STEED) the chairman of the subcommittee handling the disaster relief part of the appropriation, might be able to supply some information.

Mr. STEED. Mr. Speaker, in the hearings this whole subject was gone into, and there was a preliminary report by the Office of Emergency Preparedness, which is shown on page 90 of the hearings. It gives by State the amounts that are estimated to be needed. It gives the totals. It lists the loss of life by States. It is rather detailed. It is all there, and I recommend that the gentleman refer to pages 90 through 96 of the hearings which have all the statistical information.

By way of elaboration, I would add a summary compiled from figures supplied by the Office of Emergency Preparedness:

Estimated losses caused by tropical storm Agnes

Estimated property loss (in 206 counties and 27 cities):	
(a) Public facilities (Federal, State, and local)	$700,000,000
(b) Business and industry	1,600,000,000
(c) Private (personal)	1,100,000,000
Total	3,400,000,000

Homes: damaged, 100,000, destroyed, 3,500.

Bridges: Damaged or destroyed, 515; estimated loss, $366,000,000.

Schools: Damaged or destroyed, 1,104; estimated loss, $62,700,000.

Persons unemployed as a result of Agnes, 88,520.

Lives lost, 118.

Mr. ABOUREZK. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from South Dakota.

Mr. ABOUREZK. I noticed the conferenct report spoke only of Hurricane Agnes and the results of that disaster. Does this money which is to be appropriated in this bill include any other disaster aside from Hurricane Agnes?

Mr. MAHON. Yes. It is an addition to funds available in the regular disaster appropriations. Each year we have disaster appropriations. We cannot anticipate in advance what disasters will occur. This adds to the funds. The funds will go principally for Hurricane Agnes, but if there are other disasters they will be available for disaster-type assistance.

Mr. ABOUREZK. In other words, this is not restricted and would be available for use in the South Dakota disaster?

Mr. MAHON. The gentleman is correct.

Mr. FLOOD. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I come from the city of Wilkes-Barre, Pa. Need I say more?

Believe it or not, as Members know, my name is FLOOD. So this is a question of one Flood against another.

As Members will recall, just a few weeks ago the President sent to the Congress a request for an emergency disaster relief fund for Hurricane Agnes, of $100 million. In the Appropriations Committee I immediately amended that to make it $200 million, and that committee acted unanimously in favor, and so did this House and the Congress. That was just a few weeks ago, $200 million. Do you remember?

Then in a few weeks the President sent this request to the Congress for $1.7 billion. It will amount to $1.8 billion, as the chairman told us. That was acted on unanimously by the Appropriations Committee, as I am sure it will be by the House and the Congress today.

Mr. Speaker, in that part of my district alone damaged by this disaster, the greatest civil disaster, as I told you a month ago, in the history of the republic—do you hear that? The greatest civil disaster in the history of this republic. Let me boggle your minds. In my district alone damage undoubtedly will be $1 billion. Do you hear that? In my district alone. In the Agnes hurricane, I am speaking not at all of the other five States which were badly damaged and the District of Columbia.

Looking you in the eye now I tell you you are talking about damage of $5 billion. Do you hear? Just so you know. What you are doing we are grateful for and the speed at which you are doing it we are grateful for. More is going into my district now, this day, and has been going in the last 20 great disasters of all kinds in our history. All right now.

But this is a drop in the bucket as to what will be needed, I tell you. You are going to have to do this. The existing laws will not do. The scope of the laws will have to meet the scope of this disaster. Do you hear? The scope of the laws will have to meet the scope of this disaster. There will have to be something in the nature of a permanent disaster fund. How big? We do not know. How administered? We do not know. From what source the fund will come? We yet do not know. But this will have to be done. I am telling you. Do you hear? From now on. Not only to meet this emergency now but in the years ahead so that the administrative heads of the Government agencies and the Congress are prepared as they were not prepared to meet this one. We were not prepared.

The shock to the people and the individual businesses has been indescribable. I think you know now. I think you know now in the last couple of weeks. I think you know what I am talking about.

This will have to be done. A new concept, a new way, a new operation, to handle the flood plains by the Engineers and the responsible Federal agencies. Dams, dikes, dredging. All of these things. The experiences of the Chinese; yes—of the North Vietnamese, and of the north and south. You have heard about dikes; yes. The Dutch. Yes; we must borrow the knowledge of all these people who for a thousand years have done this. We will be 200 years in 4 years. We are just babes in the woods on preparing for and handling these natural disasters; babes in the woods. We cannot be any longer. We cannot be. We cannot be.

Just loans? What a great thing it is; yes. From 5½ percent and now down to 1 percent. Marvelous. Five-thousand-dollar forgiveness, marvelous.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. FLOOD was allowed to proceed for 2 additional minutes.)

Mr. FLOOD. Great things the loans, but you must examine from now on the total loss of equities. The loans are great, but the equities are gone. With businesses, small businesses, and private homeowners and their possessions, their equities are wiped out. There is no equity. With additional mortgages and additional loans, you have to examine from now on the impact of grants and loans or a combination of both. It is a new thing. I know. You know.

I know, you know—I am talking to you in the Congress at Washington—that some new things will have to be done, and you will have to do them, right away.

All right, you ask me "what new things, Flood?" Well let me tell you—and let us begin right here, and I repeat for the purpose of emphasis, let us begin in the Wyoming Valley, in the heart of the greatest civic disaster in the history of the Republic. It is by far the most massive—we all know that.

What is needed is an integrated, coordinated, trained, on-the-alert, organization to sweep into an area in the wake of a disaster. This group must be held constantly on "yellow alert"—standing by like a wing of SAC bombers—ready to go on "red alert" at a moment's notice. And crack troops at that. Coordination must be established at all governmental levels—local, State, and Federal, and all of it integrated into the private organizations—the Red Cross, the Salvation Army, and the scores of other groups which make it their duty to end human suffering wherever they find it.

This Congress has done a great deal—1 percent interest rate, $5,000 forgiveness, massive appropriations—but it would be a grievous mistake to assume that this kind of emergency effort will lead to a happy ending for Wilkes-Barre and the other towns ravaged by the Susquehanna River. We must now move into a more subtle and newer phase of planning for the long haul. Now these are trick questions I am raising. Build up the dikes and dams? Can they be depended upon? Should the entire Wyoming Valley be rebuilt? A little perhaps—how much, we just do not know.

Now that the SBA loan provisions are almost law, the words on everyone's lips will be—"should we rebuild?" They are torn between rebuilding where they are now, or relocating. They have many questions, I have many questions, this body has many questions—the trouble is we all have precious little to guide us in answering them. This is unprecedented. The sad truth is that at the local, State, or Federal level, there is no satisfactory mechanism for planning and steering the complete recovery of such a huge and thoroughly devastated area as the Wyoming Valley. There ought to be one. Should it be public? Private? Public and private—that seems to be the answer. What must be made available to stricken communities is nothing less than the best technical talent and managerial expertise, coupled with all that the Federal agencies can provide. Instead of reacting with shock, surprise, disbelief, and depression—and this is what happens in a disaster—such a select "disaster action group" could swing into action with calm, with reason, with action.

What has happened in the Wyoming Valley must never happen again. Never again. Let us make this area a laboratory, a model in the end, for recovery planning for disasters of such huge magnitude. There is nothing to stop such a thing happening anywhere else—a new program can mean the difference.

At this point, I would like to read to you letters which I have sent recently which will give you a further idea of what I am talking about here—this is massive, beyond one government or one agency's capacity. On August 1, 1972, I sent the following letter to Lieutenant General Clarke, commanding general, U.S. Army Corps of Engineers:

Washington, D.C.,
August 1, 1972.

Lt. Gen. F. J. Clarke,
Chief of Engineers,
Department of the Army,
Washington, D.C.

Dear General Clarke: I have been advised that there is now established in Harrisburg, Pennsylvania, a District office of the United States Army Engineers.

I am not clear as to whether this is a brand new U.S. Army Engineers District office and, if so, its jurisdiction. In view of the fact that the disaster area on the Susquehanna in my District has been under the jurisdiction of the Baltimore District down through the years, and because of this history the Baltimore District office is closely identified with the Susquehanna River Basin Commission, I would like to know what will be the jurisdiction of the Harrisburg and Baltimore offices in this matter.

At the same time, as I am sure you well know better than I, the most thorough survey ever made by the Army Engineers in its history must now be made in the Susquehanna disaster area. I would like to know what plans the Army Engineers have in mind, beginning immediately to examine the whole spectrum of flood control, including the original and later abandoned dam proposals for upper New York State and Pennsylvania, the status of all existing dam constructions, the problem of the dredging of the river, especially through the Wyoming Valley area through the so-called Shickshinny Gorge—and if that phrase is not in your records, you can be sure it will be from now on—on the theory that the dredging of this Gorge below Wilkes-Barre in Shickshinny would prevent the back-up of the flood waters into the Wyoming Valley.

Now, with reference to the dikes, I want to know what the Engineers are thinking and talking about with reference to the dike system, particularly in the Wyoming Valley. Do you propose to continue the existing dike system? Are special inspections now being made of the existing system? Are repairs that are made merely temporary? What is the value of the existing system with temporary repairs in case of another unexpected high water level—not another catacylsm like Agnes, but any river rise approaching flood stage? What is the plan insofar as additional height for the dikes and extensive spreads at the base are concerned if the repairs are merely temporary now? What are the plans for immediate and full repair at once pending planned development extension or increasing the dikes system? What is your thinking with reference to recurring flooding in the surrounding countryside from rainfall and flash floods from tributaries which occur in many places and requires a constant elevation of the retaining walls? What about a secondary dike system—say half the height, more or less, and running parallel to the main dike, designed to localize and minimize damages of the primary dikes when breached? And what about a tertiary system of smaller dikes to control the levels of small streams and tributaries in the flood plan? In controlling the Susquehanna River floods before they happen with the high waters coming from upper New York State, can the Susquehanna River be diverted from a point near Towanda to connect with the west branch of the Susquehanna and join the southern branch in the vicinity of Muncy and Montoursville?

The flood waters everywhere deposited huge amounts of silt which must be dredged. In the dredging proposals, do you consider the removal of all islands in the river regardless of size?

Apart from the immediate losses, it is clear the floods produced a long-range physical damage. The enormous force of the water unleashed through the breaches in the primary dikes caused widespread erosion far beyond the obvious scouring and whirling effects near the breaks. What about the many breaches and what about the many washed-out pumping stations?

The prolonged inundation during and after the floods could have caused serious undermining of the primary dike system that may not show until late this summer or early fall. There is a possibility that the dike system has therefore been weakened, and there is the potential danger of immediate or future flooding, regardless of the height to which the water rises, although not necessarily, I repeat, another Agnes.

What about the practice of permitting municipalities along the river to drive their sewers through the dikes?

To what extent have you consulted with countries like Holland, China, and other nations historically renowned for their effective dike systems? What are your proposals with reference to the possibility of streets, roadways, or highways on the tops of new dike systems as is found in many places of the world, even in the Greater Washington Area?

What about the question of maintenance of the dikes—should this be left to local municipal authorities with the Engineers merely making periodic inspections? There should be grave doubts about this procedure, and the responsibility of inspection and maintenance should be that of the Federal Government.

What about the question of trees, shrubbery, and other such impediments on the face of the dike facing the river? What about riprapping the face of the dikes with stone or other materials?

As you know, the Army Engineers discovered that in 1946, the year of a very serious flood in Elmira, there was a flow of 130,000 cubic feet of water per second passing the city in the Chemung River which empties into the Susquehanna. According to the Army Engineers, that flood tide was felt to be so rare that when they later erected dikes they considered that amount of water flow to be a "1 in 1,000 years" situation. But in the great flood of 1972, preliminary estimates are that between 200,000 and 300,000 cubic feet of water per second passed through Elmira on the Chemung. I would like to be assured that the Army Engineers are now going to plan a flood control system in the disaster area which will take care of the amount of water flow for at least a thousand years.

I would like the details on the 2 dams which the Army Engineers ordered to be built on 2 tributaries of the Chemung. These 2 projects were to be built inside the Pennsylvania border. I would like a detailed report as to what protests were raised by Pennsylvania officials which held up the building of the dams and if they brought up the objection, "Why should we lose our tax base to benefit New Yorkers?" I would like the names of protesters, their titles, and verbatim statements as to the protests. I would like, as well, the history, with the dates, names of persons involved, and their addresses, of farmers and rural residents who were alleged to have stated they would not give up their lands for dams and dikes; and the statements of any County Commissioners or other officeholders in the area supporting such arguments.

While all of the above matters are of vital importance, and while this does not directly concern the Army Engineers—although I am sure it will interest them acutely, have you considered a more novel approach to this problem—that which involves man's ability to control the weather? The concept of "seeding" storm systems with silver iodine to remove some of their power while they are still at sea is, as you know, still under experimentation. So are several other potential means of fighting killer storms. The recent disaster provides plenty of evidence that this Federal project, known as "Stormfury," should be expedited on the same priority basis as assigned to finding the cure for certain diseases. A nation that can land a man on the moon ought to come up with a solution to this problem.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

On August 2, 1972, I sent the following letter to Mr. Elburt F. Osborn, Director, U.S. Bureau of Mines:

WASHINGTON, D.C.,
August 2, 1972.

Mr. ELBURT E. OSBORN,
Director, Bureau of Mines,
Department of the Interior,
Washington, D.C.

DEAR MR. OSBORN: As I am sure you know, during the early days of the flood disaster in the Wyoming Valley in my District, I was in touch with Joe Corgan, Chief of Division of Environment in your office, and John Shutack, District Manager of the Bureau of Mines in Wilkes-Barre, and they reported to me regularly with reference to surface and underground conditions as related to the flood situation.

Under the circumstances, it is imperative that a very special full and complete survey be made of the entire disaster area having to do with all underground conditions, water, surface support, erosion, and any and all problems which might directly or indirectly be affected by this catastrophic flood.

This report, of course, must also include a complete analysis of surface conditions, surface subsidence dangers, and all and any other matters which may affect directly or indirectly the surface of the disaster area.

In view of the magnitude of this disaster and the water levels which resulted in the disaster area of this part of the hard coal fields, I would like to be assured that your office can act fully and completely and immediately without legislation. If, however, you feel that the scope of the survey is such that legislation or special authority from the Congressional Committees concerned is necessary, be sure and let me know so that I can cooperate with you in seeing that your requests to these Committees are complied with without delay.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

On August 15, 1972, I sent the following letter to the Honorable Earl Butz, the Secretary of Agriculture:

WASHINGTON, D.C.,
August 15, 1972.

Hon. EARL L. BUTZ,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: I am sure you know of the devastation caused by Hurricane Agnes in Wilkes-Barre in the center of the disaster area in my District. It was unexpected and unforeseen—but it happened.

We are desperately trying to recoup our losses. At the same time, we are looking for reasons why it happened and solutions to prevent a recurrence.

There are various forms of flood control, but what I am interested in having your comments on is reforestation as a flood control. It is a known fact that hillsides without trees allow more water to run off faster.

I would like to know what regulations, if any, the Department of Agriculture has on stripping hillsides and denuding forests, especially in a watershed area—what enforcement powers do you have to uphold such regulations—what means are employed to educate the farmers about controlling floods on their farm lands—what is the Soil and Water Conservation Corps—what is its purpose and how is that purpose achieved. I would also like to know if the Department has a reforestation program and what it is all about.

Sincerely yours,

DANIEL J. FLOOD,
Member of Congress.

The above letters illustrate, if nothing else, what each and every one of you will face in time of a disaster.

Concern for these problems is not confined to the Wyoming Valley. They know what is happening in Wilkes-Barre in the entire Nation. On August 9, 1972, Mr. Frank Blewitt, managing editor of the Scranton Times, Scranton, Pa., in cooperation with my office, took a leading group of national news media—TV, radio, magazines, newspapers—throughout the disaster area. Their response—shock, dismay, "something must be done." I could not be there, but sent my legislative assistant, Richard Altman, a Wilkes-Barre native who lost his home in the flooding. On a walking tour of the area arranged by the Honorable Max Rosenn, U.S. circuit court judge, I am told the media's response to what was happening—mind you 7 weeks after the flood—was complete disbelief. Something must be done. Something new, untried. This public-private disaster action group.

An editorial in the Washington Sunday Star, written by Jim Welch, one of those who made the tour, appeared on August 13, 1972, and was entitled "Lessons on Agnes and the Wyoming Valley." It is much the same as I am pointing out to you today—something, and what it is should be determined by this body, must be done.

You may ask where this leaves the victims of the flooding. Much has been done to help these people. They have faith that much more will be done. We cannot disappoint that faith. They have faith that their homes and businesses will recover. We cannot disappoint that faith. They have faith that their lives and their children's lives will not be washed away in a freak quirk of nature's fury. And we cannot disappoint that faith. Above all they have an abiding faith in their Government and their God. This brings to mind several thoughts scribbled on parchment long ago:

> And God remembered Noah, and every living thing, and all that were with him in the ark: And God made a wind to pass over the earth, and the waters assuaged. . . . While the earth remains, seedtime and harvest, and cold and heat, and summer and winter, and day and night shall not cease.

We cannot disappoint that faith.

Mr. BOW. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I heartily support this supplemental appropriation. We have great feelings for the people who are in the disaster areas, and we feel we have the responsibility to pass this bill as soon as possible. I endorse it, the minority endorses it, and I join with those who support it, and I hope that it will be used promptly, that there not be any red tape or any political efforts to make somebody look good or look bad, but that the funds will be used for the purpose for which they are appropriated, and that is for prompt relief for these unfortunate people in these disaster areas.

I hope that the bill will be passed unanimously.

Mr. CORMAN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I want to comment on the disaster legislation we passed yesterday. I hope that after we have some experience with this one that we will learn more than we learned from the earthquake in California. We did learn that the law was inadequate in some respects, and the law was much too loosely administered in other respects. There was a tremendous waste of the taxpayers' money without helping those who were most seriously injured.

Instead of correcting those errors we legislated to double waste and inequity in the disaster program. That is why I voted against the bill yesterday. I will vote for this appropriations bill today because, among other things, I presume it includes the money to repair the public damages to the sewer systems, water systems, and the streets. Those systems must be put back in order, and quickly, for the health and safety of the people in the ravaged areas. The people who have lost their homes must be given a chance to get back into their homes, and that as quickly as possible.

But the bill we passed yesterday is an invitation to fraud, and that is how it will be used. The little old lady who loses her home by having it float down the river will find no help in this bill. She will be told she cannot borrow the money to rebuild her home because she cannot pay it back. But the person whose rug is stained and who finds he lost $5,000 will be given that by the Treasury. And we will all hear, as Congressman Bow just said, "No redtape, get the money out fast." And that is precisely what will happen.

As soon as the first person on the block gets his $5,000 Christmas present the rest of the people will be down to get theirs. And you will find a year from now that the people who are in the worst economic conditions and who suffered the greatest loss will be looking you in the eye and saying, "What happened to those $3 or $4 or $5 billion?" I am already getting some of that.

I hope that some day we can carefully and thoughtfully revise the disaster program; some time when we are not faced with a disaster, and we will treat everybody with equity and see that the Federal largess is given according to the amount of damage suffered rather than on a kind of one-man, one-vote plan.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. Mr. Speaker, I wish to commend the gentleman for the courage of his expression. I think that the gentleman is absolutely right in that the authorizing legislation is not good legislation. I think we can all share the problems and sorrows and so on of those who have suffered damage and property loss from the disaster such as the one the gentleman has mentioned. But I think it is somewhat less than fully responsible for us to be legislating as we did in the authorizing legislation, because I fear, as the gentleman fears, that what happened in California will happen elsewhere unless there is much better administration, and even better legislation than presently exists.

Mr. CORMAN. I thank the gentleman.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. CORMAN. I yield to my colleague from California.

Mr. ROUSSELOT. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from California.

Much of the 1971 earthquake damage occurred in his district. He and the other gentleman from California (Mr. GOLDWATER) had a great number of these type cases of which Mr. CORMAN has spoken. People who sustained heavy damages by the earthquake did not always receive adequate remuneration for the kind of losses that were caused by the 1971 disaster, whereas there were whole neighborhoods of people who came in and took unfair advantage of the so-called forgiveness clause.

Then various groups and the news media pressured their Representatives and the Small Business Administration to give faster and faster service. Now in this current situation rather than really looking carefully at this legislation, as I think we should have done in our Committee on Banking and Currency. The whole House has rushed through authorizing legislation to help the people damaged by Hurricane Agnes.

We have again, in my opinion, not adequately considered some of the objections that the gentleman from California has properly raised. I think it is too bad that we tend to wait until a disaster occurs and then hurry up and rush ill-conceived legislative bills through because nobody in this body wants to be against people in distress. The Committee on Appropriations feels the pressure on them to try to do their part in appropriating the actual funds.

I think the gentleman is to be complimented for raising these issues once again and hopefully we will legislate more responsibly very soon. We must take a hard look at the so-called forgiveness clause which encourages, as I think the gentleman said, "outright fraud."

I compliment him for his remark.

Mr. CORMAN. Mr. Speaker, may I ask the gentleman from Texas one question?

We have talked a great deal about the $250 billion expenditure ceiling. The administration has urged that we adopt that and indicated any expenditures that go over the budget would have to be cut someplace else.

May I ask whether the administration had this money in the budget or whether this would exceed the $250 billion expenditure ceiling?

Mr. MAHON. These funds were not in the January budget. These funds, I believe, were in the recalculated budget that had to do with the President's statement on the $250 billion expenditure ceiling.

I think the gentleman from California agrees with me that the way to control expenditures in this country is to proceed carefully with authorizations and to proceed carefully with the appropriations.

But after we have made the money available, then it is up to the administration to manage the expenditure of the funds for the purposes for which they are appropriated. Very often the administration finds it possible to delay or extend the time.

Mr. MONAGAN. Mr. Speaker, I support H.R. 16254, which provides additional relief to the victims of hurricane and tropical storm Agnes, and to the victims of the South Dakota flood disaster.

The widespread devastation caused by Agnes affected the lives of thousands of our fellow Americans and caused millions of dollars of property damage. Many communities are still engaged in the tedious job of digging out.

Only through a fortuitous change of course by the storm was my own State of Connecticut spared the massive destruction which several of our sister States suffered, although our coastal municipalities received the full force of the storm with 7 inches of rain falling in a short period of time. This legislation will help these cities along the road to recovery. The people of Connecticut are fully aware of the damage which can suddenly be caused by normally docile, meandering streams and rivers breaking over their banks and spreading havoc throughout the surrounding area. We saw this in August and October of 1955 during the floods in which many lives were lost and millions of dollars of damage caused.

In the aftermath of those fateful months, people from other areas of the country came to the aid of Connecticut. Funds for emergency assistance were made available and since that time funds have been appropriated for dams, retaining walls, levees, and similar flood control structures which now protect our State from a recurrence of that devastation of 1955.

On Thursday of this week the culmination of the Naugatuck Valley flood control project is taking place with the dedication of the Ansonia-Derby link of this vital investment in the protection of the property and lives of the people of Connecticut. I have been assured by the Army Engineers that "the Naugatuck Valley now enjoys the highest degree of protection of any watershed of its size in the country" against storms such as Agnes and that if tropical storm Agnes had hit Connecticut with its full fury little, if any, flood damage would have occurred in the Naugatuck Valley.

The people of Connecticut fully appreciate what has been done for them and I take this opportunity to lend my support to the legislation which is before us today.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LONG of Maryland. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 392, nays 0, not voting 40, as follows:

[Roll No. 325]

YEAS—392

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conyers
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl

Kyros
Landgrebe
Latta
Link
Lloyd
Long, Md.
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—40

Abzug
Baker
Betts
Blanton
Brasco
Carter
Clancy
Conte
Davis, Wis.
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Frelinghuysen
Frenzel
Gallagher
Hagan
Hébert
Heckler, Mass.
Hull
Keith
Landrum
Leggett
Lennon
Lent
Long, La.
Lujan
McCloskey
McMillan
Michel
Passman
Pelly
Rarick
Rhodes
Rooney, N.Y.
Ryan
Schmitz
Stanton, James V.
Veysey
Waldie

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.
Mr Rooney of New York with Mr. Conte.
Mr. Blanton with Mr. Baker.
Mr. Waldie with Mrs. Heckler of Massachusetts.
Mr. Ryan with Mr. Lent.
Mr. Brasco with Mr. Frelinghuysen.
Mr. Hull with Mr. Davis of Wisconsin.
Mrs. Abzug with Mr. Gallagher.
Mr James V. Stanton with Mr. McCloskey.
Mr. Landrum with Mr. Clancy.
Mr. Passman with Mr. Lujan.
Mr. Edmondson with Mr. Frenzel.
Mr. Leggett with Mrs. Dwyer.
Mr. Lennon with Mr. Carter.
Mr. Hagan with Mr. Keith.
Mr. McMillah with Mr. Edwards of Alabama.
Mr. Rarick with Mr. Michel.
Mr. Long of Louisiana with Mr. Betts.
Mr. Pelly with Mr. Schmitz.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 3726, EQUAL EXPORT OPPORTUNITY ACT AND INTERNATIONAL ECONOMIC POLICY ACT OF 1972

Mr. PATMAN submitted the following conference report and statement on the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes:

Conference Report (H. Rept. No. 92-1342)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—AMENDMENTS TO THE EXPORT ADMINISTRATION ACT OF 1969

Sec. 101. This title may be cited as the "Equal Export Opportunity Act".

Sec. 102. Section 2(3) of the Export Administration Act of 1969 is amended by inserting before the period at the end thereof a comma and the following: "particularly when export restrictions applied by the United States are more extensive than export restrictions imposed by countries with which the United States has defense treaty commitments".

Sec. 103. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(6) It is the policy of the United States that the desirability of subjecting, or continuing to subject, particular articles, materials, or supplies, including technical data or other information, to United States export controls should be subjected to review by and consultation with representatives of appropriate United States Government agencies and qualified experts from private industry."

Sec. 104. (a) Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraphs:

"(2) The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established under section 5(c), shall undertake an investigation to determine which articles, materials, and supplies, including technical data and other information, should no longer be subject to export controls because of their significance to the national security of the United States. Notwithstanding the provisions of paragraph (1), the President shall remove unilateral export controls on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, except that any such control may remain in effect if the President determines that adequate evidence has been presented to him demonstrating that the absence of such a control would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the special report required by paragraph (4).

"(3) In conducting the invstigation referred to in paragraph (2) and in taking the action required under such paragraph, the Secretary of Commerce shall give priority to those controls which apply to articles, materials, and supplies, including technical data and other information, for which there are significant potential export markets.

"(4) Not later than nine months after the date of enactment of the Equal Export Opportunity Act, the Secretary of Commerce shall submit to the President and to the Congress a special report of actions taken under paragraphs (2) and (3). Such report shall contain—

"(A) a list of any articles, materials and supplies, including technical data and other information, which are subject under this Act to export controls greater than those imposed by nations with which the United States has defense treaty commitments and the reasons for such greater controls; and

"(B) a list of any procedures applicable to export licensing in the United States which may be or are claimed to be more burdensome than similar procedures utilized in nations with which the United States has defense treaty commitments, and the reasons for retaining such procedures in their present form.".

(b)(1) Section 4(e) of such Act is amended to read as follows:

"(e) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils or animal hides or skins, without the approval of the Secretary of Agriculture. The Secretary of Agriculture shall not approve the exercise of such authority with respect to any such commodity during any period for which the supply of such commodity is determined by him to be in excess of the requirements of the domestic economy, except to the extent the President determines that such exercise of authority is required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act."

(2) Any rule, regulation, proclamation, or order issued after July 1, 1972, under section 4 of the Export Administration Act of 1969, exercising any authority conferred by such section with respect to any agricultural commodity, including fats and oils or animal hides or skins, shall cease to be effective upon the date of enactment of this Act.

Sec. 105. Section 5 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(c)(1) Upon written request by representatives of a substantial segment of any industry which produces articles, materials and supplies, including technical data and other information, which are subject to export controls or are being considered for such controls because of their significance to the national security of the United States, the Secretary of Commerce shall appoint a technical advisory committee for any grouping of such articles, materials, and supplies, including technical data and other information, which he determines is difficult to evaluate because of questions concerning technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures. Each such committee shall consist of representatives of United States industry and government. No person serving on any such committee who is representative of industry shall serve on such committee for more than two consecutive years.

"(2) It shall be the duty and function of the technical advisory committees established under paragraph (1) to advise and assist the Secretary of Commerce and any other department, agency, or official of the Government of the United States to which the President has delegated power, authority, and discretion under section 4(d) with respect to actions designed to carry out the policy set forth in section 3 of this Act. Such committees shall be consulted with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to any articles, materials, or supplies, including technical data or other information, and including those whose export is subject to multilateral controls undertaken with nations with which the United States has defense treaty commitments, for which the committees have expertise. Such committees shall also be consulted and kept fully informed of progress with respect to the investigation required by section 4(b)(2) of this Act. Nothing in this subsection shall prevent the Secretary from consulting, at any time, with any person representing industry or the general public regardless of whether such person is a member of a technical advisory committee. Members of the public shall be given a reasonable opportunity, pursuant to regulations prescribed by the Secretary of Commerce, to present evidence to such committees.

"(3) Upon request of any member of any such committee, the Secretary may, if he determines it appropriate, reimburse such member for travel, subsistence, and other necessary expenses incurred by him in connection with his duties as a member.

"(4) Each such committee shall elect a chairman, and shall meet at least every three months at the call of the Chairman, unless the Chairman determines, in consultation with the other members of the committee, that such a meeting is not necessary to achieve the purposes of this Act. Each such committee shall be terminated after a period of two years, unless extended by the Secretary for additional periods of two years. The Secretary shall consult each such committee with regard to such termination or extension of that committee."

SEC. 106. Section 14 of the Export Administration Act of 1969 is amended by striking out "August 1, 1972" and inserting in lieu thereof "June 30, 1974".

SEC. 107. Nothing in this title shall be construed to require the release or publication of information which is classified pursuant to Executive order or to affect the confidentiality safeguards provided in section 7(c) of the Export Administration Act of 1969.

SEC. 108. The provisions of this title take effect as of the close of July 31, 1972.

TITLE II—COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SHORT TITLE

SEC. 201. This title may be cited as the "International Policy Act of 1972".

STATEMENT OF PURPOSES

SEC. 202. It is the purpose of this title to provide for closer Federal interagency coordination in the development of a more rational and orderly international economic policy for the United States.

FINDINGS AND POLICY

SEC. 203. The Congress finds that there are many activities undertaken by various departments, agencies, and instrumentalities of the Federal Government which, in the aggregate, constitute the domestic and international economic policy of the United States. The Congress further finds that the objectives of the United States with respect to a sound and purposeful international economic policy can be better accomplished through the closer coordination of (1) domestic and foreign economic activity, and (2) in particular, that economic behavior which, taken together, constitutes United States international economic policy. Therefore this Act establishes a Council on International Economic Policy which will provide for—

(A) a clear top level focus for the full range of international economic issues; deal with international economic policies including trade, investment, balance of payments, and finance as a coherent whole;

(B) consistency between domestic and foreign economic policy; and

(C) close coordination with basic foreign policy objectives.

The Congress intends that the Council shall be provided with the opportunity to (i) investigate problems with respect to the coordination, implementation, and long-range development of international economic policy, and (ii) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

CREATION OF COUNCIL ON INTERNATIONAL ECONOMIC POLICY

SEC. 204. There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter referred to in this title as the "Council").

MEMBERSHIP

SEC. 205. The Council shall be composed of the following members and such additional members as the President may designate:

(1) The President.
(2) The Secretary of State.
(3) The Secretary of the Treasury.
(4) The Secretary of Defense.
(5) The Secretary of Agriculture.
(6) The Secretary of Commerce.
(7) The Secretary of Labor.
(8) The Director of the Office of Management and Budget.
(9) The Chairman of the Council of Economic Advisers.
(10) The Special Representative for Trade Negotiations.

The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place.

DUTIES OF THE COUNCIL

SEC. 206. Subject to the direction of the President, and in addition to performing such other functions as he may direct, the Council shall—

(1) Assist and advise the President in the preparation of the International Economic Report required under section 207.

(2) Review the activities and the policies of the United States Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry.

(3) Collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters. Such evaluations shall include but not be limited to the impact of international trade on the level, stability, and financial rewards for domestic labor and the impact of the transnational corporation on international trade flows.

(4) Consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more consistent international economic policy, and make recommendations to the President in connection therewith.

(5) Continually assess the progress and effectiveness of Federal efforts to carry out a consistent international economic policy; and

(6) Make recommendations to the President for domestic and foreign programs which will promote a more consistent international economic policy on the part of the United States and private industry. Recommendations under this paragraph shall include, but shall not be limited to, policy proposals relating to monetary mechanisms, foreign investment, trade, the balance of payments, foreign aid, taxes, international tourism and aviation, and international treaties and agreements relating to all such matters. In addition to other appropriate objectives, such policy proposals should be developed with a view toward—

(A) strengthening the United States competitive position in world trade;

(B) achieving equilibrium in international payment accounts of the United States;

(C) increasing exports of goods and services;

(D) protecting and improving the earnings of foreign investments consonant with the concepts of tax equity and the need for domestic investment;

(E) achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis;

(F) increasing the real employment and income of workers and consumers on the basis of international economic activity; and

(G) preserving the diversified industrial base of the United States.

REPORT

SEC. 207. (a) The President shall transmit to the Congress an annual report on the international economic position of the United States. Such report (hereinafter referred to as the "International Economic Report") shall be submitted not later than sixty days after the beginning of each regular session of the Congress, and shall include—

(1) information and statistics describing characteristics of international economic activity and identifying significant current and foreseeable trends and developments;

(2) a review of the international economic program of the Federal Government and a review of domestic and foreign economic conditions and other significant matters affecting the balance of international payments of the United States and of their effect on the international trade, investment, financial, and monetary position of the United States;

(3) a review of the impact of international voluntary standards, the foreign investments of United States based transnational firms, and the level of foreign wage rates on the level, stability, and financial reward for domestic employment; and

(4) a program for carrying out the policy objectives of this title, together with such

recommendations for legislation as he may deem necessary or desirable.

(b) The President may transmit from time to time to the Congress reports supplementary to the International Economic Report, each of which may include such supplementary or revised recommendations as he may deem necessary or desirable to achieve the purposes and policy objectives set forth in this title.

EXECUTIVE DIRECTOR AND STAFF OF THE COUNCIL

SEC. 208. (a) The staff of the Council shall be headed by an Executive Director who shall be appointed by the President, and he shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313). He shall keep the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Banking and Currency of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee fully and currently informed regarding the activities of the Council.

(b)(1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff personnel as he deems necessary. Except as provided in paragraph (2), the staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) With the approval of the Council, the Executive Director may appoint and fix the compensation of one officer at a rate of basic compensation not to exceed the rate provided for level IV of the Federal Executive Salary Schedule, and appoint and fix the compensation of two officers at rates of basic compensation not to exceed the rate provided for level V of the Federal Executive Salary Schedule.

(c) With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS-18.

(d) Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this title.

SEC. 209. The provisions of this title shall expire on June 30, 1973, unless extended by legislation enacted by the Congress.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 210. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated not to exceed $1,400,000 for fiscal year 1973.

And the House agree to the same.

That the House recede from its amendment to the title of the bill.

Wright Patman,
Wm. A. Barrett,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
Fernand J. St Germain,
William B. Widnall,
Albert W. Johnson,
Garry Brown,
Managers on the Part of the House.

John Sparkman,
H. Williams,
W. F. Mondale,
Wallace F. Bennett,
Bill Brock,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENTS TO THE EXPORT ADMINISTRATION ACT OF 1969

Findings and policy

The Senate bill contained a provision which amended a finding that the unwarranted restriction of exports has a serious adverse effect on our balance of payments by adding language indicating that this is particularly the case when United States restrictions are more extensive than those imposed by countries with which the United States has defense treaty commitments.

The Senate bill also contained a provision stating that it is the policy of the United States that the review of United States export controls should involve consultation with representatives of appropriate United States government agencies and qualified experts from private industry.

The House amendments contained no similar provisions. The conferees adopted the Senate provisions.

Investigation by the Secretary of Commerce of items subject to export control

The Senate bill contained a provision which required the Secretary of Commerce to undertake an investigation to determine which items should no longer be subject to export controls because they are not significant to the national security of the United States. The provision also required the President to remove unilateral export controls on items he determines are available outside the United States in significant quantity and quality comparable to those produced in the United States, except when he determines that the absence of controls would prove detrimental to the national security of the United States.

The House amendments contained no similar provision. The conferees adopted the Senate provision.

Report by the Secretary of Commerce

The Senate bill required that the Secretary of Commerce report to the President and to the Congress not later than nine months after the date of enactment of the Act concerning steps which he has taken to reduce certain unilateral United States export controls. If he decides to continue unilateral controls on specific items, he must state the reasons for doing so.

The Senate bill further provided that the Secretary of Commerce shall report items and information subject to control procedures which are more burdensome than comparable procedures of other countries.

The House amendments contained no similar provision. The conferees adopted the Senate provision.

Technical advisory committees

The Senate bill contained a provision which required the Secretary of Commerce to establish technical advisory committees to assist in reducing both unilateral and multilateral export controls on peaceful, nonstrategic trade.

The House amendments contained no similar provision. The House receded to the Senate provision with an amendment which eliminated the requirement that the members of any such committee be compensated and substituted a provision which authorizes the Secretary of Commerce to reimburse any such member for travel and subsistence upon request of the member.

Confidentiality of business information

The Senate bill had a provision which stated that nothing in this Title should be construed to require the release or publication of information which is classified pursuant to executive order or already protected by other safeguards in the Export Administration Act of 1969.

The House amendments contained no similar provision. The conferees adopted the Senate provision.

Effective date

The Senate bill provided that the title was to take effect on July 31, 1972.

The House amendments provided for the effective date to be on the date of enactment of the Act.

The conferees adopted the Senate provision.

COUNCIL ON INTERNATIONAL ECONOMIC POLICY

The Senate bill contained a Title II which provided for the establishment of a Council on International Economic Policy. The purpose of this Council is to provide for closer interagency coordination in the development of United States international economic policy. This better coordination is found to be necessary because there are many departments and agencies of the Federal government operating in the international economic policy area, and because better coordination is needed between domestic and foreign economic policy.

The Council created in the Senate bill would be in the Executive Office of the President. Its membership includes the President and nine cabinet officers and executive office officials. The duties of the Council include advising and assisting the President in the preparation of an International Economic Report, reviewing the policies of the many agencies operating in the international economic policy area and making recommendations to the President for improving and making more consistent our international economic policy.

The Senate bill provided that the President, with the assistance of the Council, shall submit an annual International Economic Report to the Congress.

The Senate bill further provided for a Council staff to be headed by an Executive Director. The Executive Director would be required to keep the appropriate committees of both the House and the Senate fully and currently informed regarding the activities of the Council.

The Senate bill authorized $1,400,000 for the Council for fiscal year 1973 and provided that the legislation creating the Council shall expire on June 30, 1973 unless specifically extended by legislation enacted by the Congress.

The House amendments contained no similar provision. The House receded to the Senate provision with the following amendments:

1. In connection with the duty of the Council to review the activities and the policies of the United States government, there was stricken explicit reference to a specific international agreement and to specific trading partners. The conferees agreed that the re-

maining language was broad enough to allow the Council to review any such trade relationships.

2. In connection with the duty of the Council to make recommendations to the President, the conferees agreed to strike the word "existing" from the requirement that policy proposals be developed with a view toward "preserving the existing diversified industrial base of the United States."

3. In connection with the appointment of an Executive Director for the Council, it was agreed to delete the requirement that he be an Assistant to the President. The conferees agreed that the Executive Director shall be appointed by the President and shall be compensated at the rate provided for Level II of the Executive Schedule.

The conferees unanimously agreed that the work of the Council and the Report of the President shall include as their objectives—

1. strengthening the United States competitive position in world trade;

2. achieving equilibrium in international payment accounts of the United States;

3. increasing exports of goods and services;

4. protecting and improving the earnings of foreign investments consonant with the concepts of tax equity and the need for domestic investment;

5. achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis;

6. increasing the real employment and income of workers and consumers on the basis of international economic activity; and

7. preserving the diversified industrial base of the United States.

Wright Patman,
Wm. A. Barrett,
Leonor K. Sullivan,
Henry S. Reuss,
Thomas L. Ashley,
Fernand J. St Germain,
William B. Widnall,
Albert W. Johnson,
Garry Brown,
Managers on the Part of the House.
John Sparkman,
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W. F. Mondale,
Wallace F. Bennett,
Bill Brock,
Managers on the Part of the Senate.

FURTHER CONTINUING APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, pursuant to the order of the House of Wednesday last, I call up the joint resolution (H.J. Res. 1278) making further continuing appropriations for the fiscal year 1973, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of July 1, 1972 (Public Law 92–334), is hereby amended by striking out "August 18, 1972" and inserting in lieu thereof "September 30, 1972 or the sine die adjournment of the second session of the Ninety-second Congress".

Mr. MAHON. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this continuing resolution would extend to September 30 or the sine die adjournment of this session, whichever comes first.

Of course, agencies and activities which are provided for in appropriation bills that are enacted and signed into law are no longer under the continuing resolution.

The report covers the details. There is nothing unusual about the pending resolution.

I believe the Congress has done a reasonably satisfactory job in expediting handling of appropriation bills at this session of the Congress.

Earlier this session, with respect to the fiscal year 1972, we passed four appropriation measures. Congress reduced the budget requests for new spending authority in those measures by $418 million.

There are 13 regular annual appropriation bills for the current fiscal year 1973. Nine of those 13 bills have cleared the Congress and gone to the President; four remain.

There will also be a closing supplemental bill.

Among the bills remaining is the State, Justice, Commerce, and Judiciary appropriation bill which has passed the House and the Senate but has not yet cleared conference.

Another remaining bill for which we have not had the annual authorization is the military construction appropriation bill. We hope to handle that during the first part of September.

Another is the defense appropriation bill. The related annual defense authorization bill has not cleared the Congress and thus we do not have authorization, but it is expected that early in September the House Committee on Appropriations, by the use of a special rule if a rule is granted, will bring before the House the appropriation bill for the Department of Defense.

As you know, the House and the Senate have passed the authorization bills but settlement of the differences between the House and the Senate has not yet taken place.

Then, we have the foreign assistance appropriation bill which we hope to present to the House by about mid-September. That, too, has been delayed for lack of authorization.

Then, of course, there will be a closing supplemental bill.

So it would now seem, from the standpoint of the appropriation bills, unless there are unforeseen difficulties, the business can be fully cleared by September 30, the expiration date of the pending continuing resolution.

Now, of course, this will not be easy to accomplish but it can, it seems to me, be accomplished.

It is not certain just what bills may be vetoed. It has been widely asserted that the Labor-HEW appropriation bill, which is far above the President's budget requests, will be vetoed. If that takes place, of course some delay would be brought about as it will be necessary to bring a new bill before the House, consider it, pass it, and have it considered by the other body and then it will have to go to conference. There will be some delay there. I would add that if it is vetoed, the activities involved would be continued under existing continuing resolution ground rules.

We do not, of course, know what bills may be vetoed, and of course there will be some delay in the event any of the bills are vetoed.

THE APPROPRIATION BILLS OF THE SESSION

Now, questions may arise as to how well or how poorly Congress has done in handling the appropriation bills at this session. On the four supplemental measures for fiscal 1972, we were below the budget requests, as I mentioned, by about $418 million.

When the work is all done this fall and we complete all the appropriation bills for fiscal 1973, I would not be at all surprised if the House has not provided, in total, something materially below the total of the budget requests, considered in those appropriation bills. I say that in spite of the fact that the Labor-HEW bill is very considerably above the budget requested. I am speaking of the annual appropriation bills only. And I refer only to the House. But even in respect to final action by Congress on the annual appropriation bills for 1973, when we consider all the measures which will be before us, it would seem to me that we might very well be about even-steven, in total, with the budget requests—perhaps a few hundred million below the total.

Much has been said about an overall expenditure limitation for the current fiscal year. The administration has available for expenditure many billions of dollars in addition to the new appropriations being made for this year. Unexpended Federal funds across the Government, for all purposes, at the beginning of this fiscal year totaled roughly $140 billion, in addition to perhaps $110 billion of balances in various trust funds. Of course, billions and billions of those funds could not be expended during the current fiscal year for various reasons, one being that many, many billions would not even be committed or obligated.

Controlling spending comes down to this: The way to reduce and control expenditures is to reduce and control the appropriations and to also slow down passage of legislation which mandates expenditures through nonappropriation bills. The budget has been seriously breached by three or four nonappropriation bills this year.

I may have more to say about this question at a later date.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. MAHON. Mr. Speaker, under leave to extend, I am including a table on the appropriation bills as they stand at this time with respect to fiscal 1973:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS FOR 1973—REVISED TO AUG. 15, 1972

[Note.—As to fiscal year 1973 amounts only]

Bill	Budget request considered	Approved	Change, (+) or (−)
In the House:			
1. Legislative	$433,627,004	$427,604,764	−$6,022,240
2. State-Justice-Commerce-Judiciary	4,687,988,600	4,587,104,350	−100,884,250
3. HUD-Space-Science-Veterans	20,173,185,000	19,718,490,000	−454,695,000
4. Transportation	2,909,181,095	2,791,614,095	−117,567,000
Advance 1974 appropriation	(131,181,000)	(131,181,000)	
5. District of Columbia (Federal funds)	343,306,000	332,306,000	−11,000,000
6. Labor-HEW	27,327,323,500	28,603,179,500	+1,275,856,000
7. Interior	2,520,340,000	2,529,558,200	+9,218,200
8. Treasury-Postal Service-General Government	5,066,603,000	5,057,145,000	−9,458,000
9. Public Works—AEC	5,489,058,000	5,437,727,000	−51,331,000
10. Agriculture—Environmental and Consumer Protection	12,952,177,400	12,897,010,900	−55,166,500
11. Disaster Relief Supplemental, 1973	1,569,800,000	1,587,300,000	+17,500,000
12. Military Construction	(2,661,384,000)		
13. Defense	(79,594,184,000)		
14. Foreign Assistance	(5,163,024,000)		
15. Supplemental, 1973			
Total, House bills	83,472,589,599	83,969,039,809	+496,450,210
In the Senate:			
1. Legislative	519,347,899	514,722,880	−4,625,019
2. HUD-Space-Science-Veterans	20,258,183,000	20,583,370,000	+325,187,000
3. District of Columbia (Federal funds)	343,306,000	313,706,000	−29,600,000
4. State-Justice-Commerce-Judiciary	4,704,326,600	4,820,717,769	+116,391,169
5. Transportation	2,909,181,095	2,906,994,095	−2,187,000
Advance 1974 appropriation	(131,181,000)	(131,181,000)	
6. Treasury-Postal Service-General Government	$5,066,603,000	$5,057,186,000	−$9,417,000
7. Labor-HEW	28,776,633,500	31,354,930,500	+2,578,297,000
8. Interior	2,527,154,000	2,550,922,800	+23,768,800
9. Public Works-AEC	5,489,058,000	5,571,696,000	+82,638,000
10. Agriculture-Environmental and Consumer Protection	12,952,190,400	13,561,055,800	+608,865,400
11. Disaster Relief Supplemental, 1973			
12. Military Construction			
13. Defense			
14. Foreign Assistance			
15. Supplemental, 1973			
Total, bills cleared Senate	83,545,983,494	87,235,301,844	+3,689,318,350
Cleared to the President:			
1. Legislative	519,347,899	513,787,980	−5,559,919
2. Treasury-Postal Service-General Government	5,066,603,000	5,057,827,000	−8,776,000
3. District of Columbia (Federal funds)	343,306,000	316,393,000	−26,913,000
4. Interior	2,527,154,000	2,548,935,000	+21,781,300
5. HUD-Space-Science-Veterans	20,258,183,000	20,125,951,000	−132,232,000
6. Labor-HEW	28,776,633,500	30,538,919,500	+1,762,286,000
7. Agriculture-Environmental and Consumer Protection	12,952,190,400	13,434,032,700	+481,842,300
8. Public Works-AEC	5,489,058,000	5,504,914,000	+15,856,000
9. Transportation	2,909,181,095	2,867,937,095	−41,244,000
Advance 1974 appropriation	(131,181,000)	(131,181,000)	
Total, bills cleared to the President	78,841,656,894	80,908,697,575	+2,067,040,681

COMPREHENSIVE BUDGET SCOREKEEPING REPORT

Mr. Speaker, I again add that the foregoing table relates only to the annual appropriation bills. Those bills do not encompass all actions—or inactions—that have an impact on the budget recommendations. In that connection, I would again call attention to the periodic budget "scorekeeping" reports issued by the staff of the Joint Committee on Reduction of Federal Expenditures. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriationwise and expenditurewise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures—backdoor bills, bills that mandate expenditures, and so on.

Several such reports have been issued this year—the latest one as of August 4. Others will be forthcoming. Copies are sent to the office of each Member.

Mr. GROSS. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I was intrigued by the gentleman's statement that there are only four or five appropriation bills remaining to be considered. On one hand he says that we can reasonably expect to get through by September 30, as provided in the continuing resolution.

Then the distinguished chairman seems to think he has some doubt about that. Would the gentleman care to clarify and make a prediction as to whether we can reasonably expect to have to join the campaigning absentees of the other body or be stuck here well into October?

Mr. MAHON. I, of course, do not know, but unless there is some extended controversy or delaying tactic of some kind relating to an end-the-war resolution or some other unanticipated and very controversial matter, it would seem to me that in the normal course of things the appropriation bills could be disposed of between September 5 and September 30. This would require considerable activity, I must say, but most of the hearings have been held and some of the bills tentatively marked up. If we can find a parliamentary way to proceed with foreign aid, the two defense bills, and the final supplemental bill, we should be able to make the deadline. We should have no difficulty in settling the State, Justice, Commerce, and Judiciary bills.

Mr. GROSS. Then the chairman of the Appropriations Committee, having had a great many years of experience in this body and having watched its workings, would see no reason why, with the appropriation bills cleared by September 30, there should be any sessions thereafter?

Mr. MAHON. From the standpoint of the Committee on Appropriations I am compelled to agree wholeheartedly with the gentleman. I would certainly hope we can finish our business in order that we can all return to our districts and visit with our people. I would hope, as I know the gentleman and most other Members of the House do, that we would not have a lameduck session after the November election. Generally, I think the Congress is proceeding with reasonable deliberation in most of these matters. We have taken time but we ought to take the time necessary.

Mr. GROSS. I could not agree with the gentleman more, that the last thing we need is a lameduck session of Congress on top of what we have already had. Moreover, the gentleman from Iowa would like to do a little fishing in the interim between November 7 and the convening of the next Congress, being fortunate enough to be reelected of course, but that is in the lap of the gods, too. I would like to go fishing even though I might have to fish through the ice.

Mr. MAHON. The gentleman knows that the apostle Peter was also a fisherman but he was to be a fisher of men.

Mr. GROSS. Just a minute. Let us keep our comparisons in perspective.

Mr. MAHON. I think most of us would like to visit with our constituents as frequently as possible and certainly between now and the November election.

Mr. GROSS. I hope the distinguished gentleman from Texas with his powers of persuasion will be able to carry on some effective missionary work with the Speaker, while the Republicans are conventioning, leading to an early end in September of this session of Congress.

Mr. MAHON. I thank the gentleman.

Mr. BOW. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, I believe this continuing resolution is necessary.

I am afraid the gentleman from Iowa, if he is interested at all in my observation, will find my distinguished chairman is a bit optimistic. I thought that this resolution might go until sine die instead of trying to get it as of September 30, but it is not always a pleasant thing to come in and ask for the continuing resolution.

I would be willing of course to bet, but we are not allowed to bet on the floor of the House, but I would wager a buckeye at least that we will be here for another continuing resolution after September 30.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Iowa.

Mr. GROSS. The gentleman from Iowa

is not much of a bettor and he would have little or no use for a buckeye. I hope the gentleman is wrong and I hope if he does make that kind of wager that he loses, because I can see no reason in the world why we should be in session during the month of October.

Mr. BOW. The gentleman knows it would not be the first time I have been wrong. This is one time I should like to be wrong, on this, but I just do not like to see people get their hopes up to be out of here by September 30, when we look at what is ahead of us and also realize there may be some delaying tactics in another body. I would suggest we do not get packed on September 30.

Mr. Speaker, as I said, I am in favor of this continuing resolution. I hope it will pass unanimously.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DELLENBACK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 381, nays 8, not voting 43, as follows:

[Roll No. 326]

YEAS—381

Abbitt
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Camp
Carey, N.Y.
Carlson
Carney
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Colmer
Conable
Conover
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Latta
Link
Lloyd
Long, Md.
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—8

Ashbrook
Collins, Tex.
Crane
Derwinski
Gross
Hall
Landgrebe
Seiberling

NOT VOTING—43

Abernethy
Abzug
Baker
Betts
Blanton
Brasco
Carter
Clancy
Conte
Davis, Wis.
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Fish
Frelinghuysen
Gallagher
Hagan
Hébert
Heckler, Mass.
Hull
Keith
Landrum
Leggett
Lennon
Lent
Long, La.
Lujan
McCloskey
McMillan
Michel
Mills, Ark.
Passman
Pelly
Rarick
Rhodes
Rooney, N.Y.
Roybal
Ryan
Schmitz
Schneebeli
Veysey
Waldie

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.

Mr. Rooney of New York with Mr. Betts.

Mr. Blanton with Mr. Baker.

Mr. Waldie with Mrs. Abzug.

Mr. Ryan with Mr. Carter.

Mr. Brasco with Mr. Lujan.

Mr. Hull with Mr. Lent.

Mr. Landrum with Mrs. Heckler of Massachusetts.

Mr. Passman with Mr. Clancy.

Mr. Edmondson with Mr. Conte.

Mr. Leggett with Mr. McCloskey.

Mr. Lennon with Mr. Keith.

Mr. Hagan with Mrs. Dwyer.

Mr. McMillan with Mr. Davis of Wisconsin.

Mr. Rarick with Mr. Schmitz.

Mr. Long of Louisiana with Mr. Pelly.

Mr. Abernethy with Mr. Edwards of Alabama.

Mr. Gallagher with Mr. Schneebeli.

Mr. Dowdy with Mr. Michel.

Mr. Roybal with Mr. Fish.

Mr. Mills of Arkansas with Mr. Frelinghuysen.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the appropriation bill for disaster relief (H.R. 16254) passed this afternoon and on the continuing joint resolution (H.J. Res. 1278) just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 9092, PAY OF GOVERNMENT PREVAILING RATE EMPLOYEES

Mr. HENDERSON. Mr. Speaker, I call up the conference report on the bill (H.R. 9092) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 1, 1972.)

Mr. HENDERSON (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to

the request of the gentleman from North Carolina?

There was no objection.

Mr. HENDERSON. Mr. Speaker, the bill H.R. 9092, passed the House by a voice vote on July 28, 1971. On June 15, 1972, the Senate by voice vote passed H.R. 9092 with three substantive amendments.

The conference agreement contains only two substantive changes to the House-passed bill. These changes are as follows:

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

The House bill established a Federal Prevailing Rate Advisory Committee, composed of 11 members, to study the prevailing rate system.

The Advisory Committee would be composed of five representatives of management and five representatives of Federal employee organizations, plus an independent Chairman to be appointed by the President for a 4-year term.

Nine of the 10 Advisory Committee members would be designated by the Chairman of the Civil Service Commission.

The conference agreement adopts the provisions of the House bill regarding the Federal Prevailing Rate Advisory Committee, except that the Chairman of the Advisory Committee will be appointed by the Chairman of the Civil Service Commission rather than by the President.

As was provided in the House bill, the Chairman of the Advisory Committee will be appointed for a 4-year term and may not hold any other office or position in the Federal Government or in the District of Columbia government.

EFFECTIVE DATE OF NEW FOURTH AND FIFTH PAY STEPS

One of the major changes in the prevailing rate system which is made by H.R. 9092 is to provide that each grade of a regular wage schedule for nonsupervisory prevailing rate employees shall have five steps instead of the present three steps.

Under the effective date section of the House bill, the provisions relating to the new fourth and fifth pay steps would have become effective on the first day of the first pay period which begins on or after the 90th day after the date of enactment.

The conference agreement provides that the provisions of the bill relating to the new forth and fifth pay steps shall not become effective until the first day of the first pay period commencing after: First, the date on which the President ceases to exercise his authority under the Economic Stabilization Act of 1970 to stabilize wages and salaries, or second, April 30, 1973, whichever date occurs first.

This change, of course, is made in recognition of the administration's existing program of economic restraint.

Mr. Speaker, I believe the bill H.R. 9092 represents very reasonable and equitable legislation. I urge adoption of the conference report.

Mr. Speaker, I am delighted to yield now to my distinguished colleague from Virginia.

Mr. ABBITT. Mr. Speaker, I take this time simply to congratulate the gentleman who has just presented this report, the chairman of the subcommittee, and the members of his subcommitte and the House conferees. They have done an outstanding job for people who have been long overworked, and I commend the gentleman and his subcommittee for a splendid job well done.

Mr. HENDERSON. I thank the gentleman for his comments. I recognize his longtime interest in the development of this legislation and in the system.

I hope we can move to adopt the conference report very shortly.

Mr. GROSS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Speaker, again, I find myself in the uncomfortable position of supporting legislation—the conference report on H.R. 9092—which is opposed by the President. I am hopeful that circumstances this time will allow him to sign this bill into law.

As I stated when this bill passed the House in 1970 and again in July 1971 enactment will go a long way toward assuring that Wage Board employees, so-called blue-collar workers, of the Federal Government, are in a pay position comparable with their counterparts in private industry.

It is my opinion, Mr. Speaker, that this upgrading and revision of the prevailing rate system is long overdue, and necessary if the Federal Government is going to compete with private industry for top-flight laborers and tradesmen.

This compromise bill is realistic, equitable, and just, and will provide necessary guidelines for Wage Board rates for many years to come.

I strongly urge passage of this legislation.

Mr. GROSS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I oppose the conference report on this bill and urge that it be rejected. The differences between the Senate- and House-passed bills were relatively minor, and there was no way for the conferees to report an acceptable piece of legislation.

Mr. Speaker, I did not sign the conference report, and neither did any of the House Members who were conferees on this piece of legislation.

First, I think one point should be made very clear. There seems to be some attempt, whether intentional or not, to disguise this bill as a general pay raise for Federal blue-collar workers in order to treat these employees on an equitable basis with so-called white-collar employees. Such is not the case.

Under the existing system for fixing the pay of Wage Board employees, pay raises are continually being granted these workers in all wage areas throughout the United States. Before the wage-price guidelines, pay raises averaging over 8 percent were the rule. Pay raises equaling the 5.5-percent guidelines are now being given in most wage areas. In fact, the present Wage Board system is not only operating effectively, but it is maintaining the pay of these employees on a comparable basis with pay in the private sector.

What this bill actually does is destroy forever the prevailing rate concept—the existing system—which has operated successfully for more than 100 years to assure Wage Board employees full comparability with private industry employees. The bill replaces the existing three-step pay system with a five-step pay system, with the fifth step paying 12 percent more than local prevailing wages. Since most Wage Board employees would eventually go into the fifth step, the new system perpetually guarantees that most Wage Board employees around the country will be paid 12 percent higher pay rates than are paid by local private employers. The legislation would adopt the policy that the Federal Government will be the highest paying employer in any given wage area in the United States.

Mr. Speaker, the consequences of such a policy could be devastating. Certainly, there would ensue an inflationary wage spiral throughout the country that would be impossible to control. The Federal Government, by setting Federal wages 12 percent higher than local wages, would be inviting inflated pay demands nationwide from every trade, craft, and union. Employees in the private economy would be automatically forced into a continuing demand to catch up and to receive wages comparable to those received by Federal employees.

I would also point out that this bill will add an additional $180 million per year to the existing $4 billion Wage Board pay roll. It is a cost that is not budgeted. It will contribute to the existing budget deficit. It will definitely feed the fires of inflation.

There are additional reasons why this conference report should be rejected. The inclusion of so-called nonappropriated fund employees, the enactment of nationwide pay differentials for evening and night work, the one-half billion dollar additional increase in the unfunded liability of the civil service retirement system—these are but a few.

Mr. Speaker, by every objective standard, this is bad legislation. It is a much worse bill than was enacted in the last Congress—and which was vetoed by the President. It is a bill that definitely violates the President's message to the Congress on July 26 on fiscal discipline, in which he stated he would veto any bill coming to his desk which called for excessive spending threatening the Federal budget.

I sincerely urge that this conference report be rejected; otherwise, I would think the President will have no other course of action but to veto it.

Mr. HENDERSON. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Speaker, I believe that the gentleman from Iowa inadvertently made a misstatement in his remarks; I believe the gentleman said that none of the Members who were House conferees signed the conference report. I am sure the gentleman from Iowa did not mean that.

Mr. GROSS. None of the minority members of the committee signed the conference report.

Mr. HENDERSON. All of the majority members signed the conference report.

Mr. GROSS. If I made that statement it will be corrected, and I thank the gentleman from North Carolina for correcting me.

Mr. ROUSSELOT. Mr. Speaker, the question on this conference report on H.R. 9092 is not whether we are in support of Federal blue collar workers because, we are, but rather do we favor a pay system that will allow, not a prevailing wage rate, but an actual wage rate of 12 percent above the prevailing rate for local private industry.

To vote "aye" means you approve of Federal employees receiving 12 percent above the rates of pay the craftsmen and tradesmen receive in your district. To vote "no" means you disapprove of this concept, and the corresponding inflationary effects.

Mr. Speaker, our present system of compensating Federal blue collar workers by paying them the local prevailing rates of pay of their counterparts in private industry has worked well, and we should not tamper with it.

I urge disapproval of the conference report on H.R. 9092.

Mr. HILLIS. Mr. Speaker, the conference report on H.R. 9092 is a fair compromise of the bills which passed the House and the Senate, and I support it.

While I still do have reservations concerning the inclusion of nonappropriated fund employees in the prevailing rate system, nevertheless, they, too, must be treated fairly. And, this bill will enact into law the principle of equal pay for equal work, and assure the Federal Government of being able to recruit and retain the best qualified tradesmen and craftsmen.

Mr. Speaker, the time has come to properly recognize our Federal blue collar workers and insure that they receive the same compensation as their counterpart in the private sector.

Mr. DULSKI. Mr. Speaker, I rise in support of the conference agreement on H.R. 9092. This legislation will establish a long-needed statutory system for fixing and adjusting rates of pay for prevailing rate employees of the Federal Government. There are approximately 600,000 Federal employees covered by this legislation.

I want to take this opportunity to express my appreciation to the gentleman from North Carolina (Mr. HENDERSON) and the other conferees, for their cooperation in working out the conference agreement. There really is only one significant difference between the conference agreement and the House-passed bill.

This difference is the effective date for the new fourth and fifth pay steps. The effective date under the House bill for the fourth step would have been the first day of the first pay period which begins on or after the 90th day after the date of enactment. The employees eligible for advancement on that date would go into the fourth step, and after serving the prescribed time for in-step service, would advance to the fifth step.

The conference agreement provides that these new steps shall not become effective until the first day of the first pay period commencing after the date on which the President ceases to exercise his authority under the Economic Stabilization Act of 1970, to stabilize wages and salaries, or April 30, 1973, whichever date occurs first.

This is not a significant delay as it extends only from 90 days after date of enactment to April 30, 1973, a matter of not more than 6 months. The major benefits that will accrue under this Act far offset this 6-month delay.

Approval of the conference report by the House, which I am convinced will be followed by approval of the legislation by the President, will result in enactment into law the long established principles and policies for setting the pay of prevailing rate employees.

In addition, it will make the following changes in the currenty operating system and procedures.

It will establish a Federal Prevailing Wage Advisory Committee consisting of 11 members, one of whom will be a full-time chairman appointed by the Chairman of the Civil Service Commission.

It will provide new wage schedules for five pay steps instead of the present three steps, with the fifth step rising to 112 percent of the prevailing wage.

It provides automatic step advancements after 26 weeks in step 1, 78 weeks in step 2, and 104 weeks in each of step 3 and step 4.

It provides a 7½-percent pay differential for nonovertime work during the second shift, 3 p.m. until midnight, and 10 percent for the third shift, 11 p.m. until 8 a.m.

It provides saved pay for 2 years for prevailing rate employees who are reduced in grade.

And the final major feature of this legislation will bring employees of nonappropriated fund activities of the Armed Forces, and employees of the Veterans' Canteen Service, under the prevailing rate system.

Mr. Speaker, I urge the adoption of the conference report.

Mr. HENDERSON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on the bill H.R. 9092.

The **SPEAKER.** Is there objection to the request of the gentleman from North Carolina?

There was no objection.

CONFERENCE REPORT ON H.R. 5065, AMENDING NATURAL GAS PIPELINE SAFETY ACT OF 1968

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from West Virginia (Mr. STAGGERS)?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House on August 9, 1972.)

The **SPEAKER.** The gentleman from West Virginia (Mr. STAGGERS) is recognized.

Mr. STAGGERS. Mr. Speaker, there were very few differences between the Senate and the House bills, and it took the conferees only a few minutes to iron out these differences. The House was able to accept most of the Senate amendments, and the Senate was willing to compromise on one of the principal provisions.

The House bill had provided that the Secretary of Transportation must pay to the States the grants-in-aid provided for in this legislation. The Senate bill left to the discretion of the Secretary whether such grants-in-aid payments should be made. The compromise language provides that the Secretary shall pay the grants-in-aid unless he determines that a particular State has failed to carry out the State safety program in a satisfactory manner.

The other Senate amendments agreed to by the conferees relate to the deadline which the States must meet to qualify under the legislation and to reports which the Secretary will be required to submit to the Congress.

Mr. Speaker, I urge the adoption of the report.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

MOTOR VEHICLE SAFETY ACT

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1084 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1084

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15375) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1084 provides an open rule with 1 hour of general debate for consideration of H.R. 15375 to amend the National Traffic and Motor Vehicle Act.

The purpose of H.R. 15375 is to authorize $37,461,000 for fiscal year 1973 to carry out the responsibilities and functions of the Department of Transportation under the act.

The legislation as introduced would have authorized $37 million, which was the Department's budget request. After hearings, however, the authorization was increased to $37,461,000, because of pay adjustments mandated by the Pay Act.

The funds are expected to be used as follows: $3.4 million for motor vehicle and equipment standards, $5.8 million for compliance and defects analysis, $22.7 million for research and analysis, $5.4 million for personnel and support cost.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. SMITH of California. Mr. Speaker, in the interest of time I concur and associate myself with the remarks of the gentleman from Hawaii in explanation of the rule. I simply add, Mr. Speaker, that there are letters in the committee report from the Office of Management and Budget and Department of Transportation arguing for a different bill, H.R. 15111.

This would have amended the act and also provided an open-ended authorization, but the Interstate and Foreign Commerce Committee preferred not to give an open-ended authorization and therefore decided not to consider H.R. 15111 at that time. Instead, they recommended H.R. 15375. There are no minority reports in the committee report. The committee reported it by voice vote.

Mr. Speaker, I urge the adoption of House Resolution 1084.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15375) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15375, with Mr. BINGHAM in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 15375—a bill to amend the National Traffic and Motor Vehicle Safety Act to authorize appropriations for fiscal year 1973.

This legislation proposes to authorize $37,461,000 for fiscal year 1973 to carry out functions and responsibilities under the Motor Vehicle Safety Act. This amount is equal to the Department of Transportation's budget request for fiscal year 1973, and represents a 20-percent increase over 1972 expenditures for the auto safety program.

In the last few years we are seeing real evidence that the legislative efforts of the Congress in motor vehicle and highway safety and the work of the National Highway Traffic Safety Administration are beginning to bear fruit. It is clear that safety standards have saved lives and that the overall rate of death and serious injury is declining. Preliminary statistics of 1972, however, indicate that the number of motor vehicle fatalities is on the rise. If statistical projections can be trusted, we will set an annual record in 1972 for highway deaths. Quite obviously we must increase our efforts to reverse this trend.

Let me say a brief word to explain why the committee recommends only a 1-year authorization in this legislation. In March of this year the Department of Transportation submitted proposed legislation which included an amendment to the National Traffic and Motor Vehicle Safety Act to allow an open-ended authorization for "such amounts as are necessary" to carry out the purposes of the act. It has been the consistent position of the Committee on Interstate and Foreign Commerce that our legislative oversight responsibilities preclude the giving of blanket authorizations. Accordingly, we asked the Department to submit cost estimates for the next 3 fiscal years. On June 5, 1972, the Department informed the committee that its requirements for fiscal years 1974 and 1975 have not yet been determined and only fiscal year 1973 data were available. Recognizing that the existing authorizing authority under the act would terminate on June 30, I introduced the bill, H.R. 15375, to extend the authorization for 1 additional year.

Hearings on the proposed 1-year extension were held and—after a minor amendment to take into account a pay act adjustment—the bill was reported unanimously by both the subcommittee and the full committee.

I am well aware that the administration and many Members have proposed important substantive amendments to the National Traffic and Motor Vehicle Safety Act. The committee has every intention to conduct thorough hearings on these proposals at the earliest possible date. At that time we are hopeful that the Department will be able to provide estimates of their budget requirements for fiscal years 1974 and 1975 so that we may extend the authorization to cover those years.

Mr. ROUSH. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Indiana.

Mr. ROUSH. Mr. Chairman, I thank the chairman for yielding. I would like to make some comments regarding the bill before us today authorizing appropriations for fiscal 1973 to carry out functions and responsibilities under the National Traffic and Motor Vehicle Safety Act.

I intend to support this bill.

But I have also this day introduced a bill that would amend the bill before us to open the national driver register for certain special purposes. I am not offering this proposal as an amendment to the bill before us today because I realize that hearings have not been held on this proposal as yet. But the chairman of the House Interstate and Foreign Affairs Committee has introduced this same proposal and it has the endorsement of the Department of Transportation. Let me now explain the objective sought.

The national driver registration compilation maintained by the Department of Transportation contains the names of individuals whose driver's licenses have been terminated, or temporarily withdrawn. The names are supplied to the registry from the States. This is a list, then, of drivers guilty of serious violations of the law.

Under present law the release of register information is permitted only to a State, one of its political subdivisions or a Federal agency and only for the purpose of issuing a motor vehicle operator's license or permit. The bill I have introduced today would change the law in two respects.

First it would allow the State to enter the Register on request of an employer, like a moving company, which was considering hiring a driver. In this instance it is important to know if the prospective employee has a history of license suspensions or revocations based on a record of hazardous, unsafe, drunken driving and any convictions for these. Presently such information is not available from the National Registry. The employer could ask each State in which the job applicant is registered as a driver for such information, but that is time consuming and inadequate. There is no way the employer can know which States the applicant was registered in, unless that information is given by the prospective employee.

Second, in section 2(a)(3) of the bill I introduced today, information would become available from the Register to judges prior to their imposition of sentences on individuals convicted of offenses arising out of the unsafe operation of motor vehicles. Certainly judges should be allowed access to information available in the Register in order to be able to justly and properly sentence a violater. As a former county prosecuting attorney I found that previous license revocations, suspensions or driving conditions imposed on Indiana drivers when brought into court acted as a definite influence on judges in succeeding driving offenses. If the driver happened to be from Indiana his record was available, but if from another State, or if his or her license from another State had been revoked we had no ready access to this information. Again, as with employers, we could ask the States in question, if we knew about them.

I believe opening the National Driver Register in these two ways extremely important. This bill also recognizes the importance of privacy and thus requires the State to furnish at no cost to the individual involved, copies of any information furnished any potential employer.

My interest in this legislative proposal is that the goal of highway safety be better served in view of the fact that last year approximately 55,000 Americans lost their lives on our Nation's streets and highways as a result of motor vehicle accidents.

My special interest in this legislative proposal is that I believe it is one way to help drive the drunken driver from the streets. Research findings indicate that half of those 55,000 dead are the victims not of the automobile, but of alcohol. This means that 2,250 persons a month, 75 a day, one person every 20 minutes dies in motor accidents influenced by alcohol. The National Highway Traffic Safety Administration considers reducing this problem of the highest priority. So do I.

We have begun an important campaign in this country to make the automobiles we drive safer, less vulnerable on impact. We will finally reach a limit, technologically, in what we can do to make cars safe. The National Highway Traffic Safety Administration is also trying to educate the public on safety standards for drivers for this is equally important.

I also believe that we must make some legislative adjustments and that is why I have introduced this bill today. In the House Report accompanying H.R. 15375, which authorizes appropriations under the National Traffic and Motor Vehicle Safety Act, the committee noted that several important bills have been introduced which propose substantive amendments to the National Traffic and Motor Vehicle Safety Act and that the committee intends to conduct thorough hearings on these proposals "at the earliest possible date." I hope that the proposal I have discussed today will be among these.

Mr. STAGGERS. Mr. Chairman, I might say to the gentleman this could be taken under consideration next year. It is not in this bill in any way. We have to have another authorization next year, and at that time we will consider the amendments.

Mr. ROUSH. If the gentleman will yield further, I understand it will not pertain to this bill and I can understand the reasons why. I merely ask the question in order to express an opinion, I guess, to the effect that I think these are substantive matters and should be brought to the attention of the committee. More than 55,000 people died on the U.S. highways last year. In approximately half of those instances drinking drivers were involved.

Mr. STAGGERS. I realize that.

Mr. ROUSH. I hope some way or other this Congress might direct its attention to this highway safety problem which confronts us.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I appreciate the distinguished chairman of the Committee on Interstate and Foreign Commerce yielding to me.

Mr. Chairman, I have read the report thoroughly. As one who does his homework and I hope is erroneously accused of being quick to criticize ofttimes, I want to compliment the committee thoroughly on the report, to say nothing of its decisions and actions. This is an unusually good report which demonstrates the concern for reducing the numbers of injuries and the numbers of accidents.

One has to drive only halfway across the Nation to understand why that is happening; namely, car production and probably unlicensed and incapable drivers who are driving longer cars faster than we can build the roads to accommodate them.

I am not sure we can legislate that out of existence, but I am very appreciative of the action and the function of the committee, and I certainly want to compliment the committee for continuing their effort, all of which has been funded for the amount appropriated and authorized in recent years with the exception of a very few tens of thousands of dollars, in the research and development necessary. Still they have not gone for the open-ended funding and runaway inflation characteristic of so many of the ideologists and "bleeding hearts." This is the epitome of responsible oversight and surveillance on the part of a standing committee of the legislative branch of our Government.

I believe the committee has quite properly taken a firm stance, and again I compliment the committee on its action. I intend to vote for this bill.

Mr. STAGGERS. I appreciate the words of the gentleman from Missouri.

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the chairman of the full committee has given a very good explanation as to what this bill will do. It is a simple extension of this much needed program.

Also, as the gentleman explained, the bill as introduced was open-ended. DOT wanted an open-ended authorization, but the committee provided a 1-year extension with specific figures.

I might add that the budget requests are exactly the same as the amounts authorized in this legislation.

In partial answer to the question of the gentleman from Indiana, we had a very short discussion in the committee of all the amendments which were pending before the subcommittee at the time. There were a number of amendments pending. I should be delighted to go over these with the gentleman, if he would like to have me do so.

The amendment the gentleman was interested in was one of them. Of course, I do not know whether either of us will be back in the Congress next year, but if I am a member of this committee I can assure the gentleman from Indiana we will give very serious attention to the amendment he has proposed as well as to the amendments that have been proposed by the Secretary of Transportation.

It was felt by the subcommittee that in order to get this legislation through and to get some appropriations which are needed we should give a simple extension and not go into all these amendments at this particular time.

I might add that the appropriations for this program have not been considered yet and will possibly come up in an appropriation bill at a later date.

Mr. BURKE of Florida. Mr. Chairman, I rise in support of H.R. 15375, which, if enacted, will amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973 in the amount of $37,461,000.

When the Congress in 1966 passed the National Traffic and Motor Vehicle Safety Act, it committed all of us in the United States to a program of reducing the annual toll of motor vehicle deaths and injuries on our highways, and although some progress has been made, yet the increasing number of automobiles and automobile users, makes it imperative for us to intensify our efforts to implement the work of the National Highway Traffic Safety Administration.

Although the rate of deaths and serious injury is declining, yet the absolute number of motor vehicle fatalities is rising. Motor vehicle fatalities present to us some gruesome figures. Through March 1972 they totaled 11,800 compared to 11,130 for the same period in 1971. Based on the past experience, the Department of Transportation projects a 1972 fatality total of 57,500 compared to 55,000 in 1971, an increase of 4.5 percent.

If these projected figures prove accurate, more Americans, young and old, will be killed in 1972 on the U.S. highways than have been killed in Vietnam during the entire war. To look at it in another way, Hollywood, Fla., the second largest city in my congressional district, has approximately 110,000 people. The projected number of traffic deaths on U.S. highways then will be more than one-half the population of the city of Hollywood, Fla. This slaughter is everyone's problem and this slaughter must be stopped.

Mr. Chairman, the authorization provided by this legislation represents an increase of approximately 20 percent over the 1972 expenditures for the auto safety program. Even though I advocate that Government expenditures be held at a minimum, if we are to fight inflation, yet to me our highway fatalities are a national disgrace.

One hears a lot of talk about reordering priorities and here is a perfect case in point. Last week Congress finished work on the Labor-HEW appropriation for fiscal year 1973 providing billions of dollars in Federal money on health programs. If we are, however, interested in saving lives through Federal programs, then this is the program because the yield from improved highway safety would go further dollar for dollar than that spent in the various health programs. Do not misunderstand me, because most health programs are good and necessary, but what I am trying to say is that more lives can be spared with improved automobile and highway safety programs than through any individual health program that has been proposed. If we had 57,500 people dying from a single disease in any one year the demand of the public to find a cure would be enormous. Yet people in our country accept highway deaths more complacently than death from any disease although death rides in the front seat with all of us when we take the wheel of our cars or when we sit as a passenger therein.

For this reason I support the passage of H.R. 15357 and ask my colleagues to vote in its favor.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. BROYHILL of North Carolina. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 121 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1409) is amended to read as follows:

"SEC. 121. There are authorized to be appropriated for the purpose of carrying out this Act, not to exceed $37,000,000 for the fiscal year 1973."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia.

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 8, strike out "$37,000,000" and insert in lieu thereof $37,461,000".

The committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BINGHAM, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15375) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973, pursuant to House Resolution 1084, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF S. 3824, PUBLIC BROADCASTING CORPORATION AUTHORIZATION

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1086 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1086

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities. After general debate, which shall be confined to the bill and shall continue not to exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1086 provides for consideration of the bill, S. 3824, which would authorize fiscal year 1973 appropriations for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities. The resolution provides an open rule with 1 hour of general debate, the time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce.

After general debate, the bill shall be read for amendment under the 5-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce, now printed in S. 3824, as an original bill.

At the conclusion of consideration of S. 3824 under the 5-minute rule, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute.

Mr. Speaker, the Corporation for Public Broadcasting, a private, independent, nonprofit enterprise established under the Public Broadcasting Act of 1967, has effectively carried out its congressional mandate. Under the stewardship of a bipartisan board of 15 members, the Corporation has: First, helped to develop high quality programs for presentation over public television and radio stations, second, helped to establish and develop interconnection for such stations, third, helped to establish and develop systems of public broadcasting stations, and fourth, helped to assure the maximum freedom of noncommercial educational broadcasting systems and stations from interference with or control of program content or other activities.

S. 3824, as reported, would authorize the appropriation of $40 million for the Corporation's operational expenses for fiscal year 1973.

In addition, the bill authorizes an appropriation for payment to the corporation a further sum, not to exceed $5 million, to match dollar for dollar, contributions from non-Federal sources to the Corporation.

Mr. Speaker, S. 3824 would also authorize $25 million for the educational broadcasting facilities grant program. However, because prior legislation has already authorized $15 million for that program for fiscal year 1973, this particular provision of the pending bill would actually increase the grant program amount by only $10 million.

Mr. Speaker, I urge the adoption of House Resolution 1086 in order that S. 3824 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I agree with the remarks made by the gentleman from Hawaii (Mr. MATSUNAGA) and associate myself with them in explanation of House Resolution 1086.

Mr. Speaker, I think this is a rather unique situation and a rather interesting situation because to some extent I believe we are legislating after the fact. You will remember, Mr. Speaker, we had the original bill here some time ago to extend for 2 years the Public Broadcasting Corporation, and I believe it had some $65 million in it rather than the $45 million.

The administration objected to the 2 years, and to the amount.

We had quite a bit of discussion about Sander Vanocur, and about some other individual, and it was quite an interesting operation. In any event, the President vetoed that bill on June 30, 1972.

I do not believe there was any effort to override the veto, and the Senate prepared this bill clearly in accordance with the request of the President of $45 million and for the 1-year extension.

I voted against the original bill, although I support the Public Broadcasting System. Then last week, Mr. Speaker, we had an appropriation conference report that had the $45 million in it. So we have already appropriated the $45 million.

So what we are going to do today is to make legal what we did last week in appropriating the money. I voted against the conference report on the appropriation because I thought it was against the rules. I did it technically, but on the bill here today, to make everything legal, I am going to vote for it, Mr. Speaker. I urge the adoption of the resolution and the bill so we can get the train back on the track legally and in accordance with the rules.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. MATSUNAGA. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain reports.

The **SPEAKER.** Is there objection to the request of the gentleman from Hawaii?

There was no objection.

PUBLIC BROADCASTING CORPORATION AUTHORIZATION

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities.

The motion was agreed to.

The **SPEAKER.** The Chair appoints the gentleman from Connecticut (Mr. GIAIMO) to preside over the Committee of the Whole and asks the gentleman from New York (Mr. BINGHAM) to take the Chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration on the bill (S. 3824), with Mr. BINGHAM (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN** pro tempore. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from Florida (Mr. FREY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before the House does two things. It authorizes the appropriation of $45 million for the Corporation for Public Broadcasting for fiscal year 1973 and increases the authorization for grants for noncommercial educational broadcasting facilities for fiscal year 1973 from $15 million to $25 million. Although the committee has amended the Senate bill, the amendment is entirely technical in nature and the subtance of the House committee amendment is the same as the bill passed by the Senate.

As Members of the House will recall, Mr. Chairman, on April 11 of this year the House by a vote of 256 to 69 passed H.R. 13918 which among other things—

Authorized the Corporation for Public Broadcasting to promote the utilization and development of telecommunications facilities for the production and distribution of educational radio and television programs.

Required that at least 30 percent of the funds appropriated to CPB in each fiscal year be distributed to noncommercial educational broadcasting stations for use—in their discretion—in activities related to their local broadcast operation.

Authorized an appropriation to CPB of not to exceed $65 million for fiscal year 1973 and not to exceed $90 million for fiscal year 1974.

Provided for inclusion of the 15 member board of directors of CPB of five members who are chief executive staff officers of noncommercial educational broadcasting stations. All members of the board of directors are, and would continue to have been, appointed by the President, by and with the advice and consent of the Senate.

Increased from $15 million to $25 million the authorization for fiscal year 1973 for grants for acquisition and installation of noncommercial educational broadcasting facilities.

The Senate passed the House bill without amendment by a vote of 82 to 1 on June 22. On the last day before the Fourth of July recess began the President vetoed H.R. 13918.

Frankly, Mr. Chairman, I was shocked and terribly disappointed by the President's veto. There is no better investment in the future of this great Nation than education and H.R. 13918 would have provided education, information, and enlightenment not only for the young people in our schools but for everyone who has access to a television set which today, Mr. Chairman, includes just about every man, woman, and child in the United States.

Since H.R. 13918 was last acted upon in the House—June 1—several other events of great consequence to public broadcasting have taken place, Mr. Chairman.

Five members have been appointed to the board of directors of CPB. When they are joined by our former colleague here in the House, Thomas Curtis, as I think they soon will be, there will be a Republican majority on the CPB's board of directors for the first time since the corporation was organized.

The chairman of the board of CPB, Frank Pace, its president, John Macy, and Ralph Nicholson, the corporation's vice president, have all announced their resignations. Without digressing too far, Mr. Chairman, I would like to take this opportunity to commend these gentlemen for the job they have done. It has been superb. My hope is that their successors will do as well.

Last week the House in acting on the Labor-HEW appropriation bill (H.R. 15417) provided for the appropriation of $45 million for the CPB and $15 million for grants for noncommercial educational broadcasting facilities for fiscal year 1973.

Mr. Chairman, the bill before the House was introduced in the other body and passed by it on the fifth day after our return from the Fourth of July recess—July 21. As I have already said, it does nothing more than authorize $45 million for the CPB, and $25 million for grants for noncommercial educational broadcasting facilities, for fiscal year 1973. I have every confidence that the bill will be signed by the President.

Mr. Chairman, several amendments relating to the Corporation for Public Broadcasting were offered and two were adopted while H.R. 13918 was under consideration here in the House. It is my hope that S. 3824 will be passed by the House without amendment.

The Corporation will soon be operating under new leadership. I think its new leaders should be given at least a year to show what they can do without imposing restrictive amendments on the corporation.

Mr. Chairman, I urge Members of the House to pass S. 3824, as reported by the Interstate and Foreign Commerce Committee.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am very happy to yield to the gentleman from Iowa.

Mr. GROSS. Would the defeat of this authorizing legislation invalidate the appropriation, as approved by the House only a few days ago?

Mr. STAGGERS. I believe since the House has passed the appropriation, defeat of this bill would not invalidate the appropriation.

Mr. GROSS. Someone said here this afternoon that this legislation is merely to validate what the Appropriations Committee approved a few days ago but the gentleman does not think that defeat of this bill would invalidate the appropriation already made?

Mr. STAGGERS. We had this bill on the suspension calendar before the appropriation came up. The Appropriations Committee had the figures that we have in this bill for the CPB.

Then when we found we could not get to it under suspension, we had to get a rule and it was scheduled for today. As the gentleman from Iowa observes the appropriation bill was passed last week.

But, as I say, that is a debatable question.

I do urge the adoption of the bill, Mr. Chairman.

Mr. MACDONALD of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts (Mr. MACDONALD), chairman of the subcommittee.

Mr. MACDONALD of Massachusetts. Mr. Chairman, I rise in support of this substitute bill rather reluctantly. But knowing that public broadcasting is needed in the country, I, of course, was in favor of the bill which came out of our committee. But, in the absence of any desire to override the President on this particular thing, which now is in the hands of the President and the Board which he has appointed, I ask all Members to support the bill as I intend to do.

Mr. Chairman, I rise in support of S. 3824, a bill to fund the Corporation for Public Broadcasting for fiscal year 1973 at a level of $45 million and to authorize up to $25 million for badly needed technical broadcasting facilities at the local TV and radio stations which broadcast noncommercial, educational programs.

For those of my colleagues who may not have followed the tortuous legislative history of the Public Broadcasting Act of 1972, it will suffice to refer them back to the President's veto of our original bipartisan bill which provided for a substantially higher level of funding, over a 2-year period instead of 1.

That veto did more than kill the bill. It triggered the resignation of John Macy, the president of the Corporation for Public Broadcasting. John Macy is a distinguished public servant who gave without reservation his skill, his talent, his patience, and his health to the proposition that it would be truly in the public interest of all the citizens of the United States if that incredible communications medium, television, offered a choice of program fare for our 50 million television homes. Mr. Macy did an outstanding job, and he will be missed.

Aside from paying tribute to the achievements of John Macy in building the structure that enabled public broadcasting to go in 3 short years for 165 educational TV stations, each going its own way on 165 shoestrings, to more than 200 interconnected stations with a number of first rate, professionally produced, national programs to lure viewers to their sometimes-hard-to-get channels, the business before the House is to maintain at least this minimal support for public broadcasting now, this year, this week.

I am certainly not happy with the options open to us, but those are the options—either pass this bill, or stop public broadcasting dead in its tracks.

I earnestly urge the House to pass S. 3824 without further delay, and without amendments that would nitpick and quibble and serve only to make the public broadcasting people more insecure and frightened of vague and formless threats to their existence.

Those threats have come, quite candidly, from the Office of Telecommunications Policy in the White House. That office has grown like Topsy, and as it has grown, so has its interpretation of its mandate. The policy that they have been setting is much more than policy dealing with the efficient use of the spectrum allocated to Government agencies, much more than dealing with foreign governments, much more than formulating proposals for the orderly development of such futuristic communications techniques as cable TV and satellites.

The policy that OTP has arrogated unto itself is a partisan policy. OTP decided, in all its cloistered wisdom, that public broadcasting might turn out to be something they tried to scare us by calling a "fourth network." Well, what is wrong with a fourth network, or a fifth, or a sixth? Networks are, after all, only a collection of stations who have learned the hard way that they should be interconnected so that important events can be covered on a real-time, simultaneous basis, or that programs distributed from a central source to all affiliated stations at the same time present clear advantages to their viewers and to themselves. Should not the noncommercial broadcasters have access to the same truth? Does it take a genius to perceive that more people will be educated—and absorbed—by watching "Sesame Street" or "Wives of Henry the Eighth" than by watching locally produced finger painting? Should not the hearings of the Senate Foreign Relations Committee be made available in prime time to all public broadcasting stations at once as was done by PBC when the commercial networks could not?

What can be wrong with offering the American people an alternative? The only thing that I can think of would be if that alternative should be Government-controlled, Government-approved, Government-dominated. But turn the coin over—if Government can scare public television away from presenting the important issues that concern the thinking citizen, at a time when he is able to watch that presentation on his TV set the Government's meddling will be directly responsible.

We must put a stop to this Government meddling. The Congress established the Corporation for Public Broadcasting. The administration has tightened the rein on them, but at least public broadcasting can still have some room to run if we pass this bill today. Next year they will be back with their track record, and I hope just as fervently as you that it is a good record.

One more thing: The track record for fiscal 1973 will be the administration's track record. There have been 11 appointments to the CPB board made by President Nixon; the new chairman will be from his party; the new chairman's first job will be to pick a new president to replace John Macy, and his first job will be to pick a new vice president to replace the man who resigned just a month ago. That is a lot of tough assignments, and having completed them, the administration's choices will be called upon to perform. The Congress will be watching that performance with great interest, I am sure. From this side of the aisle, we may even feel constrained to question the judgment of some CPB decision, just as our distinguished colleagues on the other side of the aisle have charged that crimes may have been committed by the choice of commentators or the presentation of programs by this theoretically independent corporation.

The point of the argument here is that Corporation for Public Broadcasting should be independent. It should be insulated from political pressure. It should be free to experiment and make occasional mistakes and bring television into a real golden age, an age where pandering to the lowest common denominator need not rule, where selling deodorants need not be the only criterion for putting on TV programs, where the Congress can look back on its wisdom in creating public broadcasting and say, "That was a good thing."

Mr. FREY. Mr. Chairman, when this bill came before the House a few weeks ago, there was considerable disagreement about the main provisions of the bill, especially the question of the 1- or 2-year authorization. Amendments were offered in various ways to limit the authorization and were defeated by very narrow margins. Many of the misgivings and dissatisfactions voiced here were also noted by the administration and its suggestion for a 1-year authorization allowing an increase of $10 million over 1972 levels, many people felt that this was a 30-percent increase, a very generous increase.

Of course feeling on the opposite side was evidenced by the vote.

Based upon the actions taken here during consideration of the original bill, it became obvious that there were considerably less than two-thirds needed to override a veto for the 2-year funding. Therefore, it is not surprising that when the President did veto it that there has been no attempt to override it.

I think it is important that we understand at this point also that the situation is a little bit different than it was before. I think at this point we had the resignations of the chairman of the board, the president and vice president of the corporation, and we will have new appointments to this. I believe also there are appointments to the number of 15 made to the board of directors. It also will have a different caste to it. I think it is only fair that we allow these people to look at the job they have to do and then to see what they accomplish.

I think to go ahead and change right now would not be fair to them, and certainly it would not be fair to public broadcasting. I also believe that in some way, as the gentleman from California (Mr. SMITH) said, we are beating a dead horse. The Committee on Appropriations has always acted on this. If we are to act today, if we are going to act today on the Senate bill which is basically like this, except for a few technical amendments, we are going to draw this business out until way after the recess, and I think for the good of public broadcasting, even if some in public broadcasting do not like this, they at least ought to know where they stand and what they are going to get.

I personally was hoping the 30 percent pass through provision that we had would be legislation, but the Public Broadcasting Corporation indicated this would be a policy.

I am glad to see that more money is going into facilities because we need them.

To summarize, it seems to me any act right now other than what is proposed would be to go back to the President and with the overwhelming vote in the Senate and the compromise in the House, I am in support of what we are doing. The only thing to do is to vote "yes" on this bill and take a hard look at it in our further deliberations next year.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman and members of the committee, several weeks ago when we considered this proposal which the President later vetoed, the controversy which surrounded that bill had to do with the actions of the people in public broadcasting. A number of us, myself included, felt that some of the salaries being paid were excessive. We offered an amendment which had the effect of controlling the salary, of course, of only one individual. We made an effort to limit the salaries of some of the people whose participation in the program production which is done for PBS under this. That particular amendment failed.

Another amendment was offered which had to do with prohibiting the participants in public broadcasting from doing and publishing political polls. I think by now that some of these people have begun to get the word that the Congress is not going to sit idly by or stand idly by and let public broadcasters be fully competitive with the private broadcasters, the networks. This is what I intended then, and this is what I intend now.

The chairman of the committee (Mr. STAGGERS) tells me that he has made it perfectly clear to these people that their days of political polling are over; that they had better put their house in order. This would be my recommendation with the understanding that we have—the original bill having been vetoed, that we pass this authorization for 1 year, that we get on with it. We have got next year, a new Congress, the 93d Congress, to write a new bill.

It could be a multiyear program, and if their performance is not such and the direction they take in the interim is wrong, then we are going to have to finish the job we started on the bill which was vetoed. I think we ought to pass this bill today.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, I intend to support the bill as it came from the committee. I think this is a good solution to a controversial and complicated matter. It is a 1-year extension. On the assurances that the gentleman from Louisiana has had, it seems to me that in the interval of 1 year we can adequately monitor the performance of the organization and its personnel. If they disappoint us, then the House as well as the other body will have an opportunity to work their will in the next Congress.

It seems to me this is a good compromise. I hope we do not change the bill. I hope that it is acceptable to the White House, and I understand it is. I think under the circumstances the best course of action is to pass this bill in its present form.

Mr. WAGGONNER. I agree with the gentleman from Michigan, the distinguished minority leader, and I urge that we pass the bill.

Mr. CABELL. Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Texas.

Mr. CABELL. Mr. Chairman, I am very happy to associate myself with the remarks of the gentleman with reference to this bill. I subscribe to his thinking completely. I have never opposed the principle of public broadcasting. I think there is a place for it in the educational system, but I have been very critical of some of the programing that has been done. I have been critical of some of the boards of directors of the individual stations for abrogating their authority to the Washington setup, or wherever the headquarters might be, and for their negligence in not screening some of the activities of the respective stations.

I certainly hope that the fine remarks of the gentleman in the well will be heeded as well as the feeling of the House as I get it, and that in the coming year some of those difficulties can be eliminated.

Again I commend the gentleman in the well for his remarks.

Mr. WAGGONNER. I thank the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. FREY. Mr. Chairman, I yield the gentleman from Louisiana 1 additional minute.

Mr. Chairman, will the gentleman yield?

Mr. WAGGONNER. I yield to the gentleman from Florida.

Mr. FREY. Mr. Chairman, I think the gentleman's statements about public broadcasting getting the message is extremely good. From the time of the last debate to the present the General Accounting Office has started an audit, as was discussed the last time. This is a significant step. It goes along with the remarks of the gentleman that we must be sure to get our money's worth. I think from the discussions in the committee as well as the debate today we can be assured this will be looked into in the future.

Mr. STAGGERS. Mr. Chairman, I yield to the gentleman from California, a member of the committee, such time as he may consume.

Mr. VAN DEERLIN. I thank the gentleman.

Mr. Chairman, I think some of the things that have been said illustrate the necessity of getting public broadcasting out from under the thumbs of politicians. This must become a truly independent arm of broadcasting to which the Government contributes, or it is nothing.

We have heard talk about "the message getting through" to public broadcasting licensees, and how we in Congress will be "keeping an eye" on the way those broadcasters behave between now and the time of our next authorizing legislation.

I find such talk both sinister and chilling. I do hope the administration, as it has been promising for 3 years, will come up with plans for the kind of ongoing funding that will assure the independence necessary for a truly useful educational and public broadcasting arm.

Mr. Chairman, I do not know who wrote the President's veto message, and I am inclined to wonder if Mr. Nixon even read it. I cannot believe he read both his veto message and the bill it purports to criticize.

Because in all the rhetoric over public broadcasting, Mr. Chairman, the administration has fuzzed over the issue of "localism." Thus far, they seem to be getting away with it.

Listening to young Dr. Whitehead and his allies, one would think that Congress and the Corporation for Public Broadcasting are bent on building an all-powerful "network" at the expense, financial and programatic, of local stations.

The facts are otherwise. In view of the misleading statements, I think the record should be very precise on this point.

H.R. 13918, the bill vetoed by the President, was actually far more generous to public broadcasting stations than either the administration's first proposals, or S. 3824, the stripped-down version we are passing this afternoon.

The legislation which Mr. Nixon vetoed would have authorized a total of $65 million the first year and $90 million the second. Of critical importance was the stipulation that at least 30 percent of the funds which went to CPB had to be passed along to public radio and TV stations for their own local purposes. This would have meant a minimum of $19.5 million the first year, $27 million in the following year, for use as local managers saw fit. And CPB gave assurances, in writing, that actual total outlays to stations would be higher than the minimums required by the proposed law.

By comparison, the administration seems tight-fisted, indeed, when we consider who is doing what for—or to—the local public broadcasting outlets. In its budget for the current fiscal year, the administration sought $45 million for CPB, of which $15 million would have been earmarked for local stations. At best, then, the administration would have provided at least $4.5 million less in operating funds for the local stations on which it lavishes such extravagant expressions of concern.

In the bricks-and-mortar department, the performance of this administration is just as sorry. Although $15 million had been initially authorized for the construction of public broadcast facilities, the administration this year asked only $13 million. Congress again tried to come to the rescue of financially strapped stations, by providing $25 million in H.R. 13918 for facilities. The bill before us today also would authorize $25 million for this purpose—further evidence of the concern of Congress.

H.R. 13918 originally proposed 5 years of funding for the stations and CPB. It was put forward because the administration had promised long range financing for public broadcasting year after year after year. But none came. So H.R. 13918 was offered and considered in open hearings by the Communications and Power Subcommittee. Then—and only then—did the administration come forward with a finance plan for public broadcasting and it consisted of a 1-year authorization for CPB at $45 million, with a rigid grant formula to stations which would have provided less funding to the stations than H.R. 13918 but would have been much more difficult to administer. The administration bill made no provision at all for vitally needed local broadcast facilities.

Would the administration come forward with even that bill had hearings not been scheduled for H.R. 13918? Probably not. If the administration had had its way, the program would have been allowed to go ahead in fiscal 1973 without a penny of increase. But the House subcommittee set the pace—and thus made possible a significant increase in CPB funds.

S. 3824 contains no new provisos for public broadcasting. It continues the enterprise basically as before. H.R. 13918 would have made some changes. As it came from the subcommittee, the bill would have given more control of public broadcasting to the local licensees. As I mentioned earlier, at least 30 percent of the funds would have been required to go to them, and five station managers would be on the CPB board. The law has always permitted these matters. But, as a result of the House subcommittee hearings and debate, and even before any bill had passed, the board of directors of the Corporation accepted the principle of more influence by the stations, and has already begun to consult with station managers on budgets and planning.

S. 3824 does include $25 million for station facilities grants. In the hearings called by the subcommittee to consider H.R. 13918, the stations made a persuasive case, and our subcommittee increased that $15 million to the $25 million in H.R. 13918. So S. 3824 fully follows the subcommittee recommendation in that regard, and even the administration is restrained in its opposition to this addition for local public broadcast station support.

I can only conclude, Mr. Chairman, that had the subcommittee not initiated action in its own bill, the situation for public broadcasting would have been far worse. S. 3824 represents some progress—not as much as many of us would like—but at least some progress.

The real question now lies ahead. The administration has promised to develop a long-range finance plan for presentation to the Congress. Inasmuch as they presented only a 1-year bill, Congress must assume that the administration's long-range plan is going to be presented for action by the next Congress in time to take effect for funding the stations and CPB in fiscal 1974—less than a year away. The next Congress certainly will want to consider these plans at length, as soon after the first of next year as possible. This would imply that such plans are even now under development. Will the administration share them with the subcommittee?

Funds for CPB for 1974 must also be in somebody's budget in the administration. What is planned? Should not the House subcommittee have some understanding of this at this time?

One thing is certain. There is nothing so far in the RECORD to indicate this administration is doing anything at all to enable public broadcasting to improve its stepchild status. Our per capita expenditures are $13.96 for commercial TV but still only 74 cents for public TV. Putting it another way, we spend 19 times as much for the commercial stuff. For the sake of comparison, the per capita outlay for noncommercial TV is $3.29 in Britain and $2.90 in Japan—despite the generally higher costs prevailing in the United States.

The Federal contribution to CPB for its first 4 years has totaled $78 million—well under the $100 million which the Carnegie Commission on Public Broadcasting had estimated was needed annually if CPB were to be fully viable.

All across the Nation the community and State public groups and agencies which are the licensees for the more than 700 public radio and TV stations have watched the Washington battle over Federal assistance for them. They learned the names of the agencies and Congressmen and where they stood on support for public broadcasting. Their voices were heard. Then when the President vetoed the Congress bill to help these local licensees and their national support agencies—and CPB—they and their local newspapers wanted to know why—and why their President had so little faith in them. They still do not know. And they must now go through the coming year far less well equipped to do the job than need be. But now they have learned who their friends are—and are not—and they will be looking forward to next year. So will the Congress.

Mr. STAGGERS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to explain in connection with what the gentleman from Florida said, that on June 5 I wrote to the Comptroller General to ask him to audit the financial transactions of the Corporation for Public Broadcasting for fiscal year 1972. It has been started. We will have the results before the Congress before the next bill comes up. The letter to the Comptroller General reads as follows:

JUNE 5, 1972.

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: On Thursday of last week (June 1) the House of Representatives considered and passed H.R. 13918, a bill which, among other things, authorizes the appropriation of funds for fiscal years 1973 and 1974 for the Corporation for Public Broadcasting.

The Corporation is a private, non-profit corporation established pursuant to the Public Broadcasting Act of 1967 (Public Law 90–129). During its existence the Corporation has been principally funded with monies appropriated by the Federal Government. Section 396(1) of the Act (47 U.S.C. 396(1) provides that the accounts of the Corporation must be audited annually by independent accountants having certain prescribed qualifications. That section also authorizes an audit of the financial transactions of the Corporation by the General Accounting Office for any fiscal year during which Federal funds are available to finance any portion of the Corporation's activities.

During House consideration of H.R. 13918, I was informed that no audit of the Corporation has even been conducted by the General Accounting Office. In view of the substantial amounts of Federal funds being appropriated to the Corporation, I believe that an audit of the Corporation's financial transactions by the General Accounting Office is desirable. Accordingly, I request that the General Accounting Office conduct an audit of the financial transactions of the Corporation for Public Broadcasting for fiscal year 1972.

Sincerely yours,
HARLEY O. STAGGERS,
Member of Congress,
Chairman.

Mr. Chairman, I have no further requests for time.

Mr. FREY. Mr. Chairman, when the public broadcasting bill was here before the House a few weeks ago there was considerable disagreement about the wisdom of providing more than 1 year of authorization under all of the circumstances surrounding the operation of the corporation and its offshoots. Amendments offered in various ways to so limit the authorizations were defeated by very narrow margins. Many of the misgivings and dissatisfactions voiced here had also been noted by the administration and its suggestion was a 1-year authorization allowing an increase of $10 million over the 1972 levels. All things considered, this seemed not only adequate but generous.

Based upon the actions taken here during consideration of the original bill it is obvious that considerably less than two-thirds of the Members felt that 2-year funding was justified. It is therefore not surprising that the President saw fit to veto that measure and ask again that Congress come forth with a 1-year bill. The other body promptly took up and passed a very simple measure to extend the Public Broadcasting Corporation authorization for 1 year only and in the amounts suggested. Meanwhile the Appropriations Committees indicated that these same figures would be honored.

In going along with the action by the other body we do eliminate some changes in the operation of the corporation which the committee felt were desirable. The most important one had to do with the funneling of money through to the local stations for their use. The bill required that 30 percent of appropriated funds be passed through to the stations. Meanwhile the board of directors of the corporation has decided as a matter of policy to do so and has definitely announced its intention to follow through. For the time being at least there seems to be no great need for a legislative mandate on this subject. By next year a look at the experience of the stations with the new corporation policy may lead the committee to recommend a different requirement. With a 1-year authorization you will be certain to have a crack at it here also.

There are differences between the bill now before you and that passed by the Senate but they are technical and our bill reflects exactly what the other body intended to do. We are assured that they will be accepted and the bill can become law very soon, thereby providing authorizations for actions already decided upon by the Appropriations Committees.

I recommend that the House suspend the rules and pass this bill.

Mr. FRASER. Mr. Chairman, as Congress moves to consider appropriations for public broadcasting I think it is worth a look at the origin of our broadcasting system.

Public broadcasting began in the 1920's with high aspirations. The then Secretary of Commerce Herbert Hoover told Congress in 1924:

> Great as the development of radio distribution has been, we are probably only on the threshold of the development of one of the most important of human discoveries bearing on education, amusement, culture and business communication.

The need for broadcasters to serve the public was repeatedly emphasized. The Federal Radio Commission, established in 1929, made clear that the public interest required diversity of programs. It stated:

> The tastes, needs and desires of all substantial groups among the listening public should be met in some fair proportion, by a well-rounded program, in which entertainment, consisting of music of both classical and lighter grades, religion, education and instruction, important public events, discussions of public questions, weather, market reports, and news, and matters of interest to all members of the family find a place.

The promise of those days has not been fulfilled. While commercial television has made some excellent contributions, television today is far from what it could be. Increasingly, the networks have been victimized by the "numbers game" where the ratings become more important than the quality of the programing.

The extent of this victimization of the networks and the public is shown by the excessive amount of violence on the air. This phenomenon was criticized by the President's Commission on the Causes and Prevention of Violence. It was also the subject of a study by the Surgeon General's Advisory Committee on Television and Social Behavior. That committee, after sponsoring numerous research studies on the subject, presented its findings to the public in a six-volume report.

The Surgeon General stated to Congress:

> While the committee report is carefully phrased and qualified in language acceptable to social scientists, it is clear to me that the casual relationship between televised violence and antisocial behavior is sufficient to warrant appropriate and immediate remedial action. . . . (T)here comes a time when the data are sufficient to justify action. That time has come.

Another area of commercial broadcasting where a sense of responsibility has eroded is advertising. I am thinking in particular of the constant barrage of food advertisements which nutritionists say are contributing to the bad eating habits of our children. Over 60 percent of the advertising on children's television is food advertising and as a result the typical child is exposed to 8,000 food commercials a year. This is not advertising of solid nutritional food such as meat, potatoes, and vegetables. Rather the advertising is primarily of candy, sugary drinks, and other sweet foods of limited nutritional value.

Studies have shown the impact of such advertising on children and the persuasive power of children on family shopping habits. Nutritionists have called to the attention of Congress and the public the imbalance in the kinds of foods that are advertised on children's shows, saying that it "makes it impossible for a child not to go wrong." Yet this practice continues.

By the time the average child reaches 18, he will have spent more time watching television than attending school. If this amount of television is being watched by our children, let us at least see to it that some of the programs are worthwhile.

The Corporation for Public Broadcasting deserves a reasonable level of funding. On a very limited budget, it has produced such excellent shows for children as "Sesame Street" and "Misterogers Neighborhood." It can do much more.

Decent programing for our children is just one reason to support the Public Broadcasting Corporation. There are many others, including the need for more informational and cultural programs. But I think the need for better television for our children is compelling.

Unfortunately, President Nixon vetoed the bill Congress passed on June 22, providing a 2-year authorization of $165 million for the Public Broadcasting Corporation. I supported that bill. I believe the present bill before us, S. 3824, is by no means adequate. But in light of the President's veto, we must move to provide at least minimal financing for the Corporation. Congress must pass this bill with the commitment to give the Public Broadcasting Corporation in the future the funding it needs to help provide this country the kind of television it deserves.

Mr. FREY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN pro tempore. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) section 396(k)(1) of the Communications Act of 1934 is amended to read as follows:
>
> "(k)(1) There is authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1973, the sum of $40,000,000."
>
> (b) Section 396(k)(2) of such Act is amended by striking out "1972" and inserting in lieu thereof "1973".
>
> SEC. 2. Section 391 of the Communications Act of 1934 is amended to read as follows:
>
> "AUTHORIZATION OF APPROPRIATIONS
>
> "SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1973, such sums, not to exceed $25,000,000, as may be necessary to carry out the purposes of section 390. Sums appropriated under this section shall remain available for payment of grants for projects for which applications, approved under section 392, have been submitted under such section prior to July 1, 1974."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN pro tempore. Are there any amendments to be proposed to the committee amendment in the nature of a substitute? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BINGHAM, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities, pursuant to House Resolution 1086, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PETTIS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 377, nays 8, not voting 47, as follows:

[Roll No. 327]

YEAS—377

Abbitt
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Dickinson
Diggs
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Latta
Link
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reid
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Springer
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—8

Camp
Crane
Derwinski
Flynt
Gross
Terry
Tiernan
Wiggins

NOT VOTING—47

Abernethy
Abourezk
Abzug
Anderson, Tenn.
Baker
Betts
Blanton
Byrnes, Wis.
Carney
Carter
Clancy
Conte
Danielson
Davis, Wis.
Dingell
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Frelinghuysen
Gallagher
Hagan
Hébert
Heckler, Mass.
Hull
Keith
Kyl
Landrum
Leggett
Lennon
Lent
Long, La.
McCloskey
McDonald, Mich.
McMillan
Michel
Passman
Pelly
Rarick
Rhodes
Rooney, N.Y.
Ryan
Satterfield
Schmitz
Teague, Tex.
Veysey
Waldie

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.

Mr. Rooney of New York with Mr. Lent.

Mr. Blanton with Mr. Baker.

Mr. Waldie with Mr. Conte.

Mr. Ryan with Mr. McDonald of Michigan.

Mrs. Abzug with Mr. Abourezk.

Mr. Landrum with Mr. Keith.

Mr. Passman with Mr. Michel.

Mr. Edmondson with Mrs. Heckler of Massachusetts.

Mr. Leggett with Mr. McCloskey.

Mr. Lennon with Mr. Kyl.

Mr. Hagan with Mr. Betts.

Mr. McMillan with Mr. Byrnes of Wisconsin.

Mr. Rarick with Mr. Edwards of Alabama.

Mr. Long of Louisiana with Mr. Davis of Wisconsin.

Mr. Gallagher with Mr. Clancy.

Mr. Abernethy with Mr. Carter.

Mr. Carney with Mrs. Dwyer.

Mr. Teague of Texas with Mr. Frelinghuysen.

Mr. Hull with Mr. Pelly.

Mr. Danielson with Mr. Schmitz.

Mr. Dingell with Mr. Dow.

Mr. Anderson of Tennessee with Mr. Satterfield.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two bills just passed, H.R. 15375 and S. 3824.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., August 15, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: On this date, I have been served, as Clerk of the U.S. House of Representatives, with a subpoena duces tecum that was issued by the United States District Court for the Western District of Pennsylvania. This subpoena appears to be in connection with the case of the United States of America v. Grand Jury Investigation.

This subpoena commands the Clerk of the House to appear in said United States District Court for the Western District of Pennsylvania at 10 A.M. on August 22, 1972, and requests certain House records that are outlined in the subpoena itself, which is attached hereto.

The rules and practices of the House of Representatives indicate that no official of the House may, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House first being obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

With kind regards, I am
Sincerely,

W. PAT JENNINGS,
Clerk, U.S. House of Representatives.

The SPEAKER. The Clerk will read the subpena.

[In the U.S. District Court for the Western District of Pennsylvania]

SUBPENA TO PRODUCE DOCUMENT OR OBJECT

(United States of America v. Grand Jury Investigation)

To W. Pat Jennings, Clerk of the House, Longworth House Office Building, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the Western District of Pennsylvania at 708 U.S. Post Office & Cthse. at 7th Ave. and Grant Street in the city of Pittsburgh on the 22nd day of August 1972 at 10:00 o'clock A.M. to testify in the case of United States Grand Jury Investigation.

This subpoena is issued upon application of the United States of America.

August 9, 1972. Blair A. Griffith, First Assistant U.S. Attorney.

BERNARD SHAFFT, *Clerk.*

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 1091) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1091

Whereas in the Grand Jury Investigation pending in the United States District Court for the Western District of Pennsylvania, a subpena duces tecum was issued by the said court and addressed to W. Pat Jennings, Clerk of the House of Representatives, directing him to appear as a witness before the grand jury of the said court at 10 o'clock antemeridian on the 22nd day of August, 1972, and to bring with him certain papers and documents in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the grand jury in the subpena duces tecum beforehand, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpena duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRIVILEGE OF THE HOUSE—GRAND JURY INVESTIGATION, U.S. DISTRICT COURT, WESTERN DISTRICT OF PENNSYLVANIA

Mr. PRICE of Illinois. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman will state the question of privilege of the House.

Mr. PRICE of Illinois. Mr. Speaker, in my capacity as chairman of the Committee on Standards of Official Conduct, I have been subpenaed to appear before the grand jury of the U.S. District Court for the Western District of Pennsylvania, on August 22, 1972, and to bring with me certain records of the Committee on Standards of Official Conduct. Under the rules and precedents of the House, I am unable to comply with the subpena duces tecum without the permission of the House being involved.

I therefore submit the matter for the consideration of the House.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[U.S. District Court for the Western District of Pennsylvania]

SUBPENA TO PRODUCE DOCUMENT OR OBJECT

(United States of America, Grand Jury Investigation)

To Melvin Price, Chairman, Committee on Standards of Official Conduct (House Ethics Committee), House of Representatives, Washington, D.C.

You are hereby commanded to appear in the United States District Court for the Western District of Pennsylvania, at 708 U.S. Post Office and Courthouse, 7th Avenue and Grant Streets, in the city of Pittsburgh, on the 22d day of August 1972, at 10 o'clock A.M., to testify in the case of United States Grand Jury Investigation and bring with you all affidavits submitted by current or past employees of Congressman J. Irving Whalley, referring to the existence or absence of salary kickbacks.

This subpena is issued upon application of the United States of America.

Mr. BOGGS. Mr. Speaker, I offer a privileged resolution (H. Res. 1092) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1092

Whereas in the Grand Jury Investigation pending in the United States District Court for the Western District of Pennsylvania, a subpena duces tecum was issued by the said court and addressed to Honorable Melvin Price, Chairman of the Committee on Standards of Official Conduct of the U.S. House of Representatives, directing him to appear as a witness before the grand jury of the said court at 10 o'clock antemeridian on the 22nd day of August, 1972, and to bring with him certain documents in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That Honorable Melvin Price, Chairman of the Committee on Standards of Official Conduct, or any employee of that committee whom he may designate, be authorized to appear at the place and before the grand jury in the subpena duces tecum beforementioned, but shall not take with him any papers or documents on file in that committee or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said committee; and the Clerk of the House is authorized to supply certified copies of such documents or papers in the possession or control of the said committee that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said committee shall not be disturbed or the same shall not be removed from their place of file or custody under the said committee; and be it further

Resolved, That as a respectful answer to the subpena duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce a change in the program for tomorrow.

The consumer product safety bill which was originally scheduled will not be considered and in place thereof we will consider the bill, H.R. 14847, to amend the Airport and Air Development Act of 1970, more commonly known as the head tax bill.

In addition to that, we hope to obtain unanimous consent to vote on the SALT interim agreement on Thursday.

Mr. Speaker, I ask unanimous consent that the vote on final passage of House Joint Resolution 1227, the SALT interim agreement be taken on Thursday instead of tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Speaker, reserving the right to object, I have been contacted concerning the desirability of this unanimous-consent request in view of the fact that there is considerable colloquy in the RECORD involving the leadership as to not deferring the business of the House for primary elections and other valid excuses, but still trying to accommodate the Members where possible; in view of the fact that the sole reason for deferring such an important vote as the House's part in concurring in the SALT interim agreement; and in view of the fact that the gentleman from Missouri has also been invited to his State fair by his Governor and other officials and rejected it because in my view it is our elected and bounden duty to be on the floor of the Congress when we are officially in session, I am constrained to object, and I do object.

The SPEAKER. Objection is heard.

Mr. BOGGS. Proceeding under my 1-minute unanimous consent grant, I would like to announce that the program tomorrow otherwise will be as scheduled:

H.R. 16071, Public Works and Economic Development Act, will be considered first under an open rule with 2 hours of debate, and because of the objection of the gentleman from Missouri, the

SALT Agreement—House Joint Resolution 1227—will be considered and voted on tomorrow.

Finally, H.R. 14847, the airport head tax bill will be the last order of business.

RE ACTIVITIES OF JANE FONDA IN NORTH VIETNAM

(Mr. ICHORD asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, late last week the Committee on Internal Security discussed, at some length, the question of whether or not to issue a subpena to the actress, Jane Fonda, with respect to broadcast statements she made over the Communist Radio Hanoi to our troops in Vietnam.

It was agreed by the committee that it would be best, at this time, to give the Justice Department time to complete its announced inquiry into the Fonda affair before considering any further course by the committee.

At the request of my colleagues on the committee, I addressed a letter which was hand-delivered Friday afternoon to Attorney General Kliendienst setting forth the committee's concern with this matter and our desire to have a report from the Justice Department by September 14 or an explanation from a representative of the Department on that date regarding what can and should be done with respect to Miss Fonda's activities in the capital of our enemy.

For the benefit of my colleagues in the House, Mr. Speaker, I include the contents of my letter to the Attorney General in the RECORD at this point:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNAL SECURITY,
Washington, D.C., August 10, 1972.

Hon. RICHARD G. KLEINDIENST,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: The Committee on Internal Security met this morning in executive session to consider a request that a subpoena be issued to require Jane Fonda to appear before the Committee in regard to her travel to North Vietnam and radio broadcasts to U.S. military forces during July 1972. During the meeting a number of reasons were expressed as a basis for opposition to the issuance of a subpoena. Important factors in the ultimate determination of the Committee were that the facts seemed to be already rather well-known, that the matter was under study by the Department of Justice and Fonda would be entitled to the full protection of the Fifth Amendment, that any such hearing might work to the prejudice of the Government in the event prosecution is undertaken and that the Committee's overriding interest is not in what additional information might be secured from Fonda, but rather in any insufficiency in the terms of the law or in its enforcement.

I am sure that you recognize the pernicious nature of Miss Fonda's statements to our servicemen, and the seriousness with which nearly all Members of Congress view her conduct. Although it might be fairly said that public support for American involvement in the Vietnam conflict is steadily declining, such aid and comfort to a nation with which we are engaged in hostilities is nevertheless condemned by the public. But whatever political or public reaction might obtain under the circumstances, I am sure you agree that the Department of Justice has a most solemn obligation to engage the full weight of the law against conduct which the Congress has made criminally punishable.

The Committee has reviewed the treason, sedition and other relevant statutes. It has also been informed of Fonda's travel itinerary, and has studied the transcripts of her broadcasts while recently in Hanoi. It is not difficult to perceive why a cry of treason has been raised. But if the burden of proof is too great for treason, would not a prima facie case exist under Section 2387 of Title 18, United States Code or even Section 2388, notwithstanding the jurisdictional limitation?

In discharging its responsibility to the Congress to insure that statutes within its oversight jurisdiction are being duly enforced by the Executive Branch, the Committee resolved that the staff investigation of Fonda's activities will continue, and in the event the Justice Department determines that the broadcasts of Jane Fonda from Hanoi during July 1972 do not constitute treason or sedition, or that her conduct cannot be reached by existing statute for any other reason, then the Department is requested to furnish a report to the Committee with recommendations for legislation which would be effective to impose criminal sanctions under similar circumstances in the future. Desiring to resolve the questions at an early date, but hoping to avoid an unreasonable burden upon the Department, the Committee voted to request that the report be submitted by September 14, or in the alternative, that a representative of the Department appear before the Committee on that date.

Your cooperation and assistance in providing an analysis of the federal criminal law vis-a-vis the recent conduct of Jane Fonda will indeed be appreciated. Would you please advise me as soon as possible whether the Department will furnish a report on or before the above date or will provide for the appearance of a representative so that arrangements can be made for a meeting of the Committee.

Sincerely,

RICHARD H. ICHORD,
Chairman.

LEGISLATION TO ASSURE THAT NO VETERAN LOSES ANY OF HIS PENSION DUE TO RECENT SOCIAL SECURITY INCREASE

(Mr. HILLIS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, today I am happy to reintroduce, along with 58 cosponsors, legislation to assure that no veteran loses any of his pension due to the recent social security increase.

Most of us were happy to see social security benefits rise by 20 percent recently, because we all have thousands of senior citizens in our districts who badly need this assistance.

But provisions in current law will prevent retired veterans in our districts from benefiting much from that social security increase, since veterans pensions are based on income limits which include social security. When social security benefits are increased, veterans' pensions automatically drop.

This means that our Nation's veterans will benefit only partially from the recent 20-percent increase in social security—their income will rise slightly, while the income of other senior citizens will rise 20 percent.

More than 20,000 veterans at the upper-income limit will lose all their veterans pension unless remedial action is taken.

This means that a veteran and his wife, whose income is pushed above the $3,800 income limit by the recent social security increase, could lose all of their $33 monthly pension, bringing their income below $3,800. Most couples in this situation would be better off had no social security increase been passed. No wonder many of these veterans feel badly cheated.

In addition, there are 1.3 million veterans and widows who will see their pension reduced by an average of $8.71 monthly unless remedial action is taken. 211,827 single veterans will lose an average of $12.14 per month, while 466,948 veterans with dependents will lose an average of $9.46 per month. Some 525,000 veteran's widows will lose approximately $6.35 monthly.

A $12 or even $6 monthly loss of pension may not sound too critical, but when an elderly couple is living on a shoestring budget, as many of our veterans are, this small amount can make a big difference.

I personally do not believe social security should be counted in computing veterans pensions. They are both retirement incomes which the recipient has earned for two different reasons—it is like qualifying for two pension plans from two separate companies.

I plan to continue working in the Veterans' Affairs Committee toward changing this policy. However, for the immediate future, we need some kind of remedial legislation to assure that no veteran loses part of his pension when the social security increase takes effect September 1.

The bill I have sponsored, along with my 58 colleagues, will raise by $600 the limit on income which a veteran can earn without losing his pension. It will also increase the benefit formula for computing veterans' pensions. The pension base for a veteran with no dependents will be increased from $130 to $148 monthly; for a veteran with a dependent, from $140 to $158 monthly; for a widow with no child from $87 to $93 monthly; and for a widow with a child from $104 to $110 monthly.

I am certain you will agree that our veterans deserve to benefit at least as much as other senior citizens from the recent social security increase. Today I join 58 other Members from all segments of the political and geographical spectrum in asking all of our colleagues to give their full support to this bill and help expedite its enactment at the earliest possible date.

The full list of cosponsors is as follows:

Mr. Forsythe, Mr. Winn, Mr. Del Clawson, Mr. Eliberg, Mr. McDade, Mr. Thomson of Wisconsin, Mr. Gude, Mr. Sarbanes, Mr. Aspin, Mr. Quie, Mr. Hungate, Mrs. Abzug, Mr. Sisk, Mrs. Chisholm, Mr. Clark, Mr. Cleveland, Mr. Bennett, Mr. Tiernan, Mr. Young of Florida, Mr. Derwinski, Mr. Waldie, Mr. Gallagher, Mr. Fascell, Mr. Melcher, Mr. King, Mr. Myers, Mr. Sebelius, Mrs. Hansen, of Washington, Mr. Hastings, Mr. Veysey, Mr. Brinkley, Mr. Rangel, Mr. Bell, Mr. Hansen of Idaho, Mr. Jones of North Carolina, Mr. Helstoski, Mr. Danielson, Mr. Thone, Mr. Matsunaga, Mr. Taylor, Mr. Collier, Mr. Kemp, Mr. Hanna, Mr. Obey, Mr. Anderson of Tennessee, Mr. Scherle, Mr. Bray, Mr. O'Konski, Mr. Leggett, Mr. Charles H. Wilson, Mr. Addabbo, Mr. Johnson of Pennsylvania, Mr. Mollohan, Mr. Latta, Mr. Halpern, Mr. Cederberg, Mr. Duncan and Mr. Blanton.

UNFOUNDED CHARGES LEVELED AGAINST REPRESENTATIVE WAYNE ASPINALL

(Mr. STEIGER of Arizona asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. STEIGER of Arizona. Mr. Speaker, in this biannual season of political rhetoric I am sincerely hopeful that these few words offered by me will not be obscured by the sheer volume of similar efforts by those who think differently than I, or my totally genuine concern not be mitigated by any cynical attitude presuming personal or political considerations.

I have served on the House Committee on the Interior and Insular Affairs for 6 years. As an inevitable result of this service I am very comfortable in expressing outrage at the totally unfair and ridiculous charges that have been repeatedly leveled at the chairman of the full committee, Wayne Aspinall.

He has been designated capriciously, unconscionably, and in absolute error as a "foe of conservationists," "a tool of public land permittees" and a whole lot more. He has been labled a member of the "Dirty Dozen," those Members of Congress who allegedly would destroy our environment. Recognizing all the inequities in the political process, I can simply not remain silent in the face of this blatent, ludicrous, and vicious lie. As a member of the opposition party to Wayne Aspinall, I have found myself in disagreement with him on occasion. But to overlook Mr. Aspinall's achievements in the fields of conservation—genuine—environmental protection and ecological concern is so damnable it simply must be stopped.

Under his leadership the Congress has passed the Wilderness Act, the wild rivers bill, national trails, and literally hundreds more. To allow the spleen of a few professional activists to be vented unchallenged is to do truth more harm than it deserves.

History will show that Wayne Aspinall was the lynch-pin that turned the Nation's concern for the environment from verbiage to solid, national action.

He is entitled to the respect and gratitude of those who are similarly concerned, not their meaningless, blind attacks.

CORPORATION FOR PUBLIC BROADCASTING

(Mr. TIERNAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, as you know, John Macy resigned last week as president of the Corporation for Public Broadcasting. All of us who have watched CPB grow from infancy into adolescence are grateful to this courageous and thoughtful public servant for his guidance of this most important addition to American broadcasting.

In resigning, Mr. Macy said:

> Contrary to views expressed in some quarters, it is my conviction that we have adhered to the intent of Congress in a faithful but creative fashion and that the groundwork which has been laid will form the foundation from which the evolutionary progress of this industry can be achieved.

In my view, it is John Macy's leadership that has brought about such a good beginning for CPB.

I would take issue with Mr. Macy on only one point. He indicates that "current trends in the development of the industry point toward the desirability of a change in leadership of the Corporation." It is not the leadership which must change, but rather the trends which currently make outstanding leadership—such as that of a John Macy—impossible.

The major step required to achieve this goal is the removal of the present administration and its stultifying veto on the progress of public broadcasting.

TWENTY-EIGHT NEW COSPONSORS FOR BILL TO ESTABLISH COUNCIL ON ENERGY POLICY

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, on behalf of our colleague (Mr. Keith) and myself, I am pleased today to reintroduce H.R. 15752, for establishing a Council on Energy Policy in the Executive Office of the President.

This afternoon we are joined by 27 Members as cosponsors, making a total of 71 who have signed this legislation since it was first offered last June 28.

The proposal, intended to provide an urgently needed focal point for setting governmental policies in the energy field, enjoys the broadest kind of bipartisan backing—as evidenced by the fact that the signers include 36 Democrats and 35 Republicans.

I understand there is the possibility of early action on a very similar bill in the other body. And it comes none too soon—responsibility for energy matters is now divided among 65 Executive agencies and 12 committees of Congress, while each day's news dispatches give evidence of a mounting energy crisis.

Let us act now to provide a new degree of guidance for conserving and expanding on the most precious of commodities—our energy fuels.

HEALTH CARE: A NATIONAL PRIORITY

(Mr. MURPHY of New York asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, comprehensive health care is the inherent right of every American, for good health is a prerequisite to the full realization of the opportunities for life, liberty, and the pursuit of happiness.

Society, thus, must guarantee each citizen quality health and medical attention. Traditionally, this responsibility has fallen to the individual practitioners and institutional providers, as well as to the organizations which furnish public protection from the high cost of unexpected illness.

The legislation I am introducing today, the Health Security Act of 1972, shifts the weight of the responsibility for assuring each American necessary health care to the Federal Government, and provides the means by which it can be satisfield.

The critical circumstances of the national health crisis dictate the necessity for realizing this shift. The fact is that many Americans are deprived of adequate health care. A glance at comparative statistics reveals a situation which is truly appalling, and it is incongruous that the richest and most technically sophisticated country in the world trails 12 nations in infant mortality rates, six in maternal mortality rates, 17 in life expectancy for males, and 10 in life expectancy for females. While the figures shock, they are a painfully accurate indicator of the unnecessary condition of health care in this Nation.

We are all subject today to a health care system which manifests prohibitively high costs. Skyrocketing hospital costs and soaring doctors' fees produce real anxiety in each of us, when we are faced with the necessities of routine examinations and minor medical needs. But the anxiety is minimal compared to the well-founded fear instilled in Americans in every income bracket that, should a catastrophic illness strike, financial disaster would almost certainly follow. Many self-supporting victims of disabling accidents and chronic illnesses, facing open ended liabilities for $100-a-day hospital rooms, thousands of dollars of laboratory costs, and precious surgeons' fees, meagerly protected by insurance policies with very limited commitments, have had their worst fears realized. And, each American lives in a perpetual state of insecurity, knowing that "There but for the grace of God go I."

While the problems of the delivery of health care, the manpower shortage and the resulting problems of distribution and accessibility, affect us all, they are particularly troublesome for certain groups of Americans and result in the relegation of some to second class citizenship. Those who live in obscure rural outposts, the ghetto poor, the disabled, and the aged are truly in this category.

If each American has the right to adequate health care, how can we justify the fact that in 130 primarily rural counties no medical care of any kind is available? Or that in East Harlem in New York, a barren plain in the midst of plenty, there is only one doctor for every 1,600 prospective patients? How can we permit circumstances to exist in which a crippled widow cannot get protection against catastrophic illness because she is disabled, a bad risk? Or a medicaid recipient is denied treatment because the doctor is afraid the patient cannot pay her share of the cost of his fee?

The answer is: We no longer can.

Nor can we afford to leave the problem of quality control unsolved. Although most institutions and practitioners strive to afford their patients proper care, there are no truly enforceable standards concerning "overdoctorization," unnecessary hospitalization, or irrelevant treatment. And, the consumer is particularly vulnerable to abuses such as these, for in his helpless ignorance he has no way of judging the quality of the care he receives.

Any objective review of the circumstances of the present national health care system makes one point very clear: Neither the providers nor the insurance companies have been able to afford every American comprehensive quality health care at a price he can pay. The crux of the problem, as I see it, is that the present health system has generated neither incentives, nor created the mechanisms for self-control, that would serve to influence either group to check rising medical costs, institute needed changes in the delivery of health care, or control the quality of medical attention.

Practitioners, plagued by an understandable conflict—forced to respond to rising income necessities in an inflating economy, and at the same time striving to maintain their professional commitment—have done little to meet the urgent need for reform. Unaffected by the natural incentives arising from the competition within most industries, due largely to the critical manpower shortage within the medical profession, physicians "arrange" their prices largely among themselves, locate in the more affluent and professionally attractive areas, and fail to provide measures for true quality control.

Institutions, such as hospitals and nursing homes, often suffer from similar problems. Leading administrators have not assumed the responsibility for instigating needed change. Like the medical professionals, they do not compete with their fellow institutions. Thus, they often operate inefficiently and uneconomically, and locate where they wish, rather than where they are most needed.

Insurance carriers are in the best position of all to effect the necessary changes in the system. But, they have not only failed to take advantage of their position, but shine as one of the true sources of the health care crisis. Reaping real benefits from the $75 billion a year health care market, they suffer from the same malady as the other sectors: A lack of true competition. While each carrier does compete with 1,800 other carriers, the result of this competition is that each strives to attract the most select, low-risk clientele, offer the least possible benefits cloaked in the most attractive and unintelligible vagueries, and pay the fewest possible claims. Preoccupied with meeting their high operating costs, salesmen's commissions and advertising expenses, and ladden with complicated administrative considerations, they have failed to represent the consumer's interests in the market. They offer truly inadequate protection against the high costs of medical care, and have failed to use the $15 billion they pay to providers each year to influence the control of costs, or improve the delivery and quality of health care in this country.

It is thus apparent that none of the private sectors, operating within the present health care system, are going to rise to challenge the viability of that system. Yet, it is crucial that this challenge be made. The Federal Government is best qualified to make and meet this challenge. Unaffected by conflicting interests, and ultimately accountable to the people, the Government can truly dedicate itself to assuring every American comprehensive quality health care.

The Health Security Act, which I am introducing today, creates the mechanism and provides the means whereby this can be accomplished. This bill substantially follows the Kennedy bill, and it establishes the blueprint for a federally administered program of national health care which will offer every American, regardless of his ability to pay, comprehensive services, including physician's services, inpatient and outpatient care, and essential supporting services such as podiatry and optometry. Replacing the private insurers, the Government would be responsible for financing essentially the entire health care system. The funds derived from a combination of payroll and general revenue taxes will be used to reimburse practitioners, pay for the services of hospital administrators and related personnel, costs of equipment, supplies, and so forth. The funds will also serve to support a system of controls and incentives designed to effect the changes necessary to alleviate the circumstances of the health care crisis.

Of all the bills offering answers to the national health problem, only the Health Security Act places positive and firm controls on costs. It does this by prospectively budgeting the amount of money available to cover health care of the entire population. Broken down by regions and areas of the country, the budget would be allocated among hospitals and other institutions as well as prepaid groups, such as health maintenance organizations, foundations, and providers who wish to be paid on a capitation or salaried basis. A pool would be left for physicians who choose to practice on a fee-for-service basis.

The budgets would be essentially absolute, thus providing a strong incentive for efficient and economical operation. Practitioners, reimbursed primarily for their services on a per capita basis, would be influenced to continue the trend toward the development of more efficacious and desirable group arrangements. Hospitals and other institutions, strictly budgeted, would be forced to work toward avoiding waste.

A most important aspect of the Health Security Act is that it provides the means for ultimately eliminating the problems of inaccessibility and poor distribution of resources. It would authorize allocations to be used to increase professional manpower and related health personnel, provide for stipends to be paid to practitioners to locate in remote and deprived areas, and provide financial support for institutions manifesting this same goal.

These measures would begin to effect an improved health delivery system which could respond to the new demands for competent national comprehensive health care.

The legislation also offers major assurances in the area of the quality control of health care. It would establish licensing requirements for participating practitioners, and require continuing education for health professionals. It would work toward the control of drug abuse. And, it would remove the financial incentive that has fostered unnecessary, irrelevant, and expensive treatment.

Critics of the Health Security Act attack the bill on the basis that while it strives to secure the consumer's right to comprehensive, quality health care, it unnecessarily restricts the freedom of the providers. This is patently untrue. The bill not only allows for unlimited pluralism in the manner of payment to physicians, patterns of practice, and methods of organization, but furnishes support and financial backing for experimentation and innovation. Far from infringing on the right of practitioners to practice, it releases them from cumbersome administrative and financial matters, freeing them to concentrate on the art of creative healing. In this sense, it creates a truly workable partnership of the public and private sectors.

The realization of a system which provides comprehensive health care for all is far too important a goal to allow it to be thwarted by the whims of the marketplace, the conflicting interests of private industry, or the special interests of a single profession. The Health Security Act strives to remove these obstacles and provide the means by which the ultimate end can be achieved.

THE TRANSPORTATION CRISIS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, last Tuesday's Washington Post contained a timely editorial which pointed up the controversy being wrestled with in Congress. This is whether we need better transportation or just more highways.

The thrust of this significant editorial is that we seriously need to improve our transit systems for moving people in urban areas and not just build more and more express highways to do it. This thesis has my firm support, as I have often announced on the House floor and elsewhere. I agree that the Highway Trust Fund should be opened up to finance other means of moving people and goods. We certainly should not overlook the obvious necessity for providing the means of moving our goods as well as ourselves.

The Senate Public Works Committee proposal places some emphasis on the use of buses. The experiment now in progress to utilize a special bus lane for commuter purposes on the Shirley Highway has been evaluated a success, pointing the way for expanded future use in other areas. If this system is effective in reducing automobile use, it should be continued and planned for in future systems. But adequate planning should lean strongly to balanced systems—rail and subway systems included.

There is a wide variety of legislative proposals before the House and Senate which would help achieve the goal of balanced transportation systems, and reorient Federal transportation assistance policy toward allowing States and local governments greater choice in how such assistance shall be used. The sheer need for this approach is so clearly demonstrated and so widespread that the administration has drawn up and sent to Congress a proposal which would tap Federal Highway Funds for urban transit purposes.

In a more recent development, in the other Chamber, Senators KENNEDY and WEICKER, with numerous cosponsors, have introduced a bill to accomplish such a diversion, which is receiving considerable notice. This bill would make $2.3 billion in 1974 available from the highway trust fund for whatever transportation need the respective States or local governments can demonstrate. If the authorities consider that the greatest need is for urban and/or commuter systems, that is where their allocation could be spent. For the years after 1974, the amount so allocated would increase from $2.3 billion to $2.8 billion each year.

This proposal contains a formula for making the allocation among the States which provides for one-quarter of the amount on the basis of area of the State, one-quarter on the basis of total population, and, of major significance, the remaining half on the basis of populations of metropolitan areas within the State. To protect the States which are smaller in geographic size, the bill further provides that no State shall receive less than one-half of 1 percent of the total to be allocated on the basis of area.

There is no exact counterpart of this bill presently before the House. But the Committee on Banking and Currency of which I am privileged to serve is currently considering the omnibus 1972 housing and urban development bill which contains very important provisions regarding the urban mass transportation program. I have been very instrumental in developing what is title IX of the pending housing bill as approved by the Housing Subcommittee, where I urged the Members to adopt these provisions. We are authorizing, for the first time, Federal operating subsidies for our urban transit systems around the country, both large urban transit systems, such as our Chicago Transit Authority and small town bus operations. If enacted, such a program of operating subsidies would keep the fares of the Chicago Transit Authority from rising any higher than they already are, and would, in all likelihood, reduce the already burdensome fares which our citizens in Chicago must bear. This provision would also provide additional capital grant funds totaling $2.9 billion of new money so that our Chicago Transit Authority could complete its subway connection to O'Hare International Airport. Chicago is probably the only city in the United States that uses highway rights-of-way to build its subway lines. A continuing use of Federal highway trust funds, as well as funds from the urban mass transportation program can continue to make Chicago a leader in providing its citizens with safe, adequate, and responsible urban transportation.

[From the Washington Post, Aug. 8, 1972]

BETTER TRANSPORTATION OR JUST MORE HIGHWAYS?

The long, ferocious battle for control of federal highway policies and the $4-billion-per-year highway trust fund is now focused on the Senate Public Works Committee, where this year's major highway legislation will be considered this week. In contrast to its counterpart in the House, the Senate committee has generally resisted the more outrageous requests of the highway lobby in the past, and has been relatively responsive to the need to weigh the social and environmental costs of roads before construction starts. At a time when metropolitan transportation networks—including both clogged streets and creaky mass transit system—are under severe strain, the committee has the opportunity to exert strong leadership in redirecting federal policy from the old, single-minded emphasis on building highways to a new, more flexible approach to serving total transportation needs.

In response to growing pressure to open up the highway trust fund to finance other means of moving people and goods, a committee draft bill now circulating around town proposes to set aside at least $300 million per year "to encourage the development, improvement, and use" of public bus systems. These funds could be used for constructing bus lanes, fringe parking areas, and other useful facilities, and for the purchase of buses—but not for bus operating subsidies, and not for the purchase or operation of subways, commuter trains, streetcars or of anything else that runs on rails. Separate provisions would authorize an entirely new program of scenic roads, and push the states into a major effort to build bicycle lanes and trails.

In short, this is still very much a highway bill. The draft carefully steers away from any politically uncomfortable challenge to the oft-invoked sanctity of the highway trust fund, and leaves governors and mayors to scramble for bus subsidies and rapid rail transit aid before other congressional committees. Although it authorizes the creation of metropolitan regional transportation agencies, it denies those agencies a broad freedom to mix various modes of transportation. In this respect, the draft is more timid than the administration's proposals for bringing together urban highway and mass transit funds.

On the crucial question of planning procedures, the draft bill is alarming in its ambiguity. One of the greatest victories of the environmental movement has been the attainment of safeguards—requirements for public hearings, environmental impact statements, relocation programs, protection for parkways and historic structures, and the standing of citizens to sue—to keep highway bulldozers from demolishing other public values. The Public Works Committee has generally fostered such safeguards, but the draft bill proposes an entirely new alternative planning procedure which might enable states to wriggle out from under the detailed requirements of federal law. In addition, Senators Bentsen and Tower are pushing an amendment to permit the Texas highway department to proceed with a San Antonio project which has been blocked by federal courts. This move stirs up unhappy memories of the Three Sisters Bridge fights of the past. The committee and the Senate should resist both the moves to undermine the general protections now in force, and efforts to circumvent them by special exceptions.

An interesting bill introduced by Senators Kennedy and Weicker, with over 15 cosponsors, clarifies the choices now before the Senate. Without junking those highway projects already under way, the Kennedy-Weicker bill would permit state, local and regional governments to use future trust fund monies for either highways or mass transit, with the present environmental and relocation safeguards intact. This is a route toward sensible, comprehensive transportation planning which certainly should be explored.

SENATE JUDICIARY HEARINGS

(Mr. THOMPSON of Georgia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, Senator EDWARD KENNEDY has stated he is going to hold hearings Wednesday morning in the Judiciary Committee on the effect of U.S. bombing on civilians of North Vietnam. Upon learning of this I contacted his office and asked if I may be allowed to testify with regard to information I have concerning the effect on civilians injured by rocket and mortar attacks in South Vietnam by the North Vietnamese.

I have just been informed by Senator KENNEDY's office that under no circumstances will they allow anyone to testify who has not been in North Vietnam in the last 3 months and they will not expand the hearings to the injury of civilians in South Vietnam but only those in North Vietnam.

Mr. Speaker, it appears to me that this is strictly a propaganda effort, and the press and this Congress should be made aware of what the Judiciary Committee's subcommittee is attempting to do.

REPORT ON TRIP TO PEOPLE'S REPUBLIC OF CHINA

The SPEAKER. Under a previous order of the House the gentleman from Louisiana (Mr. BOGGS) is recognized for 1 hour.

Mr. BOGGS. Mr. Speaker, I asked for this order to make a brief report on the trip that the distinguished minority leader (Mr. GERALD R. FORD) and myself have recently completed to the People's Republic of China. I do not intend to take more than a very small amount of the time which has been allocated to both of us.

(Mr. BOGGS asked and was given permission to revise and extend his remarks and include the official report of Mr. GERALD R. FORD and Mr. BOGGS entitled "Impressions of the New China," an official House document.)

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I am happy to yield to the distinguished Speaker.

Mr. ALBERT. Mr. Speaker, I have had the privilege of hearing the distinguished majority leader and the distinguished minority leader's report to the President and I have read their report, which they have made to the President and a copy of which they gave to me.

I am very happy to have had a part in making this trip possible. I do not think the House of Representatives has ever been better represented on a foreign mission or in any other kind of mission than the representation which was given by the two distinguished leaders in this House. I think they have rendered a tremendous service to their country, to the House of Representatives and to our entire effort to bring about a more peaceful and a better understanding in the world.

My congratulations to both of the gentlemen.

Mr. BOGGS. I thank the distinguished Speaker.

I must say that without the Speaker, and I am sure the minority leader will agree with me, neither one of us would have had the privilege of making the trip. It was announced shortly after President Nixon's return from China that the distinguished majority leader and minority leader of the Senate would make a trip to the People's Republic of China. Thereupon the Speaker, representing the House of Representatives, the more populous body and the one we like to think of as more representative of the people of our country, insisted that the House should be represented. It was then that the President indicated through the channels of communication which he has to the Chinese Government that he would like to have Mr. GERALD R. FORD and myself visit China, and shortly thereafter we were officially invited by the Chinese.

Mr. Speaker, without your timely intervention, I would not be standing here today making this report.

Also I must say it was a great pleasure and privilege to travel to the People's Republic of China with my Republican colleague, the distinguished minority leader. I think it can be said without contradiction, and this will be evident from our report that we went not as the Republican leader or Democratic leader, although both our hosts and we were well aware of our party responsibilities, but as representatives of this body, the House of Representatives, and of the people of the United States.

Of course, I have always been very close to the minority leader personally, both he and his wife, and it was a great pleasure and privilege, indeed, to travel with him.

I might say we had a very fine group. I think it worthwhile to name those who went. Besides Mr. GERALD R. FORD and Mrs. Ford and Mrs. Boggs and me, we had:

Mr. William A. Brown, Deputy Director of the Office of Asian Communist Affairs, Department of State;

Dr. Freeman H. Cary, who is here with us as assistant attending physician to the Congress, and who was of great help to all of us;

Mr. Bryce N. Harlow, known to all of us as a former counselor to the President;

Robert T. Hartmann, legislative assistant to Mr. GERALD R. FORD;

Mr. Gary G. Hymel, my administrative assistant; and

The Honorable Harry Lee, U.S. magistrate of the eastern district of Louisiana.

Mr. Speaker, I might say Mr. Lee was the first Chinese-American official to return to the Chinese mainland since the revolution in 1949. Both his parents were born in China, and he had the great privilege of returning to the village where his parents were born and where he met with some relatives he did not know were alive.

We also had with us:

Mr. Frank Meyer, administrative assistant to Mr. GERALD R. FORD;

Mr. Paul A. Miltich, press secretary to Mr. FORD;

Mr. Day O. Mount, from the State Department;

Dr. Paul Sigmund, professor of political science, Princeton University; and

Mr. Eugene Theroux, special counsel to the Joint Economic Committee, also of my staff.

This staff group was one of the best ever put together. They made our trip and we are very grateful for their help, particularly in preparing the various reports.

Mr. Speaker, I shall make only a few observations and then I shall yield to the distinguished minority leader. I have already received permission to extend my remarks.

First off, even in a brief visit to China, some things are immediately self-evident. China is a huge country. One really does not realize how large it is until one gets there. It occupies exactly the same geographic position as we occupy on the opposite side of the globe.

Many of you will perhaps remember, as children growing up, your mother or father telling you that if you dug in the sand deeply enough you would eventually dig your way to China.

The minority leader recalled this experience in the course of a toast to Premier Chou En-lai, and, of course, it was received with great, good humor.

In truth and in fact, China is right below or right above us on this earth, whichever way one looks at it. Peking is at almost exactly the same latitude as Washington. Shanghai is at almost exactly the same latitude as my home city of New Orleans. Canton is at about the same latitude as Miami, Fla.

We traveled through much of China. We went to Shanghai and to Peking, and we went into the Manchurian cities of Shen Yang and Anshan. Ours was the first official American party to visit Manchuria since the revolution.

After Shen Yang and Anshan, we traveled to Canton. In all of these places we were well received. Most people living in these places had never seen an American, I am sure. A near majority of them were born after 1949 and have never known of America as more than a land of mystery. Yet, in all these places we were received uniformly with great hospitality and great friendliness.

I came away with the very firm conviction that there is tremendous good will on the part of the Chinese people toward the United States throughout the length and breadth of China.

There are a few other just general impressions.

China is seeking to develop a nation. For the first time, really, in centuries, the country is united. It is united under a form of government we disapprove of, and united under a discipline that we would not tolerate in a free society, but nevertheless united. This makes for enormous potential, to have 800 million people motivated and striving to build a country.

Aside from these cities we visited, we went to communes and factories. We saw a commune way up in the northern part of China producing rice, which astonished me. We produce rice in Louisiana, Arkansas, and Mississippi and California in this country, but one would never dream of producing rice in Minnesota. Yet that is about the latitude where we were in Manchuria, where they were producing rice.

Of course, it is not hard to understand how they do it. They produce all these plants in hot houses and transplant them by hand, one by one, plant by plant, out into the fields. Only in a country which has 800 million people could one contemplate or imagine that type of hand labor, on that scale, in the colder regions, in the production of food stuffs.

About 20,000 people who lived in this particular commune. They had every service. They had a hospital. They had primary schools and middle schools. They had a commissary, as we would call it, a grocery, dry goods and hardware store. They lived in what can be considered, by Chinese standards, reasonably good houses.

Each one of them had a garden spot which was intensively cultivated. I happen to have an interest in gardening, and I was amazed at how much they could produce in just very small plots. What was not needed for the family was sold at the commissary. That money was available as a part of the earnings of the peasants who worked in that particular commune.

Members might be interested in knowing, as far as production is concerned, that each commune was given an assignment.

This particular one had so many bushels or pounds of rice it has to produce and deliver to the state, but what was produced over and above that belonged to the members of the commune and were sold. The proceeds were then distributed to the people who belonged to the commune. Those who worked the hardest received the most. This is much like a free enterprise concept.

In addition, they have savings accounts and are paid interest on the savings accounts. They were proud of their savings accounts. I asked a lot of people, both in the workers communes in the cities and in agricultural communes in the country whether or not they had savings accounts, and most of them said yes.

The country is a very clean country. The government maintains a constant campaign against filth. It is amazing to see no cockroaches, or rats, or flies or mosquitoes which, in the past, I am told, plagued all of China.

The people themselves are astonishingly healthy. I am not sure our people would take the discipline they take in order to obtain this health. About 6:30 every morning bugles blow wherever you may be and usually some song, one of those associated with the regime, is played over a loudspeaker. That means you get up and have a half an hour, whether you are 2 years old or 80 years old, to engage in exercises and calisthenics.

Dr. Hall, you may be able to recommend a program like that. The schoolchildren not only have that half hour at 6:30 in the morning, but they have another half hour or maybe an hour in the afternoon for basketball or volleyball or football or soccer, as we call it. So the people are generally very healthy.

Medical services are available almost everywhere. We, of course, were quite astonished at acupuncture. We actually saw several operations. One was the removal of an ovarian cyst from a woman of about 30 years of age. Another was the removal of a thyroid tumor from a woman of about the same age. Another was a simple appendectomy, and others included extraction of wisdom teeth from young men and women. In all these operations, the only anesthetizing devices were the acupuncture needles. In the case of a woman with the cyst in her right ovary, needles were inserted on each side of the abdomen, and in each ankle, and that was all.

We talked with her during the course of the operation. She sipped tea and felt no pain. In a relatively short period of time after the stitches, she sat up.

The one with the thyroid tumor was up even more quickly, and the doctor said in this particular type of operation the use of acupuncture had several advantages in that the danger of severing a nerve that controls the vocal cords or nerves that control speech could be eliminated because they could keep the patient talking all the time they were performing the operation.

In any event, it is something I think American medical leaders should look at.

Finally, just one or two other observations, and I shall yield to my distinguished colleague.

Let me give you a rather dramatic moment, to my way of thinking. We celebrated, Mr. Ford and I and the rest of the members of our party, the 4th of July this year, 1972, in the city of Canton. We were, of course, the first official Americans to be there in that country on that day in 25 years. We had completed our journey through China, and we were much impressed with what we had seen.

But of course we were 8,000 miles from home, and we reflected on the greatness of this Republic that we represent, and the essential freedoms set forth in the Declaration of Independence on the 4th of July, 1776, and what they meant not only to Americans, but to people all over the earth who seek freedom in their lives and their work and politics. And yet—and I believe the minority leader will agree with me in this—we were concerned in that we saw in China a disciplined society, without any evident vice or corruption or prostitution, where 50 years ago many peasant families had to sell at least one girl into prostitution. In China, these problems are unheard of and undreamed of today; the drug trade and drug traffic is unknown—and yet 100 years ago a war was fought—the Opium War—because of the corruption of the Chinese people by some of our western friends.

We saw people dressing simply, without spending an enormous amount of money on material goods, being satisfied with the simple pleasures that make life worthwhile, but, most of all, we saw a disciplined people.

I think the great strength of the United States is the fact that we have different opinions and that we are not compelled to agree with one another. The idea that we should ever accept such a regimented society is something that each one of us would reject out of hand.

But I think it does point up a lesson that if we continue to be permissive in our country, or too permissive, and here comes a society that is dedicated, that is motivated, then down the road there could be a real question whether or not our country can continue to be a great power, successfully competing with that type of motivation and dedication.

Finally, there are many things that need doing in the course of normalizing relations with China. One is the establishment of better trade relations. We go into this at some length in our report.

As most of you know, I have served as chairman of the Subcommittee on Foreign Economic Policy of the Joint Economic Committee for a long time, and in my judgment there is a great opportunity for the opening of trade between our two nations, particularly in the high-technology areas. There has been a demonstration of that quite recently with the imminent Chinese purchase of the Boeing 707 jet aircraft from the United States rather than any aircraft purchase from Russia. There are so many things that they might receive in American machinery and technology and know-how that the opportunity is there to open trade with China.

I recommend appointment of a commercial commission similar to that which President Nixon established between our country and the Soviet Union. This could very well be in order with respect to the Peoples Republic of China. There are some other very important things in the general trade area that could be done to ease the tensions, such as the settlement of some of the claims that exist on both sides with respect to claimed private U.S. losses and frozen funds of the Chinese.

UNITED STATES-CHINA COMMERCIAL COMMISSION

One of the ways we can come to understand China better is through bilateral trade. I mentioned that some important steps in trade relations have already occurred—I am referring to the Chinese purchase of the RCA satellite ground station for the President's visit, the current negotiations for the purchase by China of Boeing 707 aircraft, and the approximately $5 million worth of Chinese goods purchased by American businessmen last spring at the Chinese trade fair in Canton. Even with these first encouraging steps, however, the level of Sino-American trade remains very small.

The most obvious reason for the relatively small amount of U.S. trade with China is, of course, nearly a quarter century of mutual isolation. In this period a variety of direct and indirect barriers to trade have grown up. These include our denial to each other of reciprocal most favored nation treatment; our own policies regarding export licensing and end-use; Chinese refusal to utilize American banking facilities, American seaports or American ships; and an absence of any agreements respecting air routes, commercial arbitration, patents and copyrights, reciprocal trade missions and trade fairs and, of course, the lack of diplomatic relations between our countries.

Naturally, these matters cannot be resolved overnight. The fact that no diplomatic relations exist between the United States and China makes progress especially difficult. Yet trade itself can help bring about more normal state relations.

I believe we can move forward on improving the climate for trade by establishing a public or quasi-public entity charged with exploring a resolution of these points I have mentioned. The language of the Shanghai joint communique encourages initiatives of this sort as a way of facilitating the development of trade.

As I indicated, a similar commission is now at work on United States-Soviet trade. That commission grew out of an agreement the President made on May 26 in Moscow, and some progress is evident in the form of the large private grain and petroleum agreements.

Another interesting precedent for such a Sino-American Commission is the agreement between the Chinese and Japanese which has enabled the Japanese to establish a commercial office in Peking. This has been done even though Japan not only does not have diplomatic relations with China but also recognizes, as we do, the Nationalist Government on Taiwan. A similar arrangement could be the product of efforts by the commission I am suggesting.

Finally, it is not only to produce a climate of understanding between us that the conditions for bilateral trade should be improved. China is a good potential customer for American technology and goods, but opportunities for American business will not be automatic. China is today able to turn to a number of other nations for these items: Japan, Germany, England, France, and the Soviet Union, for example. Thus, we must be competitive, and to be competitive we should begin to seek an improved political and economic climate.

As the conditions for bilateral trade improve, there hopefully will be opportunities for the United States to sell farm machinery and agricultural technology;

to sell techniques and perhaps whole plants we have developed for improved production of steel, fertilizer, computers, electronic products, chemicals, processed foods, petroleum, gas, and other minerals. In fact, since the range of current Chinese exports is relatively limited as far as the U.S. market is concerned, I believe we may look forward to a balance of trade measurably in our favor.

ACTION ON PRIVATE U.S. CLAIMS

The Foreign Claims Settlement Commission has certified nearly $196 million in 384 claims by private American citizens, businesses, and religious organizations as a result of China's seizure of American-owned property more than 2 decades ago. The other side of this coin is that the United States at that time froze millions of dollars in Chinese assets held in certain banking institutions. I believe that the time has come for our Government to sit down with the Chinese to seek progress on the claims of our citizens. At the same time, we should expect to discuss with the Chinese side the matter of Chinese assets frozen by the United States. Perhaps these discussions could take place using existing channels of communication with the Chinese. If not, I hope the President will constitute a special negotiating team to begin work on this matter. Not only do our citizens deserve some action on their claims, but the resolution of the matter of these claims and on the frozen Chinese assets can remove a current obstacle to trade and to normalized relations between our two countries.

We recognize the Taiwan problem. The Premier talked to us about that. I think the joint communique issued in February is one that both our nations can subscribe to. I think that all of us know that the Indochina war must be resolved, and resolved as quickly as possible.

But, most importantly of all, and this is a thought that I leave with you, after traveling this vast land and seeing these people working, I am convinced that the Chinese are not looking outward; they are looking inward. They want to build their own country.

They are not, today, looking toward capturing or overcoming or conquering some other nation, in my judgment. Therein, I think, lies great hope for mankind, because between the two, between the United States of America and the People's Republic of China, live one-third of all the peoples who live on earth.

If the gentleman from Michigan (Mr. GERALD R. FORD) and I have made any contribution to the normalization of relations between these two great nations, I think our trip has not been in vain.

Finally, let me say to you, my colleagues, and especially to you, Mr. Speaker, we are very grateful for the honor and high privilege of representing this body on that trip.

Now I yield to my friend, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I wish to express to my dear friend and colleague, the gentleman from Louisiana, the majority leader, my appreciation for his very kind and generous remarks.

Last week I had an appropriate occasion to indicate to him how I felt about the fine job that he did—and I would only reiterate today that in my judgment the United States could not have had better representation on this trip than that given by him on this trip to the Chinese People's Republic on behalf of the House of Representatives.

I would also like to express my deep gratitude to the distinguished Speaker of the House for without his role, the House of Representatives would not have had an opportunity to have two Members of this body to go to the People's Republic of China.

I believe what we did was constructive and I hope that the report which has been published as a House document will be read not only by the Members but by others because in it we make some observations and suggestions which in the long run I hope will be beneficial and helpful toward the normalization of relations between our two countries.

Let me take just a minute, if I may, to explain how the majority leader and I proceeded from the very beginning. We made a decision at the outset that we would make a joint report rather than separate reports, as our counterparts did in the other body.

The net result was that four members of the staff of the gentleman from Louisiana (Mr. BOGGS) and four members of my staff worked together, hand-in-glove. The report that we submitted to the President in writing and the report that has been prepared and made an official document is the handiwork of the gentleman from Louisiana (Mr. BOGGS) and myself and the eight members of our joint staff.

I believe both the report to the President and the report to the House are examples of very fine draftsmanship and substance. I hope at some later date the report to the President can likewise be made available to the membership as a whole.

In the report we set forth the itinerary. Incidentally we were the first Americans to go up to Manchuria in an official capacity. The two major cities in that area we visited were Shenyang and Anshan.

This was a part of China that had been occupied by the Japanese and had been the area that even in those early days was the industrial might of China—divided as it then was. Today it is the industrial base, and a very mighty industrial base with an even greater potential.

We saw firsthand a tremendous steel plant, which has become modernized. They do produce steel in great quantities, and they are becoming far, far more sophisticated in techniques and production methods.

It is interesting, however, that in China where we visited we were more graciously received and more warmly welcomed in Shen Yang and Anshan than we were in some of the other communities. Perhaps this was because in Canton, Shanghai, and Peking, foreigners are more prevalent. In the north where certainly no Americans have been such as we in an official capacity, we were a bit different and as a consequence the response to our presence was far warmer, as I saw it.

I would summarize very quickly some very broad observations. I think the Chinese people are clean, healthy, strong, industrious, disciplined, and highly motivated. I have no personal recollection of hunger; any aimless wandering around, whether in the city or in the country. I never saw a single beggar.

I saw no evidence of vice, corruption, prostitution, gambling. I am told, as the majority leader said, that in certain of the major seacoast towns in early centuries in China all of these conditions were very evident and very prevalent. I would say that the Chinese people appeared to be happy, generally busy, and purposeful. They seemed to be reasonably contented.

It was quite interesting, an incident that Mr. BOGGS did not mention, but one of the most dramatic things we saw, was a demonstration between Shen Yang and Anshan in a high voltage power station. Our hosts took us on top of what I think was a manmade hill, perhaps 100 or 200 feet high. We sat there on a hot, sunny day and saw several young ladies go up to these high voltage wires, move out on a trolleylike mechanism and prepare these high voltage lines for repair and actually carry out the repairing without any cutoff of 220,000 kilowatts of power. It was a fantastic demonstration.

I have checked subsequently since I have come back to the United States and since I am not an electrical engineer perhaps I do not describe it too adequately, but the technical people I have talked to here in America tell me they are not familiar with any comparable technique in the United States.

One interesting observation, these young ladies performed this very skillful technique, but there was a professional engineer who described it. In the course of his description he said that he had taught in one or more of their universities for a period of time, but under their procedure, under their way of life today people from the academic world after a period of time go back and work with the workers in the factories or in the fields, and people from other walks of life likewise after a period of time in their profession or their skilled occupation go back and work in the fields or in the factories for a period of several years.

This man indicated, this highly trained engineer who apparently developed this technique, that he had been able to develop it because he had left the academic world and gone back and worked with the people in the field who were the actual people who erected the transmission lines and did the other rather menial work.

As he was describing this experience I let my mind drift a bit and I hope I do not offend anybody—I do not intend to—but this does raise the question in my mind in America, if the system works so well there, should some of our professionals, should some of our intellectuals be given exposure to the workaday life and manual labor in our fields and in our factories? Maybe they in America could do a better job subsequently in the laboratory or in their classrooms if they have had this limited but periodic exposure to manual labor. Again I hope I do not offend anybody, but I did think as this man was describing this procedure, maybe some lawyers occasionally ought to leave the courtroom and go back to work in the fields or in the factories. They might do a better job in their profession. Yes, even maybe a politician or two might do a better job in the legislative branch if occasionally we want back to the field or to the factory.

And now, with the deepest of apologies, I might say to my friends in the news media it might be helpful and beneficial to them if they were to let themselves be exposed periodically to work in the fields or in the factories.

Obviously the Chinese think it works and perhaps we can learn something from this cross fertilization, if that is the phraseology.

I would like to reiterate one point that the gentleman from Louisiana made. We make such an observation in our report on page 4 at the top of the page. We in America are completely convinced that our system of government is right, and I agree, and I came back from the trip more convinced than ever that our system of government is the best. We believe in individuality, we believe in freedom, and a great many lives have been lost and a great many sacrifices have been made to preserve our Government plus individuality and freedom in America.

But as the gentleman from Louisiana indicated, he never saw and I never saw more dedication and more discipline than we observed in China. Whether it is achieved by government edict, and I suspect it may be, or whether it is achieved by some other motivation, they have it. As they grow from 800 million people to a billion people probably in two decades, and as we grow from 205 million to maybe 240 or 250 million, their society in the wrong hands could be a challenge and a threat to us and perhaps to other nations throughout the world.

I do not think it is true today because my impression of their leadership is one of responsibility. As the gentleman from Louisiana indicated they are preoccupied now with their internal problems. They want to catch up and they are working hard to do so.

But let me put it in a personal perspective, and I have talked this way at home with our four children. We have three boys aged 22, 20, and 16, and a girl 15. They are typical Americans. They have the same ideas that most young people at that age have. They have grown up in a more permissive society than I did, and certainly in a more permissive society than my parents did. Of course some of this permissiveness we have seen in the last few years has grown at a more accelerated rate than in past American history.

I am not concerned about competition today between our country and China, but I am concerned about the competition two decades from now, when my four children are going to be faced with a billion people in China who from toddlers to the most aged have had this dedication and discipline.

They have been indoctrinated with a total political dogma, contrary to ours. They have this spirit and this dedication and this discipline.

I believe our young people today, even with the growing permissiveness, so long as they are willing to sacrifice for individuality and freedom, can meet the challenge. But they cannot ignore it. That is the main thing; they cannot ignore it, because that competition is inevitable and it will be rugged.

I say again in closing, Mr. Speaker, I am deeply grateful not only for making it possible for us to go but also for the very kind and generous comments you made.

I thank the majority leader, his staff and my staff, and those others who accompanied us for the great contribution they made to what I believe was a very successful trip on behalf of the Nation, the President and the House of Representatives.

I hope and trust that if any Members of this body have questions they would like to ask now or at some later date they will feel free to do so.

Thank you very much.

Mr. BOGGS. Mr. Speaker, I include the joint report by the minority leader, Mr. Gerald R. Ford, and myself on our mission to the People's Republic of China, June 23 to July 7, 1972.

IMPRESSIONS OF THE NEW CHINA

(Joint report to the U.S. House of Representatives by Majority Leader Hale Boggs and Minority Leader Gerald R. Ford on Their Mission to the People's Republic of China, June 23 to July 7, 1972.)

INTRODUCTION

Our visit to the People's Republic of China, in behalf of the House of Representatives, was undertaken at the invitation of the quasi-governmental Chinese People's Institute of Foreign Affairs (CPIFA) and with the encouragement of President Nixon. It was only the third visit to China by elected American officials in nearly a quarter century, preceded only by the President in February this year and by Senators Mansfield and Scott in late April and early May.

Our mission had two principal objectives: first, to learn as much as possible about China—its leaders, its people, its economy, its international and domestic objectives for the President and the House of Representatives; second, to contribute to better relations between our two countries, an objective not only mutually advantageous to the Chinese and American peoples, but also contributory to the relaxation of tensions throughout Asia and the world.

We have reported in detail to the President both verbally and in writing. This report to our colleagues is an elaboration of our report to him.

We do not pose as experts on China, or on Sino-American relations. All that we report must be evaluated in light of the views of others in and out of government who have devoted themselves to a study of China. We recognize as well as anyone that in a mere ten days in the vastness of China, we could do little more than become aware of the enormous amount of information and understanding we lack about that land.

We are reminded of the blind men who sought to learn about an elephant, each coming away with a very different impression, and none with a complete account. In order to enhance the usefulness of our report, then, we have prepared this report jointly, assembling and comparing our recollections together as we traveled and worked together on this remarkable journey.

SUMMARY OF MAJOR IMPRESSIONS

The questions most often asked of us since our return have concerned our general impressions of China and its people.

We find the most striking first impressions an American receives today in China are these:

The people appear adequately fed, clothed and housed and therefore are relatively content. Related to this is a pervasive discipline and motivation in pursuit of national goals of class consciousness, increased production, Marxist-Leninist (Maoist) awareness and collective effort to upgrade the quality of life.

Preoccupied with their tremendous struggle to advance since 1949, the Chinese multitudes seem oblivious to the fact that they lack in their lives the political liberty, social mobility, and individual orientation that we cherish in the United States. We did not detect, nor did we sense any real dissent.

The parts of the New China that we saw in the eastern regions seem a land united and well on the move toward development—a remarkable achievement when it is recalled that China at the end of World War II was economically prostrate, politically riven and alone, its population demoralized, dispirited and despairing.

So widely shared has been the progress since 1949, so improved the lifestyle of the average Chinese, that these people living, by our standards in relative privation, give every impression of counting their blessings, grateful for even modest progress, not restive with only the bare necessities of food, clothing, shelter and health.

The cities we visited—Shanghai, Peking, Shen Yang, Anshan and Canton—are strikingly clean. There is virtually no litter. There are no flies. There are no dogs. No animals or poultry run loose. Most buildings are well maintained. The virtual absence of passenger cars and the silent gliding of large numbers of bicyclists give an air or orderliness and peace to the streets. Only Canton still reminds one of the congestion and disorder of earlier days, and even there without the human distress that once engulfed the streets of Chinese cities.

Not one member of our party reported seeing even one Chinese who appeared to be suffering from hunger, or exposure, or who appeared to be socially crippled, homeless, idle, or uncared for. In cities Americans saw years ago as dirty and crowded with the hungry and the ragged, the poor and the begging, the sick and the lame, we saw bustle, cleanliness, and a disciplined purposefulness.

Despite these positive impressions, there are troubling impressions as well. Chairman Mao Tse-tung, despite rare public appearances, is ubiquitous: his presence felt everywhere. Enormous color portraits of the Chairman are found atop major public buildings. His portrait adorns the walls of virtually all public rooms, factories, classrooms and homes we visited. Quotations from Mao's writing—usually exhorting the population to greater production or increased vigilance—are spread over gigantic banners hung from public buildings, or lettered in white on huge red billboards. Radios and public loudspeakers give forth an undeviating fare of martial music, political instruction, and songs whose themes ordinarily extol the nobility of peasant labor, the heroism of factory workers, the decency and courage of the people's liberation army, and the omnipresence of outside hostile forces.

No non-Chinese newspapers, books, films or magazines are anywhere in evidence. Instead, all Chinese books, newspapers and magazines are State produced. "Literature" appears to consist entirely of dogmatic collections of news, stories or poems whose unalterable themes are those of overcoming obstacles, exercising vigilance, and performing acts of heroism in the struggle to meet factory or farm production goals.

The individual is important only as a tiny part of the whole; there seems to be no place for individual freedom to dissent, to disagree; to seek, discover or pursue alternatives. The political discourse is a scramble toward the center to avoid the perilous extremes of "ultraleftism" or "ultra-rightism".

The highly organized system of child-care, from pre-school to afterschool—and the use of that system to inculcate in the children a veneration of the State and obedience to its leaders—is awesome in its possible implications for the future. Writing, art, music, dance, drama and even supervised play—all teach a complete devotion to the heroes, the tasks, the purposes and policies of the system.

Few observers have returned from China in recent months with impressions significantly different from these we have just mentioned. If we can assume these impressions are essentially correct, for the United States and the rest of the world the portents in the light of other known facts about China are no less than totally profound, and deserving of the most serious reflection by this Congress, our leaders, our institutions, and our people.

Time does not stand still. The world moves on, and changes. In less than two hundred years the United States moved from weak colonial status to the most powerful nation on earth.

China today is far from being powerful as compared to the United States and the Soviet Union. Her population of some 800 million needs to be fed, clothed, housed, cared for, occupied and satisfied, and this huge population is growing by some 20 million a year.

China's ability to meet its vase domestic needs requires all the energy, discipline and resourcefulness a people can bring to bear. It requires political stability at home. It requires freedom from external aggression, actual or even threatened, whether military, economic or cultural.

The views expressed to us by Chinese leaders that China is today preoccupied with her massive internal problems, that she has no present notions of international conquest or expansion, that her present aspiration is only to develop peacefully—these views we find credible for today.

We are therefore persuaded that, at present, the world has little to fear from China. On the other hand, from China's point of view, the world must be something of a threatening place.

But time will not stand still for China. No matter how weak she may be today relative to other nations, China is a land of vast human and natural resources.

If she can maintain political stability, if she can remain free from outside interference—what will China be like in another two or three short decades?

The answer is obvious. If she manages to achieve as she aspires, China in the next half century can emerge a self-sufficient power of a billion people—a nation whose agricultural output can provide for her population, whose industrial capacity can be enormous, whose military capability can be very substantial, with a people united in devotion and obedience to the State.

This last impression—of the reality of China's colossal potential—is perhaps the most vivid of our journey. As our small party traveled through that boundless land, this sense of a giant stirring, a dragon walking, gave us much to ponder.

There, in that nation where State-directed conformity produces unity of effort and purpose, and where self-indulgence and licentiousness of any kind are not tolerated, we reflected on our own country. We were troubled that, by contrast in our own nation, where people are free to live and work and choose and read and think and disagree as they please, there has been widespread division, discord and disillusionment and a pervasive permissiveness straining the fibres of our national character.

In China an American is brought to hope that we will always have the self-discipline which fired our ancestors. In our own land of liberty and abundance and power—with all the material advantages that China lacks—there have been corrosive trends that have grown as our fidelity to old virtues has waned.

In disciplined, unified China, American visitors will wonder if our self-indulgent free society will be able to compete effectively fifty years hence with this totalitarian State, possessed of a population which dwarfs our own, with equal or greater natural resources, and with total commitment to national goals.

Such are the questions that occurred to us as we made our way in the Middle Kingdom that is China.

NORMALIZING RELATIONS

Last February, the U.S. and Chinese stated that "progress toward the normalization of relations between China and the United States is in the interest of all countries," that normalization "contributes to the relaxation of tension in Asia and the world", and further, the Chinese noted that "the Taiwan question is the crucial question obstructing the normalization of relations between China and the United States."

In discussions of these and related points with Chinese leaders, we received the very clear impression that China remains most interested in improved State relations with the United States, just as we are with China.

We also can confirm that the Taiwan question appears to remain the "crucial question obstructing the normalization of relations." On this question, it is well to recall the United States position in the Shanghai Joint Communique last February as follows:

"The United States acknowledges that all Chinese on either side of the Taiwan strait maintain there is but one China and that Taiwan is a part of China. The United States does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes."

Since the February Communique, American troop levels in Vietnam have been measurably reduced. In the same period—in fact in the very midst of our visit to China—the chiefs of state of North and South Korea met together in a promising beginning toward a relaxation of tension. Finally, there has been a state of relative calm in the Taiwan Strait during this same period. We view these as the kinds of developments which in time will allow a progressive reduction of our forces and military installations on Taiwan, and we are confident that, regardless of the political results next November, the United States will do its part to see that the process of normalizing United States-China relations can go forward.

We fully support peaceful resolution of the Taiwan question by the Chinese themselves, and recognize that this goal is complicated by the fact that diplomatic relations currently exist between the United States and the Nationalist Government of General Chiang Kai-Shek but do not exist with the People's Republic of China. How this question can be ultimately resolved we do not know, but we look forward to the day when all Chinese can be represented in Washington.

In this respect, we found that our continuing diplomatic relations with the Republic of China are for the People's Republic of China a particular barrier to normalized relations.

Chinese leaders called to our attention the fact that the war in Indochina is also an obstacle to improved relations between our countries. The Chinese position is well known. Fundamentally it is that Communist North Vietnam is a neighbor and friend whom China will not abandon. The Chinese insist that they have no territorial designs in Indochina, that they will not intervene in North Vietnamese affairs, and that they seek a neutral Indochina where no great power has hegemony.

Both of us support the systematic withdrawal and eventual end of U.S. involvement in Vietnam, and therefore we are optimistic that in reasonable time the Vietnam war will no longer obstruct the normalization of Sino-American relations.

Aside from the major questions of Taiwan and Vietnam, there are other ways in which progress toward normalized relations can proceed. These areas—trade and exchange of visits, for example—are discussed later in our report.

INDOCHINA

We have already mentioned that the conflict in Indochina obstructs improved relations with China. In our discussions with Chinese leaders we were not surprised to find that they regard the United States as the aggressor in Vietnam or that they expressed fraternal solidarity with the North Vietnamese. The Chinese view, as is well known is that the Vietnam conflict is a civil war whose roots are in mistaken United States foreign policy assumptions of the Dulles era.

It was also not surprising to us to hear that the Chinese will continue to give support to the North Vietnamese, although they laid considerable stress on their having not furnished combat ground troops.

The Chinese endeavored to persuade us that their challenge of domestic development is all-consuming; that they lack the ability and interest to wage external aggression; and that consequently we are mistaken if we are pursuing the conflict in Vietnam or maintaining military presence in Asia as part of a policy primarily intended to contain Chinese expansionism or subversion.

In reply to these views we reported to our hosts, and emphasized, that the American people and their leaders are in complete accord that the fighting in Vietnam should end, that American combat troops are being withdrawn and that the Vietnamese should peacefully determine their own future without outside interference.

We had extensive discussions with Premier Chou En-Lai on a number of subjects, including Indochina. At his specific request, we have reported his views on these matters to the President.

TAIWAN

To the Chinese leaders, Taiwan is simply a province yet to be "liberated". Among the most common slogans we noted on public walls, banners, billboards, and even children's jerseys was the slogan: "We will certainly liberate Taiwan." In the Shanghai Communique the Chinese reiterated their opposition to any form of "two-China" solution to the question of Taiwan.

Thus, as we have mentioned, the issue of Taiwan remains a major obstacle to the improvement of our relations with China. Although this problem must be solved by the Chinese themselves, it poses difficulties for the United States in view of our diplomatic relations and mutual defense treaty with Taiwan.

In this matter, as in Vietnam, we believe the Chief Executive in his conduct of foreign policy should have substantial latitude necessary to help, where he can, to bring the problem to a solution. Therefore we will reserve substantial public comment on this question. Here, as in Vietnam, we trust the

President will take into account the realities of the situation. We subscribe to the interest expressed by the U.S. side in the Joint Communique that the Chinese on each side of the Taiwan Strait will themselves settle this question.

In saying this we are not advocating "abandonment" of the Chinese on Taiwan. We simply recognize, as they do, that the situation which has existed for more than two decades has tended to create in the minds of many the inaccurate impression, to which neither the Nationalist Government nor the People's Republic of China subscribes, that there is not one China, but two.

The People's Republic of China uses such quasi-governmental organizations as the Chinese People's Institute of Foreign Affairs (CPIFA) and the China Council for the Promotion of International Trade (CCPIT) to advance Chinese interests where lack of diplomatic relations might otherwise be a barrier to international contact. Nevertheless, our hosts cited the Taiwan question on a number of occasions as an obstacle even to extensive people to people contact with us, and it is clear that the nature of our current relationship to Taiwan remains an obstacle to normalized Sino-U.S. relations. We therefore look forward to a resolution of this question.

SINO-SOVIET RELATIONS

Throughout their histories, China and Russia have been wary friends if not outright enemies. After 1949, we in the United States tended to regard the Sino-Soviet relationship as an international communist conspiracy to subvert and control the world. Yet, as we look back, we can see that sharp ideological differences and growing geopolitical hostility between China and the Soviet Union reduced the likelihood of their close cooperation in such a strategy.

By 1963, Sino-Soviet relations were publicly strained. In that year, for example, the Chinese newspaper People's Daily, in a significant editorial attack on Soviet policy and leadership, ridiculed Nikita Khrushchev as a "psalm-singing, table-thumping buffoon who belongs in the trash heap of history."

As early as 1960, of course, Soviet technicians and advisors resident in China to assist in industrial and agricultural development had been suddenly withdrawn. They left China with their plans, records and blueprints, leaving the Chinese understandably angry.

Today, normal State relations do exist between the U.S.S.R. and China. There is also a treaty of friendship between them. At the same time, Chinese and Soviet troops have clashed in bloody incidents along the border in Western China and over an island to which both lay claim in the Ussuri River north of Vladivostok. It is generally believed that the Soviets have more troops massed and more advanced weaponry poised along the border with China than they do in Europe. For its part, China, too, apparently has large numbers of troops deployed along the border.

In addition to their vigilance along the border with the U.S.S.R., the Chinese must be giving serious attention to the growth of Soviet influence in India—a nation with whom China also shares a common and disputed boundary.

Finally, the Soviets have helped supply, train and arm the North Vietnamese in an obvious effort to gain influence with still another nation bordering China.

These strains in Sino-Soviet relations suggest one of many possible reasons for current Chinese willingness to seek improved relations with the United States. Surely the Chinese are under no illusions that the long-standing and fundamental differences they have with us can be suddenly wiped away. Yet it is obviously in China's interest to work for a world in which there can be relatively peaceful relations with the United States. In developing her domestic economy, it would be exceedingly disruptive for the Chinese to be required to be in a constant state of preparation against possible military interference by both the United States and the U.S.S.R.

Our conclusion that the Chinese and the Soviets are in a period of mutual tension should not be taken to mean that we have nothing to fear from possible joint Sino-Soviet designs. Obviously, for example, there is even now cooperation between the Soviet Union and China in furnishing the supplies which North Vietnam is using to wage war. Chinese railroads are carrying Soviet equipment. Moreover, the Soviets are still trading with the Chinese; at Peking Airport we noticed that two new Soviet IL–62 aircraft were parked in front of the main terminal.

Our recommendation in view of heightened Sino-Soviet tension is simply that the United States should, in its self-interest, carry forward the policy of improved relations with China. At the same time, we must be aware that after nearly a quarter century of mutual isolation, the United States and China have much to learn about each other, and a long distance to travel together, before sturdy foundations of trust and good faith are laid. Therefore we must continue to remain defensively strong and alert.

U.S. PRISONERS IN CHINA

In view of the concern expressed to us by many people prior to our departure, we were particularly interested in pursuing with Chinese leaders the matter of U.S. prisoners held in China. The United States Government is aware that there are three individuals who are currently prisoners of the Chinese. They are John Downey, Major Philip Smith, U.S A.F., and Lt. Cmdr. Robert J. Flynn, U.S. Navy.

We appealed to Premier Chou En-lai and others on behalf of these men and their families, on humanitarian grounds, that they be accorded consideration with respect to treatment and release. We pointed out that favorable consideration by the Chinese would be an important indication to the American people of China's interest in normalizing relations.

Another high official with whom we met, Foreign Affairs Vice Minister Ch'iao Kuan-hua, made a special point of advising us that he thought Mr. Downey's mother would like to know that he is currently in good health. We were advised that Mr. Downey's case is different from that of Major Smith and Lt. Cmdr. Flynn, the two American fliers who were forced down over Hainan Island, and that the cases will be handled separately. Other than assurances that the Chinese would take note of our appeals it was not possible to obtain any further information or assurances about these three Americans.

In the context of our discussions regarding Mr. Downey and the two fliers, we also inquired about the truth of reports circulating in the United States from time to time that other Americans, captured in Indochina or elsewhere, are being held prisoner on Chinese soil. On this point the Chinese assured us that they are not aware of any Americans held in China other than the three just mentioned. Moreover, the Chinese explained that from now on, they expect to handle the matter of prisoners on a candid and above-board basis, utilizing the channels of communications that have evolved between our countries since the President's visit. We took this to be an assurance that the United States Government will be informed promptly if and when it develops that any other Americans are held on Chinese soil as prisoners or otherwise detained against their will.

TRADE

After informal trade discussions with political leaders and officials of the China Council for the Promotion of International Trade (CCPIT), it appears to us that the Chinese side is prepared to have trade between our countries develop in some measure, but slowly. We did not find among our hosts the same high degree of enthusiasm for early and measurable increases in trade which has stimulated the interest of American businessmen. Indeed, in pursuing the matter of mutual contact generally, we at no point found the Chinese more reserved than in talks respecting bilateral trade.

China's foreign trade policy is governed by three fundamental considerations: first, trade should be conducted on the basis of equality and mutual benefit; second, trade must complement domestic objective of self-reliance; third, the cost of imports should not exceed the proceeds from exports.

These points by no means rule out an increase in Sino-American trade. As long as China believes it can accelerate technological development by trade, for example, it will use foreign exchange gained in exports to purchase sophisticated technology. It can achieve a trade balance by State planning, offsetting a trade imbalance with one nation by trade with others. While China could finance high-cost, high-technology imports with long-term credit, we found no indication that the Chinese have significantly altered their vigorous resistance to debt financing.

There appear to be a number of areas in which opportunities exist for U.S. exports to China. Obviously, these include advanced aircraft and satellite support technology—items China has already purchased. Other areas, too, coincide with China's plans for development. These include farm machinery and techniques; iron and steel production; on- and off-shore mineral and gas extractive methods; chemical fertilizer production; chemical production; improved breeding stock; food processing techniques, computers, copiers, and so forth.

It is important for us to bear in mind regarding exports to China, however, that there are few items even in the category of advanced technology which China cannot obtain from other sources. Japan, Germany, France, Britain and the Soviet Union are all important Chinese trading partners. We must therefore be sufficiently competitive or Chinese business will go elsewhere. By the same token, Chinese goods which have a market in the United States are also generally available to us from other sources. These include a variety of foodstuffs, handicrafts, minerals, light manufactures, and soft goods. We are not, therefore, trading partners essential to each other.

On the other hand, there is important political significance to increased Sino-American trade. The exchange of goods, like the exchange of people, can be a bridge to better mutual understanding and improved political relations.

Among serious obstacles to increased trade is the absence of normal State relations, yet Japan and the Federal Republics of Germany, though lacking diplomatic relations with China, have a higher volume of trade than does France which recognizes Peking. Thus, though diplomatic ties with China may be a condition precedent to any dramatic increase in the range and volume of goods traded, this is not to say that some significant trade cannot occur before that event. Obviously, some trade can itself play an important part in bringing about diplomatic ties. The imminent purchase by China of Boeing aircraft is a good example of a large transaction which required official U.S.-Government participation, at least to the extent the grant of a federally issued export license was required to make the transaction possible.

Nevertheless, the Chinese seemed to be telling us that before too long, if trade relations are to improve, progress will have to be made in resolving a number of items: the conflict in Indochina; the status of our relationship to Taiwan; current tariff and non-tariff barriers; the current disagreements over frozen Chinese assets; claims of U.S. citizens for property seized by China; and U.S. policy respecting end-use and export licensing. Clearly further mutual effort must be given to the area of trade development and promotion.

We do not say that the Chinese are uninterested in pursuing trade with the United States. But it is important for us to bear in mind that the Chinese are very sensitive to the possibility of exploitation, and they are striving to be self-sufficient. In a recent speech the Chinese Vice Minister of Trade sounded a theme which we heard repeatedly during our visit, namely that "international trade should be based on equality and mutual benefit." In view of the experience of China in matters of trade with the West over the last 150 years, this is an understandable concern.

LAW AND JUSTICE

The legal system, an important part of any system of government, appears to be undergoing very fundamental experimentation. The legal profession itself has been abolished. Petty disputes and infractions are handled by the Revolutionary Committees in the communities in which the offenses or disputes occur. Behavior control seems to be based less on a fear of physical punishment or confinement than on persuasion, psychological pressures, public shaming and such re-education devices as political study and manual labor. There may be much for us to ponder with respect to the Chinese belief in the social re-educability of wayward citizens, and their claimed rejection of confinement in the rehabilitation process. There is also, unfortunately, a definite reluctance on the part of the Chinese to permit Western visitors access to information on their legal system as it relates to crime. While this is somewhat understandable in a society which is experimenting with the whole question of law and justice, we hope the Chinese will before long permit us to share in their search for better ways to deal with antisocial behavior.

POLITICAL STABILITY

In view of the complexity of the domestic Chinese political situation, a subject which has occupied the increasing attention of Sinologists in the West, we can offer only the most general observations.

Obviously, if the evident progress toward a united, productive and self-reliant China is to be sustained, there must be political stability, and whether such stability exists depends not only upon China's relations with its international neighbors, but perhaps more importantly on her ability to govern effectively at home.

As for the present, Chinese Communism appears fortunate to have among its senior leaders a man as worldly, tireless and adroit as Premier Chou En-lai. At an age when most men are relaxing in retirement, Chou seems a man of spring steel, abundant energy, high intelligence and great international sophistication. In giving credit to President Nixon for his bold initiative in opening the way for improved relations with China, we should not forget that Premier Chou and his associates were equally bold in that undertaking. The fact that a closed society which has made the United States anathema would be a party to this effort is as encouraging as it is remarkable. The Premier is certainly among the most seasoned and perceptive national leaders in the world today. The course of China's internal and external policies in the future will depend in large measure on how effective he is in transmitting his vigor and his outlook to younger leaders.

One final point is this: We have no way of calculating the political role played by the military in China today. It was not evident to us how much of a part the army has in provincial and municipal government. We were advised prior to our visit that military personnel occupy top positions in the provincial and municipal Revolutionary Committees, but we were unable to confirm this. It may be noteworthy, however, that we met only the nonmilitary Vice Chairmen, but never the military Chairmen, of these Revolutionary Committees. These Vice Chairmen were also men and women of apparent energy and ability.

The Revolutionary Committees at the provincial, municipal, commune and factory levels have been the principal organs of government since the Great Proletarian Cultural Revolution. These committees are composed of representatives of the army, party cadre and masses. The smallest unit is apparently the Neighborhood Committee, which is constituted at mass meetings. There has apparently been no national representative unit functioning since the National People's Congress last met in early 1965.

Our Chinese hosts, in discussion of current political topics involving the United States, invariably assured us that they did not want their comments to be construed as an intrusion in our internal affairs. This is subject to the interpretation that by our own questions and observations we should take care not to intrude in their internal affairs. Naturally we intended no such intrusion by our curiosity then, nor do we by this report.

Despite Mao's frequently quoted maxims to "trust the masses" and "serve the people," and despite the political forms evolved to "consult the masses," the system of government in China is a pyramid whose decisions are made at the top. Perhaps never in history have so many been ruled so completely by so few.

EXCHANGES

Among the activities which holds the most promise for developing understanding between our two countries is people-to-people contact and exchanges. The Shanghai Communique took specific note of this fact. Both sides agreed that "it is desirable to broaden the understanding between two peoples" and that each side would undertake to "facilitate the further development of such contact and exchanges" in such fields as science, technology, culture, sports and journalism.

Our own visit, which was as graciously hosted as a visit could be, is a tribute to the sincerity of the Chinese in encouraging contact. And other Members of Congress will no doubt be pleased to know that Chinese leaders at the highest levels expressed a willingness to host other American political leaders on a bipartisan basis so long as the time and personnel are available on the Chinese side to accommodate them.

This last point highlights two interesting facts: first, the Chinese not only favor increased contact with the West, they already appear to have a very ambitious program of hosting foreign guests. This activity naturally puts a strain on their ability to supply interpreters and provide transportation, housing and other services to visitors. Second, the interest the Chinese have in encouraging visits to their country is a measure of their confidence that, once exposed to the New China, a visitor genuinely interested in truth and objectivity will return home favorably impressed. This is not a misplaced confidence. As we have mentioned, the clean streets, the friendly and hardworking people, the rich agricultural areas and the throbbing industrial cities are testimony to the successes of the New China in welding a nation out of the chaotic post-war period.

While China favors increased people-to-people contact, she seems much more interested in hosting visitors than sending her own citizens to the United States. There are three reasons for this. First, our recognition of Taiwan troubles the Chinese to such an extent that China is reluctant to expose her citizens to possible embarrassment from criticism or ridicule by Americans or others who may question the legitimacy of their government. Second, there is a genuine fear of physical harm to Chinese citizens traveling in the United States. They have read our crime statistics. They are aware that the United Nations diplomat charged with the security of U.N. diplomats was himself mugged and robbed in New York. Finally, there may also be a reluctance on the part of the Chinese to expose their people to our way of life—political liberty, wealth, social mobility, and so forth.

The acceptance of the Chinese table tennis team in the United States has helped to dispel, we believe, the foregoing fears. Chinese leaders were unanimous in their appreciation for the warm and safe reception given their team, and we assured them that the American people will be equally courteous and enthusiastic hosts for other Chinese, whether official guests or visitors or a people-to-people basis.

Of all the areas of exchange, the Chinese appeared most interested in pursuing those in the medical field. This is an area in which the Chinese trade relations maxim of "equality and mutual benefit" has particular application. Chinese political as well as medical leaders expressed great interest in learning about American efforts in the fields of cancer, heart disease, and stroke. And, of course, the Chinese are justly proud of their remarkable achievements in acupuncture anesthesia and therapy. In this area, we have much to learn from each other for the ultimate benefit of our people, and so we are optimistic that contact in this area will be active.

In the field of journalism, the Chinese have been very cooperative in hosting American journalists and were especially so in hosting the media representatives who accompanied us. Naturally, there are more journalists who are seeking visas than the Chinese have yet accommodated, but this seems to be more a function of ability to handle numbers than any policy to restrict access of the American press corps. Our arrival in Peking, for example, was preceded by visits of journalists from The New York Times and the St. Louis Post-Dispatch, and a Washington Post journalist arrived during our mission.

The Taiwan question appears to be an obstacle to the establishment of news agencies in our respective countries, but we favor this and related steps toward improved communication, and we hope China will send more of her journalists to this country.

In the academic area, too, the Chinese seem reluctant to send students to American universities. This reluctance is related to the Taiwan question; China does not want her students exposed to harassment or ridicule at academic institutions which may also have Taiwan students enrolled. We sought to ease Chinese apprehensions on this point by stressing that we felt the atmosphere at U.S. colleges and universities would be one of interest, respect and hospitality to Chinese students and scholars. We also inquired about the possibility of long-term academic programs for American scholars in China. We did not get a great deal of encouragement on this point; the Chinese appear to favor shorter exchanges by more scholars rather than longer visits by a few.

We have mentioned our interest in sharing views with the Chinese on policy toward criminal elements. Perhaps exchanges of people working in this field would be possible.

We also favor programs which will bring our young people together; after all, it is with our youth and succeeding generations in mind that we seek friendship with China.

During our visit we were exposed to cultural and gymnastic programs which we believe would be very well received in the United States. Not only in table tennis do the Chinese excel. The music, dance and both traditional and contemporary gymnastic events were so excellently done that we encouraged the Chinese to consider sending such troupes to our country.

Finally, Chinese leaders expressed an interest in sharing information and possibly exchanging people in the area of anti-pollution activity.

Having been part of the exchange process ourselves, we appreciate its importance in broadening understanding and we hope for an increase in contact in both directions.

ECONOMY

There are few areas more difficult to gain hard information about in a short visit to China than the national economy. Either there is an inadequate mechanism for gathering economic statistics, or such statistics as are gathered are simply not in any systematic or forthcoming way divulged to the general public much less to foreign visitors.

In view of the paucity of economic data, we were particularly pleased to have had prior to our journey copies of the excellent study by the Joint Economic Committee entitled *People's Republic of China: An Economic Assessment*, released late in May of this year, and also the hearings on that study which occurred in June just before our departure. We took this study with us and distributed copies to Chinese officials. We hope that we may have some eventual response from the Chinese side as to their assessment of information in the study.

We can offer only these generalizations about the Chinese economy as a result of our visit:

Production, both agricultural and industrial, was set back measurably by the Great Proletarian Cultural Revolution. The Chinese candidly admit this, and they do so without much evident regret. They apparently believe that a production setback was an acceptable price to pay for ideological renewal. Even so, among the most common slogans found on banners and posters in the cities, in the countryside and in factories is the exhortation to "Unite To Win Still Bigger Victories and Increase Production." We were also frequently advised that while the Cultural Requently advised that while the Cultural Revolution was necessary, future ideological and economically disruptive form.

Wages of factory workers and peasants are very low by American standards, but then so are prices. We saw no evidence that families in which the husbands worked were wanting for the necessities of life and, since many families appear to have both parents as well as some children employed, there is even the opportunity to save for such "luxury" items as radios, sewing machines, electric fans and bicycles.

Department stores and food stores appear well stocked with merchandise and busy with shoppers. The range of color and design of clothing and fabric was somewhat surprising in view of reports that the Chinese tend to dress primarily in gray or blue clothing. Most people do, in fact, dress in clothing of those colors, but children's clothing and women's blouses are beginning to show signs of color and decorations. It is of interest, though, that the decoration at least on children's clothing often serves political ends—for example, one of our party bought a jersey for a toddler which bears the popular Chinese slogan, "We Will Certainly Liberate Taiwan!"

All tillable land is used for agriculture. Crops are planted not only in areas close to the cities and, for example, up to the edge of airstrips, but also within the city limits. Only in rare instances did we see land given over to the relative wastefulness of grass.

Working conditions for factory workers are in major respects close to uniform throughout China. At both a jeep production facility in Peking and an iron and steel works in Anshan, for example, the work week is six days, forty-eight hours, three shifts. Workers generally get one hour for lunch, though in the South the lunch hour is sometimes two hours. Retirement is at age sixty for men and fifty-five for women at seventy percent of salary. A worker's wage typically ranges in eight steps from approximately eighteen to fifty-five dollars a month. Housing for workers usually consists of small three-room apartments arranged in close proximity to the plants, and workers are charged two to five dollars a month rent. Day-care and week-care nurseries are available for children of workers at nominal charge. Medical care for workers is free, and children are covered for 50% of medical costs. Women are given fifty-six days maternity leave. The only vacation time with pay for workers occurs on the three or four national holidays, although some workers told us that they would be entitled to ten or twelve days of home leave to rejoin their families if their families resided a substantial distance away.

Working conditions for peasants working in communes are also, we were told, fairly uniform throughout China, varying only according to planting and harvest cycles. A typical day in the paddies and fields begins about six a.m. and continues to sundown with a long midday break for meals and relaxation. We visited two communes, the Red Star Commune near Peking and the August 1st Commune near Shen Yang. Each commune had its own nurseries, schools, medical facilities, machine shops, food and dry goods members share in the profit generated by their production. That is, the commune delivers a fixed percentage of its production to the State, deducts its own needs, then sells the balance to the State to earn revenue to purchase equipment and other necessities for the commune. Commune members share according to "work points" in the remaining balance of the proceeds. Also unlike factory workers, there seems from our limited observation to be a better chance for a commune member to own his own home. At both communes we met with homeowners who had built and furnished their own living unit from savings. Commune families we visited are also allowed to cultivate small vegetable plots and maintain a few ducks, chickens and pigs of their own. The sheer size of Chinese communes, if those we visited are typical, might surprise those Americans who have considered "living in a commune." The Red Star Commune has a population of 75,000 and the August 1st Commune has 20,000. Each commune is divided into households, then production brigades and finally into production teams. In the August 1st Commune for example there are 4,000 households, 15 production brigades and 73 production teams. This same August 1st Commune, though its primary production is rice, has 5,500 hogs, 800 work animals, and estimated million fish, 50,000 ducks, 63 tractors, 300 rubber wheeled carts, 87 wells, and 47 pump stations. A vast system of irrigation ditches carries water and fertilizer to the rice fields.

Looking to the future of China's economy, the fundamental reality seems to be that China has an immense and growing population to feed, clothe, house and care for, and that increased production is essential simply to keep pace with population pressures. Most projections show that the population of China will reach one billion by 1980.

This means that it is desirable for the pace of industrialization and of mechanization of agriculture to accelerate; it means that China must have political stability; and it means that the disruptions of the Cultural Revolution must not be repeated or not recur in such a form as will bring on a paralysis of industry or agriculture.

ENVIRONMENT

Air and water pollution appeared to be as much of a concern to the Chinese as to ourselves, and they expressed interest in U.S. efforts at control and abatement.

Air pollution is an evident problem in industrialized areas such as Anshan, Shanghai, and Canton. Black smoke pours from factory chimneys with little apparent effort underway to stop it. Moreover, we understand that all cities undergo marked increase in air pollution in the winter months when the general public burns large quantities of coal for heat.

Water pollution is much less of a problem, for two reasons. First, the level of industrialization is relatively low, and therefore there is relatively little discharge of industrial waste into waterways. Second, the Chinese do not to any significant degree discharge human waste into rivers and streams—instead, human waste is collected, treated and used as fertilizer. This latter is an excellent example of serving a two-fold purpose of keeping waterways clear and clean and, at the same time, recycling waste to meet another socially important purpose.

The absence of motor vehicles in any large numbers in Chinese cities produces another positive environmental result. Not only is air pollution potential reduced, but there is virtually no noise pollution. The nearly silent swish of hundreds of bicycles is a far more liveable sound than the racing of hundreds of engines and the honking of hundreds of horns. Another positive environmental effort made by the Chinese is in the area of flood control. Extensive networks of dikes and irrigation canals have been constructed to tame Nature and serve agricultural objectives.

The Chinese follow another public policy worthy of our attention, and that is their policy with respect to dogs. We read just prior to our journey of the controversy in New York City between dog owners and non-dog owners regarding the deposit of dog waste on public ways. In China, dogs are simply forbidden from cities completely—we saw no dogs at all in any city we visited. The prime reason for this is protection of the public health, but of course in China a dog is also a non-productive consumer which the society declines to indulge.

The anti-dog policy is related in philosophy to the famous "Four Pests" campaign instituted after 1949. This campaign was an effort to exterminate flies, rats, mosquitoes and sparrows on the ground that these four pests jeopardized the public health and robbed the country of food. It is well to remember, particularly when we consider the hurdles we ourselves face in improving public sanitation, that before 1949 Chinese cities were notorious for their filth. Communicable disease was spread by rats, flies and mosquitoes, and large quantities of crops stored wheat, rice and other foodstuffs were consumed by rats and sparrows. Today, as we witnessed, the streets are almost spotlessly clean, flies have almost totally disappeared, and we were assured that crop and grain storage levels prove that rats and sparrows have almost vanished. The campaign continues today; many of us noticed young boys and girls who, going on about play or other business, held a fly swatter over their shoulders, at the ready. Another example of the pollution consciousness of Chinese, of course, are the white cloth face masks one sees covering the nose and mouths of cyclists and pedestrians.

EDUCATION AND CULTURE

It was evident during our visit that cultural and educational life in China continues to feel the effects of the Great Proletarian Cultural Revolution which convulsed the country between 1966 and 1969. "Struggle, criticism and transformation" is still in progress in evolving policy for the arts and schools.

We attended two cultural performances in Manchuria and Canton, saw a film version of

The Peking Revolutionary Opera, "The White Haired Girl." We also visited two kindergartens, two secondary (Middle) schools, and one university. It appeared in these visits that cultural and educational life is being reestablished in China on the basis of Chairman Mao's injunction that literature and art and all intellectual life must be related to the needs and interests of workers, peasants, and soldiers. Mao Tse-tung's "Talks at the Yenan Forum on Literature and Art," published thirty years ago, was being widely studied at the time of our visit as a source of guidelines for literary and artistic expression.

On the stage and in films new or revised versions of productions of the Peking Revolutionary Opera combine a few traditional elements such as sword dances, with music that is vaguely reminiscent of Tschaikowsky and some first-rate ballet sequences to present highly moralistic and patriotic stories of peasant or workers heroes and heroines who are guided by Mao Tse-tung's thought to overcome the schemings of "class enemies," "despotic landlords," or Japanese invaders.

On the radio we heard little traditional music, with most musical programs restricted to excerpts from Peking Opera and a limited number of patriotic songs usually embodying specific references to Chairman Mao.

Foreign language bookstores contained only Marxist-Leninist ideological works and we were told that literary production had ceased during the Cultural Revolution. The classes in Chinese literature that we observed were devoted to the study of Mao's "Talks to the Yenan Forum" or to ancient classics.

We saw no one carrying or reading the Red Book of Quotations from Chairman Mao, but reference was often made to the application of Chairman Mao's thought to the solution of practical problems. Slogans or quotations from Mao writings appear on billboards, on the front of buildings, and on special red concrete slabs erected at the entrances to courtyards, factories, and agricultural communes.

In a noticeable contrast to contemporary America was the obvious de-emphasis of sex, not only because of the homogeneity of clothing but also because the official policy views romantic attachments as an interference and distraction from dedication to one's work. The contrast with contemporary America was even more striking when we asked a group of university students in Canton whether they had any "special" girl friends. They replied, "We are too young for that!" When we asked their ages, they turned out to be 21 to 23 years old. Official policy discourages marriage before the age of 25.

What was left of organized religion seems to have been a casualty of the Cultural Revolution's campaign against the "Four Olds"—old thinking, old habits, old customs, and old traditions—and we are told that the Red Guards had raided and closed the churches after arms were discovered in a church and evidence produced that a churchman was a spy. When we asked to attend church services in Shanghai we were told that no churches were functioning. We saw several closed churches in Peking and Canton, including the former Roman Catholic Cathedral which was said to be used as an office now. "The White Haired Girl" contained elements linking Buddhism to the rule of landlords in pre-1949 China.

The Government is using education and culture to create a unified people. To this end, while songs and dances from border areas and ethnic minorities are presented, all instruction as well as all stage productions are in Mandarin, even in the Cantonese-speaking areas of southern China. At a cultural production in Canton, for example, we were puzzled to see the Chinese characters for the words being sung on the stage flashed on the wall until we realized that nearly everyone in the audience was using them to understand what was being said. The written language is common, but spoken Cantonese and Mandarin are mutually incomprehensible. Some members of our party visited the Institute of Minorities in Peking where future leaders from such border areas as Tibet, Mongolia, and Hainan were being imbued with national values before returning to their native areas.

Since the Cultural Revolution, during which the universities and most secondary schools ceased instruction, the Chinese educational system has been reorganized and focused on the application of learning to the problems of peasants, workers, and soldiers—and on the direct exposure of students and teachers to those problems. Schooling has also been shortened and Mao Tse-tung's writings receive great emphasis at all levels.

The Chinese educational system begins with nurseries which are available to working mothers in the cities who have no relatives to care for their babies, from the time the children are three months old until the age of 3. The next stage is the nursery school for children from 3 to 7. We visited two such schools, one of which boarded children from six days a week at a cost of about $5 a month. Like the Children's Palaces in Shanghai and Peking (massive playground complexes in which thousands of children participate) they use music, art, dancing and sports to emphasize patriotic themes and the thought of Mao Tse-tung. We did not visit any primary schools but were told that primary schooling lasts six years.

We did visit two secondary schools (Middle Schools), one on a commune and the other in an urban industrial area. Where secondary schooling had before the Cultural Revolution been divided into two three-year sections with many students discontinuing their education at the end of what we would call junior high school, all students are expected to complete schooling which has now been shortened to three or four years. This is followed by two years of work in the factories or fields. The students in the urban secondary school we visited were older than they would normally be at that grade level, because their school was closed for two years during the Cultural Revolution. Their curriculum has been revised to include such subjects as agronomy (in an urban area), two hours a week of political studies, work in a shop attached to a nearby factory, and two months a year (one in summer and one in winter) of work in factories accompanied by their teachers. Classes are held from 8 a.m. until 4:30 p.m. six days a week so that the class time is not shortened excessively. We were particularly impressed by the level of the ninth grade English class which we observed, which was conducted entirely in that language and in which the students demonstrated a high level of proficiency. Despite the fact that Shenyang is near the Soviet Union we were told that half the students chose English as their language elective, the other half choosing Russian. All classes had a high level of political content. Art classes sketched heroes and heroines from the Revolutionary Opera and music classes sang songs of the People's Liberation Army or in praise of Mao Tse-tung.

The university we visited, Sun Yat-sen in Canton, was less impressive. The Cultural Revolution seemed to have done serious damage to higher education. All universities were closed down and professors sent to work for periods of six months to two years in factories or fields. Courses have been reduced in length from 5–6 years to 2–3 years, and small entering classes are composed of those who have spent at least two years in factories or fields or the army after Middle School, and who are recommended by their organizations. At Sun Yat-sen, only one class has been admitted since the Cultural Revolution, that one in December 1970. It is comprised of 550 students. Of that group, 90% are the children of peasants or workers and most of the rest came from the army. 20% are women. Half are members of the Communist Party and an additional 40% belong to the Communist Youth League (the Chinese equivalent of the Russian Komsomol). A new class of 800 students is about to enter and we were told that the percentage of party activists is equally high among them. The natural sciences library at the university appeared well-stocked with scientific books in English, French, German and Russian, as well as in Chinese, and a large variety of animal, bird and insect specimens were displayed in a university museum. It was a disappointment for us to be told here, however, as at other educational institutions we visited, that courses in political subjects were not in progress and therefore could not be visited.

We were told that the emphasis in instruction is placed upon self-study and group discussion, though we saw traditional style teaching being carried out. Despite press reports to the contrary, we were told that entrance examinations are being used in addition to secondary school records and recommendations, but a superficial impression was that the academic level of the university was not high. It should be noted that much of the technical education is carried out in specialized institutes which we did not see. The students received para-military training from the university and the army is represented here as elsewhere on a Revolutionary Committee which has run the university since the Cultural Revolution, and is supposed to include representatives of mass organizations as well. In the latter category we learned that each academic department has a worker assigned to it who is to advise the professors on the practical application of their teaching.

We interviewed a group of students in the dormitory where eight sleep in a large room on a double-deck bunks and study together at a large table as we entered, they were studying "Mao's Talks at the Yenan Forum." They told us that they were students of Chinese literature and were preparing to be literary critics. On a typical day they arise at 6 a.m., like everyone else in China it seemed, do calisthenics and eat breakfast. This is followed by classes from 7:30 until 11:30. After the usual noon break for lunch and a nap, they resume classes from 3 until 5:30 p.m. This is followed by calisthenics and dinner, study from 7:00 until 9:30 and lights out at 10 p.m.

A new element in Chinese education since the Cultural Revolution is a vast network of May 7th Cadre Schools for the education and re-education of people in positions of responsibilities. Party, governmental, organizational, and intellectual leaders are supposed to attend these schools for periods of 1–6 months (we found at least one instance of a person who had been in such a school for three years. These schools are named for the date of the statement by Mao creating such schools at the beginning of the Cultural Revolution and are located on agricultural communes or, less often, in factories. The May 7th schools combine manual labor with the study of the works of Mao, and intensive discussion is given to the application of his thoughts to practical problems, in particular those facing peasants and workers. Mornings are spent in the fields and afternoons are devoted to study and discussion of Mao's principal works, especially "On Practice," "On Contradictions," and "On the Correct Handling of Contradictions among the People." There is also study of extracts from the works of Marx, Engels, Lenin, and Stalin pictures of whom we saw in the back of classrooms while the ubiquitous picture of Mao was hung in front. Sometimes workers and peasants are interviewed or conduct class so that the "cadres" can learn about their problems. The schools operate to raise the level of political consciousness, to develop a sense of rededication to the ideals and thoughts of Mao, to prevent "elitism" among the middle level leadership and to re-educate, sometimes for rather long periods, those who appear to be inclined toward "revisionism." Here as elsewhere group pressures and psychological techniques are used which are not too far removed from those used by religious groups in the West.

It is understood that the leaders will return to those schools from time to time, but it was assumed by Chinese with whom we talked that this would not be enough to prevent the emergence of "revisionism." In the future further Cultural Revolutions but "in a different form" are seen as necessary. Whether they can be carried out without extremism and the adverse economic effects of the convulsion of 1966–69 no one would care to speculate.

FAMILY LIFE

It is well known that few societies have as great a traditional reverence for family ties as the Chinese. From our observations, there are serious strains on this tradition in China today, and they are primarily the result of the work patterns of the parents.

Today in China women enjoy, if that is the correct term, an equality with men. This means that they are politically and socially equal with men. They serve as members and officers of Revolutionary Committees from the neighborhood units upward. They also work side by side with men in the farms and factories of China. Only in the heaviest work at the most demanding jobs in the iron and steel plants at Anshan were women absent. But even there, in the hot, choking, dark and noisy caverns of industry, women could be found operating heavy equipment.

In the showcase communes and factories to which we were taken, we found no household where the wife and mother did not work at some job outside the home. We therefore assume not only that this is a widespread practice, but also that the employment of both parents is a practice favored and encouraged by the State.

As a consequence of this, children are in State care facilities for the most important years of their lives. From a physical care standpoint, these facilities for infants and pre-schoolers seem highly developed. The children seemed well-clothed, happy and sturdy. And the caretaker-to-child ratio seemed generally to be a very favorable four or five children to one adult. This is possible, of course, where the labor force is very large.

Many of these facilities are designed to care for children on a weekly basis, allowing the child to be with its parents only one day a week, since there is a six-day work week throughout the country. In other cases, children are deposited with the day care center at bed time and then picked up the following evening after work. Still other facilities, for older children, are set up to occupy and train youngsters after school.

In spite of the efficiency of this approach to child care, there are obvious grave implications. First of all, parents see their children far too infrequently. We sensed a certain sadness about this even among those parents who most vigorously praised the system. Second, the children at their most impressionable years are vulnerable subjects for active political indoctrination. "As the twig is bent," the saying goes, "so grows the tree." We witnessed the political education of children not yet three years old. In song and dance and art children are taught to give unquestioning gratitude and praise to the State and its leaders, to the army, the workers and peasants.

It is true that where grandparents live at home the children are often in their care. But the direction of State policy seems to be to employ all those who are able to work, and the upbringing of the children therefore falls to the State.

HEALTH AND MEDICAL CARE

People of all ages seemed well nourished and healthy. Most seemed to be involved in strenuous farm or city labor, but seemed to enjoy and thrive on hard work. Dental care, however, seemed deficient, and the high incidence of cigarette smoking suggested a general lack of knowledge about the potential harmful effects.

In understanding medical care and delivery the key word is *relative;* that is, relative to what it had been prior to 1949. With that in mind and not comparing it to Western standards, a better conception of their progress in health and medical care can be understood.

During the Great Proletarian Cultural Revolution, medical schools were closed and medical journals stopped printing. Since that time the concept of "Serve The People" has favored medical education and health care delivery so as to insure quantity, perhaps at the expense of quality. The main changes that have occurred are these:

Shortened length of medical school from 6 years to 3 years; paring the curriculum from 36 courses to 15.

The graduates are not given a diploma and must work in the community for 5 years before being considered for specialty training.

Students must spend time in the communities obtaining experience and training "Barefoot Doctors."

Students are selected for the study of medicine, after high school and 2 years of work, by their fellow commune or factory workers. Selection is based on their political motivation, intellect and proven willingness to work.

As at all levels of Chinese society, periodic physical work in the commune is demanded of medical students.

Former specialists are the backbone of the medical faculties.

Students must be single and may not marry.

Doctors start out at a salary of 32 yuan per month ($14.40), and may advance through 8 levels of pay based on political motivation, quality and quantity of work.

The entire post Cultural Revolution university program is in an experimental stage, since no class has yet graduated from this new program.

Nurses are trained only in hospitals. They have an 18-month training period, make $9.50 per month, and must also serve in local communities.

Barefoot Doctors are the backbone of the medical care system since 80% of the population is rural and agricultural. Their training period is only about 2 months, though it is updated weekly by additional one day training sessions in commune hospitals and periodically by an extended stay in a more advanced center. Barefoot Doctors are also selected by the commune.

Each factory, commune or farm has medical care readily available, albeit minimal at times. Each branch of medical training and care is a mixture of Western and traditional. In many respects this whole system resembles the concept of regional medical programs in this country.

Acupuncture, the remarkable technique for operation without anesthesia, was performed before Christ was born and we saw gold acupuncture needles dating back to 133 B.C. Its usefulness as a form of treatment remains uncertain, in the opinion of the American physician who accompanied our group. However the Chinese use it widely for therapeutic relief of headache, gall bladder disease, peptic ulcer, heart disease, deafness and a variety of other ills. We observed three major surgical operations—appendectomy, removal of an ovarian cyst and thyroid tumor—and three tooth extractions, performed using acupuncture anesthesia.

Acupuncture anesthesia, which was begun in late 50's appears to be a highly significant medical advance. Having seen it used for thyroid, ovarian, appendicidal and dental surgery, and having seen the patients, talking, drinking tea, eating orange slices during the procedure, and having observed the patients hop off the operating table at the conclusion of surgery impressed even the most doubting cynic. The technique of needle insertion is said to vary with each type case, but the needles may be stimulated electrically (6–9 volt DC at 90–120 cycles/min) or by up and down rotatory manual stimulation. Even chest surgery is possible without endotracheal tube by first introducing an artificial pneumotherax prior to surgery on the lung to be operated. The obvious advantages to acupuncture anethesia are:

Safety—no depressant anesthetics or liver toxins are needed.

Anesthesia can be given inside the operating room, thereby shortening the operation;

No recovery room time is needed—the patient has reacted at the end of surgery;

Less training and skill are needed by the anesthetist;

The patient is able to cooperate during surgery—i.e. talk during thyroid surgery (vocal cord), move during brain surgery and so forth.

There appeared to be less bleeding.

A commune doctor demonstrated the acupuncture technique on the hand of our delegation physician and the hand was anesthesized within 15–20 seconds. We understand that this form of anesthesia is now being used in at least three U.S. hospitals. Precise needle placement doesn't seem to matter for the anesthesia effect to be complete. The jamming of pain circuit transmission by needle—electric stimuli seems to be the most accepted theory, and we believe it will be a widely used technique in the United States before very long.

The hospitals themselves were clean and orderly, adequately staffed, not over crowded and properly located. By our standards their equipment was very antiquated—this observation includes operating room, X-ray, lab, wards, delivery, central supply, and so on. A surprisingly large number of the surgeons were women.

The Chinese diet, which consists of far lower quantities of animal fats and sugar than our own, combined with the exercise the Chinese get as they bike, walk and work at manual labor on the average far more than we do every day, has helped produce a population which is lean and strong in appearance.

ITINERARY

June 26

10:20 a.m.—Arrivals in Shanghai. Luncheon meeting with municipal and provincial officials.

1:20 p.m.—Departure for Peking.

4:00 p.m.—Arrival in Peking.

7:00 p.m.—Dinner hosted by the Chinese People's Institute of Foreign Affairs (CPIFA) and meeting with CPIFA officials.

June 27

Morning.—Palace Museum and Exhibition of Excavated Historical Relics.

Afternoon.—(1) Meeting with Mr. Chiao Kuan-hua, Vice Minister of Foreign Affairs; (2) The Central Institute for Nationalities;

(3) The Summer Palace; and (4) The Peking Zoo.

Evening.—Sports Performances.

June 28

Morning—(1) No. 3 Hospital of Peking Medical College (acupuncture anesthesia); (2) The Red Star People's Commune.

Afternoon.—(1) The Peking Arts and Crafts Factory; (2) The Peking Dongfanghong Automobile Plant; (3) Meeting with representatives of the China Council for the Promotion of International Trade.

Evening.—Meeting and Dinner with Premier Chou En-lai.

June 29

Morning and Afternoon.—The Great Wall and Ting Ling Museum.

8:00 p.m.—Departure for Shenyang.

9:30 p.m.—Arrival in Shenyang Meeting with municipal and provincial officials.

June 30

Morning.—Departure for Anshan—high tension live-line demonstration (on the way).

Afternoon.—Anshan Iron & Steel Works.

Evening.—Acrobatics Performances.

July 1

Morning.—Return to Shenyang—Rice-growing People's Commune (on the way).

Afternoon.—(1) Transformer Factory; (2) Middle school and Kindergarten; (3) School for Deaf and Mute and Kindergarten.

Evening.—Dinner with local officials.

July 2

8:30 a.m.—Return to Shanghai prevented due to adverse weather; aircraft diverted to Peking.

July 3

Morning.—Departure for Canton.

Afternoon.—Tour of Canton. Meetings with municipal and provincial officials.

Evening.—Dinner with local leaders.

July 4

Morning.—Sun Yat-sen University and Medical College.

Afternoon.—Workers Housing Complex, Middle School, Children's Palace.

Evening.—Cultural Performance by Canton Troupe; Fourth of July Dinner for CPIFA, hosted by Mr. Boggs and Mr. Ford.

July 5

Morning.—Departure for Hong Kong by rail.

HOSTS AND HOST ORGANIZATION

Our formal host in China was the Chinese People's Institute of Foreign Affairs (CPIFA). This is a quasi-governmental organization used to extend hospitality to persons, such as our party, from nations with which China does not have diplomatic relations. Premier Chou En-lai is Honorary Chairman of the CPIFA.

The gracious hospitality provided by the CPIFA included a remarkable successful effort to schedule in a very short time a wide variety of experiences in diverse places according to our interests and desires. As anyone who has had a part in arranging visits of this sort is aware, a high degree of skill and patience is essential, and our hosts never failed us. Our safety was assured with the great care of our drivers and, particularly, with the skill of our aircraft crew. Finally, of course, no account of our journey would be complete without testimonial to the extraordinary cuisine whose variety and excellence greeted us three times daily.

We would like to express our warmest thanks to the CPIFA, particularly to Chang Hsi-jo, President of the CPIFA, to Chou Pei-yuan, Vice President of the CPIFA, to Chou Ch'iu-yeh, Secretary General of the CPIFA, who accompanied us on our journey, to the CPIFA provincial and municipal representatives in the areas we visited, to our drivers, guides and guest-house staffs, and most especially to the uniformly friendly, helpful and competent young men and women who were assigned to us as interpreters. The warm feeling we developed for the people of China is in no small measure attributable to the unfailing good humor and uncommon courtesy of these individuals.

NEW CHINA NEWS AGENCY DISPATCHES

The following official dispatches were released by the New China News Agency in connection with our visit:

PEKING BANQUET WELCOMES HOUSE LEADERS BOGGS AND FORD

(S261946 Peking NCNA International Service in English 1935 GMT 26 Jun 72 B.)

PEKING, June 26, 1972 (Hsinhua).—The Chinese People's Institute of Foreign Affairs gave a banquet here this evening for Hale Boggs, Democratic leader of the U.S. House of Representatives, and Mrs. Boggs, and Gerald R. Ford, Republican leader of the House, and Mrs. Ford.

Among the guests at the banquet were members of their party: William A. Brown, Freeman Cary, Bryce Marlow, Robert Hartmann, Gary Hymel, Harry Lee, Frank Meyer, Paul A. Miltich, Day O. Mount, Paul Sigmund and Eugene A. Theroux.

Present were Kuo Mo-jo, Vice-Chairman of the Standing Committee of the National People's Congress; Chang Hsi-jo, President of the Chinese People's Institute of Foreign Affairs; Chiao Kuan-hua, Vice Foreign Minister; and Chou Pei-yuan, Vice-President of the Institute. Before the banquet, they met Hale Boggs and Gerald Ford and their wives and the other American guests and had a friendly talk with them.

Present at the banquet and meeting were Chou Wen-chin, Assistant Minister of Foreign Affairs, Ju Yu-chih and Lin Chiao-chih, members of the Standing Committee of the National People's Congress, and leading members of organizations concerned, including Chou Chiu-yeh, Yu Li-chun, Wang Ti-chen, Wang Tung, Wang Hsiao-i, Hu Hung-fan, Chien Ta-tung and Ma Yu-chen.

The American guests arrived here by air this afternoon on a visit to China at the invitation of the Chinese People's Institute of Foreign Affairs. They were met at the airport by Chou Pei-yuan and others. Chou Chiu-yeh, Secretary General of the host organization, had made a special trip to Shanghai to meet the American guests and accompanied them to Peking.

During their halt in Shanghai, the American guests were greeted at the airport by Geng Kuo-chu, council member of the host oragnization.

PREMIER CHOU EN-LAI HOSTS U.S. LEADERS

(Peking NCNA International Service in English 2047 GMT 28 Jun 72 B.)

PEKING, June 28, 1972 (Hsinhua).—Chou En-lai, premier of the State Council, Chang Hsi-jo, president of the Chinese People's Institute of Foreign Affairs, and Chiao Kuan-hua, vice-foreign minister, this evening hosted a dinner for Hale Boggs, Democratic leader of the U.S. House of Representatives, and Mrs. Boggs, and Gerald Ford, Republican House leader, and Mrs. Ford, and their party.

The members of their party attending the dinner were: William A. Brown, Freeman Cary, Bryce Harlow, Robert Hartmann, Gary Hymel, Harry Lee, Frank Moyer, Paul A. Miltich, Day O. Mount, Paul Sigmund, and Eugene A. Theroux.

Present at the banquet were Chou En-lai, vice-president of the Chinese People's Institute of Foreign Affairs, and leading members and staff members of organizations concerned Chou Chiu-yeh, Wang Ti-cheng, Wang Tung, Hu Hung-fan, Ma Yu-chen, Chi Chao-chu, Tzu Chung-yun and Chao Ching-tien.

After the banquet, Premier Chou En-lai and others met the U.S. House leaders and their party.

U.S. HOUSE LEADERS LEAVE PEKING FOR TOUR OF OTHER AREAS

(Peking NCNA International Service in English 1651 GMT 29 Jun 72 B.)

PEKING, June 29, 1972 (Hshinhua).—Hale Boggs, Democratic leader of the U.S. House of Representatives, and Mrs. Boggs, and Gerald Ford, Republican House leader, and Mrs. Ford, and their party left here by air this evening on a visit to other parts of China in the company of Chou chiu-yeh, secretary-general of the Chinese People's Institute of Foreign Affairs.

Seeing them off at the airport were Chou Pei-yuan, vice-president of the Chinese People's Institute of Foreign Affairs, and his wife; Hu Yu-chih, member of the standing committee of the national people's congress; and leading members of organizations concerned Wang Tung and Wang Tsiao-i.

BOGGS, FORD END VISIT, LEAVE CANTON FOR HOME

Peking NCNA International Service in English 1508 GMT 5 Jul 72 B.)

CANTON, July 5, 1972 (Hsinhua).—Hale Boggs, Democratic leader of the U.S. House of Representatives, and Mrs. Boggs, and Gerald Ford, and their party left here for home by train today at the end of a visit to China.

They were seen off at the railway station by Chou Chiu-yeh, secretary general, and Shao Yun-sheng, council member, of the Chinese People's Institute of Foreign Affairs; Kao Chao-lan, professor of Chungshan University; and leading members of Chinese organizations concerned, including Hu Hung-fan, Tsu Kuo-chen and Cheng Chien.

The U.S. guests arrived in Canton on the morning of July 3 after touring Peking, Shenyang and Anshan. They were honoured at a banquet given that evening by Wang Shou-tao, vice-chairman of the Kwangtung Provincial Revolutionary Committee.

While in Canton, the American guests visited a factory, a school and a children's palace and went sightseeing in the city. Hale Boggs and Mrs. Boggs, and Gerald Ford and Mrs. Ford gave a reciprocal banquet yesterday evening.

COMPOSITION OF THE DELEGATION

Majority Leader Hale Boggs and Mrs. Boggs.

Minority Leader Gerald R. Ford and Mrs. Ford.

Mr. William A. Brown, Deputy Director, Office of Asian Communist Affairs, Department of State.

Dr. Freeman H. Cary, Assistant Attending Physician to the Congress.

Mr. Bryce N. Harlow, Business Executive, former Counselor to the President, Aide to Mr. Ford.

Mr. Robert T. Hartman, Legislative Assistant to Mr. Ford.

Mr. Gary G. Hymel, Administrative Assistant to Mr. Boggs.

Honorable Harry Lee, United States Magistrate, Eastern District of Louisiana, Aide to Mr. Boggs.

Mr. Frank Meyer, Administrative Assistant to Mr. Ford.

Mr. Paul A. Miltich, Press Secretary to Mr. Ford.

Mr. Day O. Mount, Administrative Officer, Department of State.

Dr. Paul Sigmund, Professor of Political Science, Princeton University, Aide to Mr. Boggs.

Eugene A. Theroux, Esq., Special Council to the Joint Economic Committee, Aide to Mr. Boggs.

Mr. BOGGS. Mr. Speaker, I yield back the remainder of my time.

DISHONORING A GOOD NAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. Wyman) is recognized for 10 minutes.

Mr. WYMAN. Mr. Speaker, former Supreme Court Justice Tom Clark is a a good man. His contributions to this country on the judiciary and in the Bar Association have been substantial. His life has been dedicated to public service and he has earned public confidence and respect because of his record.

Not so with his errant son Ramsey, who, trading on his father's name, which was the main reason for his appointment to the high position of U.S. Attorney General some years back, now dishonors this name and disgraces his country as well in one fell swoop by knowingly giving aid and comfort to the Communist forces in North Vietnam.

There can be no question of Ramsey Clark's calculated intent to do just this. He had to design to travel to North Vietnam. He had to arrange the conferences with the Communist leaders there. He had to plan what he would say and reflect on it at length during the long trip home. And what he said by any standard was a mouthful of subversive garbage at a time when this country's Government is trying to end the war through negotiations with these same Communists.

Ramsey Clark said in Vietnam, among other things, that:

> I do know that in human terms the bombing I've seen is without justification no matter what the cause and purpose.

He also said in San Francisco on his return that:

> If we'd elect George McGovern President instead of President Nixon that they'd release some U.S. prisoners on January 20 and the remainder three months later!

How does he know this?

Because, he said, the Communists told him so.

Why did they tell him so?

Because they know McGovern has publicly committed himself to a policy of begging, not fighting, and to a massive reduction of existing U.S. military and naval capabilities if elected President.

Clark knows this too. At least he is not dumb. He is a former Cabinet officer, who knows exactly what he is doing and saying.

All of which makes the infamy of his conduct and statements all the greater.

It is a personal tragedy for Tom Clark, but it is also a truly disgusting exhibition of subversion in action—not because of criticism of the war—but because of actions deliberately taken and words deliberately chosen to encourage the enemy to continue to hold out on the chance McGovern may be elected in which event they would get what they want in South Vietnam without having to negotiate any commitments whatever.

Apparently it is to no avail to suggest that Ramsey Clark ought to be ashamed of himself for he is unashamed, unabashedly so.

This man's conduct is detrimental to negotiations for prisoner release and an end to the war that have been officially underway for many, many months now and he knows it.

It is too bad that Ramsey Clark felt he had to return to America at all, for the record of much of his public life demonstrates that in many respects he is working to divide and polarize this great country, whatever may be his perverted concept of a world revolution for a new social order.

His recent performance in Hanoi and San Francisco is a shocking, shameful, shabby exhibition of deliberate subversion whatever may be the motive. Combined with his subsequent public appeal for the election of a particular candidate for public office in November, it is exposed in an even more contemptible light as a politically motivated bit of grandstanding by an ex-Cabinet officer who perhaps aims for another Cabinet post should his man win election in November.

But trifling with the national security, undermining the national morale, helping the enemy's morale, and delaying an end to the war through official negotiations is a pretty high price to pay for a shot at another Cabinet post.

DISASTER RELIEF APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Heinz) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, I rise to express my strong support of H.R. 16254. This bill, the supplemental appropriation for disaster relief will provide the assistance which is desperately needed by the flood victims of Hurricane Agnes. I am hopeful that the $1.5 billion appropriated by this legislation will help to relieve the despair which the victims of this disaster are experiencing. Although the passage of this legislation provides visible proof of Congress, deep concern for the welfare of the disaster victims, it does not relieve the Congress of its responsibility to safeguard the lives and property of the citizens of this country. Today's unanimous vote for this bill will help relieve the present suffering, but let us not forget that we must also take action to protect our citizens from future disasters.

This needed protection can only be guaranteed through the establishment of comprehensive statewide disaster preparedness plans. H.R. 16312, the Safe States Act of 1972, which I introduced on August 10, 1972 provides for the mandatory development of disaster preparedness plans which must be in compliance with minimum Federal standards formulated by the Office of Emergency Preparedness. This bill also provides that any State which does not meet these standards will not be eligible for any Federal disaster relief assistance. I feel that the stringent measures contained in this legislation are justified. The passage of H.R. 16254 will bring the total of new appropriations for disaster relief to $2 billion for fiscal year 1973. Therefore I believe that Congress is justified in insisting that needless loss of life and property damage does not occur as a result of a lack of preparedness on the part of the States. I urge my colleagues to review the provisions of the Safe State Act on page 27683 of the Congressional Record and to assist in bringing about the speedy enactment of this legislation.

LAIRD WITHHOLDS "REALISTIC" PRICE ON LITTON SHIPBUILDING PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, Defense Secretary Melvin Laird is insisting that the Nixon administration will hold inflation below 3 percent this year and has forced the Navy to reduce by more than $90 million the estimated cost of Litton Industries' 30-ship DD-963 destroyer program.

Mr. Laird is guilty of using the make-believe dreams of success of the President's so-called fight against inflation as an excuse to withhold realistic estimates of the cost of this $2.1 billion destroyer program from the Congress.

Mr. Laird's silly and meaningless maneuver is outlined in a General Accounting Office report which I am publicly releasing today.

It should be noted, Mr. Speaker, that the wholesale price index is expected to rise 5.2 percent in 1972 and that wages in the shipbuilding industry may rise as much as 15 percent. But Mr. Laird insists that the Nixon administration will hold inflation below 3 percent.

Claiming that inflation will drop below 3 percent is a meaningless gesture that distorts the real cost of the program, particularly since both the contractor and the Navy agree that the cost will be at least $90 million higher than current estimates.

Litton Industries, the contractor, currently predicts that it will cost the Government $438 million in inflation charges to build the 30 high-speed destroyers that will be used to escort American attack aircraft carriers. But the Navy is being forced to keep its estimate down to $346.2 million and this is the figure officially reported to Congress.

It is this lack of realism in estimating costs that eventually results in billions of dollars of cost overruns which were recently reported by the GAO in a report on 77 major weapons systems.

In 1971 the Government paid Litton Industries more than $21 million in inflation charges despite the Navy's prediction that the cost would be less than $19 million. These inflation payments are based on Bureau of Labor Statistics' indexes which theoretically reflect increased costs in labor and material in a particular industry.

Mr. Speaker, it is becoming increasingly clear that this destroyer program is a disaster which probably will cost the taxpayers hundreds of millions of dollars in cost overruns.

Fortunately the Congress this year plans to cut more than $330 million from the Navy's $610-million request for seven of the 30 DD-963 destroyers. It is expected that the Navy will late this year or early next year decide whether to cancel the program or not.

"MANNY" RIDGELL DIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, I was deeply saddened to learn of the death of A. Emanuel "Manny" Ridgell last Sunday evening. Manny, serving as House Office Buildings Superintendent, was one of the Hill's most trusted and admired officials. Few men were as dedicated to their jobs as Manny, and it was his dedication to his job that made our jobs that much easier.

Manny was working on the Hill for 16 years before he received his appointment as superintendent. In 1932, at the age of 20, he began as a House messenger. He steadily moved up through the ranks and in 1947 he was appointed assistant superintendent, 1 year before he was promoted to superintendent. His career was marked by an outstanding performance of his duties and outstanding relationships with the Members. Besides having the responsibility of assigning office space to the Members, Manny's duties involved the maintenance, operation, and mechanical care of the House Office Buildings and the subway to the Capitol. In his 24 years on the job, he gained the respect of all the Members for his honesty and intelligence.

Manny was a model American—a good family man, a religious and hardworking person who sought to serve others. We who have worked with Manny over the years know of his quick wit and willingness to use it. In his sometimes thankless job of handling the whims of 436 Congressmen, this was a necessary element for maintaining an even and pleasant personality.

Mr. Speaker, I extend my deepest sympathy to the surviving members of his family—his wife, Mary, their daughter Sister Mary Ann, and their sons Charles and Father John Ridgell—and to his fellow citizens to whom he meant so much and who he so nobly served.

SOUTH AFRICA AND THE GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, yesterday I wrote to the State Department about South Africa's persistent violation of the rules of GATT in maintaining and tightening its import quotas against foreign goods. I pointed out that their claim to having balance of payments problems was not justified, in view of the healthy surplus of the first half of 1972, and the use of this surplus to withhold South African gold from the free market, driving up the speculative price.

South Africa is already under great pressure from the international community, and I am concerned that the U.S. delegation at GATT should do nothing to defend South Africa. If it did, this would create a dangerous precedent for many other countries, which can claim to be at least as much in need of concessions as South Africa.

I also asked the State Department for confirmation that the United States will continue to support the International Court of Justice's opinion on South Africa's illegal occupation of Namibia, as it relates to South Africa's claim to represent Namibia in an international organization such as GATT. There, it benefits from most favored nation treatment for all exports from the international territory of Namibia. I pointed out that this is illegal and have asked to be informed on what action the U.S. delegation is taking to challenge South Africa on these grounds and to end its illegal representation of Namibia in GATT.

I wish to insert for the benefit of my colleagues the text of my letter to the State Department:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 14, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I wish to express my concern at the persistent violation of the rules of the General Agreement on Tariffs and Trade (GATT) by the Republic of South Africa. For a number of years, South Africa has been maintaining import quotas, as well as a range of other non-tariff barriers, which contravene the letter and the spirit of GATT. Of particular concern to the auto industry are the "local content" regulations for motor vehicles, which in effect have deprived the industry here of the South African export market, and forced the companies concerned to invest in assembly plants inside South Africa, where they are taking advantage of labor conditions that would be completely intolerable in the U.S. context. This is just one example of an important U.S. export item being excluded from the South African market, with a consequent loss of the balance of payments benefits, and of valuable jobs in certain industries.

Although at one time South Africa had exemption under Article XII of the General Agreement, which allowed the excuse of balance of payments difficulties to be used to justify import quotas, this defense had to be abandoned at the beginning of 1970. There was strong pressure on South Africa to dismantle its controls, and bilateral negotiations with the major trading partners were undertaken. However, it seems that South Africa was not prepared to offer any *quid pro quo* for the higher import tariffs that it was seeking, and the negotiations seems to have resulted in deadlock. Far from attempting to come to terms with the requirements of its trading partners under the Agreement, in November, 1971, South Africa imposed a very stringent tightening of the existing import quotas. This is a unilateral action which we cannot afford to condone, since it openly defies the understood norms of international trade; strongly inhibits U.S. exports to South Africa, especially of manufactured items; and provides a bad example which, if widely followed, would do great damage to the flow of international trade at a particularly difficult time for the U.S. balance of payments.

Although many members of GATT are from time to time in breach of the General Agreement, South Africa is a particularly persistent offender, and I am anxious that all appropriate pressures should be brought to bear on the country. I understand that the issue of its import restrictions, and application for balance of payments justification under Article XII, are under active consideration at the moment, and I should like to have an assurance from you that there will be no effort on the part of the U.S. delegation to reduce the already considerable pressure on South Africa, when its import restrictions come before the annual meeting in September.

Since the United States is a member of the balance of payments committee of GATT, this issue is clearly one that must be faced without equivocation. It would be illogical and inconsistent to allow South Africa to defy the rules, since the United States has recently benefited from the application of GATT sanctions. When the European Economic Community imposed obstacles on the import of chickens from the U.S., in line with its protectionist Common Agricultural Policy, the U.S. pressed hard within GATT for some redress. It obtained this, through the appropriate GATT processes, in the form of compensatory restrictions on certain items of European origin. In the case of the African states associated with the EEC through the Yaoundé Convention, the U.S. has made loud protests about the "reserve preferences" allocated to European goods by the African states, in return for the concessions which they have for their own products in the European market. This issue has been stressed out of all proportion to our concern about South Africa's violation of the principles of international trade.

The immediate issue is, of course, whether or not South Africa qualifies for exemption from the normal regulations because of balance of payments difficulties. There has already been strong objection to this claim by a number of countries, and the South Africans appear to be coming under increasing pressure on this. They have even announced their intention of abandoning this line. Looking at the facts of the situation, this is understandable. At the same time as South Africa is contending within GATT that balance of payments difficulties justify stringent import restrictions, it is using the healthy balance of payments which it has had since the beginning of this year in order to withhold newly-mined gold from the free market, thus driving the price even higher—to the detriment of international monetary arrangements, and particularly to the stability of the dollar. The U.S. Government cannot accept South Africa's use of a balance of payments surplus, within the context of the International Monetary Fund two-tier price system and its 1969 agreement with South Africa, while simultaneously allowing South Africa to plead balance of payments difficulties in order to extract concessions from GATT at our expense.

South Africa's balance of payments has been in surplus for the first two quarters of 1972, and this surplus is rising. Gold and foreign exchange reserves are rising steadily, and stood at R695.5m. (about $980m.) in mid-June. Dr. Diederichs, the Minister of Finance, told the South African Senate in June that the balance of payments was showing a favorable trend, and that further prospects, particularly on the export side, looked promising. He added that import control and devaluation had begun to show an effect on imports in recent months. If such a promising situation can be used to justify the degree of violation of GATT rules that South Africa is presently displaying, then the flood-gates would be opened for a large proportion of other GATT members to take the same line.

When the import quotas were tightened in November, 1971, the Minister of Economics, Mr. S. L. Muller, promised a full review in May. In late July, a certain easing of the controls was announced. However, the South African Ambassador in Geneva is reported as saying, "I feel that South Africa has gone as far as it can at present in relaxing its import restrictions." There is even a debate going on in South African business circles about the possibility of increasing the controls on some items.

I should, therefore, like to know the policy of the United States Government towards South Africa's position in GATT, with regard to the considerations mentioned above. If it should come to the point of threatening South Africa with suspension from the organization, can I assume that our delegation will support such a step?

There is a further point relating to South Africa's membership of GATT which I wish to raise. South Africa purports to represent Namibia in a number of international organizations. The United States supported U.N. General Assembly Resolution 2145 of 1966, and has accepted the Opinion of the International Court of Justice on this issue, affirming that South Africa's occupation of Namibia is illegal. As applied to GATT, therefore, South Africa has no legal right to represent Namibia, as it purports to do at the moment, and no right to obtain Most Favored Nation treatment for exports originating in Namibia. I should like to know what action the United States is taking to end South Africa's illegal representation of Namibia in GATT.

I would appreciate receiving, at an early date, a response to the points raised herein.

Sincerely,

CHARLES C. DIGGS, JR.,
Chairman, Subcommittee on Africa.

POLLUTION BILL TO AID SMALL BUSINESS AND THEIR EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts, (Mr. HARRINGTON) is recognized for 5 minutes.

Mr. HARRINGTON. Mr. Speaker, I am today introducing with 20 cosponsors a bill entitled the "Small Business Pollution Abatement Loan Assistance and Workers Readjustment Assistance Act."

The concept of the legislation is that small businesses should be able to receive some assistance in meeting the new—and much needed—stringent pollution standards. Small businesses which are required to tie into a municipal facility or to build their own pollution abatement facilities may not be able to do so without going out of business, and many of these marginal companies are in economically depressed areas. A second section of the bill provides that when a company goes out of business because it cannot obey the new pollution laws, the workers will receive adjustment assistance—100 percent of salary for 52 weeks, relocation allowances and job training.

Frankly, I do not believe that any of us in the Congress had intended to legislate small business out of existence, and it seems to me that the time has come to offer some safeguards to small businesses which are having difficulty obeying the new pollution laws.

The Council on Environmental Quality reported last week that the smaller firms, and not the large corporations, are jeopardized by inability to pay the cost of pollution control devices.

The Washington Evening Star and Daily News in an editorial last week cited this finding of the CEQ report and called for a creative national program to help these small businesses. The bill being introduced today is such a program.

The CEQ report estimates that for the industries studied, jobs lost range from 50,000 to 125,000 over the 1972–76 period.

Mr. Speaker, I would like at this point to quote directly from the CEQ report dealing with the problems of small businesses. The points made are well worth contemplating and the bill we are introducing today is a solid solution to the problem:

EXCERPTS FROM "THE ECONOMIC IMPACT OF POLLUTION CONTROL"—A SUMMARY OF RECENT STUDIES

MICROECONOMIC IMPACT

Accordingly, some firms will earn lower profits, some will curtail production, and some firms and plants will be forced to close.

There are approximately 12,000 plants currently operating in the industrial activities studies. Of these it is expected that approximately 800 would close in the normal course of business between 1972 and 1976. It would appear from the contractors' evaluations that an additional 200–300 will be forced to close because of pollution abatement requirements. Many of these additional closings would appear to involve plants that were vulnerable for other reasons and, hence, that were likely to have closed anyway a few years later.

These plant closings and production curtailments will have both direct and indirect impacts. The direct impacts include the loss of jobs and reduced value of equity. An indirect impact is that related (customer and supplier) firms will be forced to close or reduce production. For example, farms which have marketed their produce to a cannery that closed might be unable to find new markets for their produce. Another indirect impact is that the communities where such plants are located may suffer local recessions—an impact which will be most severe in one-plant towns.

The studies suggest that direct job loss attributable to environmental regulations in the affected industry activities examined may range from 50,000 to 125,000 jobs over the 1972–76 period. These figures represent approximately 1% to 4% of total employment in the industry activities studied. The direct average annual unemployment created in these industries represents .05% of the 1970 total national work force. However, the studies suggest that these estimates could be substantially higher if the economy is not at full employment.

While the total plant closings in the industries in which plant closings might have a community impact appear to be about 150, the data presented are not in sufficient detail to determine the number of these communities that will be significantly impacted.

It is important to note that the figures reported in the preceding paragraphs apply to the industrial activities studied; neither the positive nor negative impacts on other industrial activities have been included. However, in a general sense these other impacts are considered in the macroeconomic study.

FRUIT AND VEGETABLE CANNING AND FREEZING

In this case, up to half of the small plants in the industry, or one-third of all plants, were expected to be forced to close. Of the 1,200 plants included in the industry directory, therefore, 400 might be forced to close because of pollution abatement costs. Thus, the addition of pollution control costs was expected to lead to the additional closing of 100 plants, or 8.3% of the total. In addition, closing of the other plants was expected to occur some years earlier than otherwise.

It was estimated that the closing of 400 plants would result in the loss of jobs by approximately 28,000 employees. The disemployment created by the 100 plants that were estimated to close because of pollution controls would be one-fourth of that number of 7,000. Many of these would be in small towns and rural areas where reemployment would not be readily available.

PULP AND PAPER MILLS

It was estimated that an additional 60–65 mills would be forced to close with the imposition of abatement regulations. These additional closings were expected to result in the loss of 16,000 jobs by 1976. Many of the shut downs are likely to be in rural areas where they would have significant community impact.

A precedent has been set for the bill being introduced today. The Federal Water Pollution Control Act Amendments of 1972 which is still before the Conference Committee contains a provision originally introduced by former Congressman Morse and myself authorizing funds for loans to small businesses who without such assistance are likely to suffer substantial financial loss by complying with Federal water pollution guidelines. This is a good first step, and it seems but a logical extension to apply similar loan assistance provisions to assist compliance by small firms with any Federal or State pollution abatement requirements, whether they be air, noise, solid waste or water pollution problems.

This bill provides grants to small business to plan for the building of the facilities. Too often, the initial cost of the plans is prohibitive and businesses fail at the extent of that expenditure. These grants cannot exceed $100,000 or 100 percent of the cost. Once a plan has been accepted, the plant is eligible to receive a loan under the act. This loan will be at about 4 percent interest rate and for 30 years. If the EPA Administrator approved the plan, the Secretary of Labor is authorized to make loans not to exceed $500,000 or 100 percent of the cost of the project.

In the same vein, there will be marginal small plants which do close down because they are unable to meet the costs even with a loan. If that happens, the workers will be jobless through no fault of their own. Therefore, I am proposing a system of adjustment assistance which will provide workers with 100 percent of their salaries for 52 weeks after the plant closes and also with a relocation allowance and job retraining.

Workers over 60 years of age would be eligible for an additional 13 weeks of compensation.

The bill defines a small business as one which is independently owned and operated employing 1,000 or less persons.

I realize that the Public Works-EDA bill which we will consider tomorrow contains some provisions for aid to industries and assistance to workers. But these provisions fall far short of the program envisioned by the bill. The EDA bill provides only $100 million in loan money and no grant money for planning. Workers would be eligible for only 60 percent of their salaries. And, from what I can tell, none of the loan money may be used for the capital costs of tying into a municipal sewerage system—often a much less expensive way of cleaning up the environment.

The Public Works-EDA bill applies only to firms in depressed areas. But there are many firms in other areas of the Nation which have the same needs. Clearly the time has come for a national commitment to preserving small businesses and the environment at the same time. This bill if enacted would do just that.

I include at this point a brief analysis of the legislation:

ANALYSIS OF BILL

TITLE I—ASSISTANCE TO SMALL BUSINESSES

Under this act a small business firm is defined as a business concern which is independently owned and operated, and which employs not more than 1,000 employees.

Planning grants and loans

An application by a small business firm for a loan or planning grant should be filed with the Secretary of Labor. The Secretary of Labor must evaluate the application for a planning grant and act on it within 60 days after it is filed. Planning grants not to exceed $100,000 or 100 percent of the cost of preparing a plan would be available to qualifying small business firms.

If the Secretary of Labor approves the application for a planning grant, the small business firm would have 180 days to submit a plan. This plan must detail the Federal or State laws relating to pollution abatement with which the industry must comply, its proposals for meeting such requirements, and the estimated cost. The Administrator of the Environmental Protection Agency to whom the plan must ultimately be submitted to may assist the small business firm in preparing the plan.

The E.P.A. Administrator must approve or disapprove a plan within 30 days after it is submitted. If the E.P.A. Administrator approves the plan, the Secretary of Labor is authorized to make loans not to exceed $4,500,000 or 100 percent of the cost of the project. If the E.P.A. Administrator rejects the plan, the small business firm has 60 days to cure the defects. These loans may be made either directly or in cooperation with banks or other lenders.

It is unlawful under the act to use the loan funds for any purpose other than meeting the costs incurred by the small business firm in complying with State or Federal pollution abatement laws. Violators are subject to a $25,000 fine or imprisonment for 5 years, or both.

$4 billion is authorized to carry out this title.

TITLE II—ASSISTANCE TO WORKERS

In those cases where environmental necessities do force a marginal plant to shut down, the bill sets up a program under the auspices of the Secretary of Labor to assist the adversely affected workers.

Part A—Readjustment allowances

Readjustment allowances equal to the workers average weekly wage over the last six months of his employment are provided for. The amount of readjustment assistance that each worker receives however will be reduced by any amount of unemployment insurance he is receiving or training allowance under the Manpower Development and Training Act of 1962, or the Area Redevelopment Act. Subject to the following two exceptions, the readjustment allowance payments shall not exceed 52 weeks. Workers over 60 years of age would be eligible for an additional 13 weeks of compensation. Adversely affected workers who are in the process of completing training approved by the Secretary of Labor would be eligible for an additional 26 weeks of compensation.

Part B—Training

In order to assist these workers in securing new employment, the bill includes job training, counseling, and placement services. It is hoped that this will help such workers readjust with minimum reliance on adjustment payments. In those cases in which the training facilities are not within commuting distance of the worker's home, the Secretary of Labor is authorized to provide each individual not more than $5 a day to defray transportation and subsistence expenses. Any worker who without good cause refuses to accept or continue such job training shall not thereafter be entitled to readjustment allowances.

Relocation allowances

Relocation allowances include all reasonable and necessary moving expenses as determined by the Secretary of Labor. Three criteria must be satisfied in order for a worker to receive relocation allowances: the Secretary of Labor must determine that such worker cannot reasonably be expected to secure suitable employment in the surrounding area; the worker must obtain a bona fide offer of employment; and the employment must afford a reasonable expectation of long-term duration in the area in which he wishes to relocate.

Agreements with States

The Secretary of Labor is authorized to enter into agreements with any State, or State agency to receive applications for, and provide assistance, counseling and job training under this act.

THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1972

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, on August 2, 1972, the Committee on Public Works ordered reported H.R. 16071, the Public Works and Economic Development Act Amendments of 1972. This legislation is expected to be considered on the floor this week.

One of the existing EDA programs to be expanded and improved by H.R. 16071 is the public works impact program—PWIP. The PWIP program was first added to this act in the 1971 amendments. It is designed to move ahead rapidly in areas which are eligible because of threatened or actual high unemployment, a concentration of low income, or substantial outmigration with combined direct grants and supplementary grants up to 100 percent of the cost of a project. The type of projects to be assisted concern basic public works projects which are ready to be constructed and hence create immediate useful work to the unemployed and underemployed in an eligible area.

EDA accepted this challenge and all of the initial fiscal year 1972 funds appropriated for this purpose, as well as the supplemental funds, had been totally obligated by spring of this year. These funds stimulated 203 projects which resulted in an estimate of almost 11,000 jobs. Seventy-six percent of these were filled by the unemployed or underemployed in the project area. All but four of the projects are either under construction or complete.

The speed with which EDA responded and the apparent success led to the committee's decision to expand this program in H.R. 16071.

Knowing of the Members' interest in the Public Works and Economic Development Act and in the public works impact program created under that act, I am herewith submitting the list of projects approved under the PWIP program for fiscal year 1972:

FISCAL YEAR APPROVED PWIP PROJECTS

Region	Number of projects	EDA cost	Total cost	Percent EDA funding	Estimated number of employees		Estimated man-months employment
					Unemployed/underemployed from project area	Total	
Atlantic	41	$13,032,700	$21,842,750	60	2,174	2,819	8,794
Southeastern	39	8,556,105	13,253,259	65	1,837	2,559	7,844
Rocky Mountain	19	5,043,400	5,874,000	86	588	900	2,823
Midwestern	28	7,127,400	9,487,500	75	802	1,075	4,370
Western	40	7,449,900	9,272,000	80	1,678	1,928	5,126
Southwestern	36	6,450,300	7,797,625	83	1,055	1,492	5,491
Total	203	47,659,805	67,527,134	71	8,134	10,773	34,448

Note: $\frac{\text{Estimated number of unemployed/underemployed from project area}}{\text{Estimated number of total employees}} = 76$ percent.

FISCAL YEAR 1972 APPROVED PWIP PROJECTS

Location and project description	EDA cost	Total cost	Percent EDA funding	Estimated number of employees		Estimated man-months employment
				Unemployed/underemployed from project area	Total	
ATLANTIC REGION						
Connecticut:						
Middleton—Storm sewers	$370,000	$462,500	80	91	111	805
Enfield—Public works garage	400,000	500,000	80	40	79	196
Terryville—Town hall	600,000	939,000	64	50	50	315
State total	1,370,000	1,901,500	72	181	240	1,316
Delaware: Georgetown—Independent park improvements	350,200	437,750	80	35	50	100
District of Columbia—Recreation center	600,000	943,000	64	75	105	500
Maine:						
Eastport—Hospital additions	110,000	137,500	80	12	14	50
Mattawamkeag—Park and recreation facilities	367,000	367,000	100	74	79	188
State total	477,000	504,500	95	86	93	238
Maryland:						
Princess Anne—Water/sewer line extension	366,000	479,000	80	21	27	135
Crisfield—Water system improvement	428,000	535,000	80	15	21	105
State total	794,000	1,014,000	78	36	48	240
Massachusetts:						
Newburyport—Fire substation	84,800	106,000	80	36	38	42
Plymouth—Sanitary sewer extension	187,500	375,000	50	52	54	151
Palmer—Water mains	129,600	162,000	80	9	13	100
Greenfield—Storm and sanitary sewers	305,000	569,000	54	24	36	218
Lowell—School renovations	600,000	2,755,000	22	450	470	1,000
State total	1,306,900	3,967,000	33	571	611	1,511
New Hampshire: Franklin—Water systems improvements	563,600	704,500	80	34	53	150
New Jersey:						
Atlantic Highlands—Municipal garage	87,200	109,000	80	23	30	34
Camden—Street improvements	182,000	182,000	100	20	23	67
Matawan—Municipal garage	32,000	40,000	80	25	25	55
Cape May Point—Water system improvements	100,800	126,000	80	27	38	55
Plainfield—Street paving	200,000	250,000	80	10	10	60
Asbury Park—Convention hall improvements	361,600	452,000	80	34	36	130
State total	963,600	1,159,000	83	139	162	401
New York:						
New York—Arts center	600,000	2,000,000	30	259	557	630
Utica—Park and playground improvements	260,800	326,000	80	32	33	135
Buffalo—Street improvements	624,000	780,000	80	125	130	900
State total	1,484,800	3,106,000	48	416	720	1,665
Pennsylvania:						
Philadelphia—Renovate museums of art	400,000	625,000	64	35	35	250
Uniontown—Infirmary	600,000	2,332,000	25	[1] 20	160	149
Montrose—Renovate courthouse	144,000	180,000	80	13	13	134
Braddock—Street improvements	397,000	397,000	100	24	25	94
Tyrone—Water facilities, access road	290,400	363,000	80	19	25	65
State total	1,831,400	3,897,000	47	211	258	692
Puerto Rico:						
Barceloneta—Drainage athletic field	26,000	32,500	80	23	31	31
Fajardo—Recreation facility	120,700	170,000	71	38	50	120
Arecibo—Fire station	200,800	251,000	80	50	55	150
Arroyo—Industrial park expansion	100,500	201,000	50	26	36	150
State total	448,000	654,500	68	137	172	451
Rhode Island: Smithfield—Police station	237,600	297,000	80	36	40	90
Vermont: Springfield—Sewer system expense	80,800	101,000	80	6	7	20
Virginia: Saltville—Water system improvement and collection system	640,000	800,000	80	65	83	530
West Virginia:						
Elkins—Airport terminal	$264,000	330,000	80	33	37	162
Philippi—Bridge	196,800	246,000	80	34	39	108
New Martinsville—Bridge	240,000	300,000	80	35	40	159
Rock Branch—Regional industrial park	966,400	1,208,000	80	38	47	321
Philippi—Water distribution system	217,600	272,000	80	6	14	140
State total	1,884,800	2,356,000	80	146	177	890
Atlantic region total	13,032,700	21,842,750	60	2,174	2,819	8,794
SOUTHEASTERN REGION						
Alabama:						
Bayou La Batre—Water systems	370,500	370,500	100	24	30	240
Roanoke—Recreation building	288,000	360,000	80	135	162	172
Livingston—Hospital addition	300,000	699,384	43	50	50	312
New Brockton—County office building	350,000	587,000	60	116	243	560
State total	1,308,500	1,716,884	76	325	485	1,284
Florida:						
Blountstown—Courthouse	335,000	1,155,200	29	55	126	432
Bonifay—City hall	137,600	172,000	80	33	57	340
State total	472,600	1,327,200	36	108	183	772

Location and project description	EDA cost	Total cost	Percent EDA funding	Estimated number of employees		Estimated man-months employment
				Unemployed/underemployed from project area	Total	
Georgia:						
Little Ocmulgee State Park—Golf course expansion	135,000	168,750	80	38	42	247
Greensboro—City hall complex	56,800	71,000	80	18	18	42
Thomson—Fire station	36,800	46,000	80	9	10	60
Ludowici—Recreation park water improvement	172,800	216,000	80	83	83	246
Vienna—City hall and service complex	72,000	90,000	80	9	13	78
Mayfield—Water, sewer and recreation area	200,000	261,600	67	46	48	55
Lakeland—Courthouse	229,600	287,000	80	116	183	134
State total	903,000	1,140,350	79	319	397	862
Kentucky:						
Sebree—Municipal building	128,000	160,000	80	40	70	128
Hindman—Water and sewer improvement	620,000	620,000	100	39	48	300
Frenchburg—Sewer system	370,000	440,500	84	30	45	325
Booneville—Courthouse	302,000	353,000	86	46	49	120
State total	1,420,000	1,573,500	90	215	212	873
Mississippi:						
Bay St. Louis—Airport administration building	64,880	81,100	80	25	25	12
Greenville—Airport terminal	302,400	378,000	80	79	145	143
Woodville—Bridge and roadway	200,000	250,000	80	25	37	12
Conehatta (Choctaw Indian)—Multipurpose building	289,725	289,725	100	20	29	218
Marks—Public library	108,000	135,000	80	28	33	32
Tunica—County office building	125,200	156,500	80	16	26	87
State total	1,090,205	1,290,325	85	193	295	504
North Carolina:						
Holly Ridge—Water supply improvement	192,000	240,000	80	25	73	120
Hertford—Water system	211,000	211,000	100	24	40	45
Burlington—Water/sewer line	80,000	100,000	80	13	40	47
Morgan Place—Water/sewer line	216,000	270,000	80	23	35	178
State total	699,000	821,000	85	85	188	390
South Carolina:						
Bennettsville—Municipal complex	280,000	418,000	67	28	113	293
Charleston—Passenger terminal	350,000	1,200,000	29	69	80	616
Saluda—Detention facility	160,000	200,000	80	24	33	297
Orangeburg—Recreation facility	320,000	400,000	80	40	42	315
Charleston—Recreation facility	52,800	66,000	80	33	40	42
Columbia—Fire station	120,000	150,000	80	48	106	55
State total	1,282,800	2,434,000	53	242	414	1,618
Tennessee:						
Huntsville—Welfare building	114,400	143,000	80	27	27	45
Memphis—Storm drain	60,000	75,000	80	16	16	64
Dickson—Public library	220,000	275,000	80	49	65	207
Centerville—Library	160,000	200,000	80	77	77	105
Lawrenceburg—Courthouse	300,000	1,600,000	19	100	119	797
Elizabethton—Drainage improvements	525,600	657,000	80	81	81	323
State total	1,380,000	2,950,000	47	350	385	1,541
Southeastern region total	8,556,105	13,253,259	65	1,837	2,559	7,844
ROCKY MOUNTAIN REGION						
Colorado:						
La Jara—Sewer extension	75,000	75,000	100	7	10	22
Montrose—Industrial site	306,400	383,000	80	8	50	75
La Veta—Water treatment plant	208,000	260,000	80	14	32	80
State total	589,400	718,000	82	29	92	177
Iowa: Black Hawk County—Secondary road improvement	119,200	149,000	80	24	63	89
Kansas: Wichita—County fire station	276,000	345,000	80	20	20	27
Missouri:						
Louisburg—Vocational-technical school	458,400	573,000	80	38	45	390
Springfield—Sewer line	268,000	335,000	80	5	13	88
Hayti—Nursing home	588,000	735,000	80	71	142	235
State total	1,314,400	1,643,000	80	114	200	713
Montana:						
Philipsburg—Sewer lines	$100,000	$125,000	80	14	14	70
Crow Indian Reservation—Fencing and management facilities	310,000	310,000	100	45	45	134
Hill County—Construct 12-mile road	420,000	525,000	80	46	46	350
State total	830,000	960,000	86	105	105	554
Nebraska: Santee Sioux Tribe—Recreation camping area	145,000	145,000	100	29	29	132
North Dakota:						
Burnstad—Roadway	103,200	129,000	80	20	57	62
La Moure—Remodel city building	106,400	133,000	80	16	32	84
State total	209,600	262,000	80	36	89	146
South Dakota:						
Yankton (Intertribal Indian Council)—Community center	231,000	231,000	100	30	30	203
Pierre—Street improvements	368,800	461,000	80	39	100	270
State total	599,800	692,000	87	69	130	473

Footnotes at end of table.

FISCAL YEAR 1972 APPROVED PWIP PROJECTS—Continued

Location and project description	EDA cost	Total cost	Percent EDA funding	Estimated number of employees		Estimated man-months employment
				Unemployed/underemployed from project area	Total	
ROCKY MOUNTAIN REGION—Continued						
Utah:						
Ute Indian Reservation—Water lines	205, 000	205, 000	100	16	20	80
Goshute Indians—Multipurpose community building	100, 000	100, 000	100	120	120	48
State total	305, 000	305, 000	100	136	140	128
Wyoming: Fort Washakie (Wind River Reservation)—Tribal administration center	655, 000	655, 000	100	26	32	384
Rocky Mountain region total	5, 043, 400	5, 874, 000	86	588	900	2, 823
MIDWESTERN REGION						
Illinois:						
Robbins—Community building	252, 000	252, 000	100	34	70	130
Omaha—Water system	182, 000	182, 000	100	15	29	85
Pembroke—Village hall	239, 500	239, 500	100	20	20	144
East St. Louis—Fire station	224, 000	224, 000	100	8	12	90
Charleston—Fire station	186, 400	233, 000	80	36	36	85
Effingham—Recreation center	104, 000	130, 000	80	11	32	50
State total	1, 187, 900	1, 260, 500	94	124	197	584
Indiana:						
Clinton—Grandstand facilities	88, 000	110, 000	80	17	17	45
Gary—Park and recreation area	128, 000	160, 000	80	28	28	78
Santa Claus—Town hall	160, 800	201, 000	80	49	54	84
Austin—Municipal building	133, 600	167, 000	80	49	56	77
State total	510, 400	638, 000	80	143	155	284
Ohio:						
Logan—Water line improvements	80, 000	100, 000	80	8	9	17
Chillicothe—Water and sewer	323, 200	404, 000	80	20	25	265
Logan—Sewer line	140, 800	176, 000	80	14	14	44
Dayton—Sidewalks and curbing	240, 000	300, 000	80	18	30	120
Caldwell—Sanitary sewer extension	42, 400	53, 000	80	8	8	11
Chillicothe—Amphitheater	385, 600	482, 000	80	32	53	100
State total	1, 212, 000	1, 515, 000	80	100	139	557
Wisconsin:						
Sister Bay—Water and sewer	403, 500	1, 307, 000	31	10	31	620
Oshkosh—Street improvements	320, 000	400, 000	80	42	45	150
Park Falls—Water main extension	128, 000	160, 000	80	13	14	36
State total	851, 500	1, 867, 000	46	65	90	806
Midwestern region total	7, 127, 400	9, 487, 500	75	802	1, 075	4, 370
Michigan:						
Munising—Community building remodeling	127, 200	159, 000	80	30	30	305
Traverse City—Vocational-technical center	452, 800	566, 000	80	55	55	250
Village of Detour—Water system	596, 800	746, 000	80	18	37	189
Benton Harbor—Industrial park	302, 400	378, 000	80	88	97	155
West Branch—Street and bridge reconstruction	366, 400	458, 000	80	50	60	125
Caro—Garage	480, 000	600, 000	80	35	49	205
St. Ignace—County jail	332, 000	415, 000	80	62	119	480
State total	2, 657, 000	3, 322, 000	80	338	447	1, 709
Minnesota:						
Eveleth—Sports memorial building	626, 400	873, 000	80	27	39	390
Gilbert—Sports recreation center	81, 600	102, 000	80	5	8	40
State total	708, 000	885, 000	80	32	47	430
WESTERN REGION						
Alaska:						
Metlakatla Indian Community—Municipal building	293, 000	293, 000	100	38	38	240
Fairbanks—Curbs and sidewalks	88, 000	110, 000	80	30	30	63
Nikolaevsk—Access road	104, 000	130, 000	80	25	25	50
Pilot Point—Airport	96, 000	121, 000	80	30	42	126
State total	581, 000	654, 000	89	123	135	479
American Samoa—Water system improvement	530, 000	530, 000	100	270	270	570
Arizona:						
Cocopah Reservation—Community building	$20, 000	$20, 000	100	17	19	13
San Carlos Reservation—Boundary fencing	48, 000	48, 000	100	15	15	90
San Carlos Reservation—Timber improvements	121, 000	121, 000	100	40	40	200
Fort Apache Reservation—Forest thinning	280, 000	280, 000	100	36	36	432
State total	469, 000	469, 000	100	108	110	735
California:						
Modesto—County warehouses	73, 600	92, 000	80	29	29	125
Cresent City—Convention center	520, 000	650, 000	80	61	84	359
Ontario—Fire station training center	283, 200	354, 000	80	207	230	136
Patterson—Remodel city hall	80, 000	100, 000	80	12	14	46
Tule River Reservation—Community center	235, 000	235, 000	100	25	62	85
Calexico—Public park and recreation facility	88, 000	110, 000	80	30	40	62
Nevada City—Waste disposal system	74, 000	148, 000	50	34	34	37
Quincy—Community room and library	280, 000	350, 000	80	15	17	86
San Diego—Curbs and sidewalks	600, 000	750, 000	80	37	66	282
Salinas—Agri-park	248, 000	310, 000	80	31	31	167
Richmond—Child care facility	200, 000	340, 000	59	26	55	128
Banning—County office building	288, 000	568, 000	51	27	53	185
Santa Rosa—Industrial park	200, 000	250, 000	80	15	24	100

Footnotes at end of table.

Location and project description	EDA cost	Total cost	Percent EDA funding	Estimated number of employees: Unemployed/underemployed from project area	Estimated number of employees: Total	Estimated man-months employment
California—Cont.						
Anderson—Police department building	44, 000	55, 000	80	36	52	21
Loyalton—Park and recreation facilities	76, 200	130, 000	59	28	28	36
Pala—Community center	60, 500	60, 500	100	13	13	25
State total	3, 350, 500	4, 502, 500	74	626	832	1, 880
plho: a						
Pierce—Community center	218, 000	218, 000	100	60	60	160
Farragut State Park—Water system improvement	113, 200	141, 500	80	24	25	100
Fort Hall Reservation—Rodeo complex improvement	113, 000	113, 000	100	15	15	80
State total	444, 200	472, 500	94	99	100	340
Nevada: Caliente—Water system improvement	122, 400	153, 000	80	16	20	44
Oregon:						
Pendleton (Umatilla Indian Reservation)—Multi-purpose building	533, 000	533, 000	100	77	77	230
Medford—Street, park improvement	124, 000	155, 000	80	11	13	54
Grants Pass—Fire station	180, 000	225, 000	80	49	60	100
State total	837, 000	913, 000	92	137	150	384
Washington:						
Port Townsend—Restoration—city hall	133, 600	167, 000	80	30	30	103
Colesville Indian Reservation—Timber stand improvement	128, 000	128, 000	100	70	70	250
Seattle—Swimming pool	375, 000	750, 000	50	52	60	161
Renton—Street department building	36, 000	45, 000	80	14	14	19
Usk—Recreation development and improvement	98, 000	98, 000	100	11	11	28
Port Orchard—Parking facilities expansion and courthouse improvement	96, 000	120, 000	80	23	23	50
Wellpinit—Ceremonial grounds improvement	166, 000	166, 000	100	21	26	45
Bellevue—Municipal building addition	83, 200	104, 000	80	78	78	38
State total	1, 115, 800	1, 578, 000	70	299	311	694
Western region total	7, 449, 900	9, 272, 000	80	1, 678	1, 928	5, 126
SOUTHWESTERN REGION						
Arkansas:						
Wheatley—Community center building	178, 400	223, 000	80	37	51	115
Lonoke—3-building municipal complex	242, 000	315, 000	80	22	68	180
Van Buren—Municipal complex	328, 000	410, 000	80	10	36	203
Cotton Plant—Community building	88, 000	110, 000	80	41	50	66
Big Flat—Water system	135, 000	168, 750	80	27	43	138
Flippin—Water system improvement	80, 000	100, 000	80	20	33	141
Augusta—County services building	315, 000	315, 000	100	76	166	488
Altheimer—Water system expansion	61, 600	77, 000	80	6	14	24
Lake Village—County jail and courtroom	88, 000	110, 000	80	23	38	70
Pine Bluff—Sewer improvements	390, 800	390, 800	100	22	32	220
State total	1, 906, 800	2, 219, 550	86	284	531	1, 645
Louisiana:						
Leonville—Municipal building	48, 160	60, 200	80	9	12	45
Arcadia—Water system improvement	160, 000	200, 000	80	53	61	236
Winnsboro—Sewage collection system	116, 000	145, 000	80	14	19	114
Baton Rouge—Paving access road	120, 000	150, 000	80	30	30	60
De Ridder—Water/sewer facilities	600, 220	750, 275	80	55	79	642
State total	1, 044, 380	1, 305, 475	80	161	201	1, 097
New Mexico:						
Springer—Municipal complex	134, 640	182, 000	80	14	14	24
Roswell—Air industrial park	276, 000	345, 000	80	50	50	300
Mora—Jail and courthouse	320, 000	320, 000	100	22	28	100
State total	730, 640	847, 000	86	86	92	424
Oklahoma:						
Seminole—Community recreation building	220, 000	275, 000	80	30	40	70
Wetumka—Multipurpose municipal building	216, 000	270, 000	80	41	47	90
Idabel (Choctaw Indian Tribe)—Community center building	211, 200	264, 000	80	46	46	120
Tuskahoma—Restore national capitol	140, 000	140, 000	100	32	44	75
State total	787, 200	949, 000	83	149	177	355
Texas:						
Del Rio—Fire station	96, 000	120, 000	80	81	102	299
Uvalde—Storm drain improvement	80, 000	100, 000	80	14	18	121
Zapata County—Street paving	28, 000	35, 000	80	12	12	67
Teague—Street paving	56, 000	70, 000	80	8	17	102
Rosebud—Water transmission line	76, 000	95, 000	80	14	14	42
Crystal City—Water system improvement	36, 000	45, 000	80	14	18	126
Elgin—Water transmission line	324, 000	405, 000	80,	10	14	112
Karnes City—Public library	$76, 000	$95, 000	80	12	14	10
Caldwell—Street improvements	72, 000	90, 000	80	19	26	113
Brenham—Street paving, drainage, water main	76, 000	95, 000	80	25	34	102
San Ygnacio—Water tower repairs	22, 400	28, 000	80	8	9	20
Austin—Park improvements	600, 000	750, 000	80	100	122	696
Atlanta—Street improvements	372, 000	465, 000	80	46	77	159
Devine—Municipal building	66, 880	83, 600	80	12	14	10
State total	1, 981, 280	2, 476, 600	80	374	491	1, 970
Southwestern region total	6, 450, 300	7, 797, 625	83	1, 055	1, 492	5, 491

NOTES

PWIP Projects Not Yet Under Construction:

1. Washington, D.C. 01-11-00570. Being redesigned for a larger gymnasium. Advertising scheduled for August 4, 1972. Bid Opening scheduled for Aug. 14, 1972.
2. Crow Indian, Reservation, Mont., 05-11-01275. Force account project, Indian Tribe changed administration—problems within tribe delaying project.
3. Logan, Ohio, 06-11-00830. Land acquisition problems.
4. Caldwell, Ohio, 06-11-00834. Land acquisition problems.

NATURAL GAS

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. TIERNAN. Mr. Speaker, on August 3, 1972, the Federal Power Commission released its "Statement of Policy Relating to Optional Procedure for Certificating New Producer Sales of Natural Gas."

Before analyzing the workings of the new giveaway, I should like to examine the assumptions made by the Commission in issuing the order.

The four Commissioners acted, they say, because of a "worsening of the gap between natural gas demand and supply." The data on which they base this judgment comes from two principal sources:

First, a report prepared by the Bureau of Natural Gas entitled: "National Supply and Demand 1971–1990." But the Commission is deceiving the public. It implies that the report was prepared independently by a Government bureau when in fact the data on which it is based is, by the Commission staff's own admission, supplied by the American Gas Association. And, although this trade association can hardly be considered a disinterested party, the Commission staff does not even spot check the figures for accuracy;

Second, from data supplied by the Future Requirements Committee. This group in which the Commission placed such unquestioning faith, is made up entirely of industry representatives.

Further, for increased prices to be justified by the Commission as a means of stimulating gas supply, the shortage would have to be shown to be price elastic. This the Commission has not done.

Clearly, no regulatory commission can fulfill its public interest responsibilities when its assumptions are so ill-considered and untested.

I am not saying that a shortage does not exist or that supply is inelastic with respect to price. I am maintaining that the Commission has no way of knowing the true situation. However, some figures recently referred to by Chairman Swidler of the New York Public Utlities Commission ought to compel the Commission to take a hard second look at industry claims:

INITIAL ANNUAL VOLUMES UNDER NEW INTERSTATE AND INTRASTATE CONTRACTS, LARGE PRODUCERS, PERMIAN BASIN AREA, 1966–70

[Billions of cubic feet at 14.65 p.s.i.a. and percent of total (in parentheses)]

Year	Interstate	Intrastate	Total
1966	149.0 (83.7)	29.0 (16.3)	178.0
1967	60.4 (78.2)	16.8 (21.8)	77.2
1968	20.0 (12.8)	136.1 (87.2)	156.1
1969	29.4 (16.7)	146.4 (83.3)	175.8
1970 (6 months)	10.3 (9.1)	103.1 (90.9)	113.4

These figures detail the dedication of newly committed natural gas to the interstate and intrastate markets.

What they show, in the words of Chairman Swidler, is that:

> In 1968, when the shortage of available gas first appeared, there took place a dramatic reversal of the relative position of the interstate and intrastate market.

An examination of these figures reveals that if the producers had continued to dedicate the same share of new gas during the entire period as it had in 1966 billions of additional cubic feet would have been available in interstate commerce.

I quite agree with Chairman Swidler when he says:

> What the data suggests is that the crisis has been caused in large measure by the diversion of gas to intrastate sales . . . which would otherwise have entered interstate pipelines.

The significant fact, I might add, is that much of the gas used intrastate is employed in low-priority uses like boiler fuel, when new customers in New England are being refused service.

Therefore, I strongly disagree with the FPC's action in this case. The appropriate solution would have been to seek statutory authority to regulate intrastate sales, with their clear and direct effect on interstate commerce, and to conduct an independent and thorough evaluation of the natural gas supply situation. Following this, the Commission would have been able to establish area rates which truly represented the public interest.

There is another aspect of this decision which is equally harmful to the public interest: the administrative procedure adopted by the Commission to deal with natural gas regulation.

Section 4 of the Natural Gas Act requires that—

> All rates, and charges made, demanded, or received by any natural gas company * * * shall be just and reasonable.

The Commission has historically seen fit to implement this phrase through cost, plus fair rate of return regulation using the mechanism of area rate proceedings. This procedure has been upheld by the Supreme Court and is generally conceded to avoid the unmanageable burden of individual proceedings for every application.

It permits a thorough investigation of the costs associated with producing natural gas in a manner that, properly employed, balances the interests of consumers and producers.

The new optional procedure, however, short-circuits this established method in favor of a showing that the price sought by the producer serves the public convenience and necessity. No longer will the price charged for natural gas be related to the cost of service.

If the Commission were to vigorously pursue regulation under the "public convenience and necessity" standard consumers might very well be protected. But anyone who is aware of the regulatory workload and the quality of utility regulation at the FPC knows that this loosely defined phrase may easily permit a completely legal robbery of the country's gas consumers. The Commission possesses neither the staff nor the desire to adequately protect the public under the new optional procedure.

Perhaps the most harmful aspect, though, is the exemption of the producers from refund obligations. Under the new rules, 6 months after the application for a rate exceeding the area rate ceiling has been filed, the producer is allowed to charge the higher rate without being obligated to refund the money should the Commission subsequently find the rates excessive. I might remark that this is akin to legalizing robbery if the thief manages to escape the authorities for 6 months.

I urge the Commission to reconsider this crucial policy decision and to replace it with one which truly serves the public interest. Such a policy would be a return to area rate regulation after a thorough investigation of the natural gas supply situation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mrs. Abzug (at the request of Mr. O'Neill), for today, on account of illness.

Mr. Clancy (at the request of Mr. Gerald R. Ford), for August 14 through August 16, 1972, on account of a death in the family.

Mr. Lent (at the request of Mr. Gerald R. Ford), for August 16, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Young of Florida) to revise and extend their remarks, and to include extraneous matter:)

Mr. Horton, on August 16, for 15 minutes.

Mr. Wyman, today, for 10 minutes.

Mr. Heinz, today, for 5 minutes.

(The following Members (at the request of Mr. Mazzoli), to revise and extend their remarks, and to include extraneous matter:)

Mr. Gonzalez, today, for 5 minutes.

Mr. Aspin, today, for 5 minutes.

Mr. Koch, today, for 5 minutes.

Mr. Pepper, today, for 5 minutes.

Mr. Diggs, today, for 5 minutes.

Mr. Harrington, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hammerschmidt, notwithstanding it exceeds two pages of the Record and is estimated by the Public Printer to cost $722.50.

Mr. Mahon to include tables and extraneous matter with his remarks made today on H.R. 16254 and House Joint Resolution 1278.

Mr. Rousselot to extend his remarks on the conference report on H.R. 9092 following Mr. Gross.

Mr. Hillis to extend his remarks on the conference report on H.R. 9092 following Mr. Rousselot.

Mr. Diggs and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $807.50.

Mr. Purcell.

Mr. Staggers, and to include a letter sent to the Comptroller General of the United States, during general debate on S. 3824.

(The following Members (at the request of Mr. Young of Florida), and to include extraneous matter:)

Mr. Findley.
Mr. McCloskey.
Mr. Archer.
Mr. Derwinski in two instances.
Mr. Dellenback.
Mr. Wyman in two instances.
Mr. Steiger of Arizona.
Mr. Bob Wilson in two instances.
Mr. Gerald R. Ford.
Mr. Collins of Texas in two instances.
Mr. Hosmer in two instances.
Mr. Shriver in two instances.
Mr. Schmitz in 10 instances.
Mr. Keating.
Mr. Gubser.
Mr. Hansen of Idaho in three instances.
Mr. Wyatt.
Mr. Burke of Florida.
Mr. Kemp in two instances.

(The following Members (at the request of Mr. Mazzoli), and to include extraneous matter:)

Mr. Rostenkowski in two instances.
Mr. Rarick in three instances.
Mr. Gonzalez in three instances.
Mr. Evins of Tennessee in two instances.
Mr. Roe in two instances.
Mr. Vanik in two instances.
Mr. Pucinski in five instances.
Mr. Badillo.
Mr. Rees.
Mr. Begich in four instances.
Mr. Dingell in two instances.
Mr. Steed.
Mr. Hungate in two instances.
Mr. Symington.
Mr. Reid.
Mr. Purcell in six instances.
Mr. Obey in six instances.
Mr. James V. Stanton in two instances.
Mr. Corman.
Mr. Annunzio in three instances.
Mr. Davis of Georgia in five instances.
Mr. Pike.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3524. An act to extend the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended, to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6957. An act to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes;

H.R. 13324. An act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, and for related purposes.

H.R. 15692. An act to authorize for a limited period additional loan assistance under the Small Business Act for disaster victims, to provide for a study and report to the Congress by the President setting forth recommendations for a comprehensive revision of disaster relief legislation, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 596. An act to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within 60 days after the execution thereof.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On August 14, 1972:

H.R. 2131. An act for the relief of the Howrey Lumber Co.;

H.R. 15417. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15586. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

On August 15, 1972:

H.R. 6957. An act to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes; and

H.R. 15692. An act to authorize for a limited period additional loan assistance under the Small Business Act for disaster victims, to provide for a study and report to the Congress by the President setting forth recommendations for a comprehensive revision of disaster relief legislation, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p.m.) the House adjourned until tomorrow, Wednesday, August 16, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2252. A letter from the Secretary of the Air Force experimental, development, test, and research procurement actions of $50,000 or more during the 6 months ending June 30, 1972, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

2253. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Wild and Scenic Rivers Act; to the Committee on Interior and Insular Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2254. A letter from the Comptroller General of the United States, transmitting a report on Federal efforts to combat drug abuse; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Joint Committee on Congressional Operations. Report on improving fiscal and budgetary information for the Congress (Rept. No. 92–1337). Referrd to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on regulation of food additives—Nitrites and nitrates (Rept. No. 92–1338). Referred to the Committee of the Whole House on the State of the Union.

Mr. DULSKI: Committee on Post Office and Civil Service H.R. 11255. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; with amendments (Rept. No. 92–1339). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee of conference. Conference report on H.R. 15580. (Rept. No. 92–1340). Ordered to be printed.

Mr. EVINS of Tennessee: Select Committee on Small Business. Report on small business and the Occupational Safety and Health Act of 1970 (Rept. No. 92–1341). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee of conference. Conference report on S. 3726. (Rept. No. 92–1342). Ordered to be printed.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 1093. A resolution providing for the considerations of H.R. 13514. A bill to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States (Rept. No. 92–1343). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1094. A resolution providing for the consideration of conference reports on the same day reported (Rept. No. 92–1344). Referred to the House Calendar.

Mr. DELANEY: Committee on Rules. House Resolution 1095. A resolution providing for the consideration of H.R. 14847. A bill to amend the Airport and Airway Development Act of 1970 to increase from 50 to 75 percent the U.S. share of allowable project costs payable under such act; to amend the Federal

Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation; and for other purposes (Rept. No. 92–1345). Referred to the House Calendar.

Mr. SISK: Committee on Rules. House Resolution 1096. A resolution providing for the consideration of H.R. 12114. A bill to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon (Rept. No. 92–1346). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 1097. A resolution providing for the consideration of House Joint Resolution 1227. Joint resolution approving the acceptance by the President for the United States of the Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms (Rept. No. 92–1347). Referred to the House Calendar.

Mr. O'NEILL: Committee on Rules. House Resolution 1098. A resolution providing for the consideration of H.R. 16071. A bill to amend the Public Works and Economic Development Act of 1965 (Rept. No. 92–1348). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 16355. A bill to repeal section 453(d) (5) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

Mr. EILBERG:

H.R. 16356. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails; to the Committee on Post Office and Civil Service.

By Mr. ESCH (for himself, Mr. Matsunaga, Mrs. Mink, Mr. Mailliard, Mr. Begich, Mr. Bell, Mr. Dellums, Mr. Charles H. Wilson, Mr. Leggett, Mr. Bob Wilson, Mr. Fish, Mrs. Abzug, Mr. Frenzel, Mr. Foley, Mr. Halpern, Mr. Rangel, Mr. Hansen of Idaho, Mr. Forsythe, Mr. Gude, Mr. Blackburn, and Mr. Steiger of Wisconsin):

H.R. 16357. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. GREEN of Oregon (for herself and Mr. Gubser):

H.R. 16358. A bill to provide for the establishment of a U.S. High Court of Settlement which shall have jurisdiction over certain labor disputes in industries and other enterprises affecting interstate commerce and the public interest; to the Committee on the Judiciary.

By Mr. HARRINGTON (for himself, Mrs. Abzug, Mr. Bell, Mr. Bingham, Mrs. Chisholm, Mr. Conte, Mr. Denholm, Mr. Drinan, Mr. Eilberg, Mr. Forsythe, Mr. Green of Pennsylvania, Mr. Halpern, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. McCloskey, Mr. Obey, Mr. Podell, Mr. Rangel, and Mr. Charles H. Wilson):

H.R. 16359. A bill to authorize the Secretary of Labor to provide financial and other assistance to certain workers and small business firms to assist compliance with State or Federal pollution abatement requirements; to the Committee on Banking and Currency.

By Mr. HARRINGTON (for himself, Mr. Fraser, Mr. Obey, Mr. O'Konski, Mrs. Abzug, Mr. Anderson of Tennessee, Mr. Badillo, Mr Brademas, Mr. Burke of Massachusetts, Mr. Clay, Mr. Corman, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Halpern, Mr. Hathaway, Mr. Hechler of West Virginia, and Mr. Helstoski):

H.R. 16360. A bill to require a study of the practices, policies, and procedures of all Government agencies relating to the availability of certain goods and services through Federal supply and service sources, to amend the Federal Property and Administrative Services Act of 1949 to permit certain grantees and contractors of Government agencies to procure certain goods and services through Federal supply and service sources, and for other purposes; to the Committee on Government Operations.

By Mr. HARRINGTON (for himself, Mr. Fraser, Mr. Obey, Mr. O'Konski, Mr. Hosmer, Mr. Jacobs, Mr. Jones of North Carolina, Mr. Kyros, Mr. Leggett, Mr. Madden, Mr. Mosher, Mr. Perkins, Mr. Podell, Mr. Rangel, Mr. Reuss, and Mr. Roy):

H.R. 16361. A bill to require a study of the practices, policies, and procedures of all Government agencies relating to the availability of certain goods and services through Federal supply and service sources, to amend the Federal Property and Administrative Services Act of 1949 to permit certain grantees and contractors of Government agencies to procure certain goods and services through Federal supply and service sources, and for other purposes; to the Committee on Government Operations.

By Mr. HARRINGTON (for himself, Mr. Fraser, Mr. Obey, Mr. O'Konski, Mr. Seiberling, Mr. Nix, Mr. Conte, Mr. Roe, Mr. Andrews of North Dakota, Mr. Adams, Mr. Runnels, and Mr. Ashley):

H.R. 16362. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees; to the Committee on Government Operations.

H.R. 16363. A bill to require a study of the practices, policies, and procedures of all Government agencies relating to the availability of certain goods and services through Federal supply and service sources, to amend the Federal Property and Administrative Services Act of 1949 to permit certain grantees and contractors of Government agencies to procure certain goods and services through Federal supply and service sources, and for other purposes; to the Committee on Government Operations.

By Mr. HARRINGTON (for himself, Mr. Fraser, Mr. Obey, Mr. O'Konski, Mrs. Abzug, Mr. Anderson of Tennessee, Mr. Badillo, Mr. Brademas, Mr. Burke of Massachusetts, Mr. Clay, Mr. Corman, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Halpern, Mr. Gude, Mr. Frenzel, Mr. Hathaway, Mr. Hechler of West Virginia, and Mr. Helstoski):

H.R. 16364. A bill to amend the Federal Property and Administrative Service Act of 1949 to provide for the use of excess property by certain grantees; to the Committee on Government Operations.

By Mr. HARRINGTON (for himself, Mr. Fraser, Mr. Obey, Mr. O'Konski, Mr. Hosmer, Mr. Jacobs, Mr. Jones of North Carolina, Mr. Kyros, Mr. Leggett, Mr. Madden, Mr. Mazzoli, Mr. Mosher, Mr. Perkins, Mr. Pickle, Mr. Podell, Mr. Rangel, Mr. Reuss, and Mr. Roy):

H.R. 16365. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees; to the Committee on Government Operations.

By Mrs. HECKLER of Massachusetts:

H.R. 16366. A bill to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day"; to the Committee on the Judiciary.

By Mr. HILLIS (for himself, Mr. Forsythe, Mr. Winn, Mr. Del Clawson, Mr. Eilberg, Mr. McDade, Mr. Thomson of Wisconsin, Mr. Gude, Mr. Sarbanes, Mr. Aspin, Mr. Quie, Mr. Hungate, Mrs. Abzug, Mr. Sisk, Mrs. Chisholm, Mr. Clark, Mr. Cleveland, Mr. Bennett, Mr. Tiernan, Mr. Young of Florida, Mr. Derwinski, Mr. Waldie, Mr. Gallagher, Mr. Fascell, and Mr. Melcher):

H.R. 16367. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. HILLIS (for himself, Mr. King, Mr. Myers, Mr. Sebelius, Mrs. Hansen of Washington, Mr. Hastings, Mr. Veysey, Mr. Brinkley, Mr. Rangel, Mr. Bell, Mr. Hansen of Idaho, Mr. Jones of North Carolina, Mr. Helstoski, Mr. Danielson, Mr. Thone, Mr. Matsunaga, Mr. Taylor, Mr. Collier, Mr. Kemp, Mr. Hanna, Mr. Obey, Mr. Anderson of Tennessee, Mr. Scherle, Mr. Bray, and Mr. O'Konski):

H.R. 16368. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. HILLIS (for himself, Mr. Leggett, Mr. Charles H. Wilson, Mr. Addabbo, Mr. Johnson of Pennsylvania, Mr. Mollohan, Mr. Latta, Mr. Halpern, Mr. Cederberg, Mr. Duncan, and Mr. Blanton):

H.R. 16369. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. KASTENMEIER:

H.R. 16370. A bill to insure periodic congressional review of tax preferences, and other items which narrow the income tax base, by providing now for the termination over a 3-year period of existing provisions of these types; to the Committee on Ways and Means.

By Mr. MALLARY:

H.R. 16371. A bill to amend title 38 of the United States Code to provide that one-half of any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

By Mr. MURPHY of New York:

H.R. 16372. A bill to create a national system of health security; to the Committee on Ways and Means.

By Mr. NIX:

H.R. 16373. A bill to provide adequate mental health care and psychiatric care to all Americans; to the Committee on Ways and Means.

By Mr. REID:

H.R. 16374. A bill to prevent aircraft piracy by requiring the use of metal-detection devices to inspect all passengers and baggage boarding commercial aircraft in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. REID (for himself, Mr. Abourezk, Mr. Harrington, and Mr. Podell):

H.R. 16375. A bill to insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

By Mr. ROSENTHAL:

H.R. 16376. A bill to terminate the Airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSH:

H.R. 16377. A bill to provide for the maintenance of a register listing the names of certain persons who have had their motor vehicle operator's licenses denied or withdrawn and to allow more efficient use of that information, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 16378. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veterans' Affairs.

By Mr. St GERMAIN (for himself, Mr. Ashley, Mr. Bevill, Mr. Brown of Ohio, Mr. Collins of Illinois, Mr. Derwinski, Mrs. Hansen of Washington, Mr. Hechler of West Virginia, Mr. McCollister, Mr. Mollohan, Mr. Nichols, Mr. Rostenkowski, and Mr. Stokes):

H.R. 16379. A bill to authorize the Secretary of the Interior to establish national parks or national recreation areas in those States which presently do not have a national park or national recreation area; to the Committee on Interior and Insular Affairs.

By Mr. SCHWENGEL:

H.R. 16380. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research; to the Committee on Agriculture.

By Mr. VAN DEERLIN (for himself, Mr. Keith, Mr. Addabbo, Mr. Archer, Mr. Brasco, Mr. Brown of Michigan, Mr. Burke of Massachusetts, Mr. Daniel of Virginia, Mr. Danielson, Mr. Delaney, Mr. Denholm, Mr. Derwinski, Mr. du Pont, Mr. Eilberg, Mr. Forsythe, Mr. Heinz, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hosmer, Mr. King, Mr. Lujan, Mr. McKevitt, Mr. Matsunaga, Mr. Mosher, and Mr. St Germain):

H.R. 16381. A bill establishing a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

By Mr. VAN DEERLIN (for himself, Mr. Keith, Mr. Cleveland, Mr. Steele, Mr. Veysey, and Mr. Charles H. Wilson):

H.R. 16382. A bill establishing a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.J. Res. 1286. Joint resolution to waive the requirements of section 431(b) of the General Education Provisions Act and section 495 of the Higher Education Act of 1965 in the case of rules, regulations, guidelines, instructions, and application forms for student loans under the guaranteed student loan program; to the Committee on Education and Labor.

By Mr. ROYBAL:

H. Con. Res. 686. Concurrent resolution expressing the sense of the Congress with respect to the accounting and return of all American prisoners in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. FRASER:

H. Res. 1099. Resolution amending the rules of the House with respect to the jurisdiction of the Committee on House Administration; to the Committee on Rules.

By Mr. SISK (for himself, Mr. Bolling, Mr. Young of Texas, Mr. Smith of California, and Mr. Latta):

H. Res. 1100. Resolution to amend the Rules of the House of Representatives to provide for the use of electronic equipment, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

419. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the preservation and protection of an archaeological site, which was referred to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON:

H.R. 16383. A bill for the relief of Matias J. Rubang and his wife, Ignacia C. Rubang; to the Committee on the Judiciary.

By Mr. FASCELL:

H. Res. 1101. Resolution referring the bill H.R. 16353 entitled "A bill for the relief of the Cuban Truck & Equipment Company, its heirs and assigns" to the Chief Commissioner of the U.S. Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

271. By the SPEAKER: Petition of Kenneth R. Statler, Richmond, Va. et al., relative to clemency for Lt. William L. Calley; to the Committee on Armed Services.

272. Also, petition of Mr. and Mrs. E. L. Adams, Greenville, S.C. et al., relative to the agreements negotiated by the President in Moscow; to the Committee on Foreign Affairs.

273. Also, petition of Mrs. Charles Quick, Baltimore, Md. et al., relative to victory in Vietnam; to the Committee on Foreign Affairs.

EXTENSIONS OF REMARKS

MONROE COUNTY CLERK CLOYCE MENEFEE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. HUNGATE. Mr. Speaker, I would call to the attention of my colleagues Monroe County and its county clerk Cloyce Menefee of Holiday, Mo., in the Ninth District which recently received recognition in the Santa Barbara News-Press:

[From the Santa Barbara (Calif.) News-Press, July 24, 1972]

A Town's Tradition Works for McGovern

(By Kevin P. Phillips)

Paris, Mo.—Paris, France, and this small Missouri farm town are worlds apart. Here the phone booth in front of the county courthouse smells of hay and Purina chows, and Main Street looks like a Sinclair Lewis reject. No Confederate monument stands guard, but people hereabout fought with the South during the Civil War, and the drive-in movie down the road in Audrain County is named "Little Dixie."

In most ways, Paris, Mo., typifies the conservative, tradition-oriented U.S. countryside. Therefore, it may come as a shock that Paris—and Monroe County, Mo.—are almost certain to join Bella Abzug and Jerry Rubin in casting their November votes for Sen. George McGovern.

The reason? Quite simple. Monroe is Missouri's banner Democratic County. This northeastern part of the state, known as "Little Dixie," was settled between 1810 and 1830 by Virginians, Kentuckians, and Tennesseans. Counties, towns, streets, hotels: they all seem to be named for the "Virginia dynasty" of Thomas Jefferson, James Madison, and James Monroe. Pro-Confederate during the Civil War, Monroe County voted heavily Democratic thereafter. More recently, Monroe Countians have remained loyal enough that Catholic Al Smith beat Herbert Hoover 3:1 in 1928 and Adlai Stevenson whupped Dwight Eisenhower by the same ratio in 1956.

Not that local party leaders have much good to say about George McGovern. On the contrary. Even so, they shrug, "he's the Democratic nominee," and they expect to be able to carry the county for him in November. There is an important political lesson in this: that the wheels of American political realignment grind exceedingly slow. When the votes are finally counted next fall, George McGovern will undoubtedly owe a lot more of his support of plain old tradition than his young "New Politics" zealots suspect (or will admit). And similarly, the much touted "youth vote" will probably fall well short of the New Left's cohesive expectations.

Now for the converse. Any Nixon strategist driving through Monroe County—rural, conservative and Southern-oriented as it is—would have every reason to picture it as a snap for Richard Nixon to carry against a man like George McGovern. But the President got only 30 percent of the county vote in 1968, and local estimates credit him with just 35–40 percent in November. Under these circumstances, is the idea of a 1972 realignment valid?

I think so. Realignment in U.S. politics is mostly a matter of 7 percent in one county and 12 percent in another. To be sure, a few volatile constituencies will swing 25–50 percent on a single issue (especially the isolationist upper Farm Belt and the race-conscious Deep South). But by and large, America's major political shifts have been built on a nickel here and a dime here.

In this context, Monroe County does have a story to tell. First of all, local Democrats generally agree that some of George McGovern's views are quite unpopular. Privately, some will hint that a "disaster" could have occurred even in Monroe County if the South Dakotan hadn't selected Missouri's popular young Sen. Thomas Eagleton as his running mate.

Secondly, Democratic politics do expect Nixon to gain over 1968, inevitably setting a GOP presidential record in the process. More than ever before, the Republican Party is getting active—and organized—in Monroe County. If the national Democratic Party continues to move in the McGovern direction, local leaders admit, Monroe County will continue to move toward the GOP.

Third, current voter interest augurs well for President Nixon. Monroe, like other rural Missouri counties, does not have actual voter registration. On primary day or election day, people simply go to the polls and vote. As County Clerk Cloyce Menefee says, "everybody knows everybody," and judges are on hand to prevent the occasional fraud. Elderly and incapacitated persons can ask ahead of time for absentee ballots, and Menefee says that the "one abnormal circumstance" so far in 1972 is that the bulk of the absentee requests—for the first time ever—is coming from persons known to intend a Republican vote.

It doesn't add up to any big local upheaval. But that is the genius of the American political system. Slow change acts as a damper. In France, political revolution comes overnight in the streets of Paris, but in Paris, Missouri—and in the United States as a whole—it comes 7 percent and 12 percent at a time.

EARLY INTERVENTION AND LEARNING DISABILITIES

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. HANSEN of Idaho. Mr. Speaker, Dr. George A. Williams, a pediatrician from my hometown of Idaho Falls, was one of the featured speakers at the recent Idaho Early Childhood Conference which I sponsored to focus on the needs of young children. Dr. Willams delivered a timely and informative address on the impact of early intervention in learning disabilities, and I include his speech in the RECORD and commend it to the attention of my colleagues:

THE IMPACT OF EARLY INTERVENTION IN LEARNING DISABILITIES

(By Dr. George Williams)

This discussion is given from the basis of a psycho-educational child health therapist rather than as a pediatrician. For a more detailed outline and discussion of a child's health needs of our pediatric population, I refer you to the American Academy of Pediatrics excellent monograph entitled "Lengthening Shadows." My desire with this present discussion is to further us along the path to a better understanding of the causes, ramifications and treatment of learning disorders.

STATISTICS

If one would consider that an accurate extension of the term "Learning Disorder" would include and encompass all types of communication problems, then one would be able to appreciate the impact and meaning of our most recent statistics as follows. It is estimated that one-half of one percent of all live births yield a child who is mentally retarded. Approximately 10% of all school age children have some impediment to their learning. If this projected to the nation's population, then there are approximately 30 million people who have their learning ability compromised. Further analysis of these statistics show that 80% of these people are male and, interestingly, of the 20% who comprise the female group, psychological overlay is an important factor. The Justice Department has disclosed figures that indicate that 75% of their clients are either poor or nonreaders. Previous data has shown that if the child with the learning disability is detected by age eight, the chances of amelioration of all or majority of the difficulties are about 60–40. If he goes to puberty, which is only four years later, then only approximately 20% of these chidren will really be helped. These are not "perpetual" statistics but these pertain to only now, with our present day tools and our present "batting average." We *can* do infinitely better.

WHAT ARE OUR PROBLEMS?

1. Detection: We wait too late. 80% of all a child will learn is accomplished by the age of 6 (Bloom has estimated that 50% is learned by the age of 4). 60% of all a child will ever be able to accomplish physically has been accomplished by age 8. These physical abilities are important because they are one of our perceptual modalities and in part are a yardstick of our degree or maturation.

2. Labeling: Experience in the educational field alone has shown that we must label. We label our grades kindergarten, 1, 2, 3, 4, etc. We give grades A, B, C, D, E, etc. In fact an example of my own involvement in this was that of a student at the University of Florida Medical School. We did away with grades. We gave only passing or failing. However, it became readily apparent that there were some who were doing superior work so the grade of superior was added, and then, subsequently, the professors found that some people who were passing were only barely passing so the grade of "pass minus" was given, so we ended up with superior, pass, pass minus and fail, back to the old A, B, C, D method. But most importantly we label IQ wise. Very often a verbal test is given to ascertain the functioning IQ of a child but usually these children are non-verbal, normal children, that is, they are normal in all respects except that they score very poorly on verbal tests. The scores subsequently are low and the child is labeled as mentally retarded. With this he is injected into the educational system as a mentally retarded child and often he stays there until he is ejected out

3. We err *too* often: Very often one misses a diagnosis but more tragically is the fact that no one ever, or rarely, challenges the authorities, if they do, they are considered rabble rousers. For instance, the mother who knows that her child is normal but who beleaguers the school authorities to re-evaluate the child knowing that he should be in the regular classroom. All too often these mothers are right but the manner in which the children are evaluated is really not adequate. Just as too often, the child who has a relative amount of emotional overlay, is assumed to be able to do well if "he would only try". The root problem is not seen, that is, the specific problem that is causing this child's inability to learn and faced with failure time and time again, he then develops a reactive attitude toward it and then appears to be the troublemaker.

4. What can be done? We must update constantly our screening procedures, but we must screen and we must screen early. If we waited until age 5 or 6 to screen when our children have already learned 60% of all they will ever learn and have already learned it in a wrongly and/or inadequate manner, then they start out with two strikes against them. We must have kindergarten and pre-kindergarten screening and then we must have the facilities and educational therapists to educate these children. We must stop labeling and we must evaluate and re-evaluate constantly. We must challenge ourselves and our diagnoses and we must become part of a team. There is no room for an individual appraisal of these children. Each discipline is vital if a truly comprehensive and effective program is to be provided.

I would like to give an example of how a team approached the problem of Educable Mentally Retarded children. This team was located in the Fullerton Union High School District of Fullerton, California. This team consisted of a learning specialist, a psychologist, a teacher of the educable handicapped children, school nurse, a representative of the administration and a physician. Fullerton Union High School District consists of 7 high schools of 1500 to 2200 children per school, with an average of approximately 14,000 students to 20,000 students attending in any one given year. The special programs provided under the Department of Pupil services are designed and administered by Mr. Walter Retzlaff. The classes for the EMR receive their students primarily from a feeder system of the elementary and junior high school districts with additional students coming in as new referrals. On an intake evaluation the child is given regular IQ testing, utilizing the Wechsler Intelligence Scale for Children (WISC). Why, would one ask is this specific test given? Most M.R. have a verbal disability. The WISC will comprehensively evaluate those strengths in the performance areas. Specific nonverbal tests are given. If subtests on the WISC indicate an impression of unexpected deficiency in the communicative areas, then an Illinois Test for Psycho-Linguistic Abilities (I.T.P.A.) is given. By this means we specifically designate the areas of perceptual/communicative dysfunction elucidated and then educational therapy is started. This educational therapy is specifically tailored for each child and for each specific learning problem. These children will then advance to a transitional program. This has recently been more specifically called an integrated program in which the child enters into the regular program attending regular class with regular students, but he returns back to the MER classroom for specific help in his problem areas. The result of all this is that at graduation this child graduates as a high school graduate and is awarded a diploma rather than a certificate of completion. This is *Success!* Just as important as the intelligence testing, the child has been given a full care study including developmental history and with the utilization of the full committee involvement, the objectives of education and the needs of each individual are determined. This program was started in 1969-1970 school year and has involved since then a total of 355 students.

Now I would like to ask the question, specifically, to those present. Why is there no more interest and effort on the part of the state and national governments directed to this enormously vital area of child health? Why are some areas of our nation and even our state leaps and bounds ahead of others in incorporating and putting in to use in the school programs what we already know about learning problems in children? Why is one citizen and taxpayer given up-to-date scientific educational programs (though they are a rarity) while other children still learn under the circumstances and with the tools common at the turn of the century? I do not hesitate to criticize because my criticism is a challenge. Also, I have recommendations that I frequently and freely give and I am happy to use this meeting as a platform for such.

1. My first recommendation is for a kindergarten program, state and/or federally funded as a part of the regular educational profile available to each child. This must not be an extension of the nursery school and baby sitting programs, but an integral part of the learning process. Screening for this program should begin in the 3 and 4 year olds. We must recognize the mentally gifted early as well as the disabled. At this time the child should have available to him an educational program of which he may take advantage if it is the desire of the parent just as our programs are available now. Certainly, if a child's problem is detected early and if the parents are motivated, they will take advantage of the educational programs available to benefit their children whether it is an advanced or accelerated program for the mentally gifted or if it is a program tailor made to remediate the learning problems of the child that had been detected. Re-evaluations yearly until the child has entered into the educational

experience should greatly limit the number of children who will end up as educationally handicapped youngsters in their preteens.

2. When the child has begun his educational experience, he should not be labeled and hampered by artificial categories, e.g., MR, kindergarten, first grade, mentally gifted, etc., but he should have a *fluid* program through which he may move at the pace that he can best achieve his maximum. Grades only tantalize and punish the exceptional student and in the "regular" student grades indoctrinate them to score high, not necessarily learn.

3. I recommend a living wage for teachers commensurate with the responsibility not their worth. We pay them *less* than any other professional and most of our laborers. We must encourage excellence in our teachers and we must assist them in updating their techniques. As we motivate our children so must we motivate our teachers. We must have more and more educational therapists to deal with the exceptional student.

4. I recommend state workshops, district workshops, national workshops. We must disseminate what we know to the rest of our colleagues. We must constantly update ourselves. Less important is the huge umbrella of federal investigation into problems of children, if it is only going to stay in Washington. These people who investigate problems of children interpret the needs of the individual, provide programs and then delegate responsibiilty should be out in the fields, seeing what the problems really are. We must have local representatives in Washington telling our academicians what their problems are in their local communities. We must have these local people, teachers, therapists, physicians, not only available, but involved in the process of providing programs.

5. To challenge our programs there must be ongoing research just as in cancer or heart disease. We must look for the etiology of our disabilities as well as for their specific therapy.

COAST GUARD WEEK

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. BEGICH. Mr. Speaker, a proclamation by Alaska State Governor William A. Egan emphasizes the close and effective relationship between the U.S. Coast Guard and the State of Alaska. August 4, 1790 marked the creation of the Coast Guard, and August 12, 1967, was the date that the town of Sitka welcomed the Alaska Patrol. Since the occasions fall so closely together, the week of July 31 through August 5, 1972, has been proclaimed as Coast Guard Week in Alaska.

The proclamation follows:

PROCLAMATION—COAST GUARD WEEK

One hundred and eighty-two years ago, on August 4, 1790, President George Washington signed into law a bill creating the young Nation's first sea-going military force. The act called for the establishment and support of ten cutters for the purpose of enforcing customs laws. Called the Revenue Cutter Service, the agency grew with the years, joining together with the Lifesaving Service, Lighthouse Service, and the Bureau of Marine Inspection and Navigation. Today this multi-missioned service is known as the United States Coast Guard.

Seventy-seven years after President Washington signed that bill, on August 12, 1867, the remote and rugged town of Sitka, located in the brand-new Alaska Purchase, welcomed the first in a long series of distinguished visitors. The Revenue Cutter Lincoln had arrived to establish a service that continues to this day—the Alaska Patrol.

These two anniversaries, falling as closely together as they do, emphasize the close and effective relationship that has always existed between the Coast Guard and the State of Alaska. From Barrow to Ketchikan, Coast Guardsmen of the Seventeenth District provide the search and rescue, law enforcement, marine safety, environmental protection, and aids to navigation services so essential to a state nearly surrounded by the sea.

With a new base at Kodiak, new helicopters at Kodiak and Annette, and new challenges from the Arctic Circle to Valdez, the Coast Guard in Alaska is entering a period of growth and development that matches perfectly the vigor and spirit of the Forty-ninth State.

Therefore, I, William A. Egan, Governor of Alaska, proclaim the week of July 31 through August 5, 1972, as Coast Guard Week in Alaska. It has been 182 years since the establishment of this proud service, and few realize as well as Alaskans how well it has lived up to its motto: "Semper Paratus"—Always Ready.

Dated this 28th day of July, 1972.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1972

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. BLATNIK. Mr. Speaker, on August 7 the Committee on Public Works reported favorably H.R. 16071, containing amendments to the Public Works and Economic Development Act of 1965. Subject to a rule being granted on H.R. 16071, this bill is scheduled for floor action on Wednesday of this week.

The continuing problem of high unemployment in the Nation, with almost 5 million of our citizens without jobs, makes H.R. 16071 of utmost importance at this time. The bill contains a number of very important provisions aimed at immediately reducing unemployment and at fostering long-term economic growth.

Included among these provisions is extension for an additional year, through fiscal 1974, of the existing economic development program, which is designed to assist in the long-term economic growth of depressed areas and regions of the Nation.

Also included in the bill is expansion of the highly successful program of public works acceleration enacted into law last year to help in providing immediate employment for the jobless through construction of badly needed public works projects.

H.R. 16071 also addresses several important areas of concern through new provisions designed to assist businesses threatened with shutdown and individuals who become unemployed because of standards and orders issued to improve the quality of our Nation's environment.

With permission, I would like to insert in the RECORD at this point a complete analysis of H.R. 16071 for Members to examine before the bill comes to the floor this week. The analysis is as follows:

H.R. 16071: SECTION-BY-SECTION ANALYSIS, PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1972

	Section of bill	Amends act section
Amends statement of purpose	2	
Would add 2 new sentences to the purpose clause to recognize that economic distress has brought about substantial migration which is frustrating orderly national growth and aggravating economic and social conditions in both rural areas and central cities, and that orderly growth should recognize economic disorders.		2.
Amends title I (public facility grants and supplementary grants).	3	3.
Technical amendment to correct reference to identify new section number for Public Works impact program criteria.	3(1)	101(a)(1)(D).
Reduces the required minimum non-Federal share of aggregate cost of a project from 20 percent to 10 percent.	3(2)	101(c).
Technical amendment to correct reference to identify new section number for areas designated under the public works impact program.	3(3)	101(c)
Deletes the sentence that requires that supplemental grant funds be for the sole purpose of increasing the Federal contribution above the fixed maximum portion of the cost of a project otherwise authorized by the applicable law.	3(4)	101(c)
Deletes the language that requires the Secretary, in determining the amount of the supplemental grant, to take into consideration the amount of user charges or other revenues a project may reasonably be expected to generate over and above costs for operation and maintenance.	3(5)	101(c)
Technical amendments to strike the phrase, "In addition to the assistance otherwise authorized" to eliminate possible inference that other assistance is authorized for the areas designated under this section.	3(6)	102(a)
Technical amendments to retain Appalachian assistance restrictions on projects approved under this title other than public works impact programs.	3(7)	104
Extends the annual authorization of $800,000,000 through fiscal year 1974 for projects under this title other than public works impact projects.	3(8)	105
Adds new sec. 107 to set out criteria for designation of "public works impact areas" and to authorize appropriations for public works impact program. Authorizes an annual appropriation up to $500,000,000 for fiscal years 1973 and 1974.	3(9)	
Amends title II (Public Facility Loans and Financial Assistance for Business Development).	4	
Extends annual authorization of $170,000,000 for assistance under this title for fiscal year 1974.	4(1)	201(c).
Amends catchline for business loan program to be "Financial Assistance for Business Development."	4(2)	202.
Rewrites subsection to include, in addition to what already is authorized in this section, new tools for guaranteeing loans and leases to private borrowers up to 90 percent of the outstanding balance of a loan and up to 90 percent of the remaining rental payments under a lease.	4(3)	202(a).
Includes guarantees under restrictions on financial assistance.	4(4)	202(b)(6).
Extends 25-year time limit on term of loans to include guarantees.	4(5)	202(b)(7)
Increases maximum Federal loan assistance participation under this section from 65 percent to 75 percent.	4(6)	202(b)(9)
Amends title III (Technical Assistance Research and Information).	5	

	Section of bill	Amends act section
Adds language to permit the Secretary to assist applicants in applying for assistance where the applicant does not possess the expertise or the ability to obtain the expertise necessary to perform the technical aspects of application.	5(1)	301(a)
Permits the Secretary to defray up to 100 percent of the economic development planning expenses of an Indian tribe.	5(2)	301(b)
Inserts a more accurate reference to planning and research grants authorized under the Federal highway laws.	5(3)	301(b)
Adds two new subsections: subsec. (g) is added to authorize assistance to States to: (1) prepare State OEDP's (2) provide State assistance to economic development districts; and (3) review district OEDP's in order to better coordinate planning on State and district levels. Subsec. (h) is added to authorize the Secretary to provide assistance to economic development districts to better coordinate planning between districts and local government and to provide financial assistance to districts that have the responsibility of Federal review process.	5(4)	301
Would redesignate sec. 302 as sec. 303. New 302 would authorize grants for the operation of vocational training facilities constructed with grants from title I of this act. Such grants may be made up to 75 percent of operation costs within any 2-year period during 5-year period beginning with the date of enactment of this amendment. Not more than $15,000,000 per year would be made available for this purpose.	5(5)	302
Extends authorization of $50,000,000 per fiscal year to carry out this title for fiscal year 1974.	5(6)	303
Amends title IV (Area and District Eligibility)	6	
Redefines special impact areas as both urban and rural communities suffering from low income, substantial unemployment, or threatened abrupt rise in unemployment.	6(1)	401 (a) (6)
Reduces economic development district requirement of two redevelopment areas to 1 redevelopment area.	6(2)	403(a)(1)(B)
Rewrites subparagraph to expand district criteria to require that each State approve district plans as being consistent with State plans and to require that approved district plans be furnished to the appropriate Regional Commission.	6(3)	403 (a) (1) (D)
Amends subpar. which presently limits "economic development centers" to areas with a population up to 250,000 to areas with a population up to 500,000.	6(4)	403(a) (2) (C)
Combines existing definition subsecs. (d) (e) and (f) into new subsection (d). New subsection (e) permits assistance to nonredevelopment areas within a district when such assistance would be of significant direct benefit to a redevelopment area in such district. New subsec. (f) assures a minimum of 5 years of administrative and planning grants up to 75 percent and 100 percent respectively, and provides a separate authorization of $20,000,000 per fiscal year for fiscal years 1973 and 1974 for such district funding.	6(5)	403(d) (e) (f)
Extends existing annual authorization of $50,000,000 for assistance to economical development centers and bonuses to redevelopment areas within districts through fiscal year 1974.	6(6)	403(g).
Amends title V (Regional Action Planning Commissions) Adds to the functions of the commission the requirement that commissions consider district plans be considered in developing comprehensive and coordinated plans and programs, and in establishing priorities in the region.	7(a) 7(a)(1)	503(a)(7).
Adds a new subsec. (f) to require commissions to provide for public participation in their planning process.	7(a)(2)	503.
Adds the payment of administrative expenses to the commissions' existing authority for technical and planning assistance.	7(a)(3)	505(a)(2).
Rewrites subsection to permit the Secretary to deduct such sums as are necessary for technical assistance provided by the Secretary to the Commissions, for expenses of the Federal cochairmen and staff, and for the Federal share of Commission expenses out of the appropriations to each regional commission but not to exceed 10 percent of such appropriation.	7(a)(4)	505(c).
Rewrites sec. 509(d) as 509(d)(1) to provide for the addition of a new subsec. (d)(2).	7(a)(5)	505(d).
Changes a 2-fiscal-year authorization for fiscal years 1972 and 1973 of $305,000,000 to a 1-fiscal-year authorization for fiscal year 1972 of $152,500,000.	7(a)(6)	509(d).
Technical amendment changing word "authorization" to "paragraph" to reflect new authorization paragraph" (2).	7(a)(7)	509(d)
Adds a new para. (2) to authorize for fiscal years 1973 and 1974 $100,000,000 annually for each regional commission with an economic plan approved by the Secretary and up to $20,000,000 annually for each regional commission without an approved economic plan.	7(a)(8)	509(d).
Rewrites sec. 511 as new subsec. 511(a) to add technical assistance grants to the activities that the Secretary and each Federal cochairman must coordinate. New subsec. 511(b) adds the requirement that each regional commission coordinate with districts within the region in preparing long-range regional overall economic development programs under sec. 503(a)(2) and in developing continuing comprehensive plans and programs and in establishing priorities as required under sec. 503(a)(7).	7(a)(9)	511.
A freestanding amendment which refers to sec. 7(a)(2) of the bill which declares that this section is not to be construed as affecting any plan or program developed or revised prior to the date of enactment of this legislation.	7(b)	
Amends title VII (Powers of Secretary).	8	
Includes in this paragraph guarantees made by the Secretary to authorize the Secretary to dispose of property and collect, compromise, or dispose of obligations held in connection with guarantees made by him.	8(1)	701(4)
Includes in this paragraph guarantees made by the Secretary to authorize the Secretary to extend the terms of guarantees for an additional period of not more than 10 years to aid in orderly liquidation.	8(2)	701(5)
Includes in this paragraph guarantees made by the Secretary to authorize the Secretary to deal with, alter, or sell real or personal property acquired by him in connection with guarantees made.	8(3)	701(6)
Includes in this paragraph guarantees made by the Secretary to authorize the Secretary to pursue to final collection claims against 3d parties in connection with guarantees made under the act.	8(4)	701(7)
Includes in this paragraph guarantees made by the Secretary to authorize the Secretary to take all actions desirable in administratively dealing with or realizing on guarantees made.	8(5)	701(9).
New title VIII—Environmental effects: Adds new sec. 801 authorizing $100,000,000 for the Secretary to provide to each individual certified as being unemployed as a result of an environmental standard or order assistance in the following manner: (1) Unemployment compensation equal to at least 60 percent of the individual's former weekly wage to be paid as long as he is unemployed or until he retires from the labor force but in no event more than 78 weeks; (2) Mortgage and rental payments up to 1 year for those individuals who have received notice of foreclosure on mortgage or eviction from principal place of residence; (3) Reemployment assistance authorized under other laws; (4) moving expenses for family and effects when unable to find employment at a reasonable distance but does find employment beyond such distance. Adds new sec. 802 to preserve jobs that otherwise would be lost as a result of the enforcement of environmental control legislation by providing long-term low-interest (30-year, 3 percent) loans to business enterprises for pollution control. Would authorize $100,000,000 annually for fiscal years 1973 and 1974 for this purpose.	9	
Amends sec. 2 of the act of July 6, 1970 (Public Law 91–304) as amended, to extend the moratorium on redevelopment area de-designation to June 1, 1974.	10	
Amends act to rename "economic development center" or "economic development centers" as "economic growth center" or "economic growth centers".	11	

MASSACRE IN BINHDINH

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. BOB WILSON. Mr. Speaker, I include the following editorial from the Evening Star, published August 14, 1972:

AN EDITORIAL—MASSACRE IN BINHDINH

It is a fervently held article of liberal faith that if the United States will just get out of Indochina, all will be sweetness and light among the Vietnamese people, North and South, Communist and non-Communist. Those who chant this doxology ignore the execution of thousands of Vietnamese and flight of tens of thousands more when the Communists took over in the North in 1954. They ignore the mass graves containing the bodies of more than 2,600 South Vietnamese civilians murdered at Hue during the 1968 Tet offensive. So they should have no difficulty whatsoever in glossing over the less numerous casualities of the more calculated reign of terror which has taken place at Binhdinh province on the central coast of South Vietnam the past three months.

Binhdinh fell quickly to the North Vietnamese in early April and it was not until July that Saigon's forces launched a serious effort to retake it. So the Communists had plenty of time. There was no need to hurry, as there was in Hue in 1968, when American and South Vietnamese forces counterattacked within days of the city's fall.

According to intelligence reports and on-the-spot interviews with survivors, the Communists were extremely methodical. They rounded up hamlet and village chiefs, pacification workers, policemen, militiamen, teachers, doctors, nurses, clerical workers, literally anyone who had had any connection with the Saigon government. "People's courts" executed several hundred (perhaps as many as 500) and shipped an estimated 6,000 others off to "people's prisons" in remote areas of the Communist-held Anlao valley. Most of those killed apparently were executed by rifle fire but others were buried alive, beheaded or hacked to pieces.

None of this represents any new departure in tactics on Hanoi's part. Aside from the general massacres in the North in 1954 and in the South during the 1968 Tet offensive, the murder and kidnaping of South Vietnamese officials has been part and parcel of Communist "liberation" since the war began. In the past four and a half years, nearly 25,000 South Vietnamese civilians and officials have been executed by the North Vietnamese Communists and the Viet Cong.

There have, of course, been atrocities on the Allied side. But anyone who is still prepared to maintain that a Communist takeover in South Vietnam would not lead to a bloodbath of major dimensions is simply ignoring the evidence at hand. A politician like Senator McGovern, who advocates a quick and unilateral American withdrawal from Southeast Asia, need look no farther than the shallow graves of Binhdinh province to see where the policies he advocates would lead those who have placed their trust in the United States.

"THE NEW FRONTIER"

HON. JOHN W. DAVIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. DAVIS of Georgia. Mr. Speaker, I would like to bring to your attention and to the attention of all the Members of Congress a poem entitled "The New Frontier." This fine poem was written by Ronnie Ted Shiflett, a good friend and constituent from Rome, Ga. I am sure that we are all grateful to Ronnie Shiflett for his moving poem, dedicated to the memory of our late President John F. Kennedy, and I commend it for the edification and enjoyment of all as follows:

DEDICATED TO THE MEMORY OF OUR LATE PRESIDENT, JOHN F. KENNEDY

(By Ronnie Ted Shiflett)

The tides of time are drifting high
Above the earth to wash the sky
And one by one, each surging wave
Shall flow into a twilight bay

The tides of time are drifting high
Above the rocks along the shore
And one by one, each sweeping wave
Shall cleanse the sand forevermore

The tides of time are drifting high
Beyond this world of darkening sod
To send it's spray on yonder shore
And wash the face of God

The tides of time are drifting high
Beyond the old for a new frontier
And every wave shall wash away
Every dark and troublesome fear
From every weary heart that hears,
The tides of time are drifting high—

STAMPS THAT HONOR ILLINOIS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. DERWINSKI. Mr. Speaker, Illinois, the eighth State to be admitted to the Union after the Original Thirteen, has played an important role in the history of our Republic. One of her sons was the civilian who led the Nation through the terrible conflict that threatened to permanently divide it, while another was the military leader who was in the forefront of the fight against the forces of disunion. Many other Illinoisans have had an influence that extended far beyond the borders of the State.

Mr. Speaker, as a member of the House Post Office and Civil Service Committee, I naturally maintain an interest in both the history and the new developments in the Postal Service, and I am pleased to direct the attention of the Members to a historic review of stamps issued which properly commemorates achievements relating to my home State of Illinois and its outstanding citizens.

The Post Office has, from time to time, beginning in 1866, issued stamps that pertain to Illinois individuals, organizations, and events. Knowing that philatelists and students of history are interested in such data, I am inserting a list of these issues in the RECORD.

The list follows:

The following stamps have honored Abraham Lincoln:

In 1866, 15 cents, black; 1869, 90 cents, carmine and black; 1870, 6 cents, carmine; 1890, 4 cents, dark brown; 1894, 4 cents, dark brown; 1902, 5 cents, blue; 1909, 2 cents, carmine; 1922, 3 cents, violet; 1938, 16 cents, black.

October 20, 1940; 3 cents, deep violet with "Emancipation," a statue of Lincoln and a slave, commemorates the 75th anniversary of the 13th amendment to the Constitution.

July 7, 1942: 5 cents, bright blue with Lincoln, Sun Yat-sen, and map of China, commemorates 5 years' resistance of the Chinese people to Japanese aggression.

November 19, 1948: 3 cents, bright blue with Lincoln and a quotation from his Gettysburg Address, commemorates the 85th anniversary of the address.

In 1954, 4 cents red violet.

August 27, 1958: 4 cents sepia with Lincoln and Stephen Arnold Douglas, another Illinoisan, debating, commemorates the centenary of the Lincoln-Douglas debates.

February 12, 1959, 1 cent green; February 27, 1959, 3 cents purple; and, May 30, 1959, 4 cents dark blue, commemorate the sesquicentennial of Lincoln's birth.

November 19, 1960: 4 cents magenta and green, contains a Lincoln quotation.

In 1960, 25 cents black and maroon airmail.

August 16, 1963: 5 cents dark blue, black, and red, commemorates the centenary of Lincoln's Emancipation Proclamation and contains a Lincoln quotation.

April 9, 1965: 5 cents Prussian blue and black, which contains a Lincoln quotation, commemorates the centenary of Gen. Robert E. Lee's surrender to Gen. Ulysses S. Grant at Appomattox Courthouse.

November 19, 1965: 4 cents black.

Besides the Lincoln stamp that was issued on April 9, 1965, the following postage stamps have honored Grant: 1890, 5 cents chocolate; 1894, 5 cents chocolate; 1903, 4 cents brown; 1923, 8 cents olive green; 1937, 3 cents purple with Gens. William T. Sherman and Philip H. Sheridan; 1938, 18 cents brown carmine.

The following stamps commemorate the World's Columbian Exposition that was held in Chicago from May 1 to October 30, 1893, in observance of the quadricentennial of the discovery of America by Christopher Columbus on October 12, 1492:

Columbus in sight of land, 1 cent deep blue; landing of Columbus, 2 cents violet; flagship of Columbus, 3 cents green; fleet of Columbus, 4 cents ultramarine; Columbus soliciting aid from Isabella, 5 cents chocolate; Columbus welcomed at Barcelona, 6 cents purple; Columbus restored to favor, 8 cents magenta; Columbus presenting natives, 10 cents black brown; Columbus announcing his discovery, 15 cents dark green; Columbus at La Rabida, 30 cents orange brown; recall of Columbus, 50 cents slate blue; Isabella pledging her jewels, $1 salmon; Columbus in chains, $2 brown red; Columbus describing his third voyage, $3 yellow green; Isabella and Columbus, $4 crimson lake; Columbus, $5 black.

Among the stamps that commemorate the Trans-Mississippi Exposition that was held in Omaha, Nebr., from June 1 to November 1, 1898, was the $2 orange brown which was issued June 17, 1898. Appearing on this stamp is the bridge across the Mississippi River that connected East St. Louis, Ill., and St. Louis, Mo.

The following stamps commemorate the Century of Progress International Exhibition that was held in Chicago during 1933, the centenary of the incorporation of Chicago as a city: May 25, 1933, 1 cent yellow green; restoration of Fort Dearborn, 3 cents violet; Federal building, Chicago, October 2, 1933, 50 cents green airmail issued in connection with the flight of the "Graf Zeppelin" in October 1933, to Miami, Akron, and Chicago, and from Chicago to Europe.

Other stamps of significance to Chicagoans and other Illinoisans include the following:

In 1940: 10 cents dark brown honors Jane Addams, social worker; 3 cents bright red violet honors Cyrus Hall McCormick, inventor; 5 cents ultramarine honors Frances Elizabeth Caroline Willard, who was president of Evanston College for Ladies until it merged with Northwestern University, when she became dean of that institution's woman's college.

February 23, 1955: 8-cent deep blue commemorates the 50th anniversary of the founding of Rotary International; a Chicagoan organized the first Rotary

Club in 1905 and the organization's headquarters are in Evanston, Ill.

August 27, 1959: 10-cent violet blue and bright red airmail commemorates the third Pan American Games, which were held in Chicago from August 27 to September 7, 1959.

September 14, 1959: 4-cent green commemorates the centenary of the American Dental Association, which has its headquarters in Chicago.

October 23, 1965: 5-cent pale blue, black, carmine, and violet blue honors Adlai Ewing Stevenson, who was Governor of Illinois from 1949 to 1953 and the Democratic candidate for President of the United States in 1952 and 1956.

June 8, 1966: 2-cent dark blue and gray honors Frank Lloyd Wright, Chicago architect who became internationally famous.

July 5, 1967: 5-cent blue, red, and black publicizes the search for peace, which was the theme of an essay contest for young men and women sponsored by Lions International on its 50th anniversary; the organization was founded June 7, 1917, in Chicago, where it has its headquarters.

February 12, 1968: 6-cent blue, gold, and pink commemorates the sesquicentennial of Illinois' admission to the Union.

The support-our-youth 6-cent red and blue stamp, which was issued during "National Youth Week" in 1968, was sponsored by the Benevolent and Protective Order of Elks as part of the lodge's centennial observance; its headquarters are in Chicago.

August 22, 1970: 6-cent black and olive bister honors Edgar Lee Masters, Chicago lawyer, who was famous for his poetic tribute to Ann Rutledge.

DIKE BOMBING AND JANE FONDA

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. HOGAN. Mr. Speaker, the press has recently given a great deal of time and attention to actress Jane Fonda's activities as a guest of the Hanoi Government. I am shocked and outraged by Miss Fonda's denunciation of her country, and her defense of our foes, and I see no difference between her actions and those of the World War II propagandists Axis Sally and Tokyo Rose.

Mr. Bertram Kalisch, of Brandywine, Md., agrees with me. The Washington Star-News printed his letter to the editor on July 31, 1972. For the information of my colleagues, I insert that letter into the RECORD.

The letter follows:

DIKE BOMBING AND JANE FONDA

SIR: By headlines such as "Dikes Bombed, Cleric Says" and "Reds Quote Jane Fonda" it is easy to see where the enemy gets its "aid and comfort" these days.

Apparently, Dr. Eugene Carson Blake of the World Council of Churches and Jane Fonda, Oscar winner and international babe in the woods, have joined the Anti Decatur Club with the perverted motto: "My country, always wrong!"

Blake, pontifically wrapped in his World Churches' mantle, quotes Hanoi news sources to declare that American explanations that "no bombing has occurred . . . must be . . . untrue."

While Miss Jane from Hanoi, says she saw bombed ruins "with my own eyes . . . and there are no military targets."

With such "prophetic" and "military" geniuses to advise us, all the President need do is call them to find out what's what. Of course, he may have to wait until these self-appointed know-it-alls call the Hanoi party line; but what are the facts to these fantasy fanatics?

Where were they when the Viet Cong were committing genocide in South Vietnam? Or when the "popular Red offensive" shelled cities for "terror effect" and caused thousands to flee south to avoid the Red shells and rockets?

Some day, may the cleric playing politics and the actress turned instant military expert meet in the Vietnam jungle and return to the primitive life of "Me Gene—you Jane" swinging from tree to tree.

They've already made monkeys of themselves, dancing to the tune of the Hanoi organ grinders.

BERTRAM KALISCH.

Brandywine, Md.

TEAMSTERS PENSION FUND AND ORGANIZED CRIME

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. STEIGER of Arizona. Mr. Speaker, yesterday the first part of the article entitled "Central States Pension Fund" appeared in the CONGRESSIONAL RECORD, today I would like to call your attention to the second part of the article: "Central States Pension Fund Loans in Michigan":

CENTRAL STATES PENSION FUND LOANS IN MICHIGAN

TALES OF FRAUD, KICKBACKS, AND THE MAFIA

Central States Pension Fund loans to businesses in Michigan do not involve the largest amounts loaned by the Fund, nor are they the most spectacular in any other way. In fact, what one could say with a great deal of certainty is that they are typical of the loans granted by the Pension Fund. In this respect, however, a "typical" loan by the Fund has come to include, in many cases, bankruptcy, fraud, kickbacks and the Mafia.

As near as can be determined, the first Pension Fund loan in Michigan was made in June, 1959 to the Park Plaza Motor Hotel in Birmingham, Michigan. The amount borrowed was $500,000. As of April, 1972—just about 13 years later—the balance was $202,335. Had that money been put in a savings account which paid 6% interest, the Fund would now have the original $500,000, plus $390,000 in interest.

A lengthy investigation by OVERDRIVE has discovered that there have been 27 Pension Fund loans made in Michigan, totaling over $32 million. As of April this year, the outstanding balance on these loans came to approximately $28 million. Among those who got money commitments from the central states pension fund are:

Pension fund money in Michigan

Fleetwing Terminal in Detroit—$300,000 in 1959. This money was lent even though, according to Pension Fund records, the company was in "a financial straitjacket." Even as far back as May, 1962, Fleetwing still owed the Fund a balance of $251,000.

In the same year, the Park Plaza Motor Hotel in Birmingham received a $500,000 loan. As already mentioned, a balance of over $202,000 is still outstanding.

Detroit's Henrose Hotel borrowed $1,600,000 in 1960, and was in financial trouble almost from the beginning. Almost no taxes, principal or interest was ever repaid, and Henrose finished its career in bankruptcy.

The Robinson office building in Detroit was the recipient of a $335,000 loan in 1959. Financial difficulties were run into as early as 1962, and the loan balance today is over $302,000.

Country club where the Mafia belongs

In 1961, the Hillcrest Country Club received a $75,000 loan commitment. Hillcrest is referred to, among many circles, as "The Country Club Where the Mafia Belongs." These members of Detroit's Mafia have been identified as having Class A memberships at Hillcrest: Michael Santo Polizzi, William (Black Bill) Tocco, Anthony and Vito Giacalone, Anthony Zerilli, and Ronald (The Enforcer) Morelli. Rubbing elbows with these members, say concerned law enforcement officials, are a number of judges.

Bancroft Nursing Home in Detroit borrowed $1,100,000 in 1962; in April, 1972, the balance was $439,000.

The same year was a lucky one for Transport Realty, which got an OK for $250,000. During the same period, the go-ahead was given to Detroit Harbor Terminal for $5 million, and Dearborn Machinery Moving for $1,250,000.

In 1963, St. Anne's Convalescent Center in Detroit borrowed $200,000. As of this year, $109,000 is still owed.

You pay the fund; it pays you

In the same year, Peoples Outfitting of Detroit received a $500,000 loan. To date, records indicate $355,000 is still owing. It is also interesting to note that the employees of this company are Teamsters members, and Peoples pays weekly amounts into the Pension Fund for the supposed benefit of these workers.

Jacob Kozloff, an "associate" of former Nevada Lt. Governor Cliff Jones, and who has been linked to the shadowy world of relationships between Bobby Baker and the Mafia, borrowed $243,000 from the Fund in 1964, and the business it was for went into bankruptcy before the loan was repaid.

Detroit's Curtis Steel Corporation also borrowed money in 1964. Their original loan of $150,000 is still $93,000 short of being repaid.

In 1965, Kirkwood General Hospital in Detroit received a $1,306,500 loan from the Fund. Between then and July, 1968, a series of Fund loans flowed to them, finally totaling $2,334,500. Four years later, they still owe over $2 million to the Fund.

A development called Professional Plaza in Detroit borrowed $4,860,000 in 1966. This year, they have managed to show a balance owed of more than was borrowed: $5,088,000.

The Shenandoah Golf Club in Detroit received $553,000 in 1968, and now owes $461,000 on it.

Another Detroit hospital—Northwest General—applied for and got a $1,426,333 loan in 1969; their balance is currently $1,229,707.

Half a million to Long Transportation

A face well-known to truckers in the midwest borrowed from the Fund in 1970: Wayne Long of Long Transportation in Detroit received a loan of $554,000. Two years later, he still owed $538,670 on it. Although it has been checked into, no one seems to be able to learn what the money was used for.

Another 1970 loan shows even less repayment. An outfit called A & C Promotions, Inc., borrowed $50,055 on a supper club in

Crystal Falls Early this year, they still owed $50,085 on the two-year old loan.

In apparent keeping with repayment schedules on loans made in 1970 is the H. F. Campbell Company in Detroit. Two years ago, they borrowed $2,300,000. This year, they still owe $2,185,880.

"High risk" but gets loan anyway

Built Right Center, Inc., of Detroit, for example, borrowed $120,000 from the Fund in April, 1971. This loan, it would be presumed, was made because the company was stable enough to pay back the loan, plus interest. However, records obtained from the Michigan Treasury Department show that Built Right's financial condition, just four months before the loan was made, left something to be desired.

One CPA who reviewed their tax form said that he considered them a "high risk," and that this was the type of business that "no bank in the United States would loan money to." Perhaps that is why Built Right owed—two years later—$141,903 on their $120,000 loan.

But, Built Right Center is not alone when it comes to being in shaky condition when borrowing money from the Fund.

Flint Motor Inn, located in Flint borrowed $1,425,000 in November, 1970. Treasury Department documents for the period prior to that (December 31, 1969) show that Flint Motor had $2 million in outstanding long term loans, $581,031 in currently due bills, and had just declared a deficit of $242,431. Yet Flint Motor Inn received their loan less than a year later. As of April, 1972, they still owed $1,383,888 on it.

Loan arranger is Mafia figure

Pension Fund loans have been made to Michigan companies controlled by the Mafia. One such company is the Home Juice Company in Detroit. In August, 1964, Home Juice received a $500,000 loan from the Fund. The loan, according to several sources, was obtained when Anthony Giacalone made the arrangements with Jimmy Hoffa. Anthony's brother, Vito, was an officer of Home Juice Company, Inc., when the loan was made. The parent corporation of Home Juice is located in Melrose Park, Illinois, and has subsidiaries in Peoria, Milwaukee and Tulsa. As of this year, Home Juice still owed the Fund $309,609 on the loan. Although this particular loan by itself doesn't deviate from the pattern of those previously mentioned, those involved in obtaining the loan and running the company, are noteworthy for their other activities.

Overdrive has discovered that the loan arranger—Anthony Giacalone—is one of the directors of the Mafia in Detroit, and is considered their chief enforcer. His arrest/conviction record shows charges of armed robbery, extortion, bribery, felonious assault and rape. Giacalone is considered to be "most important" in Detroit's Mafia structure.

In 1966, Anthony attended the Teamsters convention in Miami Beach as a guest of Jimmy Hoffa, no less. Hoffa commented on Giacalone's presence as "showing respect for a responsible union," and praised Anthony lavishly. Other information has been obtained showing that Anthony Giacalone donated $25,017 to Hoffa's son, James P., when he unsuccessfully ran for a seat in the Michigan House of Representatives. What was especially interesting about this was that it was three times the total officially reported by Hoffa as campaign expenses.

Vito Giacalone, on the other hand, is a lesser official in the Detroit Mafia. Vito is listed as a lieutenant in the area's organized crime structure, and a "specialist" in gambling operations. In addition, he is considered "as tough as his brother as an enforcer." Vito's arrest record shows 13 entries since 1940.

Who gets the kickback?

Surprising to some, but not unusual within the Teamsters Union, is the method by which Mid-City Development Corporation in Detroit obtained a loan in August, 1964, Mid-City, a real estate firm, sought a $1,250,000 loan, but was told that it could only have $1,075,000. The balance of $175,000, it was explained to Mid-City, would have to come off the top for various kickbacks, bribes, etc. This, of course, is in keeping with the longstanding Pension Fund rule of kickbacks being no less than 10% of the total of the loan.

Mid-City, looking for a cut-rate deal, decided to go for the $1,075,000 loan. The cost of obtaining this amount was more reasonable. By going to a less highly-placed corrupter named Samuel Marroso, Mid-City was only required to pay a $25,000 kickback. Although Marroso is not in the top ten when it comes to arranging Central States loans, his credentials are impeccable: he is an ex-convict and ex-Teamsters Business Agent (which some may claim is saying the same thing twice) and has been convicted of conspiracy to solicit and accept bribes, income tax evasion, transporting counterfeit bonds and parole violation.

Central States auditor agrees to kickback

The problem for Mid-City still remained, however, as they claimed they still needed the additional $175,000. The company then approached James (Jimmy Doyle) Plumeri, a Mafia official in New York, and asked if he could be of help in arranging a Central States loan through New York. The Detroit Maffa learned of this proposal, and became justifiably angry. After all, the agreement among Mafia families is that companies within their jurisdiction must deal with the nearest Mafia family; not go outside the area.

Plumeri (currently dead as the result of a Mafia execution) made a deal whereby Central States Pension Fund auditor David Wenger would receive a $5,000 kickback for arranging the loan.

The ensuing jurisdictional quarrel that resulted between the New York and Detroit Mafia about who would receive what kickback was brought to the attention of the Mafia National Advisory Group. They ruled that an arbitration must take place. This meeting was held in Pittsburgh, and referred by Frank Amato, second-in-command of the Pittsburgh Mafia. Representing the New York Mafia at the meeting were: Salvatore (Sally Burns) Granello, Edward (Eddie Buff) Lanzieri, and Salvatore Celebrino. Pittsburgh's representation included John Larocca, chief of organized crime in western Pennsyvlania, and Mafia members Frank J. Rosa, Joseph Sica and Gabriel Mannario. Detroit's viewpoint was put forward by Marroso and Dominic (Fat Dominic) Corrado.

After the dispute was thoroughly aired, the decision was made that the entire loan would be handled by the Detroit Mafia (including kickbacks). After the loan and kickbacks had been finalized, the New York Mafia would receive a percentage.

$1 Million to Mafia-controlled company

The loans made to another Michigan company are also an insight into Detroit's Mafia. A total of $1,210,000 has been borrowed by Valley Die Cast Corporation in Detroit. The three loans made to them occurred between October, 1963 and February, 1971.

Until 1967, the President of Valley Die was Michael Santo Polizzi, one of the Directors of the Detroit Mafia who specializes in gambling. By the time Polizzi left, $910,000 in Central States loans had gone to the company. Valley Die was sold to Dallas-based Intercontinental Industries, but it is believed by several sources that although Polizzi is not there, his influence is. Lending credence to that theory is the fact that the Secretary of Valley Die is attorney William Murray, who is also the Secretary of another company in which Polizzi is the president, Diversified Platers, Inc., Detroit. It has also been learned that Attorney Murray has represented Polizzi and Mike Rubino, another Detroit Mafia figure.

Polizzi was recently convicted in Los Angeles on 6 felony counts involving the Detroit's Mafia's obtaining a hidden interest in Las Vegas' Frontier Hotel, and then "skimming" profits from it. Two other Mafia figures were convicted with Polizzi in that trial: Anthony Zerilli, son of the chief of the Detroit Mafia and an official in his own right, and Anthony Giardano, head of the St. Louis Mafia.

Fruehauf and a felon in same club

An interesting sidelight discovered by Overdrive is that Polizzi is a member of the exclusive Grosse Pointe Hunt Club outside of Detroit. One official of the club was asked if Polizzi's membership would be revoked because of his recent convictions. No, we were told, a conviction does not prohibit membership; only activities which bring discredit to the club. That answer seems to say something about what "activities" are referred to, and we would be curious to have some examples. In order to learn what these "activities" might be, we attempted to contact one of the Directors of the Grosse Pointe Hunt Club. The one we called was Harvey C. Fruehauf, Jr.. of the Fruehauf Trailer Company (and also a neighbor of Polizzi). As might have been expected, Mr. Fruehauf was never in to us.

Two of the current Directors of Valley Die are also associated with Intercontinental Industries. These men—S. Mort Zimmerman and Amon DeNur—pleaded guilty this past January to a total of 5 felony charges involving securities.

Although Valley Die has borrowed $1,210,000 from the Fund, they still owe $793,663. How the money benefited Valley Die is certainly open to speculation. A recent tax form of Valley Die was obtained by Overdrive, and a financial expert who reviewed it and said that, based on what it showed the financial condition of the company to be, Valley Die should have gone out of business.

$4 million to Gil Mains

The most questionable and spectacular Fund loan in Michigan was that to Gil Mains Truck City in Dearborn. Within two years of the first loan, a series of events took place involving the diversion of Pension Fund money to buy a bank, siphoning it off for personal use, and non-payment of the loan with virtually no accounting as to where over $4 million went.

The main cast of characters involved in this colossal scheme are Gil Mains, former Detroit Lions football star who was president of the truck stop, and the truck stop's vice-president, Charles Kassab, who, together with his brother Frederick, is said to have been involved in some "very disreputable real estate deals."

Central States money diverted in bank scheme

Documents obtained by Overdrive show that out of the first two loans made to Truck City in April and May, 1967 totaling $3.5 million at least $770,659 was diverted and used to purchase a controlling stock interest in the Warren Bank in Warren, Michigan.

One law enforcement investigator went even further. He said that the trustees of the Central States Pension knew when the loans were being approved "that the money was to be diverted, not to be used by the company, but to buy stock in the Warren Bank." Also, he claimed, "some of the money was used to pay personal obligations and debts of Gil Mains and Charles Kassab."

A close review of numerous documents and records by Overdrive has led to the same conclusion.

Trying to trace the loan money

At the time that Truck City money was being used to buy Warren Bank stock, Truck City's vice-president Charles Kassab was on the Bank's Board of Directors, together with Thomas Moylan, a stockholder in Truck City. Other directors of the Warren Bank, and their backgrounds, are worth noting: William Romano, a state senator and co-owner of the Center Line Bar, where a number of gambling arrests have been made; David Lebenbom, Chairman of the Democratic Party of Wayne County; and George Parris, prosecutor of Macomb County whose prosecution practices have been called "questionable," and who has been seen in the company of Mafia figures.

At the same time that Truck City was buying Warren Bank stock, the directors were authorizing a series of loans. For example: within a month, Gil Mains personally borrowed $256,000. One month later, Gil Main's Truck City borrowed a total of $230,000. A short time later, Harold Kassab, a brother of the director, received a $115,000 loan, and Marvin Petrous, a relative of a Truck City stockholder, borrowed $15,000. Another borrower at this time was Donald Fitzsimmons, head of Accurate Freight in Detroit, and son of Frank Fitzsimmons, current head of the Teamsters Union. Fitzsimmons received a $5,000 loan. His involvement with Truck City should also be noted. Court records show that Don Fitzsimmons cashed a $475 NSF check there, and that another outfit of his, D.E.F. Associates, owes Truck City $15,360. D.E.F. Associates also laid 2 NSF checks on Truck City—one for $131.45 and another for $110.27.

While the transaction just referred to appears simple, the original information it was taken from is a complex tangle of documents requiring, finally, an elaborate chart to trace the flow of monies. These transactions are so incredibly intertwined, in fact, that investigators are still not certain where the money has gone involved in the stock purchases. The burning question, of course, is what really happened to the money received by Gil Mains and his company.

More money loaned after bankruptcy

At Truck City itself, even more money was changing hands. Between April 19, 1967 and August 23, 1968, Central States pumped $3,550,000 into Truck City. By January 10, 1969, Truck City filed bankruptcy, claiming liabilities of over $5 million, mostly in unpaid loans. Even after they filed bankruptcy, Central States dumped in another $578,-363.47.

Less than four months after the first loan was received, information obtained by OVERDRIVE shows that Truck City claimed a deficit of more than $850,000. But at the same time, another source provided documents showing that Truck City had a "substantial balance" in account 70093 in the Bank of Dearborn. In August, 1968, the first of an entire string of tax liens was filed against Truck City. Yet less than three weeks after the first tax lien, another Pension Fund loan was made to Truck City.

But perhaps the most intriguing question involving the millions in Truck City is contained in their financial statements, documents which have been studied in some detail by Overdrive's team of CPA's. As of November 30, 1968, according to these records, Truck City showed a deficit of $2,340,195. It would be virtually impossible, these experts say, for a truck stop to lose this kind of money—in a normal operation—within two years; especially when there were practically no payments on the massive amounts of money they were loaned.

Fraudulent books?

One hint lies in the $400,862.26 charged to "unamortized expenses capitalized in construction period." What this means, simply stated, is that the officers of Truck City supposedly had that much in expenses before the truck stop was opened. Or, was this simply a bookkeeping device to funnel out that money for other purposes?

We consulted a veteran auditor to explain how Truck City could have piled up these huge losses in such a short time. After examining the statements, he said,

"Well, if I were investigating this mess, the first thing I would do would be to trace this supposed $1,500,000 claimed to have been paid in for capital stock. I just can't believe it was ever paid in. If it was not paid in in hard money, then the losses would be fictitious, which would make sense to me."

To prove these inferences beyond a doubt, a lengthy and expensive audit would have to be undertaken to follow every dollar that was supposed to have come into Gil Mains Truck City, and every dollar that went out. Such an investigation would reach far beyond the boundaries of Truck City, and would take a team of crack auditors. For one reason or another, no investigative agency has undertaken this. Until they do, the saga of Gil Mains Truck City and the Central States Pension Fund will be merely one more unexplained episode in the continuing saga of Pension Fund loans.

GRAIN WAREHOUSE FAILURES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. FINDLEY. Mr. Speaker, farmers' grain deposits should be just as safe as money deposits in banks. In many cases they are not.

Where State law is inadequate, the Federal Government should assure farmers against losses from warehouse and elevator failure. Protection is now spotty and uncertain. Kansas, Nebraska, and several other States have good protection systems. In some States, such as Illinois, existing State law is inadequate. Still other States have no laws at all regulating grain warehouse storage.

The current U.S. Warehouse Act provides good protection where it is in effect. But participation in the Federal program is voluntary, and many warehousemen throughout the country choose not to ask for Federal licensing.

Because the need for protection for farmers is becoming increasingly more evident, I am surveying agricultural and grain trade leaders to determine the best legislative way to solve this problem.

The severity of the problem is demonstrated by the situation in Illinois. During the last year, 18 grain elevators have closed their doors, gone into bankruptcy, or lost their State licenses, resulting in more than $2 million in losses to farmers who had their grain stored in these elevators. One such failure in north central Illinois resulted in losses of over $900,000 to farmers in the immediate vicinity. Another in southern Illinois cost farmers over $300,000.

Illinois is not the only State experiencing these financial disasters for farmers. Similar cases have occurred in Indiana and Minnesota.

Because of market conditions and the need for orderly marketing practices, farmers cannot always wisely sell their grain when it is harvested. Prudence requires that they store it and wait for prices to rise to a level that will provide them a profit.

But when the elevator or warehouse where they have their grain stored fails, be it for poor business practices or outright criminal deception, the farmers are often left with only a percentage of the grain's worth, if anything at all.

One possible solution to this problem—that I am giving serious consideration—is the creation of a Federal Grain-in-storage Insurance Corporation modeled after the Federal Deposit Insurance Corporation. Deposit insurance has proven to be an effective means of protection for bank deposits. Because grain is money to farmers, Federal grain-in-storage insurance could protect their grain deposits in much the same way.

Another possibility is the establishment of a standards system similar to the current State-Federal meat inspection program. Under this approach, State governments would be required to meet minimum grain-storage standards established by Congress, or step aside for the Federal program.

The survey I have undertaken will hopefully determine the best legislative approach and solve this problem.

REPUBLICAN PARTY REFORM

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. DELLENBACK. Mr. Speaker, I have recently had the opportunity to read the comments of one of our most promising freshmen Congressmen concerning reform of the Republican Party. At the age of only 33, Representative H. JOHN HEINZ III, of Pennsylvania, is the youngest Republican Member of Congress and we are fortunate that he can look forward to many years of rewarding public service.

Congressman HEINZ is currently deeply involved in efforts to reform the Republican Party's rules and procedures, and I am pleased to offer his remarks for each Member's attention:

> The Republican Party has its work cut out for it in the next four years as it attempts to open its doors and become truly the party of the people.
>
> If the Republican Party is to survive as a viable political force in this country, it must address itself to broadening its appeal among minority groups, women, young people, working men, and other citizens who consider themselves disenfranchised in the face of what they call big business, big money, and even bigger influences.
>
> The combined turning point and kick-off will come this month at the Republican National Convention in Miami Beach when the long needed reforms of the party will begin in earnest.
>
> As an elected delegate to that convention, I will have the opportunity to vote for, among other things, the Delegates and Oragnization (DO) Committee recommendation on convention reform to the Republican National Committee.
>
> This sincere and hard-working group

chaired by Republican committeewoman Rosemary Ginn of Missouri has made several recommendations in such areas as limiting convention floor demonstrations, favorite son nomination speeches, new ways to present the platform, and especially opening the doors in every state to those who wish to participate in the procedures that lead to nominating a Republican for the Presidency.

In essence, I find it easy to approve and support each of the DO Committee's recommendations, but would only add that there is considerably more to be done in order to effectively reform the Republican Party and have it emerge four years hence as the real democratic (with a lowercase "d") voice of the people.

I say four years hence because we must use the period between now and the 1976 convention to go beyond the DO Committee recommendations and open up the ranks of Republicanism to embrace everyone who cares about the nation and its future through the political process.

I find it shocking that Republicans can count only one female among its Congressional ranks, and worse, not one black. I am equally disturbed to realize that I, at 33, am the youngest Republican in Congress during a period in our nation's development when youth must and will be served and should be heard on Capitol Hill.

I am convinced that if we apply our energies and enthusiasm during the next four years to these and other areas of interest to us all, we will have these ethnic and racial minorities, these women, and these young people in Congress, and in the Republican Party, sharing their knowledge, sensitivity and training for the betterment of all the citizens of this nation.

We are indeed fortunate to have in President Richard Nixon a Republican incumbent in the White House. It is not inconceivable that Republicans could carry the majority of seats in the Congress in November.

To accomplish this, however, we must seek to bring the delegate election process closer to the local level and encourage more interest and participation.

One of the DO Committee's recommendations would do away with the present system of naming certain party officials as automatic delegates to the convention and open the door to any and all who wish to be considered for selection.

Also, approving delegate selection guidelines that endeavor to have full representation of men, women, youth, and minority groups, would further strengthen the party and move us closer to becoming the party of the people.

Over the years, the Republican Party has been suspect by some and has been charged with being supported by responding to only the moneyed influential of this nation.

We must diligently strive over the next four years to dispel this unfounded bias through reform and an open call for participation so that we have what President Nixon has said he would like the Republican Party to be, the party of the open door. Through that door will come the strength of our nation.

RESOLUTION CONCERNING STAFF APPOINTMENTS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. FRASER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following resolution which I referred to and submitted earlier today:

RESOLUTION

Resolved, that upon the adoption of this resolution the Rules of the House are hereby amended as follows:

The Committee on House Administration shall be deemed to have approved

(a) all claims or vouchers for payment for services rendered after June 30, 1972 by employees of the standing committees of the House, provided that such claim or voucher has been signed or certified by the Chairman of the standing committee concerned, and provided further that the Clerk shall determine that such claim or voucher is otherwise in compliance with the applicable laws, resolutions and rules of the House, and

(b) all appointments of employees after January 1, 1972 by the Speaker or any officer of the House to positions already authorized, provided that such appointment has been duly signed or certified by the Speaker or officer of the House, and provided further that the Clerk shall determine that such appointment is otherwise in conformity with the applicable laws, resolutions and rules of the House.

The Clerk shall accept and honor all such claims, vouchers or appointments as though they bore the signature of the Chairman of the Committee of House Administration.

This resolution shall remain in effect until the Committee on House Administration shall have adopted procedures in the standing rules of that Committee which shall be published which will assure the protection of the rights of Committees, Officers and Members of the House in the consideration by that Committee of appointments of employees to authorized positions or in auditing and allowing claims for the payment of obligations incurred at the direction of a Committee, Officer or Member of the House.

Upon the adoption by the Committee on House Administration of such rules the Committee on Rules shall examine the same and if they appear to be adequate, shall submit to the House a resolution providing that upon its adoption this resolution is repealed.

SBA AND VA ANNOUNCE NEW BUSINESS BENEFITS AND OPPORTUNITIES TO ASSIST VIETNAM VETERANS

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. EVINS of Tennessee. Mr. Speaker, as chairman of the permanent Select Committee on Small Business, I am pleased to report that the Honorable Thomas S. Kleppe, Administrator of the Small Business Administration, and a former colleague in the House, recently announced jointly with Donald E. Johnson, Administrator of the Veterans Administration, three new areas of financial help and management training to Vietnam-era veterans.

Tom Kleppe has proven himself to be one of the most outstanding administrators of SBA and the steps taken under this newly announced program will give special assistance to our Vietnam veterans in an attempt to make up any disadvantages which they may suffer as a result of their service in the Nation's Armed Forces.

Because of the interest of my colleagues and the American people in this program, I would like to insert in the RECORD the press release issued by SBA on Tuesday, August 1, 1972.

The release follows:

VETERANS BENEFITS EXPANDED BY SBA

WASHINGTON, D.C., August 1.—The U.S. Small Business Administration has opened up three new areas of financial help and management training to Vietnam-era veterans, Administrator Thomas S. Kleppe announced today.

The announcement was made at a press conference held jointly with Administrator Donald E. Johnson of the Veterans' Administration.

The new assistance, which will make it easier for veterans to start and maintain businesses, is in response to President Nixon's recent call for renewed commitment by all Federal agencies toward men and women who will have served in the Armed Forces anywhere in the world during the Vietnam period, which began August 5, 1964. An estimated 5.8 million such veterans have returned to civilian life to date.

These veterans will now be eligible for business loans, Federal government contracts, and management assistance under SBA programs which previously were restricted to socially or economically disadvantaged persons.

"We have broadened our directives in order to give veterans the best possible break as they return to civilian life and enter the business community," Kleppe said. "They now can take advantage of the most liberal financing programs that we have."

Johnson termed the SBA action as "providing additional opportunity for young veterans to participate in the economic life of their communities and to reach the level of success we all wish for them."

Under the expanded programs, honorably discharged Vietnam-era veterans are now eligible for:

1. *Economic Opportunity Loans* (EOL) of up to $50,000 for 15 years at a low interest rate (under title IV of the Economic Opportunity Act of 1964).

Criteria for such loans are more liberal than in other SBA lending programs, although the veteran still will be required to satisfy certain credit and character requirements, and to furnish reasonable assurance that the loan will be repaid. Such loans are available to veterans who wish to expand an existing business or to establish a new business.

As with all SBA loans, the EOL program is predicated on the assumption that the veterans cannot obtain financial assistance through his bank or other normal lending channels at reasonable terms, or cannot obtain funds under SBA's regular business loan program.

Such a loan also assumes that the veteran does not have sufficient personal financial resources, i.e., is in a low-income status.

Applicants may be sole proprietorships, partnerships, or corporations. Where there are two or more principals, the veteran must own at least 50 percent of the business.

Since the Agency considers that proper management is necessary to a successful business, a condition of such a loan may require that the veteran undertake management training or counseling if it is necessary.

2. *Federal Government Contracts*, under the SBA program that obtains for small businesses a fair share of purchases made by the government for goods and services.

Again, under the same program that previously has applied only to minorities and other disadvantaged persons, veterans are now eligible for Federal contracts (under section 8(a) of the Small Business Act), commonly called "8(a)" contracts.

In such contracts, the SBA obtains from other Federal agencies prime contracts suitable for small businesses and subcontracts them to small firms.

Once a veteran's firm is approved by SBA as to its financial status and performance capability, the Agency then locates and awards contracts that fit the firm's capabilities.

3. Management and Technical Assistance from private management consulting companies contracted by SBA to provide such assistance (under provisions of section 406 of the Economic Opportunity Act of 1964). Such counseling was previously available only to socially or economically disadvantaged persons and those in high unemployment areas.

The new assistance announced today follows a previous agreement between SBA and VA last August to help veterans receive schooling and training necessary for eligibility for SBA loans.

The expanded programs are designed to provide special assistance to Vietnam-era veterans. Such veterans are also eligible to receive all standard SBA services for small business—equity financing, long-term loans, government contracts, management and technical training, surety bonds, certificates of competency, lines of credit, Federal regulation compliance, and other assistance.

Veterans interested in taking advantage of any SBA programs may apply in person, or telephone or write to their nearest SBA office. There are 85 such offices located in the principal cities of all 50 states and Puerto Rico and Guam:

LIST OF SBA FIELD OFFICES

Agana, Guam; Albany, New York; Albuquerque, New Mexico; Anchorage, Alaska; Atlanta, Georgia; Augusta, Maine; Baltimore, Maryland; Birmingham, Alabama; Boise, Idaho; Boston, Massachusetts;

Buffalo, New York; Casper, Wyoming; Charleston, West Virginia; Charlotte, North Carolina; Chicago, Illinois; Cincinnati, Ohio; Clarksburg, West Virginia; Cleveland, Ohio; Columbia, South Carolina; Columbus, Ohio;

Concord, New Hampshire; Corpus Christi, Texas; Dallas, Texas; Denver, Colorado; Des Moines, Iowa; Detroit, Michigan; Eau Claire, Wisconsin; El Paso, Texas; Fairbanks, Alaska;

Fargo, North Dakota; Fresno, California; Gulfport, Mississippi; Harlingen, Texas; Hartford, Connecticut; Hato Rey, Puerto Rico; Helena, Montana; Holyoke, Massachusetts; Honolulu, Hawaii; Houston, Texas;

Indianapolis, Indiana; Jackson, Mississippi; Jacksonville, Florida; Kansas City, Missouri; Knoxville, Tennessee; Las Cruces, New Mexico; Las Vegas, Nevada; Little Rock, Arkansas; Los Angeles, California; Louisville, Kentucky;

Lubbock, Texas; Madison, Wisconsin; Marquette, Michigan; Marshall, Texas; Memphis, Tennessee; Miami, Florida; Milwaukee, Wisconsin; Minneapolis, Minnesota; Montpelier, Vermont; Nashville, Tennessee;

Newark, New Jersey; New Orleans, Louisiana; New York, New York; Oklahoma City, Oklahoma; Omaha, Nebraska; Philadelphia, Pennsylvania; Phoenix, Arizona; Pittsurgh, Pennsylvania; Portland, Oregon; Providence, Rhode Island;

Richmond, Virginia; Rochester, New York; St. Louis, Missouri; Salt Lake City, Utah; San Antonio, Texas; San Diego, California; San Francisco, California; Seattle, Washington; Sioux Falls, South Dakota;

Spokane, Washington; Springfield, Illinois; Syracuse, New York; Tampa, Florida; Washington, District of Columbia; Wichita, Kansas; and Wilmington, Delaware.

LOW-COST HOUSING IN DEMAND

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. WYATT. Mr. Speaker, the Honorable Terry D. Schrunk, mayor of Portland, Oreg., in a letter to me has outlined some very critical problems confronting the Housing Authority of Portland in its efforts to provide much needed low-cost housing and necessary services pertaining thereto. I am confident other housing authorities throughout the country are experiencing similar difficulties. It is urged that the Department of Housing and Urban Development take all possible action to help our various housing authorities alleviate their problems.

The letter follows:

CITY OF PORTLAND, OREG.,
July 28, 1972.

HON. WENDELL WYATT,
U.S. House of Representatives,
Washington, D.C.

DEAR WENDELL: This will acknowledge your letter of July 20, in which you enclose a letter from Norman Watson indicating that funds would be allocated to regional offices of HUD. The Seattle Regional Office received a total of $30,000. The Portland Area Office, which covers southern Washington, Idaho, and Oregon, received the total amount of $10,000, which was allocated to Idaho because of particular problems.

The total 1972 Housing Authority of Portland (HAP) operating expense for the year ending March 31, 1972, was $4,030,000 of which the federal subsidy for operation expenses was $1,116,536.

HAP estimated their total operating costs for 1973 at $4,912,150. This amount is to cover the increase in salaries negotiated by HUD for maintenance personnel. Also the salaries of administrative personnel to be in line with the City of Portland pay scale, the increased cost of material, services, etc.

However, our operating subsidy has been decreased from $1,116,536 in 1972 to $448,011 in 1973—a 60 percent reduction. This decrease in subsidy at the same time our costs are increasing forces us to revise our present budget to $4,155,000 with the following results:

(1) Laying off 32 personnel, 20 from our administrative staff and 12 from maintenance. This will cut down our services to people which will be very difficult, particularly for the elderly. It has been our practice to look in on each of our tenants once a day to see if they are alive and well.

(2) HAP will do no painting and it is unfortunate that this will have a geometric effect on deteriorating facilities. And it does not allow for sufficient material with which to make repairs.

(3) The Brooks amendment requires the tenant to pay no more than 25 percent of his income for rental, and in some instances, for example students with families, pay nothing at all. HAP is changing its policy in accordance with HUD requests to house only those persons with higher incomes. This policy change does not permit us to give proper attention to the destitute and in my opinion it is catastrophic that this should occur. It may have the effect on people who were developing the hope and desire to participate in our mainstream of life to lose confidence in the so-called establishment and express their frustration in the only way they know how—violence. This change also knocks out the objective of public housing, which as I understand it is to assist people to participate in our economy and to become whatever they wish within the limits of their own capacity.

(4) HAP is also taking $230,034 from its own reserves to carry through the current year on the revised budget. But they will be unable to do so again.

We are trying to make some additional funds available through the Public Employment Program (PEP) funds, especially to reinstate some security for the larger projects as well as in high-rise buildings for the elderly. I have the goal of $70,000 for HAP but to do this we will be taking away from others, such as our Park Bureau, city administration, etc.

I appreciate your past efforts to help us with our problems in this area, and I am confident you will continue.

Yours truly,

TERRY, *Mayor.*

WAKEFIELD SPEAKS ON ENERGY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. COLLINS of Texas. Mr. Speaker, last week, Stephen A. Wakefield, the Deputy Assistant Secretary of Energy programs in the Interior Department made an informative speech in New York City. He was talking to the Civic Associates on Energy. New York City goes from one critical emergency to another. But the entire country should realize the magnitude of the energy crisis facing our country by 1980.

You will be interested in the remarks of Stephen Wakefield who is an authority on energy. Here are his remarks:

WAKEFIELD SPEAKS ON ENERGY

Despite a barrage of studies and pronouncements that there is a developing energy "crisis" in this Nation, there is little evidence of a general public awareness or concern with the energy situation. I believe the energy and fuels problems facing New York City and the East Coast are so much more severe and critical that they warrant a far more serious concern and greater attention than those of the Nation at large. Accordingly, I propose to share with you some of my thoughts and those of other responsible Government officials on the developing general energy situation, the near-term and long-term energy future facing New York and the East Coast and offer some views on the courses of action needed to help resolve the acute energy supply problems we envision for the area.

It has been amply and repeatedly demonstrated in the United States and other highly industrialized societies that an adequate and dependable supply of energy is essential to the economic progress and standard of living of all nations. There is an almost direct relationship between energy consumption and economic output as measured by Gross National Product (GNP). The growth in energy consumption and GNP have followed the same upward course for the past 50 years. Until about 1967 it lagged slightly below GNP but since then energy use has increased even faster than GNP. In order to sustain a healthy economy and provide jobs for our expanding work force, an annual growth rate of about 4 percent in GNP is needed. So, we must also contemplate the requirement for an energy growth rate of about the same magnitude. Actually, we estimate that energy demand will grow at an annual rate of about 3.6 percent to the end of the century. By 1985, annual gross energy consumption is expected to increase to about 133 quadrillion Btu. or about double the 1971 level of 69 quadrillion Btu.

Over the years, oil and gas have increasingly supplied the largest share of our energy needs at the expense of coal. In 1971, petroleum supplied 44 percent of our energy needs; nautral gas supplied 33 percent; coal, 18.3 percent; hydropower, 4.1 percent; and nuclear power, 0.6 percent. In the next three decades, nuclear power is expected to assume a greater share of the energy mix—about half of all electricity generated and one-quarter of total energy by the year 2000—at the expense of all the other sources. Despite the long promised arrival of significant contributions of nuclear energy, however, Interior still projects that fossil fuels will provide three-fourths of our energy requirements at the turn of the century.

In looking ahead, the supply situation for energy and fuels is not reassuring. Nuclear powerplant construction is behind schedule because of delays in equipment deliveries and environmental protection considerations. Since the *Calvert Cliffs* court decision 1 year ago, licensing of new facilities by the Atomic Energy Commission has almost ground to a halt. Whereas new plants can be operational in 4 or 5 years following the decision to build in many countries, utilities in the United States must plan for lead times twice as long. Coal is being forced out of markets it used to serve because of increasingly stringent antipollution regulations which have gone beyond the capabilities of technology available within the short timeframe established for implementation. Our domestic oil and natural gas wells are producing virtually at the limits of their capabilities and without a strong upsurge in domestic exploration and development activities, it is probable that we will see a decline in the production of these energy sources.

Given the lead times and technological developments required, we can only realistically look to oil and gas to meet the increased energy demands over the next 10 to 15 years. Within this limited alternative, we can anticipate a substantial increase in both importations of foreign oil and, while probably to a lesser amount, liquefied natural gas. The implications of becoming overly dependent upon sources of energy beyond our control should give every American cause for concern. These concerns become magnified when those foreign sources may be inherently insecure and unreliable.

In 1971, our total oil products demand was about 15 million barrels daily and imports accounted for about one-fourth of the total. Canada and Venezuela were the principal sources and North Africa and Middle East production supplied only about 5 percent, a mere trickle.

By 1985, we foresee a very drastic change in the relatively comfortable oil supply situation of today. In order to meet a petroleum demand in 1985 of some 25 to 27 million barrels per day, if present trends continue, we can contemplate a daily supply of only about 9 million barrels from the Lower 48 States and 2 million from the Alaskan North Slope. This leaves an enormous gap of some 14 to 16 million barrels a day—or more than half our needs. To compound the problem, we estimate that nearby Western Hemisphere sources can supply no more than 6 million barrels per day. Thus, like it or not, we must look to the politically unstable, troubled Eastern Hemisphere for some 8 to 10 million barrels or about 34 percent of our supply. Without North Slope oil available to us, this share increases to some 42 percent.

To you here in New York and those of us who live along the East Coast, the situation is even more ominous. This is the largest oil consuming area in the country, yet it has no significant production of its own. Last year it consumed about 6 million barrels per day of petroleum products, supplied by about 60 percent from Texas and Louisiana and 40 percent from imports. This situation will change rapidly to one of overwhelming dependence on imports. By 1985, this region may have to import some 9 million barrels per day from overseas, or approximately 20 shiploads a day by the largest tankers that can now enter East Coast ports.

This is the immediate outlook and we must face it for the next several years. Alternatives available to effect a major change in energy supply and lessen dependence on foreign oil imports all require long lead times. Nevertheless, we do not have to accept this as a permanent and worsening condiition.

We must choose among and act upon alternatives that will over the short-term minimize the growth of our dependence on foreign energy sources and in the long-term provide an enduring solution to our problems of insuring an adequate and secure supply of all our energy needs. And, we *do* have viable alternatives. We have billions of barrels of oil and hundreds of trillions of cubic feet of natural gas resources still in the ground which could be made available to American consumers. They simply are not being discovered and developed as fast as we are using them. Known coal resources are so great that they will last for hundreds of years at current and projected rates of consumption. The vast oil shale deposits of Colorado, Wyoming and Utah contain more hydrocarbons and can yield more oil than has so far been discovered in the Middle East. Time, money and a specific act of national will are required to perfect the technologies and establish the industries needed to recover and convert these vast resources into more acceptable and economic energy forms.

Beginning with specific actions that will pay off in the short run, we must expedite the movement of Alaskan North Slope oil to markets and utilize the already discovered 10 billion barrel reserves in this area. In May, Secretary Morton announced his decision to grant right-of-way permits for the needed Trans-Alaska pipeline. No permits will be issued until all legal requirements have been met. Then, the problems of reconciling oil development with environmental requirements will be resolved so that this long awaited and critically needed new domestic oil source will make its important contribution to our national oil supply. Thereafter, further exploration and development in the vast Arctic region will greatly expand the amount of domestic reserves that we can count on in subsequent years. Large reserves of natural gas also exist in this area and, although dependent upon oil production, should be available to Midwestern consumers later in this decade.

In the Lower 48 States, the Outer Continental Shelf, owned by the Federal Government, is the best remaining prospective territory for oil and gas development. Only around 5 million acres or less than 2 percent of the OCS has been leased to date. Yet, it now accounts for about 12 percent of our domestic oil and natural gas production and its share is continuing to grow. A key element of President Nixon's Clean Energy Message of June 1971, was his directive that oil and gas leasing on the OCS be expanded and accelerated. The Department of the Interior responded with a leasing schedule calling for two general lease sales per year for the next 5 years. The first scheduled sale was successfully challenged in court on environmental grounds with a resulting delay of at least 9 months. A new lease offering which we believe will stand up to any legal challenge has been prepared and is scheduled for September. A second lease sale has been tentatively set for December.

But these are only two sales involving less than a million acres off Louisiana. I personally believe we ought to be leasing more than a million acres each year for oil and gas prospetcing on the OCS and extend more intensive searches to other areas, including the Atlantic continental shelf. Nowhere is oil and gas needed more critically than on the Atlantic Coast.

Although there has been no production of oil or gas on the Atlantic Coastal Plain, geological evidence indicates that several areas along the coast have a potential for significant oil and gas deposits. The Association of Petroleum Geologists considers this potential to be as much as 19 billion barrels of recoverable oil and 46 trillion cubic feet of gas. Of course, these are speculations at this time but they support going forward now with explorations of the oil and gas potential of the region, particularly in light of sizable discoveries off of Nova Scotia.

It should be pointed out, however, that extremely vocal political opposition has arisen against any mention of offshore drilling in the Atlantic. Much of this opposition may be based on less than firm factual grounds. For example, any drilling would take place more than 30 miles from shore, thus out of sight of the beaches. Oil spills from offshore drilling are extremely rare. Only four major instances resulting in serious threats to the environment have occurred from over 16,000 offshore wells drilled in the United States and regulations and inspections have been tightened by the Geological Survey in the past 3 years. Offshore drilling accounts for only 2 percent of the oil in the oceans, according to a Coast Guard study, while tankers account for almost 30 percent. Fishing grounds off the Louisiana coast, both commercial and sport, have become among the world's most productive since the introduction of offshore drilling there. But perhaps of greatest importance is the fact that every barrel of oil that we can produce domestically is one less that we do not have to import and that much less reliance on foreign sources beyond our control.

In the long-term, the solution to our energy problems rests with the development of technologies that will improve efficiencies in the finding, developing, production, transportation, conversion and use of all energy sources. To date, continuous improvements in all these areas have made energy abundant and cheap in America and fueled its economic development.

Current technology is not keeping pace with the ever-increasing energy demand while at the same time providing the desired environmental protection. A whole series of new and improved technologies are needed. These include processes to provide clean fuels, develop marginal resources, improve conventional energy sources and develop new energy sources. All involve large commitments of capital to R&D programs and will require long periods of time to bring them from inception to commercial reality.

It is an appropriate national objective that a fertile climate for private invention and innovation be maintained and that the Government initiate and support R&D in technologies which are in the broad national interest, but which cannot or will not be done by the private sector. The need is clear but how can it best be done? Some have argued that energy R&D needs are so great, so urgent, and so costly that the Federal Government should take over, fund, and direct all major efforts through a single energy agency. Others have proposed a joint Government-industry corporation such as Comsat.

We believe that the answer lies in letting both Government and industry do those things it does best separately and cooperate in joint efforts where they are clearly needed. At one extreme is the high-risk, high-cost technology in which returns to private enterprise cannot be clearly foreseen in the reasonable future, while at the other extreme is the threshold R&D which can provide for a reasonable recovery of investment within a short period of time. In my view, Government must play the predominant role in the former and industry in the latter. Between these extremes the opportunity for a joint effort between the public and private sector is strongest and should be encouraged. The contribution of Government should be greatest at the pilotplant stage of development with the financial burden shifting toward industry as the project moves into its demonstration phase.

The efforts of the Department of the Interior in carrying out President Nixon's directions to accelerate the development of clean fuels from coal is a good example of what I mean. The President's Clean Energy Message contained the specific proposal that this effort be pursued as a jointly sponsored Government-industry undertaking. Industry has responded by pledging its part of the initial funding and an agreement was reached between the Department of the Interior and the American Gas Association for a cooperative program. We view this venture as a landmark in Government-industry teamwork in energy R&D and we hope it will lead to further efforts in meeting our national energy needs.

ELECTRONIC SENSING DEVICES

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. REID. Mr. Speaker, I have today introduced legislation that will require that all airlines boarding passengers in the United States have, and use, effective electronic sensing devices or X-ray devices to detect concealed weapons carried by passengers or in luggage. It requires that these devices be installed by December 31, 1972, and imposes fines of up to $25,000 per violation for any airline that fails to install such devices or fails to use them in scanning boarding passengers and luggage.

This measure complements two earlier measures that I proposed. The first would close all U.S. airports to any international airline that continues to serve any nation that harbors an accused skyjacker. I am happy to report that this measure, which I first introduced on August 2 of this year, now has 51 cosponsors in the House. The second measure, which authorizes the President to shut off economic and military aid to any nation that refuses to prosecute or extradite air pirates, was adopted by the House as an amendment to the Foreign Assistance Act last week and is now in conference.

These are all tough measures. But the situation more than warrants tough and effective action. There are only two points at which we can safely act against air piracy; Before the skyjacker boards the plane with a weapon; and after the skyjacking has taken place—with swift, stern, and sure justice.

It may seem strange that legislation is necessary to compel airlines to install protective devices, which after all, are much in their own self-interest.

The hard fact is that today, almost exactly 2 years after President Nixon first called for "the use of electronic surveillance equipment—at all gateway airports and other appropriate airports in the United States" only five of the 36 U.S. airlines have installed enough devices to cover all departures. In fact, six of the 16 largest airlines had installed no devices whatsoever by last week.

I am appending to these remarks a chronology of events since the President issued his demand 2 years ago. From this it can be seen that both the Federal Aviation Administration and the Nation's airlines have been dragging their feet.

While skyjacking and skyjacking related deaths in 1972 are running 100 percent above 1971, the majority of U.S. airlines still refuse to install electronic devices and the FAA has repeatedly failed to exercise its authority to force them to act.

There already have been 28 skyjackings and four deaths in the first 7 months of this year as against 27 skyjackings and four deaths in the full 12 months of 1971. Ransom losses to date are running 650 percent above last year's losses, although this will be reduced to slightly more than 100 percent if Algeria returns the $1 million taken in the most recent skyjacking.

Apparently one reason for the airlines delay has been the hope that Congress will foot all or part of the bill for these devices, which are estimated to cost in total some $4 million for the relatively unsophisticated equipment now advocated by the FAA. The transportation appropriation which has been passed by the House and Senate would provide $3.5 million for this purpose. It only remains for the House to approve the conference report for this funding to be available.

The legislation that I am introducing makes one further important provision. It would require the airlines to install more sophisticated and more sensitive equipment than is now contemplated by the FAA and the airlines.

The device now in use, the magnetometer, is by no means adequate. Because of the way it operates, it is incapable of detecting about 25 percent of the weapons now manufactured.

There is more sophisticated equipment, metal detectors and X-ray devices, that would detect all such weapons, and my bill requires that these be used in place of the magnetometer.

The only apparent reason why metal detectors or X-ray devices have not already been installed is that they cost slightly more than the magnetometers. The range is approximately $1,500 to $2,000 for magnetometers as against $2,500 to $3,000 for metal detectors, for example.

The cost of providing 2,000 metal detectors, the number required to protect 2,800 gateways of the Nation's 530 airports is approximately $6 million. This breaks down to slightly less than 4 cents for each commercial passenger carried.

This is a cost we can afford. It is a cost we can ill-afford not to bear. So far, it is only luck that has prevented a catastrophe from occurring as a result of a skyjacking attempt.

It is within the power of Congress to see that effective action is taken to assure that we will not have to rely on luck any further. I believe that the legislation I have proposed will accomplish that goal.

As of possible interest to my colleagues, I am also appending to these remarks a summary of statistics relating to skyjacking incidents in 1972, a list of statistics on the effectiveness and cost of metal detecting devices, and a letter endorsing this legislation from the Air Lines Pilots Association:

GOVERNMENT ACTION TO PREVENT HIJACKINGS

September 11, 1970: President Nixon delivers his Anti-Air Piracy Message and voluntary security programs are initiated by the airlines.

September 30, 1971: Air Transportation Security Director, James Murphy, issues Notice 71-28 and Notice 71-29 which *propose* to amend the Federal Aviation Regulations. Interested parties are invited to comment on the proposed revisions before Dec. 29, 1971. Notice 71-28 primarily deals with protection against unauthorized access to air operations areas and identification of authorized persons and ground vehicles. Notice 71-29 deals with procedures, facilities, and or screening systems which prevent the carriage aboard aircraft any sabotage device or weapons or unauthorized access to the aircraft. Notice 71-29 also deals with procedures to assure that baggage is checked in by a responsible representative of the certificate holder and to prevent cargo and checked baggage from being loaded aboard its aircraft until cleared in accordance with security measures.

Interim: Seven hijackings took place and one pilot was killed. One hijacker extorted $200,000 from Northwest Airlines and two attempted extortion of $300,000 and $200,000 occurred where the hijacker was either overpowered or surrendered.

February 2, 1972: FAA Administrator, J. H. Shaffer, ordered the adoption of a screening system to prevent or deter the carriage aboard aircraft of sabotage devices or weapons in carry on baggage or on or about the persons of passengers. Air carriers and commercial operators were allowed 72 hours to implement the system.[1]

Interim: Eight hijackings took place in which three passengers were wounded. Three extortion attempts occured in the amounts of $1 million, $200,000, and $50,000.

March 7, 1972: FAA Administrator, J. H. Shaffer, *amended* the Federal Aviation Regulations, effective April 6, 1972, to require air carriers to submit for the approval of the Regional FAA Administrator a security program. In addition to the screening program ordered in February, three other elements were required of a security program: (1) prevent or deter unauthorized access to aircraft; (2) assure that baggage is checked in by a responsible agent or representative of the certificate holder; and (3) prevent cargo and checked baggage from being loaded aboard aircraft unless handled in accordance with security procedures.

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[1] Two hijacking took place after Feb. 5, 1972 in which the hijacker was a "selectee" but he was not screened. Both United and PSA were fined $1,000 for violating the regulation that all selectees be screened.

Interim: Nineteen hijackings took place in which one passenger was killed and two were wounded. Two of the *eleven* extortion attempts were successful. In both successful extortions the planes were hijacked to Algeria—the $500,000 from the first was returned by the Algerian government after granting political asylum to the hijackers and the fate of the $1 million from the second hijacking is uncertain at this time as is the status of the hijackers. The unsuccessful extortions involved the following amounts: $500,000, $303,000, $200,000, $502,000, $50,000, $800,000, $450,000, $600,000, and $550,000.

August, 1972: FAA changes the screening system to require a body search of all selectees (either physical or by magnetometer) and a search of all their carry on baggage in addition to the previous requirement of proper identification. The recent hijacking to Algeria and the $1 million extortion prompted this revision.

August 17, 1972: Deadline for the filing of petitions to the Administrator appealing the FAA's modification of the air carrier's security program. Approximately 24 of the 36 carriers have had their programs approved as of 8/11/72.

1972 HIJACKING INCIDENTS

STATISTICS

Total number of hijackings in 1972	28
Total number of persons involved in 1972	39

	Hijacker profile not applied[1]	Hijacker profile applied	
		Did meet profile	Did not meet profile
Persons involved in hijacking incidents in 1972	17	17	5
Persons involved in hijacking incidents after the hijacker profile screening system was implemented	14	[2] 13	5

[1] Hijacker profile not applied in various circumstances: Hijacker forced his way aboard aircraft; type of flight (e.g. no screening on commuter flights); hijacker by-passed ticketing; screening not applied to round trip ticket holders; and conspirator involved but not aboard the plane.

[2] In the case of the McCoy hijacking (Apr. 7, 1972-United Airlines) and the Speck hijacking Apr. 9, 1972-PSA) the hijacker was designated as a selectee but was not screened, i.e. asked for proper identification. Both United and PSA were fined $1,000 each for failure to comply with the screening regulation

Weapons involved in 1972 incidents

	Number of incidents
Firearms:	
Real	20
Alleged	2
Explosive devices:	
Real	0
Alleged	11
Knife	3

HIJACKER PROFILE SCREENING SYSTEM

This system was implemented on Feb. 5, 1972, "to prevent or deter the carriage aboard aircraft of sabotage devices or weapons in carry-on baggage or on or about the persons of passengers. Certain individuals who met the "hijacker profile" were designated as "selectees." All selectees were cleared for boarding upon presentation of proper identification. In August the screening procedure was revised to include the search of the selectee's carry-on baggage and either a physical body search or a magnetometer search of the selectee, in addition to proper identification.

METAL DETECTING DEVICES—STATISTICS

Metal detecting devices:

(1) Magnetometers, range of detection: only ferrous metals (i.e. does *not* detect 20%–25% of all weapons); cost: $1,500–$2,000.

(2) Active metal detectors, range of detection: all ferrous and nonferrous metals; cost: $2,500–$3,000.

AIRPORT INFORMATION

Total number of airports	530
Total number of gates	2,800
Total number of passengers enplaned—1969	148,072,090

SUFFICIENT AIRPORT COVERAGE

Sufficient airport coverage would require at least one device at each airport and one device per every three gates at the airport. Therefore, approximately 2,000 metal detectors are required. The cost would be approximately $6 million, or $.04 per passenger who enplaned in 1969.

AIR LINE PILOTS ASSOCIATION,
Washington, D.C., August 15, 1972.

Hon. OGDEN REID,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN REID: The 46,000 men and women of the Air Line Pilots Association applaud your aggressive moves to further tighten the defenses of our nation against the menace of air piracy.

While we are moving forward domestically with tighter security measures at airports, hijackers' havens overseas continue to lure aerial extortionists and political fanatics to their shores. The legislation you have proposed, when enacted, should go a long way toward closing these sanctuaries.

It is imperative that top-priority action be taken to thwart this rapidly escalating threat. If a criminal does manage to slip through an airport security screen, and he does manage to commandeer an airliner, there should be no place in the world where he can step off that plane without being arrested and tried under the stiffest possible penalties—or, preferably, returned to the country where the crime was committed for such punishment. Your bill represents a giant step forward toward achieving this goal.

ALPA fully supports the speedy passage of this legislation, which would call upon the President of the United States to impose hard-hitting economic blockades against nations that harbor or encourage air criminals.

We also note with much pleasure the favorable passage of your amendment to the Foreign Aid bill—an amendment that would deny U. S. assistance to nations that provide sanctuaries to sky pirates.

On behalf of the pilots and cabin attendants of ALPA, I assure you of our appreciation of and full support for your efforts.

Sincerely yours,
J. J. O'DONNELL, *President.*

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

SPIRALING WELFARE COSTS IN THE DISTRICT OF COLUMBIA

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. ARCHER. Mr. Speaker, in recent months I have been investigating new avenues of possible reform designed to extricate the overburdened taxpayer from financing increasing welfare rolls. No doubt, there is one jurisdiction where Congress should center its efforts—the District of Columbia.

Mr. Joseph Yeldell, Director of the District of Columbia Department of Human Resources, recently responded to several questions I asked regarding welfare fraud, increases in the caseload of aid to families with dependent children, and changes in benefit amounts in the Nation's Capital.

His answers indicate that: First, Congress needs to beef up the Corporation Counsel's office to prosecute welfare fraud cases; second, welfare workers must be required to verbally explain to applicants and recipients more than once the penalties for welfare fraud; third, identification and a handwriting specimen must be required of all recipients before they can be allowed on the rolls; fourth, title 3, section 216 of the District of Columbia Code must be modified to increase subpena power in fraud cases; and fifth, social workers and welfare recipients need to know that welfare is not a "right."

I submit Mr. Yeldell's replies for my colleagues' attention:

MR. YELDELL'S REPLY

Question: What are the criteria for referring cases of fraud for prosecution? Can we explain why so few cases have been prosecuted?

Answer: The criteria for referring cases of fraud for prosecution are:

1. *Timeliness:* The Corporation Counsel's office has indicated that if a period of more than six months elapses from the time of the last occurrence of fraud to the date of the fraud referral to him for prosecution, the defendant's right to a speedy trial may be infringed upon.

2. *Amount:* The Corporation Counsel's office feels that if the amount of the fraud does not equal the dollar amount of the fraud penalty ($500.00 under Title 3, Section 216, of the D.C. Code), the case should not be prosecuted.

3. *Evidence:* Documentary evidence is preferred over verbal testimony. Handwriting on checks and documents is verified by the Metropolitan Police Department's Questioned Document Laboratory, using known samples of the defendant's writing.

4. *Availability:* Title 3, Section 216, of the D.C. Code, under which welfare fraud referrals are made, limits power to summon defendants and witnesses, and to subpeona records and documents, to District of Columbia boundaries.

5. *Hardship:* The personal circumstances of a defendant are carefully reviewed, because of the sympathy of the Court and juries to persons in destitute situations. Persons with large families, persons with physical handicaps, and cases in which unusual circumstances mitigate the offenses, are usually not

referred to the Corporation Counsel.

6. *Education:* Defendants who have been so inadequately educated that their ability to read and interpret the documents presented to them in the course of their applications for public assistance cannot be presumed to understand the consequences of signing a statement concerning their responsibilities to the agency in terms of resources and family composition.

7. *Intent:* A basic criterion of fraud is "Mens Rea" (State of Mind). If a review of the case does not reveal this important aspect of fraud, it is usually not referred because of the difficulty of successfully trying a case without strong evidence that the defendant intended to defraud the Government when the fraudulent action occurred. Only those cases which are blatantly fraudulent are referred for prosecution.

Some of the reasons for the relatively small number of prosecutions of welfare fraud are implicit in the profile of our referral criteria. In addition, the social and legislative climate toward the welfare program influences the reception of cases referred to the Corporation Counsel.

During the period 1968 to 1971 no cases of welfare fraud were prosecuted, although at times during that period the Corporation Counsel's office was holding as many as 150 welfare fraud referrals. An administrative change in attitude occurred in 1971, and welfare fraud cases referred to the Corporation Counsel's office are again being prosecuted.

The lead time to review, present, and collect evidence for successful prosecution is lengthy, particularly in obtaining the original public assistance checks from Government storage. A decision by the Corporation Counsel not to prosecute may occur at the time of trial, when considerable time and effort have already been expanded.

It should be made clear that the number of cases prosecuted by the Corporation Counsel's office is not lineally related to the number of cases referred by Agents of the Court Section, since the Agents are not involved in the ultimate decision to pursue Court prosecution.

Question: Explain the 7,029 increase in AFDC between FY 71 and 72.

Answer: There is no single cause for the increase. Among the variety of reasons are the following:

1. Increase in the number of applications. For the six months, July through December 1969, an average of 1,180 applications per month were received at 500 First Street, N.W.

For the six month period, July through December 1971, applications averaged 1,680 per month—an average increase of 500 per month or 6,000 per year.

About one-third of the applicants come in to the office on their own and the remainder are referred by relatives, friends and outside agencies. Clinics and hospitals are the largest single source of referral.

2. Community involvement. There is considerable outreach on the part of agencies, organizations and individuals, ranging from Welfare Rights to United Planning Organization to Settlement Houses, even to the extent of knocking on doors to inform people of the service of the Department.

The Department itself has been aggressive in meeting with community groups and agencies to explain its functions and operations.

3. The Department provides a wider range of services than ever before in its history and, therefore, meets the needs of many more District of Columbia residents.

4. Greatly increased publicity through the news media. Formerly this was limited mainly to newspapers, but now television and radio provide ever increasing coverage.

5. Revised policies. Through the courts and Federal regulations a number of very significant changes, such as the elimination of the residence requirement, have enabled more people to seek public assistance.

Other regulation changes over the past two fiscal years are:

a. The AFDC–UF Program was effective in the District of Columbia on August 3, 1970.

b. The AFDC-Supplementation of full-time earnings of mothers was effective by City Council regulation on April 1, 1971.

c. The Declaration method for determining and redetermining eligibility was begun on an agencywide basis May 1, 1970.

d. On August 1, 1970, the Standard for Requirements was updated to February 1970 cost of living.

e. The "Availability of a mother to accept employment" policy was rescinded effective September 7, 1970, as a result of a Department of Health, Education, and Welfare requirement.

f. Effective September 7, 1970, as a result of a Department of Health, Education, and Welfare mandate, mothers or caretaker relatives are not required as a condition of eligibility to name the father or take court action to obtain support.

g. Also on September 7, 1970, as a result of a Department of Health, Education, and Welfare requirement, military families receiving Class Q allotments may have their income supplemented by public assistance.

Effective December 7, 1970, the Congress amended the D.C. Public Assistance Act of 1962 (Public Law 87–807) changing the definition of legally responsible relatives from "the husband, wife, father, mother or adult child" to "spouse for spouse and parent for a child under the age of twenty-one".

6. There is a change in philosophy in that public assistance is viewed increasingly as a right and is consequently more acceptable to more people.

Question: Explain the 48,000 amount change. How many were increases and how many were decreases?

Answer: No actual count of the number of payment changes resulting in increased payments and the number resulting in decreased payments has ever been maintained. Based on the observation of the staff of the Payroll Branch, decreases and increases are about equally divided.

The principal reasons for a change in the public assistance payment are:

1. Change in living arrangements.
2. Addition or deletion of allowance for transportation or other special needs item.
3. Change in the amount of the resource available to the individual or family—as, for example, the 20 percent increase in Social Security benefits.
4. Change in the number of persons included in the payment.
5. Change in the allowance for a child when there is an age change.
6. Change to correct an underpayment or overpayment.
7. Addition of a work or training allowance.

TRIBUTE TO EMANUEL RIDGELL

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, on August 6, the House of Representatives lost a trusted friend and a devoted servant in Emanuel Ridgell, superintendent of the House Office Buildings.

Mr. Ridgell served the Congress for the past 40 years, beginning at the age of 20 as a messenger. He served as assistant superintendent of the House Office Buildings and was appointed superintendent on July 1, 1948. During the period of his service, "Manny" Ridgell exemplified the spirit of cooperation and congeniality which marks the true American. All of us who benefitted from Manny Ridgell's fairness and good judgment will miss him.

I wish to extend my deepest sympathy to the family of Manny Ridgell and assure them that he will not be forgotten by his friends in Congress.

COMMUNITY IMPACT ON COMMUNICATIONS MEDIA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. CLAY. Mr. Speaker, in March of this year, the Congressional Black Caucus conducted 2 days of public hearings on the mass media and the black community. The purpose was to study the effect and influence of the media on the formulation of opinions and attitudes in the black community, and to investigate the media's unwillingness to adequately increase minority employment at all levels.

On concluding these hearings, the caucus called for the establishment of watchdog committees to monitor the fairness of the media in the areas of hiring, entertainment and advertising, and to initiate license challenges and lawsuits to remedy discriminatory practices.

Recently, members of the black community of St. Louis have taken such actions against a local TV station and its actions in canceling the popular program "Black Journal". The group, known as the Friends of Black Journal, have charged KETC–TV, St. Louis, with discrimination in programing, employment and civil rights, and have called on the FCC to conduct a complete investigation.

In support of this community action, the National Urban League has issued a resolution to "marshal all resources within the hallows of the Urban League generally toward the immediate reality of black programing in public media", using the St. Louis action as a pilot project.

Mr. Speaker, I commend the actions of the Urban League, and extend my support to the St. Louis Chapter of the Friends of Black Journal. Further, to awaken others to the critical need for such actions, I submit this resolution, and the statement of the Friends of Black Journal, for the RECORD of today's proceedings.

FRIENDS OF BLACK JOURNAL,
St. Louis, Mo., August 4, 1972.

DEAR SIR: We, the Friends of Black Journal, are lodging the following complaints against the public broadcasting station KETC–TV Channel 9. These complaints are based on both factual information and our meager knowledge of the FCC regulations as they apply to public broadcasting.

We believe that the black community rights' have been violated in the following:

1. We believe that there has been the misuse of federal funds thereby violating HEW

guidelines for public broadcasting in educational television.

2. The practicing of discrimination against the black community in programming, employment, and civil rights.

3. We believe that the showing of lewd and immoral programs has been detrimental to the healthy psychological development of our children.

4. We believe that KETC-TV is guilty of promoting racism through their local program scheduling.

The Friends of Black Journal are calling for a complete investigation of these charges and complaints. Please notify us immediately in writing, of the actions you plan to take in regards to these charges.

Thank you.

Sincerely,

THE FRIENDS OF BLACK JOURNAL.

RESOLUTION SUBMITTED TO THE NATIONAL URBAN LEAGUE

Whereas Public media is the most obligated to respond to the needs/requests/demands of any national/local community it is licensed to serve;

Whereas the grounds for accountability is the direct result of the community's "tax dollars" providing the funds for the station's operation;

Whereas the accountability should hold fast across all sectors of these communities e.g. socio-economic, racial sectors;

Whereas any evidence contrary to the above statement represents an FCC violation and calls for a challenge by the affronted sector of the community regarding the legitimacy of said Public media; and

Whereas surveys of Public media programming prove that by and large, there is a *racist* approach to this accountability in regards to the Black Community on both the national and local level;

Be it resolved that this workshop will marshall all resources within the hallows of the Urban League generally toward the immediate reality of Black programming in Public media, and

support nationally efforts of Black communities who are challenging Public media and to challenge Public media in violation of FCC requirements as a League, and as a civil/human rights organization concerned with human development, the Urban League will also oppose racism in employment practices as it relates to Public media, and make St. Louis the League's pilot effort by actively supporting and assisting the St. Louis Chapter of Friends of Black Journal in its challenge of locally based Public media KETC-Channel 9, which has blatantly committed racist affronteries repeatedly against the Black community.

A REAL FOOD BARGAIN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. DERWINSKI. Mr. Speaker, one of the hardest working Members of the House is our mild-mannered, intellectual colleague, H. R. GROSS of Iowa. I never cease to be amazed at the people around the country who know of and respect "H.R.," recognizing his determination to protect the taxpayer from the excesses and abuse of certain governmental programs.

It was, therefore, with special interest that I noted a column in the Lansing, Ill., Sun Journal of August 10, by Jim Alvord, managing editor of that newspaper, commenting upon one of "H.R.'s" disclosures of governmental programs gone awry.

The pertinent section of the column follows:

A REAL FOOD BARGAIN

A Republican Congressman from Iowa, H. R. Gross, made an interesting statement to the press last week concerning our pitiful welfare system. He explained that a hippie living in California can buy $28 worth of food stamps for 50¢. The crafty ones employ the following con game. They will buy exactly $27.51 worth of groceries and receive 49¢ in change (the maximum they can receive back on any purchase). The hippie then adds one penny to his change and has the 50¢ necessary to buy another $28 worth of groceries next week. The fourth week he sells his food stamps to friends for $15 cash.

Thus in one month he's paid 53¢ for $112 worth of stamps for which he gets $82.53 worth of food and $14.47 net profit in cash. Neat trick, but not too funny when you consider that the joke is on you, the taxpayer.

One food store owner verified the practice and added: "Can you imagine how this adds up when there are 15 of these kids living together all doing the same thing?" Surely the deep thinkers in Washington can come up with a better system than this.

BEVERLY HILLS TOASTMISTRESS CLUB

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. REES. Mr. Speaker, in a society that offers its biggest reward to those who do things, I bring your attention to an educational organization dedicated to the art of performance, and communication and skills in organizational techniques. I speak of the International Toastmistress Clubs, and with specific regard to its affiliate, the Beverly Hills Toastmistress Club.

In September of this year, the Beverly Hills Toastmistress Club will celebrate its 30th anniversary having received its charter on September 21, 1942. The club, as its parent, the International Toastmistress Club, was formed for the purpose of providing educational programs designed for member self-improvement in skills of leadership and communication. Training is offered in club procedures, public speaking, and analytical listening. The opportunities afforded members by Toastmistress Club training are unlimited. They learn to communicate effectively and then continue to practice what they have learned. While learning to do so, they also learn to say so. The motto of the club is "to love our language and to use it with grace and facility."

Much of the success attained by the Beverly Hills Toastmistress Club is due in large measure to Mrs. Nan Warshaw in her capacity as professional evaluator. I believe the precepts of both the International Toastmistress Clubs and the Beverly Hills Chapter are exemplified in the words of International Toastmistress founder, Ernestine White:

If all of us, realizing our limitations, endeavor to do our best, or even slightly expand our limitations; and if we place our experiences at the disposal of all others through our Club and through the International Toastmistress Clubs, then no one can fathom the boundless possibilities and the great role this organization is destined to play in the history and progress and development of womankind.

CAPTIVE NATIONS WEEK

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. HELSTOSKI. Mr. Speaker, the week beginning July 17 was the week proclaimed by the President and observed in all of the United States as Captive Nations Week.

The resolution of Congress, adopted in 1959, expressed the principle of freedom for all persons and from its beginnings cooperated with the nations under the subjugation of Soviet imperialism.

The object of these celebrations and manifestations held during Captive Nations Week is to remind all of us living that the present world, divided between the free and the subjugated, will never attain peace.

And so, this and other tyrannies will not disappear from the political scene as long as there are wars ever bloodier and more and more ruthless—as long as there will be oppression, exploitation, plunder and the denial of basic human rights which is evident in the nations confined behind the Iron and Bamboo Curtains who cannot speak in the defense of their equitable rights and lawful causes.

It is the duty of the free people of America and other countries to strive to liberate the people of these captive nations through sensible and determined deeds and through proper governmental channels so that they can remove the yoke of subjugation in a peaceful manner.

The captive nations, whose governments are only temporary, showing the tendency to be anti-American; were, are, and will remain on friendly terms with the United States, and we expect from them a helping hand in our efforts to free them from alien oppression.

Let us do whatever we can so that the aggression and greed of the Communist imperialists be brought to a halt. Through our celebrations and manifestations we will give evidence that we not only value, but also understand their plight and also fully support their just endeavors to attain peace and full national freedom and independence.

Let our efforts help, that America the sole bastion of hope to free the captive nations, will fulfill its mission in the guidance of the people of the free world to help those who know only the leadership of an alien government in their daily lives.

The freedom-loving people of the captive nations look toward the United States to take the lead in bringing about their freedom and independence.

As Americans, we cannot stress the great importance for us to morally sustain the hope and faith of the captive peoples that they will once again regain their freedom. I hope that this memorable day will arrive soon.

RESULTS OF STATEWIDE SURVEY IN ILLINOIS ON STRATEGIC ARMS LIMITATION TREATY AND A PROPOSED AMENDMENT TO STRENGTHEN THE AGREEMENT

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. PUCINSKI. Mr. Speaker, as the House prepares to vote Wednesday on the Executive Agreement between the United States and the Soviet Union limiting offensive missile capacity of the two nations, I should like to present for my colleagues the results of a very extensive survey which I conducted in Illinois on this question.

This was a statewide survey in keeping with President Nixon's call for exhaustive public scrutiny of the nuclear arms agreement.

I am pleased to report we received replies from 102 counties—every county in the State.

The results show that while the people of Illinois have grave reservations about the offensive missile limitation agreement and voted it down by a vote of 69 percent against, to 31 percent for, those same respondents said that despite its shortcomings, both the treaty and agreement should be approved by Congress as the first step toward nuclear arms control. The vote was an overwhelming 81.1 percent for approval of the package to 18.9 percent against.

It is obvious, Mr. Speaker, that while our citizens have objection to the imbalance proposed in the offensive missile limitation, they feel we should approve the agreement as a first step toward nuclear arms control.

This poses a difficult question for Congress. I believe this dilemma can be helped toward solution by improving the executive agreement.

I believe Senator HENRY JACKSON has offered a reasonable amendment in the other body which would strengthen the proposed agreement and perhaps alleviate the fears of those who voted against approval.

I would hope we could offer Senator JACKSON's amendment here in the House and shall discuss the prospects of its approval when the measure comes before us Wednesday.

For the guidance of our House colleagues, I am placing in the RECORD today the results of my survey and also Senator JACKSON's proposed amendment. I am also including a brief summary of the amendment and a speech on the amendment which the Senator recently delivered.

I fully endorse addition of the amendment to the executive agreement in offensive missile limitation. I believe the amendment goes a long way toward protesting America's position and hope that before this agreement is finalized, the amendment will have been added by Congress.

Following are the results of my questionnaire:

STRATEGIC ARMS LIMITATION TREATY BETWEEN THE U.S. AND SOVIET UNION

	Yes	No
(A) The Treaty would limit each nation to no more than 200 defensive antiballistic missiles. Do you approve?	78.6	21.4
(B) The Treaty provides each nation shall distribute part of its 200 defensive missile quota around its own capital—Washington and Moscow—and the remainder around only 1 offensive missile launching site in each nation. Do you approve?	53.0	47.0
(C) Would you prefer the U.S. deploy its ABM's around our principal industrial centers (Chicago, Detroit, Pittsburgh, etc.) since most of Russia's industry is already near Moscow?	71.5	28.5
(D) An Executive Agreement limits U.S. offensive missile capacity to 1,054 intercontinental ballistic missiles and 41 missile-firing submarines, while Russia shall be permitted to develop her strength to 1,618 ICBM's and 42 missile-firing submarines. Do you approve?	31.0	69.0
(E) The Treaty permits "open sky" inspection. Do you believe we should insist on "ground inspection" to prevent cheating?	76.1	23.9
(F) Despite any shortcomings, do you believe these agreements should be approved by Congress as the first step toward nuclear arms control?	81.1	18.9

Following is the bipartisan amendment offered by Senator JACKSON and a statement of explanation:

S.J. RES. 241

On page 1, between lines 2 and 3, insert the following: "That the Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognize the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.".

On page 1, line 3, strike out "That the" and insert in lieu thereof "SEC. 2. The".

STATEMENT BY SENATOR HENRY M. JACKSON ON AMENDMENT TO SENATE JOINT RESOLUTION 241

The amendment I am introducing today with bipartisan support is a simple declaration of the policy of the Congress with respect to the future strategic relationship between the United States and the Soviet Union. It does three things:

First, it recognizes that the failure of the U.S. and the U.S.S.R. to achieve a treaty limiting the threat to the survivability of U.S. strategic deterrent forces could jeopardize our supreme national interests. Surely, we would all agree that our supreme national interests would be jeopardized if the survivability of our strategic forces were threatened. The language in which this Congressional policy is stated in the resolution differs from the language used in an earlier draft to make the same point. Far from being controversial, this is a policy to which the Administration committed itself during the SALT talks and which the Congress is here asked to join in supporting.

Second, my amendment puts the Congress on record in opposition to a follow-on SALT agreement in which the United States is limited to levels of intercontinental strategic forces inferior to the level accorded to the Soviet Union. In insisting on equality in any treaty to merge from SALT II, I am certain I am speaking for the good sense of the overwhelming majority of the American people. We should support the principle of equality on which the ABM treaty is based by applying it to offensive systems as well. We have, in the few brief years since the Kennedy Administration, gone from strategic superiority to parity to sufficiency (whatever that means) to interim sub-parity. We must not, and cannot accept strategic inferiority.

Moreover, in insisting that the limits to be negotiated in SALT II are confined to intercontinental strategic forces, the Senate would be strongly supporting the proper refusal of the President and our negotiators to compromise the interests of our European allies by including forces dedicated to their defense in the calculation of the overall U.S.-U.S.S.R. strategic balance.

Third, my amendment simply reaffirms the importance of research and development and force modernization leading to a prudent strategic posture.

I am confident that the Senate will give a solid vote of approval to this amendment expressing our determination to secure a stable future strategic relationship with the Soviet Union.

Many of my colleagues have argued for some time that the Senate ought to play a more significant role in the formulation of our foreign and defense policy. My amendment provides the Senate with an opportunity to join with the Administration as a full partner in the effort to broaden the understanding of as well as support for the interim agreement.

Following is an extensive speech given on this amendment by Senator JACKSON. I have asked the Senator if I may place it in the RECORD today as part of our discussion of the executive agreement. I am pleased to associate myself with his remarks for I know of no one more knowledgeable on this subject than my good friend from Washington, Senator HENRY JACKSON.

His remarks follow:

THE SENATE AND THE INTERIM AGREEMENT

(Statement by Senator HENRY M. JACKSON)

Mr. President, the Senate fully appreciates that it has before it an arms limitation measure of very great importance. Equally important, in my view, is how we in the Congress come to judge that agreement and how we convey our judgment to the Soviet Union, to our allies, to the Executive Branch and to the American people.

International agreements, this one included, have always had a dimension deeper than their words—a dimension that embodies hopes and expectations and reservations, all unwritten, and all of which reflect the blend of risks, doubts and assurances of which treaties are made. The present agreement, which rests to so remarkable a degree on statments with which the other party did not concur, has all of these in full measure.

SOME AMBIGUITIES RESOLVED

In an agreement that goes to the heart of America's security—our capacity to deter nuclear war—nothing is more important than a precise understanding of what the parties have agreed to. Precision can never weaken an arms control agreement, ambiguity can be a source of future tension.

From the moment the agreements were signed in Moscow, there were vague and conflicting reports about the contents of the accords. The press relied on confusing background briefings held in Moscow. Various statements and attachments, integral parts of the agreements, were not made public for weeks. Public figures issued statements of support before the terms of the accords were revealed or analyzed. High Administration spokesmen offered contradictory interpretations.

Thus, when the President finally submitted these agreements to the Congress, I was concerned that the Senate and the American people understand what we and the Russians could and could not do within their terms. The Senate Armed Services Commitee, under the distinguished chairmanship of my able friend the Senator from Mississippi, held extensive hearings on the military implications of the SALT accords during which we tried very hard to bring before the American people the terms, and the meaning of the terms, of the interim agreement and the ABM treaty. We endeavored to obtain a clear and consistent Administration position on key provisions—which is not always easy.

Let me illustrate the kinds of problems the Committee hearings had to address. Article I of the interim agreement obligates the parties not to build ICBM launchers after July 1, 1972. But nowhere in the agreement does there appear the number of ICBM's the Soviets are thereby permitted to have. Article II contains a prohibition against substituting "heavy" ICBM launchers for "light" ICBM launchers. But nowhere is there an agreed-upon bilateral definition of what a "heavy" ICBM is. Terms like "modernization" and "significant increase" were used in the agreement, but precise definitions of these terms are not provided.

Mr. President, although the texts of the treaty and the executive agreement contain few numbers many more numbers have been discussed in connection with the SALT accords. In the last several weeks we have heard these: 1,054; 1,618; 313; 41; 42; 62; 84; 710; 740; 656; 950; and zero. The crucial questions for the nation and for the cause of world peace is whether these numbers add up to stable parity or unstable inferiority. It may clear the air to discuss some of them.

(a) 1,054—this is the maximum number of land-based ICBM's that the United States is permitted to retain under the agreement.

(b) 1,618—this is the maximum number of land-based ICBM's that the Soviet Union is permitted to retain given *our understanding* of the agreement. I emphasize "our understanding" because the figure 1,618 is a U.S. intelligence estimate and not a Soviet supplied number. This vagueness on the Soviet part is most unfortunate and can only lead to uncertainty and possible tensions. The agreement would be much improved by the use of specific numbers on both sides.

(c) 710—this is the maximum number of submarine launched ballistic missiles that the United States is permitted to deploy under the agreement. It is arrived at by adding our present 656 Polaris/Poseidon missiles to our potential, under the agreement, to replace 54 of our Titan missiles with new submarine launched ballistic missiles.

(d) 950—this is the maximum number of submarine launched ballistic missiles that the Soviet Union is permitted to deploy under the agreement. To achieve this total the Soviets would retire their obsolete SS–7 and SS–8 ICBM's and replace them with new submarine based missiles. This would give the Soviets a total of 62 modern nuclear (Y-Class) submarines.

(e) 84—the total permissible number of Soviet missile firing submarines that can be deployed under the agreement. This is derived by adding 22 Soviet G-Class submarines to the 62 Y-Class submarines that they are permitted to construct.

(f) 44—the total permissible number of American missile firing submarines that can be deployed under the agreement. However, only 41 in actual fact are part of the U.S. deterrent in this period.

(g) 313—this is the maximum number of "heavy" ICBM's that the Soviet Union is permitted to deploy under the agreement. This again is a U.S. intelligence estimate. Not a confirmed Soviet figure. Each of these missiles can carry at least a 25 megaton warhead and perhaps, eventually, as much as 50 megatons. Of course the Soviets are free to replace single large warheads with many MIRV warheads per missile when they are able to do so.

(h) 0—this is the maximum number of "heavy" ICBM's that the United States is permitted to deploy under the agreement.

These numbers, Mr. President, are merely representative of the thrust of the agreements—which is to confer on the Soviet Union the authority to retain or deploy a number of weapons based on land and at sea that exceeds our own in every category, and by a 50% margin.

Now there will be some who argue that "numbers don't matter"—that both sides have "sufficiency" and that therefore the strategic balance is stable. How curious it is that the people who hold to the "numbers don't matter" doctrine are the same ones who believe that without an immediate arms control agreement the world is in danger of a great nuclear war. Either numbers matter or agreements don't—you can't have it both ways.

I have never seen an international agreement that depends so greatly on the attachment of unilateral statements. Clearly each of these unilateral statements reflects not U.S.-Soviet agreement but, on the contrary, a failure to reach agreement. In my view the interim agreement is substantially weakened as a result of the failures indicated by the resort to unilateral assertions with no legal standing. No long-term treaty covering these vital matters would be acceptable to me and, I suspect, to a majority of my colleagues, if it depended to the extent of the present agreement on unilateral statements. The fact that the present agreement runs for only five years mitigates a situation that would be intolerable in a future treaty. I believe that in expressing this view I am joined by Ambassador Smith who informed the Armed Services Committee that he expected provisions that could not be agreed upon in SALT I to be resolved on a bilateral basis in SALT II.

In seeking to establish clearly what the parties were permitted to do over the next five years and what they would be prohibited from doing—not all of which was self-evident—two points were of particular interest, and illustrate the complications that arise from vague language in the agreement and from negotiating not only against one's adversary but against self-imposed deadlines as well:

(1) Under the terms of the agreement, the Soviets are permitted to have *operational*, by July 1, 1972, 62 Polaris-type Y-Class submarines. The agreement is very explicit on this. Owing to a provision that could have constituted a serious loophole, the issue arose as to whether the Soviets might have additional such submarines *under construction*, but not yet operational, on July 1, 1977. Some witnesses, including Ambassador Smith and Chief of Naval Operations, Admiral Zumwalt, indicated that, technically, this was permissible. Were that the case, the Soviets could continue to turn out Y-Class submarines like sausages, 8 per year, with absolutely no perturbation of their deployment momentum.

Therefore, on July 24, I raised this problem with Secretary Laird in order to get the Administration position as understood at the highest levels. Secretary Laird said: "The protocol to the interim agreement specifies that the Soviet Union may have 950 SLBM launchers and not more than 62 modern ballistic missile submarines." Then Secretary Laird, speaking for the Administration, said: "In the event that during the period of the interim agreement they were to initiate construction of additional modern ballistic missile submarines beyond the number necessary to reach the total of 62, this could be done only as replacements [for older Y-Class submarines] and this would be under the procedures as specified under article 3 of the interim agreement. We would consider any new construction starts which were merely for the purpose of maintaining the momentum of the Soviet Union construction program to be contrary to the intent of the agreement."

This point is made equally clear in a colloquy between the Secretary and me. In order to understand the Administration view, I asked: "I take it that it is your judgment and the view of the President and the Administration that any attempt to use this ambiguity to build up—especially toward the end of this 5-year period—a pipeline of advanced Y-Class boats under construction—as a technical means of getting around the limit of 62 operational submarines, would be in clear violation of what we understand to be the agreement." Secretary Laird answered: "I would, and that would also apply to the United States."

(2) Another area of potential misunderstanding relates to the modernization of missile silos under the agreement. The agreement allows for the modernization of existing silo-launchers, but stipulates that, in the process of modernization, the dimensions of those silos cannot be significantly increased. In a further attachment to the agreement, a significant increase is defined as not greater than 15%.

Testimony from Administration witnesses on the meaning of these provisions was conflicting. Therefore, on July 24, I asked Secretary Laird for the definitive Administration position. He replied: "I would not go along with the interpretation that some Members of the Senate and House have given to that provision in which they read that the 10 to 15 percent increase in dimensions could allow an increase in both dimensions." I then asked: "Diameter and length?" Mr. Laird said: "Yes." He went on to say: "The major increase that would be possible under the agreement would be in any one silo dimension."

In order that there be no misunderstanding on this point, I want to cite the colloquy which followed this official policy declaration by Mr. Laird:

"Senator JACKSON. Do you reject the interpretation that an increase in both dimensions is allowable?

"Secretary LAIRD. I have always rejected that from the first day that the treaty and the agreement became public—the idea that both diameter and depth could be increased by as much as 15 percent.

"Senator JACKSON. It is the Administration's position that only one dimension of a silo can be increased?

"Secretary LAIRD. That is correct. That is the Administration's position.

"Senator Jackson. It cannot be both dimensions?

"Secretary Laird. It cannot be both diameter and depth."

THE MOMENTUM ARGUMENT OR HOW TO GO FORWARD WHILE STANDING IN PLACE

Mr. President, the present agreement is intended to slow the momentum of the build-up of Soviet offensive forces, a build-up that has taken the Soviets far beyond the force levels required for implementing a deterrent posture based on a simple notion of "assured destruction." My own examination and assessment of the appropriate intelligence data coupled with an analysis of the latitude granted under the terms of the agreement has brought me to the conclusion that, as a means of halting the Soviet momentum it is a failure and as a means of slowing Soviet momentum it accomplishes far less than has been claimed.

Mr. President, it is instructive to examine the comments made by the President and by his national security adviser, Dr. Kissinger, on the effect of the interim agreement. They add up to what I would call the "headache theory of treaty-making," according to which one signs an agreement not because it is good but because non-agreement is worse. That's about as close as public policy can come to beating your head against the wall because it feels so good when you stop. Listen to Dr. Kissinger:

"I do not deny that the initial reaction of some people will be to look at the gap in numbers. But once they understand . . . what the gap would be without this agreement . . . I believe that many of those who express some hesitation will come around."

Now, what I understand Dr. Kissinger to be saying is that those of us who are concerned at the gap in numbers in the interim agrement will be persuaded that a balance even more adverse to the United States would have resulted from a failure to reach the interim agreement. The President himself made this argument in his press conference of June 29, 1972 when he said:

"Had there been no arms control agreement, the Soviet Union had a program underway in the field of submarines which would have brought them up to over 90. The agreement limits them to 62.

"Had there been no arms control agreement—and this is the most important point—in the terms of offensive strategic weapons, the Soviet Union that has now passed us in offensive strategic weapons—they have 1,600; we have roughly 1,000—they would have built 1,000 more over the next 5 years. Now, under those circumstances, any President of the United States could see that in 5 years the United States would be hopelessly behind; our security would be threatened, our allies would be terrified, particularly in those areas, and our friends, like the Mideast, where the possibility of Soviet adventurism is considered to be rather great.

"Therefore, the arms contral agreement at least put a brake on new weapons."

So we have before us an agreement designed to see us through the next few years, the chief virtue of which is that life under it will be less dangerous, hopefully, than life without it. This may be a sufficient argument for the Senate giving approval to the interim agrement. It is not, in my view, a sufficient argument for allowing our approval to go unqualified, either by our recognition of the risks or the assertion of our own view of the future.

Understanding what the agreement does is of such importance that I raised the question of the extent to which it slows Soviet momentum on a number of occasions. For example, on July 19 I had the following exchange with General Ryan, Chief of Staff of the Air Force:

"Senator Jackson. One method of assessing the impact of the SALT accords on Soviet programs would be to compare what they are free to do under the agreement with what we have projected that they might have done in the absence of the agreement. Speaking generally, and without getting into precise estimates, how does the lower end of the spectrum of official estimates of the Soviet strategic offensive force for mid-1977 compare with the permitted Soviet force under the SALT accords?

"General Ryan. Roughly equivalent, Senator, lower end of the spectrum."

Again, on July 21, I put the same question to the Chief of Naval Operations.

Admiral Zumwalt, who, like General Ryan, is fully apprised of our intelligence projections. The Admiral answered:

"The lower end of the spectrum of the official estimates is lower than the force permitted under the SALT accords."

Mr. President, I ought to make clear for the record that I put the same question to both Ambassador Smith and General Allison of the SALT Delegation when they appeared before the Armed Services Committee on June 2. Both gentlemen declined to answer stating that security considerations precluded comment. Now, the figures in question are readily available to any Senator who wishes to judge for himself the extent to which the forward momentum of the Soviet build-up has been slowed by the interim agreement.

The Director of Defense Research and Engineering commented on this question of the impact of the interim agreement on Soviet deployment programs when he appeared before the Armed Services Committee in executive session on June 22, 1972. At that time Dr. Foster engaged in an important exchange with my good friend the Senator from Nevada:

"Senator Cannon. I want to turn for a moment to the discussion of momentum that Senator Jackson was talking about that both sides have in building strategic weapons and how that will change our relative strategic posture as a result of SALT. I think this is a subject which is relevant to a meaningful discussion of the role of the ABM in the NCA defense.

"The Interim Offensive Agreement limits both the United States and the Soviets to their present ICBM force, with allowances made for the Soviets to complete 90-odd silos now under construction. Therefore, the Soviets have slightly more than a 1.5 to 1 ratio of ICBM launchers and their numerical advantage is about 600.

"The interim agreement also allows the Soviets to build up to a 62-submarine force, an increase of about 40 or so from their present level of about 22 Yankee class.

"On the other hand, we are essentially frozen at a maximum of 44 submarines, only three more than our present level, and therefore, the agreement grants the Soviets the advantage of completing their current momentum in submarine building.

"Is that not basically correct?

"Dr. Foster. Yes, that is correct.

"Senator Cannon. Concerning the quid pro quo of the treaty and agreement, is it not true that the Soviets will not have to exercise restraint in their momentum, that is, they will not have to curtail their current building rate of production on submarines for at least 3 years and perhaps more?

"Dr. Foster. Yes, sir; that is correct.

"Senator Cannon. In other words, they will not be giving up anything in terms of momentum until at least 3 years from now and possibly 4 to 5.

"On the other hand, the United States has agreed to give up something this year, and that is work on three ABM sites at the Minuteman missile installations. In fact, we will actually be dismantling work already started at Malmstrom Air Force Base. Thus we are giving up something now whereas they might give up something 3 years from now, or then again they might not.

"Is that a correct assessment?

"Dr. Foster. Yes, that is correct."

Mr. President, I have tried to put in perspective the claim that the interim agreement halts the momentum of the Soviet build-up not to reflect adversely on the interim agreement, but to help the Senate form a judgment that bears directly on our policy with respect to SALT II. It is essential, in my view, that we enter the second phase of the SALT deliberations with a clear view of the emerging relationship between the United States and the Soviet Union and with the conviction that SALT II, whatever else it does, must assure equality between the parties on offensive intercontinental strategic arms. To insist on such equality with respect to offensive weapons is to require no more than was done, at Soviet insistence, with defensive weapons in the ABM treaty.

THE CASE FOR THE AMENDMENT

Mr. President, my amendment, which is broadly co-sponsored by a bipartisan group of Senators, deals with three issues: (1) the threat to the survivability of the U.S. strategic deterrent under the interim agreement; (2) the need for equality in any follow-up agreement on offensive intercontinental strategic weapons; and (3) the need for research, development and force modernization. These are issues that I have thoroughly discussed with the Administration, with the witnesses before the Armed Services Committee and, in many cases, with my colleagues in the Senate. It is my firm conviction that we ought to state our views with respect to these issues and I believe my amendment is a medium for the expression of views that I am confident are shared by a majority of my colleagues.

(1) The threat to the survivability of the U.S. strategic deterrent

Clearly any treaty that authorizes the latitude retained by the parties under this interim agreement contains certain risks. How severe those risks prove out to be depends less on the letter of the interim agreement than on the spirit of it. The simple fact is that the Soviets could, by pursuing an aggressive program of qualitative improvement to their offense, acquire the capability to destroy virtually the entire U.S. land-based deterrent force, missiles and bombers. This could be accomplished within the agreed number of launchers by such means as increasing the throw weight of the Soviet offensive force (already four times that of the United States), extensive MIRVing coupled with improved missile accuracy, etc. Since we would be prohibited by the agreement and treaty from a number of stabilizing responses, the strategic balance could deteriorate under the terms of the interim agreement.

The situation we face in this regard was developed, in part, in testimony by the Director of Defense Research and Engineering, Dr. John Foster, before the Committee on Armed Services on June 22. In response to a question put by my friend, the Senator from Ohio, Dr. Foster identified some potential sources of instability that are wholly within the terms of the interim agreement:

"Senator Saxbe. You state that Soviet exploitation of their numbers and throw-weight capabilities could adversely affect the strategic balance. Will you elaborate on that statement and indicate specifically how and when?

"Dr. Foster. I was referring simply to the fact that the Soviet strategic missile capability exceeds our own capability in both numbers and payload-carrying ability. In numbers of ICBM's alone, they exceed us by approximately 50%, and in payload capability by greater than 50%.

"If they were to exploit these numerically greater capabilities, such as by improving accuracy, resorting to MIRV, use of warheads having higher yield-to-weight ratios, upgrading their SAM's, or some combination of these and others, the strategic balance would be affected adversely. For example, with MIRV and accuracy improvements, the SS-9 force alone could be a severe threat to prelaunch survivability of our own land-based force. Or, other Soviet land-based missiles exist in sufficient numbers so that, with accuracy improvement, they could threaten our land-based force, leaving the SS-9 for other things—such as threatening our cities.

"You asked when this could occur. I am not able to answer when it will or if it will. Should they wish such a capability, it could be achieved in perhaps 3-5 years."

It is my great hope, Mr. President, that these developments will not occur, that the Soviet Union will recognize that the overriding intent of the interim agreement is to contain the threat to the survivability of our deterrent forces and that, consistent with this intent, they will refrain from programs that would undermine it.

What we have sought in our negotiations with the Soviets is a stable strategic relationship based on survivable strategic forces. Therefore, any action by the Soviets that threatens the survivability of our deterrent forces must be a source of great concern.

I pursued this problem with Secretary Laird on July 24, and I believe our colloquy on this subject is highly instructive:

"Senator Jackson. The intent of the agreements is to enhance our security by enhancing the survivability of our deterrent. So you would view Soviet behavior that threatens the survivability of our deterrent as a violation of the intent of the agreements?

"Secretary Laird. I would agree.

"Senator Jackson. If there is a pattern which threatens the survivability of our deterrent, you would treat that as a violation of the intent of the parties in making this agreement, would you not?

"Secretary Laird. I certainly would.

"Senator Jackson. For example, the replacement provision on submarines, which we have discussed, as a subterfuge for sustaining momentum——

"Secretary Laird. That is correct. We would interpret it the same way and it applies to us, too.

"Senator Jackson. That is, on a bilateral basis?

"Secretary Laird. That's right.

"Senator Jackson. An aggressive program, beyond modernization, to deploy silo-killing warheads which threatens the survivability of our Minuteman force—you would treat that in the same way?

"Secretary Laird. Yes, sir, and would recommend action if such a program were developed and tested."

Mr. President, Senators who share my view that the Senate ought to go on record in support of the policy of the United States to seek a follow-on agreement that limits the threat to the survivability of our deterrent forces will welcome my amendment. The first part does precisely that. It urges restraint on the part of the Soviet Union by indicating that a failure to achieve a threat-limiting agreement could jeopardize the supreme national interests of the United States. In so doing, the amendment takes account of the fact that while the interim agreement may have some slight effect on the rate of growth of the Soviet threat to the survivability of our deterrent, it does not halt it. Therefore, should the threat overtake the negotiation of a follow-on agreement at any time within the next five years, our supreme national interests could be jeopardized. I will be surprised, Mr. President, to learn that there is any substantial opposition to this view within the Senate.

(2) *Equality in SALT II*

Mr. President, I have elsewhere described the present agreement as providing the United States with "interim sub-parity." The agreement confers on the Soviets a 50% advantage in numbers of land and sea-based launchers and a 400% advantage in throw weight. Now, the argument is made that this enormous disparity in numbers of launchers and throw weight is offset by superior technology and numbers of warheads on our side. There is a certain limited truth to this claim. It is not an enduring truth: for while numbers are limited under the agreement, technology is not. It stands to reason, therefore, that in the long run "superior" technology cannot be relied upon to offset inferior numbers.

The inability of technology to compensate for numbers is not only true in general but is, in the present case, true for specific reasons as well. The greatest part of our presumed technological advantage lies in our lead over the Soviets in the development and deployment of MIRV warheads on our missile forces. This lead is not one that can be maintained at anything approaching our current margin. On the contrary, when the Soviets develop a MIRV capability—and they are expected to do so at "any moment"—the combination of that capability and their vastly superior throw weight will give them, given time and effort on their part, superiority in numbers of warheads.

There is an enormous volume of misinformation on the subject of alleged U.S. advantages arising from technology and geography. There is no doubt that in the long run technology will tend toward equalization. How well I remember those who argued that the Soviets would require a decade or more to catch up with the United States in developing hydrogen weapons. The same sort of scientists who today argue that we can rest comfortably with inferior numbers of launchers because of an unbridgeable advantage in technology miscalculated by about 9½ out of 10 years back in 1947. The Russians, of course, were only months behind us, and our scientists were behind the eight ball.

As to geography I have heard it argued—the Chairman of the Foreign Relations Committee made the case himself last week—that owing to our possession of forward bases for our submarine fleet we need fewer submarines than the Soviets in order to maintain on-station times equal to theirs. Now, sea-based strategic forces are assuming increasing importance so it is essential that we be correct on this point. Despite some statements to the contrary, the geographical asymmetries favor the Soviet submarine fleet and not our own. With the increased range such as that of the Soviet SSNX-8 submarine launched missile the importance of forward bases is greatly diminished. Russian submarines will be on-station with respect to a large number of U.S. targets within one day's travel time from Murmansk or Petropavlovsk. This is not substantially different from the situation of our submarines operating out of their forward bases. What is more important, however, is that the Russians have a very large land mass between our submarines and their vulnerable points while we do not: most of the U.S. points that are targets for Soviet submarine launched missiles are coastal or near-coastal.

So there is little substance to the claim that we are in a favorable geographical situation.

The point I wish to make, Mr. President, is that, over the long run, there is no substitute for equal numbers of launchers taking account of throw weight differentials. I believe that the Senate should join with our negotiators and Administration spokesmen in rejecting, for the future, the sort of disparities that we have agreed to, on an interim basis, in the present agreement. And in so doing I believe that we ought to insist that the principle that was applied in the case of the ABM treaty—the principle of equality on which the Russians insisted—ought to be applied to a treaty on offensive weapons.

I was concerned, Mr. President, that our consent to the interim agreement, containing, as it does, the wide disparities to which I have referred, might be misunderstood as reflecting on the acceptability of such disparities in a follow-on treaty. In order to make the record clear I asked a number of witnesses before the Armed Services Committee to comment on this issue.

On July 18, I ask Ambassador Gerard Smith, the Director of the Arms Control and Disarmament Agency and head of our SALT Delegation: "Would the present Interim Agreement be acceptable as a permament agreement?" Ambassador Smith repeild: "Not to me." I then directed the same question to other members of the SALT Delegation. Former Deputy Secretary of Defense and now Assistant to the Secretary of Defense for SALT, Mr. Paul Nitze, said: "No." General Royal Allison, a member of the delegation and Assistant to the Chairman of the Joint Chiefs of Staff for Strategic Arms Negotiations, also said "No."

On July 24, I directed a similar question to Secretary Laird, with respect to whether a SALT II agreement should continue the numerical relationships established in the interim agreement. Secretary Laird, speaking for the Administration, said: "I would hope that in these negotiations we could move in the direction of equality as far as numbers and also as far as some of the other important areas dealing with offensive strategic weapon systems. I feel that this should be a very important thrust of our negotiations because this is very basic to the continued support of the obligations that we have undertaken with our friends and allies throughout the world in order to prevent the possibility of a nuclear exchange in the future."

Chief of Naval Operations, Admiral Zumwalt, testified:

"It is my view that in SALT II, we must achieve an equality of numbers. Just as the Soviets insisted on symmetry with regard to the ABM treaty, if we are going to go into a permament treaty on the strategic side, I think we absolutely must insist on symmetry."

I know of on one in a responsible position in the Administration who is in disagreement with this widely expressed view.

My amendment provides the Senate with an opportunity to declare itself in favor of equality in a follow-on agreement and I am certain that in view of the basic good sense of that position and the overwhelming testimony before us we will act to affirm it.

Mr. President, the question of what is to be included in the computation of equal forces in a follow-on agreement is related to the difficult issue of our forward deployments in Europe which are dedicated to the defense of our European allies and which are at sea.

The intent of my amendment as it bears on this matter is, I believe, perfectly clear and straightforward. In stating that "the Congress recognizes the principle of United States-Soviet Union equality reflected in the anti-ballistic missile treaty" and that accordingly "the Congress requests the President to seek a future treaty that, *inter alia*, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union" it is unmistakably clear that so-called forward based systems, which are not intercontinental, should not be included in that calculation of equality. It is my view, and the intent of the pending amendment, that any eventual treaty must recognize the necessity that the intercontinental strategic forces of the U.S. and the U.S.S.R., by which I mean to include ICBM's, submarine-launched nuclear missiles, and intercontinental range bombers of the two powers, should bear an equal relationship to one another. This says nothing about the eventual role of or disposition of the issue of forward based systems.

With regard to the question of forward based systems it has been my understanding, as clearly set forth by representatives of the Administration in testimony before the Senate, that the U.S. has refused to negotiate the issue of forward based systems in a bilateral U.S.-U.S.S.R. negotiation. I understand that this position was based on the entirely justifiable view that such systems are part and parcel of our alliance defense commitment and could not appropriately be considered without satisfactory alliance participation. I fully support the Administration's views on this matter and there is nothing in my amendment which in any way contradicts that position.

(3) *Research, development, modernization*

My amendment, in its final sentences, simply points to the need for a vigorous program of research, development and modernization leading to a prudent strategic posture. I wish to emphasize that adoption of this language is not intended to bear upon the wisdom of any particular procurement item. Decisions on procurement ought to be taken on a case by case basis. So while it is useful for the Senate to go on record to the effect that we must continue our efforts in the research, development and modernization area, Senators can rest assured that this does not constitute an endorsement of any particular weapons system or any particular research and development effort. I emphasize this, Mr. President, because I would not wish Senators to gain the impression that in voting for my amendment they are committing themselves to any future action on procurement items.

Mr. President, I began my remarks by observing that international agreements always involve unwritten hopes and expectations and reservations. Sometimes it helps to set them down. In the present case I hope, and I am sure my colleagues share this hope, that a follow-on agreement will limit the threat to the survivability of our strategic deterrent forces. It is, in my view, well to underline this hope by language that lets the Soviets know that a failure to achieve this result would jeopardize our supreme national interests. My amendment does that.

I fully expect that our negotiators at SALT II will insist upon equality just as the Soviets insisted upon equality in the ABM treaty. The issue of whether the present agreement adds up to equality is beside the point; and there will be differences of opinion on that. But what I am certain we can agree on is the necessity that we *not* accept in SALT II levels of intercontinental strategic weapons that are inferior to the levels of intercontinental forces permitted for the Soviet Union. My amendment does that.

Finally, I am confident that the Senate would wish to reaffirm its confidence in the importance of our research and development efforts.

Mr. President, the overriding hope and expectation of all of us is that the SALT deliberations will eventually produce a treaty that will assure the survivability, and therefore the credibility, of our deterrent posture. Such a treaty would be an enormous step toward world peace.

Mr. President, I want to see the Senate of the United States play a full and equal role in the effort to bring about such a treaty. The place to start is by giving our advice as well as our consent to the present agreement. We have an obligation to give direction to the future efforts of the government on SALT policy. I believe that direction must be toward survivable forces and toward equality. I am confident the Senate shares this view and that it will act to support my amendment.

I hope, Mr. Speaker, that we in the House will make our contribution toward perfecting this Executive agreement by accepting the amendment being offered by Senator JACKSON.

FOREIGN FISHING ACTIVITIES OFF ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. BEGICH. Mr. Speaker, today I am inserting in the RECORD a copy of the monthy summary—Juy 1972—concerning the foreign fishing activity which is taking place off the coast of Alaska.

As indicated in this report, the number of Japanese vessels engaged in fisheries off Alaska rose to a peak of 470 vessels in early July. This was due to the presence of elements of the annual Japanese high seas salmon gillnet expedition in the Alaska region.

The number of Soviet vessels increased from 25 to 30 during the month of July, and South Korean vessels remained at four stern trawlers. I certainly hope this type of information will be of interest and perhaps helpful, in some instances, to my colleagues:

MONTHLY SUMMARY OF FOREIGN FISHING ACTIVITIES OFF ALASKA, JULY 1972

SOVIET

The number of Soviet vessels engaged in fisheries off Alaska increased from 25 to 30 in July. Twenty-three Soviet vessels were engaged in fisheries off Alaska in July 1971.

Groundfish trawl fishery

The number of trawlers fishing for groundfish along the Continental Shelf edge in the Bering Sea increased slightly from 12 to 14. The fleet was divided with 6 medium trawlers fishing northwest of the Pribilof Islands and 8 medium trawlers fishing north of the Fox Islands in the eastern Aleutian Islands.

Ocean perch fishery

The Soviet ocean perch fishery off Alaska remained at a relatively low level during the month of July. A fleet of 11 stern trawlers fished off Kodiak Island in the central Gulf of Alaska, 2 stern trawlers fished in the far western Aleutians, and 2 stern trawlers fished in the eastern Aleutian Islands.

JAPANESE

The number of Japanese vessels engaged in fisheries off Alaska rose to a peak of 470 vessels in early July. This was due to the presence of elements of the annual Japanese high seas salmon gillnet expedition in the Alaskan region, and was similar to the number of vessels present in July 1971.

Pacific Ocean perch fishery

The number of stern trawlers fishing for ocean perch in the Gulf of Alaska varied between 13 and 10, and the fishery was widespread ranging from off southeast Alaska to the Shumagin Islands in the western Gulf. Continuing to fish for ocean perch along the Aleutian Island chain were 15 to 20 stern trawlers. Fishing was centered in the Seguam-Amukta Passes area in the central Aleutians with scattered activity in the far western and eastern Aleutians.

Fish meat, fish meal and oil fishery

Six factory ship fleets composed of a total of 105 trawlers continued to fish primarily for Alaska pollock on the Continental Shelf northwest of the Pribilof Islands in the central Bering Sea.

Groundfish trawl fishery

Fishing for groundfish along the Continental Shelf edge in the Bering Sea were about 15 independent stern trawlers. The vessels fishing primarily for Alaska pollock were scattered from Unimak Pass in the eastern Bering Sea to the northwest of the Pribilof Islands in the central Bering Sea.

Crab fishery

Two Japanese factory ship fleets continued fishing primarily for tanner crab with pots in the Bering Sea. One fleet remained north of the Alaska Peninsula in the eastern Bering Sea, the other fleet shifted from the area to the vicinity of the Pribilof Islands in the central Bering Sea at midmonth.

Approximately five independent processing catcher vessels are fishing for tanner crab with pots far northwest of the Pribilof Islands west of 175 degrees West longitude. This small independent fishery took place in 1971 and is outside of the area covered by the U.S.-Japanese crab treaty.

Longline fishery

The number of longline vessels fishing for sablefish in the Gulf of Alaska remained at 10 throughout July. The fishery was widespread with vessels ranging from off southeast Alaska to south of Kodiak Island in the central Gulf.

Snail fishery

Three vessels fishing with pots for sea snails continued to operate on the Continental Shelf northwest of the Pribilof Islands. The fishery was expected to terminate at the end of July.

Salmon fishery

In early July seven factory ship fleets composed of about 233 gillnet vessels fished for salmon in the Alaskan area. By mid-July four factory ship fleets composed of about 131 gillnetters remained in the Alaskan area in the northern central Bering Sea. By the end of July, the Japanese terminated their high seas salmon fishing expedition as the quota had been reached. The ten fleets fished approximately one week longer this year to reach their assigned catch targets due to rough sea conditions during the early part of the season. The poor weather conditions prevented the Japanese from making good catches of red salmon during the peak period of the run. The small amount of red salmon catch and the extended period of operation will probably result in marginal profits this season.

SOUTH KOREAN

The number of South Korean vessels fishing off Alaska remained at four stern trawlers during July. During the month two trawlers fished for Alaska pollock northwest of the Pribilof Islands in the central Bering Sea and two vessels fished for pollock and ocean perch south of Kodiak Island in the central Gulf of Alaska. By late July, the two vessels fishing south of Kodiak shifted operations to the eastern Aleutian Islands.

SHARKS AND MERCURY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. OBEY. Mr. Speaker, in a broadcast heard here this morning, radio Australia newsreel reported that the

State of Victoria has banned the sale of the region's leading seafood—the meat of school sharks—because of high mercury levels.

In American terms, it is the equivalent of banning hamburger, and it is thus worthy of note by those who contend that the Food and Drug Administration is being arbitrary in setting a limit of 0.5 parts per million for mercury in fish sold here.

The school shark, used principally in fish and chips, comprises 70 percent of the seafood consumed in Victoria. The Australian shark catch last year totaled 16 million pounds, of which 6.2 million pounds came from Victoria's waters.

Under the ban, school sharks more than 28 inches long may neither be caught nor sold for human consumption. It is termed a serious blow to a multimillion dollar industry.

Allowing for difficulties of radio reception, it seems from this morning's account that the study of mercury levels in school sharks began in April, and that levels as high as 2 parts per million were found in some of the 480 specimens tested.

Whatever its outcome, the ban on the school shark—Galeorhinus Australis—by the Victorian minister of health shows that concern about the possible effect of mercury levels on human health is not confined to a few Swedish scientists and the FDA.

EARLY CHILDHOOD CONFERENCE

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. HANSEN of Idaho. Mr. Speaker, earlier this year in Boise, Idaho, I sponsored a conference on early childhood to focus on a timely and important subject by providing information and understanding about the needs of young children.

The day-long conference fulfilled a dream I had had for some time because of my very strong interest in young children and young children's programs. In recent months there has been a good deal of misunderstanding and a fair amount of mythology about young children and about the role we can play in helping to shape their lives in a positive way. Therefore, in order to bring some light into some of these dark corners, in order to build the base of public understanding about how children grow and develop, I felt there was a need for such a forum where we could disseminate some of the results of the growing body of research that is accumulating—a forum where we could examine some of the issues, very real issues that ought to be discussed and debated, and one that perhaps could provide a kind of foundation of knowledge and understanding on which we can build meaningful efforts.

I was particularly honored that Dr. Edward F. Zigler, then director of the Office of Child Development of the Department of Health, Education, and Welfare, accepted my invitation to keynote the symposium. Also featured at the conference was Dr. Bettye M. Caldwell, director of the Center for Early Development and Education in Little Rock, Ark., along with a number of Idahoans who are specialists and experts in the early childhood field.

As part of my remarks, I would like to include excerpts from the first Idaho Early Childhood Conference:

OPENING REMARKS OF CONGRESSMAN ORVAL HANSEN OF IDAHO

We are here today to discuss the needs of very young children—those under age six—and who should meet those needs in today's rapidly changing society.

The traditional self-sufficient extended family is today more of a memory or a myth than a reality. Instead, we see that the nuclear family dominates the scene—two parents and their two or three children. They are on their own as far as raising their children is concerned.

Throughout the 1960's and now in the 1970's, we have seen the number of mothers taking full-time jobs outside the home steadily increase. This may be due to a change in values or it may be due to the press of economic conditions. But whatever the cause, we now have to face the fact that a third of all mothers in the U.S. with children younger than age six are in the workforce, and half of all mothers with children younger than eighteen are working. The total numbers involved are staggering. As of a year ago, there were 4,327,000 mothers in the labor force with children younger than age six; they had a total of 5,649,000 children. Most of these children, some 4.8 million, came from families with both mother and father present.

What is happening to these children while their mothers are at work? This is what we are here today to discuss. Labor Department statistics tell us that there are less than a million licensed places in daycare centers and family daycare homes. The rest of the 4.6 million children whose mothers work are cared for in their own homes by relatives or babysitters, in someone else's home, or in an unlicensed group care facility. The quality of services they receive range from dismal to superb. The challenge that this problem raises is a real one. It will not go away just because we do not feel that mothers should not be working. The reality is that they are, and will do so in the future in even greater numbers. Today, therefore, we will address ourselves to the question of what our response to their children should be.

But our concern for the early childhood period goes beyond the obvious problems associated with families with working mothers. Through research, we are coming to realize the vital importance of the early years—from the prenatal period through age six. This concern is evidenced in many ways. Only 8 states, for example, require kindergarten programs, but across the United States, some 82 percent of the 5-year-olds and 29% of the 4-year-olds are actually enrolled in such programs. Obviously the parents of these children feel that something important can be gained from early education. The speakers later today will describe in detail the many ways in which these early years are of crucial importance to a child's mental, physical and social growth.

As legislation pertaining to child development programs was debated in Congress, one could not help but notice that a number of speeches were made emphasizing the importance of the family. The implication was that in some way the existence of child development programs would result in a deterioration of the family structure as we know, or imagine, it today.

I think these speakers got things backwards. The family is changing today, regardless of whether or not such programs are instituted. We have the option of responding, or not responding to this change. I am one of those who believes that we need to take whatever steps are appropriate to make sure that each child has the opportunity to realize his full potential. If his parents can handle this job on their own, fine. But if they need help, if they want advice, if they feel that their children need special services, then we should be ready to respond to these needs.

I have heard it said that child development programs will supplant the family. I believe that we can develop programs that will supplement it. I hope that after today's meeting, we will all have a clearer idea of how this can be done.

I would like to close with an idea expressed by Urie Bronfenbrenner. He asked, "How can we judge the worth of a society?" His answer: by the concern of one generation for the next. "If the children and youth of a nation are afforded opportunity to develop their capacities to the fullest, if they are given the knowledge to understand the world and the wisdom to change it, then the prospects for the future are bright. In contrast, a society which neglects its children, however well it may function in other respects, risks eventual disorganization and demise."

REMARKS BY IDAHO GOVERNOR CECIL D. ANDRUS

Congressman Hansen, Dr. Zigler, and distinguished guests: It is indeed a pleasure to have the opportunity to address you today on one of our most pressing social questions; that of adequate care for our youngest citizens. While this question has always been with us, and to a limited extent we have tried to cope with it, the magnitude of the problems involved appear to only now begin to be recognized and understood.

Undoubtedly, we could present many causes for the increase in problems in providing adequate services to our children. One, which must be a predominant factor, is many parents are no longer in the home. By this I don't just mean we are suffering problems due to one parent households, but 31% of the mothers in Idaho with children below the age of six years work.

51% of the mothers with children six to seventeen years of age work. Almost 37% more of the working age females in Idaho were employed in 1970 than in 1960. Women in Idaho now constitute 35% of the total work force. This trend indicates a radical social change for our country and presents the problems we now face and to which we must find solutions.

Through our recently created Idaho office of child development, we have been able to gather more accurate data than has ever been complied before on the problems facing children in our state. I would like to take this opportunity to outline some of those problems.

Of the 77,000 preschoolers in the state, 8,500 live in financially impoverished environments and another 6,200 are handicapped or potentially handicapped. Of those facilities in Idaho offering day care, about 60% provide only custodial care; another 33% provide custodial and education; and only 7% are full developmental programs. Only in those publicly sponsored programs is significant consideration given to the ability of the parents to pay for the services provided.

We have further found that the highest day care demand is for programs containing an educational component. Fifty percent of the existing programs could not supply enough slots to meet this demand, while the demand for merely custodial services exceeded capacity in only 12% of the centers.

We have found the median cost for operating day care facilities in Idaho at the present level of development is between 500 and 600 dollars per year. This is about 700 dollars below the Federal estimate necessary to meet minimal program standards. There are virtually no comprehensive preventative programs for children between the ages of 0 and 3 in the State of Idaho.

Preliminary data gathered by the Office of Child Development indicates only about 3% of our preschool children are receiving any kind of day care center services. Thus, about 10% of the working mothers are able to utilize day care center services. The rest must make other arrangements.

We have found that about one-third of the presently operating facilities would not provide services for special children, such as handicapped children. Thus, the need for the child from the disadvantaged home and children with handicapping conditions is acute. It is estimated that about 3,500 migrant children between the ages of 0 and 6 are in the State during the year. Of these, almost one-half are in families having established residency in the State. We also know that we have in excess of 600 Indian children below 6 years of age in the State, most of whom could utilize developmental day care services. Large sections of the State have no full-time pediatric services at all.

These are some of the problems with which we are confronted in the area of child development, especially early childhood development. Many of these problems have been with us a long time. Many of them generate out of adverse economic circumstances. Others are related to racial prejudice. But all seem to be magnified by this radical social change, this new affluence that has parents out of the home most of the time.

Whether or not we want to admit it, one of the greatest causes of our present problems is the breakdown of the basic, traditional, family unit. We must now rededicate ourselves to the solving of these problems and to the strengthening of the family unit.

In the past year, the State of Idaho has engaged, as many of you are aware, in an effort to cope with our predicament. Through the help of the National Office of Child Development and Dr. Zigler personally, we have created an office of Child Development, which is now in the process of analyzing in detail our problems and developing solutions. The office is additionally attempting to bring about more public recognition and understanding of the situation. The meeting that the Congressman has put together this morning is an outstanding vehicle for just that topic. Those of you that are in attendance here and have been to others, think back five years ago at the meetings you attended and the number in attendance as compared to the number here this morning.

In the last year we have transferred the Mental Retardation and Child Development Centers to the Department of Public Assistance. Under new leadership we will now be able to expand the services delivered by the Child Development Centers immensely.

The Department of Public Assistance has and is continuing to extend and expand social services. All eligible recipient children will soon receive periodic physical and mental examinations.

They will not only receive examinations but they will also receive improved services to meet any deficiencies found by those examinations. Of significant importance here will be a massive effort to provide adequate optometric services, including glasses for all who need them. Public assistance has amended its State plan so as to be able to take advantage of considerably more Federal funds, with a minimum amount of State or local matching money, for expanded services to eligible recipients. This presents us with a new potential in the provision of adequate day care services for a large portion of the children of the State. But it is only a potential until we are able to develop it.

In another area, we have been able to take advantage of funds provided by the Emergency Employment Act and have placed over 100 kindergarten teachers throughout the State of Idaho. While the future of this program is still in question and the legislature has still failed to fund a State supported kindergarten program, this has filled a significant gap in the universe of needs of Idaho children.

But we still must recognize we are only in the beginning stages of dealing with the problem on a statewide level. Your meeting today will present an opportunity to delve more thoroughly into the problems we are facing. I commend you for your involvement and your interest, and thank Orval for putting together this first Idaho Early Childhood Conference. We need your ideas as to how best develop programs to solve our early childhood problems. We need your help in generating the support necessary to provide for adequate federal and state financing of these much-needed services.

I hope your deliberations will bring about these ideas and answers to our problems. I stand ready to help implement any feasible recommendations you develop.

I thank you.

IN RECOGNITION OF JESSE KUHAULUA, HAWAII NATIVE SON, FIRST NON-JAPANESE TO EVER WIN A JAPAN SUMO ASSOCIATION TOURNAMENT

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. MATSUNAGA. Mr. Speaker, of all the sports of Japan, none holds a more honored position in the native culture then the art of sumo wrestling. Those other than native Japanese who have been involved in this art are few, not only because of the special physical requirements, but also because of the desire, determination, and mental fortitude that are necessary.

Eight years ago Jesse Kuhaulua left Happy Valley, Maui, Hawaii, to study the art of sumo under masters in Japan. On August 22, he will return, himself a master of this foreign art. His recent upset victory at the Japan Sumo Association tournament ot Nagoya, Japan, has stunned the sumo world and brought joy and honor to the people of Hawaii. Jesse Kuhaulua is the first non-Japanese ever to win a Japan Sumo Association tournament, and we are proud that he calls Hawaii home.

I offer for the RECORD several articles from the Honolulu Star-Bulletin and Advertiser which explain more fully the pride that the people of Hawaii have in this "local boy" who made so very, very good:

THE JESSE KUHAULUA STORY

The story of Jesse Kuhaulua is a story of success through desire and fortitude.

It's a story that should be told and retold in Hawaii to inspire our Island athletes that they, too, can attain national and international success through determination and perseverance.

Too often our Island athletes have failed because they lacked determination.

Jesse Kuhaulua of Happy Valley, Maui, won the championship of the most recent Japan Sumo Association tournament at Nagoya through guts and dedication.

His victory stunned the sumo world. It was totally unexpected.

The huge Hawaiian had not done well in the last several tournaments. He had had his ups and downs—more of the latter—and many experts were inclined to believe that he had seen his better days and that he would have to retire before long. But the experts had not figured on Kuhaulua's pride and desire to make good.

It is Jesse's ambition to attain the rank of ohzeki—champion—before bowing out. Ohzeki is only one rank below grand champion.

"It is difficult to become a grand champion, but I think it is possible to become an ohzeki," Jesse said on one of his visits to Honolulu after he graduated from the novice class.

JESSE TURNED TO SUMO WRESTLING TO IMPROVE HIS FOOTBALL PLAYING

(By Robert Johnson)

WAILUKU, MAUI.—The story of Maui is that Jesse Kuhaulua, a frail broth of a lad of 260 pounds, took up sumo wrestling so he could improve his football playing ability.

It was a good move. He not only became a better grid player, but he became one of the greatest sumo wrestlers in the world, a recent winner of one of Japan's biggest sumo tournaments.

"I recommended Jesse for sumo training as part of his training for high school football when he was about 14 or 15 years old," says Isamu Ogasawara of Pukalani, a retired Maui Pine employe. "But he already was a pretty good size, about 260 pounds."

Ogasawara said that by Jesse's third year, "he really was good. He used to practice more than anybody else.

"So I took him to Honolulu to see the sumo there and told him to practice with the professionals from Japan. One of those big sumo managers spotted him and asked if he would like to try out in Japan. At first Jesse said he didn't know if he wanted to, just like a kid.

"But after he practiced with the professionals about a half hour he came to me and said he thought he would go. He already had confidence that when he hit them he could take care of them."

It is now eight years later and Jesse will be coming home soon—the conquering hero from a foreign land.

He has announced he'll be back in Hawaii Aug. 22—and already huge celebrations as being planned for him in Honolulu and on Maui.

Jesse didn't have to go to Japan to become a hero, however. He was that in prep football here.

"He was, of course, the biggest boy in the Maui Interscholastic football League," says Wayne Tanaka, veteran Maui News sports editor.

"He didn't need to know the plays. He just went through the middle. He also was good at running conversions—right through the middle."

Kuhaulua was so big that he has been turned down by the draft twice since he went to Japan.

"Nobody doubted his strength or ability when he went to Japan," said Tanaka. "But they were pessimistic if he'd be able to withstand the hard training and homesickness."

The Maui Sumo Kyokai, along with other community and Hawaiian groups, plans a large reception for Jesse when he returns to Hawaii. Mayor Elmer Cravalho has sent Jesse a message of "deep appreciation for the recognition you have brought our beloved Islands."

When he gets here, Jesse will be mobbed at the Kahului Airport. He has been mobbed here before—and now he's bigger than ever.

TRIBUTE TO RICHARD L. MAHER, DEAN OF OHIO POLITICAL WRITERS

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. JAMES V. STANTON. Mr. Speaker, on August 10, Richard L. Maher, who was an institution in Cleveland politics and journalism, passed away due to a serious heart ailment. As shown by his 40 years of remarkable service as political editor of the Cleveland Press, Dick Maher loved American politics and understood well the complex processes by which the people of this country choose their leaders. Although he recognized there are many shortcomings in our democratic system, he also knew that our system will serve the needs of the people, and that all of the phonies and the self-seekers in public life would eventually be rooted out. His faith in our people and in our institutions never wavered, and so he was able to perform his task of reporting and analyzing political news with superhuman energy.

Despite the large role of politics in his life, Dick Maher found time to serve his community in yet other ways. He was extremely active in the Catholic Charities Corporation and in other church functions.

But it will be for his contributions to the political affairs of our community that Dick Maher will most be remembered. All of us in public life know a few selfless, generous, and dedicated men who uplift the level of politics and make us proud to be involved in the political activity of this Nation. Dick Maher was such a man, and he will be sorely missed.

I would like to insert into the RECORD several newspaper articles describing the achievements of Richard Maher:

[From the Cleveland Press, Aug. 11, 1972]

RICHARD L. MAHER

Even though he had not been in The Press office for some time because of illness, it seems difficult to accept the fact that death has taken Richard L. Maher.

For Dick Maher was always possessed of immense energy; his capacity for work was practically boundless. On election days this acknowledged dean of Ohio political writers was a source of wonder to his colleagues.

He would bat out stories all day long, work far into the night and then, with just a catnap, be back at his typewriter turning out his incisive reports of the election news—and what it all meant.

During his nearly 40 years of covering politics for this newspaper, Dick made an army of friends both in and out of the political arena. He was an eminently fair reporter, one who always enjoyed the confidence of those he wrote about.

Whatever his personal politics were, he kept them strictly to himself, not letting them slant or color his objective news reporting. It was this scrupulous fairness that won him the complete trust of those he wrote about and made him the outstanding political reporter he was.

Dick Maher lived and breathed politics. When not working at the job, he loved to sit around with friends and swap stories about the great men and little fishes in the political pond. Younger reporters got an education just listening to Dick spin yarns about the men and events he had covered in a span of four decades.

He was a prominent Catholic layman, at one time president of the Catholic Charities Corp., and he gave to this work much of his indefatigable energy. He was justly proud of the fact that Pope John XXIII had decorated him with the rank of Knight of St. Gregory 10 years ago and that, a few years later, he was granted a private audience with Pope Paul VI.

Dick's friends at The Press—and every one of us here was his friend—extend their sympathies to his family. He was respected by his colleagues for his professional abilities and much loved for his outstanding qualities. All of us will miss him sorely.

[From the Cleveland Press, Aug. 11, 1972]

MAHER SERVICES WILL BE MONDAY

Richard L. Maher, dean of Ohio political writers and for 40 years politics editor of The Press, died at 5:50 p.m. yesterday at St. John Hospital.

Mr. Maher had a heart attack last Thanksgiving Day, and had been disabled since then. He returned Wednesday to the hospital after being at home for some months.

To the last Mr. Maher held the hope that he could return to his job at The Press and to his many other interests, civic and church. His family was visiting him when his death came.

Services will be held at 11:30 a.m. Monday in St. Raphael Catholic Church, 525 Dover Rd., Bay Village.

Friends may call from 2 to 5 and 7 to 9 p.m. tomorrow and Sunday at Corrigan funeral home, 20820 Lorain Rd., Fairview Park.

Mr. Maher astonished younger reporters with his prolific reporting and writing, his unbounded enthusiasm for his job.

Considered an elder statesman among political writers through his four decades on the beat, he appeared always busy but never too occupied to assist fellow staff members with their writing problems. His contacts with important people were unlimited.

He traveled the campaign trails with Presidential nominees Herbert Hoover, Franklin D. Roosevelt, Alf Landon, Wendell Wilkie, Thomas E. Dewey, Harry S. Truman, Adlai Stevenson, Dwight D. Eisenhower, Richard M. Nixon, John F. Kennedy, Barry Goldwater, Lyndon B. Johnson, Hubert H. Humphrey and George Wallace.

He covered every major national political convention from 1936.

He knew and wrote about every Ohio governor from time of Vic Donahey, every U.S. Senator from Ohio beginning with Atlee Pomerene and all Cleveland mayors starting with Ray T. Miller.

His personal acquaintances include literally hundreds of other politicians, including councilmen, ward leaders and precinct committeemen.

In a world of political smoke-filled back rooms, Dick Maher did not smoke. He did not drink either, and many of the politicians who did both thought he was unusual when, in joining a toast with them, he chose tomato juice. And no one ever heard him use profanity.

Mr. Maher was widely praised by members of all factions for his unbiased reporting. One of his fondest recollections was his unusual relationship with the late Harry L. Davis when Davis was mayor.

"I could always walk into his office, even when The Press was blasting him," he recalled.

In 1964, the Ohio Legislature passed a resolution naming Dick Maher dean of correspondents in Columbus and citing him for "forecasting election results with an uncanny accuracy."

The resolution further stated, "His unprejudiced and analytical writing . . . has won for him an enviable national reputation." He was a life member of the Ohio Legislature Correspondent Assn.

A prominent Catholic layman, Mr. Maher was a founder of St. Raphael Catholic Church in Bay Village and later served as co-chairman of the parish administration board.

He was president of the Catholic Charities Corp. from 1966 through 1968 and later served as a member of the executive committee.

In 1948 he was named "Catholic Man of the Year" by the Knights of Columbus, at that time the youngest man ever to be chosen for the award. In 1965 he was honored at a dinner of the Knights for 40 years of service to that organization.

Pope John XXIII decorated him with the rank of Knight of St. Gregory in 1962 and three years later he was among a select few granted a private audience with Pope Paul VI.

Among his numerous other honors were the Award of Merit from the Ripon Club, oldest Republican organization in Greater Cleveland, and the Duo Decim Award bestowed by the Catholic Youth organization.

Mr. Maher was a board member of the Cleveland chapter, National Conference of Christians and Jews, and a past president of the Downtown Catholic Club, a non-profit trust fund. He served a year as chairman of the Teen-Agers March for St. Jude Children's Research Center.

Born Jan. 27, 1903, in Kane, Pa., Mr. Maher came to Cleveland with his family in 1913. He attended West High School, graduating in 1921 as class valedictorian. He later studied at Cleveland Law School.

His newspaper career began in 1924 as an office boy with the old Cleveland News. He left to be a general assignment reporter for the Lima Republican Gazette and returned to the News to serve as assistant city editor.

He left that paper in 1928 to join The Press, serving as a rewrite man for two years before becoming an assistant city editor. He was named politics editor in 1932.

Among Mr. Maher's political souvenirs are a copy of "Profiles in Courage" autographed by the then Sen. John F. Kennedy and an original volume of Tom L. Johnson's "My Story."

At Christmas of 1968, Mrs. Robert F. Kennedy sent copies of her favorite RFK photograph to newsmen who had traveled with him before his assassination during the primaries. Mr. Maher's copy read, "For Richard Maher with Christmas wishes from Ethel."

The following year Mr. Maher and Press photographer Bernie Noble traveled to Gettysburg, Pa. to do an article on Gen. Eisenhower. The interview turned out to be the last any Cleveland newsman would have with the ex-President. One of the pictures Noble took on that occasion became Mrs. Eisenhower's favorite portrait of her husband and it is used on a U.S. postage stamp.

On June 16 Mr. Maher was signally honored by Cleveland chapter of Sigma Delta Chi, professional journalistic society, which presented him its Distinguished Service Award for his outstanding contributions to journalism and also to the community through church and civic service.

Mr. Maher and his wife Lucile observed their 42d wedding anniversary on Jan. 27.

He is survived by his wife and their four children, Lucile, Helen, Francis R., Thomas P., and Edward J., and seven grandchildren.

Also surviving him are a brother, James J. Maher, and two sisters—Mary Elizabeth Smith and Dorothy Rose Dremann.

The family residence is at 26826 Bruce Rd., Bay Village.

[From the Cleveland Plain Dealer, Aug. 14, 1972]

RICHARD L. MAHER

Over the years that Richard L. Maher worked as politics editor of the Cleveland Press he won the respect of politicians and newsmen not only for his ability as a journalist but also for his high principles.

Mr. Maher, who died Thursday evening, deservedly was considered the dean of Ohio politics writers. Until this year he had covered every major national political convention since 1936. Mr. Maher was almost as much of a political figure in Ohio as the politicians themselves.

Despite the long hours Mr. Maher spent on the campaign trail, he always managed to find spare time to volunteer to church and charitable organizations. With his death the Press lost a good reporter and Cleveland a good citizen.

[From the Cleveland Plain Dealer, Aug. 11, 1972]

RICHARD L. MAHER DIES; PRESS POLITICS WRITER FOR 40 YEARS

Richard Leo Maher, 69, political writer for the Cleveland Press for 40 years, died yesterday at St. John's Hospital.

Mr. Maher was taken to the hospital Wednesday and died at 5:50 p.m. yesterday. He had suffered a heart attack last November.

The short, soft-spoken Mr. Maher was known, respected and sometimes feared by several generations of politicians. He never drank, smoked or cursed and therefore was considered odd by the politicians who did all of those things.

Mr. Maher was born Jan. 27, 1903, in Kane, Pa., and came to Cleveland's West Side when he was still very young. He was graduated from West High School and studied briefly at the old Marshall Law School.

He began his newspaper career in 1921 on the staff of the Cleveland News and worked as a reporter there for several years before becoming an assistant city editor.

In 1928, Mr. Maher went to the Press and was named that paper's political writer in 1932.

Over the course of his 50-year career Mr. Maher had received many journalistic honors. He received a Cleveland Newspaper Guild award in 1940 for coverage of the presidential campaign and won another Guild award in 1959 in the best-single-news-story category. Two months ago, Sigma Delta Chi gave him its outstanding journalist award.

Mr. Maher, a Catholic, was a member of the Knights of Columbus for nearly 45 years and served two years in the 1930s as grand knight of the Cleveland Council. He also served for several years as a district deputy, in charge of several East Side K of C councils.

Mr. Maher was a fourth degree knight, the highest possible, and a member of their Order of the Alhambra.

He served for many years on the Catholic Charities Board of the Diocese of Cleveland. In 1965 and 1966 he was general chairman of the fund drive.

For his services to the church, Mr. Maher was named a Knight of St. Gregory by Pope John XXIII on April 28, 1963.

In 1948, Mr. Maher had been named Catholic Man of the Year in Cleveland.

Mr. Maher also was a charter member of St. Raphael Catholic Church in Bay Village.

He is survived by his wife of 40 years, the former Lucile T. Thompson, a daughter, Lucile H. of Nashville, Tenn.; sons, Francis R., Thomas P. and Edward J., all of Cleveland; a brother James J.; and sisters, Dorothy Dremann of Meadville, Pa., and Mary Smith.

Funeral arrangements are to be announced.

THE ARMY CAREER OF STAN SMITH

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. PIKE. Mr. Speaker, yesterday I indicated to you that I would have some further remarks on the Army's famed tennis player Stanley R. Smith. Today I wish to present my views on the role permitted Specialist Smith by the Secretary of the Army.

Maj. Willis Johnson, chief of the Army's sports office, has said:

> Stan Smith is unique. He isn't a soldier in the original concept of soldiering. Smith is a national asset.

Mr. Speaker, it burns me to hear the Army refer to Stan Smith as "unique" when other men drafted with him in December of 1970 went into the service of their country prepared to risk their life and limb in Southeast Asia. It is a sad occasion when the Secretary of the Army permits a "national asset" to spend his Army career flying around the world playing in international tennis tournaments designed to benefit his outside income and standing as a professional tennis player while other men are dying.

For the U.S. Army to have a professional tennis player on its payroll is a grave disservice to both the armed services and the people of this Nation. Stan Smith's Army career as a world tournament tennis player has done nothing for a sports program designed to improve the physical conditioning of the Army's forces by individual participation in athletic competition.

SEVENTY PERCENT OF VIETNAM GI'S BACK NIXON

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. SPRINGER. Mr. Speaker, a couple of weeks ago when I was home, I visited with my nephew who is just a plain enlisted GI flying helicopters in Vietnam.

This is the first time I had seen him since graduation from high school. He had appeared to me then just a gawky, stringy, and rather awkward 18-year-old. I was amazed at the transformation that had come about in his physical appearance in 2 years. I will have to admit I was simply amazed at his increased ability to think for himself and to come to some logical conclusion based on the facts as he saw them.

As I was leaving, he said to me:

> Uncle Bill, if you leave Vietnam without getting some kind of a settlement under which those people can live in South Vietnam, the two million who fought there, including myself, will never forget it nor ever forgive you.

He further said:

> I know there are ex-Vietnam veterans throwing away medals and marching in anti-Vietnam parades, but I can assure you they do not speak for the average guy who went to Vietnam. We don't want any of that, "going to Hanoi to beg" for the return of our prisoners. In any final settlement, we expect them to be honorably returned and any President who tries to do less than that will be losing a lot of mileage at the next polls.

Mr. Speaker, I have been turning those words over in my mind for 2 weeks and some way or other I could not forget them. I kept wondering if my nephew was an unusual Vietnam soldier or was mistaking the trend of the times. But one thing I have seen gives some significance to my nephew's words. This is the report in today's Washington Post from the Associated Press, "70 Percent of Saigon GI's Back Nixon in Poll." I do not know whether this is significant or not, but at least I think my colleagues will want to read it with some interest. It shows that 70 percent of the votes in a straw poll at the USO headquarters at Saigon were for President Nixon. Senator McGOVERN got 16 percent; 11 percent were undecided, and there was a 3-percent write-in vote mostly for George Wallace. The significant part of this poll indicates that those both over and under 25 overwhelmingly supported the President. I herewith attach the poll as given in this morning's Washington Post:

SEVENTY PERCENT OF SAIGON GI'S BACK NIXON IN POLL

SAIGON, August 13.—President Nixon was the overwhelming election choice of 1,051 American servicemen who visited the Saigon downtown USO club July 16–30.

The USO said its straw poll gave Nixon 70 per cent of the votes and the Democratic candidate, Sen. George McGovern, 16 per cent. Eleven per cent were undecided and a 3 per cent written vote went mostly to Gov. George Wallace of Alabama. As of July 27, there were 46,000 U.S. servicemen in Vietnam.

Nixon ran strongest with voters over 25, winning 79 per cent of their votes against McGovern's 10 per cent, with 8 per cent undecided and 3 per cent write-ins.

THE OTHER SIDE OF NIXONOMICS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. GERALD R. FORD. Mr. Speaker, an administration always runs on its record. Republicans welcome examination of the Nixon administration's record on the issue of prosperity, whether the opposition sneeringly refers to the administration's economic policy as "Nixonomics" or not. In that connection, Mr. Speaker, I commend to all of my House colleagues a reading of an editorial which appeared in the August 8 edition of the Detroit News. The editorial follows:

THE OTHER SIDE OF NIXONOMICS

Now that Senator George McGovern has finally put his own political house in order, he is attacking the structure of "Nixonomics," the term Democrats sneeringly apply to the economic policies of the Nixon administration. So, it might be interesting to look at the charges and the facts and see who sneers last.

Nixonomics, says McGovern, is deliberately throwing people out of work.

This issue ends in a draw. True, more people are out of work; unemployment is up by 2 million. However, the Nixon administration has also presided over an economy in which some 5 million more people are working than in 1968. This increase in the numbers working has occurred despite the Vietnam and defense spending cutbacks.

The fact that unemployment has also increased is undeniably unfortunate. The combination of recession and rapid growth in the numbers of people seeking work for the first time was not completely offset. Yet, the unemployment rate during the Nixon years hit a peak of only 5.9 percent, which is not bad for recessions, especially when contrasted with unemployment rates of 6.7 percent, 5.5 percent and 5.7 percent during the Democratic years 1961–63. While no one can point with pride to the current unemployment rate, it does not smack of "deliberate" attempts to "throw" people out of work. And demogoguery won't put anyone back to work.

Nixonomics, says McGovern, sees the American worker as an enemy.

Although this is the "popular" concept, the facts refute it. In 1968, average weekly earnings in manufacturing (expressed in 1967 dollars) were $117.57. In April, 1972, the figure was $122.84 (also in 1967 dollars). Today, the real purchasing power of the factory worker's paycheck is about 5 percent better than it was four years ago, despite recession. Under the Democrats, these wages increased less than 2 percent from 1966 through 1968 because real gains of the early 1960's were dissipated by the skyrocketing inflation of the Democratic administration. It is just this kind of inflation the Democrats promise again.

Time and time again, the nation has been lured by Democratic promises that end up punishing the economy and the American worker with it. They promised both guns and butter. But we couldn't have it, at least not without inflation and an income tax surcharge that came too late. Now McGovern gloats about a higher minimum wage and promises a job for everyone. We can't have that either, not without finding hundreds of thousands of new jobs for those displaced by higher wage laws and not without inflation that robs the purchasing power of higher wages or large tax increases to pay people in government projects.

The fulfillment of this promise is years away and then only if the economy is run properly in the meantime.

Nixonomics is not a sugar coated pill. Neither is reality. Demonomics, on the other hand, always promises cherry-tasting medicine but leaves the patient with side-effects worse than the disease.

TRIBUTE TO THE LATE L. S. "SLIM" JOHNSTON, SHERIFF IN RANDALL COUNTY, TEX.

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. PURCELL. Mr. Speaker, Slim Johnston, "Mr. Law and Order" for 20 years in Randall County, Tex., passed away Monday. With his death the people of Randall County—as well as the entire Texas Panhandle—lost a friend and a strong warrior for the cause of justice.

Sheriff Johnston, a tall man in stature, stood even taller in the eyes of the people he served. His integrity and devotion to duty earned him respect and admiration. His compassion blended with firm authority made him a sheriff whose fame was nationwide. "Slim" Johnston loved his job.

Northwest Texas will mourn his passing, Mr. Speaker, but let us pay tribute to his achievements and give thanks for his passing along our way.

As the attached article from the Amarillo Daily News indicates, "Slim" Johnston was able to accomplish what others have only aspired toward—he left the world a better place for his having been here.

The article follows:

RANDALL SHERIFF IS DEAD

(By Ann Marcy)

CANYON.—The tall, soft-spoken sheriff who won more friends than enemies in 20 years in Randall County office is dead.

L. S. "Slim" Johnston, 65, of Canyon, died of lung cancer shortly after noon today at Neblett Memorial Hospital.

He ran for office three times before unseating the incumbent, the late M. E. Cantrell, in 1952 and never faced another opponent at the ballot box.

"It would be a waste of time," commented a member of the opposing political party.

He had gotten the idea of running for sheriff while serving a two-year term on the commissioners court between 1946 and 1948.

Johnston and his wife, the former Miss Flossie Hale who had been his high school sweetheart, came to the Panhandle in 1927 from Eskota, 10 miles east of Sweetwater where he had worked at training polo ponies.

The sheriff made the trip alone, with all his farming household goods and livestock, in a 40-foot immigrant car on the Texas and Pacific Railroad and the Santa Fe Railway, settling initially near Happy.

Although sheriff, he never forgot his love of horses and at one time raised registered Appaloosas, Quarter Horses and thoroughbreds on a "little place" near Umbarger. Racks of trophies represented his success in the area.

He was instrumental in forming the Randall Sheriff's Posse and was the traditional parade master on every parade occasion.

Not long after moving to the Happy area, he acquired the nickname "Slim" even before his neighbors knew his name.

Times became so hard on the dry-land farm during the Depression that be began commuting daily to work at the zinc smelter in Amarillo—swearing, he once said, that one good crop and be would move to town.

The good crop came in '42 and he became a farmer on the side and a blacksmith and welder primarily.

When he was elected sheriff, he wasted no time before he started learning the job.

Even before taking office Jan. 1, 1963, he attended the Department of Public Safety School at Austin. Later he was invited to attend the Federal Bureau of Investigation Academy, where he also graduated, and he regularly attended retraining sessions.

Two incidents among many stand out in his career.

In 1956, he backtracked Robert Floyd Chapman, whose slashed unidentified body had been found in the county, to Phoenix, Ariz., and built a murder case against Clarence Edward Young—and gave away the $1,000 reward.

And on Christmas morning in 1960, he faced three armed suspects in the murder of Robert Potter, assistant chief of police in Tulia, on a lonely country road—in what he later called "a Mexican standoff that just doesn't happen in real life," and won without a fight when deputies arrived.

For that, be was awarded the Six-Gun Award of the Panhandle Press Association.

That was one of the few occasions he later recalled when he drew a gun on a suspect. He never had to fire it at a person and neither have his deputies ever shot any one, he said recently.

"I don't hire men who have to use force to get people to do like they say," he once said, in explanation. "There's always a way to slip around and get people to do like you want."

"A law enforcement officer has got to be in control of himself and he's got to know what is right," he said.

When he filed for re-election in December, 1971, he claimed for Randall County one of the lowest crime rates in the State and attributed success in the field to cooperation of all officers and the backing of the people. He had also stressed inter agency cooperation as a necessity in law enforcement.

Johnston had served as president of the United Peace Officers of America, which supports Boys Ranch, and as a vice president of the Sheriffs Association of Texas.

He was unopposed as a candidate for reelection in November, having won the Democratic primary also without an opponent.

Survivors includes his wife, Flossie of Canyon; two sons, Lowell and Harold.

DIFFERENT INTEREST RATE FOR NATURAL DISASTERS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. CORMAN. Mr. Speaker, yesterday as the House considered the conference report on H.R. 15692, legislation to reduce the interest rate on Small Business Administration disaster loans, I cast the only dissenting vote. My decision to vote against adoption of the conference report was based on the unfairness of a flat forgiveness.

The provisions of the Disaster Relief Act of 1970 call for a forgiveness clause of $2,500. H.R. 15692 contains a two-step forgiveness feature. For victims of 1971 natural disasters the forgiveness is $2,500 with an interest rate of 3 percent. A different scale has been established for those who suffer from natural disasters in 1972: a forgiveness clause of $5,000 with an interest rate of 1 percent.

The flat forgiveness is unrealistic, unfair and much too expensive. SBA officials have estimated the total incremental cost of H.R. 15692 to be $831,248,000. It is to be noted however that Congressman FLOOD estimates the damage in his district alone at $1 billion. It is shocking that the administration has proposed that we not only double the forgiveness clause and eliminate the first $500 of repayment. The first step toward equitable treatment for all should be the elimination of the basic forgiveness provision.

The proposed forgiveness arrangement does not address itself to the differing amounts of damage suffered by disaster victims. Irrespective of the amount of damage suffered, everyone is now eligible to receive the same $5,000 grant. Under the provisions of this legislation a person with $50,000 in damages receives the same amount forgiven as the person who has had $5,000 in damages.

It would seem to me that this legislation could be far more equitable by adjusting the amount of forgiveness according to the amount of damage sustained. The person with a verifiable $5,000 loss should not be handed the same across-the-board benefits as those who suffered $50,000 in damages. Further, such a proposal would reduce the incentive for fraud.

It is hard to control a program like this. The amount of damage to the house or loss of personal property is difficult to check. The generous provisions contained in Public Law 91–606 have, in the past, encouraged homeowners to inflate their estimates of property damage and seek Government assistance when they have little or no valid claim. It is human nature for people to claim damages up to the amount of the current forgiveness. Often they are aided and abetted by contractors who want to perform the work on their homes. Obviously, if one suffers any damage at all, it is to his advantage to get $5,000 worth of repair to his home.

The 1971 California earthquake demonstrated that the disaster relief program handles disasters with the maximum of inefficiency and a modicum of fairness. The nightmarish problems my constituents had in obtaining loans showed me that the 1970 Disaster Relief Act is particularly unworkable in the case of a major disaster.

In some instances immediately following the California earthquake people 60 and 70 years old could not borrow money from the Small Business Administration to repair their homes because they could not demonstrate an ability to repay. The demand for a credit rating in an emergency like this is shocking. Nature does not choose according to income level whom it will devastate.

I share the feelings of my colleagues that it is desirable to take a hard look at the question of disaster relief. H.R. 15692 perpetuates the deficiencies in the present law and creates some additional ones. The present law, Public Law 91–606, is inadequate and unfair, but compounding the errors of the law is totally unreasonable.

"A GIFT OF HOPE, LOVE AND LIFE"—A NOTEWORTHY PROJECT SPONSORED AT CUBBERLEY HIGH SCHOOL, PALO ALTO, CALIF.

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. GUBSER. Mr. Speaker, at Cubberley High School in Palo Alto, Calif., shortly before the end of last year's school term, a great leader, Coach Bob Peters, submitted to a public haircut and shave. This was significant not as a means of turning against long hair and beards but for a much more important reason. It was the beginning of a great movement which I hope will spread nationally. It was the beginning of a positive expressive by young people of an attitude against war in the form of a gift to Children's Medical Relief International, an organization which specializes in the rehabilitation of disabled Vietnamese war children.

Coach Peters had conducted a vote among students as to whether he should shed his hair and beard or should not. Those who favored a visit to the school by the local barber won by a small margin but in the meantime the fee for casting votes raised more than $1,500.

Since then the group has conducted a series of car washes, maintained carnival booths, held a dance, and a weight lifting contest, all of which collected money for a very worthwhile cause.

Coach Bob Peters has written me as follows:

> . . . We are tired of self-defeating, destructive kinds of protest which serve only to antagonize and alienate the very people who are in a position to do something about that which we are so deeply concerned. We are only hoping that our "Gift" will bring vivid realization to all the world the fact that innocent children are maimed and disfigured from the indiscriminate consequences of war. Political beliefs regarding whether or not we should be in Vietnam are not of a major concern in relation to this "protest," for it is only war itself and the unutterable consequences of it that we are challenging.
>
> "We strongly believe in the premise that *all* must work together for peace and not fight amongst themselves in the name of it. Ninety-five percent of the nation's high school and college population have been publically misrepresented by less than five percent who "throw rocks at cops and bricks through windows," hypocritically, in the name of peace.
>
> We are calling our movement "A Gift of Hope, Love and Life,"

Mr. Speaker, I have been privileged to make a very small contribution to this worthwhile cause and I sincerely hope that others across the country will support the movement, help it spread, and contribute to it. I believe Coach Bob Peters is entitled to great commendation for the guidance he has provided young people. Through his efforts the intense feeling against all kinds of war is channeled into constructive activity.

LAETRILE: THE CANCER FIGHTER WASHINGTON WILL NOT TEST

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. SCHMITZ. Mr. Speaker, a letter to Congressman LOUIS FREY, JR., from Dr. Dean Burk, head of the cytochemistry section, National Cancer Institute, May 30, 1972, said:

> In spite of the aforementioned Food and Drug Administration (FDA) prohibition of Laetrile in interstate commerce, there are well over 1000 cancer-afflicted persons in this country using Laetrile for cancer treatment and amelioration, and a goodly number of noncancer persons using it merely with prevention of development of cancer in view, and these various persons include M.D. physicians as well as laity. I have had considerable personal experience in this regard, for in the past year alone at least 750 persons, including more than 50 physicians, have contacted me for information on the use and availability of Laetrile, and I know of others with approximately the same quantitative extent of similar experience. In over 20 countries of the world, well over 5000 cancer patients have been treated with Laetrile, with, significantly, no demonstrable noteworthy clinical contraindication of its use either alone or in conjunction with virtually any other anticancer agents, chemotherapeutic, radiological, or surgical. Laetrile at physician-prescribed dosages is nontoxic by a factor of 100–1000 times when compared to essentially all anticancer drugs now used with FDA approval . . .
>
> Although the foregoing Laetrile utilization in this country is proceeding, as indicated, in spite of FDA prohibition, it is even more so because of unwarranted FDA procedures, and lack of FDA scientific and medical justification for its stand, extending to probably unconstitutionality, concerning which many thousands of cancer-afflicted persons and their relatives and physicians are rapidly becoming aware.

In the case of other drugs and medicines removed from the market, as discussed in my newsletter of July 26, 1972, at least some medical tests were cited to show "ineffectiveness." But in the case of the anticancer agent Laetrile, the Food and Drug Administration refuses even to make clinical tests. They have ruled Laetrile out because it does not fall within an arbitrary definition that any anticancer drug must be toxic—that is, to some extent poisonous to healthy cells as well as cancer cells. Incredible as it may seem, some medical bureaucrats have simply decided that no nontoxic substance can ever help cancer patients, and therefore all such substances are to be automatically excluded from the market and no medical evidence in their favor is even to be considered.

If there had been an equivalent of the Food and Drug Administration a century or more ago, it might well have banned, at an enormous cost in human suffering and mortality, both antiseptics and anesthetics, which were strongly opposed by influential elements in the medical community of that day.

This is not a matter of "quackery," panaceas or "secret remedies." The head of the cytochemistry section of the National Cancer Institute is hardly a quack. Far from objecting to testing, or blocking it, this is what Laetrile advocates are asking for, while the supposedly "scientific" medical establishment is refusing to make the experiments which are the very basis of the scientific method.

I have introduced H.R. 12092 which would override the arbitrary FDA dictate against testing nontoxic anticancer agents and require that this testing be undertaken. This would seem the least that should be done in light of the evidence that Dr. Burk and others have assembled showing that Laetrile can prolong and in some cases save the lives of cancer victims, and the generally agreed upon fact that it does no harm to the patient, while conventional toxic anticancer drugs often have serious side effects precisely because they are toxic.

Millions of dollars are to be spent under the authority of recently passed legislation to search for better treatment or cures for cancer. It would seem that a little of all that money ought to be allotted to find out if Laetrile might be what they are looking for.

DIPLOMACY PROS GRADE AGNEW AS AN ASSET

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. BURKE of Florida. Mr. Speaker, with vice-presidential candidates so much in the news lately, it is interesting to learn what people of other countries think of the men proposed as candidates as well as the opinions of the American people. For this reason I thought my colleagues might be interested in reading Richard Wilson's column from the Washington Evening Star and Daily News for Monday, August 14, 1972, "Diplomacy Pros Grade Agnew as an Asset."

As a member of the world family of nations, it is important that the No. 2 man in our country be a man who commands respect and admiration from representatives of other sovereign states with whom he must work. We are fortunate to have such a man in the office of Vice President today.

The article follows:

DIPLOMACY PROS GRADE AGNEW AS AN ASSET

(By Richard Wilson)

An assessment of Vice President Agnew by the New York Times, as a dunce who had learned nothing in the vice presidency, and who as an emissary abroad was a "jet-propelled embarrassment," is of special interest. The interest grows out of the fact that vice presidential candidates are prominent this year and Senator McGovern has finally put over as his choice a cultivated fellow-Marylander, Sargent Shriver, who was ambassador to France and is thus presumed to be able to give a good account of himself in world affairs.

If Agnew were in fact a jet-propelled embarrassment to this country, that should certainly be taken into account in judging whether he ought to remain in direct succession to the presidency. Who would know better than some of the hardened career foreign service types in the State Department who are traditionally sensitive to the intrusion of bungling politicians in their delicate affairs? They do not agree with the harsh judgment on Agnew.

Such people did not successfully hide their distaste for gauche behavior by Lyndon B. Johnson on his travels abroad. Nor did they withhold criticism of Nixon on similar missions when they thought he deserved it.

The showmanship quality (Nixon's kitchen debate with Khrushchev, Johnson's Pakistani camel driver) annoyed and embarrassed some. The absence of showmanship in Agnew's travels is all the more noteworthy.

On two occasions, one of the highest ranking and most respected of foreign service officers, whose career extends back through six administrations, wrote to Agnew to commend him on his behavior and actions abroad. This officer has never previously been moved to write to a traveling vice president.

Another foreign service officer of 15 years experience, who has been involved in eight presidential or vice presidential visits to foreign countries, had nothing but praise for Agnew. This praise was confined not merely to Agnew's ceremonial functions, which he conducted with reserve, dignity and aplomb, but included matters of substance.

An example of the latter was Agnew's scheduled 45-minute conference with President Chung Hee Park of Korea which extended into a six-hour session reflecting fears that the Pueblo incident and the current withdrawal of an American division reflected the hidden U.S. intention to leave Korea in the lurch. Agnew got on the phone to Washington and before he left Korea matters were straightened out to Park's satisfaction.

The criticism of Agnew as a jet-propelled embarrassment evidently grows in part from two or three incidents which may have embarrassed his critics but did not similarly affect President Nixon and Secretary of State William P. Rogers. One was Agnew's visit in 1971 to his father's homeland, Greece, where he identified himself with the "overriding importance" of continued military support to the regime of Premier George Papadopoulos. This may have been contrary to the foreign policy of the New York Times, but not to the established foreign policy of the United States.

On another occasion, after visiting Africa, Agnew said that querulous and complaining American black leaders could learn much from the dynamic leadership of three heads of state he met in Africa, including Congo President Joseph D. Mobuto. This offended the Rev. Jesse Jackson of Chicago, the man who ousted Mayor Daley from the Democratic national convention, but it did not upset President Mobuto or Secretary Rogers. It also contended that Agnew went out to a game preserve in Africa to witness love-making among the rhinos. The foreign service types at the State Department are not much interested in whether or not that is true.

They are more interested in the fact that Agnew actually reads and studies the voluminous reports and analyses they supply him, and that he is particularly sensitive to nuances of behavior in a foreign land which might unwillingly offend. They stress that Agnew listens attentively, respectfully and responsively to foreign leaders and can cite no instance of the blunt saying of the unsayable that makes Agnew so popular in some quarters at home and unpopular in others.

This is not to say that nearly four years in the Vice Presidency and some extensive world travel have made this former county executive and governor into a foreign affairs genius. But it can be said that Agnew's missions abroad, on balance, have gratified the foreign service professionals. He has been tested in some very delicate and difficult situations, such as Japan's reaction to American policy, and, on the whole, is considered by the professionals to have made a constructive contribution to the improvement of America's world relationships. Secretary Rogers is also highly favorable in his assessment of Agnew's performance.

NEW TRADE RELATIONSHIP WITH THE SOVIET UNION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. MOORHEAD. Mr. Speaker, on May 18, I introduced legislation (H.R. 15075) designed to normalize and expand our trade relations with the Soviet Union. The purpose was twofold—to bring mutual benefit to both our economies and to pave the way for new understandings for a more peaceful world.

The Soviets have made significant overtures to the United States for a closer economic relationship. The following article from the August 10 edition of the Washington Evening Star and Daily News describes the most recent developments in agricultural trade which I think are of major importance:

SOVIET GRAIN DEAL NOW ESTIMATED AT $1 BILLION

(By Bernard Gwertzman)

The Agriculture Department estimates that the Soviet Union will purchase $1 billion worth of farm products over the next 12 months. That far exceeds previous estimates, and would boost Soviet-American trade to unprecedented heights.

The latest forecast was compiled by top department officials on the basis of talks in recent days with private commercial dealers negotiating with the Russians, as well as from reports from Moscow indicating that the Soviet Union will suffer from a second bad harvest this fall. The spring harvest also was not good.

HALT IN WHEAT

The projection of a billion dollars in sales over the next year goes far beyond the $200 million in grains which Moscow committed itself to purchase as part of a $750 million, three-year deal announced by the White House on July 8.

Agriculture Department officials said that about $500 million of the total billion-dollar sales will probably be in wheat. The rest probably will be in corn, sorghum, rye, barley, oats and soybeans, the Agriculture Department estimated.

Department officials said that an American company, Cook Grains of Memphis, Tenn., has just about wrapped up the first soybean sale to the Russians—one million tons—valued approximately at $100 million.

These products are used in producing animal feeds; soybeans in particular are valued for their high protein content, useful for the growth of cattle.

Under the current Soviet five-year economic plan, Moscow is committed to a 25 percent increase in protein consumption, to be achieved principally through an increase in the amount of meat and dairy products in the Soviet diet.

The large sales to the Soviet Union will cause a severe imbalance in trade between the two countries. Some officials here believe that the Russians may have to sell gold on the world market to cover the heavy agricultural purchases.

THE HERALD-NEWS REPORTS ON ANTI-U.S. PROPAGANDA FILMS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. ROE. Mr. Speaker, the following series of news articles by the distinguished newspaper correspondent Phillip Chen which recently appeared in one of New Jersey's most prestigious newspapers, the Herald-News, brings public focus on firms selling anti-U.S. propaganda films. The revelations of this series of startling news articles received considerable attention and reaction from constituents in my congressional district.

The newspaper reporter's job is not an easy task and is, as we all know, a great public trust. Correspondent Phillip Chen's own personal crusade in the objectivity of his reporting is most stimulating in that he is always seeking to ferret out that fine line between propaganda and the truth. The Herald-News of Passaic, N.J., is, indeed, performing a great public service in their ever constant vigil to keep our citizenry alerted and informed in a most constructive responsible way.

Their publication of Phil Chen's excellent series of news articles alerting the Nation's conscience and resolve to the threat of anti-U.S. propaganda sources helps to insure the full disclosure of all facts, so necessary to achieving unbiased, unslanted news coverage—all responding to the ideals and responsibilities of a representative democracy which has historically made America the great country of refuge and promise that she has symbolized throughout the centuries for all peoples—and particularly the oppressed and needy—of all nations of the world.

It gives me great pleasure to join with the Herald-News in bringing these writings of Mr. Chen to your attention for your review and consideration.

The news articles are as follow:

[From the Passaic (N.J.) Herald-News, May 8, 1972]

Firm Sells Anti-U.S. Films

(By Philip Chen)

For $35, a viewer can get a kick out of seeing the military ridiculed in "The Selling of the Pentagon," a 54-minute film put together in 1971 by CBS.

"Time Is Running Out," a film which condemns "U.S. atrocities" in Indochina, can be seen for $25.

"But Inside North Vietnam," a color film shot by Felix Greene, the British left-wing journalist, costs $125, and "China!", another Greene production, goes for $135.

All these so-called documentary films, plus scores of other short-subject films, can be rented (or bought for a higher price) from a little-known company called the American Documentary Films Inc. in New York.

ADF films, which propagandize radical and leftist causes, are viewed nationally, according to company officials. "Churches and colleges are our largest groups," one said.

An investigation of American Documentary Films by The Herald-News disclosed a number of facts, including the finding that it is doing business with organizations heavily dominated by Communists.

Its films, most of which are produced by independents and ADF cameramen, include a few network products.

PURE PROPAGANDA

A source familiar with the ADF operation told The Herald-News these so-called "documentary films" are pure "propaganda" serving radical, anti-establishment and revolutionary causes.

"They're very subtle about it, but they're in it to express a point of view. They try to influence the young people, who I think, are poorly equipped to recognize propaganda when they see it," the source said.

Some of the ADG films are being shown in New Jersey, mostly by radical groups that include the Peace Education Association of New Jersey. Colleges generally shun ADF products, although several, including William Paterson College, have heard about the film.

The Communist within ADF management ranks is Michael Myerson, 32, a member of the ADF board of directors and coordinator of a Cuban film festival ADF recently sponsored in New York.

The festival was shut down when Treasury men raided the theater and seized the film the firm was showing.

A rebel and an agitator, Myerson has been involved in radical student movements in California and has held the post of international secretary of the W.E.B. DuBois Club, a Marxist study group.

Sworn testimony before the House Committee on Internal Security identified Myerson as a member of the Peace Commission of the New York State Communist Party, USA. He visited North Vietnam in 1965 and was made an "honorary nephew" of Ho Chi Minh, the North Vietnam Communist chieftain.

Repeated attempts by The Herald-News to reach Myerson for an interview have been unsuccessful.

Jerry Stoll, a 45-year-old activist who heads the ADF board of directors, is also not available for an interview.

Founded in San Francisco in 1966, American Documentary Films opened its New York office in 1968. The ADF 1972 catalogue advances the firm as a non-profit organization, but the non-profit status seems to be largely self-proclaimed.

The Internal Revenue Service in New York and in Washington, D.C. could find no record of ever granting the firm tax-exempt status. An IRS spokesman said all ADF receipts are subject to federal taxation.

NEW YORK STARTS PROBE

The New York State Attorney General's Office has begun an investigation into ADF for failing to file annual financial statements.

Herbert Wallenstein, who heads the charitable fraud bureau, said ADF is required by law to file annual reports because it is soliciting funds from the public. ADF has not filed a report since it opened for business in New York, Wallenstein said.

In its 1972 catalogue, ADF lists more than 20 political organizations, which it said, are involved in the production of ADF films.

Two of them are the New Mobilization Committee for Peace in Vietnam and the People's Coalition for Peace and Justice. Both have been identified by the House Committee on Internal Security as being under Communist influence.

According to testimony before the committee in 1970–71, the New Mobilization Committee has operated from its inception with "significant Communist support."

"The national leadership of the New Mobilization Committee includes several key activists who have been shown either by public source data or by committee investigation to be or to have been members of such diverse Communist groups as the Communist Party, USA; W.E.B. DuBois Clubs of America; Labor Youth League; Revolutionary Workers Party; Young Socialist Alliance, and Student Mobilization Committee."

As to the Peoples Coalition group, Rep. Richard H. Ichord. D-Mo., who heads the house committee, had this to say:

". . . the committee received considerable documentary evidence and testimony establishing the significant presence of Communist Party, USA, in PCPJ . . ."

The Cuban Film Festival, an ADF project, opened April 24 at the Olympia Theater, New York City.

It closed down the next day, after agents from the Treasury Department seized a Cuban film, "Days of Water," on grounds that ADF had failed to obtain a license to bring the film into the U.S.

NO LICENSE

"We saw an ad in the paper, checked our files and realized we had not licensed it. We then went and seized the film," a spokesman for the department's Foreign Assets Control in Washington, D.C. said.

The spokesman said failing to obtain a permit constituted a violation of the Trading with the Enemy Act, which is punishable by a 10-year prison term and a $10,000 fine, and the Anti-Smuggling Act, which carries a penalty of five years in jail and a $10,000 fine, both upon conviction.

The spokesman declined to go into specifics of the case, but he gave indication that the department wanted to know how ADF got the film into the country and what kind of financial arrangements it made with the Cuban producer.

"They don't seem to be very cooperative," he stated. "We're now after all of their films."

In a release issued from his New York office, Myerson called the seizure "illegal" and a "harassment." ADF president Stoll claimed his firm has cooperated with the Treasury Department and opened its files to "demonstrate the absence of financial ties to Cuba."

[From the Passaic (N.J.) Herald News, May 9, 1972]

Myerson "Honorary Nephew" of Ho

(By Philip Chen)

Michael Eugene Myerson, a director of the American Documentary Films, has served rebel causes for at least a decade, government records indicate.

Myerson, 32, was an agitator, an organizer, a writer and a world traveler.

A 1965 trip to North Vietnam brought him an unexpected bonus: he was made honorary nephew of Ho Chi Minh, the North Vietnam Communist boss. Since his return, he has sported a Viet Cong cap and carried a Viet Cong flag at demonstrations protesting the war in Vietnam.

The specific date of Myerson's joining American Documentary Films could not be ascertained.

Myerson, however, was not among the original officers when ADF filed its incorporation papers in New York in 1968. His name turned up in recent ADF letterheads as the third-ranked director in the nine-member board of directors, after Jerry Stoll, president and chairman, and Miss Kay Anderson, who runs the New York film distribution center.

Myerson, according to testimony given at a 1968 hearing before the House Committee on Un-American Activities, was born in Washington, D.C. The committee reports gave the following biographical sketch.

"He (Myerson) gained his first solid experience at agitation as a member and later chairman of SLATE, a radical student organization at the University of California. From organizing protests against ROTC and the House Committee on Un-American Activities, Myerson graduated to the leadership of the U.S. delegation to the 1962 Communist World Youth Festival.

"After the festival, Myerson filed a number of reports on it from abroad. No information is available on his whereabouts or activities from then until the fall of 1963, when he turned up in San Francisco.

"On Nov. 3, 1963, Myerson was arrested at a demonstration at Mel's Drive-In. He was charged with disturbing the peace and trespassing. Myerson identified himself as co-chairman of the Ad Hoc Committee Against Discrimination.

"In 1964, Myerson was busy helping organize the W.E.B. DuBois Clubs. The People's World reported that Myerson was a leading participant in the coastwide conference of socialist-oriented young people sponsored by the W.E.B. DuBois Clubs of San Francisco, San Francisco State College, Berkeley, West Los Angeles, and the Youth Action Union of Los Angeles, held March 21–22, 1964.

"The national founding convention for the W.E.B. DuBois Clubs was held in June, 1964. Myerson was a member of the national coordinating committee for the convention and a staff member of The Convener, official newsletter for the national coordinating committee.

"He was subsequently appointed West Coast Representaive for the W.E.B. DuBois Clubs of America (DCA).

"In Jan. 1965, the DCA published a pamphlet by Myerson entitled 'The United States War in Vietnam.' It was reviewed in the CPUSA's (Communist Party, USA) monthly propaganda organ New World Review as a 'useful account of our aggressive war in Vietnam.'

"In May 1965, Myerson was given the post of international secretary for the DCA. In July, he attended the Communist World Peace Congress at Helsinki, Finland.

"He and DCA member Harold Supriano, with Chris Koch, an announcer for radio station WBAI, and freelance writer Richard Ward, sought out members of the North Vietnamese Peace Committee at the congress and requested permission to visit North Vietnam.

"The invitation from North Vietnam was extended and the four spent the last week of August and the first week in September in North Vietnam.

"Myerson was made a honorary nephew of Ho Chi Minh and since he returned to the United States, he has sported a Viet Cong cap and carried a Viet Cong flag at demonstrations protesting the war in Vietnam.

"In 1966, Michael Myerson joined the staff of the Communist Party publishing house, International Publishers.

"Mike Myerson is currently director of the Tri-Continental Information Center in New York City, He has held that post since the formation of the center was announced in the spring of 1967.

"The declared intention of the Tri-Continental is to propagandise on behalf of national liberation movements fighting throughout the world against U.S. colonialism and neo-colonialism."

In a study of a radical group called the New Mobilization Committee to End the War in Vietnam, the House Internal Security Committee further identified Myerson as a member of the Peace Commission of the New York State Communist Party.

The house staff study said Myerson attended a meeting in Cambridge, Mass., on Oct. 13, 1968, called by the New Mobilization group to discuss, among other things, the house hearings on the involvement of New Mobilization in the Democratic National Convention disruptions, the presidential election and proposed activities in Washington during inauguration.

The Herald-News has made several attempts to reach Myerson for an interview, but none proved successful.

[From the Passaic (N.J.) Herald News, May 10, 1972]

HOUSE ON 84TH STREET: PROPAGANDA STOREHOUSE

(By Philip Chen)

Secreted in the basement of a weather-beaten building at 336 W. 84th St., New York, is the headquarters of the American Documentary Films, Inc.—a well stocked film lab.

Here, hundreds of 16 mm films are stored, their subject matter curving from the left to the far left.

For a price, the films can be rented or bought.

ADF officials are poor conversationalists. The president, Jerry Stoll, and a member of its board of directors, Michael Myerson, refused to meet with a Herald-News reporter.

Miss Kay Anderson, who said she heads the ADF East Coast distribution network, refused to discuss company finances or answer questions about ADF film sources or to reveal its customers list.

"Are you a Communist organization?" she was asked.

"We are a non-profit organization," she answered.

Miss Anderson, a shapely 28-year-old brunette, was asked the question again. After a moment of hesitation, she replied: "No."

"Do you draw funds from Communist sources?" Miss Anderson was asked.

"Not that I know of," she said.

Records obtained by The Herald-News indicated that the firm is doing business with organizations that have been identified by the House Committee on Internal Security as being dominated by Communists and that Myerson in fact has been a member of the Peace Communist of the New York State Communist Party.

American Documentary Films got its start in San Francisco in 1966. Its first production was "Sons and Daughters," a 90-minute film assailing the U.S. involvement in Indochina.

Its New York office began operation in 1968.

According to available data the firm spent $120,000 in film production, all of which except for $16,000 came from small contributions, community fund-raising efforts and film rental and sales incomes.

Of the $16,000, the Episcopal Church contributed $7,000 in 1969 for the shooting of a film about "Huey Newton," the militant Black Panther Party chieftain.

The United Church of Christ gave $4,000 in 1968, but its officers in New York could find no record of the grant. Jim Richards, who heads the Office of Communications, said the grant could have been made by any of the 50 church conferences throughout the country.

The same answer was provided by the American Friends Service Committee, a Quaker group that gave ADF a $3,500 grant in 1966.

The Rev. Richard R. Fernandez of the Clergy and Laymen Concerned About Vietnam, on anti-war organizations confirmed a 1968 grant of $1,500. He said it was for the making of a film about a CBS correspondent, David Schoenbrun.

Promotional literature put out by ADF claimed that its films have been viewed by more than 1 million persons in the U.S. and a minimum of 7 million persons have seen its films overseas, both in theaters and on television.

The assets of ADF as of 1971 were listed at $41,000 and its liabilities, $40,562.

As of 1971, ADFs New York office booked $1,400 worth of films a week and its San Francisco office, $550 a week. ADF officials estimated that it cost the firm $9,692.30 for every million viewers.

Currently, ADF film inventory carries 190 titles, according to Miss Anderson. Rental fees start at $15, but they go as high as $115.

Outright sales price range from $70 to $650.

Sample titles include "Listen Whitey," which claims to represent the black community's response to the assassination of Dr. Martin Luther King; "Dr. Spock and his Babies," an antiwar picture, and "Defense vs. Domestic Needs," which depicts the military-industrial complex.

Asked why ADF films follow a leftist line, Miss Anderson denied the firm follows a radical dogma. "We have no political lines," she claimed.

A 1966 graduate of Oregon State University, Miss Anderson explained the firm tries to provide an "alternate media" for the distribution of films that are shunned by the commercial media.

She conceded that most of the ADF films are "controversial," but she insisted that the public should have access to "something other than those offered in theaters and by commercial television networks.

"I think it's a very good idea. An alternate media is very important," she said.

THE ADMINISTRATION AND ISRAEL

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. HALPERN. Mr. Speaker, the gallant people of the State of Israel have fought and have died for their right to exist in a hostile world. Their determination and courage serve as a beacon to freedom-loving nations around the globe. All too often the American people forget the crisis situation which daily faces the inhabitants of this tiny nation. Fear of invasion, attack, and embargo are a constant threat to the peace and security of the State of Israel.

Since Israel's creation in 1948, it has had close ties with the United States. As a Congressman, I strongly support the administration's actions in the Middle East and its efforts to preserve the sovereignty of the State of Israel. Recently I came across an excellent article in Newsweek magazine by columnist Stewart Alsop, summarizing U.S. policy toward Israel during the past few years.

I commend this article to my colleagues.

[From the Newsweek magazine, July 10, 1972]

ISRAEL

(By Stewart Alsop)

WASHINGTON.—It has been reported that most of the Israeli leadership including Prime Minister Golda Meir, favors the re-election of President Nixon. This report has, of course, been denied. It is, of course, true.

It has also been reported that the pro-Nixon views of the Israeli leaders have been explicitly conveyed to important members of the U.S. Jewish community. This report has also been denied. It is also true.

The interesting question is: Why?

The best way to answer that question is to go back to September 1970. In that month, though very few Americans were aware of it, there occurred the most dangerous crisis of the Nixon Presidency. On Saturday and Sunday, Sept. 19 and 20, a Syrian force of 250 Soviet-made tanks poured across the border into Jordan.

There was no doubt at all that the invasion was masterminded by the Russians—Russian advisers controlled the Syrian Army down to battalion level, though the advisers prudently left the tank force at the border. There was no doubt, either, about tne object of the invasion. It was to dethrone Jordan's moderate King Hussein, and replace him with a fedayeen-dominated, pro-Soviet regime dedicated to the destruction of Israel.

On Monday, Sept. 21, Israel's Ambassador Rabin got a call from the White House. What could the Israelis do to halt the invasion, and what would they be willing to do? Rabin replied that he thought he knew the answer to both questions, but that he would check to make sure, and call back.

DEEDS, NOT WORDS

He did so shortly, with both answers. The Israelis were absolutely confident that their own forces, operating from the Golan Heights, could capture or destroy the entire Syrian invading force. As for the second question, the Israelis were entirely willing to take the risks involved, on condition only that the American Government make it clear to the Soviets that the U.S. would vigorously oppose any Soviet-sponsored counteraction, at the Suez Canal or elsewhere.

President Nixon unhesitatingly made this commitment. It was then mutually agreed that, if the Syrian invading force crossed a line between Irbid and Amman, thus threatening the Jordanian capital, the Israelis would move.

At this point a nervous State Department urged immediate diplomatic approaches to Moscow, the major NATO powers, and Cairo. The President issued a stern order—absolutely no communication with Moscow or any other capital. There would be, not words, but deeds.

One of the five U.S. divisions stationed in Germany was ordered on full alert, and so was the elite 82nd Airborne Division in the United States. Secret arrangements were made with the Greek Government to provide staging areas and base support in case of a move by U.S. troops.

A FLEET MOVES EAST

At the same time, the U.S. Sixth Fleet in the Mediterranean was heavily reinforced with aircraft carriers and their attendant task forces. The Sixth Fleet was rapidly built up from its normal on-station strength to no less than five carrier task forces. This very formidable naval force began to redeploy toward the eastern Mediterranean.

The eyes of Soviet intelligence, watching from Tangiers and Gibraltar, saw the ships funneling through the Straits. Ambassador Dobrynin being absent, Soviet minister counselor Vorontsov hurried round to the State Department. On White House orders, he was coolly informed that the Syrian invasion endangered world peace, and that if the Syrian tank force failed to turn back, the danger would become acute.

On Sept. 22, after a Jordanian counterattack, the lead tanks in the Syrian force made a 180-degree turn. Within the next few days, the whole Syrian invading force scuttled back across the border. Thus ended the most dangerous crisis of recent years. Like the Cuban missile crisis, it involved the risk of direct confrontation between the nuclear giants. But the decisions were made in total secrecy, and there was no public drama like President Kennedy's address to the nation. So most Americans were—and still are—blissfully unaware that an immensely dangerous crisis had taken place.

The Israeli leaders, of course, were very much aware of the crisis, and of how President Nixon had responded to it. That awareness largely explains Ambassador Rabin's recent undiplomatic statement on Israeli radio: "While we appreciate support in the form of words we are getting from one camp, we must prefer the support in the form of deeds we are getting from the other camp." Consider the lessons of the crisis, as they must appear through Israeli eyes, and it is not hard to see what Rabin had in mind.

The 1970 crisis underlined an unpleasant fact. Almost all the bases and staging areas that used to be open to American forces, in the 1958 Lebanon crisis, for example, are now closed—Turkey, Malta, Libya, Spain, Lebanon itself. The Italian ports might have been used, but only *in extremis*, without the permission and against the wishes of the Italian Government. "Greece is our last filling station," one policymaker has remarked. Senator McGovern would close the last filling station. He has said that he would immediately withdraw all aid from the present reactionary Greek regime. The Greeks would, of course, retaliate.

Under the McGovern defense program, there would be, not five, but two U.S. divisions left in Europe, with only eight divisions at home. Moreover, McGovern plans to reduce the U.S. carrier task forces from fourteen to six. Only half the carriers are on station at any one time, so a President McGovern could not possibly put five task forces into the Mediterranean on short notice. Under the McGovern naval program, in fact, the Soviet Mediterranean fleet, already challenging the Sixth Fleet, would unquestionably become the dominant force in the Mediterranean. In such circumstances—as the Israelis are well aware—the United States would be capable of words, but precious few deeds.

THE ISSUE OF EXISTENCE

President Nixon certainly took a hair-raising risk in 1970, and it is at least debatable whether the risk was worth taking in the coldly calculated U.S. national interest. Mr. Nixon made an enormous commitment to Israel and gained no comparable commitment in return. But it does not require much perception to see why the Israelis would much prefer a re-elected President Nixon to a President McGovern.

The Israelis have one single-minded preoccupation—the continued existence of Israel. To that end, as Rabin said, American deeds are much to be preferred to American words. This understandable preoccupation may be one reason—and a not unimportant one—for the last-minute revolt against the nomination of George McGovern.

PROPOSED AMENDMENT TO EQUAL EDUCATIONAL OPPORTUNITIES ACT

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. BADILLO. Mr. Speaker, I am taking this opportunity to advise our colleagues that when H.R. 13915, the so-called Equal Educational Opportunities Act, is brought to the floor this week I will offer an amendment aimed at providing quality integrated education by removing unfair barriers to equal housing opportunities.

The amendment will be offered to title IV of this legislation, which deals with the remedies a Federal court, department or agency may employ to alleviate a denial of equal educational opportunity. To the list of remedies enunciated in title IV, my amendment would add two:

First. The removal of land-use barriers, such as zoning and building codes, to development of low- and moderate-income housing; and

Second. The actual construction of low- and moderate-income housing.

The rationale for this amendment is clear. It is no secret that a major underlying cause of segregation in our schools is the segregation in housing patterns—a segregation caused primarily by the discriminatory use of zoning codes, building codes and other land-use devices to prevent development of housing for lower income families.

A bill which talks of equal educational opportunity without addressing itself to equal housing opportunity is a fraud and particularly so when it so drastically restricts the Federal courts, departments, and agencies from moving effectively to alleviate segregation as H.R. 13915 does.

So that our colleagues may be fully informed as to the arguments I shall present in support of this amendment, I include herewith the text of my separate views on H.R. 13915, as well as a timely and enlightening article on the success of housing integration and its impact on education in Shaker Heights, Ohio. This article appeared in the New York Times of last Sunday and I strongly commend it to the attention of our colleagues.

The material follows:

SEPARATE VIEWS OF MR. BADILLO TO H.R. 13915

It is well documented that one of the major underlying causes of unequal educational opportunity in the United States is segregation in housing and the continued existence of land-use barriers to equal opportunity in housing. Any legislation that attempts to deal with one problem without coming to grips with the other is bound to be an exercise in futility. As the 1966 Coleman Report on Equality of Educational Opportunity observed, the home and neighborhood environment of the student—as well as the racial and economic mix of his classmates—has more effect on his educational achievement than the quality of the school he attends.

The Congress has the moral and legal obligation to take the initiative to end the perpetuation of segregation in education by eliminating those factors contributing to it. As one witness very pointedly testified during hearings on this measure:

". . . The segregated communities which produce segregated neighborhood schools are not the result of private actions alone, but are also the result of public laws . . . which help to keep Blacks out of some communities, thus effectively locking them into others. Because communities segregated are the creation of public law, it is important that Congress recognize its responsibility to correct the existing state of *de jure* residential segregation."

Thus, during consideration of H.R. 13915, I offered an amendment which provided that the removal of land-use barriers, such as planning, zoning, subdivision control, building codes or permits, to the development of low and moderate income housing and the construction of new low and moderate income housing should be utilized as remedies for the denial of equal educational opportunities. The committee had an opportunity to give real meaning to the vast amount of rhetoric we have heard about equal opportunity. Had the majority of my colleagues on the committee believed in integrated education and simply opposed busing on some other grounds, they should have supported my amendment as it would remove those housing barriers which have prevented the integration of our schools. Regrettably, this did not occur.

Nevertheless, the fact that segregated education is a direct and undeniable consequence of segregated housing still remains. In supporting my amendment our very able colleague from New York, Mrs. Chisholm, discussed a summary of all court cases on zoning from 1966 through 1971. As Mrs. Chisholm pointed out, it was clearly shown in all cases, with one exception, that one of the barriers which exist in our educational institutions had to do with the deliberate segregation practices in urban housing. Certainly, the argument that the desegregation in housing is one of the most important remedies to bring about equal educational opportunity is still very valid.

There is no question but that desegregation in schools must be accomplished without further delay—we have already delayed a century or so too long! Either this segregation must be overcome by busing or redistricting or by making possible the construction of low and moderate income houses in communities which currently exclude such housing. By supporting the proposal I have presented the Congress has the opportunity to make a meaningful commitment for equality of educational opportunities as well as that to the neighborhood school.

Unless some affirmative and substantive steps are taken to insure and guarantee without equivocation that all children have truly equal educational opportunities this country will proceed toward a policy of educational apartheid and deny a large segment of the student population an education which will prepare them to participate in our society on a fair and equal basis with their peers. By relegating these youngsters to second-class educations, they are doomed to second-class citizenship and an existence outside the mainstream of American life.

[From the New York Times, Aug. 13, 1972]

INTEGRATION: ONE WAY TO AVOID BUSING

(By Richard J. Margolis)

Busing schoolchildren across racial boundaries is now a standard weapon in the desegregationists' meager arsenal. But for all the rhetoric it has inspired on both sides, busing does not challenge traditional patterns of neighborhood segregation. In fact, as fair-housing partisans have observed, by accepting such neighborhood divisions as fixed features on the social landscape, busing programs tend to ratify segregationist custom.

What are the viable alternatives to busing? Authorities in Shaker Heights, Ohio, have come up with one that seems to be working. Some time ago they decided to concentrate not on busing but on integrating neighborhoods. Integrated neighborhoods would mean, of course, integrated neighborhood elementary schools.

A decade ago, Shaker Heights, an attractive, affluent suburb of Cleveland, was almost entirely white. Today, 15 per cent of the 36,000 residents and about 25 per cent of the public school population are black. A large segment of the community has been and is Jewish.

Unlike many other communities that have experienced racial strife in their integration efforts. Shaker Heights has had relatively little bitterness or disruption—probably because the transformation has been carefully shaped and encouraged by community leaders. The town may be the only one in America that spends a sizable sum—$100,000 each year—to promote racial integration within its neighborhoods.

An unusual aspect of the program is that the Board of Education contributes $35,000 of the total sum; the remaining $65,000 comes from the City Council. The money goes toward support of the town's official fair-housing enterprise, known as the Shaker Communities Office.

The reasoning for the Board of Education's participation was explained recently by John H. Lawson, Superintendent of Schools:

"We want quality education, and that includes preparing children for life in a multiracial society. You can't do that until your schools are integrated, and you can't integrate the schools until you've integrated the housing."

Much of the money goes to the Shaker Communities' staff—one full-time executive and 12 part-time "coordinators." The agency is essentially a placement operation: The staff helps to locate black families in homes in predominantly white neighborhoods, and white families in neighborhoods that would otherwise be heavily, perhaps totally, black. Most residents of Shaker Heights, both white and black, think this latter function is crucial.

Many black families from Cleveland began moving into sections of Shaker Heights bordering the city in the mid-1960's. In one neighborhood, for example, the number of house sales to black families climbed from 13 one year to 65 three years later. It soon became obvious that if no one interfered, several large sections of Shaker Heights would be entirely black within a decade.

"Let's face it," Mayor Paul Jones told the citizenry at the time, "integration is here to stay. We had better deal with it properly."

So the community integration program was begun. The town banned the use of "for sale" signs on houses, hoping thereby to quell activities among blockbusting realtors and panic among white residents. Various neighborhood associations were organized to work on the problem. And in 1967 the town officially made its first appropriation toward the continuing stabilization effort.

The "natural," or neighborhood, integration is reflected, of course, in the trend toward a more equitable racial mix in the schools. Only in Moreland, where the neighborhood population is mostly black, has the school board felt compelled to fall back on a busing plan—which is voluntary—to achieve the objective.

Not everyone in Shaker Heights is hooked on integration, but the opposition has been weak and unorganized. For instance, the opposition has not prevented integrationists on the City Council and the Board of Education from being re-elected regularly by thumping majorities.

Some parents complain, however, that the schools display greater zeal for integration than for education. To which School Superintendent Lawson replies: "We've been accused of lowering our standards. That just isn't true. Before we started integrating, only 80 per cent of our graduates went on to college; now, it's 90 per cent. And last year we had more National Merit Scholarship finalists than any other public high school in the nation."

What little real resentment the housing program has drawn seems to have come mainly from real estate agents who feel that Shaker Communities is robbing them of their rightful commissions. "Basically," Armin Guggenheim, a realtor, said recently of the agency and its staff, "they are a publicly subsidized agency in competition with private business. They are also non-licensed. I think they will soon go out of business."

Lucille Anderson, the program's director, replies: "We try to bring friendly brokers into the picture, and of course we don't take commissions ourselves. But I realize it's a delicate matter."

A more serious criticism, perhaps comes from blacks who think Shaker Communities concentrates too much on stabilization efforts in neighborhoods like Moreland and too little on integrating neighborhoods that remain overwhelmingly white. Mrs. Anderson agrees. "The trouble is," she says, "those houses cost more than most black families can afford. The real solution is to get other suburbs to open up." (Prices in Shaker Heights range from $17,000 to $120,000; the more expensive the housing, the whiter the neighborhood.)

JOE BARTLETT REFLECTS ON CONVENTIONS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. KEMP. Mr. Speaker, following the 1968 national conventions, and in the wake of the wide public debate that ensued, The Hatchet Encounter, a publication of George Washington University, devoted a special issue to the discussion of the American political scene.

The October 1968, edition carried contributions of national leaders of both political parties, and provided an interesting commentary on matters politic.

Our own House Minority Clerk, Joe Bartlett, even then a veteran of 20 years of service to Republican national conventions, was invited to reflect on this process of posturing our national political contests.

In light of the continuing controversy about the convention system, Mr. Bartlett's observations provide an interesting perspective which I commend to your consideration:

SYSTEM REFLECTS FERVOR, APATHY

(By Joseph Bartlett)

Political conventions have been the target of pronounced criticism in this campaign year of 1968. The essence of frequent charges is that conventions do not serve the ends of democracy; that they do not result in the selection of the most popular candidates.

Perhaps there is a better way to arrive at a choice of nominees. Certainly, the convention process is not perfect.

However, before we trade it for some other process, we ought to at least know what we are giving up.

Much of the faultfinding concerning political conventions arises, it seems to me, from a misunderstanding of the very nature and purpose of such occasions.

Let us seek a focus by first conceding what a party convention is not: it is not a free-for-all public-wide popularity contest, as a preliminary to the general election.

Many Americans apparently have the notion that a convention is such a contest. Others have argued that it ought to be.

Before we conclude what we might wish a convention to be, let us consider what it probably is intended to be, within the framework of our political party system, and its contribution to representative government.

Is not a political convention, in fact, a caucus for the rather exclusive participation of party leaders and representative party members, to determine the policies and principles (i.e.: platform) which shall characterize that party, and to select the standard-bearers (nominees) who will personify that party in the ensuring general election?

A convention is, then, necessarily a gathering of the "pros" of a political party.

The general public has been such an intimate onlooker in recent years, thanks to modern communications, that many have presumed a proprietary interest in the business of a political party to which they claim no affiliation and to which they offer no allegiance.

To a lesser degree, it is charged, that, these "pros" do not even represent the rank and file of their own party faithful. Certainly, they should. However, the charge of inordinate influence by certain party "prime movers," does not deny the fact that almost all party leaders are chosen by an elective process among the members of the party, to whom they must, in turn, be responsible. If what they do in the name of the party is not pleasing to a majority of those they represent, they will not long remain in a position of influence.

"Hogwash!" the cynics would cry, and point to some political "boss" who seems to contradict such "idealistic naivete." But they would beg to argue the validity of the whole doctrine of "elected representation," of which political conventions are only one part. A convention is a caucus of leaders who are, more or less, realistically representative, or it is nothing. In whatever places this thesis may be imperfect in practices, here should the remedy come first!

For our entire concept of electing representatives to perform in behalf of the electorate, relies upon the free flow of favor from the people, to their leaders, and back again.

Accordingly, we would accept that political conventions are conducted by "pros," possessed of the aggregate power of the sum of their followers.

If we understand, then, that this is the nature and purpose of political conventions, we can go on to examine some of the specific criticisms in a more realistic context.

Many of the faults we hear arise directly from the very size of these conclaves. The Republican convention at Miami this year seated 1,333 delegates and alternates. The

Democrats meeting in Chicago gave similar credentials to 5,134!

If the U.S. Congress can manage with 435 Representatives, is it not reasonable to suppose that a party convention might get along with, say, twice that number? At most, 1000.

One reason for increasing the ranks at a convention is to reward those states which have performed effectively on behalf of the party. Allowing relatively larger delegations to those states is consistent with the convention concept, and is as it should be.

However, a less defensible (if no less politic) reason for the growth in numbers within the delegations, has been the insatiable demand to "balance" the delegations between the sexes, the factions, the fictions, and the follies. A case could be made that this has, instead, produced imbalance. Unquestionably, it has produced big conventions.

If we are to hope to decrease the number of delegates, it will be all the more important that each be chosen primarily because of his qualifications to best represent the interests of all his constituent party members, not some special grouping.

Many criticisms may be heard concerning various aspects of convention programming. Much of it, too, is attributable to misunderstanding. All activities should, of course, be oriented to the important fundamental purpose of the convention.

Entertainment is an enjoyable, and sometimes invaluable, part of programming. However, needless to say, it is not the purpose of a political convention to entertain!

The importance of the media, especially television, to the portrayal of convention events can hardly be over-emphasized. It is as vital to these significant events, as a well-informed electorate to democracy. As such, it bears an awesome responsibility to the public. At very great expense to their own industry, the TV networks provided imaginative programming of the conventions which the public demonstrated, by listener ratings, they wanted to witness. How well those of TV lived up to their awesome responsibilities has been the subject of endless criticisms, in which I choose not to engage.

The "live" TV camera is a relatively recent entry into the convention scene. Even in my brief convention experience of two decades. I have watched it grow from an infant to a giant; from an awkward intruder to a sophisticated partner.

To those who would point to its undeniable shortcomings, I would remind of its growth.

One problem not peculiar to any medium, any more than any other segment of such a huge organization, is that of continuity of subsequent conventions. That is: profiting from mistakes once made, rather than just repeating them every four years.

In some respects, four years is quite a long time. Few party national chairmen survive to manage a second convention. The turnover among officialdom is remarkable (may I remind you of our earlier thesis!) And man's memory is fallible.

Records of precedents retained by staff employees of the committees must surely be invaluable in prescribing the planning for such an event. The party chairman puts the myriad matters of convention machinery together, and just as we approach the climax of circumstances, he steps to the side and hands the reins of responsibility over to the convention chairman. Yet, neither chairman can really take command of events, but must respond, as he should, to conform to the will of the convention.

Part of the chairman's problem is identifying that "will." As is part of that problem, the identifying of the legitimate delegates.

In the pandemonium of present conventions, one hardly knows for sure whether he is hearing from the duly constituted delegates or from some extraneous encroachers.

I ask you: would not demonstrations on the floor of the convention, for instance, be more meaningful and reflective, if such activities were limited to the delegates themselves? Would this not help preserve the real purpose of the convention? Would this not serve the ends of representative democracy?

Some will, I suppose, say "no." Some will remember a Wendell Willkie. Some will hold that a McCarthy or a Rockefeller was denied his due of democracy.

Of them, I would ask a re-thinking of the nature, the purpose and even the recent history of political events.

Those who have prevailed are seldom critics of the convention system. Those who have failed are, as a rule, equally unobjective.

Changes will come, as they always do. If those changes are to be improvements, we must understand what we are changing and why we want to change it.

In our time, the strong two-party system has appeared to serve our Republic well. The political convention has seemed to serve the purposes of each political party in its roll and responsibilities within our representative society.

It is a flexible system; it is an accommodating arrangement among free men. That it may reflect indifference as faithfully as it does public fervor, is not necessarily to its discredit, is it? So let us work to perfect it to achieve our ends within that framework of democratic interaction, but let us grant to none a license to do injury to these traditions just because they feel that they have been frustrated in their ideas of what ought to be.

Imperfect as it is, it is still the best system yet devised by man—and, I sincerely believe, well worth our patriotic patience and loyal service.

TELEPHONE PRIVACY XXXIII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. ASPIN. Mr. Speaker, I reintroduced the telephone privacy bill on May 10, 1972, with a total of 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 31st sampling of these letters into the RECORD, since they describe far more vividly than I possibly could, the need for this legislation.

These letters follow—the names have been omitted:

WILMETTE, ILL.

DEAR MR. ASPIN: Your bill, HR 14884, is a most welcome sight. Nuisance phone calls have become an increasing aggravation and going "unlisted" seemed like the only alternative. That is a nuisance to everyone else, however. My husband and I heartily support your efforts.

_____, _____.

ST. CHARLES, ILL., *July 25, 1972.*

Re: H.R.-14884
Hon. LES ASPIN,
House Office Building,
Washington, D.C.

DEAR MR. ASPIN: Rather recently I heard that you and several cosponsors introduced the above captioned to keep nuisances off our phones. By now the bill may either be defeated or passed. However, if it will do any good, I would like to have you know that I feel such a bill is long overdue.

There are many of my friends who have "unlisted" numbers in order to avoid these obnoxious invasions by telephone solicitors. But these rascals (the solicitors) have another method of approach. In order that they not miss a single listing in a given area, they dial the prefix numbers and then start with 0001 and go all the way through to 9999. Of course, they don't know the name of the person who answers so they immediately ask "to whom am I speaking" after determining that they have reached the number previously dialed. I have heard many complaints about this.

Now I would like to make a suggestion—not in solving the above mentioned problem but about broadening this bill. As you know, mail advertising has reached ridiculous proportions. Before bringing in the mail each day, I find it necessary to first stop by the garbage can and dispose of about half of it. I would like to see your bill include the same limitations on mail polluters as it would on phone polluters.

Respectfully,

_____ _____.

WINNETKA, ILL., *July 23, 1972.*

SIR: Please support bill # HR-14884 preventing unwanted telephone solicitation.

Thank you,

_____ _____.

TYLER, TEX., *August 27, 1972.*

Congressman LES ASPIN,
Washington, D.C.

CONGRESSMAN ASPIN: I fully support your Telephone Privacy Act and I hope you will do everything in your power to get it passed.

Sincerely,

_____ _____.

NORTHBROOK, ILL., *July 27, 1972.*

Mr. LES ASPIN,
House Office Building,
Washington, D.C.

DEAR MR. ASPIN: Illinois Bell Telephone Company gave me your name in connection with a bill that is in the House about telephone solicitations.

If I may, I'd like to voice an opinion that I'm sure is a prominent problem to all telephone owners . . . that of the annoyance of telephone solicitors. I can honestly say that I am anti-solicitation minded!

For example, yesterday evening, some young representative called . . . after informing her that I was not interested, she called back 8 times, not once or twice, mind you, but 8 times. Not only is this annoying, but it is absolutely uncalled for. I did call the Northbrook Police because I thought it was possibly a prankster. Well, they really have their hands tied is such a situation and could be of no immediate help. So, early this morning, I called the Illinois Bell Telephone Company and they informed me that they were aware of some of the solicitors and what areas they are working in, but could not give out any names. However, in the future, I was told that I should try to get the name of the company and then report it to Illinois Bell. Well, Mr. Aspin, who wants to listen to a lousy sales pitch over the phone at 8:30 at night, (or at any time for that matter)? Certainly not I!

I am very interested in your bill involving anti-solicitation and if there are any questionnaires, personal viewpoint statements, or a way in which I might help, please do not hesitate to write to me. If you have any literature on this subject, I would be most happy to receive it.

Thanks again for listening . . . I'm so furiously mad at these peoplefi that it's hard for me to write without using four-letter words.

Sincerely,

———, ———.

ARLAND PARK, ILL., *July 21, 1972.*

Hon. LES ASPIN,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I wish to commend you on your sponsorship of H.R. 14884 which would give me a chance to be rid of nuisance telephone calls. I sincerely hope it passes.

Sincerely,

———, ———.

CHILD CARE IN THE 1970'S

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. HANSEN of Idaho. Mr. Speaker, keynoting the Early Childhood Conference I sponsored in Idaho this spring was Dr. Edward F. Zigler, then Director of the Office of Child Development of the Department of Health, Education, and Welfare. Dr. Zigler is one of the Nation's most articulate spokesmen and respected authorities on young children, and his very direct and thought-provoking address set the tone for a stimulating and informative conference. I would like to include portions of Dr. Zigler's remarks in the RECORD:

CHILD CARE IN THE 1970's

(By Dr. Edward Zigler)

Thank you Congressman. So many people have mentioned my coming to Idaho as though it were the last thing that a person would want to do. Actually, it's a beautiful state and the people here are lovely, and I've had a wonderful time. However, I must confess that this is an invitation that I probably would have sought out had it not been offered to me. I'd like to tell you why.

At the White House Conference on Children in 1970, a rather bleak picture was painted of our nation's treatment of children; and in all candor, I must say that that picture is in many ways the truth. We do not treat the children of this nation as well as we should. In fact, one of the forums came up with a statement which is unfortunately too true: namely, in our nation, too often, children come last.

However, in this generally pessimistic picture there are bright spots, and in my estimation one of the brightest spots is in Idaho. I met with your Governor in Washington. We had a very productive meeting, and it was clear to me that he is a man who cares about children. I was delighted to have the opportunity to talk with him. I've had meetings, too, with your Congressman, Orval Hansen, and I know from personal experience the stellar role that he has played, both in his official capacity on the Education and Labor Committee, and in his public utterances and in the energy that he is willing to expend in behalf of all of the nation's children. When I meet men such as these, I say to myself "There's hope. These are the elected officials of the state of Idaho; these are people who care. If these two men represent the will of the people of the state of Idaho, then I am perfectly convinced that in this state, children will come first."

I want to talk to you today about two major types of programs that I see to be most relevant for our childrens' needs in the 70's. The first type of program can be classified as preventive or compensatory education programs for those children who can be helped by them. While I would cite the Head Start program in terms of a national effort, I would also allude to the many experimental programs, such as Bettye Caldwell's important effort in Arkansas, and others around the country.

The second type of program that I think our nation is going to emphasize is day care programs for children of working mothers. The children of such mothers may or may not be in need of the type of compensatory, remedial, or preventive efforts that are needed by the children in the first category.

It must be noted, in discussing early childhood intervention programs, that the value of such efforts is being seriously questioned. This questioning goes well beyond Jensen's blanket indictment that compensatory education has failed. The criticisms are being raised as a result of some rather fine-grained analyses of compensatory education programs by learned investigators who can hardly be considered hostile towards preschool intervention efforts. I refer to the paper by Carl Bereiter, himself one of the early leaders in the area of early childhood education. My old friend and colleague at Harvard, Larry Kohlberg, has analyzed the value of compensatory education and comes down somewhat on the negative side. Sheldon White, also at Harvard, has also assessed early childhood compensatory programs and we find in his paper a questioning attitude toward the value of such programs.

Since the single largest compensatory program in the country is Head Start, much of the discussion about the value of compensatory education centers about the question of whether Head Start has succeeded or failed. This is an important question to answer, because we have looked to Head Start for guidance as to the direction that future efforts should take.

There is little question that the early euphoria has given way to a rather pessimistic view in many quarters concerning the value of Head Start. It was only seven years ago that Head Start was the "Sesame Street" of 1965 and not enough good things could be said about it. However since then, we had a very damaging evaluation study with which I'm sure many of you are familiar, the Westinghouse Report, which was used in many quarters as evidence that no lasting benefits are achieved by the Head Start effort. We've seen this negativism concerning the program reflected in the popular press. I remember addressing an NAEYC meeting shortly after coming to Washington 2 years ago, and somebody handed me a "U.S. News and World Report" story. It said an unnamed White House official states that "Head Start is clearly a failure. It is nothing but a babysitting service for welfare mothers." Needless to say, I could never track down that particular White House source but there it was in the "U.S. News and World Report."

It's interesting to me that people who attack intervention efforts in general cite Head Start now by name. The recent book *"The I.Q. Question,"* and liberal segments of the intellectual community, have come down pretty hard on Head Start. In a recent issue of "The New Republic," hardly a rightwing enemy of liberal efforts, Martin Mayer, the well-known author and social critic, passes off Head Start in a word or two as clearly a failure.

I would like to go on record as stating that Head Start is certainly the largest and most important social action experiment mounted in behalf of needy children in the history of our nation. There can be little question that it has produced real benefits. The problem is that we treat so many of our social action programs as fads: we love them too much when they are young, and we despise them too much when they get old. (Although it's hard to think of a program seven years old as very ancient).

But let's look at the record. A central part of Head Start is its health and nutrition components—never touched upon in the Westinghouse Report, never mentioned by its critics. When you talk about preventive education, about compensatory education, about developmental education, you're talking about the total development of the child. What is more important to the learning of the child, to the quality of his life, to determining what he can become, than his physical health and well being?

Over the years, we have discovered some 35 percent of the Head Start children suffer from an identifiable physical defect. We also know that 75 percent of these children are provided with the kind of follow-up medical treatment required to correct these deficiencies. We are talking about taking care of literally hundreds of thousands of children. Head Start continues to be the single largest delivery system of health services to poor children in this nation.

In addition, Head Start has pioneered a unique phenomenon which is instrumental in correcting the cognitive and social problems of our nation's children that interfere with their optimal development. I am referring to parent involvement. Experts alone will not make our children whole and well. The most important source determining the development of the child continues to be the nature of the home. Programs conducted in isolation from the home, and without the involvement of the parents, will inevitably fail.

Who pioneered the entire concept of parent involvement? Who ever heard of parent involvement before 1965? Head Start made parent involvement a reality, and it is that impetus that has lead to the spread of this concept to other programs, such as Title I of the Elementary and Secondary Education Act and other national and state programs. The thing that I have noticed, which is important to both the quality of family life and to the child itself, is the sense of integrity that is gained by the parent who has a real role in Head Start, or the school program, or any other program that deals with his or her children. Taking parents into our confidence, making partners of them rather than beating them as an alien force, gives these parents a new sense of dignity, a sense of worth, convincing them that we "experts" appreciate their importance. Many of these parents never had a sense that what they did made a difference in their child's life. Once we show that we take seriously their role in helping their own children and in the policy making of our programs, we see in these parents a new-found sense of dignity and worth. I cannot stress too highly what this means to the developing child. The early years are indeed important, and the child who is surrounded by a parent or parents who feel that they are worthless, soon gets the notion that he too, is worthless. Parents who feel they have a sense of worth, a sense of dignity, a sense of being able to impact their childrens' environment, produce children who also have this same sense of worth and capability.

Another aspect of Head Start which has gone unnoticed by its critics is the fact that it has been an important social force in our society. While everybody quotes the Westinghouse Report, I have yet to see the popular press pick up an account of one of the most important social evaluations of the last ten years, namely the Kirschner Report. This report clearly indicates that in communities where there is a Head Start Center, the entire community is becoming mobilized around the needs of children. We discovered that, in 58 cities where there was a Head Start program, over 1500 identifiable changes for the better could be found in the educational and health care of children in those cities.

Another aspect of the Head Start program in which we should take great pride is the fact that we took many thousands—9,000 to be correct—people from the ghettos, from the barrios, from the impoverished areas of this nation, and from Indian reservations and we placed these people in college training. Right now there are 9,000 people who have either completed or will complete AA degrees or BA degrees in the area of early childhood education. At the same time, by pulling themselves up, they will also provide a resource that this nation badly needs, namely, individuals who are trained to work with young children.

Another aspect of the program which often seems to be overshadowed by the Westinghouse Report is the unassailable fact that Head Start children, as compared to children who have not experienced the program, are superior on cognitive measures as well as personality and motivational measures by the end of the Head Start experience. This evidence has appeared in 95 out of 100 studies. It is true that once the two groups enter elementary school there is often a loss in the superiority of the Head Start children. To my mind, one clear reading of this type of evidence is that it represents more of an indictment of the elementary schools of this nation than it does of the Head Start program.

I am pleased to have something new to unveil to you this morning. I haven't mentioned it yet, although word has crept up to the Hill, and unfortunately an old friend of mine in Congress accused me of sitting on some data when actually all I have been doing is making sure that we do not report anything without having it carefully criticized by people who hold alternative points of view. But I can tell you this morning that we will release to the nation within the next six weeks or so, a compendium of longitudinal studies of Head Start. (You must remember that the Westinghouse Report was not a longitudinal study. It did not follow Head Start and comparable non-Head Start children for three years.)

We went around the country and found investigators who themselves had followed Head Start children for several years. We found eight such projects from which I think we can draw certain conclusions. First of all, these reports, taken *in toto*, indicate that the picture is not nearly as dark as the Westinghouse Report indicated in terms of the lasting gains of the Head Start program. Many of these programs found that the superiority of the Head Start children was maintained over the comparable children into the third and even the fourth grade. The gains were not huge and I'm not going to tell you that if we just "inoculate" a child for a year in Head Start, we can forget the rest of his life. But it certainly paints a different picture from the one painted by the Westinghouse Report.

Furthermore, there are two clear findings in these reports that make good common sense, fit all the developmental theories I know anything about, and also show us how we must move in the future. They show that the magnitude of the gain that was maintained rested upon two factors. One was the involvement of the parents in the program. Did the parents on their own do something with their own children that build upon what was happening to the children in the centers? It makes good sense that if a child had one set of experiences for three or four hours a day, and a totally different set for the other ten or twelve waking hours, you're not going to get much impact. But if the parent learns how to interact with the child in the same constructive way that is being carried out in the child care center you begin getting impact because the child has continuous support and interactions of a sort that produce optimal growth and development.

There was a second factor that we could have all predicted back in 1965. The maximal payoff in the Head Start program comes if the school follows up the Head Start program with another compensatory effort that builds upon the skills of the child, rather than simply dumping him back into the conventional type of educational program.

After telling you about this essentially positive view that I have of Head Start, I think that it is appropriate for me to point out to you that Head Start does have some important practical and conceptual problems. I point this out because I think it's important that we learn from experimental efforts such as Head Start. It's important that we be honest in telling Congressmen and Governors and Presidents what we can do and what we cannot do, and most importantly what have we learned. Only in this way can we make efforts in behalf of children in the future that will be even more effective. One thing that we have learned from our own monitoring reports, is that Head Start around the nation continues to be a very mixed bag. In certain communities, it's very good, in many communities it's mediocre, and in some communities around this nation, it is extremely poor. In my estimation, in terms of the quality of what we're delivering, Head Start continues to be a dream unrealized.

One of the factors our monitoring efforts indicated was that many of the Head Start teachers who actually take care of children day in and day out are not knowledgeable concerning the nature of the developing child. Stated most bluntly, many people taking care of children in Head Start centers simply do not know what they are doing.

This evidence tells me which way we have to move in the future. The rock upon which we must build all early childhood programs in the center rests on the nature of the relationship between the important adults in that center and the child, and the nature of their interaction. If you have adults, women and men, who understand child development, who have had some training and some sensitivity to what a child is all about, you will get results, and it's that simple.

There were other problems with Head Start and I'm afraid they continue to plague us. The whole program got caught up in cognitive emphasis very, very quickly. The idea became that Head Start is intended to make everybody brilliant, we have to have I.Q. measures all over the place, and we'd better get in there and measure those quotients. Head Start *was* set up to improve the cognition of children. Cognition is important. But it became over-emphasized in my estimation, and to make the matter even worse, it became wedded to what I can only refer to as the naive environmentalism which was particularly rampant in 1965 and which is declining today.

It would appear that we held Piaget and Werner and other European cognitive theorists at arms' length for decades, but in the good old American tradition, once we discovered Piaget, we discovered him with a vengeance! There are a number of historical strands that all came together in 1965 making improved cognition the thing to aim for. It seemed as if we forgot the rest of the child that is really very imporant in determining what that child is to become.

Ladies and gentlemen, children are not equivalent to I.Q. scores. Nor is their everyday social competence equivalent to their I.Q. scores. Unfortunately we have state hospitals, penitentiaries, welfare rolls, still peopled with individuals of quite high intelligence. However, partially because of the cognitive emphasis and measurement problems, as well, the I.Q. score became the primary indicator of success or failure. It appeared that the goal of Head Start was the production of a cadre of geniuses to evenually man the professorial posts at Harvard, Yale, and Princeton. We must never get into that bag again. It is my opinion that what we are doing in this country is continually crucifying our children on a cross of I.Q. There are bright children. There are less than bright children. There are some children that are not bright at all. They're all worthy children, they're all deserving of our love, they're all deserving of our best efforts to ensure their healthy development.

The goal of Head Start programs and all remedial programs should be to produce socially competent human beings. We should begin appreciating the fact that the entire range of cognitive abilities is represented in every socioeconomic group. Furthermore, we must be aware that we are not going to repeal the biological law of human variability. What we must remember is that just about every child in our society, with the exception of the very severely handicapped, can adapt to our society, can contribute to our society. Our problem is not so much in making everyone brilliant as it is in making everyone use the intelligence that they have.

In my own reviews, my own research, my own analysis of the problem, I have at least convinced myself, and hopefully a few others, that one of the most serious problems with our economically disadvantaged children is not in the sphere of cognitive development at all, but rather in the sphere of social and emotional development. My own research has certainly indicated that most of these children suffer not so much from stupidity as from the fact that they don't have the motivational structure that permits them to use the intelligence that they have. These children have motivational needs which simply get in the way of their cognitive performance, their school performance, and their job performance later in life; until we can teach these children to relate to others, to view themselves and others in a positive way and to begin setting up certain goals for themselves that are realistic and productive and, positive, all of the cognitive training that moves them to the Piaget stages are not going to have the effects that we would like them to have.

Again, I'm not opposed to cognitive development; it is a very critical factor in social competence, but let us rediscover the whole child; let's begin establishing programs for young children in this country that work just as seriously on the motivational and social structure of these children as it now does on developing their cognition and their I.Q. scores.

We have to approach these children honestly. Let's say that we are never going to ensure that every child's score on any measure is above the mean as a result of our programs. We must, therefore, approach decision makers honestly with what we can honestly do, and one of the reasons that I emphasize the social and motivational system so much is because all of my reading of the literature leads me to believe that that system, which is so important in determining social competence, is much more malleable, is much more changeable, than is the cognitive system which does also reflect a variety of biological and environmental experiences. It is very difficult to raise permanently the rate of cognitive development of individuals. I'm not saying that it can't be done, but I am saying that it is much easier to change a child's attitudes, motives, goals, and affective features—which are just as important in determining what that child is going to become—as to change his cognitive features.

MAPLE HEIGHTS, OHIO, CITY COUNCIL CALLS FOR ACTION ON FOOD PRICES

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. JAMES V. STANTON. Mr. Speaker, in establishing the phase II economic policy, President Nixon stated that the program could be successful only with the cooperation and vigilance of all citizens. The city council of Maple Heights, Ohio, has complied with this request by calling attention to the serious problem of rising food prices, and the difficulties encountered by consumers in attempting to check base prices.

I urge the Cost of Living Council to act to alleviate these conditions, and should the administration fail to act, the appropriate committees of Congress should seriously consider enacting legislation in this area.

The text of the resolution of the Maple Heights City Council, and an article on it which appeared in the Maple Heights Press, follow:

A RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES, AND OTHERS, TO CREATE GREATER AWARENESS TO CURRENT PRICE INFORMATION BY EXTENDING PRICE CRITERIA TO FOOD PRODUCTS, AND REQUIRING BASE PRICE INFORMATION POSTED ADJACENT TO CURRENT PRICES

Whereas, the Wage Price Freeze set out to relieve the working man of the erosion of his income caused by inflation; and

Whereas, the Wage Price Freeze brought about stabilization for a period of time; and

Whereas, since the Wage Price Freeze has been in effect, prices of some commodities are still out of hand and prices are still increasing at a highly inflationary rate and

Whereas, specifically, this includes food prices which have never been subject to control and as a result have skyrocketed beyond the bounds of what the seasonal fluctuations of the marketplace would be; and

Whereas, since the law relative to posting price lists has caused them to be posted in remote or inconspicuous places thereby not permitting our people to be readily aware of what the base prices are, so that complaints to the Federal Office of Stabilization are not being made in the volume that they should be, due to the lack of awareness on the part of the people. Now, therefore, be it

Resolved by the Council of the City of Maple Heights, State of Ohio:

Section 1. It is requested that base price information be required to be posted adjacent to the current price information in an effort to create greater awareness among our citizenry and better permit our citizens to report noncompliance with Price Stabilization Laws.

Section 2. Be it further *resolved*, that the price stabilization criteria be further extended to food products (meats, vegetables, etc.) since these prices mostly affect all citizens, especially the middle and lower income; and since they have risen far beyond the two and one-half percent objective established for increased prices.

Section 3. The Clerk of Council is hereby instructed to forward certified copies of this Resolution to the President of the United States, Senator Robert Taft, Senator William B. Saxbe, Congressman James V. Stanton, Ralph Nader and the Directors of Economic Stabilization in Cleveland and Washington, D.C.

Section 4. This Resolution shall be in full force immediately upon passage.

Passed: August 2, 1972.

[From the Maple Heights Press, Aug. 10, 1972]

FOOD PRICES RISE; COUNCIL ASKS NIXON TO TAKE STEPS

Because they don't believe the objectives of Phase II's Wage Price Freeze are being uniformly enforced and because they feel the public should be made more aware of food prices, Maple Heights Council has forwarded a resolution to that affect to President Nixon.

Councilman James Timko, noting that the federal government has the controls and not the city, cited "food prices skyrocketing out of control" as one reason for this legislation.

He hoped that a federal government regulation requiring posting of base food prices next to—instead of "remote or inconspicuous places"—current prices would create an awareness of the "highly inflationary rate" in the public which could pressure for food prices to be subject to the same 2½ percent guidelines as other products.

Copies of the resolution were sent to the President, Senators Robert Taft and William Saxbe, Congressman James Stanton, Ralph Nader and the directors of Economic Stabilization in Cleveland and Washington, D.C.

David Roth, 5524 Elmwood, had his own answer. "The only reason prices are high is because people are willing to pay these amounts. It's not the fault of anyone, but everyone, he told city council.

Wholesale food prices went up last month and have risen up 3.2 percent last month and have risen 12.9 percent in the last 12 months.

ALASKA STATE FAIR FOR 1972

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. BEGICH. Mr. Speaker, an annual fair for Alaska has been designated the official Alaska State Fair for 1972. This fair, at Tanana, will communicate the diversity of Alaska; its culture, history, resources, and attractions. Since the fair plays such a vital role in the lives of Alaskan citizens, this year's theme will be "Alaskans All." I enclose the recent proclamation of Alaska State Gov. William A. Egan commemorating the Alaska State Fair:

PROCLAMATION: ALASKA STATE FAIR FOR 1972

By legislative direction, the Governor of Alaska annually designates one of the State's regional agricultural and industrial fairs as the official "Alaska State Fair."

"Alaskans All" has been chosen as the theme for the 1972 Alaska State Fair. This theme communicates the diversity of Alaska; its culture, history, resources, attractions, as it recognizes the common bond that unites us all—our dedication to the future of the great State of Alaska.

Exhibit entry in the fair is open to all the people of Alaska. Exhibit divisions are offered in agriculture, livestock, homemaking arts, 4-H Club work, handicrafts, Alaskan native arts and crafts, wild mushrooms, berries, youth, and education. Substantial prize premiums and awards are offered for winning exhibits.

Modern day fairs are great communicators for individual interests and pride of accomplishment. Based on the traditional farm and home skills of an agricultural nation, fairs have expanded to reflect wider community and educational issues.

Two out of every three Alaskans take part in fair activities annually, thus indicating the vital role played by fairs in the lives of our citizens.

Therefore, I, William A. Egan, Governor of Alaska, officially designate the Tanana Fair as the Alaska State Fair for 1972 and invite all citizens and visitors to "come to the Fair."

Dated this 27th day of July, 1972.

THE CENTENNIAL CELEBRATION OF THE CATHOLIC KOLPING SOCIETY OF AMERICA

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. PUCINSKI. Mr. Speaker, the Catholic Kolping Society of America will hold its national convention in Chicago from September 1 to 4. At this time the society will mark its 100th year.

The Kolping Society is dedicated to making this "a better world through better people." Many charitable works and community projects are assisted by the Kolping Society. During its earliest days, the Kolping Society of America served a huge number of immigrants—often providing shelter, jobs, and opportunities to learn English. Today, the same spirit of helping those in need guides the Kolping Society.

Mr. Speaker, in order that other Members of Congress may be made aware of their significant contributions during the last 100 years, I provide the following history of the Catholic Kolping Society of America.

THE CATHOLIC KOLPING SOCIETY

Adolph Kolping was born in Germany in 1813. He was ordained a priest in 1845. In 1849 he founded the Kolping Society to help young journeymen. At this time Germany was the process of transformation into the age of Industrialization.

He went about Germany, writing, preaching and organizing. Society after Society was established. Kolping Houses were his way of shaping and molding young men to become good Christians, good citizens and respectable family men. Kolping knew that the family was the most important foundation for a good society. His work spread. Today there are Kolping Societies, not only in Germany, but in twelve cities of the United States, many cities in Canada and in countries throughout the world.

In 1872 a Kolping Society was founded in Chicago. It is the oldest Kolping Society in the United States. This year at the National Convention of the Catholic Kolping Societies of America, September 1–2–3–4– in Chicago, we will celebrate the hundreth Anniversary Centennial of the Chicago Kolping Society. The motto of this Convention is "a Better World Through Better People".

In its early years the Chicago Kolping Society served the great numbers of immigrants newly arrived in the United States. It provided homes for these young men, where the ideals of Father Kolping were instilled. It helped them to find jobs in their new land. Classes in English were taught.

After World War II, the Chicago Kolping Society was actively involved in work with the Refugees and Displaced Persons. The Society worked closely with the Catholic Charities to help solve this monumental task. After World War II, there was another period of time which saw many immigrants from all over the world arriving in the United States. Many who settled in Chicago were helped by the Society.

After the Hungarian Revolution the Chicago Kolping Society opened its doors to hundreds of young Hungarian boys who had fled their native land to freedom in America. Once again the Society went quietly about its work of helping the new arrivals become established in their new land. This process was repeated again after the cuban revolution, when once again hundreds of Cuban Refugees found a helping hand through the Chicago Kolping Society.

In 198 the Chicago Kolping Society moved from its location on Oakdale Avenue to the present location at 5826 N. Elston Avenue, Chicago. No longer does the Kolping House serve as a boarding house for young men, but during the years 1872–1968, over 25,000 young men lived in the Chicago Kolping House.

Now the Kolping work consists primarily of various charitable works and community projects. We are very proud to be the sponsors of a Boy Scout Troup for Handicapped Boys. Kolping Societies sponsor 4–H Groups, work with orphanages and others in need.

And the work which Father Kolping so strongly advocated, the strengthening of family life, through Christian Brotherhood, is carried out through our various programs. Instilled with the ideals of Father Kolping, a Kolping Member is a good Christian, a useful, production member of his community, and a good citizen of his country.

Kolping members indeed are endeavoring to create "a better world through better people."

NATURAL BEAUTY OF HAWAIIAN ORCHIDS REFLECTS PAINSTAKING EFFORTS BY MAN

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. MATSUNAGA. Mr. Speaker, the Hawaiian orchid is, by its very nature, a symbol of beauty which has captured the imagination of floral fanciers throughout the world. Its special radiance and attendent mystique are qualities which bespeak of an extraordinary creation of nature.

Yet the common vision of beautiful orchids growing wild in the State of Hawaii greatly belies man's personal contribution to nature's handiwork through experimentation with new hybrids and years of painstaking labor. The magnificent panoply of velvety colors and textures which characterize the Hawaiian orchid reflects a level of human-care almost unknown in this modern age. Some of the famous cattleyas, for example, will not flower until their ninth year after planting of the seed. Preparation for the germination of these seeds is an art in itself.

For a highly interesting account of the process of orchid-growing in Hawaii, I recommend to my colleagues a reading of the following article, which appeared in a recent issue of the Honolulu Star-Bulletin.

The article follows:

An Orchid Is an Orchid Is—

(By Loretta Robinson)

Orchids may grow wild in the state of Hawaii, but the riot of velvet colors produced in the hybrids happens only after years of painstaking labor.

Some of the cattleyas, grown from seed, won't flower until the plant is well into its ninth year.

Neither is the process of getting them started a simple one.

On their Waianae orchid farm, Helen and Masatoshi Miyamoto include in their orchid-growing equipment pressure cookers, agar (a gelatinous substance made from seaweed), beakers, Chlorox bottles and tiny one-inch clay pots.

Contamination of the seeds is avoided at all costs.

The beakers in which they are grown are put through the pressure-cooked process, then covered and stored in a sterilized cabinet. Mrs. Miyamoto also sterilizes her hands and the glass box in which she works.

For nourishment during this sterile start, the orchids feed on an agar base which Mrs. Miyamoto cooks herself. Working from a recipe that might almost look like a human dessert—without the fertilizer—she includes coconut milk, tomato juice, Japanese katen and sugar.

After planting, the parentage of each bottle is recorded as carefully as it might be for any pure-bred race horse. The beakers are then corked with cotton and covered with aluminum foil, not to be opened for the next 10 months.

They are, however, still checked every day for possible contamination. If any mold appears the contents of the whole beaker is discarded.

When the test-tube phase is over, the plants, rarely larger than an inch in height, are transferred either to three-inch community pots or individual one-inch pots. Working with a long wire hook like a ship-in-a-bottle builder, Mrs. Miyamoto handles each plant separately.

Only when the orchids finally bloom can the results of their work be assessed.

"Each seed pod is supposed to be the same genetically," Mr. Miyamoto explained, "but the genes of all the seeds can make over a million combinations."

In spite of the amount of expertise they have accumulated, Mrs. Miyamoto admitted that when they first started a nursery—as a hobby—"We were just collecting, buying and killing plants."

They were living in Honolulu then and Mr. Miyamoto who was working as an automobile mechanic.

The way his wife tells it, growing orchids was her hobby and he got involved. The way he tells it, he picked up the interest from his father who was a gardener on the Damon Estate in Moanalua Valley.

A short course in orchid culture at the University of Hawaii taught him the basic techniques he uses now. "That's where I learned to plant seed by the symbiotic method on sterile media," he recalled. "I also read the different publications available. They were very limited them."

"When we started germinating our own plants we were forced to sell," Mrs. Hiyamoto said and laughed.

That was about when her husband began working only part-time as a mechanic to devote more time to orchids.

Mr. Miyamoto, in addition to handling his own business, became the official photographer for the Honolulu Orchid Society, and then for the American Orchid Society Awards Committee.

He has since dropped that because he "doesn't have enough time" after spending 10 or 12 hours a day watering, potting, tending and mailing his plants.

"It is not a profitable business," he said, "but the friends we have made make it worth it." In his guest book there are signatures from Israel, Egypt, Germany, Japan, Thailand, Africa and Canada and even New Jersey.

"Orchid-growing is all over, in parts we wouldn't believe it would be possible, including Alaska. They have to have heated houses in all temperate climates," he said.

Miyamoto is generous with his advice, which could be why even the experts make regular visits to his farm.

This week he'll be displaying 50 of his plants in the HIC orchid show, and he'll also be working in the sales booth.

For amateur orchid-growers he offered a few solid tips for plant shopping:

For one, although "you can grow almost any orchids grown on the Islands, the dendrobiums and cattleyas would do much better in drier areas."

On the other hand, members of the vandaceous family—vanda, ascocenda and phalaenopsis—will grow in hot areas, but will do better at higher elevations or cooler parts of the Islands.

The reason is that "dendrobiums cannot take too much water," Mr. Miyamoto explained. "Any plants with pseudo-bulbs as they have store water. The vandaceous group has no bulbs."

As far as sunshine is concerned, he said, most varieties of dendrobiums prefer full sunshine. Vandas and cattleyas like partial shade and the phalaenopsis even more shade.

For the shade-lovers, the early morning sun is best, he advised. "Mid-afternoon sun is much hotter and burns the plants. If a plant is heated gradually all day it is not so bad."

Although the cattleyas with their lush blossoms are Miyamoto's favorites, he admitted that they do have the disadvantage of blooming only once a year. The same is true of dendrobiums.

A new development, the ascocenda, a fairly new hybrid, does make it possible to have blooming orchids almost all year around.

"It is also suitable for small growing areas. It does not grow into a huge plant," Miyamoto said.

COMMON CAUSE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 15, 1972

Mr. HUNGATE. Mr. Speaker, in light of my colleagues discussion of Common

Cause on Tuesday, July 18, on page 24139, I would like to bring to their attention part I of three parts of an article on the same subject:

CAUSE WITHOUT A REBEL

(By Robert Sherrill)

It isn't the apocalytic sales pitch that guarantees success. It's the aroma of something special—a kind of sweatless sincerity—that exudes from the salesman. Your ordinary evangelist may say the same thing, but he just doesn't get the results that Billy Graham commands when he shouts, "Today the whole world is on fire! . . . The flames are licking all around our world—the roof is about to cave in . . ." etc. And when Ralph Nader warns, "This is not the time to fool around, wasting countless hours watching television or chitchatting . . . not when the future of civilization is at stake," he draws a much more universal and much more profound response than virtually the same admonition does when it comes from Lester Maddox.

Whatever singular quality it is that accounts for the difference, John W. Gardner certainly has it. If he had been an actor back in the days when Hollywood considered a potted palm in a hotel lobby the height of elegance, Gardner would have been cast as a don, an Episcopal minister or a banker. His voice and manner are right. And even though the idea packaged by his voice and manner may be stunningly naive ("Why, the peace movement alone is as hard a political force as the oil lobby!"), the people believe in him.

So he is a first-rate apocalyptic salesman. "The nation is in deep trouble," he intoned in 1970, and nearly a quarter of a million people trembled and began sending in their $15 to join his organization. Common Cause—called a people's lobby and dedicated to promoting "housing, employment, education, health, consumer protection, environment, law enforcement, administration of justice [and the] reordering of national priorities and Governmental reform." A pretty big order for Common Cause's two full-time professional lobbyists to handle, you must admit, but for the moment let's not talk critically.

Common Cause is remarkable for a number of reasons. For one thing, its size. Even if nothing great emerges from it, Gardner will have put his tidy mark on history, for in slightly more than a year he pulled together an organization exceeded in size by only two dozen labor unions. Each person who paid his $15 hoped that it would be used to save his Government's soul, and the fact that even one 800th of the citizenry—fresh from five years of L.B.J. and four years of R.M.N.—believed salvation possible is also truly remarkable.

The third remarkable thing about Common Cause is that despite its many absurdities it's still quite appealing. Common Cause propagandists are uncommonly pious and windy and boastful about their work, and they are also quite inaccurate. They claim to have done much more than they really have done; they claim to be much more powerful than they really are; they offer as their very own ideas that were old long before Common Cause came into existence. In short, like all politico-evangelistic movements, Common Cause has its share of quackery and deceit. Yet, on balance, the nation is better off because Gardner goes around chanting his doleful quasi sermons, and it's probably also accurate to say that Common Cause has girded the loins of the timid taxpaying citizen in a fashion no other organization has done in recent years.

The worst mistake that one could possibly make would be to think of Gardner as a radical reformer. His philosophy has received the seal of approval of *Reader's Digest*, where nine of his speeches and essays have appeared in the past decade—seven more times than J. Edgar Hoover was chosen—and of *Fortune* magazine, which once admiringly published excerpts from two Gardner books it quite accurately described as "moral tracts."

The idea that the public should seize certain corporations horrifies him. Having been kept by the largess of the Carnegie riches for 19 years, Gardner puts much trust in America's "great families." He apparently believes in spreading political power evenly over the people (although he once said of the political process, "It is not essential that *everyone* participate. As a matter of fact, if everyone suddenly did, the society would fly apart!") as long as democracy is not equated with a more equitable distribution of money. When I suggested to him that the most necessary reform needed in this country is a redistribution of wealth, he became quite angry, ridiculed this as "one of those big round phrases that sound great" and eventually broke off our discussion by calling me "arrogant—and, if you don't mind my saying so, snotty."

One of Gardner's aides later explained that Gardner avoids talking about redistribution of wealth because "it does scare off some people who aren't sure if it's their wealth you're talking about."

There are certain people of considerable wealth whom he has indeed taken great pains not to frighten away, for they have helped keep him in business as a modest reformer since 1968. The two major do-gooding operations Gardner has headed are the Urban Coalition (along with its lobbying counterpart, the Urban Coalition Action Council) and Common Cause.

The Urban Coalition was generously bankrolled by corporations such as those whose executives have served on the Urban Coalition board: Litton Industries, the Aluminum Company of America, the Chase Manhattan Bank, A. T. & T., Boise Cascade Corporation, General Motors Corporation.

And when he started Common Cause, he tapped the same kind of personal and corporate pockets—John D. Rockefeller III, John Hay Whitney, Arthur Krim, Sol Linowitz, the Watsons of IBM, Time Inc., Ford Motor Company, Norton Simon.

Like the true reformer, Gardner thinks he has a stronger character and purer heart than other men. He has said that politicians who seek an "alliance with the masses" may be just "power-hungry men"; but of course *he* wouldn't misuse Common Cause's mass alliance. Likewise, though he believes the corporate dollar corrupts politics, he also believes Common Cause is immune from such corruption. I asked how he can be so sure, but he didn't like the question. And when I asked if he did not in fact represent "the establishment," he became so irritated he refused to discuss it.

Of course, he does represent the establishment. He's sort of the lay chaplain of *Fortune's* 500. "Businessmen respect him, especially big businessmen," a close friend of Gardner's once said. "Maybe it's because the bigger the businessman is, the more idealistic he's apt to be." Maybe. And maybe they like him because they are convinced Gardner will never let his reform movement get out of hand. After all, he has always mingled easily and worked closely and sympathetically with the corporate world. He has served as a consultant to the Pentagon, helped put together the Rand Corporation's nonprofit System Development Corporation, served on the board of directors of such corporations as Shell Oil, American Airlines, Time Inc. and the New York Telephone Company.

Understandably, *Time* considered Gardner's sentiments worthy of being published as an essay in 1969 when he wrote of the Top People: "Contemporary critics often appear to believe that the smothering of individuality is a consequence of intentional decisions by people at the top. Right-wingers blame Government leaders, left-wingers blame corporate leaders. But the modern leader is always in some measure caught in the system. To a considerable degree, the system determines how and when he will exercise power. The queen bee is as much a prisoner of the system as is any other in the hive."

It wasn't clear, as is often the case with Gardner's essays and speeches, just what he was getting at. What system outside Government and the corporate world did he have in mind as the villain? Could it be some mysterious system originating with the Lower Classes?

If one were to judge Common Cause only from the list of "sample" members distributed by the organization's publicity office, one would have to conclude that nobody can get in unless his name has appeared frequently on the front page, society page, movie page or financial page. Everyone on the list is somebody: Mrs. Dean Acheson, Winthrop Aldrich, Hugh Auchincloss, Ralph Bellamy, S. I. Hayakawa, Fredric March, Gregory Peck, Dr. Jonas Salk. Well, you get the idea.

And from some of the names, one might wonder just how common a cause can get. There is Thomas ("Tommy the Cork") Corcoran, for example, one of Washington's best wheeler-dealer lobbyists, whose career reached a high point of sorts a few years back when a Congressional committee investigated the way he went about getting a natural-gas rate increase through the Federal Power Commission. And there is the gentleman so well remembered at Attica prison, Governor Nelson Rockefeller, whose idea of democracy is sometimes illustrated by running a highway through your front room and sometimes by withholding money from needy insane asylums. And there is Robert McNamara, whose efforts on behalf of international peace need no explanation here. (Remember, please, the officials of Common Cause—not I—have singled out these names for your special attention.)

But in fact the membership, like the hierarchy, is a mixture of the middle class and up. Balancing chairman Gardner at the top is president Jack Conway, an assistant to Walther Reuther for many years, and old labor organizer and a crafty lobbyist. And if the establishment-oriented membership is not exactly balanced by honest progressives, at least it is diluted, as will be shown later on.

No effort is made to disguise the elitist atmosphere that surrounds Gardner, an atmosphere to which he contributes with little anecdotes, such as one he told an admiring audience in Washington. It started out like this: "I remember once when I was walking down the waterfront in San Francisco—*not something I normally do*—and a limousine [not just a plain car] coming in my direction slowed down and a lady stuck her head out the window and said, 'Keep up the good work, Mr. Gardner!' "

Nice members appreciate those subtle assurances of good taste.

The Common Cause staff contributes its share to this atmosphere. In a press release about the visit of Wheelock Whitney, a prominent liberal Republican from Minnesota, to the Washington offices, the note of *noblesse oblige* was right on top: "[Whitney] was tremendously impressed. He did not have an appointment with Mr. Gardner, but Mr. Gardner met him and even gave him a personal tour of the office."

HOUSE OF REPRESENTATIVES—*Wednesday, August 16, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

See that none render evil for evil, but ever follow that which is good, both among yourselves and to all men.—I Thessalonians 5: 15.

Eternal Father, as we bow in Thy presence, grant that Thy grace may so possess our hearts that our words may be generous, our ways gentle, and our work gratifying to Thee.

Cleanse us from all unrighteousness and fill us with Thy spirit that we may think clearly, speak wisely, and live nobly as we labor for the good of our country and for peace in our world.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2806. An act to authorize appropriations for additional costs of land acquisition for the national park system.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3726) entitled "An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15097) entitled "An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes."

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate numbered 3 to the foregoing bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 15580) entitled "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes."

ADDITIONAL LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce to the House that later in the day a resolution will be called up suspending the 3-day rule for the consideration of conference reports. This is necessary in order to consider conference reports between now and the recess of the Congress.

A DOUBLE STANDARD FOR GENERALS AND COAL MINERS?

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, is there a double standard for generals and coal miners?

There has been some mumbling and grumbling by certain high administration officials, including former Secretary of the Treasury John Connally, that payments for coal miners' black lung may exceed the budget.

The New York Times of August 11 carries a report of the medical record of retiring Air Force Gen. John D. Lavelle. It seems that General Lavelle has been awarded 70 percent disability for emphysema, a heart murmur, and a back problem. According to the New York Times account:

> A copy of a "pulmonary function study" performed by Air Force doctors on General Lavelle April 3, four days before he retired, showed the vital capacity of his lungs, which is the total amount of air that can be exhaled, to be 101 percent of normal.
>
> A second test was conducted to measure the amount of air that could be expelled in one second. The general obtained a rating of 72 on this test.
>
> According to the sixth edition of Harrison's Principles of Internal Medicine, a score of 69 is considered normal for a man of General Lavelle's age. The general's score on this test also exceeded the Air Force's own standard score of 70, which must be met by pilots before they can qualify for flight duty.

There are thousands of coal miners who have pneumoconiosis from the inhalation of coal dust into their lungs who cannot collect compensation. The Congress has recognized this problem and passed a new law in May of this year to enable many of these disabled miners to qualify. It is outrageous that the administration now wants to establish a double standard for generals and coal miners. Why should General Lavelle get a fat, tax-free retirement, claiming he has disabling emphysema while playing tennis every day, and the coal miner gasping for breath is told that to pay him would unbalance the budget?

THE PRESIDENT'S VIEWS ON GUN CONTROL

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. GUDE. Mr. Speaker, as the sponsor of H.R. 12077, a bill to ban the sale of domestic Saturday night specials—the cheap handguns which are widely used in robberies, murders, and other violent crimes—I was pleased to note that President Nixon has urged the House of Representatives to pass legislation outlawing these weapons. For the information of my colleagues and the public I will insert at this point an article from the Washington Post of August 11, 1972, on this matter.

NIXON URGES HOUSE TO PASS HANDGUN BILL

> The White House yesterday urged the House of Representatives to act this year on Senate-passed legislation to ban the sale of the cheap, easily concealed guns called "Saturday night specials."
>
> Ronald L. Ziegler, presidential press secretary, did not specifically endorse the measure approved Wednesday by the Senate but said President Nixon "supports elimination of Saturday night specials."
>
> Declining to deal directly with the specifics of the Senate bill, he said Mr. Nixon believes legislation "should be worded in such a way as not to penalize the many legitimate sportsmen and target shooters.
>
> In a CBS interview, Sen. Edward M. Kennedy (D-Mass), who unsuccessfully sought to require licensing and registration of gun owners and certain firearms, said "it defies reason, it defies rationality" not to do so.

ONE THOUSAND PERCENT BACKING

(Mr. HALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker. in the morning mail I received a form letter from the Democrat nominee for President of the United States. He suggested that I give him "my heart and my hand, along with a $25 campaign contribution."

Mr. Speaker, I regret that I am unable to comply with the Senator's request for I fear that if by some remote chance he would be elected, he would not only have my heart and my hand, but my wallet, my security, my freedom, and my scalp, to say nothing of other vital and treasured although vestigal parts of my anatomy.

Mr. Speaker, the only reply that I can make to the Senator is that while I do not choose to contribute to his campaign, I can offer him the same kind of "1,000 percent backing" that he gave the junior Senator from Missouri, who was one of his eight or 10 choices for vice president.

OUR FAILURE TO PROTECT THE PUBLIC INTEREST ON THE FEDERAL RESERVE SYSTEM

Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, later in today's Record, I shall discuss in some detail the failures of the Congress and the Nixon administration to protect the public on monetary policy.

Many Americans question how it is possible for their elected representatives to allow a Federal agency—the Federal Reserve System—to operate without an audit by the General Accounting Office and without coming to Congress for appropriations. The constituents of Members of this House are asking how we could allow this agency to continue to retain Government securities which have been paid for once by the credit of the United States.

These bonds—approaching $71 billion—should be retired and subtracted from the national debt. Instead, the U.S. Treasury continues to pay interest to the tune of $4 billion annually on these bonds and the Federal Reserve uses this slush fund to finance its far-flung operations and to ignore the will of the people and their elected representatives.

APPOINTMENT OF CONFEREES ON S. 1819, RELOCATION ASSISTANCE

Mr. KLUCZYNSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 1819) to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the act, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees: Messrs. Kluczynski, Wright, Collins of Illinois, Harsha, and Don H. Clausen.

CONSIDERATION OF CONFERENCE REPORTS ON THE SAME DAY REPORTED

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1094 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1094

Resolved, That during the remainder of this week it shall be in order to consider conference reports the same day reported, notwithstanding the provisions of clause 2, rule XXVIII.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. GROSS. Mr. Speaker, when was permission granted for the filing of this rule?

The SPEAKER. The Chair will advise the gentleman that the resolution was reported yesterday.

The gentleman from Mississippi (Mr. Colmer) is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes to the able and distinguished gentleman from California (Mr. Smith), pending which I yield myself such time as I may consume.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 328]

Abourezk
Anderson, Tenn.
Badillo
Baker
Baring
Betts
Blanton
Carney
Carter
Chamberlain
Clancy
Clark
Clay
Conte
Conyers
Curlin
Davis, Wis.
Dellums
Dennis
Dingell
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Esch
Frelinghuysen
Galifianakis
Gallagher
Goldwater
Gray
Hagan
Harrington
Harvey
Hawkins
Hébert
Heckler, Mass.
Hogan
Hull
Jarman
Keith
Kyros
Landrum
Leggett
Lennon
Lent
Long, La.
McCloskey
McMillan
Michel
Murphy, N.Y.
Nichols
O'Neill
Passman
Pelly
Pryor, Ark.
Rarick
Reid
Rhodes
Riegle
Rooney, N.Y.
Rousselot
Ryan
Schmitz
Springer
Staggers
Teague, Calif.
Teague, Tex.
Ullman
Veysey
Waldie

The SPEAKER. On this rollcall 362 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONSIDERATION OF CONFERENCE REPORTS ON THE SAME DAY REPORTED

The SPEAKER. The gentleman from Mississippi (Mr. Colmer), is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I believe just before the quorum call, I had yielded the usual 30 minutes to the minority, to the able and distinguished gentleman from California (Mr. Smith); pending which, Mr. Speaker, I yield myself such brief time as I may consume.

Mr. Speaker, this resolution is a simple resolution providing for a simple objective, namely, to permit the House in these 2 or 3 remaining days of the session prior to our taking a vacation beginning at the end of this week, to wit, Friday, to consider conference reports without having to wait the prerequisite number of days required under the rules of the House and that is all there is to it. From my point of view, I always prefer the orderly procedure, but you cannot eat your cake and have it, too. We are either going to have to go through the procedure of waiving the 3-day rule, or we are going to have to remain in session past the recess date, or we are going to have to let these conference reports go over; it is just that simple.

I yield to my friend from Massachusetts (Mr. Burke).

Mr. BURKE of Massachusetts. I should like to ask my good friend, the chairman of the Rules Committee, if there is any expectation of that "fat cat" cattle baron bill coming in here before we recess as a conference committee report.

Mr. COLMER. I am always happy to cooperate with my good friend from Massachusetts, but I am sure he would not want me to mislead him. I can only answer that question by simply saying I have no knowledge whatever on the subject of what conference reports will be called up.

Mr. BURKE of Massachusetts. I just wish to point out to my good friend here that I understand from the rumors that I hear from the page boys outside—and that is the most reliable source of informaton one can find around here—that this "fat cat" cattle baron bill will be coming in here, and the Members are not going to have too much of a chance to read what the conference committee has done. If that is so, very reluctantly I will have to oppose the gentleman's motion here today, because up in the Northeast section of this country we have hundreds of people who are losing their jobs in the tanneries of America as a result of their closing, because the cattle people of this country are sending their best hides overseas and we are getting the lower end of the barrel.

I do not see how we in the eastern part of this country can support this rule if this is going to take place.

We find the administration, Mr. Speaker, in two positions. In one position the Secretary of Commerce is assuring the hide people that he is taking care of them; he has got this restriction on a 1971 level; and in the other position we have got the Secretary of Commerce assuring the cattle people that they are going to be taken care of because they are going to remove the restrictions on exports.

Mr. Speaker, I do not think that we can act on the gentleman's motion here today in a fair and equitable way in view of the unemployment situation in this country, and in view of the fact that the cattle producers of this country are presently organizing—presently organizing—great campaign committees; and you and I know what they want to do. I do not think we should rush this through, and I certainly oppose the motion of the gentleman, the chairman of the Rules Committee.

Mr. SMITH of California. Mr. Speaker,

I yield myself such time as I may consume.

Mr. Speaker, the matter was heard in executive session yesterday in the Rules Committee. I supported it in the Rules Committee. I find myself a little bit confused, Mr. Speaker, because I thought we were trying to expedite the matters which were, for the most part, noncontroversial conference reports.

Now the first thing I am told here today is that some of the Members apparently have objection to S. 3726, the Export Administration Act extension, which I think would probably be the first measure called up. I think probably the gentleman from Massachusetts (Mr. BURKE) was just talking about that. In addition to that of course all the matters that could be brought up are listed on pages 4, 5, 6, 7, 8, and 9 of the calendar. As best I can determine in looking over them, we could possibly have H.R. 13089, national accelerated reforestation, that was filed in the House on August 14; possibly H.R. 15495, military procurement authorization, 1973, if they get the conference report in, and of course that is very important. I just mentioned S. 3796, Export Administration Act extension. Then there could be H.R. 15641, military construction authorization, 1973, and that, too, Mr. Speaker, is very important. Then we have this one which would be eligible if this resolution passes, H.R. 15580, District of Columbia police and firemen salary increases, filed in the House on August 15.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to point out to the gentleman I am not opposed to this resolution if we can have the assurance of the leadership that this export bill is not going to be taken up before we leave here.

Mr. SMITH of California. That is something I have no control over. This is simply a matter of the individual's own opinion as to our procedure when we try to dispose of as much as we can. The Republicans hope we can get out of here Friday night so we can have our convention, so I will leave the situation up to the individual Members. I am sure I speak correctly when I say the gentleman from Michigan (Mr. GERALD R. FORD), our minority leader, supports this resolution.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, let me respond. I do support the resolution and I do wish to point out there are certain matters that in my judgment and in the judgment of others do require some action prior to when we recess or adjourn by Friday. I do not think it is an unreasonable request. Therefore I intend to support the resolution.

Mr. SMITH of California. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I have three requests for time.

I yield 5 minutes to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Speaker, I rise in opposition to this resolution. We have heard everyone speaking in favor of it saying, well, we do not need to observe all these procedures because we are getting into the closing hours of the session and we have so much necessary legislation that must be dealt with. Therefore we have the kind of resolution which we are now told is necessary.

Gentlemen, I am reminded of the words of, I believe, Mr. Justice Holmes, who was dealing with a lawsuit. A lawyer brought his case to the Supreme Court. He said, "Well, I have been thrown out of court on just a mere technicality, just a matter of procedure which I failed to observe in filing my lawsuit. I was maybe a little bit too late but why should my client lose his rights because I have slipped up on a procedural defect?" Justice Holmes made this observation, that is as applicable today as it was then, it seems to me. He said: "Law without form is chaos."

I have noticed a tendency in the House of Representatives during the 6 years I have been here that when we get into the closing hours of any session chaos becomes the order of the day and we begin to waive such technicalities as that which suggests all Members should know what we are voting on before we vote. Then we find ourselves saddled with laws we have to explain much later when we go back to our people.

It has been brought up that we must have some of these laws or it will create hardship in the country. If such procedures are needed, let us deal with them on a unanimous-consent request basis. Members of this House are responsible individuals. If they recognize a genuine need for some legislation and see that the country will suffer for some reason, we are not going to have opposition; but, we are going to have opposition when we have controversial matters which should be explained before they are passed.

I will say to the gentleman from Massachusetts that the reason this general resolution is being sought in advance is because it is known there will be opposition when this Export Administration Act extension is brought up. This is a typical example of what we find in the closing hours of Congress. The Banking and Currency Committee has a bill providing much needed authority for the President, which is going to expire shortly.

The conferees have attached a provision which the House has rejected: they have attached a provision to require the establishment of a council for advising the President on international economic matters.

We debated this matter very thoroughly several weeks ago. We pointed out that there are some 650 councils in existence now, and it was very questionable as to why we needed to establish a new bureaucracy, with their never-ending requests for funds.

Yes, there is a great deal of controversy attached to this measure, and the House, very roughly, I would say, by three out of four, judging by the voice vote, was opposed to the establishment of this council.

But, with the typical conference type of fashion, the conferees of the House Banking and Currency Committee have submitted to the will of the Senate.

Gentlemen, what is involved here is the integrity of the House of Representatives itself. Is there a need for a House of Representatives? Do we need to go through the exercise of debating and voting on resolutions and amendments to bills, when every time we go to conference at the other end of the hall we accept anything the Senate throws in our direction?

Gentlemen, if this were not a matter about which I have such strong feelings, I assure you I would not be here resisting this motion today; but we have to resist this resolution, to pass the message through to the Senate and to anybody else who happens to be in earshot that the House of Representatives is not going to be run over roughshod.

Mr. Speaker, I urge the rejection of this resolution.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I am firmly in opposition to this resolution. I speak as the chairman of the minority Committee on the Consent Calendar Objectors and also as a member of the Joint Committee on Continued Congressional Operations.

This is the kind of a rule that brings chaos at the end of, or as we approach the end of any session, or adjournment sine die, by agreement between the two bodies.

We have tried to cooperate by allowing long lists of extra unanimous-consent requests to be brought up during this past week. Indeed, I will remind the Members that we have allowed, by unanimous consent, an extra day for suspension of the rules, on the calendar this week.

As the previous speaker said, any thinking Member will allow these things in good faith if a need is demonstrated, but this proposal gives carte blanche elimination of orderly process and foretells chaos. Many of us truly do our homework and read these bills and reports in advance. This resolution obviously waives all points of order, by definition. There is no opportunity for prior study. We obviate the 3-day rule for printing prior to consideration, as developed by the Joint Commission on the Reorganization of the Congress.

There must be an undue fear of denial of unanimous-consent requests.

We would be legislating in the dark on controversial legislation, to be sure.

There is an available and easy way to do this. We can do it by a two-thirds vote under a rule of suspension at any time, if not granted on a unanimous-consent request. This rule, of course, only requires a simple majority, and therein lies the subterfuge of bringing it about this way.

I repeat it defies the representative process and will lead to every elected Member obviating his elected and bounden duties, by legislating in the dark.

There is no emergency need for most of these proposals. If so, that can be handled, and the legislation should be covered under a procedure that goes both ways.

In the old days the Committee on Rules often "pocketed" legislation that should not embarrass all of the individually elected legislators by being brought prematurely to the floor. So this type of legislation, to be properly considered and voted on with a "yea" vote, should be so constructed and drafted that it would regulate stopping some of the bad legislation or conferenc reports that need not come before us as an emergency prior to the recess, yet open the door for emergency and good reports.

This does neither. It simply opens the door to a blind, dark alley for legislating without the Members having an opportunity to see what the managers on the part of the House have agreed to, or how many times we have receded to the other body.

Mr. Speaker, we are simply putting the "ring in the nose" of the House of Representatives to be led by the other body in this Congress, and as the people's representatives we should not do it. I recommend a strong vote against House Resolution 1094, Mr. Speaker, and I yield back the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, this resolution simply means that the chairman or someone in charge of a conference report can walk through any door of the House with the conference papers in his hand, obtain recognition of the Speaker, and without prior notification to anyone else call the conference report up with no information in the hands of the Members. The House then has the opportunity, on a sight-unseen basis, to reject or accept the conference report.

The proponents of this resolution contend it is necessary to expedite the business of the House. They ignore the reason why at this late date they feel they must resort to this kind of drastic action to expedite the business of the House. Where, for instance, was the Export Administration extension bill until this late date in this session? The statutory date expired, I believe, on August 1. Everyone on the Committee on Banking and Currency, including the chairman, knew the act would expire on August 1. They knew that weeks and months ago. Where was the committee that it did not bring this bill out long ago so that we would not be confronted with this kind of a situation on the House floor whereby it is proposed that the rules of the House be raped in behalf of expedition?

Mr. Speaker, I hope this resolution is defeated.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in opposition to this resolution, which would waive the 3-day requirement for the consideration of conference reports.

It is important to remember that a conference report often contains very complex provisions which have been considered by the other body and not necessarily by this body or previously rejected by this body.

The 3-day interim period is provided in the rules of the House for a very, very important reason, so that the Members of this body can consider the substance of a conference report and be informed on what is in it.

Now, a resolution of this type is frequently adopted at the end of a session when there is very little time remaining before adjournment sine die. That is not the situation before us today. We will be back after the recess, and there is still ample time to consider anything which is in any of these conference reports we are trying to rush through today.

Mr. Speaker, I have a feeling that the real reason for the adoption of this rule is to rush through the bill to which Congressman BLACKBURN referred (H.R. 15989), a bill to establish a Council on International Economic Policy.

The House has receded and concurred in the Senate amendments to H.R. 15989 as we almost always do in conference with the other body and the other body has acted on the conference report already, which precludes us from doing anything but voting the conference report up or down. All we can do is say yes or no. I object to that, especially in view of the fact that title I of the House bill was overwhelmingly rejected by this body.

I refer to the remarks of Senator MONDALE when he presented the conference report yesterday.

> Mr. President, this measure returns from conference in almost identical form as was adopted by the Senate some time back.

So what did they do? They adopted the conference report, of course, by a voice vote.

I therefore strongly urge defeat of this resolution so that the House can consider the various conference reports in a responsible manner and not in haste.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from Ohio, and commend the gentleman. As usual he thinks and speaks well to matters of proved principle. Surely every Member of this House is keenly aware of the fact that within the rules of the House there is a technique if the sine die adjournment has been firmly set, where any reasonable procedures could be handled in the terminal 6 days.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for his supporting remarks.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, let me say as emphatically as I can, and I think my record bears it out, that I stand as strongly as anybody in this body for the rights and the privileges of the House of Representatives vis-a-vis the other body. I do not think we have capitulated. We have lost some, but there has not been a capitulation. There are some measures that are in the wings where I, along with others, will continue to fight for the views and the decisions of this body vis-a-vis the other body.

The real problem we are confronted with today is this one legislative proposal, the conference report from the Committee on Banking and Currency.

The gentleman from Georgia and my friend, the gentleman from Ohio, had strong feelings, and those strong feelings against that legislation were in the committee report when this legislation came before us, and they were joined in the supplemental views and the additional views by the gentleman from California (Mr. ROUSSELOT).

Let me say that when that legislation was before the House, to refresh your memories, I joined with them to a degree in opposing one or more amendments, as I recall, proposed by the gentleman from Iowa (Mr. CULVER). Unfortunately, from our viewpoint, we lost those amendments and as a consequence then the choice was: did we want section 2, or a title II that had been amended stricken from the bill with title I remaining? And the conscious decision was made by the House that with the Culver amendment or amendments that the title should be stricken.

The gentleman from California, the gentleman from Ohio, and the gentleman from Georgia know that I personally, for whatever impact that had, was for title II as it came from the committee. And I add parenthetically a majority of the Members on this side of the aisle in the committee favored title II as it came out of the committee.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. If the gentleman will permit me to finish, I will yield to the gentleman in a moment.

Mr. Speaker, I would hope that some other alternative would be arrived at for the consideration of this conference report before we recess or adjourn on Friday. I hope that maybe some negotiations might result that would permit the consideration of this conference report either tomorrow or Friday. But I do not want this one issue to becloud the possibility of the consideration prior to Friday of any other conference report or conference reports that may be essential to the proper functioning of our Government in the 3 weeks while we will be in recess.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I am glad to yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to point out to the minority leader the reason I am objecting today is not only to protect my right, but also protect the rights of two of my colleagues from New England who sit on the other side of the aisle, the two gentlemen from New Hampshire who have strong feelings on this legislation. I do not think that they would relish it any more than I would to find this conference committee report coming in here not knowing what is in the bill and finding their constituencies being left bereft of any representation as a result of this hasty action.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SMITH of California. Mr. Speaker, I yield 2 additional minutes to the gentleman from Michigan.

Mr. BURKE of Massachusetts. The gentlemen from New Hampshire (Mr. CLEVELAND and Mr. WYMAN) have very, very strong feelings on this legislation, and I do not think they would relish it any more than I do to find out that the hide bill was being rushed through here in the closing days.

I know, speaking for the gentleman from New Hampshire (Mr. CLEVELAND) that he would stay here till hell freezes over to fight this legislation.

And I believe the same is true for the gentleman from New Hampshire (Mr. WYMAN).

So I hope that the minority leader will take into consideration the Members on his side of the aisle who also have some real problems in this area.

Mr. CLEVELAND. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. BURKE) for his remarks. My colleague Mr. WYMAN and I are indeed dedicated to the fight to protect the shoe industry and other industries from unfair trade. I urge the defeat of this resolution. Three days are little enough time to consider complex conference reports. The passage of this resolution would be a retreat from efforts to reform congressional procedures.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. GERALD F. FORD. I yield to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Speaker, I appreciate the gentleman, my leader, yielding to me.

I do not want to take much of his time. I think I was in identically the same position he was in, when we gave consideration to this bill in the House. But I think that avoids the issue. The issue before us now is House Resolution 1094, and not whether we consider the trade export bill. I happen to be in favor of that in general, but I can see why some of the Members would be against the method by which it is coming up. But, the issue here is whether we open up all bills and conference reports without a chance to study same. The fact of the matter, and the thing that has not been said, is that the trade export bill including—or without—the Export Trade Advisory Council has expired and is going forward in the Department of Commerce and the administration under the War Powers Act, and they can survive on that until we get back. Therefore, this is a poor excuse and a thinly disguised excuse for the purpose of waiving all the rules for bringing up any conference report sight unseen, during the balance of the week.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Speaker, I appreciate very much the gentleman yielding.

Mr. Speaker, I want to associate myself with the remarks of the gentleman from Missouri and the gentleman from Massachusetts (Mr. BURKE).

The conferees of both Houses of the Congress are meeting this afternoon at 2 o'clock on the Office of Economic Opportunity Act extention.

We could finish that conference report today. Yet if we adopt this rule, we would enable that conference report to be be brought up almost at once.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. SMITH of California. Mr. Speaker, I yield 1 more minute to the gentleman from Michigan.

Mr. STEIGER of Wisconsin. So I would have to say in all honesty to the gentleman from Michigan that I would not want to see us get bogged down on the export-import question, and lose sight of the fact that there are other conferences on other bills and the Members of the House would be precluded with the adoption of this resolution from knowing what is in these bills, and I think they should have that right. I urge rejection of this resolution.

Mr. COLMER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, I thank the distinguished gentleman from Mississippi for yielding me this time.

Mr. Speaker, it seems to me even 3 days does not really give an adequate amount of time to consider a very complicated and long conference report. I hesitate to think how much consideration Members could give to various expenditures in a multibillion-dollar bill if the rule allows the conference report to be considered the same day it is signed.

I am getting a little bit weary hearing just about tax reform. We can have all the tax reform everyone wants, but if we do not have the time and the opportunity to exercise some judgment on how all those tax dollars are spent—we still will not solve our social problems.

It seems to me the other side of that coin of "tax reform" is "spending reform," and I wish those who are talking so much about tax reform would give equal consideration to spending reform. Conceding that many Members would like some reform, how much can one do without a conference report in advance.

When we had the HEW conference report, as I recall, it came back from conference with over $2 billion more than the original House bill.

When we had the higher education conference report, some of the highest figures of the Senate bill and some of the highest figures in the House bill that were possible under the rules were approved by the conferees. So we had the increased authorization.

Now I suggest that there is another conference that may be completed today or tomorrow and that is on the OEO conference report—the war on poverty legislation.

This resolution, as I understand it, allows the conference report to be considered the same day it is finished. We might not even have the opportunity to read what the conferees recommend.

If I have ever seen any reckless spending, it is in the OEO program over the years. This program desperately needs "spending reform." I suggest three things to my colleagues: that perhaps this year because of the presidential and vice-presidential races—there just might be an added interest between now and next November 7 on the part of constituents about what has been and is being spent in OEO. I think I do not need to elaborate. I would suggest that maybe there will be much closer scrutiny of the OEO programs from 1964 to now than any of us imagined prior to Miami and the mini-convention.

I suggest that everyone who is running for offices this November ought to have a right to find out what is in that conference report on the war on poverty before they are required to vote on it on the floor of the House. The recent publicized European travel of 60-some young recipients of poverty funds is just one of the countless examples of what I am talking about in needed "spending reform." Millions or hundreds of millions wasted in Office of Education or OEO deprives others of benefits Congress has promised. Millions wasted or actually misspent on contracts and grants in HEW and OEO mean that legitimate services are not provided. So if we are interested in some kind of "spending reform," it does seem to me that we ought not to allow conference reports to come in and the Members given insufficient time to study such complicated legislation and then be expected to give or deny approval with no opportunity to indicate priorities or even to know how well the conferees defended the House position.

Mr. DENT. Mr. Speaker, will the gentlewoman from Oregon yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, I thank the gentlewoman for yielding.

I might say this is a good discussion and probably one that is good for the soul as well as for the mind. It is not the first time we have attempted this. We have attempted it many times in the past since I have been a Member of Congress, but some of the issues of this year came to the point where we have had an awakening, a new awakening as to why Congress should be more responsible to itself.

For instance, not too many days ago this House refused me, as a chairman of a committee, the right to even go to conference because I could not in good conscience commit myself to a program preordained by the House. Now we are talking about taking conference reports and putting them through without anybody knowing anything that is in them. Three days is little enough time.

Just this week the weakness of our position was shown when we swallowed the Senate amendment to the disaster relief bill, which not in any minute measure of responsibility should have ever allowed us to say that we counted as a disaster—as a disaster—the slowing up of the manufacturing of munitions because of the SALT talks and tied it to a bill where no person in this House in good conscience could really vote against relief for the flood victims of Pennsylvania and Ohio and Maryland, and other States. Yet our hands were tied. We had no say in this House. We have now put on record that we consider any move to cut down the making of munitions to be a compensable disaster in this country. The taxpayers are going to have to pay for that kind of disaster from now on.

We should have more time and a better understanding of what is going on. I admit that there is a weakness in our conferences when we go to the Senate. I have been on many of them.

I have had to take many Senate provisions in order to save some part of what the House wanted. You cannot understand unless you have served on these committees and conferences the strength of the Senate in its peculiar position. They do not have the same kind of operation we do. One Republican Member speaks for the whole Republican conference; one Democratic Member speaks for the whole Democratic conference. Sometimes it is not even the Member who expresses the Senate position. Our House conferees speak and fight for each provision, each to his belief.

This is the style that we have to combat, and we should not condemn House conferees too severely. The Senate reinstituted into the conference report the Council Commission, and they took away from the House the right to interrogate the members of that Commission. We have the right to interrogate into what they intended to do and what they were doing. By taking this conference report without time to read and study its contents is setting aside all of the House efforts to eliminate both the Commission and immunity of its members from interrogation. If that is what we are going to have to buy without debate, without knowledge, and without argument, I think it is very much wrong.

Mrs. GREEN of Oregon. Mr. Speaker, I yield back the remainder of my time.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. BURKE).

Mr. BURKE of Massachusetts. Mr. Speaker, one of the House's first orders of business today appears to be House Resolution 1094, reported favorably in record time by the Rules Committee yesterday afternoon making it an order for the balance of this week to consider conference reports without compliance to the 3-day rule.

I know that time is ticking by on this week. Today is Wednesday and another convention is almost upon us and beyond that, election day and various State primaries. There is so much legislation that remains to be considered by both Houses—legislation vital to so many people that there is an understandable pressure to try to accomplish as much as possible in the remaining day or two this week. What I fear most is best exemplified by the resolution before us today—that there is going to be a rush to pass legislation willy-nilly in pellmell fashion without due deliberation. These days just before conventions and election or before an adjournment or a recess probably have been responsible for more bad, hastily thought out legislation than anything else I can think of. We should be wary of making more mistakes like this today.

What this resolution is allowing the House to do today is to suspend the provisions of the Legislative Reorganization Act which was designed to prevent legislating in haste without proper time for due consideration and deliberation by each and every Member of the House of the legislation before us. In other words, we are defeating the very purpose of the act itself. What was the point in passing the act if every time the pressure begins to build up before a recess or an adjournment, a simple majority can suspend the rules to railroad through in record time far-reaching legislation?

Now, if there were some vital bills that absolutely had to pass before this Congress recesses for the Republican Convention, I would be prepared to consider such emergency cases on their merit after listening to a strong argument for suspending the rules. But, we have not heard such a plea today. To my understanding, there is nothing in the conference stage that is likely to be presented to us which could not wait another 2 weeks where failure to act precipitously would imperil the security or well-being of this Nation. Instead, what we seem to have is legislation as usual, routine legislation which could well have been considered several weeks ago more calmly, more deliberately. At times I think there are those who deliberately schedule controversial conference reports for rushed sessions such as these last few days before recess so that the full glare of publicity and careful study cannot be focused on the legislation in question.

I am referring particularly to the conference report which this resolution seems designed to cover to provide special treatment and that is the conference report on S. 3726, the Equal Export Opportunity Act and International Economic Policy Act of 1972. This has to be one of the most poorly conceived and drafted bills to come before the House this session. We were treated to the spectacle of having the bill largely rewritten on the floor of this House, much of the rewriting done by members of the committee which rushed it through executive sessions. The statutory creation of yet another agency in the Federal Government; namely, the Council on International Economic Policy, was carefully considered on the floor of this House just a few days ago and after considerable rewriting and restricting and attempts to make it more responsible to Congress, instead of creating yet another agency in the White House with no responsibility to answer to anyone other than the President, the House decided that statutory recognition was not really necessary and deleted the whole title from the bill before it.

What are we treated to in this conference report? We are treated to the spectacle where the conferees went ahead and simply receded to the Senate and put right back into the bill that which the House rejected—with this important difference—with no strings attached and no recognition of the limitations put upon the agency by the House while the title was still in the bill. Lately, there has been much controversy over moves in the House to instruct conferees. I have been unwilling to go along with such instructions in the past, but if this is an example of how conferees protect the interests of the House, then I am afraid instructing conferees may well be the wave of the future in this body.

Gentlemen, we are going to be asked to approve today, probably on a voice vote, a conference report that until yesterday afternoon was not available to a single Member of this House unless by the chairman of the committee in question and his close intimates on the committee. I know, my office tried to get this report because many of those provisions are far reaching indeed and are of vital economic interest to my constituents and the shoe industry across the country. However, I was told at every turn the report was not available. And thus, what are we treated to today? In this morning's RECORD we find spread before us for the first time four pages of conference report constituting one of the biggest cave-ins in recent memory. The whole atmosphere of secrecy surrounding this particular conference report, given the magnitude of the changes and their economic implications, can only strike me as repugnant and legislative railroading of the worst variety. They are trying to jam this thing down our throats. My suspicions are aroused. I detect a distinct odor which seems to suggest that the powerful cattle industry and the international free trade lobby are really behind the efforts to railroad this thing through the House today or tomorrow.

At a time when the country's balance of payments and trade is at its lowest point in 100 years, we find statutory recognition for a council whose instructions are to protect and improve the earnings of foreign investments. If this is not giving official blessing by Congress to the present unbridled growth and concentration of economic power in the hands of a few multinational corporations, I do not know what it is. Tying employment to international economic activity where there has been floundering for so long will apparently be another assignment for the council. Greater freedom of capital movement, irrespective of its impact on the domestic economy seems to be the order of the day. In short, I question not only the need for yet another agency but specifically the need for an agency with these guidelines. What this country needs now is serious, in-depth detailed hearings on this country's trade policies, not hastily drafted legislation such as that before us today.

In conclusion, Mr. Speaker, I am convinced the more I read this conference report that there would be much to be gained by postponing consideration of the report in question until a later date and how much harm were to be gained if it were rushed through this House today or tomorrow. The issues are of vital importance and not something to be passed casually over on a sunny afternoon before recessing for a convention. I am convinced the Legislative Reorganization Act had such situations as this in mind when it was drafted and I, for one, hope that the House today will not suspend its provisions to permit such fancy footwork as contained in this conference report.

Mr. Speaker, I am not going to take the 2 minutes. I merely want to point out to this House that in addition to that export bill that is over there, there are several other conference committee reports that could come in here and affect the economy of your districts. I am only asking for assurances from the leadership that the trade export bill will not come in here in the rush of adjournment for the week, or recess, so that we have time to look over what the conference committee has done. This is not only true of this particular bill I am interested in, but of several other bills that are buried in those conference committees. You could very well be committing political suicide by voting for this resolution.

Mr. COLMER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Speaker, the Export Control Act expired August 1. This, of course, would renew the Export Control Act. It is not contemplated by the Banking and Currency Committee to bring up the conference report until Thursday afternoon after the antibusing bill has been disposed of even though this resolution should pass, or Friday morning, but it is necessary that we dispose of that legislation in some way. I will just state we do not expect to bring it up before Thursday afternoon or Friday, even if this rule were to pass.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, actually what the gentleman is telling the House is that he will not bring it up until after many, many quorum calls and other calls will be made in the House before they get to this bill. We are likely to be here until Saturday midnight before the gentleman comes in with that bill.

Mr. PATMAN. That is a decision for the gentleman.

Mr. BURKE of Massachusetts. It is not my decision. It is a decision for many, many Members here who object to these steamroller tactics. All we are asking for is a little bit of fairness to those of us who have a problem of unemployment in our districts so we may be able to look at this conference report and have a chance to study it and be able to debate intelligently.

Mr. PATMAN. It was in the RECORD yesterday morning. There are no steamroller tactics intended or contemplated. Every Member will be treated fairly. It is not contemplated to have rollcalls to filibuster. We are not going to have rollcalls, so the gentleman is in error on that.

Mr. BURKE of Massachusetts. I assure the gentleman there will be rollcalls and quorum calls.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, let me reiterate or clarify in my own words what I believe the gentleman said, that if this resolution passes he does not intend to bring up the conference report on the export control bill until the conclusion of the House action on the antibusing legislation, whenever that might take place.

Mr. PATMAN. That is correct.

Mr. COLMER. Mr. Speaker, I yield myself such further time as I may consume.

Mr. Speaker, we have heard a great deal of talk about this resolution today. This is a resolution which I thought was a very simple matter and it was intended to achieve one objective. It is a simple matter. What we must do here is to make a decision as to whether we are going to complete our calendar by Friday night or whether we are not going to complete it in time for the scheduled recess.

I want to reiterate what I said in the beginning. This is frankly no skin off my back and I do not want anybody, even in spite of my friend, the gentleman from Massachusetts, who talks about steamrolling, to feel that I am steamrolling. I am merely serving here at the request of the Speaker, as a chore boy, to bring this matter to the attention of the House and let the House decide. Frankly I do not give a hoorah what decision is made. If the Members want to stay here until Saturday, if this matter is regarded as being that important, I will be here Saturday. We will just go right along, but we have got to make this decision now as to whether we are going to waive the 3-day rule or not.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield to my friend, the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Mr. Speaker, I never accused my friend, the gentleman from Mississippi, of steamrolling tactics.

In fact, he is the last man in the House who would be guilty of such action.

Mr. COLMER. I accept that.

Mr. BURKE of Massachusetts. I am not accusing him. I like my good friend. He has been the greatest chairman of the Rules Committee since Judge Smith. I would not accuse him, because he is the fairest man in the House.

Mr. COLMER. Before I yield to my friend from Iowa, I have to respond to this dubious accolade I just received.

I want to say that I appreciate this great compliment the gentleman paid me, particularly since I happen to be the only chairman of the Rules Committee since my great friend, that great statesman, Judge Smith, retired. I appreciate that.

In response, and in the same spirit, I would like to say to my friend—and I hope I do not offend anyone whose name I might mention—the gentleman from Massachusetts has been the greatest campaign manager of any candidate for the Presidency prior to the Massachusetts primary.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I am sorry; there must be an end to this someplace. We will finish this later.

Mr. Speaker, I now yield to my friend from Iowa, my great leader, a man whom I frequently follow.

Mr. GROSS. If we can get this discussion out of politics and back on the track, I should like to ask if the gentleman is giving us the official word of the leadership of the House that, unless this resolution is adopted, we will be in session this coming Saturday and next week. Is that what the gentleman is saying?

Mr. COLMER. What I am saying to my friend is that this is my understanding. I am not authorized to speak for the leadership. It is my understanding that this matter has to be disposed of before we recess.

Mr. GROSS. What matter?

Mr. COLMER. The conference report that the gentleman and so many others have been talking about here.

Mr. GROSS. I am not limiting my opposition to this rule, and it is not limited to the conference report from the Committee on Banking and Currency. The chairman of that committee knew that law would expire on August 1. The chairman could have had a bill on the House floor weeks ago.

I continue to wonder if we are being threatened that, unless we pass this specific resolution here today, we will be kept in session next week. This word I would like to have from the lips of the leadership.

Mr. COLMER. That is where the gentleman will have to get it, because I am not authorized to speak for the leadership.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BURKE of Massachusetts. Mr.

Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 159, nays 223, not voting 50, as follows:

[Roll No. 329]

YEAS—159

Abbitt
Adams
Andrews, N. Dak.
Archer
Arends
Ashley
Aspinall
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Blanton
Blatnik
Boggs
Bolling
Bow
Brooks
Broomfield
Brown, Mich.
Broyhill, Va.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Cabell
Camp
Carlson
Casey, Tex.
Cederberg
Collier
Colmer
Conable
Corman
Culver
Curlin
Davis, Ga.
de la Garza
Delaney
Denholm
Downing
Eckhardt
Erlenborn
Esch
Evins, Tenn.
Fascell
Fisher
Flowers
Foley
Ford, Gerald R.
Forsythe
Fuqua
Garmatz
Gonzalez
Gray
Gude
Hanna
Hansen, Idaho
Harsha
Hicks, Wash.
Howard
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Karth
Kazen
Kee
Kuykendall
Kyl
Latta
Link
McClory
McCormack
McCulloch
McEwen
McFall
McKay
McKevitt
Mahon
Martin
Matsunaga
Mayne
Meeds
Melcher
Miller, Calif.
Miller, Ohio
Mills, Ark.
Minshall
Mizell
Mollohan
Montgomery
Morgan
Mosher
Murphy, N.Y.
Natcher
Nelsen
O'Hara
O'Konski
Patman
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Price, Tex.
Purcell
Quie
Quillen
Randall
Reuss
Roberts
Robison, N.Y.
Rogers
Roy
Ruppe
Sandman
Saylor
Scherle
Schwengel
Sebelius
Shoup
Shriver
Sikes
Sisk
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Teague, Tex.
Thomson, Wis.
Udall
Ullman
Waggonner
Ware
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Winn
Wright
Wyatt
Wydler
Young, Tex.
Zion
Zwach

NAYS—223

Abernethy
Abzug
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Ashbrook
Aspin
Baring
Bevill
Biaggi
Biester
Bingham
Blackburn
Boland
Brademas
Brasco
Bray
Brinkley
Brotzman
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burton
Byrne, Pa.
Byron
Caffery
Carey, N.Y.
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Ill.
Collins, Tex.
Conover
Conyers
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
du Pont
Edwards, Calif.
Eilberg
Eshleman
Evans, Colo.
Findley
Fish
Flood
Flynt
Ford, William D.
Fountain
Fraser
Frenzel
Frey
Fulton
Galifianakis
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Holifield
Horton
Hosmer
Hungate
Hunt
Hutchinson
Jacobs
Jones, N.C.
Jones, Tenn.
Kastenmeier
Keating
Kemp
King
Kluczynski
Koch
Kyros
Landgrebe
Lloyd
Long, Md.
Lujan
McClure
McCollister
McDade
McDonald, Mich.
McKinney
Macdonald, Mass.
Madden
Mailliard
Mallary
Mann
Mathias, Calif.
Mathis, Ga.
Mazzoli
Metcalfe
Mikva
Mills, Md.
Minish
Mink
Mitchell
Monagan
Moorhead
Moss
Murphy, Ill.
Myers
Nedzi
Nix
Obey
Patten
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Railsback
Rangel
Rees
Reid
Robinson, Va.
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Ruth
St Germain
Sarbanes
Satterfield
Scheuer
Schneebeli
Scott
Seiberling
Shipley
Skubitz
Slack
Spence
Steele
Steiger, Wis.
Stokes
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Van Deerlin
Vander Jagt
Vanik
Vigorito
Wampler
Whalen
Whalley
White
Wiggins
Wilson, Charles H.
Wolff
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki

NOT VOTING—50

Abourezk
Anderson, Tenn.
Badillo
Baker
Betts
Carney
Carter
Chamberlain
Clancy
Clay
Conte
Davis, Wis.
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Frelinghuysen
Gallagher
Hagan
Hansen, Wash.
Harrington
Harvey
Hébert
Heckler, Mass.
Hogan
Hull
Keith
Landrum
Leggett
Lennon
Lent
Long, La.
McCloskey
McMillan
Michel
Nichols
O'Neill
Passman
Pelly
Rarick
Rhodes
Riegle
Rooney, N.Y.
Rousselot
Ryan
Schmitz
Springer
Staggers
Veysey
Waldie

So the resolution was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.

Mr. Rooney of New York with Mr. Frelinghuysen.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Staggers with Mr. Davis of Wisconsin.

Mr. O'Neill with Mr. Conte.

Mr. Nichols with Mr. Edwards of Alabama.

Mr. Clay with Mr. Ryan.

Mr. Edmondson with Mr. Clancy.

Mr. Hagan with Mr. Keith.

Mr. Lennon with Mr. Betts.

Mr. Leggett with Mr. Harvey.

Mr. Hull with Mr. Baker.

Mr. Waldie with Mr. Hogan.

Mr. Harrington with Mrs. Heckler of Massachusetts.

Mr. Anderson of Tennessee with Mr. Lent.

Mr. Abourezk with Mr. Badillo.

Mr. Carney with Mr. Michel.

Mr. Landrum with Mr. Carter.

Mr. Passman with Mr. Riegle.

Mr. McMillan with Mr. Chamberlain.

Mr. Rarick with Mr. Pelly.

Mr. Long of Louisiana with Mr. Rousselot.

Mr. Gallagher with Mr. McCloskey.

Mr. Springer with Mr. Schmitz.

Messrs. JAMES V. STANTON, ROY, PURCELL, POAGE, SCHERLE, and ROBERTS changed their votes from "nay" to "yea."

Mrs. GRIFFITHS and Messrs. RODINO, PATTEN, TAYLOR, and SKUBITZ changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on August 14, 1972, the President approved and signed bills of the House of the following titles:

H.R. 631. An act for the relief of the village of River Forest, Ill.;

H.R. 15093. An act making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15635. An act to assist elementary and secondary schools, community agencies, and other public and nonprofit private agencies to prevent juvenile delinquency, and for other purposes.

APPOINTMENT OF CONFEREES ON H.R. 12652, COMMISSION ON CIVIL RIGHTS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12652) to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes, with Senate amendments thereto, disagree with the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New York? The Chair hears none, and appoints the following conferees: Messrs. CELLER, BROOKS, HUNGATE, MCCULLOCH, and HUTCHINSON.

CONFERENCE REPORT ON S. 3323, NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972

Mr. MACDONALD of Massachusetts (on behalf of Mr. STAGGERS) filed the following conference report and statement on the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes:

CONFERENCE REPORT (H. REPT. No 92-1349)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "National Heart, Blood Vessel, Lung, and Blood Act of 1972".

FINDINGS AND DECLARATION OF PURPOSES

SEC. 2. (a) Congress finds and declares that—

(1) diseases of the heart and blood vessels collectively cause more than half of all the deaths each year in the United States and the combined effect of the disabilities and deaths from such diseases is having a major social and economic impact on the Nation;

(2) elimination of heart and blood vessel diseases as significant causes of disability and death could increase the average American's life expectancy by about eleven years and could provide for annual savings to the economy in lost wages, productivity, and costs of medical care of more than $30,000,000,000 per year;

(3) chronic lung diseases have been gaining steadily in recent years as important causes of disability and death, with emphysema alone being the fastest rising cause of death in the United States;

(4) chronic respiratory diseases affect an estimated ten million Americans, emphysema an estimated one million, chronic bronchitis an estimated four million, and asthma an estimated five million;

(5) thrombosis (the formation of blood clots in the vessels) may cause, directly or in combination with other problems, many deaths and disabilities from heart disease and stroke which can now be prevented;

(6) blood and blood products are essential human resources whose value in saving life and promoting health cannot be assessed in terms of dollars;

(7) the provision of prompt and effective emergency medical services utilizing to the fullest extent possible advances in transportation and communications and other electronic systems and specially trained professional and paraprofessional health care personnel can reduce substantially the number of fatalities and severe disabilities due to critical illnesses in connection with heart, blood vessel, lung, and blood diseases; and

(8) the greatest potential for advancement against heart, blood vessel, lung, and blood diseases lies in the National Heart and Lung Institute, but advancement against such diseases depends not only on the research programs of that Institute but also on the research programs of other research institutes of the National Institutes of Health.

(b) It is the purpose of this Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack upon heart, blood vessel, lung, and blood diseases.

HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAMS

SEC. 3. Part B of title IV of the Public Health Service Act is amended (1) by redesignating section 413 as section 419A, (2) by redesignating section 414 as section 418, and (3) by adding after section 412 the following new sections:

"NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAM

"SEC. 413. (a) The Director of the Institute, with the advice of the Council, shall develop a plan for a National Heart, Blood Vessel, Lung, and Blood Disease Program (hereafter in this part referred to as the 'Program') to expand, intensify, and coordinate the activities of the Institute respecting heart, blood vessel, lung, and blood diseases (including its activities under section 412) and shall carry out the Program in accordance with such plan. The Program shall be coordinated with the other research institutes of the National Institutes of Health to the extent that they have responsibilities respecting such diseases and shall provide for—

"(1) investigation into the epidemiology, etiology, and prevention of all forms and aspects of heart, blood vessel, lung, and blood diseases, including investigations into the social, environmental, behavioral, nutritional, biological, and genetic determinants and influences involved in the epidemiology, etiology, and prevention of such diseases;

"(2) studies and research into the basic biological processes and mechanisms involved in the underlying normal and abnormal heart, blood vessel, lung, and blood phenomena;

"(3) research into the development, trial, and evaluation of techniques, drugs, and devices (including computers) used in, and approaches to, the diagnosis, treatment (including emergency medical service), and prevention of heart, blood vessel, lung, and blood diseases and the rehabilitation of patients suffering from such diseases;

"(4) establishment of programs that will focus and apply scientific and technological efforts involving biological, physical, and engineering sciences to all facets of heart, blood vessel, lung, and blood diseases with emphasis on refinement, development, and evaluation of technological devices that will assist, replace, or monitor vital organs and improve instrumentation for detection, diagnosis, and treatment of those diseases;

"(5) establishment of programs for the conduct and direction of field studies, large-scale testing and evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches to, and emergency medical services for, such diseases;

"(6) studies and research into blood diseases and blood, and into the use of blood for clinical purposes and all aspects of the management of its resources in this country, including the collection, preservation, fractionalization, and distribution of it and its products;

"(7) the education and training of scientists, clinicians, and educators, in fields and specialties (including computer sciences) requisite to the conduct of programs respecting heart, blood vessel, lung, and blood diseases;

"(8) public and professional education relating to all aspects of such diseases and the use of blood and blood products and the management of blood resources;

"(9) establishment of programs for study and research into heart, blood vessel, lung, and blood diseases of children (including cystic fibrosis, hyaline membrane, and hemolytic and hemophilic diseases) and for the development and demonstration of diagnostic, treatment, and preventive approaches to these diseases; and

"(10) establishment of programs for study, research, development, demonstrations and evaluation of emergency medical services for people who become critically ill in connection with heart, blood vessel, lung, or blood diseases, which programs shall include programs for (A) the training of paraprofessionals in (i) emergency treatment procedures, and (ii) utilization and operation of emergency medical equipment, (B) the development and operation of (i) mobile critical care units (including helicopters and other airborne units where appropriate), (ii) radio, telecommunications, and other means of communications, and (iii) electronic monitoring systems, and (C) the coordination with other community services and agencies in the joint use of all forms of emergency vehicles, communications systems, and other appropriate services.

The Program shall give special emphasis to the continued development in the Institute of programs relating to atherosclerosis, hypertension, thrombosis, and congenital abnormalities of the blood vessels as causes of stroke, and to effective coordination of such programs with related stroke programs in the National Institute of Neurological Diseases and Stroke.

"(b)(1) The plan required by subsection (a) of this section shall (A) be developed within one hundred and eighty days after the effective date of this section, (B) be transmitted to the Congress, and (C) set out the Institute's staff requirements to carry out the Program and recommendations for appropriations for the Program.

"(2) The Director of the Institute shall, as soon as practicable after the end of each calendar year, prepare in consultation with the Council and submit to the President for transmittal to the Congress a report on the activities, progress, and accomplishments under the Program during the preceding calendar year and a plan for the Program during the next five years.

"(c) In carrying out the Program, the Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council and without regard to any other provision of this Act, may—

"(1) if authorized by the Council, obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than fifty experts or consultants who have scientific or professional qualifications;

"(2) acquire, construct, improve, repair, operate, and maintain heart, blood vessel, lung, and blood disease laboratory, research, training, and other necessary facilities and equipment, and related accommodations as may be necessary, and such other real or personal property (including patents) as the Director deems necessary; and acquire, without regard to the Act of March 3, 1877 (40 U.S.C. 34), by lease or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia or communities located adjacent to the District of Columbia for the use of the Institute for a period not to exceed ten years; and

"(3) enter into such contracts, leases, cooperative agreements, or other transactions, without regard to sections 3648 and 3709 of the Revised Statutes of the United States (31 U.S.C. 529, 41 U.S.C. 5), as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution.

"(d) There shall be in the Institute an Assistant Director for Health Information Programs who shall be appointed by the Director of the Institute. The Director of the Institute, acting through the Assistant Director for Health Information Programs, shall conduct a program to provide the public and the health professions with health information with regard to cardiovascular and pulmonary diseases. In the conduct of such program, special emphasis shall be placed upon dissemination of information regarding diet, exercise, stress, hypertension, cigarette smoking, weight control, and other factors affecting the prevention of arteriosclerosis and other cardiovascular diseases and of pulmonary diseases.

"HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PREVENTION AND CONTROL PROGRAMS

"SEC. 414. (a) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, shall establish programs as necessary for cooperation with other Federal health agencies, State, local, and regional public health agencies, and nonprofit private health agencies in the diagnosis, prevention, and treatment (including the provision of emergency medical services) of heart, blood vessel, lung, and blood diseases, appropriately emphasizing the prevention, diagnosis, and treatment of such diseases of children.

"(b) There is authorized to be appropriated to carry out this section $25,000,000 for the fiscal year ending June 30, 1973, $35,000,000 for the fiscal year ending June 30, 1974, and $45,000,000 for the fiscal year ending June 30, 1975.

"NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES

"SEC. 415. (a) (1) The Director of the Institute may provide for the development of—

"(A) fifteen new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for heart, blood vessel, and blood diseases; and

"(B) fifteen new centers for basic and clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods (including methods of providing emergency medical services) for chronic lung diseases (including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children).

"(2) The centers developed under paragraph (1) (A) shall, in addition to being utilized for research, training, and demonstrations, be utilized for the following prevention programs for cardiovascular diseases:

"(A) Programs to develop improved methods of detecting individuals with a high risk of developing cardiovascular disease.

"(B) Programs to develop improved methods of intervention against those factors which cause individuals to have a high risk of developing such disease.

"(C) Programs to develop health professions and allied health professions personnel highly skilled in the prevention of such disease.

"(D) Programs to develop improved methods of providing emergency medical services for persons with such disease.

"(3) Centers developed under this subsection may be supported under subsection (b) or under any other applicable provision of law. The research, training, and demonstration activities carried out through any such center may relate to any one or more of the diseases referred to in paragraph (1) of this subsection.

"(b) The Director of the Institute, under policies established by the Director of the National Institutes of Health and after consultation with the Council, may enter into cooperative agreements with public or nonprofit private agencies or institutions to pay all or part of the cost of planning, establishing, or strengthening, and providing basic operating support for, existing or new centers (including centers established under subsection (a)) for basic or clinical research into, training in, and demonstration of, advanced diagnostic, prevention, and treatment methods for heart, blood vessel, lung, or blood diseases. Funds paid to centers under cooperative agreements under this subsection may be used for—

"(1) construction, notwithstanding section 405,

"(2) staffing and other basic operating costs, including such patient care costs as are required for research,

"(3) training, including training for allied health professions personnel, and

"(4) demonstration purposes.

The aggregate of payments (other than payments for construction) made to any center under such an agreement may not exceed $5,000,000 in any year. Support of a center under this subsection may be for a period of not to exceed five years and may be extended by the Director of the Institute for additional periods of not more than five years each, after review of the operations of such center by an appropriate scientific review group established by the Director. As used in this section, the term 'construction' does not include the acquisition of land.

"INTERAGENCY TECHNICAL COMMITTEE

"SEC. 416. (a) The Secretary shall establish an Interagency Technical Committee on Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources which shall be responsible for coordinating those aspects of all Federal health programs and activities relating to heart, blood vessel, lung, and blood diseases and to blood resources to assure the adequacy and technical soundness of such programs and activities and to provide for the full communication and exchange of information necessary to maintain adequate coordination of such programs and activities.

"(b) The Director of the Institute shall serve as Chairman of the Committee and the Committee shall include representation from all Federal departments and agencies whose programs involve health functions or responsibilities as determined by the Secretary.

"NATIONAL HEART AND LUNG ADVISORY COUNCIL

SEC. 417. (a) There is established in the Institute a National Heart and Lung Advisory Council to be composed of twenty-three members as follows:

"(1) The Secretary, the Director of the National Institutes of Health, the Director of the Office of Science and Technology, and the chief medical officer of the Veterans' Administration (or their designees), and a medical officer designated by the Secretary of Defense, shall be ex officio members of the Council.

"(2) Eighteen members appointed by the Secretary.

Eleven of the appointed members shall be selected from among the leading medical or scientific authorities who are skilled in the sciences relating to diseases of the heart, blood vessels, lungs, and blood; two of the appointed members shall be selected from persons enrolled in residency programs providing training in heart, blood vessel, lung, or blood diseases; and five of the appointed members shall be selected from members of the general public who are leaders in the fields of fundamental or medical sciences or in public affairs.

"(b) (1) Each appointed member of the Council shall be appointed for a term of four years, except that—

"(A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(B) of the members first appointed after the effective date of this section, five shall be appointed for a term of four years, five shall be appointed for a term of three years, five shall be appointed for a term of two years, and three shall be appointed for a term of one year, as designated by the Secretary at the time of appointment.

Appointed members may serve after the expiration of their terms until their successors have taken office.

"(2) A vacancy in the Council shall not affect its activities, and twelve members of the Council shall constitute a quorum.

"(3) The Council shall supersede the existing National Advisory Heart Council appointed under section 217, and the appointed members of the National Advisory Heart Council serving on the effective date of this section shall serve as additional members of the National Heart and Lung Advisory Council for the duration of their terms then existing, or for such shorter time as the Secretary may prescribe.

"(4) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The Secretary (or his designee) shall be the Chairman of the Council.

"(d) The Director of the Institute shall (1) designate a member of the staff of the Institute to act as Executive Secretary of the Council, and (2) make available to the Council such staff, information, and other assistance as it may require to carry out its functions.

"(e) The Council shall meet at the call of the Chairman, but not less often than four times a year."

AUTHORIZATION OF APPROPRIATIONS FOR PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 4. Part B of title IV of the Public Health Service Act is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 419B. For the purpose of carrying out this part (other than section 414), there is authorized to be appropriated $375,000,000 for the fiscal year ending June 30, 1973, $425,000,000 for the fiscal year ending June 30, 1974, and $475,000,000 for the fiscal year ending June 30, 1975. Of the sums appropriated under this section for any fiscal year, not less than 15 per centum of such sums shall be reserved for programs under this part respecting diseases of the lung and not less than 15 per centum of such sums shall be reserved for programs under this part for programs respecting diseases of the blood."

AUTHORITY OF THE DIRECTOR OF THE NATIONAL HEART AND LUNG INSTITUTE TO APPROVE GRANTS

SEC. 5. Section 419A of the Public Health Service Act (as so redesignated by section 3 of this Act) is amended—

(1) by striking out "grants-in-aid" in subsection (a) and inserting in lieu thereof "except as provided in subsection (c), grants-in-aid"; and

(2) by adding after subsection (b) the following new subsection:

"(c) Under procedures approved by the Director of the National Institutes of Health, the Director of the National Heart and Lung Institute may approve grants under this Act for research and training in heart, blood vessel, lung, and blood diseases—

"(1) in amounts not to exceed $35,000 after appropriate review for scientific merit but without review and recommendation by the Council, and

"(2) in amounts exceeding $35,000 after appropriate review for scientific merit and recommendation for approval by the council."

CONFORMING AMENDMENTS TO PART B OF TITLE IV OF THE PUBLIC HEALTH SERVICE ACT

SEC. 6. (a) Section 411 of the Public Health Service Act is amended by striking out "National Heart Institute" and inserting in lieu thereof "National Heart and Lung Institute".

(b) Section 412 of such Act is amended—

(1) by striking out "heart" each place it occurs (except in the heading) and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(2) by striking out "Surgeon General" and inserting in lieu thereof "Secretary";

(3) by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council";

(4) by redesignating paragraphs (a), (b), (c), (d), (e), (f), and (g) as paragraphs (1), (2), (3), (4), (5), (6), and (7), respectively; and

(5) by amending the section heading to read as follows:

"RESEARCH AND TRAINING IN DISEASES OF THE HEART, BLOOD VESSELS, LUNG, AND BLOOD"

(c) Section 418 of such Act (as so redesignated by section 3 of this Act) is amended—

(1) by inserting "(a)" immediately after "SEC. 418." and by adding at the end thereof the following new subsection:

"(b) (1) The Council shall advise and assist the Director of the Institute with respect to the Program established under section 413. The Council may hold such hearings, take such testimony, and sit and act at such times and places, as the Council deems advisable to investigate programs and activities of the Program.

"(2) The Council shall submit a report to the President for transmittal to the Congress not later than January 31 of each year on the progress of the Program toward the accomplishment of its objectives."

(2) by striking out "Surgeon General" each place it occurs (except paragraph (f)) and inserting in lieu thereof "Secretary";

(3) by striking out "heart" each place it occurs and inserting in lieu thereof "heart, blood vessel, lung, and blood";

(4) by striking out "Surgeon General" in paragraph (f) and inserting in lieu thereof "Secretary, the Director of the National Institutes of Health, and the Director of the National Heart and Lung Institute"; and

(5) by redesignating paragraphs (a), (b), (c), (d), (e), and (f) as paragraphs (1), (2), (3), (4), (5), and (6), respectively.

(d) Section 419A of such Act (as so redesignated by section 3 of this Act) is amended—

(1) in subsection (a), by (A) striking out "Surgeon General" and inserting in lieu thereof "Secretary", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood"; and

(2) in subsection (b), by (A) striking out "The Surgeon General shall recommend to the Secretary acceptance of conditional gifts, pursuant to section 501," and inserting in lieu thereof "The Secretary may, in accordance with section 501, accept conditional gifts", and (B) striking out "heart" and inserting in lieu thereof "heart, blood vessel, lung, and blood".

(e) The heading for part B of such Act is amended to read as follows:

"PART B—NATIONAL HEART AND LUNG INSTITUTE"

CONFORMING AMENDMENTS TO OTHER PROVISIONS OF THE PUBLIC HEALTH SERVICE ACT

SEC. 7. (a) Section 217 of such Act is amended—

(1) by striking out "the National Advisory Heart Council," each place it occurs in subsection (a);

(2) by striking out "heart diseases" in subsection (a) and by striking out "heart," in subsection (b).

(b) Sections 301(d) and 301(i) of such Act are each amended by striking out "National Advisory Heart Council" and inserting in lieu thereof "National Heart and Lung Advisory Council".

REPORT TO CONGRESS

SEC. 8. The Secretary of Health, Education, and Welfare shall carry out a review of all administrative processes under which the National Heart, Blood Vessel, Lung, and Blood Disease Program, established under part B of title IV of the Public Health Service Act, will operate, including the processes of advisory council and peer group reviews, in order to assure the most expeditious accomplishment of the objectives of the Program. Within one year of the date of enactment of this Act, the Secretary shall submit a report to the Congress of the findings of such review and the actions taken to facilitate the conduct of the Program, together with recommendations for any needed legislative changes.

EFFECTIVE DATE

SEC. 9. This Act and the amendments made by this Act shall take effect sixty days after the date of enactment of this Act or on such prior date after the date of enactment of this Act as the President shall prescribe and publish in the Federal Register.

And the House agree to the same.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HARRISON A. WILLIAMS, Jr.,
GAYLORD NELSON,
TOM EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
RICHARD S. SCHWEIKER,
JACOB K. JAVITS,
PETER H. DOMINICK,
BOB PACKWOOD,
J. GLENN BEALL, Jr.,
ROBERT TAFT, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

I.—FINDINGS AND DECLARATIONS OF PURPOSE

(1) In certain instances in the bill and the amendments to part B of title IV of the Public Health Service Act, the Senate bill refers to "cardiovascular and pulmonary diseases".

In general, the House amendment substitutes "heart, blood vessel, and lung diseases" for "cardiovascular and pulmonary diseases".

The conference substitute adopts the terminology of the House amendment.

(2) The Senate bill contains a finding with regard to utilization of emergency medical services.

The House amendment has no comparable finding.

The conference substitute adopts the provision of the Senate bill.

(3) The Senate bill contains a finding with regard to the potential for advancement against diseases of the heart and blood vessels, the lungs, and blood in the National Heart and Lung Institute.

The House amendment is the same as the Senate finding, but also emphasizes the roles played by other research institutes within the National Institutes of Health.

The conference substitute adopts the provision of the House amendment.

II.—HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PROGRAMS

(1) The Senate bill does not require the National Heart, Blood Vessel, Lung, and Blood Disease Program to be coordinated with other relevant programs in the National Institutes of Health.

The House amendment requires the Director of the Institute to carry out the Program in coordination with other relevant programs within the National Institutes of Health.

The conference substitute adopts the provision of the House amendment.

(2) The Senate bill requires research into the development, trial, and evaluation of techniques, drugs, and devices used in, and approaches to, the diagnosis, prevention, and treatment of the diseases and includes a reference to emergency medical services as a form of treatment.

The House amendment is similar to the Senate bill, except that it includes a reference to computers as a type of device and contains no reference to emergency medical services.

The conference substitute includes the references in the Senate bill and in the House amendment.

(3) The Senate bill establishes programs to refine, develop, and evaluate technological devices and instrumentation for diagnosis, detection, and treatment of cardiovascular, pulmonary, and related diseases.

The House amendment has no comparable provision.

The conference substitute adopts the provision of the Senate bill, conforming the terminology to the House amendment.

(4) The Senate bill provides for the establishment of centers for testing, evaluation, and demonstration of preventive, diagnostic, therapeutic, and rehabilitative approaches (including emergency medical services) to cardiovascular and pulmonary diseases.

The House amendment is similar except that it does not authorize the establishment of centers and it contains no reference to emergency medical services.

The conference substitute adopts the provision of the House amendment but with a reference to emergency medical services.

(5) The Senate bill provides for studies and research into blood diseases such as sickle cell anemia and hemophilia.

The House amendment is similar to the Senate bill except that it does not specifically refer to sickle cell anemia and hemophilia.

The conference substitute adopts the provision of the House amendment. The conferees gave serious consideration to including in the legislation the reference to sickle cell anemia and hemophilia. The deletion of such reference in the conference substitute does not in any way exclude the study of such diseases from the scope of this legislation. In fact, it is the intention of the conferees that such studies and research include sickle cell anemia, hemophilia, Cooley's anemia, and similar diseases of the blood.

(6) The Senate bill provides for the education and training of scientists, clinicians, and educators in fields and specialties relevant to programs under this legislation.

The House amendment is similar to the Senate bill except that it does not include the education of educators, and refers to computer sciences as a speciality for which education and training is authorized.

The conference substitute combines the provision of the Senate bill and the House amendment.

(7) The Senate bill provides for the establishment of programs and centers for study and research with regard to cardiovascular, pulmonary, and blood diseases of children.

The House amendment provides for the establishment of only programs for such study and research.

The conference substitute adopts the provision of the House amendment.

(8) The Senate bill provides for programs for the study, research, development, demonstrations, and evaluation of emergency medical services for persons who sustain critical illnesses in connection with heart, blood vessel, lung, or blood diseases, including training and related programs.

The House amendment is similar, except that it does not provide for the establishment of development and demonstration programs and contains no reference to training and related programs.

The conference substitute adopts the provisions of the Senate bill.

(9) The House amendment specifies that the National Heart, Blood Vessel, Lung, and Blood Disease Program shall give special emphasis to programs in the National Heart and Lung Institute dealing with the underlying causes of stroke and to coordination with related programs at the National Institute of Neurological Diseases and Stroke.

The Senate bill has no comparable provision.

The conference substitute adopts the provision of the House amendment.

(10) The House amendment provides that the Director of the National Heart and Lung Institute shall carry out the program in accordance with policies established by the Director of the National Institutes of Health.

The Senate bill has no comparable provision.

The conference substitute adopts the provision of the House amendment.

(11) The Senate bill authorizes the Director of the National Heart and Lung Institute to acquire, construct, improve, repair, operate, and maintain cardiovascular and pulmonary disease centers, laboratories, research, training, and other necessary facilities and equipment.

The House amendment is similar, except that it does not give authority for centers and for training facilities and equipment. In addition, it makes it clear that the authority may be exercised in connection with blood disease activities.

The conference substitute adopts the provision of the House amendment, except that the authority for training facilities and equipment is included. The conferees intend that training programs conducted with the use of facilities and equipment authorized by this provision are not to be considered as substitutes for training programs authorized by title VII or VIII of the public Health Service Act.

(12) The Senate bill establishes an Office of Heart and Lung Health Education within the Department of Health, Education, and Welfare.

The House amendment requires the Director of the National Heart and Lung Institute to conduct an information program for the public and health professions with regard to cardiovascular and pulmonary diseases.

The conference substitute adopts the provision of the House amendment, except that it establishes in the Institute the position of Assistant Director for Health Information through whom the program authorized by this provision is to be carried out.

III. HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASE PREVENTION, AND CONTROL PROGRAMS

(1) The Senate bill includes a reference to emergency medical services as a form of treatment.

The House amendment does not include such a reference.

The conference substitute adopts the provision of the Senate bill.

(2) The Senate bill provides in a separate provision for the establishment of 10 model cardiovascular disease prevention clinics in the United States for the purpose of—

(1) improving methods of detecting high risk individuals;

(2) improving methods of intervention against risk factors;

(3) developing cardiovascular disease manpower; and

(4) developing improved methods of providing emergency medical services.

The House amendment contains no comparable provision.

The conference substitute contains no separate provision for the establishment of such clinics but includes their prevention functions as an additional specific responsibility for the research, training, and demonstration centers authorized by the new section 415 of the Public Health Service Act (see item IV *infra*).

(3) The Senate bill authorizes appropriations for heart, blood vessel, lung, and blood disease prevention and control programs of $30 million for fiscal year 1973; $40 million for fiscal year 1974; and $50 million for fiscal year 1975.

The House amendment authorizes appropriations for similar programs of $20 million in fiscal year 1973; $30 million for fiscal year 1974; and $40 million for fiscal year 1975.

The conference substitute authorizes appropriations for such programs of $25 million for fiscal year 1973; $35 million for fiscal year 1974; and $45 million for fiscal year 1975.

IV.—NATIONAL RESEARCH AND DEMONSTRATION CENTERS FOR HEART, BLOOD VESSEL, LUNG, AND BLOOD DISEASES

(1) The Senate bill authorizes the development of 15 new research, training, and demonstration centers for advanced diagnosis and treatment methods for cardiovascular diseases, and also authorizes the development of 15 new centers for such activities regarding chromic pulmonary diseases. Emergency medical services are referred to as a type of treatment method which may be included in programs of such centers.

The House amendment is similar, except that the centers may be used for prevention methods and there is no specific reference to emergency medical services.

The conference substitute combines the provisions of the Senate bill and the House amendment.

(2) The House amendment permits such centers to be utilized in connection with activities respecting any of the diseases with which this legislation is concerned.

The Senate bill contains no comparable provision.

The conference substitute adopts the provision of the House amendment.

(3) The House amendment makes it clear that such centers may be used for basic as well as clinical research.

The Senate bill contains no comparable provision.

The conference substitute adopts the provision of the House amendment.

V.—CONSTRUCTION

The House amendment specifically states that the term "construction" does not include the acquisition of land.

The Senate bill contains no comparable provision.

The conference substitute adopts the provision of the House amendment.

VI.—NATIONAL HEART AND LUNG ADVISORY COUNCIL

(1) The Senate bill establishes a National Heart and Lung Advisory Council consisting of 23 members. The Secretary, the Director of the National Institutes of Health, the Director of the Office of Science and Technology, the chief medical officer of the Veterans' Administration, and a medical officer designated by the Secretary of Defense are to be ex officio members of the Council. In addition there are to be 18 members appointed by the Secretary. Of the appointed members not more than 12 shall be medical or scientific authorities in relevant disciplines and not more than eight shall be members of the general public.

The House amendment also establishes such a Council, except that the Directors of NIH and OST are not included as ex officio members and of the appointed members nine shall be medical or scientific authorities; two shall be enrolled in relevant residency programs; and seven shall be members of the general public and leaders in their fields.

The conference substitute adopts the provision of the Senate bill, except that of the appointed members 11 shall be medical and scientific authorities in relevant disciplines; two shall be enrolled in relevant residency programs; and five shall be members of the general public and leaders in their fields.

(2) The Senate bill provides that a quorum of the Council shall consist of 12 members.

The House amendment provides that a quorum of the Council shall consist of 11 members.

The conference substitute adopts the provision of the Senate bill.

(3) The Senate bill provides that the Chairman of the Council shall be appointed by the Secretary of Health, Education, and Welfare from among the members of the Council and shall serve for 2 years.

The House amendment provides that the Secretary of Health, Education, and Welfare, or his designee, shall be Chairman of the Council.

The conference substitute adopts the provision of the House amendment.

(4) The Senate amendment provides that the Council shall meet at the call of the Director of the National Heart and Lung Institute or the Chairman.

The House amendment provides that the Council shall meet at the call of the Chairman.

The conference substitute adopts the provision of the House amendment.

VII.—AUTHORIZATION OF APPROPRIATIONS

(1) The Senate bill authorizes appropriation for this legislation (exclusive of section 414) of $400 million for fiscal year 1973; $450 million for fiscal year 1974; and $500 million for fiscal year 1975.

The House amendment authorizes appropriations for this legislation (exclusive of section 414) of $350 million for fiscal year 1973; $400 million for fiscal year 1974; and $450 million for fiscal year 1975.

The conference substitute authorizes appropriations for this legislation (exclusive of section 414) of $375 million for fiscal year 1973; $425 million for fiscal year 1974; and $475 million for fiscal year 1975.

(2) The Senate bill provides that not less than 20 percent of the funds annually appropriated under this section shall be reserved for programs in diseases of the lung and not less than 20 percent for programs in diseases of the blood. In addition the Secretary of Health, Education, and Welfare has discretionary authority to transfer not more than 10 percent of the allotted funds from any program or activity under part B of title

IV of the Public Health Service Act to any other program or activity under the same title.

The House amendment has no comparable provisions.

The conference substitute provides that of the funds annually appropriated under this section not less than 15 percent shall be reserved for programs in diseases of the lung and not less than 15 percent shall be reserved for programs in diseases of the blood.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HARRISON A. WILLIAMS, Jr.,
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PETER H. DOMINICK,
BOB PACKWOOD,
J. GLENN BEALL, Jr.,
ROBERT TAFT, Jr.,
Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 2, UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT

Mr. PRICE of Illinois (on behalf of Mr. HÉBERT) filed the following conference report and statement on the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1350)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill insert the following:

That this Act may be cited as the "Uniformed Services Health Professions Revitalization Act of 1972".

SEC. 2. (a) Title 10, United States Code, is amended by adding the following new chapters after chapter 103:

"CHAPTER 104.—UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

"Sec.
"2112. Establishment.
"2113. Board of regents.
"2114. Students: selection; status; obligation.
"2115. Graduates: limitation on number electing to perform civilian Federal duty.
"2116. Reports to Congress.
"2117. Authorization for appropriations.

"§ 2112. Establishment

"(a) There is hereby authorized to be established within 25 miles of the District of Columbia a Uniformed Services University of the Health Sciences (hereinafter referred to as the 'University'), at a site or sites to be selected by the Secretary of Defense, with authority to grant appropriate advanced degrees. It shall be so organized as to graduate not less than 100 medical students annually, with the first class graduating not later than 10 years after the date of the enactment of this chapter.

"(b) Except as provided in subsection (a), the numbers of persons to be graduated from the University shall be prescribed by the Secretary of Defense.

"(c) The development of the University may be by such phases as the Secretary of Defense may prescribe, subject to the requirements of subsection (a).

"§ 2113. Board of Regents

"(a) The business of the University shall be conducted by a Board of Regents (hereinafter referred to as the 'Board') with funds appropriated for and provided by the Department of Defense. The Board shall consist of—

"(1) nine persons outstanding in the fields of health and health education who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate;

"(2) the Secretary of Defense, or his designee, who shall be an ex officio member;

"(3) the surgeons general of the uniformed services, who shall be ex officio members; and

"(4) the person referred to in subsection (d).

"(b) The term of office of each member of the Board (other than ex officio members) shall be six years except that—

"(1) any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and

"(2) the terms of office of the members first taking office shall expire, as designated by the President at the time of the appointment, three at the end of two years, three at the end of four years, and three at the end of six years.

"(c) One of the members of the Board (other than an ex officio member) shall be designated by the President as Chairman. He shall be the presiding officer of the Board.

"(d) The Board shall appoint a Dean of the University (hereinafter referred to as the 'Dean') who shall also serve as a nonvoting ex officio member of the Board.

"(e) Members of the Board (other than ex officio members) while attending conferences or meetings or while otherwise performing their duties as members shall be entitled to receive compensation at a rate to be fixed by the Secretary of Defense, but not exceeding $100 per diem and shall also be entitled to receive an allowance for necessary travel expenses while so serving away from their place of residence.

"(f) The Board, after considering the recommendations of the Dean, shall obtain the services of such military and civilian professors, instructors, and administrative and other employees as may be necessary to operate the University. Civilian members of the faculty and staff shall be employed under salary schedules and granted retirement and other related benefits prescribed by the Secretary of Defense so as to place the employees of the University on a comparable basis with the employees of fully accredited schools of the health professions within the vicinity of the District of Columbia. The Board may confer academic titles, as appropriate, upon military and civilian members of the faculty. The military members of the faculty shall include a professor of military, naval, or air science as the Board may determine.

"(g) The Board is authorized to negotiate agreements with agencies of the Federal Government to utilize on a reimbursable basis appropriate existing Federal medical resources located in or near the District of Columbia. Under such agreements the facilities concerned will retain their identities and basic missions. The Board is also authorized to negotiate affiliation agreements with an accredited university or universities in or near the District of Columbia. Such agreements may include provisions for payments for educational services provided students participating in Department of Defense educational programs. The Board may also, subject to the approval of the Secretary of Defense, enter into an agreement under which the University would become part of a national university of health sciences should such an institution be established in the vicinity of the District of Columbia.

"(h) The Board may establish postdoctoral, postgraduate, and technological institutes.

"(i) The Board shall also establish programs in continuing medical education for military members of the health professions to the end that high standards of health care may be maintained within the military medical services.

"§ 2114. Students: selection; status; obligation

"(a) Students at the University shall be selected under procedures prescribed by the Secretary of Defense. In so prescribing, the Secretary shall consider the recommendations of the Board. However, selection procedures prescribed by the Secretary of Defense shall emphasize the basic requirement that students demonstrate sincere motivation and dedication to a career in the uniformed services (as defined in section 1072(1) of this title).

"(b) Students shall be commissioned officers of a uniform service as determined under regulations prescribed by the Secretary of Defense after consulting with the Secretary of Health, Education, and Welfare. Notwithstanding any other provision of law, they shall serve on active duty in pay grade O-1 with full pay and allowances of that grade, but shall not be counted against any prescribed military strengths. Upon graduation they shall be appointed in a regular component, if qualified, unless they are covered by section 2115 of this title. Students who graduate shall be required, except as provided in section 2115 of this title, to serve thereafter on active duty under such regulations as the Secretary of Defense or the Secretary of Health, Education, and Welfare, as appropriate, may prescribe for not less than seven years, unless sooner released. The service credit exclusions specified in section 2126 of this title shall apply to students covered by this section.

"(c) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

"(d) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section. In no case shall any such member be required to serve on active duty for any period in excess of a period equal to the period he participated in the program, except that in no case may any such member be required to serve on active duty less than one year.

"2115. Graduates: limitation on number electing to perform civilian Federal duty

"Not more than 20 percent of the graduates of any one class at the University may agree in writing to perform civilian Federal duty for not less than seven years following the completion of their professional education in lieu of active duty in a uniformed service.

Such persons shall be released from active duty upon the completion of their professional education. The location and type of their duty shall be determined by the Secretary of Defense after consultation with the heads of Federal agencies concerned.

"§ 2116. Reports to Congress

"The Secretary of Defense shall report periodically to the Committees on Armed Services of the Senate and House of Representatives on the feasibility of establishing educational institutions similar or identical to the University at any other locations he deems appropriate. The last such report shall be submitted by June 30, 1976.

"§ 2117. Authorization for appropriations

"There is hereby authorized to be appropriated to the Department of Defense for the planning, construction, development, improvement, operation, and maintenance of the University, and to otherwise accomplish the purposes of this title, for the fiscal year beginning July 1, 1972, the sum of $15,000,000, and for each fiscal year thereafter such sum as may be authorized in the annual military construction authorization Act for such year.

"Chapter 105—ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

"Sec.
"2120. Definitions.
"2121. Establishment.
"2122. Eligibility for participation.
"2123. Members of the program; active duty obligation; failure to complete training; release from program.
"2124. Members of the program; numbers appointed.
"2125. Members of the program; exclusion from authorized strengths.
"2126. Members of the program; service credit.
"2127. Contracts for scholarships; payments.

"§ 2120. Definitions

"In this chapter—

"(1) 'Program' means the Armed Forces Health Professions Scholarship program provided for in this chapter.

"(2) 'Member of the program' means a person appointed a commissioned officer in a reserve component of the armed forces who is enrolled in the Armed Forces Health Professions Scholarship program.

"(3) 'Course of study' means education received at an accredited college, university, or institution in medicine, dentistry, or other health profession, leading, respectively, to a degree related to the health professions as determined under regulations prescribed by the Secretary of Defense.

"§ 2121. Establishment

"(a) For the purpose of obtaining adequate numbers of commissioned officers on active duty who are qualified in the various health professions, the Secretary of each military department, under regulations prescribed by the Secretary of Defense, may establish and maintain a health professions scholarship program for his department.

"(b) The program shall consist of courses of study in designated health professions, with obligatory periods of military training.

"(c) Persons participating in the program shall be commissioned officers in reserve components of the armed forces. Members of the program shall serve on active duty in pay grade O-1 with full pay and allowances of that grade for a period of 45 days during each year of participation in the program. They shall be detailed as students at accredited civilian institutions, located in the United States or Puerto Rico, for the purpose of acquiring knowledge or training in a designated health profession. In addition, members of the program shall, under regulations prescribed by the Secretary of Defense, receive military and professional training and instruction.

"(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate of $400 per month.

"§ 2122. Eligibility for participation

"To be eligible for participation as a member of the program, a person must be a citizen of the United States and must—

"(1) be accepted for admission to, or enrolled in, an institution in a course of study, as that term is defined in section 2120(3) of this title;

"(2) sign an agreement that unless sooner separated he will—

"(A) complete the educational phase of the program;

"(B) accept an appropriate reappointment or designation within his military service, if tendered, based upon his health profession, following satisfactory completion of the program;

"(C) participate in the intern program of his service if selected for such participation;

"(D) participate in the residency program of his service, if selected, or be released from active duty for the period required to undergo civilian residency if selected for such training; and

"(E) because of his sincere motivation and dedication to a career in the uniformed services, participate in military training while he is in the program, under regulations prescribed by the Secretary of Defense; and

"(3) meet the requirements for appointment as a commissioned officer.

"§ 2123. Members of the program: active duty obligation; failure to complete training; release from program

"(a) A member of the program incurs an active duty obligation. The amount of his obligation shall be determined under regulations prescribed by the Secretary of Defense, but those regulations may not provide for a period of obligation of less than one year for each year of participation in the program.

"(b) A period of time spent in military intern or residency training shall not be creditable in satisfying an active duty obligation imposed by this section.

"(c) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in conduct or studies, or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed by this section.

"(d) The Secretary of a military department, under regulations prescribed by the Secretary of Defense, may relieve a member of the program who is dropped from the program from any active duty obligation imposed by this section, but such relief shall not relieve him from any military obligation imposed by any other law.

"(e) Any member of the program relieved of his active duty obligation under this chapter before the completion of such obligation may, under regulations prescribed by the Secretary of Defense, be assigned to an area of health manpower shortage designated by the Secretary of Health, Education, and Welfare for a period equal to the period of obligation from which he was relieved.

"§ 2124. Members of the program: numbers appointed

"The number of persons who may be designated as members of the program for training in each health profession shall be as prescribed by the Secretary of Defense, except that the total number of persons so designated in all of the programs authorized by this chapter shall not, at any time, exceed 5,000.

"§ 2125. Members of the program: exclusion from authorized strengths

"Notwithstanding any other provision of law, members of the program shall not be counted against any prescribed military strengths.

"§ 2126. Members of the program: service credit

"Service performed while a member of the program shall not be counted—

"(1) in determining eligibility for retirement other than by reason of a physical disability incurred while on active duty as a member of the program; or

"(2) in computing years of service creditable under section 205, other than subsection (a)(7) and (8), of title 37.

"§ 2127. Contracts for scholarships: payments

"(a) The Secretary of Defense may provide for the payment of all educational expenses incurred by a member of the program, including tuition, fees, books, and laboratory expenses. Such payments, however, shall be limited to those educational expenses normally incurred by students at the institution and in the health profession concerned who are not members of the program.

"(b) The Secretary of Defense may contract with an accredited civilian educational institution for the payment of tuition and other educational expenses of members of the program authorized by this chapter. Payment to such institutions may be made without regard to section 3648 of the Revised Statutes (31 U.S.C. 529).

"(c) Payments made under subsection (b) shall not cover any expenses other than those covered by subsection (a).

"(d) When the Secretary of Defense determines, under regulations prescribed by the Secretary of Health, Education, and Welfare, that an accredited civilian educational institution has increased its total enrollment for the sole purpose of accepting members of the program covered by this chapter, he may provide under a contract with such an institution for additional payments to cover the portion of the increased costs of the additional enrollment which are not covered by the institution's normal tuition and fees."

(b) The table of chapters at the beginning of subtitle A and at the beginning of part III of such subtitle of title 10, United States Code, are each amended by adding

"104. Uniformed Services University of Health Sciences.......... 2112
"105. Armed Forces Health Professions Scholarship Program.. 2120"

immediately below

"103. Senior Reserve Officers' Training Corps.................. 2101."

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

F. Edw. Hébert,
Melvin Price,
O. C. Fisher,
Charles E. Bennett,
Leslie C. Arends,
William G. Bray,
Durward G. Hall,
Managers on the Part of the House.

Harry F. Byrd, Jr.,
Henry M. Jackson,
Lloyd Bentsen,
John C. Stennis,
Wm. Saxbe,
Margaret Smith,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2), to establish a Uniformed Services University of the Health Sciences and provide scholarships to selected persons for education in medicine, dentistry, and other health professions, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

BACKGROUND

The House of Representatives, on November 3, 1971, by a vote of 351 Yeas to 31 Nays, passed and sent to the Senate the bill H.R. 2.

The Senate, on June 6, 1972, amended H.R. 2 by striking all after the enacting clause and substituting new language in the form of an amendment.

As a consequence of the Senate action, there existed a number of major differences in the House and Senate versions of H.R. 2. Each of these substantive differences are identified below, together with an explanation of the action taken thereon in the conference to resolve the differences.

Difference No. 1—The Uniformed Services University of the Health Sciences

Under the House-passed bill, authority was provided to establish the university within a radius of 25 miles of the District of Columbia. The university would be so organized as to graduate not less than 100 medical students annually, with the first class graduating not less than ten years after enactment of the legislation.

The Senate amendment deleted authority for the establishment of a Uniformed Services University of the Health Sciences, and substituted a provision providing for "a feasibility study" to determine the desirability of establishing such a university as provided in the House language. The "feasibility study" proposed by the Senate amendment was essentially designed to re-examine the entire proposal as contained in the House-passed bill. In accordance with the Senate language, the study was to be conducted by the Secretary of Defense and the results reported back to the President and the Congress not later than one year after the date of enactment of the Act.

A detailed explanation of the differing views of the respective legislative bodies on this issue is available in House Report 92–524 and Senate Report 92–827.

Both the House and Senate conferees were adamant in supporting the respective positions of both bodies as regards this very crucial issue. However, the House conferees. among other things, pointed out that a feasibility study as recommended by the Senate would serve no effective purpose since this subject had been more than adequately reviewed and studied both within and outside the Department of Defense.

House conferees also called attention to the strong endorsement for the establishment of a Uniformed Services University of the Health Sciences provided by the Secretary of Defense. Because of the pertinency of the Secretary's views on this subject, and since they coincide with those of the House conferees, a portion of his statement is set out below:

"As ranking member of the Health, Education, and Welfare Appropriations Committee and Defense Committee, I joined with you in support of the establishment of a Uniformed Services University of the Health Sciences. Since leaving the Congress and taking on the responsibilities as Secretary of Defense, my personal support for this legislation has been strengthened. The urgent need still exists for the establishment of a Uniformed Services University of the Health Sciences to make the military medical departments producers of physicians and members of other health professions rather than merely large-scale consumers of scarce categories of health personnel. It would also add significantly to the total number of members of the health professions available in the national medical manpower pool. It would afford us a means of attracting a significant number of members of the health professions into the military departments. It would also greatly assist us in retaining highly qualified members of the health professions, for we have concluded that one of the most important retention factors for physicians and other members of the health professions is the opportunity of functioning in a professional environment of the highest caliber. The proposed university would contribute measurably toward the attainment of that environment by providing academic teaching positions for military health professionals and university cooperation in establishing and monitoring training programs throughout the military departments. Ultimately, we would expect that it would result in improved medical care and treatment of all beneficiaries of our health care system.

I am still convinced that the establishment of such an institution will provide the professional stimulus to staunch the annual severe losses of military physicians and other health professionals that we have experienced in recent years. I personally continue to believe that it would become the cornerstone of the foundation we need to attain an all-volunteer medical force."

The Senate conferees, on the other hand, disagreed with the House conferees' views and questioned the overall philosophy embodied in the principle of establishing a university of this type entirely supported by Federal funds. The Senate conferees pointed out their concern over the apparent lack of any clear consensus in the government and the health professions as to the need and desirability of establishing such a university.

Notwithstanding the strong representations made by the Senate conferees on this issue, the Senate conferees ultimately receded from their position with an amendment which reduced the first-year authorization for funding for design, planning, construction, et cetera, for the university to $15,000,000 rather than the $20,000,000 contained in the House-passed bill. Also the amendment would require future line item annual authorizations before appropriations for construction could be provided in subsequent years.

Difference No. 2—Scholarship program and benefits

Under the House-passed bill, the Armed Forces would have been authorized a medical scholarship training program in the health professions under which a maximum of 5,000 scholarships, at any one time, would be provided to enable persons to attend civilian schools providing training in medical, dental, and allied health disciplines. Under the House version of the scholarship program, the full cost of the student's school tuition and fees would be paid by the Federal government and such students would serve on active duty as reserve officers in Grade O–1 (Second Lieutenant/Ensign).

The Senate version of the scholarship program provided:

A. The full cost of the student's medical school tuition and fees be paid by the Federal government (same as House version).

B. Each student serve on inactive duty as a Reserve officer in Grade O–1 (2nd Lt./Ensign) except for 45 days per year when he would serve on active duty in Grade O–1.

C. Each student receive a monthly stipend of $400 except when he is on active duty when he would receive the full pay and allowances of Grade O–1. Under the Senate version a student with dependents would receive in pay and allowances about $5,285 per year and one without dependents $5,235 (in addition to medical school tuition and fees).

After considerable discussion, the House conferees agreed to the Senate version of the scholarship program with the qualification that in the event the $400 monthly stipend would not be adequate to attract the number and quality of students essential to the program, both the House and Senate Committees on Armed Services will give serious consideration to the desirability of increasing this stipend by appropriate legislation.

The House therefore recedes and accepts the Senate provisions on this issue.

Difference No. 3—Scholarship student attending a university which either disestablished ROTC or barred armed services' recruiters from its campus

The House version of H.R. 2 contained a provision which prohibited the detailing of scholarship students to any institution of higher learning if that institution had adopted a policy which bars recruiting personnel of any of the Armed Forces from the premises of that institution, or if such institution of higher learning had directed the disestablishment of Reserve Officer Training Corps units at the institution despite the desire of the Armed Forces to continue such training at the institution.

The Senate version of H.R. 2 permitted a scholarship student to attend such schools.

The House conferees believe that the schools in question should not receive any benefits under this legislation from the Department of Defense either directly or indirectly in view of the apparent policy of the institutions to divorce themselves completely from any affiliation with the Armed Forces of the United States. However, the Senate conferees were of the view that adoption of the House prohibition would have a serious impact on the Department's ability to attract the numbers and quality of students required by the scholarship program. The Senate conferees pointed out that approximately 9% of all students now attending medical schools are in schools which would be directly affected by this prohibition. Therefore, they argued that notwithstanding the merits or demerits of the principle embodied in the House prohibition, they believe that the overriding urgency of the physician shortage problem required elimination of the House prohibition.

The House conferees therefore reluctantly receded and concurred in the Senate action.

Difference No. 4—Statutory numerical limitations on promotion of medical and dental officers to general and flag officer rank

The House version of H.R. 2 removed all the statutory numerical limitations on the promotion of medical and dental officers to general and flag officer rank. This action was taken to provide the Armed Services with additional career incentives for medical and dental officers.

The Senate did not concur in this House action, although it conceded that increased promotion opportunity was essential for officers in the Medical and Dental Corps. The Senate report therefore requires the Department of Defense to study the question of increased promotion opportunities for medical and dental officers and to report the findings of the Department to the responsible legislative Committees not later than January 1, 1973.

In view of the adamant position of the Senate conferees on this issue, the House conferees reluctantly receded with the understanding that the respective Committees on Armed Services would, if necessary, take early legislative action on this problem shortly after the convening of the 93d Congress.

Difference No. 5—Length of Scholarship program

Under the House version of H. R. 2, the scholarship program was limited to courses of study of not more than four years' duration.

Under the Senate version of H. R. 2, courses of study could extend to as much as six years' duration.

The Senate conferees pointed out that recent changes and innovations in medical training, and medical school curricula, have resulted in some courses, for example, requiring as much as six years for the completion of training for a medical degree. Therefore, the Senate conferees urged that the language be made sufficiently flexible to encompass these innovations in medical training as well as others that might occur in future years.

The House concurred with the Senate conferees, and therefore receded without amendment to accept the Senate provision in this regard.

Difference No. 6—Technical changes

The House-Senate conferees also considered and made several technical changes to both the House and Senate versions of H. R. 2 in accordance with recommendations made by the Department of Defense. None of these changes are substantive in nature, and therefore require no explanation.

During the discussion of the provisions relating to the establishment of the Uniformed Services University of the Health Sciences, it was the general consensus of the conferees that the provisions, as written, should remain deliberately broad so as to provide the Secretary of Defense and the Board of Regents, in establishing and administering the university, sufficient executive authority to ensure the kind of administrative flexibility that will be necessary to make this the finest medical school in the world in the shortest possible time.

F. Edw. Hébert,
Melvin Price,
O. C. Fisher,
Charles E. Bennett,
Leslie C. Arends,
William G. Bray,
Durward G. Hall,
Managers on the Part of the House.
Harry F. Byrd, Jr.,
Henry M. Jackson,
Lloyd Bentsen,
John C. Stennis,
Wm. Saxbe,
Margaret Smith,
Managers on the Part of the Senate.

DIRECTING SECRETARY OF DEFENSE TO FURNISH INFORMATION WITH RESPECT TO U.S. OPERATIONS IN NORTH VIETNAM

Mr. PRICE of Illinois. Mr. Speaker, I call up House Resolution 1078 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1078

Resolved, That the Secretary of Defense, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than seven days following the adoption of this resolution, the following information with respect to the American bombing and naval bombardment of North Vietnam since March 1, 1972:

1. number of sorties flown and types and tonnage of ordnance used each month;
2. after action reports and bomb damage assessments, both written and photographic;
3. specific descriptions and photographic evidence of all damage to (a) the primary and secondary dike and hydraulic systems of North Vietnam, and (b) villages and cities of North Vietnam.

MOTION TO TABLE OFFERED BY MR. PRICE OF ILLINOIS

Mr. PRICE of Illinois. Mr. Speaker, in view of the fact that this resolution was adversely reported by the House Committee on Armed Services by a rollcall vote of 27 to 5, I move to lay House Resolution 1078 on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. Price).

The motion to table was agreed to.

DIRECTING SECRETARY OF DEFENSE TO FURNISH INFORMATION CONCERNING MILITARY OPERATIONS IN NORTH VIETNAM

Mr. PRICE of Illinois. Mr. Speaker, I call up House Resolution 1079 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1079

Resolved, That the Secretary of Defense, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than seven days following the adoption of this resolution:

1. maps showing the location of all known or suspected prisoner-of-war camps in North Vietnam;
2. maps showing the location of all bombing strikes and naval bombardments against North Vietnam for the period March 1, 1972, to date;
3. the rules of engagement promulgated for the bombing of North Vietnam from March 1, 1972, to date, and a description of the procedures, policies, and actions taken by American Armed Forces for the purpose of assuring the avoidance of danger to American prisoners of war.

MOTION TO TABLE OFFERED BY MR. PRICE OF ILLINOIS

Mr. PRICE of Illinois. Mr. Speaker, in view of the fact that this resolution was ordered adversely reported to the House on a vote of 31 to 1 by the House Armed Services Committee, I move to lay House Resolution 1079 on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Illinois (Mr. Price).

The motion to table was agreed to.

A motion to reconsider the votes by which action was taken on both motions to table was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 16071, PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1971

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1098 and ask its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1098

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16071) to amend the Public Works and Economic Development Act of 1965. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against sections 3 and 5 of said substitute are hereby waived for failure to comply with the provisions of clause 4, rule XXI. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motionto recommit with or without instructions.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. Quillen) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1098 provides an open rule with 2 hours of general debate for consideration of H.R. 16071 to amend the Public Works and Economic Development Act. It shall be in order to consider the committee substitute as an original bill for the purpose of amendment and, because of reappropriations, points of order are waived against sections 3 and 5 for failure to comply with clause 4 of rule XXI.

The purpose of H.R. 16071 is to make improving amendments to the existing law and to extend the economic programs for an additional year—to June 30, 1974.

Changes are made in a number of areas including: grants and supplementary grants for public facilities, the public works impact program, business development, technical assistance, vocational training facilities, coordination, special impact programs in urban and rural areas.

A new title is added entitled "Environmental Effects," which is designed to provide assistance to individuals who are unemployed because of Federal actions to improve the environment.

The moratorium on dedesignation of redevelopment areas is extended to June 1, 1974.

A number of changes are made to improve the administration of the economic development program and authorizations for funding these programs through fiscal year 1974 are included to provide for their continued operation.

The total authorization in the bill is $3,177,500,000.

Mr. Speaker, I urge the adoption of the rule in order that the legislation may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Texas. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Could the gentleman say upon whose request the waiver of the points of order was granted?

Mr. YOUNG of Texas. I am not certain, but I believe the matter came up in executive session, and it was pointed out that the Parliamentarian indicated that points of order would have to be waived to section 3 and section 5, because of reappropriations in the authorization bill. That is my recollection.

Mr. GROSS. Is the gentleman saying then by way of an answer that the waiver of points of order to section 3 and section 5 was not requested by the committee but was requested by the Parliamentarian?

Mr. YOUNG of Texas. That is my recollection, but I am not clear on it. But I believe it was pointed out by the chairman of our committee, the gentleman from Mississippi (Mr. Colmer), that the Parliamentarian had indicated that points of order would have to be waived to section 3 and section 5, or they would be subject to a point of order.

In any event, though, the motion to grant the rule did contain a provision that points of order would be waived to section 3 and section 5—I do know that.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. YOUNG of Texas. Certainly; I would be glad to yield to the gentleman from Iowa.

Mr. GROSS. I do not want to be disrespectful, but has the Rules Committee become the handmaiden of the Parliamentarian? I am surprised that, if a waiver of points of order was necessary, the committee did not request the waiver.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas (Mr. Young) has pointed out the main provisions in this resolution.

The primary purpose of H.R. 16071 is to extend the Public Works and Economic Development Act for 1 year through fiscal year 1974. The existing law authorizes funds through fiscal year 1973. This bill also includes additional authorization for fiscal year 1973.

The object of the programs authorized in this bill is to provide Federal assistance to economically depressed areas. In order to achieve this goal, the bill provides technical assistance, public facility grants, business loans and vocational training.

One controversial provision in this bill is in a new title dealing with environmental effects. Section 801 provides assistance to individuals who lose their jobs as a result of Federal actions to improve the environment. Such individuals who have worked at least 26 of the 78 preceding weeks in the plant or industry affected, will be eligible for benefits. The benefits include, first, unemployment compensation equal to 60 percent of a worker's former weekly wage until he is reemployed or retires, for a period of up to 78 weeks, second, temporary mortgage or rental payment assistance in hardship cases, and third, moving expenses to a new job if the worker is unable to find work in the vicinity of his previous home, but does find a job elsewhere.

The total of new costs in this bill is $3,177,500,000, of which $977,500,000 is for additional funding in fiscal year 1973, and $2,200,000,000 is for total funding in fiscal year 1974.

There are no departmental letters in the Committee report.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana (Mr. Madden).

Mr. MADDEN. Mr. Speaker, this legislation which was reported out of the Committee on Public Works under the chairmanship of Congressman John Blatnik, is probably one of the most outstanding bills to aid the American economy that has been presented to the Congress in many years.

The Rules Committee reported unanimously on a rule to consider this bill. It is a multi-billion dollar public works bill which will greatly stimulate our economy and eventually give employment to many of our unemployed and increase the buying power of millions of our people throughout the Nation. It will help the construction industry, including building trades, which suffers from an unemployment rate double the national average which is now over 6 percent of the Nation's working force. Chairman Morgan of the Foreign Affairs Committee yesterday testified before the Rules Committee that $1,300 billion has been spent on the military and defense here and over the globe since World War II—about $100 billion on foreign aid in the same period of time. We should now start spending a small fraction of our taxes on local problems.

This legislation will also aid in the urban localities in the construction of public necessities such as water purification plants, sewage treatment systems, libraries, police stations, community centers, street lighting, public transportation and airport facilities, hospital construction, warehouses, traffic congestion, and so forth.

This legislation has the support of business and construction contractors. Labor organizations have been calling for an expanding accelerated public works construction program for several years.

This bill would provide grants for State and local governments to initiate and speed up public investment projects in areas of high unemployment. American workers realize that unemployment depression and our most critical economic problems stem from inadequate public facilities which are much needed in every metropolitan area throughout the Nation. Over 100 Members of Congress from both parties are cosponsoring this legislation for the benefit of our economic recovery and which should affect our prosperity after the legislation is enacted and grants are set aside to the various localities requesting financial aid for projects.

The accelerated public works program provides 80 percent construction grants to local governments in high unemployment and special impacted areas. These programs are important as they provide help on two fronts by assisting local government in building much needed public works facilities such as sewage treatment plants, transportation, facilities for health problems and provides immediate employment to persons in the building trades which are about the hardest hit groups by unemployment.

During the last session of Congress I was one of the sponsors and supporters of the legislation known as the "accelerated public works project" which would have given the Nation an earlier start to combat depression and unemployment but the bill was vetoed by the President. At that time this bill passed the House by a vote of 320 to 67. The veto by the President of this bill created such strong criticism and opposition that the administration reconsidered and cooperated on a more modified bill.

The older Members of Congress vividly remember the depression in the early 1930's. I well remember that immediately previous to the devastating stock market crash of 1929, corporations, big business, banks, and so forth, were reaping great benefits; profits, prices were rising rapidly; and unemployment was increasing yearly until millions of American workers and their families were without money to purchase the necessities of life, including adequate food supplies. This inflation was the cause of bringing the Nation into the most devastating economic turmoil, creating discontented elements that were marching on Washington demanding relief for the unemployed and the destitute. It was only through the miraculous cooperation of big business, Government, and labor under the leadership of Franklin D. Roosevelt during the middle and late 1930's that our Government was saved from economic destruction.

Today we are reading about the fabulous profits of industry, conglomerates, business cartels, banks, insurance companies, and so forth, and the same unemployment scourge is now creeping up which, if not curbed, will result in another crash of our economy similar to the early 1930's.

This legislation, if enacted without crippling amendments, will be the first major step to restore employment and keep our factories and industries operating and return prosperity to the Nation.

I do hope the Congress will enact this legislation by a large majority vote and the President will not repeat his veto of the last major public works bill which indirectly helped to create our present unemployment and economic dilemma.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. Sikes).

Mr. SIKES. Mr. Speaker, I consider it a very fortunate thing that the House is to consider this bill. The rule should be approved, and the bill should be adopted overwhelmingly. There is a need throughout the Nation for sound public works projects. Obviously, in many communities there is a serious problem of unemployment. The two will work hand in glove to give us needed programs and better economic conditions. They will help to give employment to skilled people who particularly need work. We talk about taking people off welfare; we talk about substituting work for welfare. This is a work program for people who are skilled but who are unable to find work and who want to work. I strongly approve it.

In other words, Mr. Speaker, we have before us today the vehicle whereby we can come to grips with the growing problem of unemployment in America.

For a long time we have been hearing about programs which increase the drain on public funds for those who refuse to work, but we have heard far too little about plans to provide work for those trained and willing to work. That is the object of the bill now before us.

This is not the first time we have been down this road, Mr. Speaker. Last June the President vetoed a similar proposal which would have provided $2 billion for an accelerated public works program. As a result of that veto, public projects which need building have gone unbuilt and men who seek work have been denied that work solely because the Federal Government did not make the necessary funds available.

It is a shame—the shame of us all—that we have allowed so much discussion of welfare programs for those unwilling to work while devoting so little time and attention to the creation of jobs for those who need and want work.

Sewer systems, water-purification projects, hospitals, nursing homes, libraries, schools, public buildings, community projects, and recreational facilities are badly needed in this country. No member of this body could say there is not a need in every congressional district in America for projects such as I have mentioned. Certainly, few Members of this body can say there is full employment in every district.

While the proposal before us today will not return full employment to our country, it will go a long way toward helping those in the brick-and-mortar trades who have been especially hard hit by unemployment.

We have heard the fear expressed that the accelerated public works proposal now under consideration would create some kind of WPA monster. I ask, Mr. Speaker, what was wrong with the WPA. It provided jobs for people and badly needed permanent facilities for our Nation. True, the program was conceived at a time of great stress in America, but I suggest it was unemployment that was the monster, not the program conceived with which to deal with it.

We face a situation today similar in many respects. Unemployment continues to be a problem in many areas of the Nation while sorely needed public programs go begging. The Congress should accept responsibility to provide the means whereby these two segments of public need are brought together—the need for facilities and the need of men for work.

The proposal now before us, frankly, falls short of what I believe we need in this regard. But it is a realistic program. The fiscal year soon will be half gone but much good can still be accomplished. A larger program very probably would produce a presidential veto.

So let us get on with the business of making available to as many citizens as possible the opportunity for meaningful, honest work. What is proposed here today is an expenditure of public funds for the highest goals, providing jobs and the construction of needed public works facilities.

This is not the time to tarry over detail or be stampeded into an alley of fear because a few among us throw up specters. I repeat, Mr. Speaker, it was not the WPA which was bad. It was the situation which required the creation of a WPA.

Times have not changed. The Congress in the 1930's met the challenge and the Nation recovered from that crisis. Now we face another crisis and this Congress must meet that challenge.

I urge approval of the accelerated public works proposal now before us so that Americans can get back to work.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

SHORESIDE VISITORS' FACILITIES AT THE U.S.S. "ARIZONA" MEMORIAL

Mr. BYRNE of Pennsylvania. Mr. Speaker, I ask unanimous consent for immediate consideration of the bill (H.R. 16201) to authorize the Secretary of the Navy to construct and provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

H.R. 16201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is authorized to provide for the construction, establishment, and maintenance of permanent shoreside facilities (including, but not limited to, a theater and museum) within the Pearl Harbor Naval Base, Hawaii, to provide for the education and convenience of visitors to the United States Ship Arizona Memorial.

SEC. 2. The Secretary of the Navy, after consultation called for in section 3 hereof, may include and display in the theater and museum such personal property, relics, documents, memorabilia, films, and exhibits as he deems appropriate to assist visitors to enhance their understanding of the history and American interest in the Pacific Ocean areas, and to deepen their appreciation of the great heroism and patriotism of the men who lost their lives at Pearl Harbor on December 7, 1941, and in the Pacific Ocean areas during World War II.

SEC. 3. In carrying out his duties under this Act, including (but not limited to) the planning, construction, equipping, and furnishing of the shoreside facilities, the Secretary of the Navy is authorized to consult with, seek the advice and assistance of, and receive and accept gifts from, any interested individuals, agencies, groups, or organizations, including the Pacific War Memorial Commission of the State of Hawaii.

SEC. 4. The Secretary of the Navy is authorized to consult and negotiate with the Secretary of the Interior for the transfer of responsibility to the National Park Service, Department of Interior, for the maintenance and operation of the shoreside facilities immediately upon completion of their construction.

SEC. 5. There is authorized to be appropriated a sum not to exceed $2,500,000 for the planning, construction, equipping, and furnishing of the shoreside facilities authorized in section 1 hereof.

Mr. BYRNE of Pennsylvania. Mr. Speaker, the purpose of H.R. 16201 is to authorize the Secretary of the Navy to construct and provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor and to transfer the responsibility for their operation and maintenance to the National Park Service. H.R. 16201 describes the facilities as including, but not limited to, a theater and museum to provide for the education and convenience of visitors to the Arizona Memorial. Additionally, the Secretary of the Navy may include and display in the theater and museum such personal property, relics, documents, memorabilia, films, and exhibits as he deems appropriate. H.R. 16201 authorizes the sum of $2,500,000 for the planning, construction, equipping, and furnishing of the shoreside facilities. On April 23, 1970 hearings were conducted at the end of which a decision was made to defer action pending further investigation of the operation and maintenance of the proposed facilities. Hearings were again held in March 1972 and August 1972 on other bills which were introduced in the 92d Congress which were almost identical to the ones introduced in the 91st Congress. The Navy currently provides for visitor transportation to and from the Arizona Memorial as well as its regular maintenance at a cost of approximately $95,000 annually. It is estimated that if the facilities described in this bill are erected, additional funding would be required upon completion of the facilities for maintenance and additional personnel salaries. The total cost is estimated to be about $162,000 annually. The bill passed by the committee authorizes the Secretary of the Navy to construct and negotiate with the Secretary of the Interior for the transfer of responsibility to the National Park Service for the maintenance and operation of the shoreside facilities immediately upon the completion of their construction.

The hearings conducted in the 92d Congress by this committee were based upon H.R. 11723 which indicated a clear intention to charge the Secretary of the Navy with the responsibility for both construction and maintenance, as well as operation, of the facilities. The Department of the Navy, on behalf of the Department of Defense, did not recommend enactment of any bill with that proviso. The Department of the Interior, in their report of August 1, 1972, on H.R. 11723, urged deferral of further action until more study could be conducted jointly with the Navy. This committee, even in view of the Navy position and the Department of the Interior position, recommends enactment of H.R. 16201.

Mr. MATSUNAGA. Mr. Speaker, as one who helped to establish the U.S.S.

Arizona Memorial itself, I rise in support of H.R. 16201, which would authorize the construction, operation, and maintenance of much-needed shoreside facilities for the education and convenience of visitors to the Arizona Memorial at Pearl Harbor, Hawaii.

Ten years have passed since Congress authorized the construction of a memorial at the site of the U.S.S. *Arizona*, "in honor and in commemoration of the members of the Armed Forces of the United States who gave their lives to their country during the attack on Pearl Harbor, Hawaii, on December 7, 1941." (Public Law 87-210.)

In 1962, I was a member of the Pacific War Memorial Commission which was charged with the responsibility, among other things, of raising funds for the construction of the memorial in part through public subscription. The U.S.S. Arizona Memorial, first opened to the public in 1962, has truly become a national shrine. Erected over the sunken hull of the U.S.S. *Arizona*, the memorial is dedicated to all those who died in the Pearl Harbor attack, particularly the 1,177 men killed from the *Arizona* itself, most of whose bodies remain entombed in the ship's hull to this day. These brave men hailed from nearly every State in the Union and from Guam, the Philippine Islands, and Canada.

It is not surprising, therefore, to find that Americans in increasing numbers are making the pilgrimage to the watery shrine and spending a few moments in silent meditation at the gleaming white monument. More than 4 million visitors, from every State in the Union, have taken the short boat trip to the memorial since it opened. Ten years ago the memorial had only 62,000 visitors via Navy boats. Last year, that figure had risen to 367,816, with an approximately equal number visiting by commercial tour boats—bringing the total to nearly three-fourths of a million visitors in 1971.

Not only were the visitors impressive in their increase in numbers, but also in their diverse geographical origins. Many foreign countries were represented, predominantly, and perhaps ironically, Japan. Moreover, every State had its share of visitors.

Despite this rapid and staggering increase of visitors, the memorial itself remains adequate to handle the load. However, shoreside facilities are painfully inadequate. Perhaps because of the nature of their visit to Pearl Harbor and the touch of solemnity associated with it, visitors to the Arizona Memorial have been observed patiently waiting in line for lengthy periods of time, exposed to Hawaiian rain as well as sunshine, for the opportunity to make the short boat trip from the landing to the memorial.

The growing problem of inadequate facilities on shore to accommodate the burgeoning number of visitors led me and certain cosponsors to introduce the legislation which is now before this body. H.R. 16201 authorizes $2.5 million for the construction of a theater, museum, and other visitor conveniences by the Secretary of the Navy. After completion, these facilities would be maintained and operated by the National Park Service.

The proposed shoreside facilities would serve as a memorial not only to our fallen heroes at Pearl Harbor, but also to our fighting men who spanned the vast reaches of the Pacific and displayed the same courage and personal sacrifice as that of the men who went to their watery graves on December 7, 1941. It would be fitting, in this larger context, for the visitor at Pearl Harbor to gain, first in the theater-museum, a meaningful perspective of World War II in the Pacific, and then to proceed to the Arizona Memorial, which he will then view with infinitely greater understanding and appreciation. A visitor would have the opportunity to learn about Pearl Harbor and the war in the Pacific, just as he does at other national shrines, such as Valley Forge, Fort McHenry, the Alamo, Fort Sumter, and Gettysburg.

Mr. Speaker, H.R. 16201 and the related bills are important legislation, with impact and significance for all of America and, indeed, the world. Over three decades have pased since the atack on Pearl Harbor, making this an appropriate time to begin this project which, by recalling the horrors of war, would serve as a reminder of the desperate need to preserve peace.

I strongly urge favorable consideration of H.R. 16201.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO REMOVE RESTRICTIONS FROM DEED TO COLUMBIA MILITARY ACADEMY

Mr. BYRNE of Pennsylvania. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16251) to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the bill as follows:

H.R. 16251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions and conditions in the deed of conveyance from the Assistant Secretary of War, dated May 10, 1904, to the Columbia Military Academy, and its successors, of record in book 105, page 495, Register's Office, Maury County, Tennessee, restricting use of the property conveyed therein for educational purposes only, providing for prescribing of rules and regulations by the Secretary of War, providing for revision of title to the United States under specified circumstances and providing for use for military purposes on demand of the President, shall be released and free simple title to the property, free of such provisions and conditions, shall vest in the Columbia Military Academy, a Tennessee corporation, the charter of which is of record in Charter Book B, page 487 in such Register's Office, upon payment of $10,000 in cash by such Academy to the United States as provided for in section 2 of Public Law 71-529 (46 Stat. 1009-1010).

Mr. BYRNE of Pennsylvania. Mr. Speaker, the purpose of the bill is to release the provisions and conditions contained in the deed of conveyance from the Assistant Secretary of War dated May 10, 1904, to the Columbia Military Academy and its successors, of record in book 105, page 495, Register's Office, Maury County, Tenn., and to vest fee simple title to the property, free of such provisions and conditions in the Columbia Military Academy School.

The property involved comprises approximately 67 acres of land near Columbia in Maury County, Tenn., acquired by the United States in 1888 for the establishment of the Columbia Arsenal. The purchase price of $15,250 was paid by citizens of Maury County. In 1901 the arsenal was abandoned.

The act of April 23, 1904 (33 Stat. 296) authorized and directed the Secretary of War to convey the Columbia Arsenal property to "Columbia Military Academy, an educational corporation organized under the laws of the State of Tennessee, and its successors," with the proviso that the estate shall continue so long as the property shall be used for educational purposes only and in conformity with other terms of the act including the following:

> (a) The Secretary of War shall have visitation privileges and the right to prescribe the military curriculum of the school; upon failure of the school to comply with rules and regulations prescribed by the Secretary or other terms of the act, the Secretary is authorized to declare the estate has determined and the property shall revert to the United States, in which event the Secretary of War is authorized to take possession of the property on behalf of the United States.
>
> (b) The United States shall have the right to use the property for military purposes at any time upon demand by the President of the United States.

The above-mentioned deed of conveyance to Columbia Military Academy, issued pursuant to this act and described in the bill, contained these provisions and terms.

By deed dated April 20, 1905, Columbia Military Academy conveyed the above-described property under the same terms and conditions to the Columbia Military Academy, a Tennessee corporation, the charter of which is recorded in Charter Book B, page 487, Register's Office, Maury County, Tenn.

The Department of the Army has no requirement for use of the former Columbia Arsenal property. To the contrary, authority has existed since 1928 for the extinguishment of all rights therein reserved to the United States. By the act of May 26, 1928 (45 Stat. 766), the Secretary of War was authorized to sell to the Columbia Military Academy all rights reserved to the United States in the deed of May 10, 1904, and the act of April 23, 1904, for a consideration not less than the appraised value of the land alone. This statute was repealed by the act of July 3, 1930 (46 Stat. 1009) which substantially restated the 1928 act, and reduced the purchase price to a sum of $10,000. Due to the school's financial difficulties, a sale was never consummated. However, the authority to sell still exists.

I urge your support for this legislation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BYRNE of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 days in which to extend their remarks on the two bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPOINTMENT OF STUDENTS AT STATE MARITIME ACADEMIES AND COLLEGES AS U.S. NAVAL RESERVE MIDSHIPMEN

Mr. FISHER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16233) to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the United States Navy, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Maritime Academy Act of 1958 (46 U.S.C. 1381 et seq.) is amended by adding the following new section:

"RESERVE STATUS OF STUDENTS

"SEC. 11. Students appointed to any maritime academy or college which is assisted under any provisions of this Act may be appointed by the Secretary of the Navy as Reserve midshipmen in the United States Navy and may be commissioned as Reserve ensigns in the United States Navy upon graduation from the academy or college."

Mr. FISHER. Mr. Speaker, the purpose of this legislation is to enable the Secretary of the Navy to appoint students enrolled at any maritime academy or college which is assisted under the provisions of the Maritime Academy Act of 1958 as Reserve midshipmen in the U.S. Navy and to appoint them as Reserve ensigns in the U.S. Navy upon their graduation. This would provide equal treatment for students of the State maritime academies as that now provided for students at the U.S. Merchant Marine Academy at Kings Point, N.Y.

Prior to passage of the most recent draft law amendments on Septmeber 28, 1971, students enrolled at State maritime academies received draft exemption status. However, the passage of that law resulted in a change in draft exemption for maritime cadets along with other college students. The proposed legislation would permit State maritime academy or college students to affiliate with the U.S. Naval Reserve as midshipmen and thus receive draft exempt status, thereby permitting them to complete their maritime education. Upon graduation, midshipmen would be commissioned in the Naval Reserve and given the option of serving on active duty with the Navy or sailing on their licenses with the merchant marine.

There are presently six State maritime academies receiving assistance under the Maritime Academy Act of 1958. Five of these schools supply approximately 350 commissioned officers in the Naval Reserve each year.

The schools, their location and average enrollment are:

	Students
Texas Maritime Academy of Texas A. & M. University, Galveston, Tex	90
California Maritime Academy, Vallejo, Calif	225
Maine Maritime Academy, Castine, Maine	560
Massachusetts Maritime College, Buzzards Bay, Mass	425
State University of New York, State Maritime College, Fort Schuyler, N.Y.	748

Great Lakes Maritime Academy in Michigan: A new school which will not qualify since baccalaureate degrees are not granted.

These schools under the Maritime Academy Act of 1958 may receive assistance from the Federal Government for maintenance and support of the schools not to exceed $75,000 per grant period that must be matched by State aid. Students enrolled in the schools may receive up to $600 per academic year for uniforms, textbooks, and subsistence.

It is anticipated that approximately 1,000 students from these five schools will apply and be processed annually if the legislation is enacted at a minimal annual cost of approximately $25,000. The cost will not result in increased budgetary requirements for the Department of Defense.

We urge favorable consideration of this legislation. Its enactment will enable young men enrolled in State maritime academies and colleges to complete their education without interruption and will result in increased numbers of well-qualified officers for the naval and merchant marine services.

Mr. BRAY. Mr. Speaker, for many years the graduates of the State maritime academies in the United States have made valuable contributions not only to the merchant marine service but also the U.S. Navy—particularly during time of national emergency and war. In June of 1941 the Secretary of the Navy established a classification of midshipmen, Merchant Marine Reserve, which resulted in the commissioning of many Naval Reserve officers with deck and engineering qualifications who rendered outstanding service during World War II and during the Korean conflict. In addition, those officers who did not serve on active duty for the Navy were commissioned in the Naval Reserve and through their service in the merchant marine established a splendid record in logistical transportation at sea around the world.

In the intervening years from 1953 when appointment in the Merchant Marine Reserve was no longer authorized by law, the cadets at the State merchant marine academies served without military reserve status. While there were attempts to revive the merchant marine midshipmen reserve program, the situation did not become critical until the draft legislation of 1971, which resulted in merchant marine cadets along with other college students losing their deferred status. Accordingly, a number of bills were introduced in Congress which would revive the Naval Reserve midshipmen program in the State maritime academies to duplicate the Naval Reserve program existing at the U.S. Merchant Marine Academy at Kings Point, N.Y. H.R. 16233 is the final product of these efforts.

At the present time there are five State merchant marine academies authorized to grant baccalaureate degrees. Thus, their students are eligible for the program proposed by this legislation whereby the Secretary of the Navy could appoint the undergraduates as midshipmen, U.S. Naval Reserve and subsequently consider them for appointment by the President as ensign, U.S. Naval Reserve upon graduation.

The Federal Government shows a continuing interest in the progress of these schools and the success of the undergraduate programs through assistance rendered under the provisions of the Maritime Academy Act of 1958. Thus, as is the case of the Reserve Officers Training Corps programs, the Federal Government has good reason to promote the successful completion of the undergraduate work of all students in these State maritime academies. Thus, I urge upon my colleagues their support of this legislation.

Mr. HATHAWAY. Mr. Speaker, I rise today to speak in support of H.R. 16233. This bill will exempt State maritime academy students from the draft, by amending the Martime Academy Act of 1958 to authorize the Secretary of the Navy to appoint students of State maritime academies as Reserve midshipmen in the U.S. Navy.

This legislation is urgently needed to correct an inequity which has arisen with the elimination of student deferments under the new selective service law passed by this Congress last September.

That change meant that students at the Maine Maritime Academy and other State maritime academies lost their right to deferment from the draft during their course of training—a right which is held by students at the other service academies, such as the U.S. Naval Academy at Annapolis and the U.S. Merchant Marine Academy at Kings Point.

Students at the Maine Maritime Academy and the other academies undergo the same training and education by the U.S. Navy as do these other students.

Furthermore, the State maritime academy student must, as a condition of his acceptance, sign a contract with the Maritime Administration stating that he agrees "At an appropriate time, prior to my graduation to apply for a commission as an ensign in the U.S. Naval Reserve and to accept such commission if tendered." Thus he is in a position similar to that of the cadet at the U.S. Maritime Academy at Kings Point, but without the attendant benefit of being by law exempt from the draft.

Since September 1971, my office has received a number of anxious letters from Maine Maritime Academy students, and from their parents, all asking why a man who has already committed himself to a course of training in naval science and a possible service obligation subsequently should now be made subject to the draft.

They ask why their studies and careers should be curtailed prematurely to fill a draft quota, when it is in the country's interest as well as their own that they complete the course before fulfilling their military obligation. They ask why they are treated differently from their peers at other service academies. They say that the situation is unjust and must be changed.

I agree with them, and I am determined that this problem must be remedied.

It was my own firm belief, as well as a tenet of national policy, that this country must maintain a strong merchant marine. The Maine Maritime Academy and other State Maritime Academies have established a solid tradition of turning out capable and well-trained officers for our merchant marine fleet. Anything that threatens these academies threatens that fleet as well, and the loss of the student draft exemption is a serious threat to attracting and retaining able students.

Several months ago, I joined with Members from affected States and other interested Members to introduce legislation specifically exempting State maritime academy students from the draft.

I commend the House Armed Services Committee for acting so swiftly on this bill, after receiving favorable reports from the affected Federal agencies.

Now I call on my colleagues in the House to pass H.R. 16233, so that the inequities now suffered by State maritime academy students will re rectified.

Mr. BIAGGI. Mr. Speaker, I rise in support of this bill for which I have been working during the last year. I want to commend the Committee on Armed Services and its distinguished chairman as well as the gentleman from Texas (Mr. FISHER) for recognizing the need for this legislation. I also want to thank my many colleagues who joined in cosponsoring this measure.

The bill, which would authorize the Secretary to appoint cadets of the State maritime academies as midshipmen in the U.S. Naval Reserve, simply recognized the longstanding contribution that these institutions have made to the defense of this Nation. In times of war, they have been quick to respond to the call for more trained men. In the recent Vietnam war buildup, these schools increased their capability at the request of the Department of Commerce to meet the need to supply our troops in Southeast Asia.

Moreover, the cadets graduating from these schools go on to serve the Government and private industry in the many martime-related fields such as oceanography, the marine sciences, navigation, and transportation. As efforts are made to restore America's merchant fleet to its proper place in world commerce, more well-trained officers will be needed.

The cadets at these schools go through 4 years of rigorous military and maritime training. They are instructed by active duty Navy personnel assigned to the schools. They wear uniforms and are required to meet all the standards of the Armed Forces. Also, they participate in shipboard training cruises each year. They differ from cadets at the Federal Academy in only two areas: They are not designated midshipmen and they do not receive a 100-percent subsidy of their education.

When these men go to sea upon graduation as required, they are among the best trained in the Navy or the merchant marine.

By providing this authorization, these cadets will be assured that they will be able to continue their education and training without interruption by the draft. Moreover, it will be a recognition of their close affiliation with the Navy and their important role in the defense of this Nation.

This measure will assure a steady flow of top-grade merchant marine and Naval Reserve officers from these schools. I have been closely associated with the New York State University Maritime College at Fort Schuyler and can attest without reservation to the excellence of their program and of the cadets at the school.

I urge my colleagues to approve the measure and hope that the other body will take swift action as well.

Mr. MONAGAN. Mr. Speaker, I support H.R. 16233 which would amend the Maritime Academy Act of 1958 to provide that students at State maritime academies and colleges may be appointed by the Secretary of the Navy as Reserve midshipmen in the U.S. Navy and to commission them as Reserve ensigns in the U.S. Navy upon their graduation from the academy or college. This legislation is similar to H.R 13166 which I introduced earlier this year.

In November 1971, a constituent of mine brought to my attention and protested the fact that cadets attending State maritime academies are eligible for the draft while cadets attending the U.S. Merchant Marine Academy at Kings Point, N.Y., are deferred from being drafted even though the cadets attending State maritime academies receive the same training and have the same service obligations. The Assistant Secretary of the Navy for Manpower and Reserve Affairs, James E. Johnson, has stated:

> As cadets in the U.S. Maritime Service, and as members of a quasi-military organization, they are required to take naval science courses and accept U.S. Naval Reserve Commissions upon graduation. They appear, from the viewpoint of the Navy, to be entitled to deferments in much the same manner as midshipmen at the U.S. Merchant Marine Academy.

This inconsistent and inequitable situation came about with the passage of the draft amendments of 1971 to the Military Selective Service Act of 1967. Deferral authority for undergraduate students was restored to the President and subsequently college deferrals were not extended. Cadets at State maritime colleges and academies had been deferred from induction as college students prior to the enactment of 1971 draft amendments.

Mr. Speaker, this legislation, in permitting the Secretary of the Navy to appoint maritime academy students as Reserve midshipmen in the U.S. Navy and to commission them as Reserve ensigns in the U.S. Navy upon their graduation from the academy or college, will restore that lost deferred treatment of these cadets. They will be treated on an equal basis with the cadets at the U.S. Merchant Marine Academy.

It will also help to insure that our Nation will have an adequate number of qualified naval officers in those times of need such as World War II and the Korean conflict when graduates of these State maritime academies and colleges served with distinction both in the Navy and in our merchant marine fleet.

I urge my colleagues to join with me in support of this legislation to effectively remedy the inconsistent and inequitable selective service treatment of cadets in State maritime academies and colleges.

Mr. TERRY. Mr. Speaker, the legislation we are about to consider, H.R. 16233, is designed to remedy one of the unfortunate inequities of the Selective Service System.

The bill would amend the Maritime Act of 1968 to authorize students at State maritime academies to be designated midshipmen in the U.S. Naval Reserve by the Secretary of the Navy. Such designation would confer upon State maritime students the same status as midshipmen at the U.S. Merchant Marine Academy at King's Point, thus entitling them to the same 1-D classification before the Selective Service.

Students at State maritime academies lost their draft deferments when general student deferments were abolished. These students go through a 4-year military training program and are trained by active duty Navy personnel. After graduating, they accept commissions as ensigns in the U.S. Naval Reserve with an accompanying service obligation. It is, therefore, grossly unfair that these students at State maritime institutions are subject to the draft, while midshipmen at the Federal Merchant Marine Academy are deferred.

There are State maritime academies located in New York, Michigan, California, Texas, Maine, and Massachusetts. Their cadets are highly trained and qualified individuals and are a very important source of naval reserve officers. They are already serving their country admirably as part of the Naval Reserve; their eligibility for the draft is unnecessary and unfair.

I thus urge my colleagues to act favorably on H.R. 16233 and thereby give State maritime cadets the consideration they well deserve.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FISHER. Mr. Speaker, I ask unanimous consent that all Members may have

5 legislative days in which to extend their remarks on the bill H.R. 16233.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1972

Mr. JOHNSON of California. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16071) to amend the Public Works and Economic Development Act of 1965.

The SPEAKER. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16071, with Mr. SLACK in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. JOHNSON) will be recognized for 1 hour and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 1 hour.

The Chair recognizes the gentleman from California.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee, the gentleman from Minnesota (Mr. BLATNIK).

Mr. BLATNIK. Mr. Chairman, I appreciate the gentleman from California yielding. He is the House floor manager for this bill. I think this is an excellent bill. I want to commend the Members on both sides of the aisle and I will call on them later to explain the bill. I compliment them for their contribution in making possible the bringing of this legislation to the floor. There was nearly unanimous support for this bill in the full Public Works Committee, with one minor exception.

Mr Chairman, amendment of the Public Works and Economic Development Act (H.R. 16071) which we are acting upon today, is of vital importance to the economic well-being of the Nation.

This bill contains a number of much-needed provisions aimed at speeding recovery from the current recession and at building a sound base for our future economic growth. Among these provisions are increased funding authority for accelerated public works, new mechanisms for coordinating economic development programs, assistance to individuals who lose their jobs because of Federal environmental quality standards, and funding for implementing long-range programs prepared by the Regional Economic Development Commissions.

After passage of H.R. 16071, $4 billion would be authorized for these vital economic development programs—$2.2 billion for fiscal 1973 and $2.2 billion for fiscal 1974.

Of the $2.2 billion available for fiscal 1973, $1,222,500,000 is already authorized under current law; $977,500,000 is new money authorized by H.R. 16071.

The entire $2.2 billion authorized for fiscal 1974 is new money, bringing total new authorizations in H.R. 16071 to $3,177,500,000.

Included in these new authorizations is $500 million per fiscal year for fiscal years 1973 and 1974 for an expanded accelerated public works program.

On April 22, 1971, the Public Works Committee brought a large-scale accelerated public works program before the House. This program, passed by the Congress, was subsequently vetoed by the President.

At the time of the veto, the Nation had approximately five million unemployed—despite the existence of a large backlog of public works projects in communities across the land.

Today, well over a year later, the unemployment picture is virtually unchanged. We still have almost five million unemployed as well as a large backlog of badly needed public works projects, such as nursing homes, road improvements, public buildings and the like.

The President's economic program, which was supposed to reduce unemployment to 5 percent—an unacceptably high goal—by December 1971 has not succeeded. In fact, it has been more than 2 years since unemployment was below 5 percent.

A small-scale version of our original accelerated public works program, which was signed into law, on the other hand, has operated very well during the past year, putting thousands of people to work.

For these reasons, the Public Works Committee has again brought before the House a measure which will put people to work quickly on construction of public works projects, utilizing resources now used for unemployment compensation and public assistance payments for gainful employment in constructing badly needed public facilities.

We are currently spending $1.5 billion per month for welfare and $500 million per month for unemployment compensation. This totals to $24 billion per year—$18 billion for welfare and $6 billion for unemployment compensation.

This money—$24 billion per year—is being used to pay people not to work. In contrast, under H.R. 16071, we could pay out some of this money to people for performing meaningful work on construction of all kinds of public facilities in communities across the Nation.

Under H.R. 16071, we can put people on the job instead of on the dole.

H.R. 16071 includes a number of mechanisms for strengthening coordination among the governmental units which work to bring about economic development in lagging areas.

The bill would help assure that State economic development programs mesh with those of sub-State economic development districts and local communities, as well as with those of the multi-State regional economic development commissions. Coordination would be accomplished by a number of mechanisms such as providing funds for review by States of development district programs and review by districts of local projects.

Another problem dealt with in this bill is that of unemployment caused by Federal environmental quality standards and orders.

Implementation of environmental quality standards may in some instances lead to closing of a plant and loss of employment by workers. This is a severe burden placed on certain individuals by the Federal Government, and the Federal Government has a responsibility to assist those individuals during the time of hardship.

For this reason, provisions are included in H.R. 16071, to provide unemployment compensation, mortgage or rental payments, moving expenses and reemployment assistance for workers who lost their jobs because of Federal environmental quality standards and orders.

H.R. 16071 provides funds for implementation of plans prepared by the regional commissions created by title V of the Public Works and Economic Development Act.

There were five such commissions formed to foster economic development in lagging areas of the Nation when the act was first implemented, and two more commissions have recently been designated. Four of the original commissions have now completed the long-range economic development programs required by the act. These programs are now ready to be funded.

It is of vital importance to the entire Nation, as well as to the people of these regions, that the long-range programs now completed be provided with funds for implementation. Only through such implementation will the economically lagging regions served by these commissions be brought into the mainstream of the Nation's economy, to the benefit both of the people of the regions and the entire Nation.

H.R. 16071 is not a panacea for all the economic ills of the Nation. But the bill will make a direct and effective attack on many of our economic problems. Its acceptance is vital to the best interests of the Nation.

Mr. LATTA. Will the gentleman yield?

Mr. BLATNIK. Now I am pleased to yield to the gentleman.

Mr. LATTA. I thank the gentleman for yielding.

I want to congratulate him and his committee for bringing this legislation forward. I think it is needed as are some of the revisions.

I take this time just to ask a couple of questions about some matters discussed by the gentleman, particularly planning and construction grants for sewage treatment and water treatment facilities in smaller communities.

Yesterday when this matter was before the Committee on Rules I raised this question, and I raise it now so that the people administering the program can have no doubt as to what the committee and this Congress intends this legislation to accomplish.

I ask the gentleman if it is not his

intention and the committee's intention in this legislation to see to it that planning money is provided in this bill for communities and especially the smaller communities to go forward with their water and sewage treatment facilities so that they can attract industry and provide jobs for their people.

Without planning grants from the Federal Government, many of these communities cannot go forward with these needed projects. Technical assistance certainly includes planning grants.

Mr. BLATNIK. Yes. I have discussed this with the gentleman, and I believe he is raising a very valid point.

My interpretation is that technical assistance includes planning and planning is therefore covered and eligible for funds. The intent of the law is clear. I make this statement for the record in support of the gentleman's position.

I certainly construe planning money to be equally eligible.

Mr. LATTA. I am certainly pleased that the chairman has emphasized this point, as there has been some misinterpretations in this regard in the department. I have a case in my district, which I pointed out to the chairman and the committee, where they were giving priority to what the Department considers "technical assistance" over planning grants. I find nothing in this legislation which gives the Department the authority to do this.

If we are going to keep people in our small communities and out of our crowded cities, they will have to have water and sewer to attract industry to provide jobs for their people. If they do not have the financial capability to sell bonds to finance such projects, then we must assist them. I am pleased to hear the chairman say that he interprets the law as I do.

I hope during the amendment stage of the bill, we could further clarify this matter so that there can be no misunderstanding downtown.

Mr. BLATNIK. I can only interpret it that way, and I strongly support that position.

Mr. LATTA. I thank the gentleman.

Mr. JONES of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Alabama.

Mr. JONES of Alabama. Mr. Chairman, I might say that historically we have assumed technical assistance to include planning, and that is the law. Let me refer the gentleman to page 22 of the report where the gentleman will see in section 301, subsection (a), that it says:

> Such assistance shall include project planning and feasibility studies, management and operational assistance, and studies evaluating the need of—

And so forth. So this would include planning within technical assistance.

Mr. LATTA. Mr. Chairman, if the gentleman will yield a little further, I would say that that has always been my interpretation of the law, but apparently some of the Department are attempting to give it their own interpretation.

Mr. JONES of Alabama. If the gentlemen will yield further, I hope that our discussion here will dispel any notion that planning is not included in technical assistance.

Mr. LATTA. I thank the gentleman.

Mr. BERGLAND. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I yield to the gentleman from Minnesota.

Mr. BERGLAND. Mr. Chairman, I was pleased to have an opportunity to cosponsor H.R. 16071 and would like at this time to thank my colleague, JOHN McFALL, for his interest—and I might say perseverance—in seeing that the accelerated public works impact program remained an active issue—despite last year's veto by the President. I would also like to commend my colleague from Minnesota, Chairman JOHN BLATNIK, for the good work of the Public Works Committee in clearing the way for the full House membership to have the opportunity to consider increasing the APW impact program funding and extend its life for another year.

As a freshman Congressman, I have had the privilege and opportunity to cast my vote for and even lend my name to a number of legislative programs designed to improve the living conditions in our rural areas—many of which are economically distressed areas. H.R. 16071 is a bill designed to do just this.

The accelerated public works program provides 80-percent construction grants to local governments in high unemployment "special impact" areas. It makes possible—in providing these grants—the building of a much-needed sewage treatment plant, a community center, or a fire station. The APW program could be an answer to those mayors and community leaders who have written, phoned, or met with me seeking Federal funds to assist them in providing these facilities—facilities their limited local resources cannot provide.

And so, I urge your favorable vote on H.R. 16071—not only because it provides a tool to fight the serious unemployment problem—but because it provides a tool as well for revitalizing our rural areas—making them a better place in which to live.

Mr. BLATNIK. Mr. Chairman, I want to congratulate the gentleman for his fine cooperation and his unstinting support of this legislation throughout the course of the hearings. The gentleman has been of invaluable help.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BLATNIK. I will be pleased to yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I would ask the gentleman if there is anything in the fine print of this bill that would permit the use of any of the funds authorized to be used to build a convention center or a sports arena in the city of Washington, D.C.?

Mr. BLATNIK. I would state to the gentleman from Iowa that there is nothing whatsoever in the bill even remotely related to any convention center or any arena for sports.

Mr. GROSS. Not even under section 202 of this bill?

Mr. JONES of Alabama. Mr. Chairman, if the gentleman will yield, not only in that section, but in any other section any more than there is to provide for a pavilion in Waterloo, Iowa.

Mr. GROSS. I beg the gentleman's pardon?

Mr. JONES of Alabama. The gentleman from Iowa asked whether or not there was some hidden language for the bicentennial celebration in Washington, or any other place, and I said no, not even in Waterloo, Iowa.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

Mr. BLATNIK. I yield further to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I was not aware that any request had been made by the people in Waterloo, Iowa, for a pavilion, and I might add that they do not crawl on their hands and knees seeking alms as they do in Washington, D.C.

Mr. JONES of Alabama. I might add that we have had as many requests from Washington, D.C., in that respect as we have had from Waterloo, Iowa, and that is none.

Mr. GROSS. If the gentleman will yield still further where is the legislation that would provide for a convention center for Washington, D.C. Is that not before the Committee on Public Works?

Mr. BLATNIK. If I may respond to the gentleman from Iowa, it is before us, it is in the Subcommittee on Public Buildings of the Committee on Public Works.

Mr. GROSS. The gentleman from Alabama (Mr. JONES) would say he stands corrected, would he not?

Mr. JONES of Alabama. It is not in this bill.

Mr. GROSS. It is not in this bill, but it is before the Committee on Public Works.

Mr. JONES of Alabama. I am sure that the gentleman from Iowa (Mr. GROSS) realizes that in the Committee on Public Works we have numerous requests.

Mr. GROSS. I would hope that the answer I seem to get from the gentleman, when he says that not all such requests are rewarded, is that the so-called convention center in Washington, D.C., will be accorded a fast rejection.

Mr. JONES of Alabama. I cannot make any prediction about that, but I am quite sure that in whatever form the measure comes before the House, it will be in a proper form where the gentleman from Iowa can fully discuss it.

Mr. BLATNIK. Mr. Chairman, that concludes my statement.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 16071 as reported by the Committee on Public Works. Efforts to improve the Public Works and Economic Development Act were begun with this session of Congress and the committee has worked diligently, and generally in bipartsan fashion, in determining the need for improvements to this legislation. In 15 days of hearings, 125 witnesses testified in support of this program and urged its improvement and increased funding.

We have before us the product of over 7 months effort aimed at strengthening this program's attack on those areas in our Nation which do not enjoy the same degree of prosperity being experienced by other areas in our Nation. This legislation attacks joblessness and low income with a long-range planned approach and at the same time provides immediate useful work through its public works impact program.

PUBLIC WORKS IMPACT PROGRAM

I would like to speak, Mr. Chairman, to a few of the features this bill would provide. I have just referred to the public works impact programs being administered under the act. This program was added in the 1971 amendments to provide immediate useful work to unemployed and underemployed in areas of threatened or high unemployment, a concentration of low income, or substantial outmigration. The committee intended that combined grants and supplementary grants up to 100 percent of the cost of a project be expeditiously made available to such areas.

EDA accepted the challenge that this program demanded so that by spring of this year all of the fiscal year 1972 funds appropriated for this purpose, as well as the supplemental funds appropriated, had been totally obligated. From the 203 approved projects under this program, an estimate of almost 11,000 jobs resulted, 76 percent of which were filled by the unemployed or underemployed in the area.

I submitted for the RECORD a list of these projects and the job estimates by State. This list can be found in the CONGRESSIONAL RECORD for August 15, 1972, on pages 28305 through 28309.

In H.R. 16071, the committee expanded the public works impact program by providing a separate section for its criteria, administration and authorization.

ECONOMIC DEVELOPMENT DISTRICTS

Some of the most enthusiastic testimony before our committee dealt with the success stories of the economic development districts. Each of these multicounty grassroots organizations have usually managed to pull together within the framework of a locally organized board of directors, a cross section of government, business, labor, industry, and other diverse interests to devote themselves to joint planning and programing aimed at developing the economic potential of an area. The committee was advised that in some instances adjoining county officials had not been cooperative or conversant—with one another—on matters that vitally affected each area's interest in economic growth until they became board members for an economic development district.

Since the enactment of this legislation in 1965, the number of these districts has grown to the point that today over 100 are designated and funded with the very real prospect of this figure being doubled. In fiscal year 1972, $5½ million was funded for administrative and planning for these districts and the need is ever growing. That amount represents a very small investment indeed when compared to the economy of proper planning and the knowledge of what programs are available to increase economic viability and from whom, which service is performed by the district staff for each community within its boundary.

The multicounty district concept has received the approval of and is being utilized by the Departments of Housing and Urban Development and Health, Education, and Welfare, as well as for programs under LEAA and OEO. Many such districts have been designated by the State in which they are located to carry out the A–95 review process.

In fact, so widely accepted is this principle of local representation that over 40 States have subdivided into sub-State regions or districts. In addition, almost 100 districts are waiting to be designated and funded as economic development districts and would be so designated now were sufficient funding available.

For these reasons, H.R. 16071 would provide for the first time a separate annual authorization of $20 million for district planning and administrative expenses. Under current law, such district costs are allocated from funding for all technical assistance and research under the act and the growing success of the districts has placed an increasing burden on that appropriation.

In addition, the bill would reduce the current requirement from two or more redevelopment areas for the creation of a district to one redevelopment area. This would permit greater flexibility in putting together the best combination of counties in a district. In some cases it would permit the desirable effect of having economic development district boundaries coterminous with sub-State regional boundaries. It would further permit expansion of the district program and would bring districts to isolated single redevelopment areas.

When redevelopment areas, designated as such usually because of high unemployment or low income, make sufficient economic recovery to be dedesignated, the success of the program is demonstrated. However. an adverse side effect may easily take place. A district which is struggling to get organized may find one of its required redevelopment areas suddenly dedesignated which results in the termination of the district before it has had an opportunity to become functional enough to support itself.

To provide for this eventuality, H.R. 16071 would permit a designated district to be eligible for a minimum of 5 years, the duration of a realistic planning cycle, for grants for administrative and planning expenses up to 75 and 100 percent, respectively, the same rate as provided under current law.

EDA grant and loan assistance may, under current law, be made only to projects in redevelopment areas or designated economic growth centers within a district. Frequently, however, projects which would be of significant benefit in alleviating the problems of these needy areas cannot be undertaken because they would be located outside the redevelopment area. H.R. 16071 would ease such rigid geographical limitation by providing that grant and loan assistance may be provided to those parts of an economic development district when such assistance would be of significant direct benefit to a redevelopment area within that district.

TITLE V REGIONS

H.R. 16071 would expand the funding for the Regional Action Planning Commissions—the so-called title V regions—to authorize $100 million annually for fiscal years 1973 and 1974 for each regional commission with an approved plan and $20 million for each regional commission without an approved plan. Five of these regional commissions were designated in 1966—Ozarks, New England, Upper Great Lakes, Four Corners, and Coastal Plains—and two were designated this year—Old West and Pacific Northwest. Four of the original five regions have their comprehensive long-range economic plans approved, and are eligible for the annual $100 million authorization for fiscal years 1973 and 1974. The other three regions would be eligible for $20 million annually for fiscal years 1973 and 1974. Upon approval of the plans of these three regions they would be eligible for the $100 million authorization.

The difference in the authorization for regions lies in the fact that when much time is invested in preparing and having approved a region's blueprint to upgrade its lagging economic areas, it is then ready to carry out this plan with the help of adequate funding. The $100 million authorization appears to be realistic enough when compared with the appropriation for the Appalachian region which has, for the last three fiscal years, exceeded $100 million annually, exclusive of highway appropriations. Highway appropriations alone have averaged for the Appalachian region over the past 3 fiscal years $175 million annually. Title V regions, however, have averaged over the same period an appropriation of less than $34 million annually and that amount to be divided among all five regions.

Testimony during the committee hearings revealed that the regional commissions desired to fund some portion of administrative expenses of the economic development districts within their boundaries in order to better coordinate their planning activities with those of the regions. It was further revealed that interpretation of the existing law precluded such regional assistance to districts. To overcome this objection, H.R. 16071 would clearly authorize regional commissions to pay administrative expenses to further the purposes of this act.

Mr. Chairman, I highly commend the distinguished acting chairman of our subcommittee hearings, the gentleman from South Carolina (Mr. DORN) as well as our acting chairman today, the gentleman from California (Mr. JOHNSON) and, of course, our chairman of the full committee, the gentleman from Minnesota (Mr. BLATNIK).

Mr. Chairman, I warn the Members of this House there is a section—Section 801—that has not yet been discussed that speaks to unemployment compensation benefits to people who have been adversely affected by Federal rulings on environmental matters as they pertain to loss of jobs through plant closings. I am sure that will be expounded on by other members of the committee, but I want to warn the Members that this is a sleeper. It should not be in this bill for many reasons. For now I will only state that I know of no hearings that were held on that section.

Mr. HARSHA. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the ranking minority member of the committee, the distinguished gentleman from Ohio (Mr. Harsha).

Mr. HARSHA. I thank the distinguished gentleman for yielding.

I want to congratulate the distinguished gentleman from Arkansas, the ranking minority member of the subcommittee and the other members of the minority, the gentleman from New Hampshire (Mr. Cleveland), and the gentleman from North Carolina (Mr. Mizell) who participated in the handling of this bill. I think they have done a really effective job. They labored for many tedious hours in marking up the bill and they have brought forth a bill which I think represents the consensus of the members of the Public Works Committee.

To be sure there are provisions in this bill which do not particularly appeal to me as part of this legislation. There are amendments which other members of the committee wanted to incorporate into the bill but which were not. Therefore, there are parts of the bill that do not appeal to them. But I think the legislation by and large is an effort to resolve a problem through a compromise in the best interests of a program that has been highly successful throughout a number of years, particularly in the last several years since it has been administered by Assistant Secretary Podesta.

For several years now the administration has been assisting areas which are in economic decline throughout this country. They have attempted to aid these areas through assistance to develop their capabilities and capital structures in order that these communities can have better facilities, and their people better standards of living so that they can enjoy some of the good life enjoyed by other communities in the Nation.

Past experience has shown that through the investment by the Federal Government in these programs, many communities which would not otherwise have been able to do so, have become able to construct the necessary water and sewer lines, industrial parks and training centers, hospitals and the like, which will enable them to participate to some small degree in the economic progress made by the rest of the country over the last several years.

I think this has been one of our most successful Federal programs. It has been administered very successfully by Assistant Secretary Podesta and his staff. This is the sort of program I would term as a partnership between local governmental officials and the Federal Government because the initiation of any project must begin at the local level with local officials who know their problems and understand them better and who are better able to evaluate what they need to upgrade the economy in their particular areas. Upon initiation at the local level, the Federal Government is ready to consider the needs of the community. This has been truly a Federal-local partnership.

Not only will construction of basic facilities in itself create jobs, but also it will attract new industry and expansion of existing industry, which will create additional jobs, all of which enables the citizens in these economically depressed areas to maintain a better standard of living, and to participate in growth and progress in the same fashion as have other parts of this Nation over the last several years.

One of the main problems we have noted in this program, in spite of the success the program has enjoyed, has been the fact that it has been underfunded. Sufficient money has not been available to meet the authorizations which Congress has made available.

I am not critical of that. I understand we have a number of priorities and a number of programs with which we have to deal.

In this legislation, as I understand it, what we endeavor to do is not to create new programs but to implement existing successful programs and to make some changes which we feel are called for under the circumstances, and which we have learned through experience are beneficial to the expeditious administration of this act.

In addition to that, we have provided for additional funds in order to more fully and more adequately fund a program that has been so successful.

As I said earlier, while I know there are provisions in this legislation that in their entirety do not meet the approval of everyone, this is a consensus measure which I believe does warrant the support of the House, and I would urge the House to adopt this legislation.

I thank the gentleman for yielding.

Mr. HAMMERSCHMIDT. I thank the gentleman for his contribution. I especially thank him for his outstanding leadership as the ranking minority member of the Committee on Public Works. I agree with his remarks. Economic Development Administration activities stemming from legislation developed in our committee are doing a good job across our Nation.

Mr. Chairman, one of the members of the committee on the majority side, the distinguished gentleman from New Jersey (Mr. Howard) I believe plans to further amplify some of the statistics as to the salutary effects this program has had and the low cost per job placement the Economic Development Administration has been able to put into effect. I hope he will bring that up later in the general debate.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from California (Mr. Teague).

Mr. TEAGUE of California. Mr. Chairman, I rise today in support of H.R. 16071, a bill which will amend the Public Works and Economic Development Act of 1965 and authorize the spending of $500 million for each of the next 2 years.

I would like to first commend Chairman Blatnik and the Public Works Committee for their fine work on this needed legislation.

We are all aware that serious pockets of unemployment exist within our country. We are also very well aware that there are a great many needed public works projects. Often we have found that the same cities and communities which are the "special impact areas" of very high unemployment are also those in most need of constructing or rehabilitating public facilities such as sewage treatment plants, storm drains and public buildings.

In my own district in southern California I am very cognizant of this situation. For example, in Ventura County the City of San Buenaventura, which has a disturbing amount of unemployment, has an admirable plan to renovate a historic and beautiful courthouse which has been condemned as unsafe. Not only could this courthouse serve as a fine city hall for the people of Ventura, but the process of renovating the building would employ many citizens and enhance the local employment situation.

I know that there are many similar situations to this throughout the United States. And I believe that this legislation, by providing $500 million through 80 percent Federal construction grants to high unemployment areas, will greatly assist the people of the cities and communities throughout the Nation.

I urge my fellow Congressmen to approve this measure.

Mr. CLEVELAND. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from New Hampshire (Mr. Cleveland).

Mr. CLEVELAND. Mr. Chairman, I rise in support of H.R. 16071 as reported by the Committee on Public Works. I have closely followed this legislation since its inception.

As ranking minority member of the Economic Development Subcommittee from its creation until the present Congress when similar duties with the Subcommittee on Investigations and Oversight were assigned to me—economic development has been one of my chief interests. This has lead to participation in hearings held on this legislation both in Washington and in the field. I have seen firsthand where badly needed jobs were created but also watched a "one-industry town" lose its major employer down the pollution drain while the agency stood helplessly by.

I introduced in April of this year, to correct this latter problem, H.R. 14670, which provides long-term, low-interest loans to enterprises when an environmental standard or order against such enterprises would otherwise create job loss. The major portion of this bill is included in the legislation before us.

Let me discuss now three aspects of this bill of special interest to me.

ONE: PUBLIC WORKS IMPACT PROGRAM

When the Public Works and Economic Development Act was amended last year a new program to provide immediate useful work to the unemployed and underemployed was added. This program, later referred to as the public works impact program—PWIP—was a departure from the long-range planned attack on high unemployment and low income. The funding of basic public works projects to make a community attractive to industry and business loans at an attractive rate of interest are well known for their success in creating jobs and in increasing income. Such economic development can be most effective when carried out in connection with a locally agreed upon long-range plan.

But something else was needed. In the transition period of deescalating military effort an dthe resulting changing economy, there is a need for immediately available jobs. As one answer to this problem the PWIP program was devised. For the first time EDA was in the business of providing jobs quickly where they were most needed. This was accomplished by funding those needed, ready-to-go public works projects in any area, without regard to political boundaries and with no requirement for long-range planning.

The results of the first year's administration were very encouraging—203 projects in 198 areas generating an estimate of nearly 11,000 jobs, over 8,000 of which were filled by the unemployed or underemployed in the problem areas.

The committee in H.R. 16071 created a new section 107 for PWIP setting forth its criteria, its administrative guidelines and its authorization of $500 million annually for fiscal years 1973 and 1974.

TWO: APPLICATION ASSISTANCE

In my district, as in many of those in the Nation, a large community may be regarded as one which has a population of 10,000. Many of the communities in my district have little or no staff. They are unaccustomed to the expertise enjoyed by their urban cousins whose city hall staffs include planners, accountants, attorneys, engineers and other such experts wise in the ways of applying for and obtaining Federal assistance. Rarely do the budgets of these smaller communities permit the hiring of such experts even when needed to assist in making applications. Usually by the time the smaller communities find out that some Federal program exists and how they can apply for such assistance, there is very little left to apply for.

To eliminate this injustice, I proposed and the committee accepted an amendment, now in section 5 of the bill, which provides that EDA may aid an applicant in applying for its assistance if the applicant does not possess the expertise nor the ability to obtain the expertise necessary to perform the technical aspects of application.

THREE: ENVIRONMENTAL LOANS

Section 802 appears in this bill as the result of testimony the Special Subcommittee on Economic Development Programs heard during its hearings on this legislation. This testimony revealed that environmental legislation and regulations have threatened the closing down of businesses with a loss of jobs. Now I am not here to question the wisdom of environmental standards but to accept the fact that they exist and may result in future closings. However, there is no reason why we cannot protect the environment and at the same time preserve jobs. If section 802 works as it should—the provisions of 801 may never have to be used.

Section 802 seeks to preserve both the environment and jobs. In so doing, it would benefit, of course, the industrial plants and commercial establishments that avail themselves of its benefits. More important perhaps it would benefit those who would find themselves jobless if an environmental order caused a shutdown. It would benefit those who live in communities that rely for their livelihood on the economic base provided by one or more of these enterprises. It would benefit all political entities by maintaining the tax base which might otherwise be lost. Finally, it would benefit the United States and its people by helping to eliminate adverse effects upon the environment.

It would do this by long-term, low-interest loans to those business enterprises who need them and have been certified as needing them by the State or a political subdivision concerned with economic development. These loans must be used to provide for acquiring, constructing, or altering pollution control facilities. A pollution control facility must in its turn be a facility, or equipment used, or a modification of methods, processes, or operations where the primary purpose is to abate or control water or atmospheric pollution or contamination. It may do this by removing, altering, recycling or restoring pollutants.

The Administrator of the Environmental Protection Agency must certify to the Secretary of Commerce that the pollution control facility is in accordance with applicable regulations of the Environmental Protection Agency and all other Federal agencies. Before the Administrator can do that, he must receive certification from the State that the facility is in accordance with State requirements.

An authorization for $100 million for each of fiscal years 1973 and 1974 is provided. It appears that this would be a small amount to make available for loans that must be repaid for the purpose of saving jobs and keeping our manufacturing potential strong.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. JONES).

Mr. JONES of Alabama. Mr. Chairman, the committee in its deliberations on this bill took into account the historical experiences we had with the Accelerated Public Works Act which started in the early part of the 1960's. We gained considerable knowledge and information from observation of administrative practices which were engaged in during that period of time.

We also took into consideration the acts that preceded this, and it is because of that we bring this legislation here today for your consideration.

Mr. Chairman, I think that members of the Committee on Public Works have had a considerable length of time to consider this matter so that they can be mature in their judgments, not upon a new subject, but upon an old subject dealing with a chronic situation which exists in this country, namely, trying to deal with unemployment and underemployment.

In writing the bill we ran across probably the most difficult section of the bill contained in the committee report on page 25 in trying to define those pockets or areas which were geographically subject to underemployment or unemployment.

So we have written a formula here which I think is as close as we could possibly conceive of to utilizing this aid program so that it will meet the total requirements of the distressed areas of our country. It has universal application throughout the country.

As the gentleman from Arkansas (Mr. HAMMERSCHMIDT) just stated, in title V we deal with the various commissions that were created by law a number of years ago. Consequently we feel under the terms and the arrangements and categories that we have set up here under this act we come as close to a total application of our efforts as we could possibly arrive at.

Mr. Chairman, I commend the members of the Committee on Public Works who have worked diligently and patiently in understanding the problems that were required to be surmounted and in putting them into their proper perspective.

I hope all of these differences can be resolved and we can go out into every community in the country with this program. I do hope the House will give us in the Committee on Public Works their approbation and approval through the adoption of this legislation.

Mr. DANIELS of New Jersey. Will the gentleman yield?

Mr. JONES of Alabama. I am happy to yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, in order to develop the legislative history on section 4 which is dealt with on page 25 of the committee report, where you have an area of substantial and persistent unemployment which has existed for a considerably long period of time, is any population criterion required of a subdivision of a State, such as a country or a city, to qualify for assistance?

Mr. JONES of Alabama. No. You will recall, I say to my friend from New Jersey, when we had the Farbstein amendment up a few years ago we took care of that question, so that question does not arise in this bill.

Mr. DANIELS of New Jersey. So where a municipality has had persistent and substantial unemployment in excess of 6 percent and which has existed for a period of maybe 2 or 3 years and it is further injured by plant closings which will result in further substantial unemployment, then it could qualify for assistance under the EDA?

Mr. JONES of Alabama. Not only a county, but a subdivision of a community within a county could qualify.

Mr. DANIELS of New Jersey. I thank

the gentleman, and I appreciate his response.

Mr. KLUCZYNSKI. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Illinois.

Mr. KLUCZYNSKI. I thank the distinguished gentleman from Alabama for yielding. I wholeheartedly support the pending legislation, H.R. 16071, and urge its passage.

During the past year the Special Subcommittee on Economic Development Programs of the Committee on Public Works has conducted an extensive evaluation of the Public Works and Economic Development Act. The legislation is now in its seventh year of operation.

The results of these evaluations have demonstrated without question that the programs authorized under this legislation have been effective in generating permanent jobs in economically distressed areas. Both the urban and rural areas of the State of Illinois have received substantial help in the establishment of stable and diversified local economies. The amendments which are found in Public Works and Economic Development Act Amendments of 1972 provide new tools, increased appropriations and new coordinating mechanisms to help make a very successful program even more effective.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, in 1961 when John F. Kennedy became President of the United States, the State of West Virginia was suffering from its most severe and most prolonged economic recession since the depression of the 1930's. The January 1961 unemployment rate had reached a bruising high of 16.7 percent, and more than 105,000 men and women were looking for jobs in West Virginia which did not exist.

The Kennedy-Johnson administration moved rapidly to establish new programs and enact new laws to begin pumping economic development and public works funds into West Virginia and into other economically depressed areas across the country.

And so in quick succession, the new administration proposed and the Congress adopted the Public Works Acceleration Act, the Area Redevelopment Act and the Appalachian Regional Development Act, and later the Public Works and Economic Development Act. The purpose of these acts was clear and direct—to create jobs as fast as possible in a period of extremely high unemployment; and to stimulate overall economic development through the construction of needed public works such as roads, water works, libraries, airports, public streets, community centers, and so forth.

That is why we are here today debating this absolutely vital extension and expansion of the Public Works and Economic Development Act—with special emphasis on $500 million in fiscal year 1973 and $500 million in fiscal year 1974 for special public works programs under the accelerated public works programs.

We have faced for almost 4 years the same rising unemployment rates and slippage of the American economy which we saw in the late 1950's. Today's national unemployment of 5.5 million people is not something we can look at and say—as some cold observers have said—this level of joblessness is "acceptable." It may be "acceptable" to some, but it is clearly not acceptable to the bipartisan Public Works Committee of Democrats and Republicans which unanimously supports $1 billion in the next 2 years for the accelerated public works section of this bill.

In my State of West Virginia, this past January, the unemployment rate again hit another high of 9.1 percent. As late as June, there were still 45,500 people out of work.

In the First Congressional District which I am privileged to represent, the U.S. Department of Labor still continues to designate the labor areas of Wood, Marshall, Ohio, Tyler and Wetzel Counties—containing some of the largest urban centers in the district, including Wheeling—as areas of substantial or high unemployment.

This means, as we all know, that the labor area so designated has had a 6-percent unemployment rate for at least the preceding calendar year. But in many labor areas—rural and urban—in West Virginia, the unemployment rate for 1971 was double the 6-percent rate.

We cannot ignore the hardships such joblessness works on the lives, hopes and futures of thousands of West Virginia families and millions of families across the country.

These are the areas that need jobs. These are the areas that need quick public economic investment. These are the labor areas along with some 30 others in West Virginia which will again be eligible for Federal grants under one of the several titles of the act we are extending and expanding today.

We are asking for $500 million this year, and $500 million for the next fiscal year. This is not too much public money for a disaster—and that is what unemployment is to millions of American families—a personal and human disaster. After all, this House yesterday just voted almost $1.6 billion for victims of flood disaster. It should show no less sympathy for those dislocated or driven out of work by the misguided economic policies of the past 4 years.

So, I rise in support of this bill. It is an initiative of the Congress which created the Economic Development and Public Works Act of 1965 and has now had 7 years to evaluate its results. The report accompanying this bill said, in part:

> The programs authorized under this legislation have been effective in generating permanent jobs in economically distressed areas and have contributed substantially to the establishment of stable and diversified local economies. The continuation of this tested legislation is essential in order to assist lagging areas so that they may be brought into the main stream of our Nation's economic growth.

I hope that this measure will move swiftly through both Houses, with bipartisan support to the President for fast enactment into law. An economy which stands still, is going backwards, and we must all join together to get this country's prosperity moving again.

Mr. VAN DEERLIN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from California.

Mr. VAN DEERLIN. Mr. Chairman, H.R. 16071 merits the overwhelming approval of this body. The bill is the product of a carefully wrought compromise involving senior members from both political parties on the Public Works Committee. As such, it should be veto-proof, as well as popular on both sides of the aisle both here and in the other body. But these days, you cannot take very much for granted from the White House, and accordingly I await with some trepidation the Presidential decision on this legislation.

Our colleagues, Messrs. BLATNIK and JOHNSON, deserve particular praise for the manner in which they have honed the conventional public works and special "impact" sections of the bill.

In particular, I am pleased to be one of the cosponsors, with Mr. McFALL, of the provisions which, as recommended by the Public Works Committee, would authorize $500 million over each of the next 2 years for the accelerated public works program.

As I understand it, eligibility for the special impact assistance would be based on unemployment within political subdivisions ranging downward in size to individual neighborhoods. This in itself is a vast improvement over the old APW effort, which determined eligibility on the basis of countywide unemployment rates. Under these criteria, an impoverished community in a heavily populated county such as Los Angeles, could not qualify because countywide, the jobs picture was fairly bright.

The McFall-Blatnik approach would provide the aid, for construction of useful public projects, where it was truly needed.

I urge Mr. Nixon to accept this bill, when it is sent to him, as I am sure it will be in the near future, for his signature.

The entire Nation stands to benefit from enactment of H.R. 16071.

Mr. VAN DEERLIN asked and was given permission to revise and extend his remarks.)

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. JONES of Alabama. I yield to the gentleman from Washington.

Mr. McCORMACK. Mr. Chairman, I should like to join in support of H.R. 16071.

Mr. Chairman, I am delighted that H.R. 16071 has moved so promptly through the Public Works Committee, and the Rules Committee, and is before us for consideration today. I am pleased also with the bipartisan support for this legislation within the Public Works Committee. Almost every member of the committee has joined in sponsoring this legislation. To me, this speaks eloquently of its importance and of the conviction on the part of the members of the committee that this legislation should be enacted into law without delay.

Last year, this Congress enacted similar legislation authorizing $2 billion over a period of 2 years for the purpose of accelerated public works programs which had already been approved for Federal support through one of the existing Federal agencies. Unfortunately, this legislation was vetoed by the President. I regretted this veto, particularly because this legislation would have meant so much to the State of Washington and to the Fourth Congressional District where unemployment is so very high.

It is common knowledge, Mr. Chairman, that Washington State has the highest unemployment of any of the 48 contiguous States. However, it is not generally understood that this unemployment is general throughout the State—that it is not strictly a phenomenon caused by cutbacks at the Boeing Aircraft plant. Unemployment is generally as high in eastern Washington, 200 miles away from Seattle, as it is in Seattle. Many of these unemployed are skilled craftsmen who are actively seeking employment. The public works projects which are available and ready for funding in the small and medium-sized communities of eastern Washington will easily consume all the funds that can be made available under this program, and as rapidly as they can be made available.

Mr. Chairman, while the accelerated public works bill was being considered by the House last year, I conducted conferences in my home district with mayors, county commissioners, city managers, and other public officials from throughout eastern Washington. They brought with them lists of projects ready to be funded. Storm drainage systems, sewer systems, hospitals, bridges, sidewalk improvements, public buildings, community centers, water purification plants, water supply systems were all included in the list.

All the ingredients for a successful program are available except for this authorization and subsequent funding. There can be no healthier program, administered as it will be through existing agencies such as EDA and the local political subdivisions of each State. No additional bureaucracy will be created. The programs can commence immediately and with maximum efficiency. Men and women who have sought employment will find it in constructive work. Welfare and unemployment compensation roles will be reduced. A sagging economy will be boosted. Free men and women will walk with a greater degree of pride.

Mr. Chairman, I am certain that the situation I am describing for my district in eastern Washington can be repeated in hundreds of others across the country.

An accelerated public works program is no panacea. It will not solve our long-range problems. It authorizes only $500 million each year for 2 years for accelerated public works programs. However, it is a major and healthy step forward, and it will help many Americans solve many of their economic problems in the least possible time and the most constructive way. I urge my colleagues to support this bill so overwhelmingly that it will be promptly passed by the other body, and signed into law by the President.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. Don H. Clausen).

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in strong support of this legislation.

Mr. Chairman, at this time I would like to explain in more detail my views on the economic growth center concept that is included in the legislation before us today.

This provision marks another step forward in an effort to initiate a comprehensive and positive program of decentralization of our population in order to revitalize and diversify the economy of rural America.

It should be perfectly obvious to any perceptive observer of American society that the most significant trend on our domestic scene in the years since World War II, has been the abandonment of rural America. Paradoxically, this abandonment has been the source of two of the major problems our Nation faces today—the weakness of the rural economy and the deterioration of our urban centers.

Unfortunately, most planners have failed to grasp the cause for these related problems and their past attempted solutions have not only failed from a lack of appreciation of the source of the problem, but have fueled the growth and continuation of the problem by adding incentives for many people to continue to migrate to the cities.

It is for this reason that I have been working to check and reverse this trend. The amendment I offered to the 1970 Federal-aid Highway Act was a major effort in this direction since it constituted congressional recognition of the problem, and at the same time, expressed a commitment to help rural and urban areas through rural growth opportunities to reduce and reverse the migratory trend to the big cities.

This amendment established a program of "economic growth center development highways" to inventory and assist in the development of those roads which would assist in bringing economic rejuvenation to rural America. Quite frankly, I would like to see this program adopted for all other modes of transportation as well—both public and private.

The Economic Development Administration's goal is simply to provide jobs by aiding the construction of worthwhile projects that are needed but for one reason or another could not otherwise be undertaken.

While the initial jobs in the construction of an EDA project are important, it is the new job opportunities that are created by the project that are most valuable and vital. For this reason, I strongly believe the main thrust of EDA's efforts should be to help revitalize rural areas and smaller communities which have the potential for growth and which need economic diversification.

With this background in mind, Mr. Chairman, it is important to recognize that the Public Works and Economic Development Act of 1972 contains a version of the Clausen amendment and will give EDA needed flexibility and emphasis in joining the effort to advance a program of planned, orderly growth in rural America.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. Mizell), a member of the subcommittee.

Mr. MIZELL. Mr. Chairman, and members of the committee, several of my colleagues have already outlined the specifics of these economic development and public works amendments, which extend the Economic Development Administration and the title V commissions for an additional year and make a number of improvements in these development efforts.

I would like to take just a moment, Mr. Speaker, to commend my colleagues on the Public Works Commission for the excellent work they have done in preparing this legislation.

It has been my privilege to serve on this committee during this 92d Congress, and I have come to appreciate and admire the great talent of my committee colleagues in the field of economic development.

Scores of development projects, planned and funded through EDA and the title V commissions, as well as the Appalachian Regional Commission, provide lasting testimony to the vision and the wisdom of the Public Works Committee which has fashioned some of the most innovative and effective Government programs and structures ever devised.

The popularity of these programs within the Congress, and among the people these programs were created to serve, gives further evidence that the job of economic development has been a job well done under the leadership of the Public Works Committee.

But the amendments also make several worthwhile improvements in these programs, including new flexibility in the basic and supplementary grant programs of the Economic Development Administration.

Also provided is an expansion of loan and lease guarantee programs for business development, an improved technical assistance service to promote even more successful development, and a much-improved system of coordination between Federal agencies and local officials working in partnership toward responsible economic development.

In addition, these amendments authorize appropriations for those title V commissions which have completed their extensive planning assignments to go forward with implementation of the projects proposed in their plans. This is a giant step forward for these commissions, and I am sure their expanded work will greatly benefit these affected regions.

And there are other improvements as well, which are being discussed in greater detail by others here today.

I enthusiastically recommend that my colleagues join me in voting for passage of these amendments, in view of the improvements I have noted, and in recognition of the fact that these programs have succeeded in the past and can be counted on to succeed in the future.

Witness after witness in our recent economic development hearings praised the ingenuity and practicality of our economic development efforts, citing specific examples in which EDA or one of the title V commissions provided services or facilities that people in some areas could only have dreamed about in the past.

A network of roads and industrial parks, schools and health clinics, sewage and water treatment facilities, and so many other essential facilities and services, has given people in these designated areas of economic distress, a whole new way of life in some cases, and we can be proud of our part in that success.

Now again, under the skillful leadership of Chairman BLATNIK and ranking member BILL HARSHA, JOHN HAMMERSCHMIDT, JIM CLEVELAND, BOB JONES, BRYAN DORN, HAROLD JOHNSON, and with the valuable contribution of expertise and good advice from many of my other colleagues on the committee, we have reported what I believe to be a series of amendments that follow in the best traditions of the committee's, and the Congress' past economic development efforts.

First of all, these amendments extend the Economic Development Administration and the title V commissions for an additional year, through June 30, 1974, giving local officials assurance that these excellent programs will be there to assist them for the foreseeable future and permitting plans to be made accordingly.

But I think it is time we asked the question, Mr. Chairman, where do we go from here?

Extension and expansion of these programs is a step forward, a step in the right direction, but it does not take us as far as we should go.

Even with these improvements, we are still treating the problems of development in a piecemeal fashion which, while benefitting some areas to a remarkable degree, leaves others still facing the problems of economic and social decay, with little or no hope for improvement.

And it leaves the Nation as a whole with no plan to correct the current pattern of imbalanced growth, which finds our central cities suffering from overpopulation and all its ills, while rural areas and small-town America decline into poverty, isolation, and despair.

I have proposed legislation which would expand nationwide the proven successful formula of planned development followed by EDA, the title V commissions, and the Appalachian Regional Commission.

I am convinced this approach will work as well throughout the Nation as it has in the multistate regions in which it has already been tested, and I invite my colleagues' consideration of my proposed National Development Act of 1972.

I believe, Mr. Chairman, that this is an idea whose time has come. I believe the legislation I have proposed can have a dramatic effect on balancing economic and population growth in America by providing essential public services and employment opportunities in areas of the country where those services and opportunities are in short supply.

My bill would establish a $3 billion National Development Agency to coordinate the work of a new system of multistate regional commissions which would carry out locally initiated development programs.

Projects would be concentrated in the areas of transportation, industrial growth, manpower training, education, health, housing, environmental protection, and planning.

A special impact fund of $1 billion would be authorized for use exclusively in rural areas.

By creating new opportunities for jobs, health and education services, more and better housing, improved transportation systems, the attraction of new industry and protection of the environment, my bill can help fulfill the promise of a richer and more rewarding life in areas of the country where those opportunities do not now exist.

It is the lack of just these kinds of opportunities that has caused the massive outmigration of people to the great urban centers and the desertion of much of smalltown and rural America.

Unfortunately, the glowing promise of opportunity in the major cities has too often given way to the harsh reality of despair and poverty and a growing welfare state.

The latest census report showed that 70 percent of the U.S. population—more than 140 million people—now live on less than 2 percent of the total land area of the country.

My legislation would help relieve the overcrowded conditions in the cities by encouraging and fostering economic and social development in less densely populated regions.

The National Development Agency I am proposing would be comprised of a presidentially appointed Administrator and the States' cochairmen of the various regional commissions throughout the Nation. Each State cochairman would be the Governor of one of the States from each commission, elected by his fellow Governors.

Each of the regional commissions would be comprised of a Federal cochairman responsible to the Administrator and representing the Federal Government, and the Governors of States within the commission's venue.

This structure is patterned after the highly successful Appalachian Regional Commission, which has worked so well and so effectively for the people of the Fifth District of North Carolina and for people throughout the 13-State region.

And heavy emphasis would be given to the development of projects at the local level where people are best suited to know both the needs of the area and the means of meeting those needs.

My legislation encouraging the establishment of multicounty local development districts to plan and coordinate development efforts on the local level just as the Appalachian Commission and Economic Development Administration have done with such great results.

Mr. Chairman, this kind of governmental structure and this kind of development program has worked extremely well with the Appalachian Commission, EDA, and the title V commissions, and I believe it can be applied just as successfully nationwide to develop this Nation and its great people to their fullest potential.

I invite my colleague's close consideration of this legislation and solicit their support for its passage.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. MIZELL. I am glad to yield to the gentleman.

Mr. DON H. CLAUSEN. Mr. Chairman, I certainly want to compliment the gentleman in the well, Mr. MIZELL, for the very excellent statement he is making. And I believe I speak for all of the members of the Committee on Public Works when I state that his leadership in advancing his rural revitalization and rural development ideas and concepts has been extremely beneficial to the Public Works Committee. And the fact that this is the gentleman's first term of service in Congress, I believe the gentleman has gained the respect of all our colleagues and is recognized as one of the most constructive, creative and innovative Members of the House, and our House Public Works Committee.

I just cannot let this opportunity pass by and not state on the record my strong feeling and respect for the gentleman in the well.

Mr. MIZELL. I certainly thank my friend, the gentleman from California, for his comments. Certainly he and I share something in common since we both served as county commissioners and supervisors in local government and no one is more aware of the problems and of the needs of the local communities than my friend, the gentleman from California. I thank the gentleman for his compliment.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield further?

Mr. MIZELL. I yield to the gentleman.

Mr. DON H. CLAUSEN. This is the reason, in my judgment, that so many constructive proposals have evolved from our committee, because of the input from a number of members that have served in local government. My friend, the gentleman from California (Mr. JOHNSON) served in local government. And there are a number of other members who, I believe, have made an exceptional contribution because of previous experience in State legislatures and local units of government throughout the entire Federal system.

Mr. MIZELL. I thank the gentleman.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. MIZELL. I will be happy to yield to the gentleman, my friend from Arkansas, the ranking minority member whose leadership has been invaluable in bringing this legislation to the House today.

Mr. HAMMERSCHMIDT. Mr. Chairman, I associate myself with the remarks of the distinguished gentleman from California (Mr. DON H. CLAUSEN) in complimenting the gentleman from North Carolina for his diligent work in the committee. I know he was a most efficient member of the subcommittee hearings, which were quite lengthy, and I want to personally thank him at this time.

Mr. MIZELL. Mr. Chairman, I thank my friend.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the chairman of the special subcommittee who held the hearings on the bill that is before us today, Congressman DORN of South Carolina.

Mr. BLATNIK. Mr. Chairman, will the gentleman yield?

Mr. DORN. Mr. Chairman, I yield to the distinguished chairman of the full committee.

Mr. BLATNIK. Mr. Chairman, the gentleman is one of our hardest workers, a local and dependable member of the committee, who for years has been making substantial contributions to many pieces of legislation, beginning with water pollution 16 years ago, in 1956, the Appalachia program, community facilities, public works, ARA, and EDA.

The committee last year, I should like the record to show, had bogged down with an enormous, monumental water pollution bill, with the longest hearings of any bill in 26 years—in a quarter of a century. We are still in conference on this bill, and if it were not for the extra work and the extra time which the gentleman from South Carolina put in as acting chairman of the Subcommittee on Economic Development, we would not have had this economic development bill up on the floor today.

I want to commend the gentleman and express my appreciation on behalf of the full committee.

Mr. DORN. Mr. Chairman, I want to thank my distinguished chairman for his gracious and kind—overgenerous but deeply appreciated—remarks. It has been a great pleasure serving with the chairman, a great American, and it has been a personal pleasure to cooperate and work with him.

Mr. Chairman, I yield to the gentlewoman from the great State of New York, who has been a very diligent, able member of the committee, and who has contributed greatly to the deliberations of the subcommittee and the full committee. Mr. Chairman, it is with special pleasure that I yield to the lovely and distinguished gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Thank you, Mr. Chairman.

I want to join with my chairman (Mr. BLATNIK) in complimenting the gentleman from South Carolina for his very excellent work in husbanding through these new amendments to the Economic Development Act, and I also want to compliment the chairman and other members of the committee in bringing this act to the floor.

I am pleased to rise in support of this bill, of which I am a sponsor. H.R. 16071 will strengthen and broaden the Economic Development program, giving greater recognition to the need for EDA activity in our urban areas without sacrificing any of the needs of rural areas and adding flexibility to the grant and loan programs administered by the Economic Development Administration.

There are many excellent features in this legislation, and I would like to take just a few minutes to address myself to three of them.

FINANCIAL ASSISTANCE FOR BUSINESS DEVELOPMENT

Under existing law, the Economic Development Administration has the power to make loans for capital investment in land and facilities. The difficulty here is that money for such a loan must actually be laid out by the agency and cannot be utilized for other purposes until it has been repaid. The bill before us would expand the authority of EDA in this area by permitting it to guarantee loans for capital investment, including loans for leasehold purposes. Since the money for a loan which is guaranteed by the agency, but actually made by a private lender, does not have to be paid until and unless there is a default, many more loans will be possible without a substantial increase in the appropriation for this purpose.

Furthermore, expanding the guarantee to leaseholds on property, as well as to property actually owned by the lender, permits lenders to rent space rather than having to buy it. In urban areas, where space is increasingly limited and expensive, this added flexibility will allow many enterprises to come into being which otherwise could not exist.

In addition, authority to increase the Federal participation in loans would be increased from 65 to 75 percent of project cost under this bill.

SPECIAL IMPACT AREAS

Section 401(a)(6) of the existing Economic Development Act is designed to assist urban areas on a long-term basis by establishing permanent employment for the unemployed. While this provision and related provisions of existing law appear to contain adequate working tools for the job, funding under this section has been woefully inadequate.

As the report on this bill indicates:

> The Committee expects more attention to be given pockets of high unemployment in urban areas without sacrificing the limited funding available to other areas under the program. No new authorizations are necessary for this purpose since appropriations under this legislation have been funded at approximately one-fourth of the amount authorized. *It is expected that appropriations will be increased for this purpose.* (Emphasis added.)

The bill itself adds language to section 401(a)(6) to clarify the fact that it is intended to cover urban as well as rural areas which meet the criteria enumerated in the section.

With increased funding under section 401(a)(6), EDA can become as effective in the cities as it has been in our rural areas. It has often been claimed that the Federal Government already spends too much money on the cities compared to the amount it spends on rural areas. While it is true that there are many programs aimed at city problems—from HUD, from HEW, from the Small Business Administration, from the OEO—their purposes are narrow and quite specific, and they are rarely coordinated with one another. None of these programs takes an overall view, drawing together the various elements of a development problem and providing aid at more than one point.

One program builds sewers, another provides some health care, a third offers manpower training; often, they work at cross purposes. Furthermore, many of our largest cities, including New York, are often excluded from these programs because of the intensity of the problems and the small amount of funding available. Yet, these so-called high risk areas are the places that need help the most.

I hope—and fully expect—that the Appropriations Committee and the Economic Development Administration will take due note of the intent of our committee to secure full funding under section 401(a)(6), so that EDA can get down to doing the same excellent job for urban areas that it has been doing thus far for rural areas.

ENVIRONMENTAL EFFECTS

The bill before us would add a new title VIII to the Public Works and Economic Development Act. Section 801 of that title would provide for certain assistance to working people whose jobs are lost due to the issuance of a Federal environmental quality standard or order. The workers whose jobs are jeopardized or lost under such circumstances are wholly innocent parties who should not suffer because environmental regulations are being enforced. Workers who lost their jobs under such conditions should be made as nearly whole as possible, receiving full salaries, fringe benefits, and accrued pension rights, as well as necessary retraining, placement, and relocation assistance.

Under the proposed section 801, workers who lose their jobs will receive some unemployment compensation for a limited period only, plus some assistance for housing and relocation expenses. In contrast to these relatively meager provisions for workers, section 802 provides for 3 percent loans to business for the purchase of pollution abatement equipment; these loans will allow the business to remain in the same location without suffering any loss whatever. If businesses will not only suffer no loss and no inconvenience, but also get such inexpensive loans, working men and women who lose their jobs should not be shortchanged. Section 801 goes part of the way toward making them whole, and it should most definitely be retained in this bill.

I think this is a very equitable way of realizing the problems of environmental orders, and I think that this bill is beneficial to both business and labor, and to rural and urban areas in this country. That is why I think that it should receive the support of all Members of the Congress on both sides of the aisle and from all sections of the country.

Mr. DORN. Mr. Chairman, again I want to thank the distinguished gentlewomen from New York. She not only represents ably her own district but also the urban and depressed rural areas of the entire Nation with which we are all concerned. She is truly an all-American representative.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. DORN. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I thank the gentleman for yielding. I rise to indicate my very strong support for this legislation, the Public Works and Economic Development Amendments of 1972. As a representative of one of the areas must hard hit by the economic slump—the Puget Sound region of Washington State—I believe this job-creating legislation is of vital importance in sparking economic recovery.

I joined the gentlemen from California (Mr. McFALL) in cosponsoring accelerated public works legislation similar to that contained in this bill. As reported, H.R. 16071 also includes aid to areas affected by environmental plant shutdowns.

Congress has repeatedly expressed a desire for fast unemployment relief through accelerated public works of emergency employment programs. But the White House vetoed last year's accelerated public works bill. The Congress has responded by decreasing the authorization in hopes that the President will sign this bill. I support the accelerated public works approach because it gets jobs and money directly into the local community fast. There are $200 million in projects ready to go in the Second Congressional District of Washington State—if funds become available. Those are jobs building public facilities such as water sewer projects, libraries, hospitals, and nursing homes. We need those jobs now—not after the lengthy bureaucratic trickle-down approaches that the administration seems to favor—when it favors aid at all.

The administration's floating statistics games would make it appear that unemployment has withered away. How I wish it were true. The national jobless statistics are essentially irrelevant in the Pacific Northwest.

More than 97,000 Washington residents are hanging on with Federal extended unemployment benefits. Another 53,000 unemployed workers have exhausted all State and Federal benefits—except welfare. When soaring food prices are considered, it is tragically true that it costs more to be out of work in Washington State than it did last year.

This bill authorizes $500 million a year for 2 years to create accelerated public works jobs through a special impact program. It would assist communities through 80 percent matching funds to build public facilities.

Another portion of H.R. 16071 would aid workers and communities hit by plant shutdowns resulting from enforcement of Federal antipollution laws. Under this bill $100 million in unemployment benefits would be authorized for the laid-off employees. Benefits could include mortgage and rental aid for families facing foreclosures. Workers could receive 60 percent of former weekly wages for up to 78 weeks.

The environmental effects section also authorizes $100 million in low-interest loans to aid enterprises that would otherwise have to shut down. The funds would go to construct needed pollution control facilities.

The largest city in the Second Congressional District of Washington, Everett, now faces the shutdowns of two aging pulpmills because the corporation involved felt unable to make large investments in pollution control facilities.

Approval of section 801 would make 30-year, 3-percent loans available to build the necessary pollution control equipment—or at least aid the workers while the community gets some economic breathing time to find new jobs.

In conclusion, Mr. Chairman, I believe this bill is an economic recovery package that can go a long way to help hard hit areas. It can create new jobs and offer long-range help to communities such as those in the Puget Sound area hard hit by unemployment.

Mr. Chairman, I extend to the gentleman in the well my thanks and commendation.

Mr. ADAMS. Mr. Chairman, will the gentleman yield?

Mr. DORN. I yield to another distinguished gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Chairman, I add my voice to the others in complimenting the gentleman in the well for bringing this bill from the subcommittee and particularly for his courtesy to me when I was testifying, and his courtesy to all of us.

The legislation will be of great assistance to all in our area. We are deeply grateful for the fact that it is here today and I am in strong support of H.R. 16071, the Public Works and Economic Development Act Amendments of 1972.

With nearly 5½ million Americans out of work across the country, it is incumbent on the Congress to take concrete action to stimulate our stagnant economy and get people back to work. H.R. 16071, by establishing a public works impact program and authorizing up to $500 million a year through fiscal year 1974 for areas of substantial unemployment or with a concentration of low income persons, will provide a major impetus in this direction.

I was an original cosponsor of public works acceleration legislation in the 91st Congress, and cosponsored similar legislation again in the present Congress. I was very pleased by the overwhelming support given to the bill when it passed the House in April of last year by a vote of 320 to 67. I deplored the President's veto of this needed legislation, and congratulate Chairman BLATNIK and the Public Works Committee for their continued efforts to focus Federal assistance on "special impact areas" suffering from excessive unemployment.

Seattle-King County, the area in Washington State which I represent, has been one of the areas hardest hit by the economic downturn and has suffered an unemployment rate far in excess of the national average. I know that there are a number of job-creating public works projects that could rapidly be implemented in our area as soon as the necessary financial assistance becomes available. Such projects would not only create jobs where they are needed, but would provide a basis for stimulation of the economy by making the area more attractive to further industrial development.

I urge my colleagues to join with me in supporting the Public Works and Economic Development Act Amendments of 1972.

Mr. DORN. Mr. Chairman, I thank the gentleman from the great State of Washington.

Mr. BEGICH. Mr. Chairman, will the gentleman yield?

Mr. DORN. I yield to the gentleman from Alaska, a very able and distinguished member of the subcommittee.

I might say, Mr. Chairman, I know of no one who is more diligent, able, and persistent in representing the great State of Alaska, where we have so many untapped resources and a great people. I do want to commend the gentleman because he is a very valuable member of our committee.

Mr. BEGICH. Mr. Chairman, I thank the gentleman for yielding and I thank the gentleman for those kind remarks.

It is my pleasure to rise in strong support of this legislation, of which I am a cosponsor. I congratulate the gentleman for the wonderful job he has done in chairing the many meetings we have had.

Most of us probably regret that we must all be here again today to vote on and pass still another public works and economic development act like H.R. 16071. As a cosponsor of this bill, and of the bill which passed earlier only to be vetoed by the President, I can only urge again that this bill be passed and then signed into law.

The time since the earlier veto has not altered the situation, either nationally or in my own State of Alaska. At the time the original accelerated public works act was passed and vetoed, unemployment in Alaska and nationally stood at crisis levels, and was incredibly constant from month to month. Now, that unemployment rate is still the same, but I believe it could have been avoided had the first bill been signed into law. Today, we are giving the President a second chance.

Although this bill is somewhat more modest in its authorizations than the prior bill, its goal is identical—to create jobs in areas which serve the public interest. For Alaska, this legislation is essential.

I would call my colleagues' attention to the section of this bill which is of greatest importance to every economically depressed area, which is the provision for special assistance in "high impact" areas. Under present circumstances, every area in the State of Alaska would qualify for this special assistance, and I can assure you that it is badly needed.

In conclusion, let me say that, should this bill be vetoed again, it is my intention to share in its introduction and passage still another time. The need for jobs is crucial, and I continue to believe that it is at the level of the individual job that economic recovery must begin.

Mr. HECHLER of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. DORN. I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Chairman, I would like to add my voice in support of this excellent legislation which has strong bipartisan support on both sides of the aisle. The State of West Virginia had an unemployment rate of 6.9 percent in June. There are many States throughout the Nation which have areas that will benefit from this legislation.

Mr. Chairman, I commend the gentleman in the well for his leadership. In addition, the gentleman from California (Mr. McFALL), the gentleman from California (Mr. JOHNSON), the gentleman from Minnesota (Mr. BLATNIK) have along with many others served as the chief architects of this legislation.

I do not think the President can again veto this important and urgently needed legislation. The unemployment situation in our country will not permit it.

Every day I receive letters from men out of work who want to work but the jobs cannot be found. At the same time, constituents write wanting to know why, after years of planning, sewer and water projects cannot be funded. The highly successful accelerated public works program of the 1960's helped solve both these problems throughout West Virginia by putting men to work on jobs that needed to be done. In the early 1960's the local newspapers were full of success stories about public works projects. Streets were paved, water and sewer lines installed, public buildings and hospitals built, and the jobless employed.

I pointed out last year that the accelerated public works program is clearly an alternative to revenue sharing in that it will enable States and municipalities, as well as public service districts in unincorporated rural areas to build badly needed facilities which they do not have the financial capacity to afford.

I urge the committee to give overwhelming approval to this bill today so that we can soon get underway with solving the crucial unemployment problem while proceeding to build needed public facilities.

Mr. DORN. Mr. Chairman, I thank the gentleman from West Virginia because the gentleman from West Virginia knows whereof he speaks. He represents a great section of Appalachia and he is well aware of what the Appalachian program did for the great mountain State of West Virginia.

Mr. HECHLER of West Virginia. I thank the gentleman from South Carolina for his kind remarks.

Mr. DORN. Mr. Chairman, I yield to the very able and distinguished chairman of the Committee on Education and Labor, my neighbor and friend, the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, let me say to the distinguished gentleman from South Carolina, the chairman of the subcommittee (Mr. DORN), that very few bills have been brought before this body to my way of thinking that are as important as the bill we are presently considering. From whatever viewpoint we look at this great measure, from the standpoint of the health and welfare of the people of this Nation this bill stands out as one of the greatest. When we think about the thousands of communities throughout the country that do not have local resources to maintain adequate water and sanitation lines to protect the general welfare of the people in those areas, it becomes clear that this is one of the greatest health measures that has passed this Congress for a period of years.

Mr. Chairman, I would regret to see the environmentalists anywhere along the line without approval of projects that are sorely needed in the rural areas of this country, especially in rural Appalachia and in the ghetto sections of this country and in areas where we have as high as 18-, 25-, or 30-percent unemployment. I know there have been holdups in the past which have been unjustifiable along this line, but it behooves everybody to see that this program is carried out in the way intended by Congress that it be carried out in the future.

I certainly want to take this opportunity to compliment the distinguished chairman of the subcommittee, the gentleman from South Carolina (Mr. DORN), as well as the gentleman from Alabama (Mr. JONES) and the gentleman from Minnesota (Mr. BLATNIK) and all the Members who have played a part in bringing this important measure for the benefit of our people before the House, because without it hundreds of thousands of people would not have adequate water or sanitation systems such as those provided for by this legislation.

It is a great bill. I wholeheartedly support it. I am very pleased that the subcommittee and the Committee on Public Works have made the improvements in this legislation they have made. They are certainly to be complimented on a great piece of legislation.

Mr. DORN. Mr. Chairman, I thank the distinguished chairman of the Committee on Education and Labor. He is familiar with unemployment and labor conditions throughout the Nation. This is in itself a great recommendation for the overwhelming passage of this legislation.

Mr. HICKS of Washington. Mr. Chairman, will the gentleman yield?

Mr. DORN. I yield to the gentleman from Washington (Mr. HICKS).

Mr. HICKS of Washington. I want to join in the accolades paid to the gentleman in the well and to all members of the Committee on Public Works.

I also want to give an accolade or two to the distinguished gentleman from California (Mr. McFALL) who helped to spur this legislation along.

As has been noted, several Members from the State of Washington have appeared here to compliment the gentleman for pushing this legislation along. While it is vitally needed all over the country, it is especially needed in my State of Washington, and that is why so many Members from Washington are so concerned that this legislation be enacted.

I thank the gentleman very much for pushing this legislation and, as a cosponsor of similiar legslation, I want to say, Mr. Chairman, last year Congress approved a $2 billion accelerated public works bill that in my view would have provided an important stimulus to our lagging economy. The money was earmarked for local public works projects—sewers, water purification plants, streets and sidewalks, storm drainage systems, et cetera—in areas of chronically high unemployment, such as the Puget Sound, and could have been used to finance up to 100 percent of the construction costs. In addition to the sorely needed public facilities, the $2 billion authorized by Congress would have provided immediate, useful jobs for the local work force in these hard-hit communities.

Much to my dismay, however, President Nixon chose to veto this vital legislation. As I understand it, the rationale behind the veto was that the administration was convinced that prosperity was just around the corner. In his veto message, the President argued that local public works projects take a long time to get underway and that the accelerated public works program would lead to "marginal, hurriedly planned" projects with little long-term benefit to the local community. Although he did not say so directly, the President implied that the $2 billion would create only WPA-type leaf-raking jobs.

However, the city and county officials in my district with whom I discussed the bill advised me that they had numerous key projects languishing on the drawing board just waiting to be funded. Such projects would have created jobs for carpenters, bricklayers, electricians, plumbers, and other skilled and semiskilled laborers. This is not what I consider dead-end leaf-raking jobs.

As you know, Mr. Chairman, a year has passed since that veto and the economic picture has not brightened up much. Nationally, unemployment still hovers around the 5.5-percent mark—nearly twice the amount at the beginning of this administration. In the Puget Sound region, unemployment is at least twice the national figure. In Tacoma, for example, 13.5 percent of the labor force was out of work last year at this time. Today, 12.3 percent are still without jobs.

While prosperity may have arrived in some areas of the country, the administration's claim has struck a hollow ring in others, including Puget Sound. Thus, I was pleased to join with more than 100 of my colleagues from both sides of the aisle in again sponsoring legislation that would expand the public works program to high-unemployment areas. As reported by the House Public Works Committee, the legislation before us today—H.R. 16071—authorizes $500 million during this fiscal year and $500 million in fiscal year 1974 for high-unemployment area public works projects.

Mr. Chairman, we are all aware of the importance of getting men and women back to work. None of the sponsors of this bill, myself included, contend that this legislation will singlehandedly turn the unemployment picture around. However, it is undoubtedly a step that needs to be taken to achieve a reasonable level of employment in the depressed areas of our country.

Mr. DORN. I thank the gentleman from Washington.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. DORN. I yield to the distinguished gentleman from Arkansas, who is familiar with the Ozarks Regional Commission and economic development in that area of our great country.

Mr. ALEXANDER. I thank the gentleman for yielding.

I have cosponsored this legislation and have joined with this very fine committee in its work.

Mr. Chairman, this proposal before us today has the potential for helping this Nation make meaningful inroads in the struggle to eradicate a plague which grows ever more threatening to our people—the peril of joblessness. At the same time, it offers practical solution to the provision of the public service facilities which thousands of our municipalities and counties so desperately need.

The public works program which we would approve here today would benefit labor intensive projects. Those men and women whose minds are skilled in the art of building for the benefit of their fellow men would be provided with useful work to do and from which the whole Nation will gain.

For more than a decade I have been increasingly concerned about the need for expanded economic development designed to bring more of our resources to bear on the problems of joblessness and the need for public services. My concern developed with my involvement in the civic and economic affairs of the small town and underdeveloped region in which I grew up and practiced law. Too often I saw the young, and not so young, drift away to the cities in search of jobs to support themselves and their families. Too often I saw the bright hopes stirred by the prospect of a new business or industry crushed when the decisionmakers chose to locate elsewhere because of the lack of public facilities and services.

While its effects are more dramatic and shocking in heavily urbanized areas, the destructive effect of unemployment is no less serious in small towns and counties. This bill which we consider here today—this bill which I have supported as a sponsor since its earliest days—is written in such a way that all areas may have a fair and equal opportunity to benefit from the funds which it would provide.

Time and again small towns in rural areas have been shortchanged when will-intended Government programs are reduced to administration. A vast majority of the votes are to be found in the cities and metropolitan areas. But are we talking about answering the cries of the American people with an attempt to provide permanent solutions, or are we talking about politics?

Let me read to you excerpts from a few letters that I have recently received, which complain about the manner in which the Emergency Employment Act of 1971 was administered.

Judge Earl Storey, of Stone County, Ark., writes in his letter of September 29, 1971, as follows:

> I would like to bring to your attention that Stone County has been overlooked in the $1,040,800 funds that Arkansas will receive under a recently approved emergency employment law that goes mainly to cities and counties that have been suffering from 6 per cent or more unemployment for three recent consecutive months.
>
> It has been called to my attention that both Searcy and Van Buren Counties were to share in these funds. It is hard for me to understand why these counties were approved and Stone County was not approved.
>
> We have a county population of about 6,800 which is consistent with the above mentioned counties. Presently the unemployment rate in Stone County stands at approximately 8 per cent.

Judge Leon Cooper, of Izard County, Ark., reacts in the following manner:

> After calling the responsible administrator and being told to "contact your representative", I decided to do just that. My complaint concerns allotment of work slots for the Emergency Employment Act.
>
> In this area, one Employment Security Division office services five counties. The rural people from the outlying counties seldom sign up at the ESD office both because of the distance involved and because they fear a question and answer situation. As a result, statistics do not accurately reflect the unemployment rates in counties like Izard. I am out here every day and I know that the employment picture is even worse than percentages indicate. The rural areas, as usual, are being neglected and misunderstood.
>
> A neighboring county, where the Employment Security Division is located, received eight times as many work slots as Izard. Granted, their population is more, but they also have most of the employment opportunities of this area on their doorstep. They even had problems filling the slots.
>
> It is disheartening to hear all these accounts of people who won't work, and to know that it isn't so. If a living wage is offered, people are desperate for work.
>
> I realize that this program has been delegated to the State of Arkansas. However, if there is any way that you can help call attention to the constant discrimination being exercised against rural counties, it needs doing . . .
>
> The other rural judges in this area also feel that we have been neglected for too long. We not only need your assistance, we need your advice as to what steps to take.

Mayor B. H. Johnson of College City, Ark., directs his attention to the Arkansas Department of Finance and Administration, the State agency responsible for administering the act:

> It was good to talk with you by phone this morning and learn that we may be able to obtain assistance under the EEA, Section 6. As you suggested, I talked with the local Employment Security Office and was informed that our current rate of unemployment is 10.7% and the average rate for the past year was 11.8%.
>
> I do not believe it was the intent of Congress in passing the Act, to exclude any needy city just because they are small.

It should be made clear here today that we, with this bill, remember America's small towns and low population areas—they need help too. Should we fail to solve the problems which have forced the residents to leave their homes and seek economic survival in the cities, we will not solve the frustrating, festering problems of overpopulation of our rapidly deteriorating central cities.

The need in areas like Arkansas' First District for aid such as this bill would provide is undeniable. It was clearly outlined in the four hearings on community development needs which I held in the First District between August 1971 and January 1972. The witnesses who appeared identified more than $35 million worth of public works needs. They were from a 21-county region. Nineteen of those counties have been designated as redevelopment areas. Over the 2-year period of 1969–70, 18 of the counties had annual average unemployment rates which were higher than that for the Nation.

More than half these counties lost population during the last decade. Ten of these lost more than 5.5 percent of the 1960 population. Of the counties with unemployment levels higher than those of the Nation, eight lost between 5.5 and 13 percent population. A ninth, which had unemployment rates of less than 1 percent below the national rate, lost 17 percent of its population between 1960 and 1970.

These figures, Mr. Chairman, provide, I believe, ample proof of the need for insuring that this public works and economic development program operates with strict attention to the needs of the potential for benefit in the nonmetropolitan areas. I favor aid for metropolitan areas, but believe pouring money into these areas is fruitless unless we treat the problems of the nonmetropolitan areas.

I urge my colleagues to join in supporting this bill which offers hope of future economic development and increased public services to small and large municipalities—metropolitan and nonmetropolitan areas—alike.

Mr. DORN. I thank the gentleman from Arkansas.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. DORN. I yield to the distinguished gentleman from California, who not only ably represents the people of the country but also is particularly concerned with the unemployed and the underemployed in the distressed areas of our country.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

I, too, join with many of my colleagues in applauding the gentleman in the well.

Mr. Chairman, I further rise as a cosponsor of this bill along with my distinguished colleague from the State of California (Mr. McFALL). This legislation is a chance for Congress to regain the support and respect of the working people of the Nation. The administration tells us that unemployment is now at 5.6 percent or 5.8 percent of the work force, and on its way down. But, in fact, there are still many areas—particularly urban centers—where unemployment is at least 10 percent or 15 percent of the work force, perhaps higher. It is imperative that Congress address itself to this problem.

The administration has not been remiss in insuring that certain powerful and rich factions of our society have been protected from the current depression.

What we must do now is provide for those people who are affected by the economy at a much more basic and fundamental level—for those people whose loss of employment has made it difficult, if not impossible, to feed and clothe their children—with the assurance that they will not be made to suffer further consequences of the state of the economy.

It is the working class which has made the major sacrifices which have enabled us to continue our insane involvement in Indochina—and I believe this absurd adventurism is the prime reason for the depressed state of the economy. It would be a most cynical act on the part of Congress to further subject the working class to the economic consequences of war and militarism. It is necessary that we demonstrate our awareness of the problems of the working class. I therefore urge, Mr. Chairman, that the House approve this bill.

Mr. DORN. I want to thank the gentleman from California for a very splendid statement.

I now yield to the gentleman from Kentucky (Mr. STUBBLEFIELD).

Mr. STUBBLEFIELD. Mr. Chairman, earlier this year I joined with other Members in cosponsoring the legislation to amend the Public Works and Economic Development Act of 1965 in order to provide immediate useful work for the unemployed in the eligible areas and to help these areas to become more conducive to industrial and commercial development through the improvement of their public facilities. I strongly urge immediate and positive action on the measure before us.

The accelerated public works program as recommended in this bill would update portions of the Public Works and Economic Development Act of 1965 by increasing financial assistance to the highest unemployment areas designated as "special impact areas" to $500 million a year through fiscal year 1974. All of us agree that unemployment in this country must be curbed. We recognize that the problem progressively worsens each year, the unemployment rate having increased from 4.9 percent in 1970 to at least 6 percent in 1971. Needless to say, prosperity is not "just around the corner" if we sit with our arms folded and ignore this dilemma just hoping that it will go away.

Mr. Chairman, I agree with my colleagues who feel that more Government jobs is not the whole answer to the problem of unemployment in 1972; nonetheless, it is still a beginning. The APW impact program legislation is designed to assist communities with 80-percent matching grants to build public facilities such as nursing homes, hospitals, libraries, water and sewer lines. This brings the situation right down to where all of us live. My own congressional district, as that of every other Member present, needs these public facilities—and the people that I represent also need jobs.

Of all the devices in the arsenal of public policy designed to cope with unemployment, a public works program is the only one that directly and immediately opens up employment opportunities. Such a program draws workers into gainful employment and frees them from the bondage of needing to rely on unemployment compensation and relief. It maintains their self-respect, pride of work, and status in a society that continues to assign to them useful functions. Payments under such a program are for work done, not for being unemployed. This bill provides immediate employment to persons in the building trades, which are among the groups hit hardest and suffering the most by unemployment.

Let us be honest with ourselves and with our constituents, and let us have courage to pass legislation which will meet our national needs by providing jobs, stimulating growth, and making available necessary public facilities. Let us face it: Unemployment is bad. The country needs more public works. Communities do not have resources to build these public works. More Federal funds will put men to work and at the same time provide needed public facilities.

We just cannot afford to wait any longer to pass the accelerated public works legislation. The people in the First Congressional District of the State of Kentucky deserve something better than they have in the way of public works and employment, and I, for one, am willing to fight to see that they get it.

Mr. DORN. Mr. Chairman and members of the committee, I would not do justice to this committee if I did not again thank the distinguished chairman of the full committee and the gentleman from Alabama (Mr. JONES) for their leadership and dedication. I could name every single member of this committee who helped make it possible today to have this very important bill come up on the floor—an investment in tomorrow.

I wish you could have heard our distinguished floor leader, the gentleman from California (Mr. JOHNSON) yesterday before the Committee on Rules when he so ably pointed out the unemployment and the underemployment which exists and the billions and billions of dollars that we are spending on unemployment compensation and on welfare because so many of our people do not have an opportunity to get jobs or have economic opportunities.

I want to thank my distinguished minority leader, the gentleman from Arkansas (Mr. HAMMERSCHMIDT). I attended, I believe, all of the hearings for 15 days, and I do not recall a single time when the able gentleman from Arkansas was not present. He was most cooperative and diligent in pursuing every aspect of this legislation.

I want to thank and commend the gentleman from Arkansas, the members of the staff on both sides of the aisle, and the distinguished minority members, Mr. DON H. CLAUSEN, Mr. MILLER, Mr. MIZELL, and all of them. Otherwise we could not have had this bill up on the floor today.

Mr. Chairman, I want to say, also, that we had 125 witnesses appear before the committee in a period of 15 days. We heard from many Governors, some of the most distinguished Governors in this country. We heard from many mayors and cochairmen of regional commissions.

We had our friends, the Indians from the Four Corners area of the Southwest who appeared. We had many witnesses, as I say, and I do not recall a single one of the 125 witnesses who appeared before the subcommittee who opposed this legislation. We had representatives of the Department of Commerce, great and distinguished witnesses from all through this Nation.

I want to say that this is a timely bill, and I want to repeat it is not just an expenditure of money but an investment in the future welfare of our country.

This bill has many educational features to it—technical education and vocational education. This is also a private enterprise bill. Private enterprise is the positive approach. Government cannot do this job alone. When a business is profitable people are employed. Employees then become consumers and taxpayers. There is no other way. This bill provides for participation of local, State, and Federal governments and yes, free enterprise.

We have amended this bill so that a business can obtain a loan to go into business in an economically undeveloped area where there is unemployment and underemployment. I do not know of any community in this country, the rural communities, especially, that have the money to build the necessary water lines, the sewage treatment facilities, access roads, and those things so necessary for economic development.

Mr. Chairman, I am glad that the distinguished and able chairman of the Committee on Education and Labor participated in this debate because I want to dwell for a moment on the educational features in the bill, especially of technical education.

In my own district I helped dedicate a technical educational school in the Coastal Plains Regional Commission area. This is an investment in the future of our country, and one that will provide more revenue, local, State and National. Men and women trained for job opportunity under this act is an investment in stability and national security.

I know of one plant that came into the Appalachian region through the Appalachian program which is similar to this program—and I believe that this program will do as the Appalachian program has done, and I think that is one of the greatest programs in the history of our country. But, as I started to say, one plant came into the Appalachian region not far from where I live, and now it is employing 3,000 people today. But, Mr. Chairman, that plant could not have come there if the technical education school, made possible by Appalachian funds, had not agreed to train 1,000 employees to work in this particular plant. The plant came and today 3,000 people are employed there in a previously underemployed and unemployed area.

May I use this by way of illustration for the membership of the committee? When I first came to the Committee on Veterans' Affairs there were some arguments about the GI education bill. Some said it would lead to the Federal Government participating in education, would lead to socialism and other things. We invested $19 billion in the education of 10 million American men and women, and already these 10 million American men and women have paid into the Federal Treasury over $100 billion in taxes more than they would have paid had they not been educated. This does not include the local and State taxes, the homeownerships, philanthropy, better schools, hospitals, and those things which create a stable society. And so the educational features of this bill and aid to local communities in the field of economic development will do the same thing.

That GI bill was the greatest investment in the future of this country, or of any other country, ever made in the history of the world. And I want to recommend to you and commend to you this bill as a similar type bill that will provide people with an opportunity to improve themselves in both the ghetto areas of our country and in the rural areas of our Nation.

Mr. Chairman, I have not received one single letter—and I was one of the original supporters of the Appalachian program—I have not received one single letter or one single adverse comment from any citizen on that great program.

Also, Mr. Chairman, I want to commend this Congress for passing the EDA bill, and the one we have before you today, with the improvements that have been worked out by my colleagues who are gathered here today, will do the same thing for these economically depressed areas, so that they will become a part of the mainstream of this Nation. This is providing for them an opportunity to help themselves and to bring better schools, hospitals, and better water supplies and sewage treatment facilities, and will improve the environment. This, and I want to repeat this, is an investment in tomorrow that will pay back to the people of this country, all of us, tenfold dividends.

This great legislation not only encompasses specific rural redevelopment and large urban redevelopment areas, it funds and encourages multistate regional commissions to foster the development of economically faltering areas. Mr. Chairman, these commissions are a vital part in the continuous economic and social development of 28 States and untold hundreds of communities. The commissions are in every geographic section of this Nation. These commissions are: Coastal Plains, Four Corners, New England, Ozarks, Upper Great Lakes, Old West, and Pacific Northwest. These commissions are required to develop long-range comprehensive development plans. The majority of the multistate commissions have completed their plans, and the committee believes that they should be funded to solve the problems outlined in their comprehensive plans. Our bill provides $100 million annually to each commission and $20 million annually for those commissions still in the planning process. This initial authorization will amount to $460 million per year. This amount will be revised as more commissions are created. Mr. Chairman, poverty, unemployment, and other pressing problems know no State boundaries. The multistate approach will greatly aid in reducing unemployment and bolstering the economy. One State will benefit from another State's accomplishments which have been provided by this authorizing legislation.

Mr. Chairman, economic development districts and multistate commissions have fostered new industries, community facilities, educational institutions, and even recreational complexes. These tangible manifestations of this legislation are the backbones of communities. EDA funded districts have aided in curbing outmigration from rural areas to the large deteriorating cities in this country. These districts have become a catalyst for the distribution of other federally funded programs, and greatly assist in the coordinated planning efforts of their member communities.

Mr. Chairman, in my own district, the title V commission, Coastal Plains, has funded a technical education school and an extension of the University of South Carolina. These projects greatly enhance the community and the surrounding area. Through the EDA districts, many important projects in my congressional district have been funded, providing jobs, water, education, and the increased input of private capital in underdeveloped areas. However, my district is not atypical; thousands of projects have been funded throughout the length and breadth of the United States.

Mr. Chairman, this legislation concentrates on our greatest resource—our people. The individual citizen benefits both economically and socially, and collectively they improve their communities. This is not utopian legislation, Mr. Chairman; it is solid, good, economic investment in the future of our citizens and in the continued development of our Nation. I urge my colleagues in the House to support and pass the Economic Development Act Amendments today by an overwhelming majority.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. DORN. I yield to the distinguished gentleman from California who so ably assisted us in bringing this bill to the floor.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise to associate myself with the remarks of the gentleman from South Carolina.

Mr. JOHNSON of California. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOWARD), a member of the committee.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, in addition to its other features, H.R. 16071 addresses the very important matter of providing assistance for workers who become unemployed because of a Federal environmental standard or order.

In recent years, the Congress has enacted a number of pieces of legislation designed to safeguard the quality of our Nation's environment.

These environmental quality laws, such as the Federal Water Pollution Control Act and the Clean Air Act, have admirable goals. But they may also from time to time have an unfortunate side effect—causing job loss for those individuals who are employed at installations which are closed or curtailed because of environmental orders or standards.

When an individual loses his job because of environmental orders, it is a clear case of the sacrifice of the interests of a few for those of many. Justice demands that those few who suffer job loss be compensated during their period of hardship, and this is exactly what H.R. 16071 would do.

Section 801 of the bill offers several kinds of assistance to workers who lose their jobs because of Federal pollution control measures, including unemployment compensation, temporary mortgage or rental payment assistance, reemployment assistance, and where necessary payment of reasonable moving expenses.

Unemployment compensation payments under this bill are limited to 60 percent of a worker's former weekly wage and are available until the worker is reemployed or for a period of 78 weeks, whichever is lesser. To be eligible for this unemployment compensation, a worker must have been employed for no less than 26 of the 78 preceding weeks in the plant or industry affected; and while receiving compensation under section 801, a worker will not be entitled to regular State unemployment compensation payments. Duplicate benefits are not authorized.

In addition to unemployment compensation payments, section 801 of the bill authorizes rendering of reemployment assistance services under other laws and temporary mortgage or rental assistance payments.

Mortgage or rental assistance would be limited to individuals who, as a result of financial hardship caused by unemployment, have received notice of mortgage foreclosure, lease termination or cancellation of a contract of sale. Assistance would be available for the duration of hardship, but not for more than 1 year.

One of the great tragedies of contemporary American life has been the steady migration in search of work by people from small- and medium-sized communities and from rural America into big cities which are already overcrowded, over-complicated and almost ungovernable.

Availability of the assistance offered under section 801 of this bill—unemployment compensation, reemployment assistance and mortgage or rental payments—will cushion the blow while the worker seeks other employment locally, and thus will help combat this migration trend and will contribute to a more balanced distribution of our population.

Workers who become unemployed will more easily be able to remain in their local communities while awaiting new job opportunities and will not be forced by Federal environmental measures into immediately leaving their local communities to look for work in the already congested urban centers. The smaller communities will be given time in which to work out their economic problems and the large cities will be spared the influx of yet another wave of unemployed workers who would have preferred not to have been forced to move.

Finally, for those persons who cannot find employment near their homes but who are able to find work elsewhere, H.R. 16071 offers payment of actual reasonable moving expenses. It is only equitable that if Federal policies have caused loss of a person's job, the Federal Government should bear the cost of that individual's moving to a new location where he can find gainful employment.

The assistance made available under section 801 of H.R 16071 to persons who become unemployed because of Federal environmental quality standards is a reasonable and well-conceived congressional response to a problem which arises directly from implementation of other congressional policies. The provisions of section 801 are an essential part of our efforts to solve environmental problems without undermining our policies of balanced economic growth.

Mr. HOWARD. Mr. Chairman, I rise in support of H.R. 16071 and the continuation of the economic development programs administered under the Public Works and Economic Development Act.

These programs are now in their seventh year of operation. They have proven their capability in creating jobs and uplifting the economy of areas in economic distress.

Only the limited funds available for these programs have limited their degree of success in stemming unemployment.

In 1970, extensive evaluations were made on the effectiveness of these programs by the Economic Development Administration through contracts with outside consultants, and our committee conducted its own evaluation. The results of these evolutions were presented to the committee at hearings held in September 1970.

For example, in 1970, a total of 274 public works projects that had been completed for at least 1 year were evaluated by consultants for the Economic Development Administration. These projects generated the equivalent of 33,486 industrial, commercial, and supporting jobs at an average annual salary of $6,500. The total EDA public works investment in these projects was $76.5 million. The Federal Government cost per job averaged $2,290. The Federal Government's share of the total cost of these projects was about 61 percent.

This extension will authorize a continuation of the grant program for public works and development facilities needed for economic growth.

Fifty-two business loan projects approved prior to the fiscal year 1970 were analyzed by consultants for the Economic Development Administration. It was estimated that 25,000 direct and indirect jobs had been located by these business loans, with an annual payroll of over $130 million and an average wage per job of $5,300. The findings indicate that the agency's cost per job averaged $1,248. This money is returned to the Government with interest.

Under this bill the public facility loans and industrial and commercial loan and guarantee programs are extended at the existing annual authorization of $170 million.

The findings of the evaluations of the technical assistance program indicated that it had helped to initiate a broad range of business activity in distressed areas and has provided coordination between communities in need of aid and organizations that can furnish various forms of support and training.

Compare this to what the Government is paying in welfare and unemployment compensation and ask which is the better investment.

Millions of our fellow citizens are jobless through no fault of their own, and hundreds of our communities are teetering on the brink of economic catastrophe. This bill is not a handout; it is a helping hand to neighbors who have nowhere else to turn. We cannot and we will not let them down, if only because large-scale unemployment and the existence of major pockets of depression threaten the well-being of the entire Nation.

Mr. Chairman, the results of the Economic Development Act have been seen in my own district in New Jersey.

Recently this program provided funds for the city of Asbury Park, a city that is in need, as are many cities throughout this Nation, in need for improvement and renovation of the Asbury Park Convention Hall. The results of this program will be that we in Asbury Park will be able to get more conventions located there.

The benefits of this program are not only the jobs that were created directly through the improvement of the convention hall, but with the income produced by people who come to the area for these conventions there will be an improvement in the economy along the boardwalk and in the hotels, by the employees in the business community and by the restaurants and gasoline stations and a host of other areas and activities.

Mr. Chairman, this is truly a fine piece of legislation. This Economic Development Act, Mr. Chairman, is a profitable investment of money. It is a productive investment in America, and it is, finally, a most humanitarian investment in people. I hope that the legislation is approved.

Mr. Chairman, I yield back the balance of my time.

Mr. JOHNSON of California. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Chairman, first I wish to congratulate this great committee, on which I had the honor of serving for 7 years of my experience in the Congress, for doing such a tremendous job on this piece of legislation. It truly brought a remarkable bill to the floor, and I congratulate all of the members. Especially am I proud of my fellow Californians on the committee on this side, Mr. JOHNSON, who is managing the bill, and Mr. CLAUSEN on the other side, who is a senior member of the committee, and the other Californians on the committee who have assisted their colleagues in bringing forth this legislation.

Mr. Chairman, today the American people find the country in stormy economic waters and they are working to chart this Nation on a course which will provide a prosperous climate where each person, who is able, can work and earn enough income for him and his family to live decently.

Americans are concerned with improving both the standard and quality of living in the United States. An essential key to bringing this about is to do all that we can to provide for an economy, wherein all who are able and all who wish to work, can do so and earn a livable wage.

This is a basic national goal toward which our efforts must be directed, and it is for this reason that I rise today in wholehearted support of the economic development bill under consideration by the committee.

Of course there are no simple, one-dimensional solutions to curing our Nation's economic woes. Recent history demonstrates that the causes and solutions are complex. But the record also shows that the Congress has led with action to shore up our sagging national economy.

Mr. Chairman, many in this Chamber will recall that it was said that the administration did not want and would not use the tools the Congress provided to meet emergency economic conditions. Ironically, it was 1 year ago this week that the administration did use those very tools to implement the 90-day wage, price, and rent freeze.

The Congress a year ago also readily responded by granting the requested repeal of the automatic excise tax as another economic spur.

The Congress was in the lead again when, in an effort to combat unemployment, it passed a public service jobs bill. This move was rejected by the administration, but the Congress tried again and passed the successful public employment program legislation, which was signed into law.

The Congress, in short, is valiantly doing its share in the economic battle and today's bill would bring up reinforcements to continue the effort to eliminate unemployment.

Today, Mr. Chairman, there are 2 million more people unemployed than when the present administration took office. Five and one-quarter million Americans are unemployed, and the results are staggering—statistically and in very real humanitarian terms. We cannot turn our backs on the fact that combined unemployment and welfare payments have reached extreme and emergency proportions—exceeding $2 billion every 30 days, not including food stamps.

The time has come once again to take positive action, nationwide and especially for those areas hit hard by high rates of unemployment.

Accelerated public works impact program legislation is one valuable method of stimulating employment and a valuable program for providing local governments with needed permanent public facilities. Accelerated public works impact legislation is providing a program of investing in people—investing in America.

Early in 1970 the handwriting was on the wall. Unemployment was rapidly climbing toward 6 percent; 200 Members of this House joined me in introducing legislation to revive the accelerated public works program, which was successful in the 1960's as one means to fight the high unemployment problem.

Though the bill introduced in the 91st Congress was not passed, the unemployment problem became more serious. In the first days of this Congress, 150 Members joined me in reintroducing accelerated public works legislation. The Public Works Committee, which has a great record for taking responsive action, reported out the bill H.R. 5376, which extended the Appalachian Regional Development Act and the Public Works and Development Act, and incorporated the APW program. The bill was overwhelmingly approved by a 320 to 67 House vote and received a solid majority in the Senate, only to be vetoed by the President.

To the credit of Chairman JOHN BLATNIK and the members of the Public Works Committee, another bill was soon reported which salvaged the APW program in a scaled-down form. This legislation again cleared both Houses and was enacted into law last year.

During the early days of this session, more than 100 colleagues joined with me in cosponsoring legislation to increase the funding for the APW program to $475 million this year. Significant support for the APW impact program was added with nearly all members of the Public Works Committee cosponsoring H.R. 16071.

When testifying before the Public Works and Economic Development Subcommittee of the Public Works Committee, I stated that—

> The committee may wish to develop a more comprehensive bill that would increase this amount and extend the program over several years.

The bill under consideration today gives the APW impact program new life for 2 years and authorizes $500 million each year.

Mr. Chairman, H.R. 16071 is principally aimed at assisting areas of high unemployment and areas that will suffer economic problems resulting from new environmental legislation that may put plants out of business, and people out of work in those plants.

The Public Works Committee recognizes that the Economic Development Administration is the agency in the Federal Government which has the best track record in dealing with such problems and the committee has authorized this additional tool and funds in order that the EDA may expand its valuable services to communities suffering from environmental unemployment.

Although there may be questions in the minds of many here today about some provisions, I believe that when the total bill, including the APW impact program, is thoroughly examined, it will merit the overwhelming support of the membership.

The question may also be raised, "Why APW when the Bureau of Labor Statistics, in its latest report, shows a decrease in the unemployment rate to 5.5 percent, seasonally adjusted?" Last year, at this time, we saw a similar situation when the unemployment rate dipped. The people on Pennsylvania Avenue were all smiles when the rate dropped, but heads began to shake when, only weeks later, the jobless rate again headed toward 6 percent.

Of course, it may very well be true that the rate of unemployment has leveled off and will continue to decline. I hope so, and so does everyone in this Chamber and across this land of ours. If the rate continues to fall, however, it will be in part due to efforts such as the APW impact program.

Although the APW impact program does not and cannot totally solve our unemployment problem, it does complement the other programs which form a network of action to improve our economy.

The PEP program is one example. PEP has placed thousands of unemployed and underemployed in public service jobs across the Nation, but PEP does not assist building tradesmen and those in the construction industry, nor the thousands of allied business and working people. The APW impact program and H.R. 16071 serve to fill this need and at the same time assist economicaly hard-hit communities in building urgently needed public facilities.

I have seen accelerated public works used successfully in the 15th District of California, which I have the privilege of representing. My district lies in the heart of one of the richest agricultural regions in the world, but unemployment is a serious problem.

The Stockton labor market has been known for years as an area of persistent high unemployment and in June had an unemployment rate of 8.8 percent, seasonally adjusted to 8.4 percent. The Modesto-Turlock labor market, though not considered a major labor market, had an astounding unemployment rate of 11.8 percent, nonseasonally adjusted. The national rate was 5.5 percent seasonally adjusted and 6.2 percent, nonseasonally adjusted. The State of California had a seasonally adjusted rate of 6.1 percent and nonseasonally adjusted rate at 6.5 percent.

We in the 15th District of California, therefore, are particularly aware of the problems of high unemployment and the resulting spin-off effects in terms of increased welfare costs and less revenue going into local government than would be if we had full employment.

So it was that when the last APW legislation was enacted, two projects were readily approved by the EDA in the 15th District. One $73,600 grant provided immediate construction jobs for the unemployed and underemployed in Modesto and assisted the Stanislaus County government in providing needed warehousing space at two locations.

Another $80,000 grant was put to effective use in Patterson, by helping the city to remodel the city hall and fire station.

We are working with other cities in the 15th District, which are looking to the accelerated public works impact program for needed assistance for similar projects to benefit local citizens and provide jobs.

APW impact is a vital program, Mr. Chairman. APW impact has proven itself and should be expanded, extended, and I urge the passage of H.R. 16071.

I also include at this point in the RECORD, statistics relating to unemployment compensation and welfare payments which illustrate the impact of these costs:

MONTHLY PUBLIC ASSISTANCE PAYMENTS (WELFARE) 1969 1970, 1971 AND JANUARY, FEBRUARY, MARCH 1972

[In thousands]

	1969	1970	1971	1972
January	900,848	1,062,441	1,369,752	1,541,447
February	915,444	1,086,245	1,370,566	1,549,253
March	938,609	1,119,020	1,458,874	1,636,903
April	943,113	1,142,849	1,461,843	
May	938,171	1,171,425	1,478,321	
June	936,970	1,184,955	1,469,119	
July	962,966	1,219,020	1,471,060	
August	954,376	1,202,439	1,480,518	
September	984,865	1,252,721	1,466,328	
October	1,039,214	1,291,143	1,578,895	
November	1,018,608	1,294,445	1,550,159	
December	1,017,450	1,380,110	1,553,861	

Source: Public Assistance Statistics, National Center for Social Statistics Reports (January 1969 through March 1972). U.S. Department of Health, Education, and Welfare.

UNEMPLOYMENT INSURANCE—SELECTED DATA ON STATE PROGRAMS

PERIOD	Average weekly insured unemployment		Benefits paid (in thousands)
	Number of workers	Percent of covered employment	
1969			
January	1,491,090	3.0	246,117
February	1,459,261	2.9	234,199
March	1,300,104	2.6	226,516
April	1,039,708	2.2	200,052
May	906,317	1.8	152,966
June	852,155	1.7	135,004
July	1,020,596	2.0	159,161
August	947,638	1.8	156,707
September	839,977	1.6	136,182
October	863,937	1.6	139,536
November	1,029,877	2.0	136,585
December	1,374,659	2.7	214,260
1970			
January	1,847,486	3.6	299,352
February	1,873,594	3.6	310,808
March	1,797,766	3.5	331,087
April	1,769,603	3.4	321,476
May	1,666,638	3.2	293,588
June	1,582,503	3.0	292,317
July	1,760,947	3.3	314,201
August	1,710,145	3.2	311,420
September	1,606,993	3.0	298,419
October	1,724,435	3.2	304,201
November	2,016,679	3.7	342,060
December	2,369,214	4.4	460,568
1971			
January	2,798,613	5.2	526,744
February	2,750,665	5.2	557,928
March	2,577,025	4.8	634,485
April	2,282,848	4.3	544,241
May	2,000,737	3.8	434,196
June	1,892,676	3.6	451,385
July	1,992,940	3.8	428,002
August	1,912,248	3.6	433,636
September	1,739,103	3.3	400,329
October	1,716,322	3.2	367,169
November	1,878,625	3.5	406,905
December	2,221,488	4.2	466,189

Source: Social Security Bulletins.

Mr. McKAY. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I will be glad to yield to the gentleman from Utah.

Mr. McKAY. Mr. Chairman, I just rise at this point to associate myself with the remarks of the gentleman in the well.

I have been very pleased to cosponsor the same legislation in prior instances with the gentleman from California (Mr.

McFALL) and with others. I have been very pleased to associate with them and commend those who work so diligently. This legislation should have been recognized by the present administration some time earlier. I hope he will now do so.

Mr. McFALL. I thank the gentleman for his remarks.

Mr. DAVIS of Georgia. Mr. Chairman, will the gentleman yield?

Mr. McFALL. I will be glad to yield to the gentleman from Georgia.

Mr. DAVIS of Georgia. Mr. Chairman, I wish to commend the gentleman in the well for his diligence in assisting the committee in putting this bill together and bringing it before this body.

I also want to associate myself with all of the accolades that have been made to the membership of the committee.

Mr. Chairman, we are all aware of the situation in which the American people find their economy today.

Rising unemployment coupled with inflation has cut the economic heart out of countless communities. More people have been thrown out of work or rendered underemployed than at any time within recent memory.

H.R. 16071, the accelerated public works bill, would raise the level of this year's authorization for special impact area APW assistance to $500 million. As the Representative of the dynamic and rapidly industrializing Seventh District of Georgia, I must rise in support of the accelerated public works bill.

This bill has a twofold purpose. First, it is a bill to combat unemployment through effective stimulation of the construction, building trades and supporting industries. Second, it will provide public investment for needed community projects.

At the outset, let me say that I know that others will participate in this debate, and go into the specifics of this legislation with regard to its funding and the mechanics of its eventual implementation. But let me outline briefly, for the public's sake, the meaning of this legislation and the effect which we plan for it.

Not long ago, I received a telephone call from an unemployed engineer. He told me that he could understand other people wanting pay raises and additional fringe benefits, but the only pay raise he wanted was from nothing to something, and the only fringe benefit he wanted was a job.

I am well aware that the focus of this bill is on the creation of jobs in the construction industry. I believe we need to recognize as well that the new projects started under this legislation will have what economists call a "multiplier effect" on the economy. That is to say that for every dollar the Government puts into the direct construction of a needed sewer or water line it will create so many dollars more in jobs and purchasing power for the people in the area.

Thus, we will take at least a strong, first, positive step to meet the problems associated with unemployment in the general economy. I might add at this point that whenever legislators, businessmen, or economists gather and talk about that particular economic problem or another one, invariably all the proposals for an immediate and specific remedy, whether it be job retraining or a tariff, boil down to "we must set all our actions in the context of a more fully employed economy." Mr. Chairman, that is what this bill intends to do.

Through this legislation I anticipate substantial across-the-board relief, which this country has not been able to gain elsewhere, from unemployment and its attendant problems, and I anticipate specific relief for those areas of the country which have been especially hard hit by the slowdown in our economy. In my own district, three counties now stand to put numbers of persons back on the job rolls and to build essential community facilities should this bill become law.

Community facilities to be built under a new Accelerated Public Works Act include water purification plants, sewer lines, and countless other essential items long proven needed, but too long neglected. These items of public investment affect the health, safety and economic well-being of every citizen of the seventh district.

When I say that these projects have a demonstrated need and that the money will not be wasted. I would only ask and remind all of you; How many water purification plants and new sewer systems which both enhance our environment and attract industry have been turned down by the administration?

Is it necessary for the Economic Development Administration to return applications for needed projects to our communities due to lack of adequate funds? How many more of these projects could be built if funds were available? How many jobs have been lost by inaction?

Mr. Chairman, all these are the hard, bedrock reasons why accelerated public works is a sound public investment.

I know that I speak for many in this Chamber today when I convey the feelings of my own constituents. Most distressing to the EDA designated counties has been the knowledge that their plight has been recognized by the Federal Government but that recognition by the Federal Government until now has carried with it no funds to combat the problem. With the passage of this bill, recognition will no longer be a footnote to the eventual economic revival of these and other areas, but will instead be the first step in a meaningful program for building and restoring the economic viability of the economy, its workers, businesses, and communities.

Mr. Chairman, I consider the passage of H.R. 16071, the accelerated public works bill, a necessity. I hope that the overwhelming majority of my colleagues concur.

Mr. JOHNSON of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to say that I am in full support of the bill which is before us after the testimony that has been given by those who completed the hearings and held the hearings covering 125 witnesses. I think all of us are very familiar with the context of the bill and the report that was put out. The bill was out in time. Everyone had an opportunity to read it.

Mr. Chairman, we bring to the House today H.R. 16071 which amends and extends the Public Works and Economic Development Act of 1965. This act provides Federal assistance, in cooperation with the States, to communities, areas, and regions in the United States that have fallen behind our Nation's mainstream of economic growth. The purpose of the act is to assist areas in economic distress. These are areas, both rural and urban, suffering from high unemployment, underemployment, and outmigration. It is both an urban and rural program.

The act stresses the planning process in developing goals for economic growth and provides grants for public facilities, loans and guarantees for business development, and technical assistance.

The Special Subcommittee on Economic Development Programs of the Committee on Public Works held extensive hearings on proposals to revise and extend this act earlier this year. As a result of the testimony received at these hearings, H.R. 16071 was introduced and reported favorably with an amendment by the full committee on August 7.

The bill extends the Public Works and Economic Development Act for 1 additional year, through fiscal 1974. It makes improvements in existing economic development programs and provides new programs of assistance to individuals and businesses which suffer economic hardship from imposition of environmental quality standards.

PURPOSE CLAUSE

Section 2 of the bill adds two new sentences to the purpose clause of the act to recognize that economic distress has brought about substantial migration which is frustrating orderly national growth and aggravating economic and social conditions in both rural areas and central cities, and that orderly growth should recognize economic disorders.

GRANTS FOR PUBLIC FACILITIES

Section 3 of the bill amends the act to improve the public facility grant program. The annual authorization of $800 million for the regular public facility grant and supplementary grant program—which provides permanent jobs through long-term development—is extended for an additional year through fiscal year 1974. The maximum Federal share of total project cost is increased from 80 to 90 percent, to help the areas showing the greatest need but unable to raise the local share.

Also, a separate authorization of $500 million per fiscal year for the fiscal years 1973 and 1974 is provided for the public works impact program enacted into law in August of last year 1971. This program is designed to provide immediate useful work to the unemployed in distressed areas on backlog of public facility projects ready for construction.

One of the principal objections to this program raised last year was that it would take too long to get these projects into the construction stage in order to have an immediate benefit to the unemployed. Experience has demonstrated the program can get the unemployed to work rapidly. The Economic Development Administration has done an excellent job in responding to the intent of the Congress. The guidelines require that projects are to be under construction within 2½ months from the date of approval.

The initial fiscal 1972 appropriation and a subsequent supplemental appropriation were obligated by the end of January of this year, and more funds are badly needed for this emergency job-creating program.

FINANCIAL ASSISTANCE FOR BUSINESS DEVELOPMENT

Section 4 of the bill amends the business loan program to add authority to guarantee up to 90 percent of the outstanding balance of a loan to a private borrower and up to 90 percent of the remaining rental payments under a lease. Under current law, only working capital loans may be guaranteed and only then in connection with direct loan under this program.

The maximum Federal participation in direct loans is increased from 65 percent to 75 percent.

These changes will give the Secretary greater flexibility in assisting businesses in economically lagging areas and will increase the overall supply of capital for such businesses by encouraging participation of private lending institutions.

The bill extends the annual authorization of $170 million for this program for an additional year, through fiscal 1974.

TECHNICAL ASSISTANCE

Section 5 of the bill amends the technical assistance provisions to permit the Secretary to assist applicants who are unable to obtain expertise needed to apply for economic development assistance under the act, and to defray up to 100 percent of economic development planning expenses of Indian tribes.

INITIAL OPERATING COSTS OF VOCATIONAL TRAINING FACILITIES

Also authorized are grants of up to 75 percent of the cost of operation of vocational education facilities constructed with grants under title I of this act. These grants are available for any 2 years during the 5-year period beginning with enactment of this legislation. They are intended to help ease the period during which communities make permanent arrangements for funding new vocational training facilities. Up to $15 million annually may be used for this purpose.

COORDINATION

In sections 5, 6, and 7 of the bill, provision is made for better coordination of economic activities of local communities, economic development districts, States, and regional economic development commissions. The amendments in the bill establish better communication and assistance at each of these levels to insure continuity in the planning process for economic growth.

AREA AND DISTRICT ELIGIBILITY

Section 6 of the bill makes a number of changes in economic development assistance eligibility criteria:

Only one redevelopment area—instead of two—would be necessary for formation of an economic development district.

Assistance to nonredevelopment areas within development districts would be permitted if the benefits accrue to redevelopment areas within the district.

Economic development districts would be assured of a minimum of 5 years' administrative expenses. A new authorization of $20 million annually for fiscal 1973 and 1974 is provided for district planning and administrative expenses.

The moratorium on redesignation of redevelopment areas is extended until June 1, 1974.

Areas with population up to 500,000—rather than the current limit of 250,000—may be designated as "economic growth centers."

Special impact area criteria designed to reach pockets of economic distress in urban and rural communities or neighborhoods without regard to political or other subdivisions or boundaries is redefined.

REGIONAL COMMISSIONS

Section 7 amends the regional planning commission provisions of the act.

To date, seven regions have been designated by the Secretary of Commerce. These are Upper Great Lakes, Ozarks, Four Corners, Coastal Plains, New England, Old West, and the Pacific Northwest regions. The Old West Region and the Pacific Northwest region have been designated by the Secretary this year. Except for these new regions, the process of preparing long range economic development plans for each region has been underway since 1967.

A separate annual authorization of $100 million is provided for each regional commission that has an overall economic development plan completed and approved by the Secretary. Four such commissions have completed their plans. A $20 million annual authorization is provided for each commission that has not yet an approved economic plan. Three such commissions are in this category.

POWERS OF THE SECRETARY

Section 8 of the bill contains conforming amendments to permit the Secretary to administer the lease and loan guarantee authority made available under this bill in the same manner as he is permitted to administer the loan program under existing law.

ENVIRONMENTAL EFFECTS

Section 9 of this bill adds a new title VIII to the act. This title contains two sections. The first section provides assistance to individuals who become unemployed because of Federal actions to improve the environment. The second section provides assistance for businesses to finance the cost of pollution control facilities when a Federal or State action to improve the environment would otherwise close the business and result in job loss.

The first section of the title authorizes $100 million to provide assistance to each individual certified as being unemployed as a result of an environmental standard or order. Such individuals would be eligible for unemployment compensation equal to at least 60 percent of his former weekly wage for a period not longer than 78 weeks. Mortgage and rental payments up to 1 year would be available to such an individual if he has received notice of foreclosure or eviction from his residence.

Reemployment assistance under existing laws, as well as moving expenses, are provided when such individual is unable to find employment within a reasonable distance of his residence, but does find employment beyond that distance.

The second section of title VIII would authorize $100 million annually for fiscal 1973 and 1974 for long-term, low-interest loan assistance—30 years, 3 percent—to businesses to finance the cost of pollution control facilities when a Federal or State environmental quality standard or order would otherwise close the business and result in job loss.

The total new authorizations in this bill, designed to assist in the economic growth of this Nation, is $3,177,500,000. The dreadful impact unemployment has on the Nation's economy and on the lives of our citizens is of concern to all of us regardless of party. This is a small price to pay to assist in developing our economy, create jobs, and restore dignity to many of our unemployed citizens.

Mr. ANDERSON of California. Mr. Chairman, as a coauthor of a companion bill, I rise in strong support of H.R. 16071, a bill designed to provide needed jobs in areas of high unemployment.

In the first quarter of 1972, unemployment averaged 5.8 percent. This means that almost six people of every 100, who are actively seeking a job, are unsuccessful. This means that approximately 5 million people in our 81-million-person labor market are still out looking for a job.

Of those millions who are out of work, 1,180,000 have been unsuccessfully seeking a job for almost 4 months—3 months and 3 weeks, to be exact.

What are the results of this high unemployment rate?

First, obviously, the breadwinner is deprived the dignity of bringing home a paycheck.

Second, his family is denied the security of knowing from where the next meal is coming.

Third, society does not gain from the fruits of his labor.

Fourth, rather than adding to the strength of America, the unemployed drain tax dollars which could be funneled into education, health care, law enforcement, or into some other important area. In fact, State unemployment insurance programs paid an estimated $739.5 million in benefits in March 1972.

Mr. Chairman, we must provide jobs performing useful services for those seeking employment.

The bill before us today would provide funds to those areas, which have been particularly hard hit by unemployment, in order to assist the communities in building necessary public facilities, such as nursing homes, hospitals, libraries, water, and sewer lines.

Our country needs jobs—preferably jobs in the private sector of a growing, expanding economy. But when the economy is not growing or expanding sufficiently, then the Government must assume the obligation of being the employer of last resort.

Mr. Chairman, I endorse the bill, H.R. 16071, and I urge my colleagues to pass this measure overwhelmingly.

Mrs. GRASSO. Mr. Chairman, the need is urgent for passage of H.R. 16071. Section 107, which deals with the public works impact program, is of special concern to districts like the Sixth Congressional District which I serve.

Section 107 creates a public works impact program to assist areas of high unemployment, low-income concentration, or substantial outmigration. This provision would authorize $500 million for the Secretary of Labor to allow payment of up to 100 percent of the cost of public works projects to these hard-pressed areas.

The unemployment situation in Connecticut is far above the national average. In my State, 8.5 percent of the working force is unemployed. The Sixth District includes all or parts of seven labor districts, as determined by the State labor department. In only one area is the unemployment rate below the State average. In three areas entirely within my district, the rate is over 11 percent. Bristol has 17.6 percent, New Britain and Torrington areas each have 1.4 percent.

The situation in these areas remains critical. The people in my district need jobs. They want jobs. Furthermore, preliminary figures in my district opinion poll indicate that a vast majority of those who returned questionnaires favor increased Federal spending on temporary public works projects to provide work opportunity for the unemployed.

As one of the cosponsors of the McFall accelerated public works bill, I commend the action of the committee in providing section 107 in H.R. 16071. Passage of this legislation would meet two pressing needs: the creation of badly needed municipal facilities as well as badly needed jobs.

Mr. Chairman, Federal employment in public works should only be a temporary measure in times of emergency. This emergency situation is and has been a part of the fabric of life in northwest Connecticut far too long. I urge passage of H.R. 16071 so that unemployed people in my district and throughout the Nation may soon begin working on needed public works projects, in anticipation of that time when employment in the private sector may remove the need for such measures.

Mr. BROOKS. Mr. Chairman, I want to commend the distinguished chairman of the Public Works Committee along with his committee members who have very diligently put together a bill aimed at the very heart of some of America's most crucial problems. A high percentage of crime, poverty, poor health, urban blight, and welfare problems can be traced directly to one source—lack of jobs.

I am particularly concerned with the portion of this bill referred to as the accelerated public works impact program. Under this program communities across America would receive $500 million in each of the next 2 fiscal years to combat high unemployment and provide badly needed permanent public facilities.

This bill is not a welfare or "make-work" proposal. It is a program to put skilled workers back to work. One of America's greatest assets is its reservoir of skilled workers. Today too many of these people are sitting idle through no fault of their own. Every day they are unemployed our Nation loses the benefit of their talents. The people I am talking about are the Nation's carpenters, bricklayers, heavy machinery operators, electricians, and other craftsmen.

Not only will these people get back to work to support their families and communities, the communities will have new libraries, police stations, community centers, storm drainage systems, street lights, hospitals, water purification plants, and other similar projects.

Mr. Chairman, there is no question about the need for such a program. For 3 years now we have been assured that the unemployment problem has been solved and that prosperity is on the way. In July, national unemployment was 5.8 percent, seasonally adjusted to 5.5 percent. There were 5,173,000 persons out of work. In one county in my congressional district, unemployment was at 6.8 percent in June. I hardly consider this "prosperity" and it is difficult to tell these people that there is no unemployment problem. Last year the President vetoed similar legislation after it had been passed by substantial margins by both the House and Senate. In the meantime, such drastic measures as wage-price controls and export embargoes have been instituted.

Meanwhile, the unemployment situation has not substantially improved. I think it is time we ceased pretending that no problem exists. This legislation will make substantial strides toward improving the unemployment situation and it has my wholehearted support. I urge my colleagues to again join with me in telling the President that we do not accept a 5.5 percent unemployment rate and we do not want more than 5 million Americans and their families to continue to suffer the economic hardships and stigma of being unemployed.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of H.R. 16071, legislation to authorize needed funds for fiscal years 1973 and 1974 for programs authorized under the Public Works and Economic Development Act.

As we know all too well, the unemployment rate has continued at untolerably high levels in this country for better than 2 years, and has, in fact, been well over 5 percent for the past 24 months. Among many segments of the economy, this rate is even higher. For example, 14.8 percent of teenagers were unemployed according to Department of Labor statistics for July, 10.9 percent of construction workers, and 7.3 percent of Vietnam veterans.

Mr. Chairman, this unemployment situation and the drain it represents on the entire economy, cannot be allowed to continue. Enactment of H.R. 16071 will demonstrate the sincerity of the Congress to take positive measures to reduce substantially the unemployment rate and to offer the dignity of work to many of the more than 5 million persons who are currently unemployed.

Especially important, in my view, are provisions of H.R. 16071 to increase the authorization for public works programs to $500 million yearly for fiscal years 1973 and 1974. The first year's experience with the public works impact program has indicated highly satisfactory results, both in job creation and in the construction on needed public facilities. In addition, continuation of current authorization levels for accelerated public works for the next 2 years will help to provide needed Federal assistance in employment creation in especially hard-hit areas. It is my hope that the aims of this program may be more fully developed through increased appropriations to meet the authorization amounts which have been specified.

In conclusion, I would like once again to emphasize my belief that support for the measure now before us represents a responsible step toward meeting the essential need of our Nation's unemployed—the need for constructive job opportunities.

Mr. DULSKI. Mr. Chairman, I rise in support of the pending bill, H.R. 16071. The need for the legislation is readily apparent as has been fully detailed in the committee report and in the explanation by my colleagues.

I was one of the original sponsors of the accelerated public works impact program, an integral part of this bill. As reported, the bill authorizes $500 million for the current year and another $500 million for fiscal 1974.

I commend the chairman and members of the Committee on Public Works for bringing forward this comprehensive measure to provide for public works and economic development.

My own area of Buffalo, N.Y., is hard hit by unemployment and we are by no means the exception. There are pockets of serious unemployment throughout the Nation and Federal assistance is essential.

In New York State we now have an unemployment rate of 6 percent, slightly higher than the national average.

In the Buffalo metropolitan area, the unemployment rate is a whopping 8.2 percent and the outlook is not good. Just this week, the banner headline in our evening newspaper was the announcement of another plant closing which will put another 450 people out of work.

The pending bill contains a number of changes and improvements in programs to aid depressed areas. The Committee on Public Works has done an excellent job of blending these varied approaches into a coordinated program.

The accelerated public works impact program provides 80 percent construction grants to local governments in high unemployment "special impact" areas.

This program is important as it provides help on two fronts by assisting local governments in building needed facilities, such as sewage treatment plants, public structures, and so forth. It also provides immediate employment to persons in the building trades, which are among the groups hardest hit by unemployment.

Mr. Chairman, I support H.R. 16071 and urge its passage.

Mr. HATHAWAY. Mr. Chairman, the bill before us today is much needed. Thirty thousand unemployed persons in Maine can attest to that need. So can the long list of public works projects left undone: Storm drainage systems, libraries, police stations, nursing homes, community centers, airport facilities, hospitals, water purification plants, and water and sewer lines.

This bill, particularly the section authorizing $500 million a year for the accelerated public works impact program, will effectively pinpoint an attack on joblessness.

The proposal will help create additional employment in the construction industry, including the building trades, which suffers from an unemployment rate of approximately 12 percent. Local governments would be provided with 80 percent construction grants for needed public projects such as storm drainage systems, libraries, police stations, community centers, street lights and traffic signals, airport facilities, hospitals, warehouses, water purification plants, and other similar projects.

There are presently 5 million men and women unemployed in the United States. This proposal will not provide jobs for all these people, but it should help reduce the unemployment count to a level that is healthier for the economy.

This kind of program would not only provide urgently needed jobs, but it would also make our rural communities more attractive to outside industry by furnishing necessary public services.

Mr. RANGEL. Mr. Chairman, I rise in support of the Public Works and Economic Development Act Amendments of 1972.

At a time when unemployment continues to skyrocket, this legislation is critical. Under the public works impact program, $500 million would be made available for each of the next 2 fiscal years to provide 100-percent Federal matching funds for areas of high unemployment and concentrated low income. Under the environmental effects program, $100 million would be authorized to aid those workers who have lost their jobs through Federal environmental enforcement. I believe we have a moral obligation to assist those who must sacrifice their jobs to help protect our environment.

Mr. Chairman, each day I receive mail from constituents who are unemployed and, following months of searching, are still unable to find jobs to support their families. This bill, of which I am proud to be a cosponsor, will put Congress on record in favor of the creation of new employment opportunities. Grants for public works and development facilities and for vocational training facilities will enable our local governments to help develop long-lasting economic improvements and jobs. Furthermore, it allows us to focus our Federal resources on those special impact areas, rural and urban, which are hardest hit by poverty and unemployment.

The past history of the Public Works and Economic Development Act demonstrates that Congress can effectively assist millions of Americans by funding permanent jobs in economically distressed areas in cooperation with State and local governments.

I urge passage of this vital legislation.

Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 16071 which authorizes a $4.4 billion package for public works and economic development.

This important legislation contains an accelerated public works impact program which my colleague JOHN MCFALL and I pressed for since March of this year. The bill provides for $500 million a year through fiscal 1974 for an immediate job creating public works impact effort in areas where unemployment is significantly above the national average, as in the eastern parts of my own district.

The impact program is designed also to assist these communities with 80-percent matching grants to build public facilities such as nursing homes, hospitals, libraries, and water and sewer lines.

When we first introduced our accelerated impact program this year, we had called for an increase of $475 million for fiscal 1973. I was gratified to see that the House Public Works Committee approved an increase of $500 million per year for this and the following year.

In evaluating last year's performance the committee concluded that the program had been "successful in creating jobs and constructing needed facilities." Our action today in support of this program would be based not on future promises that it will succeed but on proven success and performance.

Further, the program has been effective on two critical fronts. First, it has helped local governments in building needed facilities, which drain the taxpayer's pocketbook. Second, it has created immediate employment in the building trades, which are among the hardest hit unemployed groups in the country.

Clearly it has been an effective tool in attacking joblessness and relieving the unemployment-inflation crisis which has gripped this country since President Nixon took office some 4 years ago. During that period of time we have seen the bankruptcy of this administration's trickledown theory which offers billions of dollars in tax breaks to business in hopes of creating jobs. This approach has been a dismal failure.

We have consistently urged the President to adopt immediately an accelerated public works-public employment strategy. Last June he responded by vetoing legislation that would have provided $2 billion for such a program. Instead of creating jobs, he dispatched Secretary of Labor James Hodgson with instructions to camouflage our unemployment crisis and proclaim unemployment as only "the hole in the doughnut." Well, for some 5 million workers across the country, with 600,000 in California alone, unemployment is indeed a tragic hole in their lives.

It is our responsibility today to help overcome that tragedy and create meaningful employment for these workers, and I urge you to support this job creating legislation.

Mr. DINGELL. Mr. Chairman, we have a great opportunity before us today in the form of H.R. 16071, the accelerated public works legislation. The passage of this bill will increase the impact program authorization to $500 million this fiscal year and extend the program for another year at a $500 million authorization. I am happy to say I am a cosponsor of the bill.

As I am sure my colleagues are aware, the unadjusted unemployment rate for the United States in June 1972 was 6.2 percent. In my home State of Michigan, the unadjusted unemployment rate for June was a frightening 9.8 percent, and a total of 370,000 people were unemployed in Michigan. In July of 1972, these figures rose to 10.7 percent of the labor force, or 392,000 people in Michigan were unemployed.

The bill we have before us today is a step forward in alleviating this serious problem. New jobs will be created in that local governments will be assisted in the building of badly needed facilities, such as sewage treatment plants, public structures, et cetera. This will provide immediate help to persons in the building trades, some of the most affected by unemployment.

Leaders of organized labor have strongly supported legislation to increase funding of accelerated public works programs to combat unemployment. Included in this group are Frank Bonadio, president of the Building and Construction Trades Department of the AFL-CIO, and Andrew J. Biemiller, director, Department of Legislation for the AFL-CIO.

I strongly urge my colleagues to vote for passage of this much-needed legislation.

Mr. DRINAN. Mr. Chairman, I rise in support of H.R. 16071, the Public Works and Economic Development Act. Massive unemployment continues to plague our country. The most recent figures of the Department of Labor show that 5.9 percent of our Nation's workers are without jobs. The problem in my own State of Massachusetts is particularly severe. In January 1970, the unemployment rate of Massachusetts was 4.4 percent. By January of the following year unemployment had risen to 7 percent. Preliminary figures for June of 1972 show that unemployment in Massachusetts has skyrocketed to a shocking level of 8.3 percent.

In the Boston labor area, which comprises 78 cities and towns, including the communities in my district of Waltham, Brookline, and Newton, more than 107,000 workers were unemployed as of June 1972. The Fitchburg-Leominster labor area, also in my district, is burdened with an unemployment rate of 9.9 percent, with 4,100 people out of work in the six cities and towns of this area.

These individuals must have jobs. I am convinced that the legislation before us today, key provisions of which I sponsored months ago, will help meet the needs of the unemployed in my district, in Massachusetts, and throughout our country.

This bill authorizes $800 million for fiscal 1973 EDA on-going public works projects, and the same amount for fiscal 1974. The bill authorizes $500 million for fiscal 1973, and an identical amount for fiscal 1974, for critically needed accelerated public works impact programs. Also authorized is $920 million through 1974 for seven regional commissions whose work would combat unemployment, and $100 million or unemployment compensation, rent and mortgage payments for workers whose jobs were lost due to the effects of environmental protection studies.

The bill also provides that 60 percent of eligible workers' former salaries would be paid to them as unemployment compensation for a period of 78 weeks.

Another key provision of this bill authorizes $100 million through fiscal 1974 for technical asistance to local governments for administering planning and feasibility studies including $15 million for operation of vocational training facilities.

The bill also redefines special impact areas as areas which have a large concentration of low-income persons, substantial unemployment, or actual or threatened unemployment due to closing or curtailment of a major source of employment.

Finally, the bill provides for 90-percent loan guarantees to aid business firms in redevelopment areas.

Mr. Chairman, I have said many times before that I do not believe in President Nixon's so-called trickle down theory. That discredited theory, which is based on the faulty assumption that tax giveaways to large corporations will result in increased employment, is a proven failure. The unemployment statistics speak for themselves.

I believe that the best way to decrease unemployment quickly is to provide grants for local government projects which will create immediate construction jobs in areas of high unemployment, and thus will have highly desirable spin-off effects in creating new employment throughout such areas in all local goods and services businesses.

The accelerated public works provisions of this bill do just that.

Andrew J. Biemiller, the director of the AFL–CIO Department of Legislation, has summarized the need for this bill in these words:

> America's workers know full well that many of our most critical problems stem from inadequate public facilities and could be solved through added public investment programs and full funding of those that are already on the books.

I congratulate the Public Works Committee, its chairman, JOHN BLATNIK, my colleague JOHN MCFALL who has worked so hard to effect the enactment of this bill, and our other colleagues who have joined in sponsoring or advocating this necessary measure. America's workers will thank us if we pass this bill today.

Mr. FUQUA. Mr. Chairman, as a cosponsor of the Public Works Acceleration Act, I want to voice my earnest support of this bill as the Congress must address the economic ills of this country. Unemployment is insidious and is destroying the pride and vigor of millions of Americans. We can now count over 5½ million Americans on the unemployed rolls. Factories are running at much less than full capacity. And while these millions of unemployed Americans are spending idle and unproductive hours, many of our communities are stagnating for want of public services.

This bill will not solve all of the economic problems of this country, but it will contribute to the resolution of these problems and provide productive employment to hundreds of thousands of people whose talents are being wasted. In my own district public works programs could provide much needed water and sewer systems, improved lighting, and a plethora of other much needed services. The problems of unemployment are cyclical and as the unemployment rolls in a community grow tax revenues decline, and public services are the first area to feel the bite. It is time to stop the emotional rhetoric and the raising of the specter of WPA projects. This legislation is fiscally sound and will contribute to the unemployment-inflation malaise which detracts from the lives of millions of our citizens.

Again this year the committee has spent long and fruitful hours in hammering out a bill that will greatly stimulate the economy and lessen the psychological and physical effects of unemployment. The response to this legislation has been overwhelming as is manifested by the fact that over 100 Members of this House have cosponsored it. Last year's measure, of which I was also a cosponsor, received overwhelming support when it passed the House.

We recognize the great need for this legislation as a substitute for Federal handouts and the dehumanizing aspects of such relief. We hear from the administration that employment levels of 4 percent are not feasible as a guideline for full employment. I am not ready to accept the fact that we must adjust our expectations downward so that we can grandly say that we are at "full employment." The unemployment level in this country is hovering around the 6-percent level and there is no reason to think that relief is in sight unless we take affirmative action. The proposal before us today calls for much needed public services as a vehicle for providing work for our unemployed. Not busy work, as some would suggest, but essential projects utilizing the talents and skills of thousands of Americans who have spent dreary months in enforced idleness. In closing I would like to commend my distinguished colleague from California, JOHN MCFALL, for his excellent leadership in this effort and also the committee for the excellent bill that is being considered today, and I urge full support for this essential legislation.

Mr. O'NEILL. Mr. Chairman, I rise today in support of H.R. 16071, the Public Works and Economic Development Act Amendment of 1972 which I have cosponsored with my colleague, the Honorable JOHN MCFALL. This bill has but one general purpose: to provide much needed Federal assistance to the economically distressed areas and regions of our Nation suffering from a high rate of unemployment. Despite the persistent proclamations of the administration and the satyric wit of the Presdent's Council of Economic Advisers that this Nation is experiencing an economic upturn, we can hardly overlook the some 5 to 5½ million men and women out of work, unable to support their families. The legislation we consider here today has a direct, real and immediate bearing on these people.

It authorizes the expenditure of $500 million a year through fiscal 1974, redefining special impact areas as both urban and rural which have a large concentration of low income persons, substantial unemployment, or have an actual or threatened abrupt rise in unemployment due to closing of main source of employment. The legislation allows the Secretary of Commerce more flexibility in the administering of financial assistance for business development. It provides assistance for States in the preparation of their overall economic programs, and to individuals who suffer employment loss because of Federal action to improve the environment. In short, this legislation recognizes that there is high unemployment now and seeks to put these people back to work.

Apparently, the administration is more concerned with matters other than unemployment. In recent weeks, the administration has charged this body being fiscally irresponsible, inflationary and short-sighted—in regard to health, nutrition, education, and unemployment. In fact, the President has used this reasoning to veto several pieces of major domestic legislation: Accelerated public works, Labor-HEW appropriation and Office of Economic Opportunity. But, is it fiscally irresponsible to authorize and appropriate funds for projects and jobs when the economic climate is such that no one is hiring at the blue collar level? Is it inflationary to ask an unemployed individual to work and receive just compensation from the Federal Government so that he can provide for his family? Is it shortsighted of this Congress to seek to provide funds to put people to work? Or do we sit by and let long range planning forget the unemployed? Do we act as if the economy cannot operate beyond 75 percent of its capacity without intolerable inflation? Do we resign ourselves to 5-percent unemployment? My constituents and I think not.

Last month I received an announcement from the Department of Labor for release on July 31, 1972, which defined how the administration's economic upswing was affecting Massachusetts and the country. The city of Boston, Mass. which includes Suffolk County, parts of Essex, Middlesex, Norfolk, and Plymouth Counties, which had been hovering and plagued by a rate of 6 percent unemployment must now contend with 7 percent or more unemployment. Two of the nine areas designated by the Department of Labor as "major areas of substantial or persistent unemployment"—12 percent unemployment or higher—are located in my home State.

Further, according to the Department of Labor, there are now 883 areas classified as areas of substantial or persistent unemployment. Parts of all of 421 cities, 650 counties in all States, 31 Indian reservations and the Commonwealth of

Puerto Rico are classified as sections of concentrated unemployment or underemployment. Every State in this Union has felt the effect of the present 5.5-percent unemployment rate. The time has come for solutions. We have seen the effect of vetoes. Inaction is no longer tolerable.

Mr. Chairman, the House must act favorably on this measure which is so important to unemployed Americans. I ask my colleagues to direct their attention to the unemployed people of our Nation who have been forgotten. These people are tired of listening to hollow excuses about the inflationary risk of legislation of this kind.

We have a mandate from the people. As a coequal branch of Government, Congress can and must act to assist the unemployed. If we are to be recorded as a Congress that cares, we must meet the task before us and give our unequivocal support to this desperately needed legislation.

Mr. MIKVA. Mr. Chairman, I enthusiastically support H.R. 16071, the accelerated public works impact program. At a time when more than 5 million Americans are out of work, when countless others have given up looking for jobs, this program makes sense. At a time when everyone feels the impact of an economy in disarray, when inflation and interest rates are too high, this program can generate stability and help bring prices back to earth. The gentleman from California, Congressman McFALL, and the distinguished chairman of the House Public Works Committee, Congressman BLATNIK, are to be commended for their vigorous support of this legislation.

Simply put, this program will create jobs: The one thing the American economy so desperately needs. For the last few years, the administration has been struggling with a variety of approaches to inflation and a faltering economy. There have been wage and price controls, stern warnings, and a variety of gimmicks all designed to help the economy by helping the top of the heap first. Some people have called it the "trickle down" theory of economics, and, it has not worked very well. Take the investment tax credit, for example. It was supposed to encourage industry to expand, creating more jobs in the process. The tax credit failed at generating employment, but it succeeded at generating additional tax deductions and larger loopholes.

A year ago, the President vetoed legislation similar to the bill before us today. It was a tragic mistake. The unemployment rate still is intolerably high—too many Americans still are out of work, unable to support their families. This program would help, creating new jobs—not through a series of intricate maneuvers—but directly, giving communities the financial help they need to improve and creating new jobs in the process.

By approving this legislation, however, we will be doing more than just generating employment. We will be helping communities across the country improve themselves and the equality of life for their residents. With this legislation, communities will be able to build hospitals, libraries, sewage treatment facilities—any number of projects that they have had to postpone because they have not had the money. In so many communities, those kinds of projects are desperately needed and long overdue.

The accelerated public works impact program will provide special help in protecting the environment. It would help workers who have lost their jobs because of Federal antipollution orders, but more importantly, it will give communities the incentive and the financial ability to attack pollution through public works. Chairman BLATNIK is familiar with the pollution of Lake Michigan, much of it caused by inadequate municipal sewage treatment facilities. In too many areas, virtually untreated sewage is being dumped into lakes and rivers, and they are choking to death on it. With the money provided in this legislation, local communities will be able to build new sewage treatment facilities and systems—systems that do not overflow into lakes and rivers every time there is a storm, systems that protect the environment instead of destroying it.

Local communities need the kind of public works this bill provides. Their residents need the employment this bill provides. The environment needs the protection this bill provides. With one program, we are helping local communities find the answers to three very serious problems; not the whole answer, but part of it. And, given the history of the last 2 years, it is an answer that we must not reject.

Mr. MONAGAN. Mr. Chairman, I support H.R. 16071, the Public Works and Economic Development Act Amendments of 1972. Earlier this year I cosponsored H.R. 13702 with Congressman McFALL to establish a job-creating accelerated public works program.

The recorded rates of unemployment throughout the country and, in particular in the State of Connecticut, are at an unacceptable level. The average national rate of unemployment for 1971 was 5.9 percent, the highest it has been since the 1961 recession. In the State of Connecticut the rate of unemployment is 9.4 percent—which is higher than average for that State last year. These figures only reflect recorded unemployment—certainly hidden or unrecorded unemployment, the existence of which we recognize, would raise these figures to higher levels if recorded.

The Public Works Acceleration Act of 1971, which Congress passed during the first session of the 92d Congress to help alleviate the escalating national unemployment, was unwisely vetoed by the President. Once again over 5 million unemployed are looking to us for action that will help put them back to work and this bill, providing a 2-year $1 billion public works construction program, will do much to accomplish that objective in areas of greatest need.

I can speak from personal experience about the value of this proposal. I supported President Kennedy's Public Works Acceleration Act of 1962 which succeeded by this popular and effective mechanism in hastening economic recovery in areas heavily affected by the recession of that time. Several communities of Connecticut's Fifth Congressional District, which I represent, benefited greatly from that program. I am confident that the $1 billion authorized by this bill for worthwhile and permanent public works projects will also be spent in providing jobs and programs for economically depressed areas.

The legislation is designed in part to increase the financial assistance to the areas of highest unemployment which have been designated as "special impact areas." As was the case in 1962, expansion of authorizations and providing 90-percent public works construction grants develop immediate useful work in hard-hit communities. Those municipalities and counties with high rates of unemployment will be provided funds to facilitate the construction of libraries, schools, sewers, water purification facilities, sidewalks, and similar public improvements, to enhance their attractiveness to new industry without a resultant drain upon their tax resources. Most importantly, these activities will reduce the unemployment afflicting that area.

This legislation also provides guarantees by the Secretary of Commerce of up to 90 percent of the outstanding unpaid balance of a loan or 90 percent of the remaining rental payments under a lease for loans or leases made by private lending institutions to businesses in "redevelopment areas" or "economic growth centers." These guarantees will help to encourage the investment of private funds to augment the public funds provided by this legislation resulting in the development of new industry and increased permanent employment in these economically stricken areas.

Assistance for the establishment and operation of vocational training facilities is also provided by this legislation. Providing workers with new skills to meet today's industrial needs would enable them to reenter the labor market and once again become contributing members of their communities.

This bill responds to the unemployment problem; it will help put people back to work; and it will provide permanent and needed capital improvements.

I urge my colleagues to join me in support of this necessary legislation.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 16071, the Public Works and Economic Development Amendments of 1972.

Because of the great and varied needs of my district, I have long been a supporter of economic development programs which, while seeking to provide immediate relief for depressed areas, concurrently draw upon the resources of their people to assure them long-range productivity and self-supportiveness.

All of us are aware of the difficulties we experienced with similar legislation last year. Congress, last June, enacted S. 575, the Appalachian and Regional Development Amendments of 1971. Title I of that legislation contained emergency provisions for rapid job creation and allocated $2 billion for the construction of a portion of our great backlog of needed public facilities. When the President vetoed the measure, he shattered the hopes of approximately 420,000 unemployed Americans who would have found jobs through the accelerated public works program.

Later efforts to deal with this situation were largely unsuccessful—in fact, the level of appropriations last August as compared with authorizations was the lowest for public works projects in 7 years. More problems were encountered toward the end of the year when it became apparent that the language of the Economic Development Act, stating that between 25 and 35 percent of moneys appropriated for title I programs be expended under the accelerated public works criteria, was inhibiting the development of public works impact projects throughout the country, while the low level of funding for accelerated public works projects was destroying the hopes of those who had expected to secure employment under the program.

I am, therefore, very pleased to note that this legislation has separate authorizations for sections 105 and 107, thereby permitting the orderly carrying out and planning of both long range and accelerated public works projects. I am also extremely pleased that the Secretary's authority in the area of financial assistance for business development has been modified to allow him to guarantee up to 90 percent of the outstanding unpaid balance of loans and up to 90 percent of remaining rental payments under leases and loans made by private institutions to lessees and borrowers in redevelopment areas. This change, I know, will greatly enhance the level of private investment in these areas of need.

In New York City and similar urban areas the lease guarantee authority could be crucial in the development of vertical industrial parks in core city areas. That type of development would bring jobs into locations where many of the unemployed live, could assist in eliminating our transportation problems, and could well reverse the trend for the abandonment and disintegration of our cities.

The authority granted under this measure for operational grants to vocational training facilities was long needed.

So much for the highlights. My problems with this measure are largely restricted to title VIII, pollution control facilities, which in my opinion needs changes to insure workers' rights. I shall give my support to clarifying and strengthening amendments designed to safeguard the interests of those who lose their jobs because of the implementation of Federal environmental quality laws, whether such rights and interests be in the area of unemployment compensation or pension rights. I hope my colleagues on both sides of the aisle will support such moves.

However, on the whole, I believe that the committee has reported out a measure worthy of support and needed by the Nation.

Mr. PRICE of Illinois. Mr. Chairman, this Nation today faces an unemployment problem of nagging persistence. The administration may take pride in the recent downturn of unemployment to 5.5 percent, but the fact remains that this is an unacceptably high rate.

There are more than 2 million more Americans unemployed than when the present administration took over 4 years ago. As many Members of this House are well aware, there are a large number of areas in this country where the problem is far graver than the national picture indicates. In some areas, in fact, the problem has assumed depression-like characteristics. In my own district, the 24th of Illinois, the latest available unemployment rate for Madison County is 7.1 percent. For St. Clair County it is even higher at 9.2 percent. The rate for St. Clair County, high though it is, is deceptive since this county contains the city of East St. Louis where the unemployment rate is far worse than the country as a whole. Furthermore, there is evidence that the statistics that we so trustingly use are understated in that they do not include the underemployed or those who have left that job market out of discouragement.

An attempt was made in 1965 to provide a program of public works to help areas of serious unemployment. This program, embodied in the Public Works and Economic Development Act of 1965, has produced many good results. However, over the last few years it has become evident that not enough was being done to provide immediate job opportunities for seriously depressed areas. An attempt was made last year by the House Committee on Public Works to provide such help with a $2 billion accelerated public works program. The President, however, saw this program as leading to "wasteful, hurriedly planned projects" and gave it an ill-advised veto. Fortunately, the committee salvaged a portion of this program by amending the act of 1965. However, only $45 million was made available in fiscal 1972 for this program, now called the public works impact program, out of an authorization of $280 million.

The bill before us today would amend the Public Works and Economic Development Act, extending it through fiscal year 1974, liberalizing certain conditions, and making numerous other improvements. The most important provisions of this bill, however, are those affecting the public works impact program. The bill recognizes the importance of this program by setting it up as a separate program with its own $500 million-per-year authorization rather than leaving it as part of the regular grant program. Thus the act now has two categories of public works grants; those designed for long-term improvement in economic conditions and the impact program, designed to provide immediate employment.

It should be emphasized that the grants under the impact program are not for "make work" or "boondoggle" projects but are for projects which fulfill a pressing need in the areas in which they are to be located as well as providing "immediate useful work to the unemployed and underemployed persons in these areas." There is also no lack of worthwhile projects for which to utilize funds under this program. The National League of Cities has estimated, for example, that from $33 to $37 billion will be needed for sewage treatment facilities alone in communities throughout the United States during the period 1971–76. The 24th district alone has at this time no less than 42 applications for sewer and water grants before the Department of Housing and Urban Development. These and other types of public works not only create immediate job opportunities but provide the facilities which are essential to attract industry and business vital to the long-term economic growth of such areas as the 24th district.

As the representative of a district which is afflicted with high unemployment, I strongly urge the passage of this bill. I feel that the concept of the public works impact program has been adequately tested and that it does create sorely needed jobs not only in the construction industry but in other sectors of the economy as well. This bill, if it becomes law and is adequately funded, will go a long way toward relieving the chronic unemployment which plagues many areas of our Nation.

Mr. MINISH. Mr. Chairman, I rise in support of H.R. 16071, the Public Works and Economic Development Act Amendments of 1972. This legislation has been formulated with the laudable purpose of concentrating our Nation's energies toward a solution to our present economic troubles, particularly with regard to the continued high level of unemployment.

As a cosponsor of the public works impact section of this bill, I am pleased that we will have this opportunity to put the House of Representatives on record once again in support of America's millions of jobless citizens.

Unemployment continues at an unacceptably high level. In my own State of New Jersey, approximately 7 percent of the work force was unemployed in June. Nationwide the jobless rate is now 5.5 percent.

The public works program is a proven method of providing assistance to areas of high unemployment to create meaningful work for the jobless. Under the measure before the House today, we will, overall, authorize $3.18 billion in additional funds over the next 2 years for a variety of much needed public works programs.

Programs authorized by H.R. 16071 include the public works impact program under which areas of high unemployment, concentrated low income, or substantial outmigration would receive $500 million in each of the next 2 fiscal years to create new jobs. The program will assist local communities with 80-percent matching grants to build public facilities such as hospitals, libraries, water and sewer lines, municipal buildings, police stations, and storm drainage systems.

Therefore, the program will have the dual result of reducing unemployment, particularly in the hard-hit construction industry, and providing needed local facilities without overburdening the local tax rate.

Another important section of this legislation would establish the environmental effects program which would provide assistance to individuals who have lost their jobs as a result of Federal environmental orders. For those persons who find themselves threatened with foreclosure or eviction, temporary mortgage and rental payments will also be provided.

Mr. Chairman, an expanded public works program is necessary in order to break the back of our chronically high rate of unemployment. There is no such thing as an "acceptable level of unemployment." We in the Congress must continue to seize the initiative to achieve a truly full employment economy.

Mr. CLARK. Mr. Chairman, this legislation has the bipartisan support of the Committee on Public Works and it merits the same bipartisan endorsement of the House because it can help us correct terrible economic injustices that are rampant in many parts of our country today.

Through no fault of their own, nearly 5 million of our fellow citizens are jobless today and literally hundreds of communities are in danger of becoming ghost towns for lack of the commerce, industry, jobs, and payrolls they need to stay alive.

These men and women, and their communities, have exhausted their own resources; they are looking to us, their elected Representatives in Congress, not for a handout, but for a helping hand to bring them back into the mainstream of our national prosperity.

This legislation offers them that helping hand. Conscience dictates that we must offer our hand because they are our neighbors, our fellow Americans. Self-interest demands that we offer it because the massive unemployment and the major pockets of depression that exist in our country today threaten the well-being of the entire Nation.

We have heard it said that this wealthiest Nation on earth cannot afford the cost of this legislation, on top of all the other burdens the American taxpayer has assumed.

But I submit that the distinguished chairman of the Public Works Committee, the Honorable JOHN A. BLATNIK, clearly disposed of that fallacy when he presented this bill to the Rules Committee yesterday.

Chairman BLATNIK pointed out that this measure will not add 1 penny to the taxpayers' burden; rather, it will lighten that burden because it will take workers off the welfare rolls, off the unemployment compensation lists, and place them in productive, revenue-producing jobs.

Today, we are pouring $1½ billion of the American taxpayers' money into welfare and almost one-half billion dollars into unemployment compensation every month—a staggering total of $24 billion a year to support millions of our fellow citizens in unfortunate idleness.

Every job that this legislation creates—and it will create many thousands of jobs—takes a family off the welfare rolls or a family breadwinner off the unemployment compensation roster, restores one more American's dignity, and strengthens the economic fabric of the community and the Nation.

Mr. Chairman, commonsense and our common interest demand the passage of this legislation by a margin that will make clear to millions of our less fortunate countrymen our determination to restore them to the mainstream of America.

Mr. KEE. Mr. Chairman, I rise to support this essential legislation and to endorse its objectives, which are stated so clearly in the report of the House Public Works Committee:

> To provide Federal assistance, in cooperation with the States, to the economically distressed areas and regions of our Nation suffering from a high rate of unemployment and underemployment, to enable those areas and regions to help themselves in developing long lasting economic improvement.

We have had 7 years of experience with this legislation, going back to the passage of the original Public Works and Economic Development Act of 1965, and the programs it has made possible have been effective; they have generated jobs and payrolls in communities all across the country where jobs and payrolls were most urgently needed; they have restored economic stability and strength to many depressed areas that had been left behind the general prosperity.

I have seen these programs operate in my own Fifth District of West Virginia where, since 1968, we have undertaken 27 self-help projects combining local funds and local initiative with Federal funds and the technical assistance of Federal experts. We have not yet been brought back into the mainstream of our Nation's economic growth, but we are moving in that direction, and the despair that gripped so many of our communities not long ago is giving way to hope and confidence.

Our small communities in West Virginia and elsewhere across the Nation have much to offer toward the solution of the problems of congestion and pollution that plague our major urban centers today. These communities can offer many thousands of acres of uncrowded, unpolluted land, an abundance of human resources, untapped natural resources, and the will to work for the common good.

We have an opportunity in this legislation to marshal the strengths of these long-neglected communities, to stem the outmigration of their young people, and to train them for productive futures in their hometowns.

We have an opportunity to turn these communities around, to enable them to plan and build for a brighter tomorrow, not only for themselves but for all America.

Mr. Chairman, I urge all my colleagues to support this constructive legislation so that we can build on the progress already achieved and keep alive the hope that has been inspired in so many distressed communities of our land.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 16071, legislation to extend and expand the Public Works and Economic Development Act of 1965. As an original sponsor of this measure, I strongly support its objective of helping people in areas of high unemployment develop long lasting economic improvement.

The State of Hawaii and other States will benefit from the provisions of this legislation designed to stimulate employment opportunities and improve the economic base of poor neighborhoods.

A total of $4.4 billion in economic development funds is authorized by the bill. The impact of these funds, being utilized in distressed areas having the greatest need for the influx of new capital, will be a tremendous lift for the national economy. It will also provide thousands of new jobs for those in areas which have been hit hardest by lagging growth and other economic adversity.

One of the major features of the bill is the authorization of $500 million a year through fiscal year 1974 for the immediate job of creating accelerated public works impact program in places where unemployment is significantly above the national average. We have several areas in Hawaii which could benefit from the enactment of this bill.

This impact program is designed to assist communities with 80 percent matching grants to build public facilities such as nursing homes, hospitals, libraries, and water and sewer lines.

In addition, the legislation authorizes $800 million for each of fiscal years 1973 and 1974 in direct and supplementary grants through the Economic Development Administration for long-term development and permanent employment projects in depressed areas; authorizes $920 million through fiscal year 1974 for regional development commissions; authorizes $100 million a year for the 2-year period for long-term, low-interest rate loans to help industries install pollution control equipment; authorizes $100 million through fiscal year 1974 for unemployment compensation and rent and mortgage assistance for workers who lose jobs because of environmental protection orders; and authorizes $100 million through fiscal year 1974 in technical aid to local governments which lack the expertise to conduct their own administration and planning studies.

This important legislation is designed to help this Nation surmount the economic doldrums of the past several years, and I urge its adoption by the House.

Mr. WILLIAM D. FORD. Mr. Chairman, I want to join my colleagues today in expressing strong support for the passage of H.R. 16071, the bill to approve and expand the accelerated public works impact program.

If passed into law, this bill will authorize $500 million—through fiscal year 1974—for the creation of urgently needed public service jobs in local communities which are suffering from excessive levels of unemployment. Eligible cities and counties will benefit from participation in these programs in two ways. First of all, the legislation will help high-unemployment areas to relieve their unemployment problems by creating jobs that local communities can no longer afford to provide. And second, jobs will be created which will help these localities to attack some of their most pressing problems. Projects which could be initiated as a result of the passage of this legislation include the establishment of badly needed facilities such as hospitals, police stations, libraries, community centers, as well as the expansion of programs to improve water and storm drainage systems, sewers, and water purification projects.

Two other important features of this legislation include an authorization of $100 million, during the next 2 years, for unemployment compensation to workers who have lost their jobs as a result of environmental protection orders, and an authorization of $15 million to aid local governments in their operation of vocational training programs.

Mr. Chairman, throughout the last 3 years, this country has been plagued with persistently high levels of unemployment. While the Nixon administration has held firm in its belief that unemployment is a necessary evil in the battle to combat inflation, millions of American men and women have continued to suffer from the impact of long-term unemployment. We have seen the level of unemployment rise sharply from 2.7 million in January 1969, to over 5.1 million as of July 1972.

Congress, in response to this continuing crisis, has been required to assume the mantle of leadership which has been so seriously neglected by the present administration. We have put forth a variety of programs in an effort to stimulate the economy and to provide jobs in areas of critical importance to communities across the country.

A little over a year ago, the House and Senate overwhelmingly approved accelerated public works legislation only to have it vetoed by President Nixon, who called it a "deficient approach" to the unemployment problem. Now, a year later, the unemployment situation remains at the depressing figure of 5.5 percent and the Nixon administration has still failed to offer any substantive programs to deal with the problem.

In his June 29 press conference, President Nixon confessed that he was "not a bit satisfied" with the unemployment situation and he stated his intention to "explore other means to bring the rate of unemployment down."

Mr. Chairman, I share President Nixon's dissatisfaction. While I am aware that the problem of reducing the rate of unemployment is a very difficult one, I disagree completely with the President's premise that it is a problem that will disappear if we just ignore it long enough. The past 3½ years demonstrate that this will not work.

Obviously, the accelerated public works program will not provide a panacea for all of the problems of our depressed economy. However, I believe it is a responsible and progressive approach to a problem that desperately calls for action, not inaction.

I strongly urge my colleagues to give this bill the strong support which it deserves and I hope that this year the President will choose to reconsider his position and approve this critically important piece of legislation.

Mr. MAHON. Mr. Chairman, with some reluctance, I think I must vote against passage of the pending bill, H.R. 16071. Congress should take appropriate steps to assist people who suffer economic dislocation as a result of being thrown out of work because of the application of Federal environmental impact orders.

However, as I understand it, no committee hearings were held on this matter, which involves not only unemployment compensation payments, but also temporary assistance in the form of mortgage and rental payments and moving expenses. I am advised that the types and conditions of assistance under this particular bill have not been coordinated and dovetailed with similar types of assistance available under other programs such as those involved in trade adjustment economic dislocation assistance.

I just do not believe adequate consideration has been given to this open-ended, uncoordinated feature of the bill.

Mr. HAMMERSCHMIDT. Mr. Chairman, because our colleague, Congressman LaMar Baker, is on an official leave of absence as a delegate from Tennessee on the resolutions committee of the Republican Party meeting in Miami this week, he is unable to be here this afternoon.

However, he worked with us in developing this legislation and shares our reservations on certain aspects. Thus, at this point, I would like to insert his remarks on this economic development legislation:

STATEMENT OF HON. LAMAR BAKER ON PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1972

Mr. Chairman, by and large, I strongly support these Public Works and Economic Development Act Amendments. The Economic Development Administration is carrying out its mandate and administering its programs in a highly commendable manner, and this legislation to continue and improve their programs deserves the support of all of us.

Nevertheless, I must stress my serious reservations, which we also noted in filing our minority views, regarding section 9 of this bill which would add a new Title VIII "Environmental Effects" to the Public Works and Economic Development Act. Section 801 would provide for assistance to working people whose jobs are lost due to the issuance of a federal environmental quality standard or order. Subsection 801(c) would provide a federally-paid unemployment compensation benefit based upon 60% of the worker's former weekly wage without a dollar limit, and would provide for the payment of rent or purchase contract or mortgage payments upon written notice of eviction from or foreclosure of his principal place of residence, for up to one year.

The examples cited in our minority views clearly show what a windfall this would be. Just imagine, a wage earner with two dependents earning four dollars an hour could receive about $8,000 per year without working a day. A wage earner earning $20,000 per year with two dependents would receive benefits equivalent to $17,000—making his effective income after taxes higher by $640 a year when he is not working than when he is working.

I can hardly believe, Mr. Chairman, that Congress wants to encourage industry to fold up because their employees and officials can be amply taken care of under this provision rather than making the necessary adjustments to accommodate the environmental needs.

Further, I have very real doubts about the propriety of using the EDA program to get into such a major unemployment compensation business. This legislation is just not the proper place for this type of language.

I agree that EDA funds should be available to help salvage any business which finds itself in dire straits because of anti-pollution activities. However, I firmly believe that if anyone in any industry, knowingly or otherwise, contributes to unsafe air and water, then it is their obligation to clean it up—American taxpayers across the Nation ought not to be burdened with problems in one area.

Mr. DON H. CLAUSEN. Mr. Chairman, I rise at this time to express my strong support for H.R. 16071, the Public Works and Economic Development Act of 1972.

The concept behind this legislation has proved to be effective since its inception but its efficacy is matched by the competent handling of the programs by the officials at the Economic Development Administration.

These men and women continue to adopt a constructive and helpful attitude that has resulted in our north coast of California area being able to make good strides toward meeting our full economic potential and diversifying our economy in a planned, disciplined way.

The First Congressional District I am privileged to represent in the Congress has historically been an area of high unemployment and its reliance on one major industry has limited its ability to fulfill the needs and aspirations of its residents. Our area marks a true proving ground for the programs of the Economic Development Administration. I am pleased that a good working relationship has developed between the local people and the EDA officials. I know it will continue and work for the benefit of the Redwood Empire.

Mr. MILLER of Ohio. Mr. Chairman, I rise in support of H.R. 16071, the Public Works and Economic Development Act Amendments of 1972. This bill would continue and expand one of the truly successful and effective programs we have in helping economically distressed areas to help themselves. It is not a one-shot program having only temporary benefit, but a long-term endeavor to make permanent, tangible economic improvement possible in those parts of the country which have lagged behind the mainstream of national economic development. Through long-range planning, community facility grants and loans, business grants and loans, and technical assistance, EDA works with States, area-wide development districts, and local communities to create more viable and diversified local economies and expanded job opportunities for the unemployed and underemployed.

During the nearly 2 weeks of hearings on the 1965 act, as amended, the subcommittee received considerable testimony reflecting the wide support and general effectiveness of EDA programs and suggesting where we might improve program criteria, guidelines, administration, and delivery. The refinements and revisions contained in H.R. 16071 recognize the nature of current economic conditions and the need to maximize the efficient utilization of program resources.

The bill extends the economic development programs to June 30, 1974, and authorizes $3.18 billion in new funds. Because of the severe financial problems facing disadvantaged communities, the bill allows supplemental grants to work to reduce the local share of project costs and decrease their share in the case of combined grants from 20 to 10 percent.

Under the 1971 amendments to the act, the public works impact program—PWIP—was created to provide immediate useful employment in areas of threatened or actual unemployment, a concentration of low income families, or substantial outmigration through supplemental grants to 100 percent of a public facility project costs.

PWIP has been quite successful in creating jobs and building badly needed community facilities. This is true in our own 10th Congressional District where three projects were approved in fiscal year 1972 with 80 percent EDA fundings. The bill continues PWIP in its special role and authorizes $1 billion in fiscal year 1973 and fiscal year 1974. In addition the bill provides for guaranteed loans and leases for business development, technical assistance to local sponsors in filing applications, upstart grants for the operation of vocational training facilities, stronger program coordination at the Federal, State, and local level, redefinition of special impact areas, continuation of economic development districts under certain circumstances, and a moratorium of area designation. These revisions are important and make for a better and more responsive program.

Mr. DON H. CLAUSEN. Mr. Chairman, I wish to take this opportunity to associate myself fully with the comments of the distinguished gentleman from South Carolina (Mr. DORN).

At the same time, I want to express my admiration and appreciation for his effective leadership in advancing the legislation we are considering today.

His helpful, cooperative, and constructive attitude while serving as chairman of our Subcommittee on Economic Development Programs makes it a privilege to be associated with him in our work on the Public Works Committee.

The gentleman from South Carolina is truly a southern gentleman in the most complimentary sense of the word. Both the general public and the direct beneficiaries of EDA programs are deeply in his debt.

Mr. McKAY. Mr. Chairman, I have cosponsored accelerated public works bills in both sessions of this Congress. I have done so for a variety of reasons.

First, I believe it is inexcusable to permit widespread unemployment when we have available the tools to correct the problem. I need not describe here the despair that gripes a man who wants to work but cannot. Nor need I dwell on the effects of unemployment on his family. Some of us here today—and I am one—have been through this agony and most of us promised in the 1970 election to use our best efforts to combat unemployment.

Second, the use of an accelerated public works process is a tested and valid method for dealing with unemployment. We observed its success in the thirties and we have seen it work in the sixties under President Kennedy.

Third, the benefits of the work to be done will, in the future, forestall unemployment by creating circumstances in which private enterprise can prosper and thrive.

Fourth, this particular bill makes good use of the efforts we have already made to identify the areas where unemployment is severe. The bill compliments existing programs.

Fifth, the bill is fiscally responsible. The amount of money authorized is reasonable. Moreover, it makes good fiscal sense for the Government to promote its construction programs when the productive capacity of private enterprise is not being fully used.

All projects to be funded by the bill would be built sooner or later anyway. How much better it is to build them now at lower costs and at a time when the work generated will be most welcome.

Mr. Chairman, we all want to avoid welfare handouts if we can. But the only alternative for a humane society is to assure the opportunity to work for all our citizens. The bill before the House provides this opportunity and, at the same time, it provides needed capital improvements throughout our Nation. The bill makes good sense and deserves our support.

Mr. STOKES. Mr. Chairman, I want to express my full support for H.R. 16071, the Public Works and Economic Development Act Amendments. I cosponsored accelerated public works legislation both last year and this year. The bill now before us provides authorization for vitally needed public works projects. It would have the additional benefit of substantially reducing the very serious unemployment which has persisted so long.

President Nixon has consistently obstructed all efforts to reduce unemployment. He talks of reducing welfare rolls but his policies keep millions on unemployment rolls. Programs which would have provided substantial numbers of jobs have had their funds impounded by the Office of Management and Budget. A prime example is the $500 million appropriated for water and sewer grants last year. One justification given at that time was that public works projects take too long to make an impact on the unemployment situation. That was one full year ago. Unemployment is still hovering around six percent nationally and is far above that in our central cities and poor rural communities. If the President had approved the legislation last year, we could have made some real progress by now. We must give him that opportunity again.

Two provisions of this bill are deserving of special attention. The first is the authorization of $500 million in fiscal year 1973 and $500 million in fiscal year 1974 for the public works impact program. The entire amount available for this program—nearly $48 million—was obligated last year. Grants of up to 100 percent of project cost are available under this program to areas having threatened or actual high unemployment, a concentration of low income residents, or substantial out migration. The authorization of $500 million is fully justified, and I am hopeful that the full amount will be appropriated.

Finally, the bill deals with the problem of loss of employment as a result of environmental protection orders.

It provides for low interest loans to enterprises which would otherwise have to close down because of environmental regulations. It also provides unemployment compensation payments to employees who lose jobs because of such orders.

The administration's failure to confront the unemployment crisis cannot be tolerated. We must act to provide jobs for the more than 5 million jobless people. I think this bill is an effective approach. I urge my colleagues to join me in supporting both the bill and the necessary appropriations.

Mr. RODINO. Mr. Chairman, the high unemployment rate in this country is creating a desperate situation for many Americans. Families that once proudly provided for their own means now find themselves without employment and no income. I have strongly urged for many years some concerted effort on the part of Congress to find a way to alleviate this problem.

One substantial effort toward this goal is H.R. 16071, introduced by my distinguished colleague JOHN MCFALL and of which I am a cosponsor.

H.R. 16071 will increase assistance to high unemployment "special impact" areas. The bill will help to create additional employment in the construction industry including building trades, which suffer from an unemployment level far above the national average. Eight hundred million dollars would be authorized for the EDA on-going public works program, a necessary step to lower unemployment. Funds would also be allocated to regional and local authorities in order to insure that the most pressing needs of any area would receive attention first. H.R. 16071 would authorize $100 million through 1974 for unemployment compensation for those workers whose jobs are lost due to environmental protection studies. This is a major area of concern, because although it is very important to safeguard our environment we must also make certain that no hardships are created in this effort.

This bill also provides for a 90-percent loan guarantee to aid business firms in redevelopment areas. We must insure that business will have an incentive to develop in other areas.

I do not contend that more Government jobs is the whole answer to the problem of unemployment, but it would appear to be at least a part of it. We must now pinpoint the attack on joblessness in this country. Unemployment has reached an intolerable level. We can no longer sit by and watch severe hardship overtake decent Americans. These are the same Americans who worked all their lives, as long as they had a job. They worked for the benefit of their families. They worked because they felt that as long as they were able to, it was their duty.

H.R. 16071 will help to eliminate some of this problem. It will provide jobs that do not now exist, for the many Americans who are desperately searching for work. We must not let these people down. We must begin the battle against unemployment. It is for these reasons that I urge my colleagues to support H.R. 16071.

Mr. RONCALIO. Mr. Chairman, I am encouraged with our positive action in regard to H.R. 16071, the Public Works and Economic Development Amendments of 1972. Administrative attempts to cope with the current economic crisis have been basically ineffective to date. The President's efforts to check inflation have resulted in massive unemployment.

This bill, which authorizes specified appropriations for fiscal years 1973 and 1974, not only extends aid to already existing public works programs, but also provides funds for new public works programs in economically depressed areas. The benefits from such legislation are twofold. H.R. 16071 will provide jobs for scores of unemployed who would otherwise remain faceless statistics on our unemployment lists. In addition, a multitude of public necessities will be satisfied. Public works projects will include the construction of police stations, libraries, airport facilities, street lighting and so on.

Since World War II we have spent $1,300 billion on our military and defense programs. In the same period an additional $100 billion has been authorized for foreign aid. The time has long been due for us to turn our attention to the critical domestic needs of our Nation. The public works bill on which we have just acted is a step in that direction.

While favoring the overall nature of H.R. 16071 I must stand in disagreement with title VIII, sections 801 and 802. This amendment provides novel benefits for those affected by Government measures geared to the improvement of environmental quality. I have always condoned those actions which improve the environment when conducted in a responsible manner. It is inevitable that industries which cannot adjust to essential standards will suffer adverse consequences. Compensation of some sort must be available but this compensation must be prudently controlled within functional guidelines.

Section 801 would insure that up to 60 percent—but not to exceed $129 per week—of one's salary would be guaranteed for 78 weeks if that person finds himself unemployed because of Government enforced environmental action. Other benefits include temporary mortgage and rental payments and relocation assistance. There are problems with this provision. An employee covered by this section is given the advantage of 26 additional weeks of unemployment compensation over the standard 52 weeks with which others in the same predicament must be satisfied. There is no requirement that the recipient be available and actively seeking employment. There is a dearth of incentive to find a job which runs contra to the desired goals of H.R. 16071. There is a strong possibility that this section will cause duplication of already existing programs such as trade adjustment dislocation assistance.

Section 802 provides 30-year, 3-percent interest loans to enterprises which may otherwise be forced to close or reduce the number of their employees as a result of environmental orders unless they adjust their pollution generating operations. This smacks of the same preferential treatment given to Lockheed which so many of us actively opposed. It is feasible that an industry could use this assistance to their advantage and find themselves in a substantially improved situation requiring fewer employees with little or no effort. Many industries should have taken it upon themselves to adjust their environmentally damaging procedures long ago rather than wait for massive Federal assistance.

There is much good to be gained from programs which offer aid to those who are affected by environmental directives. But such programs must be given our closest attention if they are to be truly meaningful.

H.R. 16071 is a landmark in domestic legislation. If and when it becomes public law it will be a boon to the unemployed. Public oriented projects will be expanded in a forward attempt to meet our society's demands. With direction, perseverance and responsible administration the public works and economic development amendments which we have passed will, for the most part, promote our country's prosperity.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Works and Economic Development Act Amendments of 1972".

Sec. 2. Section 2 of the Public Works and Economic Development Act of 1965 is amended by inserting at the end thereof the following sentence: Congress further declares that the aforesaid conditions have caused substantial outmigration from rural to urban areas frustrating orderly national growth and aggravating the economic and social conditions of areas of outmigration as well as central cities. Orderly development of the Nation's economy should anticipate and account for dislocation of jobs due to technological change, shifting trade patterns, environmental adjustments, and the continuing need to make geographical adaptations to economic problems."

Sec. 3. Title I of the Public Works and Economic Development Act of 1965 is amended as follows:

(1) By striking in subsection (a) (1) (D) of section 101 "a redevelopment" and inserting in lieu thereof "an"; and by striking "401(a) (6)" and inserting in lieu thereof "107".

(2) By striking in subsection (c) of section 101 the number "20" and inserting in lieu thereof the number "10".

(3) By striking in subsection (c) of section 101 "a redevelopment area designated as such under section 401(a) (6)" and inserting in lieu thereof "an area designated as such under section 107".

(4) By striking in subsection (c) of section 101 the entire sentence beginning with "Notwithstanding" and ending with "the applicable law.".

(5) By striking in subsection (c) of section 101 the words ", the nature of the project to be assisted" and all that follows down through and including the period at the end of the sentence and inserting in lieu thereof the following: "and the nature of the project to be assisted.".

(6) By striking in subsection (a) of section 102 "In addition to the assistance otherwise authorized," and by capitalizing the word "the" immediately following.

(7) By inserting in section 104 after the words "pursuant to" the words "section 105 of".

(8) By inserting in section 105 after the word "title" the words "(except as provided in section 107)"; by striking in the first sentence the words "and June 30, 1973.", and inserting in lieu thereof the words "June 30, 1973, and June 30, 1974."; by striking in the third sentence the words "years ending June 30, 1972, and June 30, 1973," and inserting in lieu thereof the words "year ending June 30, 1972,"; by striking in the third sentence the words "redevelopment" and "as such"; and by striking in the third sentence "401(a) (6)" and inserting in lieu thereof "107".

(9) By adding at the end of such title the following new section:

"PUBLIC WORKS IMPACT PROGRAM

"Sec. 107. (a) The Secretary is authorized to designate those communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) which he determines have one of the following conditions:

"(1) a large concentration of low-income persons;

"(2) rural areas having substantial outmigration;

"(3) substantial unemployment; or

"(4) an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment.

No area designated under this section shall be subject to the requirements of subparagraphs (A) and (C) of paragraph (1) of subsection (a) of section 101 of this title. No area designated under this section shall be eligible to meet the requirements of section 403(a) (1) (B) of this Act. Each area designated under this section shall be known as a public works impact area.

"(b) The Secretary is authorized to make grants, in accordance with the provisions of this title, to areas designated under this section.

"(c) Areas designated under this section shall be subject to a periodic review of eligibility (but at least annually) and the Secretary shall terminate the designation of any such area whenever it no longer satisfies the requirements of this section.

"(d) There is hereby authorized to be appropriated to carry out this section not to exceed $500,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974."

Sec. 4. Title II of the Public Works and Economic Development Act of 1965 is amended as follows:

(1) By inserting in subsection (c) of section 201 after the words "and guaranteeing loans" the words "and lease rentals"; and by striking "1973" and inserting in lieu thereof "1974".

(2) The catchline for section 202 is amended by striking the words "LOANS AND GUARANTEES" and inserting in lieu thereof the words "FINANCIAL ASSISTANCE FOR BUSINESS DEVELOPMENT".

(3) By striking all of subsection (a) of section 202 and inserting in lieu thereof the following new subsection:

"Sec. 202. (a) (1) The Secretary is authorized to aid in financing, within a redevelopment area, the purchase or development of land and facilities (including machinery and equipment) for industrial or commercial usage, including the construction of new buildings, the rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings by (A) purchasing evidences if indebtedness, (B) making loans (which for purposes of this section shall include participation in loans), (C) guaranteeing loans made to private borrowers by private lending institutions, for any of the purposes referred to in this paragraph upon application of such institution and upon such terms and conditions as the Secretary may prescribe, except that no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan.

"(2) The Secretary is authorized to aid in financing any industrial or commercial activity within a redevelopment area by (A) making working capital loans, (B) guaranteeing working capital loans made to private borrowers by private lending institutions upon application of such institution and upon such terms and conditions as the Secretary may prescribe, except that no such guarantee shall at any time exceed 90 per centum of the amount of the outstanding unpaid balance of such loan, (C) guaranteeing rental payments of leases, except that no such guarantee shall exceed 90 per centum of the remaining rental payments required by the lease.".

(4) By inserting in subsection (b)(6) of section 202 after the word "repayment." the following sentence: "No lease guarantee shall be made unless the Secretary determines that there is a reasonable assurance of payment of the rentals required by the lease.".

(5) By striking in subsection (b)(7) of section 202 the comma after the words "no loan" and inserting immediately thereafter the words "or guarantee,".

(6) By striking in subsection (b)(9) of section 202 the number "65" and inserting in lieu thereof the number "75".

SEC. 5. Title III of the Public Works and Economic Development Act of 1965 is amended to read as follows:

(1) By inserting after the second sentence in subsection (a) of section 301 the following: "Such assistance shall include aiding an applicant in applying for assistance under this Act if such applicant does not possess the expertise and does not possess the ability to obtain the expertise necessary to perform the technical aspects of application.".

(2) By inserting in subsection (b) of section 301 immediately after the word "thereof" the following: ", except that in the case of a grant under this subsection to an Indian tribe the Secretary is authorized to defray up to 100 per centum of such expenses".

(3) By striking out in subsection (b) of section 301 the following: "the Federal-Aid Highway Act of 1962," and inserting in lieu thereof "title 23, United States Code,".

(4) By adding new subsections (g) and (h) to section 301 as follows:

"(g) The Secretary is authorized to provide assistance under subsection (a) of this section to any State for the purpose of such State—

"(1) preparing an overall State economic development program;

"(2) providing technical assistance by use of State employees to economic development districts and proposed districts;

"(3) reviewing overall economic development programs prepared by an economic development district or a proposed economic development district.

"(h) The Secretary is authorized to provide assistance under subsection (a) of this section to economic development districts for the purpose of such district:

"(1) providing technical assistance (other than by grant) to local governments within the district;

"(2) carrying out any review procedure required pursuant to title IV of the Intergovernmental Cooperation Act of 1968 if such district has been designated as the agency to conduct such review.".

(5) Section 302 is redesignated as section 303 and immediately following section 301 a new section 302 is inserted as follows:

"SEC. 302. In the case of a vocational training facility constructed with a direct grant under title I of this Act, the Secretary is authorized to make grants for the operation of such facility. Such grants may be made for up to 75 per centum of the operating costs of such facility for any two-year period during the five-year period beginning on the date of enactment of the Public Works and Economic Development Act Amendments of 1972. Not to exceed $15,000,000 per fiscal year of the funds authorized in section 303 of this title shall be available to carry out this section.".

(6) By striking in redesignated section 303 "and June 30, 1973.", and inserting in lieu thereof: "June 30, 1973, and June 30, 1974.".

SEC. 6. Title IV of the Public Works and Economic Development Act of 1965 is amended as follows:

(1) By amending section 401(a)(6) to read as follows:

"(6) those urban and rural communities or neighborhoods (defined without regard to political or other subdivisions or boundaries) which the Secretary determines have one of the following conditions:

"(A) a large concentration of low-income persons;

"(B) substantial unemployment; or

"(C) an actual or threatened abrupt rise of unemployment due to the closing or curtailment of a major source of employment.

No redevelopment area established under this paragraph shall be eligible to meet the requirements of section 403(a)(1)(B) of this Act;".

(2) By striking in section 403(a)(1)(B) the words "two or more redevelopment areas" and inserting in lieu thereof "at least one redevelopment area".

(3) By amending section 403(a)(1)(D) to read as follows:

"(D) the proposed district has a district overall economic development program which—

"(i) includes adequate land use and transportation planning;

"(ii) contains a specific program for district cooperation, self-help, and public investment;

"(iii) is approved by each affected State as consistent with the goals and objectives of each applicable State plan and any overall State economic development program;

"(iv) is approved by the Secretary; and

"(v) provides that a copy be furnished to the appropriate regional commission established under title V of this Act if any part of such proposed district is within such a region, or to the Appalachian Regional Commission established under the Appalachian Regional Development Act of 1965 if any part of such proposed district is within the Appalachian region;".

(4) By striking out in section 403(a)(2)(C) "two hundred and fifty thousand" and inserting in lieu thereof "five hundred thousand".

(5) By amending subsections (d), (e), and (f) of section 403 to read as follows:

"(d) As used in this Act the term—

"(1) 'economic development district' refers to any area within the United States composed of a cooperating redevelopment area or areas and, where appropriate, designated economic growth centers and neighboring counties or communities, which has been designated by the Secretary as an economic development district;

"(2) 'economic growth center' refers to any area within the United States which has been identified as an economic growth center in an approved district overall economic development program and which has been designated by the Secretary as eligible for financial assistance under sections 101, 201, and 202 of this Act in accordance with the provisions of this section; and

"(3) 'local government' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

"(e) The Secretary is authorized to provide, in accordance with the applicable requirements of this Act, financial assistance to those parts of an economic development district which are not within a redevelopment area when such assistance will be of significant direct benefit to a redevelopment area within such district. Such financial assistance shall be provided in the same manner and to the same extent as is provided in this Act for a redevelopment area, except that nothing in this subsection shall be construed to permit such parts to receive the increase in the amount of grant assistance authorized in paragraph (4) of subsection (a) of this section.

"(f) In addition to technical assistance under section 301(a) of this Act, the Secretary is authorized to make grants to an economic development district to pay not to exceed 75 per centum of the administrative expenses, and not to exceed 100 per centum of planning expenses, of such district. In any case where the designation of an economic development district is terminated under subsection (c) of this section before the expiration of the five-year period which begins on the date of designation of such district, grants may be made under this subsection for such additional time as may be necessary to insure that such former district will receive administrative and planning grants during such five-year period. In determining the amount of the non-Federal share of such expenses, the Secretary shall give due consideration of all contributions both in cash and in kind, fairly evaluated, including but not limited to space, equipment, and services. Where practicable, planning grants authorized by this subsection shall be used in conjunction with other available planning grants, such as urban planning grants, authorized under the Housing Act of 1954, as amended, and highway planning and research grants authorized by title 23, United States Code, to assure adequate and effective planning and economical use of funds. For the purposes of this subsection there is hereby authorized to be appropriated not to exceed $20,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974.".

(6) By striking in subsection (g) of section 403 "1973" and inserting in lieu thereof "1974".

SEC. 7. (a) Title V of the Public Works and Economic Development Act of 1965 is amended as follows:

(1) By inserting in clause (7) of subsection 503(a) after the words "other Federal, State," the following: "district,".

(2) By amending section 503 by adding at the end thereof the following new subsection:

"(f) Each Commission shall provide for public participation in the development and revision of any plan or program developed or prepared by such Commission.".

(3) By striking out in the first sentence of section 505(a)(2) the phrase "and training programs" and inserting in lieu thereof: "training programs, and the payment of administrative expenses".

(4) By amending section 505(c) to read as follows:

"(c) In carrying out subsection (a)(1) and subsection (b) of this section there may be expended in any fiscal year out of funds appropriated under authority of section 509(d) of this title, such sums as are necessary up to a maximum of 10 per centum of the funds appropriated for each regional commission."

(5) By inserting in section 509(d) "(1)" immediately after "(d)".

(6) By striking out in the first sentence of section 509(d) "two-fiscal-year period ending June 30, 1973, to be available until expended, not to exceed $305,000,000." and inserting in lieu thereof "fiscal year ending June 30, 1972, to remain available until expended, $152,500,000.".

(7) By striking out in the third sentence of section 509 (d) "authorization" and inserting in lieu thereof "paragraph".

(8) By adding in section 509(d) at the end thereof the following:

"(2) There is authorized to be appropriated to the Secretary to carry out this title, for the fiscal years ending June 30, 1973, and June 30, 1974, not to exceed $100,000,000 per fiscal year for each regional commission which has a comprehensive long-range economic plan approved under section 503(a)(2) of this Act, and not to exceed $20,000,000 per fiscal year for each regional commission which does not have such an approved plan.".

(9) Section 511 is amended to read as follows:

"SEC. 511. (a) The Secretary shall coordinate his activities in making grants and loans under titles I and II of this Act and in providing technical assistance under title III of this Act, with those of each of the Federal Cochairmen under this title, and each Federal Cochairman shall coordinate his activities under this title with those of the Secretary in making grants and loans under titles I and II of this Act and in providing technical assistance under title III of this Act.

"(b) Each regional commission shall coordinate its activities under paragraphs (2) and (7) of subsection (a) of section 503 of this Act with the economic development districts in such region."

(b) The amendment made by paragraph (2) of subsection (a) of this section shall not be construed as affecting the validity of any plan or program which has been developed or revised prior to the date of enactment of this Act.

SEC. 8. Title VII of the Public Works and Economic Development Act of 1965, as amended, is amended as follows:

(1) Section 701 (4) is amended by inserting immediately after "with loans" the following: "or guarantees", and by inserting after "such loans" the following: ", guarantees,".

(2) Section 701(5) is amended by inserting after "maturity" the following: "or term"; and by inserting after "any loan" the following: "or guarantee"; by inserting after "in such loan" the following: ", guarantee,"; and by inserting after "of such loan" the following: ", guaranteed obligation,".

(3) Section 701(6) is amended by inserting after "loans" the following: "or guarantees".

(4) Section 701(7) is amended by inserting after "loans" each of the two places it appears the following: "or guarantees".

(5) Section 701(9) is amended by inserting after "loans" the following: "or guarantees".

SEC. 9. The Public Works and Economic Development Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE VIII—ENVIRONMENTAL EFFECTS

"SEC. 801. (a) The Administrator of the Environmental Protection Agency shall on his own motion or not later than thirty days from the date he receives a written request of an employee of an affected plant or industry, or his representative, initiate an investigation of any employment loss which results or may result from the issuance of a standard or order under the Federal Water Pollution Control Act, the Clean Air Act, or any other Federal law having for its primary purpose the improvement of environmental quality. Such investigation shall be completed and a report of employment loss submitted to the Secretary of Labor not later than the sixtieth day after the date of initiation of investigation. The Secretary of Labor, upon receipt of such report, shall certify as unemployed as a result of such standard or order all employees who are unemployed as a result of such standard or order with respect to which the Administrator has conducted an investigation under this subsection. An individual to be eligible for certification for assistance under this section shall have had in the seventy-eight weeks immediately preceding his unemployment at least twenty-six weeks of employment in the plant or industry affected.

"(b) The Secretary is authorized to provide to any individual certified as unemployed under subsection (a) unemployment compensation. Such unemployment compensation shall equal at least 60 per centum of the individual's former weekly wage and shall be paid so long as such person is unemployed, or until he retires from the labor force, whichever period is the lesser, except that no unemployment compensation shall be paid to any individual under this subsection for a period of more than seventy-eight weeks.

"(c) The Secretary is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of an individual certified under this section as unemployed who, as a result of financial hardship caused by such unemployment has received written notice of dispossession or eviction from his principal place of residence by reason of foreclosure of any mortgage or lien, cancellation of any contract or sale, or termination of any lease, entered into prior to such unemployment. Such assistance shall be provided for a period not to exceed one year or for the duration of the period of financial hardship, whichever is lesser.

"(d) The Secretary is authorized to provide reemployment assistance services under other laws to individuals who are certified under this section as unemployed.

"(e) The Secretary is authorized to pay the actual reasonable moving expenses of any individual (including his family and his household effects) certified under this section as unemployed who is unable to find employment a reasonable distance from his principal place of residence at the time of such unemployment and who finds employment beyond such distance.

"(f) There is authorized to be appropriated, not to exceed $100,000,000 for carrying out this section.

"POLLUTION CONTROL FACILITIES LOANS

"SEC. 802. (a) The Secretary is authorized to make loans (which for purposes of this section shall include participation in loans) to aid in financing any project in the United States for the acquisition, construction, or alteration of pollution control facilities (including machinery and equipment) for industrial or commercial usage.

"(b) Financial assistance under this section shall be on such terms and conditions as the Secretary determines, subject, however, to the following restrictions and limitations:

"(1) Such financial assistance shall not be extended to assist establishments relocating from one part of the United States to another or to assist subcontractors whose purpose is to divest, or whose economic success is dependent upon divesting, other contractors or subcontractors of contracts theretofore customarily performed by them; except that such limitations shall not be construed to prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary finds that the establishment of such branch, affiliate, or subsidiary will not result in an increase in unemployment of the area of original location or in any other area where such entity conducts business operations, unless the Secretary has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations.

"(2) Such assistance shall be extended only to applicants both private and public (including Indian tribes), which have been approved for such assistance by an agency or instrumentality of the State or political subdivision thereof in which the project to be financed is located, and which agency or instrumentality is directly concerned with problems of economic development in such State or subdivision, and which have been certified by such agency or instrumentality as requiring the loan successfully to remain in operation.

"(3) No loan shall be made unless it is determined that there is reasonable assurance of repayment.

"(4) Subject to section 701(5) of this Act, no loan, including renewals or extension thereof, may be made hereunder for a period exceeding thirty years.

"(5) Loans made shall bear interest at a rate determined by the Secretary of the Treasury but not more than 3 per centum per annum.

"(6) Loans shall not exceed the aggregate cost to the applicant (excluding all other Federal aid in connection with such pollution control facilities) of acquiring, constructing, or altering the pollution control facility.

"(7) The pollution control facility for which a loan is requested must be—

"(A) a facility or equipment used, or

"(B) a modification of methods, processes, or operations where the primary purpose of such modification is to abate or control water or atmospheric pollution or contamination by removing, altering, recycling, disposing, or storing of pollutants, contaminants, wastes, or heat and which—

"(i) the State certifying authority having jurisdiction with respect to such facility has certified to the Administrator of the Environmental Protection Agency as having been acquired, constructed, or altered in conformity with State requirements for abatement or control of water or atmospheric pollution or contamination; or

"(ii) the Administrator of the Environmental Protection Agency has certified to the Secretary—

"(aa) as being in compliance with the applicable regulations of the Environmental Protection Agency and of all other Federal agencies, and

"(bb) as being in furtherance of the general policy of the United States of cooperation with the States in the prevention and abatement of water pollution under the Federal Water Pollution Control Act, or in the prevention and abatement of atmospheric pollution and contamination under the Clean Air Act.

"(c) As used in this section, the term 'State certifying authority' means, in the case of water pollution, the State water pollution control agency as defined in the Federal Water Pollution Control Act and, in the case of air pollution, the air pollution control agency as defined in the Clean Air Act. The term 'State certifying authority' includes any interstate agency authorized to act in place of a certifying authority of the State.

"(d) There is hereby authorized to be appropriated not to exceed $100,000,000 per fiscal year for the fiscal years ending June 30, 1973, and June 30, 1974, to carry out this section."

SEC. 10. Section 2 of the Act of July 6, 1970 (Public Law 91-304) as amended, is amended by striking out "1972" and inserting in lieu thereof "1974".

SEC. 11. The Public Works and Economic Development Act of 1965, as amended, is amended by striking the words "economic development center" wherever they appear and inserting in lieu thereof "economic growth center"; and by striking the words "economic development centers" wherever they appear and inserting in lieu thereof "economic growth centers".

Mr. JOHNSON of California (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California.

There was no objection.

AMENDMENT OFFERED BY MR. WRIGHT

Mr. WRIGHT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WRIGHT: Page 38, strike out lines 23 and 24 and insert in lieu thereof the following: "shall equal 60 per centum of the individual's former weekly wage or the maximum payable to him under the unemployment compensation law of the State in which his employment loss occurs, whichever is the greater amount, except that no such individual shall be paid more than the highest amount of unemployment compensation payable to any individual by any State under any unemployment compensation law other than this section. Such unemployment compensation shall be paid so long as such individual is."

Mr. WRIGHT. Mr. Chairman, this amendment is offered in an effort to redress what may have been an oversight in the original drafting of the bill. Some of the Members have brought to the attention of the committee the fact that, in our zeal to protect the displaced worker thrown out of a job because of an environmental protection standard or order, we placed no absolute top maximum on the amount that he could thus receive. Under the bill as presently drafted, such a dislocated worker would be entitled, in addition to certain help in finding another job and help if it is needed on his mortgage payments or his rental payments, to an amount equal to 60 percent of the wage that he had been receiving.

It has been pointed out to the committee that under certain circumstances it is conceivable that an employee making $100,000 a year might be displaced or thrown out of work and thus under the terms of the bill be entitled to as high a payment as 60 percent of $100,000, or $60,000. This of course was not the intent of the committee. So in order to redress that apparent inequity, we offer this amendment which I think is eminently fair.

Mr. Chairman, this amendment would limit the amount of unemployment compensation available to such a displaced person to 60 percent of his former weekly wage or the maximum payable to him under the unemployment compensation law of the State in which his unemployment occurs, whichever of the two is greater, except that no individual would be permitted to be paid more than the highest amount of unemployment compensation payable to any individual by any State under any unemployment compensation law. So we would by the adoption of this amendment avoid any question of duplicate payments. We would avoid enriching someone unduly. We would place a reasonable limitation at the highest level payable by any State under its own unemployment compensation laws, and in no event could it be more than 60 percent of the wage that the employee was receiving.

The imperatives of environmental protection, which all of us recognize, will inevitably dislocate and disaccommodate some unfortunate Americans. That seems a necessity in order to accommodate the needs of the few to the needs of the many. But society does, it seems to me, have the overriding responsibility then to make those workers as whole as we reasonably can, so that the workers do not bear alone the burden of our Nation's environmental effort.

I think this is a humane approach and I think it is a reasonable approach and I think it is a responsible approach. I urge that this amendment be adopted.

Mr. SNYDER. Mr. Chairman, will the gentleman yield for a question?

Mr. WRIGHT. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, in looking at the wording of the gentleman's amendment, there is the limitation:

> Except that no such individual shall be paid more than the highest amount of unemployment compensation payable to any individual by any State under any unemployment compensation law other than this section.

Is the gentleman intending by that wording to mean any State or by the State where the unemployed man is losing his job?

Mr. WRIGHT. He would receive the highest amount paid by the State in which he was employed or 60 percent of his former earnings, whichever was greater, except that in no case could it exceed the amount paid by the highest and most generous payment made among the States.

I am advised that top figure presently amounts to $129 weekly. That would be imposed as an absolute top ceiling.

Mr. SNYDER. So if a fellow was in a State where the normal unemployment payment would be $65 or $70, something like that, he could then get 60 percent of his pay, or up to $129, which I understand is the highest in some other State many miles away?

Mr. WRIGHT. If I am correctly advised, the highest presently extant amounts to $129 a week. He could receive up to that amount, but in no instance could he receive more than 60 percent of his former income.

Mr. SNYDER. So the limitation is the highest of any of the 50 States, whatever it might be at the time.

Mr. WRIGHT. Exactly so.

Mr. SNYDER. I have one other question. The gentleman says the wording of this prohibits the "double dip," both compensation here and from the regular unemployment compensation law. I do not read it that way. I appreciate the fact that the gentleman has said it. However, it looks to me like the wording here is only a limitation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. WRIGHT was allowed to proceed for 1 additional minute.)

Mr. WRIGHT. If I correctly read the act and correctly understand the intent of the Congress, and I believe I do, duplicate payments would not be permitted. He could not receive one payment from his own State in unemployment compensation plus an additional payment in the amount herein authorized. The top total amount authorized to be available to him would be the top amount payable by this statute.

Mr. SNYDER. That is the gentleman's interpretation?

Mr. WRIGHT. That is my interpretation.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from California.

Mr. DON H. CLAUSEN. My understanding of the purpose of the amendment is that it is offered to answer some of the questions presented to us, by Members, during the presentation of the bill to the Rules Committee, because of a concern over the lack of a limitation in this provision.

Mr. WRIGHT. The gentleman is correct. I believe it was a proper concern.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. SNYDER. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. JAMES V. STANTON. I yield to the gentleman from Kentucky for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. SNYDER. Mr. Chairman, I should like to ask if an amendment to strike the entire section is in order as a substitute to this kind of amendment.

The CHAIRMAN. The Chair will advise the gentleman that it is not.

Mr. SNYDER. I thank the Chair.

Mr. JAMES V. STANTON. Mr. Chairman, I rise in support of H.R. 16071, and especially as an advocate of the accelerated public works section of this legislation. The rationale underlying this much needed measure and its mechanics have already been explained to you, and I will not repeat what was said earlier in this debate. But I do want to emphasize that my district in Cleveland, Ohio, needs—desperately—the economic shot in the arm that this legislation would provide. The average annual unemployment rate for the city of Cleveland in 1971 was 11.8 percent—far above the national average. Especially hard hit have been workers in the construction industry who, as you already know, suffer from an unemployment rate that, across the Nation, is twice the national average. In July of this year, the unemployment rate for carpenters, bricklayers, and others in that industry, taken as a whole, was 10.9 percent nationally, compared with an overall unemployment rate of 5.5 percent for the United States in that same month. The accelerated public works program not only offers a very direct solution to this problem, but at the same time it will produce public improvements that are greatly needed—water and sewer plants, airports, hospitals, and other public health facilities, to mention some examples.

Now, as you know, Congress passed an accelerated public works program last year which was promptly vetoed by President Nixon. In view of this fact, some of us here might hesitate to vote again for this program—not because we disagree with it on its merits but out of fear that the President might veto it a second time.

However, I for one do not share this fear, and I shall vote yes on this proposition with full confidence that President Nixon will come around to signing this bill. In the first place, of course, this particular bill is not likely to be as offensive to Mr. Nixon since we are authorizing less money to aid the unemployed—$500 million a year for 2 years as opposed to the $2 billion in last year's bill. This alone ought to make it more palatable to the President.

But, Mr. Chairman, the President is very likely to find other reasons—positive reasons—to sign this bill. He is, after all, a pragmatist, and he has shown an admirable capacity to tacitly admit his mistakes and to reverse himself, no matter how embarassing this might be politically. There are any number of examples of reappraisals of this kind by the President that I could cite. For example, he rejected a bill for public service employment in 1970 but accepted it when we submitted it to him again in 1971. He made a point of renouncing the authority we gave him to impose wage and price controls, only to seize it last year when he finally concluded that his own prescription for the economy had been a failure. He has been a strong critic of deficit spending by Government during the greater part of his public career, but now he has submitted to us a series of deficit budgets, with the definite prospect of more to come. He was one of this country's most outspoken and irreconcilable foes of Communist China, but in an act of high statesmanship, he jettisoned a great deal of past rhetoric and made an historic trip to that country in a quest for peace.

I submit too, Mr. Chairman, that in this election year the President has additional positive and pragmatic reasons to approve, rather than again to disapprove, an accelerated public works program. As Hobart Rowen has written in the Washington Post:

> The administration cannot merely point out that reducing the rate of unemployment in today's society is difficult. It must do something about it. It must consider public works—

And as Alice Rivlin, the distinguished economist, has written:

> (The administration was) consciously holding down total government spending in order to create slack in the economy and reduce the inflation. It was not an implausible policy, although the human costs were bound to be high. Many economists thought at the time that it would be worth creating some unemployment in order to lower the rate at which prices were rising. However, the policy did not work. Unemployment rose all right, but the inflation stubbornly refused to subside.

In short, Mr. Chairman, I truly would be astounded if President Nixon were to veto this bill in 1972. If any of us have any uncertainties on this score, I think we can shed them and proceed, as we are doing here, to consider this bill on its merits alone.

At this time, I would like to call attention also to certain other provisions of this bill, which are equally commendable. It provides $100 million a year for 2 years for long-term, low-interest loans to help industries to finance pollution control equipment. And it provides $100 million through fiscal 1974 for unemployment compensation and rent or mortgage payment grants to workers who lose their jobs because of environmental protection orders.

Mr. Chairman, I heartily recommend adoption of this bill.

SUBSTITUTE AMENDMENT OFFERED BY MR. HAMMERSCHMIDT FOR THE AMENDMENT OFFERED BY MR. WRIGHT

Mr. HAMMERSCHMIDT. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Texas.

The Clerk read as follows:

> Substitute amendment offered by Mr. HAMMERSCHMIDT for the amendment offered by Mr. WRIGHT: Page 38, strike out lines 23 and 24 and insert "shall equal 60 per centum of the individual's former weekly wage or the maximum payable to him under the unemployment compensation law of the State in which his employment loss occurs, whichever is the greater amount, except that no such individual shall be paid more than the highest amount of unemployment compensation payable to any individual in his State under any unemployment compensation law other than this section. Such unemployment compensation shall be paid so long as such individual is".
>
> And on page 39, strike out line 3 and insert "subsection for a period of more than 52 weeks. Unemployment compensation paid under this section shall be in lieu of, and not in addition to, any unemployment compensation payable by reason of such employment loss under any other provision of law."

Mr. HAMMERSCHMIDT. Mr. Chairman, this amendment to the amendment offered by the gentleman from Texas (Mr. WRIGHT) does not differ a great deal from his except in one major area, or perhaps two. It does restrict the amount of unemployment compensation payable to any individual to the highest amount that can be drawn in the State where he resides, whereas the amendment of the gentleman from Texas, as I understand it, restricts it only to the highest amount paid by any State, which is about $129.

This amendment would further correct some of the more severe defects in the reported section of 801 as it now stands.

The bill provides no dollar limits of payments that can be made, as the gentleman from Texas agreed. His and my amendment would eliminate that, and tie payments into the maximum paid in the individual States. They differ as to an overall maximum of $129 as set by Mr. WRIGHT's suggestion and the maximum.

Another major difference between my amendment and that of Mr. WRIGHT's is that my amendment overcomes the provision of benefits for 78 weeks, and it does reduce the time to 52 weeks. This is done because I see no reason to break new ground by providing an extra long period of benefits.

The amendment corrects a defect in the language by eliminating the words "at least" from line 23 of page 38, thus setting the payment at 60 percent. It is now undefined in the amendment. And the amendment offered by the gentleman from Texas also speaks to that section.

It further insures the fact, too, that you cannot get a double dip, which is also the intent of the amendment offered by the gentleman from Texas; the language in here just further spells it out.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman from Texas.

Mr. WRIGHT. As I understand the two changes the gentleman would make in the amendment as I have offered would be, first, that he would limit the total amount that an individual might draw to that amount which he would already be entitled otherwise under the unemployment laws in his State and, second, that it would limit the length——

Mr. HAMMERSCHMIDT. Mr. Chairman, it limits it to the highest amount any individual may draw in his State.

Mr. WRIGHT. So that it would give him some additional benefits, possibly, over those he has now, but additionally the gentleman's amendment would limit the payments to 52 weeks rather than 78 weeks, and thus bring it back in conformity with the unemployment compensation laws as they presently exist; is that correct?

Mr. HAMMERSCHMIDT. That is correct.

Mr. WRIGHT. Does the gentleman from Arkansas not feel that those who are displaced by reason of Federal action may be entitled to something a little more than the ordinary unemployment compensation?

Mr. HAMMERSCHMIDT. I would point out to the gentleman that this body has been asked to consider a new concept in compensation laws without the benefit of hearings, and there is questionable jurisdiction in this matter in my opinion.

The existing unemployment compensation law generally provides a standard of 26 weeks and, as the gentleman knows, these two have been extended up to two 13-week extensions. In other words, to 52 weeks, and this would be sufficient, one would think, for a qualified individual to find some type of gainful employment.

Much has been made of the fact that the Trade Expansion Act provides 78 weeks. However, not enough has been made of the fact it requires, as a condition of those benefits, attendance at a retraining program.

Without some sort of limitation as to how an individual spends his time, it is unreasonable for us to provide for a year and a half of benefits, benefits which are exceedingly generous in nature, without at the same time assuring that the individual is properly utilizing his time.

Again, I would point out that even the 78 weeks provided for in this section are not the result of deliberated hearings, or the result of the expertise of witnesses, but seem to have been plucked from the air. The proposed extension seems to have been plucked from the stratosphere. And there are additional benefits in here for moving benefits and for rental and mortgage payments to the individual affected.

Mrs. ABZUG. Mr. Chairman, I move to strike the last word. I wish to speak in opposition to the amendment and certainly to the substitute amendment.

I think there is a lot of confusion in both of the proposals being presented here. The fact is that we are dealing with a very important concept: The burdens and sacrifices required by an action of the government taken for the benefit of all the people should be taken as the responsibility of all interests in society and should be shared equitably by all people in the society. It is wrong for an action of government, which in the end seeks to benefit all of us, to fall disproportionately upon some who are innocent victims of it.

The purification of the environment is in the interest of all citizens. Ultimately all of us will pay for it at some time in terms of taxes and higher prices. It seems to me unconscionable to expect that the working people in this country who stand to lose the most in the event of a Federal environmental order, who stand to lose their jobs permanently—not temporarily, as happens in the usual circumstances in which unemployment compensation is paid—as a result of plant shutdowns resulting from environmental orders should bear the entire burden themselves.

It seems to me unconscionable that anybody here, be he Democrat or Republican, should request families to make the kind of sacrifices that are here being asked.

Many of us in committee, or at least a good number of us, felt that not only should there be a provision for 66⅔ percent of income given to the workers under the circumstances and some repayment for relocation and rent or mortgage assistance, but that there should also be some way of repaying the worker for his fringe benefits, such as the money that he has paid into his pension fund which he may also lose in the event of a plant shutdown due to a governmental order respecting the environment.

There is a misconception here among the Members of this body who are by comparing the environmental allowances for workers being proposed in this bill with regular unemployment compensation benefits.

They are two entirely different things; in the present instance, you are talking about a man possibly losing his livelihood for an extended period of time which may go way beyond the 78 weeks provided here.

I think the Committee on Public Works showed a great deal of intelligent conservatism in recognizing that if we were to clean up our environment, we would have to find not only a way to recompense the workers, but also a way to help business secure the money, at low interest rates, to put in antipollution equipment. We provide in the very next section, I might add, for loans to business which come out of everybody's pockets, including the workers; at a very low rate, 3 percent, to permit them to get the kind of equipment that they need to continue their business.

It is very interesting that some Members of this House are prepared to secure and back up business but are seeking to take away from the workers who have no other remedy, no other means with which to feed and clothe their families.

It would be inexcusable for this Congress not to give the kind of compensation that is required for working people to continue their livelihood and to thereby make them allies with us in efforts to clean up pollution. Otherwise, we may lead the working people of this country to feel that it is against their interest to work with us in cleaning up pollution. Perhaps that is what the authors of these amendments seek to do. But if that is so, it is certainly an antisocial act, and I would call upon the Members of this body to vote down these amendments and to go along with the committee bill, which is really a very minimal approach toward recognizing our responsibility to the workers in this country.

We recognize our responsibility to business. Let us be equitable in our recognition of our responsibility to labor.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, somehow the last few speakers, including the gentlewoman from New York, have been trying to create the impression that this is the first time public policy has ever resulted in unemployment, and that this new policy gives us a brand new game to which we must apply brand new rules.

I think all of us can think of urban renewal public policy considerations, and of reconversion public policy considerations. Certainly in this Congress we have labored through the Lockheed problem. We can think of many other considerations where certain programs created certain types of unemployment.

Many highway condemnation programs have put businesses out of commission forever.

Mr. Chairman, it is not a new thing to have public policy create unemployment. The committee has done a good thing in attempting to be honest with the people of the country by saying we do have a policy which may create unemployment. That is a plus. That is a first.

Where the committee made its mistake, and why we must have this amendment, is because they attempted to superimpose a new unemployment program administered by a totally separate agency rather than an existing agency. Had they had the foresight to suggest a program that could fit into the existing one, carried out by the Secretary of Labor, we would not have these awful problems of no limits, no extension, and all the other rules that we need to properly administer a program.

The amendments suggested by the gentleman from Texas and the gentleman from Arkansas are illustrative of the fact that this bill is not ready for passage in terms of this unemployment section.

Mr. Chairman, I submit that it is essential that the amendment be adopted and it is essential that the substitute be approved by this House. It would be far better, I think, if we turned the administration of this unemployment provision over to the Secretary of Labor and that it become a part of our regular unemployment compensation program.

I must say again that I commend the committee for admitting that unemployment may result, and for their efforts in pointing this out, and for attempting to finance the unemployment in their own bill.

Mr. WRIGHT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we address ourselves to what is certain to become one of the most difficult challenges of our particular time. That is the challenge to reconcile the demands of a sound ecology with the demands of a sound economy. I think it is clearly foreseeable that some of the things we are demanding in the interest of environmental protection and purity will result in some job dislocoations through no fault of the people thrown into unemployment.

We have before a conference committee at the present time the House and Senate versions of the water pollution control bill. This will be landmark legislation. Most of us supported it in the House. All Members in the Senate supported it. Either version that is adopted, or whatever compromise we jointly agree upon, is going to require that within a very few years every new source that discharges into the streams of this country will be required to secure a permit from the EPA, and that within a very few years every old source that has been discharging must meet the latest best available technology, with the express purpose ultimately of achieving the goal of no discharge.

Witnesses appearing before our committee called attention to the probability that this may cost hundreds of billions of dollars. It is inevitable—painful, but inevitable—that in our zeal to protect the natural environment of the country some workers are going to lose their jobs. Does not the Government owe to those people a little more than just unemployment compensation to which they would be entitled under their States? They lose their jobs as a result of governmental decree.

They forfeit and sacrifice their livelihoods for the benefit of all of us, and it seems to me we ought to bend over backward to be particularly generous on those occassions where society itself has ordered and mandated a situation which has put these people out of work.

Additionally, we are considering here another really critical facet of America's problem, and that is the massive migration of people from the small towns, which this bill addresses itself to help, into the bigger cities already glutted, crowded, contaminated, and congested with overpopulation. If we can be just a little bit generous to give displaced people some time to relocate in that same small community, maybe we can help by some small degree to reverse this tide. If not checked, it will result by 1990 in 80 percent of the American population living in only four congested megalopolitan areas, one along each of our coasts on the east and west, one concentrated around the Great Lakes, and one huddled along the gulf coast. The entirety of the remainder of the country, constituting 97 percent of the real estate and some 2,900 communities, will provide homes and jobs for only 20 percent of the American public.

So I say to the Members that we ought to resolve this question, not with a total lack of limitation, but with a reasonable limit sufficient to give the fellow the benefit of the doubt so that he can look for another job locally. Let us provide a cushion so that he will not have to move in desperation into one of the already overcrowded cities, thereby accentuating every problem from pollution to crime to psychosomatic illness. It seems fair to me that a humane society, in asking of these people this sacrifice for the good of society, should extend this measure of help to them.

So I urge the Members to vote down the amendment offered by my dear and distinguished friend, the gentleman from Arkansas, and vote instead for my amendment. I think it is a reasonable approach, a humane approach, and a fair approach.

Mr. CLEVELAND. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Arkansas (Mr. HAMMERSCHMIDT). I also support Mr. WRIGHT's amendment.

Mr. Chairman, I think that the remarks of the gentleman from Texas (Mr. WRIGHT) were eloquent. I think they are also deserving of an answer. The gentleman from Texas said that if we or if the Government deliberately by a policy put somebody out of work, do we not owe him just a little bit more than the existing programs? As the gentleman knows, but I do not think he made enough of it, in this legislation which our committee brought before the House there is a little bit more. As the Members know there is a little bit more, and for the first time—at least for the first time in my memory and my committee experience—we have offered this little bit more. We have added help with their rental or mortgage payments during their unemployment.

The Members know as well as I that the Committee on Public Works has no special competence in the area of unemployment compensation. I think while we have recognized the problem of unemployment by virtue of these pollution orders, I do not think we should act as final arbiters in this area. I think we have done a good job by calling it to the attention of the House.

There is more to be done. The gentleman from Texas is the chairman of the Oversight Subcommittee of the Public Works Committee. I want to remind the gentleman that if we perform our oversight properly, some of these orders that will cause these people to be unemployed will never be issued or will be issued more carefully. If the Environmental Protection Agency acts with a little bit of brains and commonsense, much of what we are talking about here may never come to pass. Before any one of us becomes too exercised about whether this section is a be-all or an end-all, or whether we owe more or less to the workingman, I think we should remind ourselves that if we pursue our oversight diligently many of these orders we fear may not be issued.

Companies should be given time to meet the new technology and to meet these pollution problems. In this connection it should be noted section 802 of this bill, as the gentleman from Texas knows, also gives financial assistance to companies so that they can meet these orders when and as they are delivered.

I would urge the committee not to become too concerned about the immediate details of this section. First, if we exercise our oversight properly, these orders will not come falling down on us like rain from heaven. They will come when needed, with some restraint. Second, if section 802 is properly administered, to do its job, people will not be put out of work because we in our wisdom have provided money for companies affected, additional assistance so that they can change their production systems and meet these pollution orders.

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Texas.

Mr. WRIGHT. The gentleman is making the point that there may not be so many of these orders, and if there are not the money will not be spent anyway. Is not what the gentleman really is saying, "We do not think it is going to rain as much as you think it is going to rain; therefore, let us not build the roof until it rains some more."

Mr. CLEVELAND. I believe the gentleman would admit that we have not had too much experience in the unemployment compensation law field. I believe before we go into that too far and too heavily we should remember that there will be other people being put out of work by Government decree or action and general legislation may be the best answer. For example quite a few people have been put out of work by the peace policies of this administration. We are winding down the war, reducing troop levels, and cutting down on some defense contracts. Should we not treat workers thus affected the same?

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. CLEVELAND. I yield to the gentleman from Iowa.

Mr. KYL. Were the people who were put out of work because of the stoppage of work on the SST put out of work because of environmental considerations or because of economic considerations?

Mr. CLEVELAND. Well, that is an interesting question. It was a combination of both, with the stamp of approval of this Congress, as I understand it.

Mr. KYL. In other words, there is some question even as to how this law would apply with special emphasis on the environment. As the gentleman indicated, the policies on foreign trade might result in unemployment of American citizens.

Mr. WAGGONNER. Mr. Chairman, I rise in support of the Wright amendment.

Mr. Chairman and Members of the House, there is no doubt in my mind but that we in the Congress are responsible for the controversy which exists here today with regard to whether or not there should be some limitation placed on section 801 of this proposed bill.

In my personal opinion, we are more responsible than anyone else, because we have with too much haste in times gone by passed supposedly environmental protective legislation without giving due consideration to what the end result of some of this legislation might be.

Now we find that certain agencies in the Federal Government, or at least we lay claim to the fact that certain agencies in the Federal Government—in this instance specifically the Environmental Protection Agency—are not administering the legislation which we passed according to congressional intent. This may or may not be the case.

Certainly we can all agree that people are being displaced from their regular employment because of the administration of such legislation by the Environmental Protection Agency.

I am not one of those people who get as excited as some others do about protecting the environment. I admit we have to do something about it, we must do everything we can, but we have to do it with common sense. I do not share the attitude that some have, that everything is emotional and we can correct all these things today. I stand before this House laying claim to a belief that says we will never eliminate totally, as some would say, pollution in this country. We must however reduce it to a minimum. Some of those people who speak emotionally over that subject have not found out yet that if one takes a bath one pollutes the water, and if one does not, one pollutes the air. Sincerely, however, the vast majority of all Americans want to do all that can possibly be done to protect the environment. I share that desire with them.

However, I will tell you this: We are in the process going to displace some people and cause them to lose their jobs because of the legislation that we already have passed or in the future do pass. Now, listen to me, because there is a parallel to be drawn here.

I have never in my own mind been able to justify, for example, compensation by payments to farmers for letting land lie idle except because of the fact that here, for example, was a farmer who owned land and who owned equipment and who had been farming that land which he owned with the equipment which he owned and who was suddenly told by the Federal Government, "You can no longer farm your land; you have to do something else." That farmer is due compensation by the Federal Government.

People are going to lose their jobs because of acts of the Federal Government, of the EPA. I think just as farmers are due some compensation, so are these workers who are displaced because of Federal legislative action and in turn then the action of an executive agency of the U.S. Government. This being the case, I think they ought to be compensated.

But the question comes up, how much are they going to be compensated? We have a national standard for compensating farmers through the system of payment for land which cannot by Federal law be farmed and which lies idle. I see nothing wrong under these circumstances with a uniform standard. Certainly we have to have some limit. It could be nothing but an oversight on the part of the committee that a limitation was not placed on this section and the compensation provided by this section in committee. So the committee comes along now and wants to limit and limit severely what an individual is eligible for in the way of compensation.

I think in this instance the gentleman from Texas (Mr. WRIGHT) makes a point and makes it well that maybe they are entitled to just a little bit more than they would be as insured employees under workmen's compensation because they are losing their jobs purely and solely because of the actions of the Federal Government.

I believe, as we do in urban renewal and in the uniform Relocation Act for others who are displaced, that we ought to compensate them.

I think the formula that Mr. WRIGHT suggests is fair and equitable. It may be lenient, but it is because of our inattention, our not passing good legislation that the situation exists.

Let us limit it, because limit it we must. We must not pass section 801 as it is in this bill now.

Mr. JAMES V. STANTON. Will the gentleman yield?

Mr. WAGGONNER. I will be happy to yield to the gentleman.

Mr. JAMES V. STANTON. Would the gentleman subject the farmers of America to the workmen's compensation laws in the individual States by virtue of Government action?

Mr. WAGGONNER. No. The gentleman said he would not.

Mr. JAMES V. STANTON. No. I asked would you subject the farmers of America to the workmen's compensation laws?

Mr. WAGGONNER. No, I would not, because there is no relationship between a farmer's investment in land and equipment and what as an employee without an investment he might be eligible to draw in the form of compensation.

Mr. JAMES V. STANTON. Why would you subject the workers displaced by actions of the Federal Government, the EPA, to the laws of workmen's compensation when you will not subject the farmers to them?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WAGGONNER was allowed to proceed for 2 additional minutes.)

Mr. WAGGONNER. The gentleman from Louisiana would not do this any more than he would limit an investor who loses his property because of the construction of a Federal project—a highway, for example, let us say—to whatever unemployment compensation would provide, because the employee has no investment as compared to the employer. A farmer is both an employer and an employee. He has an investment in land and equipment. The owner of a business, for example, displaced by the construction of a Federal highway, owns the building. Would you ignore the money that he has invested in that particular building and not have a uniform relocation act or assistance program to compensate him for his loss of that building?

Mr. JAMES V. STANTON. No.

Mr. WAGGONNER. Would you only compensate him for a weekly wage?

Mr. JAMES V. STANTON. No. We are compensating him in this bill for his loss, but what we are not compensating is the worker who is losing a job and who has to be retrained. The reason why the amendment as offered and the substitute are wrong is because they are following a pattern of compensation according to the workmen's compensation laws, and that ought not to be the standard. The standard was established under the Trade Act of 1962, which established that they should be compensated at a rate of 66 percent.

Further, the bill originally was in the committee at 66 percent. It has been reduced in committee to 60 percent. It is now being reduced further here in the House by action of the substitute, and if the substitute fails the attempt will be to pass the Wright amendment by reducing the rights of the American workingman further.

Mr. WAGGONNER. But the compensation provided for under the Wright amendment is more lenient than is provided for under present unemployment compensation laws, and it does provide for a maximum standard because of his displacement from his employment as a result of national legislation.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not serve on the committee that reported this bill, and I am not too familiar with the genesis of this bill, but I do understand from the debate that apparently there were no hearings held, and it seems apparent from reading section 801 that very little consideration was given to the drafting of this legislation before it was included in the bill.

It appears that the bill before us, section 801, as well as the Wright amendment, and as well the Hammerschmidt amendment, that none of them have any requirement that a person to be eligible to receive these benefits be available and actively seeking employment.

So this is an unheard of provision for unemployment compensation.

I think that it is obvious that anyone who receives benefits for being unemployed certainly ought to be available for employment and actively seeking employment.

None of the provisions that are now pending before us in the bill or in the two amendments so provide.

Mr. SNYDER. Mr. Chairman, would the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Chairman, the gentleman is correct, and when the parliamentary situation adjusts itself I intend to offer a motion to strike the section.

In addition, there is no authority in this bill delegated to the Secretary of Commerce to promulgate regulations that have to do with who is going to get these benefits and who cannot.

The gentleman is eminently correct when he said, as others have said, there were 125 witnesses and 15 days of hearings, but not one directed at or dealing with that work of art that we see in this section. It is something we need to deal with on some committee that has to deal with benefits, or some committee that has some expertise in this particular area.

I think the gentleman has made a great contribution by his remarks.

Mr. ERLENBORN. Mr. Chairman, I thank the gentleman for his contribution. I agree with the gentleman that the committee of jurisdiction that might know a little better how to draft such legislation ought to be given the job if it is going to be done properly, and that is the Committee on Ways and Means.

It appears to me the bill before us is completely deficient. The Wright amendment improves it somewhat, and the Hammerschmidt amendment is a great improvement over the Wright amendment. I hope, however, that the Snyder amendment striking the whole section will be adopted, so that some proper consideration to this subject may be given. If we should act on this without giving the proper consideration then I think we are not doing the job we are elected to do.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, the gentleman from Illinois (Mr. ERLENBORN) says that he has no knowledge or not much knowledge about the provisions of section 801, but it would not surprise me if the gentleman does not have a greater knowledge about what is in section 801 than many members of the committee from whence this bill eminates, because in the Committee on Education and Labor on which the gentleman serves at least they do deal with unemployment compensation legislation, as of course also does the Committee on Ways and Means.

I am sure he has heard many references and witnesses that speak to this subject matter in his committee activities. I have heard none.

Actually, we have had no hearings on the subject, and I would agree with the gentleman that the eligibility requirements need to be more stringent and improved, as does this entire section. I only offered my amendment as an improvement to the existing legislation as now drafted.

I thank the gentleman for yielding.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. DON H. CLAUSEN. I think it would add to the discussion and to the legislative history if I were to read from the act to revise and expand the Federal program for relief from the effects of major disasters that are affecting many of the areas of the country—the specific section relating to unemployment assistance; namely, section 240.

This section reads as follows:

> SEC. 240. The President is authorized to provide to any individual unemployed as a result of a major disaster, such assistance as he deems appropriate while such individual is unemployed. Such assistance as the President shall provide shall not exceed the maximum amount and the maximum duration of payment under the unemployment compensation program of the State in which the disaster occurred, and the amount of assistance under this section to any such individual shall be reduced by any amount of unemployment compensation or of private income protection insurance compensation available to such individual for such period of unemployment.

I believe it is to this point that the amendments have been offered, and it is for this reason that I support the Hammerschmidt amendment.

Mr. MIZELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise at this time because it seems there has been an impression left before the committee that, under the substitute amendment offered by the gentleman from Arkansas, we are not offering any help to the workingman who might be put out of work because of some action by the Government.

I would like for the committee to understand that, under the substitute amendment offered by the gentleman from Arkansas, he guarantees a man who has been put out of a job at least the maximum unemployment compensation for 52 weeks within the State in which he resides—at least the maximum unemployment benefits.

In addition to that, there is the provision of rent supplement or housing allotment that is in the bill which is estimated to be about 25 percent of a man's income.

In addition to this, we have the 3-percent loan in the legislation for industry that might be confronted with the problem of either having to renovate or remodel its plant, or else go out of business.

This 3-percent loan is specifically to provide jobs for the people in the area. So again the workingman would be the one to benefit the most under this legislation. So I support the substitute amendment offered by the gentleman from Arkansas, because of these specific helps that we have for the workingman. If the substitute of the gentleman from Arkansas is not adopted, or the amendment offered by the gentleman from Texas, then I intend to support the motion of the gentleman from Kentucky to strike section 801. It is new ground, and I think under the amendment of the gentleman from Arkansas, or the amendment of the gentleman from Texas, it is about as far as we should proceed at this time without holding hearings before our committee on this subject.

Mr. McEWEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, at the outset I would say to my colleagues who serve on the Committee on Public Works that I think they are to be commended for tackling this subject and doing something to ameliorate the economic impact on workers who are affected by an environmental order.

I think we have been tardy, Mr. Chairman, in looking at many of the economic impacts of our environmental program.

I think from the reports that many of us have examined, reports made by some of the great consulting firms in the country for the Department of Commerce and for EPA, and considering what the economic impact is going to be and the closing of industries—we know from that that many industries in this country are going to be forced to close because of their inability to meet environmental standards.

What concerns me, Mr. Chairman, and on this I would like to direct a question if I may to my colleague and dear friend, the gentleman from Texas (Mr. WRIGHT)—I sense in the argument for this particular formula of compensation both in your amendment and in the argument advanced against the amendment offered by the gentleman from Texas and by the gentlewoman from New York (Mrs. ABZUG) and the gentleman from Ohio (Mr. JAMES V. STANTON) that in all these arguments there runs the thread of the argument that because this is resulting from governmental action, there is some need to go beyond the social philosophy and concept of unemployment insurance, and that there should be some additional compensation.

For instance, as the gentleman from Illinois (Mr. ERLENBORN) pointed out, there is no requirement to be actively seeking employment and be available for employment under this provision.

The argument, as I understood it, advanced by the gentleman from Texas, and the others, is that we owe a special obligation because this results from a governmental decision or policy.

My question to the gentleman is this: Does the gentleman apply this to any area where unemployment may result from the action of Government? For example, in this House we debated the question of the supersonic transport. Involved in the arguments on the SST was the question of a possible environmental impact by the SST. Should we, therefore, to the employees of Boeing provide a new form, such as this calls for, of compensation for unemployment resulting from that?

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. McEWEN. I will be glad to yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Chairman, I think the gentleman would recognize that there is a clear distinction and a discernible difference between the Congress decision on the one hand simply not to continue production of a given type of aircraft, and on the other hand an order specifically directed to a given industry by a governmental agency which puts people out of work. I think they are two different kinds of problems. From the standpoint of equity I would be inclined to say to the gentleman that perhaps people are entitled to some additional consideration wherever they may be affected; but I do believe the gentleman will recognize that a congressional decision which is based upon a broad question of procurement contracts, and things of that kind, is different in character from a specific order emanating from a governmental agency to close down a plant.

It seems to me that in this latter category we do have a somewhat more direct responsibility and obligation to those who are inadvertently displaced and thrown out of jobs and put into positions of extreme hardship.

Mr. McEWEN. Mr. Chairman, I say further to the gentleman from Texas that I appreciate the distinction he is endeavoring to make, but I do not think it was clear in the debate. I think in the matter of water quality standards, for example, we have had changes, both by Federal and by State action, on the classification of streams where an employee, and the industry that he works for, might well think they could continue. Then there was a further legislative or administrative decision to change that stream classification, resulting in the loss of jobs.

So I say to the gentleman from Texas I did not in the debate earlier today, and I do not now, get the distinction between the various categories of Government action and when and where we should apply the rule that the Government owes them additional compensation.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Arkansas (Mr. HAMMERSCHMIDT) for the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The question was taken; and on a division (demanded by Mr. HAMMERSCHMIDT) there were—ayes 44, noes 56.

TELLER VOTE WITH CLERKS

Mr. HAMMERSCHMIDT. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HAMMERSCHMIDT. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. HAMMERSCHMIDT, Mrs. ABZUG, and Messrs. WRIGHT and CLEVELAND.

The Committee divided, and the tellers reported that there were—ayes 161, noes 209, not voting 62, as follows:

[Roll No. 330]

[Recorded Teller Vote]

AYES—161

Abbitt
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baring
Belcher
Bell
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Byron
Camp
Carlson
Casey, Tex.
Cederberg
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Colmer
Conable
Conover
Coughlin
Crane
Curlin
Davis, Ga.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Duncan
du Pont
Erlenborn
Esch
Eshleman
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Frey
Galifianakis
Gettys
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hastings
Heinz
Hogan
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Keating
King
Kuykendall
Kyl
Landrum
Latta
Lloyd
Lujan
McClory
McClure
McCollister
McCulloch
McEwen
McKevitt
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Matsunaga
Mayne
Miller, Ohio
Mills, Ark.
Mizell
Montgomery
Myers
Nelsen
Pettis
Pirnie
Poage
Poff
Powell
Price, Tex.
Purcell
Quie
Quillen
Robinson, Va.
Robison, N.Y.
Rogers
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Scott
Sebelius
Shoup
Shriver
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stephens
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Vander Jagt
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zion

NOES—209

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Cabell
Caffery
Carey, N.Y.
Celler
Chappell
Chisholm
Clark
Collins, Ill.
Conyers
Corman
Cotter
Culver
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Foley
Ford, William D.
Fraser
Fulton
Fuqua
Garmatz
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Halpern
Hamilton
Hanley
Hanna
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kemp
Kluczynski
Koch
Kyros
Link
Long, Md.
McCormack
McDade
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mathis, Ga.
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Randall
Rangel
Rees
Reid
Reuss
Roberts
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
St Germain
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Shipley
Sikes
Sisk
Slack
Smith, Iowa
Staggers
Steed
Steele
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waggonner
Wampler
Whalen
White
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki

NOT VOTING—62

Abernethy
Abourezk
Anderson, Tenn.
Baker
Betts
Blanton
Carney
Carter
Chamberlain
Clancy
Clay
Collins, Tex.
Conte
Daniel, Va.
Davis, Wis.
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Frelinghuysen
Gallagher
Goldwater
Hagan
Hansen, Wash.
Harrington
Harvey
Hébert
Heckler, Mass.
Hillis
Hull
Keith
Landgrebe
Leggett
Lennon
Lent
Long, La.
McCloskey
McDonald, Mich.
McMillan
Michel
Mills, Md.
Minshall
Nichols
O'Neill
Passman
Pelly
Railsback
Rarick
Rhodes
Riegle
Rooney, N.Y.
Rousselot
Ryan
Schmitz
Springer
Stanton, James V.
Stokes
Teague, Tex.
Thompson, N.J.
Veysey
Waldie
Zwach

So the substitute amendment was rejected.

SUBSTITUTE AMENDMENT OFFERED BY MR. DOW FOR THE AMENDMENT OFFERED BY MR. WRIGHT

Mr. DOW. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The Clerk read as follows:

Substitute amendment offered by Mr. Dow for the amendment offered by Mr. WRIGHT: On page 39, line 3, immediately after the word "weeks", insert the following: ", and no unemployment compensation paid to any individual under this subsection shall be in excess of $231 per week".

Mr. DOW. Mr. Chairman, I do not believe that too many of us are interested in the fine points of whether a person who is unemployed under a situation presented by this bill gets a penny more or less than the unemployment compensation that he would normally get. I myself am not interested in these details. I do not believe we are going to be penny-pinchers. I do not think we want to be niggardly with these people in distress due to unemployment situations brought on by environmental causes, but, Mr. Chairman, I am astounded to find out that there is a provision in the bill, in the way this section reads, that anyone, no matter what their income or their earnings, may receive up to 60 percent. Let us consider a person who earns $52,000 a year—and that is mentioned in one of the minority reports here—that person would be entitled to income from the Government of about $30,000 a year under this plan, and it would be tax free.

Now, for goodness' sake, I think it is a rank injustice, when we know that income taxes are being paid by widow women and people who earn income as low as $2,050.

According to the income tax scale, these people would have to subsidize some of our citizens to the tune of $30,000 or better. I must say I think this is atrocious.

I always understood that unemployment compensation was intended to keep the wolf from the door, and I would be even a little more generous than that. But to provide unemployment compensation, tax-free, from the Federal Government to anybody to the tune of $30,000 a year or better is unconscionable. It is really unthinkable, and I must say I strongly object to that loophole in the bill.

My amendment is intended only to eliminate such largesse. It is a proviso that anybody who earns more than $20,000 a year would not receive more than a person who has been earning $20,000. At 60 percent under the bill, it would give him $12,000. That is what my amendment would do. That would be the maximum. I do not think it cuts back anybody below the level of the maximum unemployment compensation that he could receive.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield?

Mr. DOW. I yield to the gentleman from Illinois.

Mr. ERLENBORN. When the Clerk read your amendment, I understood it to say that the maximum benefit would be $231 per week; is that correct?

Mr. DOW. That is correct.

Mr. ERLENBORN. That would be approximately $12,000 per year?

Mr. DOW. Yes, it would be.

Mr. ERLENBORN. Tax free?

Mr. DOW. Yes.

Mr. ERLENBORN. And a person receiving that benefit under this amendment—is it clear that he would not be able to get State unemployment compensation at the same time—or might that be an additional benefit?

Mr. DOW. On that point I would have to refer to the committee, because I am merely assuming that the same dollars that they wrote into the bill would be available for the purpose of my allowance.

I do not know all the limitations that exist in the bill, but I do favor limiting to something like $12,000 which is far above the average median income in this country.

Mr. ERLENBORN. Mr. Chairman, will the gentleman yield further?

Mr. DOW. I yield to the gentleman.

Mr. ERLENBORN. Well, if your amendment is patterned after the committee bill, there is no prohibition against receiving State unemployment compensation at the same time you get this $12,000 per year, and there is no requirement that a person getting compensation be even available for employment, much less be seeking employment.

I think this ought to be called the "year and a half paid vacation bill"—and it is a pretty good paid vacation—$12,000 a year.

Mr. DOW. I believe the gentleman has made a good point there. I think he ought to offer an amendment as to that duplication. But would not the gentleman agree with me; it is better if anyone is to receive State compensation in addtion to this compensation, to limit this compensation to $12,000 instead of $30,000?

Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New York.

As I understand the amendment, it is a substitute amendment for the amendment offered by the gentleman from Texas, which would raise the possible payment to someone who became unemployed under the provisions set forth in the bill to $102 a week.

The amendment that was accepted by the committee, as offered by the gentleman from Texas, has a ceiling on it of the highest benefits now paid in any State, which is $129 a week. This would just further liberalize the provisions of the bill, and I strongly oppose it.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York (Mr. Dow) for the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The substitute amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WRIGHT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SNYDER

Mr. SNYDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SNYDER: Page 37, line 24, strike out all of section 801 beginning on line 24 of page 37 down through and including line 2 on page 40.

Renumber the remaining sections accordingly.

Mr. SNYDER. Mr. Chairman, I rise to urge the House to delete section 801 of title III from this bill.

Section 801 would create a new form of "unemployment compensation" and related benefits for one special class of unemployeds, those whose unemployment is caused by Federal environmental legislation.

The House should know that, although a total of 125 witnesses appeared during 15 days of hearings on this bill, there were no hearings on this section 801 which was developed in executive session. The House is aware that the Committee on Public Works is not the committee which handles unemployment compensation, nor do its members claim expertise in this area. It would be unprecedented for the House to pass new "unemployment compensation" legislation as part of a public works bill, particularly without the benefit of public hearings and the expert testimony of those knowledgeable in this area.

Our Federal-State unemployment compensation system has been successfully operating since the 1930's. Billions of dollars in taxes are collected yearly from employers, and billions of dollars yearly are paid in benefits to jobless workers. Every State has its own program operating daily. On the whole, this Federal-State system has enjoyed public confidence and acceptance.

Basic unemployment compensation normally provides for 26 weeks of unemployment compensation for those eligible for such benefits. Under the guidance of the Ways and Means Committee, recent changes have been made to extend benefits up to 52 weeks. The Employment Security Amendments of 1970—Public Law 91-373—provide for a 13-week extension of the basic 26 weeks when the national unemployment rate is 4.5 percent or more for 3 consecutive months or when the unemployment level in a State averages 4 percent for 13 consecutive weeks and 120 percent of the average rate for the same period in each of the 2 preceding years. The Emergency Unemployment Compensation Act of 1971—Public Law 92-224—recently extended by Public Law 92-329, provides for another 13 weeks extension whenever a State's unemployment reaches 6.5 percent. It is obvious that, after due deliberation, our unemployment compensation laws have been adjusted to meet current needs. But section 801 of title VIII, if passed, could undermine this system, and undermine public confidence in its fairness.

Section 801 would provide a special form of so-called Federal unemployment compensation which would pay workers, who are found to be unemployed because of Federal environmental quality laws or standards, 60 per centum of their former weekly wages for a year and a half without any dollar limit.

I urge the House to strike section 801 from this bill for the following reasons:

First, it would provide tax-free "unemployment compensation" benefits of $90,000 in a year and a half to a $100,000-a-year executive employee. There is no dollar limit, and the period of payment is at least 50 percent longer than under our regular Federal-State unemployment compensation system.

Second, there is no offset. This section contains no provision preventing an individual from collecting both regular unemployment compensation and this new special "unemployment compensation." I would point out that the committee report, on page 10, gives assurances that "duplication unemployment compensation payments are not authorized by this section." The text of the bill, however, does not contain any such safeguard—and I submit that this means we are treading on pretty treacherous ground.

Third, this section is unfairly discriminatory. A worker unemployed because of an environmental standard or order is no more disadvantaged than a worker unemployed for some other reason. If this section were passed, then any two constituents of any Member of the House—unemployed constituents with the same skills living side-by-side in any city or town—could end up getting vastly different amounts of unemployment compensation.

Fourth, this section lacks the most fundamental safeguards, which could lead to widespread abuses. There is no definition of what an "affected plant or industry" is, nor are there sound and equitable criteria to determine which individuals would be eligible for benefits. For example, the manner in which this section is drafted would permit an employer, knowing he would be forced into curtailing or completely closing his operations due to an environmental order or standard, to temporarily raise the wages of his employees for the express purpose of creating increased benefits for those who would be eligible under this section.

Fifth, section 801 completely ignores the existence of the Manpower Development and Training Act, a law we put on the books in 1962. One of the principal purposes of the Manpower Development and Training Act is to provide assistance to those persons whose job skills have been rendered obsolete by dislocations in the economy arising from a variety of factors such as automation or other technical developments, foreign competition, relocation of industry, shifts in market demands, and other structural changes in the economy.

The Secretary of Labor is authorized to provide a program of testing, counseling, occupational training, payment of training allowances and transportation expenses for unemployed persons who cannot find jobs.

Generally speaking, the training allowances are equal to the amount of the average weekly gross unemployment compensation payment provided under State programs. Trainees with dependents can receive up to $20 extra per week. Those participating in training programs can receive payments for up to 104 weeks.

Sixth, as previously noted, the House is being asked to pass this section although there have been no public hearings which would have brought out the extraordinary problems that will be created by such an unwise program of special unemployment compensation benefits.

I generally support the extension and improvement of the programs administered by the Public Works and Economic Development Act, but section 801 should be deleted from the bill. We are all deeply concerned with unemployment. Section 801, however, is the wrong approach, at the wrong time, in the wrong bill, by the wrong committee. The provisions of 801 are unwise, unwarranted, and unsound. We cannot afford to undermine public confidence in the fairness and equity of our unemployment compensation laws by hastily passing special benefits for a few, and discriminating unfairly against the majority of our unemployed workers.

Mr. GRAY. Mr. Chairman, I rise in opposition to the amendment offered by my friend and distinguished colleague, the gentleman from Kentucky.

Mr. Chairman, I think we would be wise to stop now and take a look at the bill. We have had amendments and substitute amendments. The committee has labored long and hard to bring out a piece of legislation that authorizes $3.5 billion to raise up the social and economic well being of the people of this country, particularly those that are unemployed now.

Someone has said that to be poor and unemployed is to die a little each day. If one has never had the experience of representing a district where there are coal miners who have to go 300 or 400 or 500 miles from home, commuting back and forth to see their loved ones on the weekends, he does not know what it means to be unemployed.

If this Government and this Congress through its actions force someone out of work and forces him to drive hundreds of miles to find work, surely we are willing to pay him less than $100 per week for a maximum of 18 months while he looks for other employment. That is all section 801 does. It says for a maximum of 1½ years or 18 months we will pay this unemployed person 60 percent of his wages and in no event it will exceed—get this—$129 a week as the maximum paid in the State of Connecticut.

Under section 801 that the gentleman from Kentucky would strike, the man can only draw up to 60 percent of his wages or in no event more than $129 per week. Is this too much to expect of a Government that forces an employee out of work? Is it too much to give him up to 18 months to go someplace else and find a job?

Furthermore, we only authorize for a 2-year period a maximum of $100 million in this section.

During the entire history of the Public Works and Economic Development Act, since 1965 the Congress has only seen fit to appropriate some 34 percent of the amount authorized. On that basis, if hindsight is any criterion, this section would allow only $34 million for all the displaced workers from the entire 50 States over the next 2 years.

I do not believe that is extravagant. I do not believe it is even realistic. But my friend from Kentucky would say—"No, close the gate on that plant, which may be producing chemicals, because that is closed down by reason of EPA regulations. Close down that unemployment office and give no hope to that unemployed person who is coming here wanting help from the Congress to find other work."

There has been a lot of talk about the fact that there have been no hearings. We do not need hearings to find out that the unemployed workers are in distress. We do not need hearings to find out that this Government has been forcing people out of work because of the stringent requirements of the EPA.

Go out and talk to the 5 million unemployed persons. They will tell you that they want jobs, not relief checks. They do not want to hold hearings, but they do want action by the same Government that forced them out of work.

That is all we would do under section 801.

So I hope we vote down the amendment and vote up the little pittance of $80 to $125 per week as a maximum in the 50 States and give that man an opportunity to find another job somewhere. That is all we ask.

I hope the Members will vote "no" on the amendment offered by the gentleman from Kentucky.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. GRAY. I am glad to yield to my friend from Illinois.

Mr. COLLIER. As my friend from Illinois knows, under the existing provisions of the trade law, when jobs have been exported—in other words, when in an industry employers and employees have been put out of work by reason of imports, by reason again of Government action in its trade policies—we have written in relief provisions not alone for the unemployed who are involved but indeed for the industries that have been hurt.

My question to my friend is this: What basic difference is there between the man who is out of a job because of Government trade policies and the man who is put out of work because of the EPA or because of ecological laws?

Mr. GRAY. Well, there is a major difference. Trade, as the gentleman knows, is a two-way street. I would remind the gentleman, as an example, that our great State of Illinois exports far more agricultural commodities than it imports. So we have to have checks and balances on our trade policy.

But it is a 100-percent deception of the American worker when we sit here and approve legislation which takes his job away and then we are unwilling to help him out until he can find a new job. God only knows where. We are not dealing with a foreign country. We are not dealing with reciprocal trade. We are dealing with the actions of this Congress. That is the major difference.

Mr. Chairman, the EPA act has brought thousands of new jobs to southern Illinois. It will help other areas of our country if you will stick with the committee bill. Thank you.

Mr. ZION. Mr. Chairman, I rise in favor of the amendment.

Mr. Chairman, let us talk about this "pittance" which my good friend from Illinois has talked about.

Let us say, for example, that up in Baraboo, Wis., a man has a pea cannery, and he pays himself $60,000 a year. He has a brother who works at $50,000 a year. He has a brother-in-law, at $40,000, and a few other relatives and friends at $30,000 or $40,000 a year. Then the EPA comes down and says, "We are going to require you to spend a couple of hundred thousand dollars to keep you from polluting the creek out here." Then the guy says, "That seems like an awful lot of trouble. I will just go out of business. They will pay 60 percent of my salary. They are going to pay my rent and going to pay my mortgage on the homes of all my relatives and employees. With the tax bracket I am in, I can make a lot more money not working than I could if I stayed here to pick peas for a living."

We are talking about a "pittance." This peapicker will be living pretty high for not picking peas. The bill as reported provides for an automatic draw from the Federal Treasury for the payment of unemployment compensation benefits.

Mr. GRAY. I know my distinguished friend is sincere in his remarks, but if you will read the bill, you will see the Secretary of Labor is the one to determine whether or not the jobless worker has been forced out because of Government action and not the owner of the plant that might feel he could get a big windfall for his employees. It has to be determined in conjunction with the Secretary of Labor and the EPA. I doubt very seriously that the Secretary of Labor will certify that plant if the person in charge decides to close it on his own volition.

Mr. ZION. I say you are talking about $100 million here to be authorized and appropriated to carry out section 801. That figure is absolutely meaningless, because it says any individual who has lost his job because of the issuance of a standard order under Federal environmental laws has a right to such benefits. There is no way in the bill to limit Federal expenditures.

I would like to ask the gentlemen who favor section 801 if they can tell me within 1 million workers how many will be put out of work? Within 2 million.

Mr. BLATNIK. Will the gentleman yield?

Mr. ZION. I am glad to yield to the chairman.

Mr. BLATNIK. I will respond to the question.

We called the Council on Environmental Quality. They are the ones who advise the President, and they released a report just last week. Their estimate of total cost for abatement of all pollution and physical degradation in every form would be in the area of about $287 billion. We asked them, "How many plants would you estimate would be closed," and they said in response about 300 plants—about six plants per State. This is an impossibly low figure. We asked them how many workers would be put out of jobs. There was no estimate.

I am in sympathy with section 801. We thought that, for people who are long-time employees with definite skills, who are far different from those who are thrown out of work for seasonal reasons, we should have different treatment.

When we have a man 40 years of age, who is a trained chemist and who has experience in the aerospace industry, but who is out on the street because of Federal environmental laws, why should the brunt of this be placed on him?

Mr. ZION. Would the gentleman like to get his own time to make a speech?

Mr. BLATNIK. You asked a question.

Mr. ZION. I ask the chairman how many industries came before our committee and testified. I would say there was only one industry that was permitted to testify. The paper industry came before us. They said under the provisions of this bill there was no way they could continue. We asked, "How much would you have to raise your prices in order to comply," and they said 40 or 50 percent. We asked them, "How high can you go," and they said 5 or 6 percent and they would lose their whole industry to Canada and Sweden.

I would say of the companies permitted to testify that 100 percent of them will be out of work. It is not just people trying to earn a living in the paper industry but the fellow who is involved in cutting the logs and hauling them to the mill. I would say that we do not know within $10 billion how much this will cost. For that reason I say we should support the amendment offered by the gentleman from Kentucky.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent (at the request of Mr. BLATNIK) Mr. ZION was allowed to proceed for 2 additional minutes.)

Mr. BLATNIK. Will the gentleman yield to me?

Mr. ZION. I am pleased to yield.

Mr. BLATNIK. I do not want to dwell on the fairness of this provision to skilled workers. I want to say that we approached this matter with great care and much thought.

Mr. ZION. How many industries came before our committee and testified?

Mr. BLATNIK. We gave them great emphasis. We stressed in this bill preventive action to minimize unemployment by giving commercial loans at a low rate of interest to all industries to enable them to buy this expensive new pollution control equipment so that they will be able to comply with environmental standards.

Our first priority is to keep an industry in business, to keep a company going. We have provided $200 million in loans to business at a 3-percent rate of interest in our bill to accomplish this purpose. But, when we cannot keep an industry in business, the employer and his employees should get some help.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ZION. I yield to the gentleman from Iowa.

Mr. KYL. Mr. Chairman, let us take the case of the SST, where the Congress decided that we should not put any more money into that program, and say that there was a metal worker or a metallurgist, and he is unemployed because the Government stopped the program, the Labor Secretary determines that he is either out of a job because of environmental factors or other factors, but it makes no difference to that man because he is out of a job, it just makes no difference to him. I do not know how you can make it a special kind of case just because the Secretary of Labor might make a decision that he was dispossessed of his job by the environmental need, or economics, or trade, or any other factor. It is completely illogical.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. ZION. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, there is something fundamentally wrong with this legislation. Let me illustrate.

If a man loses his job because of the closing of a military facility, he is not covered.

If a man loses his job because he was working on a project which Congress has cancelled—such as the SST—he is not covered.

If a man loses his job because of a condemnation proceeding in connection with a public works project, he is not covered.

But if a man loses his job because of an order of the EPA, he receives special benefits under this bill.

Why should those in the last category be treated specially? Unemployment is a personal tragedy. It matters very little to the man who is broke and out of a job, why he finds himself in that unfortunate status. It is the fact of unemployment that is the problem which requires solution.

This legislation divides citizens similarly situated into classes for different treatment without a logical reason for doing so. Unless amended to correct this fundamental flaw, it should be defeated.

Mr. HAMMERSCHMIDT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I regret very much that this bill comes to the floor in this manner, because very seldom will you find a bill from the Committee on Public Works coming to the floor with this much controversy. But there is a reason for it, and that is because we hooked a section onto this bill on which we have no expertise, and on which we have had no hearings. This section should be opposed for the following reasons, and that is the inclusion of section 801, which the gentleman from Kentucky (Mr. SNYDER) has offered, an amendment to strike. But, first, to clarify the impression of the gentleman from Illinois (Mr. GRAY) who said that there is only $100 million authorization in this bill. Even so there is no protection for the Federal Treasury because the level of expenditures would be completely uncontrolled as to benefits. Once this was enacted into law, they would become a matter of right. We really would be sort of back-door appropriating through the authorization of this particular section.

To further clarify the remarks of my good friend from Illinois, if I may——

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I will yield to the gentleman from Illinois in just one moment, but I want to mention one other thing on which the gentleman may have the wrong impression, or that was my understanding from his remarks. That was where the gentleman indicated that $60 or 60 percent of $129—I believe the gentleman might have stated it both ways—was the maximum amount a person might draw under the Wright amendment, as added to this bill. Actually, the maximum amount that could be drawn under the existing provision is $129 per week—not $60—plus the fringe benefits of mortgage payments, rent payments, and moving costs.

Also, without a maximum level of benefits the law could act as a disincentive to the individual's seeking and obtaining alternative employment.

Another point. These provisions have not been subjected to open testimony and scrutiny. The opinions of labor, the opinions of management, the opinions of the public and Federal officials have not been heard.

This section does not take into account existing programs such as the Manpower Development Training Act, which also provides relief and assistance to unemployed workers.

I say that it is a dangerous precedent to establish because the effects on other Federal programs and legislation have not been considered. The same rationale could be extended to workers suffering unemployment from defense expenditure cutbacks, or from foreign or domestic competition.

There is nothing in the bill requiring a claimant to be available and actively seeking employment as a requirement for receiving benefits.

Unemployment compensation and insurance should be a form of social insurance. That is not the philosophy of section 801.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, let me ask a question or two of the gentleman from Arkansas. Since this is an open-ended obligation of the Federal Government, if a decision is made to close a plant because of environmental problems, this financial open-end obligation of the Federal Government might be a deterrent to affirmative pollution control. It might be a deterrent to any Federal agency to act as they might otherwise act in closing a facility because of the pollution problem; is that a fair observation?

Mr. HAMMERSCHMIDT. I think that is a fair evaluation.

I would agree with the gentleman and we would never really know that for sure unless we hear witnesses and have proper hearings and heard testimony.

Mr. GERALD R. FORD. Let me ask the gentleman another question.

The existing law, which this legislation proposes to extend, is on the books at the present time. What is the expiration date of the existing law?

Mr. HAMMERSCHMIDT. I think there is one more year of authorization time to go.

Mr. GERALD R. FORD. In other words, this is not critical or essential legislation at this point because the existing law is on the statute books.

Mr. HAMMERSCHMIDT. It is not critical. However, we did sit for 15 days and hear 125 witnesses who testified to the need of revising the existing legislation, but not to section 801. I would say to the distinguished minority leader, I think there is a need for expanding existing EDA authorization. But it is not critical.

Mr. GERALD R. FORD. If I may ask the gentleman one other question.

Has the Committee on Public Works of the House of Representatives ever dealt with unemployment compensation legislation heretofore to your knowledge?

Mr. HAMMERSCHMIDT. To my knowledge, they have never dealt with this subject matter. We did in the Disaster Assistance Act get into this matter of unemployment compensation, but it is far more restrictive in nature. It considers the States and uses their criteria. This is far different from what we have in this bill.

Mr. GERALD R. FORD. For these various reasons, I hope and trust that this amendment offered by the gentleman from Kentucky prevails.

Mr. HAMMERSCHMIDT. I thank the gentleman.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman.

Mr. COLLIER. Mr. Chairman, I thank the gentleman for yielding.

Gentlemen, I think this provision in this bill is a perfect example of another step toward the erosion of the orderly legislative process which I have seen happen in recent years and the invasion of the proper jurisdiction of committees.

Mr. GRAY. Mr. Chairman, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentleman.

Mr. GRAY. Mr. Chairman, I agree with the statement of my distinguished colleague on the committee and the distinguished minority leader. But I want to make one thing perfectly clear to my colleagues here.

This is not an open-end authorization. You cannot read something into the law that is not here.

I refer you to page 40 of the bill. It says:

> There is authorized to be appropriated, not to exceed $100 million for carrying out this section.

Now, how can the gentleman tell the House or the committee that this is an open-end authorization when the bill itself—and I am holding it before you—shows "not to exceed $100 million." That is point No. 1.

Point No. 2 ——

Mr. HAMMERSCHMIDT. If I may interrupt at this point in order to reply to the gentleman, I would ask the gentleman, should his district have people who have been put out of work by an adverse environmental impact matter and they were subject to this law, and there was no money legislated in their behalf, and then there was no money in the Federal Treasury—do you suppose that we would not appropriate money as a matter of right for those individuals?

Mr. GRAY. Mr. Chairman, will the gentleman yield further?

Mr. HAMMERSCHMIDT. I yield to the gentleman.

Mr. GRAY. In that unlikely event, if the Congress appropriated every dime in this bill for the full 2-year period that at the close of the 2-year period, when the $100 million was spent, that that would be the end of the program—period, unless the Congress came back and reauthorized it.

But what is being said here on this side of the aisle is that this is an open-end bill before you—this is not so—it is a closed-end bill.

Mr. HAMMERSCHMIDT. I agree that the gentleman is technically correct.

Mr. GRAY. Technically? The bill speaks for itself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNES of Wisconsin. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, let me plead with this House: First, to try to be consistent; and second, to try to treat people who are equally situated equally under the law.

I agree that there is a real justification for giving special consideration to the plight of those people who are put out of work specifically by Government action.

I think, Mr. Chairman, we will face situations where as a result of the Environmental Protection Act people are put out of work, and I think we have to address ourselves to that. I think the committee is to be complimented for at least trying to address itself to the fact that these people have a special problem.

I would point out, though, that we have people also put out of work because of the closing of a defense plant, and we do not yet have any special provision for them. I think we probably should.

Let me point out to the members of the committee that reported this bill, and to the Members of this House, that we as a Congress have faced up to developing a program to give special attention to the problems of the people who are put out of work because of Government action. We have done it in conjunction with the Trade Agreements Act. We started it when we entered into an agreement with Canada on automobiles, and we said there may be some people put out of work as a result of that, and, therefore, we will make a special provision. We extended it to the General Trade Agreements Act so that if somebody is put out of work because of the act of our Government in changing the duties or the protection that various items have, he can get special benefits. It seems to me that is on all fours with what you are trying to do here, but you are designing a program where the eligibility is entirely different, where the benefits are entirely different, where the duration of benefits is entirely different.

You provide no coordination, as does the Adjustment Assistance Act under the Trade Agreements Act, to coordinate to program with the present unemployment compensation system. Why should this be entirely separate? If you want to do a little more, why not do it on top of the unemployment compensation system you have? These people are entitled to unemployment compensation, and they are supposed to be paid out of the fund that has been developed. Why have something entirely different and not coordinate it? We have programs for the training of these workers and the adjustment assistance under the Trade Adjustment Act is coordinated with that, and the benefits that you pay under the Work Training Act are coordinated to be consistent with what may be paid as a result of unemployment.

I do not know, frankly, whether a person who goes into training can get double benefits, whether he can get benefits under this special compensation, and then also get benefits under work training.

What I suggest to the committee—and I would suggest it to this House—is not that we ignore the problem of these people, but that you adopt the amendment of the gentleman from Kentucky, that the committee go back and take a further look at this matter, hold hearings, and try to coordinate it with what is already being done. If the committee could find that it also has jurisdiction over other kinds of unemployment created by Government action, then those people could be included. Let us not get just a complete mess of topsy-turvy programs where one person, because he is put out of work by foreign imports gets one kind of benefit under one kind of an eligibility system, and then if he is put out of work by ecology, he gets a different one, and another one who is put out of work by the closing of a defense plant gets something different, whereas their problem is all the same. The cause of it is the same.

I plead with you: Let us not make a mess out of our laws. Let us have some consistency. Let us be fair. The committee has time, I am sure, to take this up separately, and come out with a bill on that matter.

I assure the gentleman that I will support the legislation if it has the consistency which I think is required. However, all you are doing here is adding confusion to our laws, and where we will end up, nobody will know.

Mr. JAMES V. STANTON. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentlemen from Ohio.

Mr. JAMES V. STANTON. Mr. Chairman, I rise to point out to the distinguished senior minority member of the Ways and Means Committee that when the committee did consider the original version of the bill they tried to follow the Trade Expansion Act at 66⅔ percent of compensation, and that position was rejected in the committee and in the bill brought to the floor.

Mr. BYRNES of Wisconsin. The gentleman is in error if he contends that is the level in the Trade Adjustment Act. It is not. I suggest he read section 1942 of title XIX—or I will be glad to read it to the gentleman, but it is not 63 percent. It is not even 60 percent. It provides an entirely different formula than he suggests. I will admit it is a complex formula, but it is not the benefit the gentleman is providing here or the suggestion that was turned down by the committee. The eligibility is different. Everything is different.

There is not one item in this bill that is comparable to the adjustment assistance under the Trade Act.

Mr. JAMES V. STANTON. First of all I would like to point out that there is no duplication of benefits under this bill, as was suggested. There is no duplication anywhere. That has not been established but it has been a repeated statement made by the other side.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I must say I am puzzled as to how to vote. It seems to me there is an ethical question here and a practical question. The ethical question is can we justify a very substantial handout to industry, and incidentally a great many of these industries have been making quite a great thing out of dumping their poison into the waters for decades and longer and making their profits and nobody is going to ask them to pay for past damage to the environment. We are proposing a handout to industry, and yet at the same time we are taking a very businesslike attitude toward the workers who will be disemployed by these cleanup orders.

Now there is also a practical question. In my district we have a great deal of pollution in a great many industries that ought to be given cleanup orders. There are 1,200 firms pouring poison every day into Baltimore Harbor. If we give an order to close down a firm, or put in an order which they regard as threatening the firm's ability to continue, I am concerned that we will have the labor force of that firm marching on the Congressmen and protesting to get these antipollution orders stopped. Can we enforce real antipollution programs unless we do have something in here that is acceptable to the workers?

Mr. JOHNSON of California. Mr. Chairman, I think we have had considerable debate on this particular amendment. I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. DENT. Mr. Chairman, I reserve the right to object.

Mr. LONG of Maryland. Mr. Chairman, I do object.

The CHAIRMAN. Objection is heard.

MOTION OFFERED BY MR. JOHNSON OF CALIFORNIA

Mr. JOHNSON of California. Mr. Chairman, I move that all debate on this amendment and all amendments thereto close at 6:10.

The CHAIRMAN. The question is on the motion offered by the gentleman from California.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Poage).

Mr. POAGE. Mr. Chairman, I have no desire to discuss the merits or demerits of the proposal. I do congratulate the committee for recognizing a serious problem and trying to deal with it. I fear that the committee has given inadequate consideration to the unemployment section, but I am happy that the committee has recognized the obligation of society to pay for losses incurred in behalf of society.

I do want to know on the record, from the chairman or whoever is acting as chairman, whether the gentleman considers that this bill includes those who are put out of employment as a result of the Federal orders prohibiting the use of all practical means of destroying predators in the livestock industry. Will anybody answer?

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Texas.

Mr. WRIGHT. I am not sure that the situation the gentleman describes is expressly covered under the terms of this bill, but it certainly is possible that such a situation could be covered. The test of eligibility set forth in subsection (a) of this section refers to "any employment loss" resulting from a standard or order issued pursuant to certain cited laws "or any other Federal law having for its primary purpose the improvement of environmental quality." If the situation described by the gentleman meets that test, it would be eligible for payments.

Mr. POAGE. Why should it not be?

Mr. WRIGHT. I know of no reason whatever why it should not be. It is my general impression that the general announced purpose of the predator protection legislation is founded upon environmental considerations.

Mr. POAGE. It is intended to conform the environment to what some people think it should be; is it not?

Mr. WRIGHT. I agree with the gentleman.

Mr. POAGE. And it is a Federal order. I am glad that the gentleman agrees with me that these livestock should receive as favorable treatment as should other industries.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Dent).

(By unanimous consent, Messrs. Collier and Snyder yielded their time to Mr. Dent.)

Mr. DENT. Mr. Chairman, I will not take the time I wanted to take awhile ago to tell the Members about some of the things we may not be thinking about.

We are not talking about unemployment compensation. I was in on the first Unemployment Compensation Act which was passed in this country. Unemployment compensation was designed to pick up between the transitional period when a person lost his job and went to another job. It was never intended to be a payment in lieu of work for jobs which were not ever to be recreated.

The first breakthrough was in the Trade Expansion Act, which set aside all unemployment compensation, when they knew what was causing the unemployment. They said in that act, "If you are out of work because imports have taken your job, we are going to pay you so much as a sort of a bonus not to complain. We will pay you so much a month or a week, for so many months, in order that you will have money to live on."

However, unemployment compensation is entirely different from the situation where jobs have been taken away and will not ever again be recreated.

Why do not we call it what it is? Let us give it a name other than unemployment compensation.

Every State has an unemployment compensation act. If a person is out of work for any reason—for trade reasons, for environmental reasons, for any reason anyone can think of—he can collect unemployment compensation, the same as anybody else, for the period of time which is considered to be correct for the transitional period required between jobs.

What we are doing now is that we are setting up in this country a permanent series of payments for jobs that have gone and will never come back. This is not unemployment compensation. This has nothing to do with what we should be doing to recognize the injury of job losses. It is good, and it is needed, but it is not needed any more for the one group of workers who are out of work because of a trade proposition being out of kilter, or because of an environmental situation.

Environmental expenses should be paid for by the Government, and they should be paid for with money that does not pay interest. They are in the public domain. They ought to be paid for with money which is put out and issued against the project, and returned to the Government when it is collected in taxes on a 5- to 10-percent discount, paid back to the Treasury with no added debt created.

This was suggested by Henry Ford when the Muscle Shoals plan was before the Congress. It was laughed at when he suggested it, yet if it had been approved Muscle Shoals would have cost exactly $33 million instead of the uncounted millions of dollars when we finally pay for Muscle Shoals, because we have never yet paid the interest on the bonds that we created.

So if we are going to make a law in this country that makes an effort to do something about cleaning up the environment, ecology, and all of that, that is in the public domain, it ought to be paid for without paying interest of any kind as a reward, because of the fact that we pass a law that puts them out of business.

We have no right to put industry out of business, and persons out of work, without considering the real loss to them both and the added burden to everyone in the Nation.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Frenzel).

Mr. FRENZEL. Mr. Chairman, this amendment must be supported.

In creating a separate competitive program to that which we operate through the Department of Labor, this committee has contributed to the proliferation of competing agencies in our Government.

Last week we voted down a bill, or amended it substantially, because we did not want to lay on another level of government activity. Here today, because a committee that does not have jurisdiction over this unemployment program gave it to a separate agency, we are about to create another agency level unless we pass this amendment.

What about the workers? If it is true, as the gentleman from Illinois says, that we have only a $100 million liability, what do we do for the unemployed person who comes up for compensation after the $100 million are gone? All we have given him is a false hope.

What do we do now that we have given this program to an agency that has no authority to establish rules? What do we do if the Secretary of Labor judges that a man is not unemployed because of environmental reasons? There is no appeal or judicial review because we have not provided for coordination, or for rulemaking authority.

Not only are we promising to potential unemployed persons more than that which this bill can deliver, but we have also provided an excellent vehicle for abuse of benefits. There is no rule requiring an active search for work, or even that a person be available for work. There is no definition of suitable work.

The committee's incursion into the jurisdictional area of unemployed compensation is a disaster. It is a little like a blacksmith performing brain surgery. Only by passing the Snyder amendment can we protect our well-administered unemployment compensation program. I urge its passage.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas (Mr. HAMMERSCHMIDT).

Mr. HAMMERSCHMIDT. In further response to the earlier colloquy with the gentleman from Illinois (Mr. GRAY) let me say that we cannot deceive the people of America by leading them to believe they would be entitled to more benefits under this section, because once this program becomes law the Congress would be obliged to have all of those who are put out of work for environmental reasons collect benefits. Once this program is started it cannot be stopped, and therefore I say it is open-ended legislation, and Congress will have to legislate the money.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, there is considerable merit to this section. I am sure we all want to see unemployment insurance of a certain amount given to a man thrown out of work through no fault of his own. That is the basis of our State unemployment insurance program, and I think from my experience that the program works well. It is a good Federal-State relationship.

But we are setting up here a new category and piling one type of unemployment on top of another. The gentleman from Pennsylvania (Mr. DENT) may be exactly correct, because this is a little bit different because it may be referring to jobs that are gone.

However, this section is full and replete in section 801 with inferences to "unemployment compensation." We ought to give further study to this and try to find an equitable solution but perhaps not in the form before us at this point although it has a great deal of merit and equity to it. I think we can approach it in a better manner with further study and come out with what would be considered fair for the unemployed workers.

I do want to add my support, however, of the EDA program. We have an excellent program in my State, and are beginning to add some most worthwhile projects in my district. I commend the administrators of the program.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. GRAY).

Mr. GRAY. Mr. Chairman, I just want to make two short points in closing.

This bill does not allow any unemployed person to draw both unemployment compensation and the benefits provided by section 801. So let us say this section should be stricken. These same people we would give a remedy to in this legislation will go into an unemployment compensation office and file for benefits and get paid benefits. This is not going to cost the taxpayers an additional $100 million. I want to make it very clear.

Second, we are paying out right now $1.5 billion a month in welfare. We are paying out $500 million a month, and not a year in unemployment compensation. So this is infinitesimal in cost compared to what we are already paying.

What we are trying to do is give this fellow a little hope in going some place and finding a new job. It will not be an additional $100 million cost.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Chairman, I think it is significant that most of those who have argued to strike this entire section have come up and said to you that there is merit in this idea. They have said that we do owe these people some consideration, that we ought to do something about it, but they just do not believe we have quite got it exactly right yet. Therefore, they argue, let us not do anything. That is what they are saying.

That argument, on its face, is illogical. I cannot swear to you that this is a consummate, perfect approach, but it is the best that the committee could devise. We have placed a realistic limit on the amount an individual may receive. We have properly circumscribed the entitlement and the eligibility. We think it is the best we can do. We think it is a fair approach. Perhaps it could be perfected further. Few laws could meet the test of immaculate perfection.

But in heaven's name let us not simply for fear that it may contain imperfection cut it out entirely and do nothing. And that is what you would do if you vote for the amendment offered by the gentleman from Kentucky (Mr. SNYDER). You would strike the entire section. If you think we owe these displaced people something, then vote "no" on the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. JOHNSON) to close the debate.

Mr. JOHNSON of California. Mr. Chairman and members of the committee: The committee worked its will on the new title providing for sections 801 and 802. In doing that we gave consideration to the employee who is going to be affected by the environmental policy acts, water pollution, air pollution, and noise pollution. We provided for industry in section 802 for them to cope with the mandates of the environmental agency as it relates to the industrial establishments.

The gentleman from Illinois (Mr. GRAY) pointed out to you that no employee can collect double compensation.

There is an amount of $100 million to cover the compensation of the employees provided for in section 801, and there is $200 million that is available to industry on 30-year loans, and at 3-percent interest.

I think sections 801 and 802 are fully justified, and I therefore ask that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. SNYDER).

The question was taken; and the Chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. ZION. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ZION. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. SNYDER, GRAY, BLATNIK, and ZION.

The Committee divided, and the tellers reported that there were—ayes 161, noes 201, not voting 71, as follows:

[Roll No. 331]

[Recorded Teller Vote]

AYES—161

Abbitt
Alexander
Anderson, Ill.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Baring
Belcher
Bell
Blackburn
Bow
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Camp
Carlson
Casey, Tex.
Cederberg
Chappell
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Curlin
Davis, Ga.
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Downing
Duncan
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Fisher
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Frey
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Hastings
Heinz
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jonas
Jones, N.C.
Keating
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lloyd
Lujan
McClory
McClure
McCollister
McCulloch
McEwen
McKay
McKevitt
Mallary
Mann
Martin
Mathias, Calif.
Mayne
Miller, Ohio
Mills, Ark.
Montgomery
Myers
Nelsen
Patten
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Price, Tex.
Quie
Quillen
Robinson, Va.
Robison, N.Y.
Rogers
Roncalio
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Scott
Sebelius
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stanton, J. William

Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.

Ullman
Vander Jagt
Ware
Whalley
Whitehurst
Widnall
Wiggins
Williams

Wilson, Bob
Winn
Wydler
Wylie
Young, Fla.
Zion
Zwach

NOES—201

Abzug
Adams
Addabbo
Albert
Anderson, Calif.
Andrews, Ala.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burlison, Mo.
Burton
Byron
Celler
Chisholm
Clausen, Don H.
Cleveland
Collins, Ill.
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Davis, S.C.
Delaney
Dellums
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Foley
Fraser
Fulton
Fuqua
Galifianakis
Gaydos

Gettys
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Halpern
Hamilton
Hanley
Harsha
Hathaway
Hawkins
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hungate
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Kemp
Kluczynski
Koch
Kyros
Link
Long, Md.
McCormack
McDade
McFall
McKinney
Macdonald, Mass.
Madden
Mailliard
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mizell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher

Nedzi
Nix
Obey
O'Hara
O'Konski
Patman
Pepper
Perkins
Peyser
Pike
Podell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Purcell
Randall
Rangel
Rees
Reid
Reuss
Roberts
Rodino
Roe
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steele
Stokes
Stratton
Stubblefield
Stuckey
Symington
Taylor
Thone
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Waggonner
Wampler
Whalen
White
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Tex.
Zablocki

NOT VOTING—71

Abernethy
Abourezk
Anderson, Tenn.
Baker
Betts
Blanton
Bray
Byrne, Pa.
Caffery
Carey, N.Y.
Carney
Carter
Chamberlain
Clancy
Clark
Clay
Conte
Daniel, Va.
Davis, Wis.
de la Garza
Dowdy
Dwyer
Edmondson
Edwards, Ala.

Ford, William D.
Frelinghuysen
Gallagher
Garmatz
Giaimo
Hagan
Hansen, Wash.
Harrington
Harvey
Hébert
Heckler, Mass.
Hillis
Hull
Keith
Leggett
Lennon
Lent
Long, La.
McCloskey
McDonald, Mich.
McMillan
Mahon
Michel

Mills, Md.
Minshall
Mosher
Nichols
O'Neill
Passman
Pelly
Railsback
Rarick
Rhodes
Riegle
Rooney, N.Y.
Rousselot
Ryan
Schmitz
Springer
Sullivan
Teague, Tex.
Terry
Thompson, N.J.
Veysey
Waldie
Whitten
Wilson, Charles H.

So the amendment was rejected.

Mr. FLOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am proud to join my colleagues in urging passage of the accelerated public works impact bill, and I commend the Committee on Public Works for reporting out this bill. This bill recognizes the dual need of local communities for waste and sewage treatment facilities, sidewalks, and other needed permanent public facilities, and the national need to reduce unemployment and relieve the unemployment/inflation cycle.

Before the recent devastation wrought by Hurricane Agnes was visited upon the Wyoming Valley, the accelerated public works impact bill was desperately needed—unemployment hovered at the 6-percent level with pockets of substantial unemployment in many areas of my district. The needs of the communities—sewers, firehouses, and other municipal buildings, waste treatment plants, and the scores of other projects which we all know so well, all of these were needed before the flood waters rose. And then came Agnes. Agnes, the greatest civic disaster in the history of the Republic. They talk of sudden rises in unemployment rates to qualify for public works projects—they talk of substantial unemployment. On June 22, 1972, the unemployment rate in Wilkes-Barre, Hazleton, Pa. was 5.8 percent. On June 23, 1972, a Friday morning after everyone had been to work the day before, the rate was 33 percent; 33 percent. This is not a short-term problem either—grossly substantial unemployment will remain in Wilkes-Barre and the surrounding disaster area unless all aid possible is brought to bear to relieve these suffering communities.

Mr. Chairman, if I may give a brief rundown of what has happened to public facilities in my district:

Borough buildings and city halls damaged or lost in Wilkes-Barre, Kingston, Plymouth, Forty Fort, Soyersville.

Firehouses damaged by the scores, police stations wiped out, sidewalks ripped out in every community in my district, and bridges and highways destroyed completely by the hundreds.

In one community alone, Kingston, 70 percent of the sewage treatment facilities and pipelines were rendered inoperable, with a huge amount still damaged at this time. I could go on like Tennyson's brook, but let it suffice to say that this legislation is needed, it was needed yesterday, and if the future of the disaster areas is to be secured, legislation of this type is a must.

Mr. Chairman, I will not seek to burden you with statistics and data, which in themselves reflect the critical need for the accelerated public works program. However, I would wish to underscore a few points. With relation to the domestic economy: The balanced budget of 1969 has become the expansionary, unbalanced budget of 1973; the complete rejection of Federal involvement in setting wage and price ceilings matured into the implementation of such controls last August, at a time that some economists say may have been too late. And finally, the abhorrency of public works projects as political "boondoggles" has come to be an approximately $50 million program for public works concentrated in high unemployment impact areas.

Even the administration realizes that while not a permanent solution to the problem of unemployment, that public works programs of this type involves a human investment as relates to skills and the reducing of State and Federal expenses in the form of reduced welfare rolls and shorter lines at the unemployment offices. The program which has now been placed before us would accelerate public works spending and would have the attendant benefits by providing badly needed services to areas of high unemployment, of training idle manpower, and reducing spiraling public assistance costs which represent nonproductive Government expenditures.

The argument with relation to the reduction of welfare costs is one of the most telling in this respect. Since January 1969, welfare costs have almost doubled as the unemployment rate for the same period went from 3.5 percent to 6 percent. In the year 1969, payments of unemployment compensation totaled $2.1 billion, while in 1971, the last year for which figures are available, that figure soared to $5.7 billion.

The reduction in the unemployment rate to 5.5 percent last month has been hailed as the harbinger of good news concerning the state of the economy and has led to predictions that the rate will be reduced to 5 percent by the end of the year. Assuming that this is an accomplishment to be proud of, which I do not contend it is, such figures which express a national average of unemployment do not speak directly to areas which may be suffering unemployment rates twice or three times the national average. These areas are the locus of emphasis in the legislation before us.

However, I do not agree that a figure of 5-percent unemployment is a fact of sound economic policy to be admirably applauded. Taken in the context of the net accomplishment regarding the unemployment figure we still discover that since January 1969 there has been, as it stands now, a net increase of 2 percent unemployed.

We need not belabor the need for taking up the employment slack in this country, yet we can neither stress the need too strongly. Persistent unemployment has a reverberating effect on every sector of the economy, on the cost of living, and even on our Nation's ability to maintain a sound international fiscal policy. The APW impact bill is only the first step in providing a part of the solution to this complex problem—but it is a necessary step.

AMENDMENT OFFERED BY MR. LATTA

Mr. LATTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LATTA: Page 28, line 11, strike out the quotation marks and the period following such quotation marks and insert the following: "The Secretary shall not establish any system of priorities for the kinds of assistance authorized by this section."

Mr. LATTA. Mr. Chairman, I might say that this is the amendment alluded to in general debate.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from California.

Mr. JOHNSON of California. The committee members on this side of the aisle have reviewed the amendment and we see no objection to the amendment offered by the gentleman from Ohio.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, this side of the aisle also accepts the amendment offered by the gentleman as a constructive amendment.

Mr. HALL. Mr. Chairman, I would like to have an explanation of the amendment even though it has been accepted by both sides.

Mr. LATTA. Mr. Chairman, this amendment further clarifies the meaning of section 301 of this bill. It is apparent the intention of the Congress in this section has been misconstrued by the Department. The meaning of section 301 is to give equal emphasis to the technical assistance, planning grants, et cetera, mentioned in it. The Department has been using its own priorities in making these grants, contrary to the intent of this committee and of Congress when it pased the original act.

This amendment simply stipulates the Secretary shall not make such priorities. This amendment was fully discussed during general debate.

Does the gentleman from Missouri have any further questions?

Mr. HALL. No. I appreciate the gentleman's explanation. I heard the general debate. I now know to what the gentleman refers. But I believe there is unanimous agreement that a Member cannot act intelligently without an explanation.

I thank my friend, the gentleman from Ohio.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to be proposed, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SLACK, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 16071) to amend the Public Works and Economic Development Act of 1965, pursuant to House Resolution 1098, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HAMMERSCHMIDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 285, nays 92, not voting 55, as follows:

[Roll No. 332]

YEAS—285

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Brotzman
Brown, Mich.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Carey, N.Y.
Celler
Chappell
Chisholm
Clark
Clausen, Don H.
Cleveland
Collins, Ill.
Conover
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dorn
Dow
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Flood
Flowers
Foley
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Hastings
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Howard
Hungate
Hunt
Ichord
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kyros
Landrum
Latta
Link
Lujan
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Mann
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Miller, Ohio
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Randall
Rangel
Rees
Reid
Reuss
Roberts
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
St Germain
Sarbanes
Saylor
Scheuer
Schwengel
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Waggonner
Vander Jagt
Vanik
Vigorito
Wampler
Whalen
White
Whitten
Widnall
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wyman
Yates
Yatron
Young, Tex.
Zablocki
Zion
Zwach

NAYS—92

Abbitt
Anderson, Ill.
Archer
Arends
Ashbrook
Belcher
Bell
Blackburn
Bow
Bray
Brinkley
Broomfield
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrnes, Wis.
Cabell
Camp
Carlson
Casey, Tex.
Cederberg
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Crane
Dellenback
Dennis
Derwinski
Devine
Dickinson
Downing
Erlenborn
Eshleman
Findley
Fisher
Flynt
Ford, Gerald R.
Goldwater
Goodling
Gross
Haley
Hall
Hosmer
Hutchinson
Jarman
Johnson, Pa.
Jonas
Kuykendall
Kyl
Landgrebe
Lloyd
Long, Md.
McClory
McClure
Mahon
Mallary
Martin
Mayne
Mills, Ark.
Montgomery
Poage
Poff
Price, Tex.
Purcell
Robinson, Va.
Robison, N.Y.
Rogers
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Scott
Sebelius
Smith, Calif.
Snyder
Steiger, Ariz.
Steiger, Wis.
Ware
Whalley
Whitehurst
Wiggins
Williams
Wilson, Bob
Wydler
Wylie
Young, Fla.

NOT VOTING—55

Abernethy
Abourezk
Anderson, Tenn.
Baker
Betts
Blanton
Caffery
Carney
Carter
Chamberlain
Clancy
Clay
Conte
Daniel, Va.
Davis, Wis.
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Frelinghuysen
Gallagher
Hagan
Hansen, Wash.
Harrington
Harvey
Hébert
Heckler, Mass.
Hillis
Hull
Keith
Leggett
Lennon
Lent
Long, La.
McCloskey
McDonald, Mich.
McMillan
Michel
Mills, Md.
Nichols
O'Neill
Passman
Pelly
Railsback
Rarick
Rhodes
Riegle
Rooney, N.Y.
Rousselot
Ryan
Schmitz
Springer
Teague, Tex.
Veysey
Waldie

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Conte.

Mr. Hébert with Mr. Rhodes.

Mr. Rooney of New York with Mr. Frelinghuysen.

Mr. Nichols with Mr. Carter.

Mr. Edmondson with Mr. Clancy.

Mr. Hagan with Mr. Keith.

Mr. Lennon with Mr. Betts.

Mr. Leggett with Mr. Harvey.

Mr. Hull with Mr. Chamberlain.

Mr. Waldie with Mr. Lent.

Mr. Harrington with Mrs. Heckler of Massachusetts.

Mr. Carney with Mr. Michel.

Mr. Passman with Mr. Hillis.

Mr. McMillan with Mr. Mills of Maryland.

Mr. Rarick with Mr. Pelly.

Mr. Gallagher with Mr. McCloskey.

Mr. Abernethy with Mr. Davis of Wisconsin.

Mr. Clay with Mr. Ryan.

Mr. Anderson of Tennessee with Mr. McDonald of Michigan.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Blanton with Mr. Baker.
Mr. Caffery with Mr. Edwards of Alabama.
Mr. Teague of Texas with Mr. Railsback.
Mr. Abourezk with Mr. Riegle.
Mr. Long of Louisiana with Mr. Rousselot.
Mr. Dowdy with Mr. Schmitz.
Mr. Daniel of Virginia with Mr. Springer.

Mr. DOWNING changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGES FROM THE PRESIDENT

Further messages in writing from the President of the United States were communicated to the House by Mr. Geisler, one of his secretaries.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 260. Joint resolution to delay the effectiveness of certain amendments to the interest subsidy provisions of the guaranteed student loan program in the case of certain students.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 16071 and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT ON THE BILL S. 3726, EXPORT ADMINISTRATION ACT AMENDMENT

Mr. COLMER, from the Committee on Rules, reported the following privileged resolution (H. Res. 1102, Rept. No. 92–1361) which was referred to the House Calendar and ordered to be printed:

H. Res. 1102

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, the provisions of clause 2, Rule XXVIII notwithstanding.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1973—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–343)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

Today, I must return without my approval H.R. 15417, the appropriations bill for the Department of Labor, the Department of Health, Education and Welfare and certain related agencies. Exceeding my budget recommendations by $1.8 billion, this bill is a perfect example of that kind of reckless Federal spending that just cannot be done without more taxes or more inflation, both of which I am determined to avoid.

Moreover, the bill fails to include a limitation on Federal matching payments for social services for public assistance recipients, although such a limitation was passed by the Senate. Because this is currently an open-ended program, this Congressional *inaction* could require a later supplemental reaching as high as $3.5 billion. By increasing the face amount of the bill on the one hand and failing to place a limitation on payments for social services on the other, the Congress has produced a budget overrun that could exceed ***$5 billion.***

Inherent in this kind of spending, but not publicly specified by its sponsors, is a cut in purchasing power for every American family. *No program has a higher priority than continued expansion of the purchasing power of all the people.*

As I said in my special message of July 26: "I do not propose to sit by and silently watch individual family budgets destroyed by rising prices and rising taxes—the inevitable end to spending of this magnitude." Our mounting economic resurgence is at stake and I mean to protect it.

We have cut inflation in half, but spending such as this bill would require would clearly undermine that progress.

We have reduced Federal income taxes by 26 percent for a family of four making $10,000 a year but spending such as this would undermine that progress.

We have achieved conditions in which the purchasing power of the average production worker with three dependents has gained four percent in one year, the best increase since 1964, but spending such as this would undermine that progress.

What the Congress has done is to take my ample and carefully considered 1973 budget proposals and balloon them to fiscally dangerous dimensions.

This Administration is second to none in its concern for America's health, education and manpower program needs. From the very beginning we have consistently proposed and supported desirable programs in both the health research and health service areas, and we will continue to do so. For example, we proposed—and in November of 1971 I signed into law—the most comprehensive health manpower legislation in the Nation's history. This Administration launched the first separate Federal effort to combat sickle cell anemia. We have nearly doubled the Federal commitment to finding a cure for cancer. We have also proposed fundamental reform of education and manpower training programs coupled with recommendations for major fund allocations for education revenue sharing, emergency school assistance and public service jobs.

The failure of the Congress to use balance and restraint in the framing of H.R. 15417 has turned it into a big-spending measure that impairs the Nation's economic health.

The budget request that I submitted to the Congress proposed an increase of $2.1 billion for the HEW programs contained in this bill. That addition permits substantial expansion over the fiscal year 1972 level while recognizing competing priorities in other areas and the necessary discipline of keeping total Federal spending within the limit of full employment revenues.

The Congress would add to my proposals $1.8 billion in new spending authority. Increases of this magnitude are clearly excessive and must be revised.

Aside from increasing the face amount of this bill to unacceptable levels, the Congress, as I have previously noted, threatens to bring on a separate fiscal crisis of a dimension involving billions of dollars by its continuing inaction with regard to the social services program of HEW. Under this program the Federal Government provides matching funds, on a three-to-one basis, for social services provided by the States for past, current and potential public assistance recipients.

As I have previously proposed on several occasions, the Congress should place a ceiling on spending for this program which is now open-ended and not subject to any effective control by the Federal Government. But H.R. 15417 does not contain such a cutoff.

We now provide matching money for whatever amounts of services the States choose to provide. Since the authorizing legislation for the social services programs is vaguely written, the States have been able to include services far beyond what the Congress must have originally intended.

The result amounts to opening up a trap-door in the Federal Treasury through which billions are now flowing and through which more billions will pour unless the Congress enacts a specific limitation.

The rate of increase has been quickening. From 1970 to 1971, expenditures rose 37 percent. In 1972, they more than doubled—shooting up to more than $1.9 billion. In 1973, they threaten to more than double again as State claims approach $5 billion.

Elementary fiscal responsibility demands that this loophole for unlimited Federal funds for undefined services must be closed now. The Congress must harness this multi-billion-dollar runaway program by enacting a social services spending ceiling.

I also urge that the Congress, in drawing up a new measure, provide that the line items in the bill should not, in the aggregate, exceed my budget request. This could be accomplished either by revising the recommendations for each of the items, or by including a general provision in the bill which would limit spending to this overall aggregate amount.

I know the usual practice is to repass such a bill with a slight reduction and assume that the second bill will have to be signed.

Such action would obviously not satisfy the objections to this measure I have set forth here.

In returning this measure without my approval, I again urge the Congress to join with me to avoid higher taxes, higher prices and a resulting cut in purchasing power for the American people by enacting a general spending ceiling of $250 billion. That action would get us away from this Congressional credit-card approach to Government finances—an approach that will add up to bad news for everybody when the eventual and inevitable bills must be paid.

RICHARD NIXON.

THE WHITE HOUSE, *August 16, 1972.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and without objection the bill and message will be printed as a House document.

There was no objection.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I shall say only a few words and then move the previous question.

It is my understanding that the so-called open-end provision is a matter under the jurisdiction of the Committee on Ways and Means, not the Committee on Appropriations, and that the Ways and Means Committee has already acted on this matter in H.R. 1, now pending in the Senate. In addition, the chairman of the committee informs me that the Secretary of HEW already has full authority now to approve or disapprove these plans.

It seems to me that the President has developed a habit of vetoing bills dealing with health and education. To my knowledge, this is the second veto of such a bill, the third veto of a bill dealing with education. Education and health are two of the great problems before this Nation.

I am sorry the President does not recognize that in his list of priorities. The issue is quite clear. The Members understand it.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. Under the Constitution, this vote must be determined by the yeas and nays.

The question was taken; and there were—yeas 203, nays 171, answered "present" 1, not voting 57, as follows:

[Roll No. 333]

YEAS—203

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Bell
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Brooks
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Casey, Tex.
Celler
Chamberlain
Chisholm
Clark
Collins, Ill.
Corman
Cotter
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Flood
Flowers
Foley
Ford, William D.
Fraser
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Kluczynski
Koch
Kyros
Link
McCormack
McCulloch
McDade
McFall
McKay
Macdonald, Mass.
Madden
Mailliard
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
Patman
Patten
Pepper
Perkins
Peyser
Pike
Podell
Preyer, N.C.
Price, Ill.
Pucinski
Rangel
Rees
Reid
Reuss
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Shriver
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Steed
Steele
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Whalen
White
Wilson, Charles H.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Tex.
Zablocki
Zwach

NAYS—171

Abbitt
Anderson, Ill.
Archer
Arends
Ashbrook
Belcher
Bennett
Blackburn
Bow
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Coughlin
Crane
Davis, Ga.
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Erlenborn
Eshleman
Findley
Fish
Fisher
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Frey
Gettys
Giaimo
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Gubser
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Hastings
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Tenn.
Keating
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McEwen
McKevitt
McKinney
Mahon
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Miller, Ohio
Minshall
Mizell
Montgomery
Mosher
Nelsen
Pettis
Pickle
Pirnie
Poage
Poff
Powell
Price, Tex.
Purcell
Quie
Quillen
Randall
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Runnels
Ruppe
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Scott
Sebelius
Shoup
Sikes
Skubitz
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thone
Vander Jagt
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wydler
Wylie
Wyman
Young, Fla.
Zion

ANSWERED "PRESENT"—1

Buchanan

NOT VOTING—57

Abernethy
Abourezk
Anderson, Tenn.
Baker
Betts
Blanton
Caffery
Carney
Carter
Clancy
Clay
Conte
Conyers
Daniel, Va.
Davis, Wis.
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Frelinghuysen
Gallagher
Hagan
Hansen, Wash.
Harrington
Harvey
Hébert
Heckler, Mass.
Hillis
Hull
Keith
Leggett
Lennon
Lent
Long, La.
McCloskey
McDonald, Mich.
McMillan
Michel
Mills, Md.
Nichols
O'Neill
Passman
Pelly
Pryor, Ark.
Railsback
Rarick
Rhodes
Riegle
Rooney, N.Y.
Rousselot
Ryan
Schmitz
Springer
Teague, Tex.
Ullman
Veysey
Waldie

So (two-thirds not having voted in favor thereof) the veto of the President was sustained and the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill and Mr. Rooney of New York for, with Mr. Hébert against.

Mrs. Hansen of Washington and Mr. Edmondson for, with Mr. Passman against.

Mr. Buchanan and Mr. Ullman for, with Mr. Rhodes against.

Mr. Leggett and Mr. Ryan for, with Mr. Rarick against.

Mr. Waldie and Mr. Harrington for, with Mr. Teague of Texas against.

Mr. Carney and Mr. Conte for, with Mr. Michel against.

Mr. Clay and Mr. Conyers for, with Mr. Rousselot against.

Mrs. Dwyer and Mr. Abourezk for, with Mr. Davis of Wisconsin against.

Mr. Hull and Mr. Anderson of Tennessee for, with Mr. Clancy against.

Mrs. Heckler of Massachusetts and Mr. Harvey for, with Mr. Edwards of Alabama against.

Mr. Blanton and Mr. Riegle for, with Mr. Frelinghuysen against.

Mr. Pryor of Arkansas and Mr. Gallagher for, with Mr. Baker against.

Mr. McMillan and Mr. McCloskey for, with Mr. Veysey against.

Mr. Hillis and Mr. Railsback for, with Mr. Mills of Maryland against.

Until further notice:

Mr. Abernethy with Mr. Betts.
Mr. Caffery with Mr. Keith.
Mr. Daniel of Virginia with Mr. Carter.
Mr. Hagan with Mr. Pelly.
Mr. Nichols with Mr. McDonald of Michigan.
Mr. Lennon with Mr. Lent.
Mr. Long of Louisiana with Mr. Schmitz.
Mr. Dowdy with Mr. Springer.

Mr. BUCHANAN. Mr. Speaker, I have a live pair with the gentleman from Arizona (Mr. RHODES). I voted "yea." Had he been present, he would have voted "nay." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. The message and the bill, together with the accompanying papers, are referred to the Committee on Appropriations and ordered to be printed.

The Clerk will notify the Senate of the action of the House.

GUARANTEED STUDENT LOAN PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-344)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Education and Labor and ordered to be printed:

To the Congress of the United States:

In recent years, a major source of aid to students attending post-secondary schools has been the Guaranteed Student Loan Program. During the year ending this past June 30, over 1,000,000 students were able to borrow $1.3 billion to finance their education. Over 8,000 schools and 20,000 financial institutions are currently participating.

Support of this program has been bipartisan. It was created under the Administration of President Johnson, and it has been expanded and improved by the present Administration.

However, some provisions of the "Education Amendments of 1972," because of ambiguities in the language of the legislation, have had an unintended effect of raising the possibility that many thousands of students who have benefitted under the subsidized loan portion of the program in the past may not be able to obtain the loans they are counting on to return to school this fall.

We are doing everything possible in the regulations implementing the law to avoid this result, which was intended neither by the Administration nor by the Congress. But uncertainty remains. Because we are at the peak of the borrowing season under this program, I request that the Congress enact emergency legislation that would delay the implementation of the troublesome section of the law—specifically that it amend Section 132C(1), so that the lenders could continue to provide loans on the same basis as they did last year.

This would make it possible for students, parents, schools, and lenders to use a system with which they are all familiar, and which has served the students well. It would make it possible for students to obtain loans in time to go to school—which after all is the purpose of the program.

RICHARD NIXON.

THE WHITE HOUSE, *August 16, 1972.*

ADDITION TO LEGISLATIVE PROGRAM

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BRADEMAS. Mr. Speaker, I take this time to announce to the House an addition to the program for tomorrow and the balance of the week. We have added to the program the resolution reported by the Committee on Rules this afternoon, House Resolution 1102, which provides for the consideration of the conference report on the bill S. 3726, to extend and amend the Export Administration Act.

REQUEST TO INSERT MATERIAL IN THE RECORD

Mr. DRINAN. Mr. Speaker, I ask unanimous consent that notwithstanding the estimated cost of $1,402.50 I may be permitted to revise and extend my own remarks and include therein extraneous material on the subject of important testimony of six witnesses on the subject of world order.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. YOUNG of Florida. Mr. Speaker, reserving the right to object, would the gentleman from Massachusetts state the purpose of his request again?

Mr. DRINAN. Mr. Speaker, if the gentleman will yield, this is the important testimony of six witnesses on the subject of world order presented at hearings conducted by The Members of Congress for Peace Through Law.

Mr. YOUNG of Florida. What was the cost again?

Mr. DRINAN. This was the testimony given by Norman Couzens and Dr. Richard Barnett, and four others at hearings conducted by this bipartisan group entitled The Members of the Congress for Peace Through Law.

Mr. YOUNG of Florida. But would the gentleman from Massachusetts state the cost again?

Mr. DRINAN. The cost is estimated at $1,402.50.

Mr. YOUNG of Florida. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to state that numerous requests of the kind just made by the gentleman from Massachusetts (Mr. DRINAN) have been made on both sides of the aisle, and if this practice is going to be persisted in the Chair is going to have to respect the rights of all Members accordingly.

PARLIAMENTARY INQUIRY

Mr. HALL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. HALL. Mr. Speaker, this week, at the expense of the taxpayers, there was one insertion in the RECORD that, by the most conservative calculation, cost over $4,050, involving some 31 pages of the CONGRESSIONAL RECORD.

Notice has been served in the well of the House before. I think the Chair is respecting not only the wishes of the Members on both sides of the aisle, but the recent rule of the Committee on House Administration, where they reinculcated and reinstituted the decision that they would have to make their requests notwithstanding the estimated expense of printing undue amounts in the RECORD, and most of it is folderol. I hope that the Chair will persist in this. And that is exactly what I meant, and I serve notice that from now on I personally will demand that all those costing excessive amounts not be approved by unanimous consent.

The SPEAKER. The Chair will state that the gentleman from Missouri, of course, is within his rights to do so.

RETIREMENT OF HOLLIS R. WILLIAMS, DEPUTY ADMINISTRATOR FOR WATERSHEDS, SOIL CONSERVATION SERVICE

(Mr. WHITTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, I am sure I express the sentiments of the membership of the Congress when I here express regrets at the recent retirement of our good friend, Hollis Williams.

Hollis, a native of Arkansas, served as Deputy Administrator for Watersheds in the Soil Conservation Service of the U.S. Department of Agriculture.

When he came to the day of his retirement, June 30, 1972, Hollis was completing 38 years of service. Mr. Speaker, for many of those years, I have had the honor to serve as chairman of the Appropriations Subcommittee handling the appropriations for the Department of Agriculture, including the Soil Conservation Service. In this capacity, I had a wonderful opportunity to know not only the value of the program, but the great part of its success that could be directly attributed to Hollis Williams. As a skilled technician and outstanding conservationist, Hollis had and has another wonderful quality—that is the ability to get along with the folks in his Department, with the Members of Congress with whom he worked, and above all with the people of the United States who, in the final analysis, have to cooperate in the successful completion of soil conservation work. During his period of service, I would like to point out that this country completed over 57 water supply reservoirs serving almost 300,000 people; 70 reservoirs providing 4.4 million user days of recreation; as well as many, many acres of improved wildlife habitat associated with these works. Conservation works are estimated to reduce erosion by an additional 30 million tons each of the last 2 years for a total reduction of 170 million tons below what might have been lost without this work. Drainage systems have been provided for over 850,000 acres and irrigation systems for over 200,000 acres so they may continue to produce the food and fiber this Nation needs.

With that record, you can see why it is that many of us, including Hollis, take much time trying to point out to our friends and neighbors who only recently discovered the environment that the Department of Agriculture and folks working with and under Hollis Williams have been doing something about restoring our environment through the years.

Mr. Speaker, my friend WILBUR MILLS, chairman of the Ways and Means Committee; BOB POAGE, chairman of the Committee on Agriculture; and many others have covered many highlights of Hollis' service. I can say that we know of few men who have left the Government service who will be missed more or who have left a greater monument to their service than Hollis Williams, a monument not of stone but of use to all who follow. After all, those who have title to land today are merely custodians of the land for the future. If we continue to save and improve our soil to leave to our children and our children's children a land rich in natural resources, they will make it fine, whatever our financial problems, for they could set up their own financial system. On the other hand, we could leave them a worn-out land and all the money in the world and then there would be no hope.

For Hollis Williams and his family, we wish many happy and fruitful years and hope that he will be able to continue his fruitful efforts in this vital field of conservation.

UNIFORM RELOCATION ASSISTANCE AMENDMENTS OF 1972

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WHITEHURST. Mr. Speaker, on August 7, 1972, the House passed and sent back to the Senate S. 1819, the Uniform Relocation Assistance Amendments of 1972. It is vitally important to our Nation's cities, and particularly to those unfortunate persons forced to leave their homes or businesses because of Federal programs, that these amendments be signed into law at the earliest possible date.

Our cities cannot afford to carry the financial burden recently imposed on them by the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, Public Law 91–646. The very people Congress intended to aid, those forced to relocate, could very well be the ones most detrimentally affected by any further delays.

For clarification of the need for these amendments, I am including at this point a copy of my testimony before the Senate and House Public Works Committees on behalf of amendments I had offered, H.R. 10903:

Mr. Chairman, thank you for giving me the opportunity to testify on amending the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (PL 91–646) for the purpose of providing financial relief to our nation's cities.

Unless this Committee and the Congress act quickly, we will all be a party to placing a heavy financial burden on the cities of this nation, particularly those that are making the greatest efforts to improve the conditions of their urban existence. At the end of this month, the full effect of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 will begin to be felt.

Prior to the enactment of this law, there were only two relocation assistance programs in effect in the federal government, one in the Department of Transportation and the other in the Department of Housing and Urban Development. Under the now-repealed HUD program (Section 114 of the Housing Act of 1949 as amended dealt with relocation assistance and was repealed by PL 91–646), a tenant could have received up to $1000 to relocate, plus $200 moving expenses. A single family home owner could have received up to $5000 in replacement housing payments, plus $200 moving expenses. A displaced business could have received up to $25,000, which was a departmental payment since, unlike the preceding, payments for displaced businesses were regulatory, not statutory. All of these payments were made solely by the federal government.

Under the Department of Transportation, the Federal Highway Administration's relocation assistance program consisted of payments made available to displaced individuals, families, and businesses, with the payments being made jointly by the federal government and local governments according to the matching provisions of the federal program responsible for dislocating the individual. It was this concept of making relocation assistance payments on a program matching basis that was incorporated in PL 91–646.

Under the Uniform Relocation Assistance and Real Property Acquisition Act of 1971, provisions for expenses incurred in moving were greatly expanded and ceilings for replacement housing payments and rental assistance payments were also greatly increased. The payment ceiling for rental assistance was raised to $4000, and the replacement ceiling for housing payments was increased to $15,000. These figures are certainly higher than was allowed under Section 114 (c) of the Housing Act, but the important factors are these: for the first time, there is a uniform program for all departments and agencies of the federal government, and the entire program is based on local matching with the federal government according to the matching provisions of the program participated in.

This of course means that for the first time every individual, family, or business displaced by a project involving the federal government will have the opportunity to relocate in a home, apartment, or business location similar to that which they were forced to vacate, without facing the type of financial burden which those before them have had to face.

Previously, when homeowners were scheduled to be displaced because of a federal project, they received a market price for their home. Unfortunately, unless they were displaced by a HUD or DoT program, they received no relocation assistance, and the sale price they received for their home seldom allowed them to purchase similar accommodations elsewhere.

This new relocation assistance law will remedy this problem. However, it has created financial problems for the cities, the magnitude of which could not have been foreseen by the Congress. Those cities active in developing new Urban Renewal programs must now match every HUD dollar they receive for relocation assistance, and up to higher ceilings than previously existed.

In order to assist the cities in the period between the initial passage of this act and the end of the fiscal year, at which time the matching provisions of the law come into effect, Congress provided a temporary federal payment of $25,000 for relocation assistance.

Fortunately for many of the cities which have been very active in the past, the Comptroller General handed down a decision that all programs already in effect were excluded from the matching provisions of the law.

It appears that Congress has come up with a cure that is worse than the disease. In an attempt to offer equity and relief to those displaced by federal programs, the cities of this nation have been handed a financial burden of more than $300,000,000 a year commencing June 30, 1972.

Because of the dire financial condition of many of our large metropolitan areas, the Administration and Congress have been attempting to provide meaningful financial assistance to local and state governments through various forms of revenue sharing. Most Committees of Congress right now have at least one form of revenue sharing under consideration or pending, and the House will be voting on general revenue sharing next week. It appears to me that to allow the matching provisions of 91–646 to come into effect without providing at least a minimal degree of financial relief is contrary to the general aims of Congress.

It is for this reason that I have introduced in the House HR 10903. My bill would amend Section 211 of 91–646 (84 Stat. 1894) by adding at the end of Subsection (c) the following new Subsection, (d):

"(d) Nothing in this Act shall alter the percentage of federal payment for any relocation assistance program in effect prior to the enactment of this Act, up to the maximum amounts authorized in those programs."

It is clear that this amendment is designed not only to provide a base under the new law for all HUD programs, but also to serve as a statement of policy that the federal government should provide the cities with at least the financial assistance they received in the past.

My amendment would provide for the first $1000 provided for rental relocation payment [as in Subsection (c)(2) of Section 114 of the Housing Act of 1949 as amended] and the first $5000 provided for replacement housing [Subsection (c)(3) of Section 114 of the Housing Act of 1949 as amended] to be funded by the federal government, and the remainder, up to the new ceilings, would be matched according to the provisions of the program being participated in. This same concept will be in effect for relocation payments provided displaced businesses, since the $25,000 paid by the federal government was a regulation, not a statute level of payment as in the previous two cases. I used the term "program" in my amendment in order that both the statutory level and the regulatory level of payments could be covered.

In no way does my amendment affect other provisions for assistance in the new act, nor does it affect relocation assistance programs not in effect prior to the enactment of 91–646. It is aimed at restoring the federal level of contribution contained in Section 114 of the Housing Act of 1949 as amended.

Mr. Chairman, I feel that the financial assistance my bill would restore to the cities is a minimum, and that action must be taken quickly, since the end of the fiscal year is upon us. However, we must also be aware of the condition of our economy and face the fact that coming out of a protracted period of inflation has been a long and arduous process, and these factors must be given careful consideration when we undertake new authorizations for the budget.

The fiscal year cost of PL 91–646 for the Department of Housing and Urban Development can be estimated at $312,000,000. Using the estimate of 75,000 displaced families, individuals, and businesses, the estimated cost to the U.S. Budget for my amendment would be approximately $650,000,000 for replacement payments only. This is an increase of at least $338,000,000. To continue the temporary level of federal payments of $25,000 to the entire federal government cannot be accurately estimated as to cost with the figures I have been able to obtain, but the cost to the budget for

> HUD would be approximately $1,100,000,000 for fiscal year 1973.
>
> Mr. Chairman, permit me to state again that my concern is for providing financial relief to our cities, and that the minimum relief I feel Congress should extend is outlined in my amendment. Whatever level of assistance the Committee feels can be offered, let me urge that it be provided before the deadline of June 30, 1972.
>
> Thank you, Mr. Chairman and Members of the Committee.

As I stated in my testimony, my bill offered the bare minimum of assistance that the Federal Government could extend to the cities and in turn to those forced to relocate. While the bill now awaiting a joint House-Senate conference is not the measure I had hoped for, it at least goes a long way toward correcting some of the ills created by Public Law 91-646.

Let me again urge that S. 1819 be reported at the earliest possible date.

Mr. Speaker, I would like to take this opportunity to request that the various Federal departments and agencies responsible for the application of this law strengthen existing regulations and promulgate stringent future regulations pertaining to Public Law 91-646. We must assure that the types of speculative abuses that occurred under the various subsidized housing programs when they were first initiated are not permitted to recur. There have already been scattered accounts of suspected abuses by land speculators. I certainly hope that the Federal Government can cut short any misuse of public funds at the expense of victims of circumstances.

RESPONSES TO POSTAL SERVICE QUESTIONNAIRE

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, some Members may remember that I have protested the operation of the present postal corporation and strongly objected to the directive which post office officials issued saying postmasters should not write their Congressmen. I think this is censorship of the highest degree. Postal officials replied that postmasters could not write "under certain circumstances."

Last month, I sent a mailing to postmasters in my congressional district asking them to write me directly in response to a questionnaire which I enclosed. I believe the House will be interested in the comments which I am today inserting in the Record.

First, though, I must relate that when post office officials read I was asking postmasters to write, these same officials circulated a letter saying postmasters could write but their replies must be sent to me through the Postal Service Congressional Liaison Office—through channels in other words.

I sent out 118 questionnaires and as of this date, I have received only 31 replies—nine of these through the Postal Service Congressional Liaison Office. Simple arithmetic shows 87 responses are still out.

The fullness of the answers ranged from blank pages to full-page typewritten letters. The major point of concern by far was the official order to cut operating costs, a move which necessitates cutting valuable clerk hours and which continues to decrease service to the postal customer—be it at the window, on Saturday, or throughout the entire weekend and following week. Some postmasters described local problems, but in general, the reaction to the new Corporation was one of stress and uncertainty. As one postmaster summed up the situation, "The Postal Service has always been the one thing in the United States the people could depend on, but it is fast losing ground. As I see it, we are ending up with several ways to send our mail, none of them very reliable."

Mr. Speaker, I hope the Members will read these remarks. I think it is evident that when only 31 replies out of 118 are received, there is some strong incentive somewhere, somehow, and for some reason not to write. Personally, I find it shocking to see that postmasters are forbidden, in effect, to write their elected representatives directly. In fact, not only are postmasters discouraged to write, but many are now actually fearful of writing—fearful they will lose their jobs as a result. Mr. Speaker, this is indeed a sad state of affairs.

AMENDMENT OFFERED TO EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

(Mr. MIZELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MIZELL. Mr. Speaker, I rise at this time to announce my intention of offering an amendment tomorrow to H.R. 13915, the Equal Educational Opportunities Act of 1972.

The amendment, which, I believe, will render this act more equitable and further promote the end of discrimination and the provision of quality education for all our children, will be offered at page 36 of the printed bill, striking out lines 11 through 14, and inserting in lieu thereof the following:

> (c) granting students the right to transfer to the school of their choice which provides the appropriate grade level and type of education (taking into account only school capacities) without regard to their race, color or national origin;

POPULATION STABILIZATION: A KEYSTONE OF WORLD ENVIRONMENTAL AND ECONOMIC PROGRESS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Horton) is recognized for 15 minutes.

Mr. HORTON. Mr. Speaker, I am today introducing, together with my distinguished colleague from Arizona (Mr. Udall) and 29 additional sponsors, a resolution to declare a U.S. policy of moving toward population stabilization by voluntary means. I believe that our resolution is the logical culmination of 2½ years of congressional exploration of the question of population stabilization. When this House considered the bill which created the Commission on Population Growth and the American Future, I expressed the hope on the floor that there would be further action by the Congress even while the Commission deliberated. Indeed, there has been such action. In 1970 the Congress passed the pioneering Family Planning Services and Population Research Act, and repealed the Comstock Act which had prohibited the shipment of contraceptives or birth control information across State lines. In 1971 I joined with my colleague from Arizona in introducing the first version of this national population stabilization resolution.

While the Congress has acted, and the Commission deliberated, the American people have also made their feelings apparent. Public opinion polls now show that solid majorities of our population favor Government policies designed to encourage population stabilization. The fertility rate has been declining since the beginning of 1971. This has been called by some "the baby bust"; I think a better title would be "responsible parenthood." American women are not ceasing to have children. On the contrary, according to the Bureau of Vital Statistics, there were over 270,000 births in May of this year, and the natural increase for the month was 111,000 persons. But American women are planning to have smaller families, and I for one have no doubt that one of the factors in this planning is their awareness of the problems population growth poses for our society.

Birth rates are a highly volatile phenomenon; they have gone up and down in response to changing fashion. We must establish a national policy to bring some stability into this area, to enable us to plan for the future, and to assure that we will continue to move in the direction of population stabilization.

There is another reason for acting now to establish a U.S. policy. The United Nations has designated 1974 as "World Population Year," and a world population conference will meet in New York in an attempt to develop a plan of action for dealing with the world population crisis. If we need to establish global goals in the area of population, each society must be ready to indicate what its goals are. At the recent U.N. Conference on the Environment at Stockholm, population was only on the periphery of the agenda; even so, it became the subject for bitter disputes over charges that the idea of population stabilization was an expression of U.S. "imperialism." Many of those who make such charges will, no doubt, attack us whatever we do. But do we need to fuel their fires by our failure to act within our own borders on this critical international problem? I can think of no single greater contribution we could make to the success of World Population Year than to commit ourselves clearly to the goal of population stabilization before that conference convenes in New York.

We must not let ourselves become complacent about the progress we are making; the clock in the Commerce Department auditorium keeps count of only 6 percent of humanity. Birth rates in the rest of the world are not going down with any consistency. U Thant, the former Secretary General of the United Nations, indicated before he retired that according to the best information he had available, mankind had at best 10 years to begin solving the complex of problems which faces it; after that date, the problem would simply have outstripped our collective ingenuity and ability to design solutions.

Apart from the compelling need to deal with the world population crisis, we must also consider our own national interest. The report of the Population Commission made abundantly clear the desirability of slowing and eventually stabilizing our growth rate. On the economic, social, and environmental fronts particularly, we stand a far better chance of dealing effectively with our problems if we stabilize our growth. With a small average family size, we can look to substantially higher per capita incomes. Our State and local governments will be better able to provide essential public services such as education, the costs of which have already outstripped their revenue raising capability. A wide range of environmental problems will become even more serious, with the most immediate impact felt in the areas of water resources and outdoor recreation.

Mr. Speaker, the purpose of our resolution is to provide an ethical framework for this Nation as it shapes a population policy, one clearly committed to the principles of voluntarism, human rights, and dignity. I want to emphasize that this resolution does not advocate a two-child family—or any other particular family size. The decline in the birth rate in the past few years has not been the result of such a uniform pattern; an increased age at marriage, a larger number of unmarried and childless persons, a decline in pregnancies among women over 30, better contraceptives, and family planning services have all played their role. The principle of voluntarism means not only a theoretical absence of coercion, but the presence of real choice for each couple to decide how many children it wishes to have.

President Nixon said 3 years ago that:

> One of the most serious challenges to human destiny in the last third of this century will be the growth of population. Whether man's response to that challenge will be a cause for pride or for despair in the year 2000 will depend very much on what we do today.

I sincerely believe that the enactment of this resolution would be, in the President's terms, "a cause for pride."

At this point, Mr. Speaker, I will include for the RECORD the sponsors and complete text of the resolution:

Mrs. Abzug of New York.
Mr. John B. Anderson of Illinois.
Mr. Bell of California.
Mr. Bingham of New York.
Mr. Blackburn of Georgia.
Mr. Cleveland of New Hampshire.
Mr. Dellenback of Oregon.
Mr. Dow of New York.
Mr. du Pont of Delaware.
Mr. Fisher of Texas.
Mr. Fraser of Minnesota.
Mr. William J. Green of Pennsylvania.
Mr. Harrington of Massachusetts.
Mr. Hicks of Washington.
Mr. Hillis of Indiana.
Mr. Leggett of California.
Mr. Mailliard of California.
Mr. Mallary of Vermont.
Mr. Matsunaga of Hawaii.
Mr. McCloskey of California.
Mr. Pike of New York.
Mr. Preyer of North Carolina.
Mr. Rees of California.
Mr. Riegle of Michigan.
Mr. Robison of New York.
Mr. Rosenthal of New York.
Mr. Scheuer of New York.
Mr. Seiberling of Ohio.
Mr. Waldie of California.

JOINT RESOLUTION

To declare a United States policy of achieving population stabilization by voluntary means

Whereas continued population growth beyond that already inevitable brings no social or economic benefits to our society, and

Whereas continued population growth magnifies social, economic, and political problems and, in conjunction with uncontrolled technology and high levels of per capita consumption, causes pollution and degradation of the environment, and

Whereas all citizens of the United States seek a world with healthy environment, clean air and water, uncluttered land, copious open spaces, natural beauty, and wilderness and wildlife in variety and abundance, in which the dignity of human life is enhanced, and

Whereas stabilizing population, concurrent with other measures to solve the problems of poverty, discrimination, urban decay, and environmental deterioration, would enhance the well-being of the people of our Nation, and

Whereas adoption of a national policy of population stabilization would lend credibility to the United States efforts to encourage solutions to the explosive population growth which, throughout the less developed world, obstructs economic progress, creates massive unemployment, and perpetuates widespread malnutrition and poverty, and

Whereas, the demographic profile of the United States requires that population stabilization can only take place over a period of decades, and

Whereas delaying development of public policies to stabilize population magnifies the problems and the cost of their eventual solution, and

Whereas the provision of accurate and objective knowledge about the implication of demographic phenomena for our society will enhance the ability of individuals to make rational choices and decisions, and

Whereas more effective coordination of Federal programs related to population is necessary to insure their effective implementation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to encourage, develop and implement, at the earliest possible time, policies which will, by voluntary means consistent with human rights and individual conscience, move to stabilize the population of the United States and thereby promote the future well-being of the citizens of this Nation and the entire world.

Mr. UDALL. Mr. Speaker, I rise today to introduce, along with the distinguished gentleman from New York (Mr. HORTON) and 29 of our colleagues, a joint resolution which we believe would be the appropriate beginning for a national population policy for this country. The need for this policy, I feel, has been clear for some time; population is simply too important a facet of our national life to be ignored in the formulation of government policies. Two and a half years ago the Congress passed the bill which created a Commission on Population Growth and the American Future, and directed the Commission to conduct an inquiry into "the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other social needs."

In the spring of this year that Commission delivered its final report. That report contained a number of suggestions and recommendations aimed at both public and private institutions; some of the recommendations were highly controversial, others were not. But significantly, although there were many statements of individual views attached to the final report, there was not a single dissenter from the key finding of this Commission:

> We have examined the effects that future growth alternatives are likely to have on our economy, society, government, resources and environment, and we have found no convincing argument for continued national population growth. On the contrary, the plusses seem to be on the side of slowing growth and eventually stopping it altogether.

The purpose of this joint resolution is to endorse that finding; to make it national policy.

Each Member of the Congress has been provided with a copy of the final report of the Commission, so I will not attempt to review all of its findings here. But to highlight the diversity and compelling nature of the arguments in favor of population stabilization, I would like to present a few of those findings:

First. The Commission found that per capita income would be substantially higher in the year 2000 with a two-child average family size as against a three-child average family size; that there would be adequate lead time for business to adjust to whatever shifts in demand patterns might occur with the smaller family size; and that there would be numerous other economic benefits to population stabilization.

Second. The Commission found that the problems we face in attempting to rescue our environment would be substantially lessened by population stabilization, especially in such areas as water resources and outdoor recreation. Indeed, the Commission projected that, with the three-child family, regional water deficits in the year 2020 would reach 110.6 billion gallons of water a day, more than double the 52.6 billion gallon deficit we would face with the two-child average. Indeed, Mr. Speaker, if we continue rapid population growth all or part of 21 States will face significant water shortages by the year 2020, even assuming maximum development of water storage facilities. The Commission also found that other environmental problems as diverse as pesticides and air pollution would be significantly more serious if we continue population growth.

Third. The Commission examined the burden placed on public services and government by the continuation of population growth. It found that to provide the same quality of education, the growing population would have to spend $400 billion on education in the year 2000, while a stabilizing population would require only $276 billion. A study done for the Commission by the Department of Commerce estimated that population stabilization would save State and local governments alone $900 billion between now and the year 2000.

Mr. Speaker, this report leaves no reasonable doubt that this Nation must adopt a policy of population stabilization. The Population Commission has presented us with a wide range of alternatives we could adopt to achieve this goal by voluntary means. Some of these, such as more effective collection of data, better research programs, and the development of clear lines of authority for population matters within the Federal Government, are matters for consideration by the Congress and are not particularly controversial. Others, such as the issue of abortion, are in my judgment matters for consideration by the legislatures of the separate States. Furthermore, as is made clear by the report of the Commission itself, abortion is not an issue to be resolved on the basis of demographic considerations. It is a highly complex ethical subject and an area in which the role of the government is limited. And the fact that this Nation needs to stabilize its population cannot allow the government to interfere with the individual's right to follow his own philosophical and religious convictions.

There is no one magic formula which will produce population stabilization. It is not even a matter to be largely determined by government policy. Individuals make and must continue to make the crucial decision of how many children they wish to have. Surely one of the considerations on which that decision is based should be an understanding of how population growth affects the society in which one's children are going to live.

In my opinion, the most important finding of the Commission is that we need to find voluntary means for achieving population stabilization. It is that goal which we need to enact into national policy, and which this resolution would establish.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of the special order by the gentleman from New York (Mr. HORTON).

The SPEAKER. Without objection, so ordered.

There was no objection.

DISASTER RELIEF IN PENNSYLVANIA

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WARE) is recognized for 15 minutes.

Mr. WARE. Mr. Speaker, the Congress has, in the past decade, contributed a great deal to the preservation of the Federal system; and to making State and local governments effective in a wide range of beneficial public programs. We have made this contribution by requiring the involvement of State and local government in planning and in administration. We have made their role significant by making them partners in the disbursal of funds raised by the Congress.

We believe that we have acted unselfishly; and in the best interests of the Nation. For, if we acted unilaterally with a monolithic Federal structure, we would not only deny ourselves the strength of State and municipal governments, but would insure their demise.

In most instances, the record of partnership and mutual trust is a good record. Acting in the role of funder and general planner, we have made it possible for tens of thousands of local and State government units to assume authority and responsibility. The Nation and the States are better for it.

However, there are some instances in which the immediate public interest, and the historic Federal interests have been damaged by abuse of our Federal programs. Most of this abuse has arisen when incompetence or selfish political motivation dominates a State or municipal agency. When this happens, the public is victimized.

Fortunately, such instances of incompetence and selfish political motivation are the exception, and generally restricted in their effect to single communities. Seldom does damage occur to major programs designed to protect the welfare of large numbers of citizens.

However, it has happened in the State of Pennsylvania to the massive programs we established and funded to provide Federal emergency disaster relief. The Governor of that State, Milton J. Shapp, has been so much involved in his efforts to discredit the Federal Government, that he has failed to mobilize his State government, and to offer calm, strong, and confident leadership to the people. Worse yet, his negative public exercises in picking political quarrels with Federal officials has hampered development of the very kind of partnership which must exist if the victims of Hurricane Agnes are to receive maximum aid as this Congress and the Administration offer.

Fortunately, there is a high degree of cooperation and good will in all States except Pennsylvania which were hit by Hurricane Agnes. In these cases, public service has been placed ahead of politics. But, not in Pennsylvania.

We have remained silent for nearly 2 months since the disaster destroyed livelihood, homes, businesses, and communities throughout central Pennsylvania's Susquehanna Valley. We hoped, day after day, that Governor Shapp would become less excitable and quarrelsome; and that he would settle down to working in harness with the Federal Government. He has not done so.

Therefore, in hopes of letting him know that this Congress and the Nation are watching his performance, I wish to submit some of the Pennsylvania press reaction to his performance for the RECORD. I suggest that it may well also have a salutory effect upon future State and local officials who may be tempted to make political capital out of the misery of people by undercutting our Federal efforts, and seeking to cast our agencies in a bad light.

Let us unite in a cooperative effort to best serve those unfortunate victims of the flood who so sorely need aid.

The press articles follow:

[From the Philadelphia Bulletin, Aug. 13, 1972]

HOT WORDS IN WILKES-BARRE

Feelings naturally run high in Wilkes-Barre and other flood stricken communities where, six weeks after tropical storm Agnes wrought unparalleled devastation, thousands are still unable to move back into their homes, if in fact their homes still stand.

Refugees (for this in truth is what many are) may be excused when their frustration and desperation turns occasionally to anger over bureaucratic delays in providing assistance. Officials too are on edge as they try to carry on immense responsibilities under the pressure of time and money.

Yet, it serves no purpose when individuals try to shout down each other, and public officials attack each other's motives as occurred in Wilkes-Barre Wednesday. Especially unfortunate was the display put on by Governor Shapp and George Romney, secretary of Housing and Urban Development.

Recovery from the June flood requires extraordinary effort on the part of all government—local, state and federal—to aid wiped-out citizens. The need is for not only quick and temporary shelter, but for long-range financial help to relieve the sad plight of home and business owners.

On this latter point, the governor and secretary apparently hold differing philosophies on how far the Federal Government should or can go. Mr. Shapp calls for "total equity," including Federal Government payoff of mortgages on destroyed property. Mr. Romney says he does not believe government "should assume complete responsibility for the people."

It is unrealistic to expect the Federal Government totally to recompense flood victims for all financial loss. Nothing can reimburse families for the loss of everything owned, some of it cherished possessions of a lifetime. Nothing can repay them for the suffering, mental and physical, they endured.

Rather than argue about the ultimate limits of aid, however, both the state and federal governments must do everything possible now to put people on their feet. Given a new start, most individuals will again assume the burden of their own lives.

It was unfair to make Secretary Romney the butt of so much vocal abuse. The entire affair, in fact, creates at least suspicion that presidential year politics played a good part in it. Governor Shapp's own state administration, after all, has a responsibility too.

[From the Pittsburgh Press, Aug. 13, 1972]

AGNES, ROMNEY AND SHAPP

President Nixon sent HUD (Housing and Urban Development) Secretary George W. Romney to Wilkes-Barre to get the "snags" out of the relief program for victims of the unprecedented floods generated by Hurricane Agnes.

One of the first "snags" Mr. Romney encountered was Gov. Milton J. Shapp of Pennsylvania. Gov. Shapp demanded the federal government do more than it is doing. A typical snide remark of the governor:

"I can't believe you would just leave people without any help."

Gov. Shapp also has been insistent that the "federal government make these people whole," which has been translated to mean that the government restore in full all the losses of the flood victims.

Regardless of the compassion which the sufferers of this calamity merit, holding out the promise of 100 per cent restoration of losses is cruel and impractical. There is a limit to which government can go to alleviate losses in any major disaster.

The government is laying out an enormous sum—$1.2 billion—just in Pennsylvania alone. It is trying to help people find temporary homes in six states affected by Agnes.

Obviously, the relief has not been instant and thousands of victims still are frustrated. Bureaucratic sluggishness has been evident in some cases and this is inexcusable.

But what has Gov. Shapp been doing? If he is as concerned about the flood victims as he says, he must have more to do than quarrel with Mr. Romney, who went to the area to help.

But the real handicap to fast relief is the sheer magnitude of the disaster. Consider the statistics calculated by the federal Office of Emergency Preparedness:

Agnes spread her destruction along 4,500 miles of major rivers and 9,000 miles of tributaries. In the six states, 27 cities and 206 counties suffered disaster.

Thousands of people at all levels of government, in the Red Cross, Salvation Army and many volunteers, are working their hearts out to give the flood victims a hand. Mistakes, honest or just clumsy, are bound to happen.

But public griping, buck passing and sniping by politicians help nobody.

[From the Allentown Call-Chronicle, Aug. 11, 1972]

Politics Against Flood Relief

In his Wilkes-Barre confrontation with Secretary George Romney of the U.S. Department of Housing and Urban Development, Gov. Shapp gave another disgusting demonstration of how he has been using the sad plight of flood victims to recoup some of his own political fortunes.

The governor, who picked the wrong horse in Pennsylvania's Democratic presidential primary, has a long way to go to reinstate himself with his party. He has chosen the cheapest and most convenient route. In an election year, the more he ridicules the relief efforts of the Nixon administration, the more Brownie points he gets.

Romney was in Wilkes-Barre this week on orders of the President to see what could be done to cut through some of the red tape and speed up temporary and long-range help for those who need it so badly. He wasn't there long before he dismissed a score of workers on the department's specially hired staff because of their reported rudeness to those they were paid to help.

If Romney has any other recommendations he is very properly presenting them first to the President, not to Shapp. His job isn't to decide how the biggest federal disaster fund in this country's history is to be spent, but how to speed the recovery aid it is to provide to people who need it so urgently.

The governor, whose own programs for state flood relief won't be presented to the Legislature until next week, thus far has majored in telling the federal government what it should be doing. He has the right to make suggestions, both as the governor and as a private citizen, but he has no authority in Washington and at this point not too much stature.

His latest demand is for the federal government to pay off the mortgages of flood victims and assume their losses so they can get off to a fresh start and rebuild or refurnish with government grants and low-cost federal loans. Only Congress can authorize such a program.

If this had been anything more than a political ploy to embarrass the President during his re-election campaign, Shapp would have explored both the costs and the necessary legislation in private before offering false hopes to brave people who already have suffered so much. And short of that, he might have at least produced some cost estimates. The value of the outstanding mortgages he wants Washington to pay off shouldn't have been too difficult to estimate.

Unfortunately, up to this time most of the governor's flood-relief proposals have been long on ideas and short on specifics. He has been too busy assailing Washington to give either a realistic idea or an accounting of what, if anything, his own administration has been doing or expects to do. The least flood victims can hope for is that when he goes before the Legislature next week he'll do something more than play his usual political games.

The following is the text of an editorial by Tom Powell over WDAU–TV, Scranton-Wilkes-Barre, on Monday night, July 3, 1972:

"We can't see where Governor Shapp is accomplishing anything with his constant carping over the response of the federal government to the flood emergency in Pennsylvania.

"Within hours after the flood struck, Shapp had already prejudged the federal effort with a "too little, too late" comment.

"Yet the flood victims know that the massive and heroic rescue and relief work last weekend, organized with the help of Congressman Flood, was largely a federal operation.

"Now, in the aftermath of the disaster, it is obvious to anyone willing to listen that every relevant federal program is being implemented to help rebuild the devastated areas and to get the victims back on their feet.

"More than 200 federal specialists have been sent into the state to assist in this work. In short, the national Administration is doing everything the law allows and then some to give assistance to flood victims.

"If Governor Shapp is talking about the adequacy of available federal programs rather than the commitment and concern of the Nixon Administration—and he has failed to make such a distinction clear—that's another matter.

"In fact, part of the mission of the President's task force is to determine whether new legislation is needed to make federal disaster relief more effective. Commerce Secretary Peterson told us today in Wilkes-Barre that on the basis of his impressions thus far, he believes there will be recommendations for new laws when the task force reports to President Nixon.

"In the meantime, it seems to us that Washington has available machinery running in high gear. Indeed it is doubtful that federal services have ever been arrayed in a major disaster on a similar scale or with similar speed.

"Governor Shapp ought to pipe down. Belittling the scope of the aid coming their way does nothing to lift the morale of flood victims who have shown great courage in their determination to rebuild.

"We suspect, moreover, that in a Presidential election year, the Governor might be whistling another tune if the occupant of the White House happened to be a Democrat seeking re-election."

[From the Sunday Independent, Aug. 13, 1972]

Romney Visit Had Immediate Benefits; Shapp's Actions Strictly Political

Why is it important to have your disaster area surveyed by a man of Cabinet rank as is Secretary of Housing George Romney?

One of the benefits was almost instantaneous as the day after he left our area, we were page 1 on the Thursday New York Daily News and also the complete centerfold of that newspaper.

And the New York Daily News is the largest selling newspaper in the United States. It didn't hurt us at all to let millions of readers all over the East know that after six weeks, we are still a long way away from having dug out.

Let alone rebuilt.

George Romney's visit also proved several other items, most of which we hope he relates first-hand to President Richard Nixon, who, Romney says, is not coming here . . . which we think is both a social and political error on Nixon's part.

However, George Romney can tell the officials in Washington that while the Housing Department is working as fast as it can and is doing more than has ever been done before in a disaster area, it is not enough.

He can pave the way for what might come as a surprise in Washington, and in Harrisburg. While the Housing Department is set up to try and handle such a disaster, the Internal Revenue Service may have quite a surprise in store.

Romney found out first-hand that the overall mood up here in the mud and dust isn't too great. And when people find out that the only real help they are going to get will come mostly from the Housing Department, that mood may get worse.

Which leads us also to the atrocious manner in which Pennsylvania's Governor Milton Shapp greeted the Housing Secretary. Shapp is obviously playing politics with our disaster, talking about aid over which the state has no control, and in general promising what is not his to give.

If he wants to give us something, give us a veto on a law that will provide 60% pay hikes to legislators, judges and Pennsylvania officials. Shapp makes a lot of noise in front of a camera. He can quietly put his signature where his mouth has been and he will be more believable.

Romney also endured insults from professionals who appeared sent here to cause trouble. But he left promising that his department would continue to do its best.

And right now without HUD, we wouldn't have come back at all. It may not be perfect, but it is working for us now.

EMPLOYEE BILL OF RIGHTS ACT—INTRODUCTORY REMARKS

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. Blackburn) is recognized for 15 minutes.

Mr. BLACKBURN. Mr. Speaker, I introduce today a bill that would amend the National Labor Relations Act in four respects in order to restore and protect precious freedoms of working men and women which have become threatened and infringed by practices of the National Labor Relations Board and labor unions, and loopholes in the existing labor laws.

The first provision of this bill would insure that employees would not have a union designated as their bargaining agent unless a majority freely chose that union in a secret ballot election. This amendment has become necessary because although Congress made it clear when it passed the Taft-Hartley Act in 1947 that secret ballot elections were to be the method of determining whether workers wanted a union, the National Labor Relations Board has taken it upon itself to resurrect the infamous and much-abused authorization card as a means of determining whether or not a union enjoys majority support. These cards have often been obtained by fraud and misrepresentation as to their purpose and effect. A worker is told that if he signs the card he will be helping to get an election, when in fact the card is ultimately used to prevent any election from being held. This has occurred because the NLRB has accepted these cards as a substitute for a secret ballot election. This of course denies to employees the most fundamental right which should be protected by our labor laws—freedom of choice to appoint a union to represent them or to decline to do so. The advantages of a secret ballot election as a means of protecting this freedom over a system of cards signed publicly under the pressures of an organizing campaign are self-evident. A secret ballot election is as absolutely essential to true freedom of choice in this area as it is in our municipal, State, and Federal elections.

This amendment will not interfere in any way in the situation where an employer voluntarily recognizes a union which does in fact represent a majority of the workers in a particular unit. It will, however, prevent the NLRB from imposing a particular union on employees who have not had the chance to express their preference in the truly democratic fashion, by a secret ballot election.

The second section of this bill, Mr. Speaker, would give the protection of a secret ballot election to another vitally important decision which employees who are represented by a union must make, whether to commence or continue a strike against their employer.

As the law stands today, there is no assurance that employees have any real voice in the decision of their union officials to call or continue a strike against their employer. This is a course of action which could lead to loss of employment, and therefore wages, for a considerable period of time. It could even result in an economic striker being permanently replaced. With these great consequences at stake, an employee should at least have the right to participate directly in the decision and to decide for himself whether he would rather stop work than accept the employer's last offer. Moreover, even if the union bylaws or charter provided for a strike vote it undoubtedly would take place by a show of hands of those attending a union meeting—an atmosphere which probably would do no more than rubberstamp the wishes of the union officers. Thus if fairness to employees is to be realized, and responsibility for a strike is to be fixed in those who will suffer by it, the law must provide for a strike vote by secret ballot.

The amendment offered here today would fill the need just described by having the National Labor Relations Board hold the referendum. Such a referendum could be requested by the union, the employer, or 10 percent of the employees in the bargaining unit, and it would be an unfair labor practice for a union to call or continue a strike if a majority of the employees voted to accept the employer's last offer. A strike vote request could be made at any time beginning 5 days before the employees were contractually free to strike. The vote would then be held, and could be repeated once every 30 days while the strike continued. In addition, any employee who took part in a strike after a majority had rejected it would lose his status as an "employee" under the law. This bill will in no way interfere with the employees' economic weapon—the strike—but it will insure those employees freedom of choice in the determination of whether to use it.

The third section of this bill will correct one of the most outrageous abuses which exists under present law—the extraction of court-enforceable fines by unions from employees who dare to exercise the rights guaranteed them by the National Labor Relations Act. It is amazing, Mr. Speaker, that such a measure is necessary in our free society, but it is abundantly clear that it is.

Under the provisions of the 1947 Taft-Hartley amendments, a union was prohibited from expelling a man or woman from membership and then having that employee fired for not belonging to the union, unless the reason for expulsion was nonpayment of dues. Congress assumed this was a wise amendment of the law and intended that it protect employees from retaliation by union leaders when the employee did something the leaders did not like—such as cross a picket line or testify about corrupt or illegal activities of union leadership or attempt to influence other employees to vote out the union. They could no longer threaten that employee with the loss of his job for exercising these basic freedoms. However, unions designed a new form of coercion designed to keep union members in line—the union fine. Thus by imposing exorbitant fines upon employees who dared to challenge their power, union officials were able to achieve the same result as they had before, the stifling of individual employee rights; rights which this Congress had guaranteed in section 7 of the National Labor Relations Act.

One would think, naturally, that the NLRB would have quickly put a stop to this blatant attempt at repression and circumvention of the law. But acting as they have so often, in the interests of unions as opposed to workers, the NLRB sanctioned this practice. Thus, in the case of crossing a picket line to go to work or filing a deauthorization petition to obtain an NLRB election to determine whether the incumbent union is still favored by a majority, the Board allowed the union to do indirectly what they could never have done directly—effectively deny section 7 rights to their members.

It is left to the Congress once again to act to guard rights which the 1947 Taft-Hartley amendments should have fully protected. My amendment would accomplish this by making it an unfair labor practice for a union to fine a member for exercising rights which are assured him under the law or for carrying out his employer's lawful instructions. There is no better way to correct the authoritarian abuses of union power which have become so common as to encourage greater democracy in union affairs by protecting the minority's right to dissent.

The fourth feature of this bill, Mr. Speaker, is a new provision dealing with a union member's proportionate share of any political contribution wrongfully made by the union. It empowers a union member to invoke the assistance of the Federal Government for a proper accounting and proportionate refund of any union money—or other thing of value—improperly diverted to political purposes. Further it directs that the full record in any such situation be turned over to the Attorney General for his action against those responsible under the appropriate criminal statutes.

It is harsh enough that a working man or woman is required to pay dues to an organization he or she may not want to join at all at the peril of being fired. But if the union then uses the employee's money to support political candidates, the employee is forced into giving financial support to candidates he may not wish to support at all. This is obviously incompatible with our ideas of political freedom and so unions have been prohibited, in section 304 of the National Labor Relations Act, from making political contributions. However, there is presently no way for the individual employee to get back that portion of his money which was improperly diverted for that illegal purpose. This amendment would close this loophole. It would act as a deterrent to these abuses, and it would give just redress to the employee who has been forced to support a candidate against his will because the union has given his money to that candidate. Of course such contributions can take many forms besides direct dollar donations to a campaign funds—such as paying for political advertisements, furnishing union-paid campaign workers, and so on. This amendment is designed to cover these loopholes. It will not apply to lawful, separate funds comprised of voluntary contributions collected by a union. Congress dealt with that in another statute enacted earlier this year.

Mr. Speaker, I commend the four important amendments contained in this employee bill of rights to the early attention of the House. They embody urgently needed reforms which will secure a greater measure of freedom for the working men and women of this country and restore to them liberties which the combination of big labor and a governmental bureaucracy have taken away from them.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. TALCOTT) is recognized for 10 minutes.

Mr. TALCOTT. Mr. Speaker, I would like to make a serious observation, for those who have ears to hear, that a new and persistent message has been competing for the attention of the Congress. While the advocates of this new message speak with modulated voices, there is, nevertheless, an obvious overtone of urgency, and even an implication of impending crisis in what is said.

I refer to those colleagues who speak in behalf of the approximately 12 million Spanish-speaking people in the United States who, with growing insistence, seek to be enabled to participate fully in American economic, political, and social life. To some degree, gains and achievements for these people have been hampered by a cultural and linguistic orientation and inclination somewhat different from the non-Spanish speaking. They have also been adversely affected by certain traditional cultural myths in this country which has produced stereotypes that do not square with reality.

There is a tendency to locate the interface with the Spanish speaking at the Mexican border, the Caribbean islands, resort cities of Central and South America, and the rural farming areas of this country. In actual fact, the real interface with the Spanish speaking is in the cities and towns of America, for it is, in the main a diverse urban population. It is also a unique population with unique problems and needs—with unique values and potentialities—and differing in these things among themselves as peoples differ. Spanish speaking individuals are just as American, just as consumer oriented, as their English speaking neighbors when it comes to buying goods and necessities, and making the choice of a life style. In fact, they comprise a consumer market estimated to be in excess of $8 billion in spite of the fact that, by every index they are the most economically, culturally, and socially distressed segment of our society.

I am privileged to represent a large constituency of Spanish speaking in the Congress. I wish to add my own voice to the voices already raised. And I wish to commend those colleagues of mine who are supporting timely, wise, and compassionate legislation favoring the Spanish speaking, as well as all disadvantaged. I especially wish to commend those colleagues who were instrumental in bringing the Cabinet Committee on Opportunity for Spanish-Speaking People into existence. Perhaps the most important, although largely unforeseen, role played by the Cabinet Committee, especially under the chairmanship of Dr. Henry Ramirez, has been that of "ombudsman." In virtue of its very existence, the Cabinet Committee is the principal point of contact for the Spanish speaking with the administration, Federal departments and agencies, and the legislature. In carrying out this role, and its other advocacy responsibilities mandated by law, the Cabinet Committee has done a remarkable job considering the fact that its funding level—$860,000 in fiscal year 1972—has been grossly disproportionate to its field of challenge.

The Congress is only too well aware that huge operating budgets for civil rights, equal employment opportunities, and the great social programs have not proportionally served the Spanish speaking. Neither the Cabinet Committee nor Dr. Ramirez should suffer criticism for such failures but should command full support of the Congress to assist in bringing about, in the shortest possible time, progressive and equal access of Spanish speaking to the institutions, services, and programs of the country—and to instill pride of heritage.

RURAL DRINKING WATER ASSISTANCE ACT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 15 minutes.

Mr. ROBISON of New York. Mr. Speaker, I am introducing the Rural Drinking Water Assistance Act today with the welcome cosponsorship of Congressman MOLLOHAN and Congressman MENDEL DAVIS. We have all joined in the resolve that Congress act quickly to meet a rural problem of startling dimension. Too many of our citizens lack the most basic requisite for decent living. Twenty-two million Americans do not have inside water or plumbing, in an age when most Americans feel underprivileged if they do not have an automatic dishwasher.

If my colleagues are surprised that over 20 million citizens are carrying their drinking water in buckets, there may be more surprises in store when the Federal Government moves to determine how many of these families walk considerable distances to gather their drinking water from polluted wells or streams, and how many of them pay exploitive prices for water from a tank truck or private water point. I cannot give these figures because they are simply not available in any form. No one knows how many individuals are living with the same kind of conditions which occasioned the expenditure of an estimated $1 billion in foreign aid funds.

We have evidently been more efficient in meeting the household water needs of many foreign nations than we have in our own country. For whatever reason, we have not looked for the same problem in this country, and so we have not found it until the second decade of the space age.

I can assure my colleagues that there are millions of Americans who are without potable household water, and who consequently suffer from the same organic parasites and exhibit the same physical disabilities common to the poorest and least developed countries. If necessary, I will inundate this body with personal testimony to these facts. There is no end to the case-by-case data available, which portrays in the most intimate manner the effects which these conditions are having on American families.

If the Federal Government is to make any headway in improving these conditions, it must first have a better reading on the extent of the problem. The "Rural Drinking Water Assistance Act" requires a "rural water survey" as the first order of business. The survey would determine, in far more detail than now available, the number of persons who presently have no drinking water, or an inadequate supply, as well as the evident health effects resulting from such conditions.

The bill would further establish a "Rural Drinking Water Council" to oversee the rural water survey and to make policy recommendations based on the survey results. Members of the Rural Water Council would include the Secretaries of Agriculture, HEW, and HUD, the Administrator of the Environmental Protection Agency, and the Surgeon General. Nine Presidentially appointed public members would also participate on the Council.

On the basis of the policy recommendations of the Rural Water Council, the "Rural Drinking Water Assistance Act" authorizes the Secretary of Agriculture to administer three grant programs for the construction of single or multifamily water supply and waste disposal facilities: a $100 million grant program, a $100 million loan program, and a $20 million "incentive grant" program to encourage and facilitate organization of community corporations to sponsor necessary water supply and waste disposal projects.

Mr. Speaker, I have been privileged to sponsor several bills during this Congress, but, to my mind, none has been more important and more in need of adoption than the "Rural Drinking Water Assistance Act" which Congressmen MOLLOHAN, MENDEL DAVIS, and I present to you today. I urge the support of my colleagues and their attention to the text of the "Rural Drinking Water Assistance Act," which follows:

H.R. 16414

A bill to provide for a rural water survey, to create a Rural Water Council, to provide incentive grants for rural water supply projects, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Rural Drinking Water Assistance Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that the water supply needs of low income rural residents of the United States have been neglected to the extent that significant numbers of such residents are living without safe drinking water supplies, which condition is known to contribute to impairment of health by incipient organic diseases which cause lethargy and inhibit productivity.

(b) It is, therefore, the purpose of this Act to direct the Secretary of Agriculture and the Surgeon General of the United States, in cooperation with the Environmental Protection Agency, to provide for the improved health and welfare of rural residents of the United States to the maximum extent possible by encouraging the efforts of such residents to develop water supply systems which would dispense hygienic drinking water and water for other human needs, with the ultimate goal being to make such water readily available at a reasonable cost to every resident of the United States.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of Agriculture.

(2) "Surgeon General" means the Surgeon General of the United States.

(3) "Council" means the Rural Water Council (as created by section 5 of this Act).

(4) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the territories of the United States.

(5) "rural drinking water assistance area" means an area beyond the limits of existing

piped water distribution systems, which is served by individual supplies (wells, springs, cisterns, etc.) of undependable quality or quantity, or both, or an area beyond the limit of existing piped water distribution systems within which area residents have no accessibility to a water supply for their dwellings.

RURAL WATER SURVEY

SEC. 4. (a) The Secretary, in cooperation with the Environmental Protection Agency Office of Water Supply, shall conduct a survey, to be completed no later than one year after the date of the enactment of this Act, of rural drinking water assistance areas.

That survey shall include—

(1) an estimate of the number of residents (A) not presently served by a publicly or privately owned water distribution system or by an individual home water well; (B) inadequately served by such a water distribution system; and (C) experiencing, or in all likelihood experiencing, impairment of health due to the absence or inadequacy of such a water distribution system; and

(2) preliminary data identifying potential surface and ground water resources in areas where significant numbers of citizens exist without adequate water distribution systems.

(b) The Secretary shall conduct this study by such means and in such manner as he deems necessary, and is authorized—

(1) to make use of qualified personnel in the Environmental Protection Agency to work directly through State and local health officials;

(2) to make use of the personnel and resources of the Farmers' Home Administration;

(3) to make use of private consultants as he deems necessary; and

(4) to make use of such data as he shall request from the United States Geological Survey with respect to the location of potential surface and ground water resources.

(c) The results of such survey shall be compiled on density distribution maps making the identification of major problem areas readily apparent.

(d) The Secretary shall utilize such survey as the basis for prescribing such regulation as may be necessary to implement the provisions of this Act.

RURAL WATER COUNCIL

SEC. 5. (a) There is established the Rural Water Council (hereinafter referred to as the "Council"). The Council shall consist of the Secretary, who shall be Chairman, the Surgeon General, the Administrator of the Environmental Protection Agency, the Secretary of Housing and Urban Development, and nine additional members appointed without regard to the civil service laws by the President by and with the advice and consent of the Senate. The nine additional members shall be selected from among officers of State, interstate, regional and local government agencies, or persons representing other public or private interest groups contributing to, affected by, or concerned with, the quality and quantity of water provided to rural residents. The members of the Council shall serve without pay, or in the case of members who are Federal officers or employes, without additional pay. Of the members first appointed, three shall be appointed for two-year terms, three shall be appointed for three-year terms, and three shall be appointed for four-year terms. Each member appointed thereafter, except those appointed to fill a vacancy for the remainder of the term for which his predecessor was appointed, shall be appointed for a three-year term.

(b) The Council shall—

(1) review and affirm preliminary plans for the Rural Drinking Water Survey provided for in section 4, and determine the means by which the appropriate Federal agencies can obtain the data required for that Survey;

(2) consider the findings and results of the Rural Drinking Water Survey and determine the means by which the appropriate Federal agencies shall meet the needs of the problem areas defined by that Survey in accordance with the purposes of this Act;

(3) oversee implementation of Federal policy with respect to rural water supply, and conduct studies to evaluate the implementation of Federal programs to meet rural water supply needs; and

(4) submit an annual report to the Congress explaining the progress of such Federal programs and delineating all unmet needs in this problem area.

WATER QUALITY STANDARDS

SEC. 6. (a) The Surgeon General shall continuously review the rural water supply projects assisted under this Act to determine whether they are so constructed and operated as to comply with public health drinking water standards established by the Administrator of the Environmental Protection Agency. In the performance of his duties under this section, the Surgeon General shall require an annual report concerning project compliance from the appropriate agency of each State receiving funds under this Act. No further assistance shall be given under this Act to any recipient of assistance under this Act while such recipient is determined by the Surgeon General to be in noncompliance with the public health drinking water standards established by the Administrator of the Environmental Protection Agency.

(b) The Surgeon General is authorized to cooperate with the appropriate State agency to provide guidance and consultation to recipients of assistance under this Act to enable such recipients to comply with the requirements of this section.

RESEARCH, TECHNICAL ASSISTANCE, AND INFORMATION

SEC. 7. (a) The Secretary shall conduct, and is authorized to make grants to other appropriate public authorities, institutions, organizations, and individuals conducting, applied and theoretical research relating to the provision of adequate water quantity and quality for rural residents, and such research may include studies relating to the safe disposal of waste waters.

(b) Grants under this section may be made for research into the utilization of improved methods of establishing rural water supply systems in accordance with minimum health standards at costs which can be practically sustained. Grants may also be made under this section for research into logistical and management innovations taking into account varied regional characteristics and community needs.

(c) The Secretary is authorized to make grants for the comprehensive development of plans for research and development of projects and programs authorized or assisted under this Act.

(d) The Secretary is authorized to make available to rural residents any information resulting from any research authorized or assisted under this Act. The Secretary shall also utilize Farm Home Administration offices to stimulate local interest in developing new water supply systems in low income rural areas.

GRANTS AND LOANS FOR THE CONSTRUCTION OF RURAL WATER SUPPLIES

Sec. 8 (a) The Secretary is authorized to make grants not to exceed an aggregate sum of $100,000,000 in any fiscal year to associations, including corporations, not operating for profit, and public and quasi-public agencies, for the establishment of rural water supply projects which provide water for drinking and other human needs and for the treatment of the waste water thus generated in such manner as will not threaten human health or the environment.

(b) The Secretary is authorized to make or insure loans not to exceed an aggregate sum of $100,000,000 in any fiscal year to associations, including corporations, not operating for profit, and public and quasi-public agencies, for the establishment of rural water supply projects which provide water for drinking and other human needs and for the treatment of the waste water thus generated in such manner as will not threaten human health or the environment.

(c) In approving grants and loans under this section, the Secretary shall—

(1) consider the intent of this Act to achieve parity in rural areas with the level of money already available for water supply purposes in urban areas; and

(2) give highest priority to the utilization of associations comprised of low income rural residents to develop water supplies.

(d) This Act is not intended to diminish the level of support provided by the Farmers' Home Administration for such projects.

INCENTIVE GRANTS FOR RURAL WATER SUPPLY PROJECTS

Sec. 9. (a) The Secretary is authorized to make grants not to exceed an aggregate sum of $20,000,000 in any fiscal year to support the organization of rural water supply and waste water treatment associations, if he determines, in consultation with the Rural Water Council, in the case of each such grant that such grant will facilitate the organization of a rural water supply association to develop a project to implement the purposes of this Act and that, because of low income or insufficient consultation and guidance, rural residents in the rural area to be affected by the grant are unable to complete initial organizing requirements and planning.

(b) Grants under this section shall not exceed ten percent of the reasonably anticipated project costs.

STATEMENT OF CONGRESSMAN JACK KEMP ON BEHALF OF THE TOWER-KEMP PLAN

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, on Monday, the Republican National Convention will open in Miami Beach. The central purpose of the convention, of course, will be to renominate the Nixon-Agnew ticket, but there is other important business before the delegates concerning the structure of the Republican Party in the years ahead. Thus, it is that during this week prior to the formal opening of the convention extensive discussion is taking place before the various convention committees on two vitally important issues: The first concerns the question of the means by which the party will attempt to attract growing numbers of young people, youth, and women; and the question of delegate reapportionment.

In cooperation with other Republican Members of the House, I have attempted in recent weeks to devise a plan for the party's future which will, in fact, make it as hospitable as possible to all segments of the electorate, regardless of age, sex, race, or regional affiliation.

On the question of delegate apportionment, the relevant committees of the party are now weighing the merits of a wide variety of proposals. All of these, I think, have been put forward in a constructive manner and deserve careful study. All of them, without exception, attempt to answer the difficult question of how best to measure Republican sentiment across the land. As Senator James Buckley of New York stated before the Committee on Rules last Monday, good and decent men can and will reasonably disagree on how best to ascertain that sentiment. Some believe that it ought to be related primarily to population or the size of the voter turnout. Others believe that, while differences in State population should be accounted for, there are other considerations no less deserving of support—considerations which go to the nature of our Federal system and which recognize that, if the nominees of the party are to be victorious, the geographical distribution as well as the size of Republican strength must be accounted for.

As anyone who has ever tried to draw up an apportionment scheme can testify, the task of devising a scheme pleasing to most is a tortuous one. No matter what the plan is, some are bound to feel that their interests are inadequately accommodated under it. The trick, it seems to me, is to develop a plan which distributes both its benefits and its burdens in an equitable manner, one which neither penalizes nor rewards any segment of the party or section of the country unreasonably. Most of the plans now under consideration make an earnest effort to accomplish that goal, but they have aroused considerable controversy, particularly within those States and regions that will lose delegate strength if the plans are adopted.

After studying these plans over the past several weeks, I came to the conclusion that many of the criticisms raised against them were valid and just, and that the opposition was sufficiently widespread to raise doubts about the ultimate success of the plans once they reached the floor of the convention. It was for that reason that I sought an alternative plan, one which would have a high probability of success without penalizing one segment of the party at the expense of another. After talking with others in Washington and Miami, I became convinced that we would have to try to accomplish this goal.

Accordingly, I was pleased to join with Senator John Tower in offering a compromise plan—dubbed by some as the "Miami Compromise"—to the party. This plan is, I believe, the most equitable of all that have been proposed thus far.

It accommodates the interests of the large urban States by granting them an increased share of delegate strength over against the present rule; but, at the same time, that relative increase in strength for the large urban States is not bought at the price of unreasonably diminishing the strength of the small States. Moreover, I believe that this compromise does a better job than other proposals at distributing delegate strength over the entire Nation—making it difficult for any one region to dominate the others. And for these reasons, I believe, it will attract growing support among the members of the relevant committees of the convention, and eventually among the delegates themselves.

I know that it has been charged by some that those of us from the larger States have no business supporting plans that do not maximize the strength of our own States as compared to the rest of the country. Indeed, some are even saying that Senator Tower and myself are "selling out" the interests of our own State parties by trying to put forward a compromise plan of the kind we proposed yesterday.

Although I appreciate the concern of the people who feel this way, I must reject the premises on which they are basing their charges. We are all members of a national party trying to win national elections. Therefore, we must accommodate other interests in addition to our own self-interest.

We must work to reach a reasonable working compromise satisfactory to the large majority of our delegates. This is what Senator Tower and I—along with others—are trying to do.

Furthermore, those who charge that we are selling out fail to point out that under our compromise plan New York would gain votes should we carry for the President this fall. To be specific, our delegate total would jump from its present 88 to 102. This can hardly be called a "sell-out" and I, for one, resist the charge that it is.

I am naturally pleased that this compromise plan has received the strong endorsement of Senator Robert Dole, chairman of the Republican National Committee. I am also gratified that the distinguished minority leader of the Senate, Hugh Scott, has also praised the compromise formula. Senator Scott's support, I believe, is the best possible argument one could make against those who have alleged that the compromise works unfairly against the interests of the large, urban States, especially those in the East. And Senator Dole's support suggests, at the very least, that the plan is also acceptable to the smaller States. We have, at last, found a plan worthy of support of all segments of the party, a plan that will produce both geographical balance and ideological moderation. I urge my Republican colleagues to study the plan and to support it.

I am inserting information on our plan at the conclusion of these remarks, along with an analysis of the other plan now being considered in Miami.

The subcommittee of the Republican National Committee's Rules Committee charged with responsibility in this area voted last night to report out a plan introduced by Mr. William S. Powers of Colorado. Our plan will go to the full rules committee today in the form of a minority report.

Mr. Power's plan is interesting and represents a lot of thought. Unfortunately, however, I feel it fails to provide the balance between competing interests that I have discussed today.

The Powers plan would enlarge the convention and thereby give almost everyone a few more delegates. But at the same time it would shift power significantly toward the 10 largest States to the detriment of the small and middle-sized States.

We, therefore, believe that it will be defeated in the full committee as we try to reach a reasonable middle ground that will allow us to leave Miami with a united party.

I include the remarks of our distinguished minority leader Gerald R. Ford at this point.

STATEMENT BY REPRESENTATIVE GERALD R. FORD

The Tower-Kemp compromise Republican Convention rule change regarding state representation at future conventions appears to properly distribute representation between the small states and the large.

I have long felt that the present bonus system discriminates against the large states, such as Michigan. The Tower-Kemp compromise eliminates this kind of discrimination. It seems to me it is fair to both large states and small.

While I cannot speak for the Michigan delegation, I believe the Tower-Kemp compromise because it is national in scope is worthy of the most careful consideration by the Convention Rules Subcommittee.

Mr. Speaker, as Republicans, we must recognize the national nature of our party. This election year will see a major realinement of voters and I want to encourage it. My desire to improve the relative composition of State delegations at our Convention stems from what I view as two fundamental requirements of the Republican Party: First, the need to help broaden the base of the party, and second, in light of the Ripon suit, the need to develop a system of rewarding Republican success that does not penalize smaller traditionally Republican States, and yet accounts for the voting strength of larger States.

Having been a part of the House ad hoc reform group, I am convinced that reforms along the lines presented by the ad hoc recommendations will lead to a more broadly based party. Our group did not, however, formally touch on the present question of delegate distribution among the several States, which is the question to which the Percy plan addresses itself.

I have, since the House reforms were made public, studied Senator Percy's plan. I have serious reservations about it. Other Republicans obviously have reservations as well. The Percy plan places too great a reward with States solely by reason of their voting strength. While that should remain one criterion, equally important is the effort given to the election of a President. This should be a prime criterion for an incentive. The compromise incorporates both criteria.

In a very real sense, what the Percy plan does is strengthen the Northeastern States but at the expense of other regions. Though I am a Member of Congress from the State of New York, there is no honest justification for that kind of plan. Penalizing those States which traditionally have helped the Republican cause nationally, and rewarding those States which have not in real terms—electoral votes—contributed to victory on the national ticket, is inequitable and unrealistic. The Miami compromise does not pose that threat. What, it seems to me we want to do is strike a balance between those States that make an electoral vote contribution, and those that deliver high vote totals by reason of their population but do not deliver the electoral votes.

In my home State of New York, under the Miami compromise, our strength in the 1972 convention would be less than under the present rule 30. However, the construct of the Miami compromise insures that a New York victory for the President would result in an increase in New York delegation strength from 88 delegates to 102 delegates. There is no question that there is a risk involved, but I think it is one worth taking. Under the chairmanship of Governor Rockefeller, and the cochairmanship of Senators JAVITS and BUCKLEY, the New York Committee for the Reelection of the President can carry New York for the President come November.

Together with the adoption of other reforms along with the Miami compromise, the Republican Party should be in excellent shape to help build what has become known as the "emerging Republican majority."

I include the following:

THE MIAMI COMPROMISE

The "Miami Compromise" represents an attempt to devise a reasonable delegate allocation formula that will meet the criticisms levelled against the current rule without seriously upsetting the current regional balance within the party.

The plan would allocate votes at the 1976 GOP Convention in the following manner:

Each state will receive a base vote equal to twice its electoral vote.

Those states carried by the Republican Presidential candidate will receive a bonus of three votes plus 40% of their electoral college vote. In computing this latter bonus all fractions will be rounded up to the next largest whole number of delegates.

Example:

Kentucky has nine (9) electoral votes and went Republican the last time. Therefore, if we were to apply the "compromise" formula Kentucky's vote would be computed as follows:

1. Twice the electoral vote—2X9	18
2. A 3 vote bonus	3
3. A bonus equal to 40% of 9 or 3.6 (rounded up to the next highest whole number)	4
Total	25

If this plan had been applied to the 1972 convention the delegate total would be 1321 as compared to 1348 under rule 30. The maximum number of delegates under this plan (assuming a GOP Presidential sweep) is 1476.

This plan maintains roughly the same geographical power balance we have today while incorporating a population oriented incentive or bonus.

It has been examined by a number of constitutional authorities who believe that it is consistent with the standards set out in recent court decisions.

ANALYSIS

In analyzing the effect of the Miami Compromise we have applied it to two situations; one real and one hypothetical.

First, we reallocated the present convention on the basis of the new plan and then compared it to the allocation under Rule 30. This corresponds roughly to what one might consider a "normal" relationship between the various states.

Second, we worked out the applicable figures assuming a 50 state GOP Presidential sweep. This gives us a slightly different picture, of course, as many more states receive bonus votes.

Each analysis was done on a regional and national basis.

In each instance we have computed the percentage of the total convention vote a state receives under Rule 30 and the Miami Compromise, as well as the gain or loss both absolutely and on a percentage basis.

SHIFT IN CONVENTION INFLUENCE OF THE VARIOUS STATES UNDER THE MIAMI COMPROMISE PLAN

State	Rule 30		Miami compromise		
	Percent	Actual delegate votes	Percent	Actual delegate votes	Percentage of change
Alabama	1.26	18	1.36	18	+8
Alaska	.89	12	.83	11	−7
Arizona	1.34	18	1.36	18	+2
Arkansas	1.34	18	.91	12	−32
California	7.13	96	8.40	111	+18
Colorado	1.49	20	1.51	20	+1
Connecticut	1.63	22	1.21	16	−26
Delaware	.89	12	.83	11	−7
District of Columbia	.67	12	.45	6	−33
Florida	2.97	40	3.33	44	+12
Georgia	1.78	24	1.82	24	+2
Hawaii	1.04	14	.61	8	−41
Idaho	1.04	14	.98	13	−6
Illinois	4.31	58	5.00	66	+16
Indiana	2.38	32	2.65	35	+11
Iowa	1.64	22	1.74	23	+6
Kansas	1.49	20	1.51	20	+1
Kentucky	1.78	24	1.89	25	+6
Louisiana	1.49	20	1.51	20	+1
Maine	.59	8	.61	8	+3
Maryland	1.93	26	1.51	20	−22
Massachusetts	2.53	34	2.12	28	−16
Michigan	3.57	48	3.18	42	−11
Minnesota	1.93	26	1.51	20	−22
Mississippi	.97	14	1.06	14	+9
Missouri	2.23	30	2.42	32	+9
Montana	1.04	14	.98	13	−6
Nebraska	1.19	16	1.14	15	−4
Nevada	.89	12	.83	11	−7
New Hampshire	1.04	14	.98	13	−6
New Jersey	2.97	40	3.33	44	+12
New Mexico	1.04	14	.98	13	−6
New York	6.54	88	6.21	82	−5
North Carolina	2.38	32	2.65	35	+11
North Dakota	.89	12	.83	11	−7
Ohio	4.16	56	4.77	63	+15
Oklahoma	1.64	22	1.74	23	+6
Oregon	1.34	18	1.36	18	+1
Pennsylvania	4.46	60	4.09	54	−8
Rhode Island	.59	8	.61	8	+3
South Carolina	1.63	22	1.74	23	+7
South Dakota	1.04	14	.98	13	−6
Tennessee	1.93	26	2.04	27	+4
Texas	3.86	52	3.94	52	+2
Utah	1.04	14	.98	13	−6
Vermont	.89	12	.83	11	−7
Virginia	2.23	30	2.42	32	+9
Washington	1.78	24	1.36	18	−24
West Virginia	1.34	18	.91	12	−32
Wisconsin	2.08	28	2.27	30	+9
Wyoming	.89	12	.83	11	−7
Guam-Puerto-Rico-Virgin Islands	.81	11	.83	11	+2

SHIFTS IN CONVENTION INFLUENCE OF THE STATES UNDER THE MIAMI COMPROMISE PLAN (SWEEP 76)

State	Rule 30		Miami compromise (sweep 76)		
	Percent	Actual delegate votes	Percent	Actual delegate votes	Percentage of change
Alabama	1.26	18	1.69	25	+34
Alaska	.89	12	.75	11	−16
Arizona	1.34	18	1.22	18	−9
Arkansas	1.34	18	1.22	18	−9
California	7.13	96	7.52	111	+5
Colorado	1.49	20	1.36	20	−9
Connecticut	1.63	22	1.56	23	−4
Delaware	.89	12	.75	11	−16
District of Columbia	.67	9	.75	11	+12
Florida	2.97	40	2.98	44	0
Georgia	1.78	24	2.17	32	+22
Hawaii	1.04	14	.88	13	−15
Idaho	1.04	14	.88	13	−15
Illinois	4.31	58	4.47	66	+4
Indiana	2.38	32	2.37	35	0
Iowa	1.64	22	1.56	23	−5
Kansas	1.49	20	1.36	20	−8
Kentucky	1.78	24	1.69	25	−5
Louisiana	1.49	20	1.83	27	+23
Maine	.59	8	.88	13	+49
Maryland	1.93	26	1.83	27	−5
Massachusetts	2.53	34	2.51	37	−1
Michigan	3.57	48	3.66	54	+3
Minnesota	1.93	26	1.83	27	−5
Mississippi	.97	14	1.36	20	+40
Missouri	2.23	30	2.17	32	−3
Montana	1.04	14	.88	13	−15
Nebraska	1.19	16	1.02	15	−14
Nevada	.89	12	1.75	11	−16
New Hampshire	1.04	14	.88	13	−15
New Jersey	2.97	40	2.98	44	0
New Mexico	1.04	14	.88	13	−15
New York	6.54	88	6.91	102	+6
North Carolina	2.38	32	2.37	35	0
North Dakota	.89	12	.75	11	−16
Ohio	4.16	56	4.27	63	−3
Oklahoma	1.64	22	1.56	23	−5
Oregon	1.34	18	1.22	18	−9
Pennsylvania	4.46	60	4.61	68	−3
Rhode Island	.59	8	.88	13	+66
South Carolina	1.63	22	1.56	23	−4
South Dakota	1.04	14	.88	13	−15
Tennessee	1.93	26	1.83	27	−5
Texas	3.86	52	4.47	66	+16
Utah	1.04	14	.88	13	−15
Vermont	.89	12	.74	11	−16
Virginia	2.23	30	2.17	32	−3
Washington	1.78	24	1.69	25	−5
West Virginia	1.34	18	1.22	18	−9
Wisconsin	2.08	28	2.03	30	−2
Wyoming	.89	12	.75	11	−16
Guam, Puerto Rico, and Virgin Islands	.81	11	.61	9	−25
Total	100.00		100.00		

HOSPITALS OVERCHARGE MEDICARE PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, since the beginning of the medicare program in 1967 U.S. hospitals have probably overcharged the medicare program by more than $300 million. Pervasive mismanagement, administrative procedures, and incomplete audits by HEW and private insurance companies such as Blue Cross are the causes of these massive overcharges.

Federal funds have been used to pay for private-duty nurses, TV sets, and telephone service to medicare patients—all illegal under the Federal law. These abuses are detailed in a recent General Accounting Office report. The GAO audited 14 hospitals in five States and discovered that nearly $500,000 had been illegally charged to medicare out of a total of $20 million paid in medicare claims to the hospitals. The Federal Government has paid approximately $19 billion to hospitals under the medicare program since its beginning in 1967.

If HEW and Blue Cross administer the whole medicare program as indicated by the sample in this GAO report, then the Federal Government has been gypped of approximately $380 million. It is important to note, Mr. Speaker, that GAO officials have told me that the mistakes and overcharges found in the GAO sample were "common" among other hospitals.

The overpayments are the fault of HEW and its contractors such as Blue Cross—not the hospitals themselves. The HEW regulations are overcomplicated in some instances, and in other cases needed regulations are nonexistent. In addition there is no evidence of any wrongdoing by the hospitals.

It should be noted that Blue Cross and other private insurance companies supervise the audit and payment of medicare to individual hospitals.

HEW permitted the hospitals to charge the medicare program for the cost of research, education, and commercial activities of the hospital not related to the care of the patients.

In addition, HEW has not prescribed regulations that prevent the hospitals from collecting more for the service of a hospital-based doctor than his normal fees. The result of HEW's sloppiness is that the hospitals are paid excessive fees for the work of their doctors.

A complicated medicare payment formula involving two different payment schedules has enabled some hospitals to be paid twice for the fringe benefits allocated to their resident doctors.

The medicare program is also illegally paying some of the bad debts of former patients. According to the GAO 30 percent of the bad debts charged to medicare by some 19 hospitals should be paid by the States through their medicaid or old-age assistance programs.

Mr. Speaker, today I am calling upon HEW's Secretary, Elliot Richardson, to tighten up and simplify the regulations so that the proper benefits are paid to the needy and that hospitals are not inadvertently overcompensated for their services.

In a separate report recently issued by the General Accounting Office the GAO reports that millions of dollars of overcharges resulting from the medicare program have never been repaid by some 300 institutions that have terminated their participation in the medicare and medicaid program.

POSTAL RATES

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. Daniels) is recognized for 20 minutes.

Mr. DANIELS of New Jersey. Mr. Speaker, I have introduced today legislation which would restore to the country a service abridged by U.S. Postal Service. On July 6, the postal rate for magazines and newspapers was increased by an average of 127 percent. Magazines and newspapers render a service to the American people which far outweighs any extra revenue an increased second-class postal rate might bring to the Postal Corporation.

The effective dissemination of news, information, and ideas is critically necessary in a free country. People need to know what is happening in their government. Indeed, they have an absolute right to know. That right can only be exercised if there is an effective means of disseminating the printed word to the people. The need of the American people to know and understand what their Government is doing cannot be abridged by the shortsighted and parochial philosophy that the Postal Corporation must show a rate of return favorably comparable to General Motors, ITT, or Kelloggs Corn Flakes.

The fact is, Congress intent in establishing the Postal Corporation was not the maximization of profits. Congress intent was clearly to improve the mail service and it chose to establish a semi-independent corporate bureaucracy over a Government bureaucracy only because it was convinced that the former could more effectively provide the American people with better service. It was never the intent of the Congress to establish an enterprise which would limit service in order to maximize profits. Through this bill Congress will not be interfering with the Postal Service. The Postal Service is a Federal entity over which the Congress has retained control and through which Congress may express and effect a national purpose.

Magazines, periodicals, and newspapers have always provided the American people with a relatively inexpensive source of information. Until the Postal Corporation's unilateral action to end what has been a 200-year practice, it has been the national purpose to provide maximum opportunity to facilitate the dissemination of ideas. The blind and slavish allegiance to the profit sheet is neither in the national interest nor is it consistent with American freedom.

I would like to draw my colleagues' attention to the fact that a similar bill was introduced in the Senate by Senator Gaylord Nelson of Wisconsin. Mr. Nelson's remarks, with which I associate myself, include an extensive history of Federal support of postal rates for periodicals as well as editorials from many newspapers and periodicals and appear in the Congressional Record of June 28, 1972, on page 22798.

The text of the bill follows:

H.R. 16393

A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(a) of title 39, United States Code, is amended by inserting after the second sentence the following new sentence: "The Postal Service shall also be obligated to provide postal services at rates which will encourage and support the widest possible dissemination of news, opinion, scientific, cultural, and educational matter."

(b) Section 101(d) of title 39, United States Code, is amended to read: "Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis that takes into consideration all aspects of postal policy."

Sec. 2. (a) Subchapter V of chapter 36 of title 39, United States Code, is amended by inserting after section 3683 the following new section:

"§ 3683A. Prohibition against a per piece surcharge

"Notwithstanding any other provision of this title, the rates of postage established for matter mailed under former sections 4358 and 4359 of this title may not include a per piece charge that is added to the basic rate of postage established for such mail matter."

(b) The anaysis of such subchapter, preceding section 3601, is amended by inserting between items 3683 and 3684 the following new item:

"3683A. Prohibition against a per piece surcharge.".

Sec. 3. (a)(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by inserting after section 3626 the following new section:

"§ 3626A. Special publication rate

"Each rate of reduced postage adopted under section 3626 of this title for matter mailed under former sections 4358 and 4359 of this title shall be at the rates that existed for such matter on June 1, 1972, for the first two hundred and fifty thousand copies of each issue mailed. The sender shall determine which copies of each issue that are to be sent at the rates provided under this section."

(2) The analysis of such subchapter, preceding section 3601, is amended by inserting between items 3626 and 3627 the following new item:

"3626A. Special publication rate.".

(b) Section 2401(c) of such title is amended by striking out "and 3626" and inserting in lieu thereof "3626, and 3626A".

Sec. 4. Section 3626 of title 39, United States Code, is amended—

(1) by inserting in clause (1), after "4554 (b) and (c)", a comma and the following: "and for the nonadvertising portion of mail under former section 4359,"; and

(2) by amending clause (2) by—

(A) striking out "4359,"; and

(B) inserting after "4554(a)" a comma and the following: "and for the advertising portion of mail under former section 4359".

OUR PUBLIC SCHOOLS: MAJOR POLICY ISSUES

The SPEAKER. Under a previous order of the House, the gentleman from Indiana, (Mr. HAMILTON) is recognized for 45 minutes.

Mr. HAMILTON. Mr. Speaker, for governments at all levels—Federal, State, and local—the most difficult problems concerning the public elementary and secondary schools have to do with insuring equality of educational opportunity.

This is a hard concept to define concisely, but the formulation adopted by the President's Commission on School Finance is perhaps as satisfactory as any. They stated that equality meant insuring "to all children equal access to education that is good enough to meet their individual needs and the collective demands of a growing economy in a democratic society."

Concern about equal educational opportunity has risen for two principal reasons: First, the existence of gross inequities in the system of funding the public schools and second, the need to upgrade the quality of education provided to minority groups, especially blacks.

I. EDUCATIONAL FINANCE

Reform of the system of financing the public schools has become an urgent necessity. Public dissatisfaction is growing with the existing funding methods, which distribute financial resources and fiscal burdens unequally. In many areas, particularly in the large cities, rising costs have outstripped available school revenue. In several States, the courts have made change mandatory by invalidating existing school funding systems.

INEQUITIES IN SCHOOL FUNDING

More money does not necessarily mean better education. Per-pupil costs vary in different parts of the country and within individual States because of cost-of-living differentials, the size and composition of the student body, transportation needs, and many other factors.

Nevertheless, existing disparities in financial resources are so great that there can be no doubt that students in the poorer districts are placed at a substantial educational disadvantage.

These disparities show up in a variety of statistical indicators: school district financial ability—usually measured in terms of property valuation per student—school revenue per pupil, and school expenditures per pupil. In the extreme cases, the ratio between the wealthiest and poorest districts in a single State is as high as 85:1 in financial ability, 3.9:1 in revenue per pupil, and 24:1 in expenditures per pupil. For half of the States, the corresponding ratios are greater than 6.4:1 in financial ability, 1.8:1 in revenue per pupil, and 2.8:1 in expenditures per pupil. The figures for Indiana are 17:1, 3.8:1, and 2.2:1, respectively.

The principal cause of these differentials is reliance on the local property tax as the major source of school revenues. In 1971–72, 52 percent of all school revenues came from local sources, and 80 percent of all local education revenues came from the property tax.

Since property wealth bears no relationship to school population or other determinants of educational need, there are great inequities in the amounts of revenue that different districts can raise and the tax burdens they are required to bear. A typical example was mentioned by Minnesota Gov. Wendell Anderson when he proposed a new system of school finance to his State's legislature. Citing two school districts near Minneapolis, he pointed out that one levied a tax of $581 on a $20,000 home in order to spend $536 per pupil, while the other levied $369 on a similar home in order to spend $837 per pupil. For the poorer district, this meant levying 30 percent more taxes on a home of the same value in order to provide 64 percent as much revenue per pupil.

HEAVIER EDUCATIONAL BURDENS

School costs have been rising steadily in recent years. Per pupil expenditures in elementary and secondary education are now 21.7 percent above the level of 1961–62. Total educational expenditures have grown faster than GNP; thus, an increasing proportion of the country's resources is being devoted to the elementary and secondary schools. The average annual rate of growth of school expenditures since 1962 has been 10.5 percent, while the average rise in GNP has been 7.3 percent.

Even though public school enrollment is expected to decline slightly after 1975, total expenditures will continue to rise, according to estimates made by the President's Commission on School Finance, which set the total figure for 1980–81 at $86 billion, almost double the $45 billion spent in 1970–71. The biggest factor in this growth will be increases in teachers' salaries, due to stronger teachers' unions and parental pressure for smaller classes.

Urbanization has aggravated the school finance crisis. The influx of low-income minority residents into the central cities has brought higher costs for education and all public services, and correspondingly higher tax rates. All these factors encourage the migration of middle-class residents and industry to the suburbs. Caught between rising educational costs and a declining tax base, many urban school districts have been forced to reduce school services.

As costs increase, many school districts have faced taxpayers' revolts. The property tax is regressive and falls particularly heavily on the poor and elderly. Growing public dissatisfaction is reflected in the fact that the proportion of school bond issues approved declined from 89 percent in the early 1960's to 48 percent in 1970.

COURT DECISIONS

Beginning with the decision of the California Supreme Court in Serrano against Priest in August 1971, several State and Federal district courts have held that methods of school finance which make the availability of funds dependent on the wealth of the individual district are in violation of the individual citizen's right to equal protection of the laws under either the 14th amendment to the Federal Constitution or corresponding provisions of State constitutions. Because none of these cases has gone beyond the State or Federal district level, they do not apply nationwide. However, the Supreme Court has agreed to review a Texas case—Rodriguez against San Antonio Independent School District—and the forthcoming decision could establish a general rule that would affect all States.

The courts have not prescribed remedies. They have not invalidated any type of tax, including the property tax; nor have they attempted to delineate new procedures for raising and distributing school revenue. Instead, they have indicated that State legislatures should assume responsibility for reforming financial systems to insure that revenues are not a function of local wealth.

ALTERNATIVE FOR REFORM

Proposals for establishing more equitable school finance systems fall into three categories: reform of existing systems which share funding responsibility between the State and local districts, assumption by the States of the revenue-raising functions currently exercised by local districts, and increased Federal aid.

MORE EQUITABLE STATE/LOCAL FUNDING

Practically all States provide State funds to individual school districts according to some sort of distribution scheme designed to reduce the disparities in total school revenues between poor and wealthy districts—the States provide 40.9 percent of total nationwide revenues for elementary and secondary education. However, even under these distribution formulas, the maximum variations in revenue per pupil are substantial—better than 1.8:1 in half of the States. This is mostly due to the political necessity of giving all districts a share of the State funds; the rich districts are made richer, while the poor districts do not receive enough money to close the gap separating them from their wealthier neighbors.

Some of the steps proposed to modify existing systems of shared State and local funding are:

First, standardization of property tax rates and assessment criteria. This would equalize local tax burdens and might even have some equalizing effect on revenues in those poorer areas where property assessments are below the average level for the State.

Second, adjusting formulas for distribution of State funds so as to equalize per pupil revenues for all districts. The hitch here is in setting the uniform funding level. Putting it below the level of the richest districts would, in effect, require direct redistribution of locally raised revenues from those districts to poorer districts—a politically difficult task. Setting the standard level at or close to that of the wealthiest districts would mean a sharp increase in total spending.

Third, power equalization. This method ties State aid to the local tax effort. The State would set a maximum level of per-pupil funding which it would guarantee to each school district that taxed at a prescribed rate. This would be done by having the State make up the difference between revenues raised by the local district at the prescribed rate and the guaranteed level. Districts which chose to tax themselves at a lower rate would be guaranteed a proportionately lower level of support by the State. As with the plan discussed in paragraph 2, the key issue would involve setting the funding level guaranteed by the State.

Fourth, creation of new district boundaries, which would more nearly equalize financial resources. The political difficulties of this scheme seem insuperable. Wealthy districts would resist spreading their resources over larger areas. Almost certainly suburban and inner-city areas would have to be joined. In addition, there would be the problem of having to redraw district boundaries periodically to take into account shifts in population and wealth.

FULL STATE FUNDING

Many students of school finance have concluded that there is no point tinkering with the current mechanism of joint State-local funding in an effort to make it more equitable. They favor giving the States full responsibility for all non-Federal educational finance. This was the recommendation made earlier this year by the President's Commission on School Finance—the McElroy commission.

Full State funding would involve two principal tasks: Changes in taxation, and establishment of an equitable formula for allocation of funds to individual school systems.

Taxation measures proposed in connection with full-State funding schemes include:

First, property tax reform, to reduce and distribute more equitably the property tax burden. A plan proposed for New York would fix the rate at the present statewide average. Minnesota has recently established a statewide base rate considerably lower than the average of present tax rates. The Minnesota plan also gives special reduced tax rates to urban districts in recognition of their higher educational costs and heavier burden of noneducational services.

Second, development of new revenue sources for the schools. Most proposals for full-State funding provide that an increasing proportion of school revenues will be drawn from existing State tax sources, such as the income and sales taxes. This, of course, means raising State tax rates. In addition, there has been some discussion of developing new State fiscal resources, such as value-added taxes. The end-result of full-State funding would be that the property tax would come to supply a decreasing proportion of school revenues. Under the Minnesota plan, the share of property tax receipts in total school revenues will decline from 57 to 30 percent.

As for allocation of funds, a number of criteria have been proposed:

First, the simplest would be to equalize per-pupil revenue in all districts.

Second, distribution according to cost differentials and need. This approach would recognize that some districts require extra financial assistance either because of higher-than-average cost-of-living or because of special educational requirements, such as vocational programs or special instruction for handicapped and disadvantaged students. Each district would be provided an equal base level of support; this would then be adjusted upward as necessary to reflect cost and need differentials.

FEDERAL AID

To date, Federal aid—which currently amounts to about 7.1 percent of total expenditures for elementary and secondary education—has been concentrated in programs designed to meet specific needs, such as assisting disadvantaged children and compensating districts where large amounts of real estate are federally-owned and thus not on the tax rolls. However, there have been a number of proposals to provide general Federal support to the public schools and to increase the Federal share of total expenditures to 20–40 percent.

An expanded Federal program could serve various objectives. It could help to reduce disparities in financial resources among the States. In some cases, these are as striking as those which separate school districts in a single State. Per-pupil revenues in 1970–71 ranged from a high of $1,777 for Alaska and $1,577 for New York to a low of $586 for Alabama. Indiana ranked 18th, with a per-pupil revenue of $966, slightly below the national average of $982.

Federal aid might also be used to alleviate the inequities of existing State-local funding systems. Increased Federal support could substitute for revenues currently provided by the local property tax, allowing the reduction or elimination of that levy. Federal grants could also be employed to induce States to reform their school finance systems, with the amount of Federal assistance tied to progress toward State assumption of full responsibility for financing the elementary and secondary schools.

CURRENT PROPOSALS AT THE FEDERAL LEVEL

So far, the principal initiative of the Nixon administration in the area of school finance has been education revenue sharing (S. 1669, H.R. 13915). This bill does not represent a major shift in the role of the Federal Government, either in terms of resources contributed or activities supported.

The administration revenue-sharing proposal is intended to improve existing categorical programs by consolidating them in support of five general objectives and permitting greater flexibility in the allocation and utilization of funds. Under the proposal, funds would be available for five principal purposes: First, education for the handicapped, second, education for the disadvantaged, third, aid to federally impacted areas, fourth, vocational education, and fifth, special materials and services. Total Federal funding in these areas would increase from $2.8 to $3 billion.

The administration has not formally proposed large-scale general Federal aid to elementary and secondary education, although administration spokesmen have pointed out that adoption of the President's welfare reform and general revenue-sharing programs would release State funds that might then be used for education. In addition, the President has ordered a study of a Federal value-added tax, intended to support Federal school aid that would replace revenues currently obtained from the local property tax. The key issue with the value-added tax is whether it can be designed in such a way as to reduce its regressiveness.

In the current Congress, a number of bills calling for general Federal aid have been introduced, but there does not seem to be any prospect of early action on any of them. Some of these specify that Federal aid may replace specified amounts of school revenues obtained from State and local taxes; others provide that the Federal funds must be in addition to those currently provided by State and local governments.

KEY ISSUES: POLICYMAKING AUTHORITY

There seems to be widespread support for retaining a high degree of local control over school policy even if most revenue-raising responsibilities are shifted to the State and Federal levels. All major proposals for reform stress the importance of giving maximum discretion to local school boards in the employment of school funds. Furthermore, the courts, while invalidating existing funding procedures, have been careful to point out that local control is a valid and desirable objective of public policy and that revision of educational finance to conform to the court rulings should be possible without undermining local control.

Nevertheless, general endorsement of local control does not mean that there is unanimous support for the existing system of local school administration. The President's Commission on School Finance has recommended that school districts be reorganized to provide more efficient administration and a better balance of educational burdens.

The argument is always made that power follows the purse and that decreased reliance on local sources of revenue will sooner or later cause policymaking authority to shift from the district to State and Federal agencies. Much will probably depend on the depth of interest which each community shows in its schools, because the local boards will have important powers if they care to use them. In proposing increased State funding in Michigan, Governor Millikan pointed out that the local school boards would lose only one function—that of finding ways to raise school revenue. Under this plan, the local districts would continue to adopt their own budgets, determine courses of study and select textbooks, hire and set salaries for teachers and administrators, and request voter approval for new construction. In addition, local planning will be made easier because available school revenues will be more predictable.

ALLOCATING FUNDS

Regardless of what system is adopted for greater equalization of educational resources, the formula for distribution of funds to the local school districts will be a highly sensitive political issue.

The greatest difficulty involves the wealthier districts. They will certainly resist strongly any scheme that would reduce per-student expenditures below current levels. Yet, guaranteeing all districts in the State revenues equal to those of the wealthiest districts will be beyond the resources of most States, at least in the short run.

Most proposals for reform have specified that no district will be funded below its current spending level. For example, in New York, the Fleischmann commission proposed to set a standard level of funding at the 65th percentile of all current local funding levels. Districts above the 65th percentile could continue spending at existing rates but could not go above these levels; poor districts would be gradually raised to the 65th percentile.

Another sweetener for the wealthy districts is to permit supplementary local financing within a very limited range. The new Minnesota plan allows districts to use local property taxes to support school expenditures up to 10 percent above the basic funding level guaranteed by the State.

A somewhat different allocational problem is presented by proposals to provide extra funds to compensate those districts with higher than average costs and greater than average educational and public service burdens. Devising a formula to establish the level of supplemental financing is also likely to involve hard political bargaining.

Many of the same questions arise in determining how to distribute Federal school aid to the States. A study prepared for the National Educational Finance project—NEFP—has recommended that supplemental assistance for handicapped and disadvantaged children and other extraordinary requirements be provided through the continuance of existing Federal categorical programs. General Federal aid would then be directed toward equalizing the resources of the States.

The NEFP examined various schemes. Providing a guaranteed level of per-pupil expenditures to each State would do the most to equalize resources; however, at any realistic funding level, it would mean that many of the most populous States—that is, New York, Illinois, New Jersey, Connecticut, and Massachusetts—would not be entitled to any Federal money because they already spend at a rate above the federally guaranteed level.

To avoid this problem, aid might be distributed on the basis of equal per-pupil grants to all States. This method would, however, have a weaker equalizing effect.

Another method would be to distribute Federal funds according to the tax effort, measured in terms of the percentage of net income devoted to education in each State.

The relative equalization attained under these various schemes can be shown by comparing the ratio of per-pupil expenditures in the States with highest and lowest spending rates. Presently the ratio is 2.53 to 1. The NEFP estimated that under a guaranteed-spending-level plan, the ratio would be 1.57 to 1, with equal pre-pupil grants to all States it would be 2.18 to 1, and with assistance tied to the local tax effort, it would be 2.24 to 1.

Cost will certainly be a key factor in determining what steps can be taken to reform school finance. Unfortunately, the various proposals—both State and Federal—are so varied that meaningful comparisons are not possible. However, some of the cost estimates that have been made may give an idea of the magnitude of State and Federal efforts that might be required.

In reforming school finance within the States, the key cost factor is the standard level of funding to be established. The President's Commission on School Finance calculated for all States the additional cost of equalizing per pupil expenditures at varying percentiles of current spending. For Indiana, the figures are:

Percentile:	*Additional cost (million)*
50	$33.0
60	47.9
70	71.3
80	76.9
90	112.9
95	161.9

To put these figures in perspective, it it is worth noting that total spending for elementary and secondary education in Indiana in the last few years has been in the neighborhood of $900 million.

As for the actual reform proposals, the new Minnesota plan will raise minimum per pupil spending in all districts from $404 to $750 over a period of 2 years. At the same time, property tax rates have been reduced by an average of 10 percent by drawing more of school revenues from the State income tax and other State taxes.

In Michigan, Governor Milliken has proposed to increase the State income tax by 2.3 percent and to institute a value-added tax while cutting individual and business property taxes. He claims that by 1980 the annual yield from the increased income tax will be 23 percent higher than would have been provided by the property tax at existing rates.

A few cost figures for proposed Federal programs are available. In working out various schemes for general aid to equalize State resources the national educational finance project set the total amount of Federal general assistance at about $7 billion. This figure assumes the continuance of existing categorical aid programs which presently run about $2.8 billion.

Administration thinking on general Federal assistance is based on the amount of revenue that might be raised by a value-added tax. The President has stated that a 3-percent VAT would have a net yield of $12 billion, after taking into account deductions and rebates to low-income taxpayers.

The President's Commission on School Finance calculated the cost of five different plans to use Federal grants to induce States to assume funding responsibilities presently met by local school districts. The estimates ranged from $4.9 to $7.9 billion.

CONCLUSIONS

First, within each State, full equalization of per pupil expenditures for all districts will be possible only after an extended transition period, because of the political obstacles to reducing current spending levels of the wealthy districts.

Second, nevertheless, most States should have the capability to reduce substantially existing disparities in spending levels as well as to equalize and reduce the burden of property taxation in the space of a relatively few years.

Third, to achieve this will require a shift of funding responsibilities from local to State authorities and increasing reliance on State income and sales taxes for school revenues. Any required increases in these taxes can be partially offset by reductions in the property tax.

Fourth, in allocating schools funds, supplemental financing should be made available to those districts with extraordinary educational costs and burdens; for example, districts where enrollments include a large proportion of disadvantaged students.

Fifth, the Federal Government can help by continuing to provide categorical assistance to meet the special needs of urban districts and others with extraordinary educational burdens and instituting a program of general aid that can provide States the inducement and support needed to accelerate reform of existing school finance systems and reduce inequalities in educational resources among the States.

Sixth, shift of the bulk of school funding responsibilities to the States and Federal levels is not necessarily incompatible with the retention of meaningful policymaking authority at the local level.

II. EQUAL OPPORTUNITY FOR MINORITIES

There is general agreement that educational facilities available to minority groups, particularly blacks, Puerto Ricans, Mexican-Americans, and Indians, are inferior. There is no agreement on what remedial actions should be taken.

RACIAL ISOLATION

The most controversial issue concerns the relationship between racial isolation and educational quality.

Those who believe there is a link between the two consider that school integration is necessary to improve the educational achievement of minority students. Many would add that, whatever the educational results, integrated schools are necessary to stem the growth of racial animosities that could undermine the stability of American society.

Studies to evaluate the impact of integration on education and of social attitudes have yielded contradictory results. A number of reports on schools that have been integrated show that black students have made educational gains and that there has been no negative effect on the performance of white students. On the other hand research concluded recently by Prof. David Armor of Harvard found that black children showed no significant increase in educational achievement following integration. Professor Armor also concluded that integration resulted in heightened racial identity on the part of both black and white students.

Racial isolation is associated with the

inequities in school finance discussed in the first part of this paper. School districts with heavy minority enrollments tend to be those where the gap between financial resources and educational needs is great. Furthermore, an influx of minority students often aggravates a district's school finance problems by increasing costs and leading to an exodus of middle-class residents and industry.

GOVERNMENT AND SEGREGATION

Whatever economic, social, and educational case may be made for or against integration, it poses a practical political problem because of Government action aimed at ending school segregation. The principal impetus has come from the courts, but Federal action under title VI of the Civil Rights Act of 1964 and the voluntary initiatives of a number of State and local authorities have also played a part.

The key issues for Government decisionmakers are what constitutes undesirable racial separation in the schools and what steps are appropriate to eliminate it. Since the courts have taken the lead in attacking segregation, the answers which the courts have given to these questions are the focus of the current controversy over integration.

JUDICIAL DOCTRINE

In the last 5 years, the courts have both broadened the definition of illegal school segregation and expanded the range of remedial actions applied. This has meant that integration has become a problem not just for the South but for the North and West.

The earlier school segregation cases, beginning with the first Brown decision in 1954, were addressed to dual school systems sanctioned by State law. This so-called de jure segregation was distinguished from de facto segregation, which arose not from laws governing school attendance but from other factors such as residential patterns.

Since 1969, a series of lower Federal court decisions has blurred the distinction between de jure and de facto segregation. In these cases, most of which involve nonsouthern school systems, the courts have examined a broad range of actions by local and State authorities to see whether they have been taken with "purpose to segregate."

Two rules have been applied in determining whether such a purpose exists. The more common one holds that if any nondiscriminatory reason for the actions taken by the school authorities exists, then the action is not illegal. The other rule states that where the segregatory consequences of the particular action of the school authorities are foreseeable, those authorities have the burden of showing that such action was taken for educationally required, nonracial reasons.

Typical of these recent cases is the 1971 Federal district court decision involving the Indianapolis schools—U.S.A. against Board of School Commissioners of the city of Indianapolis. In ordering further action to reduce segregation, the court cited such official actions as drawing school attendance zone boundaries to follow racial residential patterns, and school construction policies which added to existing black schools but not to white schools.

The recent Federal district court decision involving the Detroit schools represents the high water mark of the judicial trend that has been developing since 1969. In that case the court ordered desegregation throughout a whole municipal area on the grounds that the existence of racially identifiable schools can be traced to actions taken by State authorities that had the effect of fostering segregation. In so doing, the court in effect held that desegregation cannot be confined to individual school districts.

The task of the courts in dealing with these so-called "northern" desegregation cases has been complicated by the lack of applicable Supreme Court rulings that might provide guidance. However, the Supreme Court in January agreed to review a case involving the Denver schools, and a decision is expected in the next court term.

Simultaneous with developing a broader definition of illegal segregation, the courts have become more deeply involved in specifying remedial measures. The courts first faced this problem in the South, where it was found that mere elimination of the legal authority for dual schools did not end segregation, either because of residential patterns or because of efforts by the school authorities to circumvent desegregation orders through such techniques as "freedom-of-choice" attendance plans.

The courts have tried a number of techniques. However, three aspects of court-ordered desegregation plans have been responsible for most of the public controversy on desegregation: First, the use of racial school-attendance quotas, second, busing, and, recently, third, student transfers between suburban and inner-city school systems. The courts have justified the use of such devices on the grounds that residential patterns make them the only possible way to reduce significantly racial isolation in the schools.

THE POLITICAL PROBLEM

The strong public reaction that has arisen in many areas where desegregation has been ordered is rooted in a complex tangle of factors: racial prejudice; concern over possible deterioration of educational quality and school environments, particularly if suburban children are required to attend inner-city schools; and resentment over what are seen as arbitrary actions by the courts and by State and Federal bureaucracies. The problem for those who must devise governmental policy is to find a compromise that will permit progress toward improved education for minorities and at the same time win the acquiescence of white parents and taxpayers. Finding a solution is complicated by uncertainly over how far the courts are likely to go in ordering further action on desegregation.

ALTERNATIVE APPROACHES

Before examining some of the specific proposals that have been made to deal with schooling for minorities, it might be useful to categorize the techniques that are involved. Most plans include one or more of the following elements:

First, guidelines for school desegregation. This means establishing statutory and administrative rules to govern desegregation so that the burden or regulating this process can be shifted from the courts to the executive and the legislature. Guidelines may be negative, in that they seek primarily to limit and reduce the scope of desegregation already ordered by the courts; or they may be positive, in that they seek ways to advance the integration process.

Second, compensatory measures. This approach calls for provision of extra financial support to improve school facilities and to devise special remedial programs to meet their needs. The focus, in most cases, is on improving schools in areas where minority students reside rather than on shifting attendance procedures to promote racial balance.

There is a lack of agreement over the effectiveness of compensatory measures in equalizing educational opportunities for minorities. The controversy parallels that over the usefulness of integration in serving the same objective.

The criticism of compensatory education is based primarily on studies evaluating the title I program of the Elementary and Secondary Education Act of 1965, under which Federal funds have been provided to support remedial programs for disadvantaged students. These studies showed that title I programs had not improved minority-student performance in fundamentals such as reading and mathematics.

On the other hand, an extensive study prepared for the Senate Select Committee on Equal Educational Opportunity argues that, if properly planned and administered, additional funding to improve school services available to minorities would have significant benefits.

Third, elimination of residential segregation. The assumption underlying this approach is that no long-term solution to the problem of equal educational opportunity for minorities is possible as long a residential segregation continues. Measures which seek merely to integrate the schools are of little value as long as they can be circumvented by shifting residential patterns. What is usually proposed are positive steps to provide low-income housing in suburban areas.

CONSTITUTIONAL AMENDMENT

This seeks to halt busing by prohibiting the assignment of students to schools on the basis of race. At present it does not seem to have any prospect of passage.

1971 EDUCATION AMENDMENTS ACT

Antibusing provisions are contained in this legislation, which the President signed last week. It prohibits implementation of court orders requiring transfer of students until all appeals have been exhausted. The constitutionality of these provisions has been questioned on the grounds that they violate the separation of powers by restricting the authority of the courts to enforce constitutional rights. In terms of its practical impact, this measure is relatively weak, in that its only effect is to delay rather than to impede court action.

THE ADMINISTRATION PROPOSALS

As set forth by the President last March, the administration approach combines negative guidelines on desegregation with a limited program of compensatory Federal aid.

The President's busing moratorium involves legislation that would establish a blanket suspension of all busing orders through July 1, 1973. It would also prohibit busing below the sixth grade if the amount of busing proposed exceeded that already employed by a school district prior to undertaking desegregation. It is open to the same criticism on constitutional grounds as the provisions of the 1971 Education Amendments Act but constitutes a more sweeping effort to limit the courts, since, under some circumstances, busing is prohibited regardless of what action may be taken by the courts.

The Equal Educational Opportunities Act, proposed in conjunction with the busing moratorium, would earmark Federal aid to provide special grants of $300 per low-income student to support compensatory education programs. These are funds already authorized under the Elementary and Secondary Education Act of 1965 or the emergency school aid provisions of the 1971 Education Amendments Act.

THE RIBICOFF PLAN (S. 1282 AND 1283)

This plan combines positive guidelines and Federal assistance to achieve school integration with a limited program to encourage residential integration.

Senator Ribicoff's principal bill is S. 1283, entitled the Urban Education Improvement Act. Its objective is to promote school integration on a metropolitan-area-wide basis, using Standard Metropolitan Statistical Areas—SMSA's—as units for this purpose. The criterion for integration would be to have all schools, suburban and inner city, in the SMSA have a percentage of minority-group pupils equal to at least half of the percentage of minority group students in the metropolitan area as a whole. Inducements would be provided in the form of Federal assistance to meet costs of integration, and suspension of other types of Federal school aid to those metropolitan areas that refuse to integrate. The means to achieve integration would be determined by State authorities in consultation with advisory boards representing local citizens.

The companion measure (S. 1282) seeks to promote residential integration by requiring Federal facilities and Federal contractors to expand or locate only in those communities willing to provide adequate housing for their low- and middle-income employees. This is a measure of limited applicability and dubious administrative feasibility—which probably accounts for the fact that it contains a rather broad provision authorizing Presidential waivers.

THE PREYER BILL (H.R. 13552)

Drafted by Prof. Alexander Bickel of Yale Law School, this bill calls for statewide plans to alleviate racial isolation and eliminate disparities in educational facilities—as measured by such criteria as teacher-pupil ratios. It thus attempts to combine both positive guidelines for integration with compensatory measures.

Unlike the Ribicoff bill, Representative Preyer's proposal does not set any fixed racial balance as a standard against which integration is to be measured; however, it does contain a provision authorizing free transportation for students who wish to transfer from schools where their race is in the majority to those in which their race constitutes a minority.

In explaining the bill, Representative Preyer of North Carolina stressed that it is designed to provide a positive alternative that would make it possible for the courts to become less active in prescribing desegregation measures. It is also intended to diminish emphasis on racial quotas and busing by making racial balance only one of several possible acceptable means to improve educational opportunities for minorities.

Like the Ribicoff bill, Representative Preyer's proposal uses a carrot-and-stick approach to obtain State compliance. Federal aid to carry out approved State plans is authorized. On the other hand, Federal assistance under the Elementary and Secondary Education Act of 1965 and other educational enrichment and desegregation programs is to be cut off if States fail to come up with satisfactory plans. Presumably the Federal authorities would have a good deal of discretion in approving State plans and thus might raise the requirements for busing and racial balance if they desired.

CONCLUSIONS

First, devising means to improve educational opportunities for minorities is essentially an administrative and political task; yet, it has been left primarily to the courts, which are poorly equipped to discharge such a responsibility.

Second, in the absence of adequate Federal, State, and local programs to meet minority needs, the courts will continue to be the principal avenue for seeking solutions.

Third, the available data do not point to any single approach as the best means for improving the educational achievement of minority students. One possible explanation is that the relative effectiveness of such measures as integration and compensatory education is closely tied to the particular circumstances in individual school districts, including the amount of funding, the quality of planning and administration, the concentration of minority students, and the nature of local political leadership.

Fourth, over the long run, programs which take a metropolitanwide approach may have promise because they would allow the social and economic costs of providing for minority students to be broadly and equitably shared. However, such programs are certain to meet with resistance in the absence of funding that permits improvement of inner-city schools and sensitive political leadership that consults fully with the local groups affected.

Fifth, in the short run, there may be no alternative but to place considerable reliance on compensatory measures and to seek means to make these more effective. However, in the absence of solid evidence that these measures can provide substantial equality of opportunity, they cannot be considered more than an interim solution.

FIRST PATMAN SCHOLARSHIP STUDENT SELECTED

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. Annunzio) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, last year CUNA International, the worldwide credit union movement, and the Texas Credit Union League established a $2,000 graduate scholarship in the field of business administration at the University of Texas honoring the distinguished chairman of the House Banking and Currency Committee, the gentleman from Texas, Wright Patman.

I can think of no finer tribute to Mr. Patman than such a scholarship since he probably knows more about the financial systems of our country than any person I could name. His work in the area of credit unions is unparalleled, earning him the title of godfather of the credit union movement. He has sponsored every piece of Federal credit union legislation since the Federal Credit Union Act, of which he was a cosponsor, was passed in 1934.

It is fitting, therefore, that the first recipient of the Patman scholarship is a young man with outstanding academic qualifications. He is Bruce H. Fairchild of Dallas, who established an academic record of 3.71 out of a perfect 4.0 during 4 years at Southern Methodist University. In addition, he was on the dean's list for academic performance each of his 4 years. All this was accomplished while working part-time as a comptroller trainee and internal auditor for a large national retailer.

In presenting the scholarship to Mr. Fairchild, which incidentally is the largest in the history of the Business Administration School at the University of Texas, Chairman Patman, in commenting on the role of credit unions, said:

> There is a lot more to finance than just commercial banks.

The presentation of the scholarship award is described in the August issue of the Credit Union magazine, and I am enclosing it in my remarks since it praises so highly the work of a distinguished Member of this body.

The article follows:

[From Credit Union magazine, August 1972]

FIRST PATMAN SCHOLARSHIP AWARDED AT UNIVERSITY OF TEXAS

An aspiring doctor of philosophy in finance is $2,000 closer to his academic goal, thanks to the Wright Patman Scholarship endowed by the credit union movement.

Bruce H. Fairchild, 24, of Dallas, Texas, who begins his graduate work this fall at The University of Texas, was awarded the first annual scholarship recently in ceremonies on the UT campus—with the man for whom the scholarship is named, Rep. Wright Patman (D-Tex.), the "godfather of the credit union movement," doing the honors.

The Wright Patman Scholarship was conceived by Texas League Managing Director James M. Barry as a way for the movement to demonstrate to the dean of the Texas congressional delegation "The esteem held for him by the entire credit union movement."

It is endowed by the CUNA International Foundation ($1,500 a year) and the TCUL Educational Foundation ($500), and administered through the University of Texas. The annual scholarship is open to any student at the master's level in finance at UT's College of Business Administration, and scholastic merit is the only criterion for receiving it.

And Fairchild, a modest, soft-spoken Kansas native with thinning blond hair and a neatly-trimmed moustache, demonstrated outstanding scholastic merit.

As a bachelor of business administration candidate at Southern Methodist University in Dallas, he racked up a 3.71 upperclass grade-point average (out of a perfect 4.0) and made the Dean's List for Academic Performance all four years at SMU. And he did it while working part-time as a comptroller trainee and internal auditor for a large national retailer.

Fairchild wants to earn his master's and his CPA, then study for a Ph. D. and teach at the university level. As a teacher he hopes to "contribute something of value to the students, the university and the business community . . . something of value, either moral or material, to society."

In presenting the scholarship to Fairchild, Rep. Patman called the establishment of the scholarship "a new recognition—a very important recognition—of the work of the credit unions in this state."

He said the scholarship "adds a new dimension to the University," and complimented the school "for recognizing the accomplishments—and the potential—of credit unions."

"As this scholarship recognizes," he said, "there is a lot more to finance than just commercial banks."

Patman called on credit unions to establish similar scholarships at other colleges. "It would be wonderful," he said, "if this program could grow to the point where a credit union scholarship could be established in every single state university."

Credit unions everywhere in the movement can help support the Wright Patman Scholarship—and perhaps build the scholarship program in other colleges and universities—by contributing to the CUNA International Foundation.

Contributions of any size from credit unions, chapters and individuals are welcomed. They should be marked "for the Wright Patman Scholarship" and sent to the Foundation at P.O. Box 431, Madison, Wis. 53701. Contributions are tax deductible.

PROPOSED AMENDMENTS TO EQUAL EDUCATIONAL OPPORTUNITIES ACT

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. Meeds) is recognized for 5 minutes.

Mr. MEEDS. Mr. Speaker, I intend to offer the following amendments to H.R. 13915:

AMENDMENT TO H.R. 13915

The bill is amended by adding thereto the following:

"TITLE VII—CONFORMITY TO THE CONSTITUTION

"Section 701. Nothing in this Act is intended to be inconsistent with or violative of any provision of the Constitution."

HARMFUL BUSING PROHIBITED

Section 403 is amended by striking the section and substituting the following:

"Section 403. No court, department, or agency of the United States shall, pursuant to section 402, under the implementation of a plan that would require the transportation of any student if the time or distance of such travel is so great as to risk either the health of the student or significantly impinge upon the educational process."

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. Patman) is recognized for 10 minutes.

[Mr. PATMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

AMENDMENTS TO H.R. 13915, THE EQUAL EDUCATIONAL OPPORTUNITIES ACT

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. Badillo) is recognized for 5 minutes.

Mr. BADILLO. Mr. Speaker, the House will consider tomorrow H.R. 13915, the Equal Educational Opportunities Act. As a courtesy to our colleagues and to protect my own rights under the procedures that will be followed in connection with this legislation, I present herewith for inclusion in the Record, the full text of the various amendments I intend to offer to the bill.

I will be more than happy to discuss any or all of these amendments with my colleagues.

The amendments follow:

Amendment to H.R. 13915 by Mr. Badillo.

At page 19 strike lines 21 through 24 inclusive, and at page 20, strikes lines one through three, inclusive.

At page 20, strike lines 4 through 8 inclusive.

At page 20, strike lines 9 through 11, inclusive.

At page 20, strike lines 12 through 19, inclusive.

At page 33, after line 6, add the following new subsection:

"(g) permitting any general or special purpose unit of local government to exercise powers with respect to planning, zoning, subdivision controls, building codes or permits, or other matters affecting land use in such a manner as to prevent the reasonable provision of low and moderate income housing in undeveloped or predominantly undeveloped parts of any community within a Standard Metropolitan Statistical Area, or to discriminate in any other way (on the basis of amount, type, location, or otherwise) against low or moderate income housing in any such community."

At page 33, line 23, after the phrase "students on such basis" add the following:

", or unless the United States Commissioner of Education, after appropriate consultation with the Secretary of Housing and Urban Development and after such investigation, including local public hearings, as he may deem appropriate, determines that there has been insufficient provisions for low- and moderate-income housing in the community or communities served by the educational agency making such assignment."

At page 36, line 20, substitute new subsections (f) and (g) and redesignate subsequent subsections accordingly:

"(f) the removal of land-use barriers, such as planning, zoning, subdivision controls, building codes or permits, to development of low- and moderate-income housing;

"(g) the construction of new low- and moderate-income housing;"

At page 37, lines 7 and 8, strike the words "type of education" and insert in lieu thereof the following:

"equal educational opportunity"

AN AMENDMENT TO BE OFFERED TO THE EQUAL EDUCATION OPPORTUNITIES ACT

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. Chisholm) is recognized for 5 minutes.

Mrs. CHISHOLM. Mr. Speaker, tomorrow we will be debating the Equal Education Opportunities Act, otherwise known as the busing bill. I intend to offer an amendment to the bill which is designed to prohibit neighborhood assignment plans where residence in the neighborhood has been unconstitutionally denied to families or students on the basis of race, color, or national origin.

For those who would like to support this amendment, the section 2(a)(2) is amended by adding at the end of the subsection the following language:

", unless residence in the neighborhood has been unconstitutionaly restricted on the basis of race, color, or national origin."

Section 203 is amended by adding at the end of the section the following proviso:

"Provided that residence in the neighborhood has not been unconstitutionally restricted on the basis of race, color, or national origin."

EXPLANATION

The purpose of these amendments is to prohibit neighborhood assignment plans where residence in the neighborhood has been unconstitutionally denied to families or students on the basis of race, color, or national origin. This is consistent with constitutional principles enunciated by the Fourth Circuit Court of Appeals in *Brewer* v. *School Board of Norfolk, Va.*, 397 F.2d 37, 92 (4th Cir. 1968)—

Assignment of pupils to neighborhood schools is a sound concept, but it cannot be approved if residence in a neighborhood is denied to Negro pupils solely on the ground of color.

PROPOSED AMENDMENT TO EQUAL EDUCATION OPPORTUNITIES ACT

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. Thompson) is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, I submit for printing in the Record an amendment which I will offer tomorrow during the debate on the bill H.R. 13915, Equal Educational Opportunities.

REMOVAL OF INFRINGEMENT OF COURT JURISDICTION

Amend section 403(a) by striking out "court".

Amend section 403(b) by striking out "court" wherever it appears in the first sentence of section 303(b), and by striking out the third sentence of section 303(b).

Amend section 403(c) by striking out "court".

PROPOSED AMENDMENT TO EMERGENCY SCHOOL ASSISTANCE ACT

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. HAWKINS) is recognized for 5 minutes.

Mr. HAWKINS. Mr. Speaker, during consideration of H.R. 13915 I intend to offer the following amendment:

AMENDMENT TO H.R. 13915 BY MR. HAWKINS

On page 31, after line 19, add the following:

"Sec. 102. Section 704 of the Emergency School Assistance Act is amended by inserting at the end of Section 704 the following:

"'(c) For the purposes of making grants under this title to carry out the plan described in 706(a)(1)(E) and Sec. 402(f) of the Equal Educational Opportunities Act, there is authorized to be appropriated for the fiscal year 1973 and for each fiscal year thereafter the sum of $1,500,000,000 and no funds appropriated under subjection (a) shall be used for such purposes.

"'(d) No funds are authorized to be appropriated under subsection (c) for any fiscal year until funds appropriated for title I of the Elementary and Secondary Education Act of 1965 are at least equal to the funds appropriated for such title for the fiscal year immediately preceding, and subsection (a) of this section is fully funded.'"

INTRODUCTION OF THE LEAD-ZINC ACT OF 1972 AND THE ZINC ORE DUTY-SUSPENSION BILL

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ASPINALL. Mr. Speaker, on May 20, 1971, Representative MCCLURE and I introduced the Lead-Zinc Act of 1971, a bill that would have a beneficial effect on the domestic economy, and which would also provide for stable prices and an adequate supply of lead and zinc to U.S. consumers. This bill has not been acted upon by the Congress. Today, joined by Representative MCCLURE and 14 other colleagues in the House, I am introducing a new bill, the Lead and Zinc Act of 1972, that is intended to substitute for the 1971 bill. The 1972 act is identical to the 1971 bill, except for a refinement, and a change made necessary by events since the introduction of the 1971 bill. In a few moments I shall explain the principal provisions of the 1971 bill and why it is necessary and desirable to revise the 1971 bill, but before I do I wish to review the difficulties confronting our lead and zinc industries which have compounded grossly in the past year.

The situation is especially critical in zinc. When I spoke on May 20 last year to this House about the 1971 bill, I called attention to the closure of a number of our zinc smelters. Since then more zinc smelter closures have been announced. The United States had 14 zinc smelters in 1969. By the end of next year seven of those smelters will be closed, and the United States will have lost about 40 percent of its zinc smelting capacity within a 4-year period.

Our zinc mining industry is in trouble, too. Last year, production was the lowest it has been since 1961, and known reserves are not being developed. American zinc reserves are not as rich as those found in some locations abroad but they are vast. They contain about 30 million tons of zinc and account, according to the Interior Department, for about 25 percent of known free world reserves.

Lead mining presents a more cheerful picture because the producing companies have been developing new, high-quality ore bodies, mainly in southeastern Missouri. The United States has about 36 million tons of lead in its reserves and these amount to approximately 40 percent of known reserves in the non-Communist countries.

In lead metal production, however, the picture is not so cheerful. While two new smelters and refineries have been opened, three others have been closed and there has been no increase in metal production during the past several years. Healthy mining and healthy smelting and refining industries go hand in hand. If we are to develop our lead ore reserves the way that they should be developed, we need an expanding lead metal producing industry, not a stagnant one.

In the meantime our lead and zinc industries are under heavy pressure from imports of foreign ores and metals. These imports now account for about 50 percent of our total zinc consumption and about 20 percent of our total lead consumption. On all too frequent occasions they depress prices and create instability in our markets, undermining the confidence that is neecssary if our domestic lead and zinc producers are to carry out the additional investment that is sorely needed to maintain and expand much needed domestic production of these two essential metals.

While the American lead and zinc producing industries are confronted by instability and declining production, their main foreign competitors are undertaking major expansions of production. For example, the production of zinc metal will rise by more than 500,000 tons in Western Europe and Japan during the next several years, and Canadian zinc ore production nearly doubled in about 7 years. This raises an obvious question: How can foreign producers justify so much expansion when American producers cannot?

One of the main reasons is that foreign governments extend subsidies and tax exemptions to their mining and metals industries, and make important contributions to exploration costs. For example, most of the lead and zinc smelters and refineries going up in Western Europe, Japan, and Canada are benefiting from government grants or subsidized, low-interest loans.

Foreign subsidies and tax advantages put American lead and zinc producers at a substantial disadvantage in international competition. It is time that we take effective action to correct this disadvantage, not just for the sake of the companies and workers involved, but for the sake of our entire country.

The Secretary of Interior recently sent to the Congress his first annual report under the Mining and Minerals Policy Act of 1970. That report shows America's rapidly growing gap between the fuels and minerals our growing economy needs, and the fuels and minerals that we are actually producing. The Secretary's report underscores the need for increased investment by the domestic producers of these essential commodities.

The Mining and Minerals Policy Act itself, among other things, calls for the development of economically sound and stable domestic mining, minerals, and metal industries and the orderly and economic development of domestic mineral resources and reserves to help assure satisfaction of industrial and security needs. The Lead and Zinc Act of 1972 being introduced today is fully in accordance with that act and will aid in promoting development of economically sound and stable lead and zinc industries in the United States.

The Lead and Zinc Act of 1972 is designed to meet the long-term problems of the lead and zinc industries by substantially increasing stability, thereby preserving what we still have and creating the confidence that is necessary if further investment is to take place. Like the 1971 bill, the 1972 act amends the tariff schedules of the United States to provide for rates of duty higher than present rates after certain quantitative levels of imports have been reached in a calendar quarter. It puts no absolute limitations on the importation of lead and zinc metals, ores and other articles made of lead and zinc that are specified in the bill.

The quantitative limitations proposed in this bill are moderate. They bear entirely reasonable relation to current import requirements of metals and of ores needed by our industries to supplement current levels of domestic mine and smelter production. They likewise have reasonable relation to imports over the past several years.

Consequently, the higher rates of duty would apply only at a point where, without their imposition, U.S. production could be displaced by imports in excess of real need.

As to changes, the 1972 act recognizes the unfortunate need for increased imports of zinc metal that has come about by reason of smelter closures. To meet this circumstance the Act increases the quantitative limitation on zinc metal imports by 50 percent over the limitation in the 1971 bill.

The other change is a refinement that provides flexibility with respect to quantitative limitations under changing consumption levels. Under the bill being introduced today the quantitative limitations on lead and zinc metal imports could be adjusted every 2 years to reflect changes in consumption. The 1971 bill did not have such provision. This flexibility will better recognize the interests of consumers and, incidentally, enable foreign producers to share in any increase in consumption in the U.S. market.

The 1972 bill, like the one of 1971, provides that with one exception the present rates of duty shall apply until the quantitative limitations have been reached, with the higher rate of duty applying thereafter.

The exception is in the case of zinc ore. Here the bill provides that imports up to the quantitative limitation shall be entered free of duty rather than at the present rate of 0.67 cent per pound. On imports beyond the quantitative limitation the present rate of duty would be restored.

This exception is proposed because an important part of zinc metal production in the United States is from the processing of imported ores in U.S. smelters. These smelters must compete at foreign sources for their import requirements and the relaxing of the duty on zinc ore will improve their position. It is essential that the United States encourage importation of raw materials for processing ore rather than importation of finished materials, in this case zinc metal. This provision of the 1972 act will aid in that purpose.

The exception for zinc ore is related directly to a second complementary bill being introduced today, the Zinc Ore Duty Suspension Act. The Congress will require time, of course, to consider the Lead and Zinc Act of 1972. But our zinc smelting industry is in critical need of urgent assistance in the form of relief from the present duty on zinc ores as contemplated in the Lead and Zinc Act of 1972. It is in the national interest to provide that assistance not only because the zinc smelting industry is a long-established part of our metals economy and an important employer but also because that industry may be needed to process increasing quantities of American ore which may become available under the conditions that the Lead and Zinc Act of 1972 can create.

The Zinc Ore Duty Suspension Act provides this necessary assistance to the zinc smelting industry by suspending the present 67-cent-a-pound duty on zinc ore for 1 year beginning the day after enactment of the act. If the Congress sees fit to pass this bill soon, as I hope it will, I would further hope that during the 1-year duty suspension the Congress will take favorable action on the Lead and Zinc Act of 1972.

Mr. Speaker, there are two principal reasons why it is in the Nation's interest to provide reasonable assistance to our lead and zinc industries. First, these in dustries are essential to our country, especially in time of national emergency. Second, the further growth of our lead and zinc imports will have a serious impact on our balance of payments. During the past 15 years the United States has imported almost $3 billion worth of lead and zinc ores and metals, not counting manufactured and semimanufactured goods of lead and zinc. It has been estimated that during the next 15 years these imports, at today's prices, will total more than $6 billion.

The two bills introduced today would help protect our national and industrial security and would ease our serious balance-of-payments problems. The Zinc Ore Duty Suspension Act would give some prompt relief to a zinc smelting industry that is badly in need of relief. The Lead and Zinc Act of 1972 will help to remedy the competitive disadvantage at which American lead and zinc producers find themselves in competing with subsidized foreign companies, and it will generate confidence and encourage expansion so that much of our growing consumption requirements can be met from domestic sources in future years.

The Mining and Minerals Policy Act of 1970 requires that we make the attainment of these goals possible.

I hope that many Members of the Congress will support these measures that will aid in bringing economic soundness and stability to the lead and zinc industries and thus contribute to improvement of the Nation's minerals posture which is gravely in need of improvement.

IN PRAISE OF A GOOD PUBLIC SERVANT: JAMES L. SLAVIN

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, regrettably we all receive a number of complaints from constituents about bureaucratic callousness in agency relations with individuals. As distressing as this is, it is gratifying when one finds that the heads of departments are concerned about the way their employees treat individuals and anxious to correct the insensitivity that often permeates agency relations after years of operation.

This happened to me not too long ago when I received a complaint from a constituent that a local unemployment office seemed unable to communicate with a man seeking assistance who spoke only Spanish. This was in a neighborhood with many Spanish-speaking residents. In this case the applicant was so frustrated because he could not speak nor understand English that he broke down in tears. The response of the agency employee was one of unconcern for the man's problem and disregard for his feelings.

I brought this matter to the attention of James Slavin, metropolitan area director for the State Unemployment Insurance Bureau. Mr. Slavin's response was commendable. First, he did something that few agency officials ever do and that is admit that the incident was "inexcusable." Then he outlined the steps he had taken to insure that it would not happen again.

Mr. Speaker, I do not hesitate to criticize a Federal, State, or city administrator where the facts demand it, and so I am delighted to have the opportunity to praise a good public servant—James L. Slavin. For the interest of our colleagues I would like to insert in the Record my correspondence with Mr. Slavin. It follows:

House of Representatives,
Washington, D.C., July 17, 1972.

James Slavin,
Metropolitan Area Director, Unemployment Insurance Bureau, New York, N.Y.

Dear Mr. Slavin: I would like to call your attention to a situation which was described to me by a constituent which should, if accurately stated, be corrected.

She told me that at your office located at 250 West 90th Street, Manhattan, those coming in to apply for unemployment benefits are overwhelmingly Spanish speaking. She also stated that there are no Spanish speaking employees who can respond to the questions of those seeking assistance. She indicated that she was mortified when one man, in line before her, not able to speak or understand English, began to cry because he was not able to discuss his case with the State employee. And, when my constituent said, "Shouldn't you get someone who understands Spanish to help?" The employee is alleged to have responded, "He understands no check." Well, he obviously didn't understand the reasons why he was not entitled to benefits and he began to cry.

I would appreciate your ascertaining whether the facts related to me are correct and if so, seing to it that bilingual personnel be available at that location to deal with such situations in the future.

If this situation exists at this particular office, it may in fact exist elsewhere in the system and I would think you would want to look into that too.

Sincerely,

Edward I. Koch.

State of New York,
Department of Labor,
New York, N.Y., July 26, 1972.

Congressman Edward Koch,
Federal Plaza.

Dear Congressman Koch: This is in reply to your letter of July 17 in which you informed me that one of your constituents was distressed by the action of one of our staff members in our local office at 250 West 90th Street and that that situation led to your questioning whether or not we have ample Spanish speaking employees to serve the Hispanic population of that district.

I regret that the incident occurred.

36% of the claimants served by the office are Spanish speaking although 80% are bilingual. In this office we have seven Spanish speaking staff members who are on call as interpreters or to answer questions in Spanish when the need arises.

Let me repeat, the incident you described was inexcusable.

There are Spanish speaking staff members in all our offices. Interpretation service to our Spanish speaking population has been our objective for many years. In order to assure that our service objective is not forgotten, I have sent a copy of your letter to each of our District Superintendents that it may become part of their management exchanges with the District Office Managers who in turn will be expected to take it up in their training of local office staff.

Thank you for calling this to our attention. When we slip, it is necessary to bring us back in line by the kind of information that you have given us.

Very truly yours

James L. Slavin,
Area Director—Insurance.

VIETNAM: OUT NOW

(Mr. KOCH asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, recently it was announced that the last ground combat troops were leaving Vietnam. That was good news, but it ought not deceive any American into thinking that our involvement in this miserable war is still not huge.

The ground combat troops are gone, but an immense armada of warships has replaced them and our air capabilities in Thailand have been enlarged. Our bombs rain down on North and South Vietnam with more intensity than ever before, and at an estimated extra cost for this fiscal year of over a billion dollars and an increased cost of personal anguish and material destruction that cannot be estimated.

We have been told by successive administrations that this war is worth the lives of thousands of young Americans and worth our great financial expense, because we are defending a free and democratic society. This continuing delusion is perhaps our society's greatest tragedy.

Recent news stories have described the increased censorship of Saigon's press. All opposition to and even criticism of the Thieu regime has been silenced and some papers have been forced to shut down. In addition to stifling the press, Mr. Thieu has terrorized his own people in a fashion that too many Americans believe only the Communists of North Vietnam would employ.

The police reportedly have arrested and jailed over 15,000 citizens of South Vietnam during the past few months in an arbitrary and brutal exercise worthy of the most vicious police state. According to reliable accounts, many of those arrested have been women and children, and many have been subject to extreme forms of torture while imprisoned.

We cannot escape the fact that we are accomplices in these atrocities.

Our Government provides the aid to the South Vietnam police force and prison system which permits the continuation of these arrests and brutalities. And Air America, an airline operated for the CIA, reportedly is used to transport "prisoners" to Con Son, the prison where the torture takes place and the site of the infamous "tiger cages."

Our Government is quick to speak out in official condemnation of atrocities committed by the North Vietnamese, but says nothing of Mr. Thieu's actions. No doubt it is foolish to expect that a Communist regime in South Vietnam would be any more benevolent toward the people, but how long will the Nixon administration insist on the wild belief that the Thieu government bears any resemblance to a free and democratic form of rule?

The Governments of North and South Vietnam deserve one another, but neither Government deserves our blood and treasure. It is hard to distinguish between the brutalities of Mr. Thieu and those of the Communists. Yet, as the war drags on, it becomes increasingly clear that we have lost over 55,000 lives and over $100 billion not in defense of freedom, but in defense of the Thieu regime. It was a tragic delusion to believe that democracy as we know it, would develop in South Vietnam if our soldiers defended that land, but it is a greater tragedy to continue the death and destruction of this war as the defenders of Mr. Thieu's corrupt dictatorship.

We hear a lot about ending the war with honor. The only way to gain honor now is to end our support of the Thieu dictatorship and set a date for the immediate withdrawal of all our forces, contingent only on the return of our prisoners of war.

A FEDERAL LIGHT ON CRIME PROGRAM

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, one of the most serious problems for city dwellers today is street crime. For many people, the streets have become corridors of fear at night making them prisoners in their homes after dark.

There is no easy solution to the problem of street crime, but there is one practical step that can be taken to deter this crime: improve street lighting. The installation of high pressure sodium lights, illuminating the streets far better than traditional lighting, has proven effective in reducing crime rates.

On March 22 I introduced a bill, H.R. 14022, to establish a "Federal Light On Crime Program." This legislation would mandate the expenditure of $30 million in each of the next 3 years specifically for the purchase and installation of high pressure sodium lights. The funds would be distributed in grants directly to local governments on a 75 percent Federal, 25 percent local share basis.

Using the same amount of electrical power, high pressure sodium lights give approximately four times the lighting level provided by traditional lights. In a sense, they turn night into day and their effectiveness as a deterrent against crime is undeniable.

In Washington, D.C., after installation of high-level lighting in high-crime areas, crime decreased by 31 percent.

Gary, Ind., installed 5,000 new street lights. Criminal assaults dropped 70 percent and robberies 60 percent.

In Chattanooga, Tenn., crime in a 12 block area dropped 70 percent after lighting.

The program I have proposed involves relatively low costs and can have an immediate impact on reducing street crime. This is a program designed to light our streets for people rather than just for cars. It is a program designed to return the streets to the people.

New York City and other localities have initiated their own high-level lighting plans on a limited scale, combining private and local government funding. Some such lights illuminate parts of our own East Side even now. In addition, a number of responsible landlords are installing their own high intensity lights on their property to light up the sidewalks and sitting areas that surround their buildings. One apartment complex where this is needed and hopefully will be done by the landlord is Stuyvesant Town and Peter Cooper Village, owned by the Metropolitan Life Insurance Co. and located in my congressional district.

Mr. Speaker, I hope that the Congress will give prompt consideration to H.R. 14022. Federal funding could conceivably insure that whole communities would be illuminated, to the benefit of residents and merchants alike. We must do what we can to move the country to the day when we can all "see the light" and end the terror in our streets.

THE NATIONAL CONGRESS ON THE WORD OF GOD

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, it has come to my attention that the National Congress on the Word of God will be held at the National Shrine of the Immaculate Conception, Washington, D.C., on September 5, 6, and 7, 1972.

The Congress is intended to revitalize preaching and ministering to the current crisis in faith and will bring together laity, theologians, religious educators, and bishops to witness the power of the word of God.

This will be a truly ecumenical endeavor with people of all faiths invited, and with officials of a number of faiths participating. The Word of God Congress will be one of the significant religious events of 1972 and may well pave the way to much greater ecumenical cooperation between Catholics and Protestants in North America.

Furthermore, the Word of God Congress may lead to increased Catholic participation in the year-long national evangelistic program, "Key '73," which will get underway this fall with emphasis on renewal of the local churches, calling to repentance and prayer, and calling the continent to the word of God by placing the Old Testament in the homes of Canada and the United States.

For the benefit of my colleagues and the general public I would like to insert at this point a statement on the Word of God Congress, by Mr. Robert Donihi, former director of the office of public information, U.S. Catholic Conference.

BISHOP BERNARDIN ENDORSES GOSPEL PREACHING RENEWAL

(By Robert Donihi)

WASHINGTON, D.C., August 8.—The General Secretary of the National Conference of Catholic Bishops and the United States Catholic Conference (NCCB–USCC) today urged the nation's Roman Catholic priests ". . . and all the people of God, to come together to witness the power of the Word of God to resolve the crisis of faith." Advocating attendance at the National Congress on the Word of God, September 5–7, in the National Shrine of the Immaculate Conception in Washington, Bishop Joseph L. Bernardin noted that "the thrust of the Congress is toward a theology of biblical preaching—preaching that is rooted in revealed truths personally experienced by the preached rather than in human rhetoric, however interesting or socially useful."

Bishop Bernardin said that Pope Paul VI set the stage for the Word of God Congress with the words: "If the faith fails to find any believers, is this becasue it is taught in an old, abstruse way, cut off from life and contrary to the tendencies and tastes of today? Ought we not renew the kerygma—the announcement of the Christian message—if we want to find hearers and followers?" (Sept. '70)

Bishop Bernardin added, "Scriptural, theological and historical evidence argue that preaching is the foundation of the Church's life of faith, but the sobering fact is that most Catholic Christians are not sufficiently enriched by what they hear from Church pulpits, their major channel of contact with Christian truth.

"Addressing myself especially to my brother priests, I urge participation in this great celebration of the Gospel message and the renewal of its preaching; the Congress seeks to make specific application of revealed truths to the life of the Church." Toward that objective he then recommended enrollment of the clergy in the Congress' eight Concurrent Conferences on Kerygmatic Renewal to be held Wednesday afternoon, September 6.

"These conferences are intended to bridge the gap between theory and practice in the Church," he said, "by exploring the essential relationship of the Christian message to diverse areas of specialized professional church activity." He identified the eight Concurrent Conferences as Preaching and the Bible, Preaching and Communications, Preaching and Conversion, Preaching and Ecumenism, Preaching and the Liturgy, Preaching and Priestly Ministry, Preaching and Religious Education, Preaching and Social Development.

"Under the guidance of the Holy Spirit," said Bishop Bernardin, "the conferences will seek to break new ground in understanding the Chrisitan apostolate. Expert leaders and speakers have been invited to guide participants into an examination of the efficacy of their specialty in the light of the crisis of faith. 'Unless the Lord build the house, they labor in vain who build it.' "

The program of the National Congress on the Word of God has been praised by: Msgr. Lawrence J. Corcoran, Secretary of the 100,000 member National Conference of Catholic Charities and Vice President of Caritas Internationalis who comments that "It stimulates people to a greater awareness of their social responsibility in reflection of the Gospel message"; by the prestigious and influential Roman Catholic magazine *The Priest* which devoted its current cover, editorial and lead article to the Congress; and by the 400 certified preacher-members of Inter-Com. Inter-Com has voted to hold its annual meeting in conjunction with the National Congress, despite the fact that Inter-Com board members' terms are thus shortened by several months.

BASEBALL

(Mr. SISK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SISK. Mr. Speaker, I have not yet made good on my promise to bring baseball back to the Capital.

I can report progress however. Monday night Washington baseball fans emphatically told the baseball establishment in no uncertain terms they were wrong when they allowed the Senators to move to Arlington, Tex., where they are known as the Rangers.

By turning out over 32,000 strong for an exhibition game between the New York Mets and the Boston Red Sox, they answered the unproven charge that Washington fans will not support baseball. Now when we get that kind of resounding support from our constituents, we respond. We get moving in a hurry.

We can only hope this demonstration of love for the game here in the Capital has the same impact on baseball hierarchy.

The reason for my asking for time this morning is to thank the players, coaches, managers, and officials of the New York Mets and the Boston Red Sox for playing the exhibtion game for charity. A special nod of appreciation should go to the owners, Mrs. Payson of the Mets and Mr. Yawkey of the Red Sox.

Both teams are within striking distance of their division leads. But as a game here, it meant little from the competitive viewpoint to the players who are tired going into the last of the baseball season. Yet they gave of their time and effort and gave their best.

Exhibition though it was, the game had a great deal of meaning for we fans. On behalf of all area baseball fans I would like to extend a deeply felt thanks to baseball, the Mets, the Red Sox, and all their personnel from batboys to owners. They deserve it.

With due justice to the professionals involved, I exclude Vinegar Bend, in this particular case, a word should also be said for the amateurs. To be strictly nonpartisan, I must sadly observe that once again the majority went down in defeat. However, the victors in the annual congressional game are to be congratulated on their victory—better now than in November—and the losers to be applauded for being "nice guys."

Our deepest and most profound thanks should also go to the Almas Shrine Temple. If I may be permitted to mix a metaphor, I would like to say that Shrine Potentate Dr. Lloyd E. Church and his cochairmen, Wally Moore and Bill Press, really carried the ball for us in this charity game. They and all of the gentlemen of the Temple deserve our congratulations for their work and devotion to a worthwhile cause.

Mr. Speaker, thank you.

HOUSE JOINT RESOLUTION 1227

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, I rise in support of House Joint Resolution 1227, the interim agreement between the United States and the Soviet Union on the limitation of strategic offensive weapons. This agreement is the result of 2½ years of negotiations between the Soviets and ourselves, and I believe that it signals the start of a new and constructive era in Soviet-American relations. The promise of this new era is that it will be one in which we will be able to terminate the wasteful strategic arms race, a race which continues to cost billions of tax dollars each year, but which does little, if anything, to make us more secure.

Despite the tremendous advantages that are likely to result from these agreements, several short-run problems have been generated. Paradoxically, the SALT I agreements have been used by the Nixon administration to justify even greater defense expenditures. At one point, the Secretary of Defense went so far as to say that he would oppose the SALT I agreements if they were not accompanied by the passage of the administration's defense budget. The result of this process has been that, although we have signed an agreement to limit strategic offensive weapons, we are rushing ahead with the development and procurement of expensive weapons programs wherever possible under the terms of the interim agreement and in those categories not covered by the agreement.

The best known of these unnecessary and exorbitantly expensive weapons systems are the B–1 bomber, the Trident submarine, and the Washington area ABM. I indicated my opposition to the B–1 bomber and the Trident submarine at the time of the military procurement authorization bill, and, therefore, today I will only speak about the Washington ABM.

Mr. Speaker, the ABM is the classic example of a weapons system in search of a justification. As arms control expert Henry R. Myer astutely pointed out in an article in the Washington Post of July 30, 1972, at different times over the past decade, at least five different functions have been advanced as the primary purpose of ABM deployment: Defense of the American population against an all-out Soviet countercity attack; defense of the population against an attack by a small nuclear power such as the People's Republic of China; protection of American land-based missiles; use of the threat of ABM deployment as a bargaining chip in the SALT negotiations; and, finally, defense of Washington.

Unfortunately, the last of these purposes is the least credible in a list of very dubious justifications. Under the terms of the recent SALT agreement on ABM's, we are only allowed 100 launchers per ABM site, and, therefore, even if we accept the questionable assumption that our ABM will be 100-percent effective, the Soviets will be able to overcome the Washington ABM and destroy the National Command Authority with the expenditure of but 101 warheads.

In addition, in contrast with statements by some administration spokesmen, because most of the Soviet missiles are not targeted on the National Command Authority, this ABM provides only a modicum of protection against an accidental launch, and it provides that protection at a very great cost. Thus, like the B–1 bomber and the Trident submarine, the Washington ABM will be but another extraordinarily costly weapons system which will do little to improve our strategic defense posture; obviously, the lesson of this is that the fact that we are permitted to deploy a Washington ABM does not mean that we ought to do so.

The development and deployment of these and other new weapons systems, however, goes to the very heart of the current negotiating strategy, a strategy of building bargaining chips so as to negotiate from a position of strength. But, although there are obviously advantages in having some bargaining chips, a policy of intentionally building new strategic weapons is hardly likely to have a beneficial effect on the delicate SALT negotiations; instead, such a policy will fuel the arms race both by complicating the strategic equation and by strengthening the arguments of the Kremlin's hardliners.

Certainly a far wiser, and less costly,

policy would be to fund these programs on a contingent basis. Leslie H. Gelb and Anthony Lake have written:

> Of course, the President needs bargaining chips. But, there is a fundamental fallacy in his approach: new weapons systems do not actually have to be deployed in order to give him bargaining power. This power derives from the American potential to deploy, not actual deployment. Continued research and development and the placing of funds in escrow would give the President the same leverage without the cost.

In this way, instead of building our bargaining chips, as we have done with MIRV and ABM, we could attempt to negotiate them away in the pursuit of strategic stability.

In addition to the problems which have resulted and will continue to result from the administration's bargaining strategy, there is also a major weakness in the interim offensive agreement itself, the virtual absence of qualitative limitations. Thus, although the agreement froze the numbers of certain type of strategic weapons which each side could build, it did almost nothing to limit the qualitative improvements which could be made on these weapons. As a result, the cycle of action and reaction which has characterized the Soviet-American arms race of the past two decades can be perpetuated through the development and deployment of systems such as the MK-19 multiple, hard-target warhead, a weapon which has an obvious first-strike counterforce potential.

Therefore, in SALT II we must begin the more difficult task of obtaining comprehensive strategic arms limitations which address both the quantitative and the qualitative sides of the arms race. To reach this goal, we will undoubtedly have to engage in long and tough negotiations with the Soviets, but, with the ratification of the ABM treaty by the Senate, at least we now have a precedent for such an agreement. We have limited the quality and quantity of defensive weapons which each side can retain, and, now, we must do the same for offensive weapons.

In sum, Mr. Speaker, the real significance of the SALT I accords is the potential which they represent, the potential to put a stop to what has been called the "mad momentum" of the arms race. Without the ABM treaty and the interim offensive arms agreement, we would probably be about to embark upon the procurement of an extensive new strategic weapons arsenal; with these agreements we are about to freeze the arms race on a plateau of stability, security, and mutual deterrence. In the words of the Foreign Affairs Committee report on this resolution—

> While offering the prospect of a more secure and peaceful world, the SALT agreements will permit the United States to take those steps necessary to maintain a strategic posture which both protects our vital national interests and guarantees our continued security.

If a nuclear holocaust is to be avoided, this is certainly the course that we must pursue.

THE LATE A. E. RIDGELL

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. POAGE. Mr. Speaker, Mr. A. E. Ridgell, known to most of us as "Manny" has passed on to his reward after serving the House of Representatives for almost 40 years—it would have been 40 years in October, I am told. I also understand that a quarter of a century was spent as superintendent of the House Office Buildings. He was a fine, outstanding gentleman, and was an inspiration to those around him.

When he was called upon to take care of a matter, no matter how small or how large, he made an endeavor to satisfy a Congressman or his staff. He never took a negative attitude about the accomplishment of some task, but was always willing to try to the utmost to succeed, and I rarely ever knew him or his staff failing to succeed in what they set out to do. The smooth running operation of this large place does not just happen, as I suppose we are sometimes prone to think of it, but it is because of dedicated people like "Manny" Ridgell that it functions so well.

He will be greatly missed. Although his death seemed untimely, it is more the quality of a life that counts than the quantity.

PROPOSED AMENDMENTS TO EQUAL EDUCATIONAL OPPORTUNITIES ACT, H.R. 13915

(Mr. SCHEUER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHEUER. Mr. Speaker, I am taking this opportunity to advise our colleagues that when H.R. 13915, the Equal Educational Opportunities Act, is brought to the floor, I intend to offer the following amendments:

AMENDMENT TO H.R. 13915 TO BE OFFERED BY MR. SCHEUER

> On page 37, line 8, substitute a comma for the period after "student" and the following new language: "or unless the implementation of such a plan is required by the Constitution of the United States."
>
> On page 37, line 20, substitute a comma for the period after "agency" and add the following new language: "or unless the implementation of such a plan is required by the Constitution of the United States."

LABOR AND INDUSTRIAL LEADERS COMMENT ON THE FOREIGN TRADE AND INVESTMENT PROBLEM

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, for almost a year now proposed legislation has been pending before the Ways and Means Committee dealing with the problem of imports and foreign investment. From time to time, I have urged the holding of public hearings so that we can move ahead on this very important problem. Pending such hearings, I have occasionally placed in the RECORD statements on various sides of this question. It is my hope that such statements will promote a better understanding in Congress and among the public to the issue as involved in this complex field.

In an effort to make some progress in dealing with some of the less complex and less controversial aspects of the problem, I introduced two bills last Thursday, the Trade and Economic Conversion Adjustment Act of 1972 and the Foreign trade Amendments Act of 1972, and made a statement on the RECORD as to my own thinking on the subject. My statement appears at page 27686.

Today I would like again to offer viewpoints of some other people on various sides of the issue, represented by interviews reprinted in the August 1, 1972, issue of Forbes magazine under the headline "Where Have All the Jobs Gone?" Four viewpoints are represented in the interviews.

The first interview is with Mr. Nathaniel Goldfinger, chief economist of the AFL–CIO. Mr. Goldfinger discusses the reasoning behind the Burke-Hartke bill relating to controls over imports and foreign investment by American-based multinational corporations.

The second interview is with Leonard Woodcock, president of the United Auto Workers. The UAW represents workers in three major industries: Automobile, aerospace, and farm equipment. While the automobile industry has seen 15 percent of the U.S. market captured by foreign imports, the other two industries have a heavy stake in the export market. As a result, the UAW has a different approach than the AFL–CIO.

The third interview is with Russell DeYoung, Chairman of the Goodyear Tire & Rubber Co., whose international headquarters is in Akron, Ohio, in the congressional district that I represent. Goodyear is one of the largest corporations in the United States and one of the largest multinational corporations. Some 40 percent of Goodyear's sales and earnings come from its overseas operations. Goodyear recently released its financial report for the first 6 months of 1972 and reported sales and earnings exceeding all previous company records. Nevertheless, employment at Goodyear's plants in Akron, and the Akron plants of the other major tire companies, has been declining.

The fourth interview is with Joseph Wright, chairman of Zenith Radio Corp. The electronics industry, of which Zenith is a member, has been especially hard hit by import competition. In the last 5 years, overall employment has declined by some 219,000 jobs. Many U.S. electronics manufacturers have shifted production to other countries. Paul Jennings, president of the International Union of Electrical Workers estimates that 120,000 jobs have been exported by such decisions. In 1970, Zenith laid off almost 3,000 workers and began building black and white television sets in Taiwan. This was followed by an announcement that Zenith would have to lay off another 4,000 workers by moving its small screen color production out of the United States. However, Zenith did not make that move and kept all small screen color production in the United States.

I include the interviews with these prominent labor and business leaders immediately following these remarks:

We're Undermining Our Industrial Base

(By Nathaniel Goldfinger)

Businessmen see foreign investment differently than you do. They say that because of cost differentials, tariffs and other considerations the U.S. company would lose the foreign market were it not producing on the scene.

Goldfinger. Oh, there may be some elements of truth to that, depending upon the product and the country involved. But you see, there is an extremely important point here, and that is that what may be a rational decision for a private corporation such as a Ford Motor Co. or an IBM may not be a rational decision for the American economy and for American society. In fact, a decision made by the management of a private multinational corporation may work out to the advantage of that private corporation, but it may well result in the displacement of American labor, in the export of American technology, and it probably will result in the export of American capital. Moreover, such a decision may well undermine the industrial base of the country.

That's what organized labor and other supporters of the protectionist Burke-Hartke Bill worry about when they hear the bankers and academics talk of the U.S. moving toward a "post-industrial," no-growth society.

Goldfinger. If we continue to get more and more emphasis on investment in foreign production by U.S. companies, we are going to lose our industrial base. We are beginning to lose some of our service jobs related to production, and not too far down the road we will be losing some, if not much, of our research and development because R&D always tends to follow production. The talk of those people who speak glibly of a service economy is the talk of those who unfortunately have not given much thought to the nature of our economy. Service jobs, most of them, are low-wage, menial jobs. It's not all surgeons and research chemists, by any means. You know, it's generally forgotten that the American consumer is an American worker, and the fact that the American market is a lucrative market is based upon the wages of the American worker. As we continue to get more and more emphasis on investment in foreign production by U.S. companies, the labor share of income will go down, whereas the profit share will rise. Professor Peggy Musgrave (of Northeastern University and one of the few academics in labor's good graces) says it well: "Foreign investment may enhance the private profitability of U.S. capital, but it is likely to reduce the real wage to U.S. labor as well as the Government's tax share in the profits."

But the prime responsibility of corporate management is supposed to be to seek out the greatest profit. In theory, everybody benefits from this greater return on invested capital. Is labor introducing a new criterion for corporate management? That it should invest with an eye not only to the greatest profit, but the greatest domestic employment as well?

Goldfinger. Well, we think they should have that in consideration. But that is not our primary drive. What we are saying is that all through American history, and particularly in the past 100 years, we have had the development internally in the U.S. of various types of regulations and restraints on private corporations and corporate operations. I mean this dates back into the late 1870s and certainly came to the fore in the 1930s. We have a whole series of regulations as part of American law and the American system. And yet when you look at the international economic area, you find that there is no regulation and the Government operates on the basis of the mythology of laissez-faire.

And you would propose a bill such as Burke-Hartke to counter laissez-faire. How do you see the effects of such a bill?

Goldfinger. One benefit would be in maintaining a diversified economy. The way things are going, we are undermining our industrial base. The adoption of Burke-Hartke with the restraint and regulations on imports and on the outflow of technology and the outflow of capital would help to maintain a more diversified type of economy.

Why do we need such drastic medicine as Burke-Hartke? Wouldn't market-disruption quotas do the job?

Goldfinger. The U.S. position in international trade has been deteriorating in composition as well as in total volume. During the 1960s, imports of manufactured goods approximately tripled, but exports of such goods merely doubled. We're now affected not simply in about three or four old industries, we're affected across the board. Even in the sophisticated new industries.

Would a return to a trade surplus assuage labor's anxiety and blunt the passion for Burke-Hartke?

Goldfinger. I doubt it, because there are so many parts of the country seriously hurt by imports. Anyhow, improvement in the trade balance by itself is not the solution for the problem we're talking about. What's involved in the future is a whole improvement in the relationship of our exports and our imports.

So you want a big fence to keep capital at home and foreign goods out. This would certainly protect U.S. labor and its wage rates from foreign competition. However, if we need, as the AFL-CIO says, the regulation of international profit-seeking by corporations, do we not need controls on labor's demands in the wage and work rules area? Controls for the goose and controls for the gander.

Goldfinger. Well, you see, in the international economic area, the issue is this: Capital is mobile, labor is not mobile. This is one of the crucial issues involved in this whole matter. That capital can move relatively easily out of one business into another or from one part of the country to another, or from the U.S. to Mexico or to Taiwan. However, people cannot move very easily and communities cannot move at all. So that what you have here are people and whole communities that are being sacrificed.

Supporters of multinational corporations cite capital flows that show the U.S. benefiting from repatriated earnings from foreign investment. These arguments make no impression on labor. They feel the profits come at the expense of labor's share of the national income.

Goldfinger. I'll give you some examples, small examples, but they add up. In March 1970 *The Wall Street Journal* reported that Zenith Radio, which was in the process of completing a large plant in Taiwan, announced that it would reduce its work force by about 3,000 jobs [*for Zenith's version, see p. 22*]. Joseph S. Wright said that in addition probably another 4,000 layoffs would occur in 1971. Paul Jennings, president of the International Union of Electrical Workers, reported to the Joint Economic Committee in July 1970 that Westinghouse closed its Edison, N.J. TV plant and transferred the production to one of its Canadian affiliates as well as to Japanese firms. Emerson Radio & Phonograph, a division of National Union Electric, discontinued production of TV sets, closing down its Jersey City, N.J. plant and transferring production to Admiral which in turn transferred production of major TV product lines to Taiwan. Warwick Electronics transferred production from its Illinois and Arkansas plants to its Mexican facility. Bendix left Elmira and Long Island, N.Y. to produce in Mexico. I could go on and on.

Okay, but maybe U.S. labor just can't compete in these fields. U.S. labor's productivity is not what it used to be, some people say, and the real problem is U.S. wages growing faster than U.S. productivity.

Goldfinger. The American worker operates the machinery and equipment that is provided by the company. Now, when the company provides the same kind of machinery and equipment and knowhow in its foreign plants, then it is increasing, very substantially increasing, the productivity and technology levels of that foreign plant. And it is making it possible to have the same or similar productivity levels as in the U.S. at much lower wages and at much lower labor standards frequently. Also often with lower tax rates and other kinds of advantages. So that we lose exports to the country where such a foreign subsidiary is operating, and then we lose out in third-country markets because of the competition from these foreign subsidiaries.

These countries you speak of with much lower wage rates and labor standards are obviously not European, but developing countries such as Mexico and Taiwan. These countries need foreign investment if they are to bring their people into the modern industrial world. How do you reconcile this problem?

Goldfinger. Those developing countries need viable economies. But frequently, foreign investment distorts the economy of the developing country by siphoning off labor into production for export. Here the bankers and academics in the U.S. and some of the people in the developing countries have placed an utterly undue emphasis on trade as the answer to their problems. The answer to their problems is not trade in itself, but the development of viable economies, which to a great extent depends upon internal domestic markets. We get back once again to this issue that what is rational for the firm may be harmful to the country.

So basically, what you're asking is that regulation be imposed upon corporations to prevent them seeking the greatest return on investment in instances where that greater return is located outside the United States.

Goldfinger. We're saying there's a country here, and there are people here, working people and consumers. There are communities with a tax base, there is a Federal Government with its tax base, and this country should not permit itself to be undermined by its own policies. Regulation is necessary. Just as it was necessary to regulate the stock market and the large corporations, so it is necessary to regulate these international economic relationships, and it is particularly necessary to regulate the outflow of technology and of capital.

Tariffs and Quotas Demand Retaliation

(By Leonard Woodcock)

Can you explain how the UAW differs from the AFL–CIO on foreign trade? Do you support the Burke-Hartke Bill?

Woodcock. No, we do not. Our chief objection is the emphasis on tariffs and mandated quotas which will demand retaliation by other countries. This would lead to a substantial slackening of world trade, and this could have very drastic consequences for all of us.

Does that mean you support a free trade policy?

Woodcock. We support the general notion of free trade, but we have never been free traders period, because we live in a real world. We believe there should be licensing for export of capital, after a Presidentially appointed board decides this is in the nation's interest.

Let's go back to the time when Kennedy was President and Ford over here was going to buy up the remaining piece of Ford of Britain. This was at a time when the dollar was in difficulty, and the President publicly asked the Ford Motor Co. not to do it, and Mr. Ford said he was going to do it for the good of Ford. I think that sort of thing is wrong. The president of a private company shouldn't be able to say that his decision is superior to the recommendation of the President of the United States.

What about an agreement like the U.S.-Canadian auto pact? Hasn't this meant a loss of American jobs?

Woodcock. When the auto agreement first went into effect in 1965, our balance of trade in vehicles and parts was running $600 million per year in our favor. Now it has swung to a negative balance of over $100 million. I'm not sure this could have been prevented, actually, because I don't know whether Canada could have sustained the drain that it had before the pact. The alternative would have been to have the Canadian market entirely sealed off, in which event there would probably have been fewer jobs on both sides of the border.

So you would agree that it is necessary to have plants abroad to serve foreign markets?

Woodcock. I don't disagree with that. Caterpillar Tractor is an excellent example because in every situation where they have placed a plant in a country, their exports from the U.S. to that country have shot up. They build parts in Japan, for example, which they bring here; they also build components here for the Japanese market, so you get a two-way flow. But the flow in each direction has substantially increased.

What about the argument that high American labor costs price U.S. companies out of the market? Do you think there is any basis for this claim?

Woodcock. I don't think so. If you take the decade of the Sixties, the last half was pretty bad. Productivity was bad, inflation was bad and our relative position in the international scheme of things worsened. During the first five years, it was the reverse. Our unit labor costs went down steadily. Except for Canada, we had the best record of any country—better than Japan, Italy, Western Europe.

Why did things change?

Woodcock. Because of the Vietnam war. Johnson and the Congress didn't have the courage to increase taxes in 1966 to balance the thing out. As the inflation problem increased, labor began to fight to make up for its lost position. When it did this, labor became part of the problem. No question about it.

Let's talk about productivity. Some industry leaders say that the solution to unemployment in America is getting people to want to work.

Woodcock. Well, if that thesis is correct and everybody suddenly started working twice as hard, the problem would get even worse—there'd be half as many jobs! But there is an attitudinal problem. Look at absenteeism. They used to control this by the terror of discipline. It doesn't work anymore. There's the apocryphal story about the guy who was always working only four days a week. Finally the plant manager asks him: "How come you only work four days?" "Because I can't live on three," he says.

But if he's making enough in four days, isn't he getting too much money?

Woodcock. If his expectancies are less. You know, the counterculture is having a pervasive effect.

Do you really notice your members wanting to live in smaller houses with fewer TV sets?

Woodcock. I think it's possible. Then, too, you have a higher level of education. You take a second shift: They work from 3:30 to midnight. I think they could think of some better things to do on a Friday night than go into that damn plant. On Saturday, when they get time and a half, the absenteeism is sometimes greater than on regular workdays.

What can be done about it?

Woodcock. The solution may be, particularly if we have the chronic unemployment we seem to, to shorten the workweek, but use the plant all week round. I can see one crew working four days and another working three, including Saturday and Sunday, but the second might get paid as much as the first because they've got those two undesirable days.

But what does industry get for that besides the job that used to be done anyway? What is labor giving?

Woodcock. We'd get the work done.

America Has To Go Back to Work

(By Russell DeYoung)

Proponents of the Burke-Hartke Bill claim that building plants abroad steal jobs from American workers. What about Goodyear?

DeYoung. Starting from 1962 we've increased our foreign jobs by 12,000 and our domestic by 21,000. In other words, our growth in the U.S. has been 75% faster than our growth in foreign countries.

Can you actually say that those foreign factories create American jobs?

DeYoung. Definitely. First, since we own those factories, we manufacture a lot of the machinery and molds for them. A lot of our research and development depends on those resources. We figure that 11% of our Akron employment is directly related to our foreign operations.

Wouldn't there be more jobs here if you didn't have overseas factories?

DeYoung. We wouldn't have the business. When we didn't have a factory in France, we didn't export tires to France. You've got tariffs, and productivity costs, and national pride.

If your foreign factories haven't adversely affected U.S. employment, how do you explain the United Rubber Workers' president claiming that since 1961 Akron has lost 10,000 jobs in rubber-related industries?

DeYoung. He's probably counting shoe products, and he's probably right there. We don't make shoe products. What I think he means, though, is that the stuff's moving out of Akron to other parts of the U.S. That's more of a problem than the foreign operations. We've built big plants in Union City, Tenn., in Gadsden, Ala., Fayetteville, N.C. Akron used to be the center of everything; now it's getting to be one of our smallest plants.

Why?

DeYoung. People don't want to work. It's as simple as that.

So you would say that the solution to unemployment would be for labor to stress productivity?

DeYoung. I think the great thing to increase employment is people going to work. You've got to keep in mind that labor costs have two bases—not only the rate, but the willingness to produce. We don't mind paying a guy a good wage, but we want him to work. We've had cases abroad where the union says: "These men are not producing; why don't you get rid of them for us?" Here, if they start producing, that's when the union may want us to get rid of them! I'm not picking on labor, but I think America has got to go back to work.

How do you do this?

DeYoung. I don't know. You try to indicate that you think people ought to go back to work, and labor puts their hands up and says: "Oh, you mean sweatshops again!" Nobody's talking about things like that. But people have got to start producing. We talk to the union about potential loss of jobs in Akron, and you know what they tell the workers? "The company's kidding you." The only time they believe you is when the operation is dead. We had to move foam padding out of Akron. We lost $3 million a year on one little department. We moved it down South. And I told the union—I had 'em sitting around that table. "We want to help you in every way we can," they said, "but we're not going to give up our hard-won gains." How do you get it across?

Should there be more government programs to relieve unemployment?

DeYoung. I think Abe Lincoln was a great guy when he said: The Government should never do for the people what they can and should do for themselves. Just like your parents. They can coddle you, and if you're not making good they can give you more money. But that doesn't help you any. Let you get hungry a few times, then you'll start scratching around. What the leaders of labor ought to start saying is: "We want a fair day's work for a day's pay." And some of the things labor stands for are good, I mean, you've got to have a good pension system. I think that when a guy gets laid off, he should be carried for a time until until he gets back. Those things are good. But when I was going to school if I didn't work part time, I didn't eat. We've made it too easy on ourselves.

We Don't Like To Have Production in a Foreign Country

(By Joseph Wright)

Wright. Let me tell you something straight off. Despite our wage rates in this country, which are substantially higher than in Japan and many times what they are in Taiwan and Mexico, our mass-production operation here is as efficient as anywhere else in the world. We have lines here in Chicago that operate at 120%–130% of efficiency. There's no way you can ask people to work any harder than that.

Then why has the electronics industry suffered such a serious decline?

Wright. Our problem basically came from the fact that Japan had a closed home market in which it maintained prices at levels far above their prices in the U.S. Then, too, Japan's currency evaluation was an absolutely artificial barrier to our ability to compete fairly. That 360–1 relationship of the yen and the dollar, formulated at a time when Japan was devastated, was largely what made the difference between 75 cents an hour in Japan and $3.50 an hour here. When the yen was revalued, this immediately readjusted wages between the U.S. and Japan by almost 20%.

How were you able to keep color production in the U.S. when you had to go to Taiwan for some of your black-and-white sets?

Wright. When we set that plant up in Taiwan, we were assuming that our Government was going to go on with its policy of more than 30 years of really not appearing to give a damn about matters of trade and the economy. We had the State Department in complete control of all our foreign policy; you just got the feeling that those people couldn't care less about the nitty gritty of our affairs. Now, if we had to decide again on whether to put up a plant in Taiwan to produce black-and-white sets, it would be a much more marginal decision.

Did labor make any concessions to enable you to keep color production in the U.S.?

Wright: I don't think there was ever any *quid pro quo*. I will say that our unions, while they've been tough bargainers, haven't just shut us down like some of the transportation and construction unions. Some industries have had to fight like the dickens to put in automated programs that increase efficiency. We haven't had that problem; knock wood we never do. And we do pay our people. We have them on incentive pay wherever we can. If they can work at 120% of efficiency, they get at least 20% extra pay. Anyone who slows that line up, so everyone starts to lose efficiency pay, gets pretty unpopular.

Do you have any other incentive programs?

Wright: Since the early Fifties we've had a profit-sharing plan where 20% of our pretax profits—after 6% on invested capital—goes into a fund for the benefit of the employees. After 30 years, someone who has worked here at an hourly job can leave with $80,000 to $100,000 in cash money.

What percent of sales are exports?

Wright: Not more than 5% overall. One reason is that most countries absolutely prevent us from shipping our goods into that market. If we set up a factory over there, it can cost three times as much to make, say, 10,000 sets as it would be to add a line to one of our plants here. Let me give you an example. We have a plant in Mexico, where we're required to buy components locally. The bill for materials—just the parts, in boxes—came to more than the whole U.S. price for a finished comparable set.

Aren't there any advantages to offshore production?

Wright: We don't like to have production in a foreign country if we can possibly avoid it. We'll actually pay a premium to have it here in the U.S. First of all, when you build a plant abroad to serve that market, you're subject to much less stable political situations. Second, you have the problem of logistics: getting everything in and being able to handle the flow of materials efficiently. This means duplicating overheads like quality control and advanced engineering. Third, when you're ready to get your finished product in here, you're subject to dock strikes on the West Coast.

So if unfair practices like dumping didn't exist, you could keep all your production here in the U.S.?

Wright: Exactly right. It would be a challenge, but we think we can do it.

What would have happened if you hadn't moved to Taiwan?

Wright: We would have had to drop that end of the business. It was impossible for us to compete under conditions as they then were. Look, from 1968 to 1971 our employment went from a peak of around 25,000 to 18,000. If everything had kept on going the way it was, my estimate was that our work force in this country would have shrunk to around 10,000 or 12,000 by 1975. Now I feel much more sanguine that we're going to grow. In fact, we've got a building program for some new engineering facilities right here in this complex.

FOREIGN AID SPIGOTS

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, one of the worst fictions that is perpetrated here on Capitol Hill is that the Congress is getting stingy with its foreign aid giveaways. We are not stingy, we are not even careful. At a time when we are running into red ink spending to the tune of $40 to $50 billion in real deficit terms, we see a continuation of wasteful foreign aid to friend and foe alike.

The advertised figure of this year's foreign assistance act is $2.13 billion. Little by little, the Congress has built up a series of more than 20 spigots which drain the taxpayers' money into the foreign aid rat hole. I am not saying that all foreign aid is wasted. We have done some good in the past 25 years but, on the whole, it is a rather dismal record indeed. It is uncontrollable and uncontrolled because the Congress has let the State Department fritter away our resources by giving more than $150 billion away in direct foreign aid with very little oversight or limitation.

That this $2.13 billion figure only shows part of the picture is best indicated by a brief recitation of the numerous foreign aid spigots which pour out our taxpayers' money in more than two dozen ways. Here is a brief listing:

New requests for authorization and/or appropriation, foreign assistance—Fiscal year 1971

Foreign Assistance Act (mutual security)	$2,163,000,000
Supplemental for supporting assistance	100,000,000
Overseas Private Investment Corporation	37,500,000
Receipts and recoveries from previous programs	386,325,000
Military assistance (in defense budget)	2,260,300,000
International military headquarters	57,300,000
Economic assistance (in defense budget)	117,000,000
Foreign military credit sales fund	272,500,000
MAAG's missions, and military groups	167,300,000
Export-Import Bank, long-term credits	2,900,000,000
Export-Import Bank, regular operations	1,082,096,000
Export-Import Bank, export expansion program	100,000,000
Public Law 480 (agricultural commodities)	932,500,000
Inter-American Development Bank (supplemental)	205,880,000
International Development Association	160,000,000
Asian Development Bank	20,000,000
Asian Development Bank—special funds (supplemental)	25,000,000
Asian Development Bank—special funds	35,000,000
Expanded multilateral assistance	540,000,000
Peace Corps	98,800,000
Permanent military construction—foreign nations	190,200,000
Contributions to international organization	144,611,000
Educational (foreign and other students)	45,474,000
Ryukyu Islands	6,952,000
Migrants and refugees	5,787,000
Trust Territories of the Pacific Islands	60,000,000
Latin America Highway (Darien Gap)	20,000,000
	12,133,525,000

Mr. Speaker, figures are not yet available for the fiscal year which ended on June 30, 1972, but a cursory study would indicate the figure to be higher than the $12-plus billion shown here. This gives the American people a better idea of the true cost of foreign aid. Coupled with what I call backdoor foreign aid, the figure would be increased by another 50 percent of this astronomical figure.

Backdoor foreign aid consists of trade concessions which allow nations, in lieu of direct aid, to reap benefits at the expense of the American worker by dumping their products on our market. We also have support prices for commodities such as coffee and sugar. We subsidize the export of cotton and wheat for foreign competitors. On and on goes this monstrosity. It is time we put our country, its solvency and welfare, first, and call a halt to these giveaway programs.

BUSING CHARADE

(Mr. ASHBROOK asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. ASHBROOK. Mr. Speaker, speaking as one who has opposed forced busing for the past 8 years, it can now be readily seen that the pro-busing forces are on the verge of a great victory. They have simply worn down the majority in this body which has consistently opposed forced busing and by Fabian tactics have little by little accomplished their goals despite overwhelming public opinion against forced busing. There has been a failure of leadership on this issue and the White House, the Department of Health, Education, and Welfare, and the U.S. Office of Education must shoulder their share of the blame. They have talked one way and acted another.

I am including with these remarks my minority views on the bill, H.R. 13915, the so-called Equal Educational Opportunities Act of 1972. They follow:

Separate Views of Congressman John M. Ashbrook

This is not an anti-busing bill. Even its most vocal sponsors admit this. They will candidly tell you that, in some ways, it authorizes and approves of busing as a tool in desegregation (whatever that is) and in some ways it operates as a limitation or restriction on forced busing. This is accurate, it does both. But the principle it establishes and the proportion in which it will (1) encourage forced busing; and (2) prohibit forced busing, are a matter of great concern to me. H.R. 13915 can be likened to the old frontier story about the "prairie sandwich." The chef proclaimed it was made equally of rabbit and horse meat. On closer investigation, the cowhands found that what the chef was referring to was one rabbit and one horse. In this case the limitations are the rabbit and the horse represents the forced busing authorization.

Under the guise of gaining relief from forced busing, the whole battle against forced busing may well be lost by the passage of this bill. Up to this time, when the House of Representatives has spoken, it has spoken against forced busing. It has done this in many ways. In the 1964 Civil Rights Act, the Congress went squarely on record against the concept of forced busing for racial balance. Since that time, in the Whitten Amendments, the amendments I offered last November and the amendments of other Members, the House has uniformly voted against the concept of forced busing and usually by overwhelming votes. My record against forced busing has been very clear. If this bill in fact would curb forced busing, I would be for it. It will encourage rather than discourage forced busing in our schools.

On November 4, 1972, by a vote of 233–124, the House adopted the Ashbrook Amendment to prohibit funds for busing where the purpose is for racial balance. On March 8, 1972, we voted to instruct the House conferees to insist on the Ashbrook-Green-Broomfield Amendments and uphold the House position against forced busing. Again, on May 11, 1972, the House instructed its conferees by 275–124 vote to not yield on our anti-busing amendments. Although these provisions were softened in conference, the House position on the adoption of the conference report was still against forced busing.

By the passage of this bill we will first and most fundamentally accomplish what the bureaucrats have been seeking for the past ten years—a statement of Congressional approval of forced busing. The U.S. Office of Education and the Department of Health, Education and Welfare during the past two administrations have consistently favored busing but have been forced to use covert means to accomplish their goals. Withholding of funds, disapproval of plans until busing is included, etc., has been the stock and trade of the bureaucrats who have encouraged busing schemes. By the passage of this bill, they will receive what they have wanted, namely, direct Congressional approval of forced busing as a tool.

What the Congress is asked to do is simply this: endorse the use of busing as a proper tool in revising the composition of our schools throughout the country. Then, after approving of the concept of busing, enact some limitations or restrictions on busing. Many of the limitations are good and those who are promoting this legislation stress these limitations. However, the basic shortcoming of this legislation is that it does categorically endorse forced busing, something the Congress has not done up until now and should not do at this point.

Given this Congressional approval, it will be very easy for bureaucrats to promote busing schemes. Never mind the Congressional caveat that forced busing be used only as a last resort. This will will bring about more busing than we have ever seen up to now.

Lest there be any doubt about what we are doing, study sections 402 and 403(c). The former says—

"In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of laws, which may involve directly or indirectly the transportation of students, a court, department, or agency of the United States shall consider . (emphasis added).

Section 403(c) provides—

No court, department or agency of the United States shall require directly or indirectly the Transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student. (emphasis added)

Here in clear terms is a statement, for the first time, of Congressional intent favoring busing. The bureaucrats can shape the ifs, ands, buts and wherefores to fit. The important fact is that we approve of forced busing IF the conditions merit. Who determines the conditions, the remedies, the amount of busing necessary? The bureaucrats. This they will have no trouble doing. It will operate as little or no restraint on courts. We will encourage more of the Detroit type decision by courts now that we authorize and promote the metro and magnet school concept.

What will be the consequences on the enactment of H.R. 13915? I believe the following logical results will occur:

(1) What the federal bureaucrats have been able to do up to now by subterfuge, indirect intimidation, cajoling and "off the record" advice in drawing up plans which include busing, they will now be able to do in the open with the full force and thrust of law and congressional intent behind them.

(2) Given this congressional statement of approval on forced busing, you will see more forced busing in the next few years as a result of this reversal of position.

(3) For high schools, the metro school concept of joining intercity schools and suburban schools will be fully utilized under sections 402(d) and 401(g).

There are numerous objections to this bill which cannot be cited in detail here. The reopener provision should be reinstated in the bill to assure equality of treatment to every section of the country. In Section 202, teachers should be added to make sure that racial balance not be required. In Section 203, the first eight words "Subject to the other provisions of this title," kill an otherwise salutary effort to encourage neighborhood schools and should be stricken. These are but a few of the booby traps in this legislation.

This bill is a fitting tribute to Congressional doubletalk and sidestepping of the issues. That a pro-busing bill should be heralded by advocates and attacked by civil rights forces as an anti-busing bill is not unique. We have debt ceilings that are not ceilings, temporary taxes that are permanent, reciprocal trade that is not reciprocal, voluntary programs which are compulsory, aid without control which is full of controls ad infinitum. This is one more to add to the collection to confuse the average citizen. What the citizens will understand, however, is the forced busing you will subject him to if this bill passes.

Mr. Speaker, it is obvious that the whole thrust of the pro-busing forces has been to convince the American people that anything short of racial balance in our schools, achieved by forced busing, dooms a substantial portion of our student body to inferior education. Facts show otherwise.

The current controversy over the issue of forced busing to achieve racial balance has unfortunately been framed in the context of a highly distorted image of American public schools. The popular notion seems to be that white students generally attend the best equipped, most adequately financed schools, while most children of racial and ethnic minorities are relegated to dilapidated schools with facilities grossly inadequate for normal academic growth. This widespread view of our public schools is even shared by many persons who oppose busing. It is one of those things that everybody knows.

Perhaps we can get a more accurate picture of our public schools systems by recalling some of the findings of the Coleman report. Entitled "Equality of Educational Opportunity," and published by the U.S. Office of Education, the Coleman report is the result of an exhaustive study, directed by James S. Coleman of Johns Hopkins University in the fall of 1965, covering nearly a million students in 6,000 different schools all across the Nation. The purpose of the study was to examine differences of educational opportunity among racial and ethnic groups and many of the findings run counter to the conventional wisdom. While allowing for a variety of area and regional differences, that is—"In the nonmetropolitan regions, elementary schools attended by Negroes less often have a centralized library, but in the metropolitan South and Southwest the reverse is true"—the report shows that on a national average "schoolchildren of all groups differ relatively little in the physical school facilities available. In elementary schools, they all have about the same number of pupils per instruction room and teacher; number of makeshift instruction rooms; and percentage of students in schools with an old building.

The report further claims that to the extent such differences do exist their effect upon academic achievement is negligible:

> Differences in school facilities and curriculum, which are the major variables by which attempts are made to improve schools, are so little related to differences in achievement levels of students that, with few exceptions, their effects fail to appear even in a survey of this magnitude."

As unconventional as these findings may seem, they cannot, in any way, be attributed to any preconceived notions on the part of the report's primary author. On the contrary, according to Christopher Jenks writing in the New York Times of August 10, 1969, Coleman had expected to find that—

> Nonwhite schools usually have less adequate facilities, inferior curriculums and worse teachers, as well as less affluent and academically adept student bodies.

Based on the Coleman report and other related studies, Jenks, a Harvard professor and coauthor with David Reisman of the Academic Revolution, came to the following conclusions:

> 1. The resources—both fiscal and human—deopted to black and white childrens' schooling are not dramatically different except, perhaps, in certain parts of the south. Nor do we devote substantially greater resources to educating middle class children than to educating lower class children.
>
> 2. Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman report originally implied.

Based on the findings of Professors Coleman and Jenks, one might be tempted to remark that liberals who propose massive busing of schoolchildren in order to overcome the supposed inequities in our public schools bear a strong resemblance to the legendary Don Quixote, who went charging off to do battle with a "giant monster," only to discover it was nothing but a windmill.

This is not to suggest that the observations of the Coleman report cited above or the conclusions of Professor Jenks are necessarily the last word on the subject. Other studies and other conclusions must also be taken into consideration. The point is, however, that when people in high office advocate social engineering, with schoolchildren as sociological guinea pigs, in order to eradicate alleged evils, it might be worthwhile to take the time to discover whether such evils really exist. They may, in fact, be no more real than the "Emperor's New Clothes."

INTRODUCTION OF "LEAD AND ZINC ACT OF 1972" AND BILL SUSPENDING ZINC ORE DUTY

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, I am happy to be a cosponsor of the two bills which the chairman of the Committee on Interior and Insular Affairs has just introduced. As always, he has given the

House a very clear explanation of the problem and of the legislation, and there is little that I can add. I would like to say a few words, however, on a couple of points that are of particular interest to me.

My concern for the welfare of our lead and zinc industries and for their workers goes back many years, and during that time I have cosponsored bills which were intended to stabilize the two industries. I have been a member of the Subcommittee on Mines and Mining of the House Interior Committee since 1963, and in each of the past 4 years had the honor of being invited by the Department of State to be a congressional member of the U.S. delegations to the annual meetings of the International Lead and Zinc Study Group.

My own State and my own district were at one time a substantial supplier of lead and zinc, especially zinc. Unfortunately, our mines and other installations have had to close. Perhaps if we had enacted effective legislation years ago some of those closures would not have taken place.

In Kansas we know what it means to have a mine or smelter close down. It means the loss of hundreds of jobs, especially when supporting services and industries are taken into account.

Nationally, the closure of the zinc smelters and the decline in zinc mine production to which Chairman ASPINALL referred have meant the loss of some 5,000 jobs. Counting supporting jobs, the loss may be closer to 20,000 persons thrown out of work. These figures are even more distressing when it is remembered that many of our lead and zinc mines and smelters are in small communities where employment opportunities are scarce.

We are going to witness more jobs lost and more trouble for our lead and zinc industries unless effective action is taken. We can take such action if we realize—as I believe we are beginning to realize—that other governments do not hesitate to assist their industries, including their lead and zinc industries, through outright grants, interest subsidies and tax devices. The governmental assistance to foreign producers puts our producers at a competitive disadvantage.

I would like to mention just a few examples, Mr. Speaker. The Japanese Government is deliberately encouraging the growth of Japan's nonferrous metals industry. The Bank of Japan, in effect, guarantees the debts of major Japanese companies. Earlier this year it was reported that the Government was planning to lend Japanese mining and metals companies up to $500 million at interest rates about half the normal commercial rate to stockpile unwanted ore. I do not know how much the Japanese Government has given in outright grants to its lead and zinc producers, but I understand that in Japanese fiscal year 1970 the grants to all industry amounted to about $115 million.

Japan is not the only country which gives grants to its industry. In 1969 the Canadian Government started a program of incentive grants and loan guarantees to assist the establishment of new plants and the expansion of others. Under this program the Government has given—not lent—$8 million to a company which established a new zinc smelter, costing about $70 million, in Ontario. Also in Canada, for over 30 years new mines have been exempt from Federal taxes for the first 3 years after start-up. This program will continue until 1974.

In Australia mine operators are allowed to write off in the year of expenditure—or in the year prior to expenditure—capital costs to the extent of income. This, of course, has the important benefit of increasing revenues early in the life of a property.

A new lead and zinc metal production facility is being established in Italy, and an existing zinc smelter is being expanded. Both of these facilities are in the south of Italy where the Government gives grants of up to 20 percent of expenditure for plants and equipment. The Italian Government also offers other financial inducements to firms investing in the southern part of the country.

The United Kingdom Government gives grants of 20 to 22 percent of capital expenditure to firms investing in "development areas" covering much of Great Britain. The British also have embarked on a $120 million program to assist exploration for minerals. Under this program, the government lends 35 percent of the exploration cost to companies, and the loans do not have to be repaid unless the exploration results in a productive mine.

I could mention other examples, Mr. Speaker, but I believe I have cited enough to make my point: other governments are deliberately tipping the scales in favor of their own producers.

At this point, some of my colleagues might ask if it is not true that the U.S. Government does a great deal for its minerals and metals producers. It is correct that our producers benefit from a depletion allowance, but other countries, Canada and Japan, for example, have depletion allowances also. And they have other programs, such as those I have just mentioned, which go far beyond anything done at the Federal and State level in this country.

Under our Defense Production Act about $15 million is available to industries essential to defense. Grants and low-interest loans are not available under this act, however. The money is lent at commercial interest rates.

The Economic Development Act primarily benefits small firms and provides no significant assistance to corporations undertaking large-scale investment projects. I say this because under the act loans, not grants, are made only if financing is otherwise not available.

Many of the States do have programs to encourage the establishment of industry. These programs are praiseworthy, but budgetary and other restraints make them of limited value to firms planning investments which involve, as do lead and zinc investments, from $25 million to several hundred million dollars.

In short, Mr. Speaker, our lead and zinc producers have been put at an unfair, competitive disadvantage. The legislation introduced today would help to put our industries on more even terms with their foreign competitors. I join with the chairman of the Committee on Interior and Insular Affairs in expressing the strong hope that many Members of this House will support this legislation.

TRIBUTE TO SAMUEL Z. WESTERFIELD, JR.

(Mr. DIGGS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DIGGS. Mr. Speaker, I rise to speak today to pay tribute to an old and valued friend, Samuel Z. Westerfield, Jr., who died on July 19 at his home in Monrovia, where he was serving as U.S. Ambassador to Liberia.

Ambassador Westerfield was born in Chicago, Ill., and received his early education in Washington, D.C. He graduated from Howard University magna cum laude. In these early years and throughout his short but highly productive life, he was a scholar in the truest sense—one for whom living was learning. Mr. Westerfield received the M.A. and Ph. D. degrees from Harvard University. He made his own contribution to the academic world as assistant professor of economics at Lincoln University, dean of the School of Business Administration, and professor of economics at Atlanta University, and visiting professor in the Graduate School of Business Administration at his alma mater, Harvard University.

During these years, Dr. Westerfield devoted his time and energies not only to the discharge of his professional duties but also—and perhaps, even more importantly—to his students, counseling them, encouraging them, inspiring them and urging them on to develop their greatest potential. He was untiring in his efforts to impart to them the values of intellectual curiosity and a zest for learning.

In 1961, Dr. Westerfield became Associate Director of the debt analysis staff in the Treasury Department. Soon thereafter, he became Deputy Director in the Office of International Affairs. His area of concentration was the economics of underdeveloped areas, with particular reference to Latin America and Africa.

Dr. Westerfield's Government service also included positions as economist with the Bureau of Labor Statistics and the Industrial Economics Branch of the Tennessee Valley Authority.

An extensive and in-depth knowledge of economics, together with a deep concern for people, exemplified Samuel Westerfield, the man. His family, friends and associates, therefore, rejoiced in the rare and perfect choice, when, in 1963, he was appointed Deputy Assistant Secretary of State for Economic Affairs. This marked, as they knew it would, the beginning of a new thrust in his career.

In 1964 he was appointed Deputy Assistant Secretary of State for Economics and Planning in the Bureau of African Affairs. During this period, Samuel Westerfield, Jr., gained a vast yet intimate knowledge of Africa and its peoples. One had only to talk briefly with Dr. Westerfield to discern his unassuming manner, his sensitivity and understanding of people. These qualities brought him finally to the post he held until his death—U.S. Ambassador to the Republic of Liberia—a position in which he further nurtured the strong bond of friendship and respect he had worked to build between the United States and the continent of Africa.

Mr. Speaker, Ambassador Westerfield was a conscientious, dedicated public servant who inspired us all with his zeal and his devotion to the ideals of American democracy.

But more than that, he was a trusted friend to all who knew him well. He was that rare kind of man who combined gentleness with strength, and kindness with conviction. Throughout his life, he showed the qualities of leadership and compassion. Sam Westerfield, like other men who have proved their virtue in action, has left behind him not only the record of his efforts, but also the warmth of his genuine affection for all men.

W. E. B. Du Bois, the great black leader, once wrote:

> If a man die shall he live again? We do not know. But this we do know, that our children's children live forever and grow and develop toward perfection as they are trained.

The selflessness, courage, and integrity of Ambassador Westerfield have provided his children and the children of the world with a lesson in humanity, a lesson which, if learned well, will insure a better world for us all.

Mr. Speaker, at this time I would like to submit for inclusion in the record of these proceedings some of the thoughts and reflections of those who knew and respected Ambassador Westerfield. I submit the following materials to be included:

THE WHITE HOUSE,
Washington, August 9, 1972.

Ambassador Samuel Z. Westerfield, Jr., was an inspiration for all who knew him personally and an example for those who could know him only through his record of achievement. As an educator, administrator and diplomat, he filled his life with public service in the finest American tradition.

He set a tone and a pace in United States-African relations which will guide our course for many years to come. His untimely death at his post in Monrovia this July was a tragic loss not only for his family, friends and colleagues, but for the Government and fellow citizens he served with such distinction.

He leaves a legacy that will keep him alive in the minds and hearts of countless men and women at home and abroad for a long time to come.

RICHARD NIXON.

DEAR MRS. WESTERFIELD: The sad news of Ambassador Westerfield's death has just reached me and my heart goes out to you and your family at this time of sorrow. Your great loss is shared by all of us who had the privilege of knowing the Ambassador. His life was one of dedication and accomplishment in service to our nation.

Mrs. Nixon and I extend our deepest sympathy to you and the entire family. Our prayers and thoughts are with you.

RICHARD NIXON.

TEXT OF MESSAGE FROM WILLIAM R. TOLBERT, JR., PRESIDENT OF LIBERIA TO PRESIDENT NIXON

I have been shocked by the sudden and untimely death of his excellency Samuel Z. Westerfield your Ambassador to Liberia which occurred at about one o'clock Wednesday morning during my absence from the Capital. Ambassador Westerfield was an able and capable representative of your Government whom I found to be conscientious, frank, understanding and dedicated to the task of deepening and improving the relationship between our two nations and people. His death is indeed a tremendous loss to all who knew him. On behalf of the Liberian Government and people, Mrs. Tolbert, and in my own name I express our profoundest sympathy to you and the Government and people of the United States of America for this tragic and sad occurrence. Please be good enough to convey to his family our heartfelt condolences for the irreparable loss they have sustained. With assurance for my highest personal regards.

AUSTIN, TEX., *August 1, 1972.*

Sam Westerfield was a professional in his nation's cause and we are all the better for the service he performed with such skill and zeal. He was a good man and a firm friend. I will miss him, as will America.

L.B.J.

STATEMENT OF SENATOR EDWARD BROOKE

I was deeply saddened to learn of the sudden and untimely death of my dear friend and respected colleague, Ambassador Samuel Z. Westerfield, Jr.

Sam and I were friends since childhood. We attended Shaw Junior High, Dunbar High School and Howard University together. We shared many interests and experiences over the years.

Sam Westerfield was gifted with an exceptional mind and was one of the hardest working and best-informed men in the African Bureau of the Department of State.

He loved Liberia, and the multitude of friends he made there. He, in turn, was highly respect by the Liberians. His term of service was marked by increased understanding and ever-improving relations between our two countries, and on his home visits he spoke often and proudly of the great progress the Liberians were making in providing increased opportunity for all their people.

The knowledge and sensitivity which Sam Westerfield brought to his work may never be duplicated. But his example can serve to inspire and his widely-publicized insights into problems of development can likewise serve to inform, all those who follow in his path.

But, Sam Westerfield also had a great heart and a great soul. He loved his mother and father, he deeply loved his wife Helene, his son Sam III, his daughter Sheila, his sister Anna and his stepsister Alice. He loved his friends and he loved his God.

Sam Westerfield was a good man and he will be sorely missed.

IN MEMORY OF AMBASSADOR SAMUEL Z. WESTERFIELD JR.

In the death of Ambassador Samuel Z. Westerfield, Jr., Liberia has lost a good friend and United States-Liberia relations a faithful and knowledgeable servant.

Ambassador Westerfield came to his duties in Liberia not only fully equipped but because of his background and personal experience possessed as well with those sensitivities which the traditional relationships between the United States and Liberia sorely needed.

My own acquaintance with Sam dates back to over ten years ago when I assumed my duties here. That was the time of a new thrust by Africans to win back freedom and dignity and consequently prompting a new and lively interest in African affairs in the United States. Sam never pretended to be an expert on Africa. On the contrary, anxious to learn all he could and free from preoccupation about stereotype stories on Liberia, it was always rewarding to talk to him about developments taking place in Africa.

It was therefore with much joy that I welcomed his assignment to Liberia. Soon after his arrival there, he impressed all with his sincerity to serve the cause of United States-Liberia friendship and most Liberians in both official and private circles began to look on him as a friend. Our late President Tubman and now President Tolbert held him in high esteem and when the Liberian government and people paid him tribute at his death, they knew that they had lost a friend.

S. EDWARD PEAL,
Ambassador of Liberia.

SAMUEL Z. WESTERFIELD: A PROFESSIONAL ECONOMIST IN THE PUBLIC SERVICE

(By Andrew F. Brimmer)*

While I knew Dr. Samuel Z. Westerfield for nearly fourteen years as a personal friend, it is his work as an economist on which I will focus on this occasion. As a professional economist, several facets of his life stand out: (1) his intellectual awakening during his student days under the tutelage of teachers working on the frontiers of economic thought and analysis; (2) his academic career during which he sought to build institutions as well as develop competent economists; and (3) his career in the public services—first as an adviser and participant in the shaping of his country's international economic policy and finally as his nation's Ambassador to a country whose ties with us are old and close, but which are also complex and changing.

EDUCATION OF AN ECONOMIST

Dr. Westerfield studied economics at Howard University in the mid- to late-1930's—receiving his B.A. in 1939. This was a time when the worse depression in the nation's history still lay upon the land, and the wastage of men and resources was everywhere visible. Vigorous efforts to cope with a variety of depression-created economic ills were being pressed (particularly under the revolutionary impetus of President Franklin D. Roosevelt's New Deal programs). But this was also a time of intellectual ferment in economics—as the revolution in thinking sparked by John Maynard Keynes swept through the economics profession. The impact of both revolutions on the mind of Sam Westerfield was deep and lasting.

At Howard, he benefited from the close and personal guidance of Professor Abram L. Harris, who was then head of the Department of Economics. Dr. Harris himself was one of a handful of Negroes who had travelled the hard and exacting road to a Ph. D. in economics (from Columbia University in 1931). He studied (and wrote on) the economic problems of blacks with penetrating insights. However, his lasting interest was focused on classical and neoclassical economics—particularly as embodied in the works of John Stuart Mill, Karl Marx, Werner Sombart, Thorstein Veblen, and John R. Commons. In these writers he saw a deep concern for the welfare of those (industrial workers, small farmers, and small businessmen) who were casualties of a malfunctioning capitalist system, and he found many of their ideas and proposals for social reform particularly attractive.

In Professor Harris' classroom, from his writings, and in numerous individual discussions, Sam Westerfield came to share his tutor's perception of the nature and tasks of economics. In this conception, economics was not simply a narrow and technical body of principles describing production, distribution, and prices in a market economy.

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*Member, Board of Governors of the Federal Reserve System.

Rather—laying aside the uncertain claims of neutrality expressed by many economists with respect to difficult questions such as income distribution and the fairness of economic legislation—the discipline of economics was viewed as a toolkit to be used to improve the lot of those by-passed in the competitive process.

When Sam Westerfield entered Harvard University in 1939 as a graduate student, he found an environment in ferment—yet hospitable to the sentiments he had brought from Howard. In those years, several economists at Harvard University were in the vanguard of the Keynesian Revolution in economics. Among these were Professors Alvin Hansen and Seymour Harris. In fact, Professor Hansen had already established himself as the leading American exponent of the views identified with John Maynard Keynes, the English economist who effected a fundamental reorientation in economic thinking in the mid-1930's. Among other things, Keynes and Hansen argued that—left to itself—the capitalist system had an inherent tendency to generate depressions which were not self-correcting. Consequently, it was the duty of national governments to employ fiscal policy (i.e., tax and spending policies) to stabilize output and employment.

Sam readily absorbed this new approach to economic analysis. He thus became a member of the first generation of economists to be trained in the new field of macroeconomics—the analysis and assessment of those factors which determine the level of output and employment in the economy as a whole. He was particularly interested in the monetary aspects of economic activity. He pursued this interest under the guidance of Professor John H. Williams and subsequently wrote his dissertation in the field. (His study was entitled "American Investment Companies and the Money Market, 1900–1950: A Study of Their Origin, Development, and Economic Significance," 1951.)

On the other hand, Sam Westerfield certainly did not confine himself to his field of specialization at Harvard. He took a variety of graduate courses in economic theory, international trade, economic history, and statistics—as well as in money and banking. For a time he also worked on the input-output project, under the leadership of Professor Wassily Leontief, the aim of which was the construction of a comprehensive framework for the study of inter-industry flows of production in the United States.

As far as I can determine, Sam Westerfield was the fourth American Negro to earn a doctorate in economics at Harvard. Preceding him were Robert C. Weaver (1934), William H. Dean (1938), and Booker T. McGraw (1939). Like them, he stuck to the mainstream of economics. Weaver wrote his dissertation on "The High-Wage Theory of Prosperity." Dean's study was entitled "Theory of the Geographic Location of Economic Activity," and McGraw wrote on "French Monetary Policy, 1927–38." As indicated above, Westerfield wrote on "American Investment Companies." The common thread connecting all of them is a basic commitment to the acquisition of technical expertise in economics—a competence which enabled them to cope with a variety of complex economic problems which they had to face later in their careers.

In passing, I might note that the number of American blacks completing the Ph. D. program in economics at Harvard remains distressingly small. I was enrolled in the program for three years (1952–55), with a concentration in monetary economics and economic development. I received the Ph. D. in 1957, with a dissertation entitled "Monetary Policy, Interest Rates, and the Investment Behavior of Life Insurance Companies." In the intervening years, only a handful of American blacks have entered the program. Although a number of these have finished course work, and several are currently enrolled, apparently at this juncture none have been awarded the Ph. D.

Sam's first year at Harvard was financed by his family, but he was awarded a Rosenwald Fellowship for his second and third years (1940–41 and 1941–42). After completing his course work and passing his qualifying examinations, he took leave from the University to do research while holding a fellowship from the Social Science Research Council. As part of that project, he enrolled at the University of Michigan in 1944–45 where he conducted research on the United Automobile Workers. He also spent a brief period in 1944 as an economist with the War Labor Board. During the Summers of 1940, 1941, and 1945, he was an instructor in economics at Howard University.

So, by the end of World War II, Sam Westerfield had devoted six years to academic preparation at the graduate level—mainly at Harvard University which was the best Economics Department in the country. He had acquired solid experience in research relating to some of the most pressing economic problems facing the nation, and he had also served an apprenticeship in teaching. Yet, through it all, he had kept his fundamental concern for those left on the margins of an increasingly affluent society.

ACADEMIC CAREER

At this juncture, Dr. Westerfield began an academic commitment which he never really relinquished. After marriage in September, 1945 (to Helene Bryant who later became a faculty member in the School of Social Work at Howard), he went to West Virginia State College as Assistant Professor of Economics. This was a one-year appointment to replace a permanent member who was on leave. In this assignment, Sam taught a range of undergraduate courses. In January, 1947, he was appointed Assistant Professor of Economics and Chairman of the Department of Economics and Business Administration at Lincoln University in Jefferson City, Missouri. Here he also taught several undergraduate courses in economics—particularly in the area of macroeconomics. In addition, he spent a good part of his time trying to build the curriculum—with special emphasis on the business administration component. This effort was in keeping with his already evident conviction that the black community needed to build those institutions—and acquire those skills—which provide the foundations for long-run economic progress.

Unfortunately for Sam, while these were all good deeds in the cause of racial advancement, they allowed him little time to devote to his dissertation—which was still unfinished. So, during the academic year 1948–49, he faced a hard choice: he could continue an effort at institution-building which was beginning to bear fruit or he could clear his desk of everything else and concentrate on the completion of his dissertation. He chose the latter course and returned to Harvard for the academic year 1949–50. As already mentioned, he accomplished the task and was awarded the Ph.D. in 1951.

From Harvard, he moved to Atlanta University in 1950 as Associate Professor of Economics. In 1952, he was promoted to Professor of Economics and named Dean of the School of Business Administration. In this position, he spent a decade building what was—and perhaps still is—the strongest business school at any of the predominantly black academic institutions. In the early stages of the new program, there was little or no money for research or program support at these institutions. A highlight of the new curriculum was the early introduction of data processing courses. Dr. Westerfield persuaded one of the leading equipment producers to design and equip a laboratory at the school which subsequently evolved into a fairly comprehensive electronic computer facility. Thus, the School of Business at Atlanta University became one of the pioneers in training black students in the emerging field of computer-based management.

It was at this juncture that I became acquainted with Sam Westerfield. I had heard of him long before then, of course. When I arrived at Harvard in the Fall of 1952, I soon learned that he had recently left after completing his dissertation. However, it was not until December, 1958, that we finally met—during the Annual Meeting of the American Economic Association in Washington, D.C. At the time, I was teaching economics at Michigan State University. During our first meeting, Sam invited me to visit the School of Business. I was finally able to do so in the Spring of 1959, and I gave several lectures in the area of monetatry economics. Sam was very generous and talked with me at some length about the possibility of my joining the School's faculty. While I was naturally flattered, I had to say no. I had just joined Michigan State, and I had underway (with the University's support) a major study of capital market activities of life insurance companies. At the conclusion of my three-day visit, I came away from Atlanta with the conviction that Sam Westerfield had gone a long way in the task of building a strong center for the training of black managerial personnel.

Reflecting the enhanced quality of the new program, enrollments grew rapidly. Students came primarily from the Southeast region of the United States, but other sections were also represented. Moreover, there was always a sizeable enrollment of foreign students—particularly from Africa but also from India and China among others. In the early years of the expanded program, most of the M.B.A. graduates found jobs outside the Southeast. This was plainly a mirror image of the continued racial discrimination in employment that was so rampant in the region. In fact, it was well into the 1960's before a new graduate could look forward to finding jobs in the area—a reflection of the gradual erosion of barriers under the impact of anti-discrimination laws and the campaign to achieve equal opportunity in employment. A sizable number of graduates of the Atlanta Business School have gone on to highly successful careers in the corporate sector and the public service.

By the Spring of 1959—after nearly a decade of institution building at Atlanta—Sam Westerfield decided the time had come to renew his own intellectual resources. So he accepted a position as a Visiting Professor in the Graduate School of Business at Harvard University for the 1959–60 academic year. This was Sam's third sojourn in Cambridge, and he used it to advantage. He was able to expand his familiarity with some of the newly emerging techniques of cost and budget analysis as well as to catch up on some of the recent literature in his field. But above all, he was able to renew old friendships and to make new acquaintances that were to broaden his ties in the economics profession in subsequent years.

At the conclusion of his year at Harvard, Sam Westerfield received a grant under the African Universities Program sponsored by the University of Chicago and the Merrill Trust Fund. This grant enabled him to make his first trip to Africa in the Fall of 1960. He toured colleges in both East and West Africa with the primary aim of recruiting students. Along the way, he was also invited to lecture at University College in Ibadan, Nigeria, and at University College in Addis Ababa, Ethiopia.

In January, 1961, Sam returned to his post at Atlanta University. However, almost immediately, Washington began to claim part of his time as a consultant in the Treasury Department. In fact, while he was still Dean of the Business School, he actually commuted between Washington and Atlanta—spending about half of each week in each place. Finally, at the end of the spring semester, he resigned his academic post to join the New Frontier. But in leaving, he left behind a strong base on which new strength could build to expand further the education of black youth in the fields of economics and business administration.

SERVICE ON THE NEW FRONTIER: U.S. TREASURY DEPARTMENT

Sam's public service career began in June, 1961, when he was appointed Associate Director of the Debt Analysis of Staff of the Treasury Department. This group was actually a research and policy development unit which supported the Secretary of the Treasury and the Under Secretary for Monetary Affairs. At that time, C. Douglas Dillon was Secretary, and Robert V. Roosa was Under Secretary. Roosa had studied at Harvard in the 1940's (although he had received his Ph. D. at the University of Michigan). While there he had worked with some of the same faculty members who had guided Sam Westerfield—especially John H. Williams who had later steered Roosa to the research department of the Federal Reserve Bank of New York. It was from the latter institution that Roosa was appointed Under Secretary of the Treasury in January, 1961. As he set about developing a staff to carry out the expanded reach of the Treasury in monetary matters, Roosa induced Sam Westerfield to become part of his team. As already indicated, Sam began participating as a consultant early in the year and later joined the group on a full-time basis.

It was while Sam was serving in this capacity that I had my second contact with him. In the Summer of 1961, Sam played a prominent role in planning for a three-day National Conference on Small Business which was later held in Washington, D.C., beginning November 30, 1961.

Encouraged by President Kennedy, it was sponsored by a number of Federal Government agencies—principal among which was the Department of Commerce. Representative Charles C. Diggs, Jr., served as Chairman. The main thrust of the conference—set in greetings from the President—was ". . . to enhance and further the participation of Negroes in the business life of the nation. . . ." Sam served with H. Naylor Fitzhugh as co-chairman of the Research and Program Committee, and the two of them prepared the conference summary. (The full report of the conference was published by the U.S. Department of Commerce under the title "Problems and Opportunities Confronting Negroes in the Field of Business," 1962). Sam also served as moderator of the workshop on "Business-Growth Opportunities." At his invitation, I presented a paper on "Economic Growth and Investment Opportunities—with Special Reference to Negro-Owned Businesses." At the time, I had recently moved to the Wharton School of the University of Pennsylvania.

The conference brought together on a single program 46 men and women from Government, business, public affairs, and the academic community who—for the first time in the memory of those participating—made a comprehensive assessment of the problems and prospects for black businesses under the sponsorship of the Federal Government. A re-reading of the conference report a decade later indicates how thoroughly the participants did their work. Virtually all of the issues about the role of black-owned business which have been debated in recent years were anticipated and weighed. Likewise most of the proposals to improve the prospects for black businesses which have been advanced in the last few years were also anticipated and examined critically. To no small degree the level and quality of the conference's contribution to an appreciation of the issues involved are due to Sam Westerfield's efforts.

Late in 1961, Sam shifted his assignment in the Treasury Department and became Senior Adviser in the Office of International Finance. From that post, he became Deputy Director of the Office of International Affairs. It was in this area, that he began to have a genuine impact on the shape and content of the nation's economic policy. He specialized in the economics of developing areas—particularly Latin America and Africa. In this role, he served as a member of the U.S. Delegation to the Inter-American Economic and Social Conference held in Mexico City in 1962.

SERVICE IN THE DEPARTMENT OF STATE

His growing interest in the problems of developing countries—that vast proportion of the world still left out of the mainstream of industrial progress—led Sam Westerfield in 1963 to accept an appointment as Deputy Assistant Secretary of State. Here he was assigned to the Economics Bureau where he worked on a range of policy issues—but with special emphasis on United States economic relations with emerging nations. He was particularly concerned with the content and functioning of long-term commodity agreements which were designed to stabilize the incomes of those developing areas so heavily dependent on exports of raw materials and agricultural products to the advanced industrial countries. A substantial part of his effort was concentrated on the coffee and cocoa agreements. While this area of activity was both satisfying and rewarding to Sam, he eventually became convinced that his own talents might find greater scope if he were to devote more of his time to problems on a broader scale.

Acting on that conviction, in 1964 he moved to the Bureau of African Affairs where he became Deputy Assistant Secretary for Economics and Planning. Although he became Deputy Assistant Secretary for African Affairs in 1967, he retained his basic concern with economic issues on the Continent. Among his special interests were United States relations with the Economic Commission for Africa. He was convinced that this organization could play a much stronger role in regional planning and development in Africa and thus deserved enlarged support from the United States. In a similar vein, he was one of the strongest advocates of U.S. financial support for the African Development Bank headquartered in Abidjan, Ivory Coast. He saw this institution as fully capable of developing to the point where it would have the technical capacity to perform for Africa the same kinds of functions which the Inter-American Development Bank is performing for Latin America. Consequently, he argued vigorously for the activation of the financial support which this country indicated in the mid-1960's might be forthcoming.

Sam also worked on a number of problems involving relations between African countries, the International Monetary Fund, and the World Bank—always, of course, as a representative of the United States.

He traveled extensively in Africa and Europe in carrying out these assignments. So, when the time came for him to take on new responsibilities, he knew well—and was widely known in—the African continent.

AMBASSADOR TO LIBERIA

Those new responsibilities came when he was sworn in as Ambassador to Liberia in September, 1969. In this new role, his duties were much more sharply focused on bilateral relations between the two countries. Yet, his overriding interest in the problems of Africa as a whole was by no means diminished. Moreover, while he had to be concerned with the entire agenda of diplomatic relations, his special focus on economic issues was always evident.

During his first year in Monrovia, I had an opportunity to observe his performance at first hand. He invited me to join him during the Independence Day celebration in late July, 1970. I was able to spend a week with him. While his duties on that occasion were obviously heavy, he introduced me personally to a wide cross-section of Liberian official and private life. These contacts—including a visit with the President of the Republic—gave me a rare opportunity to see an American Ambassador at work representing the interest of his country in the very best tradition. This task is particularly difficult for any Ambassador in the case of Liberia whose special relationship with this country is long, complex—and changing noticeably.

Sam was especially interested in my discussing a range of economic questions with government officials, businessmen, members of the academic community, and the press. At that time, a major issue being debated focused on whether Liberia should have its own central bank and its own currency—rather than continue to use the United States dollar which had been in circulation for a good many years. Typically, Sam saw clearly the advantages which the use of the dollar brought to Liberia—including special access to U.S. private capital. But he also could appreciate the disadvantages this implied for Liberia—including a lack of control of its own monetary and credit policy. However, rather than taking a dogmatic view that continued circulation of the dollar was the only course worth pursuing, Sam encouraged both Liberian officials and private businessmen (including Americans) to think through objectively the issues involved and ultimately to create a monetary system that was best for Liberia. In that way, he was convinced the system would also be best for the United States in the long-run.

Sam displayed the same sensitivity and perceptiveness in the position he took with respect to the crucial role of foreign investment in Liberia. While European capital is becoming more prominent, American private investment remains the dominant form of foreign capital. Americans are particularly represented in rubber plantations and iron ore mining. These investments are covered by long-term contracts drawn up a number of years ago. In recent years, pressures to rewrite the contracts to improve the benefits (i.e., greater share of profits) accruing to Liberia have intensified.

Again, Sam Westerfield encouraged the development of solutions which would benefit both countries. He saw clearly that Liberia had to attract more foreign capital if it is to develop its resources and raise the standard of living of its people. To do this, it must offer a reasonably secure and hospitable environment to foreign private investors. At the same time, he understood the desire of Liberians to revamp agreements of long-standing which many felt were no longer in keeping with the terms and standards which other emerging nations were able to effect to govern foreign participation in their natural resources. This debate was still in progress at the time of his death.

Looking beyond his official duties, Sam Westerfield also reached out to help Liberia create an institution to train its youth to improve the management of its own resources. As Chairman of the Advisory Committee, he provided the leadership of the group which established the School of Business at the University of Liberia. Thus, for the third time, he shared his energies and skills in an effort to build an institution to further the acquisition of expertise in economics and business by black people.

Finally, Sam continued to look beyond his immediate preoccupations to the horizon of new possibilities of African progress. He consistently encouraged the idea of regional planning in the Continent. His support of the Economic Commission for Africa and the

African Development Bank was in keeping with that concern. He took special interest in the variety of effort in West Africa to improve food production—especially rice.

Yet, he was not blind to the obstacles on the path to that goal. He knew that the colonial legacy left little (outside of East Africa) on which regional economic planning efforts could be based. Nevertheless, he remained hopeful that the idea would eventually take root and prosper.

CONCLUDING OBSERVATIONS

While Sam Westerfield spent the last decade of his life searching for means to improve the lives of the poor population in developing lands, he also never lost his concern for the depressed status of his fellow blacks in the United States. As indicated above, he was a prime-mover behind the 1961 Washington Conference on Negroes in business. During the intervening years, he continued to participate in efforts along the same lines. He had a special interest in the progress of black-owned banks and life insurance companies. Finally, as a member of the Executive Council of the Association for the Study of Negro Life and History, he encouraged research on economic aspects of the black experience in America.

So, with the death of Sam Westerfield, I personally lost not only a friend but a fellow worker in the task to improve the welfare of those on the margin of an increasingly affluent society.

July 19, 1972.

Mrs. Samuel Z. Westerfield, Jr.,
Washington, D.C.

Dear Mrs. Westerfield: I was profoundly shocked and saddened to learn of Sam's death in Monrovia. We knew him as an able and dedicated man who served our country with distinction. He will be sorely missed by his many friends and colleagues at home and abroad. At this time of great sadness, my wife and I extend our sincere condolences and heartfelt sympathy to you and your family. We share your loss.

Sincerely,

William P. Rogers.

Text of Message From Rocheforte L. Weeks, Minister of Foreign Affairs of Liberia, to Secretary Rogers

The announcement of the sudden death of His Excellency Samuel Z. Westerfield, Jr., United States Ambassador to Liberia, has shocked us and all who knew him. Ambassador Westerfield was an outstanding American, an effective and resourceful representative of the Government and people of your great country and a good friend, who distinguished himself during the years he served the United States of America here. Ambassador Westerfield was loved and respected by many and will be missed by many. We deeply regret his untimely passing and extend to you on behalf of the Liberian Government, our deepest sympathy and profoundest condolences for the loss you have sustained. Please be so kind to convey these sentiments also to the members of the bereaved family. May his soul rest in peace and may light perpetual shine upon him. Sentiments of Esteem.

Remarks by Hon. David Newsome, Assistant Secretary of State for Africa at Funeral, July 25, 1972

Ambassador Peal, Excellencies, Ladies and Gentlemen: On behalf of Secretary of State Rogers and the officers of the Department of State, I wish to pay tribute to a fine diplomat and a friend, Samuel Z. Westerfield, Jr.

Ambassador Westerfield was unique. His expertise and his vision bridged oceans as it bridged specialties. He was as much at home in the cities of Africa as he was in Baltimore or Boston. He was as adept at unravelling the mysteries of the balance of payments as he was at explaining the intricacies of African politics. He was as well known and as respected in Commerce and Treasury as he was in the Department of State.

At a time when our wider knowledge and association with independent Africa and its economic and political life was just beginning, Ambassador Westerfield brought to bear upon this relationship the perception of a scholar and special sensitivity of a friend. He helped to open up and to create meaningful links with Africa at a most critical and important time. His career, all too brief, was climaxed by his astute guardianship of that unique relationship between the United States and Liberia.

I want, also, to say a word about Sam Westerfield, a friend. When I came to the Bureau ten years ago, new to black Africa, it was Sam who gave me a sense of the vitality of that region. It was Sam, also, who first helped to make me aware of the feelings and sensitivities of Afro-America. His empathy with people, his deep and sincere concern for their problems, his willingness to listen, his courage, and his optimism made him a special kind of friend.

We shall miss Sam Westerfield, the Ambassador, who through special talents and sensitivities made a distinct and critical contribution to our relations with Africa. We shall miss Sam Westerfield, the friend, who conveyed through his quiet personality a distinct kind of feeling for the peoples of two continents.

Text of Message From Angie Brooks-Randolph, Ambassador at Large of Liberia to President Nixon

The sudden death of the American Ambassador Samuel Westerfield brings sadness to his friends and colleagues in Liberia because he gave the best of himself to promote friendship and better understanding between the peoples of our two countries and Africa as a whole. Please accept sincere condolences for the loss sustained in his death in which my husband Commissioner Randolph joins me.

Remarks of O. Rudolf Aggrey, Director for West African Affairs, Department of State

Sam Westerfield was a goal-conscious man of rare perception. An innovative teacher, his keen interest in Africa preceded by more than a decade his distinguished career in the Foreign Service. To his exacting tasks, first as administrator and later as diplomat, he brought the inquiring mind and quest for truth that mark the genuine scholar. Those of us who followed his work in the private and public sectors alike know a major personal objective of this dedicated man was to help increase the quality as well as the quantity both of Afro-American and African professionals in economics, particularly in business administration. He stressed the essentiality of such human resources to the progress of the American and African nations toward a better life for all their citizens. He pursued this objective continually and with marked success at home and abroad as may be seen in the numerous positions of great trust and wide influence now held by those he taught, advised or counselled. For so many, Sam Westerfield's death is a great loss, but the contributions he made to his nation and his people remain vital.

Eulogy for Samuel Z. Westerfield

(By Hon. Walter Washington, Mayor, Washington, D.C.)

I bring an expression of profound sympathy from the citizens of the Nation's Capital.

Samuel Z. Westerfield throughout his life, wherever he found himself, has worked with the tools at hand to help build a better world. Firm in his belief that democracy is going in the right direction, he has used every opportunity to strengthen and broaden the concept of equality for all men whatever their station and wherever they live.

Today I am most grateful that only one year ago I had the privilege of being with him at his post in Liberia. My wife and I shared the warm family life that he and his wife created in a country where they both felt at home and where together they served the highest interests of the people of their country and of the people of Liberia.

As a participant in official discussions, I saw the respect and affection the leaders of an African country accorded a man whom they admired and trusted. Sam Westerfield was more than a Beautiful American in a foreign post—he was a world citizen working with reverence for all men who gave the word "brotherhood" a new and deeper meaning.

He understood and respected the hopes and the problems of the young emerging nations of the African continent who, after centuries of oppression, are once again striving to revive the technologies, the skills and the creativity that contributed so much to their history. And he sought ways to assist the countries of West Africa to use the gifts of their past heritage as stepping stones into the present technologies and the self-sufficiency modern techniques can provide.

With generosity of spirit, with understanding, with commitment and with dedication, Sam Westerfield sought to help all human beings rise to their highest potential as thinking men, as feeling men and as producing men.

Sam Westerfield had a sense of the rightness of things. He was a serious man, a man of humor and of sensibility with balance. He was a charming companion who softened the hard edges of life with gentle humor and illuminated complex situations with an insight born of long study and hard work.

Today we must remember the many students he inspired throughout a long and distinguished teaching career, the co-workers in the Department of State whom he helped to a deeper understanding of issues often clouded by fictions about race or by overzealous manifestations of patriotism. We can take comfort in knowing that he made a difference not only in the lives of those he touched but also in the lives of thousands he did not know but in whom he passionately believed.

May the Lord abundantly bless his family and challenge his friends to greater commitment in his memory. He would want no other memorial.

Words of Comfort to the Samuel Z. Westerfield Family

(By Bishop Frank M. Reid, Jr.)

Let the family, friends, fraternal associates and vocational yoke-fellows know that I stand here today as retiring priest and prophet to this religious community called Metropolitan to remind you not to be ensnared in the web of evasiveness in this moment. For truly the wisest of all generations is so unwise as to shunt aside the meaning of death because of an apparent lack of complete comprehension. This means that we shall verbalize our massive misgivings with words like tragic—untimely—grief—sorrow. As priest and prophet I appeal to you to transcend this level of limited understanding and call to you the joy of sacramental celebration.

Today, we rejoice that Samuel Z. Westerfield, Jr. was a third generation Sunday School Teacher, and that his son has done honor to this heritage by being involved as a teacher in our program of Christian Education. This is not an occasion for grieving but of grateful remembrance that God was made manifest in his life. For we can say for him as James Reston said in eulogizing another great American, "He preserved the vanishing gift of actually listening to what other people were saying, and then thinking about it, before he answered". There are those who would tearfully reflect that this is the termination of his service to the U.S. State Department. I would remind you that Samuel Z. Westerfield, Jr. was an Ambassador of Jesus Christ first and always and always—and as such knew the sacramental celebrative aspect of death as expressed in the words of the Apostle Paul—"Thanks be to God, which giveth us the victory through our Lord Jesus Christ." In this moment we must heed the call to commitment—"Therefore my beloved brethren and family, be ye steadfast, unmovable, always abounding in the work of the Lord, forasmuch as ye know that your labor is not in vain in the Lord.

Remarks of Herschelle Sullivan Chancellor, Ph.D., Brooklyn College

The death of Ambassador Samuel Westerfield is a deep loss for the blacks, the United States, and indeed mankind.

My first contact with the Ambassador occurred as a student at Spelman College, where we all viewed this Dean of the Atlanta University Business School with awe and admiration.

In his professional life, he combined the best of academic rigor with political insight, of wisdom with pragmatism, of compassion with realpolitik.

In a sense he represents a classic prototype of that exceptional generation of black men and women educator-activist, influenced by the Atlanta University Center, who went beyond to serve their people and their country.

Sam Westerfield is the third great black man of Atlanta University to die in Africa within the past 9 years. The first, Wm. E. B. Dubois died an educator in exile with Ghanian citizenship; the second, Whitney Young as a visiting leader of a major civil rights organization, and now this Ambassador as a representative of the American President in Africa. This symbolism should not be lost: that of Africa as an ancestral land reasserting a claim over the best of her own. While we mourn the death of this extraordinary man, let us take note of the rebirth of Africa's relevance to black America.

Remembering Sam Westerfield

(By Sterling Tucker, Vice Chairman, District of Columbia City Council)

I knew Sam Westerfield as a family friend, as a supporter of our work in the City Council and of my work in the Urban League. He was a gentle man of deep intellect and creative spirit—interested in many humanitarian causes and devoted himself unselfishly to them. His effectiveness as a leader and scholar sprang from his dedication to purpose and quiet yet persistent pursuit of noble objectives. Sam was easy to know and enjoyed the company of people.

A philosopher once said that no man is so great as a good man struggling with adversity. Another philosopher noted, however, that there is one man who is even greater and that is the good man who comes to relieve that adversity. I believe that Ambassador Westerfield, through his life's work, personified that good man who came to relieve adversity.

Columbia University,
in the City of New York,
New York, N.Y., August 5, 1972.

Hon. Charles C. Diggs, Jr.,
Member of Congress,
Washington, D.C.

Dear Congressman Diggs: I should like to share my thoughts with you over the passing of Sam Westerfield who died while serving as our ambassador to the Republic of Liberia. His death was all the more shocking to me since we had so much in common. Sam managed to accomplish most of the things that men of our generation dreamed about: a brilliant academic career capped by the Ph.D. from Harvard; a professorship and deanship at Atlanta university; and an enviable government career leading to a Deputy Assistant Secretary of Stateship in the African Bureau and finally to an Ambassadorship.

Sam took an active part in the affairs of the Black community of the United States of America and in the whole movement towards re-establishing links between Blacks in our country and those in Africa. He could be counted upon whether at AMSAC meetings or at the meetings of the American Negro Leadership Conferences on Africa to introduce a tone of quiet wisdom.

But what I remember most about Sam are his qualities of a kind and gentle man. He was quite considerate about others and extremely modest. I remember the embarrassment with which he accepted the accolades of his fellow board members at the last meeting of the Association for the Study of Negro Life and History in Washington. Sam had a sharp wit and a wry sense of humor. We shall miss him as we too go through the paces of our earthly existence. Our best memorial to Sam could only be a rededication to the things for which he stood: excellence in all things academic, administrative, diplomatic, governmental, and political; a devotion to the ethnic group into which nature and history had placed him; a dedication to achieving the long-sought equality of black people everywhere from all forms of degradation and tyranny; and to continue the struggle to improve the material as well as the spiritual life of all mankind.

Mr. Congressman, I know that you share these sentiments. Please permit me to join you in honoring a great man.

Sincerely,

Elliott P. Skinner,
Franz Boas, Professor of Anthropology, Chairman of the Anthropology Department of Columbia University, and former U.S. Ambassador to Upper Volta.

In Memoriam: Ambassador Samuel Z. Westerfield

(By John Conyers, Jr.)

I would like to join with my colleagues in honoring the memory of Ambassador Sam Westerfield whose untimely death at the age of 52 leaves a void not easily filled in the minds and hearts of those whom he knew and served. His gentleness and kindness won him many freinds wherever he went, and served him well in his varied pursuits as educator, administrator and public servant.

Sam Westerfield was a confirmed humanist. In applying standards of compassion and faith in the perfectability of man to the science of economics, he created an art. Whatever the pursuit, he was faithful to his goal of improving the lot of others through the diligent application of the tools of economics.

Growth and development were among his primary concerns throughout his professional life. As an administrator and educator, he valued the development of his students and their education. He was consequently instrumental in building the school of business administration at Atlanta University. As a black American, he worked toward enhancing the participation of blacks in American business life, for he fully appreciated the importance of economic independence to the achievement of full equality.

And, as an international economist, he campaigned vigorously for United States' financial support of African economic development. It was this appreciation of the vitality and potential of West Africa and his sensitivity to the complexities of the colonial legacy which won him many African friends.

The passing of Sam Westerfield is more than the personal loss which we all share. It is the loss of a fine American and outstanding public servant who combined the best of all possible worlds—the high-mindedness of the educator with the skill of the economist and the dedication of the public servant. He will indeed be sorely missed.

The Late Ambassador Samuel Z. Westerfield

(By Louis Stokes)

The late Ambassador to Monrovia, Liberia, Samuel Z. Westerfield, was perhaps as close to the concept of the Renaissance man as a twentieth century man can become. In his short 52 years, he went from educator, to economist, to intelligence officer, to African expert, to Ambassador. It is difficult to chart the course his life may have followed if he had lived. But there is no question that his future would have been as challenging and as interesting as his past.

Samuel Z. Westerfield was born on November 15, 1919. He graduated from Howard University in 1939 and received his M.A. and Ph.D degrees from Harvard University in 1949 and 1950 respectively.

Prior to entering government service, he taught at Howard, West Virginia State, Lincoln, Harvard and Atlanta Universities. In 1969, when he was selected to serve as Senior Advisor to the Office of Intelligence Affairs, Mr. Westerfield was the Dean of the School of Business Administration at Atlanta University.

From the field of intelligence, Ambassador Westerfield moved to international relations. In 1963, he served as the United States' representative to ECAFE. During that same year, he became the Deputy Assistant Secretary for Economic Affairs, Bureau of Economic Affairs, the Department of State. In the course of 1964, Samuel Westerfield served on the Foreign Service's Board of Examiners and became the Deputy Assistant Secretary for Economics and Planning in the State Department's Bureau of African Affairs. Three years later, he assumed the position of Deputy Assistant Secretary for African Affairs. Two years after that, he was appointed to the Ambassadorship for Monrovia, Liberia.

Ambassador Westerfield served his country, and the world, under both Democratic and Republican Presidents. His commitment to his fellow man went beyond the confines of partisanship, to a lifelong advocacy for harmony among people of all religions, races, creeds and colors. He was a courageous spokesman for full U.S. recognition of the independent nations of Africa.

Above all else, Sam Westerfield was a kind and gentle man. During my visit to Africa in 1971, he and his wife Helene opened their doors to me in a gesture of friendship, and hospitality. I will miss him and the field of international diplomacy will feel his absence for a long time to come.

In Memoriam to Ambassador Samuel Z. Westerfield

(Remarks by Hon. Ralph H. Metcalfe)

America was saddened to learn of the sudden death of Ambassador Samuel Z. Westerfield. He was still a young man at the time of his death, yet he had already set a record of accomplishments unequalled by many who live a much longer life.

I was not fortunate enough to have known Ambassador Westerfield personally, but I admired him at a distance both as a person and as a public servant. I was especially impressed with his reputation of devotion to his students while he served as Assistant Professor of Economics at Lincoln University, Dean of the School of Business Administration and Professor of Economics at Atlanta University, and Visiting Professor in the Graduate School of Business Administration at Howard University.

In a time when many young people are searching for a meaningful role in a complicated society, Dr. Westerfield's inspiration and encouragement to them to develop to their fullest potential will be greatly missed.

It was with this same very human quality of devotion to his fellowman, that Dr. Westerfield as Ambassador for the United States to Liberia, gained the reputation of being a man sensitive and understanding of the people of that country. This humanness, coupled with his vast knowledge of African affairs, nurtured the relationship which he helped to build between the United States and Liberia.

This truly dedicated public servant will be greatly missed both here and in Liberia.

HON. SAM WESTERFIELD

(By Hon. George W. Collins)

From Chicago's Dunbar Vocational High School to the ivied, hallowed halls of Harvard; from the black ghetto of Chicago's southside to United States Ambassador, that is the simple, but eloquent story of the late Sam Westerfield, scholar, teacher, leader.

Born to poverty, he rose to become a financial advisor in our national government. Born to a racist and inferior educational system, he rose to become a teacher of his people. Born to the staticism of one of this Nation's most deprived ghettos, he rose to leadership in our State Department.

Sam Westerfield was little known to his people. He did not beat the drums of publicity; he did not blow the horn of self-importance. Rather, his headlines were that of a job well done.

In God's grace, Sam Westerfield walked lightly through his role in life. He, indeed, epitomized the words of our late president John Fitzgerald Kennedy: for in truth Sam Westerfield asked not what this wonderful, mixed up Nation could do for him: he did his best for his Nation.

A copy of my statement will be sent to the Chicago City Council and the Chicago Board of Education in the form of a resolution memorializing Sam Westerfield, urging that a monument and school be named in his honor.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. Hansen of Washington, for part of August 16, August 17, and August 18, on account of official district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman for 30 minutes, today, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. Young of Florida), to revise and extend their remarks, and to include extraneous matter:)

Mr. Hall, on August 17, 1972, for 60 minutes.

Mr. Ware, today, for 15 minutes.

Mr. Blackburn, today, for 15 minutes.

Mr. Talcott, today, for 10 minutes.

Mr. Robison of New York, today, for 15 minutes.

Mr. Kemp, today, for 15 minutes.

(The following Members (at the request of Mr. Mazzoli), to revise and extend their remarks, and to include extraneous matter:)

Mr. Aspin, today, for 5 minutes.

Mr. Gonzalez, today, for 5 minutes.

Mr. Daniels of New Jersey, today, for 20 minutes.

Mr. Hamilton, today, for 45 minutes.

Mr. Annunzio, today, for 5 minutes.

Mr. Patman, today, for 10 minutes.

Mr. Meeds, today, for 5 minutes.

Mr. Badillo, today, for 5 minutes.

Mrs. Chisholm, today, for 5 minutes.

Mr. Thompson of New Jersey, today, for 5 minutes.

Mr. Hawkins, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Boggs and to include extraneous matter notwithstanding the fact it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $382.50 and to be printed in the permanent Record along with his special order of August 15.

Mr. Sarbanes in five instances.

Mr. Cleveland to extend his remarks following those of Mr. Burke of Massachusetts, today, on Mr. Gerald R. Ford's time.

Mr. Seiberling, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $382.50.

Mr. McFall during his remarks in the Committee of the Whole on H.R. 16071, and to include a chart.

Mr. Mizell to extend his remarks in the body of the Record.

Mrs. Green of Oregon to extend her remarks made during debate on the resolution by the chairman of the Committee on Rules.

(The following Members (at the request of Mr. Young of Florida) and to include extraneous matter:)

Mr. Keating.
Mr. Robison of New York.
Mr. Bell.
Mr. Vander Jagt.
Mr. Derwinski.
Mr. Coughlin.
Mr. Ware in two instances.
Mr. Steiger of Arizona.
Mr. Wyman in two instances.
Mr. Hosmer in two instances.
Mr. Hammerschmidt.
Mr. Fish.
Mr. Zwach.
Mr. Don H. Clausen in two instances.
Mr. Spence.
Mr. Blackburn.
Mr. Price of Texas.
Mr. McCloskey.
Mr. Gude.
Mr. Shriver.
Mr. Hansen of Idaho in three instances.
Mr. Schmitz.
Mr. Mallary.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Fraser in two instances.
Mr. Van Deerlin.
Mr. Sarbanes in three instances.
Mrs. Sullivan.
Mr. Rarick in three instances.
Mr. Gonzalez in three instances.
Mr. Begich.
Mr. Annunzio in 10 instances.
Mr. Evins of Tennessee.
Mr. Hungate.
Mr. Rogers in five instances.
Mr. Reid.
Mr. Harrington.
Mr. Rooney of Pennsylvania.
Mr. Rangel in four instances.
Mrs. Chisholm in two instances.
Mr. Leggett.
Mr. Drinan in two instances.
Mr. Roe in two instances.
Mrs. Mink.
Mr. Hawkins.
Mr. Conyers.
Mr. Stokes.
Mr. Meeds.
Mr. Scheuer.
Mr. Burton.
Mr. Badillo.
Mr. Thompson of New Jersey.
Mr. Brademas.
Mr. Corman.
Mr. Hathaway.
Mr. Moorhead in five instances.
Mr. Pike.
Mr. McCormack.
Mr. Tiernan.
Mr. Miller of California in five instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2806. An act to authorize appropriations for additional costs of land acquisition for the national park system; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968, and for other purposes;

H.R. 9092. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes;

H.R. 10676. An act for the relief of Lester L. Stiteler; and

H.R. 15097. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 559. An act for the relief of Albina Lucio Manlucu;

S. 889. An act to restore the Postal Service seniority of Elmer Erickson; and

S. 2704. An act for the relief of Rita Rosella Vallerini.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, August 17, 1972, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2255. A letter from the Deputy Chief of Naval Material (Procurement and Production), transmitting a report on Navy research and development procurement actions of $50,000 or more during fiscal year 1972, pursuant to 10 U.S.C. 2357; to the Committee on Armed Services.

2256. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments; to the Committee on Interior and Insular Affairs.

2257. A letter from the vice president, Government affairs, National Railroad Passenger Corp., transmitting reports on (1) the average number of passengers per day on each train operated by AMTRAK, and (2) the on-time performance of the final destination of each train operated, by route and by railroad, covering the month of July 1972, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

2258. A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes; to the Committee on the Judiciary.

2259. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality, as amended; to the Committee on the Judiciary.

2260. A letter from the acting executive director, Blinded Veterans Association, transmitting the audit report of the association for the year ended June 30, 1972; to the Committee on the Judiciary.

2261. A letter from the Secretary of Transportation, transmitting part II of a two-part report on railroad-highway grade crossing safety, pursuant to the Highway Safety Act of 1970 (Public Law 91-605); to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee of conference. Conference report on S. 3323. (Rept. No. 92-1349). Ordered to be printed.

Mr. HÉBERT: Committee of conference. Conference report on H.R. 2 (Rept. No. 92-1350). Ordered to be printed.

Mr. COLMER: Committee on Rules. House Resolution 1102. Resolution providing for the consideration of the conference report on S. 3726. A bill to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes (Rept. No. 92-1361). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 5668. A bill for the relief of Capt. Ronald W. Grout, U.S. Air Force; with an amendment (Rept. No. 92-1351). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 6467. A bill for the relief of Harold J. Seaborg (Rept. No. 92-1352). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 10552. A bill for the relief of the Rescue Mission Alliance of Syracuse (Rept. No. 92-1353). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 11047. A bill for the relief of Donald W. Wotring (Rept. No. 92-1354). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 11629. A bill for the relief of Corp. Bobby R. Mullins; with amendments (Rept. No. 92-1355). Referred to the Committee of the Whole House.

Mr. MANN: Committee on the Judiciary. H.R. 11749. A bill for the relief of 1st Lt. Thomas J. Tremba, U.S. Army (Rept. No. 92-1356). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 11814. A bill for the relief of Claude V. Alcorn and 21 others; with amendments (Rept. No. 92-1357). Referred to the Committee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 12903. A bill for the relief of Anne M. Sack; with an amendment (Rept. No. 92-1358). Referred to the Commitee of the Whole House.

Mr. DANIELSON: Committee on the Judiciary. H.R. 11631. A bill for the relief of Robert Gibbons; with an amendment (Rept. No. 92-1359). Referred to the Committee of the Whole House.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8215. A bill to provide relief for certain prewar Japanese bank claimants; with an amendment (Rept. No. 92-1360). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABOUREZK (by request):

H.R. 16384. A bill to amend the act of August 8, 1968 (Public Law 90-468) to provide for the reservation of certain areas for park purposes; to the Committee on Interior and Insular Affairs.

By Mr. HANSEN of Idaho:

H.R. 16385. A bill to amend the National Foundation on the Arts and Humanities Act of 1965 to further cultural activities by making unused railroad passenger depots available to communities for such activities; to the Committee on Education and Labor.

By Mrs. ABZUG:

H.R. 16386. A bill to provide youth services grants, and for other purposes; to the Committee on Education and Labor.

By Mr. ASPINALL (for himself, Mr. McClure, Mr. Baring, Mr. Skubitz, Mr. Burlison of Missouri, Mr. Johnson of California, Mr. Foley, Mr. Saylor, Mr. Rooney of Pennsylvania, Mr. Quillen, Mr. Duncan, Mr. Clark, Mr. Ichord, Mr. Ullman, and Mr. Evins of Tennessee):

H.R. 16387. A bill to amend the Tariff Schedules of the United States to provide that certain forms of zinc be admitted free of duty; to the Committee on Ways and Means.

By Mr. ASPINALL (for himself, Mr. McClure, Mr. Baring, Mr. Skubitz, Mr. Burlison of Missouri, Mr. Johnson of California, Mr. Foley, Mr. Saylor, Mr. Rooney of Pennsylvania, Mr. Quillen, Mr. Duncan, Mr. Clark, Mr. Ichord, Mr. McEwen, Mr. Ullman, and Mr. Evins of Tennessee):

H.R. 16388. A bill to protect the domestic economy, to promote the general welfare, and to assist in the national defense by providing for an adequate supply of lead and zinc for consumption in the United States from domestic and foreign sources, and for other purposes; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 16389. A bill to encourage and assist the States in registering voters and in achieving efficient and convenient conduct of elections, and to establish within the Bureau of the Census and Election Assistance and Voter Registration Administration to carry out a program of election assistance, and for other purposes; to the Committee on House Administration.

By Mr. BOLAND (for himself and Mr. Jacobs):

H.R. 16390. A bill to amend the tariff and trade laws of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 16391. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

H.R. 16392. A bill to provide compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or a citizen of a foreign government; to the Committee on Merchant Marine and Fisheries.

By Mr. DANIELS of New Jersey:

H.R. 16393. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails; to the Committee on Post Office and Civil Service.

By Mrs. GRASSO:

H.R. 16394. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails; to the Committee on Post Office and Civil Service.

By Mr. GUDE (for himself, Mr. Edwards of California, Mr. Bennett, Mr. Scherle, Mr. Hicks of Washington, Mr. Blanton, Mr. Flowers, Mr. King, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Mosher, Mr. Clark, Mr. Yatron, Mr. Cleveland, Mr. Helstoski, Mr. Matsunaga, Mr. Moorhead, Mr. Sarbanes, Mr. Tiernan, Mr. Alexander, Mr. Podell, Mr. Eilberg, Mrs. Abzug, Mr. Drinan, and Mr. Rees):

H.R. 16395. A bill to amend the Small Business Act, to provide financial assistance for handicapped individuals establishing or operating small business concerns, and for other purposes; to the Committee on Banking and Currency.

By Mr. GUDE (for himself, Mrs. Grasso, Mr. Rangel, Mr. Brown of Michigan, Mr. Fascell, Mr. Esch, Mr. Steele, Mr. Horton, and Mr. Shriver):

H.R. 16396. A bill to amend the Small Business Act, to provide financial assistance for handicapped individuals establishing or operating small business concerns, and for other purposes; to the Committee on Banking and Currency.

By Mr. HELSTOSKI:

H.R. 16397. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers; to the Committee on the Judiciary.

H.R. 16398. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

H.R. 16399. A bill to amend title II of the Social Security Act to provide in certain cases for an exchange of credits between the old-age, survivors, and disability insurance system and the civil service retirement system so as to enable individuals who have some coverage under both systems to obtain maximum benefits based on their combined service; to the Committee on Ways and Means.

H.R. 16400. A bill to provide that State and local sales taxes paid by individuals shall be allowed as a credit against their liability for Federal income tax instead of being allowed as a deduction from their gross income; to the Committee on Ways and Means.

H.R. 16401. A bill to amend the Internal Revenue Code of 1954 to allow a deduction to tenants of houses or apartments for their proportionate share of the taxes and interest paid by their landlords; to the Committee on Ways and Means.

By Mr. McFALL (for himself and Mr. Mathias of California):

H.R. 16402. A bill to amend the Poultry Products Inspection Act, to include chickens, turkeys, ducks, geese, guineas, pheasants, and squabs within the definition of "poultry"; to the Committee on Agriculture.

By Mr. MAYNE:

H.R. 16403. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Algona, Iowa, for airport purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PETTIS:

H.R. 16404. A bill to amend the Federal-aid Highway Act to provide for a system of economic growth center highways to revitalize and diversify the economy of rural areas; to the Committee on Public Works.

By Mr. PRICE of Texas:

H.R. 16405. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT:

H.R. 16406. A bill to amend sections 101 and 902 of the Federal Aviation Act of 1958, as amended, to implement the Convention for the Suppression of Unlawful Seizure of Aircraft and to amend title XI of such act to authorize the President to suspend air service to any foreign nation which he determines is encouraging aircraft hijacking by acting in a manner inconsistent with the Convention for the Suppression of Unlawful Seizure of Aircraft and to authorize the Secretary of Transportation to revoke the operating authority of foreign air carriers under certain circumstances; to the Committee on Interstate and Foreign Commerce.

By Mr. BINGHAM:

H.R. 16407. A bill to provide credit against individual income tax paid for elementary and secondary education of dependents; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 16408. A bill to amend the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. DON H. CLAUSEN (for himself and Mr. Mizell):

H.R. 16409. A bill to amend the Federal-Aid Highway Act to provide for economic growth center highways to revitalize and diversify the economy of rural areas and smaller communities; to the Committee on Public Works.

By Mr. COUGHLIN:

H.R. 16410. A bill to amend section 521 of title 38, United States Code, to exclude from consideration as income, for the purpose of determining eligibility for pension, all payments of any kind or from any source, including salary, retirement or annuity payments, endowments or similar income, which a veteran receives or is entitled to receive after attaining age 72; to the Committee on Veterans' Affairs.

H.R. 16411. A bill to amend title II of the Social Security Act to increase to $5,000 a year (plus an additional amount to reflect the needs of other persons in the same household) the amount of outside earnings which a beneficiary may have without any deductions from his benefits thereunder; to the Committee on Ways and Means.

By Mr. FUQUA (for himself, Mr. Mosher, Mr. Teague of Texas, Mr. Hechler of West Virginia, Mr. Wydler, Mr. Downing, Mr. Winn, Mr. Frey, Mr. Flowers, and Mr. Camp):

H.R. 16412. A bill to amend the National Aeronautics and Space Act of 1958 to provide for certain additional reports to Congress, and for other purposes; to the Committee on Science and Astronautics.

By Mr. KASTENMEIER (for himself, Mrs. Abzug, Mr. Dellums, Mr. Mazzoli, and Mr. Mitchell):

H.R. 16413. A bill to establish an independent and regionalized Federal Board of Parole, to provide for fair and equitable parole procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. ROBISON of New York (for himself, Mr. Mollohan, and Mr. Davis of South Carolina):

H.R. 16414. A bill to provide for a rural water survey, to create a Rural Water Council, to provide incentive grants for rural water supply projects, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DON H. CLAUSEN:

H.J. Res. 1287. Joint resolution designating the 7-day period beginning on the 23rd day of September of each year as "National 'Miss Twins U.S.A.' Week"; to the Committee on the Judiciary.

By Mr. HORTON (for himself, Mr. Udall, Mrs. Abzug, Mr. Anderson of Illinois, Mr. Bell, Mr. Bingham, Mr. Blackburn, Mr. Cleveland, Mr. Dellenback, Mr. Dow, Mr. du Pont, Mr. Fisher, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hicks of Washington, and Mr. Hillis):

H.J. Res. 1288. Joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means; to the Committee on Government Operations.

By Mr. HORTON (for himself, Mr. Udall, Mr. Leggett, Mr. Mailliard, Mr. Mallary, Mr. Matsunaga, Mr. McCloskey, Mr. Pike, Mr. Preyer of North Carolina, Mr. Rees, Mr. Riegle, Mr. Robison of New York, Mr. Rosenthal, Mr. Scheuer, Mr. Seiberling, and Mr. Waldie):

H.J. Res. 1289. Joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means; to the Committee on Government Operations.

By Mrs. GREEN of Oregon (for herself, Mrs. Chisholm, Mrs. Grasso, Mr. Hansen of Idaho, Mrs. Hicks of Massachusetts, and Mrs. Mink):

H. Con. Res. 687. Concurrent resolution providing for the printing of additional copies of parts I and II of hearings entitled "Discrimination Against Women"; to the Committee on House Administration.

By Mr. COLMER (for himself, Mr. Sisk, Mr. Bolling, Mr. Young of Texas, Mr. Smith of California, and Mr. Latta):

H. Res. 1103. Resolution to amend the Rules of the House of Representatives with respect to House consideration of certain Senate amendments, to provide for the Delegates from Guam and the Virgin Islands, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 16415. A bill for the relief of Luigi Santaniello; to the Committee on the Judiciary.

By Mr. DOW:

H.R. 16416. A bill for the relief of Howard Lindberg; to the Committee on the Judiciary.

SENATE—*Wednesday, August 16, 1972*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, our governor, whose glory is in all the world, we commend this Nation to Thy merciful care, that being guided by Thy providence, we may dwell secure in Thy peace. Grant to the President of the United States and to all in authority, wisdom and strength to know and to do Thy will. Fill them with the love of truth and righteousness, and make them ever mindful of their calling to serve this people in Thy fear; through Jesus Christ our Lord, who liveth and reigneth with Thee and the Holy Spirit, one God, world without end. Amen.

—Common Prayer.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5065) to amend the Natural Gas Pipeline Safety Act of 1968.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 9092) to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H.R. 13324) to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, and for related purposes.

The enrolled bill was subsequently signed by the President pro tempore.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, August 15, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare, the Committee on the Judiciary, and the Committee on Public Works may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

U.S. AIR FORCE

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. ARMY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk read the nomination of Rear Adm. Damon W. Cooper, U.S. Navy, to be vice admiral.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 994, 995, 996, and 998.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INDIANA DUNES NATIONAL LAKESHORE

The Senate proceeded to consider the bill (S. 3811) to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 1, line 8, after the word "than," strike out "$33,900,000" and insert "$32,600,000"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes" approved November 5, 1966 (80 Stat. 1312), is amended to read as follows:

"SEC. 10. There are hereby authorized to be appropriated not more than $32,600,000 for the acquisition of land and interests in land pursuant to this Act."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC HEALTH SERVICE ACT

The Senate proceeded to consider the bill (S. 3441) to extend the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Health Service Act, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

SECTION 1. That section 306(a) of the Public Health Service Act is amended to read as follows:

"SEC. 306. (a) There are authorized to be appropriated to cover the cost of traineeships for graduate or specialized training in public health for physicians, engineers, nurses, sanitarians, and other professional health personnel, $16,000,000 for the fiscal year ending June 30, 1972; $18,000,000 for the fiscal year ending June 30, 1973; $22,000,000 for the fiscal year ending June 30, 1974; $26,000,000 for the fiscal year ending June 30, 1975; $30,000,000 for the fiscal year ending June 30, 1976, and $34,000,000 for the fiscal year ending June 30, 1977."

SEC. 2. Section 309(a) of such Act is amended to read as follows:

"SEC. 309. (a) In order to enable the Secretary to make project grants to schools of public health, and to other public or nonprofit private institutions providing graduate or specialized training in public health, for the purpose of strengthening or expanding graduate or specialized public health training in such institutions, there are authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972; $16,000,000 for the fiscal year ending June 30, 1973; $17,000,000 for the fiscal year ending June 30, 1974; $18,000,000 for the fiscal year ending June 30, 1975; $19,000,000 for the fiscal year ending June 30, 1976; and $20,000,000 for the fiscal year ending June 30, 1977."

SEC. 3. (a) Section 309(c) of such Act is amended to read as follows:

"(c) The Secretary shall make grants, to public and nonprofit schools of public health accredited by a body or bodies recognized by the Secretary, to provide assistance for—

"(1) comprehensive and multidisciplinary training in the field of public health; and

"(2) specialized consultative services and technical assistance in the field of public health."

(b) Section 309 of such Act is amended by adding at the end thereof the following new subsections:

"(d) The Secretary shall prescribe by regulation such terms and conditions as he deems necessary for the making of grants under subsection (c).

"(e) In awarding grants made under subsection (c), the Secretary shall give primary consideration to the relative number of students enrolled in such schools.

"(f) There are authorized to be appropriated for carrying out the purposes of section (c), $21,000,000 for the fiscal year ending June 30, 1973; $24,500,000 for the fiscal year ending June 30, 1974; $28,000,000 for the fiscal year ending June 30, 1975; $31,500,000 for the fiscal year ending June 30, 1976; and $35,000,000 for the fiscal year ending June 30, 1977.

"(g) To enable the Secretary to make project grants to schools of public health, and to other public or nonprofit private institutions providing graduate training in health care administration and management training, and for the purpose of strengthening or expanding such training in such institutions, there are hereby authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1973; $4,000,000 for the fiscal year ending June 30, 1974; $6,000,000 for the fiscal year ending June 30, 1975; $8,000,000 for the fiscal year ending June 30, 1976; and $10,000,000 for the fiscal year ending June 30, 1977.".

SEC. 4. Sections 306 and 309 of the Public Health Service Act are each amended by striking out "Surgeon General" each place it occurs and inserting in lieu thereof "Secretary".

Mr. KENNEDY. Mr. President, I am delighted to bring to the Senate the bill S. 3441, to extend and improve the expiring provisions of the Public Health Service Act in respect to the support of the Nation's schools of public health. The authorities for Federal support of public health training are found in sections 306 and 309 of the Public Health Service Act. They provide for support of graduate or specialized training in public health as follows: First, traineeships for professional public health personnel; second, special project grants for graduate or specialized training in public health; and third, formula grants to support the schools themselves. Federal funds appropriated under these authorities have encouraged, stimulated, and enabled the schools of public health and a wide variety of other educational institutions to develop and train health personnel to provide leadership for and service in public and voluntary health agencies and other health service programs.

The traineeship program—section 306—was first enacted in 1956. Traineeships have been authorized for graduate or specialized training in public health for physicians, engineers, nurses, and other professional health personnel. These traineeships are awarded to the schools of public health for the purpose of increasing the Nation's qualified health manpower pool in the field of public health.

The project grants for graduate or specialized public health training—section 309(a)—was first enacted in 1960. Project grants are awarded competitively to the schools of public health and to other nonprofit institutions. This program was authorized in recognition of the need for a national effort to provide special institutional support to institutions having the capability to initiate, strengthen, and expand specialized public health training at the graduate level. These project grants have made possible innovative and expanded curricula in schools of medicine, dentistry, engineering, nursing, and public health. Through these grants, students have been permitted to broaden their educational experience to include actual clinical situations in various health and medical care settings and to increase their potential for dealing with the problems of current and future health care systems.

The formula grant program—section 309(c)—was initially enacted in 1956. It authorizes grants to assist the schools of public health to provide comprehensive professional training, specialized consultative services, and technical assistance in the fields of public health and in the administration of State and local public health programs.

The committee's bill, Mr. President, strengthens and extends through fiscal year 1977 each of these three programs. In addition, the committee's bill authorizes an additional project grant program for health care administration and management training—section 309(g). There is evidence of great expansion in the need for administrative and management personnel in the health care industry. In last year's comprehensive manpower legislation, the Congress authorized the support of the training of these kinds of professional health personnel in the schools of medicine, dentistry, osteopathy, pharmacy, veterinary medicine, podiatry, optometry, and nursing. Section 309(g) of the committee's bill is designed to permit the schools of public health to also play their vital role in respect to the training of additional numbers of health professionals who will be able to grapple with the very complex administrative and management functions that this Nation's health care industry demands.

Mr. President, when this legislation was first enacted under Public Law 85–544 in 1958, there were 11 schools of public health. Today there are 18. They are: The University of California at Berkeley, Yale, Tulane, Johns Hopkins, Harvard, Michigan, Minnesota, Columbia, North Carolina, Pittsburgh, Puerto Rico, UCLA, Loma Linda, Hawaii, Oklahoma, Texas, Washington, and Illinois.

Hearings were held on S. 3441 on July 27, 1972. At that time all of the witnesses testified in strong support of the rapid enactment of S. 3441 except for the administration. Those who appeared before the committee included the American Public Health Association; the Association of the Schools of Public Health; the Association of American Medical Colleges; the American Academy of Family Practice; the American Medical Association; the Student American Medical Association; the Medical Library Association; the Association of Research Libraries; and the Association for Hospital Medical Education. Their testimony was very helpful to the committee in its consideration of S. 3441.

Mr. President, given the great national need in this area, the cost of this bill is not high. The total cost of the bill through fiscal year 1977 is $340.5 million.

Mr. President, I urge Senators to give their enthusiastic support to the bill.

Mr. President, on behalf of the distinguished Senator from New York (Mr. JAVITS), I ask unanimous consent to have printed in the RECORD a statement by him on S. 3441.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS

Although I cannot be present today because of other responsibilities in connection with the Republican National Convention, I urge Senators to support S. 3441, of which I am a cosponsor. The bill would extend authorities for Federal support of public health training—the oldest of the health manpower authorities administered by the Bureau of Health Manpower Education—with increased authorizations which would permit us to continue to encourage, stimulate, and enable schools of public health and a variety of other institutions to develop and train health personnel to provide leadership for, and service in, public and voluntary health agencies at the national, State, and local levels as well as for emerging health care systems such as health maintenance organizations.

I believe the 18 accredited schools of public health constitute a national resource through their multidisciplinary training of health manpower in the diverse and specialized disciplines of public health.

It is essential that we continue our commitment of Federal support if our schools of public health are to extend to meet the ever increasing demands for health personnel in areas such as comprehensive health planning, organization, and delivery of health services; environmental control; population; maternal and child health; epidemiology; nutrition; gerontology, drug abuse, and alcoholism; health education of the public; licensure of health facilities; and many others.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEDICAL LIBRARIES ACT OF 1972

The Senate proceeded to consider the bill (S. 3752) to extend programs for assistance to medical libraries which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Medical Libraries Act of 1972".

EXTENSION OF ASSISTANCE TO MEDICAL LIBRARIES

SEC. 2. (a) Section 393(h) of the Public Health Service Act is amended to read as follows:

"(h) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated $13,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, $17,000,000 for the fiscal year ending June 30, 1975, $19,000,000 for the fiscal year ending June 30, 1976, and $21,000,000 for the fiscal year ending June 30, 1977."

(b) The first sentence of section 394(a) of such Act is amended to read as follows:

"In order to enable the Secretary to carry out the purposes of section 390(b)(2) of this Act, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1973, $4,000,000 for the fiscal year ending June 30, 1974, $6,000,000 for the fiscal year ending June 30, 1975, $8,000,000 for the fiscal year ending June 30, 1976, and $10,000,000 for the fiscal year ending June 30, 1977."

(c)(1) Section 395(a) of such Act is amended by striking "June 30, 1973" and inserting in lieu thereof "June 30, 1977".

(2) Section 395(b) of such Act is amended by striking "June 30, 1973" and inserting in lieu thereof "June 30, 1977".

(d) Section 396(a) of such Act is amended to read as follows:

"SEC. 396. (a) In order to enable the Secretary to carry out the purposes of section 390(b)(5), there are authorized to be appropriated $4,500,000 for the fiscal year ending June 30, 1973, $6,000,000 for the fiscal year ending June 3, 1974, $7,500,000 for the fiscal year ending June 30, 1975, $9,000,000 for the fiscal year ending June 30, 1976, $11,500,000 for the fiscal year ending June 30, 1977."

(e) The first sentence of section 397(a) is amended to read as follows:

"In order to enable the Secretary to carry out the purposes of section 390(b)(6) there are authorized to be appropriated $3,500,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, $6,500,000 for the fiscal year ending June 30, 1975, $8,000,000 for the fiscal year ending June 30, 1976, and $9,500,000 for the fiscal year ending June 30, 1977."

(f) The first sentence of section 398(a) of such Act is amended by striking "June 30, 1973" and inserting in lieu thereof "June 30, 1977".

Mr. KENNEDY. Mr. President, S. 3752, the Medical Library Assistance Act of 1972, will extend through June 30, 1977, the current authority contained in the Public Health Service Act to provide financial assistance for the construction of health library facilities; to support training of health librarians and other information specialists; to expand and improve health library services through the provision of grants for library resources; to support projects of research and development in the field of health communications; to support the development of a national system of regional medical libraries; and to support biomedical publications.

The original Medical Library Assistance Act was passed in 1965, and was last extended in 1970. S. 3752 is an extension and improvement of that act. Federal funds appropriated under the act have assisted in dealing with the shortages of health information facilities and resources, manpower, and technological development. Through its extramural programs, the National Library of Medicine has built a network of regional medical libraries; it has helped to strengthen the Nation's biomedical libraries, it has supported the training of needed manpower, and it has served as the focal point for the Nation's effort in the biomedical information science area.

Public hearings were held, Mr. President, before my subcommittee on July 27, 1972. All of the witnesses who testified, except the administration, urged the passage of S. 3752 as rapidly as possible. The committee was very impressed with the quality of the testimony presented to it. In all, the committee received testimony from the Medical Library Association, the Association of Research Libraries, the Association of Hospital Medical Education, the American Medical Association, the Association of American Medical Colleges, the American Academy of Family Practice, the American Public Health Association, and the Association of the Schools of Public Health.

Mr. President, I shall describe the seven specific programs authorized by the committee's bill:

First, grants are authorized to assist in the construction of medical libraries;

Second, grants are authorized to support the training of individuals and to assist institutions in the development of training programs in library science and in the field of the communication of information pertaining to sciences related to health;

Third, grants are authorized for the compilation of existing, or writing of original, contributions relating to scientific, social, or cultural advancements in the biomedical sciences;

Fourth, grants are authorized to carry out projects of research, investigations, and demonstrations in the field of medical library science. These grants include the development of new techniques, systems, and equipment for information processing, storage and retrieval;

Fifth, grants are authorized to support public or private nonprofit medical libraries for the purpose of establishing, expanding, and improving their basic library resources and services;

Sixth, grants are authorized for the purpose of supporting regional medical libraries throughout the Nation;

Seventh, grants are authorized to support biomedical scientific publications and to procure the compilation, writing, editing, and publication of reviews, abstracts, indices, handbooks, bibliographies, and related matter pertaining to scientific works and scientific developments.

Mr. President, this is an excellent bill, and its cost is modest when compared with the comprehensive range of programs supported by the National Library of Medicine. The total cost of the bill for fiscal years 1974 through 1977 is $181 million. The bill was reported to the Senate from the committee by a unanimous vote of 17 to 0. I urge Senators to vote in favor of this needed extension of the Medical Library Assistance Act, and I am hopeful that the House of Representatives will act on a similar bill in the very near future so that it can be enacted in 1972.

Mr. President, on behalf of the distinguished Senator from New York (Mr. JAVITS), I ask unanimous consent to have printed in the RECORD a statement by him on the Medical Library Assistance Act of 1965.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS

Although I cannot be present today because of other responsibilities in connection with the Republican National Convention, I urge Senators to support S. 3752, of which I am a cosponsor.

The bill would extend the authority first provided by the Medical Library Assistance Act of 1965 which increased authorizations which would continue the support of vital health information resources and programs, and provide the tools and techniques which deal with the ever increasing volume of knowledge and information in the health sciences.

The legislation will provide the necessary flexible approach to meet the mass and complexity of health information and the magnitude of the problems involved in disseminating cumulative health sciences knowledge to health professionals, research scientists, educators and students.

The Nation's focal point for the collection and analysis of biomedical information is the National Library of Medicine at the National Institutes of Health. The legislation will permit the National Library of Medicine to continue to support medical libraries throughout the country and support the demonstrated successful system of regional libraries.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN J. YARNALL

The Senate proceeded to consider the resolution to refer the bill (S. 1594) for the relief of John J. Yarnall to the Chief Commissioner of the U.S. Court of Claims for a report thereon which had been reported from the Committee on the Judiciary with an amendment on page 1, line 2, after "John J.", strike out "Yarnell" and insert "Yarnall"; so as to make the resolution read:

Resolved, That the bill (S. 1994) entitled "A bill for the relief of John J. Yarnall, now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

The amendment was agreed to.

The resolution, as amended, was agreed to.

The title was amended, so as to read: "A resolution to refer the bill (S. 1594) for the relief of John J. Yarnall to the Chief Commissioner of the United States Court of Claims for a report thereon."

PHILIPPINE FLOODS AND U.S. ASSISTANCE

Mr. MANSFIELD. Mr. President, a short time ago, rains of seemingly Biblical proportions fell on the main island of Luzon in the Philippines. The floods which ensued put hundreds of farms and villages and much of the capital city of Manila under water, caused several hundred deaths, destroyed the basic rice crop and otherwise did untold damage to the Philippine Republic.

Rescue and relief efforts are reported to have been outstanding. The efforts of the Philippine Government and private Filipino organizations in this connection were supplemented by transport, medical, and other assistance from the U.S. armed services and the U.S. aid program.

The waters have now receded. The physical damage has surfaced. The Filipino people are now confronted with a Herculean task of cleanup. May I say, we have had some recent experience with floods and their cost in several of the Eastern Seaboard States, but in the Philippines, the flooding was many times more severe. The facilities for coping with the situation there, moreover, are far more limited and the reserves of food and other necessities are far less adequate.

It would be my expectation, Mr. President, that the administration will see to it that this Nation stands firmly with the Philippine Republic in this crisis. Whatever we can provide in the way of food, medicine, equipment, supplies, and other aid should be forthcoming, not only to help the Filipinos to restore the devastation but also to resume the interrupted momentum in economic and social development which the country has been undergoing in recent years. The continuance of that development is essential to preserve the prospects for freedom in this one independent and nonmilitarist state in Southeast Asia; that is correct, Mr. President, the Philippines is the one state in Southeast Asia with representative civilian government and where free press, free speech, and other democratic practices are pursued.

On that basis alone, we should give the most attentive consideration to the needs of the islands. There are other reasons, not the least of which is the longstanding special link between the United States and the Philippines, a tie which was forged in the mutual respect born of the common sacrifices of World War II. Speaking for myself, moreover, I am frank to state that I am gratified by the contrast between the outstandingly constructive role which the U.S. armed services was directed to play in flood work in the Philippines during the past few weeks and what they have been ordered to do day after day in Vietnam. Whatever the cost of helping to see the Philippines through this difficulty, I suspect that, in total, it is likely scarcely to equal a day's expenditures for the tragic destruction in which we are involved in Vietnam.

QUORUM CALL

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I wish to make it clear that the request of the joint leadership of the Committee on the Judiciary be allowed to meet today means a meeting of the full Judiciary Committee, which I understand has been called for 10:30 today.

Mr. SCOTT. Mr. President, if the distinguished majority leader would yield, no permission has so far been granted for any subcommittee of the Judiciary Committee to meet, and that is with special reference to the Subcommittee on Refugees and Escapees and the Juvenile Delinquency Subcommittee. No such request is pending.

Mr. MANSFIELD. The Senator is correct. However, under the rules, Senate committees may meet until the conclusion of morning business or until the pending or unfinished business is laid before the Senate.

Mr. SCOTT. Mr. President, I thank the Senator.

The PRESIDING OFFICER (Mr. MOSS). The Senator is correct. Until pending or unfinished business is laid before the Senate for the day, the committees are free to meet.

Mr. SCOTT. Mr. President, I yield back my time.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MOSS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order the Senator from Utah (Mr. Moss) is recognized for not to exceed 15 minutes.

HOW SHALL WE PLAN FOR OUR LAND?

Mr. MOSS. Mr. President, across the Nation, from the smallest village to the most congested urban sprawl, the one problem common to us all, at every level of government, is how shall we plan for our land?

It has been estimated that only 3 percent of the Nation's land is used for urban purposes, but pressure for development will increase. To what extent should that development impinge upon the Nation's cropland and grazing land—58 percent—upon forest land—22 percent—parklands and public installations—5 percent—and the remaining desert, swamp, tundra, and other lands—12 percent.

Competing demands and uses for land are increasing every day—for housing, community development, recreation, agriculture, commerce, industry, mining, and open space. But the immutable fact remains: while our population grows, our supply of land remains constant.

Over the last two and a half years, the Committee on Interior and Insular Affairs has given careful consideration to S. 632 and other related measures pending before it which are designed to improve the land use planning and management capabilities of Federal, State, and local government. S. 632, as amended and ordered reported by the committee, represents what the committee believes to be the most realistic and sound of the provisions of the pending bills and the recommendations presented in the last two Congresses.

This bill was introduced on February 5, 1971, by the Senator from Washington (Mr. JACKSON), for himself and Senators ALLOTT, ANDERSON, BELLMON, BIBLE, CHURCH, GRAVEL, HATFIELD, HOLLINGS, JORDAN of Idaho, MAGNUSON, METCALF, MOSS, and STEVENS.

On June 15, it was favorably reported by a majority vote of the Interior and Insular Affairs Committee, and has had surprisingly little substantive opposition considering the amount of controversy this subject usually generates.

In an editorial of August 15, the Wall Street Journal said:

> It [S. 632] appears to have the support of most environmentalists as well as industry groups such as the National Association of Manufacturers and the National Association of Electric Companies.

And quoting again from the Wall Street Journal editorial:

> This bi-partisan backing from politicians and lobbies that often are at each others' throats suggests that there is a growing weariness among such interests with protracted hassles over the siting of vital services. Such delays are costly to the companies involved, particularly if they are blocked from using a facility after they have already invested heavily.

The bill recognizes State planning by providing and reinforcing Federal grants-in-aid and gives technical assistance to the States to help them develop last-use programs for non-Federal lands on the basis of Federal criteria and guidelines. Some revision of existing land-use policies is essential to avert environmental chaos in the next three decades when the Nation is expected to build as many new homes, schools, hospitals and other structures as have been built in the last three centuries.

A program of Federal financial assistance to reinforce State planning and implementation—subject to Federal criteria and guidelines—is common to previously enacted environmental statutes. For example, title III of the Water Resources Planning Act of 1965 authorized the Water Resources Council to grant State funds for "development and participation in the development of comprehensive water and related land resources plans and programs" and to approve the plans if in accord with specific criteria.

Similarly, the 1965 amendments to the Federal Water Pollution Control Act of 1956 required States to establish water quality standards and implementation plans for interstate and coastal waters—subject to the approval of the Secretary of Health, Education, and Welfare.

With administrative functions housed in the Environmental Protection Agency, the Solid Waste Disposal Act of 1965 authorized grants to States to survey solid waste disposal practices and develop solid waste disposal plans.

The Clean Air Amendments of 1970 also vested the Administrator of EPA with similar important functions—to approve required State plans for implementing and enforcing national air quality standards and to award Federal grants to States for development of those plans. As more bills become law, the States are receiving expanded responsibilities in planning and managing our environmental resources.

This bill is not a panacea for all of the Nation's land use problems, I share the concern of my good friend the Senator from Maine (Mr. MUSKIE), that we should in no way impair the great progress we are making with the air and water quality legislation which he has long championed and which I fully support.

I, too, have some substantive concerns that the legislation should not preclude a State from setting higher standards than those suggested by the Federal guidelines. In addition, provision for an ordering of priorities in land use on a national and a regional basis is essential. I have only to look at the Four Corners area of my own part of the country to urge upon you a serious consideration of the necessity for an ordering of national and regional priorities and, therefore, the great necessity for serious consideration of land use and of this bill.

There are other basic issues which have been raised by Senator MUSKIE and by other distinguished Members of this body which are not simply jurisdictional in character. Amendments have been proposed by Senator RANDOLPH and will be proposed by others. I would urge your serious consideration of them and of the overall benefits to be derived from this bill. Action must be taken this year to give the States help in safeguarding land resources. Many States are marking time on land use planning while waiting for a Federal bill. So, we cannot afford to wait too long. This legislation is urgently needed and needed now.

The reason for my speaking up this morning is to ask for immediate consideration and urgent consideration of this proposal of planned use planning. Now is the time when we must move on a Federal level to enable the States to assume the responsibility at the State level with land use planning and proceed at once. The immutable truth is that they just are not making any more land. Our land is fixed in amount. What there is we have, and there will be no more. So what there is we must use properly, to the advantage of all of us, and we must preserve the environment in which we live.

If we are to continue to expand and grow, as we are today, not only in population, but also expanding and growing in housing, industry, and myriads of other things that go into our civilization, we must do something in an orderly manner to preserve for future generations the kind of environment and space in which life can be good and which we would all like to preserve.

I urge that we proceed with the land use planning bill and not become diverted into any kind of jurisdictional struggle over the bill, but that we do consider all amendments and suggestions carefully to improve areas in the bill. No bill is ever perfect, and should be subjected to examination by everyone in this body. I hope we can get on with the bill in the time that remains within this legislative session because it is urgent that we do something this year.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, will the Senator yield the remainder of his time to me?

Mr. MOSS. I am happy to yield the remainder of my time to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

ORDER FOR RECOGNITION OF SENATOR ALLEN WITH RESPECT TO H.R. 13915

Mr. ALLEN. Mr. President, I ask unanimous consent that, on Thursday or on Friday of this week when and if a message from the House with respect to H.R. 13915, or the antibusing legislation, or whatever bill designation, reaches the Senate, before the bill receives its first reading I be recognized for not to exceed 10 minutes for the purpose of making such requests, objections, motions, and comments as I may care to make with respect to such message.

This request has been cleared with the distinguished majority leader and the distinguished Republican leader. The reason for this request is that it is hoped that a time agreement will be worked out with respect to the interim agreement, Senate Joint Resolution 241, which is pending before the Senate as the unfinished business. If such a time agreement is reached the time would be under control and there would be no opportunity for the Senator from Alabama to get recognition.

So I make this request at this time.

The PRESIDING OFFICER. Does the Senator from Alabama wish to enter this order notwithstanding any other unanimous-consent agreements which may be operating at that time?

Mr. ALLEN. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. I thank the Chair and I thank the distinguished Senator from Utah for yielding to me.

ORDER FOR RECOGNITION OF SENATOR TUNNEY VACATED

The PRESIDING OFFICER (Mr. MOSS). Under the previous order the Senator from California (Mr. TUNNEY) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I have been asked by Mr. TUNNEY's office to vacate the order. Therefore, I ask unanimous consent that it be so vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 16254. An act making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes; and

H.J. Res. 1278. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Appropriations:

H.R. 16254. An act making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes; and

H.J. Res. 1278. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

COMMITTEE MEETING DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Commerce be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION RELATING TO USE OF THE CHARACTER "WOODSY OWL"

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORT ON CERTAIN RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS

A letter from the Deputy Chief of Naval Materiel (Procurement and Production), transmitting, pursuant to law, a report on the Department of the Navy's research and development procurement actions of $50,000 and over, for the period July 1, 1971, through June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

PROGRESS REPORT OF COST ACCOUNTING STANDARDS BOARD

A letter from the Chairman, Cost Accounting Standards Board, transmitting, pursuant to law, a report of that Board, from its inception through June 30, 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

PROPOSED FEASIBILITY INVESTIGATIONS OF CERTAIN POTENTIAL WATER RESOURCE DEVELOPMENTS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORTS RELATING TO THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION No. 21

"Relative to embargoes on products

"Whereas, The use of dangerous drugs has increased to an alarming proportion which has a far-reaching and disastrous effect on the physical, mental, and moral fiber of our society; and

"Whereas, The most dangerous of these drugs are derivatives of agricultural crops grown for profit in many areas of the world; and

"Whereas, Those countries where such crops are grown as well as those countries known to be places of processing and distribution centers for the usable concentrates have, according to the Federal Bureau of Narcotics, overtly condoned, or at least have been unduly lax in, the control of these products; and

"Whereas, In the best interests of all the people of the United States, it is imperative that such traffic cease forthwith; now, therefore, be it

"*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to immediately take such action as is in their power to embargo all importation of all *products* from any country known to be directly or indirectly involved in dangerous drug production or traffic; and be it further

"*Resolved,* That all direct aid now extended by the United States to any such country be immediately terminated; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on Appropriations, without amendment:

H.R. 16254. A bill making supplemental appropriations for disaster relief for the fiscal year ending June 30, 1973, and for disaster relief for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1047); and

H.J. Res. 1278. A joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes (Rept. No. 92–1048).

By Mr. MAGNUSON, from the Committee on Commerce, with an amendment:

S. 2483. A bill to provide a national program in order to make the international metric system the official and standard system of measurement in the United States and to provide for converting to the general use of such system within ten years after the date of enactment of this Act (Rept. No. 92–1067).

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

H.R. 9323. An act to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes (Rept. No. 92–1071).

By Mr. GURNEY, from the Committee on the Judiciary, without amendment:

S. 3490. A bill to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day" (Rept. No. 92–1049).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2816. A bill for the relief of Mary Danos Nayak (Rept. No. 92–1051);

S. 3835. A bill for the relief of Reynaldo Canlas Baecher (Rept. No. 92–1052);

H.R. 2394. An act for the relief of Antonio Benavides (Rept. No. 92–1053);

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro (Rept. No. 92–1054);

H.R. 5158. An act for the relief of Maria Rosa Martins (Rept. No. 92–1055);

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737 (Rept. No. 92–1056);

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won) (Rept. No. 92–1057); and

H.R. 10713. An act for the relief of Wilma Busto Koch (Rept. No. 92–1058).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation (Rept. No. 92–1066).

By Mr. McCLELLAN, from the Committee on the Judiciary, with an amendment:

S. 16. A bill to amend title IX of the Organized Crime Control Act of 1970 to provide civil remedies to victims of activities prohibited by said title, and for other purposes (Rept. No. 92–1070); and

S. 2087. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty (Rept. No. 92–1069).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

H.R. 7375. An act to amend the statutory ceiling on salaries payable to United States magistrates (Rept. No. 92–1065), together with supplemental views.

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 3583. A bill for the relief of Gerald Vincent Bull (Rept. No. 92–1059).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 173. A bill for the relief of Naoyo Campbell (Rept. No. 92–1060); and

S. 3252. A bill for the relief of Renato M. Dioquino (Rept. No. 92–1061).

By Mr. McCLELLAN, from the Committee on the Judiciary, with amendments:

S. 2567. A bill to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes (Rept. No. 92–1072);

H.R. 8389. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities (Rept. No. 92–1073), together with additional views; and

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery (Rept. No. 92–1074).

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 3716. A bill to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers (Rept. No. 92–1064), together with individual views;

S. 3762. A bill to extend the program for health services for domestic agricultural migrant workers (Rept. No. 92–1063); and

S. 3858. A bill to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes (Rept. No. 92–1062).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 14370. An act to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes (Rept. No. 92–1050), together with additional and minority views.

PRIVILEGE OF THE FLOOR

Mr. LONG. Mr. President, in connection with the reporting of the revenue sharing bill I ask unanimous consent that Mr. Laurence N. Woodworth, chief of staff of the Joint Committee on Internal Revenue Taxation, has the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972—CONFERENCE REPORT (S. REPT. 92–1068)

Mr. KENNEDY, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes, submitted a report thereon, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

Jack Franklin Bennett, of Connecticut, to be a Deputy Under Secretary of the Treasury;

Warren F. Brecht, of Connecticut, to be an Assistant Secretary of the Treasury; and

Frederic W. Hickman, of Illinois, to be an Assistant Secretary of the Treasury.

S. 3358—ORDER FOR A STAR PRINT

Mr. STEVENS. Mr. President, last June, hearings were held by the Senate Commerce Committee on S. 3358, a bill to prohibit the use of certain small vessels in U.S. fisheries. At these hearings, witnesses from the various Federal agencies concerned and from industry and other members of the private sector testified. As a result of those hearings, it was generally agreed that the bill should be substantially amended. It was also agreed as to the form those amendments should take.

At my request, General Counsel of the National Oceanic and Atmospheric Administration—NOAA—kindly agreed to assist in drafting the bill to my technical specifications.

As a result, I am now prepared to submit an amendment in the form of a substitute for the entire bill.

I ask unanimous consent that a star print be made of this bill as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I further ask unanimous consent that the bill as an ended be printed in the Congressional Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for a period of five years from the date of enactment of this Act, it shall be unlawful for any person on board any prohibited vessel to land or cause to be landed any fish in a port of the United States. Any prohibited vessel, when fishing, shall not be considered a vessel of the United States under the Act entitled "An Act to prohibit fishing in the territorial waters of the United States and in certain other areas by vessels of the United States and by persons in charge of such vessels", approved May 20, 1964 (16 U.S.C. 1081 *et seq.*).

Sec. 2. Any fish landed in contravention of this Act shall be liable to forfeiture. Any prohibited vessel seized for violation of this Act shall be liable to forfeiture. Any person or persons who knowingly takes, sells, transfers, purchases, or receives any fish landed in contravention of this Act shall be liable to a penalty of not more than $10,000 for each offense, in addition to any other penalty provided in law.

Sec. 3. Enforcement of this Act shall be the joint responsibility of the Secretary of Commerce, the Secretary of the Department in which the Coast Guard is operating and the Secretary of the Treasury.

Sec. 4. The provisions of this Act shall not apply to any vessel acquired prior to the date of enactment.

Sec. 5. The Secretary of Commerce, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating are authorized jointly and severally to issue such regulations as may be necessary to carry out the provisions of this Act.

Sec. 6. Definitions.

(a) As used in this Act the term "prohibited vessel" means any vessel of less than 5 net tons which (1) was constructed in a foreign country for use in a fishery of that country, and (2) has been used in any such fishery, and (3) has been subsequently prohibited by such country from continuing to engage in such fishery.

(b) As used in this Act the term "fish" includes mollusks, crustaceans, and all other forms of marine animal or plant life.

(c) As used in this Act the term "offense" means each separate landing of fish in contravention of this Act.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. METCALF (for himself and Mr. Nelson):

S. 3923. A bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal reporting services, to provide for reports of corporate ownership. Referred to the Committee on Government Operations.

By Mr. KENNEDY (for himself and Mr. Brooke):

S. 3924. A bill to designate the Federal Office Building being constructed in Fitchburg, Mass., as the "Philip J. Philbin Federal Office Building." Referred to the Committee on Public Works.

By Mr. ERVIN (for himself and Mr. Pearson):

S. 3925. A bill to be entitled "An Act to regulate the testimony of Newsmen in Federal Criminal Cases." Referred to the Committee on the Judiciary.

By Mr. DOMINICK (for himself, Mr. Williams, Mr. Javits, Mr. Pell, Mr. Boggs, Mr. Scott, Mr. Young, Mr. Griffin, Mr. Cook, Mr. Beall, and Mr. Case):

S.J. Res. 260. A joint resolution to delay the effectiveness of certain amendments to the interest subsidy provisions of the guaranteed student loan program in the case of certain students. Considered and passed.

By Mr. MATHIAS:

S.J. Res. 261. A joint resolution to authorize and request the President to issue a proclamation designating September 7, 1972, as "Constellation Day" in commemoration of the launching in 1797 of the U.S. Frigate *Constellation*. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METCALF (for himself and Mr. Nelson):

S. 3923. A bill to amend chapter 35 of title 44, United States Code, relating to the coordination of Federal reporting services, to provide for reports of corporate ownership. Referred to the Committee on Government Operations.

CORPORATE OWNERSHIP REPORTING ACT

Mr. METCALF. Mr. President, I introduce for appropriate reference the Corporate Ownership Reporting Act—CORA.

This bill, if enacted, would require large companies to report quarterly, to the Library of Congress, the names and addresses of each person or institution empowered to vote 1 percent or more of the voting securities of the corporation.

The bill further provides for publication of these ownership reports by the Library, and sale of the ownership document by the Superintendent of Documents.

Only corporations with gross revenues of $10 million or more annually would be required to file CORA reports.

The bill would not require identification of the beneficial owners of stock, the people or institutions who receive the dividends—even though their investments may be sizable—unless such beneficial owner is also the proprietary owner who controls the voting rights of 1 percent or more of the stock.

Many of the stockholders of middle American have been separated from stock voting rights by a maze of trust agreements, proxies, mergers, and complex administrative proceedings. It is the intent of this legislation to pierce this maze and produce a corporate voting list.

Stockholders, regulators, and the public which we in Congress represent need to know the identity of the decisionmakers in major corporations, the proprietary owners who control voting rights to significant amounts of stock. Stockholders need the information in order to make timely representation to principal voters well in advance of annual meetings.

Regulators need the information in order to enforce laws and regulation pertaining to the voting of securities.

The Congress needs the information in order to exercise its oversight over the regulatory commissions it established, and to evaluate the concentration of voting rights among relatively few institutional investors.

If this bill is enacted, it will be a Federal law that the above described corporations furnish the Librarian of Congress with the requisite corporate ownership information. This means that where corporations do not comply with such legal requirements, they can be subject to suits brought by the U.S. attorneys in Federal district courts to seek compliance both with respect to the act and to any orders of the courts related thereto. By the same token, corporations claiming injury by the operation or application of the act have the usual rights to challenge the information requirements.

There should be no doubt as to the powers of enforceability in this legislation.

In my June 28 speech to the Senate I announced my intention to introduce the Corporate Ownership Reporting Act during this session of Congress, so that interested parties may have ample opportunity to study the proposal prior to congressional hearings. At that time I described the inadequacy and in some cases the deceptiveness of present corporate ownership data, and the failure of regulatory commissions to require meaningful reports. I cited examples involving major airlines, electric utilities, agribusiness and major industrial concerns. I discussed the use of multiple nominees by banks and other institutional investors, the effect of which is to understate a bank's or insurance company's voting power in a corporation, sometimes reducing that voting power to invisibility in reports to Government regulators.

Since my Senate remarks of June 28, I have received from Chairman Dean Burch of the Federal Communications Commission a study, prepared by the American Bankers Association, which illustrates how voting rights by banks in broadcast companies have become concentrated, to an extent that was in gross violation of FCC regulations.

I shall summarize this situation because it adds to the case for this bill which I made in my remarks of June 28, which begins on page 22783 of the Congressional Record.

Until this summer the FCC held that in most instances no individual or institution could vote more than 1 percent of the stock in a broadcast company. That was a sensible rule. Substantial authorities consider a 5-percent voting interest in a widely held company, or even a lesser amount in some circumstances, to be a controlling interest, if the other votes are scattered.

The FCC, unfortunately, did not enforce its 1-percent rule. It has not even required broadcast companies to file annual ownership statements. However, the American Bankers Association did undertake a study of the voting rights of 20 large bank trust departments in broadcast companies—or their parent companies—and networks. This survey, now 3 years old but to my knowledge the only study of its kind, shows the following:

A single bank voted 10 percent of the stock in Crowell-Collier.

Single banks voted 7 percent of the stock in American Broadcasting Co. and Corinthian Broadcast.

A single bank voted 6 percent of the stock in the Columbia Broadcasting System.

Single banks voted 5 percent of the stock in Storer Broadcasting, Downe Communications, and Travelers Corp.

Single banks voted 4 percent of the stock in Westinghouse, Taft Broadcasting, National Life and Accident, Metromedia, and General Tire and Rubber.

Mr. President, possibly some of our colleagues may wonder about the American Bankers Association reference to such companies as General Tire and Rubber, National Life and Accident, Travelers Corp., and Westinghouse as broadcast companies. These companies are, of course, conglomerates, with some broadcast subsidiaries.

The ABA study showed that two banks voted 9 percent of the stock in Time, Inc. It has broadcast subsidiaries along with Time, Life, Fortune, and Sports Illustrated, which are soon to be joined by a new magazine, Money.

The ABA report on bank voting control of Time, Inc. illustrates the extent to which major bank trust departments have acquired sole voting rights to hundreds of stock accounts. One bank reported sole voting rights to 360,137 shares of Time, Inc. and joint voting rights to 16,795 shares. Together the sole and joint voting rights amounted to 5.2 percent of the Time, Inc. stock. But these voting rights were divided among an estimated 256 different accounts.

In another instance, a bank reported having sole voting rights to 271,352 shares of Time, Inc., and joint voting rights to 37,257 shares, amounting to 4.3 percent of the total voting stock. These voting rights by the one bank were divided among 128 different accounts.

The FCC did not use the information in the ABA study to enforce the 1-percent ownership rule. Instead, the FCC changed its regulations this summer, so a bank can now vote up to 5 percent of a broadcast company's stock. But even the 5-percent rule is not being enforced. The FCC still does not require annual ownership reports from broadcasters, although it is trying to pull together ownership data, at my request. The FCC has given the banks 3 years in which to reduce their holdings to the new, more lenient limit. Given the lack of enforcement of the 1-percent limit, or the 5-percent limit, it would be surprising if the banks do not use the next 3 years to gather support for a yet higher limit on an individual bank's voting rights in the station or network, such as 10 percent, and for the cultivation of Commissioners who will again acquiesce.

Mr. President, I regard the collection and publication of a corporate voting list as a necessary tool in the operation of our democratic, capitalistic system. If people are going to work for reform within the system, they must know who the system is.

Chairman Burch of the FCC, when honored with an LL.D. by Trinity University in San Antonio last May, stated that—

> By diversifying ownership and control, we seek a system wherein no single voice and no single judgment dominates the mass communications media.

I concur in that statement, and suggest that the legislation which I today propose will help achieve that objective, which received a serious setback when the FCC decided in June, over the objections of Commissioners Johnson and Bartley, to permit increased ownership and control of the media by banks.

I ask unanimous consent to have printed at this point in the RECORD the text of the Corporate Ownership Reporting Act and my recent correspondence with two officials of Time, Inc.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 3923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Corporate Ownership Reporting Act."

SEC. 2. (a) Chapter 35 of title 44, United States Code, is amended by adding at the end thereof the following new section:

"§ 3512. Corporate ownership reports.

"(a) As used in this section—

"(1) the term 'corporation' means any business concern which has, during its most recent full fiscal year, gross income, as defined in section 61 of the Internal Revenue Code of 1954, in excess of $10,000,000; and

"(2) the term 'owner' means any person who directly or indirectly or acting through one or more persons has power to vote 1 per centum or more of any class of voting securities of a corporation.

"(b) Not later than July 31, 1974, and at quarterly intervals thereafter, each corporation doing business in the United States shall furnish to the Librarian of Congress a report containing the name and address of each owner of that corporation, together with the number and percentage of any class of the voting securities of the corporation which such owner is authorized to vote.

"(c) Notwithstanding any other provision of law, the Librarian of Congress shall prepare and cause to be printed quarterly a National Corporate Ownership List, consisting of all reports received by him. Copies of the National Corporate Ownership List shall be available for sale to the public by the Superintendent of Documents.

(b) The analysis of such chapter is amended by adding at the end thereof the following:

"3512. Corporate ownership reports.".

TIME, INC.,
July 18, 1972.

Hon. LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: I see you are offering copies of the Nominee List, free of charge. I'd be most grateful if you would send me a copy of it.

I assume you realize that stock held by banks in nominee name is, in most cases, not owned by the bank but by individual clients of the banks. As a result, it has been impossible for companies to identify important stockholders when such information could be very useful.

Sincerely yours,
HENRY LUCE III,
Vice President, Corporate Planning.

JULY 31, 1972.

Mr. HENRY LUCE III,
Vice President, Corporate Planning,
Time, Inc., Rockefeller Center,
New York, N.Y.

DEAR MR. LUCE: In response to your 18 July request I am pleased to send you a free copy of the Nominee List.

If you prefer an original, with larger type, I am sure that the American Society of Corporate Secretaries, located conveniently at 9 Rockefeller Plaza, would provide you with a copy, now that the Society has reversed its previous policy of refusing to share the Nominee List with newsmen and regulators. The Society may, however, charge you $20.

I understand that banks do not usually own the stock which is in the name of their various nominees. I also realize that in many cases the banks vote such stock.

I certainly agree with you that it is important for companies to know who their important stockholders are. The Nominee List helps company officials find that out. I have done some of the research regarding Time, Inc. and included it in a recent Senate speech, which I enclose for your information.

These materials should help you elucidate the ownership of Time in your October statement, which I look forward to reading.

Let me know if I can be of further service.

Very truly yours,
LEE METCALF.

TIME, INC.,
August 3, 1972.

Hon. LEE METCALF,
Senate Office Building,
Washington, D.C.

DEAR SENATOR METCALF: I am writing to you in connection with your recent testimony before the Senate Small Business Subcommittee on Monopoly. At those hearings, you referred to the listing by Time Incorporated of its stockholders in the report the company filed under the Postal Reorganization Act.

Section 3685 of that Act provides, in part, that "each owner of a publication having periodical publication mail privileges shall furnish to the Postal Service . . . and shall publish in such publication . . . information *in such form and detail* . . . as the Postal Service may require with respect to . . . the identity of the stockholders thereof." (Emphasis supplied.)

The Postal Service requires, in Form 3526 of July, 1971, the form on which such report was filed, that there be stated ". . . the names and addresses of the stockholders owning or holding one percent or more of total amount of stock. . . ." The instructions applicable to that requirement provide that the publisher include ". . . in cases where the stockholder . . . appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting."

Time Incorporated completed that form in accordance with those instructions, in precisely the same manner that it has been filing similar forms for years. Had the form, the instructions or the law required us to do more, we certainly would have complied.

Now that the question has been raised, we propose to write to each shareholder of record who, on August 28, 1972, owns more than one percent of the stock of the company and request that each inform us if he acts as trustee or in any other fiduciary relation and if so, the names and addresses of the persons or corporations for whom he is so acting (see note). We shall then include in our report for 1972 whatever information we obtain in this manner. You understand, of course, that we have no means of requiring answers to our request, and the information we obtain may be incomplete. If further information of this nature should be required, it seems to us that it must come by a change in the law which would give us the means of acquiring that information.

We think it unfortunate that your testimony seemed to imply that there was some sort of questionable relationship between Time Incorporated and The Morgan Guaranty Trust Company. Of course there is nothing questionable about our relationship with that bank or with any other bank, whether or not acting in a fiduciary capacity.

Your testimony has placed us in a difficult public position over which we have no control. This letter represents our efforts to cope with that problem. We would be pleased to discuss this matter further if you so desire.

Sincerely yours,

ANDREW HEISKELL,
Chairman of the Board.

NOTE.—August 28, 1972, is the company's record date nearest to September 1, 1972.

AUGUST 9, 1972.

Mr. ANDREW HEISKELL,
Chairman of the Board, Time, Inc.,
Rockefeller Center, New York, N.Y.

DEAR MR. HEISKELL: I appreciate your 3 August letter regarding my Senate reference to principal stockholders of Time, Inc., and other corporations.

I am sending two enclosures which may be helpful to you.

The first is my Senate speech of 28 June. I call your particular attention to this paragraph:

"Let me emphasize that I do not propose identification of the beneficial owners of the stock, the people or institutions who receive the dividends, even though their investments are sizeable. What the public, the stockholders, the regulators need to know is the identity of the proprietary owners—the voters—of significant amounts of stock."

You state that you proposed to write each shareholder of record who holds more than one percent of the stock of the company, and ask them to identify the persons or corporations for whom they act as a trustee or in any other fiduciary capacity, and that you shall include this information in your report required under the Postal Reorganization Act.

That is of course your prerogative. It will, however, in my opinion, lead to unnecessary paperwork and expense without providing the identity of the proprietary owners who vote the principal blocks of stock.

My second enclosure elaborates on that point. It is that portion of a report by the American Bankers Association, furnished me by Chairman Burch of the Federal Communications Commission, which deals with voting strength in Time, Inc. by nineteen banks. You will see that one bank has sole voting rights to 360,167 shares of stock, and joint voting rights to 16,795 shares, comprising in total 5.2 percent of the shares voted. But these concentrated voting rights are divided among an estimated 256 accounts.

In another situation, as you can see, a bank has sole voting rights to 271,352 shares and joint voting rights to 37,257 shares. Together this amounts to 4.3 percent of the stock voted. But the voting rights of this bank are divided among 128 accounts.

If you wish to obtain and publish the names and addresses of the hundreds of beneficial owners of stock in your company, that is of course your privilege. If you choose to obtain and disclose voluntarily the names of those few institutions and individuals which have voting control of the principal blocks of stock, Time, Inc. will have made an important breakthrough in the establishment of the people's right to know.

Very truly yours,

LEE METCALF.

FROM AMERICAN BANKERS ASSOCIATION SURVEY OF 20 LARGE BANK TRUST DEPARTMENTS

	Time, Inc., bank voting control				
	Percent outstanding	Number of shares voted		Percent voted	Number of accounts
		Sole	Joint		
Number of shares:					
510,346	7.0	271,352	37,257	4.3	128
4,045	—.1		3,550	—.1	6
8,004	.1	6,038	440	—.1	24
55	—.1	55		—.1	1
95,257	1.3	14,261	22,632	.5	[1] 22
34,523	.5	10,454	1,200	.2	8
207,798	2.9	184,810	6,270	2.6	[1] 125
437,673	6.1	360,167	16,795	5.2	[1] 256
10,607	.1	8,883		.1	18
14,530	.2	6,383	300	.1	14
8,599	.1	210	5,334	—.1	4
143,402	2.0	2,000	20,752	.3	8
1,081,720	15.0	64,758		.9	[1] 46
204,094	2.8	111,987	50,314	2.2	[1] 125
8,007	0.1	7,919	88	0.1	3
125,772	1.7	88,290	26,190	1.6	[1] 120
58,757	.8	19,382	25,325	.6	160
775	—.1	100	600	—.1	2
2,950	—.1		200	—.1	1

[1] Estimated.

Note: 19 hold; 8 hold 1 percent or more; 5 banks vote 15.9 percent.

By Mr. KENNEDY (for himself and Mr. BROOKE):

S. 3924. A bill to designate the Federal Office Building being constructed in Fitchburg, Mass., as the "Philip J. Philbin Federal Office Building." Referred to the Committee on Public Works.

Mr. KENNEDY. Mr. President, today I join with Senator BROOKE to introduce a bill to designate the Federal office building being built in Fitchburg, Mass., as the Philip J. Philbin Federal Office Building.

Congressman Philbin served in the Massachusetts delegation as a Member of the House of Representatives from January 6, 1943, until January 2, 1971. In these 28 years, few, if any, Members of that body were more highly respected and esteemed, nor more beloved by the people he represented and the people he served with. Phil Philbin, representing the third congressional district, gave his personal attention to the needs and desires of all of his constituents. No pleas for assistance went unheeded; no request for advice was ever ignored. It is true that Congressman Philbin's office was a model to the rest of us in the Congress. Seldom in the history of Massachusetts has a person labored so selflessly and diligently for his constituents. For this dedicated service to the citizens he represented he will always be remembered; and it is for this reason that Senator BROOKE and I introduce this bill to honor his name.

Phil Philbin was a hard worker, a staunch believer in individual freedom and human dignity, and a dedicated and kindly man. His career began in 1921, when he served as an aide to the late Senator David I. Walsh. Twenty years later he began his own legislative career when he was first elected to the House of Representatives. Through the years, he gained stature and respect among his fellow representatives through his service on the Armed Services Committee, and he gained knowledge and expertise in the field of military appropriations. But Phil Philbin left more than a record of legislative achievement; he supported and supplemented the tradition of a representative leader.

Congressman Philbin was respected by his colleagues for his legislative leadership, as well as for his deep understanding of the legislative process. He was a national legislator who conducted himself in the highest tradition of dedicated public and personal service. Phil Philbin's public career was spent in great part in untiring efforts for the men and women who served in our Nation's armed services. Congressman Philbin's first concern was for the welfare of those who were serving the United States. He dedicated himself to bettering conditions under which servicemen and women worked and lived. His prime concerns were better housing, better pay, and better retirement benefits. Many of the improvements in the area of military justice were because of Phil Philbin's efforts.

In his daily life he reflected the richest qualities of human commitment and patriotic service. Phil Philibin's integrity, his devotion to his constituents and his country, the strength of his friendships, and the pleasantness of his personality represented the highest qualities of human life. In difficult and challenging times, Congressman Philbin met each situation in a spirit of challenge, never shirking public responsibility for personal comfort.

At this time, the people of Fitchburg wish to give tribute to the man who represented them so well for three decades. We want to join with them in honoring Philip J. Philbin by designating the new Federal building in Fitchburg to be named in his memory. We all realize that naming a building after any individual is not the only tribute we wish to pay him. The real tribute to Phil Philbin comes from the hearts of those he represented. The naming of the Federal building in Fitchburg for Phil Philbin is just the visible sign for the sense of loss of this dedicated Congressman and the sense of loyalty to his tradition of leadership.

The people fo Fitchburg may not always have agreed with Phil Philbin's judgment, but they did know their views would always get a fair hearing and intelligent study. Others may choose a life of personal gain or leisure; Phil Philbin chose a life of public service, performed on his job with diligence and commitment, and gained the respect and admiration of those he served so well. We can formally recognize this commitment to public service by naming the Federal building in Fitchburg the Philip J. Philbin Federal Office Building.

Mr. President, I ask unanimous consent that the bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal office building being constructed in Fitchburg, Massachusetts, on the site bounded by Maine and Academy Streets on the Marrman Parkway, is hereby designated, and shall be known, as the "Philip J. Philbin Federal Office Building".

Sec. 2. Any law, rule, regulation, document, map, or record of the United States in which reference is made to the Federal office building referred to in the first section of this Act shall be held and considered to be a reference to the Philip J. Philbin Federal Office Building.

Mr. BROOKE. Mr. President, Senator Kennedy and I have joined to introduce legislation naming the new Federal Office Building in Fitchburg, Mass., in honor of the late Representative Philip J. Philbin.

Phil Philbin represented the northern Worcester County area in the Congress for nearly three decades. He was a diligent and fair-minded public servant. He served the broad interests of this Nation as chairman of the House Armed Services Committee. And he represented his district well, never failing to tend to countless details of interest to his constituents.

He was a lifelong resident of Clinton, Mass., a lovely town just south of Fitchburg. It is largely as a result of his persistent efforts that a badly needed Federal office complex will be constructed in Fitchburg, housing the postal service and several Federal agencies. It is therefore especially fitting that this Federal office building be named in his honor. This proposal has the active support of Mayor Carleton E. Blackwell, of Fitchburg, and the countless residents who knew and cherished Phil Philbin during his many years of public service.

I hope that the Senate will give its prompt approval to this proposal.

By Mr. ERVIN (for himself and Mr. Pearson):

S. 3925. A bill to be entitled "An Act To Regulate the Testimony of Newsmen in Federal Criminal Cases." Referred to the Committee on the Judiciary.

THE TESTIMONY OF NEWSMEN IN FEDERAL CRIMINAL CASES

Mr. ERVIN. Mr. President, on behalf of the distinguished Senator from Kansas (Mr. Pearson) and myself, I introduce for appropriate reference a bill to be entitled "An act to regulate the testimony of newsmen in Federal criminal cases."

I ask unanimous consent that a copy of the bill be printed at this point in the body of the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. As used in this statute, the term "Newsman" means any person who gathers information for dissemination to the public as news or pictures through the instrumentality of the press, a radio station, a television station, or any other medium of communications; and the pronouns he and him refer to any such person of either sex.

Sec. 2. A newsman shall be competent and compellable to testify as a witness in a criminal proceeding before a federal grand jury or a criminal action in a federal court in respect to information gathered by him for the purpose stated if these conditions concur in respect to such information: First, the information is based on the personal knowledge of the newsman rather than on hearsay communications received by him from others; second, the information tends to prove or disprove the commission of a crime allegedly committed by a third person which is being investigated by the grand jury or made the subject of prosecution in the court; and, third, testimony similar to the information is not readily obtainable from another source.

Sec. 3. When a newsman is subpoenaed to testify in a criminal proceeding before a federal grand jury or in a criminal action in a federal court, the newsman may move before the judge of the court in which the grand jury is sitting or in which the criminal action is pending to quash the subpoena on the ground that the testimony sought to be elicited from him under it does not satisfy the three conditions enumerated in the preceeding section. After notice to attorneys for the prosecution and defense, the judge shall hear and determine the motion of the newsman in camera and enter such order as may be necessary to protect the newsman against disclosing any information gathered by him for the purpose aforesaid which does not satisfy the conditions enumerated.

By Mr. MATHIAS:

S.J. Res. 261. A joint resolution to authorize and request the President to issue a proclamation designating September 7, 1972, as "Constellation Day" in commemoration of the launching in 1797 of the U.S. frigate *Constitution.* Referred to the Committee on the Judiciary

Mr. MATHIAS. Mr. President, the Congress recently sent to the President a measure to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation.* In further commemoration of this anniversary, I am today introducing a joint resolution which would proclaim September 7, 1972, "Constellation Day."

The *Constellation* was the first frigate of the infant U.S. Navy to be put to sea, and gave much useful service in the undeclared war with France. Built in Baltimore and manned almost exclusively by Marylanders, she was the result of an act of March 27, 1794, which initiated the first building program for modern warships under Secretary of Navy Pickering and designer Joshua Humphreys. In 1799 the *Constellation* became the first American ship to capture a foreign warship, the French *Insurgent.* It was a major victory for the young Nation, and the *Constellation* was toasted as the "wooden walls of America."

Her captain, Thomas Truxtun, of Baltimore, became known for his training methods and discipline. The young David Porter served under Truxtun as a midshipman, and went on to become one of America's greatest naval heroes in the War of 1812.

Today, berthed in Baltimore Harbor, the *Constellation* serves as the base for a cadet training program, in keeping with Captain Truxtun's tradition. Plans call for it to become the center for a maritime-vocational-industrial program for high school dropouts under the Department of HEW and the city of Baltimore.

Mr. President, Baltimore is planning a full day's worth of activities in honor of the *Constellation* starting at 1:30 p.m. on September 7 on the Baltimore dock. The U.S. Navy Band will present the Spirit of Freedom later that evening. Other groups participating will be the Quantico Marine Band, the Old Guard Fife and Drum Corps, the First Army Band, and the Air Force Honor Guard Drill Team.

I would like to extend an invitation to all my colleagues to attend the festivities planned in Baltimore on September 7. The Soviet training ship *Tovarish* has been invited to sail to Baltimore and berth alongside the *Constellation,* with the American cadets serving as hosts.

The *Constellation* now stands as a shrine to the first successful defense of the fruits of the American Revolution, and it is my hope that many of you will find the time to join in the celebration of Constellation Day.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 32

At the request of Mr. Kennedy, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 32, the Conversion Research, Education, and Assistance Act.

S. 3669

At the request of Mr. Jackson, the Senator from Nevada (Mr. Bible), the Senator from Tennessee (Mr. Brock), the Senator from Nevada (Mr. Cannon), the Senator from Colorado (Mr. Dominick), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from Washington (Mr. Magnuson), the Senator from Montana (Mr. Metcalf), and the Senator from Rhode Island (Mr. Pastore), were added as cosponsors of S. 3669, the Criminal Justice Reform Act of 1972.

S. 3762

At the request of Mr. Kennedy, the Senator from Colorado (Mr. Dominick), the Senator from Wisconsin (Mr. Nelson), and the Senator from West Virginia (Mr. Randolph) were added as cosponsors of S. 3762, a bill to amend the Public Health Service Act to assist in the providing of health services to migrant health workers, and for other purposes.

S. 3858

At the request of Mr. KENNEDY, the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. JAVITS), the Senator from Minnesota (Mr. MONDALE), the Senator from Wisconsin (Mr. NELSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alaska (Mr. STEVENS), the Senator from Illinois (Mr. STEVENSON), the Senator from Ohio (Mr. TAFT), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3858, a bill to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes.

S. 3873

At the request of Mr. MCINTYRE, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3873, a bill to amend the Occupational Safety and Health Act of 1970, to improve the administration of that act with respect to small business.

SENATE JOINT RESOLUTION 256

At the request of Mr. TUNNEY, the Senator from New Jersey (Mr. WILLIAMS) was added as a cosponsor of Senate Joint Resolution 256, a joint resolution relating to the account of prisoners of war and missing in action servicemen in Southeast Asia.

TAX REFORM ACT OF 1972—AMENDMENT

AMENDMENT NO. 1441

(Ordered to be printed and referred to the Committee on Finance.)

Mr. MONDALE. Mr. President, I send to the desk an amendment to S. 3378, the Tax Reform Act of 1972.

Mr. President, I sponsored S. 3378 to indicate my support for the broad objectives of that bill: reform of our tax system to close loopholes unfairly benefiting special interests, and fair treatment for the ordinary taxpayer.

I said in connection with introduction of the bill last March that I disagree with several of its specific provisions, and believe that others require further study. The amendment which I submit today would correct a number of my concerns, and I believe, strengthen the bill.

Hearings should be conducted, of course, to see what other changes may be needed.

CONVERSION RESEARCH, EDUCATION, AND ASSISTANCE ACT OF 1972—AMENDMENTS

AMENDMENTS NO. 1442, 1443, AND 1444

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK submitted three amendments intended to be proposed by him to the bill (S. 32) to authorize the National Science Foundation to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes.

INTERIM AGREEMENT BETWEEN UNITED STATES AND U.S.S.R.—AMENDMENT

AMENDMENT NO. 1445

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY. Mr. President, I am submitting today an amendment to the Resolution of Approval of the Interim Agreement which would encourage the President to move from the present limitations on quantitative weapons to similar checks on the qualitative arms race. This amendment is cosponsored by Senator HART and Senator MATHIAS.

The amendment places Congress on record as being in favor of negotiating a comprehensive nuclear test ban treaty. It states that pursuant to the Declaration of Basic Principles signed by President Nixon and General Secretary Brezhnev, the Congress urges the President to announce a moratorium on underground nuclear testing to remain in effect so long as the Soviet Union abstains. The amendment also urges the President to set forth promptly a new proposal to the Soviet Union and other nations for a permanent treaty to end all nuclear weapons testing.

Mr. President, I ask unanimous consent that the text of the amendment be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, I have submitted a similar measure as a separate resolution, Senate Resolution 230, and it is now before the Foreign Relations Committee. But I believe the current debate over the next steps that the United States should take in the field of arms control must focus on the question of limiting qualitative improvements in the arms race.

Mr. President, I was pleased to note the news reports yesterday of the statement by the Soviet representative at the Geneva Disarmament Conference. The public declaration in favor of a ban on underground nuclear testing by the Soviet Union breaks a lengthy silence on the subject by the two superpowers.

Now is the time for the United States to respond to the challenge with a new initiative of our own. Therefore, yesterday I urged the President to announce a moratorium and to propose a new initiative at Geneva for a permanent treaty I ask unanimous consent for the full text of my statement to be inserted in the RECORD at the conclussion of my remarks along with the United Press International wire services report of the Soviet statement.

It is also noteworthy in this regard to recognize that other nations are strongly in favor of a permanent end to all nuclear weapons tests. The United Nations General Assembly last year passed unanimous resolutions supporting such action.

And only last month, Mrs. Alva Myrdal, chairman of the Swedish delegation to the Conference of the Committee on Disarmament, stated:

> Logically, the next step to follow the limitation of the defensive super systems of ABM ought to be a freeze on the qualitative development of offensive weapons. A cessation of nuclear weapons tests then becomes of imminent urgency.

I ask unanimous consent to have the full text of Mrs. Myrdal's statement printed after the conclusion of my remarks.

Adoption of this amendment will represent Senate recognition of that urgency.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY MINISTER OF STATE, MRS. ALVA MYRDAL

Mr. Chairman,

Already in my first intervention during this renewed session I took the opportunity to state that the Swedish Government has regarded the conclusion of the Moscow pact on nuclear missiles, which resulted from the bilateral SALT negotiations, as a very encouraging event. It should not only promote a relaxation of political tensions. It should also serve to preclude further wasteful acquisition of vast armament supplies in the fields comprised by the various agreements. Such a gratifying curtailment of a dangerous trend is of course most definitively achieved in regard to the ABM-system, on which the agreement is embedded in treaty form. However, it is also of a promising character in relation to the numerical freeze on offensive strategic missiles.

Logically, the next step to follow the limitation of the defensive super systems of ABM ought to be a freeze on the qualitative development of offensive weapons. A cessation of nuclear weapons tests then becomes of imminent urgency. We should therefore have the right to hope that the renewed series of SALT negotiations will start with this measure, which is of such crucial importance. Then we can believe that the arms limitations agreements will mean a definite halt of the nuclear arms race.

So far, the course of events has not seemed to be near attaining a full-stop to the arms race. Alarms are being raised among commentators, in political as well as military quarters, that the Moscow agreements of this spring have left the doors open for developments of greater potential danger than the ones they have so far succeeded in curbing. First, the Moscow agreements did not concern themselves with the number of nuclear warheads as such. Secondly, they did not bar modernization of missiles, nor such qualitative "improvements" as replacing the present generation of long range bombers or nuclear-armed submarines by future armadas with even more assured kill-efficiency. The new methods of using Laser and TV-guidance for conventional precision bombing, reported to be used in Indo-China, might presumably also be applied to nuclear bombing. Thus, what may well lie ahead is still another turn in the spiral of qualitative escalation of nuclear weapons systems.

Most imminent of the developments which will de-stabilize the strategic arms balance and open yet another phase of the arms race, thus threatening the security of all of us, is, of course, the multiplication of warheads for each missile through MRV and MIRV. It is here that our multilateral negotiations become directly concerned. In order to put up a bar against such developments the technical measure most indicated is none other than "the comprehensive test ban, which we in this Committee have studied—and delayed—for so long", to again use the same words as in my last statement.

Against this background it is disconcerting to find that the two superpowers have not expressed, in the extensive documents published on the Moscow agreements, any intention to start negotiations on a comprehensive test ban, which would seal off the possibility of pursuing nuclear tests underground. Such tests are, in the circumstances of today, truly ominous. They have helped to produce MIRV. They are now believed to be essential for the development of warheads for those ever more sophisticated nuclear weapon systems, the planning of which is still uninhibited.

Or, is it feasible to develop nuclear warheads for the Trident submarine or the B1 bomber without further testing? I put this question to the delegation of the US. If the answer is that tests must be made, then we must also press for an answer on a next question, central to the CCD: How many years will a CTB be virtually blocked by decisions to go ahead with such projects?

I will phrase a question with a similar bearing to the USSR delegation somewhat differently, given the different basis of information available. What are the requirements behind the intense testing activity observed lately? For the last 18 months we have our own observations or official announcements about at least 60 nuclear explosion tests—3 by China, 5 by France, 16 by the USA and not less than 36 by the USSR. What weapon systems are they concerned with? And what is the time perspective for ending activities?

The answers to these questions will tell whether I was right when I surmised in my statement of March 14th (CCD/PV. 549), that we might be forced to interpret the unwillingness of the major testing powers to negotiate a CTB as an unwillingness to stop testing.

In the situation after SALT I, it becomes more strongly than ever incumbent on the members of the CCD to take up the seemingly abandoned issue of the test ban and produce, urgently, an agreement to prohibit further testing of nuclear weapons, in all environments.

The implications of an unabated arms race are of concern not only to the superpowers. The statement of the Secretary General when he addressed this Committee on February 29 this year reminded us of what is at stake. "A comprehensive test ban treaty would strengthen the Treaty on the Non-Proliferation of Nuclear Weapons, which remains the foremost achievement thus far of the disarmament negotiations. It would be a major step towards halting what has been called "vertical proliferation", that is, the further sophistication and deployment of nuclear weapons, and would also strengthen the resolve of potential nuclear weapon states not to acquire nuclear weapons and thereby help to prevent the "horizontal proliferation" of such weapons.

On the other hand, if nuclear weapon tests by the nuclear powers continue, the future credibility and perhaps even the viability of the Non-Proliferation Treaty achieved after such painstaking effort may be jeopardized. I need not describe the greatly increased dangers that would confront the world in such event."

Mr. Waldheim's words are even more relevant today than five months ago.

Only two days ago, the distinguished Representative of Canada, Ambassador Ignatieff, reminded us of previous commitments and obligations to discontinue nuclear test explosions and to limit the nuclear arms race, commitments made in the Moscow test ban treaty of 1963 and in the NPT of 1968. He also quoted last year's Resolution 2828(C), in which the General Assembly gave top priority in the CCD to this issue of nuclear testing.

As Ambassador Ignatieff pointed out, numerous proposals have been advanced in this Committee over the years in order to stimulate action. For instance, today exactly a year ago I presented some new ideas for a possible treaty text, and shortly afterwards the Swedish delegation tabled a revised edition of its working paper from 1969, containing "suggestions as to possible provisions of a treaty banning underground nuclear weapon tests". The reason why we submitted a treaty draft was our hope that it would incite more specific negotiations in the Committee.

The salient feature of the Swedish draft is that it provides a firm decision, in one stroke, on a comprehensive ban but at the same time allows for gradual implementation. In order to achieve this, the detailed provisions, as well as later dead-lines for certain acts, related to the implementation and verification of the prohibition, would be laid down in three separate Protocols, annexed to the Treaty.

One important question to be dealt with in such a Protocol, concerns the future possibilities for licensing peaceful nuclear explosions. In order to facilitate such peaceful uses, some economically advantageous cratering explosions—which are now in effect prohibited—could conceivably then be licensed. A condition would of course be that safety, security and non-discrimination were guaranteed. This just said in order to point out one, although minor, of the positive aspects of a comprehensive test ban.

Mr. Chairman, some delegations would at this stage want to remind me that a CTB also has some drawbacks. They will raise the question of verification. I have repeatedly intimated that, at the present stage of accumulated knowledge this issue is a red herriing to distract us from the decisive factor which is the lack of political will, reason and courage.

To look at what is agreed to be the main instrument for remote control, seismological monitoring has advanced so far, that one can correctly identify a sufficiently large proportion of explosions, so as to obtain an effective deterrence against attempts at clandestine testing. No objections on verification grounds can thus be raised against banning the type of tests which now constitutes the large majority. To monitor weak explosions more satisfactorily—which also should be included in the ban—some investments for improvement of observational facilities would be needed, but they are not large in relation to the issue. The few false alarms caused by earthquakes that would still occur, would then be handled by the challenge procedure incorporated in our treaty proposal (CCD/348). And they certainly represent an insignificant risk in comparison with continued testing.

But we should, of course, continue to improve monitoring facilities. We have dealt with this topic thoroughly before, in great detail in my statement of July 27 last year (CCD/PV.524). By way of further progress reports I want today to introduce some working papers. The first contains a list of Swedish research publications related to the monitoring of nuclear explosions (CCD/379). It is a companion paper to the recently tabled working paper with a list of Canadian publications in this field (CCD/378). Among the items listed in the Swedish paper are three so called event reports, which we have taken the liberty to circulate informally today. These are intended to be a contribution from our Hagfors Observatory to the international exchange of seismological data. The reports are highly technical, presenting available seismic records and other data in some detail for selected events among the earthquakes and the nuclear explosions. They are given in a standardized format and, which may be of some interest, the text and the diagrams are composed and printed almost entirely by a computer.

Another paper, also today informally circulated, entitled "Identification of underground nuclear explosions and earthquakes", summarizes the research that served as a background to my detailed intervention here on July 27 last year about the verification issue. The report contains references to some pertinent Swedish research reports, which were not published until after last summer's informal meeting with seismological experts. The summary report also contains a discussion of related work in other countries.

The Swedish investigations have produced precise, if simplified decision theoretical models of the identification and control in a test ban treaty, and also methods to assess the capabilities in this field. Their application to available data shows, as also summarized in the report, the large capabilities presently available.

It remains, however, to evaluate fully the large seismometric array stations in Montana, in Alaska and in Norway. At our seismological experts meeting last year we understood that such evaluations would be made by the US. We are in particular looking forward to the evaluation of the very large and well equipped NORSAR station in Norway, which we understand is underway in regard to its detection sensitivity and its discrimination sharpness.

A second working paper which I have the honour to introduce formally is Canadian-Swedish working paper CCD/380, distributed today. It describes an experiment in direct, international cooperation which was, I think fairly successful.

The sometimes very efficient method of identification by body and surface wave magnitudes has, as you know, been demonstrated down to 5 kt and less. Its practical applicability depends, however, on having enough of some rather sensitive equipment in the right places. In view of this difficulty it appeared advisable to our scientists and also to their Canadian counterparts to develop further the method of identification by means of the rather easily recorded short period body waves. The scientists eventually entered into direct cooperation and investigated what can be achieved by such short period discriminants, when data from the Yellowknife array in Canada and the Hagfors array in Sweden are used jointly. They also combined methods of analysis employed in the two scientific institutes.

The results described in the working paper show that the joint use of the Yellowknife and Hagfors data on Eurasian events significantly increased the probability for correct identification of explosions. At the false alarm rate of one in one hundred earthquakes, the probability for correct identification of explosions was estimated to be somewhat higher than 95%. This is a considerable improvement over the 75% estimated when only Hagfors data are used. The sharpness of this two-station short period discriminant appears indeed to be as good as that of the widely accepted method of discrimination by body and surface wave magnitudes.

The Canadian-Swedish cooperation leading to this result is therefore not only a source of satisfaction to us but also an example of how close international cooperation can further the complete test ban case.

We have stated repeatedly that the regional differences in short period discrimination are important. This is confirmed in a recent scientific paper, where Japanese scientists describe discrimination by certain short period data routinely recorded for such purposes in Japan. The discriminaton obtained by this method is very sharp indeed for events in some regions in Eurasia but appears to be less so for some event in some other regions. This again points to the importance of the joint use of data from widely separate stations.

We therefore welcomed a recent invitation by the Japanese Government to Swedish and Canadian experts to cooperate closely with Japanese identification experts and to use Japanese data jointly with Canadian and Swedish data in research in the field of identification of explosions and earthquakes. The distinguished Representative of Japan, Ambassador Nisibori, last week tabled a working paper outlining an agreement on such tripartite cooperation reached in a recent meeting in Japan of Japanese, Canadian and Swedish experts (CCD/376). The Swedish Government is grateful to the Government of Japan for this initiative.

All the endeavours made to improve verification capabilities, some of which have just been mentioned, would greatly benefit from some specific cooperation from the testing powers. In particular I want to direct some questions to the US delegation. On July 23 last year a representative of the US Government stated at a Congressional hearing (Dr. Walske before Senator Muskie's Sub Committee on Arms Control, International Law and Organization) that the US expects to encounter three unidentified events in the Soviet Union at magnitudes above 4.5 and 25 such events at magnitudes above 4. These numbers were offered as an explanation of the US attitude on CTB verification, that "some on-site inspection" is required. We and, I think, also other delegations here would appreciate learnings from the US delegation about the technical details behind these numbers, how they were defined, which events they were related to, what observations were employed. Such information would do much to focus properly the scientific investigations by other States to help us understand the US objections correctly.

This question widens to become one of greater political significance. It corresponds to the sixth and last in my catalogue of questions on May 4, last year, questions as yet unanswered by the testing powers. I then asked them to state their present positions as to on-site inspection obligatory on the one hand and by challenge or by invitation on the other. In the records from the just mentioned very interesting hearings the phrase is used: "a comprehensive test ban treaty with adequate safeguards" (p. 102). Now, we must ask, what exactly is adequate, in technical terms?

Mr. Chairman, I have, according to tradition, dwelt on the seismological means for verifying a comprehensive test ban. We all know, however, that other means also exist, assisting in building up "adequate safeguards", and that particularly the major testing powers have access to observations from satellites, which are becoming increasingly more informative. The time seems to have come when we—who are all so concerned with a test ban and its verification—should be allowed to share this knowledge. I consequently urge the delegations of US and USSR to present a report to us with information as to the monitoring capabilities of satellites in respect to nuclear testing. Why not arrange a demonstration with pictures and some comments, for the benefit of bringing all members of the CCD up to date on the true state of the art of verification?

Mr. Chairman, in the beginning of my statement I said that logically, negotiations on a test ban should constitute the very first step in a second series of SALT. But logic evidently is a weak weapon, when powers are bargaining from a position of strength. However, the "moratorium" of 5 years which is provided for by the interim Moscow agreement on strategic offensive arms, could at least be coupled with a corresponding moratorium on nuclear weapon testing. The distinguished Representative of Canada in his statement two days ago specifically referred to a moratorium solution. I could support it, as a kind of second best, but I want also to point out that concluding a comprehensive treaty, according to the Swedish draft, which provides a review Conference after 5 years and a withdrawal clause, would in reality amount to very much the same thing, although one with a somewhat stronger claim on perpetuation.

All I have said to-day, and what so many of my colleagues have said, attempts to bring the testing powers to understand how earnest we are about this question of cessation of nuclear weapons tests. The UN General Assembly has also (in Resolution XXVI/2828C) laid upon the nuclear weapons states in the CCD the responsibility to make specific proposals for an underground test ban. We have the right to ask that such proposals should be forthcoming very soon, as an account of them has to be included in our report to the UN.

EXHIBIT 1

AMENDMENT NO. 1445

At the end of the resolution, add a new section as follows:

SEC. —. Pursuant to paragraph six of the Declaration of Basic Principles of Mutual Relations Between the United States of America and the Union of Soviet Socialist Republics signed by President Nixon and General Secretary Brezhnev at Moscow on May 29, 1972, which states that "The parties will continue their efforts to limit armaments on a bilateral as well as on a multilateral basis": Congress urges the President of the United States (1) to propose an immediate moratorium on underground nuclear weapons testing to remain in effect so long as the Soviet Union abstains and (2) to set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear weapons tests.

FURTHER CONTINUING APPROPRIATIONS, 1973—AMENDMENT

AMENDMENT NO. 1446

(Ordered to be printed and to lie on the table.)

Mr. CURTIS (for himself, Mr. BAKER, Mr. BELLMON, Mr. BUCKLEY, Mr. DOLE, Mr. DOMINICK, Mr. EASTLAND, Mr. FANNIN, Mr. GOLDWATER, Mr. HANSEN, Mr. HATFIELD, Mr. HRUSKA, Mr. JORDAN of Idaho, Mr. JORDAN of North Carolina, Mr. PACKWOOD, Mr. PEARSON, Mr. ROTH, Mr. TAFT, Mr. THURMOND, Mr. TOWER, and Mr. SAXBE) submitted an amendment intended to be proposed to the joint resolution (H.J. Res. 1278) making further continuing appropriations for the fiscal year 1973, and for other purposes.

HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT—AMENDMENT

AMENDMENT NO. 1447

(Ordered to be printed and to lie on the table.)

Mr. DOMINICK (for himself, Mr. BEALL, Mr. PACKWOOD, and Mr. TAFT) submitted an amendment intended to be proposed by them jointly to the bill (S. 3327) to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1406

At the request of Mr. JACKSON, the Senator from Idaho (Mr. JORDAN) and the Senator from Arizona (Mr. FANNIN) were added as cosponsors of amendment No. 1406 intended to be proposed to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

NOTICE OF HEARING CONCERNING THE ELIGIBILITY OF CERTAIN FRUIT FOR MARKETING ORDERS

Mr. JORDAN of North Carolina. Mr. President, I hereby announce the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices will hold a hearing Thursday, September 7, on S. 1241 and H.R. 14015, to make pears for canning and freezing eligible for marketing orders. The hearing will be in room 324, Old Senate Office Building, beginning at 10 a.m. Anyone wishing to testify should contact the committee clerk as soon as possible.

ADDITIONAL STATEMENTS

THE GRAVEL AND BREWSTER CASES: AN ASSAULT ON CONGRESSIONAL INDEPENDENCE

Mr. ERVIN. Mr. President, over a month ago the Supreme Court handed down two decisions, *United States* v. *Gravel,* 40 U.S.L.W. 5053 (U.S. June 29, 1972) and *United States* v. *Brewster,* 40 U.S.L.W. 5016 (U.S. June 29, 1972). I withheld any comment on these decisions until I had had sufficient time to assess what the Court had actually decided and the practical implication of these decisions. I have reached the conclusion, which I intend to demonstrate, that the Court's action presents a clear and present threat to the continued independence of Congress as a coordinate branch of Government. In doing so, I intend no personal attack, but exercise my right as a citizen and as a U.S. Senator to comment upon the actions of the Supreme Court. As Justice Frankfurter once observed, such constructive criticism can be of great value to the Court:

> Judges as persons, or courts as institutions, are entitled to no greater immunity from criticism than other persons or institutions . . . [J]udges must be kept mindful of their limitations and of their ultimate public responsibility by a vigorous stream of criticism expressed with candor however blunt.

On March 23 the Senate adopted Senate Resolution 280 authorizing a committee of Senators to file an amicus curiae brief in the Supreme Court in the Gravel case. The Senate took this action because the case involved an interpretation of article I, section 6, of the Constitution, the so-called speech or debate clause. This provision of the Constitution is of vital concern to the Senate because it is a bulwark of the separation of powers between the three branches of Government, protecting Members of Congress from intimidation by the Executive or the judiciary through the device of judicial inquiry into legislative activity. In the words of the resolution, the Senate feared that the Supreme Court in deciding the case might "impair the constitutional independence and prerogatives of every individual Senator, and of the Senate as a whole."

The Senate's fears were well founded, for on June 29 the Supreme Court did just that. In handing down its decisions in Gravel and Brewster, which also involved an interpretation of the speech or debate clause, the Court attempted the first broad-scale restriction in the scope of the protection provided Members of Congress by the clause since the adoption of the Constitution. In these cases the new majority on the Court has tinkered with the very heart of the Constitution. I fear that these decisions may open the door to intimidation of Congress by the other two branches of Government. The decisions do indeed impair the constitutional independence and prerogatives of every individual Senator and of the Senate as a whole to a degree none of us anticipated when the resolution was adopted.

Since its framing, the Constitution has clothed Members of Congress with the "speech or debate" immunity so that they might conduct the public's business with candor and independence. The Court's recent decisions have so restricted this immunity that Members of Congress can no longer independently acquire information on the activity of the executive branch nor inform their constituents of their findings without risking criminal prosecution. Indeed as a result of these decisions it is even possible that in certain situations a Member's speech or vote on the floor may subject him to inquiry and intimidation by the executive or judicial branch. These two decisions represent important defeats for Congress and constitute a further deterioration of its power and independence in relation to the executive and judicial branches.

THE COURT'S VIEW OF THE POLICY AND ORIGINS OF THE "SPEECH OR DEBATE" CLAUSE

The Framers placed the "speech or debate" clause in the Constitution to remedy a very specific evil. Fresh in their minds was the history of harassment by English kings and their judges of Members of Parliament who spoke out in the course of their legislative activities in a manner embarrassing to the Crown. The legislative immunity grows out of that turbulent period in English history marked by the Glorious Revolution and the beheading of Charles the First. Indeed, one reason Charles the First lost his head was his imprisonment of Members of Parliament who opposed his overseas military campaigns.

Justice Frankfurter related the history and origins of legislative immunity to the "speech or debate" clause in his excellent opinion in the case of *Tenney* v. *Brandhove*, 341 U.S. 367, 372 (1971):

> In 1668, after a long and bitter struggle, Parliament finally laid the ghost of Charles I, who had prosecuted Sir John Elliot and others for "seditious" speech in Parliament. . . . In 1689, the Bills of Rights declared in unequivocal language: "That the Freedom of Speech, and Debate or proceeding in Parliament, ought not to be impeached or questioned in any Court or Place out of Parliament." 1 Wm. & Mary Sess. 2, Ch. 2.
>
> Freedom of speech and action in the legislature was taken as a matter of course by those who severed the Colonies from the crown and founded our Nation. It was deemed so essential for representatives of the people that it was written into the Articles of Confederation and later into the Constitution. . . .
>
> The reason for the privilege is clear. It was well summarized by James Wilson, an influential member of the Committee of Detail which was responsible for the provision in the Federal Constitution. "In order to enable and encourage a representative of the public to discharge his public trust with firmness and success, it is indispensably necessary that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of everyone, however powerful, to whom the exercise of that liberty may occasion offence." II Works of James Wilson (Andrews ed. 1896) 38.

Until the advent of the present activist majority, the Supreme Court has relied heavily upon this history to derive the meaning of the clause. When I refer to a court as "activist" I mean a court which ignores the history or policy or settled precedents behind a particular clause of the Constitution or statute which it is interpreting. The Supreme Court can be labeled "activist" whether it is popularly considered "liberal," as was the Warren court, or as conservative. And whether as a liberal activist Court or as a conservative activist Court, the vice is the same. An activist Court puts its own views on what the Justices believe the Constitution should say above what the Constitution in fact does say. When the Court does this, whether by a 5–4 vote or even by a 9–0 vote, it is placing itself above the Constitution. It is not interpreting and applying, but rewriting.

An unfortunate example of an activist Court at work is found in the majority opinion in Brewster, written by Chief Justice Burger who was joined by Justices Stewart, Marshall, Blackmun, Powell, and Rehnquist. There the majority concluded that the English history which gave rise to article I, section 6 of the Constitution was no longer dispositive in interpreting the "speech or debate" clause. It was satisfied that "our history does not reflect a catalog of abuses at the hands of the Executive that gave rise to the privilege in England." The Court has conveniently rewritten American history. As Senator GRAVEL's brief explained to the Court, during the infamous "alien-sedition" period the Federalist administration used the judiciary to intimidate anti-Federalist Congressmen. For example, in 1798 Matthew Lyon, a key Member of Congress, was convicted and sentenced before a biased Federalist judge who was motivated by purely partisan political considerations. The judge would not even allow Lyon time to prepare his defense. In 1797 a grand jury under the supervision of another Federalist judge, conducted an inquisition of an anti-Federalist Congressman for sedition in sending a newsletter to his constituents critical of the administration's war policy. Thomas Jefferson considered the grand jury's action to be a blatant violation of the "speech or debate" clause and suggested that the grand jurors should be arrested and imprisoned for this "great crime wicked in its purpose, and mortal in its consequences."

Of course, even if the Court were correct about its history, its statement would be of little comfort. My fears would not be allayed by the knowledge that until now most administrations have exercised great restraint in hauling legislators they do not like into court. Effective separation of powers between branches of government must rest not only upon good faith and great expectations, but also on the firm bedrock of the Constitution.

Every Court until this one has been sobered by this history and has been sensitive to the critical role that the Court plays in our constitutional system when it applies this clause. Every other Court has recognized that when it is called upon to interpret the meaning of this clause the Court acts as the guardian of a truly independent legislative branch, composed of Members who feel free to engage in robust and candid debate and action in regard to the other branches of government—Members who are only responsible in their actions to the Congress itself and to their constituents and not to the executive branch. Therefore, in the past, when a Federal court has been asked to interpret the clause it has viewed as its primary responsibility the preservation of an independent legislature.

The present Court is the first to conclude that this scheme for policing misbehavior by Members of Congress is unworkable, that Congress and the constituents are incapable or reluctant to punish misbehavior, and that the Judiciary and the Executive must fill the breach. Where earlier Courts avoided any interpretation that might allow intimidation of Members of Congress, the majority in Brewster virtually ignores this consideration. Instead, it writes much about the supposed procedural advantages that Congressmen will enjoy in the Federal courts, and it questions the integrity and fairness of this body by suggesting that justice will not be done if we rely on the Senate's explicit duty under the Constitution to discipline its own Members. According to the majority:

> It is also suggested that even if we interpreted the Clause broadly so as to exempt from all inquiry all matters having any relationship to the legislative process, miscon-

> duct of Members would not necessarily go unpunished because each House is empowered to discipline its Members. Article I, § 5, does indeed empower each House to "determine the rules of its Proceedings, punish its Members for disorderly behavior, and with the concurrence of two thirds, expel a Member," but Congress is ill-equipped to investigate, try, and punish its Members for a wide range of behavior that is loosely and incidentally related to the legislative process.

In its opinion—

> The accused Member is judged by no specifically articulated standards and is at the mercy of an almost unbridled discretion of the charging body that functions at once as accuser, prosecutor, judge and jury from whose decision there is no established right of review.

This demonstrates that the Justices who joined in the majority believe that a better scheme of disciplining Members would be to subject them to the process of criminal law. This is evidently the way they balance the conflicting interests involved. But these Justices ignore the simple fact that the Founding Fathers have already made an explicit choice. Their decision, expressed in the clear words of the Constitution, was to have legislators forgo any such supposed procedural advantages in favor of allocating the jurisdiction to discipline to the Congress and to the voters. This, unfortunately, is an example of how a Court ignores the explicit words and policy of the Constitution in favor of what the Justices believe it would have been better for the Constitution to provide. Not only is the Court's concern about the due process rights of Congressmen irrelevant, but it results in the emasculation of the "speech or debate" clause. Indeed, most Members of Congress would much prefer to be tried by the Congress or their constituents for their alleged misbehavior, as provided in the Constitution, than by a "vindictive Executive or a hostile Judiciary."

Earlier Courts, concerned about the continued independence of Congress, have felt it necessary to give the clause the broadest possible interpretation. Chief Justice Burger, in his majority opinion in Brewster, was not concerned with these prior judicial expressions. He felt that:

> The contention for a broader interpretation of the privilege draws essentially on the flavor of the rhetoric and the sweep of the language used by the courts, not on the precise words used in any prior case, and surely not on the sense of those earlier cases, fairly read.

He thus rationalized away the important policies and principles by which the clause has been understood by all Supreme Courts until this one by the simple and unconvincing device of labeling the Court's past precedents as mere rhetoric and sweeping language.

This Court, clearly unconcerned about traditional policy considerations, has utilized a mechanistic logic. Having decided upon its conclusion that any allegedly misbehaving Congressman belongs in the Federal courts, it has attempted to justify its conclusions via arbitrary legal distinctions and conclusionary labels. For example, in Gravel, Justice White, writing for a majority composed of himself, the Chief Justice, and Justices Blackmun, Powell, and Rehnquist, decided that the clause did not apply and that the junior Senator from Alaska and his aide did not deserve the protections of the Constitution. In doing so the majority contrived an arbitrary definition of "legislative activity." It proceeded to denominate the Senator's activity—investigating the Executive branch and informing the American people of the facts—as "nonlegislative," even though it was activity that legislators do every day, as part of Congress' legislative oversight function, and even though it involved a question that has dominated our national and legislative concern for years—the war in Vietnam.

Before engaging in detailed critique of the Court's emasculation of the "speech or debate" clause, let me review the facts that precipitated these decisions.

THE FACTUAL SETTING

The Brewster case involved the alleged solicitation and acceptance of a bribe by former U.S. Senator Daniel B. Brewster, of Maryland. A 1969 indictment charged that Senator Brewster as a member of the Senate Post Office and Civil Service Committee had been influenced in his actions on legislation proposing changes in postal rates as a result of a $24,000 bribe from the mail-order company of Spiegel Inc. The district judge dismissed the indictment against the former Senator on the ground that he was immune from prosecution under the "speech or debate" clause. The Supreme Court reversed by simply concluding that the bribery could be proved without relying on the evidence of protected activity, that is, the vote on the postal rates.

The Gravel case involved Senator Mike Gravel's reading of the "Pentagon Spiegel, Inc. The district judge dismissed lic Works Subcommittee on Public Buildings and Grounds and the inclusion of the documents in the subcommittee record. The case arose out of the attempt by a Federal grand jury in Boston to inquire into the matters relating to the public disclosure of the papers, and its subpena of an aide to the Senator. Senator Gravel moved to intervene in the aide's motion to quash the subpena—asserting immunity under the "speech or debate" clause on behalf of the aide.

Although the Senator failed to quash the subpena against his aide, the lower Federal courts granted a protective order precluding questioning of the Senator or any member of his staff about the subcommittee meeting, including the acquisition and subsequent publications by Beacon Press of the papers and the proceedings before the subcommittee. The court of appeals based its order on its conclusion that the aide and Senator Gravel enjoy similar immunities under the clause and on a common law privilege akin to that accorded executive and judicial officials to protect them from liability for official conduct.

THE ISSUES BEFORE THE COURT

There were several different issues before the court in each of these two cases. However, the fundamental question facing the court in both cases was the same, a question of jurisdiction—whether inquiry into certain behavior by Members of Congress could be conducted by the executive and judicial branches or whether the separation of powers concept and the "speech or debate" clause require that the inquiry remain the exclusive responsibility of the legislative branch. Since both cases involve this general question, since the same Justices determined the outcome in both cases, and since both cases were considered and handed down at the same time, we must consider both the decisions as an integrated whole.

The overall question of what activity falls within the clause and within the exclusive jurisdiction of Congress took three forms in these cases.

First, in the Gravel case, the Court had to decide whether aides to Members of Congress enjoy the same immunity under the clause as the Member himself.

Second, in Gravel and to a certain extent in Brewster, the Court had to determine exactly what was "legislative activity" and thereby protected by the clause. More precisely, the Court had to determine whether a Member was engaged in legislative activity when he acquired information on the activities of the Executive and informed his constituents of his findings.

Finally, in Brewster the Court was concerned with the extent to which a Federal court could indirectly question a Senator on concededly protected activity—the casting of vote—without violating the clause.

The Court decided the first issue—whether aids enjoyed the same immunity as their legislator-employer—in the affirmative. Although the Court refused to recognize the common law privilege created by the court of appeals in the Gravel case, it did conclude for constitutional reasons that the immunity of an aide is identical to that of the Senator. In the Court's words the clause provides immunity to the aide where his conduct would be a protected legislative act if performed by the Member himself. However, this concession by the Court is of little significance because what the Court gave with one hand it more than took away with the other. While the Court concluded that an aide enjoyed immunity equal to that of his Senator, it so restricted the immunity enjoyed by the Senator as to make it largely worthless to the Senator or his aide. It decided in the Gravel case that the acquisition of information in preparation for a legislative hearing and the publication of the hearing thereafter are not protected activities. And, in Brewster, it held that even a protected activity such as voting is still subject to inquiry by the Court or the executive branch.

Under these decisions, no activity is protected except the narrowly defined casting of a vote or the giving of a speech before the House or in committee. No preparatory acts leading up to a protected activity any longer are immune under the clause. A Senator is unprotected when he obtains information for use in a speech or a hearing or when he attempts to bring the result of his legislative activity or that of the whole body to the attention of the public. Further, even the narrow range of activity still protected after these decisions—voting and speaking on the floor—are subject to question if the executive or the judiciary can find a possibility of an illegal act. So, in effect, not even voting and official speaking are any longer covered by the clause.

ACQUISITION OF INFORMATION AND PUBLICATION OF FINDINGS BY MEMBERS OF CONGRESS

The critical issue before the Court in Gravel was whether the acquisition of the Pentagon Papers and the publication of the committee record were beyond inquiry. The Court decided these vital issues in favor of itself and the executive branch and against the Congress. In the Court's view alleged misbehavior involving acquisition and publication of information by a Congressman is no longer to be policed just by the Congress and the voters but now falls within the jurisdiction of the Federal courts. The Court specifically held that while a Member cannot be asked about a committee meeting or hearing he can be questioned on how he obtained materials for the hearing and how he secured unofficial publication of the proceedings of the hearing or meeting.

In Gravel the Court excluded acquisition and republication from the protection of the "speech or debate" clause because these matters did not fall within its new artificial definition of "legislative activity." According to the Court the only activity which is "legislative" and therefore entitled to protection is that which is "an integral part of the deliberative and communicative process by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House." In other words, five of the Justices of the Supreme Court, none of whom has spent any time in Congress, have concluded that the acquisition of information for hearings and the communication of the results of hearings to the public are not "integral" parts of the legislative process.

This definition of "legislative activity" reflects a lack of appreciation of the things essential to the legislative process. As we all know, the formulation, consideration, and passage of legislation involves much more than the introduction of a bill, a few speeches, and a vote. The Washington Post in an editorial critical of these decisions on July 15 made this point quite forcefully:

> This decision is extremely troubling because it declares, in effect that the only communications essential to the legislative process are those among congressmen. This relegates to a lesser realm the constant, churning traffic in ideas and opinions between congressmen and citizens. Yet this communication is central to the idea and functioning of representative government, not peripheral as the court seems to think.

To my mind, Chief Justice Parsons had a much more realistic view of the legislative process when he defined the scope of activity protected by legislative privilege in the seminal case of *Coffin* v. *Coffin*, 4 Mass. 1, 27 (1808):

> For every thing said or done by him, as a representative, in the exercise of the functions of that office, without inquiring whether the exercise was regular according to the rules of the house, or irregular and against their rules.

According to Chief Justice Parsons, "legislative activity" is what we as Members of Congress do as representatives of our constituents. If we feel that we are representing our constituents by investigating the executive branch's conduct of a foreign war, as anti-Federalist Congressmen did during Federalist administrations in the late 1700's, that is legislative activity and beyond inquiry in a Federal court. If we want to inform our constituents of the findings in our investigations, that is also legislative activity and beyond inquiry by a Federal court. Of course, we are not unaccountable in making this judgment or in the performance of these legislative activities. Our constituents can vote us out of office if they decide that such activity does not represent their interests. And the Senate can establish rules and penalize us for activity it deems inappropriate. But the Supreme Court can contrive no definition which will convince me that it is appropriate for any Federal court or grand jury to inquire into such legislative activity as obtaining information about the functioning of the executive branch and informing the public of the actions of its Government.

What I have just stated has been the unquestioned law of this land for almost two centuries. Indeed the Supreme Court has frequently relied on Justice Parson's formulation (e.g., *Kilbourne* v. *Thompson*, 103 U.S. 168 (1880)).

There is very disturbing language in these opinions, language which illustrates a lack of appreciation of what is essential to the legislative function. Although the Brewster decision does not turn on what is and what is not legislative activity, the majority felt compelled to expound on the subject. Despite the fact that it is all dicta, the Court's reasoning reveals its attitude toward Congress and perhaps explains the real reason why the Court stripped Congress of immunity for acquisition and publication in Gravel.

It was in the context of this unnecessary dicta in Brewster that the Court expressed its view that Congress is incapable of discipling its own Members in a wise manner and that Congress could not provide all the protections that a Federal court could in disciplining misbehavior.

But to my mind, the most serious affront to this body occurred in the Court's categorization in Brewster between protected and nonprotected activity. Going beyond the definition it adopted in Gravel as to what is and what is not legislative activity, the Court further distinguishes between what it believes to be "political" activity and "legislative" activity. The majority would not protect what it calls political activity or "errands" performed by Congressmen:

> These include a wide range of legitimate "errands" performed for constituents, the making of appointments with government agencies, assistance in securing government contracts, preparing so-called "news letters" to constituents, news releases, speeches delivered outside the Congress. . . . They are performed in part because they have come to be expected by constituents and because they are a means of developing continuing support for future elections.

In essence, the majority believes that those activities we do on behalf of our constituents are for our own personal advancement, that is, for increasing our chances of reelection. It regards them as "political" and therefore not entitled to protection. It demeans many legitimate acts we perform in our representative capacity or as ombudsmen between the people and their government by labeling them as "errands" and assuming that they are performed for base political reasons.

Of course, the offensiveness of the Court's reasoning pales in comparison to the effect of the decision upon the scope of protection provided by the clause. As a result of these decisions the only activities which are protected from inquiry are the actual proceedings in committee and on the floor of the Congress. And even these activities are not fully protected, as I will make clear in a moment.

The effect of that narrow view of the clause is to cut off the Congress from all access to critical information about the doings of the executive branch and to hinder the vital function of publicizing executive action for the benefit of the public's knowledge. In holding that the Boston grand jury could inquire into Senator GRAVEL's acquisition of materials for his hearing, the Court effectively blinds Congress to all information except that officially disclosed by the Executive. A Government bureaucrat who decides to withhold a document or label it "top secret," whether it be a battle plan or a report on corruption in the administration, renders Congress helpless. For as a result of these decisions, neither a Member of Congress nor his aide may obtain a copy of the document or inform the American people of its contents without risking criminal prosecution. Coupled with the increasing difficulty that Congress meets in getting necessary information from the administration because of its assertion of executive privilege, these decisions will severely limit the effective functioning of the legislative branch, and further serve to increase the dominance of the Executive.

Ironically, as these decisions severely limit the constitutional powers of Congress, the privilege enjoyed by the Executive—a privilege which exists as a matter of practice only and which is without explicit constitutional authority—continues to expand.

The basis for the exercise of executive

privilege is executive fiat. Even the most avid proponents of executive privilege concede that it is a manufactured privilege not expressly conferred by the Constitution or by statute. They justify the existence of such a privilege by asserting it to be an implicit constitutional prerogative. This Executive practice has traditionally been a personal privilege extended to the President to protect confidential communications between himself and his personal advisors, just as congressional immunity has protected the personal relationship between a Senator and his aide, and as such has been invoked infrequently. It is only this administration which has conspicuously expanded executive privilege beyond its original scope and meaning, and at the same time moved to have congressional immunity narrowly construed.

We are all familiar with White House refusals to release information or to allow the appearance of witnesses before committee hearings using some form of claim of executive privilege.

Two recent instances clearly indicate the bounds of executive privilege which the President has claimed for the executive branch. During the negotiations involved in Mr. Peter Flanigan's appearance before the Judiciary Committee, Mr. John Dean, counsel to the President, asserted on behalf of Mr. Flanigan that "members of the President's immediate staff not appear and testify before congressional committees," regardless of the subject matter of the inquiry. Then, 3 weeks ago, at hearings to consider statutory authority for the Executive Office's Council on International Economic Policy before the Senate Foreign Relations Committee, Mr. Frank C. Carlucci, Assistant Director of OMB, further expanded the scope of executive privilege. He asserted that the administration would look with disfavor upon any attempt to require the Executive Director of the Council to be available for questioning by Congress "because of the nature of his position." It is not without significance that Mr. Flanigan is at present the Executive Director of the Council.

Both administration spokesmen clearly indicate that it is the individual and the position which are to be protected, and no longer merely personal information or the individual's privileged function as a personal adviser to the President. The governing principle now appears to be that once an "Assistant to the President" has been annointed with presidential immunity, he can perform a myriad of tasks within the White House and the Federal Government free from any formal system of accountability. Regardless of the nature of an inquiry, the protection now claimed through the invocation of executive privilege is complete and eternal, concealing even those activities beyond the scope of his privileged relationship.

As heavyhanded as these claims of executive privilege have been, the legislative branch has not yet forced a confrontation with the President over the invocation of the privilege. Despite abuses, Congress has acceded to the demands of the Executive and has not sought to limit or define another branch's privileges or immunities. It is indeed unfortunate that the other branches lack the same respect for Congress. We should not remain silent and permit this concerted effort of the Executive to subordinate the legislative branch to its control while completely insulating itself from congressional and public scrutiny. Congress should remind this administration that its expanded version of executive privilege exists by our deference. What Congress gives by deference it can take away.

Despite the recent expansion of executive privilege and the refusals which have frustrated the effort by Congress to oversee the activities of the Executive, there was yet one avenue open by which Members of Congress could continue to obtain information embarrassing to the administration. That was when disaffected employees leaked information to Congress. However, the holding in the Gravel case, stripping immunity for obtaining such information and for publication of the committee record, will discourage all but the most courageous informant from giving legislators the information Congress and the public needs. And by the removal of legislative immunity from publications, broadcasts, or speeches which seek to inform the public of legislative views, Congress is made not only blind, but now mute as well. Although words spoken in debate or in hearings are themselves immune, as are the publication of these words in committee prints or the CONGRESSONAL RECORD, no republication is protected. The only way the public can learn of information the Executive seeks to keep from the people is by reading the actual legislative reports themselves. A Member, his aides, or a private publisher who seeks to reprint, summarize, or explain the contents of an official congressional document dealing with executive activity does so now at the risk of possible harassment by the executive branch through grand jury inquiries and threatened criminal prosecution.

In brief summary, the effect of the Court's rulings that acquisition and publication by a legislator are not protected by the "speech or debate" clause is a drastic double blow to the concept of separation of powers, and to the governmental process. The Court has not only cut off the Congress from the Executive, but it has cut off the people from the Congress.

SPEAKING AND VOTING ON THE FLOOR OR IN COMMITTEE

As disturbed as I am about the ruling in Gravel and dicta in Brewster stripping immunity from acquisition and republication, I fear that the Court may have sounded the death knell for the "speech or debate" clause in its holding in Brewster permitting indirect inquiry into the motives for a Member's actual speech or vote on the floor or in committee. The Court in Brewster split over whether inquiry into a nonlegislative act—bribery in this case—could be conducted without indirectly bringing into question a legislative act—the casting of a vote in committee or on the floor. Justice White who wrote the majority opinion in Gravel thought that inquiry into the former was for all practical purposes an inquiry into the latter and filed a vigorous dissent in Brewster.

In writing the majority opinion in Brewster, Chief Justice Burger was faced with Justice Harlan's fine opinion in the case of the *United States* v. *Johnson,* 383 U.S. 169, a 1966 case with facts almost identical to Brewster. In that case the Court frustrated a prosecution of a Congressman for giving a speech in return for a bribe, while in Brewster the prosecution was for the casting of a vote in return for a bribe. Justice Burger distinguished the cases by concluding that the Johnson court would have been satisfied if the Government had proven the bribe and a promise to give a speech without offering the speech as evidence of the bribe. Therefore, the Chief Justice reasoned, the prosecution in Brewster could proceed if the Government would offer only the promise to vote and not the vote itself. Ironically, almost the same argument was offered by the Justice Department in the Johnson case and was explicitly rejected by Justice Harlan.

In Justice White's view an inquiry into the bribery would of necessity touch upon matters which are, beyond question, within the scope of the privilege—that is the vote itself and the Senator's motives in casting the vote. In the Justice's own words:

> Insofar as it charged crimes under 18 U.S.C. § 201(c)(1), the indictment fares little better. That section requires proof of a corrupt arrangement for the receipt of money and also proof that the arrangement was in return for the defendant 'being influenced in his performance of any official act . . .'. Whatever the official act may prove to be, the Government cannot prove its case without calling into question the motives of the Member in performing that act, for it must prove that the Member undertook for money to be influenced in that performance.

White recognized the Chief Justice's logic for what it was—mechanistic and artificial—a logic which fails to recognize the funadmental principle underlying the "speech or debate" clause.

White feared that the Court's narrow interpretation of the clause would lead to intimidation of Congress by the executive branch. He explained the possibility of abuse following from the Court's view of the clause as articulated in Brewster by posing a hypothetical.

> Let us suppose that the Executive branch is informed that private interests are paying a Member of Congress to oppose administration-sponsored legislation. The Congressman is chairman of a key committee where a vote is pending. A representative from the Executive department informs the Congressman of the allegations against him, hopes the charges are not true and expresses confidence that the committee will report the bill and that the Member will support it on the floor. The pressure on the Congressman, corrupt or not, is undeniable. He will clearly fare better in any future criminal prosecution if he answers the charge of corruption with evidence that he voted contrary to the alleged bargain. Even more compelling is the likelihood that

> he will not be prosecuted at all if he follows the administration's suggestion and supports the bill. Putting aside the potential for abuse in ill-conceived, mistaken or false accusations, the Speech or Debate Clause was designed to prevent just such an exercise of Executive power. It is no answer to maintain that the potential for abuse does not inhere in a prosecution for a completed bribery transaction where the legislative act has already occurred. A corrupt vote may not be made the object of a criminal prosecution because otherwise the Executive would be armed with power to control the vote in question, if forewarned, or in any event to control other legislative conduct.

Justice White went on to describe how an otherwise innocent financial relationship between a Member of Congress and his constituents and contributors might subject him to intimidation by a malevolent Executive:

> A legislator must maintain a working relationship with his constituents not only to garner votes to maintain his office but to generate financial support for his campaigns. He must also keep in mind the potential effect of his conduct upon those from whom he has received financial support in the past and those whose help he expects or hopes to have in the next campaign. An expectation or hope of future assistance can arise because constituents have indicated that support will be forthcoming if the Member of Congress champions their point of view. Financial support may also arrive later from those who approve of a Congressman's conduct and have an expectation it will continue. Thus, mutuality of support between legislator and constituent is inevitable. Constituent contributions to a Congressman and his support of constituent interests will repeatedly coincide in time or closely follow one another. It will be the rare Congressman who never accepts campaign contributions from persons or interests whose view he has supported, or will support, by speech making, voting or bargaining with fellow legislators.
>
> All of this, or most of it, may be wholly within the law and consistent with contemporary standards of political ethics. Nevertheless, the opportunities for an executive, in whose sole discretion the decision to prosecute rests under the statute before us, to claim that legislative conduct has been sold are obvious and undeniable. These opportunities, inherent in the political process as it now exists, create an enormous potential for executive control of legislative behavior by threats or suggestions of criminal prosecution—precisely the evil which the Speech or Debate Clause was designed to prevent.

WARFARE BETWEEN BRANCHES?

Mr. President, we can look upon these decisions fatalistically and in a mood of resignation. We can simply conclude that the unbridled expansion of executive privilege and the withering of legislative privilege are part of an inevitable trend of aggrandizement of power in the Presidency evidenced throughout American history. We can be content to let pass this infringement on the constitutional rights and the effectiveness of Congress. But if we do so, we profane our oaths to uphold the Constitution, and indeed we may preside over the funeral of our system of government.

If we do not react rationally and firmly to the constitutional crisis wrought by the executive and judicial branches of government, I can foresee a day when relations between the branches may deteriorate into open warfare. If we do not act now, some future Congress will finally realize that it is isolated from the executive and the people and subject to intimidation by the executive and judiciary. In other words, we will find ourselves in the same condition as Parliament found itself under the reign of Charles the First. That crisis led to revolution in 1640 and a total restructuring of the English system of government. Continued inaction on our part may lead to consequences no less grave for our constitutional system. As Woodrow Wilson once warned, warfare between branches would be fatal to the continuation of democratic government.

It is for these reasons that I have begun to study several possible legislative alternatives to mitigate the effect of the Gravel and Brewster cases. Congress has the power to regulate its own access to documents prepared by the executive branch at taxpayers' expense. Perhaps Congress should consider legislation prohibiting the executive branch from withholding from Congress information vital to its oversight function. Congress also has the power to restrict the jurisdiction of Federal courts in such a manner as to forbid the courts from impaneling grand juries for the purpose of harassing Members of Congress who attempt to inform themselves and the public of the activities of the executive branch.

I am anxious to hear suggestions from other Members who share my concern. It is important that the Senate act swiftly but deliberately to defend against these grave threats to its independence and prerogatives by this administration and the new majority on the Court.

Mr. President, I ask unanimous consent that these Supreme Court opinions be printed at this point in the Record.

There being no objection, the opinions were ordered to be printed in the Record, as follows:

UNITED STATES AGAINST BREWSTER

(Appeal from the United States District Court for the District of Columbia Circuit; No. 70–45. Argued October 18, 1971—Reargued March 20, 1972—Decided June 29, 1972)

Appellee, a former United States Senator, was charged with the solicitation and acceptance of bribes in violation of 18 U.S.C. §§ 201(c)(1) and 201(g). The District Court, on appellee's pretrial motion, dismissed the indictment on the ground that the Speech or Debate Clause of the Constitution shielded him "from any prosecution for alleged bribery to perform a legislative act." The United States field a direct appeal to this Court under 18 U.S.C. § 3731, which appellee contends this Court does not have jurisdiction to entertain because the District Court's action was not "a decision or judgment setting aside, or dismissing" the indictment but was instead a summary judgment on the merits based on the fact of the case. *Held:*

1. This Court has jurisdiction under 18 U.S.C. § 3731 to hear the appeal, since the District Court's order was based upon its determination of the constitutional invalidity of 18 U.S.C. §§ 201(c)(1) and 201(g) on the facts as alleged in the indictment. Pp. 3–6.

2. The prosecution of appellee is not prohibited by the Speech or Debate Clause. Although that provision protects members of Congress from inquiry into legislative acts or the motivation for performance of such acts, *United States* v. *Johnson*, 383 U.S. 169, 185, it does not protect all conduct *relating* to the legislative process. Since in this case prosecution of the bribery charges does not necessitate inquiry into legislative acts or motivation, the District Court erred in holding that the Speech or Debate Clause required dismissal of the indictment. Pp. 6–27.

Reversed and remanded.

Burger, C. J., delivered the opinion of the Court, in which Stewart, Marshall, Blackmun, Powell, and Rehnquist, JJ., joined. Brennan, J., filed a dissenting opinion, in which Douglas, J., joined. White, J., filed a dissenting opinion, in which Douglas and Brennan, JJ., joined.

(Mr. Chief Justice Burger delivered the opinion of the Court)

UNITED STATES AGAINST BREWSTER

This direct appeal from the District Court presents the question whether a Member of Congress may be prosecuted under 18 U.S.C. §§ 201(c)(1), 201(g), for accepting a bribe in exchange for a promise relating to an official act. Appellee, a former United States Senator, was charged with five counts of a 10-count indictment.[1] Counts one, three, five, and seven alleged that on four separate occasions, appellee, while he was a Senator and a member of the Senate Committee on Post Office and Civil Service.

> "directly and indirectly, corruptly asked, solicited, sought, accepted, received and agreed to receive [sums] . . . in return for being influenced in his performance of official acts in respect to his action, vote, and decision on postage rate legislation which might at any time be pending before him in his official capacity . . . in violation of Sections 201 (c)(1) and 2, Title 18, United States Code."[2]

Count nine charged that appellee

> "directly and indirectly, asked, demanded, exacted, solicited, sought, accepted, received and agreed to receive [a sum] . . . for and because of official acts performed by him in respect to his action, vote and decision on postage rate legislation which had been pending before him in his official capacity . . . in violation of Sections 201(g) and 2, Title 18, United States Code."[3]

Before a trial date was set, the appellee moved to dismiss the indictment on the ground of immunity under the Speech or Debate Clause, Art. I, § 6, of the Constitution, which provides:

> "for any Speech or Debate in either House, they [Senators or Representatives] shall not be questioned in any other Place."

After hearing argument, the District Court ruled from the bench:

> "Gentlemen, based on the facts of this case, it is admitted by the Government that the five counts of the indictment which charge Senator Brewster relate to the acceptance of bribes in connection with the performance of a legislative function by a Senator of the United States.
>
> "It is the opinion of this Court that the immunity under the Speech and [*sic*] Debate Clause of the Constitution, particularly in view of the interpretation given that Clause by the Supreme Court in *Johnson*, shields Senator Brewster, constitutionally shields him from any prosecution for alleged bribery to perform a legislative act.
>
> "I will, therefore, dismiss the odd counts of the indictment, 1, 3, 5, 7, and 9, as they apply to Senator Brewster."

The United States filed a direct appeal to this Court, pursuant to 18 U.S.C. § 3731 (Supp. V, 1970).[4] We postponed considera-

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Footnotes at end of article.

tion of jurisdiction until hearing the case on the merits. 401 U.S. 935 (1971).

I

The United States asserts that this Court has jurisdiction under 18 U.S.C. § 3731 (Supp. V, 1970) to review the District Court's dismissal of the indictment against appellee. Specifically, the United States urges that the District Court decision was either "a decision or judgment setting aside, or dismissing [an] indictment . . . or any count thereof, where such decision or judgment is based upon the invalidity or construction of the statute upon which the indictment . . . is founded" or a "decision or judgment sustaining a motion in bar, when the defendant has not been put in jeopardy." If the District Court decision is correctly characterized by either of those descriptions, this Court has jurisdiction under the statute to hear the United States' appeal.

In *United States* v. *Knox*, 396 U.S. 77 (1969), we considered a direct appeal by the United States from the dismissal of an indictment that charged the appellee in that case with violating 18 U.S.C. § 1001, a general criminal provision punishing fraudulent statements made to any federal agency. The appellee, Knox, had been accused of willfully understating the number of employees accepting wagers on his behalf when he filed a form which persons engaged in the business of accepting wagers were required by law to file. The District Court dismissed the counts charging violations of § 1001 on the ground that the appellee could not be prosecuted for failure to answer the wagering form correctly since his Fifth Amendment privilege against self-incrimination prevented prosecution for failure to file the form in any respect. We found jurisdiction under § 3731 to hear the appeal in *Knox* on the theory that the District Court had passed on the validity of the statute on which the indictment rested. 396 U.S., at 79 n. 2. The District Court in that case held that "§ 1001, as applied to this class of cases, is constitutionally invalid."

The counts of the indictment involved in the instant case were based on 18 U.S.C. § 201, a bribery statute. Section 201 applies to "public officials," and that term is defined explicitly to include Members of Congress as well as other employees and officers of the United States. Subsections (c)(1) and (g) prohibit the accepting of a bribe in return for being influenced in or performing an official act. The ruling of the District Court here was that "the Speech or Debate Clause of the Constitution, particularly in view of the interpretation given . . . in *Johnson*, shields Senator Brewster . . . from any prosecution for alleged bribery to perform a legislative act." Since § 201 applies only to bribery for the performance of official acts, the District Court's ruling is that, as applied to Members of Congress, § 201 is constitutionally invalid.

Appellee argues that the action of the District Court was not "a decision or judgment setting aside, or dismissing" the indictment, but was instead a summary judgment on the merits. Appellee also argues that the District Court did not rule that § 201 could never be constitutionally applied to a Member of Congress, but that "based on the facts of this case" the statute could not be constitutionally applied. Under *United States* v. *Sisson*, 399 U.S. 267 (1970), an appeal does not lie from a decision that rests, not upon the sufficiency of the indictment alone, but upon extraneous facts. If an indictment is dismissed as a result of a stipulated fact or the showing of evidentiary facts outside the indictment, which facts would constitute a defense on the merits at trial, no appeal is available. See *United States* v. *Findley*, 439 F. 2d 970 (CA1 1971). Appellee claims that the District Court relied on factual matter other than facts alleged in the indictment.

An examination of the record, however, discloses that, with the exception of a letter in which the United States briefly outlined the theory of its case against appellee, there were no "facts" on which the District Court could act other than those recited in the indictment. Appellee, contends that the statement "based on the facts of this case," used by the District Judge in announcing his decision, shows reliance on the Government's outline of its case. We read the District Judge's reference to "facts," in context, as a reference to the facts alleged in the indictment and his ruling as holding that Members of Congress are totally immune from prosecution for accepting bribes for the performance of official, *i.e.*, legislative, acts by virtue of the Speech or Debate Clause. Under that interpretation of § 201, it cannot be applied to a Member of Congress who accepts bribes that relate in any way to his office. We conclude, therefore, that the District Court was relying only on facts alleged in the indictment and that the dismissal of the indictment was based on a determination that the statute on which the indictment was drawn was invalid under the Speech or Debate Clause. As a consequence, this Court has jurisdiction to hear the appeal.

II

The immunities of the Speech or Debate Clause were not written into the Constitution simply for the personal or private benefit of Members of Congress, but to protect the integrity of the legislative process by insuring the independence of individual legislators. The genesis of the Clause at common law is well known. In his opinion for the Court in *United States* v. *Johnson*, 383 U.S. 169 (1966), Mr. Justice Harlan canvassed the history of the Clause and concluded that it

> "was the culmination of a long struggle for parliamentary supremacy. Behind these simple phrases lies a history of conflict between the Commons and the Tudor and Stuart monarchs during which successive monarchs utilized the criminal and civil law to suppress and intimidate critical legislators. Since the Glorious Revolution in Britain, and throughout United States history, the privilege has been recognized as an important protection of the independence and integrity of the legislature." *Id.*, at 178 (footnote omitted).

Although the Speech or Debate Clause's historic roots are in English history, it must be interpreted in light of the American experience and in the context of the American constitutional scheme of government rather than the English parliamentary system. We should bear in mind that the English system differs from ours in that their Parliament is the supreme authority, not a coordinate branch. Our speech or debate privilege was designed to preserve legislative independence, not supremacy.[5] Our task, therefore, is to apply the Clause in such a way as to insure the independence of the legislature without altering the historic balance of the three co-equal branches of Government.

It does not undermine the validity of the Farmers' concern for the independence of the legislative branch to acknowledge that our history does not reflect a catalog of abuses at the hands of the Executive that gave rise to the privilege in England. There is nothing in our history, for example, comparable to the imprisonment of a Member of Parliament in the Tower without a hearing and, owing to the subservience of some royal judges to the Seventeenth and Eighteenth Century English Kings, without meaningful recourse to a writ of habeas corpus.[6] In fact, on only one previous occasion has this Court ever interpreted the Speech or Debate Clause in the context of a criminal charge against a Member of Congress.

(a) In *United States* v. *Johnson, supra*, the Court reviewed the conviction of a former Representative on seven counts of violating the federal conflict of interest statute, 18 U.S.C. § 281 (1964), and on one count of conspiracy to defraud the United States, 18 U.S.C. § 371 (1964). The Court of Appeals had set aside the conviction on the count for conspiracy to defraud as violating the Speech or Debate Clause. Mr. Justice Harlan, speaking for the Court, 383 U.S., a 183, cited the oft-quoted passage of Mr. Justice Lush in *Ex parte Wason*, LR 4 Q. B. 573 (1869):

> "I am clearly of the opinion that we ought not to allow it to be doubted for a moment that the motives or intentions of members of either House cannot be inquired into by criminal proceedings *with respect to anything they may do or say in the House*." *Id.*, at 577 (emphasis added).

In *Kilbourn* v. *Thompson*, 103 U.S. 168 (1881), the first case in which this Court interpreted the Speech or Debate Clause, the Court expressed a similar view of the ambit of the American privilege. There the Court said the Clause is to be read broadly to include anything "generally done in a session of the House by one of its members in relation to the business before it." *Id.*, at 204. This statement, too, was cited with approval in *Johnson*, 383 U.S. at 179. Our conclusion in *Johnson* was that the privilege protected members from inquiry into legislative acts or the motivation for actual performance of legislative acts. *Id.*, at 185.

In applying the Speech or Debate Clause, the Court focused on the specific facts of the *Johnson* prosecution. The conspiracy to defraud count alleged an agreement among Representative Johnson and three codefendants to obtain the dismissal of pending indictments against officials of savings and loan institutions. For these services, which included a speech made by Johnson on the House floor, the Government claimed Johnson was paid a bribe. At trial, the Government questioned Johnson extensively, relative to the conspiracy to defraud count, concerning the authorship, of the speech, the factual basis for certain statements made in the speech, and his motives for giving the speech. The Court held that the use of evidence of a speech to support a count under a broad conspiracy statute was prohibited by the Speech or Debate Clause. The Government was, therefore, precluded from prosecuting the conspiracy count on retrial, insofar as it depended on inquiries into speeches made in the House.

It is important to note the very narrow scope of the Court's holding in *Johnson:*

> "We hold that a prosecution under a general criminal statute dependent on such inquires [into the speech or its preparation] necessarily contravenes the Speech or Debate Clause. We emphasize that our holding is limited to prosecutions involving circumstances such as those presented in the case before us." 383 U.S., at 184–185.

The opinion specifically left open the question of a prosecution, which though possibly entailing some reference to legislative acts, is founded upon a "narrowly drawn" statute passed by Congress in the exercise of its power to regulate its Members' conduct. Of more relevance to this case, the Court in *Johnson* emphasized that its decision did not affect a prosecution which, though founded on a criminal statute of general application, "does not draw in question the legislative acts of the defendant member of Congress or his motives for performing them." *Id.*, at 185. The Court did not question the power of the United States to try Johnson on the conflict of interest counts, and it authorized a new trial on the conspiracy count, provided

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Footnotes at end of article.

that all references to the making of the speech were eliminated.[7]

Three members of the Court would have affirmed Johnson's conviction. Chief Justice Warren, joined by Mr. Justice Douglas and Mr. Justice Brennan, concurring in part and dissenting in part, stated:

> "After reading the record, it is my conclusion that the Court of Appeals erred in determining that the evidence concerning the speech infected the jury's judgment on the [conflict of interest] counts. The evidence amply supports the prosecution's theory and the jury's verdict on these counts—that the respondent received over $20,000 for attempting to have the Justice Department dismiss an indictment against his [present] co-conspirators, without diclosing his role in the enterprise. This is the classic example of a violation of § 281 by a Member of the Congress. . . . The argument of government counsel and the court's instructions separating the conspiracy from the substantive counts seem unimpeachable. The speech was a minor part of the prosecution. There was nothing in it to inflame the jury and the respondent pointed with pride to it as evidence of his vigilance in protecting the financial institutions of his State. The record further reveals that the trial participants were well aware that a finding of criminality on one count did not authorize similar conclusions as to other counts, and I believe that this salutary principle was conscientiously followed Therefore, I would affirm the convictions on the substantive counts." [Footnote omitted.]

Johnson thus stands as a unanimous holding that a Member of Congress may be prosecuted under a criminal statute provided that the Government's case does not rely on legislative acts or the motivation for legislative acts. A legislative act has consistently been defined as an act generally done in Congress in relation to the business before it. In sum, the Speech or Debate Clause prohibits inquiry only into those things generally said or done in the House in the performance of official duties and the motivation for those acts.

It is well known, of course, that Members of the Congress engage in many activities other than the purely legislative activities protected by the Speech and Debate Clause. These include a wide range of legitimate "errands" performed for constituents, the making of appointments with government agencies, assistance in securing government contracts, preparing so-called "news letters" to constituents, news releases, speeches delivered outside the Congress. The range of these related activities has grown over the years. They are performed in part because they have come to be expected by constituents and because they are a means of developing continuing support for future elections. Although these are entirely legitimate activities, they are political in nature rather than legislative, in the sense that term has been used by the Court in prior cases. But it has never been seriously contended that these political matters, however appropriate, have the protection afforded by the Speech or Debate Clause. Careful examination of the decided cases reveals that the Court has regarded the protection as reaching only those things "generally done in a session of the House by one of its members in relation to the business before it," *Kilbourn* v. *Thompson*, supra, at 204, or things "said or done by him as a representative, in the exercise of the functions of that office," *Coffin* v. *Coffin*, 4 Mass. 1, 27 (1808).

(b) Appellee argues, however, that in *Johnson* we expressed a broader test for the coverage of the Speech or Debate Clause. It is urged that we held that the Clause protected from Executive or Judicial inquiry all conduct "related to the due functioning of the legislative process." It is true that the quoted words appear in the *Johnson* opinion, but appellee takes them out of context; in context they reflect a quite different meaning from that now urged. Although the indictment against Johnson contained eight counts, only one count was challenged before this Court as in violation of the Speech or Debate Clause. The other seven counts concerned Johnson's attempts to influence members of the Justice Department to dismiss pending prosecutions. In explaining why those counts were not before the Court, Mr. Justice Harlan wrote:

> "No argument is made, nor do we think that it could be successfully contended, that the Speech or Debate Clause reaches conduct, such as was involved in the attempt to influence the Department of Justice, that is in no wise *related to the due functioning of the legislative process*. It is the application of this broad conspiracy statute to an improperly motivated speech that raises the constitutional problem with which we deal." 383 U.S., at 172. (Emphasis added; footnotes omitted.)

In stating that those things "in no wise related to the due functioning of the legislative process" were *not* covered by the privilege, the Court did not in any sense imply as a corollary that everything that "related" to the office of a member was shielded by the Clause. Quite the contrary, in *Johnson* we held, citing *Kilbourn* v. *Thompson*, that only acts generally done in the course of the process of enacting legislation were protected.

Nor can we give *Kilbourn* a more expansive interpretation. In citing with approval, 103 U.S., at 203, the language of Chief Justice Parsons of the Supreme Judicial Court of Massachusetts in *Coffin* v. *Coffin*, 4 Mass. 1 (1808), the *Kilbourn* Court gave no thought to enlarging "legislative acts" to include illicit conduct outside the House. The *Coffin* language is:

> "[The Massachusetts legislative privilege] ought not to be construed strictly, but liberally that the full design of it may be answered. I will not confine it to delivering an opinion, uttering a speech, or haranguing in debate, but will extend it to the giving of a vote, to the making of a written report, and to every other act resulting from the nature and in the execution of the office. And I would define the article as securing to every member exemption from prosecution, *for every thing said or done by him, as a representative, in the exercise of the functions of that office*, without inquiring whether the exercise was regular according to the rules of the House, or irregular and against their rules. I do not confine the member to his place in the House; and I am satisfied that there are cases in which he is entitled to this privilege, when not within the walls of the representatives' chamber." *Id.*, at 27 (emphasis added).

It is suggested that in citing these words, which were also quoted with approval in *Tenney* v. *Brandhove*, 341 U.S. 367, 373–374 (1951), the Court was interpreting the sweep of the Speech or Debate Clause to be broader than *Johnson* seemed to indicate or than we today hold. Emphasis is placed on the statement that "there are cases in which [a Member] is entitled to this privilege when not within the walls of the representatives' chamber." But the context of *Coffin* v. *Coffin* indicates that in this passage Chief Justice Parsons was referring only to legislative acts, such as committee meetings which take place outside the physical confines of the legislative chamber. In another passage, the meaning is clarified:

> "If a member . . . be out of the chamber, sitting in committee, executing the commission of the house, it appears to me that such member is within the reason of the article and ought to be considered within the privilege. The body of which he is a member, is in session, and he, as a member of that body, is in fact discharging the duties of his office. He ought, therefore, to be protected from civil or criminal prosecutions for every thing said or done by him in the exercise of his functions as a representative, in committee, either in debating, in assenting to, or in draughting a report."[8] 4 Mass., at 28.

In no case has this Court ever treated the Clause as protecting all conduct *relating* to the legislative process.[9] In every case thus far before this Court, the Speech or Debate Clause has been limited to an act which was clearly a part of the legislative process—the *due* functioning of the process.[10] Appellee's contention for a broader interpretation of the privilege draws essentially on the flavor of the rhetoric and the sweep of the language used by courts, not on the precise words used in any prior case, and surely not on the sense of those cases, fairly read.

(c) We would not think it sound or wise, simply out of an abundance of caution to doubly insure legislative independence, to extend the privilege beyond its intended scope, its literal language, and its history, to include all things in any way related to the legislative process. Given such a sweeping reading, we have no doubt that there are few activities in which a legislator engages that he would be unable somehow to "relate" to the legislative process. Admittedly, the Speech or Debate Clause must be read broadly to effectuate its purpose of protecting the independence of the Legislative branch, but no more than the statutes we apply, was its purpose to make Members of Congress super-citizens, immune from criminal responsibility. In its narrowest scope, the Clause is a very large, albeit essential, grant of privilege. It has enabled reckless men to slander and even destroy others with impunity, but that was conscious choice of the Framers.[11]

The history of the privilege is by no means free from grave abuses by legislators. In one instance, abuses reached such a level in England that Parliament was compelled to enact curative legislation.

> "The practice of granting the privilege of freedom from arrest and molestation to members' servants in time became a serious menace to individual liberty and to public order, and a form of protection by which offenders often tried—and they were often successful—to escape the penalties which their offenses deserved, and which the ordinary courts would not have hesitated to inflict. Indeed the sale of 'protections' at one time proved a source of income to unscrupulous members and those 'parliamentary indulgences' were on several occasions obtainable at a fixed market price." C. Wittke, The History of English Parliamentary Privilege, 39 (1921).

The authors of our Constitution were well aware of the history of both the need for the privilege and the abuses that could flow from too sweeping safeguards. In order to preserve other values, they wrote the privilege so that it tolerates and protects behavior on the part of Members not tolerated and protected when done by other citizens, but the shield does not extend beyond what is necessary to preserve the integrity of the legislative process. Moreover, unlike England with no formal, written constitutional limitations on the monarch, we defined limits on the co-ordinate branches, providing other checks to protect against abuses of the kind experienced in that country.

It is also suggested that even if we interpreted the Clause broadly so as to exempt from inquiry all matters having any relationship to the legislative process, misconduct of Members would not necessarily go unpunished because each House is empowered to discipline its Members. Article I, § 5, does indeed empower each House to "determine the rules of its Proceedings, punish its Members for disorderly behavior, and, with the concurrence of two thirds,

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Footnotes at end of article.

expel a Member," but Congress is ill-equipped to investigate, try, and punish its Members for a wide range of behavior that is loosely and incidentally related to the legislative process. In this sense the English analogy on which the dissents place much emphasis, and the reliance on *Ex parte Wason*, L. R. 4 Q. B. 573 (1869), are inapt. Parliament is itself "The High Court of Parliament"—the highest court in the land—and its judicial tradition better equips it for judicial tasks.

"It is by no means an exaggeration to say that [the judicial characteristics of Parliament] colored and influenced some of the great struggles over legislative privilege in and out of Parliament to the very close of the nineteenth century. It is not altogether certain whether they have been entirely forgotten even now. Nowhere has the theory that Parliament is a court—the highest court of the realm, often acting in a judicial manner—persisted longer than in the history of privilege of Parliament." C. Wittke, The History of English Parliamentary Privilege, 14 (1921).

The very fact of the supremacy of Parliament as England's highest tribunal explains the long traditions precluding trial for official misconduct of a member in any other and lesser tribunal.

In Australia and Canada, "where provision for legislative free speech or debate exists but where the legislature may not claim a tradition as the highest court of the realm, courts have held that the privilege does not bar the criminal prosecution of legislators for bribery." Note, The Bribed Congressman's Immunity from Prosecution, 75 Yale L. J. 335, 338 (1965) (footnote omitted). Congress has shown little inclination to exert itself in this area.[12] Moreover, if Congress did lay aside its normal activities and take on itself the responsibility to police and prosecute the myriad activities of its Members related to but not directly a part of the legislative function, the independence of individual Members might actually be impaired.

The process of disciplining a Member in the Congress is not without countervailing risks of abuse since it is not surrounded with the panoply of protective shields that are present in a criminal case. An accused Member is judged by no specifically articulated standards[13] and is at the mercy of an almost unbridled discretion of the charging body that functions at once as accuser, prosecutor, judge, and jury from whose decision there is no established right of review. In short a Member would be compelled to defend in what would be comparable to a criminal prosecution without the safeguards provided by the Constitution. Moreover, it would be somewhat naive to assume that the triers would be wholly objective and free from considerations of party and politics and the passions of the moment.[14] Strong arguments can be made that trials conducted in a Congress with an entrenched majority from one political party could result in far greater harassment than a conventional criminal trial with the wide range of procedural protections for the accused, including indictment by grand jury, trial by jury under strict standards of proof with fixed rules of evidence, and extensive appellate review.

Finally, the jurisdiction of Congress to punish its Members is not all-embracing. For instance, it is unclear to what extent Congress would have jurisdiction over a case such as this in which the alleged illegal activity occurred outside the chamber, while the appellee was a Member, but was undiscovered or not brought before a grand jury until after he left office.[15]

The sweeping claims of appellee would render Members of Congress virtually immune from a wide range of crimes simply because the acts in question were peripherally related to their holding office. Such claims are inconsistent with the reading this Court has given, not only to the Speech and Debate Clause, but also to the other legislative privileges embodied in Art. I, § 6. The very sentence in which the Speech and Debate Clause appears provides that Members "shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their attendance at the Session of their Respective Houses. . . ." In *Williamson* v. *United States*, 207 U.S. 425 (1908), this Court rejected a claim, made by a Member convicted of subordination of perjury in proceedings for the purchase of public lands, that he could not be arrested, convicted, or imprisoned for any crime that was not treason, felony, or breach of the peace in the modern sense, *i.e.*, disturbing the peace. Mr. Justice Edward Douglass White noted that when the Constitution was written the term "Breach of the Peace" did not mean, as it came to mean later, a misdemeanor such as disorderly conduct but had a different 18th century usage, since it derived from breaching the King's peace and thus embraced the whole range of crimes at common law. Quoting Lord Mansfield, he noted, with respect to the claim of parliamentary privilege, "The laws of this country allow no place or employment as a sanctuary for crime. . . . *Id.*, at 439.

The subsequent case of *Long* v. *Ansell*, 293 U.S. 76 (1934), held that a Member's immunity from arrest in civil cases did not extend to civil process. Mr. Justice Brandeis wrote for the Court:

"Clause 1 [of Article I, § 6] defines the extent of the immunity. Its language is exact and leaves no room for construction which would extend the privilege beyond the terms of the grant." *Id.*, at 82.

We recognize that the privilege against arrest is not identical with the Speech or Debate privilege, but it is closely related in purpose and origin. It can hardly be thought that the Speech or Debate Clause totally protects what the sentence preceding it has plainly left open to prosecution, i.e., all criminal acts.

(d) Mr. Justice White suggests that permitting the Executive to initiate the prosecution of a Member of Congress for the specific crime of bribery is subject to serious potential abuse that might endanger the independence of the legislature—for example, a campaign contribution might be twisted by a ruthless prosecutor into a bribery indictment. But, as we have just noted, the Executive is not alone in possessing power potentially subject to abuse; such possibilities are inherent in a system of government which delegates to each of the three branches separate and independent powers.[16] In the Federalist No. 73, Hamilton expressed concern over the possible hazards that confronted an Executive dependent on Congress for financial support.

"The Legislature, with a discretionary power over the salary and emoluments of the Chief Magistrate, could render him as obsequious to their will as they might think proper to make him by famine, or tempt him by largesses, to surrender at discretion, his judgment to their inclinations."

Yet Hamilton's "parade of horribles" finds little real support in history. The check-and-balance mechanism, buttressed by unfettered debate in an open society with a free press has not encouraged abuses of power or tolerated them long when they arose. This may be explained in part because the third branch has intervened with neutral authority. See, *e. g.*, *United States* v. *Lovett*, 328 U.S. 303 (1946). The system of divided powers was expressly designed to check the abuses England experienced in the 16th to the 18th century.

Probably of more importance is the public reaction engendered by any attempt of one branch to dominate or harass another. Even traditional political attempts to establish dominance have met with little success owing to contrary popular sentiment. Attempts to "purge" uncooperative legislators, for example, have not been notably successful. We are not cited to any cases in which the bribery statutes, which have been applicable to Members of Congress for over 100 years,[17] have been abused by the Executive Branch. When a powerful Executive sought to make the Judicial Branch more responsive to the combined will of the Executive and Legislative Branches, it was the Congress itself that checked the effort to enlarge the Court. 2 M. Pusey, Charles Evans Hughes, c. 70 (1951).

We would be closing our eyes to the realities of the American political system if we failed to acknowledge that many nonlegislative activities are an established and accepted part of the role of a Member, and are indeed "related" to the legislative process. But if the Executive may prosecute a Member's attempt, as in *Johnson*, to influence another branch of the Government in return for a bribe, its power to harass is not greatly enhanced if it can prosecute for a promise relating to a legislative act in return for a bribe. We therefore see no substantial increase in the power of the Executive and Judicial Branches over the Legislative Branch resulting from our holding today. If we underestimate the potential for harassment, the Congress, of course, is free to exempt its Members from the ambit of federal bribery laws, but it has deliberately allowed the instant statute to remain on the books for over a century.

We do not discount entirely the possibility that an abuse might occur, but this possibility, which we consider remote, must be balanced against the potential danger flowing from either the absence of a bribery statute applicable to Members of Congress or a holding that the statute violates the Constitution. As we noted at the outset, the purpose of the Speech or Debate Clause is to protect the individual legislator, not simply for his own sake, but to preserve the independence and thereby the integrity of the legislative process. But financial abuses, by way of bribes, perhaps even more than Executive power, would gravely undermine legislative integrity and defeat the right of the public to honest representation. Depriving the Executive of the power to investigate and prosecute and the Judiciary of the power to punish bribery of Members of Congress is unlikely to enhance legislative independence. Given the disinclination and limitations of each House to police these matters, it is understandable that both Houses deliberately delegated this function to the courts, as they did with the power to punish persons committing contempts of Congress. 2 U.S.C. § 192.

It is beyond doubt, that the Speech or Debate Clause protects against inquiry into acts which occur in the regular course of the legislative process and into the motivation for those acts. So expressed, the privilege is broad enough to insure the historic independence of the Legislative Branch, essential to our separation of powers, but narrow enough to guard against the excesses of those who would corrupt the process by corrupting its Members. We turn next to determine whether the subject of this criminal inquiry is within the scope of the privilege.

III

An examination of the indictment brought against appellee and the statutes on which it is founded reveals that no inquiry into legislative acts or motivation for legislative acts is necessary for the Government to make out a prima facie case. Four of the five counts charge that appellee "corruptly asked, solicited, sought, accepted, received, and

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Footnotes at end of article.

agreed to receive" money "in return for being influenced . . . in respect to his action, vote, and decision on postage rate legislation, which might at any time be pending before him in his official capacity." This is said to be a violation of 18 U.S.C. § 201(c)(1), which provides that a Member who "corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value . . . in return for . . . being influenced in his performance of any official act" is guilty of an offense.

The question is whether it is necessary to inquire into how appellee spoke, how he debated, how he voted, or anything he did in the chamber or in committee in order to make out a violation of this statute. The illegal conduct is taking or agreeing to take money for a promise to act in a certain way. There is no need for the Government to show that appellee fulfilled the alleged illegal bargain; acceptance of the bribe is the violation of the statute, not performance of the illegal promise.

Taking a bribe is, obviously, no part of the legislative process or function; it is not a legislative act. It is not, by any conceivable interpretation, an act performed as a part of or even incidental to the role of a legislator. It is not an "act resulting from the nature and execution of the office." Nor is it "a thing said or done by him as a representative in the exercise of the functions of the office," 4 Mass., at 27. Nor is inquiry into a legislative act or the motivation for a legislative act necessary to a prosecution under this statute or this indictment. When a bribe is taken, it does not matter whether the promise for which the bribe was given was for the performance of a legislative act as here or, as in *Johnson,* for use of a Congressman's influence with the Executive Branch. And an inquiry into the purpose of a bribe "does not draw into question the legislative acts of the defendant Member of Congress or his motives for performing them." 383 U.S., at 185.

Nor does it matter if the Member defaults on his illegal bargain. To make a prima facie case under this indictment, the Government need not show any act of appellee subsequent to the corrupt promise for payment, for it is *taking* the bribe, not performance of the illicit compact, that is a criminal act. If, for example, there were undisputed evidence that a Member took a bribe in exchange for an agreement to vote for a given bill and if there were also undisputed evidence that he, in fact, voted against the bill, can it be thought that this alters the nature of the bribery or removes it from the area of wrongdoing the Congress sought to make a crime?

Another count of the indictment against appellee alleges that he "asked, demanded, exacted, solicited, sought, accepted, received and agreed to receive" money "for and because of official acts performed by him in respect to his action, vote and decision on postage rate legislation which had been pending before him in his official capacity." This count is founded on 18 U.S.C. § 201(g), which provides that a Member of Congress who "asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or because of any official act performed or to be performed by him" is guilty of an offense. Although the indictment alleges that the bribe was given for an act that was actually performed, it is, once again, unnecessary to inquire into the act or its motivation. To sustain a conviction it is necessary to show that appellee solicited, received, or agreed to receive, money with knowledge that the donor was paying him compensation for an official act. Inquiry into the legislative performance itself is not necessary; evidence of the Member's knowledge of the alleged briber's illicit reasons for paying the money is sufficient to carry the case to the jury.

Mr. Justice White rests heavily on the fact that the indictment charges the offense as being in part linked to Brewster's "action, vote and decision on postal rate legislation." This is true, of course, but our holding in *Johnson* precludes any showing of how he acted, voted or decided. The dissenting position stands on the fragile proposition that it "would take the Government at its word" with respect to wanting to prove what we all agree are protected acts which cannot be shown in evidence. Perhaps the Government would make a more appealing case if it could do so, but here, as in that case, evidence of acts protected by the Clause is inadmissible. The Government, as we have noted, need not prove any specific act, speech, debate, or decision to establish a violation of the statute under which respondent was indicted. To accept the arguments of the dissent would be to retreat from the Court's position in *Johnson* that a Member may be convicted if no showing of legislatve act is required.

Mr. Justice Brennan suggests that inquiry into the alleged bribe is inquiry into the motivation for a legislative act, and it is urged that this very inquiry was condemned as impermissible in *Johnson*. That argument misconstrues the concept of motivation for legislative acts. The Speech or Debate Clause does not prohibit inquiry into illegal conduct simply because it has some nexus to legislative functions. In *Johnson* the Court held that on remand, Johnson could be retried on the conspiracy to defraud count, so long as evidence concerning his speech on the House floor was not admitted. The Court's opinion plainly implies that had the Government chosen to retry Johnson on that count, he could not have obtained immunity from prosecution by asserting that the matter being inquired into was related to the motivation for his House speech. See n. 7, *supra*.

The only reasonable reading of the Clause, consistent with its history and purpose, is that it does not prohibit inquiry into activities which are casually or incidentally related to legislative affairs but not a part of the legislative process itself. Under this indictment and these statutes no such proof is needed.

We hold that under this statute and this indictment, prosecution of appellee is not prohibited by the Speech or Debate Clause.[18] Accordingly the judgment of the District Court is reversed and the case is remanded for further proceedings consistent with this opinion.

FOOTNOTES

[1] The remaining five counts charged the alleged bribers with offering and giving bribes in violation of 18 U.S.C. § 201(b).

[2] 18 U.S.C. § 201(c)(1) provides: "Whoever, being a public official or persons selected to be a public official, directly or indirectly, corruptly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself or for any other person or entity, in return for:

"(1) being influenced in his performance of any official act . . . [shall be guilty of an offense]."

18 U.S.C. § 201(a) defines "public official" to include "Member of Congress." The same subsection provides: " 'official act' means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending or which may by law be brought before any public official, in his official capacity, or in his place of trust or profit." 18 U.S.C. § 2 is the aiding or abetting statute.

[3] 18 U.S.C. § 201(g) provides: "Whoever, being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly asks, demands, exacts, solicits, seeks, accepts, receives, or agrees to receive anything of value for himself for or because of any official act performed or to be performed by him . . . [shall be guilty of an offense]."

[4] 18 U.S.C. § 3731 (Supp. V, 1970) provides:

"An appeal may be taken by and on behalf of the United States from the district court direct to the Supreme Court of the United States in all criminal cases in the following instances:

"From a decision or judgment setting aside, or dismissing any indictment or information, or any count thereof, where such decision or judgment is based upon the invalidity or construction of the statute upon which the indictment or information is founded.

"From the decision or judgment sustaining a motion in bar, when the defendant has not been put in jeopardy."

The statute has since been amended to eliminate the direct appeal provision on which the United States relies. 18 U.S.C. § 3731. This appeal, however, was perfected under the old statute.

[5] Cella, The Doctrine of Legislative Privilege of Freedom of Speech and Debate: Its Past, Present and Future as a Bar to Criminal Prosecutions in the Courts, 2 Suffolk L. Rev. 1, 15 (1968); Note, the Bribed Congressman's Immunity from Prosecution, 75 Yale L. J. 335, 337–338 (1965).

[6] See C. Wittke, The History of English Parliamentary Privilege, 23–32 (1921).

[7] On remand, the District Court dismissed the conspiracy count without objection from the Government. Johnson was then found guilty on the remaining counts, and his conviction was affirmed. *United States* v. *Johnson,* 419 F. 2d 56 (CA4 1969), cert. denied, 397 U. S. 1010 (1970).

[8] It is especially important to note that in *Coffin* v. *Coffin,* the court concluded that the defendant was not executing the duties of his office when he allegedly defamed the plaintiff and was hence not entitled to the claim of privilege.

[9] The "concession" Mr. Justice Brennan seeks to attribute to the Government lawyer who argued the case in the District Court reveals no more than the failure of the arguments in that court to focus on the distinction between true legislative acts and the myriad related political functions of a Member of Congress. The "concession" came in response to a question which clearly revealed that the District Court treated as protected all acts "related" to the office rather than limiting the protection to what "is said or done by him as a representative in the exercise of the functions of that office."

[10] See *Kilbourn* v. *Thompson,* 103 U.S. 168 (1881) (voting for a resolution); *Tenney* v. *Brandehove,* 341 U.S. 367 (1951) (harassment of witness by state legislator during a legislative hearing; not a Speech or Debate Clause case); *United States* v. *Johnson,* 383 U.S. 169 (1966) (making a speech on House floor); *Dombrowski* v. *Eastland,* 387 U.S. 82 (1967) (subpoenaing records for committee hearing); *Powell* v. *McCormack,* 395 U.S. 486 (1969) (voting for a resolution).

In *Coffin* v. *Coffin,* 4 Mass. 1 (1808), the state equivalent of the Speech or Debate Clause was held to be inapplicable to a legislator who was acting outside of his official duties.

[11] "To this construction of the article it is objected, that a private citizen may have his character basely defamed, without any pecuniry recompense or satisfaction. The truth of the objection is admitted. . . . The injury to the reputation of a private citizen is of less importance to the commonwealth, than the free and unreserved exercise of the duties of a representative, unawed by the fear of legal prosecutions." *Coffin* v. *Coffin,* 4 Mass. 1, 28 (1808).

See *Cochran* v. *Couzens,* 42 F. 2d 783 (CADC), cert, denied, 282 U.S. 874 (1930) (defamatory words uttered on Senate floor could not be basis of slander action).

[12] See Thomas, Freedom of Debate: Protector of the People or Haven for the Criminal?, 3 The Harvard Rev. 74, 80–81 (No. 3, 1965); Note, The Bribed Congressman's Immunity from Prosecution, 75 Yale L. J. 335, 349 n. 84 (1965); Oppenheim Congressional Free Speech, 8 Loyola L. Rev. 1, 27–28 (1955-1956).

[13] See, *e. g.*, *In re Chapman*, 166 U. S. 661, 669–670 (1897):

"The right to expel extends to all cases where the offense is such as in the judgment of the Senate is inconsistent with the trial and duty of a member."

[14] See the account of the impeachment of President Andrew Johnson in J. Kennedy, Profiles in Courage, 126–151 (1955). See also the account of the impeachment of Justice Samuel Chase in 3 A. Beveridge, Life of Marshall, at 169-220 (1919).

[15] "English Parliaments have historically reserved to themselves and still retain the sole and exclusive right to punish their members for the acceptance of a bribe in the discharge of their office. No member of Parliament may be tried for such an offense in any court of the land." Cella, The Doctrine of Legislative Privilege of Freedom of Speech and Debate: Its Past, Present and Future as a Bar to Criminal Prosecutions in the Courts, 2 Suffolk L. Rev. 1, 15–16 (1968). That this is obviously not the case in this country is implicit in the remand of Representative Johnson to be retried on bribery charges.

[16] The potential for harassment by an unscrupulous member of the Executive Branch may exist, but this country has no tradition of absolute congressional immunity from criminal prosecution. See *United States* v. *Quinn*, 141 F. Supp. 622 (SDNY 1956) (motion for acquittal granted because the defendant Member of Congress was unaware of receipt of fees by his law firm); *Burton* v. *United States*, 202 U.S. 344 (1906) (Senator convicted for accepting compensation to intervene before Post Office Department); *United States* v. *Dietrich*, 126 F. 671 (CCD Neb. 1904) (Senator-elect's accepting payment to procure office for another not covered by statute); *May* v. *United States*, 175 F. 2d 994 (CADC), cert. denied, 338 U.S. 830 (1949) (Congressman convicted of receiving compensation for services before an agency); *United States* v. *Bramblett*, 348 U.S. 503 (1955) (Congressman convicted of defrauding government agency). *Bramblett* concerned a Congressman's misuse of office funds via a "kick-back" scheme, which is surely "related" to the legislative office.

A strategically timed indictment could indeed cause serious harm to a Congressman. Representative Johnson, for example, was indicted while campaigning for re-election, and arguably his indictment contributed to his defeat. On the other hand, there is the classic case of Mayor Curley who was re-elected while under indictment. See 4 New Catholic Encyclopedia, at 541 (1967). Moreover, we should not overlook the barriers a prosecutor, attempting to bring such a case, must face. First, he must persuade a grand jury to indict, and we are not prepared to assume that grand juries will act against a Member without solid evidence. Thereafter, he must convince a petit jury beyond a reasonable doubt with the presumption of innocence favoring the accused. A prosecutor who fails to clear one of these hurdles faces serious practical consequences when the defendant is a Congressman. The Legislative Branch is not without weapons of its own and would no doubt use them if it thought the Executive were unjustly harassing one of its members. Perhaps more important is the omnipresence of the news media whose traditional function and competitive inclination affords no immunities to reckless or irresponsible official misconduct.

[17] The first bribery statute applicable to Congressmen was enacted in 1853. Act of Feb. 26, 1853, c. 81, § 6, 10 Stat. 171.

[18] In reversing the District Court's ruling that a Member of Congress may not be constitutionally tried for a violation of the federal bribery statutes, we express no views on the question left open in *Johnson* as to the constitutionality of an inquiry that probes into legislative acts or the motivation for legislative acts if Congress specifically authorizes such in a narrowly drawn statute. Should such an inquiry be made and should a conviction be sustained, then we would face the question whether inquiry into legislative acts and motivation is permissible under such a narrowly drawn statute.

UNITED STATES AGAINST BREWSTER

(Mr. Justice Brennan, with whom Mr. Justice Douglas joins, dissenting)

When this case first came before the Court, I had thought it presented a single, well-defined issue—that is, whether the Congress could authorize by a narrowly drawn statute the prosecution of a Senator or Representative for conduct otherwise immune from prosecution under the Speech or Debate Clause of the Constitution. Counts 1, 3, 5, and 7 of the indictment charged Senator Brewster with receiving $19,000 "in return for being influenced in his performance of official acts in respect to his action, vote, and decision on postage rate legislation which might at any time be pending before him in his official capacity [as a member of the Senate Post Office Committee]." Count 9 charged the Senator with receipt of another $5,000 for acts already performed by him with respect to his "action, vote, and decision" on that legislation. These charges, it seemed to me, fell within the clear prohibition of the Speech or Debate Clause as interpreted by decisions of this Court, particularly *United States* v. *Johnson*, 383 U.S. 169 (1966). For if the indictment did not call into question the "speeches or debates" of the Senator, it certainly laid open to scrutiny the motives for his legislative acts; and those motives, I had supposed, were no more subject to Executive and Judicial inquiry than the acts themselves, unless, of course, the Congress could delegate such inquiry to the other branches.

That, apparently, was the Government's view of the case as well. At the hearing before the District Court the prosecutor was asked point blank whether "the indictment in any wise allege[d] that Brewster did anything not related to his purely legislative functions." The prosecutor responded:

"We are not contending that what is being charged here, that is, the activity by Brewster, was anything other than a legislative act. We are not ducking the question; it is squarely presented. They are legislative acts. We are not going to quibble over tnat." App. 28.

The Government, in other words, did not challenge the applicability of the Clause to these charges, but argued only that its prohibitions could be avoided, "waived" as it were, through congressional authorization in the form of a narrowly drawn bribery statute. The District Court accepted the Government's reading of the indictment and held that the Senator could not be prosecuted for this conduct even under the allegedly narrow provisions of 18 U. S. C. § 201:

"Gentlemen, based on the facts of this case, it is admitted by the Government that the five counts of the indictment which charge Senator Brewster relate to the acceptance of bribes in connection with the performance of a legislative function by a Senator of the United States.

"It is the opinion of this Court that the immunity under the Speech and Debate Clause of the Constitution, particularly in view of the interpretation given that Clause by the Supreme Court in *Johnson*, shields Senator Brewster, constitutionally shields him from any prosecution for alleged bribery to perform a legislative act." App. 33.

Furthermore, the Government's initial brief in this Court, doubtless reflecting its recognition that *Johnson* had rejected the analysis adopted by the Court today, did not argue that a prosecution for acceptance of a bribe in return for a promise to vote a certain way falls outside the prohibition of the Speech or Debate Clause. Rather, the Government's Brief conceded or at least assumed that such conduct does constitute "Speech or Debate," but urged that Congress may enact a statute, such as 18 U. S. C. § 201, providing for judicial trial of the alleged crime.

Given these admissions by the Government and the District Court's construction of the indictment, which settled doctrine makes binding on this Court, *United States* v. *Jones*, 345 U.S. 377, 378 (1953), the only issue properly before us was whether Congress is empowered to delegate to the Executive and Judicial Branches the trial of a member for conduct otherwise protected by the Clause. Today, however, the Court finds it unnecessary to reach that issue, for it finds that the indictment, though charging receipt of a bribe for legislative acts, entails "no inquiry into legislative acts or motivation for legislative acts," *ante*, at 24, and thus is not covered by the Clause. In doing so the Court permits the Government to recede from its firm admissions, it ignores the District Court's binding construction of the indictment, and—most important—it repudiates principles of legislative freedom developed over the past century in a line of cases culminating in *Johnson*. Those principles, which are vital to the right of the people to be represented by Congressmen of independence and integrity, deserve more than the hasty burial given them by the Court today. I must therefore dissent.

I

I would dispel as the outset any notion that Senator Brewster's asserted immunity strains the outer limits of the Clause. The Court writes at length in an effort to show that "Speech or Debate" does not cover "all conduct relating to the legislative process." *Ante*, at 14. Even assuming the validity of that conclusion, I fail to see its relevance to the instant case. Senator Brewster is not charged with conduct merely "relating to the legislative process," but with a crime whose proof calls into question the very motives behind his legislative acts. The indictment, then, lies not at the periphery but at the very center of the protection that this Court has said is provided a Congressman under the Clause.

Decisions of this Court dating as far back as 1881 have consistently refused to limit the concept of "legislative acts" to the "Speech or Debate" specifically mentioned in Art. I, § 6, In *Kilbourn* v. *Thompson*, 103 U.S. 168 (1881), the Court held that

"[i]t would be a narrow view of the constitutional provision to limit it to words spoken in debate. The reason of the rule is as forcible in its application to written reports presented in that body by its committees, to resolutions offered, which, though in writing, must be reproduced in speech, and to the act of voting, whether it is done vocally or by passing between the tellers. In short, to things generally done in a session of the House by one of its members in relation to the business before it," *Id.*, at 204.

In reaching its conclusion, the Court adopted what was said by the Supreme Judicial Court of Massachusetts in *Coffin* v. *Coffin*, 4 Mass. 1 (1808), which *Kilbourn* held to be perhaps "the most authoritative case in this country on the construction of the provision in regard to freedom of debate in legislative bodies. . . ." *Ibid.* Chief Justice Parsons, speaking for the Massachusetts court, expressed what *Kilbourn* and later decisions saw as a properly generous view of the legislative privilege:

"These privileges are thus secured, not with the intention of protecting the members against prosecution for their own benefit, but to support the rights of the people, by enabling their representatives to execute the functions of their office without fear of prosecutions, civil or criminal. I therefore think that the article ought not to be construed strictly, but liberally, that the full design of it may be answered. I will not confine it to delivering an opinion, uttering a speech, or haranguing in debate; but will extend it to the giving of a vote, to the making of a written report, and to every other act resulting from the nature and in the execution of the office: and I would define the article, as securing to every member exemption from prosecution, for everything said or done by him, as a representative, in the exercise of the functions of that office; without enquiring whether the exercise was regular according to the rules of the house, or irregular and against their rules. I do not confine the member to his place in the house; and I am satisfied that there are cases, in which he is entitled to this privilege, when not within the walls of the representatives' chamber." 4 Mass., at 27.

There can be no doubt, therefore, that Senator Brewster's vote on new postal rates constituted legislative activity within the meaning of the Clause. The Senator could not be prosecuted or called to answer for his vote in any Judicial or Executive proceeding. But the Senator's immunity, I submit, goes beyond the vote itself and precludes all extra-congressional scrutiny as to how and why he cast, or would have cast, his vote a certain way. In *Tenney* v. *Brandhove*, 341 U.S. 367 (1951), the plaintiff charged that a state legislative hearing was being conducted not for a proper legislative purpose but solely as a means of harassing him. Nevertheless the Court held that no action would lie against the committee members under federal civil rights statutes. Mr. Justice Frankfurter stated:

"The claim of an unworthy purpose does not destroy the privilege. Legislators are immune from deterrents to the uninhibited discharge of their legislative duty, not for their private indulgence but for the public good. One must not expect uncommon courage even in legislators. The privilege would be of little value if they could be subjected to the cost and inconvenience and distractions of a trial upon a conclusion of the pleader, or to the hazard of a judgment against them based upon a jury's speculation as to motives. The holding of this Court in *Fletcher* v. *Peck*, 6 Cranch 87, 130, that it was not consonant with our scheme of government for a court to inquire into the motives of legislators, has remained unquestioned. . . .

". . . In times of political passion, dishonest or vindictive motives are readily attributed to legislative conduct and as readily believed. Courts are not the place for such controversies. Self-discipline and the voters must be the ultimate reliance for discouraging or correcting such abuses." *Id.*, at 377–378.

Barring congressional power to authorize this prosecution, what has been said thus far would seem sufficient to require affirmance of the order of dismissal, for neither Senator Brewster's vote nor his motives for voting, however dishonorable, may be the subject of a civil or criminal proceeding outside the walls of the Senate. There is nothing complicated about this conclusion. It follows simply and inescapably from prior decisions of this Court, *supra*, setting forth the most basic elements of legislative immunity. Yet the Court declines to apply those principles to this case, for it somehow finds that the Government can prove its case without referring to the Senator's official acts or motives. According to the Court, the Government can limit its proof on Counts 1, 3, 5, and 7 to evidence concerning Senator Brewster's "taking or agreeing to take money for a promise to act in a certain way," and need not show "that appellee fulfilled the alleged illegal bargain; acceptance of the bribe is the violation of the statute, not performance of the illegal promise." *Ante*, at 25. Similarly, the Court finds that Count 9 can be proved merely by showing that the Senator solicited or received money "with knowledge that the donor was paying him compensation for an official act," without any inquiry "into the legislative performance itself." *Ante*, at 26. These evidentiary limitations are deemed sufficient to avoid the prohibitions of the Speech or Debate Clause.

With all respect, I think that the Court has adopted a wholly artificial view of the charges before us. The indictment alleges not the mere receipt of money, but the receipt of money in exchange for a Senator's vote and promise to vote in a certain way. Insofar as these charges bear on votes already cast, the Government cannot avoid proving the performance of the bargained-for acts, for it is the acts themselves, together with the motivating bribe, that form the basis of Count 9 of the indictment. Proof of "knowledge that the donor was paying . . . for an official act" may be enough for conviction under § 201 (g). But assuming it is, the Government still must demonstrate that the "official act" referred to was actually performed, for that is what the indictment charges. Count 9, in other words, calls into question both the performance of official acts by the Senator and his reasons for voting as he did. Either inquiry violates the Speech or Debate Clause.

The counts charging only a corrupt promise to vote are equally repugnant to the clause. The Court may be correct that only receipt of the bribe, and not performance of the bargain, is needed to prove these counts. But proof of an agreement to be "influenced" in the performance of legislative acts by definition an inquiry into their motives, whether or not the acts themselves or the circumstances surrounding them are questioned at trial. Furthermore, judicial inquiry into an alleged agreement of this kind carries with it the same danger to legislative independence that are held to bar accountability for official conduct itself. As our Brother White cogently states, *post*, at 6–7:

"Bribery is most often carried out by prearrangement; if that part of the transaction may be plucked from its context and made the basis of criminal charges, the Speech or Debate Clause loses its force. It will be small comfort for a Congressman to know that he cannot be prosecuted for his vote, whatever it may be, but he can be prosecuted for an alleged agreement even if he votes contrary to the asserted bargain."

Thus, even if this were an issue of first impression, I would hold that this prosecution, being an extracongressional inquiry into legislative acts and motives, is barred by the Speech or Debate Clause.

What is especially disturbing about the Court's result, however, is that this is not an issue of first impression, but one that was settled six years ago in *United States* v. *Johnson*, 383 U.S. 169 (1966). There a former Congressman was charged with violating the federal conflict-of-interest statute, 18 U.S.C. § 281, and of conspiring to defraud the United States, 18 U.S.C. § 371, by accepting a bribe in exchange for his agreement to seek dismissal of federal indictments pending against officers of several savings and loan companies. Part of the alleged conspiracy was a speech delivered by Johnson on the floor of the House, favorable to loan companies generally. The Government relied on that speech at trial and questioned Johnson extensively about its contents, authorship, and his reasons for delivering it. The Court of Appeals set aside the conspiracy conviction, holding that the Speech or Debate Clause barred such a prosecution based on an allegedly corrupt promise to deliver a congressional speech. In appealing that decision the Government made the very same argument that appears to persuade the Court today:

"[The rationale of the Clause] is applicable in suits based upon the *content* of a legislator's speech or action, where immunity is necessary to prevent impediments to the free discharge of his public duties. But it does not justify granting him immunity from prosecution for accepting or agreeing to accept money to make a speech in Congress. The latter case poses no threat which could reasonably cause a Congressman to restrain himself in his official speech, because no speech, as such, is being questioned. It is only the *antecedent conduct* of accepting or agreeing to accept the bribe which is attacked in such a prosecution. 'Whether the party taking the bribe lives up to his corrupt promise or not is immaterial. The agreement is the essence of the offense; when that is consummated, the offense is complete.' 3 Wharton, Criminal Law and Procedure, § 1383 (Anderson ed. 1957) . . . Thus, if respondent, after accepting the bribe, had failed to carry out his bargain, he could still be prosecuted for the same offense charged here, but it could not be argued that any speech was being 'questioned' in his prosecution. The fact that respondent fulfilled his bargain and delivered the corrupt speech should not render the entire course of conduct constitutionally protected." Brief for the United States in *United States* v. *Johnson*, at 10–11.

The *Johnson* opinion answered this argument in two places. After emphasizing that the prosecution at issue was "based upon an allegation that a member of Congress abused his position by conspiring to give a particular speech in return for remuneration from private interests," the Court stated, 383 U.S., at 180:

"However reprehensible such conduct may be, we believe the Speech or Debate Clause extends at least so far as to prevent it from being made the basis of a criminal charge against a member of Congress of conspiracy to defraud the United States by impeding the due discharge of government functions. *The essence of such a charge in this context is that the Congressman's conduct was improperly motivated, and . . . that is precisely what the Speech or Debate Clause generally forecloses from executive and judicial inquiry.*" (Emphasis supplied.)

Again the Court stated, at 182–183:

"The Government argues that the clause was meant to prevent only prosecutions based upon the 'content' of speech, such as libel actions, but not those founded on 'the antecedent unlawful conduct of accepting or agreeing to accept a bribe.' Brief of the United States, at 11. Although historically seditious libel was the most frequent instrument for intimidating legislators, this has never been the sole form of legal proceedings so employed, and the language of the Constitution is framed in the broadest terms."

Finally, any doubt that the *Johnson* Court rejected the argument put forward by the Government was dispelled by its citation of *Ex parte Wason*, 4 Q. B. 573 (1869). In that case a private citizen moved to require a magistrate to prosecute several members of the House of Lords for conspiring to prevent his petition from being heard on the floor. The court denied the motion, holding that "statements made by members of either House of Parliament in their places in the House . . . could not be made the foundation of civil or criminal proceedings, however injurious they might be to the interest of a third person. And a conspiracy to make such statements would not make the persons guilty of it amenable to the criminal law." *Id.*, at 576 (Cockburn, C.J.) Mr. Justice Blackburn added, "I entirely concur in thinking that the information did only charge an agreement to make statements in the House of Lords, and therefore did not charge any indictable offense." *Ibid.*

Johnson, then, can only be read as holding that a corrupt agreement to perform legislative acts, even if provable without reference to the acts themselves, may not be the subject of a general conspiracy prosecution. In the face of that holding and *Johnson's* rejection of reasoning identical to its own, the Court finds support in the fact that *Johnson* "authorized a new trial on the conspiracy count, provided that all references to the making of the speech were eliminated." *Ante*, at 10. But the Court ignores the fact that, with the speech and its motives excluded from consideration, this new trial was for nothing more than a conspiracy to intervene before an Executive department, *i.e.*, the Justice Department. And such Executive intervention has never been considered legislative conduct entitled to the protection of the Speech or Debate Clause. See *infra*, at 14. The Court cannot camouflage its departure from the holding of *Johnson* by referring to a collateral ruling having little relevance to the fundamental issues of legislative privilege involved in that case. I would follow *Johnson* and hold that Senator Brewster's alleged promise, like the Congressman's there, is immune from executive or judicial inquiry.

II

The only issue for me, then, is the one left open in *Johnson*—that is, the validity of a "prosecution which, though possibly entailing inquiry into legislative acts or motivations, is founded [not upon a general conspiracy statute but] upon a narrowly drawn statute passed by Congress in the exercise of its legislative power to regulate the conduct of its members." 383 U.S., at 185. Assuming that 18 U.S.C. § 201 is such a "narrowly drawn statute," I do not believe that it, any more than a general enactment, can serve as the instrument for holding a Congressman accountable for his legislative acts outside the confines of his own chamber. The Government offers several reasons why such a "waiver" of legislative immunity should be allowed. None of these, it seems to me, is sufficient to override the public's interest in legislative independence, secured to it by the principles of the Speech or Debate Clause.[1]

As a preliminary matter, the Government does not contend, nor can it, that no forum was provided in which Senator Brewster might have been punished if guilty. Article I, § 5, of the Constitution provides that ". . . Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member." This power has a broad reach, extending "to all cases where the offense is such as in the judgment of the [House or] Senate is inconsistent with the trust and duty of a member." *In re Chapman*, 166 U.S. 661, 669–670 (1897). *Chapman*, for example, concerned a Senate investigation of charges that Senate members had speculated in stocks of companies interested in a pending tariff bill. Similarly, the House of Representatives in 1873 censured two members for accepting stock to forestall a congressional injury into the Credit Mobilier. There are also many instances of imprisonment or expulsion by Parliament of members who accepted bribes.[2]

Though conceding that the Houses of Congress are empowered to punish their members under Art. I, § 5, the Government urges that Congress may also enact a statute, such as 18 U.S.C. § 201, providing for judicial enforcement of that power. In support of this position, the Government relies primarily on the following language from the opinion in *Burton* v. *United States*, 202 U.S. 334, 367 (1906):

"While the framers of the Constitution intended that each Department should keep within its appointed sphere of public action, it was never contemplated that the authority of the Senate to admit to a seat in its body one who had been duly elected as a Senator, or its power to expel him after being admitted, should, in any degree, limit or restrict the authority of Congress to enact such statutes, not forbidden by the Constitution, as the public interests required for carrying into effect the powers granted to it."

However, *Burton* was not a case that involved conduct protected by the Speech or Debate Clause. Senator Burton was prosecuted for accepting money to influence the Post Office Department in a mail fraud case in violation of Rev. Stat. 1782, 13 Stat. 123. That was nonlegislative conduct, and as we said in *Johnson*, *supra*, at 172, "No argument is made, nor do we think that it could be successfully contended, that the Speech or Debate Clause reaches conduct, such as was involved in the attempt to influence the Department of Justice, that is in no wise related to the due functioning of the legislative process." Such a prosecution, as the quoted excerpt from *Burton* specifically said, is "not forbidden by the Constitution," but that holding has little relevance to a case, such as this one, involving legislative acts and motives.

The Government, however, cites additional considerations to support the authority of Congress to provide for judicial trials of corrupt members; the press of congressional business, the possibility of politically motivated judgments by fellow members, and the procedural safeguards of a judicial trial are all cited as reasons why Congress should be allowed to transfer the trial of a corrupt member from the House of Congress to the courts. Once again, these are arguments urged and found unpersuasive in *Johnson*. I find them no more persuasive now. I may assume as a general matter that the "Legislative Branch is not so well suited as politically independent judges and juries to the task of ruling upon the blameworthiness of, and levying appropriate punishment upon, specific persons." *United States* v. *Brown*, 381 U.S. 437, 445 (1965). Yet it does not necessarily follow that prosecutors, judges, and juries are better equipped than legislators to make the kinds of political judgments required here. Senators and Congressmen are never entirely free of political pressures, whether from their own constituents or from special interest lobbies. Submission to these pressures, in the hope of political and financial support, or the fear of its withdrawal, is not uncommon, nor is it necessarily unethical.[3] The line between legitimate influence and outright bribe may be more a matter of emphasis than objective fact, and in the end may turn on the trier's view of what was proper in the context of the everyday realities and necessities of political office. Whatever the special competence of the judicial process in other areas, members of Congress themselves are likely to be in the better position to judge the issue of bribery relating to legislative acts. The observation of Mr. Justice Frankfurter bears repeating here: "Courts are not the place for such controversies. Self-discipline and the voters must be the ultimate reliance for discouraging or correcting such abuses." *Tenney* v. *Brandhove*, *supra*, at 378.

Nor is the member at the mercy of his colleagues free to adjust as they wish his rights to due process and free expression. It is doubtful, for example, that the Congress could punish a member for the mere expression of unpopular views otherwise protected by the First Amendment. See *Bond* v. *Floyd*, 385 U.S. 116 (1966). And judicial review of the legislative inquiry is not completely foreclosed; the power of the House and Senate to discipline the conduct of members is not exempt from the "restraints imposed by or found in the implications of the Constitution." *Barry* v. *United States ex rel. Cunningham*, 279, U.S. 597, 614 (1929), quoted in *Powell* v. *McCormack*, 395 U.S. 486, 519 n. 40 (1969).

Finally, the Government relies on the history of the Clause to support a congressional power of delegation. While agreeing that the Speech or Debate Clause was a "culmination of a long struggle for parliamentary supremacy" and a reaction against the Crown's use of "criminal and civil law to suppress and intimidate critical legislators," *Johnson*, *supra*, at 178, the Government urges that this is not the whole story. It points out that while a large part of British history was taken up with Parliament's struggles to free itself from royal domination, the balance of power was not always ranged against it. Once Parliament succeeded in asserting rightful dominion over its members and the conduct of its business, Parliament sought to extend its reach into areas and for purposes that can only be labeled an abuse of legislative power. Aware of these abuses, the Framers, the Government submits, did not mean Congress to have exclusive power, but one which, by congressional delegation, might be shared with the Executive and Judicial Departments.

That the Parliamentary privilge was indeed abused is historical fact. By the close of the 17th century Parliament had succeeded in obtaining rights of free speech and debate as well as the power to punish offenses of its members contravening the good order and integrity of its processes. In 1694, five years after incorporation of the Speech or Debate Clause in the English Bill of Rights, Lord Falkland was found guilty in Commons of accepting a bribe of 2,000 pounds from the Crown, and was imprisoned during the pleasure of the House. The Speaker of the House of Commons, Sir John Trevor, was censured for bribery the following year.[4]

But Parliament was not content with mere control over its members' conduct. Independence brought an assertion of absolute power over the definition and reach of institutional privileges. "[T]he House of Commons and the House of Lords claimed absolute and plenary authority over their privileges. This was an independent body of law, described by Coke as *lex parliamenti*. Only Parliament could declare what those privileges were or what new privileges were occasioned, and only Parliament could judge what conduct constituted a breach of privilege." *Watkins* v. *United States*, 354 U.S. 178, 188 (1957). Thus, having established the basic privilege of its members to be free from civil arrest or punishment, the House extended the privilege to its members' servants, and punished trespass on the estates of its members, or theft of their or their servants' goods. The House went so far as to declare its members' servants to be outside the reach of the common law courts during the time that Parliament was sitting. This led to the sale of "protections" providing the named persons were servants of a particular member and should be free from arrest, imprisonment, and molestation during the term of Parlament.[5] These abuses in turn were brought to America. By 1662, for example, the Virginia House of Burgesses had succeeded in exempting not only its members, but their servants as well, from arrest and molestation.[6]

The Government is correct in pointing out that the Framers, aware of these abuses, were determined to guard against them. Madison stated that the "legislative department is everywhere extending the sphere of its ac-

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Footnotes at end of article.

tivity, and drawing all power into its impetuous vortex."[7] And Jefferson looked on the "tyranny of the legislatures" as "the most formidable dread at present, and will be for long years."[8] Therefore the Framers refused to adopt the *lex parliamenti*, which would have allowed Congressmen and their servants to enjoy numerous immunities from ordinary legal restraints. But it does not follow that the Framers went further and authorized Congress to transfer discipline of bribe takers to the Judicial Branch. The Government refers us to nothing in the Convention debates or in writings of the Framers that even remotely supports the argument. Indeed there is much in the history of the Clause to point the other way, toward a personalized legislative privilege not subject to defeasance even by a specific congressional delegation to the courts.

The *Johnson* opinion details the history. The Clause was formulated by the Convention's Committee on Style which phrased it by revising Article V of the Articles of Confederation which had provided: "Freedom of speech and debate in Congress shall not be impeached or questioned *in any court*, or place out of Congress." (Emphasis supplied.) This wording derived in turn from the provision of the English Bill of Rights of 1689 that "Freedom of Speech, and Debates or Proceedings in Parliament, ought not to be impeached or questioned *in any Court or Place out of Parliament*." (Emphasis supplied.) The same wording, or variations of it, appeared in state constitutions. Article VIII of the Maryland Declaration of Rights (1776) declared that legislative freedom "ought not to be impeached or questioned in any other court or judicature." The Massachusetts Bill of Rights (Article XXI, 1780) provided that the "freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action, or complaint, in any other court or place whatsoever." The New Hampshire Constitution (Article XXX, 1784) contained a provision virtually identical to Massachusetts'. In short "[f]reedom of speech and action in the legislature was taken as a matter of course by those who severed the Colonies from the Crown and founded our Nation." *Tenney* v. *Brandhove*, 341 U. S., at 372.

Despite his fear of "legislative excess," *Tenney* v. *Brandhove, supra*, at 375, Jefferson, when confronted with criticism of certain Congressmen by the Richmond, Virginia, grand jury, said:

"[T]hat in order to give to the will of the people the influence it ought to have, and the information which may enable them to exercise it usefully, it was a part of the common law, adopted as the law of this land, that their representatives, in the discharge of their functions, should be free from the cognizance or coercion of the coordinate branches, Judiciary and Executive." 8 The Works of Thomas Jefferson 322 (Ford ed. 1904).

Jefferson's point of view was shared by his contemporaries[9] and found judicial expression as early as 1808, in the *Coffin* opinion, *supra*. It was there stated:

"In considering this article, it appears to me that the privilege secured by it is not so much the privilege of the house as an organized body, as of each individual member composing it, who is entitled to this privilege, *even against the declared will of the house*. For he does not hold this privilege at the pleasure of the house; but derives it from the will of the people, expressed in the constitution, which is paramount to the will of either or both branches of the legislature. In this respect the privilege here secured resembles other privileges attached to each member by another part of the constitution, by which he is exempted from arrests on *mesne* (or original) process, during his going to, returning from, or attending the general court. Of these privileges, thus secured to each member, he cannot be deprived, by a resolve of the house, or by an act of the legislature." 4 Mass., at 27. (Emphasis supplied.)

In short, if the Framers contemplated judicial inquiry into legislative acts, even on the specific authorization of Congress, that intent is not reflected in the language of the Speech or Debate Clause or contemporary understanding of legislative privilege. History certainly shows that the Framers feared unbridled legislative power. That fact, however, yields no basis for an interpretation that in Article I, §§ 1 and 8, the Framers authorized Congress to ignore the prohibition against inquiry in "any other place" and enact a statute either of general application or specifically providing for a trial in the courts of a member who takes a bribe for conduct related to legislative acts.[10]

III

I yield nothing to the Court in conviction that this reprehensible and outrageous conduct, if committed by the Senator, should not have gone unpunished. But whether a court or only the Senate might undertake the task is a constitutional issue of portentous significance which must of course be resolved uninfluenced by the magnitude of the perfidy alleged. It is no answer that Congress assigned the task to the judiciary in enacting 18 U.S.C. § 201. Our duty is to Nation and Constitution not Congress. We are guilty of a grave disservice to both Nation and Constitution when we permit Congress to shirk its responsibility in favor of the courts. The Framers' judgment was that the American people could have a Congress of independence and integrity only if alleged misbehavior in the performance of legislative functions was accountable solely to a member's own House and never to the executive or judiciary. The passing years have amply justified the wisdom of that judgment. It is the Court's duty to enforce the letter of the Speech or Debate Clause in that spirit. We did so in deciding *Johnson*. In turning its back on that decision today, the Court arrogates to the judiciary an authority committed by the Constitution, in Senator Brewster's case, exclusively to the Senate of the United States. Yet the Court provides no principled justification, and I can think of none, for its denial that *United States* v. *Johnson* compels affirmance of the District Court. That decision is only six years old and bears the indelible imprint of the distinguished constitutional scholar who wrote the opinion for the Court. *Johnson* surely merited a longer life.

FOOTNOTES

[1] Although the Court does not reach this issue, it adopts many of the Government's arguments to show that the Speech or Debate Clause is or should be wholly inapplicable to this case. My disagreement with these contentions applies equally to their use by the Court in support of its position.

[2] See n. 4, *infra*, and accompanying text.

[3] Cf. Conflict of Interest and Federal Service, Association of the Bar of the City of New York 14–15 (1960):

"The congressman's representative status lies at the heart of the matter. As a representative, he is often supposed to represent a particular economic group, and in many instances his own economic self-interest is closely tied to that group. That is precisely why it selected him. It is common to talk of the Farm Bloc, or the Silver Senators. We would think odd a fishing state congressman who was not mindful of the interests of the fishing industry—though he may be in the fishing business himself, and though his campaign funds come in part from this source. This kind of representation is considered inevitable, and, indeed, generally applauded. Sterile application of an abstract rule against acting in situations involving self-interest would prevent the farmer senator from voting on farm legislation or the Negro congressman from speaking on civil rights bills. At some point a purist attitude toward the evils of conflict of interest in Congress runs afoul of the basic premises of American representative government."

[4] Luce, Legislative Assemblies 401–402 (1924). Another notable instance was that of Robert Walpole, who in 1711 was expelled and imprisoned by the House on charges of corruption. Tasswell-Langmead, English Constitutional History 583–584 (11th ed., Plucknett, 1960).

[5] Wittke, The History of English Parliamentary Privilege 39–47 (1921); Tasswell-Langmead, English Constitutional History 580 (11th ed., Plucknett, 1960). The abuse of the privilege lay as much in its arbitrary contraction as extension. In 1763 the House of Commons reacted angrily to a tract written by one of its own members, John Wilkes, and withdrew the privilege from him in order to permit his prosecution for seditious libel. The House also expelled Wilkes, and he fled to France as an outlaw. Upon his return to England in 1768, he was re-elected to Parliament, again expelled, tried for seditious libel, and sentenced to 22 months imprisonment. The House refused to seat him on three further occasions, and it was not until 1782 that the resolutions expelling Wilkes and declaring him incapable of re-election were expunged from the records of the House. Tasswell-Langmead, *supra*, at 584–585; *Powell* v. *McCormack*, 395 U.S. 486, 527–528 (1969).

[6] Clarke, Parliamentary Privilege in the American Colonies 99 (1943).

[7] The Federalist No. 48.

[8] *Tenney* v. *Brandhove*, 341 U.S. 367, 375 n. 4 (1951).

[9] James Wilson, a member of the Convention committee responsible for the Clause, stated: "In order to enable and encourage a representative of the publick to discharge his publick trust with firmness and success, it is indispensably necessary, that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of every one, however powerful, to whom the exercise of that liberty may occasion offence." I The Works of James Wilson 421 (McCloskey ed. 1967).

[10] While it is true that Congress has made the acceptance of a bribe a crime ever since 1853, it should be noted that the earliest federal bribery statute, passed by Congress in 1790, applied only to judges who took bribes in exchange for an "opinion, judgment or decree." Act of April 30, 1790, 1 Stat. 112, 117. It also appears that the common law did not recognize the charge of bribe-taking by a legislator. Blackstone, for example, defined bribery as "when a judge, or other person concerned in the administration of justice, takes any undue reward to influence his behaviour in his office." 4 Blackstone's Commentaries 139. Coke also regarded bribery as a crime committed by judges. Coke, 3d Inst. 145.

UNITED STATES AGAINST BREWSTER

(Mr. Justice White, with whom Mr. Justice Douglas and Mr. Justice Brennan join, dissenting)

The question presented by this case is not whether bribery or other offensive conduct on the part of Members of Congress must or should go unpunished. No one suggests that the Speech or Debate Clause insulates Senators and Congressmen from accountability for their misdeeds. Indeed, the clause itself is but one of several constitutional provisions which makes clear that Congress has broad powers to try and punish its Members:

"The Constitution expressly empowers each House to punish its own members for disorderly behavior. We see no reason to doubt that this punishment may in a proper case be imprisonment, and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order.

"So, also, the penalty which each House is authorized to inflict in order to compel the attendance of absent members may be imprisonment, and this may be for a violation of some order or standing rule on that subject.

"Each House is by the Constitution made the judge of the election and qualification of its members. In deciding on these it has an undoubted right to examine witnesses and inspect papers, subject to the usual rights of witnesses in such cases; and it may be that a witness would be subject to like punishment at the hands of the body engaged in trying a contested election, for refusing to testify, that he would if the case were pending before a court of judicature.

"The House of Representatives has the sole right to impeach officers of the government, and the Senate to try them. Where the question of such impeachment is before either body acting in its appropriate sphere on that subject, we see no reason to doubt the right to compel the attendance of witnesses, and their answer to proper questions, in the same manner and by the use of the same means that courts of justice can in like cases." *Kilbourn* v. *Thompson*, 103 U.S. 168, 189–190 (1881).

The sole issue here is in what forum the accounting must take place—whether the prosecution which the Government proposes is consistent with the command that "for any Speech or Debate in either House, they [Members of Congress] shall not be questioned in any other Place." U.S. Constitution, Art. I, § 6, cl. 2.

The majority disposes of this issue by distinguishing between promise and performance. Even if a Senator or Congressman may not be prosecuted for a corrupt legislative act, the Speech or Debate Clause does not prohibit prosecution for a corrupt promise to perform that act. If a Member of Congress promises to vote for or against a bill in return for money, casts his vote in accordance with the promise and accepts payment, the majority's view is that even though he may not be prosecuted for voting as he did, although the vote was corrupt, the executive may prosecute and the judiciary may try him for the corrupt agreement or for taking the money either under a narrowly drawn statute or one of general application. This distinction between a promise and an act will not withstand scrutiny in terms of the values which the speech or Debate Clause was designed to secure.

The majority agrees that in order to assure the independence and integrity of the legislature and to reinforce the separation of powers so deliberately established by the founders, the Speech or Debate Clause prevents a legislative act from being the basis of criminal or civil liability. Concededly, a Member of Congress may not be prosecuted or sued for making a speech or voting in committee or on the floor, whether he was paid to do so or not. The majority also appears to embrace the holding in *United States* v. *Johnson*, 383 U.S. 169 (1966), that a Member of Congress could not be convicted of a conspiracy to defraud the Government where the purposes or motives underlying his conduct as a legislator are called into question.

If one follows the mode of the majority's present analysis, the prosecution in *Johnson* was not for speaking, voting or performing any other legislative act in a particular manner; the criminal act charged was a conspiracy to defraud the United States anterior to any legislative performance. To prove the crime, however, the prosecution introduced evidence that money was paid to make a speech, among other things, and that the speech was made. This, the Court held, violated the Speech or Debate Clause, because it called into question the motives and purposes underlying Congressman Johnson's performance of his legislative duties.

The same infirmity inheres in the present indictment, which was founded upon two separate statutes. 18 U.S.C. § 201(g) requires proof of a defendant's receipt or an agreement or attempt to receive anything of value "for or because of any official act performed, or to be performed, by him . . . ." Of course, not all, or even many, official acts would be legislative acts protected by the Speech or Debate Clause; but whatever the act, the Government must identify it to prove its case. Here we are left in no doubt whatsoever, for the official acts expressly charged in the indictment were in respect to "his action, vote and decision on postal rate legislation."

Similarly, there is no basis for arguing that the indictment did not contemplate proof of performance of the act, for the indictment in so many words charged the arrangement was "for and because of official acts *performed* by him in respect to his action, vote and decision on postal rate legislation which *had been pending* before him in his official capacity." (Emphasis added.) It is this indictment, not some other charge, that was challenged and dismissed by the District Court. Like that court I would take the Government at its word: it alleged and intended to prove facts that questioned and impugned the motives and purposes underlying specified legislative acts of the Senator and intended to use these facts as a basis for the conviction of the Senator himself.

Thus, taking the charge at face value, the indictment represents an attempt to prosecute and convict a Member of Congress not only for taking money but *for* performing a legislative act. Moreover, whatever the proof might be, the indictment on its face charged a corrupt undertaking with respect to the performance of legislative conduct that had already occurred and so, without more, "questioned in [some] other Place" the speech and debate of a Member of Congress. Such a charge is precisely the kind that the Senator should not have been called upon to answer if the Speech or Debate Clause is to fulfill its stated purpose.

Insofar as it charged crimes under 18 U.S.C. § 201(c) (1), the indictment fares little better. That section requires proof of a corrupt arrangement for the receipt of money and also proof that the arrangement was in return for the defendant "being influenced in his performance of any official act . . . ." Whatever the official act may prove to be, the Government cannot prove its case without calling into question the motives of the Member in performing that act, for it must prove that the Member undertook for money to be influenced in that performance.

Clearly if the Government sought to prove its case against a Member of Congress by evidence of a legislative act, conviction could not survive in the face of the holding in *Johnson*. But even if an offense under the statute could be established merely by proof of an undertaking to cast a vote, which is not alleged in the indictment or shown at trial to have taken place one way or the other, the motives of the legislator in performing his duties with respect to the subject matter of the undertaking would nevertheless inevitably be impugned. In charging the offense under § 201 (c) (1), the indictment alleged a corrupt arrangement made "in return for being influenced in his performance of official acts in respect to his action, vote and decision on postal legislation which might at any time be pending before him in his official capacity." Again, I would take the Government at its word: it charged and intended to prove facts that could not fail to impugn Senator Brewster's performance of his legislative duties.[1]

The use of criminal charges "against critical or disfavored legislators by the executive in a judicial forum was the chief fear prompting the long struggle for parliamentary privilege," *United States* v. *Johnson*, 383 U.S. 169, 182 (1966), and in applying the privilege "we look particularly to the prophylactic purposes of the clause." *Ibid*. Let us suppose that the Executive Branch is informed that private interests are paying a Member of Congress to oppose administration-sponsored legislation. The Congressman is chairman of a key committee where a vote is pending. A representative from the Executive department informs the Congressman of the allegations against him, hopes the charges are not true and expresses confidence that the committee will report the bill and that the Member will support it on the floor. The pressure on the Congressmen, corrupt or not, is undeniable. He will clearly fare better in any future criminal prosecution if he answers the charge of corruption with evidence that he voted contrary to the alleged bargain.

Even more compelling is the likelihood that he will not be prosecuted at all if he follows the administration's suggestion and supports the bill. Putting aside the potential for abuse in ill-conceived, mistaken or false accusations, the Speech or Debate Clause was designed to prevent just such an exercise of Executive power. It is no answer to maintain that the potential for abuse does not inhere in a prosecution for a completed bribery transaction where the legislative act has already occurred. A corrupt vote may not be made the object of a criminal prosecution because otherwise the Executive would be armed with power to control the vote in question, if forewarned, or in any event to control other legislative conduct.

All of this comes to naught if the executive may prosecute for a promise to vote though not for the vote itself. The same hazards to legislative independence inhere in the two prosecutions. Bribery is most often carried out by prearrangement; if that part of the transaction may be plucked from its context and made the basis of criminal charges, the Speech or Debate Clause loses its force. It will be small comfort for a Congressman to know that he cannot be prosecuted for his vote, whether it may be, but he can be prosecuted for an alleged agreement even if he votes contrary to the asserted bargain.

The realities of the American political system, of which the majority fails to take account, render particularly illusory a Speech or Debate Clause distinction between a promise to perform a legislative act and the act itself. Ours is a representative government. Candidates for office engage in heated contests and the victor is he who receives the greatest number of votes from his constituents. These campaigns are run on platforms which include statements of intention and undertakings to promote certain policies. These promises are geared, at least in part, to the interests of the Congressman's constituency. Members of Congress may be legally free from dictation by the voters, but there is a residual conviction that they should have due regard for the interests of their States or districts, if only because on election day a Member is answerable for his conduct.

Serving constituents is a crucial part of a legislator's ongoing duties. Congressmen receive a constant stream of complaints and requests for help or service. Judged by the volume and content of a Congressman's mail, the right to petition is neither theoretical nor ignored. It has never been thought unethical for a Member of Congress whose performance on the job may determine the success of his next campaign not only to listen to the petitions of interest groups in his State or district, which may come from every conceivable group of people, but also to support or oppose legislation serving or threatening those interests.

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[1] In *Gravel* v. *United States*, *ante*, at ——, it is held that the Speech or Debate Clause does not immunize criminal acts performed in preparation for or execution of a legislative act. But the unprotected acts referred to there were criminal in themselves, provable without reference to a legislative act and without putting the defendant member to the task of defending the integrity of his legislative performance. Here, as stated, the crime charged necessarily implicates the Member's legislative duties.

Against this background a second fact of American political life assumes considerable importance for the purposes of this case. Congressional campaigns are most often financed with contributions from those interested in supporting particular Congressmen and their policies. A legislator must maintain a working relationship with his constituents not only to garner votes to maintain his office but to generate financial support for his campaigns. He must also keep in mind the potential effect of his conduct upon those from whom he has received financial support in the past and those whose help he expects or hopes to have in the next campaign. An expectation or hope of future assistance can arise because constituents have indicated that support will be forthcoming if the Member of Congress champions their point of view. Financial support may also arrive later from those who approve of a Congressman's conduct and have an expectation it will continue. Thus, mutuality of support between legislator and constituent is inevitable. Constituent contributions to a Congressman and his support of constituent interests will repeatedly coincide in time or closely follow one another. It will be the rare Congressman who never accepts campaign contributions from persons or interests whose view he has supported, or will support, by speech making, voting or bargaining with fellow legislators.

All of this, or most of it, may be wholly within the law and consistent with contemporary standards of political ethics. Nevertheless, the opportunities for an executive, in whose sole discretion the decision to prosecute rests under the statute before us, to claim that legislative conduct has been sold are obvious and undeniable. These opportunities, inherent in the political process as it now exists, create an enormous potential for executive control of legislative behavior by threats or suggestions of criminal prosecution—precisely the evil which the Speech or Debate Clause was designed to prevent.

Neither the majority opinion nor the statute under which Brewster is charged distinguishes between campaign contributions and payments designed for or put to personal use. To arm the executive with the power to prosecute for taking political contributions in return for an agreement to introduce or support particular legislation or policies is to vest enormous leverage in the executive and the courts. Members of Congress may find themselves in the dilemma of being forced to conduct themselves contrary to the interests of those who provide financial support or declining that support. They may also feel constrained to listen less often to the entreaties and demands of potential contributors. The threat of prosecution for supposed missteps which are difficult to define and fall close to the line of what ordinarily is considered permissible, even necessary, conduct scarcely ensures that legislative independence which is the root of the Speech and Debate Clause.

Even if the statute and this indictment were deemed limited to payments clearly destined for or actually put to personal use in exchange for a promise to perform a legislative act, the Speech and Debate Clause would still be offended. The potential for executive harassment is not diminished merely because the conduct made criminal is more clearly defined. A Member of Congress becomes vulnerable to abuse each time he makes a promise to a constituent on a matter over which he has some degree of legislative power, and the possibility of harassment can inhibit his exercise of power as well as his relations with constituents.

In addition, such a prosecution presents the difficulty of defining when money obtained by a legislator is destined for or has been put to personal use. For the legislator who uses both personal funds and campaign contributions to maintain himself in office the choice of which to draw upon may have more to do with bookkeeping than bribery yet any interchange of funds would certainly render his conduct suspect. Even those Members of Congress who keep separate accounts for campaign contributions but retain unrestricted drawing rights would remain open to a charge that the money was in fact for personal use. In both cases the possibility of a bribery prosecution presents the problem of determining exactly those purposes for which campaign contributions can legitimately be used. The difficulty of drawing workable lines enhances the prospects for Executive control and correspondingly diminishes congressional freedom of action.

The majority does not deny the potential for executive control which inheres in sanctioning this prosecution. Instead, it purports to define the problem away by asserting that the Speech or Debate Clause reaches only prosecutions for legislative conduct and that a promise to vote for a bill, as distinguished from the vote itself, does not amount to a legislative act. The implication is that a prosecution based upon a corrupt promise no more offends the Speech or Debate Clause than the prosecution of a Congressman for assault, robbery or murder. The power to prosecute may threaten legislative independence but the Constitution does not for that reason forbid it. I find this unpersuasive.

The fact that the executive may prosecute members of Congress for ordinary criminal conduct, which surely it can despite the potential for influencing legislative conduct, cannot itself demonstrate that prosecutions for corrupt promises to perform legislative acts would be equally constitutional. The argument proves too much, for it would as surely authorize prosecutions for the legislative act itself. Moreover, there is a fundamental difference in terms of potential abuse between prosecutions for ordinary crime and those based upon a promise to perform a legislative act. Even the most vocal detractor of Congress could not accurately maintain that the executive would often have credible basis for accusing a member of Congress of murder, theft, rape or other such crimes. But the prospects for asserting an arguably valid claim are far wider in scope for an executive prone to fish in legislative waters and to search for correlations between legislative performance and financial support. The possibilities are indeed endless, as is the potential for abuse.

The majority ignores another vital difference between executive authority to prosecute for ordinary crime and the power to challenge undertakings or conspiracies to corrupt the legislative process. In a prosecution for drunken driving or assault, the manner in which a Congressman performed his legislative tasks is quite irrelevant to either prosecution or defense. In the trial of a Congressman for making a corrupt promise to vote, on the other hand, proof that this vote was in fact contrary to the terms of the alleged bargain will make a strong defense. Cf. *United States* v. *Johnson*, 383 U.S. 169, 176–177 (1966). A Congressman who knows he is under investigation for a corrupt undertaking will be well advised to conduct his affairs in a manner wholly at odds with the theory of the charge which may be lodged against him. As a practical matter, to prosecute a Congressman for agreeing to accept money in exchange for a promise to perform a legislative act inherently implicates legislative conduct. And to divine a distinction between promise and performance is wholly at odds with protecting that legislative independence which is the heart of the Speech and Debate Clause.

Congress itself clearly did not make the distinction which the majority finds dispositive. The statute before us is a comprehensive effort to sanitize the legislative environment. It expressly permits prosecutions of members of Congress for voting or promising to vote in exchange for money. The statute does not concern itself with murder or other undertakings unrelated to the legislative process. Congress no doubt believed it consistent with the Speech or Debate Clause to authorize executive prosecutions for corrupt voting. Equally obvious is the fact that Congress drew no distinction in legislative terms between prosecutions based upon voting and those based upon motivations underlying legislative conduct.

The arguments which the majority now embraces were the very contentions which the Government made in *United States* v. *Johnson*, 383 U.S. 169 (1966). In rejecting those arguments on the facts of that case, where legislative conduct as well as prior conspiracy formed a major part of the Government's proof, the Court referred with approval to *Ex parte Wason*, [1869] 4 Q. B. 573, in which the question was whether members of the House of Lords could be prosecuted for a conspiracy to prevent presentation of a petition on the floor of Lords. Johnson, *id.*, at 183, sets out the reaction of the English court:

"The court denied the motion, stating that statements made in the House 'could not be made the foundation of civil or criminal proceedings. . . . And a conspiracy to make such statements would not make the person guilty of it amenable to the criminal law.' *Id.*, at 576 (Cockburn, C. J.). Mr. Justice Lush added, 'I am clearly of opinion that we ought not to allow it to be doubted for a moment that the motives or intentions of members of either House cannot be inquired into by criminal proceedings with respect to anything they may do or say in the House.' *Id.*, at 577."

The *Wason* court clearly refused to distinguish between promise and performance; the legislative privilege applied to both. Mr. Justice Harlan, writing for the Court in *Johnson*, took no issue with this position. Indeed, he indicated that the Speech or Debate Clause barred any prosecution under a general statute where there is drawn in question "the legislative acts of . . . the member of Congress *or his motives for performing them.*" 383 U. S., at 185 (emphasis added). I find it difficult to believe that under the statute there involved the *Johnson* Court would have permitted a prosecution based upon a promise to perform a legislative act.

Because it gives a begrudging interpretation to the clause, the majority finds it can avoid dealing with the position upon which the Government placed principal reliance in its brief in this Court. *Johnson* put aside the question whether an otherwise impermissible prosecution conducted pursuant to a statute such as we now have before us—a statute specifically including congressional conduct and purporting to be an exercise of congressional power to discipline its Members—would be consistent with the Speech or Debate Clause. As must be apparent from what so far has been said, I am convinced that such a statute contravenes the letter and purpose of the Clause. True, Congress itself has defined the crime and specifically delegated to the executive the discretion to prosecute and to the courts the power to try. Nonetheless, I fail to understand how a majority of Congress can bind an objecting Congressman to a course so clearly at odds with the constitutional command that legislative conduct shall be subject to question in no place other than the Senate or House of Representatives. The Speech or Debate Clause is an allocation of power. It authorizes Congress to call offending members to account in their appropriate Houses. A statute which represents an abdication of that power is in my view impermissible.

I return to the beginning. The Speech or Debate Clause does not immunize corrupt Congressmen. It reserves the power to discipline in the Houses of Congress. I would insist that those Houses develop their own institutions and procedures for dealing with those in their midst who would prostitute the legislative process.

Gravel Against United States

(Certiorari to the United States Court of Appeals for the First Circuit; No. 71-1017. Argued April 19-20, 1972—Decided June 29, 1972*)

A United States Senator read to a subcommittee from classified documents (the Pentagon Papers), which he then placed in the public record. The press reported that the Senator had arranged for private publication of the Papers. A grand jury investigating whether violations of federal law were implicated, subpoenaed an aide to the Senator. The Senator, as an intervenor, moved to quash the subpoena, contending that it would violate the Speech or Debate Clause to compel the aide to testify. The District Court denied the motion but limited the questioning of the aide. The Court of Appeals affirmed the denial but modified the protective order, ruling that congressional aides and other persons may not be questioned regarding legislative acts and that, though the private publication was not constitutionally protected, a common-law privilege similar to the privilege of protecting executive officials from liability for libel, see *Barr* v. *Matteo*, 360 U. S. 564, barred questioning the aide concerning such publication. *Held:*

1. The Speech or Debate Clause applies not only to a Member of Congress but also to his aide, insofar as the aide's conduct would be a protected legislative act if performed by the Member himself. *Kilbourn* v. *Thompson*, 103 U. S. 168; *Dombrowski* v. *Eastland*, 387 U. S. 82; and *Powell* v. *McCormack*, 395 U.S. 486, distinguished. Pp. 7-15.

2. The Speech or Debate Clause does not extend immunity to the Senator's aide from testifying before the grand jury about the alleged arrangement for private publication of the Pentagon Papers, as such publication had no connection with the legislative process. Pp. 15-20.

3. The aide, similarly, had no nonconstitutional testimonial privilege from being questioned by the grand jury in connection with its inquiry into whether private publication of the Papers violated federal law. P. 20.

4. The Court of Appeals' protective order was overly broad in enjoining interrogation of the aide with respect to any act, "in the broadest sense," that he performed within the scope of his employment, since the aide's immunity extended only to legislative acts as to which the Senator would be immune. And the aide may be questioned by the grand jury about the source of classified documents in the Senator's possession, as long as the questioning implicates no legislative act. The order in other respects would suffice if it forbade questioning the aide or others about the conduct or motives of the Senator or his aides at the subcommittee meeting; communications between the Senator and his aides relating to that meeting or any legislative act of the Senator; or steps of the Senator or his aides preparatory for the meeting, if not relevant to third-party crimes. Pp. 20-22.

White, J., wrote the opinion of the Court, in which Burger, C. J., and Blackmun, Powell, and Rehnquist, JJ., joined. Stewart, J., filed an opinion dissenting in part. Douglas, J., filed a dissenting opinion. Brennan, J., filed a dissenting opinion, in which Douglas and Marshall, JJ., joined.

Gravel Against the United States

(Opinion of the Court by Mr. Justice White, announced by Mr. Justice Blackmun)

These cases arise out of the investigation by a federal grand jury into possible criminal conduct with respect to the release and publication of a classified Defense Department study entitled "History of the United States Decision-Making Process on Viet Nam Policy." This document, popularly known as the "Pentagon Papers," bore a Defense security classification of Top Secret-Sensitive. The crimes being investigated included the retention of public property or records with intent to convert (18 U.S.C. § 641), the gathering and transmitting of national defense information (18 U.S.C. § 793), the concealment or removal of public records or documents (18 U.S.C. § 2071), and conspiracy to commit such offenses and to defraud the United States (18 U.S.C. § 371).

Among the witnesses subpoenaed were Leonard S. Rodberg, an assistant to Senator Mike Gravel of Alaska and a resident fellow at the Institute of Policy Studies, and Howard Webber, Director of M.I.T. Press. Senator Gravel, as intervenor,[1] filed motions to quash the subpoenas and to require the Government to specify the particular questions to be addressed to Rodberg.[2] He asserted that requiring these witnesses to appear and testify would violate his privilege under the Speech or Debate Clause of the United States Constitution, Art. I, § 6, cl. 1.

It appeared that on the night of June 29, 1971, Senator Gravel, as Chairman of the Subcommittee on Buildings and Grounds of the Senate Public Works Committee, convened a meeting of the subcommittee and there read extensively from a copy of the Pentagon Papers.

He then placed the entire 47 volumes of the study in the public record. Rodberg had been added to the Senator's staff earlier in the day and assisted Gravel in preparing for and conducting the hearing.[3] Some weeks later there were press reports that Gravel had arranged for the papers to be published by Beacon Press[4] and that members of Gravel's staff had talked with Webber as editor of M. I. T. Press.[5]

The District Court overruled the motions to quash and to specify questions but entered an order proscribing certain categories of questions. *United States* v. *Doe*, 332 F. Supp. 930 (Mass. 1971). The Government's contention that for purposes of applying the Speech or Debate Clause the courts were free to inquire into the regularity of the subcommittee meeting was rejected.[6] Because the Clause protected all legislative acts, it was held to shield from inquiry anything the Senator did at the subcommittee meeting and "certain acts done in preparation therefor." *Id.*, at 935. The Senator's privilege also prohibited "inquiry into things done by Dr. Rodberg as the Senator's agent or assistant which would have been legislative acts, and therefore privileged, if performed by the Senator personally." *Id.*, at 937-938.[7] The trial court, however, held the private republication of the documents was not privileged by the Speech or Debate Clause.[8]

The Court of Appeals affirmed the denial of the motions to quash but modified the protective order to reflect its own views of the scope of the congressional privilege. *United States* v. *Doe*, 455 F. 2d 753 (CA1 1972). Agreeing that Senator and aide were one for the purposes of the Speech or Debate Clause and that the Clause foreclosed inquiry of both Senator and aide with respect to legislative acts, the Court of Appeals also viewed the privilege as barring direct inquiry of the Senator or his aide, but not of third parties, as to the sources of the Senator's information used in performing legislative duties.[9] Although it did not consider private republication by the Senator or Beacon Press to be protected by the Constitution, the Court of Appeals apparently held that neither Senator nor aide could be questioned about it because of a common law privilege akin to the judicially created immunity of executive officers from liability for libel contained in a news release issued in the course of their normal duties. See *Barr* v. *Matteo*, 360 U.S. 564 (1959). This privilege, fashioned by the Court of Appeals, would not protect third parties from similar inquiries before the grand jury. As modified by the Court of Appeals, the protective order to be observed by prosecution and grand jury was:

"(1) No witness before the grand jury currently investigating the release of the Pentagon Papers may be questioned about Senator Mike Gravel's conduct at a meeting of the Subcommmittee on Public Buildings and Grounds on June 29, 1971, nor, if the questions are directed to the motives or purposes behind the Senator's conduct at that meeting, about any communications with him or with his aides regarding the activities of the Senator or his aides during the period of their employment, in preparation for and related to said meeting.

"(2) Dr. Leonard S. Rodberg may not be questioned about his own actions in the broadest sense, including observations and communications, oral or written, by or to him or coming to his attention while being interviewed for, or after having been engaged as a member of Senator Gravel's personal staff to the extent that they were in the course of his employment."

The United States petitioned for certiorari challenging the ruling that aides and other persons may not be questioned with respect to legislative acts and that an aide to a Member of Congress has a common-law privilege not to testify before a grand jury with respect to private republication of materials introduced into a subcommittee record. Senator Gravel also petitioned for certiorari seeking reversal of the Court of Appeals insofar as it held private republication unprotected by the Speech or Debate Clause and asserting that the protective order of the Court of Appeals too narrowly protected against inquiries that a grand jury could direct to third parties. We granted both petitions. 405 U. S. 916 (1972).

I

Because the claim is that a Member's aide shares the Member's constitutional privilege, we consider first whether and to what extent Senator Gravel himself is exempt from process or inquiry by a grand jury investigating the commission of a crime. Our frame of reference is Art. I, § 6, cl. 1, of the Constitution:

"The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place."

The last sentence of the clause provides Members of Congress with two distinct privileges. Except in cases of "Treason, Felony and Breach of the Peace," the clause shields Members from arrest while attending or

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*Together with No. 71-1026, *United States* v. *Gravel*, also on certiorari to the same court.

Footnotes at end of article.

traveling to and from a session of their House. History reveals, and prior cases so hold, that this part of the clause exempts Members from arrest in civil cases only. "When the Constitution was adopted, arrests in civil suits were still common in America. It is only to such arrests that the provision applies." *Long* v. *Ansell*, 293 U.S. 76, 83 (1934) (footnote omitted). "Since . . . the terms treason, felony and breach of the peace, as used in the constitutional provision relied upon, excepts from the operation of privilege all criminal offenses, the conclusion results that the claim of privilege of exemption from arrest and sentence was without merit . . . ." *Williamson* v. *United States*, 207 U. S. 425, 446 (1908).[10] Nor does freedom from arrest confer immunity on a Member from service of process as a defendant in civil matters, *Long* v. *Ansell*, supra, at 82–83, or as a witness in a criminal case. "The constitution gives to every man, charged with an offense, the benefit of compulsory process, to secure the attendance of his witnesses. I do not know of any privilege to exempt members of congress from the service, or the obligations, of a *subpoena*, in such cases." *United States* v. *Cooper*, 4 Dall. 341 (1800) (per Chase, J., sitting on Circuit). It is, therefore, sufficiently plain that the constitutional freedom from arrest does not exempt Members of Congress from the operation of the ordinary criminal laws, even though imprisonment may prevent or interfere with the performance of their duties as Members. *Williamson* v. *United States, supra;* cf. *Burton* v. *United States*, 202 U. S. 344 (1906). Indeed, implicit in the narrow scope of the privilege of freedom from arrest is, as Jefferson noted, the judgment that legislators ought not to stand above the law they create but ought generally to be bound by it as are ordinary persons. Jefferson, Manual of Parliamentary Practice, S. Doc. No. 91-2 437 (1971).

In recognition, no doubt, of the force of this part of Clause 6, Senator Gravel disavows any assertion of general immunity from the criminal law. But he points out that the last portion of Clause 6 affords Members of Congress another vital privilege—they may not be questioned in any other place for any speech or debate in either House. The claim is not that while one part of Clause 6 generally permits prosecutions for treason, felony and breach of the peace, another part nevertheless broadly forbids them. Rather, his insistence is that the Speech or Debate Clause at the very least protects him from criminal or civil liability and from questioning elsewhere than in the Senate, with respect to the events occurring at the subcommittee hearing at which the Pentagon Papers were introduced into the public record. To us this claim is incontrovertible. The Speech or Debate Clause was designed to assure a coequal branch of the government wide freedom of speech, debate and deliberation without intimidation or threats from the Executive Branch. It thus protects Members against prosecutions that directly impinge upon or threaten the legislative process. We have no doubt that Senator Gravel may not be made to answer—either in terms of questions or in terms of defending himself from prosecution—for the events that occurred at the subcommittee meeting. Our decision is made easier by the fact that the United States appears to have abandoned whatever position it took to the contrary in the lower courts.

Even so, the United States strongly urges that because the Speech or Debate Clause confers a privilege only upon "Senators and Representatives," Rodberg himself has no valid claim to constitutional immunity from grand jury inquiry. In our view, both courts below correctly rejected this position. We agree with the Court of Appeals that for the purpose of construing the privilege a Member and his aide are to be "treated as one," *United States* v. *Doe*, 455 F. 2d 753, 761 (CA1 1972); or, as the District Court put it: The "Speech or Debate Clause prohibits inquiry into things done by Dr. Rodberg as the Senator's agent or assistant which would have been legislative acts, and therefore privileged if performed by the Senator personally." *United States* v. *Doe*, 332 F. Supp. 930, 937–938 (Mass. 1971). Both courts recognized what the Senate of the United States urgently presses here: that it is literally impossible, in view of the complexities of the modern legislative process, with Congress almost constantly in session and matters of legislative concern constantly proliferating, for Members of Congress to perform their legislative tasks without the help of aides and assistants; that the day-to-day work of such aides is so critical to the Members' performance that they must be treated as the latters' alter ego; and that if they are not so recognized, the central role of the Speech or Debate Clause—to prevent intimidation of legislators by the executive and accountability before a possibly hostile judiciary, *United States* v. *Johnson*, 383 U.S. 169, 181 (1966)—will inevitably be diminished and frustrated.

The Court has already embraced similar views in *Barr* v. *Matteo*, 360 U.S. 564 (1959), where in immunizing the Acting Director of the Office of Rent Stabilization from liability for an alleged libel contained in a press release, the Court held that the executive privilege recognized in prior cases could not be restricted to those of cabinet rank. As stated by Mr. Justice Harlan, the "privilege is not a badge or emolument of exalted office, but an expression of a policy designed to aid in the effective functioning of government. The complexities and magnitude of governmental activity have become so great that there must of necessity be a delegation and redelegation of authority as to many functions, and we cannot say that these functions become less important simply because they are exercised by officers of lower rank in the executive hierarchy." *Id.*, at 572–573 (footnote omitted).

It is true that the clause itself mentions only "Senators and Representatives," but prior cases have plainly not taken a literalistic approach in applying the privilege. The clause also speaks only of "Speech or Debate," but the Court's consistent approach has been that to confine the protection of the Speech or Debate Clause to words spoken in debate would be an unacceptably narrow view. Committee reports, resolutions, and the act of voting are equally covered; "[i]n short, . . . things generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn* v. *Thompson*, 103 U.S. 168, 204 (1881), quoted with approval in *United States* v. *Johnson*, 383 U.S. 169, 179 (1966). Rather than giving the clause a cramped construction, the Court has sought to implement its fundamental purpose of freeing the legislator from executive and judicial oversight that realistically threaten to control his conduct as a legislator. We have little doubt that we are neither exceeding our judicial powers nor mistakenly construing the Constitution by holding that the Speech or Debate Clause applies not only to a Member but also to his aides insofar as the conduct of the latter would be a protected legislative act if performed by the Member himself.

Nor can we agree with the United States that our conclusion is foreclosed by *Kilburn* v. *Thompson, supra, Dombrowski* v. *Eastland*, 387 U.S. 82 (1967), and *Powell* v. *McCormack*, 395 U.S. 486 (1969), where the speech or debate privilege was held unavailable to certain House and committee employees. Those cases do not hold that persons other than Members of Congress are beyond the protection of the clause when they perform or aid in the performance of legislative acts. In *Kilbourn*, the Speech or Debate Clause protected House Members who had adopted a resolution authorizing Kilbourn's arrest; that act was clearly legislative in nature. But the resolution was subject to judicial review insofar as its execution impinged on a citizen's rights as it did there. That the House could with impunity order an unconstitutional arrest afforded no protection for those who made the arrest. The Court quoted with approval from *Stockdale* v. *Hansard*, 9 Ad. & E. 1, 112 K.B. 1112 (1839): " 'So if the Speaker by authority of the House order an illegal act, though that authority shall exempt him from question, his order shall no more justify the person who executed it than King Charles' warrant for levying ship-money could justify his revenue officer,' " 103 U.S., at 202.[11] The Speech or Debate Clause could not be construed to immunize an illegal arrest even though directed by an immune legislative act. The Court was careful to point out that the Members themselves were not implicated in the actual arrest, *id.*, at 200, and, significantly enough, reserved the question whether there might be circumstances in which "there may . . . be things done, *in the one House or the other*, of an extraordinary character, for which the members who take part in the act may be held legally responsible." 103 U.S., at 204 (emphasis added).

Dombrowski v. *Eastland, supra*, is little different in principle. The Speech or Debate Clause there protected a Senator, who was also a subcommittee chairman, but not the subcommittee counsel. The record contained no evidence of the Senator's involvement in any activity that could result in liability, 387 U.S., at 84, whereas the committee counsel was charged with conspiring with state officials to carry out an illegal seizure of records which the committee sought for its own proceedings. *Ibid.* The committee counsel was deemed protected to some extent by legislative privilege, but it did not shield him from answering as yet unproved charges of conspiring to violate the constitutional rights of private parties. Unlawful conduct of this kind the Speech or Debate Clause simply did not immunize.

Powell v. *McCormack* reasserted judicial power to determine the validity of legislative actions impinging on individual rights—there the illegal exclusion of a representative-elect—and to afford relief against House aides seeking to implement the invalid resolutions. The Members themselves were dismissed from the case because shielded by the Speech or Debate Clause both from liability for their illegal legislative act and from having to defend themselves with respect to it. As in *Kilbourn*, the Court did not reach the question "whether under the Speech or Debate Clause petitioners would be entitled to maintain this action solely against the members of Congress where no agent participated in the challenged atcion and no other remedy was abailable." 395 U.S., at 506 n. 26.

None of these three cases adopted the simple proposition that immunity was unavailable to House or committee employees because they were not Representatives or Senators; rather, immunity was unavailable because they engaged in illegal conduct which was not entitled to Speech or Debate Clause protection. The three cases reflect a decidedly jaundiced view towards extending the clause so as to privilege illegal or unconstitutional conduct beyond that essential to foreclose executive control of legislative speech or debate and associated matters such as voting and committee reports and proceedings. In *Kilbourn*, the Sergeant-at-Arms was executing a legislative order, the issuance of which fell within the Speech or Debate Clause; in *Eastland*, the committee counsel was gathering information for a hearing; and in *Powell*, the Clerk and Doorkeeper were merely carrying out directions that were

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protected by the Speech or Debate Clause. In each case, protecting the rights of others may have to some extent frustrated a planned or completed legislative act; but relief could be afforded without proof of a legislative act or the motives or purposes underlying such an act. No threat to legislative independence was posed, and Speech or Debate Clause protection did not attach.

None of this, as we see it, involves distinguishing between a Senator and his personal aides with respect to legislative immunity. In *Kilbourn*-type situations, both aide and Member should be immune with respect to committee and House action leading to the illegal resolution. So too in *Eastland*, as in this case, senatorial aides should enjoy immunity for helping a Member conduct committee hearings. On the other hand, no prior case has held that Members of Congress would be immune if they execute an invalid resolution by themselves carrying out an illegal arrest, or if, in order to secure information for a hearing, themselves seize the property or invade the privacy of a citizen. Neither they nor their aides should be immune from liability or questioning in such circumstances. Such acts are no more essential to legislating than the conduct held unprotected in *United States* v. *Johnson*, 383 U.S. 169 (1966).[12]

The United States fears the abuses that history reveals have occurred when legislators are invested with the power to relieve others from the operation of otherwise valid civil and criminal laws. But these abuses, it seems to us, are for the most part obviated if the privilege applicable to the aide is viewed, as it must be, as the privilege of the Senator, and invocable only by the Senator or by the aide on the Senator's behalf,[13] and if in all events the privilege available to the aide is confined to those services that would be immune legislative conduct if performed by the Senator himself. This view places beyond the Speech or Debate Clause a variety of services characteristically performed by aides for Members of Congress, even though within the scope of their employment. It likewise provides no protection for criminal conduct threatening the security of the person or property of others, whether performed at the direction of the Senator in preparation for or in execution of a legislative act or done without his knowledge or direction. Neither does it immunize Senator or aide from testifying at trials or grand jury proceedings involving third-party crimes where the questions do not require testimony about or impugn a legislative act. Thus our refusal to distinguish between Senator and aide in applying the Speech or Debate Clause does not mean that Rodberg is for all purposes exempt from grand jury questioning.

II

We are convinced also that the Court of Appeals correctly determined that Senator Gravel's alleged arrangement with Beacon Press to publish the Pentagon Papers was not protected speech or debate within the meaning of Art. I, § 6, cl. 1, of the Constitution.

Historically the English legislative privilege was not viewed as protecting republication of an otherwise immune libel on the floor of the House. *Stockdale* v. *Hansard*, 9 Ad. & E. 1, 114, 112 K. B. 1112, 1156 (1839), recognized that "[f]or speeches made in Parliament by a member to the prejudice of any other person, or hazardous to the public peace, that member enjoys complete impunity." But it was clearly stated that "if the caluminous or inflamatory speeches should be reported and published the law will attach responsibility on the publisher." [14]

This was accepted in *Kilbourn* v. *Thompson* as a "sound statement of the legal effect of the Bill of Rights and of the parliamentary law of England" and as a reasonable basis for inferring "that the framers of the Constitution meant the same thing by the use of language borrowed from that source." 103 U.S., at 202.

Prior cases have read the Speech or Debate Clause "broadly to effectuate its purposes," *United States* v. *Johnson*, 383 U.S., at 180, and have included within its reach anything "generally done in a session of the House by one of its members in relation to the business before it." *Kilbourn* v. *Thompson*, 103 U.S. at 204; *United States* v. *Johnson*, 383 U.S., at 179. Thus, voting by Members and committee reports are protected; and we recognize today—as the Court has recognized before, *Kilbourn* v. *Thompson*, 103 U.S., at 204; *Tenney* v. *Brandhove*, 341 U.S. 367, 377–378 (1951)—that a Member's conduct at legislative committee hearings, although subject to judicial review in various circumstances, as is legislation itself, may not be made the basis for a civil or criminal judgment against a Member because that conduct is within the "sphere of legitimate legislative activity." *Id.*, at 376.[15]

But the clause has not been extended beyond the legislative sphere. That Senators generally perform certain acts in their official capacity as Senators does not necessarily make all such acts legislative in nature. Members of Congress are constantly in touch with the Executive Branch of the Government and with administrative agencies—they may cajole, and exhort with respect to the administration of a federal statute—but such conduct, though generally done, is not protected legislative activity. *United States* v. *Johnson* decided at least this much. "No argument is made, nor do we think that it could be successfully contended, that the Speech or Debate Clause reaches conduct, such as was involved in the attempt to influence the Department of Justice, that is in no wise related to the due functioning of the legislative process." 383 U.S., at 172. Cf. *Burton* v. *United States*, 202 U.S. 344, 367–368 (1906).

Legislative acts are not all-encompassing. The heart of the clause is speech or debate in either House, and insofar as the clause is construed to reach other matters, they must be an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House. As the Court of Appeals put it, the courts have extended the privilege to matters beyond pure speech or debate in either House, but "only when necessary to prevent indirect impairment of such deliberations." *United States* v. *Doe*, 455 F. 2d 753, 760 (CA1 1972).

Here private publication by Senator Gravel through the cooperation of Beacon Press was in no way essential to the deliberations of the House; nor does questioning as to private publication threaten the integrity or independence of the House by impermissibly exposing its deliberation to executive influence. The Senator had conducted his hearings, the record and any report that was forthcoming were available both to his committee and the House. Insofar as we are advised, neither Congress nor the full committee ordered or authorized the publication.[16] We cannot but conclude that the Senator's arrangements with Beacon Press were not part and parcel of the legislative process.

There are additional considerations. Article I, § 6, cl. 1, as we have emphasized, does not purport to confer a general exemption upon Members of Congress from liability or process in criminal cases. Quite the contrary is true. While the Speech or Debate Clause recognizes speech, voting and other legislative acts as exempt from liability that might otherwise attach, it does not privilege either Senator or aide to violate an otherwise valid criminal law in preparing for or implementing legislative acts. If republication of these classified papers was a crime under an Act of Congress, it was not entitled to immunity under the Speech or Debate Clause. It also appears that the grand jury was pursuing this very subject in the normal course of a valid investigation. The Speech or Debate Clause does not in our view extend immunity to Rodberg, as a Senator's aide, from testifying before the grand jury about the arrangement between Senator Gravel and Beacon Press or about his own participation, if any, in the alleged transaction, so long as legislative acts of the Senator are not impugned.

III

Similar considerations lead us to disagree with the Court of Appeals insofar as it fashioned, tentatively at least, a nonconstitutional testimonial privilege protecting Rodberg from any questioning by the grand jury concerning the matter of republication of the Pentagon Papers. This privilege, thought to be similar to that protecting executive officials from liability for libel, cf. *Barr* v. *Matteo*, 360 U.S. 564 (1959), was considered advisable "to the extent that a congressman has responsibility to inform his constituents . . ." 455 F. 2d, at 760. But we cannot carry a judicially fashioned privilege so far as to immunize criminal conduct proscribed by an Act of Congress or to frustrate the grand jury's inquiry into whether publication of these classified documents violated a federal criminal statute. The so-called executive privilege has never been applied to shield executive officers from prosecution for crime, the Court of Appeals was quite sure that third parties were neither immune from liability nor from testifying about the republication matter and we perceive no basis for conferring a testimonial privilege on Rodberg as the Court of Appeals seemed to do.

IV

We must finally consider, in the light of the foregoing, whether the protective order entered by the Court of Appeals is an appropriate regulation of the pending grand jury proceedings.

Focusing first on paragraph two of the order, we think the injunction against interrogating Rodberg with respect to any act, "in the broadest sense," performed by him within the scope of his employment, overly restricts the scope of grand jury inquiry. Rodberg's immunity, testimonial or otherwise, extends only to legislative acts as to which the Senator himself would be immune. The grand jury, therefore, if relevant to its investigation into the possible violations of the criminal law and absent Fifth Amendment objections, may require from Rodberg answers to questions relating to his or the Senator's arrangements, if any, with respect to republication or with respect to third party conduct under valid investigation by the grand jury, as long as the questions do not implicate legislative action of the Senator. Neither do we perceive any constitutional or other privilege that shields Rodberg, any more than any other witness, from grand jury questions relevant to tracing the source of obviously highly classified documents that came into the Senator's possession and are the basic subject matter of inquiry in this case, as long as no legislative act is implicated by the questions.[17]

Because the Speech or Debate Clause privilege applies both to Senator and aide, it appears to us that paragraph one of the order, alone, would afford ample protection for the privilege if it forbade questioning any witness, including Rodberg: (1) concerning the Senator's conduct, or the conduct of his aides, at the June 29, 1971, meeting of the subcommittee; [18] (2) concerning the motives and purposes behind the Senator's conduct, or that of his aides, at that meeting; (3) con-

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Footnotes at end of article.

cerning communications between the Senator and his aides during the term of their employment and related to said meeting or any other legislative act of the Senator; (4) except as it proves relevant to investigating possible third party crime, concerning any act, in itself not criminal, performed by the Senator, or by his aides in the course of their employment, in preparation for the subcommittee hearing. We leave the final form of such an order to the Court of Appeals in the first instance, or, if that court prefers, to the District Court.

The judgment of the Court of Appeals is vacated and the case is remanded to that court for further proceedings consistent with this opinion.

So ordered.

FOOTNOTES

[1] The District Court permitted Senator Gravel to intervene in the proceeding on Dr. Rodberg's motion to quash the subpoena ordering his appearance before the grand jury and accepted motions from Gravel to quash the subpoena and to specify the exact nature of the questions to be asked Rodberg. The Government contested Gravel's standing to appeal the trial court's disposition of these motions on the ground that, had the subpoena been directed to the Senator, he could not have appealed from a denial of a motion to quash without first refusing to comply with the subpoena and being held in contempt. *United States* v. *Ryan*, 402 U.S. 530 (1971); *Cobbledick* v. *United States*, 309 U.S. 323 (1940). The Court of Appeals, *United States* v. *Doe*, 455 F. 2d 753, 756–757 (CA1 1972), held that because the subpoena was directed to third parties, who could not be counted on to risk contempt to protect intervenor's rights, Gravel might be "powerless to avert the mischief of the order" if not permitted to appeal, citing *Perlman* v. *United States*, 247 U.S. 7, 13 (1918). The United States does not here challenge the propriety of the appeal.

[2] Dr. Rodberg, who filed his own motion to quash the subpoena directing his appearance and testimony, appeared as *amicus curiae* both in the Court of Appeals and this Court. Technically, Rodberg states, he is a party to 71–1026, insofar as the Government appeals from the protective order entered by the District Court. However, since Gravel intervened, Rodberg does not press the point. Brief of Leonard S. Rodberg as *Amicus Curiae* 2 n. 2.

[3] The District Court found "that, 'as personal assistant to movant [Gravel], Dr. Rodberg assisted in preparing for disclosure and subsequently disclosing to movant's colleagues and constituents, at a hearing of the Senate Subcommittee on Public Buildings and Grounds, the contents of the so-called "Pentagon Papers," which were critical of the Executive's conduct in the field of foreign relations.' " *United States* v. *Doe*, 332 F. Supp. 930, 932 (Mass. 1971).

[4] Beacon Press is a division of the Unitarian Universalist Association, which appeared here as *amicus curiae* in support of the position taken by Senator Gravel.

[5] Gravel so alleged in his motion to intervene in the Webber matter and to quash the subpoena ordering Webber to appear and testify. App. 15–18.

[6] The Government maintained that Congress does not enjoy unlimited power to conduct business and that judicial review has often been exercised to curb extra-legislative incursions by legislative committees, citing *Watkins* v. *United States*, 354 U.S. 178 (1957); *McGrain* v. *Daugherty*, 273 U.S. 135 (1927); *Hentoff* v. *Ichord*, 318 F. Supp. 1175 (CADC 1970), at least where such incursions are unrelated to a legitimate legislative purpose. It was alleged that Gravel had "convened a special, unauthorized and untimely meeting of the Senate Subcommittee on Public Works (at midnight on June 29, 1971), for the purpose of reading the documents and thereafter placed all unread portions in the subcommittee record, with Dr. Rodberg soliciting publication after the meeting." App. 9. The District Court rejected the contention: "Senator Gravel has suggested that the availability of funds for the construction and improvement of public buildings and grounds has been affected by the necessary costs of the war in Vietnam and that therefore the development and conduct of the war is properly within the concern of his subcommittee. The court rejects the Government's argument without detailed consideration of the merits of the Senator's position, on the basis of the general rule restricting inquiry into matters of legislative purpose and operations." *United States* v. *Doe*, 332 F. Supp. 930, 935 (Mass. 1971). Cases such as *Watkins*, *supra*, were distinguished on the ground that they concerned the power of Congress under the Constitution: "It has not been suggested by the government that the subcommittee itself is unauthorized, nor that the war in Vietnam is an issue beyond the purview of congressional debate and action. Also, the individual rights at stake in these proceedings are not those of a witness before a congressional committee or of a subject of a committee's investigation, but only those of a congressman and members of his personal staff who claim 'intimidation by the executive.' " *Id.*, at 736.

[7] The District Court thought that Rodberg could be questioned concerning his own conduct prior to joining the Senator's staff and concerning the activities of third parties with whom Rodberg and Gravel dealt. *United States* v. *Doe*, 332 F. Supp. 930, 934 (Mass. 1971).

[8] The protective order entered by the District Court provided as follows:

"(1) No witness before the grand jury currently investigating the release of the Pentagon Papers may be questioned about Senator Mike Gravel's conduct at a meeting of the Subcommittee on Public Buildings and Grounds on June 29, 1971, nor about things done by the Senator in preparation for and intimately related to said meeting.

"(2) Dr. Leonard S. Rodberg may not be questioned about his own actions on June 29, 1971, after having been engaged as a member of Senator Gravel's personal staff to the extent that they were taken at the Senator's direction either at a meeting of the Subcommittee on Public Buildings and Grounds or in preparation for and intimately related to said meeting."

[9] The Court of Appeals thought third parties could be questioned as to their own conduct regarding the Pentagon Papers, "including their dealings with intervenors or his aides." *United States* v. *Doe*, 455 F. 2d 753, 761 (CA1 1972). The court found no merit in the claim that such parties should be shielded from questioning under the Speech or Debate Clause concerning their own wrongful acts, even if such questioning may bring the Senator's conduct into question. *Id.*, at 758, n. 2.

[10] Williamson, United States Congressman, had been found guilty of conspiring to commit subornation of perjury in connection with proceedings for the purchase of public land. He objected to the court passing sentence upon him and particularly protested that any imprisonment would deprive him of his constitutional right to "go to, attend at and return from the ensuing session of Congress." *Williamson* v. *United States*, 207 U. S. 425, 432–433 (1908). The Court rejected the contention that the Speech or Debate Clause freed legislators from accountability for criminal conduct.

[11] In *Kilbourn*, 103 U. S., at 198, the Court noted a second example, used by Mr. Justice Coleridge in *Stockdale*, 9 Ad. & E., at 225–226, 112 K. B., at 1196–1197: " 'Let me suppose, by way of illustration, an extreme case; the House of Commons resolves that any one wearing a dress of a particular manufacture is guilty of a breach of privilege, and orders the arrest of such persons by the constable of the parish. An arrest is made and action brought, to which the order of the House is pleaded as a justification. . . . In such a case as the one supposed, the plaintiff's counsel would insist on the distinction between power and privilege; and no lawyer can seriously doubt that it exists: but the argument confounds them, and forbids us to enquire, in any particular case, whether it ranges under the one or the other. I can find no principle which sanctions this.' "

[12] Senator Gravel is willing to assume that if he personally had "stolen" the Pentagon Papers, and that act were a crime, he could be prosecuted, as could aides or other assistants who participated in the theft. Consolidated Brief of Senator Gravel 93.

[13] It follows that an aide's claim of privilege can be repudiated and thus waived by the Senator.

[14] *Stockdale* extensively reviewed the precedents and their interplay with the privilege so forcefully recognized in the Bill of Rights of 1689: "That the freedome of speech, and debates or proceedings in Parlyament, ought not be impeached or questioned in any court or place out of Parlyament." 1 W. & M., Sess. 2, c. 2. From these cases, include *Rex* v. *Creevy*, 1 M. & S. 273, 105 Eng. Rep. 102 (K. B. 1813); *Rex* v. *Wright*, 8 T. R. 293, 101 K. B. 1396 (1799); *Rex* v. *Abington*, 1 ESP, 226, N. P. Cas. 337 (K. B. 1794); *Rex* v. *Williams*, 2 Show. K. B. 471, 89 Eng. Rep. 1048, it is apparent that to the extent English precedent is relevant to the Speech or Debate Clause there is little, if any, support for Senator Gravel's position with respect to republication. Parliament reacted to *Stockdale* v. *Hansard* by adopting the Parliamentary Papers Act of 1840, 3 and 4 Viet., c. 9, which stayed proceedings in all cases where it could be shown thet publication was by order of a House of Parliament and was a bona fide report, printed and circulated without malice. See generally C. Wittke, The History of English Parliamentary Privilege (1921).

Gravel urges that *Stockdale* v. *Hansard* was later repudiated in *Wason* v. *Walter*, [1868] 4 Q. B. 73, which held a proprietor immune from civil libel for an accurate republication of a debate in the House of Lords. But the immunity established in *Wason* was not founded in parliamentary privilege, *id.*, at 84, but upon analogy to the privilege for reporting judicial proceedings. *Id.*, at 87–90. The *Wason* court stated its "unhesitating and unqualified adhesion" to the "masterly judgments" rendered in *Stockdale* and characterized the question before it as whether republication, quite apart from any assertion of parliamentary privilege, was "in itself privileged and lawful." *Id.*, at 86–87. That the privileges for nonmalicious republication of parliamentary and judicial proceeding—later established as qualified—were construed as coextensive in all respects, *id.*, at 95, further underscores the inappositeness of reading *Wason* as based upon parliamentary privilege, which like the Speech or Debate Clause is absolute. Much later Holdsworth was to comment that at the time of *Wason* the distinction between absolute and qualified privilege had not been worked out and that the "part played by malice in the tort and crime of defamation" probably helped retard recognition of a qualified privilege. 8 Holdsworth's History of English Law 377 (1926).

[15] The Court in *Tenney*, 341 U.S., at 376–377, was equally clear that "legislative activity" is not all-encompassing, nor may its limits be established by the Legislative Branch: "Legislatures may not of course acquire power by an unwarranted extension of privilege. The House of Commons' claim of power to establish the limits of its privilege has been little more than a pretense since *Ashby* v. *White*, 2 Ld. Raym. 938, 3 *id.*, 20.

This Court has not hesitated to sustain the rights of private individuals when it found Congress was acting outside its legislative role. *Kilbourn* v. *Thompson,* 103 U.S. 168; *Marshall* v. *Gordon,* 243 U.S. 521; compare *McGrain* v. *Daugherty,* 273 U.S. 135, 176."

[16] The sole constitutional claim asserted here is based on the Speech or Debate Clause. We need not address issues which may arise when Congress or either House, as distinguished from a single Member, orders the publication and/or public distribution of committee hearings, reports or other materials. Of course, Art. I, § 5, cl. 3, requires that each House "keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy. . . ." This Clause has not been the subject of extensive judicial examination. See *Field* v. *Clark,* 143 U.S. 649, 670–671 (1892); *United States* v. *Ballin,* 144 U.S. 1, 4 (1892).

[17] The Court of Appeals held that the Speech or Debate Clause protects aides as well as Senators and that while third parties may be questioned about the source of a Senator's information, neither aide nor Senator need answer such inquiries. The Government's position is that the aide has no protection under the Speech or Debate Clause and may be questioned even about legislative acts. A contrary ruling, the Government fears, would invite great abuse. On the other hand, Gravel contends that the Court of Appeals insufficiently protected the Senator both with respect to the matter of republication and with respect to the scope of inquiry permitted the grand jury in questioning third party witnesses with whom the Senator and his aides dealt. Hence, we are of the view that both the question of the aide's immunity and the question of the extent of that immunity are properly before us in this case. And surely we are not bound by the Government's view of the scope of the privilege.

[18] Having established that neither the Senator nor Rodberg is subject to liability for what occurred at the subcommittee hearing, we perceive no basis for inquiry of either Rodberg or third parties on this subject. If it proves material to establish for the record the fact of publication at the subcommittee hearing, which seems undisputed, the public record of the hearing would appear sufficient for this purpose. We do not intend to imply, however, that in no grand jury investigations or criminal trials of third parties may third-party witnesses be interrogated about legislative acts of Members of Congress. As for inquiry of Rodberg about third party crimes, we are quite sure that the District Court has ample power to keep the grand jury proceedings within proper bounds and to foreclose improvident harassment and fishing expeditions into the affairs of a Member of Congress that are not proper concern of the grand jury or the Executive Branch.

GRAVEL AGAINST UNITED STATES

(Mr. Justice Douglas, dissenting)

I would construe the Speech and Debate Clause[1] to insulate Senator Gravel and his aides from inquiry concerning the Pentagon Papers, and Beacon Press from inquiry concerning publication of them, of that publication was but another way of informing the public as to what had gone on in the privacy of the Executive Branch concerning the conception and pursuit of the so-called "war" in Vietnam. Alternatively, I would hold that Beacon Press is protected by the First Amendment from prosecution or investigations for publishing or undertaking to publish the Pentagon Papers.

Gravel, Senator from Alaska, was Chairman of the Senate Subcommittee on Public Buildings and Grounds. He convened a meeting of the Subcommittee and read to it a summary of the so-called Pentagon Papers. He then introduced "the entire papers, allegedly some 47 volumes and said to contain seven million words, as an exhibit." —— F. 2d ——. Thereafter, he supplied a copy of the papers to the Beacon Press, a Boston publishing house, on the understanding that it would publish the papers without profit to the Senator. A grand jury was investigating the release of the Pentagon Papers and subpoenaed one Rodberg, an aide to Senator Gravel, to testify. Rodberg moved to quash the subpoena; and on the same day the Senator moved to intervene. Intervention was granted and in due course the Court of Appeals entered the following order which is now before us for review:

"(1) No witness before the grand jury currently investigating the release of the Pentagon Papers may be questioned about Senator Mike Gravel's conduct at a meeting of the Subcommittee on Public Buildings and Grounds on June 29, 1971, nor, if the questions are directed to the motives or purposes behind the Senator's conduct at that meeting, about any communications with him or with his aides regarding the activities of the Senator or his aides during the period of their employment, in preparation for and related to said meeting.

"(2) Dr. Leonard S. Rodberg may not be questioned about his own actions, in the broadest sense, including observations and communications, oral or written, by or to him, or coming to his attention, while being interviewed for, or after having been engaged as a member of Senator Gravel's personal staff to the extent that they were in the course of his employment."

I

Both the introduction of the Pentagon Papers by Senator Gravel into the record before his Subcommittee and his efforts to publish them were clearly covered by the Speech and Debate Clause, as construed in *Kilbourn* v. *Thompson,* 103 U.S. 168, 204:

"It would be a narrow view of the constitutional provision to limit it to words spoken in debate. The reason of the rule is as forcible in its application to written reports presented in that body by its committees, to resolutions offered, which, though in writing, must be reproduced in speech, and to the act of voting, whether it is done vocally or by passing between the tellers. In short, to things generally done in a session of the House by one of its members in relation to the business before it."[2]

One of the things normally done by a member "in relation to the business before it" is the introduction of documents or other exhibits in the record the committee or subcommittee is making. The introduction of a document into a record of the Committee or subcommittee by its Chairman certainly puts it in the public domain. Whether a particular document is relevant to the inquiry of the committee may be questioned by the Senate in the exercise of its power to prescribe rules for the governance and discipline of wayward members. But there is only one instance, as I see it, where supervisory power over that issue is vested in the courts, and that is where a witness before a committee is prosecuted for contempt and he makes the defense that the question he refused to answer was not germane to the legislative inquiry or within its permissible range. See *Uphaus* v. *Wyman,* 360 U.S. 72; *Kilbourn* v. *Thompson, supra,* at 190.

In all other situations, however, the judiciary's view of the motives or germaneness of a Senator's conduct before a committee is irrelevant. For, "(t)he claim of an unworthy purpose does not destroy the privilege." *Tenney* v. *Brandhove,* 341 U.S. 367, 377. If there is an abuse, there is a remedy; but it is legislative, not judicial.

As to Senator Gravel's efforts to publish the Subcommittee record's contents, wide dissemination of this material as an educational service is as much a part of the Speech and Debate Clause philosophy as mailing under a frank a Senator or a Congressman's speech across the Nation. As mentioned earlier, "(i)t is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. . . . The informing function of Congress should be preferred even to its legislative function." W. Wilson, Congressional Government 303 (1885), quoted with approval in *Tenney* v. *Brandhove,* 341 U.S. 367, 377 n. 6. "From the earliest times in its history, the Congress has assiduously performed an 'informing function,' " *Watkins* v. *United States,* 354 U.S. 178, 200 n. 33. "Legislators have an obligation to take positions in controversial political questions so that their constituents can be fully informed by them." *Bond* v. *Floyd,* 385 U.S. 116, 136.

We said in *United States* v. *Johnson,* 383 U.S. 169, 179, that the Speech and Debate Clause established a "legislative privilege" that protected a member of Congress against prosecution "by an unfriendly executive and conviction by a hostile judiciary" in order, as Mr. Justice Harlan put it, to ensure "the independence of the legislature." That hostility emanates from every stage of the present proceedings. It emphasizes the need to construe the Speech and Debate Clause generously, not niggardly. If republication of a Senator's speech in a newspaper carries the privilege, as it doubtless does, then republication of the exhibits introduced at a hearing before Congress must also do so. That means that republication by Beacon Press is within the ambit of the Speech and Debate Clause and that the confidences of the Senator in arranging it are not subject to inquiry "in any other place" than the Congress.

It is said that though the Senator is immune from questioning as to what he said and did in preparation for the committee hearing and in conducting it, his aides may be questioned in his stead. Such easy circumvention of the Speech and Debate Clause would indeed make it a mockery. The aides and agents such as Beacon Press must be taken as surrogates for the Senator and the confidences of the job that they enjoy are his confidences that the Speech and Debate Clause embrace.

II

The secrecy of documents in the Executive Department has been a bone of contention between it and Congress from the beginning.[3] Most discussions have centered on the scope of the Executive privilege in stamping documents as "secret," "top secret," "confidential" and so on, thus withholding them from the eyes of Congress and the press. The practice has reached large proportions, it being estimated[4] that

(1) Over 30,000 people in the Executive Branch have the power to wield the classification stamp.

(2) The Department of State, the Department of Defense, and the Atomic Energy Commission have over 20 million classified documents in their files.

(3) Congress appropriates approximately $15 billion annually without most of its members or the public or the press knowing for what purposes the money is to be used.[5]

The problem looms large as one of separation of powers. Woodrow Wilson wrote about it in terms of the "informing function" of Congress.[6]

"It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country

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Footnotes at end of article.

must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but, more than that, that the only really self-governing people is that people which discusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of there being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes and demands of public opinion."

That is a concern of the Congress. It is, however, no concern of the courts, as I see it, how a document is stamped in an Executive Department or whether a committee of Congress can obtain the use of it. The federal courts do not sit as an *ombudsman*, refereeing the disputes between the other two branches. The federal courts do become vitally involved whenever their power is sought to be invoked to protect the press against censorship as in *New York Times Co.* v. *United States*, 403 U.S. 713, or to protect the press against punishment for publishing "secret" documents or to protect an individual against his disclosure of their contents for any of the purposes of the First Amendment.

Forcing the press to become the Government's coconspirator in maintaining state secrets is at war with the objectives of the First Amendment. That guarantee was designed in part to ensure a meaningful version of self-government by immersing the people in a "steady, robust, unimpeded and uncensored flow of opinion and reporting which are continuously subjected to critique, rebuttal, and re-examination." *Caldwell* v. *United States, ante*, —, —; *Brandenburg* v. *Ohio*, 395 U.S. 444; *Stanley* v. *Georgia*, 394 U.S. 557, 564; *Lamont* v. *Postmaster*, 381 U.S. 301, 308; *N.Y. Times Co.* v. *Sullivan*, 376 U.S. 254, 270. As I have said elsewhere, *e.g., Caldwell, supra; Kleindienst* v. *Mandel, ante*, —, —, that Amendment is aimed at protecting not only speakers and writers but also listeners and readers. The essence of our form of governing was at the heart of Justice Black's reminder in the Pentagon Papers case that "[t]he press was protected so that it could lay bare the secrets of Government and inform the people." 403 U.S., at 717. Similarly, Senator Sam Ervin has observed: "When the people do not know what their government is doing, those who govern are not accountable for their actions—and accountability is basic to the democratic system. By using devices of secrecy, the government attains the power to 'manage' the news and through it to manipulate public opinion."[7] Ramsey Clark as Attorney General expressed a similar sentiment: "If government is to be truly of, by, and for the people, the people must know in detail the activities of government. Nothing so diminishes democracy as secrecy."[8] And see Meiklejohn, The First Amendment is Absolute, 1961 Sup. Ct. Rev. 254; Press Freedoms Under Pressure: Report of the Twentieth Century Fund Task Force on the Government and the Press 109–117 (1972). (Background Paper by Fred Graham on "Access to News"); M. Johnson, The Government Secrecy Controversy 39–41 (1967).

Jefferson in a letter to Madison dated December 20, 1787, asked "whether peace is best preserved by giving energy to the government, or information to the people." And he answered, "This last is the most certain, and the most legitimate engine of government." 6 Writings of Thos. Jefferson 392 (Memorial ed. 1903).

Madison at the time of the Whiskey Rebellion spoke in the House against a resolution of censure against the groups stirring up the turmoil against that rebellion.

"If we advert to the nature of Republican Government, we shall find that the censorial power is in the people over the Government, and not in the Government over the people." Brant, The Madison Heritage, 35 N. Y. U. L. Rev. 882, 900.

Yet, as has been revealed by such exposes as the Pentagon Papers, the My Lai massacres, the Gulf of Tonkin "incident," and the Bay of Pigs invasion, the Government usually suppresses damaging news but highlights favorable news. In this filtering process the secrecy stamp is the officials' tool of suppression and it has been used to withhold information which in "99½%" of the cases would present no danger to national security.[9] To refuse to publish "classified" reports would at times relegate a publisher to distributing only the press releases of Government or remaining silent; if it printed only the press releases or "leaks" it would become an arm of officialdom, not its critic. Rather, in my view, when a publisher obtains a classified document he should be free to print it without fear of retribution, unless it contains material directly bearing on future, sensitive planning of the Government.[10] By that test Beacon Press could with impunity reproduce the Pentagon Papers inasmuch as their content "is all history, not future events. None of it is more recent than 1968." *New York Times Co.* v. *United States*, 403 U. S. 713, 722, n. 3.

The late Justice Harlan in the Pentagon Papers case said that in that situation the courts had only two restricted functions to perform: *first*, to ascertain whether the subject matter of the dispute lies within the proper compass of the President's constitutional power; and *second* to insist that the head of the Executive Department concerned—whether State or Defense—determine if disclosure of the subject matter "would irreparably impair the national security." Beyond those two inquiries, he concluded, the judiciary may not go. 403 U. S., at 757–758.

My view is quite different. When the press stands before the court as a suspected criminal, it is the duty of the court to disregard what the prosecution claims is the executive privilege and to acquit the press or overturn the ruling or judgment against it, if the First Amendment and the assertion of the executive privilege conflict. For the executive privilege—nowhere made explicit in the Constitution—is necessarily subordinate to the express commands of the Constitution.

United States v. *Curtiss-Wright Corp.*, 299 U.S. 304, involved the question whether a proclamation issued by the President, pursuant to a Joint Resolution of the Congress, was adequate to sustain an indictment. The Court, in holding that it did, discussed at length the power of the President. The Court said that the power of the President in the field of international relations does not require as a basis an Act of Congress; but it added that his power "like every other governmental power, must be exercised in subordination to applicable provisions of the Constitution." *Id.*, at 320.

When the executive launches a criminal prosecution against the press, it must do so only under an Act of Congress. Yet Congress has no authority to place the press under the restraints of the executive privilege without "abridging" the press within the meaning of the First Amendment.

In related and analogous situations, federal courts have subordinated the executive privilege to the requirements of a fair trial.

Chief Justice Marshall in the trial of Aaron Burr ruled "That the president of the United States may be subpoenaed, and examined as a witness, and required to produce any paper in his possession is not controverted." *United States* v. *Burr*, 25 Fed. Cas. 187, 191. Yet he "may have sufficient motives for declining to produce a particular paper and these motives may be such as to restrain the Court from enforcing its production." *Ibid.* A letter to the President, he said, "may relate to public concerns" and not "forced into public view." *Id.*, at 192. But where the paper was shown "to be essential to the justice of the case," *ibid.*, the paper should be produced or the cause be continued." *Ibid.*

Jencks v. *United States*, 353 U.S. 657, is in that tradition. It was a criminal prosecution for perjury, the telling evidence against the accused being the testimony of Government investigators. The defense asked for contemporary notes made by agents at that time. Refusal was based on their confidential character. We held that to be reversible error.[11]

"We hold that the criminal action must be dismissed when the Government, on the ground of privilege, elects not to comply with an order to produce, for the accused's inspection and for admission in evidence, relevant statements or reports in its possession of government witnesses touching the subject matter of their testimony at the trial. Accord, *Roviaro* v. *United States*, 353 U.S. 53, 60–61. The burden is the Government's, not to be shifted to the trial judge, to decide whether the public prejudice of allowing the crime to go unpunished is greater than that attendant upon the possible disclosure of state secrets and other confidential information in the Government's possession." *Id.*, at 672.

Congress enacted the so-called Jencks Act, 18 U.S.C. § 3500, regulating the use of government documents in criminal prosecutions. We sustained that Act. *Scales* v. *United States*, 367 U.S. 203, 258. Under the Act a defendant "on trial in a federal criminal prosecution is entitled, for impeachment purposes, to relevant and competent statements of a government witness in possession of the Government touching the events or activities as to which the witness has testified at the trial . . . The command of the statute is thus designed to further the fair and just administration of criminal justice, a goal of which the judiciary is the special guardian." *Campbell* v. *United States*, 365 U.S. 85, 92. And see *Clancy v. United States*, 365 U.S. 312.

The prosecution often dislikes to make public the identity of the informer on whose information its case rests. But his identity must be disclosed where his testimony is material to the trial. *Roviaro* v. *United States*, 353 U.S. 53. In other words, the desire for Government secrecy does not override the demands for a fair trial. And see *Scher* v. *United States*, 305 U.S. 251, 254. The constitutional demands for a fair trial, implicit in the concept of due process, *In re Murchison*, 349 U.S. 133, 136, override the Government's desire for secrecy, whether the identity of an informer or the executive privilege be involved. And see *Smith* v. *Illinois*, 390 U.S. 129.

The requirements of the First Amendment are not of lesser magnitude. They override any claim to executive privilege. As stated in *United States* v. *Curtis-Wright Corp.*, *supra*, the class of executive privilege "like every other governmental power, must be exercised in subordination to applicable provisions of the Constitution." 299 U.S., at 320.

III

Aside from the question of the extent to which publishers can be penalized for printing classified documents, surely the First Amendment protects against all inquiry into

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Footnotes at end of article.

the dissemination of information which, although once classified, has become part of the public domain.

To summon Beacon Press through its officials before the grand jury and to inquire into why it did what it did and its publication plans is "abridging" the freedom of the press contrary to the command of the First Amendment. In light of the fact that these documents were part of the official Senate record,[12] Beacon Press has violated no valid law, and the grand jury's scrutiny of it reduces to "[e]xposure purely for the sake of exposure." *Uphaus* v. *Wyman, supra,* at 82 (dissenting opinion). As in *United States* v. *Rumely,* 345 U.S. 41, where a legislative committee inquired of a publisher of political tracts as to its customers' identities, "[i]f the present inquiry were sanctioned, the press would be subject to harassment that in practical effect might be as serious as censorship." *Id.,* 57 (concurring opinion). Under our Constitution the Government has no surveillance over the press. That includes, as we held in *New York Times* v. *United States,* 403 U.S. 713, the prohibition against prior restraints. Yet criminal punishment for or investigations of what the press publishes, though a different species of abridgment, is nonetheless within the ban of the First Amendment.

The story of the Pentagon Papers is a chronicle of suppression of vital decisions to protect the reputations and political hides of men who worked an amazingly successful scheme of deception on the American people. They were successful not because they were astute but because the press had become a frightened, regimented, submissive instrument, fattening on favors from those in power and forgetting the great tradition of reporting. To allow the press further to be cowed by grand jury inquiries and prosecution is to carry the concept of "abridging" the press to frightening proportions.

What would be permissible if Beacon Press "stole" the Pentagon Papers is irrelevant to today's decision. What Beacon Press plans to publish is matter introduced into a public record by a Senator acting under the full protection of the Speech and Debate Clause.[13] In light of the command of the First Amendment we have no choice but to rule that here government, not the press, is lawless.

I would affirm the judgment of the Court of Appeals except as to Beacon Press in which case I would reverse.

FOOTNOTES

[1] The Speech and Debate Clause included in Art. I, § 6, Cl. 1, of the Constitution provides as respects Senators and Representatives that "for any Speech or Debate in either House, they shall not be questioned in any other Place."

[2] And see *United States* v. *Johnson,* 383 U.S. 169, 172, 177; and *Tenney* v. *Brandhove,* 341 U.S. 367, 376.

[3] See Note, Developments In The Law—The National Security Interest and Civil Liberties, 85 Harv. L. Rev. 1130, 1207–1215 (1972); Note, The Right of Government Employees to Furnish Information to Congress: Statutory and Constitutional Aspects, 57 Va. L. Rev. 885, 885–887 (1971); Berger, *Executive Privilege* v. *Congressional Inquiry,* 12 U. C. L. A. L. Rev. 1044 (1965); Schwartz, Executive Privilege and Congressional Investigatory Power, 47 Calif. L. Rev. 3 (1959); Executive Privilege: The Withholding of Information by the Executive, Hearings on S. 1125 before the Subcommittee on Separation of Power of the Senate Committee on the Judiciary, 92d Cong., 1st Sess. (1971). There is no express statutory authority for the classification procedure used currently by the bureaucracies, although it has been claimed that Congress has recognized it in such measures as the exemptions from the disclosure requirements of the Freedom of Information Act, 5 U. S. C. § 552 (b) and the espionage laws, 18 U. S. C. §§ 792–799. Rather, the classification regime has been implemented through a series of executive orders described in Note, Developments In The Law, *supra,* at 1192–1198. It has also been claimed that several sections of Art. II (such as the designation of the President as Commander-in-Chief of the Army and Navy) confer upon the Executive an inherent power to classify documents. See Report of the Commission on Government Security, S. Doc. No. 64, 85th Cong., 1st Sess., 158 (1957).

[4] Executive Privilege: The Withholding of Information by the Executive, Hearing on S. 1125, Subcommittee on Separation of Powers, S. Judiciary Committee, 92d Cong., 1st Sess., 517–518 (1971). One estimate of the number of officials who can classify documents is even higher. In the Department of Defense alone, 803 persons have the authority to classify documents Top Secret; 7,687 have permission to stamp them Secret, and 31,048 have the authorization to denominate papers Confidential. United States Government Information Policies and Practices—The Pentagon Papers, Hearings before a Subcommittee of the House Committee on Government Operations, 92d Cong., 1st Sess., pt. 2, at 599 (statement of David Cooke, Deputy Assistant Secretary of Defense).

[5] Senator Fulbright, chairman of the Senate Foreign Relations Committee, recently testified that his committee had been so unsuccessful in obtaining accurate information about the Vietnam war from the Executive Branch that it was required to hire its own investigators and send them to Southeast Asia. Executive Privilege; The Withholding of Information By The Executive, Hearings before the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary 206 (1971).

[6] W. Wilson, Congressional Government, 303–304 (1885).

[7] Ervin, Secrecy in a Free Society, 213 The Nation 454, 456 (1971).

[8] Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act, 20 Ad. L. Rev. 263, 264 (1967).

[9] Hearing before Subcommittee on Foreign Operations and Government Information of the House Committee on Government Operations 97 (1971); Cong. Horton, The Public's Right to Know, 77 Case & Comm. 3, 5 (1972). We are told that the military has withheld as confidential a large selection of photographs showing atrocities against Vietnamese civilians wrought by both communist and United States forces. Even a training manual devoted to the history of the Bolshevik revolution was dubbed secret by the military. Hearings, *supra,* at 966, 967 (testimony of former classification officer). And, ordinary newspaper clippings of criticism aimed at the military have been routinely marked secret. Hearings, *supra,* at 100. Former Justice and former Ambassador to the United Nations Arthur Goldberg has stated: "I have read and prepared countless thousands of classified documents. In my experience, 75 percent of these documents should never have been classified in the first place; another 15 percent quickly outlived the need for secrecy; and only about 10% genuinely required restricted access for any significant period of time." United States Government Policies and Practices—The Pentagon Papers, Hearings before a Subcommittee of the House Committee on Government Operations, 92d Cong., 1st Sess., pt. 1, at 12 (1971).

[10] Moreover, I would not even permit a conviction for the publication of documents related to future and sensitive planning where the jury was permitted, as it was in *United States* v. *Drummond,* 354 F. 2d 132, 152 (CA2), to consider the fact that the documents had been classified by the Executive Branch pursuant to its present overbroad system which, in my view, unnecessarily sweeps too much nonsensitive information into the locked files of the bureaucracies. In general, however, I agree that there may be situations and occasions in which the right to know must yield to other compelling and overriding interests. As Professor Henkin has observed, many deliberations in Government are kept confidential, such as the proceedings of grand juries or our own Conferences, despite the fact that the breadth of public knowledge is thereby diminished. Henkin, The Right To Know And The Duty To Withhold: The Case Of The Pentagon Papers, 120 U. Pa. L. Rev. 271, 274–275 (1971).

[11] In *Alderman* v. *United States,* 394 U.S. 165, we took a like course in requiring the prosecution to disclose to the defense records of unlawful electronic surveillance:

"It may be that the prospect of disclosure will compel the Government to dismiss some prosecutions in deference to national security or third-party interests. But this is a choice the Government concededly faces with respect to material which it has obtained illegally and which it admits, or which a judge would find, is arguably relevant to the evidence offered against the defendant." *Id.,* at 184.

A different rule obtains in civil suits where the government is not the moving party but is a defendant and has specified the terms on which it may be sued. *United States* v. *Reynolds,* 345 U.S. 1, 12.

[12] Republication of what has filled the Congressional Record is commonplace. Newspapers, television, and radio use its contents constantly. I see no difference between republication of a paragraph and republication of material amounting to a book. Once a document or a series of documents is in the record of the Senate or House or one of its committees it is in the public domain.

[13] It is conceded that all of the material which Beacon Press has undertaken to publish was introduced into the Subcommittee record and that this record is open to the public. See Government's Brief, at 3.

GRAVEL AGAINST UNITED STATES

(Mr. Justice Brennan, with whom Mr. Justice Douglas, and Mr. Justice Marshall, join, dissenting.)

The facts of this case, which are detailed by the Court, and the objections to overclassification of documents by the Executive, detailed by my Brother Douglas, need not be repeated here. My concern is with the narrow scope accorded the Speech or Debate Clause by today's decision. I fully agree with the Court that a Congressman's immunity under the Clause must also be extended to his aides if it is to be at all effective. The complexities and press of congressional business make it impossible for a member to function without the close cooperation of his legislative assistants. Their role as his agents in the performance of official duties requires that they share his immunity for those acts. The scope of that immunity, however, is as important as the persons to whom it extends. In my view, today's decision so restricts the privilege of speech or debate as to endanger the continued performance of legislative tasks that are vital to the workings of our democratic system.

I

In holding that Senator Gravel's alleged arrangement with Beacon Press to publish the Pentagon Papers is not shielded from extra-senatorial inquiry by the Speech or Debate Clause, the Court adopts what for me is a far too narrow view of the legislative function. The Court seems to assume that words spoken in debate or written in congressional reports are protected by the Clause, so that if Senator Gravel had recited part of the Pentagon Papers on the Senate floor or copied them into a Senate report, those acts could not be questioned "in any other place." Yet because he sought a wider audience, to publicize information deemed relevant to matters pending before his own committee, the Senator suddenly loses his immunity and is exposed to grand jury investigation and possible prosecution for the publication. The explanation for this anomalous result is the Court's belief that "Speech or Debate" encompasses only acts necessary to the internal deliberations of Congress concerning proposed legislation. "Here," according to the Court, "private publication by Senator Gravel through the cooperation of Beacon Press was in no way essential to the deliberations of the House." *Ante,* at 19. Therefore, "the Senator's arrangements with Beacon Press were not part and parcel of the legislative process." *Ibid.*

Thus the Court excludes from the sphere of protected legislative activity a function that I had supposed lay at the heart of our democratic system. I speak, of course, of the legislator's duty to inform the public about matters affecting the administration of government. That this "informing function" falls into the class of things "generally done in a session of the House by one of its members in relation to the business before it," *Kilbourn* v. *Thompson,* 103 U.S. 168, 204, (1881), was explicitly acknowledged by the Court in *Watkins* v. *United States,* 354 U.S. 178 (1957). In speaking of the "power of Congress to inquire into and publicize corruption, maladministration or inefficiency in the agencies of Government," the Court noted that "[f]rom the earliest times in its history, the Congress has assiduously performed an 'informing function' of this nature." *Id.,* at 200, n. 33.

We need look no further than Congress itself to find evidence supporting the Court's observation in *Watkins.* Congress has provided financial support for communications between its members and the public, including the franking privilege for letters, telephone and telegraph allowances, stationery allotments, and favorable prices on reprints from the Congressional Record. Congressional hearings, moreover, are not confined to gathering information for internal distribution, but are often widely publicized, sometimes televised, as a means of alerting the electorate to matters of public import and concern. The list is virtually endless, but a small sampling of contemporaneous hearings of this kind would certainly include the Kefauver hearings on organized crime, the 1966 hearings on automobile safety, and the numerous hearings of the Senate Foreign Relations Committee on the origins and conduct of the war in Vietnam. In short, there can be little doubt that informing the electorate is a thing "generally done" by the members of Congress "in relation to the business before it."

The informing function has been cited by numerous students of American politics, both within and without the Government, as among the most important responsibilities of legislative office. Woodrow Wilson, for example, emphasized its role in preserving the separation of powers by ensuring that the administration of public policy by the Executive is understood by the legislature and electorate:

"It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct." W. Wilson, Congressional Government 303 (1885).

Others have viewed the give-and-take of such communication as an important means of educating both the legislator and his constituents:

"With the decline of Congress as an original source of legislation, this function of keeping the government in touch with public opinion and of keeping public opinion in touch with the conduct of the government becomes increasingly important. Congress no longer governs the country; the Administration in all its ramifications actually governs. But Congress serves as a forum through which public opinion can be expressed, general policy discussed, and the conduct of governmental affairs exposed and criticized." The Reorganization of Congress, A Report of the Committee on Congress of the American Political Science Association 14 (1945).

Though I fully share these and related views on the educational values served by the informing function, there is yet another and perhaps more fundamental interest at stake. It requires no citation of authority to state that public concern over current issues—the War, race relations, governmental invasions of privacy—has transformed itself in recent years into what many believe is a crisis of confidence, in our system of government and its capacity to meet the needs and reflect the wants of the American people. Communication between Congress and the electorate tends to alleviate that doubt by exposing and clarifying the workings of the political system, the policies underlying new laws and the role of the Executive in their administration. To the extent that the informing function succeeds in fostering public faith in the responsiveness of Government, it is not only an "ordinary" task of the legislator but one that is essential to the continued vitality of our democratic institutions.

Unlike the Court, therefore, I think that the activities of Congressmen in communicating with the public are legislative acts protected by the Speech or Debate Clause. I agree with the Court that not every task performed by a legislator is privileged; intervention before Executive departments is one that is not. But the informing function carries a far more persuasive claim to the protections of the Clause. It has been recognized by this Court as something "generally done" by Congressmen, the Congress itself has established special concessions designed to lower the cost of such communication, and, most important, the function furthers several well-recognized goals of representative government. To say in the face of these facts that the informing function is not privileged merely because it is not necessary to the internal deliberations of Congress is to give the Speech or Debate Clause an artificial and narrow reading unsupported by reason.

Nor can it be supported by history. There is substantial evidence that the Framers intended the Speech or Debate Clause to cover all communications from a Congressman to his constituents. Thomas Jefferson clearly expressed that view of legislative privilege in a case involving Samuel Cabell, Congressman from Virginia. In 1797 a federal grand jury in Virginia investigated the conduct of several Congressmen, including Cabell, in sending newsletters to constituents critical of the administration's policy in the war with France. The grand jury found that the Congressmen had endeavored "at a time of real public danger, to disseminate unfounded calumnies against the happy government of the United States, and thereby to separate the people therefrom; and to increase or produce a foreign influence, ruinous to the peace, happiness, and independence of these United States." Jefferson immediately drafted a long essay signed by himself and several citizens of Cabell's district, condemning the grand jury investigation as a blatant violation of the congressional privilege. Revised and joined by James Madison, the protest was forwarded to the Virginia House of Delegates. It reads in part as follows:

". . . that in order to give to the will of the people the influence it ought to have, and the information which may enable them to exercise it usefully, it was a part of the common law, adopted as the law of this land, that their representatives, in the discharge of their functions, should be free from the cognizance or coercion of the coordinate branches, Judiciary and Executive; and that their communications with their constituents should be of right, as of duty also, be free, full, and unawed by any: that so necessary has this intercourse been deemed in the country from which they derive principally their descent and laws, that the correspondence between the representative and constituent is privileged there to pass free of expense through the channel of the public post, and that the proceedings of the legislature have been known to be arrested and suspended at times until the Representatives could go home to their several counties and confer with their constituents.

"That when circumstances required that the ancient confederation of this with the sister States, for the government of their common concerns, should be improved into a more regular and effective form of general government, the same representative principle was preserved in the new legislature, one branch of which was to be chosen directly by the citizens of each State, and the laws and principles remained unaltered which privileged the representative functions, whether to be exercised in the State or General Government, against the cognizance and notice of the coordinate branches, Executive and Judiciary; and for its safe and convenient exercise, the intercommunication of the representative and constituent has been sanctioned and provided for through the channel of the public post, at the public expense.

"That the grand jury is a part of the Judiciary, not permanent indeed, but in office, *pro hac vice* and responsible as other judges are for their actings and doings while in office: that for the Judiciary to interpose in the legislative department between the constituent and his representative, to control them in the exercise of their functions or duties towards each other, to overawe the free correspondence which exists and ought to exist between them, to dictate what communications may pass between them, and to punish all others, to put the representative into jeopardy of criminal prosecution, of vexation, expense, and punishment before the Judiciary, if his communications, public or private, do not exactly square with their ideas of fact or right, or with their designs of wrong, is to put the legislative department under the feet of the Judiciary, is to leave us, indeed, the shadow, but to take away the substance of representation, which requires essentially that the representative be as free as his constituents would be, that the same interchange of sentiment be lawful between him and them as would be lawful among themselves were they in the personal transaction of their own business; is to do away the influence of the people over the proceedings of their representatives by excluding from their knowledge, by the terror punishment, all but such information or misinformation as may suit their own views; and is the more vitally dangerous when it is considered that grand jurors are selected by officers nominated and holding their places at the will of the Executive . . .; and finally, is to give to the Judiciary, and through them to the Executive, a complete preponderance over the legislature rendering ineffectual that wise and cautious distribution of powers made by the constitution between the three branches, and subordinating to the other two that branch which most immediately depends on the people themselves, and is responsible to them at short periods." 8 The Works of Thomas Jefferson 322–327 (Ford ed. 1904).

Jefferson's protest is perhaps the most significant and certainly the most cogent analysis of the privileged nature of communication between Congressman and public. Its comments on the history, purpose and scope of the Clause leave no room for the notion that the Executive or Judiciary can in any way question the contents of that dialogue. Nor was Jefferson alone among the Framers in that view. Aside from Madison, who joined in the protest, James Wilson took the position that a member of Congress "should enjoy the fullest liberty of speech, and . . . should be protected from the resentment of everyone, however powerful, to whom the exercise of that liberty may occasion offence." I Works of James Wilson 421 (McCloskey ed. 1967). Wilson, a member of the Committee responsible for drafting the Speech or Debate Clause, stated in plainest terms his belief in the duty of Congressmen to inform the people about proceedings in the Congress:

"That the conduct and proceedings of representatives should be as open as possible to the inspection of those whom they represent, seems to be, in republican government, a maximum, of whose truth or importance the smallest doubt cannot be entertained. That, by a necessary consequence, every measure, which will facilitate or secure this open communication of the exercise of delegated power, should be adopted and patronised by the constitution and laws of every free state, seems to be another maximum, which is the unavoidable result of the former." *Id.*, at 422.

Wilson's statements, like those of Jefferson and Madison, reflect a deep conviction of the Framers, that self-government can succeed only when the people are informed by their representatives, without interference by the Executive or Judiciary, concerning the conduct of their agents in government. That conviction is no less valid today than it was at the time of our founding. I would honor the clear intent of the Framers and extend to the informing function the protections embodied in the Speech or Debate Clause.

The Court, however, offers not a shred of evidence concerning the Framers' intent, but relies instead on the English view of legislative privilege to support its interpretation of the Clause. Like the Court itself, *ante*, at n. 14, I have some doubt concerning the relevance of English authority to this case, particularly authority postdating the adoption of our Constitution. But in any event it is plain that the Court has misread the history on which it relies. The Speech or Debate Clause of the English Bill of Rights was at least in part the product of a struggle between Parliament and Crown over the very type of activity involved in this case. During the reign of Charles II, the House of Commons received a number of reports about an alleged plot between the Crown and the King of France to restore Catholicism as the established religion of England. The most famous of these reports, Dangerfield's Narrative, was entered into the Commons Journal and then republished by order of the Speaker of the House, Sir William Williams, with the consent of Commons. In 1686, after James II came to the throne, informations charging libel were filed against Williams in King's Bench. Despite the arguments of his attorney, Sir Robert Atkyns, that the publication was necessary to the "counselling" and "enquiring" functions of Parliament, Williams' plea of privilege was rejected and he was fined £10,000. Shortly after Williams' conviction James II was sent into exile, and a committee was appointed by the House of Commons to report upon "such things as are absolutely necessary for securing the Laws and Liberties of the Nation." 9 Grey's Debates 37. In reporting to the House, the chairman of the committee stated that the provision for freedom of speech and debate was included "for the sake of one, . . . Sir William Williams, who was punished out of Parliament for what he had done in Parliament." *Id.*, at 81. Following consultation with the House of Lords, that provision was included as part of the English Bill of Rights, and the judgment against Williams was declared by Commons "illegal and subversive of the freedom of parliament." I Townsend, Memoirs of the House of Commons 414 (2d ed. 1844).

Although the origins of the Speech or Debate Clause in England can thus be traced to a case involving republication, the Court, citing *Stockdale* v. *Hansard*, 9 Ad. & E. 1, 112 K. B. 1112 (1839), says that "English legislative privilege was not viewed as protecting republication of an otherwise immune libel on the floor of the House." *Ante*, at 16. That conclusion reflects an erroneous reading of precedent. *Stockdale* did state that "if the calumnious or inflammatory speeches should be reported and published, the law will attach responsibility on the publisher." *Id.*, at 114, 112 K. B., at 1156. But *Stockdale* concerned only the publisher's liability, not that of a member of Parliament; thus it has little bearing on the instant case. Furthermore, contrary to the Court's assertion, *ante*, at n. 14, even the narrow result of *Stockdale* was repudiated 30 years later in *Wason* v. *Walter*, [1868] 4 Q. B. 73, for reasons strikingly similar to those expressed by Jefferson in his protest.[1] In my view, therefore, the English precedent, if relevant at all, supports Senator Gravel's position here.

Whether *Wason* was based on parliamentary privilege or on an analogy to the publication of judicial proceedings is unimportant. What is important to the instant case is that *Wason* firmly rejected any implication in *Stockdale* that the informing function was not among the legislative activities that a member of Parliament was privileged to perform. Indeed that same conclusion was reached by Sir Gilbert Campion, a noted scholar, in his memorandum to the House of Commons' Select Committee on the Official Secrets Acts. After reviewing the republication cases through *Wason*, the memorandum concluded:

"If . . . a member circulated among his constituents a speech made by him in Parliament in which he had disclosed information [otherwise subject to the Official Secrets Acts], it might be held on the analogy of the principles which have been said to apply to prosecutions for libel that he could not be proceeded against for disclosing it to his constituents, unless, of course, the speech had been made in a secret session. Even if the suggested analogy is not admitted, it would be repugnant to common sense to hold that though the original disclosure in the House was protected by parliamentary privilege, the circulation of the speech among the member's constituents was not." Minutes of Evidence Taken before the Select Committee on the Official Secrets Acts 29 (1939).

Thus, from the standpoint of function or history, it is plain that Senator Gravel's dissemination of material, placed by him in the record of a congressional hearing, is itself legislative activity protected by the privilege of speech or debate. Whether or not that privilege protects the publisher from prosecution or the Senator from senatorial discipline, it certainly shields the Senator from any grand jury inquiry about his part in the publication. As we held in *United States* v. *Johnson*, 383 U.S. 169 (1966), neither a Congressman, nor his aides, nor third parties may be made to testify concerning privileged acts or their motives. That immunity, which protects legislators "from deterrents to the uninhibited discharge of their legislative duty," *Tenney* v. *Brandhove*, 341 U.S. 367, 377 (1951), is the essence of the Clause, designed not for the legislators' "private indulgence but for the public good." *Id.*, at 377.

That privilege, moreover, may not be defeated merely because a court finds that the publication was irregular or the material irrelevant to legislative business. Legislative immunity secures "to every member exemption from prosecution, for everything said or done by him, as a representative, in the exercise of the functions of that office . . . whether the exercise was regular, according to the rules of the house, or irregular and against their rules." *Coffin* v. *Coffin*, 4 Mass. 1, 27 (1808). Thus, if the republication of this committee record was unauthorized or even prohibited by the Senate rules, it is up to the Senate, not the Executive or Judiciary, to fashion the appropriate sanction to discipline Senator Gravel.

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[1] In *Wason* the proprietor of the London Times was sued for printing an account of a libellous debate in the House of Lords. The Court agreed with *Stockdale* that the House did not have final authority to determine the scope of its privileges and thus could not confer immunity on any publisher merely by ordering a document printed and then declaring it privileged. Indeed the *Wason* Court gave its "unhesitating and unqualified adhesion" to *Stockdale* on that point. *Id.*, at 86. The only issue for the Court, therefore, was whether the publication "is, independently of such order or assertion of privilege, in itself privileged and lawful." *Id.*, at 87. On that issue the Court severely criticized the reasoning of earlier cases, including *Stockdale*, stating that two of the Justices in that case had expressed a "very shortsighted view of the subject." *Id.*, at 91. The Court held that so long as the republication was accurate and in good faith, it could not be the basis of a libel action; and the member himself was privileged to publish his speech "for the information of his constituents." *Id.*, at 95. Relying not on the Parliamentary Papers Act of 1840, which was enacted in response to *Stockdale*, but on the analogy to judicial reports and the need for an informed public, the Court stated:

"It seems to us impossible to doubt that it is of paramount public and national importance that the proceedings of the houses of parliament shall be communicated to the public, who have the deepest interest in knowing what passes within their walls, seeing that on what is there said and done, the welfare of the community depends. Where would be our confidence in the government of the country or in the legislature by which our laws are framed, and to whose charge the great interests of the country are committed,—where would be our attachment to the constitution under which we live,—if the proceedings of the great council of the realm were shrouded in secrecy and concealed from the knowledge of the nation? How could the communications between the representatives of the people and their constituents, which are so essential to the working of the representative system, be usefully carried on, if the constituencies were kept in ignorance of what their representatives are doing? What would become of the right of petitioning on all measures pending in parliament, the undoubted right of the subject, if the people are to be kept in ignorance of what is passing in either house? Can any man bring himself to doubt that the publicity given in modern times to what passes in parliament is essential to the maintenance of the relations subsisting between the government, the legislature, and the country at large?" *Id.*, at 89.

The fact that the debate was published in violation of a standing order of Parliament was held to be irrelevant. "Independently of the orders of the house, there is nothing unlawful in publishing reports of parliamentary proceedings . . . . [A]ny publication of its debates made in contravention of its orders would be a matter between the house and the publisher." Id., at 95.

Similarly, the Government cannot strip Senator Gravel of the immunity by asserting that his conduct "did not relate to any pending Congressional business." Brief, at 41. The Senator has stated that his hearing on the Pentagon Papers had a direct bearing on the work of his Subcommittee on Buildings and Grounds, because of the effect of the Vietnam war on the domestic economy and the lack of sufficient federal funds to provide adequate public facilities. If in fact the Senator is wrong in this contention, and his conduct at the hearing exceeded the subcommittee's jurisdiction, then again it is the Senate that must call him to task. This Court has permitted congressional witnesses to defend their refusal to answer questions on the ground of nongermaneness. *Watkins* v. *United States,* 354 U.S. 178 (1957). Here, however, it is the Executive that seeks the aid of the judiciary, not to protect individual rights, but to extend its power of inquiry and interrogation into the privileged domain of the legislature. In my view the Court should refuse to turn the freedom of speech or debate on the Government's notions of legislative propriety and relevance. We would weaken the very structure of our constitutional system by becoming a partner in this assault on the separation of powers.

Whether the Speech or Debate Clause extends to the informing function is an issue whose importance goes beyond the fate of a single Senator or Congressman. What is at stake is the right of an elected representative to inform, and the public to be informed, about matters relating directly to the workings of our Government. The dialogue between Congress and people has been recognized, from the days of our founding, as one of the necessary elements of a representative system. We should not retreat from that view merely because in the course of that dialogue, information may be revealed that is embarrassing to the other branches of government or violates their notions of necessary secrecy. A member of Congress who exceeds the bounds of propriety in performing this official task may be called to answer by the other members of his chamber. We do violence to the fundamental concepts of privilege, however, when we subject that same conduct to judicial scrutiny at the instance of the Executive.[2] The threat of "prosecution by an unfriendly executive and conviction by a hostile judiciary," *United States* v. *Johnson,* 383 U.S., at 179, which the Clause was designed to avoid, can only lead to timidity in the performance of this vital function. The Nation as a whole benefits from the congressional investigation and exposure of official corruption and deceit. It likewise suffers when that exposure is replaced by muted criticism, carefully hushed behind congressional walls.

Equally troubling in today's decision is the Court's refusal to bar grand jury inquiry into the source of documents received by the Senator and placed by him in the hearing record. The receipt of materials for use in a congressional hearing is an integral part of the preparation for that legislative act. In *United States* v. *Johnson,* 383 U.S., 169 (1966), the Court acknowledged the privileged nature of such preparatory steps, holding that they, like the act itself and its motives, must be shielded from scrutiny by the Executive and Judiciary. That holding merely recognized the obvious—that speeches, hearings, and the casting of votes require study and planning in advance. It would accomplish little toward the goal of legislative freedom to exempt an official act from intimidating scrutiny, if other conduct leading up to the act and intimately related to it could be deterred by a similar threat. The reasoning that guided that Court in *Johnson* is no less persuasive today, and I see no basis, nor does the Court offer any, for departing from it here. I would hold that Senator Gravel's receipt of the Pentagon Papers, including the name of the person from whom he received it may not be the subject of inquiry by the grand jury.

I would go further, however, and also exclude from grand jury inquiry any knowledge that the Senator or his aides might have concerning how the source himself first came to possess the Papers. This immunity, it seems to me, is essential to the performance of the informing function. Corrupt and deceitful officers of government do not often post for public examination the evidence of their own misdeeds. That evidence must be ferreted out, and often is, by fellow employees and subordinates. Their willingness to reveal that information and spark congressional inquiry may well depend on assurances from their contact in Congress that their identity and means of obtaining the evidence will be held in strictest confidence. To permit the grand jury to frustrate that expectation through an inquiry of the Congressman and his aides can only dampen the flow of information to the Congress and thus to the American people. There is a similar risk, of course, when the member's own House requires him to break the confidence. But the danger, it seems to me, is far less if the members' colleagues, and not an "unfriendly executive" or "hostile judiciary," are charged with evaluating the propriety of his conduct. In any event, assuming that a Congressman can be required to reveal the sources of his information and the methods used to obtain that information, that power of inquiry, as required by the Clause, is that of the Congressman's House, and of that House only.

I respectfully dissent.

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[2] Different considerations may apply, of course, where the republication is attacked, not by the Executive, but by private persons seeking judicial redress for an alleged invasion of their constitutional rights.

GRAVEL AGAINST UNITED STATES

(Mr. Justice Stewart, dissenting in part)

The Court today holds that the Speech or Debate Clause does not protect a Congressman from being forced to testify before a grand jury about sources of information used in preparation for legislative acts. This critical question was not embraced in the petitions for certiorari. It was not dealt with in the written briefs. It was addressed only tangentially during the oral arguments. Yet it is a question with profound implications for the effective functioning of the legislative process. I cannot join in the Court's summary resolution of so vitally important a constitutional issue.

In preparing for legislative hearings, debates and roll calls, a member of Congress obviously needs the broadest possible range of information. Valuable information may often come from sources in the Executive Branch or from citizens in private life. And informants such as these may be willing to relate information to a Congressman only in confidence, fearing that disclosure of their identities might cause loss of their jobs or harassment by their colleagues or employers. In fact, I should suppose it to be self-evident that many such informants would insist upon an assurance of confidentiality before revealing their information. Thus, the acquisition of knowledge through a promise of nondisclosure of its source will often be a necessary concomitant of effective legislative conduct, if the members of Congress are properly to perform their constitutional duty.

The Court of Appeals for the First Circuit recognized the importance of the information gathering process in the performance of the legislative function. It held that the Speech or Debate Clause bars all grand jury questioning of a member of Congress regarding the sources of his information. The Court of Appeals reasoned that to allow a "grand jury to question a Senator about his sources would chill both the vigor with which legislators seek facts and the willingness of potential sources to supply them." *United States* v. *Doe,* 445 F. 2d 753, 758–759. The government *did not seek review of this ruling,* but rather sought certiorari on the question whether the Speech or Debate Clause bars a grand jury from questioning congressional aides about privileged actions of Senators or Representatives.[1]

The Court, however, today decides, *sua sponte,* that a member of Congress may, despite the Speech or Debate Clause, be compelled to testify before a grand jury concerning the sources of information used by him in the performance of his legislative duties, if such an inquiry *"proves relevant to investigating possible third party crime." Ante,* at 22 (emphasis supplied).[2] In my view, this ruling is highly dubious in view of the basic purpose of the Speech or Debate Clause—"to prevent intimidation [of Congressmen] by the executive and accountability before a possibly hostile judiciary." *United States* v. *Johnson,* 383 U.S. 169, 181.

Under the Court's ruling, a Congressman may be subpoenaed by a vindictive Executive to testify about informants who have not committed crimes and who have no knowledge of crime. Such compulsion can occur, because the judiciary has traditionally imposed virtually no limitations on the grand jury's broad investigatory powers; grand jury investigations are not limited in scope to specific criminal acts, and standards of materiality and relevance are greatly relaxed.[3] But even if the Executive had reason to believe that a member of Congress had knowledge of a specific probable violation of law, it is by no means clear to me that the Executive's interest in the administration of justice must *always* override the public interest in having an informed Congress. Why should we not, given the tension between two competing interests, *each* of constitutional dimensions, balance the claims of the Speech or Debate Clause against the claims of the grand jury in the particularized contexts of specific cases? And why are not the Houses of Congress the proper institutions in most situations to impose sanctions upon a Representative or Senator who withholds information about crime acquired in the course of his legislative duties? [4]

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[1] As stated in its petition for certiorari, the Government asked us to consider

"Whether Article 1, Section 6, of the Constitution providing that . . . 'for any Speech or Debate in either House, the Senators and Representatives' . . . 'shall not be questioned in any other Place' bars a grand jury from questioning aides of members of Congress and other persons about matters that may touch on activities of a member of Congress which are protected Speech or Debate."

The Government also asked us to consider

"Whether an aide of a member of Congress has a common law privilege not to testify before a grand jury concerning private republication of material which his Senator-employer had introduced into the record of a Senate subcommittee."

We granted certiorari on both questions, 405 U.S. 916.

[2] See also, *ante,* 15, 21.

[3] See, *e.g., Wilson* v. *United States,* 221 U.S. 361; *Hendricks* v. *United States,* 223 U.S. 178, *United States* v. *Johnson,* 319 U.S. 503. See generally, *Holt* v. *United States,* 218 U.S. 245; *United States* v. *Costello,* 350 U.S. 359.

I am not prepared to accept the Court's rigid conclusion that the Executive may always compel a legislator to testify before a grand jury about sources of information used in preparing for legislative acts. For that reason, I dissent from that part of the Court's opinion that so inflexibly and summarily decides this vital question.

COUNT TO A BILLION

Mr. SCOTT. Mr. President, an editorial published in the Washington Sunday Star and Daily News emphasizes a point which I feel is important to bring to the attention of Senators at this point in the session; namely, that congressional overspending is fast becoming both a political issue and an economic eventuality. "Today's Assignment: Count Up to a Billion" attempts to impress on the reader how great a billion dollars really is. It makes good reading for all of us.

We know how the President and the public feel about our national spending epidemic. They have spoken against it loudly and often. The Sunday Star urges the President to continue doing so and "so should the public." Well, let us in the Senate do likewise. The responsibility is ours.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

TODAY'S ASSIGNMENT: COUNT UP TO A BILLION

President Nixon, the reports say, is considering a special message on what Congress is doing to his budget and what, if the spending binge continues, is certain to follow: Higher taxes and renewed inflation.

These are hot-weather days, a time when the mind tends to turn away from heavy subjects. These are times, too, when it has become fashionable to pooh-pooh any suggestion of fiscal discipline on the grounds that it is somehow gauche and unprogressive. And we are in an election year, meaning that anything the President says about the Democratic Congress will be construed as wholly political.

But we hope the President goes ahead and, in addition, grabs for as much public attention as he can get, for the issues involved are truly crucial. He would be wise to remain objective and to put his case in terms that the average man, wrestling with his own budget, can understand. What we have partly in mind is a refresher course in sixth-grade arithmetic, something that for many members of Congress—and also the administration—is long overdue. It could start something like this:

A billion is not, as many people may be led to believe by the numbers that fly around this town, another word for a million. Neither is it on the order of, say, 10 million. It is a thousand million. A million one-dollar bills, laid end to end would stretch one and a half times around the Capital Beltway. A billion one-dollar bills laid end to end would reach around the world four times. Columnist Art Buchwald recently suggested that Melvin Laird or Elliot Richardson or anyone else who wants to spend a billion dollars or more be obliged to go to the bank and count it out in tens and twenties. An engaging idea. Let no one try it, though. For starting today, working an eight-hour day and a seven-day week at the rate of one bill per second, the job of counting $1 billion in equal numbers of ten and twenty-dollar notes would take until November 24, 1978.

All this is by way of saying that the concept of a billion defies easy comprehension, so that to toss the number around casually is usually to operate in an air of unreality. It also points up the fact that when the President asks for an extra billion dollars, or when Congress tacks on to an appropriation bill an extra billion, an enormous amount of money is involved.

The Nixon budget, presented in January for the fiscal year that has just begun, calls for taking in about $220 billion and spending about $245 billion. Knock off seven zeroes in each of those figures, and a picture can be drawn of a man who will earn $22,000 while planning to spend $24,500 in the year ahead. Once again, the million-billion contrast is instructive. A million dollars to the federal budget is the same as a dime to our $22,000 wage earner, or the price of a small cup of coffee. A billion dollars, though, is the same as $100 to that wage earner. A taxpayer in the $22,000 bracket would give a good bit of thought before putting out an extra $100, and another $100 after that. He might defend it if he were in good financial shape, but not if he were already thoroughly overcommitted.

Now the congressional spenders might reason that federal revenues are constantly on the increase. So they are, by about $20 billion a year. The trouble is that automatic spending obligations—meaning those Congress has no control over, such as interest on the debt, public welfare and farm subsidies—are rising about $12 billion a year.

That leaves about $8 billion in what might be considered newly disposable income if the government were on an even fiscal keel. But it is not on an even keel. A big deficit is inevitable. And knowing that, even before this fiscal year got underway, Congress added $6 to $7 billion to the '73 budget. A good part of this represented the 20 percent Social Security increase. And that, along with much of the other increases, reflects what now has become standard and somewhat cynical operating procedure on Capitol Hill: Whatever the budget request for a politically visible and attractive program, pile on more money and dare the President to veto it. This is an upsmanship game that has been played in the past, but with millions and not billions of dollars.

Congress cannot be called entirely oblivious to the government's fiscal plight. Just last week, knowing full well a presidential veto was certain, enough Democrats and Republicans teamed up in the House to defeat a completely irresponsible $5 billion public-works bill. But that does not mean true fiscal responsibility has set in, nor that the budget-deficit problem will come under control. The problem, in fact, is almost certain to get much worse. The President's budget managers are desperately trying to convince themselves they can keep the 1973 deficit under $30 billion, for they know that beyond that figure, further red ink will have a decidedly inflationary impact.

But all the forces are going in the wrong direction. For one thing, Tropical Storm Agnes came along, and the President has proposed, and Congress will certainly agree, to spend $2 billion to aid the flood victims. And the war goes on, with the cost of air and naval bombardment certain to cost billions above what the budget men calculated for military spending in January. Then comes the legislation still pending—the big water pollution bill is a good example—already carrying a price tag billions above the budget figures. Finally, another debt ceiling bill must be enacted by October 30, one week before the election, and nobody knows how many billion-dollar goodies Congress will seek to attach to it. At any rate, this year's deficit could well run to $40 billion and beyond. With the economy now on the upswing, this is precisely the wrong time for that to happen. If it does happen, though, the President and Congress will have to share responsibility, and the next President, whoever he is, will be forced not only to raise taxes but to raise them on a very large order.

Another look at our $22,000 wage-earner is in order. He makes good money and gets a raise every year. But months ago he knew that even if he grew cautious, he would spend $2,500 more this coming year than he would make. He has not been cautious. In the first six months of the year, he obligated himself for a further $600 to $700. Now he is prepared to spend hundreds more. Between now and next July, he may well have spent $26,000 or more, adding to his debts by at least $4,000.

There are such people, of course, and they usually suffer painful consequences. Their only recourse is to rein in on spending, or make more money or both. For the federal government—and, ultimately, for all of us—the consequences also are bound to be painful. The government will have to raise taxes. And sooner or later, it will have to recapture a sense of reality about expenditures. In the meantime, the more Congress and the administration spend beyond what is prudent, the more inevitable a truly large tax increase becomes.

As a nation, we are very much in the position of the man who is making more money than he ever made before, possibly more than he ever dreamed of, but who is so undisciplined in his spending and so overcommitted that he cannot do the things he wants to do, and should do. Congress by and large has ignored this lesson. The President should speak out on it. So should the public.

BLUE CROSS PREMIUMS SHOULD BE REVIEWED

Mr. MOSS. Mr. President, I believe it is long past time for the Price Commission to take a harder line with the Nation's largest health insurance carrier.

On April 13, 4 months ago, I wrote to Chairman Grayson, asking that his Commission reconsider its earlier decision to allow a 22-percent hike in the Blue Cross-Blue Shield health benefit premiums. In the letter, I cited new cost data indicating that the not-for-profit organization was on the way to a substantial surplus in 1972. I questioned the desirability of allowing Blue Cross to build up reserves at a time when the Federal Government should be exerting the maximum downward pressure on the price of this truly vital service.

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[4] During oral argument, the Solicitor General virtually conceded, in the course of arguing that aides should not enjoy the same testimonial privilege as Congressmen, that a Senator could *not* be called before the grand jury to testify about the sources of his information:

"Q. Mr. Solicitor, am I correct that you wouldn't be able to question the Senator as to where he got the papers from?

"A. Oh, Mr. Justice, we are not able to question the Senator about anything insofar as it relates to speech or debate.

"Q. Well, this was related, you agree, to speech and debate?

"A. I am not contending to the contrary. . . ."

The following exchange also took place:

"Q. You can't ask a Senator where you got the material you used in your speech.

"A. Yes, Mr. Justice.

"Q. You can't.

"A. Yes."

At another point in the oral argument, the Solicitor General said that even when a Senator or Representative has knowledge of crime as a result of legislative acts "[t]hey can't be required to respond to questions with respect to their speeches and debates. That is a great and historic privilege which ought to be maintained which I fully support but which does not extend to any other persons than Senators and Representatives."

The Price Commission refused to roll back the 22-percent premium hike, or any part of it.

Last week, Blue Cross testified before the House committee that, instead of "breaking even" in 1972 as they had predicted, they now expect a surplus of about $64 million.

Mr. President, this enormous margin is completely out of line with the need to fight inflation. Moreover, it is yet another example of the failure of Blue Cross to project accurately its own financial situation.

Eight months ago, Blue Cross-Blue Shield argued that it needed the 22-percent hike in Federal employee health premiums just to keep up with claims during 1972. Such an increase, they said, would still leave the organization with a deficit of around $68 million from previous years.

This was in December. Since taking that position, Blue Cross has repeatedly changed its estimates, with each new prediction more optimistic than the one before.

On March 8, a Civil Service Commission representative told the Senate Post Office Committee that, instead of losing $64 million during 1970 and 1971, Blue Cross lost only $45 million.

On April 6, Blue Cross addressed a letter to Senators to the effect that the deficit from previous years was actually only $16 million. They pointed out, moreover, that if utilization trends continued, they could expect a "small underwriting gain" in the current year.

Last week, Blue Cross testified before a House committee that they now expected their 1972 surplus to reach $64 million.

Mr. President, this is far from a "small underwriting gain," far further from "breaking even." It is an enormous margin, one with which the Price Commission must come to grips or else risk complete public disrespect for the equity of the administration's wage and price program.

I ask unanimous consent that the text of my letters to Chairman Grayson and today's Washington Post editorial be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Washington, D.C., April 13, 1972.

C. Jackson Grayson,
Chairman, Price Commission,
Washington, D.C.

Dear Mr. Grayson: On April 6, a representative of the Blue Cross-Blue Shield Program wrote to you explaining the new cost information regarding their Federal Employees Program's 1971 experience. From their letter, it now appears that Blue Cross sustained a 1971 loss, not of $60 million, as had been predicted in the fall, but of *$8 million.* (The actual figures comes to 1% of claims, as opposed to the 9% figures which had previously been estimated.)

Since these same projections, which have proved to be so grossly pessimistic in 1971 were used to support Blue Cross' cost situation in 1972, I believe the Price Commission should reconsider its December 23rd ruling which allowed the 22% increase in premium.

I do not think it unreasonable to believe that the same figures which resulted in a 8% over-estimate in 1971 might do the same thing in 1972. I believe it's entirely possible that, given the current, more optimistic date, Blue Cross could turn the 22% premium hike into a substantial surplus in 1972.

While Blue Cross-Blue Shield is a not-for-profit organization, I believe there could be no useful purpose in allowing these shifting cost trends to add millions of dollars to their reserves. I believe, moreover, it is our responsibility to exert the maximum downward pressure on the price of this truly vital service.

Sincerely,

Frank E. Moss,
U.S. Senator.

Washington, D.C., *August 15, 1972.*

C. Jackson Grayson, Jr.,
Chairman,
Price Commission,
Washington, D.C.

Dear Commissioner Grayson: On April 13, I wrote to you urging a review in the Price Commission's decision made last December, to allow a 22% hike in Blue Cross-Blue Shield health benefit premiums.

At the time I pointed to new cost information just made available by Blue Cross that indicated a substantial change in the health benefit plan's cost situation. I pointed to the fact that the Federal employees' program instead of losing $60 million in 1971 as had originally been predicted, had lost only $8 million; in other words, 1% of claims instead of 9%. I asked that the Commission's ruling be reconsidered since it was based upon these same figures which have been proven to be overly pessimistic.

Last week, in testimony before a House subcommittee, Blue Cross stated that it now expects a $64 million surplus during the current year. Since this is obviously out-of-line with the Administration's guidelines and since Blue Cross has offered the cost information as public record, I once again urge the Commission to reconsider the 22% premium increase.

Sincerely,

Frank E. Moss,
U.S. Senator.

[From the Washington Post, Aug. 16, 1972]

The $64 Million (or More) Question

Earlier this year the health insurance premiums paid by the 1.6-million federal employees and retirees enrolled in Blue Cross-Blue Shield plans were jacked up 22 per cent, ostensibly to keep the company from suffering a massive deficit. But now Blue Cross officials have told a House subcommittee that they are currently anticipating a $64 million surplus this year, and the federal insurance administrator has guessed that the surplus might even reach $95 million. Given these figures, federal employees might be pardoned for wondering whether their current premiums might be a bit too high.

This is not the first time that Blue Cross calculations have raised questions. Last year the firm, pleading financial miseries, asked the Civil Service Commission for a whopping 53 per cent rate increase. CSC allowed 34 per cent, which Blue Cross claimed was essential to stave off losses projected at $68 million for 1970–71 and a cumulative total of $146 million by the end of 1972. Although the Price Commission, pressured by employee unions and some congressmen, allowed "only" the 22 per cent increase, the firm has now reported that 1970–71 losses reached just $16 million. Then, of course, there is that sudden surplus projected for this year.

To those untutored in the actuarial arts, it might appear that Blue Cross' gloomy forecasts last year were simply way off base. But a few days ago, when Rep. Jerome Waldie called the $146-million-loss figure "an enormous error," a Blue Cross official protested, "We don't want to call it an error . . . because it's only a projection." Such a way with numbers seems far too casual for a program which last year collected $444 million in premiums from federal workers, plus a $290 million government contribution.

Rep. Waldie, whose subcommittee has been probing Blue Cross-Blue Shield operations for some time, is also concerned about soaring administrative costs. For example, according to General Accounting Office documents just obtained by this newspaper, company officials docked the federal program's accounts for several thousand dollars in expenses, including entertainment, for administrative meetings around the country last year—at the same time that the firm was predicting those massive deficits.

The entire situation raises serious doubts about the management of the federal employee programs and the oversight, or lack of it, exercised by the Civil Service Commission. Rep. Waldie, for one, is preparing to propose that supervision of federal insurance plans be moved from CSC to another, more vigilant agency. Such a prescription may be drastic, but some strong dose of reform seems in order to restore confidence in the health of the health insurance plans.

THE OPENING OF THE SWISS AIR AND SPACE WING AND ITS LESSONS FOR THE UNITED STATES

Mr. GOLDWATER. Mr. President, today I take a few moments of the Senate's time to pay tribute to Alfred Waldis, the director of the Swiss Museum of Transport and Communications, whose dream and dynamic force has resulted in the opening of the largest permanent air and space building in Europe, as a new wing of the Swiss Museum at Lucerne. The official opening of the air and space wing was held on July 1, and I can report from the first hand observations of a member of my staff who attended this event, at non-Government expense I might add that it was a smashing success. It was a success of which Dr. Waldis, the museum's director, can be extremely proud. It was a success from which the nation of Switzerland can be honored, and if I might add a personal impression without embarrassing our neutral friends in Switzerland, it was a major propaganda success for the United States.

Mr. President, one unique feature about the Swiss Transport Museum, including its new air and space wing, is the fact that it is a private museum. It was not constructed by the Government of Switzerland, and it is not operated at Government expense. The Confederation has made a large contribution to the construction and, I believe, helped with the obtaining of actual aircraft that is on exhibit at the museum. But for the most part all the money that has enabled the new museum to be built and which will be used to maintain the structure is derived from private contributions by individuals and businesses all across Switzerland and from a small admission fee which is charged for entry into the transport museum. Since it has been one of the primary benefactors among the private organizations contributing to the museum, I should mention that Swissair has been very generous in its support of the project.

Mr. President, the enthusiasm of the Swiss people and Swiss private businesses toward contributing to a major technological and historical museum and participating in its continuing support by the payment of an admission fee is a special phenomenon that is worthy of a close look by us in America. At the very least, I hope that the Swiss example will encourage the Smithsonian Institution and private aerospace industries in the United States to think about participating jointly in financial support of the exhibits program that will open the new U.S. National Air and Space Museum in July of 1976, as a part of our Nation's bicentennial celebration. In this connection, I am very pleased that Louis Casey, Assistant Director for Aeronautics of the U.S. museum, attended the opening of the Swiss building as an official guest of the transport museum. His personal observations about the Swiss effort should be useful in developing plans for the American museum.

There is something else we might learn from a study of the Swiss Air and Space Building, and this is the quality of artistic sensitivity which is reflected both in the architecture of the building and the layout of the internal exhibition areas of the building. The outside structure itself is a modern, handsome building which fits in well with its environmental surroundings, in design and color. I might note that its outside surface is covered with U.S.-made steel, and I believe U.S. glass as well, which speaks highly for our domestic industries. The building is situated right at the shoreline of the lake of Lucerne and is an easy ride or, even walk, to the main business area of the city.

The exhibition building is 200-feet long, 110-feet wide, and 43-feet high, except in the area of the space cylinder at the roof where the ceiling goes to 66 feet. This is the setting for a cyclorama, which I shall describe later. Those of my colleagues who are interested in what the relative dimensions of our U.S. air and space building will be might like to know that the architect's latest plan indicates a length of 685 feet, a width of 225 feet, and a height of 82½ feet, with a total exhibition area of 205,000 square feet, plus a spacearium chamber. This is approximately three times the maximum air and space exhibition area that is now available for use at the Smithsonian Institution.

Even though the outside dimensions of our own new building is projected to be as much as three times longer, and twice as wide and high, as the Swiss building is, I will be very pleased if our exhibitors come up with such an excellent and broad display of actual artifacts as are being shown at the Swiss museum. The transport museum has 21 authentic aircraft already on exhibition starting with the Dufax of 1910 and the Blériot of 1913 and moving forward to important craft of the 1920's, 1930's, 1940's, and 1950's. In addition, there are three aircraft outdoors and at least three more, including the Fokker CV, which are scheduled for exhibition at a later time. I know it has always been the goal of the U.S. Air and Space Museum to have at least 25 major aircraft on exhibit at its new building, and considering that we possess over 210 outstanding, original specimens here at the Smithsonian, I certainly hope that we are able to live up to this long held promise.

This leads me to mention, Mr. President, that Dr. Waldis and the Swiss museum have succeeded admirably in achieving a means of displaying authentic specimens to public view. Without question, one of the most outstanding features of the new Swiss museum is the unobstrusive presence of walkways that weave through the exhibition halls at different levels allowing viewers to look upon the aircraft and spacecraft from different angles and different heights. Thus, not only is the collection of specimens on display at the Swiss museum an excellent and broad one, but the way these artifacts are exhibited to the public presents the collection in its best possible light. There is no monotony in viewing these exhibits. Moreover, the entire setting is tasteful and artistic.

Mr. President, I have mentioned that the opening of the Swiss museum was, in my opinion, a great propaganda victory for the United States and I want to explain what I meant by this. First of all, America, unlike the Soviet Union, was represented at the opening ceremonies by a high official of our Government. Dr. James C. Fletcher, Administrator of NASA, visited the opening as the personal representative of President Nixon and participated in the ceremonies by giving a short talk. Also, two famous American astronauts, Neil Armstrong and John Glenn, were present in marked contrast to the failure of any Soviet cosmonauts to appear.

Moreover, the absence of any Russian space artifact was striking. To our credit, I am proud to say that the United States, through a loan agreement which exists between NASA and the National Air and Space Museum of the Smithsonian, made available on loan to the Swiss museum at least 16 objects from the U.S. space program. These included the actual Mercury 19 spacecraft, the Jupiter engine, and the Apollo 14 spacesuit and helmet of Astronaut Mitchell. In addition, the space feats and contributions of the United States were the predominant theme shown at the cyclorama of the Swiss museum.

This is a compact theater with a dome ceiling that is located in the upper floor of the Swiss building and is used to present a very striking film about space explorations that draws the viewer right into the happenings. There are many small screens which cover an entire wall of the room from floor to ceiling on which are projected many different scenes telling the story of space exploration by mankind, sometimes through different pictures on each separate screen and sometimes by one massive image across the entire wall of screens. It is a remarkable experience to view and hear and if we can capture the same kind of living excitement in the Smithsonian's proposed spacearium, I think it will be a major tourist attraction as well as educator of the public. I would only recommend that our designers keep an appropriate perspective between the number of original artifacts which will be on display at the new U.S. museum and the space which is made available for the presentation of models of special facilities such as the spacearium. As I have said, the Swiss museum captured a pleasing balance between the two, having 21 original aircraft on exhibit while leaving room enough for a compact sized cyclorama theater.

Returning to my original point, Mr. President, I commend the National Air and Space Museum and Fred Durant, Assistant Director of Aeronautics, for cooperating with the Swiss museum in presenting these space artifacts from the U.S. collection. I think it has resulted in a significant demonstration of U.S. accomplishments in space flight to the outside world and put us in an extremely favorable light as compared with the Soviet Union. These specimens are on loan and will be returned to the American people in a very few years, but in the meantime their presence in Switzerland, a neutral country centrally located in Europe, where visitors from countries of all political shadings arrive, helps to foster a glowing image of the United States among many individuals and groups who would not ordinarily have this view presented to them. In fact, in the first month of its opening, July, the new air and space wing has received more than 100,000 visitors, which is some kind of a record for European museums. This offers a tremendous opportunity for peoples of the world to get a constructive view of the United States as reflected in the exhibits and cosmorama.

Mr. President, once again I congratulate Dr. Waldis on the great personal accomplishment which is represented in the form of the new Swiss air and space wing, and I regret very much that the timing of the opening of this building prevented me from attending it, although I did authorize one of my staff members to represent me at the ceremonies. I look forward to touring the museum myself some day. From what I am told about the Swiss museum, it has set a high standard that we in the United States can strive to reach and surpass in developing our own air and space museum, and we had better be on our toes if we want to be first in this field.

Mr. Terry Emerson, of my staff, whose detailed research has been of great value to all of us in helping the Smithsonian efforts, represented me in Switzerland and prepared this report.

EXTRAVAGANT SPENDING BY THE OFFICE OF ECONOMIC OPPORTUNITY

Mr. TALMADGE. Mr. President, earlier this month I was shocked to read in the Wall Street Journal that the Office of Economic Opportunity in New Jersey proposed to spend $60,000 of the taxpayers' money to take a group of teenagers on a trip to Europe and Africa.

I am accustomed to being irritated by excesses in Federal spending programs. During the 15 years that I have been in the U.S. Senate, I have seen the national debt increase by almost $200 billion to its present level of $450 billion. In interest alone, we pay $21 billion a year on that debt. So, I am familiar with runaway Federal spending. I have denounced it at every opportunity. So long as I am privileged to serve the people of Georgia in the Senate, I will continue to denounce spending money we do not have for programs we do not need.

I also know, like everyone else, that there is waste and inefficiency in the operations of the Federal Government. Civilian Federal employment now stands at 2.8 million, in layer upon layer of a vast bureaucracy that gets less and less responsive to the needs and the will of the people and the taxpayers they are supposed to serve.

But when I learned of the New Jersey OEO adventure in Europe, I must confess that I was amazed. I propose that whoever concocted this thing ought to get some sort of citation for initiative. He has the dubious distinction of having come up with an imaginative—and so far as I know new—way to waste the taxpayers' money.

The OEO in Monmouth, N.J., had $60,000 left over in unspent poverty program funds. Not to be stymied by a surplus, the local Community Action Agency decided to take 67 allegedly underprivileged teenagers on a 2-month European excursion. They called it "cultural enrichment," or something like that.

I wrote to the Director of OEO, Phillip V. Sanchez, a very simple letter. First, I questioned the use of tax funds to finance a 2-month trip abroad for 67 teenagers.

Then, I asked who dreamed up such a scheme, and was he still an employee of the Office of Economic Opportunity.

I was informed that in initially making the grant, local OEO officials exercised bad judgment. That goes without saying. Some dismissals have been made. That is as it should be.

I was told that funds for the overseas program have been rescinded. For one thing, according to OEO, 23 of the 67 young people did not meet poverty guidelines.

Yet, no doubt a great deal of time, effort, and some money—in New Jersey and at the Washington level—have gone into unravelling this mess.

Can we imagine how the hard-working taxpayer reacts when he reads about such foolishness as this? No doubt he asks himself if the Government has gone mad?

We are concerned these days with disrespect for constituted authority and a widening of the credibility gap between the Government and the people. I submit that this is the stuff of which disrespect and credibility gaps are made.

This waste of the taxpayers' money was caught in time. However, there are many that are not, and many that go undetected at all. Whenever I hear about such fiscal foolishness as this, my thoughts go to the so-called middle man in the American society, the workingman who puts in his day's work, and takes home a pay envelope made considerably lighter by increasing taxes.

He makes too much to qualify for antipoverty programs. He makes too little to benefit from tax shelters. He is too old for the Youth Corps, and too young for old-age assistance.

In short, he is caught in the middle. He is the one who is hurt the most by inflation, and who benefits the least from Government spending and Federal assistance programs, at home and abroad. And, he is not unmindful of the fact that he and many millions of others like him are paying more than their fair share of taxes to keep these programs going.

That is why the middlemen of America are fed up with the welfare mess. That is why they are fed up with a benevolent Uncle Sam that pours billions of dollars overseas in never-ending foreign aid, while problems here at home beg for attention. That is why they are tired of the United States getting itself involved in costly wars where we have no business. That is why I think most people say hold off on sending more men to the moon on rock-collecting expeditions. They wonder how we can put men on the moon and cannot devise a way to get people to work on time in our overcrowded cities.

I say that the time is long overdue for more vigilance in the Federal Government overspending. We owe it to the taxpayers—to the middleman, as it were—to insure a dollar's value for every dollar spent.

The Government has imposed wage and price controls on the people. Now is the time for restraint and spending controls to be imposed on the Government.

Mr. President, I ask unanimous consent that there be printed in the RECORD the article from the Wall Street Journal of August 3, my letter, and the letter I received from the Office of Economic Opportunity.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Aug. 3, 1972]

INNOCENTS ABROAD

You've heard it a thousand times—"it isn't the money, it's the principle of the thing."

In the case of the 67 New Jersey teenagers who are spending July and August overseas, with most of their expenses paid by the federal antipoverty agency, principle and principal seem to be on collision course.

Faced with $60,000 in unspent funds from poverty programs elsewhere, the Office of Economic Opportunity decided the money could best be spent on a cultural enrichment program for under privileged high school students in Monmouth County. So now the 67 are touring Europe and Africa, under the aegis of a program designed to broaden their identity and lead them toward greater understanding of the world.

However, local taxpayers are less than thrilled about the trip, especially since a good many of them cannot afford overseas vacations. An area newspaper that asked readers if they felt the trip was wise use of tax dollars received 400 "no" replies and one "yes."

We imagine that the arguments will continue long after the innocents return from abroad. On the one hand, the cultural enrichment aspects of the tour can not be denied. Nor can it be denied, as defenders will be quick to point out, that well-to-do farmers and businessmen benefit from subsidies, tariffs, and oil depletion allowances, "Welfare for the rich" is the way many describe it.

Nevertheless, whatever else the decision demonstrates, it shows a lack of public relations sense on the part of antipoverty officials. Even more unsettling, however, was the attitude of the New Jersey OEO director, who said in defense of the overseas trip that unless the $60,000 was used by the end of the fiscal year, June 30, it would have had to be returned to general government funds.

Only a political innocent could be surprised that bureaucracies would rather spend money on even dubious projects than return it to the Treasury. But it isn't often that taxpayers are given such a vivid example of Parkinson's Second Law ("expenditure rises to meet income").

So at least the taxpayers have learned something about how antipoverty programs work, and perhaps this knowledge will enrich them culturally. We hope so, since the necessity to pay taxes for such things makes it less likely they will be enriched in any other way.

UNITED STATES SENATE,
Washington, D.C., August 3, 1972.
Mr. PHILLIP V. SANCHEZ,
Director, Office of Economic Opportunity,
Washington, D.C.

DEAR MR. SANCHEZ: I was very much amazed and greatly appalled by the editorial in today's Wall Street Journal, a copy enclosed, concerning the use of tax funds by the Office of Economic Opportunity in New Jersey to finance a two-month trip abroad for 67 teenagers.

Will you please inform me who made the decision for such an adventure at the taxpayers' expense, and if he is still an employee of the Office of Economic Opportunity?

I would appreciate this information at your earliest convenience.

With all good wishes, I am
Sincerely,
HERMAN E. TALMADGE.

OFFICE OF ECONOMIC OPPORTUNITY,
Washington, D.C., August 11, 1972.
Hon. HERMAN E. TALMADGE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TALMADGE: Thank you for your inquiry of August 3, 1972, regarding the Monmouth Community Action Agency's Student Exchange Program.

The Office of Economic Opportunity certainly shares your concern regarding the approval of this project, and are presently looking into the appropriateness of such approval over other applications submitted since January of this year, which reflect specific needs of that community.

We are also concerned that OEO funds only those projects which meet the needs of the poor. As you know, no program can be legally funded by OEO that is not specifically designed for the poor in any given community. As a result of our preliminary investigation, the project in question does not appear to meet these criteria, inasmuch as a large number of children apparently came from homes which did not meet the poverty guidelines.

The Director of OEO, Phillip V. Sanchez, has ordered that all necessary legal and administrative steps be taken to avoid the recurrence of funding projects under similar circumstances, and has prevented any expenditures from being made on this grant. This action was taken when Governor Gahill of New Jersey withdrew his waiver of approval of the thirty-day waiting period, which is required by law.

When all the facts concerning this project are in, OEO will take further steps to correct any improper funding or inequities that might exist.

Sincerely,

ROY E. BATCHELOR,
Assistant Director for Operations.

STATEMENTS OF FRANCIS W. STOVER, DIRECTOR OF LEGISLATIVE SERVICE, AND COOPER T. HOLT, EXECUTIVE DIRECTOR, WASHINGTON OFFICE, VETERANS OF FOREIGN WARS

Mr. HANSEN. Mr. President, the Veterans of Foreign Wars is one of our major veterans' organizations in the United States, and has for years upheld the principles of this grateful Nation. They have advocated time after time that we should expand the programs for the individuals who fight our Nation's wars.

I ask unanimous consent to have printed in the RECORD the statement of Francis W. Stover, director of the legislative service, and Cooper T. Holt, executive director of the Washington Office of the Veterans of Foreign Wars of the United States, before the Subcommittee on Human Concerns of the Platform Committee, 1972 Republican National Convention.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF FRANCIS W. STOVER

Mr. Chairman and Members of the Subcommittee:

Thank you for the privilege of appearing before this most important Subcommittee to present the recommendations of the Veterans of Foreign Wars of the United States in the field of veterans rights and benefits, which we would like to have made a part of the Republican Party Platform of 1972.

The membership of the VFW is approaching 1.8 million. It is most significant that about 450,000, or one-fourth of our members, are Vietnam veterans. Our organization has many programs of service to veterans and their dependents, to our communities, and to the nation. These programs are all responsible for the steady growth of our organization. This will be the twentieth consecutive year that our membership has increased over the previous year.

Our recommendations today reflect the concerns, problems, goals, and hopes of our membership, as embodied in about 300 resolutions pertaining to veterans programs approved by the delegate to our 72nd National Convention held in Dallas, Texas last August.

The VFW is proud of its record of leadership in gaining Congressional approval of the comprehensive program of veterans rights and benefits available to veterans and their families. It is a generous program covering a wide range of assistance. The 1973 Veterans Administration budget, which cleared the Congress recently and has been sent to the President for signature, totals about $12 billion.

There are over 28 million veterans, who, together with their families, constitute about one-half of our population, or about 100 million persons. Despite the magnitude of veterans programs and the large number of Americans concerned with these programs, veterans affairs have traditionally been nonpartisan. It is most important, therefore, that the Republican Party Platform establish a clear-cut policy with respect to the nation's continued obligation to this large and most important group of veterans and their dependents.

Mr. Chairman, as indicated, one-fourth of the members of the Veterans of Foreign Wars are Vietnam veterans. I believe the reason so many Vietnam veterans have joined our organization is because the VFW is the leader in behalf of legislation and programs to help these younger veterans upon their discharge and separation from active duty service and return to civil life.

The VFW is not a Johnny-come-lately respecting Vietnam veterans. The record indicates that way back on January 31, 1955, when the Korean War was ended by proclamation, the delegates to our National Convention, held the following August, passed a resolution calling upon the President and the Congress to continue GI Bill assistance for those citizens who were making an extra sacrifice in the national interest by serving in the Armed Forces during the Cold War.

Our organization was the first major veterans organization to go all out for a Cold War GI Bill. Finally, in 1966, the third GI Bill was approved. It was a watered-down GI Bill not comparable to the two previous GI Bills. Even today, after several liberalizing amendments, it is not up to par with the assistance which was provided veterans of previous wars. The cost of education has skyrocketed even more than the increased cost of living. That is why our organization has been extending every effort to have the Congress increase the GI Bill rates which will meet the high cost of tuition, books, fees, and board and room. A bill (H.R. 12828) has been approved by the House and Senate which carries out VFW recommendations to sharply increase GI Bill rates and make other improvements in education and training programs for Vietnam veterans. This legislation must clear the Congress and be approved by the President as soon as possible, so that it will benefit veterans continuing or commencing education and training courses in time for the fall term.

Mr. Chairman, so that there will be no misunderstanding, Vietnam veterans are entitled to many other benefits in addition to GI Bill assistance. Vietnam veterans are entitled to a wide range of veterans rights, benefits, and assistance to which veterans of all wars are entitled, including compensation, pension, hospital and medical care, insurance, and housing assistance, to name a few.

Mr. Chairman, the Vietnam war has been described as the most crippling war in American history. This is because so many casualties were taken almost immediately from the battlefield by helicopter to hospitals in the rear. In previous wars, many of these casualties would have died. Thousands of these Vietnam veterans are returning to civil life and will need the best medical care this nation can provide for many years, some for the rest of their lives. For example, there are currently about 2000 spinal cord patients in VA hospitals who were wounded in Vietnam. All of these veterans will be confined to a wheelchair the rest of their lives.

The Veterans Administration operates the largest national hospital system in the world. It is one of our great national assets. It includes 166 hospitals and a host of other medical facilities, which are delivering quality health care to the veterans of this nation including the combat disabled of the Vietnam war.

The Veterans of Foreign Wars has led the battle to prevent any takeover of the VA hospital system by other Government agencies. Looming on the horizon is a National Health Insurance plan for all Americans. There is much fear in the VFW that any National Health plan finally approved may swallow up or eliminate VA hospitals. This is not a groundless fear. The Office of Management and Budget has made it official policy that veterans medical care and National Health Insurance are interrelated. Former OMB Director George Shultz has written to Members of Congress that no new VA hospitals will be built until Congress has approved a National Health Insurance program. We have been greatly reassured by a recent statement by President Nixon that he will take steps to reenforce "the independent system of Veterans Administration health care facilities when and as required." The integrity of the VA hospital system must be maintained regardless of what kind of National Health plan is finally approved.

The VFW is dedicated to helping our fellow comrades of all wars and their dependents. We are proud to state that no organization has extended as much effort to assist the Vietnam veteran as the VFW, especially programs and efforts to find these newer veterans jobs and job training. We have been deeply disturbed with the continuing, staggering high number of Vietnam veterans on the unemployed lists. We are hoping that the bill to increase the GI educational assistance rates will help a large number of unemployed Vietnam veterans to find the job training they need to obtain meaningful and gainful employment for a successful readjustment to civil life.

An unexpected tragic development of the Vietnam war is drug addiction among servicemen and veterans. While a relatively small percentage of the total, their number is far too large to ignore. The Veterans Administration is authorized to take care of veterans for all medical care and treatment they may need, including drug addiction. However, there has been much confusion as to who is eligible for treatment because the VA is only authorized to care for those who have received an honorable discharge.

The VFW has met this drug problem head-on by our advocacy and support of legislation which has passed the House and is now before the Senate. Senate Majority Leader Mansfield has assured the VFW this drug legislation affecting servicemen and veterans will be acted upon before the end of this Congress. The VFW position, as incorporated in this bill (H.R. 9265), will broaden the authority of the VA to provide treatment and rehabilitation for veterans, regardless of the nature or type of discharge he may have been given. In addition, it will provide a legal basis to receive and treat members of the Armed Forces with drug addiction problems as well as veterans who may be committed to the VA by civil courts.

It is believed that this legislation will provide the necessary authority for the Veterans Administration to combat the drug abuse problem among veterans, while at the same time preventing other agencies from usurping and whittling away the authority of the VA to take care of the veterans of this nation who suffer from drug dependency.

Mr. Chairman, there are many veterans programs which are of priority concern to the VFW. Compensation for the service connected disabled, dependency and indemnity compensation for the survivors of servicemen and veterans who have died from service connected causes, pension for the elderly and permanently and totally disabled veteran, or, if deceased, their widows, job assistance through the Veterans Employment Service of the Department of Labor, an adequate veterans burial allowance, together with a National Cemetery policy for veterans of this nation, are among the highest concerns of the VFW.

The VFW has always held that the highest and priority consideration should be given to service connected disabled veterans and to widows and orphans of service connected dead. In that regard, the VFW commends the Administration for recommending and the Congress for approving cost of living increases for this most important program.

Veterans pensions are paid to a limited number of elderly or permanently and totally disabled veterans who meet a strict financial means test. A large number of veterans and widows who are receiving a veterans pension is based on service during World War I. The World War I veteran is now at an average age of 76. The VFW has continually recommended over the years a more generous and liberalized pension program, with special emphasis on the needs of the aging World War I veteran.

At least one National Cemetery in every state has been a priority objective of the VFW for a number of years. A bill, H.R. 12674, which has passed the House and is now before the Senate, is a giant step in this direction. This bill will establish a National Cemetery System in the Veterans Administration and makes provisions to substantially implement the VFW goal of a cemetery in every state.

With this brief background and review of VFW goals and concerns in the area of veterans rights, benefits, and assistance, the following rcommendations are respectfully submitted as a suggested Veterans Plank in your 1972 Platform:

1. The Vietnam war is the most crippling in America's history. First consideration must be given to generous compensation payments to service connected disabled veterans and widows and children of service connected dead.

2. The disabled veterans of this nation deserve the highest quality medical care. There should be no budgetary or personnel restrictions on VA hospitals and its medical care system. Above all, the integrity of the VA hospital system and its capability to deliver quality health care must be maintained and improved.

3. The cost of veterans programs is necessarily an extension of the cost of war. The Veterans Administration was established to take care of the aftermath of war including the administration of all programs respecting veterans rights, benefits, and assistance. The Veterans Administration must be kept intact and veterans programs must not be splintered among other Government agencies.

4. We heartily endorse President Nixon's statement that he will take steps to reenforce the independent system of the Veterans Administration health care facilities when and as required. The integrity of the VA hospital and medical care system must be maintained, regardless of the National Health Insurance program which may be approved in the years ahead.

5. GI Bill assistance, including education, job training, and housing, for Vietnam veterans, is crucial to their successful readjustment to civil life. Education and training assistance must be at levels comparable to the assistance provided veterans of previous wars.

6. We endorse the principle of a generous and realistic pension for nonservice connected disabled veterans on the basis that all veterans have made a sacrifice in the national interest above and beyond that required of citizens who did not serve in the Armed Forces and that service performed by such veterans entitles them to financial assistance in the event they become disabled and in need, with special emphasis on the large number of World War I and older veterans who are forced to exist in whole or in part on their VA pension payments.

7. Drug addiction among veterans is a by-product of the Vietnam war. Consequently, the Veterans Administration should provide all necessary treatment and rehabilitation regarding the small number of veterans who are drug dependent and need special care and treatment.

8. Every veteran who so desires should have the perpetual honor of being buried in a National Cemetery reasonably close to his home. We endorse legislation establishing a National Cemetery System in the VA to carry out this principle.

Thank you.

PROFITS AND WAGES—WHERE DOES THE BALANCE TIP?

Mr. HUMPHREY. Mr. President, the most recent issue of Business Week carried this headline: "Profits Surge to a Record." The article documented the record of corporate performance for the second quarter of 1972. What it indicated ought to be a warning to the Nixon administration and the Price Commission—that record high profits for big business while the wages of the average working family are held down is simply inequitable, unfair, and unjust.

Reported Business Week:

> U.S. business put together a truly dazzling profits performance in the second quarter of 1972. Not only did after-tax earnings spurt at least 15% ahead of the year-ago period but profit margins also firmed markedly during the quarter.

Mr. President, I think that something is unfair when corporations such as General Motors increase profits by 28 percent, Ford by 43 percent, and Chrysler by 118 percent, while the wages of the average worker strain to increase 5 percent over the total years.

Mr. President, I am hardly one to complain about profits. I think they are necessary. The productive enterprise of our Nation's economy cannot run without it. But I simply ask for a little justice for the American worker. I do not think that is too much to ask.

Mr. President, I ask unanimous consent that the article from Business Week, for August 12, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROFITS SURGE TO A RECORD

U.S. business put together a truly dazzling profits performance in the second quarter of 1972. Not only did after-tax earnings spurt at least 15% ahead of the year-ago period but profit margins also firmed markedly during the quarter.

Corporations earned money at a $45.8-billion annual rate in the second quarter of 1971 and at a $49.5-billion rate in the first quarter of 1972 (revised down from the original Commerce Dept. estimate of $52.3-billion). The latest Business Week quarterly survey of corporate performance points to second-quarter profits at better than a $52-billion annual rate—more money than U.S. business has earned in any quarter in history.

The quarterly survey, prepared by Investors Management Sciences, Inc., of Denver, a subsidiary of Standard & Poor's Corp. covers 880 companies in 35 different industrial categories. Of the 35 industries, only five reported earnings down for the quarter. By contrast, 10 industries reported lower earnings in the second quarter of 1971.

No less striking was the improvement in profit margins, with business wringing more earnings from each dollar of sales. IMS figures show that the companies covered in the Business Week survey earned 5.5¢ on each $1 of sales, compared with 5.3¢ both in the second quarter of 1971 and in this year's first quarter. Of the 35 industries in the survey 27 reported fatter margins in the quarter. In the same period in 1971, only 17 industries reported improved margins.

The Business Week survey does not cover every company, of course. It omits those whose sales volume for the quarter was less than $10-million. Utilities are included only when quarterly sales topped $50-million, and banks only when they have more than $1-billion in deposits. Finally, companies whose most recent fiscal quarter ended before May 1 were left out unless their sales for the quarter topped $100-million.

The big winner in the quarter was the airlines industry, which reported earnings up 250% after a net loss in the first quarter. Pan American and Northeast still lost money in the quarter, but much less money than a year earlier. American, Eastern, Northeast, TWA, and United all reported profits up.

Plant and equipment spending has been at a handsome rate so far this year, and that helped most of the companies that crank out capital goods. The makers of specialty machinery, as a group, reported profits up 59% for the quarter, with Caterpillar and International Harvester both up 45% and Deere & Co. up 137%. With both consumer spending and spending by utilities at a fast clip, the makers of electrical and electronics gear reported earnings up 22%. For producers of office equipment, the profits gain was 20%, with IBM reporting a 22% increase.

Both chemical and paper companies benefited from a combination of heftier demand and firmer prices, while both savings and loan associations and producers of building materials thrived on the long-running boom in home-building.

Strong demand pushed auto company earnings up 33%, with General Motors up by 28%, Ford by 43%, American Motors by 98% and Chrysler by 118%. Indeed, it was a strong quarter for nearly all of the industries that sell to the consumer. The demand for bank money remained slack during the quarter, but bankers did push up the price they charge for loans. Anyway, almost anything the banks did this time would have been an improvement over the disastrous second quarter of 1971, when both loan demand and interest rates were way down.

On the other hand, the oil industry suffered from both price weakness and higher taxes abroad, and profits for the group were off 6%. The conglomerates by and large did well, but the $14-million that Litton lost in its third fiscal quarter pushed earnings for the group down. The steel industry suffered in comparison with a year earlier, when buyers were stockpiling mill products in anticipation of a possible strike. Soft prices and weak demand pushed earnings for the nonferrous metals group down by 9%.

Second-quarter standouts

[Percent change in profits, second quarter 1972 vs. second quarter 1971]

	In percent
The winners:	
Airlines	+250
Special machinery	+59
Appliances	+54
Radio and TV broadcasting	+47
Service industries	+42
The losers:	
Conglomerates	−5
Oil	−6
Retailing	−7
Metals and mining	−9
Steel	−19

SURVEY OF CORPORATE PERFORMANCE: 2D QUARTER 1972

Company	Sales				Profits								
									Margins				
	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)	Return com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
AEROSPACE													
(Airframes, general aircraft and parts)													
Aerojet-General (1)	61.1	−13	104.9	−29	2.8	97	4.9	83	4.6	2.0	7.7	16	1.95
Aeronca	10.3	−9	20.2	−21	−.3	NM	−1.0	NM	NM	.6	−83.0	NM	−4.75
Altamil (4)	13.5	43	NA	NA	.6	120	NA	NA	4.5	2.9	5.9	28	.29
Beech Aircraft (3)	43.3	19	85.3	26	1.9	50	3.4	46	4.4	3.5	13.1	16	1.29
Boeing	624.4	−38	1,365.2	−27	6.8	−3	13.8	−3	1.1	.7	2.6	21	1.01
Cessna Aircraft (3)	69.6	65	124.6	46	4.3	114	6.8	82	6.1	4.7	11.3	22	1.54
Curtiss-Wright	60.4	−3	113.8	−8	1.2	99	1.3	NM	2.0	1.0	4.0	60	.76
Fairchild Industries	75.5	11	128.6	3	2.5	43	3.3	1	3.3	2.6	12.3	8	1.46
General Dynamics	386.9	−21	769.1	−19	6.3	58	11.4	34	1.6	.8	7.0	12	2.21
Martin Marietta	266.3	7	489.4	9	17.1	25	23.0	23	6.4	5.5	11.1	9	2.20
McDonnell Douglas	757.7	68	1,345.1	41	33.0	76	54.8	46	4.4	4.2	13.5	12	3.12
North American Rockwell (3)	615.1	2	1,224.2	7	21.5	16	NA	NA	3.5	3.1	13.1	11	2.97
Northrop	[1]154.3	11	267.6	−5	2.7	−29	5.1	−23	1.8	2.0	NA	NA	NA
Royal Industries	[1]41.0	44	75.7	44	1.5	27	2.8	40	3.6	4.0	15.4	12	1.01
Talley Industries (9)	71.6	−2	146.3	4	2.5	5	3.8	2	3.5	3.3	NM	10	1.06
Thiokol Chemical	63.6	23	129.1	27	2.6	46	4.8	49	4.1	3.4	10.1	12	1.43
Industry composite	3,314.4	−2	6,389.1	−2	107.1	36	138.4	30	3.2	2.3	9.0	18	1.97
AIRLINES													
Allegheny Airlines	68.6	48	114.3	35	2.8	8	.9	NM	4.1	5.6	4.8	NA	NA
American Airlines	340.2	8	653.1	13	2.6	157	−7.3	NM	.8	.3	4.0	43	.70
Braniff Airways	91.9	9	180.2	11	4.3	84	7.8	519	4.7	2.8	17.8	19	.84
Continental Air Lines	90.3	13	172.2	15	2.9	112	3.2	NM	3.2	1.7	11.8	20	1.05
Delta Air Lines (6)	200.9	12	394.3	16	13.7	20	22.5	56	6.8	6.3	14.1	23	2.20
Eastern Air Lines	281.7	7	582.5	10	7.5	133	19.8	200	2.6	1.2	9.3	18	1.39
Flying Tiger	62.6	34	199.4	37	6.8	55	11.3	72	10.9	9.4	27.9	15	2.36
Frontier Air Lines	27.8	15	51.5	10	3.0	NM	2.2	NM	10.6	NM	NM	18	.54
National Airlines (6)	88.9	19	183.4	23	4.7	66	11.6	255	5.3	3.8	14.9	16	2.34
Northeast Airlines	36.1	17	74.2	19	−.9	NM	−1.4	NM	NM	NM	NM	NM	−1.37
Northwest Airlines	129.1	23	248.5	41	8.5	204	13.2	NM	6.6	2.7	9.3	19	2.06
Pan American World Airways	328.2	16	598.2	11	−3.6	NM	−34.6	NM	NM	NM	−10.3	NM	−1.01
Seaboard World Airlines	24.7	7	47.2	8	1.5	112	1.7	304	6.1	3.1	21.4	11	1.35
Southern Airways	17.5	13	33.1	16	.9	109	−.1	NM	5.1	2.7	−8.3	NM	−.44
Trans World Airlines	360.3	12	641.9	13	22.3	206	−.6	NM	6.2	2.3	12.3	18	2.68
UAL	448.8	11	850.9	13	2.5	134	−9.9	NM	.6	.3	3.0	53	.67
Western Air Lines	83.9	7	171.4	14	.5	475	2.5	NM	.6	.1	11.9	20	1.84
Industry composite	2,681.5	13	5,115.8	15	79.9	250	42.9	NM	3.0	.9	5.5	22	.78
APPLIANCES													
Magic Chef (6)	58.6	33	109.2	32	3.0	86	5.5	83	5.1	3.7	23.1	17	2.64
Maytag	46.5	516	95.8	215	5.6	NM	11.9	NM	12.0	NM	31.5	18	2.00
Singer	552.3	8	1,077.2	8	19.1	35	37.4	29	3.5	2.8	9.8	19	4.42
Tappan	54.0	48	104.6	53	1.3	43	2.8	120	2.5	2.6	12.8	15	1.98
Whirlpool	385.1	3	690.1	8	18.9	11	32.1	26	4.9	4.6	19.6	21	1.59
Industry composite	1,096.6	13	2,076.8	14	48.0	54	89.7	61	4.4	3.2	14.3	18	2.39
AUTOMOTIVE													
(Autos, trucks, equipment and parts)													
Allen Group	38.7	23	73.2	26	1.4	24	2.5	26	3.7	3.7	10.3	17	1.30
American Motors (3)	375.8	23	710.1	20	7.8	98	NA	NA	3.1	1.3	7.3	16	.63
Arvin Industries	48.9	14	95.2	11	1.7	19	3.2	15	3.6	3.4	10.0	23	.09
Borg-Warner	334.3	15	638.7	12	16.0	30	28.2	28	4.8	4.2	9.3	12	2.77
Budd	169.3	30	334.1	25	4.3	946	9.3	1,569	2.6	.3	9.3	8	2.12
Champion Spark Plug	88.4	20	179.0	15	9.6	20	19.5	12	10.9	10.9	20.1	16	2.96
Checker Motors	[1]15.5	7	31.1	5	.1	−81	.3	−50	.4	2.0	.8	83	.25
Chrysler	2,534.3	20	4,739.8	20	68.4	118	104.2	147	2.7	1.5	6.4	11	2.85
Cummins Engine	[1]113.9	−11	219.1	−8	.8	−87	−1.3	NM	.7	4.6	5.9	40	1.44
Dana (4)	228.8	29	431.8	31	13.6	33	24.5	55	5.9	5.7	14.8	11	3.17
E S B (9)	79.1	19	171.5	17	2.1	24	6.1	1	2.7	2.6	8.9	15	2.18
Eaton	313.8	16	607.2	16	19.5	27	37.7	38	6.2	5.7	14.6	12	3.62
Federal-Mogul	75.6	8	142.6	5	4.3	17	7.5	14	5.7	5.3	12.1	12	2.48
Filter Dynamics Intl. (1)	13.5	21	23.4	33	.7	49	1.0	54	4.9	3.9	20.4	29	.97
Ford Motor	5,359.6	29	10,201.9	27	282.8	43	535.2	46	5.3	4.8	14.2	8	7.92
Fruehauf	148.1	25	277.8	20	7.5	112	13.2	87	5.0	3.0	11.1	13	2.90
General Motors	8,457.1	11	16,237.5	6	723.0	28	1,373.7	17	8.5	7.5	19.6	10	7.41
Houdaille Industries	63.9	28	119.2	28	3.4	74	4.7	103	5.3	3.9	12.8	11	1.23
Jervis (4)	[1]10.8	37	21.0	32	.6	NM	1.0	NM	5.4	NM	8.7	18	.76
Kelsey-Hayes (4)	125.0	22	235.9	17	3.1	17	4.6	3	2.5	2.6	7.2	12	2.69
Kysor Industrial (7)	20.6	19	38.2	20.	.9	32	1.3	28	4.2	3.8	9.5	14	1.51
Libbey-Owens-Ford	146.3	5	293.4	5	15.0	4	28.9	−1	10.3	10.4	21.5	10	3.95
Maremont	76.5	13	136.6	15	3.6	88	4.7	105	4.7	2.8	19.1	18	2.06
McCord (4)	29.6	4	55.4	3	1.4	2	2.3	NA	4.7	4.8	14.4	9	2.70
Novo	26.5	46	45.4	25	.4	295	.5	440	1.4	.5	1.6	69	.12
Peabody-Galion (3)	34.4	42	=1.7	38	1.5	39	2.4	37	4.3	4.4	13.7	46	.90
Purolator	53.9	19	107.6	18	2.8	19	5.6	29	5.2	5.3	21.2	28	2.46
Raybestos-Manhattan	47.0	18	87.5	12	1.6	51	2.4	35	3.4	2.7	5.5	11	2.46
SOS Consolidated (4)	17.6	14	32.4	10	.8	2	1.4	−1	4.5	5.0	16.0	8	2.05
Safeguard Industries	19.2	3	37.4	5	.5	−52	.8	−55	2.5	5.4	6.0	25	.32
Sheller-Globe (3)	64.2	17	124.4	15	2.3	49	4.0	46	3.6	2.8	22.3	16	2.68
Smith (A. O.)	129.1	4	254.6	6	3.5	−14	7.7	5	2.7	3.3	8.6	9	2.68
Timken	122.2	6	233.6	7	10.7	−8	20.4	−4	8.8	10.2	10.6	11	3.50
White Motor	235.5	1	465.1	4	1.9	−44	3.8	−26	.8	1.4	0	NM	.01
Industrial composite	19,617.0	17	37,463.5	14	1,217.5	33	2,261.3	26	6.2	5.5	15.5	20	5.48
BANKS AND HOLDING COMPANIES													
American Fletcher	21.3	14	42.2	11	2.3	−3	4.8	−9	10.8	12.6	12.0	12	2.09
Bancal Tri-State	35.4	15	70.8	10	1.4	5	2.3	−36	4.0	4.3	8.2	11	2.23
Bancohio	33.1	19	64.5	19	4.5	26	8.4	16	13.5	12.8	10.2	11	2.51
Bank of Commonwealth	17.8	−14	36.9	−17	.5	NM	1.0	NM	2.7	NM	−44.4	NM	−1.17
Bank of New York	52.6	1	98.6	−1	6.7	2	12.4	−5	12.7	12.6	14.3	9	4.32

See footnotes at end of table.

SURVEY OF CORPORATE PERFORMANCE: 2D QUARTER 1972—Continued

	Sales				Profits								
									Margins				
Company	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)	Return com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
BANKS AND HOLDING COMPANIES—Continued													
BankAmerica	401.8	10	790.6	8	42.3	5	84.2	4	10.5	11.0	13.5	16	2.64
Bankers Trust New York	152.7	8	309.4	7	13.1	23	26.1	3	8.6	7.6	11.6	10	5.41
CIT Financial	139.3	0	276.5	−1	20.7	9	39.5	9	14.9	13.7	13.5	12	3.93
Cameron Financial	29.6	12	57.8	5	3.5	11	6.5	−8	11.9	12.0	16.8	19	2.12
CBT	21.1	10	42.2	7	2.2	−12	4.9	−11	10.5	13.1	12.0	10	5.30
Charter New York	78.3	2	151.9	−1	6.2	2	11.6	−12	8.0	8.0	8.9	11	2.98
Chase Manhattan	346.0	3	690.4	−1	34.5	25	70.8	1	10.0	8.2	12.6	13	4.65
Chemical NewYork	163.2	10	323.8	4	14.8	2	32.2	−11	9.1	9.8	10.6	9	5.14
Citizens & Sou hern National	42.9	13	83.9	10	5.7	12	11.2	7	13.4	13.4	13.6	23	1.82
Continental Illitnois	131.9	18	264.5	11	18.0	66	39.3	30	13.6	12.2	13.5	13	4.60
Crocker Nation al	101.9	5	200.2	2	8.1	−5	16.1	−6	8.0	8.7	11.6	10	3.20
Detroit Bank &Trust	34.3	3	68.0	2	4.4	−4	8.6	−4	12.7	13.6	11.2	8	5.88
Equimark	29.7	52	57.7	38	1.9	61	4.4	26	6.4	6.0	18.0	8	2.71
First Bank System	78.5	18	155.3	12	11.8	24	24.3	9	15.0	14.3	14.3	18	3.19
First Chicago	138.7	21	268.0	12	20.1	42	37.9	14	14.5	12.4	11.4	14	3.64
First City Bancorp	26.6	34	51.1	37	3.7	22	7.1	17	14.1	15.5	13.6	18	3.03
First Commercial Banks	37.7	1	55.3	2	2.5	−11	4.8	−14	6.7	7.6	NA	NA	NA
First National Boston	78.7	5	153.8	2	10.5	9	19.7	−6	13.3	12.9	10.2	12	6.52
First National State Bancorp	16.2	7	32.3	4	2.4	10	4.7	1	14.6	14.2	12.2	10	3.45
First National Bank in Dallas	33.0	20	65.2	17	5.7	21	11.0	12	17.2	17.2	14.8	18	4.34
First National City	460.3	8	918.8	7	50.3	26	96.8	16	10.9	9.3	13.5	20	3.29
First Pennsylvania	79.3	16	155.5	18	8.8	5	17.2	4	11.0	12.3	16.1	17	2.79
First Security	22.9	10	45.0	9	4.0	4	7.7	6	17.3	18.2	14.0	14	2.71
First Wisconsin Bankshares	37.9	19	75.0	15	3.7	25	7.4	7	9.7	9.2	10.8	10	3.58
Franklin New York	45.4	−1	93.0	−5	3.1	−23	6.7	−39	6.9	8.8	9.0	12	2.42
Girard	30.8	15	59.5	9	3.7	6	7.0	−5	12.0	13.0	11.4	9	5.85
Harris Bankcorp	35.7	17	69.9	8	4.0	20	8.0	−1	11.3	11.0	9.6	10	5.31
Hartford National	20.8	13	40.7	9	2.1	−2	4.2	−6	10.1	11.7	10.8	9	3.19
Indiana National	21.0	18	40.7	14	2.5	14	5.0	6	12.0	12.4	10.6	11	2.00
Lincoln First Banks	33.9	11	66.9	10	3.6	5	7.4	5	10.7	11.2	10.6	8	3.79
Manufacturers National Bank Detroit	31.9	9	63.3	6	3.3	−1	6.6	−4	10.3	11.3	12.8	8	6.79
Marine Bancorp	29.0	0	58.1	3	2.2	−19	4.5	−9	7.5	9.2	9.4	9	2.64
Marine Midland Banks	130.7	19	253.7	13	10.5	15	21.1	0	8.1	8.4	11.7	10	3.30
Maryland National	20.6	8	40.7	7	3.6	8	6.9	4	17.4	17.4	14.4	17	3.81
Mellon National Bank & Trust	75.5	5	150.2	2	10.7	−6	21.6	−12	14.2	15.9	9.0	10	4.53
Morgan (J.P.)	177.5	11	358.1	6	27.6	24	58.2	10	15.5	13.9	14.1	16	6.25
National Bank of Detroit	68.6	3	138.3	2	8.3	0	17.2	−1	12.1	12.4	11.4	8	5.99
National City Bank of Cleveland	22.5	6	44.7	3	5.4	4	10.8	3	24.2	24.7	14.5	10	6.04
NCNB	40.1	29	76.5	24	5.1	28	10.0	22	12.8	13.0	18.1	27	2.67
Northwest Bancorp	79.4	14	155.8	12	10.5	17	20.1	12	13.2	12.9	12.8	15	3.41
PNB	38.7	5	76.5	4	5.5	2	10.6	−6	14.2	14.6	13.2	11	4.12
Provident National	21.5	23	41.9	18	3.3	18	6.2	8	15.5	16.3	10.4	9	3.21
Republic National Bank of Dallas	41.3	21	81.2	14	5.4	21	10.5	6	13.1	13.1	14.7	15	2.41
Seattle—First National	45.2	8	89.0	6	5.6	−3	11.3	−1	12.4	13.9	12.7	11	4.82
Security Pacific	148.4	16	291.3	12	14.9	18	28.5	4	10.1	9.9	10.6	12	2.60
Shawmut Association	28.3	10	55.3	6	2.8	24	5.2	−5	9.8	8.7	9.4	9	5.59
Society	21.0	9	40.9	7	1.7	1	3.2	3	8.0	8.6	9.4	8	3.34
Southeast Banking	24.1	16	47.4	11	3.0	22	6.1	10	12.6	11.9	14.5	20	1.98
Texas Commerce Bankshares	18.5	7	36.6	5	3.6	3	7.1	4	19.3	20.0	12.6	16	4.45
U.S. Bancorp	32.4	9	64.3	9	3.9	6	7.8	11	12.1	12.5	12.6	12	3.77
Union America	62.2	14	125.1	17	5.9	24	11.6	21	9.5	8.8	17.4	15	2.47
United Bank	16.7	2	33.1	0	3.1	1	6.1	−3	18.6	18.7	NA	NA	NA
United Virginia Bankshares	26.4	17	51.5	13	3.5	22	6.6	11	13.1	12.5	13.6	15	2.53
Valley National	37.1	12	74.3	12	4.1	16	8.2	11	11.1	10.7	13.8	17	1.75
Virginia National Bankshares	21.9	10	42.9	9	2.5	4	4.6	2	11.5	12.1	13.3	12	2.33
Wachovia	57.9	9	115.3	7	7.5	9	15.5	6	13.0	13.1	14.1	21	2.12
Wells Fargo	120.3	17	235.8	15	9.5	17	17.6	13	7.9	7.9	10.6	14	3.92
Western Bancorp	206.4	12	406.2	9	17.0	8	31.9	−6	8.2	8.6	10.7	11	2.79
Industry composite	4,674.2	11	9,223.7	7	523.4	14	1,036.6	4	11.2	10.9	12.4	13	3.46
BEVERAGES													
(Brewers, distillers, soft drinks)													
Anheuser-Busch	256.5	9	481.1	10	20.6	12	38.0	12	8.0	7.8	18.5	37	1.69
Coca-Cola Bottling Co. of N.Y.	47.5	16	83.7	15	2.5	11	3.9	12	5.4	5.6	17.8	38	.78
Dr. Pepper	21.2	23	37.0	22	2.3	22	3.8	21	11.0	11.1	29.5	63	.80
Falstaff Brewing	52.9	33	83.7	16	.7	5	.8	−7	1.3	1.7	2.4	25	.30
Heileman Brewing	[2] 27.1	−4	52.7	2	1.3	−13	2.4	−6	4.8	5.3	19.7	13	1.30
Heublein (6)	[2] 254.4	9	474.4	12	10.0	15	16.8	15	3.9	3.7	41.1	31	1.87
National Distillers & Chemical	[1] 280.6	2	544.2	5	6.8	3	14.1	10	2.4	2.4	7.1	17	1.15
Pabs Brewing	[2] 124.9	8	226.8	10	7.5	16	13.2	17	6.0	5.6	14.2	35	2.86
Pepsi Co	316.5	11	583.9	10	16.6	12	28.3	12	5.3	5.2	17.7	31	2.86
Rheingold	[2] 63.4	5	112.8	4	.9	−31	.3	−81	1.4	2.2	6.3	18	.84
Royal Crown Cola	36.3	11	71.4	20	3.1	20	5.1	19	8.5	7.9	24.4	28	1.32
Schaefer (F. & M.)	62.8	0	111.4	5	.8	−60	.4	−72	1.3	3.3	6.2	9	1.37
Schlitz (Jos.) Brewing	[2] 221.5	16	383.7	17	15.5	36	23.2	30	7.0	6.0	17.5	37	1.40
Seven-Up	32.0	11	57.5	10	3.5	25	6.1	21	11.1	9.9	32.0	42	1.10
Southdown	[1] 50.7	7	92.4	6	3.3	10	5.5	7	6.4	6.3	48.6	9	2.21
Industry composite	1,848.0	12	3,362.1	12	95.6	13	161.7	13	5.2	5.1	16.1	29	1.61
BUILDING MATERIALS													
(Cement, wood, paint, heating, and plumbing, roofing, etc.)													
Alpha Portland Industries	[1] 40.9	50	66.6	44	.9	98	1.4	93	2.1	1.6	6.6	11	1.49
American Cement	46.3	0	77.2	8	2.3	13	2.0	18	4.9	4.4	3.4	20	.35
Bliss & Laughlin Industries	34.3	2	65.5	6	1.7	7	3.0	20	5.1	4.8	10.8	10	1.84
Boise Cascade	428.8	11	825.3	15	11.9	51	20.6	98	2.8	2.0	−2.6	NM	−.70
Carrier (2)	195.9	10	342.8	12	9.9	26	14.7	40	5.1	4.4	11.6	22	1.27
Certain-tee Products	99.9	13	185.4	17	6.9	77	9.6	96	6.0	3.8	19.0	12	1.90
Champion International	479.9	18	926.6	21	17.0	34	29.6	37	3.5	3.1	9.7	14	1.52
Cook Paint & Varnish (1)	19.7	20	34.4	19	.7	125	.8	971	3.5	1.9	6.3	10	2.10
Copeland (3)	47.8	25	89.8	19	2.5	24	4.8	28	5.2	5.3	20.3	19	2.49
Crane	215.6	3	409.6	5	2.8	−37	4.9	−17	1.3	2.1	5.9	10	1.79
De Soto	66.0	13	119.3	11	1.3	−16	1.9	−6	1.9	2.6	6.9	18	.81
Evans Products	[1] 253.7	27	433.2	29	9.5	53	12.6	52	3.7	3.1	12.9	16	1.43

See footnotes at end of table.

	Sales				Profits								
									Margins				
Company	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)	Return com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
BUILDING MATERIALS—Continued													
(Cement, wood, paint, heating and plumbing, roofing, etc.)—Continued													
Feeder (4)	[1]70.3	—28	164.7	—14	0.3	—94	6.1	—46	.5	5.8	11.8	28	1.25
Flintkote	124.5	8	211.6	12	5.7	15	5.6	38	4.6	4.3	8.4	11	2.37
General Portland	46.7	24	86.6	29	3.7	6	5.4	14	7.9	9.3	10.2	14	1.65
Georgia-Pacific	477.3	30	885.3	30	33.7	56	59.9	43	7.1	5.9	15.2	19	1.96
Ideal Basic Industries	58.1	19	103.0	25	7.1	45	11.7	46	12.2	10.0	12.4	11	1.51
Interpace	54.5	13	101.1	14	1.8	—1	2.6	—1	3.3	3.8	7.4	10	2.00
Johns-Manville	202.9	13	371.2	18	14.2	15	23.2	29	7.0	6.9	11.8	12	2.77
Kaiser Cement & Gympsum	39.7	17	73.2	21	2.7	34	4.5	63	6.3	5.9	11.8	11	1.09
Kingford (3)	18.0	26	26.2	19	1.5	8	1.7	9	8.1	9.4	21.6	15	.92
Lehigh Portland Cement	34.2	4	59.1	17	2.0	4	2.4	95	5.9	5.9	6.3	11	1.59
Lone Star Industries	116.0	14	201.2	15	7.1	12	7.9	25	6.1	6.2	11.5	12	2.03
Marquette Cement Manufacturing	31.2	3	46.3	8	.5	120	.4	207	1.5	.7	.8	46	.23
Masonite (4)	66.3	20	NA	NA	7.2	20	NA	NA	10.8	10.8	16.9	19	3.26
Medusa	33.6	11	50.1	24	2.2	26	1.3	118	6.4	5.7	9.0	14	2.71
Missouri Portland Cement	11.6	6	16.7	10	1.6	14	1.5	33	13.5	12.5	8.4	12	2.35
National Gypsum	137.9	16	249.7	19	8.5	59	13.8	80	6.1	4.5	8.8	11	1.66
NL Industries	263.4	7	500.7	8	11.8	58	19.2	28	4.5	3.0	6.5	13	1.13
Norris industries	81.5	16	152.1	14	4.4	6	8.5	14	5.4	5.9	19.6	13	3.87
OKC (3)	[1]13.6	24	23.4	14	1.8	239	2.4	140	13.3	4.9	18.5	13	2.78
Owens-Corning Fiberglas	154.1	14	291.9	16	9.2	46	16.0	62	6.0	4.7	11.6	22	2.12
Potiatch Forests	100.0	9	192.4	9	4.8	75	9.3	121	4.8	3.0	7.7	13	2.11
Puerto Rican Cement	11.5	15	22.5	17	.5	332	1.0	523	4.1	1.1	6.7	12	.94
Robertson (H.H.)	58.2	—4	111.2	1	1.3	5	1.7	—4	2.2	2.0	10.1	10	2.27
Sherwin-Williams (4)	165.1	11	292.8	13	6.6	37	6.8	76	4.0	3.2	8.4	17	3.26
Sierra Pacific Industries	20.6	61	40.1	84	1.4	11	2.8	56	6.8	9.9	35.0	7	1.69
Temple Industries	24.2	24	45.3	31	2.5	29	4.8	65	10.3	9.9	13.4	19	1.44
Trane	74.4	12	134.1	10	4.9	3	7.5	—13	6 6	7.1	10.9	26	2.81
U.S. Gypsum	163.8	17	309.3	23	12.5	22	23.2	52	7.6	7.3	11.7	10	2.61
Wallace-Murray	67.7	22	130.2	20	2.5	58	4.3	54	3.7	2.8	11.8	9	2. 8
Walter (Jim) (4)	[1]251.9	42	422.3	31	13.0	34	19.4	32	5.2	5.5	31.0	12	2.33
Weyerhaeuser	422.0	30	763.1	25	40.8	29	73.0	39	9.7	9.7	12.9	25	1.91
Industry composite	5,323.9	16	9,652.8	18	283.9	29	454.1	39	5.3	4.8	10.0	15	1.69
CHEMICALS													
Air Products & Chemicals (3)	97.8	19	186.3	17	5.4	13	9.8	9	5.5	5.8	11.2	24	2.19
Airco	133.3	18	259.1	15	5.9	19	11.7	12	4.4	4 4	7.8	11	1.73
Akzona	142.0	13	279.6	12	4.8	—10	10.2	—21	3.4	4.2	9.1	17	1.85
Allied Chemical	389.2	6	738.5	9	20.0	16	33.3	17	5.1	4.7	7.0	13	2.06
American Cyanamid	365.0	7	688.6	6	30.9	27	55.6	17	8.5	7.2	12.6	16	2.11
Cabot (3)	70.9	4	143.2	4	4.9	6	9.2	1	6.9	6.8	8.6	13	3.20
Celanese	348.7	10	680.8	13	8.7	—45	20.9	—29	2.5	5.0	8.7	12	3.38
Chemetron	72.5	9	146.7	8	3.0	415	4.2	252	2.8	.6	4.6	13	1.76
Commercial Solvents	28.3	6	53.4	7	.8	—	1.2	—12	3.0	3.3	3.5	32	.61
Dart Industries	223.9	17	432.9	16	13.5	15	24.2	13	6.0	6.1	14.1	21	2.29
Dexter	16.4	20	31.6	20	1.0	18	2.0	26	6.2	6.3	8.8	25	.91
Diamond Shamrock	160.7	6	307.8	8	9.6	20	15.7	28	6.0	5.3	9.8	13	1.41
Dow Chemical	607.2	15	1,157.4	14	52.4	24	93.4	24	8.6	8.0	14.5	24	3.79
Dupont	1,116.0	13	2,160.5	13	114.0	20	213.4	26	10.2	9.6	14.2	20	8.30
Emery Industries (9)	26.9	12	53.4	12	1.7	88	3.3	124	6.4	3.8	9.7	24	.68
Ethyl	157.6	9	307.9	9	11.4	17	21.3	17	7.2	6.7	16.8	7	3.68
Freeport Minerals	37.2	3	75.4	5	3.7	1	7.9	3	9.9	10.1	5.7	24	.86
GAF	193.7	15	367.0	16	7.2	38	12.4	46	3.7	3.1	10.1	15	1.62
Grace (W.R.)	597.4	7	1,121.1	11	22.4	14	31.3	14	3.7	3.5	7.8	13	1.94
Hercules	238.8	14	453.2	14	20.2	45	35.3	43	8.5	6.7	14.4	20	3.25
Inmont	[1]91.5	6	179.1	7	2.6	4	4.7	21	2.8	2.9	6.1	13	.83
Koppers	154.5	1	282.8	4	6.4	—5	7.7	1	4.1	4.4	8.2	10	3.22
Lubrizol	[1]55.9	2	108.4	5	6.7	3	12.8	7	12.1	12.0	19.3	38	1.20
MacAndrews & Forbes	16.9	26	32.2	2	.1	—75	0	NM	0.5	2.4	—4.7	NM	—.66
Monsanto	564.8	5	1,179.8	9	31.7	4	79.3	30	5.6	5.7	9.1	16	3.19
Nalco Chemical	50.6	3	96.6	5	5.3	19	9.6	14	10.5	9.1	19.4	33	1.84
National Starch & Chemical	45.3	22	87.4	20	3.6	26	6.8	27	8.0	7.7	17.8	24	1.99
Olin	351.0	16	669.0	19	10.7	22	18.1	21	3.0	2.9	4.6	15	1.15
Pennwalt	[1]115.6	9	218.0	8	4.9	20	7.6	10	4.3	3.9	9.0	21	1.28
PPG Industries	358.4	13	684.0	13	21.2	21	39.9	49	5.9	5.5	11.2	12	3.70
Reichhold Chemicals	56.8	12	109.1	13	2.4	130	4.2	180	4.3	2.1	7.7	16	.95
Stauffer Chemical	139.0	5	284.7	8	9.1	17	18.5	15	6.5	5.9	9.3	14	2.72
Stepan Chemical	13.9	24	26.2	19	.7	16	1.3	15	5.3	5.7	11.1	17	2.40
Texas Gulf	68.7	20	124.7	25	6.1	—13	12.1	—7	8.9	12.4	6.5	20	.80
Union Carbide	810.1	5	1,569.7	3	52.0	29	102.1	21	6.4	5.2	9.2	16	2.81
Witco Chemical	74.6	11	141.7	9	3.5	10	6.0	18	4.7	4.7	12.4	12	2.07
Industry composite	7,991.2	10	15,437.7	11	507.7	17	947.1	21	6.4	6.0	10.7	18	2.74
CONGLOMERATES													
Avco (1)	150.5	—13	277.9	—23	10.0	23	16.6	25	6.6	4.7	8.8	9	1.75
City Investing	171.7	26	324.0	27	17.2	21	32.7	18	10.0	10.4	13.3	7	2.14
Colt Industries	185.0	5	349.5	0	5.1	6	8.1	—7	2.8	2.7	5.2	16	1.16
Gulf & Western Industries (5)	455.8	14	848.4	8	17.1	23	33.3	25	3.7	3.5	12.5	12	3.03
Indian Head (1)	129.0	7	233.8	10	4.1	7	6.5	14	3.2	3.2	13.3	10	2.79
International Utilities	[1]285.7	8	569.9	8	14.4	17	29.4	20	5.0	4.7	17.7	11	3.61
Kaiser Industries	67.9	—24	136.7	—18	6.1	—31	0.4	—94	9.0	9.9	1.3	32	.22
Kidde (Walter)	208.0	16	396.8	14	7.7	15	15.3	15	3.7	3.7	12.1	10	2.72
Litton Industries (5)	675.7	9	1,298.0	6	—14.2	NM	—23.0	NM	NM	2.0	—.5	NM	—.10
Signal	[2]378.9	11	728.4	9	10.6	68	19.2	92	2.8	1.9	6.2	12	1.67
Studebaker-Worthington	237.4	9	440.3	7	8.5	—20	13.6	—28	3.6	4.9	8.9	10	4.78
Teledyne (2)	310.4	20	591.2	12	14.8	9	29.6	4	4.8	5.3	9.0	11	1.64
Tenneco	[3]808.6	15	1,582.6	17	41.4	13	88.1	16	6.1	5.2	15.4	10	2.40

See footnotes at end of table.

SURVEY OF CORPORATE PERFORMANCE: 2D QUARTER 1972—Continued

Company	Sales				Profits								
									Margins				
	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)	Return com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
CONGLOMERATES—Continued													
Textron	440.6	3	858.1	4	21.2	15	39.2	13	4.8	4.3	19.7	15	2.19
Whittaker (2)	157.5	11	284.8	9	3.1	−27	5.6	−4	1.5	2.4	8.0	12	.66
Industry composite	4,862.8	10	8,920.4	8	167.0	−5	314.7	−4	3.6	4.1	9.8	13	1.76
CONTAINERS													
American Can	533.2	11	983.8	8	18.1	11	24.1	5	3.4	3.4	6.6	12	2.72
Anchor Hocking	86.1	10	167.0	13	5.4	11	9.7	3	6.3	6.3	13.0	11	2.77
Bemis	[1] 104.6	12	206.1	13	2.7	60	4.9	32	2.6	1.8	7.5	12	1.82
Brockway Glass	56.6	2	111.6	9	4.1	13	7.4	11	7.3	6.6	12.7	9	2.84
Brown (1)	63.4	22	113.4	13	.7	154	.9	121	1.1	.5	3.7	18	.60
Continental Can	573.6	10	1,077.6	8	24.0	18	36.4	17	4.2	3.9	10.2	11	2.70
Crown Cork & Seal	1 3.0	16	243.2	9	8.6	12	15.4	9	6.5	6.7	13.8	16	1.49
Diamond International	139.5	8	270.9	5	8.8	2	17.5	2	6.3	6.6	12.5	11	3.04
Dorsey	30.8	21	57.9	28	1.5	6	2.5	14	4.7	5.4	13.4	9	1.58
Federal Paper Board	59.9	61	116.8	64	2.1	65	3.6	64	3.5	3.4	9.0	NA	NA
Fibreboard	53.2	14	101.9	16	2.0	78	3.4	123	3.7	2.4	8.8	13	1.71
Inland Container	53.8	11	108.5	13	2.3	54	3.7	49	4.2	3.0	5.8	18	2.21
National Can	126.2	22	230.5	15	3.9	27	5.6	6	3.1	3.0	13.5	9	1.72
Owens-Illinois	411.1	6	804.8	12	20.1	3	31.9	6	4.9	5.0	10.1	11	3.72
Stone Container	30.8	11	60.8	11	.8	62	1.4	64	2.5	1.8	5.0	17	.62
Industry composite	2,455.7	12	4,654.9	11	105.0	14	168.6	12	4.3	4.2	9.7	13	2.44
DRUGS													
(Ethical, proprietary, medical and hospital supplies)													
Abbott Laboratories	124.2	15	244.5	13	8.5	184	17.7	132	6.8	2.8	12.7	33	2.44
American Home Products	395.9	9	835.4	11	38.1	14	82.9	14	9.6	9.2	29.9	37	3.04
American Hospital Supply	167.6	17	322.5	19	8.4	29	15.8	34	5.0	4.5	10.8	52	.96
American Sterilizer	22.2	13	41.5	13	1.6	15	2.6	22	7.1	8.9	12.0	27	1.35
Bard (C. R.)	24.6	19	46.8	22	1.8	15	3.3	15	7.1	7.4	15.0	54	.72
Baxter Laboratories	67.3	2	135.1	15	5.7	9	11.0	20	8.4	7.9	13.7	62	.73
Becton, Dickinson (3)	74.5	10	NA	NA	5.1	34	NA	NA	6.9	5.7	13.1	40	1.18
Bristol-Meyers	296.6	12	577.6	8	20.6	16	35.2	−11	6.9	6.7	19.6	28	2.27
Carter Wallace (9)	40.6	15	79.6	18	4.0	3	6.0	−9	9.8	10.9	12.5	11	1.30
Cutter Laboratories	23.2	−3	44.8	3	.9	−44	1.9	−24	3.7	6.5	9.6	18	1.45
International Chemical & Nuclear (1)	40.2	31	78.6	30	1.8	−10	3.4	−1	4.4	6.4	14.0	17	1.20
Johnson & Johnson	338.7	18	663.2	18	31.3	17	61.8	25	9.2	9.3	18.4	60	2.03
Kendall	73.8	10	146.1	13	2.9	21	5.8	30	4.0	3.6	11.3	40	1.97
Lilly (Eli)	203.7	13	438.4	17	29.7	28	65.8	27	14.6	12.8	21.2	46	1.62
Mallinckrodi Chemical Work	29.3	10	57.7	10	1.5	14	3.3	12	6.2	6.0	9.7	43	1.79
Marion Laboratories (6)	17.2	26	30.1	28	3.6	34	5.7	29	20.9	19.7	33.8	53	.95
Merck	234.6	16	457.4	15	35.1	17	68.8	16	15.0	14.9	28.5	45	1.87
Miles Laboratories	74.6	11	152.9	15	3.2	15	6.9	21	4.3	4.1	13.2	21	2.75
Pfizer	250.6	9	487.8	8	20.9	11	43.5	11	8.3	8.2	16.0	30	1.45
Richardson-Merrell (6)	113.0	7	233.5	11	7.0	3	17.0	16	6.2	6.5	15.0	23	3.12
Robins (A.H.)	40.8	9	84.0	12	5.4	20	12.0	20	13.3	12.1	23.0	33	1.70
Rorer-Anchem	38.7	20	92.4	9	3.6	14	10.4	5	9.4	9.9	22.9	20	1.42
Schering-Plough	[1] 132.9	14	260.3	17	19.4	30	37.3	30	14.6	12.9	26.2	48	2.54
Searle (G.D.)	65.9	20	128.2	21	9.9	18	19.1	16	15.1	15.2	38.2	36	2.80
Smith Kline & French	90.3	8	184.8	11	19.7	5	21.3	9	11.8	12.1	22.9	20	3.21
Squibb	224.1	11	428.0	10	17.4	13	30.7	14	7.8	7.7	19.2	32	3.03
Sterling Drug	172.1	13	344.9	12	13.6	9	30.9	9	7.9	8.2	20.3	31	1.12
Sybron	89.3	8	173.7	10	5.1	15	9.8	11	5.8	5.4	12.8	21	1.58
Upjohn	132.1	17	251.7	17	12.7	22	24.3	24	9.6	9.2	15.0	39	3.02
Warner-Lambert	365.0	13	725.5	12	28.8	13	59.3	13	7.9	7.8	15.4	31	2.98
Will Ross (9)	42.4	13	83.6	15	1.8	15	4.0	142	4.3	4.2	14.4	31	1.38
Wilson Pharmaceutical & Chemical	13.8	0	26.3	−7	.2	39	.2	−52	1.7	1.2	1.2	90	.06
Industry composite	4,019.7	13	7,857.1	13	360.7	18	717.9	17	9.0	8.6	18.9	37	1.92
ELECTRICAL, ELECTRONICS													
(Heavy equipment, controls, components, radio and TV sets, etc.)													
Admiral	107.3	7	226.4	18	1.7	243	4.0	NM	1.6	.5	12.7	10	1.76
Ambec Industries	37.7	24	72.7	9	1.1	NM	2.2	228	3.0	NM	8.0	14	1.07
AMP	76.0	26	143.5	23	8.1	37	15.1	32	10.7	9.8	20.0	45	2.26
Automatic Radio Manufacturing (3)	13.0	28	23.9	32	.2	NM	.3	NM	1.6	NM	−3.4	NM	−.25
Bendix (3)	[1] 477.5	14	920.7	12	15.0	48	27.8	42	3.1	2.4	11.3	15	3.17
Bunker-Ramo	64.7	7	125.7	11	3.3	122	5.7	221	5.0	2.4	5.2	39	.29
Burndy	24.2	4	47.9	6	1.2	23	2.4	34	5.1	4.3	10.2	24	1.59
Conrac	14.8	26	28.7	21	.6	29	1.1	28	3.9	3.8	12.0	20	1.59
Corning Glass Works	150.0	11	316.7	14	12.2	12	25.4	17	8.1	8.0	10.6	40	5.88
Crouse-Hinds	23.4	15	42.9	11	1.4	19	2.7	28	6.1	5.9	12.8	19	1.23
CTS	27.3	29	53.7	32	2.4	68	4.7	80	8.9	6.8	17.1	16	2.40
Cutler-Hammer	70.8	18	137.9	19	2.5	31	4.9	53	3.5	3.2	9.8	19	2.66
Damon (4)	21.3	15	41.2	16	1.8	33	3.1	33	8.5	7.4	23.5	62	1.09
E-Systems	40.5	−1	72.6	−9	.7	17	1.3	14	1.9	1.6	10.1	8	.58
Echlin Manufacturing (4)	26.0	29	48.1	32	1.5	26	3.0	24	5.9	6.1	27.9	39	.99
Edo	10.4	−2	18.9	−7	.2	60	.2	46	1.6	1.0	1.1	48	.16
El-Tronics	15.0	17	26.4	16	.7	15	2.1	31	4.7	4.8	17.3	17	.87
Emerson Electric (3)	194.2	15	382.3	13	16.2	11	31.7	11	8.3	8.6	21.6	35	2.55
Fairchild Camera & Instrument	52.2	4	103.2	5	1.5	NM	2.2	NM	2.8	NM	−4.5	NM	−.61
Foxboro	37.7	−8	76.5	−3	.7	−64	1.9	−45	1.8	4.7	5.2	26	1.14
General Electric	2,555.7	10	4,773.7	8	121.5	8	225.0	10	4.8	4.8	17.5	23	2.71
General Instrument (10)	70.0	7	140.3	7	1.7	45	2.9	55	2.4	1.8	3.7	42	.66
General Signal	79.8	47	156.5	46	3.5	40	6.5	47	4.4	4.6	15.3	24	2.20
Globe-Union	38.1	34	77.0	26	.3	68	1.0	22	.7	.5	9.3	16	2.09
Gulton Industries (10)	21.8	4	40.6	15	.1	NM	1.0	NM	.6	NM	1.9	69	.14
Hazeltine	14.1	95	25.7	68	.1	NM	.1	NM	.7	NM	−.5	NM	−.06
Hewlett-Packard (2)	117.3	24	216.8	20	8.6	58	14.8	45	7.3	5.7	12.1	69	1.04
Honeywell	510.0	10	960.2	8	13.4	64	24.7	62	2.6	1.8	11.0	38	4.09
I-T-E Imperial	97.4	11	188.2	11	4.5	21	8.4	17	4.6	4.2	11.7	19	2.16
Johnson Service	52.1	12	100.9	11	2.1	6	4.3	4	4.0	4.2	19.4	15	2.32
Lear Siegler	153.7	13	295.1	12	4.1	NM	7 3	NM	2.6	NM	16.3	19	.51
Leeds & Northrup (7)	28.6	14	55.5	25	1.6	96	2.4	166	5.6	3.3	7.7	21	1.52

	Sales				Profits								
									Margins				
Company	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)	Return com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
ELECTRICAL, ELECTRONICS—Continued													
(Heavy equipment, controls, components, radio and TV sets, etc.)—Continued													
Magnavox	149.6	10	311.6	8	4.3	−37	10.7	−27	2.9	5.0	15.6	16	1.77
Mallory (P.R.)	46.4	19	91.1	23	1.7	58	3.3	71	3.7	2.7	9.4	18	1.77
McGraw-Edison	[1] 183.2	5	351.3	4	9.2	16	17.6	13	5.0	4.5	10.3	19	2.27
Microdot	47.4	11	91.8	4	2.2	22	3.9	12	4.6	4.2	17.4	13	1.54
Microwave Associates (3)	10.8	39	20.4	32	.6	32	1.1	30	5.7	6.0	11.0	24	1.44
Motorola	281.6	28	530.3	27	13.7	72	21.8	63	4.9	3.6	10.8	40	2.98
National Semiconductor (7)	17.0	66	31.8	73	.7	32	1.1	52	3.9	4.9	19.3	65	.56
North American Phillips	171.6	17	313.9	18	7.9	34	12.9	33	4.6	4.0	11.7	11	2.99
Oak Industries	25.5	13	48.9	14	.8	91	1.2	182	3.1	1.8	11.2	14	1.13
Ohio Brass	17.4	−2	35.8	2	.5	−12	1.1	27	2.8	3.1	4.9	12	1.93
RCA	925.1	9	1,850.0	10	40.1	14	76.4	12	4.3	4.1	14.8	20	1.76
Raytheon	379.7	14	738.4	12	10.9	7	21.1	7	2.9	3.1	13.4	13	2.49
Robertshaw Controls	42.5	14	84.7	17	2.7	40	5.0	44	6.4	5.4	11.3	19	2.22
Rucker	18.5	13	38.0	17	.2	−35	.5	−15	1.0	1.7	4.4	26	.24
Sangamo Electric	21.9	18	42.4	6	1.0	36	1.8	37	4.4	3.7	4.3	30	.64
Sony (2)	179.6	27	372.9	28	14.5	73	31.7	71	8.1	5.9	30.7	37	1.11
Sperry Rand (9)	499.7	21	1,049.5	19	17.9	35	41.7	23	3.6	3.2	8.3	22	1.94
Square D	80.6	15	153.3	13	9.1	26	17.0	32	11.3	10.3	24.2	26	1.50
Standard Kollsman Industries	23.3	49	44.8	22	−2.9	NM	−3.2	NM	NM	NM	−44.2	NM	−4.01
Tektronix (7)	43.8	21	92.9	17	4.2	88	7.1	44	9.7	6.2	8.5	45	1.33
Telex (9)	[1] 19.5	−21	32.2	−34	.7	−60	−.1	NM	3.7	7.2	5.6	34	.19
Texas Instruments	236.4	22	452.1	18	11.8	39	22.6	36	5.0	4.4	12.0	48	3.59
TRW	436.7	13	820.5	8	20.8	14	36.2	2	4.8	4.7	17.6	17	1.93
Varian (3)	52.5	11	104.0	13	1.2	116	1.6	NM	2.2	1.2	2.0	52	.34
VLN	26.6	12	54.3	10	1.0	59	1.9	41	3.6	2.6	9.6	13	.64
Westinghouse Electric	1,257.2	8	2,436.5	11	52.6	14	95.4	20	4.2	3.9	11.5	20	2.21
Zenith Radio	140.3	32	322.0	26	3.7	126	13.8	45	2.7	1.6	15.7	22	1.87
Industry composite	10,557.0	13	20,455.2	12	465.6	22	884.6	23	4.4	4.1	13.3	28	2.02
FOOD													
Baked goods, canned and packaged foods, dairy products, meat, condiments, etc.)													
American Bakeries	76.3	−2	176.3	0	.5	−18	1.0	2	.6	.7	−2.5	NM	−.45
American Crystal Sugar (9)	[1] 22.6	−1	49.8	7	.7	105	1.5	62	3.0	1.5	5.8	13	2.34
American Maize Products	34.5	11	67.4	12	.9	2	1.7	−16	2.7	3.0	10.3	8	1.20
Amstar (6)	169.3	5	326.2	3	4.9	−19	7.3	−26	2.9	3.7	10.1	9	3.75
Beatrice (Foods (10)	642.3	15	1,462.2	38	21.0	11	43.4	22	3.3	3.4	18.2	18	2.52
Borden	579.5	7	1,106.6	8	18.8	9	33.0	9	3.2	3.2	9.3	13	2.09
CPC International	405.8	6	790.7	8	14.9	5	28.9	5	3.7	3.7	11.9	13	2.36
Campbell Soup (5)	277.7	7	570.4	8	14.7	−11	32.2	−12	5.3	6.4	10.9	16	1.71
Campbell Taggart	83.3	5	161.6	5	2.9	16	5.8	15	3.5	3.1	13.9	16	2.55
Castle & Cooke (9)	[1] 134.6	12	280.0	8	7.0	298	11.5	326	5.2	1.5	7.7	14	1.31
Del Monte (7)	237.7	8	463.5	12	8.4	6	13.7	5	3.5	3.6	10.0	11	1.93
Deltown Foods	16.8	6	33.7	11	.4	5	.6	13	2.5	2.5	11.8	13	1.88
DiGiorgio	124.9	15	235.4	13	2.6	17	4.3	31	2.1	2.1	12.1	11	1.24
Fairmont Foods (10)	94.2	7	180.0	6	1.5	28	2.4	1	1.6	1.4	8.2	19	1.01
Federal (7)	75.6	15	136.0	8	1.7	66	3.2	251	2.3	1.6	7.1	9	2.62
General Foods (9)	604.3	0	1,262.2	3	25.0	−7	54.0	−9	4.1	4.7	13.9	11	2.22
General Host	[1] 133.4	286	262.4	293	−.1	NM	−.3	NM	NM	.4	8.1	13	1.23
General Mills (7)	333.6	20	652.1	20	12.1	19	23.1	23	3.6	3.6	19.2	24	2.33
Gerber Products (9)	69.8	0	140.3	2	4.7	1	9.6	1	6.7	6.7	16.8	15	2.41
Great Western United (7)	67.8	−5	118.6	−6	.3	−90	1.8	−68	.4	3.7	4.8	11	.85
Green Giant (9)	72.5	28	159.6	20	1.4	90	4.2	63	2.0	1.3	10.1	11	2.10
Greyhound	708.5	4	1,355.5	2	16.3	9	24.7	5	2.3	2.2	14.5	11	1.63
Heinz (H.J.) (8)	353.3	22	611.8	21	16.7	15	23.5	17	4.7	5.0	11.3	16	2.80
Helme Products	18.2	3	40.8	2	.6	11	1.3	1	3.2	3.0	10.1	11	1.52
Hershey Foods	81.6	−1	195.6	4	2.6	−27	9.1	−5	3.2	4.4	12.7	14	1.52
Hormel (George A.) (2)	162.2	4	344.7	5	.8	−76	3.1	−63	.4	1.7	12.1	8	2.38
Interstate Brands	67.2	3	153.1	5	1.1	−21	1.9	−27	1.6	2.1	9.4	8	1.89
Iowa Beef Processors (2)	315.6	26	595.9	18	1.4	NM	2.9	81	.4	NM	12.5	14	2.13
Koebler	47.2	5	93.0	6	1.0	24	1.8	23	2.2	1.9	8.8	18	2.04
Kellogg	191.1	9	351.3	5	14.6	12	26.8	10	7.6	7.5	21.9	15	1.57
Kraftco	775.1	7	1,554.9	6	22.5	14	47.4	11	2.9	2.7	13.0	12	3.41
Mayer (Oscar) (2)	176.0	6	343.0	5	4.0	−29	7.7	−32	2.3	3.4	15.0	13	1.99
Nabisco	295.5	16	572.0	13	12.3	10	25.5	7	4.1	4.4	16.7	16	3.42
Needham Packing (9)	69.2	9	136.3	1	.4	−21	.8	−23	.6	.8	20.0	6	2.09
Peter Paul	14.4	−3	33.8	−1	.6	−13	1.8	−11	4.3	4.7	16.5	17	1.75
Pillsbury (7)	185.6	2	355.1	2	4.8	53	7.6	44	2.6	1.7	10.4	13	3.12
Ralston Purina (3)	122.8	4	866.2	0	13.7	11	28.9	11	3.2	2.8	15.8	20	1.81
Rath Packing (3)	69.4	3	140.1	1	−1.4	NM	−2.0	NM	NM	.9	−12.7	NM	−1.81
Russell Stover Candies (4)	12.7	−1	36.2	7	1.0	4	4.2	12	8.3	7.9	21.5	29	2.01
Seabrook Foods (10)	21.5	19	39.4	15	.6	26	1.2	41	2.8	2.7	10.4	12	.91
Staley (A.E.) Manufacturing (3)	87.2	2	169.9	1	1.4	30	2.4	−31	1.7	1.3	3.4	21	1.31
Standard Brands	[2] 314.1	7	604.2	8	10.1	11	20.2	11	3.2	3.1	14.4	16	3.10
Stokely-Van Camp (7)	82.1	8	160.2	8	2.4	16	4.1	9	3.0	2.8	7.0	10	1.91
Swift (2)	810.0	8	1,573.0	7	7.9	17	15.6	2	1.0	.9	8.9	13	2.68
Tasty Baking	22.4	6	44.7	7	.8	12	1.7	18	3.7	3.5	14.9	11	1.51
Tropicana Products (4)	27.1	13.	53.8	24	2.4	21.	4.4	25	8.8	8.2	25.6	52	.86
United Brands	432.7	15	826.0	14	6.2	42	8.2	34	1.4	1.2	−.4	NM	−.17
United Foods (10)	22.4	17	42.7	12	.7	10	1.3	18	3.0	3.2	17.7	13	.31
Wilson-Sinclair	199.5	15	389.1	15	.9	−66	1.1	−81	.5	1.5	8.8	14	.42
Wrigley (William) Jr	56.6	12	103.9	11	5.6	7	9.6	12	10.2	10.7	14.7	14	9.26
Industry composite	10,306.2	10	20,430.8	10	296.6	7	569.8	5	2.9	3.0	12.1	15	2.04
GENERAL MACHINERY													
(Machinery tools, industrial machinery, metal fabricators, etc.)													
Acme-Cleveland (3)	24.9	9	48.9	5	.9	165	1.7	127	3.6	1.5	4.0	27	.66
American Chain & Cable	45.9	9	84.6	0	.9	99	.9	37	2.0	1.1	3.8	15	1.39
Aro (1)	10.6	24	19.7	22	.8	31	1.4	24	7.9	7.5	10.9	13	1.76
Associated Spring	38.3	21	76.6	22	1.7	4	3.1	4	4.5	5.2	8.7	15	2.27

See footnotes at end of table.

SURVEY OF CORPORATE PERFORMANCE: 2D QUARTER 1972—Continued

Company	Sales				Profits								
									Margins		Return		
	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)	com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
GENERAL MACHINERY—Continued													
(Machinery tools, industrial machinery, metal fabricators, etc.)—Continued													
Babcock & Wilcox	234.6	−4	481.3	2	7.6	16	13.2	12	3.2	2.7	7.5	15	1.79
Baker Oil Tools (3)	38.4	58	77.0	61	2.7	51	5.0	38	7.0	7.3	17.0	27	2.01
Bolden	30.6	13	60.0	15	1.4	33	2.5	42	4.4	3.8	14.0	12	2.18
Brown & Sharpe Manufacturing	14.9	15	27.4	1	0	−93	0	NM	1	1.4	.3	NM	.06
Brunswick	173.3	37	313.1	27	8.5	56	15.8	56	4.9	4.3	13.9	25	1.67
Buffalo Forge (1)	13.8	−13	27.6	−9	5	−34	1.2	−30	3.3	5.2	11.9	12	2.43
Chicago Pneumatic Tool	50.0	29	37.9	15	3.8	9	6.9	5	7.6	9.0	8.4	18	2.42
Cincinnati Milacron	64.2	11	123.2	5	.2	−51	−1	NM	.4	.9	0	NM	.01
Cooper Industries	55.3	−4	110.0	4	3.2	48	5.9	45	5.8	3.7	7.9	15	1.55
Crompton & Knowles	[1] 32.9	78	63.6	79	1.1	155	2.1	162	3.4	2.4	8.9	16	1.58
Dorr-Oliver	[1] 24.5	10	47.4	12	.8	128	1.6	121	3.3	1.8	14.5	16	1.30
Dover	43.1	−1	90.5	5	3.4	4	5.7	6	7.8	7.4	17.6	19	2.94
Dresser Industries (2)	222.7	12	425.4	10	9.5	12	10.6	9	4.3	4.3	16.7	16	2.41
Emhart	69.1	17	135.0	17	3.1	6	6.4	15	4.5	5.0	10.8	11	2.95
Ex-Cell-O (1)	68.2	−7	132.0	−11	1.8	−32	3.6	−27	2.7	3.7	4.0	20	.86
Foster Wheeler	131.5	−2	261.5	12	1.8	−1	3.3	17	1.3	1.3	11.3	9	2.19
Gardner-Denver	54.8	7	101.1	8	6.8	8	11.2	7	12.4	12.2	14.2	20	1.31
Garlock	26.0	15	49.3	15	1.2	16	2.1	14	4.5	4.4	10.7	12	1.75
General Cable	95.3	−10	180.0	−3	4.2	−37	7.9	−27	4.5	6.4	10.7	12	1.10
Giddings & Lewis	11.5	−18	25.2	−8	−1.0	NM	−1.8	NM	NM	NM	−12.1	NM	−1.50
Hallbudon	[1] 327.9	−4	614.6	−3	15.8	19	28.3	19	4.8	3.9	15.9	29	3.46
Howme	83.2	4	155.4	4	3 9	−10	8.5	11	4.7	5.5	12.7	9	1.45
Ingersoll-Rand	225.8	10	430.8	10	18.4	6	34.8	6	8.2	8.5	14.5	16	3.92
Joy Manufacturing (3)	82.9	16	NA	NA	3.3	.7	8.0	4	3.9	4.9	12.0	12	3.24
Lessona	[1] 61.2	−11	31.8	−12	.4	25	.8	23	2.5	1.8	−2.4	NM	.48
Moltell	32.1	11	61.2	8	1.3	24	2.2	18	3.9	3.5	9.3	8	1.66
Midland-Hoss	72.0	14	133.9	9	2.2	−12	3.6	−25	3.0	4.0	3.6	19	.81
National-Standard (3)	37.3	13	74.3	13	.9	−24	1.7	−31	2.3	3.4	5.4	53	.81
Otis Elevator	194.9	16	333.7	19	6.7	7	14.7	10	3.5	3.7	10.6	13	3.21
Pittsburgh Forgings	[1] 22.8	1	44.2	17	.7	1	1.2	12	2.9	3.0	8.7	11	1.52
Pneumo Dynamics (1)	[1] 76.2	17	143.3	14	.1	−66	.3	−59	.2	.6	2.0	16	.31
Roper	77.9	18	148.6	12	2.0	62	4.0	41	2.6	1.9	10.1	12	2.72
Schlumberger	[1] 208.9	20	403.7	19	16.4	25	30.8	23	7.9	7.7	15.0	44	5.21
Scovill Manufacturing	131.9	10	252.1	12	4.4	36	8.0	35	3.3	2.7	11.7	13	2.07
Simplex Wire & Cable	11.3	1	22.7	21	−.3	NM	−.9	NM	NM	NM	−6.5	NM	−1.66
Smith Intl. Industries	[1] 25.1	25	47.9	23	1.5	28	2.6	28	6.0	5.6	11.8	24	1.59
Stewart-Warner	50.4	20	98.4	19	3.1	31	5.6	39	6.1	5.6	11.9	13	2.80
Triangle Industries	46.1	9	87.3	7	.8	3	1.5	6	1.6	1.7	5.2	13	1.17
USM (10)	[1] 119.8	6	245.1	8	1.6	32	4.2	10	1.3	1.1	2.0	18	.92
Warner & Swasey	40.8	27	75.7	19	1.3	68	2.1	46	3.1	2.4	4.0	31	1.20
Wean United	52.6	43	103.1	45	−.5	NM	.2	NM	NM	NM	.7	61	.09
White Consolidated	199.6	1	373.5	0	8.9	13	15.4	7	4.4	4.0	14.4	11	1.64
Industry composite	3,710.3	10	6,929.6	10	157.7	13	294.6	13	4.3	4.2	10.0	19	2.03
METALS AND MINING													
(Nonferrous metals, coal, iron ore, etc.)													
Aluminum Co. of America	447.9	9	865.4	12	20.6	−12	40.4	−2	4.6	5.7	4.3	19	2.41
American Metal Climax	218.1	1	420.4	3	16.5	5	30.2	−6	7.6	7.3	9.0	14	2.10
American Smelt. & Refining	206.7	3	417.0	8	12.2	−39	24.8	−23	5.9	9.9	5.6	12	1.44
Anaconda	268.7	2	506.3	3	14.7	132	23.8	218	5.5	2.4	.7	49	.35
Atlas Consolidated & Development	18.9	33	39.4	23	5.7	−9	11.8	8	30.0	33.9	45.1	6	2.24
Brush Wellman	16.2	51	31.5	54	1.7	61	3.3	69	10.8	10.2	10.6	13	2.33
Cerro	153.3	18	290.0	18	6.6	150	9.1	755	4.3	2.0	3.6	9	1.48
Cleveland-Cliffs Iron	[1] 29.7	−4	43.7	7	4.6	−9	6.7	2	15.5	16.4	10.7	11	5.20
Copper Range	24.5	−20	50.2	−5	0	MN	−.3	NM	NM	3.9	−5.0	NM	−2.23
Eastern Gas & Fuel	80.9	4	178.7	5	3.9	−42	11.5	−38	4.9	8.7	6.9	19	1.24
Fansteel	19.2	10	37.7	8	.6	521	.8	494	3.1	.5	2.4	26	.43
Gulf Resources & Chemical	[1] 33.2	13	63.9	9	1.3	NM	1.5	832	3.9	NM	−17.6	NM	−.79
Inspiration Consolidated Copper	19.8	3	37.7	14	3.9	2	7.6	24	19.7	19.9	14.2	11	4.24
Kaiser Aluminum & Chemical	276.5	1	504.8	2	8.5	−45	10.9	−48	3.1	5.6	2.5	26	.74
Kawecki Berylco Industries	17.7	10	34.6	12	.5	680	.9	267	3.0	.4	0	NM	.00
Kennecott Copper	[1] 285.0	−7	557.2	2	22.4	−36	40.8	−41	7.9	11.6	4.9	12	1.78
Martin Marietta Aluminum	49.0	−16	101.1	−2	.8	−35	2.2	−23	1.5	2.0	1.5	35	.31
Molybdenum of America	10.9	32	20.6	12	1.0	467	1.5	221	8.8	2.0	3.4	25	.64
North American Coal	25.6	41	48.5	36	.9	231	1.9	137	3.7	1.6	8.1	13	1.44
Phelps Dodge	207.4	0	389.7	3	24.9	6	46.9	−7	12.0	11.4	9.9	11	3.42
Pittston	138.3	−2	330.3	0	5.7	−49	15.7	−41	4.1	8.0	11.9	18	1.49
Reynolds Metals	305.3	1	575.1	0	.7	−88	−3.2	NM	.2	2.0	−2.0	NM	−.72
St. Joe Minerals	61.6	21	122.0	24	6.0	16	12.3	30	9.7	10.1	13.0	10	2.65
Industry composite	2,914.3	3	5,665.5	5	163.8	−9	301.1	−11	5.6	6.2	4.8	18	1.44
MISCELLANEOUS MANUFACTURING													
ACF Industries	90.2	10	177.7	7	4.5	40	9.5	23	5.0	3.9	8.8	14	3.14
A J Industries (9)	11.8	−12	26.2	12	.4	16	.9	NM	3.0	2.3	8.7	12	.34
American Greetings (10)	[1] 36.9	13	79.7	8	2.1	52	6.2	20	5.8	4.3	16.4	51	1.46
American Medical Intl. (4)	25.9	16	48.5	19	1.8	61	3.5	46	7.1	5.1	14.9	38	1.18
American Medicorp	46.8	10	96.3	17	2.3	25	5.4	13	5.0	4.4	8.4	15	1.04
American Seating	19.1	12	34.9	14	.4	2	.5	70	1.9	2.1	7.7	12	1.45
AMF	241.2	35	449.0	36	13.9	39	27.7	35	5.7	5.6	21.9	21	2.77
Amsted Industries (3)	87.4	17	156.9	12	4.2	17	5.6	6	4.8	4.8	8.2	9	3.93
Apache	[1] 30.6	21	58.1	21	1.3	2	2.4	29	4.2	5.0	10.9	10	1.68
Armstrong Cork	177.2	25	338.1	23	12.0	29	22.7	37	6.8	6.6	11.0	23	1.59
Athlone Industries	40.6	25	77.0	26	1.0	9	1.7	4	2.4	2.8	5.6	10	1.22
Berven Carpets	10.1	6	20.4	12	.6	26	1.2	33	6.1	5.2	18.6	28	.70
Binney & Smith	12.0	8	20.6	9	1.4	10	1.9	17	11.8	11.5	12.8	20	2.80
Black & Decker Manufacturers (3)	87.3	24	180.7	22	5.9	21	13.7	22	6.8	6.9	17.7	49	2.16
Carborundum	86.0	7	168.6	6	4.2	26	7.6	21	4.9	4.2	8.4	16	4.04
Champion Home Builders (10)	75.1	73	127.5	92	4.5	121	7.6	171	5.9	4.7	49.3	54	.40
Coleman	44.8	1	86.3	9	2.2	22	4.1	38	4.9	4.1	11.0	34	.97
Eagle-Picher Industries (1)	67.6	12	132.9	20	3.3	15	5.6	22	4.8	4.7	13.1	11	2.46
FMC	390.9	10	749.3	11	21.4	17	37.7	21	5.5	5.1	9.4	14	1.66

Company	Sales				Profits								
									Margins				
Company	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)	Return com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
MISCELLANEOUS MANUACTURING—Con.													
Foote Mineral	[1] 23.7	−17	45.4	−17	0.2	−80	0.5	−81	1.0	4.1	−3.1	NM	−0.49
Fuqua Industries	[1] 95.1	13	191.7	17	3.1	30	5.7	26	3.3	2.9	13.2	12	1.72
General Development	37.4	4	81.6	18	4.5	−17	9.4	−2	11.9	15.0	15.1	10	1.97
General Refractories	42.1	−6	81.2	−6	.6	20	−.2	NM	1.4	1.1	−1.6	NM	−.33
General Steel Industries	42.5	108	72.3	108	.3	NM	−.1	NM	.7	NM	−18.1	NM	−3.02
Golden West Mobile Homes (7)	11.0	36	20.5	36	.3	28	.5	5	2.7	2.9	18.0	28	.59
Guerdon Industries	56.7	22	106.2	25	1.5	−28	3.3	3	2.7	4.5	14.8	17	1.49
Hammond (9)	17.7	26	41.1	NA	.2	170	.9	86	1.2	.6	10.6	11	.89
Hasbro Industries	15.8	18	28.0	15	.3	42	.3	18	1.9	1.6	8.9	27	.67
Insilco	85.7	17	164.0	20	3.6	20	6.5	16	4.2	4.1	14.0	12	1.17
Kirsch (6)	20.5	12	39.3	20	1.5	11	2.5	32	7.1	7.2	14.9	20	2.07
Kroehler Manufacturing	28.5	7	57.7	8	.5	341	1.1	247	1.8	.4	7.2	11	2.65
Lenox	18.2	22	33.7	16	1.2	31	1.9	29	6.7	6.2	16.7	29	1.51
Lionel	[1] 22.7	32	37.9	37	.2	360	−.5	NM	.8	.2	8.2	33	.22
Ludlow	50.0	17	96.2	18	1.5	28	2.8	45	3.1	2.8	11.9	13	1.77
Milton Bradley	20.5	3	38.4	14	.9	−11	1.4	45	4.3	4.9	18.5	31	1.39
Mobile Home Industries (4)	23.4	55	40.9	61	1.3	81	2.1	93	5.6	4.9	35.1	22	1.05
Norton	95.3	6	186.0	5	5.2	85	8.8	47	5.4	3.1	6.7	14	2.64
P. & F. Industries	22.0	2	38.9	4	.7	−7	1.0	6	3.3	3.6	8.4	13	.20
Philips Industries (9)	55.8	21	104.4	30	2.3	11	3.7	34	4.2	4.6	16.1	14	1.14
Poloron Products (1)	15.8	6	25.5	0	.4	−34	.4	−59	2.6	4.2	3.0	26	.27
Portec	[1] 19.5	24	36.3	21	.8	86	1.4	62	4.3	2.9	9.5	10	2.18
Porter (H. K.)	58.8	−14	116.5	−12	.5	−59	.5	−70	.8	1.7	1.3	34	.67
Pullman	[1] 186.3	3	369.7	11	3.9	−22	8.0	61	2.1	1.6	6.1	15	2.95
Questor	93.7	19	169.4	17	5.1	39	7.1	29	5.5	4.7	10.0	14	1.34
Redman Industries (9)	80.9	61	142.9	60	3.3	90	3.8	31	4.1	3.5	21.9	23	1.10
Roblin Industries	[1] 27.0	26	49.5	19	.6	80	.9	158	2.1	1.5	25.6	6	.99
Rockwell Manufacturing	86.4	18	160.3	22	5.5	28	8.9	63	6.3	5.8	12.8	13	2.69
Ronson	23.1	17	43.3	9	.4	97	.8	48	1.9	1.1	4.6	14	.43
Scott & Fetzer (1)	55.6	23	101.7	23	4.2	20	7.4	21	7.5	7.6	24.6	20	2.13
Signode	70.9	21	133.8	17	4.7	35	8.3	23	6.6	5.9	14.5	20	3.26
Simmons	86.6	13	165.3	11	3.1	31	5.1	16	3.6	3.1	9.3	20	1.71
Skil	24.0	33	45.5	28	1.0	83	2.0	82	4.4	3.2	10.8	22	1.67
Skyline (7)	98.2	23	161.8	27	6.7	37	10.0	40	6.9	6.2	38.5	35	1.76
Stanley Works	99.8	24	189.4	21	5.0	20	9.3	23	5.0	5.2	11.7	19	2.31
Stanray	19.8	4	37.5	4	.7	37	1.3	50	3.5	2.6	11.0	13	1.26
Sundstrand	71.5	20	138.4	14	1.9	311	3.7	493	2.7	.8	3.5	33	.88
Tonks	13.7	25	21.5	27	.7	35	.8	179	5.3	4.9	9.3	15	1.32
Trans Union	[1] 75.9	24	138.1	14	6.5	1.3	12.4	12	8.6	9.4	14.9	18	2.48
Tyler	40.2	19	72.2	15	2.3	34	3.7	32	5.6	5.1	21.0	10	2.58
U.S. Industries	397.3	14	774.1	15	18.9	14	37.8	13	4.8	4.8	18.0	9	2.30
Universal Oil Products	102.5	6	210.0	11	2.7	NM	5.5	NM	2.6	NM	.1	NM	.02
Vulcan Materials	70.6	7	125.6	12	5.3	11	5.8	48	7.5	7.2	13.5	10	2.54
Winnebago industries (10)	58.9	80	94.1	89	6.3	89	9.8	111	10.6	10.1	35.9	54	.67
Industry composite	4,243.4	17	8,056.6	17	207.9	27	371.6	29	4.9	4.5	11.6	21	1.51
NONBANK FINANCIAL													
Aetna Life & Casualty	1,056.4	4	2,112.3	4	47.2	48	72.7	39	4.5	3.1	11.6	10	5.83
Credithrift Financial (3)	25.2	11	49.1	10	3.0	26	5.2	33	11.8	10.3	15.2	13	2.00
Dial Financial	14.8	12	28.8	13	1.8	10	2.9	24	11.9	12.0	15.2	10	1.50
INA	405.5	21	778.15	21	23.6	10	46.3	4	4.8	7.8	10.2	10	4.00
Mariennan	48.3	9	87.6	11	6.2	6	13.6	9	12.9	13.3	27.6	27	1.92
Transamerica	[1] 492.9	19	956.1	25	21.0	33	39.5	36	4.3	3.8	9.0	18	1.01
Industry composite	2,044.2	11	4,022.4	12	102.7	23	180.2	25	4.0	4.5	11.2	15	2.58
OFFICE EQUIPMENT, COMPUTERS													
Addressograph-Multigraph (5)	119.4	8	221.3	6	6.0	61	9.1	76	5.0	3.4	4.8	40	1.21
Apeco (1)	33.2	17	60.5	20	1.5	17	2.7	−9	4.6	6.5	13.9	16	.60
Burroughs	[1] 252.0	12	472.6	9	20.3	20	32.5	16	8.1	7.5	12.1	48	4.26
Control Data	164.8	17	292.5	4	17.7	35	28.2	10	10.7	9.3	5.7	27	2.61
Dennison Manufacturing	[1] 43.8	10	83.2	8	3.2	11	3.8	10	4.9	4.8	12.6	12.	2.62
Dictaphone	21.9	8	42.8	6	.8	40	1.4	24	3.6	2.8	2.9	41	.24
Diebold	38.3	4	75.4	11	1.9	−31	3.7	−6	5.0	7.5	14.1	21	1.73
Hoffman Electronics	10.7	92	23.3	92	.5	102	1.0	126	4.9	4.6	13.7	19	1.24
International Business Machines	2,364.8	22	4,677.1	23	312.2	22	617.9	22	13.2	13.1	18.2	39	10.32
National Cash Register	384.5	5	711.3	0	2.8	−60	−4.0	NM	.7	1.9	−2.6	NM	−.72
Standard Register	27.3	1	53.3	−4	.8	104	1.4	−1	3.0	2.5	4.9	17	.93
Uarco (3)	28.6	13	58.4	13	.9	32	1.9	15	3.2	2.8	9.0	14	1.72
Veeder Industries	16.0	−1	31.6	1	.8	−21	1.7	−9	5.0	6.3	8.3	11	2.51
Victor Comptometer	53.7	31	98.7	27	1.4	289	2.0	158	2.6	.9	4.9	31	.67
Wang Laboratories (6)	12.9	10	22.7	12	1.1	−32	2.0	−11	8.5	13.7	13.5	51	.77
Xerox	611.3	23	1,161.1	22	62.1	19	120.5	18	10.3	10.6	21.9	54	2.93
Industry composite	4,183.3	18	8,035.8	18	434.0	20	825.7	18	10.4	10.2	16.2	30	5.47
OIL													
(Crude, integrated domestic and international)													
Amerada Hess	[1] 311.0	−4	677.3	−3	21.5	−44	52.5	−38	6.9	11.7	NM	16	2.75
American Petrofina	72.3	3	138.1	2	3.9	87	6.2	43	5.4	3.8	11.0	13	1.95
Apco Oil	[1] 31.8	7	59.9	5	1.5	14	2.8	20	4.7	4.1	9.6	9	2.23
Ashland Oil (3)	439.9	8	838.7	9	15.8	34	27.2	33	3.6	2.9	13.7	14	1.88
Atlantic Richfield	[2] 940.3	3	1,891.2	5	45.6	−9	78.7	−24	4.9	5.5	7.8	16	3.27
Cities Service	469.0	2	942.9	1	23.9	−16	53.2	−15	5.1	6.2	6.9	10	3.59
Commonwealth Oil Refining	73.8	15	139.7	14	2.6	−51	5.1	−44	3.5	8.2	7.2	13	.80
Continental Oil	[3] 883.5	14	1,724.8	14	39.7	4	82.3	7	4.5	5.0	9.6	9	2.92
Crown Central Petroleum	[1] 44.6	0	88.0	−6	0	NM	.2	−87	NM	1.5	−1.6	NM	−.47
Getty Oil	[3] 381.9	3	741.8	4	10.7	−66	33.1	−48	2.8	8.6	6.5	15	4.70
Gulf Oil	[3] 1,892.0	2	3,480.0	5	107.1	−29	246.0	−17	5.7	8.1	9.3	9	2.46
Kerr-McGee	191.0	16	353.5	13	15.6	26	25.5	18	8.2	7.5	12.0	28	1.94
Marathon Oil	[1] 293.7	−2	591.3	0	16.6	−25	32.8	−27	5.7	7.4	10.3	10	2.62
Mesa Petroleum	[1] 20.2	32	35.7	26	3.5	23	7.4	20	17.5	18.8	NM	19	3.02
Mississippi River	[1] 34.9	−1	77.8	7	3.2	1	6.5	10	9.2	9.1	11.2	10	1.43
Mobil Oil	2,560.0	27	4,780.6	19	130.3	5	271.8	6	5.1	6.2	11.4	11	5.47

See footnotes at end of table.

SURVEY OF CORPORATE PERFORMANCE: 2D QUARTER 1972—Continued

	Sales				Profits								
									Margins		Return com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
Company	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)			
OIL—Continued													
(Crude, integrated domestic and international)—Continued													
Murphy Oil	85.7	14	177.1	15	1.2	−25	5.3	7	1.4	1.7	7.2	24	1.96
Pennzoil	[1] 198.0	5	399.7	7	15.5	1	31.3	1	7.8	8.2	7.6	13	1.44
Phillips Petroleum	[1] 641.5	7	1,277.4	8	37.1	34	72.7	14	5.8	4.6	8.1	15	1.89
Quaker State Oil Refining	39.1	8	76.4	11	3.6	13	7.0	16	9.2	8.8	21.6	34	1.07
Shell Oil	1,021.2	4	1,994.2	5	67.9	44	121.7	32	6.7	4.8	9.7	11	4.06
Skelly Oil	130.5	4	259.5	4	7.2	−20	16.9	−10	4.9	7.1	6.6	16	3.01
Standard Oil (Indiana)	[3] 1,380.0	9	2,685.4	8	88.3	7	188.0	6	6.4	6.6	9.9	13	5.08
Standard Oil (New Jersey)	[1] 5,102.0	9	10,321.0	8	331.0	−6	686.0	−6	6.5	7.5	12.8	12	6.59
Standard Oil (California)	[1] 1,438.2	12	2,809.2	15	128.3	1	251.3	2	8.9	9.9	10.5	10	6.08
Standard Oil (Ohio)	[1] 363.8	6	726.3	3	12.8	11	24.6	−3	3.5	3.3	5.6	15	4.26
Sun Oil	[1] 445.3	−7	909.9	−10	34.4	−9	68.9	−8	7.7	7.9	13.1	12	3.28
Texaco	[1] 2,306.0	18	4,435.2	19	185.2	−9	415.1	−6	8.0	10.5	13.1	10	3.23
Texas Oil & Gas (4)	15.1	43	28.8	51	3.2	31	5.7	32	21.0	22.9	16.5	46	.65
Union Oil of California	[3] 608.9	3	1,114.5	2	27.9	4	57.8	2	4.6	4.6	9.2	9	3.24
Industry composite	22,415.1	10	43,775.7	7	1,385.2	−6	2,883.5	−5	6.2	7.0	10.9	15	3.80
PAPER													
Crown Zellerbach	277.3	20	535.3	16	12.1	164	19.8	29	4.4	2.0	6.3	17	1.50
Great Northern-Nekoosa	96.5	12	190.9	12	3.9	13	7.8	28	4.1	4.0	6.7	17	2.99
Hammermill Paper	93.4	7	185.4	9	1.6	−6	2.1	−20	1.7	2.0	1.5	42	.35
International Paper	540.8	9	1,045.5	10	26.9	27	47.1	30	5.0	4.3	7.3	20	1.79
Kimberly-Clark	243.0	9	495.3	7	14.0	73	27.9	52	5.7	3.6	7.4	18	1.76
Mead	284.1	3	553.2	3	8.4	14	13.3	9	3.0	2.7	4.1	15	.98
Scott Paper	193.8	−2	382.3	−2	9.8	−8	18.5	−7	5.1	5.4	6.0	15	.90
St. Regis Paper	257.0	12	492.7	11	10.5	81	17.7	73	4.1	2.5	5.8	18	2.20
Union Camp	150.9	15	293.5	15	10.1	45	18.3	33	6.7	5.3	10.6	19	2.03
Westvaco (2)	114.7	10	221.7	8	2.4	68	2.9	50	2.1	1.4	2.3	38	.55
Industry composite	2,251.5	9	4,395.7	8	99.8	40	175.3	28	4.4	3.5	6.3	22	1.49
PERSONAL CARE PRODUCTS													
(Cosmetics, soap, etc.)													
Alberto-Culver (3)	47.9	12	92.6	7	1.6	NM	2.7	70	3.3	.1	10.9	27	1.01
Avon Products	224.6	15	409.7	15	26.3	25	43.5	20	11.7	10.8	39.0	59	2.02
Chesebrough-Pond's	81.3	17	164.6	18	5.6	11	11.2	11	6.9	7.3	19.8	39	2.02
Colgate-Palmolive	365.7	14	719.1	12	13.6	25	22.9	19	3.7	3.4	13.9	26	3.36
Faberge	30.6	4	61.5	8	1.1	8	2.4	7	3.6	3.5	7.6	12	1.16
Gillette	206.0	21	402.3	19	16.6	27	33.8	19	8.1	7.7	22.9	22	2.31
Helene Curtis Industries (10)	13.1	−12	28.1	−3	.2	NM	.5	NM	1.3	NM	2.5	37	.19
International Flavors & Fragrances	36.3	27	69.0	25	6.0	31	10.7	31	16.4	15.9	20.9	63	1.10
Industry composite	1,005.4	15	1,947.0	14	71.1	27	127.8	23	7.1	6.4	22.0	35	2.00
PHOTO AND OPTICAL													
Bausch & Lomb	47.3	21	90.3	25	2.5	75	4.5	100	5.3	3.6	12.6	22	1.66
Bell & Howell	87.2	8	167.3	10	4.3	15	7.3	21	4.9	4.6	10.5	23	2.72
Eastman Kodak	788.5	17	1,458.0	15	118.1	34	207.1	32	15.0	13.1	19.4	47	2.91
Hunt (Philip A.) Chemical	10.2	11	19.3	13	.9	21	1.6	27	8.8	8.1	13.2	34	.54
Itek	46.0	12	89.3	15	1.3	41	2.4	74	2.9	2.3	6.7	38	1.59
Kollmorgen	10.5	11	20.1	11	.3	52	.5	20	2.8	2.0	5.0	38	.50
Minnesota Mining & Manufacturing	524.7	17	1,021.2	16	59.8	18	114.5	17	11.4	11.3	19.1	41	2.02
Polaroid	[1] 122.6	−14	234.4	1	7.3	−62	16.2	−40	6.0	13.6	9.6	77	1.53
Industry composite	1,637.0	13	3,099.7	14	194.5	18	354.0	21	11.9	11.5	17.5	40	2.38
PUBLISHING													
(Periodicals, books, newspapers)													
American Book-Stratford Press	10.4	−16	19.7	−15	−.2	NM	−.4	NM	NM	NM	−18.8	NM	−.92
Crowell Collier & Macmillan	90.7	−1	171.7	−1	1.6	111	2.9	132	1.8	.8	5.4	13	.79
Donnelley (R.R.) Sons	84.7	0	162.6	0	6.6	1	10.6	0	7.8	7.7	10.6	16	1.27
Esquire (9)	14.1	11	27.4	9	.6	75	1.2	87	4.0	2.5	10.7	15	1.01
Gannett	72.9	18	135.7	18	6.5	17	10.5	19	8.9	9.0	16.3	34	1.08
Harcourt Brace Jovanovich	36.3	5	64.3	6	1.1	38	.0	NM	3.1	2.4	14.6	16	2.35
Houghton Miffin	14.1	−4	21.1	−1	.6	−41	−1.0	NM	4.4	7.1	10.9	19	1.05
Knight Newspapers	78.6	15	150.4	15	5.8	33	9.4	27	7.3	6.3	15.7	30	1.70
McGraw-Hill	95.3	5	130.9	4	3.4	17	4.0	18	3.5	3.2	10.9	20	.81
New York Times	[1] 82.5	11	181.4	11	2.8	22	5.2	1	3.4	3.1	10.0	24	.84
Prentice-Hall	29.3	8	58.3	8	1.9	−16	3.6	−6	6.5	8.4	23.5	24	1.58
Ridder Publications	36.6	9	69.5	11	3.7	18	5.9	17	10.0	9.3	12.3	22	1.36
Simplicity Pattern	[1] 27.0	9	51.8	7	4.3	7	7.8	8	16.0	16.3	20.8	46	.97
Time	162.1	2	304.5	3	9.2	10	12.2	11	5.7	5.2	9.7	14	3.27
Washington Post	57.7	12	105.6	12	4.0	53	4.8	53	7.0	5.1	14.0	19	1.77
Western Publishing	42.0	−4	84.0	1	1.1	43	2.4	34	2.6	1.8	10.2	14	1.83
Industry composite	934.0	6	1,769.0	6	53.0	17	79.1	15	5.7	5.1	11.7	22	1.24
RADIO AND TV BROADCASTING													
American Broadcasting	206.2	19	413.5	15	10.2	131	16.6	140	6.0	2.6	13.5	24	3.25
Capital Cities Broadcasting	31.7	20	58.6	27	5.1	32	8.6	39	16.1	14.6	23.0	27	2.13
Columbia Broadcasting System	318.8	12	642.6	13	20.5	28	32.8	43	6.4	5.1	21.1	23	2.59
Cox Broadcasting	21.3	21	38.4	22	3.4	24	5.2	30	16.0	15.6	14.8	28	1.61
Metromedia	42.2	11	83.0	13	3.4	29	4.3	53	8.0	6.9	11.9	22	1.56
Storer Broadcasting	20.0	16	37.0	17	2.6	362	4.6	1,080	13.2	3.3	9.4	37	1.21
Taft Broadcasting (9)	16.3	29	31.2	36	2.7	25	4.1	32	16.4	16.9	13.5	25	2.07
Wometco Enterprises	[1] 26.1	10	49.8	10	1.6	22	2.8	21	6.3	5.6	11.8	22	1.01
Industry composite	882.5	16	1,354.1	15	49.6	47	80.0	63	7.3	5.7	16.7	26	2.19

	Sales				Profits								
									Margins				
Company	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)	Return com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
RAILROADS													
Burlington Northern	278.5	6	528.8	5	13.8	2	20.9	37	5.0	5.1	2.9	13	3.42
Chesapeake & Ohio Ry	244.0	−10	475.0	−7	15.4	−21	26.8	−5	6.3	7.2	2.5	15	3.08
Illinois Central Industries	245.0	9	462.1	8	15.2	8	28.4	17	6.2	6.3	5.1	10	3.29
Missouri Pacific RR	164.2	8	316.9	7	4.2	−31	10.1	−13	2.6	4.1	1.9	13	5.43
Rio Grande Industries	33.4	7	67.4	4	3.9	11	7.3	17	11.7	11.2	6.6	8	2.49
Santa Fe Industries	238.8	5	165.9	4	18.3	31	36.7	38	7.7	6.1	5.9	9	3.09
Seaboard Coast Line Industries	284.4	5	556.5	3	23.2	43	42.3	20	8.2	6.0	8.4	10	5.38
Southern Pacific	337.8	7	843.3	7	34.1	10	53.7	9	10.1	9.8	6.5	11	3.95
Southern Ry	188.9	8	367.4	9	23.8	28	46.0	25	12.6	10.7	9.5	9	5.50
Union Pacific	274.6	9	531.6	8	24.2	8	42.3	6	8.8	9.0	5.7	13	4.10
Industry composite	2,289.6	6	4,414.9	6	176.2	11	314.5	15	7.7	7.3	5.5	11	3.94
RETAILING													
(Department, discount, mail order, variety, food stores)													
Acme Markets (9)	473.9	3	955.2	2	−.5	NM	3.0	−66	NM	.8	4.4	12	2.41
Allied Stores (11)	298.9	11	755.2	10	.2	NM	20.9	31	.1	NM	6.9	13	2.44
Amfac	176.4	30	318.2	27	5.4	25	10.3	27	3.1	3.2	12.7	17	2.00
Associated Dry Goods (11)	235.2	3	511.0	5	3.8	0	23.0	12	1.6	1.7	11.9	17	2.76
Bayless (A.J.) Markets	27.8	13	56.4	14	.6	13	1.1	13	2.0	2.0	15.6	10	1.93
Big Bear Stores (10)	56.0	12	113.9	17	.9	−2	1.8	−9	1.7	1.9	14.2	8	3.13
Borman's (11)	123.4	10	181.3	−18	.0	NM	1.0	NM	NM	NM	4.1	13	.43
Broadway-Hale Stores (11)	177.0	17	463.1	20	4.1	16	20.0	23	2.3	2.4	17.3	21	1.64
Colonial Stores	162.5	1	328.9	4	2.2	−8	4.2	4	1.4	1.5	13.2	10	2.36
Daylin (4)	[1]112.8	34	228.5	29	2.1	33	4.7	30	1.9	1.9	14.7	13	1.55
Dayton-Hudson (11)	248.8	7	618.0	12	.9	−25	18.4	16	.4	.5	8.3	21	1.49
Fed-Mart (4)	51.7	19	108.2	17	.5	330	1.3	100	1.0	.3	9.8	11	1.51
Federated Department Stores (11)	541.8	10	1,328.8	13	15.4	8	61.4	13	2.8	2.9	13.4	21	2.22
First National Stores (9)	211.1	2	427.2	0	−.3	NM	.1	−51	NM	NM	−1.2	NM	−.67
Fisher Foods	137.1	18	269.8	20	2.1	25	3.8	33	1.5	1.4	22.9	12	1.37
Food Fair Stores (5)	471.6	5	77.4	8	.1	−95	3.9	−25	.0	.4	6.9	8	1.27
Gamble-Skogmo (11)	303.7	0	654.6	0	2.4	47	12.2	29	.8	.5	7.3	8	3.66
Giant Food (8)	[1]184.1	24	318.5	21	1.9	2	4.3	41	1.0	1.3	17.1	8	2.54
Gimbel Bros. (11)	173.1	8	422.1	0	.1	−78	10.8	19	.1	.4	8.1	14	1.59
Gordon Jewelry (4)	27.3	14	68.9	17	.9	22	5.0	19	3.2	3.0	12.7	20	1.26
Grand Union (10)	325.8	3	666.3	5	2.4	−38	5.8	−30	.8	1.2	8.4	8	1.94
Grant (W.T.) (11)	318.7	16	768.2	12	−1.3	NM	29.7	−4	NM	NM	11.4	15	2.40
Great Atlantic & Pacific Tea (10)	1,492.4	9	2,889.4	3	−20.5	NM	−22.1	NM	NM	.8	−2.6	NM	.70
House of Fabrics	14.6	13	28.4	18	.6	5	1.2	19	4.1	4.5	17.[illegible]	25	.56
Interstate Stores (11)	129.7	−5	371.0	1	−2.8	NM	2.6	25	NM	NM	−.5	NM	−.08
Jewel (11)	428.9	9	898.2	10	4.7	9	16.2	21	1.1	1.1	12.8	11	3.65
Kresge (S.S.) (11)	729.4	16	1,740.8	16	17.5	20	57.2	40	2.4	2.3	19.2	49	.88
Kroger	834.3	−4	1,671.8	−3	4.3	−34	13.7	−10	0.5	.8	10.0	8	2.58
Kuhns Big K Stores	20.6	26	35.1	31	.4	−13	.3	3	1.9	2.7	18.0	23	1.03
Lucky Stores (11)	468.5	10	1,012.3	10	6.9	4	19.5	6	1.5	1.6	26.9	15	1.00
Macy (R.H.) (5)	222.2	6	557.3	8	−.1	NM	15.9	3	NM	.6	10.4	15	2.47
Marcor (11)	731.4	9	1,585.9	8	11.7	5	37.8	4	1.6	1.7	7.3	13	1.66
Marshall Field (11)	102.0	5	254.1	7	2.1	6	11.9	18	2.1	2.1	10.2	6	2.09
May Department Stores (11)	291.6	10	748.3	14	4.1	−1	28.0	19	1.4	1.6	10.0	15	2.75
McCrory (11)	215.6	11	520.5	7	.4	NM	12.1	1	NM	NM	26.2	6	3.63
Munford	38.5	5	72.3	9	.9	14	1.1	22	2.3	2.1	14.9	15	1.10
New Process	29.8	−6	62.7	0	1.9	−37	4.0	−24	6.3	9.4	51.3	21	.99
Penn Fruit (4)	89.5	−1	176.3	−1	.2	−66	.9	−32	.2	.7	7.3	7	1.36
Penney (J.C.) (11)	1,106.0	14	2,771.3	11	19.8	19	76.8	18	1.8	1.7	15.9	33	2.49
Peoples Drug Stores	57.7	7	112.1	9	.3	−20	.5	3	.6	.8	7.6	12	1.06
Pueblo Intl (11)	119.4	3	239.4	2	.9	−48	2.4	−12	.7	1.4	13.0	6	1.26
Rapid-American (11)	515.6	13	1,212.7	9	3.1	166	14.7	40	.6	.3	10.7	6	2.57
Rite Aid (10)	46.1	46	92.5	47	1.4	43	3.8	62	3.1	3.2	20.5	73	.70
Safeway Stores	1,374.6	13	2,700.4	13	20.8	14	38.8	19	1.5	1.5	15.8	11	3.38
Sears, Roebuck (11)	2,328.1	11	5,253.6	10	95.3	15	311.1	20	4.1	4.0	14.4	31	3.63
Skaggs Companies	83.1	9	157.4	9	.8	−30	.9	−48	1.0	1.5	8.0	30	.87
Star Supermarkets	28.7	19	54.8	16	.2	−33	.4	−17	.7	1.2	9.9	7	1.47
Stop & Shop (11)	286.7	11	520.5	13	.1	NM	3.4	58	0	NM	7.4	11	1.45
Supermarkets General (11)	254.4	12	538.1	20	.2	−90	3.8	−14	.1	.8	15.6	11	.98
Thriftimart (9)	65.2	−1	128.7	−1	0	NM	−.7	NM	0	NM	−1.7	NM	−.49
Thrifty Drug Stores (4)	93.7	10	204.3	9	1.6	15	5.2	14	1.7	1.7	13.3	15	.92
Vornado (11)	173.9	4	426.6	−2	.2	−40	6.0	16	.1	.2	9.6	8	2.12
Walgreen (3)	205.4	3	399.8	4	1.5	−24	2.5	−11	.7	1.0	10.2	11	1.64
Weis Markets	55.4	3	110.9	4	1.9	−12	4.4	−5	3.4	4.0	18.2	11	1.55
Zale (9)	107.7	10	192.3	13	4.0	14	6.9	87	3.7	3.5	11.9	24	1.73
Zayre (11)	183.3	16	438.7	16	1.0	39	6.9	41	.6	.5	13.0	14	2.11
Industry composite	17,760.8	9	38,717.9	9	228.6	−7	934.7	10	1.3	1.5	11.9	16	2.04
SAVINGS AND LOAN													
Financial Federation	22.3	11	43.5	11	2.2	233	4.1	183	9.8	3.3	8.8	11	2.01
First Charter Financial	[1]66.6	21	128.0	21	12.1	27	22.0	31	18.1	17.3	15.1	13	1.96
Great Western Financial	71.5	11	140.5	12	9.1	25	17.1	27	12.8	11.3	12.7	11	2.27
Industry composite	160.4	15	312.0	15	23.4	34	43.1	36	14.6	12.5	13.3	11	2.08
SERVICE INDUSTRIES													
(Leasing, vending machines, wholesaling, hotels, etc.)													
AAV (10)	12.9	10	25.0	12	.4	26	.7	37	3.1	2.7	10.1	13	1.05
Castle (A. M.)	29.4	13	59.0	18	.2	2	.4	22	.7	.8	4.5	10	1.75
Commercial Metals (4)	54.1	−3	105.2	−1	.9	71	1.1	13	1.6	.9	5.6	12	1.02
Disney (Walt) Productions (3)	[1]86.2	89	161.6	100	10.3	53	19.4	73	11.9	14.8	12.2	74	2.56
Dun & Bradstreet	[1]99.8	12	191.6	11	8.4	16	15.8	15	8.4	8.1	23.2	30	2.46
Filmways (4)	14.1	−6	29.0	−6	0	NM	.2	NM	.2	NM	−4.9	NM	−.29
Fleming	186.7	7	432.9	8	1.3	16	3.1	13	.7	.7	13.3	10	1.10
Foremost-McKesson (9)	489.7	8	975.3	11	7.7	14	15.2	16	1.6	1.5	18.1	11	2.08
GAC	90.5	1	193.2	4	1.1	64	2.1	101	1.2	.8	−4.9	NM	−1.27
Genuine Parts	109.9	14	210.7	14	3.7	13	6.3	13	3.4	3.4	18.6	36	1.12
Gino's	[1]33.1	22	59.5	25	1.7	136	2.2	229	5.1	2.6	23.7	25	1.02

See footnotes at end of table.

SURVEY OF CORPORATE PERFORMANCE: 2D QUARTER 1972—Continued

Company	Sales				Profits								
									Margins		Return com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)			
SERVICE INDUSTRIES—Continued													
(Leasing, vending machines, wholesaling, hotels, etc.)—Continued													
Grainger (W W.)	50.2	23	89.5	24	3.1	26	5.1	28	6.2	6.1	20.4	38	1.71
Hilton Hotels	[1]89.1	8	172.6	7	5.4	18	9.1	15	6.0	5.5	8.8	19	1.88
Holiday Inns	[1]199.6	9	372.2	10	11.8	−3	18.5	4	5.9	6.7	13.4	30	1.36
Howard Johnson	[1]82.6	6	152.1	7	5.3	23	7.8	32	6.4	5.5	14.2	33	1.59
Interphoto (10)	14.9	6	44.5	57	−.3	NM	0	−54	NM	.8	3.3	18	.50
Intl Industries (4)	[1]20.2	36	40.0	37	0	NM	.2	NM	0	NM	−39.9	NM	−1.52
Kane-Miller	102.1	29	194.0	25	.8	20	1.2	−17	.8	.9	5.4	8	1.21
Kaufman & Broad (1)	62.1	30	117.4	32	4.1	94	7.8	92	6.6	4.4	17.5	41	.99
Marriott (5)	101.0	20	215.7	17	4.8	30	8.4	27	4.7	4.4	13.8	60	.59
McDonald's	[1]96.3	32	174.4	32	10.3	34	16.9	42	10.7	10.5	22.9	71	.81
Metro-Goldwyn-Mayer (4)	[1]33.9	−6	NA	NA	1.1	49	3.7	15	3.1	2.0	9.9	13	1.46
Nielsen (A.C.) (4)	33.1	16	64.8	15	2.6	30	5.1	22	7.9	7.0	17.3	33	1.80
Ryder Systems	91.8	20	172.2	20	4.4	28	7.0	34	4.8	4.5	15.2	35	1.22
Saxon Industries	81.7	2	158.0	0	2.1	11	3.9	4	2.5	2.3	0	NM	0
Sperry & Hutchinson	[1]157.3	10	299.3	9	9.2	4	17.4	5	5.9	6.2	19.0	8	3.44
Super Valu Stores (10)	356.7	22	NA	NA	2.3	6	NA	NA	.6	.6	2.08	13	2.22
UMC Industries	39.3	26	72.1	25	2.3	15	4.1	14	5.9	6.5	12.6	13	1.66
U.S. Home (10)	60.0	80	130.0	98	2.9	59	6.6	90	4.8	5.4	24.7	16	1.58
Vendo	33.1	13	58.8	17	1.1	50	1.6	79	3.4	2.6	1.2	90	.18
Warner Communications	115.7	29	230.2	32	12.1	25	24.3	21	10.5	10.8	17.7	19	2.29
Industry composite	3,027.2	17	5,201.0	18	121.1	42	215.2	37	4.1	3.4	14.8	29	1.39
SPECIAL MACHINERY													
(Farm, construction, materials handling)													
Allis-Chalmers	242.3	7	459.8	5	3.0	20	6.0	14	1.2	1.2	1.7	19	.60
American Hoist & Derrick (1)	46.9	21	99.2	18	1.4	66	2.0	72	3.0	2.2	5.8	15	.89
Bucyrus-Erie	45.6	−5	84.8	−14	4.2	28	7.2	16	9.2	6.8	13.0	13	2.00
Caterpillar Tractor	653.6	12	1,274.4	11	54.5	45	97.4	26	8.3	6.4	14.1	24	2.61
Deere (2)	418.6	29	691.6	26	33.3	137	50.8	147	8.9	4.3	12.7	10	6.34
Intl. Harvester (2)	925.4	14	1,547.4	17	32.0	45	34.8	279	3.5	2.7	6.2	13	2.59
Koehring (1)	75.5	18	133.0	19	1.8	47	1.8	238	2.4	1.9	4.9	19	1.05
Wickes (11)	157.4	24	303.2	25	2.9	24	4.1	45	1.6	1.8	9.5	21	1.63
Industry composite	2,565.3	15	4,593.3	15	133.0	59	204.0	66	5.2	3.8	9.7	17	2.67
STEEL													
Alan Wood Steel	29.8	−13	60.6	−5	.4	−65	.5	−63	1.3	3.3	−1.4	NM	−.73
Allegheny Ludium Industries	150.6	6	295.8	6	6.5	71	11.1	47	4.3	2.7	−.7	NM	−.20
Armco Steel	471.6	−2	913.7	4	19.4	12	34.4	22	4.1	3.6	4.8	12	1.64
Bethlehem Steel	804.4	−20	1,506.7	−15	36.8	−23	61.8	−24	4.6	4.8	5.8	10	2.70
Copperweld Steel	50.7	11	93.4	11	2.5	30	4.5	28	5.0	4.2	12.9	8	3.21
Cyclops	103.2	3	192.9	3	1.4	−47	1.5	−62	1.3	2.6	.8	45	.42
Easco	54.6	10	110.2	12	1.6	28	2.8	16	2.8	2.4	8.9	11	1.62
Florida Steel (3)	21.3	12	42.5	24	1.3	2	3.0	51	6.2	6.8	18.8	8	4.00
Inland Steel	[1]376.7	1	718.2	2	19.2	−20	36.9	−7	5.1	6.4	5.6	14	2.29
Interlake	99.9	1	192.9	0	4.0	−17	6.9	−20	4.0	4.9	6.1	10	2.70
Jones & Laughlin Steel	310.9	−14	574.1	−11	14.1	−27	22.6	−25	4.5	5.4	1.1	38	.47
Jorgensen (Earle M.)	33.5	21	84.9	19	1.3	45	2.4	89	3.8	3.1	10.6	8	3.19
Kaiser Steel	129.6	4	210.4	−24	1.7	975	−9.6	NM	1.3	.1	−3.9	NM	−1.51
Latrobe Steel	12.7	26	26.4	26	.2	NM	.3	NM	1.7	NM	−2.1	NM	−.41
Lukens Steel	35.8	−9	70.0	−9	1.9	121	3.1	96	5.3	2.2	5.9	10	1.96
Lykes-Youngstown	[1]269.9	−8	500.9	−4	6.9	−43	11.9	−17	2.6	4.1	−1.1	NM	−.33
McLouth Steel	77.5	12	147.8	7	2.0	NM	2.9	NM	2.5	NM	−.9	NM	−.37
National Steel	[1]429.8	−11	827.3	−5	21.3	−12	36.2	−2	5.0	5.0	5.3	15	2.69
NVF	87.2	11	166.3	12	2.7	50	4.3	37	3.1	2.3	12.1	4	5.21
Phoenix Steel	21.0	9	42.2	14	−.3	NM	.3	NM	NM	NM	−35.0	NM	−.72
Republic Steel	409.6	−15	780.2	−10	17.3	−7	28.7	2	4.2	3.6	.2	NM	.12
U.S. Steel	[1]450.0	−12	2,575.0	−9	52.4	−37	71.4	−45	3.6	5.1	3.0	14	1.98
Washington Steel (3)	14.8	12	26.9	13	.9	0	1.4	−11	5.9	6.7	10.0	8	1.80
Wheeling-Pittsburgh Steel	156.7	−7	290.9	−3	5.7	−37	8.8	−35	3.6	5.4	−1.3	NM	−.92
Industry composite	5,602.4	−9	10,419.4	−6	220.6	−19	346.1	−19	3.9	4.4	3.4	NA	1.69
TEXTILES AND APPAREL													
Adams Millis	16.1	13	28.3	5	.1	−80	.1	NM	.7	4.1	1.8	49	.17
Aileen (1)	15.6	−16	28.7	−14	.9	−57	1.8	−55	5.9	11.5	12.5	10	.96
Avondale Mills (4)	[2]37.2	5	71.5	3	1.2	−8	2.1	−15	3.3	3.7	8.8	12	3.15
Blue Bell (3)	86.8	12	175.6	15	4.0	3	8.7	8	4.6	5.1	16.3	15	2.44
Brown Group (2)	141.6	10	272.6	8	5.6	4	11.0	7	3.9	4.2	12.8	12	2.79
Burlington Industries (3)	471.0	10	914.4	6	12.7	20	24.6	8	2.7	2.5	5.4	20	1.53
Cluett, Peabody	125.2	11	250.5	11	2.5	61	5.5	39	2.0	1.4	8.4	13	1.34
Collin's & Aikman (10)	80.9	4	154.3	7	4.6	−1	8.8	8	5.7	6.0	17.8	15	1.58
Concord Fabrics (4)	15.9	−21	34.0	−16	−.6	NM	−.8	NM	NM	2.7	NA	NA	NA
Cone Mills	92.9	10	173.0	2	2.9	46	4.6	34	3.1	2.3	6.0	9	2.65
Dan River	92.0	16	176.4	13	1.1	NM	1.7	NM	1.2	NM	.7	63	.15
Fieldcrest Mills	57.4	4	108.3	7	1.9	12	2.9	15	3.3	3.0	10.2	13	2.32
Garan (3)	15.4	11	30.1	16	.9	24	1.6	39	6.0	5.4	24.2	12	1.41
Genesco (5)	336.3	5	715.5	7	.4	−29	11.4	−34	.1	2.2	10.0	10	1.54
Graniteville	42.5	25	83.4	26	1.2	25	2.0	−1	2.9	2.9	6.7	9	2.26
Hanes	58.7	42	113.8	51	1.7	288	3.9	65	2.9	1.1	7.9	13	1.57
Hart Schaffner & Marx (1)	98.7	17	206.7	14	3.0	43	6.5	38	3.1	2.5	8.3	19	1.38
Huyck	13.2	19	24.3	17	1.6	80	2.5	54	11.9	7.9	16.9	40	.86
Interco (1)	222.6	11	444.9	10	7.2	12	16.5	14	3.2	3.2	14.8	13	3.43
International Stretch Products (4)	13.4	16	23.9	9	0	−97	−.1	NM	0	5.0	7.1	12	.51
Levi Strauss (1)	121.9	29	221.5	27	7.4	47	12.3	32	6.1	5.3	17.9	25	2.08
Lily Lynn (1)	12.2	11	20.7	5	.3	35	.5	−4	2.6	2.2	8.6	14	.33
Melville Shoe	137.4	9	257.5	13	5.3	0	7.9	5	3.8	4.1	25.4	30	1.05
Munsingwear	20.9	25	44.5	20	.9	37	2.2	25	4.3	3.9	13.7	10	3.17
Puritan Fashions (1)	38.7	4	70.2	11	1.5	17	2.6	27	4.0	3.6	29.4	7	1.70
Riegel Textile (3)	53.2	20	103.6	20	1.2	53	2.3	65	2.2	1.7	6.4	12	1.58
Russell Mills	18.2	19	35.0	26	.9	72	1.4	115	5.0	3.5	9.3	8	1.58
Springs Mills	97.0	27	186.0	25	2.8	25	5.0	78	2.9	2.9	4.3	14	1.24

	Sales				Profits								
									Margins				
Company	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)	Return com. eqy. 12 mos. ending June 3	P–E July 31	12 mos. earnings per share
TEXTILES AND APPAREL—Continued													
Stevens (J. P.) (2)	230.6	12	430.0	14	2.9	NM	6.2	NM	1.3	0.1	2.2	20	1.33
Stride Rite (1)	12.2	10	25.0	7	.8	7	1.8	10	6.4	6.5	19.1	12	1.44
U.S. Shoe (2)	102.9	14	188.5	12	4.1	18	7.5	13	4.0	3.8	12.3	12	1.76
V F	[1] 73.5	12	141.4	7	4.1	27	8.1	20	5.6	5.0	17.4	17	1.64
Warnaco	71.0	18	136.5	15	1.5	52	3.2	58	2.1	1.6	12.6	10	2.03
Wayne-Gossard	12.0	−8	25.6	−2	.3	2	.6	55	2.4	2.2	8.8	10	1.21
West Point-Pepperell Manufacturing (4)	108.1	20	203.8	16	3.1	89	4.7	64	2.8	1.8	4.7	13	1.88
Wolverine World Wide	24.0	29	49.2	26	.1	−39	.6	0	.6	1.2	7.9	13	.62
Work Wear	34.3	8	66.0	8	1.1	25	2.2	18	3.2	2.8	12.8	9	1.45
Industry composite	3,201.5	13	6,235.5	11	91.2	14	184.2	17	2.8	2.8	8.9	17	1.60
TIRE AND RUBBER													
Amerace Esna	47.3	16	95.0	15	2.2	23	4.5	24	4.6	4.4	29.2	11	2.57
American Biltrite Rubber	36.4	4	70.6	9	1.3	113	2.4	701	3.5	1.8	8.2	8	1.47
Armstrong Rubber (3)	66.0	21	113.3	24	2.6	16	3.9	15	4.0	4.2	9.7	9	4.38
Cooper Tire & Rubber	36.3	11	65.7	15	1.4	36	2.1	77	3.9	3.2	10.4	10	1.60
Firestone Tire & Rubber (2)	674.2	5	1,247.5	7	34.5	5	56.2	11	5.1	5.1	10.2	11	2.05
General Tire & Rubber (1)	266.3	4	481.5	−1	18.6	53	27.2	55	7.0	4.8	12.6	9	2.93
Goodrich (B.F.)	394.4	21	741.9	22	17.0	46	25.8	54	4.3	3.6	7.0	9	2.89
Goodyear Tire & Rubber	1,061.8	11	1,980.9	12	54.5	13	93.2	16	5.1	5.0	12.6	12	2.51
Mansfield Tire & Rubber	26.4	0	47.9	4	1.1	1	1.7	19	4.1	4.1	7.8	7	1.66
Mohawk Rubber	30.5	12	51.1	9	1.1	53	1.7	38	3.8	2.7	13.0	9	2.69
Uniroyal	484.8	4	912.7	4	16.8	8	28.1	8	3.5	3.4	8.0	11	1.49
Industry composite	3,124.5	9	5,808.0	10	151.2	18	246.9	21	4.8	4.5	10.6	10	2.31
TOBACCO													
Cigars, cigarettes													
American Brands	[2] 758.6	9	1,471.6	9	30.9	4	59.8	3	4.1	4.3	13.9	10	4.40
Loews (4)	[3] 209.4	6	408.5	9	14.9	16	28.0	17	7.1	6.5	15.5	14	3.61
Philip Morris	[3] 524.1	11	1,010.3	14	31.8	24	59.2	26	6.1	5.4	21.2	25	4.39
Reynolds (R.J.) Industries	[2] 750.5	2	1,440.6	3	64.0	8	121.1	8	8.5	8.1	18.3	12	5.29
U.S. Tobacco	[2] 23.5	1	46.2	1	2.6	13	4.8	14	11.2	10.0	19.4	15	1.29
Industry composite	2,266.1	7	4,377.0	8	144.3	11	272.9	11	6.4	6.1	17.3	15	4.40
TRUCKING													
Carolina Freight Carriers	17.5	8	35.2	11	.6	7	1.1	15	3.5	3.5	25.4	10	1.38
Consolidated Freightways	142.5	24	281.3	29	6.2	22	11.3	38	4.4	4.4	23.7	13	2.03
Cooper-Jarrett	12.4	7	24.7	9	.2	9	.4	10	1.4	1.4	15.8	10	.99
Eastern Freight Ways	10.7	3	20.7	4	.4	−25	.7	18	3.7	5.2	25.9	10	1.39
McLean Trucking (6)	51.4	15	100.4	16	2.8	41	4.6	34	5.4	4.4	23.1	12	3.08
Merchants	13.3	7	25.5	8	.9	13	1.7	16	6.9	6.6	20.5	13	1.89
Overnite Transport	19.4	16	38.5	19	2.0	18	4.1	27	10.4	10.2	35.0	15	2.74
Roadway Express	84.7	24	165.2	24	5.7	47	11.0	54	6.7	5.6	29.1	21	2.23
St. Johnsbury Trucking	11.1	7	21.8	7	.5	9	.9	23	4.3	4.2	20.2	8	2.77
T.I.M.E.-DC	38.2	2	75.4	5	.6	−36	1.3	2	1.7	2.7	12.9	9	1.13
Transcon Lines	33.4	25	62.3	22	.8	−31	1.2	−36	2.4	4.3	15.2	10	1.37
Tri-State Motor Transit	10.8	8	20.2	12	.4	27	.5	58	4.0	3.4	6.2	10	.83
Woods	17.4	27	32.7	26	1.0	56	1.8	39	6.0	4.9	12.6	14	1.26
Yellow Freight Systems	64.2	22	124.0	23	4.5	38	7.7	39	7.0	6.2	28.7	16	2.16
Industry composite	527.1	18	1,027.9	20	26.7	23	48.2	32	5.1	4.8	22.7	12	1.92
UTILITIES													
(Telephone, electric, gas)													
Allegheny Power System	83.9	9	171.9	9	15.8	16	32.8	17	18.9	17.7	13.3	9	2.22
American Electric Power	208.2	12	419.1	12	44.2	22	86.1	20	21.2	19.6	13.3	11	2.48
American Telephone & Telegraph (1)	5,135.2	12	10,055.6	12	619.7	6	1,186.5	4	12.1	12.7	8.7	10	3.98
Baltimore Gas & Electric	97.3	8	214.3	11	15.9	19	36.5	21	16.4	14.9	12.7	10	2.80
Boston Edison	66.0	8	137.3	6	7.9	−4	16.8	−1	12.0	13.5	11.8	10	3.49
Carolina Power & Light	71.8	23	143.3	23	13.6	91	28.0	100	18.9	12.1	15.4	10	2.62
Central & South West	100.1	13	191.1	12	15.1	10	28.0	7	15.0	15.5	15.4	13	3.07
Cincinnati Gas & Electric	73.8	7	170.6	7	9.8	15	26.3	8	13.3	12.4	13.4	11	2.03
Cleveland Electricillum	71.0	7	144.8	7	11.5	22	23.9	14	16.2	14.3	13.7	11	3.13
Commonwealth Edison	271.1	16	553.6	15	37.8	18	81.1	20	13.9	13.7	13.2	12	2.93
Consolidated Edison of New York	345.4	16	714.8	14	30.5	33	76.0	17	8.8	7.7	8.1	10	2.44
Consumers Power	176.1	14	403.5	11	20.6	2	46.4	0	11.7	13.1	9.7	11	2.62
Detroit Edison	160.6	12	328.3	11	23.5	50	46.3	31	14.7	10.9	10.6	10	1.93
Duke Power	120.8	13	243.2	12	19.8	20	39.1	22	16.4	15.5	11.4	11	1.88
Florida Power & Light	129.0	16	246.4	15	18.4	18	36.2	31	14.3	14.0	15.3	11	2.73
General Telephone & Electronics	1,048.5	11	2,057.0	12	72.0	12	134.4	13	6.9	6.8	12.9	11	2.45
Houston Lighting & Power	87.2	17	158.2	16	15.1	16	25.2	18	17.3	17.4	16.1	14	3.03
Lone Star Gas	68.2	10	158.7	7	7.1	24	27.4	9	10.4	9.2	15.0	13	2.37
Long Island Lighting	91.7	15	196.9	13	13.2	21	30.5	10	14.4	12.9	12.9	10	2.17
Mountain States Telephone & Telegraph (1)	219.0	11	427.5	11	26.8	−2	51.6	−5	12.2	13.9	9.9	10	2.09
New England Elec	99.5	16	209.9	15	10.9	24	25.6	20	11.0	10.3	11.4	10	2.28
New England Telephone & Telegraph (1)	256.6	15	496.2	13	23.2	−1	43.4	−6	9.1	10.5	7.4	14	2.31
New York State Electric & Gas	57.1	4	123.5	6	8.4	16	17.8	18	14.7	13.1	9.9	11	2.80
Niagara Mohawk Power	153.0	12	336.0	10	20.1	46	44.9	34	13.2	10.1	11.3	9	1.80
Northeast Utilities	114.2	18	240.1	17	22.7	55	44.9	51	19.9	15.2	13.7	9	1.57
Northern Illinois Gas	105.1	14	262.2	10	14.4	17	36.7	3	13.7	13.4	15.4	9	2.82
Northern Indiana Public Service	87.7	10	195.8	9	9.6	3	22.9	2	10.9	11.7	14.8	11	2.12
Northern States Power	102.7	10	224.0	15	15.4	23	33.9	23	15.0	14.1	14.3	9	2.81
Ohio Edison	82.5	12	168.8	12	12.9	12	26.5	9	15.6	15.5	13.5	11	1.84
Pacific Gas & Electric	320.7	8	690.0	10	53.0	14	113.0	13	16.2	15.4	11.7	9	2.91
Pacific Lighting	195.9	6	408.8	10	−0.3	NM	22.7	−15	NM	4.7	10.5	10	2.25
Pacific Northwest Bell Telephone (1)	131.6	14	254.4	13	15.2	16	27.6	10	11.6	11.3	8.0	12	1.28
Pacific Telephone & Telegraph (1)	576.2	6	1168.1	9	43.4	−11	104.2	11	7.5	8.9	7.7	11	1.46
Pennsylvania Power & Light	84.6	16	174.3	15	13.8	9	28.0	18	16.3	17.5	10.6	10	2.42
Philadelphia Electric	161.9	13.	340.3	15	27.1	26	57.8	28	16.7	15.0	12.0	10	2.23
Public Service of Colorado	63.1	12	139.7	11	8.0	27	19.0	11	12.6	11.2	11.8	10	1.86
Public Service of Indiana	52.2	15	104.8	11	8.3	13	16.5	5	15.9	16.2	12.2	14	2.64
Public Service Electric & Gas	228.7	10	494.8	7	26.9	−12	60.5	−18	11.7	14.7	10.3	9	2.47
Southern California Edison	219.8	22	444.4	21	33.0	29	59.3	6	15.0	14.3	9.9	10	2.46

See footnotes at end of table.

SURVEY OF CORPORATE PERFORMANCE: 2D QUARTER 1972—Continued

	Sales				Profits								
									Margins				
Company	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (million dollars)	Change from 1971 (percent)	6 mos. 1972 (million dollars)	Change from 1971 (percent)	2d quarter 1972 (percent)	2d quarter 1971 (percent)	Return com. eqy. 12 mos. ending June 3	P-E July 31	12 mos. earnings per share
UTILITIES—Continued													
(Telephone, electric, gas)—Continued													
Southern	221.6	17	436.0	17	27.4	21	58.1	20	12.4	12.0	10.4	11	1.73
Texas Utilities	131.6	18	239.0	14	25.0	21	42.3	9	19.0	18.8	14.2	15	1.72
Union Electric	89.0	6	174.5	8	12.3	−14	23.6	−10	13.9	17.0	10.0	12	1.44
Virginia Electric & Power	105.7	17	216.5	14	18.3	39	40.4	23	17.4	14.6	11.9	9	1.90
Western Union	[1]113.6	13	227.6	17	9.2	600	16.1	163	8.1	1.3	5.1	29	1.97
Industry composite	12,385.4	12	24,903.8	12	1,496.7	10	3,044.5	9	12.1	12.1	9.9	12	2.72

[1] Sales include other income.

[2] Sales include excise taxes.

[3] Sales include excise taxes and other income.

Note: (1) 2d quarter ending May 31; (2) 2d quarter ending Apr. 30; (3) 3d quarter and most recent 6 months ending June 30; (4) 3d quarter and most recent 6 months ending May 31; (5) 3d quarter and most recent 6 months ending Apr. 30; (6) 4th quarter and most recent 6 months ending June 30; (7) 4th quarter and most recent 6 months ending May 31; (8) 4th quarter and most recent 6 months ending Apr. 30; (9) 1st quarter and most recent 6 months ending June 30; (10) 1st quarter and most recent 6 months ending May 31; (11) 1st quarter and most recent 6 months ending Apr. 30; NA, not available; NM, not meaningful.

Source: Investors Management Sciences.

GLOSSARY

Sales—Includes all sales and other operating revenues. For banks, includes all operating revenues.

Profits—Net income before extraordinary items. For banks, profits are before security gains or losses.

Margins—Net income before extraordinary items as percent of sales.

Return on common equity—Ratio of net available for common stockholders to average common equity, which includes common stock, capital surplus, retained earnings.

Price earnings ratio—Based on July 31 stock price and earnings for latest 12 months.

Earnings per share—For latest 12 months, includes all common stock equivalents.

AMERICAN POLICIES IN THE MIDDLE EAST

Mr. RIBICOFF. Mr. President, a few days ago, Florida State Representative Lewis Wolfson II spoke to a large gathering in North Miami Beach, Fla., on the subject of American policies in the Middle East.

Mr. Wolfson perceptively analyzed the current situation there following the Soviet pullout from Egypt and pointed to the great dangers to American interests still remaining. He also called attention to the vital role of the Congress in initiating military and economic assistance for Israel.

Representative Wolfson's persuasive arguments for strong American economic, military, and diplomatic support for Israel provide a blueprint for future American policies in the Middle East. I commend him for his forthright position on this vital issue, and would encourage all my colleagues in the Congress to read this important address.

Mr. Wolfson is a most able and dedicated public servant who as a State legislator has devoted his energies to the problems of the people of Florida. I am confident that as a Congressman he would bring great wisdom and ability to the task of finding solutions to the problems of his congressional district, the State of Florida, and the United States.

I ask unanimous consent that the text of Mr. Wolfson's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY STATE REPRESENTATIVE LEWIS WOLFSON II

Important and dramatic changes are occurring in the Middle East. While the full significance of the partial Soviet withdrawal from Egypt is yet to be assessed, it is only a single piece of a shifting mosaic. Rational behavior and logic have never in the past characterized Middle East politics. But what does remain clear is that the limited withdrawal of Soviet advisers does not mean the end of a significant Soviet role both in Egypt and in the entire Middle East.

Economically and diplomatically, the Russians have scored notable gains in an area not only of great strategic importance, but one which contains two-thirds of the world's known oil reserves. Predictions of an "energy crisis" in the 1980's are linked with an estimate that 50% of American oil will have to come from the Middle East by 1985. The implications of these predictions are certainly ominous for the United States. For Israel they could become nightmarish if the United States were in fact to become dependent on Arab oil.

Danger signals are already flashing. Only recently Iraq rationalized the Iraq Petroleum Co.—a consortium controlled by British, French, Dutch and American oil interests. The Soviet presence in Iraq can be expected to increase greatly as a result, and along with it Soviet control over Iraqui oil.

Communist nations also provide the Arab oil nations with oil markets, which give the Arabs more flexibility in their moves to squeeze the international oil companies. Libya, which is pushing for union with Egypt has already shown its skill at playing this kind of blackmail. But Russia's target in this area is really the Persian Gulf, where most of the Mideast oil reserves are located. For decades Britain dominated this area militarily while American oil companies did so economically. Britain's recent military pullout from this area, however, left a political vacuum which Russia is rapidly filling.

With the Russians able to meet their own oil requirements, it is not difficult to see why the Soviet Union is actively seeking control over the sources of Mideast oil. Simply put, Russia would like to become the middleman for Mideastern oil, supplying its friends and controlling the oil tap for Western European countries.

The Russians undoubtedly would like to see the U.S. and other Western nations as well as Japan forced to obtain their oil supplies through the grace of Moscow. The economic leverage at their disposal could conceivably destroy NATO and make a shambles of the western alliance.

How have American policymakers reacted to these direct challenges to vital American economic and strategic interests? Until the beginning of this year our government's position with respect to Israel, the major obstacle to Soviet encroachments, have been weak and vacillating.

In fact, a very serious crisis in U.S.-Israel relations had existed for the past three years. It began with the Rogers Plan in December of 1969 which called for almost total withdrawal of Israeli forces from all Arab territories—including strategically vital Sharm-el-sheikh. The crisis was aggravated by the massive Soviet-Egyptian ceasefire violations in August 1970—and the massive American silence which followed these blatant violations. Relations deteriorated further with the refusal of the Administration to meet Israel's requests for Phantom jets and other advanced military weapons so desperately needed. During the first three years of the Nixon Administration, and during Nasser's war of attrition against Israel, only 18 Phantom jets were sold to Israel. This virtual arms embargo by the United States against Israel was being used to force Israel into agreeing to a disastrous political settlement.

This unfortunate situation has now changed—temporarily at least. Israel is now able to buy a variety of weapons from the United States, including Phantom jet aircraft, air-to-ground missiles, M–60 tanks, heavy field guns, C–130 transport planes, and advanced electronic equipment.

Mainly because of actions started in the Congress during the past three years, Israel is now receiving both military credits and direct economic supporting assistance. Another Congressional initiative, calling for an $85 million appropriation to aid Israel in the resettlement of Soviet Jews is in its final stages. All of these legislative proposals to help Israel were met with Administration opposition when they were introduced.

Throughout Israel's history the Congress has sought to counter the pro-Arab bias and bad advice of the State Department on the Middle East. If the State Department's views had prevailed—Israel would have never been born in the first place. During the recent crisis in American-Israel relations the Congress has been the focal point for strong pressures on the Administration to give Israel greater economic, military and diplomatic support. These pressures have included round robin letters to the Secretary of State and to the President citing the Soviet threat and calling for Phantom jet deliveries. In September of 1970, over Administration objections, $500 million in military credits for Israel was approved by the Congress by an overwhelming margin. This Amendment authorizing military credits for Israel is being extended by Congress through the end of 1973 to ensure the continued flow of arms. Through these decisive actions a reluctant Administration was repeatedly reminded of the Congress' firm position on the issue of assistance to Israel.

As your Congressman you know where I will stand on this vital issue. My firm and unwavering support for measures to assist Israel diplomatically, economically and militarily is based on my belief that these policies are in the best interests of the United States of America and of world peace.

Another crucial factor in the recent shift in American policies was the courage and steadfastness of the people of Israel and the remarkable qualities and skills of Prime Minister Golda Meir.

At her meeting with President Nixon last December 2nd, she stated Israel's case frankly and eloquently. No American President, or any world leader for that matter, could have failed to be impressed by her courage, compassion and tenacity. This meeting resulted in the temporary shelving of the Rogers' Plan and the beginning of a flow of desperately needed armaments. One wonders, however, what the situation will be after the elections in November. Should President Nixon be reelected will he be more likely to listen to the advice of the President of Standard Oil, or the President of the UJA?

One important factor which appears constant is Arab belligerency and unreasonableness. Allies may be fickle—as the French Government has shown to its discredit—but Israel's Arab enemies have been remarkably consistent in their intransigence. Mrs. Meir's recent eloquent pleas in the Knesset for direct peace negotiations with Egypt were met with total hostility by President Sadat. Until the day when an Arab leader is ready to go before his people and utter the magic words "peace with Israel", Israel must maintain its vigilance and insist upon secure and defensible borders. But if Israel is to persevere in reaching these goals it must have the solid support of the United States Government and of the Congress.

The history of the Middle East since the Six Day War clearly demonstrates that during the times that the United States has lent Israel its diplomatic and military support the chances for peace have improved. By the same token during the times when Israel was threatened with a cut-off of arms and was pressured to commit itself to withdrawal as a precondition to negotiations, the threat of hostilities increased.

A medieval scholar once said—"The height of stupidity and weakness is not to know an enemy from a friend." It would be the height of folly for the United States to ignore this dictum. While seeking the friendship of the Arab world and while wrestling with the problem of oil, the United States must continue to treat Israel as a true friend. Failure to do so can only result in tragedy for Israel, for the United States, and for the entire world.

If I am elected to Congress my voice will be heard and my vote will be counted in defense of Israel's right to exist, to flourish, and to live in peace.

THE IMPRESSIVE F-111

Mr. GOLDWATER. Mr. President, when the TFX airplane, which later became the F-111, was introduced into the Air Force inventory, it was a subject of much criticism and more confusion. To begin with the airplane should never have been considered as a multimissioned one and, thank goodness, the Air Force dropped that idea. It is now proving to be one of the finest aircraft this country has ever had; and should it ever be called upon for combat duty, it will perform in the highly successful manner it flies in its practice missions.

We are fortunate in this country that the engineers of General Dynamics, combined with the experience and intelligence of the Air Force, has been able to produce that airplane, which is now the finest of its kind in any air force in the world.

I have had a number of flights in the 111, each one more impressive than the one before, and I know that every pilot who has ever flown it has that same feeling.

I ask unanimous consent that an article written by Mr. Drew Middleton and published in the New York Times of August 5 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Costly and Controversial F-111 Is Fully Accepted by Air Force

(By Drew Middleton)

Washington.—"Any time there's anything wrong with an F-111 it's all over the newspapers," said Lieut. Col. Robert Morrison, "but believe me, I've put in plenty of hours on it and the F-111 can do more things, things the Air Force needs, than any other aircraft—and it's stable and safe, too."

Born in controversy and reared in criticism, the F-111 has been plagued by the "bugs" common to all aircraft that embody technological breakthroughs. But the F-111 and the fighter bomber version, the FB-111, are fully accepted by the Air Force.

Col. Louis Gagnon, who has been with the aircraft from the start, and Colonel Morrison said that it had "one of the better records" among combat aircraft after 150,000 hours operational flying.

The Air Force lists 30 major accidents for F-111's between January, 1967, and June 18 of * * *

The official accident * * * the loss of three aircraft in Southeast Asia. The two-man crews of two of the latter are listed as missing in action. The other 27 accidents have claimed the lives of 19 crewmen.

MODULE SAVED CREWS

* * * The accidents * * * notes eight instances in which the lives of crews were saved by the F-111's unusual crew module. This is a self-supporting unit allowing the crew to eject from the aircraft at any moment.

An exploding wire severs the module from the fuselage and a single large rocket motor propels the module clear of the aircraft before the parachutes open.

Political doubts about the plane's capacity and its high cost—about $10-million a copy—have magnified every accident in the public mind, Air Force officers argue.

They point out that criticism of the plane flourished during its first 80,000 hours even though the F-111's record of 21 accidents in that period compared favorably with 39 for the F-4 and 33 for the F-106 in the same time frame.

WARTIME MISSION

Experienced F-111 pilots here and with the Third Air Force in Britain called the plane the best aircraft for nighttime and bad weather strikes deep inside enemy territory. In wartime, the F-111 would be assigned to interdict enemy airfields. This was the decisive mission of the Israeli Air Force in the Six Day War of 1967.

F-111 pilots believe that, if the Israelis had F-111's at that time, they would have completed their mission at night with less aircraft and greater destruction of the Egyptian Air Force.

The aircraft's advanced design enables it to perform at least three roles—tactical fighter, tactical reconnaissance and strategic bomber.

The advent of new Soviet fighters has prompted discussion of the F-111's chances with the Soviet MIG-23 or Foxbat. Intelligence sources say the MIG-23 has a ceiling of 90,000 feet and a speed of Mach 2 plus, with a 4,000-pound payload.

EFFECTIVE ALTITUDE

Aerial combat is unlikely in upper altitudes. Most such fighting takes place around 20,000 feet. There, American pilots argue, the F-111 is superior. Air Force experience in Vietnam is that the MIG-21J, the basic Soviet interceptor, was not effective against F-105's at that and lower altitudes and note that the F-111 is much faster at low altitudes than the F-105.

The MIG-23 has what airmen call a "look down, shoot down" capability, enabling it to fire missiles on fighters below. The Air Force contends that the tail radar in the F-111 will give sufficient warning of such attacks.

The ultimate answer is that the F-111 is built to operate at night, at low altitudes and in bad weather. These are conditions that do not favor the MIG-23, according to intelligence officers. Aerial combat is not the F-111's job, they add. Its job is "destroying the other fellow's planes and bases on the ground."

TWO MAJOR ADVANCES

The F-111 incorporates two major advances in military aviation.

One is its swing or variable sweep wing. The F-111, with wings extended, takes off in less than 3,000 feet. In flight, the wing can be folded back to a delta wing configuration for high speed.

The aircraft's most remarkable attribute is its capacity to fly automatically at low level under the "eyes" of enemy radar.

It is this capacity to penetrate radar defenses that is believed to be behind the Soviet delegation's suggestion at the recent talks on the limitation of strategic arms that the F-111's be included in the discussion. It was the only aircraft mentioned by the Russians during the talks.

The F-111's Terrain-Following Radar, or TFR, can be set to fly the plane at a selected low level.

TFR guides the plane over the contours of the earth, swooping into valley and clearing mountains at a fixed altitude day or night, regardless of weather. Should any of the TFR circuits fail, the system puts the plane automatically into a climb to a higher altitude.

EVADES ENEMY RADAR

The F-111 has a speed of Mach-1 plus at sea level. Moving at that speed "on the deck," no eye, human or radar, can pick it up in time for effective action. During a short operational tour in Vietnam, the F-111 was engaged by enemy fire on only 42 per cent of its missions.

At high altitude the F-111 has a speed of Mach 2 to 2.5 times the speed of sound. (At sea level and at 32 degrees Fahrenheit, sound travels at a speed of 1,088 feet a second.)

Along with its other attributes, the F-111, a two-man aircraft, is a comfortable "fly."

"Moving from the ordinary fighter to the F-111 is like moving from a Jeep to a Cadillac," said Maj. Cornelius Kelly.

However, the aircraft has been controversial from its birth.

Early in the Kennedy Administration, Secretary of Defense Robert S. McNamara began thinking about a multimission aircraft. He wanted a plane that could do a variety of jobs at greater cost effectiveness rather than single-mission planes.

UNPOPULAR CONCEPT

This was not a popular concept with the Air Force and the Navy. But, under pressure, they agreed and listed their individual requirements.

The Air Force wanted a long-range fighter bomber capable of flying at high speeds and low altitudes, carrying conventional or nuclear bombs. The Navy asked for a carrier-borne interceptor of medium range for fleet defense.

In January, 1968, six years after the Defense Department awarded the F–111 contract to the General Dynamics Corporation, the British, who had agreed to purchase 40 F–111's, pulled out of the program. In July, 1968, the Navy followed suit.

The effect was to increase public doubts about the plane's effectiveness.

Since then the British, in cooperation with the West Germans and Italians, have embarked on the MRCA, or Multiple Role Combat Aircraft, program to build a fighter with many of the F–111's characteristics.

RESULTS IN VIETNAM

The aircraft's history in Vietnam was not happy. A six-plane force flew 55 combat missions and then, Colonel Morrison said, "ran out of missions." It began to fly early in March, 1968, and at the end of that month the Johnson Administration stopped its bombing of North Vietnam.

Officers say the F–111 did its job. The results, as estimated from reconnaissance photographs, showed that the plane could hit its targets at night and in bad weather as effectively as other fighter bombers could do in daylight.

The F–111's cost has been another suorce of criticism.

The fighter version's "fly-away cost," that is, airframe and two Pratt and Whitney TF–30–P–3 turbofan engines, is about $9.5-million for the fighter and just under $10-million for the fighter bomber. When support and spares are added, the prices rise to $11.8-million and $13.9-million.

$8.8 BILLION PROGRAM

The total program cost is estimated at $6.6-billion for the fighters and $1.2-billion for the bombers. There are two wings of bombers in the United States, one at Plattsburg Air Force Base in New York and the other at Pease Air Force Base in New Hampshire. One wing of fighters, 72 aircraft, is deployed at Upper Heyford in England.

Air Force officers are generally convinced that the F–111 is worth the money in either version. This is not only because it can do things no other aircraft can do, they argue, but because it incorporates technology—the variable wing, TFR, the crew module, the main strut landing gear—that represent the future in combat aircraft.

"There is no comparable aircraft," Colonel Gagnon said.

POLITICS IN THE PEACE SIGNALS

Mr. SCOTT. Mr. President, the Philadelphia Inquirer sums it up the best in an editorial entitled "There's a Touch of Politics in All Those Peace 'Signals.'" It bears reading by every Senator and I wish more persons could be exposed to the editorial writer's views, because they make so much sense.

I ask unanimous consent to have the editorial included in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THERE'S A TOUCH OF POLITICS IN ALL THOSE PEACE "SIGNALS"

A growing number of voices, including George McGovern's and Sargent Shriver's—all of them Democrats—are crying that the Nixon Administration "blew" a chance to negotiate peace in Vietnam in early 1969. A swelling chorus of others, including William P. Rogers' and Henry Cabot Lodge's—Republicans all—is rebutting.

And then, Ramsey Clark returns from Hanoi and environs with the advice that a North Vietnamese newspaper editor told him that if "there is a change of administration" in the U.S., all prisoners could be released the day of the inaugural—presumably George McGovern's.

It is the quadrennial national political season, that time which the balance of nature has set aside for such noises to be heard throughout the land. It has something to do, we believe, with the preservation of the species.

So just as we are incapable of resentment on being awakened at 4 A.M. on a Maine lake by the call of the nesting loon, we tend toward forgiveness of excess of political oratory, in consideration of the season.

Nonetheless, there is a disturbing element of nonsense in Mr. Shriver's allegation of last Thursday that "Nixon had peace handed to him literally in his lap. He blew it."

There is at least as much nonsense in the suggestion that unofficial talks—especially with a newspaper editor, which in Communist countries means professional propagandist—are going to contribute much light on the road to peace in Southeast Asia.

Mr. Shriver's claim was broadly supported on Saturday by Sen. McGovern and by Averell Harriman, who was head of the U.S. peace negotiating team in Paris at the end of the Johnson Administration, and by Cyrus Vance, who was Mr. Harriman's chief subordinate.

But what the Harriman-Vance statement did not contend is what Mr. Shriver said: that peace was "literally in (Mr. Nixon's) lap."

The entire ghastly history of negotiations with the North Vietnamese has been crammed with interpreting, misinterpreting and sometimes imagining "signals" from Hanoi's councils. The essence of Mr. Shriver's charge—and that of his supporters, to the extent that they really support him—is that such a signal was sinisterly or negligently misread by the Nixon Administration in its first few weeks or months in office.

Mr. Shriver was U.S. ambassador to France during the beginning of that period. As such, he was only peripherally involved in the peace efforts. He claims that his points were made at the time—but through channels. Mr. Rogers and Mr. Lodge, who succeeded Mr. Harriman, say there is no record of his criticisms.

And Mr. Shriver has done nothing to settle the question: If all those overtures were being made in late 1968 and early 1969, why didn't President Johnson, with the help of Messrs. Harriman, Vance, Shriver et al., come to peace terms?

Even if the criticisms had been made loudly and promptly, subsequent experience has strongly indicated that the Hanoi negotiators' use of "signals"—including flat public statements—has been a cynical practice. An elaborate record of that practice, for example, was made public last Jan. 25, when Mr. Nixon set side by side the North Vietnamese statements about negotiations over several months. Public and secret positions were often exact opposites.

Debate about the war is proper campaign fodder. But peace will not be found in 1968 or 1969. It may be found in 1972. But not by disputable readings of questionable events, nor by simplistically accepting as diplomatic mortar the informally offered propaganda of brilliantly cynical negotiators.

DANGER IN PRECIPITATE U.S. WITHDRAWAL FROM INDOCHINA

Mr. SCOTT. Mr. President, an editorial published in yesterday's Washington Evening Star and Daily News elucidates a warning to those who advocate a precipitate total U.S. withdrawal from Indochina. I, myself, have issued this warning on several occasions, and believe the point is well worth making again.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MASSACRE IN BINHDINH

It is a fervently held article of liberal faith that if the United States will just get out of Indochina, all will be sweetness and light among the Vietnamese people, North and South, Communist and non-Communist. Those who chant this doxology ignore the execution of thousands of Vietnamese and flight of tens of thousands more when the Communists took over in the North in 1954. They ignore the mass graves containing the bodies of more than 2,600 South Vietnamese civilians murdered at Hue during the 1968 Tet offensive. So they should have no difficulty whatsoever in glossing over the less numerous casualties of the more calculated reign of terror which has taken place at Binhdinh province on the central coast of South Vietnam the past three months.

Binhdinh fell quickly to the North Vietnamese in early April and it was not until July that Saigon's forces launched a serious effort to retake it. So the Communists had plenty of time. There was no need to hurry, as there was in Hue in 1968, when American and South Vietnamese forces counterattacked within days of the city's fall.

According to intelligence reports and on-the-spot interviews with survivors, the Communists were extremely methodical. They rounded up hamlet and village chiefs, pacification workers, policemen, militiamen, teachers, doctors, nurses, clerical workers, literally anyone who had had any connection with the Saigon government. "People's courts" executed several hundred (perhaps as many as 500) and shipped an estimated 6,000 others off to "people's prisons" in remote areas of the Communist-held Anlao valley. Most of those killed apparently were executed by rifle fire but others were buried alive, beheaded or hacked to pieces.

None of this represents any new departure in tactics on Hanoi's part. Aside from the general massacres in the North in 1954 and in the South during the 1968 Tet offensive, the murder and kidnaping of South Vietnamese officials has been part and parcel of Communist "liberation" since the war began. In the past four and a half years, nearly 25,000 South Vietnamese civilians and officials have been executed by the North Vietnamese Communists and the Viet Cong.

There have, of course, been atrocities on the Allied side. But anyone who is still prepared to maintain that a Communist takeover in South Vietnam would not lead to a bloodbath of major dimensions is simply ignoring the evidence at hand. A politician like Senator McGovern, who advocates a quick and unilateral American withdrawal from Southeast Asia, need look no farther than the shallow graves of Binhdinh province to see where the policies he advocates would lead those who have placed their trust in the United States.

THE DEFINITION OF GENOCIDE

Mr. PROXMIRE. Mr. President, a source of many of the arguments against the ratification of the Genocide Treaty has been the misunderstanding of the treaty's definition of genocide. The concern that individual acts of prejudice will bring charges and convictions of genocide under the treaty is without basis.

Article II of the convention defines genocide in such a way as to differentiate it from individual acts of murder or prejudice. The crucial words are:

> In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.

The Committee on Foreign Relations in its report on the convention has pointed out that it is necessary to prove intent to destroy, in whole or part, a group before a conviction of genocide is possible.

The report clarifies this definition further:

> There have been allegations that school busing, birth control clinics, lynchings, police actions with respect to the Black Panthers, and the incidents at My Lai constitute genocide. The committee wants to make clear that under terms of Article II none of these and similar acts of genocide unless the intent to destroy the group as a group is proven . . . This convention does not aim at the violent expression of prejudice which is directed against individual members of groups.

We are all opposed to such acts against individuals, and it is important that we commit ourselves to eliminating that behavior. However, this treaty leaves that problem under the jurisdiction of individual nations. Only when the intention of the transgressor is the destruction in whole or part of a national, ethnical, racial, or religious group as outlined in article II does the act become genocide.

This treaty joins nations together only to outlaw the crime of genocide. That crime is clearly differentiated from isolated acts of violence or prejudice by the intentions of the transgressor.

It is time that we declare our opposition to genocide. This treaty is so constructed as to allow us to do so without interferring with any issues which must rightfully be handled by our Nation alone. Therefore, I urge the Senate to move for the immediate ratification of this humanitarian treaty.

PENNSYLVANIA FLOOD RELIEF

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial entitled "Agnes, Romney, and Shapp" relating to flood relief in Pennsylvania and published in the Pittsburgh Press of August 13, 1972.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AGNES, ROMNEY, AND SHAPP

President Nixon sent HUD (Housing and Urban Development) Secretary George W. Romney to Wilkes-Barre to get the "snags" out of the relief program for victims of the unprecedented floods generated by Hurricane Agnes.

One of the first "snags" Mr. Romney encountered was Gov. Milton J. Shapp of Pennsylvania. Gov. Shapp demanded the federal government do more than it is doing. A typical snide remark of the governor:

"I can't believe you would just leave people without any help."

Gov. Shapp also has been insistent that the "federal government make these people whole," which has been translated to mean that the government restore in full all the losses of the flood victims.

Regardless of the compassion which the sufferers of this calamity merit, holding out the promise of 100 per cent restoration of losses is cruel and impractical. There is a limit to which government can go to alleviate losses in any major disaster.

The government is laying out an enormous sum—$1.2 billion—just in Pennsylvania alone. It is trying to help people find temporary homes in six states affected by Agnes.

Obviously, the relief has not been instant and thousands of victims still are frustrated. Bureaucratic sluggishness has been evident in some cases and this is inexcusable.

But what has Gov. Shapp been doing? If he is as concerned about the flood victims as he says, he must have more to do than quarrel with Mr. Romney, who went to the area to help.

But the real handicap to fast relief is the sheer magnitude of the disaster. Consider the statistics calculated by the federal Office of Emergency Preparedness:

Agnes spread her destruction along 4,500 miles of major rivers and 9,000 miles of tributaries. In the six states, 27 cities and 206 counties suffered disaster.

Thousands of people at all levels of government, in the Red Cross, Salvation Army and many volunteers, are working their hearts out to give the flood victims a hand. Mistakes, honest or just clumsy, are bound to happen.

But public griping, buck passing and sniping by politicians help nobody.

FEDERAL FUNDING OF SOCIAL SERVICES PROGRAMS

Mr. ROTH. Mr. President, last Friday I invited the attention of the Senate to an article published in the Washington Post concerning a request by the State of Maryland for Federal funding under the social services program. The article pointed out that Maryland had increased its request for funding under the program from $22.9 million last March to $417 million in June, a 1,825-percent increase over a 3-month period.

Today, I ask unanimous consent to have printed in the RECORD an editorial published in yesterday's Washington Post. The editorial, I believe, points out some of the many problems with the social services program as it is now administered. As I have said before, the program needs to be reformed in some way; and I think the editorial may help Senators to understand my point of view.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHY NOT ASK?

So the federal government has lost control of one of its grant programs, and the states want to draw $5 billion this year in aid to their social services. Is that bad? Social services are worthy and useful. Even if this sudden outpouring of federal money is inadvertent, why cut it off?

The answer lies no farther away than Maryland. Last March, Maryland budgeted only $22.9 million in federal aid to its social services for this fiscal year. But in mid-spring the word got around that the federal administrators would grant very nearly whatever the states requested. Under the law, a state can ask for three federal dollars for each state dollar spent in this field and the legislation contains no limit. Maryland officials frantically combed through the entire state budget, listing every expenditure that could conceivably be considered a social service and requesting the federal treasury to match it, three for one. The state hired consultants to help in the search. They listed not only the expenditures of state agencies but a wide variety of private and voluntary social agencies. By the deadline in June, they had pulled together an application for $417 million. That is an 1,825 per cent increase over the first version of the request three monthe earlier.

That application is "conservative," argues Maryland's Secretary of Employment and Social Services, Mrs. Davidson. Conservative, one asks, compared to what? Having been busy drawing up the application, Mrs. Davidson and her staff have not yet been able to draw up the plans for spending it. As Herbert Denton reported in this newspaper after an illuminating interview with Mrs. Davidson, she expects to use the new money to expand existing programs and create additional ones. Unfortunately, she is not yet able to tell precisely which existing programs will be expanded, or how much, or what new ones might be created. She could not, of course, begin to estimate how many of Maryland's citizens might benefit from this massive infusion of nearly half a billion dollars, or which citizens. Qualified staff is hard to find in the social services, but staffing is another question being left to the future.

In its extreme vagueness, the Maryland application is similar to most other states. It is exceptional only in the rate of expansion from last year. That rate is exceeded only by Mississippi's application, which is nearly as large as its entire state budget last year.

The political origins of the present imbroglio are not entirely clear. The basic legislation accumulated during the 1960s, but it has only been in the past several years that the states have been exploiting it. The first to obtain spectacularly large benefits under it was California, a state with a Republican administration. Whether the Californians found their way to the well through their own ingenuity, or through the assistance of their many friends in Washington, is not yet known. But Mrs. Davidson's chief defense seems to be that Maryland is entitled to the same unlimited benefits, under the same rules, as California. That, at least, is correct.

Undoubtedly Maryland can develop many useful and important projects on which to spend federal money. But the time to make the grants is after the planning, not before. As a method of government, the present grant program has its comic aspects. The President and Congress have sweated and fought all year over the horrendously intricate formula to distribute $5 billion in shared revenue, while the states line up for another $5 billion in social service grants distributed according to no principle but the respective state administrators' ingenuity. The President and Congress have been struggling for three years over the welfare reform, and still cannot reach compromise. But the accidental grants to social services would cost nearly as much as the leading proposals for welfare reform, without reforming the present welfare system in any respect. With this application for $417 million, Maryland is asking a bit too much.

RETIREMENT OF GORDON F. HARRISON

Mr. EAGLETON. Mr. President, the retirement of Gordon Harrison as staff director of the Committee on Rules and Administration is truly a loss not only to the Senate but also to the country. Since my first day in the Senate, Gordon's assistance and counsel were of immeasurable help to me and to my staff.

Gordon's long and distinguished career of public service began in 1937 as legislative assistant to Senator Green, of Rhode Island. After serving in the U.S. Navy and in the U.S. Department of Justice he returned to Capitol Hill in 1955 as staff director of the Rules Committee, a position he held until his recent retirement, serving under five chairmen. The foremost example of a dedicated, talented, and conscientious public servant, Gordon is indeed a man deserving of the highest praise. His energy, insight, and commitment have been major sources in improving the efficiency and productivity of the U.S. Senate.

Senator JORDAN has described, more eloquently than I can, Gordon's knowledge, understanding, and compassion, and the deep respect and affection felt toward him by all who had the opportunity to know him.

The Senate and the Nation have been fortunate to have his services for so many years, and all of us who regard him as a friend will miss not only his wisdom and knowledge but also his charm and wit. I join his multitude of friends in extending thanks and best wishes for every happiness in the years ahead.

WILLIAM O. DOUB AND HERMAN POLLACK

Mr. MATHIAS. Mr. President, I was pleased to learn that the President has nominated William O. Doub and Herman Pollack, two very qualified Marylanders, to be Alternate Representatives of the United States to the 16th Session of the General Conference of the International Atomic Energy Agency, which is scheduled to be held at Mexico City, Mexico, from September 26 through October 3, 1972.

At present a Commissioner of the Atomic Energy Commission, Mr. Doub has had a long and distinguished career in public service. Over the years he has served as chairman, Maryland Public Service Commission; vice chairman, Washington Metropolitan Area Transit Commission; chairman, Committee on Electrical and Nuclear Energy, National Association of Regulatory Utility Commissioners; member, the President's Air Quality Advisory Board; and president, Great Lakes Conference of Public Utility Commission.

Mr. Pollack is also an able and dedicated public servant. Within the Department of State he has held positions as Deputy and Acting Executive Director of the Bureau of European Affairs; executive assistant to the Assistant Secretary for Administration; director of the management staff; and deputy assistant secretary for personnel. From 1964 until the present he has held positions with the Bureau International Scientific and Technical Affairs and in 1967 was appointed Director of that Bureau.

The Nation is fortunate to be represented by Mr. Doub and Mr. Pollack at an international conference of such vital importance as the world confronts an energy crisis that ignores political boundaries.

TORTURE IN SOUTH VIETNAM

Mr. HUGHES. Mr. President, additional evidence of the appalling brutality of the war in Vietnam keeps coming to light as this tragic conflict drags on.

The reprisals inflicted by the North Vietnamese and Vietcong, when they have retaken a village, are extensively publicized in official communiques.

Our knowledge of harsh and repressive acts on the part of our ally, the Thieu dictatorship in Saigon, comes from independent press sources.

On Sunday of this week, the New York Times reported "widespread torture of people jailed by the Saigon government."

Reporter Sydney Schanberg based his story on documents smuggled out of South Vietnamese prisons and interviews with former prisoners. He also noted that it is impossible to get firsthand verification of the stories because journalists are denied permission to visit prisons.

According to Schanberg:

> Some said that water had been forced down their mouths until they nearly drowned. Others told of electric prods used on sensitive parts of the body, of fingernails pulled out and of fingers mashed.
>
> Several of the informants said they had discovered, while in prison, a sardonic saying favored by the police—"Khong, danh cho co"—"If they are innocent, beat them until they become guilty."

Mr. President, I ask unanimous consent that Mr. Schanberg's report, published in the New York Times of Sunday, August 13, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TORTURE BY SAIGON IN JAILS REPORTED

DOCUMENTS AND INTERVIEWS INDICATE WIDE ABUSE OF POLITICAL PRISONERS

(By Sydney H. Schanberg)

SAIGON, South Vietnam, August 12.—Documents smuggled out of South Vietnamese prisons and extensive interviews with former prisoners paint a picture of widespread torture of people jailed by the Saigon Government since the North Vietnamese offensive started four and a half months ago.

Here is a sampling of the prisoners' accounts:

"Nguyen Thi Yen was beaten unconscious with a wooden rod. Later, when she revived, she was forced to stand naked before about 10 torturers, who burned her breasts with lighted cigarettes."

"Trinh Dinh Ban was beaten so badly in the face that the swelling shut and infected his eyes. The police drove needles through his fingertips and battered him on the chest and soles of his feet until he was unable to move."

"Vo Thi Bach Tuyet was beaten and hung by her feet under a blazing light. Later, they put her in a tiny room half flooded with water and let mice and insects run over her body."

STORIES ARE TYPICAL

These particular accounts are said to describe the torture of three student leaders still being held in South Vietnamese jails on suspicion of being Communist sympathizers. The accounts in these documents and many others obtained by this correspondent were purportedly written by prisoners—and in some cases by sympathetic guards—and then smuggled out.

The three accounts are typical of the stories told in the other documents and in the interviews about the treatment of the thousands of students, workers, peasants, women and children arrested by the national police and military authorities in the "pre-emptive sweeps" made in the search for Communist sympathizers and agents since the North Vietnamese Army began its offensive.

Some of the documents reached this correspondent through friends of prisoners or critics of the Government to whom the papers had been passed. Some of the interviews were also arranged this way. Additional information was gathered on the basis of other leads.

There is no way to verify the accounts of torture first hand, for the Saigon Government refuses to allow journalists to visit its prisons, which it calls "re-education centers." A formal written request was denied.

All of those interviewed said their names could not be used because they feared police reprisals.

REPORTS ARE SIMILAR

As with the smuggled documents, it is impossible to corroborate the accounts given by former prisoners in interviews. But although one cannot establish after the fact that the welts and scars visible on their bodies were inflicted by the police, the widespread reports bear out the prisoners' version.

Government officials and pro-Government legislators defend the recent repressive measures by arguing that the survival of South Vietnam is at stake. Critics reply that only the Government of President Nguyen Van Thieu, not South Vietnam, is at stake.

"Necessity requires us to accept a flexible view of the law," said one official. "You wouldn't wait until the Vietcong agent pointed his gun at your back before you handcuffed him, would you? Legal aspects do not count when there is a question of survival involved."

The victims obviously feel differently. Here, for example, is part of an account given by a woman who was interrogated intensively but not beaten in a police detention center in Saigon and then released:

"When you were being interrogated, you could hear the screams of people being tortured. Sometimes they showed you the torture going on, to try to frighten you into saying what they wanted you to say.

"Two women in my cell were pregnant. One was beaten badly. Another woman was beaten mostly on the knees, which became infected.

"One high school student tried to kill herself by cutting both wrists on the metal water taps in the washroom, but she failed. They had tortured her by putting some kind of thick rubber band around her head to squeeze it. It made here eyes swell out and gave her unbearable headaches.

The girl was so badly tortured that the police left her in the corridor outside the interrogation room for a day—so that other prisoners would not see her condition."

This was a typical story of those interviewed. Some said that water had been forced down their mouths until they nearly drowned. Other told of electric prods used on sensitive parts of the body, of fingernails pulled out and of fingers mashed.

Several of the informants said they had discovered, while in prison, a scardonic saying favored by the police—"Khong, danh cho co."—"If they are innocent, beat them until they become guilty."

The accounts of the informants indicated that the worst torturing took place while prisoners were being interrogated in police centers—before they were transferred to prisons such as Con Son and Chi Hoa. Con Son is South Vietnam's biggest civilian penitentiary, situated on Con Son, an island 140 miles southeast of Saigon. Chi Hoa, the country's second largest prison, is in Saigon.

The informants said that most of the torture and interrogation took place between 10 P.M. and 3 A.M. They said some of the prisoners, under torture or fearing torture, agreed to become police agents to win their release.

NAMES ARE GIVEN

Some of the documents purportedly smuggled out of the prisons gave the names of five persons who had been tortured to death recently in jail, and said this was only a part list. The documents listed Buu Chi and Nguyen Duy Hien, students from the Hue area who were said to have died in Con Son. Also listed were a Ta Xuan Thanh, Dinh Van Ut and Bu Duong of Saigon, who were said to have died in Chi Hoa.

It is impossible to tell, without Government cooperation, how many thousands have been arrested since the North Vietnamese offensive began. Most foreign diplomats think the figure is well over 10,000. One American source said that slightly over 15,000 people had been jailed and about 5,000 released later. But whatever the exact figures, it is clear that thousands remain in prison and that arrests continue.

The bulk of the arrests have been in the Mekong Delta south of Saigon and, in the extreme north. Many students were seized in Hue, some of them reportedly while working in refugee centers.

LITTLE DISTINCTION INDICATED

It is also impossible to tell how many of those arrested really have Communist connections and how many are simply opposed to the Government of President Thieu, because the police seem to make little distinction. There is a third category of prisoners as well—people who were apparently seized at random and who commited no crime. They just happened to have been in the wrong place.

Critics of the Government say that each district administration has been given a quota of arrests and that local officials have been trying to meet the quotas quickly with little regard for legal niceties.

According to one document, purportedly written by a sympathetic jailer, an old woman has been imprisoned in Con Son because one of her sons is regarded as a Communist sympathizer and is in hiding. Her four other sons are in the South Vietnamese Army. She wants to write them about what had happened to her, the jailer said, but she has forgotten their military addresses and the prison authorities will not help her communicate with them.

FAMILY LINKS ONE CAUSE

This woman seems to be typical of many of those arrested recently. They were picked up because they have relatives who are active Vietcong or suspected of having some link with the Communists. But according to the Vietnamese officials themselves, most families in South Vietnam have a relative or relatives "with the other side" and the Government would have to arrest millions if it were to apply this criterion across the board.

Nguyen Van Thong a pro-Government member of the lower house and chairman of the committee that deals with police and prison legislation, said in a recent interview that the Government should have carried out these arrests a lot earlier. Though Mr. Thong acknowledged that some innocent people had undoubtedly been arrested, he said, "These people will sooner or later get out of jail."

Legal form, rarely observed with fidelity at any time in South Vietnam's recent history, has clearly been abandoned since the enemy offensive began. On the one hand, President Thieu continues to declare that the back of the North Vietnamese drive has been broken, yet on the other he has been using his recently granted special powers to narrow civil liberties further.

LAWS SEEM TO BE IGNORED

Although no Government edict has been issued, the normal laws governing the rights of the accused appear to have been virtually suspended. Often those arrested are reportedly not told the charge against them nor allowed to consult a lawyer. Prisoners are sometimes kept for months and years without a hearing or trial. Often the police will not acknowledge that they are holding a particular person so his family is unable to locate him.

In a sense, many of these people and their cases simply disappear—except for reports that leak out clandestinely.

The same jailer at Con Son who purportedly wrote of the old woman with four sons in the army also was said to have given the following description of an area of the prison holding 1,500 people from Hue and other northern areas:

"I was horrified to find that the place was full of women and old people and more than 50 children under 9 years old. None of them knew why they had been brought here. In general, their arrests had happened like this: Village officials would come and call them to the village headquarters. Once they were there, the officials would tell them falsely that they had to be evacuated, presumably because of near-by fighting. And then they would find they had been deported to Con Son."

This prison made headlines two years ago when the treatment of hundreds of prisoners jammed into small cells known as "tiger cages" was publicized by two American Congressmen on a fact-finding tour of Vietnam. The Congressmen managed to enter the "tiger cage" area over the objections of both the South Vietnamese warden and his American adviser.

Although the United States is the major provider of aid to the South Vietnamese police and prison system, the American mission here refuses to discuss the situation on the record, contending that it is entirely a South Vietnamese program.

AIRLINE ROLE CHARGED

According to authoritative sources however, Air America, the airline operated in Indochina for the Central Intelligence Agency, has been used to transport arrested people to Con Son.

The two top American advisers to the South Vietnamese on police and prison matters—Michael G. McCann and Theodore D. Brown, director and deputy director, respectively, of the American mission's public-safety directorate—do not deny the widespread torture or the use of Air America; they simply refuse to comment. Requests for interviews with both men were rejected.

A high American source who granted an interview but insisted on anonymity said that being outside the situation "I cannot affirm that tortures don't take place" and he acknowledged that "all kinds of deplorable things may well be going on." But he argued that some of those arrested were known anti-Government and Communist activists who had been involved in terrorist incidents—"and who aren't exactly the nice college kids next door."

Critics of the Government describe what has been happening recently as a police-state operation. And while repressive tactics are not so obvious on the streets of Saigon and other cities as they apparently are in the jails, there have been disquieting signs of intimidation.

The police set up checkpoints from time to time in Saigon, on the pretext of searching people and vehicles for weapons or explosives destined for terrorist activities. But on the several occasions this correspondent has stood close by and watched these searches, it appeared that the checkpoints were often no more than means of shaking down Vietnamese for money or goods.

Despite these tactics, there has been little protest.

FIREARMS CONTROL

Mr. KENNEDY. Mr. President, the Senate has recently completed debate on the Handgun Control Act of 1972. Although we have now disposed of that particular piece of legislation, we have not laid to rest the issue of firearms control. It is my belief that this legislation is considerably less than that which the national crisis of wholesale slaughter by gun demands, and that in a year, or 2 years, or 5 years, we will again be shocked into taking some action to control these horrible weapons of death.

The Medical Society of the District of Columbia has long been interested in and worked for the passage of strong gun control measures and I wish to commend them for their efforts. Last spring the society failed in its attempt to persuade the House of Delegates of the American Medical Association to fully endorse their position. However, the delegates in their national convention in June did express "strong abhorrence and continued opposition to the use of a firearm or any weapon in the commission of a crime."

In the face of the national society's rejection of their plan, the latest effort of the Medical Society of the District of Columbia has been to request the American Medical News to poll all American physicians to determine their views on firearms control in the hopes of proving to the American Medical Association's House of Delegates that most physicians agree with the District society's views. Should this prove to be the case the delegates will certainly wish to reflect the opinions of the physicians and take a much more positive stand in the future. I strongly urge the American Medical News to conduct this poll and I am sure many other Senators in addition to myself will be awaiting the results.

Again, I wish to congratulate the members of the District of Columbia Medical Society for its overwhelming show of concern for the need to enact a national system of effective gun laws. The Senate might well profit from their example.

I wish also to praise the Washington Post for its editorial of Sunday, August 13, 1972. "Some Gun Control This Year?" clearly states the situation facing this Congress. The problem is: Now that the Senate has refused to pass a strong gun control bill, will Congress enact at least the modest proposal that has passed the Senate, or will we do nothing at all again this year?

I ask unanimous consent to have printed in the RECORD, "Some Gun Control This Year?"; "A Modern Plague," an editorial published in the March 1972 issue of the Medical Annals of the District of Columbia; and the results of a poll taken among the members of the Medical Society of the District of Columbia in April 1972.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 13, 1972]

Some Gun Control This Year?

Well, half of the congressional elephant has labored to bring forth a tiny, but useful mouse. The Senate voted a ban on the sale of the cheap and inefficient handguns, called Saturday Night Specials, the other day. Our limited hurrah reflects no lack of pleasure at that accomplishment, but rather an acknowledgement of our concern with the mountain of arms now in private hands in this country and the length of legislative road remaining—even to make the Senate's small step a practical reality. The House Judiciary Committee has held hearings and has had an executive session on the issue, but has yet to send a bill to the floor, and it is late in the legislative session in an election year.

The Senate's proposed limitation on the murderous, inefficient little handguns of the type used against Sen. Robert Kennedy and Gov. George C. Wallace, which pass through commercial channels in this country for $35 and less, is both welcome and necessary. If the House wrapped that up in a legislative package, we couldn't complain, but we could still lament the dangers yet to be overcome. It is estimated that five million guns are manufactured in this country each year. Of those, two and a half million are long guns, which are in no way touched by the legislation passed by the Senate, and one and a half million more are handguns which are suitable for sportsmen and others, and which are consequently not banned in the Senate bill.

Nor does the Senate bill touch those guns currently in private hands. Four years ago, the Eisenhower commission on violence estimated that there were 30 million handguns and 90 million long guns in civilian hands in this country.

The Senate, even in the face of this mountain of arms, rejected a number of more serious proposed limitations on the arms traffic in this country. It might have banned the Saturday Night Specials and also required the registration of all guns and the licensing of their owners. It also had the option of banning the sale of all handguns, except those to be used for law enforcement and military personnel. It chose, however, to follow neither of these courses or a number of other useful options.

In any event, the Senate has passed, and sent over to the House, for its consideration, a measure banning the sale by importers, manufacturers and dealers the litte handguns which are generally useful only to murder, to maim and to rob. On the effective date of the legislation, public sales of such weapons would be halted, although transactions moving such weapons from one private hand to the other would not be affected nor would current private possession be touched. But, since one million such weapons are produced in this country each year, the bill would have some limited checking effect on the arms traffic, and that is all to the good.

So, the issue is now put to the House as to whether we will have at least a first step down the road to a safer and more civilized society. Or, on the other hand, in this election year, will the Congress prove too busy to notice that each time President Nixon plunges into a crowd to discuss the fortunes of the Detroit Tigers or George McGovern grabs hands to relive old times in New Hampshire, we all flinch with the fear of remembered pain.

It has often been said, by lobbyists against gun control that "guns don't kill people, people kill people." The point is that more often than not, in our country, people kill people with guns. Whatever the House may do, in limiting that possibility, even if it is as little as the Senate has done, will be welcome. We would urge the House to take the occasion to go at least that far this year.

[From the Medical Annals of the District of Columbia]

A Modern Plague

Webster defines "plague" as "that which smites or troubles . . . any afflictive evil; a scourge; an infestation". Until recently the plagues which doctors bent their efforts to prevent and treat were those caused by pathogenic microorganisms, and they were to be combatted by whatever was available in the medical armamentation and by public health measures such as by drying up the breeding places of malaria-causing mosquitoes. But now we must deal with other plagues which are social rather than bacterial. One of these, which has reached epidemic proportions is a plague of guns responsible for the fearsome death toll among our citizens of 6,000 per year in the form of homicides alone as well as 47 per cent of all completed suicides. And if we are going to be effective in dealing with this plague we must employ other means than those which eradicated malaria.

Some myths about firearms which nurture the intensely felt opposition to the kind of gun control legislation which would begin to end this plague of guns have been exposed in a recent article in the American Journal of Psychiatry by Judge George Edwards of the U.S. court of Appeals for the Sixth Circuit and a member of the National Commission on Reform of Federal Criminal Laws. Judge Edwards points out that the large majority of murders are the product not of cupidity, but rather of uncontrolled emotion in the course of quarrelling among relatives or friends, quarrels that "might well result in nothing more than bloody noses or a lot of noise if there were not present a deadly weapon—handy and loaded". This statistic is supported and refined in another article on the subject by Dr. Emanuel Tansy, a psychiatrist and lawyer, who describes most murders as resulting from the combination of a state of consciousness temporarily altered and impaired by psychopathological or chemical factors, and a handy weapon, usually a gun. The contention that our citizens need guns to protect themselves from criminals is vitiated not only by the above disclosure, but also by the fact that the police unanimously counsel against attempting to resist robbery because to do so is generally useless and dangerous. Actually there are far more innocent victims of accidents with guns than there are dead robbers killed by householders defending themselves.

The National Commission on Reform of Federal Criminal Laws has recommended that Congress:

1) ban the production and possession of, and trafficking in handguns, with exceptions only for military, police, and similar official activities, and

2) require registration of all firearms.

The medical profession has a duty and responsibility to fight the plagues which afflict mankind, whatever their source or their nature. It is time for us to use our influence as guardians of the public health to support these sensible recommendations which ultimately will save lives. Accordingly, the Committee on Public Health of the Medical Society of D.C. has submitted to the Executive Board a resolution asking that the Society and the A.M.A. go on record as supporting, and actively support the enactment on a national level of gun control legislation.

PAUL CHODOFF, M.D.,
Chairman, Mental Health Committee.

Results of a Poll of the Medical Society of the District of Columbia on Gun Control (April 1972)

Poll on whether the following resolution recommended by the Mental Health Committee of the Medical Society should be presented at the American Medical Association convention in June by the Society's delegates:

"Whereas the too easy availability of firearms in many parts of our country puts an instrument of destruction into the hands of individuals who may be unable to resist various irrational and anti-social impulses, and thus gives rise to both a mental and general health problem of epidemic proportions;

"Therefore, be it resolved that the Medical Society of the District of Columbia place itself on record as favoring 1) enactment at a national level of gun control laws; 2) instructing the Medical Society of D.C. Delegates to introduce this resolution for action by the AMA House of Delegates; 3) that legislation by the United States Congress furthering this end be supported by all available means."

The vote was 519 yes; 82 no.

Results of a poll on the following propositions:

1. I am in favor of more stringent gun control laws; 580 yes, 78 no.
2. I am in favor of an enforceable code of responsible gun ownership; 617 yes, 47 no.
3. All owners of usable *firearms* should be licensed; 520 yes, 141 no.
4. All owners of usable *handguns* only should be licensed; 348 yes, 188 no.
5. All usable *firearms* should be registered; 541 yes, 110 no.
6. All usable *handguns* only should be registered; 375 yes, 186 no.
7. The production, possession of, and trafficking in *handguns* with exceptions only for military, police and similar official activities, should be banned; 288 yes, 207 no.

RETIREMENT OF GORDON F. HARRISON

Mr. GRIFFIN. Mr. President, in the recent retirement of Gordon F. Harrison as staff director of the Committee on Rules and Administration, the Senate has lost one of its ablest and most dedicated staff members.

In all, he had 35 years of public service. For more than 17 of those years, and under four chairmen, Gordon served continuously as staff director of the Committee on Rules and Administration. With unfailing good humor, tact, and wisdom, he fulfilled the exacting demands on his time and energy. All of us who have served on the committee have many reasons to be grateful for his assistance over the years.

A lawyer as well as a former naval officer, Gordon exemplified the finest tradition of public service, and did so in such a quiet and effective way as to win the friendship and respect of all who were associated with him.

I join with his many friends in wishing for him many happy retirement years.

NATIONAL TRIBAL CHAIRMEN'S ASSOCIATION SUPPORTS INDIAN PARTICIPATION IN FEDERAL REVENUE SHARING

Mr. KENNEDY. Mr. President, over this past weekend I received a telegram from the National Tribal Chairmen's Association containing a resolution in support of Indian participation in Federal revenue sharing. The NTCA, whose membership consists of chairmen of the over 200 federally recognized Indian tribes in the United States, met last week in Eugene, Oreg., to consider and discuss current problems facing the American Indian. One of the top issues on the agenda was Federal revenue sharing.

Senator METCALF has sponsored an amendment to the revenue-sharing bill that would include Indian tribes as eligible participants. I am a cosponsor of this amendment and fully support it. The revenue-sharing bill (H.R. 14370) is still pending before the Senate Finance Committee, and I believe that this resolution clearly points out the substantial interest of the Indian people in this legislation.

I ask unanimous consent that the telegram be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NATIONAL TRIAL
CHAIRMEN'S ASSOCIATION,
Eugene, Oreg.

Senator EDWARD KENNEDY:

A resolution: Whereas the exclusion of Indian Tribal Governments from the Federal assistance under revenue sharing would be inconsistant with President Nixon's clearly announced policy of Indian self-determination and

Whereas: the denial of Indian participation in revenue sharing is abdication of the Federal trust responsibility for the welfare of reservation Indians and denies Federal recognition of reservation Indian tribes as local governments: and whereas, the National Tribal Chairmen's Association, commends Senator Metcalf and Co-sponsors of Amendments Numbered 1357 for bi-partisan effort to include Indian Tribes in revenue sharing:

Now, therefore, be it resolved: That the whole of the reservation Indian community in the United States of America be duly assembled and represented by this conclave of the National Tribal Chairmen's Association respectfully urges the congress not to leave the Reservation Indians and all other Federally recognized tribes out of this important revenue sharing program under which all local Governments will be assisted: That, we believe this amendment is a test of Congressional Willingness to grant Reservation Indians the right to shape their own future; we request that you not leave us out, thereby confirming the principle that the Government of the Indian country should be by consent of the governed, that, we hereby request that this resolution be placed in the CONGRESSIONAL RECORD.

Certification: the foregoing resolution was unanimously adopted by the National Tribal Chairmens' Association, a quorum being present at their first annual convention held in the Eugene Hotel, Eugene, Oreg. this 10th day of August 1972.

WILLIAM YOUPEE, *President*.

S. 632, THE LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1972

Mr. MUSKIE. Mr. President, there have been numerous reports and speculation that there is a jurisdictional dispute regarding S. 632, the Land Use Policy and Planning Assistance Act of 1972.

S. 632 substantially differs from the bill as originally introduced.

S. 632 affects at least 112 Federal programs and other matters which are in the substantive jurisdiction of several Committees of the Senate.

S. 632, despite its broad implications, was subject to only 4 days of hearings last year.

But far more important than any jurisdictional matters are basic substantive issues relating to the impact of S. 632, issues which are not clarified on the face of the bill or in the report explaining it.

Mr. President, there is no question of the need for national land use policy. In fact, elements of land use policy have been incorporated in a great many Federal laws relating to development, economic growth and environmental policy. Many Senate committees have been involved in developing these elements of land use policy and, it would seem to me, that these same committees should be involved in the development of a "national" land use policy.

The broad input of Members of other committees would be beneficial to the goals which S. 632 articulates. Hearings on the impact of the legislation on other Federal programs by relevant committees would be beneficial. I think the wise course for the Senate and the Nation would be to have those hearings and have that input.

My concern with the jurisdictional questions is not the narrow one of committee prerogatives. It is not my desire to assert these in any obstructionist way whatsoever.

I am concerned that several relevant committees—each with broad background and expertise—have not made their input into the shaping of a national land use policy with its far-reaching implications.

Apparently this course—further committee review—is not available. Apparently it is the desire of the Senate to act on this legislation without the broad consideration it deserves. Therefore, it is essential that consideration of this legislation on the floor of the Senate be as thorough and complete as possible. I will do my best to identify the important issues raised by S. 632.

The Land Use Policy and Planning Assistance Act now awaiting Senate consideration has significant implications—perhaps greater than any domestic legislation we have yet considered in this session of Congress.

It mandates that States closely supervise or control land use decisions which have long been the province of local government;

It requires States to coordinate all State and local services which significantly affect land use;

It establishes the Federal Government as procedural supervisor of these newly centralized State responsibilities; and

It proposes policies for land use and resource conservation which appear to be oriented toward development and may conflict with environmental legislation we have enacted.

These proposals will have significant ramifications on the financial structure and sovereignty of State and local government, on the relationship of the Federal Government and the States, and upon the future of Federal and State laws to protect the environment.

Mr. President, this bill creates an outline for national land use policy with no substance; declares a national policy but concedes to the several States responsibility to determine what that policy should be; and directs all Federal programs to subject themselves to the State-determined policy.

Federal legislation of this magnitude, with far-reaching impact on many Federal programs—at least 112 by the Interior Committee's count—should provide some Federal policy guidance. This legislation provides none.

In an effort to meet some of these deficiencies and highlights this area of concern, I will propose amendments to S. 632 to set national policy criteria. These policy positions, if enacted, would provide valuable public benefits.

Today I suggest several criteria as a possible direction for national land use policy. I urge discussion of my proposals so that when the time comes for amendments to S. 632 we can adopt a national land use program that includes a true national policy adequately considered by the Senate; a clear statement of statutory indices to establish the basic elements of good land use.

As a basis to begin the discussion of criteria for national land use policy, I suggest the following:

That legislation affecting national land use patterns incorporate as a minimum the requirements and land use controls of the Clean Air Act, the Federal Water Pollution Control Act, and other environmental regulatory legislation;

That further commercial, industrial, or residential development of flood plains be limited to that which is absolutely necessary and so constructed as to minimize land damage;

That productive agricultural land be preserved for farming activities, with development limited, except where a State deems development essential to health and welfare or where it is necessary to provide adequate housing;

That new development be limited to that which can be supported without exhausting available energy supplies, water and sewer systems, roads, or transit systems, and other necessary services;

That wetlands and coastal areas be protected from development;

That further development covering lands so they cannot absorb storm waters be required to include holding systems to prevent rapid runoff of storm waters into sewers or natural streams;

That the ecological characteristics of upland watersheds be preserved;

That redevelopment and improvement of existing communities be favored over industrial, commercial or residential development which will utilize existing agricultural lands, wild areas, woodlands, and other undeveloped land areas, and that development contrary to these principles be allowed only where it will provide significant jobs, housing and educational opportunities for low and middle income families.

These are some of the criteria for good national land use policy which I propose for discussion. My proposals are intended to fill the void of S. 632 as reported. I would hope, after discussion, that the Senate will approve a responsible set of criteria to serve as a national land use policy guide.

But lack of policy direction while it purports to set Federal policy is only one of my concerns with S. 632.

The legislation before us would require, in a short time, great strides in coordination and consolidation of land use planning efforts, but it entirely ignores the other side of the coin—the excessive dependence of cities and counties on property taxes which has led to the haphazard and confused land use patterns of today. This cannot be ignored. You cannot seriously consider land use planning reform without property tax reform, for they are inextricably tied together in a complex series of relationships dating back to the early days of the Republic.

Mandating major reform of land use planning authority, as S. 632 does, without also addressing the local property tax dependence issue, can further strangle many of our major cities that are already on the verge of bankruptcy.

Today 66 percent of all locally generated revenues come from the property tax—$38 billion.

Today about 40 States set maximum limits on the property tax rates cities may charge and set limits on local borrowing which relate to the property tax base.

When a city reaches the limits imposed by State law—as some cities such as Detroit and Cleveland have—its only recourse is to somehow influence use of land for greater tax productivity. If this fails, municipal services—police, fire protection, sanitation, et cetera—must be cut back.

S. 632 would require States to strip cities of this essential revenue raising option—an option which has created well recognized problems—but S. 632 suggests absolutely nothing be substituted to assure that local revenues will be there to support local services if control of the property tax base is lost or its expansion is restricted. Further, this bill grants supervisory authority for program implementation to the Interior Department which has no experience in cities, no experience in State and local finance, and no experience in comprehensive planning.

I submit we cannot act so casually and after so little consideration on an issue of such vital impact to our grassroots of government at the local level.

Let me emphasize that in taking this position, I am in no way justifying the present property tax system which is often regressive, haphazard, and unfair. Nor am I downplaying the need for more sensible land use planning. I am only stating that we cannot have reform of one without reform of the other.

Last year my Subcommittee on Intergovernmental Relations published a study entitled "Property Taxation: Effects of Land Use and Local Government Revenue." This study clearly identified the close identity of property tax and land use. It stated:

> The low taxation of land based on present-use value also facilitates speculative holding of land in the path of urban development for large capital gains. An added incentive for withholding land from the market for large price rises comes from the favorable capital gains treatment of land investment profits under the Federal income tax laws. Another Federal income tax feature, the allowance of business building depreciation, creates local pressures to allocate more value to building improvements and less to nondepreciable land. A focus on building improvements in assessments for local property taxation inhibits rehabilitation of older residential properties.
>
> Large acreages of vacant close-in suburban land as well as rebuildable central city sites are withheld from the market for large price rises under the present property tax system. That occurs as land is taxed at low effective rates, in relation to realistic market value, and building improvements are subject to a relatively greater tax burden. Consequently land prices are high in urbanizing areas and builders "leapfrog" further out to cheaper lands for residential development. Less than optimum size communities are created, entailing high per-unit costs of services, increased daily commutation, and an extension of urban sprawl.

The deadening impact of property taxes on land use in central cities has been starkly illustrated by Mayor Kenneth Gibson of Newark, N.J., who stated.

> We must rely upon our local property tax for 65% of our revenues. In a city where we already have one of the highest and most confiscatory rates in the country, we were forced to raise the rate of taxation this year by almost 10%. This increase means that an owner of a $20,000 home will pay about $1,850 in annual property taxes. We have reached a point where our property tax has only hastened the flight of industry, commerce, and the remaining middle class homeowners out of Newark. The excessive rates we are forced to impose have actually been the cause of abandonment, deterioration, and a decline in our tax base. The stark reality finds buildings being abandoned at the clip of one a day.

I shall propose amendments to force consideration of the property tax issue as part of this land use reform package.

Also, because I believe that no single Federal agency has either the breadth or the competence to assume the responsibility implicit in this legislation, I will offer an amendment to place responsibility for ths program in the Executive Office of the President.

Beyond my general concern about lack of policy direction and failure to deal with or even recognize the property tax side of the land use issue, I have several very specific questions about the impact of this legislation which, I believe, must be answered before S. 632 is enacted:

First. Will the State assumption of land use control required in this bill shift liability for damages from incompatible land uses—such as airport noise—from local governments to the States? This is no small matter. It will mean shifting up to $10 billion in damage claims from Los Angeles to the State of California. As States are specifically required to assume "determinative" authority over land use around airports, it would appear they also might be liable for allowing continuation of incompatible uses.

Second. Will the uncertainties of impending State controls compromise the capacity of municipalities to borrow money? The borrowing capacity of municipalities is closely tied to property values and property tax income. Changes in zoning designations from agricultural to commercial or from low-density to high-density residential, for example, can mean thousands of dollars of revenue and hundreds of thousands or even millions of dollars in increased tax base on which to borrow. Any federally required State actions or potential actions which might restrict use designations to less valuable uses could compromise capacity of some localities to sell bonds and if the more restrictive use designations were imposed could make some bond sales based on the higher assessed valuations actually illegal.

Third. If a State assumes major responsibility for land use control, what concurrent responsibility does it assume to pay the cost of local services, particularly in those communities whose levels of service are restricted by a low property tax base? Already in three major cases, Serrano against Priest, Van Dusartz against Hatfield, and Rodriguez against Edgar, courts have held that disparities in the level of educational services caused by differing property tax bases are a violation of the equal protection clause of the 14th amendment. The Supreme Court will consider the issue this fall. It would appear that assumption of a major State role in determining local property values would invite similar rulings relating to other local services—police, fire, sanitation, transportation. Certainly the courts would not permit States to keep levels of local services permanently low in some communities by prohibiting higher value land uses. The potential impact of this radical reform in the way we pay for local services must be seriously contemplated as we examine the ramifications of the bill before us.

Fourth. What is intended by the requirement that States set up a method for coordinating programs and services of "all State and local agencies significantly affecting land use?" Just what agencies are intended, and what degree of coordination? Almost every major State or local function has a "significant" effect on land use—police and fire protection, welfare, trash disposal, sewage treatment, parks and recreation, schools, transportation. Are all of these activities to be coordinated at the State level? This broad based mandate for coordination in section 302 is typical of the many general phases of potentially severe impact which are unexplained in the legislative development of this bill.

Fifth. Is the legislation, by setting policy for equal consideration of environment and economics and for "balanced" land use and by requiring States to override local laws designed to restrict development, intended in any way to conflict with nondegradation policies and air and water quality improvement mandates of other Federal laws or with State laws intended to restrict development? What will be the impact of these new Federal policy positions on court cases involving those other laws?

Sixth. Will any State constitutional changes be required by this legislation, and if so, does it give States time enough to consider and act? It would appear that the major redirection of responsibility S. 632 requires will necessitate some constitutional changes, particularly in those States that have strong local home-rule laws.

Further, all States which act responsibly and undertake property tax reform and land use reform together will probably have to adopt constitutional changes. But they may not have time. Eighteen States require that constitutional changes be adopted by two sessions of the legislature and then be approved by the electorate. This would be a 3- to 7-year process at best, more if adequate consideration of these vast reforms is to be allowed. In three States where two-session approval is required—Nevada, Tennessee, and Vermont—the legislature only meets biannually, and if major reform was not approved in their 1973 session, which might be difficult, final approval would not be possible until at least 1977 and probably 1980.

Just what is intended by this legislation, and what the ramifications of that intent are must be examined in much greater detail before this bill is approved.

The real issue now is whether or not legislation of this scope and magnitude will be adequately digested by the Senate prior to its passage. I would hope, in the days ahead, my colleagues will address themselves to the issues covered by the bill, will bring to bear on this legislation their knowledge of other programs which will be affected by it, and bring to the Senate their recommendations for perfecting changes which shape a national land-use policy with real direction designed to protect the environment and enhance the quality of life in America.

Mr. President, I intend to explore the full implications of the issues which I have raised during the debate on the bill. Whenever the leadership is prepared to call up the bill, I will be prepared to discuss its implications and propose amendments to address the concerns I have put forward today.

THE MOUNT McKINLEY NATIONAL PARK COMMEMORATIVE POSTAGE STAMP

Mr. STEVENS. Mr. President, on July 28, in my State of Alaska, the Mount McKinley National Park stamp was dedicated commemorating the national parks centennial.

At the dedication, the keynote address was delivered by Mr. Henry Albert, executive assistant to the Postmaster General for government relations.

Mr. President, I ask unanimous consent that Mr. Albert's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY HENRY R. ALBERT

It is a pleasure for me to be here today.

Representing the Postmaster General at this dedication ceremony is a rare privilege indeed and being here, at Mount McKinley, the highest point on the North American Continent is exciting.

This event has given me the opportunity to visit your fine state after too long an absence. Before joining the Postal Service, my employment brought me to Alaska many times, and seeing this beautiful park again brings back many fond memories.

We have found that the commemorative stamps which we issue are powerful communication devices. They emphasize our nation's achievements and help to instill a sense of national pride. They also point up our great natural resources, such as this splendid spot where we are gathered today.

Four months ago, Postmaster General Klassen dedicated the first in a series of five commemorative stamps honoring the centennial of the National Park Service. That issuance marked the 100th anniversary of Yellowstone National Park, which was an appropriate beginning for the series since it is the oldest of our national parks.

Each stamp in the series highlights a different kind of park in the National Park system. After Yellowstone, we issued stamps for the Cape Hatteras National Seashore, which is a recreational park; The City of Refuge in Hawaii, which is an historical park; and the Wolf Trap Farm Park for the Performing Arts in Vienna, Virginia, which is a cultural park.

The stamp which we are issuing here today honors Mount McKinley Park which is, of course, a natural park, and one of the most beautiful in the world. Even though it is the last in the current series, it is certainly not the least. Each of the five issues was designed to underline the unique and vital contribution these parks make to our country's environment. They were released in different values to meet the rate for different type mail. This 15-cent stamp is for international letters and international air mail cards and was designed by James Barkley, of Yonkers, New York.

Our Philatelic Division ordered a printing of 40 million of this stamp and, I am advised that from early indications based on demand and orders actually placed, it will be sold out in a very short while and become a collector's item at an early date.

In closing let me reiterate what a real pleasure it is for me to return here to the great land up north. Our 49th state now has a stamp to match its greatness. A stamp that will communicate to the world the majestic beauty of this rich and bountiful land endowed with more natural resources than any other area in the world.

This land—the great land—is not for the meek—the feeble and the weak—no it's a land peopled with the doers, the strong, the adventurers, and it is appropriately referred to as the last frontier.

We hope that this series of stamps, and this one in particular, will encourage many Americans to visit our National Parks. We also hope that the stamps will remind all of us that conservation of our natural wealth and beauty must continue to be of vital concern to us all.

It is with great pleasure and a sense of deep personal pride that I dedicate this Mount McKinley Alaska Commemorative Stamp.

HOSPITALS AND FEDERAL REGULATIONS: MANY WILL DIE WHO MIGHT HAVE SURVIVED

Mr. METCALF. Mr. President, one of a series of articles describing the various problems confronting small hospitals in Montana carries a most descriptive headline that reads "Small Hospitals Struggle Could Wind up on Deathbed." That headline has a dual implication: The hospitals may be forced out of existence, and as hospitals disappear, health care for the sick and injured becomes progressively more remote, leading to unnecessary deaths.

One person describing the situation said:

> Many will die who might have survived.

The villain, if there is but one villain, is the Federal Government with its maze of rules and regulations, designed for densely populated areas with no consideration for the needs of small hospitals.

Mr. Donnis Curran describes this problem in a series of articles. The problem is created by the Federal Government, and it demands congressional oversight. I ask unanimous consent to place two of the three articles in that series in the RECORD.

The third article was the initial article in the series and describes the impact upon small hospitals of dwindling populations and a shortage of medical personnel. I have previously discussed those problems and in the interests of brevity do not ask to include that article. For those who might be interested, copies of the entire series are available from my office. I have maintained that passage and enactment of the Rural Development Act of 1972 will at least start correcting those problems of outmigration and the conditions that prevent medical personnel from locating in our rural areas.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

SMALL HOSPITALS' STRUGGLE COULD WIND UP ON DEATHBED

(By Dennis E. Curran)

HELENA.—"I'm not pushing the panic button," a disgruntled hospital executive complained to federal health officials last week, "because the panic button is already here."

Trapped between steadily rising costs and sometimes decreasing revenues, many of Montana's smaller hospitals are having financial struggles, and some are facing extinction.

And the situation promises to get worse before it gets better.

Consumers are demanding more services, a new minimum wage threatens to upset precariously balanced budgets, and inflation spirals faster than hospitals are allowed to raise rates. Competition between nearby hospitals will probably increase as rural populations dwindle, and new federal regulations, which probably will be costly to meet, appear to be just around the corner.

So while a number of possible solutions to the dilemma have been proposed, the future doesn't look overly bright for many of Montana's small hospitals.

"I don't know what the answer is. I wish I did," says George Fenner as he surveys a list of Montana's 70 licensed hospitals, 45 of which have less than 50 beds.

Fenner, a veteran in the health care field, is administrator of the hospital and medical facilities division of the State Department of Health and Environmental Sciences, and is as concerned as anybody about the plight of small medical facilities.

One short-term solution calls for tighter management, including rate increases in hospitals whose rates have not kept pace with rising costs, according to Fenner. Another immediate step is for local physicians to keep local hospitals filled.

"The small hospitals are under a lot of pressure, and the only way they are going to survive is through very efficient management and lots of cooperation between the community, the administration and the physicians serving that facility," Fenner says.

"It's all based on utilization—if you don't use that facility, you can't operate it," he adds.

Another stop-gap approach is cutting staff and combining jobs.

"In small hospitals we have to double up," says Mrs. Chloe Rossma, director of nursing at Sanders County Hospital in Hot Springs. Mrs. Rossma also doubles as acting administrator, anesthetist and purchasing agent for hospital services.

Still, the small hospital can cut its staff only so far. It must have nurses, cooks, laundryworkers and so on, and they must be on duty whether the hospital has one patient or 20.

Subsidies from cities and counties and utilization of volunteer help from the community are helping some small hospitals today, but few place much faith in either as a long-term solution unless the amount of aid is dramatically increased.

If subsidies are the answer, they probably will come from the federal government, possibly through expanded Medicare and Medicaid programs, Fenner suggests.

William Leary, executive secretary of the Montana Hospital Association, predicts that expanded federal programs for alcoholism and drug abuse treatment in local communities could benefit small hospitals.

Beyond direct and indirect subsidies lie proposals like national health insurance, which Fenner says, "could save many of these small hospitals."

Not everybody agrees, however.

National health insurance "isn't going to be a great thing, because the quality of care is going to go down," says Edwin V. Richards, administrator of the hospital in Dillon.

Realists like Fenner and Leary don't think that all of the hospitals presently operating in small towns can make it. They see the future bringing, like it or not, some kind of consolidation of services and a changed role for some community hospitals.

"Some of our smallest facilities in a short time, two to three years, are going to be faced with some crucial decisions on whether they really should exist as short-term acute care centers," Leary says.

"Medicare and Medicaid are going to demand that these facilities meet certain requirements, and that's probably going to force some into a different situation," Fenner says.

The "different situation" envisioned by Fenner and Leary includes conversion to either a long-term care nursing home or an emergency medical center or outright closure.

One concept being explored is a "satellite" system in which a small community facility would be tied by contract to a larger city hospital either as an emergency center or as a branch unit with more complete services.

Either way, the small hospital would have to give up some of its independence. "We're talking about consolidation of services, and it's a tough concept," says Fenner.

As a branch, the small hospital could continue to provide many of the services it now provides, but the core hospital would provide base services and administration. Some even see the large hospitals sending out specialists to the satellites as modern-day medical circuit riders.

But Leary envisions that under the present structure of medical care, the specialists will likely remain in the cities. Small facilities would be geared mainly for emergency medical treatment.

Such community health centers would provide extensive emergency care through shock until the patient could be transferred to the larger center, according to Leary.

"I don't think you can completely close doors of facilities, but I think you can change their image," he says. "If they could be reclassified as community health facilities, with different standards, the cost perhaps wouldn't be so great. They could still provide a service without having to close their doors."

The community health center concept would require changes in the licensing standards, but, according to John Kern of the federal Department of Housing and Urban Development, such changes are presently under discussion in Washington.

"The regulations are written for the most complicated facility there is," complains Edwin Richards, administrator of Dillon's Barrett Memorial Hospital. "The need for these people in a small hospital is just not there."

"We've had a terrible time getting a dietitian, because there aren't any here—there just aren't any."

The standards do have their supporters, however, and even the hospital administrators praise some of the regulations.

"Basically, the standards are not all that bad. They're designed primarily to provide quality health care for the patient where ever he is," says George Fenner, administrator of the State Department of Health's Hospital and Medical Facilities Division, which administers the federal programs.

Fenner is in the middle. On one hand, financially strapped health care providers ask for a break. On the other, the federal people, who pay for much of his staff, are checking to see that standards are enforced.

"Many hospitals feel that we're really out to close them down or make them first aid stations or elaborate ambulance loading docks, but we're legally required to enforce the standards," Fenner says.

For their part, federal HEW officials defend the standards but are not blind to the problems they cause.

"Most standards have been applied with a tremendous amount of patience. We don't feel we have been unreasonable," a federal HEW official from Washington, D.C., Gerald Sheinbach, told Montana health care providers in Helena last week.

"For six years at least, the standards were not enforced with vigor. Now we're trying to catch up. We're catching up in this country, and we're paying a price for years of not doing enough.

"We honestly feel the sprinklers are long overdue. We don't feel we dragged some arbitrary standard out of the clear blue. Sprinklers are not that much different from any other staffing requirement," Sheinbach said.

"If you stop enforcement because people say they can't afford it, then you have no enforcement," he said.

Sheinbach also complained that HEW too is in the middle—between the hospitals and the politicians, for whom health care has become "a political football."

Perhaps the real significance of the dislike of the federal standards, however, is not the past battles over sprinklers and staffing but fears of coming battles.

Health care providers in Montana are feeling a pinch, and they are watching Washington warily for signs of new standards which for some could mean the end.

"Once the federal government gets into anything, it just grows," warns Dillons's Richards. "We worked hard to comply with these Medicare standards and have done a good job, but I can see the day when they are going to demand things we simply can't provide."

"I think that in a very short while there won't be any hospitals in small towns," he laments. "It will be a very sad day for the American people. They'll be many lives lost. Many will die who might have survived."

Tomorrow: A cloudy future.

SMALL HOSPITALS FEEL FEDERAL RULES PINCH

(By Dennis E. Curran)

ENNIS.—Two weeks ago Madison Valley Hospital grudgingly made peace with the federal government by completing a federally required sprinkler system to protect the 11-bed wood frame hospital from fire.

"We were the last hospital of our type in the nation to put this in," Hospital Administrator Phil Loucks says with a note of pride in his voice.

"But I still think it's an absolute farce in the main building," he adds. "With smoke detectors, we could have provided better protection at a third of the cost.

"These people are suffering from east-of-the-Potomac fever—they have no idea what's going on here."

Phil Loucks typifies the growing resentment, especially from rural hospitals, against federal health care programs in Montana.

The villain in his case—and in most cases—is a federal regulation governing participation in the Medicare and Medicaid programs. If a hospital wants to be certified for the programs—and most do because they need the money—then it has to meet federal standards.

And those standards, which some complain are geared to big city hospitals, are proving difficult for many small hospitals to meet. While hardly the only reason for small town Montana's hospital crisis, they often loom as the most dramatic and costly problem.

The standards are lengthy and detailed. Some deal with the physical conditions in the building, like overcrowding, sanitation and fire protection. Others deal with staffing—requiring such services as 24-hour nursing care, radiologists, pathologists, medical record technicians, dietitians, social workers and more.

The small hospitals want to upgrade the quality of their health care, but they complain loudly that some of the regulations seem to be designed for big city hospitals and can't be met. They argue that some standards are either inapplicable or can be met by alternate means.

And they argue loudly that while the federal government has blithely required them to make costly improvements, it has not provided the financing.

"Every time you guys come along with a new regulation, it costs us money. But you never give us any money," a hospital administrator complained to visiting federal officials in Helena last week. "We have to go someplace else and they're always broke."

Sprinkler systems are a case in point. Two years ago the Medicare people, the federal Department of Health, Education, and Welfare (HEW), decreed that all health care facilities should have sprinkler systems for fire protection.

Montana's State Department of Health, the Montana Hospital Association and the congressional delegation fought the standard vigorously on the grounds that alternate protection methods—like smoke detectors or other early warning systems—would do a better job.

"We were not opposed to fire safety for patients—we were telling the federal government we thought there was a better way," says William Leary of the Montana Hospital Association. Their argument was simple:

Smoke detectors would be triggered early, allowing patients to be saved before they were burned. But the sprinkler systems are triggered by heat, and patients could be burned badly, even killed, before the sprinklers would go off. Sprinkler systems also are two to three times more expensive than smoke detectors.

Eventually, Montana won a change which allowed many facilities to use combinations of smoke detection and sprinkler systems. But for Madison Valley Hospital and eight others, sprinklers were still required.

The others gave in, but Loucks held out, convinced that his plan to use sprinklers in the attic and basement and smoke detectors in patient rooms was right.

"They could care less if you save the patient as long as you save the damn hospital," he complains. "Sure, we'd like to save the building, but the patients come first."

But this past March the power of the federal government caught up with Madison Valley Hospital. Loucks received notice from HEW that he had 15 days to comply or the hospital would no longer be certified for Medicare.

With that, Loucks gave in. With the help of the congressional delegations, he won a 60-day reprieve and went to work on the sprinkler system.

"Some of the people who nailed this hospital together are Medicare patients now," he says. "I felt an obligation to them to keep Medicare."

Like most small hospital administrators, Loucks also felt an obligation to his budget. About 35 per cent of the patients at Ennis are on Medicare, more than the difference between the hospital's present financial success and red ink.

But the benefits have not been without costs. The ugly black pipes which officially protect the hospital ultimately cost $18,000, including cost of a new water main because the old one wasn't big enough. It also cost the hospital a start on a new building planned for the other side of town.

"We had hoped that by this fall we might do something, but I had to put the money for the land into the sprinkler system," the administrator complains.

For other small hospitals, the staffing requirements have been a major problem. Lacking a full-time pathologist or anesthetist or dietitian, they have had to turn to costly consultants.

However, there are obvious problems in relying on the big city hospital, especially in winter when many rural communities are more isolated.

T. Millar Bryce, a stockholders' representative of Plains' Clark Fork Valley Hospital, cites victims of heart attacks and industrial and auto accidents as justification for local hospitals with complete medical care.

"Nothing can save those people except proper hospital care," he says. Bryce, who thinks subsidies may be the answer, also argues that without hospitals, many small towns will lose doctors they have struggled so hard to attract.

A key to the question of small hospitals versus emergency care centers is the solution to rural Montana's doctor shortage. Small hospitals undoubtedly would continue if more doctors, especially general practitioners, located near them, or if the population started returning to rural areas. But if Montana turns to paramedics or other non-doctor professionals to provide health care in rural areas, many small hospitals may well become emergency care centers.

Beyond satellites and emergency centers lie experimental concepts such as HMO (Health Maintenance Organization) plans and statewide medical foundations that could provide more structure for medical care. These could revitalize rural hospitals.

"But that's quite a ways down the road," says Leary.

For their part, small hospital administrators are not happy about the changes they can see coming. Partly because of community pride and partly because of a belief that the best medical care comes closest to home, the small hospitals that are in trouble are not going to close their doors without a struggle.

But unless Montana experiences a sudden reversal of the trend toward urbanization of both population and medical care, for some small hospitals the struggle for survival probably will end on the deathbed.

TAX REFORM—TESTIMONY OF SENATOR HATFIELD BEFORE REPUBLICAN PLATFORM COMMITTEE

Mr. HATFIELD. Mr. President, this week I submitted testimony to the Platform Committee of the Republican Party on the issue of tax reform. Because of the timely interest of this subject, I ask unanimous consent that this testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Simpliform: How To Simplify and Reform Our Tax System

(By Senator Mark O. Hatfield)

Mr. Chairman, I would like to preface my testimony by expressing my appreciation to you and your committee members for allowing me to present my thoughts on one aspect of federal income taxes before you today.

Mr. Chairman, we are all familiar with two aspects of our Federal income tax system which are wrong: it is much too complicated and it is not as fair as it could and should be.

It is horribly complicated and confusing when:

Nearly $2 billion are spent in filling out tax forms, and even then the more than 50,000 "tax preparers" cannot get it right most of the time. In fact, former Treasury Secretary John Connally pointed out that a Treasury survey of such returns found 97% inaccurate.

The income tax form has grown from 18 lines to 63 lines, not counting the multitude of additional schedules. And the book of instructions is so complex that even college graduates cannot understand all of it.

A Treasury official (quoted in the Washington Evening Star News, August 4, 1972) stated that "if we don't simplify taxes, the system will fall of its own weight . . . the seeds of decay are growing."

As a matter of fact, even the Internal Revenue Service with its 70,000 employees cannot complete the tax forms properly any more. In a test by the Wall Street Journal (April 13, 1972) five different IRS offices came up with five different tax results for the same taxpayer.

When the tax system has reached this point, we must all admit it is in a shambles. Even acknowledged tax experts say "they are knowing less and less about more and more." From a one paragraph amendment to the Constitution, the income tax has emerged as a hydra-headed monster that now takes more than a 6-foot bookshelf to contain its laws and regulations .

We also know that the tax system is not fair: a Harris Poll last year found that 69% of the public had joined the "tax revolt"—up from 43% two years earlier. The tax system is unfair when:

21,317 persons in 1969 with incomes over $20,000 paid no taxes whatsoever, including 56 millionaires who paid no taxes at all.

People with income under $2,000 paid one-half of this in all forms of taxes (federal, state, and local), as computed by the U.S. Census Department in its 1970 Census, at the same time that one multi-millionaire paid $500 and another paid $4500 in federal income taxes, which is less than they make in one hour. The rest of us end up paying about 30% of our income in all forms of taxes regardless of the income level despite the alleged progressive nature of the federal income tax that should rectify all this.

The Congress and the Treasury have tried to correct these admitted deficiencies in the tax system. It was tried in 1954, 1964, and finally in the "Tax Reform Act of 1969." An attempt was made to fill loopholes but more were created. It seems as though an effort was made to achieve reform through complexity but only more complexity resulted. The 1969 Act became so complex it was labeled "The Lawyers and Accountants Relief Act of 1969" by the Assistant Secretary of the Treasury for Taxation. A year after reform still 3000 people with incomes over $30,000 paid no taxes.

We have tried reform through making the tax laws more complicated but only succeeded in the latter. It is now high time we aim for tax reform through simplification to achieve both.

What I am proposing today owes its genesis to many individuals. It is a suggested direction in which I believe we should move and a vehicle for discussion and perhaps improvement. I offer it in anticipation of major tax reform efforts during the next Congress in order that we in the Congress might examine as many of the complexities and implications of our present system as possible—and hopefully produce a better tax system.

I call my approach the "Simpliform" system. This is how it would work.

We must move to a simple gross income tax system eliminating all deductions except the personal exemption. (This resembles state income tax laws in Indiana and Pennsylvania). This would mean more than 90% of our taxpayers could complete their form on a small IBM card using only four lines: total income, gross tax, credit for personal exemptions, and net tax (or refund) due.

All income flows (wages, salaries, interest, dividends) would be subject to a 10% withholding at the sources. The payers of such income flows would (as now except for interest and dividends) send copies of such withholdings to both the IRS and the taxpayer. At the end of the year the taxpayer would simply attach the withholding forms to his "simpliform" tax card, fill in the four lines, and that would be it.

The mathematics are quite simple: in rough orders of magnitude, in 1972 there is a total personal income tax base of about $914 billion (based on a Brookings Institution study by Drs. Okner and Pechman). A 10% withholding rate across the board would bring in $91 billion, roughly the current yield ($86.5 billion in fiscal 1972). The exemptions would be in the form of a straight dollar "tax credit" of $250 per adult (over 18). (Under a 10% tax rate these tax credits would be equivalent to a $2,500 adult deduction compared to the current $750 deduction under present law). These personal exemptions would reduce the revenue yield by about $28 billion. However, this amount will be more than recouped in the progressive surtax provisions I propose to keep in the income tax base of our tradition of "ability-to-pay". (To raise additional revenue, a surcharge should be made on the actual amount paid, rather than increasing the specific surtax).

It might be asked, why use "tax credits" instead of "deductions" from the total income base? The answer is simple equity: it would give each person the same dollar tax break. Under the present law a person in the 70% tax bracket gets a $525 tax cut for his exemption whereas a person in the bottom 14% bracket only benefits by $105. My plan gives to each one equally: $250 per adult—18 years old and above. (Children are regarded here as "choices" for parental consumption expenditures in our age of targeted "zero population growth." There is no reason why single or married individuals without children should have to "subsidize" other people's children, which is what the present system does. Obviously poor families are still taken care of under welfare).

Would this "proportional" 10% tax rate system be "progressive" that is, be based on our tradition of "ability to pay"? Yes, in fact, while the present system is supposedly "progressive" it turns out to be "proportional because of loopholes." My system would be "progressive" because of the use of personal credit exemptions. Thus, under my system a family of four would pay no taxes below a level of $5,000. At that point ($5,000) the tax rate would rise from zero and approach 50% at the level of $1 million under my surtax provisions. This is accomplished by a "surtax" of 5% on income between $10,000—$15,000; 10% between $15,000–$20,000; 15% between $20,000–$25,000; 20% between $25,000–$50,000; 25% between $50,000–$100,000; and 30% between $100,000–$500,000; 35% between $500,000–$1,000,000; and 40% on incomes over $1 million. Thus, establishing a top bracket rate of 50% (10% base plus 40% surtax). (At present the actual top rate on upper incomes is not the 70% statutory rate, but is really an average 32%). This surtax would not complicate the system for nearly one-half of all American families have incomes below $10,000 and would hardly be difficult for those above the $10,000 bracket to compute—indeed, it would resemble many state income tax systems in its simple 5% brackets. This is illustrated in the following table:

SIMPLIFORM INCOME TAX SYSTEM

[Assume family of 4: 2 adult tax credits of $250-$500; in thousands of dollars]

Tax bracket (thousands of dollars)	0 to 10	10 to 15	15 to 20	20 to 25	25 to 50	50 to 100	100 to 500	500 to 1,000	1,000 plus
Marginal tax rate (highest)	10 percent	15 percent	20 percent	25 percent	30 percent	35 percent	40 percent	45 percent	50 percent.
Tax (before $500 2-adult credit)	10 percent	$1,000+15 percent above $10,000.	$1,750+20 percent above $15,000.	$2,750+25 percent above $20,000.	$4,000+30 percent above $25,000.	$11,500+35 percent above $50,000.	$29,000+40 percent above $100,000.	$189,000+45 percent above $500,000.	$414,000+50 percent above $1,000,000.
Illustrative tax (on middle of income tax bracket):									
Sample income	$7,500[1]	$12,500	$17,500	$22,500	$37,500	$75,000	$300,000	$750,000	$2,000,000.
Tax	$250	$875	$1,750	$2,875	$7,250	$19,750	$108,500	$301,000	$913,500.
Average tax rate	3.3 percent	7 percent	10 percent	12.8 percent	19.3 percent	26.3 percent	36.2 percent	40.1 percent	45.7 percent.

[1] No tax on 2-adult family with income $5,000 and below; $7,500 taken as middle of 1st taxable range of $5,000 to $10,000

Another question might be raised: Would not the "middle income" American lose by eliminating deductions for property taxes, mortgage interest, medical expenses and charitable contributions? No, he would only be treated more fairly. On the average those with incomes below $20,000—85% of all families—will gain by this new system. Under the present law the "middle income" American is really subsidizing the rich. The "middle income" American, say in the 20% tax bracket, gets the benefit of 20 cents on the dollar for his property taxes, interest payments, contributions, etc.—the wealthy get up to 70 cents on the dollar for the same activities. Why should the "middle income" American pay higher taxes so the rich can deduct $70 of a $100 ticket to a Charity Ball when he gets only a 20 cents tax break for each dollar he puts in the church collection plate? Why should he pick up the tab for 70% of the tax and interest payments on a $200,000 mansion? By my system the "middle income" American could get direct relief through special grants or credits for property tax reductions. In addition, the homeowner and rentor would be treated equally. So would those who bother to "itemize" and those who use the standard deduction. Instead of medical deductions favoring the wealthy, he would get better medical care through expanded health insurance programs, Medicare and Medicaid, and federally-funded improved health care delivery systems provided by these tax savings. Let's not complicate our tax system to give "welfare" to the rich when we can get lower property taxes and better health care by a more direct and cheaper method.

How would this "Simpliform" system work in practice for different income groups? The following table may help: (based on a family of four now taking the standard deduction). (I have included the social security "tax" on employee wages to provide a consolidated income and social security tax rate on earned income.)

	Present system					Simpliform				
Family income	Income tax	Social security tax	Total	Rate	Average rate, percent excluding social security	Income tax	Social security tax	Total	Rate	Average rate, percent excluding social security
$2,000	0	$100	$100	5.0	0	0	$100	$100	5.0	0
$4,000	$39	200	239	6.0	1.0	0	200	200	5.0	0
$5,600	271	280	551	9.8	4.8	60	280	340	6.1	1.1
$8,000	672	400	1,072	13.4	8.4	300	400	700	8.75	3.75
$10,000	1,000	450	1,450	14.5	10.0	500	450	950	9.5	5.0
$12,000	1,342	450	1,792	14.9	11.1	800	450	1,250	10.4	6.7
$15,000	1,996	450	2,446	16.3	13.3	1,250	450	1,700	11.3	8.3
$20,000	3,210	450	3,660	18.3	16.1	2,250	450	2,700	13.5	11.3
$25,000	4,636	450	5,086	20.3	18.5	3,500	450	3,950	15.8	14.0
$50,000	14,960	450	15,410	30.8	29.9	11,000	450	11,450	22.9	22.0
$100,000	42,660	450	43,110	43.1	42.7	28,500	450	28,950	29.0	28.5

Note: Negative tax equals refund. Present system based on 1971 income tax tables. Social security tax based on a 5-percent tax on first $9,000 income. (Actual 1972=5.2 percent.)

Notice that the "Simpliform" system would *reduce* taxes for all income groups based on combined federal income tax (and/or social security tax payments) and using the standard deduction; lower and middle income groups (using standard deductions) substantially benefit, especially those below $20,000. The overall equivalent yield of "Simpliform" at much lower tax rates is based on the elimination of "itemized deductions" plus the inclusion of all income (half of capital gains, tax-exempt bond interest, etc.) which are now excluded from the tax base.

How would business and entrepreneurs be affected? Full capital gains would be included in our income tax base. (This would require a separate form for the 5% of the population who receive capital gains; for those in mutual funds, capital gains would be reported the same as dividends or other ordinary income and included on the same simple 4-line "Simpliform" requiring no other schedule). But remember the top rate for most Americans would still be well below 25%, which is the rate for most capital gains under the so-called alternative schedule use by most capital gainers, so there would be no direct change. (The highest marginal rate does not go above 25% until $25,000 in income.) (At present capital gains tax rates range between 7–35% but the predominant bulk is at 25%) For those earning between $50,000-$100,000 the rate would go to only 35%, which is not the maximum rate. For those earning over $100,000, the highest rate would still be 40% until $500,000. But this is more than compensated for by the *reduction* in the top rate of 70% down to 41% on ordinary income for a millionaire. Overall incentives will be increased for business enterprise. Indeed, for a young single executive who now faces marginal income tax bracket rates of 40% by the time he reaches $23,500, he will still be in the 25% tax bracket under "Simpliform." Those just below $50,000 will face only a 30% bracket under "Simpliform," as contrasted to 60% under present law. Incentives thus will be *increased* rather than diminished for rising young executives. And they will not have to waste time worrying about converting ordinary income to long-term gains because all will be called simple income under my system.

Let me summarize some of the simple arithmetic and actual shift in tax burdens of this proposal:

SENATOR MARK O. HATFIELD, REPUBLICAN PLATFORM TESTIMONY—TAX REFORM

TAX BURDENS AND REVENUES UNDER SIMPLIFORM AND PRESENT SYSTEM

[Taxes in billions of dollars]

Income class (thousands)	Gross income (expanded AGI) 1972 tax base under simpliform[1]		Simpliform		Present system[2]	
	Number of families (thousands)	Gross income (billions)	Tax	Average rate (percent)	Tax	Average rate (percent)
Under $3	5,923	$8.0	0	0	0+	0.5
$3 to $5	6,874	27.6	0	0	$0.5	1.7
$5 to $10	19,387	145.0	$4.8	2.5	7.7	5.3
$10 to $15	17,535	216.5	14.9	6.9	18.8	8.7
$15 to $20	10,486	180.3	17.9	9.9	19.4	10.7
$20 to $25	4,954	109.9	14.7	13.4	13.3	12.1
$25 to $50	4,463	142.9	24.9	17.4	20.7	14.5
$50 to $100	625	41.2	10.3	25.0	9.7	23.5
$100 to $500	189	31.4	11.2	35.7	9.2	29.5
$500 to $1,000	6	4.4	1.8	40.9	1.3	30.4
$1,000 and over	3	7.1	3.2	45.1	2.3	32.1
Total	70,445	914.3	103.8	11.4	102.9	11.3

[1] Based on all-inclusive personal income tax base (Okner-Pechman) including full-enclosure of capital gains.

[2] Revenue Act of 1971 applied to 1972 incomes. (Fiscal 1972 yield was $86,500,000,000 initial budget estimate for fiscal 1973 was $93,900,000,000 in tax revenues.)

Note: Under Simpliform those under $20,000 income on the average would benefit compared to the present system. This means 85 percent of families would benefit by Simpliform. (Of course, those above $20,000 who take the standard deduction or small amounts of itemized deductions would also benefit while those families with huge itemized deductions below $20,000 might lose a little.)

In conclusion, it is time to think anew and act anew to solve the mess of our present tax system. It is both too complex and unfair—and attempts at making it more fair have succeeded in making the system only more complex. We have tried the route of filling loopholes and making marginal adjustments. It is time to "redo" the system from the bottom up. We can do it. We can make a substantial simplification which also brings reform—for the poor, for the elderly, for the business entrepreneur, and for the overburdened and overbothered middle class.

My "Simpliform" approach is a way of fresh "new thinking" about tax reform. I do not know all the answers and my proposals are not yet ready to be carved in granite. Indeed, as of March 1 of this year already 1,149 tax bills have been proposed for consideration by the House Ways and Means Committee. I do not propose to kid you into thinking a bill based on this proposal would sail through the Congress. Time is far too short this session to expect "instant reform" be it simple or not.

But a dialogue should begin. I believe tax reform and simplifying reform are the wave of the future. The President has promised us new legislation on tax simplification and reform next year. The dialogue should begin now so that we will see soon both a simple and fair tax system.

NATIONAL HOUSING NEEDS

Mr. BROOKE. Mr. President, Mr. Albert A. Walsh, president of the National Association of Housing and Redevelopment Officials, testified recently before the platform committee of the Republican National Committee in Miami. Mr. Walsh is a knowledgeable and respected leader in the field of low-income housing, and also serves as administrator, housing and development administration, city of New York.

Mr. Walsh's comments deserve careful attention, as they concisely set forth the major problems facing the Nation in meeting our housing needs. I ask unanimous consent that Mr. Walsh's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRIORITY AREA FOR ACTION IN HOUSING AND COMMUNITY DEVELOPMENT

(By Albert A. Walsh)

Mr. Chairman, my name is Albert A. Walsh, President of the National Association of Housing and Redevelopment Officials (NAHRO). I am also the Administrator of the New York City Housing and Development Administration. NAHRO is the professional Association representing about 10,000 local housing, urban renewal and housing codes administrators who administer the federally-assisted programs of low and moderate income housing, urban renewal and neighborhood improvements. The Association was founded in 1933, and thus has almost 40 years of involvement with efforts to improve the housing and living conditions of American communities. I am pleased to have this opportunity to appear before you today and present NAHRO's recommendation for inclusion in the 1972 platform of the Republican Party.

I stand before you today, representing not only NAHRO, but the near fifty percent of our population who cannot afford to rent or purchase housing at current market prices. It is this enormous mass of people—not only the small sector of the deeply poor—who turn to the federal government for fulfillment of its pledge of "safe and decent home and suitable living environment for all Americans."

For nearly four decades the federal government has struggled to devise programs for the improvement of community life—building decent and adequate housing in safe and healthy neighborhoods. A myriad of programs has been enacted and billions of dollars spent to accomplish this goal. Our performance record is impressive; it has produced major accomplishment, of which both federal and local officials may be justly proud. However, we cannot rest upon this record; new problems are emerging which require new approaches and new solutions:

Federal assistance has funded thousands of local planning efforts, yet the continuation of urban and suburban sprawl is but one piece of evidence of our lack of a national urban growth strategy.

Federally-assisted urban renewal has revitalized hundreds of cities and small towns, yet the rate of urban deterioration, middle class exodus and local tax base erosion continue to increase in most urban areas.

Federal housing insurance programs helped create a suburban society and a nation of homeowners, yet some of this same housing is increasingly being subjected to the same decline and decay as housing in urban neighborhoods.

Federal housing programs have reached all time high production records with 433,000 units of low and moderate income housing started last year, yet in some cities, including my own, whole neighborhoods are being abandoned and millions of families are still unable to find adequate shelter in a safe environment.

In short, Mr. Chairman, the sad fact is that we have no national growth policy, no unified national housing policy, no concrete community development policy, and finally no policy for interrelating these nonpolicies. Our task, therefore, is to establish such policies by combining new approaches with those methods and devices which have proven themselves by past accomplishments. It is within this context that we wish to suggest three priority areas for inclusion in the resolutions of the 1972 Platform of the Republican Party.

I. *The Establishment of a National Urban Growth Policy To Marshall the Public and Private Resources Necessary to Bring About Balanced National Growth.* During this century the entire fabric of American society has been altered bringing about changes in our institutions, our attitudes, and our life styles. We have moved from a smalltown, rural-oriented society to an urban industrialized one; and now are moving to a suburban-based society with a service-oriented economy. We have become a highly mobile and prosperous land, better educated and better fed than ever before, less concerned about tradition, more concerned about leisure and recreational opportunities. Yet, these changes have been accomplished in a laissez-faire fashion resulting in new social, economical and political problems which might have been averted had there been a visible national growth policy.

Center cities, once vibrant keystones of the American economic and social system, are eroding—being transformed into the home for the very poor, the elderly, the deviant, the infirm, the unemployable, and the "problem" family. Small towns, once prosperous market centers for the hinterlands, have either remained stagnant because of outmigration or have been overwhelmed by growth and new problems if they happened to be in the path of runaway metropolitan expansion. Suburbs, where the vast bulk of recent growth has occurred, have been developed as racially, socially, and economically segregated areas forming the oft-referred to "white noose" around the center city. Mr. Chairman, I call your attention to the direct relationship between this growth phenomenon and such current political problems as the busing of school children, battles over the location of low-income housing and court suits over local zoning practices.

In short, Mr. Chairman, national growth issues really are questions of how best to conserve our limited assets and resources. How do we develop our vacant land; redevelop land which is now underutilized or inappropriately developed? How do we guarantee the quality of the environment in periods of rapid change? How do we conserve and strengthen our human resources, rather than crippling, twisting and destroying them by inhuman living conditions?

The urgency to develop a national urban growth policy is therefore obvious. Without one, our future national development will continue in a haphazard fashion, one which is expensive in terms of our institutions, national resources, fiscal capabilities and the well-being of our citizens. Such a policy must address itself to a number of crucial areas of which the following are key:

It must guide in the development and redevelopment of our most precious natural resource—our land.

Growth must be balanced between urban, suburban and rural areas with prime importance given to saving and revitalizing our center cities, *the* vital link in organizing the economy and the society; they cannot be deserted. Those who *use* cities find them exciting, productive and necessary; those who *live* in them too often find them demanding, destructive and demeaning. It is this schizophrenia which a urban growth policy must address—urban centers must be preserved, made liveable as well as usable, even though some of their functions may change.

This policy must devise methods to preserve our shrinking natural resources. The right to adequate shelter is also the right to clear water, clean air, and green places.

It must recognize the inescapable role of the federal government in determining the future shape of the nation. Since the government has the power to alter the face and economics of an entire state or region by the location of new installations, the placement of public works projects, and the allocation of federal funds, it cannot evade its responsibility for using this power to help communities develop in a coherent way. The failure to do so results in chaos.

Finally, the policy must have as its primary focus the establishment of socially and economically-balanced communities. This can be accomplished through new town developments in the outlying areas, in existing metropolitan areas, or within the political boundaries of established cities. But these new towns must not repeat the mistakes of the past. They must not become isolated enclaves but must be balanced in terms of employment and housing opportunities.

II. *The Development of a Unified Housing Policy and Translation of This Policy Into Action.* We have made great progress in meeting the national housing goals established in 1968, and have reached all time-production records to the point where one out of every four units receives federal assistance.

This increased production is largely due to new mechanisms including interest rate subsidies and a broad range of new approaches in public housing bringing it into closer cooperation with the private sector, but millions of families are still priced out of the housing market and the problems of location and increasing cost of both construction and management are rapidly making even these new efforts inadequate. Finally, our response to the need to preserve and to upgrade the existing housing stock, particularly in urban neighborhoods, has been almost nil. Thus, if we are to reach our goal of housing every American family in a safe and decent home, we must have a national policy and we must reform the tools we now have to implement it.

Briefly, let me describe our current housing "policy". It consists of a variety of separate programs which were enacted in a piecemeal fashion over the past forty years, each with different eligibility standards, definitions, guidelines and regulations—a morass of confusing, often conflicting, pronouncements which create havoc for the public officials, the private developer, and worse, the family in need of a home.

In spite of new approaches, public housing, the only major program designed to serve the very low income, faces serious problems precisely because of this purpose. Increasingly, public housing projects, especially those in major cities, have isolated low income families from the rest of the community, because of program restrictions limiting admission and continued occupancy to only the lowest income families. As a result of this segmentation there is a stigma attached to living in a "project"; upwardly mobile families, potential leadership forces, strive to move out of public housing, concentrating more and more problem families within the project.

In addition, recent changes in the law reducing tenants' rents have created a fiscal crisis within the program as the operating subsidies enacted into law to compensate for these rent reductions have not been forthcoming from the federal government. This federal withholding has reached the point where many local housing authorities face imminent bankruptcy and the low income families for whom the housing was intended may be unable to live in it. Other housing agencies are curtailing staffs, deferring maintenance, eliminating tenant services to forestall the day of reckoning, but unless the Federal government meets its financial commitments, pledged by statute, there will be no opportunity to transfer the valuable inventory of our 1,000,000 low income housing units into a new framework of socially and economically-balanced housing developments.

FHA-assisted housing, such as that produced through the Section 235 and Section 236 programs, faces similar financial problems which could lead to massive mortgage defaults and foreclosures. For these programs, maximum subsidies have been established by statute. If operating costs and taxes increase faster than family income (which has already occurred in more than a few cases), families already receiving maximum subsidies cannot afford the rent increases necessary to offset these increased costs and the project, or the home mortgage, is endangered.

Recent media accounts of these problems and additional ones have led some to suggest that these programs should be scrapped and new ones substituted. While we have no quarrel with new approaches, we strongly disagree that our past effort should be discarded. The basic concepts of our existing programs are not only sound but absolutely necessary. Their structure and mode of operation, however, must be changed to face the realities of today: the cost of housing, the wide income range of those unable to pay for it, and the gaps and inequities among the programs that now exist.

What we need is a single, basic, workable program with two major components: housing developed by public agencies, and housing developed by non-profit and limited profit agencies, with public assistance.

To achieve this, six basic program reforms are necessary:

1. *Consolidation and Simplification of Programs.* To avoid the confusion resulting from overlapping programs, we recommend their consolidation and simplification. A consolidation of the FHA-assisted housing programs has been proposed in an excellent bill designed by the Administration and heartily supported by NAHRO. Many of its provisions were incorporated in this year's Housing and Urban Development Act of 1972, as passed in the Senate, and may also appear in the comparable House bill, if it ever gets out of Committee. However, we urge an even more basic consolidation between FHA-assisted housing and public housing, whereby each would be component of a single, comprehensive housing program—serving the full range of families eligible for federally-assisted housing, with the same eligibility criteria, the same rents for similar units, and the same level of housing quality. The only difference between the two types of housing would be their sponsorship and their method of financing.

2. *Eligibility Criteria.* All families whose incomes were at or below the medium level for the local area should be eligible for both public agency and FHA-assisted housing. This would insure eligibility for most of those millions of families who fall between the present publicly-assisted programs and the cost of new housing that the private sector can produce without public assistance.

3. *Cross-Section of Income.* Complementary to the first two reforms, would be a requirement that each federally-assisted multifamily project maintain a cross-section of income, perhaps 70–80 percent moderate income families and 20–30 percent low income families. This would end income segmentation by project, and our near-primitive practice of isolating the poor from the rest of society. It would give the local public housing agency more flexibility in responding to the gaps in community housing needs, filling in where private enterprise cannot serve. Conversely, it would allow non-profit and limited dividend companies to house the poor, as well as moderate and middle income families; this should benefit areas where there are no local housing authorities. It would eliminate with one stroke in the racial economic ghettoization that destroys the viability of publicly-assisted projects.

4. *Variable Subsidy Method.* It is our recommendation that subsidies equal the difference between project expenses and project rent (based on a reasonable rent-income ratio). If operating costs increased or taxes were raised and the tenants were unable to absorb these increases, the subsidy would be increased; likewise, if tenant income increased, the subsidy would be reduced. The average cost per unit for the vast majority of projects could well be less, because of the 70–80 percent that would receive less than the maximum subsidy. If such a system were now operational, the vast majority of projects now in financial trouble would be economically sound.

Increased Authorizations and Appropriations. Housing production for low and moderate income families must be increased to provide additional housing opportunities for the millions of Americans who now live in dilapidated, deteriorating or overcrowded housing, or who cannot meet housing costs. To do so will require more money—a firmer federal commitment. Shelter is not only a necessity but a major component of our economic life. Priority for expending funds to assist families who cannot afford this necessity should therefore be of the highest order, comparable if not superior, to that afforded to national defense. The waiting lists for public housing—over 150,000 in New York City alone—and the national backlog of 500,000 units of unfunded public housing applications, attest to these demands by the lowest income households, and this represents only one segment of the need.

Preservation of Our Existing Housing Stock and Neighborhoods. One of the major gaps in existing law is the lack of a cohesive approach for maintaining our existing housing stock. Priority attention must be given to assembling and improving the present piecemeal efforts for rehabilitation and conservation of housing, such as rehabilitation grants and loans, and adding to these new elements, such as FHA insurance for the refinancing of existing mortgage, financial aid to tenant cooperatives, and expanded home improvement loans. All of these then must be combined into a total program effort at the neighborhood level.

III. *The Establishment of a Concrete National Community Development Program Providing Block Grants to Localities to Meet National Priorities.* Mr. Chairman, our cities need renewing, redeveloping, rehabilitating and revitalizing. A tour of my city, or of Newark, Cleveland, Detroit, Des Moines, St.

Louis or of any older center city verifies this statement. Blight, slums, abandoned neighborhoods, deteriorated downtowns, dilapidated public facilities are the highly visible signs of the growing rate of urban decay; immediate action is needed to save urban America.

Urban renewal, the major existing tool now used for community development is not sufficient in its present form. A new program, building upon the successful approaches of urban renewal, consolidating related physical development programs, expanding eligible activities, simplifying administrative requirements and increasing local flexibility is urgently needed. President Nixon is to be congratulated for offering one approach to accomplish such a program through his proposal for special revenue-sharing for urban community development. Congress appears likely to adopt some modified form of his proposal. There are, however, a few points to be made about the components of such a program:

1. *The program must emphasize key national priorities.* Federal assistance for community development must be based on a locality's commitment to use these funds to solve basic "national priority" problem areas: eradicating and preventing slums and blight; increasing the supply of housing especially for low and moderate income families; and providing related community and public facilities. It is for this reason that NAHRO supports an application requirement wherein the community would outline how it intended to shape its local community development program so that its primary thrust would be in these national priority areas. Without such a requirement, this federal money could be used merely to fund local public works projects.

2. *The program must grant maximum flexibility to localities to meet these national objectives.* While NAHRO supports the necessity of national priority areas within the community development context, we also support granting maximum flexibility to localities to determine the shape and structure of local programs. The location of program activity, the timetable for improvements, the reuse of cleared land, the administrative structure of the local program are examples of activities which should not be dictated by the federal government but left for community decision.

3. *The program must be balanced, providing assistance to large cities and small towns, to old cities and new.* Too often we think of urban problems being located only in big and aging cities but this is not true. Older suburbs, smaller towns, young, growing cities, and rural communities can have problems as acute as those of the older center cities. Many small communities, for example, face the emergency need to revitalize their business centers which may be their prime economic resource. Our history with urban renewal verifies this point. Of the 1,048 communities now participating in the program 74 percent have a population below 50,000. Therefore, it is our position that smaller communities now participating in community development programs (e.g., urban renewal) should have equal access to funds authorized under the new program. Likewise, sufficient funds must be made available to meet requests from smaller cities not participating in these programs but who wish to in the future.

4. *The program must be funded at a sufficient level to permit communities to make progress under it.* One reason for the inability of many communities to respond to their urgent developmental needs has been the lack of federal assistance. Last fiscal year, for example, urban renewal demand exceeded available funds by approximately 2.3 billion dollars. Moving from one program to another without a significant increase in funding will provide only marginal assistance. It is for this reason that we recommend as a *minimum*, a federal commitment of 5.5 billion dollars of new money for the first two years of this new block grant special revenue-sharing program.

CONCLUSION

In summary, Mr. Chairman, NAHRO believes that the nation needs a broad national growth policy, a unified housing policy, and a concrete national community development policy, if we are to house our citizens and restore our cities, as we have so often undertaken to do.

The implementation of these policies is another subject, on which a great deal could be said. Briefly, we believe that it depends upon two elements: a clear understanding of the policies, and a clear definition of the roles of the different levels of government in implementing them.

The federal government must continue to establish national priority objectives, and require local communities to meet them.

The States must be encouraged by federal incentives and sanctions to pass the enabling legislation that will permit and encourage localities, with closely-related problems, to approach them together.

Finally, the actual delivery systems—the local programs that will achieve the national objectives, including the best mechanisms to encourage private participation—should be left to the locality. Only on the local level can the best determination be made on immediate needs, available facilities, and timetable.

With a single, coherent housing program and a community development program, both applying across the country and using all levels of government in the most efficient way, the next Administration could well be the one that history will credit with saving our great cities, and—at last—housing all American families who cannot house themselves.

NIXON'S TREASURE CHEST: IMPOUNDED FUNDS

Mr. METCALF. Mr. President, at the end of the fiscal year 1972, the Nixon administration was still "impounding" over $10 billion in funds which Congress had appropriated and intended to be spent primarily for domestic development purposes. At a time when 5 to 6 percent of the work force is out of work, when many State and local governments are in financial trouble, when community development—urban and rural—is foundering, the President continues to hold back on essential financial assistance that could go a substantial way in creating employment and in improving public services and facilities.

At my request, the Office of Management and Budget has submitted the latest list of impounded funds—as of June 30, 1972—which I shall place in the RECORD following these remarks. Previous lists were inserted in the RECORD by me on May 22, 1972—at page 18292—and by the senior Senator from North Carolina (Mr. ERVIN) on March 13, 1972, at page 8031.

The latest OMB list discloses, among other things, that $6 billion is being held back on Federal aid to highways; $1.3 billion in shipbuilding and conversion; $402 million for forest roads and trails; $300 million unspent for urban mass transit; $122 million withheld on airport and airway facilities and equipment; $105 million impounded for model cities programs; and $40 million for Appalachian regional development programs.

These and other funds, totalling $9.1 billion on June 30, 1972, are said by OMB to have been withheld for so-called "routine financial administration" such as development of approved plans, completion of studies, establishment of management organization, and arrival of contingencies. Even if this be true—and I frankly believe it deserves investigation—this sum of appropriated funds—nearly $10 billion—is too large a "treasure chest" to be left to Presidential discretion. One suspects that the "routine financial administration" label may well contain some special elements of program priority, or budgetary knifecutting, or at best, a disposition on the part of the President not to spend unless he is forced to.

It is anticipated that more funds will be released for expenditure in the coming months. It will be interesting to see how routine financial administration will give way to political expediency. Perhaps we should ask the OMB for a road map of impoundment releases to see how the destination of the released funds coincide with those areas of political sensitivity.

But this is not all.

The OMB letter attached another list of impounded funds, this one totalling $1.5 billion, and entitled "reserves for reasons other than routine financial administration." These are funds withheld by the President for, among other reasons, "broad economic and program policy objectives," apparently without regard to the decisions made by the Congress when it appropriated them in the first place.

The amounts impounded here for various programs are significant: $550 million for water and sewer grants; $107 million for rural electrification loans; $670 million in highway funds; $58 million in HUD rehabilitation loans and community assistance grants; and $30 million for the National Science Foundation. Reserves of $62 million were established as a result of the President's directive to curtail Federal employment. This figure was $280 million on January 24, 1972.

On March 13, 1972—CONGRESSIONAL RECORD, page 8031—the senior Senator from North Carolina (Mr. ERVIN) said with respect to this category of funds:

> It appears to me, as it has appeared to other observers of the incumbent administration, that the "broad economic and program policy objectives" of OMB may well include the release of large sums of these impounded funds during the next few months. The influx of several billion dollars would provide a long-overdue stimulus to our stagnant economy, and I suppose that the occurrence of the resulting boomlet just before the presidential election this fall would be purely coincidental.

The remarks of the Senator from North Carolina were prophetic, indeed.

The newest information from the OMB indicates that over $440 million of these specifically impounded funds were released by the President on July 1, 1972, for expenditure. These are funds in the President's grabbag with no apparent administrative hangups. One can only conjecture how the released rural electrification loans, water and sewer grants, HUD loans, and community assistance grants will be applied. Again in this case, economic objectives may be forced to give way to political reality.

Mr. President, there is another point to be made with respect to the President's policy of financial administration. That relates to his requests for appropriations as compared to the available program authorizations. While Nixon withholds his $10 billion "treasure chest" of appropriated funds from public use, he comes to Congress with critically reduced money requests on essential programs, and the public get business both ways. Dramatic comparisons as to amounts authorized, and amounts requested by OMB are listed in a very interesting table in the hearings before the Committee on Ways and Means of the House of Representatives, 92d Congress, second session, June 5 and 6, 1972, at pages 190 through 195.

I shall ask that this table be placed in the RECORD following my remarks. What appears is that out of $12.5 billion authorized for HEW programs, only $4.9 billion was requested by the President. For $4.1 billion in Interior authoriations, OMB asked for $900 million. For $14.1 billion for Agriculture, $1.4 billion was asked. For $2.6 billion involving Commerce, particularly public works and development, $800 million was asked.

Authorizations by Congress for fiscal 1973 totaled $41 billion, according to the table. Nixon asked for only $13.4 billion. The difference: $27.6 billion—a very sizable cut from what Congress anticipated. Ten billion dollars withheld; and $28 billion cut in requests—not a very good record for an administration which talks so glowingly of the "new federalism" toward progress and development of State and local governments and the stimulating jobs.

Mr. President, I ask unanimous consent that the following materials be placed in the RECORD at this point in my remarks.

Letter from Caspar Weinberger, Director of OMB to me, dated July 27, 1972, with enclosures relating to budgetary reserves, tables A and B.

Comparison of amounts specifically authorized and related appropriation requests in 1973.

Comparison of authorizations and related appropriations for 1972 and 1973.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

BUDGETARY RESERVES, JUNE 1972

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democratic Administrations as a customary part of financial management.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with routine financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. The provisions of the Antideficiency Act (31 U.S.C. 665) require the President to establish reserves of appropriated funds for such reasons as a change in conditions since they were appropriated or to take advantage of previously unforeseen opportunities for savings. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

Table A, attached, lists the items and amounts being reserved on June 30, 1972, for such routine financial administration. They total $9.1 billion, which is a reduction of nearly $1.5 billion since January of this year. This reduction is indicative of the fact that amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed.

The reserves established for reasons of routine financial administration are recognized by all concerned to be temporary deferrals, and their need or wisdom is usually not questioned. In addition, however, there has been a long-standing and consistent practice in both Republican and Democratic Administrations to establish some—a much smaller amount of—reserves for reasons other than routine financial administration. It is these latter reserves which have sometimes been criticized as "impoundments" of funds.

Amounts being held in reserve for reasons other than routine financial administration generally could be used (i.e., obligated) during the apportionment time period. They have not been apportioned from time to time for such reasons as the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

Table B, attached, lists the items and amounts held in reserve on June 30, 1972, for reasons other than routine financial administration. They total $1.5 billion, a reduction of more than $200 million from the amount so reserved in January of this year. Of the $1.5 billion total, almost $450 million was released and apportioned on July 1, 1972, as indicated in the various footnotes on Table A.

The total of all current reserves (i.e., Tables A and B) is 4.6% of the total unified budget outlays for fiscal 1972. The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal 1967, it stood at 6.7%, and a range in the neighborhood of 6% has been normal in recent years.

TABLE A.—*Budgetary reserves for routine financial administration, June 30, 1972*

(In thousands of dollars)

Agency and account:	*Amount*
Executive Office of the President:	
National Security Council	33
This amount was in excess of 1972 needs.	
Special Action Office for Drug Abuse Prevention	682
Represents the balance of appropriation which cannot be utilized by the Office in 1972 due to late enactment of legislation. Release will occur as needed in 1973 operations.	
Funds appropriated to the President:	
Appalachian Regional Development Programs	40,000
Apportionment awaits development of approved plans and specifications.	
International Security Assistance:	
Foreign military credit sales	15,350
Because of increased private financing, the legislated program ceiling was achieved without the use of the full budget authority appropriated.	
International development assistance:	
Prototype desalting plan	20,000
Apportionment awaits development of approved plans and specifications.	
Inter-American Foundation	41,624
Amount represents balance of initial funding from AID transfer to cover first four years of the Foundation's operations. Apportionments will continue to be made annually as plans and specifications are developed.	
Department of Agriculture:	
Agricultural Research Service:	
Construction	70
Represents residual amount of appropriation for planning that is not required for that purpose. Apportionment awaited additional appropriation for construction.	
Scientific Activities Overseas (special foreign currency program)	352
Amount shown here was in excess of 1972 needs.	
Animal and Plant Health Service	2,049
This amount was in excess of 1972 needs.	
Farmers Home Administration:	
Mutual and self-help housing grants	729
Amount shown here was in excess of 1972 needs.	
Direct loan account (farm operating loans limitations)	12,453
Amount reflects release of $37 million for last quarter of fiscal 1972. The balance of loan authority is being held pending demonstration of further needs.	
Consumer and Marketing Service:	
Consumer protective, marketing, and regulatory programs	760
Amount shown here was in excess of 1972 needs.	
Perishable Commodities Act Fund	1
Amount shown here was in excess of 1972 needs.	

Forest Service:

Forest protection and utilization:

Cooperative range improvement ---------------- 624

Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

Youth Conservation Corps---- 1,730

These funds were released from reserve and apportioned in July 1972 for the CY 1972 program.

Forest roads and trails-------- 402,040

Reserve reflects amount of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Expenses, brush disposal------ 13,303

Amount shown here was in excess of 1972 needs.

Forest Fire Prevention------- 115

Amount shown here was in excess of 1972 needs.

Department of Commerce:

Social and Economic Statistics Administration:

19th Decennial Census----- 11,028

These funds had been held in anticipation of the need to pay printing costs. They were released and appropriated for this purpose in July 1, 1972.

Regional Action Planning Commissions:

Regional Action Planning Commissions ------------ 300

Funds will be released when Mississippi Valley Regional Commission is formed.

Promotion of industry and commerce:

Trade adjustment assistance (financial assistance)----- 50,000

Amount shown here was in excess of 1972 needs.

Inter-American Cultural and Trade Center------------ 5,446

Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.

National Oceanic and Atmospheric Administration:

Research, development, and facilities ---------------- 214

These funds are for disaster relief to fisheries. Apportionments are made as applications from the States are processed following contingencies under which the funds must, by statute, be made available.

Research, development, and facilities (special foreign currency program) ------- 286

These funds were released and apportioned on July 1, 1972, to fund the 1973 program.

Promote and develop fishery products and research pertaining to American fisheries -------------------- 257

Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

National Bureau of Standards:

Plant and facilities--------- 1,495

Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications.

Department of Defense—Military:

Shipbuilding and conversion-- 1,388,946

For use in subsequent years; these projects are fully funded when appropriated.

Other procurement programs-- 21,020

For use in subsequent years; these projects are fully funded when appropriated.

Military construction and family housing ---------------- 171,304

Apportionment awaits development by the agency of approved plans and specifications.

Civil defense programs-------- 1,277

Amount was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

Special foreign currency program -------------------- 4,903

Apportionment awaits development by the agency of approved plans and specifications.

Department of Defense—Civil

Corps of Engineers:

Construction, General:

Lafayette Lake, Ind------- 183

Funds are being held in reserve because of local opposition to initiation of construction of the project.

Lukfata Lake, Okla------- 450

Construction funds are being held in reserve pending the completion of a new general design memorandum leading to an environmental impact statement.

New York Harbor Collection and removal of drift ------------------ 80

Funds are being held in reserve because, although the project has been authorized by the Congress for initiation and partial accomplishment, initiation of construction must await approval of the Secretary of the Army and the President. The Secretary of the Army forwarded the proposal to the President on June 21, 1972, and his recommendations are currently under review.

Panama Canal Government:

Capital outlays----------- 850

These FY 72 funds, reserved at the request of the Panama Canal Government, will be combined with the 1973 appropriation for the purchase of major items of capital equipment.

Wildlife conservation------- 474

Includes estimated receipts not needed for current year program. Will be used in subsequent years.

Department of Health, Education, and Welfare:

National Institutes of Health:

Buildings and facilities----- 2,565

Apportionment awaits development by the agency of approved plans and specifications.

Office of Education:

School assistance in federally affected areas-------- 4,996

Apportionment awaits development by the agency of approved plans and specifications. Construction obligations will be incurred subsequently.

Higher education----------- 1,462

Apportionment awaits development by the agency of approved plans and specifications.

Educational activities overseas (special foreign currency program)---------- 16

Apportionment of this amount awaits development of approved plans and specifications by the agency.

Social Security Administration:

Construction -------------- 12,095

Apportionment awaits development of approved plans and specifications by the agency.

Special Institutions:

Gallaudet College---------- 516

This amount was in excess of funds which could be effectively used in 1972.

Howard University --------- 3,714

Apportionment of this amount awaits development of approved plans and specifications. Construction obligations will be incurred subsequently.

Department of Housing and Urban Development:

Model cities program------- 105,000

This amount was released on July 1, 1972. Its earlier reserve enabled several cities to count on proceeding with their FY 1973 programs.

Department of the Interior, Bureau of Land Management:

Public lands development, roads and trails------------ 16,694

Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Indian Affairs:

Road construction ------ 53,699

Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Outdoor Recreation:

Land and water conservation fund---------------- 30,000

Consists of 1972 annual contract authority which was made available by P.L. 91-308, approved July 7, 1970. It has not been used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases. The 1973 budget proposes appropriation of the full $300 million annual authorization for the fund, of which about $98 million is for Federal land purchases in 1973.

Bureau of Mines:

Drainage of anthracite mines ------------------ 3,623

Funds are spent on at matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications in FY 1973.

Bureau of Sport Fisheries and Wildlife:

Construction ------------ 9,075

Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization. The Appropriations Committees of the House and Senate have directed that the funds be used in fiscal year 1973 for the construction of other facilities. Release is scheduled shortly.

TABLE A.—*Budgetary reserves for routine financial administration, June 30, 1972*—Continued

[In thousands of dollars]

Agency and account:	*Amount*
National Park Service:	
Parkway and road construction	72,621
Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.	
Bureau of Reclamation:	
Construction and rehabilitation	1,055
Funds are being held in reserve pending completion and review in FY 1973 of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash.	
Operation and maintenance and replacement of project works, North Platte project	84
This amount fulfilled the legal requirements for this account of an annually established contingency reserve.	
Department of Justice:	
Federal Prison System:	
Buildings and facilities	4,299
The apportionment awaits development of approved plans and specifications.	
Department of Labor:	
Grants to States for unemployment insurance and employment services	20,192
Late enactment of supplemental appropriations and lower unemployment insurance workloads permitted savings to be made.	
Department of State:	
Education exchange fund (earmarked proceeds of payment by Finland on World War I debt)	22
This amount was released and apportioned on July 1, 1972, to fund the 1973 program.	
Bureau of Educational and Cultural Affairs:	
International Educational Exchange Activities (special foreign currency program)	5
Funds represent recent recovery of prior year obligations in excess of current year needs. These funds were released and apportioned on July 1, 1972, to fund the 1973 program.	
Department of Transportation:	
Coast Guard:	
Acquisition, construction and improvements	7,607
Funds are for equipment or improvements and will not be needed until construction on seven projects is in an advanced stage. They will be released when needed.	
Alteration of bridges	1,000
Apportionment awaits development of approved plans and specifications.	
Federal Aviation Administration:	
Facilities and equipment (Airport and Airway trust fund)	115,897
Grants-in-aid for airports (Airport and Airway trust fund)	6,368
Construction, National Capital Airports	900
Civil Supersonic aircraft development termination	4,506
Other	2,200
Apportionment of the above FAA accounts awaits development of approved plans and specifications.	
Federal Highway Administration:	
Territorial Highways	5,000
New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although 4.5M of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have only recently begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about $93,000.	
Federal-aid highways:	
(1) 1973 contract authority	5,700,000
(2) Remaining balance from reductions made in prior years	246,798
Urban Mass Transportation Administration:	
Urban mass transportation	299,970
The Congress provided a total of $3.1B of contract authority for the five-year period 1971–1975. Executive Branch apportionments resulted in $1.0B of this amount being used by June 30, 1972, another $1.0B (including this $300M) will be apportioned for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (*Underlining* supplied.)	
Treasury Department:	
Office of the Secretary:	
Construction, Federal Law Enforcement Training Center	22,239
Apportionment awaits development by the agency of approved plans and specifications.	
Expenses of administration of settlement of World War Claims Act of 1928	1
Amount shown here was in excess of 1972 administrative costs.	
Bureau of the Mint:	
Construction	79
Apportionment awaits the completion of studies for the effective use of funds.	
Atomic Energy Commission:	
Operating expenses:	
Reactor development:	
Funds held in reserve for the Liquid Metal Fast Breeder Reactor (LMFBR) demonstration plant awaiting the completion of detailed negotiations now underway involving AEC and the Commonwealth Edison Company and TVA	43,350
Biomedical Research:	
Funds held in reserve pending development of a plan for effective utilization	370
Plant and capital equipment:	
Funds held in reserve awaiting AEC's development of firm plants or specifications for two projects in the nuclear materials and weapons programs	175
Funds held in reserve awaiting AEC's completion of feasibility studies or the results of research and development efforts for the national radioactive waste repository and two other projects	2,533
Funds held in reserve for possible cost overruns and other contingencies	2,200
Environmental Protection Agency:	
Operations, research and facilities	7,294
Reflects release of $28M for Cincinnati laboratory. Remainder awaits completion of EPA study of requirements for other laboratory facilities.	
General Services Administration:	
Construction, public buildings projects	17,971
$10,803 thousand is being held for future obligation. The projects are not ready for construction and financing is under review. Apportionment awaits completion of this action.	
$7,160 thousand is reserved to meet possible contingencies that might arise in the course of construction.	
Sites and expenses, public buildings projects	11,567
Reserved to meet possible contingencies or for use in subsequent years.	
Operating expenses, Property Management and Disposal Service	769
Amount shown here was not needed in 1972 for stockpile disposals.	
Veterans' Administration:	
Grants to States for extended care facilities	8,420
State plans and requests for funds were not presented to the extent originally expected. Amount shown will be available for program in future years.	
Other Independent Agencies:	
Cabinet Committee on Opportunities for Spanish-Speaking Peoples	5
This amount was in excess of 1972 needs.	
Federal Communications Commission:	
Salaries and expenses, (construction)	460
These funds are intended for replacement of a monitoring station. Funds remain in reserve until results of study requested by Congress are available regarding the need for continuation of fixed monitoring stations.	
Federal Home Loan Bank Board:	
Interest adjustment payments	46,888
Funds which could be effectively utilized by the Board in fiscal year 1972 were apportioned. This amount was not needed.	
Foreign Claims Settlement Commission:	
Salaries and expenses	19

This amount was in excess of 1972 needs.	
Payment of Vietnam and Pueblo prisoner of war claims	150
Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.	
Smithsonian Institution:	
Salaries and expenses, Woodrow Wilson International Center for Scholars	11
Reserved for contingencies. Will be apportioned if and when needed.	
Temporary Study Commissions:	
Commission on Highway Beautification	25
Amount being held for completion of Commission's work in 1973.	
Commission on Population Growth and the American Future	30
A small contingency amount was set aside to cover any increases in contracted costs after the Commission completed its work in May, 1972. No increases occurred and the funds are not needed to complete the work of the Commission.	
National Commission on Consumer Finance	50
For terminating the Commission in 1973 after the report is completed.	
Aviation Advisory Commission	587
These funds were released and apportioned on July 1, 1972 to carry Commission through its expiration date of March, 1973.	
Commission on Government Procurement	1, 300
$1.4 million to remain available until expended was appropriated in the Second Supplemental Act of 1972. $100 thousand was apportioned for 1972; the remainder will fund the Commission's operations through April 1973.	
United States Information Agency:	
Salaries and expenses (special foreign currency program)	407
Special international exhibitions	746
These amounts were released and apportioned July 1, 1972.	
Water Resources Council:	
Salaries and expenses	25
Funds were held in reserve pending establishment of sions.	
Total	[a] 9, 110, 078

[a] Of this total, $467 million was released at the start of fiscal 1973.

TABLE B.—*Reserves for reasons other than routine financial administration, June 30, 1972*

[In thousands of dollars]

	Amount
Department of Agriculture:	
Rural Electrification Administration: Loans	[1] 107, 000
Farmer Home Administration:	
Sewer and water grants	[2] 58, 000
Department of Housing and Urban Development:	
Rehabilitation loans	[1] 53, 042
Grants for new community assistance	[1] 5, 000
Basic water and sewer grants	500, 000
Department of Transportation:	
Federal-aid highways	623, 000
Rights-of-way for highways	50, 000
Urban mass transportation	[4] [299, 970]
Atomic Energy Commission	[5] 17, 655
NERVA-nuclear rocket	(16, 990)
Plowshare	(665)
National Aeronautics and Space Administration: NERVA-nuclear rocket	21, 914
National Science Foundation:	
Educational and institutional support	[1] 21, 000
Graduate traineeships	[6] 9, 500
Reserves established pursuant to President's August 15, 1971, directive to curtail previously planned Federal employment levels	[7] 61, 750
Total	[8] 1, 527, 861

[1] This amount was released and apportioned on July 1, 1972.

[2] Of this amount, $42 million was released and apportioned on July 1, 1972.

[3] Of this amount, $200 million was released and apportioned on July 1, 1972. The remainder is being held for subsequent apportionment.

[4] This amount was released and apportioned on July 1, 1972. It is listed here because of public and congressional interest. It is not counted in the total of Table B because its use is consistent with congressional intent. The Congress provided a total of $3.1 billion of contract authority for the five-year period 1971–1975. Executive Branch apportionments result in $1.0 billion of $3.1 billion total being used by June 30, 1972, another $1.0 billion (including this $300 million) is being apportioned for fiscal 1973, leaving $1.1 billion, or $550 million shown per year for the fiscal years 1974 and 1975. The $300 million shown is the difference between the $600 million apportioned for 1972 and the $900 million *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation:

"Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Italics supplied.)

[5] Pending enactment of 1973 appropriations, it is planned that these funds be applied to AEC's total program needs for 1973.

[6] Apportionment awaiting NSF review of how these funds can be used effectively to help meet the Nation's scientific and engineering manpower needs without stimulating an oversupply of manpower with specialized capabilities.

[7] These funds are the remainder of $280 million in reserves established initially under the President's directive of August 15, 1971. The originally reserved amounts were largely released to meet costs of pay raises and other essential purposes.

[8] Of this $1.5 billion total, $447 million were released and apportioned on July 1, 1972 (as itemized in the preceding footnotes).

COMPARISON OF AMOUNTS SPECIFICALLY AUTHORIZED AND RELATED APPROPRIATION REQUESTS IN 1973 (SUBMITTED BY OMB TO HOUSE WAYS AND MEANS COMMITTEE)

[In billions of dollars]

Agency and major item	Authorizations available in 1973	1973 budget request	Difference
Foreign assistance:			
Development loans	0.7	0.6	0.1
Inter-American Development Bank	.4	.4	
Other	.8	.6	.2
Subtotal, foreign assistance	1.9	1.6	.3
Agriculture:			
Rural environmental assistance program	.5	.1	.4
Public Law 480–Sale of agricultural products abroad	12.8	.9	11.9
Forest Service—Forest roads and trails	.6	.2	.4
Other	.2	.2	
Subtotal, Agriculture	14.1	1.4	12.7
Commerce:			
Grants for public works and development	1.5	.1	1.4
Other	1.1	.7	.4
Subtotal, Commerce	2.6	.8	1.8
Health, Education, and Welfare:			
Maternal and Child Health and Crippled Children Services	.3	.2	.1
National Cancer Institute	.5	.4	.1
Other health	2.8	1.2	1.6
Elementary and secondary education	5.5	1.8	3.8
School assistance in federally affected areas	.8	.4	.4
Vocational and adult education	1.1	.5	.6
Other education	1.2	.3	.8
Other HEW	.3	.1	.2
Subtotal, Health, Education, and Welfare	12.5	4.9	7.6
Housing and Urban Development:			
Urban renewal	1.2	1.0	0.2
Other HUD	.6	.1	.6
Subtotal, Housing and Urban Development	1.8	1.1	.8
Interior:			
Park Service construction and land acquisition	.3	.1	.3
Reclamation construction	3.1	.3	2.8
Land and water conservation	.3	.3	(1)
Other Interior	.4	.2	.2
Subtotal, Interior	4.1	.9	3.3
Justice:			
Law enforcement assistance	1.8	.9	.9
Other Justice	.1	.1	(1)
Subtotal, Justice	1.9	1.0	.9
Labor-emergency employment	1.3	1.3	
Transportation:			
Highway programs	.3	.1	.2
RAILPAX	.1		.1
Subtotal, Transportation	.4	.1	.3
Atomic Energy Commission	.5	.4	.1
All other programs and agencies	.1	.1	
Total	41.0	13.4	27.6

[1] Less than $50,000,000.

Note: Totals will not add due to rounding.

COMPARISON OF AUTHORIZATIONS AND RELATED APPROPRIATIONS FOR 1972 AND 1973

(Submitted by OMB to House Ways and Means Committee)

[In thousands of dollars]

Program	1972			1973		
	Authorizations available	Appropriations enacted	Difference	Authorizations available	Appropriations requested	Difference
Agency for International Development:						
Development loans	[1]686,500	350,000	336,500	[2]736,500	634,500	102,000
International organizations programs	153,000	137,000	16,000	153,000	149,835	3,165
Grants and other programs:						
Technical assistance	263,500	240,000	23,500	263,500	247,808	15,692
Population programs	125,000	125,000	----------	125,000	117,500	7,500
American schools and hospitals	30,000	20,000	10,000	30,000	15,575	14,425
Administrative expenses—AID	50,000	50,000	----------	50,000	50,000	----------
Inter-American Development Bank	211,760	211,760	----------	386,760	386,760	----------
International Bank for Reconstruction and Development	246,100	123,050	123,050	123,050	----------	123,050
Department of Agriculture:						
Food and nutrition service:						
Special milk program	120,000	104,000	16,000	120,000	92,090	27,910
Nonschool feeding program	37,775	[3]37,775	----------	32,000	20,775	11,225
School breakfast program	25,000	25,000	----------	25,000	18,500	6,500
Nonfood assistance program	33,000	16,110	16,890	15,000	15,000	----------
Agriculture Stabilization and Conservation Service: Rural environmental assistance program	500,000	195,500	304,500	500,000	140,000	360,000
Export Marketing Service:						
Public Law 480, title I	9,446,000	866,565	8,579,435	10,446,000	371,375	10,074,625
Public Law 480, title II	2,116,000	453,835	1,662,165	2,316,000	523,625	51,792,37
Forest Service:						
Forest roads and trails	634,836	148,740	486,096	586,096	158,840	427,256
Clark McNary Act:						
Cooperative fire control	20,000	19,994	6	20,000	19,943	57
Department of Commerce:						
Economic development:						
Grants for public works and development facilities	800,000	136,500	663,500	1,463,500	106,500	1,357,000
Other financial assistance	170,000	53,500	116,500	170,000	43,500	12,500
Technical assistance, research, and information	50,000	33,355	16,645	50,000	34,868	15,132
Area and district eligibility	50.000	50,000	----------	50,000	50,000	----------
Regional action planning commission	305,000	39,054	365,946	265,946	39,000	226,946
Sea grant	25,000	17,690	7,310	30,000	21,177	8,823
Maritime program:						
Ship construction	229,687	229,687	----------	250,000	250,000	----------
Operating differential subsidies	239,145	239,145	----------	232,000	232.000	----------
Research and development	25,000	23,750	1,250	30,000	30,000	----------
Department of Health, Education, and Welfare:						
Health Services and Mental Health Administration:						
Construction of community mental health centers	90,000	15,000	75,000	100,000	100,000	----------
Staffing of community mental health centers, initial grants	50,000	44,200	5,800	60,000	9,131	50,869
Grants for contracts for the prevention and treatment of alcohol abuse and alcoholism	40,000	15,970	24,030	50,000	26,490	23,510
Special projects for narcotic addicts and drug-dependent persons	30,000	30,000	----------	35,000	35,000	----------
Construction and staffing of alcoholism, narcotic addicts, and drug abusers rehabilitation facilities, training and evaluation, and direct grants for special projects grants	60,000	49,351	10,649	80,000	47,546	32,454
Construction and staffing of child mental health treatment facilities initial grants	20,000	10,000	10,000	30,000	1,515	28,485
Prevention and treatment of alcohol abuse and alcoholism formula grants	60,000	30,000	30,000	80,000	30,000	50,000
Research and demonstrations relating to health facilities and services	[4]82,000	49,004	32,996	[4]94,000	41,617	52,838
Comprehensive health planning:						
Partnership for health: Areawide planning	30,000	13,200	16,800	40,000	25,100	14,900
Regional medical programs: Education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, kidney disease, and other related diseases	150,000	90,500	59,500	250,000	120,800	129,200
Medical facilities construction and medical facilities guarantee and loan fund:						
Medical facilities construction and modernization grants:						
Long-term care facilities	85,000	20,800	64,200	85,000	----------	85,000
Outpatient facilities	70,000	70,000	----------	70,000	70,000	----------
Hospitals and public health centers	152,000	41,400	111,100	157,500	----------	157,500
Modernization	80,000	50,000	30,000	90,000	----------	90,000
District of Columbia medical facilities construction:						
Construction grants	[5]24,052	24,052	----------	----------	----------	----------
Loans for the construction or modernization of hospitals and other health facilities	[6]18,075	18,075	----------	----------	----------	----------
Comprehensive health services:						
Partnership for health grant:						
Comprehensive health services	145,000	90,000	55,000	165,000	90,000	75,000
Health services development	103,913	103,913	----------	116,200	116,200	----------
Migrant health grants	25,000	17,950	7,050	30,000	23,750	6,250
Maternal and child health: Maternal and child health and crippled children's services	298,000	234,636	63,364	331,000	248,400	82,600
Family planning services:						
Health and public health services and crippled children's services	27,000	27,000	----------	19,000	19,000	----------
Project grants and contracts	60,000	55,500	4,500	90,000	9,0000	----------
Research grants and contracts	50,000	2,615	47,385	65,000	2,615	62,385
National Health Service Corps	20,000	12,500	7,500	30,000	8,418	21,582
Preventive health services:						
Health services development	31,087	31,087	----------	62,800	62,800	----------
Communicable disease	90,000	23,213	66,787	----------	----------	----------
National health surveys and statistics	20,000	11,630	8,370	25,000	14,063	10,937
National Cancer Institute	420,000	337,531	82,469	530,000	430,000	100,000
National Institute of Child Health and Human Development	50,000	[7]39,320	10,680	65,000	[7]44,000	20,960
Construction of teaching facilities for medical, dental and other health personnel	225,000	142,385	82,615	250,000	----------	250,000
Health professions student loans	50,000	30,000	20,000	55,000	36,000	19,000
Health manpower:						
Grants for training, traineeships and fellowships in family medicine	25,000	5,100	19,900	35,000	5,000	30,000
Special project grants and contracts	118,000	53,000	65,000	138,000	53,000	85,000
Health manpower education initiative awards	45,000	20,000	25,000	90,000	20,000	70,000
Grants for construction of teaching facilities for allied health professions personnel	30,000	----------	30,000	40,000	----------	40,000
Grants to improve the quality of training for allied health professions	55,000	24,745	30,255	75,000	28,745	46,255
Construction of nurse training facilities	35,000	19,500	15,500	40,000	----------	40,000
Nurse capitation grants	78,000	31,500	46,500	82,000	33,500	48,500
Special project grants and contracts and financial distress grants to schools of nursing	35,000	30,000	5,000	38,000	22,000	16,000
Nursing student loans	25,000	21,000	4,000	30,000	21,000	9,000
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children:						
Local educational agencies	3,543,390	1,406,690	2,136,700	4,019,890	1,406,690	2,613,200
Handicapped children	56,381	56,381	----------	63,904	56,381	7,523
Migratory children	64,823	64,823	----------	73,479	64,823	8,656
State administration	37,743	17,308	20,435	42,580	17,308	25,272
Incentive grants	120,668	7,281	113,387	120,668	7,281	113,387
Grants for high concentrations of poor	411,099	24,804	386,295	496,534	24,804	471,730
Supplementary services:						
State plan program	509,335	126,292	383,043	534,910	126,292	409,618
Special projects	82,915	20,101	62,814	87,240	20,101	67,139
Strengthening State departments of education: Grants to States	80,750	31,350	49,400	85,500	31,350	54,150

Program	1972			1973		
	Authorizations available	Appropriations enacted	Difference	Authorizations available	Appropriations requested	Difference
School assistance in federally affected areas:						
Maintenance and operations:						
Payments to local educational agencies	668,115	554,880	113,235	703,500	373,900	329,600
Payments to other Federal agencies	37,700	37,700		41,500	41,100	400
Construction: Assistance to local educational agencies	64,526	11,000	53,526	63,000	15,910	47,090
Education for the handicapped:						
State grant program	216,300	37,500	178,800	226,600	37,500	189,100
Special target programs:						
Deaf-blind centers	51,500	15,000	36,500	66,500	22,000	44,500
Early childhood projects						
Special learning disabilities	31,000	2,250	28,750	31,000	3,250	27,750
Innovation and development: Research and demonstrations	[8] 35,000	5,955	29,045	[8] 45,000	9,566	35,434
Special education and manpower development: Teacher education	[9] 51,500	33,945	17,555	[9] 103,500	36,960	66,540
Vocational and adult education:						
Grants to States for vocational education:						
Basic vocational education programs:						
Annual appropriation	603,000	376,682	226,318	504,000	376,682	127,318
Programs for students with special needs	60,000	20,000	40,000	[10] 60,000	30,000	40,000
Consumer and homemaking education	50,000	25,625	24,375	[10] 50,000	25,625	24,375
Work-study	55,000	6,000	49,000	[10] 55,000	6,000	49,000
Cooperative education	75,000	19,500	55,500	[10] 75,000	19,500	55,500
Vocational research:						
Innovation	75,000	16,000	59,000	[10] 75,000	16,000	59,000
Research—Grants to States	67,000	18,000	49,000	56,000	18,000	38,000
Adult education—Grants to States	[11] 236,250	51,300	184,950	[11] 236,250	51,300	184,950
Higher education:						
Student assistance:						
Educational opportunity grants and work-study: Comparable academic year estimates	500,750	412,000	88,750	([12])	(701,800)	
Direct loans: Federal capital contributions	375,000	286,000	89,000	([12])	(286,000)	
Special programs for the disadvantaged	96,000	51,000	45,000	([12])	(70,331)	
Categorical institutional assistance	2,272,470	167,260	2,105,210	([12])	(165,795)	
Language training and area studies	38,500	15,300	23,200	([12])	(15,300)	
University community services	60,000	9,500	50,500	([12])	(5,700)	
College personnel development	36,000	36,000		([12])	(33,000)	
Library resources:						
Public libraries: Services	207,000	58,509	148,491	217,350	32,730	184,620
School library resources	206,300	90,000	126,300	220,000	90,000	130,000
College library resources	90,000	11,000	79,000	([12])	(11,000)	
Equipment and minor remodeling: Loans to nonprofit private schools	140,500	50,000	90,500	([12])		
Undergraduate instructional equipment	70,000	12,500	57,500			
Educational Renewal:						
Educational systems improvement	410,000	84,565	325,435	([12])	(76,800)	
Bilingual education	100,000	35,000	65,000	135,000	41,130	93,870
Dropout prevention	31,500	10,000	21,500	33,000	10,000	23,000
Personnel development:						
Teacher Corps	100,000	37,435	62,565	([12])	(37,435)	
Career education personnel	45,000	6,900	38,100	([12])	(10,000)	
Educational technology demonstrations	20,000	20,000		30,000	30,000	
Educational renewal:						
National priority programs:						
Drug abuse education	20,000	12,400	7,600	28,000	12,400	15,600
Environmental education	15,000	3,180	11,820	25,000	3,180	21,820
Library demonstrations	38,000	2,000	36,000	([12])	(2,000)	
Planning and evaluation	25,000	11,225	13,775	25,000	10,205	14,795
Grants to States for Public Assistance	110,000	46,000	64,000	110,000	46,000	64,000
Social and Rehabilitation Services	1,301,000	789,524	511,476	[13] 174,000	[13] 29,965	144,035
Department of Housing and Urban Development:						
Rent supplements	153,000	[14] 55,000	98,000	98,000	[14] 48,000	50,000
New community assistance programs (supplementary grants)	190,000	[15] 10,000	180,500	180,500	[15] 5,000	175,500
Grants for basic water and sewer facilities	1,150,000	500,000	650,000			
Urban renewal:						
General	2,400,000	[16] 1,250,000	1,150,000	1,150,000	[16] 1,000,000	150,000
Restricted to Model Cities areas	187,500	([16])	187,500	187,500	([16])	187,500
Rehabilitation loans	150,000	90,000	60,000	150,000		150,000
Department of Interior:						
Territorial affairs: Trust Territory of the Pacific Islands	60,000	59,980	20	60,000	60,000	
Bureau of Indian Affairs:						
Navajo Indian irrigation project	168,154	9,000	159,154	159,154	10,425	148,729
Adult vocational training	25,000	24,716	284	25,000	24,784	216
Alaska Native Claims Act				50,000	50,000	
Office of Water Resources: Research				28,125	12,400	15,725
Bureau of Mines: Coal mine health and safety research	30,000	29,892	108	30,000	27,890	2,110
Bureau of Outdoor Recreation: Land and water conservation	400,000	361,500	38,500	338,500	300,000	38,500
National Park Service:						
Construction:						
Development	227,884	7,632	220,252	291,127	4,140	286,987
Acquisition of lands	156,366	57,330	99,036	95,895	54,462	41,433
Bureau of Reclamation: Construction	[17] 3,325,215	212,863	3,112,352	3,112,352	304,400	2,807,952
Bureau of Sport Fisheries and Wildlife: Migratory bird conservation account	30,700	7,500	23,200			
Department of Justice:						
Law Enforcement Assistance Administration	1,150,000	698,919	451,081	1,750,000	850,000	900,000
Bureau of Narcotics and Dangerous Drugs (limitations in sec. 103(a) and sec. 709 of Public Law 91–513)	66,000	65,089	911	76,000	71,771	4,229
Department of Labor: Emergency employment	1,000,000	1,000,000		1,250,000	1,250,000	
Department of Transportation:						
Federal Highway Administration:						
Darien Gap	95,000	15,000	80,000	80,000	30,000	50,000
Baltimore-Washington Parkway	65,000	2,500	62,500	62,500		62,000
Rail grade crossing-demonstration	31,000	10,000	21,000	21,000	10,000	11,000
Highway Safety R. & D	10,000	2,100	7,900	10,000	10,000	
National Highway Traffic Safety Administration:						
Motor vehicle and traffic safety	[18] 49,600	[18] 40,302	9,298			
Highway safety R. & D	70,000	38,625	31,375	115,000	47,900	67,100
Federal Railroad Administration: National Railroad Passenger CORP (RAILPAX)	[19] 100,000	([19])	100,000	100,000		100,000
Atomic Energy Commission:						
Operation, liquid metal fast-breeder reactor demonstration plant project	50,000	36,000	14,000	50,000	50,000	
Construction	190,954	190,954		489,340	363,830	125,510

Footnotes on following page.

COMPARISON OF AUTHORIZATIONS AND RELATED APPROPRIATIONS FOR 1972 AND 1973—Continued

(Submitted by OMB to House Ways and Means Committee)

[in thousands of dollars]

Program	1972 Authorizations available	1972 Appropriations enacted	1972 Difference	1973 Authorizations available	1973 Appropriations requested	1973 Difference
National Foundation on the Arts and the Humanities:						
Arts Endowment	26,500	26,500	250	35,500	35,500	
Humanities Endowment	26,500	24,250	2,000	35,500	35,500	
Total	44,871,818	15,949,904	28,921,914	41,028,750	13,424,838	27,603,914

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[1] Includes $230,000,000 in authorized but unappropriated funds from prior years.

[2] Includes $280,000,000 in authorized but unappropriated funds from prior years.

[3] Includes $17,000,000 provided by Public Law 92–35 in the form of joint resolution for immediate funding of summer feeding program.

[4] Authorization also used by medical facilities construction.

[5] Aggregate amount of $40,052 authorized for fiscal years 1969 through 1972—$16,000 appropriated in 1969, 1970, and 1971.

[6] Aggregate amount of $40,575 authorized for fiscal years 1969 through 1972—$24,000 appropriated in 1969, 1970, and 1971.

[7] The appropriations includes $39,320,000 in 1972 and $44,040,000 in 1973 for family planning research activities. These activities are authorized under title IV, pt. E as well as title X, sec. 1004.

[8] Authorization includes research and demonstration, and physical education and recreation research.

[9] Authorization includes teacher education, physical education and recreation training, and recruitment and information.

[10] Legislation is pending before Congress to extend funding authorization through June 30, 1975. In the event the pending legislation is not enacted, funding for fiscal year 1973 is authorized by sec. 404(c) of the General Education Provisions Act.

[11] Not less than 10 per centum nor more than 20 per centum shall be reserved for special demonstration projects and teacher training programs carried under the appropriation "Educational renewal."

[12] The 1972 authorization based on straight extension of existing legislation in accordance with sec. 404(c) of the General Education Provisions Act.

[13] Excludes authorizations under the Vocational Rehabilitation Act of 1965; Older Americans Act of 1965; Juvenile Delinquency Prevention and Control Act of 1968; and sec. 707 of the Social Security Act because these legislative programs expire June 30, 1972.

[14] Authority to enter into annual subsidy contracts is subject to approval in appropriation acts, but does not constitute budget authority. Nonadd item. Authorizations are cumulative and remain available if unused.

[15] Authorizations remain available if unused.

[16] Appropriations control the use of contract authority which, if not released in appropriation acts, remains available for subsequent use.

[17] Total estimated cost of authorized projects included in the budget and partially funded on the basis of anticipated contractors earnings.

[18] Includes $9,600,000 for construction of compliance facilities.

[19] Loan guarantees.

THE DAY OF SHAME

Mr. WILLIAMS. Mr. President, on August 20, 1968, troops and support elements of the Soviet Union, Polish People's Republic, German Democratic Republic, Hungarian People's Republic, and Bulgarian People's Republic crossed the frontiers of the Czechoslovak Socialist Republic.

The Soviet-led invasion and garrisoning of Warsaw Pact troops on Czechoslovak soil without authorization from the Czechoslovakian Government and in violation of international law has come to represent a horrifying totalitarian response to crush national sovereignty and the right of national self-determination.

Free men everywhere, and those under the bonds of despotism who yearn for freedom were shocked and outraged by the Soviet invasion and its momentary triumph over reason and human dignity.

The Czechoslovakian people have a long history as a resourceful, energetic, and peace-loving people. Their cultures are among the most glorious, enlightening, and colorful of Western civilization. Czechoslovakians have made outstanding contributions to the arts and sciences and the advancement of Western compassion for their fellow man. Although their land has been a battleground of European wars for centuries, these hardy people and their traditions have survived and prospered. The Soviet invasion and attempt to destroy the national integrity and self-determination of these peoples is repugnant and unconscionable to men and women of every free and truly democratic nation.

Force of arms and ideological intransigence have never successfully destroyed man's thirst for freedom. The Soviet invasion and occupation of Czechoslovakia has violated the fundamental human rights of the Czechoslovakian people, but it can never suppress their aspirations for liberty.

Negotiation, détente, and power alinement in recent international diplomacy have all served to alleviate tension and discord among nations. The United States and the Soviet Union have initiated a long overdue dialog regarding each others' interests and goals. We are seeking agreements on reductions in the deployment of strategic arms, cooperation in outer space and on the ocean beds, and trade. During these negotiations, it is essential that the United States not ignore the enslavement of Czechoslovakia, for there can never be a compromise of the basic interests of the Czechoslovakian people. Their freedom, sovereignty, and the right of self-determination are nonnegotiable. These are fundamental human rights which transcend ideology and selfish national interests of the major powers. As a champion of democracy and freedom, the United States must continue to emphasize in East-West relations the moral imperative for Soviet noninterference in the internal and foreign affairs of the Czechoslovakian people. Our Government must accept this principle as a basic premise in the conduct of our foreign policy. Our democratic heritage deserves our total commitment to this principle.

I urge the continued pressure of world opinion to condemn the Soviet denial of liberty to the Czechoslovakians. The expressed indignation of the American people and free men everywhere at this atrocity will make the Soviet policy of oppression.

On August 21 of this year, we shall unite in calling attention to the "Day of Shame" when the Czechoslovakian people were branded with tyranny for the crime of wishing to be free.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Mr. KENNEDY. Mr. President, 2 weeks ago a Senate Judiciary Subcommittee held 2 days of oversight hearings on the American Revolution Bicentennial Commission, and last week the Senate had a lively debate on the Commission's authorization bill. In the hearings and debate there was general agreement that the bicentennial should be nonpartisan, noncommercial, and meaningful, and we were repeatedly assured it would be all three. Now the Washington Post has revealed in a three-part series an enormous gap between the Commission's public promises and its behind-the-scenes performance.

Last week we argued for a bipartisanship requirement among the Commission's public members, admitting there had been too much politicizing of the bicentennial under both parties. Others argued there was no evidence of the Commission's having become embroiled in politics. Now the Post's revelations convincingly show that the Commission has been subjected to many intense political pressures on patronage, campaign matters, and even the Vietnam war.

As for commercialism, the Commission heatedly denied at the hearings that charges of commercial taint had any validity. Now the bicentennial papers show massive commercial input into the bicentennial. And the response of the Commission to both political and commercial propositions has been like that of Fielding's maiden:

> He . . . would have ravished her, if she had not, by a timely compliance, prevented him.

The time has come for everyone to stop trying to exploit the Bicentennial Commission for partisan, political, and commercial purposes, and for the Commission to stop giving in.

Finally, behind the facade of assurances that the bicentennial would be serious and meaningful, the stories reveal a fixation on press agentry and pageantry. Historians, among others, are understandably dismayed.

I am glad that these recent discoveries have caused the House to consider an even more thorough investigation of the Bicentennial Commission than we held in the Senate. The additional time gained during the investigation may also permit the General Accounting Office to complete its examination of the Commission before we act again on the bicentennial. It is now clear that these thorough investigations are essential before any decision is made on whether the Commission should continue and expand, and that the leadership and even the continued existence of the Commission are open to serious question.

Mr. President, I ask unanimous consent that the Washington Post's series of articles on the bicentennial be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Bicentennial Commission: Deeply Involved in Politics

(By Eugene L. Meyer)

Last Jan. 6, White House communications director Herbert G. Klein wrote a letter to David J. Mahoney, chairman of the American Revolution Bicentennial Commission.

Klein's message was that Dr. J. Max Bond, a black Republican, could play a useful, partisan role in the bicentennial:

"Dr. Bond, an educator who formerly worked at the State Department, has outlined a bicentennial plan he believes would help blacks better understand and relate to the Republican Party. Dr. Bond, who is as pro-Republican as his nephew, Georgia state legislator Julian Bond, is pro-Democrat, might possibly serve as an asset."

Bond, Klein noted, "has been highly recommended by various administration officials." Soon afterward, Bond was appointed to a special advisory panel to Mahoney.

Klein could not be reached for comment yesterday.

A few months later, Mahoney had this to say to the Democratic Party platform committee: "Now, if it were possible for anything in our national life in a political year to be beyond politics, that thing would be the observance of our 200th anniversary. I am convinced that every American would like to see that observance publicly recognized as beyond politics."

Despite such a pronouncement, an examination of private Bicentennial Commission records made available to The Washington Post reveals repeated attempts to exploit the bicentennial both politically and commercially.

The records, numbering hundreds of pages, were obtained by Jeremy Rifkin, national coordinator of a counter group, the People's Bicentennial Commission, and Erwin Knoll, Washington editor of The Progressive magazine, which is running an article based on the documents in its next issue.

The election sometimes plays a key role in how the Bicentennial Commission operates. When women's groups complained that the bicentennial was ignoring them, they found a champion in Perdita Huston Champey, the commission's co-ordinator of women's participation. But instead of making her case through the chain of command, she took her memo to Rita Hauser, an official of the Committee for the Re-Election of the President.

On April 28, Mrs. Hauser, former U.S. representative on the U.N. Commission on Human Rights, shot off a memorandum to Mahoney:

"It is essential to have a program for women that is meaningful coming out of your commission.

"This is important for the election, and will also spare you attacks from the women's groups if you fail to recognize them in a serious way.

"I think you and your staff should give serious consideration to a meeting of the women's groups . . . in order to show them you really are concerned about them."

The meeting was held June 28 and 29 at bicentennial headquarters, three adjoining federal style town houses on Jackson Place near the White House.

Mrs. Hauser could not be reached for comment yesterday.

The American Revolution Bicentennial Commission was created by Congress in 1966 "to plan, encourage, develop and coordinate" the commemoration of the American Revolution bicentennial with special emphasis on the humanitarian and revolutionary ideals of the founding fathers.

It got off to a slow start under President Johnson, who waited several months to appoint the first commissioners, and it was two years before Congress gave it any money.

After Mr. Nixon became President, the original panel was replaced, largely with white, middle-aged conservative Republicans and staunch supporters of the President.

Mr. Nixon also shortened the official observance, originally intending to last until 1987, to a five year period culminating July 4, 1976.

The commission has a 49-member board of directors, 34 of whom are presidential appointees. Of the 34, nine are Cabinet members.

The full commission meets quarterly but as a group, the documents indicate, it has little direct impact on policies. By and large, the decision-making appears to be carried out by a handful of commissioners, White House aides and top level bicentennial staff members.

The Nixon commissioners include Hobart D. Lewis, president of Reader's Digest; James S. Copley, of the Copley Newspapers, with which White House aide Klein was formerly associated; industrialist George Irwin; J. Erik Jonsson, former president of Texas Instruments and former mayor of Dallas; and Clarke T. Reed, chairman of the Mississippi Republican Party.

In mid-1970, Nixon chose Mahoney, 48-year-old president of the Norton Simon conglomerate, as chairman. A self-made businessman, Mahoney had taken three months off in 1960 to work for the Nixon campaign, and contributed $3,000 to Mr. Nixon in 1968.

Mahoney selected as bicentennial director a former business associate from Colgate-Palmolive and a close personal friend, Jack I. LeVant. LeVant, 64, resigned the $38,000 director's post July 31. In a letter among the bicentennial documents LeVant says he was promised "a consulate" assignment if he stayed in his position through the November election.

The documents show that the bicentennial leadership has become deeply involved in political deals with congressmen of both parties who are seeking special treatment and sometimes jobs for relatives or associates.

The bicentennial budget is approved by the Senate and House Interior Subcommittee, whose chairwoman is Rep. Julia Butler Hansen (D-Wash.). Commission strategists wanted her on the commission. The opportunity came with the decision of Rep. John O. Marsh, Jr. (D-Va.) not to run for reelection, creating a congressional vacancy on the commission. (Marsh was later reappointed to another commission seat.)

On Oct. 7, 1970, Arthur E. Burgess, assistant to Mahoney at ARBC, lunched with Mrs. Hansen. "I was Rep. Hansen's guest and the luncheon was just for 'old times sake and home folk,'" Burgess wrote Melbourne L. Spector, who was then bicentennial director.

"At the last minute, however, when she was about to sign the check," Burgess reported, "an officer of the Boeing Aircraft Company, sitting at another table across the room, spotted us and insisted on picking up the check." Boeing is a major employer in Mrs. Hansen's home state.

In a separate memorandum the same day to Spector, Burgess aggressively promoted Mrs. Hansen for the upcoming seat.

"Mahoney and Hansen. What a combination," he wrote. "You'd have the world licked in five minutes. There would be new carpets in one minute; new furniture and decorations in two minutes; a staff car in three minutes, etc. . . .

"I do not think we ever would have any more money worries. Of course we would have to go first class in everything. Nothing second-rate about her."

Mrs. Hansen got the appointment, in February 1971, but the optimism about Bicentennial commission budgets has not entirely been borne out. While the commission's budget was favorably reported from Mrs. Hansen's subcommittee, it has been stalled in the House. The bicentennial is presently operating under a continuing resolution at last year's level. It expires Friday, when the Congress recesses for the Republican convention.

On Nov. 4, 1970, while under consideration for commission membership, Mrs. Hansen told Mahoney in a letter how excited she was about the bicentennial. She added:

"Sometime, I would also like my son to meet you. He is a graduate of Principia in American history and is completing his master's work at the University of Washington in history. Currently, he is working in Washington and completing his master's, I know what a pleasure it would be for him, as a young person and a dedicated history bug, to meet you even for a few minutes."

Mahoney was away, and Burgess responded on Nov. 16: "On Mr. Mahoney's first day here, upon his return, I am sure he will want to meet and talk with your good son. In the meantime, I have talked with Roy (Carlson, Mrs. Hansen's administrative aide) about that and will keep him posted."

In mid-December, 1970, David Hansen, a history researcher at the Interior Department, went to work for the bicentennial commission. He is now special assistant to the commission's heritage committee at an annual salary of $9,053. His employment came to light this month when American Indians complained that the bicentennial commission had sent an unresponsive low-level staff member to meet with them. That official was Hansen.

The disclosure prompted Hugh A. Hall, commission executive director, to write a letter to Sen Roman Hruska (R-Neb.), chairman of the Senate Judiciary Subcommittee that held hearings this month on the bicentennial. He attached a chronology of Hansen's hiring, "lest anyone try to make an issue out of that fact." The chronology, however, omitted mention of Mrs. Hansen's efforts on her son's behalf.

Sen. Edward R. Brooke (R. Mass.), another congressional commissioner, secured the Boston-based job of Northeast regional coordinator of the bicentennial for Georgia Ireland, who for three years was his special assistant.

The appointment was made by Mahoney, over some staff opposition. "I told the chairman of the political consequences as I saw them," then bicentennial director Spector wrote to Dr. R. Lynn Carroll, deputy director for programming. "He (Mahoney) said 'the hell with the politics, I'll handle them'—I advised Jack LeVant (then a bicentennial consultant). Jack didn't sound too happy but said well if Dave says OK—well . . ."

Mrs. Ireland, according to the documents, has worked hard in her Boston office but sometimes on matters seemingly unrelated to the bicentennial.

On May 19, for example, she sent Hugh A. Hall, Jr., deputy director for communications and field services, a list of persons "substantially in agreement with President Nixon's policy in Vietnam . . . in response to your telephonic request." The list consisted of nine names. "These names were hard to come by," she noted.

During debate over the Bicentennial budget in the Senate last Thursday, Brooke said, "This is not a political commission, and I do not think we ought to discuss it in political terms . . . We have been trying to avoid an aura of politics in the Bicentennial Commission."

Nancy Porter, another former Brooke aide who worked for him for seven years, was appointed to the Commission early this year after a stint on the Bicentennial staff. Miss Porter is national representative of the Girl Scouts.

About the same time that Mrs. Hansen's name was being pushed for a congressional seat on the commission, another vacancy opened up with the resignation of historian Catherine Drinker Bowen, a Lyndon Johnson appointee. In a memorandum to White House aide Brandley H. Patterson Jr. (whose wife, Shirley, is on the bicentennial staff), commission director Spector suggested her replacement by Dr. Richard P. McCormick, a Rutgers University history professor.

The reason, Spector wrote on Dec. 30, 1970, was that Rep. Peter W. Rodino (D–N.J.) "is very interested in the placement of Dr. Richard P. McCormick on the commission. He has also made very clear that any new legislation for ARBC will have very tough sledding in the House Judiciary Committee if this appointment is not made."

McCormick was appointed soon afterward. His membership has been a mixed blessing for bicentennial leaders. In a letter to Mahoney last February, and later widely reported, he complained bitterly that "our decision-making process has not operated well," that it had not been democratic enough.

The predominantly white, middle-aged and corporate membership of the Nixon Bicentennial Commission evoked strong criticism from youth, minority groups and even some congressional Republicans, including Sen. Charles McC. Mathias (R–Md.), who sponsored the original legislation calling for the bicentennial celebration. Last year, Mathias inserted an amendment in the bill expanding the board to ensure that the new commissioners would be more representative.

The amendment, which passed, created some problems for the commission leadership. Because of it, Rep. Bob Wilson (R–Calif.) was unable to secure a full commissioner post for Mrs. Donald Spicer, president-general of the Daughters of the American Revolution. Instead, she had to settle for a seat on the "special advisory panel" with Dr. Max Bond, and others.

"We had submitted Mrs. Spicer's name to the White House for appointment," Bicentennial deputy director Hugh Hall wrote Wilson. "The Mathias amendment to our bill, calling for youth, minorities and ethnic considerations, made it impossible with only eight appointments to satisfy everyone."

Congressmen ask different things of the Bicentennial Commission. Rep. Henry P. Smith III (R–N.Y.), of North Tonawanda, N.Y., wanted official Bicentennial Commission recognition of Rainbow Center, a 12-year old downtown urban renewal project in Niagara Falls.

The $200 million project includes a 400-room convention hotel and 450,000-square-foot retail shopping plaza.

On June 30, 1971, Spector wrote a memorandum of his conversation with Rep. Smith two days earlier. Smith, he said, had called him and wanted a "quid pro quo." "He pointed out to me that he was the ranking Republican on the House Subcommittee No. 2 which handles our authorization legislation. He also pointed out to me that he has been very helpful to us both within the Subcommittee and on the floor. I checked this with (bicentennial legislative liaison officer) Joe Bruno who says this is true. The quid pro quo is our special consideration of Niagara Falls."

On Sept. 13, the Bicentennial staff gave the project a "100 per cent favorable" recommendation, with the added comment: "Recognition of this Rainbow Center project will not cause any embarrassment to the ARBC."

In December, Niagara Falls was officially designated a Bicentennial City by the commission and accorded the use of the official bicentennial symbol, three abstract red, white and blue concentric stars.

The recognition was accorded despite a negative reaction from commissioner George E. Lang. "I looked at 't with a huge magnifying glass," he had told the commission's executive committee. "I couldn't find a speck of bicentennial in here. It is purely commercial."

Herbert G. Klein's Memorandum to the Chairman of the Bicentennial Commission

The White House,
Washington, January 6, 1972.

Mr. David J. Mahoney,
Chairman, Bicentennial Commission, Washington, D.C.

Dear Dave: Dr. J. Max Bond, a staunch Republican who happens to be black, has been in communication with Stan Scott, an assistant in my office, on the possibility of playing some role in the nation's Bicentennial Celebration.

Dr. Bond, an educator who formerly worked at the State Department, has outlined a Bicentennial plan he believes would help blacks better understand and relate to the Republican Party. Dr. Bond, who is as pro-Republican as his nephew, Georgia State Legislator Julian Bond, is pro-Democrat, might possibly serve as an asset.

Dave, I would appreciate your consideration in taking a few minutes to review Dr. Bond's proposal since he has been highly recommended by various Administration officials.

With best wishes,
Sincerely,
Herbert G. Klein,
Director of Communications for the Executive Branch.

Rita Hauser's Memorandum to the Chairman of the Bicentennial Commission

April 28, 1972.

Memorandum for: Mr. David J. Mahoney.
From: Rita Hauser.

Perdita Huston was in to see me about the enclosed.

It is essential to have a program for women that is meaningful coming out of your Commission. This is important for the election and will also spare you attacks from the women's groups if you fail to recognize them in a serious way.

I think you and your staff should give serious consideration to a meeting of the women's groups listed in order to show them you really are concerned about them.

Best to you.

Red, White, Blue—and Green

(By Eugene L. Meyer)

The task of our Bicentennial Commission is not to arrange a big birthday celebration or to set up an exposition displaying our wares . . . The American Bicentennial must make us conscious of our purpose, aware of our mission, thoughtful about our ideals.—David J. Mahoney, April 27, 1972.

David J. Mahoney is chairman of President Nixon's American Revolution Bicentennial Commission. He is also president of Norton Simon, Inc., a firm that owns Canada Dry, Hunt-Wesson Foods and Somerset Importers, Ltd., among others.

Last winter, Leon Glick, then sales representative for ARA Services' division selling food to arenas, stadiums and race tracks, became interested in the Bicentennial, shortly after Mahoney unveiled a proposal to build 50 Bicentennial parks, each of which would include food concessions.

On March 6, Glick wrote not to the Bicentennial Commission but to James Healy, Canada Dry division manager in Kansas City, with a request that he bring another enclosed letter to the "personal attention" of Irene Mack, Mahoney's private secretary at Norton Simon in New York.

Healy sent the letter, addressed to Mahoney, on to Mrs. Mack. On a separate slip of paper he wrote: "ARA is a fine company and could be a big user of Hunt, Somerset & Canada Dry products . . ."

The letter from Glick to Mahoney said, "I feel certain that our organization can be of great assistance in making the Bicentennial Celebration an event of great historical importance . . . An efficient and professionally handled food operation will be vitally essential to assure success of the Celebration."

This incident and others like it—apparent attempts to commercially exploit the 200th anniversary of the American Revolution—were culled from hundreds of documents from Commission files made available to The Washington Post.

They were obtained by Erwin Knoll, Washington editor of The Progressive, and Jeremy Rifkin, national coordinator of the People's Bicentennial Commission, a group formed last year to offer alternative programs during the commemoration period.

Two months after the ARA correspondence another Bicentennial proposal was received by a Norton Simon official, Robert Glickman. Joyce Leanse, a consultant on senior centers to the National Council on the Aging, proposed that the elderly be put to work manufacturing Bicentennial souvenirs.

Glickman, on May 23, replied that the idea "sounds intriguing and I've sent it directly to Dave Mahoney's office where I know the matter will receive prompt attention." A note was added at the bottom of a copy sent to Mrs. Mack:

"Irene: As I mentioned to you, Joyce Leanse is the wife of Jay Leanse who is head of the Price Commission's office of Price Exceptions and someone with whom Don Surdoval (Norton Simon comptroller and director) has been in contact."

Mrs. Mack sent the proposal along to Harry C. Allendorfer Jr., a retired Navy Captain and director of the Bicentennial Commission executive secretariat.

"Capt.," she wrote on a separate sheet, "Please treat this with TLC. Norton Simon Inc. needs the Price Commission's good-will. Thanks. Irene."

In testimony Aug. 1 before a Senate Judiciary Subcommittee hearing, Mahoney denied as "totally untrue (the) charge that somehow ARBC is tainted with 'commercialism.' The only ARBC program that could be considered commercial is the Bicentennial commemorative medals program that was authorized by the Congress."

Sen. Charles McC. Mathias (R-Md.), who sponsored the legislation creating the commission but since has turned critic, was surprisingly sympathetic. He told Mahoney that the Bicentennial chairman was "oversensitive" to the commercialism charge. "I don't think ARBC is subject to criticism on that score."

Mathias was more critical of a Commission request that Congress grant it power to make contracts without going through normal government procedures of open and competitive bidding. Mathias said he foresaw "considerable danger of conflict of interest in a project as wide as this."

Mahoney and Eugene J. Skora, Bicentennial general counsel, assured Mathias that similar powers had been granted other commemorative panels in the past, and they promised that the authority would not be abused.

Commission spokesmen frequently point out that only a handful of projects have so far received official Commission endorsement, carrying with it permission to use the Bicentennial emblem. These include the Denver Olympics, Mt. Rushmore, a Niagara Falls renewal program and a campaign to eradicate sickle cell anemia.

But the Commission's possible role as "the great endorser" of commercial ventures remains unsettled. "I recognize it's a knotty problem," Mahoney told a press conference

July 20. "Philosophies differ. It's not settled yet by a long shot."

It is not surprising that manufacturers want to link their products to a major commemoration such as the Bicentennial. Ford, for example, is selling red-white-and-blue color-coded cars with American flag emblems. Uncle Sam with a John Wayne voice has hawked them over television, and Ford suggests that 1972 car buyers drive to Philadelphia in 1976.

Yet, Mahoney himself, has decried "cheap commercialism" and "commercial rip-offs" in connection with the observance as demeaning and undignified.

Power to allow or prohibit the use of the official Bicentennial emblem is supposed to be the Commission's assurance of controlling quality. But it is a fragile check.

While official policy in commercializing the Bicentennial remains uncertain, unofficially, Commission members and staff have been working closely with big corporations—both initiating and receiving proposals that would capitalize on what Mathias and others say should be a period of sober reflection and national reassessment.

Dr. H. Lynn Carroll, the Commission's deputy director for program development, wrote a representative of Aero-Mayflower, the trucking firms:

"Let me state quite candidly that involvement on the part of . . . a firm should, from our point of view, be self-serving as well as a manifestation of civic responsibility. It appears to me that we cannot expect continuing commitment through the Bicentennial Era unless the firm itself sees some particular value, not only to the Bicentennial, but to that firm as a business undertaking."

That theme—the Bicentennial as good for business—appears over and over again.

Honor America Day, Inc., chaired by J. Willard Marriott, proposed last March a prime time television show for this past July 4, entitled, "Who Stole the Spirit of '76?"—a light detective story, with name stars, ending in a ghostlike appearance of Uncle Sam as the mock villain. A script of the show, which was not aired, was sent March 23 to the Bicentennial Commission.

Five days later, Daniel S. Buser, Bicentennial communications director and the major contact on a wide variety of proposals, wrote a memorandum calling the show "probably the best TV script submitted since I have been with ARBC." Buser had some suggestions for sponsors.

Marriott could advertise "the fact that all Americans are welcome in Hot Shoppes and (show) all kinds of people of different race, color and creed involved in their commercial," Buser said.

Canada Dry, the Norton Simon-owned company, might also show "their present commercial showing all the faces of America," he suggested.

"What I am saying is that I don't think you can sell cars, dog food, cat food, as such," Buser wrote. "It certainly can sell all kinds of American people who would buy dog food, cat food, cars and even a Marriott chain."

(Assisting Marriott as a consultant is George Lang, former vice-president of Marriott's Restaurant Associates and chairman of the Bicentennial's Festival USA, the celebration aspect of the anniversary. "I shy away from any kind of entrepreneurs," Lang wrote a fellow commissioner. But in a letter to Bicentennial chairman Mahoney last Dec. 13, Lang, the author of a newly published book, *The Cuisine of Hungary*, wrote:

"Final reminder: Redbook, McCall's and Hobe Lewis in connection with *The Cuisine of Hungary*."

McCall's and Redbook are owned by Mahoney's firm, Norton Simon. Hobart Lewis is president of Reader's Digest and vice-chairman of the Bicentennial.

The letter was filed with a note penciled in the margin: "Review—not pressing."

On April 6, Buser wrote Zenon C. R. Hansen, president of Mack Trucks, "I would enjoy having the opportunity to . . . discuss how Mack Truck might take an active role in the Bicentennial celebration. I know how much you love this country and how much you have done for it. It is with that thought in mind that I make the suggestion that . . . we get together and go over some of the great opportunities that are surfacing through the ARBC."

Buser added: "My hat is off to you because every time we turn around, we see one of those powerful American Mack Trucks with their red, white and blue sparkling in the sunshine."

On June 26, Bicentennial program aide Lynn Carroll and Bicentennial design director Jack Masey met with officials of Hallmark Cards in Kansas City, Mo.

"Your prepaid tickets will be at National TWA counter," Hallmark official Isaac Jonathan wrote Carroll on June 20.

The attached agenda said the purpose of the visit was "to expose top Bicentennial creative people to Hallmark and its products" and "to determine between now and 1976 what products we . . . would like to produce and promote which would have some tie-in theme with the overall American Revolutionary Bicentennial."

Baskin-Robbins Ice Cream has also been in touch with Bicentennial officials. On Jan. 11, Buser sent Karen Trudnich, the firm's manager of publicity and public relations, a list of suggestions: start a Great Americans Ice Cream series, name a special ice cream for each (the Betsy Ross Twirl—red, white, blue; The George Washington Cherry Tree, etc.).

After the Bicentennial parks plan was unveiled, Buser wrote Miss Trudnich, "People will be eating ice cream in every State and I am sure there will be some need for ice cream in every Bicentennial Park."

By last month, Baskin-Robbins had moved into the Bicentennial market, advertising "America's Bicentennial Ice Cream." "Start Celebrating America's 200th Anniversary With Us," an advertisement beckoned, with Yankee Doodle Double Fudge Marble, Mount Vernon Cherry Pecan, Valley Forge Rum Ration and other flavors harking to America's revolutionary heritage.

L. G. Balfour Co. has started manufacturing "Official Bicentennial Seal Jewelry," utilizing the Commission's red-white-and-blue star-shaped emblem on charms, bracelets, tie tacks, cuff links and tie bars. Balfour began soliciting orders late last year.

The use of the emblem by Balfour has not been approved by the ARBC. "This appears to be a clear violation of the law," Bicentennial state coordinator Charles F. Goodspeed wrote in a memorandum last Feb. 1. However, no action was taken.

Bicentennial officials have had extensive correspondence with Owens-Corning Fiberglas, which has produced a set of 20 place mats with an 18th century motif. It is known as the "Revolutionary Collection" and is said to reflect the "fascinating colonial textile folk craft and needlework heritage." The product received a full-page spread in the Bicentennial Commission's July newsletter.

Inscribed on the placemats are Bicentennial emblems again without permission, according to a June 16 memo by deputy director Hugh A. Hull, Jr.

Naturally interested in linking their products to the Bicentennial theme—with or without official endorsement—entrepreneurs have informed the Commission of various schemes.

Harvey Famous Name Comics, Inc., wants to produce a series of special American Revolution Bicentennial booklets, possibly starring Casper the Friendly Ghost in "Red, White and BOO."

Meyer Jacoby & Son, Inc., of New York, wants to form a "1976 American Bicentennial Wig & Hairgoods Corporation."

Communications Resources, Inc., of Costa Mesa, Calif., has a plan for a major company to sponsor a three-year "Spirit of America" program at 100 major regional shopping centers. The program includes Braverman Production's history of the United States in three minutes and the collecting of over seven million signatures on "the Pledge of Allegiance honor scroll—a giant roll of paper."

Leo Morrison, a New York promoter, suggests a $100-a-ticket ball early in 1976 at Washington's Mayflower Hotel—and in "every key city at various times to create interest and raise funds for their local functions."

The guests would dress in 18th century costumes. "I can arrange to secure old coaches . . . owned by friends of mine," Morrison promises, "to bring the guests to the ballroom. This would be very colorful for the press and TV. It would give a little punch to our anniversary in 1976."

Or, instead of punch, Bicentennial celebrants might like some tea—furnished by Thomas J. Lipton, Inc.

Alfred Stern is a consultant to Lipton tea and also to the Bicentennial Commission. According to a memorandum on a June 2 Commission field coordination meeting, "This man is a controversial figure in some circles and should be cautioned against conflicts of interests."

Last January, Stern prepared a proposal for Lipton to commemorate the Bicentennial of the Boston Tea Party on Dec. 16, 1973.

Stern rejected the obvious, a re-enactment of the event, as "corny" and "contributing to harbor pollution." Instead, he proposed that Lipton sponsor, within a tight $32,687 budget, a "gala high tea party and reception" for 200 "bluebook" guests at Boston's historic Faneuil Hall.

Such a "posh establishment affair," Stern noted, would exclude "the average man which thematically was not the essence of the Revolution and its Bicentennial."

To soften criticism, Stern suggested that Lipton contribute an unspecified amount to restore a waterfront park ("any such contribution should result in a permanent identifying plaque") and give $1,973 each to the Massachusetts Revolutionary War Bicentennial Commission and the Massachusetts Historical Society.

"While TJL's underwriting sponsorship . . . must eschew direct commercial and/or merchandising exploitation," Stern wrote, "there's little doubt that effective identification will enheance TJL's institutional, community and marketing (English Blend Tea) programs . . ."

Stern has a few things to say about the Bicentennial Commission, too. He says it hasn't accomplished very much on its own and probably won't. "The likely role of the ARBC will be that of 'the great endorser' of projects originated and implemented by others and this may well apply to the Tea Party Project."

As paid Bicentennial Commission consultant, Stern is in a position to work for endorsements.

"One of the sectors of American life that presents a major challenge for me, as well as the Commission," David J. Mahoney wrote last March, in a letter soliciting more corporate involvement in Bicentennial plans, "is arousing interest in, and developing the potential of the Bicentennial for the business community of America."

From the record of business involvement to date in the nation's Bicentennial, that would seem to be the least of Mahoney's worries. As Richard F. Pourade of the Copley newspapers and the Bicentennial Communications Committee noted last month in a letter to commission deputy director Hugh A. Hall, Jr., "Commercially, anyway, the Bicentennial seems to (be) moving along."

Bicentennial Budget Bill Withdrawn

(By Eugene L. Meyer and Stephen Green)

A bill that would authorize a new $6.7 million budget for the American Revolution Bicentennial Commission was suddenly withdrawn from consideration on the House floor yesterday following disclosures of the apparent use of the Bicentennial for political purposes.

Rep. Emanuel Celler (D-N.Y.), chairman of the House Judiciary Committee, who requested that the bill be withdrawn, immediately ordered a full-scale investigation of the activities of the Commission.

"The Commission has spent a lot of money with no concrete results, except for certain favors to certain individuals, including members of the House and Senate," he said.

Celler, whose committee is responsible for the bill, said he decided to withdraw the measure after an article in yesterday's Washington Post about political activities involving the Commission.

Celler said the investigation will be undertaken by a House Judiciary Subcommittee headed by Rep. Harold D. Donohue (D-Mass).

"I'm not sure what we're going to investigate yet," said Donohue. "I haven't read the article yet, and I'll have to talk about it with Chairman Celler."

Rep. Fred Schwengel (R-Iowa), a persistent critic of the Bicentennial Commission, charged that the House leadership withdrew the bill because it feared the disclosures would lead to its resounding defeat on the floor.

However, a spokesman for Speaker of the House Carl Albert (D-Okla.) said the measure, passed by the Senate last week, was withdrawn only because of Celler's request, minutes before debate was to have begun.

The Post article was the first of three written after an examination of private Commission documents. Those documents indicated that Nixon officials had sought to use the Bicentennial to aid Republican election effort. It also reported that the Commission had hired a relative of one House member, provided two jobs for aides of Sen. Edward R. Brooke (R-Mass.), and done special favors for other congressmen.

Celler said he expected the investigation to be completed in September. "Then, my committee will decide what to do with the bill."

The Bicentennial Commission has been operating at last year's budget level under a continuing resolution which expires Friday. Congress is expected to act before it recesses Friday on a continuing appropriations resolution that would permit the Commission and other federal agencies to continue spending at present levels.

Before the bill was withdrawn, Schwengel had been prepared to offer an amendment that would have the Commission select its own chairman and vice-chairman, who are now appointed by the President. "The Commission has been stymied by ineffective leadership which it had no voice in choosing," Schwengel said.

Schwengel called for the resignation of Bicentennial Chairman David J. Mahoney. "In my book, Mahoney's got to go," he said in a telephone call to The Post.

In a related development yesterday, Dr. J. Max Bond, who was termed a "staunch Republican" and recommended by White House Communications director Herbert G. Klein for a partisan role in the Bicentennial, said he is a registered Democrat who plans to work for the election of Democratic presidential candidate George S. McGovern.

Bond further charged that the Bicentennial Commission is not involving blacks in the commemoration. He cited his appointment to a special advisory panel to Bicentennial Chairman David J. Mahoney which has never met.

Klein, in a Jan. 6 letter to Mahoney, described Bond as an educator and "as pro-Republican as his nephew, Georgia legislator Julian Bond, is pro-Democrat. . . (He) has outlined a Bicentennial plan he believes would help blacks better understand and relate to the Republican Party."

Bond acknowledged that he had submitted such a plan, but not because he was pro-Republican. "I believe blacks have to be involved" in both parties, he said. "I was trying to get blacks involved in the Bicentennial."

Bond, 69, said his father was a Republican and he himself once voted for President Eisenhower. "But I'm a registered Democrat who worked to elect Hubert Humphrey, and am about to give up everything to elect McGovern," he said.

On Klein's letter to Mahoney, Bond said, "I don't think they did their homework on me.

"I've never been to a (bicentennial) meeting," he continued. "They said you're a member of some panel. But I never got any notice of a meeting. I expected that because I felt it would be a political thing." Dr. Bond was appointed to the panel on May 19.

Also yesterday, Rep. Julia B. Hansen (D-Wash.) denied that she had acted on behalf of her son, David, to get him his present $9,053 job as special assistant to the Bicentennial heritage committee.

"I have warned him over and over again," she said, "never to take a job in Washington, D.C. because you're crucified. You can never have any freedom here. He was asked to come over from the Interior Department. I have never asked for a job for him."

The Post article reported a letter Mrs. Hansen wrote to Bicentennial Chairman Mahoney about the Bicentennial and saying she would like her son to meet him.

Diluting the Spirit of '76

(By Eugene L. Meyer)

"Our burgeoning Bicentennial efforts would have pleased John Adams," the lead article in the July Reader's Digest declared as it described plans for what it said "may be the biggest, best and most festive party the world has ever seen."

John Adams might have approved of the "festive party" being staged by the American Revolution Bicentennial Commission, but many historians don't.

One of them, Robert K. Webb of the American Historical Association, said yesterday there are a few signs that the commission may change but that "almost everything that has happened so far has not been intellectually respectable."

Webb, as acting executive secretary of the Association, testified two weeks ago before a Senate subcommittee that "many historians I know wish that the years 1975 and 1976 could be made somehow to go away, to spare us the meaningless rituals and rhetoric and one after another display of irrelevancy.

"As a nation we are old enough that fun and games alone should not suffice to make a birthday," he said, and he asked that some regard be given to "intellectual content beyond the most simple minded myth."

Examination of confidential bicentennial commission papers shows a repeated concern for promoting fun and games, and an apparent attempt to avoid what most historians would consider "intellectual content."

The papers were given to The Post by Jeremy Rifkin, national coordinator of the People's Bicentennial Commission, a counter group sponsoring alternative commemorative programs, and Erwin Knoll, Washington editor of the Progressive magazine.

Among the documents are two that describe plans to promote the Reader's Digest July article, which apparently was part of an unpublicized "Bicentennial awareness" program to sell the American people on a commemoration invoking old-fashioned patriotism.

The article, entitled, "Ring Out, Liberty Bell," was written by Robert O'Brien, a senior editor of Reader's Digest. Although not identified as such in the piece, O'Brien also is a member of the Bicentennial Communications Committee. Hobart D. Lewis, president of Reader's Digest, is vice chairman of the Bicentennial.

On June 7, before publication of O'Brien's Reader's Digest article, Bicentennial deputy director Hugh A. Hall Jr. lunched at New York's Press Box Restaurant with O'Brien and Charles Pintchman, the magazine's public relations man, to discuss promoting the piece. According to Pintchman's memo of the meeting:

"Small town papers will receive proposed editorial prepared by Industrial news review, editorial service used by RD."

O'Brien "will ask Hobart Lewis about sending personalized letters (with complete advance copies of July issues, if available) to selected White House staff members, and also to Frank Shakespeare," director of the United States Information Agency.

"RD will send advance copies of articles to all members of Congress, with covering note that will include suggestion that Congressman may want to quote from article if he is making a July 4th speech.

"HH (Hugh Hall) will see that article is read into Congressional Record by friendly Congressman, hopefully accompanied by some poignant praise for RD and RO'B."

A few months before, in confidential memorandum to Jack LeVant, who was then Bicentennial director, Hall spelled out the "communications effort underway (soft-sell) . . . to substantially increase Bicentennial awareness."

According to the memo, the communications staff had been in touch with Ringling Brothers, Barnum and Bailey, the Miss America Contest, the American Junior Miss Program, the Orange Bowl Parade, the Tournament of Roses in Pasadena, Florists' Transworld Delivery, McDonalds and others. Missing were any events of a noncommercial nature of specific importance to blacks, youth, women, American Indians and other groups who have complained of being left out of the Bicentennial.

In an added note to Daniel S. Buser, Bicentennial communications chief, Hall said without providing an explanation, "I suggest we keep this information carefully guarded, or, as you know, we will blow the whole ball game."

As David J. Mahoney, president of Norton Simon and chairman of the Bicentennial, defined the commission's role to a Senate Judiciary Subcommittee earlier this month:

"The Commission is not an action agency to carry out projects of ecological improvements. The Commission is not an agency to find a cure for cancer or heart ailments. The Commission is not an agency for social action, civil rights or public welfare.

"The Commission's primary function as determined by the Congress, is to encourage and coordinate the individual efforts of states, communities, patriotic and service organizations, historians and others . . ."

James S. Copley, head of Copley Newspapers and chairman of the Bicentennial communications committee, cautioned Mahoney last fall, "I don't think that the Commission will be able to listen to all groups who want to appear before it. We could become a sounding board for a debate which could range far beyond our commitment."

The 1966 Act of Congress creating the Commission said its mission was to plan, encourage, develop and coordinate the commemorative programs, with special emphasis on the ideals of the American Revolution.

Not everyone agrees with the Mahoney-Copley interpretation of the Commission's mandate.

The Commission's youth task force, convened last year by John D. Rockefeller III at Mahoney's request, quit last February in protest of what it called the panel's "sterile, commercial exploitation" of the Bicentennial.

"Your Commission represents no one in

this country," the task force charged. "It is composed like the exclusive social club that it is of the white and the middle-aged from the worlds of business, government and the professions."

Then, turning to what it saw as the Commission's dominant Bicentennial theme, the group said, "Awe and honor do not feed the hungry, erase racial prejudice, save our cities, clean our earth or keep our armies out of war. . . . We feel that the only meaningful way to celebrate the two hundredth year of our nation is finally to achieve, not commercially exploit, the original goals of the American Revolution."

The historians, like Dr. Webb of the American Historical Association, also view the present Bicentennial Commission's direction with alarm. But they see a glimmer of hope in the appointment early this year of Dr. Richard P. McCormick, Rutgers University history professor.

McCormick was largely responsible, the historians say, for the endorsement by the Bicentennial Commission this May of a historic records preservation program. A bill to create and fund a National Historic Records Commission is expected to be introduced in Congress soon.

Publicly, the Commission has avoided taking positions—liberal or conservative—on almost everything. It also has avoided visible involvement with corporations who want to link their products to the Bicentennial. Mahoney has decried such "cheap commercialism." And, under pressure from Congress, the Commission's membership has been increased and broadened to encompass more minority groups.

But the documents indicate that the full 49-member Commission, which meets quarterly, has little impact on the setting of policy or the tone of the emerging Bicentennial. They illustrate instead that such matters are largely decided by a handful of staff, White House aides and the Commission's executive committee.

On July 17, for example, White House aide Leonard Garment wrote Chairman Mahoney of a proposal for a Freedoms Study Center, to be located in Indiana. One of the chief sponsors is Indianapolis Republican Mayor Richard G. Lugar.

Lugar is scheduled to be one of the keynote speakers at next weeks' Republican National Convention in Miami Beach.

"We have a very friendly relationship with Mayor Lugar," Garment informed Mahoney, but requesting more information. "Please have someone make a friendly and prompt call and evaluate this on its merits . . . Then let me know your conclusion," Garment wrote.

The Freedoms Study Center, according to the proposal, would "provide a form for the true meaning of the American Revolution," the foundation for which is a so-called "Declaration of Nationalism" that says in part:

"We mean to defend the citadel; we mean to make America the center of the ultimate resistance to the evil which is devastating the world; more than that, more than the center of resistance, we mean to make Her the center of resurrection, the source of the energies by which men who believe as we do may be liberated, and the lands that are subjugated be redeemed, and the world we live in be purified and pacified and made free once more."

Another proposal went to Mahoney on July 24 from Natalie Wales Hamilton, president of a group called The Committee to Unite America, Inc.—"For America."

Mrs. Hamilton introduced herself as "a friend" of DeWitt Wallace, founder and co-chairman of Reader's Digest. "Herb Klein at the White House will also be glad to tell you, I am sure, of their interest in the work of this organization." Klein, White House communications chief, is also on the Bicentenial communications committee.

The purpose of "For America," according to its literature, is to create a "nationwide network of patriotic units . . . to serve as the rallying point and clearinghouse in each community for responsible and dedicated patriotism."

Among its programs: "Publicize the fact that the United States, now the target of vicious smear campaigns, is the world's greatest moral power and bastion of freedom," and "recognize the relentless danger of international communism."

Mrs. Hamilton described "For America" as a program "in connection with the Bicentennial" and ask to meet with Mahoney here on Aug. 3. Mahoney could not see her that day; instead, she met with Harry A. Allendorfer, director of the Bicentennial executive secretariat. Allendorfer, a retired Navy captain, was said by a Commission source to be enthusiastic about the program. No action on it has been taken yet.

Bicentennial staff members also screen films and television shows with the Bicentennial in mind.

On June 23, 1971, F. Duke Zeller, Bicentennial news bureau chief, wrote a memorandum on "Continental Congress of '76," a television show aired by KNBC in Los Angeles. Zeller, former press secretary to former Sen. George Murphy (R-Calif.), had not seen the show but had talked to someone who had.

"The politics of the show were definitely left of center," he wrote in a memo. "Discussions between Franklin and Jefferson were used to back up the idea that the Constitution was a very temporary, expedient document and meant to be changed (an obvious lot of propaganda)."

According to the memo, the show included "such non-germane subjects" as the war, the abolition of the electoral college and the Berkeley City Council.

Last November, Bicentennial staffer Cathy Farrell dashed off a memorandum on a proposed joint Heritage-Communications panel. She opposed it, arguing instead that all historical films should go through the communications committee headed by publisher James S. Copley.

Miss Farrell also rejected for inclusion on the proposed panel Michael Wadleigh, producer of "Woodstock" and another unreleased film on the life of George Washington, which he had been trying to sell to the Commission.

"I feel we might as well be realistic" she wrote, "and see that his 'all hung up on the subject of making social-and-political commentary films, to try and change people's values' would be controversial for Commission endorsement."

Such proposals to the Bicentennial Commission and the Commission's response are often closely guarded secrets, the documents indicate.

Many of the Bicentennial papers made available to The Post bear such labels as "confidential," "extremely confidential" and "eyes only."

Until May, even the Bicentennial Commission meetings were held in secret, with no press coverage allowed. Even many of the Commissioners were left in the dark.

After a proposal to build 50 Bicentennial state parks was put to the full Commission and the public last February, with the Bicentennial's implied endorsement, several Commissioners complained that they were neither briefed nor consulted beforehand.

"To have a proposal of such magnitude sprung on us in such a manner was demeaning," Rutgers University historian Richard P. McCormick wrote Mahoney. "How could we be expected to exercise responsible judgment under such circumstances? . . . We must be aware that our decision-making process is not operating well. In our full meetings, we listen to many 'presentations,' engage in inconclusive discussions, rarely adopt resolutions on major policy issues. We do not receive detailed financial reports . . .

"We are aware that there is an Executive Committee, but we never receive minutes of the meetings of that Committee, and the reports of its actions at the full Commission meetings are desultory . . ."

Complained Rep. Lawrence G. Williams (R-Pa.), another commissioner, at Senate hearings this month:

"With the Executive Committee making the decisions, the role of the Commission is a most minor one . . . The American people, comprised of minority groups, ethnic groups, immigrants, women, the people who make up and have helped form these United States have very little to do with the decisions made by the Executive Committee . . .

"When you attempt to obtain information about a particular item from the appropriate people at the ARBC, it takes days for them to get the information to you, and you are always referred to the Director to verify the information. This totalitarian effort has to stop."

And back in March, Tuskegee Institute president Luther H. Foster, then the only black public member of the Commission, wrote Mahoney that he was troubled by the "elitism" of the Bicentennial.

"Occasionally, I am encouraged by sporadic efforts to reach young people or listen to minority groups 'sound off' on their views of ARBC possibilities," he wrote. "These seem to end up more as gestures than as genuine . . .

"Recently, I suggested names of five able black professionals in the communications field . . . I now find that these persons were invited to serve on a Minority Advisory Committee to the main Communications Panel. I had no idea these persons would be relegated to this . . . status . . .

"From what I see and hear at ARBC meetings, I do not feel that this situation is likely to change—even when the Commission is enlarged . . . I don't want to seem a 'prophet of doom,' but unless there are major changes in emphasis, more financial support, and a wider sense of involvement by citizens, I believe the 1976 activities will be deleterious rather than beneficial."

The People's Bicentennial Commission is a shoestring operation self-described as part of the "Red-White-and-Blue Left" and described, in a letter by publisher Copley to Chairman Mahoney, as "our enemy." Last spring, it tried to pry open the Bicentennial. The lever it was attempting to use was the Freedom of Information Act.

The People's Bicentennial request to see transcripts of Commission, Executive Committee and Communications Committee meetings precipitated an internal crisis at the Bicentennial offices.

On March 31, Eugene J. Skora, Bicentennial general counsel, recommended in a memorandum that "the seven transcripts be reviewed to isolate questionable material—i.e., that which could be embarrassing or that which comes within any exemptions of the Act."

White House aide Garment was consulted. On April 3, he wrote the Bicentennial director, "Hold back as little as possible, consistent only with advice from the responsible officials in the Department of Justice.

"In the future," Garment said, "if you and Dave (Mahoney) are concerned about the privilege of Commission meetings, you may want to operate without transcripts; they may be convenient to the staff but they are an invitation to the invasion of that privilege."

Eventually, certain portions of the requested transcripts were made available to the People's Commission, while others were not.

The problem of the democratic process inside the Commission has been a difficult one for Bicentennial leadership.

Jack I. LeVant, an old friend and business associate of Chairman Mahoney, resigned his post as a Bicentennial director on July 31. He explained the problem in an "eyes only—confidential" letter to Mahoney last Jan. 25.

Describing himself as "disturbed all evening," LeVant sat down to write at 3 a.m. His immediate concern was a proposed White House Bicentennial task force, which he saw as a threat to the Commission's authority. He also had some general thoughts:

"For the ARBC to be the success it can requires that it must be a one-man show—the Director must have full and complete authority with the full sanction of the President. Then and only then will his staff, aides and those below click heels and see that his (the President's) wishes are carried out.

"The present Commission structure must be defanged. It should be only an advising or consulting group. They contribute nothing constructive except use up time, chairs, food, booze and expenses for traveling."

The Bicentennial LeVant wrote, offers "the greatest opportunity Nixon, the Party and the government has as a beacon of light for reunification and light within the nation and with the world."

When LeVant resigned, Mahoney described the man he had personally selected to run the Commission as a "scapegoat" who had the right ideas but wouldn't be pushed around.

O'Brien Deplores Bicentennial Abuses

Lawrence O'Brien, national campaign chairman of the McGovern for President Committee, issued a statement yesterday "deploring" political and commercial uses of the American Revolution Bicentennial.

"The continuing revelations about the commercial and political uses of the American Bicentennial by the Nixon administration are a source of deep distress to American citizens of all persuasions," O'Brien said.

"Speaking as an American citizen, I can only deplore these developments and I strongly urge President Nixon, personally, to set the matter right without further delay."

Also yesterday, Sen. Charles McC. Mathias (R-Md.) objected to being described in yesterday's editions of the Washington Post as "surprisingly sympathetic" to the commission chairman on charges that the Bicentennial is tainted with commercialism.

Mathias was quoted as saying that Bicentennial chairman David J. Mahoney was "oversensitive" to a charge of commercialism. The senator, who has been critical of the commission, pointed out that his remarks referred only to one aspect of the Bicentennial program. He said he was reserving comment on the commission at large pending an investigation being made at his request by the General Accounting Office.

THE AMERICAN REVOLUTION BICENTENNIAL CELEBRATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Oklahoma (Mr. HARRIS) and several insertions dealing with the bicentennial celebration.

The PRESIDING OFFICER. Without objection it is so ordered.

Statement by Senator Harris

BICENTENNIAL DESIGNED TO BE CELEBRATION OF, BY, AND FOR THE RICH AND WEALTHY

Mr. President, the people of America and this Congress have finally been exposed to some of the plans of the American Revolution Bicentennial Commission—a ballyhoo to congratulate the status quo, promote corporate rip-off of the consumer, and further tighten the corporate and wealthy hold in America.

The *Washington Post* has lifted the cloak of secrecy which has been surrounding the plans of the ARBC. Published concurrently with the *Post's* series of articles is another account, by the *Progressive* Magazine, of the ARBC's exploitation of the 200th anniversary celebration. Both of these publications are to be commended for bringing the outrageous conduct of the ARBC to the attention of the public.

What I have read in these past three days is appalling!

As we approached the bicentennial era, it was justifiably expected that the American government would begin planning to celebrate this country's anniversary. With the best intentions, Congress considered and passed legislation creating the ARBC. I wish to give recognition to our colleague, the distinguished senior Senator from Maryland, Mr. Mathias, whose long standing interest and untiring work on this project deserves much credit. However, I don't believe that he or the rest of Congress ever dreamed of the misuses and boondoggles which now seem to be apparent in the administration of the Commission.

We have now learned of involvement of corporate interests in elaborate plans of commercialism surrounding the celebration. Reports and correspondence at the ARBC outline plans to exploit the idea commercially with everything from birthday cakes and ice cream, comic books and tee shirts, to a "tea party" planned at Faneuil Hall in Boston for "200 distinguished guests . . . the bluebook of Boston and Massachusetts leadership." The planner of this gala shows only a twinge of self-consciousness when he adds post scriptly, that "The Faneuil Hall event will unquestionably be a posh establishment social affair, excluding the average man, which thematically is not the essence of the revolution and its bicentennial."

ARBC's chairman, David J. Mahoney, unabashedly estimated that the celebration will gobble-up some $5 billion—that's billion, not million—in federal monies alone, when he testified before a Senate committee last week. This $5 billion price tag does not include what will surely be additional billions of tax monies from state and local governments.

If asking the American taxpayers to foot the bill with billions of dollars of tax money to have themselves wooed into a euphoric celebration of the status quo isn't enough, the corporate interests will ripoff the American citizen again with their trinkets and "goodies," all in the name of the American free enterprise system. You can bet that not one dime of the public and private money poured into this planned theatrical sham, will be used to tell the ordinary taxpayer that they are indeed footing the bill for a bonanza of huge profits to the very corporations who have tax loopholes to get an easy ride in this country by paying very little, if any, taxes themselves.

But the administration and its fat cat friends aren't waiting until the celebration starts to reap their benefits. The ARBC is using the bicentennial now for the re-election of Richard Nixon. It is doing its work in secrecy, using security stamps marked "Confidential—Eyes Only," and instructions saying, "Mr. LeVant (ex-director of the ARBC) asked that I reduce this to writing to report our activities to the Chairman. I suggest we keep this information carefully guarded, or, as you know, we will blow the whole ball game." We should have known something was up when President Nixon set the date for the four year celebration forward to a time when there was no particular significance in the American Revolution period, but coincides with what he expects will be his final four years as President. ARBC's ex-director, Jack LeVant, states it for us openly in a memo to Chairman Mahoney, "The bicentennial could be the greatest opportunity Nixon, the Party, and the Government has as a beacon of light for reunification and light within the nation and the world."

ARBC Chairman, David J. Mahoney, chief executive officer of Norton Simon, Inc., and identified by *The Progressive* as a man who "is a friend of Mr. Nixon and served as a key fund raiser in his 1960 and 1968 Presidential campaigns," himself makes the style and direction of the bicentennial observance "perfectly clear." The documents from the ARBC indicate that not only is Norton Simon, Inc., and their conglomerate interests throughout the country planning to scoop up huge profits from the celebration, but there is hay to be made while the sun shines now. Careful note was taken of a rather routine proposal, made by a consultant serving the National Council on the Aging, to enlist old folks to "manufacture" souvenirs for the bicentennial. Joyce Leanse, the consultant who made the suggestion, sent it not to the ARBC, but to Chairman Mahoney's corporation, Norton Simon, Inc. The significance of the move wasn't lost on a Norton Simon executive who forwarded the recommendations to the ARBC staff pointing out that Ms. Leanse is the wife of Jay Leanse, head of the Price Commission's Office of Price Exceptions, and asking that the recommendation be treated with "tender loving care, Norton Simon, Inc., needs the Price Commission's good will."

Mr. President, the accounts of flagrant political and corporate misuse of our nation's 200th anniversary celebration goes on and on. We should not fall into line with the ARBC's staff proposal, which stated in a memo to Chairman Mahoney, declares, the ARBC must have "one Czar or Administrator . . . with direct access to the President . . . Then and only then will his staff, aides, and those below click heels and see that his (the president's) wishes are carried out."

The Congress has a responsibility to the people of this country to see that this festival of self-congratulation for the Administration and its supporters from the corporate and wealthy interests in this country is turned around. We need an event more in line with the principles on which this country was founded; we need a frank and candid look at our American system today; and we need to make careful plans for the directions America will take in its third century of our national life.

Mr. President, I have today, sent a letter to the Chairman of the Interior Appropriations Subcommittee, which I understand will soon consider the appropriations for the bicentennial celebration. I have asked Senator Bible and his Committee to withhold any future funds for the ARBC until that Committee and other congressional committees can carefully study the direction of the ARBC and what it has in store for the American people to celebrate *their* 200th anniversary celebration. I object strongly to the farce that the ARBC seems to be concocting for the American people, and feel certain that we can hold a celebration with a price tag much more in line with the other priority needs of the American people.

Mr. President, I submit for the record, a copy of my letter to Senator Bible and the Interior Appropriations Subcommittee, several documents which are copies of ARBC reports and correspondence from which I have quoted, and the article from *The Progressive* concerning the plans, and mis-plans of the ARBC.

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., August 16, 1972.

Hon. ALAN BIBLE,
Chairman, Senate Interior Appropriations Committee, Washington, D.C.

DEAR ALAN: I am appalled by the disclosures concerning the activities and plans of the American Revolution Bicentennial Commission as reported this week in the Washington *Post*. As the first of the *Post* articles was published on Monday, *The Progressive* magazine also published a rather long article on the same subject, and I am enclosing a copy of the *Progressive* article for your review.

I believe the ordinary American expects the celebration of this nation's 200th birthday to focus on the principles which founded and built this country—hard work, individual freedom, self initiative, etc.—not the glorification of corporations and not the praise of the rich and wealthy and powerful.

I urge the Interior Appropriations Subcommittee to withhold any future funds from the ARBC until the Committee has the opportunity carefully to review the serious improprieties reported by publications this week, as well as the direction given to the bicentennial celebration by the present ARBC administration.

I am enclosing a copy of the statement I placed in the Record today, along with documents from ARBC reports and supporting correspondence.

I will be happy to work with you to see that the bicentennial celebration becomes more relevant to the American Revolution period, is more in line with the founding principles of America, and has a price tag which is more relevant to the priorities which will be facing Congress and the American people over the next four years.

Sincerely,

FRED R. HARRIS.

AMERICAN REVOLUTIONARY
BICENTENNIAL COMMISSION,
Washington, D.C., January 25, 1972.

Hon. DAVID G. MAHONEY,
Chairman, American Revolution Bicentennial Commission, New York, N.Y.

DEAR DAVE: After an evening long work session with the executive staff in preparing material for you, it became apparent that no sleeping pills were going to close my eyes. So, out of bed I went and in the quiet of night and with a conscience completely clear, I started the message that follows. It is going to be short as far as points are concerned, but it is going to be brief, it is going to be blunt, it is going to be honest, and without fear of contradictions or consequences. Our friendship has stood us in good stead over the years and we have never pulled any punches. I don't intend to pull any now, so let me start.

1. I have lost no faith as far as the ARBC becoming a reality but more importantly a gift to the peoples of the world as far as peace and unity are concerned.

2. From that point I come immediately to some of the areas that cause me concern in the remarks you made as to future operation. These are not necessarily in subsequent order but only as the quiet of the night pushes thoughts forward. I will let these pearls of wisdom drop.

A. I urge you to avoid the establishment of a task force comprised of Presidential aides regardless of how high the rank because (1) this is the year of election; you could not get the group together. If you can manage getting Cole, Ehrlichman, Garment, etc. to all agree to a given time on a given day, you would be performing a miracle that Christ couldn't perform. (2) If the high cats on the totem pole can't agree, imagine what in-house fighting there would be among this group to play the game of power for the President's favor. Whether you agree or not, I am firmly convinced by hunch, judgment, experience, or whatever that the President is not getting the full facts from his aides including the top-most. If he was, some of the inherent problems would have disappeared.

3. For the ARBC to be the success it can be requires that it be a one-man show—the Director must have full and complete authority with the full sanction of the President. Then and only then will his staff, aides, and those below click heels and see that his (the President's) wishes are carried out.

4. The present Commission structure must be defanged. It should be only an advising or consulting group. They contribute nothing constructive except use up time, chairs, food, booze, and expenses for travelling.

5. The moon shot that has been heard around the world would still be a joke and on the ground if NASA had been formed as a commission. The same thing can be said for other commissions that I will probably break out with in a moment.

6. Perfect example of one-man control is that of Osaka and our friend Howard Chernoff. He placed before the President on a "take it or leave it" basis what all would be involved in the way of money, help, authority, and endorsement. Osaka was an outstanding success.

7. I have never ran from a fight and you have never ran from a fight, and at this hour of the morning—in the silence of the night—it still doesn't occur to me that I am ready to run from this fight. I think this requires a fight that only you and I can put up and have the guts to stay with even if we come out bloodied and bent.

8. The charge or charges being made of a "no action staff" is a lot of fertilizer. Since the material prepared for you for the meeting at the White House (prior to my joining), you can be damned proud at what has been accomplished in the 15–16 months of your tenure and my directorship—no financial support to speak of—less than a million dollars in cold cash since 1966, etc. I can, from a marketing, advertising, and promotional appraisal, estimate that at least $10,000,000 would have been spent just to get as far as we have gotten. All this has been accrued as a result of begging, borrowing, and knowing how to do what with whom and where.

9. Look at the dollars Kunzig got for dressing up Washington, D.C. He got it because it was a one-man dynasty—one-man rule—and because the President wanted it and told everybody in his Administration that one man was responsible and only to him. When I mentioned to you a year ago that Kunzig's announcement as head of the Bicentennial Coordination Center was minimizing your authority and the authority of the ARBC, you and your generous judgment and complete faith in people told me I was wrong. I wonder who is wrong now even with an appropriation of over $3,000,000 and we can't even get out of the rain.

10. Other than you, there is only me who has the guts, the know-how, and the proven record with people and projects that can put this over.

11. I have prepared a list of needs that no one can challenge. I have prepared a comparison chart of what has been spent by our country on a per capita basis compared to Osaka, Montreal, San Diego, and Alaska.

12. The fair-haired boys who are afraid to lose face and power have spread enough fertilizer to choke off a crop rather than foster a crop.

13. These facts must be put on the line—and I'll bet you every dollar I own that given 15 minutes with the President alone I would sell the President up to his eyebrows. I would challenge anyone he puts up to prove our case. We can prove more constructive results than any commission to date. I don't profess to be smarter than anyone else, but living under the gun I have tried repeatedly to point out tht the name of the game here is "knowledge plus total power with Presidential support".

Again I beg of you to avoid the acceptance of an executive White House task force. They will destroy what could be the greatest opportunity Nixon, the Party, and the Government has as a beacon of light for reunification and light within the nation and with the world.

14. Look at some of the political falderal—$1,250,000 annually to find out where the blackbirds go to defecate in the winter. There are hundreds of such political jokes.

15. Then look at the things accomplished under your administration and mine this past year in spite of budget reduction, and in my opinion the results are outstanding.

16. If you are being sold a one-man chairman because you can't devote the full time, then "you are being gently and gracefully retired". If they think LeVANT is Director with power comparable to Kunzig—or NASA or USIA—can't and wouldn't do as good a job as the aforementioned, then I say very immodestly they are off their rockers and only prove the fight for authority. A one sentence lipservice in behalf of the commission is not doing us any good.

17. If you run, you are a coward—I know you are not. Despite all of my physical and emotional hangups I would take the whole thing over making sure that my terms are sure and precise. You can campaign on a leave of absence if you wish and still get credit for a successful guidance because your talents would be in use everywhere you travel plugging the ARBC as well as other assignments during this election year.

18. Just to get my licks in about some of the support we are getting, it is interesting to note that even the level of my appointment to office has not been reconciled—assigned to boys who have Grade-15 status that you and I would not hire as office boys. They are the kind of boys we used to eat for breakfast. This is a cadre of talent that has never carried a gun but has fought under fake ammunition and then told the President their version of your memo.

19. I just found out that I don't even rate as being a consultant as of January 1 or have expenses for travel—again, one of the peculiarities of this bureaucracy. Someone took the trouble to correct this situation just within the last 24 hours.

20. Dave, I don't want you under any conditions to think in terms of walking away because of fear that this bird won't fly. If business requires that you give more time to HSI, then for the first time I am going to ask you to turn the total authority or commission over to me if you want to avoid a Donnybrook. Let me tell it to the President in your presence. He knows the game, but you stay in the game. You are destined for bigger things and the ultimate success of the ARBC is outlined in the procedural data supplied to you must accrue to you no matter what job you take on. Again, other than you I don't think there is a man alive who can do the job other than me, but it must be on terms we outlined and definitely out of the hands of the advisors.

21. The joke of it all is the expectation of these geniuses that we can recast 200 years of history plus 100 years of crystal gazing with the $4.3 million budget and go begging every year for funds. The NASA approach, Kunzig approach, the Osaka approach, and USIA approach is needed. If this country can't underwrite a worthwhile program of investing $6–$8 a head for its 200th birthday, they should start placing orders for fire crackers, sparklers, and cupcakes to be ready by '76.

22. Recap of important points:

A. Repeat, success of the ARBC demands a one-man rule without running for approval around the curves of the White House through aides.

B. Defanging the Commission.

C. Avoid like the plague a task force that will play for power with little or no opportunity for decisionmaking time-wise or ego-wise. It would be more inclined to cause friction and a fight for their own voices to be heard.

D. And again, let me be the sacrificial lamb. I will take over and not make it necessary for you to eat crow. You lit the fire. There is no question on anyone's part who is living under the gun, and you and I know what to do with the flame.

E. Such a move is not only logical but sensible. The ultimate success can and would be placed at your doorstep while you are on a Sabbatical.

The consulate assignment promised me if I stayed through the election is intriguing. I have made major changes—and costly ones—moving into this picture. They don't concern me at the moment. That's nothing compared to being involved with the opportunity to participate in a worldwide event that will leave a heritage for Barbara, Dave Jr., and my grandchildren. There is a time to give kids pop guns and a time for live ammunition. This is it; this is the time. I can do it regardless of the choice you make for the next year and turn back the ownership and directorship, and we can still be keeping our eyes on the big payoff.

Before I say goodnight, from the foregoing you can tell that I was disturbed all evening. Not disturbed because the job can't be done, but because of roadblocks that are being put in your way and mine which could cause you to make a snap decision that would destroy all of our plans and because I know you are not a coward.

Now, having said all these things I feel better. Good Night, and I will talk to you in the morning.

JACK.

To sum up the above seven points, I must again stress the fact that under the present Commission form a successful Bicentennial celebration is impossible. In looking back into history at the 1876 Centennial Commission, we should take a lesson from its failure to rise to the occasion due to the inability to agree on a single meaningful project for the Nation's 100th Anniversary. We have a chance to start again on the right foot if we agree to take positive action in 1972.

MAY 23, 1972.

Mrs. JOYCE LEANSE,
Consultant on Senior Centers,
The National Council on the Aging, Inc.
Washington, D.C.

DEAR JOYCE: I was pleased to receive your letter this morning.

The idea sounds intriguing and I've sent it directly to Dave Mahoney's office where I know the matter will receive prompt attention.

We had a nice visit with the Eshman's and presume you did too. Let's not give up on trying to get together. Best to Jay.

Cordially,

ROBERT GLICKMAN.

Capt. HARRY C. ALLENDORFER, Jr.,
American Revolution Bicentennial Commission,
Washington, D.C.

CAPTAIN: Please treat this with TLC. Norton Service Inc. needs the Price Commission's good-will.

Thanks,

IRENE.

THE NATIONAL COUNCIL ON
THE AGING, INC.,
Washington, D.C., May 17, 1972.

Mr. ROBERT GLICKMAN,
Norton Simon Inc.,
New York, N.Y.

DEAR BOB: Noting an article in today's paper which identified David J. Mahoney as chairman of the American Revolution Bicentennial Commission, I am taking the liberty of sending you a first draft of a prospectus the Subcommittee on Aging of the Interagency Craft Commission (representatives from government and private agencies interested in crafts, recognized by President Nixon) presented to the larger group just yesterday incorporating an idea related to the Bicentennial (see page 6).

Responding to a suggestion that the Bicentennial Commission is concerned about an adequate supply of souvenirs made in America, and also being aware of the focus of the Bicentennial on American handicrafts, but in addition recognizing that American Craftsmen tend to be reluctant to produce souvenir items, the National Council on Aging is recommending that Senior Center members and other older persons participating in craft programs throughout the United States could very well be the "manufacturers" of a sizable portion of the quantity of souvenirs necessary to meet the needs of the Bicentennial celebration.

The involvement of older persons in preparation for the Bicentennial seems an appropriate association—one that might have excellent P.R. potential. National Council on the Aging provides a logical vehicle for the implementation of this involvement because of our extensive constituency among Senior Centers and other agencies providing services for older people.

I would appreciate your comments and/or action with regard to presenting the document to Mr. Mahoney for his consideration.

My best to Sue. Hopefully, we will get together soon.

Sincerely

(Mrs.) JOYCE LEANSE,
Consultant on Senior Centers.

To: Members of the Interagency Craft Committee.
From: Joyce Leanse, Chairman, Subcommittee on Aging.
Date: May 16, 1972.

The Subcommittee on Aging of the Interagency Craft Committee met on two occasions to consider the merit of the direction for a proposal to incorporate the talents of older people in craft programs, as well as to extend and improve the quality of these programs and the products thereof.

There was general agreement regarding the value and importance of a coordinated effort which would focus on older persons and their contribution to handcrafts as well as upgrade present programs.

The Subcommittee agreed for the Chairman to develop a prospectus to be submitted to the Interagency Craft Committee. We respectfully solicit your further comments, ideas, and recommendations for action—especially with regard to the resources available from your respective agencies.

INTRODUCTION

One of the major issues facing the nation today is the problem and the potential of its older people. Currently there are 20 million aged individuals; that is to say, every tenth American is 65 or older. The recently held White House Conference on Aging identified income as one of the most pressing needs of older persons in America—one quarter of the elderly do live in poverty and their numbers are increasing. Poverty of the pocketbook, however, is not the only deprivation suffered by this group. Their loss of work role or child-rearing role leaves them with a purposelessness and meaninglessness that robs them of a sense of dignity and self-worth. Older people also suffer from loneliness as their circle of family and friends is diminished by the passing of time. Limited mobility and lessened physical stamina coupled with the lack of economic resources exacerbates the negative consequences of the aging process creating an almost self-fulfilling prophecy of society's attitude toward its older population—they are a problem. But older persons also represent a potential for America. They provide a vast reservoir of talent, skill, and knowledge that has yet to be fully appreciated, let alone tapped.

The National Council on the Aging believes that the development and extension of the American Handcrafts Industry can both uncover the potential of the elderly in our nation and assist in meeting some of their problems to the mutual advantage of the industry and older persons.

OLDER PEOPLE AND HANDCRAFTS—A NATURAL RELATIONSHIP

There is a natural association between older persons and handcrafts. Having been raised prior to the extensive use of production-line products and also during a time when the ability to produce handmade items was a component of everyone's education passed from parent to child, older people represent a valuable resource for a variety of crafts techniques and information. Those who were foreign born bring a rich heritage in handwork adding to our traditional skills. Many older people are exceptionally competent in such crafts as knitting, weaving, crocheting, metalwork, or woodwork, and there are few elderly men without background in some manual trade and for older women without manual skills developed through "housewifery" if not actual trade. Their interest in maintaining these hand-skills is demonstrated by the extensiveness of craft programs in Senior Centers and other programs for older persons. However, though ubiquitous, these craft programs need further development to better meet both the economic and psychologic needs of older people.

SENIOR CRAFT PROGRAMS TODAY

At the present time craft programs for older people tend to be recreational and diversionary and only incidentally related to economic development. Few groups recognize the paucity of their programs—even for recreational purposes. Too often the focus of the activity is on busywork with the same simple articles being made over and over again. There seems to be little consideration of the psychological gain to the participants when the program is rich and varied. The existence of this situation reflects the limitations of program directors, not older people. When high standards of workmanship and design are encouraged, not only are they met, but much greater satisfaction is achieved by the participants. Most of the instruction readily available to older people, however, is deficient in both inspiration and technique. Yet the country abounds with qualified craftsman, including older people themselves, capable of meeting these needs—A link must be established.

ECONOMIC DEVELOPMENT OF CRAFT PROGRAMS

The economic gain to be realized from senior craft production has been slow to materialize. To be sure most senior craft programs are in facilities with a counter available for display and sales purposes, some even have boutiques or special outlets for sales, and they all conduct or participate in seasonal bazaars or fairs to which the public is invited to purchase the handmade items. But the real business of selling has been sadly neglected.

Among the major problems of all craft programs, in Senior Centers and otherwise, is the lack of managerial and entrepreneurial skills. Yet, there are older people today, retired from business and professions, extremely knowledgeable and talented in these areas. To develop links between these able persons and the craft programs which need them not only helps to meet the deficiencies of the programs, but puts to use business experience gained over a lifetime.

THE CRAFT INDUSTRY AND THE ELDERLY

William R. Seymour, Farmers Cooperative Service, USDA, in summarizing the importance of the craft industry notes:

a) The availability of under-utilized physical and human resources in rural areas

b) Craft production is readily adaptable to differing local circumstances and economic settings

c) New and expanding markets for crafts

d) Added income is realized by the individual craftsmen and their communities, and

e) The desirability of preserving our heritage as expressed through crafts and rural arts

Each of these points underscores the need for further involvement of older persons in craft programs. In rural and urban areas as well, the elderly represent a vastly under-utilized human resources. In addition, the Senior Centers where they gather have the potential to become craft production centers for the economic benefit of the individual producers and the communities in which they live. The adaptability of craft production permits the development of a cottage industry for the home-bound or more isolated individuals as well as assembly-type efforts for the less creative persons. As older persons contribute to the growing market for crafts they swell the constituency rosters for the private and government agencies which serve the industry and add to the ranks of those who advocate for supportive legislation. And finally, it would seem appropriate for the elderly to be a part of the preservation of a heritage to which they have contributed so much and to which they have much yet to give.

A NATIONAL CRAFT PROGRAM FOR OLDER PEOPLE

There are mutual benefits to be realized from an association between older persons and the crafts. For the craft industry to realize the full potential of the vast reservoir of talent, skills, and knowledge of older persons relevant to craft production and entrepreneurial development and for the elderly to gain the full psychological, social, and economic benefits of viable, well-managed craft programs, a comprehensive coordinated national program must be effected.

The National Council on Aging, a private non-profit voluntary agency providing training, technical assistance and consultation to organizations concerned with the field of aging is interested in working with a consortium of government and private agencies which can contribute to such a national program.

NCOA, through its National Institute of Senior Centers and the professional staff of its field offices in each of the federal regions, is in contact with over 2,000 Senior Centers throughout the country as well as numerous OEO Senior Opportunity and Service Programs, Model City Agencies, and Tribal Councils. Utilizing this extensive network of agencies in the field of aging, NCOA is presently working with the Office of Economic Opportunity, the Department of Housing and Urban Development and the Department of Labor to focus their programs so they will have a greater impact on the needs and concerns of older people.

A similar approach with crafts would help to assure older people and the handcraft industry that mutually beneficial programs would be developed. At the present, training programs are conducted for craftsmen, but they are not as widely available as is needed. These could be further developed and made more generally available utilizing resources of the Department of Education and the Department of Agriculture's Farmers Cooperative Service and Extension Services.

A national coordinating effort could provide also the necessary linkages which would enable individual programs to avail themselves of the skilled craftsmen in their areas unknown to them, retired persons with relevant business knowledge and training (SCORE has indicated interest in further developing this component of the program), as well as potential marketing outlets, contacts, etc. A "talent bank" within each Senior Center and other older person programs could be developed, and if funds were available, could be coordinated at a regional or national level facilitating the use of such information.

Among the problems frequently mentioned when extensive marketing of crafts is considered are those of quality, quantity, and production time. Regional or national coordination could assist in meeting these problems in a variety of ways. Designs could be developed and then the products produced in multiple sites including the homes of individuals, Homes for the Aged, Community Mental Health Facilities, Senior Centers, etc. To facilitate quality control, kits could be distributed with the pre-designed, pre-cut materials. (The packaging of these kits could be a further economic development component of the craft program.) The availability of many programs producing a similar item would contribute to making and meeting quantity and production time obligations.

Such an approach would not appeal to all craft producers—certainly not the true craftsmen. But, as noted previously, not all older persons are talented craftsmen, though most have manual skills, and there are sufficient numbers of these older people presently making handmade items simply as busywork, whose efforts could be redirected to give them increased satisfaction as well as some monetary reward.

An example of how this program might be applied responds to the expressed need of the Bicentennial Committee for American-made souvenirs. It has been suggested that American craftsmen do not like to create souvenirs, yet, it would seem inappropriate for the souvenirs sold for the Bicentennial to be other than American made. Many Senior Citizens, however, would be thrilled to participate in the preparation for the Bicentennial. It even seems appropriate for them to have such a role. Not only do they themselves represent a part of our country's heritage, but this heritage is cherished by them. The project could be coordinated by National Council on the Aging with the Bicentennial Commission and other appropriate agencies including those which would have the necessary funding resources.

NCOA recommends that a pilot project be developed in one of the federal regions to test a coordinated effort to improve and extend craft programs for older persons and to make available and better utilize the talents of older people in these programs.

EYES ONLY

FEBRUARY 29, 1972.

Memorandum for: Mr. LeVant.

Subject: Communications Effort Under Way (Softsell).

The following report covers a number of areas of contact by the Communications staff in an effort to substantially increase Bicentennial awareness, using the existing ongoing major events in America as a vehicle:

AMERICAN AIRLINES/CHET HUNTLEY SERIES, FALL OF 1972

Met with NBC officials in New York on Thursday and Friday, February 24 and 25. Direct line of contact established between Communications department of ARBC and the producer-director of the series to coordinate identification of the nation's Bicentennial, as appropriate, in the upcoming series.

STARS AND STRIPES SHOW, JULY 4, 1972 OKLAHOMA CITY

See attached memorandum to Mr. Herb Klein of February 28, 1972, Subject: "Stars and Stripes" Program.

FESTIVAL OF THE STATES, DIRECTOR HERB MELANEY

Annual pageant in St. Petersburg, Florida, incorporating use of the flags of all the States and much historic pageantry. This group plays regionally throughout the year and has NBC TV coverage regionally, working with the Director of Special Programs to theme the 1973 through 1976 pageants with the Bicentennial.

RINGLING BROTHERS, BARNUM AND BAILEY CIRCUS

Ringling Brothers recently celebrated the 100th anniversary of the circus. Many of the props, uniforms, acts, scripts, posters, calliope are in inventory at Ringling Brothers. NBC is talking to Mr. Feld, their President, about doing some historical circus programs on their tour in 1976 to tie in with the 200th Anniversary of America. The programs will be regionally televised. A meeting is being set between Hugh A. Hall and/or Dan Buser with Mr. Feld sometime during April or May.

Ringling Brothers is announcing a gigantic, 600-acre, live entertainment complex that will open in 1975 near Disney World in Florida. Mr. Feld has indicated to the NBC people that he feels there are a number of opportunities to tell Bicentennial stories as a part of this new facility. Such discussions will take place in the meeting with Mr. Feld.

MISS AMERICA CONTEST

This program has the largest, single audience viewing on TV. Arch Robb has arranged that, during the April–May period, we will meet with the officials of Miss America to develop the themes of Heritage, Open House or Hospitality, and Horizons as an integral part of the contest. Approximately 20,000 young American females are involved in this program, and it offers the Bicentennial a great opportunity, not only for nationwide TV but for youth involvement.

AMERICAN JUNIOR MISS PROGRAM

Similar arrangements are being made here with Al Marks, the Director. This program involves 17,000 high-school age young women and has a significant national TV impact.

ORANGE BOWL PARADE

A meeting is being arranged for the Florida State Commission, the ARBC, NBC, and the Orange Parade officials to develop appropriate Bicentennial messages in 1973–74–75, as well as the coordination to theme with the national Bicentennial in 1976. Keeping in mind that the Rose Parade is already set except for some details, we will work very carefully not to over-expose the Bicentennial message on the first day of 1976.

TOURNAMENT OF ROSES (ROSE PARADE)

Max Colwell, Manager, has suggested we meet sometime in April or May in Pasadena, accompanied by the appropriate NBC officials, to further develop the details of the Bicentennial involvement in the Tournament of Roses; i.e., themes, ARBC judge for 1973, availability of commercial float sponsors to ARBC for identification of specific 1976 national events such as the Olympics, expositions, etc. Mr. Colwell is interested in developing the awards with the assistance of ARBC as to how well participants tell the Bicentennial message.

FLORISTS' TRANSWORLD DELIVERY (FTD)

This is extremely confidential.

FTD has expressed to top NBC officials that they are most anxious to assist the Bicentennial in special TV programming (as sponsors). They wish to discuss informally in the near future how they may participate. They are also presently sponsoring floats in the major parades in America. They are anxious to work with ARBC in developing floats that will assist in our carrying our message to the American public. Arch Robb will be setting up the meeting in the near future.

JULY 4 PARADE, MILWAUKEE, WIS.

This parade is underwritten by the Schlitz Brewing Company and is televised regionally with a good audience rating using a circus theme. The officials have expressed a desire to NBC to meet informally with a spokesman from ARBC to develop a program for the Fourth of July parade in 1976.

M'DONALD'S

McDonald's has presently sponsored at great expense the All American Band. The band is selected from the best musicians from America's high schools in a nationwide annual contest. The top 100 musicians make up the McDonald's All American Band. McDonald's then sends this band to participate in the major parades across America.

The following is extremely confidential:

McDonald's has indicated to top NBC officials that they are most anxious to fund and underwrite a major parade in Chicago, Illinois. Their conception of this parade is that it would be as big and well known as the Rose Parade, Orange Parade, Macy's Parade, etc. They want to talk to an ARBC spokesman about developing this parade, including national TV coverage. Their hopes are to stage the first parade as a part of America's 200th Anniversary.

There are a number of other efforts under way such as the VIACOM special documentaries, ARBC films, slide presentations, speaking engagements, etc. However, per your request, I have reduced to writing some of the major undertakings, reminding you that none of those events, other than the Rose Parade, are asking for official ARBC approval, endorsement, or recognition. We will continue to work with these (illegible) to get the maximum mileage of exposure for the Bicentennial. We are also recognizing the responsibility to coordinate these kinds of activities so that there is not over-exposure.

Hugh A. Hall,
Deputy Executive Director
(Communications and Field Services.)

(Attachment.)

Dan: Mr. LeVant asked that I reduce this to writing to report our activities to the Chairman. I suggest we keep this information carefully guarded, or, as you know, we will blow the whole ball game.

Hugh.

Transmittal Slip

March 9, —.

To: Mrs. Mack.
From: Jim Healy.

Message: A.R.A. is a fine company and could be a big user of Hunt, Somerset and Canada Dry products. Lee Glick is a very sharp guy. Would you be kind enough to send his letter to the right party?

Araserv, Inc.,
Philadelphia, Pa., March 6, 1972.

Mr. James Healy,
Division General Manager, Canada Dry Corp.,
North Kansas City, Mo.

Dear Jim: Knowing that you have worked closely with Dave Mahoney and his secretary in the past, I am asking that you forward the attached letter to his office.

I realize the vast amount of mail his secretary must handle, therefore, if you could bring this letter to her personal attention, it would be appreciated.

I hear from our Area Manager in Kansas City that in the short time you've been out there, you really have done a great job in promoting Canada Dry.

Best wishes in your continued success!

Cordially,

Leon "Lee" Glick.

Araserv, Inc.,
Philadelphia, Pa., March 6, 1972.

Mr. David J. Mahoney,
Chairman of the Board and President,
Norton Simon, Inc., New York, N.Y.

Dear Mr. Mahoney: Realizing the pressing demands upon your time, I am addressing this letter to you only for the purpose of having it forwarded to the proper person.

As I am sure you are aware, ARA Services, Inc. is the largest food service organization in the United States. For this reason, I feel certain that our organization can be of great assistance in making the Bicentennial Celebration an event of great historical importance.

As you stated upon your challenging acceptance of the Bicentennial Chairmanship, "The strength of this whole Bicentennial Celebration has to come from the grass roots up". This is the exact philosophy upon which our services are based.

We take great pride in managing the food service operations for many of the nation's leading institutions. Some of our accounts which attract a great number of people, as will the Bicentennial Celebration, are: the Astrodome in Houston, Atlanta Stadium, Atlantic City Convention Hall, Las Vegas Convention Center, Indiana Convention Center, and the Spectrum Sports Arena in Philadelphia, just to name a few.

An efficient and professionally handled food operation will be vitally essential to assure success of the Celebration. Therefore, I request that you forward this letter to the proper individual on your staff so that he may get in touch with me.

Just as you have made Norton Simon one of the great corporations of America, I am sure that with you at the helm, the Bicentennial Celebration will become an event never to be forgotten by the American people.

Cordially,

Leon "Lee" Glick.

February 28, 1972.

Dr. Carroll.
Mr. Buser.
Mr. Goodspeed.
Mrs. Ireland.

Attached is a confidential copy of the initial plan for the Bicentennial of the Boston Tea Party. This was prepared by Alfred Stern. The plan is not to be announced. It is noteworthy that Edward Gottlieb & Associates are the P.R. firm handling the Lipton account.

(S) Hugh A. Hall,
Deputy Executive Director,
(Communications & Field Services).

THE BICENTENNIAL OF THE BOSTON TEA PARTY, DECEMBER 16, 1973

Concepts, Organizational, Program, Promotional & Financial Recommendations prepared for Thomas J. Lipton, Inc.

Alfred Stern,
Consultant.

THE PREMISO

Sunday, December 16th, 1973 will mark the 200th anniversary of the Boston Tea Party. While other Colonial incidents, notably the 1770 Boston Massacre and the 1772 burning of HMS Gaspee in Rhode Island waters presaged the Tea Party, in terms of popular history that event is generally considered the first overt act of Colonial rebellion against the tyranny of the British Crown. Indeed referring to the Tea Party and the attitudes which made it and our Revolution inevitable, John Adams, one of the Tea Party's prime instigators wrote "The Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people . . . This radical change in the principles, opinions, sentiments, and affections of the people was the real American Revolution." Thus historically, philosophically and thematically, there is no doubt that the sensitive commemoration of the Tea Party's 200th anniversary can effectively inaugurate the U.S. Bicentennial era, and such a special event has inherent potentials for extensive national and international recogniton and news media coverage.

The identification of Thomas J. Lipton, Inc. with this commemorative event is deemed appropriate for a variety of reasons.

1. Beyond TJL's obvious interest in tea, perhaps no historical individual better symbolizes the continuity of British-American friendship than the late, much beloved Sir Thomas. Indeed as we bear the British no acrimony, the essential character of any contemporary commemoration of the Tea Party must emphasize the affection between the U.S. & Great Britain. Sir Thomas's career in international commerce and sportsmanship did just that.

2. The President of Thomas J. Lipton, Inc., Mr. W. Gardner Barker, is a distinguished, civic-minded New Englander thus further confirming the appropriateness of TJL's identification with and support of a significant civic and historical commemoration in Boston heralding the U.S. Bicentennial. The fact that TJL is an affiliate of a British & Netherlands corporation, two nations which played stellar roles in America's Colonial history and heritage further extends thematic and corporate appropriateness.

3. While TJL's underwriting sponsorship of the recommended project must eschew direct commercial and/or merchandising exploitation, there's little doubt that effective identification will enhance TJL's institutional, community and marketing (English Blend Tea) programs, especially throughout the New England area.

4. Without question the U.S. Bicentennial will achieve a high order of national, community and international visibility. The thoughtful identification of TJL with the first important commemorative event of the Bicentennial, certainly the most significant national celebration of our lifetimes, is entirely compatible with TJL's continuing commitment to community and national responsibilities.

As to the Boston Tea Party itself, on an apt, light note Sir Thomas once said to the daughter of Boston's late Mayor Curley "Boston had the most intelligent citizens in the country, since they had thrown the tea overboard when they had discovered it was not Lipton's." (The Lipton Story, Alec Waugh, page 236).

HISTORICAL BACKGROUND

A bit of history is in order as it in large measure dictates the character, site, participating sponsorship and program for the Bicentennial of the Boston Tea Party.

In the growing animosity between the British Parliament and American colonists before the Revolution, Parliament, when repealing the Townshend Acts, retained the tea tax, partly as a symbol of its right to tax colonies, partly to aid the financially embarrassed East India Company. The colonists tried to prevent consignees from accepting taxed tea and were successful in New York and Philadelphia. At Charleston the tea was landed but held in government warehouses. At Boston three tea ships arrived and remained unloaded but Governor Thomas Hutchinson refused to let the ships leave without first paying the duties. In November, 1773 outraged Boston patriots held protest meetings in Faneuil Hall organized and led by such notables as John and Samuel Adams, John Hancock, Josiah Quincy, Paul Revere and Dr. Joseph Warren. Several resolves were passed including one to prevent the sale of tea and a committee unsuccessfully attempted to force the resignation of Boston tea agents. In the next six weeks similar town meetings were held in nearby towns in support of the Boston resolves thus setting the stage for the December 16th Tea Party. On that date a group of citizens disguised as Indians boarded ships at Griffin's Wharf and emptied 342 chests of tea valued at 18,000 British pounds, into Boston harbor. The disgused "Indians" included the Sons of Liberty many of whom were members of the Ancient and Honorable Artillery Company of Massachusetts, the oldest and still active chartered military organization in America. To punish the people of Massachusetts for the Tea Party, Parliament in 1774 passed a number of repressive edicts named the Intolerable Acts by the increasingly indignant colonists. These onerous laws in large measure motivated the outbreak of the Revolution the following year. The fact that the Tea Party plot was hatched in Faneuil Hall earned that historic structure its honored sobriquet. The Cradle of Liberty. Second only to Independence Hall, Faneuil Hall is certainly America's most revered Revolutionary shrine.

SPONSORSHIP AND SITE

All of the above logically predetermines the essential effective sponsorship, participation and location for the recommended December 16th, 1973 commemoration.

1. THE MASSACHUSETTS HISTORICAL SOCIETY

In regard to organization, implementation, guest invitations, Massachusetts and Boston participation and support, etc., the approval and active involvement of the MHS is imperative. Preliminary conversations with its President, Thomas Boylston Adams (a direct descendant of John and Sam, and member of the Commonwealth of Massachusetts Revolutionary War Bicentennial Commission) confirms MHS interest and likely participation. It should be noted that this consultant has been associated with Mr. Adams in prior projects. Mr. Adams stated that formal approval will require endorsement by the Historical Society's Council, and when TJL has adopted tentative plans and programing format, he will be pleased to submit same to said Council. In order to expedite all of this it is recommended that at the appropriate time Mr. W. Gardner Barker communicate directly with Mr. Adams and that Lipton Company or Foundation make an appropriate token contribution perhaps $1,973 to the MHS.

Pertinent information follows:

Thomas Boylston Adams, President, Massachusetts Historical Society, 1154 Boylston Street, Boston, Massachusetts 02215; Telephone: 617 536-1608.

Thomas Boylston Adams (office,* 15 State Street, Boston, Massachusetts 02109; Telephone 617 LA-3-6965.

Thomas Boylston Adams (residence), Concord Road, Lincoln, Massachusetts 01773; Telephone: 617 CL-9-8350.

2. THE COMMONWEALTH OF MASSACHUSETTS REVOLUTIONARY WAR BICENTENNIAL COMMISSION

The Commission established by the Massachusetts Legislature in 1964, has to date formulated no definite plans for the observance of the 200th anniversary of the Tea Party. Massachusetts Governor, Francis W. Sargent is Ex Officio Chairman; Senator Joseph C. DiCarlo is Chairman; Mr. George A. Wells, Vice Chairman. The recently appointed Executive Director is Mr. Francis W. Sidlauskas, an acquaintance of this consultant. Commission membership includes the Massachusetts Secretary of State, Commissioner of Education, Adjutant General, several legislators and historically oriented civic leaders. To date administrative appropriations have been modest and no comprehensive program has been established. Mr. Sidlauskas stated that the Commission is genuinely interested in appropriate commemoration of the Tea Party pending the development of a comprehensive TJL proposal but certainly and with justification, Commission endorsement and participation would require that the character of the event and its promotion avoid any and all blatant commercialism. This is entirely compatible with Mr. Adams' views and TJL's modus operandi. (Illegible.)

The Boston Redevelopment Authority has proposed and is developing plans for a small urban park at that location. Final plans are incomplete and no actual municipal implementation appropriation has been authorized to date, but the Massachusetts Bicentennial Commission obviously hopes the project can be completed or at very least, dedicated by the Tea Party's 200th anniversary. Mr. Sidlauskas suggested that perhaps the Lipton Company or Foundation might wish to contribute to the realization of Tea Party Park as a permanent Bicentennial gift to Boston, the Commonwealth & nation, and its official dedication might occur on December 16th, 1973 or some other appropriate date that year. While all of this is somewhat nebulous, from Lipton's point of view any such contribution should result in a permanent identifying plaque or marker. And because of the nature of the Bicentennial and the proposed historic park, it is likely that any underwriting contribution would be tax deductible. At any rate Mr. Sidlauskas will keep us informed regarding development plans. As for TJL and the Faneuil Hall project, once it is determined to proceed, it is recommended that a formal preliminary proposal together with a cover letter from Mr. W. Gardner Barker, be sent to Governor Sargent; Chairman DiCarlo & Executive Director Sidlauskas, with a courtesy copy to Boston Mayor, Kevin H. White. It is obvious that the approval, support and participation of the Commission can prove of estimable value to the project and every effort should be made to achieve such cooperation.

Thus as suggested in regard to the Historical Society, it is recognized that upon determination to proceed, TJL make a token goodwill contribution of $1,973 to the Commission through its Chairman, as initial insurance for continued cooperation. However a candid evaluation of and extensive experience with many such state commissions suggests that the calibre, prestige and active continuity of the Massachusetts Historical Society will prove more vital to the successful realization of the project than the good offices and capabilities of the Commission. But for optimum results certainly the nominal censorship and active participation of both organizations warrants (illegible) early priority. The address of the Commission is:

The Commonwealth of Massachusetts, Revolutionary War Bicentennial Commission, (illegible) The State House, Boston, Massachusetts 02133; Telephone: 617-727-5046.

3. THE ANCIENT AND HONORABLE ARTILLERY COMPANY OF MASSACHUSETTS

As previously mentioned this historic unit is the oldest military organization in America, originally chartered in 1638. Thus 1973 will mark the A&H's 335th anniversary. The A&H is also the third oldest chartered military organization in the world, predated only by the Guardia Svizzera Pontifica (Vatican or Swiss Guard), established in 1506, and the Honourable Artillery Company of London, chartered in 1537. Not only did members of the A&H participate in the Tea Party, but subsequently the majority of its officers and men served the Continental Army with distinction throughout the Revolution. * * *

REVOLUTIONARY WAR
BICENTENNIAL COMMISSION,
Boston, Mass., January 17, 1972.

ALFRED STERN,
New York, N.Y.

DEAR ALFRED: It was a pleasure seeing and speaking with you again. I was most impressed with what I saw of your Maryland presentation. I certainly want a copy of it.

Concerning our conversation regarding the Lipton Tea Company and the Bicentennial Commission and its activities in the Commonwealth:

1. Certainly we want commemorative events on December 16, 1973. I agree with you completely that this occasion might well be considered the first step of active revolt looking toward the Revolution.

2. I have been directed by our Chairman, Senator DiCarlo, that the Bicentennial commemoration is not to be "exploited commercially" and also that, in its planning "it is not to be an elitist effort by a precious few".

I'm sure that you can understand my position in that the Lipton Tea Company is a commercial entity as opposed to our efforts and our organization. You mentioned a Tea Party to which certain people would be invited. I would like to suggest that our whole social spectrum somehow be represented in this effort.

3. I indicated to you that the Boston Redevelopment Authority, the planning resource of the City of Boston for the Bicentennial, has as one of its objectives the establishment of a Tea Party Park. I am trying to arrange to send to you as soon as possible a copy of their existing plans for this facility.

As I understand it, it would be on the site of the original Tea Party and certainly will be a worthwhile residual contribution to the City and the Commonwealth.

4. I am quite optimistic that, with proper planning, the mechanics and technical aspects of the Lipton participation can be worked out to our mutual benefit.

I would be most happy to meet with you again to discuss further the mechanics of this event. At our next meeting I think it would be wise to include representation from the Massachusetts Historical Society, which you mentioned, and the City of Boston. I am sure that you will understand that I can now make no commitment. We must, of course, refer the Commonwealth's participation to the Bicentennial Commission.

Warmest personal regards.

Sincerely,

FRANCIS W. SIDLAUSKAS,
Executive Director.

The spacious Armory, rich in historic tradition, can accomodate a maximum of 240 for a sit-down high tea and reception as envisioned on the occasion of the Tea Party's Bicentennial. For ample room, programing and service convenience, etc., it is recommended that total attendance including guests and news media be limited to an appropriate Bicentennial 200 persons.

The character of the event determines that the well-heeled A&H make no charge for the use of the Armory, though there are minimal custodian and utility expenses (see section headed Project Budget). In addition to these charges if the project proceeds it is recommended that TJL or the Lipton Foundation donate a modest sum, say $200 Bicentennial dollars, to the A&H museum maintenance fund. They don't need it but such a contribution would surely constitute a gracious gesture toward the insurance of A&H cooperation and participation. The services of the A&H would include their providing a smartly dress uniformed guard of honor rendering proscribed military honors and courtesies to distinguished official guests in addition to the Armory facilities. This consultant has tentatively reserved the Armory for Saturday, Decem-15th, 1973, providing for technical setup and rehearsals and Sunday, December 16th, the commemoration itself, as a result of a recent meeting with Colonel Lewis W. Whittemore, A&H Executive Secretary. By 1973 it is expected that Lt. Colonel Joseph S. Zareiko will be A&H C.O. and on Colonel Whittemore's suggestion he too has been informed of tentative plans. As planning develops it is essential that both officers are fully posted, not only because of Armory facility arrangements, A&H military ceremonial participation, but also because * * * it through A&H that the participation of other Massachusetts historic military commands including musical units, will be enlisted (see section headed Program). Pertinent addresses follow:

Colonel Lewis W. Whittemore, Executive Secretary, Ancient & Honorable Artillery Company of Massachusets, Armory, Faneuil Hall, Boston, Massachusetts 02109, Telehone: 617-227-1638.

Colonel Lewis W. Whittemore (residence), 159 Orange Street, Roslindale, Massachusetts 02131, Telephone: 617-323-5393.

Lt. Colonel Joseph S. Zareiko (same address as Colonel Whittemore).

Lt. Colonel Joseph S. Zareiko (residence), Sterling Drive, Dover, Massachusetts 02030, Telephone: 617-785-0371.

4. CITY OF BOSTON

While the Armory is under the direct control of the Ancient & Honorable Artillery Company, all other Faneuil Hall facilities, the surrounding streets, etc., are the property of the City of Boston. The scope of the recommended project will require at least partial use of floors below the Armory as cloak roofs, a temporary press room, for the storage of catering and technical equipment, admission and security control, etc. The adjacent streets, especially the main entrance facade thoroughfare, will also be required for traffic and security control and any outdoor ceremonial or military pageantry. There is no doubt that all such facilities including the full cooperation of the Boston Police Department will be readily available due to the character of the event, its recommended high level cosponsorship, distinguished guests, etc. Only minimal custodial and utility costs estimated at approximately $350 are involved but formal permission must be secured from the Office of the Commissioner, Real Property, City of Boston. At the appropriate time that office together with the Faneuil Hall Building Superintendent must be fully informed regarding all planning details, and of course the same applies to the Boston Police Department. Pertinent addresses follow:

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* Preferred address.

Mr. John Mulhern, Commissioner, Real Property, City of Boston, City Hall, Boston, Massachusetts, Telephone: 617–722–4100.

Mr. Anthony Forgiene, (as the Commissioner is largely honorary it is advised to deal with the Assistant Commissioner) Assistant Commissioner, Real Property, City of Boston, City Hall, Boston, Massachusetts, Telephone: 617–722–4100.

Mr. Donald MacDonald, Building Superintendent Faneuil Hall, Boston, Massachusetts 02109, Telephone: 617–523–8794.

Office of the Chief of Police, City of Boston Police Department, 154 Berkeley, Boston, Massachusetts, Telephone: 617–536–6700.

Office of the Commissioner, City of Boston, Traffic & Parking Department, City Hall, Boston, Massachusetts, Telephone: 617–722–4100.

5. AMERICAN REVOLUTIONARY BICENTENNIAL COMMISSION

The approval and participation of the Federal Bicentennial Commission would prove highly desirable, especially if the recommended program is to include an appearance by the President or Vice President of the United States. Certainly such endorsement should be sought and at an appropriate high level TJL should keep the ARBC fully informed regarding plans and sponsorship for the Tea Party commemoration. A preliminary meeting with Mr. Hugh A. (copy illegible) the Commission's Deputy Executive Director confirms the ARBC's interest in the potentials of the Boston project, however the Commission's mandate from Congress specifies Commission responsibilities limited to the national commemoration of the American Revolution and our Declaration of Independence, extending from 1975 the 200th anniversary of the beginning of the Revolution through which first accorded international recognition to U.S. independent sovereignty.

Climatic emphasis is of course accorded to 1976. Thus while the Tea Party presaged the Revolution & Independence, and its 1973 commemoration can effectively dramatize the inauguration of the Bicentennial era, the ARBC has no jurisdiction or mandated responsibilities regarding the recommended program. Beyond all this, and even more pertinent, a realistic appraisal of ARBC performance to date (and therefore its likely potentials) is in order. The ARBC was established by Congress, July 4th, 1966. It has accomplished little to date, is top heavy in politically appointed bureaucrats, deficient in creative expertise, and except for relatively minor administrative funding, lacks adequate appropriations. Structurally Commission membership includes four Senators (of which one is Massachusetts Senior Senator Edward W. Brooke); four members of the House of Representatives; the Secretaries of State, Interior, Defense, Health, Education & Welfare; the Attorney General; the Librarian of Congress; the Secretary of the Smithsonian Institution; the Archivist of the U.S. & the Chairman of the Federal Council on the Arts & Humanities, all with ex officio status. In addition 17 private citizens, one of whom shall be designated Chairman, constitute the official, voting Commission. The present (and third) Chairman is Mr. David J. Mahoney, Chief Executive Officer, Norton Simon, Inc. The Vice Chairman is Mr. Hobart Lewis, Editor, Readers Digest. The ARBC's staff is headed by Executive Director Jack I. LeVant (the third to serve in this capacity and a former Norton Simon executive). Hugh A. Hall is Deputy Executive Director; Charles F. Goodspeed is States Coordination Advisor & Harry Carlson, President, P. R. Associates, N.Y., is Public Relations Consultant. * * *

They are:

a. Heritage 76 (historic aspects, commemorations, etc.)

b. Open House USA (national participation, tourism, travel, recreational & cultural activities, fine & performing arts, etc.)

c. Horizons 76 (permanent & residual projects addressed to national goals as inspired by the Bicentennial)

President Nixon has stated that the thematic essence of the Bicentennial must be a rededication to our nation's founding principles—prime concern with "the quality of life." Perhaps the most significant statement on Bicentennial philosophy and objectives was made by the late President Kennedy, the first Chief Executive to emphasize Bicentennial opportunities and responsibilities. In a July 4th, 1963 Independence Hall address JFK said in part: "A great new effort—for independence—is transforming the world about us. And the spirit of that new effort is the same spirit which gave birth to the American Constitution. I will say here and now, on this Day of Independence, that the United States will be ready for a Declaration of Interdependence . . ." Thus the philosophical and active progression from Independence to Interdependence among our own citizens and all mankind best and perhaps exclusively ensures the future of the United States and the world. As such, it is the essence of our evolving democratic society, the continuity of the American credo, and the most important legacy to which the Bicentennial can aspire, for our nation and all humanity. All of this is cited not only because it should establish the quality and tone of TJL's participation in the Boston project and any other Bicentennial activities, but also because it suggests a philosophical level unfortunately beyond the indicated abilities and scope of the Federal Commission. For example, for several years the ARBC has discussed aid grants to states and major community Bicentennial Commissions to assist planning studies for valid Bicentennial projects, the establishment of 10 Federal Bicentennial Regions (New England Regional Headquarters to be located in Boston), each with a Regional Director and staff, to aid in expediting Federal Bicentennial assistance programs. None of this has transpired, the ARBC is in its seventh year of existence, the 200th anniversary of the beginning of the Revolution is a bit more than three years in the future, and regretably there's little evidence that this Commission will achieve any better than the similarily constituted 1961–1965 Civil War Centennial Commission. In contrast however, there is every indication that a wide variety of constructive and memorable Bicentennial activities will materialize through the sensitive participation of some individual states, cities, national associations, major industries, foundations, educational and cultural institutions, and several foreign governments. Thus the likely role of the ARBC will be that of "the great endorser" of projects originated and implemented by others and this may well apply to the Tea Party project which furnishes the Commission with an effective inaugural program without any direct organizational and financial demand. Thus while TJL should of course keep the ARBC fully apprised regarding Tea Party developments, seek official approval, nominal cosponsorship (together with previously mentioned Massachusetts organizations), promotional cooperation, and extend invitations to the Commission's Chairman, Vice Chairman, Executive Director, Deputy Executive Director, etc., TJL is urged to be self sufficient in the enterprise together with the specified Boston & Massachusetts organizations, and not depend on ARBC initiative. As far as the White House is concerned, Bicentennial liaison is the responsibility of Mr. Leonard Garment, Special Consultant to the President. He too should be kept fully informed. In summation, while all phases of possible assistance must be sought, independence is the appropriate watchword for the day. Pertinent addresses follow:

Headquarters,
Armory, Faneuil Hall,
Boston, Mass., January 10, 1972.

Mr. Alfred Stern,
New York, N.Y.

Dear Mr. Stern: Confirming our conversation of 7 January 1972 the Armory of this Company will be available for the Bi-Centennial of the Boston Tea Party on 15–16 January 1973. Please re-confirm 1 July 1973.

There is no charge for the use of the Armory but arrangements for the custodial support must be made with Mr. Donald MacDonald, the building Superintendent.

My telephone is 617–227–1638 and Mr. MacDonald is 617–523–8794.

For the Captain Commanding.

Lewis W. Whittemore,
Executive Secretary.

All officers and staff of the Federal Bicentennial Commission may be reached at:

American Revolution Bicentennial Commission, 736 Jackson Place, NW., Washington, D.C. 20276, Telephone: 202–382–1776.

Mr. David J. Mahoney (Commission Chairman), Norton Simon, Inc., 277 Park Avenue, New York, N.Y. 10017, Telephone: 212–832–1000.

Mr. Hobart Lewis (Commission Vice Chairman), the Reader's Digest, 200 Park Avenue, New York, N.Y. 10017, Telephone: 212–972–4000.

Senator Edward W. Brooke, United States Senate, Washington, D.C. 20510.

Senator Edward W. Brooke, 2003–H, Kennedy Federal Building, Boston, Massachusetts 02203.

Mr. Leonard Garment, Special Consultant to the President, The White House, Washington, D.C.

Mr. Harry Carlson (Commission P.R. Consultant), P.R. Associates, 575 Madison Avenue, New York, N.Y. 10022, Telephone: 212–688–6900.

PROGRAM

All agree that the commemoration of the Boston Tea Party should not include a group of Bostonian bit players disguised as Mohawks contributing to harbor pollution through an anachronous re-enactment of the original event. Instead of any such corny performance it is recommended that the inaugural event of the Bicentennial era be a gala high tea party and reception at Faneuil Hall. While inspired by history, the event must be dedicated to contemporary community, national and international friendship and goodwill. The time is 4:30 or 5:00 PM, Sunday, December 16th 1973, a fortuitous day for maximum attendance by distinguished and busy guests. As they alight from cars at Faneuil Hall's main entrance a bit of historical pomp and circumstance is recommended. This might include a crack Colonial fife & drum unit, the Massachusetts Minute Men Music and the picturesque British 10th Regiment of Foot, a recently formed Massachusetts 18th Century historical military company established in anticipation of the U.S. Bicentennial. This latter detachment will serve to symbolize British-American friendship and might serve as Honor Guard for the British Ambassador who should certainly be invited to attend. (See section headed Invitations). In addition the Ancient & Honorable Artillery Company will serve as Honor Guard for Federal & State VIP officials. They together with the fife and drum corps will render appropriate salutes, ruffles & flourishes, etc., as prescribed by protocol. In the event the President or Vice President of the United States attends, every effort should also be made to enlist the participation of the U.S. Third Infantry Old Guard Fife & Drum Corps, the nation's most handsome Revolutionary period ceremonial unit. These formalities can be staged most effectively outdoors but if the weather is inclement they would be held in Faneuil Hall's main auditorium, directly below the Armory Tea Party site. In all events these preliminaries should be brief, not longer than 10 minutes at the most. Immediately following this sequence the official and cosponsoring hosts and their ladies proceed to the Armory to form the reception line. Ideally they will include the Governor of Massachusetts, the Mayor of Boston, the Chairman of the Massachusetts Bicentennial Commission, the President of the Massachusetts Historical Society, the Commanding Officer Ancient & Honorable Artillery Company, the President of TJL, etc., perhaps also the British Ambassador. Obviously precedence and protocol would be altered somewhat should the Chief Executive or Vice President attend. After the guests have passed the reception line they are seated at tables and the official party also proceeds to the head table.

Following this high tea is served. All details as to menu and service, table decorations, hors d'oeuvres, bakery, confectionery, etc., must be ne plus ultra, and perhaps inspired by 18th Century recipes. The highest quality of catering is essential and based on preliminary conversation plus past performance, it is recommended that this responsibility be given to Seiler's Caterers, Inc., the finest in the Boston area. Tom Cubertson, President of Seiler's, estimates costs at $6.00 per guest including gratuities. Tables and chairs must be rented from another source. Approximately 10 minutes after all guests are served and while they continue to enjoy their repast, the brief formal program begins. This should not be more than a half hour in total duration. Tentative recommendations include:

1. Following a fanfare, brief opening remarks and welcome by the ranking host, the Governor of the Commonwealth of Massachusetts. (Approximately three minutes.) He then introduces Thomas Boylston Adams, President, Massachusetts Historical Society.

2. Mr. Adams' brief remarks (approximately three minutes) should recall the historical events and significance of the original Tea Party and its association with Faneuil Hall. It is recommended that his short dissertation be accompanied by a brief projected and recorded multi-media audio-visual presentation using 18th Century engravings, music, etc., depicting the men and events, the atmosphere of Boston on the eve of the Revolution and of course the Tea Party we are commemorating. Based on prior experience this consultant recommends Envision Corporation of Boston, an extremely talented group of young film makers, for the production of such an audio-visual presentation. Following this, Mr. Adams presents the next speaker.

3. This might well be a brief and gracious speech by the British Ambassador (again not more than three minutes) and/or equally brief remarks by either the Chairman (illegible) Chairman of the Federal American Revolution Bicentennial (illegible) David J. Mahoney or Hobart Lewis or Commission member, Massachusetts Senator Edward W. Brooke, or at very least Massachusetts State Senator Joseph C. DiCarlo, Chairman, Massachusetts Revolutionary War Bicentennial Commission. Whomever the speaker may be, he (illegible) emphasize the importance of the occasion as the inaugural of the (illegible) era. And he will in turn introduce the next speaker (illegible).

4. Mr. W. Gardner Barker, President, TJL (three minutes) will refer to the honor and pleasure of his organization in cosponsoring the occasion and it is recommended that he formally present two extremely handsome sterling silver tea services (based on Paul Revere designs) to the Governor of Massachusetts (illegible) of Boston, engraved with the Commonwealth and City of Boston (illegible). Preliminary conversations with Boston's finest silversmith, Shreve, Crump & Low (Mr. Richard Shreve) indicates that such services for six, including pot, cups, teaspoons, creamer, sugar bowl, tongs, tray, etc., suitably chased with coats of arms, all of superior quality and workmanship, would run to $3,750–$4,000 each and approximately three to four months lead time is required for design and fabrication. Without doubt both the Governor of Massachusetts and Mayor of Boston will be entertaining many distinguished visitors throughout the Bicentennial era, and the gift of such tea services (to become the property of the Commonwealth and City) is deemed a desirable and rewarding gesture. Mr. Barker's remarks might also include information regarding subsequent Bicentennial participation adopted by TJL, British American friendship and cooperation as symbolized by Sir Thomas and expressions of appreciation to participants, distinguished guests, etc. He then introduces the concluding speaker, the Mayor of Boston.

5. The Mayor of Boston thanks all cosponsors, participants and extends the continued Bicentennial hospitality of his historic City to attending dignitaries and guests (approximately three minutes). The formal program is now concluded. Guests remain to enjoy their high tea until approximately 7:00 PM.

This preliminary program schedule runs approximately 15 minutes but experience verifies that inevitably some participants will take a bit longer. Photography, press, radio & tv technicalities will also extend time. But through advance scripting of all remarks, skillful production and stage management of all phases, etc., under no circumstances should the formal program extend beyond 30 minutes. In the event that the President or Vice President of the United States attends, unquestionable either will also deliver a brief address, hopefully not longer than 10 minutes. Protocol dictates that either the Governor or Senator Brooke introduce the President or Vice President and the presence of either will obviously alter scheduling and timing. In all events the character of the affair must be nonpartisan and emphasize the inception of the U.S. Bicentennial era. Pertinent addresses follow:

Dr. John F. McCauley, Minute Men Music, 269 West Street, Reading, Massachusetts 01867, Telephone 617–944–3160.

Colonel Vincent J.R. Kehoe, 10th Regiment of Foot, 235 Old Westford Road, Chelmsford, Massachusetts 01824, Telephone (Not Available).

Mr. Bernt Pettersen, President, Envision Corporation, 323 Newbury Street, Boston, Massachusetts 02115, Telephone 617–267–4450.

Mr. Tom Cubertson, President, Sciler's Caterers, Inc., 400 Washington Street, Braintree, Massachusetts 02184, Telephone 617–348–1730.

Mr. Richard Shreve, Shreve Crump & Low Company, 330 Boylston Street, Boston, Massachusetts 02215, Telephone 617–267–9100.

INVITATIONS

The maximum capacity of Faneuil Hall's Armory for a sitdown high tea is 240 persons. As approximately 40 places should be allocated for news media, national networks & wire services, photographers, Boston and area press, radio and tv, it is recommended that the official distinguished guest list not exceed 200, and of course many of these will be couples. The designation of guests must be the result of coordinated lists from all sponsors (the Massachusetts Historical Society; Massachusetts Revolutionary War Bicentennial Commission; the Governor's Office; the Mayor's Office; TJL & perhaps the Federal American Revolution Bicentennial Commission). A partial list of recommended guests follows:

The Governor of Massachusetts.

The Mayor of Boston.

President, Massachusetts Historical Society.

Chairman, Vice Chairman & Executive Director, Massachusetts Revolutionary War Bicentennial Commission.

Chairman, Vice Chairman, Executive Director & Deputy Executive Director, American Revolution Bicentennial Commission.

Massachusetts Congressional Delegation, Senators & Congressmen.

The British Ambassador & Boston's British Consul.

President, Greater Boston Chamber of Commerce.

Presidents, leading educational institutions, Boston University, Harvard, MIT, Northeastern, Radcliffe, Tufts, Wellesley, etc.

Publishers and/or Editors, Boston Globe, Boston Traveler, Christian Science Monitor.

Presidents and/or Chief Executives, Boston Area TV & Radio Station.

Directors, Boston Symphony, Boston Pops, Museum of Fine Arts, Science Museum.

Ranking Military Officer, Boston Area, U.S. Army, U.S. Navy, U.S. Air Force, U.S. Coast Guard.

Commanding Officers, Ancient & Honorable Artillery Company, 10th Regiment of Foot, Minute Men Music.

Clergy, including the Cardinal & leading representation from other major faiths.

President, New England Council.

Medical Community, President, Massachusetts Medical Society, General Director, Massachusetts General Hospital.

President, Massachusetts Bar Association.

Financial Community, President, Boston Stock Exchange, Presidents or Chairmen, First National Bank of Boston, New England Merchants National Bank, National Shawmut Bank, etc.

Insurance Community, Presidents or Chairmen, Continental, Prudential, John Hancock, New England Mutual, etc.

Business & Industrial Community, Presidents or Chairmen, Polaroid, Raytheon, Arthur D. Little, H. P. Hood, Filene's, Jordan Marsh, Gillette, etc.

President, New England Telephone.

President, Boston Edison.

Top Stars of any shows playing Boston at time of event.

President, Board of Directors, selected Executives & Boston Area Management, Thomas J. Lipton, Inc.

Though certainly subject to some change, this preliminary list is a verifiable bluebook of Massachusetts & Boston leadership, together with TJL's top echelon. As most guests will be accompanied by their ladies, and some by aides, it approximates 200, providing for the contingency of attendance by the Presidential or Vice Presidential party. That eventuality involving many complexities especially in the area of security, and protracted high level negotiations with the White House requiring the cooperation of the Offices of the Governor of Massachusetts, the Mayor of Boston and from six to eight months lead time. The engraved invitations themselves must be extremely handsome, embossed with the seals of the Commonwealth & the City of Boston. R.S.V.P. cards and return envelopes must be enclosed and all details such as quality of stock, design and typography must reflect the highest standards. Invitations should be mailed to recipients from six weeks to not less than one month in advance of the event. It is also recommended that as a permanent souvenir an equally elegant two-fold program and menu be prepared for all guests. Graphic quality and historic association with the inaugural of the U.S. Bicentennial must be such that guests will treasure the invitations and program-menus as prized mementos.

PUBLICITY AND RESIDUAL PROMOTION

The historic occasion and setting, character of sponsorship, participants and guests, all combine to insure maximum news, feature and society coverage by all categories of Boston & New England media. However for optimum results including national networks, magazines, wire services, etc., it is recommended that the project retain a qualified Boston publicist to coordinate all such activities. The responsibilities of the Boston press agent (under the direction of TJL's public relations department and the project producer) include the preparation and New England distribution of background historical and informational releases, feature articles, society page coverage, etc., arranging appearances by key sponsors and participants on Boston area tv & radio news and talk shows, stimulating coverage by columnists, Boston bureaus of national networks, magazines, wire services, local institutional, educational and industrial house organs, special window displays and tie-in salutory advertising and promotion and the distribution and control of media passes, technical facilities, etc., for the event itself. It is obvious that only someone with a continuing working relationship with the Boston & New England news media can accomplish the best results in such an assignment, and in view of aggregate project costs the modest expense for such specialized service is eminently justified, particularly because the results will insure maximum cooperation of all cosponsors and participants. The Boston press agent should be retained for five weeks prior to the event. Based on the consultant's experience the two best qualified Boston publicists, both experienced in major community special events, are:

Jack Agnew, Agnew & Associates, 30 Glouster Street, Boston, Massachusetts 02115, Telephone 617–262–4025.

Ann-Elizabeth (illegible), 63 Selkirk Road, Brookline, Massachusetts 02146, Telephone 617–566–7174.

Either would be perfectly satisfactory and preliminary conversations with both indicate that cost would be identical. The quoted five week fee would be $1,500 plus billing at cost for out-of-pocket expenses (duplication of releases, telephone, . . . entertainment, etc.) at a not to exceed $750. The press agent's responsibilities are limited to publicizing all phases of the event itself, and is concerned with any and all prior or subsequent TJL's institutional promotion, publicity, advertising or merchandising, etc., motivated by TJL's cosponsorship and underwriting of the project. In that connection it is urged that an additional $600 be allocated for extensive high quality color and black & white photographic coverage of the Faneuil Hall affair. Envision Corporation (see page 18) is recommended for this assignment. Pending the success of the event and TJL corporate decisions, there's no doubt that numerous residual promotional opportunities exist identifying TJL with the commemoration of the Tea Party's 200th anniversary and the inauguration of the nation's Bicentennial era. These may include feature stories in tea and food trade journals, consumer magazine advertising, tv and radio commercials, in-store point-of-sales displays, coverage in TJL's annual progress report, house organ, etc. As the application and extent of all such activities can not presently be determined, no such costs are included in budget estimates which exclusively concern the Faneuil Hall event itself.

JACK AGNEW AND ASSOCIATES,
Boston, Mass., January 20, 1972.

Mr. ALFRED STERN,
Robinson-Stern Associates,
New York, N.Y.

DEAR AL: 'Twas good to see you again, and to learn that you plan to stage a memorable and more appropriate commemoration of the Tea Party of 1772 in Faneuil Hall rather than letting our city hire a group of young men to run around in loin cloths dumping tea in Boston's already polluted harbor.

I would welcome the opportunity to be your Boston contact in arranging for any local publicity or making any contacts needed to contribute to the success of the Lipton Tea Party.

As you probably know, my background includes handling a number of social and governmental agencies; public information efforts in addition to the spending of a year as the communications consultant for Expo Boston '76. My various assignments have resulted in personal contacts in all greater Boston media, as well as community and political leaders.

The fee for handling this project would be $1500, plus any out of pocket expenses.

I look forward to working with you again.

Best personal regards,

JACK AGNEW.

CURRICULUM VITAE

Miss Ann-Elizabeth Herzog, 63 Selkirk Road, Brookline, Massachusetts 02146, Telephone: (617) 566–7174, (617) 536–4335.

JOB OBJECTIVE

Public Affairs/Communications.

PERSONAL

Sex: Female.
Birth: Lawrence, Mass., May 21, 1940.
Health: Excellent.
Social Security: #[redacted].

EDUCATION

Boston University, Sargent College of Physical Education, Boston, Mass. 1957–59.

Boston University, School of Public Relations & Communications, B.S. Degree, Broadcasting, 1959–61.

Boston University, Graduate School of Public Communication, Film & Audio Visual Communication, 1961–62. Credits applied to M.S. Degree in Public Relations.

HONORS AND AWARDS

Bertha E. Merrill Memorial Prize, Lawrence, Mass. High School.

Scholarship to Boston University.

Order of Paul Revere Patriots, State of Massachusetts.

LANGUAGES

English—fluent, German—working knowledge.

CAREER HISTORY (FULL TIME EMPLOYMENT)

February (illegible) to present

Public Relations Consultant working for own firm, A. E. Herzog & Company, Brookline, Mass. Clients: Edward Finch & Company; American Optical Company; (illegible) Snacks, Inc.; International Institute of Boston; "Man and (illegible)", Montreal, Canada; Marvin & Leonard Advertising; Culver (illegible); ——low, Gold & Rothschild Advertising; Federal Liquors, (illegible); Fried Chicken, Inc.; Plymouth Rock Gelatin; Water (illegible); Brookfield Sporting Goods, Inc.; Bobby (illegible) Oil Corp.; Kantwet Baby Products; British/American Bicentennial (illegible); Taste O'Sea; J. Homestock Co.; Animal Rescue League of Boston; Gillette Company; Boston Harbor Islands Project; (illegible) National Bank of Danvers, Mass. Income: $20,000/Year.

May, 1969 to February, 1970

Public Relations Manager, Dunkin' Donuts, Inc., Quincy, Mass. Responsible for creating and administering a Public Relations program for a $65 million food franchise company owning a variety of food businesses in the (illegible) Canada. Income: $14,000/Year.

December (illegible) to May (illegible)

Public Relations Consultant working for own firm, A. E. Herzog & Company, Brookline, Mass. Clients: Sheraton Corporation; Wolcott, Carlson & Company, New York; City of Montreal, Canada; Promotions, Inc.; New England Hospital Assembly. Income: $12,000/Year.

April, 1967 to November, 1967

Public Relations Consultant to Polaroid Corporation at Expo '67, Montreal, Canada. On loan to U.S. Government to publicize Polaroid-sponsored film in U.S. Pavilion. Hosted more than 3,000 members of international press and broadcast media, heads of state, foreign and U.S. dignitaries and celebrities. Income: $10,000 plus all living expenses.

November, 1966 to February, 1967

Manager, Boston Office, Bill Doll & Company, New York Promotional firm. Responsible for servicing the Boston Herald-Traveler newspaper account. Income: $10,000/Year.

April, 1966 to November, 1966

Public Relations account executive, Jon-Carter & Company, Boston, Mass. Responsible for formulation and servicing of public relations programs —— accounts maintained by the agency, principally in the consumer field. Income: $10,000/Year.

February, 1964 to March, 1966

Director of Public Relations, Boston (illegible) Hospital, Boston, Mass. Responsible (illegible) public relations activities carried (illegible) hospital as well as coordination of fund raising (illegible) production of all literature. Income: $10,000/Year.

[Reprinted from the Progressive, Madison, Wis., September 1972]

THE GREATEST SHOW ON EARTH

(By Jeremy Rifkin and Erwin Knoll)

"A GIANT ROLL OF PAPER" AND OTHER WONDERFUL IDEAS

On July 14, 1972, an enterprise called Communication Resources, Incorporated, with headquarters in Costa Mesa, California, advised President Nixon's American Revolution Bicentennial Commission (ARBC) of its ambitious plans for a program to be entitled "Spirit of America."

"This promotion," wrote Mark A. Matthews of Communication Resources, "will be sponsored by a major U.S. company and will run for approximately thirty-six months. Beginning in the spring of 1973, Spirit of America will travel to 100 major regional shopping centers throughout the U.S. This is truly a 'grass roots' promotion in that it reaches directly into the family element of America.

"Spirit of America has been under development for over nine months by CRI and is now ready for presentation to potential sponsors. This program will offer every citizen the opportunity to 'stand up and be counted' by signing his name to the Pledge of Allegiance honor scroll—a giant roll of paper on which over seven million signatures will be collected. In addition, viewers will be invited to see American Time Capsule, Braverman Production's history of the United States in three minutes. There will also be other memorabilia, including an exact replica of the Liberty Bell, and historical documents. . . ."

On June 14, 1972, thirteen prominent citizens of Indiana, headed by Mayor Richard G. Lugar of Indianapolis, announced the formation of American Communications Network, Incorporated, "a statewide corporation purposed on rekindling the Spirit of 1776 into America's third century, beginning in 1976." The original incorporators, "each representing one of the original thirteen colonies," said they would ultimately expand their number to fifty-six, "a like number to the signers of the Declaration of Independence."

They plan to build a Freedoms Study Center "which will provide a forum for the true meaning of the American Revolution." Meanwhile, they have issued "A Declaration of Nationalism for America's Third Century" containing this stirring passage:

"We mean to defend the citadel; we mean to make America the center of the ultimate resistance to the evil which is devastating the world; more than that, more than the center of resistance, we mean to make Her the center of resurrection [*sic*], the source of energies by which men who believe as we do may be liberated, and the lands that are subjugated be redeemed, and the world we live in be purified and passified [*sic*] and made free once more."

This worthy proclamation was forwarded to the American Revolution Bicentennial Commission by President Nixon's special consultant, Leonard Garment, who noted that "we have a very friendly relationship with Mayor Lugar," and therefore asked ARBC to "have someone make a friendly and prompt call and evaluate this on its merits, i.e., as to whether it meets the standards of Bicentennial endorsement. Then let me know your conclusion."

On July 5, 1972, David H. Cook, a real estate investor in Encino, California, wrote to President Nixon about his plans for a $360 million project to be called "Worldpark." "We have been assured the financing by one of our country's major corporations and now have a major Japanese corporation which would like to help us develop it," Cook told the President.

"The park is designed to show the living environment in the different countries of the world and all of the major tourists attractions on earth will be duplicated here for anyone to visit and experience true 'people to people' contact. An example will be the changing of the guard at Buckingham Palace. We believe Worldpark will promote better understanding among nations and people.

"Our Worldpark will be open in 1975 and it is our intention to have all the problems worked out for our Grand Opening in 1976 to help our country celebrate its bicentennial. To our knowledge this is the only project planned on the West Coast for the celebration. We intend to publicize it internationally through tourist agencies, airlines, shipping lines, and possibly through the Bicentennial Commission too. . . ."

The White House duly referred the letter to ARBC, and Cook was advised that "you can expect to hear from them."

NIXON, THE GOP, THE GOVERNMENT—IN THAT ORDER

Such propositions arrive by the score each week at the nerve center of this nation's impending 200th birthday binge—ARBC's headquarters in a handsomely restored federal style building on historic Jackson Place, a block from the White House. Most of America's major corporations, and quite a few of its small-time hustlers, are scrambling to turn a buck by climbing aboard the big Bicentennial bandwagon. They want ARBC's help, ARBC's endorsement, ARBC's permission to use the official Bicentennial emblem, a five-pointed star encased in a red, white, and blue design.

The emblem is emblazoned on a banner outside ARBC's headquarters. By 1976, if the Commission has its way, it will be as familiar as the flag to every American.

ARBC Chairman David J. Mahoney is a friend of Mr. Nixon and served as a key fundraiser in his 1960 and 1968 Presidential campaigns. He is also the chief executive conglomerate with far-flung interests in manufacturing, mass media, utilities, insurance, and other fields. His aim, he has repeatedly asserted, is to foster maximum participation in the Bicentennial by "the private sector"—his friends and colleagues among the captains of American industry.

"There's nothing wrong with profit-making," says George E. Lang, a New York consultant to hotels and restaurants and one of the Commission's few active and influential public members. His statement is not merely an affirmation of ARBC policy; it is a dominant theme—but not *the* dominant theme—of the Bicentennial celebration itself. For the Bicentennial, as it is visualized in ARBC, in the White House, in America's institutional power centers, is much more than just a get-rich-quick scheme for the nation's free-enterprisers. It is a once-in-a-lifetime opportunity to promote the virtues of the domestic status quo in an atmosphere supercharged with emotional "patriotism."

In the past, many Americans have based their personal self-confidence on the mere fact that they were Americans; the nation's greatness was their greatness, too. Today, after a decade of disastrous war, race riots, political assassinations, pollution and urban decay, political corruption, rising unemployment, and a host of other critical problems threatening our very survival, many Americans feel bewildered and confused. Many are beginning to question the very values and institutions that they long held sacred and invincible.

The pervasive, precipitous decline in national morale has been discerned in a number of public opinion polls. One Gallup survey concluded, typically, that "forty-seven per cent of the American people believe that unrest is likely to lead to a real breakdown in this country. Traditional optimism about the nation's steady progress has faltered. The average American feels that the United States has slid back over the past few years."

A new populist sentiment is emerging from this crisis. The McGovern attacks on the powerful and the very rich are—as are those, for different reasons, of the Wallace camp—attracting the enthusiastic support of millions of Americans. And President Nixon and the people who control America's wealth and power are acutely aware of the escalating populist mood. They realize that the economic and political institutions they control are under heavy attack, and that their own power is being seriously challenged. In an attempt to cope with these threats, President Nixon has conceived a plan to manipulate the mass psychology of an entire nation back into conformity with his vision of what the American way of life should be.

The strategy will be to speak of greatness to those who feel insignificant; to speak of confidence to those who feel weak; to speak of commitment to those who feel bewildered and confused. The long-range goal is to convince people that the problems facing America can be solved by existing institutions, and that the root of the evil threatening our society is not a rich corporate/government elite, but rather subversive forces determined to undermine the will and resolve of a great nation and the vitality of a great people.

"My fellow Americans," President Nixon declared in his 1971 Independence Day address "we share tonight a great moment, the beginning of the Bicentennial Era. . . To look at America with clear eyes today is to see every reason for gratitude and little for regret, strong grounds for hope and none at all for despair. The crucial challenge now is to hold the high ground of confidence, courage, and faith that is rightly ours, and to avoid the quicksand of fear and doubt."

If there are Americans who see their nation in a different light at the beginning of the Bicentennial Era—if there are Americans who are disgruntled and disaffected, who are dismayed by their nations' murderous adventures abroad or disappointed by its failure to meet the promises of the American dream at home—it is the purpose of the Bicentennial to set them straight or, if that fails, to isolate them from the nation's mainstream.

The ideological importance of the Bicentennial to the Nixon Administration was underscored in a meeting between Herbert G. Klein, President Nixon's director of communications, and Robert Guelich, chairman of the Public Relations Society of America's Bicentennial Committee, in the spring of 1970. At the close of that meeting Guelich submitted the following report to his Society's members:

"The American Revolution Bicentennial observance should be developed into the greatest single peactime public opinion mobilization effort in our nation's history."

ARBC's Director, Jack LeVant, phrased the challenge more bluntly in a "Confidential—Eyes Only" memo he drafted last January 25 for his friend and former business associate, Chairman Mahoney. The Bicentennial, LeVant rather recklessly confided, "could be the greatest opportunity Nixon, the Party, and the Government has as a beacon of light for reunification and light within the nation and with the world."

"Nixon, the Party, and the Government"—in that order.

THE SOUND OF MANY HEELS CLICKING ON JACKSON PLACE

It is President Nixon's Bicentennial Commission, as intimately linked to him as is the Committee to Re-Elect the President, located around the corner, and serving much the same purpose. As initially conceived by Congress in the mid-1960s, the Bicentenntial celebration was to span the years from 1976 to 1983—a period corresponding to America's years of revolutionary travail.

Then, without warning, President Nixon went before the nation on July 4, 1971, in a special television address, and announced—to the surprise of Congress—that the official Bicentennial Era was being changed to 1971–1976; this is a period which has no historical significance to the nation's Bicentennial, but which does correspond to what the President expects to be his remaining years in the White House. The rising crescendo of nationwide festivites to culminate on July 4, 1976, is to be the jewel in the diadem of the Nixon years. By 1976, if all goes as planned, the White House expects to imprint the Nixon thought so indelibly upon the American mind that it will continue to shape the character of our nation for generations yet unborn.

Legislation now pending in Congress to authorize ARBC to spend $6.7 million in the current fiscal year would make explicit what has long since been established as a fact of life at 736 Jackson Place: the President's total control of the Commission. Section 11 of the authorization bill states:

"For a period of one year from the effective date of this section, whenever the President determines it to be in furtherance of the purposes of this Act, the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, the acquisition and disposition of property, and the expenditure of Government funds, as he may specify."

Representative H. R. Gross, the crusty Iowa Republican who is the House's most jealous guardian of the public purse, was outraged when Section 11 came to his attention. "This is one of the broadest delegations of power I have ever heard of," he protested. "I understand that it is for a period of one year, but a great deal of abuse can occur in that period of time. . . . I would not vote for any bill with that kind of provision in it, no matter how meritorious it might be. Congress has already delegated far too much power to the executive branch of the government."

Whether Congress ultimately retains or discards Section 11, ARBC is certain to remain a wholly owned subsidiary of the Nixon White House. Though it is theoretically and legally a quasi-public agency, governed by a fifty-member board of more or less prominent citizens (preponderantly drawn from the Republican business establishment), ARBC actually forms all its programs and decisions in closest consultation between its top officers and key Presidential aides. John D. Ehrlichman, director of the President's Domestic Council, supervises Commission policies. Leonard Garment and his assistant, Brad Patterson, keep an eye on ARBC's day-to-day operations. Herb Klein advises on publicity and propaganda, and William L. Safire, the ablest of Mr. Nixon's speechwriters, serves as ARBC's philosophical and spiritual counselor. Transmitting the text of a speech Chairman Mahoney was to deliver to the Congressional Medal of Honor Society, Safire assured Mahoney that the speech "will go over to that audience and also lends itself to promotional reprint. . . . Certain applause lines, especially toward the end, should be milked hard." Among the lines made for milking were these: "At a time when we hear all too much of the gospel of defeatism and despair, we would do well to remember this: we shall remain the land of the free as long as we remain the home of the brave."

Reminding Americans to be "brave"—that is, to shoulder the burdens of an endless arms race and an expanding empire, and continue allegiance to the sanctity of the profit system, are the major Bicentennial themes. The President stated the empire theme this way in his nationwide radio address last July 4: "Over the past two centuries our revolutionary heritage of self-government has helped to make the United States the freest and strongest nation the world has ever seen. It has enabled us to bear with unfailing honor the responsibility of world leadership in the cause of peace. As we look back to America's beginnings, therefore, we are surely entitled to a feeling of pride and gratitude."

As he looks to his Bicentennial Commission, Mr. Nixon is entitled to a feeling of pride and gratitude, for its loyal leaders understand their precise role and function. In one of his "confidential" memos to Chairman Mahoney, Director LeVant pointed out that in order to carry out its mission, ARBC must have "one Czar or Administrator . . . with direct access to the President. . . . Then and only then will his staff, aides, and those below click heels and see that his [the President's] wishes are carried out."

Understandably, some of ARBC's public members—particularly among those few drawn from the academic community—have grown restive as they have come to recognize their role as letterhead front-men. "We must be aware that our decision-making process has not operated well," Commissioner Richard P. McCormick, a professor of history at Rutgers University, complained last February in a letter to Mahoney. "In our full meetings we listen to many " 'presentations' " engage in inconclusive discussions, rarely adopt resolutions on major policy issues. We do not receive detailed financial reports, or even a statement of how the Commission's funds are budgeted. We are aware that there is an Executive Committee, but we never receive minutes of the meetings of that Committee, and the reports of its actions at full Commission meetings are desultory. If we have any bylaws governing our organization, I have never seen them."

A similar complaint was filed by Commissioner Luther H. Foster, the president of Tuskegee Institute, who told Mahoney he had considered resigning from ARBC but "hesitated to do this because I felt we needed some minority representation . . ."

However, none of ARBC's public members can fully appreciate—at least until they read this article—how highly their contribution to the Commission is valued by Director LeVant. In his draft memo to Mahoney last January 25, LeVant wrote: "The present Commission structure must be defanged. It should be only an advising or consulting group. They contribute nothing constructive except use up time, chairs, food, booze, and expenses for traveling."

There are rumors that ARBC may soon be reorganized, appropriately enough, as a corporation.

THE SECRETS OF '76 AND OTHER EMBARRASSMENTS

Though Chairman Mahoney speaks often of his hope to involve all Americans in a "grass roots" Bicentennial commemoration, ARBC prefers to conduct its business behind closed doors, and to festoon its working papers with the jargon of Pentagon-style security classifications. The ARBC files abound in documents marked "administratively confidential" and "Eyes Only," and even White House communications are couched in conspiratorial terms. Thus, a confidential note sent January 14, 1972, from Mahoney to John D. Ehrlichman: "We have a special Bicentennial project under way, but 'under wraps.' Len Garment, John Whitaker, and Bill Safire have seen a prototype of the project. They all concur that you should see this project as soon as possible. . . . The prototype is under lock and key at 736 Jackson Place. Please give Jack LeVant a call to confirm a time—Jack alone will be with you."

A staff report on ARBC's "Communications Effort Under Way (Softsell)" carried this cautionary postscript: "Mr. LeVant asked that I reduce this to writing to report our activities to the Chairman. I suggest we keep this information carefully guarded, or, as you know, we will blow the whole ball game." The report covered the Commission's plans to tie in the Bicentennial with such diverse enterprises as the Orange Bowl Parade, the Ringling Brothers Barnum and Bailey Circus, the Miss America Contest, and the McDonald hamburger chain. Curiously, though ARBC has often been criticized as a "do-nothing" agency, it would rather not dispel that image by announcing precisely what it is doing.

Representative William S. Moorhead, Pennsylvania Democrat, who heads the House Freedom of Information Committee, was astonished to discover a few months ago that ARBC was in possession of an official "Top Secret" stamp. "What are the secrets of '76?" he wondered in a letter to the Commission. "Did your historians uncover embarrassing errors during the American Revolution which you want to hide behind a secrecy stamp while we are commemorating the 200th anniversary?"

ARBC's top brass was thrown into a panic when the unofficial, anti-establishment group, the Peoples Bicentennial Commission, citing the Federal Freedom of Information Act, requested an opportunity to examine transcripts of Commission meetings. A hurried consultation with the White House brought this advice to Jack LeVant from Leonard Garment: "With respect to transcripts, I urge the Commission to be as forthcoming as the law will permit about making these available. . . . In the future if you and Dave [Mahoney] are concerned about the privilege of Commission meetings, you may want to operate without transcripts; they may be convenient to your staff but they are an invitation to the invasion of that privilege."

ARBC's own general counsel, Eugene J. Skora, urged LeVant to review the transcripts "to isolate questionable material—i.e., that which could be embarrassing or that which comes within any of the exemptions of the Act." The Freedom of Information Act provides for a plethora of exceptions and exemptions, but it does not authorize Government agencies to withhold material which might prove "embarrassing." ARBC ultimately allowed the Peoples Bicentennial Commission access to some of the transcripts, and withheld others. The Peoples Commission could have pressed the point, but there was no need. Relying on Daniel Ellsberg's precedent and Xerox's technology, it has managed to keep abreast of ARBC's affairs. Every document cited in this article was furnished voluntarily by sources inside the President's Commission.

A FIRECRACKER THAT FIZZLED—THE PHILADELPHIA STORY

As ARBC's internal dissent would indicate, things have not always run smoothly at 736 Jackson Place. The Commission's staff—eighty-seven persons at latest count, including twenty-one receiving more than $30,000 a year—has suffered from high turnover and low morale.

Though Congress created ARBC in 1966, the Commission accomplished little in its early years. One problem was a lack of White House interest; Lyndon B. Johnson knew he would not be around to reap the political benefits of the Bicentennial ballyhoo. It was not until President Nixon grasped the potential of the Bicentennial—and placed Mahoney in charge of it in mid-1970—that the Commission entered its active phase. At that point, however, some of ARBC's troubles also intensified.

Senator Charles M. Mathias, Jr., Maryland Republican, who as a member of the House co-sponsored the original legislation creating ARBC, charged in a Senate speech last year that the Commission was well on the way toward creating "the most unrevolutionary celebration imaginable." ARBC, he said, "reflects the attitude of that anonymous civil servant who, when somebody suggested 'The Ongoing Revolution' as an overall title and theme for the Bicentennial, gave a nervous giggle and said: 'Oh no. That wouldn't do. We've got to stay away from the word "revolution" at all costs.' "

ARBC's "youth task force" resigned en masse last March, charging that the Commission "is composed—like the exclusive social club that it is—of the white and the middle-aged from the worlds of business, government, and the professions [and] is producing a Bicentennial reflecting simply its own limited composition." Similar protests have come from black spokesmen and women's organizations.

Republican Representatives Fred Schwengel of Iowa and Lawrence G. Williams of Pennsylvania—the latter serves as a member of the Commission—have emerged as its leading Congressional critics. Both recently urged the House—successfully—to defer action on ARBC's fund authorization for fiscal 1973. "No one knows exactly what anybody is doing about the past, the present, of the future in the ARBC," Wililams told the House. "I am for commemorating what I believe is the greatest birthday and the most significant birthday of any nation in all the history of time," Schwengel said, "but I believe that under the present leadership of the Commission nothing really good is going to happen, certainly based upon the record so far."

ARBC passed its greatest crisis last May, when it officially abandoned the project that had long been billed as the centerpiece of its Bicentennial pyrotechnics display—a giant international exposition to be held in Philadelphia. By that time, some $3.5 million in local and state funds and private resources had been squandered on fruitless planning of the Philadelphia Expo. A series of potential sites had been considered and discarded, mainly because of vigorous opposition from residents who would be displaced or inconvenienced by the fair.

Though the Commission had concluded long ago that the Philadelphia extravaganza would be stillborn, it faced considerable political problems in arranging for a decent burial. As a staff memo for Mahoney and LeVant put it last February 2:

"Face-saving is needed for the following:

"1. President Nixon, who committed the ARBC and the country to an expo in Philadelphia. . . .

"2. Senator Hugh Scott, who got President Nixon to commit to the expo.

"3. Governor Shapp, who doesn't want to be known as the governor who lost the chance to save his state by hosting an expo.

"4. Mayor Rizzo, who ran and was elected mayor on the basis of no new taxes."

The staff's suggested solution was to defer an announcement "until all officials can gracefully back off." Meanwhile, there was to be a "high-level meeting at the White House . . . to work out arrangements for Mayor Rizzo to get several of his urgent city programs Federally funded immediately." The strategy apparently worked, for despite his disappointment at losing the exposition, Democratic Mayor Rizzo is wholeheartedly supporting Mr. Nixon for a second term.

"THE MARKETING BUG" AND 50—COUNT 'EM, 50—PARKS

ARBC's staff proposed, in the merchandising jargon it favors, that when the Commission formally scuttled the Philadelphia fair, it should "give everyone in the market area, including your stockholders, a better product to take its place." The "better product" was an elaborate scheme for the construction of fifty Bicentennial Parks—one in every state—to be built on Federal land at a cost of $25 million each, and to feature such delights as restaurants and snack bars, exhibition centers, botanical gardens, and aviaries "where live birds of the state could be featured under a transparent dome." The centerpiece of every park would be a red, white, and blue Bicentennial Plaza, topped by a Bicentennial Tower under a red, white, and blue plastic bubble dome.

This was the hush-hush "prototype" that Ehrlichman had been invited to inspect, and the White House reaction was enthusiastic. At a meeting with Mahoney and LeVant, Safire called the idea "exciting," and urged the inclusion of each park of athletic facilities for spectator sports, because "the President would like this." Another well-received suggestion—from ARBC consultant Ed Bleier of Warner Brothers—was that each park contain a "star attraction—some sort of outstanding heritage-type large-screen movie, specially produced. . . . Maybe something like John Wayne TV Spectacular."

As in all of the Commission's major undertakings, the possibilities of commercial exploitation were a key consideration. At a closed meeting of ARBC's executive committee, LeVant could hardly contain his fervor. "The marketing bug gets in me here," he said. "I think we can raise from the private sector anywhere from 500 million to a billion dollars where they are giving it to a non-profit thing, where they are making a contribution. There is a heritage. It could be called a General Motors building in one state, a Chrysler building in another state, U.S. Steel in another state. All of these companies could have a vested interest or a real tangible foothold in our project here. . . . This is a gift to America from the private sector."

Others were somewhat less enthusiastic. When the Commission's public members were finally briefed on the Bicentennial Parks program, several complained—orally and in letters to Mahoney—that they had been presented with a *fait accompli,* a "slick and finished" plan that they had had no part in devising or even discussing. There were ungrateful grumbles, too, from the grass roots—the state bicentennial commissions that were as surprised as ARBC's commissioners to hear about the Bicentennial Parks program. Gene Jones Riddle, associate executive director of the Texas Commission, protested that the plan seemed "ill-timed and ill-conceived," and inconsistent with President Nixon's declaration that "the Bicentennial must go directly to the people and derive its strength from the people."

But ARBC is moving full speed ahead on the Bicentennial Parks—assuming, of course, that Congress will provide the $1.2 billion in Federal financing. The fifty parks, says LeVant, will be the definitive answer to those who wonder what the Commission has been doing—the "one solid thing that you could put your hand on."

BOY SCOUTS, BUMPER STRIPS, MEDALS, AND MERCHANDISE

On June 1, 1972, the President's Commission wrote to twenty-three poster firms, forty-seven decal manufacturers, and forty flag and pennant producers to "determine prospects for licensing" the ARBC emblem. By 1975, if the Commission has its way, the Bicentennial star will be ubiquitous and unavoidable in all America. One million Bicentennial bumper strips will beautify the nation's highways. Bicentennial cuff links, lapel pins, and cigarette lighters are in the works, and Bicentennial medallions are already being offered to collectors. The ARBC emblem, certifying true-blue Americanism, will grace books and balloons and baseball bats—and the people who buy them.

"There are 6.25 million Boy Scouts that have been placed—literally been placed—at the disposal of the Bicentennial Commission," Director LeVant announced at an executive committee meeting. (A fortunate coincidence: one of Chairman Mahoney's associates at Norton Simon is vice president of the Boy Scouts' national council.) ARBC expects that every one of those 6.25 million Scouts will soon be wearing a Bicentennial shoulder patch—and similar plans are under way for the Girl Scouts, the 4-H Clubs, the Little Leagues, and Junior Achievement.

As the endorsement requests now pouring in at 736 Jackson Place denote, the Commission's imprimatur will carry prestige and considerable cash value. ARBC, of course, must exercise a measure of discretion in authorizing the use of its emblem, and it has provided itself with sweeping and arbitrary powers to determine who will qualify for its seal of approval. Among other criteria, applicants must demonstrate to the Commission's satisfaction that their projects are consonant with "the basic principles upon which this nation was founded and our common purpose." They must also demonstrate that "the activity [has] been conceived in adherence to professional standards. Professional standards relate to those established or adhered to by recognized associations or distinguished individual authorities or practitioners."

Finally, applicants must demonstrate that "the activity [has] been conceived in adherence to acceptable interpretations of these principles and this new understanding. Acceptable interpretations are those which are originated by an individual of standing or recognized by a school of thought which, by virtue of the integrity of its leadership or the number of its followers, can be said to have important backing." All of these determinations are left solely in the hands of the Bicentennial agency.

One way that ARBC checks on endorsement applications is to consult the Justice Department's files for "evidence of subversive activities." Another way is to rely on the judgment of the Commission's friends in the business community. Thus, one staff member reported that a friend of his had reviewed a television film called "Continental Congress of '76" and found it "definitely left of center. Excerpts of discussions between Franklin and Jefferson were used to back up the idea that the Constitution was a very temporary, expedient document and meant to be changed (an obvious lot of propaganda)." Another film maker was turned down because he was "all hung up on the subject of making social-and-political-commentary films and would be controversial for Commission endorsement."

On the other hand, some proposals submitted to ARBC receive special handling for special reasons. Last May 17, for example, Joyce Leanse, a consultant to the National Council on the Aging, suggested an idea for which she saw "excellent P.R. potential"—that "older persons participating in craft programs throughout the United States could very well be the 'manufacturers' of a sizable portion of the quantity of souvenirs necessary to meet the needs of the Bicentennial celebration."

Mrs. Leanse sent her idea not to the Bicentennial but to Mahoney's corporation, Norton Simon, Incorporated, where an alert executive that "Joyce Leanse is the wife of Jay Leanse, who is head of the Price Commission's office of Price Exceptions and someone with whom Don Surdoval [Norton Simon's comptroller] has been in contact." The proposal was forwarded to ARBC's staff with this note attached: "Please treat this with TLC [tender loving care]. Norton Simon, Inc., needs the Price Commission's good will."

As Chairman Mahoney has observed, "We, the businessmen, have much to gain if we take a positive leadership role in the nation's 200th anniversary."

EVERY HEART BEATS TRUE FOR THE RED, WHITE, AND BLUE

"If we can sell millions of bottles of soda every year, why can't we sell life, liberty, and the pursuit of happiness? If we can sell Colombian coffee to Americans, why not America to the Colombians? Why not America to Americans?"

The questions were posed by a New York advertising executive named Ben Colarossi in an open letter to President Nixon that appeared in *The New York Times* last April 2. "Are the advantages of our products clearly defined?" he asked. "Can we show the average person that our product is for him and not just the well-to-do? Are we doing enough to tell our story to the youth? Why don't we do what any intelligent company would do?" The answer, Colarossi suggested, was to "get a good advertising agency" and mount a giant campaign to sell America. "President Nixon," he concluded, "only you can put all this together."

The letter won swift and favorable notice at the Bicentennial Commission, for President Nixon *has* put it all together, and ARBC, which has a "Master Five-Year Advertising Plan," is the chosen instrument for the campaign. The splendor of the Bicentennial fete is its versatility—the fact that it provides, in one grand spectacle, an opportunity for corporate America to sell its wares, project its image, merchandise its ideology, and—not so incidentally—re-elect its President.

The Bicentennial Era is "the biggest of all public relations challenges," Robert Guelich of Montgomery Ward told members of the Public Relations Society of America. For corporations, the Bicentennial will be "a vital civic obligation and, at the same time sound business . . . the greatest series of special events ever staged." Chairman Mahoney told alumni of the Wharton School of Business that corporations that "develop a strong social conscience" will reap a two-fold reward: "First, with a better public image and social awareness, and second, by experiencing a healthier business profit."

In ARBC's terms, "social awareness" is already reaching epidemic scale in the American enterprise community. The Commission's files bulge with proposals for exploiting every facet of the Bicentennial. For example:

Mutual Buying Syndicate, Incorporated, buyers and consultants to leading department stores from Gilchrist's in Boston to Gottschalk's in Fresno, California, has alerted merchandise and promotion managers that "the Bicentennial can mean great public relations and great plus volume . . . There is a great red, white, and blue opportunity for you. You owe it to your community and your country . . . It's not too early to look ahead." Stores are looking ahead by promoting "the American Look" in men's, women's, and children's fashions, and by scheduling red, white, and blue newspaper ads. "We are, of course, planning an enormous event for the Bicentennial," a New Orleans emporium confided to ARBC.

In Laguna Beach, California, the Laguna Federal Savings and Loan Association is using films, photos, posters, and displays generously provided by ARBC to promote its range of "Bicentennial Savings Plans"—the "Common Sense" five percent passbook account, and various savings certificates called "Patriot" (five and one-quarter percent), "Continental Congress" (five and one-half percent), "Minute Men" (five and three-quarters percent), and "Independence" (six percent). An elaborate portfolio advises patrons: "During the five years of this celebration, Laguna Federal Savings will become your Bicentennial Headquarters."

Major corporations are rushing to take advantage of the Bicentennial potential. ITT, AT&T, Ford, Gulf Oil, IBM, Control Data, John Hancock, and many more are keeping ARBC advised of their promotion plans, which run the gamut from give-away flag medallions to drive-away red, white, and blue automobiles.

ARBC not only receives such proposals, it actively solicits them. Last April 6, for instance, Daniel S. Buser, the Commission's director of communications, wrote to the president of Mack Trucks, Incorporated: "My hat is off to you because every time we turn around we see one of those powerful American Mack Trucks with their red, white, and blue sparkling in the sunshine. I would enjoy the opportunity to come to Allentown and discuss how Mack Trucks might take an active role in the national Bicentennial celebration. I know how much you love this country and how much you have done for it. It is with that thought in mind that I make the suggestion that, at your convenience, we get together and go over some of the great opportunities that are surfacing through the American Revolution Bicentennial Commission."

It was, of course, an offer no self respecting businessman could refuse. "I would be happy to welcome your suggestions," President Zenon C. R. Hansen replied in a letter signed, "Macktively yours."

When ARA Services, Incorporated, "the largest food services organization in the United States," offered its help "in making the Bicentennial celebration an event of great historical importance," it wrote not to ARBC but to a general manager of Canada Dry Corporation, a Norton Simon subsidiary. He forwarded the letter to Mahoney's corporate office with a reminder that "ARA is a fine company and could be a big user of Hunt, Somerest, and Canada Dry products"—all Norton Simon enterprises. The correspondence was promptly relayed to ARBC.

"One of the major efforts of the American Revolution Bicentennial Commission is to involve as many Americans as possible in a meaningful observance of our nation's 200th anniversary," Mahoney wrote on April 13 to the U.S. Chief of Protocol, Emil Mosbacher Jr. "With this in mind, I would like to invite approximately twenty principal executives of major corporations of our country to a dinner at Blair House. . . ."

There's something for everyone in the Bicentennial.

SOME EXCITING PROSPECTS FOR "THE BICENTENNIAL CLASS"

No one can possibly accuse the Bicentennial planners of overlooking what they like to call the "youth market." White House aide William Safire has suggested designating the high school graduating class of 1976 as the "National Bicentennial Class," but even bigger things are in the works for America's Bicentennial generation. ARBC's "Information Bank for Youth Involvement" will catalog such activities as these:

The Iowa Bicentennial Commission, whose school program calls for "contests, posters, and the selection of books, slides, and motion pictures," has already devised a "Bicentennial Quiz" for eighth graders (the Class of '76) which features such questions as these:

The Bicentennial represents how many years of freedom? (a) 100 years (b) 150 years (c) 200 years.

Food comes first, then (a) Dollars (b) Freedom (c) War (d) Cities.

The average student misses only seven out of fifty-nine questions, Iowa proudly reported to ARBC.

Among the youth-oriented projects under consideration by the American Legion's "Spirit of '76 Committee" is a plan to produce "the greatest patriotic film ever to come from the genius of man . . . with John Wayne and Bob Hope and Government VIPs . . . live actors, folk songs, flying flags, and inspiring musical scores." The Legion may sponsor "a Continental Congress inviting youngsters from across the nation to meet and discuss their ideas and explore Revolutionary War topics," though candidates would, of course, "have to be screened carefully to avoid participation by any whose philosophy is contrary to Americanism and ideals of the American Legion." Another Legion project under consideration: a nationwide tour of "freedom fighters from around the world . . . including the chiefs of staff of our strongest allies. . . . Perhaps this would be a way to dissipate the orgy of guilt complexes which Americans have in believing we are abandoning our allies."

To provide elementary and secondary students with a standardized, officially sanctioned version of American history, the American Library and Educational Services Company (ALESCO)—David J. Mahoney is a director—has proposed nationwide distribution of an ARBC-approved Bicentennial bibliography of books and audiovisual materials. ALESCO's distribution would be free to almost 100,000 schools "with the help of outside funding" from the Federal Government.

Also for classroom use, Heritage Publishers, Incorporated, of Memphis, Tennessee, has produced a book, *Forty Documents of Our American Heritage*, for nationwide distribution by Junior Chambers of Commerce. A valued feature of the text, the publisher noted in its request for ARBC endorsement, is that it encourages students to discuss such questions as "what would have happened if . . . Castro and the Communists had not taken Cuba with the resulting Communist subversion of Latin America."

Textbooks, of course, are not the only—or even the best—way to indoctrinating children. ARBC is mindful of the influence of the music industry. In a letter to Continental Dynamics, Incorporated, Commissioner George Lang predicted that a series of Bicentennial records "will sell like historical hotcakes." And starting this fall, the airwaves will be awash in Bicentennial productions. The major networks and many independent producers are eagerly seeking ARBC's approval for their long-run series and specials.

One important series, announced jointly by ARBC and American Airlines, will feature the stentorian tones of Chet Huntley presiding over "The American Experience." The programs, to run from this fall through 1976, will make it clear that The American Experience has been remarkably free of blunders or failures. "They will be 100 per cent optimistic and upbeat . . . certainly designed to inspire faith in America," says producer-director Donald B. Hyatt.

An outfit called Honor America Day is working on a show to be called "Who Stole the Spirit of '76?" starring Jack Webb as a patriotic sleuth in an "entertaining framework for a special dedicated to the American people, their frustrations, and their hopes." ARBC regards it as "probably the best TV script ever submitted" to the Commission, and has suggested some possible sponsors. The Marriott Corporation, whose chief, J. Willard Marriott, happens to be chairman of Honor America Day, could use the show to advertise "the fact that all Americans are welcome in Hot Shoppes," ARBC advised. And Mahoney's own Canada Dry could use "their present commercial showing all the faces of America."

Viacom International, Incorporated, formerly the production arm of CBS and now a leading independent television producer, has prepared a series called "Guest of Honor," which "focuses on distinguished figures from the American Revolutionary era and brings them to life in enthralling one-to-one interviews." About 120 television stations are expected to broadcast "Guest of Honor," and Viacom regards it as a natural for sponsorship by "community-involved advertisers . . . banks, utility companies, and insurance firms."

Perhaps the most spectacular television proposal has been submitted directly to President Nixon's private secretary, Rose Mary Woods, by a Chicago producer named Ted Rogers. He wants to devote almost three years to creating "*the* blockbuster creation of them all . . . a multi-million dollar project . . . a total portrait of the greatness of America in human and very personal theatrical terms." And he would like to have "some kind of visible participation by the President, thus stamping it for the audience as the ex officio White House Commission presentation."

Rogers, too, has a sponsor in mind. He told Miss Woods: "There is one company whose corporate personality and grass-roots relationship to and involvement with all of America places it head and shoulders above any other candidate. It's Sears Roebuck, headquartered here in Chicago. . . . One reason for their interest is it turns out 1976 is Sears' Centennial year."

Casper the Friendly Ghost, a favorite character for the six million readers of Harvey Comics, has been converted into Casper, the Spirit of '76, for a full-color series of TV cartoons called—of course—"Red, White, and BOO." And Harvey Comics wants to put the Bicentennial into the funny papers, too. It recently advised ARBC that it would like to prepare "special booklets to appeal to youngsters and adults alike that will bring the Bicentennial message into millions of homes across the nation."

ICE CREAM AND CAKE AND A FRIENDLY TEA PARTY

Happy Birthday, America! We'll have a cake—straight from the spotless Kitchens of Sara Lee in Deerfield, Illinois. Sara Lee's chairman, James A. Schlindwein, wrote to ARBC to offer his company's services in baking "the nation's official birthday cake for the President to cut on our country's birthday." He added: "I feel we have excellent qualifications for this honor insofar as we employ Master Bakers from all over the world, at least one of whom is an Olympic Gold Medal Winner in Culinary Arts. His specific area of expertise is pastry and cake decoration." Sara Lee also volunteered to produce actual miniatures of the Bicentennial Cake . . . allowing all citizens to share tangibly in our nation's birthday celebration."

We'll have ice cream, too. Last January, ARBC's director of communications urged Baskin-Robbins Ice Cream to "start a great American ice cream series . . . the Betsy Ross Twirl — red, white, and blue; the George Washington Cherry Tree, etc." Who says the

Bicentennial Commission doesn't get results? A color advertisement in *The Los Angeles Times* on July 2 introduced "America's Bicentennial Ice Cream dedicated to the proposition that you should not have to run all the way out to Baskin-Robbins to have one of the finest Ice Creams in the world." You can get Mount Vernon Cherry Pecan and Valley Forge Rum Ration at your nearby supermarket.

"We'll send each other greeting cards. In June, Hallmark Cards, Incorporated, flew two members of ARBC's staff to corporate headquarters in Kansas City "to determine what products Hallmark would like to produce and promote which would have some tie-in theme with the overall American Revolutionary Bicentennial." The meeting was successful; Hallmark, will soon be marketing cards conveying touching patriotism, quaint old American slogans, and wholesome humor about the New Spirit of '76.

We'll give each other presents—perhaps a few yards of whole cloth from Owen-Corning's "Revolutionary Collection" of fiberglass fabrics, which are being tastefully advertised (at the taxpayers' expense) in ARBC's *Bicentennial News*.

We'll have the biggest and best Boston Tea Party ever—much nicer than the nasty affair held on December 16, 1773. This one will be sponsored by Thomas J. Lipton, Incorporated, and—in the words of Lipton promotion consultant Alfred Stern—it will "not include a group of Bostonian bit players disguised as Mohawks contributing to harbor pollution through an anachronous re-enactment of the original event." Instead, Stern has drafted a twenty-six-page scenario calling for "a gala high tea party and reception at Faneuil Hall," featuring "the highest quality of catering" for 200 distinguished guests constituting "a veritable bluebook of Massachusetts and Boston leadership, together with TJL's top echelon."

There is one small drawback, Stern acknowledges: "The Faneuil Hall event will unquestionably be a posh establishment social affair excluding the average man, which thematically is not the essence of the Revolution and its Bicentennial." To meet anticipated criticism, Lipton Tea may contribute to the restoration of the Boston wharf area as Tea Party Park—"While all of this is somewhat nebulous, from Lipton's point of view any such contribution should result in a permanent identifying plaque or marker."

The total estimated cost to Lipton Tea is about $35,000—including contributions of $1973 each to the Massachusetts Historical Society and the Massachusetts Bicentennial Commission to "expedite" their endorsement of the event, and $8,000 for "two extremely handsome silver tea services" to be presented to the Governor of Massachusetts and the Mayor of Boston. "The inherent institutional, community, and promotional potentials could hardly be realized through any comparable expense," consultant Stern observes. "Numerous residual promotional opportunities exist. . . . There's little doubt that effective identification will enhance TJL's institutional, community, and marketing (English Blend Tea) programs, especially throughout the New England area."

BILLIONS OF DOLLARS FOR "BICENTENNIALIZATION"

An imaginative member of the ARBC staff has coined a happy word for the process to which Americans are about to be subjected—"Bicentennialization." Like its Vietnamese counterpart, the process will take time, and it will cost much money. Official estimates of Federal Bicentennial expenditures—by ARBC and other Government agencies—between now and 1976 range up to $3 billion. State and local governments are expected to spend almost $1 billion more. An additional $1 billion is to come from private contributions to projects endorsed by the President's Bicentennial Commission. The Discover America Travel Organization estimates that domestic tourist expenditures will reach $83 billion in 1976—a $28 billion increase over the current year—thanks to Bicentennial festivities. No one knows how many billions will be spent on Bicentennial books and films and television specials, or on the merchandising of Bicentennial baubles. There is no way of reckoning the environmental damage—or the psychic costs—to be exacted by the Bicentennial.

President Nixon wants "people all over this land to sense the greatness of this moment, to participate in it, and help us discover what that great spirit is," the *Reader's Digest* reminded its seventeen million readers last July in an article, "Ring Out, Liberty Bell!" by Senior Editor (and ARBC consultant) Robert O'Brien. "Thus," the *Digest* added, "the master plan for the Bicentennial calls upon all of us, and all our states and communities, to participate. . . ."

The master planners can see light at the end of the tunnel of "Bicentennialization." They see America on the move, as the *Digest* put it, "toward the mountaintop of a more perfect union"—on the march for "Nixon, the Party, and the Government," on the march for "the twenty principal executives of major corporations of our country," on the march for the Republic that the Tories inherited after all.

Will "Bicentennialization" work? Will it succeed in pacifying the natives of this land on the 200th anniversary of its founding? Only Americans can answer. The ancient Caesars found it expedient to divert their disaffected subjects with bread and circuses; Americans can cut cake—from the Kitchens of Sara Lee.

Step right up, folks, and see The Greatest Show on Earth.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is closed.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The **PRESIDING OFFICER**. At this time, under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will please state.

The assistant legislative clerk read the joint resolution (S.J. Res. 241) by title, as follows:

> A joint resolution authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The Senate proceeded to consider the joint resolution.

Mr. **ROBERT C. BYRD**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **CRANSTON**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. (Mr. ALLEN). Without objection, it is so ordered.

Mr. **CRANSTON**. Mr. President, I rise to speak on the interim agreement on nuclear arms with the Soviet Union and the amendment proposed by the distinguished Senator from Washington (Mr. JACKSON). This amendment has aroused great interest and created a wholly unexpected situation on the Senate floor.

It seems to me that the administration has turned its back on its own interim missile agreement with the Soviet Union. It seems to me that President Nixon should either give the agreement his full public support or repudiate it outright if there is reason to repudiate it.

Does the President now think that the agreement which he himself helped to negotiate is so faulty that it needs a last minute resolution on the Senate floor to protect American security?

That is the implication of the administration's support of the amendment offered by the Senator from Washington. But I find it hard to believe—very hard to believe—that the President really means that.

The modified resolution introduced by Senator JACKSON is certainly a substantive change, a substantial improvement over his original proposal. Nonetheless, I cannot understand why the administration has endorsed the resolution and seemingly turned its back on its own handiwork. By supporting the Jackson resolution, the administration is undercutting the hard work and the hard bargaining it put into the agreement during the long weeks and months at Helsinki, Vienna, and Moscow. I cannot understand why the President would want to jeopardize the Soviets' faith in our negotiating process and perhaps undermine their confidence in reaching future agreements.

The President himself, along with top advisers, worked out this agreement with the Soviet leaders over a 2½-year period. That work rested in turn on preliminary efforts carried on for years before that.

I support the agreement fully as submitted to the Senate. I intend to continue supporting it unless there is new evidence that it contains serious hidden defects. Thus far, I am satisfied that no such evidence has been submitted to the Senate or the country by those raising questions about the agreement.

I want to make it emphatically plain, so far as I am concerned, that my own actions in regard to the pending interim agreement and the amendment offered by the Senator from Washington do not indicate the slightest doubt in my mind about the need for the Senate to approve both the SALT agreements. I am confident that that approval will come despite the unfortunate delays that the present parliamentary situation has caused.

The question now is: Does President Nixon no longer support the agreement as he himself negotiated it and as his staff negotiated it? If he does not support it, why does he not support it? If the President believes the agreement is defective and needs additional wording, it is extremely important that he tell us so himself. We should not be compelled to rely on vague statements by the President's press secretary about what the true feeling of the President is.

The magnitude of this agreement which binds the two nuclear superpowers should not be subjected at the 11th hour to improvisation on the Senate floor.

I applaud the fact that the Senator from Washington dropped from his resolution the wording which he originally proposed, which spelled out new terms under which the United States could abrogate the agreement. However, the resolution still contains demands for what many Senators and others believe amounts to superiority. I believe that those demands are neither realistic nor necessary.

A number of issues have come up on the Senate floor in the course of the debate which I do not think are really relevant to the situation. I do not think they accurately portray the differences on the Senate floor over the interim agreement.

For example, there was both public and private Senate debate over whether Senators trust Andrei Gromyko and whether they trust Richard Nixon. I do not think that is the issue. I certainly trust the President of the United States to have done his very best to negotiate a treaty which he felt was in the national interest. And if he now has qualms about how successful those negotiations were, I repeat that we ought to know exactly what is in his mind.

The issue is not whether we trust the Russians. We need these agreements with the Russians because we do not fully trust them and they do not fully trust us. As a consequence of that basic situation we have been deeply involved in a costly and dangerous arms race.

Mr. President, I would like to read what Mr. Henry Kissinger had to say on this matter of trust at the time that he briefed Members of the Congress on these agreements back on June 15, 1972.

Dr. Kissinger said at that time:

> We are not basing this agreement on trust, and we believe that this agreement can be verified; and secondly, that it has adequate safeguards to prevent its being violated. We also believe that we have started a process by which we can move international relations into a new era, and we base this on the fact that we agreed with the Soviet Union over the past two years on the issue of Berlin, which has removed one of the primary causes of tension in the world for the foreseeable future, and a whole spectrum of agreements on health, space, environment, rules of navigation, that we are on the verge of making progress with them in other fields such as commercial agreements, and finally, we have signed a Declaration of Common Principles which it would have been no point to sign unless we meant to move in a major effort in that direction.
>
> So, for all of these reasons, we believe that there is a basis, that we have an opportunity both in the Soviet Union and in the United States, to move into a new era. Whether both sides have the wisdom to do it, and even if they have the wisdom they are not caught by events in areas in which they cannot control their decisions, this remains to be seen. But I think we have the opportunity to turn a significant page in history, and as far as this Administration is concerned, we are going to make a major effort in that direction.

Mr. President, in a question and answer period following his formal briefing for Members of the Senate and House, Mr. Kissinger himself asked the question:

> Can we trust the Soviets?

He answered with these words:

> The possibility always exists that the Soviets will treat the Moscow agreements as they have sometimes treated earlier ones, as just another tactical opportunity in the protracted conflict. If this happens, the United States will have to respond. This we shall plan to prepare to do psychologically and strategically and provided the Congress accepts the strategic programs on which the acceptance of the agreements was predicated.
>
> I have said enough to indicate we advocate these agreements not on the basis of trust, but on the basis of the enlightened self-interests of both sides. This self-interest is reinforced by the carefully drafted verification provisions in the agreement. Beyond the legal obligations, both sides have a stake in all of the agreements that have been signed, and a large stake in the broad process of improvement in relations that has begun. The Soviet leaders are serious men, and we are confident that they will not lightly abandon the course that has led to the summit meeting and to these initial agreements. For our own part, we will not abandon this course without major provocation, because it is in the interest of this country and in the interest of mankind to pursue it.

Then, after a few additional paragraphs, he said:

> Of course the temptation is to continue along well worn paths. The status quo has the advantage of reality, but history is strewn with the wreckage of nations which sought their future in their past. Catastrophe has resulted far less often from conscious decisions than from the fear of breaking loose from established patterns through the inexorable march towards cataclysm because nobody knew what else to do. The paralysis of policy which destroyed Europe in 1914 would surely destroy the world if we let it happen again in the nuclear age.
>
> Thus the deepest question we ask is not whether we can trust the Soviets, but whether we can trust ourselves. Some have expressed concern about the agreements not because they object to their terms, but because they are afraid of the euphoria that these agreements might produce.
>
> But surely we cannot be asked to maintain unavoidable tension just to carry out programs which our national survival should dictate in any event. We must not develop a national psychology by which we can act only on the basis of what we are against and not on what we are for.
>
> Our challenges then are: Can we chart a new course with hope but without illusion, with large purposes but without sentimentality? Can we be both generous and strong? It is not often that a country has the opportunity to answer such questions meaningfully. We are now at such a juncture where peace and progress depend on our faith and our fortitude.

Mr. President, I think that is a magnificent statement by Mr. Kissinger on the matter of trust. He makes the point that it is trust in our Nation that is partly involved in all of this, but that we are not depending on trusting the Soviet Union. We are depending upon mutual self-interest. And we are also depending, as Mr. Kissinger made plain, upon verification.

It is through trust in the verification procedures available to us that we will know whether there is a violation of the agreement. Let me quote briefly from Mr. Kissinger on that point, again from his speech at the White House on June 15.

Senator STENNIS said to Mr. Kissinger:

> Do you want to comment on detection and surveillance?

Dr. Kissinger replied:

> Well, I am sure that when Mr. Holmes testifies in executive sessions, that he can go into more detail than I can. In fact, all I can do is to make the statement that we are confident that national means of verification are sufficient to monitor the numerical limitations of this agreement.
>
> We studied this problem in great detail before we entered negotiations, and determined for each category of weapon the margin or error that we thought our collection systems had and what he could do to react once we found out that there had been a violation.
>
> In each of these cases, we found that the margin was well within tolerable limits. In this case, however, where we are dealing with numbers, we are confident that the national means of verification are sufficient to give us the highest degree of confidence that this agreement will be lived up to, or that we will know it almost immediately if it is not lived up to.

Thus I submit, Mr. President, that the issue of trusting the Soviet Union is not a valid issue in the consideration of this matter. Mr. Kissinger dealt very effectively with that full issue.

Another question that relates to the interim agreement is: what are Soviet motives? When we negotiate further agreements and consider whether or not to ratify them, we do want to know whether the motive of the other side are plainly to reduce the danger of nuclear confrontation and conflict.

If that can be done safely and securely, we can reduce the costly and back-breaking burden of the arms race.

I wonder if the Senator from Washington has any tangible reason to believe that the Soviets do not want the agreements to survive or that they might take action that would cause a collapse of SALT II. Some of his statements, together with both the original and present form of his reservation, seem to raise that question.

Is there any reason to assume that the Soviets, for some reason, are pursuing such aggressive programs that we will feel it necessary in our own self-interest to withdraw from future SALT talks? I know of no such reason.

During hearings before the Committee on Armed Services the Senator from Washington said:

> The problem really is Soviet behavior in a context of growing Soviet power. I think a more confident Soviet Union is a more dangerous Soviet Union.

I wonder what the reasons are for that statement. I wonder if it implies that the more confident we are the more dangerous we may seem to the Soviet Union.

A related matter concerns the emphasis the Senator from Washington placed on the independent unilateral statements by our side in these negotiations. On the first page of the speech delivered by the Senator from Washington last Friday, there is a statement that the Interim Agreement rests "to so remarkable a degree of statements to which the other party did not concur."

Let me say I find in the record that during the Armed Services Committee hearings the distinguished Senator from Maine (Mrs. SMITH) asked Secretary Laird if he thought it was sound judgment for Congress to consent to something based on a different interpretation by each side. The Department of Defense supplied an answer which stated that the

ABM Agreement and the Interim Agreement reflect an "adequate coincidence" of United States and Soviet views as to the meaning of these agreements so as to warrant their approval by Congress.

I wonder if the Senator from Washington can spell out any reason to believe that the Department of Defense would no longer stand by that statement.

Another large issue that has developed on the floor of the Senate is the suggestion that those who oppose the Jackson reservation do not believe that America should have equality with the Soviet Union in overall strategic strength. The Senator from Washington has repeatedly asked, "What is wrong with equality? What is wrong with parity?"

The fact is that this Senator from California, and I believe every other Senator, regardless of his views on the interim agreement and on Senator JACKSON's amendment, all agree on this fundamental point: The United States must be equal with the Soviet Union in overall nuclear strength and in overall military strength, taking all factors into account.

The only significant difference of opinion here is over the definition of equality. The Senator from Washington believes that the strategic strength of the United States can only be measured by the number of launchers and by throw-weight. I do not dispute the expertise of the Senator from Washington—I know he has great knowledge, a great background, and a long history in this field. But nonetheless others with a very great background in this field believe there are other factors which must be taken into account in addition to numbers of launchers and throw-weight. They believe that numbers of deliverable warheads, equivalent megatonnage, accuracy, range, penetrability, geography, and deployment are among the many factors that have to be taken into account.

Those of us who believe that disregarding these factors could lead to a total breakdown of negotiations are very concerned by the refusal of the Senator from Washington to consider them.

The Senator from Missouri (Mr. SYMINGTON) has a remarkable background in manufacturing in the defense field, and later in service on the three relevant congressional committees that have dealt with these problems for years—the Committee on Foreign Relations, the Committee on Armed Services, and the Joint Atomic Energy Committee. He believes that if the Senate adopted the Jackson amendment in its present form, we would be commanding our negotiators to seek superiority over the Soviet Union in the next round of strategic arms limitation talks.

If that is the belief of as loyal an American as the Senator from Missouri (Mr. SYMINGTON), who has at heart the deepest interest of our country, then what will Soviet officials believe? If the Senator from Missouri (Mr. SYMINGTON) thinks that adopting the Jackson amendment unchanged would mean demanding superiority in nuclear strength, then obviously there will be Soviet leaders and officials who will reach the same conclusion. It seems to me that we then face the possibility of a total breakdown in arms negotiations with the Soviet Union. That could be tragic, indeed, because of both the dangers and the costs of an unchecked arms race.

On the matter of equality, the Senator from Washington has stated that we cannot consider our forward-based systems. If U.S. negotiators unilaterally refuse to count forward-based systems among our strategic forces, and if the Senator from Washington does not count them, then what good are they? The Senator from Washington said repeatedly they can be swiftly overrun; that they may be of little value; that at any rate our allies are involved in their maintenance and in their levels of strength; and that, therefore, they cannot be counted. If they cannot be counted, if they are virtually valueless, why should we spend the billions of dollars we spend in NATO and elsewhere on the weapons we maintain? Why should we shoulder all the other costs connected with the maintenance of this strength at those distant locations?

If a nuclear war should break out, does anyone doubt that those bases and the weapons placed there will be available for use? They may not be directly negotiable, but why can we not count them as part of our overall strategic strength while we have them there and while we are financing them?

In his speech of last week, our able colleague from Washington defended the exclusion of our forward-based systems from the force level on the ground that these systems could not be considered without the participation of our allies. Well, why can we not get the participation of our allies in future discussions? The fact is that until other nations are involved in arms reduction negotiations, we will never be able to make the extra, significant breakthrough that the world yearns for.

On the matter of equality, the recent State Department paper entitled "Peace, National Security, and the SALT Agreements" printed in the RECORD on August 14, states:

> The United States expects to continue to hold a substantial warhead lead during the interim agreements sufficient to more than compensate for the numerical edge the Soviet Union has in missile launchers.

In view of the amendment offered by the Senator from Washington, I wonder if he flatly disagrees with the State Department. In view of White House support for the Jackson amendment, I wonder if the White House disagrees with the State Department.

The Senator from Washington discounts the matter of technological balance between ourselves and the Soviet Union as a factor in weighing the relative strengths of these two great nations.

On page 10 of the speech prepared for delivery last Friday, there is the implication in the words of the Senator from Washington that Soviet Union technology will grow at a faster rate than American technology. The Senator, therefore, reasons that we cannot use technological superiority in calculating our strategic strength.

I would like to know if I understood the Senator's words correctly. If so, what reason has he for assuming that Soviet technological growth will be faster than ours?

On the question of vulnerability of our own nuclear forces, the Senator stated on page 8 of his opening prepared statement that the Soviets could acquire the capability to destroy "virtually the entire U.S. land-based deterrent force, missiles and bombers."

I would like to know what evidence there is for assuming the Soviets could catch our bombers napping, so to speak, on the ground and destroy all of them at one devastating blow. I also wonder about our submarines. There is no reason to believe that technology has been developed that can wipe them out in a series of blows delivered all simultaneously. Without that we obviously maintain the capacity to retaliate, and thus to deter.

At times the distinguished Senator from Washington speaks of the "survivability of our deterrent" and at other times he speaks of the "survivability of our land-based deterrent." Are the two synonomous? Is the Polaris-Poseidon fleet to be totally discounted? Is it to be thought that the Nixon strategy of "assured destruction" is presently inadequate?

On page 10 of the Senator's prepared speech of last Friday, in his opening remarks, he quotes Secretary Laird's agreement with his own assessment of silo-killing warheads. That assessment by Secretary Laird was that an aggressive program beyond modernization to deploy silo-killing warheads which threatens the survivability of our Minuteman force would be considered a Soviet violation of the agreement.

I wonder if the Senator from Washington has the same feeling in reverse about the news of our own newly proposed silo-killing warhead program. Could not the Soviet Union consider that to be a violation on our side, at least potentially, of the agreements?

I do not quarrel with the distinguished Senator when he points out, as he does, that our ratification of the interim agreement involves some risks. I agree that it is perfectly appropriate for the Senate to spell out its understandings of those risks, just as our negotiators have done. Certainly nobody challenges the right of the Senator from Washington to criticize and to seek to revise the interim agreement before us.

There have long been complaints voiced in this body about going along all too easily with administration requests. It is, therefore, wholly appropriate for those Senators who have concerns to raise them, as the Senator from Washington (Mr. JACKSON) has done. It is wholly appropriate for those who supported the administration's initial approach to support it now. It is appropriate for those in the administration who supported their own agreement to wonder on which side they are now. I certainly have not hesitated to criticize the administration whenever I felt the situation demanded it.

In relation to the pending interim agreement, however, American representatives have spent 2½ years of hard work negotiating it. More work in past years lay behind it. I salute our negotiators for their accomplishment.

So when we spell out our understanding of the risks accompanying ratification, I think we should make sure we do not cast doubt on the validity of the agreement submitted to us as signed by the Soviet Union.

Speaking of criticizing the administration, those of us who urge our withdrawal from the Indochina conflict are sometimes accused of not believing the President. That charge was raised recently right here on the Senate floor. It is not that we do not believe the President; it is just that sometimes we do not have enough facts about what the President's policies or actions are. But in the case of the SALT agreement the administration has frankly outlined the issues and the risks and the numbers and the dollars. White House and Pentagon spokesmen have emphasized that our strategic posture will remain strong during the interim period, but they have not made extravagant claims. I think their public presentations have been impressive.

So I was initially prepared to support the interim agreement as is. I am still prepared to do so. I am concerned lest any reservation or amendment will be detrimental to the validity of the agreement. The President now seems to be taking into his hands the twin jobs of reaching agreement on a written interpretation of the agreement and sketching out instructions for the negotiations of a future treaty.

In the process we must remind ourselves, the President, and the Nation, that the ultimate goal is the reduction of armaments, and not merely their limitation. The State Department has made that very plain in its official statements. For example, it stated in a recent policy pronouncement that the agreements that have been submitted provide greater national security to both the Soviet Union and the United States. The statement by the State Department declares:

> This in turn now makes it possible to negotiate additional mutual limitations, hopefully including reduction of forces on both sides.

The fact that the administration deserves praise for the progress achieved thus far in the interim agreement is not recognized in the Jackson amendment. I must agree with the distinguished Senator from Kentucky (Mr. COOPER), from across the aisle, when he said, on August 7, that the Jackson amendment "does not add to the agreement and it may cast doubt on it." In fact, I would go even further than that. I think we have here the makings of a Tonkin Gulf resolution in the nuclear arms field. I repeat—a Tonkin Gulf resolution in the nuclear arms field may well lie within the Jackson reservation.

I think the pending amendment, the Jackson amendment, gives the administration a chance to promote an aggressive strategic posture which may thwart a future agreement.

What may follow could be a request for massive new funding for weapons projects and a continuation of the dangerous upward spiral. I think the administration would then be able to come back to Congress and say, "We are only doing what you told us to do."

If President Nixon is reelected—a possibility which I by no means concede—the administration may seek to do all these things anyway. But let us not hand out the approval in advance—and in writing.

The amendment offered by the able Senator from Washington and pending before us today differs substantially from the original version. The original language left open the possibility that a Soviet weapons development actually permitted by the Interim Agreement might be grounds for our withdrawal from the agreement. My distinguished colleague was thinking mainly, I presume, of the MIRV'ing of the giant Soviet SS–9 missiles.

I am not the only one to point out that the United States cannot have it both ways. We cannot justify new spending on the basis of something which we then turn around and cite as a potential excuse for withdrawing from the agreements. As Michael Getler wrote in the Washington Post on August 7:

> To explain the need for the new weapons systems requested by the Pentagon, President Nixon related how Communist Party Chairman Leonid Brezhnev had indicated in Moscow last May that the Soviet Union would press ahead with all programs permitted by the agreements signed there.
>
> Now, Jackson is asking the Senate to warn the Russians that if they do so, it will be grounds for breaking the interim agreement.

I raise this point because we must be absolutely clear about what we are discussing. Too much is at stake to permit fuzzy interpretations of what the administration is telling us.

We all remember that only a few weeks ago massive increases in defense spending were justified on the grounds that the Soviets were carrying out modernization and procurement programs of their own. As Secretary Rogers explained in testimony before the Foreign Relations Committee:

> Mr. Brezhnev . . . explained that they were going ahead with their ongoing programs within the limitation permitted in the Interim Agreement, and our position is that we should do the same thing until we negotiate further.

Now, I gathered from this and similar testimony that the Soviet and American delegations had agreed to put up with this mutual strengthening. The tone expressed was that we had taken a significant first step, but that ongoing modernization programs were both permissible and expected.

And back in those heady June days, I might add, the distinguished Senator from Washington did not count the administration as an ally. In the CONGRESSIONAL RECORD on June 21, for example, we find him criticizing the administration for allegedly granting the Soviets "a license to outdistance us by 4 to 1 in payload capacity." At that time administration spokesmen might have said that they were doing no such thing, and that they were willing to put up with risky but permissible Soviet weapons developments in the interest of halting the continuation of a new and more dangerous Soviet buildup.

What confuses those of us who support the entire SALT package is that dueling adversaries seem to have become dancing partners.

Even now I am not clear about how far this partnership goes. The Washington Post, for example, quotes an anonymous administration source—the frank ones are always anonymous—as indicating that there is concern over the consequences of the Jackson amendment on the issue of future numerical equality. The comment was:

> This makes us a little nervous.

And well it might.

The White House has also dissociated itself from "elaborations" of the amendments and its meaning by the Senator from Washington. I shall have more to say about this later, but for the present let me concur with the Foreign Relations Committee that it is up to the President himself to set the record straight. Until he does, I can only rely on my limited understanding of the administration's immediate intentions, which is all that is available to all Senators. But I believe my understanding of the larger significance of both the treaty and the interim agreement is not so limited.

Thus far I have merely said that the able Senator from Washington and the White House have not always seen eye-to-eye on the provisions of the interim agreement. Now let me be more specific.

"SURVIVABILITY"

I want to start with the word "survivability." Since both the distinguished Senator from Washington and the Nixon administration—not to mention all the rest of us—are concerned with our survival as a nation, I think we must clarify our terms.

The Jackson amendment states that:

> The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States.

Since jeopardy to the supreme national interest is the escape clause of the SALT agreements, we may only be saying that we will withdraw from the agreements if our survival is at stake.

Mr. President, no nation will willingly commit national suicide. Survival is a strong natural instinct. If that is all that the Jackson amendment were saying, fine. I am four-square in favor of national survival, and so is everybody else.

But the phrase "survivability of the strategic deterrent forces of the United States," as printed in the pending amendment, is not synonymous with national survival. These words are inherently ambiguous. Does "survivability" mean that all our forces survive a preemptive nuclear first strike? Or enough to insure the total devastation of the other side during a second-strike retaliation? Or merely enough to inflict unacceptable losses?

I would like to point out that even in the highly unlikely event than 30 Polaris-Poseidon submarines were destroyed simultaneously, the 31st one could destroy roughly 150 Soviet cities. Each submarine captain commands approximately 150 independently targetable nuclear weapons, each one of which surpasses in explosive power the bomb dropped on Nagasaki. Almost one hundred thousand people died from that blast. Even without land-based missiles and strategic bombers, just one submarine can cause more than 150 Nagasakis.

So let us make sure that when we say "survivability of the strategic deterrent forces of the United States" we are not talking about national survival, which is an obvious need, nor about the survival of each and every bomber or submarine, which may be impossible, but about our second-strike capacity to inflict unacceptable losses. If this is the general meaning of that part of Senator JACKSON's amendment, I have no hesitation in agreeing to his language. But he has something specific in mind, something which the language of the amendment itself does not reveal. I am referring to the distinction between counterforce and countercity strategy.

In a nutshell, counterforce missiles are targeted on silos. They are accurate enough to hit the other side's strategic forces. Some of our Minutemen, and the Soviets' SS missiles, are called "silo-killing" for this reason.

But the missiles launched from our submarine fleet are not accurate enough to target silos. They are aimed at cities.

The point I just raised—that one submarine could destroy roughly 150 Soviet cities—testifies to the adequacy of our countercity strike capability. But if I am understanding him correctly, my distinguished colleague from Washington appears to be saying that that capability is beside the point. What counts to him is counterforce strategy. What worries him is the argument that it is all right if the Soviets destroy our land-based missiles and our bombers, because we still have our submarines. He is apparently saying that despite the "mix" provisions in the interim agreement allowing for some substitution, counterforce capability is the only thing that counts.

I am not drawing this interpretation out of thin air, but from Senator JACKSON's own statements. Speaking in the Senate on August 3, he said:

> It is not self-evident, as some maintain, that the clear ability to engage in a massive, highly destructive attack against cities by itself provides stability against all possible forms of conflict between the two superpowers.

In the same speech he referred to the potential Soviet capability to destroy our land-based missile force and our bombers—not our submarines, which are nearly undetectable and therefore invulnerable—and equated these programs with the "survival of our strategic deterrent." So it is clear that when his amendment speaks of the "survivability of the strategic deterrent forces of the United States," it means our Minutemen and our bombers.

Mr. President, considerations of survivability depend not only on what the Soviets can conceivably do, or even what they are permitted to do, but also on what they will do. Secretary Laird has indicated that his job is to assess Soviet capability, not Soviet motives. But surely an assessment of Soviet motives is central to our own appraisal of the SALT agreements. What do we have for evidence in this admittedly intangible field?

The document entitled "The Basic Principles of Relations Between the United States of America and the U.S.S.R.," signed in Moscow together with the SALT agreements, affirms the importance of restraint and reciprocity and declares that:

> Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives.

Less formally, administration spokesmen have frequently asserted that the Soviet leaders want the arms agreements to survive and will think twice before doing something to jeopardize them, even if that "something" is permitted. Like our leaders, they also have an assertive military to contend with, balanced against those who are willing to give an agreement with the United States the benefit of the doubt. I hope our actions in this body give credence to the latter group.

Mr. President, in the language of the Pentagon there is something known as "worst-case threat analysis." As the name implies, this means analyzing a threat on the assumption that the worst may happen. No one wants to be responsible for a situation in which the United States is a sitting duck, at the mercy of button-pushing madmen. So you plan for all contingencies, and then you dream up weapons systems to meet them, and then you justify their cost on the basis of national security. How do we know, some people ask, that the leaders in the Kremlin are not irrational fanatics bent on worldwide conquest and destruction?

I think that when you combine the "worst-case threat analysis" mentality with a counterforce strategy, you get a recipe for the endless perpetuation of the arms race. Worst-case calculations have yielded us nothing but nightmares and deficits. I think that it is time we based our strategic planning on greater realism.

In testimony before the Foreign Relations Committee, Dr. Herbert Scoville, formerly Assistant Director of Science and Technology in the Arms Control and Disarmament Agency—a man who knows a great deal about the relationship between weapons and national security—observed that:

> If you try to develop capabilities by which you can fight a limited nuclear war, you end up by increasing the risk that nuclear war will occur.

And the distinguished statesman George Kennan recently wrote in Foreign Affairs that the military rivalry between the United States and the Soviet Union:

> Has no foundation in real interests—no foundation, in fact, but in fear, and in an essentially irrational fear at that. It is carried on not by any reason to believe that the other side would, but only by a hypnotic fascination with the fact that it could. It is simply an institutionalized force of habit. If someone could suddenly make the two sides realize that it has no purpose and if they were then to desist, the world would presumably go on, in all important respects, just as it is going on today.

Mr. Kennan continued by pointing out that:

> We stand like two men who find themselves confronting each other with guns in their hands, neither with any real reason to believe that the other has murderous intentions towards him, but both hypnotized by the uncertainty and the unreasoning fear of the fact that the other is armed. The two armament efforts feed and justify each other.

I would like to ask: Where should our will to survive lead us? To more weapons, or to fewer weapons?

Just as I think that much depends on our interpretation of the phrase "survivably of the strategic deterrent forces of the United States," so I am convinced that we must come to grips with the meaning of the word "levels." In the context of the past and present reservations expressed by my distinguished colleague from Washington, the word clearly means "numbers."

On Monday, August 7, the able Senator from Washington appeared to broaden his interpretation of the word "levels" as offered in his amendment. In a sequence which left me more confused that enlighted, he said:

> What is wrong with insisting on equality? Numerical equality is important. Equality is not just a matter of numbers.

Now, is equality in numbers all-important, or not? In the very next sentence, the Senator complained that we had entered into an interim agreement which gave the Soviets an advantage not just in numbers of strategic delivery systems, but also in throwweight. So we may assume that equality is a quantifiable term referring to numbers plus throwweight, as viewed by the Senator from Washington. As I have indicated earlier, I and others have grave questions about that as a valid basis for measuring equality or inequality.

On Wednesday, August 9, the Washington Post quoted my friend and colleague from Colorado, Senator ALLOTT, along exactly the same lines. His definition of equality was—

> Numerical equality in the aggregate, taking account of throw-weight. You cannot substitute for numbers. You cannot freeze technology. Therefore, we must have equality measured in terms of numbers and throw-weight.

But what about variables that are not easily quantifiable? What about our forward-based strategic forces in Europe and elsewhere? What about accuracy? What about our overall technological superiority? What about the sheer level of overkill on each side? I was impressed with the testimony of Wolfgang Panovsky, director of the Stanford Linear Accelerator Center, to the Foreign Relations Committee:

> I consider the counting of missiles and warheads and the weighting of megatonnage to be a very naive means of assessing strategic standing. There are many other important factors such as differences in geography and qualitative performance and sophistication of the strategic forces which contribute to the overall balance. However, the single most important fact is that in the absence of meaningful ABM defenses of their territories each nation is now vastly over-armed for its primary mission of deterring an attack by the other.

Somewhat less bluntly, Secretary Rogers expressed the same idea to the Foreign Relations Committee when he declared that—

> Numbers alone are not an illuminating or useful measure for judging the strategic balance.

Here, apparently, lies a disagreement within the administration, since the administration's support of the Jackson amendment flies exactly in the opposite direction from that statement by Secretary Rogers.

There is another reason why an insistence on numbers is misleading or even harmful, and that is that insistence on numerical restraints tends to add emphasis to qualitative improvements. In 1963, the administration's advocacy of the partial test ban treaty was coupled with assurances that underground testing would be greatly increased. The unfortunate result was an increase in the arms race. Similarly, the administration has already hedged its enthusiasm for the SALT agreements by adding new qualitative improvement programs and accelerating old ones. As the Arms Control Association puts it:

> The quantitative restraints imposed by a SALT agreement will provide added pressures to set off a qualitative arms race.

The same point was made by George Rathjens of MIT in an article printed in the RECORD on July 18.

Mr. President, I think that our SALT negotiators realize the danger of narrowing our sights to numerical restraints alone. I do not want the Senate to undermine the authority of these negotiators by insisting on written instructions which would tie their hands. This matter lies at the heart of the issue now before the Senate, our country, and our world.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I did not have the opportunity to hear all of the Senator's speech, but I heard a good portion of it. I want to commend him for the detail into which he went and for answering the arguments, really, against the interim agreement which have been made on the floor of the Senate. He has put it in perspective. Certainly in his statements recalling what the Secretary of State, Dr. Wolfgang Panofsky, and others have said, he has laid out the situation as it, in fact, exists.

It is not a question of equality no matter how many times the word is bandied about in the Senate. The question has been raised time and time again, who is against equality? Are we not all for equality? As a matter of fact, no Member of the Senate is against equality. All Members of the Senate are for equality. But equality, strange as it may sound, can be defined in different ways.

Is it equality in the amount of missiles, of which we have 1,054 and the Soviet Union somewhere between 1,600 and 1,700; or is it overall equality, taking in the mix which the distinguished Senator has already discussed in some detail, the forward bases, the carriers, the lead in heavy bombers which is at least 3 to 1 so far as this country is concerned in relation to the Soviet Union, the number of nuclear warheads in Europe which, I understand, number 7,000, the fact that we are a good deal ahead in the area of MIRVing and that takes in missiles on land as well as in submarines?

According to the administration's own figures put out by the White House and by the State Department, we have a superiority now overall, and on the basis of their calculations, we will have an overall superiority or, let us say, overall quality, at the end of the interim agreement which is to run for 5 years and which can, without any direction from the Senate, be abrogated by either country on the basis of due and sufficient notice.

I would hope that we would not be carried away by the various allegations being raised on the floor from time to time—some at the last minute—some of them very unexpected—some of them only allegations and not facts, at least the facts have not been laid out on the table.

I was one of those who, from the very beginning, was in favor of the treaty and the interim agreement. I can recall voices being raised on this floor before we even knew what was in the agreement, finding fault with the President for what he was undertaking to do at that time. I think that we should give the President the benefit of every doubt. I think that we should recognize that he, like any other President, has been working in the best interests of the country as a whole.

I would hope, when all the facts are laid out and all the allegations are proved or disapproved, that the Senate will face its responsibilities and do what it can to support the President in this worthwhile endeavor—very worthwhile endeavor—rather than to raise doubts and cast suspicion all the time. In that way, we nullify in advance whatever possibilities our negotiators may have in the conduct of the second phase of the arms negotiations.

Again, I want to commend the distinguished Senator from California for doing his usual detailed and workmanlike job. I only hope that the Senate as a whole will be able to read his remarks and ponder them before a final vote is cast.

Mr. CRANSTON. I thank the Senator from Montana very much for his generous remarks, as well as for his leadership on this issue. His deep understanding is exemplified not only by his remarks but also by his very wise and prudent amendment that is the pending business before the Senate. He has been of tremendous help to our Nation and, I think, to the world in an issue which is, in many ways, the most crucial one to come before us.

Now I should like to ask the Senator one question: Does not the Senator believe that the way we can most truly help the President of the United States—as Democrats, as Senators, and as Americans—is to defeat the Jackson amendment, modify it, or perfect it? If we cannot defeat it, we can at least keep the interim agreement as close as possible to its original form. Does the distinguished Senator agree?

Mr. MANSFIELD. I do. I think that is the only way we can really show support of the President and give encouragement to our negotiators who will be meeting in Geneva shortly to begin phase II of the negotiations covering the arms agreement.

Mr. CRANSTON. I thank the Senator from Montana very, very much.

Mr. AIKEN. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I am delighted to yield to the Senator from Vermont.

Mr. AIKEN. I thank the Senator from California. I would say that I have not taken much part in this vendetta going on here in Washington—and that covers a lot of territory—over the past 2 weeks; but I would like to say that I think President Nixon knew what he was doing when he signed the interim agreement as well as the treaty with the Russians.

I was simply amazed this morning when I found that he was being charged—by those who apparently are not very enthusiastic about the interim agreement—with having been deceived by the Russians. In other words, that the President did not know what he was signing. If he did know what he was signing, then the charge is far more serious than simply to charge him with signing a document the meaning of which he did not understand, or signing it proving he was deceived by the people he was dealing with.

I think that President Nixon knew what he was signing. If he did not know what he was signing and still signed it, or if he did know that he was signing something that would be greatly disadvantageous to the United States, then he could very properly be charged with—the least we could call it would be negligence in the Office of President.

I think he has made one mistake, and that is to let the impression go out that he is backing the Members of this body who are opposed to what was apparently his own hope for greater peace in the world. That is a mistake, if he lets that story go out, as it has been going out over the past few days.

I am sure that most of us, and the entire Committee on Foreign Relations, support him.

We are supposed to know. We have information, too. We get information from our intelligence agencies and the various departments of Government, and we draw our own conclusions.

I have come to the conclusion, and I reiterate it here, that President Nixon knew exactly what he was signing. He should not be charged with either signing it, ignorant of its meanings, or signing something that he knew would be disadvantageous to our country.

I hope that those among us who make those charges will back down and give the President the respect and confidence to which, as President of the United States, he is entitled.

Mr. CRANSTON. I agree with the Senator from Vermont. I share his belief that the President of the United States knew exactly what he was doing when he signed the SALT Treaty and the interim agreement.

I should like to ask the distinguished Senator from Vermont one question relevant to that:

Does the Senator from Vermont think that whoever in the administration decided to give administrative support to the Jackson amendment knew what he was doing?

Mr. AIKEN. I do not know. We have all different kinds of people in the administration. Most of them are good people and conscientious people. There may be a few that perhaps we cannot put full reliance on. However, I am sure that the President knew exactly what he was doing when he signed this treaty, in spite of the inferences given out that he did not know. And if he did not know, he was certainly negligent in his duties as President.

Mr. CRANSTON. Mr. President, I do not think the President was negligent in his duties as President.

Mr. AIKEN. Of course not. But I do think that those who worked for 3 years to bring about this treaty should have been consulted before the alleged position of the White House had been announced by the opposition to the treaty or the interim agreement was pronounced by certain people.

I think Gerry Smith should have had a hand in the making of that decision.

Mr. CRANSTON. Apparently he was not consulted.

Mr. AIKEN. I have not been able to prove that he was consulted.

Mr. CRANSTON. Is there not an apparent contradiction between the administration signing this agreement, lending authority to the Jackson amendment, and then refusing to accept what the amendment really means as explained by the Senator from Washington (Mr. JACKSON) himself?

Mr. AIKEN. There are contradictions all over the place. There are those in this country who believe that an arms race would be good business, I am sure. There are communities in this country that owe their economic existence, almost, to the production of materials of war. Certain States are pretty well dependent on Government contracts. I do not think it is necessary for that situation to exist, because I think we can maintain full employment for these factories in these cities and these States without planning for war all the time.

Mr. CRANSTON. Mr. President, if the free enterprise system, required war to enable it to function, then there would be something wrong with it. I would favor abolishing it if war were essential for its survival. However, I do not believe that any more than the Senator from Vermont does. We can certainly get along without war.

Mr. AIKEN. Mr. President, it is not a free enterprise system if its existence depends on war or near war.

Mr. CRANSTON. Mr. President, the Senator is absolutely correct. I thank the Senator from Vermont very much for his contribution to the debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR THE CORPORATION FOR PUBLIC BROADCASTING

Mr. PASTORE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3824.

The PRESIDING OFFICER (Mr. SYMINGTON) laid before the Senate the amendment of the House of Representatives to the bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities which was to strike out all after the enacting clause, and insert:

> That (a) section 396(k)(1) of the Communications Act of 1934 is amended to read as follows:
>
> "(k)(1) There is authorized to be appropriated for expenses of the Corporation for the fiscal year ending June 30, 1973, the sum of $40,000,000."
>
> (b) Section 396(k)(2) of such Act is amended by striking out "1972" and inserting in lieu thereof "1973".
>
> SEC. 2. Section 391 of the Communications Act of 1934 is amended to read as follows:
>
> "AUTHORIZATION OF APPROPRIATIONS
>
> "SEC. 391. There are authorized to be appropriated for the fiscal year ending June 30, 1973, such sums, not to exceed $25,000,000 as may be necessary to carry out the purposes of section 390. Sums appropriated under this section shall remain available for payment of grants for projects for which applications approved under section 392, have been submitted under such section prior to July 1, 1974."

Mr. PASTORE. Mr. President, this bill which originally passed the Senate on July 21, 1972, would authorize $45 million for the Corporation for Public Broadcasting, and $25 million for the construction facilities program. It subsequently passed the House on August 15, 1972 and in the process was technically amended.

Mr. President, I repeat the only difference between the House-passed version of S. 3824, and the version the Senate first passed is a technical one. The substance of the bill, that is the amounts authorized to be appropriated, remain the same.

Accordingly, I urge the Senate to approve the House passed version of S. 3824.

Mr. President, I move that the Senate concur in the House amendment.

The motion was agreed to.

Mr. PASTORE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BELLMON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow, after the two leaders have been recognized, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNFINISHED BUSINESS TEMPORARILY LAID ASIDE

Mr. ROBERT C. BYRD. Mr. President, the distinguished majority leader has asked me to set aside the unfinished business for the time being and to proceed to the consideration of the National School Lunch Act. Therefore, I ask unanimous consent that the unfinished business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF VOTES AFTER RECAPITULATION

Mr. MANSFIELD. Mr. President, in discussing the situation which I am about to comment on with the distinguished Republican leader, we are in agreement, and this is to serve notice on the tally clerks, that after the recapitulation of the vote has been made, and the yeas and nays individually announced, Senators who enter the Chamber after that time, of course, will be allowed to vote. That is their privilege. But the change will be that the tally clerk will read the Senator's name and the Senator's vote at that time, loud and clear.

Mr. President, I suggest the absence of a quorum, with the time not to be charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 1819) to amend the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide for minimum Federal payments after July 1, 1972, for relocation assistance made available under federally assisted programs and for an extension of the effective date of the act, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KLUCZYNSKI, Mr. WRIGHT, Mr. COLLINS of Illinois, Mr. HARSHA, and Mr. DON H. CLAUSEN were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 3899. An act for the relief of Maria Camilla Giuliani Niro;

H.R. 5324. An act for the relief of Rosita E. Hodas;

H.R. 5923. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 10711. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 10712. An act for the relief of Flora Datiles Tabayo;

H.R. 12204. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 12638. An act for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired;

H.R. 14173. An act for the relief of Walter Eduard Koenig; and

H.R. 15375. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 559. An act for the relief of Albina Lucio Manlucu;

S. 889. An act to restore the postal service seniority of Elmer Erickson;

S. 2704. An act for the relief of Rita Rosella Vallerini;

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968, and for other purposes;

H.R. 9092. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; and

H.R. 15097. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

HOUSE BILLS REFERRED

The following bills were severally read twice by their title and referred as indicated:

H.R. 3899. An act for the relief of Maria Camilla Giuliani Niro;

H.R. 5324. An act for the relief of Rosita E. Hodas;

H.R. 5923. An act for the relief of Mrs. Nguyen Thi Le Fintland and Susan Fintland;

H.R. 10711. An act for the relief of Mrs. Purita Paningbatan Bohannon;

H.R. 10712. An act for the relief of Flora Datiles Tabayo;

H.R. 12204. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 12638. An act for the relief of Sergeant Gary L. Rivers, United States Marine Corps, retired; and

H.R. 14173. An act for the relief of Walter Eduard Koenig; to the Committee on the Judiciary.

H.R. 15375. An act to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for fiscal year 1973; to the Committee on Commerce.

NATIONAL SCHOOL LUNCH ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the National School Lunch Act, Calendar No. 976, H.R. 14896.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with amendments on page 2, line 7, after the word "section.", strike out "Funds expended under the provisions of this paragraph may be reimbursed out of any subsequent supplemental or regular appropriation hereafter enacted for the purpose of carrying out this section, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32" and insert "Funds expended under the provisions of this paragraph shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out section 13 of the National School Lunch Act, and such reimbursements shall be deposited into the fund established pursuant to section 32 of the Act of August 24, 1935, to be available for the purposes of said section 32"; on page 3, line 3, after "June 30,", strike out "1972" and insert "1973"; in line 4, after "June 30,", where it appears the first time, strike out "1973" and insert "1974"; in the same line, after "June 30,", where it appears the second time, strike out "1974" and insert "1975"; in line 13, after the word "and", strike out "nonpublic" and insert "nonprofit"; in line 15, after "Sec. 3.", insert "(a)"; in line 19, after "June 30,", where it appears the first time, strike out "1972" and insert "1973"; in the same line, after June 30,", where it appears the second time, strike out "1973" and insert "1974"; in line 20, after "June 30,", strike out "1974" and insert "1975"; at the top of page 4, insert:

(b) Section 4(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)) is amended to read as follows:

"APPORTIONMENT TO STATES

"(b) Of the funds appropriated for the purposes of this section, the Secretary shall for the fiscal year ending June 30, 1973, (1) apportion $2,600,000 equally among the States other than Guam, the Virgin Islands, and American Samoa, and $45,000 equally among Guam, the Virgin Islands, and American Samoa, and (2) apportion the remainder among the States in accordance with the apportionment formula contained in section 4 of the National School Lunch Act, as amended. For each fiscal year beginning with the fiscal year ending June 30, 1974, the Secretary shall make breakfast assistance payments, at such times as he may determine, from the sums appropriated therefor, to each State educational agency, in a total amount equal to the result obtained by (1) multiplying the number of breakfasts (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to subsection (e) of this section) served during such fiscal year to children in schools in such States which participate in the breakfast program under this section under agreements with such State educational agency by a national average breakfast payment prescribed by the Secretary for such fiscal year to carry out the purposes of this section; (2) multiplying the number of such breakfasts served free to children eligible for free breakfasts in such schools during such fiscal year by a national average free breakfast payment prescribed by the Secretary for such fiscal year to carry out the purposes of this section; and (3) multiplying the number of reduced price breakfasts served to children eligible for reduced price breakfasts in such schools during such fiscal year by a national average reduced price breakfast payment prescribed by the Secretary for such fiscal year to carry out the provisions of this section: *Provided,* That in any fiscal year the aggregate amount of the breakfast assistance payments made by the Secretary to each State educational agency for any fiscal year shall not be less than the amount of the payments made by the State educational agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section."

(c) Section 4(c) of the Child Nutrition Act (42 U.S.C. 1773(c)) is amended by adding at the end thereof the following sentence: "Breakfast assistance disbursements to schools under this section may be made in advance or by way of reimbursement in accordance with procedures prescribed by the Secretary."

(d) Section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(e)) is amended to read as follows:

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

"(e) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served free or at a reduced price to children in school under the same terms and conditions as are set forth with respect to the service of lunches free or at a reduced price in section 9 of the National School Lunch Act."

(e) Section 4(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(f)) is amended to read as follows:

"(f) For the fiscal year ending June 30, 1973, any withholding of funds for and disbursement to nonprofit private schools shall be effected in the manner used prior to such fiscal year. Beginning with the fiscal year ending June 30, 1974, the Secretary shall make payments from the sums appropriated for any fiscal year for the purposes of this section directly to the nonprofit private schools within a State, that participate in the breakfast program under an agreement with the Secretary, for the same purposes and subject to the same conditions as are authorized or required under this section with respect to the disbursements by State educational agencies."

At the top of page 8, insert:

(c) Section 4 of the National School Lunch Act is amended effective after the fiscal year ending June 30, 1973 to read as follows:

"SEC. 4. The sums appropriated for any fiscal year pursuant to the authorizations contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other food for the program in accordance with the provisions of this Act. For each fiscal year the Secretary shall make food assistance payments, at such times as he may determine, from the sums appropriated therefor, to each State educational agency, in a total amount equal to the result obtained by multiplying the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary under subsection 9(a) of this Act) served during such fiscal year to children in schools in such State, which participate in the school lunch program under this Act under agreements with such State educational agency, by a national average payment per lunch for such fiscal year determined by the Secretary to be necessary to carry out the purposes of this Act: *Provided*, That in any fiscal year such national average payment shall not be less than 8 cents per lunch and that the aggregate amount of the food assistance payments made by the Secretary to each State educational agency for any fiscal year shall not be less than the amount of the payments made by the State agency to participating schools within the State for the fiscal year ending June 30, 1972, to carry out the purposes of this section 4."

(d) Section 10 of the National School Lunch Act of 1946 (42 U.S.C. 1759), is amended by striking "section 7." at the end thereof and inserting in lieu thereof the following: "section 7: *Provided*, Beginning with the fiscal year ending June 30, 1974, the Secretary shall make payments from the sums appropriated for any fiscal year for the purposes of section 4 of this Act directly to the nonprofit private schools in such State for the same purposes and subject to the same conditions as are authorized or required under this Act with respect to the disbursements by the State educational agencies."

On page 11, line 20 ,after "Sec. 6.", insert "(a)"; on page 12, line 4, after "$20,000,000", strike out "to assist the Congress in determining the amounts needed annually, the Secretary is directed to conduct a survey among the States and school districts on unmet needs for equipment in schools eligible for assistance under section 5 of the Child Nutrition Act. The results of such survey shall be reported to the Congress by December 31, 1972.; after line 10, insert:

(b) Section 5(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1774(b)) is amended to read as follows:

"(b) Except for the funds reserved under subsection (e) of this section, the Secretary shall apportion the funds appropriated for the purposes of this section among the States on the basis of the ratio that the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to section 9 of the National School Lunch Act) served in each State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are apportioned bears to the total number of such lunches served in all States in such preceding fiscal year. If any State cannot utilize all of the funds apportioned to it under the provisions of this subsection, the Secretary shall make further apportionments to the remaining States in the manner set forth in this subsection for apportioning funds among all the States. Payments to any State of funds apportioned under the provisions of this subsection for any fiscal year shall be made upon condition that at least one-fourth of the cost of equipment financed under this subsection shall be borne by funds from sources within the State."

(c) Section 5(d) of the Child Nutrition Act of 1966 (42 U.S.C. 1774(d)) is amended to read as follows:

"(d) If, in any State, the State educational agency is prohibited by law from administering the program authorized by this section in nonprofit private schools within the State, the Secretary shall administer such program in such private schools. In such event, the Secretary shall withhold from the funds apportioned to any such State under the provisions of subsection (b) of this section an amount which bears the same ratio to such funds as the number of lunches (consisting of a combination of foods which meet the minimum nutritional requirements prescribed by the Secretary pursuant to section 9(a) of the National School Lunch Act) served in nonprofit private schools in such State in the latest preceding fiscal year for which the Secretary determines data are available at the time such funds are withheld bears to the total number of such lunches served in all schools within such State in such preceding fiscal year.

(d) Section 5 of the Child Nutrition Act (42 U.S.C. 1774) is amended by adding at the end thereof the following new subsection:

"RESERVE OF FUNDS

"(e) In each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975, 50 per centum of the funds appropriated for the purposes of this section shall be reserved by the Secretary to assist schools without a food service. The Secretary shall apportion the funds so reserved among the States on the basis of the ratio of the number of children enrolled in schools without a food service in the State for the latest fiscal year for which the Secretary determines data are available at the time such funds are apportioned to the total number of children enrolled in schools without a food service in all States in such fiscal year. In those States in which the Secretary administers the nonfood assistance program in nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under this subsection an amount which bears the same ratio to such funds as the number of children enrolled in nonprofit private schools without a food service in such State for the latest fiscal year for which the Secretary determines data are available at the time such funds are withheld bears to the total number of children enrolled in all schools without food service in such State in such fiscal year. The funds reserved, apportioned, and withheld under the authority of this subsection shall be used by State educational agencies, or the Secretary in the case of nonprofit private schools, only to assist schools without a food service. If any State cannot utilize all the funds apportioned to it under the provisions of this subsection to assist schools in the State without a food service, the Secretary shall make further apportionments to the remaining States in the same manner set forth in this subsection for apportioning funds among all the States and such remaining States, or the Secretary in the case of nonprofit private schools, shall use the additional funds so apportioned or withheld only to assist schools in the State without a food service. Payments to any State of the funds apportioned under the provisions of this paragraph shall be made upon condition that at least one-fourth of the cost of equipment financed shall be borne by funds from sources within the State."

(e) To assist the Congress in determining the amounts needed annually, the Secretary is directed to conduct a survey among the States and school districts on unmet needs for equipment in schools eligible for assistance under section 5 of the Child Nutrition Act. The results of such survey shall be reported to the Congress by June 30, 1973.

On page 15, line 23, after "Sec. 7.", strike out "The first sentence of section 10 of the Child Nutrition Act of 1966 is amended by inserting before the period at the end thereof the following: ': *Provided*, That such regulations relating to competitive food service shall permit the sale of nutritious food through vending machines in participating schools and service institutions where the proceeds of such sales will inure to the benefit of the schools or of organizations of students or parents approved by the schools and such sales will not substantially interfere with the programs so authorized'." and insert "The first sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) is amended to read as follows: 'The Secretary shall prescribe such regulations as he may deem necessary to carry out this Act and the National School Lunch Act, including regulations relating to the service of food for which Federal reimbursement is obtained in participating schools and service institutions.' "; and, on page 16, after line 13, insert a new section, as follows:

SEC. 8. Section 8 of the National School Lunch Act (42 U.S.C. 1757) is amended by deleting the phrase "reimbursing it for" in the second sentence thereof and inserting in lieu thereof the following: "assisting it to finance" and by adding at the end of such section the following sentence: "Lunch assistance disbursements to schools under this section and under section 11 of this Act may be made in advance or by way of reimbursement in accordance with procedures prescribed by the Secretary."

Mr. **ROBERT C. BYRD**. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged.

The **PRESIDING OFFICER**. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

WOMEN'S RIGHTS DAY

Mr. **GURNEY**. Mr. President, I have checked this matter with the leadership. I am bringing up a bill under unanimous-consent request. I have cleared it with the leadership on both sides. That is what I am trying to do.

The **PRESIDING OFFICER**. Does the Senator ask unanimous consent that he be permitted to do so without the time being counted?

Mr. **GURNEY**. I make that request.

The **PRESIDING OFFICER**. Is there objection? Without objection, the Senator may proceed.

Mr. **GURNEY**. Mr. President, the Committee on the Judiciary reported out today unanimously the bill (S. 3490) to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day."

I have checked with the leadership on both sides of the aisle, the majority leader (Mr. MANSFIELD) as well as the majority whip (Mr. ROBERT C. BYRD), and the minority leader (Mr. SCOTT), and they have no objection to the immediate consideration of this bill. Therefore, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill, and act upon it.

The PRESIDING OFFICER. Will the Senator send the bill to the desk? The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3490) to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day."

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The bill (S. 3490) was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the anniversary of the adoption on August 26, 1920, of the nineteenth amendment to the Constitution granting women the right to vote, the President is authorized and requested to issue annually a proclamation designating August 26 of each year as "Women's Rights Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

Mr. GURNEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without the time being counted against either side?

Mr. GURNEY. Without the time being counted against either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SYMINGTON). Without objection, it is so ordered.

Who yields time?

NATIONAL SCHOOL LUNCH ACT

The Senate continued with the consideration of the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs.

Mr. ALLEN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 20 minutes.

Mr. ALLEN. Mr. President, on behalf of the distinguished Senator from New Jersey (Mr. CASE) I ask unanimous consent that Patty Hottel and Vernon Goetches of the Select Committee on Nutrition be allowed to remain on the floor during consideration of the bill and during the rollcall votes; that Kelley Costley, on behalf of the Senator from New York (Mr. JAVITS), be accorded the same privileges; and on behalf of the Committee on Agriculture and Forestry, Mike McLeod, Jim Thornton, John Baker, Forest Reece, and Henry Casso be accorded the same privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that they be treated as original text, subject to further amendment, without points of order being made.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered, and the committee amendments are considered and agreed to en bloc.

Mr. ALLEN. Mr. President, H.R. 14896, the Child Nutrition Act of 1972, is designed to clear up a number of uncertainties in the school lunch program prior to the school year which will begin later this month. H.R. 14896 was approved by the House of Representatives immediately prior to the July recess. It was rushed through the House of Representatives as a temporary measure designed to avert the kind of crisis which occurred in the school lunch program last year.

Although the Subcommittee on Agricultural Research and General Legislation, of which I am chairman, did not have an opportunity to consider this bill prior to the July recess, the subcommittee did schedule action on the bill as soon as possible after Congress reconvened. Hearings were held on Friday, July 28, and the bill was considered in executive session of the subcommittee the following Wednesday. The following day, the full Committee on Agriculture and Forestry ordered the bill reported to the Senate floor.

Although there were several important child nutrition bills pending in the Committee on Agriculture and Forestry, it was the feeling of the committee members that it would not be appropriate to undertake a complete rewrite of child nutrition programs at this time. Our major consideration was the need to provide school districts with guidelines for the coming school year.

It is the intention of the Subcommittee on Agricultural Research and General Legislation to undertake a thoroughgoing review of our numerous child nutrition programs during the next session of Congress. It is my view that there are too many overlapping programs and that Congress should consider revision and consolidation of these programs, and not to have a further proliferation of programs, which we will discuss later as amendments are offered to the bill.

In the interest of prompt action, the subcommittee and the full Committee on Agriculture and Forestry attempted to follow closely the provision of the House-passed bill. However, the committee made a number of changes designed to clarify the House bill and to make possible better administration of our child feeding programs.

As amended by the Committee on Agriculture and Forestry, H.R. 14896 would make the following changes in our child nutrition program: It would extend the special—nonschool—food assistance program for children for 3 years and it would increase the appropriation authorization from $32 million annually to "such sums as are necessary."

The popularity of the special food service program for children has been so great in recent years that the existing authorization of $32 million annually has proved insufficient. For this year's summer food assistance program, the administration found it necessary to request an additional $25 million of section 32 funds. These funds have been approved by both Houses of Congress. By removing the authorization limit of present law, H.R. 14896 will enable the administration and the Appropriations Committees to respond more adequately to the increasing needs of this program.

The bill will extend the school breakfast program for 3 years and remove the current appropriation authorization limit. The school breakfast program is another program that has experienced increasing popularity in recent years. Due to this popularity, the administration found it necessary to budget $52,500,000 for the program for fiscal year 1973 although the appropriation authorization for this year is only $25 million. The committee bill also extended the school breakfast program for 3 years, and authorizes an extension of programs for all the schools who apply for it.

H.R. 14896 requires the use of section 32 funds in such amounts as may be necessary to carry out section 4 of this National School Lunch Act and provide an average reimbursement of not less than 8 cents per meal in each State in fiscal year 1973.

I hasten to add, lest there be confusion at this point, that 8 cents per meal applies to each and every meal served regardless of whether free, reduced price or full price. There is a special provision under section 11 that provides for a subsidy for free and reduced price lunches which has been set by action of Congress at not less than 40 cents for each free lunch.

This amendment is necessary because rising food costs and increased labor costs have made it impossible for school lunches to be served with the present rates of reimbursement unless there is an increase in the sale price of lunches, which we all want to avoid. Such an increase would mean substantially decreased participation in the school lunch program.

Let me say parenthetically, Mr. President, that in addition to the 6 cents now authorized by law for each lunch served, and 8 cents under the bill, provision exists now and will continue to exist for furnishing commodities to the school lunch program in a value of 7 cents for each meal served, so that under the school lunch program under the bill there will be 8 cents in cash for each and every meal served whether free, reduced price, or full price and 7 cents in commodities for each meal served, and then 40 cents from the Federal Government for each free meal, and then for reduced-price meals at least the difference between 40 cents and the amount paid by the child, which can in no event, under law, be more than 20 cents.

Also, the committee amended H.R. 14896 to establish for future years for section 4 of the National School Lunch Act and for the school breakfast program a system of performance funding. That has reference to the 8 cents for each meal served—8 cents under the bill, 6 cents under existing law, and also, of course, as I say, there is the commodities subsidy of 7 cents per meal as well.

Currently funds appropriated for section 4 of the National School Lunch Act are apportioned to the States on the basis of two factors: first, the participation rate of the State, and second, the assistance need rate for the State. Those two factors would be figured in an apportionment of the funds under section 4 of the existing law. This formula results in varying levels of reimbursement among the States. Congress very wisely has said that irrespective of how it comes out in the formula at this time there will be 6 cents paid for each meal served. So we have the performance system in effect required by law and but not in operation by formula. This bill would put the performance formula in the law for section 4.

The existing formula results in various levels of disbursement among the States. The formula in the bill would provide for a uniform system. In addition, the present formula tends to discourage the expansion of the school lunch program within the States because such an expansion would tend to jeopardize the funding levels available to already participating schools.

By legislation last year—Public Law 92-153—the Congress did provide performance funding for section 4 and section 11 of the National School Lunch Act. The Congress legislated a minimum of 6 cents for the regular school lunch program—section 4—under an amendment offered by the Senator from Iowa (Mr. MILLER), and 40 cents for the special assistance program—section 11. That could be set by the Secretary at more than 40 cents. However, Congress has decreed it shall be a minimum 40 cents for each free meal served. Thus, the USDA was required to guarantee all States a reimbursement of 6 cents for the regular school lunch program and a reimbursement of 40 cents for the free and reduced-price lunch program.

The committee felt that it would be preferable to establish a continuous system of performance funding for the future rather than attempt to legislate performance funding each year. Therefore, it accepted an amendment which would guarantee performance funding for the regular school lunch program and for the school breakfast program.

Mr. President, lest we feel that the 2-cent raise suggested under the bill is of small moment to the program, let me point out that that is, as I say, for each meal served, whether free or reduced price or paid for. However, that extra 2 cents will run in cost, it is estimated, for the coming fiscal year, $85 million. That is what the added 2 cents will amount to. And that is on just part of the program, as I will point out as we go along. In other words, each State agency will receive an average payment for each breakfast served and each lunch served under the regular school lunch program. The state agencies will be able to plan their program well in advance and they will be able to expand their program with the assurance that they will receive a certain level of reimbursement for each meal served.

In addition, the committee modified H.R. 14896 to provide for advanced payment for the school lunch and school breakfast programs. That is certainly a constructive move. If the local school system had to wait until after they have furnished the meal, if there is a long wait, they would not be able to carry on the program while they waited for reimbursement. So the new amendment provides for advance payment for the school lunch and school breakfast program. Hopefully, this amendment will end the unnecessary delays that some schools have experienced in receiving the funds for the school lunch program.

While the committee attempted to follow closely the provisions of H.R. 14896, it did add the performance funding and advance payment amendments for it felt that these amendments would receive universal acceptance and were necessary for more efficient administration of the child feeding programs.

The Committee on Agriculture and Forestry accepted the House provision regarding eligibility standards. Present law requires that free or reduced price lunches be served to all schoolchildren from families whose income is not above the income poverty guidelines. Currently the income poverty guideline for a family of four is 4,110. Although the law establishes a minimum eligibility standard for the serving of free and reduced price-lunches, it contained no maximum.

Mr. President, with all due respect, that possibility opened up for some systems the opportunity of setting very liberal standards. One system set a standard of more than $13,000 as the family income that could be earned by a family and still have the children of that family get free lunches. So, there was no ceiling on it. They could go just as high as they wanted to in providing the maximum that a family could earn and still have the children receive the free lunches, which would lead to considerable abuse unless we adopted the principle that all schoolchildren, whether from wealthy families, from middle income families, or from poor families, would be entitled to free lunches.

So the Senate Committee on Agriculture and Forestry accepted the House provisions setting a maximum that a family should earn, the maximum income that a family should have in order for the children to get free lunches. And it was set by the House, as the bill passed the House and by the committee that for free lunches a family could earn up to 25 percent more than the poverty level of $4,110.

Then, to be eligible for reduced-price lunches, they could earn 50 percent more than the poverty level, or roughly some $6,100 under the House bill. The Senate Committee on Agriculture and Forestry adopted the House provision with regard to free and reduced-price lunches.

There will be an amendment later, and we will discuss that when it comes up, seeking to freeze in these higher and more liberal standards and setting this assistance apart as being allowed to continue with the higher level for allowing the free lunches. We will discuss later why the committee felt we should have the uniform standard throughout the country. In other words, under the existing law it is required that the local system having a free and reduced-price lunch program must furnish a free lunch to children where a family of four is earning $4,110 or less.

But there is no maximum under present law, and the House bill and the committee bill seek to put those standards at 25 percent above the minimum for free lunches and 50 percent over the minimum for reduced price lunches.

Because some school districts were taking advantage of the absence of a ceiling limit to establish standards well in excess of the income poverty guideline, there is a need to establish a maximum as well as a minimum standard. H.R. 14896 provides that free lunches must be served to every child whose family income does not exceed a guideline fixed by the State educational agency, such guideline to be not less than 100 percent nor more than 125 percent of the income poverty guideline for each size family. If a school elects to serve reduced price lunches they would have to be served to every child within guidelines fixed by the State educational agency at not more than 150 percent of the applicable family-size poverty guideline, which would be a little under $6,200.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, the bill increases the nonfood assistance appropriation—this is for fixtures, equipment, stoves, and things of that sort—to $40 million annually for the fiscal years 1973, 1974, and 1975. Currently there is great need for equipment in many schools which do not have a food service program. Also, a large number of schools have highly inadequate and obsolete food service equipment. It is hoped that the appropriation of $40 million annually will provide adequate funding both for schools which do not have food service and for schools whose food service equipment is obsolete.

Under the bill it is provided that one-half of this $40 million annually shall be reserved by the Secretary for schools that have no facilities whatsoever, and the other half would go for the schools that have some equipment but need to update it and modernize, but that at least one-half of it will be reserved for systems that have no school lunch facilities at all.

It is provided that this money is allocated to the States and in order to be eligible for this assistance there must be a contribution from local sources—States, counties, or cities—of 25 percent of the amount. In other words, if $10,000 worth of equipment were to be bought, the Government would put up $7,500 and the local agency $2,500.

A significant feature, however, is that the needy systems would be able to get their funds without putting up anything. The one-fourth that the State has to put up is based on an overall State average. In other words, if there were two systems, one a rich system, we will say, and the other a poor system—and I have discussed this because there is to be an amendment offered by the distinguished Senator from Minnesota—but, for example, if there are two systems, one a wealthy system and one a poor system, each needing $10,000 worth of equipment, the poor system could get the full $10,000 without putting up anything. The State would require that the rich system put up one-half of the cost. Therefore, it would be an average for the State of 25 percent. So it is the opinion of the Committee on Agriculture and Forestry that the amendment that is to be offered should not be accepted.

Another feature of H.R. 14896 is the amendment to reserve to State and local authorities the regulation of food items which are in competition with programs authorized under the Child Nutrition Act and the National School Lunch Act. Section 7 of the bill would rescind the statutory authority to regulate the sale of these food items, leaving that authority in the hands of the local officials, leaving them to decide what regulations shall be adopted with respect to the sale of items in competition with those included in the lunch program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, since there are a number of child nutrition programs currently on the books I think it will clarify consideration of this bill to briefly describe each of these programs and their current status.

NATIONAL SCHOOL LUNCH PROGRAM

The national school lunch program was authorized in 1946 to help safeguard the health of the Nation's schoolchildren. It provides cash and commodity assistance to public and private nonprofit schools for use in serving nutritious lunches at modest prices to nonneedy children and at free or reduced prices to needy children. Funds are allocated among the States based on statutory formulas and provided through letters of credit which the State agencies draw against when they reimburse schools for lunches served. When funds provided through the statutory formulas are exhausted, supplemental section 32 funds are provided as needed.

In fiscal 1962, 15.6 million children participated in the program, with 1.6 million receiving free and reduced price lunches. In fiscal 1972, over 25 million children were reached, with 8.4 million receiving free and reduced price lunches. The program in fiscal 1973 is expected to cost $862 million in cash and $300 million in commodity assistance.

SCHOOL BREAKFAST PROGRAM

Authorized by the Child Nutrition Act of 1966—Public Law 89–642—as a pilot program to assist States in initiating, maintaining, and expanding nonprofit breakfast programs in schools. From its inception, the program was oriented toward schools drawing attendance from low economic areas and schools where children traveled long distances. Program funding was initially very tight with $566,458 appropriated in fiscal year 1967.

A 1968 amendment—Public Law 90–302—extended the program for 3 years—through fiscal year 1971—and increased the appropriation level to $12 million. In 1971, Public Law 92–32 extended the program through fiscal year 1973 at an authorized funding level of $25 million. The program has grown from 80,232 children in fiscal year 1967 to 959,555 children in fiscal year 1971.

The fiscal year 1973 congressionally authorized appropriation for the school breakfast program is $52.5 million including $19.5 million from a May 6 request by the President for additional funds in the current fiscal year. Funds are made available to the States by a letter of credit in accordance with a statutory apportionment formula. When additional funds or supplemental funds are made available, such as the May 6 request, these are made available to States depending on their relative needs, according to the level of program participation.

SPECIAL MILK PROGRAM

Authorized in 1954 by Public Law 690 at an appropriation level of $50 million. The program met a real nutritional need in schools not participating in the national school lunch program and provided additional milk to children in participating schools, including children carrying lunches from home.

Subsequent amendments, such as Public Law 465 in 1956 which extended the special milk program benefits to nonprofit service children institutions, have tended to broaden the furnishing of adequate nutrition for children. At the present time the special milk program is authorized to be provided children in nonprofit schools of high school grade and under, nonprofit nursery schools, child care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children.

Funds are allocated by letters of credit to the States based on their use rate the preceding year, with a reserve for adjustments to cover shifts in program participation.

In fiscal year 1962, total Federal expenditures under the special milk program were $89,169,556. The fiscal year 1973 appropriation bill approved in Congress contains $97,123,000 for the program.

As additional schools and service institutions have participated in the regular school and nonschool food programs, participation in the special milk program has leveled off. In fiscal 1971, 2.6 billion half pints were served. The fiscal year 1973 appropriated funding level of $97,123,000 should be adequate for the program.

NONFOOD ASSISTANCE PROGRAM

Such a program was authorized by section 5 of the National School Lunch Act, although this authority was not funded after 1947. The Child Nutrition Act of 1966—Public Law 89–642—authorized a similar program to assist States with their equipment needs in public and private schools in low economic areas. Schools receiving assistance now furnish 25 percent of the purchase price of such equipment.

The program was extended in 1970 by Public Law 91–248 through fiscal year 1973. In fiscal year 1967, the first year the program was funded under the Child Nutrition Act of 1966, $698,183 was expended. In fiscal year 1973 the appropriation level as authorized by Congress is $16,110,000.

SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

The special food service program was authorized in 1968 to extend child nutrition program benefits to children, especially needy children, in group situations outside the school. It provides cash and commodity assistance for food service on a year-round basis in day care centers caring for preschool and school-children after school—food service for children in Headstart programs is generally funded through Headstart. The program also assists in providing nutritious meals to school age children in summer recreational activities in parks and playgrounds to help bridge the gap in school food service benefits during the summer. Up to 25 percent of program funds may also be used for non-food equipment assistance for food service under the program.

Funds for year-round activities are allocated among the States based on a statutory formula while funds for summer activities are allocated "as needed" based on applications. As in the lunch program, funds are provided in the States through letters of credit which the State agencies draw against to reimburse service institutions for meals served.

In fiscal 1972, the program reached 20,000 children in year-round activities, and this summer funds are available for about 2 million children to participate in summer feeding programs.

SUPPLEMENTAL FOOD PROGRAM

The supplemental food program currently offers selected nutritious foods to persons in low-income groups considered especially vulnerable to malnutrition—specifically, women during pregnancy and for 12-months portpartum, infants under 12 months, and children through 5 years of age.

Medical authorities prescribe these foods, which include evaporated milk, canned meats and vegetables, peanut butter, scrambled egg mix, corn sirup, fruit juices, and iron-fortified farina and instant rice cereal, to eligible women, infants and children.

The Department donates the foods and pays for the cost of delivery to points designated by the State distributing agency. Thereafter, State and local agencies are responsible for storage, handling, and distribution of the foods.

For fiscal year 1972, $15.1 million was budgeted for food costs for the supplemental food program. The latest complete figures—May 1972—show 264 project areas participating with a total caseload of 164,298 recipients.

Since the inception of the supplemental food program in late 1968, the variety of foods made available to families in households have been increased to over 20 items. The family feeding program also makes additional evaporated milk, sirup, and farina available to households with infants up to 1 year of age.

FOOD CERTIFICATE PROGRAM

The Department of Agriculture began an experimental food certificate program in February 1970 to supply iron-fortified infant formula, iron-fortified cereal, and milk to pregnant women, infants, and their mothers. The program was designed to operate through regular grocery stores and the test sites were in Chicago, Ill., Bibb County, Ga., Brazos County, Tex., Yakima County, Wash., and the northern portion of Vermont. Low-income mothers in the selected areas receiving public assistance or using the public health clinics were eligible. Enough certificates were given to purchase all formula the infant needed and enough to provide the mothers with extra milk that she needed. All eligible families in the selected areas are being served at an annual cost of slightly in excess of $1 million.

In addition to the programs I have described, the USDA's family food programs provide great nutritional benefits to children. These programs are the food distribution program and the food stamp program.

FOOD DISTRIBUTION TO FAMILIES

In 1960 the food distribution program was the only means of Federal food assistance for families and operated in fewer than half of the Nation's counties and independent cities. The approximately 1.3 million persons who participated in the program in some 1,300 areas were offered only five food items worth about $2.20 per person per month. The items distributed at that time were lard, rice, flour, nonfat dry milk, and cornmeal.

Subsequently, participation has increased significantly as USDA increased the variety and quality of foods available for distribution and at the same time made concerted efforts to encourage States and localities to initiate family food assistance programs. At the end of the decade there were only a handful of areas which still lacked either the food distribution or food stamp program.

Today, approximately 3 million persons in families benefit from the food distribution program, even though the number of areas where it operates has declined to a little more than 1,000. This decline has resulted from the rapid expansion of the food stamp program. More than 20 foods are now available for distribution and have a per person value of about $16 per month. These foods can provide over 100 percent of the basic nutrients necessary for good health and about 80 percent of needed calories. The quantity of foods allocated to each family depends, of course, on the number of household members, including infants. In addition, families with infants—up to 1 year of age—not benefiting from the supplemental food program may be issued the needs for bottle formulas—evaporated milk and corn sirup—and farina.

FOOD STAMP PROGRAM

The food stamp program is a cooperative Federal-State effort to enable low-income households to increase their food expenditures and thus upgrade the quality of their diets. Under it, eligible households make a reasonable investment of their own money to buy food coupons worth more. The difference between the amount that the household pays for the coupons and the value of the total coupon allotment—the free coupons—represents the Federal contribution to the family's increased food purchasing power. The household uses the coupons to purchase any food—except for certain imported items—in regular retail stores at the retail price prevailing in such stores. Retailers redeem the coupons through the commercial banking system.

At the end of fiscal year 1968, 2.4 million people in 1,027 counties increased their food purchasing power with food stamps. At that time, a family of four could have received as little as $48 a month.

Since 1968, the food stamp program has expanded significantly and important improvements have been made. Now it is our major weapon in the war against poverty-caused hunger and malnutrition.

At the end of fiscal year 1972, 11.8 million people in 2,126 counties were participating in the food stamp program. The monthly food stamp allotment for a family of four has been increased to $112—enough to assure the purchase of a nutritionally adequate diet.

More than 1.7 million families of three or more persons participate in the food stamp program. Most of these families contain children.

Mr. President, the committee bill is one of which we can be proud. It contains much-needed changes and improvements in our child nutrition programs. It is the product of a bipartisan effort by members of the Committee on Agriculture and Forestry to provide a minimum level of nutrition for the Nation's children.

Mr. President, before yielding to the distinguished Senator from Georgia I would like to make one further comment. We have been discussing here $25 million, $32 million, $85 million, and some may feel that this is a rather small program and that to make added changes in it would not add greatly to the outlay. I would like to point out that for child nutrition programs—and I am not talking about the food programs; all the food programs add up to $4.1 billion per year—the child nutrition programs already appropriated for the current fiscal year amount to $1,426,774,000, or almost $1.5 billion.

Now, the program envisioned by the bill under discussion, without further amendment, would call for an additional outlay of between $188 million and $248 million, so that the total cost of all the child nutrition programs, not family programs but child nutrition programs, would run to about $1.650 billion, not an inconsequential sum.

Mr. TALMADGE. Mr. President, will the Senator yield to me for 2 minutes?

Mr. ALLEN. I am delighted to yield to the distinguished chairman of the committee, the Senator from Georgia.

Mr. TALMADGE. Mr. President, I am proud of the expeditious manner in which the Senate Committee on Agriculture and Forestry has acted on H.R. 14896, the Child Nutrition Act of 1972. It was the feeling of the committee that we should act promptly on this legislation because school districts across the Nation had communicated to us the difficulty they would have in beginning a school lunch program within a few weeks if no legislation was passed.

Schools around the country have been particularly concerned about the level of funding for the regular school lunch program, known as section 4. This is a program that is available to all children, the children who pay for their lunches as well as the children who receive free or reduced price lunches. Rising food costs and increased labor costs have put a severe strain on the budget of school lunch authorities of the Nation. During consideration of legislation which became Public Law 92-153 last year, the distinguished ranking minority member of the committee proposed an amendment which guaranteed schools reimbursement of 6 cents per meal for the regular school lunch program. This guaranteed 6 cents per meal was enacted into law.

However, this year the schools feel they must have a minimum of 8 cents per meal if they are to maintain the high quality of the program without increasing the price of the lunches drastically. School administrators tell me that they are reluctant to increase the price of school lunches because they feel that each 5-cent increase results in a 10-percent decrease in participation. The 2-cent increase might not seem important to a lot of people; however, this increase is vitally important to school lunch programs around the country. As one school lunch administrator testified, "We deal in pennies."

School lunch administrators do indeed deal in pennies, for they have always had to operate with extremely tight budgets. Despite this fact, they have managed to operate a program which has given nutritionally balanced meals to millions of schoolchildren. For this reason, the school lunch program has, through the years, been one of the best investments the American taxpayer has ever made.

This program, which was authored by two distinguished Senators who recently passed from our midst, Richard B. Russell, of Georgia and Allen J. Ellender, of Louisiana, has been improved by additional legislation through the years. I had the honor of being the author of the last major changes in our school lunch program, legislation that was enacted in 1970 and became Public Law 91–248.

The most important feature about this legislation was the fact that for the first time it required that every needy schoolchild in the Nation receive a free or reduced price meal and it provided the mechanism for accomplishing this objective.

Unfortunately, when the administration did not move aggressively to implement the mandate of Public Law 91–248, it was necessary for Congress to take additional action last year. In order to avert a certain disaster for the school lunch program, I found it necessary to introduce a resolution requiring a minimum level of funding for free or reduced price lunches.

Congress acted promptly on this legislation, which became Public Law 91–153. The prompt passage of this legislation after the 1971–72 school year had already begun remedied a real crisis—a crisis which would have resulted in the suspension of the school lunch program in many schools.

Mr. President, we do not yet have a crisis on our hands this year. The new school year has not yet begun; however, it will begin in a couple of weeks, and if my correspondence and the telephone calls I have received from school lunch administrators both in Georgia and other States is any indication, the school lunch program will face a real crisis this year if we do not take prompt action.

Increased food costs and rapidly rising labor costs will make it impossible for some schools to operate a school lunch program if they do not have increased funding.

In addition to the 2-cent increase for the regular school lunch program, the bill before us will do a number of other things which are necessary for the continuation and expansion of sound child nutrition programs.

It would extend the special—non-school—food assistance program for children for 3 years and increase the appropriation authorization from $32 million annually to "such sums as are necessary."

It would extend the school breakfast program through June 30, 1975, and increase the appropriation authorization to "such sums as are necessary."

It would establish a more efficient method of apportioning funds for the regular school lunch program.

It would establish an equitable set of guidelines which will allow the States to establish reasonable eligibility levels for the free and reduced price lunch program.

It would increase the equipment assistance appropriation authorization to $40 million annually. If we are ever to fulfill the congressional mandate of providing every needy child with a free or reduced price meal, we must make food service programs available in our schools. Since needy schools are unable to finance the purchase of such equipment, additional Federal assistance is a necessity. In addition, there are many schools in my own State and in other southeastern States that have school lunch equipment that is obsolete. Needy schools in these States often have no financial resources with which to purchase modern equipment.

The bill would provide for advanced payments for the school lunch program as well as the school breakfast program, thereby easing the financial strain upon State and local governments who sometimes suffer unnecessary delays in receiving reimbursement funds.

Mr. President, I want to compliment the chairman of the Subcommittee on Agricultural Research and General Legislation, Mr. ALLEN, who has rendered yeoman service on this bill as well as many other important bills which have been reported out of the Committee on Agriculture and Forestry. The Senator has had the heaviest workload of any subcommittee chairman in the Committee on Agriculture and Forestry. Yet he has always performed his tasks willingly and thoroughly.

The bill which we are considering today is a good bill, it is a necessary bill. It contains substantial improvements over the bill that was passed by the House of Representatives. Passage of this bill will mean that we are keeping faith with the schoolchildren of America.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Georgia, the chairman of the Committee on Agriculture and Forestry, and I pay tribute to him for his leadership in this program and for his hard work and his diligence in attempting to get this bill to the floor of the Senate and passed in time to become effective before school starts.

Mr. President, before yielding the floor, I ask unanimous consent that there be placed in the RECORD as a part of my remarks the statement on page 1 of the committee report starting with "Short Explanation," continuing down through "Committee Amendment," all of page 2, and that the table on page 10, showing the child nutrition program, and the table on page 17, showing the estimated additional costs of the programs provided by the bill during the years 1973, 1974, 1975, 1976, and 1977, going up as high, in 1975, as $464 million additional provided by the bill.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION

This bill is designed to clear up uncertainties in the School Lunch Program prior to the 1972–73 school year and to make necessary changes in our Child Nutrition Programs. The bill would—

(1) extend the special (non-school) food assistance program for children thru June 30, 1975, and increase the appropriation authorization from $32 million annually to "such sums as are necessary";

(2) authorize the use of $25 million of Section 32 funds during the period May 15 to September 15, 1972, for the Special (non-school) Food Assistance Program for Children;

(3) extend the School Breakfast Program through June 30, 1975, and increase the appropriation authorization therefor to "such sums as are necessary";

(4) require the use of Section 32 funds in such amounts as may be necessary to carry out Section 4 of the National School Lunch Act (the regular school lunch program) and provide an average reimbursement rate of not less than 8 cents per meal in each State in fiscal 1973;

(5) require that free lunches be served to every child whose family income does not exceed a guideline fixed by the State Educational Agency, such guideline to be not less than 100 percent nor more than 125 percent of the income poverty guideline for each size family. If a school elected to serve reduced-price lunches, they would have to be served to every child within guidelines fixed by the State Educational Agency at not more than 150 percent of the applicable family-size poverty guideline;

(6) increase the non-food assistance (equipment) appropriation authorization to $40 million for each of the fiscal years 1973, 1974, 1975, and $20 million for each succeeding fiscal year;

(7) rescind the statutory authority of the USDA to regulate the sale of food items in competition with programs authorized under the Child Nutrition Act and the National School Lunch Act. The decision on such matters would be left to State and local authorities;

(8) beginning with fiscal year 1974, provide for Federal performance funding for Section 4 of the National School Lunch Act and for the School Breakfast Program; and

(9) provide for advance payments for the School Lunch Program as well as for the School Breakfast Program.

COMMITTEE AMENDMENTS

The Committee amended H.R. 14896 to—

(1) conform the provision for reimbursement of Section 32 funds in section 1 of the bill to the provisions of existing law and to section 4 of the bill;

(2) extend the special (non-school) food assistance program for children through June 30, 1975 (rather than June 30, 1974);

(3) extend the school breakfast program through June 30, 1975 (rather than June 30, 1975);

(4) extend the school breakfast program the new eligibility standards that the House bill would apply to the school lunch program;

(5) provide for Federal performance funding of the school breakfast program and of the section 4 (food assistance) phase of the lunch program, beginning in fiscal 1974;

(6) change the due date of the Secretary of Agriculture's report on unmet needs for equipment from December 31, 1972 to June 30, 1973;

(7) require that half of the appropriated funds for equipment assistance in 1973, 1974, and 1975 be reserved for schools without food service;

(8) rescind the statutory authority of the Secretary of Agriculture to regulate the sale of food items in competition with programs authorized under the Child Nutrition Act and the National School Lunch Act (in lieu of the House amendment requiring that USDA regulations permit the sale of nutritious food through vending machines); the Committee amendment reserves this decision for state and local authorities; and

(9) provide for advance payments in the school lunch program, as well as the school breakfast program.

TABLE I.—U.S. DEPARTMENT OF AGRICULTURE, FOOD ASSISTANCE PROGRAMS

[Program level; in thousands of dollars]

Program	1962 actual	1963 actual	1964 actual	1965 actual	1966 actual	1967 actual	1968 actual	1969 actual	1970 actual	1971 actual	1972 current estimate
A. Child nutrition program:											
1. Cash grants to States:											
(a) School lunch (sec. 4)	98, 680	108, 537	120, 793	130, 413	139, 016	147, 657	154, 732	162, 151	168, 023	225, 761	249, 000
(b) Free and reduced-price lunches (sec. 11)					1, 866	1, 958	4, 878	42, 021	132, 018	309, 246	497, 000
(c) School breakfast						573	2, 000	5, 540	10, 870	20, 162	26, 000
(d) Equipment assistance						698	736	10, 230	16, 673	37, 159	18, 000
(e) State administration expenses								539	1, 719	3, 493	2, 800
(f) Nonschool food program								3, 244	7, 258	20, 967	42, 000
Total, cash grants	98, 680	108, 537	120, 793	130, 413	140, 882	150, 886	162, 346	222, 725	336, 561	616, 788	834, 800
2. Commodities to States	182, 101	179, 846	194, 930	272, 408	174, 856	188, 358	234, 125	292, 107	276, 219	261, 790	311, 625
3. Nutrition, training, and surveys										750	1, 150
4. Federal operating expenses	1, 664	1, 888	1, 930	1, 649	1, 674	1, 704	1, 955	2, 531	3, 579	4, 880	6, 100
Total, child nutrition programs	282, 445	290, 271	317, 653	404, 470	317, 412	340, 948	398, 426	517, 363	616, 359	884, 208	1, 153, 675
B. Special milk program:											
Total, special milk program	89, 328	94, 035	99, 721	97, 758	96, 552	99, 286	102, 494	102, 510	102, 124	93, 294	103, 681
Grand total, child nutrition programs	371, 773	384, 306	417, 374	502, 228	413, 964	440, 234	500, 920	619, 873	718, 483	977, 502	1, 257, 356

ESTIMATED ADDITIONAL COSTS

[In millions of dollars]

	Fiscal years				
	1973	1974	1975	1976	1977
Sec. 4	85.0	91.0	94.0	97	100
Sec. 11	80.0–140.0	80.0–140.0	80.0–140.0	80–140	80–140
School breakfast		75.0	100.0		
Nonfood assistance	23.9	30.0	30.0	10	10
Special food service		90.0	100.0		
Faderal operating expenses		.6	.6		
Total	188.9–248.9	366.6–426.6	404.6–464.6	187–247	190–250

Mr. ALLEN. Mr. President, I also ask unanimous consent to have inserted in the RECORD a statement of the 1973 appropriations for the child nutrition program.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

1973 appropriations

Child nutrition program:	
Cash grants to States:	
School lunch (sec. 4)	$274, 747
Free and reduced-price lunches (sec. 11)	587, 500
School breakfast	52, 500
Equipment assistance	16, 110
State administration expenses	3, 500
Nonschool food program	74, 000
Total, cash grants	1, 008, 357
Commodities to States	313, 700
Nutrition, training and surveys	1, 000
Federal operating expenses	6, 567
Total child nutrition programs	1, 329, 624
Special milk program	97, 123
Grand total, child nutrition programs	1, 426, 747

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield me 2 minutes?

Mr. ALLEN. I am glad to yield to the distinguished Senator from North Carolina 2 minutes.

Mr. JORDAN of North Carolina. Mr. President, I want to associate myself with the remarks made by the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Georgia (Mr. TALMADGE), and the distinguished Senator from Alabama (Mr. ALLEN), who led the hearings and the discussions in the subcommittee. I have the honor of serving on the Committee on Agriculture and Forestry. I had a part in drafting this bill and having it reported.

I think it is the most liberal bill we have ever had for child nutrition, school lunch, and other programs for children. It carries more money than ever before, and it reaches more children, and returns to the States a larger amount of money than has ever been provided before.

As I understand it, a benefit of 55 cents can go to a child; 7 cents in donated commodities, 8 cents in cash reimbursement, and 40 cents under section 11.

Mr. ALLEN. That would go to the lunch program for his benefit.

Mr. JORDAN of North Carolina. The 55 cents total for a lunch is by far the most generous program that has ever been enacted. This bill reaches more people than ever before. It also provides that equipment can be purchased for those places where schools do not have facilities for cooking their own meals, running their cafeterias, and so forth.

So I am glad to join in the passage of this bill, which is a necessity. Only in the past few years has the breakfast program been included in the school lunch program. It is not entirely new, but never has it been covered to the extent in the bill at this time.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. I yield the Senator 2 additional minutes.

Mr. JORDAN of North Carolina. I hope we can pass this bill in the form it is in, because we had hearings and discussions on the bill. I think amendments will be offered which we considered, but which we felt went beyond what this bill ought to carry.

Mr. ALLEN. I thank the Senator from North Carolina for his contribution to the discussion, and wish to commend him for many years of distinguished service on the Committee on Agriculture and Forestry. He certainly has been a friend of agriculture. He has been a friend of the poor. He has been one of the leaders in the fight for the nutrition programs of the Government and for the school lunch and breakfast programs. He has given them his unfailing and unswerving support during the time he has been a member of the Committee on Agriculture and Forestry.

I would like to point out one further little matter. The Senator mentioned that for a school child there would be 55 cents for each lunch. Actually, for each free lunch there would be really more than that, for this reason: The 8 cents that we give under section 4 for each meal served is for all meals, whether paid for or free or at a reduced price, and in 1972 only 32 percent of all of the meals served were served free or at a reduced price. The remaining 68 percent were paid for. So if 7 cents in commodities and 8 cents in cash were paid for each meal served, that would really mean two-thirds more going onto the free lunches. So, in a sense, it runs three times plus the 8 and 7 cents for each meal served.

I do thank the Senator for his contribution.

Mr. CASE. Mr. President, will the Senator yield me a quarter of a minute on the bill?

Mr. ALLEN. I yield.

THE SCHOOL BREAKFAST PROGRAM

Mr. CASE. Mr. President, a really gratifying aspect of the school lunch amendment before the Senate today is the recognition of the school breakfast program as a genuine part of this Nation's commitment to needy schoolchildren.

Earlier this year I urged the Department of Agriculture to ascertain how many schools wanted to implement the breakfast program. Finally, after serious inadequacies in the initial study were identified, it was found that over 20,000 schools wanted the breakfast program. This measure before us will guarantee these schools will be able to participate, and I urge the Senate to adopt the committee's recommendations on the breakfast program.

The school breakfast program has proven its worth. School principals in my own State have written to me and told me the breakfast program improves the alertness of a child in the morning hours when attention by the student to classroom instruction is most important. And the principals also have reported that after implementing the breakfast program school attendance has improved, because children look forward to the morning meal and the comraderie that goes with it.

The recognition of the breakfast program as a genuine part of the child feeding effort will make unnecessary an approach some schools in New Jersey and, I am sure, elsewhere have taken in providing luncheon at an early hour to cover the absence of a good breakfast. And, I think, we will now be in a position to turn attention away from insuring participation in the breakfast program to the task of improving the content and quality of the breakfasts offered to children.

Mr. HART. Mr. President, this bill contains much which will be helpful to the Nation's impoverished children. The committee is to be commended on this. But some provisions are going to be less than helpful.

Section 3 of the bill will expand the national school breakfast program from a pilot project to a full-scale national program available to every school in the Nation. We provide the structure for this by two amendments to section 4(a) of the Child Nutrition Act of 1966. First, we remove the limitation on the amount of funds that can be expended in the program. This open-ended authorization will make certain that Congress can provide as large an appropriation as is needed to reach all the schools in the country. Second, we make clear that all schools are equally eligible for the program without regard to the relative neediness of the pupils, the distances they travel, or any other criteria. Therefore, it must be understood that we intend every school that makes application for the program to be provided immediately with the necessary funds to implement it by the Secretary of Agriculture and the school's State agency. Thus, if 1,000 schools apply for the program this September, then 1,000 schools shall have it this September. There will be no limit on the number of new schools that can institute it. That means, of course, that in addition to immediately providing funds to applying schools, the Secretary must also guarantee that each breakfast served will be supported by an adequate Federal per meal reimbursement payment which shall not be decreased during the school year by the Secretary or the various State agencies, regardless of how many new schools come into the program.

Section 4(b) reiterates the poverty priority rule which requires the Secretary to apportion school lunch funds in such a way as to aid the neediest children and the neediest schools first. Also, I want to point out that nothing in this section or any other part of this bill amends or repeals the 40-cent reimbursement rule that was incorporated into section 11 of the School Lunch Act by last October's joint resolution, Public Law 92–153; moreover, that 40-cent reimbursement rule does not expire with the ending of this fiscal year. It was a permanent amendment to the act. That rule requires that the Secretary provide Federal funds in the amount of 40 cents or the cost of providing the meal, whichever is less, to support free lunches and 40 cents or the cost of providing the meal, whichever is less, minus the highest price charged for the lunch in the case of reduced price lunches.

Section 5 places a new restriction upon the power of State agencies and local school authorities to establish free and reduced price lunch eligibility standards. Henceforth, the free lunch standards cannot exceed the Secretary's "income poverty guideline" by more than 25 percent and the reduced price standard cannot exceed it by more than 50 percent. But, this section does establish, for the first time, the unequivocal requirement that all the school children in the Nation, coming from families having incomes below the Secretary's "income poverty guideline", are to be provided free lunches only. This, therefore, eliminates the discretion that States and localities had in the past to serve free or reduced price lunches to these, the poorest of the poor. As to the new eligibility standard rule provided here, I urge all State and local officials whose eligibility standards are lower than the maximum that this bill allows immediately to exercise their full powers hereunder and raise their standards to the 25 percent and 50 percent limits. Also, it should be noted that nothing here is intended to restrict the power of local school authorities to set their own standards as high as this law will allow, without regard to what other schools in their State do, as long as they have the approval of their respective State agencies.

A MAJOR ACCOMPLISHMENT FOR THE SCHOOL BREAKFAST PROGRAM

Mr. COOK. Mr. President, I want to take this opportunity to commend the distinguished members of the Senate Agriculture Committee for their work in designing the Child Nutrition Act of 1972—H.R. 14896—which is a major accomplishment in legislation to clear up the uncertainties in the school lunch program prior to the 1972–73 school year and to make significant changes in the child nutrition programs.

I was pleased to see that some of the provisions in this bill were adopted from proposals contained in S. 3661, of which I am a cosponsor. Among the proposed provisions contained in the Child Nutrition Act of 1972, I feel that those pertaining to the school lunch program deserve special noteworthy attention.

In this bill, the breakfast program is extended for 2 years—through fiscal 1975. Last year this program faced serious problems of being discontinued in several States due to lack of funds. This problem was taken into account by authorizing in H.R. 14896 the appropriation of such sums as may be necessary to permit the program to operate in all schools which apply for the program. Beginning with fiscal year 1974, funding for this program will be based on a performance basis, which in theory will encourage participation and expansion of the program.

These provisions lend more permanency to the school breakfast program and allows the program to develop its full potential. To permit the program to operate in all schools that make application for the program is a very significant element for the growth of this major child nutrition program. The passage of this provision is of urgent concern to State school food service directors across the country since they need to make plans for this school year. Many schools nationwide have applied for the breakfast program and will not be able to participate unless this provision in H.R. 14896 is passed by Congress.

This sense of urgency for immediate congressional passage of this bill was recently expressed by the Kentucky school food service director in two letters addressed to me. These correspondences ably convey the desirability for the breakfast program in the educational process and the need for the features contained in this legislation. Since most schools begin the 1972–73 term this month and in view of the congressional recess to begin at the end of this week, I strongly urge my fellow colleagues to quickly act on the passage of H.R. 14896.

Mr. President, I ask for unanimous consent to have printed in the RECORD the text of Mr. Bevins' correspondence.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF EDUCATION,
COMMONWEALTH OF KENTUCKY,
Frankfort, July 24, 1972.

Hon. MARLOW COOK,
U.S. Senate,
Washington, D.C.

DEAR MR. COOK: School officials in Kentucky realize that the hot weather, two National conventions, and an ever increasing load of work for each of us creates a situation of delay in getting needed legislation passed. It is also realized, however, that on August 14, 1972, many schools in Kentucky will open their doors for the 1972–73 session. It is, at that time, that all school officials need to have before them the plan for conducting school food services for the year. To delay making the school food service operations available until a few months later creates an undesirable situation and one which stymies our combined efforts toward providing maximum benefits to every child in Kentucky schools.

With the above thoughts in mind, it can easily be seen that H.R. 14896 needs to become a law so that the school food service program can become a definite reality. Whatever changes need to be made should be made without too much delay so that we will at least have a plan for the coming school year, whatever that plan may be.

There are many desirable features of H.R. 14896 which should play an important role in upgrading school food services in Kentucky. The provision which provides an open-end authorization on the School Breakfast Program is a most desirable one. The attached letter from Salyersville is one example of a continuous plea received from school officials for the Breakfast Program since all school officials are beginning to realize that children without a desirable breakfast cannot receive adequate instruction during the morning hours. School officials also realize that those children who do not have a breakfast and must wait until lunch for their first complete meal of the day often find themselves in a very much relaxed condition due to the presence of the large noonday meal and cannot face their tasks during the afternoon. When both the morning hours and the afternoon hours are not as fruitful as they should be, how then can we justify continuing schools without a complete Breakfast Program for every child who comes to school without this important meal.

The increase of Section 4 rate of reimbursement from 6¢ to 8¢ would help considerably in reducing the need for increasing the daily cost of lunch to pupils. This is another important feature of H.R. 14896. The increase in the authorization for use of Nonfood Assistance Funds will help us to replace old equipment which was designed for smaller numbers, but is now doing double duty in that the number of noonday lunches have doubled to say nothing of the added load because of the Breakfast Program.

On behalf of every school child in the state of Kentucky, may we encourage prompt passage of the school food service pending legislation. It is felt that the food service program can and will go forward and play an ever increasing important role in the achievements of our children.

Thank you for your support of the school food service program in the past and your efforts in the future. These are appreciated more than you will ever know.

Sincerely yours,

C. E. BEVINS,
Director, Division of School Food Service.

JULY 14, 1972.

BREAKFAST PROGRAM,
Dept. of Education,
Frankfort, Ky.

DEAR SIRS: This year I will be principal of an elementary school of approximately 500 pupils and 40 adults, which includes teachers, aides, cooks, janitors, etc.

I have taught school for 25 years and have 4 children of my own and I feel that I know something about the breakfast needs of children and adults. I know we can have a much better school, with more alert and energetic pupils and adults, by providing a wholesome, well-balanced breakfast.

Mr. Aenett our Supt. of Schools, thinks this is an excellent idea.

The cooks would have to start earlier and I would have to pay them more and I would have a few more records to keep, but everyone's willing, to try, a breakfast program.

I know most of the families represented on Willard Hensley School, and the greater majority only have one good, hot, well-balanced meal per day, and that's lunch at our school.

Our school is scheduled to begin August 21st. I would like to know all about this program before school begins.

Thank you.

Sincerely,

ALKA MONTGOMERY.

COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF EDUCATION,
Frankfort, August 1, 1972.

Hon. MARLOW W. COOK,
U.S. Senate,
Washington, D.C.

DEAR MR. COOK: Letters such as the attached one from Floyd County, Kentucky, continue to be received. Since schools in Kentucky will be commencing the 1972-73 term very shortly, we are at a loss to know how to proceed. The situation is becoming a desperate one and the Breakfast Program need to be open-ended as identified in H.R. 14896.

Any help you can give us will be appreciated by the many boys and girls attending schools such as Allen Central High.

Sincerely,

C. E. BEVINS,
Director, Division of School Food Service.

Mr. CRANSTON. Mr. President, I am in support of H.R. 14896, the Child Nutrition Act of 1972, and I urge my colleagues to vote for it. While it does not begin to go far enough toward meeting the nutritional needs of our schoolchildren, it does contain certain provisions which, if administered in accordance with congressional intent, will be of benefit to hungry children.

Chief among these beneficial features is section 3 which establishes an open-ended authorization for the school breakfast program. It also requires the Department of Agriculture and the State educational agencies to provide immediately upon application of local school authorities all the funds necessary to institute the breakfast program. This nondiscretionary duty effectively abolishes the present USDA priority system, under which participation in the breakfast program was largely limited to those schools with the neediest children and those having large numbers of students required to travel great distances to and from school. Now, under the provisions of section 3 of H.R. 14896, priority systems are disallowed. Hereafter, every school making application shall be immediately provided with the funds necessary to institute the breakfast program.

Section 4(b) makes clear that as he apportions funds authorized by section 11 of the National School Lunch Act—the free and reduced-price lunch program—the Secretary must insure that the funds go first to the neediest children and the neediest schools as expeditiously as possible. Section 11 funds, moreover, must be paid according to the 40-cent reimbursement formula established by Public Law 92-153, last October's joint resolution. It must be borne in mind that it is only the resolution's section 32 borrowing authority which expires at the end of fiscal year 1972. The section 11 reimbursement formula was made a permanent part of the act, and it provided that every free or reduced-price lunch served would be supported by a minimum 40-cent reimbursement or the cost of the lunch, whichever is less, minus the highest reduced price charged, if any.

Section 5 of the bill circumscribes the power historically held by State agencies and local school authorities to set free and reduced price eligibility standards as high above the Secretary's "income poverty guidelines" as they choose and still receive Federal reimbursement for all the meals served. Now, although the local school authorities still have the right, with State agency approval, to establish their own eligibility criteria higher than the Secretary's "guidelines," and the State agency can set criteria for the whole State in excess of the "guidelines," neither can exceed the Secretary's free lunch standard by more than 25 percent, or the reduced price standard by more than 50 percent.

State and local school authorities should understand that it is the intent of Congress that they set their standards as high as this law would permit, for in no other way can all hungry children who cannot afford to pay the full price of their lunch have their nutritional needs met.

I am confident that this is a good bill, which merits the full support of the Senate. At some point in the near future—presumably soon after the next Congress convenes—we will have an opportunity to hold hearings on and, hopefully to pass, some more fundamental improvements in our child nutrition programs. In the meantime, H.R. 14896 merits the full support of every Senator in order that State agencies and local school districts can make the appropriate plans and arrangements for the school lunch and school breakfast programs that are scheduled to commence in September.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from South Dakota (Mr. McGOVERN).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR McGOVERN

I would like to speak in my capacity as Chairman of the Senate Select Committee on Nutrition and Human Needs for passage of H.R. 14896 and for acceptance of the several amendments that have been offered by my distinguished colleagues, Senators Humphrey and Case.

H.R. 14896 is, in my mind, an emergency measure that requires quick enactment, as amended by the Humphrey-Case proposals, if we are to avoid the sort of last minute crises that beset the lunch program at the start of the last school year.

Additionally, it is the vehicle for taking the long overdue step of making the School Breakfast Program a full-fledged member of the child nutrition arsenal in our continuing effort to put an *end*—I repeat, an *end*—to hunger in America.

By our vote for this legislation, we are making it clear that hereafter each and every school in the nation which makes application for the Breakfast Program will immediately receive from the Federal Government the funds needed to begin operations. This means that all schools wishing to have the Program need only execute an application in order to have the required funds. In the past, USDA had only allowed the Program to be started in schools having the highest concentration of needy pupils and those having the highest numbers of children who traveled long distances. By virtue of the duty section 3 imposes upon the Secretary of Agriculture, he may not now use such criteria or any other priority criteria to determine which schools get the Program. From today on, any school making an application for the Program is immediately entitled to have it.

There remains only the question of reimbursement rates for these breakfasts. Prior to the beginning of each school year, the Secretary will announce the amount of federal per meal reimburesment that will be provided to the State agencies and local school authorities for each breakfast served. In order to fully carry out our intent in this law, the Secretary must guarantee that the per meal reimbursement rate is large enough to allow the schools to actually carry on a meaningful nutritious Program. This means, of course, that the likely expansion of the Program occurring during this coming year may well require more funds than Congress contemplated during the Appropriations process. In such event, the Secretary should return to Congress and inform us of the need for a supplemental appropriation. It is to facilitate just such supplemental funding that we have made the appropriation authorization open-ended.

Four other matters in this bill need be clarified:

First, section 4(a) instructs the Secretary to apportion funds under sections 4 and 11 of the National School Lunch Act in a manner that will best enable schools to meet their obligations with respect to the service of free and reduced price lunches and meet the objectives of section 4 of the Act. This is a reaffirmation of the poverty priority in the Lunch Program which means that in apportioning funds the Secretary must see to it that the neediest children and the neediest schools are aided first.

Second, nothing in this bill repeals or amends the 40c minimum reimbursement rate formula that was contained in the Joint Resolution we passed last October, P.L. 92–153. Therefore, every free or reduced price lunch must still be supported by federal funds in the amount of a minimum of 40c or cost, whichever is less. The aggregate reimbursement may still be lessened by the revenues collected for reduced price meals served.

Third, today we are restricting the eligibility standard setting power of local authorities and State agencies by a new rule which prevents them from setting their free lunch standard more than 25% higher than the Secretary's "income poverty guideline" and their reduced price standard more than 50% higher. But, nothing here prevents a local school authority from exercising its own discretion to bring its standards right up to those limits—regardless of what the other schools in the State do—so long as it has the State agency's approval.

Fourth and finally, H.R. 14896 contains one particularly significant provision. Section 2(a) of the bill provides an open-ended authorization for Section 13, the Special Food Service Program for Children. The Special Food Service Program for Children includes the authority to provide food assistance for all those children in non-profit, non-residential, non-school settings, such as day care centers, Head Start Programs, summer recreation programs, and settlement houses where the children of working mothers gather after school. In three short years the program has grown dramatically in popularity, alongside the rapidly growing need in the critical areas it serves. There are few in the country who would not acknowledge the dramatic growth in day care in recent years, or the growing concern of the cities to respond effectively to the needs of out-of-school youngsters in the summer.

This year the President and the Congress agreed that the summer lunch programs should be fully funded. The President sent a special message to the Appropriations Committee of both Houses, requesting the additional funds. That was a praiseworthy action, and one in which the Congress was happy to concur.

But the Section 13 authority is equally important to programs that operate year-round for pre-school and other out-of-school children. There the need for additional funding has grown as rapidly as the need for expanded summer funding. The President's budget request dealt only with the summer programs. The year-round programs—in day care, Head Start, and settlement houses—would once again be frozen at the same level of spending as the year before, thus pitting 1973 food costs and needs against 1971 funding.

For the rapidly expanding public and other non-profit day care programs, this decision is a serious and very costly one. Every grocery shopper, every reader of a daily newspaper knows that food prices have continued to go up and up. During the past year reports have come in from all over the country to the Select Committee on Nutrition and Human Needs, which I chair, and to the office of Congressman Vanik of Ohio, the author of Section 13. Over and over the story is the same: food costs have risen, the number of children being served in each day care center is growing, the waiting list of centers that wish to be found eligible for Section 13 food assistance is growing. The response from the Department of Agriculture is also constant: that there are no funds available.

The Open-ended authorization in H.R. 14896 provides the opportunity that the Congress has needed to respond to the year-round needs as fully as we have now responded to the needs of our urban children in the summer. With the open-ended authorization we will be able to provide full funding for the cost of food assistance in our Head Start programs, estimated now at $30 to $35 million. We will be able to allow the natural expansion of our food assistance efforts in day care and other pre-school settings, to the $30 to $40 million already attested to from around the country. We will be able, before next summer, to provide a separate fund for feeding migrant children in the summer time. Now they tend to be left out of the programs because their "summers" (often May–June–July, or August–September–October) do not coincide with the "summer" of children who are stationary. School systems are not able to provide for the migrant children out of their budgets which cover September–June, and cities are similarly unable to provide for them out of authority that extends only from mid-June until early September. With additional funds, it would be possible to set aside the $7 million required to meet the needs of these specially needy youngsters.

The Report of the House Education and Labor Committee has used the figure of $125 million as the estimated need in the Section 13 program areas. Our own estimates would accept that as the current need in a range that might go as high as $160 million. With the open-ended authorization, and the clearly expressed interest of the Congress in the adequate financing of the many parts of the Special Food Service Program for Children, I feel confident that we may better meet the needs of our pre-school youngsters in Fiscal Year 1973 than has been possible before.

Now, I would like to address myself to the amendments offered by Senators Humphrey and Case. I regard them as essential to this legislation.

Two important provisions in those amendments deserve particular attention.

One allows the State agencies to waive the 25% matching requirement presently contained in the equipment assistance programs as to especially needy schools within their state. This will mean that a State agency will have the power to determine that a school needing to purchase cafeteria equipment is unable to match the Federal assistance money with funds of its own and should therefore be provided with 100% support for its equipment purchases from Federal funds. Having made such a determination the State agency will then transfer such 100% Federal assistance funds to the local school. This step is a major one to finishing our task of ending hunger in America's schoolrooms. Today, about 20,000 schools are without the facilities they need to operate a Lunch program. In those schools are at least 1½ million hungry children—nearly 50% of the eligible children not now being reached by either the Lunch or Breakfast programs. This problem affects particularly urban elementary schools and those schools in extremely rural areas, as well as 60% of the Nation's parochial schools. These schools, *these children* need our help now.

The other important provision is a "grandfather" amendment as to local eligibility standards for free or reduced price lunches. Since the bill's new 25%–50% formula sets a ceiling on the eligibility standards that a local school authority or a State agency can establish, many schools would, without this amendment, be required to rescind their last year's eligibility criteria and replace them with lower criteria that would comport with the new formula. That would of course mean that many thousands of children who were provided with free or reduced price lunches last year would no longer receive them. This amendment will prevent that catastrophe from happening—any local school authority having a free or reduced price eligibility standard in effect as of July 1, 1972, which is in excess of the standards to be allowed by the new formula may keep its high standards in effect and still receive Federal reimbursements to support the service of meals pursuant to such higher standards. In this way, children who were fed a meal in school last year will not be told that the federal government no longer regards them as worthy of our assistance.

Mr. President, I urge adoption of these amendments and passage of H.R. 14896.

Mr. KENNEDY. Mr. President, I am pleased to give my full support to the package of amendments to be offered by Senators HUMPHREY and CASE. These amendments authorize approximately $23 million to bolster the food assistance programs included in H.R. 14896, the National School Lunch Act amendment. Less than 2 months ago, I chaired a hearing before the Nutrition Committee concerning the failures of the Agriculture Department regarding food assistance programs. At that time, the committee was concerned that the department was more interested in meeting budgeting guidelines than in meeting the needs of hungry people.

Officials in the Agriculture Department testified that over 19 percent of the money allocated for Federal food programs was going unspent, while 43 percent of America's 26 million poor receive no Federal food assistance. The administration had chosen to withhold $700 million out of $3.681 billion that Congress approved to fund food projects.

I was appalled at that disclosure and I informed Agriculture Department officials that I would do everything possible to insure that hungry people would receive the Federal aid that the Congress had provided for their nutritional adequacy. It is gratifying therefore that the Senate is acting at this time to extend the coverage of the national school lunch program with the amendment offered by Senators HUBERT HUMPHREY and CLIFFORD CASE. And when the Congress appropriates money for the purposes delineated in this legislation the administrators of the Federal school lunch program deserve to be reminded that the Congress insists that the money appropriated for that purpose must be used to meet the needs identified by the Congress.

At the same time, it is important to emphasize that the bill before the Senate today amends section 13 of the National School Lunch Act—special food service program—to provide open ended authorization for full funding of food assistance programs in Head Start, Day Care and in other preschool projects. In addition this legislation will insure funding of food programs for children of migratory workers who have traditionally been denied the benefits of Federal food assistance projects.

The action we take here at this time marks a broader national commitment to the task of feeding hungry children. It signifies our determination to continue America's effort to feed those who have been denied adequate nutrition. The amendment succeeds in bringing into the fold many children who would otherwise have been excluded under the present school lunch program. And I am pleased to join as a cosponsor of this vital measure.

Included in this proposal by Senator HUMPHREY is the national infant feeding program, which authorizes $20 million for a 2-year pilot program to feed pregnant women and infants from low-income areas who suffer severe nutritional deficiencies because of their economic condition. The infant feeding program would compensate inadequate diets, thus combating malnutrition among expectant mothers and preschool children. Studies have shown that women who suffer from malnutrition during pregnancy, risk permanent physical and mental damage to their unborn children. Infants who fail to maintain a balanced diet can fall victim to permanent brain damage. Thus the infant feeding program is a type of preventive medicine. Physical and mental damage sustained either in the womb or in early infancy due to nutritional deficiency, can be prevented through supplemental food assistance programs.

The second amendment would prevent any child who participated in last year's free and reduced price school lunch program from being ruled ineligible in the future by reason of any newly adopted standards. At a cost of $200,000 this provision insures that rigid federally imposed standards will not be used to deny a child now receiving free or reduced price lunches from eating next year simply because participation qualifications are changed to satisfy bureaucratic requirements. This program has been designed to meet the needs of hungry people and the adoption of this feature would prevent as many as 25,000 children from being ruled ineligible to participate in the school lunch program in the future. Unless the school lunch program is responsive to those who are intended to receive services, there is no reason for the school lunch program to continue. I am firmly in support of this provision to bring under its wing some 25,000 children throughout the Nation who would otherwise have been excluded because of new Federal eligibility standards.

Current law makes it necessary for schools to contribute 25 percent of the funds needed to set up kitchen equipment for Federal school lunch programs. The third amendment would cost about $3 million to furnish 100 percent Federal assistance for those schools which have been deemed needy by State school authorities. Schools that are financially unable to match the Federal subsidy requirements must not be denied participation in the school lunch program simply because they cannot overcome such funding barriers.

Expansion of the lunch program has occurred mainly in affluent suburban communities where new schools are fully equipped with food preparation facilities. But too many students in urban and rural public and parochial schools do not receive lunches because they are in old buildings and their schools have no cooking facilities. By guaranteeing funds for equipment purchases, students in the most deprived schools can be assured of receiving decent meals.

These amendments to the school lunch bill introduced by Senators HUMPHREY and CASE will begin to make nutritional adequacy a reality for many of the hungry children in America who have been denied because of these insensitive restrictions. Not only do the amendments provide us with the tools to combat hunger in our classrooms, but they also take a substantial step in the effort to alleviate hunger among the Nation's infants.

Amidst the modern affluence of America, millions of children wake up hungry, go to school hungry and return home hungry, while surplus food storage bins in the United States overflow. Thanks to advanced sophisticated techniques, food is produced in greater quantity than ever before. Yet, food rots in our storehouses, while millions of American children starve. Major nutritional deficiencies transform an ordinarily attentive alert child into one who is lethargic, despondent and restless.

For nearly three decades, Congress has debated whether the Nation has made the commitment to feed hungry children. In 1946, Congress enacted the national school lunch program, pledging to "supply lunches without cost or at a reduced cost to all children who are determined by local authorities to be unable to pay the full price." Not until 1966, 20 years later, were funds appropriated by Congress specifically for the purpose of feeding hungry children.

Though the school lunch program has come a long way since 1946, the journey will not be completed until all of America's children are relieved of stomach cramps.

The question before the Senate today is "do we as a Nation have the commitment to feed all of our hungry children?" And if so, "how much of a commitment, in terms of dollars and cents, are we willing to make? Each year billions of dollars are extracted from our Federal budget for supersonic aircraft, space projects, and lethal defense systems, not to mention the billions of dollars expended in Vietnam for the past 10 years. Yet, we have provided only crumbs to feed our children and the administration has even been stingier with the resources Congress provides. We tighten our belts at the expense of our children. Why are our national priorities so distorted? Is the space shuttle more vital than human life? Can we in full conscience deny the needs of our Nation's children?

Mr. President—I am certain the provisions in these amendments will be an effective and helpful way to further close the hunger gap. And I urge the Senate to pass these amendments along with the overall provisions of this vital legislative measure.

Mr. WILLIAMS. Mr. President, since it was first enacted in 1946, the school lunch program has grown into one of the most important Federal initiatives affecting the health and well-being of American children. During the last school year over 25 million young people received lunches free of charge or for a token payment.

The Child Nutrition Act of 1972 (H.R. 14896), as reported by the Committee on Agriculture, is basically a sound piece of legislation. Among other things, the bill would expand the school breakfast and lunch programs, extend the nonschool food assistance programs, and increase the authorization for equipment to be used in the various feeding programs. Nevertheless, I feel that this bill contains some glaring omissions.

Many children who participated in the free and reduced-price lunch programs last year would be precluded from participation this year if the Child Nutrition Act were to pass in its current form. The bill restricts State and local eligibility standards for free and reduced-price lunches. Henceforth, such standards for free lunches could not exceed the Secretary's income poverty guideline by more than 25 percent and the standard for reduced-price lunches could not exceed the Secretary's guideline by more than 50 percent. Many urban areas, where the cost of living is particularly high, have income eligibility standards currently in effect which are above those which would be allowed under the committee version of the bill. Cities in New Jersey such as Newark, Camden, Trenton, Elizabeth, Jersey City, and Paterson, as well as many other urban areas across the country, would be adversely affected by the eligibility provisions of the committee bill. Thousands of children will be eliminated from the program nationally. For these reasons I have joined with Senators HUMPHREY and CASE in sponsoring amendments which would prevent any child who participated in the program last year from being ruled ineligible in the future by reason of the new income eligibility standards. I think it would be unconscionable to adopt any other policy.

These amendments would also add a

new section to the Child Nutrition Act authorizing a modestly funded pilot program to provide supplemental food assistance to pregnant and lactating women and to infants until they reach 4 years of age. Studies have repeatedly shown that a lack of proper nutrition in infancy often leads to the impairment of physical and mental development and may even lead to chromosomal damage. Increased Federal assistance in this area is clearly warranted.

Finally, the amendments I have cosponsored would allow specially needy schools to receive Federal funds for the purchase of equipment needed to establish lunch facilities without having to meet the 25-percent matching requirement, and the determination as to which schools are unable to meet the matching requirement would be made by the State agency which administers the program. There are at present 18,000 schools which do not provide lunch service to children. While the committee bill reserves half the funds authorized for equipment assistance for schools without food service, many schools will still be unable to take advantage of the funds if they must meet the matching fund requirements. I think a concerted effort should be made to insure that a lunch program is available to every needy child in the country.

While the cost of these amendments will be modest, their effect will be significant. If the Child Nutrition Act were to pass, and children who were fed by the school lunch program last year were denied a meal this year, it would, to my mind, be an unfortunate step backward.

As I mentioned previously, Mr. President, H.R. 14896, with the addition of our amendments, is an excellent measure. The principal benefit of this bill for the poor, hungry schoolchildren of the Nation is to be found in section 3 which creates the legal framework for a truly significant expansion of the national school breakfast program. Indeed, if the intent of Congress is carried out, we can expect that every school in the Nation making an application for the program during fiscal 1973 will be able to institute it with no delays whatsoever. The bill accomplishes this by, first, providing an unlimited authorization for appropriations and, second, by explicitly imposing upon the Department of Agriculture and the State agencies the obligation to provide immediately upon application all the funds to local school authorities that are needed to implement the program. Clearly, in order to carry out the intent of this mandate, the Secretary will have to establish and provide an adequate Federal per meal reimbursement rate to support all the breakfasts served. The Secretary then will have to provide a State with whatever apportionment it needs to bring new children and new schools into the program and still maintain this reimbursement rate for all breakfasts served.

Section 4(b) requires the Secretary to apportion funds for free and reduced-price lunches in such manner as will best enable schools to feed their children who could not otherwise afford to purchase a nutritional meal. This section's silence in regard to minimum reimbursements from section 11 of the National School Lunch Act is not to be taken to mean that the 40-cent minimum reimbursement rates provided by the formula established by Public Law 92–153 last October is in any way amended or repealed. The 40-cent minimum rate was a permanent amendment to section 11 of the act.

In the Child Nutrition Act of 1972 we have an opportunity to improve programs whose worth has been conclusively demonstrated. In the amendment which has been offered by myself and Senators HUMPHREY, CASE, and others we have an opportunity to expand these programs to include all children who are not now receiving adequate nutrition, and to insure that children who participated in the programs in the past will be allowed to continue their participation. I urge my colleagues to support the amendments and the bill.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, I shall offer an amendment and speak on the amendment. I would like to ask the chairman if he would be willing to yield me 10 minutes on the bill.

Mr. ALLEN. Yes, I am delighted to yield.

The PRESIDING OFFICER. The Senator from Alabama has only 9 minutes remaining on the bill.

Mr. ALLEN. I yield the Senator all time I have, then.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 9 minutes.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent that my amendment to the bill, amendment No. 1431, be considered en bloc.

Mr. ALLEN. Mr. President, I object and ask for a division.

Mr. HUMPHREY. Does the Senator wish to take it up item by item rather than en bloc?

The PRESIDING OFFICER. The amendment has not been stated.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HUMPHREY. May I send the amendment to the desk first, so that we may have a proper procedure?

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 10, line 25, strike out the period after "Secretary" and insert in lieu thereof a comma and the following: "except that any local school authority having income guidelines for free or reduced price lunches which exceed those allowed by this subsection may continue to use such guidelines for determining eligibility if such guidelines were established prior to July 1, 1972.".

On page 15, line 16, strike out the period after "State" and insert in lieu thereof a comma and the following: "except that such condition shall not apply with respect to funds used under this section to assist schools without food service if such schools are especially needy, as determined by the State.".

At the end of the bill add a new section as follows:

"SEC. 9. The Child Nutrition Act of 1966 is further amended by adding at the end thereof a new section as follows:

" 'SPECIAL SUPPLEMENTAL FOOD PROGRAM

" 'SEC. 17. (a) During each of the fiscal years ending June 30, 1973, and June 30, 1974, the Secretary shall make cash grants to the health department or comparable agency of each State for the purpose of providing funds to local health or welfare agencies or private nonprofit agencies of such State serving local health or welfare needs to enable such agencies to carry out a program under which supplemental foods will be made available to pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income. Such program shall be operated for a two-year period and may be carried out in any area of the United States without regard to whether a food stamp program or a direct food distribution program is in effect in such area.

" '(b) In order to carry out the program provided for under subsection (a) of this section during the fiscal year ending June 30, 1973, the Secretary shall use $20,000,000 out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1974, there is authorized to be appropriated the sum of $20,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1973, the Secretary shall use $20,000 000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and $20,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). Any funds expended from such section 32 to carry out the provisions of subsection (a) of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such subsection, and such reimbursements shall be deposited into the fund established pursuant to such section 32, to be available for the purpose of such section.

" '(c) Whenever any program is carried out by the Secretary under authority of this section through any State or local or nonprofit agency, he is authorized to pay administrative costs not to exceed 10 per centum of the Federal funds provided under the authority of this section.

" '(d) The eligibility of persons to participate in the program provided for under subsection (a) of this section shall be determined by competent professional authority. Participants shall be residents of areas served by clinics or other health facilities determined to have significant numbers of infants and pregnant and lactating women at nutritional risk.

" '(e) State or local agencies or groups carrying out any program under this section shall maintain adequate medical records on the participants assisted to enable the Secretary to determine and evaluate the benefits of the nutritional assistance provided under this section. The Secretary shall submit to the Congress no later than October 1, 1973, his recommendations regarding appropriations to be authorized for the continuation and expansion of the program provided under this section, including, but not limited to, his recommendations regarding a formula for allocating such funds among all the States of the United States.

" '(f) As used in this section—

" '(1) "Pregnant and lactating women" when used in connection with the term at "nutrition risk" includes mothers from low-income populations who demonstrate one or more of the following characteristics: known inadequate nutritional patterns, unacceptably high incidence of anemia, high prematurity rates, or inadequate patterns of growth (underweight, obesity, or stunting). Such term (when used in connection with the term "at nutritional risk") also includes low-income individuals who have a history of high-risk pregnancy as evidenced by abortion, premature birth, or severe anemia.

"'(2) "Infants" when used in connection with the term "at nutritional risk" means children under four years of age who are in low-income populations which have shown a deficient pattern of growth, by minimally acceptable standards, as reflected by an excess number of children in the lower percentiles of height and weight. Such term, when used in connection with "at nutritional risk", may also include (at the discretion of the Secretary) children under four years of age who (A) are in the parameter of nutritional anemia, or (B) are from low-income populations where nutritional studies have shown inadequate infant diets.

"'(3) "Supplemental foods" shall mean those foods containing nutrients known to be lacking in the diets of populations at nutritional risks and, in particular, those foods and food products containing high-quality protein, iron, calcium, vitamin A and vitamin C. Such terms may also include (at the discretion of the Secretary) any food product commercially formulated preparation specifically designed for infants.

"'(4) "Component professional authority" includes physicians, nutritionists, registered nurses, dieticians, or State or local medically trained health officials, or persons designated by physicians, or State or local medically trained health officials as being competent professionally to evaluate nutritional risk.'."

Mr. HUMPHREY. Mr. President, the action which we are about to undertake is eagerly awaited by school officials in every State. If Congress enacts this legislation and the President signs it before the end of August, schools will open with the school lunch program ready to operate smoothly. If we fail to act, or the President fails to support school lunch, then we will repeat the confusion and uncertainty which has marked school food service programs each fall in the past 3 years as school has opened.

I support this legislation and I want to commend the chairman of our Committee on Agriculture and Forestry, Senator TALMADGE, and Senator ALLEN, chairman of the Subcommittee on Agricultural Research and General Legislation, for their efforts and leadership along with the other members of the committee in getting this important legislation to the Senate before the start of the school year. I also want to pay tribute to the chairman of the House Committee on Education and Labor, Congressman CARL D. PERKINS and the other members of his committee for acting so promptly in completing their work and in gaining House passage of this bill.

Although I enthusiastically support this legislation, I believe the Senate can improve it even further with several amendments which I am cosponsoring with Senators CASE, AIKEN, BROCK, BAYH, WILLIAMS, MONDALE, MATHIAS, BURDICK, JAVITS, CRANSTON, PACKWOOD, GRAVEL, HART, HARRIS, EAGLETON, HOLLINGS, KENNEDY, MCGOVERN, RIBICOFF, STEVENSON, NELSON, HUGHES, PASTORE, MCGEE, MUSKIE, MCINTYRE, TAFT, BEALL, and MOSS.

The legislation before us provides a guarantee that each State will receive at least an 8-cent reimbursement from Federal funds this year on each lunch served under the national school lunch program. This is an increase of 2 cents over the 6-cent minimum which the Congress legislated last school year. This legislation does not repeat the guarantee of 40 cents reimbursement for each lunch served to needy children. The reason is, and please correct me if I am wrong, Senator TALMADGE, that the 40-cent guarantee which we legislated for free and reduced price lunch reimbursement is permanent legislation and does not need to be repeated.

The legislation also authorizes the States and local school districts to set income eligibility standards for free lunches which shall be served to needy children who are from families with income 25-percent higher than the national minimum income eligibility guideline which, for a family of four persons, is $4,110 in fiscal 1973. The eligibility standard for a reduced price lunch may be set to reach income 50 percent above the Federal minimum.

The legislation also authorizes "open-end" appropriations for the breakfast and the nonschool food service programs for children, such as summer feeding and day care. A USDA policy which had been used to deny the breakfast program to some schools has been reversed by the legislation, and now any school requesting the program may provide breakfast service to children.

I should also like, at this point, to remind the members of the Senate Appropriations Committee, and other Members of the Senate, of my floor discussion during consideration of the Agriculture Appropriations bill last month concerning adequate funding of these child nutrition programs for this fiscal year in accordance with the authorization action we are taking here today. You will recall that the distinguished Senator from Wyoming (Mr. MCGEE) asked the Senate not to increase funding for these programs over what his subcommittee had provided in that bill until the authorization bill we are now considering was enacted. You will further recall his promise that the Appropriation Committee would act promptly to provide whatever funds were needed within those authorization levels following passage of this bill.

We know the Senator from Wyoming and other members of the Appropriations Committee will keep that promise, as they have on so many other previous occasions. I bring this matter up mainly because in the bill we are considering today, open-ended authorizations are provided for the school breakfast and most of the nonschool, section 13 child feeding programs. You will recall in my amendment to the Agriculture Appropriations bill, that I asked for an additional $100 million to fund the 2-cent increase in general assistance money we will be providing to States under H.R. 14896, as well as an additional $50 million to adequately fund the nonschool child feeding programs such as Headstart, non-Headstart preschool, and summer recreation programs. At least $125 million will be required in fiscal 1973 to adequately fund these nonschool child feeding programs and I would hope that the administration would request, receive, and expand at least that amount during this fiscal year.

With respect to the breakfast program, the bill now before us makes clear that all schools desiring to conduct such programs will be funded. Given the authority Congress provided in Public Law 32-92, I believe the Secretary has sufficient authority to transfer from section 32 whatever funds he needs over and above the $18.5 million already appropriated for that particular program this fiscal year.

The provisions contained in the committee bill we are considering today are very smiliar to those contained in the legislation as originally passed by the House last month. The committee added several provisions which, unfortunately, were never discussed on the basis of testimony since witnesses in hearings were informed that the committee would take up these issues at a later date.

One of the new committee amendments would abolish the method used since 1946 to apportion school lunch funds for general assistance. Until now, each State is allocated funds on the basis of a formula which gives special consideration to States which are poor and which serve more lunches. The "assistance-need" rate rewards those States which are doing a good job and which need more help. Overall, about 14 States would receive proportionately more assistance than others. Most are in the South and others in the Midwest.

The legislation proposes to replace this formula with a flat national average assistance payment. All States would be treated the same under general assistance. The special assistance provided for needy children has, theoretically, eliminated the need for a weighted formula elsewhere.

The USDA has been pushing aggressively for this new reimbursement procedures, arguing that it would enable the Department to more efficiently administer the program. Maybe it will, but frankly I am not certain of that, and I do not believe the other members of the committee or the Senate can be either. I had hoped that this new formula, along with the other provisions of the President's Child Nutrition bill, would receive thorough study and scrutiny later this year or early next year, when, hopefully, the Congress will undertake a comprehensive review of all our child nutrition and child feeding programs with the objective of overhauling and streamlining the legislation under which they now operate.

These programs have grown tremendously since 1946 and today we find that we have a patchwork of programs instead of one comprehensive national child nutrition program. I have a proposal pending to accomplish this objective; namely, my Universal Child Nutrition and Nutrition Education Act. Senators PERCY, MCGOVERN, HART, CASE and others have similar proposals pending that also tend to move in the direction of completely overhauling these programs. I hope we have an opportunity within this next year to get at this work before we are again faced with performing another patchjob just before a school year begins.

I wish to make clear that I am reserving judgment on this new so-called performance funding formula. The performance funding provisions contained in this bill as they relate to section 4 and breakfast program funding in fiscal 1974 were added in our full committee mark-up without benefit of previous committee study or hearings.

I hope that our committee will carefully study these provisions as well as any further extension of this new concept to section 11 programs before the beginning of fiscal year 1974. Although this new concept appears to be an improvement over existing formula funding concepts, many of us have not had an opportunity to give this matter the careful study it deserves. If we have learned anything this past year in our experiences with the administration, we know that we must examine any proposals made by it in this particular program area most carefully.

The budgetary politics that the administration continues to play with these programs is what I characterize as substituting "cold promises for hot lunches." I wish they would stop playing this kind of politics with these programs so we can continue our progress to put an end to hunger and malnutrition in this country.

A second amendment proposed by the committee would reserve half of any funds appropriated by the Congress for assisting schools to obtain equipment and facilities for use by schools which do not now provide lunch service. This is a commendable and constructive proposal. Some 18,000 schools are in this position, of which at least 4,400 could likely be classified as especially needy, financially.

The amendment would insure that any school not now providing lunch service would receive first preference. Most of these are either parochial schools or public schools serving low-income areas, and they qualify by any reasonable interpretation as especially needy schools. Unfortunately, since the law requires these schools to match 25 percent of the Federal equipment funds, the economic condition of the school or district precludes its use of the equipment money. Senator CASE and the other cosponsors of the amendment package we are submitting are proposing that the matching requirement be dropped for these more needy schools altogether.

Although the committee bill, in addition to reserving half of the funds authorized for this particular program, also would permit States to pool individual school requests for these funds in applying to USDA for such assistance, the especially needy schools within this group still would likely find it difficult to gain access to these funds through such a mechanism.

If the purpose of the committee amendment is to assist schools to serve meals to children, then we should eliminate the fiscal barrier rather than reduce it to an obstruction. Our amendment would eliminate the obstruction as it relates to especially needy schools as determined by the State agency administering the program.

I want to indicate specifically that the State educational agency that administers this program, would have to make that determination within the State, so that there would be considerable pressure on that agency to be very careful in identifying schools that could not provide 25 percent matching.

Adoption of our amendment would mean that States, in pooling and submitting their requests for such assistance, would not have to provide 25 percent in matching funds for that portion of their statewide request which would be applied to especially needy schools as determined by the State agency. Furthermore, adoption of this amendment would not result in any additional authorized appropriations for this program under the bill. It would merely mean that a small portion of the funds now authorized would not require matching, which likely would involve only $2 or $3 million out of the total sum of money authorized under the bill.

A second amendment in our packet would include within the eligibility provisions a grandfather clause which authorizes schools that operated last year under standards higher than those in the legislation may continue operating under them.

As few as 25,000 children would be sheltered under this provision, which simply says that a school which operated under the law to help children obtain a more adequate diet should not be penalized now because of the new maximum income eligibility levels we are establishing with this bill. The estimated cost of protecting these children from being dropped from the free or reduced-price lunch program is about $200,000 a year. I should also like to point out that given any modest rise in inflation in the future, these children will soon be brought in under the maximum levels now provided in this bill.

The third amendment in our package would authorize a 2-year pilot program for supplementing the diets of infants and pregnant and lactating women.

The campaign to abolish hunger in America is now almost 6 years old. We have improved the school lunch program, and we have started a school breakfast program. The food stamp program has grown 10 times over, and earlier this year we authorized a food service program for the elderly. We have acted to improve the nutritional welfare of every group with the voice and ability to speak for its interests, and we have continued to ignore the one group which cannot speak—and which is the most vulnerable to malnutrition.

An infant from 6 months prior to birth and 6 months after birth can be permanently retarded both physically and mentally. We have done little to assist this group which is at greatest risk, except that the research completed over the past 6 years demonstrates the terrible price in physical health and mental competence which some Americans are being forced to pay because of mal- or sub-nutrition.

Please read the news article taken from the Memphis Commercial Appeal which is attached to the letter on your desks from Senator CASE and myself. It tells the story of Lucy, a young infant in her earliest months of life who lost her race against malnutrition. It tells of her battle to avoid the crippling effects that malnutrition brought to her, some of which she will carry with her for the rest of her life.

Now let us look at the before and after photographs of Lucy and another child which I have brought into this Chamber for you to see. If you feel they are too harsh and visible a symbol of the reality of malnutrition, think of what could have been, of what should have been done to help these children.

I, and the Senators cosponsoring the package of amendments, are proposing that we begin to attack this problem by funding a number of projects, some already supported in a limited way from private funds, to gain national experience in reducing nutritional risk among infants in low-income families in poor neighborhoods.

The data which we have accumulated in recent years as to the physical and mental consequences of malnutrition among infants has come through programs operated in hospitals, neighborhood clinics, and similar well-baby programs. The infant and mother receive health care as well as nutritional supplements. Mothers also can participate in nutrition education programs. The projects which would be established under the amendment which I and my cosponsors are proposing would also operate in the same way and under similar conditions. This program would be available to both rural and urban areas.

The program is geared to serve individuals, both infants and mothers, in clinics in low-income areas, rural as well as urban, which provide medical services to low-income families.

An estimated 400,000 infants and children up to age 4 who otherwise could suffer from physical and mental retardation from malnutrition such as we have seen with Lucy could be helped each year under this program. Officials at St. Jude's Hospital in Memphis report that the cost of providing this type of care to mothers and infants is running about $40 per child for 6 months, and that includes the cost of the vitamin enriched formula, its distribution and administrative costs.

The amendment we are offering would authorize $20 million for each of the fiscal years 1973 and 1974, with the first year funding being drawn out of section 32 funds which are to be reimbursed through supplemental appropriations.

I believe it is time now to take the action which can end the tragic cost of mal- and sub-nutrition among the young. Medical research has established clearly that nutritional deficiencies can reduce the physical and mental potential of an individual, especially when it occurs during the later months of pregnancy and the first 6 to 12 months following birth.

When the evidence is clear, and when specific foods—such as infant formula—

are available to be prescribed, and the only thing lacking is the ability to deliver the food, then Congress should step in and correct the situation. And I do not think it is asking too much for it to do so in this case.

Therefore, I urge the Senate to support the amendments we propose to the committee bill on child nutrition, and to endorse the amended bill overwhelmingly.

I ask unanimous consent that an analysis of the proposed amendment for special supplemental food program be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL FOOD FOR INFANTS AND MOTHERS

The proposed amendment would differ from the current program being operated by the Food and Nutrition Service in these major aspects:

1. It would be in addition to the USDA supplemental program, now limited to a certain number of surplus food commodities.

2. It would provide infant formula, in the main, and would be selective because of this emphasis.

3. It would operate in conjunction with clinics and other health service facilities available to the community.

4. Eligibility would be determined by competent professional authority. Individual eligibility based on income would not be used. Residents of low-income areas where pregnant and lactating women and children up to age 4 are shown to be at nutritional risk would be eligible for the program.

5. Grants to states or local communities would be made through state health agencies.

The following statement explains in greater detail the operating concepts which would guide the USDA in carrying out the program through regulations, instructions and guidelines.

I. PURPOSE

The purpose is to improve the nutritional status and upgrade the health of the target population, namely infants and young children (up to the age of 4 years) and pregnant and lactating women. It is not to establish a program simply to encourage more food consumption.

The Program is to be in addition to any current USDA efforts in behalf of this target population; that is in addition to commodity distribution and Food Stamp Programs and shall operate in conjunction with either.

This program shall be used for cash grants to states and communities, and not converted into commodities by USDA. Any commodities would be provided in addition to funds authorized. Current USDA supplemental food programs may be expanded, however, under this Section to provide to the target population supplementary foods as hereinafter defined.

II. DEFINITIONS

Nutritional Risk.—Pregnant and lactating women at nutritional risk would include mothers from low income populations which demonstrate one or several of the following characteristics; known inadequate nutritional patterns, unacceptably high incidence of anemia, high prematurity rates, or inadequate patterns of growth (underweight, obesity, or stunting). Low income individuals with evidence of previous high risk pregnancy as evidenced by abortion, premature birth, or servere anemia would also be included.

Infants or young children (under 4 years) at nutritional risk would include those in low income population which have shown a deficient pattern of growth, by minimally acceptable standards, as reflected by an excess number of children in the lower percentiles of height and weight. In addition, the parameter of nutritional anemia may be used to designate infants at risk, such as to include those with hematocrits of 33.9 percent or below. Low income infants from populations where nutritional studies have shown inadequate infant diets should also be included.

Supplemental Foods—For purposes of this legislation this shall mean those foods containing nutrients known to be lacking in the diets of populations at nutritional risks: in particular high quality protein, iron, calcium, Vitamin A and Vitamin C.

III. SUGGESTED PROCEDURES

A. For an initial period of two years, until more funds are available, programs funded under this Section should be treated as pilot programs. Therefore there shall be no effort to allocate funds to states on a formula basis.

1. At least two statewide programs, in addition to smaller local programs, should be established in states with both urban and rural populations; such states not being so large as to consume all the funds appropriated, nor so small as to preclude the transferability of conclusions from such projects to other states and localities.

2. These programs should include an evaluative component, for which administrative costs shall be paid, so that the impact of the program on the health of the target population may be recorded and the cost efficiency of various distribution methods may be analyzed.

3. Methods of distribution to be evaluated should include but not be restricted to the following: direct distribution of supplemental foods through health or welfare agencies, who would purchase product(s) on bid; and coupon distribution programs (coupons being specific for supplemental foods as herein defined) permitting purchase of said supplemental foods at normal retail outlets.

4. There may be Nutrition Education component, and the costs, paid by the Department, shall be in addition to the 10% administrative costs provision.

5. Priority for state programs should be given to areas which have demonstrated a competence in operating such programs and a willingness and ability to expand the program statewide.

6. Priority should also be given to programs involving easily monitored supplemental foods specific for the target populations and supplying nutrients known to be deficient in diets of persons at nutritional risk.

B. The intent of this Amendment is to authorize this new nutrition program for pregnant and lactating women; infants and young children on a permanent basis. Funds appropriated under this Section shall be used in fiscal 1973 and the Department shall make a request for additional funds for fiscal 1974 in order to continue, on an annualized basis, initially funded programs. Thereafter, the USDA shall recommend a funding level to the Congress and suggest a reasonable method of apportioning funds equitably among the states.

C. Grants to a state or local health or welfare agency, or private non-profit agency serving health or welfare needs shall imply a commitment to continue funding for at least a three year period; however, grants from present appropriations shall be for expenditures within this fiscal year only.

D. Up to 10% of the grant to each state or local agency may be for administrative costs. The fact that this was inserted, underscores the point that administrative costs are to be paid, with discretion, but this provision is not to be used to deny programs to communities. It is the intent of this legislation that programs established under this Section be wholly funded by USDA. No state or local funds are required.

IV. ELIGIBILITY

In view of the pilot nature of these programs, eligibility shall be determined as simply as possible with a minimum of administrative cost, hence eligibility is primarily to be on a "nutritional need" basis as determined by competent professional authority.

Eligibility is to be a professional determination not an administrative function. The intention is for group service to populations of infants, and women at nutritional risk. When programs are evaluated for administrative purposes, auditors should evaluate eligibility only to the extent it has been determined on a group basis.

A. That participants are residents of low income areas likely to be a nutritional risk: Examples: Areas defined as low income under ESEA legislation or Model Cities Areas.

B. That participants are served by other health and welfare programs likely to meet the needs of populations at nutritional risk: free school lunch program, Food Stamp program, prenatal and well baby/child clinics, Public Assistance Recipients.

C. Participants are persons who are members of populations likely to be potentially eligible if not recipients of this kind of service: Migrants, Drug Abusers or their children.

D. Nothing in the above shall be interpreted as to exclude individuals within the target population determined by competent professional authority to be at nutritional risk and unable to purchase necessary foods.

This amendment authorizes a comprehensive program to reach the one group which most needs nutritional aid and is least likely to be served by present child nutrition legislation: infants and young children at nutritional risks who can be impaired physically and mentally by malnutrition before birth or in their early crucial formative years. It is a logical and essential addition and foundation to present Child Nutrition Programs which reach children in day care centers and schools.

Regulations, instructions, guides and other administrative devices should facilitate the development of programs to provide supplemental foods to the target population and not inhibit or retard the development of such programs.

Mr. HART. Mr. President, these amendments will establish two important safeguards for children participating in the national school lunch program. The first amendment applies to the limit being set by this bill and the power the States and the local school authorities presently have to establish free and reduced price eligibility standards as far above the Secretary's income eligibility guidelines as they see fit. The bill provides a ceiling on these State and local standards which will operate to prevent any school from subsequently increasing its standards to any point above that allowed by the formula. What this amendment does is make clear that no school will have to roll back its existing standards to conform to the ceiling as long as such standards were in effect prior to July 1, 1972. And, of course, all such schools which come under this amendment's protection will continue to receive Federal reimbursements for all the free and reduced price lunches they serve even if those meals are served to children from families having income above that allowed by the new 25–50 percent formula—provided only that such meals are served pursuant to eligibility guidelines that the school had in force prior to July 1, 1972.

The amendment's other protection for

the lunch program is the power created in the State agencies to provide 100 percent Federal reimbursement to especially needy schools in their State for equipment purchases. This amendment will, thus, allow the State agency to decide which of its schools are unable to meet the existing rule that they match every three Federal equipment assistance dollars with one of their own. Having made such a finding, the State agency will then forward 100-percent Federal reimbursement to such schools for all of their equipment needs. The State agencies will exercise this power free of Federal regulation just as they do under present law when deciding which schools are so needy as to require 60 cents Federal reimbursements for their free lunches instead of 40 cents Federal reimbursements. I urge the adoption of the amendments.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that this amendment, which consists of three parts, be considered en bloc.

Mr. ALLEN. Mr. President, reserving the right to object, as I understand it, the amendment the Senator has offered is three separate amendments incorporated in one draft, which he calls a bloc amendment. Actually they are on widely ranging points, one having to do with the grandfather clause freezing in certain eligibility, another having to do with a 25-percent contribution by local governments, and the other being an entirely new program the Senator wishes to set up. There might be some Senators who might see merit in one proposal but who would not see merit in another proposal, while it is going to the position of many Senators that there is no merit in any one proposal. For that reason I ask for a division.

The PRESIDING OFFICER. There is objection.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, as a matter of clarifying the situation, I think I should inform the distinguished Senator from Minnesota and the distinguished manager of the bill that I expect to offer an amendment to the amendment of the Senator from Minnesota and that my amendment deals with each part of the Senator's amendment.

I do not care to take time to argue it right now, but I thought it might clarify the situation for the Senator to know what to anticipate.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. CURTIS. Under the unanimous consent agreement under which we are operating, how much time will there be on an amendment, and how much on an amendment to an amendment?

The PRESIDING OFFICER. There are 40 minutes on each amendment, and 30 minutes on any motion, appeal, or amendment to an amendment.

Mr. CURTIS. A further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Suppose a multiple amendment is offered with three parts, and a division is requested. What is the time limitation there, on each part of the amendment?

The PRESIDING OFFICER (Mr. HUGHES). The Parliamentarian informs the Chair that if the amendment is submitted in multiple form and debate is participated in, and then a division is requested, it would still receive only the time of one amendment.

Mr. CURTIS. If it is offered as three, they will each be recognized as an amendment under the agreement?

The PRESIDING OFFICER. The Parliamentarian advises the Chair that each amendment would have to be offered individually to be entitled to separate consideration.

Mr. HUMPHREY. Mr. President, if that is the case, then it would be rather foolish to offer an amendment en bloc, if it is not to be considered en bloc. Therefore, I will take the amendments up separately, in separate parts, and therefore be eligible for 20 minutes on each amendment. Would that not be the effect?

The PRESIDING OFFICER. There is a total of 40 minutes on each full amendment, so the Senator from Minnesota would be entitled to 20 minutes under his control on each amendment. The clerk will state the first amendment.

Mr. HUMPHREY. Mr. President, the first amendment will start on page 2, line 1, running through line 7.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 10, line 25, strike out the period after "Secretary" and insert in lieu thereof a comma and the following: "except that any local school authorities having income guidelines for free or reduced price lunches which exceed those allowed by this subsection may continue to use such guidelines for determining eligibility if such guidelines were established prior to July 1, 1972.".

Mr. HUMPHREY. Mr. President, this amendment can be, for purposes of our discussion, called the "grandfather clause." What it says, in substance, is simply that the new rules or guidelines that are incorporated in the bill before us, H.R. 14896, shall in no way affect those States which have standards or guidelines above those in the present proposed legislation.

This affects a very small number of students or young people, and a very few States. As I recollect, as few as 25,000 children would be sheltered under this provision, which simply says that a school is obligated under the law to help children obtain a more adequate diet, and should not be penalized now because new maximum income eligibility levels are established by this bill.

The estimated cost of protecting these children from being dropped from the free or reduced rate lunch program is about $200,000 a year.

I should like to point out that, given even a modest inflationary rise in the future, these children would soon be brought in under the maximum levels now provided in this bill. So what we have here is a provision which is quite common in legislation that we take care of in this body, namely, that where there has been an operative program under other standards, the new standards which are brought in do not supersede those to the disadvantage of the recipients.

It is my judgment that this amendment, which really affects only the States of Virginia, New York and the State of New Jersey and I believe maybe one or two others, ought to be adopted.

Mr. President, I ask unanimous consent that the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I thank the Senator. I shall not impinge upon his brief time, but I would like to emphasize what he has stated, that for States like New Jersey, and in addition, Maryland, and I believe, California, is another, this would have a catastrophic effect, and that the importance of the grandfather clause to us is beyond expression, really.

I ask unanimous consent that an explanation of this amendment in respect to its application particularly to my State, and to a number of towns within it, including Camden, Paterson, Hoboken, Elizabeth, New Brunswick, Passaic, and the Oranges, as well as Newark, be printed in the RECORD at this point.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

THE GRANDFATHER CLAUSE

The grandfather clause will insure that all children now participating in the school lunch program will be able to continue to do so. It will accomplish this goal by allowing the states to retain their existing eligibility standards for free and reduced price lunches if these standards are higher than the proposed national standard. It will insure that the President's commitment to provide a school lunch to every needy child is carried out.

The need for a "grandfather" clause in the school lunch program is not new. Customarily, the states have set their own income poverty guidelines and were allowed to do so by the Department of Agriculture. I have no quarrel with the Department of Agriculture's plan to have a flexible national income poverty guideline, but I do think the flexibility standard must recognize the special circumstances of urban areas.

In New Jersey and in California, for example, both states permit certain cities with unusually high living costs to set a somewhat higher eligibility standard. In New Jersey this would include the cities of Camden, Paterson, Hoboken, Elizabeth, New Brunswick, Passaic and Orange, as well as Newark for reduced price lunches. In California this includes the city of San Francisco. There are also cities in Virginia, New York, and other states. In New Jersey the standard has been set at $500 higher than the state-wide standard.

Everyone is well aware how food prices have increased this year. It is a topic that is on the front pages of newspapers almost every day. But not everyone is aware how severe other increases in the cost of living have been in selected areas. These increases only cause a small ripple in national statistics.

In New Jersey one of the great problems

facing half the population is the outrageous increase in apartment rentals in the last two years. Apartment rents have legally increased as much as fifty percent under the Economic Stabilization program, and in 1970 similar increases were reported.

This is a severe problem because so many people in New Jersey are rent payers. Over seventy percent of the population of Hudson County are rent payers; Essex county has almost sixty percent rent payers and Passaic County is almost fifty percent rent payers.

The people of New Jersey have been dealt a number of set-backs in trying to keep ahead in the last few years. Indeed, it will be most unfortunate if the children who can now take advantage of the free and reduced lunch program are cut out of the program.

The estimates of the number of children affected by this amendment vary. I am told by school food program administrators that as many as 25,000 children will be cut from the program. However, I was advised by the staff of the Agriculture and Forestry Committee the number of children involved is only 5,000. In either case, we are not talking about a great number considering the scope of the school lunch program. The cost for 25,000 children is only $200,000. I urge the adoption of the grandfather clause without a time limit restriction.

I am advised there may be an effort to amend my amendment to limit the grandfather clause to one year. I do not believe this is necessary since we may, next year, want to broaden the eligibility criteria if the cost of living continues to increase. Moreover, once we make a commitment to children, as we have done in the past, I believe we should keep the commitment.

Mr. CASE. I thank my colleague, and I am happy indeed to be a cosponsor with him of this amendment and his other amendments.

Mr. HUMPHREY. I thank the Senator from New Jersey.

To simplify it, Mr. President, this amendment would include within the eligibility provisions of the bill before us a grandfather clause which authorizes schools that operated last year under standards higher than those in this legislation to continue operating under those standards.

I repeat, it is a modest request, but it would be very difficult for the school authorities in the areas that have been alluded to now to have to come back and cut out those students from the school lunch program. I think it would precipitate a kind of difficulty in the school systems which we ought not to force upon them by any kind of congressional action.

This is not a sum of money that will seriously impinge upon the treasury, or cause our budget to be out of balance. It is a responsible, reasonable, limited sum of money that affects a reasonable number of children, some 25,000 throughout the Nation, but those 25,000 children are in need. The school authorities in the respective communities and States have identified them as being in need; and to change the eligibility standards now for those children, I think, might very well provoke a major problem in the school systems that would be affected by the new standards in the bill.

I would hope that the manager of the bill, my distinguished friend from Alabama (Mr. ALLEN), who has done such an admirable job on this legislation—and I want to compliment him on his diligence and his very effective leadership—would see fit to accept this amendment. It is a modest amendment, and it is one which could be cleared up in conference if there is any difficulty with it. However, I am happy to say it is my judgment that the other body would look with favor upon it.

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I yield myself such time as I may require.

I appreciate very much the kind remarks of my good friend the distinguished Senator from Minnesota (Mr. HUMPHREY), and certainly I commend him for his dedication, for the leadership that he has given to the area of child nutrition programs, and for all his humanitarian programs with reference to social problems. But I feel that I must, in fairness to the remaining systems within the Nation, oppose setting up a little empire here that, from now on, would have different rules with regard to eligibility for participating in the school lunch programs from the remainder of the entire Nation.

Mr. President, I urge the rejection of the pending amendment, for it is an amendment designed to perpetuate inequities rather than to bring uniformity and commonsense to the school lunch program.

This amendment, which would establish a so-called grandfather clause for those few cities which have established unreasonably high eligibility levels for free or reduced price lunches, would give preferential treatment to those administrators who have taken advantage of a weakness in the law to get all the Federal dollars they could. At the same time, it would penalize the vast majority of school lunch authorities around the Nation, whose administrators have been prudent in establishing an eligibility level for free and reduced price lunches and still assure that the truly needy children would be taken care of. Some school lunch administrators would prefer that all children in their schools, whether needy or not, be served free or reduced price lunches. It is a matter of simpler administration. During the past school year schools received a reimbursement rate of 6 cents per meal for the regular paying lunches plus 7 cents worth of donated commodities, for a total of 13 cents. At the same time schools received this 13 cents plus another 40 cents for reimbursement of free lunches.

If a school could succeed in qualifying all or nearly all of its student body for free lunches, it would relieve itself of a lot of administrative redtape and the difficulty of differentiating between the children who must pay for lunches and those who receive them at reduced prices or at no cost.

The committee adopted what it felt was an extremely fair position in regard to the eligibility levels for free and reduced-price lunches. Although the administration had argued that eligibility standards for free lunches should be set at no more than 115 percent of the income poverty guideline and that the eligibility standards for reduced-price lunches be set at not more than 130 percent of the income poverty guideline, the committee accepted the provisions of the House bill. Under H.R. 14896, free lunches must be served to children from families with income within guidelines fixed by the State at not less than 100 percent and not more than 125 percent of the income poverty guideline. If reduced-price lunches are served, they would have to be served to every child within guidelines fixed by the State educational agency at not more than 150 percent of the applicable family size poverty guideline.

The committee considered the adoption of a grandfather clause. However, the committee felt that its adoption of the maximum levels of 125 percent for free lunches and 150 percent of the income poverty guideline for reduced-price lunches made it unnecessary to adopt a grandfather clause. Indeed, the author of the pending amendment proposed a grandfather clause amendment in the committee markup, but he withdrew it when the committee adopted the 125- to 150-percent standard. I cannot understand why this matter should now be before the Senate.

Mr. President, I think we should make two points clear:

First, only a small number of schoolchildren who presently receive free or reduced-price lunches would be declared ineligible under the standards set by H.R. 14896.

Second, these children are from families with income levels up to $13,440, well above the income poverty guideline.

In no State is there a statewide eligibility standard that is above the eligibility guidelines of H.R. 14896, 125 to 150 percent. Only a few selected cities in a few States have exceeded this guideline.

I have seen all kinds of figures in the press about the number of children who would be "cut off" from receiving free or reduced-price lunches under the committee's bill. Apparently these figures are nothing more than the enthusiastic guesses of public relations men. According to the figures supplied by the U.S. Department of Agriculture, fewer than 22,000 children would be affected at all by the imposition of the standards of H.R. 14896. Of this amount, 19,000 children would go from free to reduced-price lunches and only 3,000 children would be eligible neither for a free or a reduced-price lunch.

Mr. President, the issue of a grandfather clause was considered thoroughly by the Committee on Agriculture and Forestry. This amendment was rejected in the committee for good and sufficient reasons. I can see no cause for the Senate to approve this amendment, which is designed to perpetuate inequities rather than to create equity and uniformity.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a list of the systems involved—systems that would continue to use the eligibility requirements that they put in that were above the requirements set by all other systems in the country, and that was above the 125 percent for free lunches and the 150 percent above the guideline for reduced price lunches.

As I stated in my opening remarks, one

of the systems here has eligibility for free lunch set for families making as much as $13,440; whereas, systems throughout the country would cut off that eligibility at $5,137.50. Why should one system have its children getting free lunches when the families make up to $13,440 and it is cut off for everybody else at $5,137.50?

It is not right to say that there are six systems in New Jersey where they do not pay any attention to the Federal guidelines, but everybody else does, and they go by the guidelines they set prior to the time a limit was put. The bill as passed by the House would set it at 150 percent of the poverty guideline, which is $6,165. They could get reduced price lunches. But the Senator's amendment would freeze it in for all time.

I understand that the distinguished Senator from Nebraska is going to offer an amendment to limit the duration of the grandfather clause—I say to the distinguished Senator from Minnesota—to 1 year. In other words, it would serve notice that at the end of the present year, the grandfather clause would end. They would come under the other system.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Alabama?

There being no objection, the table was ordered to be printed in the Record, as follows:

FISCAL YEAR 1972 ELIGIBILITY STANDARDS FOR FREE AND REDUCED PRICE LUNCHES IN SELECTED CITIES WHICH ARE HIGHER THAN FISCAL YEAR 1973 ELIGIBILITY STANDARDS PROPOSED IN ADMINISTRATION BILL

City	Free lunch standard		Reduced price lunch standard	
	Amount	Percent of 1973 poverty guideline	Amount	Percent of 1973 poverty guideline
Alaska:				
Nome	$13,440	270		
New Jersey:				
Camden	6,000	146		
Elizabeth	6,000	146		
Jersey City	5,500	134		
Newark	5,400	131	$7,500	182
Paterson	5,400	131		
Trenton	5,500	134		
New York:				
Rochester	5,500	134		
Oregon:				
Portland	5,375	131		
Pennsylvania:				
Philadelphia			6,500	158
Pittsburgh			7,000	170
Virginia:				
Arlington			6,640	162

Mr. CASE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. CASE. Assuming that the amendment is offered by the Senator from Nebraska—as I am sure it will be—would the Senator from Alabama think that if Senator Humphrey's amendment is so amended, to limit its effect to 1 year, it might then be acceptable to the committee?

Mr. ALLEN. Yes. It is the judgment of the Senator from Alabama that if this grandfather clause is not frozen in for all time and is limited to the upcoming school year only, the year starting in September, so that they would have noticed that at the end of this year they would have to comply with the same rule that everybody else has and that there would be no abrupt denial of the benefits they had during the last school year, I would recommend that the amendment be accepted, as so modified.

Mr. CASE. The Senator from New Jersey appreciates that. It is typical of the Senator from Alabama's compassion and understanding of the problems of municipalities, including those in our State, which are very severe, particularly in the high-cost areas.

I wonder whether the Senator from Minnesota might express a view on this question.

Mr. HUMPHREY. Mr. President, I express my appreciation to the Senator from Alabama and the Senator from New Jersey.

I think the suggestion of the Senator from Alabama is sensible and practical. It gives some time to turn around, so that the new eligibility standard is not too abrupt in its application.

I should like to modify my amendment, if the Senator from Alabama would be in accord on it, so that the language would read as follows:

> Except that any local school authority having income guidelines for free or reduced price lunches which exceed those allowed by this subsection may continue to use such guidelines for determining eligibility (for one more year) if such guidelines were established prior to July 1, 1972.

Mr. ALLEN. That would be fine with the Senator from Alabama.

I wonder whether it would be the better policy, however, to allow the distinguished Senator from Nebraska to offer this as an amendment to the amendment of the Senator from Minnesota and for the Senator from Minnesota to accept that.

Mr. HUMPHREY. I would be pleased. Is this one of the amendments the Senator from Nebraska has in mind?

Mr. CURTIS. It is.

Mr. HUMPHREY. Would the Senator make his modification, then?

Mr. ALLEN. I would suggest that we yield back our time on the pending amendment, so that the amendment of the distinguished Senator from Nebraska would then be in order. Then we could approve that by a voice vote and then approve the amendment of the Senator from Minnesota, as amended by the amendment of the Senator from Nebraska, also by a voice vote.

Mr. HUMPHREY. That is agreeable.

I yield back the remainder of my time. Does the Senator from Alabama yield back his time?

Mr. ALLEN. I yield back the remainder of my time, with that understanding.

The PRESIDING OFFICER. All time on the amendment of the Senator from Minnesota has been yielded back.

Mr. CURTIS. Mr. President, I send to the desk an amendment to the amendment of the Senator from Minnesota.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 2, line 6, of amendment No. 1431, after the word "eligibility" insert the following: "until July 1, 1973."

Mr. CURTIS. Mr. President, I shall be very brief.

The recommendation of the administration and the act of the subcommittee provided that if a family's income did not exceed 115 percent of the poverty level, the children would be eligible for free school lunch; and if it did not exceed 130 percent of the poverty level, they would be eligible for a reduced price school lunch. The full committee raised those figures to 125 percent and 150 percent, respectively.

In spite of that increase, we find that these guidelines are exceeded in two States and 13 cities.

The purpose of the amendment offered by the distinguished Senator from Minnesota is to grandfather in the schools whose guidelines exceed this amount, without time limitation. I doubt that they should be grandfathered in at all. On the other hand, I realize that we are ready to start a school year and that there will be inconvenience and an element of unfairness in it. Therefore, I am willing to see a grandfather clause go in if it is limited to a year; and in the meantime, this matter might be explored further.

Mr. President, I reserve the remainder of my time.

Mr. HUMPHREY. Mr. President, I feel that this is a good modification. I hope we can have a vote on the amendment of the Senator from Nebraska, and then we can vote on the entire amendment.

Mr. CURTIS. I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the time on behalf of the chairman.

The PRESIDING OFFICER. All time on the amendment of the Senator from Nebraska has been yielded back.

The question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the Senator from Minnesota.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment of the Senator from Minnesota, as amended.

The amendment, as amended, was agreed to.

Mr. HUMPHREY. I thank the Senator from Alabama and the Senator from Nebraska for their helpful consideration.

Mr. President, I call up the second amendment, on line 8 through line 13.

The PRESIDING OFFICER (Mr. Hansen). The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 15, line 16, strike out the period after "State" and insert in lieu thereof a comma and the following: "except that such condition shall not apply with respect to funds used under this section to assist schools without food service if such schools are especially needy, as determined by the State.".

Mr. HUMPHREY. Mr. President, I will take just a few moments on this amendment, and I ask unanimous consent that the Senator from New Mexico (Mr. Montoya) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I would hope that the manager of the bill would see fit to take this amendment to conference, and talk it over in the conference with Members of the other body. I think it would be helpful particularly in the rural areas, where a number of schools find it almost impossible to meet their matching funds requirements under this program. I have discussed this amendment with Senators and Members of the other body and they say that many rural areas in America are in great need of this kind of relaxation of the matching requirement.

I repeat, this is not something just to dip into the funds for each State which the State has to apportion out by the State agency. The State agency in this instance would have to determine which schools are in need. It would be a decision made at that level.

Mr. CASE. Mr. President, I support the Senator from Minnesota in his amendment, of which I am cosponsor. It is an excellent amendment. I hope, with him, that it will be possible for the manager of the bill to accept it and take it to conference.

Mr. President, at the present time, over 18,000 schools still do not provide lunch service to children. Many of these schools are located in older sections of cities, some are parochial schools. Others are in rural areas.

The school lunch amendments this year proposes to authorize $40 million for cafeteria equipment which is available on a matching basis where the Federal Government pays 75 percent of the cost and the State or school district or individual schools pays 25 percent.

The Senate committee also set aside half of this $40 million for schools that now lack cafeteria equipment. This is helpful, but I believe we must go further and insure that financially hard pressed schools are given priority in participating in the school lunch program.

Our amendment waives the matching requirement for needy schools. This will be a strong incentive to equip the poorest schools first and it will allow parochial schools to participate in the lunch program where State law prohibits financial assistance.

Mr. ALLEN. Mr. President, I yield myself such time as I may require.

Mr. President, not only is this amendment unnecessary and superfluous, it could prove to be extremely expensive and harmful to the school lunch program.

Section 5 of the Child Nutrition Act of 1966 authorized the nonfood assistance program. This program is designed to provide poor schools with equipment for the storage, preparation, transportation, and service of food. The purpose of this section of the law is to help the needy schools, schools that do not have the financial resources to purchase equipment necessary for a school lunch program. However, it was the feeling of Congress that some local effort should be required. Therefore, the law requires that at least one-fourth of the cost of any equipment to be financed under this section must be borne by State or local funds.

There was some question as to whether this provision of the law meant that the 25-percent matching requirement should be applied to each individual school or whether it should be applied on a statewide basis.

Realizing that some schools are too poor to meet even a 25-percent matching requirement, the committee made clear that 25-percent matching of nonfood assistance funds is to be applied on a statewide basis. On page 4 of the committee report it stated:

> In addition, the Committee wishes to make clear that the required 25 percent state or local matching non-food assistance funds is to be applied on a statewide basis. If it deems necessary to meet the needs of a State, the State educational agency should have the flexibility to vary the required level of matching by individual schools or school districts, as long as the 25 percent matching was achieved each fiscal year by the State as a whole. The same flexibility is intended for the USDA when it administers the program in non-profit private schools in each State.

In this whole concept of the State matching of funds for nonfood purposes, as I say, for such things as stoves, refrigerators, tables, or anything used in connection with the school lunch program, the Federal Government will pay three-fourths of the cost of that equipment for the State as a whole, so that the State has ample authority to say that the poorer systems get 100 percent of the funds needed but they would have to give some other systems less than 25 percent. But, overall, the State and local governments would have to put up the 25 percent giving the States full flexibility on apportioning the money and requiring the matching.

Now, Mr. President, we all know that if the State and local governments are required to pay a portion of the cost, not only are they going to wait until they need the equipment, but half of this is reserved for systems that have no lunch program, or no equipment, and the other half would be for existing systems. But if each State has to put up some of the money, they will appreciate it more. They will not buy more than they actually need. If the Federal Government says, "Yes, we will pay the whole cost. Just buy it and send us the bill," they will purchase a whole lot more equipment than is actually needed. But if the local government had to put up one-fourth of it, they would appreciate it more. It will be something to achieve for themselves, not something that the Government handed to them without any cooperation or assistance or participation by the local government.

Mr. TALMADGE. Mr. President, would the Senator yield?

Mr. ALLEN. Mr. President, I would be delighted to yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, is it not a fact that the pending amendment would leave the determination to a particular State as to whether the school district in that State was especially needy?

Mr. ALLEN. The Senator is correct. The pending amendment would let them say that they are all needy.

Mr. TALMADGE. And if a State made that determination, then the Federal Government would have to put up 100 percent of the funds.

Mr. ALLEN. The Senator is exactly correct.

Mr. TALMADGE. Under the pending amendment, all a State would have to do to relieve itself of the burden of putting up 25 percent of the money, either local or State, would be to issue a statement that that school district was especially needy and then transfer that burden, 100 cents on the dollar, to the Federal Treasury.

Mr. ALLEN. The Senator is exactly correct.

Mr. TALMADGE. Mr. President, is that not one of the problems we are confronted with in the social services program which started out 5 years ago at an estimated cost of $40 million and has grown to $4.6 billion?

Mr. ALLEN. The Senator is exactly correct.

Mr. TALMADGE. Mr. President, does the Senator think that is a prudent policy to follow?

Mr. ALLEN. I do not.

Mr. TALMADGE. Does the Senator have any sympathy with the taxpayers of this country who are already burdened with excessive taxation if we were to pass such an open-ended provision as this?

Mr. ALLEN. I do not think it would be in the interest of the taxpayer; no.

Mr. HUMPHREY. Mr. President, on my time, I would like to point out first that this does not increase the authorization. It does not do that. Secondly, I doubt that States are that dishonest.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, may I say that the number of schools so identified as being especially needy would be identified by the State agency. It does not seem to me that it would be that troublesome.

Mr. TALMADGE. Mr. President, would the Senator agree that if a State were to say that a particular school district is needy, it would immediately pass the burden to the Treasury in the amount of 100 percent?

Mr. HUMPHREY. Within the amount of money in the authorization.

Mr. TALMADGE. That is quite correct.

Mr. HUMPHREY. This is not an open-ended authorization.

Mr. TALMADGE. Does the Senator have any doubt that when this thing pyramids far beyond the amount of money authorized, there will be a hue and cry throughout the country to raise the authorization?

Mr. HUMPHREY. The Senator may be correct. However, this body has the right to grant such a request or to deny it. This is far different from the social services provision that was before the Senate earlier.

Mr. TALMADGE. Mr. President, under the social services provision, it does require 25 percent State funds. Under the Senator's amendment it would require zero State funds.

Mr. HUMPHREY. Within the authorization. May I say that if there is a school in a district that does not have a lunch program and does not have the equipment for such a program, there ought to be same kind of flexibility that would permit that school to get the equipment it needs.

Mr. ALLEN. The Senator is exactly correct. And that is provided for under the pending bill, I say to the distinguished Senator from Minnesota. The State can say that if the school district that the Senator says is too poor to put in the 25 percent is not able to do so, the State will pay 100 percent. However, if this involved a school that did not put in funds, not because they did not have it, but because they did not get around to it, we would make that school pay 50 percent and that would meet with the requirements and the poor district would get 100 percent of their funds.

Mr. HUMPHREY. Mr. President, I do not question that. I realize that the committee is moving the program forward, and I said so in my statement. I simply felt that this little degree of added flexibility would not impinge upon the authorized funds for school facilities and would permit a quicker response to the special needs of some of the more impoverished school districts which we regrettably have in this country.

Mr. ALLEN. Would the Senator then say that, as to the poor districts, the States could say that they did not have to pay anything under the Senator's amendment and the others would have to pay 25 percent?

Mr. HUMPHREY. The Senator is correct.

Mr. ALLEN. But the State would have authority under the Senator's amendment to say that all of the school systems that are applying are poor systems and cannot pay and that therefore none of them would have to put up the 25 percent if a State were to so state.

Mr. HUMPHREY. Mr. President, I suppose that would technically be possible if everyone would make himself out to be an official liar. However, I doubt that that is going to happen. I do not believe that the school authority in the State of Minnesota would say that the Edina School District, one of the suburbs of Minneapolis, is needy. However, I do know that there are schools in some of the rural areas of our State that are needy and cannot buy school equipment and I know that they ought to have it.

Mr. ALLEN. Under this bill, the authorization is being raised from $15 million, I believe, to $40 million.

Mr. HUMPHREY. Mr. President, I want to say again, and I am sure that the Senator understood that I was very strong in support of the committee amendment, and the chairman of the subcommittee is surely to be commended for his leadership in this matter.

It was just brought to my attention that there are needy areas that might be helped by the proposal I have offered. I do not consider it to be a life-and-death matter. That is why I hoped the Senator would see fit to take the amendment to conference and to discuss it and determine whether this provision is really needed, as I believe it would be in many needy school districts.

Mr. CASE. Mr. President, if the Senator will yield, the point has been made, and I can understand the concern of the Senator from Alabama and that of the Senator from Georgia, too, about the determination of this matter exclusively by the States themselves.

Would it be possible to take this amendment to conference if that determination is made, not by the State, but by the Secretary of Agriculture? This would assure uniform application of proper criteria all over the country as a whole and eliminate the possibilities that have been suggested, that the States would take it upon themselves to do this.

Would that be a possibility, of taking the matter to conference? This is a matter of great importance all over the country, and particularly again in my State. There are areas there of great poverty and difficulty where the districts are not even able to handle additional smaller amounts of money. It would be very helpful if that could be done.

Mr. ALLEN. I appreciate the suggestion of the distinguished Senator from New Jersey. However, I believe that the Secretary of Agriculture has enough problems on him now without our putting this additional problem in his lap.

I can envision that, if this responsibility is placed on the Secretary, there would be great pressure by the local school districts to have themselves declared needy districts. I can envision the possibility that Members of the House and Members of the Senate would be called on to suggest to the Secretary that these school districts are poor districts and therefore they ought to be relieved of these problems.

I feel that is a matter of principle in this regard. And I do not feel that this is a matter that we should accede to in the Senate and take to conference.

Mr. TALMADGE. Mr. President, if the Senator will yield, the Senate Finance Committee this morning reported a 5-year revenue-sharing bill involving more than $30 billion by a vote of 12 to 4. Every county, every municipality, and every State in the United States will get money from that fund. It will be handed out in the next few months, as soon as Congress passes the bill and the President signs it. The money will be paid out retroactive to January 1 of this year.

If this is a matter of high priority in some of these counties, and I am sure it is, it will be authorized and it will be approved and utilized for these specific purposes under the revenue-sharing bill that will give 100 percent of Federal money for this specific purpose.

It is not restricted. That would be available. I think it would be a bad practice to pass an amendment to transfer all the burdens of government to Washington, where a State, on its own declaration, could say, "This county will pay nothing." We would make that burden fall entirely on the Treasury, 100 percent on the dollar in addition to revenue-sharing money.

Mr. ALLEN. I thank the distinguished Senator from Georgia for his fine remarks. I endorse them 100 percent.

I am hopeful the distinguished Senator from Minnesota, instead of asking that this amendment be taken to conference, would be willing to withdraw the amendment so that we might get on to other matters. I know he has other amendments.

Mr. HUMPHREY. I wish to add that in examining our child nutrition programs, that in designating the schools as especially needy, where full funding by the Federal Government under the breakfast program is concerned, this has not been abused. I do not think there is any chance for abuse under this. Yes, there may be some chance, but I do not believe we have to fear that kind of abuse under the school lunch program.

While the committee bill does give greater flexibility than we had before, and increases the authorization substantially, which is highly commendable, I was hopeful this amendment could be added so as not to deny schools that are in need of setting up these programs. There are 18,000 schools in America today that do not have the school lunch program. Many of them are designated as needy schools. I hope we will be able to do something about it.

I have a number of cosponsors for the amendment. I wish to say to the Senator from Alabama, that is what is bothering me with respect to the request of the Senator from Alabama. I would rely a great deal on the judgment of the Senator. If we could take this to conference it seems to me we could resolve it there and not cause additional difficulty at all.

Mr. ALLEN. If it had only to deal with the amount of money involved, the Senator from Alabama, representing the committee, might take a different view of it, but there is a principle, as pointed out by the distinguished Senator from Georgia, trying to load onto the cost of the Federal Government when the States are required only to put up one-fourth. They should continue to do that so that they will appreciate the investment more. It will be more of a community spirit, more of a community asset, and something they can use and appreciate, having contributed something to it, more than a certification that they are too poor to do so.

The committee language makes the pending amendment unnecessary. The States are provided with sufficient flexibility to meet the needs of those extremely poor schools who cannot even supply the 25-percent matching requirement. In other words, the State is authorized to require that some schools pay more than a 25-percent matching fund requirement while reducing or eliminating the matching requirement for the extremely poor schools.

That is where poorer schools come in, with the State parceling this money out to the poorer schools on the basis of need and giving less to the wealthier schools, less than the full 75 percent of Federal money.

I might say that there is ample precedent for this statewide approach, rather than to require each community to put up 25 percent.

Under section 4, the 6 cents and the 8 cents provided by the bill are given to the State authority, and the State parcels that money out; not necessarily 8 cents to each school, but possibly 6 cents to some and 10 cents to another. Eight cents is not what each school will get, but what all the assistance in that State collectively would get per lunch serving. So the State does save the 8 cents for each lunch in the poorer schools in the allotment under section 4. So it would be nothing more than handling these funds in the same way.

Let us look at the effect of the Humphrey amendment. It would modify the matching requirement in the law by the following clause, "except that such condition shall not apply with respect to funds used under this section to assist schools without food service if such schools are especially needy, as determined by the State."

This amendment would create great administrative difficulties by the Department of Agriculture because it would leave solely to the State the determination of which schools are especially needy. It has become extremely popular for some States recently to raid the Federal Treasury for every possible dollar. The current controversy over spending for social services is a good example of this problem.

Under the pending amendment, any State which wished to eliminate the matching requirement altogether would merely have to declare that all schools without a food service are especially needy. The determination would be strictly up to the State. Since the adoption of such a policy would relieve State and local governments of the burden of raising funds, we can expect that this is exactly what would happen.

Mr. President, the school lunch program has been successful through the years, it has been singularly free of scandal, it has received universal acceptance and approval because it has relied heavily on State and local effort and cooperation. If we take steps to remove all requirements for State effort and participation, we will not only create an unbelievably costly program, but we will also transform the school lunch program from a cooperative Federal-State-local program to just another Federal giveaway.

The bill before us, H.R. 14896, increases the authorization for equipment assistance funds from the current authorization of $15 million for 1973 and $10 million for subsequent years to $40 million for fiscal year 1973 through fiscal year 1975 and $20 million for subsequent years. It was necessary to take this step because we do have severe unmet equipment needs around the country, both in schools without any food service and in schools with obsolete and outmoded food service equipment.

Mr. President, the committee bill provides for adequate funding for food service equipment assistance for the school lunch program. It provides flexibility to enable States to meet the needs of the poorest schools in each State. The pending amendment would undermine both of these objectives. I urge that the amendment be rejected.

Mr. HUMPHREY. I believe we will have to vote on this amendment. I have so many cosponsors I do not feel that I have the right to withdraw the amendment. Is the Senator prepared to yield back his time? I am prepared to yield back the remainder of my time and get on with a vote.

Mr. ALLEN. Very well. I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the remainder of my time.

Mr. ALLEN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Richard Lyng, Assistant Secretary of Agriculture, addressed to me under date of August 14, 1972.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., August 14, 1972.

Hon. JAMES B. ALLEN,
Chairman, Subcommittee on Agricultural Research and General Legislation, U.S. Senate, Washington, D.C.

DEAR SENATOR ALLEN: This is in response to your request for the Department's views on the three floor amendments proposed for H.R. 14896.

The Department has serious reservations about the proposed amendment, as written, concerning the new special supplemental food program. We believe additional consideration is needed to insure that any such program would have effective results. Our beliefs are based upon the following:

1. The need for the program is based upon the fact that there is increasing evidence that improper nutrition during the last six months of pregnancy and the first six months following birth may cause serious and irreversible problems. Yet the proposed program is designed to serve children through four years of age. We believe that if such a program is to be operated, it should be targeted to infants, not to young children in general.

2. We have not yet been able to determine how this proposed program would differ from our Pilot Food Certificate Program. This is of critical importance because an independent evaluation of the Pilot Food Certificate Program by the Cornell University showed that program did not encourage the substitution of commercially prepared infant formula for whole milk for infants six months to a year old; thus it did not contribute to the intake of iron in this age group. It was on this basis that we suspended further expansion of that pilot program. Before launching another pilot program, we would want assurance that this major program weakness was overcome.

3. We are not certain, under the provisions of the amendment, whether the program is designed for families without regard to their incomes, or for families of low income. Subsection (a) of the proposed amendment speaks of women and infants determined to be nutritional risks "because of inadequate nutrition or inadequate income." However, subsection (f)(1) defines pregnant and lactating women as those from "low income populations" that display certain characteristics. Such inconsistencies should be clarified before any pilot program is launched.

We also believe the two amendments affecting the school feeding programs are not necessary.

Under the provisions of H.R. 14896—as approved by the House and reported out by the Senate Committee on Agriculture and Forestry—States will be able to establish eligibility standards for free and reduced price school meals for children from families with incomes of up to 50 percent above poverty. This is a reasonable and equitable standard under which the Federal government stands ready to pay most, if not all, of the cost incurred by a school in providing free or especially reduced price meals to needy children.

For children from families with incomes more than 50 percent above the poverty level, the Federal government will still be providing a substantial basic subsidy to the price of a school lunch. It is true that in the last school year, a few schools had higher eligibility standards—one as high as 180 percent of the poverty level for a reduced price lunch. We feel there could be real inequity to thousands of other schools, if these few schools were provided with an exception to the 150 percent-of-poverty guideline authorized in H.R. 14896.

The Senate Committee also has made clear that States are to be permitted to supply the required 25 percent State and local matching of nonfood (equipment) funds on a Statewide basis. We conclude that the Senate Committee has already provided States with the flexibility the proposed amendment is designed to achieve. Under Statewide matching, a State will be able to use Federal funds to pay the full cost of the food service equipment required by the neediest schools. This, we understand, was the purpose of the proposed amendment.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment (putting the question).

The Chair is in doubt.

Mr. HUMPHREY. Division.

The PRESIDING OFFICER. Those in favor of the amendment will stand and be counted.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. BEALL). The yeas and nays are requested. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Georgia (Mr. GAMBRELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from West Virginia (Mr. RANDOLPH) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Georgia (Mr. GAMBRELL), and the Senator from Wyoming (Mr. MCGEE) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent to attend the funeral of former Senator Ralph T. Smith.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from New York (Mr. JAVITS) would vote "yea."

On this vote, the Senator from Illinois (Mr. Percy) is paired with the Senator from Texas (Mr. Tower). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 54, nays 30, as follows:

[No. 379 Leg.]

YEAS—54

Aiken
Anderson
Baker
Bayh
Beall
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Gravel
Griffin
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Kennedy
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Ribicoff
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Tunney
Williams

NAYS—30

Allen
Bellmon
Bennett
Bentsen
Buckley
Byrd, Harry F., Jr.
Cotton
Curtis
Dominick
Eastland
Edwards
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Jordan, N.C.
Jordan, Idaho
Long
Miller
Roth
Saxbe
Sparkman
Stennis
Symington
Taft
Talmadge
Thurmond
Young

NOT VOTING—16

Allott
Brock
Dole
Fulbright
Gambrell
Harris
Hruska
Javits
McGee
McGovern
Mundt
Pell
Percy
Randolph
Tower
Weicker

So Mr. Humphrey's second amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ALLEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the indulgence of the distinguished Senator from Minnesota——

The PRESIDING OFFICER. The Senate is not in order. Senators will please take their seats.

The Senator from Montana may proceed.

Mr. MANSFIELD. And with the approval of the chairman of the committee, the manager of the bill, and the ranking minority member of the committee, as well as the leadership on this side——

Mr. GURNEY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. Senators will please take their seats and refrain from engaging in conversation. Senators in the rear of the Chamber will please take their seats or retire to the cloakroom.

The Senator from Montana may proceed.

Mr. MANSFIELD. I ask unanimous consent that the pending business be laid aside for a period of not to exceed 5 minutes, for the purpose of calling up emergency legislation which must be considered at this time, and which will be handled by the distinguished Senator from Colorado (Mr. Dominick).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

SENATE JOINT RESOLUTION 260, TO DELAY THE EFFECTIVENESS OF CERTAIN AMENDMENTS TO THE INTEREST SUBSIDY PROVISIONS OF THE GUARANTEED STUDENT LOAN PROGRAM IN THE CASE OF CERTAIN STUDENTS

Mr. DOMINICK. Mr. President, I send to the desk a joint resolution. It is offered on behalf of myself, the Senator from New Jersey (Mr. Williams), the Senator from New York (Mr. Javits), and the Senator from Rhode Island (Mr. Pell). I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution, which was read the first time by title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) until April 1, 1973, in the case of students whose adjusted family income is less than $15,000, the provisions of section 428(a)(1) of the Higher Education Act of 1965, as amended by the Education Amendments of 1972, shall not apply, and in lieu thereof, the provisions of section 428(a)(1) of such Act in effect on June 30, 1972, shall be applicable and shall be retroactively effective to July 1, 1972.

(b) Section 431(b) of the General Education Provisions Act shall not be applicable to any regulations promulgated with respect to such section 428(a)(1) prior to April 1, 1973.

Mr. DOMINICK. Mr. President, I ask unanimous consent to add as cosponsors of the joint resolution the names of the Senator from Pennsylvania (Mr. Scott), the Senator from Delaware (Mr. Boggs), and the Senator from North Dakota (Mr. Young).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. I yield to the Senator from Delaware.

Mr. BOGGS. Mr. President, I thank the distinguished Senator for yielding, and I commend him for bringing this matter to the attention of the Senate at this time. I appreciate his adding my name as a cosponsor of the joint resolution.

Mr. President, through a combination of ambiguous law and overrestrictive regulations, the guaranteed student loan program has come to an almost complete stop; and we are finding that many students from middle- and low-income families who had to borrow to pay for their education in previous years are now learning that they are no longer eligible for subsidized loans under this program.

Time is working against us. The students have to know within a matter of days whether or not they will be able to get the money to go to school in September.

I, for one, do not want to see this Congress adjourn until we correct this problem that is facing hundreds of thousands of students and their families.

I do not have to remind my colleagues that this is one of the few programs aimed directly at middle-income families. They are not poor enough to qualify for grants or scholarships. They are not rich enough to lay out the money. All they want is to be able to get a guaranteed student loan, which they must pay back, so their children can get the benefits of an education.

This program involves 20,000 financial institutions and 8,000 colleges, universities, business and vocational schools.

It has provided more students with more aid at a lower cost to the Government than all other educational aid programs combined.

I urge my colleagues to support this emergency legislation.

Mr. DOMINICK. I thank the distinguished Senator from Delaware for his support.

Mr. President, this situation comes about because of the fact that, under the higher education bill which we passed and the conference which was worked out, the rules and regulations concerning subsidized student loans have been so cumbersome and so troublesome that very few students have been able to get past the institution's financial officer and through the bank.

With the need for loans in higher education becoming ever more apparent as we get closer to the fall term, it seems advisable to everyone concerned, both Democrats and Republicans, and to the administration, to suspend that provision which provides for having an assessment of need before the bank could determine whether or not it was going to make a loan, and return to the previous situation that we had under the old act.

The guaranteed student loan program is in trouble.

Students in my district find that they are facing delays caused by the new amendments and the new regulations. They will not be able to get loans in time to go back to school.

What this emergency legislation does is postpone the effective date of the new laws and the new regulations. In effect, we are telling the students, the schools, and the lenders to use the old system they have used over the past several years to get the loans out to the students so they can start back to school next month.

Time is very short. The students are trying to get the loans right now. Many of them are uncertain about the system and they don't understand the delays. The best thing for us to do right now is say, Look, do it the way you used to do it so that the only program this Government has to help middle-income families send their children to school will not fall flat on its face.

The change would apply only until April 1, 1973, but that would give us time, during the interval, to see what changes should be made. This is an emergency situation, and I very much appreciate the courtesy of the Senator from Alabama and the Senator from Iowa in giving me this time.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield to the Senator from Pennsylvania, but first I ask unanimous consent to have printed in the Record a statement by the Senator from New Jersey (Mr. Williams) on behalf of this proposal.

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR WILLIAMS

One of the major underlying purposes of the recently enacted higher education portion of the Education Amendments of 1972 was to make student assistance available to students from middle and upper middle income families. While this purpose is reflected in many portions of the bill, it is especially evident in the amendments to the Guaranteed Student Loan Program.

The Guaranteed Student Loan Program was established in 1965. Put simply: It is a Federal program carried out in partnership with the lending institutions of our Nation under which a student obtains a loan to finance his education. That loan—subsidized in certain cases—is fully guaranteed by the Federal Government, thus making it an attractive loan for the banks, and one which is easily obtainable by the student, whether he has a banking history or not.

Interest to the student is 7 percent; however, under previous law, where students are from families with adjusted family incomes of less than $15,000, 3 percent of the interest is subsidized while the student is in school. There was a limit of $1,500 per year per student.

The conference, attempting to make the Guaranteed Student Loan Program available to more middle-income people, changed this figure from a yearly limit of $1,500 to $2,500. More important, the limitation on the adjusted family income levels to which the interest subsidy was to be made available was deleted, so that students from families earning more than $15,000 could receive interest subsidies.

Mr. President, there has been some controversy about the interepretation of the change from prior law. Without getting into the intricacies of who is right and who is wrong, while legal interpretations are being made, thousands of students across the country are finding it impossible to get their Guaranteed Student Loans—loans which they received in previous years—and planning for the fast-approaching fall semester has abruptly come to a standstill.

The resolution which is presently before the Senate, simply delays the provisions of the newly passed higher education bill with respect to families with adjusted gross family incomes of less than $15,000 until April 1, 1973. In essence, this means that the program will continue to operate as it did in the past for the next two school semesters, although the higher amounts per year are retained. In addition, provision is made for loans to those with adjusted gross incomes above $15,000 under the new guidelines.

Mr. SCOTT. Mr. President, I simply rise in support of the program, and state that I regard it as of importance. This is an emergency action, and it is the only type of aid available to middle-income families, or those with an adjusted gross income of less than $15,000.

Mr. President, this legislation is indeed double-emergency legislation for many students in Pennsylvania whose families have been affected by the flood and find the need to borrow even greater than in previous years. They do not know whether or not they will be able to get loans because of the delays and confusion that now permeates the guaranteed student loan prrogram.

The thrust of this legislation is to tell educational institutions and lenders that they should use the ground rules that applied last year which enabled over 1 million students from low- and middle-income families to borrow $1.3 billion to finance their education.

This is not a grant program. It is a loan program. The Government pays the interest while the student is in school. After the students leave school, they must pay back the loan.

I urge all of my colleagues who are interested in seeing students back in school on schedule to support this emergency bill.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the names of the Senator from Michigan (Mr. Griffin), the Senator from Kentucky (Mr. Cooper), and the Senator from Maryland who is the present occupant of the chair (Mr. Beall) be added as cosponsors of the joint resolution, as well as that of the Senator from New Jersey (Mr. Case).

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER (Mr. Beall). The joint resolution having been read the third time, the question is, Shall it pass? All those in favor will say "aye"; and those opposed, "no." The "ayes" have it and the joint resolution is passed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 14, 1972, the President had approved and signed the following acts:

S. 916. An act to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations; and

S. 2499. An act to provide for the striking of medals commemorating the 175th anniversary of the launching of the U.S. frigate *Constellation.*

AID TO STUDENTS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. Hughes) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

In recent years, a major source of aid to students attending post-secondary schools has been the Guaranteed Student Loan Program. During the year ending this past June 30, over 1,000,000 students were able to borrow $1.3 billion to finance their education. Over 8,000 schools and 20,000 financial institutions are currently participating.

Support of this program has been bipartisan. It was created under the Administration of President Johnson, and it has been expanded and improved by the present Administration.

However, some provisions of the "Education Amendments of 1972," because of ambiguities in the language of the legislation, have had an unintended effect of raising the possibility that many thousands of students who have benefited under the subsidized loan portion of the program in the past may not be able to obtain the loans they are counting on to return to school this fall.

We are doing everything possible in the regulations implementing the law to avoid this result, which was intended neither by the Administration nor by the Congress. But uncertainty remains. Because we are at the peak of the borrowing season under this program, I request that the Congress enact emergency legislation that would delay the implementation of the troublesome section of the law—specifically that it amend Section 132C(1), so that the lenders could continue to provide loans on the same basis as they did last year.

This would make it possible for students, parents, schools, and lenders to use a system with which they are all familiar, and which has served the students well. It would make it possible for students to obtain loans in time to go to school—which after all is the purpose of the program.

RICHARD NIXON.

THE WHITE HOUSE, *August 16, 1972.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12652) to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Celler, Mr. Brooks, Mr. Hungate, Mr. McCulloch, and Mr. Hutchinson were appointed managers on the part of the House at the conference.

NATIONAL SCHOOL LUNCH ACT

The Senate resumed the consideration of the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs.

The PRESIDING OFFICER. The bill (H.R. 14896) is open to further amendment.

Mr. MILLER. Mr. President, I join my distinguished colleague from Alabama (Mr. Allen) in urging the adoption of the Child Nutrition Act of 1972 (H.R. 14896).

The PRESIDING OFFICER. Who yields time?

Mr. MILLER. I yield myself such time as I may require.

Mr. President, let us have order.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats.

Mr. MILLER. Mr. President, I join my distinguished colleague, the Senator from Alabama, in urging adoption of the Child Nutrition Act of 1972—H.R. 14896—as amended by the Committee on Agriculture and Forestry.

At this point I would like to express my appreciation to our chairman, the Senator from Georgia (Mr. Talmadge), and the chairman of the Subcommittee on Agricultural Research and General Legislation, the Senator from Alabama (Mr. Allen), for their diligence in reporting this bill as quickly as possible, while at the same time giving the committee the opportunity to consider some additions to the House bill, which I believe greatly improve it.

I was particularly pleased that the committee agreed to accept the most important portions of the school lunch bill—S. 3661—which Senator Talmadge and I introduced on behalf of the administration.

The committee accepted the concept of performance funding for general assistance under section 4, beginning with the 1974 fiscal year. This means that, instead of requiring the Department of Agriculture and State and local school agencies to go through the agonies of accounting for both regular appropriated funds and section 32 funds, the States will be reimbursed under section 4 strictly on the basis of the number of lunches served.

Mr. President, I had intended to offer at this time an amendment to provide the same type of performance funding for free and reduced price lunches as our committee provided for the general assistance to the school breakfast and school lunch programs.

The committee adopted the performance funding concept and applied it to section 4 of the National School Lunch Act. Since I do not believe it is logical to have performance funding for only one part of the school lunch program, I had intended to offer an amendment to extend performance funding to section 11 of the act.

While it is my understanding that this amendment, which would have guaranteed each State a minimum of 45 cents for each free lunch served, would have increased reimbursement to the States for free and reduced price lunches by at least $60 million over 1972, some of my colleagues have raised questions about the matter and would like to have it considered more extensively in formal hearings. They have taken this position notwithstanding an agreement to include a provision for a price increase escalator and a further provision to insure that no State would receive less money than it received for fiscal year 1972.

The American School Food Service Association has gone on record in support of performance funding.

My purpose in proposing that performance funding for section 11 be added to this bill was to prevent the dilemma we now face from recurring next year, when we are a week away from the opening of schools in some areas and still do not have a bill.

According to my information there is some chance the House Committee on Education and Labor will accept the bill we are now considering as adopted by the Committee on Agriculture and Forestry without a conference. This means that with unanimous consent of the House this bill could still be enacted before we recess on Friday.

My only interest is in providing better funding for the school lunch program this year and the years to come. Since I feel that it is especially crucial that Congress act before the recess, I shall not bring up my amendment, and hopefully there will be no further controversy on the floor over the bill.

As I stated a moment ago, there is some chance that if we approve the Agriculture Committee bill today it can be acted on by the House this week and the Nation's school administrators will not be forced to begin the school year without knowing what type of food assistance the Federal Government will be offering.

Mr. President, the distinguished Senator from Illinois (Mr. Percy) propounded some questions on the floor yesterday with regard to the language of the bill as reported by the Committee on Agriculture and Forestry.

As Senator Percy noted, the bill as reported by the Senate Committee on Agriculture and Forestry provides for an "average national payment per lunch which in no case shall be less than 8 cents." The Senator from Illinois is correct that each school within the State is not guaranteed an 8-cent reimbursement. Rather, it is the State that receives the total amount, based upon an 8-cent reimbursement per meal.

I would point out, however, that this is consistent with present law. Each State is presently guaranteed 6 cents per meal served within the State, but that 6 cents can be divided among schools on a need basis as determined by the State educational agency. Therefore, the performance funding provided in the Agriculture Committee bill makes no change with regard to distribution of general assistance funds within each State.

With regard to the Senator's question as to why the term "national average payment" is used, I would state merely that this is the language that was used in drafting the bill. The Department of Agriculture has assured me that they interpret this to mean one rate—8 cents—applied nationwide to each State.

It was my intent, and I feel the intent of the entire membership of the Committee on Agriculture and Forestry, to provide the State educational agencies with a sum of money equal to 8 cents for each lunch served by participating schools and then to continue the practice of letting the State agency determine the exact reimbursement to each school upon their evaluation of the relative needs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I call up my third amendment, on line 14, page 2.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

At the end of the bill add a new section as follows:

"Sec. 9. The Child Nutrition Act of 1966 is further amended by adding at the end thereof a new section as follows:

"'SPECIAL SUPPLEMENTAL FOOD PROGRAM

"'Sec. 17. (a) During each of the fiscal years ending June 30, 1973, and June 30, 1974, the Secretary shall make cash grants to the health department or comparable agency of each State for the purpose of providing funds to local health or welfare agencies or private nonprofit agencies of such State serving local health or welfare needs to enable such agencies to carry out a program under which supplemental foods will be made available to pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income. Such program shall be operated for a two-year period and may be carried out in any area of the United States without regard to whether a food stamp program or a direct food distribution program is in effect in such area.

"'(b) In order to carry out the program provided for under subsection (a) of this section during the fiscal year ending June 30, 1973, the Secretary shall use $20,000,000 out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1974, there is authorized to be appropriated the sum of $20,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1973, the Secretary shall use $20,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and $20,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612 (c)). Any funds expended from such section 32 to carry out the provisions of subsection (a) of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such subsection, and such reimbursements shall be deposited into the fund established pursuant to such section 32, to be available for the purpose of such section.

"'(c) Whenever any program is carried out by the Secretary under authority of this section through any State or local or nonprofit agency, he is authorized to pay administrative costs not to exceed 10 per centum of the Federal funds provided under the authority of this section.

"'(d) The eligibility of persons to participate in the program provided for under subsection (a) of this section shall be determined by competent professional authority. Participants shall be residents of areas served by clinics or other health facilities determined to have significant numbers of infants and pregnant and lactating women at nutritional risk.

"'(e) State or local agencies or groups carrying out any program under this section shall maintain adequate medical records on the participants assisted to enable the Secretary to determine and evaluate the benefits of the nutritional assistance provided under this section. The Secretary shall submit to the Congress no later than October 1, 1973, his recommendations regarding appropriations to be authorized for the continuation and expansion of the program provided under this section, including, but not limited to, his recommendation regarding a formula for allocating such funds among all the States of the United States.

"'(f) As used in this section—

"'(1) "Pregnant and lactating women" when used in connection with the term at "nutrition risk" includes mothers from low-income populations who demonstrate one or more of the following characteristics: known inadequate nutritional patterns, unacceptably high incidence of anemia, high prematurity rates, or inadequate patterns of growth (underweight, obesity, or stunting). Such term (when used in connection with the term "at nutritional risk") also includes low-income individuals who have a history of high-risk pregnancy as evidenced by abortion, premature birth, or severe anemia.

"'(2) "Infants" when used in connection with the term "at nutritional risk" means children under four years of age who are in low-income populations which have shown a deficient pattern of growth, by minimally acceptable standards, as reflected by an excess number of children in the lower percentiles of height and weight. Such term, when used in connection with "at nutritional risk", may also include (at the discretion of the Secretary) children under four years of age (A) are in the parameter of nutritional anemia, or (B) are from low-income populations where nutritional studies have shown inadequate infant diets.

"'(3) "Supplemental foods" shall mean those foods containing nutrients known to be lacking in the diets of populations at nutritional risks and, in particular, those foods and food products containing high-quality protein, iron, calcium, vitamin A, and vitamin C. Such term may also include (at the discretion of the Secretary) any food product commercially formulated preparation specifically designed for infants.

"'(4) "Competent professional authority" includes physicians, nutritionists, registered nurses, dieticians, or State or local medically trained health officials, or persons designated by physicians, or State or local medically trained health officials as being competent professionally to evaluate nutritional risk.'."

Mr. HUMPHREY. Mr. President, this is the third amendment in a package of amendments that has been sponsored by a substantial number of Senators on both sides of the aisle. My amendment is cosponsored by Senators Case, Aiken, Brock, Bayh, Williams, Mondale, Mathias, Burdick, Javits, Cranston, Packwood, Gravel, Hart, Harris, Eagleton, Hollings, Kennedy, McGovern, Ribicoff, Stevenson, Nelson, Hughes, Pastore, McGee, Muskie, McIntyre, Taft, Beall, Montoya, and Moss.

The amendment relates to the substantial effort that has been made by Congress and our Government to abolish hunger in America. That campaign is now almost 6 years old. I suppose we could say that it is much older than that, since many of the programs of supplemental food assistance and the school lunch program started back in the late 1930's and the 1940's.

We have the school lunch program and have started a school breakfast program. The food stamp program has grown 10 times over. Earlier this year we authorized a food service program for the elderly. We have acted to improve nutritional welfare for every group with the voice and the ability to speak for its interests. But we have continued to ignore, regrettably, one group which cannot speak and which is the most vulnerable to malnutrition.

An infant from 6 months prior to birth and 6 months after birth can be permanently retarded both physically and mentally.

Mr. President, today I want the Record to indicate that there is unmistakable factual information to underscore what I have just said; namely, that an infant from 6 months prior to birth and 6 months after birth can be permanently retarded both physically and mentally if that infant is deprived of sound nutrition.

We have done very little to assist this group which is at greatest risk, except that the research completed over the past 6 years demonstrates the terrible price in physical health and mental incompetence which some Americans are being forced to pay because of mal- or sub-nutrition.

I cannot estimate here what the costs are in terms of care for those victims of malnutrition. Our institutions are filled with them. There are many people today who have been declared unemployable who are the product of malnutrition. Malnutrition contributes to disease. Its cost is beyond our calculation.

I have asked Members of this body to read the article published in the Commercial Appeal, Memphis, Tenn., which has been attached to a letter I have placed on each Senator's desk signed by myself and the Senator from New Jersey (Mr. Case).

It tells the story of Lucy. Lucy is a young infant who, in her earliest months of life, lost her race against malnutrition.

If Senators will look at the placards now on the easel in the rear of the Chamber, they will see some photographs of Lucy, with the headline "Lucy Loses Race Before She Starts It." There is the photographic evidence from St. Jude's Hospital in Memphis, Tenn., which is conducting experiments in feeding programs, the kind of programs to which I am addressing myself now.

It tells of the crippling effect of malnutrition on her, the effects of which she will carry with her for the rest of her life. The story is published in the Commercial Appeal in Memphis, Tenn., December 27, 1970, with the headline "Lucy Loses Race Before She Starts It." It is a pathetic story in light of the abundance of the great American economy and the abundance of our production of food and fiber.

But, let us look at the "before" and "after" photographs of Lucy and another child shown on the placards. If Senators feel that the photographs are too harsh, too visibly a reality of the effects of malnutrition, just think of what could have been, or what should have been done to help these children.

Mr. President, I ask unanimous consent to have the letter, and Mr. Barney DuBois' article, "Lucy Loses Race Before She Starts It," plus the two tables revealing the close correlation between per capita income and infant mortality rates for a select number of States, printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., August 14, 1792.

Dear Senator: Attached is a newspaper article from the Memphis Commercial Appeal. When you read it you will understand why we are asking your support for our "bloc" of 3 amendments as contained in amendment No. 1431 to H.R. 14896, the Child Nutrition legislation we will be voting on today.

The article describes the tragedy of infants brought to St. Jude hospital in Memphis suffering from malnutrition. The story car be, and is repeated in Baltimore, New York, Chicago, St. Louis, Detroit—in every State in our country every day.

One of the amendments which we are proposing in this "bloc" will establish a two-year pilot program to spread more widely the techniques for treating infant malnutrition with food. We believe it is time to begin halting the needless and sad loss of mental and physical potential among infants who are malnourished. Neither these children nor our nation can afford to let this problem go unresolved.

Another amendment in the "bloc" will strengthen the Agriculture Committee proposal by insuring that no school which last year provided children with a free or reduced price lunch will be forced by this legislation to take these meals away.

The final amendment would guarantee full Federal support to public and parochial schools which need help to begin food service programs. The 30 Senators who are co-sponsoring these amendments will be most grateful for your support.

Sincerely,

Hubert H. Humphrey.
Clifford P. Case.

[From the Commercial Appeal, Dec. 27, 1970]

Lucy Loses Race Before She Starts It

(By Barney DuBois)

Consider the case of Lucy, an infant.

She was born at John Gaston Hospital and was discharged with her mother after three days. Her weight was 6 pounds 4 ounces at birth.

For all purposes, she was a healthy, normal baby.

But five weeks later, Lucy's 19-year-old mother brought her to a Memphis and Shelby County Health Department neighborhood clinic. The child had gained less than a pound since birth.

A nurse at the clinic told Lucy's mother that the baby was ill and must see a physician.

But Lucy's mother was poor. A waitress, she worked 40 hours a week for $20 plus tips.

Doctors are a luxury when you're that poor. And a trip to City of Memphis Hospital for free treatment when you have no transportation is a stream of buses, transfer tickets, corridors, waits and referrals to other offices.

Lucy got sicker.

Three weeks later, a neighborhood aide for Memphis Area Project-South heard about the child, and a nurse was called from St. Jude Children's Research Hospital. On Lucy's record at St. Jude is the nurse's first impression:

"Marasmic appearing child. Thin, scrawny, with protuberant abdomen, loose skin. Is highly irritable."

Lucy was taken to St. Jude, where a pediatrician examined her. His diagnosis was that Lucy was a victim of malnutrition and on the verge of starvation.

"When someone has a disease, you give them medicine or a vaccination for it," says Dr. Donald Pinkel, medical director at St. Jude.

"Malnutrition is a disease. And food is the vaccine."

So the pediatrician prescribed food for Lucy. No exotic medicines or vaccines. Just food.

He instructed the mother to feed Lucy a prepared infant formula, such as Similac or Infamil, instead of an evaporated milk formula the mother had been using. The prepared formula was provided free by St. Jude.

In the beginning, Lucy's growth slowly increased. Then, she gained suddenly. She sprouted. Five pounds were gained in a few weeks. More than six inches in length in less than a month.

After six months, she was above the 50th percentile for both height and weight. She was healthy, robust and pleasant. Lucy appeared to be a bouncing, normal baby.

But she wasn't.

The story does not have a happy ending.

Despite her rapid growth and new strength, Lucy's head circumference remained small. To doctors, this means her brain had failed to fully develop.

According to startling new research into the nutrition of children at St. Jude, doctors have discovered that Lucy's brain will never fully develop.

She will be mentally retarded, or at least, a slow learner, the rest of her life. Nothing can be done to help her.

"It has been shown that by the end of the first six months of life, a child normally develops all of its brain cells," says Dr. Pinkel. "This is a critical period of growth for the brain and nervous system. If this growth is in some way impaired, it results in irreparable stunting for the rest of that child's life."

Lucy is a victim of poverty. There are thousands like her in Memphis. There are millions like her in the United States.

Lucy's growth was impaired for a brief two-month period, because her mother did not have enough money to buy the child's needed milk formula. To stretch out available milk, the mother watered down the formula, and Lucy was deprived of body-building food during the most critical growing period of her life.

In some cases, when malnourished infants are given food early in infancy, the brain's growth is stimulated and attains normal size by the sixth month, says Dr. Pinkel. But, in many cases, it doesn't. And if the malnourishment lasts several months during this critical six-month period, the results assuredly will be disastrous.

"It's like playing Russian roulette," says Dr. Pinkel. "It's like throwing your baby into the Mississippi River and then trying to save it. Sometimes, you might do it. But who wants to try?"

"Brain cells begin growth in the womb and continue to multiply after birth to about the sixth month of age," says Dr. Paulus Zee (pronounced Zay), head of St. Judge's revolutionary malnutrition research.

"Experiments with rats and animals—and unfortunately, experiments man has provided on himself with human poverty—have proven that when nutrition is missing during this growing period, in the womb or out, the brain size is never fully attained. And nothing will make it grow after the sixth month."

"The real horror of malnutrition is that it is not a rare disease," says Dr. Pinkel. "Malnutrition is a much bigger problem than is leukemia. If we could find ways to stop leukemia altogether in this age group, there would only be a small, or virtually no effect on the world's population. But if we found ways to stop malnutrition, it would have an almost immeasurable effect on the world."

In January, 1969, St. Jude and MAP-South instigated their now well-known food-by-prescription program using United States Department of Agriculture supplement foods, which are given free to families in which malnutrition is a reality. More than 200 tons of food are distributed each month.

With the USDA food as a base, and with medicine and other foods provided by St. Jude (for instance, 400 cases of baby food each month), the program has become a model of practical research. Other food-by-prescription programs, including a less sophisticated one by the Memphis and Shelby County Health Department for areas outside the St. Jude-MAP-South area, have been started because of it.

Despite the St. Jude effort, and additional food programs in Memphis and Shelby County, it is estimated that fewer than one-third of families in need of food are being reached. And only a fraction—the ones in St. Jude's area—are being meaningfully reached. There are no national programs like St. Jude's.

"We're a research center, and that's what we're here for," says Dr. Pinkel. "We can't treat every child in the United States for malnutrition. But we can show others how to do it with basic research and by going out and proving practical application."

Researchers have suspected links between poverty, malnutrition and brain development for a number of years. Dr. Myron Winick, associate professor of pediatrics at Cornell University's medical college, was a leader in proving the correlation.

Using clinical and animal data, Dr. Winick demonstrated that the earlier malnutrition occurs, the more severe and the more permanent are the effects on mental development.

"Indeed, the data strongly suggest that permanent effects will not occur at all if the malnutrition begins after a certain age," Dr. Winick said recently. "It would appear that after infancy, the brain is much more resistant to the effects of malnutrition."

It is the practical research at St. Jude, however, that is proving beyond reasonable doubt that these theories are true—that poor people are largely malnourished, that malnourishment in infancy causes irreparable damage to brain development and that this damage produces large numbers of adults who are slow learners or retardates, who wind up living lives of poverty and producing children to grow up in the same cycle.

"When most people think about malnutrition, they think about television and the kids they see in Vietnam or Biafra," says Dr. Zee.

"But you've got to remember something else. These kids in Biafra and Vietnam are malnourished, all right, but they live in agrarian systems. The most they are ever expected to do is farm, and plow, and do simple tasks like that.

"But in our culture, our children are expected to go much higher, from mechanics to scientists. If you want the optimal output of people, and society, you must meet optimal nutrition. We aren't a nation that pulls things in the fields and lifts stones. Malnourished people here are not equipped to aim at a higher level."

Of the preschool children studied in the MAP-South area where 4,500 of more than 6,000 children under 6 are being reached, St. Jude discovered in early 1969 that more than 70 per cent of children there had height and weight deficiencies.

In laymen's terms, these figures mean that young children in south Memphis are very small for their ages.

"About three per cent of any population is very small in size because of genetic reasons, because of small fathers and mothers if you will," says Dr. Zee. "When any study shows that 16 per cent of large population is very small, beneath the third percentile, you can trust there is something else at play beside genetics."

In general figures, the study has shown that 27 per cent of the children had bone ages which were less than 75 per cent of their chronological ages. Frequently, doctors found 6-year-old children smaller than an average 4-year-old.

Anemia was the most wide-spread ailment found among the children. By normal standards, 90 per cent of all children under 3 and 75 per cent of those older than 3 were anemic.

The most shocking statistics of all are saved for last.

About 15 per cent of the children studied had head circumferences below the second percentile, indicating strongly they would be mentally retarded.

And the infant mortality rates in the MAP-South are among the highest in the nation. In one census tract, No. 41 (bounded by Beale Street, Third, Calhoun and Danny Thomas), researchers found the mortality rate to be 84 deaths for every 1,000 births—higher than the rates in undeveloped nations such as Peru and India.

The research, of course, is to learn the precise relationship between prenatal and infant nutrition and to find ways to reduce the mortality rate.

Along with conclusions about the necessity of food during the first six months of life to encourage brain growth, Dr. Zee's team in recent months uncovered another disastrous effect of early malnutrition.

A random study of 1,000 families who had been on the MAP-South, St. Jude food supplement program for one year showed that one year means very little in correcting the damages caused by malnutrition.

"Anemia was still bad, bone age was about the same, and there was no change in vitamin A levels in the population at large," Dr. Zee says, referring to the new study which is yet to be published.

"The conclusion is that a basket of food for Christmas doesn't do the job. Feeding these children for one year doesn't do it, either. We must expect programs to take five years or longer to correct damage caused by sometimes brief periods of malnutrition."

Although infants respond quickly to food, Dr. Zee explains, older children do not, especially after the third year of life. By that time, he says, their bodies will have adjusted to an "austerity metabolism" so that they function on less food than a normal child.

"The bone age in these older children may increase by 15 months during a 12-month period, which would be a gain in size of three months during a year. But for a child who was more than a year behind to begin with, the three-month gain is not enough for him to reach his normal size," the pediatrics researcher says.

Specifically, the problems of malnutrition of children in Memphis' poorest families, according to the St. Jude research, are as follows:

A child is born and sent home on an evaporated milk formula, which often is too complex and is a constant source of misuse or misinformation. If made too diluted, the child is malnourished. If too concentrated, the infant vomits it back up and also becomes malnourished. And finally, uneducated mothers often do not know to increase food as the child increases in weight and size.

Evaporated milk formulas do not contain iron or vitamin A.

By the end of the first year, children begin eating from the table—usually scraps of low-protein, low-vitamin food or imitation foods. Many walk around with milk bottles or water bottles, given by mother to keep them from crying, but killing appetites.

And lastly, the poorer a family, the less protein content in its diet. Poor people substitute plain foods, like beans and potatoes, for meat, milk and eggs, which are more expensive, but which are the principal sources of protein.

"It is very common in poor communities to see many, many short obese women. They are short because of stunted growth as infants. They are fat because of a lifetime of eating starches instead of proteins," says Dr. Zee.

"Obesity is a sign of poverty, make no mistake of it. It does not mean people are well-fed."

Both Dr. Pinkel and Dr. Zee are extremely critical about existing programs designed to provide food for the poor. The USDA food supplement program and the federal food stamp program both are inadequate, they say.

The two principal weaknesses of the food supplement program are that it does not provide food for children over 6 and that it has no existing programs to provide prepared formulas with adequate protein, mineral and vitamin content for infant feedings, Dr. Pinkel says.

"There is no way to guarantee that the food for kids under 6 will be used by them. In many families, older brothers and sisters quite naturally compete for the food brought into the household. For this reason, the program must be enlarged to include all children," he says.

"In the meantime, we try to get the older kids and the rest of the family on food stamps. We are certain, through follow-ups, that the infant food we provide is used by the infants, because there is no competition from older children for baby food."

The prepared formula used by children in the MAP-South area is provided by St. Jude with no government assistance.

"The federal government should show some interest in the area," says Dr. Zee. "I think perhaps a shift in priorities is needed. Our research shows that the early months are the most critical. It's only reasonable to expect government programs to adapt themselves to the area of greatest need."

Dr. Pinkel is harshly critical of the food stamp program, which enables a poor family to buy for a reduced sum a larger value of stamps which can be used to purchase food items.

His criticisms of the program are:

"Some families, with absolutely no income, do not have even enough money to buy food stamps.

"It is required that a full month's quota of food stamps be purchased. For a family whose budget is strained, it often is impossible to come up with enough money for a full month's supply. A solution would be to enable weekly food stamp allotments, so the purchase sums would be smaller.

"Food stamp allotments are determined by a report of all household income, including the pensions of the old. Say there is a grandfather in the family drawing a small sum each month. It is his right to do with this money as he wishes. But the children are punished, because the cost of stamps goes up proportionately with his money being brought into the household. In these cases, the presence of the grandfather actually punishes the children.

"The amount of the food for each member of the family is not enough. A family of seven, for instance, gets about $22 worth of stamps each month for each member of the family, or about 75 cents a day per person. I say only an official of the USDA could expect to feed a family properly on that amount."

Dr. Zee says it takes about $35 a month to feed a normal person adequately in Memphis today, and "the prices continue to go up."

Dr. Pinkel says the Nixon administration has been "cold and callous" to requests by nutritionists that the allotments be increased. He says when reasons are given for not increasing the allotments, the Federal budget difficulties are mentioned most frequently.

"I have only one general statement," says Dr. Zee.

"Our studies here have shown that the population at large in our study area is anemic and malnourished. There are some who are worse than others, and they must be hospitalized. But they're all affected.

"It's an iceberg phenomenon. If you find three cases of smallpox, you vaccinate everybody. If one person comes up with polio, you can pretty well expect the virus is with everybody.

"And you don't treat polio by building big clinics full of iron lungs. You treat polio by preventing it.

"I say that someday malnutrition must be faced by our people as any other medical problem. It is not a simple disease to cure, but it is easy to prevent.

"And you prevent malnutrition by feeding people."

INFANT MORTALITY RATES FOR SELECTED STATES HAVING HIGH PER CAPITA INCOMES

[Per thousand live births]

	Mortality rate[1]	Per capita income[2]
California	19.0	$10,642
Massachusetts	19.9	10,835
New York	20.9	11,201
New Jersey	21.2	11,407
Hawaii	18.2	11,554
Connecticut	19.0	11,811

[1] Taken from Vital Statistics, HEW, vol. 2, Mortality pt. B.

[2] Taken from 1970 census—General social and economic characteristics, table 47.

INFANT MORTALITY RATES FOR SELECTED STATES HAVING LOW PER CAPITA INCOMES

[Per thousand live births]

	Mortality rate[1]	Per capita income[2]
Mississippi	35.5	$6,607
Arkansas	23.2	6,273
Alabama	26.6	7,266
West Virginia	23.4	7,415
Kentucky	21.9	7,441
Tennessee	23.2	7,447
Louisiana	25.3	7,530
South Carolina	27.0	7,621
New Mexico	23.9	7,849
North Carolina	26.3	7,967
Georgia	25.4	8,167
Florida	24.1	8,267
National average	21.8	

[1] Taken from Vital Statistics, HEW, vol. 2, Mortality pt. B.

[2] Taken from 1970 Census—General social and economic characteristics, table 47.

Mr. HUMPHREY. Mr. President, the mortality rates are shocking in light of the distribution of the per capita income in this country.

For example, in Connecticut, where the per capita income is $11,811, the mortality rate per thousand live births is 19.

In Hawaii, where the per capita income is $11,554, the mortality rate per thousand live births is 18.2.

In Mississippi, where the per capita income is $6,607, the infant mortality rate per 1,000 live births is 35.5.

In New Mexico, where the per capita income is $7,849, the mortality rate per 1,000 live births is 23.9.

So we see that there is a direct correlation between income and for what we call the infant mortality rate.

Mr. MONDALE. Mr. President, will my colleague yield to me?

Mr. HUMPHREY. I am happy to yield to my colleague from Minnesota.

Mr. MONDALE. For some years it has been my privilege to serve on the Select Committee on Nutrition and to have listened to a great deal of testimony about the ravages of malnutrition and hunger on the capacity of a human being to learn and to have a sound body.

I do not think there is any one on that committee that doubts for one moment that the case has not been conclusively established that a child who suffers from malnutrition and severe hunger will, in all likelihood, be permanently damaged mentally as well as physically.

One of the witnesses whom I shall never forget, a magnificent lady, Dr. Van Dusen, a doctor with the U.S. Public Health Service working on a Navaho reservation, found several examples of infants who had kwashiorkor, a disease which we thought existed only in Africa and other less developed countries, kwashiorkor being an African word that means a disease that comes after the baby leaves the mother's milk. It was thought a disease like that did not exist in this country but these infants were so tragically malnutrient, they suffered from such extreme protein deficiencies, that death was the likely result.

Dr. Van Dusen kept records. She found one infant just before it was going to die and she heroically nursed it back to the best of health that was possible under the circumstances. She kept records, and she found that it took $800 a pound to nurse that child back to health because of diarrhea and other health problems that had set in. $800 a pound just to restore that child back to health. That is an enormous amount of money when one considers that for 10 cents a pound of decent food, that some child would have had a healthy life, a bright mind, and a full, hopeful future. Instead of that, there is no doubt that the child will be retarded mentally and physically, even in spite of the great cost, that it will probably be a welfare recipient for life, remaining unemployed and heir to all the other tragedies that go with that.

That is just one of the examples not only of the inhumanity of malnutrition but the utter, inexcusable, economic profligacy of permitting a decent human being to suffer and be damaged in that way. I cannot think of any kind of waste that is worse than that.

I am a strong supporter of the Senator's amendment.

Mr. HUMPHREY. I thank my colleague from Minnesota.

Mr. AIKEN. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I am delighted to yield to the Senator from Vermont.

Mr. AIKEN. I am a strong supporter of the Senator's amendment. A little over 2 years ago, Vermont began a successful pilot program operating in the State and administered by its Department of Social Welfare at Montpelier, the State Capital.

As of 2 weeks ago, there were enrolled 171 adults and 97 children. The program would allow low-income, pregnant, lactating mothers, $5 a week for milk and milk products and a child from birth to the age of 1, $10 a week, including baby cereals. They are given food coupons which can be used only for the purpose of milk and milk products, including cereals. It is known as the Food Certificate Program. Those who qualify are all public assistance recipients and those people who are receiving food stamp assistance.

The reason I am supporting this amendment is that we have been trying it out in Vermont for the past 2 years, and it is considered to be very successful.

Mr. HUMPHREY. I am very grateful to the Senator from Vermont for his support and for the contribution he has made here in terms of supplying food in this program to make it worthwhile.

Mr. President, I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I thank the Senator from Minnesota.

Mr. President, this is a most important amendment. As a cosponsor of the amendment I want to second what has already been said.

Mr. President, at this time I have a report similar to that carried in many newspapers recently. It appeared in the Journal of American Medical Association, written by Dr. Albert Stunkard and several of his colleagues. It is entitled "Influence of Social Class on Obesity and Thinness in Children." It relates to early childhood nutrition. I think it is a very important study. And I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Journal of the American Medical Association, Aug. 7, 1972]

INFLUENCE OF SOCIAL CLASS ON OBESITY AND THINNESS IN CHILDREN

(By Albert Stunkard, MD; Eugene d'Aquili, MD; Sonja Fox; and Ross D. L. Filion, PhD)

Several social factors have been closely linked to obesity and thinness in adults. This study, based on 3,344 measurements of triceps skin-fold thickness found similar relationships in white urban children. Obesity was far more prevalent in the lower-class girls than in those of the upper class—nine times as prevalent by age 6. Similar though less striking differences were found between boys of upper and lower socioeconomic status. The pattern of thinness among girls was similar to that previously reported in women, with significantly more thinness in the upper-class group. Among boys, as among men, there were no such differences. The remarkably early onset of class-linked differences in prevalence of obesity underlines the importance of attempts to prevent the disorder in childhood. These attempts should be directed particularly toward those at high risk because of their lower socioeconomic status.

This report continues our assessment of the influence of social factors on obesity in man. In earlier studies, carried out in New York City, we demonstrated a strong inverse relationship between socioeconomic status and obesity. Obesity was six times more prevalent among women of lower than among women of upper socioeconomic status. Correlation between parental socioeconomic status and prevalence of obesity was nearly as strong indicating that socioeconomic status was cause as well as correlate. We also demonstrated significant inverse relationships between social mobility and obesity, and between number of generations in this country and obesity. In addition, several ethnic and religious variables appeared related to the prevalence of obesity. Subsequently, we found similar results in a study in London. In all these investigations, the relationship between social factors and prevalence of obesity among men paralleled that in women, but in each instance was less marked.

The present study was designed to establish the age at which the influence of socioeconomic status on body weight becomes apparent. We also wanted to delineate the subsequent evolution of the relationship between socioeconomic status and obesity and thinness.

MATERIALS AND METHODS

To assess the prevalence of obesity we measured the skin-fold thicknesses of 3,344 white school children in three Eastern cities. The 11 schools in the study were chosen so as to provide a population of both upper- and lower-class children. The respondent's socioeconomic status was determined on the basis of the father's occupation, according to *Intermediate Occupational Classification for Males*, a 1950 publication of the Bureau of the Census. The respondents were 5 to 18 years old.

We decided on the use of the triceps skin-fold thickness as the best index of obesity for a large field study on the basis of Seltzer and Mayer's extensive work with this measure,[3-9] as well as the view of Dugdale et al.[10] that it is the best anthropometric measure of adiposity. Furthermore, Shepard et al.[11] have presented evidence that the triceps skin-fold provides an especially accurate assessment of obesity in children and adolescents. To avoid interobserver error, all measurements were made by the same observer (S.F.), using the Lange skin-fold calipers. Reliability coefficient of the measurements was 0.93.

Since there is no generally accepted criterion for obesity in children, we chose two criteria that had been utilized in other studies and that seemed reasonable. The first criterion was the values for skin-fold thickness reported by Seltzer and Mayer in their study of Boston school children. They defined as obese those children whose skin-fold thickness exceeded one standard deviation from the mean for their age and sex. Table 1 shows the minimum triceps skin-fold thickness indicating obesity according to Seltzer and Mayer.[7]

Malina has criticized the Seltzer-Mayer criterion as inapplicable to other populations[12] and, indeed, the standard deviation for some age groups in our population differed from that of Seltzer and Mayer. Accordingly, we subjected our data to a second criterion of obesity. We also defined as obese the 10% of each sex in the total population that had the thickest skin-folds; and we used the minimum skin-fold thickness of this group to define obesity within each age group. Hampton et al effectively used a similar percentile criterion to define obesity and leanness.[13] In fact, according to Dr. Joseph Brozek, the percentile criterion is favored by many physical anthropologists, in part, at least, because it has the advantage of showing that obesity increases with age, a trend that is obvious in the raw data. Furthermore, by using percentiles we were able to define thinness in children, for whom no such standard is now available. We defined as thin the 10% of each sex with the thinnest skin-folds and analyzed the data as for the obese group. These empirically derived values for obesity were 23 mm for girls and 18 mm for boys. For thinness they were girls, 8 mm, and boys, 6 mm.

In the course of studying the 3,344 white children we measured also the skin-fold thicknesses of 1,903 black and Puerto Rican children. Since blacks, Puerto Ricans, and whites have different distributions of skin-fold thickness, it was not possible to analyze all 5,247 respondents as a single population. Hampton et al had also found significant differences in anthropometric measurements among teen-agers of different racial origins and cautioned against using the same standards for different races. Furthermore, the small number of upper-class blacks and Puerto Ricans made it impossible to run separate analyses of blacks and Puerto Ricans relating to socioeconomic status to obesity. For these reasons the analysis reported here was confined to the 3,344 white respondents. Of these, 2,310 were classified in the upper socioeconomic status (occupational categories I and II by 1950 Bureau of Census listing); 857 were classified as of lower socioeconomic status (occupational categories III and IV); the remaining 167 could not be clearly classified. Table 2 shows the number of respondents at each age according to socioeconomic status and sex.

RESULTS

We found marked differences in the prevalence of obesity between the upper- and lower-class children. Moreover, these differences were apparent by age 6.

Obesity in Girls. At age 6, 29% of the lower-class girls were obese as compared with only 3% of the upper-class girls. This class-linked difference continued through age 18, but fell to a minimum at age 12, when 13% of lower-class and 9% of upper-class girls were obese. Table 3 shows the four-fold contingency table relating high and lower social class obesity or its absence.

When we applied the percentile criterion, we also demonstrated the marked difference in the prevalence of obesity between social classes ($X^2 = 70.838$, $P < 0.001$). At age 6, the lower socioeconomic group contained 8% obese girls, while the upper-class group had no obese girls at either age 6 or 7. This difference was maintained until age 18, as with the Seltzer-Mayer criterion. In addition the percentile criterion demonstrated an increase in the prevalence of obesity as a function of increasing age in both socioeconomic groups. Figure 3 shows further that the slopes for the upper and lower classes differ, with a greater yearly increment in the percentage of obese in the lower class. Obesity is not only more prevalent among poor girls, but this greater prevalence is established earlier and increases at a more rapid rate than among upper-class girls.

Obesity in Boys.—Lower-class boys showed a greater prevalence of obesity than did those of the upper class, although here the differences were not as striking as among the girls. At age 6, a marked difference between the two socioeconomic groups is already established, with 40% of the lower socioeconomic group classified as obese, compared

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Footnotes at end of article.

with 25% of the upper-class group. Unlike the pattern among the girls, however, the difference between the boys is not continuous to age 18. Note the reversal at age 12, when the upper-class group has a greater percentage of obese. But by age 14 the lower-class group again shows a greater prevalence of obesity, and this difference is maintained until age 18. These data are summarized in Table 4.

Our earlier studies had shown a positive correlation between socioeconomic status and prevalence of thinness among women. We found four times as many thin women among those of high status as among those of low status. In the present study, applying the percentile criterion, we found a similar pattern among girls. Figure 6 shows that there was more leanness among girls of upper socioeconomic status. At age 6, 15% of the upper-class girls were thin as compared to only 4% of the lower-class. This difference continued until age 12, at which point the two groups converged and showed decreasing prevalences of thinness. Table 5 shows the relationship between high and low socioeconomic status and leanness or its absence.

Thinness in Boys.—Our earlier studies had shown no association between socioeconomic status and leanness among men. About 10% of each group was lean. The data on boys similarly failed to show such an association.

COMMENT

During the past ten years, we have learned a great deal about obesity in the United States, and the results have been a surprise. Our conception of the nature of obesity, based in large part of the results of treating members of the upper and middle classes, has been shaken by the discovery that obesity is largely a problem of the lower classes. It now appears that socioeconomic status and related social factors have more to do with determining whether a person will be obese than does individual psychopathology.[14] The implications of these findings are far reaching. For one, they suggest that we need not be constrained by current psychodynamic formulations of obesity and their pessimistic outlook for treatment, when dealing with the group most afflicted with the disorder.

Instead, an educational approach that recognizes the importance of social factors and is designed to influence the values and lifestyles of large groups, may be more appropriate and more effective than conventional psychotherapeutic techniques.

The study reported here extends previous work and defines a discrete and particularly vulnerable group within the high-risk population—the children of the poor. Not only is childhood obesity a major problem in its own right, but the prognosis for the obese child magnifies the over-all problem for obese children become obese adults. The most authoritative estimate is that 85% of obese children follow this course.[15] Furthermore, the odds against an obese child becoming a normal-weight adult, which are more than 4:1 at age 12, rise to 28:1 if weight has not been reduced by the end of adolescence.[16]

Recent research into juvenile-onset obesity in laboratory animals adds to these actuarial cautions a possible explanation and a cause for further concern. In rats, the cellularity of adipose tissue, and consequently its lipid storage capacity, is determined very early—probably during the first three weeks of life—and primarily by the animal's level of food intake.[17] Overnutrition during this critical period leads to marked increase in the cellularity of adipose tissue, increased body size, and obesity; undernutrition has the opposite effect. Nor do changes in diet after infancy have any effect on the number of adipose cells. Caloric restriction reduces weight solely by reducing the lipid content of these cells, often to an abnormally low level. The depleted cells then remain ready to return to their initial levels of adiposity whenever sufficient lipids are available. By contrast, adult-onset obesity is produced by cellular hypertrophy, and weight loss returns the adipose tissue cells to a more normal size.

Although data of comparable precision for man are lacking, available information strongly suggests a similar pattern.[18-19] And the mechanism described offers a convincing biologic explanation for the remarkable tendency of juvenile-onset obesity to persist into adult life. We still do not know precisely what period in human development corresponds to the critical first three weeks in the rat's life.

However, the fact that such a large percentage of lower-class children is obese by age 6 suggests that hypercellular adipose tissue accounts for at least part of this increased incidence of obesity.

While we know that childhood obesity tends to persist into adulthood, we do not know what proportion of obese adults has juvenile-onset obesity. Even if the contribution is not greater than the one third that has been suggested, however, juvenile-onset obesity remains a serious problem. For all the pathologic correlates and sequelae of obesity are more prevalent and more severe in adults with juvenile-onset obesity, from diabetes and atherosclerosis to emotional disturbance. Furthermore, the juvenile-onset obese have special problems. Any psychopathology is likely to be related to obesity, and fully half of persons with juvenile-onset obesity suffer from body-image disturbances. In persons with adult-onset obesity, on the other hand, psychopathology is usually coincidental and disturbance in body image rare.

One aspect of these findings deserves special note. The prevalence of thinness among the lower-class children was very low despite the poverty in which they lived. This finding surprised us, coming as it did in the midst of reports of widespread hunger among the poor, and its significance is unclear. Perhaps skin-fold calipers failed to detect evidence of undernutrition. However, they have proved adequate to the task of assessment of the undernutrition of anorexia nervosa. Perhaps the level of poverty associated with frank undernutrition is lower than that of the children we studied. But we sought out the children with the lowest level of socioeconomic status that could be found in New York, Philadelphia, and Wilmington. It may be that white children, at least, in these cities do not suffer from undernutrition.

Conclusion.—Before we can institute effective measures to prevent or treat a disorder, it is helpful to define the population at high risk. This all-important step has now been taken for obesity. The lower socioeconomic class is the one with by far the greatest prevalence of obesity. Some of the preventive and therapeutic measures that this finding suggests have already been described.[1]

We have now taken a second step and pinpointed a discrete population at particularly high risk—the children of the poor. As early as age 6, the prevalence of obesity is far higher among the lower classes, particularly among girls, than it is among those of higher socioeconomic status. Furthermore, application of the percentile criterion demonstrates that obesity is not only more prevalent in poor girls, but this prevalence is established earlier and increases at a more rapid rate than among upper-class girls.

These findings help define our task, and they should encourage us in the fight against obesity. For the remarkably early age at which obesity begins among so many of the poor be-speaks faulty nutritional practices by parents. We do not yet know to what extent these faulty nutritional practices result from lack of information or from lack of appropriate food. An effective program of obesity control among poor children requires that we distinguish between these two causes. Research that will enable us to determine more precisely what causes poor nutrition among the poor—nutritional misinformation or economc deprivation—is sorely needed. We have recently embarked upon such a project. One final note—Despite the poverty in which our lower-class children lived, they were no more likely to be thin than were the upper-class children.

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TABLE 1.—OBESITY STANDARDS IN WHITE AMERICANS ACCORDING TO SELTZER AND MAYER

Age (years)	Minimum tricept skin-fold thickness indicating obesity (mm.)	
	Males	Females
5	12	14
6	12	15
7	13	16
8	14	17
9	15	18
10	16	20
11	17	21
12	18	22
13	18	23
14	17	23
15	16	24
16	15	25
17	14	26
18	15	27
19	15	27
20	16	28

TABLE 2.—NUMBER OF RESPONDENTS IN EACH AGE GROUP BY SOCIOECONOMIC STATUS (SES) AND SEX

Age (year)	Upper SES		Lower SES	
	Boys	Girls	Boys	Girls
5	47	5	21	25
6	67	34	27	24
7	71	40	17	16
8	79	56	24	32
9	80	54	16	17
10	90	52	26	32
11	107	56	31	21
12	74	77	33	32
13	84	76	38	31
14	103	66	44	44
15	167	84	42	53
16	216	80	48	55
17	206	80	29	43
18	114	33	19	15

TABLE 3.—DISTRIBUTION OF OBESITY BY SOCIOECONOMIC STATUS (SES) (GIRLS) *

	Upper SES	Lower SES
Obese	41	93
Nonobese	747	332

* $X^2=81.367$, $P<0.001$.

TABLE 4.—DISTRIBUTION OF OBESITY BY SOCIOECONOMIC STATUS (SES) (BOYS)*

	Upper SES	Lower SES
Obese	187	100
Nonobese	1, 269	294

*$X^2=37.210$, $P<0.001$.

TABLE 5.—DISTRIBUTION OF THINNESS BY SOCIOECONOMIC (SES) STATUS*

	Upper SES	Lower SES
Thin	88	28
Nonthin	700	387

*$X^2=6.078$, $P<0.02$.

Mr. EAGLETON. Mr. President, I am pleased to be a cosponsor of the amendment offered by the Senator from Minnesota (Mr. HUMPHREY) to H.R. 14896 which would, for the first time, provide a specific authorization for a supplemental food program for nutritionally needy pregnant women, new mothers, and infants.

The Department of Agriculture now operates a supplemental food program under its general authority to donate agricultural commodities to needy persons. Through this program local sponsors are provided special food packages for women and children found to be at nutritional risk. Administrative costs must be provided locally. The principal source of funds for this purpose has been OEO's emergency food and medical services program.

The inadequacy of the present program has been vividly illustrated this summer in the two major urban areas of my State.

The supplemental food program in the city of St. Louis and St. Louis County is operated and funded by the Human Development Corporation, the local community action agency. The continuation of this program, which serves over 11,000 women and children each month, was put in jeopardy this summer by the administration's decision to terminate the emergency food and medical services program. With the Human Development Corporation's EFMS contract expiring in June, a community fund-raising effort was launched to obtain funds to continue the supplemental food program. At last report, some $65,000 had been raised.

I ask unanimous consent that an article from the St. Louis Globe-Democrat of May 22, 1972, describing the St. Louis program and the crisis it has faced, be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the St. Louis Globe-Democrat, May 22, 1972]

THE LITTLEST ST. LOUISANS ARE IN TROUBLE

(By Walter E. Orthwein)

Did you know that—until recently—more babies per thousand died in St. Louis each year than in some of the world's underdeveloped countries?

Did you know that for years—until recently—St. Louis tied for top place with Washington, D.C., for the highest infant mortality rate in this richest nation on earth?

Chief factors in the sorry picture were a simple lack of adequate food and medical care for mothers and infants of the city's poor.

What you may not know is that St. Louis is in imminent danger of reverting to its former unenviable status, as a result of a cut-off of federal funds effective June 1.

Four years ago, the U.S. Department of Agriculture began its nationwide supplemental food program, free for the asking to any community on a come-and-get-it basis.

Simultaneously, the Office of Economic Opportunity (OES) began a program of annual grants to finance distribution of the food.

But, in the wake of federal budget cuts all along the line, the OEC grants will not be renewed after this month—and that includes the current $136,000 allotment to St. Louis.

Which puts the matter squarely in the lap of the people of St. Louis.

The food is there. A donation of $1.50 to cover distribution costs will feed a mother and child for a month.

There are 12,000 mothers and babies in the city and county eligible for the food. Infants are the main recipients, and 80 per cent of them live in the city.

To keep the food going to them for another year will cost $170,000.

"There are many hard-to-solve problems confronting the world, but this isn't one of them," said Harold Antoine, general manager here of the Human Development Corp., which is mounting a campaign to raise the $170,000.

"Feeding these mothers and babies with food already at hand is a comparatively simple problem, well within our power to solve."

"Hunger amid plenty is an abomination in the eyes of all thinking and feeling people," begins a proclamation by Mayor Alfonso J. Cervantes, declaring the week that began Sunday as "Feed-the-Babies Week."

Noting that the unborn risk permanent physical and mental damage from pre-natal malnutrition and lack of medical care, Antoine said:

"The brain, the central nervous system, the bone development and the general constitutional strength—all can be damaged by absence of proper nutrition in the mother's and child's food intake.

"Almost needless to say, the child's mind can be impaired. There are records of mental retardation that go with poor diet during the vital formative months.

"The taxpayer subsequently shares in this problem."

HDT has collaborated, Antoine said, with public health officials in a plan whereby the food, in addition to easing human hunger, is also the medium for solving the problem of medical care.

Dispensed on prescription by a physician to mothers-to-be and mothers of small children, it brings them to the clinic doctors for examination, diagnosis, treatment and other needed care.

"All public health institutions in the metropolitan area, plus some private physicians who see a lot of poor patients, agreed to the plan—and it has worked," Antoine said.

"It has worked—beyond our dreams, and far beyond the success records of other cities. The word spread, the mothers came.

"To serve them, we established a system whereby a variety of food is packaged, depending on the individual need, and distributed through 17 locations where poor people are concentrated—principally the HDC Gateway Centers.

"In the course of this program, St. Louis lost its status as one of the nation's infant death capitals.

"When you reach 12,000 a month—infants, children up to age 6, and their mothers—with an adequate diet they wouldn't otherwise have, you just can't help but make an impact.

"But—if this magnificant program is to continue—it must be the local will that makes it possible. Federal funds for it are ending next month."

"I call for your help, your compassion and your many capabilities as public-spirited citizens who care about what happens to the littlest St. Louisans in our great city."

Feed-the-Babies Week opened with special collections in churches throughout the city and county Sunday. There will be a Feed-the-Babies Cardinal baseball game Wednesday, for which HDC is selling 5,000 tickets donated by August A. Busch Jr.

A benefit talent show will be held at 7:30 p.m. Friday at Beaumont High School, an area-wide baby contest will raise additional funds, and volunteers will man "toll-road" stations in the city and county during the week.

Contributions may be mailed to the Human Development Corp., 1321 Clark ave., St. Louis, Mo. 63103, and are tax deductible. For more information, call CH 1-7500.

Teamster leader Harold Gibbons is campaign chairman and Benjamin Goins, city license collector, is co-chairman.

Mr. EAGLETON. Mr. President, now with the administration's belated decision to use $20 million in EFMS funds appropriated in fiscal 1972, there is some hope that additional Federal funds will be made available to the supplemental food program in St. Louis.

Kansas City's supplemental food program was begun in December 1971 as a joint effort of the Kansas City Health Department and the Human Resources Corporation. As in St. Louis, administrative funds have been provided through the emergency food and medical services program.

When Kansas City made application for the supplemental food program they were informed by the Department of Agriculture that the ground rules had been changed so that in new program areas supplemental foods would be provided for children only to the age of 1 year rather than to age 6 as in St. Louis and other areas already in the program.

In May of this year local sponsors in Kansas City were notified that because Jackson County was transferring from the food distribution program to the food stamp program their supplemental food program would be terminated. The ground rules had been changed once again so that areas implementing the supplemental food program after a certain date would not be permitted to continue it concurrently with the food stamp program.

Following inquiries by the area's congressional delegation and the Department's review of the situation, the decision to terminate the program in Jackson County was reversed on the ground that the program also serves two nonfood stamp counties in the Kansas City metropolitan area.

Today, therefore, it appears that the supplemental food programs in both St. Louis and Kansas City have new leases on life. But for how long? Perhaps until the Office of Management and Budget again decides to withhold appropriated funds or until the Department of Agriculture again decides to change the ground rules.

It has occurred to me, and I would hope to others, that this is not the way to run a war on hunger.

The Humphrey amendment would authorize a 2-year pilot program to supplement the diets of pregnant or lactating women and of infants up to 4 years of age who are at nutritional risk because of low income and inadequate diet.

Funds would be distributed through State health agencies to neighborhood clinics and other facilities which deliver medical services in low-income areas. Iron enriched formula for infants would be provided in addition to other supplemental foods made available by the Department of Agriculture. Up to 10 percent of the funds provided would be available for administrative costs.

It is estimated that this program, funded at $20 million annually, would reach 400,000 infants and children who might otherwise be irreversibly damaged, physically and mentally, by inadequate nutrition.

If all of our pronouncements about ending hunger in America are to be anything more than empty words we can do no less to prevent malnutrition among this most vulnerable age group.

I urge the adoption of the Humphrey amendment.

EQUAL OPPORTUNITY NOT POSSIBLE FOR NUTRITIONALLY DEPRIVED INFANT

Mr. SYMINGTON. Mr. President, I support the amendment offered by Senator Humphrey to establish a 2-year pilot program to provide supplemental nutritional assistance for mothers and infants during prenatal and postnatal months.

The effects of inadequate nutrition in the last 6 months of pregnancy and the first 6 months of life are tragic. Stunted growth, low weight, small head circumference, and other deformities can lead to intellectual and behavioral impairment which too often cannot be corrected, even if improved nutrition is provided at a later age.

Thus, a nutritionally deprived infant begins life at a severe disadvantage, and almost from the start, has long any chance for an equal opportunity.

The present supplemental food program has provided nutritionally-enriched commodities to low-income women and infants; however, the Department of Agriculture has begun to phase out this program on the grounds that it is inefficient and benefits more people than those falling within this particularly needy group which it is intended to reach.

At the present time, the supplemental food program services thousands of Missourians in 54 areas throughout the State. Many Missourians have written me to explain the serious hardship which could result if some kind of special assistance is not continued for new born babies and their mothers.

St. Louis has operated the most extensive supplemental food stamp program, providing 8,000 to 11,000 people per month with assistance. Benefits have been made readily available with a minimum of redtape, enabling the lowest income mothers and their babies to be helped.

Two years ago when the supplemental food program began operation in St. Louis and St. Louis County, the area had one of the three highest infant mortality rates in the country. The currently dropping rate is being attributed by many to the supplemental food program which not only has improved the nutritional value of food for needy women and their babies, but has also provided an incentive for pregnant women to seek prenatal care.

With such positive results it would be unthinkable to permit a lapse in the nutritional gains for these needy St. Louisians. Because of the success of the past 2 years, we hope that St. Louis can be one of the first areas to benefit from the infant feeding program which would be authorized by this amendment.

Insuring adequate nutrition during prenatal and postnatal months is crucial if we are truly to end hunger in America. This program proposed by Senator Humphrey would be workable and could eliminate some of the problems under the current supplemental food program. It would benefit those Americans who have the greatest need for nutritional assistance. I urge the Senate to pass this amendment.

Mr. HOLLINGS. Mr. President, I am pleased to join my colleagues in support of the amendment to set up a special supplemental feeding program for pregnant and lactating mothers and infants.

There is a program in several counties of my State which has proved to be one of the most successful antimalnutrition efforts launched in the United States. Unfortunately, this program is being stifled by the Nixon administration which has refused to allow its expansion. This is the program we have referred to as "prescription feeding." Through it, we have identified and treated women and children of high nutritional risk. We have been able to obtain medical treatment for persons who otherwise would never see a doctor. We have been able to obtain milk and other specially formulated foods for children who are in a critical stage of their development. We have been able to save literally thousands of children from the threat of brain-crippling malnutrition.

I commend the Senator from Minnesota for his leadership on this issue. We have shown beyond doubt in South Carolina that it is better to feed the child than jail the man. Money spent to give a poor child a nourishing breakfast and a good school lunch are worth literally millions of dollars in savings to the American taxpayer. A child who can be launched into life with a healthy body and healthy mind can be a life-long contributing member to society. A child whose body and brain have been stunted by malnutrition will be a constant reminder to society of its unfulfilled obligations.

This pilot program—admittedly only a trial program—will, I am certain, prove to the scientists, as well as the social planners, that the best way to eliminate malnutrition is at the level of pregnancy and early childhood.

The national nutrition survey, launched by the Congress nearly 5 years ago, has definitely proved that malnutrition still exists in this land of plenty. We have the facts. Now we need to act. This is the kind of program which can get at the heart of our problems and save millions of children from the threat of malnutrition. We have been asked before to save our children and we have provided only half-hearted response. On this issue, we cannot afford to take halfway action.

Additionally, I am pleased to cosponsor amendments protecting the security of children now participating in the free or reduced prices in school lunch programs. If there is any one thing this Congress can take pride in, it is the establishment of our school lunch program for millions of needy children throughout this Nation. This amendment simply makes certain that those children who took part in the program last year will not be denied participation in the future. A third amendment provides that poor school districts will no longer have to contribute funds to build lunch room facilities. These amendments recognize an established fact—a hungry child cannot learn. Providing an adequate diet for a school child feeds both the body and the mind.

Mr. HUMPHREY. Mr. President, of all the programs important to have healthy American people, this is it.

The first few years of life are critical. Educators and doctors now tell us that a child's brain capacity and learning capacity is pretty much determined in his earliest years of infancy.

We see here in one of these photographs what happens to the brain casing itself. The early months are most critical. This child was malnourished, her brain casing enclosed. With the right food nutrients her brain began to grow. However, she will still be retarded because the problem was not caught early enough. There is demonstrable evidence that with proper food, particularly with proper vitamins and protein, a child can be rescued in part from malnutrition. Surely with proper food, during the prenatal and postnatal periods, a child has a chance for a normal life.

I want to say to the Senate that I have had a long interest in this matter, and my wife likewise. We are deeply concerned about the problem of handicapped children.

In the President's Committee on Mental Retardation, started by President Kennedy, and continued by President Johnson and President Nixon, there is demonstrable and unequivocal evidence that proper feeding, both during the prenatal and postnatal periods, is possibly the most important thing we can do to relieve or to prevent so-called mental retardation, at least in some forms.

I am hopeful that the Senate will adopt the amendment. It is not an extravagant one. We are proposing here for fiscal year 1973 and 1974, $20 million for each of those years, with the first year's funding to come out of section 32 funds, to be reimbursed from supplemental appropriations.

I believe it is time to take action to end this tragic cost of malnutrition and subnutrition among the young.

As I have said, medical research has established clearly that nutritional dedeficiencies can reduce the physical and mental damage to an individual, especially when it occurs during the later months of pregnancy and the first 6 to 12 months following birth.

We have had a number of projects underway to help the estimated 400,000 children who would otherwise suffer from physical and mental retardation such as we have seen in the case of Lucy. There are programs at the St. Jude's Hospital in Memphis; the Johns Hopkins Hospital in Baltimore; the Ford Hospital in Detroit; and one of the general hospitals in St. Louis, each of which has been of unlimited assistance in regard to stressing the importance of this program.

In fact, most of the witnesses who appeared before the committee, concentrated their testimony on this particular program. I have put in the Record these past few weeks a number of scientific articles that show the value of this program.

So, when there is an argument made that we have not any evidence, may I say that the medical journals are filled with this evidence. Likewise the records of the Subcommittee on Nutrition of the Senate is filled with evidence in support of this program. There is no lack of evidence, only a lack of action.

What we are proposing here is that we be able to take up and deal with some of the needs that have already been demonstrated. For example, we know that there are some 400,000 children who would profit from this program. All we are saying is that we would like to have programs which could be established such this amendment proposes and such as we have already have in operating a number of hospitals.

I might add that this program will be operated under the jurisdiction of a health agency working with established institutions of health so that it will not be mismanaged in terms of some of the other programs. It will be a health project carried out to take care of the health needs of people.

What is the average cost for 6 months? The average cost per child for 6 months is $40 for this special feeding program. That is what we are talking about; $40 for 6 months. That is not very much. That is about $7 a month to save a life and it really means just that, saving a life or at least making life worth living.

I would hope that the Senate would not cut back this program. I have offered a modest program, $20 million to undertake pilot programs in States that today do not have them and to help some of those programs that are now underway which are supported by private donations.

And the testimony indicates that a great effort has been made under private auspices. I think it is time now that we start to move cautiously and prudently and with measured steps, under proper medical guidance, to get the program underway.

Mr. CURTIS. Mr. President, I offer an amendment to the amendment.

The PRESIDING OFFICER. All time has not expired.

Mr. MILLER. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Alabama has 20 minutes on the amendment. The Senator from Iowa has 38 minutes on the bill.

Mr. ALLEN. Mr. President, I yield 5 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 5 minutes.

Mr. MILLER. Mr. President, as has been stated previously, the Committee on Agriculture and Forestry rejected the special supplemental food program proposed in this amendment.

The committee rejected the amendment—not because it was opposed to proper nutrition for pregnant women and infants but because the committee wished to hear more testimony on the subject.

The Department of Agriculture has been conducting a pilot food certificate program in Chicago; Bibb County, Ga.; Brazos County, Tex.; Yakima County, Wash.; and the northern portion of Vermont.

Cornell University under contract with the Food and Nutrition Service of the U.S. Department of Agriculture has prepared an evaluation and pilot food certificate program. Under the program, food certificates for purchase of fluid milk for adults, and iron fortified formula and baby cereals have been furnished families with pregnant and lactating women and infants.

An independent evaluation of this program by Cornell University has resulted in the conclusion that the program did not significantly increase milk and formula intake by infants; there was no consistent increase of milk intake of either pregnant women or mothers; there was no appreciable substitution of commercially-prepared infant formula, and thus it did not contribute to the intake of iron by infants.

This was prepared by Dr. Robert Wunderlee and Dr. Call of the graduate school of Cornell University. On page 7 of the report we find these observations:

> THE PILOT FOOD CERTIFCATE PROGRAM
>
> 1. The rates of participation in the two pilot areas indicate that the program successfully reached the target population.
>
> 2. The program successfully reached segments of the low income population which did not receive Food Stamps and/or public assistance.
>
> 3. The pilot program was well accepted by the recipients, with few problems reported about the use of the certificates.
>
> 4. The amount of the food certificate stipend was reported to be adequate by a majority of recipients.
>
> 5. The conduct of the Pilot Food Certificate Program was compatible with the normal operations of both health clinics and retail food stores.
>
> 6. The pilot program did not significantly increase either the quantity of milk and/or formula intakes of infants age 1 through 5 months, nor did it increase their nutrient intakes.

I particularly invite the attention of the Senator from Minnesota to this item:

> 7. The pilot program did not significantly increase the quantity of milk and formula intakes of infants 6 through 12 months of age, nor did it increase their nutrient intakes. Since the Certificate Program did not successfully encourage substitution of infant formula for whole milk in this age group, the problem continues. Caloric intakes in this age group are actually excessive in Georgia and the program could be contributing to problems of overnutrition.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. HUMPHREY. I am not talking about whether we increase consumption, but what it does to the basic health of the individual. There is not a scintilla of doubt that the proper nutrients, which my amendment provides, make a decided change in the physical and mental capacity.

The study reported by the Senator from Iowa depended on 24-hour "recall" of what the mothers fed their children. Many mothers do not remember with perfect accuracy, and others will report what makes them sound like good mothers. Nutritionists and doctors rely on "recall" only when it is complemented by biochemical tests and physical exams. The study referred to by the Senator used neither. Therefore, it is not regarded as a reliable measure and is not good cause for rejecting the program.

Mr. MILLER. Yes. There is no question that the increased nutrient value of the food will have that result, but that is not the question before the Senate.

The question is whether this type program has done it and the conclusion is as follows:

> The pilot program did not significantly increase the quantity of milk and formula intakes of infants 6 through 12 months of age, nor did it increase their nutrient intakes.

That is the critical question that the Senator from Minnesota must meet in connection with his amendment.

The paragraph states:

> 7. The pilot program did not significantly increase the quantity of milk and formula intakes of infants 6 through 12 months of age, nor did it increase their nutrient intakes. Since the Certificate Program did not successfully encourage substitution of infant formula for whole milk in this age group, the problem continues. Caloric intakes in this age group are actually excessive in Georgia and the program could be contributing to problems of overnutrition.

Another conclusion is:

> 8. The program did not successfully increase the milk intakes of either pregnant women or mothers of infants in a consistent fashion.
>
> 9. By implication, the income elasticity for program foods of the target families is very small, i.e., near zero.

The report goes on to state:

> The Food Certificate Program did not effectively increase the quantity or quality of the diets of the participants relative to the control groups. Its failure to enhance the diets of infants 1 through 5 months of age can be explained largely as a function of the relatively adequate diets of infants in the control groups. The program's failure to increase mother milk consumption and the substitution of commercially prepared formulas milk in the diets of infants 6 through 12 months cannot be explained in terms of consumption characteristics of the control groups. Since the Pilot Program was widely accepted by the target population and because it did not significantly influence either the qualitative or quantitative aspects of the diets, the program performs the function of an income maintenance program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. I yield 1 additional minute to the Senator.

Mr. MILLER. May I say that I think every member of the Committee on Agriculture and Forestry, and in fact every Member of the Senate recognizes the relationship between malnutrition and some of the undesirable effects which the Senator from Minnesota has very eloquently called to our attention. But that is not the point. The point is whether we should move into this program, a new program, in addition to other ongoing programs before we have the necessary scientific evaluation of present programs which will enable us to be sure we are going to have an effective program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CURTIS. Mr. President, I offer an amendment to the amendment of the distinguished Senator from Minnesota.

The PRESIDING OFFICER. Does the Senator from Alabama yield back the remainder of his time?

Mr. ALLEN. No.

The PRESIDING OFFICER. The Senator's amendment is not in order until then.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Is it necessary for the time to be yielded back before the amendment is offered?

The PRESIDING OFFICER. It is necessary for the time to be consumed or all yielded back.

Mr. CURTIS. I withdraw my amendment.

Mr. ALLEN. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I am in full support of the humanitarian objectives of the distinguished junior Senator from Minnesota. No one could be more interested than I in raising the nutritional standards of infants from poor families, or for any families for that matter.

However, I must oppose the pending amendment because I have serious questions about its impact. This amendment has already been rejected by the Committee on Agriculture and Forestry because it did not have an opportunity to carefully consider this proposed new program for infants and mothers. The committee had no opportunity to find out how this proposed new program would differ from existing programs now being conducted by the U.S. Department of Agriculture. It had no opportunity to give this proposal the kind of careful consideration that is necessary to establish a workable program. The author of this amendment introduced it as a part of a separate bill. He introduced it on June 8, 1972, as a separate bill. The committee has not had an opportunity to hold hearings on it. The committee has not had an opportunity to consider it, and the committee has not had an opportunity to consider the framework set up by this amendment in relation to the other programs.

Already there are nine programs, to which I have alluded in my discussion today of nutrition programs for children, conducted by the Department of Agriculture, and others conducted by OEO and HEW. This would set up an entirely new program paralleling and overlapping in many instances the existing program. Nothing has been said about the supplemental food program which parallels almost completely the scope of the Senator's present amendment, and I assume the Senator has no knowledge of this program because he did not discuss it. It is the supplemental food program now being administered by the Department of Agriculture for the benefits of pregnant and lactating women, infants, and children through 5 years of age. It is exactly what the Senator seeks to do but going exactly a different route, setting up more administrative costs, more machinery, and more bureaucracy for doing the same thing now being done by the supplemental food program for the Department of Agriculture.

This program currently offers selected, nutritious foods to persons in low-income groups considered especially vulnerable to malnutrition—specifically, women durign pregnancy and for 12 months postpartum, infants under 12 months, and children through 5 years of age, which I believe is exactly the scope of the amendment of the Senator, but he would provide an entirely different set of machinery, more overhead, more Federal payroll, and more Federal bureaucracy.

Medical authorities prescribe these foods, which include evaporated milk, canned meats and vegetables, peanut butter, scrambled egg mix, corn syrup, fruit juices, and iron-fortified farina and instant rice cereal, to eligible women, infants, and children.

The Department donates the foods and pays for the cost of delivery to points designated by the State distributing agency. Thereafter, State and local agencies are responsible for storage, handling, and distribution of the foods.

For fiscal year 1972, $15.1 million was budgeted for food costs for the supplemental food program. The latest complete figures, May 1972, show 264 project areas participating with a total caseload of 164,298 recipients.

If the distinguished Senator from Minnesota wants to do something in this area—and I think it very fine that he do so—I think it ought to be subjected to hearings to see just how it would fit into an existing program. Why not add this to the existing efforts of the Department of Agriculture, and not set up new money to be sent down to the various departments of health under no schedule whatsoever, under no framework stipulated as to how the money is going to be distributed, what is going to become of it after a grant is made, but after a department has carried on a program of this kind—and I assume he would be interested in some other information about this program——

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. HUMPHREY. I am very much aware of the program, and it is to be commended. It is a good program, but there is a great deal of difference. Much of that program relates to surplus commodities. What I am talking about is a supplemental feeding program that is vitamin enriched, that is mineral enriched, for children that are medically determined as being at nutritional risk. This other program does not apply to medically determined nutritional risks.

Mr. ALLEN. I think the Senator is mistaken, because I have information from the Department showing medical authorities prescribe these foods.

Mr. HUMPHREY. Yes.

Mr. ALLEN. It comes from medical authorities.

Mr. HUMPHREY. The type of program we are talking about involves infants, prenatal and postnatal. The State of Maryland applied for assistance for hospitalization in low-income areas for children who were adjudged by the medical profession to be at nutritional risk, and the Department of Agriculture turned it down, saying they did not have the means to take care of such a request.

This is a program that relates to the kind of food children and babies should receive, prepared food, food supplements, mineral supplements, chemical supplements, vitamin supplements, that are in mixed formula that we see in stores, particularly in pharmacies, that mothers can purchase for their children, some under doctors' prescription.

Mr. ALLEN. Mr. President, under the existing program $15.1 million was budgeted for food costs and supplemental food programs. The latest complete figures for May 1972 show there were 154,000 recipients. It would occur to the Senator from Alabama that if a denial was made to the people in Maryland applying for this program, it might well be that some money could be pumped into this program, rather than set up an entirely new program, adding to the Federal bureaucracy, having more red tape, with this Department still operating a supplemental food program of $15.1 million.

I believe the Senator is suggesting an authority of $20 million. The overhead would come out of that $20 million. Under this program there is $15.1 million for these fortified foods, plus the amount of the overhead. So there would be more moneys going into food under the present program of the Department than would go under the Senator's proposal.

That is in addition to the program mentioned by the distinguished Senator from Vermont (Mr. AIKEN), the food certificate program, which is a pilot program. Under that pilot program the money was not sent through the Department of Health, Education, and Welfare. It is a program set up in the Department of Agriculture, and food certificates are issued under the pilot program. Yet the Senator would set up an entirely different approach, just adding layer on layer to the Federal bureaucracy.

What we are seeking is that the Senator give the committee a little time to hold hearings and see how this program the Senator envisions can be worked into the existing programs and the existing machinery. It might be that a consolidation could result. But the Senator just comes in here and offers on the floor of the Senate a separate plan to the school lunch bill, something we are trying to get passed before the start of the school year.

The Senator from Iowa said there was a likelihood that the House, if the Senate passed the Senate Agriculture Committee version of that bill, would take the bill as amended here in the Senate.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. ALLEN. I want to complete my thought. I fear that if a new program, separate and apart from the school lunch program, is added to the bill, then it would very definitely have to go to conference and we would not get it out until after the start of the school year.

Mr. HUMPHREY. I have conversed with the distinguished chairman of the House committee——

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Minnesota has no time remaining. The Senator from Alabama has 2 minutes remaining. The 12 minutes he yielded himself has expired.

Mr. ALLEN. I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. I wanted to correct the Senator's impression. The distinguished chairman of the House Committee on Education and Labor, Representative PERKINS, not only indicated to me, but said to me—in fact, it was right here in this body a short time ago—that he was fully in support of this proposal, that it would be readily acceptable, because he felt it was definitely needed and he would cooperate right down the line.

Mr. ALLEN. I appreciate the information given by the distinguished Senator, but that is one Member and I understood it would take unanimous consent of the House in order to approve the measure without going to conference, so I do not believe, under the rule, that would be permitted.

Mr. HUMPHREY. I am not familiar with all the procedures in the House, I may say, but I understand that because this is an amendment to existing legislation, it is not a new program but is a supplement to the existing program.

Mr. ALLEN. I appreciate the Senator's discussion of the House rules.

I yield back my time and ask that the amendment be rejected.

Mr. CURTIS. Mr. President, I have an amendment at the desk which I ask to be read.

Mr. MILLER. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. MILLER. Has all time been yielded back on the pending amendment?

The PRESIDING OFFICER. All time has been yielded back or has expired on the pending amendment.

The Clerk will state the amendment of the Senator from Nebraska to the amendment.

The legislative clerk read the amendment to the amendment as follows:

> On page 4, line 21 of Amendment No. 1431 strike everything after "The Secretary" through page 5, line 2 and insert in lieu thereof: "and Comptroller General of the United States shall submit preliminary evaluation reports to the Congress not later than October 1, 1973; and not later than March 30, 1974, submit reports containing an evaluation of the program provided under this section and making recommendations with regard to its continuation."

Mr. CURTIS. Mr. President, it would be my hope——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. CURTIS. How much time do I have?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. CURTIS. I yield myself 5 minutes. It would be my hope that the distinguished author of this amendment might accept my amendment. I will explain what it does.

The amendment of the Senator as now written provides that the Secretary shall submit to Congress no later than October 1, 1973, his recommendations regarding appropriations to be authorized for the continuation and expansion of the program under this section.

Mr. President, keep in mind that this is a pilot program. The committee has held no hearings on it and the amendment as written would require the Secretary to make recommendations for the authorization of appropriations for the continuation and expansion of the program. That is the pilot program.

Now, what my amendment would add to that would provide this:

> The Secretary and the Comptroller General shall submit preliminary evaluation reports to the Congress not later than October 1, 1973; and not later than March 30, 1974, submit reports containing an evaluation of the program provided under this section and making recommendations with regard to its continuation.

Again, Mr. President, I point out that here we are not asked to authorize, at a cost of $40 million, a pilot project, and direct that at the end of that time the Secretary shall recommend authorization of legislation for its continuance, but my amendment says that the Secretary and the Comptroller General shall submit a preliminary evaluation report by October 1 next year and by not later than March 30, 1974, submit reports containing an evaluation of the program and making recommendations with regard to its continuance.

I believe the amendment that I have offered speaks for itself. I think it represents a sounder legislative process. It will give Congress information and an evaluation that should be of material help if Congress decides to continue this program, and I believe that if the amendment of the Senator from Minnesota is advanced and accepted by the Senate, this amendment ought to be in it.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. HUMPHREY. I think the proposal of the Senator from Nebraska, who is one of the most able members of our committee, is sound. I think it represents the kind of prudent approach we ought to take. I am perfectly willing to support the Senator's amendment, and I hope it will be adopted as an amendment to the amendment I have offered on behalf of myself and other Senators.

Mr. CURTIS. Mr. President, I am prepared to yield back the remainder of my time.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. CURTIS. I yield.

Mr. ALLEN. Did I correctly understand the Senator to say that in 1973 the Secretary and the Comptroller General will make a report, and then in 1974 make another report?

Mr. CURTIS. In 1973 they will make a preliminary evaluation report, and then, not later than March 30, 1974, submit a reevaluation of the program and make recommendations regarding its continuance.

Mr. ALLEN. Does the Senator feel, in the first place, that there would be a chance that the Comptroller General and the Secretary, no matter how mismanaged the program was, and no matter how much it might overlap the work of other bureaus and departments, would recommend its discontinuance? And even if they did, does the Senator feel that Congress would pay any attention to them?

Mr. CURTIS. I would hope so, and that Congress would use that information. The alternative is the language already in the amendment of the distinguished Senator from Minnesota, which is that the Secretary shall submit to Congress no later than October 1 of 1973—in just a little over a year—his recommendation regarding appropriations to be authorized for the continuance and expansion of the program under this section.

In other words, the Secretary is directed, under the language of the amendment as it now stands, to make his recommendations for an authorization. My proposal would have the two agencies evaluate the program and give us a preliminary report, and then a final report, together with their recommendations.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. HUMPHREY. I think the Senator from Nebraska has given us a constructive proposal. I do not see us jamming the program down anyone's throat. I think the evaluation is necessary, and very well taken. We would get separate types of evaluation from the two sources, and I hope the evaluations would recommend to us the kinds of things we might do to either approve the program or, if it does not prove out—but I am sure it will—make recommendations for its conclusion.

Mr. ALLEN. Would the Senator consider rewording his amendment to the effect that the program would expire at the time he suggests unless the Secretary and the Comptroller General made that certification, and not put that duty and responsibility upon Congress, to enact legislation bringing it to a close?

Mr. CURTIS. It is my understanding that this is a 2-year program, anyway.

Mr. HUMPHREY. A 2-year program.

Mr. CURTIS. And does expire.

Mr. ALLEN. But would there be any objection to wording it the other way?

Mr. CURTIS. I do not believe it is necessary.

Mr. ALLEN. Well, if the Senator does not believe it is necessary, would it hurt to put it in that way?

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. HUMPHREY. This is a 2-year authorization that would automatically expire unless reauthorized, and therefore, within the time frame of the 2 years, the amendment of the Senator from Nebraska would follow. So there is no continuity. I say respectfully to the Senator from Alabama; we would have to come back and reevaluate, no matter what, before extending its authorization.

Mr. ALLEN. We have to do that with every department and agency. We have to do it every year.

Mr. HUMPHREY. Not every year. Many times programs are authorized for 4 or 5 years. I happen to believe in shorter authorizations. That has been my general principle.

Mr. ALLEN. But we have 13 or 14 appropriation bills every year, and that many authorization bills. Of course, there are some programs that are for a longer period, where the authorization is for 2 years. But naturally, it is going to be for some period; it is not going to be a permanent authorization. It has to end sometime.

Mr. HUMPHREY. I respectfully suggest that the bill before us is a 3-year authorization, and this is an amendment to that bill which provides but a 2-year authorization, so we have cut back, and I believe this is a time frame in which we can do justice to it.

Mr. CURTIS. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Alabama yield back the remainder of his time?

Mr. ALLEN. Mr. President, I do not have any time on this amendment. This is an amendment of the Senator from Nebraska to the amendment of the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I yield back my time on the amendment.

The PRESIDING OFFICER (Mr. BEALL). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on the third amendment of the Senator from Minnesota, as amended.

The PRESIDING OFFICER. There is not a sufficient second.

The yeas and nays were not ordered.

Several Senators addressed the Chair.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Upon what vote were the yeas and nays requested?

The PRESIDING OFFICER. The request for the yeas and nays is being made on the amendment of the Senator from Minnesota as amended by the amendment of the Senator from Nebraska.

Mr. MILLER. Mr. President, will the Senator withhold his request for the yeas and nays?

Mr. HUMPHREY. Yes.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Mr. President, I have no time.

Mr. ALLEN. There is no time remaining on the amendment.

Mr. MILLER. Mr. President, I yield myself 2 minutes on the bill.

I would like to address an inquiry to the distinguished Senator from Minnesota. One thing that troubles me is the possibility of duplicating and overlapping programs. As I have already pointed out, there are several pilot programs, which an independent study by the nutrition department of Cornell University had indicated were getting the job done.

I ask the Senator from Minnesota whether it would be feasible to provide in his amendment that this special supplemental food program, which I understand is the essence of the amendment, would supplant and replace other programs of this type being administered by the Department of Agriculture. In other words, as I understand it, some of these other programs, pilot programs, are going on which are not getting the job done. I am sure the Senator does not want to duplicate those. Why not just phase them out and replace them with this? I would think that that would be a much more effective way than to allow the others to continue.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. HUMPHREY. First of all, may I say that this program is supplementary to what already goes on. It does not displace and it does not duplicate. It is not a duplication program.

The U.S. Department of Agriculture supplemental food program now serves infants only up to 1 year. My amendment goes beyond that. It did at one time serve them beyond 1 year, but no longer. The program we presently have relies primarily on commodities, in large measure, that that are reserve commodities or surplus commodities. It does not include infant formula.

Also, we found out from the pilot programs conducted elsewhere that there were a number of new models that could be much more serviceable if the type of program I am asking for were made available.

Mr. MILLER. Those programs—the food commodity program, for example—are not pilot programs, are they?

Mr. HUMPHREY. No; but some of these surplus foods have been used in the pilot programs we have been discussing here today.

Mr. MILLER. I understand.

Mr. HUMPHREY. These are enriched supplemental foods for child nutrition.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MILLER. I yield myself 3 additional minutes.

The Senator's program, by this amendment, is a pilot program; is it not?

Mr. HUMPHREY. It is to authorize funds to assist in pilot programs for infant feeding, for prenatal and postnatal pregnant women, and for lactating mothers.

Mr. MILLER. My point is that there are other pilot programs, such as those to which the Cornell University study was directed. Why could not the Senator have his amendment modified to provide that this special supplemental food program will supplant and replace any other pilot programs administered by the Department of Agriculture?

Mr. HUMPHREY. I have enough faith, even in the man I did not vote for, the Secretary of Agriculture, to see that we do not have duplicating programs for the same purpose going to the same hospital or the same agency.

All this amendment really is trying to do is to take care of a need that is not taken care of today, and that is for mothers, pregnant women, and children in those early years immediately after birth who need special food supplements beyond what presently exists. The need for it has been established. The testimony in our committee was there. Most of the witnesses testified to the need for this program.

A recent conference on the supplemental food program, held in Detroit, came out in support of the very thing I am talking about here. The Supplemental Food Conference, in which the Department of Agriculture participated, asked for this improved type of nutritional aid. This is not the result of some harebrained scheme that the Senator from Minnesota concocted. This program is the result of a request by a conference on this subject in which the Department of Agriculture participated.

I would hope that we would do something about it here in a modest way, particularly with the Curtis amendment, which gives it the evaluation to which I have agreed.

If there is any duplication, we have people in the Department of Agriculture, and in the Senate committee who will be reviewing all these programs next year who will note such duplication if any exists. We have asked the General Accounting Office to review the program. We have asked the Secretary to review, evaluate and make recommendations regarding the continuation of the program. I think that should be adequate.

Mr. MILLER. It seems to me that the Senator would not want to have any of these other pilot programs going on, especially if they are not getting the job done. I cannot understand why he would object to a provision in his amendment which would make it clear that the program he proposes to authorize by the amendment will replace and supplant any other pilot program in this area. I think it would be very helpful to fold in all types of other programs, under this one.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, will the Senator yield me a half minute?

Mr. MILLER. I yield.

Mr. HUMPHREY. I respectfully say that, so far as the Senator from Minnesota is concerned, he wants no duplication. The purpose of this is not duplication. The purpose is what the amendment says—supplemental.

Mr. MILLER. Mr. President, if that is the purpose, what would be the objection to putting a provision at the end of the amendment to so state?

Mr. HUMPHREY. Because we do not have enough information about all these programs at this minute to make that kind of assertion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota, as amended.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Alaska (Mr. GRAVEL), are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Georgia (Mr. GAMBRELL) and the Senator from Wyoming (Mr. MCGEE), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Delaware (Mr. BOGGS), the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent to attend the funeral of former Senator Ralph T. Smith.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER), would each vote "yea."

The result was announced—yeas 67, nays 16, as follows:

[No. 380 Leg.]

YEAS—67

Aiken
Anderson
Baker
Bayh
Beall
Bellmon
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dominick
Eagleton
Edwards
Fannin
Fong
Fulbright
Goldwater
Griffin
Gurney
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Tunney
Williams

NAYS—16

Allen
Bennett
Buckley
Byrd, Harry F., Jr.
Curtis
Eastland
Ervin
Hansen
Jordan, N.C.
McClellan
Miller
Sparkman
Stennis
Talmadge
Thurmond
Young

NOT VOTING—17

Allott
Boggs
Brock
Dole
Gambrell
Gravel
Harris
Hruska
Javits
McGee
McGovern
Mundt
Pell
Percy
Randolph
Tower
Weicker

So Mr. HUMPHREY's third amendment was agreed to.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CASE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BENTSEN. Mr. President, I have an amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> On page 16 after line 22, insert a new section to read as follows:
>
> "Section 7 of the National School Lunch Act (42 U.S.C. 1756) is amended by inserting the words 'for the preceding fiscal year' after the phrase 'per centum of the matching requirement' each time such phrase appears in such section."

Mr. BENTSEN. Mr. President, I rise to offer an amendment to the bill under consideration, H.R. 14896. My amendment would allow States to avoid a potential problem caused by the increase in matching Federal funds provided under this legislation, and also correct a flaw in the original act that has frustrated both the responsible governing State agency for this program and State legislatures alike.

Section 4 of H.R. 14896 provides an average rate of Federal reimbursement of 8 cents for each lunch served under the national school lunch program of which the State pays 12 percent. This is an increase of 2 cents above the 6-cent rate in fiscal year 1972, and 2 cents per lunch above the amount budgeted for the school lunch program in the recently passed Agriculture Appropriations Act.

Passage of H.R. 14896 will automatically and immediately increase the amount of funds which States will be required to appropriate in order to match Federal funds. This will be the case since present law requires States to match on the basis of the Federal funds received in the current fiscal year.

This new funding formula would create critical problems in the program for many States. For example, in my own State of Texas, the Texas Education Agency which is responsible for administering the school lunch program had already planned to match Federal funds on the basis of the 6-cent rate contained in the administration's budget and had successfully gone to the State legislature and received the correct appropriation. However, because of the increased rate that will be caused by this legislation, the State money already approved will be insufficient matching under the new formula. This will require a special session to be held, or else deplete an emergency contingency fund which could be utilized elsewhere. Mr. President, that would be a very undesirable result of the passage of this legislation. We are all interested in achieving a more coordinated not a less coordinated program.

In additional, the present language of section 7 of the School Lunch Act, as amended, has created hardship both for the responsible State agency and the State legislature. It requires an estimate by the agency prior to the end of the fiscal year, at a time when the full amount of Federal funds to be received by the State are not known.

My amendment, therefore, proposes to relate State matching requirements to the preceding fiscal year rather than the current year. This would allow the State agency responsible for this program to present an accurate budget request to the legislature as represented by the actual cost of the preceding year's program, instead of guessing what the Congress might do.

I am confident that my fellow colleagues will realize the importance of this amendment to good fiscal and program responsibility. I am sure it will allow this very valuable program to function more efficiently and smoothly.

A problem has arisen in this situation when the Federal Government raises the price from 6 to 8 cents per meal. In the State of Texas and in some other State legislatures they have already met and provided their matching funds based upon the preceding year's formula. We are now raising it an extra 2 cents. This requires the States to come up with an additional amount of money.

This would mean that the State legislature of the State of Texas would have to go back into special session—and this would be true in the case of some other States, as well—and would have to do this same thing over again. What I have done, in effect, in this amendment is to put in a grandfather clause so that we could use last year's apportionments in this case to take care of the increase. The States would be acting in each instance on the basis of the preceding year. So if the legislature met, they would have an exact fix on the amount of funds required.

Mr. President, I have taken this matter up with the distinguished Senator from Alabama. And I would appreciate any comments that he might have to make on the matter.

Mr. ALLEN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 3 minutes.

Mr. ALLEN. Mr. President, the amendment offered by the distinguished Senator from Texas (Mr. BENTSEN) will give a year's leadtime in meeting the matching requirements under section 4 of the School Lunch Act and allow the States to use the matching requirement of the preceding fiscal year in appropriating funds to meet the matching requirement.

We have taken this matter up with the Department of Agriculture and they agree with the soundness of the amendment. On behalf of the committee, I am willing to accept the amendment and recommend its passage.

Mr. BENTSEN. Mr. President, I thank the distinguished Senator from Alabama. Based upon his statement, I yield back the remainder of my time.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. CASE. Mr. President, I call up my amendment No. 1433, as modified.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with; that the amendment be printed in the RECORD; and that the Senator from West Virginia (Mr. RANDOLPH) be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15 strike out all after line 22, over to and including line 13 on page 16.

On page 16, line 14, strike "SEC. 8" and insert SEC. 7.

Mr. CASE. Mr. President, the amendment is offered also by the Senator from Minnesota (Mr. HUMPHREY), whose name unfortunately was omitted by mistake in the printing of the amendment. It is also offered by myself, as well as by Senators AIKEN, BENNETT, TUNNEY, BURDICK, MOSS, MAGNUSON, MCGOVERN, JACKSON, MUSKIE, and HART. If other Senators would like to have their names added to the amendment, they may ask me and it will automatically be done.

Mr. President, this amendment, cosponsored by Senators AIKEN, HUMPHREY, BENNETT, TUNNEY, BURDICK, MOSS, MAGNUSON, MCGOVERN, JACKSON, MUSKIE, and HART will strike the language reported in the Senate version of H.R. 14896. At the present time vending machines are permitted in school cafeterias if they are part of the school lunch program, but vending machines are not permitted for the distribution of competitive food items. However, vending machines are permitted outside the cafeteria for distribution of items such as soft drinks, if the school so permits.

I ask this amendment be accepted without any desire to cut off entirely the use of vending machine devices. These are in wide use now and my amendment would have no effect at all on their continued use. Indeed, the fact that this legislation authorizes $40 million for school equipment, some of which will be spent on vending devices, makes clear there is no effort to discontinue their present use.

The purpose of this amendment is to retain the integrity of the existing school lunch program, and nothing more.

Mr. President, under current law the Secretary of Agriculture has authority to regulate competitive food services. The Senate version of H.R. 14896 would remove this authority from the Secretary and, in effect, leave the question of competitive food services up to the States and local school districts. School lunch directors are fearful they would be forced to allow vending machines in school cafeterias. Certainly this would weaken their effort to provide balanced and nutritious meals for all children.

The House version of H.R. 14896 would allow competitive food services to offer the sale of "nutritious food through vending machines—where the proceeds of such sales will inure to the benefit of the schools or of organizations of parents approved by the schools and (where) such sales will not substantially interfere with the (school lunch) programs so authorized."

Unfortunately, there is no workable definition of "nutritious foods" which could well mean "empty calories" and there would be substantial pressure not only to install such machines but, also, to use them to the advantage of fund-raising organizations.

In my view we should retain the existing system while continuing to improve the quality of meals offered in the national school lunch program.

Returning to the original language of the School Lunch Act does not foreclose the option in the hands of the Secretary of Agriculture to allow certain exceptions. For example, senior high school students may desire soft drink machines in school cafeterias and if, in the Secretary's opinion, there is no sound reason to prohibit soft drink machines, the authority exists for him to take action.

Now, however, I think it is best to proceed as we have in the past and safeguard as well as we can the school lunch program. I urge the adoption of my amendment.

Mr. President, I cite my friend, the Senator from Vermont (Mr. AIKEN) on this, and he will back me up, I am sure. They want the Secretary to have the exercise of this authority.

Mr. AIKEN. Mr. President, probably in some sections school authorities would come under considerable pressure to install vending machines.

Mr. CASE. Mr. President, I thank the Senator from Vermont. Whenever one finds that he is on the same side as the Senator from Vermont, he usually finds himself to be quite comfortable. I am quite comfortable in this instance.

This is not an antivending machine amendment at all. It is quite possible to have vending machines. The Secretary has permitted them in numerous instances under the existing law. And that would still stand if my amendment were to be adopted.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the American Dental Association in support of my amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN DENTAL ASSOCIATION,
Washington, D.C., August 14, 1972.

Hon. CLIFFORD P. CASE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CASE: Enclosed is a partial bibliography of sources and explanatory material on the relation between sugar-rich foods and dental decay to document the statements in our letter to you of August 8, 1972. We hope this material is of use in restoring proper regulatory authority over competing food services and vending machines in this country's school systems.

Sincerely,

CARL A. LAUGHLIN, D.D.S.,
President, American Dental Association.
EDDIE G. SMITH, D.D.S.,
President, National Dental Association.

PARTIAL BIBLIOGRAPHY

The relationship between sugar-rich foods and dental decay was positively established and recorded in the Journal of the American Dental Association, in a well documented

study published in 1953 by the Council on Dental Health and the Council on Dental Therapeutics of the American Dental Association.

Because of the Associations' responsibility for safeguarding the dental health of the American public, the Councils were charged to document the known or potential hazards to dental health resulting from the frequent consumption of sweetened beverages and other sugar-containing substances. The Councils concluded:

"From the health point of view, it is desirable especially to have restriction of such use of sugar as is represented by the consumption of sweetened carbonated beverages and forms of candy which are of low nutritional value. The Council believes it would be in the interest of the public health for all practical means to be taken to limit the consumption of sugar in any form in which it fails to be combined with significant proportions of other foods of high nutritive value."

The report may be found in the October, 1953 issue of the Journal of the American Dental Association, p. 387.

Since that report, several independent studies have added to and amplified the conclusions reached by the Associations Councils. A partial listing of the most recent studies follows:

William Davis, D.D.S., Lincoln, Nebraska: *The Physical Character of Food as a Dietary Factor in Dental Caries Control;* The Chronicle of the Omaha District Dental Society, Volume 33: Feb., 1969, Pages 179–180.

Eleanor J. Edmonds: *Diet and Dental Health;* Texas Dental Journal, Volume 88: May, 1970, Pages 21–22.

T. H. Grenby, BSC, Ph.D.: *Some Aspects of Food and Dental Caries;* Chemistry and Industry, Volume 28: September, 1968, Pages 1266–1270.

R. L. Hartles, Ph.D., DSC: *Dietary Modification as a Means of the Control of Dental Caries;* Dental Health, Volume 10; Autumn, 1971, Pages 47–51.

P. B. V. Hunter, BDS: *Sugar and Dental Decay;* School Dental Service Gazette, Volume 30: October 1970, Pages 59–60.

William H. Keeler, MD, MPH and John E. Higgins, D.D.S., Roanoke, Virginia; *The Indiscriminate Distribution of Sweets to Children as Favors or Captive Purchases;* Journal of American Dental Association, Volume 75: October, 1967, Pages 903–907.

Ernest Newbrun, D.M.D., Ph.D.: *Sucrose, The Arch Criminal of Dental Caries;* Journal of Dentistry for Children, Volume: 36, July-August, 1969, Pages 239–248.

Abraham E. Nizel, D.M.D., MSD: *Dental Caries: Protein? Fats and Carbohydrates;* A Literature Review, New York Dental Journal, Volume 35: February, 1969, Pages 71–81.

J. D. Palmer, BDS, LDS: *Dietary Habits at Bedtime in Relation to Dental Caries in Children, British Dental Journal,* Volume 13: April 6, 1971, Pages 288–293.

Solomon N. Rosenstein, D.D.S.: *Systemic and Environmental Factors in Rampant Caries;* New York State Dental Journal, Volume 32: November, 1966, Pages 400–406.

Gordon Stevenson, MS: *Present Status of Programs to Control Dental Caries by Combining Lactobacillus Counts and Dietary Restriction of Carbohydrates;* Journal of Dental Education, Volume 35: June, 1971, Pages 41–42.

G. B. Winter, MB, BDS, FDS, DCH: *Sucrose and Cariogenesis;* British Dental Journal, Volume 124: May 7, 1968, Pages 407–411.

USE OF VENDING MACHINES IN SCHOOL LUNCH CAFETERIAS

Mr. HUMPHREY. Mr. President, I rise in support of the Senator from New Jersey's amendment. I joined as a cosponsor in offering this amendment because total removal of the Department of Agriculture's authority to regulate competitive food services in schools where school lunches are offered is not the answer. The committee amendment would totally remove the current authority of the Department of Agriculture to issue such regulations. The amendment which Senator Case is offering would restore—or maintain—existing law on the matter, which for the present, is what I believe should be done.

Many of us recognize the desire on the part of high school students and some local school officials to further the use of vending machines in schools. However, we also recognize that unless such a move is carefully handled, the entire school lunch program can be easily subverted.

As Senator Case has indicated, vending machines are now permitted in schools, in a limited fashion. They are permitted in offering certain school lunch items and are also permitted outside school cafeterias as it relates to soft drinks and the like.

Removal of the Department's existing authority to regulate this matter would likely subject local school officials to an onslaught of pressure by local vending machine owners to invade school lunchrooms with food items containing "empty calories" and other items which contribute little or nothing to meeting the daily dietary needs of students.

I have received close to 300 telegrams and letters from school food service officials in opposition to the Senate Committee amendment.

The House passed version of this bill contains a provision to permit the use of vending machines in offering "nutritious" foods, with the proceeds from such sales going to student organizations or the schools themselves. The House language also requires that such sales will not substantially interfere with the school lunch programs. In that the terms "nutritious food," and "substantially interfere with" are not defined in the House bill, I am concerned about altering existing law with that language as well.

It would seem to me that the Secretary of Agriculture has all the authority he currently requires to either restrict or permit the use of these machines in schools without making any changes in the law, including permission to use such machines to offer "nutritious" foods—the specific criteria for which he should determine, not Congress.

I believe the Senate should support the amendment being offered by Senator Case and keep existing law intact on this matter. The Secretary should then be urged to examine this matter carefully to determine to what extent, if any, current regulations concerning the use of these machines should be liberalized in keeping with the basic dietary objectives of the school lunch program.

Mr. President, I want to point out that in the State of Minnesota, while we do permit vending machines, they are only permitted during what they call the school lunch hour because of the concern of school authorities over the lack of what we call nonnutritional food items. An effort has been made to keep the school lunch program a real nutritional program.

Mr. CASE. Mr. President, I thank the Senator from Minnesota.

Mr. ALLEN. Mr. President, among other things section 10 of the Child Nutrition Act of 1966 requires the Secretary of Agriculture to prescribe such regulations as he may deem necessary relating to the service of food in participating schools and service institutions in competition with the programs authorized under that act and the National School Lunch Act.

As a result of the statutory language and the legislative history as contained in Senate Report 91-641, the regulations promulgated by the Secretary of Agriculture effectively prohibit the operation for profit of food services or vending machines, in competition with the nonprofit school lunch program.

Section 7 of H.R. 14896, as approved by the House of Representatives, amends section 10 of the Child Nutrition Act of 1966 to provide that regulations governing school food programs permit the sale of nutritious foods through vending machines where the proceeds of such sales will inure to the benefit of the school and such sales will not substantially interfere with the programs authorized.

In its consideration of the bill now before the Senate the Senate Committee on Agriculture and Forestry adopted a subcommittee recommendation to rescind the statutory authority of the USDA to regulate the sale of food items in competition with programs authorized under the Child Nutrition Act and the National School Lunch Act.

In so rescinding this authority, the committee intends to leave the regulatory authority regarding competitive food services up to the States and local governments.

In its report the committee indicated that it did not wish to imply that it disapproved of the regulations issued by the USDA pursuant to their statutory authority. However, the committee did feel that the wide range of conditions which prevail around the country can best be taken into account by State and local authorities.

Under no circumstances is it the intent of the committee to expressely authorize competitive food services being served in competition with the school lunch and school breakfast programs.

Under the committee language, each State and local jurisdiction has the full right to adopt whatever regulations it deems appropriate under those local conditions which exist. Further, each State and local jurisdiction may continue the existing prohibition with respect to competitive food services. The committee is entirely silent in this area.

In essence, under the amendment adopted by the Committee on Agriculture and Forestry, each State or local jurisdiction is free to act in its own best interest and in the best interest of the children who participate in the school lunch and school breakfast programs.

Mr. President, the amendment now before the Senate would, in effect, continue the authority for the Federal Government to control from that level such food services which are complementary, supplementary or even in competition with the regular lunch and breakfast programs.

Although proper nutrition is the primary purpose of the programs the Committee on Agriculture feels that this can best be accomplished at the local level.

I hope the amendment will be defeated.

In other words, the committee bill would allow that decision to be made by the local school authority. The local school authority would decide whether peanuts, candy, or other food items could be sold in the school building.

As it is now, the Secretary promulgates rules that withdraw from the States and local governments the authority to decide this question.

So the committee recommended and the bill reported by the Committee on Agriculture and Forestry would leave that authority in the hands of the local authority. It does not require that other items be sold over the counter or through vending machines, but it does permit the local school board to decide the question, to prescribe the rules, and set the conditions as to the items that may be sold.

It occurred to me it would be a whole lot better for a child to be able to purchase an apple, a bar of candy, or peanuts, or other food items in the school cafeteria, rather than to spend it on cigarettes or worse items which he might do if he wanted to spend his money somewhere else for something other than the school lunch program.

Possibly many children would not want to participate in the lunch program but would prefer to bring a sandwich from home and might want a soft drink or a bar of candy to go with the food that is brought from home.

Under the present regulations, the Secretary sets rules that forbid local governments, local school boards having their own regulations. Many of these counter sales or vending machine sales inure to the benefit of an athletic association or a student organization. Many of them inure to the benefit of a band. If the local school people want to permit the sale of nutritious school items there in the school for whatever purpose they want to have it, let the local people decide. Let the local people decide how they are going to run the program, without specific directives from Washington.

I understand the chairman of the committee, the Senator from Georgia (Mr. TALMADGE) received a number of communications from high school students saying they need the funds from these operations to carry an extracurricular activities at the schools, and we hear a lot of talk about letting the students in our high schools and colleges have some little say, some little part of the action, some little right to decide some of these questions.

Here we cut them off, here we cut off the taxpayers and the school boards and the students, if the amendment of the distinguished Senator from New Jersey is agreed to. Local authorities would have no control over whatever, except upon leave of the Secretary of Agriculture, whether nutritious food items outside the school lunch program may be sold in the schools. That does not sound like fair play to me. Leave these local matters to local control and local decision. The amendment of the Committee on Agriculture and Forestry merely leaves this question for decision by the local authority and takes that out of the hands of the Federal Government.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. ALLEN. I yield.

Mr. COTTON. I understand the Senator makes plain the authority involved, but has the Secretary of Agriculture or has any Secretary of Agriculture tried to keep these vending machines out of the schools?

Mr. ALLEN. Yes, sir.

Mr. COTTON. In other words, in this present year are there schools not permitted to have them?

Mr. ALLEN. The Senator is correct. That is my understanding.

Mr. COTTON. On what ground would it be? Would it be that the profit is made by someone who should not make the profit?

Mr. ALLEN. No; I have not seen the grounds, but I assume the grounds would be that if the child had a candy bar he might not go in and eat a school lunch. I assume that is the reason.

Mr. COTTON. I thank the Senator.

Mr. CASE. Mr. President, I yield myself such time as I may require, and I yield to the Senator from New Hampshire for a question.

Mr. COTTON. I thank the Senator.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. I find myself still a little confused. It would be my own feeling that it is a good thing to have people have access to peanut bars and candy, for the reason suggested; it is better than marihuana or something else. But it is not clear to me whether the exercise of the authority of the Secretary has been to keep them out or to forbid private profit to be made, or what the Secretary has heretofore done that my friend from New Jersey wants to change.

Mr. CASE. I would be happy to give the reasons, as far as my experience and knowledge go. We are talking about an experience that has existed. My amendment would retain the present situation and present authority of the Secretary of Agriculture. As far as I know that authority has never been exercised capriciously or to the disadvantage of any school or any school district.

The matter of the kinds of things that are permitted has been decided by the Secretary under broad guidelines, and I think well, insofar as it is possible for school children to buy things in the hall right outside that are not permitted to be bought in the cafeteria. But to permit the purchase of things that are not a part of the school lunch program by permitting them to be sold in vending machines in a school cafeteria seems to be unwise. As the Senator from Vermont sagely commented before, school districts in his State and school districts in my State are very happy to have it handled by the Secretary of Agriculture so they are immune from the kinds of pressure from profit-making institutions that are not in the interest of the children.

Mr. COTTON. I gather, then, that these vending machines have been allowed in the building, but not in the lunchroom?

Mr. CASE. That is exactly right.

Mr. President, if I have any more time, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, the Senator from Alabama makes a persuasive case for local rights and also the right to let children make their choice. Nevertheless, I support the amendment of the Senator from New Jersey for this reason: We have worked with the school lunch program and also the school breakfast program. Their purpose is to prevent hunger and, beyond that, to provide nutrition for them. I know the experience of the town I live in, and I am sure it is true of others, and the wonderfully nutritious food that has been provided there. It is human nature for children to like candy bars, and to bypass a nutritious lunch and buy a candy bar. If we had no school lunch program, I would not object to that, but it seems to me we are compromising the effort of this Nation to provide nutritious food for children by providing competition for the food served in the lunchroom. If they want to, they can still buy it out in the hall.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. TALMADGE. Most of these schools are located in areas where they are in close proximity to drugstores, filling stations, various selling enterprises of all kinds. If these foods are not available for them in the schoolhouse, all they have to do is walk across the street, off the schoolground, and buy them across the street. They then run into the problem of the risk of being hit by an automobile and also being proselytized by the peddler of drugs. It seems to me that if they want to buy these commodities, which are legal and legitimate, that right ought to be placed in the authority of the local people. They ought not to be left the choice of having to buy them across the street, and run the risk of being hit by automobiles when they leave the schoolhouse grounds and the possibility of being proselytized by purveyors of drugs.

Mr. COOPER. I still say we should not have that competition.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. CASE. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, I would say that in areas with populations less than 20,000 new schools are not generally located across the street from the drug store. They are located a considerable distance out of town. This adds to the cost of transportation, of course, but in my State, at least, the majority of new schools are not located in the vicinity of drugstores.

The amendment of the Senator from New Jersey does not prevent a vending machine where the vending machine is found to be desirable by the Secretary of Agriculture.

Mr. CASE. I appreciate the contribution of the Senator from Vermont and also the contribution of the Senator from Kentucky. I think that is in accord with the experience over the country as a whole.

I want to make one point finally. Of course, we are not against vending machines. If vending machines are to be used, they can be used, under the act, for the purveying of the school lunch itself, so this is not an antivending machine amendment at all.

Mr. AIKEN. May I add that in my Vermont they seem to be almost solidly in favor of letting the Federal Government decide whether vending machines shall be located there, because it is very hard to resist them when vending machine companies are willing to make substantial contributions toward buying basketballs or something else that the school needs.

Mr. CASE. Mr. President, I can think of no better support than that from the Senator from Vermont. When he supports me, I think of Damon and Pythias.

Mr. BEALL. Mr. President, will the Senator yield?

Mr. ALLEN. I yield to the Senator from Maryland.

Mr. BEALL. I thank the Senator. I ask for the attention of the Senator from New Jersey and the Senator from Alabama because I want to be sure I understand the amendment. As I understand the amendment, it does not apply just to vending machines; it applies to any discretionary authority local schools may have with regard to the selection of the food items that are going to be served in the various schools. As I understand the bill as it is written, the local school authorities may, if they choose, add certain items to those already prescribed by the Secretary of Agriculture to be served in school cafeterias or on school premises.

Let me give Senators an example, if I may. In suburban Maryland we have two very large school districts in Prince Georges County and Montgomery County. Those two school superintendents, as well as those in the three larger school districts in my State, have come to my office and asked if we could do something about the authority that the Secretary of Agriculture exercises over their school lunch programs. It has been pointed out to me that in the largest county in our State in the year 1969–70 the school system lost $239,000 from the school lunch program mainly because the students were not buying the food prescribed. They were leaving the school or were not buying at all because they did not like the menu being offered. The next year the school authorities allowed the students to have an a la carte menu in addition to the lunch prescribed, so a student had a choice of two menus. He could buy the lunch prescribed by the Department of Agriculture or could go through the a la carte line and buy a hamburger or hotdog and a Pepsi-cola or whatever else he had in mind.

As I understand the amendment offered by the Senator from New Jersey, it would allow the Secretary of Agriculture, as he has already done, to prohibit these school districts from offering an a la carte menu.

Mr. CASE. It would leave the same authority he has now in the Secretary of Agriculture.

Mr. BEALL. The point is the Secretary of Agriculture has prohibited these school districts from having this choice.

When we talk about high school students, we are talking about sophisticated young people who have achieved an age to make a choice as to what they are going to eat. All we are asking is that the school officials have a choice of offering a menu that students would like rather than that prescribed by the Secretary of Agriculture.

School officials who have come to me have indicated the Secretary has created a very serious problem because he prohibited them from allowing the students to make a choice. As a result, the students either are not buying lunch in the school or they are going outside to buy food. Therefore, the school is not realizing the financial benefits from operating the a la carte line.

Mr. CASE. Mr. President, will the Senator yield?

Mr. BEALL. I yield.

Mr. CASE. The Senator from New Jersey has no desire to abolish any reasonable control. How would the Senator feel about an amendment which left to the local school districts in the case of high schools that choice but took it away from the grade schools?

Mr. BEALL. I am concerned with the high schools.

Mr. CASE. I think that is not unreasonable.

Mr. BEALL. I think that amendment would satisfy my objection.

Mr. CASE. If I may, and if there is no objection, Mr. President, I would like to amend my amendment so that it applies only to schools below high school.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. CASE. I so move.

The PRESIDING OFFICER. Would the Senator send his modification to the desk?

Mr. CASE. Yes; if we may have a couple of minutes to write it up.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be charged to both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. CASE. Mr. President, I have sent a modified amendment to the desk which we have worked out to meet the points according to the understanding we tentatively had with the Senator from Maryland (Mr. BEALL).

Mr. ALLEN. Mr. President, will the Chair have the modification read?

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The assistant legislative clerk read as follows:

On page 15, strike out all after line 22, over to and including line 13 on page 16, and insert: "Such regulations shall not prohibit the sale of competitive foods in senior high school level food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods are deposited into the account of the food service programs under this Act and the National School Lunch Act."

On page 16, line 14, strike "Sec. 8" and insert "Sec. 7."

The PRESIDING OFFICER. Who yields time?

Mr. ALLEN. Mr. President, I hope that the distinguished Senator from New Jersey will explain the effect of his modification, and then I shall make some comments.

Mr. CASE. I shall be happy to.

Mr. President, the effect of the amendment as it now stands would be to restore to the Secretary of Agriculture, or to retain in the Secretary of Agriculture, authority in regard to the school lunch food and competitive items of food in all but senior high schools. It would retain, in effect, the committee language, insofar as the senior high schools are concerned. That is the substance of it.

Mr. ALLEN. Mr. President, I yield myself such time as I may require.

I do not feel that the modification removes the objection to the amendment. What it does is to withdraw from the Secretary the right to make regulations as to sale of food items outside the school lunch program in junior high schools and grade schools, leaving him forbidden from making such regulations for high schools.

I do not believe that the Secretary should have any such split authority. Either give him authority to make regulations or give the local governments the right to make the regulations.

If the local governments want to permit sale of nonlunchroom items in high schools, let them do it. If they want to permit such sales in grammar schools and junior high schools, let them do it. If they want to forbid sales in all schools, let them do it. Do not just give either side half a loaf.

That is exactly what would happen here. We would have split authority and always be wondering just what the Secretary was going to do with the grade schools, and then he would have no authority over the high schools. There we would give the local governments authority, over the high schools, but not give them authority over the grade schools. If we are going to entrust the local governments with authority over high schools, we should give them authority over the grade schools as well.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. TALMADGE. Is it not true that in some places in this country we have grade schools and high schools in the same building?

Mr. ALLEN. Yes, that is true.

Mr. TALMADGE. Is it not also true that there, under such a provision as the Senator from New Jersey has suggested, we would have local authority over the grade schools and grammar schools, and Federal authority over the high schools, all in the same building?

Mr. ALLEN. Just the other way around.

Mr. TALMADGE. The other way around?

Mr. ALLEN. Yes.

Mr. TALMADGE. Will the Senator from Alabama tell me how it would be possible to enforce such a regulation? Would it not be necessary to place a guard at a certain door in the school building to tell the seventh grader, "You cannot go through this portal, because the Secretary of Agriculture has authority there," and would it not be necessary to place a guard at another door to tell the high school student, "You cannot go through that portal, because it comes under the regulations of the local authority?"

Mr. ALLEN. That would seem to be the situation.

Mr. TALMADGE. Does not the Senator feel that that would be a preposterous situation?

Mr. ALLEN. That is the feeling of the Senator from Alabama.

Mr. TALMADGE. It is the feeling of the Senator from Georgia also.

Mr. ALLEN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. The chairman of the committee is a most loquacious debater. He presents a situation which is a verbal monstrosity, but a very practical thing. It is perfectly possible to have a line for high school students in a mixed cafeteria, if you want to. It is not very difficult to separate high school children from other children. I do not know what the experience is in the Senators State, but I do not think armed guards are needed to maintain this kind of thing.

I think the Senator's colorful language and enthusiastic support of the committee in this regard is great, but I do not think it is terribly persuasive to those of us who are trying to solve a problem. The problem is simply that we do not want this money wasted; and, even more important, we do not want the health of children to be undermined by the kinds of things that are likely to happen, especially with smaller children, when they are given money to buy food and cannot be guided in their choice of nutritious food. This is the whole business.

I know that the Secretary has not misused or abused his authority here. It is my hope that the Senate will support a continuation of the present authority, with the modification in respect of high school cafeterias which I have been happy to make at the suggestion of the Senator from Maryland.

I ask unanimous consent to have the names of the Senator from Minnesota (Mr. HUMPHREY) and the Senator from West Virginia (Mr. RANDOLPH) added as cosponsors of the modified amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, I am pleased to join today with my distinguished colleague from New Jersey and other distinguished Senators in offering Amendment No. 1433 to H.R. 14896, the National School Lunch Act.

This amendment, which has received strong support from the American Dental Association and the National Dental Association, would continue the authority of the Secretary of Agriculture to regulate the use of vending machines in school cafeterias.

Dietitians, nurses, teachers, parents, and other concerned adults are eager to insure that their children receive nourishing, balanced lunches at school. Obviously, parents cannot always be at school to supervise the food their children choose to eat. The purpose of this amendment is to assure that children receive that balanced meal—and are not enticed to spend their money on "filler" foods or on sweets, which alone cannot substitute for a nutritionally balanced meal.

I have two concerns, Mr. President. First, I desire that our children be provided meals which are high in nutritional content. Many families cannot afford to give their children balanced meals every day, and thus the school becomes the place where a child may obtain such a balanced meal. To tempt that child with the novelty of purchasing food from a vending machine would destroy his incentive to purchase the regular, balanced meal offered in the school cafeteria.

My second concern is with regard to the effect on children's health which a diet of sweets from a vending machine would surely affect. School age children are so often tempted by sodas and candy bars, which do have their place in a child's diet as snacks, that I fear they will become a steady replacement for what is considered a balanced lunchtime meal. Products rich in sugar can supplement but cannot substitute for a meal which includes foods from the basic nutritional categories. The hazards to sound oral health are especially great at the age of schoolchildren, and we must take care to see that we do not inadvertently encourage overconsumption of sweets and sugar-rich snacks in place of well-balanced lunches.

As we strive to improve the quality of the existing national school lunch program, we should be careful to insure that we do not undermine the efforts already underway to keep the meals now being provided at the highest possible level of nutrition. I believe our schoolchildren deserve nothing less.

Mr. ALLEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has no time remaining on the amendment.

Mr. CASE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

Those who favor the amendment will say "aye;" opposed, "no."

The Chair is in doubt.

Mr. CASE. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that, if present and voting, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wyoming (Mr. MCGEE), and the Senator from Alaska (Mr. GRAVEL) would each vote "yea."

I further announce the Senator from Georgia (Mr. GAMBRELL) would vote "nay".

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Delaware (Mr. BOGGS), the Senator from Tennessee (Mr. BROCK), the Senator from Kansas (Mr. DOLE), the Senator from Nebraska (Mr. HRUSKA), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from Illinois (Mr. PERCY) is absent to attend the funeral of former Senator Ralph T. Smith.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 46, nays 39, as follows:

[No. 381 Leg.]

YEAS—46

Aiken
Anderson
Bayh
Beall
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fong
Fulbright
Griffin
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Stafford
Symington
Tunney
Williams
Young

NAYS—39

Allen
Baker
Bellmon
Bennett
Bentsen
Bible
Buckley
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cotton
Curtis
Dominick
Eastland
Edwards
Ervin
Fannin
Goldwater
Gurney
Hansen
Hatfield
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Miller
Packwood
Pearson
Saxbe
Sparkman
Spong
Stennis
Stevens
Stevenson
Taft
Talmadge
Thurmond

NOT VOTING—15

Allott
Boggs
Brock
Dole
Gambrell
Gravel
Harris
Hruska
McGee
McGovern
Mundt
Pell
Percy
Tower
Weicker

So Mr. CASE's amendment was agreed to.

Mr. CASE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JAVITS. I have an amendment which I send to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. MONTOYA). The amendment will be stated.

The legislative clerk read as follows:

> On page 3, line 8, strike out "service institutions," and insert in lieu therof the following: "service institutions. The term 'service institutions' shall include licensed family day care sites."

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, this amendment which was called to my attention by the New York City Agency for Child Development, would make licensed family day care sites eligible for the breakfast program.

The only source of funds for the day care breakfast program is section 13—special food service programs—in the National School Lunch Act. Although the act states day care, Headstart, and other nonschool programs shall be eligible for money appropriated for this program, the regulations promulgated under this act exclude family day care sites from participation.

The welfare reform bill already passed by the House and proposed by the Senate Finance Committee, and HEW plans for implementing the provisions of this legislation indicate that about 80 percent of welfare mothers will be referred to family day care sites to enable them to work. Furthermore New York City is just completing a demonstration program funded by an OEO grant that not only developed the capability for but proved the feasibility of family day care breakfast programs. If we are calling for increased usage of family day care sites we must begin to make available to these sites avenues of funding to feed breakfast to these children.

I would like to emphasize the point that this amendment would cover only licensed family day care sites. An OEO funded survey done by Westinghouse Learning Corp., in 1971, entitled "A Day Care Survey," indicates that—

> Less than 2% of the estimated 450,000 family day care homes are licensed, as compared with 90% of the day care centers.

Thus, we are only talking about approximately 9,000 sites which would be brought in under this amendment.

This study also indicates that an average of 1.8 children attend the family day care sites. The usual maximum permissible number is six, although in New York the average attending each site is three; therefore, the extrapolated national average is 3. Figures on the cost per child, a cost of $60 per child per year for breakfast is achieved. In terms of cost for the entire country under this amendment, if every eligible site applied for this program, the cost would be no more than $1.5 million. If only average participation by these sites is evidenced, the anticipated cost would be less than $1 million.

Thus, for a relatively small amount of money needy children in the family day care setting could be served a nutritious breakfast for which I believe they are eligible under the act already.

Another matter of great concern to me which I think appropriate to note at this point also is the fiscal year 1973 funding for special food service programs. In New York City alone there will be 15,000 children newly eligible under the section 13 breakfast program who will not be fed unless the intended full funding is carried out.

Because the fiscal year 1973 appropriation for the special food service program provides only enough funds to continue at the current level of enrollment, Senator HUMPHREY, on July 27, 1972, introduced an amendment to the appropriations bill to increase the child nutrition program appropriations from $526 to $782 million; of this amount approximately $50 million would have been provided for nonschool food programs. After an agreement with Senator MCGEE, Senator HUMPHREY withdrew his amendment—on the assurance from Senator MCGEE that "there are sufficient funds in the bill to take care of the present—funding levels—and that a review can be made when the new legislation becomes a reality."

The new legislation to which he was referring was H.R. 14896, the bill before us now. As my colleagues are aware this legislation would extend special—nonschool—food assistance through June 30, 1975, and increase the appropriation to "such sums as are necessary." The understanding in this particular authorization item is that all institutions making application for such assistance, which agree to carry out the program in accordance with the act, will receive such financial assistance. To cover the children already eligible but not receiving breakfast for lack of funds and to cover anticipated eligibility—that is, those children New York State expects to enroll in preschool programs during the fiscal year—my own State of New York would need $3 million over and above what they can expect to receive from the recently passed legislation.

I point this out to the Members of the Senate in an effort to assure that this promised funding will be available, and to suggest that the members should read the congressional intent to mean more money than appeared in the President's budget request for special food service programs. I urge also that supplemental fund adequate to carry out this program be appropriated by the Congress at the earliest possible time.

With reference again to the particular amendment which I have called up I think we should assume that something in the area of 25,000 children would be protected under this particular provision. In terms of the cost, if every eligible site applied, the cost would be no more than $1.5 million as I have mentioned. If only the average number participated, that would be two-thirds, it is then anticipated that the cost would be less than $1 million.

My reason for offering the amendment is because we do have such a tremendously low ratio of such day care centers as compared with the total number. My estimate, and I think it is rather general, is that it is not very much in excess of 15 percent, if it is that high. It is probably closer to 10 percent.

Under these circumstances, encouragement should be given to those operations which give promise to relieving this strain without an enormous cost on the day care center.

That is why the family day care idea is such a good one. And we would be proceeding fairly cautiously and conservatively in view of the fact that the amendment is only confined to the licensed slopchutes.

That is why I emphasize the comparatively small number which are licensed. If the number increases, it will be helpful rather than harmful to the country if the program is enlarged.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. AIKEN. Mr. President, when the Senator refers to day care centers licensed by Government agencies, is he referring to Federal, State, or local agencies?

Mr. JAVITS. Yes, I am. In our case it is the State which does the licensing. It would depend upon State law. However, in our case it is the State which does the licensing.

Mr. AIKEN. Mr. President, normally I would probably support the Senator. However, school begins pretty soon. If this bill goes to conference, the probability is that it will not get passed very soon. I have not the slightest idea whether the House will accept it or not.

Mr. JAVITS. I think the House will accept it. I do not think they will bridle at this particular amendment. It is not such a big deal. It does try to deal with the problem I have described.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. Mr. President, it is worthy of encouragement. I would hope very much that the manager of the bill—in view of the fact that it does not involve a great deal of money and that it does represent an excellent incentive and that it is not dreamed up out of my head, but is asked for by a very representative agency—might consider possibly taking the amendment to conference along with the rest of the bill and see if it can be worked out with the House so as to contain this amendment in the bill.

Mr. President, I reserve the remainder of my time.

Mr. ALLEN. Mr. President, would the Senator yield on my time?

Mr. JAVITS. Of course.

Mr. ALLEN. Mr. President, I understood the Senator to say that this would make family day care centers eligible for breakfast programs. Did he mean also lunch programs?

Mr. JAVITS. No, just breakfast, for which they are licensed.

Mr. ALLEN. A family day care center,

which as the Senator says is licensed, is a profitmaking concern, is it not, where a family would take in children and care for them during the day for compensation either from public agencies or from the parents of the children involved?

Mr. JAVITS. Mr. President, if the Senator will allow me to say so, I do not think that it is fair to characterize them as profitmaking any more than one necessarily makes a profit out of taking in boarders.

Mr. ALLEN. They are not like a school lunch program.

Mr. JAVITS. That is true. However, even for the school lunch program, the student pays something. I think it is in that respect in a somewhat twilight zone. The Government entity pays compensation to the family for maintaining that child instead of the child going to a day care center.

I think it is straining the question somewhat, because of the small numbers involved, to say that this is any kind of a profitmaking operation.

Mr. ALLEN. Mr. President, I believe the Senator said that there are some 9,000 such entities.

Mr. JAVITS. Yes; I stated that it is only 2 percent of the aggregate number.

I said that, because of the amendment I have offered, we might get more to apply for a license. There are about 450,000 such day care centers in the United States. However, less than 2 percent of them are licensed. Indeed, what I am suggesting might be a useful way to get them to apply for a license, which I think would be a very highly desirable thing.

Mr. ALLEN. Mr. President, the financial assistance then would be to this family or day care center operated, I assume, by a husband and wife team having between two and three children in the center. How would the Senator determine, with all of them eating there as a family, which was Government assistance and which portion of the meal was paid for by the parent?

Mr. JAVITS. This is all under State supervision. The State pays for the maintenance of the child. And the relationship of the free meal would be to what the State is paying. If the State is paying for three children, the three children would be the only ones available for the free breakfast.

Mr. ALLEN. Mr. President, do these family day care centers qualify under the social programs that the States are now submitting to the Federal Government under the social services program of the HEW?

Mr. JAVITS. I would imagine that some States may seek to do that. I do not think that we could at this stage proceed specifically to ascertain that in all cases, what part of the family day care home is being treated by the State as an expenditure. As to the social services program—on which the Finance Committee under the Senator from Louisiana (Mr. LONG) is considering a ceiling—right now I am sure there is a relation. However, I do not think I could give that in order to give a finite estimate of its relation.

Mr. ALLEN. Mr. President, would they qualify under the day care centers contained in legislation recently passed by the Senate?

Mr. JAVITS. I would think they would, where licensed. I would think it is an effective licensed activity. And the argument made under this amendment would be the same as the argument made for the day care centers generally. In other words, there is no reason why, because they are in a home where the State has supervision and is paying for them, they should be excluded from the opportunity to have breakfast.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. ALLEN. Mr. President, I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, I wonder if the Senator would mind modifying his amendment so that it would read "shall include licensed nonprofit family day care sites."

Mr. JAVITS. That is all right. I will accept that.

Mr. MILLER. Although the Senator pointed out that the line between profit and nonprofit can be rather tenuous, I do believe that the enforcement powers of the State would probably be a little stronger if this were done, and it would diminish the opportunities for abuse.

I would like to suggest to the Senator from Alabama (Mr. ALLEN) that with that modification, including the word "nonprofit" before the word "family" in line 2 of the amendment, that we take the amendment and it will at least give us a chance to review it a little more in conference.

Mr. ALLEN. Very well. That would be satisfactory if the Senator would modify the amendment.

The PRESIDING OFFICER. Does the Senator so modify his amendment?

Mr. JAVITS. I modify my amendment accordingly. I am very grateful to the Senator from Iowa and the Senator from Alabama.

Mr. ALLEN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Has the amendment been agreed to?

The PRESIDING OFFICER. The modification is now before the Senate. The clerk will report the amendment as modified.

The amendment, as modified, was read as follows:

On page 3, line 8, strike out "service institutions." and insert in lieu thereof the following: "service institutions. The term 'service institutions' shall include licensed non-profit family day care sites."

The PRESIDING OFFICER. Does the Senator so modify his amendment?

Mr. JAVITS. I so modify my amendment.

Mr. President, I yield back the remainder of my time.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York as modified.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my support for H.R. 14896, the Child Nutrition Act of 1972, which was reported by the Senate Committee on Agriculture and Forestry on August 8, 1972, and to express my admiration and appreciation to the chairman of the subcommittee (Mr. ALLEN) and other members of the subcommittee for developing and reporting this legislation.

This bill was developed to insure that adequate funds will be available for the conduct of the summer food service programs for children located in poor economic areas, and in areas which have a high concentration of working mothers. It also updates existing legislation and expands and strengthens the various nutritional programs currently in operation. It was deservedly handled by the Senate Agriculture Committee on an "emergency basis" because these changes are needed to clear up existing uncertainties in the school lunch program, prior to the forthcoming 1972–73 school year. The improvements contained in H.R. 14896 will:

Extend the special food assistance program and the school breakfast program and increase the appropriations authorization for these two programs to "such sums as are necessary."

Authorize the use of $25 million of section 32 funds for the special food assistance program during the period of May 15, 1972, to September 15, 1972, and require the use of section 32 funds "in the amounts necessary" to carry out the regular section 4 operations of the school lunch program.

Provide for an average reimbursement rate of not less than 8 cents per meal in each State in fiscal 1973.

Provide that free lunches will be served to every child whose family income does not exceed a guideline fixed by the State educational agency.

Increase the nonfood assistance—equipment—appropriations authorization to $40 million for each of fiscal years 1973, 1974, and 1975, and $20 million for each succeeding fiscal year thereafter.

Provide for advance payments to the States for the regular school lunch program as well as for the school breakfast program.

Ever since my election to Congress, I have supported the school lunch program and the various changes to improve and strengthen the program which have been enacted into law. I have always believed that we should do all possible to improve the educational opportunities available to the children of this Nation, and by passing this bill we are not only providing nutritious meals for the children of this Nation, but we are also improving their education capacities. Poor nutrition or malnutrition not only arrests the physical development of children, but also impedes their ability to learn.

Mr. President, this program has been in operation for over 26 years, ever since it was started by the late and respected Senator Richard B. Russell of Georgia. I am pleased to note that Senator TALMADGE, who is chairman of the Agriculture Committee, is continuing to improve the child nutrition program. I believe the pending measure is a welcome and needy addition to existing legislation and that it will go far toward making good nutritional programs available to all needy children.

I urge passage of this bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 14896) was read the third time.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time on the bill?

Mr. ALLEN. Mr. President, I would like to commend the distinguished Senator from Georgia (Mr. Talmadge) and the distinguished Senator from Iowa (Mr. Miller), the distinguished Senator from Vermont (Mr. Aiken), and the distinguished Senator from Minnesota (Mr. Humphrey) for their contribution toward the passage of this bill. The bill marks a great milestone in the school lunch program and the whole field of child nutrition. I think it is a great bill that is now ready for passage by the Senate, and it has taken the cooperation of all parties. It is a nonpartisan, bipartisan approach and I feel that the Senate has an excellent bill. I hope the House will accept the bill.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. TALMADGE. Mr. President, as I stated earlier, I have the highest regard for the distinguished Senator from Alabama, who is chairman of the subcommittee that held hearings and acted so expeditiously on this matter. He has carried a very heavy load in the Committee on Agriculture and Forestry this year. No burden assigned to him has been too onerous. He has been punctual and he has heard a host of witnesses. I commend the distinguished Senator from Alabama, the floor manager of the bill, and also the ranking minority member, the Senator from Iowa (Mr. Miller), and all the other members of the committee who contributed to the bill. They are entitled to the highest plaudits of the people of this country and particularly the schoolchildren who will benefit by this program.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. MILLER. Mr. President, I echo the sentiments made by the distinguished Senator from Alabama and the distinguished Senator from Georgia. I particularly commend the chairman of the Committee on Agriculture and Forestry and the chairman of the subcommittee for conducting all proceedings related to this legislation in a completely bipartisan fashion. Never once to my knowledge was there anything to indicate any other motive than to do the best we could for the improvement of nutrition in the diets of the schoolchildren of this country. It has been a pleasure to work with and to collaborate with my colleagues on this very important piece of legislation.

Mr. ALLEN. I thank the distinguished Senator. I wish to express appreciation to Michael McLeod, a member of the staff, for his diligent and able work and for his assistance to the committee and to me as manager of the bill. Without his assistance we would not have been able to bring the bill to the Senate at this time. I also express appreciation of the committee as well as my personal appreciation of the committee as well as my personal appreciation to Mr. McLeod.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. MILLER. I yield back the remainder of my time.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Wisconsin (Mr. Nelson), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Wisconsin (Mr. Nelson) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Delaware (Mr. Boggs), the Senator from Tennessee (Mr. Brock), the Senator from Kansas (Mr. Dole), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Nebraska (Mr. Hruska), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from Illinois (Mr. Percy) is absent to attend the funeral of former Senator Ralph T. Smith.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Delaware (Mr. Boggs), the Senator from Arizona (Mr. Goldwater), the Senator from Illinois (Mr. Percy), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 382 Leg.]

YEAS—82

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Williams
Young

NAYS—0

NOT VOTING—18

Allott
Boggs
Brock
Dole
Gambrell
Goldwater
Gravel
Griffin
Harris
Hruska
McGee
McGovern
Mundt
Nelson
Pell
Percy
Tower
Weicker

So the bill (H.R. 14896) was passed.

Mr. ALLEN. Mr. President, I move that the Senate insist on its amendments to H.R. 14896, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to name conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Talmadge, Mr. Allen, Mr. Humphrey, Mr. Miller, and Mr. Aiken conferees on the part of the Senate.

Mr. MANSFIELD. Mr. President, it is with the greatest pleasure that I rise to commend the distinguished Senator from Alabama (Mr. Allen). The outstanding manner in which he steered this measure to such overwhelming success was truly exemplary. Its unanimous acceptance is tribute enough.

I must say that the distinguished Senator from Georgia (Mr. Talmadge) and the distinguished Senator from Minnesota (Mr. Humphrey) also deserve praise. First, as the chairman of the Committee on Agriculture, Senator Talmadge paved the way for the efficient handling accorded to this proposal. The contribution of Senator Humphrey is equally notable. That he was successful in urging his views was due mainly to his strong and compelling advocacy.

Other Senators deserve similar commendation. The distinguished Senator from New Jersey (Mr. Case) was successful in making his case and as always, his views were most welcome. The same may be said for the contribution of the Senator from Maryland (Mr. Beall) and the other Senators who joined to provide this overwhelming achievement in behalf of the Nation's schoolchildren.

THE JACKSON RESERVATIONS

Mr. TUNNEY. Mr. President, I am deeply troubled by the proposed reservations to the SALT agreements. Those reservations stem from two erroneous premises: First, that the United States struck a bad deal in Moscow, that the agreement somehow puts the United States at a disadvantage with regard to the Soviet Union. Second, that a policy which is predicated upon equality of weapons is preferable to a policy which is predicated upon sufficiency of weapons.

Neither of these assumptions is accurate. As to the first, the United States struck a good deal in Moscow, one which enhances the security of both sides and which assures that the United States will maintain a credible deterrent. As to the second, nothing could be more disastrous than predicating our defense policy upon equality of weapons systems and ignoring efficiency. American sufficiency remains so vastly superior to its needs that it strikes me as fanciful to talk in terms of "inferiority" in terms of weapons. We have many times the capacity necessary to cripple and destroy the Soviet Union. To argue under those circumstances that we need more weapons, or that we should measure the number of our weapons rather than their impact, is counterproductive.

Furthermore, Mr. President, it appears to me that the Senator from Washington is anxious to restrict American negotiators in the second round of SALT talks. He wishes to restrict them in needless ways, with language which is predicated upon the two misplaced assumptions I have just mentioned. I believe that such restrictions would be a mistake. They would needlessly complicate future negotiations and they would be likely to impair our ability to conclude meaningful arms control agreements in the future.

I have already set forth in some detail my views on the executive agreements which were concluded in Moscow. They are excellent examples of constructive arms control negotiations. They are a testimony to the solid work of the Nixon administration in the arms control area. They enhance American security.

I cannot, therefore, support reservations which will operate to undermine the agreements which were made in Moscow between the United States and the Soviet Union. These reservations are an attempt by one country, unilaterally and without consultation with the other country, to change the terms of the agreement which was negotiated and accepted by both countries. Elementary standards of Anglo-American jurisprudence indicate that once a bargain is struck, it cannot be altered without the consent of both parties to it. We should not attempt to undermine that principle. Such reservations will serve to inhibit rather than to enhance arms control efforts which are so vital to the needs of this Nation.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, August 16, 1972, he presented to the President of the United States the following enrolled bills:

S. 559. An act for the relief of Albina Lucio Manlucu;

S. 889. An act to restore the postal service seniority of Elmer Erickson; and

S. 2704. An act for the relief of Rita Rosella Vallerini.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise to inquire of the distinguished majority leader as to what is the order of business for tonight and thereafter.

Mr. MANSFIELD. Mr. President, in reply to the distinguished Republican leader, the Senate will shortly take up the disaster relief appropriation bill, which was reported by the Appropriations Committee this morning.

It had been contemplated that following that we would take up the continuing resolution, but at the request of the distinguished chairman of the committee, that will be the first order of business tomorrow morning.

Mr. JAVITS. Mr. President, will the Senator answer a question on that point?

Mr. MANSFIELD. Yes.

Mr. JAVITS. When can we get a copy of that continuing resolution? Apparently there are some serious questions which will depend on the text.

Mr. MANSFIELD. It will be the first order of business tomorrow.

Mr. JAVITS. I mean when can we get what the committee reported?

Mr. MANSFIELD. I have to yield to the distinguished chairman of the committee for an answer to that question.

Mr. McCLELLAN. Mr. President, I understand we have copies. It has not been printed. But we will supply them, anyway.

The PRESIDING OFFICER. Copies will be distributed.

Mr. JAVITS. I thank the Senator.

Mr. MANSFIELD. Following that, and I am sure the distinguished Senator from New York as well as the distinguished Senator from Massachusetts will be interested, we will take up S. 32, the National Science Foundation bill; and following that, we will either return to the interim agreement or lay before the Senate the revenue sharing bill. I do not think it will be possible to complete either of those before the Senate recesses in deference to the Republican Convention beginning on Monday next, as the Senate recessed in deference to the Democratic Convention previously. Both of those measures will require a good deal of discussion, and I am sure there will be some votes; but when the votes will occur I am unable to say at this time.

Mr. SCOTT. I might say that I have heard from various Governors, and I am sure the mayors also are very much interested, as to when we can consider revenue sharing. I hope we will find a way to lay it down, along with the interim agreement, before we recess, or that we can give assurances that it will be, with the interim agreement, one of the two tracks we will pursue upon our return, so that Governors who are busy with their budget preparations may be able to do some contingency planning. I know it would reassure them very much if we could make it clear that the Senate does not intend to adjourn without disposing of revenue sharing.

Mr. MANSFIELD. The Senator is correct, and I can assure him that at the very least the revenue sharing bill will be made the second track business, along with the interim agreement, which is still the pending business.

I have been informed that there may well be rollcall votes on the Hurricane Agnes bill tonight.

Mr. SCOTT. Let me put that in the form of a question. Does the distinguished majority leader expect there will be rollcall votes on the Hurricane Agnes relief measure?

Mr. MANSFIELD. Making a 180-degree turn, is there any possibility that there will be rollcall votes on that bill tonight, either on amendments or on passage?

Mr. McCLELLAN. Mr. President, I have no information. No one has suggested to me that he intends to offer any amendment to that bill. If no amendments are offered, I think it can be disposed of rather quickly; and I do not know whether it is the wish of any Senator to have a rollcall vote on passage. I do not know that it will be necessary, but I would like to ascertain now if there is anyone who desires a rollcall vote, so that we can all be apprised of that fact and be governed accordingly. If there is no demand for it, I see no need for it, unless it is asked for.

Mr. MANSFIELD. That is fair enough. The joint leadership has no desire to ask for a yea-and-nay vote. It is late enough, and will be later when we get to the question of passage.

There is no indication that there will be amendments at all. This is a most important bill.

Mr. McCLELLAN. Will the majority leader yield?

Mr. MANSFIELD. Yes.

Mr. McCLELLAN. Of course, if there are amendments offered, and if amendments should be agreed to, it may be advisable to have a rollcall vote; but assuming no amendments are agreed to, I see no need for a rollcall.

Mr. SCOTT. I thank the majority leader.

Mr. CANNON. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. CANNON. Is there a time limitation on the disaster relief bill?

Mr. MANSFIELD. No.

SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF, 1973

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the disaster relief bill.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 16254) making supplemental appropriations for disaster relief for the fiscal year ending June 30, 1973, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

Mr. McCLELLAN. Mr. President, the pending bill, the Disaster Relief Supplemental Appropriations Act, 1973, provides funds to aid hundreds of thousands of Americans who are struggling to rebuild their lives after the destruction wrought by tropical storm Agnes, the worst natural disaster in American history in terms of property damage and the territory affected in the following seven States:

Florida, Virginia, West Virginia, Maryland, Ohio, Pennsylvania, and New York.

In addition, the pending bill contains funds applicable to the recent destructive flood which devastated Rapid City, S. Dak.

As stated in the report of the committee:

> In a disaster of this magnitude, the full impact on thousands of persons affected cannot be measured solely in dollar amounts or estimates of damage to real and personal property. Individual losses must also be considered in terms of loss of loved ones, loss of jobs, disruption of families, personal privation and anxiety about the future.

Mr. President, the pending bill recommends new obligational authority in the amount of $1,587,300,000, the same as approved by the House. This sum is an increase of $17,500,000 over the amounts requested in House Document 92-325, totaling $1,569,800,000. Also, the bill provides for transfer authority in the amount of $20,000,000 for the Small Business Administration which also has been approved by the House.

In addition to the $1,587,300,000 recommended by the committee, it is also proposed to provide $50,000,000 for the relief of flood victims by the reprograming of funds already available to the Department of Commerce for repair of public works, by the Department of Labor to hire workers for cleanup and restoration, and by the Department of Housing and Urban Development to assist communities in planning their reconstruction efforts.

Chapter I relates to the Department of Agriculture, Farmers Home Administration. For this agency, the sum of $1,800,000 is recommended to provide additional funding for administrative expenses which will be incurred in meeting the increased workload. The Farmers Home Administration estimates that, although $120,000,000 will be required to make housing loans in recently declared disaster areas, such loans can be made from presently available loan authority.

Chapter II of the bill relates to the Department of the Army, Corps of Engineers, for which the committee recommends a total of $29,500,000, which sum is $17,500,000 over the supplemental request of $12,000,000 contained in House Document 92-325. The first item under this chapter provides $3,500,000 to accelerate land acquisition from hardship cases resulting from tropical storm Agnes, as well as highway relocation in connection with two flood control projects which are integral units of the comprehensive flood control plan for the North Branch Susquehanna River Basin.

For the second item in this chapter, "Flood Control and Coastal Emergencies," the committee recommends a total of $26,000,000. Of this sum, $19,000,000 is to take care of emergencies arising from tropical storm Agnes, and $7,000,000 is to replenish the emergency fund for future disasters which might occur in fiscal 1973.

For the Appalachian regional development programs, Executive Office of the President, the last item in chapter II, the committee recommends a total of $16 million. Of this sum, $11 million is for subsurface restabilization of anthracite mine areas in Pennsylvania; $1,500,000 is for housing site grants to assist displaced families; and $3,500,000 is for research, new town studies, and additional area planning support to minimize future subsidence damage to structures resulting from destructive floods.

Chapter III relates to the Department of Commerce and the Small Business Administration. For the Economic Development Administration, a total of $40 million is recommended for the three appropriation accounts, as follows:

For development facilities, the committee recommends $30 million, of which $10 million is to finance public works and development facilities projects, and $20 million is for the public works impact program to provide immediate useful work to unemployed and underemployed of the local areas affected by the tropical storm. To permit all of the funds provided to be used exclusively in such local areas, the committee has included a proviso in the bill to exempt these funds from the provisions of section 401(a)(6) of the Public Works and Economic Development Act of 1965, as amended.

The second appropriation account is for planning, technical assistance, and research, for which the committee has provided $9,100,000. This sum will be used in those areas devastated by tropical storm Agnes.

Third, to provide for additional operating and administrative expenses incurred by the Economic Development Administration relative to tropical storm Agnes, the committee recommends $900,000.

For additional capital for the disaster loan fund of the Small Business Administration, the committee recommends a total of $1,300,000,000. This additional sum, together with available balances and the additional funding originally requested for fiscal 1973, will enable the Small Business Administration to provide assistance on favorable terms to victims of tropical storm Agnes and the flood in Rapid City, S. Dak.

Also approved is authority to transfer $20,000,000 from the disaster loan fund to the "Salaries and Expenses" appropriation to cover the increased costs incident to the enlarged disaster program.

During the hearings on this supplemental request, the committee again questioned the officials of the Small Business Administration on the policies and procedures that are now being and will be utilized in making loans to the victims of these two recent disasters, both to insure the legitimacy of the damage claimed and to insure that the loan proceeds are utilized solely to repair or restore damaged property. The committee is still not satisfied that the loan and followup procedures being used by the Small Business Administration are sufficient to minimize to the fullest possible extent, fraudulent applications, and the misuse of loan proceeds.

Accordingly, the committee has requested the Comptroller General to immediately undertake a careful monitoring of this program in the field, and to first, keep the committee advised on a continuing basis of the manner in which the Small Business Administration is carrying out its responsibilities with respect to the disaster loan program, and second, make recommendations as quickly as possible as to the policies and procedures that will be most effective and which can be instituted administratively by the Small Business Administration. Further comments on this matter are contained in the committee's report in chapter III.

Chapter IV relates to funds appropriated to the President for disaster relief, which are expended by the Office of Emergency Preparedness. For this agency, the committee has provided the sum of $200,000,000, which is in addition to the $200,000,000 contained in Public Law 92-337, approved July 1, 1972, and the $92.5 million provided in the regular appropriation bill for fiscal year 1973.

In the seven States for which the President has declared disasters as a result of tropical storm Agnes, as well as in South Dakota, it is estimated that a total of $400,000,000 will be required in fiscal 1973.

Mr. President, the need for these disaster relief funds is immediate and of the greatest urgency. I sincerely hope that there will be no floor amendments so that this bill can be enacted into law without delay.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I wish to associate myself with the comments made by the distinguished Senator from Arkansas (Mr. McCLELLAN).

All of the funds contained in this bill are for disaster relief and are badly needed. Probably the two most severe storms we have had in recent years were at Rapid City, S. Dak., and in the Hurricane Agnes area of the United States.

I see no reason for any long discussion. All the provisions of the bill were considered very carefully by the Committee on Appropriations and were approved unanimously. I hope the Senate will do the same.

Mr. SCHWEIKER. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield. The Senator may have the floor in his own right.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I commend the committee and the chairman of the committee for acting so promptly on this bill.

First of all, the President very quickly sent a message to Congress suggesting legislation for funding the flood disaster in the various States affected.

Second, the Senate acted within a day after the House acted, which I think sets some kind of record. It certainly shows that Congress and the Government are responding very quickly and no doubt set many records in passing this amount of money this fast for a natural disaster. I believe that this will go down in history as the quickest response Congress has made to any disaster. Considering that Hurricane Agnes ravaged Pennsylvania and the other States only a few short weeks ago, I think it is a real tribute to the legislative process that this vast amount of money and the comprehensive program that this supplemental flood disaster appropriation covers could come through the legislative process of this Government. This puts plenty of money in the pipeline now for the agencies, the departments, and for the people on the spot in Wilkes-Barre, Harrisburg, and other places, in order to proceed with the authorizing of legislation that we had earlier passed. So that there are no delays or tieups from the legislative end bringing equity and relief to flood disaster victims.

I particularly commend the Appropriations Committee for including two very critical flood projects, Tioga-Hammond Lakes project, and the Cowanesque Lake project. These are vital to the Susquehanna River basin. They play an important role in the Susquehanna situation. I am glad to see them included.

I urge immediate adoption of this supplemental appropriation and, once again, commend the chairman and the ranking Republican member for their prompt action and sensitive response to a great and urgent need.

Mr. HUMPHREY. Mr. President, I want to take just a couple of minutes for two reasons; first, to commend the Committee on Appropriations and its distinguished chairman and the ranking member for the supplementals on this appropriation and the response they have given to this incredibly difficult and painful tragedy that has befallen vast parts of the country because of Hurricane Agnes, and the flood conditions which occurred in Rapid City, S. Dak., and other parts of the country, as well as in my own State of Minnesota.

I am grateful for the work that the committee and its chairman have done and want to express on behalf of the people of Minnesota, as well as for myself and that of my colleague (Mr. Mondale), our thanks.

Now what else I wanted to say is that yesterday some of our colleagues spoke a word of tribute to the distinguished Senator from Arkansas (Mr. McClellan) for his remarkable work as chairman of the Committee on Government Operations.

I was not here at the time, so I am going to take this moment to say that I have never served with a finer chairman, a man who always gave every one of us on the committee the opportunity to do our job as we saw fit, respecting our points of view, and giving us committee assignments that permitted us full use of whatever talents we had.

I have put this down on paper and written about it, that I look on Senator McClellan as "my" chairman. He is "my" kind of chairman. I want to compliment him for his work not only on this bill, which is so important, but also over the many years that I have had the privilege of serving with him.

Mr. President, it is my great privilege to join in paying high tribute to Senator John L. McClellan for his outstanding service to the Senate and to the Nation as chairman of the Senate Committee on Government Operations.

The resolution adopted yesterday by the Senate, expressing warm affection and deep appreciation to my distinguished colleague from the State of Arkansas, and honoring his great ability, initiative, and statesmanship, fully expresses the deep respect which I hold for this great American. Documenting the major governmental reorganizations and reforms accomplished during Senator McClellan's chairmanship of over 21 years of the Senate Committee on Government Operations, the resolution also takes proper note of his role as a vigorous and effective investigator to strengthen the hand of law enforcement against organized crime, to combat corruption, and to substantially improve fiscal accountability in the Federal Government.

It was my privilege to have been appointed to the Senate Committee on Government Operations on the same day in 1949 that Senator McClellan initially assumed the chairmanship, and I count it a distinct honor to have served with him on this vital legislative arm almost continuously during my prior service in the Senate through 1964. As I have said publicly many times, Senator McClellan is one of the finest committee chairmen under whom any Senator could be privileged to serve. And I can testify from direct experience that he gave his subcommittee chairmen full opportunity to dig deeply into any subject of importance to the Nation on which they had an immediate concern.

Last year marked the 50th anniversary of the creation of the Senate Committee on Expenditures in the Executive Departments, which ultimately become the Committee on Government Operations. Serving the longest term of any of the 11 distinguished chairmen of this committee, Senator McClellan fully met the challenge of the committee's far-reaching authority by setting the highest standards for workmanship and responsibility in committee proceedings, and he truly merits a reputation for impartiality and fairness. I know all members of the committee welcome his continued participation in the work of this committee, and applaud his appointment as chairman of the Senate Committee on Appropriations.

Mr. McCLELLAN. Mr. President, I want to thank my distinguished friend and colleague from Minnesota. Frankly, I am a little embarrassed. It did not come to my attention until about 30 minutes ago that this action had taken place on the floor of the Senate yesterday.

I did know that the committee had passed such a resolution a few days ago, but I did not know it had been printed in the Record until a little while ago when the distinguished Senator from North Carolina (Mr. Ervin), who placed it in the Record, called it to my attention.

Mr. President, I am grateful to the Senator from Minnesota for his very kind expressions of confidence, of good will, and of approbation of my humble services as chairman of the Government Operations Committee for many years.

It was a delight, indeed, to have him serve on that committee with me, and the other Senators, too, who served with me on that committee during that period. It has been a joy to work with them. Hopefully, I have tried to be fair. I can say that in almost all of our deliberations on that committee, particularly on the full committee, I cannot recall a single moment of unpleasantness during the time I have served as chairman. There have been disagreements and differences of opinion but always with due respect to those who may have differed with us. The efforts of the committee, with the fine membership that we have had serving on it, have always been constructive, with dedication and seriousness of purpose to accomplish worthwhile legislation and to meet the responsibilities that are incumbent on the committee in the legislative process. I certainly am grateful to each one.

This tribute is something unexpected for me. I can only say, in all humility, that I am grateful. I know that under the chairmanship of the distinguished Senator from North Carolina (Mr. Ervin) who succeeded me as chairman, I will be followed by a very distinguished Senator who is a very able Senator and will make a great chairman of that committee.

I am going to remain on the committee, not any longer as its chairman, because I chose to take the chairmanship of the Committee on Appropriations by reason of a vacancy that occurred there under circumstances with which we are all acquainted. But I still have a great love and a consuming interest for the work of the Government Operations Committee. I am glad that I am privileged to remain on it and to continue to serve, not as its chairman but to serve with my colleagues on that committee as a member thereof.

Again, I am most grateful to all who signed the resolution—I believe every member of the committee signed it—which was placed in the Record yesterday. I am grateful to each one of them. This is an unexpected tribute and I am very happy about it. Thank you very much.

The PRESIDING OFFICER (Mr. Tunney). The bill is open to amendment. If there be no amendment to be proposed, the question is on third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. McCLELLAN. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. SCHWEIKER and Mr. ROBERT C. BYRD moved to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECOGNITION OF SENATOR CHILES TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the remarks of the distinguished Senator from Oklahoma (Mr. Bellmon), the distinguished Senator from Florida (Mr. Chiles) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF HARRY F. BYRD, JR., ON FRIDAY, AUGUST 18, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday, August 18, 1972, following the remarks of the two leaders under the standing order, the Senator from Virginia (Mr. Harry F. Byrd, Jr.,) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR CERTAIN PRINTING FOR THE COMMITTEE ON VETERANS' AFFAIRS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 988, House Concurrent Resolution 553.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

> H. Con. Res. 553, authorizing certain printing for the Committee on Veterans' Affairs.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Indiana (Mr. Hartke) I send to the desk an amendment and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> At the end of the concurrent resolution, add the following new section:
>
> Sec. 2. After the conclusion of the second session of the Ninety-second Congress there shall be printed for the use of the Committee on Veterans' Affairs of the United States Senate twenty thousand copies of a publication similar to that authorized by the first section of this concurrent resolution, but with emphasis upon matters relating to veterans' affairs considered by the Senate or by the Committee on Veterans' Affairs of the Senate.

Mr. ROBERT C. BYRD. Mr. President, I have called up this resolution at this time at the request of the Senator from North Carolina (Mr. Jordan), the chairman of the Committee on Rules and Administration. The Hartke amendment meets with the approval of the Senator from North Carolina, and it also meets with the approval of the other side. The resolution and the amendment have both been cleared with the other side, as I understand it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the concurrent resolution (H. Con. Res. 553) as amended is agreed to.

The title was amended so as to read:

> Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs."

ORDER FOR RECOGNITION OF SENATOR TUNNEY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from Florida (Mr. Chiles) on tomorrow, the distinguished Senator from California (Mr. Tunney) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR JACKSON—NEWS ARTICLE BY HOLMES ALEXANDER

Mr. HARRY F. BYRD, JR. Mr. President, the nationally syndicated columnist, Holmes Alexander, has written a very interesting column on our colleague, the Senator from Washington (Mr. Jackson).

Mr. Alexander points out the very prominent role which the Senator from Washington is playing in the Senate, especially in connection with the interim agreement signed by President Nixon and Chairman Brezhnev in Moscow recently. The Senator from Washington, as we in the Senate know, is a man of outstanding ability and a man who has a wide experience and wide knowledge in the military field.

Mr. President, I ask unanimous consent that the article by Holmes Alexander, published in the Harrisonburg, Va., Daily News Record of August 14, 1972, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Jackson's Presence Felt

(By Holmes Alexander)

Washington.—When he comes to write his further Memoirs, President Nixon may tell us why he didn't include a couple of U.S. senators when he went to Moscow last spring to sign the Disarmament Accords.

The warnings of history would have told him to do so. President Woodrow Wilson made that colossal error at the end of World War I. He went to Paris to put over the League of Nations, turned his back on Sen. Lodge and other powerful members of the upper body, and the results were heard round the world.

The treaty that would have brought us into the League was defeated. Wilson was so shocked that he suffered a stroke. The country so much agreed with Lodge in mistrusting Europe that it elected Republican Presidents Harding, Coolidge and Hoover in succession.

NIXON WILL GET ACCORDS

Nothing so drastic impends today. Mr. Nixon is craftier than Wilson and not nearly so egocentric and vain. He is going to get his accords. The first section, the ABM Treaty, passed the Senate with brief debate and dissenting votes only from Allen of Alabama and Buckley of New York. The second section, a five-year Interim Agreement on offensive weapons, will earn the Senate's consent in all likelihood, but not quite in the way that Mr. Nixon originated it. He still has to treat with Sen. Jackson, who distrusts Communists as much as the late Sen. Lodge distrusted Europeans.

Scoop Jackson (D-Wash.), a Senate powerhouse on defense matters, would not have been an easy rider on the Presidential trip to Moscow. He likes to describe Soviet Russia as a "hotel burglar" who tries every door on the corridor until he finds one unlocked.

Jackson was the author of "safeguard" amendments to the Test Ban Treaty of '63, and no doubt would have made similar demands in Moscow. This would have slowed the Moscow schedule, marred the slick scenario that called for well-timed toasts in champagne, but it would have accomplished earlier what Jackson was sure to do later.

SENATE FLOOR FIGHT

Jackson still demands "safeguards," and has opened his fight on the Senate floor. His three-point amendment says that the five-year Interim Agreement will be interrupted and canceled whenever Soviet weapons-deployment "have the effect of endangering the survival of our strategic deterrent."

Jackson's purpose is not, like that of Lodge, the overthrow of a President. He clearly prefers the Nixon military programs to those of Candidate McGovern, and it is not inconceivable that he may be the President's choice for Secretary of Defense next year, as he was in 1969.

Jackson has several related intentions in mind. One is to put a rude end to the build-up of national euphoria, to the mistaken belief that the Moscow Accords spell peace-in-our-time.

Jackson also intends to fire a warning shot across the bows of the Soviet state. The Interim Agreement permits Russia to "modernize" existing weapons, but the senator wants to prevent the abuse of this right. Jackson is looking toward next month's renewal of disarmament talks, SALT II, and wants to head off Soviet pressure for American concessions.

There are two ways in which Jackson expects to apply psychological counterpressure. One, by amending the Interim Agreement with this threat of cancellation. Two, by holding the Senate vote of approval to the closest possible margin.

SUBTLE AGREEMENT

Rather than directly oppose Jackson, the President has chosen to encourage Republican co-sponsorship in the Senate of the Jackson Amendment. It is a subtle way of agreeing with Jackson on the danger of national euphoria.

Finally, it is an indication that, while Jackson was not invited to make the Moscow trip, the President did not wholly leave him behind, as Wilson did Lodge. Mr. Nixon had the shadowy presence of Senator Jackson with him at the Kremlin, and was never altogether deaf to the Senator's advice.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the distinguished junior Senator from California (Mr. Tunney) on tomorrow, the distinguished senior Senator from Virginia (Mr. Harry F. Byrd, Jr.) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the orders for the recognition of Senators on tomorrow there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION TOMORROW OF HOUSE JOINT RESOLUTION 1278, CONTINUING RESOLUTION—1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business tomorrow the Senate proceed to the consideration of House Joint Resolution 1278, a continuing resolution for 1973, and that the unfinished business be temporarily laid aside and remain in a temporarily laid-aside status until the disposition of the continuing resolution or until the close of business, whichever is earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 32—NATIONAL SCIENCES POLICY AND PRIORITIES ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the disposition of House Joint Resolution 1278 on tomorrow, the Senate proceed to the consideration of S. 32, a bill to authorize the National Science Foundation to conduct research, education and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities and for other purposes; and that the unfinished business be temporarily laid aside and remain in a temporarily laid-aside status until the close of business tomorrow or until the disposition of S. 32, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate adjourns today it stand in adjournment until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After the two leaders have been recognized, the following Senators will be recognized in the order stated, and each for not to exceed the time stated: Mr. Bellmon, 15 minutes; Mr. Chiles, 15 minutes; Mr. Tunney, 15 minutes, Mr. Harry F. Byrd, Jr., 15 minutes; after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

At the conclusion thereof the Senate will proceed to the consideration of House Joint Resolution 1278, the continuing resolution for 1973.

Upon the disposition of the continuing resolution the Senate will proceed to the consideration of S. 32, a bill to authorize the National Science Foundation to conduct research, education and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes.

The unfinished business, Senate Joint Resolution 241, with respect to an interim agreement, will be laid aside temporarily tomorrow and remain in a temporarily laid aside status until the Senate has disposed of the continuing resolution and the National Science Foundation bill.

There is an agreement on the National Science Foundation bill of 2 hours on the bill, 1 hour on any amendment in the first degree, one-half hour on any amendment in the second degree, debatable motion, or appeal.

Yea-and-nay votes may occur on the continuing resolution, and it is anticipated that yea and nay votes will occur on the National Science Foundation bill.

The revenue sharing bill will be laid down at the close of business tomorrow.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 6:21 p.m. the Senate adjourned until tomorrow, Thursday, August 17, 1972, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 16, 1972:

In the Air Force

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be general

Gen. Jack G. Merrell, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

The following officer to be assigned to a position of importance and responsibility requiring the rank of general, under the provisions of section 8066, title 10, United States Code:

Lieut. Gen. George B. Simler, [redacted]FR (major general, Regular Air Force), U.S. Air Force.

In the Army

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lieutenant General *Donald Vivian Bennett*, [redacted] Army of the United States (major general, United States Army).

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lieut. Gen. Alexander Day Surles, Jr., [redacted] Army of the United States (major general, U.S. Army).

The following-named officer for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

To be major general

MEDICAL CORPS

Brigadier General George Joseph Hayes, [redacted] Army of the United States (colonel, Medical Corps, United States Army).

U.S. Navy

Rear Adm. Damon W. Cooper, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of Title 10, United States Code, Section 5231, for appointment to the grade of vice admiral while so serving.

U.S. Marine Corps

The following-named officers of the Marine Corps for temporary appointments to the grade of major general:

Samuel Jaskilka
Edward S. Fris
Thomas H. Miller, Jr.
Robert H. Barrow
Herbert L. Beckington

The following-named officers of the Marine Corps for temporary appointments to the grade of brigadier general:

Clarence H. Schmid
Edward A. Wilcox
William L. Smith
Arthur J. Poillon
Kenneth McLennan
Joseph Koler, Jr.
George R. Brier

EXTENSIONS OF REMARKS

SUCCESSFUL PREDICTIONS BY COLUMNIST ROBERT S. ALLEN

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 16, 1972

Mr. HARRY F. BYRD, JR. Mr. President, those who write columns, editorials, and articles about government and politics frequently are embarrassed when some of their old predictions are called to mind.

A large number of the so-called pundits have had to eat crow because of forecasts about the Democratic nomination for President. It has not been a good year for prophecy.

Every now and then, however, a writer is able to point with pride to a prediction he has made. A recent instance of this was the column by Robert S. Allen, published in many newspapers on May 23. Mr. Allen has not, so far as I know, tried to take any bows for this column, but a constituent of mine recently called it to my attention.

In his May 23 column, Mr. Allen predicted that former Secretary of the Treasury John Connally would head an organization to gather Democratic support for President Nixon; that Representative William Ryan, of New York, would win his primary contest; and that the administration would increase efforts to expand trade with the Soviet Union. This is three out of three, which is a pretty good day.

I ask unanimous consent that the text of Mr. Allen's column, "No Mystery, Connally To Work for Nixon," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

No Mystery, Connally To Work for Nixon

(By Robert S. Allen)

Washington.—Despite the still-continuing flood of rumors, conjections, hush-hush reports and what-have-you (so typical of Washington), there is no mystery about the sudden resignation of Treasury Secretary John Connally.

The inside story is very simple.

The tall, white-crested former Texas governor quit to be free to organize and actively head a new campaign organization—Democrats for Nixon.

It will be national in scope and operations, and work parallel to and in close conjunction with the Committee for the Re-Election of the President, directed by former Atty. Gen. John Mitchell.

SECOND TERM

Mitchell and Connally and their organizations will be the principal instrumentalities of the President's drive for a second term.

Still undecided is the timing of the formal announcement of the launching of the Democrats for Nixon Committee—whether before or after the Republican national convention in August. Inside opinion favors the former.

The President, Connally and Mitchell discussed the contemplated electioneering setup at an unannounced meeting at the Camp David weekend retreat.

SAME PARTNER

Highly significant—while there was no mention of or reference to Vice President Agnew, the whole tenor of their talk held a clear implication that he would again be Nixon's running-mate.

There was quite a bit of conjecture about the most probable Democratic slate.

The President indicated he is still adhering to his long-held belief that the candidate who will oppose him will be Sen. Edward Kennedy.

VIEW OPPOSITION

Mitchell was inclined to view Sen. George McGovern as a very real possibility. This opinion was based chiefly on Mitchell's contention that the Democratic convention will be dominated by militants, activists and extremists of all types, ages and hues—the primary source of McGovern's support.

The President, Connally and Mitchell were agreed that if McGovern is the Democratic standard bearer, there would be widespread defection to the Republicans.

They were also in accord in giving Sen. Humphrey little more than an outside chance of winning renomination.

POLITICALS

Rep. William Ryan, Dem.-Lib., N.Y., appears to have a lead over Rep. Bella Abzug, New Left Democrat, N.Y., in their torrid primary battle in a new district combining parts of both their old ones. Ideologically there is no choice between the two leftists, but polls show six-term Ryan definitely out in front of one-term "Bellowing Bella." Apparently, Ryan's longer record of doing personal services is paying off. Also, seemingly adversely affecting Mrs. Abzug among older ethnic voters is her persistent and vociferous women's lib clamoring. . . . Now you can learn all about how to maneuver and manipulate to get a government job for the insignificant sum of $2.75. It's all spelled out in a newly published book, "Strategy and Tactics for Getting a Government Job," by two women, Susan Lukowski and Margaret Piton. They are described as holding "well-paying jobs in the areas of their preference"—with no hint of what that is. The book is a serious how-to-do-it guide.

Friends of the FBI, Inc., is holding a "unique conference" in Washington May 30-June 1 on the subject of "Law Enforcement and the Media." Announced participants are prominent Tom Reddin, former Los Angeles police chief, and Gary, Ind., police chief Charles Boone.

Harvard Prof. John Kenneth Galbraith, former head of the New Left-controlled Americans for Democratic Action, wants to run against Sen. Edward Brooke, liberal Republican from Massachusetts, but only if he is sure of an ample campaign kitty. Gailbraith, who has made a lot of money with best-selling books, lecturing for fancy fees and an endless stream of well-paid articles, is saying he will make the race only if assured of $1 million electioneering fund.

MORE RED TRADE

President Nixon is offering the Kremlin rulers concrete concessions to do more large-scale buying in the U.S.

One of these trade lures is designed to produce huge grain and feed sales to the Soviet.

During the President's Moscow visit he is proposing to suspend again the 1963 requirement by President Kennedy that 50 per cent of grain and flour shipments to Communist countries must be carried by American flag ships—thus considerably increasing the cost. Last year, after President Nixon set that order aside, Russia bought $140 million in corn, barley and oats.

The basis for another huge commodity sale to the U.S.S.R. was laid by Agriculture Secretary Earl Butz in a trip to Moscow in April. He conferred with agriculture minister Vladimir Matskevich, who expressed interest in purchasing more farm products "if we are treated right."

FAVORABLE BALANCE

Matskevich and other Kremlin officials talked particularly about establishing most-favored trade relations with the U.S. so as to increase exports to this country. They asserted Russia wants particularly to expand its trade in furs, oil and gas, diamonds, tobacco, chrome ore and rare metals.

Last year U.S. exports to the Soviet totalled $177.2 million as against imports from that country of $56.8 million. In 1970 the contrasting figures were $103 million and $58 million.

Secretary Butz also reported to President Nixon that Russian officials stressed the desire of obtaining credits to increase purchases in this country. No specific figures were mentioned, but it was indicated the Soviet Union was prepared to negotiate arrangements totalling upwards of $500 million.

FORECASTS PACT

Significantly, following a conference with the President before he flew to Moscow, Commerce Secretary Peter Peterson stated he anticipated that during the President's visit there would be considerable discussion of liberalizing trade and credit arrangements.

"I confidently expect," said Peterson, "that a year from now we will be doing substantially more business with the Soviet. I would say both countries are desirous of doing a lot more trade with each other."

SIXTH ANNUAL QUESTIONNAIRE

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. HAMMERSCHMIDT. Mr. Speaker, I am sending my sixth annual questionnaire to postal patrons of the Third Congressional District. So that my colleagues of the Congress may know the substantive content of this mailing, I ask that it be printed at this point in the Record.

Please Give Me Your Views

Important business remains in the final weeks of the 92nd Congress. Crucial specific questions must still be answered. Other general questions are constantly with us on goals, methods, procedures, priorities, etc. The choices made will determine the course of our country.

In the past, your responses to the annual questionnaire have been extremely helpful in letting me know your thinking on issues and problems.

As your representative in Congress, the ultimate "yes" or "no" vote is mine alone, but insofar as possible I hope that vote accurately reflects the feelings of Third District residents, and is a true echo of the collective majority voice.

I also hope the questionnaire will bring you closer to government in the Jeffersonian tradition: "That government is the strongest of which every man feels himself a part." In answering the questions you will be recommending specific action on matters which concern us all. I recognize that "yes" or "no" answers may not be adequate to express your feelings on particular issues. I welcome your additional views.

Please complete the questions below and mail to me in Washington. You do not need an envelope. I shall tabulate the returns and report them in the Congressional Record. Thank you for your help.

Sincerely yours,
JOHN PAUL HAMMERSCHMIDT,
Member of Congress.

LIST OF QUESTIONS

(NOTE.—Space provided for "yes" and "no" answers under "his" and "her" categories.)

1. Do you believe wage and price controls are working reasonably well in cutting the rate of inflation and stabilizing the economy?

2. Are stronger laws needed to deal with prolonged strikes which harm the public interest?

3. Do you support the all-volunteer army concept for national defense?

4. Should Congress approve a program to establish government-subsidized day care centers and nursery schools?

5. Do you favor an increase in the minimum wage to $2.20 per hour?

6. Do you favor the Family Assistance Plan which subsidizes working lower income earners and provides work incentives to replace the present welfare system?

7. Would you favor a "Value Added" tax, in effect, a national sales tax, as a method to reduce property taxes?

8. Do you favor national health insurance for all, with the federal government underwriting the cost for low-income families?

9. Should food stamps be available to persons on strike?

10. Do you favor federal prohibition on the sale of cheap, short-range handguns (so-called "Saturday Night Specials"), not including longer range pistols and revolvers, rifles and shotguns?

11. Do you approve busing children to meet racial quotas in public schools?

12. Do you generally approve the course taken to end the war in Vietnam?

13. Should the federal government reduce penalties for possession and use of marijuana?

14. On programs agreed to by both the executive and legislative branches, when congressional appropriations bills greatly exceed budget recommendations, which would you support? (Choose One) (A) The full appropriation. (B) The budget recommendation.

15. When Congress considers desirable new or expanded programs, how would you vote? (Choose One) (A) For the programs, financed by tax increase. (B) For the programs, financed by debt increase. (C) Against the programs.

16. Congress meets virtually the entire year. When in session, I must be in Washington for committee meetings, to vote, and to handle problems for constituents. Though I return to work in the District most weekends, I cannot attend all meetings which pertain to federal matters. Should my policy be: (Choose One) (A) To return to Arkansas even while the House is in session and some important votes might be missed. (B) To stay in Washington at all times the House is in session.

FRENCH BOYCOTT SUCCESSFUL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. RANGEL. Mr. Speaker, last fall I called for a citizens' boycott of French products until the Government of France takes decisive steps to wipe out the processing and smuggling of heroin.

The outrage of the American people has produced results which were unheard of when our Government relied simply on diplomatic niceties to try to persuade France to cooperate with us in stopping the trafficking of heroin to the United States. In the past few months we have seen increased seizures of narcotics, arrests, and raids on clandestine refining laboratories. At the same time, the French Government has become increasingly aware of its own spreading addiction crisis.

One of the groups most active in the French economic boycott has been the Long Island Restaurant and Caterers Association of New York. This organization has taken a leadership role in awakening its customers and community to the heroin menace. I am pleased to share with my colleagues the statement of the association on this critical issue:

WINE BOYCOTT HAS PROVEN SUCCESSFUL

LONG ISLAND RESTAURANT
AND CATERERS ASSOCIATION,
Hicksville, N.Y., July 24, 1972.

On January 31, 1972, the Long Island Restaurant and Caterers Association launched a boycott of French wines, as a means of impressing the French government that the American people were concerned over the laxity of French officials in cracking down on the processors of heroin, in the Marseilles area of France.

This boycott was adopted by many Restaurant Trade Associations; Federation of Labor Unions; L. I. Federation of Women's Clubs; civic, religious, service organizations, and hundreds of thousands of American people, in fifty states of the Union.

The effect of this effort has reduced the imports of French wine approximately 30%, according to many importers, and this must have created some reaction in the French government official circles. As a result, much action on the part of the French government is now evident, with the reported discovery of the fourth clandestine narcotics manufacturing laboratory in the past four months. This is a great improvement over the previous record of finding only two laboratories in the previous eleven years.

For this great effort on the part of the French police we are greatly appreciative, and we extend our sincere thanks. However, continual effort is absolutely necessary by the French government, to completely terminate all the laboratories in Marseilles, France.

In the meantime, the American people cannot let down the pressure now exerted, because new sources of heroin supplies are now reaching the United States from Burma, Thailand, Laos, China, through Central and South America, Mexico, Canada, and directly by means of ships, air and couriers.

It is now necessary that the many organizations, and hundreds of thousands of the wine boycott supporters, extend their sphere of influence to alert our own public officials—local, state and national—that an all-out effort *must* be made by our government, using every available means, physical and financial, to see that the heroin menace that was originally French oriented, does not develop in other areas, and establish a further market in this country.

We, as a naiton, may now be turning the corner on the heroin importing problem, and only a strong all-out effort by our own government officials can stop this menace once and for all.

The Long Island Restaurant and Caterers Association, and all its supporters, request that all public officials now seeking office, should make the heroin and drug problem part of their platform, and dedicate their efforts in terminating this menace. All the voters are therefore requested to cast their vote accordingly.

WARREN R. SPELLMAN,
President.

NOTRE DAME COLLEGE DEDICATES NEW BUILDINGS TO EXPAND EDUCATIONAL SERVICES IN CLEVELAND

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. VANIK. Mr. Speaker, on September 23, 1972, I will have the honor of attending the dedication of three new buildings at Notre Dame College in Cleveland, Ohio. The three buildings to be dedicated are Connelly Center, Alumnae Hall, and Clara Fritzsche Library.

Connelly Center, a dining hall and student center, opened in 1968 and was named after the Connelly Family. Daniel S. Connelly, a member of the Notre Dame College board of advisers, and his father, who organized the board, and the Connelly family in general were foremost benefactors of the Notre Dame College over the past 50 years.

Alumnae Hall, the largest dormitory on the Notre Dame College campus, was also opened in 1968. This facility is capable of housing 160 resident students. It was named after Notre Dame's alumnae because of their loyal, dedicated support to the college since it was founded.

Clara Fritzsche Library, opened in the fall of 1972, was constructed to house 100,000 volumes. It offers many conveniences such as private study and reading units. Clara Fritzsche, the mother of Paul Fritzsche, a member of Notre Dame College board and a benefactor of the college, attended and graduated from the Notre Dame Academy before the college itself was established.

Notre Dame College has served the Greater Cleveland area well during the 50 years of its existence. Among its achievements, it is noteworthy that 2,300 bachelor degrees have been awarded to graduates who will serve the community and the Nation. Notre Dame is a college that has met the challenge of changing times by adapting class hours and courses as the needs arose. For example, today many married women return to the college to enrich their minds or to work toward a degree which circumstances forced them to forego some years earlier. In addition, special programs have been arranged for students who feel that they cannot spend 4 years in college but do want education beyond high school; among these are a bio-technician program and a shortened business education program.

Thus, in this golden jubilee year of Notre Dame College, it seems fitting to pay tribute to the Sisters of Notre Dame who operate this school. They have worked in greater Cleveland for almost a century. Their service has been in schools where they have played a strong role in the education of the children of immigrants from many countries: Germans, Irish, Czechs, Slovaks, Poles, Slovenians, Lithuanians, and Italians—for greater Cleveland is a highly cosmopolitan community.

Notre Dame College is a valuable community asset. This institution has consistently maintained high scholastic standards and training for responsible citizenship. The entire community is grateful for what Notre Dame College has achieved for our community and for the Nation.

STALINIST TACTICS IN SAIGON

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. HELSTOSKI. Mr. Speaker, the New York Times of August 13 contained a dispatch from Saigon detailing some of the barbaric, totalitarian policies recently adopted by the Thieu regime. Ruling by decree, Thieu has undertaken to close down all newspapers in Saigon save a few puppet journals faithfully echoing the government's line. Is it for the preservation of this type of democracy that over 55,000 Americans have died in Vietnam?

The Times' correspondent, Sidney Schanberg, provides fresh and shocking details on the torture of political prisoners held by the Thieu government. Revelations of torture come as no great surprise. It will be recalled that Members of this House exposed the tiger cages at Con Son over 2 years ago. Torture of political prisoners has been standard operating procedure under this showcase of democracy in Saigon for years. It is only the outer limits of barbarity achieved by the Thieu apparatus which surprises us. Is it for this too that so many Americans and Indochinese have died or been maimed?

The barbarity of the Saigon Government is matched only by the barbaric results of the endless war in Indochina. Both can be ended only by ending the war.

The article referred to follows:

THIEU'S CRACKDOWN: HE CALLS IT "CLOSING THE GATES TO COMMUNISM"

(By Sidney H. Schenberg)

SAIGON.—Police crackdowns, prison torture and arbitrary government behavior in general are nothing new to the South Vietnamese, but President Nguyen Van Thieu's latest steps to tighten his control over all aspects of life here have alarmed even his long-suffering countrymen.

Operating under the emergency powers he pushed through the National Assembly in June—on top of the martial law regulations imposed after the start of the North Vietnamese offensive March 30—the President has, among other things, imposed harsh new regulations on the press. Aimed apparently at eliminating all opposition, comment, and criticism, these controls seem certain to force most of the Vietnamese-language newspapers to shut down and leave only pro-Government papers on the streets. One paper closed last week, and several others are in the process of closing.

The new special powers permit Mr. Thieu to legislate by decree, bypassing the National Assembly. In effect, he can now do virtually what he pleases. One of his most recent orders was for "preemptive sweeps" to unearth Communist agents and sympathizers. The police thus far have arrested at least 15,000 persons. About 5,000 of them are said to have been released, but the arrests are continuing, and reports have been filtering out of the prisons of severe and widespread torture.

Needles driven through fingertips, breasts burned with lighted cigarettes, objects shoved up vaginas, relentless beating with wooden rods and forced ingestion of water to bring a person close to drowning are some of the tortures being reported. These reports are based on documents smuggled out of prison and on extensive interviews conducted by The New York Times with prisoners recently released.

Here is part of a typical account, given by a former prisoner who was not herself beaten: "Two women in my cell were pregnant. One was beaten badly. Another woman was beaten mostly on the knees, which became infected and full of pus. One high school student tried to kill herself by cutting both wrists on the metal water taps in the washroom, but she failed."

It is impossible to verify these accounts; the Saigon Government bars journalists from its prisons, which it calls "re-education centers." The United States mission, which provides the bulk of the financial support and expert advice for Saigon's police and prison system, also refuses to discuss the situation on the record, arguing that it is an internal South Vietnamese affair.

Nor can one establish that the scars and other marks one sees on the bodies of former prisoners were inflicted by the police. Yet the weight of the evidence seems to support the allegations of widespread torture. One high American source, who granted an interview but insisted on anonymity, acknowledged that "all kinds of deplorable things may well be going on." However, he emphasized, some of those arrested are known Communist activists charged with terrorism.

The danger of Communism and the argument that the country's survival is at stake is the justification given by the Government for the crackdown on the press. A pro-Government Senator said the decree was aimed at "purifying the press." Mr. Thieu said in a recent speech that the press was one of the "wide-open gates for Communist penetration—if we are not vigilant."

"I will keep abiding by democratic principles," Mr. Thieu said, "but the more wide open are the gates of democracy, the more fissures it will have. The Communists will then be able to enter, not only by the main gate but by the side gates as well, and South Vietnam will be lost politically."

If life for the stoical South Vietnamese has become even more repressive under the Thieu Government, they have also been tyrannized in some districts by their Communist "liberators." For example, in the northern half of Binhdinh province, which was captured and held for nearly three months by the North Vietnamese and the Vietcong, allied intelligence officials now report that the Communists installed a regime characteristized by heavy taxes, forced labor and the summary execution of several hundred Saigon Government officials.

However, many analysts here do not think that the Binhdinh experience, though it could foreshadow selective executions, necessarily means that the Communists would engage in a country-wide "bloodbath," as predicted in hawkish American circles, should they take control of all of South Vietnam. These analysts reason that when in full control, the Communists would presumably feel less insecure and could afford to be conciliatory.

Whatever the future for the South Vietnamese, their present—whether under the Thieu regime or Communist occupation—bears little resemblance to the democracy the United States says it is trying to foster here. Until the Communist invasion last spring the Saigon Government was at least observing some of the forms of democracy. Now even this veneer has been discarded.

"If Thieu is smart," said one Vietnamese journalist last week, "he will relax his controls before it is too late. If he doesn't, no matter how many special powers he has, the discontent could explode."

CHILD CARE IN THE 1970'S

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. HANSEN of Idaho. Mr. Speaker, keynoting the Early Childhood Conference I sponsored in Idaho this spring was Dr. Edward F. Zigler, then Director of the Office of Child Development of the Department of Health, Education, and Welfare. Dr. Zigler is one of the Nation's most articulate spokesmen and respected authorities on young children, and his very direct and thought-provoking address set the tone for a stimulating and informative conference. I would like to include portions of Dr. Zigler's remarks in the RECORD:

CHILD CARE IN THE 1970'S

(By Dr. Edward F. Zigler)

I mentioned to you earlier the naive environmentalism which caused Head Start to be oversold in the early days. Would any sane, sensible person that knows anything about child development ever say to this nation: you give me a child for some magic little program for eight weeks, and three years later you'll see the gains and the benefits thereof? Utter nonsense. We were captured by the notion that these kinds of minimal interventions, which are nothing but token programs, would make a difference in children's lives. Even the laymen finally said: you can't inoculate a child in eight weeks, there's all those years before and all those afterwards. You need something more than that.

Thus Head Start evolved into a one-year program, and one year was certainly better. You could do something with the child for one year. Obviously the gains from Head Start are not huge with the one-year program, and the nation became a little bit disenchanted with Head Start. So we began our search for magic periods, with, of course, infancy being the magic period that captured most of our attention. Soon we had the Harvard/MIT group clearly implying in Life magazine that "we're home free if you just put a mobile over the child's crib."

Americans are impatient people, and we too frequently seek simple solutions to complex problems. Ladies and gentlemen, there is no magic period for the simple reason that *all* of the years of a developing child are magic periods. The President made a step in the right direction when he indicated that what we've got to be concerned about is a block of time in a child's life from zero to five. Those are important years; years of great change. A theorist could argue whether this change is due to maturational readouts or environmental input. That's unimportant, but clearly we're seeing a very rapidly changing organism thru this period in the life cycle and these are very important years.

I would gladly go on record with you today and say that this is not enough either. If you do everything that you can for a child between zero and five, you will wind up with a better human being, but that will not result in what I consider to be the optimal development of the child. One has to read nothing but Piaget to appreciate the stage-like progression, even in the cognitive system, which takes place at least to the fourteenth year of life. These stages each are built upon the other, and the fact that the first stage got there at the right time because of the right interweave of the biological factors in growth and the environmental factors, doesn't guarantee very much about the next stage. This is true of social as well as cognitive development. When you see our adolescents pursuing a life course that is self destructive, you begin to appreciate that if one cares about children, one needs concentrated efforts that take place, not from birth, but at minus nine months—from conception, where growth began—through the high school years at least. I am simply asserting that there is a basic continuity to all aspects of life, and our efforts for children must respect this fundamental fact of human development.

I believe that, early in its history, Head Start made another mistake. Its very name created a backlash because it served only the poor. I wish we could have named it something else. What we really meant when we coined the name was that these children would have a head start over *themselves*. Unfortunately, the way most people read it was: "Those children are getting a head start over *my* children. Just because I'm $50 above this income, and someone else is $50 below it, they get all these services and their children get this and that, usually with my tax dollars, and they are paying nothing." There was a backlash against Head Start, not because it was bad, but because it was good and because all people wanted it for their children. It's clear that programs in the future are going to have to employ realistic fee schedules which will permit the participation of children from all income groups.

There are three reasons for this and I shan't go into them at great length. The first is the reason I mentioned. Programs that are mounted just for poor children will always remain vulnerable for a very simple reason. Poor people have little political clout. When we begin developing programs that serve all of the nation's children, with fees charged to those families who are able to pay, we will have programs that will have wide appeal for our citizenry and therefore for our Congress.

There are other reasons that are a little bit more salient to my own thinking about such programs. One is developmental. Basically, I still don't conceive of myself as a politician as much as a developmentalist. Again my reading of developmental literature tells me that children grow best when they have many models to interact with. While all research findings are not in, I believe we will discover that we should be mixing children across economic class lines. It isn't just that a middle-class child can give something to a child in impoverished circumstances, but the middle-class child can receive something as well. Research that I personally am still engaged in with my colleague Dr. Yando in the Boston area, has indicated that our poor children have certain qualities that our more affluent children could well model themselves after: greater creativity, greater earlier independence. I am pretty much convinced that if we mount programs that allow children to mix with each other, there will be great gains to all of our children in terms of their development.

Finally, and this is, of course, a very touchy issue, I think such mixing is necessary for social-psychological reasons as well. The nation cannot continue to segregate very young children across socioeconomic class lines and expect the kind of tolerance and interaction, one with the other, that makes this country what it is supposed to be. When you fractionate people into groups, you do develop in-group feelings, but you invariably develop out-group hostilities, and, ladies and gentlemen, I don't know how much more out-group hostility our society can stand. It is for this reason that we must develop programs, at least for our very young children, that do everything they can to promote interaction between children of different backgrounds.

One final problem with Head Start is that it did not remain true to its own experimental nature, but instead became a new orthordoxy. What started as an experimental program and, by congressional fiat, remains an experimental program, in many cases is not treated as an experimental program at all. It has become a new orthodoxy to be defended against its critics, at all cost never to be changed to provide different services or better services as we gain more knowledge.

Head Start should return to its experimental orientation—not get smaller, but get bigger and more experimental. Let us be the kind of pioneers with Head Start in 1972 that we were in 1965. Let us try new forms, let us discard the rigid concepts that we started with which are now out-moded. Does every child need Head Start simply because his family makes X number of dollars? I think we've downgraded the poor with that kind of concept. Many of these children do but many do not. Let's not confuse economic criteria with the nature of the child rearing that a child receives.

Of those children whom we serve in Head Start, who do not need Head Start, who do need preventive or compensatory programs, does every one of them need five half days a week? What's magic about that? We must use what we know, and one thing we know is that there are many ways to help families and children, and we should begin packaging a variety of services in Head Start centers and take a more individualized approach to the needs of families and children. Let's save the expensive, intensive programs for children who need them, and provide different programs for children with different needs.

I see a Head Start of the future in which something like Family and Child Centers will provide a variety of programs that will help children and families. These programs will include care of pregnant mothers and Home Start programs where, instead of bringing children into centers, trained individuals will go into the home and help parents in raising their own children, upon the request of the parents. I see Health Start programs for children. I see two or three day programs. I see five day programs and intensive programs, beginning much earlier than the age of five, or four, or even three, for handicapped children and children whose development is at high risk. Let's see how good a prognosticator I turn out to be.

Let's move to the last area that I wanted to discuss with you this morning, and that is probably the most pressing child care need in the nation today; day care for the children of working mothers. It's not accidental that this was named as the number one priority of the 1970 White House Conference on Children. Working mothers, as the Governor pointed out to you, have now become almost the majority in terms of the mothers of this country. Approximately 50 percent of mothers with preschool and school age children do, indeed, work. I think the question of what to do with their children has become a problem of tragic proportions. There are today one and one-half million children who are latch-key children. No one cares for them. They have a latch key about their neck, they let themselves in and out, they're uncared for. It is very surprising that this is the pool of children from which we draw so many of our juvenile delinquents? We're getting about what we pay for.

We have another group of children, three quarter million in this nation, cared for by a sibling under 16, much too young to have such responsibility for children. Not only are we denying the very young child the kind of socializing experiences he should have, we're also denying the caretaker child that most precious commodity, his own childhood.

Finally, what about the quality of day care that is available? The centers in this country are not splendiferous centers mounted by the Bettye Caldwells, or Susan Grays or the Spriggles. Day Care in this country is 80 percent noncenter: 40 percent in home, 40 percent in family group homes. There is a recent report on the quality of this day care in this nation prepared by Mary Keyserling for the National Council of Jewish Women, in which the description of family group care reads like a horror story. Children are being cared for by alcoholics, children are being cared for by women too senile to care for themselves, children are tied to chairs so they won't cause trouble for the caretaker.

The problem of day care for the children of working mothers must and will be met in this nation. The real issue is not whether we're going to have day care: we already have day care. The real issue is what the quality of the day care in the new legislative initiatives is going to look like. Is it going to be custodial, which in many cases is little more than a euphemism for stultifying care that destroys children? Or is it going to be developmental with a health component, an educational component, a nutritional component, a parental involvement component?

There is a major new source of funds on the horizon in the day care provisions of HR 1, the Administration's welfare reform plan. I want to take this opportunity to tell you how troubled I have become by the pronouncements that have been made both in the Congress of the United States and upon the part of many experts in the area of child development. These pronouncements assert that the quality of day care in HR 1 that is being planned by the Administration, of which I am a part, will be custodial in nature. This is not true. The President of the United States' commitment to the quality of this day care, which is contained in his message introducing welfare reform legislation, makes it abundantly clear that it will be not custodial and that it will be developmental in nature. I've had several discussions with Secretary Richardson on this point, who is just as troubled as I am, but somehow or other this myth is abroad in the land. I promise you that OCD's role, and my most important commitment, will be to see that when the welfare reform plan is passed, the day care provided under that piece of legislation will be of a developmental sort that will be conducive to the growth of children. If this is not the case, we will be sacrificing a very important segment of the next generation of America's population. We cannot go in this direction. I will be disclosing in the next few weeks the 1972 Federal Day Care Standards. I hope that it will be clear, by the amount of money we will pay for the different kinds of day care, that we will indeed provide day care far superior to the $500 or $700 day care which the Governor reported to you as being so common in our nation.

I want to say one final thing, and it underlines a point that Governor Andrus made. I'd like to end this talk on a note of caution. I do not think that the solution to the nation's problems is to provide every child age three with a preschool education or to place every child from a certain age on in child care centers. I believe that we should do everything in our power to strengthen and support family life rather than supplant it in any way. We must provide good substitute socializing settings for children of mothers who choose to work. Obviously that's how you support that family's life. But we should be wary of those who suggest that centers or experts are intrinsically superior to home settings.

The Governor is correct in pointing out to us that we must be aware that the nature of the family has changed. The ability of our society to provide a child with a good family and good child rearing experiences is not what it once was. We must be aware of this and begin developing social institutions that are not just centers for children, but also institutions that work directly at supporting family life.

What's happened to the family? Well, the decline of the extended family is one case in point. Once a grandparent and uncle and many other relatives were involved in raising the child, and that was great for a parent. That was the kind of support parents need and children need. That's no longer with us. We now have typically the nuclear family.

We also see a lessening of community support for child rearing. Let me use myself as an example. I don't even know who lives three doors from me. I'm not too atypical; people move in, people move out, I'm busy, they're busy, I commute, I do this, I do that. I don't know their children and they don't know my children. I wouldn't mix in how these parents are raising their children.

I remember when I was a boy, under much less affluent circumstances than I'm living under now, there was a woman that was the bane of my existence. If I ever smoked behind a barn, that woman would invariably show up at my house that evening and report to my parents. There was no hiding from her, and I hated that woman with a passion. I'm very fond of that woman today because she cared about me. Her acceptance of a share of responsibility for children in the neighborhood is what I mean by community support for parents. We don't provide that support any more. We're in our own little homes and we worry about our own. The mobility in our society, doesn't give us a chance to become involved in a community to that extent.

Urie Bronfenbrenner puts it very well when he says that, in so many homes, the children's hour has become the cocktail hour. We must strengthen family life. How? By doing a number of specific things. First, I think women deserve a real choice. Women have made the decision to work. Fine. They should have a choice, but we should also support those women who would like to raise a family, and we should also do much more than we are doing today to help those women who would like to do both. Remember, most of the children who need day care are school-aged children. Why is it that, in an industrial society that can move towards a ten hour day, four-day week, we can't have the vision to move to a day which is exactly the same length of a school day?

We must do much more in the area of Home Start programs for the parents who have children. This cuts across economic class. We must train helpers, outreach people, who will go into homes and help parents, upon their request in understanding child rearing. We must begin using T.V. to support family life much more than we do. With cable television imminent, we must see that in every city where there's cable television, a channel is reserved for family life in which interesting, entertaining and informative programs are provided to help parents be parents.

Finally, one of the cheapest things that we can do, cheap in terms of dollars spent, but rich in terms of outcome, would be to realize what's happened to family life. We should say: why wait for young people to be parents and then try to help them? Why doesn't every high school in this nation have an interesting course in parenthood? There are some courses in some schools, but in many of these places what we call family and child life are rather transparent efforts to inculcate middle class values and little more. We must develop interesting courses loaded with knowledge, and these courses should be an integral part in the overall curriculum. Students should not just passively receive didactic information. Our adolescents should work with younger children in day care and Head Start Centers, so that what they learn becomes the material of this course. I'm pleased to report to you that the Educational Development Center, in Cambridge, Massachusetts is developing just such a course. Over the next year or two, we will bring in education people, show them the course, help pay for teacher training, and see if we cannot induce large numbers of the high schools of this country to begin teaching our young people about what is going to be the most important role that they are going to assume in our society: the role of a parent.

In conclusion, I would say that much has been done; much remains to be done; and I certainly do agree that this is an exciting time. We are at a critical juncture in deciding what we are going to do about our nation's children. It's going to take all of us to provide the kind of care that the Governor was talking about, and that your Congressman has been working so hard to bring about at a national level. Certainly if there is any group of people I would expect to really roll up their sleeves and get with it, it is the people of Idaho.

MISS SOFTBALL AMERICA

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 16, 1972

Mr. CRANSTON. Mr. President, during a time when so many are concentrating on what is wrong with America, I should like to take a few moments to point out an event that shows what is right with America.

The week of August 22 to August 26 will be highlighted by the Miss Softball America Tournament of Champions in Anaheim, Calif. During this week, girls ages 9 to 15 from all over the country—California's winning team is from Covina—will come to Anaheim to participate in the efforts of their teams to win this national tournament. They will have the opportunity to form friendships with girls from other States. They will have a chance to play a healthy and invigorating sport. They will work with their team toward a mutual goal. They will utilize skills which they have worked long hours to develop. They will display sportsmanlike behavior.

I commend all the girls who are participating for their accomplishments in winning their States' championships. A special mention is due Dr. Bill Smith through whose efforts the tournament is being made possible. I wish the best of luck to all of the participants—may the best ladies win.

PUBLIC BROADCASTING AUTHORIZATION

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. TIERNAN. Mr. Speaker, yesterday I voted against authorizing legislation for the Corporation for Public Broadcasting. I felt it necessary to express my dissatisfaction in this way and would like to take this opportunity to explain my action.

I think that there are some very fundamental issues involved in the debate over public broadcasting, not all of which have been made explicit.

It seems unnecessary at this point to restate the arguments that have been made, except possibly to point to the excellent comments made yesterday by my distinguished colleague from California (Mr. VAN DEERLIN). What I think his remarks point to, and what I know to be true, is that the administration's motives were not related to the protection of local broadcasters from centralized authority. The arguments made in the veto message, indeed throughout the debate by the administration, were simply too easily refuted.

This view has been confirmed by officials in the President's Office of Telecommunications Policy. Their real concerns, they say, were the following: First. Victory in the power struggle with the House Subcommittee on Communications and Power. After their testimony before the subcommittee, OTP policymakers determined to let the Congress know that they would be listened to on questions of telecommunications policy. A veto was the mechanism chosen to make Congress sit up and listen to what they had to say;

Second. The emasculation of NPACT—the National Public Affairs Center for Television. The Republicans did not want aggressive public affairs reporting by public television in an election year, particularly by newsmen with an alleged "liberal bias."

I think there are lessons to be learned from this experience. The first is that we cannot allow officials in the White House who are not accountable to Congress or the people to manipulate congressional authority for their own purposes. We should identify the phony issues created by OTP to advance its own interests and expose them for what they are. We should not sit idly by while the White House staff grows and takes over the functions of legislatively created agencies like the Corporation for Public Broadcasting and the Federal Communications Commission. A good example that this is happening is the fact that neither CPB nor the overwhelming majority of local public broadcasters who supported H.R. 13918 were consulted by OTP in the formulation of their policies. At issue is nothing less than the question of who shall rule: Constitutionally elected representatives and their appointees or faceless bureaucrats.

Second, we cannot allow an administration out to turn the electronic media to its own ends to control the programing and personnel policies of public broadcasting. This is what they want to do and Congress must respond with a resounding "No." Men like John Macy who are essential to public broadcasting's success cannot be sacrificed to political and bureaucratic opportunism. Aggressive, important public affairs programing like "Banks and the Poor" must not be done away with because campaign contributors do not like it.

As I have said time and time again, the way to do this is through a system of permanent financing which will insulate public broadcasting from control by the political operatives at the White House.

THE GEORGE G. HOBERG VISTA POINT

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, in late June I had the privilege of participating in a unique dedication ceremony in Lake County, Calif., which was only recently made a part the First Congressional District which I am privileged to represent.

Dedication of the George C. Hoberg Vista Point is unique because it represents the first roadside rest on a California freeway featuring a full-time tourist information office that has been financially supported by the Department of Public Works, California Division of Highways. This "first of its kind" project in the State of California is named in memory of George C. Hoberg, 1904–70, dynamic civic leader and pioneer Lake County resort owner.

The Vista Point, is, indeed, a living memorial to a great American who, like the point itself, was dedicated to serving the traveling public at the Hoberg Resort on Cobb Mountain in Lake County which he developed and successfully managed from 1928 until his untimely passing in 1970. George Hoberg's many contributions to his community and the area he loved so much are chronicled in the information which I am inserting in the Record at this point:

The George G. Hoberg Vista Point

(By Marion Geoble)

The George G. Hoberg Vista Point is the first roadside rest offering full-time information service for the traveling public, on a State Highway. This project was completed through the joint efforts of the State of California, the County of Lake and the City of Lakeport, at a cost of $100,000. Site preparation was done by the Department of Public Works, the County of Lake provided the funds for the construction of the building and the underground utilities installation, and the City of Lakeport furnished the 2.8 acres of land. Much of the material and labor was donated by the citizens of Lake County, in this, the first project of its kind, in the State today.

A Senate Concurrent Resolution named the Vista Point in memory of George Hoberg, Sr., was introduced by Senator Randolph Collier of the First Senatorial District, a long time friend of the Hoberg family.

George G. Hoberg, Sr., known as "Mr. Lake County" for his unflagging promotion of Lake County, was born January 29, 1904 at his parents home, and died July 19, 1970, at his home, just a few hundred feet distance from the place of his birth at Hoberg's Resort on Cobb Mountain.

He attended and graduated from the county schools and attended Cogswell Technical College in San Francisco from 1919 to 1923 where he graduated with honors.

On November 16, 1927 he was married to his beautiful and gracious wife, the former Gertrude Suhr, and two children, a son George, Jr., and daughter Marilyn Angelley were born of this union.

In 1928 he and his 2 brothers, Paul and Frank took over Hoberg's Resort enterprise from their parents Max and Theresa Hoberg, and under their regime (the third generation of Hobergs), the resort business was perfected and developed into the largest privately owned resort in the state, as well as being one of the first convention centers, with facilities for more than 1,000 guests, including display rooms and a vast auditorium.

He was president of the Lake County Chamber of Commerce from 1938 to 1941; the Redwood Empire Association from 1944 to 1947 (the only person to serve in the office of president for 3 terms); district chairman of the California State Chamber of Commerce from 1939 to 1944; director of the California Safety Council; past president of the Resort-Hotel Committee of the American Hotel Association; past president of the Western America Convention and Travel Institute and a member of many fraternal and civic organizations including the Shriners, Masons, Native Sons, Footprinters Association, Lions, Elks and Moose Lodge.

He was completely dedicated to the advancement and betterment of the entire county, and gave wholly of his time, talents and money to achieve these goals. He was a crusader for better highways throughout California and proponent of the Federal System of Highways throughout the United States, and was known as the "Father" of the Highway System working closely with the State Highway Commission for more than a quarter of a century. He was a volunteer weather observer for the U.S. Weather Bureau from 1939 to 1969 (so he could spread the word about "beautiful Lake County") besides serving as director, chairman, aide, assistant or advisor to practically every county or state-wide program, project or activity.

A brass plaque at the Vista Point reads: George G. Hoberg—1904–1970.

Born, lived and died at Hoberg's the largest privately owned Resort in California (founded in 1885) which he developed and successfully managed from 1928 until his death.

A proud and respected citizen, dynamic Civic leader, consistent supporter of good State Highways, he never tired of extolling the merits of Lake County and California.

Served as President of the Redwood Empire Association and the Lake County Chamber of Commerce.

A giant among men, his prophetic foresight guided the development of the area he loved and served so well.

ABORTION PROBLEM IS WITH US

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. HOGAN. Mr. Speaker, many individuals, from all walks of life, have spoken out against abortion. As one concerned about every person's right to life, I was deeply moved by the words of Washington's Patrick Cardinal O'Boyle at St. Matthew's Cathedral on August 6, 1972. Cardinal O'Boyle, a leader in the fight for life, said in part:

> The abortion problem is with us and it presents the basic options of human existence: life or death. Let us choose life. Let us reaffirm its inviolability and its value. Let us oppose fear with hope. Let us replace escapism with responsible action.

Mr. Speaker, for the information of my colleagues, I place Cardinal O'Boyle's address into the Record.

Homily Given by Patrick Cardinal O'Boyle at Saint Matthew's Cathedral, August 6, 1972

"The thief comes only to steal and kill and destroy", Christ says. "I have come so that they may have life and have it to the full." (St. John, 10: 9–10)

During the past few months, there has been considerable public discussion concerning the performance of abortion in the District of Columbia. This discussion has been generated by the efforts of the District of Columbia to formulate regulations that would control the abortion procedures in non-hospital related clinics. Unfortunately, these regulations, which were passed unanimously by the members of our city government, give an aspect of legitimacy to an immoral and inhumane procedure that is responsible for the death of 20,000 unborn children in the District of Columbia during 1971.

Prior to the City Council's action, upwards of 10,000 signatures requesting public hearings were placed before the City Council. These were the signatures of blacks and whites, of Protestants and Catholics. The City Council ignored them. Because we have been ignored, and because these regulations deal with procedures that deprive the unborn child of a basic human right—the right to life—I am prompted to speak again on the matter of abortion.

I speak to you today as the Bishop of the Catholic community of Washington, D.C. But I do not feel that I speak alone. I join my voice to that of the Rabbinical Alliance of America, the Black Baptist Conference of Washington, to the leadership of many other Christian churches in condemning abortion. I find basis for my position, as they do, in the biblical command, "Thou shalt not kill," and in the reasoned arguments of contemporary moralists, Catholic and non-Catholic. And I address my remarks not only to Catholics, but to the entire community because abortion is a moral problem transcending any particular religious belief. I speak for the millions who honor and respect human life and for the thousands who will die if this horrendous practice is allowed to continue. Abortion is totally and absolutely unacceptable because it is the killing of human beings and because it marks the precipitous end of civilized society.

The Nuremberg war crimes tribunals called aborton promoted among the Jews in Germany a "crime against humanity." Can it be that what was a crime in Germany thirty years ago has become a civilized action in Washington today? Or is it that history is repeating itself? Surely not so soon again, not so very soon.

Let us see what we have been asked to accept. First of all, abortion is a procedure that kills the developing human infant in the womb of its mother. Medical science has provided us with accurate information on the beginning of human life. At the moment of fertilization, there comes into existence a new and unique human life in the microscopically tiny egg cell. Contained in this cell is the blueprint for the development of the whole human person, including the temperament, physique, eye, hair and skin color, and other characteristics of human nature. From microscopic beginnings, already stamped with molecular uniqueness, the human being grows, develops normally to the time of birth. Birth marks a new mode of existence, but the new-born baby is the same unique individual that has been maturing in the mother's womb during the long months since conception.

Abortion puts an end to this marvelous process of human development. Abortion, whether performed in the hospital, the clinic or a clandestine place, is the killing of a developing human being, and it is morally wrong. Regardless of the reasons that lead to abortion, or the circumstances where the act is performed, abortion is evil, and nothing can make it good. The anti-life mentality which is rampant in our society today is a disease—a disease which has infected some doctors—even some ministers of religion are not immune. If it were merely a private mental attitude, we could ignore it. But it is not a private attitude. It is an attitude which affects everyone who believes in the innate dignity of human life.

It is imperative that we address ourselves seriously to the problems that women sometime face attendant on pregnancy. Patience and understanding are required of all of us in the face of these real problems.

But the present propaganda effort in the District of Columbia is not founded on compassion for women with difficult pregnancies. Abortion is now being forced upon us as a spurious solution to social problems and as a means of family planning. In a city that is 71% black and that includes a measurable amount of poor people, no one can ignore the implications of genocide.

Those who work for a more permissive abortion climate and seek to increase the already shocking number of abortions, use delusive arguments to justify their stand.

Some attempt to justify abortion by denying the humanity of the fetus in its early life. For them, human life begins at some magic moment during pregnancy. This is scientifically untenable.

Others try to ignore the humanity of the fetus altogether or they consider it a matter for religious belief only. While we understand the psychology behind this position it is nevertheless dishonest and wrong. The humanity of abortion's victims cannot be ignored. Abortion at ten weeks is the killing of a tiny baby with all of its vital organs already present. It looks like a little baby—it is a little baby. And it is not religious belief that makes it so. It simply is so in fact.

There are others still, and these are many, indeed, who do not deny the humanity of the fetus. They readily admit that abortion kills human beings. They justify this killing on the basis of three principles of what is called the new morality. The three principles are: (1) only wanted children should be born; (2) a woman has the right to control her body, and (3) the survival of mankind is at stake.

On the basis of the first of these principles, namely, that only wanted children should be born, it is argued that death is preferable to being born into miserable poverty, or into overcrowded conditions, or with a mental or physical defect. The decision in each case is left to the mother or the doctor, or to overzealous social engineers. The victim, of course, cannot be consulted and is not considered. This is a shocking rejection of civil rights and due process. It is also a social policy fraught with dire consequences. Professor Leo Alexander, an expert at Nuremberg, speaking of the war-time atrocities in Germany, says: "It started with the acceptance of the attitude, basic in the euthanasia movement that there is such a thing as life not worthy to be lived." This attitude started in Germany, among the intellectuals, before 1900.

The argument based on the second principle, namely the woman's right to control her body, runs like this: the fetus is within the woman's body and is totally dependent on her for survival—hence in practice it can be considered part of her, and so she can dispose of it as she chooses. This argument has no validity. First, the fetus is in no way a part of the woman's body. It is a genetically different human life. It is alive because it has the ability to reproduce dying cells. It is human because it can be distinguished from other non-human species, and once implanted in the uterine wall it requires only nutrition and time to develop its whole potential. The fetus's dependence on the mother for continued life does not make the fetus subservient to her—else we are all slaves of the air we breathe. Secondly, although pregnancy involves great inconvenience, one simply cannot justify killing on the basis of inconvenience. Whatever the rights of privacy may entail, we must insist that the right cannot include the killing of another human being. It was Albert Camus who said: "the existence of another individual places a limit on my freedom."

The third principle used by the anti-life crusaders to justify abortion is the survival of the species. The human race, they say, is quickly overpopulating this finite planet. Pollution is already a critical problem. For the good of humanity we must stop this rush toward overpopulation, for humanity's sake we must kill human beings. For the good of our grandchildren we must kill our children. This line of reasoning is morbid, and it is brutally and woefully misguided. It is cruel to pretend that the quality of our national life will be in any way improved by the slaughter of babies. The killing of babies will not clear pollution, or improve our cities, or relieve the real suffering of our people. To suggest that it will is only to distract from the real causes of our national and world problems.

Even if abortion helped solve a real overpopulation problem, it still would not be acceptable—because it involves the subordination of the individual man to society. It is total subordination because it involves the forced death of the individual for the benefit of society. And that is an inversion of values. Society is for man, not man for society. If the subordination of the individual is accepted in principle, no man is safe. Any class of people can become unwanted and be listed as victims, simply by extending a definition.

Such a society is unacceptable in principle. It is alien to the American spirit. A society whose citizens depend for existence on the fact that someone else "wants" them is already a society of slaves. A society which struggles for its survival through the mangled bodies of its young is ugly and brutal. Such a society has lost its meaning, its purpose and its dignity.

My dear people. I share my thoughts and worries with you today for a very good reason. As Catholics, we have a special commitment to the dignity of man. We believe that man has a special sacredness because he lives his life in God's presence and is the recipient of God's special care. Jesus did not die for an abstraction like "humanity" or "mankind." On His own admission, He died for His friends—and His friendship extends to every person. He emphasized the special personal character of His love. He is the Good Shepherd who will leave the ninety-nine in the desert to go in search of the one that was lost. And so we are reinforced in our conviction that the value of the human person transcends all other values—a value which cannot be price-tagged and traded or bartered in the market place.

Let me address myself specifically and briefly to the legal situation in the District of Columbia. The District Code prohibts abortion except by a physician and only when necessary to preserve the life or health of the mother. This law is not an adequate statement on the morality of abortion. But the current practice of abortion in the District goes far beyond what the law allows. Those who argue for even greater permissiveness ignore the intent of the law that has been promulgated by the Congress and upheld as constitutional by the Supreme Court of the United States. Justice Byron White in his concurring opinion in the Vuitch case which decided the statute's constitutionality wrote: "It should be absolutely clear that a doctor is not free to perform an abortion on request without considering whether the patient's health requires it. No one of average intelligence could believe that under this statute abortions not dictated by health considerations are legal." Are we to believe then that the 20,000 abortions performed last year in abortion clinics in the District were possibly operating within the limits of the criminal statutes?

The recently-formulated Regulations for the abortion clinics also fail to consider the intent of the law. The Regulations exhibit no concern that abortions be done only for *bona fide* health reasons. The overall effect of these Regulations, then, will be to encourage the performance of abortion on a wide scale.

In Section 13 the Regulations imply that abortion is but another method of birth-control. They direct the District government, with public funds, to advertise the private abortion clinics to all the District's residents, with the youth of the District singled out as a target group. This is contrary to the intent of the Congress expressed in the Family Planning Act of 1970, which prohibits abortion as a means of birth control.

By passing these Regulations, the District government has demonstrated neither imagination or leadership. The District government must reconsider its action. Therefore, I urge continued activity from all concerned citizens to bring to the attention of the D.C. Council and the public at large the abuses and violations of the D.C. law which are not effectively offset by the recent adopted regulations.

The abortion problem is with us and it presents the basic options of human existence: life or death. Let us choose life. Let us reaffirm its inviolability and its value. Let us oppose fear with hope. Let us replace escapism with responsble action.

To this end, and in the name of the Archdiocese of Washington, the following commitment is made to any woman living in the Archdiocese, who is looking for an alternative to abortion. The Birthright organization is prepared to help such a person with counseling and, if necessary, with financial assistance so that she may give birth to her baby.

As of today, a Defense for Life Fund is hereby established with the help of generous friends to assist such women in need. It is my earnest hope that our faithful people, anxious to defend the rights of the unborn to life, will contribute to the fund. Contributions may be mailed to Defense for Life Fund, 2800 Otis Street, N.E., Washington, D.C. 20018.

Birthright may be contacted, day or night, at the following telephone number, 526-3333.

I, indeed, would be remiss if I failed to take this occasion to commend everyone who has taken a stand in defense of human life, especially Birthright and the Right to Life groups in our Archdiocese. I urge them and all of you to greater efforts to preserve the innate dignity of human life. We face the great option: life or death. Let us choose life so that God may be served and all people may rediscover their purpose, their courage and their honor.

YANKEE ON OLYMPUS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. ROBISON of New York. Mr. Speaker, I am certain that I am not alone in missing our former colleague from Massachusetts, F. Bradford Morse. Some months ago, of course, Brad left us to assume new responsibilities as United Nations Under Secretary General for Political and General Assembly Affairs. In the July/August issue of Vista magazine, Tristram Coffin has written a perceptive and sympathetic article on Brad Morse at the United Nations and has entitled it—appropriately enough—"Yankee on Olympus." I share it now with my colleagues, because of their continuing affection for one of the finest men in American public life. The article follows:

YANKEE ON OLYMPUS

(By Tristram Coffin)

Washington watches with fascination what may turn out to be one of the miracles of the year. This is a brave try by an uncommon matchmaker to revive an old love affair. On the surface the odds are against him, but no one who knows Brad Morse discounts any of his projects.

Bradford Morse, new UN Under-Secretary-General for Political and General Assembly Affairs, wants to restore the romance that bloomed a quarter century ago between the American political establishment and the world organization. This faded away during the Cold War and American's ambitious and costly try at playing world gendarme. But with the Cold War breached by President Nixon's journeys to Peking and Moscow, and the United States eager to take off its policeman's suit, this may be exactly the right hour for Morse's mission.

He is the former Republican Congressman from Massachusetts, and in his new job is responsible for political and General Assembly affairs in the U.N. The important fact is: Brad Morse is one of the saviest politicians ever to hit Washington. He is a brilliant backstage maneuverer whose name rarely finds the headlines. He has a quiet but evangelical zeal about world peace and the UN.

Morse has one great asset in trying to patch up the old love affair. He talks the language of the American politician, and he enjoys practical politics. In the past, most Americans affiliated with the UN, either as Ambassador or in the Secretariat, preferred the role of stateman to politician. The American politician, whether Harry Truman or the Congressman from Muncie, Indiana, wants to be talked to in his own language and in terms of his own realities. He resents high-hat treatment, whether real or imagined.

Morse has what counts with the American politician and the leaders of the Establishment. One associate remarks, "Brad is the best natural politician I've ever known." This is proven by his own record. He is a Republican, but was consistently sent to office by a district with a 70–75 percent Democratic registration. It is one of the most diverse of House districts, from the broad lawns of Concord to the mill towns of Lowell and Lawrence. It has an ethnic mix of old Yankees and those whose fathers and grandfathers came from Poland, Greece and the Arab Middle East. He has been able to get along famously with all of his electorate.

He has an amazingly wide acceptance in the political community. When he was nominated for the UN post by President Nixon, Senator George McGovern told him, "Brad, you're the only person I know that Nixon and I could agree upon." Charles W. Yost, the scholarly former U.S. Ambassador to the UN (1969–71) wrote: "Few appointments could give more encouragement to those concerned with the future of the United Nations than that of Representative Morse. . . . President Nixon is to be congratulated for nominating, and Secretary-General Kurt Waldheim for appointing, so able and well-qualified a man for this important post."

The question arises—can a man who has spent his life in the nitty gritty of American politics adjust to a wider arena and the tough problem of world peace?

Morse brings to the job a zeal for the job, a good basic understanding of the problems, and an extraordinary adaptability. When he joined Members of Congress for Peace Through Law (a bipartisan group who would like to move American policy closer to a concept of world law), his spirit was evident. One associate there comments: "What surprised a lot of us was that Brad really cared. This wasn't a game or a luncheon conversation with him. He wanted to get on with peace and world law." He has constantly moved from one world to another, adapting himself without any apparent hitch. An old ally on Capitol Hill told me, "He can go to a Polish picnic in his district, drink beer and dance, then catch a plane for Washington, sit down with a dozen Ph.D.'s at Brookings Institution for a discussion of world problems, and put on a display of intellect and knowledge that grabs you."

As far back as 1969, Morse spotted the major dislocation in the world. He told a graduating class at Worcester: "Around the world nations are uneasy because they no longer control, as they once could, their ultimate destiny. They exist in a world environment which is dominated by two superpowers, the United States and the Soviet Union, and they know that their future is inextricably bound up with the actions of those two countries.

"The Cuban missile crisis of 1962 demonstrated this fact in compelling terms. President Kennedy and Chairman Khrushchev confronted each other, and for a moment the world literally held its breath. And in that moment nations around the world realized not only that their own future hung in the balance, but that they were powerless to affect the outcome. For nations as well as individuals, this is a frightening proposition."

He believes honestly that the big-power control of events is unwise and impractical, and that the UN offers a chance for all countries to get into the act and so modify the risks of big-power strategy.

Brad Morse has taken to the UN two other traits that should help him as a matchmaker. He is one of those rare individuals in public life who is content to work in the background and let others take the bows in the spotlight. He does not have an itch for histrionics or headlines. He has none of the William Jennings Bryan look, manner or rhetoric. And he has what seems to be limitless energy. He moves and talks at so fast a pace few have been able to keep up with him, even in the superheated atmosphere of American politics.

At first glance, Morse is deceiving. He looks rather like a rumpled bureaucrat in the second or third tier of, say, the Department of Agriculture. He has none of the strut of the ordinary politician. Once he is accepted as a politician, it is easy to put him in the category of a cautious tory who votes with party and spends his time getting dams and military contracts for the home district. Nothing could be further from the actual facts. In the House he led fight after fight to cut the Pentagon budget, although his own district was heavily endowed with military contracts. In terms of the realities of American politics, this could be called "heroic." Yet it worked. He was the only Republican in the House to come from a district with such a heavy Democratic registration.

His congressional operations show a mix of the pragmatist and the idealist. When he became chairman of Members of Congress for Peace Through Law he brought in a tough and realistic stance. He began a campaign in the 91st Congress that has jolted the U.S. military machine. Morse decided its Achilles' heel, in terms of practical politics, was its wanton spending and waste. At his persuasion, the group undertook an investigation of military budgets. This has since been picked up by the Chairman of the Senate Armed Services Committee and by the Chairman of the Joint Economic Committee, and has brought important cuts.

There are few clues in Morse's background. He is an Elk and an American Legionnaire, a product of the public schools of Lowell, Massachusetts, and Boston University, where he later taught in the Law School. His initial entry into politics was modest, as a member of the Lowell City Council. Senator Leverett Saltonstall, the blue-blood Republican, brought him to Washington and placed Morse on the staff of the Armed Services Committee, where "Salty" was the ranking minority member. Brad Morse proved so valuable the Senator moved him into his own office as executive assistant. Many believe that Morse's skill at politics kept the shy and aloof Saltonstall in office despite the heavy Democratic and Irish vote in Massachusetts. During the Eisenhower Administration, Morse was Deputy Administrator of Veterans' Affairs. In 1960, the year John Kennedy of Massachusetts was elected President, Bradford Morse, a Republican, came to Congress.

His interest in world affairs was relatively late in blooming. A constituent, Stillman Williams of Lexington, Massachusetts, introduced him to the book *A Plan for Peace*, by Grenville Clark and Louis B. Sohn. This was in 1960. Most politicians would say thank you, and put the book up on the shelf. But Brad Morse sat down and read it. He saw a vision, if you want to be dramatic about it. He saw that peace, this chimera that glows and fades on the far horizon, was possible and practical. He put his energy and talents behind this goal. In the House he could have been a member of the powerful Armed Services Committee, but chose instead the lesser Foreign Affairs Committee, and joined Members of Congress for Peace Through Law.

At the time, Members of Congress for Peace Through Law was a luncheon club. When he became chairman, the organization grew in power and accomplishments. He pushed away the tax-exempt status, because he felt this limited the society to exhortations, and he wanted to lobby and move mountains. Yet, despite his personal fight on war and the policies that bring it about, he has always managed to stay on good terms with the Establishment, and to sit with them and make meaningful deals.

When the death of Ralph Bunche left the deputy UN post open, Morse saw this as an opportunity, a chance to move into an area that fascinated him. He could have stayed in his congressional seat until the cows came home. He could have had the Republican nomination for Governor of Massachusetts on a platter, and probably would have won election without much trouble. This did not interest him. The United Nations did. He lined up the kind of backing that would impress President Nixon and was, of course, named.

In his first year at the UN, Brad Morse is likely to be fairly quiet. He will be listening and learning, finding out where the keys are. Yost says Morse "deeply believes in the United Nations" and "is a happy augury that henceforth both the executive and legislative branches of our government may be induced to resume that United States leadership in the UN which contributed so much to its earlier successes."

The problem in Washington, and Morse is said to see it clearly, is twofold. Congress is disillusioned and disheartened by world affairs. It seems unable to modify the drift toward presidential domination or to alter the policies that have put the United States in a bad light. So it says, in effect, a plague on the world.

The Presidency, whether under Kennedy, Johnson or Nixon, appears immune to suggestions from outside. Presidents or their aides seemingly go to great lengths to block out ideas which run counter to their own. Kennedy with the Bay of Pigs, Johnson with the massive war escalation, Nixon with the Cambodian invasion and the mining of Haiphong ignored Congress and less militant advice from the State Department.

Morse is said to believe that Mr. Nixon, if he can reach him, will buy the United Nations as an alternative to the heavy burden of world policeman. At some point the President, whether Mr. Nixon or a successor, will want to shake off the burden of wars and military costs that playing world policeman brings. At this point, Brad Morse will slip in with practical thoughts.

His argument with the political establishment is that America's attempt to regulate the world by force or threat of force has failed, has been extraordinarily expensive (around a trillion and a half dollars) and has made us look like King Canute and his command to the sea. We should now try the kind of multilateral negotiations so successful in the congressional cloakrooms, where a consensus is formed from the antagonistic blocs. The Congress doesn't indulge in fistfights; it plays the old game of horse trading. Why can't this be applied to the world?

While Morse does not put down big-power summitry, he sees this is leaving out and alienating the rest of the world, and so contributing to instability as new alignments try to break through the big-power hold. It also creates an uneven world society with some gorging at the table while others starve. He has complained of this lack of balance in the United States: "In the midst of the greatest affluence the world has yet known, poor Americans, black and white, go hungry in some parts of the country. Others subsist on diet that is far below what is necessary for basic nutrition."

In purely practical terms, if there are too many have-nots, if they are denied a voice in policy making, there will be rebellions and violence. In a time of instant communication, people and nations will not indefinitely accept poverty, manipulation and war. So, you make accommodations. You get the boys together in the cloakroom, and you work out a face-saving deal. In his own practical operations, Morse has never been particularly interested in those shibboleths of American politics, "victory" and "defeat." He doesn't regard them as particularly relevant. The main thing is to bring people together, and start moving.

Morse recognizes, as Yost has pointed out, that his effectiveness will depend in good part on how the United States behaves, and what influence he can have on Washington. Yost writes: "If the U.S. Administration chooses to bypass the UN in its handling of the great international political issues of our times, if Congress chooses while voting billions for armaments to be niggardly in providing for the very modest needs of the world's chief peacekeeping organization, then neither the United Nations nor its American Under-Secretary is likely to play a significant role in the world our troubled times demand."

That is the crunch.

But, looking at Brad Morse through those who know him well, he has an almost fanatic faith that men and nations can manage peace and world order. He wants personally to be successful in proving it. One friend says, "The United Nations post is the apogee of Brad Morse. There is nothing more he wants than to prove he can do a damn good, effective piece of work in steering the world back from the brink."

The warring powers are exhausted from war and military spending and threats to peace. They are too suspicious of one another to take big strides toward peace in bilateral talks. The world desperately needs skilled mediators whose interests are global rather than parochial. Today's United Nations may be just the arena where the new American Under-Secretary can practice his own brand of practical politics.

The kind of bargaining that goes on almost every day on Capitol Hill, as differences are patched over to pass legislation, could make possible a compromise if the mediator had the respect of both sides. No one expects Brad Morse to be able to fall into this role overnight. He is still an unknown quantity to most of the world. But what his associates do say is that he has the capacity to become this kind of bargainer for peace—if he has the time. No one knows whether events will rush too quickly, or whether he can "sweeten" the American political establishment's view of the UN.

Everyone I have talked to agrees Brad Morse is the best hope that has appeared in a long time. This is, in itself, an extravagant compliment, and one that he shies away from. He likes to start in any labor quietly, without fanfare, without headlines.

MRS. NIXON COMMENTS

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. KING. Mr. Speaker, I have previously joined with other Members of Congress in taking issue with the recent statements attributed to Jane Fonda and Ramsey Clark concerning the bombing of North Vietnam. Unfortunately, thanks to these self-appointed guardians of the Nation, millions of people around the world now believe that the United States is deliberately bombing the dikes in North Vietnam.

An editorial which appeared in the Troy Record newspaper on August 10, applauded Mrs. Richard Nixon for rising to a White House challenge and taking a strong stand against the actions of Jane Fonda in Hanoi. The First Lady commented that the actress should have used the opportunity afforded her for more constructive ends.

Under leave to extend my remarks in the Congressional Record, I would like to include the editorial from the Troy Record, an outstanding newspaper in the 30th Congressional District. I fully agree with Mrs. Nixon and the sentiments expressed in the editorial. I believe that Miss Fonda and Mr. Clark could have done their country a great service by asking the North Vietnamese leaders to end their aggression rather than allowing themselves to be brainwashed by Communist propaganda.

I have called upon the Department of Justice to make a complete investigation of their remarks to determine if there has been a violation of any Federal statute.

The editorial follows:

Mrs. Nixon Comments

Being the wife of the President of the United States requires more than presiding over pink teas.

The first ladies of earlier years may have remained in the background but this is no longer possible even if they so desired. They are swept along with the new movement of greater participation of women in all affairs.

Mrs. Nixon takes well to the trend. Although essentially a homebody she unhesitatingly rises to the White House challenges.

How well she does was demonstrated in her press conference this week. She took Jane Fonda to task about her charges of Americans bombing dikes in North Vietnam and well she might. She said that the actress should have asked Hanoi to stop its aggression.

With Mrs. Nixon we concur. The right of dissent should not be and is not denied in this country but Miss Fonda carries the right of dissent too far.

One could possibly say that her attitudes are due to naivete, that she is gullible and falls for Hanoi propaganda. There are many others who are critical of the role in Vietnam but who do not go hook, line and sinker for the whole North Vietnamese line as Miss Fonda appears to do. Miss Fonda finds few flaws in the Hanoi line.

She has strengthened the Hanoi line on the damage to dikes. It is becoming increasingly apparent that the North Vietnamese are cleverly preparing for the approaching flood season when dikes may be breached by high waters. Then they can blame the trouble on the Ameriacns.

With the entre she had to Hanoi, Miss Fonda could have done her country a service. Instead she did it a disservice. She did her part in encouraging Hanoi and thus possibly prolonging the war and deferring still longer the return of prisoners.

Mrs. Nixon is well justified in her criticism of Miss Fonda and her role in the Vietnam situation.

McGOVERN'S LACK OF INTEREST

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. BLACKBURN. Mr. Speaker, it has recently come to my attention that Senator McGovern has refused to receive briefings by the National Security Council regarding the strategic situation of the United States. Senator McGovern has the right to refuse the briefings, but it is most unusual for a major candidate for the Presidency to wish to stay in the dark regarding the strategic position of the United States. It does not surprise me that Senator McGovern does not want a briefing on the security needs of our country. His public statements have demonstrated not only a lack of interest but hostility to those needs. That is one reason he will be soundly defeated at the polls next November.

PRICE BILL TO RESCIND DES BAN

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. PRICE of Texas. Mr. Speaker, an old proverb says that one should not throw out the baby with the bath water. And yet, the Federal Food and Drug Act which has required a ban on the further use of diethylstilbestrol—DES—in animal feeds has accomplished this result.

The intentions of Congress in enacting legislation to protect the quality and purity of our food supply have undoubtedly been well meaning, and the pure food and drug laws have prevented the use of hazardous substances which might otherwise have found their way to the consumer in a strictly "buyer beware" marketplace.

However, our laws must be the product of reason and must deal with real instead of imaginary problems; they must not impose a "cure" that is worse than the "disease." And yet in the application of the Delaney amendment toward the use of DES we have achieved an injustice which demands corrective action. Commissioner Charles Edwards of the Food and Drug Administration has acted to order a ban on DES in animal feeds in spite of the fact that no known hazard to human health has ever been established after two decades of prescribed use.

DES in levels established and monitored by Government has been a boon to the American meat-consuming public and has allowed livestock producers to provide our people with an abundant supply of wholesome and nutritious meat at reasonable prices. The Delaney amendment, however, because of its zero toleration standards now threatens to ban this most useful product without any compensating benefits. If residues of a food additive appearing in food destined for human consumption are a definite threat to human health, we ought to take action to prevent their presence. However, because of increasingly sophisticated technology, our ability to find residue traces has reached a point where we can detect parts per billion and perhaps even parts per trillion. At what point do residues cease to be a threat to health, or put another way, what is to be gained by requiring a zero toleration of residues?

Mr. Speaker, the Delaney amendment requires the complete ban on DES in animal feeds assumingly because insignificant residues somehow pose a threat to health. Automobiles have killed more Americans than have been lost in all the wars this Nation has ever fought combined and contribute to pollution, congestion, and urban decay—and yet who among us will propose legislation to abolish the automobile, especially those of us who drove to work today?

Every year multiple thousands of Americans suffer injury and death from accidents in the home—but do these justify prohibiting the manufacture of bathtubs, tableknives, or staircases?

Fluoride is a known poison—but are we to deny the obvious benefits of using fluoride in our water supply in trace amounts for the prevention of tooth decay?

The threat to human health posed by trace amounts of DES residues nowhere approaches the risks involved in smoking a cigarette or getting into an automobile—in fact, the threat is nonexistent according to the best information available. We need, therefore, to amend the law to provide for the flexibility needed to administer the law in a reasonable manner. Some Americans are livestock producers and they will be adversely affected by a prohibition on DES; however, all Americans are consumers, we all eat meat, and we will all pay the penalty of higher prices without any demonstrable improvement in the quality of the meat that comes to our dinner table.

Mr. Speaker, I am today introducing legislation to modify the Delaney amendment to permit the continued use of DES in animal feeds when residues arising out of such use will not induce cancer in the insignificant amounts detected. Furthermore, I am writing to Commissioner Charles Edwards to request that full hearings on the use of DES in animal feed be promptly called so that the maximum consideration can be given to the best interests of the public and the cattle industry by a thorough study and examination of this matter. I insert into the RECORD at this time the text of my letter to Commissioner Edwards, and I call upon my colleagues in the Congress to take prompt action on this needed legislation:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 16, 1972.

Hon. CHARLES C. EDWARDS,
Commissioner of Food and Drugs, Food and Drug Administration, Department of Health, Education, and Welfare.

DEAR MR. COMMISSIONER: As one who has been in contact with your office many times in recent months and as the representative in Congress of a district where livestock production represents a significant part of the regional economy, I am writing to express my deep concern over the decision not to hold hearings which had been under consideration concerning the use of diethylstilbestrol in animal feeds.

While the "Delaney Amendment" requires a zero toleration of residues of additives appearing in food destined for human consumption, and in spite of the recently announced findings of lingering DES residues in tests conducted by the United States Department of Agriculture, nevertheless, I believe a mistake has been made in the decision not to hold the DES hearings.

I realize that the law gives the Food and Drug Administration no leeway in banning DES in animal feed because of persisting residues, however, in view of your own candid admission that DES in amounts being detected constitutes no known threat to human health, the decision to go ahead and hold hearings would allow a more thorough and open consideration of this whole issue and would help focus needed attention upon the advisability of amending the highly restrictive Delaney clause.

We must apply the rule of reason to the law if we are to maintain public respect for those who enact and administer the law.

Thank you for your consideration, and I look forward to hearing from you with great interest.

Sincerely,

BOB PRICE,
Member of Congress.

FORMER MASSACHUSETTS GOV. ENDICOTT PEABODY SERVES PARTY AND NATION IN FOCUSING ATTENTION ON THE VICE PRESIDENCY

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. LEGGETT. Mr. Speaker, yesterday's action of the Democratic National Committee, establishing a commission on the Method of Selection of the Democratic Nominee for Vice President, was most appropriate for a very particular reason. The vote came on a resolution that had been submitted by Endicott Peabody, former Governor of Massachusetts and the man who has done more than anyone else in modern times to focus serious attention on the office of Vice President.

This sound and well-reasoned resolution directs that the new commission submit recommendations by January 1, 1974. The commission's report, with any revisions made by the DNC, will become part of the temporary procedural rules of the 1976 Democratic National Convention.

As you know, Peabody was a candidate this year for the Democratic vice presidential nomination—the first man ever to actively campaign for the office. In the course of his campaign, he set forth a number of principles on the vice presidency. Briefly stated, they are:

That the Vice President belongs to the people and not to any one person, and should be selected in a free and open convention;

That the traditional means of selection of the vice presidential nominee, by his designation in advance of the nominating session by the presidential candidate, demeans the Office of Vice President and the man who holds the Office;

That with the Vice President a heartbeat away from the Presidency, and the history that 12 of our 36 Presidents have been Vice Presidents, no man should come to the Vice Presidency without a mandate from the people;

That our vice presidential nominee should only achieve this position by running for the office in party primaries and conventions, and that the delegates to the national convention should have a choice, not an edict, when they make their decision.

Apart from his activity this year, his wide reading, and his energetic analyses, Peabody has an enviable record of action in the realm of practical governmental reform. In 1963–1964, when he was Governor of Massachusetts, his administration engineered a great many improvements in the government of that State—so many that I will not attempt to list them all at this time. However, it should be noted that constitutional reform for improvement of the structure of Massachusetts government was high on his list of priorities. When his term started, the Massachusetts office of Governor was one of the Nation's weakest. When he returned to private life, it was as strong and effective as the office in any other State in our land. Eighty-four percent of his forward-looking legislative program was approved by a legislature that was initially resistant to many of the administration measures.

The people of Massachusetts still derive great benefit from that reform administration of nearly a decade ago. The Boston Herald said:

> Governor Peabody's legislative achievements are likely to be a target for future governors to set their sights on for many years to come.

He has served in other posts, State and Federal, with great distinction. At the end of 1971, after much thought about the Vice Presidency, he announced that he would run for that Office.

His announcement was greeted with some disbelief and even amusement. In fact during his campaign he more than once had to answer the question, "You mean you're really serious about running for Vice President?"

Such reactions were not entirely unfamiliar to "Chub" Peabody. His first political race, in the 1950's, was from a district that had never before elected a Democrat. He was seeking a seat on the Massachusetts Governor's Council. Newspapers and other observers did not take him very seriously at first. But disbelief began to change to respect; the odds gradually changed, and he finally won the race.

He did not win the vice-presidential nomination in 1972. But his 7-month campaign in 37 States had a real impact. In March, in New Hampshire, he became the first man ever to win a Democratic vice-presidential primary, and he got 85 percent of the vote—more than Senators MUSKIE or MCGOVERN, more than Richard Nixon or SPIRO AGNEW.

Columnist Clayton Fritchey wrote:

> Since most politicians laughed when Endicott Peabody, the former Governor of Massachusetts, decided the way to become Vice President is to run for the job, it is only fair to note that the public itself doesn't seem to think that the idea is at all ludicrous.

Roscoe Drummond said:

> Endicott Peabody has done the most ridiculous and constructive thing at just the right time . . . I believe . . . it will be good for politics and good for government.

On the eve of the Democratic National Convention, July 8, the New York Times editorially said:

> Mr. Peabody has performed a service by focusing attention on the Vice Presidency and campaigning for the nomination as if it were in fact already open.

And after the convention, as our party sought to solve the perplexing problems precipitated by an antiquated vice presidential selection process, Milton Viorst wrote:

> We all tended to laugh, I'm afraid, when Endicott Peabody, the former Governor of Massachusetts, announced some months ago that he would campaign for the Democratic vice-presidential nomination. . . . I must concede now that his reasoning in promoting his candidacy was valid.

In fact, the words spoken by Peabody in his long and frequently lonely campaign have in recent weeks been echoed and reechoed by newspapers, radio, television, political observers and plain citizens.

Mr. Speaker, I submit that no one in the United States is better qualified for chairman of the new DNC Commission, by reason of foresight, practical experience, energy and serious original thought, than Endicott Peabody. He has long been a valuable member of our party—and he announced soon after the convention that he would campaign for the entire Democratic ticket this fall—but in the midst of vigorous campaign activity, "Chub" Peabody never loses sight of the future and the need for sensible party reform. Very obviously, he should be a member of the Commission. I think just as obviously that naming him as chairman would insure sensible and valuable results for the Democratic Party and for the Nation.

CONGRESSMAN FISH SUPPORTS THE INTERIM AGREEMENT OF THE LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. FISH. Mr. Speaker, the House is asked to concur in an agreement reached between the United States and the Soviet Union, which would impose a 5-year limitation on the construction and deployment of ICBM's. This interim agreement limiting offensive strategic arms, along with ABM Treaty, is the product of over 2½ years of negotiations by the Nixon administration at the SALT talks in Helsinki. Together these agreements represent a truly historic first step in controlling the nuclear arms race and decreasing the possibility of the outbreak of nuclear war.

They are without parallel in history. Never before have the world's two most powerful nations, deeply divided by competing political systems and conflicting national interest, formally agreed to place limitations and restraints on their strategic nuclear arsenals. Throughout history nations have sought to accumulate more military power than their rivals in order to acquire the political strength such power might confer. But now both the United States and the Soviet Union, realizing that each additional increment to military power does not necessarily represent an increment of usable political strength, have abandoned their quest for military superiority and have instead attempted to stabilize the parity of power that now exists.

I clearly recognize that these agreements are no panacea insuring world peace. But they do represent a significant step down what can be a long but vital road to real peace. For nuclear weapons, particularly in the area of strategic arms with their power to destroy entire populations, form the hinges upon which the terror of modern war is hung. Until those hinges are cut, we can have no genuine generation of peace, and only a pious hope for the survival of civilization.

Toward this end I have urged including in the Republican platform a pledge to expand and build upon the successes of the historic SALT talk agreements signed by President Nixon in Moscow. In another move toward this goal, I am presently drafting a House Concurrent Resolution to urge the President, at the conclusion of SALT talks-2 to call a conference of all nuclear powers to negotiate a "no first use" nuclear agreement and a further reduction in strategic arms with the ultimate goal of total abolition of nuclear weapons.

A brief review of what has been accomplished through negotiation over the past 10 years indicates clearly that eventual success could lay at the end of the negotiations road. For example: a limited test ban treaty has been in effect since 1963; a nonproliferation treaty has been in force since 1970; an underseas arms control treaty was ratified only this year; a ban on biological agents and toxic weapons has been negotiated by the Committee on Disarmament; and the ban on antiballistic weapons has now been ratified.

In view of these successes, I feel it is now essential that the Congress commit this country to a national policy aimed at working toward the reduction of nuclear arms and eventual total nuclear disarmament.

The approval of this Interim Agreement legislation (H.J. Res. 1227) is essential in this quest. I strongly urge all my colleagues in the House to support it.

TRIBUTE TO THE LATE SUPERINTENDENT OF BUILDINGS, EMMANUEL RIDGELL

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. EVINS of Tennessee. Mr. Speaker, it was with sincere sorrow that I recently learned of the passing of our longtime and faithful Superintendent of Buildings, Emmanel "Manny" Ridgell of Maryland.

For approximately 25 years, "Colonel" Ridgell, as he was affectionately called by many, worked diligently and efficiently in carrying out the difficult responsibilities of House Office Building Superintendent in the allocation, assignment and maintenance of office space and committee rooms for Members. In working with the Members, he was always cooperative and helpful. He always was friendly and understanding.

Despite the many problems that he faced each day in supervising the House Office Buildings, "Manny" Ridgell somehow managed to keep things running smoothly. He was faithful, cooperative and helpful. He will be greatly missed by the Members of the House and his successor in office will need much skill and talent to maintain the high standards set by Superintendent Ridgell.

My deepest sympathy is extended to the members of Colonel Ridgell's family.

FOURTH ANNIVERSARY OF INVASION OF CZECHOSLOVAKIA

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. VAN DEERLIN. Mr. Speaker, despite obvious conflicting views, frequent disagreements and continuous controversy associated with our election process, this country enjoys a freedom of expression which encourages constructive reform. In any election, a majority of the voters may implement reform at local and national levels of government. And once elected, a representative is free to carry out the wishes of his constituency in a responsible manner. But even as the majority acts to implement its own programs, any segment of the population is free to petition and dissent, persuade and debate.

In January of 1968, Alexander Dubcek became the First Secretary of the Central Committee of the Czechoslovakian Communist Party. He responded to the wishes of the Czechoslovakian people by promising the "widest possible democratization" of the bureaucracy. But he emphasized that this was to be accomplished within the existing political system, without recourse to violence or threat. In commenting on a public appeal for reform as stated in the "2,000 Words" letter of June 27, Premier Oldrich Cernik specifically rejected recommendations for reform which "go so far as to call for demonstrations, strikes, picketing in front of the doors of officials, pressures and threats." [1]

But in disregard of this clearly stated policy for peaceful and constructive internal reform, Communist governments outside Czechoslovakia addressed themselves to a mythical issue—a manufactured concern over "enemy forces" which would "divert Czechoslovakia from the path of socialism and expose it to the danger of being torn from the Socialist community." After inventing the threat, they then sought to justify their militant stand against it:

> We shall never be resigned to imperialism making a breach in the Socialist system, by peaceful or unpeaceful means, from inside or outside.[2]

These statements are, quite obviously, alarming and unfounded. Yet they were apparently not complete without a suggested solution to the Czech "problem," one consisting of "resolute and courageous attacks on the rightest and anti-Socialist state; cessation of the activity of all political organizations acting against socialism; that the Czechoslovakian Communst party must take into its own hands the means of mass communications—the press, radio, and television—so that they should be used in the interest of the working class, the workers, and socialism."

The deplorable action on the part of the Soviet Union, consisting of an armed invasion of the country of Czechoslovakia, was based on these phrases—a rationale devoid of logic, truth, or reason. That invasion took place August 21, 1968, without warning or, as is clear, justification. It is to the great credit of the Czechoslovakian Government that bloodshed was avoided. The announcement of the Presidium of Czechoslovakia reflects the concern of the people of that country, providing us a plaintive commemoration of that day:

ANNOUNCEMENT BY THE PRESIDIUM OF THE COMMUNIST PARTY OF CZECHOSLOVAKIA OF THE INVASION OF SOVIET, POLISH, HUNGARIAN, AND BULGARIAN MILITARY FORCES, AUGUST 21, 1968

To the entire people of the Czechoslovak Socialist Republic: Yesterday, on August 20, around 2,300 troops of the Soviet Union, the Polish People's Republic, the GDR, the Hungarian People's Republic, and the Bulgarian People's Republic crossed the frontiers of the Czechoslovak Socialist Republic. This happened without the knowledge of the President of the Republic, the President of the National Assembly, the Premier, or the first secretary of the Czechoslovak Communist Party Central Committee.

In the evening hours the President of the Czechoslovak Communist Party Central Committee held a session and discussed preparations for the 14th Czechoslovak Communist Party congress.

The Czechoslovak Communist Party Central Committee Presidium appeals to all citizens of our Republic to maintain calm and not to offer resistance to the troops on the march. Therefore, our army, security corps, and people's militia have not received a command to defend the country.

(Prague Domestic Service in Czech at 0330 GMT on August 21 rebroadcast the Czechoslovak Communist Party Central Committee Presidium announcement with the following addition: "Therefore, our army, security corps, and people's militia have not received a command to defend the country because defense of our state frontiers is now impossible.")

The Czechoslovak Communist Party Central Committee Presidium regards this act as contrary not only to the fundamental principals of relations between Socialist states but also as a denial of fundamental norms of international law.

All leading functionaries of the state, the Communist Party, and the National Front: Remain in your functions as representatives of the people and organs to which they have been properly elected according to the laws and other norms valid in the Czechoslovak Socialist Republic.

Constitutional functionaries are immediately convening a session of the National Assembly of our republic, and the Presidium is at the same time convening a plenum of the central committee to discuss the situation that has arisen.

(Signed) Presidium of the Czechoslovak Communist Party Central Committee.

SOURCE: Prague Domestic Service, Aug. 21, 1968.

WASHINGTON REPORT

HON. JOHN WARE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. WARE. Mr. Speaker, I am placing my Washington Report for July in the RECORD:

WASHINGTON REPORT

Almost everyone, personally or through friends and relatives, was affected by the devastating floods which inundated much of Pennsylvania last month. Before the torrential rains of Agnes ended and the President declared Pennsylvania a Disaster Area, the Federal Government's disaster relief efforts, encompassing 44 separate programs, were being activated, and legislative efforts were underway to make more help available to the victims.

Military services were pressed into rescue work, the Corps of Engineers directed the fight against the flooding rivers, and the Office of Emergency Planning summoned help from every unaffected state in the union. As the disaster moved into the recovery stage, virtually every agency of the federal government became involved. Congress passed and the President signed a bill clearing $200 million for immediate relief measures. Now the President has asked the Congress for $1.8 billion to help rebuild flood damaged communities, and I will support him.

He also proposed special disaster loans to affected homeowners and businessmen, with the first $5,000 as a grant, and only a one percent interest rate on the balance. Five days after Agnes struck, 23 colleagues joined me in re-introducing legislation to double the present $2,500 foregiveness feature. I introduced this bill after the September, 1971, floods struck my district, but it languished in committee. My bill provides a number of new features, including increasing the forgiveness feature of Small Business Administration loans from $2,500 to $5,000. The President has adopted this feature in the Administration bill.

I also joined in sponsoring legislation requiring homeowners with FHA or VA mortgage loans to carry government-subsidized flood insurance, as now required with fire insurance; and providing financial help to restore or replace essential railroad facilities and equipment lost or damaged by the flood.

SOCIAL SECURITY

Social Security benefits will increase by 20% beginning with checks received in October. To finance this needed raise for the retired, which I supported, and keep the Social Security Trust Fund solvent, it was necessary to raise the contributions of both employee and employer next January.

POLL RESULTS

Approximately 20,000 constituents responded to my April newsletter poll. Your answers have been tabulated and will prove helpful to me as a guide as I vote on legislation in the Congress. Some respondents lamented that only "yes" or "no" answers were called for in the poll. This type of response was necessitated by two things—(1) the task of tabulating the answers, and (2) these are the only choices I have when I vote. Many times I would like to vote "yes, but . . ." on a bill, but I cannot qualify my votes. Again, my appreciation to you who helped by suggesting the questions or answering them, and now for the results, with the "yes" vote shown first and percentages in parentheses:

1. Busing: 1,335 (3.8); 18,075 (96.2); 2. Financing secondary education by state: 6,915 (40.5) by federal government: 6,990

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[1] Speech by Premier Oldrich Cernik to the Czechoslovak National Assembly, June 28, 1968.

[2] From the "Warsaw Letter" condemning "antisocialist developments" in Czechoslovakia, July 15, 1968.

(40.8) and neither: 3,150 (18.7); 3. Value-added (national sales) tax: 5,895 (33.5), 11,743 (66.5); 4. Increasing $1680 limit on earnings for those on Social Security: 16,203 (87), 2,401 (13); 5. Increasing Social Security benefits by 5%: 4,110 (25), 10%: 4,874 (30), 15%: 1,803 (11), 20%: 4,119 (25), none: 1,231 (9); 6. Reducing "age of responsibility" to 18: 15,307 (79), 4,011 (21); 7. Granting Amnesty to those who fled the U.S. to avoid Vietnam service: 4,771 (25), 14,385 (75); 8. Approval of President's China trip: 16,185 (85), 2,657 (15); 9. Support of Phase II wage and price controls: 13,980 (75), 4,756 (25).

Presidential Poll—Nixon: 11,505 (62); Wallace: 2,663 (14); McGovern: 1,331 (7); Humphrey: 615 3-⅓); Muskie: 569 (3) and Kennedy: 316 (1.7). All others received less than 1-½ percent of total.

FEDERAL SPENDING

Lately, I have been forced into opposing some worthwhile federal programs in an effort to stem the election year spending rate forced on us by the majority in Congress. Several billion dollars have been added to President Nixon's budget, and the Congress seems headed toward adding several billion dollars more. These inflated costs, added to our existing deficit of $30 billion, are pointing toward something you and I want to avoid—increased taxes. Economies must be effected—and it can be done. As an example, a year ago, the Congress was nationally criticized for operating its restaurant and cafeterias at a loss of $340,000—a loss made up by taxpayers. The House Administration Committee, of which I am a member, worked on the problem—cut staff, streamlined operations, realigned prices and this year will reduce that deficit to only $70,000. I believe this will be eliminated by year's end. Many of us in Congress are economy-minded and are trying to cut costs of operating your government. Personally, although I am authorized a staff of 16 people, I find I can effectively operate my Washington office and my district offices with half that number. These comparatively small savings, if put into effect throughout our entire Federal government, can amount to a substantial reduction in our budget.

VIETNAM

We have now withdrawn our last combat infantry brigade from South Vietnam and officially ended our ground combat role there. When President Nixon took office 550,000 American troops were there. That is now down to 49,000 and the reduction is continuing. There are hopeful signs an official end to this distasteful conflict, not just our participation, is close. There are hopeful signs efforts now underway will bring peace to this area in a manner that will not appease Communism's aggressive forces.

NATIONAL HEROIN HOTLINE

Want to join the national fight against drug abuse? The Office for Drug Abuse Law Enforcement, directed by President Nixon, has established the below phone number, manned constantly, to receive information you have on heroin traffickers. The problem is serious, with over 500,000 heroin users in the country today, feeding a habit costing $17 million daily. Federal expenditures for narcotics law enforcement has increased from $20 million in 1969 to $164 million in 1972. Phone: 800—368–5363.

SEARCH FOR MENTALLY RETARDED CHILDREN

Mentally retarded children are entitled to an education. State and federal governments are cooperating to locate 40,000 such children. If you know of such a child, please call the below phone number, also manned 24 hours daily. 717—787–3990.

REVENUE SHARING

This new approach, returning federal money to local control, which I supported since first campaigning for Congress, should eliminate red tape, speed up federally-funded projects and produce more money for local work. After two years of effort, it passed the Congress and has been signed by the President.

SALT TREATY

One of the greatest hopes for a peaceful world future is now in the hands of the Senate. I believe it will be approved easily, opening vast possibilities for even greater breakthroughs in the arms race.

NATIONAL COUNCIL OF AFRO-AMERICAN REPUBLICANS

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. McCLOSKEY. Mr. Speaker, the National Council of Afro-American Republicans, Inc., recently had some good things to say about President Nixon, and also some comments of interest to people of both parties who seek an end to racial discrimination in this country.

The council's position was expressed last month in a letter from its national coordinator, Curtis T. Perkins, to Senator ROBERT DOLE of Kansas:

NATIONAL COUNCIL, AFRO-AMERICAN REPUBLICANS, INC.,
New York, N.Y., July 21, 1972.

Senator ROBERT J. DOLE,
Chairman, Republican National Committee, Washington, D.C.

DEAR SENATOR DOLE: On the eve of the 1972 Republican Convention set for Miami Beach, August 21, the moment of truth as it affects Blacks in the Republican Party stares us all in the face.

The National Council of Afro-American Republicans has fought sincerely and courageously against great odds to get the Party to face up to its responsibilities and the aspirations of Blacks and other minorities. Yet the achievements in this direction, although resulting in some progress, are still not encouraging or hopeful.

We joined in the doings of the Black Political Convention in Gary—speaking vigorously to all comers, the common sense of Blacks—for their own good—to belong in larger numbers to the Republican Party so as to achieve some political balance. Equally we defended the achievements among Blacks by President Nixon. We also spoke candidly and hopefully of the shortcomings of the Party as it relates to Blacks and other minorities. On the latter, it is not a positive image here that we can feel proud.

We stood up for President Nixon when there was villification by certain of the NAACP leadership at their conference in Detroit a fortnight ago.

We watched with chagrin when the Democratic National Convention had Blacks playing visible and dominant roles in their proceedings. We know our Party is not prepared here.

But beyond all this is the moral justification, despite that Black Republicans constitute only 16% of the Black vote, that they should participate fully in their Party.

Our aims which are spelled our here as follows—are very explicit:

At least 10 Black Republicans (At large by change of rules) on the Republican National Committee. There is not one Black on this Committee (A disgrace).

Responsible Black representation on all policy and executive committees of Republican State and County Committees where large numbers of Blacks are concentrated. Such is not the case now.

At least a Black Co-Chairman or Vice-Chairmanship of the Republican National Committtee and at least one paid deputy assistant Chairman with decision making responsibility (with assistants).

A paid Black assistant State Chairman on all Republican State Committees where Blacks live in large numbers.

An increase to full 200 Black delegates for the 1972 Republican National Convention. There were only 26 Black delegates in 1968 and only 50 alternates.

More accountability to Blacks by Black Republican appointed officials.

A greater share of the Republican political dollar from the national, state and county committees to help defray the expenses of Black Republican candidates on all levels and for voter education and registration of Blacks as Republicans.

Fielding 10 Black Republican Congressional candidates in the 1973–74 elections. Recent surveys show that this is possible in 10 congressional districts not presently held by Black Democrats.

An increase in Black Republican strength to 33⅓% of the Black registered vote by 1974 through a concentrated grass roots program to attract Blacks.

Administrative Black Republican assistants on the staffs of all Republican U.S. Senators, Governors and U.S. Representatives in states and districts with large Black populations.

Use of more Black Republican campaign managers and consultants.

More contributions by Black Republicans to all levels of the Republican structure. Blacks should help pay their own way and not wait for handouts only.

The presentation of a Black Republican Program on all aspects of matters affecting Black American to the 1972 Republican National Convention's Platform Committee.

Yet, without realizing the necessity of correcting these shortcomings, some key people around the Republican National Committee and on the periphery of the Administration have accused NCAAR of being anti-Nixon. Some of these are Black.

Although we initiated the Black Dinner for the Reelection of the President, even making the hotel reservations at the Washington Hilton, June 10th, all we got were brickbats. Our National Chairman along with our key members, worked with this affair. We cooperated by pushing at least 500 of our members to attend—only asking that those working with the Dinner support our Black Republican Awards Luncheon. We got no support. We hope this will set the matters straight.

Although the President has an excellent record on balance in aiding Blacks and other minorities, much has been done by NCAAR to let these facts come known. We distributed several thousand copies at our expense, on his achievements in this regard. However, we resent our asking for Party reforms to be taken as being against the President. We are against the slow pace the Party machinery is moving to really make for Black participation and growth as Republicans.

Here are some crisis situations confronting blacks in the Republican Party.

It may interest you to know that the National Council of Afro-Americans is beginning to evaluate the number of Blacks now being accredited to the 1972 Republican National Convention. To date the results are disappointing.

NCAAR is prepared to challenge these state delegates from areas where Blacks live in large numbers for fair and moral representation. We are prepared to go into the Federal Courts, if necessary.

A delegate to a National political convention is an important individual who helps formulate his Party's course for the next four years. Real Black Republicans are beginning to take a serious look into this Convention for a better count than 26 in 1968; plus only 56 alternates.

NCAAR is prepared to take whatever action necessary to increase the number of Blacks at the Republican Convention and their related visibility. Secondly, we pray there will be a Black Co-Chairman for this Convention.

We recommend such outstanding delegate-designates as Mayor Edward Bivens, Jr., of Inkster, Michigan; and Dr. Ethel Allen, Member, City Council, Philadelphia, Pennsylvania. There are of course, others. If there is the specter of "Me Tooism" in putting a Black woman in this spot—certainly, there are good and capable Black males.

Thirdly, we urge that Blacks be fully integrated on all committees of the Convention.

Although NCAAR has been fighting vigorously for full participation of Blacks in all Party activities—it took the Democratic Convention to show its appreciation of its Black constituency. This could have been resolved long before the Democrat farce in Black and Republican interests.

If Mr. Nixon is to receive 25% of the Black vote in 1972, certainly, the full program of NCAAR must be adopted totally. We fully support his reelection. Mr. Nixon has been a bold, imaginative and innovative President, both in domestic affairs and in international relations. No other President has dared to do so. None can certainly match his achievements. The Republican National Committee can be equally as forthright in dealing with Blacks.

We will have more to say before, during, and after the Convention—for the Republican Party belongs to Blacks as it does to any other citizens or groups who decide to work in and out of it to make it viable and effective.

My best to you always,

Cordially,

Curtis T. Perkins,
National Coordinator.

MORE WALLED PRISONS: THE WRONG MODEL

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. MIKVA. Mr. Speaker, I would like to commend the National Council on Crime and Delinquency for their recent report recommending a halt in construction of more penal institutions.

It is widely agreed that prisons corrupt rather than correct. It is time we stopped warehousing criminal offenders and started expanding the rehabilitative opportunities which have the potential for moving people away from a life of crime.

I insert in the Record an article from the Washington Post explaining the basis for NCCD's recommendation, and a column by Tom Wicker emphasizing that building more prisons means wasting taxpayers' money on a thoroughly discredited model of how to deal with crime and criminals.

The articles follow:

[From the New York Times, July 27, 1972]

The Wrong Model

(By Tom Wicker)

The Federal Bureau of Prisons is beginning to put into effect a ten-year plan for building more than sixty new correctional facilities that will cost taxpayers over $650 million at present estimates. This is well-intended, under President Nixon's mandate to make the Federal prison system a "model," but such a construction program seems to many critics the wrong way to proceed.

Norman Carlson, the director of the bureau, says that many of the new facilities are to be halfway houses and the like, instead of institutional prisons; and that the prisons to be built are to replace such outmoded faciilties as NcNeill Island in Puget Sound, which has been in use since 1865. "We are not going to build a lot of new Leavenworths and Atticas," Mr. Carlson insists.

But others in the corrections field argue that that is not the point. The best evidence, they say, is that the institutional prison, no matter how modern, provides the least effective kind of correctional system. Therefore, if the Federal Government wants to set up a model, it ought to be doing better things than building prisons, particularly when the trend in many states is toward closing them.

The Federal plan, for instance, calls for three new centers for youthful offenders on the West Coast; yet, in California alone, two relatively new state youth facilities have been recently emptied of inmates and two others were built and never have been used. California also is moving toward closing its medieval San Quentin prison.

This is not a radical "do-gooder" policy. Governor Ronald Reagan hardly qualifies as either of those; yet, during his administration, California has begun to subsidize the development of non-institutional correctional programs in local communities; about 80 per cent of its offenders are now in such programs, which made unnecessary the youth facilities already mentioned, as well as San Quentin.

In Rhode Island, for the last decade, a successful "deferred conviction" program has been keeping most felony offenders out of prisons, and on local probation. In Wisconsin, almost 80 per cent of offenders are in non-institutional correctional programs. New Mexico was able to drop plans for building a $20-million prison by instituting more effective probation and parole systems. Communities like Saginaw, Mich., Des Moines and Seattle, have had great success with non-institutional correctional programs.

When the state of Florida was forced to turn loose 1,252 prisoners in 1965, because they were found (as a result of the case of *Gideon* v. *Wainwright*) to have been unconstitutionally convicted, a study showed that the recidivism rate among them was only 13.6 per cent nearly thirty months later. Among another group of convicts who served their sentences and were normally released, the recidivism rate was 25.4 per cent, which led Florida's corrections chief, Louis L. Wainwright, to say: "This mass exodus from prison may prove that there are many inmates presently in prison who do not need to be there in order to protect society." Some authorities in the field estimate that no more than 15 per cent of today's prison population needs to be behind bars for reasons of public safety.

On the other hand, almost no one disputes the proposition that prisons tend to create crime, rather than "correcting" anybody. Mr. Nixon, in his prison reform directive to former Attorney General Mitchell—one of the best papers of the Nixon Administration—called the present American prison system "a convincing case of failure." From Attica to San Quentin, that can be amply documented.

The National Council on Crime and Delinquency is preparing to make public a plea for a total halt to the building of detention and penal institutions, urging that earmarked funds be allocated to expanded community correctional programs. At the moment, almost $2 billion in prison, jail and juvenile facility construction is projected throughout the country.

In these circumstances, the council also will recommend that the Federal Bureau of Prisons be converted into an agency that would provide technical assistance, program guidelines and research for state and local governments that develop community corrections programs instead of building new penal and detention institutions.

Mr. Carlson undoubtedly is correct that there will always be some offenders who have to be imprisoned for public safety; but these are the few rather than the many, and they scarcely justify the Federal Government embarking now on a vast program of prison construction. That seems exactly the wrong model to provide, at a time when Federal leadership and assistance might go far toward eliminating an American penal system that encourages rather than prevents crime.

[From the Washington Post, July 28, 1972]

Study Seeks Halt in Construction of Penal Institutions

(By Tim O'Brien)

A private organization that studies crime and delinquency in the United States called yesterday for major reforms in the nation's corrections system.

The National Council on Crime and Delinquency recommended a "total halt" to the construction of detention and penal institutions.

The council—whose members include criminologist-psychiatrist Karl Menninger, New York policy commissioner Patrick V. Murphy, and Duke University President Terry Stanford—also called for abolition of the Federal Bureau of Prisons and payment of at least "established minimum wages" for work performed by the nation's prisoners.

Recommending a halt to prison construction, the council said the country should stop wasting "massive sums on a system that has not worked in the past and is not likely to work in the future." The council urged, instead, that the nearly $2 billion now earmarked for jail construction be diverted to expanded community treatment programs.

Len Tropin, public education director for the council said "the trend now is toward community-oriented facilities and rehabilitation. That's the way the LEAA (Law Enforcement Assistance Administration) operates—pouring money into the states, cities and communities."

"Until all forms of community-based corrections are used to the optimum," the council said, "the size, location, or type of facility required for the few remaining offenders requiring institutional commitment cannot be accurately planned."

While recognizing that institutions are needed for dangerous criminals, the council reported that only 15 per cent of the people now incarcerated actually need maximum security. "On that basis," the council said, "we have vastly more institutional space than we need."

The council would also abolish the Federal Bureau of Prisons, replacing it with a "federal correction agency" that would provide program guidelines, technical assistance and leadership to state and local governments.

By turning over all federal penal institutions to the states, the federal government would be free to "monitor guide and offer strong leadership to the communities," Tropin said. "The idea is to get the federal government out of the imprisoning business and into the guidance and leadership business."

The council said the very existence of a Federal Bureau of Prisons "impedes a state's trend toward community correction."

Charging that the nation's prison labor system is counter-productive, the council recommended that inmates be salaried at established minimum wage rates. Presently, they said, the average prison laborer receives from 10 to 65 cents a day.

The council's statement also urged that prisoners be given jobs that offer adequate training that will prove applicable in the job market after their release. The council said much of the current prison labor is nothing but "busy work."

TELEPHONE PRIVACY—XXXIV

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. ASPIN. Mr. Speaker, I reintroduced the telephone privacy bill on May 10, 1972, with a total of 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 32d sampling of these letters into the Record, since they describe far more vividly than I possibly could, the need for this legislation.

These letters follow—the names have been omitted:

BENSENVILLE, ILL.,
July 27, 1972.

Representative LES ASPIN,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I am most interested in having bill HR-14884 adopted to eliminate the constant nuisance calls perpetrated upon the public by the "telephone peddlers". The situation is becoming intolerable in that much too frequently I receive three calls a day trying to sell me property or home improvements. Our telephone was installed for our own personal use. I would have an unpublished listing except for the fact that frequently we have friends from out of town visiting and too often they have left our phone number at home which necessitated looking us up in the phone book. I do hope you will do all in your power to push this bill through.

I also hope in the very near future a bill will be passed to eliminate the tax on telephones which was instituted during World War II. A telephone is a necessary evil not a luxury.

Very truly yours,

________.

GLENVIEW, ILL.,
July 28, 1972.

Representative LES ASPIN,
House of Representatives Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: I am writing to support your bill HR-14884.

My telephone is no longer a convenience; it is a nuisance.

Selling by telephone has reached such proportions in this area, the Chicago North Suburban area, in my opinion, it is an *invasion of my privacy*. It is no longer the local merchant who calls, to check to see if he can deliver his goods. All day long it is an assortment of calls: aluminum siding salesmen; dry cleaners; rug companies; charity schemes which end up being newspaper subscriptions, any number of charities asking you to go door-to-door for donations, so many charities that you do not even recognize the name of the disease it is supposed to be for. And the most blatant intruder of all of the callers, is the land scheme promoter. They call all hours of the day, outlining trips to see lake property, with invitations for "free" dinners and a presentation of film promotion of land, or to promote free trips across country to see retirement property. They even call *long-distance*, from all over the country.

The type of call which distresses me most, now, is the land promoter who seems to hire housewives, calling from their own homes. The other evening at 9:30 p.m. I received the fourth such call of the day, a call from one of the recreational lake promoters, and the caller was a young woman, with a baby crying in the background. This type of call, where a promoter uses people calling from their own homes, with unlimited private telephone usage, and only pays them for referral names, *should be curbed immediately*.

Another facet of the problem is the inactivity of the FCC. I thought one of the primary purposes of the regulatory agency was to protect the rights of the individual. I understand that the individual has a right to business by telephone, but I believe it should be regulated, so that if I do not want to have the privacy of my home invaded. I would have some recourse.

Also, I was disappointed that the FCC did not intercede and fight for the right of the individual to receive a clear TV signal, in the case of the erection of the Sears, Roebuck and Co. office building.

I have had a long discussion with one of the supervisors of the local office of the telephone company, and she offered no satisfactory solution, short of having the telephone removed (which she did not suggest, but may have to be our ultimate solution). She told me that an unlisted number does not even deter the calls, significantly.

Also, I find that the non-competitive utility, the telephone company, even gives courses on how to use the telephone for sales work, and the local library carries a book on how to increase telephone sales!

If there is anything I can do to help promote your bill, HR-14884, please let me know.

Ma Bell and/or the sales agents need regulating.

Ma Bell is now a nuisance, not a convenience!

Sincerely,

________.

We people of Milwaukee, Wisconsin would like to add our names to people in favor of the bill pending in Congress HR-14884, under which we would not be bothered by telephone solicitors.

Mrs. Mary Haas, Mrs. Warren Geschke, Mrs. Dorothy McMillin, Wm. Betz, Pat Flood, Mrs. Chris Haase, Sharon Wiedenhoeft, G. McDowell, Lillian Warnke, Mrs. Chris Haase, and Betty Stenson.

DENVER, COLO.,
August 8, 1972.

Hon. LES ASPIN,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ASPIN: Congressional Record, July 19, 1972, page 24534, within your Extension of Remarks "Telephone Privacy—XXV", quotes an anonymous letter from Chicago, Ill., as follows:

"Hon Les Aspin, House Office Building, Washington, D.C.

SIR: Add two votes in favor of your bill—H.R. 14884—to forbid telephone solicitation. I will boycott any S.O.B. who solicits business via telephone.

"Emphatically yours,

________."

That letter expresses my views precisely. More power to you and your bill.

Sincerely,

P.S.—No reply necessary.

DR. CARL KUPFER RECEIVES SPECIAL CITATION

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. GUDE. Mr. Speaker, it has been brought to my attention that Dr. Carl Kupfer, Director of the National Eye Institute, has received the special citation awarded by the Secretary of Health, Education, and Welfare, a prestigious departmental honor award which is presented for outstanding performance.

Secretary Elliot Richardson's special citation was awarded to Dr. Kupfer for creating, with limited resources, a unified research organization at the National Institutes of Health, dedicated to conducting and supporting research on the improved prevention, diagnosis, and treatment of blinding and disabling eye diseases.

Dr. James C. Tumblin, president of the American Optometric Association, pretty well summed up the high esteem in which Dr. Kupfer is held by professional organizations in the field of vision care, when he stated:

> The American Optometric Association is pleased to note Secretary Richardson's enthusiastic praise for the job Dr. Kupfer has done in organizing an outstanding research institute and assembling an exceptionally talented and dedicated staff in a relatively short period of time. His awareness of the need for a balanced program of intramural and extramural research in the areas of eye diseases and functional vision problems represents a major step toward overcoming many of the conditions which result in poor visual performance or blindness. We commend Dr. Kupfer for the outstanding work he has done, and offer our wholehearted support for the continued work of the National Eye Institute.

Dr. Kupfer, a graduate of Yale University and Johns Hopkins, is the first National Institutes of Health recipient of the Secretary's special citation since 1966. Prior to assuming the duties of Director of the National Eye Institute, he was assistant professor in ophthalmology at Harvard Medical School and later professor and chairman in ophthalmology at the University of Washington School of Medicine.

I know many of my colleagues here in the House share my interest in the progress of the National Eye Institute, which we helped to authorize through legislation in 1968. I am pleased that the Director of the National Eye Institute is a resident of my district, and I join Secretary Richardson and the eye care professions in offering Dr. Kupfer sincere congratulations on a job well done.

SENATE—*Thursday, August 17, 1972*

The Senate met at 9 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

PRAYER

Lt. Col. John D. Needham, divisional commander, National Capital and Virginia Division, the Salvation Army, Washington, D.C., offered the following prayer:

God, we thank Thee for a moment when we can commune with Thee and gather spiritual strength. Our hearts are filled with gratitude as we count our blessings and remember Thy mercies.

Give us an understanding of Your purposes for us and all our fellow human beings. May we sharpen our awareness, cleanse our motives, and straighten out our values.

Help us to recognize that You are God and help us to develop the capacity to love, to care for each other, and for all the people of the world.

We seek Your divine guidance for the Nation and its leaders. In these days that try men's souls, give a sense of Your presence to those who deal with the affairs of state.

We pray for the Senators and their families and ask You to meet their needs.

Now, O Lord, let us be filled with Thy compassion so that all with whom we deal may feel the warm touch of understanding and concern.

Hear our prayer, through Jesus Christ our Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 17, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ROBERT C. BYRD thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 16, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Public Welfare, the Subcommittee on Refugees and Escapees of the Committee on the Judiciary, the Committee on the District of Columbia, the Committee on Government Operations, and the Committee on Public Works may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF THE TREASURY

The second assistant legislative clerk read the nominations in the Department of the Treasury as follows:

Jack Franklin Bennett, of Connecticut, to be a Deputy Under Secretary of the Treasury.

Warren F. Brecht, of Connecticut, to be an Assistant Secretary of the Treasury.

Frederic W. Hickman, of Illinois, to be an Assistant Secretary of the Treasury.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

Tht ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

VIETNAM—THE SILENT HOMECOMING

Mr. MANSFIELD. Mr. President, the war in Indochina is still with us. Just the other day, the last combat unit was ordered withdrawn. Just the other day, a GI, from the State of Idaho was wounded, perhaps fatally.

This war has been a cancer on the body politic of this country. It has also been a source of sorrow—to put it mildly—to the American soul.

I ask unanimous consent that an article published in the New York Post entitled "The Silent Homecoming" written by Haynes Johnson be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SILENT HOMECOMING

It is perhaps fitting, if ironic, that on the day the war finally ended for the American foot soldier in Vietnam the Washington Post recorded the event casually in a two-paragraph item away back on page 20. The New York Times does not seem to have noted the occasion at all. (The New York Post gave the story top display on Page 1.)

In other American wars such news would have led to banner headlines all across the nation and proud speeches followed by the inevitable homecoming parades. Eventually statues of the heroes would be reposing in countless town squares.

No speeches are being made now about the great cause in Vietnam and, it seems certain, there will be no memorials extolling the valorous leaders of this war.

Treatment of the news that the lone remaining infantry unit there is going home and that the last combat patrol was held on Friday, Aug. 10, is fitting in another respect.

Most Americans have not wanted to be reminded of Vietnam for some time now. They have come to think of it as the French did before them. To the French, it was La Guerre Pourrie—the Rotten War. To Americans, it has been the most frustrating war and the most divisive.

Now we are ending our ground combat role much the way it began—quietly and almost out of the awareness of the public. We stumbled into Vietnam almost in the dark; we are backing out in similar fashion.

History will treat Vietnam differently. The longest, most unpopular war in American history is already burned deep into the American consciousness. It is a war that has lasted for 11 years, damaged political and military careers, led to the fall of a President, set in motion forces of bitterness and protest that have touched virtually every American institution, cost untold billions, taken the lives of 45,843 Americans and left another 303,296 wounded.

Some day an American Tolstoy may emerge who has the capacity to capture just what Vietnam has meant to America. Today we are left only with the raw statistics of the dead and the wounded and the missing.

Friday the Pentagon broke out its figures on the war by going back to 1961 when our military strength there numbered 3200. Eleven Americans had died in Vietnam that year and three had been wounded. There were no prisoners of war and none missing in action. Today 1121 Americans are listed as missing in action.

The levels of strength—and the casualties—rose slowly at first. We had 11,300 in Vietnam in 1962 and 16,300 in '63 and 23,300 in '64, the first of the Lyndon Johnson Presidential years. Then the great escalation began and a war that, like Korea, never was declared a war, became a historic conflict.

These figures speak for themselves: 1965, a force of 184,000 and 1369 deaths and 6114 wounded; 1966, a force of 385,300 with 5008 deaths and 30,093 wounded; 1967, a force of 485,600 and 9378 deaths and 62,024 wounded.

The crest came in 1968, a fateful year not only militarily but politically. The war took 14,592 lives that year. Another 92,820 Americans were wounded. The casualties reached a peak in the second week of May when 526 were killed.

In 1969, when Richard Nixon was inaugurated, 30,991 Americans had been killed in action in Vietnam and 195,601 had been wounded. In the years since, Vietnam has continued to be at the center of national political debates—and the casualties have continued until this day.

The war has led to innumerable books, reports and studies, including the celebrated Pentagon Papers. But nothing yet has portrayed fully the depth of the war's impact on the nation and its citizens. And no one has explained with complete satisfaction just how America became so hopelessly entangled in a rural land so far away.

Like a classic Grecian tragedy, there has always been an air of inevitability about America's involvement in Vietnam. No one, no matter how powerful, seemed able to stem the tide.

Arthur Schlesinger, the historian and adviser to John F. Kennedy, once recalled a conversation with Kennedy in the critical year of 1961. The President had just received a military proposal to send an American combat team of about 10,000 men to Vietnam.

"They want a force of American troops," Kennedy told Schlesinger. "They say it's necessary in order to restore confidence and maintain morale. But it will be just like Berlin. The troops will march in; the bands will play; the crowds will cheer; and in four days everyone will have forgotten. Then we will be told we have to send in more troops. It's like taking a drink. The effect wears off, and you have to take another."

But Kennedy, like those who succeeded him, never was able to resist the temptation to send more.

His brother Robert, a supreme fatalist, liked to recall another incident that showed how leaders and nations are often consumed by events. At the outbreak of the First World War, he remembered, the ex-Chancellor of Germany, Prince von Bulow, asked his successor, "how did it all happen"? And the reply instantly came back:

"Ah, if only we knew."

Now, for the American foot soldier, it is over, even if all the questions have not been answered.

EMISSARY OR NOT?

Mr. SCOTT. Mr. President, the mind boggles at what might have happened yesterday had the opposition candidate for the Presidency actually been President of the United States.

Let us review the proceedings.

His emissary returns from a visit with the North Vietnamese—a secret visit. Mr. Pierre Salinger was evidently acting as a sort of junior type Kissinger in this regard. He makes a secret visit with the North Vietnamese in Paris. His purpose, he reveals, is to say that his candidate would like to have peace, too. That, of course, is in the event our involvement in the war ends before election day and his candidate can assert, 'See, I was for peace also," thereby tailgating events.

But, Mr. President, when the candidate is asked directly whether Salinger went over there as his emissary and had these conversations, the candidate denies it flatly. Television shows him saying, "It is absolutely incorrect."

The next thing, on television, Salinger says, "No, it is correct. I went. He knew it. I went to deliver his views. I did suggest that we were for peace, too."

Then Salinger calls up the candidate and the candidate issues a revised statement saying, "Well, I did not actually send him but I knew he was going and I knew that was the kind of message he was going to deliver, and I am for peace, too."

Mr. President, if that candidate had been President, he could have shaken the country with that form of indecisiveness and that lack of credibility.

I think the American people will assess these performances and say, "George, come home. Come home to the United States Senate, George, where you cannot do as much damage."

Mr. MANSFIELD. Mr. President, the campaign seems to be getting underway a little early. It seems to be concentrating more on personalities than on issues.

I think what we should keep in mind that the facts which confront us from day to day are not a Ramsey Clark visit to North Vietnam or a statement allegedly made by Pierre Salinger, but the real issues are concentrated around the release of our prisoners of war and the recoverability, wherever possible of those missing in action.

The real issue is the continued bombing, on a scale heretofore unknown and now approaching its fourth month, of North Vietnam.

The real issue is not to rehash the war, but to end it.

The real fact is that this country is suffering casualties far in excess of what anyone anticipated when this misadventure began.

For example, the latest figures I have go through July 1, 1972. I usually get these statistics from the Department of Defense. They are public knowledge. However, I have not received any since that time. I will ask the Department to send me an up-to-date list.

But, a month and a half ago, 303,190 Americans had been wounded in Vietnam. 45,806 Americans had been killed in combat in Vietnam. 10,229 Americans died of other causes.

The total is, as of a month and a half ago: 303,190 wounded; 45,806 combat dead; 10,229 noncombat dead—for a total death list of 56,035 and a total casualty list of 359,225 Americans.

Thus, I would hope that we would forget this matter of personalities—who said what, or when—even if it was 4 years ago—during the administration of any President, and that we would face up to the realities of today and keep in mind that the important factors are the release of our prisoners of war and those recoverable missing in action, a stoppage at some time to this tremendous bombing which is taking place, and a further consideration of ways and means to bring about an end to this ghastly, this unholy war in which we are engaged and have been engaged in for far too long.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. SCOTT. Mr. President, all that the distinguished majority leader has said is true regarding the disaster of being involved in this terrible war. I think I ought to point out that about three-fourths of the casualties that occurred since this administration took over occurred in that first year, under a momentum created by the fact that we had over a half million troops there. The number of troops there are being brought down by the end of this month to 39,000. I saw a figure on the television last night that we will be down to somewhere between 20,000 and 25,000 before the end of the year. I believe that to be correct.

There are virtually very few draftees left over there. None are being sent over. In other words, practically everyone in Vietnam is there by his own choice, having freely decided to become part of the Armed Forces.

Of course, we want to end the war. That is why Mr. Kissinger has gone to Saigon. That is why we are trying in every way possible to end it. And it would be very desirable if we could have some constructive suggestions which we welcome from anyone. One of those constructive suggestions we have received in the past, I submit, came from Sargent Shriver who said in October of 1969, that the administration is doing everything possible to end the war.

At that time Sargent Shriver supported the President's policy. Only recently has he had second thoughts about it.

Mr. MANSFIELD. Mr. President, may I say that I give full credit to the President of the United States, Mr. Nixon, for reducing the number of military personnel in Vietnam from approximately 546,000 to around 41,000 today. It will be 39,000 or less by the first of September. And I agree with the distinguished Republican leader (Mr. SCOTT) that very likely there will be a further reduction announced at that time to about 20,000 or 25,000. All the combat soldiers have now been withdrawn and we have left only the supporting troops on the ground in Vietnam. And in my opinion Vietnam and all of Indochina is not and never was worth the blood of one American soldier.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for not to exceed 15 minutes.

THE ENERGY SITUATION

Mr. BELLMON. Mr. President, another summer is upon us and with it we are again hearing reports of serious energy shortages which are working a hardship upon the citizens in many sections of the country. As a Member of the Senate, I feel that the Congress is not fully cognizant of the depth of the energy crisis which this Nation faces, and as a result we are tardy in taking steps to improve the situation. Our national economic strength has been built on the ability of machines to do work and machines require energy. Less than 1 percent of the energy expended in the United States comes from man's muscle power.

But during recent years, the United States seems intent on undermining its own position of world eminence by weakening our energy situation. While the countries of Western Europe, which presently import 90 percent of their oil from the Middle East and Africa, realize the importance of developing their own resources, policymakers in the United States appear oblivious to our decreasing energy production capabilities. Even worse, some U. S. citizens are actively advocating policies which would limit domestic production and thereby increase our dependence on foreign energy sources. This course is damaging to security and to our balance of payments.

Mr. President, in the August 14 issue of Industry Week there appears an article entitled "Will Industry Flicker as Energy Fades?" The article is written by Floyd G. Lawrence.

I ask unanimous consent that the full text of the article be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it so ordered.

Mr. BELLMON. Mr. President, on the first page of this article the author quotes Secretary of Commerce Peter G. Peterson as saying that:

> "Imports of oil and gas alone in 1970 amounted to $2.7 billion"—a figure exceeding the U.S. balance of trade deficit in 1971. He warns that our projected annual deficit in oil and gas by 1985, "assuming we import fuels at the level projected by the Interior Dept., is $25 billion."

To put this in perspective, the author says, all U.S. imports of manufactured goods ran only slightly more than $30 billion in 1971. And the Secretary adds that from a security as well as an economic standpoint, meeting our energy needs through imports would be untenable.

Also the article points out that the energy crisis is much closer than many realize.

The author quotes Mr. Gunning, of the Chase National Bank, of New York, as saying that we are going from a situation where we had surplus gasoline to a situation where we do not have enough.

In addition the author points out that it is the natural gas shortage that is most immediately affecting industry. Managers around the country shuddered 2 years ago when, for example, gas deliveries in Cleveland were shut off to industrial consumers because the East Ohio Gas Co. found itself hard put to supply homeowners during a cold spell; some 35,000 workers were laid off temporarily.

The author goes on and says that few gas companies in the East or Midwest are accepting new industrial consumers. And several—including Washington Gas Light Co., which serves the Nation's capital—have been accepting no new customers, residential or industrial, since last November.

He further points out that the Nation's energy situation is a mess and that we are only today doing the planning that we should have done 10 years ago. He points out that worse still, some 61 Government agencies deal with energy matters, and frequently they work at cross purposes. The Government itself concedes the many inconsistencies in its policies.

Among some of these, and he quotes General Lincoln, are the following:

Although financing requirements for utilities and other energy development call for higher utility rates, such increases are discouraged by President Nixon's economic stabilization program.

The Nation relies increasingly on imports of petroleum, yet discourages development of its own petroleum resources. Examples: Environmental delays on construction of the trans-Alaskan crude oil pipeline and cancellation of leases in offshore Louisiana oil fields.

The United States has vast reserves of only one fuel—coal—yet it has placed environmental restrictions on its use, even though technology for its clean exploitation is still years away.

Because of the danger of polluting the ocean, Government is curbing offshore oil drilling, even though the alternative invites increased tanker traffic, which also poses pollution threats.

The Nation counts heavily on nuclear power—needed now. Yet it delays development of nuclear plants and boosts the capital required for them through environmental and siting restrictions.

At a time when the United States is running out of natural gas, Government allows a wellhead price of only one-fourth of the amount proposed by companies to pay for imported gas to meet demand.

The nations of Europe are looking for oil and gas in the North Sea and the Atlantic Ocean with American money which could be better spent, from the U.S. standpoint, on discovery, research, and development of domestic resources.

The States of Texas, Louisiana, California, and Oklahoma are becoming more and more aware of the limits of their oil and gas resource, as production nears 100 percent of capacity and neither oil nor gas is being located as rapidly as reserves are being used. The oil-producing States are beginning to question other States' policies of blocking resource studies, exploration, and development while utilizing the declining reserves of traditional energy producing areas.

In the future, as the energy situation becomes tighter, Oklahoma, another oil-producing State faced with the choice of selling energy needed at home to industries in the State or seeing it delivered to a State which has fought Atlantic OCS drilling, may decide to keep the wealth at home.

The unwise prohibitions on development of our national energy resources in the OCS—which now go by the misnomer, "environmental concern"—will one day be seen as "ecofolly." With hindsight, we will see both the economic and ecological folly of ultraconservative domestic resource policies dictated more by emotion than by reason.

However, this Nation's snail's pace in energy development cannot be attributed solely to those who advocate drastically limiting our resource use. Many research and development efforts which would increase our energy options have not been aggressively encouraged and are currently suffering from a lack of interest on the part of the public, the Congress, and the bureaucracy.

Before listing some of the shortcomings in developing policies and programs, let me make clear that I am not scoring legitimate conservation and antipollution measures.

I am not criticizing closer Federal supervision of OCS drilling.

I am not criticizing the conservation laws of other oil-producing States, which assure that wells are drilled and produced properly and thereby production over the long term is increased.

I am not criticizing those who rightfully complain that some ships are cleaning bilge tanks and dumping oil overboard. We have outlawed this practice in territorial waters, and action is needed to stop it in international waters. Apparently a good-neighbor environmental policy will not work.

But, I am critical of those who lack the foresight to realize that domestic as well as international competition for energy will be stiff as our needs for energy double in the next 15 years and worldwide demand doubles in the next 8 years.

I am critical of those who view all energy development as bad, without examining the dire straits society would find itself in if industry were denied the necessary power to run factories which provide jobs for our citizens, produce our goods, and provide essential services.

To date, the Government's record has been one of inaction, repeated and repetitious studies, and steadily declining success in finding or even trying solutions to meet our energy needs. Unfortunately, Mr. President, the record of Congress is no better. In fact, by reducing economic incentives and adding to administrative complexities, Congress has contributed to the problem.

If we continue to merely study these problems in the abstract rather than act decisively to correct them, we can expect to spend many hot summers and cold winters without electricity and other forms of energy as blackouts and brownouts multiply.

The first obvious failure to act on the energy front, is our failure, to date, to clear the way for construction of an Alaska pipeline.

At first, industry acted in a haphazard manner, and the Secretary of the Interior had difficulty getting adequate answers to legitimate questions. Then Interior studied the proposal, issued a draft environmental impact statement, held hearings, and finally after many months, issued the final environmental impact statement.

Concurrently, the Government has been sued, and those cases are still pending. One of them apparently was dismissed within the last 2 days, but before the pipeline permit is granted the whole subject may have to be brought before the Supreme Court. In other words, we have only seen the preliminary legal bouts. In the meantime, a reserve source of badly needed energy remains unavailable.

Three years after the beginning of construction, some oil from the pipeline will be available. About 5 years after construction commences, the pipeline will be operating at full capacity, bringing in 2 million barrels of oil per day. This sure source of oil could supply 12 percent of our needs in 1985. It is sheer folly to be debating this development when we know that without the Alyeska pipeline, this Nation will have to rely on insecure and increasingly high priced Middle East and North Africa oil for at least 35 percent of our needs in 1985?

We have no option. We must begin pipeline construction now.

The Outer Continental Shelf is a second source of domestic oil which, if developed, can help us maintain a healthy energy posture. The U.S. Geological Survey estimates that 50 percent of U.S. potential oil and gas resources await discovery on the OCS.

On June 4 of last year, President Nixon issued a clean energy message, in which he outlined specific programs which could assure clear energy for the short- and long-term future. Among the President's proposals was increased development of Federal lands, including the Outer Continental Shelf. On June 15 of that year, the Department of the Interior issued a 5-year plan for lease sales on the OCS. General sales in the Gulf of Mexico were to be held in December of 1971, and in May and November of each succeeding year through 1975. One sale in the Gulf of Alaska and one in the Atlantic were to be held, or comparable reserves from other offshore areas were to be released, prior to 1976.

How much of this leasing has been accomplished? Very little. A drainage sale scheduled for October 1971 was held, but relatively few tracts were involved.

The first general sale, scheduled for December 1971, was canceled following court action in which the Interior Department was accused of failing to comply with the National Environmental Protection Act. On June 20, 1972, the Department of the Interior filed another final environmental impact statement on the same 78 tracts. The actual sale will probably take place this September, some 9 months late. In the meantime critically needed new supplies of natural gas and crude oil remain undeveloped.

The Department of the Interior has just sent a draft environmental statement on the second sale to the Council on Environmental Quality. A hearing on the proposed leasing will take place in New Orleans, on August 22. If all goes smoothly, and past history indicates this cannot be depended upon, the sale of the 135 tracts, originally scheduled for May, will take place in December, some 6 months late. Again needed supplies are being kept from consumers.

At present, there is a court dispute as to who has jurisdiction over the Atlantic seabeds—the Federal Government or the States—and not enough exploration and research has been done in the waters of the Gulf of Alaska to consider that tentative leasing proposal a possibility.

In sum, the recent record for Outer Continental Shelf drilling is marked by procrastination and failure.

Mr. President, the situation might not be entirely bleak if only the failure to explore the OCS were counterbalanced by enthusiasm for exploratory drilling onshore. But this is not the case. Producers are not looking for domestic oil anymore because the profit margin has not justified tieing up needed capital.

Exploratory drilling in the United States hit a high point in 1955 and 1956. In 1955, 3,105 oil and gas producing wells were found out of a total of 14,937 wells drilled. The following year, 3,096 oil and gas producers were located when 16,173 wells were drilled. The most producers were found in 1955 and the largest number of exploratory wells were drilled in 1956. Since that time, both the number of successful oil and gas wells found and the number of exploratory wells drilled has been decreasing. In 1971 only 1,088 oil and gas wells were producers out of a total of 6,922 exploratory wells drilled. So, in the last 15 years, the successful new oil and gas wells found has dropped 185 percent and the exploratory drilling effort based on wells drilled has decreased 134 percent.

Another significant fact shows that reserves added each year since 1955 have remained fairly constant to the end of 1966 when they were at their highest point of 31,452,127,000 barrels. Since then, they have been dropping each year to the level of 28,462,957,000 barrels in 1970.

Coupled with the decline in reserves, the failure of refinery capacity to keep pace with demand is cause for concern. It is hard to imagine that the United States of America, which leads the world in petroleum technology, is now looking to others not only for crude oil, but also for petroleum products.

The U.S. petroleum refining industry is approaching a period of essentially zero growth in terms of crude capacity or total product output. From 1973 onward there are no known projects of any significance which will increase refining capacity, whereas in the past industry has added about 300,000 barrels per day of new capacity each year. Last year, imports of finished and unfinished products totaled about 2.2 million barrels a day. It would be physically impossible for U.S. refineries to produce these products in addition to their current output.

In contrast, there are impressive expansions and new refineries, either planned or under construction, in areas peripheral to the United States. These projects are to be found in eastern Canada, the Bahamas, the Caribbean, and Central America. The express purpose of these plants is to manufacture finished products for marketing in the United States.

The reasons for the stagnation in growth are currently being investigated by the National Petroleum Council. However, most parties are aware of some of the contributory factors to this situation. One is the resistance to construction of new plants by environmentalists. Other factors include uncertainty over U.S. oil import policies; a lack of deep water harbor facilities needed for supertanker operations; and tax incentives offered by some host countries and certain other economic advantages.

Oil is just one part of the energy picture. Its overriding importance stems from the fact that it is the fuel source which seems capable of meeting this Nation's increasing demands for clean energy in the near future, either by importing or developing our own still abundant resources. Certainly nuclear power and coal do not have the near-term potential and most desirable hydropower sites have been developed.

However, oil is not the only component in a healthy energy program. Development of other fuel sources is mandatory.

Until last week, when the Federal Power Commission announced it would give producers an optional procedure for permanently certificating new supplies of gas at prices in excess of area ceiling prices, I was completely discouraged by the natural gas situation in this country. Since 1954, the price of gas sold in interstate commerce has been regulated by the FPC, at prices below costs of production and well below true market value. Contracts have been signed recently that provided for 20 cents per million cubic feet. In comparison, gas sold intrastate goes for about 30 to 35 percent more. By keeping interstate prices unrealistically low, the FPC not only encouraged the use of gas for markets which could have been served better by other fuels, but it also discouraged producers from exploring for new sources of gas. The current Commission has recognized these past mistakes and has attempted to rectify the situation.

The recent FPC decision was precipitated by a gas shortage—a shortage in the midst of plenty. Today a number of gas companies throughout the United States have curtailed deliveries to customers, or are unable to offer service altogether. These companies are unable to obtain new supplies of gas to meet demands.

A more dramatic expression of the shortage occurred 2 years ago when a midwest company was forced to cut off delivery to firm industrial customers, and the industrials did not have the means to switch to alternate fuels. Plants were shut down and some 30,000 to 40,000 employees could not work. The problem was brought on by the cumulative effect of winter's below normal temperatures which depleted the underground storage reserve. This incident served as a warning of what might happen in other areas.

To meet increasing demand, gas companies are considering a number of alternatives, among these importing liquefied natural gas at prices substantially higher than domestic gas. These prices are estimated at $1 or more per million cubic feet for long-term, large-base load supplies and $1.70 to $1.80 per million cubic feet for short-term supplies. The situation is paradoxical. While prices of interstate gas have been kept low to benefit the consumer, the same consumer is now suffering from a lack of supply and is being asked to pay for extremely expensive liquefied gas imports. Mr. President, such a policy is totally irrational and it benefits no one.

What makes this situation even more absurd is the fact that we have abundant gas resources, but have failed to develop them. The Geological Survey estimates that 2,100 trillion cubic feet of natural gas are undiscovered but recoverable under current technological conditions. Unfortunately, companies have just not been looking for gas, and we have been using more than we have "replaced" by discovering new reserves. For example, in 1971, our net production was 22.1 trillion cubic feet, while our reserve additions were only 9.8 trillion cubic feet.

The August 3 FPC order on optional pricing holds hope for alleviating the gas shortage. Though the FPC will retain the power to trim the rate negotiated by gas producers and pipeline companies, the spirit of the decision seems to indicate new gas prices will be allowed to rise. There is no question this will create greater incentive for exploration and could save the consumer from nondelivery due to shortages of supply. Certainly this is a fate worse than paying a reasonable price. I hope the decision meets the court test which is bound to come. Congress should enact sanctity of contract legislation so that this decision will be a true inducement to more exploration.

With demands increasing so rapidly, no one or two sources of energy can be viewed as the answer to all needs. No fuel is alternate; all energy is needed.

At present, coal is our most abundant fuel resource. Unfortunately, it often creates environmental problems when it is mined and high-sulfur coal is troublesome when burned.

Here, our problem has been a lack of foresight. Some years ago, when nuclear power was deemed the wonder-fuel which would solve all energy problems, people began to discount coal. Instead of putting money into research and development of better mining techniques and ways of producing coal or turning coal into a clean fuel, our national effort was one-sided. Also, artificially low prices for natural gas demoralized the coal energy by drawing away customers coal had traditionally served.

Now a variety of programs for desulfurizing coal and for turning it into a gas have been introduced. The Office of Coal Research which was originally formed in 1960, has increased its activity several times over. But for several years, it was a shadow of an organization because few people showed an interest in coal. At present, OCR estimates that the first commercial plant to produce a high British thermal unit clean gas from coal may come on stream in 1980. Of course, this assumes that the Congress is willing to continue to fund this research.

Oil shale is another potential source of energy for the future. Since the 1920's, oil shale development has been a topic of discussion whenever the Nation feared an energy shortage. But that is about all it has been. We have made little progress in getting commercial production underway.

In his June 1971 message, the President proposed that development of energy resources on Federal lands, in particular lands with oil shale potential, be accelerated. That same month, a proposed prototype oil shale leasing program was announced by the Secretary of the Interior, and a preliminary draft Environmental Impact Statement was released. Sometime later, nominations for lands to be leased were received and, in April of this year, the Department tentatively selected six tracts—two each in Colorado, Utah, and Wyoming. A draft environmental impact statement for these tracts was to be issued by June 1, but has not been forthcoming.

Now many are waiting for the next step in this scenario. Leasing is scheduled for December 1972, but when will it really take place?

Let us hope this is not just another abortive attempt at oil shale development. The Nation needs that oil.

Energy problems are not limited to identifying and developing resources. Perhaps the most critical energy problem existing today is that being experienced by the U.S. electric power industry. Recurrent and spreading power shortages—blackouts or brownouts—have dramatically demonstrated the seriousness of the situation.

Industry has not been able to add new capacity to meet demands for electric power, which have been doubling every 10 years. This inability stems from a number of reasons, the most significant being:

First. Power projects have either been delayed or blocked on environmental grounds.

Second. It takes a number of years to plan and construct new major power facilities. During this time, the demand for electric power increases, especially during peak demand periods. The relationship between the amount of reserve capacity usually maintained by a utility and the rate at which its system load grows is such that delays in the completion of new generating units erode the utility's reserve margin and thereby weaken its supply capability and degrade the quality of service.

Third. The introduction of air pollution regulations has limited the use of fossil fuels. Low-sulfur fossil fuels are in short supply and their prices have risen considerably.

Fourth. The cost pressures stemming from inflation have had a significant impact on an industry which is the most capital intensive industry in the United States.

The most recent survey—July 6, 1972—released by the Office of Emergency Preparedness—OEP—for members of the Joint Board on Fuel Supply and Fuel Transport on the electric power situation for the remainder of this summer discloses there are several areas where reserve capacity for electric power is below the 15 to 20 percent considered the minimum safe level to avoid shortage problems during summer peak periods. These areas are in the southeast and west central regions and in New York City environs of the northeast region.

This is the dire message spelled out to those Americans who examine the Nation's energy situation. And the only conclusion which can be drawn is that continued energy inaction and indecision will lead to national economic chaos and serious personal inconveniences.

In the end, any discussion of energy comes down to a discussion of maintaining a growing, healthy economy which can serve the needs of the people.

Mr. President, unless basic decisions are soon made to actively promote domestic energy development, the United States is rapidly approaching the position where foreign nations which control our imported energy supplies can force decisions upon us which will wreck our country.

Without abundant, secure energy supplies, all the national aspirations which we presently hold, from cleaning up the environment to rebuilding inner cities and maintaining full employment, will be dictated not by ourselves, but by governments beyond the reach of Congress, the Supreme Court, or the executive branch.

Mr. President, unless Congress takes positive action soon to end the energy crunch, the citizens of this Nation and others who rely on our strength will pay dearly.

Exhibit 1

Will Industry Flicker as Energy Fades?

(Prepared by Floyd G. Lawrence and William H. Miller with David H. Larsen)

Energy rationing—just getting an allocation of any fuel at any price—could be the outlook industry faces in the next decade.

Incredible as that may seem, we have regulated ourselves into a dilemma: Increasingly, those fuels which are available cannot be used, and those fuels which can be used are not available.

The impact on our competitiveness in markets at home and abroad, on U.S. jobs, and on the pressure for U.S. industry to move overseas to survive, is only beginning to be felt. But it may dominate basic industry planning.

Natural gas and oil are the keys to the problem, Industry derives 78% of its primary energy from these fuels.

To satisfy that appetite, notes Secretary of Commerce Peter G. Peterson, "imports of oil and gas alone in 1970 amounted to $2.7 billion"—a figure exceeding the U.S. balance of trade deficit in 1971. He warns that our projected annual deficit in oil and gas by 1985, "assuming we import fuels at the level projected by the Interior Dept., is $25 billion."

To put this in perspective, *all* U.S. imports of manufactured goods ran only slightly more than $30 billion in 1971, Secretary Peterson points out, adding that from a security as well as an economic standpoint, meeting our energy needs through imports would be untenable.

"We could well go through a period during which energy won't be available rationing would be introduced, jobs would be lost, and production would be cut back," says Gerald D. Gunning, associate energy economist, Chase Manhattan Bank, New York. The only alternatives he sees are very dramatic measures to increase development of domestic oil and natural gas, and steps "to turn this whole energy situation around." And it will take quite some turning.

For decades the U.S. has ignored its utility bills. We have had a national energy policy: keep it cheap. We implemented that policy through regulatory distortion of free market relationships.

Energy *apparently* cheap and abundant was the result, and it played an important role in U.S. industrial growth. But we bought that cheap and abundant energy by borrowing against the future. Now our accounts are past due, and they will fall most heavily on industry.

In some cases supplies will be turned off. Prices will rise sharply. The reason is inexorably clear.

"Between now and 1985 the energy industries will have to invest more than $375 billion in new facilities to provide for our growing needs," estimates John G. McLean, chairman of the National Petroleum Council's Committee on U.S. Energy Outlook as well as president of Continental Oil Co., New York.

And that figure, he says, is exclusive of new petroleum marketing, gas distribution, and electric distribution facilities.

Prices must go up because the energy companies can neither generate the necessary funds internally at today's profit levels nor attract the funds from outside sources at current rates of return on investment, Mr. McLean explains.

All industry will directly feel the effect of higher energy costs. But that effect will be compounded in higher material costs as well. For the basic industries—primary metals; stone, clay and glass; petroleum and coal products; paper; and chemicals together with food—account for two-thirds of all industry energy needs.

Further adding to the cost will be not only higher prices for existing energy sources, but in many cases the costs of switching to more expensive forms of energy in the face of shortages.

Anaconda Co., New York, for example has been advised that there will be no natural gas available this winter to fuel copper smelting operations in the Southwest. Plans are underway to convert the operation to fuel oil—but at double the energy costs, says Howard L. Edwards, vice president and secretary.

Others in the nonferrous metals industry are going further and converting to electric smelters—at a still higher energy cost. Anaconda is considering the move, says Mr. Edwards, but observes that "you get a lot less energy from the primary fuel by converting it twice."

Although electricity is three times as costly as gas in heat treating applications, Thomas A. Blanchard, product manager, special furnace equipment, Midland-Ross Corp.'s Surface Combustion Div., Toledo, Ohio, reports that "furnaces going to Illinois and Indiana are electric rather than gas or oil today."

The steel industry also is moving from natural gas to oil or oil standby for soaking pits, annealing furnaces, and other applications, reports E. L. Andrews, vice president-materials for Allegheny Ludlum Industries Inc., Pittsburgh, and chairman of the American Iron & Steel Institute's Critical Materials Supply Committee.

Mr. Andrews points out that the dual burner provision add cost, as does the necessary storage capacity for the fuel oil. And not only is the cost of the fuel oil higher than that of natural gas, but "competition for the available oil has already pushed the price up 20 to 25%. Gas has been very important in annealing and processing in the steel industry," says Mr. Andrews, "but that day is gone."

Self-rationing?

Although natural gas today provides 46% of industry's primary energy, in the future "we believe residential needs for gas should come first," says Gabriel N. Tiberio, director Plant & Environmental Engineering Section of General Motors Corp.'s environmental activities staff. "Commercial needs like schools and hospitals should come next, and finally industry should be able to get its share for really high priority uses like heat treating in a protective gas atmosphere or in automatic soldering.

"Most natural gas applications of any nonessential kind in our plants will be replaced by electricity," says Mr. Tiberio, "and we must begin to consider the impact of that change back at the generating plant."

Petroleum, believes Mr. Tiberio, should be allocated in the future to transportation.

"Gasoline could be rationed as early as next year," observes Mr. Gunning at Chase Manhattan. He explains that "because natural gas is not available, many utilities and industrial customers are unable to get low-sulfur residual fuel oil and are turning to distillate. The yield on the refining pattern has been shifted to middle distillate to meet this demand. As a consequence, output of gasoline has been restricted.

"We're going from a situation where we had surplus gasoline to a situation where we don't have enough," says Mr. Gunning. "Unless we have a change in the import quotas allowing more imports of distillate oil this coming winter, we could have a situation where gasoline stocks drop to the point that rationing would be necessary."

"Because energy is a smaller cost component of manufacturing than of transportation, it may make sense for plants to pay more and conserve the oil for transportation use," Mr. Tiberio believes. "We are studying these various kinds of energy relationships in our plants and in our products today, and General Motors is considering creation of an energy planning group for that express purpose in the very near future."

Similarly concerned about the wise long-term use of energy resources is E. I. du Pont de Nemours & Co., for whom petroleum and natural gas are both energy sources and raw material. Just a few weeks ago, Du Pont established a Petrochemical & Energy Development Section to study changing supplies and costs in an effort to formulate a long-range plan.

Summarizing the situation for industry in the foreseeable future, Mr. Tiberio observes that "availability and dependability of energy seem likely to become more important than cost. The important thing will be: can we get it when we want it?"

ENERGY SHORTAGE CASTS LENGTHENING SHADOWS

Industry does seem destined to receive lower priority as energy resources tighten. The trend is already evident in the allocation of natural gas, where the energy crisis is most immediately apparent.

Gen. George A. Lincoln, director of the Office of Emergency Preparedness (OEP) and chairman of the federal government's Joint Board on Fuel Supply & Transport, explains that one of the board's prime objectives is to insure that "human users" of natural gas—homes, hospitals, schools, and essential government facilities—are not deprived in times of emergency. "There is a strong case to assure priority" to those users over industry, he has testified before a Senate committee.

Indeed, the Federal Power Commission (FPC), which regulates natural gas sold interstate, pointed out in May that it plans to "arrive at a method of cost classification, allocation, and rate design which will produce strong economic pressure toward a more efficient allocation of our fuel reserves. This will be directed particularly to conserving natural gas for residential, commercial, and other uses for which this clean fuel is greatly needed and to discouraging the use of gas for large volume industrial and boiler fuel purposes."

Regardless of priorities, industry and private consumers both face the same uncertain future. With less than 6% of the world's population, the U. S. now uses about one-third of its energy—and is increasing its energy consumption at a rate of more than 4% a year.

The Interior Dept. estimates a threefold increase in energy consumption between now and 2000—from 68,810 trillion Btu in 1970 to a whacking 191,556 trillion Btu in just three decades.

And as shortages begin to surface, industry presents a tempting target for curtailment. It swallows up 26.2% of the nation's primary energy (that obtained directly from fossil fuels), show 1970 statistics compiled by the National Petroleum Council (NPC), an advisory body studying the energy outlook for the Interior Dept.

When industry's consumption of primary energy is combined with the electrical power it buys, plus the fuel it burns to transport its products to market, its energy needs become even more imposing. A study by Stanford Research Institute for the Office of Science & Technology pegs industry's 1968 share of total energy consumption at 41.1%.

Bottom of the jar

The nation's energy bind comes from relying for slightly more than 95% of its energy needs on three basic fuels: petroleum (which accounted for 43% of total U.S. energy consumption in 1971); natural gas (33%); and coal (20%). The rest comes from hydroelectric and nuclear power.

"Oil, gas, and coal are the easiest forms of energy to utilize, and we've been using them up like the little boy who sticks his hand in the candy jar and thinks the bottom will never be reached," observes Hollis Dole, assistant secretary of interior for mineral resources.

Now, there's evidence the U.S. is reaching the bottom of the jar. Availability problems exist, or loom on the horizon, in all three of the basic fuels which have long been so plentiful, accessible, and inexpensive.

The crisis has surfaced first in natural gas which not only is cheap because of controversial FPC price regulation, but also is the most desirable fuel from an environmental standpoint. Tough new air pollution regulations have intensified the already brisk demand for it and helped push the rate of demand increase for natural gas in 1970 to 7.2%—higher than any other fuel.

The demand for natural gas has been so heavy, in fact, that the industry's Future Requirements Committee direly warns that gas companies will be able to supply only 86% of the nation's requirements by 1975. To make up the difference, says Gen. Lincoln, "it seems clear that imports of LNG [liquefied natural gas] or SNG [synthetic natural gas] feedstocks, or both, will be necessary to provide needed supplies of pipeline gas."

Nowhere is natural gas' unique role in the crossfire between environmental needs and energy demand better demonstrated than in New York City. In announcing the Environmental Protection Agency's new air pollution regulations, Administrator William D. Ruckelshaus indicated that to meet the standards, the city would have to boost its use of natural gas by 300%.

Yet, at the same time Mr. Ruckelshaus was making his announcement, the principal pipeline supplying natural gas to New York was reducing its deliveries by 7%.

Shrinkage supplies

While demand soars, natural gas proved reserves (those which are known to exist and which can be economically produced by using conventional methods) have been dropping every year since 1967. Gas sales contracts now in force account for 95% of the 259 trillion cu ft of proved reserves, leaving only 5% available for new customers.

Even more alarming, gas reserves in 1970 totaled only 14 times the nation's annual production of natural gas, a sharp decline just since 1964, when these reserves were 18 times annual production.

In the oil industry, the situation is even worse. Proved oil reserves were 12½ times annual production in 1957; today they're down to nine times annual production.

As a result of the supply pinch, the nation is forced to rely on imports for nearly 25% of its oil needs, and estimates are the figure will reach 50% by 1985. Even that projection anticipates that oil will be available from Alaska's North Slope, which remains highly questionable.

Beyond adversely affecting the U.S.'s already critical balance of payments, this strong reliance on foreign sources—particularly oil from the convulsive Persian Gulf countries—presents as uncertainty of supply that poses grave implications for national security. And as the State Dept. points out, it gives our country less flexibility in conducting its foreign affairs.

Reserves of coal, by contrast, are the nation's most abundant, and could last for centuries. However, environmental restrictions create problems today because most of the readily accessible coal near big Eastern markets has a high sulfur content.

"We have billions of dollars of investment in generating plants in the East that have not been amortized and must be kept going," points out Interior's Assistant Secretary Dole. "Either we're going to have to import low-sulfur coals or oil to utilize these plants, or devise a means for taking sulfur out."

Neither of those alternatives is attractive.

Out in the cold

But it's the natural gas shortage that is most immediately affecting industry. Managers around the country shuddered two years ago when, for example, gas deliveries in Cleveland were shut off to industrial customers because the East Ohio Gas Co. found itself hard put to supply homeowners during a cold spell; some 35,000 workers were laid off temporarily.

Even though last winter was comparatively mild, seven major pipelines across the country were forced to curtail service. Currently, 27 pipelines have filed curtailment plans with the FPC, reports Chairman John N. Nassikas.

Few gas companies in the East or Midwest are accepting new industrial customers. And several—including Washington Gas Light Co., which serves the nation's capital—have been accepting no new customers, residential or industrial, since last November.

Electrical power failures are causing uneasiness among executives, too. Demand for electricity has been averaging an annual growth of about 7%—and doubling every ten years. Of all electricity consumed in the U.S., 68% is for business purposes, and purchased electrical power represents more than a quarter of industry's overall energy needs.

Hot weather could bring problems yet this summer. Even with start-up of many of the 45 new generating plants scheduled to go into operation by September, capacity to meet peak loads will be in "critically tight supply" in parts of the Midwest and the Atlantic Seaboard, notes the OEP. It cites Chicago, Miami, and New York as "cities of special concern."

Despite planned new generating capacity, the electrical power situation seems acute enough that James R. Schlesinger, chairman of the Atomic Energy Commission (AEC), observes that he can "see the day when the country might have to ration electricity."

ENERGY POVERTY IN THE MIDST OF PLENTY

How could a nation so rich in natural resources and technology find itself running out of energy?

"Well-qualified people could have predicted this crisis ten years ago," observes John O. Logan, president, Universal Oil Products Co., Des Plaines, Ill. "Unfortunately, the situation sneaked up on industry. Almost every firm that uses fuel had a contract that appeared to provide enough for the future. There was no reason to question that source of supply."

One development that "sneaked up" was the snowballing increase in energy demand. "Just in the last three or four years, the use of energy in the U.S. has increased faster than the gross national product," notes an Interior Dept. report, citing rapid growth of air conditioning in homes and automobiles; greater use of home appliances; more cars; expanded use of energy-intensive processing of raw materials; and a "running out of opportunities" to apply known technology to increase efficiency in the use of energy.

Government energy planners were slow in spotting the spiraling demand. For example, in 1964 the FPC estimated that electricity consumption would rise about 6.5% annually—far under the 9.2% increase posted in 1970.

The nation's energy situation "is a mess," admitted Assistant Interior Secretary Dole in testimony before the Senate Interior and Insular Affairs Committee earlier this year. And, he concedes to Industry Week, we are "only today doing the planning that we should have done ten years ago."

Worse still, some 61 government agencies deal with energy matters. And frequently they work at crosspurposes.

Government itself concedes the many inconsistencies in its policies. OEP's Gen. Lincoln lists some:

Although financing requirements for utilities and other energy developments call for higher utility rates, such increases are discouraged by President Nixon's economic stabilization program.

The nation relies increasingly on imports of petroleum, yet discourages development of its own petroleum resources. Examples: environmental delays on construction of the transalaskan crude oil pipeline and cancellation of leases in offshore Louisiana oilfields.

The U.S. has vast reserves of only one fuel—coal—yet it has placed environmental restrictions on its use, even though technology for its clean exploitation is still years away.

Because of the danger of polluting the ocean, government is curbing offshore oil drilling, even though the alternative invites increased tanker traffic, which also poses pollution threats.

The nation counts heavily on nuclear power—needed now—to check the rising demand for fossil fuels. Yet it delays development of nuclear plants and boosts the capital required for them through environmental and siting restrictions.

At a time when the U.S. is running out of natural gas, government allows a wellhead price of only one-fourth of the amount proposed by companies to pay for imported gas to meet demand.

Deregulation the answer?

"Unhindered by such regulation, the current gas shortage would not have developed," says the American Gas Assn.'s immediate past chairman, G. J. Tankersley, president of East Ohio Gas Co. "Higher prices would have established themselves based on the premium value of natural gas, which would have provided the necessary incentive for production and may have reduced demand for this fuel."

The FPC agrees that wellhead prices—which average about 25 cents per thousand cubic feet—are too low under today's circumstances. It recently recommended increases ranging from 10 to 35% in some areas, but even those boosts are being held up by court appeals.

However, mere increases in wellhead prices aren't enough, believe many energy experts. John Winger, Chase Manhattan vice president and energy economist, charges that "the idea that the consumer was being protected by the regulation has proved false. Instead, by creating an energy shortage, the controls have done the consumer and the nation a great disservice.

"Therefore," he continues, "the controls should be removed—not merely modified, but removed completely and quickly."

The FPC doesn't agree that complete decontrol is the answer. Such a move would cause "chaos in the market," Thomas Joyce, chief of the FPC's Bureau of Natural Gas, contends.

"If a company has a package of gas, it will hold it until it can get the highest price for it," he tells Industry Week. "You'd see gas prices skyrocket. Now is not the time for complete deregulation for we still have a seller's market."

There's little doubt that FPC's controls have discouraged drilling. Exploratory wells drilled in 1971 hit a 24-year low and were less than half the number drilled in 1956. Investment in exploration has suffered a similar drop. Producers put $4.8 billion—65% of their wellhead receipts—into such activity in 1956; the dollar figure remained the same in 1970, even though demand for both oil and gas had more than doubled. But in 1970 the $4.8 billion investment figure represented only 38% of wellhead income.

Asks Frank N. Ikard, president of the American Petroleum Institute, Washington: "Why should investors put money into discovery wells where the chances of success are only 2 in 100—and where the product, even if brought to market, is price controlled in a way that inhibits a fair return?"

Environmental uncertainties, too, are having an effect on energy company investment. For instance, Thomas D. Barrow, director and senior vice president of Standard Oil Co. (New Jersey), and former president of its Humble Oil & Refining Co. subsidiary, Houston, points out that in 1968 Humble spent $45 million for rights to oil in California's Santa Barbara Channel. But drilling there has been blocked by environmentalists' court suits, and "so far we haven't gotten one penny out of our investment," he laments. Humble's investment in Alaska's North Slope oil fields is similarly uncertain because of environmental snags.

Needed: Big money

It's clear that to meet future demands, energy producers *must* commit massive new funds, not only for exploration and development, but for capital facilities as well.

While the NPC estimates that the U.S. energy industry will require capital expenditures of $375 billion between now and 1985, Kenneth E. Hill, executive vice president and director of Eastman Dillon, Union Securities & Co. Inc., New York, foresees an even higher figure of $475 billion.

Yet, despite the urgent need for capital, government has added to the poor investment problem.

Passage by Congress of the Tax Reform Act of 1969, which reduce the oil depletion allowance from 27½ to 22%, has "deprived the petroleum industry of several hundred million dollars of capital funds annually," says Chase Manhattan's Mr. Winger. That lost capital, he asserts, could have paid for discovery of 1 billion barrels of oil and 5 trillion cu ft of natural gas—enough to satisfy 10% of the nation's needs during the period the legislation has been in effect.

Energy executives bemoan, too, the increased interest of government in antitrust implications. The Federal Trade Commission has launched a new round of investigations into concentrations of power among energy firms, and several Congressional committees are making similiar studies.

Comments Mr. McLean of the National Petroleum Council: "To meet our future energy requirements, a massive industrial effort will be necessary. Many types and sizes of companies will be required, and industry should be given as much freedom as possible . . . to develop the particular corporate forms best suited to the job at hand."

Government also has contributed to the energy crisis by imposing environmental regulations that have caused technology to develop more slowly than expected. Dr. Richard Balzhiser, assistant director and energy chief of the President's Office of Science & Technology, suggests that the meeting of rising environmental demands has "strained the research and development capability of the nation" and diverted attention from other needed technological work that might otherwise have taken place.

AEC Chairman Schlesinger points out another aspect of the problem:

Most of the technology required to offset today's energy shortages has been the responsibility of industry, he says. An exception is nuclear energy which has been a government monopoly. As a result, Mr. Schlesinger asserts, the government has funded R&D money "in a lopsided manner," pouring most of it into nuclear research rather than into other energy sources. "We can see this in retrospect," he admits.

Adding to the technological lag has been the slower-than-expected development of the fast-breeder reactor, which converts atomic waste into usable fuel. This development has been counted on to provide a large share of the nation's energy needs during the transitional stage from our current reliance on fossil fuels to the end of the century when nuclear fusion presumably will be economically and technically feasible.

One reason for the delay, explains Resources for the Future Inc., a nonprofit Washington research organization, is the preoccupation of electric utilities and reactor manufacturers with getting light-water reactors on line in time to meet utility loads. Moreover, it points out, problems in licensing, construction, and the environment have all proved more difficult than envisioned.

WILL ENERGY DARKNESS LEAD TO DAWN?

The Nation's "best hope today" for meeting the growing energy demand is the breeder reactor, said President Nixon in his energy message to Congress last year. But breeder technology is only one of three top priorities identified by the President for joint industry-government R&D efforts.

The other two: coal gasification (which would convert coal into a clean gas which can be transported through pipelines) and stack gas cleaning technology (which would remove sulfur from coal smoke before it is emitted into the air).

The government's logic in pushing these three technologies is to move the nation away from reliance on oil and natural gas and on to more abundant coal and uranium.

The technical feasibility of the breeder has already been proved, but problems remain in its commercialization and in environmental effects. Both problems seem solvable, believes Dr. Balzhiser of the Office of Science & Technology, who expects the breeder to be economically attractive around the mid-1980s.

"The breeder involves a high initial capital cost," he points out, "but it brings fuel costs way down. It should be a significant help in keeping electrical energy prices low."

Next step in the commercialization of the breeder is construction of a demonstration plant. Fund raising for the project, which is estimated to cost $600 million, is going well among electric utility manufacturers, and government plans to contribute $130 million.

Joint industry-government research also is underway on coal gasification through funds from the Interior Dept. and the American Gas Assn. A technique for gasification is commercially available from Germany, but there's a question whether it will work with U.S. coals.

This, too, appears solvable, although Dr. Balzhiser doubts that coal gasification will become economically feasible before 1980. Most estimates indicate that pipeline quality gas from coal will cost from 80 cents to $1.20 per thousand cubic feet—considerably above today's wellhead price of 25 cents for natural gas. "It is more attractive to remove sulfur from coal before combustion rather than at the stack, where stack gas cleaning systems could cost 20 to 25% as much as the whole generating plant," maintains Dr. Balzhiser.

Stack gas desulfurization is a shorter-range goal than either the breeder or coal gasification.

Several processes are being tested and scientists believe that one or more should be available for general use by electric utilities by 1980. Irwin M. Stelzer, president of National Economic Research Associates Inc., estimates that costs will run between 1 and 2 mills per kilowatt-hour—perhaps 1 mill higher if the successful process involves a throw-away product that requires disposal.

Using the rule of thumb that 1 mill per kilowatt-hour is the equivalent of 10 cents per million Btu in fuel costs, the present differential between high- and low-sulfur fuel oil is about 25 cents per million Btu, asserts Mr. Stelzer. That means, he concludes, "that desulfurization costs in excess of 2.5 mills for a proved process would make that process uneconomic—unless the price differential changes."

The government also is eyeing development of oil shale, huge potential resources of which lie under federal lands in the Rocky Mountains region. These have never been tapped commercially, but they offer such promise as a source of low-sulfur oil that President Nixon has ordered preparation of an environmental impact statement as a prelude to federal leasing of the lands.

Further, the government is working with the electric utility industry on developing magnetohydrodynamic (MHD) power, which involves passing fuel through a magnetic field rather than turbines and rotating generators. The process could boost powerplant efficiency to 50 to 60%, besides cutting air and water pollution. Present efficiency in today's advanced powerplants is 40%.

A look at the future

All these developments, however, rely on existing fossil fuel sources. "These are finite, and too valuable for us to be burning for primary energy," observes Dr. Balzhiser. Ultimately, he says, the nation will have to switch to more advanced energy sources.

Of particular promise is nuclear fusion. This would use deuterium from the ocean, and offers "an infinite supply" of fuel if science can learn to control the nuclear reaction involved.

Promising, too, is geothermal energy—converting underground deposits of hot water or steam into energy. In the U.S., however, such deposits appear to be confined to the West. That makes still another form of geothermal energy—making use of hot rock, which is universally under the earth's surface—a more tempting research target.

Another long-range possibility is solar energy—heat from the sun which is converted into electrical energy by using solar cells. Presently, solar cells are too expensive for practical use.

Besides the Administration's technology push to ease the energy crisis, the problem is drawing heavy interest in both houses of Congress.

Despite all the attention within the Administration and on Capitol Hill, the nation has no official "energy policy." Many observers believe that, because of the number of agencies and economic sectors involved, formulating such a policy just isn't possible.

"What we really need, more than a pretty package labeled 'National Energy Policy,' is a reconciliation between environmental policy goals and the realities of the energy circumstances," says Bruce C. Netschert, vice president, National Economic Research Associates Inc.

President Nixon's energy message, however, was a step in the direction of a policy—particularly his proposal that all important federal energy resource development programs be consolidated under a new Dept. of Natural Resources. So far the proposal has made little headway in Congress.

Costs bound upward

Regardless of government actions, it is clear that industry must prepare itself for a future in which energy is going to be in shorter supply. And certainly more costly.

As Secretary Peterson recently told businessmen: "Few predictions I am likely to make will more likely turn out to be right than this one—namely, that the price of energy over the next decade will go up much faster than the cost of goods and services in general."

How much more costly will energy be?

Unfortunately, no one knows. Officials in the coal, oil, and natural gas industries protest there are too many "ifs" involved for them to project future costs of their products.

For the newer fuel sources, however, there is some indication. Besides the 80 cents to $1.20 price per thousand cubic feet estimated for gas from coal, shale oil is likely to cost from $4 to $4.50 a barrel, the Interior Dept. estimates. And a preview of LNG prices came last month when the FPC approved imports of the product from Algeria by El Paso Natural Gas Co., but ruled that El Paso had to charge the actual cost of the import, rather than combine it with the price of its other gas sources. Result: a price of more than $1.50 per thousand cubic feet.

Price increases may come even sooner than many managers expect. Former White House energy adviser S. David Freeman has said he expects the price of oil to rise at least 50 cents a barrel after the election. He looks for even steeper increases in natural gas and electrical energy.

What can managers do?

One thing managers can do now is conserve fuel—an idea the government is selling hard to industry. In a letter to 50,000 top executives this summer, Secretary Peterson contended that energy conservation could reduce demand by as much as 5%. And Gen. Lincoln thinks the practice is so vital that he suggests tax incentives to encourage it.

Managers can also speak out on energy. "Let's face it," says Universal Oil's Mr. Logan. "Perhaps we should take out ads in local papers. Perhaps firms that are heavy users of energy should consider mounting campaigns to let the public know how dangerous this situation is. They advertise for manpower and other valuable resources—and power definitely is a valuable resource."

But managers can, and should, do more. Rather than sit back and hope the crisis will somehow go away, they can insist through their elected officials that definitive estimates be made for future energy costs. None are currently available—which hampers company planning.

This is vital. Nearly every energy expert queried by Industry Week suggests that managers should be seriously studying their existing fuel supply situation, with an eye to possible alternatives.

Says OEP Director Lincoln: "When asked for advice on the future by industry, my office suggests provision for use of alternative fuels. We recognize the cost gets passed on to the consumer. But no one may foresee the future with certainty, and the costs of flexibility seem warranted by the bleak forecasts of energy supply over the next decade."

And even then, there seems no certainty that industry will not flicker as energy fades.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Florida is recognized for not to exceed 15 minutes.

JANE FONDA, RAMSEY CLARK, AND THE WAR IN VIETNAM

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The second assistant legislative clerk proceed to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, in the course of events of 1970, as I campaigned for the U.S. Senate throughout Florida, it became apparent to me that the mood of the people of my State was one of weariness over the Vietnam war. Long since, a decision had been made that we were not going to try to win the war. I felt the loneliness of the mothers and fathers, the wives and families, for sons, brothers, and husbands they had sent to fight in a war they could not seek to win. I shared the despair of those who had lost loved ones. I experienced the distress of those who had men in prisoner-of-war camps or missing in action. I learned of the great concern of those who saw the financial drain the war was having on our country, and I saw the fear of many whose daily living was being affected so adversely by this economic disaster.

My conclusion did not come easy, because I had started the campaign as a hawk on the war, but it did come before the campaign was over. We simply had to get out of the war before it finished draining us of our human and economic resources and before it tore the people of this Nation so far apart that we might never reunite.

So I came to the Senate at the beginning of last year with this responsibility; and ever since, I have consistently supported moves to get this war over. I introduced legislation, I have spoken for other Senators' bills, I have voted time and again to get our troops out upon completing arrangements for release of our POW's and accounting for our men missing in action. I have been disappointed that more has not been accomplished, but I believe we have seen much progress made toward ending the war. And much of this progress, I think, is due to the continuing pressure on the administration coming from legislation passed by the Senate.

I am convinced that the administration does want to end the war. To that end, President Nixon has carried out his program of Vietnamization. This program has trained over a million South Vietnamese troops and placed in their hands the latest in weaponry and equipment. In the process, we have spent $130 billion, and we have been told that Vietnamization is successful and that we can turn the war over to South Vietnam.

In addition, there has been growing support for end-the-war legislation on the House side, as the war has continued and the public has become more and more disenchanted, more and more inclined to our withdrawing and leaving the Vietnamese to ultimately settle their differences. In my opinion this changing tide in Congress must be credited to the public, which has freely made its wishes and feelings known as it has learned more about how dearly this war is costing us.

So it is with all this in mind that I have viewed developments of recent days with growing concern and dismay. First we had the visit to Hanoi by Jane Fonda. She has let herself be used by North Vietnam. There are those who call her "traitor." I am more inclined to believe she is misinformed, misguided, and foolish. She claims merely to be antiwar and interested only in ending the war; yet she has severely damaged that possibility for those of us who have been working to find a responsible end to the war, for her actions have created a negative reaction among a public whose support we desperately need.

Then, on the heels of Miss Fonda's trip, we find former Attorney General Ramsey Clark journeying to Hanoi, reportedly representing an organization called International Commission for Inquiries Into the U.S. War Crimes In Indochina. In the course of his visit radio Hanoi attributed antibombing statements to Mr. Clark and in general Mr. Clark winds up coming across as denouncing the United States. The result: American public opinion again is affected negatively: Congress, which must have public support, is once again undercut in its efforts to find an end to the war.

The American people are not blind. They simply will not accept a one-sided viewpoint and presentation such as those offered by Jane Fonda and Ramsey Clark. They denounce in various terms the United States and its actions but seem to fully condone those of North Vietnam and the Vietcong.

They condemn our action against North Vietnam, yet ignore the fact that it was they who first breached the boundary and entered South Vietnam as aggressors.

Clark is quoted as referring to the "cruel and terrible slaughter in North Vietnam" by bombing, yet makes no mention whatsoever—now or anytime before—of the thousands of civilians herded together and killed at Hue by North Vietnamese soldiers.

In an Associated Press story of August 13 Clark is quoted:

> The fact is that there has been massive inhuman bombing on cities, villages, churches, schools, hospitals, dikes, sluices, canals and the wide water system that supports the culture and the life of this country.

If true, yes, it is horrible. But I do not recall Mr. Clark ever condemning the North Vietnam-Vietcong practice of annihilating civilian residents of villages from which their soldiers are being driven and firing on helpless, fleeing refugees, killing them like flies.

Mr. Clark was allowed to visit one POW camp, he says, where he could interview 10 prisoners produced by the Vietnamese. He tells us how well off and healthy were the men he saw, and by his words implies there is little need for concern about our POW's welfare. This is very strange to me. Why did not Mr. Clark insist on visiting the other POW camps? Why did he not ask for a complete list of POW's and a report on their condition? It is my understanding that the Hanoi government has signed the terms of the Geneva Convention, committing itself to identify and properly care for all POW's in a humanitarian fashion, to allow immediate release of the sick or wounded and to permit inspection of prisoners and camps by a neutral party. Yet, in spite of its signing, Hanoi has continuously refused to meet these terms. Pleas by this country, the International Red Cross and other neutral organizations have been ignored. In a Wednesday, August 16, editorial the Washington Post said of Ramsey Clark:

> He reported in his San Francisco news conference Monday the statements on POW release which Hanoi, knowing of his prominence, wanted him to put before the American people. The statements amounted to Hanoi's familiar public refrain and the fact that he was being used should surprise no one. Attempts to manipulate the other side's public opinion are a standard part of this war. . . .

The previous day, Joseph Kraft wrote:

> Mr. Clark allowed himself to be used by Hanoi radio in a way that others of us who have visited North Vietnam avoided. He is subject to legitimate criticism for poor judgment in this and other matters.

It is reported that Democratic Presidential nominee GEORGE McGOVERN suggested some time ago that Ramsey Clark or "someone along that line" should succeed J. Edgar Hoover as Director of the Federal Bureau of Investigation. This does not appear to me to be a commitment on the part of Senator McGOVERN to Mr. Clark. But I have to say at this time that should I ever be faced with the decision of confirming such a nomination, I would not do it; for Ramsey Clark does not display the objectivity, the sense of fair play, the persistence in pursuing factual evidence that is critical to the FBI job.

Mr. Clark has said our POW's would be released shortly after Senator McGOVERN's election as President, for this would signal that we would no longer support the Thieu regime in Saigon. He said he based this on assurances he received from an unnamed Hanoi newspaper editor and a lesser official of the government. Well, to me his sources are not exactly ironclad. I well recall my visit to Paris shortly after being elected to the Senate to get firsthand information on our POW's from North Vietnam and Vietcong. I met with high officials of those governments, including Madam Binh, and I begged for information. I specifically sought hope that several Florida MIA's were in their hands. I was rebuffed. I asked that letters I brought be allowed to get through. I received no encouragement whatsoever. Consequently, I find it difficult to accept assurances from a newspaper editor and a lesser official.

Though I question their judgment and regret their allowing themselves to be used; regardless of their motives, I do not offer these comments today merely to chastise Jane Fonda or Ramsey Clark. My disappointment and, yes, anger are more deepseated than that. I believe that their actions have created such an adverse public reaction that it makes it impossible for Congress to undertake successfully any measure seeking to legislate an end to the Vietnam war. In other words, Miss Fonda and Mr. Clark have effectively undercut Congress on the war.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from California (Mr. TUNNEY) is recognized for not to exceed 15 minutes.

(The remarks of Mr. TUNNEY on the introduction of S. 3926, with respect to the National Senior Service Corps, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

VIETNAM—RECENT DEVELOPMENTS

Mr. HARRY F. BYRD, JR. Mr. President, the able Senator from Florida (Mr. Chiles) a few moments ago made some remarks in regard to the visit of former Attorney General Ramsey Clark to North Vietnam, and made some reference to his subsequent statements upon his return.

I feel that the comment in the Senate today by the distinguished Senator from Florida is most appropriate, and I share his view in regard to this matter.

No one questions the right of an American citizen to speak on these grave national issues, or express any view that he so desires. That is not the question involved here.

The question is in regard to Mr. Ramsey Clark, who served in a high position in the American Government. He served as Attorney General of the United States at a time when hundreds of thousands of Americans were being sent to Vietnam to fight. He served as Attorney General of the United States, or Deputy Attorney General, at a time when most of the 50,000 men killed in Vietnam were being killed, at a time when most of the 300,000 men wounded in Vietnam were being wounded. Yet he said not a word in opposition to the Vietnam war or in opposition to what the administration he was serving was doing.

President Nixon, coming into office with 550,000 men being in Vietnam, has brought practically all of those men home. More than 90 percent have been brought back since President Nixon has been in office. Yet this former high official of our Government has just made a trip to North Vietnam, has consulted with the enemy there, has made speeches and radio talks saying how terrible the Americans are. I saw on television last night his appearance before a committee of the Senate, displaying what he said was an American bomb being used against the North Vietnamese, and saying how terrible that was. Yet he did not condemn North Vietnam for its invasion of South Vietnam and its attack on American troops.

It seems to me that for those like Mr. Clark, who served in an administration which began the heavy use of ground troops in Vietnam; for a person like Mr. Clark, who served the administration in a high position as Attorney General and not once uttered a statement in opposition to what was being done—it is most unbecoming for him now, at a time when the most delicate negotiations are going on between the United States and other governments in an attempt to end this war, to be going over to North Vietnam and coming back spouting the propaganda of a government at whose hands the United States has suffered 350,000 casualties.

Unlike Mr. Clark, I have asserted from the beginning—from the beginning—that the sending of ground troops to Vietnam was a grave error of judgment. I have been consistent in my view. But so long as we have Americans in Vietnam, so long as we are involved in a fight there, so long as our troops are there, so long as our Commander in Chief is making every effort to protect those men and to bring them home, I am going to support the American servicemen and I am going to support the Commander in Chief in his endeavors to disengage from the struggle.

I submit that one does not support him by going to Hanoi and seeing what Hanoi wants one to see and bringing back evidence submitted by Hanoi to attempt to propagandize the American people.

I think it is a sad day, Mr. President, when a former high official of our government takes such action at this very serious time in the negotiations to bring this long, costly, difficult struggle to a conclusion.

As the Senator from Florida pointed out, I do not believe that these activities of Mr. Clark and Miss Jane Fonda are hurting the Commander in Chief, President Nixon. As a matter of fact, I think they tend to rally the American people behind the Commander in Chief.

Mr. President, I have an article from the Washington Evening Star of Wednesday, August 16. It is the fourth in a series of five articles by Samuel Lubell, a public opinion researcher whose methods of surveying key districts in carefully selected areas have yielded remarkably accurate predictions.

Over the years, I have found Samuel Lubell to be a conscientious researcher. Whatever little political instinct the Senator from Virginia may have certainly coincides with what Mr. Lubell has found to be the sentiment of the American people today.

I am impressed with one aspect of Mr. Lubell's findings which ties in somewhat with this discussion of Mr. Ramsey Clark. Mr. Lubell, in his careful analysis of voter sentiment, says:

> President Nixon's mining of Haiphong Harbor in May gained him the sweeping voter support he needed to exercise a free hand in Indochina until after the election.

Last May, President Nixon took a step which should have been taken 5 or 6 years ago. Had it been taken 5 or 6 years ago, or 4 years ago, the war, in my judgment, would have been over. If the previous President had shut off the supplies by mining the harbor of Haiphong, the war would have been over long ago. President Nixon had the courage to take that step last May, and the American people have rallied behind him for taking such a step.

The American people, Mr. President, are very sensible, intelligent, solid people. They know that President Nixon was faced with a very difficult situation not of his own making.

They know that when he came into office, 550,000 American troops were there by another President. And what has President Nixon done with regard to Vietnam? He has brought back more than 90 percent of those troops. Yet, there is a certain element in this Nation which insists upon condemning him for doing the very thing they say they want done—namely, to bring back the American troops and disengage from Vietnam.

Mr. President, because of its general interest and because it represents a great deal of hard work in a careful survey of the attitudes of the American people on a number of subjects, I ask unanimous consent to have printed in the Record Samuel Lubell's article published in the Washington Evening Star of Wednesday, August 16, captioned "Voters Sense Choice a Basic One."

There being no objection, the article was ordered to be printed in the Record, as follows:

What the Public Is Saying: Voters Sense Choice a Basic One

(By Samuel Lubell)

While interviewing across the country this year, I often felt that I was being forced to become a new kind of war correspondent, trying to make sense of an election that has become a gigantic psychological war for the nation's voters.

Repeatedly, I scribbled into my notebook this message: "Write what psych-war really means, not as seen by politicians in Washington, but which manipulations actually change votes."

My over-all conclusion may startle those political experts and commentators who believe that elections are settled by inspiring speeches, great debates or image-making tricks.

Neither words nor theatricals are too important. What does have a decisive impact is the power to commit the country's future.

These commitments take varied forms. Sometimes the fish hook of commitment becomes lodged in a nation's throat, voter opinion will thrash about furiously, like a powerful, but helpless sailfish.

VIETNAM FISH HOOK

This, of course, is the story of the Vietnam war. By sending bombers over North Vietnam in 1965, Lyndon Johnson committed the United States to a vast escalation of a war that has thrashed on for more than seven years, even though most Ameircans say, "It was a mistake to ever get in it."

President Nixon's mining of Haiphong Harbor in May gained him the sweeping voter support he needed to exercise a free hand in Indochina until after the election, my interviews indicate.

Millions of Americans are still fighting to dislodge the Vietnam fish hook from their craws. But many of the new Nixon supporters, while talking of "getting out," are really searching for some way of staying in Indochina indefinitely, if it can be done without losing American lives.

Some justifications offered for keeping an American base in Indochina are amusing. A stationery store owner in New York City explained, "Look how close Vietnam is to Hawaii." Asked how close Vietnam was, he conceded, "I've never looked at the map."

RATIFY OR REJECT

To retain the presidency, Nixon has taken a succession of actions which have already restructured economic and political power in the country. Any campaign the Republicans wage will be like the tip of an iceberg compared to the largest aspect which represents the future of America, both at home and abroad.

The voters sense this fact, that they really are being asked to ratify or reject these changes which, I believe, explains the special intensity of voter feeling that now prevails.

Political writers like to say that "the American people vote against, not for, candidates." In this year's election, Americans are voting against other Americans.

What are they fighting about? Jobs, for one thing—who is to make them and who is to get them? How are taxes to be paid—or, more accurately, to be evaded?

Here my interviews indicate two commitments are shaping the battle that divides the voters:

First, the priorities of Nixon's uneven economic recovery which strengthened the job-making powers of both business and the military-industrial complex.

Second, the acceptance by both political parties of continued inflation on some scale for years to come.

SCRAMBLE FOR HIMSELF

How does one report the political effects of a general expectation that one's earnings and savings will continue to lose real value by several percentage points each year?

Sometimes I have pictured continued inflation as a siege or blockade, sometimes as having lost air control over one's own country, exposing the people to constant bombardment from every side, unable to tell whether the bombs come from friends or enemies.

Whichever it is, siege or fragmentation bombs, the effect is much the same: To drive everyone to scramble for himself, avoiding hurt as best as he can while trying to push off the cost onto someone else.

Even enthusiastic supporters of the war don't seem to think they should pay their share of its cost.

This past year has brought an impressive surge in the anxieties being voiced about retirement plans. No one's home seems to have enough shelter against the rain of bombs from the inflationary skies.

The wife of a 43-year-old machinist at the Rock Island, Ill., arsenal complained, "We get $300 a month on retirement, but by that time $300 won't be worth anything."

On a nearby street a fireman employed by the city of Rock Island protested, "The teachers have a better plan than the firefighters. We get no cost-of-living increases in our retirement."

TENSIONS ARE TIGHTENING

This has become a nearly universal complaint, of working for different departments complaining that other city workers have better benefits. Factory workers point to the preferences government workers enjoy and vice-versa.

My interviews suggest a great desire in the country for equality in pension and hospitalization.

In Bancroft, Iowa, a post office clerk complained, "They reduced the retirement age to cut down on their employes. But then you find your pension is reduced. They want me to get out, but I have a 15-year-old son to put through college."

How these economic tensions are tightening can be seen in the responses to the question: "What government spending would you want to increase?"

Before the North Vietnamese offensive, the general run of replies was to urge reductions in spending on space, military and defense. Wallace supporters recorded a different pattern, preferring to slash welfare and foreign aid first.

My last interviews reveal a marked surge in demands to cut off welfare: Pressures to lower defense spending have dropped since the mining of Hanoi's harbors, and the strategic arms limitations agreement was reached. Pro-Nixon voters, in fact, now oppose any defense cuts by 2 to 1; the McGovern voters interviewed so far divide evenly.

Nixon's higher military commitments, along with continued inflation, tighten the noose on meeting budgeted costs without tax increases.

This also means that the public's tax-cutting emotions are being forced into a narrow pass, with insurmountable hills on each side, and which brings them out with one visible target against which to expend their wrath—the cost of welfare.

For many people, "welfare" is another side of the antibusing issue.

McGovern's $1,000 income distribution talk is being criticized as "a giveaway to people who don't work."

A hostile reaction could also be expected to the welfare program that Nixon has proposed, with its provision for a minimum family income. If Congress were to pass the President's plan, it could cost him votes.

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALMADGE). Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. TALMADGE. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FEDERAL PURCHASE OF THE KLAMATH INDIAN FOREST

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 893 (S. 3594).

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

> Calendar No. 893 (S. 3594), a bill providing for Federal purchase of the remaining Klamath Indian Forest.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATFIELD. Mr. President, I will not comment at any length about this bill. My colleagues are aware of my concerns I have expressed about why I believe this beautiful 135,000-acre forest should be added to our national forest, so it can be managed under the multiple-use sustained yield policies of the Forest Service.

I ask unanimous consent that my statement at the hearing we held in the Senate Interior Committee on this bill appear at this point in the Record, followed by an excerpt from the Interior Committee report on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Hatfield

As a prelude to my expression of strong support for passage of S. 3594, I would like to point out a little background surrounding the current controversy. The Klamath Termination Act (68 Stat. 718; 25 USC 564) which was passed in 1954 provided for termination of the Klamath Indian Reservation. Amendments to this act further provided certain procedures to be followed. The original disposition resulted in the sale of certain Indian lands to the Secretary of Agriculture, the land becoming the Winema National Forest. Included in that sale were 525,680 acres purchased at a cost of $68,716,691.

The remaining Klamath Indians have decided to terminate the current trusteeship, and the Trustee is required to offer the land to the Secretary of Agriculture. A year is provided in which the Secretary can accept or reject the offer. After this time, the Trustee must offer the land for sale to others at this same price.

On July 2, 1971, the Secretary of Agriculture received the Trustee's offer for his purchase of the remaining Klamath Indian Forest lands. The land total is approximately 135,000 acres, and the purchase price is $51,954,709. Included in this acreage is approximately 888.641 million bd./ft. of marketable timber.

With this background in mind, I want to state my support for this bill in the strongest terms. At the same time, however, I want to express my displeasure at the need for this hearing, the need for S. 3594, and the need for the companion bill in the House of Representatives. This bill merely mandates authority already resting in the Secretary of Agriculture. The Secretary of Agriculture should have purchased these forestlands under his existing authority, and there would have been no need for the current controversy.

A strong case can be made for purchase of the Klamath Indian Forest, and to allow its operation under Forest Service multiple-use guidelines. Our hearing today will offer many sound reasons in support of this, but I would like to touch briefly on a few of them.

1. Purchase by the Federal government would mean a sustained yield of timber, forage, wildlife, water, and other outdoor recreation opportunities. A proper blend of these activities would assure continued enjoyment by future generations of Oregonians.

2. A stable base of raw material would assure long-range economic stability for the timber-based industry in the area.

3. Operation under the Forest Service program of sustained yield timber production would help the country meet its long-range timber needs. Managed as a part of the National Forest, the land would produce an average of 20 to 25 million bd./ft. of sawtimber each year. Estimates are that this timber would generate an estimated $1 million to the Treasury from such timber sales.

4. Long range sustained yield offers a better economic potential for utilization of local Klamath Indians as a part of the stable labor force. More rapid liquidation of the timber would result in greater temporary, migrant labor utilization, and would be a short-term boom. Currently, 40% of the area's employed Indians work in the forest products industry.

These are a few of the benefits to the public that I believe would flow from Federal purchase of the land. I think everyone in this room is aware of what very easily could be the fate of this land if the Secretary does not exercise his option to purchase this beautiful stand of timber. From everything I have been told about the fate of this area, it would be logged more rapidly by private owners than it would be by the Forest Service under its sustained yield program. Private owners will have to pay enough for the land that they will feel forced to get their money out more rapidly, and good, long-range timber management plans will go by the board.

In conclusion, I believe strongly that the Secretary of Agriculture should purchase this valuable land. I would prefer that this had been done under his existing authority, but because of his attitude, more precisely the attitude of the Office of Management and Budget, we have to pursue this legislative solution.

Providing for Federal Purchase of the Remaining Klamath Indian Forest

PURPOSE

S. 3594, introduced by Senator Hatfield with Senator Packwood as cosponsor, would authorize the Secretary of Agriculture to purchase the Klamath Indian Forest lands for $51,954,709, prior to June 30, 1972. Under the provisions of the Klamath Termination Act, as amended, the U.S. National Bank of Oregon, trustee for the tribe, made an offer to the Secretary of Agriculture on July 2, 1971, to purchase the remaining lands for $51,954,709. The Secretary of Agriculture has until July 1, 1972, to either accept or reject the offer. If the offer is not accepted, an offer will be made to private interests.

Fears have been expressed that private firms will buy up this extremely scenic forest and through high-intensity logging and home-site development, instead of multiple-use and sustained-yield management, destroy its great resource value. Some of the forest lies along picturesque rivers and has been described by observers as unusually beautiful. Purchase by the Federal Government would guarantee not only that these lands continue to produce forest products and provide jobs on a sustained-yield basis for future generations, but also that recreational and other mutiple-use values will be adequately protected. Managed as part of the Winema National Forest, the land would be able to meet its full productive potential for satisfying the Nation's long-term timber needs, as well as providing many other public uses of this great resource.

DESCRIPTION

The Klamath Indian Forest is located in Klamath County, Oreg., and is surrounded by Winema National Forest lands. The tract approximates 135,000 acres, of which 133,300 acres consist of timbered land, 1,100 acres of grassland, and 600 acres of other types of land. There are approximately 900 million board feet of merchantable sawtimber on the tract, primarily of ponderosa pine. The tract can produce about 4,000 animal unit months of forage for range cattle and sheep. It contains 9½ miles of frontage on the Williamson River and provides a summer range for three major herds of mule deer.

RECOMMENDATION

The Senate Committee on Interior and Insular Affairs unanimously reports favorably on S. 3594 and recommends early enactment.

DEPARTMENTAL REPORTS

The Department of Interior and the Department of Agriculture reports are set forth in full, as follows:

U.S. DEARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 15, 1972.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on S. 3594, a bill providing for Federal purchase of the remaining Klamath Indian Forest.

We defer to the views of the Department of Agriculture as to whether this bill should be enacted.

S. 3594 directs the Secretary of Agriculture to enter into a contract, prior to June 30, 1972, to purchase Klamath Indian Forest lands that were retained by the tribe and that were offered for sale pursuant to subsection 28(e) of the Klamath Termination Act of August 13, 1954, as amended (25 U.S.C. 564 W–1). The purchase price, which is set at $51,954,709, could be paid in installments, with interest on unmatured installments at a rate that does not exceed the cost to the United States of borrowing money under similar circumstances, as determined by the Secretary of the Treasury.

The Klamath Termination Act of 1954 ended Federal supervision over the trust and restricted property of the Klamath Tribe of Indians and its members, and terminated Federal services furnished such Indians because of their status as Indian. It provided for sale of some of the timber resources and disposition of the forest land retained by the tribe, including a requirement of first offer to the Secretary of Agriculture if the land was offered for sale to other than tribal members.

We understand that the Klamath Indian Forest lands have been offered for sale by the trustee for the Indians, with the Secretary of Agriculture having the first right of refusal. We have no direct interest in the matter, however, as neither the land nor its owners are under the jurisdiction of this Department. Accordingly, we defer to the views of the Department of Agriculture on this bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

HARRISON LOESCH,
Assisant Secretary of the Interior.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., June 16, 1972.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 3594, a bill providing for Federal purchase of the remaining Klamath Indian Forest.

S. 3594 would direct the Secretary of Agriculture to enter into a contract, prior to June 30, 1972, to purchase for $51,954,709 the Klamath Indian Forest lands retained by the tribe and offered for sale pursuant to section 28(e) of the Klamath Indian Termination Act of August 13, 1954, as amended (25 U.S.C. 564 W–1).

The Klamath Termination Act provided for termination of the Klamath Indian Reservation. The act further provides, in part, for disposal procedures, partition, disposal, and trust arrangement for the remaining Indians. The original disposal action resulted in the sale to the Secretary of Agriculture of tribal lands which became the Winema National Forest. This original sale included 525,680 acres which were purchased for $68,716,691 in 1959.

An offer to sell the remaining lands for $51,954,709 was made to the Secretary of Agriculture on July 2, 1971, by the U.S. National Bank of Oregon, trustee for the tribe, under the provisions of the Klamath Termination Act, as amended. The act provides that after offering the lands to members of the tribe, the trust must next offer the lands to the Secretary of Agriculture who is given 12 months to either accept or reject the offer. If not accepted, the offer is then made to private interests. The Secretary's 12-month option ends July 1, 1972.

The Klamath Indian Forest is located in Klamath County, Oreg., and is surrounded by Winema National Forest lands. The tract is composed of 133,300 acres of timbered land, 1,100 acres of grassland, and 600 acres of other types of land. There are approximately 900 million board feet of merchantable sawtimber on the tract, made up primarily of ponderosa pine. It can produce about 4,000 animal unit months of forage for range cattle and sheep. The tract contains 9½ miles of frontage on the Williamson River and is summer range for three major herds of mule deer.

Based on extensive evaluation of the Klamath Indian Forest proposal and in view of the present fiscal situation, we do not favor acceptance of the current offer and recommend that S. 3594 not be enacted.

We believe that there are alternative means available for dealing with the environmental concerns for the land other than by Federal purchase. The State of Oregon and its citizenry are active, interested, and concerned with the conservation and have an active authority to provide land use controls for environmental protection of the land.

The Federal Government already owns 32.2 million acres in the State of Oregon (52.2 percent of the State), including 15.5 million acres of land administered by the Forest Service and 15.7 million acres of land administered by the Bureau of Land Management of the Department of the Interior. There appears to be no compelling national interest in adding another 135,000 acres to Federal ownership in Oregon.

We also believe that the purchase price proposed by the bill exceeds the price that could be justified under a system of multiple-use sustained-yield management of the property as is required by law for national forest management. The price offered by the trustees is based on immediate liquidation of all the harvestable timber. Whereas, on a sustained-yield basis, the timber could be harvested over a long period of time and future incomes accordingly would have to be discounted to arrive at the property's worth for sustained-yield management.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

T. K. COWDEN,
Assistant Secretary.

Mr. HATFIELD. Mr. President, my first amendment to S. 3594 is very simple and is of a technical nature. The bill would require purchase by the Secretary of Agriculture of the Klamath Indian Forest. The language in the bill mentions the purchase price precisely: $51,954,709.

My amendment adds the words "subject to adjustment for growth and cutting" to the purchase price. Because this is a growing forest—and a beautiful one at that—this language should be in the bill. It would cover situations where there had been a cutting contract let for a portion of the land, as would be normal under a sustained-yield management. It also would cover the natural growth over the course if the time since the trustee of the land made the offer to the Secretary of Agriculture.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> On page 1, line 5, insert the following: After the amount $51,954,709 insert the following ", subject to adjustment for growth and cutting.".

Mr. HATFIELD. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HATFIELD. Mr. President, my second amendment extends the time during which the Secretary of Agriculture may contract for the purchase of the Klamath Indian Forest. Language similar to this was included in the Senate-passed version of H.R. 56.

This amendment makes it clear that such extension of time would apply only with the initial offer to the Secretary of Agriculture in June 1971.

I ask unanimous consent that a section of the Senate Interior Committee report on H.R. 56 commenting on this extension appear at this point in the RECORD.

There being no objection, the section of the report was ordered to be printed in the RECORD, as follows:

TITLE IV

Title IV amends the Klamath Indian Termination Act of August 13, 1954 as amended (25 U.S.C. 56 w-1). Under existing law, a twleve-month period is provided for first offer of sale to the Secretary of Agriculture. This period expires June 30, 1972. Following expiration of this period, an offer of sale could be made to a private buyer.

Title IV extends from twelve months ending June 30, 1972, to twenty-four months ending June 30, 1973, the time during which the Secretary of Agriculture is provided the first offer of sale. Because of severe time limitations, the Committee believes such an extension is needed to allow final Congressional action and contract approval.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 1, line - insert the following: At the end of the bill insert a new section as follows:

Sec. — with respect to the offer made on June 29, 1971 and effective with the making of such offer, Section 28(e) of the Klamath Indian Termination Act of 1954, as amended (25 U.S.C. 564w-1), is amended by striking "twelve months" and inserting in lieu thereof "twenty-four months".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 3594) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3594

An act providing for Federal purchase of the remaining Klamath Indian Forest

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is directed to enter into a contract, prior to June 30, 1972, to purchase at a price of $51,954,709, subject to adjustment for growth and cutting, Klamath Indian Forest lands that were retained by the tribe and that were offered for sale pursuant to subsection 28(e) of the Klamath Indian Termination Act of August 13, 1954, as amended (25 U.S.C. 564w-1). The contract may provide for payment of the purchase price in installments, with interest on unmatured installments at a rate that does not exceed the cost to the United States of borrowing money under similar circumstances, as determined by the Secretary of the Treasury.

SEC. 2. With respect to the offer made on June 29, 1971, and effective with the making of such offer, section 28(e) of the Klamath Indian Termination Act of 1954, as amended (25 U.S.C. 564w-1), is amended by striking "twelve months" and inserting in lieu thereof "twenty-four months".

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be permitted to make technical corrections in the engrossment of the bill (S. 3594).

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCHOOL LUNCH ACT

Mr. MANSFIELD. Mr. President, a situation has developed relative to the legislation passed last night covering the school lunch program.

I ask unanimous consent that H.R. 14896, the national school lunch bill, passed by the Senate last night, be amended on page 16, where the amendment by the Senator from New Jersey (Mr. CASE) was inserted, to include at the beginning of that language the following sentence: "Sec. 7. After the first sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) add the following new sentence:" and that the bill as thus amended be passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make certain clerical and technical corrections in the engrossment of the amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ESTABLISHMENT OF THE JOHN D. ROCKEFELLER, JR., MEMORIAL PARKWAY

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3159.

THE PRESIDING OFFICER (Mr. TALMADGE) laid before the Senate the amendment of the House of Representatives to the bill (S. 3159) to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes which was to strike out all after the enacting clause, and insert:

(a) That for the purpose of commemorating the many significant contributions to the cause of conservation in the United States, which have been made by John D. Rockefeller, Junior, and to provide both a symbolic and desirable physical connection between the world's first national park, Yellowstone, and the Grand Teton National Park, which was made possible through the efforts and generosity of this distinguished citizen, the Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to establish the John D. Rockefeller, Junior, Memorial Parkway (hereinafter referred to as the "Parkway") to consist of those lands and interests in lands, in Teton County, Wyoming, as generally depicted on a drawing entitled "Boundary Map, John D. Rockefeller, Junior, Memorial Parkway, Wyoming", numbered PKY-JDRM-20,000, and dated August 1971, a copy of which shall be on file and available for inspection in the Office of the National Park Service, Department of the Interior. The Secretary shall establish the parkway by publication of a notice to that effect in the Federal Register, at such times as he deems advisable. The Secretary may make minor revisions in the boundary of the parkway from time to time, with the concurrence of the Secretary of Agriculture where national forest lands are involved, by publication of a revised drawing or other boundary description in the Federal Register.

(b) The Secretary shall also take such action as he may deem necessary and appropriate to designate and identify as "Rockefeller Parkway" the existing and future connecting roadways within the parkway, and between West Thumb in Yellowstone National Park, and the south entrance of Grand Teton National Park: *Provided,* That any sections of the parkway located within Yellowstone National Park or Grand Teton National Park shall be administered and managed in the same manner and in accordance with the same regulations and policies as the other portions of such parks.

SEC. 2. Within the boundaries of the parkway, the Secretary may acquire lands and interests in lands by donation, purchase, exchange, or transfer from another Federal agency. Lands and interests in lands owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation. Lands under the jurisdiction of another Federal agency, shall, upon request of the Secretary, be transferred without consideration to the jurisdiction of the Secretary for the purposes of the parkway.

SEC. 3. (a) The Secretary shall administer the parkway as a unit of the national park system in accordance with the authority contained in the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented.

(b) The Secretary shall permit hunting and fishing within the area described by section 1(a) of this Act in accordance with applicable laws of the United States and the State of Wyoming, except that the Secretary may designate zones where, and periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

(c) The lands within the parkway, subject to valid existing rights, are hereby withdrawn from location, entry and patent under the United States mining laws.

SEC. 4. For the purposes of this Act, there are authorized to be appropriated not more than $25,000 for the acquisition of lands and interests in lands and not more than $3,092,000 for development.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from New York is recognized.

(The remarks of Mr. JAVITS on the introduction of S. 3927, with respect to a Federal Full Employment Board, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. MANSFIELD. Mr. President, how

much time remains on the morning business under the agreement?

The PRESIDING OFFICER. All time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time be extended for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE NATIONAL RAILROAD PASSENGER CORPORATION

A letter from the vice president of the National Railroad Passenger Corporation submitting, pursuant to law, its report for the month of July 1972 (with accompanying report); to the Committee on Commerce.

POSITIONS ESTABLISHED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator of the National Aeronautics and Space Administration submitting, pursuant to law, its report on the positions established as of June 30, 1972; to the Committee on Post Office and Civil Service.

CANCELLATION OF APPROVAL OF CERTAIN PROSPECTUSES

A letter from the Acting Administrator of General Services submitting a list of buildings transferred to the U.S. Postal Service on July 1, 1971, and requesting approval of prospectuses thereon be canceled (with accompanying papers); to the Committee on Public Works.

REPORT ON RAILROAD-HIGHWAY GRADE CROSSING SAFETY

A letter from the Secretary of Transportation submitting, pursuant to law, the second part of a two-part report on railroad-highway grade crossing safety in accordance with the requirements of the Highway Safety Act (with accompanying report); to the Commitee on Public Works.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

U.S. SENATE,
Washington, D.C., Aug. 17, 1972.

Hon. SPIRO T. AGNEW,
Vice President of the United States,
U.S. Senate,
Washington, D.C.

MY DEAR MR. VICE PRESIDENT: I do hereby submit my resignation as a Senate designee to the American Revolution Bicentennial Commission.

With sentiments of esteem and affection to you personally, I am,

Respectfully yours,
JOHN O. PASTORE.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ROBERT C. BYRD):

A resolution of the city council of the city of Rock Island, Ill., recording its opposition to the Department of the Treasury regulation making State or local government bonds taxable; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HART, from the Committee on Commerce, without amendment:

H.R. 10310. A bill to establish the Seal Beach National Wildlife Refuge (Rept. No. 92–1075).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force (retired) (Rept. No. 92–1077);

H.R. 4485. An act for the relief of Estelle M. Fass (Rept. No. 92–1078); and

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes (Rept. No. 92–1079).

By Mr. KENNEDY, from the Committee on the Judiciary, without amendment:

S. 3671. A bill to amend the Administrative Conference Act (Rept. No. 92–1076).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with amendments:

S.J. Res. 202. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States (Rept. No. 92–1080).

MAJORITY AND MINORITY WHIPS OF THE SENATE (S. DOC. NO. 92–86)

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader (Mr. SCOTT) and myself, I ask unanimous consent to have printed as a Senate document "Majority and Minority Whips of the Senate," a history of the development of the party whip system in the Senate, compiled by Walter J. Oleszek, Ph. D., analyst, American National Government, Congressional Research Service.

This work was undertaken at the request of the joint leadership, the Senator from Pennsylvania (Mr. SCOTT) and the Senator from Montana now speaking.

The PRESIDING OFFICER (Mr. GRAVEL). Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EAGLETON, from the Committee on the District of Columbia:

H. Carl Moultrie, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia; and

Stanley S. Harris, of Maryland, to be associate judge of the District of Columbia Court of Appeals.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TUNNEY (for himself, Mr. GRAVEL, Mr. HUMPHREY, Mr. MOSS, and Mr. RANDOLPH):

S. 3926. A bill to provide new programs for the aging through the establishment of the National Senior Service Corps, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS (for himself, Mr. MONDALE, Mr. BROOKE, Mr. CASE, Mr. PELL, Mr. HUMPHREY, Mr. HARRIS, Mr. HUGHES, Mr. HART, Mr. HARTKE, Mr. MATHIAS, Mr. MUSKIE, Mr. RANDOLPH, Mr. MOSS, and Mr. WILLIAMS):

S. 3927. A bill to provide for the implementation of a full employment policy through the establishment of a Federal Full Employment Board and the provision of increased assistance for job development in the public and nonprofit private sectors, and related training and assistance. Referred to the Committee on Labor and Public Welfare.

By Mr. FONG:

S. 3928. A bill to provide assistance for relief, rehabilitation, and reconstruction in the Philippines related to the recent floods. Referred to the Committee on Foreign Relations.

By Mr. BUCKLEY:

S. 3929. A bill to prevent the use of heroin for any drug maintenance program. Referred to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina:

S. 3930. A bill to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C. Referred to the Committee on Interior and Insular Affairs.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 3931. A bill to establish the Lake Berryessa National Recreation Area in the State of California, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 3932. A bill to protect nondisclosure of information and sources of information coming into the possession of the news media. Referred to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 3933. A bill entitled the Hide Regulation Certificate Act of 1972. Referred to the Committee on Finance.

By Mr. MILLER (for himself and Mr. HUGHES):

S. 3934. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Algona, Iowa, for airport purposes. Referred to the Committee on Commerce.

By Mr. JAVITS:

S. 3935. A bill to amend the Public Health Service Act to provide for restrictions on funds for experimental use. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TUNNEY (for himself, Mr. GRAVEL, Mr. HUMPHREY, Mr. MOSS, and Mr. RANDOLPH):

S. 3926. A bill to provide new programs for the aging through the establishment of the National Senior Service Corps, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL SENIOR SERVICE CORPS ACT

Mr. TUNNEY. Mr. President, today I am introducing the National Senior Service Corps Act of 1972, to create a new Federal volunteer program through which persons of all ages can serve to satisfy some of the most basic and pressing needs of our Nation's senior citizens. I am pleased to be joined in introducing this bill by Senators GRAVEL, HUMPHREY, MOSS, and RANDOLPH.

This act first and foremost establishes a National Senior Service Corps, a corps open to volunteers of all ages administered by a new associate director of Action and designed to enable volunteers to work in the following areas:

First, in the creation, development, and operation of neighborhood centers, where persons of all ages can work together to assist our Nation's older citizens in meeting their nutritional, recreational, social, intellectual, and legal needs.

Second, in the creation, development, and operation of day care centers, where our Nation's senior citizens can assist citizens of other ages in meeting their day care needs.

Third, in the creation, development, and operation of neighborhood medical centers, where persons of all ages can work together to assist our Nation's older citizens in meeting their health and medical needs.

Fourth, to assist senior citizens to leave their residences and participate in the activities of their communities, through improving their access to transportation facilities and also to the social and economic resources of their communities.

Fifth, to develop opportunities whereby any senior citizen can participate in his or her community, affording him or her better opportunities to become integrated into his or her community and involved in the activities of citizens of all ages.

Sixth, to assist, through proper counseling and other aids, senior citizens to obtain proper and adequate housing.

Seventh, to provide assistance, such as homemaker and home health aid, to senior citizens within their own residences in an effort to make their lives more comfortable and to reinforce their dignity as human beings.

Mr. President, the purpose of this act, the purpose of creating such a National Senior Service Corps, is to improve the lives and conditions of older Americans and to combat the loneliness and increasing separation from the rest of society which so often characterizes their lives. We will remind older Americans that they are still needed and that we value their participation in and contribution to society.

The needs of senior citizens have been well documented. We all know that they are urgent and that they encompass a broad variety of concerns. We can respond to many of them through this program, for their needs are human needs. They are urgent concerns which require personal consideration. They are not the type of issues which are usually met effectively by a government. They require sensitivity and compassion. They require individual concern.

The Senior Service Corps can be an important instrument in expressing that concern. It can serve as an invaluable vehicle to help our senior citizens feel needed and involved, to restore dignity and respect to their lives.

Delegates to the 1971 White House Conference on Aging stressed the view that senior citizens must have the benefit of specialized programs and services designed for their own distinctive needs in such areas as transportation, housing, home health care, nutrition, and recreational activities. They also recommended that this Nation develop a way to bridge the generation gap which is created almost inevitably between those who work and those in retirement.

Articles, reports, and other publications remind us of what we should already know: That the elderly in this country are too often left alone to care for themselves and get along as best they can, without any real place to turn for help when troubles occur.

Mr. President, these problems must be addressed. They must be resolved. They must be confronted constructively and directly. They must be overcome—and soon. The Senior Service Corps will help dramatically to redress them, in a progressive and human way.

The Senior Service Corps will enable the younger, the middle aged, and the older citizens of America to offer their services to help older Americans to live a fuller life. It will help senior citizens to feel integrated with society by providing them with effective opportunities to interact with people of all ages.

It will be especially important to confront through the Senior Service Corps the problems of seniors in all income categories. The loneliness and separation which occurs with advancing age cannot be limited to any particular class of older persons. Accordingly, the Senior Service Corps will be designed to help all of our Nation's older citizens, those who are poor as well as those who are not.

Even though 25 percent of our senior citizens fall into the poverty category, the basic needs of most older Americans know no economic boundaries. It is evident that the emphasis on some of the most important volunteer programs established under the Senior Service Corps Act will be directed toward the elderly poor. The poor will have more pressing needs. But we should not define the parameters of the act by the economic level of the persons affected by it.

It will also be important to provide special incentives which will enable older Americans to help other older Americans. Accordingly, the National Senior Service Corps Act provides special and auxiliary volunteer opportunities which are designed especially to encourage and facilitate the cooperation of older volunteers in the Corps.

In fact, I believe that many of the volunteers who will work in this program—though by no means all—will come from the ranks of the young. They will have the time, energy, and spirit to commit themselves for a period of time on a full-time basis to the goals of the program. They will be willing and able to dedicate a part of their lives to make the lives of older persons fuller and richer. I believe very deeply that this opportunity should be afforded to younger Americans, who will learn and grow from the human interaction and the personal commitment which will result from participation in the National Senior Corps. I believe that we should provide the leader of tomorrow the opportunity to serve yesterday's leader today.

In order to streamline and ease the administrative problems which legislation such as this might entail. The act provides that all of the programs which are currently administered by ACTION and which deal with the elderly—foster grandparents; RSVP, retired senior volunteer program; SCORE, Service Corps of Retired Executives and ACE, Active Corps of Executives—all of those programs, shall be administered directly by a new associate director of ACTION for senior citizens. That new position will enable ACTION to provide a higher priority to the elderly, devote more of its attention and care to older Americans, and administer more effectively the new National Senior Service Corps.

I urge your support, then, in establishing the National Senior Service Corps. Through it, individuals of all ages will be better able to contribute to the welfare of America by making this Nation a better place in which to grow old. For through the Senior Service Corps, we can better show our older neighbors that we are aware of their unique needs and contributions and that we are dedicated to making their lives more enjoyable.

Since the Corps would be a volunteer program, a program of human service where the basic commodity involved is time, its cost would prove minimal in relationship to the benefits which it would provide. I believe that the Corps would improve not only the morale of those senior citizens who often feel that they are neglected and forgotten but also of those individuals who would serve as volunteers and who would thereby gain a new outlook on life through their experience in serving the elderly.

I would hope that this act will be enacted promptly. The urgency of the situation will only increase with the passage of time.

By the year 2000, I am told, the number of senior citizens in America will have increased by almost 50 percent—from 20,000,000 to nearly 30,000,000. Their needs will increase commensurately.

It is imperative, therefore, Mr. President, that we establish now a framework to deal with these needs, and that we reestablish for older Americans, in a world of increasing anonymity, the pathway to human warmth and understanding. It is long past time to remind our senior citizens of their unique spirit and importance to the rest of this land. America should gratefully say to her senior citizens:

"Thank you for your help and work in making this land what it is. Stay with it and with us, in a partnership of young and old where increasing age serves not as a barrier but as a reminder that with age comes experience and wisdom."

We need our senior citizens. We need their participation in society. We need their continued involvement and their human insights. Let us show them that need.

I believe, Mr. President, that the National Senior Service Corps Act and the National Senior Service Corps which it will establish, will vastly improve the lives and conditions of America's senior citizens.

Mr. President, I ask unanimous con-

sent that the text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Senior Service Corps Act".

STATEMENT OF PURPOSE

SEC. 2. In order to improve the lives and conditions of our Nation's citizens who are 62 years of age or older and to combat the loneliness and increasing separation from the rest of society which characterizes the lives of many of our Nation's senior citizens, it is the purpose of this Act, through the establishment of a National Senior Service Corps, to provide a program of full-time volunteer service together with a program of special and part-time community service.

ESTABLISHMENT OF THE NATIONAL SENIOR SERVICE CORPS

SEC. 3. (a) In order to carry out the purpose of this Act, there is hereby established within ACTION the National Senior Service Corps. The Corps shall be administered by an Associate Director for Senior Citizens of ACTION who shall be apopinted by the President by and wtih the advice and consent of the Senate. The associate director shall carry out his functions under the supervision and direction of the director of ACTION.

PROGRAM AUTHORIZED

SEC. 4. (a) The Director is authorized to—

(1) recruit, select, and train persons to serve in full-time volunteer programs, including—

(A) the establishment, development, and operation of neighborhood centers, where people of all ages can work together to assist our Nation's senior citizens in meeting nutritional, recreational, social, intellectual, and legal needs;

(B) the establishment, development, and operation of Day Care Centers, where our Nation's senior citizens can assist in the care of the children served;

(C) the establishment, development, and operation of Neighborhood Medical Centers, where persons of all ages can work together to assist our Nation's older citizens in meeting their health and medical needs;

(D) participation by senior citizens in appropriate activities in their communities, especially improved access to transportation facilities;

(E) developing greater opportunities whereby senior citizens can participate in community affairs;

(F) counseling and other activities designed to assist senior citizens to obtain proper and adequate housing; and

(G) providing assistance within the residence of those senior citizens who desire home-maker and home-health services.

(2) assign such volunteers to work in any program described in paragraph (1), upon the request of any Federal, State or local public agency or private non-profit organization;

(3) provide, either directly or by way of contract, grant or other arrangement, for appropriate training for such volunteers under this Act, both prior to and during service in the Corps, which he determines will contribute to carrying out the purposes of this Act; and

(4) make grants to any public agency or non-profit organization to whom volunteers will be assigned under this Act to pay not to exceed 50 percent of the cost of carrying out the programs in which such volunteers will be serving.

(b) The number of persons selected by the Director for service in the Corps shall be determined by the President after consultation with the Secretary of Health, Education, and Welfare.

(c) Grants under paragraph (4) of subsection (a) of this section shall be made on such terms and conditions as the Director deems necessary to protect the interests of the United States, including adequate fund accounting and reporting provisions.

NATIONAL SENIOR SERVICE CORPS VOLUNTEERS

SEC. 5. (a) The Director may enroll in the National Senior Service Corps residents of the United States who make a personal commitment on a full-time basis to improve the lives and conditions of our Nation's senior citizens. The Director is authorized to make whatever arrangements he deems practicable to assure that the commitment required by this subsection includes an agreement by the volunteers while in the service of the National Senior Service Corps to be available for service without regard to regular working hours (except for authorized periods of leave).

(b) The terms and conditions of enrollment (training, compensation, benefits, leave, termination, and all other terms and conditions of the service as volunteers) shall be in accordance with the provisions of this Act and such regulations as the Director may prescribe. In selecting volunteers under this Act, no political test shall be required or taken into consideration, nor shall there be any discrimination against any person on account of race, creed, color, sex, or national origin.

(c) Volunteers under this Act shall be enrolled for a one-year period of service excluding the time devoted to training. The Director may enroll volunteers for periods of service less than one year where he determines to do so would promote the purposes of this Act.

SUPPORT OF FULL-TIME VOLUNTEERS

SEC. 6. (a) The Director may provide a stipend to volunteers under section 5 of this Act while they are in training and on assignment, but the stipend shall not exceed $75 per month. The Director may provide a stipend not to exceed $100 per month in the case of volunteers who, in accordance with standards prescribed by him, have been designated to fill positions of responsibility by reason of their experience or special skills. The Director may also provide volunteers such travel (including travel to and from the place of training) and living allowances, such housing, supplies, equipment, subsistence, clothing, health and dental care, and such other support as he may deem necessary or appropriate for their needs.

(b) Stipends shall be payable only upon completion of a term of service; except that in extraordinary circumstances the Director may from time to time advance accrued stipend, or any portion thereof, to or on behalf of a volunteer. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

AUXILIARY AND SPECIAL VOLUNTEER PROGRAMS

SEC. 7. (a) (1) The Director is authorized to develop programs designed to expand opportunities for persons to participate in volunteer activities in their homes and nearby communities on a part time basis or for shorter periods of service then are required under section 5. Such programs shall be designed to contribute to the improvement of economic and social conditions of senior citizens. Pursuant to appropriate agreements or arrangements the Director may provide financial, technical, or other assistance needed to carry on projects that are undertaken in connection with programs under this paragraph. The projects may include, without limitation, activities designed (A) to encourage persons with needed managerial, professional, or technical skills to contribute those skills to programs for the development or betterment of urban and rural neighborhoods or areas having especially large concentrations or proportions of the elderly, with particular emphasis upon helping residents of those neighborhoods or areas to develop the competence necessary to integrate the older citizens with the rest of their communities; and (B) to assist existing national and local agencies which rely upon or need volunteers to obtain volunteer services more readily, or to provide specialized short-term training, with particular emphasis on agencies serving the most seriously disadvantaged of the elderly.

(2) The Director may provide a stipend to volunteers under this subsection but the stipend shall not exceed $75 per month. The Director shall take such action as he determines necessary to assure that stipends paid under this paragraph are paid in monthly or other short-term installments. The Director may also provide such other support and allowances as he determines pursuant to regulations and required because of special circumstances affecting the project assisted under this section.

(3) The services of any person, if otherwise allowable as a non-Federal contribution toward the cost of any program or project assisted under this or any other Federal Act, shall not be disallowed merely by reason of actions of the Director under this section in providing for or assisting in the recruitment, referral, or preservice training of such person.

(b) The Director is authorized to conduct, or provide by grant or contract for, special volunteer programs designed to stimulate and initiate improved methods of providing volunteer services and to encourage wider volunteer participation, in furtherance of the purposes of this title.

DEMONSTRATION PROJECTS FOR SENIOR CITIZENS

SEC. 8. The Director is authorized to conduct directly or by way of grant, contract, or other arrangement not to exceed eight demonstration projects in communities where there are high concentrations of senior citizens living under difficult economic and social conditions, in order to expand or improve existing programs or to develop new and especially promising solutions to the particular needs of senior citizens particularly innovative uses for the volunteers of the National Senior Service Corps. At least two of the demonstration projects authorized under this section shall be carried out in counties with a population in excess of 3,000,000 inhabitants.

SPECIAL LIMITATIONS

SEC. 9. (a) The Director shall prescribe regulations to assure that service under this Act is limited to activities which will not result in the displacement of employed workers or impair existing contracts for service.

(b) All support, including transportation provided to volunteers under this Act, shall be furnished at the lowest possible cost consistent with the effective operations of volunteer programs.

(c) No agency or organization to which volunteers are assigned hereunder, or which operates or supervises any volunteer program hereunder, shall request or receive any compensation for services of volunteers supervised by such agency or organization.

(d) No funds authorized to be appropriated herein shall be directly or indirectly utilized to finance labor or anti-labor organization or related activity.

(e) Persons serving as volunteers under this title shall provide such information concerning their qualifications, including their integrity and their ability to perform their assigned tasks, as the Director shall prescribe and shall be subject to such procedures, for selection and approval as the Director may require. The Director may fix such special procedures for the selection and approval of low-income residents of the area to be served by a program who wish to become volunteers as he determines will contribute to carrying out the purposes of this Act.

ADMINISTRATIVE PROVISIONS

SEC. 10. (a) In carrying out the provisions of this Act, the Director shall take such action as may be necessary to encourage the fullest participation of senior citizens as volunteers. In addition, the Director is authorized to take such action as he deems necessary to encourage the development of a variety of volunteer services to senior citizens whose income is below the poverty line established pursuant to the Economic Opportunity Act of 1964 designed to assure that such senior citizens are served in proportion and according to their needs.

(b) The Director shall carry out the provisions of this Act through the Associate Director for Senior Citizens.

(c) In order to carry out the provisions of this Act the Director is authorized to—

(1) enter into and perform such contracts, leases, cooperative agreements with and make payments (in advance, by transfer, or otherwise) to any public agency or any private person or organization;

(2) prescribe such rules and regulations as he deems necessary;

(3) accept in the name of the Corps and employ in furtherance of the purposes of this Act (A) voluntary services, notwithstanding the provisions of section 3679(b) of the Revised Statutes, as amended (31 U.S.C. 665(b)), and (B) any money or property (real, personal or mixed, tangible or intangible) received by gift, devise, bequest, or otherwise;

(4) appoint and fix the compensation of such personnel as he deems necessary;

(5) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5 of the United States Code, but at a rate not to exceed $100 per day for individuals;

(6) appoint such advisory committees as he may determine to be desirable to contribute to the purpose of this Act;

(7) use the services, personnel, facilities, and information of Federal executive agencies and those of State and local public agencies and private research agencies, with the consent of such agencies, with or without reimbursement therefor; and

(8) submit an annual report to the President and to the Congress on the administration of this Act.

(d) Upon request made by the Director, each Federal department and agency is authorized and directed to make its services, personnel, facilities, and information (including suggestions, estimates and statistics) available to the greatest practicable extent to the Corps in the performance of its functions.

(e) Each member of a committee appointed pursuant to paragraph (6) of subsection (c) of this section shall receive $125 a day (including travel time) for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence and necessary expenses incurred in the performance of his duties.

(f) The Director is authorized and directed to carry out—

(1) the Retirement Senior Volunteer Program authorized by part A of title VI of the Older Americans Act of 1965;

(2) the Foster Grandparent Program authorized by part B of such Act;

(3) the Senior Corps of Retired Executives (SCORE) authorized by section 8 (b) of the Small Business Act, and

(4) the Active Corps of Executives (ACE), authorized by section 8(b) of such Act, through the associate director.

COORDINATION WITH OTHER PROGRAMS

SECTION. 11. The Director is authorized to take such action as may be necessary to coordinate each program authorized under this Act with other programs authorized under this Act, particularly in the same community, with programs assisted under the Older Americans Act of 1965, with community action programs authorized under title II of the Economic Opportunity Act of 1964 and with other similar and related Federal, State and local programs. Actions under this section may include, to the extent feasible, promoting service by volunteers or former volunteers in the full-time programs authorized under part A in providing necessary support to programs under part B, and actions to encourage persons serving as part-time or short-term volunteers to make commitments under part A as regular or associate full-time volunteers. The Director shall consult with the heads of other Federal, State, local, and public agencies responsible for programs related to the needs of senior citizens with a view to encouraging greater use of volunteer services in those programs under their jurisdiction and adequate procedures for the recruitment, referral, or necessary preservice orientation or training of part-time volunteers serving pursuant to this part.

APPLICATIONS OF OTHER PROVISIONS OF FEDERAL LAW

SEC. 12. (a) Except as provided in section 8332 of title 5, United States Code, and subsections (b) and (c) of this section, volunteers under this Act shall not be deemed Federal employees and shall not be subject to the provisions of laws relating to Federal employment.

(b) Individuals who receive a stipend under this Act, with respect to such services or training, shall—

(1) be deemed, for the purposes of subchapter III of chapter 73 of title 5 of the United States Code, persons employed in the executive branch of the Federal Government, and

(2) be deemed Federal employees to the same extent as volunteers under the Peace Corps Act, except that for purposes of the computation described in section 5(d) of such Act the monthly pay of a volunteer shall be deemed to be that received under the entrance salary for GS-7 under section 5332 of title 5, United States Code.

(c) Any period of service of a volunteer under this Act shall be credited in connection with subsequent employment in the same manner as a like period of civilian employment by the United States Government—

(1) for the purposes of section 852(a)(1) of the Foreign Service Act of 1946, as amended (22 U.S.C. 1092(a)(1)), and every other Act establishing a retirement system for civilian employees of any United States Government agency; and

(2) except as otherwise determined by the President, for the purposes of determining seniority, reduction in force, layoff rights, leave entitlement, and other rights and privileges based upon length of service under the laws administered by the Civil Service Commission, the Foreign Service Act of 1946, and every other Act establishing or governing terms and conditions of service of civilian employees of the United States Government: *Provided*, That service of a volunteer shall not be credited toward completion of any probationary or trial period or completion of any service requirement for career appointment.

AMENDMENT TO TITLE 5, UNITED STATES CODE

SEC. 13. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(132) Associate Director for Senior Citizens, ACTION."

AUDIT AND REVIEW

SEC. 14. The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of any agency, to whom volunteers are assigned under this Act or to whom a grant is made under this Act, that are pertinent to such assignments or grants.

DEFINITIONS

SEC. 15. (a) As used in this Act, the term—

(1) "Corps" means the National Senior Service Corps;

(2) "Director" means the Director of ACTION;

(3) "associate director" means the Associate Director of ACTION for Senior Citizens;

(4) "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands: and

(5) "senior citizens" means any individual who is 62 years of age or older and who resides in any State.

AUTHORIZATION OF APPROPRIATIONS

SEC. 16. There are authorized to be appropriated not to exceed $—— for the fiscal year ending June 30, 1973, and for each of the 3 succeeding fiscal years as may be necessary to carry out the provisions of this Act.

By Mr. JAVITS (for himself, Mr. MONDALE, Mr. BROOKE, Mr. CASE, Mr. PELL, Mr. HUMPHREY, Mr. HARRIS, Mr. HUGHES, Mr. HART, Mr. HARTKE, Mr. MATHIAS, Mr. MUSKIE, Mr. RANDOLPH, Mr. MOSS, and Mr. WILLIAMS):

S. 3927. A bill to provide for the implementation of a full employment policy through the establishment of a Federal Full Employment Board and the provision of increased assistance for job development in the public and nonprofit private sectors, and related training and assistance. Referred to the Committee on Labor and Public Welfare.

FULL EMPLOYMENT AND JOB DEVELOPMENT ACT OF 1972

Mr. JAVITS. Mr. President, I introduce for myself and Senator MONDALE, the Full Employment and Job Development Act of 1972. We are joined by the following cosponsors: BROOKE, CASE, HARRIS, HART, HARTKE, HUGHES, HUMPHREY, MATHIAS, MOSS, MUSKIE, PELL, RANDOLPH, and WILLIAMS, the chairman of the Committee on Labor and Public Welfare.

The bill consists of two major elements, designed to implement the national objective of full employment.

First, it would establish a Federal Full Employment Board as an independent agency in the executive branch of the Federal Government.

Second, it would establish a full employment assistance fund to be used at the discretion of the Board by the Secretary of Labor for the provision of financial assistance for job development and related training in public service fields.

Mr. President, the Employment Act of 1946 identified "maximum employment" as a national goal.

But, if we put aside rhetoric and take stock of the actual situation, it is quite clear that the promise of full employment so implicit in the very fabric of our society, has been honored more in breach than in observance by this, as by all past administrations since 1946.

We do not have a positive goal; we have a negative one. Instead of asking "Have we achieved full employment?" we usually ask "Is the economy growing fast enough?"

We have in no sense a comprehensive program to reach full employment. We have manpower training and on-the-job training, economic development efforts and "full employment" budgets, and limited public service employment programs.

But we have no way to coordinate or to get an overview of these uncoordinated initiatives and to insure the maximum utilization of resources and to chart a course toward full employment.

And worse still, we have no precise measurement of what is full employment; instead we apply a negative standard. We do not ask "Have we reached full employment?" We ask instead "Is unemployment at an 'unacceptable' or 'intolerable level?" Thus, even in our criteria we subordinate automatically employment objectives to other objectives.

We overlook the fact that at any given time since the Full Employment Act was enacted in 1946 the unemployment situation has been intolerable for at least 2 million persons.

It is clearly unacceptable now at 5.5 percent with almost 5 million unemployed in July, including all socioeconomic segments of the population from the chronically poor to more recently displaced aerospace engineers and technicians.

It is clearly intolerable when particular towns and cities and areas within cities have levels substantially above the national norm. For example, the most recent statistics in my own State show a rate of 7.7 percent in Buffalo and 9.3 percent in the Utica-Rome area.

Mr. President, how costly is our failure to reach full employment in terms of loss of productivity, added welfare, correctional costs, and increased unemployment compensation?

How ironic these facts are in a society that gives such importance to work as a part of life.

How tragic it is for millions of citizens who suffer loss of dignity as well as loss of earnings for our failure to match opportunity for work with the tenets of our free society.

Mr. President, I urge that we take action now which will provide a framework for a true "full employment" program in the near and longer term future. Should we not try to fix the roof now while the rain leaks through so heavily? If we wait for a drier spell, then I am concerned that once again we will muddle along full of rhetoric but lacking in any clear policy or procedure.

As I indicated, the bill would seek that objective in two basic ways.

THE FEDERAL FULL EMPLOYMENT BOARD

The bill would establish a Federal Full Employment Board as an independent agency in the executive branch.

The Board would consist of five full-time members appointed by the President, subject to Senate confirmation including one representative of labor, one representative of management, one distinguished economist, one manpower expert, and one member from the general public.

Among the principal responsibilities of the Board are the following:

First, the Board would recommend to the President and to the Congress each year a program to achieve full employment, and alternate means of achieving that objective, in terms of monetary, fiscal, wage and price, manpower, and other relevant policies; it would do so principally in an annual full employment report submitted to the Congress and the President for their consideration.

In this way, the Board would serve as an advocate for full employment within the Federal structure.

We have no agency at the present time which may serve adequately and forcefully in that capacity. The Council of Economic Advisers established under the 1946 act has been given a broader, and wholly advisory function; its responsibility is to oversee the general economy; it should not and cannot be an advocate for full employment alone and it has not been. Neither can the National Commission on Productivity serve that function, as it too, has a related but different focus.

The Department of Labor, while generally entrusted with the goal of full employment has no charter to make recommendations with respect to the many programs outside of its jurisdiction which have substantial effects on full employment; for example, monetary, fiscal, wage and price, budgetary, and other policies generally.

This is not intended as a criticism of the Department of Labor, but, as in most areas, it is always helpful to give an independent body the authority to "look over the shoulder" and make recommendations as to changes in the national interest.

Today the Government has a whole range of powerful tools available to it to help control the economy and insure that employment goals are reached. Budgetary policy, tax policy, procurement policy, the timing and location of public works, control of interest rates, foreign trade and investment policy, and wage and price controls as well as manpower training programs, are all powerful levers on employment levels.

It is about time that we started pulling those levers in a planned way so as to achieve and maintain full employment as well as price stability.

Second, the Board would undertake manpower planning and long-range and short-term surveys to estimate employment and manpower needs in terms of demand and supply, by sector, by geographic area, by industry, and occupation, including anticipated changes in short-term and long-term technology. In that connection, the Board would be empowered to review decisions made by public and private employers, including projections of manpower needs by job category.

We are all too sadly familiar with the effect that cutbacks in defense and aerospace industries have had on our scientific manpower. I do not think it is being a "Monday morning quarterback" to say that we could easily have anticipated, as early as 1966 and 1967, that something like this was going to happen and should have done some planning at that time as to how to take up the slack.

Third, the Board would review the implementation of existing manpower training and employment programs and related services, such as those under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, and the Social Security and Emergency Employment Act of 1971, and make recommendations to the President and to the Congress.

Mr. President, this is essentially an evaluative and overview function brought to bear on manpower programs.

There is nothing more disturbing than our lack of knowledge with respect to the extent to which our manpower programs are working toward the goal of full employment.

We do not even know, for example, the extent to which manpower training results in jobs, although we spend more than $2 billion annually on such programs.

We do not know the extent to which unemployment could be reduced by establishing better job vacancy reporting and outreach procedures.

We do know that a major effort is required to fit the skills of the work force into existing job slots.

THE FULL EMPLOYMENT ASSISTANCE FUND

Mr. President, a principal function of the Board will be to make recommendations with respect to amounts to be appropriated for use under a full employment assistance fund and to direct its use in terms of public and nonprofit sectors, various geographical areas, and significant segments of the labor force.

The fund, which would be created under section 7 of the act, would be used for grants to public and private nonprofit organizations for job development in public service fields.

For the fund, the bill authorizes the appropriation of $1 billion in fiscal 1973 and "such sums" for fiscal 1974; it is expected that in considering this legislation, the Congress will wish to review these authorizations in terms of the unemployment situation and any plans with respect to the extension of the Emergency Employment Act of 1971 which expires June 30, 1973.

It may be noted, however, that even if the jobs that could be created annually with $1 billion—approximately 140,000—were added to the 238,000 jobs contemplated for fiscal 1973 under the Emergency Employment Act of 1971, the aggregate 378,000 jobs could still reach less than 10 percent of persons now unemployed and create less than 10 percent of the 5 million jobs which studies indicate should be created to meet real public service needs.

Mr. President, two aspects of the Board's "activist" relationship to the fund deserve special emphasis:

First, by permitting the Board to "direct" the general use of the fund as well as recommend as to appropriate appropriation levels, we will insure that public service funds are utilized in the most resourceful way, after consideration of the other means of attaining full employment.

As coauthor of the Emergency Employment Act of 1971, and a sponsor of the very earliest public service employment legislation, I firmly believe that a public service employment program permanent in nature—although transitional as to the individual—is essential.

But we cannot afford to stop here, view public service as a cure-all and merely "throw" more money out there for use by the States and the cities for job creation per se, without a more specific sense of purpose.

We need, on the basis of our experience with the Emergency Employment Act, and other programs, to make our approach to public service employment more sophisticated.

And the way to do that is to place additional resources for job creation in the hands of the Federal Full Employment Board so that it will use funds more economically.

This is not the old doctrine of the Federal Government as the "employer of last resort."

This is a rejection of the growing concept of public service employment as "employment of first resort."

Public service employment is a tool, but not the only one; and I consider it wise to let the Board determine first the best ways to develop more jobs in the private sector through other means and then decide where and to what extent to apply money for public service employment.

We do not know whether a certain age group, or a particular geographical area's full employment goal may be met by a differing government procurement policy or a particular budgetary approach, as distinct from public service employment.

In this connection, I would note further that, as in the case of the Emergency Employment Act, the public service employment "slot" to be created under the bill would be essentially transitional in nature, thus leading to "regular" employment in the public or private sector. This feature ensures additional economy in the use of funds.

Second, although it will direct that funds be applied to various segments and areas, the Board will not administer the program.

Under the bill, the Secretary of Labor will be responsible for administration.

This element will ensure that while general decisions with respect to the use of additional public service employment funds will be centralized in the Board, administration will be decentralized and funds will be run through the anticipated new manpower training delivery system conducted by State and local prime sponsors.

To serve further this objective, an Intergovernmental Advisory Council, consisting of State and local prime sponsors of manpower training and employment councils, would be established under the act to work with the Board.

It is my hope that the committee will consider soon both S. 1243, the administration's manpower revenue-sharing proposal and my own alternative bill, S. 3421, the Community Manpower and Employment Act for the decentralization of programs, as well as the bill I introduce today.

Mr. President, in conclusion I urge that we elevate full employment as a goal and that we raise our decisions with respect to public service employment to a high level, not view it merely as a source of revenues for the States—although revenues are sorely needed.

I do not claim that we should shrug our shoulders at inflation or abandon our vigilance over the way the taxpayer's dollars are spent.

However, I do suggest that the time has come for us to raise the issue of full employment to at least as a high priority.

We have the resources to put everybody to work in this country and we all know there is no shortage of work to be done. Such a policy is not only morally compelled, but also will prove to be economically sound for the Nation.

We can do so with necessary planning and, if need be, accept even some measure of control, in order to reach and maintain full employment. I know that "planning" and "controls" are not pleasing words to many Americans. However, I think we should accept the fact that the role of government is so substantial and so important in today's economy that to a significant extent we have now a managed economy and that the real question is whether we are going to manage it intelligently and with forethought, or just let the Government chips fall where they may.

We need very much an institution to serve as an advocate and an activist to advance us toward one of the most central goals of the Nation, indeed the backbone of our very spirit as a Nation—full employment.

Mr. President, I wish to acknowledge the assistance of Mr. Jule Sugarman, administrator, human resources administration, city of New York, who first suggested the concept of an independent "Job Creation Commission" in testimony before the House Select Subcommittee on Labor, February 9, 1972, and who, along with Mr. Elwood Taub, executive director, New York City Manpower Area Planning Council, has contributed to the development of this proposal.

Mr. President, I ask unanimous consent that a section-by-section analysis and a copy of the bill be printed at this point in the Record.

There being no objection, the analysis and bill were ordered to be printed in the Record, as follows:

SECTION-BY-SECTION ANALYSIS OF FULL EMPLOYMENT AND JOB DEVELOPMENT ACT OF 1972

Sec. 2. *Congressional Statement of Policy and Findings*. This section states that in order to attain the national objective of full employment it is necessary to assure an opportunity for a job to each American, that the United States has the capacity to do so and that the Federal Government lacks any comprehensive means to reach that objective.

The purpose of the Act is to provide for the implementation of a full employment policy through the establishment of a "Federal Full Employment Board" and the provision of assistance for job development in the public and non-profit private sectors and related training and assistance.

Sec. 3. *Federal Full Employment Board*. This section establishes as an independent agency in the executive branch a "Federal Full Employment Board", to consist of five members appointed by the President by and with the advice and consent of the Senate as follows: one representative of labor, one of management, one distinguished economist, one distinguished manpower expert; and one member of the general public. Not more than three members may be of the same political party. Members shall serve full time.

Sec. 4. *Functions of the Board*. This Section authorizes and directs the Board to (i) recommend to the President and to the Congress a program to achieve full employment; (ii) undertake manpower planning and long-range and short-term surveys in terms of demand, supply and by sector; (iii) review decisions made by public and private employers affecting full employment; (iv) develop guidelines and standards for use of public funds in job development programs; (v) review the implementation of manpower training and employment programs in terms of the extent to which they contribute to full employment; (vi) direct the Secretary of Labor to obligate funds made available under the Full Employment Assistance Fund established under Section 7; (vii) hold nationwide and regional conferences; (viii) analyze the extent to which the Federal budget may assist in reaching full employment; (ix) evaluate programs and (x) carry out such other functions as the President may direct.

In carrying out these functions, the Board shall use the services and facilities of the other agencies (to the extent directed by the President), supply technical assistance, establish regional offices, make grants and enter into contracts, accept gifts, consult with the Council of Economic Advisors and with the National Commission on Productivity and with representatives of industry, labor and other groups.

Sec. 5. *Authorization of Appropriations*. This section authorizes $3 million for fiscal year 1973 and for each fiscal year thereafter, for the activities of the Board (other than under Section 7).

Sec. 6. *Reports*. This section provides for an annual "Full Employment Report" setting forth the Board's recommendations with respect to implementation of a full employment policy for each fiscal year and for succeeding fiscal years. The report is to be referred to appropriate committees in each House.

Sec. 7. *Full Employment Assistance Fund*. This section establishes a fund and authorizes therefor $1 billion for fiscal 1973 (the start-up year), and such funds as necessary for each year thereafter. The Secretary of Labor is to provide assistance from the fund pursuant to specific directions of the Board, to public agencies and non-profit private organizations (including prime sponsors of manpower training and employment programs) for public service job development programs and related training and assistance.

Sec. 8. *Applications*. This section provides that assistance is to be provided under Section 7 only by application submitted to the Secretary and approved by him. Each application must set forth a program to provide employment and related training and assistance for unemployed persons, to enable them to obtain employment not supported under the Act and meet other special requirements.

Sec. 9. *Related Training*. This section authorizes the Secretary of Labor to use such sums as may be necessary from those appropriated under Section 7 of the Act, for training and other services related to employment.

Sec. 10. *Special Responsibilities of the Secretary*. This section contains conditions designed to ensure that jobs are transitional, that is, will lead to public or private employment opportunities not supported under the Act.

Sec. 11. *Full Employment Intergovernmental Advisory Council.* This section establishes a Council consisting of state and local prime sponsors responsible for conducting manpower training and employment programs, to advise the Board on intergovernmental aspects of attaining full employment.

Sec. 12. *Special Provisions.* This section contains important requirements as to reporting, discrimination, political activities, and wages, and other benefits. It provides that all persons employed under programs shall be paid wages which shall be equal to whichever is the highest of the federal minimum wage, the state or local minimum wage, or the prevailing rates of pay.

Sec. 13. *Definitions.* This section defines Board, Secretary, State public service job development program, and Unemployed person.

Sec. 14. *Effective date.* This section provides that the Act shall take effect upon enactment.

S. 3927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. That this Act may be cited as the "Full Employment and Job Development Act of 1972".

CONGRESSIONAL STATEMENT OF POLICY AND FINDINGS

SEC. 2. Congress hereby finds and declares that—

(a) (1) To attain the objective of full employment it is necessary to assure an opportunity for a gainful, productive job to every American who seeks work and to furnish the employment opportunity, training, and related assistance needed by any person to qualify for employment consistent with his or her highest potential and capability.

(2) The United States has the capacity to provide every American who is available for work the full opportunity, within the framework of a free society, to prepare for and to obtain employment at the highest level of productivity, responsibility, and remuneration consistent with his or her abilities.

(3) While full employment is a national objective, the Federal Government lacks any comprehensive means of reaching that objective with the results of individual hardship, unacceptable levels of unemployment, an erosion of the American spirit of work, and increasing welfare dependency.

(4) While it is desirable to decentralize the manpower services "delivery system" to provide substantial flexible funds for manpower training and employment programs at the State and local level, it is also appropriate to insure that decisions with respect to the utilization of additional Federal resources for job development in the public or nonprofit private sectors and related training and services be made taking into account the factors in the economy and policy determinants which affect employment, with reference to local effects, so as to insure the best possible use of available primary and supplemental resources.

(b) It is the purpose of this Act to provide for the implementation of a full employment policy through the establishment of a Federal Full Employment Board and the provision of assistance for job development in the public and non-profit private sectors, and related training and assistance.

FEDERAL FULL EMPLOYMENT BOARD

SEC. 3. (a) There is hereby established as an independent agency in the executive branch a Federal Full Employment Board, to consist of five members appointed by the President by and with the advice and consent of the Senate as follows:

One member shall be representative of labor.

One member shall be representative of management.

One member shall be a distinguished economist.

One member shall be a distinguished manpower expert.

One member shall be a member of the general public.

Not more than three members shall be members of the same political party. Each member shall serve full time. The President shall designate one member to serve as Chairman.

(b) Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of the term and the terms of office of the members first taking office after the enactment date shall expire, as designated by the President, one at the end of one year, two at the end of two years, and two at the end of three years.

(c) The Board shall meet at the call of the Chairman or at the call of the President and in no event less than four times each year. A quorum shall consist of three members.

(d) Members of the Board shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code.

(e) The President is authorized to appoint, by and with the advice and consent of the Senate, an Executive Director of the Board. The Executive Director shall be the principal executive officer of the Board and shall receive compensation at the rate prescribed for level V of the Executive Schedule by section 5316 of title 5 of the United States Code.

(f) The Executive Director of the Board with the approval of the majority of the Board is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for carrying out the Board's functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

FUNCTIONS OF BOARD

SEC. 4. (a) The Federal Full Employment Board is authorized and directed to—

(1) recommend to the President and to the Congress a program to achieve full employment and alternative means of attaining that objective, in terms of monetary, fiscal, income, manpower, training, and other relevant policies;

(2) undertake manpower planning and long-range and short-term surveys to estimate employment and manpower needs in terms of demand and supply, by sector (public and private), by geographical area, by industry, and by occupation, including anticipated changes in short-term and long-term technology;

(3) review decisions made by public and private employers affecting full employment and establish appropriate procedures for the receipt of information from such employers necessary to carry out the purposes of this Act, including projections of manpower needs by job category;

(4) develop guidelines and standards for use of public funds in job development programs in the public and private sectors;

(5) review the implementation of manpower training and employment programs and related services and other programs affecting employment including but not limited to the Manpower Development and Training Act of 1962, Title I of the Economic Opportunity Act of 1964, the Emergency Employment Act of 1971, in terms of the extent to which the programs authorized by such Acts serve to meet the objectives of this Act, and make recommendations to the President and to the Congress as the Board deems advisable for in respect to such programs and the funding and conduct thereof.

(6) recommend to the President and to the Congress amounts to be appropriated for use under the Full Employment Assistance Fund established under section 7 of this Act and direct the Secretary of Labor to obligate such funds, from time to time among the public and nonprofit private sectors, various geographical areas, and significant segments of the labor force and potential labor force in each case as the Board deems necessary to accomplish the purpose established under section 2 of this Act;

(7) hold on a regular basis nationwide and regional conferences designed to encourage the support of management and labor in meeting the objectives of this Act;

(8) analyze the extent to which the Federal budget may assist in reaching full employment, including the effect of procurement policies and make recommendations to the President and the Congress with respect to changes necessary to achieve full employment;

(9) evaluate programs conducted under section 7 of this Act; and

(10) perform such other functions as the President may direct.

(b) In exercising its duties and functions under this Act, the Board is authorized to—

(1) use the services, facilities, and information (including statistical information) of other Government agencies in order that duplication of effort and expense may be avoided;

(2) supply technical and administrative assistance to labor and management and similar groups;

(3) establish regional and such other local offices as it deems necessary;

(4) make grants to or enter into with contracts with any public or private agency or organization;

(5) accept gifts or bequests, either for carrying out specific programs which it deems desirable or for its general activities;

(6) consult and coordinate with the Council on Economic Advisers to the President and with the National Commission on Productivity;

(7) consult with such representatives of industry, labor, anti-poverty, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the participation of such interested parties; and

(8) make recommendations for the elimination of delays in respect to the dissemination of information concerning job vacancies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated the sum of $3,000,000 for each fiscal year beginning with the fiscal year ending June 30, 1973, for the activities of the Board other than activities conducted under section 7.

REPORTS

SEC. 6. (a) The Board shall transmit to the Congress not later than sixty days after the beginning of each regular session of the Congress (commencing with the calendar year 1973) a report, to be known as the "Full Employment Report" setting forth its activities during the previous calendar year and its recommendations with respect to the implementation of a full employment policy for the following fiscal year and, to the extent necessary in terms of the objectives of this Act with respect to each of the four succeeding fiscal years. The Board may make such other reports to the President and to the Congress from time to time as it deems appropriate or as are requested by the President.

(b) The Full Employment Report, and all supplementary reports transmitted under subsection (a) of this section, shall, when transmitted to Congress, be referred to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives, which committees shall hold at least annually hearings on the report and such supplementary reports. Nothing in this subsection shall be construed to prohibit the consideration of the report by any other committee of the Senate or the House of Representatives, including any joint committee of the Congress, with respect to any matter within the jurisdiction of any such committee.

FULL EMPLOYMENT ASSISTANCE FUND

SEC. 7. (a) There is hereby established a special fund to be known as the Full Employment Assistance Fund (hereinafter referred to as the "fund"). There are hereby authorized to be appropriated for such fund $1,000,000,000 for the fiscal year ending June 30, 1973, and such sums as may be necessary for each succeeding fiscal year. The Secretary is authorized to utilize sums deposited in the fund to provide assistance under this section.

(b) Pursuant to specific directions of the Board in accordance with paragraph (6) of subsection (a) of Section 4, the Secretary may provide financial assistance, in accordance with the provisions of this Act, directly to public agencies and nonprofit private organizations, including prime sponsors of manpower training and employment programs, in order to meet the objectives of this Act, for public service job development programs, and related training and assistance.

(c) As soon as practicable after funds are obligated, the Board shall publish in the Federal Register information in respect to the benefits to various segments of the population of unemployed and to geographical areas from allocation under this section.

APPLICATIONS

SEC. 8. (a) Financial assistance under section 7 of this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted to the Secretary by a public agency or non-profit private organization and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service job development program to provide employment and related training and assistance for unemployed persons.

(b) An application for financial assistance for a job development program under section 7 of this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any employer, agency, or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a description of the population to be served, including data indicating the number of participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(5) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(6) the wages or salaries to be paid persons employed in jobs under this Act and a comparison with the wages paid for similar occupations by the same employer;

(7) wherever appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(8) the planning for and training of supervisory personnel in working with participants;

(9) a description of career opportunities and job advancement potentialities for participants;

(10) assurance of compliance with procedures established pursuant to subjection (a) of section 10;

(11) assurances that agencies, institutions, and organizations to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Board; and

(12) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed persons;

RELATED TRAINING

SEC. 9. For the purpose of providing training and related services for persons employed in programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, such sums as may be necessary from funds made available under Section 7 of this Act.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 10. (a) The Secretary, in consultation with the Board, shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a program under this Act to assure that—

(1) in the event that any person employed in a job under this Act and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

(2) as financial assistance will otherwise no longer be available under this Act, maximum efforts shall be made to locate employment or training opportunities not supported under this Act for each person employed in a job under this Act, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Board and the Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) From funds appropriated pursuant to section 7, the Board may reserve such amount, not to exceed 2 per centum, as it deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

FULL EMPLOYMENT INTERGOVERNMENTAL ADVISORY COUNCIL

SEC. 11. The President shall establish an Intergovernmental Full Employment Advisory Council, which shall meet at least twice a year to advise the Board with regard to matters related to achieving the objective of full employment. In selecting members of the Council, the President shall assure an equitable balance in political and geographical affiliation of its members and shall insure inclusion of State and local prime sponsors and other public and private agencies and organizations responsible for conducting manpower training and employment programs. The President shall designate a Chairman of the Council. Members of the Council shall receive no compensation and members shall not be Federal employees for any purpose except that they shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed basis.

SPECIAL PROVISIONS

SEC. 12. (a) (1) Any amounts received under chapters 11, 13, 31, 34, or 35 of title 38, United States Code, by any veteran, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this title, shall not be considered for purposes of determining the needs of qualifications of participants in programs under this Act.

(2) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him and to the Board containing data designed to enable him, the Board and the Congress to measure the relative and, where programs can be compared, appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(A) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(B) duration in employment and related training situations, including information on the duration of employment of program participants for at least one year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(C) total dollar cost per participant, including breakdown between salary or stipend, training and supportive services, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(3) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(4) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, or personnel employed therein shall be, in any way or to any extent, engaged in the conduct of political activities of contravention of chapter 15 of title 5, United States Code.

(5) The Secretary shall not provide financial assistance for any program under this Act unless he determines in accordance with guidelines established by him that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(6) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(b) The Secretary shall not provide financial assistance for any job development program under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) all persons employed in a job under this Act will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy; and

(3) the provision of section 2(a)(3) of Public Law 89-286 shall apply to such agreements.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary shall, where appropriate, provide for the payment of weekly allowances to individuals receiving services under this Act. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek for forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances without good cause with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be conducted. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(f) All persons employed under programs assisted under this Act shall be paid wages which shall be equal to whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar occupations.

DEFINITIONS

SEC. 13. As used in this Act, the term—

(1) "Board" means the Federal Full Employment Board established under section 3;

(2) "Secretary" means the Secretary of Labor;

(3) "State" means the several States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(4) "Unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act or food stamps or surplus commodities under the Agriculture Act of 1949 or the Food Stamp Act of 1964 (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance;

and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed;

(5) "public service job development program" shall include programs providing employment in the public or nonprofit private sectors in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, disaster relief and other fields of human betterment and community improvement; and

(6) "nonprofit" as applied to any foundation, corporation, or association means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure to the benefit of any private shareholder or individual.

EFFECTIVE DATE

SEC. 14. Except as otherwise provided, this Act shall take effect upon enactment. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of its enactment.

Mr. MONDALE. Mr. President, I am very pleased to join with Senator JAVITS in introducing the Full Employment and Job Development Act of 1972. There is no problem facing this country more important than the problem of jobs. The existence of unemployment when there are so many hands willing to work and so much useful work to do is a constant reminder to all of us of the long way we have to go to fulfill the American dream. High unemployment has been a fact of life in America for too long.

The Employment Act of 1946 passed the Congress more than 26 years ago, setting "maximum employment" as a goal for America. That act was a major step ahead, because it committed the U.S. Government in a far-reaching way to policies that have made another depression—like that of the 1930's—impossible. But looking back over the years we can see how often American workingmen and women have seen the objectives of the Employment Act watered down and unfulfilled.

For millions and millions of our working people—about 5 million in the last 2 years—"maximum employment" has not meant a job. For them 1972 is a year of depression not prosperity. A year of failure and futility, not of promise.

The shortcomings of the Employment Act of 1946 are to be read in the unemployment statistics over the years. One reason for this repetition of failure is that until now the fiscal and monetary resources and the enormous economic power of the U.S. Government have not been brought to bear sufficiently on the crucial human problem of unemployment.

Other less important objectives have distracted attention from the primary goal of a job for every American. There has not been the farsighted planning for full employment which was promised in the 1946 act.

The bill we are introducing today aims to meet once and for all the 25-year-old commitment to a job for those who ask only for a fair chance to work and to progress in America.

The Full Employment Board which our bill will create will focus fully on the employment problem and its recommendations will concern the use of monetary, fiscal, income, manpower, and other related government policies to achieve this key objective. The five member Board, which will be broadly representative, will set employment goals and relate policies specifically to their effects on employment. This concentration on the problem of jobs is long overdue.

Mr. President, the fact is that we have failed to get unemployment below 4 percent for more than 2½ years and the administration has not given us a target date for achieving this or any other reasonable level of employment.

They predict that unemployment will decline to "the neighborhood of 5 percent" by the end of this year, but this is completely unsatisfactory.

The Full Employment Board, which our proposal will create, will devote its full attention to the employment problem. Either through such a new agency, or by other means we must assure that the President and the Congress get the recommendations and the information which they need to do a better job of creating jobs.

The report which our proposal requires will help draw attention to various aspects of the problem. Hearings in the Labor Committees will similarly act as a powerful stimulus to creative thinking and action in the employment area.

Some people may argue that a full employment bill is not necessary. And that the Council of Economic Advisers already does the work which needs to be done in this area.

My answer to that is that the President's most recent economic report—the report prepared by the Council of Economic Advisers—devoted only about 15 pages to unemployment in a report 175 pages long.

Moreover, that report had a disquieting tendency to justify high levels of unemployment rather than to propose solutions.

There were suggestions that because teenagers and women are a slightly larger percentage of the work force now than in the past, higher unemployment figures were somehow less serious. The report obscured the fact that unemployment among married men which is now 2.9 percent, is almost double what it was in 1969. By doing this, it disguised the fact that married men with families—and often with union seniority—have suffered a worse decline than anyone else—including women and teenagers—in their job prospects.

Another argument which was mentioned but hardly explored was that high unemployment is needed to keep wages from rising at an inflationary pace. Yet the data for 1970 and 1971 shows how empty this reasoning is. During these 2 years of the most rapid inflation in recent times, real wages were actually below 1969 levels.

Mr. President, I disagree with these excuses for unemployment, but I think it is particularly serious that they are put forward with so little analysis to back them up. Our proposal will help to cure this neglect.

Another important feature of our bill is a $1 billion authorization for direct employment programs. I have already introduced an Emergency Employment Act to create 500,000 jobs in badly needed public service areas.

I am also a cosponsor of the job service employment bill sponsored by the Senator from California (Mr. CRANSTON) which approaches the employment problem from a slightly different aspect. I hope that the Labor Committee in considering this section of our new bill will combine the best features of these three proposals.

Mr. President, the knowledge that there are almost 5 million Americans who are still without work—several million more who are forced to take part-time and unsatisfactory jobs—and millions more who are so discouraged by the job market that they do not even bother to look for work—makes it imperative that we move beyond the Employment Act of 1946 to the Full Employment Act of 1972. In 26 years we have not found a solution to unemployment. We have not fulfilled the obligation of the 1946 act, and we need a new focus and a new approach. I believe that this legislation is such an approach.

By Mr. FONG:

S. 3928. A bill to provide assistance for relief, rehabilitation, and reconstruction in the Philippines related to the recent floods. Referred to the Committee on Foreign Relations.

Mr. FONG. Mr. President, the past ten years may well be recorded in history as "the decade of disasters"—natural disasters that have taken a tragic and incalculable toll of human lives and have brought immeasurable suffering to millions more.

I speak of such calamities as drought and famine that have stricken countless persons in Ethiopia, in India, in Korea, and in Somalia.

I speak of cyclones that have left hundreds of thousands dead and millions homeless in Bangladesh, formerly East Pakistan.

I recall to you the earthquakes in Peru, in Turkey, in Iran, and in Chile that have brought pain, misery, and too often death to millions of men, women, and children.

And now comes the Phillippines about which I speak to you today. This trusted ally in the Pacific, with which we have had such long, historic, and friendly ties, has just suffered perhaps the most destructive calamity ever to befall it. For more than 30 days torrential rains fell on the major island of Luzon. In some areas 180 inches of rain—a normal year's downfall—fell in 1 month. Flooding covered the country's richest agricultural area, from Manila in the south to the Lingayen Gulf in the north, a distance of over 100 miles in which 6 million people make their lives. For over a week, major centers of population, including the capital city, were submerged under water in depths up to 12 feet.

It is difficult to describe the magnitude of this disaster. For over a month, the rains fell and the waters rose, turning streams to lakes and engulfing fields and roads and homes. As water levels climbed inexorably to heights of 10 or 15 feet or more in hundreds of villages, miles of dikes built by patient labor across the years were swept away, disrupting irrigation systems and destroying homes, crops, and livestock of hundreds of thousands of Fillipino farmers. Over 500 deaths have been recorded to date—a miraculously low level for a disaster of this proportion. Only the courageous and unstinting efforts of the Philippine people, supported primarily by American military and civilian personnel and resources, have thus far prevented tragedy of even greater dimensions.

Nature's timing was grim indeed, and heightened by a bitter irony. The rains have devastated the very area which had helped to spawn the Green Revolution, the development of "miracle grain" rice, by means of which numerous food-deficit countries of the world are making significant strides toward self-sufficiency.

And so, as with the dikes that were swept away, as with the roads and the irrigation systems, and the houses and all else that lay drowned under the floodwaters—the costly rebuilding of the "green revolution" must now be started anew.

The Philippine Government has responded quickly to the disaster situation and mobilized its limited resources to meet the extraordinary demands. Foreign observers in Manila continually commented on the excellent job President Marcos and the Philippine people have done supplying relief to their fellow countrymen. The effort of the Philippine people has, by all accounts, been one of an unprecedented outpouring of help and assistance. From the islands to the south has come rice for replanting the destroyed crops. Manila has supplied food for immediate relief, as well as clothes and money. Every major private organization in the Philippines has contributed to this effort, and the business community has responded in a magnificent way to get help to the flood victims in central Luzon.

The Philippines, already forced during 1972 to import 500,000 tons of rice as a result of crop failures caused by typhoons and blight, must now add at least 300,000 more tons of rice to their import requirement over the next several months. The irrigation system, destroyed or badly clogged with silt and debris, will require a major rehabilitation effort to allow even a partial crop to be planted and grown between now and the end of the year.

The reconstruction effort required to restore the damaged economy of the Philippines to a semblance of what it was before the flood, will be a massive, indeed an overwhelming task, requiring extensive help from the other nations and peoples of the world.

Under the personal direction of President Marcos, a Philippine Task Force has developed preliminary estimates of the damage based on assessments to date. Even now, the floodtide has not completely subsided. It will be several days more before it will have done so and a more detailed assessment can be made. Estimates for reconstruction of roads, bridges, irrigation system, flood control, schools, communications, and other public facilities amount to more than $200 million.

As Americans, we can all take pride in the efforts of our Government to bring quick relief to the victims of one of the most appalling disasters ever to strike the Philippines. Abiding by our tradition, we are responding with compassion and with generosity to the call of a stanch ally and respected friend. We are reacting also to the silent cries of a courageous people, now shocked and numbed by a catastrophe that has steadily grown more terrifying.

Within our available resources, U.S. relief assistance has taken many forms—rescue operations by our servicemen stationed at air and naval bases in the Pacific, distribution of emergency supplies of food and water, inoculation of hundreds of thousands of men, women, and children against the ever-present perils of contagion and disease.

On August 7, President Nixon named Maurice Williams, Deputy Administrator of the Agency for International Development, to serve as disaster relief coordinator. One of Mr. Williams' first actions has aimed at overcoming the effect of the loss of the rice crop by diverting shipments to the Philippines of food originally intended for countries whose need is less pressing.

Moreover, efforts are underway to provide up to $24 million in additional agricultural surplus commodities under Public Law 480 to help the stricken Philippines in this emergency period. In addition, foreign assistance contingency funds amounting to $6 million have been made available to help the Filipinos with the necessary clean-up work as the floodwaters recede.

Our relief assistance up to now has covered a period when lifesaving and lifegiving measures were the prime, if not the sole, consideration. In these days and weeks of crisis, our humanitarian efforts have been in the nature of a first-aid operation. Indeed, stopgap feeding remains the order of the day until such time as new crops can be produced and until new dikes can be constructed and irrigation works repaired.

And so, the Philippines, in a literal sense barely able to lift its head above water, faces a period of reconstruction that is staggering in its dimensions. In addition to the dikes and the irrigation works, there are roads to be repaired and schools to be rebuilt. Countless homes need to be put together. And, attention must be given to early repair of the nation's flood control system because, tragically, the rainy season has not yet ended.

The Philippines, with characteristic courage and self-sacrifice, is prepared to mobilize its resources to the limit of its capacity in the job of reconstruction that lies ahead. Other nations will be sure to help, as they did during the initial crisis period. The United States, with its strong traditional and historic ties to that gallant country of the Philippines must do its share.

I calculate that our share should be $50 million—or about 25 percent of the estimated contribution of all the assisting nations. Measured in human terms, our contribution will help a people who have suffered, who only seek merciful relief and a chance to rebuild their lives, their homes, and their land.

I therefore earnestly propose and put before the Senate legislation which will provide the Philippine people $50 million to help the reconstruction of their country—our friend and ally.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new chapter:

"Chapter 10—PHILIPPINE RELIEF

PHILIPPINE RELIEF

"SEC. 495. There are authorized to be appropriated to the President $50,000,000 to provide assistance, on terms and conditions he considers appropriate, to the Government of the Philippines for relief, rehabilitation, and reconstruction in the Philippines related to the flooding occurring in the Philippines during 1972. Appropriations made under this section are authorized to remain available until expended."

By Mr. BUCKLEY:

S. 3929. A bill to prevent the use of heroin for any drug maintenance program. Referred to the Committee on the Judiciary.

Mr. BUCKLEY. Mr. President, in recent years a number of possible ways of treating drug addiction have been proposed—especially heroin addiction. In any situation where there is no commonly agreed upon solution, a great number of proposals are advanced which are ill-considered, and if adopted would make the problem worse. A most persistent, but unwise proposal has been heroin maintenance. The proposals for heroin maintenance generally envision the establishment of clinics providing heroin addicts with free or low-cost heroin injections several times daily as an alternative to the criminal procurement of the drug.

Heroin maintenance has no place whatever in our effort to confine and roll back the curse of addiction. Under such a program, the addict still lives for his "high," and we find the Government in the astonishing position of subsidizing his habit—a habit which in all probability will continue to grow.

Thus we would have the appalling prospect of thousands of persons being totally dependent on the Government for their several-times daily doses of the heroin which would be hastening their physical, psychological, and spiritual destruction. Furthermore, heroin maintenance would place no check on the compulsion which so many addicts feel to bring others into the ranks of the addicted.

A heroin maintenance program would be inconsistent with existing U.S. programs to seek the international abolition of opium cultivation. Establishing a legitimate market for heroin production in the United States could gravely inhibit current efforts to stop the production of opium in such nations as Turkey.

The sanctioning of heroin usage by the Government could contribute to the lessening of social constraints against the use of existing addictive drugs because of the legitimization of heroin addiction under controlled circumstances. This is obviously of no value when all public policy efforts are designed to discourage drug abuse.

There is no single approach which will meet the needs of every addict in an effort to treat addiction. Quality therapy of the Hilltop and Phoenix House variety certainly holds out the best hope at this time, but too many addicts will not submit themselves to its disciplines. To the extent that heroin maintenance clinics were available, pressure on addicts to seek bona fide treatment would be reduced because of the offer of free and continuous heroin to the addict population.

Heroin maintenance would not solve any of the problems it is designed to solve. It would be likely to have a significant impact on the crime problem usually associated with addicts, even on a heroin maintenance program would be unable to hold a regular job because of the debilitating impact of addiction. Crime would remain a way of life for the addict if he is to survive. Heroin maintenance would not reduce the incidence of addiction. The much-discussed British system of heroin is being phased out in Britain in favor of methadone maintenance, because of the failure of the heroin maintenance program to reduce the incidence of addiction.

We must continue to improve the quality and variety of our approaches to addiction; we must continue our research and experimentation; we must continue our efforts to educate the nonaddicted; but we must not allow ourselves to be seduced by the concept of heroin maintenance which would only add another dangerous dimension to the already critical problem of drug addiction.

For these reasons, Mr. President, I am introducing legislation today to amend the Controlled Substances Act to prohibit the use of heroin maintenance in any drug maintenance program. A companion bill is being introduced today in the House by Congressmen PEYSER, RANGEL and BIAGGI of New York and KEATING of Ohio.

I send my bill to the desk and ask that it be appropriately referred. I also ask unanimous consent that the bill be printed in its entirety at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) is amended by inserting at the end thereof the following new sentence: "No practitioners may be registered under this Act to dispense or otherwise utilize heroin in any drug maintenance program."

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 3931. A bill to establish the Lake Berryessa National Recreation Area in the State of California, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

LAKE BERRYESSA NATIONAL RECREATION AREA ACT

Mr. TUNNEY. Mr. President, I am introducing today legislation to establish a National Recreation Area at Lake Berryessa, in Napa County, Calif. This bill is of particular concern and importance to citizens of northern California, and I am pleased to have my California colleague, Senator ALAN CRANSTON, join me in sponsoring the legislation.

Lake Berryessa is a large and beautiful body of water which was created when the U.S. Bureau of Reclamation built Monticello Dam. The lake is situated in a delightful area of wooded hills and canyons, and enjoys a temperate year-round climate. It lies within easy driving distance of the San Francisco Bay Area and Sacramento-Stockton Metropolitan Area. This federally owned lake, the second largest body of water in California, thus presents unequaled recreational opportunities for the people of northern California's major cities. Yet even though this Federal lake has been in existence since the mid-1950's, its full recreational potential has never been developed. In a time of increasing public demands for quality recreation, I think it imperative that Congress investigate this unfulfilled potential and attempt to remedy the problem.

BACKGROUND

Lake Berryessa was formed with the construction of Monticello Dam, part of the Solano Reclamation project. It was designed as a flood control and irrigation project, not for recreational purposes. At normal water level, the main body of water is approximately 10 miles long and 3 miles wide; at this level, the shoreline length is about 170 miles.

However, because of the anticipated seasonal fluctuations of the lake level, it was not believed that the lake would become a major recreation area, and no recreational facilities were provided.

Nevertheless, as the waters began to form behind the partially completed dam, the area began to receive heavy public use. During this period, there were no sanitary or garbage disposal facilities at the lake, and the only access to the lake was by narrow roads which were inadequate for the traffic. Both the National Park Service and the California State Division of Beaches and Parks made studies in the Berryessa area, but neither agency seemed interested in supervising recreational development at the lake. Finally, after abdication or refusal of responsibility by nearly everyone else, a solution was reached. In the spring of 1958, the County of Napa offered to assume responsibility for provision and management of recreational facilities at Berryessa. The management agreement between the county and the Bureau of Reclamation was finally signed on July 31, 1958.

Unfortunately, no funds were provided by the Federal Government for even minimum basic public use facilities, roads, or parking areas of any kind. Therefore, the county contracted with seven private concessioners who agreed to develop the lake for recreational day use with their own funds, at no cost to the Napa taxpayers.

THE PROBLEM

It was here that the plans for recreational development began to fall apart. The concessioners were clear in their intentions to make a fair profit; however, the legal requirements spelled out in the concession agreements were thought to be sufficiently strong to guarantee protection of the public interest.

Instead, Mr. President, we find that Lake Berryessa today provides an example of inexcusable mismanagement by the concessioners. The County of Napa and the Bureau, for their part, must also share much of the blame for their apparent disregard of the control requirements, and even acquiescence in the illegal incursions.

Almost beyond cavil, the concessioners have violated the obligations spelled out in the management agreement and the contracts. Instead of picnic tables, campsites, public beaches, public restrooms, and so forth, the visitor finds gates, fences, private trailers and prefabricated homes, private security police, and so on. In short, the lake has become a private residential area complete with sleazy developments, instead of a public recreational center as intended by the original public-use plan prepared by the National Park Service. Two thousand mobile homes have been moved onto the Federal land and, despite clear language in the management agreement to the contrary, some of these "mobile" homes have not been moved for as long as 10 years. Many of these "trailers" have been placed on cement foundations, their wheels removed, and siding and porches added. The trailer parks, which are a more stable and lucrative financial investment than day-use facilities, have become the rule rather than the exception at Berryessa. Unsurprisingly, in the process of establishing this semipermanent residential community on Federal land, the concessioners have substantially barred large portions of the public from large portions of the lake.

When I visited Lake Berryessa on February 1 of this year, I was astonished to see "Private Property, No Trespassing" signs forbidding entrance to what is clearly Federal property. There is an element of psychology at work in this respect: Mr. John Q. Public, driving past the private resorts at Berryessa simply does not get the impression that this is a public lake, built with public funds and dedicated to public use. Free beach and swimming areas, such as they are, are poorly marked, ill-kept, and policed with also Teutonic zeal by the private security forces hired by the concessioners. The casual, short term visitor is by all accounts poorly accommodated from the time he parks his car until he leaves. Facilities at some of the resorts are so crowded and congested that slum conditions exist, while there is a complete paucity of facilities at other "free" areas along the shoreline. I saw open, unfenced sewage treatment ponds in some areas where the public use plan called for public beaches and picnic areas to be. In short, Mr. President, everything at Berryessa seems calculated to discourage the day use visitor whom the concessioners were originally contracted to serve.

THE FEDERAL RESPONSE TO THE PROBLEM

All this led me a year ago to write Secretary of the Interior Rogers C. B. Morton, requesting an explanation and inviting his comments on an appropriate remedy to the Berryessa problem. Bureau of Reclamation and Interior Department spokesmen admitted frankly that the Berryessa situation embarrassed them. They all realized, to a man, that something had gone very wrong with the original agreements, and that some changes had to come. In June of 1970, an "Environmental early morning memorandum" was filed with the Department of the Interior by a staff member of the Bureau of Sport Fisheries and Wildlife, noting that—

> Recreation developments appear to be geared to benefit a very few with apparent disregard for the needs of the general public.

Unfortunately little further action was taken as a result. By late 1970, conditions at the lake had reached such a state that the Bureau of Reclamation at last put a moratorium on all further development activities by the concessioners until the management agreement could be reevaluated. The National Park Service was asked to study the Berryessa area and draft a new plan for recreational development, one which would guarantee public access to this $50 million resource. Meanwhile, however, business continued as usual.

By this time, Berryessa was coming under closer and more searching scrutiny from outside the Department of the Interior than ever before.

Conditions at the lake were brought to my attention in early 1971, whereupon my staff in Washington and San Francisco began an intensive investigation that lasted nearly 6 months before my first letter to Secretary Morton.

In that letter I questioned what appeared to be a shocking misuse of public lands under the jurisdiction of the Bureau of Reclamation at Berryessa.

The General Accounting Office, in its survey of Bureau of Reclamation projects, studied the Berryessa situation in May of 1971.

This study contended that—

> Public recreational facilities at the lake had not been adequately developed, and that . . . contrary to the requirements of the Public Use Plan . . . access to and use of Lake Berryessa by the general public was restricted severely by private developments.

Investigators for Ralph Nader's "Power and Land in California" project investigated Berryessa and used it as a case study in the mismanagement of public land.

The report described the "public loss of the lake's assets, in addition to extensive private exploitation and environmental degradation."

Mr. President, I have conferred extensively with representatives of the Bureau of Reclamation and the National Parks Service, as well as citizens groups and conservation organizations interested in the fate of Lake Berryessa. I visited the lake personally on February 1, to inspect conditions firsthand and to talk with local officials, concessioners and local residents. All of this investigation has led me to the inescapable conclusion that the current management formula at Berryessa is unacceptable, and that responsibility for developing the recreational facilities at the lake should be vested in the National Park Service. This is precisely what the bill which I am introducing today will do.

ANALYSIS OF RECREATION AREA BILL

Section 1 of the bill establishes the Lake Berryessa National Recreation Area, to consist of lands and interests in lands within the area as generally depicted on the map referred to in the section. The map is now being prepared by the Park Service. The section also provides that the Secretary of the Interior may revise the boundaries from time to time by publication of a map or other boundary description in the Federal Register, but the total area may not exceed 33,000 acres.

Section 2 provides that within these boundaries, the Secretary may acquire lands and interests in lands by donation, purchase with donated or appropriated funds, or exchange. Lands owned by the State of California or any political subdivision or under the jurisdiction of another Federal agency may, with the concurrence of the State or agency involved be transferred to the Secretary for the purposes of the recreation area. It is also provided that when a tract of land is only partly within the boundaries, the Secretary may acquire the entire tract to minimize the payment of severance costs, and to utilize the land outside the boundaries for exchange purposes. Lands not used for exchange would be disposed of in accordance with applicable Federal law.

Section 2(b) of the bill provides that when any improved property, as defined in section 2(c), is acquired, the owner thereof may retain a right of use and occupancy for noncommercial residential purposes for a term either ending at the death of the owner or his spouse, or not more than 25 years after the date of such acquisition. Fishing and trapping within the recreation area shall be permitted in accordance with applicable State and Federal laws, except that the Secretary may designate times when, and zones where no fishing will be permitted for reasons of safety, fish or wildlife management, or administration.

Section 4(a) provides for management of the recreation area in accordance with the act of August 25, 1916 (39 Stat. 525; 16 U.S.C. 1, 2–4) as amended and supplemented. However, section 4(b) continues the authority of the Secretary to operate the Monticello Dam in accordance with the purposes for which it was authorized.

Section 5 of the bill provides for the establishment of a seven-member Lake Berryessa National Recreation Area Advisory Commission.

The last section authorizes the appropriation of such sums as may be necessary to carry out the purposes of the act.

I have introduced this legislation in the hopes that it will widen the recreational facilities available to the people of northern California. In a day when the pressures of urban life are increasing public demands for such recreation, the Government can do no less.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide for public outdoor recreation use and enjoyment of Lake Berryessa and land adjacent thereto, and to provide for protection of the scenic and natural values contributing to public enjoyment of the area, there is hereby established the Lake Berryessa National Recreation Area (hereinafter referred to as the "Recreation Area") consisting of lands and interest in lands within the gap as generally depicted on the drawing entitled "Boundary Map, Lake Berryessa National Recreation Area," numbered WR–LABE–20,000, and dated January 1972, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (hereinafter referred to as the "Secretary") may from time to time revise the boundaries of the Recreation Area by publication of the map or other boundary description in the Federal Register, but the total acreage of the Recreation Area may not exceed 33,000 acres.

SEC. 2. (a) The Secretary may acquire lands, waters, or interests therein within the boundaries of the Recreation Area by donation, purchase with donated or appropriated funds, or exchange. When any tract of land is only partly within such boundaries, the Secretary may acquire all or any portion of the land outside of such boundaries in order to minimize the payment of severance costs. Land so acquired outside of the boundaries may be exchanged by the Secretary for non-Federal lands within the boundaries, and any land so acquired and not utilized for exchange shall be reported to the General Services Administration for disposal under the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended. Any Federal property located within the boundaries of the Recreation Area may be transferred without consideration to the administrative jurisdiction of the Secretary for the purposes of the Recreation Area. Lands within the boundaries of the Recreation Area owned by the State of California, or any political subdivision thereof, may be acquired only with the consent of the owner.

(b) With respect to improved residential property acquired for the purposes of this Act, which is beneficially owned by a natural person and which the Secretary determines can be continued in that use for a limited period of time without undue interference with the administration, development, or public use of the recreation area the owner thereof may on the date of its acquisition by the Secretary retain a right to use and occupancy of the property for noncommercial residential purposes for a term, as the owner may elect, ending either (1) at the death of the owner or his spouse, whichever occurs later, or (2) not more than twenty-five years from the date of acquisition. Any right so retained may during its existence be transferred or assigned. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition, less the fair market value on such date of the right retained by the owner.

(c) As used in this Act, "improved residential property" means a single-family year-round dwelling, the construction of which began before January 1, 1972, and which serves as the owner's permanent place of abode at the time of its acquisition by the United States, together with not more than three acres of land on which the dwelling and appurtenant buildings are located, that the Secretary finds is reasonably necessary for the owner's continued use and occupancy of the dwelling: *Provided*, That the Secretary may exclude from improved residential property any waters and adjoining land that the Secretary deems is necessary for public access to such waters.

(d) The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such a right is being exercised in a manner not consistent with the purposes of this Act, and upon tender to the holder of the right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

SEC. 3. The Secretary shall permit fishing, and trapping on lands and waters within the Recreation Area in accordance with applicable Federal and State laws: *Provided*, That he designate zones where, and establish periods when, no fishing, or trapping will be permitted for reasons of public safety, administration, fish or wildlife management, resource conservation and protection, or public use and enjoyment. Except in emergencies, any regulations issued by the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

SEC. 4. (a) Except as otherwise provided in this Act, the Secretary shall administer the Recreation Area in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

(b) Nothing contained in this Act shall affect or interfere with the authority of the Secretary to operate the Monticello Dam (Solano Project) in accordance with and for the purposes for which authorized.

SEC. 5. (a) There is hereby established a Lake Berryessa National Recreation Area Advisory Commission (hereinafter referred to as the "Commission"). The Commission shall terminate ten years after the date of enactment of this Act.

(b) The Commission shall be composed of seven members, each appointed for a term of two years by the Secretary, to be composed of such persons as the Secretary shall determine would best represent the concern and interest of local citizens and citizens from within the major regional areas of use.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon the presentation of vouchers signed by the Chairman.

(e) The Secretary shall provide such staff assistance as is necessary to the Commission in the performance of its duties.

(f) The Commission shall meet at least twice annually at times and places designated by the Chairman. The Commission also shall meet as necessary at the call of the Chairman upon proper cause and due notice given.

(g) The members of the Commission shall have particular experience or expertise in government, conservation, land use planning and acquisition, natural and environment sciences, or economics.

(h) Notwithstanding the provisions of subsection (b) of this section, the Secretary shall make the initial appointments as follows: three commissioners shall be appointed for terms of one year, and four commissioners shall be appointed for terms of two years.

(i) The duties of the Commission shall consist of:

(1) advising the Secretary on proposed land uses, priority of such uses, and development plans within the Recreation Area consistent with the recreational and open space aspects of the region;

(2) advising the Secretary on any activities conducted by the Secretary or proposed to be conducted by the Secretary or through others which would have or are likely to have a material influence on park environment;

(3 advising the board of supervisors of NAPA County and the city council of any city contiguous or adjacent to the area as to any proposed land use, land development, or zoning outside the park which would have or are likely to have a material influence on the Recreation Area environment;

(4) holding hearings on National Park Service proposals for acquisition of land and development and use plans for the area and submitting its findings and recommendations to the Secretary, with special priority given to lands specified in the "National Park Service Plan for Recreation Development, Lake Berryessa, California."

(5) any other duties prescribed by the Secretary related to the development, use, and management of the area and its resources and the environmental impact of the park on the surrounding communities and the environmental impact of adjacent commercial activity on the park.

SEC. 6. There are hereby authorized to be appropriated such funds, as are necessary to accomplish the purposes of this Act.

By Mr. MONDALE:

S. 3932. A bill to protect nondisclosure of information and sources of information coming into the possession of the news media. Referred to the Committee on the Judiciary.

Mr. MONDALE. Mr. President, on June 29, I was privileged to cosponsor a bill introduced by the Senator from Wisconsin (Mr. NELSON) designed to insure that hundreds of publications of news and opinion were not forced out of business by unwarranted postal rate increases. On that occasion I remarked:

> Just when a vigorous press is most urgently required, a multitude of pressures threatens to still the voices which have for centuries been the primary bridge between the American people.
>
> Almost two hundred years ago, Thomas Jefferson stated that he cared not who made a country's laws, so long as he could write its newspapers. Today, the function of disseminating ideas is entrusted to all our communications media. If we fail to enact legislation to help save these publications, an important part of our freedom will slowly and silently drift away, robbing our entire nation of its precious legacy.

The urgency of those remarks was underscored in a most distressing way on the very day on which they were made. For on June 29 another major threat to the freedom of the press was unfolding. On that day, in the case of Branzburg against Hayes, the U.S. Supreme Court in a 5-to-4 decision determined that the first amendment does not afford newsmen the privilege of refusing to answer a grand jury's questions even though these answers may require the disclosure of confidential information and sources.

In the name of balancing governmental interests against the rights of the public to know, the Court in reality made it ever more difficult for the working press to bring news to the public which is unconventional in source and potentially disturbing in content.

In his dissent, Mr. Justice Stewart ably set out the essentials of the newsgathering business and the harm which the absence of a newsman's privilege not to testify would do to that process:

> A corollary of the right to publish must be the right to gather news. . . . The right to gather news implies, in turn, a right to a confidential relationship between a reporter and his source. This proposition follows as a matter of simple logic once three factual predicates are recognized: (1) newsmen require informants to gather news; (2) confidentiality—the promise or understanding that names or certain aspects of communications will be kept off-the-record—is essential to the creation and maintenance of a news-gathering relationship with informants; and (3) the existence of an unbridled subpoena power—the absence of a constitutional right protecting, in any way, a confidential relationship from compulsory process—will either deter sources from divulging information or deter reporters from gathering and publishing information.

The majority opinion in Branzburg against Hayes comes perilously close to imposing this major obstruction in the gathering and reporting of news.

If the free press becomes less free, if reporters become less able to report, the entire Nation will suffer. If reporters know—as they now know—that they may be forced to testify at secret grand jury proceedings and reveal confidential information or sources of information, they will be more reticent in the gathering and publishing of the news. As Mr. Justice Stewart stated:

> The full flow of information to the public protected by the free press guarantee would be severely curtailed if no protection whatever were afforded to the process by which news is assembled and disseminated.

This fear expressed by Mr. Justice Stewart is by no means unique. It is of vital, immediate concern to the working newsmen for whom the ability to cultivate sources whose identity they promise not to disclose constitutes a major portion of the important news stories reaching the public.

Jon Lowell, a reporter for Newsweek, submitted an affidavit in the ninth circuit case of United States against Caldwell—one of the cases which the June 29 Supreme Court ruling overturned—which vividly demonstrates just how basic the need is for an effective newsman's privilege:

> Particularly disturbing to me has been a marked increase recently, in the reticence of my confidential sources in government itself. These sources, some of whom have in the past been instrumental in exposing instances of governmental abuse or corruption, now tell me that, because of the increasingly widespread use of subpoenas to obtain names and other confidential information from reporters, they are fearful of reprisals and loss of jobs if they are identified by their superiors as sources of information for newsmen.

If these sources were reluctant to give information before the June 29 Supreme Court ruling, imagine the difficulty which newsmen will encounter now.

The recognition that reporters should have the benefit of a substantial privilege not to reveal sources of information has already been recognized, in varying degrees, in 18 States. And it is now more important than ever that Federal protection be given, so that Federal grand juries and other investigative bodies will not, at their discretion and without any effective checks, be able to cut off the free flow of news to our Nation's people. For now, reporters know that they have very little protection against a grand jury which may merely be engaging in a "fishing expedition"—as grand juries sometimes do—but which now may have contempt powers broad enough to send reporters to prison even when there has been no substantial showing that the reporter knew of any violation of law which had been committed by the source which gave him confidential information.

The majority opinion of the Court seeks to give comfort to those who fear the effects of this ruling, by stating that—

> Reliance by the press on confidential informants does not mean that all such sources will in fact dry up because of the later possible appearance of the newsman before a grand jury. The reporter may never be called and if he objects to testifying, the prosecution may not insist.

If ever there were cold comfort, this is it. "The reporter may never be called"—but what if he is? "The prosecution may not insist"—but what if it does?

To meet the threat of the reporter who is called, to answer the prosecutor who does insist, I am today introducing the Free Flow of Information Act of 1972.

There is no doubt, of course, that we have the power to pass such a statute. The Supreme Court, in Branzburg against Hayes, specifically stated that—

> At the federal level, Congress has freedom to determine whether a statutory newsman's privilege is necessary and desirable and to fashion standards and rules as narrow or broad as deemed necessary to address the evil discerned.

There have been, over the years, a variety of measures introduced to meet the problem of insuring a free flow of information. One such approach, the Newsmen's Privilege Act of 1971—S. 1311—introduced by the Senator from Kansas (Mr. PEARSON), has received support for the conditional type of privilege which it advocates. Another approach, exemplified by a bill introduced on June 30 by the Senator from California (Mr. CRANSTON) —S. 3786—would grant a complete and unconditional privilege.

In my view, while both approaches have merit, neither fully recognizes both the new forces at work since the Supreme Court decision of June 29 and the balance of interests between the Government and the public which must be preserved.

What is needed since the Branzburg decision is a statute which will allow the legitimate interests of the Government in obtaining certain types of information of national importance to be recognized, while at the same time affording broad protection for newsmen in pursuing sources of news.

The problem of compelling newsmen to testify at proceedings such as grand jurys, which are conducted in secrecy, has particular urgency. As Judge Merrill of the ninth circuit noted in his thoughtful decision in United States against Caldwell:

> The relationship between journalists and news sources depends upon a trust and confidence that is constantly subject to reexamination and that depends in turn on actual knowledge of how news and information imparted have been handled and on continuing reassurance that the handling has been discreet. This reassurance disappears when the reporter is called to testify behind closed doors. The secrecy that surrounds Grand Jury testimony necessarily introduces uncertainty in the minds of those who fear a betrayal of their confidence.

Yet, in the wake of Branzburg against Hayes, sources will have absolutely no confidence that the information they impart to newsmen will not be revealed behind closed doors, under threat of imprisonment for contempt.

The Free Flow of Information Act of 1972 owes much of its genesis to a unique and unprecedented collaborative effort on the part of the Nation's news media. On July 31, 1972, the Joint Media Committee—JMC—announced language on which they had agreed and which they wished incorporated into legislation to counteract the harmful effects of the June 29 Supreme Court decision. The Joint Media Committee, composed of the American Society of Newspaper Editors, the Associated Press Managing Editors Association, the National Press Photographers Association, the Radio-Television News Directors Association, and Sigma Delta Chi—the professional journalistic society—stated that legislation was vitally needed to insure a continued and uninterrupted flow of news to the American people.

The legislation which I am introducing today—while modifying some of the language adopted by the joint media committee—is substantially in agreement with the JMC proposal.

The bill would provide that no person employed by the various branches of the news media shall be required by any Federal judicial or investigative body to disclose either information or the source of information coming into his possession during the course of gathering news for publication or broadcast.

This protection would not apply to the source of allegedly defamatory information in any case where the defendant, in a civil action for defamation, asserts a defense based on the source of such information.

If a person seeks information protected by the act, he must apply to the U.S. district court in the proper district for an order divesting the protection. The protection shall be divested by the court only if, after hearing the parties, the court determines by clear and convincing evidence that the person seeking the information has first, shown there is probable cause to believe that the person from whom the information is sought has information which is clearly relevant to a specific probable violation of law, second, demonstrated that the information sought cannot be obtained by alternative means less destructive of first amendment rights and third, demonstrated a compelling and overriding national interest in the information.

This statute would allocate the heavy burden of proof to the Government or any other person seeking the privileged information, along the lines suggested by Mr. Justice Stewart in his dissent in Branzburg against Hayes. This burden of proof will inhere before a newsman is forced to go behind closed doors and testify to matters which he deems worthy of protection.

The bill will also extend not only to confidential information, but to all information given to newsmen which does not meet the evidentiary test of the statute. This is to protect those sources which may not initially be given in confidence, but which may at some later date—when the source is no longer available—become sensitive and which may substantially affect the ability of newsmen to gain information from other similar sources should a newsman be forced to testify.

The protection which this bill would offer is not a blanket privilege. It does not give the news media an unhindered, absolute right to protect sources who are involved in criminal acts. It does, however, insure that all Americans will continue to receive the vital information needed to preserve our Nation's most precious liberties. It places a heavy burden on the Government to establish its case, in line with long-standing precedents of the Supreme Court on cases involving first amendment rights.

Mr. Justice Stewart, in his dissent in Branzburg against Hayes, recognized the importance of preserving the flow of news to all citizens:

> Enlightened choice by an informed citizenry is the basic ideal upon which an open society is premised, and a free press is thus indispensable to a free society. Not only does the press enhance personal self-fulfillment by providing the people with the widest possible range of fact and opinion, but it also is an incontestable pre-condition of self-government.
>
> As private and public aggregations of power burgeon in size and the pressures for conformity necessarily mount, there is obviously a continuing need for an independent press to disseminate a robust variety of information and opinion through reportage, investigation and criticism, if we are to preserve our constitutional tradition of maximizing freedom of choice by encouraging diversity of expression.

These values have been threatened. The Free Flow of Information Act of 1972 is an effective way to insure that these values are not destroyed, but are restored to their rightful and necessary position in preserving Americans' right to know.

Mr. President, I ask unanimous consent to have the bill I am introducing printed at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Free Flow of Information Act."

SECTION 1. Except as provided in sections 2 and 3, no person employed by or otherwise associated with any newspaper, periodical, press association, newspaper syndicate, wire service, or radio or television station, or who is independently engaged in gathering information intended for publication or broadcast, shall be required by any court, grand jury, agency, department, or commission of the United States or by either House of or any committee of Congress to disclose any information or the source of any information coming into his possession in the course of gathering or obtaining news for publication or to be published in a newspaper, magazine, or for broadcast by a radio or television transmission station or network.

SEC. 2. The protection set forth in section 1 shall not apply to the source of any allegedly defamatory information in any case where the defendant, in a civil action for defamation, asserts a defense based on the source of such information.

SEC. 3. In any case where a person seeks information or the source of any information protected by section 1, such person may apply to the United States District Court for an order divesting such protection. Such application shall be made to the District Court in the district wherein the hearings, action, or other proceeding in which the information is sought is pending. The application shall be granted only if the court, after hearing the parties, determines that the person seeking the information, by clear and convincing evidence, has—

(a) shown that there is probable cause to believe that the person from whom the information is sought has information which is clearly relevant to a specific probable violation of law;

(b) demonstrated that the information sought cannot be obtained by alternative means less destructive of First Amendment rights; and

(c) demonstrated a compelling and overriding national interest in the information.

By Mr. McINTYRE:

S. 3933. A bill entitled the "Hide Regulation Certificate Act of 1972." Referred to the Committee on Finance.

THE HIDE REGULATION CERTIFICATE ACT OF 1972

Mr. McINTYRE. Mr. President, the plight of American tanners and shoe manufacturers in this country has reached the crisis stage. As recent news reports have indicated since the establishment of wage controls last August 15, the price of domestic cattle hides has inceased by approximately 140 percent.

Cattle hides, the prices of which are regulated by the Price Commission, are traded on world markets. Last year, a substantial drop in the supply of Argentine hides for the world market resulted in a growing demand by foreign buyers for U.S. cattle hides. The increased demand has pushed prices up to the point where domestic users of hides and hide products—tanners, shoe manufacturers, luggage and handbag manufacturers, and saddlers—can no longer continue to afford the costs of their basic raw materials.

After months of considering this problem, the Secretary of Commerce, Mr. Peterson, announced on July 15, 1972, that the supply and price situation of hides demanded action. Secretary Peterson announced that because of the havoc that price and supply shifts can have on the American shoe and tanning industries that he was limiting exports for the remainder of 1972 at the level of 1971.

Mr. President, I ask unanimous consent to have printed Secretary Peterson's statement in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SECRETARY OF COMMERCE PETER G. PETERSON, ANNOUNCING EXPORTS CONTROLS ON CATTLE HIDES, JULY 15, 1972

I have called this press conference this afternoon to announce the action I have decided to take on the serious problem of cattle hides.

During the period 1953 through 1970, and even well into 1971, composite cattle-hide prices had ranged around 14 cents per pound. Late last year, however, cattle hide prices began to rise, reaching a range of 27 to 29 cents during May and June this year, and then 29.75 cents this last week, more than double the historic average, and historic high. This price rise has been a substantial factor in recent increases in the Industrial Component of the Wholesale Price Index.

We have received complaints from industry sources not only about the prices but also about the deepening shortage of cattle hides. Domestic users claimed that these market imbalances resulted from the fact that foreign hide buyers were increasing their demand for U.S. hide production, thereby driving prices up and draining hide supplies away.

All these complaints have been of deep concern to the Department. Higher prices and shorter supplies result in higher leather prices and higher prices for leather products, principally leather shoes. Not to make light of a serious matter, these higher prices come out of the American consumer's hide. Also, these price and supply shifts can wreak havoc with the American shoe and tanning industries as hide and leather purchasers become increasingly less able to buy, and paying increasingly high and uncertain prices.

In April of this year, we summarized the evidence we had and reviewed it in an intensive public meeting with representatives of all segments of the industry—cattle producers, packers, farmers, shoe and leather manufacturers, labor unions, and exporters.

As a result of this meeting and followup discussions with these various segments of the industry, no consensus emerged as to the causes of the price rise and the outlook for the future. Basic data, for example, on domestic inventories were not available and, indeed, even the general state of those inventories was in dispute—whether up or down—normal or abnormal.

Thus, I decided that I could not rationally and responsibly exercise my statutory responsibility until we got the facts on some fundamental questions: What is the level of domestic inventories? What is the likely domestic demand? What is the outlook on foreign supplies of hides—given current embargoes from principal suppliers like Argentina? What is the likely export demand for U.S. hides?

With these the relevant questions, a rational and responsible decision depended upon getting answers. Thus, immediately after analysis of existing data and meetings with the various segments of the industry, we launched the most comprehensive kind of intensive survey of supply and demand outlook for hides—both domestic and international. Under the Secretary's statutory authority, we got the facts from packers, farmers, exporters, and shoe manufacturers on their inventories and their expectations of short-term demand. We got the latest estimates we could get of cattle slaughter and hide production. I sent General Counsel Letson to Argentina and Brazil—two major hide exporting countries who had embargoed hide exports—to determine the likely outlook.

We shall review with you today what these surveys and field investigations reveal. In essence, the major factors underlying the sharp price increases are an increasing demand for hides for current use in the United States, seriously depleted domestic hide and leather inventories, and an abnormal foreign demand here. In part because over 20 percent of total world hide exports have been cut off by the embargoes of former export nations. Although domestic supplies of hides are projected to increase, this increase to date has been small and the supplies are simply not rising fast enough to cover burgeoning demands by domestic and foreign buyers for U.S. hides.

Having the facts, I essentially had three options.

One, to do nothing. I have decided against this option for two reasons. To take no action would be tantamount to permitting a situation to continue of very high domestic prices that increase inflationary pressures at a time when this Administration is deeply committed to reducing them. Our main concern must be shoe prices for the American consumer and there was no relief in sight.

It would be tantamount to allowing American jobs and industries to suffer when statutory responsibility and authority exist. It would be tantamount to permitting such a situation to continue when our studies showed that, over the short term at least, no grounds for realistic optimism that the situation would improve.

A word about my statutory responsibility under the Export Administration Act to impose controls on exports of cattlehides. The statutory language calls for exercise of that responsibility only where necessary "to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand." Price inflation alone does not justify controls. The statutory standards require that I take into account domestic supply shortages and abnormal foreign demand as well as serious price inflation. Having received all of the facts which I have already recited, I determined that the statute had been satisfied and that I must take action.

Having made that determination, I had two further options. The first was to impose conventional export controls as was done in 1966. I decided against this course. The control program instituted in 1966 was both chaotic and unfair, and seriously damaged important export markets. Export quotas were set for below historic averages and the previous year exports, and exporters were given licenses to ship hides to foreign buyers. In effect a domestic glut and a two price system quickly developed, and the benefits of the higher foreign prices accrued to the exporters or foreign buyers in the form of higher profits . . . all at the expense of American cattle producers and consumers.

With this 1966 experience in mind, I have selected another option. First, rather than cutting back exports in a sudden and traumatic way, thereby disrupting seriously both important and continuing export markets and operations of foreign producers, I am setting export levels at last year's levels which are very high by any standard. Second, rather than traditional export controls which permit windfall profits and benefits to go either to exporters or to foreign producers, I have decided on an "export ticket" system.

Under the regulations, export tickets will be issued equal to last year's high export levels. The effect of this approach will be to reserve for hard pressed domestic buyers and industries the additional cattlehides which we anticipate will be available in the coming weeks and months. These tickets will enable people to obtain licenses for exporting hides. The tickets will be distributed to cattle hide producers, according to their percentages of total hide production. These export tickets will be sold and will have value as long as the current conditions of excess export demand in relation to domestic supply exist.

In this way, market forces responsive to export demand will be allowed to operate.

We will ask the Internal Revenue Service to closely audit the hide producers to assure that they in turn pass along the revenues from these tickets either to cattlemen or to consumers in the form of lower meat prices.

I realize that today's action may not please everyone. As one who favors free and open markets, I, myself, regret the necessity of the controls and stress their temporary nature. It was a difficult and disagreeable decision for me, but, from the point of view of both the producer and the consumer, the alternatives, given current market conditions, were worse.

I believe this action fulfills my responsibility under the Congressional mandate. I believe this action benefits the American consumer by reducing inflationary pressures on shoes, and at the same time giving American cattlemen the opportunity to get a fair and increasing share of the revenues from export hide sales. I believe this action benefits the American workers and the American industries by preserving the stability of these jobs and businesses. I believe this action provides for our overseas trading partners a generous and stable supply of American hides and preserves these important markets for U.S. hides. I believe this action prevents windfall profits for anybody.

In the months to come, we will monitor closely changes in inventories of hides, prices of hides and prices of hide export tickets. The controls will be lifted as soon as market conditions warrant.

FACT SHEET

1. *Hide prices at all time highs.* Hide prices are at record highs with the composite price running in the 27¢–29¢ range for the past two months. Yesterday prices per pound reached an all time high of 29.75 cents—more than double the historic average of 14¢ per pound.

2. *Increases projected in domestic demand for cattlehides.* Commerce Department survey projects demand for additional 638,000 hides for current use for the period March through December 1972 over comparable period for 1971.

3. *Domestic shoe production up.* Domestic shoe production for the last five months of 1972 projected to increase 7.3 per cent over comparable period for 1971.

4. *Hide exports increasing in recent years.* Since 1967, hide exports have increased from 11,900,000 to 16,000,000 in 1971. In the same period, exports as a per cent of domestic hide production climbed from 33.2 per cent to 42.6 per cent.

5. *Increase in exports predicted in absence of controls.* Commerce survey projects increase in export of cattle hides of 576,000 hides for the period March through December 1972 over comparable period in 1971.

6. *Foreign hide exports embargoed.* Argentina's and Brazil's exports accounted for 26.2 per cent of total world exports in 1969, 20.7 per cent in 1970, and an estimated 10.2 per

cent in 1971—but these sources have been terminated.

7. *Hide and leather inventories down.* Between March 1971 and March 1972, domestic cattlehide and leather inventories have decreased 1,002,000 hide equivalents.

8. *Hide production expected to increase for remainder of 1972.* Cattle slaughter projected by Department of Agriculture to yield 695,000 additional hides during March through December 1972 over comparable period in 1971. In 1973, cattle slaughter in the U.S. is expected to go up about 1,300,000 over 1972.

9. *Hide demand expected to exceed supply absent controls.* In spite of projected production increases, projected demand for hides for the period March-December 1972 could be expected to exceed supply by 1,521,000.

10. *Consequences of failure to take action.* Given the facts—that cattlehide prices have climbed to record highs, that domestic demand for cattlehides is projected to increase, that cattlehide and leather inventories are at very low levels, that hide exports have increased over the past few years and are projected to increase to record levels in the remainder of this year, and that domestic hide supplies are not increasing fast enough to meet these demands—the statutory criteria for short supply export controls have been met. Failure to act would not only be a breach of statutory responsibility, it would also result in continued and increased inflationary pressures.

11. *Conventional export controls rejected.* Under the 1966 export control program for cattlehides, there were several unfortunate results. Export quotas were announced that were far below previous years' levels: 1,800,000 hides below the comparable seven-month period for 1965. A two price system developed in world markets and the benefits of the higher foreign prices accrued to foreigners and exporters. In addition, the reduced export quotas greatly distorted foreign markets.

12. *Advantages of "export ticket" system.* Actions announced today have several advantages. Quotas for the remainder of 1972 are set at—not below—1971 levels for comparable period; and 1971 levels were at record highs. Thus, there will be minimal disruption of foreign markets. In addition, export ticket system will assure that benefits of higher foreign hide prices will accrue to benefit of American consumers and cattle producers—not to foreign purchasers and exporters.

Mr. McINTYRE. Mr. President, no sooner, however, had the Secretary of Commerce acted than a number of Senators from cattle-producing States sought to overturn his decision. An amendment was offered and accepted on the Senate floor to the Export Administration Act that would, in effect, nullify Secretary Peterson's action in limiting exports. This amendment repeals any rule, regulation, proclamation, or order issued after July 1, 1972.

Last Tuesday the Senate approved the Equal Export Opportunity Act conference report which contained this provision. In view of the tremendous adverse impact this action will have on the domestic shoe manufacturing and tanning industries, I am introducing today the Hide Regulation Certificate Act of 1972.

The bill has as its sole purpose the stabilization of prices in the single most inflationary component of the wholesale price index, cattle hides. A companion bill has been introduced in the House by Representative WILBUR MILLS.

The proposed bill seeks to maintain a reasonable degree of stability by regulating effective foreign demand for hides through regulation of export sales. Export sale levels would be set according to a formula relating the level of exports to domestic price levels. Exports above the permitted level would be subject to regulatory taxes.

This bill will amend the Internal Revenue Code to require that in any quarter of the calendar year that hide exports exceed a percentage of domestically produced cattle hides exporters will be required to purchase a certificate costing $1 per pound before hides can be exported. This bill would operate in the following manner:

First. In any quarter of the calendar year that hide exports exceed 33⅓ percent of those produced in the United States, the exporters will need an export certificate.

Second. However, if the price of hides in the quarter is between 25 to 35 percent higher than the average price on August 13, 1971, the number that can be exported in the next quarter without certificates shall be raised to 40 percent of all hides produced in the United States in that quarter.

Third. If the price is reduced in any quarter to a level which is no more than 25 percent greater than the average price on August 13, 1971, the number of hides that can be exported without certificates in the next quarter shall be raised to 55 percent of all hides produced in the United States during that quarter.

Fourth. The Secretary of Commerce shall establish before each quarter an estimate of hide production and average price in the United States for the next quarter. He would also establish the number of hides that can be exported without certificates for each quarter.

In my opinion, this bill represents a reasonable approach to the problem of balancing the legitimate needs of hide producers and consumers. It is consistent with the economic stabilization program and is necessary to hold down the retail prices of leather products and to maintain employment in the leather industries. It should be clear that this bill does at no time prohibit cattle hide exports. It simply establishes a formula whereby when either price increases or supply reaches a certain level then the exporter will be required to purchase an export certificate.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Hide Export Regulation Certificate Act of 1972".

SEC. 2. (a) Chapter 39 of the Internal Revenue Code of 1954 (relating to regulatory taxes) is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER F—HIDES

"Sec. 4887. Definitions.
"Sec. 4888. Export regulation.
"Sec. 4889. Estimates of production and prices to be published by the Secretary of Commerce.
"Sec. 4890. Export regulation certificates.

"SEC. 4887. DEFINITIONS

"(a) For purposes of this subchapter, the word 'hides' means raw or untanned hides or skins of the bovine species.

"(b) For purposes of this subchapter, the term 'average price of hides' refers to an average to be computed by the Secretary of Commerce of prices received for domestic sales of the principal grades or selections of packer hides.

"SEC. 4888. EXPORT REGULATION

"(a) Hides produced in the United States which are exported during any calendar quarter which exceed in number 33⅓ percent of all hides produced in the United States during that calendar quarter shall be accompanied by a certificate covering each export shipment as provided in section 4890.

"(b) Notwithstanding the provisions of subsection (a), if the average price of hides in a calendar quarter is reduced to a level which is more than 25 percent greater, but no more than 35 percent greater, than the average price of hides on August 13, 1971, the number of hides which may be exported without certificates in the following quarter shall be raised to 40 percent of all hides produced in the United States in that quarter; and if the average price of hides in a calendar quarter is reduced to a level which is no more than 25 percent greater than the average price of hides on August 13, 1971, the number of hides which may be exported without certificates in the following quarter shall be raised to 55 percent of all hides produced in the United States in that quarter.

"SEC. 4889. ESTIMATES OF PRODUCTION AND PRICES TO BE PUBLISHED BY THE SECRETARY OF COMMERCE.

"The Secretary of Commerce shall cause to be published in the Federal Register within 10 days before the start of each calendar quarter—

"(1) An estimate of United States production of hides during the forthcoming quarter;

"(2) An estimate of the average price of hides during the current quarter; and

"(3) A computation of the appropriate number of hides which may be exported without certificates in the following quarter as provided in section 4888.

"SEC. 4890. EXPORT REGULATION CERTIFICATES.

"(a) CHARGE FOR CERTIFICATES.—The certificates required by section 4888 shall be issued by the Secretary of the Treasury upon payment of a fee of $1 per pound of hides covered.

"(b) PURCHASE.—The certificates described in subsection (a) shall be purchased by the exporter."

(b) The table of subchapters for such chapter 39 is amended by adding at the end thereof the following:

"SUBCHAPTER F. Hides.".

SEC. 3. This Act shall be effective on the date of its enactment and shall apply to the regulation of hide exports beginning in the first full calendar quarter after such date of enactment.

By Mr. MILLER (for himself and Mr. HUGHES):

S. 3934. A bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed to the city of Algona, Iowa, for airport purposes. Referred to the Committee on Commerce.

Mr. MILLER. Mr. President, I introduce, on behalf of myself and my colleague from Iowa (Mr. HUGHES), a bill to authorize the Secretary of Transportation to release restrictions on the use of certain property conveyed by the United States to the city of Algona, Iowa, for airport purposes.

On March 20, 1947, the United States conveyed certain property to the city of Algona to be used for the purposes of airport development. This transfer was pursuant to section 16 of the Federal Airport Act. This property has been used for airport purposes, but local Algona officials feel that the operating efficiency of the airport can be increased by use of a small portion of this property for industrial development. All conveyances made pursuant to the Federal Airport Act contain a reversionary clause which provides that in the event the property conveyed is not developed, or ceases to be used, for airport purposes, it automatically reverts to the United States.

The purpose of the bill I am introducing today is to authorize the Secretary of Transportation to grant a release from this reversionary clause so that the city may use a portion of the property for industrial development. The bill contains a safeguard against abuse in that the Secretary's authority is made subject to the provisions of section 4 of the act of October 1, 1949 (50 App. U.S.C. 1622c).

This section, in effect, requires that before property is released for nonairport purposes it must be determined that the property is no longer necessary to accomplish the purpose for which it was originally transferred and is not necessary to protect or advance U.S. civil aviation. It further provides that the Secretary may impose such conditions on the conveyance as he deems necessary so as to insure that any proceeds arising from nonairport use of the property will be used for the development and maintenance of the airport.

Similar legislation was approved by the Congress in connection with airport property in Clarinda, Iowa, in 1966—Public Law 89-649, approved October 13, 1966.

By Mr. JAVITS:

S. 3935. A bill to amend the Public Health Service Act to provide for restrictions on funds for experimental use. Referred to the Committee on Labor and Public Welfare.

PROTECTION OF HUMAN SUBJECTS

Mr. JAVITS. Mr. President, the recent tragic newspaper accounts about human being in syphilis research projects and other reported experiments involving human subjects—cited in a Library of Congress, Congressional Research Service, August 4, 1972, report—demonstrates the need for the bill I introduce today. While it is true that much of the research involving human subjects at risk—exclusive of human subject research and experimentation undertaken pursuant to the informed patient consent amendment to the Food, Drug, and Cosmetics Act which I authored—is done under the auspices of HEW research guidelines assuring ethical guidance, I believe Congress has a responsibility to assure meaningful legal controls of federally supported research activities involving human subjects.

The bill I introduce today to safeguard the rights and welfare of human subjects involved in federally funded research activities is patterned upon NIH research guidelines which seek to accomplish that desirable objective.

I believe it would be most constructive if the Department of Health, Education, and Welfare were to name a panel of leaders selected from the fields of medicine, law, theology, biological science, physical science, social science philosophy, humanities, health administration, government, and public affairs, to provide an in-depth study and evaluation of the ethical, social, and legal implications of the tragic Tuskegee syphilis experiment—including why only black human subjects were selected to participate in the project—and also, to determine the adequacy of the present NIH guidelines. If we are to safeguard the rights and welfare of human subjects, I believe perhaps more should be done. If such a distinguished panel were named to conduct a prompt and thorough in-depth study, I also believe it would be appropriate to delay action on this bill until we have the benefit of such a study.

Although medical experimentation on human beings is as old as recorded history—the ancient Persians experimented on condemned criminals—the anticipated and necessary increase in human subject research in an effort to conquer cancer and cure and prevent heart disease—with the desire to apply new knowledge quickly and broadly to the Nation's health problems—make it prudent for the Congress to act now to provide additional statutory protection for the rights of individuals who participate in scientific research.

HUMAN EXPERIMENTATION—A DOUBLE EDGED SWORD

Excessive rigidity in the regulation of human subject experimentation because of some improprieties in ethical self regulation would, I believe, be to the disadvantage of the individual and society. While civilized society cannot tolerate callous disregard of human rights for any purpose—Nazi Germany's atrocities in the name of clinical science being the most horrendous example—mankind would be badly served if we write rigid laws to govern research practices and scientific investigation. Research, development and the reduction to practice of new ideas are not carried out in a practical, ethical, or legal vacuum and the public interest would not be served by an inflexible approach. The bill therefore outlines flexible operating procedures which can be adapted to a variety of federally funded grant and contract mechanisms.

The rights and welfare of human subjects must be adequately protected in all federally funded research activities and the bill provides that:

FUNDING RESTRICTION

First. Without an appropriate organizational committee's review and approval of the protection of the human subject's rights and welfare—which shall include adequate informed consent—Federal funds in any activity involving a human subject at risk in research, development or demonstration programs is prohibited.

DEFINITION OF ORGANIZATIONAL COMMITTEE

Second. Any entity engaged in such federally funded activities is required to establish an organizational committee to be composed of sufficient members with varying backgrounds of competence to assure complete and adequate initial approval and even to protect the human subject's rights and welfare, and that no committee member shall be involved in either the initial approval or continuing review of an activity in which he has a professional responsibility, except to provide information requested by the committee.

INFORMED CONSENT

Third. Informed consent is defined to mean the consent of a person so situated as to be able to exercise free power of choice without the intervention of any element of force, fraud, deceit, duress, or other form of constraint or coercion, and certain elements for informed consent are required in all but exceptional cases.

They are fair explanation of the procedures to be followed including an identification of any which are experimental; a description of any attendant discomforts and risks reasonably to be expected; a description of any benefits reasonably to be expected; disclosure of any appropriate alternative procedures that might be advantageous for the subject; an offer to answer any inquiries concerning the procedures; and an instruction that the subject is free to withdraw his consent and to discontinue his participation in the project or activity at any time.

EXCEPTIONAL CASES

Fourth. The exceptional cases where informed consent is not required are limited to instances where it is not feasible—for example, the person is in a coma and his representative is unavailable—or professional judgment determines in the best interest of a particular subject under care that it would be contrary to that subject's welfare to obtain his consent as the communication of information to obtain consent would seriously affect the subject's disease status and the physician has exercised a professional judgment that under the particular circumstances of this subject's case, the subject's best interests would suffer if consent were sought.

In addition, the agreement entered into by the subject shall include no exculpatory language through which the subject is made to waive, or to appear to waive, any of his legal rights, or to release the institution or its agents from liability for negligence. Use of exculpatory clauses was considered contrary to public policy in *Tunkl* v. *Regents of University of California* (60 Cal. 2d, 32 Cal. Rptr. 33, 383 P. 2d 441 (1963), Annot., 6 A.L.R. 3d 693 (1966).

AT RISK

Fifth. At risk is defined to mean possible physical, psychological, sociological or other harm to which an individual may be exposed as a consequence of any activity which goes beyond the application of those established and accepted methods necessary to meet the individual's needs.

If doubt exists whether the procedures to be employed are established and accepted, I believe the activity should be subject to review and approval by the committee.

OTHER PROVISIONS

Sixth. Federal program staff are authored oversight of the procedures required by the bill and discretionary authority is granted to the Secretary of the Department of Health, Education, and Welfare—in cooperation with other Federal departments and agencies—to identify those Federal programs which may involve human subjects at risk; determine the form the required assurances shall take; set guidelines for the establishment or operation of organizational committees; and establish such additional regulations as the implementation of this bill may require.

Mr. President, several years ago the Library of Congress Congressional Research Service prepared a most comprehensive and definitive study on the subject entitled "Medical Experimentation on Human Beings." I ask unanimous consent that that study and their recent communications, which have been most helpful in reviewing the current state of the human subject experimentation issue, be included in the Record at the conclusion of my remarks, together with "The Institutional Guide to DHEW Policy on Protection of Human Subjects," and the full text of the bill.

There being no objection, the bill and material were ordered to be printed in the Record, as follows:

S. 3935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part A of title III of the Public Health Service Act is amended by inserting at the end thereof the following new section:

"PROTECTION OF HUMAN SUBJECTS

"Sec. 310C. (a) Nothwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, funds appropriated for any fiscal year to carry out any Federal program shall not be made available to any organization unless such organization has given acceptable assurance that none of these funds will be used in support of an activity involving human subjects at risk in programs of research, development, or demonstration in the absence of initial and continuing review and approval by an appropriate organizational committee. This review shall determine that the rights and welfare of the subjects involved are adequately protected, that the risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained, and that informed consent is to be obtained by methods that are adequate.

"(b) The organizational committee must be composed of sufficient members with such varying backgrounds of competence as to assure complete and adequate review. No member of such committee shall be involved in either the initial or continuing review of an activity in which he has a conflicting interest, except to provide information requested by the committee.

"(c) For the purposes of this section only, the term 'informed consent' shall mean the consent of a person, or his legal representative, so situated as to be able to exercise free power of choice without the intervention of any element of force, fraud, deceit, duress, or other form of constraint or coercion. The information to be given to the subject shall include the following basic elements in all but exceptional cases:

"(1) a fair explanation of the procedures to be followed, including an identification of any which are experimental;

"(2) a description of any attendant discomforts and risks reasonably to be expected;

"(3) a description of any benefits reasonably to be expected;

"(4) a disclosure of any appropriate alternative procedures that might be advantageous for the subject;

"(5) an offer to answer any inquiries concerning the procedures; and

"(6) an instruction that the subject is free to withdraw his consent and to discontinue participation in the project or activity at any time.

In addition, the agreement, written or oral, entered into by the human subject or from the human subject's legal representative, shall include no exculpatory language through which the subject is made to waive, or to appear to waive, any of his legal rights, or to release the institution or its agents from liability for negligence. Any organization which initiates, directs, or engages in programs of research, development, or demonstration which require informed consent shall keep a permanent record of such consent and the information provided the subject and develop appropriate documentation and reporting procedures as an essential administrative function.

"(d) For the purposes of this section only the term 'organization' means any Federal, State, municipal or other Government agency, or any corporation, institution, agency, or other legally accountable person.

"(e) The term 'human subject at risk' means an individual who may be exposed to the possibility of harm—physical, psychological, sociological, or other—as a consequence of any activity which goes beyond the application of those established and accepted methods necessary to meet the individual's needs.

"(f) Nothing in this section shall prevent Federal program staff from establishing and maintaining internal review procedures to identify risks to subjects in Federal programs, and from making independent determinations that the rights and welfare of the subjects involved are adequately protected, that the risks to an individual are balanced by the potential benefits to him or by the importance of the knowledge to be gained, and that informed consent is to be obtained by methods that are adequate and appropriate.

"(g) 'Exceptional cases', as used in paragraph (c) of this section, which exceptions are to be strictly applied, are cases where it is not feasible to obtain the subject's consent or the consent of his representative, or where, as a matter of professional judgment exercised in the best interest of a particular subject under care, it would be contrary to that subject's welfare to obtain his consent as the communication of information to obtain consent would seriously affect the subject's disease status and the physician has exercised a professional judgment that under the particular circumstances of this subject's case, the subject's best interests would suffer if consent were sought.

"(h) The Secretary of Health, Education and Welfare shall from time to time, and in cooperation with other Departments and Agencies of the Federal Government, identify those Federal programs which may involve human subjects at risk, determine the form the assurances required by this section shall take, set guidelines for the establishment of operation of organizational committees and establish such additional regulation as the implementation of this section may require.

[Public Health Service, National Institutes of Health]

The Institutional Guide to DHEW Policy on Protection of Human Subjects

FOREWORD

The Department's basic policy, quoted in the first few paragraphs of this Guide, is simple in concept. However, simplicity in conception is not always easily translated into simplicity in application. Many of the basic terms of the policy, such as subject, risk, and informed consent, are differently understood in the several professions that participate in the varied grant and contract programs supported by the Department. This Guide provides working definitions of the policy's more critical terms, and outlines flexible operating procedures which can be adapted to a variety of grant and contract mechanisms.

A flexible policy is essential. Research, development, and the reduction to practice of new ideas are not carried out in a practical, ethical, or legal vacuum. The public interest obviously would not be served by an inflexible approach to what can or should be done. Ultimately, the decisions required by this policy must depend upon the common sense and sound professional judgment of reasonable men. The Department's policy and the Guide are intended to provide room for the exercise of this judgment.

In its present form, the Guide reflects several years' experience with an earlier Public Health Service policy. It incorporates many comments and suggestions by representatives of grantee and contractor institutions, and by consultants and staff of the operating agencies of the Department. Future experience in the application of the policy in the fields of health, education, and welfare will simultaneously raise questions and suggest changes. Correspondence should be addressed to the Chief, Institutional Relations Section, Division of Research Grants, National Institutes of Health, Bethesda, Md. 20014.—D. T. Chalkley, Ph. D., Chief, Institutional Relations Section, Division of Research Grants, NIH, DHEW.

POLICY

Safeguarding the rights and welfare of human subjects involved in activities supported by grants or contracts from the Department of Health, Education, and Welfare is the responsibility of the institution which receives or is accountable to the DHEW for the funds awarded for the support of the activity.

In order to provide for the adequate discharge of this institutional responsibility, it is the policy of the Department that no grant or contract for an activity involving human subjects shall be made unless the application for such support has been reviewed and approved by an appropriate institutional committee.

This review shall determine that the rights and welfare of the subjects involved are adequately protected, that the risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained, and that informed consent is to be obtained by methods that are adequate and appropriate.

In addition the committee must establish a basis for continuing review of the activity in keeping with these determinations.

The institution must submit to the DHEW, for its review, approval, and official acceptance, an assurance of its compliance with this policy. The institution must also provide with each proposal involving human subjects a certification that it has been or will be reviewed in accordance with the institution's assurance.

No grant or contract involving human subjects at risk will be made to an individual unless he is affiliated with or sponsored by an institution which can and does assume responsibility for the protection of the subjects involved.

Since the welfare of subjects is a matter of concern to the Department of Health, Education, and Welfare as well as to the institution, no grant or contract involving human subjects shall be made unless the proposal for such support has been reviewed and approved by an appropriate professional committee within the responsible component of the Department. As a result of this review, the committee may recommend to the operating agency, and the operating agency may require, the imposition of specific grant or contract terms providing for the protection of human subjects, including requirements for informed consent.

APPLICABILITY

A. General.—This policy applies to all grants and contracts which support activities in which subjects may be at risk.

B. Subject.—This term describes any individual who may be at risk as a consequence of participation as a subject in research, development, demonstration, or other activities supported by DHEW funds.

This may include patients; outpatients; donors of organs, tissues, and services; informants; and normal volunteers, including students who are placed at risk during training in medical, psychological, sociological, educational, and other types of activities supported by DHEW.

Of particular concern are those subjects in groups with limited civil freedom. These include prisoners, residents or clients of institutions for the mentally ill and mentally retarded, and persons subject to military discipline.

The unborn and the dead should be considered subjects to the extent that they have rights which can be exercised by their next of kin or legally authorized representatives.

C. At Risk.—An individual is considered to be "at risk" if he may be exposed to the possibility of harm—physical, psychological, sociological, or other—as a consequence of any activity which goes beyond the application of those established and accepted methods necessary to meet his needs. The determination of when an individual is at risk is a matter of the application of common sense and sound professional judgment to the circumstances of the activity in question. Responsibility for this determination resides at all levels of institutional and departmental review. Definitive determination will be made by the operating agency.

D. Types of Risks and Applicability of the Policy.—1. Certain risk are inherent in life itself, at the time and in the places where life runs its course. This policy is not concerned with the ordinary risks of public or private living, or those risks associated with admission to a school or hospital. It is not concerned with the risks inherent in professional practice as long as these do not exceed the bounds of established and accepted procedures, including innovative practices applied in the interest of the individual patient, student or client.

Risk and the applicability of this policy are most obvious in medical and behavioral science research projects involving procedures that may induce a potentially harmful altered physical state or condition. Surgical and biopsy procedures; the removal of organs or tissues for study, reference, transplantation, or banking; the administration of drugs or radiation; the use of indwelling catheters or electrodes; the requirement of strenuous physical exertion; subjection to deceit, public embarrassment, and humiliation are all examples of procedures which require thorough scrutiny by both the Department of Health, Education, and Welfare and institutional committees. In general those projects which involve risk of physical or psychological injury require prior written consent.

2. There is a wide range of medical, social, and behavioral projects and activities in which no immediate physical risk to the subject is involved; e.g., those utilizing personality inventories, interviews, questionnaires, or the use of observation, photographs, taped records, or stored data. However, some of these procedures may involve varying degrees of discomfort, harassment, invasion of privacy, or may constitute a threat to the subject's dignity through the imposition of demeaning or dehumanizing conditions.

3. There are also medical and biomedical projects concerned solely with organs, tissues, body fluids, and other materials obtained in the course of the routine performance of medical services such as diagnosis, treatment and care, or at autopsy. The use of these materials obviously involves no element of physical risk to the subject. However, their use for many research, training, and service purposes may present psychological, sociological, or legal risks to the subject or his authorized representatives. In these instances, application of the policy requires review to determine that the circumstances under which the materials were procured were appropriate and that adequate and appropriate consent was, or can be, obtained for the use of these materials for project purposes.

4. Similarly, some studies depend upon stored data or information which was often obtained for quite different purposes. Here, the reviews should also determine whether the use of these materials is within the scope of the original consent, or whether consent can be obtained.

E. Established and Accepted Methods.—Some methods become established through rigorous standardization procedures prescribed, as in the case of drugs or biologicals, by law or, as in the case of many educational tests, through the aegis of professional societies or nonprofit agencies. Acceptance is a matter of professional response, and determination as to when a method passes from the experimental stage and becomes "established and accepted" is a matter of judgment.

In determining what constitutes an established and accepted method, consideration should be given to both national and local standards of practice. A management procedure may become temporarily established in the routine of a local institution but still fail to win acceptance at the national level. A psychological inventory may be accepted nationally, but still contain questions which are disturbing or offensive to a local population. Surgical procedures which are established and accepted in one part of the country may be considered experimental in another, not due to inherent deficiencies, but because of the lack of proper facilities and trained personnel. Diagnostic procedures which are routine in the United States may pose serious hazards to an undernourished, heavily infected, overseas population.

If doubt exists as to whether the procedures to be employed are established and accepted, the activity should be subject to review and approval by the institutional committee.

F. Necessity to Meet Needs.—Even if considered established and accepted, the method may place the subject at risk if it is being employed for purposes other than to meet the needs of the subject. Determination by an attending professional that a particular treatment, test, regimen, or curriculum is appropriate for a particular subject to meet his needs limits the attendant risks to those inherent in the delivery of services, or in training.

On the other hand, arbitrary, random, or other assignment of subjects to differing treatment or study groups in the interests of a DHEW supported activity, rather than in the strict interests of the subject, introduces the possibility of exposing him to additional risk. Even comparisons of two or more established and accepted methods may potentially involve exposure of at least some of the subjects to additional risks. Any alteration of the choice, scope, or timing of an otherwise established and accepted method, primarily in the interests of a DHEW activity, also raises the issue of additional risk.

If doubt exists as to whether the procedures are intended solely to meet the needs of the subject, the activity should be subject to review and approval by the institutional committee.

INSTITUTIONAL REVIEW

A. Initial Review of Projects.—I. Review must be carried out by an appropriate institutional committee. The committee may be an existing one, such as a board of trustees, medical staff committee, utilization committee, or research committee, or it may be specially constituted for the purpose of this review. Institutions may utilize subcommittees to represent major administrative or subordinate components in those instances where establishment of a single committee is impracticable or inadvisable. The institution may utilize staff, consultants, or both.

The committee must be composed of sufficient members with varying backgrounds to assure complete and adequate review of projects and activities commonly conducted by the institution. The committee's membership, maturity, experience, and expertise should be such as to justify respect for its advice and counsel. No member of an institutional committee shall be involved in either the initial or continuing review of an activity in which he has a professional responsibility, except to provide information requested by the committee. In addition to possessing the professional competence to review specific activities, the committee should be able to determine acceptability of the proposal in terms of institutional commitments and regulations, applicable law, standards of professional conduct and practice, and community attitudes.[1] The committee may therefore need to include persons whose primary concerns lie in these areas rather than in the conduct of research, development, and service programs of the types supported by the DHEW.

If an institution is so small that it cannot appoint a suitable committee from its own staff, it should appoint members from outside the institution.

Committee members shall be identified by name, occupation or position, and by other pertinent indications of experience and competence in areas pertinent to the areas of review such as earned degrees, board certifications, licensures, memberships, etc.

Temporary replacement of a committee member by an alternate of comparable experience and competence is permitted in the event a member is momentarily unable to fulfill committee responsibility. The DHEW should be notified of any permanent replacement or additions.

2. The institution should adopt a statement of principles that will assist it in the discharge of its responsibilities for protecting the rights and welfare of subjects. This may be an appropriate existing code or declaration or one formulated by the institution itself.[2] It is to be understood that no such principles supersede DHEW policy or applicable law.

3. Review begins with the identification of those projects or activities which involve subjects who may be at risk. In institutions with large grant and contract programs, administrative staff may be delegated the responsibility of separating those projects which do not involve human subjects in any degree: i.e., animal and nonhuman ma-

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terials studies. However, determinations as to whether any project or activity involves human subjects at risk is a professional responsibility to be discharged through review by the committee, or by subcommittees.

If review determines that the procedures to be applied are to be limited to those considered by the committee to be established, accepted, and necessary to the needs of the subject, review need go no further; and the application should be certified as approved by the committee. Such projects involve human subjects, but these subjects are not considered to be at risk.

If review determines that the procedures to be applied will place the subject at risk, review should be expanded to include the issues of the protection of the subject's rights and welfare, of the relative weight of risks and benefits, and of the provision of adequate and appropriate consent procedures.

Where required by workload considerations or by geographic separation of operating units, subcommittees or mail review may be utilized to provide preliminary review of applications.

Final review of projects involving subjects at risk should be carried out by a quorum of the committee.[3] Such review should determine, through review of reports by subcommittees, or through its own examination of applications or of protocols, or through interviews with those individuals who will have professional responsibility for the proposal, project or activity, or through other acceptable producers that the requirements of the institutional assurance and of DHEW policy have been met, specifically that:

a. The rights and welfare of the subjects are adequately protected.

Institutional committees should carefully examine applications, protocols, or descriptions of work to arrive at an independent determination of possible risks. The committee must be alert to the possibility that investigators, program directors, or contractors may, quite unintentionally, introduce unnecessary or unacceptable hazards, or fail to provide adequate safeguards. This possibility is particularly true if the project crosses disciplinary lines, involves new and untried procedures, or involves established and accepted procedures which are new to the personnel applying them. Committees must also assure themselves that proper precautions will be taken to deal with emergencies that may develop even in the course of seemingly routine activities.

When appropriate, provision should be made for safeguarding information that could be traced to, or identified with, subjects. The committee may require the project or activity director to take steps to insure the confidentiality and security of data, particularly if it may not always remain under his direct control.

Safeguards include, initially, the careful design of questionnaires, inventories, interview schedules, and other data gathering instruments and procedures to limit the personal information to be acquired to that absolutely essential to the project or activity. Additional safeguards include the encoding or enciphering of names, addresses, serial numbers, and of data transferred to tapes, discs, and printouts. Secure, locked spaces and cabinets may be necessary for handling and storing documents and files. Codes and ciphers should always be kept in secure places, distinctly separate from encoded and enciphered data. The shipment, delivery, and transfer of all data, printouts, and files between offices and institutions may require careful controls. Computer to computer transmission of data may be restricted or forbidden.

Provision should also be made for the destruction of all edited, obsolete or depleted data on punched cards, tapes, discs, and other records. The committee may also determine a future date for destruction of all stored primary data pertaining to a project or activity.

Particularly relevant to the decision of the committees are those rights of the subject that are defined by law. The committee should familiarize itself through consultation with legal counsel with these statutes and common law precedents which may bear on its decisions. The provisions of this policy may not be construed in any manner or sense that would abrogate, supersede, or moderate more restrictive applicable law or precedential legal decisions.

Laws may define what constitutes consent and who may give consent, prescribe or proscribe the performance of certain medical and surgical procedures, protect confidential communications, define negligence, define invasion of privacy, require disclosure of records pursuant to legal process, and limit charitable and governmental immunity (see, e.g., the University of Pittsburgh Law Manual).

b. The risks to an individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained.

The committee should carefully weigh the known or foreseeable risks to be encountered by subjects, the probable benefits that may accrue to them, and the probable benefits to humanity that may result from the subject's participation in the project or activity. If it seems probable that participation will confer substantial benefits on the subjects, the committee may be justified in permitting them to accept commensurate or lesser risks. If the potential benefits are insubstantial, or are outweighed by risks, the committee may be justified in permitting the subjects to accept these risks in the interests of humanity. The committee should consider the possibility that subjects, or those authorized to represent subjects, may be motivated to accept risks for unsuitable or inadequate reasons. In such instances the consent procedures adopted should incorporate adequate safeguards.

Compensation to volunteers should never be such as to constitute an undue inducement.

No subject can be expected to understand the issues of risks and benefits as fully as the committee. Its agreement that consent can reasonably be sought for subject participation in a project or activity is of paramount practical importance.

"The informed consent of the subject, while often a legal necessity is a goal toward which we must strive, but hardly ever achieve except in the simplest cases."—(Henry K. Beecher, M.D.)

c. The informed consent of subjects will be obtained by methods that are adequate and appropriate.

Note.—In the United States, adherence to the regulations of the Food and Drug Administration (21 CFR 130) governing consent in projects involving investigational new drugs (IND) is required by law.

Informed consent is the agreement obtained from a subject, or from his authorized representative, to the subject's participation in an activity.

The basic elements of informed consent are:

1. A fair explanation of the procedures to be followed, including an identification of those which are experimental;

2. A description of the attendant discomforts and risks;

3. A description of the benefits to be expected;

4. A disclosure of appropriate alternative procedures that would be advantageous for the subject;

5. An offer to answer any inquiries concerning the procedures;

6. An instruction that the subject is free to withdraw his consent and to discontinue participation in the project or activity at any time.

In addition, the agreement, written or oral, entered into by the subject, should include no exculpatory language through which the subject is made to waive, or to appear to waive, any of his legal rights, or to release the institution or its agents from liability for negligence.[4]

Informed consent must be documented (see Documentation, p. 15–16).

Consent should be obtained, whenever practicable, from the subjects themselves. When the subject group will include individuals who are not legally or physically capable of giving informed consent, because of age, mental incapacity, or inability to communicate, the review committee should consider the validity of consent by next of kin, legal guardians, or by other qualified third parties representative of the subjects' interests. In such instances, careful consideration should be given by the committee not only to whether these third parties can be presumed to have the necessary depth of interest and concern with the subjects' rights and welfare, but also to whether these third parties will be legally authorized to expose the subjects to the risks involved.

The review committee will determine if the consent required, whether to be secured before the fact, in writing or orally, or after the fact following debriefing, or whether implicit in voluntary participation in an adequately advertised activity, is appropriate in the light of the risks to the subject, and the circumstances of the project.

The review committee will also determine if the information to be given to the subject, or to qualified third parties, in writing or orally, is a fair explanation of the project or activity, of its possible benefits, and of its attendant hazards.

Where an activity involves therapy, diagnosis, or management, and a professional/patient relationship exists, it is necessary "to recognize that each patient's mental and emotional condition is important . . . and that in discussing the element of risk, a certain amount of discretion must be employed consistent with full disclosure of fact necessary to any informed consent."[5]

Where an activity does not involve therapy, diagnosis, or management, and a professional/subject rather than a professional/patient relationship exists, "the subject is entitled to a full and frank disclosure of all the facts, probabilities, and opinions which a reasonable man might be expected to consider before giving his consent."[6]

When debriefing procedures are considered as a necessary part of the plan, the committee should ascertain that these will be complete and prompt.

B. Continuing Review.—This is an essential part of the review process. While procedures for continuing review of ongoing projects and activities should be based in principle on the initial review criteria, they should also be adapted to the size and administrative structure of the institution. Institutions which are small and compact and in which the committee members are in day-to-day contact with professional staff may be able to function effectively with some informality. Institutions which have placed responsibility for review in boards of trustees, utilization committees, and similar groups that meet on frequent schedules may find it possible to have projects re-reviewed during these meetings.

In larger institutions with more complex administrative structures and specially appointed committees, these committees may adopt a variety of continuing review mechanisms. They may involve systematic review of projects at fixed intervals, or at intervals set by the committee commensurate with the project's risk. Thus, a project involving an untried procedure may initially require reconsideration as each subject completes his

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involvement. A highly routine project may need no more than annual review. Routine diagnostic service procedures, such as biopsy and autopsy, which contribute to research and demonstration activities generally require no more than annual review. Spot checks may be used to supplement scheduled reviews.

Actual review may involve interviews with the reponsible staff, or review of written reports and supporting documents and forms. In any event, such review must be completed at least annually to permit certifications of review on noncompeting continuation applications.

C. Communication of the Committee's Action, Advice, and Counsel.—If the committee's overall recommendation is favorable, it may simultaneously prescribe restrictions or conditions under which the activity may be conducted, define substantial changes in the research plans which should be brought to its attention, and determine the nature and frequency of interim review procedures to insure continued acceptable conduct of the research.

Favorable recommendations by an institutional committee are, of course, always subject to further appropriate review and rejection by institution officials.

Unfavorable recommendations, restrictions, or conditions cannot be removed except by the committee or by the action of another appropriate review group described in the assurance filed with the Department of Health, Education, and Welfare.

Staff with supervisory responsibility for investigators and program directors whose projects or activities have been disapproved or restricted, and institutional administrative and financial officers should be informed of the committee's recommendations. Responsible professional staff should be informed of the reasons for any adverse actions taken by the institutional committee.

The committee should be prepared at all times to provide advice and counsel to staff developing new projects or activities or contemplating revision of ongoing projects or disapproved proposals.

D. Maintenance of an Active and Effective Committee.—Institutions should establish policy determining overall committee composition, including provisions for rotation of memberships and appointment of chairmen. Channels of responsibility should be established for implementation of committee recommendations as they may affect the actions of responsible professional staff, grants and contracts officers, business officers, and other responsible staff. Provisions should be made for remedial action in the event of disregard of committee recommendations.

ASSURANCES

A. Negotiation of Assurances.—An institution applying to the DHEW for a grant or contract involving human subjects must provide written assurance that it will abide by DHEW policy. The assurance shall embody a statement of compliance with DHEW requirements for initial and continuing committee review of the supported activities; a set of implementing guidelines, including identification of the committee, and a description of its review procedures or, in the case of special assurances concerned with single projects or activities, a report of initial findings and proposed continuing review procedures. Institutions that have not previously filed assurances should request instructions for the preparation of an assurance from the Division of Research Grants, National Institutes of Health.

Negotiation of assurances is the responsibility of the DRG, NIH. Negotiation will be initiated on receipt of a copy of a grant application, a contract proposal, or other documentation identifying the project and the offeror or sponsoring institution.

Assurances will not be accepted from institutions or institutional components which do not have control over the expenditure of DHEW grant or contract funds unless they are an active part of a cooperative project or activity.

An assurance will be accepted only after review and approval by the DRG, NIH.

B. Types of Assurance.—Assurances may be one of two types:

1. General assurance.—A general assurance describes the review and implementation procedures applicable to all DHEW-supported activities within an institution, regardless of the number, location, or types of its components (see attachment A). General assurances will be required from institutions having a significant number of concurrent DHEW projects or activities involving human subjects.

2. Special assurance.—A special assurance will, as a rule, describe those review and implementation procedures applicable to a single project or activity (see attachment B). Special assurances may also be approved in modified forms to meet unusual requirements either of the operating agency or of the institution receiving a grant or contract. Special assurances are not to be solicited from institutions which have accepted general assurances on file.

C. Minimum Requirements for General Assurances.—1. Statement of compliance.—A formal statement of compliance with DHEW policy must be executed by an appropriate institutional official.

2. Implementing guidelines.—The institution must include as part of its assurance implementing guidelines that specifically provide for:

a. The statement of principles that will assist the institution in the discharge of its responsibilities for protecting the rights and welfare of subjects. This may be an appropriate existing code or declaration or one formulated by the institution itself.

b. A committee or committee structure which will conduct initial and continuing reviews. Committee members shall be identified by name, occupation or position, and by other pertinent indications of experience and competence in areas pertinent to the areas of review such as earned degrees, board certifications, licensures, memberships, etc.

c. The procedures which the institution will follow in carrying out its initial and continuing review of proposals and activities to insure that:

(1) The rights and welfare of subjects are adequately protected;

(2) The risks to subjects are outweighed by potential benefits;

(3) The informed consent of subjects will be obtained by methods that are adequate and appropriate.

d. The procedures which the committee will follow to provide advice and counsel to project and program directors with regard to the committee's actions as well as the requirement for reporting to the committee any emergent problems or proposed procedural changes.

e. The procedures which the institution will follow to maintain an active and effective committee and to implement its recommendations.

D. Minimum Requirements for Special Assurance.—An acceptable special assurance covering a single activity consists of a properly completed statement of compliance, similar to that illustrated by attachment B. This assurance shall identify the specific grant or contract involved by its number, if known; by its full title; and by the name of the project or program director, principal investigator, fellow, or other person immediately responsible for the conduct of the activity. The assurance shall be signed by a committee of not fewer than three members and executed by an appropriate institutional official. The committee shall describe in general terms those risks to the subject that it recognizes as inherent in the activity. Consent procedures to be used are to be described. Any consent statement to be signed, heard, or read by the subject or responsible third parties should be attached. The assurance should outline the circumstances under which the director or investigator will be required to inform the committee of proposed changes in the activity, or of emergent problems involving human subjects. The assurance should also indicate whether the director or investigator will be required to submit written reports, appear for interview, or be visited by the committee or committees to provide for continuing review. It should also indicate the intervals at which such reviews will take place.

TIMING AND CERTIFICATION OF INSTITUTIONAL REVIEW

A. General Assurances.—1. Timely review.—All proposals involving human subjects submitted by institutions with accepted general assurances should, whenever possible, be given institutional review and approval prior to submission to the DHEW. The proposal or application should be appropriately marked in the spaces provided on forms, or the following statement should be typed on the lower or right hand margin of the page bearing the name of the institutional official authorized to sign or execute applications or proposals for the institution:

"Human Subjects—Review and Approved on ——(date)——."

(This date should be no more than 90 days prior to the submission date, and must not be more than 12 months prior to the proposed starting date.)

2. Pending review.—If it will be necessary to delay the review, the proposal is to be appropriately marked in the spaces provided on forms, or the following statement is to be typed in the lower or right hand margin of the page bearing the name of the institutional official authorized to sign or execute applications or proposals for the institution:

"Human Subjects—Review Pending on——(date)——."

(This date should be at least one month earlier than the proposed starting date of the project to avoid possible conflict with the award date.)

3. Completion of pending review.—Review should be initiated as soon as possible after the submission of the proposal so that final action can be completed prior to the pending review date. If this final action is disapproval, or is approval contingent on substantive changes in the proposal, the operating agency is to be notified promptly by telegram; an immediate confirmatory letter; and, where appropriate, by withdrawal of the application from further consideration by the agency.

4. Institutional review of proposals lacking definite plans or specifications for the involvement of human subjects.—Certain types of proposals are submitted with the knowledge that human subjects are to be involved within the project period, but definite plans for this involvement cannot properly be included in the proposal. These include (1) certain training grants where trainee projects remain to be selected, and (2) research, pilot, or developmental studies in which involvement depends upon such things as the completion of instruments, or of prior animal studies, or upon the purification of compounds.

Such proposals should be reviewed and certified in the same manner as more complete proposals. The initial certification indicates institutional approval of the applications as submitted, and commits the institution to later review of the plans when completed. Such later review should be completed prior to the beginning of the budget period during which actual involvement of human subjects is to begin.

5. Institutional review of proposals not submitted with the intent of involving human subjects.—If a proposal, at the time it is

submitted to the DHEW, does not anticipate involving or intend to involve human subjects, no certification should be submitted. In those instances, however, where funds are awarded in response to the proposal and it later becomes appropriate to use all or parts of these funds for activities which will involve human subjects, such use must be reviewed and approved in accordance with the institutional assurance prior to the use of subjects:

a. Where support is provided by project grants or contracts, review and approval of such changes must be certified to the awarding agency or contracting agency, together with a description of the proposed change in the project plan or contract workscope. Subjects should not be used prior to receipt of approval from agency staff or from the project officer concerned.

b. Where support is provided by a mandatory grant or institutional grant, in which cases the institution determines within broad guidelines the project or activities supported, including the use of human subjects (i.e., general research support grants, clinical research center projects), review must be carried out in accordance with the institutional assurance. Certification for individual projects need not be forwarded to the awarding agency.

Whenever the committee is uncertain as to whether a change should or should not be reported, the question should be referred to the operating agency concerned.

All certifications are subject to verification by DHEW representatives authorized to examine institutional and committee records.

B. Special Assurances.—When a special assurance is submitted, it provides certification for the initial grant or contract period concerned. No additional documentation is required. If the terms of the grant or contract provide for additional years of support, with annual obligation or funds, the noncompeting renewal application or proposal shall be certified in the manner described in the preceding section.

COOPERATIVE ACTIVITIES

Cooperative activities are those which involve other than the grantee or prime contractor (such as a contractor under a grantee or a subcontractor under a prime contractor). In such instances the grantee or prime contractor may obtain access to all or some of the human subjects involved through the cooperating institution. Regardless of the distances involved and the nature of the cooperative arrangement, the basic DHEW policy applies and the grantee or prime contractor remains responsible for safeguarding the rights and welfare of the subjects. The manner in which this responsibility can be discharged depends on whether the grantee or contractor holds an institutional general assurance or an institutional special assurance.

A. Institutions with General Assurances.—1. Initial and continuing institutional review may be carried out by one or a combination of procedures:

—By the grantee's or contractor's committee;

—By the committee reviews conducted of both institutions; or

—Through cooperation of appropriate individuals or committees representing the cooperating institution.

The procedures to be followed must be made a matter of record in the institutional files for the grant or contract before funds are released by the grantee or contractor for the cooperative project. There are three relationships that may govern in reference to the cooperating institution:

a. Cooperating institutions with accepted general assurances. When the cooperating institution has on file with the DHEW an accepted general assurance, the grantee or contractor may request the cooperator to conduct its own independent review and to report to the grantee's or contractor's committee the cooperating committe's recommendations on those aspects of the activity that concern individuals for whom the cooperating institution has responsibility in accordance with its own assurance. The grantee or contractor may, at its discretion, concur with or further restrict the recommendations of the cooperating institution. It is the responsibility of the grantee or contractor to maintain communication with the cooperating institutional committees. The cooperating institution should promptly notify the grantee or contracting institution whenever the cooperating institution finds the conduct of the project or activity within its purview unsatisfactory.

b. Cooperating institution with no accepted general assurance. When the cooperating institution does not have an accepted assurance on file with the DHEW, the awarding agency concerned may request the DRG, NIH, to negotiate an assurance.

c. Interinstitutional joint reviews.—The grantee or contracting institution may wish to develop an agreement with cooperating institutions to provide for a review committee with representatives from cooperating institutions. Representatives of cooperating institutions may be appointed as ad hoc members of the grantee or contracting institution's existing review committee or, if cooperation is on a frequent or continuing basis as between a medical school and a group of affiliated hospitals, appointments may be made permanent. Under some circumstances component subcommittees may be established within cooperating institutions. All such cooperative arrangements must be accepted by the Department as part of a general assurance, or as an amendment to a general assurance, or in unusual situations as determined by the DRG, NIH, as a special assurance.

B. Institutions with Special Assurances.—While responsibility for initial and continuing review necessarily lies with the contractor, the DHEW will also require acceptable assurances from those cooperating institutions having immediate responsibility for subjects.

If the cooperating institution has on file with the DHEW an accepted general assurance, the contractor shall request the cooperator to conduct its own independent review of those aspects of the project or activity which will involve human subjects for which it has immediate responsibility. Such a request shall be in writing and should provide for direct notification of the contractor's committee in the event that the cooperator's committee finds the conduct of the activity unsatisfactory.

If the cooperating institution does not have an accepted general assurance on file with the DHEW, the operating agency concerned must request the DRG, NIH, to negotiate an assurance.

INSTITUTIONAL ADMINISTRATION OF ASSURANCES

A. Institutional Responsibility.—The grantee or contracting institution's administration is accountable to the Department for effectively carrying out the provisions of the institutional assurance for the protection of human subjects as accepted and recognized by the Department. Revisions in the institutional assurance, including the implementing procedures, are to be reported to the Department prior to the date such revisions become effective. Revision without prior notification may result in withdrawal of departmental recognition of the institution's assurance.

B. *Executive Functions*.—Specific executive functions to be conducted by the institutional administration include institutional policy formulation, development, promulgation, and continuing indoctrination of personnel. Appropriate administrative assistance and support must be provided for the committee's functions. Implementation of the committee's recommendations through appropriate administrative action and followup is a condition of acceptance of an assurance. Committee approvals and recommendations are, of course, subject to review and to disapproval or further restriction by institutional officials. Committee disapprovals, restrictions, or conditions cannot be rescinded or removed except by action of the committee or another appropriate review group as described and accepted in the assurance filed with the Department.

C. *Assurance Implementation*.—Under no circumstances shall proposed activity plans, not approved by the committee, be implemented with Department funds. The principal investigator, program or project director, or other responsible staff must be notified as promptly as possible of committee actions, including any restrictive recommendations made by the institutional committee or the administration. They must also be informed and reminded of their continuing responsibility to bring to the attention of the committee any proposed significant changes in project or activity plans or any emergent problems that will affect human subjects. Where continuing review of projects involves the channels of administrative authority in the institution, notification of committee actions should be sent through these channels. Establishment of mechanisms for consultation and appeal by investigators and subjects may be an important condition of acceptance of an assurance by the Department.

D. *Documentation*.—1. *General*.—Development of appropriate documentation and reporting procedures is an essential administrative function. The files must include copies of all documents presented or required for initial and continuing review by the institutional review committee and transmittals on actions, instructions, and conditions resulting from review committee deliberations addressed to the activity director are to be made part of the official institutional files for the supported activity. Committee meeting minutes including records of discussions of substantive issues and their resolution are to be retained by the institution and be made available upon request to representatives of the DHEW.

2. Informed consent.—An institution proposing to place any individual at risk is obligated to obtain and document his informed consent; the terms "at risk" and "informed consent" will apply as defined previously.

The actual procedure in obtaining informed consent and the basis for committee determinations that the procedures are adequate and appropriate are to be fully documented. The documentation will follow one of the following three forms:

a. Provision of a written consent document embodying all of the basic elements of informed consent. This form is to be signed by the subject or his authorized representative. A sample of the form as approved by the committee is to be retained in its records. Completed forms are to be handled in accordance with institutional practice.

b. Provision of a "short" form written consent document indicating that the basic elements of informed consent have been presented orally to the subject. Written summaries of what is to be said to the patient are to be approved by the committee. The "short" form is to be signed by the subject or his authorized representative and an auditor-witness to the oral presentation and to the subject's or his authorized representative's signature. A copy of the approved summary, annotated to show any addition, is to be signed by the persons obtaining the consent on behalf of the institution and by the auditor-witness. Sample copies of the consent form and of the summaries as approved by the committee are to be retained in its records. Completed forms are to be handled in accordance with institutional practice.

c. Modification of either of the above two primary procedures. All such modifications must be approved by the committee on the minutes signed by the committee chairman. Granting of permission to use modified procedures imposes additional responsibility upon the review committee and the institution to establish that the risk to any subject is minimum, that use of either of the primary procedures for obtaining informed consent would surely invalidate objectives of considerable immediate importance, and that any reasonable alternative means for attaining these objectives would be less advantageous to the subject.

The committee's reasons for permitting modification or elimination of any of the six basic elements of informed consent, or for altering requirements for a subject's signature, or for signature of an auditor-witness, or for substitution (i.e., debriefing), or other modification of full, complete, written prior consent, must be individually and specifically documented in the minutes and in reports of committee actions to the institutional files. Approval of any such modifications should be regularly reconsidered as a function of continuing review and as required for annual review, with documentation of reaffirmation, revision, or discontinuation as appropriate.

3. Reporting to DHEW.—No routine reports to DHEW are required. Significant changes in policy, procedure, or committee structure shall, however, be promptly reported to the DRG, NIH, for review and acceptance. Review of these changes or of institutional and other records of performance under the terms and conditions of DHEW policy, may require renegotiation of the assurance or such other action as may be appropriate.

ENFORCEMENT

The DRG, NIH, will follow up reports by reviewers, evaluators, consultants, and staff of the DHEW indicating concern for the welfare of subjects involved in approved and funded grants or contracts, and of subjects potentially involved in activities approved but not funded, and in disapproved proposals. On the basis of these reports and of other sources of information, the DRG, NIH, may, in collaboration with the operating agency concerned, correspond with or visit institutions to discuss correction of any apparent deficiencies in its implementation of the procedures described in its institutional assurance.

If, in the judgment of the Secretary, an institution has failed in a material manner to comply with the terms of this policy with respect to a particular DHEW grant or contract, he may require that it be terminated in the manner provided for in applicable grant or procurement regulations. The institution shall be promptly notified of such finding and of the reason therefor.

If, in the judgment of the Secretary, an institution fails to discharge its responsibilities for the protection of the rights and welfare of the individuals in its care, whether or not DHEW funds are involved, he may question whether the institution and the individuals concerned should remain eligible to receive future DHEW funds for activities involving human subjects. The institution and individuals concerned shall be promptly notified of this finding and of the reasons therefor.

DEPARTMENTAL REVIEW OF ASSURANCES

All assurances submitted for approval are to be forwarded to the DRG, NIH, for review and acceptance on behalf of the Department. Review will be principally concerned with the adequacy of the proposed committee in the light of the probable scope of the applicant institution's activities, and with the appropriateness of the proposed initial and continuing review in the light of the probable risks to be encountered, the types of subject populations involved, and the size and complexity of the institution's administration. Institutions submitting inadequate assurances will be informed of deficiencies. The appropriate operating agency will be kept informed, on request, of the status and acceptance of an assurance.

ATTACHMENT A

Example of a statement of compliance—Part one of a general institutional assurance

The (name of institution) will comply with the policy for the protection of human subjects participating in activities supported directly or indirectly by grants or contracts from the Department of Health, Education, and Welfare. In fulfillment of its assurance:

This institution will establish and maintain a committee competent to review projects and activities that involve human subjects. The committee will be assigned responsibility to determine for each activity as planned and conducted that:

The rights and welfare of subjects are adequately protected.

The risks to subjects are outweighed by potential benefits.

The informed consent of subjects will be obtained by methods that are adequate and appropriate.

This institution will provide for committee reviews to be conducted with objectivity and in a manner to ensure the exercise of independent judgment of the members. Members will be excluded from reviews of projects or activities in which they have an active role or a conflict of interests.

This institution will encourage continuing constructive communication between the committee and the project directors as a means of safeguarding the rights and welfare of subjects.

This institution will provide for the facilities and professional attention required for subjects who may suffer physical, psychological, or other injury as a result of participation in an activity.

This institution will maintain appropriate and informative records of committee reviews of applications and active projects, of documentation of informed consent, and of other documentation that may pertain to the selection, participation, and protection of subjects and to reviews of circumstances that adversely affect the rights or welfare of individual subjects.

This institution will periodically reassure itself through appropriate administrative overview that the practices and procedures designed for the protection of the rights and welfare of subjects are being effectively applied and are consistent with its assurance as accepted by the Department of Health, Education, and Welfare.

Official signing for the Institution:
Signature.
Title.
Date.

Enclosure: Implementing Guidelines, Part Two of a General Institutional Assurance.

ATTACHMENT B

Example of a statement of compliance special institutional assurance in connection with single projects involving human subjects

(0) The (name of institution) will comply with the policy for the protection of human subjects participating in projects or activities supported by grants and contracts made by the Department of Health, Education, and Welfare. This policy requires a review independent of the investigator or director to safeguard the rights and welfare of those subjects. An initial review of the application for a grant or contract identified as —— submitted by this institution on behalf of —— indicates that:

(1) In the opinion of this committee the risks to the rights and welfare of the subject in this project or activity are:

The committee states that adequate safeguards against these risks have been provided.

(2) In the opinion of the committee the potential benefits of this activity to the subjects outweigh any probable risks. This opinion is justified by the following reasons:

(3) In the opinion of the committee the following informed consent procedures will be adequate and appropriate. Documentation is attached.

(4) The committee agrees to arrange for a continuing exchange of information and advice between itself and the investigator or director, particularly to deal with proposed changes in project or activity design, or with emergent problems which may alter the investigational situation with regard to the criteria cited above. This exchange will be implemented through:

This institution will provide whatever professional attention or facilities are required to safeguard the rights and welfare of human subjects.

(5) The signatures, names, and occupations or titles of the members of the committee are listed below.

Signature, Name, Occupation or Title.
Date of Committee Approval.

(6) Official signing for Institution.
Date.

ATTACHMENT B

Instructions

An acceptable special institutional assurance consists of a properly completed formal statement of compliance with Department of Health, Education, and Welfare policy (see attachment B), signed by a committee of not less than three members and by an official authorized to sign for the institution. The explanatory paragraphs which follow refer to the corresponding section of the attachment.

(0) This should identify the application for a grant, contract, or award by its identifying number, where known, or by its full title. The name should be that of the investigator, program director, fellow, or other individual immediately responsible for the conduct of the work.

(1) The committee should identify in general terms those risks that it recognizes as probable occurrences; i.e., "Aggravation of anxiety status through contact with interviewers," "Preservation of confidentiality of data," "Renal injury subsequent to multiple biopsy," "Possibility of side reactions to drugs," "Possible local hematosis and nerve injury associated with venipuncture."

(2) The committee should identify the benefits to the subject or the mankind in general that will accrue through the subject's participation in the project. This should be followed by a brief discussion, weighing the risks against the benefits.

(3) Consent procedures should be described and the minimum statement to be used should be attached. "Students responding to the attached advertisement will be interviewed." "The project outline will be submitted to the executive council of the PTA." "Individual teachers will be asked to allow an observer in the rooms chosen." "Superintendents of several State mental hospitals will be approached. The attached statement to the next of kin or guardian will be signed by the principal investigator and the superintendent." "The following special consent form will be signed by each subject and his or her spouse or next of kin before acceptance of the subject." "No prior consent will be sought. The following debriefing schedule will be followed within 30 minutes after completion of the test."

(4) This should indicate whether the investigator or director will be required to submit written reports, or to appear for interviews, or will be visited by the committee or committee representatives, and at approximately what intervals these steps will be carried out.

(5) No further explanation is necessary. (The committee must be composed of sufficient members with varying backgrounds to assure complete and adequate review of the project. The committee may be an existing one, or one especially appointed for the purpose. The institution may utilize staff, consultants, or both. The membership should possess not only broad competence to comprehend the nature of the project, but also other competences necessary in the judgments as to acceptability of the project or activity in terms of institutional regulations, relevant law, standards of professional practice, and community acceptance. The committee's maturity and experience should be such as to justify respect for its advice and counsel.)

(No individual involved in the conduct of the project shall participate in its review, except to provide information to the committee.)

(Committee members should be identified in the assurance by name, positions, earned degrees, board certifications, licensures, memberships, and other indications of experience, competence, and interest.)

The completed assurance should be attached to the application, or returned directly to the office requesting its submission.

ATTACHMENT 3

Codes or statements of principles which are concerned with the protection of human subjects in research, investigation, and care have been issued by:

Organization, code; adoption date, and reference

World Medical Association, 10 Columbus Circle, New York, N.Y. (code available from AMA; see address listed herein). The Declaration of Helsinki; Recommendations Guiding Doctors in Clinical Research: 1964. J.A.M.A., 197(11):32, Sept. 12, 1966.

Nuernberg Military Tribunals: U.S. v. Karl Brandt. Text from which the "Nuernberg Code" is derived. Trials of War Criminals Before the Nuernberg Military Tribunals, vol. II, pp. 181–82; GPO 1949.

American Medical Association, 535 North Dearborn Street, Chicago, Ill. AMA Ethical Guidelines for Clinical Investigation; Nov. 30, 1966.

(British) Medical Research Council, 20 Park Crescent, London W.I., England. Responsibility in Investigations on Human Subjects; 1964. Report of the Medical Research Council for 1962–1963, (Cmnd. 2382), pp. 21–25.

(Canadian) Medical Research Council, Montreal Road, Ottawa 7, Ontario, Canada. Medical Research Council; Extramural Programme; 1966.

American Association on Mental Deficiency, 20 North Street, Williamantic, Conn. Statement on the Use of Human Subjects for Research; May 1969. American Journal of Mental Deficiency, 74 (1):157, July 1969.

American Nurses' Association, 10 Columbus Circle, New York, N.Y. The Nurse in Research; ANA Guidelines on Ethical Values; January 1968.

American Personnel and Guidance Association, 1607 New Hampshire Avenue, N.W., Washington, D.C. American Personnel and Guidance Association; Code of Ethical Standards; no date specified.

American Psychological Association, Inc., 1200 17th Street, N.W., Washington, D.C. Ethical Standards of Psychologists; Copyrighted January 1963. American Psychologist, 18(1):56–60, January 1963.

International League of Societies for the Mentally Handicapped, 12 Rue Forestiere, Brussels 5, Belgium. Declaration of General and Special Rights of the Mentally Retarded; Oct. 24, 1968.

National Association of Social Workers, 2 Park Avenue, New York, N.Y. NASW Code of Ethics; Oct. 13, 1968.

FOOTNOTES

[1] In the United States, the regulations of the Food and Drug Administration (21 CFR 130) provide that the committee must possess competence to determine acceptability of the project in these terms in order to review proposals for investigational new drug (IND) studies.

[2] Some of the existing codes or statements of principles concerned with the protection of human subjects in research, investigation, and care are listed in attachment C.

[3] In the United States, the quorum reviewing investigational new drug studies must satisfy requirements of the Food and Drug Administration (21 CFR 130).

[4] Use of exculpatory clauses in consent documents is considered contrary to public policy. *Tunkl vs. Regents of University of California*, 60 Cal. 2d 92, 32 Cal. Rptr.33, 383 P. 2d 441 (1963), Annot., 6 A.L.R. 3d 693 (1966).

[5] *Salgo vs. Leland Stanford Jr. University Board of Trustees* (154 C.A. 2nd 560; 317 P. 2d 1701).

[6] *Halushka vs. University of Saskatchewan*, (1965) 53 D.L.R. (2d).

LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., August 4, 1972.

To: Senate Committee on Labor and Public Welfare (Health Subcommittee) Attn: Mr. J. Cutler.

From: Freeman H. Quimby, Specialist, Life Sciences.

Via: Walter A. Hahn, Acting Chief, Science Policy Research Division.

Subject: Additional information on matters relating to experimentation on human beings.

EXAMPLES OF QUESTIONABLE EXPERIMENTS INVOLVING HUMAN SUBJECTS

1. In 1964 live cancer cells were injected into hospitalized patients under circumstances in which the nature of their consent to the proceedings was exceedingly ambiguous. There followed many months of investigation and temporary dismissal of the scientists involved. (see SP 151, April 24, 1968)

2. In an article in the *New England Journal of Medicine*, June 16, 1966, (pages 1354–60, Dr. Henry Beacher points out that of 50 examples of research involving human beings, in only two of these was the question of patient consent even mentioned. He cites three studies where an effective treatment was withheld from the patients. Other experiments which Dr. Beecher critized in the article are as follows:

(a). One experiment to check the effectiveness of a treatment for acne caused liver damage in some of the patients.

(b). In another experiment high risk cardiac arrhythmias were induced in experimental subjects by toxic doses of carbon dioxide.

(c). Risky maneuvers were carried out on 50 older patients, most of whom were undergoing gall bladder surgery with associated heart disease. Some ECG changes were noted and in a similar study the changes observed were alarming.

(d). In one study of 30 adult patients with atrial fibrillation and stenosis of heart valves, an old and well established physiological law was thrown into the correctional procedures by means of a gauge sutured directly on to the heart and with a direct puncture into the heart itself.

(e). Another physiological study was conducted on 22 subjects undergoing chest surgery. Both sides of the heart were catheterized, one in the usual manner and the other by an experimental method. Extrasystoles were deliberately induced by tapping the exposed heart.

(f). Forty-three subjects, some of whom were seriously ill were subjected to transcutaneous injection of the spleen and catheterization of the hepatic vein. No mention is made of what information was divulged to the subjects. The purpose of the manipulations was to develop a "technic"; not to devise relevant improved methods of therapy. Fourteen of the subjects were normal.

(g). In 9 patients with chronic alcoholism and cirrhosis of the liver a mixture of certain nitrogenous substances was administered. Even after the first signs of undesirable effects were noted, 3 patients received a second and third course of the mixture. It was concluded finally that the administration of the substances to patients with cirrhosis may be hazardous.

(h). The effects of ingested ammonia on liver disease was investigated in 11 normal subjects, 6 with acute viral hepatitis, 26 with cirrhosis, and 8 other miscellaneous patients. The hepatic and renal veins of all subjects were cannulated. Tremor and mental confusion developed in several of the patients, lasting for 3 days in one case.

(i). In another experiment infectious hepatitis was artificially induced in mentally defective children. The form of hepatitis induced was mild and was already endemic in the institution. Nevertheless, a resolution adopted by the World Medical Association explicitly states that under no circumstances is a doctor permitted to do anything which would weaken the physical or mental resistance of a human being except from strictly therapeutic or preventive indications imposed in the interest of the patient.

(j). A cancer was transplanted from a daughter to her volunteering and informed mother. The experimental idea was to learn something about cancer immunity and the production of tumor antibodies. The daughter's condition was known to be "terminal" and so was the mother's a little over a year after the transplantation.

(k). In an unspecified number of subjects, some with heart disease and some normal, a special needle was inserted into one of the chambers of the heart during bronchoscopy. This was a new technic of no possible benefit to normal subjects. The "technic" could have been evaluated on the patients for whom it was intended to benefit.

The mere listing of these experiments selected by Dr. Beecher does not establish a consensus that they were unethical, nor does their inclusion here mean that I personally regard any one or all of them as unethical.

3. In his book on *Human Guinea Pigs* (1967) M. H. Pappworth describes human experiments of a questionable nature (in his opinion), many of which were conducted in American Institutions. A quick survey indicates that there were 10 "Guinea Pig" experiments performed on children, 7 on pregnant women, 7 on mental defectives or the mentally ill, 6 on prison inmates, 10 on the dying and the old, 7 on patients with heart disease, several radiation experiments, a few on experimenters themselves, and of course, many on patients used for controls in other experiments. The literature which Mr. Pappworth searched appears to have been largely in British and American medical journals covering a period from approximately 1948 to 1966.

There appears to be no way of obtaining in a short period of time, at least, the nature and number of experiments conducted on military personnel. According to information made available to me, Dr. Henry Beecher is believed to be in possession of a statement from a medical officer stationed at the Warren Air Force Base around 1964–65 during an experiment concerning streptococcus and rheumatic fever. According to Dr. Beecher, "the medical officer who was present and who was dealt with harshly because he refused to participate in this study which he considered unethical, the subjects were not informed, did not consent, and did not even know they were the subjects in an experiment." The officer stated in writing to Dr. Beecher "that when he was at the Air Force Base, there were more than 75 men on the wards with rheumatic fever who had had penicillin treatment withheld—not the 25 admitted by the authors". The Air Force position on this experiment is not available to me.

NAMES OF EXPERTS ON LEGAL AND ETHICAL CONCEPTS FOR HUMAN RESEARCH

There have been several symposia and conferences on the problems of conducting experiments on human beings. One of the more recent of such discussions was sponsored by the New York Academy of Sciences on January 21, 1970. The names and affiliations of the participants are as follows:

Irving Ladimer, S.J.D. Department of Community Medicine, Mt. Sinai Hospital, New York, N.Y. (Also United Health Foundations, Inc., New York, N.Y.).

Ronald W. McNeur, Ph.D. Committee on Health and Human Values, United Ministries in Higher Education, Philadelphia, Pa.

George James, M.D., MPH. Mt. Sinai Medical Center and Medical School, New York, N.Y.

Bernard D. Hirsh, LL.B. (and General counsel, AMA) American Medical Association, Chicago, Ill.

Thomas J. O'Donnell, S.J. The Jesuit Residence, Hot Springs, N.C. (Present address: Catholic Student Center, North Carolina State University, Raleigh, N.C.).

Robert M. Kark, M.D. Renal and Nutrition Section, Presbyterian-St. Luke's Hospital, Chicago, Ill.

Charles V. Lowe, M.D., National Institute of Child Health and Human Development, National Institutes of Health, Bethesda, Md.

Leo Alexander, M.D. Tufts University Medical School, Boston, Mass. (Also former Consultant to Secretary of War and the U.S. Chief Counsel for War Crimes).

George V. Mann, Sc.D., M.D. Nutrition Division, Vanderbilt University School of Medicine, Nashville, Tennessee.

Wayland J. Hayes, Jr., M.D., Ph.D. Department of Biochemistry, Division of Toxicology, Vanderbilt University School of Medicine, Nashville, Tenn.

Delford L. Stickel, M.D. Department of Surgery, Duke University Medical Center and Durham Veterans Administration Hospital, Durham, N.C.

Frank J. Ayd, Jr., M.D. The Medical-Moral Newsletter, Baltimore, Md.

Chauncey D. Leake, University of California, San Francisco, Calif.

Margaret Mead, Ph.D. Department of Ethnology, American Museum of Natural History, New York, N.Y.

Stuart E. Golann, Ph.D. American Psychological Association, Washington, D.C.

Renee C. Fox, Ph.D. Harvard University, Cambridge, Mass.

Herbert S. Carlin, M.S. and Ronald T. Turnbull, M.S. Hospital Pharmacy Service, University of Illinois Medical Center, Chicago, Ill.

Robert J. Savard, Ph.D. National Institute of Mental Health, Bethesda, Md.

Rosemary Ellis, R.N., Ph.D. Case Western Reserve University, Cleveland, Ohio.

Richard R. Willey, Ph.D. Division of Social Perspectives in Medicine, University of Arizona College of Medicine, Tucson, Arizona.

John D. Arnold, M.D., Daniel C. Martin, M.D. and Sarah E. Boyer, B.S., R.N. (research on prisoners). University of Missouri Medical Center at Kansas City and Harry S. Truman Medical Research Laboratory, Kansas City, Mo.

Hans Zeisel, University of Chicago Law School, Chicago, Ill.

Laurence W. Shaw, A.M. and Thomas C. Chalmers, M.D., Veterans Administration, Washington, D.C.

Kenneth G. Kohlstaedt, M.D. Medical Research, Eli Lilly and Company, Indianapolis, Ind.

Louis Lasagna, M.D., Johns Hopkins University School of Medicine, Baltimore, Md.

Bernard Barber, Ph.D. Barnard College, Columbia University, New York, N.Y.

William J. Curran, LL.M., S.M. Hyg. Schools of Medicine and Public Health, Harvard University, Boston, Mass.

Herbert L. Ley, Jr., M.D. Food and Drug Administration, Washington, D.C.

Eugene A. Confrey, Ph.D., Division of Research Grants, National Institutes of Health, Bethesda, Md.

Frank P. Grad, LL.B. Columbia Law School, New York, N.Y.

Alfred M. Sadler, Jr., M.D. and Blair L. Sadler, LL.B. National Institutes of Health, Bethesda, Md.

Norman Cousins, *Saturday Review*, New York, N.Y. (Now at *The World*, United Nations Plaza, New York, N.Y.)

Roy E. Ritts, Jr., M.D. Section of Microbiology, Mayo Clinic, Rochester, Minn.

All of the above named individuals gave papers at this conference or moderated one of the panel discussions. The purpose of the list of names of experts is to provide credentials and affiliation. The attached xeroxed "contents" of the conference provides the titles of their papers, which may provide some guidance to the committee in contacting these individuals.

Please let us know if we may be of further assistance.

Library of Congress,
Congressional Research Service,
Washington, D.C., July 31, 1972.

To: Senate Committee on Labor and Public Welfare, Health Subcommittee, Attn: Mr. J. Cutler.
From: Freeman H. Quimby, Specialist, Life Sciences.
Via: Charles S. Sheldon, II, Chief, Science Policy Research Division.
Subj: Articles on medical experimentation on human beings.

As indicated during our recent telephone discussion on human experimentation; I have not prepared a study on this subject since SPI 151, April 24, 1968. However, in accordance with your request of July 28, 1972 I am providing herewith the following articles and other materials on the general questions of ethics and guidelines for experimentation on human beings:

"The Institutional Guide to DHEW Policy on Protection of Human Subjects", PHS/NIH, 1971.

"The Cabinet of Dr. DOD" by Paul Jacobs. *The New York Review*, March 9, 1972, pp. 32–

Chalmers C. Thomas, *et al*, "Controlled Studies in Clinical Cancer Research", *NEJM* July 13, 1972, pp. 75–78.

"Moral Issues Relating to the Use of Humans and Animals in Research", A Medical Affairs Forum, Sept., 1967.

"Medical Research and the Golden Rule", by Michael E. DeBakey, *JAMA*, Feb. 19, 1968, pp. 132–134.

"Experiments on Man", *British Medical Journal*, Oct. 14, 1967, pp. 105–6.

"Experiments on Man", *British Medical Journal*, June 10, 1967, p. 689.

"Ethics and Experiments", *The Lancet*, April 18, 1970, pp. 367–368.

"Experimentation on Children", *JAMA*, Jan. 12, 1970, p. 301.

"Ethics and Experimentation", *The Lancet*, May 16, 1970, pp. 1050–1.

Please let us know if we may be of further assistance.

The Library of Congress,
Washington, D.C., March 2, 1967.

Hon. Jacob K. Javits,
U.S. Senate,
Washington, D.C.

Dear Senator Javits: The Legislative Reference Service is pleased to transmit a report entitled "Medical Experimentation on Human Beings." The report was prepared in response to your request for a study of the extent of medical experimentation on human beings in the United States, with special emphasis on the question of the consent of the patient being given and on controls imposed upon such experimentation by law, by regulation, and by practice. The scope of the report is based upon a draft study submitted to you and the staff of the Committee on Labor and Public Welfare on September 8, 1966. Since that date the dimensions of the report have grown in proportion to the number of new developments and the extensive private and public discussion of those developments. Many of the references cited follow from the beginning of the calendar year and include significant publications as late as February 20, 1967. Although the report attempts a summary and reaches some conclusions, the author and the Legislative Reference Service regard these as a stimulus for further study which the Congress and the American medical community may elect to give the subject.

Dr. Freeman H. Quimby in the Science Policy Research Division conducted the full study and wrote the reports. Miss Sylvia Kesinger, also in this division, established initial inquiries and provided suggestions and assistance on special portions of the manuscript. Mr. Hugh Keenan, Legislative Attorney, in the American Law Division, searched the statutes of the States, conducted the survey of the States with respect to agencies and regulations, and wrote that part of the report having to do with controls imposed upon human experimentation by State laws and administrative rules.

Sincerely,

Lester S. Jayson,
Director.

MEDICAL EXPERIMENTATION ON HUMAN BEINGS, MARCH 1967

(By Freeman H. Quimby, Specialist, Life Sciences, Science Policy Research Division; With the Assistance of Hugh C. Keenan, Legislative Attorney, American Law Division)

> "Life is short and the art long;
> the occasion instant, decision
> difficult, experiment perilous"
> —*Hippocrates.*

ACKNOWLEDGMENTS

The cooperation of the following agencies and individuals in providing information used in this report is gratefully acknowledged:

Army, Dept. of the Office of the Surgeon General.

Air Force, Dept. of the Office of the Surgeon General.

Jerome F. Brazda, Editor, *Washington Report on the Medical Sciences.*

William J. Curran, LL.M., S.M. Hyg., Utley Professor of Medicine and Surgery, Boston University.

James Goldberg, Assistant Editor, *Drug Research Reports.*

Milo David Leavitt, M.D., Deputy Assistant Secretary for Science and Population, Department of Health, Education, and Welfare.

Donald G. Levitt, M.D., Acting Director, Division of Epidemiology, Food and Drug Administration.

Navy, Dept. of the Office of the Surgeon General.

Major General Charles R. Roderick, Director of Legislative Liaison, Office of the Secretary of Defense.

Harold W. Schnaper, M.D., Acting Director, Veterans Administration Research Service.

James A. Shannon, M.D., Director, The National Institutes of Health, Department of Health, Education and Welfare.

Frederick Silber, Managing Editor, *The Medical Tribune.*

William H. Stewart, M.D., Surgeon General, Public Health Service, Department of Health, Education and Welfare.

Benjamine B. Wells, M.D., Ph.D., Assistant Chief, Medical Director for Research and Education in Medicine, The Veterans Administration.

The Attorneys General of the States.

PART 1. INTRODUCTION

A. HISTORICAL SKETCH

Experimentation on humans by humans is as old as recorded history. Curious and helpless before the unfriendly forces of nature, man sought then, as he does today, to understand his place in the world of living things and to relieve pain, illness, and fear. To this end the ancient Persians and Ptolemies experimented and condemned criminals. Much later, about 150 A.D., Galen went about these matters well enough to be considered the founder of experimental physiology. The Dark and Middle Ages intervened, so that it was not until 400 years ago that the human body was first dissected.[1] This was done by Vesalius who did so on two illegal counts—there was a proscription against dissection, and surreptitiously taking bodies from the gallows at night was, of course, "stealing". Many years later Harvey conducted measurements on living animals and man and thereby demonstrated the circulation of blood. Between 1750 and 1800, further human experimentation demonstrated the value of vaccination against smallpox and the use of citric fruits in the treatment of scurvy, and by the end of the century venereal disease was proved to be a transmissable condition. Over a period of five years (1829 to 1833), William Beaumont, a Surgeon in the United States Army, conducted experiments on the stomach of Alexis St. Martin, which had been by an accidentally discharged shotgun.[2] The opened up to living physiological observation ground was thus prepared for the two great experimentalists, Claude Bernard in physiology and Louis Pasteur in chemistry and microbiology, who convinced the world of the value of biomedical experimentation.

Many scientists experimented on themselves, on their own kin, as well as on others. In 1935, Dr. Gerhard Domazk, produced the sulfa drug "Prontosil" (sulfanilamide). Domazk's experimentation was confined to mice until his own daughter contracted blood poisoning. It was believed she would die. The father decided to risk a large dose of his own drug, and she recovered completely. Although Domazk's subsequent claims for the effectiveness of "Prontosil" were based only on the admissable statistical evidence in mice,[3] his earlier success in experimenting on his daughter influenced a subsequent decision to treat other humans with the drug. In 1936, a serious outbreak of childbed fever had occurred in Queen Charlotte's Hospital in London. Thirty-eight mothers were in critical condition. "Prontosil" was administered to the entire group, and only three out of the thirty-eight died.[4] This evidence was sufficient to establish sulfanilamide as a useful drug in the treatment of infections.

About 25 years ago Ancel Keys and others conducted experiments on conscientious objectors, from whom they withheld some quantities of food calories in studies of semistarvation.[5] These were controlled experiments which, together with general observations made during regional famines, constitute the basic data for evaluating minimum dietary levels for those underfed populations in the world today.

The publication in 1865 of Claude Bernard's *Introduction to the Study of Experimental Medicine,* formulated and promulgated ethical principles and justification for human experimentation. The safeguards and admonitions therein were widely accepted and practiced for many years. However, "this ethical equanimity of the medical profession was shattered by the reports from Nazi Germany of atrocities in the name of clinical science."[6] The examples of human experiments mentioned earlier in the historical sketch were presumably conducted on willing subjects; those conducted in Nazi Germany were by and large on unwilling subjects.

Because biological and clinical investigations by this time had gathered considerable momentum in some other parts of Europe and in the United States, it was clear that much was at stake and that re-definition of ethical, moral and legal requirements for clinical experimentation was imperative. The first result was the Nuremberg Code, the 10 points of which were developed at the Nuremberg Military Tribunal. The first three rules are as follows:

"Nuremberg Rule 1: The voluntary consent of the human subject is absolutely essential.

"Nuremberg Rule 2: The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods of study, and not random and unnecessary experiments in nature.

"Nuremberg Rule 3: The experiment should be so designed and based on results of animal experimentation and a knowledge of the natural history of the disease or other problems under study that the anticipated results will justify the performance of the experiment."[7]

These and other rules and declarations have been adopted by appropriate organizations in recent years. But there remains the problem of whether or not they are being observed in practice and whether or not further detailed refinement, interpretation, and clarification may not do more harm than good.

B. Current concern over human experimentation

The continuing concern over the actual practices, attitudes and philosophies being applied today in the legal and ethical aspects of clinical investigation involves three developments during the last few years:

First, expenditures for medical research are at an all time high with the Federal government leading the way. In 1940, total expenditures from all sources for medical research in the United States was $87,000,000.[8] Twenty years later, 1967, this figure increased so that it is now over twenty times larger, or an amount gradually approaching $2 billion a year. This has resulted in an expansion of clinical centers all over the country and an increase in the need for more patients and healthy volunteers.[9]

There is also a growing need for larger numbers of human subjects *per clinical trial* so that the efficacy, side effects, and precautions for the increasing volume of new drugs and biologicals can be established with statistical rigor before approval for general use by practicing physicians.

Further, there can be no direct extrapolation of results from animal experimentation to clinical trials in human subjects,[10] or at least there is a severe limitation on such extrapolation in drugs designed for treatment of conditions and symptoms which are more or less uniquely human.

The second recent development is the growing desire to apply all new knowledge quickly and broadly to the health problems of the nation. On June 27, 1966, President Johnson made the following remarks at a meeting with the directors of the National Institutes of Health.

I am keenly interested to learn not only what knowledge this [$800 million a year by NIH on biomedical research] buys but what are the payoffs in terms of healthy lives for our citizens . . . We must make sure that no life giving discovery is locked up in the laboratory.[11]

In December 1964, the President's Commission on Heart Diseases, Cancer, and Stroke submitted its Report to the President.[12] Later, testifying before the Senate Subcommittee chaired by Mr. Lister Hill, members of the Commission urged instead of the $50 million approach asked by the Administration bill, an initial outlay of more than $350 million for the first year to be expanded to an accumulative total of $3 billion for the five year plan for a network of medical complexes.[13] The legislation—the Heart Disease, Cancer, and Stroke Amendments of 1965—was signed into law by the President in October of 1965, and is aimed primarily at *"speeding the transfer of modern research results into practice throughout the country."*[14] The speed, although less than that recommended by the Commission, nevertheless places an additional outlay into the health enterprise in the amount of $340 million from October 1965 to July 1968.[15]

It should be made clear that neither the President, the Commission, the Appropriations Subcommittee, nor the Congress suggested by any of the foregoing statements or acts that there be a cutting of ethical corners. This issue was surely not even raised. The point is that the gigantic increase in funds for clinical centers and health research will result in still more experiments on patients and subjects, with a concomitant responsibility that it be done with the full protection of individual rights and safety.

Dr. Henry K. Beecher of the Harvard University Medical School provides a description and summary of the situation as follows:

Since World War II the annual expenditure for research (in large part in man) in the Massachusetts General Hospital has increased a remarkable 17-fold. At the National Institutes of Health, the increase has been a gigantic 624-fold.* This "national" rate of increase is over 36 times that of the Massachusetts General Hospital. These data, rough as they are, illustrate vast opportunities and concomitantly expanded responsibilities.

Taking into account the sound and increasing emphasis of recent years that experimentation in man must precede general application of new procedures in therapy, plus the great sums of money available, there is reason to fear that these requirements and these resources may be greater than the supply of responsible investigations. All this heightens the problems under discussion.

Medical schools and university hospitals are increasingly dominated by investigators. Every young man knows that he will never be promoted to a tenure post, to a professorship in a major medical school, unless he has proved himself as an investigator. If the ready availability of money for conducting research is added to this fact, one can see how great the pressures are on ambitious young physicians.

Implementation of the recommendations of the President's Commission on Heart Disease, Cancer and Stroke means that further astronomical sums of money will become available for research in man.[16]

The third development is the recent "controversy" concerning the consent of subjects in human experimentation. Although the publicity on this matter has occurred largely within the past three years, neither the problems nor the arguments are new. Without a doubt, the beginning was in 1962 with the debate over the "Kefauver-Harris Amendments" to the Food, Drug and Cosmetic Act. Although there was little argument at that time over the section dealing with "consent", there eventually followed difficulties in interpreting this in experimental practice and presumably some overuse of the judgment exemption clause in the "consent" provision of the legislation.

The medical community was reminded of the problems and issues in human experi-

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Footnotes at end of article.

mentation sometime earlier in 1959.[17] Also as evidence of its prior recognition of the problems in human experimentation, the U.S. Public Health Service, in January 1960, awarded a $97,000 grant to the Boston University Law-Medicine Research Institute "to conduct a study of actual practices in clinical investigations in the United States in regard to these legal, moral and ethical issues. Special studies were conducted in regard to drug trials, the use of children in medical research, the use of prisoners in medical research, and the legal issue of 'informed consent' of research subjects and patients of all types." [18] The three year study was conducted by "lawyers, physicians, other clinical investigators, and social scientists. It is the first research project ever conducted in the United States in this highly significant area." [19] The latest policies of the Surgeon General notably include many of the recommendations in the report from the Boston study.

The subject of human experimentation again became newsworthy in February of 1964 when it was "disclosed that, as a part of a research project, live cancer cells were being injected into hospitalized patients under circumstances in which the nature of their consent to the proceedings was exceedingly ambiguous." [20] There soon followed the inevitable sensational headlines, such as "Nazi tactics." These later disappeared, except for an article on this specific case published in the Fall of 1965 in a national women's magazine entitled "How Doctors Use Patients as Guinea Pigs."

One of several articles in The Wall Street Journal [21] quoted Dr. Henry Beecher of the Harvard Medical School as asserting, "What seems to be breaches of ethical conduct [in failing to get informed consent] are by no means, but are almost, one fears, universal". The article states that Dr. Beecher "cited 18 cases in which he sharply questioned whether doctors properly had obtained consent from patients taking part in experiments". (Dr. Beecher later increased the number of cases from 18 to 22, the latter number being selected from a large group of 50 "for reasons of space".[22]) Dr. Beecher "focused much of his criticism on the use of 'captive' subjects," particularly "of the military".[23]

These assertions were attacked by Dr. Thomas Chalmers of Tufts Medical School who called them "a gross and irresponsible exaggeration" and stated that "the overwhelming majority of investigators carry out their studies ethically." [24] "At least one major research institution, the Cleveland Clinic, reduced substantially its studies involving human subjects because of the present legal and ethical questions. 'We don't want to be the test case,' explains Dr. Irvine Page, Director." [25]

The medical profession was stirred again in January 1966 when the Regents of the University of the State of New York, acting under their responsibility for licensing the medical profession, found two individuals involved in the live cancer cell experiments, Drs. Chester Southam and Emmanuel Mander, guilty of "unprofessional conduct, fraud and deceit in the practice of medicine." [26] In the same month, the fires were further fanned by Dr. Beecher in an editorial in the Journal of the American Medical Association. The editorial asked the question, "whoever gave the investigator the God-like right of choosing martyrs?" [27]

On January 6, 1967, an article by Dr. Wolf Wolfensberger in Science pointed out that there is a growing concern among intelligent laymen about the conduct of research and "that no one discipline has been singled out by public criticism. Thus medical researchers were most affected by the New York regents' decision; social scientists, by the Camelot affair; and behavioral scientists, by the 'antitest' movement." [28] The author of this January 6 article also conducted a nationwide survey of limitations and obstacles for research on the mentally retarded. He reported that "when 'experiment' was mentioned in connection with a handicapped individual, responses . . . were not only strong and emotional but at times absolutely irrational." Two weeks later, January 16, 1967, The New York Times reported that State Senator Seymour R. Thaler "charged on the floor of the Senate last week that retarded children were being injected with live hepatitis virus, that the deformed limbs of children in Harlem Hospital had been amputated to demonstrate surgical techniques instead of therapy and that poor patients were being used as 'guinea pigs' without their consent. Hospital officials immediately denied the charges and attacked Senator Thaler as irresponsible." [29]

The eminent neurosugeon, Dr. Irving S. Cooper, according to the January 1967 number of *The Mayo Alumnus*,[30] believes that the questions concerning research on patients are now being debated within the forum in which they rightly belong, the medical profession itself.

To bring discussion of the issues in public media up to date, we quote the entire article by Nobel Laureat, Dr. Joshua Lederberg, which appeared in *The Washington Post* on April 23, 1967: [31]

Modern, scientific medicine rests in controlled observations of human beings. Every person whose health and life has been improved by medical care is indebted to a previous patient who undertook some risk in an experiment for the benefit of his fellows.

Clinical experimentation poses some of the most poignant dilemmas of the scientist's responsibility to society, but the responsibility is shared by everyone who benefits from modern drugs and advanced surgery.

Intemperate attacks have lately been leveled against clinical research, since we do not yet have workable norms. Nevertheless, for every patient who may have been abused by some insufficiently regulated clinical trial, a thousand patients suffer by being untreated or maltreated with scientifically unsound or less than ideal drugs and procedures.

In a society dedicated to personal liberties, no one should be subjected to arbitrary risks against his will. Hence, every responsible physician and clinical investigator would support the principle of knowing consent as the basis for recruiting subjects into research studies which involve significant new risks.

The criterion of "informed consent" is, however, still controversial. It's application to situations involving trivial risks may frustrate the experimental design for a trivial advantage of personal security. Equally important, informed consent requires an understanding of experimental medical science that goes far beyond the training of most laymen, and sometimes of the invetigators.

Will it be necessary for every patient to have the advice of counsel before a physician uses any technique unknown to Hippocrates? Some criticisms of sophisticated medicine could be answered only by such an absurdity.

The ethical issue rests in part on the vagueness of the patient's moral responsibility for participating in medical progress, in contrast to the reality of his motives and legal rights to protect his body.

How much information must a person have before he could "prudently" risk his life? To take an unhappy example, it is plain that astronauts have volunteered to undertake one of the most hazardous of occupations, but did their informed consent reach to the perception that trial runs on the ground might be more hazardous than spaceflight?

Yet far more detailed criteria or informed consent are being proposed for medical research, with grave penalties for physicians and institutions who would substitute their own moral judgments for legally airtight forms.

Risk is part of life, but the purpose of medicine is to mitigate hazards. No subject should be asked to make any sacrifice that could be avoided, and especially so if the essential aims of clinical investigations can still be achieved. The very expression "risk" brings to mind "insurance," and there is an important step that we could take to rationalize the participation of human subjects.

Besides giving their knowing consent, they should be insured against the potential hazards, the cost of premiums being accepted as a plausible charge to the research projects. A subject who has possibly suffered damages in an experiment should not have to sue for redress on a claim of culpable negligence or fraudulent misinformation, no more than should an industrial employee in a potentially hazardous occupation.

The registration of subjects for appropriate levels of insurance would become a self-enforcing system of control, particularly if the patient were required to endorse the registration. It would then be a cause of action if a patient were enticed into an experiment without being insured at a level appropriate to his risks.

The cumulative costs of the premiums would discourage the overexposure of patients to risks beyond the significance of the expected results. Above all, the insurance concept would provide a basis of evaluating the rights of the patient-subject, for which informed consent might be an ideal but practically unworkable alternative.

Research-risk insurance might be attacked as adding to the costs of research. However, these costs are already paid, in the currency of the risks taken by the subjects, and this is an unfair burden that should be accepted by the whole community.

FOOTNOTES

[1] Ladimer, Irving and Neuman, Roger, eds., *Clinical Investigation in Medicine: Legal, Ethical and Moral Aspects* (Boston University Law-Medicine Research Institute, 1963), pp. 3–4.

[2] Beaumont, William, *Experiment and Observations on the Gastric Juice and the Physiology of Digestion,* Facsimile of the 1833 edition and biographical essay of Sir William Osler (Dover, Inc., New York, 1959)

[3] Calder, R., *Science in Our Lives* (The New American Library, New York, 1955), pp. 97–98.

[4] *Ibid*, p. 98.

[5] Keys, Ancel, *et al., The Biology of Human Starvation* (University of Minnesota Press, Minneapolis, 1960).

[6] Ladimer and Neuman, p. 1.

[7] Ladimer and Neuman, pp. 28–33 and 116–119.

[8] National Institutes of Health, Office of Program Planning, *Basic Data Relating to the National Institutes of Health* (January 1965), p. I.

[9] Administrative Practices in Clinical Research, Final Report, NIH Grant No. GM 7039, to the Law-Medicine Research Institute (Boston University, 1963), p. 6.

[10] *Administrative Practices in Clinical Research,* p. 10 (Chapter X).

[11] "Health Research," *Congressional Quarterly Weekly Report,* No. 28 (July 15, 1966), p. 1484.

[12] "A National Program to Conquer Heart Disease, Cancer and Stroke," December 1964.

[13] "Doctors Urge Seven-Fold Rise in Disease Funds," *The New York Times,* Thursday, February 11, 1965.

[14] *Weekly Compilation of Presidential Documents,* Vol. 2, No. 34 (August 29, 1966), p. 1126.

[15] Public Law 89–239, "An Act, to amend the Public Health Service Act to assist in combating heart disease, cancer, stroke and

related diseases, "89th Cong., 1st sess., October 6, 1965.

* Probably not a 624-fold increase in human research at NIH.

[16] "Ethics and Clinical Research," New England Journal of Medicine, Vol. 274 (1966), p. 1355.

[17] Beecher, Henry K., *Experimentation in Man* (Charles C. Thomas, 1959). (Published simultaneously in the British Commonwealth of Nations by Blackwell Scientific Publications, Ltd., Oxford, England.) Also, similar points were made by the author in a report to the A.M.A. Council on Drugs and published in *JAMA*, Vol. 169 (1959), pp. 461–478.

[18] Ladimer and Neuman, p. 1.

[19] *Administrative Practices in Clinical Research*, Preface, p. 1.

[20] Langer, Elinor, "Human Experimentation: New York Verdict Affirms Patient's Rights," *Science*, Vol. 151 (1966), pp. 663–666.

[21] Carley, William, "Research and Ethics: Fight Flares Over Role of Human Volunteers in Some Medical Studies," *The Wall Street Journal*, June 10, 1965.

[22] Beecher, H. K., "Ethics and Clinical Research," pp. 1354–1366.

[23] Carley.

[24] *Ibid.*

[25] Carley.

[26] Langer, p. 663.

[27] "Consent in Clinical Experimentation," *JAMA*, editorial, Vol. 195 (1966), p. 124.

[28] "Ethical Issues in Research with Human Subjects," *Science*, Vol. 155 (1967), pp. 47–51.

[29] Kifner, John, "City Hospital Chief Admits Unapproved Experiments," *The New York Times*, January 16, 1967.

[30] "Medicine of the Absurd," *The Mayo Alumnus*, Vol. 3 (1967), pp. 1–5.

[31] "Informed Guinea Pigs," by Joshua Lederberg, *The Washington Post*, April 23, 1967.

PART II. EXTENT OF MEDICAL EXPERIMENTATION ON HUMAN BEINGS

A. DEFINITIONS OR CATEGORIES OF PATIENTS AND SUBJECTS IN NIH PROJECTS (1961)

Any appraisal of the extent of human experimentation should, wherever possible, define the various types of research in which the patients and subjects participate. Clarification along such lines may avoid much misunderstanding. For example, an interprofessional group which studied 1437 clinical projects supported by NIH during 1961, found it "useful to classify clinical research according to the balance of research and therapy in the relationship between the subjects and the clinical investigator." [1] The defined classes of research (type of subjects) and the known *number of projects* in each class are shown below, as derived by the 1961 survey:

Class of Research:	**Number of Projects Utilizing Humans* [2]
Very sick patients; all therapies tried, very poor prognosis	506
Patients receiving one of several treatments, none of which is the clear choice for the condition	1141
Patients used as controls for other patients being studied for specific response in reference to their disease	329
Patients who participate in the clinical field trials of new vaccines	128
Healthy volunteers who do not stand to gain any direct therapeutic or preventative benefit	427

* The number of projects in each class are not mutually exclusive

B. NIH INVOLVEMENT IN CLINICAL INVESTIGATION (1966)

Since the National Institutes of Health are leading sponsors of research which often involves the use of human beings in experiments, the Director of the NIH was requested to supply new information on the *number* of human subjects involved in clinical investigations sponsored by NIH, both intramural and extramural. The assembled data submitted in August 1966, not only provide an order of magnitude estimate of the number of human subjects used in clinical investigations, but also display different ways of classifying such subjects. The varied categories very likely developed from the approach Dr. Shannon and his staff utilized in order to supply the data in a reasonably short period of time. The information supplied by NIH [3] is presented in the tabulation below:

	***No. Human Subjects*
1. Research beds provided by grants to clinical research centers	1,600
2. In- and out-patients involved in studies in which some manipulation of a therapeutic nature might occur, such as:	*95,000
a. Vaccine development program of the National Institute of Allergy and Infectious Disease	*(50,000)
b. Cancer chemotherapy and various studies supported by the Heart and Arthritis Institutes	*(45,000)
3. Nonmanipulative observational studies, such as: epidemiological studies, and the collaborative perinatal research program of the National Institute of Neurological Diseases and Blindness	133,000
a. Demonstration projects of the National Institute of Mental Health	(18,000)
4. Capacity of the Clinical Center at NIH, Bethesda	515
Approximate total	230,000

* Figure composed of totals drawn from protocols which required "x" number of patients during the experiment. With these exceptions the figures report a single point in time rather than the duration of a total study wherein different patients might be involved or a single individual would be in and out of the study at different times.

**Behaviorally oriented clinical investigations are not included.

C. NIH RESEARCH AND TRAINING GRANT PROJECTS INVOLVING HUMANS IN A CLINICAL AND NON-CLINICAL CONTEXT (1965 DATA)

The National Institutes of Health also provided an estimated tabulation of grants and grantee institutions using descriptor terms, *clinical studies* and *human:*

Research grants:	*No. of Grants*
Clinical studies	2,325
Psychological testing, Sociological questionnaires, Other "human" survey research	1,415
Clinical research centers (all types)	130
Total	3,870
Training grants—clinical medicine and dentistry only:	
Training grants	1,876
Fellowships	346
Traineeships	135
Research Career Awards	354
Total	2,711

Grantee institutions:	*No. of Grantee Institutions*
Institutions involved in clinical activities	600
"Affiliates" (mostly hospitals)	200
Total	800

D. NUMBER OF SUBJECTS INVOLVED IN SOME FAMILIAR DRUGS AND VACCINES

What may be somewhat surprising figures are those available on the number of human subjects involved in the use and development of certain well-known drugs and vaccines. "For example, we know that a total of 2.5 million tablets of thalidomide were distributed to 1,270 physicians in the United States and that 20,771 patients received the drug. A total of 624 of those patients were pregnant women, and as a result of these "studies," 16 deformed infants were produced. We also know that the National Cancer Institute had 110 drugs in their clinical trials in the United States during 1962 and that these trials involved 7,700 study patients in 150 hospitals. As for clinical research in the field of new vaccines, we know that the licensing requirements for the oral polio vaccine required 100,000 conversions of susceptible human subjects for each of the three types of the vaccine and since there were two or more vaccines being field tested, there must have been a minimum of 500,000 persons receiving the vaccine. During the earlier trials of the Salk vaccine, many thousands of children participated in the nation-wide double-blind studies which used sterile water as a placebo.[4]

E. ESTIMATE OF EXTENT OF HUMAN EXPERIMENTATION FROM NUMBER OF NEW DRUGS TESTED BY INDUSTRY (1958–1959)

Data available from industrial drug activities of a few years ago (1958–1959) provide the first figures, regarded as useful to this study, concerning the number of drugs actually tested by human experimentation. The figures below show the disease category at which new drugs were aimed and the number of drugs clinically tested in humans for each disease category:

	Number of new drugs		Number tested clinically in humans	
Medical categories	1958	1959	1958	1959
Allergy and infectious	50,300	28,200	695	841
Arthritis and metabolic	6,300	6,000	405	217
Cancer	28,000	36,000	60	59
Heart	8,200	7,300	187	164
Mental health, neurological, blindness	12,100	7,800	313	321
Miscellaneous	9,700	14,300	240	334
	114,600	99,600	1,900	1,936

According to these figures, only 2% of the new drugs under investigation in a given year are being tested clinically in human subjects, and yet even this small percentage puts nearly 2,000 drugs into clinical tests with many subjects participating per drug.[5]

F. NUMBER OF PERSONS SUBJECT TO CLINICAL TRIALS WITH DRUGS IN 1966 (AS ESTIMATED BY FDA)

If we understand information supplied by the Food and Drug Administration correctly, there has been only a small increase in the number of investigational new drugs from 1959 to 1966. The figures on which this statement is based are: 1,936 drugs tested clinically in 1959 (D. above), and 2,050 investigational new drug exemptions under review during 1966 by the FDA (below). Since these numbers may not be directly comparable and since other information of import is contained therein, the relevant portion of a "DHEW" memorandum is reproduced here:

"There are approximately 2,050 investigational new drug exemptions currently under review in the Food and Drug Administration. Some of these have no patients currently under study and some have as many as 5,000 to 10,000 patients. As you can see, at any one given time we are aware of several hundred thousand investigations within thousands of clinical trials. This does not include epidemiologic surveys in which we are cur-

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Footnotes at end of article.

rently engaged and which I do not believe fall within the scope of your question. Nor does it include the clinical trials in support of efficacy data which currently may be undertaken by several manufacturers and for which there is no legal authority for reporting. Similarly, we have no legal authority for the clearance of investigational reports for persons who may be testing devices."[6]

G. IMPLICATIONS OF INCREASED COST OF DRUG DEVELOPMENT TO THE EXTENT OF HUMAN EXPERIMENTATION

Although the cost of manufacturing, testing, and marketing of new drugs by industry accrues from many activities in drug development, it is possible that much of the increase over the past fifteen years can be attributed to the growing requirements in "pre-market" testing on human subjects. The requirements both with respect to protection of the subjects and the increased number of subjects support the contention by the pharmaceutical industry that the marketing of safe, modern and effective drugs is becoming more and more expensive. The following table is believed to be pertinent to this section of the report:

"Total Cost Incurred by the Pharmaceutical Industry for Research and Development in the 'Human Ethical Drug' Field."

Annual costs

Year:	*Million*
1951	$60
1956	110
1961[7]	227
1966[8]	400

H. EXTENT OF MEDICAL EXPERIMENTATION ON HUMAN BEINGS IN THE VETERANS' ADMINISTRATION (VA)

Originally, research was not provided for in the VA charter, however, today complete medical care and medical research is included and supported. Its widespread and cooperative hospital system has the largest and most diversified volume of clinical material under the auspices of a single agency. As of August 1966, the officially authorized bed capacity was 125,000. Of the total of 165 VA hospitals, 150 are conducting some type of research, and 90 hospitals are participating in various cooperative studies. The clinical investigative program is completely intramural and is guided by a staff of over 3,000 physicians and PhD's. Some 6,600 projects were reported by the Veterans' Administration in its 1965 report to the 89th Congress,[9] and more recently in capsule form to President Johnson. Most of the VA research is described as "applied" and covers the spectrum of disease mechanisms, prevention, detection, and treatment. It is believed that perhaps 60 to 70 percent of the total 6,600 projects consists of investigations on humans.

According to the November 28, 1966 issue of *Washington Report on the Medical Sciences* "the Food and Drug Administration would like to set up therapeutic trial centers at several VA hospitals. The idea is that FDA . . . physicians would use VA patients for testing drugs. FDA is already talking to . . . the Hines VA hospital in Chicago . . ." and the VA hospital in the Bronx.[10] Should such cooperative plans develop between the FDA and VA and also between the FDA and university-affiliated hospitals, a new level of scrutiny of human experimentation might result as well as the expediting of clinical trials on promising new therapeutic agents.

I. EXTENT OF HUMAN EXPERIMENTATION AS IMPLIED BY THE NUMBER OF PROFESSIONAL PERSONNEL ENGAGED IN MEDICAL RESEARCH IN THE UNITED STATES

If the number of fully trained researchers is indicative of the extent of experiments conducted on patients and normal subjects, then it should be useful to inspect both the absolute numbers of professional personnel and their rate of growth. An NIH report prepared in 1962 indicates the measure of change that has occurred and is now occurring along these lines:

Comparisons between 1954 and 1960 show that: (1) an increasing number of scientists are now engaged full time in research, and (2) those engaged part time in research now devote a greater share of their total intellectual effort to this activity. The number of part-time researchers has increased from nearly 8,000 (7,940) to approximately 20,000 (20,300). Not only has the number of part-time researchers increased, but these scientists are devoting a greater proportion of their time to research. Between 1954 and 1960 the full-time equivalence of part-time researchers mounted 188%, as compared with 155% for part-time researchers."[11]

The number of professional personnel engaged in medical research in the United States may be summarized as follows:[12]

Number of personnel

Year:	
1960	*39, 700
1954	19, 200
1958	34, 600
1970	77, 000

*About 65% of this number had doctoral degrees, of which 11,400 were M.D's. 70% of the doctorals were Ph.D.'s.

J. HUMAN EXPERIMENTATION ON MILITARY PERSONNEL

There is very little information available on the number and types of military persons who serve as subjects in research. Intuitively appraised, however, the number of topics and of human subjects must be large. This is especially true when figures are accrued over the past several years. The very existence of broad areas of specialty such as "submarine and diving medicine" and "aerospace medicine" attest to the operational environments wherein the armed forces are virtually forced to experiment. The three services have a long history of significant contributions to both military and civilian medicine which surely required hundreds if not thousands of experiments on sailors, soldiers, airmen, and marines. Earlier human experimentation on "tolerance for extreme heat" (Air Force), "nutrition and resistance to climatic stress" (Quartermaster Food and Container Institute for the Armed Forces), "studies of oxygen toxicity" (U.S. Navy), "A study of combat stress in Korea" (Navy and Army) are examples of the many types of human experiments designed to define the environmental limits of effective performance for the fighting man.

In a sense, tropical medicine is also a "military specialty" as it was in the South Pacific during World War II and as it continues to be in Southeast Asia today. The viral, bacterial, and parasitic disease of a new military environment like Vietnam are as unique as are the agents and tactics of the enemy; and new drugs and vaccines are brought to trial quickly on military personnel out of military necessity. We believe this is true because genuine need would dictate it. One need is for a new antimalarial drug, and the Army has already set up at least a hundred beds for clinical trials of drugs which show promise against a new strain of malaria in Vietnam.

Blood saves hundreds of lives among combat casualties and would save more if better preserved and if free of the hepatitis virus. New methods of preservation and sterilization of blood must be developed and approved for use. The final test is the human being, and very often the American soldier. Military personnel, of course, operate under special administrative regulations as well as under specific guidelines for both clinical and non-clinical experiments (see Part III). As for written informed and voluntary consent, even *The New England Journal of Medicine*, which has been most insistent and convincing about this issue, admits that "special consideration should be given to situations in which there may be limitations of a truly voluntary decision, as with . . . military personnel. . ."[13] Nevertheless, some military medical officials have invoked many of the newer precautions. One result—a vulnerable project on vaccine trials involving some 1500 military personnel has been held up pending further review.[14]

K. SUMMARY

In this section of the study, an attempt is made to arrive at the extent of human experimentation by both direct and indirect methods. The approaches employed include:

1. A 1961 survey of patient categories in NIH-supported projects.
2. The number of patients involved in NIH clinical investigations during 1966.
3. The number of research and training grants projects involving humans in a clinical and non-clinical context.
4. The number of subjects employed in the trials of some familiar drugs and vaccines.
5. The number of drugs tested on human subjects by the Pharmaceutical industry during 1958 and 1959.
6. FDA estimates of the number of persons subject to clinical trials with drugs during 1966.
7. The cost of drug development as it relates to human experimentation.
8. The estimated number of projects involving human experimentation in the Veterans' Administration.
9. The number of professional personnel engaged in medical research in the U.S.
10. A discussion of experimentation on military personnel.

These various approaches to a data base are on the whole allowed to speak for themselves. The collective message is suggestive of a very large volume of human research subjects. The next section of the study provides examples of conditions and provisions of subject consent under which this type of research was and is now conducted in the United States.

FOOTNOTES

[1] *Administrative Practices in Clinical Research*, Final Report, U.S. Health Service Grant No. GM 7039 to the Law-Medicine Research Institute, Boston University, December 1963, Chapter III, p. 17.

[2] *Ibid.*, p. 18. (Based upon a table which also included a large number of projects wherein experiments were not performed on humans).

[3] "NIH Involvement in Clinical Investigations," Memorandum from Associate Director Extramural Programs, NIH—Science Policy Coordinator, Office of the Assistant Secretary for Health and Scientific Affairs, Department of Health, Education and Welfare, August 8, 1966.

[4] *Administrative Practices in Clinical Research*, Final Report, p. 18.

[5] U.S. Congress. Senate. Subcommittee on Reorganization and International Organizations of the Committee on Government Operations. Hearings, *Interagency Coordination in Drug Research and Regulation* 87th Cong., 2d sess. (Washington, Govt. Print. Off., 1963), Pt. 1, Supra note 4, pp. 305, 307.

[6] "Persons Subject to Clinical Trials," Memorandum from Dr. Donald Levitt to Dr. Milo Leavitt, dated August 4, 1966. (DHEW.)

[7] Interagency Coordination in Drug Research and Regulation, *op. cit.* p. 301.

[8] Survey of 77 members of the Pharmaceutical Manufacturers Association, total R & D Expenditures during 1966. *Drug Research Reports*, Vol. 10, No. 2 (January 11, 1967), p. 9.

[9] Medical Research in the Veterans' Administration (FY 1965). 89th Cong., 1st sess., House Committee Print No. 144.

[10] "FDA Looks to VA Hospitals for Drug Testing Centers," *Washington Report on the*

Medical Sciences, No. 1013 (November 28, 1966).

[11] U.S. Congress. House. Subcommittee of the Committee on Appropriations. Hearings, *Manpower for Medical Research: Requirements and Resources,* 1965–1970, 87th Cong., 2nd sess. (Washington, Govt. Print. Off., February 1962).

[12] *Ibid.*

[13] "Written Consent for Clinical Investigation" *The New England Journal of Medicine,* Vol. 276 (1967), p. 116.

[14] Based on a recent discussion with Dr. Frank Hartman, Office of The Surgeon General, United States Air Force.

PART III. CONTROLS IMPOSED UPON HUMAN EXPERIMENTATION WHICH SPECIFY CONSENT OF PATIENT

Most of the organizations in the United States which are heavily involved in clinical research or what may be called human experimentation, seem aware of the responsibility at stake and therefore require the informed consent of patients and normal volunteers. Signed and witnessed forms or statements characterize the consent procedures in many laboratories and hospitals. There are also other principles and practices designed to protect the subject. Some examples of past and present attention to this aspect of the problem follow:

A. FDA's *Investigational Drug Circular No. 2.*[1]—outlines the FDA consent requirements as of 1964 and points out that the "concept" of patient consent has been a part of the code of ethics of the AMA for many years. The subject's consent for participation in new drug experiments is required by Federal Law.[2] The provision states in part that "experts using such drugs for investigational purposes certify to such manufacturer or sponsor that they will inform any human beings to whom such drugs, or controls used in connection therewith, are being administered, or their representatives, that such drugs are being used for investigational purposes, and will obtain the consent of such human beings or their representatives, except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings."

FDA regulations are discussed further under Part IV "Controls Imposed upon Human Experimentation by Law, Regulation, and Practice," but the law on which they are based is mentioned above because:

(1) Their statutory base as approved by Congress in 1962 does not require *written consent.*

(2) Some of the other regulations to be cited required written consent nearly a decade ago, particularly those of the Armed Services.

(3) The newer regulations are the result of efforts to bring procedures on experimental drugs into conformance with the specific requirements of statute.

B. "The Use of Volunteers in Aerospace Research." *Air Force Regulation No. 169–8* [3]—requires voluntary informed consent. Consent must be freely given and the subject signs a witnessed consent form.

C. "Conduct of Hazardous Human Experiments," *U.S. Air Force (ARDC) Letter,* dated September 12, 1958 [4]—is regarded as a good guideline for its time. It is significant because it deals with the conduct of human experiments other than those involved in flight test and those of a purely clinical nature.

D. "Use of Volunteers as Subjects of Research," *Army Regulation No. 70–25,* 1962 [5]—states that volunteers used as subjects of research in the U.S. Army must give consent freely and in writing.

E. "Clinical Use of Investigational Drugs," *Army Regulation No. 40–7,* 1964 [6]—contains a section requiring that the principal investigator make certain that all subjects are fully informed and their written consent be obtained. When an investigational new drug is not to the expected benefit to the persons to whom administered, final approval for the use of volunteers must be obtained through the Surgeon General, the Chief of Research and Development, of the Secretary of the Army, depending on the nature of the biological or chemical substance involved.

F. "Use of Human Volunteers in Medical Research," *Principles, Policies and Rules of the Office of the Surgeon General, U.S.N.,* March 12, 1954.[7] This document issued thirteen years ago served as a non-mandatory guide for planning and conducting contract research. It stated that "voluntary consent of the human subject is essential," and required that consent be freely given in writing in the presence of at least one witness.

G. "Investigational Drugs," *Bureau of Medicine and Surgery, Instruction 6710.49,* February 1964 [8]—provides guideline instructions on investigational drugs, to bring the Navy's practice into conformance with the consent of patient provisions of the Food, Drug, and Cosmetic Act (see III A).

H. "Experimentation on Personnel," *Manual of the Medical Department, U.S. Navy* [9]—forbids experimentation of a medical nature on persons in the Naval Establishment, except those experimental designs receiving prior approval of the Secretary of the Navy. Participation by personnel (military or civilian) shall be on a voluntary basis only, and volunteers will not be required to execute release from future liability for negligence attributable to the Navy.

I. "Statement on Interpretation of Regulations Governing the Use of Volunteers," *Armed Forces Epidemiological Board,* February 26, 1963. The Statement is as follows:

"Certain principles must be followed in determining the use of human beings as experimental subjects. The first of these is assurance of the voluntary nature of the process and the second is assurance that adequate safeguards have been set up to protect the person who volunteers. The third principle is that legitimate and necessary medical research must not be held back by over-legalistic interpretations of the regulations governing the use of volunteers as experimental subjects.

"The nature of the experiment must determine whether it is necessary to obtain the prior consent of the volunteer in writing, appropriately witnessed, as stipulated in the regulations (AR 70–25, 26 March 1962). For example, in dealing with experiments involving the induction of clinical disease with infectious agents, whether the disease caused is of trivial or more severe nature, the requirement is clear cut: it is essential that the written consent of the volunteer be obtained after appropriate information has been provided to him on the nature of the experiment and the hazards involved.

"The situation with respect to the development and evaluation of vaccines is different as illustrated by the following examples:

"(1) If the experiment is for the purpose of determining the immunological response of a man to a variation in an approved immunization procedure, prior consent in writing will not be a requirement. As an illustration: The strain formulation of influenza vaccine is subject to change from time to time. Because it is essential to determine the response of men in the military services to the viral strains included, it will not be necessary to obtain the written consent of each individual before testing a new formulation of an approved inactivated vaccine.

"(2) In considering the investigational use of a *new* vaccine, whether live attenuated or inactivated with which there has been significant experience among civilian populations, it is considered unnecessary that prior written consent of the test subjects be obtained. In these circumstances approval by the Surgeon General will constitute adequate safeguard for military personnel. In taking this action the comparative risk from the use of an effective vaccine would be weighed against the importance and risk of the disease to be countered." [10]

J. "Investigational Use of Drugs by the Department of Defense," *DOD Instruction Number 5030.39,* May 12, 1964.[11]

The purpose of this instruction is to specify how the detailed drug regulations of the Secretary of the Department of Health, Education and Welfare as published in the Federal Register on January 8, 1963,[12] will be applied to the investigational use of drugs by the Department of Defense. The provisions of the instruction apply to all DOD components and their contractors. The sections on "Responsibilities" and "Reports" state:

III. RESPONSIBILITIES

A. The Department of Defense assumes full responsibility for the protection of humans involved in research under its sponsorship whether this involves investigational drugs or *other hazards.*

B. Each Military Department will establish within the office of its Surgeon General a formal Review Board of professional personnel to consider each research proposal from within that Military Department or from its contractors or grantees which may involve the use of human subjects in the clinical investigation of new drugs. Before a clinical test with an investigational drug may be performed under the sponsorship of a Military Department—

1. the plan of the test and other pertinent details must be submitted to the appropriate Review Board.
2. the Board must indicate its approval, and
3. the approval must be confirmed by the respective Surgeon General.

IV. REPORTS

A. Clinical investigations that are classified for reasons of national security will not require the filing of a formal "Claim for Exemption" to the Department of Health, Education, and Welfare. Approval of the test by the appropriate Review Board and Surgeon General will automatically exempt the drug being employed from the application of the new drug section of the Food, Drug, and Cosmetic Act during the investigational study. The Military Departments will report to the Food and Drug Administration (copies to OSD unnecessary) findings associated with such studies which FDA should be aware of in order to make a sound evaluation of non-classified studies proposed on the same or similar drugs. Additionally, the Military Departments will discuss their classified investigations of drugs periodically with FDA personnel who have proper security clearance.

B. In the case of non-classified security research programs sponsored by the Department of Defense and conducted within its research facilities or for the Department upon contract, copies of the request for approval submitted to the appropriate Review Board, the Review Board's evaluation and approval, and notice of approval by the appropriate Surgeon General will be filed with the FDA as the claim for exemption for the investigational drug.

C. When the Department of Defense performs clinical tests upon new drugs being sponsored by the pharmaceutical industry, the ordinary claim for exemption (Form 1571 of the Investigational Drug Regulations) will be filed with the FDA.

An enclosure to this instruction indicates that DOD and DHEW formalized an agreement on IV A, IV B, and IV C (above) on Feb. 18, 1964.[13]

K. "Study of the Use of Investigational Drugs," *Veterans' Administration Circular 10–64–136,* July 6, 1964 [14] —was distributed to

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Footnotes at end of article.

all relevant V.A. Medical Offices, hospital directors, and managers of regional and outpatient clinics. The circular established the use of a new form, *V.A. Form 10–1086,*[15] wherein consent from the patient in the investigation or use of new drugs was secured by his signature or that of his next of kin.

L. *The Committee on Research and Education for the V.A. Hospital in Kerrville, Texas,* May 16, 1966 [16] —recommended the application of A.M.A. requirements for experimentation on humans:

1. The voluntary consent of the person on whom the observations are to be made;
2. The previous testing of potentially hazardous procedures on animals;
3. The performance of the tests and observations on the patient under proper medical protection and management.

The Committee also approved modification of consent form, V.A. Form 10–1086, to include investigations other than drugs. On the form, "appropriate phrase for project," may be substituted for "name of drug."

M. *Echelons of Review for Experimentation on Humans in the V.A.*

The question of consent of patients being given for human experimentation in the V.A. involves, in addition, various echelons of review of the experiment itself. Although some emphasis on the ethics and merits of the total investigative picture is typical of clinical research in the United States, the activities of the Veterans Administration along these lines are believed to be representative.

Dr. Benjamin B. Wells, Deputy Medical Director for Research and Education states that the "Central Office does not officially approve research projects but approval or rejection of a research project is the responsibility of the Hospital Director. The local Research and Education Committee evaluates and either rejects or recommends approval. Recommendation of approval is forwarded through the Chief of Staff to the Hospital Director for rejection or approval. This procedure applies both to research projects not involving studies on human beings and projects involving studies on human beings".[17] The nature of these various considerations, especially as they relate to consent of patient, can be seen in the following examples from minutes of the V.A.'s *Research and Education Committees:*

V.A. Hospital—West Haven, Conn.[18]—Approved: Treatment of various types of infections with injections of a synthetic antibiotic to determine the effectiveness and safety of the drug when administered by injection. "Signed consent will be obtained from each patient studied."

V.A. Hospital—West Haven, Conn.[19]—Approved: Experiment with weight reducing drug as compared with a placebo, to be conducted on 36 patients each weighing in excess of 250 lbs. The study will be carried out over an 8-month period. "Written consent will be obtained from all subjects."

V.A. Hospital—Baltimore, Md.[20]—Approved: Use of patients for a project requiring the adminstration of 300 microcuries of radioiodinated albumin into arms and legs of patients without vascular disease. Committee approved "provided those requested to volunteer were less than 40 years old and signed an authorization on the procedure which largely presented the nature of the procedure and its complications."

V.A. Hospital—Ann Arbor, Mich.[21]—Tabled: Long-term trial of various drugs in the treatment of coronary artery disease. "Project was reviewed in detail with regard to protection of patients' rights and safety." It was "noted that any drug trial conducted in this Hospital must have a note in the Clinical Records stating that the patient has been informed of the experimental drug, or must include a satisfactory reason why such a statement is not present." This proposal was risky and the Committee tabled the matter until further information about university participation was available.

N. *Research Patients at the NIH Clinical Center, Bethesda.*—A statement by Dr. Topping is frequently quoted as representative of the center's emphasis on the rights and welfare of the patient:

"An over-riding principle governing our clinical studies is that the welfare of individual human beings takes precedence over every other consideration. Medical procedures or therapy substantially different from accepted general medical practices are often an essential component of clinical medical research. This offers the only means of acquiring certain information necessary to solve the problems of the diseases and disorders that afflict man.

"Ethical and scientific considerations dictate, however, that these investigations must be undertaken only after mature thought, under rigorously defined and controlled conditions, and under circumstances that will minimize the dangers of predictable or unpredictable hazards. The basic principle on which all such investigations must rest is that human beings have inalienable rights that supersede all other considerations that may be raised in the name either of science or of the general public welfare.

"The responsibility of the physician for the physical and mental well being of persons in his care and for observance of the ethics of his profession cannot be over-ridden by any element of study or research that is interjected into the relationship between the physician or surgeon and persons in his care." [22]

O. *The Normal Volunteer Program of the NIH Clinical Center.*—Public Health Service Publication No. 866 (Revised 1963) of the above title describe the need, use, and means of obtaining normal volunteers at NIH since the system was initiated in 1953. The entire pamphlet is recommended to the reader; however, we shall reproduce here only selected paragraphs in order to provide some enlightenment on this very important and delicate activity: [23]

"The mission of the National Institutes of Health is to assist in promoting the health of the Nation through research designed to extend knowledge and understanding of the causes, prevention, and treatment of disease. To gain a more thorough understanding of the ills that befall mankind, knowledge of what is normal and healthy often is an important prerequisite."

FROM LABORATORY TO MAN

"At some stage in all medical research, progress depends upon gaining knowledge from man himself. Clinical proof cannot be obtained in the research laboratory. The ultimate answers must be found at the bedside. Because of this, the Congress appropriated funds to develop and operate a clinical research center in close connection with the basic research activities of NIH."

SELECTION OF VOLUNTEERS

"Such individuals are carefully selected and are accepted only when referred by a reputable community agency willing to sponsor them . . . The sponsoring agency enters into a contract with individuals for this service. So far, some 1,650 Volunteers have served as study subjects in Bethesda. The studies in which they participate cover a wide range of medical research projects, and are very carefully planned and scrutinized so that there is little possibility of harm. Not only is participation purely voluntary—the individual volunteer's informed consent must be obtained prior to each separate study."

INFORMED CONSENT

"The principal investigator personally provides the assigned Volunteer, in lay language and at the level of his comprehension, with information about the proposed research project. He outlines its purpose, methods, demands, inconveniences and discomforts to enable the Volunteer to make a mature judgment as to his willingness and ability to participate. When he is fully cognizant of all that is entailed, the Volunteer gives his signed consent to take part in it."

P. *Dr. James Shannon's Memorandum of July 1, 1966,* "Group Consideration and Consent in Clinical Research at the National Institutes of Health." [24]

This memorandum from the Director of NIH to all institute, scientific and clinical directors, and including physicians participating in patient care, states that NIH recognizes informed consent of the patient or normal volunteer as one of the main principles guiding clinical research. It allows that "the form of obtaining and recording . . . informed consent may vary among the several Institutes and in dealing with patients as opposed to normal volunteers, but that the substance of informed consent . . . is not to be altered materially by any such differences in procedure."

The memorandum identifies two categories of research in patients, one which is essentially diagnostically or therapeutically oriented and the other not so oriented. This latter category, called "investigative" is "research not motivated wholly toward the patient and . . . the patient serves essentially as a volunteer."

Section IV of the memorandum states that each patient and volunteer shall be given an oral explanation "in terms suited to his comprehension" and particularly of any hazards, and that this information should be given to the patient on a continuing basis. Also, a summary record of this information and of its communication to the patient will be kept.

COMMENT

In this memorandum nothing is said or recorded about the *normal volunteer* once he has been told what the study is all about. As the statement is written, only the *patient* is informed on a continuing basis and only on patients are there records of information and communication. Similarly, in a following paragraph there is a specific Consent form (NIH–658–1)[25] which must be signed by the normal volunteer and the principal investigators, but none for the patient. Patient consent [26] is required, specific and written, either by the patient or next of kin. For those procedures not covered by the NIH approved list of procedures,[27] the principal investigator obtains and records the "agreement . . . based upon informed consent," but he does not sign it as he does for normal volunteers.[28] The terms "patient" and "normal volunteer" may be used interchangeably in this memorandum.

In the third paragraph [29] the responsibility for determining whether or not consent is *required* rests squarely on the principal investigator.

There may be good reasons for the above variations on the informed consent theme, based on the profession's experience with the problem. However, with respect to the responsive investigator, it seems undesirable that a single man should be exposed to such potential legal or professional risk. It is true that patient utilization in experimentation at NIH is preceded by group consideration and must be approved by Chiefs and Directors, nevertheless, the responsible investigator appears to be in the more vulnerable spot. This situation is typical of other clinical centers and research hospitals throughout the United States.

Along this line, in its report to Parliament 1962–63, Britain's Medical Research Council recommended that "controlled clinical trials should be planned and *supervised* by a group of investigators and never by a single physician." [30]

Q. *The Surgeon General's Memorandum of July 1, 1966,* "Revised procedure on clinical

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research and investigation involving humans."[31]

This well publicized memorandum (not to be confused with Dr. Shannon's memorandum of the same date to Officials at Bethesda), attached a revision of Policy and Procedure Order 129 (PPO No. 129) notifying heads of institutions receiving Public Health Service grants that the revised policy applied to all grants and awards.

PPO No. 129 assigns responsibility to the institution receiving the grant and requires the grantees to obtain and keep documentary evidence of informed consent and group reviews in decisions on the use of human subjects. No award or grant of any type involving human subjects (after November 1966) will be accepted for review unless the Public Health Service has approved an institution-wide assurance. This assurance must convey, among other things, that group reviews and decisions of that institution will be carried out in reference to the appropriateness of the methods used to obtain informed consent. Records of group reviews and decisions on the use of human subjects and of informed consent must be developed and kept by the institution, in order that acceptable assurance be recognized and established.

On December 12, 1966, the Surgeon General prepared another memorandum to heads of institutions receiving PHS grants, attaching a report on "clarification of procedure on clinical research and investigation involving human subjects." The report expands the application of *PPO No. 129* to include investigations in the behavioral and social sciences. Emphasis is placed on the age or competence of the subject to make an adequate judgment on his own behalf. "These are only some examples of issues which may arise . . . for this reason it is essential that the grantee institution be responsible for the clarification and resolution of all ethical and pertinent issues. The appropriate mechanism for this purpose is the utilization of groups of associates, established at the institution to provide competent, independent review."[32] Along the latter line, *PPO No. 129* had suggested that "there are advantages to both the PHS and the grantee in having the review conducted *prior to* application for PHS support."

Thus the new guidance and direction now goes beyond the Institutes and Clinical Center at Bethesda to embrace the entire extramural clinical research program of the Public Health Service, including institutions and projects which it supports in foreign countries. In the United States, this probably includes most of the hospitals and clinics affiliated with university medical schools.

A recent article in *Science* suggests that these regulations which permit "institutes to give a single comprehensive assurance that all research would be screened" has been well received by the universities. Nevertheless, the author of the article "suspects that the dust has yet to rise on many campuses and that it will take a good many years before a workable solution is found for the many difficult and moral problems that have now been proposed." The author notes that "the regulation covers psychological and social as well as biomedical research . . . though the PHS has had a favorable initial resonse from medical deans, I am prepared to bet that it has not heard the last from university faculty—or presidents."[33]

The Public Health Service continues to seek guidance on the issues which pervade the pursuit of clinical investigations. It was announced several months ago that PHS "awarded a $100,000 grant to the American Academy of Arts and Sciences in Boston to support inquiry into the "moral and ethical" basis for research involving human subjects. This study will involve a series of conference discussions—in which lawyers and sociologists, as well as physicians, and scientists, will participate–based on a prepared analysis of various aspects of the problem."[34] A report of the discussion will be published in the late 1967 or early 1968.[35]

SUMMARY

In this part of the study a variety of circulars, regulations, policies, procedure orders, instructions, statements, recommendations, and memoranda are identified and briefly quoted or paraphrased with respect to the question of the consent of patients. Some of these documents were issued several years ago and may have been superseded by newer versions. With one or two exceptions these "controls" are arranged chronologically as issued by the responsible agency.

The documents cited are those of the Armed Services, the Veterans Administration, and the Department of Health, Education and Welfare. Regulations of other agencies were reviewed, but none were found which dealt explicitly with the consent of subjects in medical experimentation.

It may be concluded that controls specifying the consent of human beings in clinical research have been in effect in one form or another over the past many years. It may also be concluded that all agencies, and especially the Public Health Service, and the Food and Drug Administration, are implementing a series of evolutionary steps to protect both the subjects and the performers of investigations in the achievement of the health goals of the nation.

It is too early to determine whether or not these agencies reacted too quickly to the recent "danger"; whether they over-reacted; or whether the reaction itself does not imply a greater degree of unethical practice than do the actual facts.

FOOTNOTES

[1] "Patient Consent." *Investigational Drug Circular, FDA, No. 2.* April 1964.

[2] 21 United States Code 355 (i).

[3] "Use of Volunteers in Aerospace," *Air Force Regulation No. 169–8,* October 8, 1965.

[4] "Conduct of Hazardous Human Experiments," *ARDC Letter of September 12, 1958 by the Deputy Commander, R&D, U.S. Air Force.*

[5] "Use of Volunteers as Subjects of Research," *Army Regulation No. 70–25,* March 26, 1962.

[6] "Clinical Use of Investigational Drugs," *AR 40–7,* November 13, 1964.

[7] "Use of Human Volunteers in Medical Research," *Principles, Policies and Rules of the Office of the Surgeon General, U.S.N.,* March 12, 1954.

[8] "Investigational Drugs," *BUMED Instruction 6710.49,* February 1964.

[9] "Experimentation on Personnel," *Manual of the Medical Department, U.S. Navy,* Chapter 1, pp. 1–11.

[10] "Statement on Interpretation of Regulations Governing the Use of Volunteers," *Armed Forces Epidemiological Board,* February 26, 1963. Incl. 1.

[11] "Investigational Use of Drugs by the Department of Defense," Instruction No. 5030.29, May 1, 1964.

[12] 21 Code of Federal Regulations 130.3. Revised January 1, 1966, pp. 6–13.

[13] *DOD Instruction 5030.39.* Incl. 1.

[14] "Prior Consent of Patients to Participate in a Study of the Use of Investigational Drugs." *V.A. Dept. of Med. and Surg., Circular 10–64–136,* July 6, 1964.

[15] "Authorization for treatment with or participation in a Study of Investigational Drug," *V.A. Form 10–1086.*

[16] "Principles and Regulations for Research on Human Beings," *V.A. Committee on Research and Education.* Kerrville, Texas, May 16, 1966.

[17] *Ibid.*

[18] *V.A. Research and Education Committee Meeting,* West Haven, Conn. Nov. 18, 1965.

[19] *V.A. Research and Education Committee Meeting,* West Haven, Conn. Dec. 16, 1965.

[20] *V.A. Research and Education Committee Meeting,* Baltimore, Md., February 21, 1966.

[21] *V.A. Research and Education Committee Meeting,* Ann Arbor, Mich., February 14, 1966.

[22] Hartman, F. H. "Human Volunteers in Biomedical Research," *Military Medicine,* Vol. 130 (1965), p. 677.

[23] *The Normal Volunteer Program of the National Institutes of Health Clinical Center, Bethesda, Md.* (Revised 1963), PHS Publication No. 866.

[24] "Group Consideration and Informed Consent in Clinical Research at the National Institutes of Health," Memorandum from Director of NIH to Institute, Scientific, Clinical Directors and Physicians Participating in Patient Care, July 1, 1966.

[25] "Specific consent from for normal volunteers," *NIH–658–1.*

[26] Memorandum from Director of NIH, *op. cit.*

[27] List of procedures which require specific written consent (NIH).

[28] Memorandum from Director of NIH, *op. cit.*

[29] *Ibid.*

[30] Great Britain. Medical Research Council, Report to Parliament, 1962–1963.

[31] Revised procedures on Clinical Research and Investigations Involving Humans." *Memorandum from the Surgeon General (PHS) to Head of Institutions Receiving Public Health Service Grants.* July 1, 1966.

[32] "Clarification of procedure on Clinical Research and Investigation involving human subjects." *Memorandum from the Surgeon General (PHS) to Heads of Institutions receiving Public Health Service Grants,* December 12, 1966.

[33] Orlans, Harold. "Developments in Federal Policy toward University Research," *Science,* Vol. 155 (February 10, 1967), pp. 665–668.

[34] Human Experimentation: News in Brief, *Science,* Vol. 153 (1966), p. 401.

[35] The Public Health Service, as mentioned in Part I, B, earlier supported a study by the Boston University Law-Medicine Research Institute on the ". . . Legal, Ethical, and Administrative Aspects of Clinical Research in Human Beings."

PART IV. CONTROLS IMPOSED UPON HUMAN EXPERIMENTATION BY LAW, BY REGULATION, AND BY PRACTICE

A. INTRODUCTION

"There is very little 'law' on . . . the proper use of human subjects in medical research . . . in American Jurisprudence, largely because there have been so few legal cases in our courts involving research. Ethical principles have not been developed especially applicable to research subjects. Physicians have relied on ethical requirements in regard to clinical patients to supply the guidelines for involvement of research subjects.[1]

B. FEDERAL LAWS

On October 10, 1962 the President of the United States signed an act amending the Food, Drug, and Cosmetic Act which completely changed the legal status of human experimentation in the United States. Intended "to assure the safety, effectiveness, and reliability of drugs," the act (Kefauver-Harris Amendments) ushered in a number of new regulations and controls, especially concerning procedures and practices having to do with investigational drugs. The result is the only Federal law which explicitly imposes controls upon human experimentation and which requires patient consent. The statute on this point reads:

"(i) Exemptions of drugs for research; discretionary and mandatory conditions; direct reports to Secretary.

"The Secretary shall promulgate regulations for exempting from the operation of the foregoing subsections of this section drugs intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of drugs. Such regulations may, within the discretion of the Secretary, among other conditions relating to the protection of the public health, provide for conditioning such exemption upon—

"(1) the submission to the Secretary, before any clinical testing of a new drug is undertaken, of reports, by the manufacturer or the sponsor of the investigation of such drug, of preclinical taste (including tests on animals) of such drug adequate to justify the proposed clinical testing;

(2) the manufacturer or the sponsor of the investigation of a new drug proposed to be distributed to investigators for clinical testing obtaining a signed agreement from each of such investigators that patients to whom the drug is administered will be under his personal supervision, or under the supervision of investigators responsible to him, and that he will not supply such drug to any other investigator, or to clinics, for administration to human beings; and

(3) the establishment and maintenance of such records, and the making of such reports to the Secretary, by the manufacturer or the sponsor of the investigation of such drug, of data (including but not limited to analytical reports by investigators) obtained as the result of such investigational use of such drug, as the Secretary finds will enable him to evaluate the safety and effectiveness of such drug in the event of the filing of an applicant pursuant to subsection (b) of this section.

Such regulations shall provide that *such exemption shall be conditioned upon the manufacturer, or the sponsor of the investigation, requiring that experts using such drugs for investigational purposes certify to such manufacturer or sponsor that they will inform any human beings to whom such drugs, or any controls used in connection therewith, are being administered, or their representatives, that such drugs are being used for investigational purposes and will obtain the consent of such human beings or their representatives, except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings.*[*] Nothing in this subsection shall be construed to require any clinical investigator to submit directly to the Secretary reports on the investigational use of drugs."[2]

Under the Act, the term "new drug" means:

(1) Any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this Act it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use; or

(2) Any drug the composition of which is such that such drug, as result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

According to this definition a "new drug" is not necessarily an entirely new entity, but may be (1) an old drug proposed for a new use; (2) a combination of two or more old drugs; (3) a combination of drugs in new proportions; (4) a new dosage form or method of administration of an old drug; or (5) it may be a new drug, because it contains a new component such as an excipient, carrier, coating or menstruum."[3]

C. FEDERAL REGULATIONS

The Code of Federal Regulations under Title 21 requires that the sponsor not commercially distribute nor test-market an investigational drug until a new drug application is approved pursuant to section 505(b) of the act. The sponsor shall obtain from each investigator involved in clinical pharmacology a signed statement in the form of FD1572 and from each investigator involved in clinical trials a signed statement in the form of FD1573. The two forms vary in detail except for the part on informed consent of subjects wherein the language of the statute is repeated vergatum as follows:[4]

FD1572

g. The investigator certifies that he will inform any patients or any persons used as controls, or their representatives, that drugs are being used for investigational purposes, and will obtain the consent of the subjects, or their representatives, except where this is not feasible or, in the investigator's professional judgment, is contrary to the best interests of the subjects.

Very truly yours,

______ ______,
______ ______,
______ ______,

FD1573

g. The investigator certifies that he will inform any subjects, including subjects used as controls, or their representatives, that drugs are being used for investigational purposes, and will obtain the consent of the subjects, or their representatives, except where this is not feasible or, in the investigator's professional judgment, is contrary to the best interests of the subjects.

Very truly yours,

______ ______,
______ ______.

On June 7, 1966 "Procedural and interpretative" regulations were published in the Federal Register to provide for situations in which an exemption for an investigational new drug be immediately terminated:[5]

"If at any time, the Commissioner concludes that continuation of a new drug investigation presents an imminent hazard to the public health, he shall terminate the exemption forthwith, notify the sponsor of the termination, and inform the sponsor that the exemption is subject to reinstatement on the basis of additional submissions which eliminate such hazard(s). The sponsor shall recall the unused supplies of the drug."

D. FDA'S STATEMENT OF POLICY OF AUGUST 24, 1966

A statement of policy concerning consent for use of investigational new drugs on humans was approved by Commissioner James Goddard of FDA and published in the *Federal Register* on August 24, 1966. The new statement attempted to expand, clarify and define the language of the 1962 amendments concerning consent and related matters as follows:

§ 130.37 Consent for use of investigational new drugs on humans; statement of policy.

(a) Section 505(i) of the act provides that regulations on use of investigational new drugs on human beings shall impose the condition that investigators "obtain the consent of such human beings or their representatives, except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings."

(b) This means that the consent of such human beings (or the consent of their representatives) to whom investigational drugs are administered primarily for the accumulation of scientific knowledge, for such purposes as studying drug behavior, body processes, or the course of a disease, must be obtained in all cases and, in all but exceptional cases, the consent of patients under treatment with investigational drugs must be obtained.

(c) "Under treatment" applies when the administration of the investigational drug for either diagnostic or therapeutic purposes constitutes responsible medical judgment, taking into account the availability of other remedies or drugs and the individual circumstances pertaining to the person to whom the investigational drug is to be administered.

(d) "Exceptional cases," as used in paragraph (b) of this section, which exceptions are to be strictly applied, are cases where it is not feasible to obtain the patient's consent or the consent of his representative, or where, as a matter of professional judgment exercised in the best interest of a particular patient under the investigator's care, it would be contrary to that patient's welfare to obtain his consent.

(e) "Patient" means a person under treatment.

(f) "Not feasible" is limited to cases where the investigator is not capable of obtaining consent because of inability to communicate with the patient or his representative; for example, where the patient is in a coma or is otherwise incapable of giving informed consent, his representative cannot be reached, and it is imperative to administer the drug without delay.

(g) "Contrary to the best interests of such human beings" applies when the communication of information to obtain consent would seriously affect the patient's disease status and the physician has exercised a professional judgment that under the particular circumstances of this patient's case the patient's best interests would suffer if consent were sought.

(h) "Consent" or "informed consent" means that the person involved has legal capacity to give consent, is so situated as to be able to exercise free power of choice, and is provided with a fair explanation of all material information concerning the administration of the investigational drug, or his possible use as a control, as to enable him to make an understanding decision as to his willingness to receive said investigational drug. This latter element requires that before the acceptance of an affirmative decision by such person the investigator should make known to him the nature, duration, and purpose of the administration of said investigational drug; the method and means by which it is to be administered; all inconveniences and hazards reasonably to be expected, including the fact, where applicable, that the person may be used as a control; the existence of alternative forms of therapy, if any; and the effects upon his health or person that may possibly come from the administration of the investigational drug. Said patient's consent shall be obtained in writing by the investigator.[6]

The reader should note that for the first time, regulations and policies pursuant to the Food, Drug and Cosmetic Act, require that consent be given *in writing*. This feature of the "new rules" produced a flurry of opposition, questions and uneasy feelings:

The Pharmaceutical Manufacturers Association's letter of October 11, 1966, argued with FDA's definition of "informed consent" as an apparent attempt at "codification of the mass of civil case law governing such consent as it applies to the administration of established drugs." The letter declared that it is impossible to reflect the status of law in that area, and "the requirements of what constitutes informed consent with regard to old well-known drugs cannot be applied to the administration of investigational new drugs. In the latter category, much of the information required to be imparted by the statement is not known. . . . In our opin-

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Footnotes at end of article.

ion and in the opinion of many physicians and scientists [the written consent regulation] imposes conditions upon the investigator with which he is physically unable to comply." For example, "It requires a subject or patient to make medical decisions which he lacks the capacity to make. . . . It prevents the conducting of meaningful double-blind studies . . ." [and others].[7]

Among P.M.A.'s list of questions are: "Why must the investigator himself necessarily be the person to render a fair explanation of all material information? . . . What effect do the provisions of the policy statement have on studies in foreign countries? . . . Under the regulation, how will an investigator be able to treat a terminal cancer patient with an investigational new drug without informing such patient of his condition."[8]

The American Medical Association, in a letter sent to Dr. Goddard on September 28, 1966 by Dr. F. J. L. Blasingame (Executive Vice President), also expressed displeasure with the FDA policy statement. Selected quotations from the letter are: ". . . It is impossible for the commissioner to codify realistically, in the form of a policy statement, the legal requirements for valid consent under the myriad varying circumstances which exist . . . in our opinion . . . the policy statement exceeds the authority delegated to the commissioner, contains ambiguities which would result in confusion concerning the legal responsibilities of physicians in the investigational use of new drugs, and is an unwarranted interference with the practice of medicine."[9]

In the meantime, Dr. Goddard is "disappointed at the deportment of the medical community on this issue . . ."[10] and FDA lawyer Alvin Gottlieb states that "the patient-consent provision adds nothing to existing case law respecting the legal obligations of clinicians to obtain consent from their patients or test subjects . . . [FDA's standards] are essentially the same as presently required by the case law to preclude tort liability on the part of physicians."[11]

Although assured by an editorial in *The New England Journal of Medicine* that opposition "appears to have subsided [and that] sober appraisal seems to have resulted in general acquiescence if not enthusiastic endorsement,"[12] the FDA took all protests into consideration in a new revision of its patient-consent policy. The proposed policy was published in *The Federal Register* on March 11, 1967[13] and indicated that refinements were still in order by providing for written comments to be submitted within 30 days of the publication date. Substantial changes, however, are not anticipated in the new policy which appropriately ties its provisions to the Declaration of Helsinki as adopted by the World Medical Association and with the "Ethical guidelines for clinical investigation" as adopted by the American Medical Association. As now modified, there is some relaxation in the regulation governing patient consent, in that oral consent may be employed in the extensive final stage of clinical drug testing provided the investigator records that fact in the medical record of the person receiving the drug. Written consent is still required for the earlier and higher risk phases of investigational drug research.

It is apparent that FDA and PHS have sought studiously to construct adequate as well as acceptable "rules" since in their final form they "will govern patient consent in all investigational-drug trials in the U.S. [and] in case of conflict, [they] will supersede policies of other government agencies and private institutions."[14]

Approximately two years after the patient consent provision of the Kefauver-Harris Amendments became law, Senator Jacob Javits, the author of the consent provision in those amendments, "inquired as to whether doctors were observing the provision" and whether or not it would be feasible to make a general inquiry into the matter.[15] A follow-up report was prepared and submitted in response to this question. However, with written or oral consent soon to become a matter of record by Federal regulation, it should be possible in the future to determine with a considerable degree of confidence the extent to which ethical and legal rules are being practiced by clinical investigators and physicians who are engaged in drug testing.

E. STATE LAWS

Following a thorough search of the statutes of the States by the American Law Division of the Legislative Reference Service, Library of Congress, only three of the 50 States have enacted laws directly relevant to the question of medical experimentation on human beings. These are:

California [16]

McKinney's Annotated Codes, Penal Code, section 2690 empowers the Director of Corrections to authorize the temporary removal under custody of any prisoner "for purposes of cooperating voluntarily in medical research which cannot be performed at the prison or institution." This first appeared in 1961.

Oklahoma [17]

Statutes annotated, Title 63, sections 47.1 to 47.4 confer upon the Medical Research Commission (created by section 47.1) "jurisdiction of the supervision and control of all medical research projects and programs which may be instigated or proposed for the testing or experiment of any medical preparation or medical treatment wherein the facilities or prisoners of any penal institution or inmates of any other institution in the State of Oklahoma are involved . . ." No such program shall hereafter be conducted unless approved by the Commission. Nothing is said about how the prisoners are to participate in these programs and experiments, whether voluntarily or otherwise.

Virginia [18]

Title 53, section 57.1, Code of Virginia: "The Director of the Department of Welfare and Institutions may permit, under regulations prescribed by the State Board [Board of Welfare and Institutions], such prisoner or prisoners as may volunteer to undergo experimental treatment or tests in State or Federal medical research programs." (1962)

F. STATE REGULATIONS ON MEDICAL EXPERIMENTATION ON LIVING HUMANS

On August 16, 1966, a survey of the States was initiated in order to ascertain fully the extent of State administrative rule practice with regard to human experimentation. The following inquiry was addressed to the Attorney General of the States:

DEAR SIR: The Legislative Reference Service of the Library of Congress, which is a research unit for the United States Congress, has been asked to prepare research material dealing with the matter of medical experimentation on human beings as provided for in Federal and State laws, regulations, and systems of practice. While we have in our collections the laws and regulations of the United States and the statutes of the States, we are lacking in complete coverage of some State regulatory agencies and bodies. Therefore, we should appreciate it if you could provide us with the regulations, rulings, and other promulgations of any agency, commission, board, and similar body having jurisdiction in the matter of medical experimentation on human beings, with particular emphasis on the question of the consent of the subject. If your State legislature enacted pertinent legislation this year on this subject, we should also appreciate receiving copies of such laws.

While replies were not received from all of the States, the survey was considered complete for all practical purposes as of October 25, 1966.

The results of the inquiries are presented below:

(1) *States having administrative rules or regulations:*

(*a*) *Mississippi*

The Universty of Mississippi Medical Center (per letter from the Chairman of the Committee on Human Investigation) states that a Commmittee on Human Investigation has been appointed by the Director of the University Medical Center, Jackson, Mississippi. This Committee has met a number of times, "but we do not have, as of this date [August 23, 1966], any decisions which have the force of ruling and approval of the executive faculty." NIH grants are reviewed here for their "moral propriety."

(*b*) *New Jersey*

The New Jersey State Department of Health added in 1966 Regulation No. 18, to Chapter II of the State Sanitary Code (Reportable Diseases) which forbids the inoculation of humans with living microbiological agents, other than those agents approved by the Division of Biological Standards of the National Institutes of Health, unless prior permission is granted by the Department of Health after examination of the proposed action.

(*c*) *Texas*

The Board of Regents of the University of Texas, Medical Branch, Galveston, Texas, issued on May 23, 1966 a "Policy Statement Relating to Research Investigation Involving Human Beings." The University of Texas Southwestern Medical School, Dallas, Texas, through the office of the Dean, has issued a memorandum to all members of the faculty on the subject of research and investigation involving humans, dated April 26, 1966.

(*d*) *Vermont*

The University of Vermont, College of Medicine, Burlington, Vermont, issued on August 29, 1966 a statement entitled "Policy Governing the Use of Experimental Subjects (including medical students) in the College of Medicine." On March 31, 1966, Howard M. Smith, Associate for Institutional Programs at the University, issued a "Memorandum on Research and Investigation involving Human Beings as Subjects" to conform with U.S. Public Health Service policy on grants.

(*e*) *West Virginia*

The State Commissioner of Institutions states that at present he is working with the medical school to utilize prisoners on an experimental basis in saline solution tests, but this arrangement is only in the planning stage and no actual work has been done at this time. This information is as of September 23, 1966.

(2) *States which state that they have no administrative rules, regulations, etc.:*

Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania*, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington (State), Wisconsin, Wyoming.

(3) *The State of New York,* which did not respond to our inquiry, may have been

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Footnotes at end of article.

*The Attorney General of Pennsylvania states that the Secretary of Health of the Commonwealth "has recently appointed a Committee on Clinical Research Involving Human Beings for the purpose of review and evaluation of the protocol for each research project involving humans that is conducted in institutions administered by the Department of Health or employing funds of that Department."

stimulated by it or more probably by the events set out below which we have entitled "A Case of Charge and Denial:"

A CASE OF CHARGE AND DENIAL [19]

Alcoholics admitted to Bellevue Hospital were subjected to needle biopsies of the liver for 'research' purposes, and the biopsies caused the death of five out of 1,000 such patients.

Liver biopsies at Bellevue are 'in no sense a research procedure, they're an essential part of good medical care,' said Dr. Lewis Thomas, dean of the New York University School of Medicine. Dr. Thomas, former chief of N.Y.U. medical services at the hospital, said pathology records 'for the last five years showed not one death caused by liver biopsy.'

Dr. Henry F. Ryan, chairman of the committee and a surgical pathology resident at Bellevue, challenged Senator Thaler to 'produce some case numbers . . . anything . . . on those liver biopsies.' He said that Bellevue pathology records showed no liver biopsy deaths for the past 'five or even seven years' in spite of the fact that the procedure is done on the average of once a day.

The liver biopsy issue came up again a short while later in a talk by Commissioner Terenzio to a Bellevue auxiliary group.

Biopsies had been done on alcoholic derelicts without their permission, he said, but the procedure was primarily for diagnosis, not research.

He also was quoted as saying there were instances in which more than one biopsy had been made on a patient 'as a follow-up to see what effect the treatment had.' He repeated the assertion by other Bellevue officials that there had been no liver biopsy deaths in recent years.

Surgical instruction at Harlem Hospital has resulted in the amputation of children's congenitally deformed limbs, instead of the more usual rehabilitation procedures, and at least one hysterectomy on a 23-year-old woman without her consent.

Harlem Hospital records show 'no pediatric limb amputations at all,' according to Dr. James B. Parris, the institution's chief resident in surgery. As to the hysterectomy, he said it was 'unthinkable' that such a procedure would be done without a patient's consent or medical necessity. 'We have as many as 10 hysterectomies a week in the routine surgical service,' he said, 'which is more instructional material than anybody needs.'

Five hundred or more mentally retarded children, aged three to nine, at Willowbrook State School were injected with live hepatitis virus in a research program.

At Willowbrook State School on Staten Island a hepatitis immunization research program has been going on for the past 11 years under a U.S. Army contract. Dr. Alan D. Miller, commissioner of the state Department of Mental Hygiene, said it has resulted in an '80 to 85 per cent reduction of this disease at Willowbrook for both patients and employees.' The number of children given hepatitis virus is about 250, not 500, he said.

The Willowbrook administrator, Dr. Jack Hammond, added, 'It may be sensational to say that retarded children are being injected with hepatitis virus, but it leaves out a lot of the story.' Equally important, he indicated, are the facts that (1) no child enters the program without written consent by fully informed parents, (2) if a susceptible child is not injected with hepatitis virus he will get the disease anyway, because hepatitis is endemic at Willowbrook, and (3) hepatitis is a relatively mild disease in children, often nearly impossible to detect for what it is.'

Senator Thaler, in a television interview, acknowledged that some effects of his speech were worrisome. 'I think I may have done a slight disservice to the community at large,' he was quoted as saying. 'When I get calls at home from people who say, "My doctor wants to put me in a hospital and I'm afraid to go," I begin to question whether this should be debated in public view.'

In a more general rebuttal, the Committee of Interns and Residents, which represents house officers in the city's hospitals, said that Senator Thaler's 'smear and scare tactics . . . not only falsely impugn the ability and integrity of the house staff physicians who service the city hospitals, but also frighten patients at those hospitals and thereby inevitably cause such patients to be fearful of and to forgo necessary treatment.'

In addition to the intimidation of patients that the charges are expected to produce, Dr. Ryan said, he foresees 'a profound effect on resident recruitment' at the city's hospitals.

But he also indicated he had not ceased to question whether 'informed consent' was valid from the subjects of some medical research in city hospitals. And he alluded to studies in which 'doctors didn't even think it appropriate to get written consent.'

Written consent from research subjects is required by city hospital regulations, as is authorization for experiments by the City's Commissioner of Hospitals. But in a TV interview of his own, Hospital Commissioner Joseph V. Terenzio said that some unauthorized medical experiments had been conducted in city institutions. He did not elaborate.

The following day, authorities at Kings County (Brooklyn) Psychiatric Hospital acknowledged that written consent had not been obtained from 3,000 patients given experimental drugs in the past 10 years, but the patients suffered no lasting harmful effects, a spokesman said. In many cases they were not the only ones who did not know what drugs they were getting, he added, since a number of the tests were conducted on a double-blind basis and even the physician administering the dosage could not tell whether it was drug or placebo.

RESULT

Meanwhile, Senator Thaler introduced legislation that would amend the State Civil Rights Law to prohibit the use of any person in medical research without his "voluntary, informed consent subscribed to in writing."

The measure also would declare "null and void" the consent given by a parent or guardian on behalf of a child participating in research, excepting in case of emergency "in which immediate treatment is necessary for a physical or mental ailment."

Otherwise, under the bill, an application would have to be made for a court order to authorize the use of a child in research.

Drug Research Reports [20] believes that New York State Senator Thaler's proposed patient consent law "may be a model for legislation in other states." *DRR* describes the principal provisions of the bill:

1. No persons shall be used in a medical experiment or other medical research without his voluntary, informed consent subscribed to in writing.

2. For the purposes of this section only, the term "voluntary informed consent" shall mean the consent of a person so situated as to be able to exercise free power of choice without the intervention of any element of force, fraud, deceit, duress or other form of constraint or coercion. The person shall have sufficient knowledge and comprehension of the elements of the subject matter involved as to enable him to make an understanding and enlightened decision after having been informed of the nature, duration and purpose of the experiment or research, the method and means by which it is to be conducted, all inconveniences and hazards reasonable to be expected, and the effects upon his health or person which may possibly result from his participation in the experiment or research.

The voluntary informed consent of a minor or of a parent or guardian on behalf of a minor shall be null and void, except in cases of emergency in which immediate treatment is necessary for a physical or mental ailment with which the subject is suffering. Upon application to a court of competent jurisdiction by an interested person, the court may authorize a medical experiment or other medical research on a minor when such experiment or research is related to the minor's physical or mental ailment and upon a finding by the court that the best interests of the minor will thereby be served.

4. Any person who initiates, directs, or engages in a medical experiment or medical research requiring voluntary informed consent subscribed to in writing by a subject of the experiment or research as provided for by this section shall keep such writing as a permanent record.

5. Any medical experiment or other medical research conducted in a hospital or public health institution subject to supervision by the state shall be subject to prior approval by a research cmte. composed of not less than three persons established in each such hospital or public health institution. Members of research cmtes. shall be appointed by the medical board or its equivalent in each hospital or public health institutions [sic]. At least one member of the research cmte. shall be a member of the clergy who resides within a 10-mile radius of the hospital or public health institution.

6. Any person who initiates, directs, or engages in any medical experiment or other medical research in contravention to the provisions of this section shall be guilty of a misdemeanor.

7. This act shall take effect June 1, 1967.

G. CONTROLS IMPOSED UPON HUMAN EXPERIMENTATION BY PRACTICE

The term, "practice," may be interpreted in several ways. In effect, most meanings of the term have adequate treatment in earlier parts and sections of the study. However, the performers of "experimentation" on human beings, whether in the course of regular medical practice or in the conduct of a genuine clinical investigation, are doctors who on the whole are guided by the codes, principles, and ethics of the large medical organizations to which they adhere through active membership. According to the *New York Times* of August 15, 1966 [21] "Eight medical organizations have now endorsed the ethical principles approved in 1964 in the Declaration of Helsinki by the World Medical Association concerning human experimentation." The eight medical organizations listed by *The New York Times* are:

"1. American Federation for Clinical Research.

"2. American Society for Clinical Investigation.

"3 Central Society for Clinical Research.

"4. American College Physicians.

"5. American College of Surgeons.

"6. Society for Pediatric Research.

"7. American Academy of Pediatrics.

"8. American Medical Association."

The following is what the organizations are reported to have endorsed:

(1) DECLARATION OF HELSINKI

Recommendations guiding doctors in clinical research

Introduction. It is the mission of the doctor to safeguard the health of the people. His knowledge and conscience are dedicated to the fulfillment of this mission. The Declaration of Geneva of the World Medical Association binds the doctor with the words: "The health of my patient will be my first consideration" and the International Code of Medical Ethics declares that "Any act or advice which could weaken physical or mental resistance of a human being may be used only in his interest."

Because it is essential that the results of laboratory experiments be applied to human beings to further scientific knowledge and to help suffering humanity, the World

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Footnotes at end of article.

Medical Association has prepared the following recommendations as a guide to each doctor in clinical research. It must be stressed that the standards as drafted are only a guide to physicians all over the world. Doctors are not relieved from criminal, civil and ethical responsibilities under the laws of their own countries.

In the field of clinical research a fundamental distinction must be recognized between clinical research in which the aim is essentially therapeutic for a patient, and the clinical research, the essential object of which is purely scientific and without therapeutic values to the person subjected to the research.

I. Basic Principles

1. Clinical research must conform to the moral and scientific principles that justify medical research and should be based on laboratory and animal experiments or other scientifically established facts.

2. Clinical research should be conducted only by scientifically qualified persons and under the supervision of a qualified medical man.

3. Clinical research cannot legitimately be carried out unless the importance of the objective is in proportion to the inherent risk to the subject.

4. Every clinical research project should be preceded by careful assessment of inherent risks in comparison to foreseeable benefits to the subject or to others.

5. Special caution should be exercised by the doctor in performing clinical research in which the personality of the subject is liable to be altered by drugs or experimental procedure.

II. Clinical research combined with professional care

1. In the treatment of the sick person, the doctor must be free to use a new therapeutic measure, if in his judgment it offers hope of saving life, re-establishing health, or alleviating suffering.

If at all possible, consistent with patient psychology, the doctor, should obtain the patient's freely given consent after the patient has been given a full explanation. In case of legal incapacity, consent should also be procured from the legal guardian; in case of physical incapacity, the permission of the legal guardian replaces that of the patient.

2. The doctor can combine clinical research with professional care, the objective being the acquisition of new medical knowledge, only to the extent that clinical research is justified by its therapeutic value for the patient.

III. Non-therapeutic clinical research

1. In the purely scientific application of clinical research carried out on a human being it is the duty of the doctor to remain the protector of life and health of that person on whom clinical research is being carried out.

2. The nature, the purpose and the risk of clinical research must be explained to the subject by the doctor.

3.a. Clinical research on a human being cannot be undertaken without his free consent after he has been informed; if he is legally incompetent, the consent of the legal guardian should be procured.

3.b. The subject of clinical research should be in such a mental, physical and legal state as to be able to exercise fully his power of choice.

3.c. Consent should, as a rule, be obtained in writing. However, the responsibility for clinical research always remains with the research worker; it never falls on the subject even after consent is obtained.

4.a. The investigator must respect the right of each individual to safeguard his personal integrity, especially if the subject is in a dependent relationship to the investigator.

4.b At any time during the course of clinical research the subject or his guardian should be free to withdraw permission for research to be continued. The investigator or the investigating team should discontinue the research if, in his or their judgment, it may, if continued, be harmful to the individual.

FOOTNOTES

[1] *Administrative Practices in Clinical Research.* Final Report, NIH Grant No. GH 7039, to the Law-Medicine Research Institute (Boston University, 1963), Preface, p. 5.

*The italic is that of the author of this report. It identifies the specific language of the "consent" amendment sponsored by Senator Jacob Javits and Senator John Carroll during the development of the Kefauver-Harris Amendments of the Food, Drug and Cosmetics Act. The current controversy over human experimentation and patient consent has largely to do with FDA policy and regulations pursuant to the authority of this law.

[2] 21 United States Code, 355(i) p. 4366 (See Appendix A of this report for other provisions.)

[3] Kelcey F. O. "Patient Consent Provisions of the Federal Food, Drug, and Cosmetic Act" in *Clinical Investigations in Medicine: Legal, Ethical and Moral Aspects.* (Edited by Irving Ladimer and Roger Newman), Boston University Law-Medicine Research Institute, 1963, p. 337.

[4] 21 Code of Federal Regulations 130.3(g). Form FD1572 (6)(g): Form FD1574 (4)(g), notes following 130.3.

[5] 31 Federal Register, 8009, June 7, 1966.

[6] 31 Federal Register 11415, August 24, 1966.

[7] According to *Drug Research Reports,* "The Blue Sheet", Vol. 9, No. 41 (October 12, 1966), p. 16.

[8] *Ibid,* pp. 16 and 18.

[9] *Ibid,* p. 17.

[10] According to *Drug Research Reports,* "The Blue Sheet," Vol. 9, No. 48 (November 30, 1966), p. 4.

[11] *Ibid.*

[12] "Written Consent for Clinical Investigation" (editorials) *The New England Journal of Medicine,* Vol. 272, January 12, 1967. pp. 115–116.

[13] *F.R. Doc. 67–2788,* filed March 10, 1967.

[14] FDA Eases Regulation Governing Patient Consent. *Medical World News,* April 7, 1967. p. 35.

[15] U.S. Congress. Senate. Interagency Drug Coordination. Report of the Committee on Government Operations made by its former Subcommittee on Reorganization and International Organizations, 89th Cong., 2nd sess., May 5, 1966. p. 230.

[16] *West's Annotated California Code, Penal Code,* 2690.

[17] Oklahoma, Statutes Annotated, 47.3.

[18] Code of Virginia, 53–57.1.

[19] Quotations reorganized from "Furor Over Research and Consent," *Medical Tribune,* Vol. 8, No. 17 (February 15, 1967), A Staff Report.

[20] *Drug Research Reports.* "The Blue Sheet," Vol. 10, No. 6 (February 8, 1967), Supplement, p. S-4.

[21] "Doctors Debate Moral Aspects of Using People in Experiments," *The New York Times,* August 15, 1966.

PART V. OTHER DISCUSSIONS, CONSEQUENCES, SUMMARY AND CONCLUSIONS

A. TUE CERTAINTY OF LAW VERSUS THE UNCERTAINTY OF MEDICAL ART

As early as 1881 there was no little impatience with the medicolegal problems of experimental medicine. Elwyn L. Cady, Jr.[1] paraphrases and quotes one of the pioneers of early malpractice cases in America, J.J. Elwell, as follows:

The physician's (or surgeon's) difficulties and doubtful questions are much greater than those of the attorney, for, unlike him, the physician has no court of last resort, whose decision is conclusive, to pass upon unsettled questions.

While the law only holds the medical profession accountable for the faithful use and application of the fact, means and principles already discovered and understood, yet its honor as well as a great moral law, require of its members the discovery of new principles, new regulations, and the new application of old principles.

It seems important that not only should the physician or surgeon be able to vindicate his practice and account fully for the uncertainty of his science, but the lawyer, also, ought to fully comprehend all the embarrassments and impossibilities that environ a notable sister profession.

If the lawyer is clearly satisfied of these difficulties, as he certainly will be, by looking into their causes, very much vexations and ruinous litigation will be prevented, and intelligent, worthy men left unmolested to pursue untroubled their important professional duties . . ."

Here, lawyer Cady is utilizing another's argument "that scientific practitioners cannot properly be held liable for malpractice merely because they employ methods which are considered experimental."

The situation in *1900* is described by Taylor:[2]

One of the rules which the law strictly enforces for the protection of the public is that when there is an established practice or mode of treatment for a particular diseases or injury the physician must conform to the professional custom and adopt the established treatment, but will not be permitted to experiment without incurring liability for resulting injury."

And again in *1913* by Mitchell:[3]

The law deals mercilessly with those who for the purpose of experimentation deviate from the established mode of practice; that is to say, the physician is held to methods which have been universally accepted by the majority of the profession . . . the rule on its face seems harsh and arbitrary, for its application and enforcement means that any advancement in the science of medicine and surgery must be at the risk of the individual members of the profession. To the profession this must be still more apparent when they look back over the various periods of medical and surgical history and see the marvelous progress which has been achieved by the experiments of the learned ones of the profession. But such is the law with certain modifications and it should be kept in mind by the physician and surgeon.

According to Cady,[4] L. J. Regan's admonition in 1949[5] is that the ends are working against the middle and producing a product consumable only by the medico-legal enterprise.

Graphically analyzed, the admonition appears as the off-spring of a conflict between the two fields:

Science, medicine, experimental medicine.
Law, torts, malpractice.

"In the treatment of the patient, there must be no experimentation."

The current scene on these matters is only slightly improved. There are no direct statutes regulating and authorizing the total of human experimentation. Investigations involving human beings appeared in organic law almost as an afterthought in the Kefauver-Harris amendments. There were thousands of pages of testimony during the debate on the floor of Congress before the matter of "informed consent" was mentioned,[6] and a short section on the use of humans in new drug experiments was added to the Act. It is, of course, this statement in the law concerning informed consent of human experimental subjects with which our public health officials are now struggling in the development of regulations and policies. *Written (signed) consent* is now proposed,

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as pointed out earlier in FDA policy statements. This is not provided in the Act itself, and we have no way of ascertaining whether or not the Congress deliberately omitted such provision or whether or not the Congress was informed at the time on how much difference in procedure this technicality would amount to.

The experimental use of human beings for the advancement of science and preservation of health does not fall within regular practice as usually defined in statutes granting licenses to practice. Research is technically illegal or legally without foundation; that is to say, *regular practice is usually diagnosis, treatment, operation and prescription.*

The use of human beings in deliberate experiment does not fall within this definition. The breadth of the physician's practice does not extend to experimentation, nor is there any statute that states that a physician in practice can conduct experimentation. Human or clinical experimentation is regarded as improper behavior, malpractice, etc. The public and its elected officials desire medical advancement, but many view that adequate legal provision is not yet available for the necessary experiments to be conducted. They are conducted anyway, and as a result several students, doctors, and lawyers alike, have stated, "the physician experiments at his peril."

Attorney William J. Curran believes this much quoted statement to be "entirely misunderstood and an out-of-context admonition to researchers." His August 11, 1966 article on "The Law and Human Experimentation" argues that the development of law is now moving away from medical malpractice litigation. He objects to borrowing a "concept of informed consent" based upon much litigation and applying it to the Food and Drug Act and in the Surgeon General's Memorandum of July 1, 1966. He warns that since neither FDA nor the Surgeon General have clarified the concept, the medical profession cannot find security in the use of it, because it is not clear as the courts have thus far employed it. (FDA has since tried to clarify the concept—see Part IV.D.)

The author states that the trend in legal philosophy over the past 20 years is towards protecting individual rights and right of privacy. "Newer courts are not so apt to look kindly on the imposing of substantial risk on human subjects because of the potential benefits to greater numbers coming from experiments." The balance of risk against benefit is "a matter of judgment, pure and simple . . . such judgment relies heavily on hindsight . . . researchers can never rest easily on this issue." Since risk and benefit judgments are subject to review and second guessing, Mr. Curran as a lawyer advising professional people, does "not like this situation." He "prefers legal rules, that once followed, are a clear protection to (his) clients."[7]

It is interesting that Mr. Curran is pleading for "legal rules" for the protection of investigators, patients and volunteers. In contrast, the Committee of Safety of Drugs in Britain, in its second annual report, merely refers to "proposed legislation to provide for many of the procedures which at present are carried out under voluntary arrangements with the pharmaceutical industry. *The Committee has not felt hampered by any lack of statutory powers.* It is certainly important that any legislation should maintain the scope for flexibility and the exercise of professional responsibility which have been welcome features of the early years of drug control."[8]

B. THE TWO AREAS OF MEDICAL EXPERIMENTATION

There have been numerous pleas in literature which we have not cited that there be a clear distinction between the routine patient-doctor relationship and the patient-investigator relationship. This is either assumed to be a real difference or is a distinction required for other reasons. While it may be necessary to draw such an artifical line, it would nevertheless be exactly that. "Treatment without experimentation" is a statement rather than a fact. For example as Doctor Andrew Ivy states:

> In the medical sciences, the only method which can reveal and establish the cause, prevention, and treatment of disease is the method of controlled experimentation on animals and volunteer human subjects . . . Even after the therapy of the disease is discovered its application to the patient remains in part experimental. Because of the physiological variations in the response of different patients to the same therapy, the therapy of disease is, and always will be, an experimental aspect of medicine. We frequently forget to recall the fact that a patient is a volunteer experimental subject to the physician. The physician *practices* medicine today, and (because) the response of different patients to the same therapy will always vary to some extent, the physician will always *practice* medicine on his patients."[9]

A similar point is made more recently by Dr. Alvan R. Feinstein, Chief, Clinical Biostatistics, West Haven, Connecticut Veterans Administration Hospital and Associate Professor of Medicine, Yale University School of Medicine:

> Every act of routine clinical treatment is an experiment . . . as the "material" of clinical therapy, a patient . . . is the only experimental object that can talk and that can choose when, how and by whom the experiment is to be conducted.[10]

In any case, the operating facts are that clinical research and clinical practice are not clearly separable on experimental grounds. The methods of medicine are empirical enough so that a doctor's total clinical *experience* includes *experiment*—and on humans—his patients. Although the corporate body of American physicians may not be involved in human experiment by design, it is illusory to regard the practice of medicine on humans as free of experiment on humans. The relationship may be different, but the risk in numbers of patients is not necessarily less. This statement weakens only as we approach dangerous human experiments, or unnecessary human experiments.

The point is that "bad medicine" and pills are removed from the market, not just because a designed experiment on human beings shows that they are dangerous, but because clinical experience does. Penicillin reactions became known because physicians noted them on human beings in their practice. The conduct of the national field trials of the Salk polio vaccine "is an outstanding example of careful preparatory design and obedience to local legal requirements as well as scientific adequacy," yet it was in practice that risk and damage developed.

Also it is not certain that a single drug firm engaged in a global clinical trial involving 3,000 subjects in a dozen countries on evaluation of a single drug with the test population all under informed voluntary consent—cannot be matched by another drug, whose efficacy, side effects, and other properties are questionable and is being dispensed by physicians to patients in the ordinary course of medical practice. In Britain in 1963, 4,000 reports of adverse drug reactions were reported, most of them coming from general practitioners. The two processes are all part of the advancement of medicine and in the overall interest of public health.

What health officials, and especially the Commissioner of the Food and Drug Administration, desire, is a shift in these processes towards a substantial reduction in dangerous and ineffective drugs in the American marketplace. But the experiments when warranted and needed must be performed on humans somewhere, and this means volunteers and patients wherever clinical investigators are able to find them and obtain their written consent to participate. Safety and efficacy will or will not be established only after many trials and considerable expense. This movement of the evaluation of drugs from the practitioner to the investigator may be quite necessary, but no one should be led to believe that the line can be sharply drawn. The final proof is determined only when the large and varied population of human beings receive a drug under prescription. This is because the experimental groups employed in the drug trials may not be representative samples of the "normal" population seeking aid and comfort from their regular doctors.

C. THE BASIS FOR PREOCCUPATION WITH INFORMED CONSENT

(1) The plea for consent valid in law is based upon the belief that if a subject suffered injury or death as a result of an experiment, the courts might rule in favor of the plaintiff if any doubt existed concerning the investigator's precautions, competence, or accidental negligence. "Valid in law" presumably means that the volunteer be his own judge of the nature and extent of the risk involved and that he acknowledge this judgment in writing. Ladimer[11] and Lauppi[12] express general agreement on the view that statutes, regulations, and case law applying to medical malpractice are pertinent to experimentation. Signed informed consent should therefore protect the experimenter legally.

(2) Signed informed consent would provide the government a means of checking to make certain that investigators are carrying out the provisions in the law.

(3) Signed informed consent also accomplishes the protection of privacy of the individual subject. This point is in vogue and dominates most of the literature on the total subject.

Admitting that individual privacy has come to be an "argument-stopper" in recent months, psychologist Wolf Wolfensberger places the argument that research must not violate a person's integrity (sacred and inviolable) in a new perspective:

> . . . the fact is that society constantly encroaches upon individual lives and freedoms for the sake of the community or mankind as a whole. We do not give driving licenses to 12-year olds—no matter how competently an individual youngster may drive. Traffic and labor laws, the draft for the armed forces, and many other conventions, designed and tolerated for what is believed to be the welfare of society, may detrimentally affect an individual. In some instances we may infringe the rights of an individual not in order to benefit or punish him, prevent him from harming others, or keep him from harming himself, but to benefit others—as when we levy taxes (without individual consent) or ask a man to risk his life (perhaps with his consent) to save women and children during a shipwreck. The crucial point is not that conventions be fair and just in each instance, but that they be administered in a fashion characterized as constituting "due process."

The controversy regarding conduct of research has served to increase the tension between the long-range interests of society, science, and progress, on the one hand, and the rights of the individual, on the other. It is important that this tension should be a creative one resulting in a higher order of problem-solving that safeguards both interests, rather than a solution that gravely impedes the progress of science. Society must preserve the delicate balance between these interests, realizing that the cost of excessive restriction of research can come very dear.

Footnotes at end of article.

If a code of due process of research ethics is ever to be formulated, it must be based on clearly stated principles. In order to identify these principles, the issues must be sharply defined and disentangled from the irrationalities and cliches in which they are currently enmeshed.[13]

The Panel on Privacy and Behavioral Research of the Office of Science and Technology[14] should also be quoted on this issue:

Basically, then, the protection of privacy in research is assured first by securing the informed consent of the subject. When the subject cannot be completely informed, the consent must be based on trust in the scientist and in the institution sponsoring him. In any case the scientist and his sponsoring institution must insure privacy by the maintenance of confidentiality.

Our society has grown strong on the principle of minimizing costs and maximizing gains, and, when warmly held values are in conflict, there must be a thoughtful evaluation of the specific case. In particular we do not believe that detailed governmental controls of research methods or instruments can substitute for the more effective procedures which are available and carry less risk of damage to the scientific enterprise.

Legislation to assure appropriate recognition of the rights of human subjects is neither necessary nor desirable if the scientists and sponsoring institutions fully discharge their responsibilities in accommodating to the claim of privacy. Because of its relative inflexibility, legislation cannot meet the challenge of the subtle and sensitive conflict of values under consideration, nor can it aid in the wise decision making by individuals which is required to assure optimum protection of subjects, together with the fullest effectiveness of research.

Dr. Hedley Atkins in Britain comes back to the stark reality of informing the patient as follows:

From the point of view of ethics the problem arises of whether patients should be informed that they are taking part in a trial. Often this is desirable, and may in many instances be helpful and encourage the patient to attend for the frequent examinations that may be demanded in the interests of the trial rather than the patient. Nevertheless, it is not always desirable, and at a meeting of the Medical Research Council which was attended by the Treasury Solicitors, and where the legal and ethical aspects of this matter were considered, it was decided that there was no obligation on the part of an investigator to inform a patient that he was participating in a trial. Particularly is this so in the trial of methods of treatment for desperate cases or advanced disease. If the trial is ethical by the criteria outlined above, and if therefore the choice of treatment is really being made by the "toss of a coin," it is not considered to be the best part of doctoring to inform a patient so gravely ill that we do not know how to treat her, and that the choice of treatment is being so determined.

If there are problems—ethical, scientific, and even mathematical—associated with controlled trials it nevertheless remains the case that this technique holds out greater promise for advance in therapy than any yet devised. More important, however, is that recognition of the scientific basis upon which such trials are constituted will ensure, so far as is possible, that the undesirable state of affairs prevailing in medicine during the first half of this century will never be repeated to the extent of producing so many false trials and so many unnecessary and unworthy modes of therapy.[15]

Finally, although the problems of informed consent require a more serious approach than that proposed by Preston J. Burnham his facetious "consent form" demonstrates how many risks or points of risk there are is a well established surgical procedure:

Proposed informed-consent form for hernia patient: I ———, being about to be subjected to a surgical operation said to be for repair of what my doctor thinks is a hernia (rupture or loss of belly stuff—intestines—out of the belly through a hole in the muscles), do hereby give said doctor permission to cut into me and do duly swear that I am giving my informed consent, based upon the following information:

Operative Procedure is as follows: The doctor first cuts through the skin by a four-inch gash in the lower abdomen. He then slashes through the other things—fascia (a tough layer over the muscles) and layers of muscle—until he sees the cord (tube that brings the sperm from testicle to outside) with all its arteries and veins. The doctor then tears the hernia (thin sac of bowels and things) from the cord and ties off the sac with a string. He then pushes the testicle back into the scrotum and sews everything together, trying not to sew up the big arteries and veins that nourish the leg.

Possible complications are as follows:

1. Large artery may be cut and I may bleed to death.
2. Large vein may be cut and I may bleed to death.
3. Tube from testicle may be cut. I will then be sterile on that side.
4. Artery or veins to testicle may be cut—same result.
5. Opening around cord in muscles may be made too tight.
6. Clot may develop in these veins which will loosen when I get out of bed and hit my lungs, killing me.
7. Clot may develop in one or both legs which may cripple me, lead to loss of one or both legs, go to my lungs, or make my veins no good for life.
8. I may develop a horrible infection that may kill me.
9. The hernia may come back again after it has been operated on.
10. I may die from general anesthesia.
11. I may be paralysed if spinal anesthesia is used.
12. If ether is used, it could explode inside me.
13. I may slip in hospital bathroom.
14. I may be run over going to the hospital.
15. The hospital may burn down.

I understand: the anatomy of the body, the pathology of the development of hernia, the surgical technique that will be used to repair the hernia, the physiology of wound healing, the dietetic chemistry of the goods that I must eat to cause healing, the chemistry of body repair, and the course which my physician will take in treating any of the complications that can occur as a sequel of repairing an otherwise simple hernia.

Patient——— Lawyer for Patient———
Lawyer for Doctor——— Lawyer for Hospital——— Lawyer for Anesthesiologist———.

Mother-in-law ——— Notary Public ———
Date ——— Place ———.[16]

D. POSSIBLE CONSEQUENCES OF DRUG REGULATIONS

(1) Reduction in number of new pharmaceutical specialties.

The table below[17] shows a marked reduction in the production of new pharmaceutical specialties since 1959. This includes all forms of new products as well as new single chemical drugs:

31, 1955	403
42, 1956	401
51, 1957	400
44, 1958	370
63, 1959	315
45, 1960	311
41, 1961	265
28, 1962	255
18, 1963	213
17, 1964	162
23, 1965	119
13, 1966	82

31, 42, 51 etc. New Single chemicals.

403, 401, 400 etc. Total number of new products marketed.

These data may reflect the now slower process of obtaining approved New Drug Applications from FDA since the enactment of the 1962 amendments, or they may not. Since the downtrend predates the amendments, it is difficult to point to the amendments as the cause of any effect except possibly the continuation of the trend since 1962. The low number of new single chemicals marketed in 1966 (13) and the total number of new products (82) is a bit on the alarming side in view of the Nation's overall competence in organic and pharmaceutical chemistry and in view of the large amounts of funds invested by government and industry for developing new drugs. Research and Development spending by both government and drug firms has been especially high in recent years in the areas of cancer chemotherapy, psychopharmicals, vaccines, and antibiotics. It is unlikely that the 1966 data in the above chart reflect the July 1, 1966 policies from Bethesda or the August 24, 1966 "patient consent in writing" policy of FDA.

The low number of new drugs in some categories probably indicate industrial efforts to concentrate research on more original and effective drugs and perhaps on newer methods of comparative physiology and chemical testing. The purpose of these new methods is to "signal" the promise, or lack of it, of a new chemical without the risk and expense of human trials. Fewer products and the extensive technical information required by FDA, of course, increase the cost per product. The Pharmaceutical Manufacturers Association now estimates the average cost of a single fundamental new drug entity at $5 million.[19] DuPont's "Symmetril" cost $8 million dollars. Clinical trials (human experiments) were conducted on 300 volunteer college students at or organized by the University of Illinois College of Medicine.[20]

(2) Difficulty in obtaining volunteers.

The Army and Air Force report difficulty in obtaining volunteer donors for participation in the "research programs involving the use of adenine to the standard anticoagulants for the purpose of prolonging the useful viability of the red blood cells."

It is reported that only about one of ten donors approached agreed to participate in this research and then only when they are paid the minimum donor fee of $25.00.

In the recent Veterans Administration Research Conference it is reported that 80% to 90% of individuals who had agreed to participate in research in VA hospitals withdrew when they were informed they would be required to sign the research consent forms.[21]

E. THE STATE OF HEALTH OF AMERICAN MEDICAL ETHICS

Dr. Irving H. Page of the Cleveland Clinic, is not so confident of the current status of medical ethics. He believes the public as well as physicians are constributing to the erosion of ethics and to the loss of the singular position of the physician in society. In an editorial in *Science,*[22] Dr. Page continues, "The sanctity of the human body has long been considered inviolate, as has the relationship between patient and physician. It is on just these questions that the problem of consent for operations, drug testing, organ transplanting, and experimentation has hit a snag. Despite millions of words, we are no closer to solving such problems than we were before the Kefauver investigation. Indeed, we have managed to hide our dilemma by the simple device of word coverage."

Dr. Irving S. Cooper, Research Professor of Neuronatomy, New York Medical College, believes the dilemma to be in society and particularly in medical education itself:[23]

Footnotes at end of article.

Among basic causes of this ethical crisis is impersonality of graduate education. Some medical scientists, tending to seek conditions of experimentation of the physical scientist, are not sufficiently mindful of the fact that patients being studied are not objects. They thereby tend to confuse means with ends.

If . . . arrogance, lack of compassion, indifference and inhumanity exist within the realm of clinical research in alarming proportions, these are, in part, a reflection of the same traits in our society at large. However, although lack of humaneness can be overcome in society by stricter enforcement of laws, in medicine the ultimate concern with the individual patient will always depend upon the individual physician.

Because of the increasingly scientific and complex nature of medical specialties, it is often necessary to approach problems of clinical research in a fragmental manner. To assure precision, concentration, quantitation and controlled experimentation, it is sometimes necessary to become overconcerned with the ultra-little.

This overconcern with fragmentation in the applied biologic science of medicine makes it not only more difficult but also dangerous, in a scientific sense, to face the larger question or the greater responsibility. This is exemplified by the retreat of many full-time clinical professors to the laboratory. This not only enhances their scientific status; it makes it unnecessary to make more than token appearances on the wards. This attitude, in itself, is commendable from a scientific standpoint. But it does diminish (in the mind of the medical student, if not the professor himself) the worth and importance of the patient. It may even contribute to diminution of the value of the student's image of himself as an individual, as one more aspect of the conglomerate society.

. . . a thoughtful effort to give language real meaning when defining and teaching medicine should be undertaken. For example, despite strides during the past two decades towards application of scientific principles to diagnosis and therapy, medicine in its broader sense is still a very inexact applied science. The temptation to teach medicine as though it were a pure science should be resisted. The philosophy and morality of the physician or surgeon, in some instances, contributes as much to the result of the exercise of his healing art as does his scientific training—even in the technologically complex surgical specialties.

The physician, for his own sake as well as for the welfare of his patients, must be able to understand the general anxieties and preoccupations that diminish man in his own view, and which play an increasingly important role when he is ill. The metaphysical anguish of the absurdity of the human condition in the modern world is seen in its purest form in the estranged, lonely inhabitants of our hospital wards. Purposeful training towards an understanding of this greater problem should be part of medical education.

Dr. Cooper proposes a "continuing course in Humanities throughout the four-year medical school and beyond . . .

Not only would this go a long way towards realizing an intelligent, informed, compassionate physician, able to render judgments, it would also contribute towards an educated, well-rounded medical profession capable of preserving not only medical research grants but the society in which we live.

Dr. Cooper's proposal to include the Humanities in the medical school curriculum will be realized soon in at least one medical school; namely, the new College of Medicine of Pennsylvania State University at the Milton S. Hershey Medical Center. A humanities department is scheduled to begin operation next September. "The department according to Dean George T. Harrell, will include faculty in comparative religion, philosophy and ethics, history of science, and will start with one man in each field. Eventually, Harrell said, he hopes to double the faculty. The humanities will be taught through seminars and lectures interwoven throughout the regular medical school curriculum." [23]

F. SUMMARY AND CONCLUSIONS

It seems clear enough from the information gathered and presented in this report, particularly Part II on "the Extent of Medical Experimentation on Human Beings," that thousands of clinical tests, trials, and experiments are being conducted in the United States. The increase in such investigations in recent years may be ascribed in part to the extensive number of clinical trials required by FDA to establish the efficacy and safety of a new drug before it can be approved for regular patient use. Another factor contributing to the large number and variety of experiments involving humans is the escalating scale in underwriting clinical research by our Federal Government.

Nevertheless, the degree of carelessness, mistakes, or poor judgment in this national effort to protect the public and yield effective modes of therapy must be relatively small. The language of the numerous controls, old and new, is too strong and overall professional scrutiny now too extensive for the situation to be otherwise. Should all of the charges of unethical or questionable procedures over the past year be indefensible, which they are not, the extent of such cases compared to the extent of genuine ethical manipulative experimentation would be well below the usual percentage of misconduct in other comparable areas of our culture.

Although the more recent attention to the question of human experimentation evolves largely from the "consent in writing" issue, the use of signed consent of humans in treatment by surgery or in deliberate experimental manipulations of a risk provoking nature, has been a part of civilian and military research for many years. This does not mean that all clinical investigations are without fault with respect to morals and ethics; it does mean that practice has kept a reasonable pace with the emphasis on civil and individual rights, and that in some types of research such practice has been well ahead of the specific principles now emerging from public health officials. (See Part III.)

Indeed, one question which the Congress might explore is whether the new promulgations of the Public Health Service and the Food and Drug Administration represent a recently acquired knowledge on their part that human experimentation is now conducted in disregard of traditional ethics or that such promulgations are regarded as the only means of coping with certain professional, political, and journalistic attitudes.

The medical profession, charged by Congress over the past few sessions, to "get on" with new dimensions of prevention and treatment of the ills of man, could well use a vote of confidence from the people's representatives. The Public Health Service, the Food and Drug Administration, the pharmaceutical industry and the medical community at large, deserve commendation for their efforts, judgment, and ethical precautions to date in the hot war against disease. And while the complex and fundamental issues of medical research on human beings undergo re-evaluation, it should be made clear to the public and to non-experimenting M.D.'s that the battle to conquer disease may often become very "rough" and that the exquisite corners of declarations, codes, and conventions will from time to time suffer from the abrasion of enthusiasm and error.

With the welfare of mankind at stake personal incentives must be put aside, and the core of medical ethics and means of progress inspected with an unprecedented objectivity. And as Harvard Professor Paul Fround states, the problems and issues belong to an informed populace:

> It behooves the medical profession to take the public into its confidence and to educate the public opinion rather than risk the shock and explosion of pent-up revulsion if the lid is pressed down on information and then blown up by some melodramatic case.[24]

This study suggests that the foregoing may be undertaken with deliberation rather than haste. The danger is recognized and provisions concerning it are in effect. The steps taken thus far seem more than sufficient to contain the public's concern and to protect patients and subjects in ongoing experiments. These steps now require further scrutiny for at least two reasons: First, they may be too hurried and too often superseded by closely spaced revisions and clarifications. Second, they may reflect the voice of one side of the discussion—the critics—the nature of whose statements appear to bear the mark of the overzealous. Dr. Maxwell Finland of Harvard Medical wrote a "critical commentary" on this general theme last year in *The Journal of the American Medical Association:*

> Among the recent fallout of these explosive events, have come some broad accusations as well as specific indictments of immoral and unethical practices in studies carried out by unnamed but readily identifiable investigators. In some if not most instances, the competence of the accuser to judge the subject matter—with the advantage of hindsight—including the limited acquaintance of the critic with the logistics or the details of the studies, are at least as debatable as the propriety of the investigations to which objections were taken. And even were the critic knowledgeable in these regards, it would certainly be most unfortunate if the personal experiences that impel once admittedly competent physician-investigator to carry out studies at a given time and in a given manner were to result in accusations of moral or ethical irresponsibility because another investigator with different experience—or the critic himself—holds contrary opinions or convictions.
>
> Many thoughtful and responsible individuals involved in the current discussions have expressed concern that, as a result of all this turmoil, restrictions may be put on investigations in human beings which may stifle further scientific pursuits essential for improvements in our understanding, management, and prevention of the ills of man. Perhaps the least vocal among these individuals have been just those conscientious investigators who have been most deeply respectful and considerate of the interest of their patients and investigative subjects and who have gone to the greatest difficulty, because of the added effort required to abide in detail by the letter and fullest intent of the current restrictions. The more conscientious among them would be the most concerned about the interpretations given their studies by unsympathetic or hostile critics. Though these conscientious investigators may have real and valid objections, they may choose to remain silent less their motives be misinterpreted by zealous crusaders.[25]

While there is no evidence that the temple of medicine is under seizure by irresponsible investigators who are ignorant or indifferent to the commandments of the profession, there remains an enigma that an enterprise so important to the culture and so fraught with "occupational hazards" functions in nearly the complete absence of statute which authorizes the occupation in the first place or protects the responsible participants from the hazards of that occupation in the second place. The temple hierarchy, which usually rejects the concept of control by "external" statute, may be unwary of the potential problems that lie ahead in the

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Footnotes at end of article.

legal and ethical dynamics of an intensified attack on the diseases of man.

. . . there are no doubt many paths which lead to the acquisition of clinical knowledge that might profitably be explored; but if there are many paths I believe there is only one high-road to an increase in therapeutic knowledge, and that is the controlled clinical trial."

HEDLEY ATKINS,
President of the Royal College of Surgeons of England.[26]

FOOTNOTES

[1] Cady, E. L., Jr., "Medical Malpractice: What about Experimentation? *Clinical Investigation in Medicine: Legal, Ethical and Moral Aspects,* edited by I. Ladimer & R. W. Newman, Boston University Law-Medicine Research Institute, 1963, p. 178.

[2] Taylor, A. N., *The Law in its Relations to Physicians,* 1900, pp. 286–287.*

[3] Mitchell, E. V., *The Doctor in Court,* 1913, p. 36.*

[4] Cady, *op. cit.,* p. 171.

[5] Regan, L. J., *Doctor and Patient and Law* (Ed. 2, 1949).

[6] Finland, Maxwell. Ethics, and Controlled Clinical Trial. *JAMA,* 198–637, November 7, 1966.

[7] The Law and Human Experimentation, by William Curran, *The New England Journal of Medicine,* 275: 323–325, 1966.

[8] "Safety in Drugs," *British Medical Journal,* 2:253, 1966.

[9] *Science* 1–5, 1948, (Paper read at Symposium on Human Pharmacological Experiments at the meeting of the Federation of American Societies for Experimental Biology, Atlantic City, March 15–19, 1948.)

[10] The Intellectual Crisis in Clinical Research, by Alvan R. Feinstein, M.D., *Roche Medical Images,* 8:5, 1966.

[11] Ladimer, I., *New England Journal of Medicine,* 257:18, 1957.

[12] Lauppi, E., *Proxis,* 33:837, 1961.

[13] Wolfensberger, W., Ethical Issues in Research with Human Subjects. *Science,* 155: 47–52, January 6, 1967.

[14] Privacy and Behavioral Research: Preliminary Summary of the Report of the Panel on Privacy and Behavioral Research. *Science,* 155:235–238, February 3, 1967.

[15] Conduct of a Controlled Clinical Trial, by Hedley Atkins, *British Medical Journal,* 2:377–379, 1966.

[16] Medical Experimentation on Humans, a letter by Preston J. Burnham, *Science,* 152: 448–449, 1966

[17] According to Paul de Haen in *FDC reports: Drugs and Cosmetics,* "The Pink Sheet", Vol. 27, No. 3, January 16, 1967, p. 11 (permission for facsimile obtained from the editor).

[19] *Drug Research Reports,* January 11, 1967, p. 9.

[20] Breakthrough by DuPont: A Drug that Blocks Viruses. *Life* Magazine, February 10, 1967, p. 60A.

[21] Discussion at a recent meeting of medical representatives of the Armed Forces and Veterans' Administration. (The VA report may have been supplied by telephone independent of this discussion.)

[22] Medical Ethics, editorial by Irving H. Page, *Science,* 153:3734, 1966.

[22] Medicine of the Absurd *The Mayo Alumnus,* Vol. 3, pp. 1–5, January 1967.

[23] Medical School to Include Humanities: News in Brief, *Science,* 155:984, February 24, 1967.

[24] According to Gershan Fishbein, "The Sensitive Core of Medical Ethics," *The Washington Post,* February 19, 1967, p. E–3.

[25] Finland, M., Ethics, Consent, and Controlled Clinical Trial. *JAMA* Vol. 198: 673 (169), November 7, 1966.

[26] Atkins, H., Conduct of a Controlled Clinical Trial, *British Medical Journal,* 2:377, August 13, 1966.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2794

At the request of Mr. WILLIAMS, the Senator from Texas (Mr. TOWER) was added as a cosponsor of S. 2794, the "National Flood Insurance Act Amendments of 1971."

S. 3441

At the request of Mr. KENNEDY the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 3441, a bill to extend the traineeship program for professional public health personnel.

S. 3615

At the request of Mr. CRANSTON, the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Oklahoma (Mr. HARRIS) were added as cosponsors of S. 3615, a bill to authorize grants to the D-O University.

S. 3639

At the request of Mr. CRANSTON, the Senator from California (Mr. TUNNEY), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. MONDALE), the Senator from Missouri (Mr. EAGLETON), the Senator from Utah (Mr. MOSS), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of S. 3639, a bill to amend the Food Stamp Act of 1964 to authorize the use of food stamps by elderly persons to purchase meals prepared and served by certain institutions.

S. 3752

At the request of Mr. KENNEDY, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 3752, the Medical Libraries Act of 1972.

S. 3762

At the request of Mr. KENNEDY, the Senator from Wisconsin (Mr. NELSON) and the Senator from Colorado (Mr. DOMINICK) were added as cosponsors of S. 3762, a bill to extend the program for health services for domestic agricultural migrant workers.

S. 3858

At the request of Mr. KENNEDY, the Senator from Wisconsin (Mr. NELSON) was added as a cosponsor of S. 3858, the Emergency Health Personnel Act Amendments of 1972.

S. 3881

At the request of Mr. CHILES, the Senator from Oregon (Mr. PACKWOOD) and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 3881, a bill to provide that meetings of Government agencies and of congressional committees shall be open to the public.

S. 3923

At the request of Mr. METCALF, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 3923, the Corporate Ownership Reporting Act.

SENATE JOINT RESOLUTION 170

At the request of Mr. BAYH, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of Senate Joint Resolution 170, a proposed amendment to the Constitution of the United States lowering the age requirements for membership in the Houses of Congress.

SENATE CONCURRENT RESOLUTION 93—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE 100TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN PUBLIC HEALTH ASSOCIATION

(Referred to the Committee on the Judiciary.)

HONORING THE 100TH ANNIVERSARY OF THE AMERICAN PUBLIC HEALTH ASSOCIATION

Mr. WILLIAMS. Mr. President, today I am introducing a concurrent resolution extending appropriate best wishes to the American Public Health Association on the occasion of its 100th anniversary.

Only 100 years ago, when knowledge and experience in the area of health care was minimal, it was fortunate for any person to survive from childhood to 40 years of age. At that time, a newborn child was given only a 75 percent chance of reaching his 50th birthday. Stephen Smith, a New York physician and health-care pioneer, appropriately summarized the situation in the mid-19th century when he stated:

> Smallpox, scarlet fever, measles, diphtheria, were domestic pestilences with which the people were so familiar that they regarded them as necessary features of childhood.

No organization devoted solely to the public health was then in existence. Convinced of the need for an independent body to establish national and international standards for public health, Dr. Smith invited a group of health workers to join him in forming an association for sanitarians. On September 12, 1872, in Long Branch, N.J., the American Public Health Association was organized.

The subsequent 100 years that form the life of the APHA span a period of unparalleled progress in the conquest of disease and the maintenance of good health. The association's innumerable contributions to the quality of life and health now enjoyed by millions of Americans stand as direct fulfillment of its commitment 100 years ago to the "advancement of sanitary science and promotion of organizations and measures for practical application of public hygiene."

Annual meetings of the association have continually provided a forum for the exchange of ideas among physicians, health officials, nurses, laboratory and environmental specialists, and other professional and private citizens whose goal is the preservation of the life and health of the American people. These ideas have been carried to a national and international audience by the American Journal of Public Health, a scientific journal first issued in 1873.

Shaping the association's record of accomplishments in disease control and personal health services were such men as Walter Reed, presenting his "mosquito theory" of yellow fever; Prof. F. A. P. Barnard, reporting on the "Germ Theory of Diseases," and George and Gladys

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*Quoted by Cady as in reference (1).

Dick, describing their immunization for scarlet fever. In the areas of community health and health administration, such public health pioneers as Charles V. Chapin, C. E. A. Winslow, Haven Emerson, and William T. Sedgwick revolutionized the health practices of the Nation.

In later years, the report on "Control of Communicable Disease in Man" and other publications, such as those on standards for examination methods for water and dairy products, community health action and planning, and housing, emerged as international, definitive standards in the fields, and have had a measurable impact on public health policy and practice worldwide.

Members of the association, through scientific reports, professional publications, and policy resolutions, have provided leadership for reform and innovation in such areas as public health administration, vital statistics, strengthening the Federal, State, and local health structure, environmental pollution control, population control, medical care, and equal access for all American people to health care and the health professions.

Reflecting the century of tremendous progress in health and medicine and the sweeping social changes that have occurred in that time, the association in 1970 adopted as its credo:

> The protection and promotion of personal and environmental health, continued leadership among health professionals and the general public, and research for improved quality of life for all Americans.

Therefore, Mr. President, on the occasion of the centennial anniversary of the American Public Health Association, I urge all citizens to salute the thousands of public servants who endeavor, as they have in the past, to fulfill the goal of quality health care for everyone. I am hopeful that this concurrent resolution will be passed quickly in time for the association's anniversary.

The concurrent resolution reads as follows:

S. CON. RES. 93

Whereas, the American Public Health Association had its first organizational meeting in Long Branch, New Jersey on September 12, 1872; and

Whereas, the American Public Health Association was instrumental in establishing the National Board of Health in 1879 and the creation of the United States Public Health Service in 1902; and

Whereas, the American Public Health Association has supported and contributed to improved health programs at the Federal, State and local levels; and

Whereas, the American Public Health Association has continually contributed to cooperative efforts among nations in behalf of improving the health status of mankind; and

Whereas, the 55,000 members of the sections and affiliates of the American Public Health Association are dedicating the experience and knowledge of more than 40 health professions to advance the health of mankind; and

Whereas, the American Public Health Association serves as a source of competence in the formulation of health standards, model codes, professional health personnel standards, and public health programs; and

Whereas, the American Public Health Association will celebrate its centennial anniversary and a century of service toward improving the health of man in Atlantic City, New Jersey, during November 13–17, 1972; Now, therefore, be it:

Resolved by the Senate (the House of Representatives concurring), That the Congress extends its greetings and felicitations to the American Public Health Association on the occasion of the one hundredth anniversary of its founding:

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. THURMOND, and by unanimous consent, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of Congress Resolution 89, in behalf of prisoners of war and missing in action.

INTERIM AGREEMENT BETWEEN UNITED STATES AND U.S.S.R.—AMENDMENT

AMENDMENT NO. 1449

(Ordered to be printed and to lie on the table.)

Mr. SAXBE submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. SAXBE. Mr. President, the U.S. Government must be consistent in its statements and actions concerning the strategic arms limitations. We cannot prohibit the Russians from doing one thing and then do that thing ourselves. We cannot define equality in such a way that will consistently make us superior and expect the Russians to believe we are sincere. My amendment overcomes the problem of inconsistency. It puts the U.S. Congress on record as reaffirming the long standing U.S. policy that we have not, in Secretary Laird's words:

> Developed and are not seeking to develop a weapon system having or which could reasonably be construed as having a first strike potential.

It puts the Soviet Union on notice that we expect them to abide by this policy too. My amendment implies that if they do not abide by that policy then we might consider their nonadherence to be a threat to our supreme national interests.

My amendment also puts the U.S. Congress on record as saying that we agree that the United States and the Soviet Union should seek strategic equality. However, it does not imply a false measure of strategic equality which would have the effect of making the United States superior. My amendment encourages the President to seek a definition of strategic equality that can be accepted both by the United States and the Soviet Union. This definition would necessarily include as part of a true overall strategic balance, all "strategically useful forces" which each country has at its disposal. My amendment would allow the President of the United States to play his proper role as Commander in Chief and foreign policy leader. My amendment allows the President to decide how, in his best judgment, to evaluate such things as forward deployment bases, and strategically useful tactical weapons. It would not dictate to the President a method of calculating our overall strategic strength that would overemphasize intercontinental components of our arsenal. My record in the area of tying the hands of the President is clear. I have not supported tying the President's hands in our Vietnam negotiations and I do not support tying the President's hands to some inadequate yardstick in future strategic negotiations either.

Mr. President, we could allow the Commander in Chief to play his leading role in strategic arms limitations by approving the interim agreement with minimal language. But if the Senate must spell out the sense of Congress then I say if we sincerely want to continue negotiations we must be consistent; we cannot have our cake and eat it too. We must also seek areas for mutual argument with the Soviets. My amendment allows for both, my amendment implies that the Soviet Union and the United States will both adhere to the same principle as to development of counterforce weapons. My amendment allows the President to seek a mutually acceptable definition of overall strategic balance. To paraphrase the Senator from Washington, What's wrong with consistency; and what's wrong with trusting the President to find areas of mutual agreement?

REVENUE SHARING ACT OF 1972—AMENDMENT

AMENDMENT NO. 1448

(Ordered to be printed and to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1450

(Ordered to be printed and to lie on the table.)

Mr. McCLELLAN (for himself and the members of the Committee on Appropriations) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14370), supra.

AMENDMENTS NOS. 1451 THROUGH 1458

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted eight amendments intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1459

(Ordered to be printed and to lie on the table.)

Mr. METCALF (for himself, Mr. MANSFIELD, Mr. JACKSON, Mr. BURDICK, Mr. HARRIS, Mr. HUMPHREY, Mr. PACKWOOD, Mr. GRAVEL, Mr. KENNEDY, Mr. MOSS, Mr. MONDALE, Mr. BIBLE, Mr. MUSKIE, Mr. CHURCH, and Mr. STEVENS) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14370), supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1436

At the request of Mr. STEVENS, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 1436, intended to be proposed to S. 3771, a bill to provide compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government.

ADDITIONAL STATEMENTS

REVISION OF "TAX GUIDE FOR SMALL BUSINESS"

Mr. BIBLE. Mr. President, over the years the Select Committee on Small Business has consistently attempted to be of assistance to the 95 percent of American firms which are "small business" in the field of taxation. The tax law and its administration have a life and death effect on the fortunes of small, new, growing, and independent business. Pursuant to this responsibility, the committee in 1956 first published the "Tax Guide for Small Business" as a committee print.

Annually thereafter, the Treasury Department and the Internal Revenue Service have reissued this helpful publication, and last year more than 456,000 copies of the guide were distributed. These volumes are thus being consulted by a substantial proportion of smaller businessmen and their accounting and tax advisers. At the same time, the guide brings in substantial revenue to the Treasury over and above its publication costs—a profit of $172,000 in 1971. With some justification, I think that we can label this a "success story."

During 1972, our committee felt that the passage of time, as well as extensive changes in the tax law of the past 3 years, called for a comprehensive reexamination of the "Tax Guide for Small Business," with a view to making it an even more useful reference for small businesses.

On April 14, a meeting was convened by our committee for this purpose and attended by representatives of the Internal Revenue Service, the Small Business Administration, our committee staff, and members of the following private organizations:

American Bar Association, Section of Taxation, Small Business Committee;

Federal Bar Association, Committee on Taxation;

American Institute of Certified Public Accountants;

National Association of Small Business Investment Companies;

National Small Business Association; and

Smaller Business Association of New England.

These associations were most gracious in their cooperation, allowing their top experts to attend and express their individual views, so that the tax guide might benefit from their advice under the short-term publication deadline of October 1, 1972.

As a consequence of this meeting, further specific suggestions were developed by the participants, which were then circulated among themselves and to the Internal Revenue Service. These submissions served as a basis for a further meeting which took place on August 10.

At that time, a substantial number of the recommendations as to both substance and form of the booklet were accepted, and others were fully aired.

During the course of these two meetings, the participants also gained in an understanding of IRS problems and publication schedules, which should make future sessions on this guide even more productive. For the purpose of carrying this project forward, the group is now looking forward to reconvening fairly early in 1973.

Mr. President, I should like to make note of the cooperative posture of the Internal Revenue Service throughout this first full-scale review of the Guide. From the beginning, Mr. William Hagemann, Chief, Technical Publications Branch, and his associates, Dean Ludeman and W. L. Rogers, were of substantial assistance in scheduling these meetings, making procedural suggestions and beng prepared to give "yes" or "no" answers on specific items on August 10, less than 4 months after the opening meeting.

The substantial number of suggestions which were accepted testifies as to both the thought and effort of the individuals and groups contributing their advice, and also the conscientious consideration of this material by the Internal Revenue Service.

Also important, in my opinion, is the opening of an exchange of views between the administrators of our tax system and the representatives of hundreds of thousands of users of the "Small Business Tax Guide," and ultimately of over 12 million business enterprises in this country. I am gratified at the prospect of this dialog taking place periodically, and feel that many small business tax problems will be solved and others avoided through this periodic contact.

I would thus like to commend the Internal Revenue Service for its constructive cooperation with the committee toward the revision of the "Tax Guide for Small Business." We hope that we can make this good publication even better in future years for the small businessmen and women using it across this land.

THE GROWING TREND TOWARD AN ADVERSARY PRESS

Mr. SAXBE. Mr. President, I invite the attention of Senators to an article entitled "The Press as Mob," published in this week's issue of the New Republic. It concerns primarily the unfortunate affair of our fellow Senator TOM EAGLETON, but it goes even further in commenting on the growing trend toward an adversary press. It is interesting to note that this situation was even more common 100 years ago.

I particularly enjoyed the article because the New Republic is not noted for its altruism or enlightenment when advocating a cause.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PRESS AS MOB

The destruction of Tom Eagleton by the press was instructive. I watched four channels and read three newspapers sporadically during the crucial days of the killing, and it seemed to me like a mob scene out of Shakespeare. Shakespeare, remember, didn't like mobs, calling them the mutable, rank-scented many, and suchlike.

A Washington Star-News reporter covering Eagleton in Hawaii noted innocently that Eagleton wanted to talk about other things than electric-shock treatment, but that people kept wanting to talk about electric-shock treatment. People hell, it was journalists who were the rank-scented many and who wanted to talk, and did, until finally a few of the more sensitive ones began to realize that what they were doing collectively was rank-scented. In San Francisco, for example, an interviewer asked Eagleton if he minded the hysteria of the press. He was disarmingly nice, but both he and the reporter seemed to agree that "hysteria" was a good word. It was. In fact only by calling it hysteria can we escape calling it worse; the difference between first and second-degree murder is that one is premeditated.

Right in the middle of the fuss Supreme Court Justice William Douglas stopped the Ellsberg trial pending the resolution of a wiretap complaint from the defense. Douglas' particular point has no bearing here—he was insisting on the right of a defense lawyer to speak in confidence with his client—but he took a whack at the feds en passant, observing that "the ear of the government . . . these days seeks to learn more and more of the affairs of men." Yes, and of course, the press has been extremely militant about the ear of the government. But what of the ear of the press?

Bad-tempered Charles Dickens visited our country in 1842 and was impressed by our jails and hospitals but distressed by our newspapers and politicoes. His sour concluding remarks included these gems: "You [Americans] carry . . . jealousy and distrust into every transaction of public life. By repelling worthy men from your legislative assemblies it has bred up a class of candidates for the suffrage who . . . disgrace your institutions and your people's choice. . . . For you no sooner set up an idol firmly than you are sure to pull it down and dash it into fragments. . . . Any man who attains a high place among you, from the president downward, may date his downfall from that moment: for any printed lie that any notorious villain pens . . . appeals at once to your distrust and is believed. . . . Is this well, think you, or likely to elevate the character of the governors or the governed among you?"

Dickens found a few good journals amidst the "licentious press," but he felt they were helpless against "the moral poison of the bad." The bad he described as a "monster of depravity" against which no "private excellence" was safe from attack. He added that the "press has its evil eye in every house, and its black hand in every appointment in the state."

One might of course ask Charles Dickens to stick to the facts; he did have a penchant for editorializing. The interesting point here, however, is not that he editorialized but that he editorialized against what he thought of as villainy, as evil, whereas what we have before us as subject for editorializing now would seem to be instead a sort of mischancefactor built into our competitive system, a factor that sends hundreds of reporters, cameramen, technicians and all manner of self-appointed instant wisemen chasing without malice (mostly) after political candidates as if on a foxhunt.

The Agnew-Nixon-Clay Whitehead school of thought about the press is still Dickensian, with the Eastern Establishment vaguely cast in the role of villain. I respect and wholeheartedly sympathize with the defensiveness that has developed at the White House in the face of the press's enormous presence, but I do think the White House has found the wrong cause for its trouble. From the high-falutin James Reston right on down to Jack (Scoop) Anderson I don't see villainy, and though I confess that Anderson's notions of how to be competitive strike me as wholly contemptible I think of him as an agent of our media chaos, not in himself a cause. In other words the media *system* has become the cause (the medium is not the message but the tyrant), a system that demands of journalists caught in the system that they traipse around in clusters, like army ants, after the big story. Yet, hysteria is the word rather than villainy.

Yet we probably can distinguish, if only impressionistically, between malicious and neutral news coverage of such an event. In the Washington papers it was the *Star-News* surprisingly that seemed chiefly to have the knife out for Eagleton, with loaded bannerheads for the whole week ("McGovern Ponders"—"McGovern Shifting on Eagleton"—"Eagleton Gets Word Tonight") and with columnist Mary McGrory casting heavy ironies about Eagleton's and McGovern's bad judgment through the back pages. I say the *Star*'s role was surprising because the *Post* is now formally Washington's loaded newspaper, an expensively capitalist manifestation of the New Journalism, with hardly a reporter on its enormous staff normally designing to play a story straight like in the dear old dead gone days. But in this instance the *Post* front page, in headline and copy, was relatively straight-faced about Eagleton, though the editorial page took out after him.

On the tube NBC's John Chancellor was the objective one. He has a fine detachment of manner; there is no malice when he speaks. The other networks were consistently more aggressive, especially CBS, which has developed, I say again impressionistically, a more inquisitorial mode of interviewing (did it all begin with Mike Wallace?) than the others. The inquisition-technique was especially evident on the Sunday think show "Face the Nation" where Eagleton and Anderson confronted each other and where moderator George Herman managed to dig in like a Jewish mother who suspects her son of lying; he started one question by saying "Senator, you sound very decisive and confident," and later got so nosy about the skeletons in Eagleton's closet that Eagleton had to joke that he had "given up pickpocketing for a living," at which point Herman said, "No, I don't mean it as a joke, because you must know you're under very strict scrutiny." Indeed.

Unfortunately it doesn't seem to matter whether the reportage is aggressive or neutral, so long as it is there for a week or so, propping up before a billion eyes doubts about the candidate's character. Just to have the questions there is enough to kill him off; the results are the same with or without malice. Or, to go back to Dickens, the results are the same whether evil or hysteria runs the show; in either case a politician is destroyed—and destroyed in the Eagleton instance with such thoroughness and dispatch that even Dickens' rhetoric would have trouble rising to the occasion.

All in all what impressed me throughout the proceedings was the dazzling insensitivity of the press to their power role. Mary McGrory, for example, observed in a witty but aggressively judgemental piece following Eagleton's "resignation" that an execution had taken place and that the executioner was—you guess—George McGovern. She didn't mention the press. And in a *New York Times* follow-up there we detailed coverage of the McGovern staff's day-by-day changes of opinion about what the great Eagleton affair signified, yet no attention was paid to who created the significance.

For what it's worth I'm personally undecided about the merits of removing Eagleton from the ticket; his case is a complicated one that will be a good conversation piece for politicoes, historians, psychologists and even ordinary people for a long time. But I do think it is important here to separate the Eagleton case itself from those who moved in to settle the case, and to ask by what particular dispensation from God or Jefferson or even the Democratic Party they did so. For it does seem apparent that in this case we have a stunning contemporary instance of how the press has come inadvertently to display all the tyrannous powers that our country has traditionally feared to be vested in the hands of government. The journalists have set *themselves* up as the appropriate makers and unmakers of a presidential candidate, though candidate-choosing is conventionally thought to be a matter for our political parties and the citizenry as a whole, a matter that the press is expected merely to report on. We do not, I think, have the bad will around us that Dickens attributed to journalists in the 1840s, but if journalists have more rope to run things the way they ran Eagleton, they may well produce the bad will. Then Dickens' loaded words below may come to seem thoroughly appropriate again:

> It is the game of these men and of their profligate organs to make the strife of politics so fierce and brutal, and so destructive of all self-respect in worthy men, that sensitive and delicate-minded persons shall be kept aloof . . . and thus this lowest of all scrambling fights goes on, and they who in other countries would, from their intelligence and station, most aspire to make the laws, do here recoil the furthest from that degradation.

VOLUNTEERS IN PEACEFUL POLITICAL PARTICIPATION

Mr. HUMPHREY. Mr. President, I invite the attention of Members of Congress and State and local leaders to a project undertaken by the Greater Miami Jaycees. Under the leadership of Mr. Stuart Alan Rado, the Jaycees of the Miami area are sponsoring a youth participation drive entitled "Volunteers in Peaceful Political Participation."

The goal of this project is to stimulate greater participation by young people in serious political work, beginning with the two political conventions of our national parties in Miami Beach. Over 600 persons agreed to volunteer to work in the activities of the Democratic and Republican conventions, and I know from personal experience how meaningful and helpful this was.

The proper coordination and functioning of a political convention takes thousands of people. The "Volunteer in Peaceful Political Participation" played a valuable role at the Democratic Convention as typists, drivers, clerical personnel, and in many other positions. I am sure that they will be an asset to the Republican Convention beginning on August 21.

The Jaycees of the Greater Miami Beach area are to be commended for encouraging meaningful participation on behalf of people who are too often left out of the political process. Those in the political process ignore the ideas and the enthusiasm of the young at their own peril.

Mr. Rado has informed me that this effort by the Jaycees to encourage serious participation in politics by young people will not stop with the conventions. Local and State chief executives throughout the country are encouraged to recognize and promote this program by proclaiming similar periods—during the coming campaign—of a day, week, or month—as "Volunteers in Peaceful Political Participation Week," for example, in their own areas.

Mr. President, I ask unanimous consent that several newspaper articles and the texts of a number of proclamations by governors and mayors in support of the Volunteers in Peaceful Political Participation be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Daily Sun-Reporter, July 12, 1972]

Beach Groups Seek Convention Workers

A Volunteer Program, jointly sponsored by the Miami and Miami Beach Youth Advisory Boards and the Greater Miami Jaycees, is supplying volunteers to help Democratic candidates for president and vice president.

To date, over 600 persons have written to volunteer for the Democratic and Republican conventions. Most have been students, however there have been numerous adults and even some senior citizens.

Jobs have been filled for drivers, typists, clerical personnel, and various other positions.

After the conclusion of the Democratic Convention, emphasis will be placed on securing workers for the Republican Convention. There is no guarantee that everyone who volunteers will be given a job with either convention, however every effort will be made to use the volunteers where needed.

There is no tabulation yet available as to how many volunteers from this program were used for the Democratic Convention.

Anyone interested in working now for the Republican Convention may do so by writing name, address, and phone number on a post card and sending it to: Volunteers, Post Office Box 2036, Ocean View Branch, Miami Beach, 33140.

Also those who have an interest in working for the various Democratic or Republican office-seekers for the election in November may volunteer by following the above instructions.

Although the program was originally aimed at students, it has been expended to include all who wish to volunteer.

Purpose to the program is to act as a catalyst to get young people actively interested in the political process.

"Young" Commission Growing Up Fast

(By Richard Fatigati)

Miami Beach's Youth Commission is taking the initiative on several fronts, plugging in a youthful outlook to politics and ecology.

Although the commission is just under four months old, it has been successful in mobilizing "Operation Volunteers," a political service group to serve in national campaigns, and connecting up with the Miami River Restoration Project and the League of Women Voters to initiate joint projects with them.

Local junior high and high school students, under the direction of Stewart Rado, 26-year-old marketing researcher, have been working for themselves in getting across youth's point of view to community, state and national leaders.

Operation Volunteers placed youth in various positions at Convention Complex during the Democratic Convention and helped others work for the candidate of their choice. Through Volunteers, young people had the opportunity to be runners, clerks and typists at the convention or to work at their candidates offices here. The same program will be in effect during the Republican Convention.

(Contact Operation Volunteers, P.O. Box 2036, Ocean View Branch, Miami Beach, Fla. 33140 for further information.)

Rado, who was an alternate delegate to the convention from the 11th congressional district, took advantage of his floor privileges to introduce the idea of youth involvement in politics to the democratic governors at the convention.

Meeting at least 20 governors, Rado got an enthusiastic reception to the commission's program. Following the convention, Gov. Daniel J. Evans of Washington, Gov. Marvin Mandell of Maryland, Gov. Linwood Holton of Virginia and Gov. J. James Exon of Nebraska sent letters to Rado to underscore their endorsements.

According to Rado, several governors had indicated at the convention that they would be in touch with him regarding establishment of similar programs in their states, with an eye to stimulating interest in state and local elections as well as national contests.

Janice Geld, a youth commission member, cut off another slice of political business by aiding the League of Women Voters in voter registration here. Working with Warner Brothers Studies, Janice registered 30 people in connection with a promotional effort over a new movie "The Candidate," a politically-oriented film.

In other work, commission youth plan to establish an ecological beachhead with the Miami River Restoration Project against the decline of area waterways.

[From the Miami (Fla.) News, July 1, 1972]

Jaycees To Aid Conventions

For the Greater Miami Jaycees, Stuart A. Rado is project chairman of an effort to obtain volunteer workers for political candidates.

Aiming mostly at the local student population, Rado said he has recruited more than 400 volunteers to handle a variety of tasks for the staffs of the presidential nomination candidates.

"We're endeavoring to do something that hasn't been done in political history—to supply both political parties with volunteer help," Rado said.

"The purpose is to allow students to voice a preference for who they're going to work for. There's no guarantee that if they volunteer for one candidate, they'll get the job, but this allows that candidate to know that if they want any volunteer help in the Miami area, it's there at their disposal.

"We've had offers from photographers, people to drive, people to type, people with secretarial skills."

Rado said the volunteers he has consist mostly of senior high school students—70 per cent—with the rest divided among junior high students and older people.

[From the Miami (Fla.) Herald, July 5, 1972]

Group Tries To Find Spots for Convention Volunteers

Some 500 adults and young people have registered with Volunteers in Peaceful Political Participation, a non-partisan clearing house for volunteer service during the coming political conventions.

Stuart Rado, chairman of the Miami Beach Youth Advisory Board, is director of the volunteer group, which is sponsored by the board and the Greater Miami Jaycees.

Volunteers may register to work with either major political party or can specify a particular candidate. "We cannot guarantee jobs for all who write in," said Rado, "but all names are forwarded to either the party or candidate."

"We particularly need volunteers over 21 to work as drivers for the delegates and alternates," he said. "We will also need volunteers to work after the conventions to help man phones and answer mail."

"The project has been endorsed by every city in Dade County," said Ken Friedman, president of the Greater Miami Jaycees.

Registrations can be made to P.O. Box 2036, Ocean View Branch, Miami Beach, Florida, 33140.

Proclamation

Whereas: with the arrival of two political conventions in our area the young people of Greater Miami have a unique opportunity to participate in the political process and help the candidate of their choice, and

Whereas because of the concern of the community, the Greater Miami Jaycees and the Miami and Miami Beach Youth Advisory Boards are jointly sponsoring "Volunteers In Peaceful Political Participation," thereby giving all interested students a chance to volunteer to work for a candidate at one of the conventions, and

Whereas students may volunteer to work for a candidate by writing their name, address and phone number, along with the name of their candidate on a post card, and sending it to "Volunteers," P.O. Box 2036, Ocean View Branch, Miami Beach, Florida 33140:

Now, therefore, I, David T. Kennedy, Mayor of the City of Miami, Florida, do hereby proclaim July 9–14 and August 20–24, 1972, as Volunteers In Peaceful Political Participation Weeks.

In observance thereof, I urge students to take advantage of this program and ask citizens to encourage these young people to support and participate in this novel and meaningful experience.

In witness whereof, I hereunto set my hand and cause the seal of the City of Miami to be affixed.

Done in the office of the Mayor of the City of Miami, Florida.

State of Maryland,
Executive Department,
Annapolis, Md., June 28, 1972.

Message From Gov. Marvin Mandel

I am delighted to lend my enthusiastic support to the "Volunteers In Peaceful Political Participation" drive being undertaken in the City of Miami.

It is my understanding that this effort is designed to stimulate greater participation in the political process by the young people of Miami, by encouraging them to work for a candidate at one of the political conventions being hosted in your City.

As one who understands the urgent need for more of our citizens—young and old alike—to become involved in our nation's politics, I am impressed by the initiative the sponsors of this program have taken.

And as Governor of a state that recognizes the many contributions of its young people to their communities and our nation, I send you my best wishes for the success of this important endeavor.

Commonwealth of Virginia,
Office of the Governor,
Richmond, June 26, 1972.

Mr. S. A. Rado,
"Volunteers" Ocean View Branch,
Miami Beach, Fla.

Dear Mr. Rado: I think that the "Volunteers In Peaceful Political Participation" project is a fine opportunity for young people to participate in the political process. I hope that many will take the opportunity thus provided to support the candidate of their choice. I am sure that if they do they will have some exciting and memorable moments and will gain valuable insight into the political process.

Best wishes for the success of the "Volunteers".

Cordially,

Linwood Holton.

Metropolitan Dade County, Fla.,
Miami, Fla., June 23, 1972.

Mr. Stuart Alan Rado,
Project Chairman, Greater Miami Jaycees,
Miami, Fla.

Dear Mr. Rado: Your volunteer program of asking the youth of the community for peaceful political participation in the upcoming Democratic and Republican Conventions is both unique and commendable.

I feel, along with you and the Greater Miami Jaycees and the Miami and Miami Beach Youth Advisory Board, sponsors of "Volunteers in Peaceful Political Participation", that it offers a fine opportunity for the youth of our area to become more aware of political commitments and those ideologies by which people are governed.

I wish all of you best wishes in the success of your program.

Sincerely,

Stephen P. Clark.

City of Miami, Fla.

Mr. Stuart Alan Rado,
Project Chairman, Greater Junior Chamber of Commerce, Miami, Fla.

Dear Mr. Rado: I wish to commend you, the Greater Miami Jaycees and the Miami and Miami Beach Youth Advisory Boards on your jointly-sponsored project, "Volunteers in Peaceful Political Participation."

This effort presents a unique opportunity for students to participate in the political process while helping the candidate of their choice.

The youth of Miami certainly are privileged to have access to such a fine program as this.

Sincerely,

David T. Kennedy.

City of Miami Beach,
Miami Beach, Fla., June 13, 1972.

Mr. Stuart Alan Rado,
Miami Beach, Fla.

Dear Mr. Rado: I was delighted to hear that the Greater Miami Jaycees are giving the youth of this area an opportunity to participate in the great American political process, by working for candidates.

I wish you every success with the program, and I am certain that it will provide memorable and valuable experience for many of our young people.

Cordially,

Chuck Hall, *Mayor.*

City of Hialeah,
Hialeah, Fla., June 13, 1972.

Attention Stuart Alan Rado,
Chairman, Volunteers,
Ocean View Branch,
Miami Beach, Fla.

Dear Sir: Please accept my congratulations on your most note worthy "Volunteers In Peaceful Political Participation".

I certainly agree with you that, in addition to increased vigilance and awareness, the presence of both Conventions in our area affords the youth of our community a unique opportunity to participate in our great American Democratic Political Process.

To affirm the participation of the youth of Hialeah, please do not hesitate to contact Jack Brickman of the Hialeah Jaycees. His organization has been instrumental in bringing about the success of such projects in Hialeah.

Best wishes for success.

Very truly yours,

Henry Milander,
Mayor.

U.S. Senate, Committee on
Interior and Insular Affairs,
Washington, D.C., July 24,1972.

Mr. Stuart Rado,
Project Chairman, "Volunteers"
Miami Beach, Fla.

Dear Stuart: I wish to express to you my sincere appreciation for your efforts in helping me obtain volunteers for my operations at the Democratic National Convention.

Through the lists which you gave me, approximately 15 Floridians came into my organization and helped with the tremendous workload. I hope that more local organizations like the Jaycees will promote such activities across the country.

Again thanks for your service and best wishes.

Sincerely,

Mike Gravel.

U.S. Senate,
Committee on the Judiciary,
Washington, D.C., June 19, 1972.

Mr. Stuart Alan Rado,
Project Chairman, Greater Miami Jaycees,
Ocean View Branch, Miami Beach, Fla.

Dear Mr. Rado: As usual, the Jaycees are using brains and time in a manner to benefit the entire community.

There is no better way of supporting Democracy than by working for a candidate of your choice. This is the way the system was designed. This is what will serve to keep it a free and open system for all men, regardless of their views.

With best regards,

Sincerely,

Edward J. Gurney,
U.S. Senator.

COMPENSATION FOR DAMAGE TO U.S. FISHING VESSELS

Mr. MUSKIE. Mr. President, I wish to comment on S. 3771, a bill which I have joined Senators Brooke and Kennedy is sponsoring. The bill, introduced on July 29, would provide compensation to U.S. commercial fishing vessel owners for damages incurred as a consequence of action by vessels operated by foreign governments or individuals.

Current laws to protect fishermen have proved quite inadequate, since they do not provide immediate or direct relief for such losses. The Fishermen's Protective Act of 1967 provides reimbursement to vessel owners only for losses resulting from seizures of fishing vessels. Although the Senate has approved an amendment to this act extending coverage to damaged vessels, the law would still be inadequate because the financing mechanism does not provide for immediate relief.

Under the law, the U.S. Government must first seek to gain reimbursement from the foreign nation whose vessels caused the damage. If such reimbursement is not forthcoming in 120 days, then the Secretary of State is authorized to pay the claim reducing that nation's foreign aid by an equivalent amount. Such a procedure is obviously cumbersome and applies only to nations which receive our foreign aid. Under the new legislation, funds would come from the general Treasury of the United States. A total of $5 million would be available initially for incidents occurring since January 1, 1971.

We all can agree that the best solution would be to prevent such incidents from occurring at all. However, the proposed legislation would at least assure that our independent fishermen, who have contributed and continue to contribute much to the New England economy, will not be denied a livelihood as a result of damages to their vessels or gear.

Many are familiar with the unfortunate incident involving the *Roseanne Maria*, a boat owned by a Gloucester, Mass., fisherman, which was sunk as the result of a collision caused by an East German boat. The owner of the *Roseanne Maria*, Mr. Louis Biondo, lost his sole means of support as a result of this incident.

Mr. Biondo is typical of most fishermen in Maine who have invested their life's saving in boats and gear. For example, in June of this year, Mr. Newbold Varian lost $6,800 worth of gear as the result of an action by an East German boat off the coast of Maine near Boothbay Harbor. Replacing such equipment is indeed difficult for fishermen whose yearly incomes are often barely sufficient to meet current expenses. The experience of Mr. Varian has been amplified in recent weeks by letters and calls to me from Maine fishermen and their wives expressing concern over the increasing frequency of such incidents.

Maine's fishing industry faces many serious problems. not the least of which is the inadequate response given by the Congress and the executive branch. Mr. President, I urge the swift enactment of S. 3771.

The added fear of a damaging accident at sea is a totally unnecessary cause for concern. The knowledge that their property losses will be promptly reimbursed will serve to still the fear of our fishermen, whose work is long and hard enough, that they can lose a life's investment as a result of the negligence of a foreign vessel.

EMERGENCY HEALTH PERSONNEL ACT OF 1970—TESTIMONY OF SENATOR STEVENS

Mr. STEVENS. Mr. President, I am happy to report that the Committee on Labor and Public Welfare has reported favorably a number of amendments to the Emergency Health Personnel Act of 1970, including my amendment, S. 3867. This is a vital piece of legislation for my State as well as other areas in the country with a health manpower shortage. I ask unanimous consent that my testimony be printed in the Record.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony of Senator Ted Stevens Before the Health Subcommittee of the Senate Labor and Public Welfare Committee, August 11, 1972

Mr. Chairman, thank you for allowing me the opportunity to testify before you today. I am testifying today to strongly urge the Committee to report favorably on my amendment, S. 3867, to the Public Health Service Act. This legislation would establish a Scholarship Training Program for the Public Health and National Health Service Corps for persons entering medical, dental or other related medical academic training.

My amendment provides both for the payment of tuition and also a generous stipend which includes a salary equal to the basic pay and allowances of a commissioned officer on active duty in pay grade O–1 ($577.88 per month if unmarried; $686.78 if married and without dependents; and $719.48 if married with dependents), books, supplies, student medical expenses and other necessary educational expenses. In return for this scholarship, the individual is required to serve one year in the Commissioned Corps of the Public Health Service or as a civilian member of the National Health Service Corps for each year of academic training received.

It is important to realize that this program is only a scholarship, provided the individual carries out his active duty service obligation. On the other hand, should an individual renege on his commitment, the scholarship is, in effect, converted into a loan. This loan must be repaid in full with the maximum legal interest rate. This would obviously discourage individuals from "buying out" of their active duty service obligation. Thus, if the individual carries out this commitment, he or she will be doing this country a great service by helping to solve the health manpower shortage by serving in HEW's programs where we urgently need more health professionals. If not, the government would not lose a cent. If the program is successful, as I firmly believe it will be, then it is certainly worth the expenditure.

The Public Health Service and National Health Service Corps are two of our most vital federal health agencies. The Public Health Service Corps has a total of 2,583 physicians and 546 dentists. A clear majority of these are commissioned non-career officers. 59% of the medical officers are engaged in clinical functions, primarily in PHS hospitals and IHS facilities. In other words, a majority of the health personnel in the Public Health Service Corps is directly involved with the people who are in such dire need of their aid.

The National Health Service Corps provides primary health care services to remote, rural and overcrowded inner city areas designated by the Department of Health, Education and Welfare as having critical health manpower shortages. This program is a relatively new one, but, I must add, a most worthwhile one thanks to the efforts of Senator Magnuson. At present, the National Health Service Corps has only 152 doctors, 20 dentists and 116 other health personnel. Both of these Corps are extremely important in providing our Nation with the additional health care it so desperately needs.

To illustrate this real need for more health care in the United States, there are 132 counties in this country which have no physicians and 225 counties with no dentists. Dr. H. McDonald Rimple, Director of the National Health Service Corps, stated in a May 24th press release of the Health Services and Mental Health Administration that there are approximately 5,000 communities without any health care services. As of May 24th, only 122 communities had been designated as critical health manpower shortage areas.

My own State of Alaska is the only state which, in its entirety, has been given this classification. Although the national average ratio of non-federal doctors to patients is 166 per 100,000, and New York State has a ratio of 193 per 100,000, Alaska has only 64 non-federal doctors for every 100,000 people. Obviously, this is an unbearable load on any doctor as well as an indication that many Alaskans are receiving a very minimum, if any, medical aid.

Most of the health care service to rural areas in my State is provided not by private physicians but by the Indian Health Service. In the State of Alaska, the IHS provides 68 physicians and 30 dentists. Sixty-two of the physicians and all 30 of the dentists are in the Commissioned Corps. Even with these federal health service officials, Alaska is in dire need of additional health professionals. I cannot impress upon you enough the importance of the Indian Health Service to the people of my State. My amendment will contribute to assuring the continued availability of health personnel to the Indian Health Service which is imperative if Indian and Native people, not only in Alaska but throughout the United States, are to receive the delivery of essential comprehensive health services.

Realizing the importance of the Public Health Service and National Health Service Corps to the people of our Nation, I believe it is imperative that we do everything we can to assure its survival and flourishment. The most critical problem facing the PHS and NHS Corps today is the recruitment of qualified health personnel. The major cause of this problem is the reliance of the Corps on the draft as a recruitment incentive. Since the Selective Service Act of 1949 provided that service in the Public Health Service Corps would fulfill the draft obligation, the Corps has depended almost exclusively on this provision for recruitment. Approximately 99% of the physicians, and 96% of all officers being recruited into the Corps today are recruited through the use of this draft mechanism. With this dependence on the draft as a recruitment incentive, the voluntary recruitment machinery of the Corps has drastically degenerated. With the trend toward the abolishment of the draft to create an all-volunteer army, the Corps is in serious trouble. One of the findings of the 1971 Report of the Secretary's Committee to Study the Public Health Service Commissioned Corps states that, "The recruitment and retention of physicians and dentists will constitute the critical problem following the end of using the draft mechanism and plans to meet this problem must be developed."

My amendment will help alleviate this problem by offering a positive incentive to serve in the Corps instead of relying almost totally on the negative incentive of the draft. An incentive such as this scholarship is most definitely needed to attract young men and women to HEW programs which service areas with a dire need for health services. It is quite obvious that the long run needs of the Department of Health, Education and Welfare's programs will be better served by such positive incentives for recruitment rather than by the negative incentives involved in the draft.

The Corps not only needs new, positive recruitment incentives but they must also have incentives which allow the Corps to adequately compete with the Armed Forces. All branches of the Armed Forces have effective scholarship programs comparable to this one I am proposing and are planning to expand their present programs. H.R. 2, which has been passed by both the House of Representatives and the Senate, would increase the number of scholarships to 5,000 per year. We must make certain that the PHS and NHS Corps can also attract young men and women with a scholarship program which is as attractive to them as the programs now offered by the Armed Services.

Another factor which could drastically affect the recruitment ability of the Corps, if the draft is not abolished, is the possible elimination of undergraduate student deferments. With the elimination of this deferment, students entering college will either have completed their obligated service or have had their maximum exposure to the draft under the lottery system long before they enter medical or dental school. Either way, avoidance of the draft will no longer be an incentive for young men to join the PHS or NHS Corps. Thus, even if the draft were continued beyond the July 1, 1973 cut-off, the use of it to obtain health personnel will gradually phase out over a period of years.

The time to act on this recruitment problem is *now*, before it becomes too critical to correct and before one of our most valued governmental services is lost. By enacting this scholarship program now, we will begin to build in the incentives urgently needed to maintain the Corps and will work toward avoiding a last-minute personnel manpower crisis when and if we abolish the draft.

But regardless of this motivation, I also believe this is good legislation in its own right for today's situation. It gives the PHS and the NHS Corps a strong scholarship recruitment vehicle such as the military has had for years. The Department of Health, Education and Welfare's programs provide health care for some of our most needy areas through the Public Health Service and National Health Service Corps and are, I believe, extremely important to the health system of our Nation. They need and deserve a recruitment program of the highest caliber to attract our citizens who wish to enter the health field, through their ranks, so these important health delivery programs of HEW will be adequately staffed and well operated.

I understand, Mr. Chairman, that S. 3858 which you recently introduced, already has a scholarship program in it. I would like to point out a few of the differences between this bill and the one which I introduced. One major difference between the two proposals is in the pay-back time required of an individual. S. 3858 requires only 6 months of active duty service in the Corps for each year of academic training received. I admit that this lesser amount of required service time would be an added incentive, but I also believe that this is not a long enough period for the needs of HEW's programs. My amendment would increase the amount of time the health professional would be spending in the community in which he is serving. The impact on the community would be that of increasing quality care by extending the continuity of the relationship between the patient and the health professionals. Many areas that are serviced by the PHS and NHS Corps have a culture and a way of life totally different than what most of us are accustomed to. The Indian Health Service and Public Health Service facilities in my State are a prime example of this. It is very important that an individual remains in one area long enough to grow accustomed to the people he is serving.

A second major difference between the two scholarship programs is the amount of money provided each student. As I stated earlier, my amendment provides tuition, salary and all educational expenses, whereas S. 3858 sets a maximum of $5,000 per year. I feel that offering not only tuition and educational supplies but also a regular salary opens this scholarship program up to any individual regardless of income level. A lower income student could readily take advantage of the program offered by my amendment but would have difficulty affording additional expenses not covered by the other programs. One benefit of attracting lower income individuals is that they are more likely to return to the areas they came from to practice and more likely to remain there on a permanent basis. A recent American Medical Association survey revealed that 49% of the physicians raised in small towns were practicing in communities of 2,500 or less. Since a majority of the health manpower shortage areas, approximately 80%, are rural, attracting rural, lower income individuals into this program—who would be more likely to remain in the area—would have a lasting effect on the Public Health Service and National Health Service Corps.

The Public Health Service and National Health Service Corps definitely need a strong scholarship program with positive incentives. They have relied in the past on the draft as an incentive but will very likely have to depend on positive incentives such as this program in the near future. The Crops needs a scholarship program that is at least as good as that offered by the Armed Forces so it may compete for doctors, dentists and other health professionals. Considering the vital services provided by the Department of Health, Education and Welfare, I firmly believe that they are entitled to a recruitment program which is as strong and comprehensive as that of the military. My amendment would provide just a scholarship program.

LITTLE REASON TO CELEBRATE ANNIVERSARY FOR NEW ECONOMIC POLICY

Mr. PROXMIRE. Mr. President, on the first birthday of the new economic policy I think it appropriate to remind ourselves that August 15 marks not the celebration of a healthy and rapidly advancing economy, but the retarded recovery from a Nixon administration-induced recession. As the Washington Post commented earlier this week:

> One can commend the captain for the decisive way in which he refloated his ship without handing him a medal of honor for running it aground in the first place. If the President and his advisers had recognized sooner that they were off course—that inflation was not yielding, while unemployment was mounting—such drastic salvage operations would not have been necessary.

The Nixon administration's economic policies during the first 2½ years of the administration and the severe measures that had to be taken to correct the course of a floundering economy have cost us plenty. We have lost $160 billion in productive output, over $70 billion in Federal revenues, and $100 billion in lost wage income. One of the most significant reasons for the large budget deficits is the Nixon administration's recession. If we had been operating at full employment most of the last 3 years, deficits would have never occurred.

There is even less cause for celebrating the NEP when we recognize that 5 million persons are still unemployed, and 3 million more are either working part time because they cannot find full-time jobs or have stopped looking for jobs altogether because they do not think they can find one. The Sunday New York Times faults the administration's unemployment policy, a policy characterized by inaction:

> Even granting that some structural changes in the labor force may make the attainment of full employment more difficult today than in earlier years, the White House deserves criticism for its failure to launch a more forceful direct attack on unemployment . . . The time has come for the statutory pledge of full employment to be interpreted—by this or any future Administration—to mean

that every American who wants a job can be assured of getting one—either in the private or the public sector.

While the administration finally recognized its failure, after 2½ years, they are still ignoring the plight of the unemployed. I see little reason for celebrating the first anniversary of the NEP—as Joseph Kraft said, that would be like "applauding a rubber ball for bouncing up after it has been thrown down."

Mr. President, I ask unanimous consent that four articles published in the Washington Post and New York Times be printed in the RECORD. They are incisive analyses of the economic situation.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 13, 1972]

ECONOMIC ANNIVERSARY

A year ago on a Sunday evening in mid-August, President Nixon went on television to loose three economic bombshells—the floating of the dollar, the freezing of wages and prices, and a big package of tax cuts in the face of a big budget deficit. This was his New Economic Policy, an about-face from the policies his Administration had pursued through its first two and a half years.

An alarming worsening in the balance of payments, signs that inflation—after a brief slowdown—was again accelerating, and the persistence of unemployment had combined to force adoption of policies similar to those the Administration's political opponents had long counseled—and which Mr. Nixon and his advisers had vociferously denounced.

Although the American economy still bears scars of the long delay in changing the original Nixon game plan, the N.E.P. appears to be on the way to success in most respects.

INDUSTRIAL RECOVERY

The economy is rising strongly. The total output of goods and services, corrected for inflation, rose at an annual rate of 8.9 percent in the second quarter of this year. Even though so spectacular a rate of increase cannot be expected to continue, it still appears likely that real gross national product will climb by nearly 6 percent in 1972 and that this increase will continue well into 1973.

The economy's recovery has been accomplished by a slowing of inflation—partly due to the delayed effect of the long recession and the wide gap it opened between the country's actual operating rate and its potential, partly to the increase of productivity, and partly to the impact of wage-price controls.

After rising at an annual rate of nearly 6 percent in 1970 and the first half of 1971, the price index for the economy as a whole slowed to a 2.1 percent rate in the second quarter of this year. It will almost certainly not stay so low for the year as a whole; yet the chances are good that 1972 will see a rise of only about 3.5 percent for the over-all price index.

WORRISOME UNEMPLOYMENT

Unemployment has also come down from the 6 percent plateau. However, five million workers, 5.5 percent of the labor force, are still out of work, and the outlook is for unemployment to stay above 5 percent for the rest of this year and 1973 as well. The Administration is unduly complacent about so high a level of joblessness.

Even granting that some structural changes in the labor force may make the attainment of full employment more difficult today than in earlier years, the White House deserves criticism for its failure to launch a more forceful direct attack on unemployment. It has depended too much on general fiscal and monetary policies to deal with idleness that results from social causes, imperfection in labor markets and shifts in job availabilities.

The Employment Act of 1946 did not imply a goal of "maximum employment" to mean whatever unemployment rate existed as long as business was in a boom or semi-boom. The time has come for the statutory pledge of full employment to be interpreted—by this or any future Administration—to mean that every American who wants a job can be assured of getting one—either in the private or the public sector.

DEVALUED DOLLAR

In the international area, the Administration warrants great credit for severing the link between the dollar and gold and for forcing a realignment of exchange rates. Sooner or later this will mean a strengthening of the American balance of payments, although the nation is far from out of the woods. Compared to the enormous monetary drain in 1971 there has already been much improvement. That is true even though the balance of trade has worsened, due to the initial effects of dollar devaluation.

While the Administration can be faulted for the rough bargaining tactics used by former Secretary of the Treasury Connally, the over-all international strategy of the Administration was correctly based on the conclusion that the United States dollar was overvalued. The net devaluation of the dollar by 12 per cent has reduced this country's cost and price structure relative to its foreign competitors. The White House has sought to pressure other countries into granting unilateral trade concessions to the United States. Thus far, the Administration has little to show on the trade front and it has raised doubts about its commitment to maintaining close economic and political relations with its allies. Indeed, the Administration's balance-of-power approach to economic policy—with this country playing a lone hand among the Western European countries, Japan and the Communist states—could split the Western world into antagonistic blocs.

Mr. Nixon, furthermore, remains too willing to yield to protectionist demands of some industries and labor unions, although it must be granted that those pressures have been intense. Full employment policies would do more than any other thing to contain protectionist demands.

One of the major pieces of unfinished business facing the Nixon Administration or its successor will be the negotiation of reforms in the international monetary system. The more cooperative attitude and actions the Federal Reserve and Treasury have displayed toward other nations in recent weeks have improved the outlook for the international monetary negotiations that begin in Washington next month.

POCKETBOOK CONTROLS

Short of embracing Marxism, no economic approach was more abhorrent to President Nixon in his first thirty months in the White House than the notion that an inflation-beset economy might benefit from mandatory controls on wages and prices. It was an item of dogma for him that such controls never had and never could work in a democracy except in periods of total war.

In the year since Mr. Nixon imposed a ninety-day freeze as Phase One of his embarkation on a regulated economy, his Administration has been giving a generally persuasive demonstration that, even in the face of hostility from most of organized labor, controls can moderate the wage-price spiral without stifling economic growth or building up a monstrous bureaucracy.

It is true, however, that the evidence remains inconclusive, both as to how fairly the program has been applied thus far and, even more, as to how adequate it is to meet the triple-barreled challenges just ahead of faster business expansion, mounting Federal deficits and a heavy 1973 calendar of union demands in major industries.

LOOPHOLE ON FOODS

Most observers give the Price Commission high marks for the vigor with which it has sought to achieve its goal of holding the over-all level of price increases to 2.5 per cent, but the exemption from controls of raw foods has proved a handicap so severe that the commission itself vainly appealed for White House action to put the whole family market-basket under ceilings.

The Administration response, born of reluctance to tangle with the farmers in an election year, was to settle for a much milder curb, a temporary lifting of meat import quotas. That hole in the price net makes it probable that 1972 will end with the price level a full percentage point above the anti-inflation target. On top of that, the high level of second-quarter corporate profits has brought a fresh deluge of labor complaints that the whole program is unfairly loaded in favor of big business.

The Pay Board, aided by a relatively light collective bargaining schedule, did an even more effective job than the Price Commission after an exceedingly rocky baptism. Despite the walkout of four of its five union members, the board has succeeded in trimming first-year pay increases in new contracts involving large unions from better than 11 per cent in the year before controls to just above 7 per cent now.

Even the rampaging construction unions, operating under a semi-autonomous stabilization mechanism of their own, have come way down. More important, the wage regulators faced up to such tough customers as the East and West Coast longshoremen on the need for shaving negotiated increases that would have torpedoed the whole control effort—and did it without touching off strike defiance of the kind British dock workers are currently directing against that country's new Industrial Relations Act.

WAGE GUIDEPOST

The combined average of increases approved for organized and unorganized workers is running at 4.9 per cent, well below the 5.5 per cent basic yardstick established by the Pay Board last November. It will meet this week to consider cutting the guidepost still lower, though there is no prospect it will come down to the old Kennedy-Johnson productivity standard of 3.2 per cent. Much more progress toward price stability will have to be made before that becomes a realistic guidepost for pay envelopes.

The real election test for both parties will be to tell the country what monitoring machinery they plan to hold the line of wages and prices. An abrupt termination of controls when the present Economic Stabilization Act runs out next April would almost certainly reactivate the senseless leapfrog which wiped out the purchasing power of higher wages before workers could get to the supermarket to spend them.

It is plain that the factors of monopoly power in big industry and big labor which prompted a conservative Administration to move from Adam Smith to John Maynard Keynes are only temporarily in check. The question now is how best to balance the imperatives of social responsibility and economic freedom when Phase Two ends.

[From the Washington Post, Aug. 15, 1972]

THE NEW ECONOMIC POLICY AFTER 1 YEAR

On this date a year ago, the President went on national television to proclaim his New Economic Policy. His announcement was a shocker—a surprise attack on three fronts at once with weapons hardly anyone expected a Republican administration to use.

The assault on inflation involved an immediate 90-day freeze on wages and prices, to be followed by an elaborate and comprehensive system of wage and price controls. The attack on unemployment called for tax cuts and deficit spending to knock the economy out of its lethargy. The battle to improve the balance of international payments involved halting the convertibility of dollars to gold and imposing a temporary import surcharge in hopes of forcing a currency realignment more favorable to the United States and creating a more flexible international monetary system.

The economic situation a year ago was bleak and discouraging. The unemployment rate, which had been about 3.3 per cent when President Nixon took office, had climbed to over 6 per cent. Consumer prices were climbing about 6 per cent per year and showing only slight signs of slowing down. To top it off, balance of payments deficits kept piling up at record levels, and foreigners, increasingly reluctant to hold large amounts of dollars, were asking for gold. America's hither-to comforting gold reserves were beginning to look a bit puny.

As the economy creaked along through the first half of 1971, the administration seemed paralyzed by its own inflexible ideology. The President and his advisers professed shock at the very idea of devaluing the dollar and vociferously opposed all suggestions for controls on prices and wages—even the promulgation of wage-price "guidelines." They were sure that holding down government spending would cool off the economy and slow the price rise. When the policy failed and only unemployment resulted they seemed to have no fall-back position. They blamed the unemployment on the deescalation of the war (or denied that it was serious) and insisted things would get better.

Compared with what might have happened had the President not finally acted last August 15 (and this is the comparison he clearly wants us to draw) the New Economic Policy is a success. Indeed on the international scene he could not have let things slide much longer. The dollar was over-valued and its use as the world's main international money put the United States in an untenable position. Suspending gold payments was a good way of communicating that the United States was serious about setting up a new system and the import surcharge may even have been necessary to get the interim currency realignment negotiated at the Smithsonian meeting in December. The tough talk and Mr. Connally's bluster which accompanied these moves, did do serious damage to our relations with Japan and Europe, however, and delayed rather than hastened the process of constructing a new monetary system.

On the domestic scene things are clearly better than they would have been if the old game plan had been followed. Prices subject to controls are not rising as fast as they were, although food prices remain a problem. It is true that the rate of increase in consumer prices was slackening even before the controls, but that does not prove the controls were unnecessary. The existence of controls has undoubtedly allowed the government to stimulate economic activity without reescalating the inflation. And the stimulation has worked. All the domestic economy's vital signs have turned in a healthy direction since the first of the year, profits are soaring and even the stubborn unemployment rate has finally inched down from 6.0 to 5.6 percent.

But one can commend the captain for the decisive way in which he refloated his ship without handing him a medal of honor for running it aground in the first place. If the President and his advisers had recognized sooner that they were off course—that inflation was not yielding, while unemployment was mounting—such drastic salvage operations would not have been necessary. Individual incomes could have been substantially higher than they are today and millions of the unnecessarily unemployed would have been spared bitterness and hardship.

Even starting from where the President found himself a year ago, we do not view the New Economic Policy as an unmixed success. The price control apparatus remains far too comprehensive to be effective even after decontrol of very small business. Attempting to monitor the prices of retail outlets and small-to-moderate sized manufacturers (whose prices are controlled by competition anyway) creates an illusion of action and adds to the national paperwork indigestion, while deflecting the Price Commission and its staff from the serious work of scrutinizing price hikes by major manufacturers. It is these giant firms that have the market power to push up prices and their recent profit levels indicate they have not been exactly suffering from too stringent price controls.

We also believe Mr. Nixon relied far too heavily on tax relief to business as a way of stimulating the economy. The investment credit on top of liberalized depreciation rules has proved a bonanza for business and has intensified the wage-earner's justifiable feeling that his government looks after big business while he pays the bill. Increased spending of temporary tax relief for consumers would have stimulated the economy in a more equitable way. Better still, as we have noted, the deliberately created recession of 1970–71 could have been avoided. At best, then, it can be said that Mr. Nixon recognized his own mistakes before the vessel was totally wrecked and took bold, if and so far only partially successful actions to get it back on course.

[From the Washington Post, Aug. 13, 1972]

The Flawed Recovery

(By Joseph Kraft)

An undoubted recovery has taken place since President Nixon's New Economic Policy went into effect a year ago this week, but it is a normal recovery from a year of recession, and to honor it with the ballyhoo of a special report from the President's advisers, as the administration is now doing, is a little like applauding a rubber ball for bouncing up after it has been thrown down.

Moreover, the recovery is flawed, particularly as regards the allocation of gains to different groups in the country. And politically what counts is the capacity of the presidential candidates to deal with these flaws.

Virtually all signs announce the dramatic pickup in economic activity during the past year. Real growth in gross national product was inching forward at a rate of about 3 per cent annually in the first part of 1971. Now it is advancing at a rate of better than 7 per cent annually, and the outlook for next year is good.

Unemployment was running at 6 per cent and over in 1971. It has been cut to 5.5 per cent, and the drop took place with a record number of Americans holding jobs. At the same time, large numbers of new entries are flooding the job markets every month.

Thanks to the 90-day freeze and the wage and price controls now in effect, there has been some easing of inflation. In the seven months before controls were applied last year, the consumer price index was rising at 3.9 per cent annually. The comparable figure for the last seven months was 3.1 per cent.

Putting aside special conditions, it is probably fair to say that the economy was subject to inflation at a 5 per cent annual rate about a year ago. It is probably fair to say that inflation has now settled down to a 3 per cent rate.

But within this generally good picture there are some obvious bad spots and inequities. The poor, particularly blacks caught in the inner cities, have participated hardly at all in the general bounty. Indeed, it may be that they are losers.

For as part of the New Economic Policy, the President postponed for one year action on two pieces of legislation chiefly designed to help the inner-city poor—the Family Assistance Plan for welfare reform and the revenue-sharing proposal. It is not clear now that these measures will be passed even this year.

Wages and profits are notoriously hard to compare. But there is some evidence that companies are doing much better, at present, than workers.

Average hourly earnings were up by 3 per cent in the second quarter and are rising at a declining rate. But corporate profits per unit of manufacture were up by 20 per cent in the first quarter. The second-quarter figure, though not yet in, is said to show another healthy gain.

In the battle between consumers and producers, moreover, the consumers seem not to be holding their own. The prices of food, a staple which takes a particularly large share of the earnings of middle- and low-income families, are rising much faster than the 3 per cent basic inflation rate.

One major group of producers, the American automobile manufacturers, have probably been the chief beneficiaries of the recovery. The New Economic Policy seems to have been made in Detroit.

But that poses real questions about priorities. Is the point of prosperity more cars? Is what's good for General Motors really good for the country after all?

The political consequences of this showing are mixed. The change in policy last year ended what is probably the most dismal period of economic history in the postwar era. President Nixon can go to the electorate pointing with pride to prosperity. In the battle of the statistics he is not in bad shape.

But George McGovern has a large fund of voter resentment to draw on. He can still attack the administration for three lean years, the more so as the recession was ended only thanks to the President's belated adoption of Democratic policies a year ago.

Moreover, most individuals feel less good about their daily life than the statistics say they should. All present signs point up the validity of McGovern's big emphasis on changing priorities. So it will be surprising if the economy does not become the big issue of 1972.

[From the New York Times, Aug. 16, 1972]

Will Voters Recall Slump or Boom?

(By Leonard Silk)

In the midyear report of the Council of Economic Advisers, the Administration has warmly praised itself for having shown "a high order of responsibility, innovations and activism in dealing with its problems." But the Democratic members of the Joint Economic Committee of Congress, reacting to the mid-year report, contend that it is not enough for the electorate to ask only what the Administration has for it lately. "For the last three years," the group headed by Senator William Proxmire, Democrat of Wisconsin, said, "the economy has experienced a prolonged recession brought on through a deliberate policy of reducing the growth of output and employment in the vain hope that this would reduce inflation.

"It is only because output was first allowed to fall $80-billion below its potential and unemployment forced to rise to 6 per cent and remain there for 18 long months that the last few months look like good news by comparison."

MEMORY MIXES WITH DESIRE

In the wasteland of politics, memory mixes with desire. But it is still too early to know whether, by Election Day in November, the voters will be more haunted by the memory of the Nixon slump or more desirous of a continuation of the Nixon boom that is now getting underway.

Looking to the future, the Democrats will try to convince the voters that the Republicans, having gone all out to reflate the economy in time for the election, are likely to deflate it, and produce another slump, once the election is over.

The Democratic rebuttal to the C.E.A.'s midyear report contends that Republican economic policies "are unduly influenced by a fear of inflation and by a stubbornly held, but erroneous, belief that the way to control inflation is to restrict the growth of output and employment."

INFLATION CALLED SERIOUS

As evidence, the Democrats point not only to the Nixon recession of 1969–70 but also to the Eisenhower second-term recessions of 1957–58 and 1959–60.

The Democrats, while agreeing that inflation "continues to be a most serious problem," insist that the nation's best hopes for coming to grips with inflation lies in a rapid return to prosperity, "accompanied by carefully formulated prices and incomes policies."

But the Democrats are focusing on unemployment as their best economic issue, and they say it will be necessary to keep the economy growing at a 7.5 per cent annual rate for the rest of this year and all through 1973 to reduce unemployment from its present 5.5 per cent rate to 4 per cent by the end of next year.

Indeed, they do not want that rate to be the final target but advocate policies to reduce unemployment to 3 per cent.

But President Nixon's economic advisers say that they do not believe that "the option of retaining tight controls while pumping up excess demand and thereby achieving price stability and very low unemployment is a viable one."

Nor is it a new option, they say; rather, "it is the classical siren song which has lured many anti-inflation efforts to disaster."

POSTELECTION PLANS SOUGHT

The Democrats are seeking to press the Nixon Administration to disclose its postelection plans for wage and price controls, but the Republican economists say they have no fixed scenario for the "termination or alteration" of controls. However, they insist that "we must prepare ourselves to rely even more in the future on prudent policies to control demand, rather than on wage and price controls."

Mr. Nixon's preferred course for checking the rise of total demand is to impose a $250-billion ceiling on Federal spending. He suggests that he alone—by the veto route—cannot ensure that ceiling; if the people insist on spending more than that, Mr. Nixon said, "such spending will be done." But he warns that, if the people insist on more spending, inflation will be revived and taxes will have to be raised.

Thus the Democrats continue to favor what Alvin Hansen, professor emeritus of economics at Harvard and once a leading adviser of President Franklin D. Roosevelt, called "high-pressure economics"—a strong and steady fiscal stimulus to keep the economy at or near full employment—while the Republicans favor "low-pressure economics," at least after the election.

Since Mr. Nixon launched his New Economic Policy last August, Republican fiscal policy has been about as "high-pressure" as any Democrat would have wanted.

After running budget deficits of about $25-billion a year in fiscal years 1971 and 1972—largely a consequence of slump-caused shortfalls in Federal tax collections—the Administration is facing a still-larger deficit in the current fiscal year.

The Administration is still putting the fiscal 1973 deficit at $27-billion, but some outside observers think it may reach $40-billion.

BALANCE STRAINED

The C.E.A. midyear report says that Mr. Nixon's proposed budget for fiscal 1973 "would have been balanced under full-employment conditions, although "this balance has been strained by a number of developments so far this year, but the President is determined to prevent significant departure from full-employment balance by seeking offsets to budget overruns."

The President also intends, his economic advisers say, to achieve full-employment balance in fiscal 1974. The Republican economists continue to use a 4 per cent unemployment rate as the basis on which the full-employment budget is calculated, although they have in the past suggested that 4 per cent unemployment may not be reconcilable with price stability, owing to a worsening of the tradeoff between unemployment and inflation.

DIFFERENCES OF OPINION

The battle between the Republicans and the Democrats will not be over just the level of the budget but over its composition on the expenditure side and the structure of taxes. Mr. Nixon's advisers now say that the President intends to submit a program for improving the equity of the tax system.

However, the President's economic advisers think it is not prudent to count on raising much money from tax reform when "we consider the differences of opinion that exist about what equity is, when we consider the possible inequities of suddenly changing long-established practices and when we consider the past record of Congress in these matters."

On the expenditure side, Mr. Nixon plans to increase defense spending, but Senator George McGovern would cut defense outlays sharply—by about $30-billion over the next three years. By contrast, Mr. McGovern would be far more generous on social outlays to help the poor, the black, the young and lower-income groups generally.

But the Republicans think the South Dakotan has taken the short end of the stick in an affluent society. They are counting on the current expansion of the economy and the rise in personal incomes to keep the bulk of the voters happy.

Gross national product was running at an annual rate of $1,139-billion in the second quarter of this year, and is likely to rise by more than $100-billion in the next four quarters.

"Money is human happiness in the abstract," said the 19th century German philosopher, Arthur Schopenhauer. "He, then, who is no longer capable of enjoying human happiness in the concrete devotes himself utterly to money."

But a 20th century French philosopher, Simone Weil, observed: "Sin is nothing else but the refusal to recognize human misery." That appears to be the basic theme of Senator McGovern's attacks on both Mr. Nixon's domestic and foreign policies. Whether Weil can outsell Schopenhauer this year, however, remains dubious.

POISONS, PREDATORS, AND PRESERVATION

Mr. BAYH. Mr. President, congressional and public concern about the widespread use of poisons has been building for the last several years. As a result of the effective campaign by conservationists and citizen groups, the administration this year has placed severe limitations on use of DDT, an insecticide, and highly toxic poisons which are used in predator control programs.

Unfortunately the temptation to use fast, effective poisons remains strong. Despite the President's Executive order banning the use of the most dangerous predator poisons, pressures on the executive branch to rescind the order will continue until an effective alternative is developed. Within the past year I have testified twice in favor of immediate passage of legislation to promote the development and use of alternative, nontoxic devices to control unwanted predators.

At the same time, I have called for a legislative ban on the use of poisons on public lands; such a ban would accelerate desperately needed research for nontoxic deterrents. In line with this point of view, I would like to call the attention of the Senate to the fact that one replacement for DDT has already been discovered; USDA has recommended this substitute insecticide for controlling insects on dairy cattle as well as in dairy barns. I believe that a replacement for predator poisons—either chemical or nonchemical—can be found as quickly, once Congress has demonstrated its strong and permanent opposition to the indiscriminate use of harmful poisons.

I ask unanimous consent that a CBS radio release, the USDA recommendation of the substitute, and several news stories be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

INVENTOR OF DDT REPLACEMENT, NONTOXIC TO HUMANS, HEARD FIRST, NATIONALLY, ON "THE BUYER'S SCENE"

A commercial insecticide as effective as the government-banned DDT, but harmless to humans and pets?

Yes, said Dr. Allan Becker to CBS News Reporter Christopher Glenn during the scientist's first nationwide broadcast interview. Becker, a 29-year-old Ph. D in organic chemistry, was heard during the Thursday, July 20 CBS News broadcast "The Buyer's Scene"—on the CBS Radio Network.

Becker, President of Ecological Manufacturing Corporation of North Bergen, New Jersey, told Glenn his firm is about to market the product under the trade name of Emtex.

"Emtex," noted Becker, "is a very broad spectrum item. It will kill mice, rats, roaches, lice, ticks, fleas and a vast array of crop infestations. It works also as a fungicide on molds which attack plants."

Becker explained that Emtex, the company's trade name for methoxychlor, is unlike DDT, "which is stored in the body fat. Emtex is excreted in a 48-hour period of time. This," he emphasized, "has been documented through various human toxicology studies."

In discussing the wide-range application of Emtex, Becker said: "This type of product can be used not only agriculturally, but in food processing situations as well as in the home for silverfish, rodent and roach control, with virtually total safety to humans and pets."

Emtex, Glenn reported, is currently used only by exterminators. "The new ban on DDT will change all that, however, and its for sure that Ecological Manufacturing Corporation has itself a hot product."

USDA APPROVAL

The United States Department of Agriculture made the following recommendation. U.S. Department of Agriculture, "USDA Entomologists Recommend Substitute Insecticide for DDT to Control Insects on Dairy Cattle and in Dairy Barns." Unnumbered release.

"DDT should not be used for insect control on dairy cattle," the entomologists of the U.S. Department of Agriculture announced today. Even small amounts of DDT in a food such as milk, a universal diet especially for infants and small children, might prove harmful in time, toxicologists of the Food and Drug Administration, Federal Security Agency, now say after several years of study. They say presence of the chemicals in milk would be contrary to the Food, Drug and Cosmetic Act.

The entomologists now recommend that Methoxychlor, another effective insecticide be substituted for DDT to control insect pests on dairy cows.

Methoxychlor, one of the new chlorinated hydrocarbon insecticides, can be used satisfactorily in the same way as DDT on dairy cattle for controlling major insect pests such as hornflies, stable flies, and lice. Little or none of this insecticide appears in milk of dairy cattle when it is applied to the animals in amounts necessary to control the insects. The Food and Drug Administration has stated that Methoxychlor, used in place of DDT for this purpose is unobjectionable from the health standpoint."

[From the Journal-News, July 16, 1972]

DDT SUB FOUND

(By Stanley Johnson)

NEW YORK (AP).—A successor to U.S. government-banned DDT has been put on the market by young New Jersey manufacturers. They claim it is more efficient than DDT and "kills bugs, but doesn't kill people."

Dr. Alan Becker, president of the Ecological Manufacturing Corp. in North Bergen, has named the product Emtex.

He said in an interview that it will be nationally available within six months. At present, it must be bought through professional exterminators.

"It's obvious that insecticides are needed," he said.

"We set out to find the best chemical substance available that wouldn't kill a human."

However, "we don't expect to make it for more than 10 years. By then the ultimate pesticide will have been found—and it will be organic."

Becker, a dark-haired man in his early 30's, said manufacture of the product developed through an academic discussion group thrashing out the problem of pesticides.

The developers investigated four or five products and discovered methoxychlor, which had been patented in Switzerland in 1926, bought by E. I. du Pont de Nemours Co. but never offered for sale.

"The patent had run out and we got hold of it and improved it drastically," he said. "We have a new manufacturing process and the product is 96 per cent pure."

Becker said that because of its purity the product could be used not only for such traditional things as spraying cotton and getting rid of flies but directly in such places as restaurant kitchens.

Moreover, he said Emtex can be pigmented into paints and used on walls, ceilings and floors to provide a permanently bug-free room.

Last fall, 20 volunteer inmates at a prison in Pennsylvania, under direction of the Pennsylvania Medical School, ingested Emtex. When blood and urine specimens were taken after 24 hours, the subjects had thrown off 98 per cent of the Emtex.

The six-week test was conducted with the approval of the Food and Drug Administration, "It can be used as an effective, nonpolluting replacement for DDT," said Becker. "It is the safest to warm-blooded animals. It has little or no tendency to be stored in body fat. It kills flies faster than DDT and can be used on sensitive plants, such as tomatoes."

Becker and his vice president, Dr. Henry Nathan, both feel they have a personal interest in the pesticide.

"I am going to be eating lettuce," said Becker. "I'm going to be drinking milk. I don't want anything that's toxic.

"So," he said, "We have treated the chemical as pharmaceutical, because we know some of it is going to be ingested. We know it won't be entirely washed off the lettuce."

As for dairy products, the Ecological Manufacturing Corp. shows a release from the U.S. Department of Agriculture saying "Methoxychlor, one of the new chlorinated hydrocarbon insecticides, can be used satisfactorily in the same way as DDT on dairy cattle for controlling major insect pests such as hornflies, stable flies and lice. Little or none of this insecticide appears in milk of dairy cattle when it is applied to the animals in amounts necessary to control the insects.

"The Food and Drug Administration has stated that methoxychlor, used in place of DDT for this purpose, is unobjectionable from the health standpoint," USDA said.

[From the Newark (N.J.) Evening News, July 17, 1972]

ECOLOGISTS' DREAM INSECTICIDE READY

(By Laurence Sutter)

NORTH BERGEN (UPI).—A group of chemists, physicians and insect experts here are about to put on the consumer market what appears to be the ecology movement's dream product: an insecticide as effective as DDT but harmless to humans and pets.

Allan Becker, a 29-year-old Ph.D. in chemistry from Park Ridge, is the president of the firm. Ecological Manufacturing Corp., which is about to market the product under the trade name of Emtex.

Becker appeared on a New York radio show over the July Fourth weekend to talk about his product, and says that since then requests for information and orders have been pouring in from the U.S. and abroad.

But in between answering telephones, the chemist can find time to say that the product is, technically, 2, 2-bis P-methoxyphonyl 1,1,1, trichloroethane, otherwise known as methoxychlor, otherwise known as Emtex.

According to Becker, the product kills all manner of household, farm and granary pests—flies, roaches, lice, small rodents, mosquitoes, fruit and vegetable beetles and worms, silverfish and bedbugs—but is least harmful to warm-blooded animals, such as man and household pets. It also will not kill sensitive plants such as tomatoes and cucumbers.

WIDE-RANGING EFFECT

The point about Emtex, Becker says, is not only that it is harmless to people, but that it has as wide ranging an effect as DDT—a major reason for DDT's universal popularity, until the federal government banned it as too dangerous for use.

DDT builds up in the body's fatty tissues, and is never broken down. Becker explained that some obese individuals died of DDT poisoning when they went on crash diets and were poisoned by the residual DDT in their systems.

Tests on prisoner volunteers last year, however, showed that the body eliminated 98 per cent of Emtex within 48 hours—as opposed to 10 per cent of DDT.

Becker, who has worked as a commercial chemist, said his interest in agriculture contributed to the development of Emtex, developed over the past three years in New Jersey by the scientists who are now directors of the corporation.

Another factor, he said, was his interest in the environment.

"We're environmentally concerned," Becker said in an interview. "People are becoming much more aware of what they're eating, and are beginning to question. I'm beginning to question.

SATISFIED FOR NOW

"We're satisfied, at this point—we're temporarily satisfied. The ultimate insecticide will be a totally organic material totally nontoxic to man. In the interim, this material, we feel, is the safest broad-spectrum item available today."

The material, in aerosol form, should be on supremraket shelves in about 90 days, Becker says. And although the company has done only test marketing so far, he has no doubts about the product's success.

"We already know we can market more than we can handle," he said. "So it's a start-up operation, but not in the classic sense."

The basic ingredient, methoxychlor, Becker says, was developed by Swiss scientists in 1936; what Ecological has done is perfected the commercial process for manufacturing it. But Becker isn't worried about competition or imitation.

"First of all," he said, "we feel we have at least a two-year jump because of the work we've put in developing the process. And secondly, we could all go into business tomorrow and not fill the void left by DDT. It's a $200 million market."

RELATIVELY HARMLESS

Like DDT, methoxychlor kills by interfering with its victims' metabolic processes, and Becker concedes that Emtex's harmlessness is relative—although pointing out that too much of anything will kill people.

However, the lethal dose is 6,000 times greater than that of DDT—much more than the average spray-user could accidentally swallow if he spilled it on his hands, or the average child or pet could lick off walls and floors.

[From the Record (N.J.), July 18, 1972]

NORTH BERGEN FIRM FILLS DDT VOID

(By James T. Prior)

Barry Farber, the radio personality, says the firm should get the Nobel prize. Dr. Robert Schoemer, a Teaneck veterinarian and member of the President's Commission on the Environment, calls the firm's product a welcome alternative to DDT.

The company is Ecological Manufacturing Corp. of North Bergen, headed by a team of Bergen County businessmen, chemists, and biologists. Its product is Emtex, an insecticide as effective as DDT but harmless to humans and pets.

Backed by a public stock offering last week of $2.50 per share, which was oversubscribed, the firm is rushing into production with an aerosol spray which should be on supermarket shelves in 90 days.

Dr. Alan Becker, a 29-year-old Ph. D. in chemistry from Park Ridge, is president and founder of the firm. He estimates his company has a two-year jump on other firms because of the research, development, and test marketing already completed. Moreover, he says, the insecticide market is big enough for everyone now that the United States has outlawed the use of DDT.

Becker was on Farber's show earlier this month to describe his firm's efforts to market a safe insecticide. Sixty-five calls were received the next day and several hundred since—asking for information or placing orders.

A story on the fledgling firm first appeared in the Record eight months ago, when Becker joined other Bergen executives and medical people to start the corporation. It has since gone public, moved into leased facilities at 5401 Tonnelle Ave., North Bergen, and begun production.

Emtex is EMC's brand of methoxychlor, a chlorinated hydrocarbon insecticide which is almost nontoxic to humans, virtually eliminated from the body in a brief time if ingested, and biodegradable (it breaks down in the soil).

Becker says anything is toxic if enough is ingested. "You can die from too much salt, if you eat enough of it," he says.

SWISS ORIGIN

Methoxychlor kills insects by interfering with the metabolic processes. It was developed by Swiss scientists in 1936, but Becker's firm has added certain ingredients and worked out a manufacturing process that produces Emtex. It would take 6,000 times more Emtex than DDT to kill a human.

"It can be used as an effective nonpolluting replacement for DDT", says Becker. "It is the safest to warm-blooded animals of the commercially available organic insecticides. It has little or no tendency to be stored in body fat, and is effective against a wide range of crop, livestock, household, and other pests."

According to Becker, methoxychlor kills flies faster than DDT. Yet, it can be used on sensitive plants, such as tomatoes.

According to Becker, pathologists have found DDT in the fatty tissue of dieters who died. When on a crash diet, their DDT blood level rose out of proportion to body weight.

TESTS ON INMATES

EMC tested Emtex on volunteer prisoners under supervision of the Food and Drug Administration. Twenty prisoners ingested some, and blood and urine samples were taken during a 24-hour period. Each was given five milligrams and more than 98 per cent was thrown off by the body within 24 hours.

As Becker explains it, the firm was taking a pesticide and making a pharmaceutical of it in order to test its effect on humans.

"Without going into technical data, Emtex is a homologue of DDT, which means it is an analogue of DDT," he says. "It is similar to DDT—it has all of its beneficial effects and through our scientific endeavoring we were able to eliminate the No. 1 problem with DDT, the storage in the body fat."

Becker looks to the future for an even better product. "There is no chemical substance in the world that is nontoxic—it's a question of degrees. We have a product that is the best solution today. It is the broadest spectrum material available today. This is still a chemical material. However, the ultimate pesticide is still an organic material."

THE NEED FOR BICYCLE ROUTES

Mr. BOGGS. Mr. President, the Committee on Public Works earlier today ordered reported proposed legislation that would authorize further progress on our national highway program.

One of the bill's sections establishes a special, $10 million-a-year fund for the construction of bicycle and pedestrian routes. It is my intention to discuss the merits of this bicycle-pedestrian provision at greater length during the Senate's consideration of the bill, as I believe this bicycle-pedestrian provision is essential to promoting highway safety.

The Wall Street Journal, earlier this week, published an interesting article that pointed out the inherent danger when bicyclists and motorists compete for the same highway space. The article notes the estimate of the National Transportation Safety Board that nearly 1,000 bike-related deaths will occur this year.

Nearly all those deaths could be prevented. If we can provide alternative, inexpensive bicycle routes, attracting bicyclists away from main highways, I am convinced that we can reduce that death rate to practically zero.

The reported highway legislation, on which the Senate will soon have the opportunity to act, will provide a program to make that dramatic reduction.

Mr. President, I ask unanimous consent that the Wall Street Journal article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE BOOM IN BICYCLING BRINGS WITH IT A SURGE IN ACCIDENTS AND DEATHS

(By John S. Brecher)

Josephine Simonds decided early last year that she wasn't getting enough exercise.

To help remedy the situation, she decided to start riding her bicycle to work. That meant an eight-mile daily round trip from her home in Silver Spring, Md., to her job as a researcher at the National Institutes of Health.

For a while, it was great. Then came the day when, as she approached an intersection, a fast-moving car swerved in front of her. She didn't collide with the car, but she did have to slam on her brakes so hard that she lost her balance and went sprawling into the street.

"The next thing I knew, I was covered with blood," says the 51-year-old Mrs. Simonds. Among other things, she suffered severe cuts, a concussion and partial amnesia, and she experienced vertigo for several months.

Thus, Mrs. Simonds joined the rapidly growing number of bike enthusiasts who are finding that while cycling may be great fun, may contribute to saving the environment and may keep riders in fine physical shape, it can also be exceedingly dangerous.

The bike safety situation, says Harold E. Heldreth, an official at the National Safety Council, "is getting to be a critical problem. Fatalities are going up, and officials from the federal government on down are concerned about it."

TRAGEDY HITS A FAMILY

Secretary of Transportation John A. Volpe, an ardent supporter of bicycling, was a prime mover in setting aside a "Bicycle Day" in Washington last year to call attention to the joys of biking, Mr. Volpe noted in an address on the subject, however, that "the main problem with bike riding is the danger involved."

Indeed, with the biking boom gaining steam throughout the nation, bike-related mishaps and tragedies are cropping up almost daily. Not long ago, a family of four in Orlando, Fla., out for a bike ride, was killed when their bikes were hit by a car. Police say the family was riding legally, but the motorist, who was fined $36 for reckless driving, told investigators: "I never even saw them."

According to the National Safety Council, about 880 bicycle riders are likely to be killed this year in bike-auto accidents. Such fatalities have risen steadily in recent years, from 490 in 1961 to 850 last year. The National Transportation Safety Board estimates that about 130 additional bike-related deaths will occur.

Nonfatal injuries, too, are soaring. Local police departments and hospitals say the problem has become acute. In the Cleveland suburb of Rocky River, for instance, police report one death and nine injuries so far this year; in all 1971, there were only four injuries. And an official at the University of Texas Health Center and Hospital says the number of bicycle-related injuries treated at the facility has doubled in the past two years.

PHENOMENAL RISE IN POPULARITY

Because of the growing safety problem, efforts are under way to make biking safer. Last year, a bill called the Bicycle Transportation Act of 1971 was introduced in both houses of Congress; it would permit states and communities to use federal highway funds to develop bicycle commuter systems. Already, a number of cities, such as Denver and Austin, Texas, are setting aside funds for "bike lanes," in which autos wouldn't be permitted.

Behind the bike-safety problem are a variety of considerations. The most important, police and biking enthusiasts agree, is the near-phenomenal rise in the popularity of biking. According to the Bicycle Institute of America, a trade group, the number of bikes sold in the U.S. rose to 8.9 million in 1971 from four million in 1961. This year, the industry expects to sell more than 10.5 million bikes. The Bicycle Institute also says that more than 75 million people are riding bikes now, compared with about 55 million in the late 1960s.

Moreover, bicycling is fast losing its old image as something mainly for children too young to get a driver's license. Increasingly, it's being taken up by adults who regard bikes as a legitimate form of transportation. In Washington, for instance, a recent study conducted by the city council found that some 6,000 individuals ride bikes to work each warm day. Some enthusiasts ride whatever the weather.

Biking is also gaining stature as a form of recreation, a way to keep physically fit and contribute to saving the environment. Even in New York, where only the bravest of motorists dare go, bike riders now are to be seen everywhere, taking their chances with the heavy flow of traffic. Elsewhere, in cities and suburbs across the country, countless families and elderly couples can be seen out for a ride on any given day.

NOW IT'S "THE THING TO DO"

And many teen-agers, who not long ago considered riding a bike an insult to their dignity, now are taking it up. Says Anne Florence, a 17-year-old high schooler in Rocky River, Ohio, who rides often: "When I was in junior high school, a bike would have really been a good way to get to school, but it just wasn't considered the thing to do."

With more bikes rolling, and rolling more of the time, it's small wonder that accidents are on the rise. But a number of other factors also come into play. Jerry Peabody, a researcher for the Urban Institute in Washington says he believes he detects "a redneck kind of attitude" on the part of some motorists, who deliberately try to force bike riders off the road. Such motorists, he says, "don't realize that by law bikes have equal rights as cars."

But bike riders also get their share of the blame. Almost all police and safety officials agree with Rocky River police Lt. Robert J. Nicholson when he says, "If we could get across to the children and parents that they must obey traffic laws when they're on their bicycles, we could cut injuries in half." And many pedestrians, imperiled by bikers whizzing through red lights, find it hard to sympathize with complaining bikers.

Not only are both chlidren and adult riders often negligent about obeying traffic laws, officials say, but also they often choose to ride in obviously dangerous places, such as on busy highways, with all-too-predictable results. Even when they are experienced riders who take special precautions, accidents can happen.

Consider, for example, the experience not long ago of Dave Chaney, a 55-year-old advertising man in Chardon, Ohio, when he was making a long-distance ride with some other bike enthusiasts. Mr. Chaney was riding all the way off on the shoulder of a four-lane highway in Pennsylvania when a trailer-truck roared past him. A violent wind current caused by the passing truck sent Mr. Chaney and his bike sprawling. He received a broken hip, broken clavicle and a slight concussion. He'll be on crutches for six months.

(A spokesman for the Insurance Information Institute, an industry group in New York, says there is currently no special coverage needed or offered for bicyclists, since bike injuries are covered by policies that most people already own—homeowners' policies, accident, health and hospitalization policies, and personal liability policies. The spokesman added that he doesn't know if more of these policies have been sold as a result of the bike boom.)

Numerous other perils await bike enthusiasts. Frank McGuire, a past-president of the Rochester Bicycle Club in Rochester, N.Y., tells of the time last year when he was out riding with William Sheets, then president of the club. A dog ran out of a driveway and attacked Mr. Sheets' leg and tipped his bike over. Mr. McGuire says his biking partner fell off his bike, struck his head against the pavement and died in a hospital a few hours later.

Jerry Peabody, the Urban Institute researcher in Washington, tells of being knocked semiconscious earlier this year when a motorist opened a car door just as he was passing. Mr. Peabody, who now wears a crash helmet, as do many bike enthusiasts, says he flipped over his handle bars and landed a full six feet beyond the car door.

Riders also say that because they usually have to share road space with autos, they're subject to all kinds of other dangers. A common complaint concerns sewer gratings, which often consist of steel bars laid along the curbs of streets over storm drains. Riders say their front wheels can slip between the bars, throwing them from their bikes. If they swerve to miss gratings, they say, they may be hit by a passing car.

Relatively few serious injuries are attributed to failures on the part of bikes themselves. However, a number of safety officials believe certain types of bikes contribute to the casualty toll. Most frequently cited are the bikes called "high-risers." With low-slung frames, small wheels and high-rising seats and handle bars, such bikes are especially popular with children. The National Transportation Safety Board found in a recent study that "part of the increased hazard may be due to (the high-riser's) attractiveness as a vehicle with which to engage in acrobatics."

But most authorities attribute the rising toll to the sheer fact that bikes compete with autos for space on the road, and almost all efforts to improve the situation involve separating bike traffic from cars and trucks. Denver, for example, recently appropriated $25,000 to $56,000 for an experimental bike lane, and the city of Austin is cooperating with the University of Texas to build a $7,000 bike lane. One state, Orgeon, has approved a measure that provides 1% of state highway money for bike trail and path construction and maintenance.

But making room for bikes, in Denver, at least, infuriates some motorists. The bike lane proposal for the city involves taking certain parking spaces for conversion into bike lanes, which has irked shopkeepers and apartment house owners who would no longer have curbside parking space. City officials and biking enthusiasts are confident that a compromise can be reached.

Experts on Bicycling Offer Safety Advice for Riders

Bicycle experts say the hazards of bicycling can be reduced by observing a few rules. Among other steps, they advise:

Take biking seriously. It's no game. Stay alert for cars, other bikes, pedestrians, chuckholes and other hazards.

Ride a bike that fits, both physically and the type of riding you do. Long-distance riders usually prefer the English-style 10-speed touring or racing bikes; casual riders lean toward heavier three- or five-speed machines. Children often prefer the small and sporty "high-risers," but some experts warn these can be dangerously awkward to maneuver.

Don't skimp on certain accessories. Reflectors all around are musts; a horn or bell is a good idea. Night riders need good lights, fore and aft. Most other frills merely add weight.

Maintain bikes carefully. Faulty brakes are particularly dangerous. A loose bolt can cause mechanical failure and result in an accident.

Try to avoid riding in heavy auto traffic traveling at high speed.

Wear a safety helmet—anything from an old football helmet to a racing driver's crash helmet.

Learn the law and obey it. Although many parents instruct their children to ride facing the traffic, all states by law require bikes to follow the same rules as cars. In some towns, however, safety officials prefer that bikes be ridden on sidewalks; others want all riders in the street.

SENATOR BAYH ASKS FOR BIPARTISAN SUPPORT ON ISRAEL

Mr. BAYH. Mr. President, Governor Rockefeller, of New York, earlier this week raised, then quickly dashed hope for a breakthrough in the Soviet Union's policy toward Jews who seek exit visas to emigrate to Israel. The Governor was widely quoted in news reports from Israel to the effect that the President had secured an agreement from the Soviet leadership to permit 35,000 Soviet Jews to emigrate every year.

Upon his return to the United States, the Governor quickly corrected his earlier statement—leaving only some vague reference to the fact that the President had raised this issue during his visit to the Soviet Union earlier in the year. This corrected version of Governor Rockefeller's understanding of the situation is more directly in keeping with the communique issued after the Moscow meetings. According to the communique, the President and the Soviet leaders did discuss the Middle East situation—but without reaching any agreements. The wording was deliberately vague and very general; if anything of substance came from the discussions it was well hidden and is yet to emerge.

Given the apparent lack of success in Moscow in resolving any matter relating to the Middle East, Governor Rockefeller's retraction this week is consistent with the back-burner role which the administration has given to the Middle East situation. The unhappy truth is that the administration brings the Middle East to the forefront only when it wants to draw an improper analogy with Vietnam, or when it wants to lure the Congress into spending hundreds of millions of dollars for Southeast Asian dictatorships, or—in this election year—when it thinks it can reap easy political gain with ready lipservice.

First, consider the popular, but false, analogy between the situation in Vietnam and the situation in the Middle East. I firmly believe that there is no contradiction in my own often expressed view that we leave Vietnam and, at the same time, provide Israel with the means to deter aggression and guarantee its own security. The Vietnamese-Israel analogy has been discredited time and again, with many good reasons:

Israel is a viable democracy; South Vietnam is a repressive military dictatorship that falls far short of even the most minimum conditions of an open society.

Israel has never asked for a single American soldier; the present Saigon regime is there only because more than 50,000 Americans gave their lives and four times that many Americans became casualties of war.

Israel is ready and willing to pay for the military equipment it needs; South Vietnam has never paid for the tens of billions of dollars of U.S. aid which have been used to prop up its corrupt government.

The need to clearly distinguish between areas of national interest is increasingly relevant in this election year because of the obvious political attempt to convince the public that Senator McGovern's responsible call for an end to the Vietnam war means that he would somehow let Israel fall prey to its aggressive neighbors. Having served in this Chamber with the Senator from South Dakota for 10 years, I can say without hesitation that he has a full and sincere understanding of the importance of Israel's viability to U.S. national interest.

In addition to its blatant use of this phony analogy, the present administration has also sought to exploit U.S. support for Israel as a means of serving other far less valid foreign policies. In the case of the fiscal 1973 foreign assistance authorization, for example, the Committee on Foreign Relations determined that the administration request for military assistance for Southeast Asia would lead to our continued overinvolvement in the area. The administration, anxious to provide the armaments needed to shore up week puppet regimes in Southeast Asia, sought to increase the authorization on the Senate floor. In an ill-disguised attempt to add $225 million in military aid for Southeast Asia, the administration sought to sweeten the bitter pill by tying in an additional $20 million in credits for Israel.

Working with the distinguished Senator from Idaho (Mr. Church), we offered an amendment—adopted by a 54 to 21 vote—increasing the credits available to Israel, but without increasing military aid anywhere else. The continuing wide support for Israel in this body, Mr. President, is important evidence that the concern for Israel's safety must continue to be a bipartisan effort based not in domestic politics or the shifting world balance of power but on our own national security needs and our kindred spirit of friendship for Israel's democratic experiment.

In a brazen attempt to exploit the Senate's understandable concern for Israel, the administration went so far as to suggest that congressional opposition to excessive expenditures in Southeast Asia and Senate initiatives to end the Vietnam war could result in stopping supporting assistance for Israel. The President, in a letter to the distinguished minority leader said, regarding congressional opposition to certian administration programs:

> Without these programs, our friends and our interests—in the Midlde East, for example—are left high and dry.

The Senate of the United States, it appears, was being blackmailed. The Senate has the constitutional authority to provide Israel with the means for an adequate deterrent—without relinquishing its perogratives to cut other proposals. Aid to Israel must not, and will not, be held hostage for aid to far less worthy governments in other parts of the world.

Mr. President, like many Senators on both sides of the aisle, I was deeply troubled by the Nixon administration's failure to act on Israel's request for much needed jet aircraft. The long delay which preceded the resumption of the sale of Phanton jets to Israel served only to encourage Arab intransigence. For months Israel watched sophisticated Russian jets accumulate on Egyptian runways, while Israel pleaded for the right to buy Phantoms. The administration waited and waited as the balance of power began to tip and after 2 years finally approved the sale of additional Phantoms. This kind of brinksmanship does not serve the cause of peace. Unfortunately, it has all of the earmarks of a delicate political maneuver designed to maximize partisan use of the belated sale.

For two and a half years, then, while Israel had a legitimate and dire need for that equipment, the administration stalled. It seems fair to ask, Mr. President, why? Why no jets in 1969 or 1970 or 1971?

Recently, Mr. President, the situation in the Middle East took a new turn as Soviet military personnel were sent home from Egypt. This does lessen the possibility of a direct confrontation in the Middle East between the two superpowers. But in doing so, it reduces the risks facing Egypt should that nation decide to move against Israel. An effective check on overly ambitious Egyptian military personnel has been removed—thereby rendering the situation still more complex. And relaxation in U.S. support for Israel at this critical juncture might well be interpreted in Cairo as the sign for military advancement. We can little afford such a risk.

What the policy of the administration will be at this turning point is still unclear. In fact, the administration seems to have opted once again for a backburner role for the Middle East.

A far wiser course would be to encourage, through all available channels, Egyptian acceptance of Israel's latest peace initiative. Instead of standing by during this period of transition, we should be pursuing all possible avenues for bringing the parties to the negotiating table to arrange for direct talks on a peace agreement.

Mr. President, the distinguished senior Senator from Connecticut (Mr. Ribicoff) has prepared a chronology of Senate action regarding the Middle East and the actions of the present administration in this area. I ask unanimous consent that the chronology and an article from the August 8 New York Times, which pointed to the administration effort to unfairly tie aid to Israel to its other foreign policies, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

SUMMARY OF SENATE INITIATIVES ON THE MIDDLE EAST AND THE NIXON ADMINISTRATION POSITION

1. After the 1968 election, William Scranton was sent as an emissary of President Nixon on a tour of the Middle East. Upon his return he called for more "even-handed" U.S. policies in the Middle East.

2. On February 6, 1969, President Nixon announced that the United States would engage in bilateral and Four Power talks in order to reach a Middle East settlement. A few weeks later, President Nasser began to blackmail the Big Powers, opening his way of attrition along the Suez Canal.

3. On April 24, 1969, 70 Senators released a statement which warned against an imposed settlement in the Middle East and declared that there could be no effective substitute for direct negotiations.

4. In September 1969, 22 Senators joined in sponsoring legislation for a $40 million U.S.-Israel desalting project. The Congress approved a $20 million grant but the Adminitration refused to implement this proposal.

5. On December 9, 1969, Secretary Rogers publicly announced the U.S. position on a peace settlement in the Middle East. The so-called "Rogers Plan" called for practically complete Israeli withdrawal from territories occupied in the Six-Day war. In order to pressure Israel toward acceptance, the Administration held up all major Israeli arms requests including shipments of Phantom jets. This undoubtedly emboldened Nasser to continue his war of attrition.

6. In January, 1970, 70 Senators and 244 Representatives called for direct negotiations and the maintenance of Israel's deterrent strength.

7. On May 23, 1970, seven leading Senate critics of the Administration's Vietnam policies sent a letter to President Nixon urging him to sell aircraft to Israel.

8. May 26, 1970—76 Senators signed a letter to Secretary Rogers calling attention to the Soviet military intervention in the Middle East and urging the shipment of the Phantom aircraft to Israel.

9. July 30, 1970—72 Senators signed a letter to President Nixon citing their previous letter to the Secretary of State. They noted the danger posed by increasing Soviet intervention to vital American interests in the Middle East and called for "recognized and secure" borders as part of a peace settlement.

10. August 7, 1970—Massive Soviet and Egyptian violations of the Suez Canal ceasefire were met with deafening silence by the U.S. Israeli photographic proof of the violations was ignored and the Soviet missiles remain in place today. It was not until after these massive violations of the ceasefire that the Administration finally approved the sale of only 18 Phantom jets and a number of Skyhawks. This was almost a full year after Mrs. Meir had come to Washington to seek military and economic aid.

11. September 1, 1970—The Senate authorized $500 million in credits for military purchases by Israel by a vote of 87-7 (the Jackson Amendment). Appropriation approved 62-15 in February 1971.

12. March 1971—Following a well-attended meeting in the Capitol between Senators and Israeli Foreign Minister Eban, Secretary Rogers asked for "equal time." His briefing led some Senators to believe that the Administration was seeking an Israeli commitment to total withdraw from the Sinai prior to negotiations. Senators Ribicoff and Javits in a March 26, 1971 letter queried the Secretary of State on this vital point. No reply was ever received.

13. August 7, 1971—Ten members of the Senate Foreign Relations Committee wrote to the Secretary of State urging favorable consideration to Israel's request for grant supporting assistance in view of its very heavy defense burdens. This assistance, $50 million, was later voted by the full Senate and House. The Administration opposed this grant assistance stating Israel did not need it.

14. October 15, 1971—78 Senators cosponsored S. Res. 177, calling for the immediate shipment of Phantom aircraft to Israel in order to maintain the arms balance in the Middle East. Israel was desperately seeking reassurance that it would receive more than the 18 Phantom jets that had been doled out at the rate of two per month.

15. November 23, 1971—The Senate again voted against Administration wishes, 81–14, to provide $500 million in credits for Israel with $250 million specifically earmarked for Phantom jets. The White House Press Secretary said that the Administration regarded this legislation as "permissive" not mandatory. On the same day, 8 Senaors met with Secretary Rogers. At this meeting Secretary Rogers expressed doubts about Israel's future if it continued its "intrasigent attitude".

16. December 2, 1971—Prime Minister Golda Meir met with President Nixon in Washington. In early 1972, the Administration for the first time on its own asked for $50 million in grant supporting assistance for Israel plus some $300 million in military credits. The Senate later added an additional $35 million in supporting assistance to the original $50 million. The arms embargo ended and limited shipments of aircraft artillery and other advanced military equipment were started.

17. On February 8, 1972—46 Senators introduced a bill, S. 3142, to provide $85 million for the resettlement of Jewish refugees from the Soviet Union. This was authorized in both Senate and House and is now awaiting a final appropriation. The Administration in its testimony maintained that these new funds were not necessary, and that the thousands of refugees could be taken care of from the $50 million in supporting assistance already requested.

18. June 1972—According to news reports, the Soviet Union had informed Egypt that President Nixon told Secretary Brezhnev that the U.S. could not work out a Middle East peace settlement until after the American elections in November.

19. June 23, 1972—The Senate, by a 51 to 21 vote, an Amendment to the Foreign Assistance Authorization to increase supporting assistance to Israel from $50 million to $85 million. The Amendment was offered by Senators Birch Bayh and Frank Church.

Query: Once the elections are over will a second Nixon Administration revert to the imposition of the Rogers Plan, the arms embargo against Israel, and seek to impose a disastrous settlement in the Middle East?

[From the New York Times, Aug. 8, 1972]

NIXON AND THE END-THE-WAR VOTE

(By John W. Finney)

Washington, August 7.—In the opinion of some Republican Senators, President Nixon contributed to his own defeat on the Vietnam issue in the Senate last week by presuming in a letter, to lecture Congress on its responsibilities.

Senator Hugh Scott, the Senate Republican leader, found the President's letter so objectionable and insulting, according to Republican colleauges, that he sent it back to the White House as unacceptable. The letter written on July 27 to the Congressional leaders of both parties, was similar to many that Mr. Nixon has sent to Congress in advance of a vote on the Vietnam issue, with the obvious aim of influencing the outcome. It recited all the reasons that Mr. Nixon found any end-the-war amendment by Congress to be intrusive on the powers of the Presidency and obstructive in the Paris peace negotiations.

But then, in the concluding paragraph, the President offered what was regarded by some Senators as a gratuitous insult. "If the Congress wants to undertake greater responsibilities in the field of foreign affairs," he suggested, "it should start by showing a sense of responsibility in fulfilling the important duties it now has."

Earlier in the letter, the President made what appeared to be an attempt to play upon pro-Israel sentiments in Congress by suggesting that the amendments relating to Vietnam were jeopardizing aid to Israel. Contending that the end-the-war riders were threatening passage of foreign aid and military procurement bills, the President said: "Without these programs, our friends and our interests—in the Middle East, for example—are left high and dry."

The foreign aid authorization bill—which died in the Senate after a Vietnam troop-withdrawal amendment had been attached—provided some $335-million in economic assistance and military credits for Israel. At the suggestion of Senator Henry M. Jackson, the Senate, in the military procurement bill that was approved last week with a Vietnam amendment, authorized the President to sell Israel such arms as are deemed necessary to maintain a military balance in the Middle East.

To some Senators, including Mr. Scott, who discussed the matter with Republican colleagues, Mr. Nixon's letter, with its apparent presumption that the President could define Congressional responsibilities, was disrespectful of Congress as a coequal branch of the Government. This reaction, in turn, contributed to an attitude that, as a matter of principle and constitutional responsibility, the Senate had a right to lay down a legislative mandate for ending the United States involvement in the war.

The Vietnam amendment, requiring the withdrawal of all U.S. forces from Indochina in four months if American prisoners of war were released, was attached to the military procurement bill by a vote of 49 to 47 in the Senate. The Administration's defeat was attributed primarily to the White House's failure to switch a few crucial Republican votes. During the debate, Senator Scott made no mention of the Presidential letter and presented only a brief argument against the amendment.

PERIODIC TENSIONS

Mr. Nixon's letter and the Senate reaction were indicative of the periodic tensions of recent months between the White House and the Senate Republican leadership.

The White House, which has become increasingly annoyed at the independent stance of the Senate, tends to look upon Senator Scott as its agent for pushing Administration proposals through the Senate. But Senator Scott, who pointedly notes that his commission as minority leader derives from the Republicans in the Senate and not from the White House, sometimes feels that the White House is bullheaded and impervious to the mood of the Senate.

On the Vietnam issue, for example, Senator Scott vainly sought White House concurrence in a compromise amendment. The White House insisted, however, upon a clear-cut vote on the issue and lost.

The Vietnam issue is due for a crucial test in the House of Representatives this week with a vote, either Wednesday or Thursday, on an amendment that the once-hawkish House Foreign Affairs Committee has attached to a foreign aid authorization bill. The amendment would require the termination of all hostilities by Oct. 1, subject to release of prisoners of war and a limited cease-fire with North Vietnam to assure the safe withdrawal of American forces.

CLOSE VOTE EXPECTED

The vote on the amendment is expected to be close, and the outcome may depend upon two Democratic leaders—Speaker Carl Albert and Representative Hale Boggs, the majority leader—upon whom the White House has been able to rely in the past to defend the President's position.

Mr. Albert and Mr. Boggs are uncommitted at this point, an indication that they may shift to support the amendment. If they do, they may be able to bring over enough middle-of-the-road and border-state Democrats to assure approval of the amendment.

The vote is also being watched by more liberal Democrats as a test of whether the two Democratic leaders are responsive to the will of the Democratic majority in the House and the Democratic caucus.

THE 50TH ANNIVERSARY CELEBRATION OF ORDER OF AHEPA

Mr. JORDAN of North Carolina. Mr. President, a very fine Greek-American fraternal organization is celebrating its golden anniversary throughout the Nation this year.

Known as the Order of Ahepa—American Hellenic Educational Progressive Association—it was founded in Atlanta in 1922 and now has 430 local chapters in 49 States, Canada, and Australia. It was established to foster principles of civic responsibility, family stability, common understanding, and good citizenship among its members and to further charity, civic improvement, and educational causes.

The record the organization has established during the ensuing half century is indeed an outstanding one and marked by significant investment by chapters and members of both time and resources to a great many worthwhile projects.

I have been particularly impressed by the work accomplished by the 10 chapters of AHEPA in North Carolina during the years in which I have been acquainted with the organization and with the degree to which those in the State have figured in national AHEPA affairs.

A North Carolinian—Thomas Cavalaris, of Charlotte—currently heads the AHEPA Educational Foundation. John G. Plumides, of Charlotte, is a past supreme president, and Michael G. Plumides, of the same city, is a former supreme lodge officer.

Three other North Carolinians—George L. Spanos, of Winston-Salem; George Kostakes, of Charlotte; and Charles Peterson, of Greensboro, currently hold high district lodge positions.

I welcome this opportunity of commending these men and other members of AHEPA in North Carolina and throughout the country for the splendid record they have achieved and want to wish the organization every success as it launches its second half-century of service.

THE LABOR-HEW VOTE

Mr. MOSS. Mr. President, President Nixon yesterday revealed the distorted priorities of his administration by vetoing the Labor-HEW appropriations bill. He has charged that increases in appropriations for health, education, and welfare cannot be tolerated.

How large is this increase, and how did the President reach the view that "competing priorities" necessitated his veto? The bill Congress sent to the President was $1.8 billion above his request. But the Senate has cut more than that amount from military weapons systems this year. The Senate under the able leadership of Senator JOHN STENNIS, chairman of the Armed Services Committee, reduced military procurement by $2 billion. So the competing priorities argument of the President evaporates under close examination. What is actually revealed is his strong preference for military spending over domestic programs.

Why is military spending not inflationary, while money for research into diseases that kill thousands of children daily is inflationary? Why is money for special education for children from poor backgrounds inflationary, and why is money for general improvement of health and education at all levels for all Americans inflationary?

The President, with one hasty, inadvisable stroke of the pen, has undone months of work by the Congress.

This bill was a compromise of high quality, forged by the heat of months of intense examination. Volumes of testimony were taken, and hundreds of man-hours went into the deliberations that produced this bill. It was the will of the Congress. Congress always has been closer to the thinking of the people on the items in this bill than has been the President.

Why does the President always select a bill dealing with the poor, the uneducated, or the sick when he chooses to wield his power of veto? Why did he insist on a $5 billion increase in military expenditures and say that such spending was not inflationary?

Congress offered the President a bill to impose a spending limitation, but he refused to support any kind of ceiling that did not give him unlimited power to ignore the appropriations made by Congress and to freeze funds freely whenever he chose. From the President's action yesterday, we can see he wants ever mounting billions of dollars for military spending and while he ignores the needs of those who desire better education, health and welfare.

Where did Congress make its additions in this HEW money bill? We added $112 million for hospital construction. How much did the President request? Nothing. No money was requested for the construction of hospitals when the country is facing a severe problem of providing adequate medical care throughout the land.

The Senate and House added additional aid for schools heavily impacted by the presence of the Federal Government. The President had requested an unbelievable reduction of more than $170 million in this program. If the President is successful in this endeavor, then Utah will have its impact aid money reduced by more than 60 percent. Every district in the State of Utah would lose money under the President's proposal. Utah would also lose more than $4.5 million for the aid of its disadvantaged students. The bill vetoed by the President includes $1.27 million for library programs in the State of Utah. These are the "inflationary additions" made by the Congress—Republicans and Democrats—535 dedicated men and women.

When the President distorts national priorities by vetoing such a vital bill, it affects every State in the Nation, and every school district across the land. Hospitals, health research, college programs, vocational training, drug rehabilitation programs—all of these will be reduced because of the President's veto.

The House last night voted to override the President's veto by 203 to 171. This is a solid majority but it falls short of the two-thirds majority required. The Senate, therefore, will not face the President's veto directly. We have no chance to vote to override. The country, however, will directly feel the impact of this unfortunate and ill-advised action by the President.

A NATIONAL SYSTEM OF BICYCLE AND PEDESTRIAN TRAILS

Mr. ROTH. Mr. President, the Committee on Public Works today ordered reported to the Senate the Federal-Aid Highway Act of 1972.

Included in this major piece of transportation legislation is an amendment sponsored by my colleague from Delaware (Mr. BOGGS) that is small in terms of the overall bill, but if finally enacted into law will play a major role in developing a national system of bicycle and pedestrian trails.

Under the terms of the proposal by Senator BOGGS, $10,000,000 each year would be allocated from the highway trust fund for use in building bicycle and pedestrian paths. The Boggs amendment provides that no State will receive less than $100,000 a year for this purpose.

This morning's New York Times summed up the merits of the Boggs proposal very succinctly when it said editorially that it "could help convert the current bicycle craze into an enduring boon to the national health and environment."

I heartily endorse my colleague's proposal. I ask unanimous consent that the editorial, entitled "Pedal Power," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PEDAL POWER

> Standing on a midtown corner these pleasant summer mornings, one can expect to see a half-dozen bicyclists whizzing through the rush-hour traffic in the course of a single light change—men and women of all ages and conditions, diligently pedaling their ways to work for the sake of economy, speed, health and environmental protection. Driving out of town on a weekend, one spots scores of bicycles lashed to the rooftops of cars or jammed into station wagons, soon to join the swarms of cycles encountered on almost any country byway these days.
>
> The bicycle boom which began in the nineteen-sixties has become an explosion, with an estimated 80 million Americans riding bikes, mostly for recreation but increasingly for commutation and errands as well. The Bicycle Institute of America estimates that more bikes than automobiles will be sold this year—some 11.5 million, compared with 3.7 million in 1960.
>
> But, for all its pleasurable and useful qualities, bike-riding can be perilous on heavily traveled streets and highways. Bicycle fatalities rose to 850 last year, according to the National Safety Council, and many more cyclists were injured. Safety is a major consideration behind a proposal by Senator Boggs of Delaware to let states spend up to 1 per cent of money from the Federal highway trust fund for bikeways designed to separate cyclists from automobile and truck traffic. A similar diversion of state highway funds has already been voted by a number of states, and numerous communities are appropriating their own funds to build separate bicycle paths. The Lindsay administration, a pioneer booster of urban bicycling, has designated bikeways on some Manhattan streets. Unfortunately, however, cyclists still have to share their lanes with cars, trucks and buses at terrifying risk to life and limb.
>
> If cycling is to continue to thrive, cyclists must be given safer places to ride. The Boggs proposal, under consideration in the Senate Public Works Committee this week, could help convert the current bicycle craze into en enduring boon to the national health and environment.

THE ROLE OF THE UNITED NATIONS UNDER THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, some opponents of the Genocide Treaty have claimed that acceptance of the treaty will lead to an unjustified expansion of the powers of the United Nations. They fear that it will enable the United Nations to take actions not allowed under the present charter.

Article VIII of the Convention states:

> Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Clearly, any action which the United Nations may choose to take is still limited by the present charter. The United Nations will not be allowed to meddle in the domestic affairs of nations because of article 2(7) in its charter. It is prohibited from intervention "in matters which are essentially within the domestic jurisdiction of any state . . ." The treaty does not allow the United Nations to usurp powers which rightfully belong to sovereign nations.

Furthermore, if it should try to use Security Council enforcement powers which do not rightfully apply, the United States has the veto power and has demonstrated the will to use that prerogative to prevent unwarranted actions.

Some may still argue that if we accept the Genocide Treaty we will be making the United Nations a forum for the unjustified criticism of us and other nations on the charge of genocide. But those charges may be brought in the United Nations whether or not we are a party to the Genocide Treaty.

Unsubstantiated charges will continue to be made for propaganda purposes despite whatever action we take on the treaty. However, if we ratify the treaty, we eliminate a claim to credibility that those people making the charge may pretend to have. Therefore, I urge that the Senate ratify the Genocide Convention.

COMMEMORATION OF THE FOURTH ANNIVERSARY OF THE CZECH INVASION

Mr. BUCKLEY. Mr. President, in a short time, the fourth anniversary of a tragic event will be upon us. That event, of course, was the invasion of Czechoslovakia by the combined force of between 500,000 and 750,000 troops, of which at least three-fourths were Soviet, the remainder being East German, Polish, Hungarian, and Bulgarian.

Mr. President, it was with anguish and despair that the people of Czechoslovakia first heard word of the invasion as the reform-minded Czech leadership made this announcement over the local airwaves at 1:50 a.m. on August 21, 1968:

> To the entire people of the Czechoslovak Socialist Republic:
>
> Yesterday, on 20 August at around 2300 hours, troops of the Soviet Union, the Polish People's Republic, the German Democratic Republic, the Hungarian People's Republic, and the Bulgarian People's Republic crossed the frontiers of the Czechoslovak Socialist Republic. This happened without the knowledge of the president of the republic, the president of the national assembly, the Premier, or the first secretary of the Czechoslovak Communist Party Central Committee.

The message went on to state:

> The Czechoslovak Communist Party Central Committee Praesidium regards this act as contrary not only to the fundamental principles of relations between socialist states but also is a denial of fundamental norms of international law.

Mr. President, the events which took place in Czechoslovakia 4 years ago can not be simply dismissed as part of past history. The full force of those events are still with us.

The most visible manifestation of that force is the series of trials that have been taking place since mid-July throughout Czechoslovakia. As of the end of last week, 46 Czechs—all of whom had been involved in Alexander Dubcek's attempt to give a Communist system a "human face"—have been tried and found guilty of subversion. Ostensibly, they are being brought to trial for the "criminal acts" of printing and circulating leaflets advising the Czech citizens of their constitutional rights in last November's parliamentary elections. The leaflets advised that voters could cross out names from the printed ballots, write other in, or simply not vote.

But it is not without reason that all those tried and convicted had been supporters—some in very high places—of Dubcek's ill-fated attempts at democratizing a Communist totalitarian state.

Early this month, the International Commission of Jurists in Geneva sent a letter to Gustav Husak, the opportunist who acceded to power with the Kremlin's blessings after the overthrow of Dubcek. The letter, signed by Mr. Niall MacDermott, the commission's secretary-general, stated that:

> The trials amounted to "a political purge carried out under cover of legal proceedings."

The letter further mentions that to foreign lawyers examining the legal basis of the trials the principal charges brought against the accused seem to be virtually without foundation.

In reality, Mr. President, these trials are directed at intimidating the intellectuals who as a body were in the forefront of Dubcek's democratizing movement. And this effort has been successful. There is fear among the ranks of the intellectuals, the flow of underground publications and journals has dried up almost completely.

But the living reality of the invasion goes beyond even these trials.

Mr. President, over the last 4 years, nearly 40 percent of Czech journalists have been purged from the profession. In addition, tens of thousands of Dubcek supporters, both Communist and ordinary citizens, have been deprived of work for their political convictions. Writers have been condemned to silence, theaters have been closed, famous directors are either out of work, or out of the country.

The situation is such that the ministry of culture no longer even recommends for publication or production antifascist works because the public might find "dangerous parallels" which would lead to "provocative applause."

Mr. President, the reality of the invasion lives today. It lives in the 80,000 Soviet troops who are still in Czechoslovakia, 4 years after the invasion, continuing to render the "fraternal assistance" which was internationally condemned in August 1968.

The repression in Czechoslovakia over the last 4 years is a brutal fact. But this fact, terrible as it is, effects only Czechoslovakia, and to its people, we Americans extend our heart-felt sympathy.

But the living reality of the invasion has implications that directly effect both us and other nations.

Most striking—and one of immediate importance to us especially in light of the recent initiatives towards detente—is the timing of the invasion. Throughout the month of July 1968, the Soviet Union and its East European allies publicly villified the Czech leadership and their reforms. As the tempo of these attacks progressively intensified, the threat of a direct military invasion became distinct.

The Czech leadership, therefore, was pressured into a meeting with the entire Soviet Politburo at Cierna, in Czechoslovakia, at the end of that month. The meeting lasted 3 days, and the two countries agreed not to interfere in each others affairs. This agreement took place just 3 weeks before the actual invasion, and it can be argued, therefore, that the most dangerous period in any confrontation with the Soviet Government is likely to be immeditately after a political agreement has been reached.

In a study done for the prestigious international institute for strategic studies in London, Philip Windsor stressed this important consideration. He wrote:

> The invasion followed an agreement, signed barely three weeks before, in which all the states concerned had pledged themselves not to intervene in each other's internal affairs. The first question that this conduct raises is whether the Soviet Government can be trusted in international relations for the time being, or whether its behavior has shown that all hopes of an East-West detente have been illusory and that the old fears of an expansionist and aggressive superpower must be revived.

Mr. President, there is one final implication of the invasion which we should consider. And that is the consideration as to why the Soviet Union found it necessary to extinguish the Czech experiment by force of arms.

The Soviet Union itself has partly answered that question. According to the first Tass statement on the invasion made on August 21:

> Party and governmental leaders of the Czechoslovak Socialist Republic have asked the Soviet Union and other allied states to render the fraternal Czechoslovak people urgent assistance, including assistance with armed forces.

The Tass statement went on to state that the request "was brought about by the threat which has arisen to the Socialist system, existing in Czechoslovakia."

This statement is especially interesting for two reasons. First, a full 4 years after the invasion, those Czech party and government leaders who had supposedly requested the invasion, have yet to be identified. Despite the fact that the invasion has consistently been portrayed in the Soviet and Eastern European press as a high example of Socialist unity and courage, the "heroes" who originally requested it have not been publicly honored, nor has anyone laid claim to such honor.

But more important is the consideration of what it was which actually threatened the Socialist system, as the Tass statement asserts. And this consideration is vitally important to us today if we are to truly understand the Communist mind with which we must deal. To discern it, we must review the events of the Prague spring leading up to the invasion.

Alexander Dubcek immediately committed himself to a program of reforms in Czechoslovakia when he replaced the Stalinist Antonin Novotny as first secretary of the party in January 1968. The promise of reforms and liberalization by newly installed Communist leaders is not something new. Throughout the 50-odd years of Communist power, various leaders, both in the Soviet Union and in the other Communist states, have promised liberalization and reform when the oppressive burden on their peoples was becoming too great to bear. These various attempts as liberalization always bore two main characteristics—liberalization is conceded from above, that is, from the top Communist leadership; and it is reversible.

With Alexander Dubcek's program, however, we find not merely another experiment, a tactical adjustment to insure continued control, but a fundamental commitment to a complete and definite change. It was not another policy of "liberalization," but a program of democratization—aptly called "socialism with a human face." And the people ecstatically greeted it.

Dubcek's reforms did not challenge the socialist direction of the country, nor was Czechoslovakia's position within the Warsaw Pact ever doubted. What the reforms did do, however, was to initiate a full-fledged attack upon the totalitarian structure of the Communist society that had been in existence since 1948. Dubcek attempted to combine Communism with Democracy, and this is what frightened the Kremlin leaders and their East European vassals.

Dubcek's list of reforms were more than impressive, they were unique in a Communist system. By the end of February, censorship had ceased to function. A "cultural explosion" in music, the theater, and the cinema quickly followed. The intellectuals, writers, journalists, playwrights, artists, and filmmakers all began to exert an influence in the democratizing process. Religious freedom was initiated as several bishops who had been forcibly removed from their dioceses 18 years before were allowed to return.

In March, Dubcek promised the "widest possible democratization" for the country. He stressed that there would be cadre changes in the party to bring in new blood, and pledged greater autonomy for the government, the courts, the trade unions, and the economic enterprises. In April, the leadership's "action program" was published which promised a separation of party and government functions and responsibilities.

In late May, the first steps were taken toward the rehabilitation of 40,000 people who had served sentences in prisons or concentration camps for political reasons during the last 20 years.

In June, as the Prague leadership officially abolished censorship, troops from the Soviet Union, Poland, East Germany, and Hungary entered Czech soil ostensibly to take part in Warsaw Pact maneuvers. Agreement to the exercises, scheduled for June 20 through June 30, had been forced upon the Czech leadership the month before. Although the exercises officially ended on June 30, Soviet troops lingered on Czech soil until the end of July.

Throughout that month, Soviet newspaper attacks increased in vehemence and the possibility of military intervention could no longer be discounted. The Dubcek leadership was pressured into meeting the Soivet leadership at Cierna, in Czechoslovakia, at the end of the month. It was at this meeting that Leonid Brezhnev stressed the real reason for Soviet apprehension over the reforms. Brezhnev charged that Dubcek was betraying the most cardinal of all Communist principles, that of democratic centralism—the spiraling principle of control that asserts that an entire society is bound by the decisions of the Communist Party; that the entire party is bound by the decisions of the small group that comprises its leadership in the Presidium; and that ultimately, their decisions must be in accord with those of the Kremlin leaders.

A compromise solution was worked out at Cierna and was reaffirmed at a meeting with the other Warsaw Pact countries at Bratislava. Shortly after the conferences, Dubcek stated in an address to the Czech people that there "was no need to fear for the sovereignty of our country." The Soviet Communist Party newspaper Pravda loudly acclaimed that the Cierna conference was "an example of how socialist countries solve their problems by means of a comradely exchange of opinion in an atmosphere of sincerity and mutual understanding."

But Dubcek did not initiate any policy reversals as the Soviets had expected. Worse yet was the publication on August 10 of the draft statutes of the Czech Communist Party which permitted an out-voted party minority to continue adhering to its views. The statutes also provided for secret voting, and set a limitation on the period of office for party functionaries. These reforms ran directly counter to the Soviet demand for a reaffirmation of democratic centralism—the key to the Communist totalitarian system.

With an extraordinary party congress planned for September which would purge the remaining neostalinists in the Czech party, the Soviets had to act quickly to defend Communist totalitarianism, that is, "the socialist system" in Czechoslovakia. And on the night of August 20, they did act, in coordination with Poland, East Germany, Hungary, and Bulgaria.

Mr. President, the implications of this invasion are clear. With the formulation of the "Brezhnev doctrine" and its deathblow to the concept of "national roads to socialism," the Kremlin has demonstrated that it will not tolerate any threat to the total Communist control over society which is posed by an attempt to develop a "socialism with a human face," an attempt to combine democracy with communism; it has made it clear that any such attempt among its vassal states will be met with Soviet tanks.

Some suggest that the invasions on Czechoslovakia is an isolated incident. The events in East Germany in 1953 and in Hungary in 1956, and the formal declaration of the Brezhnev doctrine attest that it is not.

Mr. President, communism is an ideology of total power. It cloaks itself in humanistic ideals, and then bleeds the present generation for the supposed betterment of some future generation whose coming is always expected but somehow never arrives. The Soviet Union is in its third generation since the Bolshevik seizure of power, and still the people are sacrificed for the better tomorrow. In 1960, Nikita Khrushchev had promised that the Communist stage of development would finally arrive by 1980. His successors, however, have not seen fit to repeat that promise because it was so unrealistic.

The Red Chinese leadership, at least, has been more candid. They have stated that the Communist stage of development, with its promised fruits of human satisfaction, would not be reached for several hundred years, maybe even longer.

Mr. President, the trials currently taking place in Prague and Brno are a manifestation of the Communist system, not an aberration from it. They are paralleled by the increased repression of dissidents which has been taking place throughout the Soviet Union since this January. They are paralleled further in the repressions in Red China which has resulted in a flight of refugees to Hong Kong which, last month, was greater than any other month in the last 10 years.

Mr. President, as the West gears up for another round of international conferences aimed at "East-West understanding," let us not easily disregard the lesson of the Czech invasion—for this, in a very brutal and tragic way, forcefully underlines the Communist reality—the reality of a system whose objectives are power through total control.

TO SECURE THE PEOPLE'S RIGHT TO KNOW

Mr. ERVIN. Mr. President, yesterday, on behalf of myself and Senator JAMES PEARSON, of Kansas, I introduced proposed legislation protecting newsmen from the compulsory disclosure of information in Federal criminal proceedings where such disclosure is not necessary for the proper functioning of our criminal justice system. The ultimate purpose of this legislation is to secure the people's right to know.

The bill, S. 3925, responds to the serious problem of increased Government subpenaing of newsmen over recent years. In some cases, it would appear that Government has wanted to turn journalists into Government investigators. There have been too many instances where Government has demanded disclosure of reporter's confidential sources and information without a compelling public need to have such material and without utilizing its own extensive resources to obtain information. Neither the long-term goals of public justice nor the interests of freedom of the press have been served by this practice.

Hearings by the Senate Subcommittee on Constitutional Rights in the fall of 1971 and earlier this year underscored the threat which careless and widespread subpenaing of newsmen poses to freedom of the press in America. Journalists from both the printed and broadcast media expressed their great concern over the ability of newsmen to seek out the truth for the American people when they are under a continuing threat of Government interference with their day-to-day activities.

Further attention was focused on this matter by proceedings in the case of Earl Caldwell, reporter for the New York Times. In an excellent and thoughtful opinion, the Court of Appeals for the Ninth Circuit held that, in the special circumstances of this case, Earl Caldwell did not have to appear before a Federal grand jury and disclose confidential information given to him in his capacity as a reporter. The court of appeals based its decision upon an analysis of the first amendment's guarantee of freedom of the press. Unfortunately, the Supreme Court did not abide by the wisdom of this decision. On June 29, 1972, in Branzburg against Hayes, the Supreme Court by a 5-to-4 vote determined that the first amendment grants no protection to newsmen from compulsory disclosure of information to Government.

On previous occasions I have said that the first amendment itself was the most effective protection which could be given newsmen from Government intimidation. I have always believed that there is considerable danger in trying to implement fundamental constitutional principles by legislation for fear of inadvertently limiting rather than securing these principles. Nevertheless, in view of the Supreme Court's decision in Branzburg against Hayes, I now believe that it is necessary for the Congress to enact legislation which will insure that freedom of the press shall be secure from unwarranted Government interference.

In recent weeks, I have discussed this matter with several Senators and with a wide range of representatives from the news media. Many of these persons have long been convinced of the necessity of some legislative action in this area. A number of them have expressed approval of S. 1311, a "newsmen's privilege" bill previously introduced by Senator PEARSON and the subject of considerable discussion at the subcommittee's hearings on freedom of the press. Following the Supreme Court's decision in Branzburg against Hayes, Senator ALAN CRANSTON introduced legislation providing for an "absolute privilege" for newsmen.

It is my hope, and that of Senator PEARSON, that the bill which we introduced yesterday will receive the support of all those persons and groups who have expressed their concern over the subpena problem. While S. 3925 is more limited in its scope than other proposals which have been suggested, I believe that it will effectively cure the problem of the dangerously widespread and careless government subpenaing of newsmen. I believe that it incorporates a reasonable balance between the competing interests of law enforcement and freedom of the press. And, finally, I believe this bill can win widespread congressional support and be enacted into law.

Mr. President, I urge other Senators who are concerned about this matter to examine S. 3925 with a view toward joining in cosponsoring this bill. It is now imperative that Congress enact legislation to secure freedom of the press from unwarranted governmental interference and intimidation. No less is at stake than the right of the people to know the truth. If there is no freedom to gather the news, freedom of the press loses its meaning. And, as the history of nations dramatically demonstrates, the loss of freedom of the press perils all those freedoms which we in America have come to cherish.

Mr. President, I ask unanimous consent that the text of S. 3925 be printed in full at this point in the CONGRESSIONAL RECORD.

There being no objection, the bill was

ordered to be printed in the RECORD, as follows:

S. 3925

A bill to be entitled "An act to regulate the testimony of newsmen in Federal criminal cases"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. As used in this statute, the term "Newsman" means any person who gathers information for dissemination to the public as news or pictures through the instrumentality of the press, a radio station, a television station, or any other medium of communications; and the pronouns he and him refer to any such person of either sex.

SEC. 2. A newsman shall be competent and compellable to testify as a witness in a criminal proceeding before a federal grand jury or a criminal action in a federal court in respect to information gathered by him for the purpose stated if these conditions concur in respect to such information: First, the information is based on the personal knowledge of the newsman rather than on hearsay communications received by him from others; second, the information tends to prove or disprove the commission of a crime allegedly committed by a third person which is being investigated by the grand jury or made the subject of prosecution in the court; and third, testimony similar to the information is not readily obtainable from another source.

SEC. 3. When a newsman is subpenaed to testify in a criminal proceeding before a federal grand jury or in a criminal action in a federal court, the newsman may move before the judge of the court in which the grand jury is sitting or in which the criminal action is pending to quash the subpena on the ground that the testimony sought to be elicited from him under it does not satisfy the three conditions enumerated in the preceding section. After notice to attorneys for the prosecution and defense, the judge shall hear and determine the motion of the newsman in camera and enter such order as may be necessary to protect the newsman against disclosing any information gathered by him for the purpose aforesaid which does not satisfy the conditions enumerated.

CHILDREN'S LOBBY

Mr. MONDALE. Mr. President, recently the first annual meeting of the Children's Lobby was held in Washington, D.C. Representative ORVAL HANSEN and I had the privilege of meeting with the delegates on the final day of their conference.

During the conference, the Children's Lobby elected as its first president, Mr. Jule Sugarman, the former Director of Headstart, who currently serves as administrator of Human Resources in the city of New York. As one of its vice presidents, the Children's Lobby chose Gregory Coler, executive director of the Greater Minneapolis Day Care Association. It has been my pleasure to work closely with both of these men in recent years, and I think the lobby is very fortunate to have such gifted and energetic individuals in leadership positions.

In my judgment, the creation of this organization is an extremely encouraging initiative for those of us interested in justice for children. In conjunction with the work of a number of existing agencies and organizations concerned with children and their families, the Children's Lobby can help inform Congress and the public about the impact of various legislative proposals and administrative actions on children.

In addition, the children's lobby can take stands on the major legislative issues before the Congress. It can give those of us in public life its judgment of the merits of proposals affecting children.

As part of this first annual meeting, the children's lobby held a series of workshops on a wide range of issues concerning children and adopted a series of resolutions. I ask unanimous consent that the text of these resolutions appear at the end of my remarks. I do not necessarily agree with all these recommendations. But whether or not I, or any other elected official, agree with every one of the positions this lobby takes is unimportant. What is important is that the children's lobby is helping all of us to focus on how Government actions affect children, and is helping assure that decisions affecting children will no longer be made without adequate information about and attention to their potential impact on our Nation's most precious resource.

Mr. President, permit me to close with my expression of appreciation to all of those who had a hand in creating this new lobby, and of those who will join with it in its fight on behalf of justice for children.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS—"AREAS OF CONCERN"

GROUP I: CHILD DEVELOPMENT AND DAY CARE

An overview of the pending status of Child Development and Day Care issues in Congress was presented and discussed.

Recommendations and/or resolutions:

1. Children's Lobby utilize every means to defeat H.R. 1.

2. Audience be sought with President Nixon tomorrow (April 10) to set forth our position regarding our stand on comprehensive child development in our Nation.

3. Children's Lobby should *focus* on comprehensive child care and/or development services as an entity thus avoiding being side tracked or shuttled.

The following basic principles were set forth as guidelines for considering any proposition, issues or legislative matters dealing with children:

1. That programs must be of high quality, comprehensive, and developmental oriented to *needs* of children and their families and available to all children.

2. That parents must be directly involved in policy decisions affecting their children.

3. That programs be flexible enough to meet individual and community needs and locally controlled by a body whose majority are parents.

4. That programs must be designed to include children with a variety of socioeconomic backgrounds.

5. That adequate protections must be provided to assure that the needs of minority group and economically disadvantaged children are met.

6. That this nation *must not only continue* existing funding of children's programs but also *must* make a substantial commitment of new public funds to begin to meet the compelling and immediate need for these services.

7. That the Children's Lobby work out a mechanism to monitor the implementation of all federally funded children's programs.

Leaders: Elinor Guggenheimer of New York—Funding Director, Day Care and Child Development Council of America, Inc.; Evelyn K. Moore, Executive Director, Black Child Development Institute, Washington, D.C.

Recorder: Mrs. Allie Mitchell, Project Manager for Head Start; Leadership Development, Southwest Region, Houston, Texas.

GROUPS 2 AND 5: CHILD WELFARE AND FAMILY LIFE

Before getting into specific recommendations, group members agreed that the Children's Lobby would need to differentiate between short-time and long-time goals.

*Recommendations**

1. The Children's Lobby should insist that the Federal Government, both Legislative and Executive, place top priority on, and appropriate adequate funds for, human services that will enhance individual and family growth and development.

2. Services should be universally available for children who need them. Eligibility should be determined by the need for service and not by economic status. The quality of child welfare services should be the same for all children without the requirement of a means test. There should be a freedom of choice for the client to obtain services from either public or voluntary agencies.

3. It is essential that federal matching funds for child welfare services in the states be available. These funds should be open-ended and the federal matching should be 90%, covering a comprehensive variety of family and children social services.

4. Federal funds must be made available to the states and localities for the construction of all necessary facilities—such as shelter care, day care and others—to provide the above family and children services for all who need them.

5. Within the total funding, there shall be provision for training for all categories of personnel working with children; for comprehensive planning for all services; and for demonstration programs for the development of new models of service delivery.

6. The Children's Lobby needs to continue to support the present trend of a combined delivery of Family and Children's Services, *not* to separate them.

7. In order to develop a base for "adequate" funding for programs for families and children, it is necessary to:

A. To have an analysis of all budgets of present federal family and children programs in order to determine what is presently being accomplished in relationship to where the money is currently being spent.

B. Create a National Advisory Council on Family and Children to advise the President, similar in nature to the National Economic Council or the Council on National Defense.

C. Have conducted a review of the present organizations of Family and Children programs at the federal level so that a more appropriate organization might be developed. Present organization has created so much fragmentation of programs and monies that service efforts are inhibited and frequently duplicated. (This might be repaired, e.g., by a federal Department of Family and Children Services.)

Leader: Dr. Frederick Delliquadri, dean, School of Social Work, University of Wisconsin, Milwaukee, Wisconsin.

Recorder: Maurice A. Harmon, director, Baltimore City, Department of Social Services, and first vice president, American Public Welfare Association.

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*All the recommendations relative to funding were made in spite of funding arrangements spelled out in H.R. 1, in that the group was against the passing of H.R. 1 in its present form.

GROUP III: EDUCATION

Integration

We reaffirm the control importance of a racially and socially integrated society to the realization of the American dream. We vigorously oppose any type of governmental action—whether by Constitutional amendment or by legislative riders—which would have the effect of impeding *local* options to create conditions for effective integration. The role of the Federal government should be to encourage genuine integration and to give more leadership to the end of building a unified and nondiscriminatory society.

At the same time, we stress that integration must be much more than a mere mechanized mixing of bodies of various colors. What we seek is a true integration of varied ideas, values, and thought—a rich and pluralistic recognition of America's diverse heritage and not simply a merger of all groups into one dominant white culture. Integration, ultimately, means an honest and eager recognition of our country's multi-racial, multi-cultural history and character.

While we cannot presume to instruct the Federal judiciary, we do urge, in the spirit of the foregoing statement, that each court look beyond mere mechanistic and arithmetic racial formulas to the possibility of genuine *educational* integration.

Finally, we stress that the real issue is neither bussing nor anti-bussing, but rather the climate of fear and division which is being fostered by politicians—in both political parties—who purport to be our leaders. What is needed now is an end to such dangerous demagoguery and an immediate and vigorous effort at national conciliation—the creation of a climate of national unity based on a frank acceptance of America's social and cultural diversity.

Funding of existing Federal programs

The broad array of present Federal education and child care programs must be funded more nearly in accordance with the promise this society has made to the disadvantaged, the poor, the sick and young. We reject all counsel which says "money doesn't make a difference." Rather, we want *to try* delivering on the promises of yesterday.

This does not mean that we are uncritically accepting of every program now on the statute books. On the contrary, we know of few unblemished success stories in Federal aid programs. All too often, the intended beneficiaries of Federal aid are not the ones who actually receive the Federal aid; all too often, programs are poorly administered by state and local authorities without adequate reference to legislative intent; all too often, Federal aid is spent in a "business as usual" fashion. Thus, at the same time as Federal funds are expanded the conscience of the nation must be refocused on making truly effective use of every tax dollar.

New programs and new funding

The percentage of our government devoted to children and their needs is totally unacceptable. At the same time that more money is needed, we must guard against the tendency to play off one public sector against another, e.g., education vs. child care, health vs. nutrition, etc. We believe that the only chance we have to build a truly great nation is by attacking all of our social problems in a coherent and concentrated manner. Thus, we favor greatly expanded prenatal care, nutrition, comprehensive child health, day care, etc., as well as an expansion of our national spending in education.

We must also guard against the tendency of many who want tax cuts and personal gains as we shift away from military spending. America must spend more in the public sector than ever before—and not merely at the Federal level. Taxes are woefully inadequate for a nation as collectively wealthy as this; we must finally recognize that true prosperity can only be purchased by being willing to tax ourselves for the neglect of the past and for the sake of our children's future.

Specifically in education, we insist that Federal funding, several times greater than current levels, must always have a reformist character. It would be self-defeating and useless for the Federal government to enact legislation with no indication of national priorities and concerns. While some of us favor general aid for education and others of us support only broad categorized programs aimed at educational revival and specific unmet needs (e.g., handicapped children, compensatory education, career education). We all agree that, at the minimum, Federal funds shall be accompanied by measures to:

1. Prevent reduction of State and local tax effort;

2. Encourage the enactment of progressive State tax measures;

3. Ensure that Federal funds are distributed with special attention to children with special needs (e.g., disadvantaged, non-English speaking, handicapped, etc.);

4. Encourage States and localities to distribute their own resources more equally than is now the case;

5. Ensure that programs are preventive in character and not merely remedial, an early identification of child health and other handicaps is especially needed;

6. Guarantee that educational research and development to review the system will be a high and constant priority;

7. Ensure effective parent education and community involvement in order to overcome the traditional isolation of the schools from the adult world. Schools henceforth must be more accountable to adults for the measurable learning of our children;

8. Give high priority to teacher training and retraining (recognizing that teacher education is a vital community concern and not merely a select professional province).

Disparities in educational spending within (and among) states must be rapidly eliminated. However in the light of the recent Serrano decision, we caution against simplistic notions that equality of educational spending will give us the kind of educational success we seek. The special needs of urban areas and depressed rural areas must be recognized financially in any aid formulas if true equality of opportunity is to be achieved.

Finally, in line with an earlier statement concerning integration, we believe that society must devote substantially more resources to the development of multi-cultural and bilingual educational materials. Our curriculum must be totally reshaped to reflect the true pluralism and diversity of our nation. Ultimately, in fact, we would hope that every child would be proficient in at least two languages as well as knowledgeable about the cultures of all the peoples who have contributed to the building of our nation.

Leader: Donald Morrison, President, National Education Association, Washington, D.C.

Recorder: Dr. Samuel Halperin, Director, Educational Staff Seminar, George Washington University, Washington, D.C.

GROUP IV: EXCEPTIONAL CHILDREN

Exceptional children include those who are handicapped and those who are gifted. In defining the criteria for handicap, it was agreed that a child who persistently, extensively, significantly and intensively reveals deficits or deviations in several vital areas of functioning, including physical, intellectual, emotional, perceptual and developmental capacities, is a handicapped child.

It was further agreed and emphasized that children who are not intrinsically handicapped, but whose environment tends to damage them, should not be classified as handicapped when it is their economic, social and educational deprivation that requires correction. The discussion group took strong exception to the tendency to mislabel low-income minority groups by referring to their children as handicapped. We urge that adequate resources be made available to prevent or correct these economic, social and educational deprivations and their effects. These resources and services are intended to prevent or correct environmental deprivation and its effects on those children subjected to it as compared to resources that are necessary for handicapped children. We propose that resources and services for deprived children be organized in collaboration with special services needed by handicapped children without confusing the differing problems of these two groups of children.

The discussion group then accepted the formulation of three dimensions of the needs of the exceptional child that would provide our Children's Lobby with a helping perspective:

(1) We should plan to overcome discrimination against the handicapped and gifted child in that we as a nation assign the priorities to their needs that would assure them and their families of the opportunities, expectations and resources that would enable each exceptional child to be able to maximize his potential in terms of fulfilling himself. Conversely, each exceptional child should find his self-esteem reflected by the way he is valued and respected in his community and society.

(2) We should plan and provide special services for the handicapped that are coordinated, sustained and integrated in the most desirable settings for the child and his family. This clearly implies that the family is the bedrock out of which normal and handicapped children grow. Each family should be supported and enabled to help their deviant or handicapped child. Our perspective requires a dynamic balance of normative and special settings in which to nurture, guide, educate, teach and provide all services for the handicapped child. This perspective assumes that the strong family, and the nursery school, day care center, public elementary and secondary schools, church and community center for healthy children can welcome and benefit from the acceptance of the handicapped child as a part of their microcosm. This conviction is based on the assumption that these institutions have sufficient services and resources to enable them to provide adequate learning and socializing experiences for all concerned. Specifically, the classroom teacher cannot be expected to do well by a heterogeneous classroom of non-handicapped, handicapped and gifted children unless she or he have the preparation and backup that is necessary for the exuberant development and expression of the learning and socializing interests of all these children.

Conversely there will always be the need for special facilities where certain handicapped children can receive the intense concentration of special assistance, education and treatment that will enable them to return to or re-enter the family and school at home when they are able to take advantage of the more usual and normative environment.

(3) The perspective of full rehabilitation refers to the ongoing, life-long opportunities, expectations and supports for the handicapped child that will enable him to develop skills, find work and select an appropriate social setting that provide him with satisfaction and opportunities to shape his world. This perspective assumes that there can be synchronized expressions of realistic, humanitarian and productive expectations by the individual and his society. This synchronization of the individual's capacities and society's expectations should enable the handicapped individual to earn his livelihood, to be active in forming and par-

ticipating in a family group and to be an encouraging example to a handicapped child of the next generation.

We recommend that the translation and transformation of these three future perspectives into viable and sustained realities, the rights of these children, become the long-term goals of The Children's Lobby in regard to exceptional children.

It follows logically and as a crucial first step toward these long-term goals that The Children's Lobby should work toward achieving major financial support from Federal sources for a wide array of services for handicapped children at the local and regional levels. In order to assume the effectiveness of such funding we recommend the following guidelines and criteria:

(1) All Federal bills that provide for the healthy development and sound education of children should have sufficient funds allocated to provide early identification, treatment and services for handicapped children who will live and grow up side-by-side with non-handicapped children.

(2) Systematic coordinated services for handicapped children require categorical funding from Federal sources in order to prevent the fragmenting of services and in order to achieve a level of funding adequate to assure * * *.

(3) The Children's Lobby should provide a structure that enables those with special interests to work in alliances with those who have other interests in the services of children. We deplore the tendency toward rivalry when our children, handicapped and non-handicapped, are in urgent need of our concerted interests and energies. When the adults compete or are in conflict because of special interests, the alliances necessary to avoid fragmentation of services will be weakened. This recommendation holds for the various professions as well as for the various professional organizations.

(4) Our efforts are unlikely to succeed if there are not appropriate advocacy energies and influences at the national, regional and local level that will safeguard children's priorities and the implementation of children's programs.

(5) Parents, as in The Children's Lobby, should be accorded a major role and responsibility in establishing priorities, in mobilizing and sustaining resources, in supporting and guiding legislative remedies and in creating influential expectations for judicial mandates to require that "mandatory" legislation become implemented.

(6) Our universal public institutions, especially the public schools, should be enabled to provide integrated and coordinated services for handicapped children by additional educational and clinical services and with proportionate back-up support by specialized facilities.

(7) The most important universal "institution" is the family unit. The early identification, prevention, treatment and rehabilitation of the handicapped child should take place through strengthening the family's ability to be crucially involved in services provided for handicapped children of these services and collaboration with families should respect and take advantage of the family's social, emotional, ethnic and cultural characteristics and resources.

(8) We must overcome deficits in services caused by a failure to coordinate existing services as well as newly created services for handicapped, non-handicapped and talented children.

Leader: William Geer, Executive Director, Council on Exceptional Children, Arlington, Virginia.

Recorder: Dr. Albert J. Solnit, President, Academy of Child Psychiatry and Professor of Pediatrics and Child Psychiatry, Yale University, New Haven, Connecticut.

GROUP VI: HUNGER AND MALNUTRITION WORKSHOP

Hunger threatens the lives and minds of millions of Americans.

In 1969 the White House Conference on Food, Nutrition and Health declared hunger a "national emergency." In 1971 the White House Follow-Up Conference repeated the cry. Yet, the crisis continues. Infants and young children are in the greatest danger.

All this is true under the existing programs and the current levels of income support. Conditions would be worsened under H.R. 1 and similar proposals. Therefore, we vigorously oppose H.R. 1. H.R. 1 in its entirety must be defeated!

Furthermore, any measures like H.R. 1 or the patchwork amendments which diminish already inadequate incomes must be defeated. Our primary recommendation is:

A guaranteed adequate income for all American families (at least at a level comparable to the BLS standard) so that *families* can feed their own children adequately. We urge immediate implementation of legislation ensuring every family an adequate income with fully humane and constitutional practices.

Secondly, we urge an immediate increase in the appropriations for all child nutrition programs, supplemental maternal and infants food programs and family food programs.

Americans remain hungry today, and malnutrition makes them vulnerable to disease and injury. Some groups, such as pregnant women, mothers and pre-school children, are at great risk because of inadequate diets. Children, depending on where they were born and where they live, may face greater nutritional risks than children who live in countries where food distribution and health care facilities are primitive. In census tracks of many inner cities of this country, over 100 children will die out of every 1,000 children before they reach age one.

The task force on hunger and malnutrition recognizes that the only solution to hunger in America is the provision of an adequate income, with all constitutional and humane safeguards for all families, to assure that families with children will be able to obtain an adequate diet to sustain the health of the child.

We believe that H.R. 1, the Family Assistance Plan, does not meet this basic standard, and we recommend that the Conference oppose H.R. 1 or any similar legislative proposals.

For the immediate nutritional needs of children in the 1973 fiscal year, we propose that action be taken through legislation and appropriations. We find the budget proposal of the Administration for fiscal year 1973 will bring all growth in nutrition programs to a halt, and we recommend that the Conference support higher appropriation levels for these programs, in these amounts:

[In millions]

Program	Administration requests	Programs need
Families:		
Food stamp	$2,266.0	$2,500
Commodities	270.0	305
Supplemental foods	14.7	40
Children:		
School lunch: Needy (sec. 11); general (sec. 4)	861.5	1,200
School breakfast	33.0	100
Equipment	16.1	80
Nonschool food service: summer; year-round	49.0	92

We believe that every child should have access to a nutritious and acceptable breakfast and lunch; and further, that family income should not be a barrier to participation. We recommend, and, the budget proposal provides, sufficient funds to enable a reimbursement of 25 cents for every breakfast served to needy children, with a 5c reimbursement for each breakfast served; and 50c for every lunch served to needy children, with a 10c reimbursement for each lunch served.

These reimbursement levels should prevail in all child nutrition programs, in school and out of school; further, the use of reduced price lunches should be restricted to a charge of no more than 10c, with a reimbursement level of 40c per lunch.

Eligibility for free or reduced price breakfast and lunch should be determined by a single national eligibility standard based on the poverty level income set by the Bureau of Labor Statistics, with local school districts free to set eligibility standards which are broader if local conditions warrant.

Finally, under no circumstances should the recommended levels become a ceiling on reimbursement for a child's meals. In those instances where the cost of preparing and serving the meal is higher, the school should be reimbursed at the higher level.

Food Service programs for summer and the year-round day care projects should be greatly expanded, inasmuch as children are in school for about 9 months; and the percentage of pre-school age children in educational or supervisory facilities has increased from about 25 per cent to nearly 50 percent in the past decade.

We recommend that all declared non-profit groups be encouraged to join these programs and to operate food service projects. In order to achieve the expansion that is needed, the cost of equipping these facilities should be paid fully from Federal funds.

Until an adequate family income program can be implemented, we recommend that the food stamp allotment be raised from the present inadequate level of $108 a month for a four person family to $146.00 a month. Since over half the people who need the benefits of the program do not get food stamps, the Federal government should reach out to find hungry and malnourished families and persons and assist them to participate in the food stamp program.

We also recommend that regulations be dropped which now force mothers to work, and which force scholarship funds of children to be included in calculating family resources; and we recommend to the Federal government the ruling of the Federal court which overturned the legislative prohibition that children who live with a family but are not related are ineligible for food stamps. We recommend that the Department of Justice accept the wisdom of the Court which enjoins this despicable practice.

We recommend that the Inspector General of the U.S. Department of Agriculture investigate and report on the ineffective and incompetent operation of the food and nutrition programs in the USDA, with particular attention to the inadequacies of the commodity distribution program.

We recommend that all families below the poverty level have access to a supplemental food program which provides additional nutrition for pregnant women to insure better pre-natal nutrition for the child, and to insure adequate nutrition for the child in the formative years before entering pre-school programs. The budget proposal will support a large scale expansion of the present program, which the Administration is presently attempting to kill.

We recommend the supplemental program be carried out in either a voucher form or through the provision of commodities in a clinical setting, and that all declared non-profit groups be assisted in establishing such programs on request.

Leader: Rodney E. Leonard, Community Nutrition Institute, Washington, D.C.

Recorder: Barbara Bode, Executive Vice-President, Children's Foundation, Washington, D.C.

GROUP VII: JUVENILE DELINQUENCY

In our group, after sharing our individual experiences and making our individual points we crystallised our report into three main areas. I have asked the participants to add, correct or completely refute what I present, for I experienced great difficulty in keeping my own special bias out of what we discussed. You see I am thoroughly against the fragmentation of the approaches to meeting human service needs and the labelling which is unavoidably associated with this. I am even more frustrated that we are not as aware as we should about the irrelevant handicaps of these fragmentations and that those of us who are aware do not see dealing with the disadvantages of labelling and fragmentations, as desiring our sustained and unequivocal first priority. I am hopeful that now we have moved from the various forms of mental illness, alcoholism, crime, drugs and violence to children, we could come to grips that it is futile to escape dealing with people as people. The three areas into which our discussion divided itself are:

A. Objectives of the Children's Lobby are:

1. Keep focus on the child's welfare and needs. There is a difference between funding for political expediency and funding to meet children's welfare and needs.

2. Developing and maintaining the thrust in community education and consumer participation.

a. The Children's Lobby should take on the responsibility for educating the public about the difference between legislation which meets their needs and those that do not. The existence of apathy and indifference as a national human characteristic that should be a continuous concern. For example, the Children's Lobby should begin now to look for ways to deal with the apathy which will threaten its existence—one month, one year or even five years from now.

b. In addition to developing the Children's Lobby at the National, State and local levels, the by-laws should articulate the tendency to loose enthusiasm and include the special steps to be taken to prevent or correct this.

3. Develop legislative proposals and push for legislation to realize our stated objectives.

4. Take active steps to have in depth representation by recipients of services who are generally restricted or unable because of Socio-economic restraints.

5. Maintaining sustained surveillance of needs for services and the effectiveness with which these needs are met. Here the effectiveness should be determined mainly by the consumer, the recipient of services.

In terms of surveillance, not only should we work for development and passage of appropriate legislation, but the Children's Lobby should see that there is appropriate funding to support the legislation, that the legislative goals are realized and that legislation is kept in line with changing demands.

It was felt that the Children's Lobby should be fully committed to doing away with the institution to meeting the problem of juvenile delinquency. In this regard, the State of Kentucky is taking an approach that is exemplary. The State of Massachusetts is also moving very decisively away from institutional management.

B. Legislation

There were two specific and one non-specific recommendation in this area.

(1) The Children's Lobby should take immediate steps to do away with H.R. 1. Specific reasons: It does not address itself to the needs of children. It perpetuates problems of juvenile delinquency. Mothers do not have a choice to care for their children if they wanted to, both the children and the parents are denied of a basic constitutional rights. A legislative structure which allows options with choice for providing child care services and meeting child care needs should be formulated and fought for.

(2) The Children's Lobby should actively push to establish an office for children at the executive level, nationally and each state. This office will be responsible for bringing together all the various fragments of services to children including those involving families and in time including mental health and public education. It was recognized that placing education and mental health for children under this umbrella would be cumbersome, difficult and impossible at this time. We felt, however, that The Children's Lobby should maintain a sustained thrust to include mental health and education under this umbrella. This may start with a coordination of effects at the local level.

(3) In addition, it was felt that the Children's Lobby should seek to enhance the abolition of institutional care systems by lobbying for and implementing appropriate supportive legislation at the federal and state levels.

It was the consensus that the concept of Juvenile Delinquency should be abolished or merged with and become a component of a major program for all youths including youths in distress.

Leader: John Martin, Ph. D., Institute for Social Research, Fordham University, New York, New York.

Recorder: Dr. George Phillips, Superintendent, Crownsville State Hospital, Crownsville, Maryland.

GROUP VIII: MATERNAL AND CHILD HEALTH

The discussion group evolved two short term or immediate recommendations to the Board of Directors, and two long range charges.

The immediate recommendations were:

1. Lobby now for continuation and extension of such existing maternal and child health projects (Title V) as (C. & Y. and M. & I.) these projects due to expire June 30, 1972.

2. Lobby now for the full implementation of child health legislation already enacted at the Federal and State level. (E. G. The EPSDT—Early and Periodic Screening and Diagnosis Program.)

The long term charges were:

1. It is recommended that the Board establish an effective mechanism to develop positions on all proposed National Health legislation to ensure that the specific needs of children are adequately recognized in such proposals and that such programs include adequate arrangements for accountabilities including accountability to the consumer.

2. It is recommended that the Board also attempt to influence the legislative process so that ultimately child health services are appropriately integrated with comprehensive child development services, education—especially meaningful health education and other human services.

Leader: Robert Clayton, M.D., Chief, Department of Pediatrics, Georgetown University Hospital, Washington, D.C.

Recorder: Dr. Morris Green, Professor and Chairman, Department of Pediatrics, University of Indiana, Indianapolis, Indiana.

GROUP IX: THE RIGHTS OF CHILDREN

The participants at this section discussed the following major principles:

1. Concern for the rights of children must permeate all of the systems discussed at this conference: health, education, mental health, corrections and the courts, the public welfare field, and the economy itself. In all these fields it is necessary to examine the status of the rights of children as they were enumerated, for example, in the White House Conference on Children and Youth.

2. The Bill of Rights should be examined so that the rights of children which are implicit can be made explicit.

3. There needs to be clarification of "what is a child"; when it is that a child is an accountable person. In some jurisdictions a seven year old child is adjudicated a delinquent.

4. We are concerned about the rights of *all* children, and issues of rights transcend differences of economic status, etc. Yet, certain groups of children are particularly vulnerable: mentally ill children, children before the courts, mentally retarded children, etc. We were led, accordingly, to a discussion of advocacy. While a wide variety of meanings have been assigned to that term and studies are now in progress about the shapes and goals of different kinds of advocacy programs, we wanted to stress that programs be child-focused and their emphasis be on the rights of children to the kinds of services and help they need in every societal system. There should also be provision for bringing children and young people into participation in the definition of their needs and rights.

5. The Children's Lobby should bring to attention the usefulness of litigation where rights of children have to be tested. The Lobby should have as part of its task the dissemination of information about test cases and technical assistance.

6. We recommend thorough reviews of child-abuse laws, concerned as we are about the non-effectiveness of many such laws and the limitations of punishing parents without solving the fundamental problems involved in such situations. Penalties of criminality are not sufficient as a legislative program even in regard to the reporting of cases; rather, problem-solving goals must be embodied in an adequate legislative program.

7. The laws of the Family Court and other juvenile courts throughout the country need thorough re-examination with regard to the protection of rights of children, and perhaps especially those children who are not delinquent but who are "ungovernable" or rejected by their parents. It was also recommended that the Gault decision be wisely and sensitively implemented.

8. Assumptions in the provision of services to children and their families should be re-examined, particularly with regard to the biases of professionalism. Certainly children and families should be able to exercise choice in the selection of services which they seek as help. Children and families should not be simply "allocated" to existing programs without their participation and choice.

9. Public and private agencies which serve children and their families must re-examine their respective roles as "protectors" of children, as there is the all too frequent occurrence of the abuse of rights by agencies which purport to be protectors. Particularly we must distinguish carefully between protection and control, and there must not be abuse of rights in the name of protection.

10. The Children's Lobby should support funding patterns which make possible the maintenance of children with their own families, and programs which are open and responsive to today's children and families. There is a need to break through the tyranny of rigid forms of service which are supported by public funding and professional prerogatives.

11. The participants of this discussion group looked forward to the following functions of the Children's Lobby in the future: (a) promotion of legislation which ensures the rights of children to those fundamental opportunities and securities which have been identified nation-wide and particularly at the White House Conference on Children and Youth; (b) the monitoring of litigation which pushes forward the cause of children in test cases of their rights; (c) the creation of public opinion and development of consensus regarding enlightened and effective

ways of caring for children and families, with such public opinion exerted to inform and influence administrative leaders and legislators; (d) stimulation of similarly functioning lobbying groups on state and local levels; and (e) dissemination of information on legislation, policy determinations, and funding patterns relating to the needs and rights of children.

GROUP X: YOUTH

The Committee decided to redefine Youth as the 12–21 age group rather than the age group from 14–24.

Recommendations of the Youth Committee:

1. A minimum of at least four (4) youth, with an equal number of high school and college age youth, on the Board of Directors of the Children's Lobby, with geographical, ethnic, and economic diversification, with a suggestion that the Board facilitate active participation of youth board members.

2. Youth representation of two (2) or more youth on the future Nominating Committees of the Children's Lobby with flexibility and equal consideration of nominations by youth groups as well as those nominations which are given by adult groups.

3. We suggest that all states ratify the vote at 18 to encourage full legal rights and responsibilities of majority at age 18.

4. That all states mandate a comprehensive health education program by qualified personnel as part of the overall school curriculum—kindergarten through college—which would include education on health, including the biological aspects of development and reproduction of the human body, prevention of disease and drug abuse.

5. We recommend that students have a birth right as citizens of the United States to implement in their school systems the freedoms listed in the Bill of Rights.

6. We ask a recognition by the school system that the student is a thinking individual who should have democratic participation in decisions within the school system which affect them such as curriculum organization, teacher selection and boards of education.

7. We ask the Board to recognize that a balanced emphasis should be given the youth needs to rural areas as well as those of urban and suburban areas.

8. We recommend that the National Children's Lobby ask the state groups to investigate current statutes in regard to self-consent for minors.

9. We urge youth representation in the decision making process throughout the entire youth service delivery system.

10. We urge investigation of the current legal status and various efforts on the subject of *runaways* and investigation of the proposed legislation by Senators Fred Harris and Mark Hatfield as stated on page 2 of today's position paper.

11. Finally, we recommend defeat of H.R. 1.

Discussion leader (absent due to family illness); Warren Gilmore, President, Youth Organizations United, Washington, D.C.

Recorder: Mary M. Kearedy.

GROUP XI. H.R. 1

1. This work group recommends to the Children's Lobby its opposition to H.R. 1 and the Children's Lobby should work actively for its defeat.

(By unanimous vote.)

2. It is recommended that the Children's Lobby adjourn tomorrow to visit the White House as a body to express its opposition to H.R. 1 and urge the President to exert his leadership to defeat it.

(Voted in the majority.)

Leader: Norman V. Lourie, Deputy Secretary for Public Welfare, State of Pennsylvania, Harrisburg, Pennsylvania.

Recorder: Naomi Hiatt, Illinois Committee on Children and Youth, Springfield, Illinois.

OPEN-ENDED SOCIAL SERVICES PROGRAM

Mr. ROTH. Mr. President, by now, I am sure all Senators are aware of my deep concern over the massive Federal spending which is resulting from the open-ended social services program.

Although the nature and extent of the program were relatively unknown until only a few weeks ago, more and more citizens are being made aware of the threat which the spending under this "back door revenue sharing plan" constitutes to not only the Federal budget, but the national economy. I personally hope that as the days and weeks pass, our citizens become even more aware of the program.

To help achieve that end, I would like to insert in the Record at this time yet another two articles on the program. As you know, the Washington Post has already commented editorially on the social services program and both the New York Times and the U.S. News & World Report, as well as the Post, have featured articles on social services. This week, the Wall Street Journal and the National Observer joined the ranks of newspapers which have opposed the program, and I would like to bring these articles to the attention of the Senate as well as to others who daily read the Record. I ask unanimous consent that the two articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

States Discover an Unlocked Door at U.S. Treasury

(By Michael T. Malloy)

Imagine looking over the fine print on that contract you signed a couple of years ago and discovering that you unwittingly promised to give blank checks every year to more than 50 people; you sign them and they write in the amount. Bankruptcy lies just around the corner.

The U.S. Government has done something very much like that, and now those checks are flooding in for payment. The fine print in a five-year-old piece of welfare legislation has suddenly turned into a multibillion-dollar drain on a Federal budget already deep in deficit. Secretary Elliot Richardson of the Department of Health, Education, and Welfare described the situation last week with such phrases as "raiders on the Federal treasury . . . horrendous . . . hemorrhage of funds."

BILLING DOUBLES

Richardson was complaining about a passage in the Social Security Act that requires his department to reimburse the states for three-fourths of the funds they spend on vaguely defined "social services" to rehabilitate past, present, and potential welfare clients. This used to be a modest program, by Federal standards, with an annual cost of $230,000,000 five years ago. But now it has exploded out of control

The states presented the Federal government with bills for $746,000,000 under this program two years ago, and the billing doubled to $1.5 billion last year. Last May the states estimated this fiscal year's Federal payments at $2.2 billion, and by July they had doubled the estimate to $4.7 billion. "I've heard figures as high as $6 billion," says Richardson, trying to calculate the final blow to this year's budget.

Mississippi has boosted its demands for Federal reimbursement to $464,000,000 from $1,000,000 two years ago. Maryland has gone to $418,000,000 from $15,000,000 in the same period. Many states have only just discovered the bonanza. The accompanying chart shows how the states increased their expected demands on the program from May to June as word got around this spring about the HEW pot of gold.

BLAME FOR GOOSE KILLING

Richardson wants Congress to slap a ceiling on the amount of money his department has to pay out yearly under this program. But he has been unwilling to throw up all the bureaucratic hurdles that his own department could put in the way of many social-services payments. The problem, he conceded at a press conference last week, is that neither the Administration nor the Congress wants election-year blame for "killing the goose that lays the golden eggs."

Mayors and governors around the nation will certainly fight any drastic cut in the social services bonanza because they have learned how to use it as a substitute for the revenue sharing measures that became bogged down in congressional debate. By defining a lot of old programs as "social services," the states find they can get hundreds of millions of Federal dollars without raising an extra penny of their own.

Illinois was one of the first states to discover the gold buried in the Social Security Act. Thomas Corcoran, who directs the state's Washington, D.C., office, explains one way Illinois took advantage of the act:

The agency that runs Illinois' prisons also runs a forestry camp to rehabilitate teen-age offenders. The camp and many other projects were threatened in 1970 by a $300,000,000 upsurge in state welfare payments. The state didn't dare raise taxes by that much, so the projects seemed doomed.

But the troubled slum backgrounds of the boys in the camp certainly made them potential welfare clients, Illinois officials decided. And the camp's rehabilitation program was a "social service" like that mentioned in the Federal law. But the camp was ineligible under the law because it was run by the state's corrections system, while the Federal money was supposed to go only to the state welfare agency.

Illinois resolved this by having the state welfare agency "purchase" the camp's social service from the corrections system. The welfare agency paid the camp's operating costs and got three-fourths of its money back from the Federal Government. Illinois thus kept the camp going and had a pile of money left over to help relieve its financial troubles. Similar maneuvers made so many other state programs eligible for Federal funds that Illinois' social-service claims on HEW rose to $173,000,000 in fiscal 1973 from $28,000,000 two years earlier.

Other states are rushing to hop on the band wagon. Shelby Jean Roten, program co-ordinator of Mississippi's Department of Public Welfare, says she assisted in a "big push" earlier this year to get every local organization that provides social services to sign "purchase-of-service" agreements with her department before July 1.

The campaign identified almost $160,000,000 worth of eligible projects for which school districts, state health agencies, and similar organizations had already appropriated money. By technically shifting those projects to the Department of Public Welfare's budget for the year that started July 1, Mississippi could inform HEW that it had embarked on a $620,000,000 social-services program with HEW scheduled to pick up the required three-fourths of the cost. The Federal contribution would be larger than the entire state budget.

EXPANDING THE DOLLARS

"We're not actually spending any more state money," says James Womack, programs director of the state's welfare department. "What we're actually doing is taking the dollars we do have and expanding them with Federal money."

This may be sleight of hand, but it isn't dishonest. The states are doing what the financial incentives in the law were intended to encourage. They are saving, expanding, or creating programs to give the poor and disabled a better chance to stay off the welfare rolls.

"We are very proud of it," Corcoran says of Illinois' performance. "We've been doing what we think is a decent approach to the welfare problem. We're beginning to get results. And now we see we are under attack and we resent it."

"Mississippi has a high percentage of disadvantaged and disabled children," says Edwin Schulz, associate regional commissioner for community services in HEW's Atlanta office. "There is practically no kindergarten program in Mississippi. There are very few areas in Mississippi that wouldn't be classified as poverty areas."

By most measurements Mississippi is the poorest state in the nation. But Schulz says it already spends a greater percentage of its meager wealth on social services than do some more prosperous states. This means that without the Federal money Mississippi would have little chance to enjoy amenities, such as kindergartens, that more affluent areas take for granted. "It's through this means (the Federal program) that Mississippi has managed to establish a service program," says Schulz.

So any efforts to cut back the program or even to stunt its rapid growth will be attacked on two fronts. States that already have expanded programs with the Federal funds can't afford to lose the money. "What you are really talking about," says Illinois' Corcoran, "is denying to some people a service, like day care, and requiring them to pull out of whatever jobs they've got because someone has to watch their kids. And you're denying the kids the educational services they otherwise wouldn't receive. A cutback would affect thousands of people in our state."

"REVOLUTION IN OUR SCHOOLS"

But if states such as Illinois keep their benefits, then a ceiling on the program would destroy the hopes of states that finally see a chance to catch up with wealthier parts of the country. "It really means a kind of revolution in our schools," Miss Roten says of the Federal program. "We've needed this in the South for many years, and in Mississippi especially."

With so many states counting on the HEW program, political pressures to keep it going are enormous. A measure to put a $2.5 billion annual ceiling on the cost recently was killed in a Senate-House conference committee. Richardson said a conferee told him the issue generated more pressure from local politicians than anything else in recent years.

The measure that died in the conference committee may have been the last chance to put a congressional ceiling on the social-services program before the newly elected House and Senate meet next year. Some parliamentary opportunities remain, but there is little time before the session ends and some reluctance by congressmen to vote against the wishes of home-state mayors and governors.

ULTIMATE WEAPON: REDTAPE

Richardson and the Nixon Administration, however, don't want to take the blame either. The Secretary hinted at a press conference that he might unleash the bureaucratic mechanisms of delay, red tape, and stricter regulation, but that he wanted Congress to act first, pointing out that "the hemorrhage of funds is occurring under language adopted by Congress itself."

Even if Congress and the Administration can, in Richardson's words, "get their joint hands on the ax" and cut the program down to size without laying the blame at either door, social-services payments still are likely to remain far higher than anyone would have imagined a year or two ago. The problem is one of cutting the program without outraging the "haves" like Illinois, or the "have nots" like Mississippi. That involves so much horse trading that Richardson will not even divulge the height of the ceiling he would like to see imposed.

"The states and counties have seen in this legislation the opportunity to get a lot of Federal money," he says. "They are able to point to what a few states have been able to get by getting there first. Naturally, they want theirs."

[From the Wall Street Journal, Aug. 14, 1972]

COME AND GET IT

HEW Secretary Elliot Richardson thinks President Nixon will be "well justified" to veto the $30.5 billion appropriation for health, education, and welfare that Congress is about to send to the White House. We would go one better and suggest Mr. Nixon would be justified in writing the sternest veto message of his tenure on this legislation.

It's bad enough the bill contains $1.8 billion more than the administration requested for fiscal 1973. Congress doesn't seem at all concerned with estimates that the total deficit will range between $30 billion and $40 billion. But that extra $1.8 billion is hardly the whole story. In refusing to put a spending ceiling on HEW's "social services" program, which is nothing more than an invitation to the state governments to raid the U.S. Teasury, Congress is guaranteeing that it will have to appropriate at least another $3 billion later in the year.

The social services program is one of those open-ended matching schemes that exists independently of budget controls. The Treasury is simply required to pay all bills presented by the states that HEW deems legitimate under the terms of the program. The program has been around for a decade, but only recently have state offiicals discovered that Congress has been making the terms so broad that almost any expense remotely connected with welfare-support efforts are considered legitimate. In 1969, HEW doled out a mere $354 million under the program. Now, state officials are falling all over each other to cash in. HEW is currently sitting on applications for $4.8 billion that the states are claiming.

Only a fraction of this money is going toward new programs to aid the needy. For the most part the states have simply jiggered existing programs to make them fit the language of the federal program. The federal government then has to pay 75% of the costs, allowing the states to free their money for other purposes.

This has developed into a bizarre form of revenue-sharing. Instead of the Treasury spreading the wealth on a formula basis that reflects need, tax effort and population, this program is on a first-come, first-served basis. In the current year, for example, Alaska, with 302,000 people, will net almost $19 million. Texas, with 11 million people, will get $42 million. Mississippi, a late starter, drew only $1.7 million last year. Now, with every right to be cynical, it's asking $463 million for 1973, roughly two-thirds of its entire state budget.

For three years now the White House has been asking Congress to put a lid on this madness, but without success. The political problem for both the administration and for Congress is in getting things under control. The states that were first in getting their hands in the till will be furious if they're now forced to take smaller shares. And the states that were tardy in spotting the bonanza will be outraged if the program is frozen before they have a chance to get theirs.

The Senate Finance Committee has taken a stab at the problem, writing restrictive terms on social services into the revenue-sharing bill. It would limit the program to family planning and child care projects, give the states six months to find alternative sources to fund efforts other than these two, and add $1 billion to revenue sharing to be spread on a population basis for family planning and child care. The net effect would be to limit social services spending to about $2 billion a year.

The idea of spending more money to solve financial and political problems of its own making is typical of Congress. It's one we don't admire, although in this case it would be better than doing nothing at all. But if the President is going to have any success persuading anyone that he means to get the budget under control, he'll have to draw a firmer line than Congress seems interested in. A good place to do it would be in a veto message.

PROBLEM LAKES IN THE UNITED STATES

Mr. MOSS. Mr. President, I have just received a publication of the Office of Research and Monitoring, EPA, entitled "Problem Lakes in the United States."

Four bodies of water in Utah are included in the study as problem lakes: Bear Lake, Great Salt Lake, Hyrum Reservoir, and Utah Lake.

The study is a preliminary documentation of the magnitude of inland lake problems in the United States. Details of the study will, of course, follow; however, I think it is imperative that we begin now to recognize the potential problems and the source of these problems and begin constructive efforts as a joint endeavor of the States and Federal governments toward rehabilitation of these water bodies. A common problem for all four areas appears to be the inadequacies of sewage plants of communities surrounding these bodies of water, and a high potential for runoff from the increased use of fertilizers in farming, and agricultural pursuits such as cattle yards surrounding the lakes.

Utah Lake, as an example, figures in the future planning for the Central Utah Project and the Bureau of Reclamation and the State are involved in this preliminary study. Recommendations for EPA for Utah Lake are for a multidiscipline lake authority to develop a workable set of objectives and development and enforcement of urban, industrial and agricultural zoning ordinances. This is something we should consider in our overall planning for Utah Lake.

Further study will, I am sure, have the full cooperation of our universities. I am ready to assist the State in whatever way I can from the Federal level, and I look forward to the full report.

This is an area in which the oversight responsibilities of the Senate and the cooperation of all will be most effective.

SENATOR ALLEN J. ELLENDER, OF LOUISIANA—IN MEMORIAM

Mr. FANNIN. Mr. President, the death of Senator Allen J. Ellender was a great loss for the Senate, the Nation, and his home State of Louisiana. He served long and well in these Halls and we will miss the wisdom of his counsel and the guidance of his experience.

In newspaper stories he has been called a "relentless southerner," a phrase apparently intended as criticism of his position on some issues. It must be agreed that our colleague was indeed "relentless." He was "relentless" in his support of programs to help provide a better life for the farmers of America. He was "relentless" in questioning the wisdom of certain appropriations measures.

And, yes, he was a "relentless southerner" who did what we all want to do—represent the people of our States the best that we can. He did represent the people of Louisiana, and he did it superbly.

Senator Ellender was, indeed, a leader, and we can be thankful for his service as President pro tempore of the Senate, for his recent leadership as chairman of the Appropriations Committee, and for his 18 years as chairman of the Agriculture Committee. He was instrumental in the passage of such legislation as the school lunch program, farm supports, rural electrification, and food for peace.

He was a man who labored diligently to carry out the work of his office.

Senator Ellender was one of those men who provide us with a bridge between the achievement of yesterday and the promise of tomorrow. He would not compromise principle, but throughout his 3½ decades in the Senate he continued to explore possible new avenues of progress for our Nation and the world.

Mr. President, as we grieve at his passing we give thanks for his service to America.

DETERIORATING SITUATION IN CAMBODIA

Mr. MANSFIELD. Mr. President, articles have been appearing in the press of late on the deteriorating situation in Cambodia. Corruption, inflation, civilian demoralization, defeatism have come to characterize the capital of Phnom Penh where a military dictatorship holds forth and also the constricted territory which still remains in Government hands. All the while the Cambodian forces which are responsive to Prince Sihanouk's government-in-exile are gaining wider and wider acceptance among the Cambodian people.

I expect, Mr. President, that this news may set the drums beating for more U.S. military help for Cambodia which already has totaled in the hundreds of millions during the scarcely 2 years in which we have been involved. Rather than to throw more good money after bad and risk more American lives, alternatively, we would do well to consider closing out our entire shameful involvement in this ill-fated and bankrupt enterprise in Cambodia.

In any event, Mr. President, I ask unanimous consent that two press items on this situation be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Aug. 14, 1972]

Nation Seems Resigned To Fighting a Long War—And Also To Losing It

(By Peter R. Kann)

Phnom Penh, Cambodia.—In the summer of 1970, this was a country of high enthusiasm and great—if naive—expectations. The Cambodians seemed generally relieved to be rid of Prince Norodom Sihanouk and his paternalistic rule, and they appeared genuinely united in their antipathy to the North Vietnamese "invaders." The Cambodians were optimistic—and wildly so—about their chances of driving out the Vietnamese, of building the foundations of a new Khmer (Cambodian) Republic, of enjoying the manifold blessings of American aid.

By the summer of 1971, Cambodia was a truncated and embattled nation, losing a war but still trying to fight and hoping to win. Cambodians were suffering—but still somehow smiling. The war was no longer seen as a sport. Cambodians were learning that they would never be Prussians. But many still seemed to believe in themselves and in tomorrow. If initial enthusiasm was being replaced by a degree of resignation, this was considered a hopeful sign of "new realism" by some foreign observers.

THE SUMMER OF 1972

But the summer of 1972 finds Cambodia disillusioned, defeatist, despairing. If a year ago the Cambodians seemed resigned to fighting a long war, they now seemed resigned to losing. "The Cambodians," a veteran diplomat says, "are in a sad, desperate struggle to stay afloat, and their only hope is that peace will come before they sink."

This country's plight is all the more tragic because Cambodia remains a backwater of the Indochina war. Opinion is all but unanimous that if the North Vietnamese wanted to conquer Cambodia, they could do so with ease. They probably don't because their major objective is South Vietnam and because, being able to use much of Cambodia as sanctuary and being little bothered by the Cambodian army, they don't see any reason to assume the burdens of actually administering a conquered country.

Though the Cambodians have developed what one diplomat calls "an almost pathological desire for peace," peace still looks a long way off. A separate peace between Cambodia and North Vietnam seems highly unlikely, if only because there is little that Cambodia could offer the Communists that they don't already have. Moreover, if Cambodia reached some kind of accord with its North Vietnamese enemy, the Cambodians would probably find themselves threatened by their so-called allies—South Vietnam and Thailand.

A VAGUE COMMITMENT

If a cease-fire of some sort were finally arranged in Vietnam, it might extend to Cambodia—but then again it might not. The U.S. is deeply committed—with promises, lives and money—to South Vietnam. But the American commitment to Cambodia consists of much vaguer words, only a few hundred million dollars in military and economic aid, and an official presence of fewer than 200 Americans.

The current mood of Cambodia may be summed up by several snippets of conversation. A senior official of the government, encountered at an inaugural festivity for President Lon Nol, sighs and says: "You know, we are not up to it. We cannot cope." A young technocrat, who even a year ago was optimistic about Cambodia's future, says: "We technocrats now function only as brakes." Brakes? "Yes, to keep Cambodia from reaching the end of the road."

A middle-level official is seeking to leave the country to join an international organization. "The only hope for Cambodia is American colonialism," he says, "but America doesn't even want us." A young Cambodian journalist sips a beer and says: "Our government has gone to sleep." Why? "It ate too much money and then went to sleep."

Several of these conversations are repeated to a longtime Western ambassador. "The Cambodians by now suffer from a terrible inferiority complex," he says. "They believe they are no good at doing anything. And, of course, they are correct." The European ambassador may be something of a cynic, but even American officials are sharply (though not publicly) critical of the Cambodian government and the Cambodian army. Like most Western observers here, they remain sympathetic to the Cambodian people—but rather in the manner of adults whose patience with children is wearing thin.

A MULTIFACETED MALADY

Cambodia's malady is due to many things, and no doubt the primary one is the almost uninterrupted succession of military defeats the Cambodians have suffered since the spring of 1970. But other signs of sickness cannot be blamed completely on the North Vietnamese: political bumbling and divisiveness, widespread and debilitating corruption, economic imbalances, isolation and escapism at the highest levels of government, lethargy and incompetence at all levels and disillusionment among the people. To many observers here, Cambodia's tragedy is less that of a lost military cause than of a lost revolution.

If there was a military turning point in Cambodia, it was probably an operation last fall called Tchen La II. This isn't to say Cambodia was winning the war until last fall. But, until Tchen La, one could still see vestiges of the early elan that had Cambodians from all walks of life flocking to join the army, that saw housewives contributing gold earrings to the war effort and that propelled soldiers into battle on Pepsi-Cola trucks, cheering and waving their vintage weapons.

Tchen La was a disaster. Some 40 battalions—most of the army's "mobile reserve"—were sent up Route 6, north of Phnom Penh, to relieve a protracted siege of a provincial town called Kampong Thom. The North Vietnamese army let the Cambodians string themselves out along the road, then sliced through the column at several points. The Cambodian offensive ended with at least six battalions decimated, with the "mobile reserve" cut off from Phnom Penh and with Phnom Penh seriously threatened.

The operation, launched with great fanfare, displayed many of the basic faults of the Cambodian army: shortsighted and overly optimistic planning; inadequate logistics; an overreliance on roads; a shortage of heavy weapons and inability to effectively use those it had; and incompetent leadership.

Tchen La also proved that the Cambodian infantryman could be tenacious and courageous (a point that has been shown time and again), but these qualities alone weren't enough and thus somehow made the debacle even more tragic.

Since Tchen La, the Cambodian army seems to have sunk ever deeper into a defensive and even defeatist mentality. It is largely a garrison army, sitting in Phnom Penh and other population centers, its officers more and more involved in politics and business, the soldiers increasingly ill-disciplined and burdensome to the population.

THE FEE FOR REDEPLOYMENT

A Chinese merchant has a farm on the outskirts of Phnom Penh. He raises ducks, pigeons and fish. Several months ago, after a Communist attack near the city, Cambodian paratroopers bivouacked on the farm. They mowed down the ducks and pigeons with machine guns and blasted the fishponds with grenades. The merchant went to the paratroopers' commander in Phnom Penh to complain about the troops. The colonel offered to redeploy his men off the farm—for a fee of one million riels (about $5,000).

Such stories are common these days. Phnom Penh restaurants bolt their doors to prevent soldiers from wandering in and helping themselves to food—or cash. Stories of troops looting in the countryside are numerous. "How can Cambodian soldiers loot and steal from Cambodian people?" asks In Tam, leader of the political opposition to Lon Nol. "I cannot understand it."

If some soldiers are involved in petty thievery, some officers are wheeling and dealing on a larger scale. Diplomatic sources say certain officers are selling commodities—though not necessarily weapons—to the Communists. But a much more widespread business is collecting ghosts.

Ghosts (or phantoms) are dead or nonexistent soldiers whose names are still carried on the rolls and whose salaries can thus be pocketed by commanders. No one knows how many ghosts are in the army because no one knows how many soldiers are in the army. The official army strength is about 170,000, but some diplomats doubt that 100,000 soldiers exist. Some commanders may use ghost salaries to good purpose—to better equip the real troops or to pay pensions to dead soldiers' families. But such uses appear to be the exception rather than the rule. U.S. military men here have been talking for nearly two years of conducting a study to determine the actual size of the army—but so far no findings have been issued.

A VERY POLITE PEOPLE

"It's fair to say the Cambodian army lacks good personnel controls," a sympathetic Western officer says. In fact, many brigades are formed simply by Lon Nol or one of his entourage giving a trusted chum a franchise to form one. Promotions are even easier to come by. A colonel, who edits a newspaper, was promoted to general because his younger brother was a general and that state of affairs offended family seniority. Promotions are also passed out as compensations for defeats. "The Cambodians are very polite that way," one diplomat says.

Provincial governors, brigade commanders and other senior officers often operate as local warlords, receiving little support and taking few orders from Phnom Penh headquarters. "There are some good warlords and some bad ones, but all warlords—warlordism—pave the way to communism," a Western ambassador says.

Some observers say it is to Cambodia's considerable credit that after two years of punishing conflict, the army is still entirely volunteer. On the other hand, some analysts argue that the volunteer army is an amateur army and that conscription is the only way to bring some discipline and organization to the military effort.

ON THE WAY TO THE FORUM

This spring significant stretches of territory in southeast Cambodia were lost to the North Vietnamese. This wasn't a real offensive against Cambodia; the North Vietnamese simply wanted to ensure there wouldn't be any problems to their rear when they launched their big offensive against South Vietnam. "The North Vietnamese just wiped up the Cambodians on their way to the forum," a Western attache says.

The Cambodians still hold a few of the larger southeast towns and are trying to resecure some of the roads, but military analysts say that by now almost all of Eastern Cambodia—the territory east of the Mekong River—can be considered a North Vietnamese sanctuary. In general, about two-thirds of Cambodia's territory and about half its population can be considered beyond the control of the government.

It is no surprise to anyone that the Cambodians fare badly at the hands of the North Vietnamese. More distressing to many diplomatic observers is the gradual transformation of this war into a civil conflict. Two years ago the number of Cambodians fighting with the North Vietnamese (or at least against the government) was estimated at 3,000, an insignificant factor in a "simple" war that pitted Cambodians against Vietnamese.

But as more and more of the country slipped under North Vietnamese control or was abandoned by the Cambodian army and administration, more and more Cambodian villagers were persuaded—or forced—to enlist in the "liberation" cause. The number of so-called Cambodian Communists now stands at 30,000, by American estimate. Most of these are far from hard-core Communists—or even dedicated insurgents—and many of them are considered poor-quality combatants. (The North Vietnamese generally provide officers for the Cambodian units or mix Cambodians into Hanoi's units.) Still, the war here isn't any longer simply a struggle between two nations and two nationalities. "If it isn't a civil war already, it is certainly and rapidly taking on the characteristics of a civil war," one senior Western diplomat says.

PACIFICATION, NO

U.S. officials are anxious for the Cambodian government to focus its military and political energies on the problem of growing indigenous insurgency; they want Cambodia to attempt some kind of "pacification" program. But the Cambodian leadership appears to be supremely indifferent to the problem. President Lon Nol is said to believe that Cambodians couldn't possibly be turned into Communists.

A Cambodian friend, educated in America, is describing in considerable detail a recent battle in which two Cambodian army battalions were destroyed. I express surprise at the degree of detail the Cambodian has picked up about the fighting. "Oh, my uncle and my cousin were in the battle," he says. I am surprised that the relatives are still alive, because very few Cambodian soldiers survived the attack. "Oh, they weren't fighting with the government. They were fighting with the Communists," the friend says. I look perplexed. "My family lives in (a village about 30 miles from Phnom Penh, and it has been occupied by the Communists for two years," the Cambodian says. "So they fight with the Communists. Do you understand?"

Lon Nol has promulgated something called "general mobilization"—an essentially paper program involving scores of quasi-mystical decrees and interministerial committees on everything from building great rural reservoirs to expanding the tourist trade. In Phnom Penh and a few other large towns, general mobilization has involved a degree of population control and was used as a political apparatus in the recent presidential election. But nothing much has been mobilized—including general mobilization headquarters. A visit to the office at 11:30 a.m. finds everyone "out to lunch." A return visit at 3:30 p.m. finds the office still empty. The doorman explains that headquarters are closed "because of rain."

U.S. officials say that Cambodian leaders, having sensed the spreading malaise in the society, faced a choice late last year: whether, on the one hand, to tighten control, enforce discipline and austerity, mobilize the population and wage the war; or whether, on the other, to devote energies to laying the political foundations of the republic. Perhaps it wasn't much of a choice, because the same U S. officials concede that "authority, discipline and mobilization don't seem to be part of the Cambodian character." In any case, the last nine months or so have been largely devoted to politics, with negligible to negative results.

First, several months were spent wrangling over the writing a constitution. Lon Nol finally scrapped the constituent assembly and put his own version of a constitution up for public referendum. Then, in June, a presidential election was organized. Lon Nol, who has led the country under various titles since the revolution of 1970, ran against In Tam, leader of the defunct assembly. The election was blatantly fraudulent, diplomatic observers say. In Tam supporters were stricken from the voting lists. In Tam observers barred from the polling places and military units paraded from one polling booth to the next to cast multiple votes for Lon Nol. And yet, Lon Nol ended up with only 55% of the vote. "The Cambodians can't even be efficient about vote fraud," a Western diplomat says.

The meager majority is said to have come as a shock to Lon Nol. The president seems to conceive of himself as national father figure, universally beloved. Lon Nol was immensely popular after the revolution, but military defeats, inflation, corruption and all other problems have taken a toll on his popularity.

CAMBODIAN "CRONYISM"

Meanwhile, other leaders who could be making a contribution to a government of national unity are out of power and in opposition. They include both In Tam, who has considerable support as a tough and honest "man of the people," and former Prime Minister Sirik Matak, the man whom American officials consider the most able administrator in the country.

Because Lon Nol acts more like a Pope than a politician and because he remains partially paralyzed from a stroke, much power is being wielded by what is called "the entourage"—a group of trusted, though not necessarily trustworthy, cronies who have the president's ear. The most powerful of them is probably Lon Non, the president's younger brother. The president himself seems largely immune from charges of corruption, but this certainly isn't true of his brother and the other couriers.

The disillusionment and the cynicism about all this aren't confined to the educated upper stratum of Phnom Penh society. A common story among the common people has it that President Lon Nol and a group of his associates were holding an evening meeting when the president decided he would like a bowl of noodle soup. An aide was dispatched and returned with some soup from an outdoor stand. The president remarked on how few noodles there were in the broth and then asked how much the soup cost. The aide replied 25 riels. The president is said to have been astounded. But noodle soup used to cost only 10 riels, and it had more noodles, he is said to have declared. The aide explained that things have changed. "But I never knew, no one ever told me," the president is said to have replied.

Cambodians laugh when they tell the story but they don't really think it's funny.

[From the Baltimore (Md.) Sun, Aug. 17, 1972]

CAMBODIA MILITARY, POLITICAL SITUATIONS WORSEN

(By Arnold R. Isaacs)

PHNOM PENH, CAMBODIA.—After months of political turmoil and battlefield setbacks, Cambodians are losing confidence in their government, their Army, and themselves.

In recent weeks, the ramshackle Cambodian Army has suffered a series of defeats along the strategically vital Highway 1, which links Phnom Penh to Saigon, and in the militarily unimportant but psychologically meaningful region around the ancient Khmer city of Angkor.

The intensified warfare along the South Vietnamese border has generated scores of thousands of new refugees, virtually overwhelming a relief system that has never been adequate even in relatively quiet periods.

TANKS CREATE FEAR

The sudden appearance of North Vietnamese tanks, which went into action 10 days ago for the first time on Cambodian battlefields, has created widespread fear that Communist forces may be preparing a major offensive against the Mekong River route, over which Phnom Penh receives the great bulk of its military and civilian goods.

On the home front, the political structure is splintering. President Lon Nol, having lost the backing of most of his prominent collaborators in the overthrow of Prince Norodom Sihanouk in March, 1970, seems increasingly isolated and unpopular.

The government appears unwilling or unable to curb flagrant corruption, which many Cambodians believe is now worse than ever before. Nor has it been able to check a sudden spurt in the price of rice, which affects every Cambodian and has a devastating effect on national morale.

RICE PRICE ALMOST DOUBLES

In the last month, the price of a 15-kilogram sack has nearly doubled, from slightly under $1 to almost $2. Prices have risen even higher in areas encircled by the Communists, where the civilian population is swollen with refugees and supply is more difficult.

In Communist-controlled areas, which now includes most of the country east of the Mekong except for enclaves around the major towns, prices have been kept low—one reason why many, and perhaps most, Cambodian civilians are willing to remain in their villages even when they are occupied. They flee only when the fighting comes close, or if they fear air strikes near their homes.

Because much of the countryside is under Communist control, and because in large areas of the country the Cambodian Army is making no real effort to recapture lost territory or even to widen its enclaves, the Khmer Rouge, or Cambodian Communist force, has been able to recruit widely and has expanded to an estimated 30,000 men.

It is now regarded as a much more effective fighting force than it was two years ago, when the war broke out. At that time, North Vietnamese troops did almost all the fighting, using the Khmers as laborers and porters. Now, though the North Vietnamese are still very much the senior partners and remain in overall command, Khmer Rouge soldiers are carrying on more of the combat, especially in areas away from the infiltration routes to South Vietnam.

HIGHWAY LOST IN APRIL

On the war front, Cambodian efforts to reopen Highway 1 have fallen into what has become a discouragingly familiar pattern.

The highway was lost in late April. Government defenders at outposts along the road melted away, for the most part, offering little resistance. They left about 5,000 soldiers encircled in Svay Rieng, the last important town before the South Vietnamese border. Since then, the Communist forces, apparently interested primarily in securing their supply routes to South Vietnam, have made no serious effort to overrun Svay Rieng but have simply harassed it just enough to keep the troops there pinned down.

The government responded with agonizing slowness. During May and June, military operations came almost to a standstill, while Army trucks and jeeps and even aircraft were used to distribute campaign leaflets for Marshal Lon Nol in the June 4 presidential elections.

In late June, one attempted operation along the road ended in disaster, when two Khmer Khrom battalions—manned by ethnic Cambodians from South Vietnam and considered the best fighting units—were surrounded and wiped out.

Of an estimated 500 men, only 15 returned to government lines. According to foreign military observers, no serious attempt was ever made to relieve the trapped battalions. The news was suppressed by the Cambodian command for more than a week.

Finally, on July 4, the government launched operation Sorya, which pushed slowly up the road and reached Kompong Trabek, 23 miles west of Svay Rieng, on July 24. The recapture of Kompong Trabek was hailed as a major victory, and official celebration ceremonies were held in Phnom Penh. But on August 6, North Vietnamese forces swept in behind the advancing troops, trapping about 2,000 in Kompong Trabek and inflicting heavy casualties on the Cambodians. It was in that action that Soviet-built T–54 tanks were employed for the first time on Cambodian territory.

FEARED RED PUSH

Western observers tend to believe that the tanks were headed for South Vietnam, but alarmed Cambodians foresaw a possible Communist push through the weak government defenses to the east bank of the Mekong River.

"This is a new phase of the war," declared Maj. Chhang Song, the Army spokesman. "This is open aggression. . . . We think the enemy may want to occupy all of the route east of the Mekong."

Morale was temporarily lifted when the Cambodian command reported 24 tanks destroyed, most by American or South Vietnamese bombers. But spirits began to sink again as tank sightings continued and as efforts to relieve the trapped Kompong Trabek garrison faltered.

There was more bad news last week from the Angkor Wat front, where government troops were driven off Phnom Bakeng, a hilltop that was not only the key position for any operation to reoccupy the sacred site but also an important link in the defenses of the important northern town of Siem Reap.

AN INTERNATIONAL WHALING MORATORIUM

Mr. WILLIAMS. Mr. President, I wish to express my shock at the decision by the International Whaling Commission not to have a moratorium on the killing of whales. I was pleased to have had the opportunity to attend the United Nations Conference on the Human Environment in Stockholm with the American delegation. One of the few substantial agreements achieved by the conference was put to the test recently when the International Whaling Commission met in London. That test involved the Commission's action on the recommendation, adoption on a 53-to-0 vote at Stockholm, which calls for a 10-year moratorium on commercial whaling.

Considered in the total scheme of the global environment, this 10-year moratorium may not appear to be of very great importance. Whales are, after all, rather remote from the everyday environment of most men. Few people have ever seen one. And for most people, they exist as almost fictional creatures. But the resolution calling for the moratorium had a great significance in at least two important ways.

First, we have become more aware of the importance of the interdependence of the various elements that make up our natural environment. Our knowledge of the earth and our survival on it is endangered when we alter its delicate balance. The complete extinction of whales might not have a direct and significant effect on the lives of any of us. But to assume that is to miss the point that ecologists have found is so hard to make. That point is that whales, like any other part of our complex natural world, might possibly represent a vital link in the ecology chain. Enough research has been accomplished with other ocean mammals, such as porpoises and dolphins, to give weight to the proposition that whales are a potential for research. This research could show that they are vital for man's well-being. Their extinction would remove even that option for the future.

Whales are today an endangered species. There are no very accurate statistics of how many there are, but such information as we have gives us cause for alarm. The International Whaling Commission has acknowledged this to some extent, by its prohibition on the taking of some species, such as the blue whale, the humpbacks, and four species of right whales. But it has not protected others, such as the fin, Bryde's and sperm whales, and several other species. Even if the Commission's limited prohibitions are respected, authorities agree that it is already too late for some species. Populations of some species are extremely low at the present time, and whales reproduce very slowly. Moreover, as the Commission's limited prohibitions take effect, hunters kill ever-larger numbers of other species because quotas for the killing of whales are set in terms of the oil production of the very large blue whale.

A second important point regarding this proposal concerns the willingness and ability of the international community and its institutions to bring some order to the global environment. Whatever was achieved at Stockholm, one of the most hopeful accomplishments there lies in the indication that mankind is at last determined to protect this earth. It is tragic that the 14 nations representing the International Whaling Commission at London spurned the resolution on the moratorium.

Finally, I must admit to a very personal, sentimental aversion to the possibility that these magnificent animals become extinct.

As you know, the proposed moratorium was put before the U.N. Conference by the U.S. delegation. As adopted at the Stockholm meeting, it states the following:

> It is recommended that governments agree to strengthen the International Whaling Commission, to increase international research efforts, and as a matter of urgency to call for an international agreement under auspices of the International Whaling Commission, and involving all governments concerned for a ten-year moratorium on commercial whaling.

The resolution is similar to provisions contained in bills passed in the 92d Congress by both the House of Representatives and the Senate. Both Senate Joint Resolution 115 and House Concurrent Resolution 387 instruct the Secretary of State to call for an international moratorium of 10 years on the killing of all species of whales until more effective conservation methods can be studied and initiated. There has been intense interest shown by Congress over the past 2 years in measures designed to protect not only whales, but all sea mammals. In March of this year, the House of Representatives passed H.R. 10420, and the Senate has recently considered similar legislation, S. 2871, which I introduced, to provide for the protection and conservation of all species of sea mammals by regulating activities of U.S. citizens with regard to these animals and establishing a Marine Mammal Commission to review existing programs and research affecting marine mammals. A very important provision of this bill requires that our Government initiate negotiations for bilateral or multilateral agreements for the protection of specific ocean and land regions which are of special significance to marine mammals. In addition it urges that we initiate an international meeting on marine mammals before July 1, 1973, for, among other things, a binding international convention for the protection and conservation of all marine mammals. I am pleased that this approach was retained in the final term mammal protection legislation which passed the Senate.

Expressions of congressional and public interest in this matter have prompted the Secretary of the Interior to issue a ban on the importation of whale products, and the Department of Commerce to discontinue the issuing of licenses to fishermen to take whales on the endangered species list. The result is that the United States does not now permit its fishermen to kill whales. However, this falls far short of a binding international agreement for the protection and conservation of marine mammals.

One of the reasons for the rejection of this proposed moratorium by the Commission is because its membership is largely composed of countries that are, or have been, active in commercial whaling. Among these countries, Japan and the U.S.S.R., both of which operate huge factory-ship fleets, accounted for 35,000 of the total 42,000 whales killed last year. Neither Japan nor the U.S.S.R. was represented in the 53-to-0 vote that adopted the resolution at Stockholm. Japan abstained, after expressing itself in favor of restricting the resolution to "depleted whale stocks." And the U.S.S.R. was not represented at Stockholm.

I had hoped, of course, that other members of the Commission would heed the expression of worldwide support encompassed by the Stockholm vote on the resolution. I even dared to hope that the Commission would go further and attempt to provide some means by which it can enforce a moratorium on these endangered mammals. Previously, the Commission's members have not even bound themselves to observe the quotas set for each of them. It is important to note that the quotas have not been met for several years because whaling fleets are not able to find enough whales to fill them.

Finally, I also hoped that the Commission would see its role in the larger perspective that I believe the resolution implies. I sincerely wished that it would have acted responsibly to carry out the mandate expressed at the Stockholm meeting. One thing the Commission could have done was to open its meetings to the press, so that it may absolve itself of the charge that it has been captured by narrow commercial interests, and allow its deliberations to be examined by public opinion.

Mr. President, I hoped the meetings of the International Whaling Commission would mark a turning point in its inauspicious record, and that it would seize the opportunity to move the purpose of the historic Stockholm conference one step ahead, toward the goal of a livable earth. Regrettably, this first attempt to implement the recommendations made at the Stockholm conference was a failure.

The refusal of the Whaling Commission to act positively on the recommendation for a whaling moratorium points out the continuing struggle we will have in achieving environmental improvement. The Congress and the administration will have to take greater initiatives if the noble ideals expressed in Stockholm are to be fulfilled. The survival of whales and the survival of man may both depend on our rededication to preserving our world environment. We cannot escape the fact that we have only one earth whose fate determines ours.

DISPUTE BETWEEN SECRETARY ROMNEY AND GOVERNOR SHAPP

Mr. SCOTT. Mr. President, a guest editorial from the Miami Herald published in today's Philadelphia Inquirer hits the nail on the head in its report of the dispute between Secretary of Housing and Urban Development George Romney and Gov. Milton Shapp.

We, who have been directly or indirectly affected by the devastation which tropical storm Agnes left, are grieved at the additional suffering its victims have been forced to endure. However, we are making great inroads in getting Federal aid to Pennsylvania—especially the $1.6 billion bill which the President signed yesterday. The Miami Herald editorial, as printed in the Inquirer, seems to agree:

> Mr. Romney is not a hard-hearted man. He is trying to get as much Federal aid to the victims of Hurricane Agnes as is possible.

I ask unanimous consent that this excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SECRETARY ROMNEY "LAID IT ON THE LINE"

George Romney is a rare bird among politicians. He tends to say what he thinks and what he says is usually right. What follows is often explosive.

Mr. Romney probably cost himself a good shot at the Presidency in 1968 when he admitted he had been brainwashed by American military and diplomatic officials in Saigon who told him how great the Vietnam War was going.

Now, in 1972, Mr. Romney is secretary of the Department of Housing and Urban Development and he has said what he thinks about people in Pennsylvania who didn't protect themselves by buying flood insurance at bargain rates under the federally subsidized program that was passed by Congress in 1968.

Mr. Romney is not a hardhearted man. He is trying to get as much federal aid to the victims of Hurricane Agnes as is possible. But the secretary is not accepting the demagoguery of Pennsylvania Gov. Milton Shapp, who is demanding that the Federal Government replace immediately all the housing lost in the flood and also pay off all the mortgages involved.

That is when Mr. Romney laid it on the line.

He told Gov. Shapp in front of a group of 25 flood victims, "I don't believe government should assume complete responsibility for the people. We must recognize that people have a responsibility too."

An elderly woman screamed at the secretary, "You don't give a damn whether we live or die."

Gov. Shapp is encouraging such scenes by his accusations that Washington is not doing enough. He is making a political issue of misery that could have been greatly alleviated if he and other Pennsylvania officials had put on a campaign to get the people of Pennsylvania to take advantage of the insurance program.

The Herald learned there are 91 communities in Pennsylvania eligible for flood insurance. But only 828 policies had been sold in the entire state before the rains came.

So whose fault is it that more than 75,000 homeowners in Pennsylvania can't now collect the $17,500 that would have been available to fix up their houses and the $5,000 to replace the contents of those houses?

There were 5,800 businesses wiped out by flood waters from Agnes. Those businessmen were eligible for protection up to $30,000 each.

Whose fault is it that they did not buy flood insurance for little more than $100 a year?

We don't think it is Secretary Romney's fault and we don't think Washington should be taking the heat from local politicians.

Today in the mail there are warning notices from Mr. Romney's department to 25 communities in Florida that have failed to comply with the flood program's guidelines on building codes and flood-plan criteria. That means those 25 communities refuse to stop builders from putting up housing in areas that are going to be flooded by a hurricane.

If those 25 communities in the state do not comply by Sept. 15, the people will be cut off on flood insurance.

Whose fault will it be?

WHO ARE THE NOMINEES?

Mr. METCALF. Mr. President, yesterday I introduced the Corporate Ownership Reporting Act, S. 3923, on behalf of the distinguished Senator from Wisconsin (Mr. Nelson), the Senator from Oklahoma (Mr. Harris), and myself. The objective of this bill is simply to identify the institutions or individuals empowered to vote principal blocks of stock in major corporations.

A list of key voters is important to stockholders, regulatory commissions, and Congress. The difficulty in determining this basic information, under present laws and procedures, was described recently by Irwin Becker of the Providence Journal.

His article entitled "Nominees Convenient to Companies, Bank, but Who Are They?" appeared in the July 31 issue of the Journal. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Nominees Convenient to Companies, Bank, But Who Are They?

(By Irwin Becker)

Rowe and Co. is the biggest stockholder in Newport Electric.

Sigler and Co. holds the same prominence with Newport Gas Light.

Hank and Co. is the largest share owner of Eastern Utilities Associates, which owns Blackston Valley Electric.

Rowe, Sigler and Hank are hardly household corporate names. They are not listed in standard financial references. They do not have state corporate charters. They never hold stockholders' meetings.

But they do hold enormous power because they represent the brokerage firms, the investment houses and the trust departments of the country's major banking and financial institutions.

Until last year, these stock trading companies, which are called nominees, were known only to a small group of executives who had access to a secret list compiled by the relatively unknown American Society of Corporate Secretaries.

That list was published for the first time in the June 24, 1971, Congressional Record by Sen. Lee Metcalf of Montana, who is trying to get the Senate to form a special committee to investigate the concentration of economic power by large corporations and the banking community.

"The flaw is secrecy, the remedy disclosure," Senator Metcalf said in a recent Senate speech. He intends to introduce a Corporate Ownership Report Act this year requiring the identity of propriety owners—the voters of the stock.

Since the disclosure by Senator Metcalf, the society which publishes the annual nominee list has made it available to anyone for $20.

Despite the availability of the list, it is still difficult, except in a rare court action, to find out who owns the stocks of both private and public corporations. And in the case of the public utilities, their ownership is as mysterious to the power, gas and telephone companies as it is to the public.

Yet one of the major themes in the spate of rate cases in the last two years before the Rhode Island Public Utilities Commission was that higher income was needed to attract investors who would receive an adequate return for purchasing stocks and bonds.

The general argument usually was: The stockholders want a better return. The stockholders will not buy our securities if the rate of return (profit) is not increased. The stockholders will avoid our bonds because our income is not high enough.

The utilities were constantly invoking the stockholders' interests but often even utility executives are quick to admit they do not know who their major stock owners are. And if they did, they would not release the information.

"We normally don't feel at liberty to give out what people hold," said R. Leigh FitzGerald, financial vice president of New England Electric System, which owns Narragansett Electric.

"Eastern Utilities Associates does not make it a general policy of divulging names of stockholders," said a spokesman for the treasurer of the holding company that controls Blackstone Valley Electric.

Nominees are limited partnerships of bank officials. The nominees act as stock trustees for estates, pensions, trusts, brokers or individual stock owners. So when Brown University, for example, is buying stock, it moves through Brunonia and Co., a nominee of Rhode Island Hospital Trust National Bank.

And when Rhode Island Hospital is investing, it is handled by another Hospital Trust nominee, Gerry and Co., which was named after a late hospital president, Louis Gerry.

"It's really a convenience," explained an officer in the trust section of Industrial National Bank. "It's a simple way of effecting trades. It helps in timing. We legally own the stock as a trustee."

He said the advantage of a nominee is that daily trading will not be held up while the bank or a broker tries to get the stock holder's approval. And, the officer said, many banks will not accept stock accounts "unless a nominee is named."

Could a utility find out who owned the stock beyond the nominee?

"If they came to us and would like to know who owns shares, that is something we wouldn't tell management," the trust officer replied.

The officer said that if "something controversial" was being contemplated, the nominee would "break it out" and "send out the proxies." In either case, the proxies would be returned to the nominee, and the total vote of the share owners would go as one figure to the utility or private corporation.

Doesn't this give added power to banks which already have indirect control of corporations through loan policies? he was asked.

"Very few proxies are controversial," said the officer, who asked that his name not be used. "It is not in any way meant to be a secretive operation." He agreed, however, that nominees are used in some cases to try to take over a company by stock purchases that are not in the name of the individual or corporation attempting the take-over.

An officer in the trust section of Rhode Island Hospital Trust said nominees are used "essentially for convenience in making transfers. Most officers of the bank are in nominee partnerships. They're partnerships, not bank subsidiaries. They are limited to one function—hold securities for the benefit of others.

The officer claimed that because of "legal restraints" there is no connection between the operations of the nominees and the bank's commercial department, which may be lending money to companies the nominees are considering as investments.

The only way to reveal who actually owns the stocks is to take "legal action for good, and significant reasons, such as a proxy fight," the officer contended.

Thomas J. Corrigan, securities examiner in the state banking division, confirmed there is no state control of nominees. "There are no reporting requirements, no registration," he said. "You'll have a difficult time getting information without a court order. It is private information."

Major stockholers of utilities are listed in public reports to state and federal agencies, but most of the large holders are in nominee names. As a general rule, the larger the utility, the larger the number of nominees in the list of top owners.

The only clues to owners that the nominee list offers is the connection between the "street names" and the banks and investment houses. In a few instances, the groups which use the nominees are listed, such as pension and mutual funds.

But nowhere in the nearly 100-page list is the name of an individual owner found. And to make matters worse, many stocks held by brokers are listed in the name of their special nominee, Cede and Co.

Cede and Co. represents the Central Certificate Service of the Stock Clearing Corporation, a subsidiary of the New York Stock Exchange. It is a clearing house for broker exchanges, serving the same function as a check clearing house for banks.

For example, New England Telephone has 33.5 million shares of which 23.9 million, or 73 per cent, are owned by American Telephone & Telegraph. The largest stockholder outside of AT & T is Merrill Lynch, Pierce, Fenner and Smith, with 143,067 shares. The nominees used by Merrill Lynch are not listed.

The largest nominee, Sigler & Co., holds 34,321 shares. Sigler is the nominee for Manufacturers Hanover Trust Co. of New York, one of the nation's largest banks. Sigler is used as the bank's nominee for stocks purchased for U.S. and Foreign Securities Corp., Canadian International Growth Fund Inc., Channing Funds, General Public Service Corp., Institutional Growth Fund, Institutional Income Fund and Institutional Shares Ltd.

As New England Telephone conceded in its 1970 report to the Public Utilities Commission: "Principal or beneficial owners of shares in the names of nominees other than Cede and Co. cannot be determined from the respondents' records."

Since AT&T owns New England Telephone, who owns AT&T, the country's largest-held corporate stock? Nominees and brokers are in the list of the 30 top stockholders, according to the Federal Communications Commission.

Again, Merrill Lynch, combined with its Cede holdings, is the biggest owner, with 7,258,711 shares out of a total of 549,309,779 shares.

The second-largest owner is Kabo and Co., a nominee of Bankers Trust Co. of New York, with 3,972,927 shares. Third is Cudd and Co., a nominee of Chase Manhattan Bank of New York, with 2,142,905.

Cudd, in turn, is holding the stock for a series of investment funds including American Mutual Fund Inc., Chemical Fund Inc., Equity Fund Inc., International Resources Inc. and the Investment Company of America.

Utility holding companies, such as New England Electric and Eastern Utilities Associates, come under the Securities and Exchange Commission and must file the names of shareholders who own more than 1 per cent of their stock.

The only three listed under New England Electric are Merrill Lynch, 518,411 shares, or 3.3 per cent; Hold and Co., 209,800, or 1.3 percent, and Harvard and Co., 161,968, or 1.03 per cent.

Hold is the nominee for Riggs National Bank of Washington, D.C. Harvard is the nominee of New England Merchants National Bank when it is acting for Harvard College.

Mr. FitzGerald discounted the importance of the extent of ownership by nominees. "It doesn't mean much," he said. "We have a good guess but really don't know who they represent."

As for Eastern Utilities Associates, only two big owners are with the SEC—Hank and Co., a nominee of First National City Bank of New York, 68,250 shares, or 2.5 per cent, and Wru and Co., nominee for First National City Bank of Cleveland, 36,000 or 1.3 per cent.

The EUA spokesman was asked if it bothered him not knowing the largest stockholders in the utility.

"It would bother me if there was a stockholder out there who owned 50 per cent of the company. It's none of our business who the broker holds the stock for," he remarked.

Even a small firm such as Valley Gas has a broker and a nominee as its largest stockholders. Merrill Lynch holds 13,082 out of 400,000 outstanding shares. And Comfa and Co. has 10,000.

Comfa is the nominee for the U.S. National Bank of Portland, Ore. "It's a trust for a pension fund," explained Charles Vass, Valley's treasurer. "But what pension fund I don't know."

The largest stockholder in Newport Electric is Rowe and Co., a nominee of Industrial National Bank. It holds 7,116 out of 306,236 shares. But Eugene Rankin, Newport's president, sees no difficulty with the arrangement.

"We asked them one time who they were and they're not supposed to give out that information," he said. "I can't see any problem here at all. We know who 97 per cent of them are. Close to 60 per cent are in Rhode Island and close to 50 per cent are in our territory."

The following are the major stockholders in the larger utilities serving Rhode Island. When nominees are listed, the bank or financial institution which they represent are in parentheses. The number of shares is after each owner's name.

NEW ENGLAND TELEPHONE AND TELEGRAPH

American Telephone & Telegraph	23,900,000
Merrill Lynch, Pierce, Fenner & Smith	143,067
N. Y. Life Insurance	49,500
Sigler & Co. (Manufacturers Hanover Trust)	34,321
Abraham & Co	26,904
Franklin and Co. (Fidelity Bank of Philadelphia for University of Pennsylvania)	23,000

NEWPORT ELECTRIC

Rowe & Co. (Industrial National Bank)	7,116
Paul F. Murray	5,650
Merrill Lynch, Pierce, Fenner and Smith	5,423
Gage & Co. (Rhode Island Hospital Trust)	4,975
Savings Bank of Newport	3,000

PROVIDENCE GAS

James V. Medici, c/o L. E. Carpenter Co	5,919
Robert E. Boyle of Midland, Tex	4,943
Arthur and Elizabeth Newham Jr. of Patchogue, N.Y	4,792
Sam Gitlow of New York City	4,000
Elsie C. Emery of Edgewood	3,654

NEWPORT GAS LIGHT COMPANY

Sigler & Co. (Manufacturers Hanover Trust)	13,230
Estate of George V. McLaughlin of New York City	9,626
Walter M. Jeffords Jr. (president)	7,733
Martin Foundation of New York City	6,720
United Security Life of Des Moines, Iowa	5,880

NEW ENGLAND ELECTRIC SYSTEM

(Narragansett Electric)

Merrill Lynch, Pierce, Fenner and Smith	518,411
Hold & Co. (Riggs National Bank of Washington, D.C.)	209,300
Harvard & Co. (New England Merchants National Bank)	161,968

EASTERN UTILITIES ASSOCIATES

(Blackstone Valley Electric)

Hank & Co. (First National City Bank)	68,250
Wru & Co. (First National City of Cleveland)	36,000

VALLEY GAS COMPANY

Merrill Lynch, Pierce, Fenner and Smith	13,082
Comfa & Co. (U.S. National Bank of Portland, Ore.)	10,000
Dr. Jack Roth of The Bronx, N.Y.	3,780
Charles M. Tenney Jr. of Boston	3,096
Falmestock & Co. of New York	2,500

TIVERTON GAS COMPANY

Merill Hawkins, President	273
Newport Gas Light Co	225

The following are the nominees for Rhode Island firms listed in the 1971 and 1972 nominee lists published by the American Society of Corporate Secretaries Inc.:

Brown, Lisle and Marshal Inc., Bourne & Co.

Citizens Trust Co., Howard & Co.; Ress & Co.; Swing & Co.; Tanner & Co.; Victor & Co.

Cummings and Co. Inc., Carl & Co.

Diamond, Doorley, Douglas & Co., Robert & Co.

Industrial National Bank, Battey & Co.; Broadbent & McAlpine; C. B. & Co.; Dresser & Richardson; Rowe & Co.; Text & Co.; Provers & Co.

Michael Investment Co., Alron & Co.

Newport National Bank, Aquidneck & Co.

Providence Steamboat Co. and Maurania Corporation, India & Co.

Providence Investors Co., Intervale & Co.

Rhode Island Hospital Trust, Bates & Co.; Books & Co.; Brunonia & Co.; Claude & Co.; Field & Co.; Gage & Co.; Gerry & Co.; Graham & Co.; Gray & Co.; IIF & Co.; Kent & Co.; Letts & Co.; Newman & Co.; Potter & Co.; Regro & Co.; Ruth & Co.; Sell & Co.; Silver & Co.; Sweet & Co.

Santopietro, Katz, Volatile & Co., Jud Sankavo.

The Sixty Trust, Little & Company; Silver & Co.

G. H. Walker & Co., Mears & Co.

Washington Trust Co., Perry, Baker & Co.

Allen J. White & Co., Whico.

THE EXPORT-IMPORT BANK

Mr. JAVITS. Mr. President, on June 11, the chairman of the Joint Economic Committee, Senator WILLIAM PROXMIRE, released in a committee report a compendium of papers submitted to the Joint Economic Committee—JEC—on international subsidies. This JEC report reprinted three academic studies submitted to the committee by three professors of economics.

Today, I would like to record that the views put forward in these studies do not represent my views as the ranking Republican Senator on the Joint Economic Committee and to express my own views directly.

One of the studies published in the compendium is entitled "Export Credit Subsidies and U.S. Exports: An Analysis of the U.S. Eximbank," by Prof. Douglas R. Bohi of Southern Illinois University, and my remarks today are addressed to this study only.

One of the underlying premises of Professor Bohi's study seems to me to be without foundation. Professor Bohi states in his conclusion that the United States is currently using a combination of three major programs to improve its trade balance: flexible dollar exchange rate, export promotion, and import control. Earlier in the study Professor Bohi also states that if the recent decision to float the U.S. dollar in international markets is an indication of the willingness to adjust the balance of payments by this method in the future, the logical basis for most import control or export promotion programs will be eliminated.

But the United States has never floated the dollar, is prevented by the Bretton Woods Act from floating the U.S. dollar, and the float of other currencies against the dollar also does not seem in the cards. Since U.S. policymakers cannot and are not following this option, it logically follows that they must concern themselves with more conventional export promotion techniques if our serious balance of trade and balance of payments deficit position is to be ameliorated.

This, then, gets to the crux of the substantive arguments; namely, whether the U.S. Government subsidizes exports through the operation of the Eximbank and whether the Eximbank loans are an effective means of promoting U.S. exports.

The Bohi study contends that Eximbank loans are subsidized and raises doubts as to their effectiveness in promoting exports. Since these serious questions have been raised, I think that my colleagues would be interested in this regard in the evaluation of this study by an internationally respected economist, Dr. Howard Piquet, who is well known to the Congress through his work with the Legislative Reference Service for more than 20 years and who was commissioned by the Eximbank to evaluate the Professor Bohi study.

Regarding the subsidy allegation, Dr. Piquet concludes:

> Subsidies would be involved if the Eximbank operated at a loss. On the contrary, the Eximbank has been highly profitable. Professor Bank's arguments are misleading because they imply that American taxpayers are paying for large subsidies to foreigners to enable them to buy U.S. exports, most of which they would have bought even without subsidy. In those few instances where the Eximbank has had to borrow at unusually high rates, the amounts involved have been very small. Since 1945 the Eximbank lending

> rate has been consistently higher than its borrowing rate at the U.S. Treasury for equivalent, or even longer maturities, except only in late 1969 and early 1970.

Dr. Piquet, after presenting various tables goes on to note that:

> Even during 1966 and in 1968–70 the costs incurred on some current borrowing were more than offset by the profits accrued on outstanding balances and on other current borrowings at rates lower than the Eximbank lending rate, with the result that, on an overall basis, the Bank's operations showed a profit in these years alone.

Dr. Piquet then concludes:

> Thus, even under the definition of "subsidy" followed by the staff of the (Joint Economic) Committee, current operations of the Eximbank in most years have never entailed a subsidy cost. On a cumulative basis, the Eximbank's operations have never entailed a subsidy cost.

The second principal point of contention is whether the Eximbank's loan program provides a significant stimulus to American exports. Again, the conclusions of Professor Bohi and Dr. Piquet differ markedly. After Dr. Piquet points out that export credits and the terms under which such credits are available is one of the factors involved in determining competitive advantage, Dr. Piquet makes the following analysis:

> It is impossible to prove mathematically that the Eximbank has been ineffective in stimulating U.S. exports as it is to prove that it has been effective.
>
> Because of the nature of export financing, there is a strong presumption that the Eximbank has facilitated increased exports and that, in doing so, it has not impaired the foreign trade position of the United States, nor aggravated its balance of payments deficit.
>
> Exports just don't happen. For the most part, they are closely intertwined with financing. A salesman for U.S. industrial products abroad will have little success if he cannot assure potential buyers of adequate financing. It can be generalized that purchasers in the less-developed countries simply do not have enough cash with which to purchase imports, and that even in the developed countries cash for the purpose is scarce. For example, in Japan the electric power companies are private institutions, receiving payment in Japanese yen. They do not have access to non-Japanese currencies held by the Bank of Japan. Therefore, they require supplier financing if they buy imported equipment.
>
> Every important exporting country has an export-financing facility, which finances exports at fixed, rather than floating interest rates. In the United States the current practice of commercial banks usually is to finance exports at floating rates, which means that the rate of interest is subject to change as the prime borrowing rate changes within the United States. Were it not for the Eximbank, which provides long term loans at a fixed rate (for some time 6 percent), purchasers of U.S. exports might have to borrow exclusively at floating rates, which would place U.S. exporters at a disadvantage compared with exporters in other countries.

Dr. Piquet's analysis then goes on to make a careful economic analysis of the various points raised by Professor Bohi.

Since the United States is in a period of balance-of-payments difficulties, since it is in the national interest to review carefully the export promotion activities of the Federal Government to insure that they are giving all appropriate assistance to the promotion of U.S. exports, and since the study of Professor Bohi has received widespread press attention, I felt it proper to bring to the attention of my colleagues Dr. Piquet's challenge to certain assertions made by Professor Bohi. A copy of Dr. Piquet's study is available from the Eximbank just as a copy of Dr. Bohi's study is available from the Joint Economic Committee.

I ask unanimous consent that the full text of the concluding remarks of Dr. Howard S. Piquet's study, "Export Credit Subsidies and U.S. Exports: An Analysis of the U.S. Eximbank," by Douglas R. Bohi—A Reply be placed in the CONGRESSIONAL RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

"EXPORT CREDIT SUBSIDIES AND U.S. EXPORTS: AN ANALYSIS OF THE U.S. EXIMBANK," BY DOUGLAS R. BOHI—A REPLY

(by Howard S. Piquet)

CONCLUDING REMARKS

It is incorrect to characterize the Eximbank as a subsidizing agency. Throughout its existence it has been borrowing funds from the U.S. Treasury and the private capital market at rates of interest lower than the rates which it charges its borrowers, except for brief periods over the past few years, when interest rates skyrocketed and it paid a slightly higher rate to the Treasury than its lending rate. This phenomenon resulted from the fact that the Eximbank has been following a policy of charging a standard rate of 6 percent on its loans. The average rates paid on its borrowings in the private capital market have always been lower than its lending rate.

Because of the differential between its borrowing rate and its lending rate the Eximbank is a highly profitable institution and it has been paying substantial dividends to the U.S. Treasury which, on behalf of the Government, holds all of its $1 billion of capital stock. It is misleading, therefore, to assert that American taxpayers are spending huge sums through the Eximbank to stimulate U.S. exports.

The Eximbank also provides a large and increasing volume of guarantees and insurance. It is a true bank which has been created for the purpose of facilitating exports with respect to credits, guarantees and insurance so as to place U.S. exports on a competitive footing with exports by other countries. International "credit wars" have been avoided through regular consultations held under the auspices of the Berne Union.

Efforts to prove that the activities of the Eximbank have not stimulated U.S. exports have been unsuccessful because there are too many variables of equal importance to isolate the effects of any one of them, including credit financing. Professor Bohi has demonstrated this impossibility by his mathematical equations. For the same reason, it is impossible to demonstrate mathematically that Eximbank activities have stimulated exports.

There is a strong presumption, however, that Eximbank activities have had the effect of expanding U.S. exports. Numerous banks, which according to Eximbank critics, are supposed to be competitors of the Eximbank, are on record to the effect that were it not for Eximbank credits and guarantees many exports would not have materialized.

As stated in my 1970 report:[1] "By the nature of the phenomena, a positive cause-effect relationship between Eximbank lending and increasing U.S. exports cannot be 'proved'. Correlations between the percentage increase in the Eximbank's lending, on a country-by-country basis, and U.S. exports to those countries are so intertwined in a maze of widely ranging variables that it is not possible to show any convincing relationship. The volume of exports is to strongly affected by the price relationships, relative degrees of inflation, rates of economic growth, etc., that the effects of Eximbank lending upon U.S. exports are hidden. Even with respect to some of the less developed countries in which there appears to be something approaching a positive correlation, so many variables are involved that any conclusion as to cause-and-effect relationships is rendered meaningless, if for no other reason than because the Eximbank is only one of the institutions which encourages exports to, and development in, those countries. Whether U.S. exports to any given country have expanded because of Eximbank loans or because of the operations of the Agency for International Development or of the World Bank cannot be determined.

"In the absence of statistical proof, almost all that can be done is to ask those who are in a position to know whether, in their judgment, the activities of the Eximbank and the FCIA have caused exports to be larger than they otherwise would have been.

"In the course of preparing the present report, the author talked and corresponded with a large number of bankers and exporters. In nearly every instance they have been fully cooperative in answering questions and in volunteering information and opinions regarding the Eximbank's procedures and attitudes."

Exporters and commercial bankers alike are enthusiastic in crediting the Eximbank for stimulating exports. The reply of a relatively small bank was typical in stating "We are extremely pleased with the many new provisions in the program . . . they should generate additional exports by making bank financing more flexible and providing banks with greater liquidity during periods of tight money. . . ."

Particularly enlightening was a letter recently received by the Eximbank from an important Danish importer stating that:

"As you may know, many of the major industrial countries such as the United Kingdom, Germany, Japan, Holland and others offer state-assisted financing when non-national clients such as ourselves order heavy equipment like ships, drilling rigs, cranes, machinery and so on.

"Accordingly, when we became aware of the availability of favorable financing as offered by the Export-Import Bank we gave more serious consideration to sourcing from the United States. The financing terms you make available have played a major role in our decision for the first time to order about $50 million worth of such equipment from the United States, whereas in the past we have typically sourced such equipment from other countries. Further, in the process, our staff is becoming aware of other procurement opportunities in the United States which we had not earlier had occasion to encounter. We frankly doubt that we would consider some of the U.S.A. procurement we have just made, and are now planning, if the financing you offer were not available."

To curtail the Eximbank's activities would run the risk of retarding U.S. exports. Simple logic says that if there is a presumption that the Eximbank has been doing a creditable job it should be allowed to continue to do so. If it is to do so during a period of economic expansion its powers should be enlarged.

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[1] Piquet, H. S., *op. cit.*, pp. 34–39.

Mr. FONG. Mr. President, it is my pleasure to join the distinguished senior Senator from New York (Mr. Javits) in placing in the Record the concluding remarks of the excellent report by Dr. Piquet and to once again voice my strong support for the Export-Import Bank and its activities.

As the ranking member of the Subcommittee on Foreign Operations of the Appropriations Committee, I have had the opportunity over the past several years to become quite familiar with the policies of the Bank and to closely monitor its activities on a continuing basis.

Based on this experience and knowledge, it has been, and it continues to be, my very firm conviction that the Bank has pursued, now pursues, and will continue to pursue, policies and procedures which provide necessary financial assistance, but only necessary assistance, to the U.S. businessman in his endeavors to compete in the world's marketplace. I am further convinced beyond all doubt that Eximbank provides this assistance without supplanting, or even competing with, the financial assistance already available from the private sector. And, as Dr. Piquet points out, the Bank does so without any real subsidy on the part of the Government and, indeed, at a profit to the U.S. taxpayer.

Nothing in Professor Bohi's report changed my favorable opinion of Eximbank one bit. Not the least.

And now, I am pleased to find my views completely supported by this learned report of Dr. Piquet, a man of impeccable credentials and a man well—and favorably known to most of the Members of this Congress. Dr. Piquet's reply points out the falacies of Professor Bohi's report and clearly and logically refutes them one by one.

I wholeheartedly recommend Dr. Piquet's report to my colleagues in the Senate and I particularly urge anyone who has read Professor Bohi's report to conscientiously read and consider Dr. Piquet's reply.

In closing, I am compelled to point out that at a time when there are so many real problems to be solved, so many institutions not doing a good job, and so much important pending legislation which the Congress hasn't had time to complete, it can only be wasteful folly that we must spend even a small amount of time and energy defending a truly productive and effective institution such as the Export-Import Bank against spurious criticisms from uninformed sources.

Mr. SCOTT. Mr. President, on behalf of the distinguished Senator from Texas (Mr. Tower), who is necessarily absent I ask unanimous consent that his remarks on the Piquet report on the Export-Import Bank be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Importance of the Export-Import Bank

(Statement by Senator Tower)

I would like to express my concurrence in the conclusions of the Piquet Report on the Export-Import Bank, summarized by the distinguished Senator from New York (Mr. Javits). The study analyzes the contribution of the Ex-Im Bank to our trade position. I have noted the paper by Douglas Bohi purporting to show that the Bank programs to stimulate exports are not worthwhile, and for my part I find the assumptions and conclusions of the paper to be faulty, as per the analysis by Howard Piquet. The Ex-Im Bank has in fact contributed a great deal to the expansion of our exports, and continues to merit the support of Congress.

I will note a few of the demonstrative cases for the Bank's contribution to our export activities, based simply on instances which I have observed of assistance from the Bank to the export activities of firms in my own State. Many requests from Texas for Ex-Im guarantees, insurance, and loan participations are processed and approved by the Bank in a routine fashion. In some instances, however, problems develop with regard to particular export situations which bring them to my attention. Some of these cases involve business firms which have little or no export experience or established business relationships with customers abroad. Foreign creditors seem reluctant to divert their frequently scarce resources toward their own importers in many of these situations, which frequently involve only incidental importers and/or small importers. The U.S. banks similarly have less risky domestic and larger, perhaps more profitable export and import financing to do, and due to their necessary adherence to principles of prudent financial management they do not feel in many instances that they can justify committing funds to these marginal situations.

This is an area where Ex-Im can be and is of critical assistance to the facilitation of our potential exports, with its loan guarantees, loan participations, and insurance. In these marginal instances, I have worked with the exporters, the Ex-Im Bank, and U.S. banks, to shape up an export financing package which will make the sale of U.S. goods to the foreign purchaser possible, while at the same time will give the U.S. Government adequate assurance of repayment of any funds or liability it may have on the line, and will satisfy the private financial institution that it is not taking risks beyond prudent levels. The net result is the sale of U.S. goods which would otherwise not have occurred with the benefits to the U.S. of increased employment, income, tax revenue, and a contribution toward our ability to pay for our imports and our defense and development expenses around the globe. The key factor in this whole process is the presence of a governmental back-up financing and guaranteeing operation, the Ex-Im Bank, which was able to bring together the elements of a marginal-export situation and make it an actual-export situation.

The other kind of problem export situation which normally comes to my attention is that where a Texas firm is facing competition from foreign firms on a major construction project or big-ticket product sale abroad, and the foreign firms are backed up by low-interest, favorable-terms financing from abroad. Our banks cannot normally meet this type of foreign governmental financing with totally private, market-governed resources. The world of foreign trade is a tough world, and many nations are pushing their products with subsidies of all types; their subsidized financing gives them a substantial competitive edge on us, and it is only the presence of the Export-Import Bank that gives us any chance of competing in many of these deals.

Our governmental assistance is much less heavy and much more market-justified than that of most foreign nations; we insist that our Bank be successful in making money on its operations, while the foreign government programs are usually nothing less than grants, at their taxpayers' expense, to generate export sales and employment. Many of the firms in my State have been enabled with the aid of the Ex-Im Bank to overcome the heavy foreign financial assistance edge of their competitors and to succeed in exporting their products and services where they could not otherwise have done so. These are *real* results of our supposedly "unproductive" Export-Import Bank programs—at least "unproductive" is what the Bohi paper analysis claims; I prefer to believe what I have seen and experienced to date with the Bank's programs, the concrete export sales which have helped my State's economy and which were only enabled to do so by virtue of the crucial and timely aid of the Ex-Im Bank.

The Piquet Report analyzes the operations of the Bank in some detail and counters very effectively the arguments that it is not contributive to our export activities. The Ex-Im Bank does successfully facilitate our exports, while earning a decent rate of return and paying dividends to the U.S. Government. Would that other government programs espoused by the critics of the Ex-Im Bank worked so successfully, and returned so much to the people of this country in jobs, income, tax revenue, and economic progress. I encourage my colleagues to review the material which the Senator from New York has included in the Record on this careful study of the Ex-Im Bank.

HEALTH MAINTENANCE ORGANIZATION AND RESOURCES DEVELOPMENT ACT OF 1972

Mr. KENNEDY. Mr. President, the Subcommittee on Health of the Committee on Labor and Public Welfare has held 21 days of hearings during a period spanning almost 1 year, and has heard from almost 100 witnesses concerning the subject of health maintenance organizations. This testimony, together with extensive oversight hearings in all parts of the United States and abroad contributed to much of the thinking embodied in the Health Maintenance Organization and Resources Development Act of 1972. Extensive hearings were conducted in the Health Subcommittee subsequent to the introduction of this bill on March 17, 1972.

The bill was ordered reported from the Health Subcommittee, with amendments, on June 15, 1972. On July 21, 1972, the bill was reported from the full Labor and Public Welfare Committee and, by prior agreement, referred to the Committee on Finance. On August 1, 1972, the chairman of the Committee on Finance asked that his committee be discharged from further consideration of the bill, since provisions which would have fallen within that committee's jurisdiction had been stricken from the bill prior to its referral.

This legislation, which would provide for the subsidization of health maintenance organizations, health service organizations, and area health education and service centers, has been on the Senate Calendar since August 1. Since it was reported from the Committee on Labor and Public Welfare, organized medicine has launched an intensive lobbying campaign with two goals in mind. First of all, the American Association of Foundations for Medical Care, a medical society sponsored organization, has had lobbyists visiting key Senators on the Labor and Public Welfare Committee and elsewhere. One of the representatives of the medical foundations is also a member of the house of delegates of the American Medical Association. The thrust of their lobbying effort is to support an amendment expected to be offered by Senator Dominick, which would broaden the provisions of the bill in such a way as to allow medical foundations to qualify for capital support. A justification for the action of the majority of the Committee on Labor and Public Welfare in restricting funds in title I of this legislation can be found in the committee's report. Senator Dominick has filed individual views which can also be found in the report.

The second purpose of organized medicine's lobbying effort is to delay Senate consideration of the bill for an indefinite period of time. Almost every Member of this body has received a communication from their State medical society, and representatives of the American Medical Association have approached the leadership of the Senate in an attempt to bottle the bill up.

PROHIBITION OF SEX DISCRIMINATION IN HEALTH RELATED PROGRAMS

Mr. MATHIAS. Mr. President, last year the distinguished senior Senator from Michigan (Mr. Hart) and I sponsored amendments to Health Manpower legislation designed to prohibit discrimination on the basis of sex in admissions to health-related training programs receiving Federal funds under titles VII and VIII of the Public Health Service Act. These amendments became law last November when President Nixon signed the Nurse Training Act of 1971 and the Comprehensive Health Manpower Training Act of 1971.

Under the amendments, an institution must provide satisfactory assurances to the Secretary of Health, Education, and Welfare that it is taking positive steps to assure nondiscrimination in its admission policies. The Office of Civil Rights within HEW has been delegated the difficult and often delicate task of obtaining these assurances and verifying compliance with the assurances on a continuing basis. Under the able direction of Mr. J. Stanley Pottinger, the Office of Civil Rights has been working diligently over the past several months to develop guidelines for administering the nondiscrimination provisions.

Mr. Pottinger has recently addressed the Federation of Schools of the Health Professions and discussed the steps taken by his office toward that end. Because of the numerous inquiries that I have received on the subject since enactment of this legislation, I commend to the attention of my colleagues Mr. Pottinger's remarks. While they may not obtain universal agreement, I think they will receive general respect for the honest and conscientious way in which they address a tough job. I ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

There's Someone at the Door

(By J. Stanley Pottinger)

I appreciate this timely opportunity to talk to you about HEW's enforcement role with regard to the sex discrimination provisions in the new Health Manpower Training Act and Nurse Training Act.

The thrust of the legislation is to say, simply, that sex discrimination has got to stop. Congress has spoken, and for the moment is quiet on the subject. The women who have spoken are not quiet, nor should they be. Their pulse is growing stronger, and we intend to see that their grievances are taken seriously. I hope that you will, too.

There are no uncertainties in the intent of the terms of the acts. They state:

"Discrimination on Basis of Sex Prohibited."

And that's just the caption. There's more:

"The Secretary may not make a grant, loan guarantee, or interest subsidy payment under this Title to, or for the benefit of, any school of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, podiatry, or public health or any training center for allied health personnel unless the application for the grant, loan guarantee, or interest subsidy payment contains assurances satisfactory to the Secretary that the school or training center will not discriminate on the basis of sex in the admission of individuals to its training programs. The Secretary may not enter into a contract under this Title with any such school or training center unless the school or training center furnishes assurances satisfactory to the Secretary that it will not discriminate on the basis of sex in the admission of individuals to its training programs."

Enforcement authority for these provisions has been delegated by the Secretary to the Office for Civil Rights, perhaps primarily because of our involvement with institutions of higher education in the enforcement of Title VI of the Civil Rights Act and Executive Order 11246.

Under the Health Manpower and Nurse Training Acts—to give you some idea of the scope of health profession training—the National Institutes of Health administered funds for Fiscal Year 1972 totalling $616 million.

I'd like to talk to you today from the vantagepoint of our experience in the enforcement of civil rights law, to tell you as much as we now know about how this new law will affect you and what is expected of you as a result of it. To do that—and to keep it in perspective—we first need to answer some questions the health training professions are asking:

"Why me? Why did the Congress single out the Health Training professions?"

The reason, I believe, lies in the compelling arguments of advocates of laws prohibiting sex discrimination. They have documented their case with facts like these:

Only nine percent of American physicians are women.

Although the number of doctoral degrees for women in all fields doubled between 1956 and 1965, the increases for women earning degrees in medicine, osteopathy, and pharmacy increased only about one-third; in optometry, no improvement, and in dentistry, a decrease of about one-third. At one point, Congress was reminded that one book on medical school admission requirements openly stated a policy against admission of women in several institutions.

There was a clear conviction on the part of many that the health professions imposed unofficial but firm restrictive quotas on the admission of women, no matter how qualified they might be.

Congress also wanted to increase the number of persons in the health professions, and one way to accomplish this is to draw more fully on all our human resources.

The fact that these and similar arguments were persuasive to Congress is now history.

I know as well as you that the health professions did not invent and popularize sex discrimination. Much of it is cultural, drilled into almost all of us from childhood. Bias that becomes a way of life runs very deep. If all the years of the civil rights movement of blacks and other minorities tell us nothing else, they at least show that prejudice is not confined to geographical boundaries and it is not peculiar to one economic status. We are now obligated to overcome these patterns of discrimination.

Yet, all our experience in civil rights enforcement forewarns us that:

Too much time will be lost by recipients of Federal funds asking "Why pick on me?"

Too many hours will be lost in efforts on our part to convince those who are newly affected by Federal law that it means what it says, that it will be enforced—indeed that enforcement is not an option on our part, but a legal requirement.

Too many hours will be wasted in haggling over the admission of one more person who wants to walk through the door and take his or her best shot at life.

As sure as I'm standing here, I'll wind up across the negotiating table with some administrator who is demanding to know what change is expected of him, when what he really means is "What's the least we can get by with?"

I hope that what we have learned and what the country now knows about the effects of discrimination and some of the remedies for it can be turned to advantage in this new program.

In mid-April this year, we took our first major step toward enforcement by notifying 1400 colleges, universities, and hospitals of the prohibitions against sex discrimination. We informed these institutions they must provide formal written assurance of compliance and provided copies of the form for them to sign. We also sent along an explanation of the form. Hundreds of these signed assurances are already in our office and more are coming with every mail delivery.

Let's examine what the institution committed itself to in signing that assurance of compliance. There are several commitments involved. Chief among them:

First, that it will not discriminate on the basis of sex in the admission of individuals to any training program in the educational unit which provides the assurance.

Second, that each educational unit agrees that it will not operate any training program funded under Title VII or Title VIII of the Public Health Service Act for the benefit of, or in affiliation with, any other educational unit which discriminates in admissions.

Therefore, what one unit does may well have a bearing on the other.

Third, that each educational unit agrees to furnish information and to permit reasonable access to its records if requested by the Director of the Office for Civil Rights.

There is a lot more to an assurance of compliance than paperwork to be moved on to the next desk and promptly forgotten.

The enforcement of Title VI of the Civil Rights Act of 1964 began with a simple assurance of compliance. Before we reached the present stage of desegregation in the 17 Southern and Border states—imperfect though it may be—HEW had cited 600 school districts for hearing before a Federal examiner. Another 650 school districts are under court orders that for the most part remain in effect today. This litigation cost millions of dollars and it drags on for years. I hope that we do not encounter either the volume or intensity of resistance in the field of sex discrimination. My purpose in pointing to the history of the school desegregation program is simply to emphasize that the change is coming and the time to get on with it is now—not after complaints are made or compliance reviews are conducted.

Several weeks elapsed between enactment of the antidiscrimination provisions on sex and the issuance of the assurance of compliance forms. To assure that no delays in awards to institutions occurred on this account, we formulated our enforcement program in close cooperation with the National Institutes of Health. To our knowledge, no unwarranted delays occurred in awards.

Perhaps of greater importance is the element of time insofar as the impact of these new provisions on sex for the 1972–73 academic year.

An institution becomes subject to enforcement of the nondiscrimination provisions when an assurance of compliance is executed and an award is made to the institution under Title VII or Title VIII of the Public Health Service Act.

Since most student admissions for the 1972–73 academic year were made before these two steps could be taken, the full impact of the new law will not be felt until the 1973–74 academic year. In the interim, we will begin conducting compliance reviews. We are also now writing the Regulation which will formally govern the program.

In the explanation of the assurance forms that we provided each affected institution, there is a special section on the meaning of nondiscrimination. I would urge a close and careful reading of it. The explanation is important because a substantive part of the Regulation can be expected to be based upon it.

I will not attempt to recount here all the things that the explanation covers, but we can touch on a few of them:

An educational unit subject to the assurance may not treat one individual differently from another on the basis of sex, in determining whether he or she satisfies any condition for eligibility or admission.

The criteria for admissions must be free of bias. For example, applicants cannot be ranked separately according to their sex—nor can the standards for ranking applicants by use of grades or other means differ by sex.

Recruitment procedures must encourage potential applicants of both sexes. One way to accomplish this is to specify an unbiased policy in recruitment materials.

Nondiscriminatory admission to a training program includes all the rights, privileges and opportunities that go with admission.

Administrative criteria or methods which result in discrimination on the basis of sex would constitute a violation. This means that an institution will want to take a careful look at all its services, financial aid, and other benefits or facilities provided in the training program.

From all this you can see that the requirements regarding admission extend to the treatment of individuals after they have gained admission. This stems from the fact that students of a sex which is not accorded full equality would obviously be reluctant to apply to an institution which is known to discriminate after admission.

One other point—the law is clear that all institutions, including single-sex institutions, may not discriminate. While the law does not provide for a transitional period, we recognize that such a period may be required for some single-sex institutions if facilities such as dormitories or recreational facilities must be renovated or constructed.

Experience has shown, however, that conversions of this kind can take place in a relatively short period of time, and it will be our policy to insure that institutions faced with real problems of this kind act to solve them as promptly as possible.

Under Title VI of the Civil Rights Act, our office has conducted more than 700 on-site compliance reviews of institutions of higher education. These reviews, of course, focused on race, color, or national origin. We plan to administer the new provisions on sex discrimination in conjunction with the Title VI higher education program. In fact, we are creating a new higher education division in the office to give this area of enforcement greater effectiveness.

It is our sincere hope that institutions affected by this new law will move quickly to evaluate the extent to which they are serving both sexes, and develop plans of action to deal with the inequities that exist.

LABOR-HEW VETO

Mr. CRANSTON. Mr. President, once again the President has indicated his misdirected sense of priorities by vetoing legislation directed to meeting the social needs of the Nation.

His action in vetoing the Labor-HEW Appropriations Act for fiscal year 1973 once again plunges the Nation into uncertainty as the Nation's health and education institutions and State agencies are prevented from planning their programs for the fiscal year within the context of a firm budgetary figure.

His threat to veto any measure that appropriates any funds over the inadequate budget he proposed ignores the weeks of testimony from the public received by Members of Congress, and ignores the experience and judgment of the members of the Appropriations Committees in both Houses who devoted so much of their wisdom and energies to developing this act.

His arbitrary decision ignores the basic concept that the matter of governing is a shared responsibility, not an autocratic system where the legislative body merely rubber stamps the executive branch's decisions, as the President seems to believe.

The distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), has stated very clearly that Congress has ordered its priorities by reducing funds for military procurement and refusing to accept the foreign military assistance authorization level recommended by the President. The amounts reduced from these programs—almost $2 billion—substantially exceed the amounts Congress recommended for social, education, and health programs—$1.8 billion—over the amount suggested by the President.

The President does not agree with Congress and threatens to prevent any appropriations act from becoming law unless Congress acquiesces in his priorities and his figures.

I believe Congress is much more atuned to what the public needs are than is the President.

In Congress, we are fortunate in having more opportunity for direct and meaningful contact with the individual citizen and his needs. The citizen also has easier accessibility to us. Mr. President, it is my firm conviction that Congress' view is representative of the people's view. We would be abdicating our responsibilities to the people and the Nation if we bowed before the President on this issue.

HEALTH

In the health area, the President's budget request presented litle more than a stand pat position in committing Federal resources to resolving the enormous problems facing the Nation. Congress has met the challenge of a stepped up national effort and has recommended realistic levels of funding which experience has demonstrated are vitally needed and can be effectively used.

The President's budget would result in severe deficiencies in programs for mental health, for the development of the critically short health manpower we so desperately need, for programs in basic and applied biomedical research, and for the development of improved systems for providing health care.

I was surprised to note the presidential claim of full credit for proposing the Comprehensive Health Manpower Training Act of 1971. As a member of the legislative committee which spent many months in first writing this act and then many weeks in conference with the House in refining it, I am surprised at his proprietary attitude toward the bill. In fact, the bill as finally agreed upon bears little resemblance to the proposal made by the administration.

The President's statement that his administration has consistently proposed and supported desirable programs in both the health research and health service areas is also difficult to square with reality.

Time after time we have sat at hearings listening to administration witnesses testifying in opposition to legislative initiatives taken by Congress, offering as an alternative only the statement that the administration is studying the problems and will come up with a positive proposal at some future date.

EDUCATION

Mr. President, in the area of education this veto is a cruel disappointment to America's educators, the children they serve, and America's parents. We are reminded endlessly by this administration of the desperate financial straits into which our schools have plunged. But when it comes to matching rhetoric with action, we find the President vetoing a major appropriations bill for education for the third time in his 4-year term. I find that record to be shocking.

Those school districts which depend upon Federal impact aid funds will be particularly hard hit. And so will those schools which serve high concentrations of disadvantaged children who depend upon title I funds for advancement of special programs. So will property tax payers, if local efforts are made to make up for the President's folly.

And what about our school libraries?

What about vocational education, to which this administration has expressed a strong verbal commitment?

What about bilingual education funds to serve the needs of Spanish-surnamed in this country, and other bilingual children?

What about education programs for the handicapped?

What about those programs this administration has termed "national priority programs," like drug abuse education, environmental education, elimination of illiteracy through the right-to-read program?

Mr. President, I would remind the Senate of the United States of a national commitment that was voiced in 1968:

> When we talk about cutting the expense of government—either Federal, state or local—the one area we can't shortchange is education. Education is the one area in which we must do everything that is necessary to achieve the American dream.

Those words, Mr. President, are the words of Richard Nixon. But what we find in the reality of 1972 is not a commitment to "the American dream" but rather the cold cynicism that will fuel the American nightmare.

MANPOWER

In the area of employment, the President frequently talks about his attention to full employment strategy—he did so while vetoing the 1970 Comprehensive Manpower Act. Yesterday, he further strained the credibility of his administration and its rhetoric by vetoing the $1.25 billion appropriated for Emergency Employment Act programs—a figure he himself submitted—within the Labor-HEW Appropriations Act. This is a program that in June employed over 169,000 Americans.

This means: 169,000 persons who now must continue to be uncertain whether their jobs will be there tomorrow; numerous administrators in numerous counties and cities who now have no firm data with which to plan their payrolls and programs; and unlimited numbers of individuals served, surely the real victims of Nixonomics, who now have no assurance that their teacher, policeman, aide, or program will continue.

In practical terms, this veto means that any expansion of the EEA public service employment program this fiscal year will be delayed for at least another month and probably longer in counties and cities all over the Nation who had submitted applications for expansions of their grants out of the additional $250 million which this act would have made available above the $1 billion expended in fiscal 1972. Now, expenditures can only continue temporarily and are frozen at that level.

Mr. President, continuation of the President's counterproductive approach to the urgent problems of unemployment in this country casts serious doubt on the ability of the present administration to address itself to the needs of working men and women in America—at a time when "real" unemployment is estimated at nearly 26 percent.

His expressed concern for fiscal responsibility strikes me as being in conflict with the actions of numerous Senators of a conservative fiscal philosophy—on both sides of the aisle—who voted to approve the conference committee report by an overwhelming margin of 62 to 22. Indeed, it appears that the consistent policy of the Nixon administration is not fiscal responsibility or even fiscal conservatism, but fiscal extremism.

SOCIAL SERVICES

The President makes repeated reference in his message to the necessity for a limitation on social services, without noting that the Federal revenue-sharing bill, just reported by the Senate Finance Committee, contains such a limitation. I share the concern about the ramifications of an unlimited social services program, with no established standards regarding who is eligible for the services, the quality of the services, which State moneys may comprise the 25-percent State share, and for what purposes and which priorities these funds are expended. I intend to work closely with other Members of the Senate in attempting to resolve this difficulty. However, totally depriving States and, more importantly, the individual recipients an appropriation to provide the basic benefits which this important program can offer is, in my view, an act of irresponsibility on the part of the President.

CONCLUSION

Mr. President, of the $1.8 billion by which the act exceeded the President's budget, more than $1.6 billion were for health and education programs. These should be and are for me a No. 1 priority. It is clear the President does not agree.

A YEAR OF ECONOMIC PROGRESS

Mr. BROOKE. Mr. President, it has been a year since President Nixon announced his new economic policy—a policy designed to curb inflation and expand employment.

On August 15, 1971, the President announced a 90-day freeze on wages and prices. This was followed by the current program of flexible wage and price controls.

I think it is important for us to assess the progress we have made in 1 year.

The record shows:

The Consumer Price Index—often called the "cost of living index"—has increased at an annual rate of 2.7 percent since last August, compared to 3.9 percent registered in the 7 months preceding the freeze, a rate of over 5 and 6 percent during 1969 and 1970. The annual rate of increase for the most recent 3 months is even better—2.2 percent.

On the wage scale, real spendable weekly earnings for the average American worker have increased at a rate of 4.5 percent during the entire economic stabilization program. When considering the 0.8 percent growth these earnings registered during 1970, and the period of virtual stagnation during the previous 6 years, the real growth becomes a remarkable achievement. It is not how much money a worker gets, but how much his family gets for its money that counts.

Several news articles and editorials have summarized the progress of the economic stabilization program. I ask unanimous consent that a representative sampling be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 13, 1972]

ECONOMIC ANNIVERSARY

A year ago on a Sunday evening in mid-August, President Nixon went on television to loose three economic bombshells—the floating of the dollar, the freezing of wages and prices, and a big package of tax cuts in the face of a big budget deficit. This was his New Economic Policy, an about-face from the policies his Administration had pursued through its first two and a half years.

An alarming worsening in the balance of payments, signs that inflation—after a brief slowdown—was again accelerating, and the persistence of unemployment had combined to force adoption of policies similar to those the Administration's political opponents had long counseled—and which Mr. Nixon and his advisers had vociferously denounced.

Although the American economy still bears scars of the long delay in changing the original Nixon game plan, the N.E.P. appears to be on the way to success in most respects.

INDUSTRIAL RECOVERY

The economy is rising strongly. The total output of goods and services, corrected for inflation, rose at an annual rate of 8.9 per cent in the second quarter of this year. Even though so spectacular a rate of increase cannot be expected to continue, it still appears likely that real gross national product will climb by nearly 6 per cent in 1972 and that this increase will continue well into 1973.

The economy's recovery has been accompanied by a slowing of inflation—partly due to the delayed effect of the long recession and the wide gap it opened between the country's actual operating rate and its potential, partly to the increase of productivity, and partly to the impact of wage-price controls.

After rising at an annual rate of nearly 6 per cent in 1970 and the first half of 1971, the price index for the economy as a whole slowed to a 2.1 per cent rate in the second quarter of this year. It will almost certainly not stay so low for the year as a whole; yet the chances are good that 1972 will see a rise of only about 3.5 per cent for the over-all price index.

WORRISOME UNEMPLOYMENT

Unemployment has also come down from the 6 per cent plateau. However, five million workers, 5.5 per cent of the labor force, are still out of work, and the outlook is for unemployment to stay above 5 per cent for the rest of this year and 1973 as well. The Administration is unduly complacent about so high a level of joblessness.

Even granting that some structural changes in the labor force may make the attainment of full employment more difficult today than in earlier years, the White House deserves criticism for its failure to launch a more forceful direct attack on unemployment. It has depended too much on general fiscal and monetary policies to deal with idleness that result from social causes, imperfection in labor markets and shifts in job availabilities.

The Employment Act of 1946 did not imply a goal of "maximum employment" to mean whatever unemployment rate existed as long as business was in a boom or semi-boom. The time has come for the statutory pledge of full employment to be interpreted—by this or any future Administration—to mean that every American who wants a job can be assured of getting one—either in the private or the public sector.

DEVALUED DOLLAR

In the international area, the Administration warrants great credit for severing the link between the dollar and gold and for forcing a realignment of exchange rates. Sooner or later this will mean a strengthening of the American balance of payments, although the nation is far from out of the woods. Compared to the enormous monetary drain in 1971 there has already been much improvement. That is true even though the balance of trade has worsened, due to the initial effects of dollar devaluation.

While the Administration can be faulted for the rough bargaining tactics used by former Secretary of the Treasury Connally, the over-all international strategy of the Administration was correctly based on the conclusion that the United States dollar was overvalued. The net devaluation of the dollar by 12 per cent has reduced this country's cost and price structure relative to its foreign competitors. The White House has sought to pressure other countries into granting unilateral trade concessions to the United States. Thus far, the Administration has little to show on the trade front and it has raised doubts about its commitment to maintaining close economic and political relations with its allies. Indeed, the Administration's balance-of-power approach to economic policy—with this country playing a lone hand among the Western European countries, Japan and the Communist states—could split the Western world into antagonistic blocs.

Mr. Nixon, furthermore, remains too willing to yield to protectionist demands of some industries and labor unions, although it must be granted that those pressures have been intense. Full employment policies would do more than any other thing to contain protectionist demands.

One of the major pieces of unfinished business facing the Nixon Administration or its successor will be the negotiation of reforms in the international monetary system. The more cooperative attitude and actions the Federal Reserve and Treasury have displayed toward other nations in recent weeks have improved the outlook for the international monetary negotiations that begin in Washington next month.

POCKETBOOK CONTROLS

Short of embracing Marxism, no economic approach was more abhorrent to President Nixon in his first thirty months in the White House than the notion that an inflation-beset economy might benefit from mandatory controls on wages and prices. It was an item of dogma for him that such controls never had and never could work in a democracy except in periods of total war.

In the year since Mr. Nixon imposed a ninety-day freeze as Phase One of his embarkation on a regulated economy, his Administration has been giving a generally persuasive demonstration that, even in the face of hostility from most of organized labor, controls can moderate the wage-price spiral without stifling economic growth or building up a monstrous bureaucracy.

It is true, however, that the evidence remains inconclusive, both as to how fairly the program has been applied thus far and, even more, as to how adequate it is to meet the triple-barreled challenges just ahead of faster business expansion, mounting Federal deficits and a heavy 1973 calendar of union demands in major industries.

LOOPHOLE ON FOODS

Most observers give the Price Commission high marks for the vigor with which it has sought to achieve its goal of holding the over-all level of price increases to 2.5 per cent, but the exemption from controls of raw foods has proved a handicap so severe that the commission itself vainly appealed for White House action to put the whole family market-basket under ceilings.

The Administration response, born of reluctance to tangle with the farmers in an election year, was to settle for a much milder curb, a temporary lifting of meat import quotas. That hole in the price net makes it probable that 1972 will end with the price level a full percentage point above the anti-inflation target. On top of that, the high level of second-quarter corporate profits has brought a fresb deluge of labor complaints that the whole program is unfairly loaded in favor of big business.

The Pay Board, aided by a relatively light collective bargaining schedule, did an even more effective job than the Price Commission after an exceedingly rocky baptism. Despite the walkout of four of its five union members, the board has succeeded in trimming first-year pay increases in new contracts involving large unions from better than 11 per cent in the year before controls to just above 7 per cent now.

Even the rampaging construction unions, operating under a semi-autonomous stabilization mechanism of their own, have come way down. More important, the wage regulators faced up to such tough customers as the East and West Coast longshoremen on the need for shaving negotiated increases that would have torpedoed the whole control effort—and did it without touching off strike defiance of the kind British dock workers are currently directing against that country's new Industrial Relations Act.

WAGE GUIDEPOST

The combined average of increases approved for organized and unorganized workers is running at 4.9 per cent, well below the 5.5 per cent basic yardstick established by the Pay Board last November. It will meet this week to consider cutting the guidepost still lower, though there is no prospect it will come down to the old Kennedy-Johnson productivity standard of 3.2 per cent. Much more progress toward price stability will have to be made before that becomes a realistic guidepost for pay envelopes.

The real election test for both parties will be to tell the country what monitoring machinery they plan to hold the line of wages and prices. An abrupt termination of controls when the present Economic Stabilization Act runs out next April would almost certainly reactivate the senseless leapfrog which wiped out the purchasing power of higher wages before workers could get to the supermarket to spend them.

It is plain that the factors of monopoly power in big industry and big labor which prompted a conservative Administration to move from Adam Smith to John Maynard Keynes are only temporarily in check. The question now is how best to balance the imperatives of social responsibility and economic freedom when Phase Two ends.

[From the Baltimore Sun, Aug. 13, 1972]

Reviews Are Mixed: Controls on Economy End an Uncertain Year

(By Art Pine)

WASHINGTON.—President Nixon's new economic policy marks its first anniversary this week amid generally mixed assessments about its effectiveness in solving the nation's economic problems.

Twelve months after the dramatic beginning of the President's new program, there is widespread agreement that the policy has been "moderately" successful—with some gains, and a few setbacks as well.

However, serious problems still remain. And new pressures have appeared that economists warn could wipe out some of the progress made over the last few quarters.

In short, the battle is far from won.

It was last August 15 that Mr. Nixon announced to an unsuspecting world his sweeping new measures—a 90-day wage-price freeze, a series of tax cuts and suspension of convertibility of the dollar into gold.

His objectives were ambitious ones—to slow inflation, to spur the nation out of recession, to rescue the dollar in the world's currency markets and to defuze the economy as a political issue.

Now a year later, the tally shows some positive results:

The rate of inflation has slowed measurably, with the upward spiral effectively blunted. And both prices and wages are rising less rapidly now than they were before last year's freeze.

OUTPUT GROWING

The economy has begun a solid recovery from the 1969–1970 recession, with real output now growing at a sharp 8.9 per cent annual rate and employment increasing at a near-record pace.

The United States has succeeded in bringing about a major realignment of world currency exchange rates, including a needed devaluation of the dollar, paving the way for reversal of the balance of payments deficit.

The wage-price control that the President set up appears to have dampened inflationary expectations some, giving the administration an "activist" image that has helped mellow political criticism.

At the same time, however, the scoreboard contains some minuses as well, which some economists fear could upset some of the past 12 months' successes:

A runaway spurt in the federal budget deficit, along with anticipated jumps in wage-settlement levels and in food prices next spring, is threatening to revive inflationary pressures.

SLOW DROP IN UNEMPLOYMENT

Although the economy is recovering, the nation's unemployment rate has only recently begun to recede from the 6 per cent level, and analysts project a continued slow decline. The rate is now 5.5 per cent.

Despite the currency realignment, the dollar remains weak and the nation's trade any payments balances have not begun to improve. Moreover, uncertainty plagues the monetary system, with reform still far off.

While the wage-price controls appear to be functioning, polls show that voters view them as ineffective and unfairly administered. And some economists fear that a resurgence of demand may intensify the inequities.

As might be expected, the Nixon administration's appraisals view the new policy as a resounding success, even though White House economists were against the controls last year, and still see them as only temporary.

Democratic economists concede there has been progress, but complain that the controls are poorly structured. They also argue that the administration ought to be able to bring unemployment down more rapidly.

The debate is being heightened by two other questions that inevitably come up in any evaluation of the wage-price restraint program: Were the controls really necessary? And are they being administered fairly?

Those who oppose the controls argue that inflation would have slowed just as much without them as a result of the effects of the 1969–70 recession. Prices actually began slowing in late 1970, they point out.

And some critics, notably from organized labor, contend the restraints have been tougher on wages than on prices. They cite as evidence the fact that despite the controls profits are rising to record levels.

SOME HELP FROM CONTROLS

To be sure, no one can say with certainty just what the inflation rate would have been now if the controls had not been in place. Most economists feel they have been of some help, but are not sure how much.

However, administration officials contend—with support from most mainstream economists—that even so, the government almost certainly would not have been able to spur the recovery as fast had there been no controls.

"The presence of restraints," agrees a Democratic economist, "in effect forced businessmen to hold down prices while the economy was recovering. Without any controls, you couldn't have risked this sharp a rebound."

On the question of fairness, again the statistics can be used to back up either viewpoint. Wages have slowed a bit more than prices, but workers' real earnings, adjusted for inflation, are rising for the first time in years.

The view of most economists is that wages have indeed been checked more effectively than prices, if only because the guidelines are enforced automatically by employers. Whether the gap is unfair is open to debate.

The big question, however, both on the domestic and the international fronts, is what happens next? Will the new economic policy be able to cope with a second year of problems, or will new steps be necessary?

As administration officials have conceded, the new economic policy was launched at a time when conditions were conducive to success of the program—a slack domestic economy, and a world waiting for a U.S. initiative. Whether the policy can be effectively adjusted to cope with a prolonged expansion remains to be seen. Already there are some indications that the road ahead is likely to be rough.

NEW ROUND OF BARGAINING

On the domestic side, the relatively light pressure from wages will be intensified next year by a new round of collective bargaining settlements. And the spurt now in wholesale prices is expected to spur retail prices again.

There are serious questions on how well the controls system, which was designed for a slack economy, will be able to stand up as demand increases. Many economists expect the strain to produce intolerable distortions.

On the international front, the U.S. will be torn between conflicting forces—the need for prompt reform of the monetary system, and the desire for a grace period in which to bring its payments balance into surplus.

Although talks are formally beginning late next month, the delay so far already has strained relations with other nations and has brought on new capital controls. The spirit of last December's monetary pact has weakened somewhat.

Administration strategists believe a first step in coping with next year's inflationary pressures lies in tightening the present 5.5 per cent wage guideline—a move they have hinted at in the past three or four weeks.

Indeed, the Pay Board and the Price Commission have scheduled a rare joint meeting for tomorrow to discuss just such a step The odds are, however, that any firm decision will be put off until prices slow somewhat more.

In the longer run, however, the administration will have to face the more fundamental problem of how long to retain the wage and price controls, and of what to replace them with once it finally removes them.

Democratic economists have urged the administration to trim back its program next year to a voluntary "guidepost" system, applicable only to the large so-called "price leaders" in each industry

WILL NOT DISCUSS OPTIONS

But some analysis contend that more may be necessary—perhaps some mandatory controls on a permanent basis, and new "structural" changes in the economy to break up monopoly and make business more competitive

So far, administration officials have refused even to discuss any such options, arguing that to do so would "only undermine" the operation of the Phase 2 program.

But officials acknowledge that the President probably will have to announce some decision early next year, in time to let Congress know if he wants the authority for the program extended beyond its April 30 expiration

Speculation now is that the administration will begin phasing out the controls program—a job it already, in fact, has begun—immediately after the November election, with an eye to finishing the task next spring.

Observers also suspect there may be some "interim" extension of the program, for another six months or so, if inflation has reignited, or has not improved by then. But no decision appears to have been made.

[From Time magazine, Aug. 21, 1972]

Profits—A Controversial Comeback

Anyone who happened to overhear random conversations around the Price Commission last week probably decided that its next report will have to be issued in a plain brown wrapper. The commission's economists were talking about a plan with the multi-entendre name of "re-virgination." At first glance re-virgination would seem to promise a return to a state for which there is little nostalgia. The idea is that, at the commission's urging, corporations would roll back many of their recent price increases and make refunds to customers who had been forced to pay them. That is hardly an attractive proposition by itself, but managers of some big companies have expressed interest in re-virgination because it includes an enticing reward for such rollbacks: companies would no longer be subject to the commission's limits on profit margins. In effect they would be returned to a state of pre-controls innocence.

CRESCENDO

Under the commission's present limits, a company that has raised its prices during Phase II may not increase its margins—that is, profits as a percentage of sales—above what they were in a certain base period. The base is the average of the best two years between 1968 and 1970. Many a corporate chieftain deeply wants to be out from under those constraints because earnings are rolling in faster than they have in years.

New York's First National City Bank reports that a group of 1,368 big companies totted up 15% more earnings during the first half of 1972 than in the equivalent period a year ago, and profits in the second quarter were up 16%. Estimated profits after taxes for the whole economy rose to an annual rate of $53 billion, a record (*see chart*). Alan Greenspan of TIME's Board of Economists predicts that after-tax earnings in this year's fourth quarter will run 19% higher than those a year earlier. Says Raymond Jallow, senior vice president of United California Bank: "We see very much of a boom in profits in the second half of this year."

Nearly all industries are enjoying an earnings bonanza, which suggests that it is based on a solid, sustained expansion of the whole economy. Profits were up in 27 of the 32 industries in Citi-Bank's study, and the list of companies that have reported an after-tax earnings gain of 20% or more in the second quarter is impressive—General Motors, Ford, IBM, Sperry Rand, DuPont, Union Carbide, Caterpillar Tractor, International Paper, B.F. Goodrich, Eastman Kodak and Zenith, Small firms in the same fields are often doing even better, according to Michael K. Evans, president of Philadelphia's Chase Econometrics, "because they were hurt worse in the recession and so are starting from further back."

Though the strong surge is a healthy economic sign, it is stirring a controversy over whether earnings are growing too fast, especially for a controlled period in which wages are not expanding nearly as rapidly. The argument is bound to become louder as the election approaches and will probably reach a crescendo next year, when an exceptionally high number of contracts with important unions are due to be renegotiated, including those of the Teamsters and the United Auto Workers.

Labor leaders and some Democrats argue that current profits are steep enough. They point out that the recovery has been slow going for everyone, not just investors who relish high corporate earnings. Furthermore, thanks to tax breaks granted to business by the Nixon Administration, corporations have more money available for reinvestment and expansion than just the profits that they report to stockholders. By taking advantage of the accelerated-depreciation program, a firm can increase its cash flow with funds deferred from current taxation. Finally, there is a basic question of income equity. Profits are advancing at a much faster rate than personal income, which has barely managed to keep pace with inflation over the past few years.

THE ENGINE

On the other side, businessmen maintain that, far from being too steep, the rate of profit gain in the current economic recovery is low by past standards. Earnings have rebounded by only 18% in the past year and a half—the slowest comeback, by most measures, that has followed any recent U.S. recession. Average after-tax profit margins are today running at about 5% of sales, whereas they hit 7% during the boom years of the '60s.

Among other things, businessmen insist, higher earnings are really needed to help finance the building of new plants and the purchase of new machines. These capital investments create business growth, which would knock down the nation's persistent and demoralizing high unemployment rate. July's jobless rate at 5.5% remained unchanged from June.

John Maynard Keynes called profits "the engine which drives enterprise." Millions of Americans depend on that engine to a great degree not only for their jobs but also for financial growth through profit-sharing funds, pension funds and dividend payments. Profits are used to enrich not merely a relatively few corporate managers and big shareholders but also masses of wage earners. When profits are perking up, a company's management is more willing and able to grant wage and salary increases to its employees. High-profit companies can be expected to spend more than low-profit firms to invest in antipollution devices or to hire, train and promote the hard-core unemployed.

Still, many critics question whether the earnings of America's corporations should benefit as directly as they now do from Government tax policy, especially since money is so sorely needed to pay for progress in the public sector at a faster rate than private companies seem willing to finance it. No matter who wins the election in November, businessmen can probably expect their corporate treasuries to be hit in the next round of tax reform.

[From the Christian Science Monitor, Aug. 14, 1972]

Nixon Team Touts Economic Success: Cabinet Members and Advisers Produce a Wealth of Figures To Demonstrate U.S. Recovery and Turn Democratic Hopefuls Pale

(By Harry B. Ellis)

WASHINGTON.—President Nixon is trotting out an economic success story, using a string of Cabinet officers to proclaim it, on the first anniversary of his new economic policy.

The favorable figures on unemployment, inflation, U.S. economic growth, and wage earners' purchasing power must make chilly reading for Sen. George McGovern and the Democrats.

Even allowing for an election year, which makes presentation of the figures rather slick and glossy—and discounting the fact that some degree of economic recovery was on its way anyhow—the record of the past year is impressive.

ACHIEVEMENTS LISTED

Consider this:

Unemployment is down from 6.1 percent in August, 1971, to 5.5 percent today, and in the same period 2.2 million new jobs were created.

Worker's real earnings—spendable income after taxes and the effects of inflation are deducted—are rising at an annual rate of 3.8 percent, after several years of stagnation.

Productivity, or output per man-hour, shot up at an annual rate of 6 percent during the second quarter of 1972, an increase over the 4.5 percent rate in the first quarter of the year.

A direct result of productivity growth was the lowering of the unit cost of labor, which weakened the pressure of cost-plus inflation.

"The rate of inflation," declared Treasury Secretary George P. Shultz, "after peaking at 6.1 percent in 1969, dropped to 5.5 in November, 1970, to 3.8 in August, 1971, to 2.7 percent after the wage-price freeze, and currently is running at less than 3 percent."

The real gross national product of the United States, added Mr. Shultz, grew at an annual rate of 8.9 percent in the second quarter of 1972, with the forecast being a trillion.

Strike activity was the lowest since 1964. "In May, 1972," said Mr. Shultz, "fewer people were on strike than in any May for 30 years."

WHY FEW STRIKES

"When the healthy increase in real earnings," comented Secretary of Labor James D. Hodgson, "is coupled with the slight reduction in unit labor costs and the rapid gains in productivity, it is easy to see why we have had this year of industrial peace.

"Both labor and business have witnessed satisfactory developments—labor in the form of higher real earnings and business in the form of higher productivity and an end to the rapid increase in unit costs.

"As a result, the period of the economic-stabilization program has been characterized by an eight-year record low in industrial work stoppages."

These were some of the views expressed by Mr. Nixon's top economic advisers, who met with the press for an all-day briefing on the results achieved by phases 1 and 2 of the wage-price program.

ADMINISTRATION SPOKESMEN

Taking part in the discussion, in addition to Mr. Shultz and Mr. Hodgson, were Treasury Undersecretary Paul Volcker; Caspar W. Weinberger, director of the Office of Management and Budget; Donald Rumsfeld, director of the Cost of Living Council; Secretary of Commerce Peter G. Peterson; and Herbert Stein, chairman of the Council of Economic Advisers.

All speakers carefully sidestepped questions about when, and under what conditions, wage and price controls might be lifted from the economy.

Dr. Stein stressed that the controls imposed last Aug. 15 were "temporary and self-limiting," because they were addressed to specific economic problems, now on the way to solution.

"But," he added, "no decision has yet been made as to when and how the control program will be lifted."

NOW FAVORS CONTROLS

Treasury Secretary Shultz acknowledged under questioning that he had been an early opponent of controls, because "there is no ducking" the fact that wage and price controls involve "a loss of freedom." But he had come to regard the control program as "essential to regain control over the economy."

All officials expressed anxiety lest Congress, currently "on a spending spree," as one put it, wipe out gains achieved by inducing a new round of inflation.

Mr. Weinberger saw a "very worrisome threat" to economic stability by the tendency of Congress to vote more funds for programs than the President requested.

He cited the House passage Aug. 9 of a $30.5 billion appropriation bill for education, health, and welfare programs—$1.8 billion more than Mr. Nixon had sought.

OVERSPENDING CRITICIZED

Such overspending, as the administration sees it, must be curbed through a rigid ceiling on federal spending, if future budgets are to be kept in rough balance. The President, Mr. Weinberger noted, has suggested a $250 billion ceiling on government spending.

Critics claim that adoption of an ironclad ceiling would force cutbacks in essential social programs, as unavoidable expenses in interest on the national debt, committed welfare and veterans' payments, and others—rise.

Administration sources agree that cutbacks would be required, but contend this would be better than "another round of inflation, high taxes, or both." The latter, said Mr. Weinberger, would result from the "dangerous spending path," now being pursued by Congress.

"Clearly, it seems to me," Mr. Weinberger declared, "a vote against our rigid spending ceiling is a vote for higher taxes."

DEMOCRATS TARGETED

Thus he signaled the administration's intention to pin a high-tax label on the Democrats during the coming election campaign.

A number of independent economists, including analysts of the Brookings Institution forecast that the expanding costs of existing federal programs will equal or outrun the growth of federal revenues over the next four years.

Thus, according to these analysts, federal initiatives to meet top-priority national need in coming years must be financed "by a tax increase, or by cutting back existing programs, or by a combination of both," as a Brookings report describes it.

Nixon administration strategy, as it emerged from the discussions, will be to focus voter attention on the statistics and improvement, and to stress a federal spending ceiling as the way to avoid higher taxes.

ESTIMATE OF DEFICIT

A $250 billion ceiling, Mr. Weinberger estimated, would result in a $3 to $4 billion deficit on a "full-employment budget."

The full-employment budget concept call for estimating both revenues and expenditures at the level they would reach under conditions of full employment as defined as 4 percent of the labor force out of work and a high degree of plant capacity being used.

Currently full-employment conditions do not exist. The economy is running at three-quarter capacity and 5.5 percent of workers are jobless. Thus the actual budget deficit for the fiscal year which ended June 30 now is estimated at about $23 billion.

Figured on a full-employment basis, this deficit shrinks to $3.6 billion. With the economy approaching conditions of full employment, this size deficit could be sustained in the immediate future, administration economists say.

FISCAL WARNING

"But," warned Mr. Weinberger, "if you run substantially over a full-employment balance for a number of years, you court the danger of inflation through too much fiscal stimulation."

Government officials admit it may be hard to persuade the individual housewife that the battery of statistics they unreel have meaning for her, when prices at her grocery continue to climb.

"All these figures are valid," said one official. "But inevitably there is a lag before they manifest themselves in retail stores, in enough volume for the housewife to feel the effect."

Nixon aides also are well aware that 1973 will be a major collective bargaining year, with the expiration of wage agreements covering 4.5 million workers, compared with 2.8 million this year.

POSSIBLE VULNERABILITY

The industrial peace to which Mr. Hodgson pointed proudly may prove more vulnerable next year than this, though he stressed the "healthy climate" that exists for the next round of collective bargaining.

Mid-August being the anniversary date of the President's economic-stabilization program, no doubt the review would have been held in any case. But the coincidence of an election year threw light on what Mr. Nixon and his advisers will emphasize over the next few months.

1. The turnaround on inflation and unemployment will rank high, though all officials stress that a 5.5 percent jobless rate is unacceptable and must be improved.

2. Mr. Nixon, it will be argued, should be given control over federal spending, if gains already achieved are not to be wiped out by top-heavy federal budgets.

[From the Christian Science Monitor, Aug. 14, 1972]

The Future of Nixonomics—An Analysis: Inflation Has Been Cut and Growth Boosted, But Longer-Range Effects Are Still in Doubt

(By Richard Nenneman)

Boston.—Did the New Economic Policy, one year old Aug. 15, really look to the future, or just to November, 1972?

That's an important question, because how one rates the policy's success depends partly on what kind of time line he puts it on.

But one year after the policy was announced, these things can be said about it:

Government has assumed a more activist role in the setting of wages and prices and it is unlikely that it will ever completely relinquish this role.

Some of the success claimed for the policy, such as in combating inflation, would probably have occurred anyhow.

Long-term problems remain in all three areas of the policy—jobs, inflation, and the foreign scene.

Although the wage and price controls have made the most indelible mark on the American public, the program as originally put forth also included an attempt to beef up the economy and to solve the problems of the dollar and U.S. trade abroad.

In August, 1971, after almost a year of recovery from the November, 1970, bottom of the recession, economic progress was still dangerously slow—particularly if one had in mind the elections coming up in November, 1972. Unemployment was still almost 6 percent of the labor force. President Nixon may have inherited a stacked deck of cards from his predecessor in the White House, but he knew he wouldn't have a chance to cry on the public's shoulder about that four years later.

Whether the measures of economic stimulation—such as repealing the auto excise and hurrying up a personal income tax exemption—made all the difference is debatable. But they helped. And combined with the appearance of a government that meant business about economic growth, and continued stimulus from the Federal Reserve Board in the form of monetary growth, the U.S. economy did begin to take off in 1972.

It appears that real growth (that is, growth after the effects of inflation are removed) will be about 6 percent this year. That will make 1972 an excellent year by anyone's yardstick. But what about 1973? There is increasing fear that the combination of fiscal and monetary stimulus has been too strong, that by

1973 a new administration will have to move to slow things down without getting the inflationary cycle started all over again.

Moreover, the administration—and indeed the national consciousness—has yet to move decisively enough to provide basic education, jobs, and an atmosphere of opportunity for its minorities. This gap in consciousness is largely responsible, many analysts feel, for the higher unemployment rate in the United States than in European countries, and for the fact that blacks, who compose slightly more than 10 percent of the population, still account for 30 percent of the hard-core poverty.

1973 SUCCESS UNCLEAR

Second, there is room to argue over the effects of the wage-price control program. It is generally agreed that such controls have a chance to be effective only when there is not too much pressure on the economy from monetary or fiscal policy. Such was the fortunate case in 1971.

It is less clear whether the apparent success of the program can continue much into 1973. If inflationary forces reemerge, this will increase pressures to retain the controls program. On the other hand, conservative critics maintain that the controls have only "appeared" to work, that much the same results would have been attained at this stage of the business cycle even without them.

No doubt about it, though, the inflation rate has been cut. This would help the Nixon administration even more if it were not for the present round of price increases in food, so visible to every housewife. The legitimate question that remains is whether the inflation rate has been cut only for 1972, which will be a big political help, or whether the controls program offers some kind of long-term gain in managing the economy and the price level.

TRADE TURMOIL

On point No. 3—the dollar and foreign trade—the jury is still out. Floating the dollar and breaking its link with gold have achieved certain limited ends: The gold flow was stanched, and after December the new exchange-rate parities gave the dollar a lower value abroad. This latter event will in time help the foreign trade balance, but probably not before 1973.

But the unilateral ending of the Bretton Woods monetary system has also put a good part of the world in turmoil. Will gold be reinstated or not? The world doesn't seem ready for huge amounts of an international paper currency, such as the International Monetary Fund's special drawing rights. But it doesn't want to be flooded with dollars any longer either.

The current situation may be remedied by the dollar becoming much more in demand abroad, which may well happen if U.S. inflation rates continue below those in Europe and Japan. Or it may be remedied by the growth of restrictive controls against the dollar abroad.

DOLLAR DOMINANCE ENDED

The events of last Aug. 15 ended an old international regime of dollar dominance. It was probably high time for that to happen. But neither Aug. 15 nor the December Washington agreement contained the solution needed for the next generation of international finance and trade.

To summarize, President Nixon acted boldly one year ago, when on both the domestic and international scene he broke with the past. The new approach will be of some help in 1972. Abroad, the basic solutions still have to be found. At home, we still can't say whether the controls will be effective if continued indefinitely.

[From the Philadelphia Inquirer, Aug. 13, 1972]

FIRST BIRTHDAY OF INCOMES POLICY FINDS ADMINISTRATION HOPEFUL

(By William K. Marimow)

WASHINGTON.—In his book "The Great Crash," John Kenneth Galbraith wrote, "Some years, like some poets and politicians and some lovely women, are singled out for fame far beyond the common lot, and 1929 was clearly such a year."

So too, 1971. It was a year when a Republican President—Richard M. Nixon—a devotee of the free market system who had promised he would never resort to wage-and-price controls, adopted the most comprehensive "incomes policy" in the peacetime history of the United States.

On this weekend one year ago, President Nixon and his key economic advisers huddled at his Camp David, Md., retreat.

Their purpose: To devise a plan that would cope simultaneously with a tenacious unemployment problem, an erratic economic recovery, a threat of reinvigorated inflation and a deepening foreign trade deficit.

The result: On Sunday night, Aug. 15, 1971, President Nixon startled the world by unveiling his New Economic Policy. And one year later this is what has been accomplished: A moderating rate of inflation, substantial gains in employment and an economic expansion cruising along at the fastest clip recorded since 1965.

Specifically "real" Gross National Product advanced at an 8.9 percent annual rate during the second quarter this year. Meanwhile, the Consumer Price Index (CPI) in June inched upward at a 1.2 percent annual pace, well within the parameters of the President's 2-to-3 percent year-end goal for the rate of inflation increases.

When these figures were released, Herbert Stein, chairman of the Council of Economic Advisers, was inspired to say, "This is the best combination of economic numbers released on any one day in this decade."

To celebrate the obviously good economic news of late, the administration trotted out its top economic officials to assess the President's economic plan on its first anniversary.

As everyone recalls, Mr. Nixon imposed last Aug. 15 a 90-day wage-price-rent freeze, tax reduction to help stimulate the economy, a 10 percent surcharge on imports and he closed the gold window, a move that shattered the fiction that the U.S. would convert dollars held by foreign central banks into gold.

The Thursday seminar of key Washington officials had obvious political overtones because of the upcoming election. For example, no official murmured a hint of current or impending problems in the economy, a fact sharply disputed by Sen. George McGovern and fellow Democrats.

The officials did issue the first mid-year economic report since President Harry S Truman left office, a report supporting their contention that things were moving along just fine.

The day-long seminar for business editors and writers from throughout the country was addressed by Treasury Secretary George P. Shultz, Commerce Secretary Peter G. Peterson, Labor Secretary James D. Hodgson and Herb Stein.

It was an opportunity for Stein to moderate his "best figures of the decade" enthusiasm by warning that "we don't expect to see another quarter like the one just passed nor a string of months in which the consumer price index increases at such a moderate rate."

"In fact," Stein went on, "we expect a quickened pace (for the CPI) reflecting increases in food price at the wholesale level."

The midyear economic report, which contained little fresh information, had clear political overtones. Stein remarked, for example, that he would not expect mid term reports in the future.

"I do not want my successors to have that albatross around their necks," he said.

President Nixon, in his three-page introduction to the midyear report, wrote, "We still have economic problems to solve. . . . We must firmly establish a lower rate of inflation—both in fact and in public expectations. We have to get the unemployment rate down much further. We have to improve U.S. competitiveness to strengthen our international economic position."

But Caspar W. Weinberger ("Cap the Knife"), director of the Office of Management and Budget, who has the chore of controlling the $250-billion U.S. budget, struck a theme that pervaded the seminar.

"At the risk of sounding like Scrooge at a birthday party, even as we stop for a few hours to examine our success, there are forces building in the Congress which could unleash inflation again," he said.

What Weinberger (indeed, the Nixon Administration) is advocating is a ceiling of $250 billion on federal expenditures. This, they believe, would avert additional budgetary stimulus at a time when it could threaten price stability.

Phase II, the program which followed the 90-day freeze, was not designed to cope with "demand pull inflation"—that is, too many dollars chasing too few goods. This is one reason why President Nixon has to be wary that the 21-month-old expansion doesn't mushroom out of control and rekindle the embers of excess demand.

That would obliterate economic gains forged by the New Economic Policy and almost certainly reignite the wage-price spiral that forced the President to embrace controls in the first place.

HOW PRICES ROSE: CONSUMER PRICE INDEX, PERCENT CHANGE

Here's how prices for key items i your budget have changed in the last three years:

Item	August 1969–August 1970	August 1970–August 1971	August 1971–June 1972
Homeowner costs	+10.5	+3.4	[1] +4.6
Women's apparel	4.0	3.4	4.5
Utility and public transport	6.6	7.8	4.1
Insurance and finance	13.0	2.3	3.9
Food (dining out)	7.6	5.0	3.6
Reading and recreation	4.6	4.8	3.2
Rent	4.1	4.8	3.1
Food (dining out)	4.0	3.1	2.9
Men's apparel	3.5	2.7	2.3
Medical care	6.4	6.6	2.2
New cars	2.4	3.6	2.2
Alcoholic beverages	4.7	4.2	1.7
Used cars	3.0	5.8	0.9
Gas and motor oil	−0.7	+2.7	−1.4
All items	+5.6	+4.4	+2.

[1] Annual rate.

FOURTH ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. SCOTT, Mr President, the fourth anniversary of the Soviet invasion of Czechoslovakia occurs on August 21. The last 4 years have seen the heavy hand of persecution and suppression fall over the Czechoslovakian people. Recently, several Czechs have been sentenced to jail terms for trying to voice their opposition to the Communist government.

The case of these Czechs brings to mind a statement in the Primer of Intellectual Freedom by Howard Mumford Jones. He said:

> Persecution is the first law of society because it is always easier to suppress criticism than to meet it.

Thousands of Czechoslovakians have stood up to oppose the government through their words. But their words have been met with strong arm tactics.

The people of the United States stand with the courageous people of Czechoslovakia in their desire for liberty and justice. No amount of persecution will ever stop man's opposition to an unwanted government. We pray that the noble Czechoslovakian people who have endured so much will someday throw off that "first law of society" and live in everlasting freedom.

WAGE CONTROLS FOR THE POOR—RATE RELIEF FOR THE RICH

Mr. METCALF. Mr. President, we are all aware that the administration fought to impose wage controls on workers earning more than $1.90 an hour. At the other end of the economic scale, the administration is permitting highly profitable corporations to increase the utility rates paid by persons of modest means.

During a 3-months period this year, the Price Commission approved more than $2 billion in rate increases for 110 telephone, gas and electric utilities.

By category, the increases are as follows:

Utility	Number	Amount of increase
Bell Telephone companies	21	$584,910,694
Non-Bell phone companies	20	629,063,885
Gas companies	19	243,153,578
Combination gas-electric companies	32	313,441,979
Electric companies	18	288,057,760
Total	110	2,058,627,896

When the Price Commission guidelines for utility regulation were under review, some of us offered specific recommendations for referring unseemly rate requests back to State commissions, and including meaningful review of rate increases submitted by extraordinarily profitable medium-sized utilities. These recommendations were rejected by the Price Commission, which has simply put the Presidential seal of approval on increases previously approved by State commissions whose small staffs had been overwhelmed by the rate increase requests.

It is interesting to note that while the Price Commission quietly ratified dozens of increases around the country, it huffed and puffed at two utilities in the Washington area, Vepco and Pepco. Vepco's increase has now been approved; Pepco's is under review. As a result of these two local cases Members of Congress and other readers of Washington newspapers may have the impression that the Price Commission is regulating utility rates, which it certainly is not doing.

For example, the Commission approved a 15.5 percent increase for Indiana and Michigan Electric, a subsidiary of the giant New York holding company, American Electric Power, which had a net, after tax profit last year of 19.27 cents out of every revenue dollar.

The Price Commission whomped through $27 million in annual rate increases for Dallas Power and Light, Texas Electric Service and Texas Power and Light—subsidiaries all of Texas Utilities, a holding company which last year netted 19.2 cents out of every revenue dollar. They did not have to go first to a State utility commission, because Texas has none.

Pennsylvania Power and Light's net, after-tax profit amounted to 16.15 percent last year. The Price Commission awarded it a 10.6 percent rate increase, requiring additional customer payments of more than $30 million a year.

In 1968, net profits of the 100 largest electric utilities, which comprise the Nation's largest industrial group, increased 2.8 percent over the previous year. In 1969 they increased 3.4 percent over 1968. In 1970 the annual increase set a new record, 8.3 percent. Last year the utilities broke that record, increasing net profits by 11.6 percent. The industry trade magazine, Electric Light and Power, which is the source of these statistics, stated in its June 1972 issue:

> The top 100 electric utilities reported an 11.6% increase in net income in 1971, to a record $3.67 billion, up from $3.29 billion from 1970. In total, 78 companies reported income gains, while 21 companies reported lower net incomes in 1971 than in 1970.

The outlook this year is for an even more profitable year for the utilities, at the expense of millions of wage earners whose earning power dwindles. In my State, Montana Power kept as net profit 22.62 cents out of every revenue dollar it collected last year. Its net profit during the first 6 months of this year rose to 24.3 cents out of every revenue dollar. And it now has pending before the State public service commission a rate increase request amounting to 17 percent for its electric operations and 29 percent for its gas operations.

One thing, Mr. President, is perfectly clear. The Nixon administration is winning its fight to make the rich richer and the poor poorer.

Mr. President, I ask unanimous consent to have printed in the Record a table, prepared from data in the June 1972 issue of Electric Light and Power, which shows the net profit, as a percentage of revenue, of the 100 largest electric utilities, and the Price Commission's summary of final price increase submissions for utilities which were passed by its Review Committee, as of June 30, 1972.

There being no objection, the items were ordered to be printed in the Record, as follows:

NET PROFIT, AFTER TAXES, AS PERCENTAGE OF REVENUE THE TOP 100 ELECTRIC UTILITIES

Company	1971	1970
Idaho Power	23.72	22.43
Montana Power	22.62	22.67
Pacific Power & Light	21.63	19.36
Southwestern Public Service	21.42	21.77
Utah Power & Light	20.81	19.71
Duquesne Light	20.21	20.60
El Paso Electric	20.09	20.59
Florida Power	19.96	19.79
Virginia Electric & Power	19.84	19.25
American Electric Power	19.27	17.56
Texas Utilities	19.20	19.09
Oklahoma Gas & Electric	18.92	19.43
Houston Lighting & Power	18.72	19.05
Gulf States Utilities	18.55	20.04
Central Louisiana Electric	18.40	18.05
Allegheny Power System	18.31	15.26
Delmarva Power & Light	18.00	15.60
Public Service of New Mexico	17.98	17.81
Central & Southwest	17.94	17.51
Kansas Gas & Electric	17.43	16.72
Portland General Electric	17.43	15.56
Atlantic City Electric	16.70	17.88
Baltimore Gas & Electric	16.64	15.74
Union Electric	16.64	18.91
Florida Power & Light	16.30	14.24
Central Illinois Public Service	16.29	15.43
Sierra Pacific Power	16.17	15.51
Indianapolis Power & Light	16.16	15.30
Pennsylvania Power & Light	16.15	13.68
Kentucky Utilities	16.12	17.46
Kansas Power & Light	15.91	16.98
Southern California Edison	15.86	17.69
Duke Power	15.83	13.17
Public Service of Indiana	15.79	19.10
Nevada Power	15.71	16.66
Ohio Edison	15.71	17.77
Washington Water Power	15.68	15.55
Southern Indiana Gas & Electric	15.66	15.18
Kansas City Power & Light	15.46	15.30
Cleveland Electric Illuminating	15.40	16.60
Philadelphia Electric	15.39	13.56
Pacific Gas & Electric	15.33	15.07
Louisville Gas & Electric	15.30	15.59
Illinois Power	15.17	17.32
Northeast Utilities	15.07	14.40
Northern States Power	15.06	15.19
Puget Sound Power & Light	14.75	15.05
Carolina Power & Light	14.66	12.12
Toledo Edison	14.66	15.77
Potomac Electric Power	14.64	14.67
Commonwealth Edison	14.63	15.15
Long Island Lighting	14.51	14.08
General Public Utilities	14.50	12.43
Central Illinois Light	14.47	14.16
Southern Carolina Electric & Gas	14.25	15.82
Public Service Electric & Gas	14.23	12.60
Central Maine Power	13.88	16.38
Southern Company	13.88	13.64
Central Hudson Gas & Electric	13.80	9.79
Public Service of Colorado	13.22	13.82
Minnesota Power & Light	13.17	12.29
Middle South Utilities	13.00	13.49
Northern Indiana Public Service	12.91	14.08
Savannah Electric & Power	12.87	15.57
Cincinnati Gas & Electric	12.82	14.10
Otter Tail Power	12.75	([1])
Columbus & Southern Ohio Electric	12.72	14.23
San Diego Gas & Electric	12.63	13.22
Iowa Public Service	12.57	11.03
Tucson Gas & Electric	12.55	20.62
Tampa Electric	12.47	18.63
Public Service of New Hampshire	12.46	14.92
Detroit Edison	12.44	11.84
Wisconsin Power & Light	12.43	13.65
Arizona Public Service	12.37	12.61
Boston Edison	12.24	12.26
Dayton Power & Light	12.23	12.37
Consolidated Edison	12.20	11.38
New York State Electric & Gas	11.78	13.49
Central Telephone & Utilities	11.57	11.78
New England Electric System	11.25	8.98
Interstate Power	11.26	12.33
Hawaiian Electric	11.08	13.13
Consumers Power	11.02	11.94
Wisconsin Electric & Power	10.93	11.23
Empire District Light	10.88	12.81
Missouri Public Service	10.61	12.09
Wisconsin Public Service	10.42	11.09
Rochester Gas & Electric	10.24	12.42
Community Public Service	10.11	17.35
Madison Gas & Electric	10.01	8.71
Niagara Mokawk Power	9.94	9.84
United Illuminating	9.42	13.15
Iowa Electric Light & Power	9.32	8.90
Orange & Rockland Utilities	9.23	12.74
Iowa Power & Light	9.12	9.22
Central Vermont Public Service	8.85	10.55
Iowa-Illinois Gas & Electric	8.66	11.90
Eastern Utilities Associates	8.50	7.42
New England Gas & Electric	7.47	7.38

[1] Was not in the top 100 in 1970.

Source: Prepared from data in June 1972 issue of Electric Light and Power.

PRICE COMMISSION—OFFICE OF PROGRAM OPERATIONS, DIVISION 80, PUBLIC UTILITIES SUMMARY REPORT OF FINAL PRICE INCREASE SUBMISSIONS PASSED BY REVIEW COMMITTEE AS OF JUNE 30

Name of utility	PA number	Applicable revenue	Amount of increase	Percent of increase	Date passed	Criteria 300.16(d)(3)
COMMUNICATIONS INDUSTRY						
Bell companies:						
The Bell Telephone Co of Pennsylvania	000284	816, 651, 000	52, 674, 000	6. 45	Mar. 27, 1972	(iii)
C & P Telephone Co. of Maryland	001895	391, 738, 000	27, 500, 000	7. 02	Mar. 29, 1972	(ii)
C & P Telephone Co. of Virginia	000069	341, 889, 000	33, 300, 000	9. 74	Apr. 21, 1972	(ii)
Illinois Bell Telephone Co. (Indiana)	000285	43, 000, 000	4, 700, 000	10. 93	Mar. 21, 1972	(iv)
Michigan Bell Telephone Co	193625	540, 481, 000	43, 779, 000	8. 10	May 4, 1972	(ii, iii, iv)
Mountain States Telephone & Telegraph Co. (Arizona)	191555	181, 199, 000	7, 997, 000	4. 41	do	(ii)
Mountain States Telephone & Telegraph Co. (Wyoming)	198502	20, 475, 000	1, 813, 223	8. 86	May 19, 1972	(ii)
New England Telephone & Telegraph Co., (Rhode Island)	193073	84, 935, 000	7, 989, 000	9. 41	May 17, 1972	(ii)
New England Telephone & Telegraph Co. (Vermont)	000665	41, 925, 000	1, 895, 000	4. 52	Apr. 20, 1972	(ii)
New Jersey Telephone Co	000237	743, 691, 000	48, 563, 000	6. 53	Apr. 21, 1972	(iv)
New York Telephone Co	006437	2, 243, 017, 000	160, 600, 000	7. 16	Mar. 29, 1972	(ii, iv)
Northwestern Bell Telephone Co. (Minnesota)	000315	269, 193, 000	34, 026, 000	12. 64	Apr. 20, 1972	(ii)
Northwestern Bell Telephone Co. (Nebraska)	007831	86, 718, 000	6, 712, 000	7. 74	Mar. 24, 1972	(iii)
Pacific Northwest Bell Telephone Co. (Oregon)	005571	177, 966, 000	16, 800, 000	9. 44	Mar. 27, 1972	(ii)
Pacific Northwest Bell Telephone Co. (Washington)	006383	282, 211, 000	19, 021, 000	6. 74	do	(ii)
South Central Bell Telephone Co. (Mississippi)	000190	150, 000, 000	12, 900, 000	8. 60	Apr. 5, 1972	(iv)
South Central Bell Telephone Co. (Tennessee)	194111	201, 823, 000	10, 298, 521	5. 10	June 22, 1972	(iv(b))
Southern Bell Telephone & Telegraph Co. (Florida)	005549	528, 531, 000	47, 145, 000	8. 92	Mar. 27, 1972	(iv)
Southern Bell Telephone & Telegraph Co. (South Carolina)	002499	150, 443, 000	8, 831, 000	5. 87	May 31, 1971	
Southern New England Telephone Co. (Connecticut)	190898	318, 323, 000	36, 830, 000	11. 57	Apr. 28, 1972	(ii)
Southwestern Bell Telephone Co. (Illinois)	002499	24, 576, 000	1, 536, 950	6. 25	Mar. 27, 1972	(iv)
Total		7, 638, 785, 000	584, 910, 694	7. 66		
Other than Bell companies:						
Central Telephone & Utilities Corp.:						
Central Telephone Co. (North Carolina)	195014	14, 633, 000	1, 644, 000	11. 23	June 20, 1972	(iv(b))
Central Telephone Co. (Minnesota)	197064	7, 037, 000	1, 008, 000	14. 32	May 23, 1972	(ii,iii)
La Crosse Telephone Corp.	005777	4, 796, 000	246, 500	5. 14	Mar. 29, 1972	(iii)
Virginia Telephone & Telegraph Co	005634	20, 468, 000	2, 317, 000	11. 32	Apr. 25, 1972	(ii)
Lee Telephone Co. (North Carolina)	195015	1, 678, 000	6, 000	.36	June 20, 1972	(iv(b))
Continental Telephone Corp.:						
Continental Telephone Co. of Kansas, Inc	201417	4, 569, 000	198, 750	4. 34	June 6, 1972	(i,iii)
Georgia State Telephone Co	005118	2, 200, 000	235, 000	10. 68	Mar. 20, 1972	(iv)
Tennessee Telephone Co	156841	1, 722, 000	171, 028	9. 93	Apr. 13, 1972	(iii,iv)
General Telephone & Electronics Corp.:						
General Telephone Co. of California	000281	456, 522, 000	16, 800, 000	3. 68	Mar. 22, 1972	(iii)
General Telephone Co. of Indiana, Inc	149832	94, 766, 000	8, 311, 000	8. 77	Mar. 27, 1972	(iv)
General Telephone Co. of the Northwest, Inc. (Washington)	192251	54, 060, 000	3, 794, 845	7. 02	May 9, 1972	(i,ii,iv)
General Telephone Co. of Ohio	001419	55, 886, 000	4, 700, 000	8. 41	Mar. 27, 1972	(iii)
General Telephone Co. of the Southeast (South Carolina)	193612	17, 204, 000	1, 540, 000	8. 95	May 4, 1972	(iii,iv)
General Telephone Co. of the Southwest (Oklahoma)	001907	113, 817, 000	1, 491, 000	1. 31	Mar. 29, 1972	
Princeton Telephone Co	106655	143, 000	25, 325	17. 71	May 23, 1972	
Mid-Continental Telephone Corp.: Southeastern Ohio Telephone Co	006459	733, 000	275, 783	37. 62	Apr. 25, 1972	(ii, iii)
United Telecommunications, Inc.:						
United Telephone Co. of the Carolinas, Inc. (North Carolina)	005586	4, 678, 000	968, 293	20. 70	Apr. 10, 1972	(ii)
United Telephone Co. of the Carolinas, Inc. (South Carolina)	005586	3, 501, 000	374, 573	10. 70	Apr. 25, 1972	(ii)
United Telephone Co. of the West	165403	4, 152, 000	46, 094	1. 11	Apr. 29, 1972	(ii, iii)
Total		862, 565, 000	44, 153, 191	5. 12		
Grand total		8, 501, 350, 000	629, 063, 885	7. 0		
GAS INDUSTRY						
The Brooklyn Union Gas Co	000166	143, 095, 000	12, 020, 000	8. 40	Apr. 13, 1972	(i, ii, iii)
Cities Service Co.: Cities Service Gas Co	130156	106, 600, 000	7, 462, 000	7. 00	Mar. 30, 1972	(ii)
Colorado Interstate Corp.: Colorado Interstate Gas Co	196800	76, 255, 000	6, 282, 000	8. 24	June 27, 1972	(iii)
Consumers' Gas Co.: the St. Lawrence Gas Co., Inc. (New York)	000103	4, 236, 000	722, 440	17. 05	May 4, 1972	(iv(b))
Florida Gas Co	000262	15, 026, 000	586, 127	3. 90	May 2, 1972	(iii)
Kansas-Nebraska Natural Gas Co., Inc	000108	54, 937, 000	868, 000	1. 58	Mar. 21, 1972	
Mountain Fuel Supply Co. (Wyoming)	005915	4, 567, 000	1, 165, 000	25. 51	Mar. 24, 1972	(iv)
National Fuel Gas Co.: Iroquois Gas Corp	001030	115, 152, 000	7, 600, 000	6. 60	May 2, 1972	(v)
Panhandle Eastern Pipe Line Co.:						
Panhandle Eastern Pipe Line Co	004900	229, 575, 000	17, 287, 000	7. 53	Mar. 24, 1972	(iii)
Trunkline Gas Co	009276	193, 069, 000	25, 852, 000	13. 39	Apr. 21, 1972	(iii)
Pennzoil United, Inc.: United Gas Pipe Line Co., Pennzoil Pipeline Co	005017	85, 096, 000	885, 104	1. 04	Mar. 21, 1972	
Peoples Gas Co.: Natural Gas Pipeline Co. of America	002676	434, 000, 000	19, 747, 204	4. 55	Apr. 5, 1972	(iii)
Pioneer Natural Gas Co	005139	65, 196, 000	1, 167, 000	1. 79	Mar. 21, 1972	
Tenneco, Inc: Tennessee Gas Pipeline Co	212955	479, 400, 000	94, 300, 000	19. 67	June 22, 1972	(iii)
Texas Gas Transmission Corp	159385	288, 193, 000	13, 718, 000	4. 76	Mar. 30, 1972	(iii)
Transcontinental Gas Pipe Line Corp	000111	438, 914, 000	19, 400, 000	4. 42	Mar. 24, 1972	(iii)
Washington Gas Light Co. (Maryland)	190497	65, 386, 000	6, 113, 000	9. 35	June 15, 1972	(v)
Washington Gas Light Co. (Virginia)	198791	42, 498, 000	5, 406, 000	12. 72	do	(v)
Washington Natural Gas Co. (Seattle)	000296	53, 604, 000	2, 572, 703	4. 80	Apr. 5, 1972	(iii)
Total		2, 894, 799, 000	243, 153, 578	8. 40		
GAS AND ELECTRIC INDUSTRY						
Arizona Public Service Co. (gas and electric)	008180	144, 962, 000	11, 307, 000	7. 80	Apr. 27, 1972	(ii)
Central Hudson Gas & Electric Corp. (electric)	005135	73, 750, 000	885, 000	1. 20	Mar. 21, 1972	
Cincinnati Gas & Electric Co. (electric)	008786	79, 099, 000	6, 146, 000	7. 77	Apr. 18, 1972	(iii)
Consolidated Edison Co. of New York (electric)	005223	1, 017, 312, 000	94, 606, 000	9. 30	Apr. 19, 1972	(ii, iv)
Consolidated Edison Co. of New York (gas)	005223	115, 526, 000	15, 365, 000	13. 30	Mar. 24, 1972	(iv)
Consumer Power Co. (gas)	212983	282, 925, 000	18, 814, 000	6. 65	June 6, 1972	(i, iii)
Consumer Power Co. (electric)	005221	366, 967, 000	11, 009, 264	3. 00	Mar. 21, 1972	(iii)
Gulf States Utilities (electric, Texas)	002633	77, 152, 000	6, 557, 923	8. 50	do	(iii)
Long Island Lighting Co (electric)	171147	260, 413, 000	5, 677, 000	2. 18	Apr 10, 1972	(i, ii, iii, iv)
New York State Electric & Gas Corp. (electric)	005267	158, 606, 000	9, 785, 600	6. 17	Apr. 25, 1972	(ii, iii)
New York State Electric & Gas Corp. (gas)	001294	219, 625, 000	3, 514, 003	1. 60	Mar. 22, 1972	(iii)
Niagara Mohawk Power Corp. (electric)	005543	560, 000, 000	10, 360, 000	1. 85	Mar. 21, 1972	(iv)
Northern Indiana Public Service (electric)	162576	125, 103, 000	19, 516, 000	15. 60	Apr. 10, 1972	(i)
Northern States Power Co., Minnesota:						
Northern States Power Co., Minnesota (gas, North Dakota)	000072	15, 633, 000	938, 000	6. 00	do	(iii)
Northern States Power Co., Minnesota (gas, North Dakota)	006546	7, 872, 000	370, 000	4. 70	Apr. 5, 1972	
Northern States Power Co., Wisconsin (electric, Wisconsin)	008244	38, 857, 000	1, 360, 000	3. 50	Apr. 10, 1972	(ii)
Orange & Rockland Utilities, Inc. (electric)	012651	73, 194, 000	1, 581, 000	2. 16	Mar. 21, 1972	
Philadelphia Electric Co. (electric)	000254	601, 780, 000	30, 089, 000	5. 00	Mar. 28, 1972	(v(a))
Public Service Co. of Colorado (gas)	001611	201, 308, 000	7, 387, 781	3. 67	Mar. 21, 1972	(iii)
Public Service Electric & Gas Co. (gas and electric)	103854	824, 594, 000	26, 387, 000	3. 20	do	(iii)
Rochester Gas & Electric Co. (gas)	191693	53, 979, 000	3, 675, 000	6. 81	May 2, 1972	(i)
Rochester Gas & Electric (steam)	193218	7, 892, 000	897, 000	11. 37	May 25, 1972	(i, ii, iv)
South Carolina Electric & Gas Co. (gas)	000553	28, 009, 000	1, 210, 326	4. 32	Mar. 21, 1972	(iii)
South Carolina Electric & Gas Co. (electric)	000553	101, 181, 000	5, 312, 090	5. 25	do	(iii)

Name of utility	PA number	Applicable revenue	Amount of increase	Percent of increase	Date passed	Criteria 300.16(d)(3)
Toledo Edison Co. (electric)	000197	104, 370, 000	2, 818, 000	2. 70	Mar. 22, 1972	
Union Electric Co. (electric, Illinois)	005520	38, 073, 000	830, 000	2. 18	Apr. 5, 1972	(v)
Union Electric Co. (electric, Missouri)	001320	216, 721, 000	5, 352, 984	2. 47	Apr. 25, 1972	(iii, iv)
Union Electric Co. (electric, Iowa)	005629	9, 996, 000	259, 908	2. 60	Mar. 24, 1972	(iii)
Virginia Electric & Power Co. (electric)	000073	412, 683, 000	1, 692, 000	. 41	Mar. 21, 1972	(iii)
Wisconsin Electric Power Co.: Wisconsin Natural Gas Co. (gas)	005281	46, 116, 000	3, 228, 100	7. 00	Apr. 5, 1972	(ii)
Wisconsin Public Service Corp. (electric)	005280	112, 546, 000	6, 100, 000	5. 42	Mar. 22, 1972	(iii)
Do	196924	57, 144, 000	410, 000	. 61	May 25, 1972	(iii)
Total		6, 443, 388, 000	313, 441, 979	4. 86		
ELECTRIC INDUSTRY						
Allegheny Power System, Inc.: Potomac Edison Co	193229	39, 494, 000	3, 515, 350	8. 90	May 2, 1972	(iii)
American Electric Power Co., Inc.: Indiana & Michigan Electric Co	166616	105, 013, 000	16, 277, 000	15. 50	Apr. 25, 1972	(iii)
Carolina Power & Light Co. (North Carolina)	138960	220, 442, 000	22, 441, 000	10. 18	Mar. 30, 1972	(iii, iv)
Carolina Power & Light Co. (South Carolina)	190527	221, 019, 000	4, 552, 636	2. 06	Apr. 21, 1972	(ii, iii)
Commonwealth Edison Co	000111	977, 496, 000	69, 500, 000	7. 11	Mar. 24, 1972	(iii)
Duke Power Co. (North Carolina)		293, 313, 000	23, 465, 000	8. 00	Mar. 22, 1972	(iii)
Houston Lighting & Power Co	002650	353, 320, 000	8, 620, 600	2. 44	Mar. 26, 1972	(iii)
New England Electric System:						
Narragansett Electric Co	007867	58, 401, 000	6, 500, 000	11. 13	Mar. 21, 1972	(iii)
New England Power Co	200333	152, 808, 000	13, 469, 000	8. 81	June 20, 1972	(iii)
Pennsylvania Power & Light Co	179988	288, 934, 000	30, 627, 000	10. 60	Apr. 20, 1972	(ii, iii)
Public Service Co. of Indiana, Inc	200332	186, 790, 000	18, 191, 000	9. 74	May 31, 1972	(ii, iii)
The Southern Co.: Mississippi Power Co	005264	60, 000, 000	3, 000, 000	5. 00	Apr. 5, 1972	(iii).
Tampa Electric Co	000266	103, 324, 000	11, 500, 000	11. 13	Mar. 22, 1972	
Texas Utilities Co.:						
Dallas Power & Light Co	005218	130, 393, 000	7, 302, 000	5. 60	do	(iii).
Texas Electric Service Co	005563	172, 117, 000	10, 006, 660	5. 81	Mar. 21, 1972	(iii).
Texas Power & Light Co	006991	168, 092, 000	10, 085, 514	6. 00	Mar. 22, 1972	(iii).
United Illuminating Co	000021	75, 515, 000	6, 600, 000	8. 74	Mar. 21, 1972	(iii).
Wisconsin Electric Power Co	002061	222, 714, 000	22, 405, 000	10. 06	Mar. 29, 1972	(i, ii).
Total		3, 829, 185, 000	288, 057, 760	7. 52		
TRANSPORTATION INDUSTRY						
American Airlines	122548	53, 125, 000	1, 700, 000	3. 20	Apr. 6, 1972	(iii)
Central & Southern Motor Freight Tariff Association, Inc	174769	418, 288, 000	4, 300, 000	1. 03	June 14, 1972	
Central States Motor Freight Bureau	122940	787, 500, 000	12, 600, 000	1. 60	June 15, 1972	
Chicago Suburban Motor Carrier Association	147004	20, 000, 000	600, 000	3. 00	do	
Eastern Airlines	005050	75, 000, 000	1, 800, 000	2. 40	Apr. 6, 1972	(iii)
Eastern Central Motor Carriers Association	000087	881, 000, 000	9, 700, 000	1. 10	June 14, 1972	
Metropolitan Division of Penn Central Transportation Co	220141	23, 544, 000	4, 690, 000	19. 92	June 30, 1972	
Middle Atlantic Conference	006930	900, 000, 000	28, 800, 000	3. 20	June 15, 1972	
Middlewest Motor Freight Bureau	180574	700, 000, 000	12, 600, 000	1. 80	June 14, 1972	
Pacific Inland Tariff Bureau	171209	42, 857, 000	1, 500, 000	3. 50	June 15, 1972	
Do	171209	14, 285, 000	600, 000	4. 20	do	
Pan American Airlines	006565	62, 500 000	1, 500, 000	2. 40	Apr. 6, 1972	(iii)
Southern Motor Carrier Rate Conference	009766	1, 026, 316, 000	11, 700, 000	1. 14	June 14, 1972	
Southwestern Motor Freight Bureau, Inc	007266	800, 000, 000	2, 041, 143	2. 55	do	
Total		5, 804, 415, 000	94, 131, 143	1. 62		
MISCELLANEOUS INDUSTRY						
Bluefield Valley Water Work Co	197060	10, 000	1, 300	13. 00	June 25, 1972	(iv(a))
City Water Co. of Chattanooga	181083	4, 399, 000	499, 238	11. 51	May 2, 1972	(ii,iv)
South Pittsburgh Water Co	196888	12, 526, 000	764, 078	6. 10	May 25, 1972	(ii)
Total		16, 875, 000	1, 264, 616	7. 49		
Grand total		27, 490, 012, 000	1, 569, 112, 961	5. 71		

Source: Decision Lists & Case Files.

THE VIETNAMIZATION PROGRAM IS WORKING

Mr. SCOTT. Mr. President, the Maui News, in Hawaii, in an informative article, carried a report from Samuel F. Pryor, a special adviser to the Federal Bureau of Narcotics and Dangerous Drugs, who has recently returned from the Vietnam war zones.

Pryor says our Vietnamization program is working and that he came away with a feeling of optimism. "Our whole program spells peace."

Mr. President, I ask unanimous consent that this enlightening editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRYOR: "THEY'RE NOT TELLING IT LIKE IT IS"—MAUIAN REPORTS ON VIETNAM FACT-FINDING TRIP

(By Jeanne Booth Johnson)

Kipahulu Ranch on Maui is a long way from Quang Tri and Hue, Bien Hao and Saigon, and it's difficult for those of us here to visualize what's happening in Vietnam. It's equally hard for people in Greenwich, Connecticut, or London, Paris and Frankfurt.

All we know and all they know is what is published in the papers or seen on television. But are we getting all the facts?

Samuel F. Pryor, of Kipahulu and Greenwich, a world traveler who has just returned from a week-long visit to the advanced war zones in Vietnam, says—emphatically—"no."

"They're not telling it like it is," says Pryor, who decries what he terms "left-wing editorial thinking," and adds: "Many good reporters in the field do not recognize their own stories when they read them after the left-wing boys have rewritten them."

Pryor is well qualified to voice his opinions. He wrote his thesis on China in 1921, after visiting most of the provinces in China, and became well acquainted with Southeast Asia as a result of his top executive position and responsibilities with Pan American World Airways for 28 years as vice president, assistant to the president, and a director.

Since retiring from Pan American, he has been an advisor to the Federal Bureau of Narcotics and Dangerous Drugs, and—next month—will attend his ninth Interpol Assembly as a delegate representing the United States Treasury. It was this meeting, to be held September 19–27 in Frankfurt, Germany, which sparked his trip to South Vietnam late last month.

At the Interpol meetings, which are held once a year in various parts of the world, senior law enforcement officials from 107 countries gather to discuss international crime from 8 a.m. to 5 p.m. daily. When the business sessions are over they get together in the evenings and discuss world affairs.

"Last year, the Vietnam war was the main topic, and it will be again this year," Pryor said. "When asked a question on this, I want to speak from facts—particularly on the problem of drug abuse in South Vietnam."

He said he went to "see the facts and got facts."

It wasn't his first visit to the war zones. He had made two previous trips in the past years seeking information covering all of the war zones and countries in Southeast Asia—first with Major General Hunter Harris, who then was commander of the Pacific Air Force, and, two years later, with Lieutenant General Herman Nickerson, Jr., of the Marine Corps at Da-Nang, covering South Vietnam, Cambodia, Bangkok and Laos.

This trip was arranged by the White House and his itinerary was prepared by Ellsworth Bunker, U.S. Ambassador to South Vietnam and General Frederick Weyand, who had just replaced General Creighton W. Abrams, Jr., in the field and who, General William C. Westmoreland told Pryor, "is one of the best officers in my command."

The official purpose of Pryor's visit, as outlined by "CORDS/MACV" (which is Civil

Operations and Rural Development Services/Military Assistance Command, U. N.), was "General Observation."

He was met on his arrival in Saigon by Ambassador Bunker's car. With a jeep escort, he was taken to the embassy, where the ambassador assigned two aides, Donald Colin, embassy control officer and Lieutenant Colonel James Kirkpatrick.

In a five-day period, he flew to Bien Hoa, Nha Trang, DaNang, Hue and Quang Tri. At Hue he narrowly missed being killed in a sudden artillery onset.

A South Vietnamese colonel was shot down the following day, flying the same route Pryor had flown with Major General Cooksey to Quang Tri.

From Saigon he flew to DaNang, stopping on the way at Nha Trang.

"It had just been bombed, and we arrived right afterward," Pryor recalled. "But the people's spirits were excellent. I had luncheon there with Thomas Barnes, who is head of the Pacification (Vietnamization) program there. They are doing an excellent job. I rode around the town and met his aides, they are all able men."

Arriving at DaNang just before dark they were briefed at the consulate office on the drug abuse program by Air Force personnel.

"The program is excellent," commented Pryor, who also joined in discussions with officials of the Public Safety Division and "got a very good picture of the civilian activities. All were very optimistic."

DaNang, however, notwithstanding the optimism, was termed by Pryor as "the saddest sight I have ever seen in my life. There are several thousand refugees there. If we cut off our military aid—what happened in China will happen here. If we cut off our military aid the Viet Cong will come down and murder hundreds of thousands. It will be just like what they did where I went the next day."

The next day was a visit to Quang Tri, which he described as follows:

"I was with Major General Cooksey, U.S. Airborne Division Advisor, who kept cautioning his men to keep to the left side of a road we were following. Our helicopter flew three feet over the trees. He sent me back a note which said: 'We fly low-avoid SA-7 heat seeking missiles.'

"I've never seen anything like the devastation at Quang Tri. All the villages were burned out in the area, and about 15 miles from Quang Tri there were 200 trucks on the side of the road, all burned out. In those trucks had been some 400 women, children, even babies. They were all good citizens from Quang Tri, escaping from the city. The Viet Cong bombed them and shot them to pieces. Our bleeding, left-wing hearts write (with untruths) about our bombing the Viet Cong dams, why didn't they write about this sad sight?"

At Quang Tri, Pryor continued: "Lieutenant General Du Quoc Dong, a most able South Vietnamese officer in command of the Quang Tri sector, gave me many pictures of weapons captured that week, and pictures of the Viet Cong captured. His Air Force Colonel, Bao, whom we met, was killed the next day by a SAMs, while flying in his helicopter along the same route I had taken with Cooksey. It was then that I appreciated the latter's note."

Leaving Quang Tri they returned via Hue. There had been a note in Pryor's orders relative to whether it was advisable to go in. Hue hadn't been bombed in some time, so they landed and toured the area, lunching at the Huong Tra Hotel, which has four floors, all empty, with a restaurant on top which looks out over the Mekong.

"There was excellent Chinese food," Pryor reported. "We had just finished luncheon when an artillery shell went off right beyond the hotel, and I remarked I'm glad it's that far away, it sounded rather loud. When we got down to headquarters to take our car to the helicopter to fly us back to DaNang, one went off right where we were. I hit the ground, fortunately next to a trailer.

"I heard the shrapnel go over us, and I got up to go to where they were yelling at me to go—a sandbag bunker, and I heard the swish of another one. You get that swish first, and then this tremendous explosion and then you get the shrapnel. I hit the ground three times trying to get to the bunker. The fourth time I was half way from the trailer when another one came and killed a man just 30 feet from me. It hit three others. Two more went off while we were in the bunker. Then we took a chance and got to our helicopter and flew back to DaNang."

Commenting on this narrow escape, Pryor said: "I went to see facts and I got facts. How is it possible to see what's going on if you don't get shot at. You've got to make up your mind you're going to have to take a chance and get shot at, because that's what's going on."

He said he returned to DaNang "with great admiration for what the South Vietnamese are militarily accomplishing with our American Advisors."

He also said: "If Hanoi was not being supported by a segment of our own news media and by certain people in our government, the war would be over and we would have peace in South Vietnam, a country which is truly beautiful, with magnificent beaches, mountains and farmland that reminds you of Missouri or Kansas."

Pryor said he saw many prisoners.

"All were fine-looking Viet Cong boys," he said. "Our Intelligence Officer, who spoke excellent Vietnamese, mentioned one who was a college graduate, and said that the young man's first question had been 'Did President Nixon go to Russia?' Filled with propaganda against the United States, his idea of our country was unbelievable because of some of the Hanoi misinformation.

"I asked if I could talk to him through the interpreter. They brought him to me, and I told him that just by chance I had with me a personal letter from President Nixon. The interpreter read it to him. The kid listened, looked at the letter from the president, then leaned over and kissed my hand. He had thought that he was being brought to me to be killed, but when he saw the White House letter, with the President just signing it 'R.N.'—an informal letter to just somebody who doesn't hold any office, it made a tremendous impression.

"Nixon had said: 'In a very real sense, every American played a vital role in the success of the Moscow visit. For what was accomplished there reflected our people's abiding desire for enduring peace. With the agreements, we have unparalleled opportunity to build such a structure of lasting peace, and I know I can count on your support in this great undertaking.' "

Pryor said he came away "extremely optimistic, extremely appreciative of President Nixon's policies and a complete disgust for what certain people in these United States are doing to not only hurt our own country, but what would be complete death to Vietnam if we don't hold our position and don't carry out this program which means peace.

"Our whole program there spells peace, and it ought to be continued right to the very end," he continued. "It ought to have the support of the entire country—which I think it has, except that Hanoi gets great encouragement from some segments of our government.

"The Vietnamization program is working. We're not getting the truth. We are advancing every day on the Vietnamization Program. They are going to have an excellent government. And, as far as all of this corruptness you hear about, I don't think it is any more corrupt than some of our big cities.

"Nixon's bombing of North Vietnam is working. Here are pictures of tanks captured when I was there—Russian tanks—new, tires hardly worn, with Chinese insignia on them. So it shows they came through China. So you've got those two nations, and what has Nixon done? He's gone up to help stop that in China and to help stop it in Russia. We've bombed their fuel line and we're cutting off their supplies. I think the war will be over soon.

"I have great confidence in the future here and I have great confidence in the future there. This is based on talking with everybody who has anything to do with the Vietnamization program and the military program.

"From reading our newspapers you would think that every soldier out there was a narcotic addict. They have got it well under control, which is almost unbelievable because it's so accessible. We have excellent narcotic agents. The South Vietnamese themselves are advancing on that through their own police. So don't you believe what you read about these boys all being narcotic addicts. It's not true. There are only three to five percent and they're sent home right away.

"I came back with nothing but optimism in the future."

DANGERS CONNECTED WITH CONSUMER PRODUCTS

Mr. MAGNUSON. Mr. President, in June 1970, the National Commission on Product Safety concluded that 20 million Americans each year are injured in the home as a result of incidents connected with consumer products. The Commission further reported that 110,000 individuals are permanently disabled and 30,000 are killed annually.

It is no great secret that statistics can be deceptive. What is deceptive about the Product Safety Commission's statistics is that it translates the suffering and misery of human beings into cold, insensitive figures. Accounts appearing in newspapers daily often serve to refocus our attention from these clinical statistics to the human level.

An article published in the Seattle Post Intelligencer of August 10, 1972, is one such example. Gina Dawn Davis, a 12-year-old Seattle girl, died after inhaling the contents of a can of Pam, a vegetable coating that gives a no-stick surface to all cookware. Though the product may perform this function well, it also has the potential of paralyzing the respiratory muscles, resulting in death. Apparently, Gina is not the only child who has died from inhaling Pam; the Food and Drug Administration reports that it is implicated in other death cases when it has been inhaled.

An August 11 article from the Seattle Times states that FDA will require a warning label on all aerosol sprays. The can that Gina inhaled contained such a label, but it proved inadequate to save her life. A label is not enough.

The Senate passed S. 3419, the Food, Drug, and Consumer Product Safety Act of 1972 over a month ago. Among other things, that legislation would mandate a new independent agency to regulate the safety of consumer products used in and around the household. Such authority was originally contemplated as early as 1967 and had it been in effect a year ago, this tragedy may not have occurred. But yet, the political volleying continues and we are now faced with a stubborn House Rules Committee which has refused to allow the House version of the bill to go to the floor of the House.

How many more Americans will be injured? How many more will be permanently disabled? How many more Gina Davises will die?

Mr. President, I ask unanimous consent that the Seattle Post Intelligencer and Seattle Times articles be printed in the RECORD.

In addition, I ask unanimous consent that a letter from Mr. Victor Lygdman, a Seattle citizen who desperately tried to revive Gina, also be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

STRANGE DEATH OF A GIRL

(By Dick Clever)

"I worry about them drowning. I worry about everything. But, oh, God, not this."

Jimmie Davis rocked slowly back and forth in her chair, trying to contain a grief not yet a day old.

Her daughter, Gina Dawn, a blonde, blue-eyed 12-year-old, died Tuesday after inhaling from an aerosol can of Pam, a spray vegetable oil used to prevent food from sticking to pans.

Mrs. Davis excused herself to go to the telephone. It was a friend at the funeral parlor asking how they should dress Gina.

"Don't pick her out anything fancy," said Mrs. Davis, in the soft drawl of her native Tennessee. "She would have hated that."

The medical examiner concluded that Gina died of lung congestion.

A friend at Wallingford Playground gave her $1 and she went to a grocery store and bought a small can of Pam.

The Pam is wedged innocently between the Wesson Oil, the Planter's Peanut Oil and the olive oil. The difference is that a warning, in small print, on the Pam label read:

"Caution: Use only as directed. Intentional misuse by deliberately concentrating and inhaling the contents can be fatal. Keep out of reach of children."

Yet children can buy Pam. There's no law against it. And that's what Gina did. Furthermore, to use the language of the label, she deliberately concentrated and inhaled the contents.

And it was fatal.

Just below the warning on the label, printed in larger, bolder type is this testimonial:

"Pam is a clear, pure vegetable coating that will give a no-stick surface to all cookware."

At the bottom of the label the ingredients are listed.

"Made of lecithin, a pure vegetable product, with propellant," it says.

What it doesn't say is that the "propellant" is freon, a toxic gas that is capable of paralyzing the respiratory muscles.

Pam has been implicated in other death cases when it has been inhaled, according to a spokesman of the Food and Drug Administration. According to Dr. William Robertson, director of the Poison Control Center at Children's Orthopedic Hospital, freon, a propellant ingredient used in spray products, has been identified as the probable toxic ingredient in the can when misused.

Gina's sister, Angie, said that many of their friends have been inhaling Pam.

Witnesses say it was about 3:30 p.m. when Gina collapsed in the southeast corner of the playground.

Playground supervisor Brad Taft wasn't there. He said he had been given permission by his superiors to be absent from 2 to 4 p.m. on business.

A 16-year-old summer employe was left in charge of the wading pool during that time. Witnesses say the assistant appeared confused by what was going on at the other end of the park and failed to act.

One girl said Gina kept inhaling the Pam even after she became pale and dizzy. Gina had been running and her heart was pounding rapidly.

Victor Lydgman, a freelance photographer, was sitting at a table near the southeast corner of the park working out the chess moves in the Fischer-Spassky match.

"I heard some girls giggling," he said. "I looked over and saw the bunch of them standing there and decided it was just little girl-type games."

Lydgman said he saw Gina and he saw an older girl with the aerosol can.

"I was about to go after her and tell her to get rid of the can," he said, "but they all moved away."

The next time Lydgman looked up, he saw Gina laying on the ground.

Most of the other children had run away. Lydgman said he tried to apply mouth-to-mouth resuscitation.

"She gave a few spasmodic coughs, but that was all," he said.

"I don't know if I could have saved her if I had known what I was doing. I'm not trained in that."

Gina's mother believes there was a delay at the playground in calling for help. Police say the call came in at 3:39 p.m. Gina's sister, Angie, said the stricken girl lay on the ground for as long as 20 minutes before anyone moved to call for an aid car.

Mrs. Davis said her doctor told her that 15 minutes could have made the difference between life and death.

The manager of the store said he has ordered Pam removed from the shelves until he receives further word from his employers.

He said the aerosol product is displayed with the other cooking oils "because the company that sells it (Boyle-Midway, Inc., of New York) wants it displayed there."

Pam, he said, is a very high profit item. For example, he pointed out that the store gets five per cent profit on a can of Crisco, but 24 per cent on an aerosol can of Pam.

"We make as much from one can of Pam as we do on a half a case of Crisco," he said.

Ask any child, age 7 to 12, at the Wallingford Playfield what the kids there do to get "high." They'll tell you that Pam is the thing. One boy, about 11 years old, produced a crushed Pam can he had found on the street near the park.

"A lot of kids use the stuff," he said. "They spray it into the cup and sniff it from there."

"My little girl is gone," cried Mrs. Davis. "She didn't know it was dangerous. The night before last she was crying because she hadn't been baptized. She knew something was going to happen."

WOULD A REQUIRED WARNING STOP DEADLY SPRAY INHALING?

(By Susan Schwartz)

The federal Food and Drug Administration will propose that aerosol sprays be required to have labels warning that they can kill if they are deliberately inhaled, F.D.A. Commissioner Charles Edwards said.

No such warning is required now because the products are not meant to be inhaled, the F.D.A. explained.

But will warning labels stop the deaths of youngsters who deliberately inhale aerosol fumes to get "high"?

In the past year, three children in King County have died from inhaling aerosols, the medical examiner's office said. The latest, Gina Dawn Davis, died Tuesday.

Cans of PAM—a spray-on substitute for cooking-oil—were found near all three children. But PAM is no more poisonous than dozens of other spray products on sale in any grocery, the F.D.A. said.

PAM is one of the few aerosols that bears a label warning that its fumes may be poisonous.

The label, in capital letters, says: "Intentional misuse by deliberately concentrating the contents can be fatal."

Some observers think such warnings do little good.

"We have a warning on cigarets and I read that the consumption has gone up," said Dr. William Robertson, who deals with hundreds of child-poisoning cases as head of the Poison Control Center at Children's Orthopedic Hospital. "You have a population that's looking for a certain type of thrill. To blame the product I think is kidding ourselves. The critical ingredient is human behavior."

It is likely that more than 100 children have died of inhaling aerosols since the risky practice became the fashion among the young about four years ago. The F.D.A. said it now hears of about four deaths a month.

PAM is popular because it doesn't taste bad or clog the nostrils, as hair spray does, one F.D.A. official said. But hair spray, sprays used to frost glasses and other sprays have killed too, he said.

Should the killers be taken off the market?

There is no law against them, and the public would be hesitant to give up the 2.5 billion spray cans it uses each year, the F.D.A. pointed out.

Most of the sprays found in any supermarket, from imitation whipping cream to window cleaners, use the same family of propellants: fluorocarbons, commonly known under the DuPont Co.'s trade name, Freon.

A few other propellants are used, but almost any spray a child can buy has the same dangers: Mild anesthetics, they can suddenly produce fatal heart fluttering.

"A child may get away with it four times, and the fifth time, his heart goes. It's like Russian roulette," a DuPont spokesman said.

Freon has been accepted as safe for so long that its use in food was allowed to continue without its being subjected to safety tests used by the F.D.A. in the past decade.

Last year, the F.D.A. apparently became concerned about this omission. It held a conference with industry, which led to the naming of a committee. This committee in turn formed another committee, which is expected to report next fall on what research needs to be done to find out if long-term use of Freon is safe.

Clearly, though, Freon is not a cause of sudden death when used as directed.

"You can kill yourself with salt if you take enough of it. Are you going to stop selling it?" an F.D.A. spokesman said.

The F.D.A. and DuPont say they know of no cheap, safe substitute for fluorocarbons. Nor have they found a way to make the sprays unattractive to thrill-seekers.

The industry has turned to educating, distributing thousands of fact sheets to newspapers, police departments, church groups and other organizations. Its warning film strip for high schools and junior high schools has been sent to more than 20,000 schools.

But even understanding that the sprays are deadly may not keep youngsters from using them.

"We have some preliminary indication that stories in the newspaper about deaths from inhaling these things actually lead to more use," an F.D.A. spokesman said.

AUGUST 9, 1972.

DEAR SENATOR MAGNUSON: I hate to belabor you with letters, but I consider this quite important. Yesterday, at the Wallingford playground, a little girl died in my arms, a victim of "sniffing" a "bomb." An older girl (now in custody) persuaded her to try sniffing "Pam," a spray-and-bake preparation available in most food stores.

I did what I could, but my untrained attempt at mouth-to-mouth resuscitation failed. Our fire Department first-aid men, though responding quickly and efficiently, also failed.

It was an afternoon of irony as well. I knew the girl's aunt and her two children. And, when I saw the older girl with the spray bomb, I tried warning her and her friends. The older girl ran off, and for a couple of minutes I explained to the girls that *nothing* gives you a "high" without some harm . . . and in that two to five minutes, the little girl received a fatal dose.

Senator, we *must outlaw all spray cans on the retail market* whether the product dispensed is harmful or not. (In this case I'm told it was freon gas that killed the girl.) When products kill, they cannot be justified. The counter arguments that "even asprin can kill you" just won't work . . . or the feeble defense that the spay bombs are labeled . . . or that "the public wants it."

In God's name, Senator, how can these manufacturers and retailers—how can *you and I* see a child on the street without cringing inside, knowing what dangers *we allow* to be placed in their path? . . . and placed there by unscrupulous men who care only for profit.

And they are unscrupulous. They are accessories to murder and deserve the same treatment we give *any* criminal . . . for they cannot be in business without knowing what their products *do*. All talk of "percentages" of abuse, or warning labels are so much garbage. When you've held a dying child in your arms, arguments become irrelevant.

I know you have done much more than most in Congress toward product safety, and I know you face heavy, wealthy opposition—for which I heartily commend you. (And *please* call on me for door-belling or any help I can give you in the future. I am glad I gave you some help in the past, too.)

But you must rise once more, Senator—and make an end to murder sold off the shelves of retail stores!

Yours truly,

VICTOR LYGDMAN.

TRIBUTE TO DR. J. GRAHAM SULLIVAN

Mr. CRANSTON. Mr. President, a distinguished educator of international repute will retire from his current post as deputy superintendent of the Los Angeles city schools on September 9. He is Dr. J. Graham Sullivan, a former Deputy U.S. Commissioner of Education, who has been working in education for 37 years. I rise to pay him tribute, and to wish him well.

For the past 4 years, Dr. Sullivan has directed kindergarten programs for the Los Angeles schools and programs for adults in the city's community adult schools. Thus, he has helped create programs for those just beginning a formal education as well as programs for senior citizens who are seeking ways to upgrade skills or simply broaden their leisure horizons.

Decentralization has become a reality in Los Angeles under Dr. Sullivan's leadership, and citizens have come closer to their schools. Advisory councils composed of interested citizens, community leaders, and parents now meet with school principals to help improve the education of young people.

Dr. Sullivan first became a teacher at San Francisco City College in 1935 and remained at the school until 1940. During his years there, he also served as assistant to the president of the college.

In 1949, Dr. Sullivan took a position with the San Diego city schools. His duties there included serving as assistant superintendent in charge of the city's junior colleges, vocational and adult education programs. He also supervised the industrial arts and homemaking programs for the city's secondary schools, and he administered and supervised all of the University of California programs in the San Diego area.

Dr. Sullivan then became assistant superintendent of the Contra Costa County College district. His duties there included administration of the instructional programs for two separate institutions with approximately 3,000 full-time and 8,000 part-time students.

Mr. TUNNEY. Mr. President, my colleague has told us some of Dr. Sullivan's accomplishments on the local level of education. I would like to tell you of the influence he has had on the State and national level.

For 8 years—1958 to 1966—Dr. Sullivan served the California State Department of Education. His first assignment was as administrator of the bureau responsible for National Defense Education Act administration. He organized the bureau and served as its chief administrator for the State. Then Dr. Sullivan was made associate superintendent and served as chief of the division of instruction for the State. As a member of the State superintendent's cabinet he was responsible for the State Curriculum Commission.

Following his State service, Dr. Sullivan came to Washington as Deputy Commissioner of Education in the U.S. Office of Education, a part of the Department of Health, Education, and Welfare. In this post he shared with the Commissioner responsibility for the administration of Federal funds appropriated by the Congress. He also provided national leadership in planning and promoting education programs related to the national welfare and education standards of the States and local governments. In addition, he counseled Members of Congress and heads of Federal and international agencies.

Mr. CRANSTON. Mr. President, Dr. Sullivan's distinguished career has been international in scope. He served in Peru for the U.S. Government from 1944 to 1946 where he assisted that South American country in developing a program of public education. He headed an eight-man professional team, and for his work he was awarded the "El Orden del Sol" by the President of Peru.

In another mission for the United States, Dr. Sullivan went to Korea with a three-man team to assist in that country's program in public education.

His alma mater, Stanford University, called on him for a foreign mission in 1956. Dr. Sullivan went to the Philippines as head of a 23-man team of Stanford professors who worked in five Philippine state colleges.

In yet another foreign assignment, Dr. Sullivan went to Chile for the University of California in 1961. He returned to that country in 1963 as education representative for California's Governor, Edmund G. Brown, as part of a technical task force for a Chile-California AID program.

Dr. Sullivan's contributions to the field of education have truly been outstanding. His colleagues will miss his wise counsel. Both young people and adults will miss his leadership.

Not only is Los Angeles losing an outstanding educator when Dr. Sullivan retires in September, but the Nation will lose a man who has been an innovator and leader in this country's most important undertaking—education.

We wish Dr. Sullivan well in his retirement.

THE WORLD CONFERENCE ON THE ENVIRONMENT

Mr. WILLIAMS. Mr. President, it was my privilege to attend the United Nations Conference on the Human Environment in Stockholm this June as a member of the American delegation.

The American delegation under the very able leadership of Chairman Russell Train played a major role in the Conference. The American delegation was very well prepared and advanced several constructive proposals to improve and strengthen the matters before the Conference.

Perhaps the most notable document of the 2-week session was the Declaration on the Environment that represented the first international consensus on ways of preserving and improving man's habitat. It is most significant because it reflects a community of environmental interest among nations regardless of ideology, geography, or different stages of economic development. Among the most important principles set forth in this document is the one which affirms the responsibility of nations to avoid damaging the environment of other nations or of the international realm.

I believe that the other—more important—achievements at the Stockholm Conference should include:

The creation in the U.N. of a permanent high level environmental unit to coordinate U.N. environmental activities, and a U.N. environment fund expected to be funded at $100 million over the first 5 years;

The recommended completion this year of a global convention to restrict ocean dumping;

Steps to minimize release of dangerous pollutants such as heavy metals and organochlorines into the world environment;

A global "Earthwatch" program to be coordinated by the U.N., to monitor and assess environmental trends in the atmosphere, ocean, land and human health;

The recommended completion of conservation conventions, including the World Heritage Trust for natural and cultural treasures and a convention restricting international trade in endangered species;

World programs to collect and safeguard the world's immense variety of plant and animal genetic resources on which stability of ecosystem and future breeding stocks depend;

The proposed strengthening of the International Whaling Convention and a 10-year moratorium on commercial whaling;

Creation of an Environmental Referral Service to speed exchange of environmental know-how among all countries;

The recommendation that national environmental actions should not create trade barriers against exports of developing countries;

A greater emphasis on environmental values in international development assistance, more emphasis on conservation, land use planning, and quality of human settlements; and

A greater emphasis on population policy and accelerated aid to family planning in countries where population growth threatens environment and development goals.

Although the United States made a significant contribution to these recommendations, I am disappointed at some of the positions which the American delegation took. One of the most regrettable official U.S. positions was the adamant refusal to assist the lesser developed nations in paying for the additional costs inherent in controlling internal pollution. The United States took the position that the developed nations should not assume the costs of pollution abatement for the lesser developed countries. While I realize that this Nation or any developed country would be reluctant to assume an open ended obligation to pay for environmental protection in other countries, our opposition to this concept should not have been as total as it was. At least, the United States should have been willing to investigate the feasibility of the industrialized nations giving some additional assistance for environmental protection. The need to offer proposals to assist the developing nations in avoiding pollution problems was expressed in a resolution I introduced, with over 30 cosponsors, as Senate Concurrent Resolution 53. That resolution called for the American delegation at the conference to recommend mechanisms to assist the developing nations in meeting international standards of environmental protection. I deeply regret the American delegation's position which precluded further study of means to achieve this goal.

When proposals similar in intent to Senate Concurrent Resolution 53 were before the conference, the United States often opposed them. In effect, the United States took the position that the lesser developed countries could not expect the developed nations to assist them in meeting the costs of pollution abatement.

The effect of postponing international cooperation in this important area could encourage pollution havens in nations developing without large enough capital reserves to acquire pollution abatement technology. As one deeply concerned with international environmental protection, I believe the best and least costly approach to achieving environmental protection is in preventing these disruptions from occurring before they become a menace to every component of the ecosystem and the well-being of man.

It is also easily conceivable that in the absence of international environmental accords, some nations would seek to benefit from cheaper exports produced without adequate environmental protection standards. Other nations would then tend to lower their own domestic environmental standards or at least not upgrade them to the degree necessary to enable their industry to compete effectively.

It is unrealistic for our own Government to impose rigid environmental quality standards on American industry thereby causing the cost of American goods to rise, and then to ignore the need to negotiate international environmental quality standards. Until international accords are reached which provide for similar standards for the industrialized nations of the world, and until developing nations receive assistance in achieving pollution abatement, the United States will be risking a serious trade disadvantage and will not be taking sufficient initiatives to protect the world environment.

I feel that the U.S. position on this issue was shortsighted and did not acknowledge the extent to which all men share one environment. Pollution in Africa, Asia, or Latin America can eventually be as deleterious to Americans as environmental degradation currently is in Newark, Washington, or Los Angeles. As the wealthiest nation on earth and one of the nations most aware of the dangers inherent in degrading the environment, we must commit ourselves to the most effective approach to world environmental protection that we can devise. I hope that future official positions taken by the United States will show more flexibility on this vital problem. My resolution, Senate Concurrent Resolution 53, was directed toward solving these issues before they became critical. I still believe that we should reevaluate our international environmental policy in the context of the approaches suggested there.

The official U.S. position also opposed any increased financial assistance to the specialized agencies of the United Nations for pollution control. Again, I believe that this opposition was shortsighted, and we should have chosen a more flexible approach.

I also regret the fact that several recommendations made by Senator BAKER's Advisory Committee to the Secretary of State were not accepted by the U.S. delegation. The advisory committee recommended the creation of a United Nations environmental organization at a high level with maximum independence. The U.S. position which prevailed with modifications at the conference placed the environmental organization as a unit in the Economic and Social Council of the United Nations. I hope tha' the new environmental unit will be effective, although I believe we could have done more to improve the chances of this new organization's success.

Therefore, although some impressive initial progress was made at the United Nations Conference on the Environment, much more is needed to preserve our global environment. The United States should take a much stronger role of leadership on this important issue, and Congress must take new initiatives to encourage the administration in this direction. Additional funding for international environmental protection measures and formalized procedures for the transfer of pollution abatement technology should receive our prompt attention.

Our goal must be to control pollution on a global level and to restore the environment where it has been degraded. As the world's greatest consumer of resources, that goal demands a particularly deep commitment from us if it is to be reached. Self-preservation and an improved quality of life require that we reach it.

I urge our renewed efforts to achieve a more livable world. We have only one earth and, at the next conference on the environment in 1977, I hope that we can point to the progress man has made rather than to the imminent disaster which he faces.

A NATIONAL GROWTH POLICY

Mr. HARTKE. Mr. President, in the face of the growth of population and technology the Nation today faces a crisis of survival. Although this crisis of survival is man-made, the chances of survival and the achievement of a balance between man and nature are also in man's hands.

Uncontrolled growth and the spiral of governmental inefficiency have been the trademark of our lust for profit and uncontrolled development; but in recent years, there have been signs—slight to be sure—that we can reverse these ominous trends toward national ecocide.

In 1970, Congress adopted title VII of the Housing and Urban Development Act providing for an urban National growth policy to encourage the orderly growth of our metropolitan areas and communities in predominantly rural areas. In a complementary action, title IX of the Agriculture Act of 1970 committed the Congress to a sound balance between rural and urban America and declared that the highest priority must be given to the revitalization of rural areas. Recently, legislation to establish a National land-use policy has received the consideration of the Congress. Last week, the Senate passed the Full Opportunity and National Goals and Priorities Act. However, more comprehensive and far-reaching legislation is needed to provide for adequate planning, research, coordination, and guidance of the way the country will grow.

In May of this year, I introduced the Hartke National Growth Policy Planning Act of 1972 (S. 3600) as a means of airing the need for such comprehensive legislation. I have received since that time a substantial number of letters regarding the act.

Mr. President, I ask unanimous con-

sent that several of these letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Norfolk, Va., *June 27, 1972.*

Hon. Vance Hartke,
U.S. Senator, Senate Office Building, Washington, D.C.

Dear Senator Hartke: Thank you for bringing S. 3600 to our attention and for seeking the viewpoint of city government on its provisions.

The idea of a National Growth Policy with explicit goals and objectives is an admirable one and we compliment you for your foresightedness. However, we are disturbed by several aspects of the proposed legislation.

1. Section 108(b) is so vague that the immediate fiscal impact on the State of Virginia, the Southeastern Virginia region, or Norfolk is difficult to assess. Furthermore, the effect that this grant program would have on the maintenance of other Federal planning and management grant programs is not clear.

2. Although we agree that Federal and State actions should be evaluated for their growth implications, we do not conclude that growth policy planning should therefore be only in the hands of State and Federal agencies. We believe that growth policy planning without the active involvement of localities would be unrealistic.

3. The City of Norfolk is on record in support of the concept of revenue sharing. It appears, however, that Section 112 of S. 3600 conflicts with the very essence of revenue sharing in that it would add new strings to all Federal and State spending.

4. S. 3600 does not appear to be well integrated with either Title VII of the HUD Act of 1969 or Section 102 of the National Environmental Policy Act of 1969. How are the efforts induced by these other acts to be related to the new thrusts proposed in S. 3600?

5. The proposed legislation and your letter of May 26, 1972, appear to be biased against urban development and against industrial development in areas such as the South. We are not convinced that these biases are justified. Also, we are skeptical of any attempt to create such a powerful body as the National Growth Planning Board without providing strong checks on its authority. We are not sure that Section 112(b) provides an adequate check.

In conclusion, our overall impression is that the general approach taken in S. 3600 might be too sweeping, and could remove planning further from local participation, both citizen and governmental. We do feel, however, that there is a need for some form of overall growth policy planning and improved program coordination at the Federal and State levels. Our main concern is that this be done in a way that adequately reflects local needs.

Sincerely,

Roy B. Martin, Jr.,
Mayor.

University of North Carolina
at Charlotte,
Charlotte, N.C., July 18, 1972.

Hon. Vance Hartke,
Senate Office Building,
Washington, D.C.

Dear Senator Hartke: I have read with interest your statement and the text of "National Growth Policy Planning Act" as published in Congressional Record of May 11, 1972.

It is my opinion that the time has come in our country when it is essential that more attention be given to planning for our future. While I might want to argue that some parts of the declaration of policy should await the studies growing out of the national, regional, and state activities proposed, I think the bill is so important that most, if not all, of its provisions should be enacted.

In recent months, Governor Robert W. Scott has created a Council on State Goals and Policy which is directing its attention to some of the objectives set forth in S–3600. It is apparent to me, however, that ways must be found to focus public attention on planning for the future, and that involvement of the federal government could help to arouse our citizens and avoid the cycles of enthusiasm which may rise and fall with changes in governors.

My hope is that the Congress will look with favor upon the enactment of legislation along the lines proposed in S–3600.

With kind regards, I am

Sincerely yours,

D. W. Colvard,
Chancellor.

Madison, Wis., *June 16, 1972.*

Hon. Vance Hartke,
U.S. Senate,
Senate Office Building,
Washington, D.C.

Dear Senator Hartke: I am delighted with your introduction into the Congress of the National Growth Policy Act, S. 3600. Delighted because of the degree to which the purposes of this initiative parallel my own thoughts and efforts for a state growth policy and planning effort in Wisconsin.

Early this week, I announced a major new program in Wisconsin, a program that will form Wisconsin's first state growth policy and aimed at balanced development of urban-rural opportunities. It is my intention that this policy should guide both governmental and private investments throughout Wisconsin so that their coordination will yield a better return on our investments. I believe our efforts will give us more resolute direction—clear basis for reordering our state priorities. And it is my intent to develop the policies gradually and publicly and in a manner that is readily understood by citizens, so that there will be support for the actions necessary to carry out the policies.

As I indicated to the Senate Interior and Insular Affairs Committee when I testified on the National Land Use Policy bill, the states need to have an explicit national-level policy framework for state growth policy. I believe your bill provides the capacity for that national framework.

To date we have had much time and effort spent in making plans which have had little impact on state and local public decisions. I support your bill's intention to link the management of policy implementation with the planning of policy. And the growth policy planning and implementing responsibilities are placed right where they belong—with state government.

Because I view state growth policy so seriously, I have a deep concern that such policy planning is understood by citizens so necessary implementing actions will be supported I also have a fundamental interest in seeing that such growth policy planning is closely integrated with all the rest of the state policy decisions of my office and of the Legislature. I believe growth policy is too vital to be resolved between the staffs of a state agency and a national planning board. State elected officials must endorse such growth policy as the official policy of the state before submission to a national planning board. It is a serious matter for policy to be proposed through a process which by-passes the state's highest elected officials, and then binds those officials to the execution of that policy.

Your initiative in introducing this bill is very timely to Wisconsin, and to our Nation, and I look forward to the opportunity to testify on your bill.

Sincerely,

Patrick J. Lucy,
Governor.

Housing Advisory Council, Ltd.,
New York, N.Y., August 1, 1972.

Hon. Vance Hartke,
U.S. Senate, Washington, D.C.

Dear Senator Hartke: I greatly appreciated the opportunity you gave me, through your letter of July 27, 1972 to me, to comment on S. 3600, your bill to establish a National Growth Policy.

I could not agree more that we sorely need in this country policies that have some meaning as to our national and urban growth. I believe that in certain aspects your legislation parallels that of various land-use legislative proposals that have been introduced in the Congress in the last year and a half.

I think you will find that many people in the private sector agree that we need more rational growth policies in this country, and I think they would also point out that we have no such policies for either land use or national growth now in this country at the Federal level.

My area of expertise is essentially housing and urban growth, and I note that every department in the Executive branch of the Federal Government affects the production of new housing in one way or another. Future urban growth policies will be effected by every department in the Federal Government, and it is felt strongly by many of us in the private sector that without such policies as you contemplate in your legislation, this Nation's urban centers will continue to deteriorate even as they are aided by various Federal programs in unco-ordinated and piecemeal fashion.

You refer, in your introductory statement to the legislation, to Title VII of the Housing and Urban Development Act of 1970, a title which establishes on a self-sustaining basis a Community Development Corporation. I think there is a good lesson to be drawn from that Title VII, a lesson which might help in the establishment of a national growth policy.

That lesson is this: Title VII was made up out of whole cloth, on the basis of almost no experience and drawn up on an initial input which used numbers drawn from out of the thin air. In my judgment Title VII will eventually have the Federal government holding the bag on millions of dollars worth of bonds which it has guaranteed. The only new town in the United States which can be said to be successful, outside of those new towns where there was no debt in the land, is that of Columbia, Maryland. There is some question as to the continued success of Columbia, in my mind if not in others. It is a good example and one worth taking many measurements of, but it is only one and we have no others that have really proven anything, where the developers, whether they were public or private, going in had to take large debt to get ownership of the land. My point here is that we should continue to experiment and we should try to develop policies, but our inputs should be of a much more weighty nature than the inputs were for the creation of Title VII.

If a national growth policy would slow down or control urban sprawl as we have known it in the past 20 to 25 years, then that policy would have to remove the yield factor from urban sprawl as we know it. Urban sprawl is quite simply the result of developers and consumers pursuing the greatest yield and appreciation on their investment. It is that greatest yield and appreciation which has left so many center cities decaying areas. Obviously, in my judgment, any national growth policy which would change that pattern of the post-World War II years would have to change the rules on how the developer and the consumer got his yield or his appreciation on real estate.

Let me point out, rather gratuitously, that we are the only developed nation on earth that permits portions of its center cities to die simply because there is no return for the private sector, or sufficient return, on any investments it might otherwise make in those areas.

If I can be of any assistance to you or your office, please do not hesitate to call on me.

Yours very sincerely,

RICHARD W. O'NEILL.

GOLDMARK COMMUNICATIONS CORP.,
Stamford, Conn., June 27, 1972.
Hon. VANCE HARTKE,
U.S. Senator,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: It is most complimentary of you to ask me to review your National Growth Policy Planning Act of 1972, S. 3600 and to request any comments I might have toward developing a workable program to assist all levels of the government to meet our nation's environmental and rural emergency.

I have read the bill very carefully, and I want you to know that I feel your proposed legislation represents extremely exhaustive research. It is reflective of the extensive thought and study you have devoted to a solution for this national problem.

Your emphasis to establish a control at the Federal level to help overcome the imbalance existing between urban and rural population norms is, in my opinion, one of the most essential tasks ahead for this nation. We are not going to be able to stave off the physical and psychological disasters which are inevitable by the end of this century unless definitive and intelligent action, such as you have proposed, is taken on a national scale.

The National Growth Policy Planning Act provides an essential partnership between the Federal government and state, local and interstate bodies engaged in efforts to develop local areas in a constructive manner. It is extremely important that S. 3600 recognizes this need for cooperation between states in their planning and, at the same time, recognizes that only through the establishment of a consistent growth policy applicable to all areas can needless conflicts over areas of authority be avoided.

There is one essential phase of an overall national growth policy which I believe might be emphasized in your bill for such implementation. That is a clearcut program for the establishment in carefully selected, strategic areas of closer interaction between larger cities and smaller ones. I reference the kind of program which will enable smaller communities to provide facilities for large corporations to establish complete segments of their general operations in them, and through carefully conceived and meticulously executed systems of communications, enable people to live and work within the immediate vicinity of their places of employment.

Such a rural planning program, coordinated under the aegis of the National Growth Planning Board, could prevent innumerable false starts or no-starts as well as duplication of effort. The grant-in-aid program of S. 3600 could well be used for studies of this kind of activity and the essential periodic audit which the bill stipulates could make it certain that a common goal is established wherever such action is underway.

Another thought which comes to mind is that a rural planning arm of the National Growth Planning Board could establish criteria for this type of operation and cooperate with local, state, and interstate planning bodies in making certain that no possibilities are overlooked.

Since studies of this concept of meeting the urban/rural population imbalance problem have been underway for some years, it would not be difficult to develop a code of action based upon factual data already available.

Essential to such a phase of the National Growth Planning Policy would be the creation of statewide and interstate broadband communications links for business purposes, education services, health care, and all public services required for the effective operation of a community in the best interests of its citizens—both corporate and private.

The technology needed to establish an efficient communications network within a town, between towns, within a state, and between states is available and is practicable on a nationwide basis. All this technology needs are tailored innovations to provide this country with a way of living that it has not had, but must have, if our inevitable environmental problems are to be met and overcome.

There is one other point to which I would like to refer. The National Growth Planning Board as described in Title II calls for a body of seven members appointed by the President "from among individuals with special qualifications to carry out the functions of the Board."

Would the Board not be stronger and more effective if Title II specified the "special qualifications" which the members should possess? We know, of course, that the President would be most selective in his choice of the Board membership, but, for guidance, it would be helpful if there were definitions of the kind of experience members should have if their services are to be valuable in this extremely important forward thrust for the nation's well-being.

I do not presume to set myself up as an expert on selecting personnel for a body such as this. I would like to strongly suggest, however, that among the members of such a Board would be individuals with backgrounds in public communications, education, health services, community planning, finance, and other specialties in social involvements—all of which I am sure you have already considered in your detailed research for the presentation of the National Growth Policy Planning Act of 1972.

I wish that I were able to expand much further my suggestions to you in regard to S. 3600, but you have done such a complete thoughtful job in your presentation that the activation of your ideas would go far in meeting this nation's pressing need to rescue our people from what could be inevitable disaster.

May I thank you once more for requesting my comments on this tremendous undertaking and express my compliments once again in the highest possible terms for the extensive thought and effort reflected in this proposal. I am sure that it is needless for me to say that I stand ready to offer you any assistance I might be able to lend in bringing the National Growth Planning Policy to reality and in implementing it when the Policy is placed in action under the kind of leadership exemplified by national legislative leaders like yourself.

With expression of highest esteem,

Cordially,

PETER C. GOLDMARK.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, D.C., June 22, 1972.
Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: Thank you for your recent letter and a copy of your National Growth Policy Planning Act of 1972, which was addressed to Dr. Wilfred J. Garvin, the former Assistant Administrator of the Office of Planning, Research and Analysis. We are pleased to have the opportunity to offer comments on your legislative proposal.

The major features of your bill are the establishing of a comprehensive National Growth Policy and a National Growth Policy Board to administer it. We have closely examined each portion of this bill and have yet to emerge with a well-defined, clear-cut perception of the extent of this proposal. For example, Section 102(b) states:

"The Congress further declares that it is the National Growth Policy to—

"(1) favor patterns of growth planning, management, and development which are in accord with sound ecological principles and which encourage intelligent and balanced use of the Nation's resources."

In its role of administering this policy the authority and scope of the Policy Board is hazy relative to the sphere of influence of existing governmental bodies. Is it not the role of the Environmental Protection Agency to see that the policy stated above is adhered to? A number of other agencies also are charged with planning for the efficient use of scarce resources.

The growth of an area is dependent upon the contribution made by each component of the growth structure. In our complex society the Federal Government has established individual institutions whose primary purpose is to be involved in all phases of the subject area to which they owe their creation. Within this context national policy is continuously being established and evolving. It appears that establishing a single national policy for growth and having it administered by a single National Growth Policy Board is attempting to simplify a very complex and many-faceted concept.

It appears to us that many of the proposals in your bill already are being carried out under the aegis of other Federal groups. Regional commissions are addressing themselves to similar problems. There also are planning and coordinating organizations who conduct studies and compile planning documents. They have liaisons with Federal, State, and local representatives and have access to numerous studies of the local areas. Many of these plans pinpoint the problems of an area, devise strategy to overcome them and skillfully coordinate the activities of all levels of government and the private sector. The implementation stage remains, which in most cases is slow in getting underway because of funding difficulties.

Initially, the Appalachian Regional Commission was set up to serve an area having economic problems more severe than those of the rest of the Nation. It is questionable whether some of the regional commissions established subsequently could meet these same criteria. Presently there are six regional commissions for the areas of Appalachia, New England, Great Lakes, Four Corners, Coastal Plains and the Ozarks. It appears that the proposed legislation is moving toward a planned economy for the entire Nation. This does not seem desirable at this time; however, if pursued, it would probably be judicious to build on the present regional commissions and establish additional commissions to cover the rest of the Nation. This would allow existing commissions to continue moving in the direction they are now going without requiring them to go through the preliminary stages again.

In our opinion the approach to national growth that is proposed leans heavily in the direction of additional government control. A single board to oversee planning for the States is not consistent with the decentralization theme presently advocated.

Sincerely,

E. W. SANDBERG,
Assistant Administrator for Planning, Research and Analysis.

SECRETARY OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., June 28, 1972.
Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: First let me thank you for the opportunity to comment on your proposed National Growth Policy Planning Act of 1972, Senate Bill 3600. It is always pleasing to learn of attempts to deal with the most difficult areas of public policy.

While I would not feel comfortable making general comments on an issue of such enormous complexity, I am glad to comment on several specific features of the proposed legislation:

Sec. 104(b)(10)—specifies utilizing existing review and comment mechanisms to determine the consistence with State or Regional growth policies of Federally assisted projects. This would require additional highly competent staff on these coordinative bodies. Provision must be made for financial support for these persons' salaries, and even then the supply of competent professionals may be too inelastic to meet the added demand.

Sec. 105(a)(1)—does not make clear whether an interstate region may be composed of parts of States rather than entire States. It would seem desirable, particularly but not only in the case of a State which shares metropolitan areas with more than one neighboring State, to allow regions smaller than entire States for purposes of growth policy planning.

Sec. 105(c)(2)(A)—in light of the previous comment, this provision appears to be a compromise avoiding the questions involved in sub-State regional governance.

Sec. 105(e)(4)—presumably refers only to Federal funds assigned for growth policy planning purposes. Otherwise the line of responsibility to the Board would be circumventing the lines of responsibility to units of State and local governments established under current coordinating mechanisms.

Sec. 106(a)(3)(c)—assume it is currently possible to design a plan for more than trivial purposes which does not conflict with the objectives of *some* Federal legislation. The identification of the present maze of conflicting legislative objectives may be one of the most beneficial outcomes of any attempt to develop an explicit national growth policy.

Sec. 302(3)—this wording *constitutes* a growth policy, albeit a rather general one. It is not a definition of the term "growth policy," and seems inappropriate when a stated objective of your bill is to begin work toward developing a growth policy.

Sec. 307 and Sec. 308—the preparation of the first National Urban Growth Report revealed an enormous lack of expertise within Federal agencies with regard to the concept and techniques of growth policy planning. Where will be the expertise required for the Board and Federal agencies to provide technical assistance in this area?

I hope these comments will be helpful to you, and trust that discussion of your proposed bill will lead to increased knowledge about growth policy issues. If I can be of further assistance in this or a related matter, do not hesitate to contact me.

Sincerely,

PAUL L. NIEBANCK,
Deputy Assistant Secretary,
Policy Development.

STATE OF NORTH DAKOTA,
Bismarck, N. Dak., May 31, 1972.

Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: The National Growth Policy Planning Act, S. 3600, could well be one of the most important pieces of legislation introduced in this country. I have reviewed the material you sent to me and I find it to be consistent with my thinking on the subject.

I have been trying to advance the cause of distribution of opportunity and hence the voluntary distribution of people in the United States for several years. The National Governors' Conference, for the past three years, has recognized the urgency of distribution of population in this century.

I have proposed that a Cabinet-level Department of National Planning be established with divisions of environmental protection, management, and budgeting. Such a department would also be the repository of centralized electronic data banking to be used in planning and projecting for both the Executive Branch and Congress.

Your proposal is very broad and very far reaching. I congratulate you for it. I think it is the most urgently needed legislation that could be considered by Congress at this time. I would be pleased to support it in any way I can.

Sincerely yours,

WILLIAM L. GUY,
Governor.

ECONOMIC DEVELOPMENT
ADMINISTRATION,
Washington, D.C., July 6, 1972.

Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: Thank you for the opportunity to review and comment on your recently introduced Bill S. 3600, The National Growth Policy Planning Act of 1972. The topics that the proposed legislation covers, and the Bill itself, are so complex that I have been unable to give them the thorough study that they require. I am confident, however, that the legislative process, including public hearings on the Bill, will provide for a full exploration of the issues involved.

The proposed program of Growth Policy Planning Grants is extremely ambitious, and in some cases it seems to assume too much knowledge and expertise. I am struck, in particular, by Section 104(b)(2)(F) which suggests a projection of various public and private needs *"for at least 100 years."* I wonder if we really have the requisite skill to do this. Might it not be more useful in guiding our actions now to look a shorter distance into the future—say a decade or two?

Like most citizens, I share your interest in providing for more orderly growth and change. I am also convinced that some kind of planning is essential at Federal, regional, State, and sub-State levels if we are to achieve this desired goal, and coordination of these various planning efforts is clearly essential. The National Growth Planning Board proposed in S. 3600 may be an answer to this need for a coordination mechanism.

Whatever the shape of the program that is finally adopted to achieve the goal of planned development, I am sure that your Bill will play an important role in stimulating our Nation's thinking on this important subject. Clearly much thinking needs to be done before we can reach a concensus on a topic as important as the National Growth Policy.

Sincerely,

KENNETH L. DEAVERS,
Director,
Office of Planning and Program Support.

NEW YORK, N.Y.,
June 13, 1972.

Hon. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARTKE: Thank you for sending me the material on your proposed National Growth Policy Planning Act of 1972, S. 3600.

I think the fact that you have designed and introduced this legislation is to be commended. I consider this an important step forward and welcome the discussion it will arouse. It seems to me unlikely that this legislation will, in fact, ever be passed in its present form, but I recognize the educational utility of introducing it. Unless we begin somewhere, we can never advance to more sophisticated understanding of these problems.

In the paragraphs that follow I shall be quite critical of the proposed act and will word my criticisms strongly, but I speak as a friend of the legislation rather than as an enemy inasmuch as I believe the questions touched on by it are absolutely vital to our future.

The weaknesses of the proposed act, as I see it, flow from the same technocratic bias which is present in the Club of Rome report "The Limits to Growth." In the last chapter of my book, *Future Shock*, I discuss the characteristics of technocratic planning and argue that this type of planning is no longer effective in a fast-moving society of great diversity. I believe that centralized planning from the top down, short-range planning and econocentric planning all run the risk of producing boomerang effects. I suggest that what is needed is a wholly new approach to planning in the future and outline some of the principles upon which I think this new planning might be premised. May I respectfully urge that your staff take a look at these few pages in my book because they will outline quite sharply the differences in my approach and those implicit in "The Limits to Growth" report. My more specific criticisms of the National Growth Policy Planning Act of 1972 fall into five categories:

A. LACK OF PARTICIPATION

The only references made to public participation are to public hearings and the right of appeal. There is not a word in the legislation about grass-roots goal formulation. The bill shows no awareness of some of the exciting experiments in long-range planning and goal formulation that are now taking place around the United States, for example: the Hawaii 2000 Conference sponsored by Governor Burns two summers ago; the recent decision of the Iowa legislature to survey the future of Iowa; and a project in New York City by the Regional Plan Association aimed at involving millions of New Yorkers in decisions about the long-range future of the metropolitan region. Similarly, the act shows no awareness of recent experiments with what is coming to be known as "participatory technology"—the use of new communications media to involve large numbers of ordinary citizens in the planning process.

It seems to me that the bill further centralizes power at the federal level, despite the use of the states and the regions as intermediaries. It also suffers from the same fundamental defect present in most federal legislation—i.e., the assumption that the states are the right or appropriate units or that units larger than the states (multi-state regions) are the appropriate entities. It ignores the possibility that much smaller entities might be the appropriate units for planning, although it refers rather vaguely to the right of the states to delegate certain powers downward. In my view, it is going to be extremely important to diffuse decision making and participation in goal formulation very widely through the society and that any further centralization is, or could be, dangerous.

B. INADEQUATE CONCEPT OF RESOURCES

The bill assumes that it is possible to "inventory" resources, but resources are not well defined. Implicit in this assumption is the idea that resources are static—that certain materials or substances are "resources" and that these are resources for all time to come. This is a weakness implicit in the Club of Rome report as well. In my view, the term resources is a relative term and materials that are of no value at one stage of human development become of enormous value at another stage when the level of technology has shifted.

It is therefore very difficult to arrive at a neat inventory of resources without some more careful definition of what they are. It might be less ambitious but more worthwhile to discuss inventorying ten or 25 or one hundred key resources rather than attempting the impossible, which is to survey "all" resources. The imprecision with which the term resources is used is even more marked with respect to "human resources." The concept human resources is a fuzzy and controversial one which requires a great deal more attention than it apparently has received in the formulation of this legislation.

C. ECONOCENTRIC BIAS

As is the case in technocratic planning, the legislation here heavily overemphasizes the "hard" dimensions of population, resources, economic development, etc. It is extremely light on the "soft" or human side of the ledger. Its references to human resources are largely rhetorical as, for example, in Sec. 102(a).

In Sec. 104(b) which outlines the purposes to which federal grants will be applied, there is a list of subjects requiring state research or investigation. These include such matters as land, population, economic characteristics, public works and ecological characteristics (in the sense of physical ecology). What is missing here, it seems to me, is the realization that the problems arising from growth are not just hard quantifiable economic, demographic, and technological ones. They are also social, institutional and cultural. The problems we are facing are not just those of potential resource depletion (about which there is a great deal of controversy, in any event). They are not just questions revolving around crowding and/or population. They are not just questions of existing technology and productivity. Nor are they simply questions about pollution and ecology. They have to do with such questions as the effect of labor mobility on family structure; the nature and size of organization and our ability (or lack thereof) to manage extremely large-scale organizations, such as companies, government agencies or municipalities; they have to do with the degrees of diversity or uniformity in our communities and organizations; they have to do with the character of work and the degree of monotony or surprise in the lives of the citizen; they have to do with the values of the society and the character of the political machinery by which we attempt to hold the society together; they have to do with the nature of the communications media and their impact on the society.

Growth policy which ignores these factors will, in my opinion, find itself to be ineffective and will simply boomerang as have so many well-intentioned federal programs. We are relatively good at dealing with the "hard" side of these questions, but we are extremely poor at dealing with the "soft" side. Our failures, in my view, are very largely a consequence of our ignorance about these kinds of non-economic questions. To create a growth policy or a machinery for executing it based on this inherently technocratic bias would, quite likely, turn out to be a mistake and perhaps a dangerous one.

The attempt to deal with these questions, for example in Sec. 104(b)(2)(F), is weak. It attempts to "get a handle" on the soft or sociocultural questions but refers only to "recreation . . . housing . . . open space. . . ." It ignores, for example, the question of time which, in many ways, is becoming more important than that of space. Unless we understand how growth affects the disposition of time in the society, both in the sense of individual and organizational time, we may fundamentally misunderstand the impact of growth. There are, in short, a great many dimensions to the growth question which are either ignored entirely or only alluded to in the vaguest and most rhetorical of terms.

This weakness and overemphasis on the eco-technological factors is reflected in Sec. 302(4) in which the term "resources" is defined. There follows a long list which includes water, air, land, agriculture, fish and wildlife, etc., with only a single fleeting reference to aesthetics and human resources weighing in on the other side of the scale. It is quite clear that a great deal more attention and intelligence has been devoted to the more familiar and admittedly easier-to-work-with variables that most social scientists, planners and politicians are accustomed to working with, than have been devoted to the much more difficult and perhaps even more important socio-cultural factors.

D. NOT SUFFICIENTLY ANTICIPATORY

Despite a single reference to one-hundred-year projections, the entire thrust of the legislation seems to me to be insufficiently long-range. Most planning, as we know, is based on extremely short-range or intermediate time horizons. The function of any federal agency ought to be to encourage much longer-range horizons in the planning activities of regions, states and small political entities.

A particularly important weakness in this respect is the absence of any discussion of the need for technology assessment on the part of regions, states and municipalities. Any attempts to do long-range planning with respect to growth policy (or anything else) will fail unless a very systematic effort is made to examine scientific and technological breakthroughs that are not yet present. Thus, it could well be that certain biological developments, such as cloning or genetic manipulation of the embryo, could have shattering impacts on the family structure in this country, upsetting all our conventional economic and political forecasts. The development of a network of breeder reactors in the United States could have an enormous impact even on the economic growth patterns of the country. The development of cable and cassette television could have important effects on reducing the power of centralized communication services in this country which, in turn, could have an important effect on the scale of political and corporate organization and on other factors bearing directly on economic growth. One could list many potential technologies that could have enormous impact on the entire growth pattern but which are not yet present. A sensible legislation for the control of growth, therefore, must in my view include a very carefully developed program for the creation of technology assessment agencies throughout the public sector, not to mention the private sector. The absence of this one element could very well invalidate the rest of the legislation, in my view.

E. PREMATURE POLICY FORMULATION

I'm troubled by the fact that the legislation attempts to set a growth policy even though we are still lacking adequate definitions of growth, resources, and other operating terms. Thus, for example, Sec. 102(a) calls for "the development" of a policy but Sec. 302(3) articulates one. It may be that it is much too early for us to attempt the specification of an appropriate growth policy. The nation and Congress both need a great deal more discussion of these matters before an attempt should be made to formulate a specific attitude toward growth. I am by no means convinced of the rightness of the forecasts implied in the Club of Rome report. It would be a mistake, in my view, to rush in with a policy aimed at curtailing growth even if such a policy is masked, as is perhaps the case in this legislation, under the guise of a program for *encouraging* growth. We simply do not yet know enough about the implications of growth to establish a federal policy toward it, without far reaching public discussions of the matter at the grass-roots level.

Let me give you an example. Sec. 302(3) would make it federal policy to discourage "migrations and physical growth which reinforce disparities among states, regions, and cities." Yet I could easily foresee circumstances in which we might specifically want to encourage certain disparities in order to preserve or create diversity within the national system.

A further severe difficulty which I think is present in this legislation is that it assumes it is possible to articulate and effectuate a growth policy within the confines of a national framework. At a time when more and more ecological and economic problems are osmoting through national boundaries, it seems to me that the failure to recognize this within the proposed legislation is a severe weakness. What impact will a federal growth policy have on the neighboring regions of Canada or Mexico? Even more important, what effect will a national growth policy have on our relationships with the developing nations generally? Such issues cannot be ignored and I think it is a serious weakness that the proposed legislation does, in fact, ignore them.

These, then, are some of my immediate reactions to Senate bill S. 3600, the National Growth Policy Planning Act. As I mentioned earlier, I hope these rather severe criticisms will be taken into consideration but that they will be regarded as constructive, rather than destructive criticism. I look forward to the emergence of Mach 2, 3, and 10 versions of this legislation and, eventually, the widest public discussion of the issues raised in it. It is important not to rush into a premature, naive, lopsided policy. But it *is* important to begin the discussion and this, I think, you are helping to do.

Sincerely,

ALVIN TOFFLER.

SIGHTS AND SOUNDS OF THE DEMOCRATIC CONVENTION

Mr. CHURCH. Mr. President, newsman Dwight Wm. Jensen, of the Intermountain Observer, has recorded some of the sights and sounds of the Democratic National Convention held in Miami last month, especially those experienced by the Idaho delegation led by Gov. Cecil Andrus.

This well-written and interesting article preserves the flavor of that historical gathering. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIGHTS AND SOUNDS OF THE CONVENTION—DELEGATES PRACTICED WHAT MCGOVERN PREACHED

(By Dwight Wm. Jensen)

For some reason, my favorite story from this year's Democratic National Convention is a small occurrence that happened just after it concluded. Dick Murphy, the convention director, picked up the huge gavel with which Larry O'Brien had so often tried to summon order, and turned to Rocco Pomerantz, the Miami Beach Chief of Police, who had spent much of his time on the rostrum,

Murphy said, "Rocky, you're the greatest cop in the world."

Pomerantz said, "Fine, but you're stealing the gavel."

Pomerantz's police spent most of the convention cooling their heels under thatched canopies on the convention grounds, drinking Gator-Aid and thinking up ways to annoy convention visitors. Their favorite seemed to be to send them from one gate to another seeking admittance, always making sure never to send them to a gate where they would actually be admitted.

Security was uncoordinated. One would encounter city police, state police, troops, and at least three kinds of plainclothesmen, none of whom knew what any of the others were doing. For instance, one group of security people forced reporters to give up Badge A in order to obtain Badge B. Another group of security people demanded that the reporters wear both Badge A and Badge B. So on and so on.

But—like the convention itself—we are putting security in the first place when in actual fact the most important thing was what happened politically. That kind of mixup in priorities has become much too common in the past eight years. The whole idea of this year's Democratic National Convention was to change that

George McGovern, preaching that Democrats need not take orders from the old guard or submit to the discipline of traditional Democratic leaders, issue his own orders and imposed his own discipline, and thus won the nomination. But some of the delegates practiced what McGovern preached and, before the last of them had left town, the grass roots finally did actually have something to say about what went on.

The tight discipline was evident everywhere. There were no serious demonstrations in the street. There were no very rousing demonstrations in the convention hall until Edward Kennedy and McGovern himself delivered the final, unifying speeches. His delegates voted down the line in favor of McGovern's position on credentials, platform, and procedural matters, varying only rarely and slightly and not on any issues that were of basic importance to the candidate.

But the discipline began to wear thin when McGovern, like the old guard he had replaced, sent forth instructions on who should become the vice presidential nominee. Delegates who had come to Miami Beach thinking they had been elected to make up their own minds, made an effort at independent judgment, and thus Thomas Eagleton had to contend with a long list of foes, from Eleanor McGovern to Mao Tse Tung. That hint of rebellion kept McGovern's acceptance speech off of prime time—thus kept him from speaking to the millions of East-Coast wage-earners whose votes he needs and for whom large chunks of his speech were intended.

The next day, the rebellion finally broke through. McGovern nominated Pierre Salinger to be vice-chairman of the party. The Democratic National Committee turned thumbs down on Salinger, electing their own man instead. McGovern's dogma had finally become the Democratic Party's fighting words: they had become independent of party leaders in fact as well as in doctrine.

There were scenes to be remembered from this convention. Frank Church, sitting in his chair along one aisle, working on a speech to be used in case of a major challenge to the foreign policy plank. His speech was not needed. In all, he wrote three speeches at the convention that were never given.

The Idaho delegation digging into A & P grocery sacks and hauling out bread, cheese, bologna, wine, for supper the first night of the convention. All hands turning to on Kentucky Fried Chicken, compliments of the Colonel, the second night. These were only two of the ways delegates from many states tried to beat the outrageous restaurant prices in Miami Beach. The McGovern staff arranged a 69 cent a day breakfast for his delegates. The press had it easier—the American Association of Railroads set up a press room with ample supplies of ham and beef sandwiches loaded with meat, along with soda pop, beer, and coffee. Some of the "working press" never left that room while it was open. "Non-stop eating," one storyless reporter called it.

The persistent cries of O'Brien to "clear the aisles." Actually, most of the delegates were in their seats. O'Brien also pleaded with "media" to clear the aisles. There were perhaps 400 reporters on the floor at a time. The aisles were usually passable, even when O'Brien was pounding his gavel—it was the noise, not the traffic, that was disrupting. But the traffic itself was caused not so much by seated delegates nor 400 reporters as by upwards of 1,500 others—workers for candidates, lobbyists, ushers, security men, visiting politicians, wives and children of delegates, and so on—who were given passes to be on the floor but were not given any place to sit. The aisle was their only home.

Press passes were, as usual, given mostly to the local Washington, D.C., and New York press, who work for networks, wire services, and big newspapers and could use their favored position to focus national attention on their chosen favorites. The reporters trying to get the story about home delegations back to local people had to stand in line for as long as an hour and a quarter in order to get a pass good for 30 minutes on the floor. Part of that 30 minutes was always spent arguing with Security men who couldn't cooperate with each other about rules.

And other scenes.

The Idaho delegation in its most serious fight, the one about whether to announce support of the lettuce boycott. "If we're going to do that, we'd better be ready to take the next step and support a potato boycott," said Gov. Andrus. "I am not ready to do that." Ralph Harding saying, "If you think announcing on national TV that we support the lettuce boycott is going to help a McGovern ticket in Idaho, you're kidding yourselves." The vote was 8½–7½ against making the announcement—after Andrus ruled that only delegates, not alternates and visitors, could vote on the question.

Andrus himself, flushed and nervous as the time to cast Idaho's vote drew near. The national television shot, the lettuce squabble, some last-minute question about how Shawn Miller would vote, and the fact that he was Idaho's first Democratic governor since Hector was a pup to cast Idaho's vote at a Democratic convention, all combining to cause the nervousness.

Robert Lenaghen, stony-faced as usual, standing beside the governor's chair, observing, commenting, helping the delegation.

Ray Brandt, the Humphrey delegate, taking his whipping in good spirits and, when he voted for Eagleton, saying, "It's nice to be on the winning side for a change."

Angie Neitzel, deciding party unity was more important than a token vote for a woman, and going to Eagleton instead of Sissy Farenthold.

Miller, the most colorful member of the delegation in dress, and apparently taking the outcome in good spirit and going home ready to work for McGovern, although wondering if his candidate had not made too many compromises with the Establishment.

Willis Ludlow, standing thoughtfully next to Bella Abzug while their picture was taken together, and not knowing until later that he had been standing next to Bella Abzug.

Jesse Jackson, aloof and cold as a feudal lord, ignoring some offers of help being made to his "Operation Breadbasket," basking in his defeat of Mayor Daley.

Wyoming's delegation, priding itself on its non-commitment, watching the tactical value of non-commitment drain away as McGovern's forces rolled to a win. Wyoming's—and perhaps the convention's—most beautiful delegate, Mariko Miller, earnestly talking about the victory of independence over "squalid politics," saying, "I can be proud to be a Democrat again."

Dan Rather looking serious and making all the wrong predictions, Mike Wallace looking to his image, Virginia Sherwood looking fashionable, Harry Reasoner looking calm and a little above it all, while in the backrooms and trailers of the networks the teletype girls and internal wire editors and technicians provided the effort and information that were the guts of their broadcasts.

And finally—The pleased and surprised reaction to Eagleton. The man really can speak.

The exuberant, foot-stamping response to Kennedy as he told how other Democrats had achieved greatness, "And so will George McGovern."

And the hearty, rousing response to McGovern's own speech as, with the nation long since gone to bed, he said jobs will come before welfare, national strength will be maintained, but America must come home from its foreign adventures and set its own house in order.

The feeling of triumph and delight that swept the hall at the convention's end.

And then walking through the humid, sweltering early morning with old-time Democrats who, with those cheers still ringing in their ears, said, "It's really too bad McGovern was nominated."

After that, the Idaho delegation putting on swim suits and going to the beach to swim until sunrise.

One Idahoan trying desperately to get the hotel people to open their switchboard so he could call a taxi and get to his plane on time.

The network parties, with stars and messengers eating and drinking and dancing together.

The crowds in the Fontainebleu, jamming against the elevators, trying to get in.

The security guards in McGovern's hotel, trying to find safety without stopping celebration.

The magnificent sunrise over the Atlantic, and the satisfying thought that, so far, not even the thieves who operate Miami Beach have figured out a way to charge extra for that.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, much of the Washington press, particularly Hobart Rowan, of the Washington Post, has attempted to play up an alleged split in the labor community on my Foreign Trade and Investment Act of 1972.

In fact, labor stands united on the need to meet the challenge of imports and the excesses of the transnational firms.

Two excellent articles—one from the Christian Science Monitor and one from Business Week—go a long way toward clarifying this situation.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

UNIONS EYE IMPORTS

(By Ed Townsend)

NEW YORK.—A special task force from AFL–CIO will mount a vigorous campaign nationally this year for passage of the Burke-Hartke bill. The bill is said to provide "immediate remedies and long-term answers" to the rising flow of imports and the exportation of capital and technology. According to the federation, too many jobs are being lost.

Nobody in the AFL-CIO expects the legislation to be voted on this year. Action is considered to be a year off. However, the federation wants to inject the "exportation of jobs" issue into this year's congressional campaign. AFL-CIO is hoping for commitments from members of the new Congress on Burke-Hartke, the Foreign Trade Investment Act.

The federation's executive council announced that the task force, to be directed by Howard P. Chester, will be strongly financed, adequately staffed, and fully supported by the AFL-CIO's headquarters and field staffs. Mr. Chester, a 33-year veteran of the union movement, is from the Stone, Glass & Clay Coordinating Committee, a union group that has suffered from a flood of imports from low-wage countries.

A top-echelon advisory body lists presidents of unions in steel, rubber, shipping, electrical manufacturing, glass, textile and apparel, machinery, and theatrical industries.

The AFL-CIO action coincided with moves by the United Automobile Workers (UAW) in Atlantic City, N.J., to shift its formal position from a "free trade" stand—traditional for the UAW—to a "fair trade" position, to join organized labor's campaign to fight the loss of jobs due to imports. The change in UAW is expected to lead to a unified voice in labor for protectionism.

The auto union approach is somewhat different from that of the AFL–CIO, but clearly positions of major factions of American labor are being reconciled. Labor is tightening ranks—and this could pose problems for U.S. business and industry. If the union efforts succeed, multinational operations could be much more difficult and costly.

Ironically, the drawing together of labor forces to give the unions stronger chances on Capitol Hill next year could jeopardize the outside support labor needs to put Burke-Hartke across. The legislation now has broad quota and tariff provisions that have interested many businessmen. The United Steelworkers, the federation's largest union, and the steel industry insist that mandated quotas are needed despite present voluntary agreements to limit steel exports to the U.S. Many others of the AFL–CIO unions and their employers similarly feel that limits, by law, are necessary.

QUOTAS OPPOSED

However, the free trade or fair trade bloc—most importantly the United Auto Workers—opposes quotas, although its new trade position does accept the possibility of "phased tariffs."

When it first came out for Burke-Hartke, the AFL–CIO said its support should be considered a starting point for bargaining on a foreign-trade bill to protect U.S. jobs. Now the bargaining is under way. If, as it now appears, it increases the stress on U.S. industrial operations overseas but soft-pedals quotas and tariffs, those in business and industry who have tended to side with labor on Burke-Hartke can be expected to back away quickly. It happened in a labor drive for protective legislation in 1969, and it could happen again.

The Chamber of Commerce of the United States and other organizations and individual employers—the latest General Electric—contend that organized labor's complaints that firms are "exporting jobs" at the expense of U.S. workers cannot be corroborated. The chamber recently answered what it called "labor's myth of exported jobs" with a study showing that in 158 multinational companies, employing more than 17 percent of all manufacturing workers in 1970, jobs in the U.S. climbed more than 31 percent in the decade of the 1960's, while the national growth average was just over 12 percent. GE has reported that its domestic employment rose by 17 percent from 1965 to 1971, compared with a 6.7 percent domestic rise for all American manufacturers in the same period. It said its studies show the same trend for other U.S. multinationals—a faster rate of increase in domestic jobs than the average for the country's manufacturers as a whole.

While labor may not challenge such total growth figures, it cites others that it says show that 500,000 U.S. jobs have been lost because U.S. production has been shifted abroad or because of the toll of imports from countries with low wages and possibly government subsidies for production for export.

AFL–CIO says that 9 out of 10 radios sold in the U.S. are made abroad, that one of every six new cars are imported, that 19 of 20 motorcycles are brought in from overseas, along with 7 out of 10 sweaters, half of all nails and staples, and 9 out of 10 baseball mitts. It says further that America now imports 100 percent of all 35mm still cameras, 96 percent of its magnetic type recorders, 70 percent of portable typewriters, and 50 percent of all black-and-white television sets. It contends the roll-call of decimated, high- and low-technology industries is almost endless.

The federation says it is not isolationist—but that it must be realistic.

"We believe that there is no such thing as 'free trade' in the world today," AFL–CIO's George Meany said recently. "We insist there must be fair trade. . . . Burke-Hartke would meet that need."

The legislative proposal would end tax-free treatment for U.S. income from licensing and transferring patents to foreign corporations; reorganize the U.S. Tariff Commission into a Foreign Trade and Investment Commission with power to regulate all imports; permit strict quotas "in areas adversely affected by foreign trade"; give the President authority to regulate capital outflows for private investment abroad; end tax exemptions for U.S. employees of foreign subsidiaries of U.S. corporations; restrict the use of U.S. patents abroad, and deal harshly with multinational corporations by repealing tax credits for foreign earnings and taxing earnings and profits controlled by foreign corporations.

These are somewhat broader provisions than those in UAW's new blueprint for new trade legislation. UAW would require U.S. licensing of U.S. investments abroad—and allow licenses "only when the investment can be shown to be in the interests of the people of the U.S." It would require U.S. companies operating abroad to meet a "code of good behavior" toward their foreign employees and to guarantee "full job protection" for employees in the U.S. who might be adversely affected by foreign investments.

It would tax profits of foreign subsidiaries of U.S. corporations, whether or not the money is repatriated, and "close other tax loopholes favoring production in foreign countries at the expense of the U.S."; impose a "competitive promotion tax" on firms that make "excessive" profits in the face of substantial invasion of the domestic market by imports in their lines of production—as a penalty for failing to compete with imports; make it a crime for U.S.-based international corporations to engage in speculation against the dollar, with jail sentences for officers responsible, and increase government aid to U.S. workers hurt by imports, adopt "phased tariffs" to curb market disruptions, strengthen present antidumping laws, and crack down on U.S. trade treaties that fail to remove barriers to U.S. exports.

A CAMPAIGN FOR PROTECTIONIST TRADE ACTION

Turning to the tactical arena it knows best—political campaigning—organized labor is mounting a major "educational and lobbying campaign." Its purpose: to gain grass-roots voter support in next year's Congressional battle for stronger protectionist trade legislation.

"We think trade is going to be an issue in the campaign this fall," one AFL–CIO official said recently as the federation announced creation of a "Task Force for Burke-Hartke." The task force will try to use organized labor's powerful local political campaign apparatus to force Congressional candidates to commit themselves in favor of the controversial trade bill. The bill would set up strict import quotas on all industries, tightly regulate operations of multinational companies, and give the President broader authority to cope with foreign trade problems.

"We intend to conduct a campaign of fact to counter the Administration's campaign of fiction," the AFL–CIO spokesman said. Just how much money and effort labor plans to expend is unknown. But AFL–CIO President George Meany, in the official announcement of the campaign, said: "It will be adequately financed, adequately staffed, and have the complete support of the AFL–CIO headquarters and field staffs, as well as the full-scale cooperation of the staffs of major affiliated unions both in Washington and in the field."

ORGANIZING

Named to the task force by the AFL–CIO's ruling Executive Council were the presidents of some of the unions hardest hit by import-related job losses: United Steelworkers of America, United Rubber Workers, National Maritime Union, Seafarer's International Union, International Union of Electrical Workers, Glass Bottle Blowers Assn., International Brotherhood of Electrical Workers, Textile Workers of America, International Ladies Garment Workers' Union, and the International Alliance of Theatrical, Stage Employees.

The details on how the task force will operate and the exact shape of the campaign are uncertain, primarily because of disagreement among the unions as to how the money and effort should be spent. But as things now stand, the unions hope to conduct advertising campaigns, teach-ins, and mass meetings throughout the nation between now and the elections. The major focus, however, will be in Congressional districts where the job loss from imports has been the severest.

The task force idea has been under consideration since the February meeting of the AFL–CIO Executive Council, when it became clear to labor that there was no real hope of Congressional action on a trade restriction measure this year. At that time, ranking AFL–CIO officials indicated that labor would spend its time this year trying to educate voters on the merits of the Burke-Hart bill.

Creation of the task force also comes at a time when organized labor has its first real hope of going to Congress next year with anything close to a unified vote on trade. At its recent convention in Atlantic City, the United Auto Workers moved into the protectionist trade camp for the first time in its history. Long the strongest voice for "free trade" among the major American unions, the UAW is now demanding what it euphemistically calls "fair trade"—a 180-degree shift from past policies.

UAW President Leonard Woodcock has repeatedly insisted that the union still stands for free trade. But the trade resolution approved by the UAW convention is, if anything, more protectionist than the AFL–CIO backed Burke-Hartke bill.

BALANCING ACT

For Woodcock and the UAW leadership, the trade issue is a political tight-rope. In the auto industry, hard hit by imports, the rank-and-file sentiment is for protective legislation to save jobs in domestic plants. But in the defense and agricultural equipment industries, where jobs are often dependent on export sales, the pressure is against the stiff quota regulations proposed under the Hartke-Burke bill. Both of these industries are heavily organized by the UAW. Consequently, the major thrust of the UAW trade position is an attack on the multinational corportaions. But the effect of the position would clearly force a "buy America" policy on the U.S. economy.

When it talks of its trade policy, the UAW decries isolationism and protectionism. "History teaches us that economic isolationism is the wrong answer," the union said. "The trade wars of the 1930s made a major contribution to bringing on a worldwide depression, to the rise of Hitler, and the outbreak of World War II."

But the action called for by the UAW convention erases the rhetoric. Under the UAW trade position, legislation would be enacted to:

"Require licenses for foreign investments proposed to be made by U.S. corporations, including reinvestment of profits made in foreign operations."

"Tax on a current basis, whether or not repatriated, profits made by foreign subsidiaries of U.S. corporations and close the tax loopholes favoring production in foreign countries at the expense of the U.S."

"Impose upon corporations making excessive profits in the face of substantial invasion of the domestic market by imports in their line of production a competitive promotion tax which will penalize them heavily for refusal to compete with imports."

"Make it a crime for U.S.-based international corporations to engage in speculation against the dollar."

The union also called for "phased tariffs," an amendment to the GATT agreement to force "international fair labor standards," tougher antidumping laws, and greater trade adjustment assistance benefits.

The common denominator between the AFL–CIO and UAW positions is the strong attacks they have made on the multinational corporations and the tax benefits they enjoy under existing U.S. law. It is in this area that the AFL–CIO and UAW could easily reach agreement in any of the upcoming Congressional trade battles.

BAN ON USE OF DIETHYLSTILBESTROL IN CATTLE FEEDS

Mr. HANSEN. Mr. President, at the request of the distinguished Senator from Nebraska (Mr. Curtis) I ask unanimous consent to have printed in the Record a statement by him and an insertion on the ban on use of diethylstilbestrol in cattle feeds.

There being no objection, the items were ordered to be printed in the Record, as follows:

Statement by Senator Curtis

The Federal government has taken administrative action to ban the use of Diethylstilbestrol (DES) in cattle feeds effective next January 1, and the Labor and Public Welfare Committee of the Senate has recommended legislative action to effect the ban immediately.

I do not believe the Senate or the Congress should take hasty action on a matter on which scientists with broad training and experience disagree as widely as they do on this question.

Furthermore, we have indications that the proposed ban will force the price of beef to go up by three to 10 or 12 cents a pound at retail, at a very time when many persons including some politicians are trying to convince the American people that the price of food already is high enough to justify some kind of consumer revolt.

I wish to place in the Record an appraisal of the DES controversy by a native Nebraskan who received his advanced academic training at the University of Minnesota. This appraisal of the problem is the most learned one I have received on the subject, and I wish to share it with the members of the Senate so they will better understand the positions of opponents of an outright ban including prominent spokesmen for the cattle industry.

August 8, 1972.

Senator Carl Curtis,
Senate Office Building,
Washington, D.C.

Dear Senator Curtis: I am writing to you with regard to the recent Food & Drug Administration act in banning Diethylstilbestrol from use in feeds for finishing cattle and sheep.

I earned a Ph.D degree at the University of Minnesota in 1960. I am a native of Nebraska and am now employed by a Nebraska firm. Since earning the doctorate degree in Animal Nutrition, I have been associated with various firms in the feed and drug industries. It has been my great pleasure to work with cattlemen in all areas of the country. During this period of time, I have found it necessary to continue studying many of the feed additives and other materials which are used to enhance rate of gain and efficiency of feed utilization. I feel that by virtue of my scientific training and experience in the feed industry that I am qualified to make some observations with regard to this recent action.

Diethylstilbestrol was first synthesized in 1939. Upon various screening tests it was found to have estrogenic activity very similar to that of the estrogens produced in the female animal. One of the first uses for Diethylstilbestrol was in the treatment of certain types of breast cancer in human females and in the treatment of prostatic cancer in human males. In fact, it was used for this purpose long before its activity in promoting increased rates of gain and efficiency of feed utilization in beef cattle and sheep was observed. Diethylstilbestrol has long been used for estrogen replacement therapy in human females who have gone through the menopause. It has also been used to maintain pregnancy in human females. According to the Physicians Desk Reference, Diethylstilbestrol is administered at rates of from .5 milligrams to 5 milligrams a day depending upon the condition to be treated. In some cases Diethylstilbestrol has been used at rates as high as 125 milligrams per day to maintain pregnancy in human females.

Dr. Charles Edwards and Dr. C. D. Van Houweling have given ample testimony before various congressional committees to the use of Diethylstilbestrol in humans. They have also pointed out that the amounts found in beef livers is far below that which is commonly prescribed.

The greatest amount of Diethylstilbestrol reported in beef liver has been 100 parts per billion. If we assume that a person had liver known to contain 100 parts per billion of Diethylstilbestrol, it would require a daily intake of 10 lbs. of liver to equal a therapeutic dose of 5 milligrams per day. To further complicate the picture, the Diethylstilbestrol residues in liver are in a conjugated form and there is considerable question as to whether or not this conjugate is biologically active.

I have discussed this matter with many others equally as well or better qualified than myself to judge on its merits. One friend of mine has conducted an extensive review of all the literature pertaining to Diethylstilbestrol. He has been unable to find the reports of experiments in which it was observed that Diethylstilbestrol administered to strains of mice bred for cancer susceptibility actually produced cancer when DES was administered to them. I feel that those who have condemned DES carcinogenic should be required to produce the experimental evidence upon which statements have been based. This should be done in public hearings under questioning by qualified experts. Such experts should be from the field of toxicology and not necessarily from the medical profession.

There have been a number of studies and statements released to the press regarding the impact of a ban on the use of DES in cattle and sheep feeding on prices of meat to the consumer. This cost has been estimated at 3½c to 5c per lb., which is minimal. However, it is extremely difficult if not almost impossible to accurately assess the economic impact of such a ban. If we assume that the figure of an additional 500 lbs. of feed per animal will be required, we can calculate the increase in the amount of grain required to finish cattle. In 1971 there were approximately 26.3 million fed cattle slaughtered in the United States. Numbers on feed have increased markedly this year.

An additional 500 lbs. of feed of which at least 80% will be grain means an increase of at least 200 million bushels of grain required for the cattle feed industry alone. An increased requirement of this type would have the effect of increasing prices of feed grain. This would increase cost of production, not only on beef cattle, but also on broilers and pork. It would also result in an increase in feed costs for dairy farmers. Thus the implications of the ban on the feeding of DES will have an effect on the consumer not only in hopefully increasing beef prices, but also other foods of the animal origin. These statements apply if production of foods of animal origin remain at present levels. It further assumes that any increase in the cost of production will be passed along to the consumer. This certainly has not occurred during the past 25 or 30 years. Food production has remained profitable only because those in basic food production have been able to increase efficiency enough to offset increases in production costs.

It is more than likely that any increased cost of production will not be passed on to the consumer. Rather, cattle feeders and other producers of foods of animal origin will be forced into an even greater cost price squeeze. If the production of meat, milk and eggs becomes unprofitable more producers will discontinue and there will be less available. Costs can be expected to increase as a result of reduced supplies. Who is being protected? The consumer has not objected nor reacted to the adverse publicity given with regard to DES and the very few numbers of reported instances of DES residues. Beef consumption is at an all time high, and with prices for live animals about equal to what they were 20 years ago. Are consumers really concerned? Or is it certain vociferous groups who are trying to dictate to the rest of the American public?

I would encourage your support of the pending legislation to modify the Delaney clause on the Food and Drug act.

In the age of rapidly improving analytical techniques for all types of chemicals we could very quickly find ourselves without any of the chemical adjuncts presently used in food production. A balance is needed and a determination is needed to determine whether or not a chemically detectable residue of any substance has any biological significance. In many cases I am sure that the minute residues detected in foodstuffs have no biological significance. I fear that the ban on DES may only be the first such substance banned, and that many other valuable tools for production of basic foods will follow. We could be regulated into a food shortage in this country which has always boasted of plentiful, high-quality food supplies.

If I can be of assistance to you in providing further factual information regarding DES or other feed additives, I would welcome the opportunity to do so.

Sincerely yours,

William S. Teter, Ph. D.

THE SYPHILIS STUDY

Mr. ALLEN. Mr. President, I ask unanimous consent to have printed in the Record an Associated Press dispatch of today, written by Jean Heller, concerning the syphilis study.

There being no objection, the dispatch was ordered to be printed in the Record, as follows:

Syphilis Study

(By Jean Heller)

New York (AP).—U.S. Public Health Service doctors had the knowledge and the medication as early as 1936 to successfully treat black men participating in a Federal syphilis experiment in Alabama, but the doctors withheld the treatment, a national medical magazine has reported.

Quoting from PHS' own reports on the progress of the experiment, known as the Tuskegee study, Medical World News reported that only 25 per cent of the untreated syphilitics were normal after several years of study while all syphilitics treated with the best remedy known at the time were free of the disease.

The Associated Press disclosed last month that doctors at the PHS' Center for Disease Control in Atlanta, which oversees the experiment, deliberately had denied treatment to participants in the Tuskegee study, even after the discovery of penicillin, so that autopsies could be performed on those who died.

The treatment of syphilis in the 1930s and early 1940s consisted of weekly doses of mercury and bismuth followed by doses of arsenic. The treatment lasted between 18 months and two years.

CDC doctors have said the doctors who ran the study in the early years chose not to treat some 400 syphilitics with the arsenicals because the treatment could be worse than the disease and sometimes was fatal.

However, Medical World News quoted the CDC report, which indicated early treatment was better than no treatment at all.

"Adequate antisyphilitic treatment prevented all forms of clinical relapse . . . whereas only one-fourth of the Negroes with untreated syphilis were normal," the report said.

Present and past CDC doctors say that Tuskegee and surrounding Macon County, Ala., were picked for the experiment because the area had the highest syphilis rate in the Nation in 1932, when the study was undertaken.

Dr. Donald R. Printz, CDC's chief of clinical research, had said that of the men tested in the area in 1932, 80 per cent had postive blood tests for syphilis.

When CDC was asked to recheck that figure, officials conceded they had misread the area's population breakdown. "Instead of being 80 per cent syphilitic and 20 per cent uninfected, Macon County in the 1930s was 80 per cent black and 20 per cent white," the medical magazine reported.

The magazine also quoted from a 1953 report written as a tribute to the Tuskegee study. The report noted that the participants received treatment for ailments other than syphilis and got annual medical examinations.

"The excellent care given these patients was important in creating in the family a favorable attitude which would eventually lead to permission to perform an autopsy," the report said.

"In spite of these attractions, there were some who refused their (physical) examination. This attitude sometimes appeared to the examining physician as rank ingratitude."

STUDENTS COMBAT MULTIPLE SCLEROSIS

Mr. BAYH. Mr. President, multiple sclerosis is a neurological disease of the central nervous system—the brain and the spinal cord—which afflicts an estimated 500,000 people in this country. Tragically, the symptoms appear most often in adults between 20 and 35, but there is as yet no known cure. Thus, many of our young citizens become victims without warning of an unexplained disease which is sometimes fatal and other times relatively stable. In most patients, however, the symptoms multiply throughout the nervous system over time. The average life expectancy after the onset of symptoms is more than 25 years, but for many patients those years are spent with incomplete motor control or sight.

In 1946, the National Multiple Sclerosis Society was founded as a result of widespread response to a public notice in the New York Times which read:

> Multiple Sclerosis: Will anyone recovered from it please communicate with patient. T272 Times.

Since then, the society has joined with 17 nations to combat the disease. In the United States, research has been conducted in closest consultation with the National Institute of Neurological Disease and Blindness. By 1967, nearly $7 million had been made cumulatively available in research grants from the National Multiple Sclerosis Society. Since 1968, Congress has appropriated approximately $3 million a year. However, a cure has not yet been found.

At a time like this, when there is some promise of new breakthroughs in the field, requests for research grants have greatly increased.

In response to this need for more money, Circle K International, the largest collegiate organization in North America, has designed a fundraising program for multiple sclerosis as one of its five major projects this year. Circle K, an offshoot of Kiwanis Club, will be making an effort to involve the entire Kiwanis family—Kiwanis, Circle K, and Key Club—in the drive against multiple sclerosis. These three groups, representing all ages, have already raised $25,000 this year, and are hoping to raise $39,000 more. At the same time, they are alerting countless citizens to the dangers of multiple sclerosis.

As one local example of this ambitious program, the Indiana University Club in my own State is hoping to raise $5,000 during 1972. Multiplied by the efforts of the 800 other Circle K Clubs, realization of this goal could symbolize one of the most successful years in the fight against multiple sclerosis.

It is with deep respect and appreciation for their tireless work that I salute the Circle K Clubs for this selfless effort which so clearly exemplifies the finest traditions of public service.

THE PENTAGON PAPERS: A DISCUSSION

Mr. CHURCH. Mr. President, Political Science Quarterly for June 1972, contains two provocative reviews of the Pentagon papers: One by Senator George McGovern and one by John Roche. I believe Senators will find them stimulating reading. I ask unanimous consent that they be printed in the Record.

There being no objection, the reviews were ordered to be printed in the Record as follows:

The Pentagon Papers—A Discussion

The publication of "confidential" materials has inevitably given rise to a debate concerning a number of different but related problems: To what extent do the revelations contained in the documents throw light on events or policy decisions with which they deal? To what extent, if at all, does the publication of the information contained in the documents jeopardize the processes of executive decisionmaking? How can the conflict between the public's right to know and the executive's need for confidentiality be reconciled? The editors of the *Political Science Quarterly* have in the past published a number of articles dealing with the issue of access to governmental information and the terms on which that access is made available, notably, Adolf A. Berle's and Malcolm Moos' reviews of Emmet John Hughes, *The Ordeal of Power* (*PSQ*, LXXIX, June 1964) and Theodore Draper's review of Jerome Slater, *Intervention and Negotiations: The United States and the Dominican Revolution* (*PSQ*, LXXXVI, March 1971). The recent publication of the *Pentagon Papers* has given the controversy new urgency. U.S. Senator George McGovern of South Dakota, candidate for the Democratic party nomination for president, and Professor John P. Roche, from 1966–68 special consultant to President Lyndon Johnson, were asked by the editors of the *Political Science Quarterly* to review the *Pentagon Papers* and to debate in print the political and legal issues to which their publication has given rise.

I

Publication of the *Pentagon Papers* has raised a storm concerning the right of the press to publish classified government documents. But the contents of the papers are so sweeping in their disclosures of official suppression of the realities in Vietnam, so revealing of the disastrous, secretly conceived policies and practices which led us into this tragic war, that it is impossible—in fact it misses their true significance—to discuss them in such abstract terms.

The integrity of our democracy is profoundly involved, not only in the constitutional sense with respect to the warmaking power, but in the basic sense of the reality of government by popular rule. It is axiomatic with us that a free people can remain free only if it is enlightened and informed. It is axiomatic with us, as well, that a free press is essential to the creation and maintenance of an enlightened and informed people. A press which obtains access to a record revealing so massive a gap between what our executive leadership knew and what it led the nation to believe on so vital a matter as war and peace would be subversive of our democracy if it did not bring that record to public attention.

The question of whether the press was justified in publishing the *Pentagon Papers*, then, cannot be separated from their substance. I will summarize, in brief, what I consider to be some essential aspects of the Pentagon account's disclosures and indicate what I believe to be their significance for our political society.

Much has been made, properly I think, of President Johnson's suppression of vital information in presenting the Tonkin Gulf resolution to Congress in August 1964, and of his lack of candor concerning the war in his election campaign that year. The *Pentagon Papers* confirm much of what had already been revealed about the administration's deception on Tonkin Gulf. They tell us that long before the August 7 congressional resolution, the president had initiated a covert war against North Vietnam with South Vietnamese torpedo boats and had authorized air attacks over Laos, under our command;

that on July 30 and August 3, just before the two Tonkin Gulf incidents which were the presumed reason for the resolution, torpedo boats had attacked North Vietnamese coasts and on August 1 and 2, T–28 planes had apparently strafed North Vietnamese villages; that the North Vietnamese boats that encountered the *Maddox* and *Turner Joy* were looking for the attacking vessels, and that the *Maddox*, at least, was on an espionage mission associated with these attacks on North Vietnam (pp. 258–61).*

Neither Congress nor the country knew anything about the covert war against the North, which was waged without congressional authority, nor did we have any hint that the U.S. vessels attacked were involved in that war. In fact, as the Pentagon account relates, any such association was explicitly denied (pp. 265–67). We were told only that those ships were the victims of an unprovoked assault. We were presented with a resolution presumably drawn up as a result of this assault but actually prepared six weeks earlier in the hope of just such an incident (p. 286). In short, the papers confirm that the Congress of the United States was deceived and manipulated by the executive branch in a carefully prepared plan to gain congressional sanction for a war already under way.

But the deception revealed by the Pentagon account is vastly more pervasive than that of a particular incident. It goes to the heart of the war itself, the way it was presented throughout to the American people, the Congress, and the world. In the case of the Tonkin Gulf attacks, we learn that the decision to bring the war to the North had nothing to do with aggression from the North; it was prompted by the virtual disintegration of our client Saigon regime, which was incapable of rallying popular support against the increasing strength of the Vietcong (pp. 243, 257, 269). Unable to establish a regime which could win politically in the South, we carried the war to the North explicitly in the hope of terrorizing Hanoi into calling off the Vietcong insurgency (pp. 235, 244, 324, 390), (a rather frightening example of the manner in which our policy makers often fell victim to their own propaganda myths; intelligence reports were telling them throughout that the insurrection in the South was not Hanoi's creation). The Pentagon account discloses that this process of military escalation to cover political failure in Saigon operated throughout our involvement, and the evidence is persuasive that it is still operating—with indefinite air and naval bombardment as the military means. What is revealed here is that we, the defenders of democracy and champions of law and order, explicitly resorted to bloody, ruthless war because the political decision in a distant land was not going our way.

The argument of administration defenders that President Johnson did not practice deception in the 1964 campaign because only contingency planning of bombing the North was involved is clearly specious in the light of the papers' disclosure that the determination to bomb was made in September, though timed for a later date (p. 323). The contingency argument is wholly irrelevant for the Tonkin Gulf incident, and even more so for the broader deception concerning the source and nature of the war. The contention that the papers, as published in the *New York Times*, represent only a fragment of the total record does not negate what they do tell us.

The central theme of successive administrations has been that we entered Vietnam to help defend it against Communist aggression from North Vietnam, just as we were told in 1950–54 that we were aiding France against Soviet-inspired aggression in the Indochina War. The Pentagon account not only confirms that this explanation is pervasively untrue, but it reveals that our policy makers were continuously informed by our intelligence services that it was untrue. Their private argumentation confirms that administration spokesmen knew their explanation was untrue when they used it. Further, the papers disclose that our policy makers often sought to justify military escalation by promoting the false explanation even while admitting that they had no evidence of the nature or extent of North Vietnamese aid to the Vietcong (p. 246).

While the papers do not deal extensively with the actual reasons for our involvement in Indochina, they do tell us enough to indicate that neither defense against external aggression (from Russia or China or North Vietnam) nor self-determination for the South Vietnamese was among them. Our policy makers were concerned with the consequences for our power of the spread of Communism in Southeast Asia, but it is repeatedly emphasized that they were concerned with this spread "by whatever means" it occurred. Clearly, not "aggression" but Communist influence was the target, even if that influence was achieved indigenously by political means. Since intervention against an indigenous revolutionary movement is illegal, a violation of the UN Charter, it was necessary to link local Communist movements with "external aggression" by the world Communist conspiracy. In the Indochinese War, this was done directly. In the Vetnamese War, it was done by charging Hanoi with aggressively engaging in a Moscow-inspired "war of national liberation."

A 1952 National Security Council memorandum reproduced in the papers lists the major reasons for our initial involvement in Indochina: (1) the loss of any country in Southeast Asia to Communist control "by whatever means" would swiftly lead to the loss of all the rest, thereby threatening our military security in the Far East; (2) Southeast Asia, especially Malaya and Indonesia, "is the principal world source of natural rubber and tin, and a producer of petroleum and other strategically important commodities"; (3) the rice exports of Burma and Thailand are essential to "important areas of Free Asia"; (4) the loss of Southeast Asia would "make it extremely difficult to prevent Japan's eventual accommodation to Communism" (pp. 27–28). At that early stage in our intervention, then, we had our own narrow interests for using our vast military power to prevent the Indochinese from establishing independence under Ho Chi Minh's leadership, even though it was universally known that this was the desire of the vast majority of the Indochinese people. While some of these reasons faded later in the struggle, we continued to stress the military strategic aim and concern for our prestige which, it was and is believed, would be damaged by defeat. In the end, the Pentagon account declares, we had to demonstrate that the United States, as "the most powerful nation in the world," had the will and capacity "to have its way in world affairs" (p. 255). President Nixon has given ample evidence that this Machiavellian, essentially xenophobic and imperial attitude still prevails.

Obviously, none of the above reasons can be squared with our UN obligation not to intervene in the internal affairs of other nations, Communist-controlled or not, or with what we had come to believe as our commitment to moral international relations. The Pentagon account tells us how our policy makers sought to obscure our departure from our legal obligations and moral commitment by suppressing or ignoring the information at their disposal. I can only summarize briefly.

We initially justified our intervention on the side of the French in Indochina in late 1949 on the grounds that Ho Chi Minh was the agent of the Moscow-led world Communist conspiracy. But a 1948 State Department intelligence report concluded that it could find "no hard evidence" that Ho Chi Minh took orders from Moscow (p. 8). Before we threw our support to France, Secretary of State Acheson characterized the French client Bao Dai regime as a puppet without popular support and entirely dependent on French arms for existence (p. 9). After our decision to back France, we recognized this puppet, isolated regime as the "legal" government of Indochina and expended vast sums to help keep it in power.

At Geneva, as we now know, Vietnam was defined as a single independent nation, temporarily divided for military armistice purposes, with a single government to be elected for the entire country in July 1956. Though not a signatory, we pledged—explicitly in the name of our UN obligation to respect independence and territorial integrity—not to disturb the agreements. But, the Pentagon account tells us, within days, the National Security Council decided the agreements were a "disaster" and took steps to nullify them. Specifically, the NSC set as its objectives "to maintain a friendly non-Communist South Vietnam" and "to prevent a Communist victory through all-Vietnam elections" (p. 1). The account also tells us that even before the Geneva Conference was over, the Eisenhower administration had taken steps to impose the Diem government on the South and to launch secret missions of sabotage and subversion in the North (pp. 15–19). The missions did not desist with the signing of the accords and our pledge not to disturb them. Tracing the steps taken to carry out the NSC's policy, the Pentagon account concludes that "South Vietnam was essentially the creation of the United States" (p. 25). When one recalls the lengths to which Secretary Rusk went to obscure the actual nature of the Geneva accords and to prove that it was Hanoi which undermined them, these disclosures are shocking indeed.

It is rather difficult to understand how the North Vietnamese can be labeled aggressors even if, as we charged, they had acted to prevent us from dividing their country in what we considered to be our interest.

But, as the Pentagon account reveals, for years after the conference they did very little. The insurrection in the South arose out of the oppressive policies of the Diem regime, which by 1955 had placed 50,000 to 100,000 people in detention camps, returned to ex-landlords the lands given to the peasants by Ho's Vietminh during the war against France, and replaced traditionally elected village councils with Catholic appointees loyal to Diem. Though under orders not to fight back, the Vietnam rank and file, out of sheer "fear and anger," resorted to insurrection. Not until 1959, some years after the insurrection began, did Hanoi render even moral and political support (pp. 67–75). By then, the CIA was reporting to Washington that Diem "had alienated all elements of the population by his oppressive policies" (p. 69). Throughout the early 1960s, while we were escalating our aid on the grounds of aggression from North Vietnam, the intelligence services were reporting that the Vietcong had no need of infiltration of men or materials from the North (p. 242). that it was increasing its control of the country and growing in popular strength, and that the Saigon regime was isolated and crumbling (pp. 257, 279, 314). Since these reports estimated that the bulk of the Vietcong was locally recruited and that the first individual Northern soldiers were not seen in the South until late 1964 (p. 338), the inviability of the successive Saigon regimes could scarcely be attributed to Northern aggression, even with a well stretched imagination.

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*The page numbers in the text refer to *The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam*. The Senator Gravel Edition (4 vols.; Boston: Beacon Press, 1971).

When in mid-July 1965, we sent combat troops openly into South Vietnam, we already had 62,000 troops there. The Pentagon account tells us that our intelligence reported a single North Vietnamese regiment at the time (p. 465). Throughout the remainder of the Pentagon account, until early 1968, our military leaders repeatedly pleaded for escalation in the face of reports of the Vietcong's continued strength and its hold on the population and the continued weakness of successive Saigon regimes. As late as 1968, the Pentagon apparatus reported that despite the terrible expenditure of lives and material, "our" control of the countryside and urban areas was at pre-August 1965 levels (p. 601).

As indicated earlier, the continuous bombing of the North was undertaken early in 1965, not because of alleged infiltration of supplies and mean—the Pentagon account indicates the administration did not then know the extent of this infiltration—but in an effort to compel the North to call off the Souhern insurrection. This, obviously, demonstrates awareness that the insurrection was indigenous and that it could not be defeated in the South, as indeed several members of the administration confessed in memorandums included among the papers. Months before the systematic bombing of the North began, the administration was seeking ways to provoke the North into attacking because it could not marshal a case for involvement in the South (p. 280) and was fearful that expansion of the war without such a case would disturb key allies (p. 281).

In short, both the Congress and the American people were told, and are still being told, that we are fighting in Vietnam to defend it against North Vietnamese aggression and to gain independence and self-determination for the Vietnamese people. The *Pentagon Papers* tell us that South Vietnam is our creation for our power purposes; that the war began as an indigenous Southern insurrection against the intolerable oppression and corruption of a government which we imposed on the South; that our own intelligence services were telling our policy makers that the source of Vietcong strength was indigenous, arising out of its revolutionary social aims and identification with the independence struggle against France (p. 242); that we bombed the North and sent our troops into the South because our successive client regimes in Saigon were incapable of winning indigenous popular support; and that we resorted to charges of North Vietnamese aggression as a cover for our illegitimate military intervention.

The significance of this deception for our constitutional processes, for the democratic character and moral climate of our society, is obvious; it debases them. But the question of the war's legitimacy extends beyond our frontiers. Presumably, we are committed to the United Nations Charter and the principles of international law embodied in it, a commitment we clearly do not put on a par with that to Chiang Kai-shek or Marshal Thieu. I have referred to our flouting of our UN obligation not to disturb territorial integrity and independence. At no time do the papers indicate that our policy makers had the slightest qualms about the legal (or human) aspects of their decisions to block Vietnamese unification or to impose regimes upon the South by military force.

The Charter also requires that disputes be settled peacefully, by negotiation. The *Pentagon Papers* are replete with our opposition to, indeed our dread of, negotiations. We attempted to block the Geneva Conference on the grounds that any negotiation of the Indochinese War would necessarily mean concessions to the Vietminh, and we insisted on a war to the finish, even though we were not a combatant (pp. 10–11). Throughout the 1960s, we opposed negotiations because, as the papers disclose, we know that in any political contest consequent upon a settlement of the war the Vietcong would win (pp. 243, 317, 326, 387–88). For tactical reasons, however, we had to pretend we were for negotiations and so we offered them in terms which were "tantamount to unconditional surrender for the other side" (pp. 249).

From all this it appears clear that our institutional arrangements for controlling the warmaking powers of the president are faulty. Our system of checks and balances was devised because the founders of our system knew that power corrupts. The system broke down because our executive leaders, having assumed exclusive power in the making of decisions about the war, sought to maintain that power by systematic deception, thus proving the founders' adage.

The executive assumed this exclusive power because in the post-war system of international law many of the practices in which we engage are illegal and must be performed clandestinely. I have referred to the *Pentagon Papers'* account of the CIA-directed efforts to subvert and sabotage the Ho Chi Minh government in the North during and after the Geneva Conference. This kind of enterprise, of course, was neither new nor unique. In the same month that it was initiated, a CIA-organized and directed military coup overthrew the popular, democratically elected government of Guatemala which had effected modern radical reforms in a land that had been essentially feudal. The coup plunged that little country into decades of terror, misery, and ferocious oppression, and it intensified hatred for us throughout Latin America. A year earlier, the CIA had similarly organized the overthrow of the Mossadegh regime in Iran, which had sought to free that land from the control of foreign oil syndicates. Activity of this sort, conducted around the globe, requires a secrecy which permits the executive unlimited powers over war and peace. It is criminal in the light of international law, morally abhorrent, and incompatible with our open society. It needs to be eliminated and prohibited.

It is also clear that by virtue of its monopoly of official intelligence services, the executive was able to build a wall of secrecy behind which it could exercise absolute power. If it had been subjected more quickly and more closely to the scrutiny of informed public and congressional opinion, and if the executive were required to account regularly to the Congress as in Britain, it may not have fallen prey to its own delusions and fantasies. We need to devise procedures for such an accounting and for making available to Congress, and to the public, intelligence reports and other informative documents essential to intelligent shaping of decision and opinion. This includes more objective and responsible procedures for document classification and declassification. For these reasons, it appears to me that a searching investigation by the Senate Foreign Relations Committee into the origin and conduct of the war can play an essential role in reshaping the crucial institutional relations for avoiding future Vietnams.

But beyond institutional procedures, there is the far more profound problem of the direction of our foreign policy in the post-war era, which such a searching investigation can help to transform. We tell ourselves that we are dedicated to independence and self-determination for all peoples, but in fact we have based our policy on maintaining our dominant power position in an increasingly pluralistic, nationalistic world. To reconcile the two, we say that maintenance of our power is essential to the defense of independence and self-determination. But, in fact, we are no less self-centered, no less concerned with self-interest, than any other nation. Under the guise of protecting independence and self-determination, we use our great power to try to preserve our world dominance by interfering with independence and self-determination when we deem it necessary. We can do this only through the massive use of deceit.

It is time that we begin to appreciate that policies based on such narrowly conceived definitions of national interest must inevitably lead to major wars and that in this nuclear age such wars are no longer tolerable. Surely, if our national interests are involved in Vietnam, those of China or Russia are even more so since they are far closer. And do not the North Vietnamese plainly have a prior interest in the conflict in the South? It is the collision of such "national interests" which gives rise to modern wars. This Machiavellian system is precisely what the UN was devised to replace. Our foreign policy needs to be reshaped from one which seeks to maintain a world-power dominance to one which recognizes that we are part of a community of nations guided by international law and that our true national interest is in making this law operative.

Where does all this leave us with respect to the continuing war in Indochina? With today's knowledge we should be able to understand what most could not at the time, simply that our initial involvement was both morally and legally indefensible. Yet that basic lesson still seems unable to penetrate, certainly not into the policy councils of the Nixon administration. Now the game is to salvage at least something from a sacrifice that should have never been made, playing as close as possible to public willingness to tolerate continued American involvement in an election year. The same litany of "self-determination," the same attempts to impose our own visions and institutions on Indochina, make up the foundation of our policy today, just as they did some five painful years in the past. And we continue to pound and punish the people of Indochina in pursuit of those fraudulant objectives.

The single way to guarantee the futility of all we have done in Indochina is to ignore its lessons. My greatest fear is that we will regard it as an aberration, as a noble venture somehow gone bad because of faulty tactics. It is that mistaken judgment which has thus far made it impossible for us to let go of this debacle. If it persists, the same judgment will doom us to repeat the Indochina travesty elsewhere.

It is against this perception that current postures, and current negotiating positions, must be judged. We do have the option of completely ending our involvement in Vietnamese affairs, of achieving the release of our prisoners of war, and of leaving the ultimate political fate of that country to the people who live there. Few would argue today, with the experience behind us and the *Pentagon Papers'* revelations before us, that such a course at the beginning of the decade would have been light years better than the one we pursued. Further attempts to have a hand in writing Vietnam's political future are not only hopeless endeavors, they also guarantee a prolonged U.S. involvement and continued torture of the people of Indochina. Worst of all, considering the implications for our own constitutional system and our international posture, they signal a persisting refusal to learn anything at all from all the brutality and bloodshed of the Vietnam War.

GEORGE MCGOVERN,
U.S. Senator.

II

Roughly twenty years ago, a law journal sent me a two-volume work in American constitutional history for review in 2,000 words. The study was bizarre, to say the least, and after inch-by-inch annotation, I was confronted with an impossible mission. I wrote the editors and told them that I would submit either a one-sentence review ("This is a fantasy: American constitutional history through the looking glass") or a 25,000-word analytical essay, taking the study apart section by section. I received no reply.

The *Pentagon Papers* falls into precisely the same category. An adequate one-sentence review would state: "While occasionally interesting and enlightening, the *Pentagon Papers* is fundamentally a historical junkpile which provides neither proof nor disproof for any hypotheses about the origins and character of the war in Vietnam." This proposition is one that I can document in 25,000 words, and fully intend to do so on another occasion. For our purposes, however, I shall take a different tack which will hopefully both confine me to the requested 2,000 words and prove useful to the profession. Instead of arguing the merits of the *Pentagon Papers*, I will raise certain questions for the benefit of those masochists who are prepared actually to read the mass of material. The intrepid few who last the course can respond to these questions in terms of their own application of the laws of evidence.

Certain issues of a marginal character can be eliminated, by *obiter dictum*, at the outset; they have only served to muddy the historical waters. There is, for example, no logical connection between the substantive merits of the *Pentagon Papers* and the question of censorship or the character of Dr. Daniel Ellsberg. In my judgment, the attorney general was unwise to move against the *New York Times:* inevitably, in the courtroom the parade of horribles began and before long the logical escalator put one in the position of either denying or affirming the right of the government to impose *any* sort of official secrecy. "Hard case," as Justice Holmes put it, "make bad law"—a generalization which was validated by the murky holdings in the *New York Times case.*

Indeed, a cynic might suggest that most of the public interest in the *Pentagon Papers*, as well as the response of many reviewers, was based on the proposition that unless the documents were really vital, the United States would never have gone to such lengths to suppress them. As usual, cynic overestimate the rationality of the decisionmaking process.

Let us now turn to the questions that the hardy reader should keep in mind as he plows his way into the thicket. First, how authoritative are the *Pentagon Papers?* To put it another way, how accurate a reflection do they present of the decisionmaking process within the government of the United States? Presumably a well trained undergraduate who had survived a course in American government and perhaps one on the presidency, should be equipped to answer this. Leaving aside the material in the papers pertaining to the period before 1961 (which is fundamentally of antiquarian interest only), what questions would our paradigmatic undergraduate ask himself?

"Where is the president?" is the obvious answer—and beyond that, "Where is the secretary of state?" We all know that the United States either enjoys or suffers under "presidential government" (the verb usage depending on one's attitude towards the incumbent president). Do the papers reflect this?

Not only are the president and the secretary of state ghostly figures, but the papers rarely include even their written contributions to statecraft. What we find are drafts prepared by assistant secretaries for submission to secretaries for eventual consideration by the National Security Council and the president. Secretary of Defense Robert S. McNamara is represented in person from time to time, particularly in 1966–67, but his memos to the president do not include presidential replies nor the critiques of others, such as Secretary Rusk, Clark Clifford, or Abe Fortas, to whom the president may have sent them for comment.

To take a case in point, the *Times* commentator indicates that the papers show there was a "consensus" to bomb North Vietnam within the administration before the 1964 presidential election (p. 318). But what do the papers document? Agreed, there were bombing scenarios on various drawing boards (indeed, the possibility of bombing the North had been raised in the 1961 Taylor-Rostow Report to President Kennedy), but what proof is there of a "consensus"? Unless one believes there can be a policy consensus in the executive branch without the agreement of the president, he is confronted with an analytical *cul-de-sac.*

In this same context, the *Times* commentator notes earlier that in May 1964, Johnson was presented with a scenario that included bombing. The documentation is a draft prepared by Assistant Secretary of State for the Far East William P. Bundy and Assistant Secretary of Defense for International Security Affairs John McNaughton for *submission* to the Executive Committee of the National Security Council. The commentator implies that the president received this recommendation but "delayed another nine months the scenario's denouement in an air war" (p. 255).

This clearly suggests a conscious decision—in context, a deceptive act. But what evidence is there that this recommendation was actually put before the president for decision one way or the other? None. In fact, as I know from my research on the presidential papers, it was deleted at the EXCOM level. But my personal knowledge is irrelevant to the point, namely, the evidential merit of the papers. All we know on this point from the documentation is that Bundy, McNaughton, *et al.* in May 1964 submitted to their principals a scenario that included bombing the North. (Parenthetically it might be noted that the president did not monitor the brisk chit-chat among assistant secretaries. Lyndon Johnson saw most of these documents for the first time when they appeared in the press.)

Space limitations require that we move to the next question that our well trained undergraduate will hopefully formulate: "What new information emerges from the papers?" What do they tell us about American policy in Vietnam that was not in substance already in the public domain? Obviously they provide cables, memos, and other bureaucratic mementos that have never been revealed, but what do we learn that was not contemporaneously available in books, newspapers, columns to anyone who wanted to utilize it?

In other words, were key decisions hidden? Or did contemporary commentators simply not focus on the things we are concerned about today? Recall that in January 1966, the chairman of the Senate Foreign Relations Committee, Senator J. W. Fulbright, said to Secretary Dean Rusk: "I confess I was scarcely conscious about problems of any significance [in Vietnam] until the last few years because our attention was directed largely in Europe."[2] What was true of Fulbright was, a *fortiori*, even more true for the rest of us.

Let us take two examples from the papers. First, there was great dismay expressed last year when it "came to light" that the United States had instigated the coup that overthrow Ngo Dinh Diem on November 1, 1963. It is conceivable that most Americans believed that Tolkien's "Hobbits" had done the job, but anyone who read the New Yorker in 1964 or The Last Revolution in 1965 knew from Robert Shaplen's account precisely what occurred in Saigon in the fall of 1963[3] (Conceded: Shaplen did not name Colonel Lucien Conein as the Central Intelligence Agency's key man.) Indeed, if one read Morris West's jejeune novel *The Ambassador*, he came out with a pretty clear idea of the anti-Diem operation.[4]

Because of the Washington habit of "backgrounding" columnists and top newsmen, I submit that very little occurred inside the bureaucarcy that was not reflected in the press, usually quite accurately. (An important exception involved President Johnson's frank discussions with a tight circle of personal advisers.) Ironically, one of the conspiracies unearthed by the compilers of the papers probably reflects a failure in backgrounding, namely the allegation that National Security Action Memorandum No. 328 (April 6, 1965) included an authorization to change the mission of the Marine battalions at Danang from "defense" to "offense" (p. 410).

Those unfamiliar with military usage may find a shift from a static to an active defensive posture a "change in mission," but what concerns us here is the alleged secrecy of the whole affair. The papers imply that the State Department only confirmed on June 8 that the Marines had allegedly changed their mission, and that this was done in such a way as to camouflage a quantum jump in strategy. Against this background, let me put two queries to the serious student: (1) when in fact did the Marines inaugurate active patrols? and (2) when was the fact that the Marines had inaugurated active patrolling announced at a Military Assistance Command, Vietnam (MACV) briefing in Saigon? A third question for those who do the necessary research: why do you suppose the Saigon press corps did not feature this "change in mission"? Perhaps because the experienced war correspondents in Saigon did not recognize it as a "change in mission"? Could they have been correct?

Richard Harwood of the *Washington Post* has written in this connection:

> The *Post* and the *Times* and other large news organizations published thousands of stories, editorials and essays in 1964 describing the deteriorating military situation in Vietnam—just as it was described in the official memoranda and cables in the Pentagon papers. The various options and contingency plans being put before the President at that time were reported repeatedly and accurately—as they are now reported in the official papers . . . the public was simply not interested. Nor were most members of Congress.[5]

But again my role here is to ask questions, not to answer them. Let me conclude this section by challenging readers of the papers to uncover one significant policy issue that was not contemporaneously debated and explored in the media. They may find it useful to begin with the writings of I. F. Stone: whatever one may think of his political views, he knew how to read.

Having looked into, first, the question of how authoritative are the papers as a source and, second, how much new information about policy issues does the volume provide, the reader might finally ask "What significant questions of policy do the papers ignore?" To put it another way, he should ask: "How coherent a history of our involvement emerges from the papers?" Drawing a figure of speech from Sherlock Holmes, let us search for some dogs that did not bark.

Beginning, as before, with 1961, a serious analyst of American policy toward Southeast Asia is immediately confronted with a serious gap in the narrative as found in the papers: there is no examination of the "neutralization" option, which flourished in the aftermath of the 1962 Geneva Agreement on Laos. In retrospect, the notion of the neutralization of all Indochina under great power auspices was doubtless a fantasy—Hanoi simply would not cooperate. But at the time a number of serious men, both inside and outside the government, took the possibility seriously.

Nor do we find any discussion of the decision inside the Kennedy administration that

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Footnotes at end of article.

President Ngo Dinh Diem (and his brother Ngo Dinh Nhu) must not be permitted to make a private deal with Ho Chi Minh. Mieczyslaw Maneli, the Polish chairman of the International Control Commission in 1963–64, has recently presented serious evidence[6] that Diem and Ho were discussing a "political solution" (Maneli was the intermediary) which would, in essence, have led to South Vietnamese neutrality in the cold war—and an American departure from the premises. Washington, as some memos by Roger Hilsman, then assistant secretary of state for the Far East document[7] found the prospect unthinkable: South Vietnam could not be permitted to desert the "Free World." Why did the compilers of the papers ignore this whole sequence? (They had the Hilsman memorandums at their disposal.)[8]

As it stands, the only significant mention of neutralization in the papers is a cable from President Johnson in March 1964 to Ambassador Henry Cabot Lodge stating that he was intent on "knocking down the idea of neutralization wherever it rears its ugly head . . ." (p. 252). Without indulging in historical paranoia, one may legitimately inquire why the compilers dumped this body on Johnson's doorstep.

This sort of inquiry can be continued almost indefinitely, but without further help from me—at least on this occasion. What the conscientious analyst must do is to go through existing commentaries on our Vietnam policy, particularly Lyndon B. Johnson's *The Vantage Point* with its careful documentation of what occurred in the president's inner circle, and to compare the results with the narrative found in the papers.[9]

Let me confess, in conclusion, that I have done just this. In fact, I have gone through the full version of the papers—a cruel and unusual punishment if ever one existed. It would be both improper and impossible for me to render my verdict on our policy at this time. Improper because the precise point of this essay is that scholars must reach their own judgments on the evidence; impossible because I have been unable to conclude on the basis of all the evidence at my disposal whether certain critical decisions could have been averted given the political environment of the times—for example, would the American people, politicians, and press have permitted the presidents to liquidate our commitment in 1963, 1964, or 1965?

Finally, one ultimate caveat: anyone who wants to attempt the job can try to mold a conspiracy theory from these materials, but I hereby issue a formal warning. Go to it! But I will be waiting at the pass—with footnotes. To say that I am not prepared to offer a synoptic interpretation of our policy is not to imply that I am unprepared or unwilling to demolish alternative interpretations based on bad logic, bad evidence, or both.

JOHN ROCHE,
Brandeis University.

FOOTNOTES

[1] The page numbers in the text refer to *The Pentagon Papers: The Secret History of the Vietnam War as published by the New York Times* (New York Quadrangle, 1971).

[2] U.S. Senate, Committee on Foreign Relations, *Hearings* on S. 2793, 89th Cong., 2nd Sess., 1956, p. 7.

[3] Robert Shaplen, "Letter from Saigon," *New Yorker*, XXXIX (Dec. 24, 1963), 201 ff.; XL (July 11, 1964), 37 ff.; XL (Sept. 19, 1964), 179 ff. Robert Shaplen, *Lost Revolution* (New York, 1965).

[4] Morris West, *The Ambassador* (New York, 1965).

[5] Richard Hardwood, "Few Revelations' for Those Who Had Been Listening," *Washington Post*, June 24, 1971.

[6] Mieczyslaw Maneli, *The War of the Vanquished* (New York, 1971).

[7] See John P. Roche, "The Jigsaw Puzzle of History," *New York Times Magazine*, Jan. 24, 1971, and my exchange with Hilsman in the letters section of subsequent issues.

[8] In Dec. 1967, I provided Dr. Leslie Gelb, coordinator of "The McNamara History" (as it was then called), with my full dossier on the Diem coup, including the Hilsman memorandums cited above. None of this material appeared in the *Pentagon Papers*.

[9] Lyndon Johnson, *The Vantage Point* (New York, 1971). The Johnson memoirs indicate, for example, that the president began "rethinking" our strategic options long before Tet. To my personal knowledge, he was secretly dismayed with the military's "More of the Same" policy as early as May 1967. Before Christmas 1967, he had resolved not to give MACV any more troops and was awaiting the installation of Clark Clifford as secretary of defense to initiate a total review of our options. Tet intervened and forced the pace.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

UNFINISHED BUSINESS (S.J. RES. 241) TEMPORARILY LAID ASIDE

The PRESIDING OFFICER. Under the previous order the unfinished business will now be laid aside and stay laid aside for the remainder of the day or until House Joint Resolution 1278 and S. 32 have been passed, whichever comes earlier.

FURTHER CONTINUING APPROPRIATIONS, 1973

The PRESIDING OFFICER (Mr. TALMADGE). Under the previous order the Senate will now proceed to the consideration of House Joint Resolution 1278, which the clerk will report.

The joint resolution was stated by title as follows:

> A joint resolution (H.J. Res. 1278) making further continuing appropriations for the fiscal year 1973, and for other purposes.

Mr. MANSFIELD. Mr. President, if the distinguished Senator from Arkansas, chairman of the Committee on Appropriations, will yield, I suggest the absence of a quorum without his losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, before we proceed to the consideration of this joint resolution, I would like to call attention to a typographical error in the printing of the resolution. On line 6, after the words "1972 or" there appears the word "in", which is an inadvertence of the Printing Office, I am sure, and is not a part of the joint resolution as reported.

I ask unanimous consent that the word "in" be stricken from the joint resolution before it is considered.

The PRESIDING OFFICER. (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, the Committee on Appropriations, at its meeting Wednesday, August 16, approved the continuing resolution without amendment and ordered it reported to the Senate.

As Members are aware, the present resolution contains an expiration date of August 18, 1972. The purpose of this resolution is to extend this date to September 30, 1972, or the sine die adjournment of the second session of the 92d Congress, whichever occurs first.

As of this date, 10 of the 13 regular annual appropriation bills have passed both the House of Representatives and the Senate. The remaining three bills—the appropriations bills for the Department of Defense, Foreign Operations, and Military Construction—are scheduled now to be processed in September. These three bills have been held up because of lack of necessary annual authorizations. One of the 10 regular annual appropriation bills remains in conference—the State, Justice, Commerce, and the Judiciary appropriation bill. The other nine bills have been sent to the President.

However, Mr. President, we should note that, in addition to the three bills that I have referred to that have not yet passed Congress and the one that is in conference, on yesterday the President vetoed one of the bills that had been sent to him, the Labor-HEW appropriation bill. In view of that veto—which has been sustained by the House of Representatives—there will be four bills yet to be passed by Congress.

Since it is clear that these three regular annual appropriation bills and the State, Justice, Commerce, and the Judiciary appropriation bill, as well as the HEW-Labor appropriation bill, cannot be enacted before the termination date of the present continuing resolution, an extension is required in order to assure the continuation of programs and activities funded in these bills.

In the case of the defense approriation bill, the foreign-aid appropriation bill, and the military construction appropriation bill scheduled to be processed in September, appropriations are provided for continuing projects or activities conducted during fiscal year 1972 at the current rate, or the rate provided in the budget estimate for fiscal year 1973, whichever is lower, and under the more restrictive authority. In addition, if there is no budget estimate for a specific item but it is a continuing program from fiscal year 1972, special provision is made in the resolution for minimum continuation until the matter is resolved in the processing of the regular appropriation bill.

In the case of the vetoed Labor-HEW appropriation bill, activities and programs are continued at the rate provided in the House or Senate bills, whichever is lower.

As in all other such resolutions, any obligations or expenditures incurred pursuant to the authority granted in this resolution will be charged against the applicable appropriation when the bill in which such funds or authority are contained is enacted into law.

Mr. President, it is clear that these three regular annual appropriation bills, as well as the HEW-Labor appropriation bill, together with the State, Justice, Commerce, and the Judiciary appropriation bill, cannot be enacted before the termination date of the present continuing resolution. Therefore, this resolution is necessary to assure the continuation of programs and activities funded in these bills, and I respectfully urge its adoption.

Mr. YOUNG. Mr. President, I support the position taken by the distinguished chairman of the Committee on Appropriations that the continuing resolution should pass. It is very necessary that it pass, and in my opinion without amendments.

It is unfortunate that some programs will not be financed as fully as they might be under this continuing resolution. Health, Education, and Welfare is one. That appropriation bill was vetoed, and the veto was sustained by the House. Under this continuing resolution programs and activities will have to be at the level of the House or Senate versions of the vetoed bill whichever is lower. Some very good programs were added in the HEW appropriation bill, but those will have to wait until a new Health, Education, and Welfare appropriation bill is sent to the Senate by the House. I hope the House will take action in sending us a new Health, Education, and Welfare appropriation bill soon after the recess.

Other programs, I think, will fare quite well, as good as could be expected under this continuing resolution.

I would have hoped that there could be a later, more realistic date of October 14, but the leadership insisted on September 30, and, of course, there is some possibility we can adjourn by then.

I do support the passage of the joint resolution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HANSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, earlier in the year, when the Labor-HEW appropriation bill was before this body, the Senator from Nebraska (Mr. CURTIS) and a number of other Senators, including myself, discussed a problem that results from instructions promulgated by the Department of Labor which implemented the earlier law passed by Congress dealing with the health and safety of workmen, oftentimes referred to as the Occupational Safety and Health Act, or OSHA.

During the 91st Congress, hearings were held on that measure, and legislation was passed. There were a number of Members of this body who felt that the measure finally passed was too severe in its application, and an effort was made to substitute the so-called Dominick proposal for the measure as passed. A motion was made to lay on the table the Dominick substitute, as I recall, and by a vote of 41 to 39, if memory serves, a motion to lay the Dominick proposal on the table prevailed. As a consequence, a tougher, more unrealistic bill—at least in my judgment—was passed, and in due course became law. Since that time, in observing the mandate given it by Congress, the Department of Labor has promulgated very voluminous rules and regulations seeking to implement the law.

When the Senator from Nebraska (Mr. CURTIS) presented an amendment restricting the administration of the OSHA legislation that he and I and many other Senators had sponsored, as an addition to the Labor-HEW appropriation bill, Senator CURTIS displayed on his desk several piles of material that I suspected aggregated a stack 2½ feet high. At that time he pointed out that all of those materials were incorporated by reference into the law, but that that was only a part of what was actually in the law, and that if all the publications and all the pertinent data which have by reference become a part of that law were to be placed one on top of another, a member of the staff of the Library of Congress had estimated they would add up to a pile exceeding 17 feet in height, and that there was really no one place in the country where an employer could find out what was in the law except by going to the Library of Congress.

The Senator from Nebraska and I, as well as other Members of this body, have had a great many questions put to us by our constituents wanting to know specifically what the law says. These questions arose because officials of the Department of Labor, seeking to implement the law, were expressly denied by the act the opportunity of going to a man's place of business to explain what was in the law and how it would be applied and administered. While these administrators of the law could talk in general terms about the act, they could not talk specifically, nor could they go on the premises of a man's business and explain the law to him. Nevertheless, in accordance with rules promulgated by the Department of Labor, these inspectors could fine the employer if, in the judgment of the inspector, that employer was in violation of any part of this very vague body of law.

What the Senator from Nebraska was seeking to accomplish by having the material piled on his desk was to dramatize the problem that faces typical American businessmen, both large and small. We pointed out, in support of our amendment, that the bigger corporations, the bigger employers, had a better opportunity of researching the appropriate rules and regulations which may have applied to those particular businesses than would a small businessman. The dilemma that the typical employer found himself in was that there was no way that he could go to any one place and find precisely what the law said.

I think, if I recall correctly, some 11 or 12 pages were published in the Federal Register alone on the subject of stepladders—six or seven pages dealing with only stepladders.

This sort of law, implemented as it was by the Department of Labor with the promulgation of the rules and regulations that they put together, has brought about a totally intolerable situation. What has resulted is that no one man knows what he is supposed to do in order to comply with the law.

I told the Secretary of Labor that I would defy him—and I repeat this challenge—to pick out two administrators of the OSHA law; choose them wherever he wants to in any part of the United States; and if they had not gotten together previously and by connivance agreed on what they are going to find at variance with the law, I do not think there are two administrators in the United States who could go into a place of business that I will pick out in Nebraska, Wyoming, or Arkansas, or anyplace else, and who will come up with the same list of violations of the OSHA Act, rules and regulations.

So, really, what we are talking about in holding that changes need be made in this law is to point out that any time this sort of situation results, it places a totally impossible burden on an employer; it gives far too much authority to administrators and Federal inspectors.

These persons administering the law go in, they make the examination, and they determine on their own judgment if a person is in compliance with the law.

I know from personal knowledge that some of the people sent to my State of Wyoming, when asked about the law, said they did not know if there was a violation. They would have to go back to their room where they had the materials and look it up. That is the response that has been given employers in my State to very legitimate questions put by them to the administrators of the OSHA law.

All I can say, Mr. President, is that if the persons charged with administering these laws, if the persons who are cloaked with the authority to go in to follow up on a complaint or, on their own volition, to go in and make an examination, to determine if an employer is in or out of compliance and to levy fines on him for violations of which the employer could not be possibly aware, then I say things have come to a pretty pass in the United States.

There is a consequence. Because of the very serious concern that is felt by a majority of the Members of this body, which was expressed in like measure by Members of the House of Representatives, the House denied the use of funds under the appropriations made to Labor and HEW to administer the law with respect to those employers who had no more than 25 employees.

When the bill came to this end of the Capitol, we tried to attach the same sort of amendment. We failed by just a few votes on the 25 or fewer employee cutoff of funds for the administration of the law. We next tried for a cutoff for those employers employing not more than 15 employees. That carried.

This continuing resolution, as I understand it, despite the fact that the conference report, having the stamp of approval of conferees from both the House and the Senate, would have denied to the Department of Labor funds to administer the OSHA law with respect to employers having not more than 15 employees, takes into account no such feeling on the part of either of the bodies of Congress.

So, Mr. President, what I would like to do would be to call up an amendment that would restrict the funds made available by this continuing resolution, insofar as the OSHA law is concerned, to those cases involving employers with not more than 15 employees. This would be in full conformity with what was expressed by the House of Representatives and by the Senate, and which was further agreed upon by the conferees.

I have discussed this situation with the distinguished chairman of the Appropriations Committee and with the ranking member of the Appropriations Committee, the distinguished Senator from North Dakota.

I realize that time is short. I am fully aware that a number of Senators are not here today and I would think it might be difficult to get an accurate reflection of the sentiment of all of the people in the United States, as would be disclosed by a vote taken here today.

I know when I was discussing this amendment, the distinguished Senator from Rhode Island (Mr. PASTORE), my good friend, was on the floor; and though he voted against the amendment we proposed, I am certain that a rereading of the record will disclose quite fully that he shared our feeling of frustration and annoyance with the manner in which the Department of Labor was implementing a law that gave them such great, broad discretionary authority; in writing rules and regulations and by reference incorporating other material, and then not even having those rules and regulations printed. I know that the Senator from Rhode Island was concerned; and I, too, am concerned.

I am not going to press for a vote on the amendment that I would like to propose to this continuing resolution, because, for the reasons earlier stated, it seems to me that it would not really afford the Senate of the United States an opportunity fully to reflect the sentiment around the country.

Mr. President, if I may, I would like to call up amendment No. 1446 previously submitted by Senator CURTIS for himself and other Senators which I shall later withdraw. Nevertheless, I would like to ask for its immediate consideration and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read, as follows:

At the end of the joint resolution add the following new section:

SEC. . Such joint resolution is further amended by adding at the end thereof the following new section:

"SEC. 107. No appropriation or fund made available under this joint resolution shall be obligated after August 18, 1972, to pay the salaries of any employees of the Federal Government who inspect firms employing fifteen persons or less for compliance with the Occupational Safety and Health Act of 1970."

Mr. HANSEN. Mr. President, the number of the measure offered by Senator CURTIS and others, including me, if I recall corectly, was amendment No. 1446.

Mr. President, and I will not belabor the matter much longer, but I think we are being unfair to the employers of this country at a time when every effort is being made further to expand job opportunities in this country, to permit the sort of rulemaking authority that was exercised by the Department of Labor so as to place very real and severe burdens on small employers.

No one wants to condone unsafe or unhealthy working conditions. I voted, despite my earlier expressed misgivings, for the Occupatonal Safety and Health Act. I must say, I had no idea that the Department of Labor would, by reference, incorporate all the voluminous material that it did into that law.

It is not asking too much that the people of this country, if they are expected to obey the law, should have the opportunity to know what the law is; yet that opportunity has not been given them. I have writen and I have talked to the Department of Labor and tried to get spelled out specifically what the law says and regulations but we cannot get that because the law says so much and incorporates by reference other statutes and publications, other material, other studies, other books, some of which the Library of Congress told us it believed could be found with certainty only in the Library of Congress.

When Senator CURTIS was debating this amenment he asked if he could get all the materials that, by reference, are incorporated into the law. The Library of Congress said that some of the material was in such short supply it could not permit its being removed from the Library of Congress. That is exactly what the situation is.

I would hope that when this continuing resolution, which I am certain will pass and which I shall support, expires on September 30, the Senate would be afforded the opportunity to reconsider its earlier stated position and we might go along with the House action exempting businesses with 25 or fewer employees.

But, nevertheless, I think most Americans are law-abiding. Most Americans want to see that working conditions are safe and healthy. I share that feeling, but it does not make any sense to tell a small businessman in Casper, Wyo., say, who may have one or two employees, that one bathroom is not enough and he has got to put in two, that he has got to have split toilet seats on both, and if he has one female employee he has got to put a couch in the bathroom so that that employee, if she so desires, may lie down.

This touches on another point. In legislation I have cosponsored to amend the basic law, if a regulation promulgated by the Department of Labor later on is abandoned, and this has happened, then we say in our amendment that an employer who in compliance with the law by having spent money only to find a week later that the Department of Labor had decided it was going to kick out that particular regulation, the Government of the United States should repay him for the expense he was put to, because many times this can represent the difference between a man staying in business and going out of business.

I have received letters from employees—not employers, but employees who have said that their jobs were in jeopardy because their employer was a small businessman and if he had to go to the expense that was indicated by the regulations as they were spelled out by the administrators of the Occupational Safety and Health Act, those employers would not be able to make enough money to stay in business; shops would close down, and their jobs would be placed in great jeopardy as a consequence.

So I would hope very much that the Senate by September 30, when it acts specifically on the Labor, Health, Education, and Welfare budget, will keep in mind the problems we have placed on employers through the delegation of this authority to the Department of Labor.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that Mr. James Calloway, chief counsel, of the Government Operations Committee, be permitted the privilege of the floor during the consideration of this continuing resolution.

The PRESIDING OFFICER (Mr. MOSS). Without objection, it is so ordered.

Mr. YOUNG. Mr. President, the Senator from Wyoming has made a strong case for his amendment, which would exempt employers hiring 15 workers or less from the operation of the health and safety act program. There is nationwide support for the amendment. I do not believe any law was ever written during my service here more unreasonable and more unrealistic than this one, in the way it affects small businessmen all over the country.

I believe that the Senator from Wyoming is using good judgment in not offering it to the continuing resolution because the House just will not take it.

There will be another HEW bill. There has to be, because many provisions in the HEW bill which were vetoed are vitally necessary. That will offer another opportunity, next month, when I am sure the Senator will get the same strong support for his amendment as has now. There will be another supplemental appropriations bill to which this amendment would be germane.

I am really very pleased that the Senator is not urging a vote on the amendment now. He is using good judgment, because I believe it does not have any chance of being passed at this time and in this manner.

Mr. PASTORE. Mr. President, I rise only because the distinguished Senator from Wyoming is a very dear friend. He paid me a compliment in using my name. He has rendered a valuable service this morning. I do not think the fault is with the law as much as the fault is with the administration of the law.

I take this occasion to say that when we had debate on this subject, the reason why I voted against the Curtis amendment was that I did not want to be placed in the position of having it said I cared less about the safety of people who happen to work in a group of 15 in a shop, as against workers who happen to work in a group of more than 15. That could be easily misunderstood. But there is a distinction to be drawn. There is no question about that.

If, on a national level, we are really trying to make small business extinct, we are well on the road to doing it. The one grievance I have is that sometimes bureaucracy becomes so arrogant, so indifferent, so inconsiderate that it begins to push people around. I do not think that should be the way it should be done.

We in Rhode Island are proud of our safety provisions. In Rhode Island I do not think we need this law at all. When I was Governor, I was chosen to come down here to Washington because our State was foremost among the many States—and this goes back more than 25 years—in industrial safety.

We were as much concerned about the safety of our workers in Rhode Island as someone in Washington, whether it be at 1600 Pennsylvania Avenue or in the Labor Department; but I applaud the Senator for not pushing this at this time. I think there has got to be an answer to this. I would hope those responsible for formulating guidelines will read the Record. This idea that if one employs two or three people he has to subject himself to all this additional expense, he might as well tell his workers, "Look, put the key in the door and close up the shop." We have got to be reasonable about this. We have got to be sensible about this. I would hope, therefore, that this could be left to the States. I hope that much of it will be left to the States, but the law has passed, and I hope that the administration will improve it. I repeat, I do not think this continuing resolution should be a Christmas tree for a lot of the grievances we have, for the simple reason that this is an extension only until September 30 And if we adopt one amendment, we will have to adopt 15 or 20. That will defeat the purpose of the continuing resolution.

I thank the Senator from Wyoming for his assurance that he will withdraw the amendment.

Mr. HANSEN. Mr. President, I thank my distinguished friend, the senior Senator from Rhode Island. May I say that the great admiration and respect in which he is held has certainly always gone far beyond party lines. I have been an admirer of his for a long time, as have many people all over the United States.

I think the Senator has put his finger pretty squarely on the point. There is a difference. While certainly safety should not be equated with numbers of employees, I would not agree more with what we were trying to say in putting a restriction on the appropriations of money under this bill. The reason is that we have strong misgivings about some of the rules and regulations promulgated by the Department of Labor.

Pending such time as we will be afforded an opportunity to review and amend that law and more precisely set out the principles within which the Department of Labor shall promulgate rules and regulations, we think that it should not be administered with reference to businesses employing 15 or fewer employees.

There is validity to that position. We are trying to encourage the going into business of individuals. In this country, we recognize that the great virtue and great strength of the free enterprise system in part is assured by the readiness and the ease with which a person can go into business. We want to encourage people to start up in business.

The history of the country has been that most employers start in a very small way. When the job gets too big for the individual and the members of his family, he may start with one or two employees and then build up from that point.

The idea is that the operation should not include the hiring of a battery of lawyers to try to explain what might be encompassed in over 12,000 pages of rules and regulations. And that is what we are talking about this morning.

There has been reason to shut off funds for the administration of the law as it applies to businessmen with a certain number of employees.

I appreciate what the Senator has said. I appreciate as well what my great and good friend, the Senator from Arkansas (Mr. McClellan) has said, and the advice that he has given me.

Mr. DOMINICK. Mr. President, I strongly support this amendment which would give small employers a 1-year respite from harassment by Occupational Safety and Health Administration inspectors.

When the Occupational Safety and Health Act was debated in the Senate several of my colleagues and I warned that its noble purpose would be subverted by its unrealistically broad and vague mandate to the Labor Department. The events since the act was implemented a little over a year ago bear this out. Rather than an instrument for the noble purpose of providing a safe and healthy environment for American workers, the act has been a device for the harassment of thousands of already harried small businessmen and farmers.

Those who would disagree should read their mail more carefully. I have received several hundred letters from small businessmen complaining about inadequate notice of new regulations, vague standards, highhanded and arbitrary enforcement officials, and the lack of cooperation by the Occupational Safety and Health Administration in providing guidance as to compliance with the act. One constituent, a small businessman, related how he delayed opening his new paint shop for weeks because he could not get advice from the Occupational Safety and Health Administration regarding the minimum-size fan necessary to meet ventilation standards. Their only advice was:

> Use your best judgment. We can't certify you. We will decide whether you are in compliance if and when we inspect you.

If such an inspection took place, the inspector could say, "You guessed wrong," disapprove the fan, and without notice or hearing, levy an immediate fine.

No wonder small businessmen are losing faith in Government. They pay taxes to establish a large bureaucracy which sets and enforces safety standards, and then they cannot get advice from the very employees whose salaries they are paying as to how they can comply with the standards promulgated. And they struggle under redtape and paper work imposed by the OSHA bureaucracy. They wonder, and I do, too, whether the money to establish and enforce against 2- or 3-employee firms, regulations on everything from prohibiting ice in drinking water to requiring separate restrooms and split toilet seats could not be better spent.

I think it could. That is why I urge my colleagues to support this amendment which would prohibit during fiscal year 1973, the use of Labor Department appropriations for enforcement of occupational safety and health regulations against firms with 25 or fewer employees. This amendment passed the House by a vote of 213 to 154.

The appropriations for OHSA last year was $35.9 million. The budget request this year was $69.2 million, and the House recommends that amount. The Senate Committee recommends $80 million. OHSA now has 400 and some inspectors. The Senate committee recommendation would be sufficient to more than double the number of inspectors.

I am a cosponsor of Senator Curtis' bill, S. 3262, which would, like the Equal Employment Opportunities Act, exempt firms with no more than 25 employees, and would give the Secretary more flexibility in enforcing the act. In spite of the tremendous interest expressed by constituents, we have been unable to get hearings on S. 3262. Passage of the pending amendment to the Labor-HEW appropriations bill would give small employers a 1-year moratorium, and would put the Labor and Public Welfare Committee on notice that hearings on S. 3262 are warranted.

Mr. President, I ask unanimous consent to have printed in the Record an article entitled "Where the Safety Law Goes Haywire," published in the June issue of Nation's Business; my statement before the Subcommittee on Labor; and a letter to me, dated July 26, 1972, from Frank Hedger.

There being no objection, the items were ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR PETER H. DOMINICK

Mr. Chairman, I appreciate this opportunity to appear before the Subcommittee and express my views regarding the Occupational Safety and Health Act. I am pleased that you have taken time out of a busy schedule to hold oversight hearings on this important legislation.

I do not need to remind you, I am sure, that I was actively involved in the debate on this legislation when it was before the Senate almost two years ago. I introduced a separate bill, and later offered it as a substitute for the Committee bill. I felt it offered a more balanced approach, particularly with regard to the establishment of safety standards. It provides for an independent National Occupational Safety and Health Board which would have promulgated standards to be enforced by the Labor Department. The effect would have been to separate the rule-making, enforcement and adjudicatory powers which the present law consolidates in the Labor Department.

But that's water under the bridge. Where we are now is that, after a little over a year of enforcement of OSHA standards promulgated under the Labor Department's broad, vague mandate to assure "safe and healthful working conditions" to all workers, it is apparent that extensive changes in the law are needed. I have received hundreds of letters from small businessmen and farmers registering a variety of complaints about enforcement of the Act. I am sure every other Senator has too.

One of the most frequently recurring objections is that OSHA standards are inflexible. They fail to take into account variations in working conditions in different industries, the size of the firms affected, or the cost impact of compliance. The recent action of the House and Senate in amending the Labor-HEW appropriations bill to flatly prohibit expenditure of Labor Department funds for enforcement of OSHA against small employers is a clear signal that some changes are needed in this area.

Another frequently expressed complaint is with respect to the overbroad delegation of authority to OSHA inspectors who have the power to make on the spot decisions to issue citations and levy immediate fines against employers for seemingly trivial violations. Employers wonder, if this legislation was intended to promote compliance with safety standards, why they aren't entitled to a reasonable period to comply before fines are levied. The way it is now, they are fined immediately for violations, and additionally if they don't comply within a specified period of time. They are, in short, treated like criminals.

Employers, particularly small ones who cannot afford to retain full time legal counsel, are unable to understand complex and vague OSHA regulations. Moreover, once they do understand what the regulations require, they frequently are unable to see any relationship with better working conditions or improved safety. They are reluctant to seek advice from OSHA officials for fear that an inspection will be triggered before they are able to determine what action is necessary to comply. My best information is that Occupational Safety and Health Administration officials have been uniformly uncooperative when employers do seek advice as to what is required from them.

One of my constituents, a small businessman, delayed opening his new paint shop for weeks because he couldn't get advice from OSHA officials regarding the minimum size fan necessary to meet ventilation standards. Their inflexible position was that they had no specific regulation as to fan size, and that he should use his best judgment. They would determine whether he was in compliance if and when an inspection was made. At such an inspection, the inspector could, of course, disapprove the fan, and without prior notice or hearing, levy an immediate fine, in effect punishing him for guessing wrong.

The administration of OSHA, due to the police-oriented approach which permeates the legislation, has gotten crosswise with Congress' original purpose—to improve working conditions for all the workers in this country. Employers are *punished* for noncompliance with standards they know little about, rather than *assisted* in complying. For example, the Act makes it a crime to give an employer advance notice of an inspection. It should be just the opposite. Employers should be notified in advance, told where they are in violation, and offered assistance in complying. Only then should fines for noncompliance be levied. OSHA is not a criminal statute, and administration of it as if it were simply is not going to work. Unfair regulatory procedures will only alienate employers from State and Federal officials who ought to be guiding employers toward compliance. The President's Report on Occupational Safety and Health recognizes this problem. In summarizing the progress made so far in implementing the Act, the report states:

"However, the program's first year of operation has produced the following conclusions:

"1. It will not be easy to attain the goal of assuring a safe and healthful workplace for the Nations workers, and it cannot be done quickly. Effective enforcement of the Act will be critical, but it alone will not do the job. Cooperation among all levels of government and the voluntary compliance of both employers and employees are essential ingredients for success."

Several proposals pending before this Committee would improve the Act. I am a cosponsor of Senator Curtis' bill, S. 3262, which would, like the Equal Employment Opportunities Act, exempt firms with fewer than 25 employees, as well as small farms, and would give the Secretary more flexibility in enforcing the Act. The Secretary would be required to review the so-called "national consensus standards" now in effect, and determine how they can be made responsive to varying conditions in different industries. It would also specifically require the Labor Department to provide technical advice to employers of 100 or fewer employees in order to assist them in complying with the Act.

I am also a cosponsor of S. 3630, introduced by Senator Tower. It would require that OSHA safety standards for the construction industry take into account the different working conditions in the light and heavy construction industries. I share his view that enforcement of uniform standards designed to protect employees in hazardous heavy construction industries would work against federally assisted housing programs by unnecessarily driving up costs in the relatively unhazardous light construction industry.

After these oversight hearings, I feel confident the Committee will conclude that improvements in the law are needed. At that time I hope these two bills will be carefully considered. Thank you again, Mr. Chairman, for giving me the opportunity to be here this morning.

Where the Safety Law Goes Haywire

"It was a red-letter day for us," says Robert J. Starr, president, Safety and Industrial Net Co., Colebrook, Conn.

His firm makes a patented heavy duty net used on bridge and high-rise building construction.

Mr. Starr, 67, founded his company about nine years ago, and it prospered.

But it was after April 28, 1971, that sales really took off.

That was when the federal Occupational Safety and Health Act went into effect. It spells out a whole raft of regulations affecting every business and industry.

Its greatest impact, perhaps, has been on the construction industry. It specifies, in minute detail, how a construction job must be run—from dispensing of paper drinking cups to operation of laser beams.

One requirement is for safety nets on high-rise, skeleton steel construction, where planking or scaffolding isn't practical.

"Since then," Mr. Starr says, "our safety net sales have shot up 50 per cent."

His firm's heavy-duty, small-mesh net costs 40 cents a square foot. On a big job, that runs into money.

"Our nets are being used on the Gold Star Bridge at New London, Conn.," he says. "The bridge is about 3,000 feet long. They're using about 250,000 square feet of nets."

Or, $100,000 worth.

"His sales will go up a lot more," says Keith Nystrom, assistant safety director, Brown & Root, Inc., a big Houston, Texas, construction firm.

"Many builders still don't know that, in many cases, they must use nets.

"The nets' use on high-rise steel erection—like boiler structures for power plants—may hike costs 100 per cent or more for that part of the operation. They're expensive to buy and install. And they make it much more difficult, and costly, to hoist up building materials."

Brown & Root, he points out, is all for safety and health. So are other members of the Associated General Contractors, a group which acts as an industry spokesman.

Says AGC President James D. McClary, who is senior vice president, Morrison-Knudson Co., Inc., Boise, Idaho:

"We can't buck the objectives of the safety law. We're for one."

THE RECORD IS GOOD

But how badly does the building industry need the eagle-eyed surveillance of the new Occupational Safety and Health Administration?

Well, its safety record is pretty good.

National Safety Council statistics show it is less dangerous than these industries—coal mining, other mining, meat packing, air transport, transit, lumbering, leather, quarrying, wood products and marine transport. Its accident rate, per million man-hours of exposure, is 13.48.

Mr. McClary says a prime irritant in the many OSHA standards is that they do not fit a construction site, but are more appropriate for industrial plants.

Another prime irritant is what the Act does to costs.

"I've heard estimates that the law will boost construction costs anywhere from 10 to 35 per cent," Mr. McClary says. "Personally, I don't think it will be as high as 35 per cent.

"But if the standards are applied as they are now, and as the OSHA agency plans to apply them, they could hike building costs 10 to 20 per cent."

Construction is a $100-billion-a-year industry.

A 10 per cent hike would add $10 billion to the price Americans pay for homes, highways, subways, office buildings, high-rise apartments and other construction.

Waterloo, Iowa, the county seat of Black Hawk County (pop. 76,000) recently discovered what that means.

"We took bids last December on a lift station," says Mayor Lloyd Turner. "It was part of a $3.8 million sewer project. HUD paid half the cost; we paid the rest.

"Our engineer's estimate for the job was $270,000.

"It was made before OSHA became the law of the land.

"When the bids came in, they were staggering—the lowest was $485,000. We held them up several weeks for evaluation. It turned out that the lowest bid was realistic, even though far higher than we expected.

"There were other factors, but about 15 per cent of the cost was attributed to OSHA by all the contractors.

"We had to sell another $100,000 worth of bonds this April to pay for the added costs."

HOW'S THAT AGAIN?

Vernie Lindstrom Jr., executive vice president, Kitchell Contractors, Inc., Phoenix, Ariz., explains why OSHA increases construction costs. "Some standards are impractical, costly and complex," he says.

As examples, contractors cite rules like these:

"A fire extinguisher, rated not less than 2A, shall be provided for each 3,000 square feet . . . or major fraction thereof"—even on a steel skyscraper with poured concrete floors. And "travel distance from any point of the protected area to the nearest fire extinguisher shall not exceed 100 feet."

What's a 2A fire extinguisher?

Is a 1A better—or worse? How about a 3A or a 2B?

The 70-page rule book, "Safety and Health Regulations for Construction," doesn't say.

That's spelled out in National Fire Protection Association manuals.

"To understand the ratings, you really should have two NFPA booklets," an NFPA spokesman says: "They're 'Standards for the Installation of Portable Fire Extinguishers,' 36 pages, price $1. And 'Standard on Recommended Good Practices for the Maintenance and Use of Portable Fire Extinguishers,' 33 pages, also, $1."

If a builder writes NFPA, gets the booklets and reads them, he'll learn that a fire extinguisher tagged Class 1A isn't as good as one with a Class 2A rating.

But a 3A is better.

And a 2B is for a different kind of fire altogether—one involving flammable liquids and greases.

That 2A extinguisher, required even on a steel and concrete skyscraper, is for wood, paper and cloth fires. Or, OSHA says, you can substitute for it a 55-gallon drum of water with two fire pails.

"Wall openings, from which there is a drop of more than four feet, and the bottom of the opening is less than three feet above the working surface" shall be protected with a guard rail.

What does this mean in plain English? It means, contractors say, that a window with a sill less than three feet off the floor must have a railing or other barrier across it. Apparently even after glass has been installed, including thermopane glass that's hard to fall through.

And many modern office buildings have sills lower than three feet.

No detail is too minute for OSHA's attention.

Take drinking water, for example. You can't put ice in it. It's not sanitary.

"That means," a contractor says, "that to give workmen a cool drink of water, you must have a jacketed water cooler. One that plugs into an electrical socket.

"But you don't always find those utilities everywhere on a half-built building."

A LOT OF READING MATTER

To comply with the law, a builder really needs more than the 70-page "Safety and Health Regulations for Construction," which is issued by the Labor Department. For starters, he needs the Department's 248-page "Occupational Safety and Health Standards," plus the two NFPA pamphlets cited above—and hundreds of other pamphlets.

When OSHA became the law of the land, it blanketed into its code a long list of guidelines drawn up earlier by private organizations like NFPA and the American National Standards Institute, and by some government agencies. For example, the list includes:

"Standards for Protection Against Radiation (10 CFR Part 20)," published by the Atomic Energy Commission.

"Threshold Limit Values of Airborne Radiation Contaminants for 1970" of the American Conference of Governmental Industrial Hygienists.

"Z89.1–1969, Safety Requirements for Industrial Head Protection," drawn up by the American National Standards Institute.

The list could go on and on.

Sen. Carl T. Curtis (R.-Neb.) is sharply critical of the blanketing. He says:

"The Act Congress passed, in effect, made these rules the law of the land without a prior specific review . . . to see what they do, how they should be applied, or whether or not they are adequate."

Sen. Curtis has introduced one of a number of bills now on Capitol Hill to modify OSHA. Among other things, his would exempt businesses with 25 or fewer employees from the Act.

A similar bill has been introduced in the House by Rep. Joe Skubitz (R-Kans.).

The Associated General Contractors gives some idea of the size of the thicket of guidelines, standards and cross-references.

"To get all he needs to be fully informed," an AGC spokesman says, "a building contractor would have to spend about $6,000. And he'd wind up with a stack of documents 17 feet high."

Obviously, few if any builders are familiar with all these binding regulations.

"I think it's true to say they are so complicated and lengthy," says the safety director of a large Eastern construction firm, "that you can find a violation of them on almost any job."

The Occupational Safety and Health Administration's own statistics bear him out. In the first nine months of this fiscal year, its inspectors visited 20,688 places of business. Nearly eight out of 10 were found in violation of the safety law.

BATTLE OF THE BOATYARD

The inspector's word is final—unless the alleged lawbreaker requests a formal hearing. Few win the appeal. One who did was a West Coast boatyard owner.

Arsene (Blackie) Gadarian has been in the business, at Newport Beach, Calif., a dozen years.

He says his firm, Blackie's Boat Yard, Inc., is "a mom and pop operation."

Actually, it's a little bigger than that—he and his wife have a half-dozen employees. But it's pint-sized, as boatyards go—the smallest of six in Newport Beach.

Mostly, it overhauls yachts owned by wealthy residents of the seaside spa.

So the proprietor was quite surprised last fall when a federal inspector drove up, put on a hard hat and began to tour the yard.

Blackie felt he hardly rated this personal attention from Washington.

The inspector strolled down the pier to a small boat under repair not far from shore. He pointed to a worker crouched in the cramped bilge and asked. "Why doesn't he have a life jacket on?"

"Because," Blackie replied, "he couldn't move if he did."

"What would he do," the inspector persisted, "if he fell into the water?"

"He'd stand up," Blackie said. "The water's only two or three feet deep there."

The inspector went on inspecting.

A $1,000 FINE?

A few weeks later, the Gadarians were notified they had violated OSHA regulations—Section 1501 84, (c) (4). Offenders are subject to fines of up to $1,000.

"They said the rules were that we had to have a ladder nailed to that dock," Mrs. Gadarian says, "so an employee could climb out of the water if he fell into it.

"We wanted to comply with safety standards, and we always have. We have a good safety record. Our workmen's compensation inspector has testified to it.

"But we didn't know what the OSHA regulations were.

"We asked the OSHA inspector for a copy. He said he didn't have one on him. We asked the local area office. The director said he didn't have one for us—but was working night and day to get some out.

"So we denied the violation, and asked for a hearing, partly in hope of getting a copy of the law we were accused of breaking."

After the Gadarians said they'd fight, the occupation safety agency proposed a penalty of $16—eventually reduced to $15.

Two weeks later, a 248-page document arrived covering—among other things—safety regulations for ship repairing, shipbuilding, breaking up of ships and longshoring.

"We read practically everything in it," Mrs. Gadarian says. "But it said nothing about ladders on the dock."

The Gadarians again asked the OSHA agency office for a copy of the regulation they allegedly had violated.

"About a month after we were cited," Blackie says, "it arrived." It was a 48-page booklet, a supplement to the 248-page publication they received earlier.

"We found the part about ladders in that," Mrs. Gadarian says. "But it said nothing about one being nailed to the dock. Only that you had to have one near the boat under repair."

THE FULL MAJESTY OF OSHA

Last November, the OSHA hearing was held.

"They rented a meeting room at the Newporter Inn," says Mrs. Gadarian, "a very posh hotel."

President Nixon often uses it for press conferences and other meetings. It's about 20 miles from the West Coast White House at San Clemente. Japan's Premier Sato stayed there when he met with the President before Mr. Nixon went to Peking.

Seven federal officials were on hand for the hearing, which took four hours. As the Gadarians pointed out, all the OSHA regulation stipulated was that:

"In the vicinity of each vessel afloat in which work is being performed there shall be at least one portable or permanent ladder of sufficient length to assist employees to reach safety in the event they fall into the water."

The Gadarians said they had a ladder "in the vicinity" of the boat being repaired, and produced witnesses.

The OSHA inspector contradicted them. The closest ladder, he said, was 400 feet away.

The Gadarians showed that the boat yard was only 200 feet long, including their 66-foot dock. The Occupational Safety and Health Review Commission ruled for the Gadarians.

So they didn't have to pay the $15.

Why did the Gadarians fight a fine the size of a parking penalty?

"That's what a lot of people ask," Blackie says.

"They figure, if all it takes is 15 bucks to get them off your back, let's pay it. But I don't feel that way, if I'm not in the wrong.

"Besides, what about the next time?"

Mrs. Gadarian has carefully hoarded all the citations, summonses and reports, including the 19-page decision that dismissed the charges.

"Some day," she says, "I have to show them to my grandchildren so they can see how 1984 came early to our country."

JULY 26, 1972.

Senator PETER H. DOMINICK,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DOMINICK: I wish to strongly protest the present O.S.H.A. law. This is another case of big brotherism that we don't need.

What gives you congressmen the idea that you can legislate a law that tells us how to do our jobs safely when the most strenuous thing most of you do is hoist a martini. It appears that you sit on your duffs posing for each other and try to figure out a new way to put more power in the hands of the federal government thru laws such as O.S.H.A. Remember this—we run you, you don't run us!

The O.S.H.A. law smacks of the socialist thinking which the over educated idiots in Washington have been trying to cram down our throats for years now.

I had earned a living as an aircraft mechanic for 22 years until your last manipulated recessions finished that. Now I repair automobiles and find that I can not wear the required safety equipment that O.S.H.A. says I must, and do my job properly and efficiently. (Ever try working under a car with a hard hat on?) If I am found in violation by one of O.S.H.A.'s inspectors then my employer is fined and so am I, and I lose my job.

Surely you don't believe that you can legislate safety, or morals, or equality for that matter. If you think that you can then it is obvious that you have your heads firmly lodged in your posteriors.

Most workmen work in such a way as to avoid the hazards which are present on the job, they know what they are doing and they don't have accidents. The small minority that do have accidents on the job are going to continue to have accidents on the job in spite of O.S.H.A. I know there will be much gnashing of teeth in Washington over this fact, but that's the way it is.

If O.S.H.A. is the best Congress can do then I suggest you congressmen spend your time more constructively by sharpening pencils, flying paper airplanes or picking lint out of your navels, but whatever you lawmakers do, stop harassing the people because we are getting damn tired of you.

One other thing. I notice some of the mental midgets in congress are trying to ram thru H.R. 8828 which will further restrict our freedom and give Uncle more power and control over us. I strongly urge you to stop this foolishness. Like I say, we are getting damn well fed up.

FRANK HEDGER.

Mr. HANSEN. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. HANSEN. Mr. President, I appreciate the opportunity to express the very real concern I have about harassment of the small businessman as can be demonstrated by the results we receive from the type of administration that has been given us by the Department of Labor.

Mr. President, I express my appreciation to the distinguished chairman of the Appropriations Committee. I yield the floor.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

Mr. McCLELLAN. Mr. President, I extend my appreciation to the Senator from Wyoming and approve of his suggesting the amendment and discussing it at this time. It is an issue, it is a problem that Congress has dealt with and on which it has expressed its will. We think that it should be somewhat in line with the amendment that the Senator has offered and withdrawn.

The continuing resolution, in my judgment, is not a proper vehicle for amendments, other than amendments dealing with the specific subject of continuing the funding of programs that would not be funded except for the continuing resolution.

In the handling of these appropriations and these continuing resolutions, I think upon reflection that it is apparent to all of us that if we load down or undertake to offer more or less extraneous amendments to a continuing resolution, the continuing resolution would bog down in conference or the amendments would all go out in conference. They would have to, particularly when we have only 24 hours remaining before this would expire. If an amendment were agreed to, it would require a conference. And I have no illusions about what the conferees would do.

I am confident that we would be confronted with adamant resistance to the amendment. As to the merits of the amendment and as to the substance of the amendment, I am in accord with what my distinguished friend, the Senator from Wyoming, has said about it. When the amendment was offered to the Labor-HEW appropriations bill on the Senate floor—the bill which was vetoed yesterday by the President—I supported it then. I would be hopeful that the Senator from Wyoming and the other sponsors of the measure will, when that appropriation bill comes back before the Senate, reoffer the amendment. It will be my intention to support it then, as I did when the Labor-HEW appropriations bill was passed here on June 27.

I do appreciate the cooperative spirit and action of my distinguished friend, the Senator from Wyoming, in withdrawing the amendment at this time so that we may proceed with the consideration of the continuing resolution and get it passed and enacted today. That is imperative.

There will be another day. This is only a postponement for awhile, and there will be another day. I hope that the amendment, or its equivalent, will be finally enacted into law.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the distinguished chairman of the Appropriations Committee for his very generous remarks.

Mr. McCLELLAN. Mr. President, I understand that another Senator is probably interested in this resolution and does want to be heard. I further understand that he is on his way to the Chamber at the present time. Mr. President, I suggest the absence of a quorum.

Mr. HANSEN. Mr. President, will the Senator withhold that request?

Mr. McCLELLAN. Mr. President, I withhold the request.

Mr. HANSEN. Mr. President, may I say that the distinguished Senator from Nebraska (Mr. CURTIS) shares my feelings. He has really taken the leadership in bringing this matter to the attention of the Senate. Were he here today—and I regret that he is necessarily absent—I know that he would have been leading this discussion, as I have attempted to do.

Mr. President, I just want to apprise all Senators that the interest of the Senator from Nebraska has not waned one bit. He did regret very much that it was necessary that he be absent. I have tried to call the attention of the Senate to some of those matters that I know are of particular concern to him.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, in connection with the continuing resolution which directly affects the appropriations contained in the Labor-HEW appropriations bill, which was vetoed yesterday, the House sustained the veto. Now the question is before the Committee on Appropriations as to when we should again proceed with the Labor-HEW appropriations. Therefore, the significance of the September 30 deadline is very important.

I understand from the Members of the House that they will not attempt in the Committee on Appropriations to pursue this matter in the nature of another Labor-HEW appropriations bill until after the Labor Day recess.

Therefore, I want to make this announcement to give interested Senators this notice that, of course, we cannot act on it and we shall not act on it in the Committee on Appropriations until the House has acted. Therefore, the matter of the new Labor-HEW appropriation will be delayed until after the Labor Day recess. Of course, we will have sufficient time between then and September 30, which is the termination of this resolution date, to get at the matter.

Mr. JAVITS. Mr. President, if I may have the attention of the chairman of the Committee on Appropriations, I would like to ask a question.

Section 101(a)(3) of the pending joint resolution deals with spending authority which will continue under this joint resolution and it relates to the question of the vetoed bill for HEW appropriations bill and the ceiling on social services written into the Senate bill but not in the final bill.

I wish to be sure that the question is not concluded and that we have an opportunity to consider recommendations on the ceiling whatever the recommendation may be, and that the Senate may then act on it, but that the ceiling question raised by the Senate bill is not concluded by this resolution.

This resolution has two provisions which could be applicable. The section to which I referred, section 101(a)(3), relates to an authority as passed by the House, which is different from that which would be available or granted under such act as passed by the Senate. The language in the section states:

> Whenever the amount which would be available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such an Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

So the question that raises is whether a vetoed bill comes within that definition. As I understand it, a vetoed bill is dead, as if nothing had passed either House; that is the end, unless Congress overrides it, and one House has already refused to override.

Then we come to another provision, the proviso under (4), which states:

> No provision which is included in an appropriation act enumerated in this subsection but which was not included in the applicable appropriation act for 1972, and which by its terms is applicable to more than one appropriation, fund, or authority, shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been in-

cluded in identical form in such bill as enacted by both the House and the Senate.

Obviously, the provision to which I refer was not included in the identical form in both the House and Senate bills. So my question is: Is it not a fact that after we pass this joint resolution the question of the ceiling relating to social services, remains as it was after we dealt with the HEW conference report here in the Senate—that is, there is no ceiling, or does this joint resolution make some change legally in that situation?

Mr. McCLELLAN. As I understand it, there is no ceiling on that fund. The bill was vetoed. Whatever limitation was placed in the bill is not law, irrespective of what the intent of Congress was.

Mr. JAVITS. I thank the Senator.

Mr. McCLELLAN. It is my understanding that this continuing resolution makes no change; it does not deal with that. That is the situation as I understand it.

Mr. JAVITS. The Senator understands me correctly, and he has given me the answer which I understand to be the law.

Mr. MAGNUSON. I concur that the continuing resolution will not affect the open-ended provision of social services.

Mr. JAVITS. I thank the Senator.

Mr. MAGNUSON. Undoubtedly, after the House acts on another bill, I am sure they will discuss the matter of the limitation we have tried to put on. I think I can say, not speaking for all Members, that the members of the full Committee on Appropriations are vitally concerned, and surely when we consider the second Labor-HEW bill that matter will come up, but the way it is now it is open ended.

Mr. JAVITS. I thank the Senator.

Mr. MAGNUSON. But there will be a chance for the Senate to discuss the matter again, because in the revenue-sharing bill there is—I think I am correct—a $1 billion limitation, but they exempted child care and family planning programs from the limitation and left them intact, which will add up to close to $1.5 billion or more.

Mr. JAVITS. But that is in another bill.

Mr. MAGNUSON. That is in another bill. I understand it will be discussed.

I deplored the veto, but I understand the President, and I will check on this, feels that despite the argument over the veto, this matter of the ceiling should be considered not in the revenue-sharing bill, but in the Labor-HEW appropriation bill when we get on the bill again.

Mr. JAVITS. I thank the Senator.

Mr. McCLELLAN. The proper place to deal with it would be in the appropriation bill.

Mr. MAGNUSON. Yes, rather than in the revenue-sharing bill.

Mr. McCLELLAN. I think that is correct. It is authorized now and it is subject to being appropriated. It is a matter under the jurisdiction of the Committee on Appropriations.

Mr. MAGNUSON. There will be many Senators who feel that the situation by the time we get back, or even now is so critical we may want to do something in the revenue-sharing bill, but that is not the proper place because the Labor-HEW bill, in which this will be considered will come along about the time we finish revenue sharing, so time is not important.

Mr. JAVITS. I am satisfied with the answer.

Mr. McCLELLAN. My guess is the appropriation bill will be enacted into law possibly before you have a revenue-sharing bill.

Mr. MAGNUSON. That is right.

Mr. McCLELLAN. Because that bill will have to go to conference.

Mr. MAGNUSON. And it would be a long time, I think.

Mr. McCLELLAN. So the appropriation bill would come along first.

Mr. YOUNG. I think the revenue sharing bill has been rather inappropriately named It is also an appropriation bill.

Mr. McCLELLAN. I beg the Senator's pardon.

Mr. YOUNG. I think the revenue sharing bill may well be referred to as an appropriation bill; it both authorizes and appropriates—against the rules of the Senate.

Mr. McCLELLAN. We are hopeful that may be corrected by a proposal that will do justice to all parties, and in no way impede or impair the progress of that measure being enacted into law. We hope that can be done.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1278) was ordered to a third reading, was read the third time, and passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. MAGNUSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SCIENCE POLICY AND PRIORITIES ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 32, which will be stated by title.

The legislative clerk read as follows:

A bill (S. 32) to authorize the National Science Foundation to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes.

The Senate proceeded to consider the bill, which has been reported from the Committee on Labor and Public Welfare, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Science Policy and Priorities Act of 1972".

DECLARATION OF POLICY

Sec. 2. (a) The Congress hereby finds that—

(1) Federal funding for science and technology represents an investment in the future, which is indispensable to sustained national progress;

(2) the manpower pool of scientists and engineers constitutes an invaluable national resource which should be utilized to the maximum extent possible at all times;

(3) the Nation's scientific resources can contribute significantly to meeting America's human needs in such priority problem areas as health care, poverty, public safety, pollution, unemployment, productivity, housing, education, transportation, nutrition, communications, and energy resources; and

(4) at this time of maximum need, much of the Nation's technical talent is being wasted or misapplied because of inadequate programs of civilian science and technology.

(b) The Congress declares that it is the continuing policy and responsibility of the Federal Government to take appropriate measures directed toward achieving the following goals—

(1) the total Federal investment in science and technology must be raised to an expenditure level which is adequate to the needs of the Nation, and then continue to increase annually in proportion to the growth in the gross national product, or at a rate which is greater than such growth;

(2) scientists, engineers, and technicians must have continuing opportunities for socially useful employment in positions commensurate with their professional, technical capabilities;

(3) Federal obligations for civilian research and engineering activities must be increased so as to reach a level of parity with Federal obligations for defense research and engineering activities, whereupon the level of parity must be maintained or exceeded, except when inconsistent with overriding considerations of national security; and

(4) Federal programs for civilian research and engineering must be focused on meeting the human needs of the Nation in such priority problem areas as health care, poverty, public safety, pollution, unemployment, productivity, housing, education, transportation, nutrition, communications, and energy resources.

TITLE I—SCIENCE POLICY AND PRIORITIES FOR CIVILIAN RESEARCH AND ENGINEERING

SHORT TITLE

Sec. 101. This title may be cited as the "Science Policy Act".

AUTHORITY OF THE NATIONAL SCIENCE FOUNDATION

Sec. 102. Section 3 of the National Science Foundation Act of 1950 is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The Foundation shall recommend and encourage the pursuit of national policies designed to foster research and education in science and engineering, and the application of scientific and technical knowledge to the solution of national problems."

RESEARCH AND ENGINEERING PRIORITIES

Sec. 103. (a) The Foundation shall identify priority areas of civilian research and engineering likely to contribute to the resolution of national problems in areas such as health care, poverty, public safety, pollution, unemployment, housing, education, transportation, nutrition, communications, and energy resources. In making such identifications, the Foundation shall—

(1) take account of the results of its programs conducted or assisted under section 207;

(2) consult with appropriate scientific and technical organizations such as the National Academy of Sciences, the National Academy of Engineering, and the National Institute of Medicine; and

(3) coordinate and correlate its activities with respect to such identification with other agencies of the Federal Government undertaking programs relevant to these problems.

(b) From funds available pursuant to section 107, the Foundation may employ by grant or contract such consulting services as it deems necessary to carry out the functions assigned to the Foundation under this section.

RESEARCH PROGRAM

SEC. 104. From funds available pursuant to section 107, the Foundation is authorized to make grants to, or enter into contracts with, appropriate organizations for the conduct of basic and applied research and engineering designed to advance the scientific and technical state-of-the-art in such priority areas as are identified under section 103.

NATIONAL SCIENCE BOARD

SEC. 105. Section 4 of the National Science Foundation Act of 1950 is amended—

(1) by inserting before the period at the end of subsection (a) a comma and the following: "within the framework of applicable national policies as set forth by the President and the Congress" and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of science, social science, engineering, agriculture, industry, education, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service, and (3) shall be so selected as to provide representation of the views of leaders from a diversity of fields from all areas of the Nation. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Academy of Engineering, the National Association of State Universities and Land-Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities, or by other scientific, technical, or educational associations."

POLICY APPRAISAL AND REPORTING

SEC. 106. In order to carry out the purposes of this Act, the National Science Foundation shall—

(1) analyze information regarding Federal expenditures for research and engineering activities, and the employment and availability of scientific, engineering, and technical manpower, which the Foundation has assembled pursuant to paragraphs (1), (5), (6), and (7) of section 3(a) of the National Science Foundation Act of 1950 in order to appraise the implementation of the policies set forth in section 2 of the Act;

(2) develop and recommend to the President and the Congress programs and activities which will contribute to carrying out the policies set forth in section 2 of this Act; and

(3) prepare and submit to the President for transmittal to the Congress not later than January 31 of each calendar year, a report on its activities under this Act and an appraisal of the extent to which the policies set forth in section 2 are being successfully implemented, together with such recommendations, including recommendations for additional legislation, as it deems appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 107. (a) To carry out the provisions of sections 103 and 104 of this title, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

TITLE II—DESIGN AND DEMONSTRATION OF CIVIL SCIENCE SYSTEMS

SHORT TITLE

SEC. 201. This title may be cited as the "Civil Science Systems Act".

AUTHORITY OF THE NATIONAL SCIENCE FOUNDATION

SEC. 202. (a)(1) The Foundation is authorized to initiate and support programs which use science, technology, and advanced analytical techniques, such as systems analysis, to design civil science systems which are capable of providing improved public services in such areas as health care delivery, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications, and education.

(2) The Foundation, insofar as is practicable, is authorized and directed to develop alternative civil science systems in order to promote a wider range of choice for the application of such systems.

(b) The Foundation is authorized to initiate and support the public demonstration of civil science systems which have been designed under this title.

(c) Section 5(e) of the National Science Foundation Act of 1950 is amended by adding at the end thereof the following new sentence: "The provisions of this subsection shall not apply to the authority granted to the Director under title II of the National Science Policy and Priorities Act of 1972."

PROGRAMS AUTHORIZED

SEC. 203. In order to carry out the purposes of this title, the Foundation is authorized and directed to—

(a) initiate and support programs of applied research and experimentation, in order to design civil science systems capable of providing improved public services;

(c) test and evaluate the alternative civil science systems designed under this title, and appraise the results of such tests in terms of applicable technical, environmental, economic, social, and esthetic factors;

(c) disseminate and demonstrate the results of programs conducted or assisted under this title so that such civil science systems may be effectively utilized in the development of new communities, and in the improvement of living conditions in existing communities; and

(d) assure that the programs conducted or assisted under this title make maximum effective use of the Nation's scientists, engineers, and technicians, including those who are unemployed.

ESTABLISHMENT OF THE CIVIL SCIENCE SYSTEMS ADMINISTRATION

SEC. 204. There is hereby established within the National Science Foundation, the Civil Science Systems Administration to administer Federal programs carried out under this title.

ADMINISTRATION OFFICERS

SEC. 205. (a) The Administration shall be headed by an Associate Director for Civil Science Systems who shall be appointed by the President by and with the advice and consent of the Senate.

(b) The functions of the Director under this title and any other functions of the Civil Science Systems Administration shall be carried out through the Administration by the Associate Director, who shall be responsible to and report to the Director.

(c) There shall be a Deputy Associate Director for Civil Science Systems who shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties and exercise such powers as the Associate Director may prescribe. The Deputy Associate Director shall act for, and exercise the powers of, the Associate Director during the absence or disability of the Associate Director or in the event of a vacancy in the office of Associate Director.

(d) There shall be two Assistant Directors for Civil Science Systems who shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties and exercise such powers as the Associate Director shall prescribe, with the stipulation that one Assistant Director shall be responsible for advising and assisting the Associate Director with respect to the engineering and technical aspects of the Administration's programs, and the other Assistant Director shall be responsible for advising and assisting the Associate Director with respect to the behavioral and social science aspects of the Administration's programs.

(e)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) The Associate Director for Civil Science Systems of the National Science Foundation."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) The Deputy Associate Director for Civil Science Systems of the National Science Foundations."

(3) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Assistant Directors for Civil Science Systems of the National Science Foundation."

(f) Section 14 of the National Science Foundation Act of 1950 is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Neither the Director, the Deputy Director, the Associate Director, the Deputy Associate Director, nor any Assistant Director shall engage in any other business, vocation, or employment while serving in such position; nor shall the Director, the Deputy Director, the Associate Director, the Deputy Associate Director, or any Assistant Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any grant, contract, or other arrangement under this Act."

CIVIL SCIENCE SYSTEMS ADVISORY COUNCIL

SEC. 206. (a) There is hereby established a Civil Science Systems Advisory Council to be composed of thirty-one members, of whom eighteen members shall be appointed by the Director for terms of three years, and thirteen shall be ex officio members designated in subsection (c) of this section. Appointed members shall be chosen from among persons who have, by reason of experience or accomplishments, demonstrated their qualifications to serve on the Council, in equal numbers from among the following categories—

1. business;
2. labor;
3. engineers, design professionals, and natural scientists;
4. social and behavioral scientists;
5. environmental and other community groups; and
6. consumers.

(b)(1) Of the members first appointed, six shall be appointed for a term of one year, six shall be appointed for a term of two years, and six shall be appointed for a term of three years, as designated by the Director at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the re-

mainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy on the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Each appointed member of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for person in the Government service employed intermittently.

(5) The Council shall annually elect one of its members to serve as Chairman until the next election. The Council shall meet at the call of the Chairman, but not less often than four times a year.

(6) Eleven of the voting members of the Council shall constitute a quorum necessary for the transaction of official business.

(c) The Associate Director for Civil Science Systems; the Assistant Secretary of Commerce for Science and Technology; the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs; the Assistant Secretary of Housing and Urban Development for Research and Technology; the Administrator of the National Aeronautics and Space Administration; the Chairman of the Atomic Energy Commission; the Assistant Secretary of Transportation for Systems Development and Technology; the Administrator of the Environmental Protection Agency; the Director of the Office of Economic Opportunity; and the Chairman of the Council on Environmental Quality shall be nonvoting ex officio members of the Council.

(d) A representative designated by the National Governors Conference; a representative designated by the National Association of Counties; and a representative jointly designated by the National League of Cities and the United States Conference of Mayors shall be voting ex officio members of the Council.

(e) The Council shall—

(1) advise the Director with respect to the discharge of his responsibilities under this title;

(2) review and evaluate the effectiveness of Federal programs under this title;

(3) prepare and submit to the Director and the National Science Board such interim reports as it deems advisable, and an annual report of its findings and recommendations, together with any recommendations for changes in the provisions of this title; and

(4) disseminate its findings and recommendations to such extent and in such manner as it deems effective and advisable.

(f) The Director shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

PLANNING FOR CIVIL SCIENCE SYSTEMS

SEC. 207. (a) From funds available pursuant to section 214, the Director is authorized to conduct planning studies, to transfer funds to other departments and agencies of the Federal Government, and to make grants to, or to enter into contracts with, academic institutions, nonprofit institutes and organizations, State, regional, and local governmental agencies, and private business firms, for the conduct of planning studies for the design and demonstration of civil science systems capable of providing improved public services. Such studies will—

(1) be directed toward the objective of designing, testing, evaluating, and demonstrating civil science systems for subsequent incorporation in new communities, and for subsequent use, with appropriate adaptations, in existing communities;

(2) include long-range planning studies as well as intermediate and short-range studies;

(3) make maximum use of the results of activities undertaken under sections 103 and 104 and the scientific and technical information provided under section 211;

(4) encompass studies of a wide range of public service areas, including but not limited to health care, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications, and education;

(5) include specific studies of the economic, sociological, psychological, legal, administrative, and political factors which affect the design, development, and implementation of civil systems to provide public services;

(6) include total civil systems studies which integrate the specific studies carried out under paragraphs (4) and (5) of this subsection.

(b) In delineating the goals and establishing the priorities for such planning studies as are conducted under subsection (a) of this section, the Director shall consult with the Civil Science Systems Advisory Council.

APPLIED SOCIAL RESEARCH

SEC. 208. (a) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with academic institutions, nonprofit institutes and organizations, public agencies, and private business firms, for the conduct of applied social research into the economic, sociological, political, legal, administrative, and psychological aspects of the design, development, and implementation of civil science systems capable of providing improved public services.

(b) The scientific information which is currently available in these areas and which is generated as a result of the research undertaken under this section shall be fully taken into account by the Foundation in the development of programs and the design and evaluation of civil science systems under this title.

(c) In making grants or entering into contracts under this section, the Director shall take appropriate account of the results of the planning studies conducted or assisted under section 207.

CIVIL SCIENCE SYSTEM RESEARCH AND DESIGN

SEC. 209. (a) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, public agencies, and private business firms, for research with respect to, and design of, civil service systems capable of providing improved public services in areas such as health care, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications, and education.

(b) In making grants or entering into contracts under this section, the Director shall take appropriate account of the results of the planning studies conducted or assisted under section 207, and the applied social research studies conducted or assisted under section 208.

(c) Each contract awarded under this section shall contain provisions which assure that specific performance objectives, and any applicable physical, environmental, economic, social, and esthetic constraints are specified with particularity for each project conducted under said contract.

(d) To assure that civil science systems designed under this section are responsive to public needs and desires, the Director shall obtain community and public views in his determination of the performance objectives and priorities to be met by such systems.

TESTING AND EVALUATION

SEC. 210. (a) (1) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, State, regional, and local governmental agencies, and private business firms for testing and evaluating civil science systems which make use of advanced science and technology.

(2) Such testing and evaluation shall utilize all available, applicable analytical techniques, such as computer simulation, systems analysis, and technology assessment, to test and appraise such systems in terms of their conformance to performance objectives; adherence to stipulated constraints; costs and ancillary consequences; impact on the environment; impact on esthetic values; responsiveness to public needs and desires; and their comparison with alternative civil science systems which may provide similar public services.

(b) From funds available pursuant to section 214, the Director is authorized and directed to carry out final evaluations of civil science systems which make use of advanced science and technology, taking appropriate account of the results of the tests conducted or assisted under subsection (a) of this section, and the results of the applied social research conducted or assisted under section 208.

(c) In making grants or entering into contracts under this section, the Director shall take account of the results of the planning studies conducted or assisted under section 207.

INFORMATION DISSEMINATION

SEC. 211. From funds available pursuant to section 214, the Director is authorized to establish a computerized Civil Science Systems Information Service, which shall collect and integrate the scientific, technical, and social information pertaining to civil science systems resulting from programs under this title, and shall provide such information to interested organizations in Federal, State, and local government, industry, academic institutions, and the nonprofit sector, upon request from such organizations, in accordance with such administrative procedures as are established by the Director.

SYSTEMS DEMONSTRATION

SEC. 212. (a) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, State, regional, and local governmental agencies, and private business firms, for the construction and public exhibition of civil science systems demonstration projects, which illustrate the functioning and associated benefits of alternative, effective civil science systems resulting from research and design activities conducted or assisted under this title.

(b) Such grants or contracts shall contain provisions which assure that such demonstration projects include—

(1) accurate and complete representations of the civil science systems involved in the demonstration, indicating the improved public services which they are capable of providing; and

(2) public exhibitions which are announced in advance and are open for inspection by any interested organization or individual in accordance with such administrative procedures as are prescribed by the Foundation.

(c) Prior to entering into any demonstration project grant or contract, the Director will consult with all State and local governments in whose jurisdictions such demonstration may occur, and will take account of the views of such governments in determining to award such a grant or contract.

COORDINATION WITH OTHER GOVERNMENT AGENCIES

SEC. 213. In planning and conducting or assisting programs under this title, the Director shall maintain continuing consultation and coordination with appropriate Federal, State, regional, and local governmental agencies, including, but not limited to, the Departments of Commerce; Health, Education, and Welfare; Housing and Urban Development; and Transportation; the Council on Environmental Quality; the National Aeronautics and Space Administration; the Atomic Energy Commission; the Office of Economic Opportunity; the Environmental Protection Agency; the National Governors Conference; the National Association of Counties; the United States Conference of Mayors; and the National League of Cities. Such consultation and coordination shall be carried out through the Council established under section 206, and through appropriate staff contacts at other levels of the agencies involved.

AUTHORIZATION OF APPROPRIATIONS

SEC. 214. (a) To carry out the provisions of this title, there are authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1973, of which $25,000,000 shall be available to carry out the provisions of section 207, $30,000,000 shall be available to carry out the provisions of section 208, $120,000,000 shall be available to carry out the provisions of section 209, $15,000,000 shall be available to carry out the provisions of section 210, $5,000,000 shall be available to carry out the provisions of section 211, and $5,000,000 shall be available to carry out the provisions of section 212; $400,000,000 for the fiscal year ending June 30, 1974, of which $20,000,000 shall be available to carry out the provisions of section 207, $50,000,000 shall be available to carry out the provisions of section 208, $270,000,000 shall be available to carry out the provisions of section 209, $30,000,000 shall be available to carry out the provisions of section 210, $10,000,000 shall be available to carry out the provisions of section 211, and $20,000,000 shall be available to carry out the provisions of section 212; and $600,000,000 for the fiscal year ending June 30, 1975, of which $10,000,000 shall be available to carry out the provisions of section 207, $60,000,000 shall be available to carry out the provisions of section 208, $400,000,000 shall be available to carry out the provisions of section 209, $60,000,000 shall be available to carry out the provisions of section 210, $15,000,000 shall be available to carry out the provisions of section 211, and $55,000,000 shall be available to carry out the provisions of section 212.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

TITLE III—TRANSITION OF TECHNICAL MANPOWER TO CIVILIAN PROGRAMS

SHORT TITLE

SEC. 301. This title may be cited as the "Technical Manpower Transition Act".

AUTHORITY OF THE NATIONAL SCIENCE FOUNDATION

SEC. 302. The Foundation is authorized to plan and assist in the transition of scientific and technical manpower from research and engineering programs which have been terminated or significantly reduced to other civilian-oriented research and engineering activities.

ADVISORY PANEL ON TRANSITION OF SCIENTIFIC AND TECHNICAL MANPOWER TO CIVILIAN PROGRAMS

SEC. 303. (a) There is hereby established an Advisory Panel on Transition of Scientific and Technical Manpower to Civilian Programs to be composed of thirty-one members, of whom eighteen members shall be appointed by the Director for terms of three years, and of thirteen ex officio members designated in subsection (c) of this section. Appointed members shall be chosen from among persons who have, by reason of experience or accomplishments, demonstrated their qualifications to serve on the Panel, in equal numbers from the following categories:

(1) Engineering and natural sciences, including the environmental sciences;

(2) Economics and social sciences;

(3) Industry;

(4) Labor;

(5) Public affairs, education, and manpower training; and

(6) Unemployed or underemployed scientists, engineers, and technicians.

(b)(1) Of the members first appointed, six shall be appointed for a term of one year, six shall be appointed for a term of two years, and six shall be appointed for a term of three years, as designated by the Director at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy on the Panel shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Each appointed member of the Panel shall, while serving on business of the Panel, be entitled to receive compensation at a rate not to exceed the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(5) Eleven of the voting members of the Panel shall constitute a quorum necessary for the transaction of official business.

(c) The Panel shall annually elect one of its appointed members to serve as chairman until the next election. The Panel shall meet at the call of the chairman, but not less often than four times a year. The Associate Director for Civil Science Systems; the Chairman of the Council of Economic Advisers; the Assistant Secretary of Commerce for Science and Technology; the Assistant Secretary of Labor for Manpower; the Assistant Director for Economic Affairs of the United States Arms Control and Disarmament Agency; the Administrator of the National Aeronautics and Space Administration; the Director of Defense Research and Engineering; the Chairman of the Atomic Energy Commission; the Commissioner of Education; and the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs shall be ex officio nonvoting members of the Panel.

(d) A representative designated by the National Governors Conference; a representative designated by the National Association of Counties; and a representative jointly designated by the National League of Cities and the United States Conference of Mayors shall be voting ex officio members of the Panel.

(e) The Panel shall—

(1) advise the Director, with respect to the discharge of his responsibilities under this title;

(2) review and evaluate the effectiveness of Federal programs under this title;

(3) prepare and submit such interim reports as it deems advisable, and an annual report of its findings and recommendations, together with any recommendation for changes in the provisions of this title; and

(4) disseminate its findings and recommendations to such extent and in such manner as it deems effective and advisable.

(f) The Director shall make available to the Panel such staff, information, and other assistance as it may require to carry out its activities.

RESEARCH ON TRANSITION TO CIVILIAN PROGRAMS

SEC. 304. From funds available pursuant to section 313, the Foundation is authorized to—

(1) make grants to, or to enter into contracts with, academic institutions, nonprofit institutes and organizations, public agencies, and private business firms, for the conduct of research designed to study and appraise the social, economic, and managerial aspects of transition from defense research and engineering activities to civilian-oriented research and engineering activities; and

(2) disseminate publicly, or enter into contracts with academic institutions, nonprofit institutes and organizations, public agencies, and private business firms for the public dissemination of, the significant results of such research conducted under subsection (1) of this section, as appear likely to aid in the transition from defense research and engineering activities to civilian-oriented research and engineering activities, particularly those directed toward the resolution of priority national problems, as identified under section 103.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

SEC. 305. (a) From funds available pursuant to section 313, the Foundation is authorized to make grants to State and local governments and regional governmental agencies for—

(1) the conduct of programs at the State, local, or regional level, which are designed to facilitate the transition of scientific and technical activities to civilian programs within the particular State, local, or regional areas; and

(2) the hiring of currently unemployed or underemployed scientists, engineers, and technicians to work within State, local, or regional governmental agencies in positions which utilize their technical skills.

(b) The Director shall prescribe applicable salary rates for different types of technical positions in different areas of the country, none of which shall exceed the rate paid a person occupying grade GS-13, step 1.

(c) No one hired by a State, local, or regional governmental agency under this section may—

(1) receive compensation from Federal funds at a rate which exceeds the applicable rate as set by the Director; or

(2) remain in a position compensated under this section for a period in excess of two years.

TRAINING GOVERNMENT OFFICIALS

SEC. 306. (a) From funds available pursuant to section 313, the Foundation is authorized to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, and private business firms, for the purpose of their planning, developing, strengthening, or operating training programs for officers and employees of Federal, State, and local government who will be responsible for, or participate in, determining or administering government-assisted or conducted programs for civilian, socially oriented research and engineering activities.

(b) Such training programs will be directed at (1) acquainting the program participants with the potential contributions of science and technology to the resolution of public problems in such priority areas as are identified pursuant to this Act; and (2) teaching such participants how to utilize scientific and technical talent in an effective and economical manner.

(c) Organizations conducting such training programs may not charge any fee to a participant or participant's agency, which is not permitted by such regulations as the Foundation may prescribe.

(d) Participants in such training programs will be selected by the grantee or contractor from nominations made by interested government agencies, in accordance with such criteria and regulations as the Foundation may prescribe.

GOVERNMENT EMPLOYEE PARTICIPATION

SEC. 307. (a) From funds available pursuant to section 313, the Foundation is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, State, regional, and local government agencies for the purpose of paying the travel and subsistence expenses of government employees incurred in connection with their participation in training programs carried out under section 306.

(b) Executive agencies of Federal, State, and local government are encouraged, to the extent consistent with efficient administration, to provide opportunities for appropriate officers and employees of such agencies to participate in training programs carried out under section 306.

COMMUNITY CONVERSION CORPORATIONS

SEC. 308. (a) From funds available pursuant to section 313, the Foundation is authorized to make grants to, or enter into contracts with, local governments or nonprofit corporations for the establishment and operation of community conversion corporations, which—

(1) function as nonprofit corporations;

(2) operate under the direction of a Board of Directors which is representative of a wide range of community interests, including citizen group and consumer participation, selected in accordance with such criteria as may be prescribed by the Foundation;

(3) conduct, contract for, or stimulate the conduct of civilian-oriented research and development activities which focus on the particular problems, or draw on the particular resources, of the community within which the corporation is located; and

(4) give preference in personnel recruitment to unemployed or underemployed scientists, engineers, and technicians, provided that they meet necessary qualifications for effective job performance.

(b) Existing nonprofit corporations are eligible to apply as community conversion corporations for financial assistance under this section, if such corporations meet the qualifications set forth under subsection (a) of this section.

(c) Each community conversion corporation receiving a grant or contract from the National Science Foundation is encouraged to seek additional financial support and payment for services from other agencies of Federal, State, or local government, private foundations, community organizations, and private business firms; and the National Science Foundation will give preference in awarding such community conversion grants or contracts to those corporations which show a likelihood of being able to obtain such additional financial support.

(d) The receipt by a community conversion corporation of a grant or contract from the National Science Foundation under this section does not make said corporation ineligible to receive other categories of grants and contracts from the Foundation.

(e) In awarding grants or contracts to community conversion corporations for specific research and development projects, the Foundation will give preference to those projects which offer the most promise of aiding in the resolution of national problems in priority areas as identified under section 103.

JOB TRANSITION PROGRAMS

SEC. 309. (a) From funds available pursuant to section 313, the Foundation is authorized, upon application, to make job transition grants to nonprofit institutes and organizations and to private business firms in order to enable them to hire scientists, engineers, and technicians for work on projects for which they are not yet fully qualified. Each such application shall contain provision to assure that—

(1) such projects shall consist of civilian-oriented research and engineering activities;

(2) the personnel participating in such job transition programs shall be selected from unemployed or underemployed applicants by the grantees, in accordance with such criteria and regulations as shall be prescribed by the Foundation, including the requirement that the participants shall have a reasonable prospect of achieving full job qualification within a stipulated period of time;

(3) the personnel participating in such programs shall be afforded a reasonable opportunity to attend specialized training courses when such courses are deemed by the grantee to be necessary to supplement the on-the-job training of the participant; and

(4) no one may continue, or be selected, to participate in a job transition program under this section after such time that he receives a career transition fellowship under section 310.

(b) All significant scientific and technical information which is generated by the personnel participating in such programs shall be made available for public use, in accordance with such procedures as shall be prescribed by the Foundation.

CAREER TRANSITION FELLOWSHIPS

SEC. 310. (a) From funds available pursuant to section 313, the Foundation is authorized to award career transition fellowships to unemployed or underemployed scientists, engineers, and technicians to enable them to pursue a course of study through which they can acquire specialized technical knowledge and skills in fields other than the ones in which they are already proficient.

(b) The Foundation shall allocate fellowships under this section in such manner, insofar as practicable, as will—

(1) attract highly qualified applicants; and

(2) provide an equitable distribution of such fellowships throughout those areas of the United States which are experiencing a higher than average level of technical unemployment.

For the purpose of this section, the Foundation shall consult with the Secretary of Labor to establish for each region in the United States the average level of technical unemployment.

(c) The Foundation shall award at least 10 per centum but not to exceed 20 per centum of the fellowships awarded under this section to scientists, engineers, and technicians who have completed their formal academic education within a five-year period prior to award of the fellowship, as certified in accordance with such regulations as the Foundation may prescribe.

(d) The Foundation shall pay to persons awarded fellowships under this section such stipends (including such allowances for subsistence, health insurance, relocation expenses, job placement expenses, and other expenses for such persons and their dependents) as it may prescribe by regulation.

(e) Fellowships shall be awarded under this section upon application made at such times and containing such information as the Foundation shall by regulation require.

PLACEMENT ASSISTANCE

SEC. 311. (a) From funds available pursuant to section 313, the Foundation is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with scientific, professional, technical, and business associations, and labor unions in order to establish and operate placement programs for unemployed or underemployed scientists, engineers, and technicians.

(b) Such grants and contracts may include provision for relocation expenses of the individual participant and his family when necessary, in accordance with such regulations as the Foundation shall prescribe.

(c) Grantees and contractors shall select applicants for such placement assistance in accordance with such criteria and regulations as the Foundation shall prescribe.

(d) No one shall be eligible for placement assistance under this section when he is—

(1) a participant in a job transition program under section 309; or

(2) a recipient of a career transition fellowship under section 310.

EDUCATION PROGRAM

SEC. 312. From funds available pursuant to section 313, the Foundation is authorized to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, and private business firms, for the purpose of their planning, developing, strengthening, or carrying out education programs which design courses and curriculums intended to prepare students for careers in civilian, socially oriented research and engineering activities, in areas such as pollution control, mass transit, solid waste disposal systems, public utilities, public safety systems, and health care technology.

AUTHORIZATION OF APPROPRIATIONS

SEC. 313. (a) There are authorized to be appropriated $152,000,000 for the fiscal year ending June 30, 1973, of which $5,000,000 shall be available to carry out the provisions of section 304, $15,000,000 shall be available to carry out the provisions of section 305, $4,500,000 shall be available to carry out the provisions of section 306, $500,000 shall be available to carry out the provisions of section 307, $30,000,000 shall be available to carry out the provisions of section 308, $75,000,000 shall be available to carry out the provisions of section 309, $15,000,000 shall be available to carry out the provisions of section 310, $5,000,000 shall be available to carry out the provisions of section 311, and $2,000,000 shall be available to carry out the provisions of section 312; $203,000,000 for the fiscal year ending June 30, 1974, of which $5,000,000 shall be available to carry out the provisions of section 304, $25,000,000 shall be available to carry out the provisions of section 305, $9,000,000 shall be available to carry out the provisions of section 306, $1,000,000 shall be available to carry out the provisions of section 307, $30,000,000 shall be available to carry out the provisions of section 308, $100,000,000 shall be available to carry out the provisions of section 309, $20,000,000 shall be available to carry out the provisions of section 310, $10,000,000 shall be available to carry out the provisions of section 311, $3,000,000 shall be available to carry out the provisions of section 312; $205,000,000 for the fiscal year ending June 30, 1975, of which $5,000,000 shall be available to carry out the provisions of section 304, $35,000,000 shall be available to carry out the provisions of section 305, $4,500,000 shall be available to carry out the provisions of section 306, $500,000 shall be available to carry out the provisions of section 307, $30,000,000 shall be available to carry out the provisions of section 308, $100,000,000 shall be available to carry out the provisions of section 309, $20,000,000 shall be available to carry out the provisions of section 310, $5,000,000 shall be available to carry out the provisions of section 311, and $5,000,000 shall be available to carry out the provisions of section 312.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

TITLE IV—PROTECTION OF PENSION RIGHTS OF SCIENTISTS AND ENGINEERS

SEC. 401. The Congress finds that because of rapid and frequent changes in Federal procurement objectives and policies, engineering and scientific personnel suffer a uniquely high rate of forfeiture of pension benefits under private pension plans, as such employees tend to change employment more frequently than other workers. The Congress declares that it is the policy of the United States to seek to protect scientists and engineers from such forfeitures by making protection against forfeiture of pension credits, otherwise provided, a condition of compliance with Federal procurement regulations.

SEC. 402. The Director shall develop, in consultation with appropriate professional societies and heads of interested Federal departments and procurement agencies, recommendations for modifications of Federal procurement regulations to insure that scientists, engineers, and others working in associated occupations employed under Federal procurement, construction, or research contracts or grants shall, to the extent feasible, be protected against forfeitures of pension or retirement rights or benefits, otherwise provided, as a consequence of job transfers or loss of employment resulting from terminations or modifications of Federal contracts or procurement policies.

SEC. 403. Recommended changes in procurement regulations shall be developed by the Director, as required by section 402, within six months after enactment of this Act, and shall be published in the Federal Register within fifteen days thereafter as proposed regulations subject to comment by interested parties.

SEC. 404. After publication under section 403, receipt of comments, and such modification of the published proposals as the Director deems appropriate, the recommended changes in procurement regulations developed under this title shall be adopted by each Federal department and procurement agency within sixty days thereafter unless the head of such department or agency determines that such changes would not be in the national interest or would not be consistent with the primary objectives of such department or agency.

TITLE V—GENERAL PROVISIONS

DEFINITIONS

SEC. 501. As used in this Act:

(1) The term "academic institution" means any United States institution of higher education as defined in sections 491 and 1201 of the Higher Education Act of 1965.

(2) The term "Administration" means the Civil Science Systems Administration.

(3) The term "Assistant Director" means an Assistant Director of the National Science Foundation.

(4) The term "Associate Director" means the Associate Director for Civil Science Systems of the National Science Foundation.

(5) The term "civil science system" means any set of interrelated technological applications which are designed to perform certain public services, as defined in subsection (11) of this section.

(6) The term "civilian research and engineering activities" means all nondefense research and engineering activities as determined pursuant to regulations of the Director of the Foundation after consultation with the Directors of the Office of Management and Budget and the Office of Science and Technology.

(7) The term "Council" means the Civil Science Systems Advisory Council.

(8) The term "defense research and engineering activities" means any activity which involves—

(i) research, development, or engineering, including necessary supporting services, performed under grant from, or contract with, the Department of Defense or under subcontract to such a grant or contract; or

(ii) the construction, reconstruction, repair, or installation of any building, plant, structure, facility, or equipment connected or necessary to such research, development, engineering, or supporting services.

(9) The term "Deputy Associate Director" means the Deputy Associate Director for Civil Science Systems of the National Science Foundation.

(10) The term "Director" means the Director of the National Science Foundation.

(11) The term "Federal executive agency" means any department, agency, or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(12) The term "Foundation" means the National Science Foundation.

(13) The term "Panel" means the Advisory Panel on Transition of Scientific and Technical and Manpower to Civilian Programs.

(14) The term "public service" means any set of interrelated organizations and activities which collectively perform certain related functions normally associated with life in our society, including but not limited to such public services as health care, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications, and education.

(15) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

ADMINISTRATIVE PROVISIONS

SEC. 502. (a) The Director of the Foundation is authorized, in furtherance of the purposes and provisions of this Act, to—

(1) appoint such additional personnel as he deems necessary to carry out this Act;

(2) appoint such advisory committees as he deems advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

(4) use the services, personnel, facilities, and information of any other Federal department or agency, any agency of a State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor.

(b) Upon request by the Director, each Federal department or agency is authorized to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics, available to the greatest practicable extent to the Director, or his designee, in the performance of his functions under this Act.

(c) The Director shall establish such additional divisions or offices within the Foundation as he deems necessary to carry out his functions under this Act.

PAYMENTS AND WITHHOLDING

SEC. 503. (a) Payments under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

(b) Whenever the Director, after giving reasonable notice and opportunity for hearing to a grantee or contractor under this Act, finds—

(1) that the program or project for which such grant or contract was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that, in the operation of the program or project, there is failure to comply substantially with any such provision—

the Director shall notify such grantee or contractor of his findings and no further payments may be made to such grantee or contractor by him until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Director may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such grantee or contractor and which are not involved in the noncompliance.

RECORDS AND AUDIT

SEC. 504. (a) Each recipient of assistance under this Act pursuant to grants received, agreements entered into, or contracts entered into under other than competitive bidding procedures shall keep such records as the Director shall prescribe, including records which fully disclose the amount and disposition of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this Act.

PATENT RIGHTS

SEC. 505. (a) Each grant, contract, or other arrangement executed pursuant to this Act which relates to scientific research or engineering shall contain provisions governing the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the grant, contract, or other arrangement is executed. Nothing in this Act shall be construed to authorize the Foundation to enter into any contractual or other arrangement inconsistent with any provision of law affecting the issuance or use of patents.

(b) No officer or employee of the Foundation shall acquire, retain, or transfer any rights, under the patent laws of the United States or otherwise, in any invention which he may make or produce in connection with performing his assigned activities and which is directly related to the subject matter thereof. This subsection shall not be construed to prevent any officer or employee of the Foundation from executing any application for patent on any such invention for the purpose of assigning the same to the Government or its nominee in accordance with such rules and regulations as the Director may establish.

The PRESIDING OFFICER. On this bill there is a time limitation previously agreed to of 2 hours on the bill and 1 hour on any amendment in the first degree and one-half hour on any amendment in the second degree.

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time consumed not be charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The time will not begin to run until after the quorum call, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 32, the National Science Policy and Priorities Act, which has been reported and is now before the Senate.

Who yields time?

Mr. KENNEDY. Mr. President, as I understand, there is a time limitation on the bill and on each amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. How much is it?

The PRESIDING OFFICER. A 2-hour time limit on the bill, and 1 hour on each amendment.

Mr. KENNEDY. Mr. President, I yield myself such time as I may require on the bill.

I ask unanimous consent that Mr. Ellis Mottur of my staff be accorded the privilege of the floor during the debate and the vote, as well as Mr. Roy Millenson of the minority staff. If I may have the attention of the Senator from Colorado, does he have anyone else in mind?

Mr. DOMINICK. Yes; I ask unanimous consent that Mr. Tom D'Alonzo of my staff be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I rise to speak in support of S. 32, the National Science Policy and Priorities Act. This bill is aimed at putting science and technology to work on the problems of our society. It provides a 3-year authorization of $1.8 billion for civilian research and engineering programs directed at these problems.

I am pleased to note that 45 other Senators from both sides of the aisle have joined me in sponsoring this legislation. The bill as printed shows 44 cosponsors but, since the last printing, I point out that the name of the Senator from Texas (Mr. TOWER) has been added as a cosponsor.

If there is one overriding lesson I have learned in my 4 years as chairman of the Subcommittee on National Science, it is that the potential of science is nowhere being matched by its performance.

Engineers can propel nuclear ships around the globe with the energy from a bucketful of fuel—yet our cities are increasingly beset with power blackouts and brownouts.

We can cruise on the moon's surface—yet we cannot commute from suburb to city without traffic jams, air pollution, and no parking at our destination. We can build beautiful, enclosed shopping malls in the suburbs—yet we cannot begin to cope with the housing crisis in the cities. We can design high-speed computers to process billions of bits of data instantly—yet we cannot teach all our children to read effectively.

Why is it that earlier this week metropolitan Washington had to be put on a pollution alert, so that mothers had to be concerned about their children playing out of doors? Why is it that household appliances continually break down and that their repair is not only costly, but often unreliable?

Why is it that thousands of American children burn to death each year because they wear highly flammable fabrics? Why is it that decent housing is increasingly out of reach of more and more of our citizens? Why is it that millions of Americans are undernourished in an age of affluence? Why is it that there are kidney dialysis facilities for only 2,000 of our citizens when 50,000 need such care? Why is it that we have not been able to use modern technology to reduce the mounting costs of educating our children?

We know that computer aided diagnosis, computer monitoring of serious hospital cases, and technological aids to emergency medical care can save thousands of lives each year—yet why is it that we do not make wider use of these devices?

The list is endless, but the lesson is clear: We have the scientific knowledge, but we have not made the concerted effort necessary to put it to use for the benefit of all our people.

As Shakespeare so aptly put it:

> The fault lies not in our stars, but in ourselves."

The Nation's scientists and engineers have the skills, the imagination, and the inventive ability to tackle and solve these problems. But we have let them down. We have not given them the go-ahead; we have not provided them with the support and resources to do the job.

We are all aware that productivity in American industry has been lagging in recent years, especially in comparison to Japan and Western Europe. Yet how many realize that part of the answer for this lies in American underinvestment in civilian research and technology? A Department of Commerce study shows that Western Europe, when its gross national product is only one-third of the United States GNP, has a third more technical personnel employed in civilian research. And Japan, with only half the population of the United States and one-seventh of our GNP, had 70 percent as many scientists and technical personnel employed in civilian research and development.

If we make the necessary national commitment to tackle these problems, if we provide the Nation's scientists and engineers with the wherewithal to do the job, I am confident they can solve many of these problems and make a giant step forward on earth toward making this the kind of society we want for our children, and their children to come.

Yet at this time of maximum need—when the Nation's problems with the environment, with health, with economic productivity, and with the quality of life in our society—when these problems need to be tackled with all the talent we can muster, we find technical unemployment higher than it has ever been in history. Although the Government has not been able to provide precise figures on the extent of technical unemployment, our best estimate—based on membership surveys by the technical societies and what Government figures are available—is that several hundred thousand scientists, engineers, and technicians are either unemployed or underemployed—by working at jobs well below their skill levels. Thus, of the Nation's approximately 3 million scientists, engineers, and technicians, from 5 to 10 percent are either unemployed or seriously underemployed.

This situation is intolerable. America's strength springs from the skill of its people. Scientists and engineers have a major share of those skills. The Nation must assure them the opportunity to use their skills for the benefit of all of us.

This is the purpose of S. 32, the National Science Policy and Priorities Act. It establishes a framework of national science policy and focuses the Nation's scientific talent and resources on its priority problems.

A summary of the principal provisions of the bill is as follows:

This bill establishes national science policy and programs to focus the Nation's scientific talent and resources on its civilian priority problems. It authorizes $1.8 billion over a 3-year period—$50 million to advance the state-of-the-art in priority research areas; $1.2 billion to design and demonstrate civil science systems which can provide improved public services; and $560 million to aid States, communities, companies, and individual scientists, engineers, and technicians in making the transition to civilian research and engineering programs. In addition, the bill creates a mechanism to establish Federal procurement policies and regulations which would foster portable pensions for scientists and engineers to protect their pension credits as they shift from one job to another.

The bill declares as national policy that: First, Federal funds for science will grow in proportion to the gross national product; second, scientific and technical manpower must have continuing employment opportunities at their professional skill levels; third, Federal funds for civilian research and development must be maintained at parity with military R. & D.; and fourth, Federal programs for civilian R. & D. must be focused on meeting national needs in priority areas.

TITLE I—SCIENCE POLICY

This title gives explicit authority to the National Science Foundation to develop national policies for applying science to national problems. This title also broadens the composition of the National Science Board—the Foundation's governing board—to include more technical and industrial representation. The $50 million is authorized to the Foundation in order to advance the state of the art in those areas.

TITLE II—DESIGN AND DEMONSTRATION OF CIVIL SCIENCE SYSTEMS

This title establishes a Civil Science Systems Administration within the National Science Foundation and authorizes $1.2 billion to do research, design, testing, and evaluation, and demonstration of civil science systems capable of providing improved public services in areas such as health care, public safety, public sanitation, pollution control, housing transportation, public utilities, communications, and education.

Programs would be carried out through contract with industry, universities, nonprofit organizations, and public agencies, and would include provision for transfer of funds to other Government agencies. Over fiscal years 1973, 1974, and 1975, the Administration would be authorized—$55 million for planning civil science systems; $140 million for applied social research necessary to designing such systems; $790 million for research and design of civil science systems, $105 million for testing and evaluation of such systems; $30 million for dissemination of technical information on such systems; and $80 million for public demonstration of civil science systems.

TITLE III—TRANSITION OF TECHNICAL MANPOWER TO CIVILIAN PROGRAMS

This title authorizes the National Science Foundation to plan and assist in the transition of scientific and technical manpower from research and engineering programs which have been terminated or significantly reduced, to other civilian-oriented research and engineering activities. Thus, $560 million over fiscal year 1973, 1974, and 1975 is authorized to aid States, communities, companies, and individual scientists, engineers, and technicians in making the transition. Programs include $15 million for research on economic conversion; $95 million to State, regional, and local governments for training of Government officials, operating conversion programs, and for hiring unemployed technical personnel to work in Government positions; $90 million for community conversion corporations to channel research and engineering programs in hard-hit communities; $275 million for job transition programs to enable companies to hire technical personnel to work on civilian projects for which they are not yet fully qualified—on-the-job training subsidies; $55 million for career transition fellowships to unemployed or underemployed technical personnel to acquire skills in other fields; $20 million for placement assistance to technical personnel who are unemployed or underemployed; and $10 million for developing university courses and curricula oriented toward civilian engineering projects.

TITLE IV—PROTECTION OF PENSION RIGHTS OF SCIENTISTS AND ENGINEERS

This title declares as national policy that scientists and engineers be protected, to the extent feasible, against forfeiture of pension rights or benefits as a consequence of job transfers or loss of employment resulting from terminations or modifications of federal contracts or procurement policies. The bill provides for the development and implementation of Federal procurement regulations designed to achieve that policy.

Let us now turn to a more detailed consideration of the key provisions of the bill:

The policy statement in section 2 of the bill is perhaps the most significant section of the bill. This section recognizes that Federal funding for science and technology represents an investment in the future, and declares that that investment must be raised to an expenditure level which is adquate to the needs of the Nation.

Federal funds for research and development as a percentage of the gross national product have been dropping steadily over the past decade. In 1963, Federal funds for research and development were 2.6 percent of the gross national product—GNP. By 1971, they had dropped to 1.6 percent of the gross national product. This decline of 1 percent represents about $10 billion on the base of the present gross national product. This means that if Federal funds for research and development in 1971 had been the same percentage of the GNP as they had been in 1963, they would total about 10 billion more than they do now. When one takes into account the fact that there has been a considerable inflation in R. & D. costs during that period, one realizes that the decline in relative resources allocated to R. & D. has been more substantial during that time.

But just as each major industrial corporation tends to allocate a portion of its funds each year as a long-term investment in the future development of the firm, so must the Nation make an annual investment in its future through research and development. This is especially true because there are certain types of R. & D. of great potential benefit to the Nation, which are too extensive for any individual firm to undertake; and other types of R. & D. which are not likely to prove profitable to a particular firm, but which nevertheless can provide great benefits for the Nation as a whole.

So Federal funds for R. & D. must be seen as a continuing investment in the Nation's future. Their precipitate decline over the past 8 years, as a percentage of the GNP, which parallels a period of low productivity in the economy, indicates that they should be restored to a higher level, and that the Nation would benefit from such a restoration.

Once they have been increased to an appropriate level, they should grow from year to year in proportion to the growth in the GNP. In this way the Nation can assure to the generations to come the benefits which can only flow from research which we are farsighted enough to undertake today.

This section also establishes as national policy that there should be continuing employment opportunities for scientists and engineers in positions commensurate with their capabilities. This emphasizes the recognition that our technical manpower pool is a national resource which must be utilized to the fullest.

This section also stipulates that Federal funds for civilian research and engineering should be maintained at or above a level of parity with Federal funds for military research and engineering, except when inconsistent with overriding considerations of national security.

Finally this section establishes as national policy that Federal funds for civilian research and engineering should be focused on meeting human needs in priority to problem areas such as health care, public safety, pollution, productivity, education, transportation, and energy resources.

Title I is intended to provide the National Science Foundation with the broad authority needed for it to exercise a leadership role in determining national science priorities and in developing national policies which foster the application of scientific and technical knowledge to the solution of national problems. In addition, this title clarifies the policy-making role of the National Science Board and broadens the composition of the board which has traditionally been oriented toward academic, basic science, to include increased representation of people with an industrial or technical background.

Over a 3-year period, $50 million is authorized for the programs carried out under sections 103 and 104. These would involve approximately 100 research projects at an average cost of about $500,000 each; and would provide jobs in the peak third year directly for about 1,600 scientists, engineers, technicians, and research assistants.

Title II for which $1.2 billion is authorized over a 3-year period is intended to be a NASA-like organization which would channel technical talent and resources toward the problems of our society in much the same way the National Aeronautics and Space Administration has focused such efforts on the problems of outer space. The Civil Science Systems Administration would function primarily through the award of contracts to industry, universities, and other research organizations. It would also be empowered to transfer some funds to other agencies when it was more appropriate for particular program components to be carried out by some other agency. The contracting approach would be similar to the NASA model in that there would be considerable reliance on systems contracts, with the prime contractors in turn subcontracting specific portions of the task to other contractors. Federal procurement regulations would, of course, prevail for these contracts, so that most contracts would be awarded on a competitive basis.

It is expected that the $55 million authorized over a 3-year period for planning for civil science systems would provide for about 110 planning projects at an average cost of about $500,000 per project. In its peak first year, this program would provide jobs directly for about 2,000 scientists, engineers, technicians, and research assistants.

It is expected that the $140 million authorized for applied social research over a 3-year period would provide for about 233 applied social research projects at an average cost of about $600,000 per project. In its peak third year this program would provide jobs directly for about 2,500 scientists and research assistants.

Over a 3-year period $790 million is authorized for civil science systems research and design, which is the major component of the overall civil science systems program. It is expected that this authorization would permit funding for research and design in about 12 major areas, such as: health care services; public safety—crime control; public safety—fire prevention and control; power supply—gas and electric utilities; innovative mass transit, innovative construction technology, education systems; water pollution control; air pollution; solid waste disposal systems; communication systems; et cetera. It is expected that over the 3-year period, the program could mount in each such area about 40 research projects at about $1 million each and about five major design projects at about $5 million each. Thus, for all areas of activity over the 3-year period, it is roughly estimated that there might be about 480 research projects and about 60 design projects. It is expected that in the peak third year, this program would directly employ about 15,000 scientists, engineers, and technicians.

It is estimated that the $105 million authorized for testing and evaluation over the 3-year period would provide for about 60 testing and evaluation projects at about $1.75 million each. And it is expected that this program would employ about 2,000 scientists, engineers, and technicians in the peak third year.

Over the 3-year period, $110 million is allocated for the information dissemination and systems demonstration programs, which are essential to the overall success of the Civil Service Systems Administration.

For it is essential that the results of the civil science systems programs be widely disseminated and demonstrated so that they can be put into practical use throughout the Nation. Only through a concerted program of information dissemination and demonstration of the systems which have been developed will it be possible to assure maximum benefit to society from these programs. The information dissemination program is similar to the NASA technology utilization program, but is of more critical importance to the civil science systems activity. For technology utilization of the innovations resulting from the space program is a by-product of the main effort to explore outer space; it is an added benefit, not a central output. But in the civil science systems program, the major purpose is to develop technical knowledge which can be of direct benefit to society. Through the information dissemination and systems demonstration programs, the new knowledge developed through this effort will be made widely available throughout the economy and its benefits will accrue to society at large.

It is estimated that the $80 million authorized for the systems demonstration program over the 3-year period would permit the initiation of about 40 systems demonstration projects at about $2 million each. It is expected that the information dissemination program would directly provide about 2,000 jobs for engineers and technicians.

The scientific and technical community has experienced significant dislocations over the past few years as major Government programs have been terminated or significantly reduced, and programs of comparable magnitude have not emerged to absorb the manpower resources which have been released. It is essential that the Government aid in the transition of technical personnel to civilian research and engineering programs. This is the objective of title III, transition of technical manpower to civilian programs.

It is estimated that the $15 million authorized for research on transition to civilian programs over the 3 year period would provide for about 30 research projects at about $500,000 each; and would directly provide jobs for about 200 scientists and research assistants.

In arranging for the orderly transition of technical manpower into civilian research and engineering programs, it is imperative that State and local governments and regional governmental agencies play a key role in the planning and implementation of programs which will impinge on their jurisdictions. It is for this reason that the Civil Science Systems Advisory Council and the Advisory Panel on Transition of Scientific and Technical Manpower to Civilian programs include representatives of the National Governors Conference, the National Association of Counties, and the National League of Cities and the U.S. Conference of Mayors.

In addition the bill includes a 3-year authorization of $95 million which would go to State and local governments and regional governmental agencies. These funds would enable such governments to hire unemployed technical personnel on their staff and to conduct programs designed to facilitate the transition of scientific and technical activities to civilian programs within their particular jurisdiction.

In addition, these funds would permit government officials at the State, local, and regional level to receive specialized training which would acquaint them with the potential contributions of science and technology to the resolution of public problems in priority areas, and teach them how to utilize scientific and technical talent in an effective and economical manner. For the most part, officials at these levels of government have not had the experience in dealing with research and engineering programs which officials of the Defense Department or Space Agency have had.

Since planning, contracting for, and monitoring such programs take specialized understanding and skills, it is desirable that officials at State, local, and regional levels have the opportunity for such training, in order to maximize the results which society will receive from these programs. It is estimated that the $75 million authorized for section 305 over a 3-year period would provide directly for about 2,000 jobs per year for technical professionals; and that sections 306 and 307 would provide training for about 6,000 State, regional, and local governmental officials throughout the Nation, or about an average of 120 per State.

The purpose of the Community Conversion Corporation program is to provide a mechanism for enabling communities which have been substantially affected by cutbacks in research and engineering programs to help themselves. Under this program—for which $90 million is authorized over a 3-year period—such communities could charter a Community Conversion Corporation, which meets the criteria of subsection a. of section 308.

This corporation could be an existing non-profit corporation which meets those criteria; a subsidiary of an existing corporation specially designed to meet those criteria; a nonprofit corporation set up under the auspices of a local or regional governmental agency; or an entirely new nonprofit entity with no ties to any existing organizations.

The Community Conversion Corporation would, if it qualified, be eligible to receive a grant from the National Science Foundation to fund its overall operations, while it sought specific grants and contracts from other government agencies, private foundations, community organizations, and private business firms. Since "the National Science Foundation will give preference in awarding such community conversion grants or contracts to those corporations which show a likelihood of being able to obtain such additional financial support," existing organizations which qualified as community conversion corporations would have a certain competitive advantage over entirely new organizations established for this purpose.

On the other hand, a newly established community conversion corporation of high caliber, with imaginative leadership would still be able to compete effectively with community conversion corporations which were tied to existing organizations.

The Community Conversion Corporation could "conduct, contract for, or stimulate the conduct of civilian-oriented research and development activities which focus on the particular problems, or draw on the particular resources, of the community within which the corporation is located." Thus it would have a catalyzing effect in generating research and engineering activity throughout the community and stimulating other economic activity as a consequence.

It is estimated that the $90 million authorized for community conversion corporations over the 3-year period would provide for the launching and 3-year funding of about 20 community conversion corporations throughout the country at about $1.5 million each per year. It is expected that this program would directly provide about 1,000 jobs per year for scientists, engineers, and technicians.

The job transition program—for which $275 million is authorized over a 3-year period—is the major program in title III. The $275 million provided under this section would be awarded as job transition grants to industrial firms and research organizations "to enable them to hire scientists, engineers, and technicians for work on projects for which they are not yet fully qualified."

In other words, firms undertaking civilian research and engineering projects could hire unemployed or underemployed technical personnel whose experience had been in defense and aerospace programs and who were not yet fully qualified for the particular project on which they would work. The job transition grants would subsidize all or a portion of their salary, within stipulated limits, while they, in effect, received on-the-job training—that is, learned by doing.

The same kind of subsidization process occurred in the early years of the space program and in the research and development of various defense systems; only in those instances it occurred in the form of cost overruns. In this situation, it would be clearly recognized that there is an on-the-job learning process which must occur in new kinds of research and engineering activity, and that the country should openly and honestly budget for it.

This program would, of course, be of great benefit to industrial firms seeking to enter new civilian research and engineering markets. But it would also be of considerable benefit to the unemployed scientists and engineers who would be able to find jobs because of it.

It is estimated that the $275 million authorized for this program over the 3-year period would directly involve about 100 firms and provide partial employment subsidies for about 10,000 scientists and engineers in each of the peak—second and third—years.

Although the testimony and views received on this bill indicated that the vast bulk of displaced technical personnel did not need extensive academic retraining, it was the consensus that some smaller segment of that group would require or strongly desire academic retraining, to prepare them for more substantial shifts in their special fields of expertise.

The career transition fellowship program has been developed with this group in mind. It is estimated that the $55 million authorized for this program over the 3-year period would provide for about 2,000 fellowships in each of the second and third years.

Because of frequent, rapid changes in Federal contracting for research and development, scientists and engineers suffer an unusually high rate of forfeiture of the pension benefits they have accumulated under private pension plans. It is unfair that these individuals suffer loss of their hard-earned pension rights because of Government procurement decisions over which they have no influence. Accordingly, title IV is aimed at the modification of Federal procurement policies to protect the equities of these individuals, to the extent which is feasible.

The National Science Foundation is directed to study this problem—in consultation with other Government agencies, business organizations, labor unions, associations of technical personnel, and other interested parties; and to develop recommendations for appropriate changes in Federal procurement policies. The bill in no way gives the National Science Foundation authority over the regulation of pension programs, but merely directs the Foundation to use its expertise in the area of scientific manpower to study this problem and to make recommendations for any appropriate changes in Federal procurement of research and engineering projects which appear feasible.

The recommendations would be published in the Federal Register so that interested groups could comment on them, and the foundation could make any necessary revisions in its recommendations. The final recommendations would be subject to veto by any government agency which deemed them inappropriate for its programs.

These are the programs contained in S. 32. A great deal of thought and effort has gone into the development of this legislation. The Committee on Labor and Public Welfare began serious consideration of these issues in the 91st Congress, holding hearings on postwar economic conversion in Lexington and Framingham, Mass., in March and April of 1970. The testimony and statements received at these hearings provided the committee with a comprehensive background on the problems of economic conversion and a realization that legislation was required to assure the Nation a strong base of civilian science and technology.

Accordingly, as chairman of the Subcommittee on the National Science Foundation, I began developing specific legislation to meet the needs in this area. In August 1970, I introduced S. 4241, the predecessor to S. 32. S. 4241 was studied by leading experts in this field, and on the basis of their suggestions was revised and reintroduced in January 1971 as S. 32, the Conversion Research, Education, and Assistance Act.

At the same time a companion bill was introduced in the House in January 1971, as H.R. 34 by Congressmen JOHN W. DAVIS and ROBERT N. GIAIMO, along with more than 100 bipartisan cosponsors. Since H.R. 34 was virtually identical to S. 32, the 8 days of hearings before the House Committee on Science and Astronautics in June and July 1971 proved extremely helpful to our subcommittee in its deliberations on this bill.

Based on the many comments and suggestions which were received regarding S. 32, I filed a major amendment to the bill, amendment 469, in the fall of 1971. The subcommittee then held hearings on the bill in late October 1971, including consideration of this amendment. Following the hearings many additional statements were received from interested individuals and organizations with expertise in this area. And the bill was substantially revised and strengthened, taking into account all of the recommendations which were received.

The subcommittee held executive meetings on the bill on April 5 and May 30, 1972, and favorably reported the bill, as amended, without opposition to the full Committee on Labor and Public Welfare. The Full Labor Committee held executive meetings on the bill on June 21 and June 28, 1972, and ordered the bill reported favorably to the Senate, with an amendment in the nature of a substitute and with a title amendment, to reflect more accurately the revised thrust of the bill. The full committee vote on the bill was unanimous, with all 17 members voting to report the bill favorably.

I should also point out that there is widespread support for this bill throughout all areas of the Nation, and among a broad coalition of groups and organizations. The 45 Senators who have joined with me as cosponsors of this bill come from both sides of the aisle and from all areas of the Nation. The outside groups and organizations which have indicated support for this bill include scientific and technical associations, labor unions, business organizations, urban groups, educational associations, church groups, and many others. A list of some of these groups conveys the broad span of support which this measure has received. Among the organizations whose officials have indicated support for S. 32 are: Air Pollution Control Association; American Federation of State, County, & Municipal Employees; American Federation of Teachers; American Institute of Architects; American Society of Mechanical Engineers; American Society of Metals; Association of Technical Professionals; Boeing Corp.; Coalition on National Priorities; Council of Engineering & Scientific Organizations; Council of AFL–CIO Unions for Scientific, Professional & Cultural Employees; Federation of American Scientists; Institute of Electrical & Electronics Engineers; International Association of Machinists & Aerospace Workers; International Conference of Police Associations; International Union of Electrical, Radio, and Machine Workers; National Education Association; National Society of Professional Engineers; National Student Lobby; Political Action Committee of Engineers & Scientists; Service Employees International Union; Smaller Business Association of New England; Scientific Manpower Commission; the United Auto Workers; and the U.S. Conference of Mayors.

To summarize my remarks, enactment of S. 32 would directly provide positions for about 41,000 scientists, engineers, and other technical personnel in its peak year. Since each professionally active scientist or engineer creates jobs for 6 to 10 other workers throughout the economy, enactment of this measure would create a total of about 290,000 to 450,000 jobs throughout the economy.

But creating jobs would only be one aspect of its economic impact. The bill would also create a host of new products, services, industries, and markets; it would help increase productivity; and it would have a strong revitalizing effect on the entire civilian economy. Moreover, it would greatly assist the Nation in strengthening its international economic competitive position: Through technical innovations which could be used to advantage in international trade and in U.S. business operations abroad.

In addition to its direct impact on the economy, enactment of S. 32 would have a powerful impact on the shape of our society for years to come. For it could bring to our domestic problems and social issues the same reservoir of talent, the same dedication of purpose, the same dramatic imagination which have characterized our space program over the past decade. And in strengthening our economy and helping to solve our social problems, S. 32 could also serve as a catalyst for recapturing the commitment of the Nation's youth.

In the words of one of the authorities who submitted a statement on S. 32—John P. Eberhard, dean of the School of Architecture and Environmental Design, State University of New York at Buffalo and former Director of the Institute of Applied Technology in the Department of Commerce:

> I think that your proposed legislation could open the door to a new period of scientific and engineering exploration that was as exciting as any we have engaged in during the past twenty years. It could make it possible for us to do something substantial about the quality of life in our urban centers. It could give many of our young people who are disenchanted with previous value systems . . . a new kind of hope and enthusiasm to do something about our environment. It could give us all an opportunity to make an investment in the future cities which our children and our children's children will inherit from us.

Or in the words of our former colleague, Senator Joseph S. Clark, who is now chairman of the Coalition on National Priorities:

> S. 32, the National Science Policy and Priorities Act is a noble beginning. It will help get our most able brains about the real needs of the global village. By setting our thinking people on an enlightened course, our civilization will prosper.

I believe the civil science systems program can become the dramatic focus for science in the decade of the seventies, in much the same way as the space program did in the sixties. But the results will be of direct benefit to all our citizens here and now—not at some future date.

In the spring of 1961, President Kennedy challenged the technical community to place a man on the moon within a decade. The Nation's engineers responded magnificently, and the race was won.

But now, 11 years later, the team is marking time while we search for a new target. The target I propose is a community which really serves its citizens. Before this decade is up, let the Nation's architects and engineers design and demonstrate a totally new community—a citizens' community—which shows us what is possible for all Americans in all communities. Clean air and clean water—rapid, reliable, and even comfortable mass transit—computerized health services and educational systems available to all hospitals, clinics, and schools—underground utilities which can be repaired and expanded without ripping up the streets—public safety systems which use modern technology to assure safe streets and safe homes.

This is the goal for technology in our time. This is the way to create jobs, revitalize the economy, and help revive the national spirit.

I urge each Member of the Senate to support this measure.

I ask unanimous consent that a portion of the text of the committee report be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY

GENERAL

This bill establishes national science policy and programs to focus the Nation's scientific talent and resources on its civilian priority problems. It authorizes $1.81 billion over a three-year period—$50 million to advance the state-of-the-art in priority research areas; $1.2 billion to design and demonstrate civil science systems which can provide improved public services; and $560 million to aid States, communities, companies, and individual scientists, engineers, and technicians in making the transition to civilian research and engineering programs. In addition, the bill creates a mechanism to establish Federal procurement policies and regulations which would foster portable pensions for scientists and engineers to protect their pension credits as they shift from one job to another.

NATIONAL POLICY PROVISIONS

The bill declares as national policy that: (1) Federal funds for science will grow in proportion to the Gross National Product; (2) scientific and technical manpower must have continuing employment opportunties at their professional skill levels; (3) Federal funds for civilian research and development (R & D) must be maintained at parity with military R & D; and (4) Federal programs for civilian R & D must be focused on meeting national needs in priority areas.

TITLE I—SCIENCE POLICY

This title gives explicit authority to the National Science Foundation to develop national policies for applying science to national problems. The bill also broadens the composition of the National Science Board (the Foundation's governing board) to include more technical and industrial representation. The $50 million is authorized to the Foundation in order to advance the state-of-art in those areas.

TITLE II—DESIGN AND DEMONSTRATION OF CIVIL SCIENCE SYSTEMS

This title establishes a Civil Science Systems Administration within the National Science Foundation and authorizes $1.2 billion to do research, design, testing and evaluation, and demonstration of civil science systems capable of providing improved public services in areas such as: health care, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications, and education.

Programs would be carried out through contract with industry, universities, nonprofit organizations and public agencies, and would include provision for transfer of funds to other government agencies. Over FY '73, '74, and '75, the Administration would be authorized—$55 million for planning civil science systems; $140 million for applied social research necessary to design such systems; $790 million for research and design of civil science systems; $105 million for testing and evaluation of such systems; $30 million for dissemination of technical information on such systems; and $80 million for public demonstration of civil science systems.

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This title authorizes the National Science Foundation to plan and assist in the transition of scientific and technical manpower from research and engineering programs which have been terminated or significantly reduced, to other civilian-oriented research and engineering activities. Thus $560 million over FY '73, '74, and '75 is authorized to aid States, communities, companies, and individual scientists, engineers, and technicians in making the transition. Programs include: $15 million for research on economic conversion; $95 million to State, regional and local governments for training of government officials, operating conversion programs, and for hiring unemployed technical personnel to work in government positions; $90 million for Community Conversion Corporations to channel research and engineering programs in hard-hit communities; $275 million for Job Transition Programs to enable companies to hire technical personnel to work on civilian projects for which they are not yet fully qualified (on-the-job training subsidies); $55 million for Career Transition Fellowships to unemployed or underemployed technical personnel to acquire skills in other fields; $20 million for placement assistance to technical personnel who are unemployed or underemployed; and $10 million for developing university courses and curricula oriented toward civilian engineering projects.

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This title declares as national policy that scientists and engineers be protected, to the extent feasible, against forfeiture of pension rights or benefits as a consequence of job transfers or loss of employment resulting from terminations or modifications of Federal contracts or procurement policies. The bill provides for the development and implementation of Federal procurement regulations designed to achieve that policy.

TITLE V—GENERAL PROVISIONS

This title contains definitions of terms used in this Act, administrative provisions which are necessary to implement this Act, and provisions to protect the public interest and the equities of grantees and contractors in disposition of patent rights.

SECTION-BY-SECTION ANALYSIS

Section 1.—This section states that this Act may be cited as the "National Science Policy and Priorities Act of 1972".

DECLARATION OF POLICY

Section 2. This section declares as national policy that: (1) Federal funds for science and technology must be raised to an adequate level and then continue to grow in proportion to the growth in the GNP; (2) there must be continuing employment opportunities for scientists, engineers, and technicians in positions commensurate with their capabilities; (3) Federal funds for civilian research and engineering must be maintained at least at a level of parity with Federal funds for defense research and engineering; and (4) Federal funds for civilian research and engineering must be focused on meeting human needs in national priority problem areas.

Title I—Science policy and priorities for civilian research and engineering

Short Title

Section 101. This section states that this title may be cited as the "Science Policy Act."

Authority of the National Science Foundation

Section 102. This section amends section 3 of the National Science Foundation Act of 1950 to require that the Foundation develop national policies to foster the application of scientific and technical knowledge to the solution of national problems.

Research and Engineering Priorities

Section 103. This section requires that the Foundation identify priority areas of civilian research and engineering likely to contribute to the resolution of national problems.

Research Program

Section 104. This section authorizes the Foundation to contract for basic and applied research to advance the state-of-the-art in priority research areas.

National Science Board

Section 105. This section clarifies the policy-making role of the National Science Board and broadens the membership of the National Science Board to emphasize more industrial and technical representation.

Policy Appraisal and Reporting

Section 106. This section requires that the Foundation report to the President and the Congress with respect to the implementation of policies set forth in section 2 of this Act.

Authorization of Appropriations

Section 107. This section authorizes $50 million to the National Science Foundation over fiscal years 1973, 1974, and 1975 to carry out the provisions of sections 103 and 104.

Title II—Design and demonstration of civil science systems

Short Title

Section 201. This section states that this title may be cited as the "Civil Science Systems Act."

Authority of the National Science Foundation

Section 202. This section authorizes the Foundation to design and demonstrate civil science systems which are capable of providing improved public services in areas such as health care delivery, public safety, public sanitation, pollution control, and public utilities. This section also exempts the Director of the National Science Foundation from having to obtain the approval of the National Science Board in all contracts of $2 million or more, with respect to the programs authorized under this title.

Programs Authorized

Section 203. This section authorizes the Foundation to support programs of applied research and experimentation to design civil science systems, to test and evaluate such systems, and to disseminate and demonstrate the results of such programs; and to assure that these programs make maximum effective use of the Nation's technical manpower, including those who are unemployed.

Establishment of the Civil Science Systems Administration

Section 204. This section establishes a Civil Science Systems Administration within the National Science Foundation to carry out the programs under this title.

Administration Officers

Section 205. This section establishes the positions of Associate Director for Civil Science Systems, Deputy Associate Director for Civil Science Systems, and two Assistant Directors for Civil Science Systems to administer the programs of the Civil Science Systems Administration.

Civil Science Systems Advisory Council

Section 206. This section establishes a Civil Science Systems Advisory Council to advise the Director of the National Science Foundation with respect to his responsibilities under this title.

Planning for Civil Science Systems

Section 207. This section authorizes the Foundation to support a program of planning studies for the design and demonstration of civil science systems capable of providing improved public services.

Applied Social Research

Section 208. This section authorizes the Foundation to support a program of applied social research into the economic, sociological, political, legal, administrative, and psychological aspects of the design, development, and implementation of civil science systems capable of providing improved public services.

Civil Science System Research and Design

Section 209. This section provides the Foundation with specific authorization to support a program of research and design of civil science systems capable of providing improved public services; requires that performance objectives and applicable physical, environmental, economic, social, and esthetic constraints are included in each contract awarded under this section; and requires that the Foundation obtain community and public views in its determination of the performance objectives and priorities to be met by such systems.

Testing and Evaluation

Section 210. This section provides the Foundation with specific authorization to support programs of testing and evaluation of civil science systems.

Information Dissemination

Section 211. This section authorizes the Foundation to establish and operate a computerized Civil Science Systems Information Service for the benefit of Federal, State, and local governmental agencies, industry, academic institutions, and nonprofit organizations.

Systems Demonstration

Section 212. This section provides specific authorization to the Foundation for the support of systems demonstration projects which publicly demonstrate the benefit of alternative civil science systems; and assures that the Foundation will consult with all State and local governments in whose jurisdictions such demonstrations may occur, prior to awarding contracts for such demonstrations.

Coordination With Other Government Agencies

Section 213. This section requires that the Foundation maintain continuing consultation and coordination with appropriate Federal, State, regional, and local government agencies in planning and conducting or assisting programs under this title.

Authorization of Appropriations

Section 214. This section authorizes $1.2 billion to the National Science Foundation over fiscal year 1973, 1974, and 1975 to carry out the provisions of this title.

Title III—Transition of technical manpower to civilian programs

Short Title

Section 301. This section states that this title may be cited as the "Technical Manpower Transition Act".

Authority of the National Science Foundation

Section 302. This section authorizes the Foundation to assist in the transition of scientific and technical manpower from programs which have been terminated or significantly reduced to other civilian-oriented research and engineering activities.

Advisory Panel on Transition of Scientific and Technical Manpower to Civilian Programs

Section 303. This section establishes an Advisory Panel on Transition of Scientific and Technical Manpower to Civilian Programs to advise the Director of the National Science Foundation with respect to his responsibilities under this title.

Research on Transition to Civilian Programs

Section 304. This section authorizes the Foundation to support research on the social, economic, and managerial aspects of transition from defense research and engineering activities to civilian-oriented research and engineering activities; and to disseminate the significant results of such research.

Assistance to State and Local Governments

Section 305. This section authorizes the Foundation to make grants to State and local governments and regional governmental agencies for programs to facilitate the transition of scientific and technical activities to civilian programs within the particular area; and for the hiring of currently unemployed scientists, engineers, and technicians to use their technical skills in government positions.

Training Government Officials

Section 306. This section authorizes the Foundation to support training programs for Federal, State, and local government employees who will determine or administer programs for civilian research and engineering activities.

Government Employee Participation

Section 307. This section authorizes the Foundation to transfer funds to other government agencies to pay for the travel and subsistence expense of government employees incurred in connection with their participation in training programs carried out under section 306.

Community Conversion Corporations

Section 308. This section authorizes the Foundation to contract with local governments or nonprofit corporations for the establishment and operation of Community Conversion Corporations which would stimulate civilian-oriented research and development activities which focus on the particular problems, or draw on the particular resources, of the community within which the corporation is located.

Job Transition Programs

Section 309. This section authorizes the Foundation to make job transition grants to industry and nonprofit organizations to enable them to hire unemployed technical personnel to work on civilian research and engineering projects for which they are not yet fully qualified; i.e., to subsidize their on-the-job learning process as they make the transition to civilian research and engineering work.

Career Transition Fellowships

Section 310. This section authorizes the Foundation to award career transition fellowships to unemployed or underemployed technical personnel to enable them to pursue a course of study through which they can acquire specialized technical skills in new fields.

Placement Assistance

Section 311. This section authorizes the Foundation to support placement programs for unemployed or underemployed technical personnel.

Education Program

Section 312. This section authorizes the Foundation to support the design of courses and curriculums intended to prepare students for careers in civilian research and engineering activities.

Authorization of Appropriations

Section 313. This section authorizes $560 million to the National Science Foundation over fiscal years 1973, 1974, and 1975 to carry out the provisions of this title.

Title IV—Protection of pension rights of scientists and engineers

Section 401. This section declares as the policy of the United States to seek to protect scientists and engineers from undue forfeiture of pension benefits under private pension plans.

Section 402. This section requires the Foundation, in consultation with other agencies and appropriate outside groups, to develop recommendations for changes in Federal procurement regulations to insure (to the extent feasible) protection against forfeitures of pension or retirement rights or benefits, as a consequence of job transfers or loss of employment resulting from terminations or modifications of Federal contracts or procurement policies.

Section 403. This section requires that the

Foundation develop such recommendations within six months after enactment of this Act and publish such proposed changes in the Federal Register within fifteen days thereafter, for comment by interested parties.

Section 404. This section provides that, after incorporation of additional changes based on the comments received, the recommended changes in procurement regulations shall be adopted by each Federal agency within sixty days, unless the head of such agency vetoes the application of such regulations for his agency.

Title V—General provisions

Definitions

Section 501. This section defines terms used in this Act.

Administrative Provisions

Section 502. This section sets forth certain administrative provisions necessary to enable the Director of the National Science Foundation to carry out his responsibilities under this Act.

Payments and Withholding

Section 503. This section provides for payments and withholding under this Act.

Records and Audit

Section 504. This section requires the maintenance of appropriate records by grantees or contractors under this Act; and authorizes the Director of the Foundation and the Comptroller General of the United States, or their duly authorized representatives, to have access to such records for the purpose of audit and examination.

Patent Rights

Section 505. This section provides for the protection of the public interest and the equities of contractors and grantees in the disposition of inventions produced under the programs carried out under this Act.

EXPLANATION OF NEED

Science and technology have become central to our civilization. Throughout history science and technology have had occasional but significant impacts on military capabilities and economic development. But only since World War II have the effects of science and technology become pervasive in our society. Our military security depends on scientific research and development. Our economic development and productivity, along with our international competitive position, depend on increasing technical innovation to provide new products and services which meet changing needs. And the quality of life in our society—the adequacy of health care, the preservation of the environment, the adequacy of educational programs, the provision of transportation and communication services, and the very sources of energy which make other services possible—all are interwoven with, and depend in part on, the efficacy of scientific and technical progress.

Since the Second World War the principal focus of the Nation's scientific programs has been on defense, and since Sputnik on space. The achievements of the Nation's scientists and engineers in these areas have been sweeping in scope, and staggering in their impact. The development of an overwhelming arsenal of nuclear weapons, ballistic missiles, travel to the Moon and probes to other planets are now commonplace facts to our children.

These developments have had some spinoff effect on the civilian area of our economy and society. Computers, the vast expansion in electronics, and passenger jet aircraft are all derived from military and space programs. But most areas of civilian industry have not yet been significantly affected by scientific research. Textiles, shoes, and furniture are three examples of civilian industries which are still dependent on traditional methods and which have not reaped the benefits which scientific advance can provide.

And in the public service sector of the economy, the situation is even worse. Trash in our city streets is still collected in the same inefficient manner, and still disposed of in vast rubbish heaps that mar our countryside and pollute our air. Transportation in our metropolitan areas becomes more snarled and inconvenient all the time. And adequate health care for all our citizens continues to become more costly, even when it is available.

In the civilian sector of our economy and in the social area, the vast promise of science has been nowhere near matched by its performance. The reason for this is simple. We have not made the investment of scientific talent and resources which the situation demands. The bulk of our technical effort has been focused on defense and space with only marginal attention given to other problem areas.

The Committee's favorable recommendation with respect to this bill in no way implies any criticism of that past allocation of effort; nor does the bill in any way aim at limiting that effort in the future. (As a matter of fact, Section 2(a)(1) of the bill would assure continuing growth for all areas of research and development.) But the bill is aimed at assuring that our civilian science programs are adequate to meet our needs over the coming years.

It is important to note that for the first time in our history we have a large surplus of scientific and technical manpower which is not engaged in productive technical employment. This has resulted from Federal cutbacks, over recent years, in defense and space research and development, without corresponding increases in civilian science and technology.

So at the very time that the Nation's problems with the environment, with health, with economic productivity, and the quality of life in our society need to be tackled with all the talent we can get from our technical workforce, we find technical unemployment higher than it has ever been in history.

The exact figures on technical unemployment are shrouded in obscurity. The data on unemployment gathered by the Labor Department are not collected in such a way as to lend themselves to analysis for technical unemployment. The National Science Foundation attempted to shed additional light on the situation by conducting surveys of technical unemployment in the Spring of 1971.

But in the words of the Director of the National Science Foundation (in a letter addressed to the subcommittee chairman, dated June 20, 1972): "Our special 1971 surveys were designed to measure the changes which had taken place during a twelve-month period for a selected group of scientists and engineers. We knew that these 1971 results were not totally representative of the complete U.S. scientific and engineering manpower pool . . . We had been considering the advisability of an additional special survey of the employment status of scientists and engineers in 1972. However, a number of factors convinced us that it would be preferable not to proceed at this time. These include: the currently changing conditions of the job market, the limitations of the available sample (we were planning to use the same population that was used in the 1971 surveys), and the fact that some information concerning the unemployment situation for scientists and engineers will become available later in 1972 from the Foundation sponsored Postcensal Survey of Professional, Technical, and Scientific Personnel."

Thus the National Science Foundation surveys in 1971 "were not totally representative of the complete U.S. scientific and engineering manpower pool", and in 1972 the National Science Foundation has not conducted any follow-up survey. Whatever the precise extent of technical unemployment, it is prudent to assume that it lies somewhere between the admittedly incomplete NSF estimates and the much higher estimates emanating from the scientific and technical community. When one takes into account the large number of technical personnel who are working at jobs which do not draw on their professional skills, it is reasonable to assume that several hundred thousand scientists, engineers, and technicians are either unemployed or are underemployed (by working at jobs well below their skill levels). In terms of the total technical workforce, it is reasonable to assume that from five to ten percent of the Nation's approximately three million scientists, engineers, and technicians are either unemployed or seriously underemployed.

This obviously represents a serious human hardship to the individuals involved and to their families. It also represents a substantial economic loss to the communities in which they live; for this group was among the highest income producing groups in their communities, and their reduction in income depresses their communities' economic activity in greater measure than their numbers would indicate.

But apart from the human hardship involved, this situation represents a tragic waste of one of our most valuable national resources. For the Nation's scientists and engineers must be viewed as a national resource. An enormous national investment has gone into their education and on-the-job training, through Federal fellowships, scholarships, institutional aid to education, and Federal funding of research and development. As long as this group stands idle or applies its talents to tasks well beneath its skill levels, this national investment is going to waste.

It should be used to reap a vast return in economic and social benefit to the nation. In this connection it is worth pointing out that the noted economist, Dr. Leonard Lecht of the National Planning Association has estimated that for every scientist or engineer put to work through Federal funds, jobs are created throughout the economy for six to ten other workers.

Yet at this time of maximum need, when the Nation's domestic economy is still lagging, when our international competitive position needs strengthening, when the problems of our cities, our environment, and our public services are so insistent in their pressure—at this very time we have permitted a sizable segment of our technical workforce to waste its enormous talent.

It is time to reformulate our national science policies and to redirect our priorities for civilian research and engineering. The statute establishing the National Science Foundation was enacted in 1950. Although a significant strengthening of that statute was enacted in the Daddario-Kennedy NSF Act Amendments of 1968, and although the Foundation has made efforts in recent years to apply scientific knowledge more effectively to the problems of society, the problems have far outstripped the institutions we have for dealing with them.

It is for these reasons that the National Science Policy and Priorities Act has been developed by the Committee on Labor and Public Welfare and favorably recommended to the Senate.

BACKGROUND

The Committee on Labor and Public Welfare began serious consideration of these issues in the Ninety-First Congress. On December 1 and 2, 1969, the Committee held hearings on Postwar Economic Conversion. The Committee heard testimony from Professor Warren L. Smith, Department of Economics, University of Michigan and former member of the Council of Economic Advisers; Dr. Seymour Melman, economist and professor of industrial engineering at Columbia University; the late Walter P. Reuther, President of the United Auto Workers; Dr. Wilfred Lewis, Jr. of the National Planning Association; the Honorable Archibald S. Alexander, former Assistant Director for Economics of the U.S. Arms Control and Disarmament Agency; and Nathanial Goldfinger, Director of Research, AFL–CIO.

Additional hearings on Postwar Economic Conversion were held before the Committee in Lexington, Massachusetts on March 23, 1970, and in Framingham, Massachusetts on April 3, 1970. At those hearings the Committee heard testimony from General James Gavin, Chairman of the Board, Arthur D. Little, Inc.; Dr. George Gols of Arthur D. Little; Carroll Sheehan, Commissioner of the Massachusetts Department of Commerce and Development; Bernard O'Keefe, President of E.G. & G. Corporation; D. Justin McCarthy, President of Framingham State College; Joseph Hyman, President of Hycor Corporation; Dr. Arthur S. Obermayer, President of Moleculon Corporation; Dr. Duncan MacDonald, business consultant; and William Alexander, President of the Research, Development, and Technical Employees Association, MIT Laboratories.

The testimony and statements for the record submitted at these hearings provided the Committee with a comprehensive background on the problems of economic conversion and a realization that national legislation was required to enable the country to build a strong base of civilian science and technology.

As Chairman of the Special Subcommittee on the National Science Foundation, Senator Edward M. Kennedy, began developing legislation aimed at meeting needs in this area. On August 14, 1970, he introduced S. 4241, the Conversion Research and Education Act. Although it was not possible to hold hearings on the bill before the end of the Ninety-first Congress, the bill was subjected to close scrutiny by leading authorities in this field throughout the Nation.

After careful consideration of their comments and suggestions, the bill was revised and re-introduced by Senator Kennedy in the Ninety-second Congress on January 25, 1971, as S. 32, the Conversion, Research, Education, and Assistance Act. The bill was referred to the Committee on Labor and Public Welfare and assigned to the Subcommittee on the National Science Foundation.

The bill was circulated among leading authorities throughout the Nation who were expert in various of its aspects, and their comments and suggestions were carefully studied by the Subcommittee. At the same time a companion bill to S. 32 had been introduced in the House of Representatives as H.R. 34, by Congressman John W. Davis and Robert N. Giaimo and one hundred and eleven cosponsors in January 1971. H.R. 34 was virtually identical to S. 32. Consequently the eight days of comprehensive hearings which the House Committee on Science and Astronautics held on H.R. 34 on June 22, 23, 24, July 13, 14, 15, and August 5 and 6, 1971 proved extremely helpful in the National Science Foundation Subcommittee's consideration of S. 32.

Based on the extensive comments and suggestions which were received over these months, from various experts and organizations throughout the country and through the House hearings, Senator Kennedy filed Amendment 469, a major amendment to S. 32 on October 13, 1971. This amendment was designed to take account of many of the suggestions which the Subcommittee had received.

On October 26 and 27, 1971, the Subcommittee on the National Science Foundation held hearings on S. 32, including consideration of Amendment 469. (The hearings also considered S. 1261, the Economic Conversion Loan Authorization Act, which is still under study by the Subcommittee on the National Science Foundation.) Testimony was heard from the Administration spokesman, Dr. William D. McElroy, Director of the National Science Foundation; Paul Robbins, Executive Director of the National Society of Professional Engineers; Jack Golodner, Executive Secretary of the Council of AFL–CIO Unions for Scientific, Professional, and Cultural Employees; Sanford V. Lenz, Chairman, Professional, Technical, and Salaried Conference Board, IUE, AFL–CIO; Mrs. Betty Vetter, Executive Director, Scientific Manpower Commission; Professor Paul H. Thompson, Graduate School of Business Administration, Harvard University; and four unemployed engineers—Robert Fraser from Lincoln, Massachusetts, S. Robert Salow from Newton, Massachusetts, Charles Laible from Cherry Hill, New Jersey, and Nathan N. Budish from Seattle, Washington.

In addition to the testimony received at the hearings, the hearings record also included statements on the legislation from the Comptroller General and the Administration and from twenty-seven organizations and individuals with special competence in this area. Since the hearings record was published, scores of other statements have been received from interested organizations and individuals with respect to S. 32.

Based on all of the information and the views which were received, the bill was further revised and considered by the Special Subcommittee on the National Science Foundation in an Executive Meeting on April 5, 1972. At that meeting, upon the suggestion of Senator Dominick, the Subcommittee agreed to submit the bill (in its revised form) to the Executive Agencies and the General Accounting Office for further comment. Letters were received from sixteen agencies and the GAO, and the specific comments were taken into careful account by the Subcommittee.

Based on those comments, the bill was further revised and considered again by the Subcommittee in Executive Meeting on May 30, 1972. At that meeting, the Subcommittee, without opposition, favorably reported the bill to the full Committee with an amendment in the nature of a substitute and with a title amendment.

The bill was considered by the full Committee on Labor and Public Welfare in Executive Meetings on June 21 and June 28, 1972. At the June 28 meeting, the Committee on Labor and Public Welfare ordered the bill, with a modified amendment in the nature of a substitute and with a title amendment, reported favorably to the Senate. On the roll call vote to report, all seventeen members of the Committee were recorded as voting to report the bill favorably.

COMMITTEE VIEWS

National science policy

The policy statement in section 2 is perhaps the most significant section of the bill. This section recognizes that Federal funding for science and technology represents an investment in the future, and declares that that investment must be raised to an expenditure level which is adequate to the needs of the Nation.

Federal funds for research and development as a percentage of the gross national product have been dropping steadily over the past decade. In 1963 Federal funds for research and development were 2.6% of the gross national product (GNP). By 1971, they had dropped to 1.6% of the gross national product. This decline of one percent represents about $10 billion on the base of the present gross national product. This means that if Federal funds for research and development in 1971 had been the same percentage of the GNP as they had been in 1963, they would total about $10 billion more than they now do. When one takes into account the fact that there has been a considerable inflation in R & D costs during that period, one realizes that the decline in relative resources allocated to R & D has been even more substantial during that time.

But just as each major industrial corporation tends to allocate a portion of its funds each year as a long-term investment in the future development of the firm, so must the Nation make an annual investment in its future through research and development. This is especially true because there are certain types of R & D of great potential benefit to the Nation, which are too extensive for any individual firm to undertake; and other types of R & D which are not likely to prove profitable to a particular firm, but which nevertheless can provide great benefits for the Nation as a whole.

So Federal funds for R & D must be seen as a continuing investment in the Nation's future. Their precipitous decline over the past eight years, as a percentage of the GNP, which parallels a period of low productivity in the economy, indicates that they should be restored to a higher level, and that the Nation would benefit from such a restoration.

Once they have been increased to an appropriate level, they should grow from year to year in proportion to the growth in the GNP. In this way the Nation can assure to the generations to come the benefits which can only flow from research which we are farsighted enough to undertake today.

This section also establishes as national policy that there should be continuing employment opportunities for scientists and engineers in positions commensurate with their capabilities. This emphasizes the recognition that our technical manpower pool is a national resource which must be utilized to the fullest.

This section also stipulates that Federal funds for civilian research and engineering should be maintained at or above a level of parity with Federal funds for military research and engineering, except when inconsistent with overriding considerations of national security.

Finally this section establishes as national policy that Federal funds for civilian research and engineering should be focused on meeting human needs in priority problem areas such as health care, public safety, pollution, productivity, education, transportation, and energy resources.

Title I—Science Policy and Priorities for Civilian Research and Engineering

This title is intended to provide the National Science Foundation with the broad authority needed for it to exercise a leadership role in determining national science priorities and in developing national policies which foster the application of scientific and technical knowledge to the solution of national problems. In addition, this title clarifies the policy-making role of the National Science Board and broadens the composition of the Board which has been traditionally oriented toward academic, basic science, to include increased representation of people with an industrial or technical background. In this connection, the Committee notes that it considers the last phrase of section 105 ("by other scientific, technical, or educational associations.") to include unions of scientists, engineers, and technicians.

Over a three year period, $50 million is authorized for the programs carried out under sections 103 and 104. These would involve approximately 100 research projects at an average cost of about $500,000 each; and would provide jobs in the peak third year directly for about 1600 scientists, engineers, technicians, and research assistants.

Title II, Sec. 204—Establishment of Civil Science Systems Administration

The Civil Science Systems Administration (for which $1.2 billion is authorized over a three year period) is intended to be a NASA-like organization which would channel technical talent and resources toward the problems of our society in much the same way the National Aeronautics and Space Administration has focused such efforts on the problems of outer space. The Civil Science Systems Administration would function primarily through the award of contracts to industry, universities, and other research organizations. It would also be empowered to transfer some funds to other agencies when it was more appropriate for particular program components to be carried out by some other agency. The contracting approach would be similar to the NASA model in that there would be considerable reliance on systems contracts, with the prime contractors in turn subcontracting specific portions of the task to other contractors. Federal Procurement Regulations would, of course, prevail for these contracts, so that most contracts would be awarded on a competitive basis.

Sec. 207—Planning for Civil Science Systems

It is expected that the $55 million authorized over a three year period for this program would provide for about 110 planning projects at an average cost of about $500,000 per project. In its peak first year, this program would provide jobs directly for about 2,000 scientists, engineers, technicians, and research assistants.

Sec. 208—Applied Social Research

It is expected that the $140 million authorized for this program over a three year period would provide for about 233 applied social research projects at an average cost of about $600,000 per project. In its peak third year this program would provide jobs directly for about 2,500 scientists and research assistants.

Sec. 209—Civil Science Systems Research and Design

Over a three year period $790 million is authorized for this program, which is the major component of the overall Civil Science Systems Program. It is expected that this authorization would permit funding for research and design in about twelve major areas, such as: routine health care services; emergency health care services; public safety (crime control); public safety (fire prevention and control); power supply (gas and electric utilities); innovative mass transit; innovative construction technology; educational systems; water pollution control; air pollution control; solid waste disposal systems; communication systems; etc. It is expected that over the three year period, the program could mount in each such area (in very rough terms) about forty research projects at about $1 million each and about five major design projects at about $5 million each. Thus, for all areas of activity over the three year period, it is roughly estimated that there might be about 480 research projects and about sixty design projects. It is expected that in the peak third year, this program would directly employ about 15,000 scientists, engineers, and technicians.

Subsection (c) of section 209 states that "Each contract awarded under this section shall contain provisions which assure that specific performance objectives, and any applicable physical, environmental, economic, social, and esthetic constraints are specified with particularity for each project conducted under said contract." The Committee requires that the National Science Foundation, in implementing the provisions of this subsection, take special account of the particular problems of persons with physical handicaps and take steps to assure that any architects working on contracts awarded under this section develop their architectural plans with full attention to the needs of such persons.

Sec. 210—Testing and Evaluation

It is estimated that the 105 million authorized for this program over the three year period would provide for about sixty testing and evaluation projects at about $1.75 million each. And it is expected that this program would employ about 2,000 scientists, engineers, and technicians in the peak third year.

Sec. 211 and 212—Information Dissemination and Systems Demonstration

Over the three year period, $110 million is allocated for the Information Dissemination and Systems Demonstration programs, which are essential to the overall success of the Civil Science Systems Administration. For it is essential that the results of the Civil Science Systems programs be widely disseminated and demonstrated so that they can be put into practical use throughout the Nation. Only through a concerted program of information dissemination and demonstration of the systems which have been developed will it be possible to assure maximum benefit to society from these programs. The information dissemination program is similar to the NASA technology utilization program, but is of more critical importance to the Civil Science Systems activity. For technology utilization of the innovations resulting from the Space Program is a byproduct of the main effort to explore outer space; it is an added benefit, not a central output. But in the Civil Science Systems Program, the major purpose is to develop technical knowledge which can be of direct benefit to society. Through the information dissemination and systems demonstration programs, the new knowledge developed through this effort will be made widely available throughout our economy and its benefits will accrue to society at large.

It is estimated that the $80 million authorized for the systems demonstration program over the three year period would permit the initiation of about forty systems demonstration projects at about $2 million each. It is expected that the information dissemination program would directly provide about 500 jobs for technical information specialists; and that the systems demonstration program would directly provide about 2,000 jobs for engineers and technicians.

Title III—Transition of Technical Manpower to Civilian Programs (Sec. 302)

The scientific and technical community has experienced significant dislocations over the past few years as major Government programs have been terminated or significantly reduced, and programs of comparable magnitude have not emerged to absorb the manpower resources which have been released. Because of different patterns of operation in civilian markets and in meeting needs in the public sector of our economy, as opposed to the patterns which prevail in defense and aerospace programs, it is important that the Government aid in planning and assisting in the transition of technical manpower from one mode of operation to the other.

The U.S. Arms Control and Disarmament Agency has sponsored some research in the past to consider the problems of such transition. And the Labor Department has mounted some programs to aid in the actual transition. But these have been modest efforts relative to the need. And moreover, the problems of technical manpower are unique in their characteristics. The National Science Foundation has unique capabilities and experience in dealing with scientific and technical manpower, and the Committee deems it appropriate that the Foundation be the lead agency for coordinating the Government's program for dealing with the transition of technical manpower.

Sec. 304—Research on Transition to Civilian Programs

It is estimated that the $15 million authorized for this program over the three year period would provide for about thirty research projects at about $500,000 each; and would directly provide jobs for about 200 scientists and research assistants.

Sec. 305, 306, and 307—Assistance to State and Local Goverments

In arranging for the orderly transition of technical manpower into civilian research and engineering programs, it is imperative that State and local governments and regional governmental agencies play a key role in the planning and implementation of programs which will impinge on their jurisdictions. It is for this reason that the Civil Science Systems Advisory Council and the Advisory Panel on Transition of Scientific and Technical Manpower to Civilian Programs include representatives of the National Governors Conference, the National Association of Counties, and the National League of Cities and the United States Conference of Mayors. In addition the bill includes a three year authorization of $95 million which would go to State and local governments and regional governmental agencies. These funds would enable such governments to hire unemployed technical personnel on their staff and to conduct programs designed to facilitate the transition of scientific and technical activities to civilian programs within their particular jurisdiction. In addition, these funds would permit government officials at the State, local, and regional level to receive specialized training which would acquaint them with the potential contributions of science and technology to the resolution of public problems in priority areas, and teach them how to utilize scientific and technical talent in an effective and economical manner. For the most part, officials at these levels of government have not had the experience in dealing with research and engineering programs which officials of the Defense Department or Space Agency have had. Since planning, contracting for, and monitoring such programs take specialized understanding and skills, it is desirable that officials at the State, local, and regional levels have the opportunity for such training, in order to maximize the results which society will receive from these programs. It is estimated that the $75 million authorized for section 305 over a three year period would provide directly for about 2,000 jobs per year for technical professionals; and that sections 306 and 307 would provide training for about 6,000 state, regional, and local governmental officials throughout the Nation, or about an average of 120 per State.

Sec. 308—Community Conversion Corporations

The purpose of the Community Conversion Corporation Program is to provide a mechanism for enabling communities which have been substantially affected by cutbacks in research and engineering programs to help themselves. Under this program (for which $90 million is authorized over a three year period) such communities could charter a community conversion corporation, which meets the criteria of subsection (a) of section 308. This corporation could be an existing nonprofit corporation which meets those criteria; a subsidiary of an existing corporation specially designed to meet those criteria; a non-profit corporation set up under the auspices of a local or regional governmental agency; or an entirely new non-profit entity with no ties to any existing organizations.

The community conversion corporation would, if it qualified, be eligible to receive a grant from the National Science Foundation to fund its overall operations, while it sought specific grants and contracts from other government agencies, private foundations, community organizations, and private business firms. Since "the National Science Foundation will give preference in awarding such community conversion grants or contracts to those corporations which show a likelihood of being able to obtain such additional financial support," existing organizations which qualified as community conversion corporations would have a certain competitive advantage over entirely new organizations established for this purpose. On the other hand, a newly established community conversion corporation of higher caliber, with imaginative leadership, would still be able to compete effectively with community conversion corporations which were tied to existing organizations.

The community conversion corporation would "conduct, contract for, or stimulate the conduct of civilian-oriented research and development activities which focus on the particular problems, or draw on the particular resources, of the community within which the corporation is located." Thus it would have a catalyzing effect in generating research and engineering activity throughout the community and stimulating other economic activity as a consequence.

It is estimated that the $90 million authorized for Community Conversion Corporations over the three-year period would provide for the launching and three-year funding of about twenty community conversion corporations throughout the country, at about $1.5 million each per year. It is expected that this program would directly provide about 1,000 jobs per year for scientists, engineers, and technicians.

Sec. 309—Job Transition Program

The job transition program (for which $275 million is authorized over a three-year period) is the major program in Title III. The $275 million provided under this section would be awarded as job transition grants to industrial firms and research organizations "to enable them to hire scientists, engineers, and technicians for work on projects for which they are not yet fully qualified." In other words, firms undertaking civilian research and engineering projects could hire unemployed or underemployed technical personnel whose experience had been in defense and aerospace programs and who were not yet fully qualified for the particular civilian research or engineering project on which they would work. The job transition grants would subsidize all or a portion of their salary, within stipulated limits, while they, in effect, received on-the-job training (i.e., learned by doing).

The same kind of subsidization process occurred in the early years of the Space Program and in the research and development of various defense systems; only in those instances it occurred in the form of cost overruns. In this situation it would be clearly recognized that there is an on-the-job learning process which must occur in new kinds of research and engineering activity, and that the country should openly and honestly budget for it.

This program would, of course, be of great benefit to industrial firms seeking to enter new civilian research and engineering markets. But it would also be of considerable benefit to the unemployed scientists and engineers who would be able to find jobs because of it.

It is estimated that the $275 million authorized for this program over the three year period would directly involve about one hundred firms and provide partial employment subsidies for about 10,000 scientists and engineers in each of the peak (second and third) years.

Sec. 310—Career Transition Fellowships

Although the testimony and views received on this bill indicated that the vast bulk of displaced technical personnel did not need extensive academic re-training, it was the consensus that some smaller segment of that group would require or strongly desire academic re-training to prepare them for more substantial shifts in their special fields of expertise. The Career Transition Fellowship Program has been developed with this group in mind. It is estimated that the $55 million authorized for this program over the three year period would provide for about 2,000 fellowships in each of the second and third years. In determining the amount of stipends to be paid to fellows under subsection (d) of this section, the Committee expects that the National Science Foundation will establish criteria to assure that such stipends that it pays are in keeping with other stipends that are paid by the Foundation and other Government agencies for comparable programs.

Title IV—Protection of Pension Rights of Scientists and Engineers

Because of rapid and frequent changes in Federal procurement objectives and policies, engineering and scientific personnel suffer a uniquely high rate of forfeiture of pension benefits under private pension plans. In its Executive Meeting on June 28, 1972, the Committee unanimously adopted, as a new Title IV, an amendment offered by Senator Javits to help protect the pension rights of scientists and engineers working under government contracts, by providing for the development of amendments to the procurement regulations of government procurement agencies to require such protection, to the extent feasible.

The Labor Subcommittee of this Committee has under consideration several bills designed to establish minimum Federal standards for private pension plans; but the evidence in hearings on these bills demonstrates that the high labor mobility of scientific and engineering personnel makes it unlikely that they will benefit directly from such legislation. For example, the primary bill under consideration in the Labor Subcommittee would require, as a minimum, that pension plans provide vesting of a thirty percent non-forfeitable interest after eight years of work for an employer with a pension plan. But most engineers and scientists working under government procurement contracts never work that long for a single employer, shifting instead, from job to job as Federal procurement contracts expire and procurement objectives change from year to year.

Accordingly, the Committee concluded that it would be desirable for the Federal Government to investigate the matter and attempt to develop new procurement standards which would provide adequate protection of the pension rights of these mobile professionals, particularly since, under the Federal procurement regulations pension cost is normally treated as a reimbursable cost even through very few scientists and engineers receive benefits from the plans, the costs of which are reimbursed by the Government.

Section 402 of the bill states that the NSF Director shall develop his recommendations for changes in Federal Procurement Regulations "in consultation with appropriate professional societies." The Committee considers this phrase to include unions of scientists, engineers, and technicians.

IMPACT ON ECONOMY

As indicated in the foregoing discussion of specific programs contained in S. 32, enactment of this measure would directly provide positions for about 41,000 scientists, engineers, and other technical personnel in its peak year. And as has been pointed out above, each professionally active scientist or engineer creates jobs for six to ten other workers throughout the economy. Thus enactment of this measure and subsequent appropriation of the full amount authorized would create a total of about 290,000 to 450,000 jobs throughout the economy.

But creating jobs would only be one aspect, albeit it a very important one, of its economic impact. The bill would also create a host of new products, services, industries, and markets, it would help increase productivity; and it would have a strong revitalizing effect on the entire civilian economy. Moreover, it would greatly assist the Nation in strengthening its international economic competitive position: through technical innovations which could be used to advantage in international trade and in U.S. business operations abroad.

IMPACT ON SOCIETY

In addition to its direct impact on the economy, enactment of S. 32 would have a powerful impact on the shape of our society for years to come. For it could bring to our domestic problems and social issues the same reservoir of talent, the same dedication of purpose, the same dramatic imagination which have characterized our Space Program over the past decade. And in strengthening our economy and helping to solve our social problems, S. 32 could also serve as a catalyst for recapturing the commitment of the Nation's youth.

In the words of one of the authorities who submitted a statement on S. 32 (John P. Eberhard, Dean of the School of Architecture and Environmental Design, State University of New York at Buffalo): "I think that your proposed legislation could open the door to a new period of scientific and engineering exploration that was as exciting as any we have engaged in during the past twenty years. It could make it possible for us to do something substantial about the quality of life in our urban centers. It could give many of our young people who are disenchanted with previous value systems . . . a new kind of hope and enthusiasm to do something about our environment. It could give us all an opportunity to make an investment in the future cities which our children and our children's children will inherit from us."

Or in the words of former Senator Joseph S. Clark, Chairman of the Coalition on National Priorities: "S. 32, the National Science Policy and Priorities Act is a noble beginning. It will help get our most able brains about the real needs of the global village. By setting our thinking people on an enlightened course, our civilization will prosper."

Agency comments

At the April Executive Meeting of the Subcommittee on the National Science Foundation it was decided to send a committee print of S. 32, as revised, to all Government agencies that might conceivably have an interest in the bill for further comment on the revised version. Responses were received from the General Accounting Office, the Office of Management and Budget, and fifteen other Government agencies whose responses were coordinated by the Office of Management and Budget. The fifteen Executive agencies were: the Departments of Commerce; Labor, Health, Education, and Welfare; Defense; Transportation; and Housing and Urban Development; National Science Foundation; National Aeronautics and Space Administration; Atomic Energy Commission; Environmental Protection Agency; Arms Control and Disarmament Agency; Office of Economic Opportunity; Council on Environmental Quality; Council of Economic Advisers; and the Office of Science and Technology.

The comments received included a number

of suggestions for changes in the bill, all of which were carefully considered, and many of which served as the basis for further revision of the bill. With the exception of the General Accounting Office whose comments were entirely technical and a few agencies that deferred substantive comment to the judgment of the National Science Foundation, all of the comments which were received were in opposition to enactment of S. 32.

Since the agency comments, which were coordinated by the Office of Management and Budget, overlap considerably, their various arguments against enactment of S. 32 are summarized and discussed in turn below:

Need for S. 32

The Administration's first point is that there is no need for such legislation. In asserting this argument, the Administration assumes that the problem to which the legislation is addressed is solely that of technical unemployment. With respect to that problem, the letters made the following points: (1) the extent of technical unemployment is not so bad as has been claimed by the scientific and technical associations; (2) the anticipated general upturn in the economy will provide jobs for a large portion of the technical unemployed; (3) the budget request for a fiscal year 1973 increase in military and civilian R&D programs will provide still other jobs for technical personnel; and (4) existing programs in the Department of Labor and Housing and Urban Development and in the National Science Foundation (for job research, placement, and retraining) are adequate to provide for the remainder of the unemployed technical personnel.

The Committee believes that the extent of technical unemployment in the Nation is greater than that admitted by the Administration. The fact that the National Science Foundation admits its 1971 surveys of technical unemployment were inadequate, and that the Foundation has failed to conduct any further surveys this year indicates that the Administration estimates are out of date and not entirely accurate. In addition, the fact that the scientific and technical associations are convinced that technical unemployment is much higher leads the Committee to conclude that technical unemployment is substantially higher than is recognized by the Administration. Moreover, the fact that a large number of other technical personnel are seriously underemployed significantly adds to the problem.

A general upturn in the economy, even if it proves as substantial as the Administration predicts, will not directly create the kind of jobs which draw upon the skills of the technical unemployed. An increase in automobile production will not of itself create jobs that draw on the untapped skills of the aerospace engineers. The kinds of jobs these people have held in the past have been created by direct Government funding of research and engineering in defense and space; only through Federal funding of civilian research and engineering can jobs which really use these professional skills be created over the next few years. Over the longer run it is highly desirable for industry to generate research and engineering jobs directly for these professionals; but that can only be stimulated through Federal funding of civilian research and engineering in the next few years.

It is true that the Administration's budget request for a $1.4 billion increase in research and development, to the extent the money is appropriated and subsequently expended, would create a substantial number of technical jobs. However, $800 million of the $1.4 billion additional requested was in Defense Department research and engineering, and the figure authorized by Congress for that category is likely to be about $400 million less than the Administration request. Thus, if the amounts appropriated for all other programs did in fact net out to the amount of the Administration request, the total increase would be only $1 billion. Using the most recent National Science Foundation figures, one can calculate that the $1 billion in additional Federal funding for R&D would produce about 18,900 jobs for scientists and engineers. This falls far short of the current need for technical jobs. And the Labor Department, HUD, and NSF programs for unemployed technical personnel have at the most optimistic estimates found positions for no more than 13,000 persons; and there is no indication of how many of those were placed in positions in which they could utilize their technical skills.

In short, it is the Committee's view that the extent of technical unemployment is much greater than the Administration admits; and that the Administration predictions, proposals, and programs for dealing with technical unemployment will fall far short of the actual need for technical jobs.

The most important point to be made with respect to the need for S. 32, is that this bill is not primarily directed at solving the technical unemployment problem. It is directed at focusing the Nation's technical talent on the solution of our pressing social problems.

The need for S. 32—the need for a reshaping of our national science policies and priorities—does not arise from technical unemployment. It arises because the Nation has pressing problems which must be solved, because the economy needs new sources of innovation and new means of increasing productivity, because the quality of our environment and the quality of our lives are not up to the standards all Americans deserve. And because the Nation's scientists and engineers have the talent and the imagination to help move the Nation toward those goals. That is why the Committee believes enactment of S. 32 is in the national interest.

National Capability to Carry Out S. 32

The second Administration argument against enactment of S. 32 is that we do not have the necessary knowledge and experience to carry out such a program successfully. For example, how do we know it is desirable for Federal funds for research and engineering to grow in proportion to the GNP? How do we know it is desirable for civilian research and engineering to be maintained at a level of at least parity with military R&D?

The answer is that these are policy determinations based on the recognition that Federal funding for research and engineering is an investment in the Nation's future and that, while military R&D must be maintained at an adequate level, so too must civilian R&D be maintained at a level adequate to the needs of our society.

It is true that the Nation does not have much experience for dealing with the program set forth in S. 32; but neither did the Nation have much experience with a space program before NASA was formed. The way to gain the experience is to tackle these problems with the best thought and talent we can bring to bear on them; not to wait for them to go away of their own accord.

A variation on this argument in the agency letters is the assertion that the civilian economy is not structurally adapted for undertaking science and technology programs of this magnitude. In this connection the Committee points out that the first year funding authorized by S. 32 is $362 million, which is only twenty percent of the total three year authorization, that the aerospace industry did not exist in its present form two decades ago, and that the way to adapt civilian industry to these problems and needs is to initiate a program such as S. 32.

Potential Overlap and Duplication With R. & D. Programs of Other Agencies

A number of the agency letters pointed out the potential problems of overlap and possible duplication between the programs of S. 32 and the R&D programs of various other Government agencies. This is a real problem which has been taken into careful account in the drafting of the legislation. The bill provides for the establishment of the Civil Science Systems Advisory Council and the Advisory Panel on Transition of Scientific and Technical Manpower to Civilian Programs. These bodies are given the responsibility of advising the NSF Director with respect to his responsibilities under Title II and Title III of the bill respectively. Both bodies include ex officio representatives of all other Government agencies with whose programs there might be any overlap or duplication, so that these representatives would participate in the shaping of policy for S. 32 programs to avoid such overlap and duplication. In addition, the bill explicitly requires continuing consultation and coordination with other Government agencies through the Advisory Council and also through appropriate staff contacts at other levels of the agencies involved. The bill also permits the transfer of funds from NSF to other Government agencies when a portion of a particular program could more appropriately be carried out by another agency. Finally, it should be pointed out that the Federal Council on Science and Technology is an existing interagency committee with continuing responsibility for coordinating the Government's science and technology programs. The new programs of S. 32 would fall under the jurisdiction of this interagency group, which is chaired by a representative of the White House Office of Science and Technology; and any disputes which could not be resolved through other forms of coordination could be resolved by the Federal Council on Science and Technology.

A more basic point that should be made in this connection is that science cuts across all fields and all problem areas, so that the existing programs of the National Science Foundation themselves cut across many other agencies' jurisdictions and have potential overlap and duplication with agency R&D programs. These potential problems have never proved insurmountable in the past with existing NSF programs, and there is no reason to assume that S. 32 programs could not be similarly handled. It is the Committee view that each Government agency needs a research and development program of its own, which can focus on its particular needs. The R&D programs contained in S. 32 are in no way intended to supplant, but merely to supplement and, indeed, stimulate the R&D programs of other agencies.

But while there will always be a need for agency R&D programs which can focus on their particular needs, there is also a major, presently unfilled need, for a concerted civilian R&D program as set forth in S. 32. For only through such a single, coordinated effort can the major problems be tackled and mastered; since most of these problems cut across the limited scope and resources of particular agencies.

To understand this point clearly, it is worth examining a particular example in detail. Consider the systems design for a new community, in which the prime contract called for the design of a comprehensive underground network that would provide central heating and air conditioning; electric, gas, and telephone lines; cable TV; an integrated computer network for schools, hospitals, business firms, and home study on computer consoles; an integrated automatic alarm system for police and fire fighting; underground systems for the movement of mail and bulk transport (boxes and crates); water supplies; solid waste disposal systems; etc. Such systems would, of course, be designed in such a way to provide access for maintenance and change in the systems so that they could be routinely accomplished without ripping up the streets. If designed in an integrated way as outlined here, the waste heat which individual air conditioners, toasters, etc. put out could be conserved and recycled to aid in the central heating system. This would not only greatly reduce the cost and consumption of energy in the community; it would also greatly reduce pollution due to the use of energy.

The Civil Science Systems Administration could contract for the design and demonstration of such a system, and could coordinate the various prime contractors and subcontractors involved, in much the same way as NASA has handled its moon program. The advantages of such an approach are obvious, in the opportunity for innovative technology and in the ability to take an overall systems approach to the problems involved. Yet the case outlined above cuts across the jurisdictions of many Government agencies. It overlaps with the Departments of Commerce, Interior, Transportation, Housing and Urban Development, and Health, Education, and Welfare, the Environmental Protection Agency, the Federal Power Commission, and other agencies.

No one of these agencies has the mandate or resources to treat the problems in their total systems context; yet only through such an approach can the full power and potential of modern science be brought to bear on these problems, with resulting benefits for all our citizens. Accordingly, the Committee feels it is essential that the programs, set forth in S. 32 be administered by a single agency.

The role of the National Science Foundation

A major theme in many of the agency letters, including the comments of the National Science Foundation itself, is that NSF is not the agency to carry out the programs contained in S. 32.

An argument can be made for setting up the Civil Science Systems Administration as an independent agency. But this would add to the proliferation of Federal agencies without offering any significant advantages in turn. While the head of an independent agency would report directly to the President, the head of the Civil Science Systems Administration reports to the Director of NSF who in turn reports directly to the President. Moreover by locating the new Administration within the National Science Foundation, the new program can draw on all the accumulated expertise of the Foundation relating to research in all fields of science and engineering.

Many of the letters state that NSF does not have the experience for these kind of programs and could not carry them out effectively. The Committee recognizes the Foundation's lack of experience with certain aspects of this program. But the Committee believes that the new management and operating personnel who would be brought in to administer these programs would bring the necessary experience with them. In addition, the bill broadens the composition of the National Science Board to include more of an industrial and technical orientation, and clarifies the scope of NSF responsibilities to include policy development for the application of scientific knowledge to the solution of social problems. While NSF may not now have the capacity to mount the programs set forth in S. 32, the changes in agency structure and authority contained in the bill and the new personnel who would be brought in to administer the program would enable the agency to cope with this problem.

Criticism was also made of the degree of autonomy accorded to the Civil Science Systems Administration within the National Science Foundation. In this connection particular criticism was expressed of subsection (c) of section 202. This subsection exempts Title II from the provisions of the NSF Act, which requires that all contracts in excess of $2,000,000 be specifically approved by the National Science Board, which meets almost every month. The National Science Board is the policy-making body for the National Science Foundation, and also approves specific grants and contracts which exceed $2,000,000.

This approach is fine for the traditional academic programs of the National Science Foundation. But the experience of DOD, NASA, and AEC with management of systems procurement programs makes it abundantly clear that a high technology systems procurement program involving industry cannot be managed by a committee of twenty-four distinguished scholars which meets almost every month. In the Civil Science Systems Program there will be deadlines to be met, subcontract projects to be coordinated, and costs and performance goals to be watched. Such a program requires tight project management which can make the procurement decisions on a day-to-day basis, not a committee of scholars which meets intermittently.

The Committee feels that the inclusion in the bill of subsection (c) of section 202 is essential to the successful management of the program. It should be noted, however, that while this subsection would enable the Civil Science Systems Administration to award contracts (on competitive bidding) without specific Board approval for each contract, the new Administration would still be under Board control with respect to overall policies. The head of the new Administration would "report and be responsible to the Director" of NSF. And the existing NSF Act provides: in Sec. 4(a) that "the Board shall establish the policies of the Foundation" and in Sec. 5(d) that "the formulation of programs in conformance with the policies of the Foundation shall be carried out by the Director in consultation with the Board."

Finally some of the letters expressed the fear that the introduction of such new programs into the National Science Foundation might in some intangible way impair the Foundation's traditional programs in basic science and education. It is the view of the Committee that the safeguards which have been built into the bill would prevent any damage to existing programs. Indeed, the new program might help NSF's traditional programs by enlisting greater public support for them, by showing what science can do to aid society.

A Special Program for Scientists and Engineers

Some of the agency letters criticized the notion of having a special program which was directed at scientists and engineers. They viewed it as being designed for the benefit of the scientists and engineers who would participate in it. But while S. 32 would provide many thousands of jobs for scientists and engineers, its primary purpose is not to aid them as a special group, but rather to aid the Nation. Each scientist or engineer who is put to work generates jobs for six to ten other workers throughout the economy. The research and engineering projects on which they work generate technical innovations which can lead to new products, increased productivity, services, and industries, thereby revitalizing the economy and strengthening our international competitive position. Moreover, the efforts not only benefit the economy, but they also can have a major impact on enhancing the quality of life in our society; through solving many of the problems which are currently despoiling our Nation. Finally, an enormous national investment has gone into the education and on-the-job training of our scientists and engineers. The country is entitled to receive a major return on that investment in economic and social benefit. But that return can only be realized when they are engaged in work which utilize their high talent and skills. The Nation's scientists and engineers are one of our most valuable resources. S. 32 is not aimed at aiding them as individuals, but at utilizing that resource for the benefit of all our citizens.

Administration Budget Ceiling

A final argument made in the agency commentary on S. 32 is that enactment of the bill would violate the Administration's budget ceiling. In this connection the Committee notes that the first year authorization is for $362 million, which is only twenty percent of the total three year authorization. Based on the consensus of the experts consulted in the development of this legislation, the Committee believes that this is the minimum amount for effective initiation of such a program. More importantly, the Committee believes that the authorization for S. 32 must be viewed as an investment in the Nation's future—an investment which will bring great economic and social returns to the Nation for years to come, including increased Federal tax receipts flowing from the new economic activity generated by these programs.

ROLLCALL VOTES

The committee cast two rollcall votes on this bill. In accordance with section 133(b) of the Legislative Reorganization Act of 1946 as amended, the votes were as follows:

(1) On a motion by Senator Dominck to amend the bill by deleting subsection (c) of section 202, Senators Beall, Dominick, Javits, Packwood, Schweiker, Stafford, and Taft voted aye; Senators Cranston, Eagleton, Hughes, Kennedy, Mondale, Nelson, Pell, Randolph, Stevenson, and Williams voted nay. The motion was defeated by a vote of ten to seven.

(2) On the motion to report the bill favorably to the Senate, Senators Cranston, Eagleton, Hughes, Kennedy, Mondale, Nelson, Pell, Randolph, Stevenson, Williams, Beall, Dominick, Javits, Packwood, Schweiker, Stafford, and Taft voted aye. The committee voted to report the bill favorably to the Senate by a unanimous vote of seventeen to nothing.

COST ESTIMATES

In accordance with section 252(a) of the Legislative Reorganization Act of 1970, the committee estimates that costs which would be incurred in carrying out this bill for fiscal years 1973, 1974, and 1975 would be as follows:

Fiscal year 1973—$362 million (Title I—$10 million; Title II—$200 million; Title III—$152 million)

Fiscal year 1974—$18 million (Title I—$15 million; Title II—$400 million; Title III—$203 million)

Fiscal year 1970—$830 million (Title I—$25 million; Title II—$600 million; Title III—$205 million)

No estimated expenditures were provided by the executive branch.

A detailed funding chart of the programs authorized by S. 32 is given below:

S. 32, NATIONAL SCIENCE POLICY AND PRIORITIES ACT, TABLE OF AUTHORIZATIONS OF APPROPRIATIONS

	1973	1974	1975	Section total	Title total
Title I: Science policy and priorities for civilian research and engineering	$10,000,000	$15,000,000	$25,000,000		$50,000,000
Title II	200,000,000	400,000,000	600,000,000		1,200,000,000
Sec. 207: Planning for civil service systems	25,000,000	20,000,000	10,000,000	$55,000,000	
Sec. 208: Applied social research	30,000,000	50,000,000	60,000,000	140,000,000	
Sec. 209: Civil science system and research design	120,000,000	270,000,000	400,000,000	790,000,000	
Sec. 210: Testing and evaluation	150,000,000	30,000,000	60,000,000	105,000,000	
Sec. 211: Information dissemination	5,000,000	10,000,000	15,000,000	30,000,000	
Sec. 212: Systems demonstration	5,000,000	20,000,000	55,000,000	80,000,000	
Title III	152,000,000	203,000,000	205,000,000		560,000,000
Sec. 304: Research on transition to civilian programs	5,000,000	5,000,000	5,000,000	15,000,000	
Sec. 305: Assistance to State and local governments	15,000,000	25,000,000	35,000,000	75,000,000	
Sec. 306: Training government officials	4,500,000	9,000,000	4,500,000	18,000,000	
Sec. 307: Government employee participation	500,000	1,000,000	500,000	2,000,000	
Sec. 308: Community conversion corporations	30,000,000	30,000,000	30,000,000	90,000,000	
Sec. 309: Job transition programs	75,000,000	100,000,000	100,000,000	275,000,000	
Sec. 310: Career transition fellowships	15,000,000	20,000,000	20,000,000	55,000,000	
Sec. 311: Placement assistance	5,000,000	10,000,000	5,000,000	20,000,000	
Sec. 312: Education program	2,000,000	3,000,000	5,000,000	10,000,000	
Total	362,000,000	618,000,000	830,000,000		[1] 1,810,000,000

[1] Bill total.

Mr. President, I do not know whether the Senator from Colorado would like to make some remarks. I know that one or two other Senators would like to make some general comments. If not, we can begin to discuss the various amendments of the Senator from Colorado, and I will be glad to receive them in whatever way he desires.

Mr. President, I ask unanimous consent that Herbert Jasper be permitted the privilege of the floor during consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I do not know whether this has already been ordered, but I would ask unanimous consent that Mike Gordon be permitted the privilege of the floor during consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, the Senator from New York (Mr. JAVITS), the ranking member, has asked me to be the designee of the time, and I yield myself 15 minutes on the bill.

The PRESIDING OFFICER (Mr. MOSS). The Senator from Colorado is recognized for 15 minutes.

Mr. DOMINICK. Mr. President, this bill, like so many others that we get in Congress, has a title with an ideal behind it. It deals with problems, as many of these bills do, which were valid as of 3 years ago. Some of the other bills that have been proposed were valid for problems as of 3 years ago. But it does not deal with the situation as we have it now.

The stated dual purpose of S. 32 is to apply science to domestic problems and alleviate underemployment and unemployment among the Nation's scientists and engineers. In justification of this legislation, emphasis has been placed on the numbers of unemployed and numbers of jobs to be provided.

There is, however, a failure to describe how the talents of the unemployed would match, in numbers and skills, the jobs to be done. For example, one professional organization, the American Institute of Aeronautics and Astronautics, stated to the committee that technological projects in such areas as crime control, pollution, mass transit, and health care cannot reach sufficient maturity to employ more than a few thousand unemployed scientists and engineers. The technological component of urban problems is relatively low and as an area of employment offers little promise to specialists in such areas as fluid dynamics, combustion, atmospheric physics, and propulsion, who must be employed in technology-intensive projects

The declaration of policy of this legislation—section 2—ties the investment level in science and technology to the gross national product and calls for a Federal level of investment in civilian research and engineering activities which at least equals our level of investment in defense research and development—R. & D. Neither the gross national product nor the level of investment in defense R. & D. are a valid indication of the demand for, or the effectiveness of, the R. & D. expenditures authorized by this bill, and could potentially distort and misallocate resources hereby resulting in a perpetuation of the professional unemployment problem.

Mr. President, I remember talking before the National Association of Cryogenics some years ago. The talk I gave I thought would irritate them. To my complete surprise, I found out they were in agreement with me, but they did not know what to do about it. My talk revolved around the fact that the scientists of this country have lost their independence. They have lost their independence by virtue of the fact that they rely on Federal financing to do anything in the research and development area.

Inevitably, when 98 to 99 percent of the research money in science is provided by the Federal Government, it will be done in the areas that the Federal Government wants it done and not in the basic or independent research which most scientists would like to operate in, in order to give them more freedom so that they can choose what they want to do and not what the Federal Government wants them to do. Once again, if we feel we are going to put the Federal level of investment on a par in this bill with what goes on in research and development in defense, and what proportion of the GNP this constitutes, we are totally misallocating resources.

Let us suppose, for example, that Senator MCGOVERN becomes President of the United States. I can say truthfully, as a Republican, that I hope that will not happen. But let us suppose that it does and he cuts $32 billion out of the defense budget. A great deal of that will come out of research and development. Does that mean automatically that we will have a cutback in the Federal level of expenditures solely because the President has changed the signals and decides that he will do something different in the research and development field in defense? Tying them together with this makes no sense to me whatsoever; yet this bill specifically would do just that.

It should be emphasized that both the administration and Congress have initiated constructive programs with very similar objectives, and these programs should be given time to demonstrate their value before being superseded. Perhaps the most immediately effective action to alleviate the problem, as I say, a good deal of this is no longer as great a problem as it was 2 years ago. The most immediately effective action has already been taken with regard to the fiscal year 1973 budget requests for research and development of $17.8 billion, an increase of $1.4 billion over fiscal year 1972. These funds will translate directly into jobs for those associated with the research and development enterprise.

To help alleviate unemployment among scientists and engineers, the Department of Labor has established several programs, the most comprehensive of which is the technology mobilization and reemployment program—TMRP. It includes: Testing and feasibility of employing former aerospace engineers and scientists in professional jobs in State and local governments—one of the few things that is talked about in this bill and the Labor Department is already involved in it; improving the methods scientists and engineers use to look for jobs and communicating them to the unemployed; establishing a target list of 14 metropolitan areas most heavily hit by unemployment among scientists and engineers; exploring the use of displaced industrial engineers in health services; establishing a national registry for engineers; relocation grants to those who get jobs outside their present geographic areas—so that they can get support with moving expenses; retraining, where necessary; and finally, support for cooperative activities by related professional societies.

I would say a good deal of the bill that is proposed here is already in effect through the Department of Labor and through the additional money in research which has been provided in the 1973 budget under the Nixon administration.

One example of the TMRP effort is the volunteer engineers, scientists, and technicians program—VEST—conducted by the American Institute of Aeronautics and Astronautics. VEST units in more than 20 States provide information and counseling services, as well as office facilities and supplies for job hunters.

Under a Department of Labor project conducted by the National Society for Professional Engineers—in other words, actually conducted by the National Society—study teams consisting of unemployed aerospace and defense engineers analyzed the potential for engineering and scientific employment in a variety of industries. The results show that numerous industries have significant job potential, including food and food products, transportation, wood and wood products, power resources, pollution control, health care and health services, security systems and criminal justice, banking and finance, solid waste management, educational technology, and occupational safety. The job opportunities discovered through this project alone already number more than 30,000.

This is work that is already being conducted by the national scientists and engineers under a grant by the Department of Labor.

The National Science Foundation is administering a TMRP called the Presidential internship program which provides opportunities for 400 unemployed scientists and engineers with advanced degrees to work for 1 year at federally funded research and development laboratories. The projects on which the participants will work are intended to apply scientific knowledge to current social problems, such as pollution, sanitation, and transportation.

The Senate has, through S. 2393, initiated action to alleviate the hardships of unemployment, including scientists and engineers. This measure, which passed the Senate and is presently, or was at the time the report was written, awaiting House action, would amend the Disaster Relief Act by establishing a new category of economic disasters. Individuals in qualifying areas could then obtain aid normally granted to victims of natural disasters, including emergency housing, mortgage payments, food, extended unemployment compensations, relocation assistance, and medical services. Business and local governments would be eligible for loans and grants.

The Congress has also twice extended unemployment compensation beyond the "normal" 26 weeks and passed the Emergency Employment Act, which provided transitional jobs to help improve State and local public services. The latter specifically focuses on workers affected by technological change or cutbacks in Federal employment, which would include the scientists and engineers that we are talking about.

In addition, to help achieve the goal of applying science to domestic problems, the administration has requested increased funding for this fiscal year alone for new and existing programs in this area by 65 percent from fiscal year 1969—$3.295 billion in fiscal year 1969 to $5.406 billion requested for fiscal year 1973. Some of the more significant examples include:

An increase of $88 million for research and development to help meet the Nation's needs for electrical energy without damage to the environment.

An additional $43 million for research and development on natural hazards to improve capabilities to control, predict, or reduce destruction from fires, earthquakes, floods, hurricanes, and severe storms.

An increase of $90 million in research and development by Transportation and Commerce to provide fast, safe, and pollution-free transportation.

A growth of $73 million in National Aeronautics and Space Administration's research and development programs which have greater direct benefits to society, such as weather prediction, communications, and aeronautics.

A significant expansion of problem-related research programs by the National Science Foundation to permit an increase of more than 40 percent in research on such problems as preventing environmental degradation through better land use, improving municipal services through the application of science and technology, and improving materials and manufacturing processes to advance economic productivity.

An additional $40 million to explore ways of stimulating the overall national investment in, and use of, science and technology.

The Department of Housing and Urban Development administers the urban systems engineering demonstration program, a grant program designed to utilize systems engineering, analysis techniques, and computer technology in establishing economic and efficient public service systems. This significantly overlaps with title II of S. 32.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMINICK. Mr. President, I yield myself another 10 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, we are now considering in Congress several programs which apply scientific research to civilian problems, including the National Environmental Data Systems Act, water and air pollution control bills, Toxic Substances Control Act, National Environmental Laboratories Act, and research and technology in rural areas through the Rural Development Act. In short, there are numerous programs, both legislative and administrative, which focus on the same problems as S. 32. The chances for wasteful duplication are not only substantial, but they are also inevitable if we pass this bill in its present form.

Title II of S. 32, which has a 3-year authorization of $1.2 billion, provides for grants and contracts to develop "civil science systems," which is defined as any set of interrelated technological applications which are designed to perform certain public services. "Public services" are defined as any set of interrelated organizations and activities which collectively perform certain related functions normally associated with life in our society. Because these definitions are something less than restrictive, and because the chances for duplication and overlap with other programs are so great, fiscal responsibility dictates a reduction in the authorization and gradual implementation of this legislation, if we are going to have it at all.

It seems to me that the $1.81 billion authorized by S. 32 could well be reduced without jeopardizing the potential of this legislation to achieve its stated objectives. Such a reduction would also insure that S. 32, as administered by the National Science Foundation, would not overlap with nor detract from the above-mentioned programs administered by other Federal agencies.

Finally, I am concerned about the placement of the Civil Science Systems Administration—CSSA, title II—within the National Science Foundation and exempting the Administration from NSF Board control. Section 202(c) of S. 32 exempts the CSSA from the established requirement in NSF's enabling legislation of Board approval for grants or contracts which exceed $500,000 in 1 year or $2 million in total.

Mr. President, this Civil Science Systems Administration has been set up more or less along the same lines as NIH, the National Institutes of Health, where we have cross fertilization of ideas, where we have panels determining whether or not the grant application is really worthy of continuing study, and where they are able to make much more progress in the health field with this cross-fertilization.

The National Science Foundation has been set up not only in the same order, but also with the same idea, that where we will have a new program with over $500,000 in a year or a new program which, regardless of its length, involves $2 million or more, the National Science Foundation's board of approval is required.

Yet in this case we are proposing $1.81 billion without any control by the board on a contract which could be let by the administrator, even though it is supposed to be part of the National Science Foundation.

There is an agreement, it seems to me, among most of the Members of the Senate, and I believe almost without exception, frankly, that the National Science Foundation should at a minimum, have clear responsibility for policies with regard to the Civil Science Systems Administration.

If not, there is no sound reason for placing the Civil Science Systems Administration within the National Science

Foundation. I am concerned about the deleterious effect this provision would have by decreasing the National Science Board's autonomy and impartiality, which have significantly contributed to NSF's success since its inception in 1950.

I understand from brief conversations with the Senator from Vermont that he and former Senator Smith of New Jersey were very active in getting the National Science Foundation started. I would hate to see this format which they developed and which has worked so successfully, changed by this bill.

In summary, our level of investment in science and technology should not be tied to the GNP or the level of investment in defense R. & D., which could further distort resource allocation. The Board of Directors of NSF should retain their traditional control over programs within their agency, especially in view of the committee's action in strengthening the Board by increasing technical and industrial representation under title I, which I think is a good idea.

Because of the requested increases in the administration's proposed budget for research and development, the Department of Labor's technology mobilization and reemployment program, including the volunteer engineers, scientists, and technician program and NSF's presidential internship program, and the promising Department of Labor project conducted by the National Society for Professional Engineers, the recently passed economic disaster amendments to the Disaster Relief Act, the unemployment compensation extensions, HUD's urban systems engineering demonstration program, and the administration's requested increases in the proposed budget to achieve the goal of applying science to domestic problems in such areas as energy, pollution, weather prediction, and control of natural hazards, I am persuaded to the conclusion that the authorization level of S. 32 should at the very least be reduced because in no way can we possibly void duplication of programs under the system as set up under this bill.

These supplemental remarks, which were printed from pages 55 through 58 of the committee report, which I have largely referred to in my comments here today, were also signed by the Senator from Oregon (Mr. PACKWOOD) and the Senator from Ohio (Mr. TAFT) of the committee.

What I am saying in general is: Why do we constantly proliferate programs with cross jurisdiction, creating problems between agencies, with no one in the outside world having the foggiest idea where to go to find where they can get help and assistance?

I do not know how many people I have had call me in the 10 years I have been here and say, "Will you please tell me what to do? Just where do I go? Whom do I talk to?"

If it is in the area of education, I say to them, "What type education are you talking about?" We have 23 different agencies and departments dealing with education programs.

I do not know how many programs we have dealing with the problems of engineers and scientists who are either unemployed or underemployed. It would seem to me that simply adding a program on top of this mess, if we keep on doing that, sooner or later will cause this whole system of government to topple.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the Senator from Vermont.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMINICK. I yield to the Senator from Vermont.

Mr. AIKEN. This bill, as I read it, is an effort to provide employment for unemployed technicians, scientists, and so forth.

Mr. DOMINICK. That is correct.

Mr. AIKEN. I would like to ask this question. When a scientist who earned $30,000 a year becomes unemployed, what is the amount of his unemployment compensation?

Mr. DOMINICK. It would vary, I presume, from State to State, depending on where he is located. It would largely depend on the unemployment compensation laws of the State.

Mr. AIKEN. Would it be a percentage of his earnings?

Mr. DOMINICK. Yes, it is a percentage of the salary he was last paid. Let us say it is 50 percent.

Mr. AIKEN. An employee who made $150 a week would draw about $75 a week in many States now. But what I was asking was with respect to a scientist earning $30,000 a year. Is it possible his unemployment would amount to $15,000 a year?

Mr. DOMINICK. It runs very close to that in some States. Some States are different, I have to say in all fairness, but it could easily run that high. We have extended it in many areas beyond the normal 39 weeks. There are problems. We should be frank about it. For example, during the letdown in the Boeing contract in Seattle we definitely had areas of problems there and we tried to do something about it. In connection with the shuttle program at NASA, this contract was going to North American, and Grumman and Marietta, a team that was bidding on that contract, had not gotten it. Grumman had been in some trouble already in connection with the F-14. There were problems there. But that does not say that the programs we have now are not taking a portion of that without adding on.

Mr. AIKEN. There is a great deal of apprehension in other fields from existing agencies which have done excellent work over the years. They feel that their authority and responsibility, and their privilege to do good work, may be taken away from them by this legislation. Is there any danger in this bill that the good work being done by existing agencies will be taken away from them and given to a new agency which may be set up with entirely different personnel?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 2 additional minutes.

There is certainly that possibility because under title II of this bill we set up a civil service system administration under NSF, and this does a good number of things or provides for programs for a good number of items presently being conducted by the National Science Foundation or by the Labor Department under grants from them, and from a number of other agencies. So presumably there will be a jurisdiction fight. I say presumably, but surely there will be. The question is: who is going to win and take over projects authorized under two or three different groups? So there will be that problem, I assure the Senator.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I wish to indicate to the Senator from Vermont that obviously we do not intend, with this legislation, to take away any of the valuable work which other agencies are performing in a wide variety of areas. As a matter of fact, there is discretionary authority to the administrator to help some of these agencies to augment their research programs by transferring some funds to the various agencies, when appropriate. So I would like to believe that this program would be a stimulation to the various agencies that are doing superb work. I think albeit woefully too little, because they have inadequate resources.

I wanted to indicate that it is my intention that this administration would attempt to cooperate with and stimulate the research that is being done in these various agencies.

Mr. AIKEN. Then, the purpose of the Senator is to develop new fields, rather than to encroach upon the prerogatives and authority of those that are already doing this work?

Mr. KENNEDY. The Senator has stated it correctly.

Mr. AIKEN. I am asking for information.

Mr. KENNEDY. What we are trying to do is use the same kind of institutional framework to provide for civilian research needs what we have in the Defense Department to resolve areas of military need. If anyone wants to work on development of a weapon of any kind, he can go to the Department of Defense; but, as the Senator from Colorado has pointed out, if education is involved, one can go to any one of 22 different agencies. We ought to be able to provide a single kind of institution or agency that will be the principal civilian research agency, and will help stimulate and will supplement research in the other civilian agencies.

Mr. AIKEN. Would the Senator from Massachusetts say the purpose of his bill is to establish an agency which would supplement the work of the other agencies of Government, and would not have priority over them?

Mr. KENNEDY. That is correct. It is not our intention in any way to discourage or infringe on the very legitimate and worthwhile research programs that are being done in the other civilian agencies. It is to expand, stimulate, broaden, and utilize that expertise, and really, in a deeper sense, to bring the enormous technical and scientific research potential of this Nation into focus on the priority areas of civilian need.

Mr. AIKEN. The new work could expand into areas from the deepest bottom of the seas to beyond the atmosphere and all areas in between.

Mr. KENNEDY. There would be that potential, particularly in title I, which has modest amounts of money provided, but the real focus and thrust would be to utilize the scientific reseach potential for application to human problems that affect the community, rather than basic undirected research which is the thrust of many ongoing NSF programs. But there are important provisions in the bill that would help move toward the outer limits of the scientific state-of-the art in priority areas. I think we provide some of the freedom which the Senator from Colorado mentioned earlier. It would provide some resources to promote scientific research in those far horizons.

The problem, as my good friend from Vermont knows, is that when budgetary cuts are made for some of these agencies—and we are seeing more and more cuts made now—among the first programs to go are the research programs; and within the research area, the first to go is long-term research. This practice runs contrary, as my friend from Vermont knows, to very sound business investment practices, which realize that there must be both long-term and short-term research. We are trying to build that kind of concept into this program.

Mr. AIKEN. I am simply asking for information from the Senator from Colorado and the Senator from Massachusetts because my initial interest in this work was in 1947 and 1948, when several of us in the Senate joined with Senator Alexander Smith of New Jersey, to promote a bill to establish the National Science Foundation. I do not think too many people know what the work of the National Science Foundation has been, but, apparently, if one looks into it, he finds a great deal has been accomplished by it.

I just want to make sure that, by enacting new legislation, we are not taking over or preempting the work of that agency.

Mr. KENNEDY. I appreciate that statement, and I recognize the work of the Senator in the early development of the National Science Foundation. Let me underline my own belief that the work the Foundation has done in helping this Nation achieve its position in scientific research has been one of the great success stories of any agency of Government since the founding of the Republic. I think the agency has done work that is absolutely superb. I think all of us remember the time of the sputnik success of the Soviet Union and the challenge that was put on the scientific community in the period of the 1950's. The National Science Foundation responded in a most significant way in the area of research.

What we are attempting to do now is not only to continue that effort and that success, but to give an opporunity to the scientific and technical community to use their extraordinary talents in meeting urgent civilian needs.

Mr. TUNNEY. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. How much time does the Senator want?

Mr. TUNNEY. Seven or 8 minutes.

Mr. KENNEDY. Mr. President, I yield 10 minutes to the Senator from California.

Mr. TUNNEY. Mr. President, I congratulate the Senator from Massachusetts on this legislation. I am proud to be a cosponsor of it.

I think it is a national disgrace that the United States, the greatest industrial power in the world, with supreme technology, should have in its midst over 400,000 or 500,000 unemployed aerospace workers in California alone. These people are capable, if fully employed, of improving the quality of life in this country by a quantum jump.

There is no question that the technology which has been developed in the aerospace industry is capable of being used in civilian areas. There is no doubt that transportation systems can be established by using the insights of advanced technology. In the field of crime prevention, some very interesting work has already been done, and much more could be done, particularly with the development of hardware. In oceanographic work, in the exploration of the seas, and in the areas of health, sanitation, and pollution control the aerospace industry and the use of advanced technology could do much to find ways in which many of the ills that plague this country could be cured.

I read with interest in the newspaper the other day that McDonnell Douglas plans to lay off 13,500 workers in southern California by the end of 1973. In California we have, right now, more than 400,000 aerospace workers who have been laid off the job. It is no mystery why they have been laid off. There was a time when we spent almost twice as much on our space program as we are spending today, and more than 50 percent of the prime contracts were in California. Moreover, we had far greater expenditures in advanced technology in the defense sector. There has now been a curtailment of spending on advanced technology in that sector as well.

But the point I am making is that we were not dealing with a market economy in the traditional sense of the word when we had a curtailment of space and defense contracts being signed with the aerospace industry.

The Federal Government itself was making the decisions to cut back on those expenditures. The administrators of the defense programs and space programs knew, when they were cutting the budget by $1, $2, $3, or $4 billion, that 50,000, 100,000, 200,000, 300,000, 400,000, or 500,000 aerospace workers and engineers would be laid off.

I think it is absolutely inexcusable that we have never developed a mechanism at the Federal level to determine what we were going to do in human terms with our technical resources when space funds and defense funds were cut back. There has been a lot of weeping and moaning and gnashing of teeth by career civil servants as well as political appointees in the executive branch of Government, but it was very clear to these people, in the years when the funds were being cut back, that men would be laid off unless there could be found an alternative form of work to be done by those aerospace engineers.

I think that S. 32 is one of the most far-reaching, progressive pieces of legislation to combat the social problems that affect our country that has come through the Senate in a long time. The legislation recognizes that technology does not have to malfunction in this country, that technology does not have to be developed just for the sake of development, but that it can be used for solving many of the pressing, urgent problems that we face.

I think it is clear that we will have only ourselves to blame if we allow this opportunity to pass without getting the aerospace industry and advanced technology generally involved with civil systems. I hope that this legislation will pass overwhelmingly in the Senate, and that when it moves on to the House of Representatives, it will receive strong support there.

PURPOSES OF S. 32

Let me elaborate a bit on the specifics of the legislation. While the National Science and Priorities Act of 1972 would not be the answer to all the problems attendant to national conversion, it would be a major step in bolstering civilian-oriented research and development. In declaring a national science policy in S. 32, the Federal Government would adopt the following goals:

First, Federal funding for science and technology should be raised to an adequate level and be adjusted annually in proportion to the increase in the GNP.

Second, scientists and engineers would have continuing opportunity for jobs commensurate with their level of education and their skills.

Third, Federal funding for civilian-oriented research and development would be raised to a level of parity with military research and development and continue at this level, possibly exceeding it.

Fourth, the Federal programs for civilian-oriented research and development would concentrate on solving the Nation's high-priority problems in areas such as health, housing, pollution, public safety, education, transportation and energy resources.

By establishing a framework of national policy and priorities for civilian science and technology, the National Science Policy and Priorities Act would establish the means to protect the Nation's scientific and technical talent against rapid and unexpected obsolescence.

S. 32 would provide the means to better conserve our brainpower and protect it against wastage once a Federal mission has run its course.

NEW FUNCTIONS FOR THE NATIONAL SCIENCE FOUNDATION

Under S. 32, the National Science Foundation would be responsible for developing a national policy for applying science to new problems. The composition of NSF would be broadened, and $50 million would be authorized to advance the state-of-the-art in priority areas of civilian R. & D.

THE CIVIL SCIENCE SYSTEMS ADMINISTRATION: A CIVILIAN NASA

Title II of S. 32 would establish a Civil Science Systems Administration—CSSA. This is perhaps the most innovative and interesting aspect of the bill. Not only would it serve to alleviate the unemployment problem of scientists and engineers, but it would harness their talents to design and demonstrate technical systems which would provide improved public-services. $1.2 billion would be authorized over a 3-year period. Programs would be carried out through contracts with industry, universities, nonprofit organizations and public agencies and would include provision for transfer of funds to other Government agencies.

The CSSA would function in a manner similar to NASA, and would share many of NASA's goals, including the development and operation of systems to implement programs through the utilization of scientific and technological expertise. The early history of NASA—in the late 1950's—was largely one of forming a national aerospace program out of projects, facilities, and personnel of the Government agencies, the scientific community and the aerospace industries. The early years of CSSA will probably follow the same pattern as the constituent parts for this new agency are at hand, waiting to be put together. The main difference would be in the desired ends rather than the means. NASA was formed to conquer space while the Civil Science Systems Administration would humanize our cities.

The CSSA would not replace NASA but would work in harmony with it. Current projections on funding for NASA over the next few years indicate that appropriations to this agency will continue at levels comparable to the present one. When one considers the tremendous success of the NASA program over the past decade especially in achieving the goal of landing a man on the moon, speculations on what a similar urban-based agency could achieve, given the same drive and dedication, are limitless.

TECHNICAL MANPOWER TRANSITION

Title III of S. 32 would authorize $560 million to aid States and local communities, companies and individual technical personnel in making the transition from defense and space to civilian programs. A range of programs is included—from research grants and fellowships to training and placement opportunities, as well as grants to develop university courses and curriculums oriented toward civilian engineering projects. $90 million is provided to community conversion corporations which would channel research and engineering programs into hard-hit communities.

PROTECTION OF PENSION RIGHTS OF SCIENTISTS AND ENGINEERS

Title IV of S. 32 is a start on getting effective solutions to what my colleague, Senator JAVITS, called "this disturbing neglect of our engineering and scientific community." It would require the Director of the National Science Foundation, after appropriate consultation with the engineering and scientific community and the heads of the various procurement agencies involved, to promulgate standards for Government contractors which would, to the extent feasible, provide more adequate pension protection to scientists and engineers working on Government contracts.

In conclusion, I have a question or two to ask the Senator from Massachusetts about the legislation. As I stated, the bill authorizes $1.8 billion over a 3-year period: $50 million to advance the state-of-the-art; $1.2 billion to design and demonstrate civil science systems which can provide improved public services in areas such as pollution control, housing, health, sanitation, transportation, et cetera; and $560 million to assist in transition of scientific and technical manpower from research and engineering programs which have been terminated or reduced to other civilian-oriented programs.

It seems to me that many of the projects to be undertaken would be better served if we could authorize funds for a period longer than 3 years; indeed, I understand that NASA's experience shows that long-term contracts for large-scale projects for which technical management is provided by suitable entities, such as Government field centers, have been most successful in bringing the promise of advanced technology to bear on pressing problems. Thus, I would hope that this program will be continued beyond the initial 3 years. What is the thinking of the Senator from Massachusetts on that point?

Mr. KENNEDY. I would say that I agree with the Senator from California that programs of this nature and description, to be effective, have to be ongoing and continuous, not unlike the whole NASA effort. But a 3-year period was, in the judgment of the committee, a sufficient time to test out this idea and provide the resources necessary for a full opportunity to examine it.

I think the figure that has been arrived at, the $1.8 billion, is an absolute minimum figure in relationship, for example, to the start-up cost of NASA in its first years. The appropriation for NASA's first fiscal year—1959—was $369,000,000. And the appropriation for NASA's first 3 fiscal years was $1,820,000,000. It is comparable to the start-up cost for NASA, which was more limited in its scope. Taking into account inflation, one would have to spend $2.5 billion today to match the $1.8 billion spent by NASA in its first 3 years.

Accordingly, I think these are bare minimum figures.

I think they are fully justifiable figures, and I believe, hopefully, that this program will prove itself out and develop a continuing life of its own, because I think the area of need to which this program directs itself will long be with us, and I think there will be a continuing need to focus the Nation's technical and scientific resources on these needs.

Mr. TUNNEY. I think the Senator is correct when he says this is a minimum amount of money to start the job. For example, in my State, in the San Francisco-Oakland area, there is a new rapid transportation system going in called BART. To build just that one system to serve the needs of the people of that area will cost about $1.5 billion. So when we talk about a program which will affect the entire Nation, and which is intended to develop civil systems not only in such areas as rapid transit, but also in crime control, oceanographic studies, and pollution control, we are talking about an awful lot more than $1.8 billion if we are to build the hardware alone. I think that $1.8 billion is good for a start, but clearly much more in the way of funding will be needed as time goes on. These are expensive programs that we are talking about.

I have another question I would like to address to the distinguished Senator from Massachusetts. It is my understanding that serious problems in effectively utilizing the fruits of advanced technology include the inability of many Federal departments to formulate specific technical goals, to identify tasks as projects—with corresponding line items in the relevant agency's budget—to identify fixed time schedules for accomplishment of those tasks, and most importantly, to interface with large research and development organizations where much of the basic talent resides for this kind of work.

Studies show that the three agencies whose experience in dealing with these problems has been most satisfactory are NASA, DCD, and the AEC. Thus, I am pleased to note that on page 35 of the committee report on S. 32 there appears the following statement:

> The contracting approach (for the Civil Science Systems Administration) would be similar to the NASA model in that there would be considerable reliance on systems contracts, with the prime contractors in turn subcontracting specific portions of the task to other contractors.

Thus, would the Senator agree that we are talking here again about many large-scale contracts and about contracts with the same or similar organizations to those who received contracts under NASA?

Mr. KENNEDY. The Senator is correct. As I understand, DOD, NASA, and AEC research and development funds amount to more than $10 billion a year. That is a great deal more money, as compared with approximately $1.8 billion we are talking about here over a 3-year period.

The way we have established this administrative responsibility is to track what I think has been a reasonably successful program. I think all of us are concerned about cost overruns and many other features of the Defense Department. But we have still patterned the new activity after the administrative setup established by those agencies. I think it is sound administratively, and it has the general support of administrative officials who believe that this should be the most effective way of proceeding.

As the Senator knows, we have outlined in considerable detail the targeting of the different sections of the program, and overall policy still will be established by the national science board. We think that this provides sufficient responsibility and sufficient flexibility and flexibility should be built into this kind of program. I think it is sound administratively, and I believe it is the best way to proceed.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. I yield myself 3 additional minutes.

Mr. TUNNEY. I agree with what the Senator has said.

I should like to make one point with respect to the cost overruns. It is clear that when you are pushing technology and you are developing the hardware at the same time you are doing the research and development, there are going to be overruns above and beyond what originally was contemplated. I think that one of the main problems with our defense program has been that we failed to do the research and development ahead of time, before starting the construction of the hardware. Had we done this, we would have saved ourselves, as taxpayers, billions and billions of dollars.

We are making the same mistake all over again with the Trident submarine. We have started construction of the hardware before we have adequately done the research and development.

In the decade of the 1960's it was considered to be an important national priority to get to the moon. NASA was able to do this at a cost of perhaps $60 billion. Because it was considered to be important, technology was pushed; people were satisfied with it being pushed and were satisfied with the expenditure of the money. Now our priorities have changed, and we do not want to see such a tremendous allocation of resources to the space program.

What I am saying is that if the NASA approach can be used in such a way that the research and development is done prior to the time that the hardware is built, we will be able to set up civil systems and use the systems analytical approach without incurring substantial cost overruns. This is the way we ought to run our military programs as well.

I am hopeful that we will be able to avoid substantial cost overruns under this legislation. Congress, which always looks with a miserly eye, when we are dealing with social programs, will help to achieve this result. In contrast, when we are dealing with the defense budget, we seem to be perfectly willing to look the other way and allow a hemorrhaging of the budget.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I yield myself 2 minutes.

That, if for no other reason, is a good reason to assure parity between research and development on civilian programs to defense research. I think the point is well made.

Let me say, finally, that I appreciate the comments of the Senator from California. I do not think any other State, in total numbers, has as many unemployed technical, scientific, and engineering personnel. They have shown their ability time and time again in the aerospace industry to provide enormous contributions to this country in a wide variety of areas in space and defense. I know from the Senator from California and from conversations with the skilled people of my own State that they welcome the opportunity to use their talents in areas of human need.

I thank the Senator from California for his comments.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield 8 minutes to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I rise in support of the measure before the Senate, S. 32. I am privileged to be one of the many cosponsors of this very important piece of legislation.

First of all, I want to commend the distinguished Senator from Massachusetts for bringing this measure out of subcommittee and the committee and for his leadership as the main sponsor of the bill. I am very pleased that I have had the opportunity to be associated, at least in part, with it.

Mr. President, many people talked about converting the defense industry to domestic problem solving. I have listened well, studied this issue, and have been involved in it since 1955.

At that time, I was a member of the Senate Foreign Relations Committee and chairman of the Subcommittee on Disarmament.

That subcommittee undertook a lengthly study of the entire reconversion problem—as it then existed in 1955, following our participation in the struggle in Korea. Since that time, the Military Establishment has grown considerably—and the reconversion problem has become paramount to the continued well-being of this Nation.

For the information of the Senate, the report on conversion that was prepared under the sponsorship of the Subcommittee on Arms Control and Disarmament is now in the files of the Committee on Foreign Relations.

For some unusual and, I think, indescribable reason, the Committee on Foreign Relations never published that report for the edification of the American people. I say this because it seems to me that it is very important that we have that information available to us. Every major defense industry in the United States at that time was surveyed in terms of what the problems of reconversion would be from military production to civilian needs. Cost estimates were made, time elements were included, and I believe that that was perhaps the most comprehensive study we have had on the problems of moving from military production to civilian production.

Mr. President, if a conversion program is going to work, it must have substance. The proposed legislation has been developed with the cooperation of scientists, engineers, technicians, and managers of the aerospace industry. These men and women—like all Americans—want good jobs, clean air, pure water, and remedies for crime, ignorance, poverty, disease, and the many other pressing domestic ills; people who want good neighborhoods and quality schools. S. 32 provides one of the foundations for putting talented people to work on these problems.

It is nothing short of a national tragedy that we have literally thousands of highly skilled and talented people idle or underemployed, people who have been educated in our best technical institutes and our greatest universities, people who have had years of experience in laboratories, research establishments, and industries. Yet, these people represent human waste today.

I know that the President has just vetoed a great measure known as the appropriation bill for health, education, and welfare. One of the reasons for his veto, with which I do not agree—in fact, in which I sharply disagree—was that it was beyond the budget estimates; that it added to the problems of the Nation, added to our indebtedness, and, as he would say, was an element that would increase inflation.

I wish the President of the United States would direct his attention to what I consider to be the most incredible waste of all; namely, unemployment, and particularly unemployment of skilled and talented people. We have a greater unemployed force of skilled engineers and scientists than many countries have in their total work force. We have that group of people idle, doing little or nothing, despite their desire to be of great help to the Nation and their desire to be at work utilizing their talents. I believe that the record will demonstrate we have more people today, engineers, scientists, technicians, people of talent and ability, that are either underemployed or unemployed than many countries have in their total work forces at work. The loss in this human equation is beyond calculation.

Mr. President, about 2 months ago I was in the State of California, the State of the distinguished Presiding Officer right at this moment in the Senate, the distinguished Senator from California (Mr. TUNNEY), and I saw the dimensions of the problem. The dimensions of a badly needed conversion program became exceptionally clear to me. I talked to hundreds of people in that State who were literally crying out for some assistance. At that time, 510,000 Californians were out of work. In the aerospace industry alone, employment declined 173,000 workers since the peak of employment in 1968. More than 35,000 engineers were unemployed.

My fellow Americans, most of the nations of the world do not even have 35,000 engineers. Yet we leave them unemployed, as if they were unwanted and unneeded. Yet we have unbelievable problems in this country that go unmet and unsatisfied. Another 65,000 engineers work only part time in their professions and have taken nonengineering jobs.

I remember being in Florida and talking to a man who had been working in the aerospace programs for 9 years and he was laid off along with 23,000 others. He was running a fishing tackle shop along the highway, trying to eke out a living. He did not want to go on welfare because that violated his every sensibility and every standard of his life. Here is a man with a Ph. D. degree, a competent, talented man with hundreds of other men just like him, selling fish bait, trying to make a living for his family. I visited with that man and many others, I went to community centers, to city halls, and visited with hundreds of men and women who were unemployed or underemployed or underutilized in their skills, with loss of productivity of meaningful talents. They all have the desire to move toward developing new enterprises, new businesses, and building up neighborhoods, and cities, and making America livable.

So that is why I am proud to be a cosponsor of the National Science Policy and Priorities Act of 1972. I believe this bill is the real key to this issue.

This legislation developed out of the EDICT foundation—the Ecological Development and Implementation Commitment Team 'Foundation in California. EDICT, I am proud to say, is the prototype of the community conversion corporation proposed by this bill. It is a working model. But it needs to be expanded. And the legislation before the Senate today provides the means to accomplish this expansion.

What we need is hope for the aerospace or defense worker because a man is laid off, he wants a job now, not next year or in 5 years, and we need a plan for the non-aerospace employee, the gas station manager, the small businessman.

A viable plan for conversion must have the following elements:

First. Employees must be protected. Jobs must start immediately.

Second. Communities must be protected. Communities must not be allowed to die.

Third. Adjustment assistance programs must be adequate.

Fourth. Community conversion corporations to hire workers, mobilize effort, make plans, work with citizens, identify and define needs, must be organized and funded.

These principles are the essence of S. 32.

Three major obstacles are constantly cited by both business and government in coping with domestic problems. They are lack of money, lack of technology, and lack of a systematic approach which can win cooperative support.

Herein lies the prime reason for developing community conversion corporations—to plan and manage regional programs for raising the quality of life in America.

These programs would match solutions from industry with the problems of society.

This approach would allow immediate employment of thousands now and hundreds of thousands as the programs for progress unfold throughout industry. Jobs need programs and that is what community conversion corporations are all about.

By 1980, more than 50 percent of the American population will be living in 25 super cities. The problems of metropolitan communities will multiply to staggering proportions as we constantly increase our demand for life supporting services. To prepare for this pending crisis, we must have the systematic introduction of aerospace and defense technology to improve our daily lives.

The National Science Policy and Priority Act of 1972 provides a means to build the jobs that are so badly needed. And, people want jobs—not grants, welfare, or unemployment compensation.

Community conversion corporations are long overdue as a sound approach to prosperity without war, and as a means of producing badly needed social progress.

What is needed now is responsible political leadership which can understand the value of this approach and deliver the necessary Federal legislation.

I commend the Senator from Massachusetts for the leadership he has shown on this matter—and I am proud to stand in support of this legislation.

Mr. President, may I just say, in conclusion, to the Senator from Massachusetts, that he has performed a tremendous service for the country. I hope it passes the Senate, as I am sure it will, with no weakening amendments, because this bill is well thought out. The Senator from Massachusetts has told us of the tremendous amount of research which has gone into it and the testimony that was taken. We should have had this legislation 4 years ago. It is desperately needed. The hour is late. The need is now. The time for action is right now.

Mr. KENNEDY. I thank the Senator from Minnesota for his comments and his helpful statement on this matter. His views will be of great value and interest to Members of the Senate. I appreciate very much his kindness and generosity.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from Massachusetts has 7 minutes remaining.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

AMENDMENT NO. 1444

Mr. DOMINICK. Mr. President, I call up my Amendment No. 1444 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 31, beginning with line 3, strike all through and including line 8.

On page 31, line 9, strike out "(2)" and insert in lieu thereof "(1)".

On page 31, beginning with line 13, strike all through and including line 19.

On page 31, line 20, strike out "(4)" and insert thereof "(2)".

Mr. DOMINICK. Mr. President, first of all, I listened to the Senator from California (Mr. TUNNEY) who is now presiding, and I listened to the Senator from Minnesota who was here just a second ago, and Mr. President, I agree with them. Probably the greatest source of imagination and ability we have in this country today is our engineers and scientists. There is no doubt about that. No one is contesting that. But one might think, from the impassioned oratory we hear, that anyone who thinks that the mechanics of a bill may not be right is against scientists and engineers. This happens to me every time I try to bring some logic into legislation.

I remember when I did not sponsor the original bill of the Senator from Massachusetts on cancer, a cancer research doctor in my State wrote a letter to every single newspaper saying, "Write your Senator and ask him why he is in favor of cancer and against good health." I was flooded with letters. When I finally was able to work out with the Senator from Massachusetts a cancer research program within the NIH, that cancer research doctor was kind enough to write a letter to all the newspapers, this time saying that we had done a good job. But that is the kind of "flak" we get, any time we try to make sense out of legislation which we think is badly drawn.

Politically I know this, but politically if a thing will not work and is ineffective or if it duplicates itself, I will continue to try to make sense out of it, so that it can become an effective program and not a purple ballon in the sky so that someone can say, "Isn't that a beautiful thing up there."

This amendment will, I hope, accomplish part of that but before I continue, I should like the opportunity to recite some figures.

The Senator from California referred to 400,000 or 500,000 scientists who were out of work. The testimony we have from the record, from the Executive Director of the Scientific Manpower Commission, indicates that as of 1971 there were 60,000 scientists and engineers at all degree levels who are unemployed, and that is found on page 93 of the hearings record.

The Director of the National Science Foundation, Mr. McElroy, reported on page 113 of the hearings record that it is estimated there are about 50,000 to 65,000 unemployed scientists and engineers out of a total of 1.7 million. He testified that this represents an unemployment rate of about 3 percent.

The recent labor statistics that have come out show that the scientists and professional people have approximately a 2.3-percent unemployment rate, and the engineers have a 2-percent unemployment rate, as compared to the second quarter of 1972 unemployment rate of 5.6 percent for the general population.

So let us not get into a hue and cry and say that this is the most mistreated group in the country. That is something that will not be borne out by the facts.

What I am saying, and surely what we want to deal with, is that we want to get everyone employed wherever we can. Scientists, engineers, and technicians are certainly the basic ingredient of a further development of technology to better all mankind. We all know that, and we are trying to do our best. But let us not go on the assumption that these people are in far worse shape than the youth who are unemployed, the black who are unemployed, or the Spanish who are unemployed, or many of the other groups of people who do not have the advantage of the education and resources that the scientists do.

I am hoping that we can do something in the bill to improve the situation. However, I am also hopeful that we can do it with the benefit of my amendment, so that it becomes more effective.

This particular amendment which I have offered for the consideration of the Senate is designed to cut out of the bill one of the problems which I covered in my original speech on the bill. We are tied by a policy statement on the responsibility of the Federal Government to make sure that the total Federal investment in civilian science and technology must be raised to an expenditure level which is adequate for the needs of the Nation, and then continue to increase it annually in proportion to the growth in the GNP or a rate which is greater than such growth.

I might say to my friends that this is a great statement. However, what is the GNP? In most cases it is determined by the level of Federal spending, and to the degree that we spend more, the GNP goes up, and to the degree that inflation goes on, the GNP goes up.

What we really need to talk about is what is the real growth of this country, and not tie it into some kind of fictitious picture which some economists say is no indicia of any kind as to the economic growth in this country.

The other thing that my amendment would delete is the policy statement in S. 32 requiring a general relationship between civilian research and development and Federal research and development work in defense. That does not have any relationship to what we are talking about here.

I might say parenthetically and somewhat ironically that it is the Members on the other side of the aisle who have been trying to cut back on defense expenditures and on a variety of other things which have created many of the problems that we are dealing with today.

All I can say is that there is no point to tying it in with defense expenditures, because if we do that, if by some mishappenstance, as far as I am concerned, the Senator from South Dakota (Mr. McGovern) should become President of the United States, we would have an immediate $30 billion cut in defense, and we will not have this level. We want to go forward on this.

I would say that it is a good idea from the standpoint of the Senate to get rid of those two provisions. There is not any connection or relationship between growth in GNP with the level of investment in civilian research and technology. The level of defense spending gives no indication of the optimum level of civilian R. & D. spending.

The companies themselves ought to be doing more on that. The local and State governments ought to be taking the unemployed scientists and engineers on as rapidly as they can. However, the fact that the Federal funds have to be used is totally different. And to mandate the expenditure for this type of investment and this type of policy matter does not make any sense to me.

Our objective, as I have said before, would be to move the unemployed scientists into jobs within the private sector. What we are trying to do is to get less unemployment and less underemployed than there are now. I agree with that.

There is no point in tying it to the two totally unrelated policy statements we have in the bill at the present time.

I hope that the manager of the bill would agree to accept the amendment and that we could cut these out without going through a rollcall vote.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, we earlier printed in the Record a letter from the National Science Foundation about the extent of unemployment. However, I will read parts of the letter sent to me on June 30 from Dr. Steves, when he was talking about the national survey on technical unemployment:

> Our special 1971 surveys were designed to measure the changes which had taken place during a 12-month period for a selected group of scientists and engineers. We knew that those 1971 results were not totally representative of the complete U.S. scientific and engineering manpower pool.

Then he goes on to say:

> We had been considering the advisability of an additional special survey of the employment status of scientists and engineers in 1972. However, a number of factors convinced us that it would be preferable not to proceed at this time.

The NSF is very much guarded in their own estimates on the extent of technical unemployment, and when we balance that against what the American Chemical Society talks about with relation to their increase in the unemployment of young chemists from 7 percent in 1971 to in excess of 23 percent in 1972, and the testimony from the various scientific groups that appeared before our committee and indicated worsening technical unemployment and underemployment—we get considerably different figures than the very minimum figures that have been given to us by the administration, the administration that is opposed to the legislation.

I will read an excerpt from the Science and Government Report. It is a highly respected report on key developments on science and Government which is published as a newsletter. I read a couple of brief excerpts from this report:

> Unemployment among scientists and engineers is far worse than Government figures indicate, and it is getting still worse.
>
> That is the conclusion that emerges from an effort by SGR to pin down the source of the "50,000 to 65,000" that administration officials routinely cite as the range of current professional unemployment in the research and development community.

Then, it asks:

> Where, then, does the 50,000 to 65,000 come from? The suggestion of one White House aide is that "it comes out of people's heads."

Mr. President, this report already is in the Record of March, 20, 1972, but I ask unanimous consent that it may be printed at this point in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Science and Government Report

Unemployment among scientists and engineers is far worse than government figures indicate, and it is getting still worse.

That is the conclusion that emerges from an effort by SGR to pin down the source of the "50,000 to 65,000" that administration officials routinely cite as the range of current professional unemployment in the research and development community. Whatever the realism of the numbers, their durability cannot be faulted, though the period over which they have been stated has been characterized by a continuing deterioration in the employment situation. The debut of 50,000 to 60,000 took place last February when the Department of Labor's Division of Labor Market Information issued a special study. Though the information that went into that study was a bit stale at the time, the Division has not returned to the subject, and officials there still recite the study numbers when asked about unemployment among scientists and engineers.

The next appearance apparently was in March, when Malcolm R. Lovell, Assistant Secretary of Labor for Manpower, addressed a meeting of science advisers to state governments. This time, however, technicians were added and the scope was narrowed to aerospace, and defense employment. "Our best estimates," Lovell said, "are that these cutbacks have resulted in unemployment for 50,000 to 65,000 engineers, scientists and technicians who formerly worked in defense and aerospace jobs."

Then, on October 27, NSF Director William D. McElroy, apparently talking about scientists and engineers everywhere, but not technicians, told a Congressional committee, "Our current estimates are based on a variety of information which includes Bureau of Labor Statistics (BLS) information and our own just completed surveys. We estimate that there are now about 50,000 to 65,000 unemployed scientists and engineers . . ."

In response to an inquiry, a BLS official said the Bureau does not compile figures on scientists and engineers. "We just cover professional, technical, and kindred personnel in our monthly surveys," he said. "The only detail we have is on engineers, but that's only for administration use. We never publish it." It was learned, however, that the BLS figure for unemployment among engineers is approximately 3 percent, as compared with the 3.4 percent that NSF found in the survey referred to by McElroy. Based on a study conducted for NSF by the Engineers Joint Council, the survey drew a 65 percent response last June and July from 100,000 engineers, which constitutes a 20 percent sampling of a mailing list of members of major engineering societies. Into the figure of 3.4 percent unemployed went only those who were out of work and who wanted work. Not included were the 6.9 percent employed in non-engineering work; of this percentage, it is significant to note, about one-third had accepted non-engineering employment since March 1970. In any case, the engineer driving a taxi does not show up in the figures as an unemployed engineer. Nor do the figures cited in October by McElroy reflect the difficulties that recent graduates have encountered in finding employment. According to the November Engineering Manpower Bulletin, published by the Engineers Joint Council, 9 percent of engineers at the bachelor's level were without job offers or "firm plans" at the time of graduation last June. "Although this may not appear high in absolute terms," the publication observes, "it is about double the figure for 1970 and in sharp contrast to the boom years of 1965–1969 when practically every graduate was employed." It also noted that bachelor degree graduates entering military service totaled 14 percent of the group—the highest figure since placement surveys began, in

1958. "If this number of graduates had not gone into the armed forces," the Bulletin states, "they would probably have had to join the group with no job offers."

A far grimmer picture is found in the results of a survey conducted by the American Chemical Society following last June's graduations. "Unemployment among new graduates was the highest reported by the Society in the last twenty years," according to the ACS analysis. "In chemistry, unemployment doubled—from 5.1 percent in 1970 to 10.3 percent this year. Among new chemical engineers, an alarming 12.8 percent were unemployed in 1971. This situation may be one reason why the largest number of chemical engineering students in ACS history (10 percent) reported that they had entered military service."

NSF's study of scientists, drawing on a 35 percent response to questionnaires sent to the 300,000 scientists listed in the 1970 National Register of Scientific and Technical Personnel was tabulated May 25, and therefore misses out on the fate of last June's graduating class. In addition, the figure that it cites of 2.6 percent unemployment among scientists does not reflect any of the 5.6 percent holding down non-science related jobs. Of these, 1.6 percent had accepted their positions since March 1970, which may fall within the normal order of things, but in science as in engineering, the Ph. D. cabbie doesn't show up in the tabulations of unemployment.

Where, then, does the 50,000 to 65,000 come from? The suggestion of one White House aide is that "it comes out of people's heads"—which may be the case. Working with figures derived from NSF's studies of unemployment among scientists and engineers, one finds the folowing: NSF put the scientist population at 500,000, and found that 2.6 percent, or 13,000 were out of work; the engineers were estimated at 750,000, which means that with a 3.4 percent unemployment rate, 25,500 were jobless. Grand total: 38,500.

The most realistic estimate of the situation was provided October 26 by Betty M. Vetter, executive director of the Scientific Manpower Commission, in testimony before the Senate Labor and Public Welfare Committee. Mrs. Vetter's numbers and forecasts were indeed grim:

"As nearly as I can determine," she testified, "there are about 60,000 scientists and engineers, including 1971 graduates at all degree levels, who are literally unemployed. Using the generally accepted ratio of seven technicians for each 10 scientists, an additional 40,000 technicians may be jobless.

"There are perhaps half again as many who are employed part-time, temporarily or performing work in some way related to their lated to their scientific training. The majority of these are seeking employment in their fields, or would be seeking such employment if they thought there was any chance of finding it.

"A third group of unknown magnitude are under-employed, in the sense that they are performing work in some way related to their training, but which could be done by persons with lesser training."

Mrs. Vetter concluded that the groups she had described had almost doubled in a year "and there seems little indication that we have yet reached the peak unemployment level in this population."

Mr. KENNEDY. Mr. President, it is our belief from the hearings that there is extreme, significant unemployment and underemployment in the technical community. As one who supported the expansion of unemployment compensation, disaster relief, and all of those programs to provide some financial assistance to those who are in need, I wish to say that this bill would do what is more important; it would provide them with a job.

We know that every scientist or engineer who is employed creates jobs for six to 10 other workers. This bill will help people to get to work; and it will have a major impact among the unemployed in this country.

The other provision, relating the increase in research and development to GNP, and parity with the Department of Defense arises from the general recognition that research and development for all civilian programs should at least be the equivalent of research for defense.

Of course, this is just a policy statement. But I hope it will establish goals which we should seek and which are realistic, given the kinds of social needs we have at this time.

So I would hope that the amendment of the Senator from Colorado would not be accepted.

Mr. President, I would suggest the absence of a quorum.

Mr. DOMINICK. Mr. President, if the Senator will withhold his request, I would like to yield myself an additional 5 minutes.

Mr. KENNEDY. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, this is the first of three amendments that I will offer. If the Senator from Massachusetts is going to object, I expect I will have to take enough time to get enough Senators here to ask for the yeas and nays.

My amendment would leave in, as the continuing policy and responsibility of the Federal Government, the wording—

> The Congress declares that it is the continuing policy and responsibility of the Federal Government to take appropriate measures directed toward achieving the following goals:
>
> (2) scientists, engineers, and technicians must have continuing opportunities for socially useful employment in positions commensurate with their professional, technical capabilities;
>
> (4) Federal programs for civilian research and engineering must be focused on meeting the human needs of the Nation in such priority problem areas as health care, poverty, public safety, pollution, unemployment, productivity, housing, education, transportation, nutrition, communications, and energy resources.

Mr. President, it is pretty hard to see how you can go much further than that, yet the Senator from Massachusetts and the majority of the committee have gone beyond that in the bill by saying our level of investment in civilian R. & D. has to be tied in with gross national product. It also says the increase shall reach the same level as defense expenditures.

All I am saying is cut out the two unrelated things and make the policy exactly what we are trying to accomplish.

Do we really want to tie research and development to the growth of the Gross National Product, and have an automatic increase in expenditures each year which comes close to violating the policies of the Committee on Appropriations by requiring an increase all the way through? Do we really want to get them in a position where they will be relying on what the research in defense is? Suppose we get an agreement where there is a great deal of reduction there. Will we reduce those expenditures here? I do not think that is what the committee wants.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. I want to say again I think these two issues of the policy statement of the bill are not only unnecessary but detract from the rest of the bill.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

I wish to place in the Record the latest figures provided by the National Science Foundation, which show that, in 1967 dollars, discounting inflation, total Federal obligations for research and development are as follows:

In fiscal 1967, when Federal R. & D. spending reached its peak, it was approximately $16.5 billion for Federal R. & D. In 1968, the figure dropped to $15.3 billion. In 1969, it dropped to $14.3 billion. In 1970, it dropped to $13.3 billion. In 1971, it dropped to $12.9 billion. In 1972, it was $13.5 billion.

The budget for fiscal 1973 did include a modest increase to $13.9 billion in 1967 dollars. But even at that proposed level, the 1973 proposed budget will be 16 percent below what it was in 1967.

So over all these years in which national needs for R. & D. have been skyrocketing, Federal expenditures in these areas have been declining in real dollars. We want to try to avoid that by the policy statement. It is one of the reasons why it has been included.

Mr. President, I am prepared to yield back the remainder of my time and vote.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

I have already commented on that at some length in my supplemental views with Senators Packwood and Taft on the amount of research that is being conducted and the efforts that are being made that this bill could duplicate. The budget has been rather substantially increased in order to try to meet the problems of unemployed scientific and technical people, for whom I have great respect and great honor.

But the amendment I am talking about does two things. First, it says, let us, for heaven's sake, say what we mean in the bill and not what we do not mean. What we mean in the bill, and the whole purpose of the bill, is to be able to take these people and transfer them into areas of domestic concern.

So let us not—my amendment No. 1444 says—tie it into an annual growth rate which could interfere with both the Finance Committee's and the Appropriation Committee's functions. And let us not tie it into the Federal research defense budget. At the present time that calls for some $8 billion. It has already passed the Senate.

If we are going to do that, we would immediately be putting into this bill not even the amount they asked for, which is $1.81 billion. Let us not do that and say that the Senate itself, in its own bill, is not following the policy which it sets out in its own bill. Let us just delete these things and tie it into the exact things and policies which we seek, which is that these scientists, engineers, and technicians have useful employment in positions commensurate with their professional and technical capabilities, and that they have priority in using those talents in the fields of health care, poverty, public safety, pollution, unemployment, productivity, housing, and so forth. Let us keep that in, but let us not tie it up with the remainder of paragraph (1) and paragraph (3), on page 31, none of which are necessary or even in consonance with the tenor of the bill.

I am prepared to yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Tunney). All remaining time has been yielded back. The question is on agreeing to the amendment (No. 1444) of the Senator from Colorado (Mr. Dominick). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mrs. Edwards), the Senator from Georgia (Mr. Gambrell), the Senator from Oklahoma (Mr. Harris), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

On this vote, the Senator from Georgia (Mr. Gambrell) is paired with the Senator from South Dakota (Mr. McGovern). If present and voting, the Senator from Georgia would vote "yea," and the Senator from South Dakota would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Kansas (Mr. Dole), the Senator from Michigan (Mr. Griffin), the Senator from Illinois (Mr. Percy), the Senator from Ohio (Mr. Taft), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Iowa (Mr. Miller) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. Curtis), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) would each vote "yea."

On this vote, the Senator from Iowa (Mr. Miller) is paired with the Senator from Illinois (Mr. Percy). If present and voting, the Senator from Iowa would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 35, nays 46, as follows:

[No. 383 Leg.]

YEAS—35

Allen
Anderson
Beall
Bellmon
Bennett
Boggs
Buckley
Byrd,
  Harry F., Jr.
Cook
Cooper
Cotton
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Hartke
Jordan, N.C.
Jordan, Idaho
Mathias
Packwood
Pearson
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stennis
Talmadge
Thurmond
Young

NAYS—46

Aiken
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cranston
Eagleton
Fulbright
Gravel
Hart
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
McClellan
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Proxmire
Randolph
Ribicoff
Schweiker
Stafford
Stevens
Stevenson
Symington
Tunney
Williams

NOT VOTING—19

Allott
Baker
Brock
Curtis
Dole
Edwards
Gambrell
Griffin
Harris
Hruska
McGee
McGovern
Miller
Mundt
Pell
Percy
Taft
Tower
Weicker

So Mr. Dominick's amendment (No. 1444) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAVEL. I move to lay that motion on the table.

The motion was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that, upon reconsideration, two-thirds of the House had not agreed to pass the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes, which had been returned by the President of the United States with his objections.

The message also announced that the House had passed the following bills in which it requests the concurrence of the Senate:

H.R. 16071. An act to amend the Public Works and Economic Development Act of 1965;

H.R. 16251. An act to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors;

H.R. 16233. An act to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the U.S. Navy, and for other purposes; and

H.R. 16201. An act to authorize the Secretary of the Navy to construct and provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

S. 3824. An act to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities;

H.R. 10676. An act for the relief of Lester L. Stiteler; and

H.R. 16254. An act making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. Metcalf).

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 16071. An act to amend the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

H.R. 16251. An act to release the conditions in a deed with respect to certain property heretofore conveyed by the United States to the Columbia Military Academy and its successors;

H.R. 16233. An act to amend the Maritime Academy Act of 1958 in order to authorize the Secretary of the Navy to appoint students at State maritime academies and colleges as Reserve midshipmen in the United States Navy, and for other purposes; and

H.R. 16201. An act to authorize the Secretary of the Navy to construct and provide shoreside facilities for the education and convenience of visitors to the United States Ship Arizona Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

AUTHORIZATION FOR PRINTING OF H.R. 14896

Mr. ALLEN. Mr. President, I ask unanimous consent that H.R. 14896, which was passed by the Senate yesterday, be printed in the form in which it was passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCIENCE POLICY AND PRIORITIES ACT OF 1972

The Senate continued with the consideration of the bill (S. 32) to authorize the National Science Foundation to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes.

AMENDMENT NO. 1443

Mr. DOMINICK. Mr. President, I call up my amendment No. 1443.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. DOMINICK. Mr. President, I ask

unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 37, line 6, strike the "period" and insert in lieu thereof the following: ": *Provided, however,* That the Director must inform the Board of all grants and contracts made under title II of the National Science Policy and Priorities Act of 1972, and the Board, in cases of grants and contracts over $2,000,000 in total, may within thirty days of such notification vote its disapproval which shall be binding on the Director.".

Mr. DOMINICK. I yield myself 5 minutes.

Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I am not going to take very long, but I think this is an extremely important amendment to this bill, because it involves the jurisdictional control by the National Science Foundation of a whole new group of systems that are put within the National Science Foundation but over which and NSF's board of directors are given no control.

Under the National Science Foundation setup as it now exists, any contract which involves $500,000 or more in 1 year or $2 million in total must be approved by the National Science Board. Otherwise, they cannot go forward. Under title II, this is specifically eliminated, so that they can go forward with any projects or programs regardless of the amount we are talking about, without having any prior approval of the National Science Board. There is absolutely no control by the National Science Board to determine whether or not the contract or grant is the type of project they really want.

I am just saying that any grant or contract involving $2 million may, within 30 days of notification of this, be disapproved by the Board, which is the same situation we have now.

This would say, therefore, that notice must be given to the Board, and the National Science Foundation Board would have a chance to review it. If they do not approve it, the Board can then say, "OK, this is not the type of project you ought to go forward with."

This insures the continuity of the direction of the National Science Foundation, which has been a magnificant organization. It has done an enormous amount, not only in basic research, but also in a great number of areas of national significance.

I think it is important. Board control is something we ought to start. It will enhance the bill substantially if we do. If we do not, all we are doing, in effect, is creating another agency, and we are hiding it under the pseudonym of the National Science Foundation.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself 5 minutes.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Mr. President, it was the judgment of the committee, and the consensus of the advice received from outside experts that the Civil Science Systems Administration should operate with the same kind of administrative authority that we find in the Defense Department, in NASA, in the Department of Transportation, and in other agencies. In regard to this program, there are the same kind of safeguards, the same kind of procedures. We are following them and tracking them in the pending legislation. Under the National Science Foundation generally, the Senator from Colorado has explained the procedures followed. Those grants for research which the Foundation provides usually do not have the kind of time or cost constraints that contracts similar to those of the Department of Transportation, the AEC, or the Department of Defense have. If a university is going to get a grant for a research program, it can wait for a month until the National Science Board of 24 members comes together. They usually meet once every month. Some members attend. Some members do not. If the university has to wait, the nature of basic research is such that it is not so much a problem for the university as it would be for a business firm which has to meet time deadlines and keep within cost constraints.

What we are trying to do is to make sure that the Board will have policy control over administration of the program and the responsibility for it. But what we are also trying to do is to take the Foundation Board out of the day-to-day running of the program. What we should do is to get the best administrator we can to run the program and give him the responsibility and have him report the contractual obligations he has to the Foundation Board at its monthly meetings. But we do not want to try and tie the administrator's hands in this way, just as we do not tie them when it comes to the Department of Transportation, the AEC, or NASA programs. We give them the authority to do it. We give them the responsibility to do it and then we hold them accountable for it.

If the Senator from Colorado would consider writing into the language a provision which would require that any contract of $2 million be reported to the National Science Board, to insure that the Board then would have the full knowledge and understanding as to what direction the administrator was moving toward, I think this would make some sense.

I would be interested in the reaction of the Senator from Colorado, to a proposal that would say that any kind of grant or contract that would be made under this program in excess of $2 million would be reported to the Board, so that they would be informed as to the direction and scope of a program. I would think that this would move along the way toward achieving what the Senator from Colorado would want to achieve.

Finally, I would say, with regard to existing and ongoing programs under the National Science Foundation, that we are not changing the existing procedure. That would still be maintained. As the Senator has pointed out, $500,000 in 1 year or $2 million contract in total—grants of that magnitude to universities and colleges and other research groups would still be approved by the Board. It is a valuable procedure as it relates to the National Science Foundation Board and the university world, which does not have great time pressure. I would be willing to support a provision that would provide notice to the Board on contracts which had been let in excess of $2 million, so that we could carry through the thrust of the amendment; that is, full notification to the Board as to the direction they would be moving in.

It seems to me we do not want to be setting up a procedure where we have 24 part-time members coming down here once a month. Some of them will come and others do not. They should be informed and have an understanding of the direction and policy considerations. But certainly we do not want to inject them into the day-to-day administration of the program. What we want to do is to get the best and most effective business type we can get to run the program, give him the authority and the responsibility for doing so, and make him accountable for policy to the Board; but not require that they intervene in his day-to-day procurement operating decisions.

So I would be interested in the reaction of the Senator as to a substitute to requiring notification to the Board, so that we can insist that the Board be informed, in accordance with policy considerations which brought about the granting of such contracts. I would be interested to see whether the Senator from Colorado would be willing to accept that as a compromise.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. TUNNEY). The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. The Director must of necessity keep the Board advised of what is going on. I see no possibility, with an enlarged Board, of their being in ignorance of the fact that they are in effect authorizing a program of $2 million or more. So, under title I of the bill which enlarges the Board, it gives the opportunity for more people to be involved who will have actual industrial and technical skills and expertise.

The fact of advising the Board is implicit in the amendment I am offering. Our disagreement is not on the question of advising the Board but on the question of whether the Board has the right of veto. That is what the Senator from Massachusetts is objecting to, really, as I understand it; yet the right of veto is exactly what is given in the present National Science Foundation program.

What we would be doing without my amendment is setting up two totally different groups, one group under existing laws for the National Science Foundation that would be subject to a veto, and this new group under title II not subject to Board control.

Let me show the need for the change. We define the Civil Service system as:

> Any set of interrelated technological applications which are designed to perform certain public services.

Public services are in turn defined as:

> Any set of interrelated organizations and activities which collectively perform certain related functions normally associated with life in our society.

One cannot get anything much broader than that. Let us suppose that the civil service system, all of a sudden, decided that one of its projects should be a redoing of the subway system of New York. Frankly, that would be a thoroughly good program. It could be done under this. But before they go through with it, they should interrelate with other Government bodies to see whether it is worthwhile. The Board should go into it to see whether it is a viable proposition. Someone could be awarded a grant or contract which would give him a lifetime tenure to decide what we should do about, for example, mass transit all over the country, a mass transit system from here to San Francisco.

My point is that there ought to be some discipline here, and there is not any discipline whatsoever once the Administrator of this Civil Science Administration decides to move forward with a program. If we could put title II of S. 32 in the same context with the National Science Foundation, where the Director consults monthly with the National Science Board and they would have a right to disapprove of contracts over $2 million, then I think we would make a lot more sense out of the bill. And in all frankness, unless I can get some of these amendments agreed to, I have no intention of voting for this bill.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, the Secretary of any Government department or agency has extraordinary powers today. If the Secretary of HEW wants to provide a contract or grant for hundreds of millions of dollars, he has authority to do so. If the Secretary of the Department of Transportation wants to decide to build a rapid transit system going up through New England, he has extraordinary power to do so.

The duty that we in Congress have is the responsibility to look over various appropriations and when they come back and come before the Appropriations Committee, they will have to justify the expenditure of this amount of money. And final authority will be in the Congress of the United States, where it should be.

On these programs, if we are interested in getting sound management built into the programs, we ought to take the same kind of procedures we take with any of the other Departments of Government, with DOD, NASA, or any of the various agencies. We give power to them and we hold them accountable for grants to various programs. We ought to get the best manager in the country that we can get to run this program and then permit him to do it. The National Science Board sometimes meets once every 2 months. Are we going to say that they will be unable in their day-to-day operations to carry on the contracting that we expect to be done? There could be nothing worse than having a committee running the program. We ought to have one individual run this program and hold him accountable and have Congress be the ultimate arbiter in terms of appropriating procedures. I think that is the way to do it.

We always have the GAO that can review this program, as it can review any of the other programs. We hope that they will review this and find out if there is any inefficiency or wastage occurring such as crops up in other programs.

We have this protection. However, we have to decide whether under the pending amendment we would have a man responsible for a program that is run by an administrator who has a board over him in terms of policy considerations. I would be willing to insist that every time he awards a contract he inform this board so that they are kept informed of what directions the program is moving in. And the administrator would have to come up and justify these programs, as with any other program, before the Congress.

We in the Senate and in the House of Representatives will be able to debate the programs and provide the kind of justification that is necessary. However, to provide an additional way of tying an administrator's hands never seemed to be a sound procedure when it came to the space program, Defense procurement, or any other kind of Government program which today are channeling hundreds of millions of dollars, indeed billions of dollars, of funds into the economy.

As we mentioned, the Department of Defense, the AEC and the NASA do not have a board that looks over them. However, they have to justify what they do. And I think that this administrator ought to justify his responsibility to the policy group or the board itself and also to Congress. We ought to permit him to carry on his day to day administrative responsibility in order to permit him to do the job.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 additional minutes.

Mr. HARTKE. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield for a question.

Mr. HARTKE. Mr. President, in the bill itself, omitting this amendment, is there any criteria or standard for awarding a contract in the first place?

Mr. DOMINICK. No, there is not.

Mr. HARTKE. In other words, what we have here is an open-ended operation of awarding contracts, not only on amount, but also on the ultimate and result. Is that correct?

Mr. DOMINICK. The Senator is correct.

Mr. HARTKE. Is there any procedure like this in any other measure that is in Congress at the present time?

Mr. DOMINICK. We have the National Science Board which we have enlarged which will be told, I am sure, by the Director what kind of programs will be considered.

Mr. HARTKE. Is it not true that the National Science Foundation itself has expressed disapproval of the total program?

Mr. DOMINICK. The National Science Foundation has not approved of enactment of this bill, I would say, and certainly is not happy with the fact that they have no control over how the programs will be originated and what kind of money will be spent.

Mr. HARTKE. Mr. President, is that the intent of the amendment of the Senator from Colorado, to provide for some kind of control in the absence of standards and criteria?

Mr. DOMINICK. The Senator is exactly correct. I thank the Senator from Indiana for making the point very clear.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. KENNEDY. Mr. President, the Senator understands that these contracts are like any other Government contracts and are governed by Federal procurement regulations. Let us not leave the record open that there are no procedures or regulations by which these grants are covered. They are covered like every other contract granting money under any other Government contracting agency.

Mr. HARTKE. Mr. President, let me clarify the matter. As I read the bill, I find nothing in the bill to provide that any standard is set forth to provide how much is to be spent. It is completely an open-ended operation. I do not know of any legislation passed in this Congress that leaves no standards or criteria whatever and is open-ended.

If the amount that is totally appropriated here, if funded, it could be awarded to one contractor without any review and the specifications and procedures could be very broad. They might say, "All we want to do is to try to put all scientists to work."

Mr. DOMINICK. Mr. President, I can frankly say to the Senator that in the bill itself I can see nothing that would prevent that. I think it is unlikely that it would happen. However, it seems to me that it could be done.

Mr. KENNEDY. If the Senator would yield further, the Senator is quite clearly incorrect. Any kind of procedures for the granting of contracts would have to comply with the existing Federal competitive procedures that have been established. And for the Senator to indicate that there are no kind of criteria is not right. The Senator has the bill before him and he can refer to the various sections. I think that this legislation is about as precise and as exact in its scope and description as any measure that I have seen come before the Senate.

Mr. HARTKE. Mr. President, will the Senator from Colorado yield to me for a question to the Senator from Massachusetts along that line?

Mr. DOMINICK. Mr. President, let me comment first on it myself.

The definition of civil science system says, and this is what we are supposed to be operating under:

> Any set of interrelated technological applications which are designed to perform certain public services.

And the definition on public services is defined as:

> Any set of interrelated organizations and activities which collectively perform certain related functions normally associated with life in our society.

That covers the whole landscape and would cover any kind of thing one could think of. I would say that the Senator from Indiana is correct.

Mr. HARTKE. Mr. President, I might ask the Senator from Georgia in a question whether it is perfectly permissible to award a contract to take the grasshoppers off his farm in the State of Georgia.

Mr. DOMINICK. Yes. There is no doubt about it; or planting peanuts, as far as I can see, in the city of New York. I hope they do not do either one.

Mr. BUCKLEY. Mr. President, will the Senator yield, and not to discuss peanuts?

Mr. DOMINICK. I yield.

Mr. BUCKLEY. I am interested in the Senator's remarks that if his amendments are not agreed to he would not find it possible to vote for the bill. I think the Senator's amendments are extremely well taken and I support him, having read the supplemental views and those of the Senator from Oregon (Mr. Packwood) and the Senator from Ohio (Mr. Taft). I wonder why the Senator would vote for the bill even if the amendments were accepted.

But I am particularl- interested in the highly trained specialists in the engineering field who have found themselves on the street because of the major cutbacks we have seen in the aerospace industry.

Will the bill, in the judgment of the Senator from Colorado, provide any meaningful relief or help to these men and women earning from $20,000 a year to $25,000 in getting them retrained for other employment in other fields?

Mr. DOMINICK. The difficulty in answering that question is that I do not know what other jobs in this field at that salary are available, assuming we get them retrained.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. As we point out, if a man is working in atmospheric physics, it is very hard to take him from that and say we are going to make him the head engineer of the various utilities of the city of Buffalo. It is very hard for him to be retrained in that instance.

I cannot give a categorical answer, but the purpose is to give them hope, which I think in many cases will not be fulfilled.

Mr. BUCKLEY. Is my understanding correct, based on the Senator's remarks and the report that there are other programs which have been approved which will more specifically extend such hope as it is possible to extend?

Mr. DOMINICK. A great many programs are now being geared specifically to the purpose of trying to find other spots for these underemployed and unemployed scientists and technicians. They are being worked through the National Science Foundation and the Department of Labor, HUD, and other areas. The degree of effectiveness has been that the National Society for Professional Engineers has already uncovered about 30,000 jobs for these citizens.

Mr. BUCKLEY. I thank the Senator.

Mr. DOMINICK. I am ready to yield back my time.

Mr. KENNEDY. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I would like to direct my remarks to the question raised by the Senator from New York. In the program we concede a number of different ways and means of trying to take advantage of unemployed technical and scientific personnel. We would provide grants to be made to individual companies and corporations that are in the process of making a transition into programs, on-the-job training for technical people who might have skills in a defense related industry, and interested in going into an area of civilian need.

We provide help and assistance to companies and corporations in that area. We also provide some funding for those individuals who want to go back to universities and colleges to be able to transfer their skills. There is a fellowship program involved there.

Third, it would provide resources to communities that want to be able to take scientific and technical personnel and use them in areas of civilian need. We provide grants to the various local communities for a limited period of time.

So we have tried to provide in this program the best of the various suggestions that have come from the technical community.

I was prepared to make some comments to my friend, the Senator from Indiana, but he is not here at the present time, so I will withhold the remainder of my remarks.

Mr. President, I yield back the remainder of my time.

Mr. DOMINICK. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Colorado. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mrs. Edwards), the Senator from Georgia (Mr. Gambrell), the Senator from North Carolina (Mr. Jordan), the Senator from Louisiana (Mr. Long), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

On this vote, the Senator from Louisiana (Mr. Long) is paired with the Senator from South Dakota (Mr. McGovern). If present and voting, the Senator from Louisiana would vote "yea" and the Senator from South Dakota would vote "nay."

On this vote, the Senator from Georgia (Mr. Gambrell) is paired with the Senator from Wyoming (Mr. McGee). If present and voting, the Senator from Georgia would vote "yea" and the Senator from Wyoming would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Kansas (Mr. Dole), the Senator from Michigan (Mr. Griffin), the Senator from Illinois (Mr. Percy), the Senator from Ohio (Mr. Taft), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Nebraska (Mr. Curtis), the Senator from Ohio (Mr. Taft), and the Senator from Texas (Mr. Tower) would each vote "yea."

The result was announced—yeas 37, nays 44, as follows:

[No. 384 Leg.]

YEAS—37

Allen
Beall
Bellmon
Bennett
Boggs
Buckley
Byrd, Harry F., Jr.
Case
Cook
Cooper
Cotton
Dominick
Ervin
Fannin
Fong
Goldwater
Gurney
Hansen
Hartke
Hatfield
Javits
Jordan, Idaho
Mathias
McIntyre
Miller
Packwood
Pearson
Proxmire
Roth
Saxbe
Schweiker
Scott
Smith
Stevens
Talmadge
Thurmond
Young

NAYS—44

Aiken
Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Cranston
Eagleton
Eastland
Fulbright
Gravel
Harris
Hart
Hollings
Hughes
Humphrey
Inouye
Jackson
Kennedy
Magnuson
Mansfield
McClellan
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Randolph
Ribicoff
Sparkman
Spong
Stafford
Stennis
Stevenson
Symington
Tunney
Williams

NOT VOTING—19

Allott
Baker
Brock
Curtis
Dole
Edwards
Gambrell
Griffin
Hruska
Jordan, N.C.
Long
McGee
McGovern
Mundt
Pell
Percy
Taft
Tower
Weicker

So Mr. Dominick's amendment (No. 1443) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY. I yield to the majority leader.

RURAL DEVELOPMENT ACT OF 1972—CONFERENCE REPORT—TIME LIMITATION AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that following the disposition of the pending business, the Senate proceed to the consideration of conference report on the Rural Development Act (H.R. 12931), and that there be a time limitation of one-half hour on that conference report, to be equally divided between and controlled by the Senator from Georgia (Mr. TALMADGE) and the Senator from Iowa (Mr. MILLER).

Mr. SCOTT. Mr. President, that has been cleared, and is satisfactory.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 3230) to provide for the disposition of funds appropriated to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket No. 279–A, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. HALEY, Mr. EDMONDSON, Mr. ABOUREZK, Mr. SAYLOR, Mr. STEIGER of Arizona, and Mr. CAMP were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Bank of Yavapai-Apache Indians, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. HALEY, Mr. EDMONDSON, Mr. ABOUREZK, Mr. SAYLOR, Mr. STEIGER of Arizona, and Mr. LUJAN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 6797) to provide for the disposition of funds appropriated to pay judgments in favor of the Rickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316–A, 317, 145, 193, and 318; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. HALEY, Mr. EDMONDSON, Mr. ABOUREZK, Mr. SAYLOR, Mr. STEIGER of Arizona, and Mr. CAMP were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. HALEY, Mr. EDMONDSON, Mr. ABOUREZK, Mr. SAYLOR, Mr. STEIGER of Arizona, and Mr. CAMP were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. HALEY, Mr. EDMONDSON, Mr. ABOUREZK, Mr. SAYLOR, Mr. STEIGER of Arizona, and Mr. LUJAN were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ASPINALL, Mr. HALEY, Mr. EDMONDSON, Mr. ABOUREZK, Mr. SAYLOR, Mr. STEIGER of Arizona, and Mr. LUJAN were appointed managers on the part of the House at the conference.

NATIONAL SCIENCE POLICY AND PRIORITIES ACT OF 1972

The Senate continued with the consideration of the bill (S. 32) to authorize the National Science Foundation to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum, with the time for the quorum call to be equally divided.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEALL). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 2 minutes without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENTS ON CERTAIN CRIME BILLS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and this has been cleared with the distinguished Republican leader and the distinguished majority leader—that at such time as S. 2087, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and S. 2567, a bill to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, are called up and made the pending business before the Senate—and it will not be today or tomorrow—there be 1 hour of debate on each of those two measures, with the time to be equally divided and controlled by the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from Nebraska (Mr. HRUSKA); that at such time as H.R. 9323, an act to amend the Narcotic Addict Rehabilitation Act of 1966, and H.R. 9222, an act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery, and S. 16, a bill to amend title IX of the Organized Crime Control Act of 1970, are called up and made the pending business before the Senate, time on each of those measures be limited to one-half hour to be equally divided and controlled by the Senator from Arkansas (Mr. MCCLELLAN) and the Senator from Nebraska (Mr. HRUSKA); that time on any amendment to any of the five measures mentioned be limited to 20 divided and controlled between the mover minutes, with the time to be equally of such and the distinguished manager of the bills, the Senator from Arkansas (Mr. MCCLELLAN), except in any instance in which the distinguished manager of the bill (Mr. MCCLELLAN) would favor such, in which instance time in opposition thereto would be under the control of the distinguished Republican leader or his designee; that with respect to each of the bills, time on any debatable motion or appeal be limited to 20 minutes, with the time to be equally divided between the mover of such and the manager of the bill; except in any instance in which the manager of the bill would favor such, in which case time in opposition thereto would be under the control of the distinguished Republican leader or his designee; and that the agreement with respect to all of said bills be in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—this likewise has been cleared with both the distinguished majority leader and the distinguished Republican leader—immediately upon the conclusion of morning business on September 5, 1972, that the following bills be called up and be considered in the order mentioned, and that the unfinished business be temporarily laid aside and remain in a temporarily laid aside status until the disposition of the following bills, or until the close of business on September 5, 1972, whichever is the earlier:

Calendar No. 1019, S. 2087, to amend the Omnibus Crime Control and Safe Streets Act;

Calendar No. 999, S. 16, to amend the Organized Crime Control Act;

Calendar No. 1020, H.R. 9323, to amend the Narcotic Addict Rehabilitation Act;

Calendar No. 1021, S. 2567, relating to crimes and offenses committed onboard aircraft; and

Calendar No. 1023, H.R. 9222, relating to counterfeiting and forgery.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the unanimous-consent agreement is as follows:

> *Ordered*, That on September 5, 1972, when the Senate proceeds to the consideration of S. 2087, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; S. 16, a bill to amend title IX of the Organized Crime Control Act of 1970; H.R. 9323, an act to amend the Narcotic Addict Rehabilitation Act of 1966; S. 2657, a bill to facilitate prosecutions for certain crimes and offenses committed aboard aircraft; and H.R. 9222, an act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery, debate on any amendment, debatable motion or appeal to each of the above bills shall be limited to 20 minutes, to be equally divided and controlled by the mover thereof and the manager of the bill, Mr. McClellan: *Provided*, That if the manager of the bill is in favor of any amendment, debatable motion or appeal, the time in opposition thereto shall be controlled by the Minority Leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of any of the said bills shall be received.
>
> *Ordered further*, That on the question of the final passage of the said bills debate shall be limited to 1 hour each on S. 2087 and S. 2567, and ½ hours each on H.R. 9323, H.R. 9222, and S. 16, to be divided and controlled in each case, respectively, by the manager of the bill and the Senator from Nebraska (Mr. Hruska): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays at any time on each of the five measures, and that the yeas and nays on all the five measures may be ordered with one show of seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, on Tuesday, September 5, 1972, at what time does the Senator intend that we come in?

Mr. ROBERT C. BYRD. I would imagine, under the resolution providing for the recess of both Houses, the Senate will probably return at 10 a.m. on Tuesday.

Mr. MAGNUSON. I ask that, because there are those of us on the west coast, because of airplane schedules, who will have trouble getting here at 10 a.m. We can get here about 11:30 a.m., on what we call the "Redeye Special." That means we stay up all night in order to get here, but we can usually make it by noon.

Mr. ROBERT C. BYRD. We will have some morning business on that day. There will be some debate on the first bill to be called up before there will be any rollcalls, so perhaps it will all work out to the convenience of most all Senators.

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment from the close of business tomorrow, August 18, 1972, until 10 a.m. on Tuesday, September 5, 1972, the President pro tempore and the Acting President pro tempore of the Senate be authorized to sign duly enrolled bills, that the Secretary of the Senate be authorized to receive messages from the President and from the House of Representatives and that they be appropriately referred and that on Friday, September 1, 1972, committees be authorized to file reports between the hours of 10 a.m. and 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, in connection with the unanimous-consent order today for the signing of bills and receiving of reports, I ask unanimous consent that the Vice President be added, as well as the President pro tempore and the acting President pro tempore.

The PRESIDING OFFICER. Without objection, it is so ordered.

Does the Senator also ask unanimous consent for authority to sign duly enrolled joint resolutions?

Mr. ROBERT C. BYRD. Yes, I do. I thank the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR YEAS AND NAYS ON CALENDAR ORDER NOS. 1019, 1020, 1021, 1023, AND 999

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on Calendar No. 1019, Calendar No. 1020, Calendar No. 1021, Calendar No. 1023, and Calendar No. 999.

The yeas and nays were ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

NATIONAL SCIENCE POLICY AND PRIORITIES ACT OF 1972

The Senate continued with the consideration of the bill (S. 32) to authorize the National Science Foundation to conduct research, education, and assistance programs to prepare the country for conversion from defense to civilian, socially oriented research and development activities, and for other purposes.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read as follows:

> On page 31, line 5, insert the word "human" before the word needs semicolon and.
>
> On page 31, strike out all after the comma in line 5, and all of lines 6, 7, and 8, and insert in lieu thereof the following—

Mr. MILLER. Mr. President, may I ask that the clerk reread the amendment? I do not believe there was a semicolon intended to be included in the quotation.

The PRESIDING OFFICER. The clerk will reread the amendment.

The legislative clerk read the amendment, as follows:

> On page 31, line 5, insert "human" before the word "needs"; and
>
> On page 31, strike all after the comma in line 5, and all of lines 6, 7, and 8, and insert in lieu thereof the following:
>
> "and then continue to increase to the degree required to achieve an annual qualitative growth in the gross national product needed to sustain a full employment economy;"

Mr. MILLER. Mr. President, the first part of the amendment inserts the word "human" before the word "needs" on line 5. This was done at the suggestion of a member of the staff, and I believe it accords with the intention of the manager of the bill, because what they are seeking here is needs in terms of people and needs which would include the quality of life.

The second part of the amendment, Mr. President, is designed to state with greater precision the input that these expenditures are expected to make as far as our economy is concerned. The way the bill is worded now, gross national product is emphasized, whereas I am quite sure economists are all agreed it is the quality of the gross national product that really counts, and more particularly counts in connection with the achievement of our national goal of full employment as set forth in the Full Employment Act of 1946.

That is why the amendment emphasizes qualitative growth in the gross national product, and also, it emphasizes an annual qualitative growth in the national product which is necessary to sustain a full employment economy.

I have discussed this amendment with the distinguished Senator from Massachusetts. I hope he will accept it.

Mr. KENNEDY. Mr. President, I yield myself such time as I need.

The Senator is correct when he mentions the fact that just the inclusion of "gross national product" does not reflect as accurately as perhaps any of us would want the real growth and the qualitative growth, which may, as a matter of definition, be more precise, and it certainly is consistent with all the other provisions in the bill.

I am generally quite reluctant to change the declaration of policy section. In many respects, it is really the most important aspect of the bill. Even though it does not have a dollar figure, it will set as the national goal, or at least set the Senate, and hopefully the Nation, on record that there is a strong national commitment to use the extraordinary technical resources of this country to meet the areas of human needs, and that we are going to increase the efforts in research and development for human needs annually.

I have no objection to this amendment. I think the Senator from Iowa has legitimately pointed out the distinction between "qualitative" and just "gross national product," the term "qualitative" being more meaningful; and it reiterates the desire for a full employment economy which was articulated in the 1946 act as, again, being a legitimate, worthwhile goal. These are all matters which I support. So, I am willing to accept the amendment.

Mr. MILLER. I thank my colleague.

I might say further that it has been our experience in the Joint Economic Committee that we have been able to obtain from the Council of Economic Advisers a qualitative breakdown of their forecasts of the gross national product, and when they give the qualitative breakdown there are many items included which make up the qualitative measurements in each item.

I think this will rivet the attention of those who are going to be engaged in budgeting for these expenditures on these areas on a qualitative basis, which compromise the qualitative makeup of the gross national product, and will give them a much better guidance than if we did not spell it out. I believe it will be helpful in achieving the purpose that I know the Senator from Massachusetts has in mind.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

It does seem that mentioning the gross national product, even recognizing that it reflects a variety of inflation, goods and services, and so on, is not as precise as mentioning qualitative gross national product. The Senator from Iowa has reviewed with us the progress that has been made in defining qualitative growth in the gross national product, and has pointed out the precision with which it can be defined, and has been defined, by the Council of Economic Advisers. Therefore, I think the amendment is perfectly satisfactory. I think, in some respects, it may prove more useful than the language which we have in the bill. So I would urge its acceptance. I thank the Senator from Iowa.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. KENNEDY. I yield back the remainder of my time.

Mr. MILLER. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I believe the Senator from Indiana has an amendment.

Mr. HARTKE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Title III, Sec. 302 at line 20, insert the following:

The Foundation is further authorized to plan and assist in the transition of scientific and technical manpower from research and engineering programs which have been terminated or significantly reduced due to the transfer abroad of technical activities of American based transnational firms to other civilian-oriented research and engineering activities.

Mr. KENNEDY. Mr. President, will the Senator yield while I ask for the yeas and nays on passage?

Mr. HARTKE. I yield.

Mr. KENNEDY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, the measure before the Senate, the National Science Policy and Priorities Act of 1972, laudably draws attention to one of the major problems facing technical manpower in the United States—Government termination of scientific and technical programs.

My amendment focuses on a second major problem facing every American scientist and engineer—the transfer abroad of American manufacturing and technical operations. The first step in this problem saw the American based transnational firms move manufacturing facilities from the United States abroad. Tax incentives, low foreign wages and foreign barriers to American exports combined to attract an unprecedented amount of American capital.

The American production worker has already felt the brunt of this rush to invest abroad. Jobs lost to imports alone have mounted to over a million since 1966. Additional jobs have been lost because firms chose to invest abroad rather than export, because capital needed at home was invested overseas, and because new products were not even developed in the United States.

Design functions, engineering projects and than basic research and development always follow the manufacturing plant. There is a lag to be sure, but American firms abroad are relying more and more on foreign scientific manpower and less and less on American scientific personnel. This trend has merely exacerbated the problems of American scientists and engineers.

Mr. President, the Hartke amendment merely seeks to bring scientists and engineers hurt by the transnationals within the scope of the National Science Policy and Priorities Act. Until our foreign trade and investment policies are put in order, a growing number of scientists, engineers and technicians will suffer from the foreign investments of American based transnational firms.

In my opinion, Mr. President, this amendment probably coincides with the basic intent of the act. I just wanted to make sure it was not the intention to omit those individuals, and confine the coverage merely to employees who had lost their jobs because of employment on Government contracts.

I have discussed the amendment with the manager of the bill, and yield to him at this time.

Mr. KENNEDY. Mr. President, I yield myself such time as I may require.

This amendment is completely consistent with the thrust and purpose of the legislation. There has been woefully little information developed about the impact of shifting U.S. operations into foreign countries. There has been some work by the Arms Control and Disarmament Agency, and some very modest work and research done by the Labor Department.

This quite clearly is an area completely consistent with the thrust and purpose of the bill before us. I think it is an area of considerable urgency and importance. The Senator from Indiana has long been interested in and concerned about the movement of jobs from this country overseas in the blue collar field, and is exercising a similar interest in the white collar field. I think this is a useful, helpful, and strengthening amendment, and I urge that it be accepted.

Mr. HARTKE. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my statement that part of the hearings record, beginning on page 168 and ending on page 192, which comprises the testimony of the International Electrical, Radio, and Machine Workers Union, given by Mr. Sanford Lenz and Mr. Henry Zylla.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY SANFORD LENZ, P.E., AND HENRY ZYLLA, PRESIDENT OF THE ENGINEERS ASSOCIATION, LOCAL 445 IUE

My name is Sanford Lenz, and I am appearing today on behalf of the International Union of Electrical, Radio and Machine Workers, AFL–CIO–CLC and the International Brotherhood of Electrical Workers, AFL–CIO; both are member of the AFL–CIO Council of Unions for Scientific, Professional and Cultural Employees, representing over 100,000 engineers, scientists, other professionals and related technical personnel.

I am a registered Professional Engineer, with over 20 years of engineering experience in the electronics and aerospace industries and I am presently the Chairman of the IUE Professional, Technical and Salaried Conference Board.

We are pleased to have this opportunity to present the viewpoint of the organized engineer during your deliberations on the problems of converting our skills resources toward the solution of urgent domestic needs.

The IUE and the IBEW jointly support the stated purposes of H.R. 34—to utilize our scientific and engineering skills to solve the urgent problems now confronting our society and to raise and maintain the level of Federal investment in non-Defense science and technology. We are, however, seriously concerned regarding the thrust of the provisions of this bill as well as their implementation.

We agree it is imperative that the professional and technical skills so painstakingly developed in the past 25 years through Defense and Aerospace programs must be mobilized toward the solution of the nation's pressing domestic problems. In appearing before this committee, we are attempting to give voice, not only to the frustrations of the professional engineer and scientist, who knows his skills can be used to successfully attack such problems, but to the equal frustration of all our people who, as citizens, know our national resolve is only minimally, certainly far from adequately, focused on increasingly urgent problems of health care, transportation, the environment, education and housing, with which they are now confronted.

The first purpose of any legislation must be commitment to the priority of curing the nation's basic ills. Therefore, we would caution against legislation directly or indirectly disguised or designed as a welfare program for capable professionals. America's technological community will not respond to artificial programs unrelated to the real problems and needs of the American people. They will respond very positively to a call to utilize their skills in the real, immediate and permament interests of the public—and they will use all their talents effectively to help realize the purposes of a positive and healthy society.

We repeat: we seek no dole, no pork-barrell; we seek, we are interested in, only real, constructive work. In substance, our presentation is in three parts—the first is our concern that the remedies not take the form of "adapting" the engineer since he is the victim and not the cause of the problem we are here to discuss; secondly, our recommendations for what must be done in the legislation; and third, some examples of how a comprehensive program can be implemented.

1. Engineers are basically problem-solvers. They do not invent the problems; they do not, for the most part, even select the problems on which they will work. It is not the engineer that is responsible for the present misalignment of resources and needs. It is essential that we observe the caveat against blaming the victim—that we do not announce we will change the victim to solve a problem.

We believe that Administration programs as well as programs advanced by the Technical and Professional Engineering Societies have already fallen into that trap. They are solutions that attempt to remake the engineer, implying the fault lies with him. Just look at the present Administration programs, developed jointly with the technical societies, to observe that principle in action; tion:

a. The establishment of workshops and counseling to teach engineers how to look for jobs. That suggests that there are plenty of jobs, but engineers don't know how to look for them. Patent nonsense because the jobs don't exist.

b. The establishment of a computerized Job Bank and National Registry, implying that engineers and jobs exist in relatively equal numbers and need only to be brought together. The "success" of such a program can best be measured by Secretary Hodgson's statement that as of April of this year, 5000 engineers, scientists and technicians had been registered, 1800 of those had been referred to 800 job openings and, perhaps delicately, no figure was given as to how many, if any, had been employed in those jobs.[1]

c. Relocation allowances—implying that a problem exists in the willingness of the engineer to move to the job unless someone pays his moving bills. In fact, the history of the electronic and aerospace engineer in the last two decades, is one of great mobility—braceros with baccalaureates, they have been called—willing to follow the work wherever it was placed. While technical unemployment is most severe in particular areas, no part of the U.S. has a shortage of skilled people.

d. Retraining in alternate fields has been the grossest kind of deception. Engineers have been retrained as teachers—a field in which a surplus already exists—and in the environmental field, but at a recent NSPE conference, Sandy Hale of the Environmental Protection Agency advised against such retraining saying "We really don't know how many of the people in pilot retraining programs will find jobs in the environmental area after retraining. We're still in the early stages of projecting markets for these fields."[2]

The retraining concept is a carryover of the now-discredited "technical obsolescence" canard. We have learned from having taken this bait in the early sixties that engineers who kept their skills current by continuing education could not compete with new graduates because of salary differentials. They were not even able to accept lower-paying jobs, because they were declared "overqualified."

When Sputnik first circled the earth, no retraining of engineers in the laws of physics was required by the Federal Government—only the national resolve to meet the challenge which provided the funds to enable our engineers to make a moonwalk a reality. The development of missiles did not require retraining in navigation or propulsion, just the advances in the state-of-the-art of technology that funds and commitment made possible.

In every case where this country posed its problem clearly and committed itself to a solution, the technological community responded with success.

e. Programs of public employment. While certain tasks of government must be performed by engineers, putting large numbers of unemployed engineers on the public payroll in the hope that some will find useful occupation is degrading. It is the private sector which must be encouraged to be involved in our domestic problems.

In summary, the programs focus on the areas of counseling, job information banks, relocation allowances, retraining schemes and make-work public employment.

While these may be necessary in a few instances, as peripheral or supplementary programs, they do not go to the heart of the problem—which is, that there are many more available engineers than places for them to work. Whether these programs are sincerely or politically motivated, the fact, as we have already pointed out, is that engineers do not want or need a welfare program. The technical skills of this country have provided a secure defense posture, industrial leadership and moonwalks. Those who have these technical skills are now asking "What next? Show us which problems you sincerely want solved and we will solve them. We will take care of our own training, relocation, job-hunting and counseling." But the nation must put its money where its real, important needs are.

2. We have, thus far, concentrated on what the legislation should not be. But far more important is what legislation should attempt to accomplish. In general terms, our position on the necessary overall objectives of any legislation is incorporated in the following document prepared by Abe Morganstern, Research Director of the IUE.

PREREQUISITES FOR A SOUND DOMESTIC AND FOREIGN ECONOMIC PROGRAM *

1. American society and the American economy must direct its energies to the satisfaction of long-neglected needs and the achievement of major, long-postponed goals if we are to emerge from our present condition of uncertainty, frustration, spreading blight, high rates of unemployment, and rapidly spreading poverty. While our needs are urgent as well as real, the goals are realizable.

We are a work-oriented society with an expanding labor force. In such a society, full employment must become the normal, natural, routine condition, the continuing reality, rather than a pious concept or elusive, unattainable goals. We can neither resign ourselves to joblessness as the chronic affliction of our economic system, nor tolerate much longer the outrageously high levels of unemployment and underemployment among professionals, technicians, white collar workers, craftsmen, semiskilled, unskilled, minority groups and youth. A nation confronted with massive housing shortages and urban blight, with totally inadequate public transportation and health services, with inadequate and poor education facilities, with the continued pollution of its air and water, and with a host of other critical problems—has enough socially and economically productive work that needs to be done to keep its people fully employed for a generation.

2. It follows therefore that the nation can no longer afford to waste its energies and resources, either human or physical. It is clear that, rather than an abundance, there is a shortage of essential resources. After years of neglect, we have a great deal of urgent catching up to do in areas of the greatest importance to our future well-being, requiring careful husbanding and use of such limited resources. The affluent society has become a threatened—in many ways, diseased and unhealthy—society because of the overriding concern with the growth of the private sector without the necessary, balancing concern for the preservation of the environment and the excluded segments of our people.

Whatever we undertake, therefore, in economic and socioeconomic spheres must be carefully examined in terms of what it is likely to contribute toward the elimination of poverty, toward our economic well-being, and the improvement in the quality of our surroundings and our way of life. Since we can only afford to undertake programs that add to our real wealth, that enrich our way of life and restore and improve our institutions and surroundings, every program or activity undertaken must, in addition to creating a sufficient number of jobs, be reasonably adequate to the needs to which it is addressed: more housing, improved education, cleaner environment, better transportation, etc. Serving real needs adds to wealth. Serving presumed needs may waste resources and provide no real benefits or, indeed, negative results.

3. Full employment as the normal, natural, permanent condition of our economic system, and the allocation of energies and resources to programs that add to our real wealth and help to improve our institutions, environment and way of life requires a comprehensive, continually updated inventory of economic and socioeconomic needs, resources and objectives. It also requires faith in the value and possibility of a viable, full employment economy which is not so heavily

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[1] Labor Department release on the TMRP Program, April 9, 1971.

[2] Chemical & Engineering news—June 28, 1971.

* Prerequisites for a Sound Foreign Economic Program here omitted.

dependent on Defense and Space programs or on various artificial stimulants to create jobs. And one of our major purposes should be the introduction of greater flexibility, planned, timely transfers of manpower, tools, material, plants, labs and equipment with minimum of dislocation among various programs, Defense, non-Defense—programs subsidized or invested with a large public interest. This would mean, for example, that a science and technology center like Boston would be preserved intact, despite Defense and Space cutbacks, and that problems related to housing, transportation, health, etc., would be brought to the center for solution. There should be several such centers throughout the U.S., so organized that their research and productive energies could be shifted smoothly and quickly from Defense and Space projects to these non-Defense programs with a large public interest, essential to our economic and socioeconomic well-being, to our environment and institutions.

4. To restore and preserve our faith in the value and viability of a full-employment economy, we must recognize ourselves as a people of diverse skills and of diverse ethnic and racial groups—Whites, Blacks, Indians, Orientals, Chicanos and other Latin Americans; professionals, technicians, skilled, unskilled, etc.—and that our economy has to be made to work for all.

We are the only industrialized nation in the world which, despite consistently high unemployment levels, exports thousands of jobs annually, thereby aggravating an already serious unemployment problem. Currently, our unemployed includes not only the semiskilled and unskilled factory workers but scientists, professional engineers, technicians and highly skilled craftsmen. Other industrialized nations have had to import workers, and several still do, because of a scarcity of domestic labor Their employment levels have increased, and their unemployment levels have been reduced, by U.S.-owned multinational corporations, which have established major plants within their borders. Employment growth of a growing number of giant U.S. multinational firms is primarily among their foreign plants.

In the last few years, employment in the U.S., on the other hand, has been sharply reduced by plant shutdowns in various industries and transfer of production offshore. TV, picture tubes and other electronic components, shoes and pianos are only a few of the industries and product lines affected. Over the years, we have exported quite a number of industries like household sewing machines and portable typewriters, and we are now in the process of exporting others in wholesale fashion. Whenever plants are shutdown and their jobs exported abroad, companies argue (1) they were forced to do so because of low-wage foreign competition, and (2) somehow the removal results in more jobs saved for the U.S. economy than are lost The facts—regardless of how rationalized—are quite different.

We urgently need a determined program, backed by the full power and resources of the Administration, to reverse this trend and keep the jobs at home.

5. If we are to improve our worsening international trade position, we must retain our technological lead—where we have it—and improve our technology through vast R&D programs. There must also be a firm, continuing emphasis on the importance of foreign trade expansion to the U.S. economy. Publicly supported R&D, the fruits of which are privately appropriated, too often result in licensing and joint venture agreements that provide revenues to American firms, although the products are manufactured abroad and either sold here or in other former U.S. markets.

Taxpayer-financed patents should be brought under government regulation in order that a maximum number rather than a minimum number of domestic jobs should be realized from them. Exporting our technology as freely as we have results not only in a shrinkage of employment opportunities for our domestic labor force, but in a quick lessening of our technological advantage.

6. We have failed to improve production techniques and processes in a wide variety of industries to the extent necessary to retain our initial advantages over Japanese and other competitors. Too much government seed and R&D money (over 50 percent) has gone into Military and Space programs that have paid very little in the form of growth dividends to the economy. Far more emphasis, money and talent now needs to be devoted to the improvement of production techniques as well as the improvement of product quality.

Education and training programs should stress, particularly in engineering and technical schools, efficient quality production methods; and far greater emphasis should be placed on the training of expert production engineers, who will have been educationally conditioned to obtain efficient, maximum quality production from the work force. Quality production training should be emphasized and made available to all levels of management from executives to foremen.

Government funds should be appropriated to establish quality productivity centers and productivity clinics, drawing upon universities, engineering schools and research facilities to assist threatened or distress industries in overcoming production and related problems. Marketing assistance should likewise be made available to them. Regional productivity, research and assistance centers should be set up in various parts of the country. Troubled industries may have to be helped in other ways, too—with credit, for example.

Within the executive branch of government, there should be a single agency solely concerned with the problems of sick or threatened industries, analyzing and reporting on each and making recommendations for their support and their salvaging, where possible. The agency should be empowered to arrange for financial assistance as well as productivity, marketing and other needed assistance, as already mentioned.

3. Specifically, we would propose

a. that a Commission on Research Development Priorities should be established to provide many of the functions assigned under Titles I & II to the National Science Foundation to identify the priority areas and, with the concurrence of the legislative and executive branches, to fund or to authorize other departments to fund advances in the state-of-the-art through grants, and development contracts to institutions, local governments and private industry, particularly small businesses.

b. That the NSF would provide review and evaluation of ongoing programs and could recommend and oversee the supplementary areas of retraining, relocation and manpower allocation.

Thus, we would achieve the more rational approach of having the nonprofessional establish the priorities and tell the professionals what problems must be solved. The role of the professional would be to determine how best to solve those problems. We would further propose:

c. that retraining efforts would be better spent in skills upgrading of nonprofessionals, such as factory workers, returning veterans, minority group members, and noncollege-bound young people to train them as subprofessionals in technical fields. That would reduce costs, encourage more people into more skilled jobs and permit professional engineers to function at a higher, more professional level. Of course, the present encouragement to educational institutions to produce more and more engineers must be stopped.

d. That, on the recommendation of the Commission on Priorities, the various related Executive Departments could relieve local, municipal and state governments of development costs by releasing contracts for design & development efforts in the same manner as NASA and the Defense Department have done; that is, by separating design, development and production into separate contracts. The completed designs and specifications could be offered to local governments and their purchases would then be made against low-bidder, production cost contracts, offering encouragement to small business.

I would like to introduce at this point, Mr. Henry Zylla, an engineer and president of one of our locals at the largest, single employer of defense-oriented professional engineers represented by the IUE.

Mr. Zylla's group has had considerable experience in the conversion process and will cite some examples of past and potential programs.

TESTIMONY OF HENRY ZYLLA

My name is Henry Zylla. I have been a professional engineer for over 20 years, and I am President of the Engineers Association, Local 445 of the International Union of Electrical, Radio and Machine Workers, AFL–CIO–CLC.

Thousands of engineers were employed in the electronics and aerospace industries in the period following World War II. Very few of these engineers received specialized training as radar experts, sonar experts or computer experts prior to their employment in industry. They brought with them training in basic engineering and scientific principles, principles which apply regardless of whether the work is related to defense or civilian needs.

Experience has shown that many engineers have moved from work on Defense products to projects such as communications, medical electronics, traffic control systems, etc., with very little need for retraining. Engineers are basically problem solvers; as such, they can be assigned to a variety of work for which their training will be found to be suitable.

Over the years, numbers of Sperry engineers left our Company to find employment in such fields as medical electronics and communications. Recently, a number of our laid off engineers were hired by the New York Telephone Company, After a short, three-to-four week training period, they were sent out on their own. The Telephone Company now indicates these former Sperry, ex-Defense engineers are among the best they have ever recruited. Considerable improvement in the nation's telephone system through the infusion of currently unemployed, highly skilled engineers, is not hard to imagine. Indeed, it is highly probable—and it is badly needed.

A number of Defense-oriented companies have set up departments that now concentrate their efforts on producing products for civilian markets. In most such cases, the manpower for these departments is obtained through transferring engineers employed on Defense production prior to the time of transfer. No difficulty has arisen as a result of the previous training of engineers so transferred.

We are all aware of the fact that numerous and significant technological breakthroughs, made as a result of Defense and Space programs, are now applied to the production of civilian products. Training gained on Defense production cannot and should not be considered a handicap for engineers; on the contrary, it should be considered an asset since it is in the Defense field where the state-of-the-art—and of the science—has really advanced.

What we must develop are the methods necessary to bring together the required funds and the available skills—and at the same time, bring both to bear on the problems which have, or ought to have, the highest national priority.

We would like to give this committee some examples of how this may be accomplished:

Example 1. It is generally agreed that our nation's cities are in desperate need of far more sophisticated automobile traffic control systems. A number of our cities have already installed such systems, but these represent only a small fraction of the number that need them and the systems installed generally cover only a small, selected portion of the city's total traffic-congested area. Several companies have developed Traffic Control Systems designed to ease urban traffic congestion. However, in attempting to obtain municipal or metropolitan traffic control contracts they find themselves faced with the following problems: First, the cities do not have the funds required to finance the project. Secondly, the low potential return usually does not justify the high expense to the company of negotiating traffic control contracts on a city-by-city basis.

May we suggest that a far more logical way to handle this problem would be for the federal Department of Transportation, or a similar federal agency, to allocate funds for the development of Traffic Control Systems for our nation's cities. The Department of Transportation, or other federal agency, should employ on its permanent staff an adequate number of engineers to develop specifications for Traffic Control Systems that would meet the requirements of various sizes and types of cities. Once these specifications had been developed, the Department would then be in a position to request bids from industry for the design and development of systems, including all equipment and hardware, that would meet its specifications. Companies with the required engineering talent would then find it worthwhile to bid on such contracts in view of the high potential involved in such a coordinated national effort. After the systems had been designed under federal auspices, cities with a need to solve their chronic and increasingly serious traffic problems could contact the Department of Transportation, or other federal agency, and receive both advice and assistance regarding the traffic control system best suited to their needs. In some cases, federal money could be made available for the purchase of needed equipment and services from the private contractor or contractors who had successfully developed the best or most suitable and appropriate system.

Example 2. A similar procedure could be used in the field of medical electronics. The H.E.W., or other federal agency concerned with the improvement of the health of the American people, would request private contractors to bid on medical diagnostic equipment, or on electronic equipment to be used for monitoring patients in the intensive care rooms of hospitals. Once the designs and equipment had been developed by contractors in response to the federal agencies' requests for bids, they would be available for use by the thousands of hospitals throughout the country. Again, we suggest that federal funds be allocated to assist hospitals needing such assistance, in order to make it possible for them to purchase such equipment.

We believe procedures similar to those we have outlined could be utilized effectively in the fields of pollution, control, civilian air traffic control, mass transit systems, crime prevention and other fields requiring urgent, adequate, intelligent national attention.

In order to solve our national problems—indeed, in order to cope with them adequately—utilizing for that purpose the skills of our engineers and scientists, we must provide the federal agencies with sufficient funds to coordinate the total effort in these critically important problem areas. It is not possible, and it is far too costly, for private firms or contractors to deal with the hundreds and thousands of cities, counties and agencies on an individual basis, custom tailoring solutions to individual needs. For, in too many cases, funds aren't there. Federal government must, therefore, adopt a more active role in allocating contracts, in purchasing equipment, and in making the equipment available to the cities, counties and states, where and as needed.

Mr. HARTKE. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Beall). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I yield myself whatever time I may use on the bill.

For the information of the Senate, there is one final amendment by the Senator from Colorado (Mr. Dominick), who is working out the exact funding levels at the present time. I do not think there will be a rollcall vote on that amendment, and it will be accepted. Then we will have a vote on passage of the bill itself.

I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. KENNEDY. Without the time being charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, the Senator from South Dakota (Mr. McGovern) is one of the earliest supporters of economic conversion to meet better the needs of the American people. Since he is not able to be with us today, I ask unanimous consent that his statement on S. 32 be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Senator McGovern's statement follows:

Statement by Senator McGovern

I fully support S. 32, The National Science Policy and Priorities Act, which will establish national science policies and programs aimed at further focusing the nation's scientific talent and resources on its civilian priorities.

In our effort to establish new peacetime priorities, we must pay special attention to science and technology. This legislation will permit the nation to harness its technological efforts in the pursuit of peaceful, civilian development.

It will, for example, let us take advantage of the great potential for quiet, clean, and dependable transportation systems. Development elsewhere, notably the French "aerotrain", the British "hovertrain", and German and Japanese magnetic suspension vehicles, illustrates how far the United States has lagged behind in this area. We should be working on both propulsion and track systems and on such prospects as automated computer-controlled self-service systems for the cities. And we should be exploring entirely new approaches, new in hardware and in overall design.

Similar attention is required in the case of air transportation. Present air traffic control systems are dangerously inadequate. We need more and better automatic control systems for guiding aircraft in airspace near the terminal, and we need automatic monitoring and control of planes when they are not near airports. And we should be much further ahead in developing quiet, pollution-free short or vertical take-off and landing aircraft for commercial aviation.

In another area, we must have new technology to meet the imminent energy crisis in the United States, and we must have it fast. Engineering of the most creative kind is required to turn existing knowledge into feasible energy technology. And fundamental research is required to make possible new methods of energy production, transportation and storage, and also to prevent and counter the environmental impact of energy technology.

The need for new science and technology is especially acute in the realm of environmental protection. Priorities include steps to minimize waste, to render harmless those wastes which are produced to economize on scarce resources, to recover and reuse materials which have served an initial function, to monitor our environment and to reclaim the air, water and land resources which have already been gravely damaged.

The list on new priority areas is, of course, endless. Yet these few areas well exemplify our country's vast demands for new technology and for intensified effort in all scientific disciplines. They demonstrate a great opportunity for science to serve mankind in far more productive and helpful ways than has been the case in the past. And they suggest that it is appropriate to plan for total Federal support to research and development substantially above present levels.

Moreover, this legislation will help ease the roles of the nation's unemployed scientists, technicians and engineers—the very persons to whom the Nation must turn for social and economic advancement. Over 100,000 of these highly trained individuals are presently jobless throughout the country, swelling the unemployment roles as yet another tragic consequence of the Federal Government's neglect in planning for new priority technology.

Indeed, to a substantial degree, the Federal Government's recalcitrance in converting arms and aerospace industries to peacetime facilities is a result of decreases in Federal Dollars appropriated to civilian Research and Development. Presently, we spend only 1.1% of our Gross National Product on civilian R and D directed toward economic growth. This figure is literally one-half of the 2.2% investment made by such major Industrial Nations as West Germany and Japan. It is no surprise then, that the United States—the most technologically advanced nation on earth—has been compelled to import a greater and greater share of our consumer goods from abroad: typewriters, sewing machines, automobiles, and hand tools to mention only a few. Moreover, our export of technology-intensive products in 1960 was three times our import—now it is only 50% greater.

Thus, the nation's research and development effort must be increased and new institutional arrangements must be made if we are to effectively deal with this ever-growing international technology gap, and with the acute unemployment crisis facing American scientists, technicians, and engineers. Similarly, such an increase in R and D spending would enable us to grasp important new technological advances and employ them in solving some of our pressing domestic problems.

The initiatives and priorities set forth in this legislation assure that our Nation will finally begin to use its scientific and technological genius in ways beneficial to all Americans. New priorities will be established, new goals will be set, new advances will be achieved only with the increased Research and Development commitment inherent in this most important legislation. I strongly urge its prompt passage.

Mr. DOMINICK. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. DOMINICK. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment reads as follows:

On page 35, line 21, strike out "$10,000,000", and insert in lieu thereof "$5,000,000."

On page 35, line 22, strike out "$15,000,000", and insert in lieu thereof "$10,000,000."

On page 35, line 23, strike out "$25,000,000", and insert in lieu thereof "$15,000,000."

On page 51, beginning with line 2, strike all through and including line 4, page 52 and insert in lieu thereof the following:

"SEC. 214. (a) To carry out the provisions of this title, there are authorized to be appropriated $95,000,000 for the fiscal year ending June 30, 1973; $290,000,000 for fiscal year ending June 30, 1974; and $410,000,000 for fiscal year ending June 30, 1975.".

On page 65, beginning with line 16, strike all through and including line 3, page 67 and insert in lieu thereof the following:

"SEC. 313. (a) To carry out the provisions of this title, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973; $75,000,000 for the fiscal year ending June 30, 1974; and $75,000,000 for the fiscal year ending June 30, 1975.

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I just want to comment to the Senator from Washington that I was not trying to cut him off just when he was in full oratorical style on the campaign stump. I thought he was very good. I thought that the Senator from Pennsylvania was good. I thought that the Senator from Minnesota was also good. However, let us not make these speeches on the floor when we are considering a bill.

I want to explain the simple amendment we have here which I think the Senator from Massachusetts and I have agreed upon. This bill as originally proposed was a 3-year bill with an authorization of $17,810,000,000 for programs which duplicate, as I pointed out, many of the programs which are already in effect.

With the cooperation of the Senator from Massachusetts, we have now cut that authorization down. We are down to $1,025,000,000, which means a cut of approximately $800 million in the total amount of the pending bill. It would leave this as a 3-year bill instead of a 2-year bill which my original amendment would have required.

There is not very much difference in the actual amount of money between the 2-year bill as originally proposed and the 3-year bill as the bill now stands. Since it will take a considerable amount of time to pass this through the House and get the program into action, what we have done is to make a larger cut in the first year authorization and then cut it proportionately to 1974 and 1975 for the programs that are initiated under any situation. Assuming that this bill is enacted, the programs will then have a chance to be put into operation in 1974 and 1975 and hopefully successfully.

I repeat again, that we are at this point cutting almost $800 million out of the authorization. Unfortunately, too many people will read they are going to get a lot of money out of the Committee on Appropriations, and as many of us know, that usually does not happen. So there are a lot of promises going out around the country which will not be borne out.

I think this is a much more realistic set of figures, even though I doubt the Committee on Appropriations would go even this far in 1974 and 1975.

There have been discussions between the Senator from Massachusetts and myself, and other Senators concerning the unemployment situation. I ask unanimous consent to have printed in the RECORD at this point a table showing quarterly unemployment rates prepared by the Bureau of Labor Statistics, for 1964 through the second quarter of 1972, and also an article from the New York Times, dated June 24, 1972, and a report from the Library of Congress, on similar programs, that are now being conducted by HUD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXHIBIT NO. 2

QUARTERLY UNEMPLOYMENT RATES FOR ALL WORKERS, PROFESSIONAL AND TECHNICAL WORKERS, AND ENGINEERS, QUARTERLY, 1958-72 [1]

	Unemployment rates		
Year and quarter	Total	Professional and technical	Engineers
1972:			
4th			
3d			
2d	5.6	2.3	2.0
1st	6.3	2.3	2.8
1971:			
4th	5.5	2.5	2.7
3d	6.0	3.6	2.6
2d	5.8	2.9	2.9
1st	6.5	2.8	3.2
1970:			
4th	5.4	2.0	2.4
3d	5.2	2.5	2.4
2d	4.7	1.9	2.2
1st	4.5	1.6	1.8
1969:			
4th	3.3	1.2	1.2
3d	3.7	1.8	.9
2d	3.4	1.4	.6
1st	3.6	.9	.4
1968:			
4th	3.2	.9	.7
3d	3.6	1.6	.5
2d	3.6	1.3	.9
1st	4.0	1.0	.6
1967:			
4th	3.7	1.0	.6
3d	3.8	1.6	.8
2d	3.8	1.5	.5
1st	3.6	1.2	.6
1966:			
4th	3.4	1.1	.3
3d	3.7	1.7	.3
2d	4.1	1.3	.8
1st	4.2	1.2	1.3
1965:			
4th	3.8	1.2	1.2
3d	4.2	1.6	.4
2d	4.9	1.6	1.1
1st	5.4	1.6	1.6
1964:			
4th	4.5	1.2	.9
3d	4.1	2.1	1.2
2d	5.4	2.0	1.7
1st	6.2	1.7	2.1

[1] Not seasonally adjusted.

Note: Caution should be used in interpreting the unemployment rates for engineers. The estimated relative error of the estimated rate for engineers for the 2d quarter, 1970, is approximately ±0.5 percentage points at 1.6 standard deviations.

Source: Bureau of Labor Statistics.

[From the New York Times, June 24, 1972]

GRADUATES FIND MORE JOBS OPEN

For the first time in three years, job openings for college graduates increased this year, the College Placement Council reported today after a major survey.

The increase, though modest, ended the worst decline in job openings since the Depression.

"Over all," the council said, "employers responding to the year-end study indicated they have hired, or plan to hire, 6 per cent more college graduates than a year ago."

The general improvement, however, signaled only the beginning of a possible end to the tight job market for graduates. A check by The New York Times at several colleges around the country confirmed the general upturn but indicated that many students still found job-hunting hard. Some were unable to find jobs at all. Other settled for openings they did not particularly want.

The council's study showed the following sharp shifts in hiring patterns this year.

Aerospace employers increased their hiring 43 per cent over last year. Other areas of sharp increase were research and consulting, up 88 percent; chemicals and drugs, up 52 per cent; public accounting, up 37 per cent; electrical machinery, up 32 per cent, and building materials manufacturers and construction, up 27 per cent.

The Federal Government, the second-largest employer group surveyed, hired 28 per cent fewer graduates than last year. Merchandising and services, the largest employer group, hired 8 per cent more graduates.

At the doctoral level, 36 per cent more engineers were hired than last year, and 17 per cent more Ph.D's were hired in science and mathematics.

At the master's level, 33 per cent more engineers were hired than last year.

At the bachelor's level, 7 per cent more business students were hired than last year. But other nontechnical majors found an even bleaker market than last year; they faced a 6 per cent decrease in openings.

A DRAMATIC CHANGE

The most dramatic change in the hiring outlook since December, when the council made a preliminary study of the job market and predicted at 5 per cent general increase, came in aerospace. In December, aerospace employers estimated that they would hire 7 per cent fewer college graduates than last year.

The College Placement Council is a nonprofit organization, with headquarters in Bethlehem, Pa., that provides services for colleges and employers to help students in career planning.

The council's survey covered organizations in business, industry, government, as well as nonprofit organizations. It did not include teaching positions in educational institutions. Four general categories at all degree levels were surveyed in the study. They were engineering; science, mathematics and other technical graduates; business, and other nontechnical graduates.

Many of the percentage increases were large because only a small number of jobs were involved. The job market, though better than last year, was still very cramped compared with 1970, when about 70,000 jobs were opened by a comparable number of organizations. Last year there were 45,000 job openings. This year there were 47,600.

"I see people, bright people with degrees, squirming around for work or working as cocktail waitresses," said Roland C. Rautenstraus, the University of Colorado's vice president for university relations. "It's pathetic."

Students, however, have not rushed toward graduate schools as an alternative to working, he said. "Most of the kids know there is not much of a market for those with graduate degrees either."

But they are "clawing at each other for admission where there is an open field," he added. "Applications for law and medical school are way up."

VERSATILITY STRESSED

One job placement official at Boston University commented, "You can't bind yourself geographically in this day. You've got to be versatile in training, but just as important, you've got to be mobile. There are jobs to be found if one is willing to search around and be reasonably patient."

"The black woman with some special training is the most marketable person this year," said Dr. Evart W. Ardis, director of the University of Michigan Placement Service.

In conjunction with the study the council also surveyed a selected group of 144 college placement directors about college graduates this year. The report said:

"A substantial number of placement directors noted that this year's class was more practical in its job-seeking efforts and showed more awareness of the reality of the depressed job market. However, some pointed out that liberal arts students are generally lacking in knowledge about the world of work and the process of becoming part of it."

Provisions in Housing Laws Applying Advances in Technology to Housing and Urban Development

1. Urban Renewal. Title I, Sec. 101, Housing Act of 1949, as amended. [P.L. 171, 81st Cong.; 63 Stat. 413, 414; 42 USC 1950.]

This section encourages "housing cost reductions through the use of appropriate new materials, techniques, and methods in land and residential planning, design, and construction, the increase of efficiency in residential construction, and the elimination of restrictive practices which unnecessarily increase housing costs."

2. Applying advances in technology to housing and urban development. Sec. 1010, Demonstration Cities Act of 1966 [P.L. 89–754, 80 Stat. 1255, 1286; 42 USC 3372].

Among other things, this section authorizes the Housing and Urban Development Secretary to "conduct research and studies to test and demonstrate new and improved techniques and methods of applying advances in technology to housing construction . . ." Funds are authorized in Sec. 1010(d).

3. Urban environmental studies. Sec. 1011 [repealed effective July 1, 1971 by sec. 503 Housing and Urban Development Act of 1970, P.L. 91–609], same Act.

This section of the Demonstration Cities Act "authorizes a comprehensive program of research, studies, surveys and analyses to improve understanding of the environmental conditions necessary for the well-being of an urban society, and for the intelligent planning and development of viable urban centers."

4. Experimental housing. Sec. 233, National Housing Act [P.L. 479, 73d Cong., 48 Stat. 1246, 12 USC 1701 et. seq.], added by Sec. 103, Housing Act of 1961, P.L. 87–70, approved June 30, 1961, 75 Stat. 149, 158.

The Secretary of HUD is authorized to insure experimental housing and, among other things, "may make such investigations and analyses of data, and publish and distribute such reports, as he determines to be necessary or desirable to assure the most beneficial use of the data and information to be acquired as a result of this section."

5. New technologies in the development of housing for lower income familes. Sec. 108. Housing and Urban Development Act of 1968 [P.L. 90–448, 82 Stat. 476; 12 USC 1701 u et. seq.].

The Secretary of HUD is authorized, among other things, to institute a program under which certain parties "submit plans for the development of housing for lower income families, using new and advanced technologies, on Federal land . . ." The Secretary is instructed to report findings "at the earliest practicable date . . ."

6. Title IV, guarantees for financing new community land development. Sec. 402, same Act.

States that one of the purposes of the New Communities Act of 1968 [Title IV, above Act] loan guarantee program is to "provide opportunities for innovation in housing and community development technology . . . [and to] include, to the greatest extent feasible, the employment of new and improved technology . . ."

7. National housing partnerships. Sec. 906, same Act.

Authorizes corporation, established under Title IX of the Act, among other things, "to conduct or contract for research and studies related to the development, demonstration, and evaluation of improved techniques and methods of constructing, rehabilitating, and maintaining housing."

8. Research and technology. Title V, Housing and Urban Development Act of 1970. [P.L. 91–609, 84 Stat. 1791; 42 USC 4501].

This title consolidates HUD Department research authorities and, among other things, clarifies and broadens HUD's research authorities and powers.

9. Comprehensive planning grants. Sec. 701, Housing Act of 1954 [P.L. 560, 83d Cong.; 68 Stat. 590, 640, 40 USC 461].

Provides comprehensive planning grants for a variety of urban development purposes.

Mr. DOMINICK. Mr. President, I might point out that among professional and technical people the unemployment rate is 2.3 percent, for engineers it is 2 percent, and for the general population it is 5.6 percent. The New York Times article, among other things, states:

> Aerospace employers increased their hiring 43 percent over last year.

In the Congressional Library report there is reference to urban problems in which technology is being used and in which many people in the scientific and technical world will have a chance to be employed.

Mr. President, I sincerely trust the Senator from Massachusetts will follow this agreement on authorizations and, if so, we can finish the bill rapidly.

Mr. MAGNUSON. Mr. President, will the Senator from Massachusetts yield to me for 1 minute?

Mr. KENNEDY. I yield.

Mr. MAGNUSON. Mr. President, I wish to compliment the committee for working out what I think is going to be a better approach to the matter of the National Science Foundation. I have more than a passing interest in this matter. I am the author of the original Science Foundation bill, ably abetted by the former distinguished Senator from Massachusetts, Leverett Saltonstall.

I think the Senator has done a good job in reaching the goals and objectives in the bill.

Mr. KENNEDY. I thank the Senator.

Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I reluctantly accept the amendment of the Senator from Colorado on this program.

Mr. President, the Senator is correct. We will be getting started late with this program and, therefore, it does make some sense to reduce the total authorization to make some accommodation for that fact and, therefore, to scale the other parts of the bill, taking that into consideration.

I am reluctant to see this kind of cut made, but it is late in the session and we will have a 3-year program, and these funds will still be a very significant amount, so I will accept the amendment of the Senator from Colorado and expect that within those respective titles we would allocate the resources, as has been done in the initial bill. Is that the understanding of the Senator from Colorado?

Mr. DOMINICK. The Senator is correct.

Mr. KENNEDY. Mr. President, I am prepared to accept the amendment.

Mr. DOMINICK. I yield back the remainder of my time.

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from Colorado.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. EAGLETON. Mr. President, the bill now before this body, S. 32, is one of the most significant pieces of legislation to be considered by the 92d Congress. If enacted, signed by the President, and funded at the authorized levels, the programs it establishes will effect a fundamental—and healthy—change in the American economy, and will touch in positive ways the day-to-day lives of millions of Americans.

The committee report on the National Science Policy and Priorities Act of 1972 accurately characterizes the capabilities of scientists, engineers, and technicians in the aerospace and defense industries as one of our most valuable national resources. Our pursuit of a course of action which largely ignores this vital human resource is a gross miscalculation.

Mr. President, it is not my purpose to duplicate the information and analysis in the committee report on this bill or to restate the arguments which have been made so eloquently by my colleagues—and particularly the distinguished chairman of the Special Subcommittee on the National Science Foundation in which this bill originated. I would, however, like to make additional points which are pertinent to the deliberations on this important piece of legislation.

The National Science Policy and Priorities Act of 1972 is neither a duplication of, nor a substitute for public service employment legislation. Under S. 32, the individuals engaged in the civil science programs will not be on the Government payroll but will remain in the private sector. S. 32 does not propose the establishment of a Federal, in-house capability which would duplicate resources that already exist in the private sector. The sponsors of S. 32 have recognized the redundancy of such an effort and have consciously avoided it. We believe that it is a wise choice.

We have instead chosen to build upon the pioneering efforts of a number of firms which have over the years consciously and intentionally redirected and refocused their resources away from purely defense and aerospace work and toward civilian needs. McDonnell Douglas Corp. in my own State of Missouri is one of the best examples of this type of firm. The work it has done in such fields as aircraft collision avoidance systems, safe handling and transportation of hazardous materials, computer utility services, and a number of other endeavors is outstanding and represents the type of enlightened corporate management our peacetime economy so badly needs. Enactment of S. 32 will assist those companies which have voluntarily undertaken conversion efforts on their own, and will encourage those which have not yet begun this important effort.

By choosing not to duplicate public service legislation we do not mean to imply that the employment impact of S. 32 will not be considerable, and positive. It will be.

The program authorized by S. 32 will provide employment. It will steady employment, and it will be longer-range than the defense contract-type employment that has heretofore characterized the aerospace and defense industries. Because S. 32 will meet real human needs, those who are engaged in the programs will find their work more satisfying and productive than may have been the case in the past.

Mr. President, I think it is apparent that the pattern of past Federal investment in military and space programs has drawn scientists, engineers, and technicians away from the private sector. This diversion of valuable human resources has made it extremely difficult for American industry to attract and retain the personnel it needs to keep up with foreign competition. Much of the "R. & D. lag" or "technology gap" which are widely discussed in international trade circles is undoubtedly attributable to this unfortunate condition. S. 32 and the programs it authorizes would reverse that trend and enable American industry to begin to close the technology gap which our overcommitment to defense and space expenditures has helped to create.

Our "booming" wartime economy has done more to aggravate serious trade deficit with our western trading partners than any other single factor. When we were strong economically because our aerospace and defense industries were working at full capacity—at the height of the Vietnam war—consumer demand was at a high point. But the demand could not be met by our domestic industries which were producing the goods of war—and still are. Enter Japanese and German products and exit the dollar.

We still cannot meet the demands of our own consumers. S. 32 will change that.

In closing, Mr. President, I want to commend the distinguished chairman of the Special Subcommittee on the National Science Foundation, Senator KENNEDY, for the vision and hard work he has invested in S. 32. I also want to express my appreciation to the chairman of the full committee, Senator WILLIAMS, for his invaluable support and assistance in reporting out this landmark piece of legislation.

Mr. President, we spend billions each year on aerospace and military programs. We send men to the moon, satellites to distant planets, and proliferate weapons of violence and death. S. 32 offers our own people the opportunity to reap the benefits of American science, technology, and industry. Americans deserve to enjoy the fruits of their own labor.

I commend this bill to the attention of all Members of this body, and urge that the Senate act favorably on it. The action we propose today is long overdue.

Mr. MONDALE. Mr. President, I am delighted to speak in support of S. 32, the National Science Policy and Priorities Act, which I had the privilege to cosponsor. As a member of the Subcommittee on the National Science Foundation, which considered the bill, I became thoroughly convinced that we must enact this legislation. I wish to congratulate the subcommittee chairman (Mr. KENNEDY) for his leadership and vision in bringing this matter before the Senate.

There are approximately 200,000 unemployed engineers, scientists and technicians in the United States today. Many of them were trained to meet the needs of Federal programs. Many of them received Federal financial assistance which encouraged them to pursue their engineering and scientific courses. Now, they find themselves unemployed because the Government has changed its priorities.

According to a column by Sylvia Porter in the Minneapolis Tribune for August 3, 1972:

> Of every 4 chemists under age 25, 1 is jobless—At least 5,600 chemists and chemical engineers were jobless when 13,000 more graduates in these categories poured into the job market early this summer.

The problem is concentrated in major centers of technical employment, including the Twin Cities in the State of Minnesota. It has been estimated that there are about 1,400 unemployed technical personnel in the Twin Cities.

In some respects, unemployment for engineers and scientists is even more serious for them and the economy than unemployment for other types of personnel. First, it is far harder for them to find new jobs and they are unemployed, on the average, for a longer period of time. Second, unemployment compensation, or welfare, makes up a far smaller percentage of their previous salaries so they are forced to sell their houses, their cars, and so forth when they lose their jobs. Finally, there is a multiplier effect in such technical employment and an estimated 10 blue collar jobs are dependent on each engineer and scientific job.

As discussed in another column by Sylvia Porter in the Minneapolis Tribune for August 4, 1972, we are also:

> Permitting an unforgivable amount of 'subemployment' among Ph. D's who are working far below their skill levels.

Mr. President, the problem has been growing worse in the past 2 years. The administration, however, tells us that it is getting better. But it has discontinued the special survey of technical unemployment which the National Science Foundation was conducting. Thus, we are denied current information which would accurately report on technical unemployment.

We do know from the various professional societies that employment in their professions is declining. In the face of national employment rolls which are generally expanding, this clearly shows a growth in unemployment among scientists and engineers.

At the same time, the national needs for the talents of such individuals greatly exceed the capacity of State and local agencies, and private employers, to pay for them. What we need is a program which will match the available talent with the unmet need. That is what this bill would do.

The bill would directly provide jobs for about 40,000 scientists and engineers and indirectly create some 400,000 jobs throughout the economy. These jobs would be part of a 3-year program for civilian research and engineering projects in pollution control, public safety, mass transit, health care services, education, nutrition, and other areas. A new Civilian Science Systems Administration, within the National Science Foundation, would administer the programs.

It would make possible the use of interdisciplinary systems analysis approaches to the complex problems of urban life. It has been all too clear that the piecemeal efforts of Federal, State, and local governments to deal with such problems as housing, transportation, and the environment cannot do the job. Furthermore, there are some extremely critical problems facing the world in the now foreseeable future with respect to pollution and energy supply. We have technical personnel who could deal with these problems and many of them are idle. The bill would match the manpower with the problems.

These developmental efforts would also spawn greatly increased expenditures by local and State government, and by the private sector, without direct Federal assistance. Thus, there would be created substantial continuing job opportunities for some of the same scientists and engineers. This would put an end to the unfortunate decline in investment in the future which has set in during the past few years. America's leadership role in technology is now threatened and we must take prompt action to restore the quality and momentum of our scientific and technical enterprises.

In the August 4 column by Sylvia Porter which I referred to, Dr. Eli Ginzberg, is cited as calling for "a long-range policy for the support of science instead of indulging in the fits and starts which recently have caused such serious manpower fluctuations and distortions." The bill would establish such a national policy for the support of science.

It provides that Federal funds for science should grow in proportion to the gross national product and that technical manpower should have continuing employment opportunities at their professional skill levels. It also specifies that Federal civilian research and development funds must be raised to parity with those for military programs and that the civilian research must be focused on national priority needs.

The bill also provides assistance in transition of scientific and technical manpower from research and engineering programs which have been terminated or reduced to other activities meeting current national needs. The bill would provide assistance to States, communities, companies, and individuals to assist in such transition.

We can no longer accept the continuing high level of scientific and engineering unemployment. Even if we had confidence that the mere reduction of excessively high unemployment rates would correct the problem, we would have little basis for optimism. A year and a half ago, the administration announced a target to reduce unemployment to the neighborhood of 4½ percent. Early this year, 12 months later, the target had been changed to the zone of 5 percent in a year. With the year more than half gone, we are still at 5.7 percent.

Surely, the time has come to act. Furthermore, as I have already indicated, there is distressing evidence that some fundamental shifts have taken place in the capacity of industry and government to provide the needed jobs for scientists and engineers. I call upon my colleagues to join in support of this measure which can make such a significant contribution of putting these talented people to work in the national interest.

Mr. President, I ask unanimous consent that the two articles which I referred to be included in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LARGE NUMBER OF SCIENTIFIC PERSONNEL OUT OF WORK

(By Sylvia Porter)

During the last presidential election year in 1968, among the most wanted of our young people were the most highly educated, highly trained—newly graduated physicists, chemists, sociologists, political scientists, computer scientists, Ph.D.s trained for basic research or specializing in pure math and the like.

During this presidential election year, among those having the toughest times getting or holding a job in their own fields are precisely these same groups of workers.

Of every four chemists under age 25, one is jobless, reports the American Chemical Society. At least 5,600 chemists and chemical engineers were jobless when 13,000 more graduates in these categories poured into the job market early this summer.

Large numbers of Ph.D.s, rejected by the job market, are stretching out their educations (in biological sciences nearly 40 percent of the new Ph.D.s are continuing their studies). Or they are switching to such professional schools as law and medicine. Or they are shifting out of science altogether.

Many younger, more mobile Ph.D.s are battling it out with older scientists and engineers, replacing the older scientists' higher paychecks with their lower ones. Many who aspired to university jobs have turned and are turning to far less demanding positions in high schools and two-year colleges.

The least fortunate are taking jobs driving taxis, selling ice cream, wasting their educations in similar ways.

What really happened in so short a time span? Why the Ph.D. glut? What if you are caught in this squeeze?

Obviously, a first key reason for the glut originated with the astronomical level of federal defense, aerospace, research spending during the 1960s which lured tens of thousands of our most gifted youngsters into scientific careers and graduate schools.

During the 1960s, too, the federal government made huge infusions of money available to graduate students and universities, in the form of scholarships and loans—again tempting thousands to go for the most advanced training in their areas.

Also, a frequently overlooked but significant point is that many middle-class, intelligent young Americans who could afford it stayed in the universities—climbing from degree to degree—for no other reason than to escape the draft.

In 1970, the number of Ph.D.s graduating from U.S. colleges and universities rose an astounding 14 percent over 1969, the most dramatic growth rate in decades.

In 1970, the United States turned out an extraordinary 29,000 Ph.D.s and, at this rate, we are slated to turn out an even more startling 60,000 by 1980.

But the spending in the areas where students were most concentrated peaked with the Johnson administration. When President Nixon took over, the cutbacks began—and the impact was directed and intense. (Out of every three dollars paid to Ph.D.s today, whether in government jobs or in private industry or in universities, two dollars stem from the federal government.)

At the same time, the Nixon administration has come up with no short-term—or certainly long-term—policies to help solve the very special employment problems of these workers.

What's the meaning of all this to you, if you are now in graduate school or headed in that direction?

Don't go for a Ph.D. unless you really want to do so. And if you do want this higher degree, veer toward applied science rather than toward basic research. Or pick applied math instead of pure math.

Avoid, if at all possible, narrow specialization so that you can broaden your options in the job market. And this goes for teachers as well as for research and development Ph.D.s.

WORK NEEDED FOR SCIENTISTS

(By Sylvia Porter)

In 1968 the U.S. government was piping every possible tune to lure students into graduate schools—particularly in the physical sciences but in many other fields as well.

In 1972 the U.S. government is giving a massive cold shoulder to these same youngsters—among our most highly educated men and women.

We are permitting an unforgivable amount of "subemployment" among Ph.D.s who are working far below their skill levels.

We are creating an ever-expanding economic class of the "new poor"—thousands of young people who have training and skills to qualify for $20,000–$25,000-a-year jobs but who are doing ridiculously undemanding work, if they are working at all.

We are inviting the anger of those who feel doublecrossed by the nation that first led them to believe they were badly needed in the job market and then summarily rejected them.

And on top of all these points of personal frustration is the fantastic financial waste implied by the fact that it costs between $50,000 and $100,000 to turn out a single Ph.D. today.

Warned John Gardner, head of the Common Cause "citizens' lobby," not long ago: "The future is necessarily hazardous for the individual who trains himself to do a specific job, receives an advanced degree for that line of work and believes that society owes him a living doing it."

Our society does not owe this to us, as individuals.

But what we as individuals do owe to our society is the development of a far more rational approach to the training and hiring of highly educated specialists.

And how might we devise this? In answer, Dr. Eli Ginzberg, nationally known expert in manpower planning and director of Columbia University's Conservation of Human Resources project, proposes that the federal government:

Must take into account in the federal budget implications for highly educated manpower of any large military or civilian programs it launches, expands or continues to fund. In Ginzberg's words: "We can no longer afford to be nonchalant with starting and stopping large government programs—space, atomic energy, defense and research and development."

Must develop a long-range policy for the support of science instead of indulging in the fits and starts which recently have caused such serious manpower fluctuations and distortions.

Must draw up long-range federal policies for continuing support via grants and loans of higher education at the graduate-school level—particularly designed to guarantee the solvency of the top 100 universities now turning out most of our Ph.D.s.

Must think through with utmost care the design of the enormous new manpower programs it is funding—which involve the training of large numbers of highly specialized workers.

For instance, we are investing more than $3 billion in vastly expanded health manpower training programs to multiply the numbers of physicians, dentists, nurses and other professionals in this field. Are we, Ginzberg asks, somewhat ominously, failing to take into account the significant expansion already under way which will increase by 100 percent the "output" of U.S.-trained physicians in one decade? Failing to note the signs of oversupply of such specialists as surgeons and neurosurgeons? Failing to appreciate that what we need to keep medical care costs from skyrocketing are more paraprofessionals earning $10,000 a year, not more physicians earning $50,000?

Must develop a stable national "science policy" plus better techniques for forecasting scientific manpower needs.

And must explore much more thoroughly the concept of the federal government as a creator of jobs in times of economic recession. Under the Emergency Employment Act of 1971, this idea is being gingerly pioneered for lower-skilled, lower-paid workers, but the "public service jobs" concept is equally applicable to Ph.D.s.

During the 1970s, the number of Ph.D.s may soar 115 percent. Are we ready to put this tremendous body of talent to work in challenging, rewarding jobs? Or must we start right now to curb the forces behind this Ph.D. surge?

PROTECTION OF PENSION RIGHTS OF SCIENTISTS AND ENGINEERS

Mr. JAVITS. Mr. President, I support S. 32, the "National Science Policy and Priorities Act of 1972," and commend it favorably to my colleagues.

I wish to direct specific attention to title IV of the bill—Protection of Pension Rights of Scientists and Engineers—which is the result of an amendment I offered to the bill in the executive meeting of the Committee on Labor and Public Welfare and which was unanimously adopted by the committee.

By the way of background, on June 18, 1970, I observed in a speech to the United Steelworkers of America that:

> The large layoffs that have occurred in [the aerospace] industry due to the massive cutbacks in defense and aerospace contracts has resulted in an extreme curtailment of pension expectations for many of those who have been unfortunate enough to have been separated from their employment.

I want to say—

> I believe that the federal government has a clear responsibility to take into account the effects of its programs on employees engaged in industries dependent upon government contracts. About all the government does now is to see to it that the pension plans of these contractors meet Treasury Department standards and that the employers' contributions to the plans are reasonable. If these standards are met the Government permits the contractor's contributions to be included as a reimbursable item of cost with respect to the defense and aerospace contracts it negotiates.
>
> Since the Government is also indirectly subsidizing the plans in these industries—by tax indulgence—it follows that the Government should insure that these plans are realistically structured and that the pension expectations of the employees are made more secure than is presently the case. I think it is incumbent on those agencies involved to consider ways and means of requiring more adequate standards for pension plans of Government contractors . . . There is ample precedent for the use of Government's contracting authority as a basis for setting such standards, and I urge the Administration to take active steps along the lines I have suggested.

Unfortunately, the administration did not pursue this recommendation, and, it is quite distressing that despite being alerted to this situation 2 years ago, and despite the increasing tempo of layoffs in aerospace and defense in this period, the administration has chosen to remain inactive on this subject.

Of course, the administration has come forward with a legislative proposal to provide vesting protection against loss of pension rights owing to changes in employment, and to encourage individual retirement plans through tax incentives. It is also true that there are pending before the Senate Labor Subcommittee several bills designed to establish minimum Federal standards for private pension plans, including S. 3598—the bipartisan Williams-Javits bill which has been cosponsored by 15 of the 17 members of the full committee.

Nonetheless, experts within the administration as well as the Senate Labor Subcommittee have recognized clearly that none of these legislative proposals will protect the existing pension expectations of scientists and engineers in an adequate fashion. The reason is that special problems are presented in the defense and aerospace industries due to unpredictable expansions and contractions of Government procurements and the fact that engineers tend to "follow the contract." Accordingly, a very early eligibility for vesting rights, probably after 1 or 2 years, would need to be incorporated into general pension legislation in order to protect the engineers.

Most employees in this country are not as mobile as engineers and scientists, and to incorporate this type of very early vesting formula in pension reform legislation that will affect every industry and occupation in the country would be most unwise and would result in unduly imperiling the private pension plans. On the other hand, as the committee report indicates, "the high labor mobility of scientific and engineering personnel makes it unlikely that they will benefit from such legislation," as S. 3598, which provides for a degree of vesting after 8 years of service and full vesting rights after 15 years of service.

It is appropriate, therefore, that the needs of engineers and scientists in aerospace be considered as a special case, and it is particularly fitting that the Government take responsibility for dealing with their needs. It is the Government, after all, which encourages the rapid mobility of engineering and scientific talent in order to obtain the best effort in furtherance of its procurement objectives. It is also the Government and the taxpayer which stand to lose the most if these procurement objectives are frustrated owing to an unresolved anxiety over loss of pension rights.

Mr. President, just a few weeks ago, the McDonnell Douglas Corp. announced plans to lay off 13,500 workers in southern California by the end of 1973. In my own State of New York, the Grumman Corp. just announced a layoff of 300 employees—at least half of whom will be engineers—as a result of losing out on the space shuttle contract—and it appears that further large-scale layoffs are in store.

I suppose this sort of thing is, to a certain extent, an occupational hazard in the aerospace industry. But it is not and should not be an occupational hazard to forfeit pension right after pension right every time these layoffs occur, so that some of the most gifted, hard-working and dedicated Americans in this country are reduced to living exclusively from social security in their old age, despite years of private pension plan coverage in the aerospace and defense industry.

I have received numerous letters from aerospace scientists and engineers on this subject. Many of these letters are quite painful to read. Here is just one example:

MAY 4, 1971.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: May I begin this letter by saying that you come in for your share of publicity here in the South, and that in my opinion it's favorable publicity. I always find your name in the media in connection with doing something. Usually I also find myself supporting your point of view.

There is an article in The Nashville Tennessean today, a syndicated article by columnist Clayton Fritchey, that discusses the upcoming Congressional hearings (and we hope, action) on private pension systems. Mr. Fritchey expresses his doubt that anything so faulty could be called a "system." With more than a little experience in systems engineering and systems integration, as well as employee experience in the "system", I can tell a system when I see one—and the private pension system is a living masterpiece. A masterpiece, in my view, of things like fraud, deceit, and exploitation.

It needs your attention, and the attention of Congress as a whole.

I'll give you a few particulars regarding my experience with the system. In 1955 I began work with Lockheed and subsequently continued with Temco, Ling-Temco, LTV Inc., and Boeing. My career in aerospace engineering and management was then terminated in February, 1970, by lay-off from Boeing. The question might be asked, why so many companies? The answer is also a question, why does the Government move the defense/aerospace work around from place-to-place? I suppose many know why, but not so many experience the deprivation of the opportunity to earn a pension.

At all of these employers I performed professional work on Government defense/aerospace contracts. In those 15 years I was never once assigned to a commercial, i.e., domestic program. At one of those companies—Temco—I received a pension cash payment of several hundred dollars upon leaving. As well as I recall, I was employed by Temco and its successors through LTV for 4½ years and was considered 20% vested. (Actually, only about 3½ years were counted in pension computations; my last year there I was company-transferred to Chance Vought Corp., a Division of LTV, Inc., and all Temco plan benefits were discontinued. * * *

When I was laid off from Boeing, after 7½ years with it on the Saturn V and Saturn V/Apollo NASA programs, I was told by company officials to my complete astonishment that I had absolutely no pension benefits due me—though I had been "on" the standard Boeing engineering management pension program right along.

No pension. Zero.

Senator Javits, I'm now 45 years old, expertized in a professional field that has gone away—so far as hundreds of thousands of professionals are concerned—to oblivion. It departed the scene due to Government policy, just as so many of us were attracted to it originally through Government policy. It departed the scene paying out a few dollars in pension benefits and retaining, under its own rules, millions upon millions of funds in "employee" pension systems.

Yes, sir. It's a system, and it works just as it was intended.

We all know that pension funds offered by employers are offered as an inducement to a person to accept employment. We also know that in many industries these funds are never disbursed to the employees generally, i.e., to all of the employees but only to those who are fortunate enough to survive on the employment rolls long enough to be vested. We also know that these pension funds are not portable. An employee leaves his employer, for any reason, and his non-vested pension benefits are left behind forever. Forever is an awful long time.

I am in whole-hearted agreement with you that the injustices of the private pension system must be corrected through Federal legislation. Such systems should be administered uniformly under Federal statute. The people—the workers—should be fully informed by the Government and their employers what the statute provides, when we get one.

I would like to provide you my thoughts, also, on what this legislation should call for:

(1) Pension eligibility for any worker should occur mandatorily after 6 months on his first adult job.

(2) Pension eligibility should thereafter mandatorily occur on the first day of subsequent employment by all subsequent employers. (Mr. Javits, we're only here once, we don't have several lifetimes to gain pension benefits.)

(3) Vestment of pension benefits offered should be one-hundred percent (100%) upon initial eligibility, and should remain 100% thereafter.

(4) The solvency of all private pension systems should be guaranteed by the Government; the provisions of the guarantee clause should be such to require proof of solvency, ability to pay, initial private capitalization and continuing private bonding such that only private employers having a workable employee pension program—without useage of Government funds—are guaranteed as a last resort by the Government.

(5) All private pension systems not meeting the above requirements should be declared unlawful; violators should be prosecuted by the Government.

(6) Government contracts exceeding some dollar value, say $1,000,000, should not be awarded to private enterprises not having a (lawful) private pension system. Nor should Government loans. Nor should State and Local Governments make such contract awards or loans where a substantial part of their funds for the purpose are received from the Federal Government. One more: Nor should private enterprises make such subcontracts, purchases or loans where their funds for the purpose are received from any Government agency.

Well, there it is, Senator. It's probably more than you were looking for from Fayetteville, Tennessee, in fact, maybe it's more help than you're getting from some of your New York constituents. Best of luck, Senator. Naturally I'd like to hear from you about your views and efforts.

Very truly yours,

——— ———.

Title IV of S. 32 is a start on getting effective solutions to this disturbing neglect of our engineering and scientific community. Title IV of S. 32 would require the Director of the National Science Foundation, after appropriate consultation with the engineering and scientific community and the heads of the various procurement agencies involved, to promulgate standards for Government contractors which would, to the extent feasible, provide more adequate pension protection to scientists and engineers working on Government contracts.

The key words are "to the extent feasible." I recognize—we all recognize—that this is a problem that is not susceptible to simplistic solutions or one in which major changes can be accomplished overnight. Complexity, however, is not a valid reason for simply standing still and, in effect, turning our backs on a rapidly eroding situation which has assumed nightmarish proportions for our Nation's engineering and scientific personnel.

The element of "feasibility" compels the Director of the National Science Foundation to take account of the existing provisions of law affecting private pension plans, the circumstances surrounding the establishment and operation of such plans by Government contractors, the impact of plan revisions on existing industrial relations in aerospace and defense, as well as the economic consequences of any specific approach or series of approaches to securing greater pension protection through governmentally imposed standards.

Thus, any alarm that has been sounded over the impact of title IV in terms of producing an immediate adverse effect on Government contractors is misplaced or exaggerated. I can say with complete frankness that the bill does not compel nor is it intended to compel the adoption of any particular formula for the safeguarding of engineers' pension rights.

Instead, it is intended that the Director of the National Science Foundation explore in depth a number of alternatives, some of which could be implemented fairly rapidly while others might require a longer period. I have described in an article in the Professional Engineer magazine a number of these alternatives and I ask unanimous consent that the text of that article be printed in the RECORD following my remarks. A number of these ideas have been successfully implemented in one form or another in industries other than aerospace and they should be evaluated carefully.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. JAVITS. Mr. President, in closing, I should just like to cite from the findings of the Senate Labor Subcommittee's pension study with respect to the loss of pension rights in the plans of two major aerospace contractors.

CASE HISTORY NUMBER 38

This is a pension plan of a major aerospace company. It was established in 1957.* The plan covers salaried employees only and has 36,903 active participants and 1,241 retired as of December, 1969.

Since the plan was established over 60,000 employees have participated with more than 20,000 employees having left the scope of the plan without entitlement to any benefit, over 5,000 of whom had more than five years of service.

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* The plan was in existence prior to 1957, but in that year the changes in the plan were so great for purposes of this study, it is considered to have been established in 1957.

CASE HISTORY NUMBER 52

This is a pension plan of a large aerospace firm: it was established in 1955 and has over 105,904 active participants. The plan is collectively bargained.

Of the over 81,000 employees who have left the scope of the plan since it was established over 66,000 have left without entitlement to any benefit. None of the 66,000 had more than five years of service.

(*See Preliminary Report of the Private Welfare and Pension Plan Study, 1971, Senate Subcommittee on Labor, Nov. 1971 at pp. 18, 20*).

Mr. President, the professional organizations of engineers support this measure 100 percent. If the Government hopes to continue to attract and maintain the talent necessary to stimulate the technological progress so indispensable to the achievement of our defense, aerospace and conversion objectives, it must act affirmatively in this matter of providing more realistic pension protection to engineers and scientists. S. 32 provides a practical vehicle for this purpose, and its passage will assure the evolution of a Government policy that will safeguard a most valuable resource—this Nation's engineering and scientific community—from the ravages of economic insecurity in old age.

EXHIBIT 1

PRIVATE PENSIONS AND THE PROFESSIONAL ENGINEER: A BLUEPRINT FOR CHANGE

(By Senator JACOB K. JAVITS)

In 1968, in the Temporary Society, Warren G. Bennis characterized modern American industrial society as one of "temporary systems, nonpermanent relationships, turbulence, uprootedness, unconnectedness, mobility, and, above all, unexampled social change."

It may now seem insensitive to recall these words in light of the fact that thousands of professional engineers and scientists have been displaced or downgraded by the massive cutbacks in defense and aerospace spending. No doubt their immediate concerns do not encompass prior prophecies. Yet, it is precisely the experience of rapid unprecedented change analyzed by Bennis and others, which has a direct bearing on the private pension expectations of professional engineers and provides the clue as to what needs to be done to make these expectations more secure.

One of the more interesting examples of employee initiatives is the Teachers' Insurance & Annuity Association—College Retirement Equities Fund (TIAA-CREF) plan for college teachers in this country, and I understand that several societies of engineers have been actively exploring the model to determine whether it would be a desirable approach to the problems encountered by their profession. The TIAA-CREF is a pension plan for college teachers in which over 2100 educational institutions—public and private colleges, universities, community colleges—participate. The plan is contributory with no fixed benefit formula. Benefits are provided to participating teachers on the basis of the amount of contributions made to the plan on their behalf, but the individual participant can elect to have a portion of his contributions invested by an equity fund with the expectation of improving his benefit by increases in the values of common stocks.

Because it is contributory and because it is, in effect, an industrywide plan, a participant in the plan is fully vested from the outset, and his pension is completely "portable" in the sense that he can carry it with him from one teaching position to another.

It is clearly an attractive model for professional engineers and one whose attractiveness would be considerably enhanced if the Internal Revenue Code were amended to provide a tax deduction for employees' contributions to this kind of arrangement as well as other private pension plans. Tax deductions for contributions made by self-employed persons to so-called Keough (H.R. 10) retirement plans are already authorized by law, and elementary fairness would seem to indicate similar treatment with respect to the employed.

There are certain limitations, however, to the TIAA-CREF approach which need to be clearly understood. The most important one is that benefits are based only on the amount of contributions made and the number of years worked during which the contributions are made. Unlike a typical industrial pension plan, there is no promise of an ultimate benefit, with the employer having the responsibility to fulfill that promise by making appropriate contributions. Accordingly, when considering the adoption of the TIAA-CREF approach, comparisons should be made with the benefit levels achieved under the more standard industrial plans, particularly taking into account the adequacy of the vesting and funding.

Special problems are presented in the defense and aerospace industries due to unpredictable expansions and contractions of Government procurement policies and the fact that engineers tend to "follow the contract." Obviously, plans which are built in this industry upon the assumption of long-term employment and long-term receipts of contracts are unrealistic.

Last year, in a speech before the executive board of the steelworkers union, I suggested that pension plans of Government contractors should be treated as a special case and that the Administration should consider tightening up the standards for defense contractors in connection with pension plans. Specifically, I recommended that consideration be given to requiring every contractor, as a condition of his doing business with the Government, to join in industrywide pooled pension funds which would provide early vesting and complete portability and which would minimize the risk of inadequate funds to pay promised pension benefits in the event a specific contractor went out of business.

While the merits of this and other proposals are now being actively studied, it seems clear to me that they both indicate growing recognition that the specific circumstances of the defense and aerospace industries warrant special pension treatment. It would, for example, be a natural extension of some of these ideas to have the government require that all defense and aerospace contractors vest their employees on permanent layoff, regardless of what other forms of vesting are established or required. This would only be fair in view of the economic uncertainties in these industries.

Those who advocate pension reform, as I do, see great advantages in continuing to maintain the dual retirement systems of Social Security and private pension plans. These systems together can offer a balanced mix of the best of both public and private retirement initiatives. By being uniform, universal, and compulsory, Social Security provides the basic minimum retirement income for almost the entire work force. Naturally, continual efforts must be exerted to insure that Social Security does in fact meet this objective. The governing justification for private pensions is that they can provide a supplemental level of income to improve retirement benefits beyond the modest living standard provided by Social Security. By being flexible and responsive to the needs of particular groups of employees and by providing funds for capital formation, private plans can function as a useful and integral part of retirement planning.

However, the success or failure of this dual system depends almost entirely on whether private pensions deliver to an adequate number of the workers covered by these plans. If there is a failure in delivery, then the public-private approach to securing a satisfactory retirement income is destined for extinction.

Early vesting is central to the successful delivery of private pensions for reasons I have outlined above. The bill I have introduced in the Senate—S. 2—would require every private pension plan to provide a ten percent vested right after six years of service. The vested right would increase by ten percent each year thereafter, so that at the end of 15 years of service the employee would be 100 percent vested.

The needs of professional engineers, particularly those working in aerospace or defense, represent, in my judgment, a special case which requires further measures as well. The principal possibilities are: 1) establishing a professional engineers pension plan along the lines of TIAA-CREF; 2) providing, by legislation, tax deductions for employees' contributions to their pension plans and for individual retirement savings plans; 3) imposing rigorous standards on Government contractors regarding pension funds for their employees; and 4) a combination of the foregoing proposals.

In addition, my bill also provides for a voluntary system of portability of vested rights (i.e. a system whereby employees could transfer the value of their vested rights from one employer to another or into a Federal clearinghouse central fund where monies could be invested by qualified financial institutions.) The bill also provides for more rigorous funding standards, fiduciary standards, and a Government program of insurance for pension rights (similar to Federal deposit insurance for savings accounts in banks).

Many professional engineers and scientists, particularly those with recent experience in the aerospace industry, have critically commented on these proposals, claiming they are too modest. They are particularly concerned that the vesting schedule in my bill is not "fast enough" to adequately protect the extremely mobile members of their profession, and they are probably right.

Nevertheless, in drafting major reform legislation that will affect every industry and occupation in the country, it would be unwise to set standards for all on the basis of the greater mobility of some. At the outset, it is preferable to tune vesting and portability to the point on the dial where most can benefit without, at the same time, unduly imperiling their pension plans. The difference is between setting minimum or maximum standards, and my bill does the former. This does not mean, however, that further steps cannot be taken by or on behalf of professional engineers to improve their pension arrangements beyond the minimum standards proposed by my bill. In general, this seems to call for a greater degree of supplementary pension initiatives along the lines previously discussed.

Whether employees realize it or not at the time they are hired, pensions are an important and valuable part of their compensation package. In my testimony before the House Labor Subcommittee on April 28, 1971, I observed that "contrary to the assumption on which most private pension plans are built, in today's modern industrial society, labor mobility is the rule rather than the exception. Very few employees work for one employer all their working lives. In fact, very few work for one employer as long as 30 years or even 20 years. Despite undeniable evidence of the enormous velocity in job changes among the nation's work force, private pension plans continue to be structured in a manner which can only result in an abnormally high loss of pension benefits."

If this evaluation is sound—and I believe that it is—then it is clear that the fundamental remedy is to provide adequate pension protection. Unfortunately, too many private pension plans do not deliver when the employee comes to call for his pension. Generally, it is my belief that reform legislation of the type represented by my bill will do the job of guaranteeing delivery of private pensions to many more of the employees who will be covered by private pension plans in the future.

PROTECTION OF PENSION RIGHTS OF SCIENTISTS AND ENGINEERS

Mr. TUNNEY. Mr. President, I want to focus particular attention on the provisions in this bill designed to help protect pension rights of scientists and engineers. I congratulate the committee, and Senator JAVITS particularly, for the recognition manifested in title IV of this bill that Government procurement decisions affect not only a person's present job in a defense industry but also his prospect for retirement without the poverty that affects so many of our senior citizens.

The massive cutbacks in defense and aerospace contracts, which have occurred in the past few years, have often meant not only loss of jobs but also loss of pensions for thousands of persons throughout the country.

The problem has two aspects—both highly undesirable. In past years when employment in defense and aerospace industries was at its peak, engineers and scientists moved from one company to another within that industry as contract awards and priorities shifted. Result was a high level of mobility which had the unfortunate effect of preventing such persons from accumulating pension benefits which would serve them in later years.

The problem is even worse at the present time, however, because layoffs in these industries have reached the point where it may no longer be possible for such employees "to follow the contract" from one employer to another. Three of the major aerospace and defense contractors in my own State have informed me that their own layoffs have reached such a high level that the jobs created by the award of a new contract are filled primarily by their own former employees. Thus, in many cases, persons formerly employed in these industries have been forced to seek entirely new lines of employment and embark upon entirely new careers.

For these reasons, I believe it is essential that a thorough examination be undertaken of ways in which to protect employees in these industries—and all other industries as well—against loss of pension rights due to layoffs or forced changes in occupation.

And thus I welcome the provisions in this bill which declare a Federal interest in extending, to the extent feasible, more adequate pension protection to those employed in industries which have been drastically affected by Federal cutbacks in defense and aerospace contracts.

I must add, however, that I believe this is only a first step toward assuring every working person the opportunity to obtain and retain an adequate pension. The human cost which results from the loss of pension rights when a man or woman changes his or her occupation is a real one—a very real one. We see the evidence of our failure to reform the pension system among thousands of our senior citizens whose incomes are inadequate to provide decent housing and the bare necessities of life.

But more than that, we have become a mobile society—a society which encourages and often requires its citizens to seek new jobs and new opportunities. Yet an essential part of that mobile society must be financial security for later years.

Title IV of this bill represents the first tangible recognition of that problem. I hope we can build upon it and extend its promise to every working person in this country.

SENATOR RANDOLPH COSPONSORS NATIONAL SCIENCE POLICY AND PRIORITIES ACT—RECALLS FOR RECORD OF 1972 HIS EFFORTS IN 1936 TO BEGIN THIS JOB

Mr. RANDOLPH. Mr. President, the bill which the Senate is about to pass is a significant step forward in focusing our Nation's scientific talent and resources on civilian problems and needs.

It is my privilege to cosponsor this measure, the National Science Policy and Priorities Act of 1972. As a member of the Committee on Labor and Public Welfare, I joined with the able Senator from Massachusetts (Mr. KENNEDY) and other Senators on the committee in bringing this vital and progressive proposal to the Senate for consideration.

I feel it is important to emphasize that this measure will provide the National Science Foundation with explicit authority for the development of national policies for applying science to our national problems and priorities. This, in my opinion, is an action we should have taken many years ago. However, just as it took a long period of time to bring the original National Science Foundation concept to fruition, it has taken time to mobilize full support and agreement for utilizing NSF in the resolution of urgent and complex national problems. Now, in 1972 that support and agreement have been mobilized and the Senate will shortly give approval to the National Science Policy and Priorities Act.

Just as important as the establishment of a national science policy to focus on national priorities are the civil science systems and the manpower transition programs which are authorized in the pending bill. There is no question of the critical need to harness scientific talent and resources for the purpose of research, design, and testing of systems for improved health care, safety, housing, pollution control, and many other social and economic needs. This measure is directed toward that objective. It also contains provisions for the transition of scientific and technical manpower from reduced or terminated research and engineering programs to other civilian-oriented research and engineering activities. If our Nation is to develop a viable national science policy, it is essential that we have the most effective and efficient utilization of our scientific talent. The transition provisions of this bill will help insure that such utilization is achieved.

Mr. President, consideration of the National Science Policy and Priorities Act today brought to my mind that over 35 years ago, as a Member of the House of Representatives, I introduced legislation to provide for the promotion of the general welfare in relation to the economic effects flowing from scientific and technological developments. This measure introduced by me in 1936 and 1937 and in subsequent years contained provisions for the establishment of a Scientific Research Commission. These proposals were a part of the early efforts which led to the creation of the National Science Foundation.

Prior to hearings in 1937 on my proposal, I placed in the CONGRESSIONAL RECORD a speech which I made on a national radio program outlining the concept and importance of a scientific research program for America. I ask unanimous consent that my address at that time be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NEW INDUSTRY TO EMPLOY MILLIONS

(By Hon. JENNINGS RANDOLPH of West Virginia, in the House of Representatives, Friday, July 23, 1937)

Mr. RANDOLPH. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an address which I delivered recently over the radio:

SCIENCE IS READY TO HELP MANKIND

Most people recognize the fact that science has made possible much of the development of our modern civilization. Born in the depths of ancient philosophy, it was cradled in the arms of alchemy and mysticism. Flouted and crushed by early religious zeal, it has revolutionized man's knowledge and understanding. Neglected and starved in attics and dungeons, it has created a world of untold wealth. Today science stands an adolescent—a young Hercules—waiting to perform the tasks we command to be done.

Science has opened up a hundred different branches of knowledge in the fields of physics, chemistry, and biology. The countless benefits showered upon us as a result have been mainly in the forms of means to preserve and protect our health and in the form of strong strides in the march of our economic progress.

Today we are just beginning to realize what a great ally we have. More wonderful than Aladdin's lamp, science stands ready to lend us a helping hand in our struggle against economic disaster and unemployment as well as against such sinister diseases as cancer and influenza. We have only to command—science stands ready to do our bidding.

Thousands of patents are granted each year to American scientists, investors, and engineers. We cannot help wondering what effect this constant flow of inventions is having upon our social and economic life. Are inventors failing to produce jobs-making inventions as fast as they turn out labor-saving devices? Why has science seemed to fail in providing the new industries we need to take up the slack in employment? In our ungrateful neglect, have we failed to use the help of our strongest ally in the determined war on unemployment?

INDUSTRY PROFITS BY SCIENCE

Industries both great and small have profited much by using science and the inventor's skill to reduce production costs. Lower prices and greater profits have resulted from their use of improved methods and labor-saving devices. Aided by this industrial patron, flush with vast resources, science has accomplished miracles.

It is said that a miller living in the time of Caesar could make in a day only a barrel and a half of low-grade flour while our modern flour mills can turn out more than 30,000 barrels a day—and much better flour at that. A good brickmaker, working from sunrise to sunset in the early days, could fashion only 450 bricks a day, but a modern brick plant can produce nearly 1,000 times that many.

Only a hundred years ago, 83 percent of the workers were needed to produce food for all of the people. Today only 17 percent are needed. Many of the others have been absorbed into the new industries created by invention.

Industry has not hesitated to command the aid of science. It has been forced to do so. If it still took 83 out of every 100 workers to provide the food for the Nation there would not be enough workers left to man the rest of our great industrial system. We could not have our millions of automobiles because not enough people would have time to make them. Great cities like New York, Chicago, and Los Angeles could not exist because nearly everyone would be busy trying to eke out a scant supply of food on his own little plot of ground.

COUNTERBALANCING LABOR-SAVING MACHINERY

President Roosevelt has recognized the importance of science and technology as it affects all of us. The report of the National Resources Committee on Technological Trends and National Policy, recently submitted to the President, pointed out that "if the productivity of 1935 (the last year for which figures are available) continues the same in 1937, and the composition of the Nation's total product remains unchanged, production would have to be increased 20 percent over that of 1929 to have as little unemployment as existed then." This is in itself evidence of the continuous and rapid growth of labor-saving devices and improved methods of production. Again technological improvements have cleared the way for new industry to move in, and it is up to us to see that the opportunity is not wasted.

The genius of the American inventor has fathered the problem of providing employment for those workers who are robbed of their jobs by labor-saving machinery and improved production methods. Strange as it may seem, we must turn to this same inventive genius for the final solution of the problem it has helped to create.

It must give us more industry-creating, job-making inventions and discoveries. This is the need of today. But what is being done to bring forth such new industries to relieve the disease of unemployment that has afflicted the Nation these many years?

Private industries can hardly be expected to lay out funds to promote research just to create another industry. For them there is no point in such outlay. Who, then, is to sponsor and promote this scientific work so necessary to society as a whole?

Dr. Karl T. Compton, president of Massachusetts Institute of Technology and chairman of the former Science Advisory Board, declared recently that while "private industry should continue to bear the responsibility for developing new industrial products, there is nevertheless an initial stage in the development of such products which industry cannot be expected to support on the basis of expected profits. This is the early state of fundamental scientific work in such fields as physics, chemistry, and biology * * *. For this reason the support of fundamental scientific research must be a community rather than an industrial responsibility, and it therefore seems to me to be a proper concern of the Federal Government."

The support of fundamental scientific research is a national responsibility. It is a duty which society and its agent, the Government, have neglected with a consequent maladjustment between available labor and jobs. When an industry adopts a labor-saving device which displaces a thousand workers, society should be in a position to furnish new jobs within a reasonable time—jobs provided by the industry-making inventions and discoveries developed by a foresighted government.

AN AID FOR THE UNEMPLOYED

This is no idle dream. Only six major inventions or groups of inventions account directly for more than half as many jobs as exist in all of the manufacturing industries in the entire Nation. These six inventions alone have furnished greater opportunities for increasing the income of the Nation than all the gold mines in the world have provided since time began.

Great industries now supplying our daily necessities of food, clothes, and shelter are built around three of these key inventions—the discovery of how to can food, the invention of spinning and weaving machinery, and the art of making steel.

Not many years ago our modern conveniences of transportation, communication, and amusement had little or no place in our economic life. As industries, they scarcely existed. But three key inventions, the telegraph, steam and gasoline engines, photography, and related inventions have developed them into great industries we could not do without today. Just imagine our predicament if the motion-picture industry, the automobile, railroad, the airplane, the telegraph, the telephone, and radio industries were suddenly taken from us. Millions of people would be out of jobs. The distress of the 1933 depression would seem mild in comparison to such a disaster.

In mentioning the radio, I must pause to pay tribute to the memory of Marconi, the inventor of wireless telegraphy, as one of the few great industry-creating inventors of our day.

These and other such inventions have transformed the drudgery of household duties or the dreams of a Jules Verne into great industries which provide jobs for millions of workers, and which represent an aggregate of wealth that surpasses the riches of any nation in all recorded history. It is far more profitable to find an industry-making invention than a great gold mine.

We have taken only the first few faltering steps on the road of industrial progress that stretches far in the distance before us. We need, now, to take the next step—we need to find the next new industry that science can provide for us.

When found, it will supply more employment, stimulate increased business, and produce a greater national income. Such inventions are the cornerstones of prosperity, and science is the tool we must use to unearth them and to shape them into useful products.

NATIONWIDE SEARCH PROPOSED

Common sense dictates that an intensive scientific search be started at once to bring forth those inventions which will form the basis of our future prosperity and welfare.

That is why I introduced the scientific research bill, H.R. 7939, in Congress. This bill aims, first, to provide for the continuous study "of the social and economic aspects of scientific and technological developments", as recommended by the report of the National Resources Committee. Second, it aims "to hasten the relief of unemployment through the development of industry, commerce, and agriculture, to provide for the public health, and for the maximum social and economic benefits to be derived from the advancement of scientific knowledge and its application to the resources of the Nation."

This bill is now being studied by Congress. A hearing will be held tomorrow before the research subcommittee of the House Committee on Interstate and Foreign Commerce.

Just as industry aids science in producing the labor-saving devices it needs and must have, so does the scientific research bill propose to aid scientists and inventors in producing the industry-making, job-creating inventions the workers of the Nation need today. By counterbalancing labor-saving devices with new industries, we may eventually rid ourselves of unemployment and give the workers of the Nation better jobs and higher wages than they ever had before.

Of course, while science is waiting for the command to go forward in the search, there remains the alternative of relief and subsistence doles. The result is an ever-increasing national debt.

GOVERNMENT MUST SOW IN ORDER TO REAP

New industries, however, will help us pay off the Government indebtedness. One of the most recent additions to our industrial family, the automobile, contributes to Government treasuries—Federal, State, and local—more than $1 billion a year. Isn't it logical to expect the new industries of the future to play a similar part in providing Government revenues? If so, just one new industry, comparable in size to the automobile industry, may be expected to contribute an additional sum to Government treasuries equal to the present national debt with a period of less than 50 years.

If for no other reason, this justifies the Government to invest some of the vast resources in the business of "raising" more industries. We sow seed in the springtime in order to reap grain in the fall. Likewise, the Government must sow now in order to reap the revenue it will need in the years to come.

FEEDING OUR ECONOMIC SYSTEM

New industries, the bread and meat of our economic system, have nearly always just happened along. We have given little forethought to cultivating a supply. Our experience of the past few years is convincing evidence of the fact that although our granaries and warehouses may be filled, yet when our economic system starves, we starve with it. The time has come when we can no longer let chance govern the supply of new industries—the life substance of our economic world.

The younger members of our society are not content with emergency measures good for only 5 or 10 years. They have longer lives to live; they have families to rear, homes to build, careers to make. As one of them, I speak the conviction that we must have a healthy, well-fed economic system.

If we only give the command, science can create new jobs for the unemployed and provide new opportunities for the underprivileged. It can aid materially in doing away with relief and subsistence doles. It is a chief hope in exterminating the national debt. Science is the gateway to a new frontier. The conquest of this promised land will make us a happier, healthier, and more prosperous Nation than the world has ever known.

Mr. DOMINICK. Mr. President, I yield myself 3 minutes.

As the ranking minority member of the subcommittee, I ask unanimous consent to have printed in the RECORD a statement by the National Science Foundation showing the increased emphasis they are giving to the very type work that is being considered here.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXHIBIT No. 1

Experimental R. & D. incentives program........ $22,000,000

OBLIGATIONS

	Actual, fiscal year 1971	Estimate, fiscal year 1972	Estimate, fiscal year 1973
Cooperative research initiatives	0	0	$11,000,000
R. & D. in the service sector	0	0	7,000,000
Human resources for technology innovation	0	0	4,000,000
Total	0	0	22,000,000

ACTIVITY SUMMARY

It is becoming clear that the nation must expand its total investment in research and development and in other ways must act to improve the innovative process if it is to create the new and improved products and services necessary for social progress, to provide jobs for the expanding U.S. work force, and to increase productivity at a rate that will enable the United States to compete on a better basis with the other industrialized nations of the world.

The objectives of these NSF research initiatives are to find through carefully designed experiments those incentives that will (1) increase non-Federal investment and participation in R&D oriented toward improving economic growth and productivity or leading to the solution of social problems; (2) develop new and more effective cooperative R&D efforts by universities, industries and government; and (3) promote applications of R&D to the development of improved products and services.

The U.S. industrial system is being put to a severe test today by the rapid technological advances being made by other industrialized nations. Immediately after World War II and through the 1950's, the United States occupied a dominant technological position among the nations of the world. Since 1960, however, our technological advance has eroded, and although it was generally accepted that the U.S. lead would be narrowed by the rapid development of such nations as West Germany and Japan, that lead has deteriorated to a greater degree than had been anticipated. This situation is attributable to a number of factors, but important among them has been the willingness of foreign governments to underwrite portions of industrial research and development and, in one instance even, marketing costs. This practice, combined with the fact that after World War II other industrial nations rebuilt their industries with the most modern plants and equipment available, and are applying new technologies to their industrial process, has produced rapid economic growth rates. The new technologies have resulted in new and improved products and increased productivity.

An indication of the growing need to update U.S. capabilities is evidenced by statistics on population and employment. Since 1965, the number of people employed in the United States has increased from 71,088,000 to 80,100,000 or by about 9,000,000. Over the same period, the labor force grew from 74,455,000 to 85,200,000, over 10,000,000. This shows that our economy must grow at an extremely rapid rate to keep pace with the growing U.S. work force. Therefore, it is imperative for the Nation to increase its investment in activities which will lead to improvements in industrial output and increased employment opportunities.

There is ample evidence that a direct and positive correlation exists between investments in R&D and the creation of new products and services. For example, such inventions as air conditioning, automatic transmissions, Bakelite, cellophane, jet engines, computers, television, stereophonic sound, xerography, and penicillin were all made possible through organized research efforts.

Economic analysis indicates that the private sector, by itself, underinvests in the R&D required to meet the Nation's employment and other economic and social goals over the long term. This is due to the fact that these investments produce benefits which are not fully recaptured by the firm that undertakes them.

Although the long-range national social and economic interests would be best served through major industrial investments in R&D programs designed to advance technologies over the long term, there are forces in the free market economy which do not provide sufficient incentives for such investments. Industrial R&D in the United States is dependent upon the willingness of private firms to invest their funds in R&D programs which are by their very nature, high risk—both in terms of the possible failure of the program to achieve its objectives and in terms of the exclusive capture of benefits by the firm making the investment. Under these circumstances, the R&D efforts of U.S. industry are often aimed at low-risk, small step, product and process improvement that offers maximum assurance of payoff in the short term.

In the past two years some segments of American industry have decreased their resource commitment for R&D. If one looks at the research effort, rather than the dollars invested, the case becomes worse because research costs have generally risen more rapidly than the general economy. Further, there are indications that firms in the petroleum, steel, and electronic industries are reducing their research capabilities even further.

Finally, the bulk of the dollars spent on R&D in the United States is concentrated. Some forty companies spend 70 percent of the R&D dollars. Many firms which could make important contributions to the Nation's socio-economic progress are not large enough to undertake R&D effectively, either because of the absolute scale required or the risk of the individual firm implied by the possible failure of the R&D effort.

Based on the above, NSF proposes to undertake some experimental programs to provide incentives to increase non-Federal investment in research and development and its applications, particularly in areas related to domestic opportunities. However, the form and the optimum amount of this activity are not clear. The experimental incentives to be tested under this program will be designed to assure that the critical variables affecting R&D investments and utilization of research findings by the private sector and non-Federal Governments will be identified, isolated, and tested in a controlled fashion.

Thus, in FY 1973 a new effort will be undertaken by NSF to find effective means for stimulating more rapid application of research findings and for increasing non-Federal investment and participation in R&D through the use of incentives which provide maximum leverage for limited Federal funds. The incentives program will be aimed at controlled experimentation with different incentives and institutional arrangements as well as with achieving particular technical results. A detailed research design for these experiments will provide a framework within individual experiments will be carried out. As part of the design, a systematic evaluation procedure will be developed to assure that the most effective guidance for future Federal efforts in this area will be secured.

Initially, the Deputy Director of the NSF will assume personal responsibility for the management of the Experimental R&D Incentives Program. A panel of advisors will be assembled to verify the soundness of the research designs, the critical variables to be tested, the methodology for controlling and measuring changes in institutional behavior and output, and to assure the validity of the evaluation plan.

The experiment will be closely coordinated with the complementary effort being undertaken in the Department of Commerce, by the National Bureau of Standards. A joint NSF–Department of Commerce Committee co-chaired by the Deputy Director of the National Science Foundation and the Assistant Secretary of Commerce for Science and Technology has been established for this purpose.

Cooperative Research Initiatives ---------------------- $11,000,000

The purpose of this program is to experiment with and test incentives that will encourage universities, industry or industrial associations, and government laboratories to undertake joint research programs that will benefit from combinations of their unique capabilities and mutual interests. These cooperative research efforts will be designed specifically to spur and expand a wide variety of R&D activities, including basic research. They will create new linkages between universities, industry, and government laboratories and experiment with mechanisms for these organizations to work jointly toward specific R&D objectives. They will acquaint universities with the needs, problems and capabilities of industrial research; make industries and government more aware of the capabilities of university research facilities; encourage formation and more active roles for research associations and help build stronger ties between and within universities, industry, and government. The cooperative research initiatives will demonstrate the benefits that can be derived from such joint efforts and the extent to which new stimuli for increased R&D investments by the non-Federal sector can be developed.

In the past, the Nation's experience has shown that university, industry, and government research teams can complement each other effectively when working on specific major technological problems. This is exemplified by their successful efforts in the conduct of the military and space research programs. However, such cooperative efforts have not yet been applied, to any significant degree, to the solution of many problems in the civilian sector.

The diversity and magnitude of the technological challenges and economic risks involved in finding solutions to these problems are such that private industry has been traditionally unwilling to invest adequate funds in R&D efforts designed to meet the long-term needs of the Nation. The mechanisms needed to stimulate these initiatives are largely untried. Therefore, the NSF program of cooperative research initiatives will provide support for a variety of cooperative research efforts to employ and test a broad range of incentives. The programs listed below are illustrative of those that will be tested by NSF in FY 1973.

Support of individual academic institutions or consortia of universities in joint projects involving research associations, industrial firms, or industry associations.

Support for cooperative research efforts, involving investment on the part of State or local governments and universities, on problems of public concern at the State, regional, or local level.

Cost sharing grants to special ad hoc research associations to work on problems that cut across traditional industrial lines.

Cost sharing grants to research and industrial associations for research on highly specialized problems of a particular industry where the solution is vital to the economic interest of a particular region of the United States or where there are important benefits to the Nation as a whole beyond those capturable by an individual firm.

Awards to research and industrial associations to permit them to employ on a temporary basis qualified people from universities or industry to formulate R&D programs.

More specifically, NSF would test coupling programs that promote joint research between corporations, research associations and universities. The funding arrangements would consist of matching funds, with NSF providing part of the cost and industry providing the remainder. University research proposals would be encouraged which include financial and technical coupling to industrial research. Industry would be encouraged to sponsor research at universities, matched by NSF grants to the university. As another variant, NSF sponsored research scientists and engineers from industry would join NSF sponsored research programs at the universities. The problems to be addressed in such coupling programs would be selected by the government, universities, or industry.

NSF will also test the investment incentives to private industry for fundamental research managed by industrial associations, research associations, professional societies, or other appropriate organizations. This form would be best suited to industries that are fragmented, or in which the individual enterprises are unlikely to be able to sponsor significant amounts of basic research that might relate to their long-term development or to receive the benefits of having basic research scientists in contact with the firm's R&D programs of a more applied nature. The long-term objectives would be to maximize industry's own funds. Professional societies and academies could play a comparable role in the development of research capabilities in specialized but important disciplines.

Research and Development In the Service Sector---------------- $7,000,000

The purpose of this program is to experiment with incentives that would encourage additional investment in science and technology to improve the productivity of the service sector of the economy, both public and private. Methods to attain more rapid utilization by the service sector of the latest technologies available will also be tested.

These problems are important because:

The service sector lags significantly in productivity improvement; and

It is the most rapidly growing sector of economy, currently employing 64 percent of work force.

Public Service Sector ($4,000,000)—This program provides support for experiments and tests of a variety of mechanisms to determine which are most effective in encouraging State and local governments, universities, nonprofit research organizations, and others to undertake collaborative research and other exploratory efforts to identify, develop, evaluate, and apply existing and emerging technologies or products which have potential for major improvements in State and local governments.

Between 1950 and 1969, the annual revenues of State and local governments increased from $23.2 billion to over $113.0 billion. At the same time, expenditures increased from $27.9 billion to $131.6 billion. The outstanding debt of these governments rose from $24.1 billion at the end of 1950 to $133.5 billion at the end of 1969.

These massive increases in outlays and in debt outstanding are illustrative of the growth in programs and services of State and local governments and of the need to improve their productivity wherever possible.

For example, fire protection in urban areas costs an average of $12 per capita. Yet, it is reported that one community has brought its fire protection costs down to $2.30 per capita through improvements in technology, manpower utilization and organization. With approximately 150 million people now residing in our urban areas, the potential for savings in this single service sector is significant.

In view of the large Federal investment being made to assist State and local governments ($43.5 billion planned in FY 1973) it is in the Federal interest to find appropriate incentives to stimulate State and local governments to maximize the employment of science and technology in dealing with these problems. Different incentive mechanisms will be tested to determine which are most conducive to assuring that more advanced and cost-effective techniques are developed and applied to the solution of public problems at the State and local level. The programs listed below are illustrative of the kinds to be tested by NSF in FY 1973:

Provision of user-oriented research funds to selected State and local governments as an alternative to direct Federal R&D funding to determine the feasibility of generating State and local funds for research on problems peculiar to the State or locality. A variant of this approach would permit the State and local governments to use Federal funds to attract private investment and involvement aimed at alleviating public problems.

Application of aerospace resources and skills to improve decisionmaking and service delivery by State and local governments.

Development of multi-state or regional university-business-governmental arrangements to achieve pooling of resources, economies of scale, aggregation of user needs, and accelerated diffusion of proven technologies on a broad basis.

Service sectors in which science and technology could be better utilized and in which incentives will be tested include:

Trash collection and disposal;
Sanitation and sewage;
Traffic control;
Crime prevention;
Fire prevention and control;
Medical care; and
Environmental protection.

Private Service Sector ($3,000,000)—This program provides support for experiments on a variety of mechanisms to determine which are most effective in encouraging universities, colleges and junior colleges to provide technical assistance to local businesses in the service sector to increase their productivity through more effective utilization of science and technology.

Many smaller private and nonprofit firms, particularly those in the service sector, have neither the expertise to identify those problems which could be alleviated through the application of science and technology nor the resources to conduct adequate research for the best solutions to these problems.

These experiments will be designed to find ways of employing the pool of technical expertise that exists in academic institutions that could, if proper incentives were provided, participate in programs to upgrade the capabilities of business firms in the service sector. This program will provide support to study and improve through science and technology the procedure of local firms by faculty, students and research staffs and a variety of other mechanisms designed to provide technical assistance through colleges and universities to local commercial firms. Such procedures may involve, for example, management services, cost saving procedures, work and material flow scheduling, make or buy decisions and production processes.

Human resources for technology innovation ________________ $4,000,000

Although it has long been recognized that the most effective way to move new ideas through the innovation process is by the timely interchange of people, the process remains highly compartmented. The purpose of the Human Resources in Technological Innovation program is to seek incentives that will facilitate the flow of concepts and ideas from laboratory to consumer. It is generally recognized that there are many good and innovative ideas and products in the embryonic stage "on the shelf" within industry, university and government laboratories that, if joined with the most advanced science and technological capabilities available, could be transformed into new products and services that would have a great beneficial impact on the economy. The problem is finding ways to link these fledgling ideas and products with the needed science and technological capabilities, to grow them into practical and useful products and services. One of the major efforts of the NSF Experimental R&D incentives program will be to explore mechanisms for promoting the exchange of highly skilled professional and technical personnel between government laboratories, university and industrial laboratories and other science and engineering oriented organizations where such exchanges can facilitate the cross fertilization of ideas and knowledge.

Incentives to promote such cross fertilization are needed for a variety of reasons, some of the more significant of which are discussed in the following paragraphs.

Personnel policies, regulations, employee benefit programs and other personnel practices have increasingly acted to compartmentalize the Nation's skilled technical and professional work force. For example, barriers are built into the personnel development and maintenance programs of major institutions, both public and private, that discourage the temporary exchange of personnel among and between industries, government at the various levels, academic institutions and other organizations. These barriers include such routine procedures as those for handling payroll deductions for retirement, health, and other fringe benefits. In addition, seniority and problems of tenure also enter the picture and further constrain efforts to effect such exchanges.

The NSF program for Human Resources and Technological Innovation will provide support to test various incentives to overcome these roadblocks in order to promote the types of human linkages between university and government laboratories that will help move ideas and products into the market economy. Support under this program will be generally tied to projects supported under cooperative research industries and R&D in the service sector.

The types of programs that will be examined in an effort to achieve these objectives include the following:

Grants to academic institutions to combine the resources of engineering and business schools for the development of joint curricula and research on the innovation process.

Grants and contracts with universities and industry to encourage exchange of professional and technical personnel between universities, industry, and government.

Incentives for support of cooperative work-study programs designed to attack specific research problems and to aquaint industry with the capabilities of science and engineering students and to familiarize students with the problems, challenges and opportunities of the private sector.

Incentives to universities and Federal laboratories to encourage a more effective employment of Federal labortaory facilities in support of university research related to projects that are part of this experimental program.

Support under this program would generally be part of an overall project supported under cooperative research and service sector programs.

National R&D assessment programs ______________________ $2,500,000

Obligations National R. & D. Assessment Program

Actual fiscal year 1971	0
Estimate fiscal year 1972	0
Estimate fiscal year 1973	$2,500,000

This new program is proposed to provide a national R&D assessment capability consonant with the expressed needs of Congress and the Executive Office for more intensive study and assessment of how science and technology contribute to the achievement of national goals and objectives, including improvements in the quality of life, job creation, and economic growth. Through this program, NSF will analyze overall national R&D patterns; the incentive structures and decision points that have produced existing patterns for support, performance, and utilization of R&D in industry, government, nonprofit institutions; and universities; and the implications that our choice of options will have in shaping future R&D patterns.

If the United States is to maintain its economic health and its competitive position in an increasingly technology-dependent world, we must acquire a greater understanding of the processes of invention, innovation, and diffusion of science and technology; and of how decisions on R&D investments and utilization are made in various sectors of the economy. Viewed from the national interest, much remains to be learned about the kinds of incentives which would produce greater investment in or utilization of science and technology, and how such incentives work in achieving their objectives. A wide range of incentive structures has been tried by other nations. However, the diverse experiences of foreign countries in this area have not been comprehensively examined. In some cases, there are indications of significant gains in economic output due to governmental-industrial "partnerships." In other cases, the incentive structures apparently did not produce desired objectives. Because of the large differences in social, political, and economic structures among nations, considerable care must be exercised in directly transferring the experiences of others to the United States. Nevertheless, there is much that may be learned from the experiences of foreign countries.

This program represents a new effort to meet the needs of United States policymakers in the area of science and technology. The effort will focus on:

Analysis of data on national R&D trends and forecasting.

Analysis of the processes of invention, innovation, and diffusion of new technologies.

The public and private rates of return from R&D; and how R&D is related to more efficient utilization of resources, employment opportunities, productivity and foreign trade balance.

The role of science and technology in society; its impacts, potential contributions, costs, and relationships to existing and future institutional structures.

Foreign experience in the area of science and technology policy, particularly those countries, such as Japan, which have recently experienced rapid economic growth, to determine implications for United States policies.

Multi-national efforts at developing policies for R&D (such as OECD), and the implication of these efforts for the United States.

The impact of Federal policies through legislation and regulation on the use of science and technology and on the total innovative process in the United States.

Analyses of the relative impact of Federal and private R&D investments on innovation and economic growth, including an assessment of the results of the new experimental incentives program.

The new program will be structured to

examine research & development and their relationships to national objectives in the broadest sense. The work will be performed by a select group of analysts employing carefully designed, closely monitored grants and contracts with universities and other appropriate organizations.

Existing data and studies will be utilized wherever possible. New research will be conducted, as necessary, to fill knowledge and data gaps in order to provide public policy decision makers with the best attainable assessment of the actual and potential contribution of science and technology to the nation's intellectual, cultural, social, educational, and economic well-being.

Mr. DOMINICK. Mr. President, I think the statement is very effective because it shows full well the efforts we are trying to make in the scientific world to move toward aid and assistance to many of our citizens.

Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Texas (Mr. Tower), who could not be here supporting the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Tower

I am pleased to be a co-sponsor of S. 32, the National Science Policy and Priorities Act.

While I intend to support a number of amendments to modify certain provisions of the legislation, I am in favor of the general intent of the bill and believe that its basic framework represents an excellent opportunity to improve a very difficult problem.

The dual purpose of S. 32 is to apply science to our domestic problems and at the same time significantly reduce underemployment and unemployment among our nation's engineers and scientists.

I strongly believe that our nation's scientists, technicians and engineers can make a meaningful contribution towards achieving our national goals in such areas as environmental quality, mass transportation and housing. At the same time, I think that we as a nation have a responsibility to those individuals in our society who have lost their jobs due to cutbacks in defense related endeavors.

I would like to make it clear, however, that my sponsorship of this legislation does not detract from my basic position that this nation must maintain a strong defense posture, taking into consideration the need for a continuing reliance on Research and Development efforts emanating from the Department of Defense and NASA. I am confident that a reasonable level of Defense R & D will be maintained into the future along the lines called for in the Defense Department budget for fiscal year 1973.

However, due to Federal cutbacks in recent years in Defense and Space R & D programs many extremely qualified individuals have joined the ranks of the unemployed or have taken jobs not at all related to their educational and past employment experiences. Many Texans have been adversely affected by these cutbacks. It has been conservatively estimated that there are 6,000 aerospace technicians and engineers presently unemployed in Texas. Furthermore, this of course does not take into consideration those who have taken employment that is not at all related to their working experiences. Some of us may disagree over whether Congress has acted responsibly in making cuts that caused this problem, but none of us can deny that the problem exists.

The bill we are now considering would mobilize the talents of these people by utilizing proven mechanisms of the National Science Foundation. It will build upon the efforts of the Nixon Administration which has established a number of responsive programs to relocate and retrain unemployed aerospace technicians and engineers. For instance, the Technology Mobilization and Reemployment Program, operated through the Department of Labor, has assisted thousands of people in finding new employment opportunities. One of its main areas of concentration has been the Dallas-Fort Worth area where the problem of unemployed aerospace personnel is very severe.

The Fifty Cities Project is another Labor Department program which seeks to assist unemployed engineers through the development of jobs and employer contacts by an engineer or scientist hired in each of fifty cities. In Texas alone, specialists have been hired in Dallas, El Paso, Fort Worth, Houston and San Antonio. Additionally, the American Institute of Aeronautics and Astronautics under Department of Labor contracts has established two programs for the assistance of unemployed engineers, scientists and technicians. All of these efforts will be strengthened by enactment of this legislation.

Title II of the pending bill would establish a Civil Science Systems Administration which would be authorized to do research, testing and demonstration of civil science systems in order to provide improved public services in a wide variety of domestic fields. This is the major section of the bill. Placing this agency within the already established National Science Foundation will best insure that our federal effort will result in positive accomplishments. I am hopeful that Congress' further deliberations on this proposal will clarify the relationship of this new Administration so that its services will not duplicate existing programs already operating through the National Science Foundation or other federal agencies.

Through contracting with industry, academic and technical educational institutions, nonprofit agencies and public agencies the broad program envisioned by this legislation can bring together the best talents of our nation in meeting some of the crucial problems facing us in this nuclear age. It is not, however, a panacea for all of our problems, technical or ecological, and should not in any way be interpreted as such. However, it does represent a national commitment in the form of a partnership with many interested individuals and groups within our society and for that reason I urge its adoption.

Mr. DOMINICK. Mr. President, I said earlier that if my amendments were not adopted I would find it difficult, if not impossible, to vote for this bill. I must say that the Senator from Masachusetts has, through his cooperation on the last amendment, made it much more feasible for me to vote for the bill because I believe with the authority and reduction in the overall amount we are approaching a level where this program might possibly be made to work and I do believe that what we have in mind here is to try and persuade those people in the scientific community to devote more of their time to those areas in which all of us are thoroughly concerned, and would be greatly benefited.

This may be the program to accomplish that purpose, but until the House takes action on this and we have a chance to see it, I am going to withheld my decision at this time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BUCKLEY. Mr. President, on this vote I have a live pair with the Senator from Connecticut (Mr. Weicker). If he were present and voting, he would vote "yea." If I were permitted to vote, I would vote "nay." I, therefore, withhold my vote.

Mr. FANNIN (after having voted in the negative). Mr. President, on this vote I have a live pair with the Senator from Texas (Mr. Tower). If he were present and voting, he would vote "yea." I have already voted "nay." I, therefore, withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. Gambrell), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Rhode Island (Mr. Pell), the Senator from Louisiana (Mrs. Edwards), the Senator from North Carolina (Mr. Jordan), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. Gambrell), the Senator from Wyoming (Mr. McGee), and the Senator from South Dakota (Mr. McGovern), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senators from Nebraska (Mr. Curtis and Mr. Hruska), the Senator from Kansas (Mr. Dole), the Senator from Michigan (Mr. Griffin), the Senator from Illinois (Mr. Percy), the Senator from Pennsylvania (Mr. Schweiker), the Senator from Ohio (Mr. Taft), the Senator from Texas (Mr. Tower), and the Senator from Connecticut (Mr. Weicker) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Nebraska (Mr. Curtis), the Senator from Ohio (Mr. Taft), and the Senator from Illinois (Mr. Percy) would each vote "yea."

The respective pairs of the Senator from Texas (Mr. Tower) and that of the Senator from Connecticut (Mr. Weicker) have been previously announced.

The result was announced—yeas 70, nays 8, as follows:

[No. 385 Leg.]

YEAS—70

Aiken
Anderson
Bayh
Beall
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dominick
Eagleton
Fong
Fulbright
Gravel
Gurney
Hansen
Hart
Hartke
Hatfield
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Thurmond
Tunney
Williams
Young

NAYS—8

Allen
Bellmon
Bennett
Eastland
Ervin
Goldwater
Stennis
Talmadge

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Mr. Buckley, against.
Mr. Fannin, against.

NOT VOTING—20

Allott
Baker
Brock
Curtis
Dole
Edwards
Gambrell
Griffin
Harris
Hruska
Jordan, N.C.
McGee
McGovern
Mundt
Pell
Percy
Schweiker
Taft
Tower
Weicker

So the bill (S. 32) was passed, as follows:

S. 32

An act to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science Policy and Priorities Act of 1972".

DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that—

(1) Federal funding for science and technology represents an investment in the future, which is indispensable to sustained national progress;

(2) the manpower pool of scientists and engineers constitutes an invaluable national resource which should be utilized to the maximum extent possible at all times;

(3) the Nation's scientific resources can contribute significantly to meeting America's human needs in such priority problem areas as health care, poverty, public safety, pollution, unemployment, productivity, housing, education, transportation, nutrition, communications, and energy resources; and

(4) at this time of maximum need, much of the Nation's technical talent is being wasted or misapplied because of inadequate programs of civilian science and technology.

(b) The Congress declares that it is the continuing policy and responsibility of the Federal Government to take appropriate measures directed toward achieving the following goals—

(1) the total Federal investment in science and technology must be raised to an expenditure level which is adequate to the human needs of the Nation, and then continue to increase to the degree required to achieve an annual qualitative growth in the gross national product needed to sustain a full employment economy;

(2) scientists, engineers, and technicians must have continuing opportunities for socially useful employment in positions commensurate with their professional, technical capabilities;

(3) Federal obligations for civilian research and engineering activities must be increased so as to reach a level of parity with Federal obligations for defense research and engineering activities, whereupon the level of parity must be maintained or exceeded, except when inconsistent with overriding considerations of national security; and

(4) Federal programs for civilian research and engineering must be focused on meeting the human needs of the Nation in such priority problem areas as health care, poverty, public safety, pollution, unemployment, productivity, housing, education, transportation, nutrition, communications, and energy resources.

TITLE I—SCIENCE POLICY AND PRIORITIES FOR CIVILIAN RESEARCH AND ENGINEERING

SHORT TITLE

SEC. 101. This title may be cited as the "Science Policy Act".

AUTHORITY OF THE NATIONAL SCIENCE FOUNDATION

SEC. 102. Section 3 of the National Science Foundation Act of 1950 is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The Foundation shall recommend and encourage the pursuit of national policies designed to foster research and education in science and engineering, and the application of scientific and technical knowledge to the solution of national problems."

RESEARCH AND ENGINEERING PRIORITIES

SEC. 103. (a) The Foundation shall identify priority areas of civilian research and engineering likely to contribute to the resolution of national problems in areas such as health care, poverty, public safety, pollution, unemployment, housing, education, transportation, nutrition, communications, and energy resources. In making such identifications, the Foundation shall—

(1) take account of the results of its programs conducted or assisted under section 207;

(2) consult with appropriate scientific and technical organizations such as the National Academy of Sciences, the National Academy of Engineering, and the National Institute of Medicine; and

(3) coordinate and correlate its activities with respect to such identification with other agencies of the Federal Government undertaking programs relevant to these problems.

(b) From funds available pursuant to section 107, the Foundation may employ by grant or contract such consulting services as it deems necessary to carry out the functions assigned to the Foundation under this section.

RESEARCH PROGRAM

SEC. 104. From funds available pursuant to section 107, the Foundation is authorized to make grants to, or enter into contracts with, appropriate organizations for the conduct of basic and applied research and engineering designed to advance the scientific and technical state-of-the-art in such priority areas as are identified under section 103.

NATIONAL SCIENCE BOARD

SEC. 105. Section 4 of the National Science Foundation Act of 1950 is amended—

(1) by inserting before the period at the end of subsection (a) a comma and the following: "within the framework of applicable national policies as set forth by the President and the Congress" and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of science, social science, engineering, agriculture, industry, education, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service, and (3) shall be so selected as to provide representation of the views of leaders from a diversity of fields from all areas of the Nation. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by the National Academy of Sciences, the National Academy of Engineering, the National Association of State Universities and Land-Grant Colleges, the Association of American Universities, the Association of American Colleges, the Association of State Colleges and Universities, or by other scientific, technical, or educational associations."

POLICY APPRAISAL AND REPORTING

SEC. 106. In order to carry out the purposes of this Act, the National Science Foundation shall—

(1) analyze information regarding Federal expenditures for research and engineering activities, and the employment and availability of scientific, engineering, and technical manpower, which the Foundation has assembled pursuant to paragraphs (1), (5), (6), and (7) of section 3(a) of the National Science Foundation Act of 1950 in order to appraise the implementation of the policies set forth in section 2 of this Act;

(2) develop and recommend to the President and the Congress programs and activities which will contribute to carrying out the policies set forth in section 2 of this Act; and

(3) prepare and submit to the President for transmittal to the Congress not later than January 31 of each calendar year, a report on its activities under this Act and an appraisal of the extent to which the policies set forth in section 2 are being successfully implemented, together with such recommendations, including recommendations for additional legislation, as it deems appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 107. (a) To carry out the provisions of sections 103 and 104 of this title, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, $10,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

TITLE II—DESIGN AND DEMONSTRATION OF CIVIL SCIENCE SYSTEMS

SHORT TITLE

SEC. 201. This title may be cited as the "Civil Science Systems Act".

AUTHORITY OF THE NATIONAL SCIENCE FOUNDATION

SEC. 202. (a) (1) The Foundation is authorized to initiate and support programs which use science, technology, and advanced analytical techniques, such as systems analysis, to design civil science systems which are capable of providing improved public services in such areas as health care delivery, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications, and education.

(2) The Foundation, insofar as is practicable, is authorized and directed to develop alternative civil science systems in order to promote a wider range of choice for the application of such systems.

(b) The Foundation is authorized to initiate and support the public demonstration of civil science systems which have been designed under this title.

(c) Section 5(e) of the National Science Foundation Act of 1950 is amended by adding at the end thereof the following new sentence: "The provisions of this subsection shall not apply to the authority granted to the Director under title II of the National Science Policy and Priorities Act of 1972."

PROGRAMS AUTHORIZED

SEC. 203. In order to carry out the purposes of this title, the Foundation is authorized and directed to—

(a) initiate and support programs of applied research and experimentation, in order to design civil science systems capable of providing improved public services;

(b) test and evaluate the alternative civil science systems designed under this title, and appraise the results of such tests in terms of applicable technical, environmental, economic, social, and esthetic factors;

(c) disseminate and demonstrate the results of programs conducted or assisted under this title so that such civil science systems may be effectively utilized in the development of new communities, and in the improvement of living conditions in existing communities; and

(d) assure that the programs conducted or assisted under this title make maximum effective use of the Nation's scientists, engineers, and technicians, including those who are unemployed.

ESTABLISHMENT OF THE CIVIL SCIENCE SYSTEMS ADMINISTRATION

SEC. 204. There is hereby established within the National Science Foundation, the Civil Science Systems Administration to administer Federal programs carried out under this title.

SEC. 205 (a) The Administration shall be headed by an Associate Director for Civil Science Systems who shall be appointed by the President by and with the advice and consent of the Senate.

(b) The functions of the Director under this title and any other functions of the Civil Science Systems Administration shall be carried out through the Administration by the Associate Director, who shall be responsible to and report to the Director.

(c) There shall be a Deputy Associate Director for Civil Science Systems who shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties and exercise such powers as the Associate Director may prescribe. The Deputy Associate Director shall act for, and exercise the powers of, the Associate Director during the absence or disability of the Associate Director or in the event of a vacancy in the office of Associate Director.

(d) There shall be two Assistant Directors for Civil Science Systems who shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties and exercise such powers as the Associate Director shall prescribe, with the stipulation that one Assistant Director shall be responsible for advising and assisting the Associate Director with respect to the engineering and technical aspects of the Administration's programs, and the other Assistant Director shall be responsible for advising and assisting the Associate Director with respect to the behavioral and social science aspects of the Administration's programs.

(e) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) The Associate Director for Civil Science Systems of the National Science Foundation."

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) The Deputy Associate Director for Civil Science Systems of the National Science Foundation."

(3) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Assistant Directors for Civil Science Systems of the National Science Foundation."

(f) Section 14 of the National Science Foundation Act of 1950 is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b) Neither the Director, the Deputy Director, the Associate Director, the Deputy Associate Director, nor any Assistant Director shall engage in any other business, vocation, or employment while serving in such position; nor shall the Director, the Deputy Director, the Associate Director, the Deputy Associate Director, or any Assistant Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Foundation makes any grant, contract, or other arrangement under this Act."

CIVIL SCIENCE SYSTEMS ADVISORY COUNCIL

SEC. 206. (a) There is hereby established a Civil Science Systems Advisory Council to be composed of thirty-one members, of whom eighteen members shall be appointed by the Director for terms of three years, and thirteen shall be ex officio members designated in subsection (c) of this section. Appointed members shall be chosen from among persons who have, by reason of experience or accomplishments, demonstrated their qualifications to serve on the Council, in equal numbers from among the following categories—

1. business;
2. labor;
3. engineers, design, professionals, and natural scientists;
4. social and behaviorial scientists;
5. environmental and other community groups; and
6. consumers.

(b) (1) Of the members first appointed, six shall be appointed for a term of one year, six shall be appointed for a term of two years, and six shall be appointed for a term of three years, as designated by the Director at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy on the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Each appointed member of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for person in the Government service employed intermittently.

(5) The Council shall annually elect one of its members to serve as Chairman until the next election. The Council shall meet at the call of the Chairman, but not less often than four times a year.

(6) Eleven of the voting members of the Council shall constitute a quorum necessary for the transaction of official business.

(c) The Associate Director for Civil Science Systems; the Assistant Secretary of Commerce for Science and Technology; the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs; the Assistant Secretary of Housing and Urban Development for Research and Technology; the Administrator of the National Aeronautics and Space Administration; the Chairman of the Atomic Energy Commission; the Assistant Secretary of Transportation for Systems Development and Technology; the Administrator of the Environmental Protection Agency; the Director of the Office of Economic Opportunity; and the Chairman of the Council on Environmental Quality shall be nonvoting ex officio members of the Council.

(d) A representative designated by the National Governors Conference; a representative designated by the National Association of Counties; and a representative jointly designated by the National League of Cities and the United States Conference of Mayors shall be voting ex officio members of the Council.

(e) The Council shall—

(1) advise the Director with respect to the discharge of his responsibilities under this title;

(2) review and evaluate the effectiveness of Federal programs under this title;

(3) prepare and submit to the Director and the National Science Board such interim reports as it deems advisable, and an annual report of its findings and recommendations, together with any recommendations for changes in the provisions of this title; and

(4) disseminate its findings and recommendations to such extent and in such manner as it deems effective and advisable.

(f) The Director shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

PLANNING FOR CIVIL SCIENCE SYSTEMS

SEC. 207. (a) From funds available pursuant to section 214, the Director is authorized to conduct planning studies, to transfer funds to other departments and agencies of the Federal Government, and to make grants to, or to enter into contracts with, academic institutions, nonprofit institutes and organizations, State, regional, and local governmental agencies, and private business firms, for the conduct of planning studies for the design and demonstration of civil science systems capable of providing improved public services. Such studies will—

(1) be directed toward the objective of designing, testing, evaluating, and demonstrating civil science systems for subsequent incorporation in new communities, and for subsequent use, with appropriate adaptations, in existing communities;

(2) include long-range planning studies as well as intermediate and short-range studies;

(3) make maximum use of the results of activities undertaken under section 103 and 104 and the scientific and technical information provided under section 211;

(4) encompass studies of a wide range of public service areas, including but not limited to health care, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications, and education;

(5) include specific studies of the economic, sociological, psychological, legal, administrative, and political factors which affect the design, development, and implementation of civil science systems to provide public services;

(6) include total civil systems studies which integrate the specific studies carried out under paragraphs (4) and (5) of this subsection.

(b) In delineating the goals and establishing the priorities for such planning studies as are conducted under subsection (a) of this section, the Director shall consult with the Civil Science Systems Advisory Council.

APPLIED SOCIAL RESEARCH

SEC. 208. (a) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with academic institutions, nonprofit institutes and organizations, public agencies, and private business firms, for the conduct of applied social research into the economic, sociological, political, legal, administrative, and psychological aspects of the design, development, and implementation of civil science systems capable of providing improved public services.

(b) The scientific information which is currently available in these areas and which is generated as a result of the research undertaken under this section shall be fully taken into account by the Foundation in the development of programs and the design and evaluation of civil science systems under this title.

(c) In making grants or entering into contracts under this section, the Director shall take appropriate account of the results of the planning studies conducted or assisted under section 207.

CIVIL SCIENCE SYSTEM RESEARCH AND DESIGN

SEC. 209. (a) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, public agencies, and private business firms, for research with respect to, and design of, civil science systems capable of providing improved public services in areas such as health care, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications, and education.

(b) In making grants or entering into contracts under this section, the Director shall take appropriate account of the results of the planning studies conducted or assisted under section 207, and the applied social research studies conducted or assisted under section 208.

(c) Each contract awarded under this section shall contain provisions which assure that specific performance objectives, and any applicable physical, environmental, economic, social, and esthetic constraints are specified with particularity for each project conducted under said contract.

(d) To assure that civil science systems designed under this section are responsive to public needs and desires, the Director shall obtain community and public views in his determination of the performance objectives and priorities to be met by such systems.

TESTING AND EVALUATION

SEC. 210. (a) (1) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, State, regional, and local governmental agencies, and private business firms for testing and evaluating civil science systems which make use of advanced science and technology.

(2) Such testing and evaluation shall utilize all available, applicable analytical techniques, such as computer simulation, systems analysis, and technology assessment, to test and appraise such systems in terms of their conformance to performance objectives; adherence to stipulated constraints; costs and ancillary consequences; impact on the environment; impact on esthetic values; responsiveness to public needs and desires; and their comparison with alternative civil science systems which may provide similar public services.

(b) From funds available pursuant to section 214, the Director is authorized and directed to carry out final evaluations of civil science systems which make use of advanced science and technology, taking appropriate account of the results of the tests conducted or assisted under subsection (a) of this section, and the results of the applied social research conducted or assisted under section 208.

(c) In making grants or entering into contracts under this section, the Director shall take account of the results of the planning studies conducted or assisted under section 207.

INFORMATION DISSEMINATION

SEC. 211. From funds available pursuant to section 214, the Director is authorized to establish a computerized Civil Science Systems Information Service, which shall collect and integrate the scientific, technical, and social information pertaining to civil science systems resulting from programs under this title, and shall provide such information to interested organizations in Federal, State, and local government, industry, academic institutions, and the nonprofit sector, upon request from such organizations, in accordance with such administrative procedures as are established by the Director.

SYSTEMS DEMONSTRATION

SEC. 212. (a) From funds available pursuant to section 214, the Director is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, State, regional, and local governmental agencies, and private business firms, for the construction and public exhibition of civil science systems demonstration projects, which illustrate the functioning and associated benefits of alternative, effective civil science systems resulting from research and design activities conducted or assisted under this title.

(b) Such grants or contracts shall contain provisions which assure that such demonstration projects include—

(1) accurate and complete representations of the civil science systems involved in the demonstration, indicating the improved public services which they are capable of providing; and

(2) public exhibitions which are announced in advance and are open for inspection by any interested organization or individual in accordance with such administrative procedures as are prescribed by the Foundation.

(c) Prior to entering into any demonstration project grant or contract, the Director will consult with all State and local governments in whose jurisdictions such demonstration may occur, and will take account of the views of such governments in determining to award such a grant or contract.

COORDINATION WITH OTHER GOVERNMENT AGENCIES

SEC. 213. In planning and conducting or assisting programs under this title, the Director shall maintain continuing consultation and coordination with appropriate Federal, State, regional, and local governmental agencies, including, but not limited to, the Departments of Commerce; Health, Education, and Welfare; Housing and Urban Development; and Transportation; the Council on Environmental Quality; the National Aeronautics and Space Administration; the Atomic Energy Commission; the Office of Economic Opportunity; the Environmental Protection Agency; the National Governors Conference; the National Association of Counties; the United States Conference of Mayors; and the National League of Cities. Such consultation and coordination shall be carried out through the Council established under section 206, and through appropriate staff contacts at other levels of the agencies involved.

AUTHORIZATION OF APPROPRIATIONS

SEC. 214. (a) To carry out the provisions of this title, there are authorized to be appropriated $95,000,000 for the fiscal year ending June 30, 1973, $290,000,000 for fiscal year ending June 30, 1974; and $410,000,000 for fiscal year ending June 30, 1975.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

TITLE III—TRANSITION OF TECHNICAL MANPOWER TO CIVILIAN PROGRAMS

SHORT TITLE

SEC. 301. This title may be cited as the "Technical Manpower Transition Act".

AUTHORITY OF THE NATIONAL SCIENCE FOUNDATION

SEC. 302. The Foundation is authorized to plan and assist in the transition of scientific and technical manpower from research and engineering programs which have been terminated or significantly reduced to other civilian-oriented research and engineering activities. The Foundation is further authorized to plan and assist in the transition of scientific and technical manpower from research and engineering programs which have been terminated or significantly reduced due to the transfer abroad of technical activities of American based transnational firms to other civilian-oriented research and engineering activities.

ADVISORY PANEL ON TRANSITION OF SCIENTIFIC AND TECHNICAL MANPOWER TO CIVILIAN PROGRAMS

SEC. 303. (a) There is hereby established an Advisory Panel on Transition of Scientific and Technical Manpower to Civilian Programs to be composed of thirty-one members, of whom eighteen members shall be appointed by the Director for terms of three years, and of thirteen ex official members designated in subsection (c) of this section. Appointed members shall be chosen from among persons who have, by reason of experience or accomplishments, demonstrated their qualificatios to serve on the Panel, in equal numbers from the following categories:

(1) Engineering and natural sciences, including the environmental sciences;

(2) Economics and social sciences;

(3) Industry;

(4) Labor;

(5) Public affairs, education, and manpower training; and

(6) Unemployed or underemployed scientists, engineers, and technicians.

(b) (1) Of the members first appointed, six shall be appointed for a term of one year, six shall be appointed for a term of two years, and six shall be appointed for a term of three years, as designated by the Director at the time of appointment.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(3) Any vacancy on the Panel shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

(4) Each appointed member of the Panel shall, while serving on business of the Panel, be entitled to receive compensation at a rate not to exceed the daily rate prescribed for GC–18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(5) Eleven of the voting members of the Panel shall constitute a quorum necessary for the transaction of official business.

(c) The Panel shall annually elect one of its appointed members to serve as chairman until the next election. The Panel shall meet at the call of the chairman, but not less often than four times a year. The Associate Director for Civil Service Systems: the Chairman of the Council of Economic Advisers; the Assistant Secretary of Commerce for Science and Technology; the Assistant Secretary of Labor for Manpower; the Assistant Director for Economic Affairs of the United States Arms Control and Disarmament Agency; the Administrator of the National Aeronautics and Space Administration; the Director of Defense Research and Engineering; the Chairman of the Atomic Energy Commission; the Commissioner of Education; and the Assistant Secretary of Health, Education, and Welfare for Health and Scientific Affairs shall be ex officio nonvoting members of the Panel.

(d) A representative designated by the National Governors Conference; a representative designated by the National Association of Counties; and a representative jointly designated by the National League of Cities and the United States Conference of Mayors shall be voting ex officio members of the Panel.

(e) The Panel shall—

(1) advise the Director, with respect to the discharge of his responsibilities under this title;

(2) review and evaluate the effectiveness of Federal programs under this title;

(3) prepare and submit such interim reports as it deems advisable, and an annual report of its findings and recommendations, together with any recommendation for changes in the provisions of this title; and

(4) disseminate its findings and recommendations to such extent and in such manner as it deems effective and advisable.

(f) The Director shall make available to the Panel such staff, information, and other assistance as it may require to carry out its activities.

RESEARCH ON TRANSITION TO CIVILIAN PROGRAMS

SEC. 304. From funds available pursuant to section 313, the Foundation is authorized to—

(1) make grants to, or to enter into contracts with, academic institutions, nonprofit institutes and organizations, public agencies, and private business firms, for the conduct of research designed to study and appraise the social, economic, and managerial aspects of transition from defense research and engineering activities to civilian-oriented research and engineering activities; and

(2) disseminate publicly, or enter into contracts with academic institutions, nonprofit institutes and organizations, public agencies, and private business firms for the public dissemination of, the significant results of such research conducted under subsection (1) of this section, as appear likely to aid in the transition from defense research and engineering activities to civilian-oriented research and engineering activities, particularly those directed toward the resolution of priority national problems, as identified under section 103.

ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

SEC. 305. (a) From funds available pursuant to section 313, the Foundation is authorized to make grants to State and local governments and regional governmental agencies for—

(1) the conduct of programs at the State, local, or regional level, which are designed to facilitate the transition of scientific and technical activities to civilian programs within the particular State, local, or regional areas; and

(2) the hiring of currently unemployed or underemployed scientists, engineers, and technicians to work within State, local, or regional governmental agencies in positions which utilize their technical skills.

(b) The Director shall prescribe applicable salary rates for different types of technical positions in different areas of the country, none of which shall exceed the rate paid a person occupying grade GS–13, step 1.

(c) No one hired by a State, local, or regional governmental agency under this section may—

(1) receive compensation from Federal funds at a rate which exceeds the applicable rate as set by the Director; or

(2) remain in a position compensated under this section for a period in excess of two years.

TRAINING GOVERNMENT OFFICIALS

SEC. 306. (a) From funds available pursuant to section 313, the Foundation is authorized to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, and private business firms, for the purpose of their planning, developing, strengthening, or operating training programs for officers and employees of Federal, State, and local government who will be responsible for, or participate in, determining or administering government-assisted or conducted programs for civilian, socially oriented research and engineering activities.

(b) Such training programs will be directed at (1) acquainting the program participants with the potential contributions of science and technology to the resolution of public problems in such priority areas as are identified pursuant to this Act; and (2) teaching such participants how to utilize scientific and technical talent in an effective and economical manner.

(c) Organizations conducting such training programs may not charge any fee to a participant or participant's agency, which is not permitted by such regulations as the Foundation may prescribe.

(d) Participants in such training programs will be selected by the grantee or contractor from nominations made by interested governmental agencies, in accordance with such criteria and regulations as the Foundation may prescribe.

GOVERNMENT EMPLOYEE PARTICIPATION

SEC. 307. (a) From funds available pursuant to section 313, the Foundation is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with, State, regional, and local government agencies for the purpose of paying the travel and subsistence expenses of government employees incurred in connection with their participation in training programs carried out under section 306.

(b) Executive agencies of Federal, State, and local governments are encouraged, to the extent consistent with efficient administration, to provide opportunities for appropriate officers and employees of such agencies to participate in training programs carried out under section 306.

COMMUNITY CONVERSION CORPORATIONS

SEC. 308. (a) From funds available pursuant to section 313, the Foundation is authorized to make grants to, or enter into contracts with, local governments or nonprofit corporations for the establishment and operation of community conversion corporations, which—

(1) function as nonprofit corporations:

(2) operate under the direction of a Board of Directors which is representative of a wide range of community interests, including citizen group and consumer participation, selected in accordance with such criteria as may be prescribed by the Foundation;

(3) conduct, contract for, or stimulate the conduct of civilian-oriented research and development activities which focus on the particular problems, or draw on the particular resources, of the community within which the corporation is located; and

(4) give preference in personnel recruitment to unemployed or underemployed scientists, engineers, and technicians, provided that they meet necessary qualifications for effective job performance.

(b) Existing nonprofit corporations are eligible to apply at community conversion corporations for financial assistance under this section, if such corporations meet the qualifications set forth under subsection (a) of this section.

(c) Each community conversion corporation receiving a grant or contract from the National Science Foundation is encouraged to seek additional financial support and payment for services from other agencies of Federal, State, or local government, private foundations, community organizations, and private business firms; and the National Science Foundation will give preference in awarding such community conversion grants or contracts to those corporations which show a likelihood of being able to obtain such additional financial support.

(d) The receipt by a community conversion corporation of a grant or contract from the National Science Foundation under this section does not make said corporation ineligible to receive other categories of grants and contracts from the Foundation.

(e) In awarding grants or contracts to community conversion corporations for specific research and development projects, the Foundation will give preference to those projects which offer the most promise of aiding in the resolution of national problems in priority areas as identified under section 103.

JOB TRANSITION PROGRAMS

SEC. 309. (a) From funds available pursuant to section 313, the Foundation is authorized, upon application, to make job transition grants to nonprofit institutes and organizations and to private business firms in order to enable them to hire scientists, engineers, and technicians for work on projects for which they are not yet fully qualified. Each such application shall contain provision to assure that—

(1) such projects shall consist of civilian-oriented research and engineering activities;

(2) the personnel participating in such job transition programs shall be selected from unemployed or underemployed applicants by the grantees, in accordance with such criteria and regulations as shall be prescribed by the Foundation, including the requirement that the participants shall have a reasonable prospect of achieving full job qualification within a stipulated period of time;

(3) the personnel participating in such programs shall be afforded a reasonable opportunity to attend specialized training courses when such courses are deemed by the grantee to be necessary to supplement the on-the-job training of the participant; and

(4) no one may continue, or be selected, to participate in a job transition program under this section after such time that he receives a career transition fellowship under section 310.

(b) All significant scientific and technical information which is generated by the personnel participating in such programs shall be made available for public use, in accordance with such procedures as shall be prescribed by the Foundation.

CAREER TRANSITION FELLOWSHIPS

SEC. 310. (a) From funds available pursuant to section 313, the Foundation is authorized to award career transition fellowships to unemployed or underemployed scientists, engineers, and technicians to enable them to pursue a course of study through which they can acquire specialized technical knowledge and skills in fields other than the ones in which they are already proficient.

(b) The Foundation shall allocate fellowships under this section in such manner, insofar as practicable, as will—

(1) attract highly qualified applicants; and

(2) provide an equitable distribution of such fellowships throughout those areas of

the United States which are experiencing a higher than average level of technical unemployment.

For the purpose of this section, the Foundation shall consult with the Secretary of Labor to establish for each region in the United States the average level of technical unemployment.

(c) The Foundation shall award at least 10 per centum but not to exceed 20 per centum of the fellowships awarded under this section to scientists, engineers, and technicians who have completed their formal academic education within a five-year period prior to award of the fellowship, as certified in accordance with such regulations as the Foundation may prescribe.

(d) The Foundation shall pay to persons awarded fellowships under this section such stipends (including such allowances for subsistence, health insurance, relocation expenses, job placement expenses, and other expenses for such persons and their dependents) as it may prescribe by regulation.

(e) Fellowships shall be awarded under this section upon application made at such times and containing such information as the Foundation shall by regulation require.

PLACEMENT ASSISTANCE

SEC. 311. (a) From funds available pursuant to section 313, the Foundation is authorized to transfer funds to other departments and agencies of the Federal Government, and to make grants to, and to enter into contracts with scientific, professional, technical, and business associations, and labor unions in order to establish and operate placement programs for unemployed or underemployed scientists, engineers, and technicians.

(b) Such grants and contracts may include provision for relocation expenses of the individual participant and his family when necessary, in accordance with such regulations as the Foundation shall prescribe.

(c) Grantees and contractors shall select applicants for such placement assistance in accordance with such criteria and regulations as the Foundation shall prescribe.

(d) No one shall be eligible for placement assistance under this section when he is—

(1) a participant in a job transition program under section 309; or

(2) a recipient of a career transition fellowship under section 310.

EDUCATION PROGRAM

SEC. 312. From funds available pursuant to section 313, the Foundation is authorized to make grants to, and to enter into contracts with, academic institutions, nonprofit institutes and organizations, and private business firms, for the purpose of their planning, developing, strengthening, or carrying out education programs which design courses and curriculums intended to prepare students for careers in civilian, socially oriented research and engineering activities, in areas such as pollution control, mass transit, solid waste disposal systems, public utilities, public safety systems, and health care technology.

AUTHORIZATION OF APPROPRIATIONS

SEC. 313. (a) To carry out the provisions of this title, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1973; $75,000,000 for the fiscal year ending June 30, 1974; and $75,000,000 for the fiscal year ending June 30, 1975.

(b) Funds appropriated pursuant to subsection (a) of this section shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

TITLE IV—PROTECTION OF PENSION RIGHTS OF SCIENTISTS AND ENGINEERS

SEC. 401. The Congress finds that because of rapid and frequent changes in Federal procurement objectives and policies, engineering and scientific personnel suffer a uniquely high rate of forfeiture of pension benefits under private pension plans, as such employees tend to change employment more frequently than other workers. The Congress declares that it is the policy of the United States to seek to protect scientists and engineers from such forfeitures by making protection against forfeiture of pension credits, otherwise provided, a condition of compliance with Federal procurement regulations.

SEC. 402. The Director shall develop, in consultation with appropriate professional societies and heads of interested Federal departments and procurement agencies, recommendations for modifications of Federal procurement regulations to insure that scientists, engineers, and others working in associated occupations employed under Federal procurement, construction, or research contracts or grants shall, to the extent feasible, be protected against forfeitures of pension or retirement rights or benefits, otherwise provided, as a consequence of job transfers or loss of employment resulting from terminations or modifications of Federal contracts or procurement policies.

SEC. 403. Recommended changes in procurement regulations shall be developed by the Director, as required by section 402, within six months after enactment of this Act, and shall be published in the Federal Register within fifteen days thereafter as proposed regulations subject to comment by interested parties.

SEC. 404. After publication under section 403, receipt of comments, and such modification of the published proposals as the Director deems appropriate, the recommended changes in procurement regulations developed under this title shall be adopted by each Federal department and procurement agency within sixty days thereafter unless the head of such department or agency determines that such changes would not be in the national interest or would not be consistent with the primary objectives of such department or agency.

TITLE V—GENERAL PROVISIONS

DEFINITIONS

SEC. 501. As used in this Act:

(1) The term "academic institution" means any United States institution of higher education as defined in sections 491 and 1201 of the Higher Education Act of 1965.

(2) The term "Administration" means the Civil Science Systems Administration.

(3) The term "Assistant Director" means an Assistant Director of the National Science Foundation.

(4) The term "Associate Director" means the Associate Director for Civil Science Systems of the National Science Foundation.

(5) The term "civil science system" means any set of interrelated technological applications which are designed to perform certain public services, as defined in subsection (11) of this section.

(6) The term "civilian research and engineering activities" means all nondefense research and engineering activities as determined pursuant to regulations of the Director of the Foundation after consultation with the Directors of the Office of Management and Budget and the Office of Science and Technology.

(7) The term "Council" means the Civil Science Systems Advisory Council.

(8) The term "defense research and engineering activities" means any activity which involves—

(i) research, development, or engineering, including necessary supporting services, performed under grant from, or contract with, the Department of Defense or under subcontract to such a grant or contract; or

(ii) the construction, reconstruction, repair, or installation of any building, plant, structure, facility, or equipment connected or necessary to such research, development, engineering, or supporting services.

(9) The term "Deputy Associate Director" means the Deputy Associate Director for Civil Science Systems of the National Science Foundation.

(10) The term "Director" means the Director of the National Science Foundation.

(11) The term "Federal executive agency" means any department, agency, or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(12) The term "Foundation" means the National Science Foundation.

(13) The term "Panel" means the Advisory Panel on Transition of Scientific and Technical Manpower to Civilian Programs.

(14) The term "public service" means any set of interrelated organizations and activities which collectively perform certain related functions normally associated with life in our society, including but not limited to such public services as health care, public safety, public sanitation, pollution control, housing, transportation, public utilities, communications, and education.

(15) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

ADMINISTRATIVE PROVISIONS

SEC. 502. (a) The Director of the Foundation is authorized, in furtherance of the purposes and provisions of this Act, to—

(1) appoint such additional personnel as he deems necessary to carry out this Act;

(2) appoint such advisory committees as he deems advisable;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code; and

(4) use the services, personnel, facilities, and information of any other Federal department or agency, any agency of a State, or political subdivision thereof, or any private research agency with the consent of such agencies, with or without reimbursement therefor.

(b) Upon request by the Director, each Federal department or agency is authorized to make its services, personnel, facilities, and information, including suggestions, estimates, and statistics, available to the greatest practicable extent to the Director, or his designee, in the performance of his functions under this Act.

(c) The Director shall establish such additional divisions or offices within the Foundation as he deems necessary to carry out his functions under this Act.

PAYMENTS AND WITHHOLDING

SEC. 503. (a) Payments under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment.

(b) Whenever the Director, after giving reasonable notice and opportunity for hearing to a grantee or contractor under this Act, finds—

(1) that the program or project for which such grant or contract was made has been so changed that it no longer complies with the provisions of this Act; or

(2) that, in the operation of the program or project, there is failure to comply substantially with any such provision—

the Director shall notify such grantee or contractor of his findings and no further payments may be made to such grantee or contractor by him until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Director may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such grantee or contractor and which are not involved in the noncompliance.

RECORD AND AUDIT

SEC. 504. (a) Each recipient of assistance under this Act pursuant to grants received, agreements entered into, or contracts entered into under other than competitive bidding procedures shall keep such records as the Director shall prescribe, including records which fully disclose the amount and disposition of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this Act.

PATENT RIGHTS

SEC. 505. (a) Each grant, contract, or other arrangement executed pursuant to this Act which relates to scientific research or engineering shall contain provisions governing the disposition of inventions produced thereunder in a manner calculated to protect the public interest and the equities of the individual or organization with which the grant, contract, or other arrangement is executed. Nothing in this Act shall be construed to authorize the Foundation to enter into any contractual or other arrangement inconsistent with any provision of law affecting the issuance or use of patents.

(b) No officer or employee of the Foundation shall acquire, retain, or transfer and rights, under the patent laws of the United States or otherwise, in any invention which he may make or produce in connection with performing his assigned activities and which is directly related to the subject matter thereof. This subsection shall not be construed to prevent any officer or employee of the Foundation from executing any application for patent on any such invention for the purpose of assigning the same to the Government or its nominee in accordance with such rules and regulations as the Director may establish.

The title was amended, so as to read: "A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's specific policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes."

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, now that this bill has passed, I just want to take one very brief moment to thank the members of the National Science Foundation Subcommittee and the members of the full committee, especially the Senator from Colorado (Mr. DOMINICK), who spent a great deal of time on the measure, and the Members on my own side of the aisle who worked on this proposal.

I particularly want to express my appreciation to the staff members who spent a great deal of time on this measure. Roy Millenson, the minority staff member; Tom D'Alonzo, on Senator DOMINICK's staff; Herbert Jasper, for Senator MONDALE; and Ellis Mottur from my own staff. All of these men made a valuable contribution on this enormously technical measure. Others like Michael Gordon, Jonathan Steinberg, Robert Maynard, also contributed. It was an enormously complicated, technical piece of legislation; they all served the committee and the Senate very well in fulfilling their responsibilities, and I express my appreciation to all of them.

Mr. MANSFIELD. Mr. President, the passage of S. 32, is a very significant step in the right direction in the whole process in reordering the priorities of this Nation, in assuring that these new directions of investment of the Nation's limited resources will not be at the expense of the workingman. If this Nation is going to shift direction so that it can have full employment at time other than when it is at war or preparing for war; then the basic infrastructure of the economy of this country must be changed. That takes long-term planning and redirecting of the resources, the rechanneling of the professions so that the specialties in science are useful for peacetime purposes as well as wartime purposes.

S. 32 is a significant achievement along these lines. It is a bill that looks to the future by beginning today. It is a bill that hopefully will receive enactment in this Congress before adjournment. I think that the Senator from Massachusetts (Mr. KENNEDY) deserves the gratitude of the Nation as well as the Senate for conceiving and nurturing this bill to passage.

The matter of science policy has been neglected too long in this country. The science policy of this country has been really determined by who had the money to spend, and the vitality of scientific efforts were determined by that money. It has been to a great extent the Department of Defense and the ease with which it has been able to get resources from Congress that has determined by default the science policy of this country. I think the Congress realizes that the vitality and strength of our society can be enhanced by a more positive attitude toward science policy and the people in science. Senator KENNEDY's leadership in this matter has been outstanding. In addition, I wish to thank the distinguished Senator from Colorado (Mr. DOMINICK) for his constructive proposals and the cooperation he afforded the leadership in bringing them to the Senate.

As always, the Senator from New York (Mr. JAVITS), the ranking member on the Labor Committee, has contributed to this as to all measures that come from the Labor Committee in his usual fashion.

I wish to thank the Senate as a whole for the cooperation they have afforded in permitting the Senate to move so swiftly on this measure.

WAR POWERS OF THE CONGRESS AND THE PRESIDENT

Mr. FULBRIGHT. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2956.

The PRESIDING OFFICER (Mr. BEALL) laid before the Senate the amendments of the House of Representatives to the bill (S. 2956) to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress, which were to strike out all after the enacting clause and insert:

That the Congress reaffirms its powers under the Constitution to declare war. The Congress recognizes that the President in certain extraordinary and emergency circumstances has the authority to defend the United States and its citizens without specific prior authorization by the Congress.

SEC. 2. It is the sense of Congress that the President should seek appropriate consultation with the Congress before involving the Armed Forces of the United States in armed conflict, and should continue such consultation periodically during such armed conflict.

SEC. 3. In any case in which the President without specific prior authorization by the Congress—

(1) commits United States military forces to armed conflict;

(2) commits military forces equipped for combat to the territory, airspace, or waters of a foreign nation, except for deployments which relate solely to supply, repair, or training of United States forces, or for humanitarian or other peaceful purposes; or

(3) substantially enlarges military forces already located in a foreign nation;

the President shall submit promptly to the Speaker of the House of Representatives and to the President of the Senate a report, in writing, setting forth—

(A) the circumstances necessitating his action;

(B) the constitutional, legislative, and treaty provisions under the authority of which he took such action, together with his reasons for not seeking specific prior congressional authorization;

(C) the estimated scope of activities; and

(D) such other information as the President may deem useful to the Congress in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad.

SEC. 4. Nothing in this Act is intended to alter the constitutional authority of the Congress or of the President, or the provisions of existing treaties.

And amend the title so as to read: "An act concerning the war powers of the Congress and the President."

Mr. FULBRIGHT. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

The motion was agreed to, and the Presiding Officer appointed Mr. FULBRIGHT, Mr. CHURCH, Mr. SPONG, Mr. CASE, and Mr. JAVITS conferees on the part of the Senate.

Mr. JAVITS. Mr. President, will the Senator yield briefly to me on this matter?

Mr. FULBRIGHT. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, the Senate should know that this bill which has just gone to conference is the war powers bill which we debated here at length, and which was well considered in, I think, an extremely high-level way. The House of Representatives chose to take that bill from the calendar and substitute a bill which the House had theretofore passed directed to the same subject, which was very different from the Senate bill; and our chairman quite properly, as a matter of comity with the House of Representatives, has had conferees appointed, and I thoroughly agree with that. It is our duty to do so.

But I think it would be deceptive if I did not state, having been so importantly concerned with the bill for myself and the major cosponsors, Senator SPONG of our committee, Senator STENNIS, the chairman of the Armed Services Committee, and Senator EAGLETON, that the House version is very, very different, of a totally different order of construction, and different in every conceivable way from what the Senate passed, and therefore I would not wish the bill to be referred to conference without emphasizing that point, that the two proceed on completely diverse principles.

Every Senator should know that, and we should not have some impression that this is just a bill that can be taken to conference and somehow reconciled in the normal way between the two Houses. Deep questions of principle as to the powers of Congress are involved. We have to do our best to wrestle with them, but I thought it was appropriate to spread this well on the record.

Mr. FULBRIGHT. Mr. President, I, of course, completely agree with the statement of the Senator from New York. The Senate will note that I reached down and put two of the principal sponsors of the bill, athough they are relatively new members of the committee, the Senator from New York (Mr. JAVITS) and the Senator from Virginia (Mr. SPONG), on the conference committee, and I have no doubt that the Senate conferees will be very strong in support of the Senate version of this legislation.

Mr. JAVITS. I am very grateful.

Mr. FULBRIGHT. I am very pleased that the Senator raised this point.

ORDER OF BUSINESS

(The following colloquy, which occurred during the consideration of the National Science Foundation Act Amendments, is printed at this point in the RECORD by unanimous consent:)

THE PRESIDENT'S VETO MESSAGE

Mr. HUMPHREY. Mr. President, earlier today, I made a brief comment on the President's veto of the appropriation bill for the Departments of Labor and Health, Education, and Welfare, and related agencies. This bill has had a great deal of comment today, and the veto message has had some comment. I should like to add mine.

First of all, I believe that the action of the President is uncalled for, was indefensible, and is not in the interests of the American people.

I noted with considerable interest what the President had to say in his veto message. He said:

> This Administration is second to none in its concern for America's health, education and manpower program needs. From the very beginning we have consistently proposed and supported desirable programs in both the health research and health service areas, and we will continue to do so.

That is in his veto message today.

My answer, Mr. President, is that this is bunk—pure and simple bunk—and the American people know it.

President Nixon has failed to fulfill his promise to provide adequate health care for all. He has vetoed much needed legislation and impounded millions of dollars appropriated by Congress for health programs. He has slashed funds for the Nation's hospitals and made little effort to meet the critical health manpower crisis and ordered cutbacks in Federal spending for medical research health programs. Supposedly, all of this is in the name of economy. I think it would take a good deal of geometrical gymnastics to be able to justify cuts in health services in light of the health needs of this Nation.

What has the President vetoed in the present measure? For example, the President, in this appropriation bill, vetoed occupational safety and health measures. The Senate bill provided $10,793,000 over the budget. Surely, that money is needed. The President vetoed the mental health appropriation. The committee had recommended $238 million more than the budget. He vetoed the psychiatric training funds. He vetoed funds for the staffing of community mental health centers, despite the fact that we are in a drug addiction epidemic in this country and that these mental health centers are vital to the treatment of drug addicts.

He vetoed the funds for the construction of community mental health centers; and every community in this country, with few exceptions, is begging for this assistance. He vetoed funds for narcotics addiction and drug abuse control. The Senate bill provided $28,702,000 over the budget. Is there any Member of the Senate who believes that we do not need that money for narcotics addiction and drug abuse control?

He vetoed funds for alcoholism prevention control; mental health programs for children; regional medical programs—which, by the way, have been authorized for years and which are desperately needed throughout this country.

He vetoed hospital construction. The Senate bill included $112,200,000 for the construction of hospitals. Everybody knows that we need these hospitals. We need them desperately. We have thousands of hospital beds that do not meet Federal standards. The Federal Government is in violation of the law. The President of the United States has taken an oath to uphold the Constitution. That means he is supposed to do something about the law—this law and order administration.

He has vetoed funds for comprehensive health services. The Senate bill included an additional $20 million for the kind of programs that are needed for comprehensive health centers in rural America and urban America.

He has vetoed funds for the migrant health program; maternal and child health; National Health Service Corps; venereal and other communicable disease programs; lead-based paint poisoning prevention, which has taken its toll of children in this country; and programs for occupational health.

These are just a few. That is what the President did, in the name of controlling inflation.

Yet, the same administration sent Congress a defense budget that has billions added to it. I am not for wild cuts in the defense budget. I happen to believe in prudent reductions. I have even taken on Democratic candidates with respect to this issue. But, Mr. President, this country is not going to be caught up in the flames of inflation because the education and the health of the people are taken care of. That is pure, unadulterated bunk.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. HUMPHREY. If the President of the United States wants to go to the country on this issue then I am ready to join the battle. He has recruited another man "full steam ahead for George." I was going to hold off for about a week but I am entering the fight right now to be of help to the people of this country. This is an unconscionable veto.

Mr. MAGNUSON. As a matter of fact, the educational needs, and taking care of the health and welfare of the people of this country, if we do not do it, we will have more inflation——

Mr. HUMPHREY. The Senator is so right.

Mr. MAGNUSON. It will cost more, right?

Mr. HUMPHREY. The Senator is so right. By the way, the Senator from Washington has been a lifesaver for the American people. I am happy he is in the Chamber now because he and his companion on the minority side, the Senator from New Hampshire (Mr. COTTON), have both rendered great service to this country as the chairman and the ranking member of the subcommittee that brings this bill to us.

Mr. President, if President Nixon cares about the health of the American people, he would have signed this legislation.

If President Nixon had cared about the dilapidated and poorly equipped hospitals in this country, he would have signed this legislation.

If President Nixon had cared about the education of the handicapped and of mentally retarded children, he would have signed this legislation.

I defy the President to show us where this legislation will bring inflation.

Mr. President, do you mean to tell me that we cannot take care of the mentally retarded children in this country? Do you mean to tell me that we should not be taking care of the handicapped. Good God, if we have to make cuts in these fields, we should get out of here.

If President Nixon really cares about building libraries, providing vocational education and funding vocational education programs, he would have signed the legislation.

If he really wants to declare war on drug abuse and alcoholism, it will take more than prayers in the White House—important as that is, and I support that—it takes money, too.

I accuse this administration of failure to act on the verbal commitments to the American people. That is political hypocrisy. It is unbelievable that the President would claim his administration is second to none in caring for the health and welfare of the people of this country when his record is riddled with vetoes and cutbacks.

The slogan of the administration is, as I said the other night, "No, no. Go slow. Not now. Veto." That is it. Put it down there as a kind of litany.

The only thing that has not been cut back in this administration is the number of professional P.R. men. They have added them all on, so anxious are they to publicize this administration's false claims of excellence.

So I say, fire one of those P.R. men so that we can feed a hungry child. I say cut back on the number of budget cutters so that we can build another hospital.

I say, come clean with the people and admit that we are neglecting many of those most in need.

I thought President Nixon would sign this bill. I have not said a word about it because I did not believe that, at least in this election year, he could be so callous, so indifferent—and so foolish.

Mr. President, I have had 9 minutes to speak here. Never have I used 9 minutes of my life for a more worthwhile purpose.

There is no defense that the President of the United States and his aides can make for this veto. None.

I ask this administration to bring its economists up here and prove to us that this bill adds to inflation. For every nickel of inflation, I will show you, Mr. President, a life that is saved. For every dime of inflation, Mr. President, I will show you thousands of children who will be educated.

This country needs a crash program for education.

The PRESIDING OFFICER (Mr. BEALL). The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. That is all I need.

Mr. SCOTT. Mr. President, I yield myself 10 minutes.

THE PRESIDING OFFICER. Does the Senator ask unanimous consent for his request?

Mr. SCOTT. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

Mr. HUMPHREY. Mr. President, I object. Nine minutes. Go ahead.

Mr. SCOTT. Mr. President, I am overwhelmed by the very thought that I would have enough ideas to exceed the Senator from Minnesota by 1 minute. I have enough good ideas to exceed him indefinitely.

Mr. President, the Senator from Minnesota was out of the Chamber earlier today when we passed the continuing resolution providing for all of these services of which the Senator complains. Therefore, we will go ahead in accordance with the previous decisions made up to now as to the funding of each of these programs.

I also would like to say, in view of the fact that the distinguished Senator from Minnesota has spoken of his enthusiasm for his friend, the candidate, that his friend, the candidate, has submitted only four bills to the Committee on Labor and Public Welfare dealing with mental retardation and education and all the other matters for which tears of compassion flowed so unrestrainedly down the face of my friend from Minnesota. On not one of these has the Senator from South Dakota asked for a hearing. This represents the concern of the Senator from South Dakota (Mr. McGOVERN).

Talk is cheap. Talk is being indulged in cheaply. But, on the floor and in the committee, the Senator from South Dakota has failed the people of this Nation. He has failed to carry through with his resplendent but non-responsive promises.

Mr. President, when the President vetoed this bill—and I support most of the programs in the bill—he gave his reasons.

I might point out in mentioning the reasons, that this administration has done more in the field of mental health than any previous administration—and will do more.

This administration has done more for education than any previous administration—and will do more.

This administration has done more for veterans, for the working people, for job creation, and for the entire secondary and college education programs—and will do more.

This administration recommended for the first time construction and rehabilitation aid to private schools in this country—and will do more.

This administration is prepared to put that record against all the promises and all the easily voiced complaints which are designed to appeal to emotion and to delude the voter who runs and reads, perhaps too carelessly or too quickly, the actual record made by this Congress.

The President points out in his veto message:

> Because this is currently an open-ended program, this Congressional *inaction* could require a later supplemental reaching as high as $3.5 billion. By increasing the face amount of the bill on the one hand and failing to place a limitation on payments for social services on the other, the Congress has produced a budget overrun that could exceed *$5 billion*.

Mr. President, the Senator from Minnesota says he challenges the President to show him how that contributes to inflation.

If the Senator will get out his little adding machine, he can convince himself that $5 billion over the budget contributes to inflation, because $5 billion adds to the deficit, it adds to the debt, and it increases the cost of everything the Senator's constituents buy. It even increases the cost of everything the Senator from South Dakota buys, because while the public is not buying his ideas, he, too, has to go into the marketplace and buy his goods and he would have paid more for them under this bill.

The President points out:

> No program has higher priority than continued expansion of the purchasing power of all the people.

That—

> We have cut inflation in half, but spending such as this bill would require would clearly undermine that progress.
>
> We have reduced Federal income taxes by 26 percent for a family of four making $10,000 a year but spending such as this would undermine that progress.
>
> We have achieved conditions in which the purchasing power of the average production worker with three dependents has gained four percent in one year, the best increase since 1964, but spending such as this would undermine that progress.

Now the President pointed out that in the budget request he submitted a proposed increase of $2.1 billion for HEW. Not a reduction, Mr. President. One would think, from what the Senator from Minnesota has said, that we have turned our backs on the poor, the needy, the underprivileged, and the deserving of this country.

We did not turn our backs. We turned and faced them, and we faced them with a proposal that we would spend $2.1 billion more than we had spent before. However, Congress, seeing a good thing, promptly added to it $1.8 billion on top of that. It is not the good things to which the President objects. It is the unwise things which have been added to the good things which undermine the purchasing power of the dollar.

So the President proposes that the line items in the bill should not, in the aggregate, exceed the budget request. And this could be accomplished either by revising the recommendations for each of the items, or by including a general provision in the bill which would limit spending to this overall aggregate amount.

The President proposes that Congress put a ceiling on this program and the other programs and that we protect the purchasing power of the average working man in this country.

One cannot get up and say, "I am for giving all of the people of this country everything they want, and I do not want to make them pay any taxes." One cannot do it. He can argue that on the stump, but he cannot make sense while he is arguing it. He can only hope that the person listening will be moved before he thinks. However, that is underestimating the intelligence of the American people. They do think, and they know that when we spend more than we have, we have to pay for it in the end. The voter is the one who pays, and he knows that.

I suggest to the Senator from Minnesota that his friend, the candidate, if he is really interested in these programs, he should have asked for hearings. If he is really interested and means what he says, he ought to come in here and propose the $6,500 guaranteed annual income for every family in this country and put one-half of the people in the United States on the welfare rolls, which is what that would do.

He would see how far he would get.

The Senator even proposed a defense cut of $4 billion, and he was voted down by the Senate by about 4 to 1. If he cannot cut it by $4 billion, how does he expect to put half of the people on the welfare rolls. The Senate will not let him do it. That is why he remains away from the Senate on necessary business—necessary indeed. Necessary for the country that we legislate without that kind of assistance, necessary that we not be asked to put half of the people in this country on the welfare rolls, necessary for the safety of the country that he not testify on these various bills he stuck in.

No, Mr. President, if we really want to help the people of this country, do not put on them a burden of inflation so heavy that, while they think they are reaching for goodies, their backs are broken by the endeavors, the meaningless endeavors, of those who have loaded them with the purported goodies in the first place.

Let us do what we can afford to do. Let us do more than we have ever done before. Let us exceed our record in the general welfare area by doing more than has ever been done before. But let us not burden the people of this country with so heavy an inflationary load that their taxes will take away from them that with which they have been able to buy goods in the marketplace.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado has 21 minutes remaining on the bill. The time of the Senator from Massachusetts has been consumed.

Mr. DOMINICK. Mr. President, this has been an enlivened and heated debate, if I might say so. I would like to get back on the bill if I can.

Mr. MAGNUSON. Mr. President, would the Senator from Colorado yield me 1 minute?

Mr. DOMINICK. Mr. President, I yield 1 minute to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 minute.

Mr. MAGNUSON. Mr. President, I, too, want to get back on the bill. However, I could not sit here and listen to a recital of what happened on the HEW bill without standing up and saying something.

The Senator from Pennsylvania says that this administration has done a great deal more than has ever been done before in the field of health, education, and welfare.

If we had followed for the last 4 years the President's budgets in the field of health, education, and welfare, we would have been back where we started 5 years ago. So we have added to it. The Senate passed a ceiling on this bill on social services. The House would not accept it. I did not hear one word from the White House about the House of Representatives not accepting that. And that is undoubtedly, I think, what the Senator from Minnesota was talking about—health, education, part of the welfare, rehabilitation, and those things.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I could stand here all afternoon and give budget figures that were lower than the year before. Surely, these came out with little increases. The increases were added here by the Senate and voted for by most Republicans, but not by the House.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, when Mr. Nixon gets up and makes his acceptance speech, he will say piously, "I did all this for the people."

I would like to have the television cameras turned around behind the President so that they would see the papers and see what he really did. They would see that he vetoed the measure and would see all the other things that he has not been doing for the neglected people.

(This marks the end of the colloquy which occurred during the debate on the National Science Foundation Act Amendments and which by unanimous consent was ordered to be printed in the RECORD at this point.)

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

Mr. FULBRIGHT. Mr. President, statements have appeared in the press in recent days to the effect that the Soviet Union "lied" to the United States, on the number of submarines which the Soviet Union had "under construction" at the time the President signed the interim agreement on the limitation of strategic offensive arms. Quoting from one press story, reporters were told that—

> The Soviet Union claimed to have 48 *Yankee* class submarines. while "firm intelligence" puts its strength at only 42.

The implication of this statement is that the U.S. negotiators relied on this claimed Soviet strength and thus gave the Soviet Union an artificially strong position from which to bargain, and that our representatives were deceived and unaware of the facts.

The facts are as follows:

First. Dr. Kissinger at a press conference in Moscow on May 26, had the following colloquy:

> Dr. KISSINGER . . . The base number of Soviet submarines is in dispute. It has been in dispute in our intelligence estimate exactly how much it is, though our intelligence estimates are in the range that was suggested.
>
> Question: 41 to 43?
>
> Dr. KISSINGER. I am not going to go beyond what I have said. It is in that general range. The Soviet estimate of their program is slightly more exhaustive. They, of course, have the advantage that they know what it is precisely.

Second. Dr. Kissinger at a press conference in Moscow a day later, May 27, stated in answer to a question:

> Because of the difficulty of the fact that some of the Soviet boats have 12 missiles and some have 16 missiles, the Soviet argument was that they had 48 submarines under construction with 768 missiles. Our assessment was less. The figure we adopted is 710, if you consider new missiles, and 740 if you add in the 30 of the older missiles that they have on submarines.
>
> In either event, if they want to get up to the ceiling of 950 modern submarine-launched missiles, they have to retire 30 of the old submarine-launched missiles plus 210 of the ICBMs.

(The foregoing statements are printed in the hearings of the Senate Committee on Armed Services, at pages 102 and 107.)

Third. The President and the American negotiators were fully informed that the Soviet Union claimed that 48 submarines were—deployed or—under construction. They also knew that our intelligence estimates were that the number under construction was in the range of 41 to 43 or 44.

Fourth. U.S. intelligence estimates have now firmly fixed on the figure of 42 new Soviet submarines deployed or under construction, according to our criteria as to when construction begins.

Fifth. The explanation for the confusion that arises from the difference in U.S. estimates of the number of submarines deployed or under construction and Soviet statements, is a different view as to—that one does not know at—what precise point in the assembly process one can assert that construction begins.

Sixth. I am satisfied after a full briefing that there is no evidence that the United States was deceived with respect to the number of Soviet submarines deployed or under construction at the time the interim agreement was signed by the President.

STRATEGIC EQUALITY AND AMERICA'S SAFETY

Mr. JACKSON. Mr. President, in addressing ourselves to the interim agreement on strategic offensive arms signed by the United States and the Soviet Union, I believe all of my colleagues share a common central conviction: That this agreement and those which may follow are of vital importance to the future well-being of America. Because this is so, many of us now find it imperative that, in ratifying this agreement, the Senate of the United States meet its constitutional responsibility and give the advice without which our consent becomes mere acquiescence.

I have found a most revealing lesson in reviewing this country's recent approach to the limitation of strategic armaments. You might recall, for example, that in the midsixties it was widely predicted that the United States had such an imposing lead in strategic arms that the Soviet Union would not even attempt to catch up. When in subsequent years it appeared that the U.S.S.R. was, in fact, determined to do precisely that, many people predicted that Moscow sought no more than something called strategic parity, defined in terms of generally equal numbers of major intercontinental strategic systems. And now, in so short a time, we find that the Soviet Union has surpassed this Nation, not by small but by substantial margins, in numbers of ICBM's, in numbers of submarine-launched nuclear missiles, and by an enormous margin in the total throw-weight of their offensive weaponry.

This is the situation which confronts us and which must be in the forefront of our deliberations on this agreement. We must ask ourselves whether it can be a matter of indifference that the balance of strategic power has altered so sharply in this short period. And we must ask whether the Senate, as a responsible coequal branch of this Government, wishes to enshrine the existing disparity by approving the interim agreement without additional expression of views. I believe the Senate should declare that it will exercise its solemn responsibility and state to the executive leadership—with a clarity that cannot be misunderstood by the leadership of the Soviet Union—that any final agreement negotiated on this subject must contain far greater equity. I ask the Senate to declare that this country should not, cannot and will not accept an inferior position in so vital an element of our national defense.

This is what my bipartisan, broadly cosponsored amendment says clearly and simply. I confess to wonderment that any of my Senate colleagues could be content with less. I am certain most of my colleagues agree on the necessity that we not accept in SALT II levels of intercontinental strategic weapons that are inferior to the levels of intercontinental forces permitted for the Soviet Union.

I remind you that when we entered into the SALT I discussions we were superior in numbers of intercontinental strategic weapons but were prepared to accept as inevitable, equitable and—some would say—perhaps even desirable, a rough numerical equality between ourselves and the Soviet Union. At a time when our numbers were greatly in excess of theirs we saw this for what it was—a major concession from our earlier position of manifest superiority. But while we were exercising this self-imposed unilateral restraint Soviet efforts proceeded on what can only be described as a crash basis.

In some quarters a myth has grown up that the size of the forces of our potential adversary is a matter of indifference so long as we maintain some minimum level of retaliatory force. The argument is made that anything beyond this minimum is redundant, without meaning for security—mere "overkill." The fallacy of that notion hardly needs to be addressed. People and nations attach meaning to the relative strategic position of the two superpowers: We do, our allies do, and our potential adversaries do. When we had a large strategic advantage in the 1960's, we were confident that there were limits to Soviet adventuresome actions. And even when those limits were breached—as in the case of the Cuban missile crisis—our great superiority in strategic weaponry contributed to a reestablishment of a more satisfactory relationship, that is, the withdrawal of Soviet strategic offensive forces from Cuba.

Mr. President, the political impact of strategic forces is all too frequently overlooked. As a distinguished former Israeli scholar has said it is the perception of the power of the United States and the Soviets that—

> will determine which superpower is likely to "blink first" in a potential confrontation crisis and which one, in anticipation of such a denouement, will be tempted to precipitate such a crisis; it will sway other states and will play a major part in shaping the global "lineup".

If we again find ourselves in a crisis confrontation, as we have in the recent past in the Middle East, would we want our President and our country to face such a crisis with manifestly inferior strategic forces? Would our own fortitude in such circumstances be as great as it was in the past? Would our allies be as confident of our determination? And most dangerous of all, would our adversaries? Such a situation is rife with temptation and opportunity for disastrous miscalculation.

Much American thinking about Soviet behavior has been distorted in recent years by the highly simplistic mechanistic "action-reaction" dialog models, spawned in the 1960's. These models, in effect, deny the significance of Soviet political aims and deny the existence of a deliberate and dynamic Soviet policy in which military power plays a vitally important role. Soviet leaders are good enough Leninists to appreciate the value of the initiative.

And a distinguished student of Soviet policy pointed out:

> Militancy is so deeply entrenched in the mentality of the Soviet elite; it follows so naturally from the character of its personnel and its relationship to the population at large . . .

Accordingly, he observed, the Soviets understand the use of threats of blackmail:

> . . . Soviet methods of waging political warfare is the practice of making limited, piece-meal encroachments on Western positions to the accompaniment of threats entirely out of proportion to the losses the West is asked to bear.

We have learned from recent history that the opportunity to exert political pressure behind the cloak of massive military power is a technique only too well understood by the Soviet Union. Remember Czechoslovakia. Soviet military power can be used to snuff out the freedom of millions of people, by threats and blackmail, without firing a shot.

The question before us now is not whether the United States should attempt to reestablish a massive superiority in the weight of our nuclear armaments. Though our industrial base is much superior in size and sophistication to that of the Soviet Union, I and my colleagues who support my amendment are not advocating that. To the contrary we are insisting only that our nation not make it the law of the land that the United States must accept a position of inferiority. And, as I have said, far from "building up" I would hope the United States would secure a follow-on SALT agreement that would obligate the Russians to "build down."

Some people, including Members of this body, have argued that to give our advice in approving this agreement is to somehow signal a lack of trust and confidence in the Soviet Union. Can we responsibly discharge our duties to the Nation by reliance on an act of faith? I confess I find this a uniquely American naivete which I do not believe the Soviets reciprocate. Let me quote from testimony before our Subcommittee on National Security and International Operations by the director of the Russian Research Center at Harvard University:

> When the United States makes a proposal to the Soviet Union, it invariably includes in it provisions designed to make it palatable to the other party; in other words, it makes concessions in advance of actual negotiations, assuming the other party will do likewise. But where the other party is a country like the Soviet Union, without a great commercial tradition and furthermore impelled by ideology toward intransigence, this assumption does not hold. The Russian position always represents the actual expectations of the Soviet government, weighted down with additional unrealistic demands to be given up in exchange for the other side's concessions. In this sense, the Russians always enjoy an immense advantage in negotiating with a country like the United States. Any compromise works in their favor insofar as the American preliminary position already includes some concessions which need not be fought for at all.

If there are those among my colleagues in the Senate who feel some of us are overly lacking in trust of the Soviet Union then I suggest they cite their basis for adopting a less prudent approach. Is it because Soviet society is liberalizing? Andrei Amalrik, the liberal Soviet writer, would challenge this view. He maintains that not merely is the present degree of freedom in the USSR minimal compared with what is required of a developed society, and is moreover shrinking, but that the whole concept of "liberalization" is misleading, since it implies some sort of deliberate plan to adapt the Soviet system to modern conditions. Amalrik said:

> As we know there was, and there is, no such plan.

At the same time he feels that it is equally false to think of the regime making piecemeal concessions to the pressures of society.

One cannot help but be impressed with the irony that on almost the same day some few months ago the chairman of the Foreign Relations Committee was attacking Radio Free Europe, while Alexander Solzhenitsyn was risking his liberty by speaking out in defense of Radio Free Europe.

Mr. President, over the last 3 years in my capacity as chairman of the SALT Subcommittee of the Committee on Armed Services, I have endeavored to follow the course of the negotiations and the evolution of the American position. I have been dismayed at the rapidity with which we have tended to recede from sound positions related to our strategic objectives to positions dictated only by a hasty desire to accommodate Soviet recalcitrance. In some cases, the result has been the adoption of positions unrelated or even contrary to the requirements for strategic stability. I am not alone in thinking this. I know of no one in a responsible position in the administration who believes that the interim agreement, with the wide disparities in numbers and size of strategic launchers, is acceptable to the United States as a permanent and final agreement.

Mr. President, we are not a nation which has based its survival on unsupportable sociological theories about our adversaries. Nor are we a people who believe that our fate can be entrusted to someone other than ourselves. We are prepared to live in peace with all nations on a basis of mutual tolerance. But this does not mean that we can abandon our military margin of safety.

For all these reasons, Mr. President, it is not in the interest of this Nation, nor is it beneficial to the future of individual liberty, that the United States accept an inferior position in any long-term agreement on strategic offensive weapons. The Senate should join with our SALT negotiators and administration spokesmen in rejecting, for the future, the sort of disparities in strategic weapons that we have agreed to, on an interim basis, in the present agreement. My amendment provides the Senate with the opportunity to declare itself in favor of strategic equality and strategic stability. I am certain that, in view of the fundamental soundness of that position, we will vote to affirm it.

EFFORTS TO VOTE ON SENATE JOINT RESOLUTION 241

Mr. JACKSON. Mr. President, for the past 2 weeks I have endeavored to work with the able Senate leadership in an effort to find agreement on the disposition of Senate Joint Resolution 241. I very much regret that we have failed in our efforts to bring this matter to a vote before the August recess.

From the outset I have announced repeatedly my willingness to agree to limit debate on the interim agreement, on my amendment to Senate Joint Resolution 241 and on all amendments to my amendment. I have rejected the suggestion that we ought to arrive at a piecemeal unanimous-consent agreement that would cover the disposition of some amendments while leaving the disposition of other related amendments for the indefinite future without time limitation.

Mr. President, I have been willing to accept any reasonable and fair procedure for bringing this matter to a conclusion. I was willing—and I worked with the leadership to secure agreement on this—to divide the votes on Senate Joint Resolution 241, some to take place now, before the recess, and some to take place at a time certain after the recess. I have been willing to set aside a generous amount of time for the discussion of any and all amendments. I am sorry to report that all such efforts have met with failure.

As the leadership is aware, I gave immediate approval to a limitation on debate on the ABM treaty. That was disposed of in 1 day. I believe that it would be helpful to include in the Record at this point excerpts from the discussion that took place on the floor on the 11th and the 14th and my statement of the 16th. On those occasions I believe that I made clear my willingness to proceed to an expeditious consideration of these matters and a timely vote.

There being no objection, the material was ordered to be printed in the Record, as follows:

AUGUST 11, 1972

Mr. Mansfield. Mr. President, during the course of the colloquy the Senator indicated he had been waiting for a week to vote, that there had been a delay in the consideration of the interim agreement, and the Senator is correct.

Now, is the Senator prepared to consider this afternoon a time certain to vote on the Senator's amendment?

Mr. Jackson. The Senator is aware that my position on a unanimous agreement has been clear from the very beginning. It was made clear to the Senator from West Virginia (Mr. Robert C. Byrd) last week. What really surprised me was that when the Senator from Washington offered an amendment, the pending business was laid aside. I made no objection to the unanimous-consent request. I made it clear that I would enter into a fair and equitable unanimous-consent agreement. I will be glad, when I complete my statement, to discuss that with the majority leader.

Mr. Mansfield. Well, I think we ought to discuss a few things publicly before we get to that, because we have discussed this privately, and we have reached a tentative agreement—very, very tentative—but would the Senator consider the possibility of voting at a time certain, say on Monday, on his amendment, with a time limitation of 1 hour on all other amendments after that, and with 4 hours on the bill?

Mr. Jackson. Well, I do have to talk to some of my colleagues. I have not been able to do that with one Senator who is away and will not be back until Monday night. I can say this much: I will certainly make every effort to try to reach a unanimous consent agreement to vote some time in the afternoon or early evening on Monday, in any event not any later than Tuesday, and I hope it will be Monday; but I do want to have a chance to do that. I have been holding the floor most of the afternoon, and I want to talk to my colleagues in that regard. But I want to cooperate with the majority leader.

Mr. Mansfield. I appreciate the Senator's cooperation. I would be prepared to give the Senator to whom the Senator from Washington refers a live pair if the one vote did not make a difference in the result of the tally.

Could the Senator meet with his colleagues sometime this afternoon and, for the benefit of the Senate, perhaps make a proposal which would be agreeable to both sides?

Mr. Jackson. I will certainly try, and I will do everything I can. I told the Senator right along I would, and I told the Senator from West Virginia (Mr. Robert C. Byrd), as the majority leader knows, at the very beginning, I was the one who agreed immediately to a unanimous-consent agreement on the ABM treaty that we worked out. I indicated that as soon as I had some idea when the Interim Agreement was going to come up—and I, of course, had no way of knowing when it was going to come up, after it had been set aside each day—that I would agree to a fair unanimous-consent arrangement after consultation with other Senators who might or might not be out of town.

Mr. Mansfield. I thank the Senator.

Mr. Jackson. Again I want to reiterate that I shall do everything I can to achieve that objective.

AUGUST 14, 1972

Mr. Jackson. Mr. President, let us keep the record straight, and I hope the majority leader will note this:

The Senator from Arkansas has said that I am trying to delay this matter. I think the record will disclose that the Senator from Washington has agreed to a time limitation provided that all amendments are included in that limitation. Am I correct? I ask the majority leader.

Mr. Mansfield. Yes, if the Senator will yield.

Mr. Jackson. I do not want to be accused of delaying this matter, because the record is to the contrary.

Mr. Mansfield. We did reach a tentative agreement yesterday in the minority leader's office, at a meeting attended by the distinguished Senator from Washington, and the agreement was to vote on the pending amendment at 4 o'clock today, to be followed by a vote on the Brooke amendment at 6 o'clock at which time the amendment of the Senator from Washington would be laid before the Senate.

I say the agreement was tentative. Then there was another meeting at which it was pointed out that it was only an open ended agreement, and it was thought that all amendments should be considered on a limited time basis.

I endeavored with might and main to reach an agreement on that basis, with the consent of the distinguished Senator from Washington, but my efforts met with failure.

Mr. Jackson. Mr. President, the record will disclose that I have indicated I am willing to reach a unanimous-consent agreement on the bill and on all amendments thereto, under appropriate arrangements. That is my position.

I say to the majority leader that I am not trying to hold up action on his amendment. I am just continuing where I left off. As Senators will recall, I did not finish my formal statement on Friday. I have no desire to delay, but two or three Senators indicated they had amendments to my amendment—and one of them is a member of the Senator's committee—perfecting amendments from the floor.

I just want the record clear here. The facts are that on the ABM treaty debate I joined in advance to the unanimous-consent agreement to vote at a time certain. It was all worked out with the assistant majority leader. I assured them of the same course of action, in connection with the pending agreement. But let us keep the record straight. When the chairman of the Committee on Foreign Relations talks about the Senator from Washington delaying the measure, I think he should state all the facts.

So I shall undertake to do this in a proper way; and I am ready and willing for a unanimous-consent agreement to be entered into under the proper terms, so that we can limit debate. The majority leader understands that, and I stand by my word. I regret that the Senator from Arkansas would deny this arrangement and an effort to reach an accommodation to move along; but if he wants to do it, that is his right.

Mr. Mansfield. Mr. President, will the Senator yield?

Mr. Jackson. I yield.

Mr. Mansfield. The Senator has shown himself to be most cooperative. I wonder whether he would consider another possibility, and that is that the vote on the pending amendment, by itself, occur at a time certain.

Mr. Jackson. Certainly.

Mr. Mansfield. What time?

Mr. Jackson. Four o'clock?

Mr. Mansfield. Fine.

Mr. Allen. Reserving the right to object. Mr. President——

Mr. Mansfield. Mr. President, I suggest the absence of a quorum, with the right of the Senator from Washington to retain the floor.

The Presiding Officer. Without objection, it so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. Jackson. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The Presiding Officer (Mr. Allen). Without objection, it is so ordered.

Mr. Mansfield. Mr. President, if I may have the attention of the distinguished Senator from Washintgon, he may recall that earlier today I suggested that it might be possible to have a vote on the pending amendment. And he indicated that there was a possibility. Could I ask if there is any possibility that the pending amendment could be voted on this afternoon?

Mr. JACKSON. Mr. President, I personally have no objections. However, others want all the amendments on a unanimous-consent agreement brought together as close as possible in one day. So I would have to object.

STATEMENT OF SENATOR HENRY M. JACKSON, AUGUST 16

It will be two weeks tomorrow since I introduced my amendment calling for U.S.-Soviet equality in a SALT II treaty limiting offensive nuclear weapons. Two weeks ago both the ABM treaty and the Interim Agreement signed in Moscow were brought before the Senate. I voted to ratify the ABM treaty which provides for U.S.-Soviet equality.

The time has come for opponents of my bipartisan amendment to end their continuing oblique attacks on the principle of equality in SALT II by permitting the Senate to vote its approval of the Interim Agreement along with the advice of the Senate that we must insist upon equality in the future.

Mr. JACKSON. Mr. President, I very much hope that those of my colleagues who oppose the advice that I should like the Senate to give along with its consent to the interim agreement, would nevertheless agree to a time certain for a vote on final passage following the forthcoming recess. I will make every effort to accommodate a fair and equitable arrangement that will give the President the approval he needs and the advice I believe the Senate will vote to offer.

ESTABLISHMENT OF THE GRANT-KOHRS RANCH NATIONAL HISTORIC SITE, MONT.

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2166.

The PRESIDING OFFICER (Mr. BEALL) laid before the Senate the amendment of the House of Representatives to the bill (S. 2166) to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes", which was to strike out all after the enacting clause, and insert:

> That, in order to provide an understanding of the frontier cattle era of the Nation's history, to preserve the Grant-Kohrs Ranch, and to interpret the nationally significant values thereof for the benefit and inspiration of present and future generations, the Secretary of the Interior (hereinafter referred to the as "Secretary") is hereby authorized to designate not more than two thousand acres in Deer Lodge Valley, Powell County, Montana, for establishment as the Grant-Kohrs Ranch National Historic Site.
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> SEC. 2. Within the area designated pursuant to section 1 of this Act, the Secretary is authorized to acquire lands and interests in lands, together with buildings and improvements thereon, by donation, purchase or exchange. The Secretary shall establish the Grant-Kohrs Ranch National Historic Site by publication of a notice to that effect in the Federal Register at such time as he deems sufficient lands and interests in lands have been acquired for administration in accordance with the purposes of this Act.
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> SEC. 3. Pending such establishment and thereafter, the Secretary shall administer lands and interests in lands acquired for the Grant-Kohrs Ranch National Historic Site in accordance with the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.), as amended.
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> SEC. 4. There are authorized to be appropriated $350,000 for land acquisition and not to exceed $1,800,000 (July 1971 prices) for development plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Mr. BIBLE. Mr. President, the amendments of the House to S. 2166, to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, are technical in nature and do not change in any way the substance of the bill as passed by the Senate.

Therefore, Mr. President, I move that the Senate concur in the amendments of the House of Representatives to S. 2166.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, August 17, 1972, he presented to the President of the United States the enrolled bill (S. 3824) to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 a.m., tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RURAL DEVELOPMENT ACT, 1972—CONFERENCE REPORT

Mr. TALMADGE. Mr. President, I submit a report of the committee of conference on H.R. 12931, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BEALL). The report will be stated by title.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12931) to provide for improving the economy and living conditions in rural America, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 4, 1972, at pages H5643–H15650.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the following staff members of the Committee on Agriculture and Forestry have the privilege of the floor during the consideration of the conference report: Mike McLeod, John A. Baker, Forest Reece, and James E. Thornton.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield to my colleague, the ranking minority member of the committee, the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. Do I understand correctly that there is a 30-minute time limitation on the conference report?

The PRESIDING OFFICER. The Senator is correct—15 minutes to a side.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, I do not recall any bill providing for rural areas development ever considered by the Senate that received longer and closer attention than the bill now before the Senate.

The Senate will recall that in the Agricultural Act of 1970, we adopted in title IX a strong, forthright statement of national policy of balanced national growth giving highest priority to rural community development.

Section 901(a) of that act stated:

> The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essention to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

To help implement that policy, the Committee on Agriculture and Forestry established a standing Subcommittee on Rural Development. This subcommittee, under the leadership of the junior Senator from Minnesota, joined by a bipartisan group of dedicated Senators, held seven separate field hearings in various parts of rural America.

In addition, the subcommittee held a total of 10 days of hearings in Washington. At these hearings, testimony was received from a broad range of witnesses—Cabinet members and farmers, conservationists and developers, educators and bankers, State Governors and individual citizens, economists and architects, area development specialists and electric power experts, young and old—a total of 350 individual witnesses. Also, the subcommittee received a great deal of information and statistics which were printed in the hearing record.

Following these hearings, the Rural Development Subcommittee met in executive sessions and reported to our full committee two separate bills to improve rural conditions. The full committee then held nine executive sessions over the period from November 2, 1970, to March 21, 1972, to consider the two subcommittee bills and a variety of other rural development bills that had been introduced by many Senators and referred to other subcommittees. From all of these proposals, one or another of which were sponsored or cosponsored by more than 90 Members of this body, the Committee on Agriculture and Forestry worked out a balanced, well-rounded Rural Development Act of 1972.

The committee bill, after adoption of a number of floor amendments, was passed unanimously by the Senate on April 20, 1972.

After passage of the bill by the Senate, a conference was held with the House. The Senate and House conferees sat for 6 days, sometimes in all-day sessions, in attempting to reach agreement, which we did.

Mr. President, I am grateful to the Senators who joined me in the conference with the House. All of them, in a completely nonpartisan way, made a major contribution to the significant and excellent bill that is before the Senate at this time.

I wish, also, to express my appreciation to the House conferees who joined with us. They made a major contribution to working out a conference compromise that contains most of the best provisions of both the House and Senate bills.

We had a few struggles. Some important provisions of the Senate bill were deleted. But I believe the bill that we lay before the Senate today is the most important single piece of legislation for rural America that the Senate has ever considered. It is a major significant step forward in implementing the rural development policy adopted in title IX of the Agricultural Act of 1970.

Mr. President, this bill deals with most, but not all, of the major elements in a complete, general purpose national rural development effort. But we hope and think that we have dealt with most of the highest priority needs of rural America. The bill consists of six titles. Each fills a major gap in existing legislation for rural America.

Title I consists of major expansions and improvements of the Consolidated Farmers Home Administration Act of 1961. It will go a long way, through guaranteed, insured, and direct loans and grants to fill the credit, investment, and equity capital needs of family farms and for essential rural industrialization, job expansion, and improved community facilities.

Titles II and III amend the small watershed protection and resource conservation and development project programs. They will provide essential additional Federal cost sharing for water quality and the provision of ample water for rural community and industrial development.

Title IV will be administered by the Forest Service of the Department of Agriculture. It will provide a start on the badly needed strengthening of rural fire protection and suppression capability in the rural areas and communities of this country.

Title V will be administered jointly by the Secretary of Agriculture and the presidents of the State land grant universities. It will utilize and build upon the research, extension, and community service capability of all the public and private institutions of higher education in each State to expand scientific inquiry and education backup for nonfarm rural development and solution of the problems on small farms of the Nation.

Title VI covers a number of subjects.

It expands the basic statutory missions of the Department of Agriculture to include rural development.

It empowers the Secretary of Agriculture to coordinate the rural development work of all the departments and agencies of the Federal Government and to focus them upon rural development, both in terms of their substantive programs and also in terms of their personnel and their offices.

The bill requires the Secretary of Agriculture to utilize the personnel and offices of all Federal agencies in a rural area, interchangeably in an efficient way, in full coordination with local and State rural development efforts, to bring the full resources of the Federal Government to bear on the rural development component of the national policy of balanced growth.

The Secretary is required to render an annual report to Congress concerning the progress made in reaching rural development goals he is required to establish and upon his success in utilizing the resources and programs of other Federal agencies. To assist him with this work, we have provided an additional Assistant Secretary of Agriculture.

Title VI also closes a loophole in section 901(B) of the Agricultural Act of 1970 which requires the location of installations and offices in rural areas. The words "insofar as practicable" in existing law are deleted and in their place the executive branch is directed to give rural areas "first priority" in locating new offices and installations

Other provisions of title VI include:

Authorization of ACP-type—REAP—cost sharing payments to landowners for air, water, and other agriculturally related pollution abatement whether or not specific soil and water conservation purposes are involved:

Expansion of the Great Plains conservation type program to nationwide operation; and

Making desertland entrymen eligible to obtain Farmers Home Administration farm loans before issuance of a patent on the same basis that homestead entrymen may under existing law

The bill establishes 10 or more major new farm and rural development loan programs and nine new programs of Federal cost sharing for specific types of rural development projects and purposes ranging from rural industrial parks to scientific research, rural fire protection, and credit for young farmers.

For the first time in history, so far as I have been able to determine, we are moving to put all of the most needed action programs, the most needed service and technical assistance programs, the most needed financial assistance programs, all backed up with scientific research and education, into the same package in the same bill to be initiated at the same time.

In this bill we put all the major components of rural development together in the same piece of legislation—the Rural Development Act of 1972—so that the educational component, the research component, the credit and other financial assistance component, and the planning component are provided simultaneously through tested and proven administrative machinery already in place and operating in rural areas. This provision of a complete rural development systems-approach ought to make ultimate success more certain, and to improve the skill, effectiveness and speed of getting the programs underway.

This bill, also, as Senator Ellender did in a bill that he twice piloted to Senate passage several years ago, will assist and encourage rural development in a completely coordinated way consistent with the local general purpose development plans of multijurisdictional areawide rural planning and development districts.

Our purpose is to encourage and speed up economic growth in rural areas, to provide the jobs and income required to support better community facilities and services, to improve the quality of rural life, and to do so on a self-earned, self-sustaining basis.

But we also provide safeguards and requirements that will insure that such stimulated rural growth will take place in an orderly, systematic way with full attention to land and water use plans and the protection of environmental and ecological values as well as cultural and human needs in the rural areas.

The bill requires that applications for proposed individual projects of rural development nature be submitted to and reviewed by the areawide multijurisdictional planning and development agency established by or under State law. Similar review of development proposals by municipalities and counties is provided. The bill provides that such reviews shall be completed within 30 days. The Secretary of Agriculture is authorized to reimburse these governments and agencies for the cost of making the review. Moreover, the bill provides special appropriation authorizations of funds to these agencies and governments in rural areas to prepare the general purpose rural development plans against which individual project applications will be reviewed and evaluated.

The higher educational and research institutions in each State are authorized and provided funds to assist in providing scientific information, technical assistance, and feasibility studies required to improve the rural development planning capability of local agencies and governments.

The bill, not only provides several major new programs of loans and grants for pollution abatement and control, but also requires that the environmental aspects of proposed projects be fully considered and taken into account.

COORDINATION WITH OTHER PROGRAMS AND AGENCIES

This bill was developed with the knowledge that the Committee on Public Works is considering a major public works planning and economic development measure. We were fully informed that the Committee on Interior and Insular Affairs was considering major national land use and water resource planning measures.

The rural development bill is designed to complement and work harmoniously with whatever land use planning and public works planning and economic development programs may be put into effect and operation at any particular time.

This bill is designed to provide for the same major Federal response that is provided to cities in the Housing and Urban Development Act of 1972, adopted earlier by this body, and depends upon provisions of that act for certain aids to community development planning and management.

In the bill before us, we have a mutually-supporting combination of programs that in coordination with programs provided by other legislation, that:

Will help rural areas to move forward with the rest of America;

Will provide the kinds of Federal aids for rural areas that Congress is already providing for city areas;

Will work in harmony with other national programs of planning and project assistance to buttress the development and community improvement efforts of people and their local governments in rural communities throughout every State in the Nation.

The bill, also, provides several new farm credit programs to strengthen the work of Farmers Home Administration and that of the institutions of the Farm Credit Act of 1971.

Mr. President, in the latter connection, I wish to point out at this time that the bill before us does not duplicate any of the programs or authorizations provided by the Farm Credit Act of 1971 or by the existing provisions of the Consolidated Farmers Home Administration Act of 1961. Rather the Rural Development Act of 1972 builds upon and supplements these other legislative landmarks. Nor does any provision in the bill before us restrict or reduce the provisions of existing farm, rural housing, and water and waste disposal loan and grant programs.

Mr. President, the same is true with respect to loans and grants available from Small Business Administration, Economic Development Administration, Department of Housing and Urban Development, and the Environmental Protection Administration. We seek here not to duplicate or supercede these other programs but to supplement and strengthen them. The bill specifically provides for cooperative participation in joint loans and grants with these other agencies.

Mr. President, I wish to turn now to a more detailed explanation of the way that this bill will help local people solve some of the problems of rural America. I will describe the principal provisions of this legislation on the basis of the rural needs that these provisions were designed to meet.

JOBS, INCOME, AND TAX BASE

Mr. President, members of the Committee on Agriculture and Forestry became convinced in the course of our hearings, deliberations, and study of rural problems that the first thing that we have to do is assist rural communities to overcome a condition of persistent an highly prevalent unemployment and underemployment and low incomes in our rural areas and communities.

We do not believe that rural areas can grow and prosper on a permanent dole. We believe that resource development and work at productive jobs is the solution to rural ills.

We believe that more and better jobs and higher income will provide the increased local and State tax base needed to finance the public investments and expenditures required for the improved community facilities and services that are essential to attracting industry and encouraging continued economic growth and environmental and cultural improvement.

FARM INCOME AND DEVELOPMENT

The committee is convinced that the fundamental foundation of increased rural prosperity is good and stable farm family income. We have been conscious that the Congress will be working next year on an extension and improvement of the basic farm program.

With that in mind, the Rural Development Act of 1972 does not deal with farm commodity programs, as important as they are; but it does make several major improvements in the amount and types of farm credit that is made available by Farmers Home Administration.

These include:

First. Applicants seeking long-term real estate loans to acquire farm ownership or to expand their farm units to a more economical size or to make major real estate improvements will be able to obtain loans based more nearly on the true current market value of the improved property by deleting the requirement, in existing law, that appraisals be based upon a lagged "normal" value. This is section 103.

Second. Farmers organizing irrigation water systems are made eligible for a total loan based upon the entire cost of an economic irrigation unit by removal of the limitation in existing law on the maximum size of such loans. This is section 110.

Third. The agricultural credit insurance fund is relieved of the responsibility to handle the increasing volume of nonfarm rural credit transactions leaving it an exclusively farmers' credit insurance fund. This is section 115, which also transfers to the agricultural credit insurance fund all of the assets and liabilities of the Farmers Home Administration direct loan account and of the emergency credit revolving fund.

Fourth. Section 115 also provides that the agricultural credit insurance fund can be used to provide interest rate subsidies on any insured farm credit real estate loan where the insured creditor charges a higher rate of interest than the borrower pays. The maximum interest rate chargeable on farm real estate loans is kept at 5 percent provided by existing law.

Fifth. Members of the 4-H Club, Future Farmers and Homemakers of America and similar organizations are made eligible for operating loans to undertake club projects and enterprises. This is section 120.

Sixth. Farmers and ranchers are made eligible for loans to make additions to or alterations in their equipment, facilities, or methods of operation that are needed to comply with the requirements of the Occupational Safety and Health Act of 1970. This is provided in section 121.

Seventh. Farmers and ranchers are made eligible for loans and grants for pollution control and abatement measures. No such grant may exceed 50 percent of the development cost of the project. This is provided with respect to real estate improvements in section 118 and with respect to operating expenses in section 121.

Eighth. The maximum permissible size of farm operating loans and indebtedness is increased from $35,000, in existing law, to $50,000 by section 122.

Ninth. In addition to direct loans for operating purposes which have always been subject to the maximum limitation of the appropriated funds in the annual appropriation bills and in the President's budget, section 123 will enable the Secretary to insure and guarantee all sound farm operating loan applications for those who are unable to obtain credit elsewhere.

Tenth. The entire farm credit program of the Farmers Home Administration is modernized and changed to allow more efficient and expeditious operation by various changes in detailed procedural matters.

Eleventh. The volume of funds potentially available for farmownership and farm operating loans of Farmers Home Administration should be greatly expanded by the provision in section 128 for the guarantee of such loans originated, held, and serviced by country bankers, the Farm Credit Administration institutions, and other private creditors. The only limitation is that the guaranteed creditor must be willing to assume at least 10 percent of the risk on the loan.

Twelfth. Desertland entrymen are accorded the same consideration as homestead entrymen with respect to financial assistance from the Farmers Home Administration, which is authorized to accept entered desertland prior to issuance of a final patent as security for Farmers Home Administration loans.

Thirteenth. A program of long-term—up to 10-year—contracts similar to the Great Plains conservation program is made available in section 201(b) to all farmers and ranchers and other landowners and operators throughout the United States. The conservation plans involved in such contracts must have been prepared in cooperation with and approved by the soil and water conservation district or districts in which the land is located. It is expected that the professional technical service of Soil Conservation Service will be available to the districts for this work.

Fourteenth. Farmers and ranchers are made eligible in section 606 for ACP or REAP-type cost-sharing payments for agriculturally-related pollution abatement and prevention measures.

Fifteenth. A new nationwide research

and extension program is provided in title V of the bill to enable the private and public universities and colleges of every State to utilize their expertise in carrying out extension and research programs and activities with respect to new approaches for small farms in management, agricultural production techniques, farm machinery technology, new products, and cooperative agricultural marketing and distribution suitable to the economic development of family-size operations. It is the purpose to enable the families on these small farms to stay there and earn a good living, instead of joining the trek to the city or remaining behind in poverty.

Mr. President, I submit that the preceding recitation of farm development provisions of the Rural Development Act of 1972 would qualify the bill as a major measure of farm legislation even if it had no other provisions.

This is only proper and appropriate. Farm family income is still, in most rural areas, the basic and essential foundation of rural prosperity. The bill when enacted will make a major contribution to increasing the income of the Nation's farm families.

LOCATION OF INSTALLATIONS AND OFFICES

One provision of the rural development policy enacted as title IX of the Agricultural Act of 1970 was a provision requiring the executive branch to establish policies and procedures to insure that offices and installations be located "insofar as practicable" in areas of "lower population density."

The loophole provided by this language turned out to be too wide; very few of the new installations were located in rural areas.

Section 601 of the Rural Development Act of 1972 closes this loophole. It requires that first priority in the location of offices and installations shall be given to rural areas as defined in the act.

We hope that this amendment will indicate to the administrative officers of the executive branch that the Congress is very serious about this matter. We intend that location of new offices and installations and of relocated facilities shall be used as a positive tool for rural development, bringing with it increased rural jobs and increased rural payrolls.

RURAL INDUSTRIALIZATION AND INCREASED BUSINESS ACTIVITY AND ENTERPRISE

While the Rural Development Act could correctly be termed a major farm legislative measure, its principal thrust is toward providing jobs and increased business income in rural America through encouragement of rural industrialization and increased business activity and income. Almost all of the provisions of the bill are designed to provide credit, investment, and equity capital to encourage rural economic development through private enterprise.

Special provisions are made to help finance the essential community facilities, water supplies, and other industrial prerequisites and an attractive environmental and economic climate that encourages and facilitates the development of new and expanding rural industry and business.

Many of these same measures not only will provide more and better jobs and more secure income for many rural people; these measures will, also, assist rural communities to upgrade the quality of their services and facilities that are available to, and used by, farm families and other rural residents.

The major provisions of the bill that will encourage rural industry and business are:

First. Residents of rural areas will be eligible to obtain direct, insured, or guaranteed long-term real estate loans to acquire or establish small business enterprises in rural areas to provide such residents with essential income. This is section 102.

Second. The assets that provide the security for these loans may be appraised, for loan purposes, at the current market value rather than using a lagged moving average as would be required by existing law. This will enable the borrowers to obtain virtually 100 percent facility loans. This is section 103.

Third. Interest rates on these loans, when obtained from a private or cooperative lender on a guaranteed basis, will be determined by the borrower and the lender; when obtained on a direct or insured basis the interest rate will be determined by the Secretaries of Agriculture and Treasury in accordance with the formula provided in section 113.

Fourth. In section 116, the bill establishes a new loan guarantee and insurance fund for rural development loans and for payment of interest rates subsidies. This new rural development insurance fund will perform many of the functions of the proposed Federal Rural Development Credit System and Bank, such as making direct and insured loans and guaranteeing loans of private creditors as well as making and selling its own notes and bonds. The Secretary of Treasury, as well as private creditors, are authorized to purchase notes and bonds issued by the rural development insurance fund. In addition the fund may be used to pay the difference between the interest rate charged to the borrower and that charged by the insured or guaranteed creditor.

Fifth. Section 118 adds a significant new provision to the Consolidated Farmers Home Administration Act of 1961 that will probably become known as section 310B industrial loan and grants.

This important new rural industrialization investment provision provides that public, private, or cooperative organizations organized for profit or nonprofit—including Indian tribes—and individuals may obtain direct, insured, or guaranteed loans to improve, develop, or finance business, industry, and employment and improve the economic and environmental climate in rural communities, including pollution abatement. In making such loans the Secretary of Agriculture is authorized to make full use of the grant and credit resources of Economic Development Administration, Small Business Administration, and the Department of Housing and Urban Development, as well as those of other Federal departments and agencies, of State agencies and private and quasi-public financial institutions, including the institutions supervised by the Farm Credit Administration.

Grants may be used by the individual borrower or borrowers for pollution control and abatement in rural areas. The maximum annual appropriation is authorized to be $50,000,000. Public borrowers are also eligible for $50,000,000 annually for grants to build and equip rural industrial parks and similar facilities.

Sixth. In section 121, residents of rural areas are made eligible to obtain short-term operating loans of up to $50,000 for small business enterprises in rural areas. These loans may be direct, insured, or guaranteed.

Seventh. These new rural development loan programs are designed to use and strengthen the credit structure that already exists in rural America. Section 129 requires that any proposed loan must first be offered to an existing private credit institution or lender. And if that creditor is willing to assume 10 percent of the risk, the Secretary of Agriculture is authorized to guarantee not more than 90 percent of the loan the other creditor makes. If no creditor is available to make a 90-percent guaranteed loan, the prospective borrower can obtain a loan from a private creditor, who will be enabled to insure the mortgage instruments with the Secretary of Agriculture.

If no potential creditor is available locally, the Farmers Home Administration could make the loan, and then sell the security instruments on an insured basis on the central money markets of the Nation.

If neither guaranteed nor either kind of insured loans are available to the borrower, the Secretary is authorized to make a direct loan.

Guaranteed loans would be made, held, and serviced by the private creditor, in accordance with the provisions of section 128. The authority for the Secretary to guarantee private loans is extended to include all the farmownership and operating loans and other types of loans made by Farmers Home Administration as well as to the new rural development loans. Any type of loan made, for example, by the institutions of the Farm Credit Administration are eligible for loan guarantees. The same is true of local independent banks, insurance companies and other financial institutions.

RURAL INDUSTRIALIZATION PREREQUISITES AND COMMUNITY FACILITIES

If rural America is to attract industry and increased business activity and to provide a quality of life required by new industry and needed by rural residents, a great deal more than provision of needed credit, investment, and equity capital is required.

In addition, the new industry must have, for example, an adequate, dependable, and high quality water supply. It must have adequate waste disposal systems that will meet modern Federal and State pollution control standards. It requires a great many other essential community facilities including access roads, and streets, gas and electricity connections, and available land and buildings of sufficient size and arrangement. If industry is to grow it must be able to obtain adequate fire insurance at a reasonable cost.

The Rural Development Act of 1972 takes these industrialization prerequisites into account and makes provision for them.

These provisions are:

First. Section 104 expands the scope of existing law that provides for rural water and waste disposal systems to include loans for all essential community facilities. These would include neighborhood and community centers as well as firehouses and other community facilities that the rural community might need to improve the living conditions of its residents or to hold or attract industry and business.

Second. The maximum amount of grants authorized annually for water and waste disposal systems is raised from $100 million in existing law to $300 million in section 105.

Third. Funds for planning of water and waste disposal systems is raised, in section 108, from $15 million to $30 million. This section, also, makes it clear that solid waste disposal as well as sewer systems are included in this planning grant authority.

Fourth. The limitation on the maximum size of community facility loans of $4 million in existing law is repealed by section 110 so that rural communities can build such systems of an appropriate and economical size without bumping into the restriction of an artificial limitation.

Fifth. Section 116 authorizes the Secretary to utilize the Rural Development Insurance Fund to make, insure, and guarantee community facility loans, and to pay any needed interest rate subsidies out of the fund.

Sixth. Funds available for watershed project and resource conservation and development loans will be increased by eliminating the exclusive reliance under existing law upon direct loans that must be funded in annual appropriation bills. Section 117 authorizes the Secretary to insure or guarantee such loans without limit, in accordance with the sound proposals of the local sponsors.

Seventh. Section 118 of the bill adds a new section 310B to the Consolidated Farmers Home Administration Act of 1961. This section establishes a major new rural industrialization loan and grant program. Under this new program, the Secretary may not only make loans and pollution abatement grants to the private borrower. But he also may make to public bodies, of the rural communities where the new industry or business is to be located, needed loans and up to $50 million annually of grants. These loans and grants may be used for measures designed to facilitate development of private business enterprise, including the development, construction, or acquisition of land, buildings, plants, equipment, access streets and roads, parking areas, utility extensions, necessary water supply and waste disposal facilities, refinancing, services, and fees to the extent that these may be needed to attract or hold new or expanding industrial and other business enterprises. This section provides, moreover, that the Secretary of Agriculture may, and shall, utilize the loan grant programs of other agencies of the Federal and State Governments, including Economic Development Administration, to expand the scope of this industrial facility program.

Eighth. Rural youths who are engaged in business enterprise projects in connection with a youth organization may obtain needed operating funds under section 120.

Ninth. Title II of the Rural Development Act of 1972 authorizes Federal cost sharing and loans to local sponsors of small watershed—Public Law 566—projects to provide needed current and future industrial and community water supplies, including the needs for adequate fire protection. These amendments to existing law also include Federal cost sharing and loans for ground water recharge, water quality protection, and for the conservation and proper utilization of land as well as water.

Tenth. Title II provides similar expansion of the purposes of Federal cost sharing with local sponsors of resource conservation and development projects under the Bankhead-Jones Act to provide for municipal and industrial water supply, and water quality management.

Eleventh. Title IV provides a small pilot program that will test the feasibility of the U.S. Forest Service, working through State forestry departments, to provide additional equipment and technical assistance and organization to extend the successful nationwide coordinated forest fire program to all of rural America to protect homes, business, and farms as well as forests from uncontrolled fires.

Twelfth. Title V provides, as part of the new rural development research and extension program, that the private and public institutions of higher education, including community junior colleges and area technical institutes, shall be given additional funds to help rural industry and business by making feasibility studies and in other ways including technical assistance on business management.

RESEARCH AND EXTENSION

Mr. President, the superb scientific and educational resources of the Nation's private and public universities, colleges, and technical institutes would be put to work under title V on behalf of rural development and small farms.

The bill builds the new program on the foundation laid over the past 100 years by the Department of Agriculture and the State land grant colleges in connection with engineering and agriculture and home economics. This focus of the land grant system is shifted, by title V, to include rural development and solution of the problems of people on small farms.

No longer will land grant college activities be somewhat confined to the colleges of agriculture, engineering, and home economics. The resources of the entire campus—the departments of government, geology, business administration, public administration, arts and sciences, and all the rest—will be utilized. And the program is not confined solely to the single land grant institution in each State, although that institution will provide leadership and coordination.

Title V of the Rural Development Act of 1972 gives a major role to the land grant colleges of 1890, to major professional engineering colleges, and to the other public and private institutions of higher education in each State.

An advisory board made up of the representatives of all the educational institutions and of farmers, workers, business, finance, and local government and areawide planning and development districts will be responsible for the development and approving the State program under this act.

The title provides that the annual program of work submitted to the Secretary of Agriculture must indicate the allocation of funds and assignments of responsibilities to cooperating colleges and universities within the State.

Both scientific research in the laboratories and offices on the campuses and the extension education facilities of all these schools are going to be put to work to help facilitate and guide rural development and the solution of the problems of small farmers including cooperative marketing and distribution.

This program as written in title V, is a small pilot program of 3 years to test out the techniques and organization structure. If successful, the program may be extended and amended and expanded to more fully meet the needs of rural America.

ENVIRONMENTAL PROTECTION

Environmentally speaking, Mr. President, we must not make the same mistakes in developing rural America that we did in building some of our great cities. The people of rural America do not want ugly, dirty, or dangerous developments which will detract from, rather than enhance, the beauty and serenity of the countryside.

Rural America now has, very largely, clean water and clean air. We want to keep it that way.

Rural America is not now troubled with noise pollution in any great degree; rural America should stay that way.

As we move forward in a nationwide high-priority rural development effort, it is our purpose to do it in ways that will not contribute to air pollution, water pollution, or noise pollution, or any other kind of pollution or ecological insults.

The Rural Development Act of 1972, the bill before you now, reflects that concern and provides specific safeguards and actions to make it possible to build a prosperous and attractive rural America—a development effort that will preserve and enhance rather than destroy the unique charm and way of life that has always characterized small towns and the countryside and that led President Thomas Jefferson to look upon small town and country life as ideal, artistically, culturally, and politically.

Not only are the new rural development projects provided by this bill subjected to the stringent areawide planning requirements that I shall discuss later, but specific antipollution programs and measures and safeguards are built directly into the rural development program. These are, in addition to the considerable expansion of the sewer and solid waste disposal loan and grant provisions of existing law:

First. Rural communities of less than 5,500 population that now have water supply waste disposal systems, including Indian tribes acting as governmental bodies, that for some unforeseen and unanticipated reason or occurrence are now no longer adequate to the needs of the community, are given, in section 112, the highest priority for approval of water and waste disposal system loans and grants.

Second. The authorized appropriation for water and waste disposal planning grants is doubled by section 108.

Third. The bill, in sections 118 and 121, authorizes loans to public bodies and private enterprise firms and persons and up to $75 million per year in grants for pollution abatement and control in rural areas, in connection with industrial and business development projects. Pollution abatement and control loans may be direct, insured, or guaranteed. Indian tribes are included as eligible along with other public bodies.

Fourth. "Water quality management" and "control and abatement of agriculturally related pollution" are added to existing law by titles II and III as purposes of water impoundment costs for which the Secretary may provide Federal cost sharing with local sponsors of small watershed protection—Public Law 566—and resource conservation and development projects under the Bankhead-Jones Act.

Fifth. Federal cost sharing is provided under the REAP—formerly ACP—program for air, water, noise, and other agriculturally related pollution prevention and abatement practices by section 606.

Sixth. Section 605 of the bill inaugurates a major new rural environmental protection program of cost-sharing contracts with rural landowners or operators similar to the amended Great Plains conservation program of long-term—up to 10 years—contract.

Seventh. Similar environmental protection measures are authorized in the long-term conservation contracts provided for watershed project areas in title II.

Mr. President, I suggest to you that the totality of these environmental protection and enhancement measures I have just recited constitute a major environmental measure that is embodied as part and parcel of the Rural Development Act of 1972.

Moreover, the legislative history of the measure before the Senate Committee on Agriculture and Forestry clearly indicates that it is our intention that no proposed project using loan or grant funds be approved that is not in full compliance with Federal and State antipollution standards and that indeed it is our purpose to provide the investment and equity capital funds and potential income that will enable farmers, rural industry, and rural communities to promote economic growth, develop prosperous economies, and thus be enabled to undertake the sometimes heavy costs of installing antipollution devices and operating methods.

With these measures we believe that rural America not only should, but can, enhance the quality of its ecological environment while building a stronger economy. We think that this is necessary if rural development is to be truly successful. Thus, we have written these special environmental provisions into the Rural Development Act of 1972.

These measures if taken alone would, in themselves, be correctly considered to be a significant rural environmental protection and pollution control bill.

RURAL HOUSING

Mr. President, the Rural Development Act of 1972 establishes two new rural housing programs to fill gaps in the existing program structure. These are:

First. A program to guarantee rural housing loans made by cooperative and other private creditors to rural housing credit applicants whose income exceeds the level required to qualify for the low- and moderate-income program that is now operated by the Farmers Home Administration. In effect, the Secretary of Agriculture is authorized to extend guarantees on rural housing loans in rural areas in the same circumstances that the Secretary of Housing and Urban Development now extends mortgage insurance for individual and multifamily housing in suburban and central city neighborhoods. Such guarantees would be subject to the interest rate determinations made by the Secretary of Housing and Urban Development under the National Housing Act.

This new program will make it possible for the schoolteachers, doctors, dentists, industrial managers, and other relatively higher income people whose services are so vital to successful rural development and a higher quality of life in rural America to obtain the fully repayable credit they need to acquire or build adequate homes for their families.

Second. The existing law concerning assurance of repayment is amended with respect to Farmers Home Administration rural housing loans in the State of Hawaii to provide that a guarantee of payment given under color of the law by the State Department of Hawaiian Home Lands shall be acceptable to the Secretary. This is in section 119 of the bill.

AREAWIDE GENERAL PURPOSE RURAL DEVELOPMENT PLANNING

Mr. President, the bill now before the Senate is a truly comprehensive rural development planning bill.

The development planning provisions of the bill are the following:

First. The section of existing law dealing with planning for water and waste disposal system is amended, strengthened, and expanded by section 106 of this bill. All applications for proposed water, waste disposal, and other essential community facilities must be submitted for review to the multijurisdictional substate general purpose planning and development district established by or under State law and designated as a clearinghouse agency under the provisions of Office of Management and Budget Circular No. A-95. Only those loan and grant applications that are not inconsistent with the areawide general purpose development plans of such district agencies, if such exist, can be approved by the Secretary of Agriculture. The bill authorizes the Secretary of Agriculture to reimburse such district agency for the cost of reviewing such project applications, a review that must be completed within 30 days, so as not to impede or hold up the expeditious processing of applications.

Second. The maximum authorized annual appropriation for water and waste disposal planning grants is doubled, by section 108, from $15 million to $30 million.

Third. Mr. President, not only are rural development projects made subject to review of multijurisdictional areawide planning and development commissions, as they are called in my home State of Georgia, but such commissions or agencies are reimbursed for the cost of making the reviews.

Even more importantly, this bill, in section 111, establishes a major new general purpose rural development planning grant program of not to exceed $10 million annually. Thus, these districts or areawide agencies are not only empowered to review rural development applications and will be reimbursed for the cost of doing so; the bill also provides for Federal assistance to the district agencies for preparing the general purpose rural development plan against which individual project proposals will be reviewed and evaluated.

Fourth. Mr. President, it is expected that the preceding planning provisions will be sufficient to the need. For this reason, the report of the managers of the conference specifically prohibits the using of rural industrialization grants provided in section 118 for planning purposes.

Fifth. Mr. President, title II of the bill augments and strengthens the planning provisions of the small watershed protection projects program—Public Law 566.

Sixth. A major contribution to national balanced growth planning, to national land and water use planning, and to general purpose rural development planning is provided by the major new program established by section 302 of the bill. This provision would provide for the first time a specific statutory requirement for a national conservation needs inventory to be made each 5 years. This would formalize and officially recognize an activity that has been undertaken from time to time by the Department of Agriculture under leadership of the Soil Conservation Service.

The Secretary of Agriculture is directed to carry out a land inventory and monitoring program to include but not be limited to studies and surveys of erosion and sediment damages, flood plain identification and utilization, land use changes and trends and degradation of the environment resulting from improper use of soil, water, and related resources.

This periodic inventory, to be conducted under leadership of the professional conservationists of the Soil Conservation Service, will provide invaluable data for city planning as well as development of resource data needed for guidance of rural community development as part of the national balanced growth policy.

One purpose of the inventory is to provide for the identification of prime agriculture producing lands that should be protected in interest of sufficient open spaces in otherwise densely settled areas. Such data will, also, be useful in planning programs for the protection of the total environment in cities as well as rural areas.

Seventh. The research and education program estabilshed by title V is needed for the major contribution it can make to national land use and general purpose rural development planning of local governments, areawide, multijurisdictional development agencies and individual persons and firms. The contribution will be made both in terms of scientific research studies and feasibility investigations, and by direct technical assistance to planning bodies.

Two examples of the contribution of the educational institutions come to mind at this time.

In the State of Georgia, the extension service and Dr. J. W. Fanning, its head at that time, played an essential and major role in the initial establishment and growth of the areawide planning and development commissions that have since proved to be increasingly and progressively successful.

In Virginia, whch has adopted a significant multijurisdictional areawide planning and development system, the State extension service has stationed some of its personnel right in the State office that is guiding this development and is assigning full-time extension personnel to each of the areawide planning districts as rapidly as funds permit. The president of the Virginia land-grant university served as chairman of the State commission that formulated and helped bring to enactment the district planning law.

Under title V, one of the major responsibilities of the public and private universities and colleges in each State will be to lend its scientific and educational resources on a compuswide basis to general purpose multijurisdictional rural development planning.

Mr. President, the Rural Development Act of 1972 is, thus, a major rural development planning measure that will fit in harmoniously with State and National land and water use planning, with public works and economic development planning by multi-state regional commissions as well as with local multicounty areawide planning districts.

Provision is made to enable the soil and water conservation districts and the local sponsors of watershed protection and resource conservation and development projects to work in a coordinated manner with general purpose planning districts.

COORDINATION OF NATIONAL DEVELOPMENT PROGRAMS

Mr. President, not all of the nearly 1,000 Federal programs that could, and should, contribute greatly to more rapid and orderly rural delvelpoment are located within the Department of Agriculture.

We do not propose that most of them be located there.

Rather, the Rural Development Act of 1972 provides that most of these programs remain in the Federal departments and agencies where they are now located; but this bill does give the Secretary of Agriculture the responsibility and the authority to call upon and coordinate all of these programs and their personnel and resources throughout the executive branch.

This mandatory coordination of Federal rural development activites by the Secretary of Agriculture is provided in section 603 of the bill. Its major provisions are:

First. The organic act establishing and providing for the operation of the Department of Agriculture—section 526 of the revised statutes, 7 U.S.C. 2204—is amended in several places to add "rural development" as one of the basic and fundamental missions of that great department of government that President Lincoln termed "the people's department." This is section 603(a).

Second. The duties of the Secretary of Agriculture are expanded in section 603(b) to include advising the President and other members of his Cabinet and the Congress on policies and programs designed to improve the quality of life for people living in the rural and nonmetropolitan regions of the Nation.

Third. The duties of the Secretary of Agriculture are expanded, also, in paragraph (4) of section 603(b) by adding the following language to the organic act of the Department:

> "(b) The Secretary of Agriculture is authorized and directed to provide leadership and coordination within the executive branch and shall assume responsibility for coordinating a nationwide rural development program utilizing the services of executive branch departments and agencies and the agencies, bureaus, offices, and services of the Department of Agriculture in coordination with rural development programs of State and local governments. In carrying out this responsibility the Secretary of Agriculture shall establish employment, income, population, housing, and quality of community services and facilities goals for rural development and report annually prior to September 1 to Congress on progress in attaining such goals. The Secretary is authorized to initiate or expand research and development efforts related to solution of problems of rural water supply, rural sewage and solid waste management, rural housing, and rural industrialization."

Fourth. Senator Bellmon's experience in improving the effectiveness and efficiency of the Department's response to the problems of the drought in his State last year led to additional coordination language in this bill.

Section 603(c)(1) provides:

> (c)(1) The Secretary of Agriculture shall utilize to the maximum extent practicable State, regional, district, county, local, or other Department of Agriculture offices to enhance rural development, and shall to the maximum extent practicable provide directly, or, in the case of agencies outside of the Department of Agriculture, through arrangements with the heads of such agencies, for—
>
> (A) the location of all field units of the Federal Government concerned with rural development in the appropriate Department of Agriculture offices covering, the geographical areas most similar to those covered by such field units, and
>
> (B) the interchange of personnel and facilities in each such office to the extent necessary or desirable to achieve the most efficient utilization of such personnel and facilities and provide the most effective assistance in the development of rural areas in accordance with State rural development plans.
>
> (2) The Secretary shall include in the report required by this section a report on progress made in carrying out paragraph (1) of this subsection, together with such recommendations as may be appropriate.

Fifth. The Secretary is required to make an annual report to the Congress through the President on the progress being made in implementing the provisions on coordination and leadership in section 603, together with such recommendations as may be appropriate.

Mr. President, it is the intention of the Rural Development Act of 1972 that the Secretary of Agriculture shall be the President's Rural Development Director and that leadership, coordination, planning, research, and education in connection with all the rural development activities of the Federal Government shall reside in the Secretary of Agriculture and the Department of Agriculture. The Department is known and respected in rural America; its personnel are in daily direct contact with the people and problems of rural America. It is strategically located to provide both advocacy and leadership in a nationwide rural development effort. It is the intention of the Rural Development Act of 1972 that this be done.

Sixth. To give the Secretary of Agriculture the high level assistance that this new responsibility will require, an additional Assistant Secretary is authorized by section 604. The conference report indicates the intention of the conferees that this position be utilized to strengthen and broaden the rural development efforts of the Department of Agriculture. This position is in addition to that of the Administrator of the Farmers Home Administration and of the existing Assistant Secretary for Rural Development and Conservation.

The bill and conference report leaves it to the Secretary as to just how he will utilize his authorized positions and agencies to carry out an effective and coordinated rural development effort. However, we expect that the Secretary will utilize his agencies such as the Farmers Home Administration, the Soil Conservation Service, and the Forest Service to carry out those parts of the coordinated rural development program that each of them has demonstrated successful capability for carrying out. It is not the purpose of the Rural Development Act of 1972 to set up new untried structures but to build up the existing strengths of the agencies of the Department of Agriculture.

PROHIBITION OF INDUSTRIAL AND JOB PIRATING

Mr. President, the members of the conference committee worked long and diligently to iron out the differences between the antipiracy provisions of the House bill and those of the Senate bill.

I believe that anyone who evaluates the matter will agree that the provision against using the rural industrialization programs provided by this bill to cause industrial concerns to pull up stakes in one area and to locate in another will find that they are both stronger and more workable than the provisions in either the House or the Senate bill. The conferees recognized the legitimate concerns of both business and industrial representatives and of representatives of workers for protection of existing industrial plants, business, and jobs.

Mr. President, rural development cannot succeed unless it results in a major net addition to the jobs and business opportunities in the national economy. It cannot succeed merely by shifting jobs and business activity around from one part of the country to another.

The safeguarding provisions of the bill relative to this subject are found in section 118(a).

Enforcement of these provisions rests with the Secretary of Labor, who, in cooperation with the Secretary of Agriculture, is required to formulate a processing review procedure that will not unduly slow up the processing of loan and grant applications. In no event may the Secretary of Labor take longer than 60 days to review an application. The conferees urge and expect that most such reviews by the Secretary of Labor will be completed within 30 days.

DEFINITIONS OF RURAL AREAS

Mr. President, with respect to no other provision was the range of difference between the Senate bill and the House bill any greater than in the upper limit placed upon the definition of rural areas specifying where the programs provided by the bill will be effective.

Both bills defined rural areas as all of the open countryside and villages, towns and small cities of less than 5,500 population.

The Senate bill included in addition in the rural areas all cities between 5,500 and 50,000 in size, except that the immediately adjacent urbanized and urbanizing suburbs of cities of larger than 50,000 population would be excluded from rural areas.

The conferees approached this matter gingerly but consciencIously. We arrived at a harmonious compromise which is probably better than either bill.

The bill before you now, for all purposes, except for industrial and business loans and grants and for location of offices and installations, defines rural areas as open countryside, villages, towns and small cities up to 10,000 in population. Within this major category, rural communities of less than 5,500 with a deteriorating water or waste disposal system shall be given highest priority for water and waste disposal loans and grants.

For rural industrialization and business loan and grant purposes and for bestowing highest priority in location of installations and offices, rural areas include all of the open countryside, villages, towns, and small cities up to 50,000 in population—except for the urbanized and urbanizing adjacent suburbs of cities larger than 50,000 Within this category the bill requires that special consideration be given to applications from the open countryside. villages, towns, and small cities smaller than 25,000.

As Members of the Senate will recall, the various titles of the Senate-passed bill had various definitions of rural areas. The conferees decided to simplify this matter by providing just the two major categories I have just outlined.

RURAL RENAISSANCE

Mr. President, I want to say this in closing. While this bill does not in any way fully meet the pressing needs of rural America, it is probably the single most significant rural development legislation ever considered by the Congress.

It is a long stride in the right direction. It is a major start.

The Rural Development Act of 1972 will enable this Nation to help to develop more and better jobs and income earning opportunities in rural communities to relieve the pressures of population overcrowding and environmental pollution in the cities. However, the enactment of this legislation is only a beginning. The executive branch must do an aggressive, dedicated job of implementing and administering the law if the intent of Congress is to be honored.

Some questions have been raised as to the intent of the last sentence in section 112 which directs the Secretary of Agriculture to utilize the Soil Conservation Service to render technical assistance to applicants to the extent he deems appropriate. I will yield to Senator BELLMON who has indicated his interest in commenting on this point.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BELLMON. Mr. President, I thank the distinguished chairman.

As the chairman knows, I was the sponsor of section 923 of Senate bill S. 3462, which authorized the Secretary to establish a priority for grants and loans for community water facilities to those rural communities in which an existing water supply system needed immediate action because of unanticipated deterioration or diminution of its water supply. This section authorized the Secretary to utilize the Soil Conservation Service to render technical assistance to priority applicants. Similar language is contained in section 112 of the Rural Development Act of 1972 as reported by the conferees. It is the intent of section 112 that the Secretary may use for projects under this section the Soil Conservation Service to provide applicants with technical assistance for developing new sources of water supply and upgrading water distribution systems where such assistance is not readily available from the staff of Farmers Home Administration or private professional engineers, or where the Soil Conservation Service has an existing special expertise.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MILLER. Mr. President, I yield 3 minutes to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I thank the distinguished Senator from Iowa.

I am in agreement with the explanation given by Senator BELLMON and wish to emphasize that it was the committee's intent that the technical assistance be provided for the purpose of assisting applicants under section 112.

Mr. President, I yield the floor, and I thank my distinguished friend, the Senator from Iowa, for yielding me time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. MILLER. Mr. President, I thank the distinguished Senator from Georgia, the distinguished chairman of the conference committee, for the excellent statement he has made on the conference report.

I point out that at the time this rural development bill was reported from the Senate Committee on Agriculture and Forestry to the full Senate, the Senator from Kansas (Mr. DOLE) and I attached additional views in the committee report, on pages 134 and 135, in which we set forth some of our concern about the bill as it came from the Committee on Agriculture and Forestry.

Mr. President, I am very pleased to say that as a result of the action taken on the Senate floor and the action taken in the conference committee, all of our concerns have been removed.

I think in fairness that I should say that the House conferees took a very cooperative attitude.

One of the main areas of difficulty was the degredation of a rural area, and Senators often do have differences of opinion about what constitutes a rural area.

We did finally agree, except as far as the enterprise loans were concerned, that the application of the bill would be to communities of 10,000 inhabitants or less and that with respect to the enterprise loans, communities of 50,000 or less would be eligible. There will undoubtedly be some communities with 10,500 or 51,000 people, who will feel aggrieved with the fixed figures that we have adopted. However, we did the best we could. I think that honest people can disagree. However, honest people have to get together and agree. And that is exactly what happened in this conference.

I would point out that the range of programs in the rural development bill is such as to auger well for the future of people living in rural American.

It augurs well for the attainment of a goal which this administration has set; namely, that we reverse the trend of the flow of the population from the rural areas into the cities and urban areas where congestion and other problems are getting worse as a result of our failure in the Congress to do something about this problem a long time ago.

Many of us from rural areas have been sounding a warning. I know that the Senator from Iowa did so as long ago as 11 years. It seems too bad that we had to wait 11 years to do something as meaningful as we have accomplished. However, it is better late than never.

I point out that the rural development bill includes, among many other features, rural enterprise loans; grants for water and waste disposal systems; planning requirements; water and waste disposal planning grants; rural development planning grants; priority for certain water facility and waste disposal loans and grants; interest rates on rural development loans; agricultural credit insurance fund amendments; insured watershed and resources conservation and development loans; rural industrial assistance; guaranteed rural housing loans; young farmers loans; rural enterprise operating loans; and insured operating loans.

One of the major items dropped in conference which was in the Senate committee was one which frankly gave the Senator from Kansas (Mr. DOLE) and me particular concern. That relates to a $500 million authorization for so-called rural revenue sharing.

It was the feeling of the conferees, and especially those of the House, that this would represent some duplication of other provisions of the bill and that it would be better to not try to force this issue, because we were told by the House conferees that the House would not accept this provision.

So, Mr. President, on balance I think we have come out with a very acceptable and a very far-reaching and constructive step. My only regret is that we did not take that step a long time ago.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. MILLER. Mr. President, I am pleased to yield to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I join with the other Senators in commending the distinguished chairman of the committee, the Senator from Georgia (Mr. TALMADGE) and the ranking minority member, the Senator from Iowa (Mr. MILLER), and the other members of the Committee on Agriculture and Forestry in bringing this remarkable piece of legislation to this final stage in the legislative process. It has been aptly and properly described by the Senator from Georgia.

I do think it is fair to say that the Committee on Agriculture and Forestry is pretty much a nonpartisan, bipartisan committee. We have worked together to achieve this particular piece of legislation. And, as has been noted by the Senator from Georgia, this is a major victory for rural America and the nearly 70 million people who live there.

Mr. President, the Rural Development Act of 1972 is a major step forward toward the achievement of a more balanced national growth and development pattern in the United States.

The better than year-long efforts of the Subcommittee on Rural Development of which I was privileged to be chairman, the full Agriculture Committees of the Senate and House, and the conference committee that forged the compromise bill now before the Senate, have resulted in a truly historic piece of legislation.

Although the bill as reported by the conference committee is less than what I and many others had hoped for, it still constitutes a major victory for Rural America and the nearly 70 million people who live there.

Few bills considered by Congress have received as much attention, study and careful scrutiny as this particular bill has over the last 12 months. Over 350 witnesses testified on the provisions of this bill during our Washington and other field hearings. These witnesses represented almost all professions and walks of life—farmers, Governors, university presidents, planners, economists, businessmen, conservationists, bankers, young people, the elderly, and the poor.

It should also be noted, Mr. President, that we enjoyed strong bipartisan support and cooperation in the Congress in developing this important legislation. This was due in large part to the very able leadership of the chairman of the Senate Committee on Agriculture and Forestry, the Honorable HERMAN E. TALMADGE. Senator TALMADGE moved this bill through both the Senate Agriculture Committee and the conference committee with great skill and dispatch.

When I opened the first day of rural development hearings on April 23, 1971, I noted—

That two-thirds of our Nation's substandard housing is in rural America;

That while big city residents have their phone calls beamed to foreign countries by satellite, many rural residents still must suffer 8, 10, and 12 party line telephone service, and;

That the quality of education, health care, job training, transportation and of other essential social amenities are not what they should be in our Nation's smaller communities and rural countryside.

In addition, I asserted the need to restore a freedom that many Americans have lost; namely their "freedom of residence." Millions of Americans have been, and still are, forced to remain or move from an area, either because of economics or politics.

In the last 30 years alone, 30 million people have migrated from our Nation's farms and open countryside to our cities. This trend still persists today at a rate of about 600,000 yearly.

Most of these people did not make this move because they wanted to. Most of them were literally forced into moving because of the declining job opportunities available to them in agriculture, or in mining, or in the business that served or depended upon those industries locally.

Furthermore, many Americans living today in our Nation's bigger cities have indicated time and time again that they would like to move to a smaller community if they were able to earn a decent living there and could be assured of a decent level of social amenities there.

And that is basically what the Rural Development Act of 1972 is really all about. This act provides the essential tools and resources that will be required to help renew and restore the promise and potential of our Nation's countryside. And it constitutes the first major step toward implementing the commitment made by Congress in the Agriculture Act of 1970 which stated:

> The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

This act provides a large part of the financial investment, credit, research, technical, and institutional resources that will be required to implement this commitment.

Under title I of the act, guaranteed, insured and direct loans and grants would be provided to help meet the credit, investment, and equity capital needs for essential rural industrialization, job expansion and community facility improvements.

Under titles II and III, additional Federal cost-sharing for water quality improvement and provision of ample water for rural community and industrial development would be provided through further expansion of authorities under the small watershed and resource conservation and development programs.

Under title IV, a new Federal cost-sharing program would be established to aid small rural communities which are in need of help to establish or improve their local firefighting capability.

Under title V, a new nationwide research and extension information program would be established utilizing the resources of the State Land Grant colleges and other public and private institutions of higher education to strengthen and support rural community development and to help solve many of the problems faced by families in operating and managing our Nation's smaller farmers.

Under title VI, the basic statutory mission of the U.S. Department of Agriculture would be broadened to empower the Secretary of Agriculture to coordinate the rural development programs and activities of all departments and agencies of the Federal Government, including improved utilization of both personnel and offices. A new Assistant Secretary position also is provided to help provide the leadership necessary to carry out these new responsibilities.

Other provisions of title VI include:

First, tightening the language of section 901(b) of the Agricultural Act of 1970, which requires location of facilities and offices in rural areas. The words "insofar as practicable" are deleted and in their place, the executive branch is directed to give "first priority" in locating or relocating offices or other facilities in rural areas;

Second, ACP-type cost-sharing payments are authorized to rural landowners for air, water, and other agriculturally related pollution abatement whether or not specific soil and water conservation purposes are involved;

Third, expansion of the existing Great Plains conservation program into a nationwide program; and,

Fourth, making desertland entrymen eligible to obtain Farmers Home Administration farm loans before obtaining final patent on the same basis that homestead entrymen may do under existing law.

These are just some of the more important provisions of the new act. There are many others.

What is important to understand about this new act is that it is merely an important "beginning"—not an "end." While the provisions of this new act, if administered aggressively, will provide an important stimulus to revitalizing the smaller and medium-sized rural communities of this Nation, much more will need to be done by Federal, State, and local government to stem the flow of people from rural to urban areas.

Given the preponderance of young adults in our Nation's population today, we can expect the population of this country to reach 300 million within the next 30 to 40 years.

With 70 percent of our population residing in communities of 50,000 or more today, it is reasonable to expect that most of our future population increases will also be occuring in the already overcrowded, overcongested metropolitan regions of our Nation. In fact, projections now indicate that unless something is done soon to change these trends that over 85 percent of our Nation's total population will be located in these metropolitan regions by the year 2000.

In the last 13 years alone, the Federal Government has spent over $160 billion in our Nation's cities in an effort to make them more manageable and decent places in which to live. However, despite these huge expenditures, our Nation's larger cities still face an enormous backlog of revenue needs to help finance transportation, education, police protection and other essential community facilities and services.

The "general revenue sharing" legislation now pending before Congress, if enacted, will provide some of this needed financial help for our Nation's cities. But unless some meaningful steps are taken to assist the rural areas and smaller communities of our Nation, further disparities of opportunity will be created between rural and urban America. And if that happens even more people will be encouraged to migrate to the cities, thereby quickly negating any progress our cities might otherwise make with help from additional Federal revenues.

Therefore, revitalizing our Nation's countryside and life in our smaller communities are key elements in achieving a more balanced geographic distribution of people and economic opportunity in the United States. The merits of this objective have been endorsed, encouraged and extolled in every major study conducted in the last 10 years concerning Nation's future growth and development.

Now the time has come to act.

Now the time has come to implement those recommendations and objectives.

The Rural Development Act of 1972 does exactly that and I am convinced that we must move forward immediately with the programs it provides with great zeal and dispatch.

Mr. President, I urge my Senate colleagues to give their full support and vote for this conference bill. I also ask Mr. President, for unanimous consent to have printed at this point in the RECORD a more detailed outline of the bill's provisions which I have prepared.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

Brief Description of Rural Development Act of 1972 as Agreed Upon by House and Senate Conferees

1. Broadens the definition of "rural areas" as it applies to eligible applicants under the FHA for certain purposes. (10,000 for community facility and rural housing financial assistance and 50,000 for rural enterprise and business financial assistance.)

2. Increases funding authorization for the planning and construction of rural community water and waste disposal systems (to $30 million and $300 million respectively).

3. Requires FHA in making water and waste disposal facility loans or grants to give preference to very small communities (5,500 or less) whose existing system has deteriorated.

4. Expands list of "eligible public body applicants" qualified to receive financial assistance under the FHA Act to include cooperatives and Indian tribes.

5. Provides for $10 million authorization in grants for the preparation of comprehensive rural development plans.

6. Requires that purposes for which loans and grants are made to public bodies shall not be inconsistent with state, substate, and local government comprehensive development plans.

7. Extends deadline time period within which Secretary can make water and waste disposal grants as it relates to compliance with completion of local comprehensive water and waste disposal plans (October 1, 1973).

8. Authorizes FHA to make loans and grants for the acquisition, expansion or operation of business and industrial enterprises (large or small—private or public—profit or nonprofit), or for the purpose to facilitate the development of such enterprises (industrial parks, pollution control, etc.). However, loans and grants made for such purposes cannot be made which might result in pirating businesses or jobs from one area to another or which will result in adding capacity to an industry within an area when an excess or unused capacity already exists for that type of industry within that area.

9. Expands authority of FHA to make loans for "other essential community facilities".

10. Removes indebtedness ceiling limitation for public bodies applying for assistance under the FHA Act.

11. Provides that existing five percent maximum interest rate shall be applied to all FHA long-term real estate loans, except the new long-term business and industrial real estate loans. The latter type loans are to be at market rates determined by the Secretaries of Agriculture and Treasury, based upon a prescribed formula. When business loans made by a private lender are guaranteed by FHA, the interest rate is determined by an agreement between the borrower and the lender..

12. Establishes a new Rural Development Credit Insurance Fund for the purpose of making and insuring rural development type loans. No obligation ceiling is established for this particular fund. Interest rate subsidies may also be made out of this fund.

13. Increases the funding authorization level of the Agricultural Credit Insurance Fund to $500 million and relieves this fund of non-farm rural development obligations. (Such obligations will be handled through new Rural Development Credit Insurance Fund.)

14. Loans authorized under the FHA Act can be made on a direct, insured or guaranteed basis, with any risk being limited to 90 percent for guaranteed loans.

15. FHA is authorized to guarantee loans for rural housing and business enterprise purposes.

16. Provides farm and small business operating credit under the FHA Act to "rural youths" in connection with youth organization activities.

17. Authorizes FHA to make loans to farmers for the purpose of complying with the requirements of the Occupational Safety and Health Act of 1970.

18. Increases the upper limits of individual farm operating FHA loans to $50,000 and provides that such loans may be made on an "insured" basis. Same applies to new small business enterprise loans.

19. Authorizes the Secretary to obtain "fidelity" bonds on FHA employees to protect the government against fraud or dishonesty.

20. Provides for joint financial participation by FHA with respect to loans and grants made through other federal departments and agencies, such as Small Business Administration, Farm Credit Administration, Economic Development Administration, HUD, and EPA.

21. Permits applicants seeking loans to acquire, expand or operate farms or small business enterprises to acquire such loans based upon the "current market value" of their assets instead of "normal value". This would mean that borrowers could obtain virtually 100 percent facility loans.

22. Desertland entrymen are accorded the same consideration as homestead entrymen with respect to financial assistance from FHA which is authorized to accept desertland prior to a final patent as security for FHA loans.

23. A program of long-term (up to ten years) contracts similar to the Great Plains Conservation Program is made available to all farmers and other land owners or operators in small watershed protection project areas (P.L. 566) and other areas throughout the United States. Plans under such contracts would have to be prepared in cooperation with and approved by soil and water conservation districts.

24. Farmers and ranchers are made eligible for REAP (ACP) type cost-sharing payments for agriculturally related water, air and noise pollution abatement and prevention measures.

25. Authorizes federal cost-sharing and insured loans to local sponsors of small watershed (P.L. 566) projects to provide needed current and future industrial and community water supplies, including to meet fire protection needs. Also includes cost-sharing and loans for ground-water recharge, water quality protection and for conservation and proper utilization of land as well as water.

26. Provides similar expansion of cost-sharing with local sponsors of RC&D projects under the Bankhead-Jones Act to provide municipal and industrial water supply and water quality management.

27. Provides a small three-year pilot program that will test the feasibility of the U.S. Forest Service, working through State Forestry Department, to provide cost-sharing funds and technical assistance to help very small communities to develop and expand their fire fighting capabilities to protect homes, businesses and farmers from uncontrolled fires.

28. Provides for the establishment of a new nationwide research and extension program to support rural development and to help small farmers in the management and operation of their farming enterprises. This new program will be administered by the Secretary of Agriculture in cooperation with the State Land Grant Colleges, but involving all other private and public institutions of technical or higher education. (Land Grant Colleges of 1890 and professional schools of engineering are specifically cited as playing a major role in this program.)

29. Tightens up requirements of 1970 Agricultural Act relating to the locating of offices and facilities in rural areas. Requires that Executive Branch give "highest priority" to rural areas in locating such facilities.

30. Requires the Secretary of Agriculture to carry out a land inventory and monitoring program to include, but not be limited to, studies and surveys covering erosion and sediment damages, flood plain identification and utilization, land use changes, and trends and degradation of the environment resulting from improper use of soil, water and related resources.

31. Gives the Secretary of Agriculture primary responsibility for rural development within the Executive Branch which includes advising the President, members of the Cabinet, and the Congress regarding such matters. The Secretary of Agriculture also is given authority to call upon and coordinate the programs and activities of *all* Executive Branch departments and agencies within rural areas relating to rural development or that are designed to improve the quality of life of the people living in nonmetropolitan America.

32. Provides for a new or additional Assistant Secretary position within USDA, such position to be utilized to strengthen and emphasize rural development within that Department.

The Rural Development Act of 1972 is the first major piece of legislation that has been enacted by Congress to implement title IX of the Agricultural Act of 1970.

Mr. President, this legislation was directed specifically toward the fulfillment of that commitment, pledge, and mandate made by the Congress of the United States.

I was very privileged and fortunate to be given the opportunity by the chairman to serve as chairman of the Subcommittee on Rural Development.

I must say that the hearings we held were not only interesting, but often the most informative hearings I have participated in during my years in the Senate.

I wish every Senator could have heard the witnesses and the testimony that we received. I wish to make note of one or two developments.

Mr. President, you will recall when the Senate first considered the Rural Development Act of 1972 (S. 3462) it contained two important titles which were subsequently dropped from this bill; namely, titles I and III.

Title I of S. 3462, originally sponsored by the distinguished chairman of the Committee on Agriculture and Forestry (Mr. TALMADGE), myself, and 49 other Senators, would have established a new borrower-owned rural nonfarm development credit system similar to, but completely separate from, the existing farm credit system. This particular title was deleted from S. 3462 on the Senate floor.

Speaking for myself, I think that was most unfortunate, but it was the will of the Senate.

Title III of S. 3462, sponsored by the distinguished Senator from Alabama (Mr. ALLEN), myself and many other Senators would have authorized a $500 million annual Rural Revenue Sharing Fund to be appropriated on a formula basis involving the States. This particular title was dropped from the bill in conference with the House.

The loss of these two titles was a major loss for rural America and a major blow to our goal of achieving a more balanced national growth and development pattern in the United States. In view of the importance of these two titles which were dropped from the Rural Development Act of 1972, I wish to serve notice today that I intend to reintroduce a bill—either this session of Congress or early next session—which will embody title I of S3462 and title III of that bill, if the Senator from Alabama (Mr. ALLEN) wishes to pursue enactment of that particular title.

I will say to the Senator from Alabama that I will join him, if he wishes, to again renew his effort in that field because he has been the leader in the area of rural revenue sharing. I want to be his associate and cosponsor in this area.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a short explanation of these two titles of S. 3462, plus the section-by-section analysis of them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TITLE I—RURAL DEVELOPMENT AND FINANCIAL RESOURCES ACT OF 1972

SHORT EXPLANATION OF TITLE I

This title provides for the establishment of a borrower-owned rural non-farm development credit banking system similar to the Farm Credit System.

The new system would be called the Rural Development Credit System, and would consist of—

(1) a Federal Rural Development Credit Board (referred to as "Federal Board"), which would establish general policy for the system. (Subtitle B—sections 201 and 202);

(2) a Federal Rural Development Credit Agency (referred to as "Federal Agency"), an independent agency in the executive branch, headed by an Executive Director, which would exercise general supervision over the system (except the Federal Rural Development Investment Incentives Administration) (section 308). finance rural development projects, (sections 309, 312, 313), and provide technical assistance in developmental banking. The Secretary of Agriculture is authorized to insure financial assistance extended by the Federal Agency (section 314) (Subtitle C—sections 301–315);

(3) Ten Regional Rural Development Banks (referred to as "Regional Banks"), which would be Federally chartered instrumentalities of the United States; would raise funds through the sale of stock to the United States, District Agencies, Participants, Cooperators, other rural financial institutions, and borrowers and through the sale of debentures; and would extend financial assistance for rural development purposes directly or through District Agencies. Participants, cooperators, or other financial institutions. (Subtitle D—sections 401–426);

(4) District Rural Development Credit Agencies (referred to as "District Agencies"). These would be financial subsidiaries of multijurisdictional planning and development districts applying for and receiving charters as instrumentalities of the United States. They would raise funds through the sale of stock to the United States, borrowers, persons eligible to borrow, Participants, cooperators, and investors; and would extend financial assistance for rural development purposes and other requirements either directly or through Participants and cooperators (Subtitle E—sections 501–507);

(5) Participating Rural Development Financial Institutions (referred to as "Participants") and cooperators. Any financial institution or unit of local general government could (1) upon application be designated a Participant, or (2) qualify as a Cooperator by participating in a loan for a Regional Bank or District Agency and purchasing nonvoting stock equal to one percent of the loan. Participants and cooperators could obtain and extend financial assistance from and for District Agencies and Regional Banks; but only a Participant could purchase voting stock (Subtitle F—sections 601–609); and

(6) a Federal Rural Development Investment Incentives Administration established and supervised by the Federal Board and headed by an Administrator, appointed and serving by and at the pleasure of the Federal Board and the President. It would provide interest supplements and capital augmentation grants to assist rural development. (Subtitle G—sections 701–707.)

GENERAL STATEMENT

A. *General Purpose.*—This title provides for a permanent system of rural development credit banks and related financial institutions and services—modeled after the Farm Credit System, but separate therefrom—to support the existing private rural banking system in meeting the credit needs of both rural communities and rural private business enterprises. This system would utilize the nation's existing network of commercial banks, and would eventually become a wholly independent credit system owned by borrowers and local banks, other financial institutions, and units of local government without reliance upon Congressional appropriations for loan funds or operating expenses.

B. *Federal Rural Development Credit Board.*—This Board would establish the general policy for the entire Federal Rural Development Credit System and all its institutions in carrying out the provisions of this Act. The Board would be composed of 15 appointed and 4 ex-officio members. Appointed members would be appointed by the President, by and with the advice and consent of the Senate. Ex-officio members would include the representative of the Secretary of Agriculture serving on the Farm Credit Board; the Governor of the Farm Credit Administration; the Executive Director of the Federal Rural Development Credit Agency; and the Administrator of the Federal Rural Development Investment Incentives Administration. Twelve of the 15 members of the Board must be legal residents of rural areas, and all members of the Board would be appointed for six-year terms with the exception of the first appointees.

C. *Financing the New Credit and Investment Incentive System* would be accomplished through an appropriation by Congress of not to exceed $200 million annually for 10 years for the Federal Rural Development Credit Agency to purchase stock of Regional Rural Development Banks, all of which would eventually be retired and repaid to the Federal Treasury. Stock, debentures, and bonds would be sold in regional and central money markets by such banks, and by the Federal Rural Development Credit Agency on behalf of such banks. Not to exceed $100 million anually would be authorized to be appropriated by Congress for the Federal Rural Development Investment Incentives Administration to make payments to encourage expansion of private enterprise into rural areas and to provide financial assistance to public bodies in carrying out rural development projects. This financial assistance could be made either in the form of an interest supplement or a capital grant. Only public and nonprofit entities would be eligible for the capital grants. But both private and public entities would be eligible for interest supplements.

D. *The Organizational Structure of the New System,* under policy control of the Board, would include a Federal Rural Development Credit Agency, headed by an Executive Director appointed by the Federal Rural Development Credit Board with the advice and consent of the Senate. Ten Regional Rural Development Banks would be established to serve all regions of the nation. These banks would provide credit assistance required for rural development purposes within each region; supervise rural multijurisdictional District Rural Development Credit Agencies and participating local financial institutions; and issue loan guarantees, debentures, bonds, and other obligations to gather funds from central money markets to be made available in rural areas for community development projects and enterprises. Each of these banks would be governed by its own Board of Directors—but would be required to operate within the policy of the Federal Board and under supervision of the Federal Agency. Each Bank would have a President, selected by its own Board to serve as chief executive officer.

District Rural Development Credit Agencies could be established under the system, as financial subsidiaries of any multijurisdictional, areawide, general purpose planning and development district established by State to serve rural areas. These District financial agencies would own capital stock of and obtain financial assistance from the Regional Banks. These District agencies would, in turn, provide guarantees, insurance, or discounting for loans made by participating local financial institutions. Local banks and other financial institutions and units of general government in rural areas could apply for and become qualified to act as participants in the Rural Development Credit System, and would thus become the local point at which potential borrowers would submit applications.

In addition to the system of credit agencies established by this bill, a Federal Rural Development Investment Incentives Administration would be created under the direct control and supervision of the Federal Rural Development Credit Board, but would be operated independently of the Federal Rural Credit Agency and its related institutions. An Administrator would be appointed by the Federal Board to serve as the chief executive officer of the Investment Incentives Administration. The function of the Administration would be to administer the rural location incentives program of interest supplements and capital grants. Eligibility for rural location incentives would be in accordance with strict criteria established in the bill. Provision for this investment incentives program is in recognition of the nationally established policy promulgated by Congress to foster a more balanced national distribution of population and economic growth in the United States as cited in Title IX of the 1970 Agricultural Act and Title VII of the 1970 Housing and Urban Development Act.

E. *Loan Purposes.*—Guarantees, insurance, or rediscounting of local bank loans could be obtained through this new credit system for rural development purposes, as long as such purposes contribute to balanced national growth policy or the enhancement of rural communities or rural areas as a place to live and make a living. These are the same rural development purposes listed by the President in his 1971 and 1972 Rural Community Development messages to Congress.

Eligible borrowers under this new credit system would include individual persons, partnerships, corporations, cooperatives unable to obtain needed funds from the Banks for Cooperatives under the Farm Credit System, public and quasi-public bodies and their instrumentalities and nonprofit private associations. However, loans are restricted to borrowers who cannot obtain credit elsewhere. Borrowers would be required to purchase capital stock in the credit system, as a condition of loan approval, in an amount equal to not less than 5 percent, and not more than 11 percent of the loan amount applied for. Loan applicants must demonstrate that the project or enterprise for which the loan funds will be utilized will primarily operate within a rural area and benefit rural residents. Applicants also must demonstrate that the project to be financed with loan funds secured from the system will not result in the geographic transfer or displacement of employment opportunities or business activities elsewhere in the area, in another area, of a competing firm, branch plant or contractor or subcontractor of either, or in the creation of added capacity in any industry already suffering from excess capacity. The applicant's loan application also must have the endorsement of the multijurisdictional governmental planning and development district, if any, certifying that the proposed projects is not inconsistent with the current comprehensive development plan for the district where located.

Neither the Title I or Title II credit programs would be duplicative or competitive with the rural housing, banks for cooperatives, and other programs available under the Farm Credit Act of 1971 or with the credit available from the private banking system of the Nation. A cooperative would be expected to make full use of the assistance available from the banks for cooperatives and to depend upon the Rural Development Credit System or the Department of Agriculture only for that part of its financing that it cannot obtain from the banks for cooperatives.

The Committee intends that Rural Development Credit System will utilize to the fullest extent possible the credit and grant resources of other Departments and Agencies of the Federal and State governments and the financing and services of private banks and other financial institutions, and to strengthen them, through reliance upon guaranteed loans, insured mortgages, or discounting of loans made by them. Institutions of the Rural Development Credit System are authorized to participate with other credit agencies in making loans to eligible borrowers.

F. *Loan Terms, Conditions and Security Requirements.*—Terms and conditions of financial assistance extended by this new credit system would be established by the appropriate Regional Rural Development Credit Bank or District Agency subject to the rules and regulations of the Federal Rural Development Credit Agency and the policies of the Federal Rural Development Credit Board. Such terms and conditions may vary depending on the rural development purpose intended. The amount of security required to assure payment of principal and interest would be determined by the District Rural Development Credit Agency.

G. *Credit Insurance.*—Obligations of the new credit system could be insured by the U.S. Secretary of Agriculture, who could, also insure or guarantee repayment of financial assistance extended by the system. Five million dollars is authorized to be appropriated as initial capital for a revolving fund to be used to provide such insurance. All the premiums charged for such insurance would be deposited in the fund. Such insurance by the Secretary of Agriculture would carry the full faith and credit of the United States.

H. *Financial Supervision, Examinations and Audits* of the new credit system would be performed by the Farm Credit Administration, on a reimbursable basis, and by the General Accounting Office.

I. *Tax Status.*—The Regional Rural Development Banks and their related agencies shall be subject to Federal, State and local taxes, both as relates to property and income from any obligations purchased, except for periods when the United States owns capital stock in the institution upon which a special Federal franchise tax must be paid by the institution.

J. *Purchase, Sale and Liability of Obligations.*—Each Regional Rural Development Credit Bank may purchase its own obligations and the obligations of any other such bank and may provide for the sale of obligations issued by it or issued jointly by it with one or more other regional banks. The Federal Rural Development Credit Agency would establish a sales agency to be used for the purchase and sale of these obligations. Long term obligations of the Regional Banks would be limited to twenty times the capital and surplus of all the Regional Banks. Each Regional Bank would be liable on its own obligations and for interest payments on joint obligations of other Regional Banks.

K. *Interest Rates on Financial Assistance* provided by this credit system would reflect the cost of money in the central money markets of the Nation plus losses, operating expenses, and the cost of loan processing and servicing.

L. *Loan Application Process.*—After a determination has been made that an applicant has been unable, within a reasonable time, to obtain needed financial assistance from other private or public sources at rates and conditions required to contribute to the purposes of the Act, the applicant would submit his loan application directly to a local participating member of the new credit system, such as a local private bank or other financial institution or a local unit of government. If a local financial institution or government unit is not available to make the loan to the potential borrower, the borrower may go directly to the nearest District Rural Development Credit Agency, or if need be, directly to the Regional Rural Development Credit Bank serving the area.

When the local private bank or other financial institution or local participating unit of government receives a rural development loan application from a potential borrower, the institution may make the loan out of its own funds, or it may take one of the following courses:

(a) Make the loan and obtain a guarantee of repayment of interest and principal from the District Agency; or

(b) Obtain mortgage insurance thereon from the District Agency; or

(c) Finance part of the loan and ask the District Agency in cooperation with other credit sources (public or private) to finance the rest on a participation basis; or

(d) Make the loan with an understanding that the District Agency will purchase the obligation paper involved; or

(e) Make the loan and discount it with the District Agency.

In any event, two things would be required in all cases where the financial assistance of the District Agency would be required:

First, the participant (the participating local financial institution or local unit of government) would be required to endorse the note and assume part of the risk;

Second, in every case where District Agency financial assistance was expected to be called upon, review and approval of the obligation in accordance with standards of the District Agency and with the district development plan would be required.

Loans or other financial assistance which the District Agency could not provide from its own resources would in turn be sold to, discounted or rediscounted with, or guaranteed or insured by, the Regional Rural Development Credit Bank.

The Regional Rural Development Credit Banks, using their accounts receivable along with capital, reserves and surplus, as collateral, would individually, or jointly with one or more other Regional Banks, sell debentures, bonds, or other obligations on the central and regional money markets of the Nation to obtain funds to use in making financial assistance available to borrowers through the District Rural Development Credit Agencies and the Participating Local Financial Institutions.

Section-by-Section Explanation

SUBTITLE A—FINDINGS, PURPOSES, AND DEFINITIONS

Sec. 101. Title and Findings and Purpose

This section makes findings with respect to the importance of farming and forestry and the need for improved community facilities and better employment opportunities. It is the purpose of this title to provide for the financing of these facilities and job opportunities. A Rural Development Banking System is needed to provide this financing.

Sec. 102. Definitions

This section defines "Rural Development Credit System," "rural area," "rural development purpose," "local general government," "Regional Bank," "region," "Federal Board," "District Agency," "Participant," "Federal Agency," "Executive Director," "and financial assistance."

The term "rural area" is defined as all territory that is not within the outer boundary of any city having a population of 50,000 or more and adjacent territory that is not within a suburban area having a population density of more than one hundred persons per square mile.

In applying this definition, the Secretary of Agriculture will use data from the latest decennial census of the United States.

The term "rural development purpose" means any public or private project that will contribute to a balanced national growth policy and to the enhancement of any rural area as a place to live. The term specifically includes, but is not limited to, twelve kinds of projects which are listed.

The Rural Development Credit System consists of the following—

(1) A supervisory Federal Agency whose chief executive officer is called the Executive Director, and whose policy-making board is called the Federal Board;

(2) a Federal Rural Development Investment Incentives Administration to provide subsidies for rural development purposes; and

(3) the following institutions which will make loans for rural development purposes—

(a) Participants (also known as Participating Rural Development Financial Institutions)—Any local bank or other financial institution or any unit of local government, which is designated a participant under Subtitle F;

(b) District Agencies—Any financial agency of a multi-jurisdictional planning and development district of a State designated by the appropriate Regional Bank under Subtitle E.

(c) Ten Regional Banks established in Subtitle D.

SUBTITLE B—FEDERAL RURAL DEVELOPMENT CREDIT BOARD

Sec. 201. The Federal Rural Development Credit Boards organization and compensation

(a) This section creates a Federal Rural Development Credit Board of 19 members. Fifteen members, each from a different state, would be appointed by the President with the advice and consent of the Senate. Not more than eight members can be from the same political party. In making appointments the President will attempt to provide fair representation of different geographic regions and economic interests. In addition, the representative of the Secretary of Agriculture on the Farm Credit Board, the Governor of the Farm Credit Administration, the Executive Director of the Federal Agency, and the Administrator of Federal Rural Development Investment Incentives Administration would be ex officio members.

(b) All members of the Federal Board would be citizens of the United States and not less than 12 appointed members would be residents of rural areas.

(c) The Federal Board would elect a chairman and vice chairman from among its members. The Federal Board would elect a Secretary from among its members or from outside its membership. These officers would be elected for one year terms.

(d) No appointed Federal Board member could be an officer or employee of the United States or any state or any of the institutions of the Rural Development Credit System or of the Farm Credit System.

(e) Appointed members of the Federal Board would serve for terms of six years, except for the first members appointed, who would be appointed for staggered terms of 6, 4, and 2 years. A person appointed to fill an unexpired term would serve only for the remainder of the term for which his predecessor was appointed.

(f) The Federal Board would establish its own rules of procedures except that a majority of all members of the Board would constitute a quorum for the transaction of its business.

(g) Each appointed member would receive $200 a day for not more than 75 days of meetings each year. All members would be reimbursed for travel and reasonable expenses incurred in discharge of their official duties.

(h) The Federal Board would hold at least four regularly scheduled meetings a year. Special meetings would be held at the call of the chairman or of any three members of the Board.

Sec. 202. Powers of the Federal boards

The Board would establish the general policy for all institutions of the Rural Development Credit System. It would function as a unit and it would not operate in an administrative capacity.

SUBTITLE C—FEDERAL RURAL DEVELOPMENT CREDIT AGENCY

Sec. 301. Federal Rural Development Credit Agency; Executive Director

This section establishes an independent agency to be known as the Federal Rural Development Credit Agency to be headed by an Executive Director and to be responsible for carrying out the programs provided for in this title.

Sec. 302. Appointment of Executive Director, salary and expenses allowance

The Executive Director is to be appointed with the advice and consent of the Senate by the Federal Board, and he will serve at the pleasure of the Federal Board, except that during any period in which he holds stock in any Regional Rural Development Credit Bank his appointment shall be subject also to approval by the President and he shall serve at the pleasure of the President. His compensation would be fixed at the rate prescribed for positions in level IV of the Executive Pay Schedule which currently is $38,000 per annum.

Sec. 303. Compliance with Board orders

The Executive Director would be responsible for carrying out the functions of the Federal Agency and the policies of the Federal Board. All acts of the Executive Director will be conclusively presumed to be in compliance with Board orders.

Sec. 304. Rural Development Credit Organization

The Executive Director is authorized to fix the powers and duties of the divisions of the Federal Agency and to appoint and employ personnel. He will provide on a reimbursable basis administrative management services to the Federal Board and the Federal Rural Development Investment Incentives Administration.

Sec. 305. Seal

This section provides for a seal of the Federal Rural Development Credit Agency to be adopted by the Executive Director and to be judicially noted.

Sec. 306. Administrative expense

This section authorizes the Federal Agency to make necessary expenditures for proper administration of the Act.

Sec. 307. Allocation of expenses

This section provides for the assessment of the institutions of the system for their appropriate share of the cost of administering this title. During the first five fiscal years of operation, appropriations would be authorized to augment such assessments. At the end of each fiscal year, the Federal Agency would re-determine the appropriate assessment for each institution and appropriate adjustments would be made.

Sec. 308. Enumerated powers

This section enumerates the powers, functions, and responsibilities of the Federal Agency. In general they provide for the supervision and direction of the System. Some of the enumerated powers are:

(a) Modify the territory of the Regional Banks, subject to approval of the Federal Board and the President.

(b) Issue and modify Federal charters and designations of institutions of the System and approve changes in the names of banks operating under the Act.

(c) Approve the merger of Regional Banks.

(d) Make annual reports to the Congress on the condition of the Credit System and make recommendations for such legislative changes as are needed.

(e) Coordinate Regional Banks and approve standards of Regional Banks.

(f) Prescribe and review loan security requirements and prescribe which loans can be made only with prior approval.

(g) Approve the issuance of obligations of the institutions of the Credit System and execute consolidated obligations on behalf of the Regional Banks.

(h) Approve both interest rates paid by institutions of the System on their obligations and the interest rates these institutions charge their borrowers.

(i) Make investments in stock in the institutions of the Credit System and require the retirement of such stock.

(j) Regulate the relationships among institutions of the System.

(k) Provide services necessary for effective management of institutions of the System.

(l) Undertake research into rural development and the credit needs of rural areas and ways of meeting these needs.

(m) Provide information on the System to the general public and to investors.

(n) Provide protection of the assets of the institutions against losses caused by employees.

Section 309. Special powers

(a) The Federal Agency is authorized special powers until there is no net out-migration of population from rural areas. These special powers are:

(1) to extend financial assistance with respect to the obligations of a State or local government to finance any rural development project;

(2) to extend financial assistance to States or local government to finance any rural development purpose;

(3) to extend financial assistance for the purpose of facilitating economic, physical, and social development in rural areas;

(4) to establish terms and conditions for the financial assistance extended.

(b) The Federal Agency will develop criteria to assure that projects assisted by it are not inconsistent with comprehensive planning of multijurisdictional planning and development districts and to assure that the projects will not disrupt other Federal programs.

(c) Financial assistance of the Federal Agency may not exceed the total capital cost of the project to be financed.

(d) The Federal Agency will determine

the interest rate on financial assistance extended by it.

(e) This subsection will allow States and local governments who obtain a part of the cost of a project from another department or agency of the Federal Government and the remainder in the form of financial assistance from the Federal Agency, to charge against its debt limit only that part of the total that represents the loan. The Federal Agency would extend the full amount to the borrower, but would arrange with the other Federal department or agency to accept its commitment to pay directly to the Federal Agency the funds that are to be provided by the other department or agency. The borrower would execute an obligation to the Federal Agency only for that part of the total cost of the project that is not covered by the commitment of the other Federal Department or agency. The other department or agency is authorized to make the payment involved directly to the Federal Agency in lieu of paying it directly to the borrower.

(f) The Federal Agency is authorized to enter into multilateral contracts and agreements in order to encourage cooperation among local governments.

(g) The Federal Agency is authorized to impose charges for its services.

Section 310. Technical assistance

This section authorizes the Federal Agency to provide technical assistance in a number of fields related to the Agency's activities. This assistance would be provided directly, or through agreements with other Federal and State agencies. In those cases where other Federal or State agencies are already conducting programs of technical assistance, the Federal Agency will utilize these existing programs. The Federal Agency is authorized to employ or contract for personnel in those fields which are not covered by existing programs of other Federal or State agencies.

The Federal Agency is authorized and required to provide to applicants for assistance under this title any necessary technical assistance in planning to meet the requirements of environmental protection and multi-jurisdictional planning.

Section 311. Delegation of duties and powers to institutions of the system

This section authorizes the Federal Agency to delegate to any Regional Bank such of its duties, powers, and authority as may be determined to be in the interest of effective administration. It authorizes the Regional Banks and other institutions of the Rural Development Credit system to accept such delegations and to redelegate such duties, powers and authority, in accordance with rules and regulations of the Federal Agency.

Section 312. Agreements for sharing losses

The Federal Agency is authorized to enter into agreements with the Regional Banks for sharing the gains and losses on loans or securities held therefor.

Section 313. Indirect participation by private financial sources

The Federal Agency is authorized, on behalf of Regional Banks and other institutions of the Rural Development Credit System, to issue bonds, debentures and other obligations; to buy and sell securities it has issued or guaranteed or whose mortgage it has insured or in which it has invested; to invest funds not needed in its financing operations; and to guarantee securities in which it has invested.

The Secretary of Agriculture would be authorized to guarantee the obligations of the Federal Agency. The Secretary will collect a reasonable fee for this guaranty and for the analysis of any obligation proposed to be issued by the Federal Agency. The full faith and credit of the United States is pledged to the payment of all amounts guaranteed under this subsection.

The Secretary may not guarantee payment of any obligation of the Federal Agency issued after the total amount of stock held by the Executive Director in the several Regional Banks is less than an amount equal to 50 per cent of the total outstanding obligations of the Regional Banks.

Section 314. Federal insurance of obligations to the agency

The Secretary of Agriculture, upon application by the Federal Board, is authorized to insure any financial assistance extended by the Federal Agency. The Secretary is also authorized to make a commitment for the insurance of a loan prior to the date of its execution or disbursement, if it is determined that such loan meets all the applicable criteria of this Act.

The Secretary will prescribe the terms and conditions of the insurance under this section. Upon default by the borrower, the Secretary will provide for full payment to the Federal Agency of any unpaid principal and interest on an insured loan.

The Secretary is authorized to charge and collect premiums for insurance under this section. These premiums will be fixed at the lowest levels which the Secretary and the Board agree to be reasonable and sufficient to keep the insurance program in a sound position and maintain the revolving fund.

There is established a revolving fund to be used by the Secretary to carry out the insurance of financial assistance under this section and the guarantee of financial assistance under section 313(b). Moneys in the fund not needed for operating expenses or the payment of insurance may be invested in bonds or other obligations guaranteed by the United States.

Section 315. First lien

The Federal Agency, the Regional Banks, and the District Agencies are each given the first lien on stock insured by them (except for such stock which is held by the Executive Director) for the payment of any liability of the stockholder to such bank or agency.

SUBTITLE D—REGIONAL RURAL DEVELOPMENT CREDIT BANKS

Section 401. Establishment; title; number

This section provides for the establishment of ten Regional Rural Development Credit Banks as Federally chartered instrumentalities of the United States subject to the policies of the Federal Board. Their charters may be modified by the Federal Agency in a manner not inconsistent with the provisions of this title.

To the maximum extent practicable, the jurisdictional territory of each Regional Bank will correspond to the rural areas of the uniform regions established by the President for the operation of Federal agencies. The headquarters of each Regional Bank will be located within the rural area which it serves. Although each Regional Bank is not required to maintain its headquarters in the headquarters city of the President's uniform region, each bank is required to maintain a liaison office in such city. The Board of any Regional Bank may establish such offices as are needed for the effective operation of the Bank's business. The territorial jurisdiction of any such office must include an entire multijurisdictional area-wide general purpose planning and development district if it includes any part of such district. The headquarters of such an office must be located within the rural area served.

Section 402. Corporate existence; general corporate powers

This section provides for the corporate powers of each regional rural development credit bank. The bill recites a number of general corporate powers which are necessary to the operation of the Regional Banks as corporate bodies. In addition to these usual corporate powers, this section gives the regional banks certain authorities over the District Agencies. The Regional Banks must approve the salary scale of the officers and employees of the District Agencies and the compensation of the Chief Executive Officer. Also, the Regional Bank will supervise the operations of the District Agencies. The appointment of the Chief Executive Officer of the District Agencies will be subject to the approval of the appropriate Regional Bank as long as the United States holds 33⅓ percent or more of the capital stock of such District Agency.

The Regional Banks are authorized to delegate to District Agencies such functions as the Regional Banks may determine appropriate. The Regional Banks will require the District Agencies to endorse obligations which are presented to the Regional Bank for the purpose of obtaining financial assistance.

In order to enable the District Agencies to make financial assistance available, the Regional Banks will purchase non-voting capital stock in the District Agencies. This purchase of capital stock cannot exceed each District Agency's pro rata share of the capital stock of the Regional Bank held by the Executive Director on behalf of the United States.

This section authorizes the Regional Banks to borrow in the central money markets of the Nation and issue obligations individually or in concert with one or more other Regional Banks. The Regional Banks may accept deposits of securities or current funds from borrowers, participants, and District Agencies and pay interest on such funds.

The Regional Banks may participate in extending financial assistance with one or more other Regional Banks or with private banks and other financial institutions in rural areas.

The Regional Banks may conduct or contract for studies of lending and of rural development, provided that such studies do not duplicate research capability of Federal and State agencies located in the state that is served.

Section 403. Board of Directors

This section provides for a 12-member bipartisan Board of Directors for each Regional Bank. All members must be legal residents of the rural area within which the Bank is authorized to operate.

Different methods are provided for the appointment of the members of the Board of Directors, depending on the amount of stock held by the Executive Director. When the Executive Director holds two-thirds or more of the outstanding capital stock of the Regional Bank, nine Board members are approved by the Federal Board from a panel of at least 20 persons nominated by the Executive Director. The nominees cannot be officers or employees of the United States or any State government or of any institution of the Rural Development Credit System or the Farm Credit System. Three members of the Regional Bank Board will be approved by the Federal Board from a panel of five nominees elected by the holders of voting stock in the Regional Banks. These nominees will be subject to the same residence requirements and employment restrictions described in the preceding paragraphs of this section.

As the capital stock held by the Executive Director decreases, the number of Board members approved by the Federal Board from nominees of the Executive Director decreases. The number of nominees elected by the holders of voting stock increases.

When the Executive Director holds no capital stock in a Regional Bank, eleven members of the Regional Bank's Board of Directors will be approved by the Federal Board from a panel of at least 15 nominees elected by the stock holders of the Regional Bank. Only one member of the Regional

Bank's Board of Directors will be approved by the Federal Board from a panel of at least three nominees named by the Executive Director.

The Board of Directors of each Regional Bank will elect from its own members a Chairman of the Board and it will select a President of the Bank, who will be an ex officio member of the Board.

The Board of Directors may approve such other officials and executive employees as are needed.

Members of the Board of Directors will receive $100 per day for the performance of their official duties. This compensation will not be paid for more than 75 days in any calendar year. The members of the Board will also be reimbursed for necessary travel, subsistence, and other expenses incurred in the discharge of their official duties.

Section 404. Capitalization of the regional banks

This section authorizes the President of each Regional Bank to issue its prorata share of the amount of outstanding capital stock of the Rural Development Credit System as determined by the Federal Board. The Federal Board in making its determination will take into account the unmet need for credit for rural revitalization of the territory served by the Regional Bank. The Executive Director is authorized to purchase non-voting stock of any Regional Bank in the same amount that the Regional Bank is authorized to issue.

Section 405. Regional bank stock; value; shares; voting; dividends

This section provides for the issuance by the Bank of stock of various classes at a par value of $5 each.

The approval of the Federal Agency is required.

Voting stock of each Bank can be held only by District Agencies and Participants and borrowers which obtained financial assistance directly from the Bank Voting stock cannot be transferred, pledged, or hypothecated except as specifically authorized by this title. A District Agency may elect to receive nonvoting stock rather than voting stock.

The amount of capital stock in each Regional Bank is to be increased from time to time in such amount as may be necessary to permit the issue of additional shares to borrowers and Participants so that they may become eligible for financial assistance.

The Banks are authorized to issue nonvoting stock to the Executive Director of the Federal Agency and also to District Agencies, Participants, other rural financial institutions, and to borrowers directly from the Bank.

The earnings of the Regional Bank, determined in accordance with approved accounting principles and practices, are to be distributed—

(1) at rate of 10 percent of the net earnings for each year into the reserve fund of the bank until that fund equals 100 percent of the outstanding stock;

(2) not less than 10 percent of the net earnings into a capital surplus fund of the bank;

(3) the payment of a franchise tax as required by section 407 for any year in which stock is held by the Executive Director;

(4) not less than 10 percent of the net earnings towards the retirement of nonvoting stock and any other indebtedness of the Regional Bank held by the Executive Director;

(5) thereafter, the remaining net earnings may be paid as dividends on nonvoting stock held by persons other than the Executive Director, but at a rate not to exceed the average cost to the Regional Bank of funds obtained through the issuance of bonds, dividends, and other obligations; and

(6) the remaining net earnings shall be paid as dividends on voting stock as determined by the Bank's board of directors.

Provision is made authorizing the sale of nonvoting stock, or its conversion into voting stock, and for the sale of voting stock only to District Agencies and to Participants or borrowers who obtain financial assistance directly from the Regional Bank.

Nonvoting stock can be redeemed in accordance with a schedule of values set from time to time by the Regional Bank. When the District Agency, direct Participant, or direct borrower reduces its outstanding indebtedness to the Regional Bank, it may convert its voting stock into nonvoting stock or surrender it for redemption or for credit to extinguish its final indebtedness, in accordance with the rules of the Regional Bank.

Nonvoting stock held by the Executive Director may be retired at any time subject to the approval of the Federal Agency, and is required to be retired each year to the extent of available earnings as provided in section (e), item 4, of this section.

Section 406. Governing of policies, programs and procedures of regional banks

This section requires the Federal Agency to establish and promulgate policies and regulations to govern the Regional Banks. Any Regional Bank, its Board of Directors, and its President, will be conclusively presumed to be acting in accordance with such policies and regulations.

As long as the Executive Director holds stock in the Regional Bank, the policies, program, and procedures of such Banks shall be subject to prior approval by the Federal Agency.

Section 407. Stock purchased by executive director: retirement; franchise tax

This section authorizes the Executive Director to purchase stock in any Regional Bank to help such Bank inaugurate lending operations or meet emergency credit needs of borrowers. The operations of the Regional Banks will be subject to audit by the General Accounting Office. The Executive Director will require the Bank to retire this stock whenever the Bank has resources available to do so and when the need for such investment is reduced or no longer exists. For as long as the Executive Director holds any stock in a Regional Bank, the Bank must, before declaring dividends, pay to the United States a franchise tax equal to the lower of (1) 25 percent of its net earnings, or (2) a rate of return based on the average annual rate of interest on all public debt issues of the United States and the number of days that stock is outstanding during the year.

Section 408. Subscription by the United States of capital

This section authorizes the Executive Director to purchase stock of any Regional Bank on behalf of the United States.

Section 409. Power to borrow, issue notes, bonds, debentures, and other obligations

This section authorizes the Regional Bank with the approval of the Executive Director to issue its own notes, bonds, debentures, or other obligations. With the approval of the Executive Director, it may join with any or all Regional Banks in borrowing or issuing consolidated obligations. In joining with other Regional Banks, each Bank will not exceed the limits to which it would be subject as an individual Bank.

Section 410. Aggregate of obligations; securities

This section limits the long-term obligations of the Regional Banks to 20 times the capital and surplus of all the Regional Banks primarily liable thereon, or such lesser amount as the Federal Agency shall establish by regulation.

Each Bank is to maintain free from any lien or other pledge, notes representing loans made under the authority of this Act, obligations of the United States, other readily marketable securities, or cash in an aggregate value equal to the total amount of long-term obligations for which the Bank is primarily liable.

Section 411. Liability of regional banks

Each Regional Bank would be liable on its own obligations and for interest payments on obligations of other Regional Banks. In addition, each such Bank would be primarily liable for the portion of any issue of consolidated obligations made on its behalf and jointly and separately liable for the payment of any additional sums when called upon by the Federal agency to make payments of interest or principal which any other Regional Bank primarily liable therefor is unable to make.

The United States will not be liable or assume any liability, either directly or indirectly on such obligations except as provided in Sections 313(b) and 314 of the Title.

Section 412. Finance committee

This section provides for a Finance Committee composed of the Presidents of the Regional Rural Development Credit Banks to determine the amount, maturities, rates of interest, and participation by the several banks of each issue of joint or consolidated obligations.

Section 413. Bonds as investments

Bonds and other similar obligations issued under the authority of this Act will be lawful investments for all fiduciary and trust funds and may be accepted as security for all public deposits.

Section 414. Purchase and sale by Federal Reserve System

Obligations issued under this title may be bought and sold by any member of the Federal Reserve System; and (to the same extent and subject to the same limitations as are placed upon the purchase and sale of State, county, district and municipal bonds under section 14(b) of the Federal Reserve Act) by any Federal Reserve Bank.

Section 415. Purchase and sale of obligations

Each Regional Rural Development Credit Bank may purchase its own obligations and the obligations of any other such Regional Bank and may provide for the sale of obligations issued by it or issued jointly with one or more other such banks.

Section 416. Fiscal agency

This section provides for a fiscal agency to be established by the Regional Rural Development Credit Banks to carry out such of their functions relating to the issuance, marketing and handling of obligations and flow of funds as may be required.

Section 417. Merger of regional banks

This section authorizes merger of Regional Banks upon approval of the majority of the stockholders of each Bank and the Federal Agency.

Section 418. Board of directors for merged bank

In the event of a merger of two or more Regional Banks, a new Board of Directors will be created. This Board would be created in accordance with the provisions of Section 403 and it would have all the powers, functions, and duties normally exercised by a Regional Bank Board.

Section 419. Voluntary liquidation; insolvency; receiverships; and conservators

This section prohibits any institution of the system from going into voluntary liquidation without the consent of the Federal Agency. The liquidation may proceed only in accordance with regulations prescribed by the Federal Agency.

Upon default of any obligations, a Regional Bank may be declared insolvent and placed in the hands of a conservator or receiver appointed by the Executive Director. Proceedings must be in accordance with regulations of the Federal Agency.

Section 420. Financial assistance provided

To provide adequate financial assistance to eligible borrowers, the Regional Banks are authorized to—

(1) extend to District Agencies and through them to participators and cooperators assistance in financing any rural development purpose project in the rural area served by the Regional Bank;

(2) extend financial assistance either through District Agencies, Participants, and cooperators or directly to persons engaged in the construction or improvement of rural development purpose projects for eligible borrowers;

(3) to provide or assist a District Agency or Participant in providing insurance to protect a borrower for a rural development purpose project against damage or casualty loss;

(4) require that District Agencies maintain ownership of stock in the Regional Banks equal to not less than $5 and not more than $10 per $100 of outstanding financial assistance provided them by Regional Banks.

Section 421. Interest rates and other charges

Financial assistance by the Regional Banks shall bear interest and be on such terms and conditions as may be determined by the Board of Directors of the Bank, it being the objective to provide such financing at the lowest reasonable cost on a sound business basis, so that borrowers may make their maximum contributions to improving the rural area served. The Board of Directors shall also take into account the cost of money, the necessary reserves, capital surplus, and expenses of the Regional Bank, the orderly retirement of capital subscriptions of the United States, and the cost of providing services. Interest rates on a loan may be varied from time to time during the repayment period in accordance with the rates of interest currently being charged by the Bank.

Section 422. Eligibility for financial assistance

This section lists 20 persons or entities which are eligible for assistance under the Act. Financial assistance is conditioned upon—

(1) review of the proposed project by the governing body of the multi-jurisdictional areawide general purpose planning and development district, if any, and certification by such body that the proposed project is not inconsistent with the current areawide general purpose development plan of such district;

(2) determination that the applicant has been unable within a reasonable time to obtain needed financial assistance from other private or public sources at rates and conditions required to contribute to the purposes of this Act;

(3) that the applicant can meet the principal and interest payments to be specified in the loan agreement taking into consideration available grants in aid;

(4) determination that the project will be located in and operate primarily in a rural area and that the proposed project promises to make a net increase in the number of jobs, quality of life, or median family income of the rural area served;

(5) determination that the project will not be used for the purpose of engaging in sectarian, religious, or partisan political activities; and

(6) determination that the proposed undertaking is not inconsistent with laws or regulations protecting the quality of the environment.

Section 423. Security

In extending financial assistance the Regional Banks will require the best available security of the beneficiary, and the Bank will require the endorsement of the appropriate District Agency. However, in determining repayment ability of the applicant, the Regional Banks may consider factors other than the ratio between the amount of the loan and the applicant's security value.

Section 424. Services related to borrower's operations

The regional banks are authorized to provide technical assistance or funds to obtain technical assistance to district agencies, participants and other financial institutions or to borrowers and applicants for loans in rural areas.

Section 425. Financial assistance through agencies, participants, or cooperators

The Regional Banks will make financial assistance available through District Agencies, Participants, or Cooperators in the area served by the Bank. If no District Agency or Participant is available in the area, the Regional Bank may extend financial assistance through such bank, trust company, savings, or other financial institution as it may designate or it may make the loan directly to the borrower. If the loan is made directly to the borrower, such borrower must purchase the stock of the Regional Bank in an amount not less than $6 and not more than $11 for each $100 of the loan proceeds.

Section 426. Eligibility of district agencies and participants

The Regional Banks will determine on the basis of an application the eligibility of any District Agency and any Participant to handle loans and serve as agents of the Regional Bank in accordance with criteria established by the Federal Agency. District Agencies which receive financial assistance from Regional Banks will be required to purchase bank stocks equivalent to five to ten percent of the amount of financial assistance received. Participants who receive financial assistance from Regional Banks will be required to purchase bank stocks equivalent to one per cent of the financial assistance received.

SUBTITLE E—DISTRICT RURAL DEVELOPMENT CREDIT AGENCIES

Section 501. Designations and charters

Any financial subsidiary of any multi-jurisdictional areawide, general purpose planning and development district of a state that has been officially designated as a clearing house agency under Office of Management and Budget Circular A-95 may apply to the appropriate Regional Bank for designation as a District Agency. This application must be approved by the Regional Bank and sent to the Executive Director, who makes recommendations to the Federal Board. Upon approval by the Federal Board, the applicant will be designated as a District Rural Development Credit Agency and chartered as an instrumentality of the United States. The Federal Board may for good cause deny any application for a charter.

The Executive Director will establish regulations governing any District Agency and will prescribe the initial amount of stock that the District Agency must purchase in the Regional Bank, and the territory within which the District Agency will operate. Upon recommendation of the appropriate Regional Bank, the Executive Director may modify the charter of any District Agency.

No application under this section will be approved unless the applicant agrees to subscribe to stock in the Regional Bank in such amount as may be required by such Bank.

Section 502. Governing board

Each District Agency will have a governing Board of Directors whose number, terms, qualifications, and election would be in accordance with state law and its Federal charter. No member of the Board of Directors will be an employee of any institution of the Rural Development Credit System nor of the Farm Credit System, nor of the Federal government nor any State government. No Board member can within a year after he ceases to be a member of the Board be elected or designated a salaried employee of a District Agency.

Section 503. General corporate powers

This section recites the corporate powers of the District Agencies.

Section 504. Capital stock, classes of stock, transfer, exchange; and dividends

This section authorizes a District Agency to issue voting stock, non-voting stock, and provides for an equity reserve. It distinguishes between voting and non-voting stock and states the restrictions which apply to each. Each Participant or cooperator obtaining financial assistance from the District Agency will be required to purchase an amount of stock equal in value to one dollar for every one hundred dollars of financial assistance obtained.

Each Participant will require that its borrowers purchase an amount of stock equal to not less than $5 and not more than $10 per $100 of financial assistance obtained.

Each direct borrower from the District Agency will be required to purchase at the time the loan is made an amount of stock of the District Agency equal to not less than $6 per $100 of the amount of the loan and not more than $11 per $100 of the amount of the loan.

When a District Agency participates with a commercial bank or other financial institution, the requirement that the borrower owns stock shall apply only to the portion of the loan which involves District Agency.

Section 505. Application of earnings; restoration of capital impairment, and surplus account

This section provides for the manner in which earnings in excess of operating expenses (including valuation reserves against loan assets) shall be applied to the restoration of capital impairment, establishment and maintenance of surplus accounts and stock participation or cash distribuitons. When the regional bank holds stock in a District Agency, the cash distribution shall be such percentage of earnings as will be determined under regulations of the regional bank.

Section 506. Loans, participation; other financial assistance; terms; conditions; interest; security

This section authorizes District Agencies to make loans for rural development purposes through Participants and cooperators or directly to borrowers. Interest rates, terms, conditions and security requirements of financial assistance authorized under this section will be prescribed by the board of directors of the District Agency and approved by the appropriate regional bank. In setting rates and charges on financial assistance, it will be the objective to provide credit as the lowest reasonable cost on a sound basis, taking into account the cost of money, necessary reserves and expenses of the Agency, and services provided borrowers and Participants.

Interest rates on loans may vary from time to time during the repayment period of the loan in accordance with the current rates being charged by the agency. The District Agency may provide for deferral for up to ten years of the initial annual repayment of principal and interest and it may authorize a continuing commitment of a line of credit to a borrower or participant.

The District Agency must make every effort to equitably allocate its assistance between potential types of users.

Section 507. Other services

Each District Agency is authorized to provide technical assistance and financial related services to borrowers, applicants and participants.

SUBTITLE F—PARTICIPATING RURAL DEVELOPMENT FINANCIAL INSTITUTIONS AND UNITS OF LOCAL GENERAL GOVERNMENT

Any bank or other financial institution making loans in rural areas for rural development purposes and any county, municipality, or other unit of local general government will, upon application, be considered for designation as a participating rural development financial institution (hereinafter called a "Participant").

Section 602. Functions of participants

Participants are authorized to—

(1) obtain from and extend financial assistance for, or on behalf of, District Agencies and Regional Banks; and

(2) to issue obligations for purchase by District Agencies or Regional Banks; and

(3) perform such other duties as the District Agency and Regional Bank may delegate.

The Participant will be required to provide from its own funds at least five percent of any loan made by it to any borrower.

Section 603. Endorsement by participants

A Participant must endorse to the District Agency obligations which it sells to, insures or guarantees with or discounts with such District Agency. However, the participant will not be required to assume responsibility for the repayment of principal and interest represented by such obligations.

Section 604. Purchase of capital stock

The Participant must require borrowers to subscribe to an amount of capital stock equal to not less than five percent and not more than ten percent of the financial assistance extended by the District Agency. In addition, each Participant must maintain at all times a total ownership of capital stock which is equal to at least one percent of the amount of all loans and obligations it has obtained from the District Agency.

Any institutions listed in section 601 which qualify as Participants are authorized to purchase voting stock of District Agencies.

Any of the institutions listed in section 601 may qualify as "cooperators" by participating in any loan or other obligation on behalf of the District Agency or Regional Bank and the purchase of non-voting stock equal to at least one percent of the loan or other obligation.

Cooperators will not be required to maintain voting stock ownership but they will be subject to all other rules, regulations and requirements provided for participants.

Section 605. Governance of participants and cooperators

This section provides for rules and regulations governing Participants and cooperators. The designation of any institution as a Participant may be canceled by the appropriate District Agency and this cancellation may be appealed to the appropriate Regional Bank. The decision of the board of directors of such Regional Bank will be final.

Section 606. Certificates of participation

Each Participant will be issued a certificate which certifies that it has been designated as an official Participating Rural Development Financial Institution. Designation of Participants is subject to the approval of the Federal Board.

Section 607. Terms and conditions

Terms and conditions under which assistance may be made available to borrowers by any Participant will be established by the District Agency concerned. Such terms and conditions may vary according to the rural development purpose for which the loan is to be used.

Section 608. Security

Participants will require borrowers to provide the best available collateral for financial assistance. Participants may consider demonstrated repayment ability in determining whether assistance should be approved. In determining the amount of security necessary, a Participant will take into consideration any grant or payment from the Federal or State government, including any grant or payment for which the borrower may qualify and obtain under the provisions of this act.

Section 609. Rural activity required

Only those financial institutions whose volume of loans in rural areas is more than one-half of the total volume of all its loans will be eligible to purchase voting stock of District Agencies or regional Banks.

SUBTITLE G—FEDERAL RURAL DEVELOPMENT INVESTMENT INCENTIVES ADMINISTRATION

Section 701. Findings and policy

This section finds that incentive payments are needed for rural community development and declares it to be the policy of Congress to carry out a program of such payments.

Section 702. Incentives for investment in rural development

This section provides for the establishment by the Federal Board of a Federal Rural Development Investment Incentives Administration, independent of the Federal Agency and Regional Banks, to carry out programs of interest supplements and capital augmentation payments.

Section 703. Administrator

The Rural Development Investment Incentives Administration would be headed by an Administrator appointed by the Federal Board with the approval of the President. He would serve at the pleasure of the Federal Board and the President. He would be compensated at level four of the executive pay schedule, which currently is $38,000 per annum.

Section 704. Rural development investment supplements; eligibility and amount

Any private or public entity that is operating a rural development project that is located within the area served by a District Agency that had a net loss in the population of its rural area within the most recent ten-year period for which data is available from the U.S. Bureau of the Census, and who cannot pay from projected earnings in any fiscal year the full amount of the annual interest on his loan, will be eligible to receive an interest supplement at the end of such fiscal year. This supplement will be equivalent to the amount by which the interest due exceeds the greater of (1) the amount which can be paid from project earnings, or (2) an interest payment calculated at an interest rate of two percent per annum.

To establish his eligibility for an interest supplement, the applicant is required to prove conclusively that—

(1) the project will make a substantial and definite contribution to the enhancement of the quality of life or increased income and employment in the rural area where located,

(2) the enterprise is operated according to principles of prudent and efficient management and will sustain a net loss if the full contractural interest rate is paid,

(3) audited accounts demonstrate that the interest supplement applied for is not in excess of the amount for which the applicant is eligible.

(4) the project to be financed will not be in substantial direct competition with another project that is wholly financed by private enterprise.

No applicant will be eligible for an interest supplement unless his books of account are open at all times for inspection by appropriate authority.

Section 705. Rural development capital augmentation payments; eligibility; and amount

Any public or private nonprofit entity who seeks to construct or operate a rural development project in an area served by a District Agency that had a net loss in the population of its rural area within the most recent ten-year period for which data is available from the U.S. Bureau of the Census will be eligible to apply for a rural development capital augmentation payment.

To establish eligibility for such payment, an applicant will be required to prove conclusively that—

(1) the project will make a substantial contribution to enhancement of the quality of life and increased income and employment in the rural area where located,

(2) the project for which the capital augmentation payment is requested was constructed or acquired in accordance with the principles of prudent and efficient management,

(3) that audited accounts demonstrate that the amount of payment applied for is not in excess of the amount for which the applicant is eligible,

(4) the project to be financed will not be in substantial direct competition with another such project which is wholly financed by private enterprise.

The amount of any rural development capital augmentation payment shall not exceed the amount by which—

(1) the cost of acquiring or constructing the project together with essential equipment and working capital exceeds

(2) the amount of principal and interest that can be amortized over the lifetime of the project by a prudent and efficient manager who will utilize the project to make a significant contribution to the attainment of the purposes of this title.

No applicant will be eligible for a rural development augmentation payment unless his books of account are open at all times for examination by appropriate authority.

Section 706. Examination of books of account

As a condition of approval of any application for financial assistance under this title, the applicant would be required to keep his books of account open at all times for examination by appropriate authority and by the General Accounting Office.

SUBTITLE H—GENERAL PROVISIONS

Section 801. Finance and other supervision

The Rural Development Credit System would be subject to the supervision of the Farm Credit Administration with respect to all procedures relating to financial examinations, including audits; and would be subject to the supervision of the Administrator of the Rural Enterprise and Community Development Administration of the Department of Agriculture with respect to the appraisal of real and personal property for security purposes. Investigating, accounting and administrative auditing services of the Farm Credit Administration would be utilized on a reimbursable basis by the Federal Rural Development Investment Equalization Administration and by the Federal Rural Development Credit System.

Section 802. Examinations and reports; audits

This section provides for examinations and audits of the Rural Development Credit System by Farm Credit Administration examiners at such times as the Federal board may determine, but in no event will any such institution be examined and audited less than once a year. In addition, the Executive Director is authorized to require examinations and audits by independent certified accountants. The executive director or any institutions of the system may request credit examiners to make examinations of organizations to which the extension of financial assistance is contemplated or to which the delegation of authority is contemplated.

A report of each annual audit of the Rural Development Credit System will be made by the Farm Credit Administration through the Federal board to the President and to the Congress. Farm Credit Administration shall be reimbursed by the Federal agency for the cost of performing such audits. The Federal board will make a report to the Congress at the end of each calendar year, concerning the condition of economic growth in areas served by the board, the condition and experience of the regional banks and the Federal Rural Development Investment Incentives Administration and such recommendations for legislative actions as it deems necessary to improve the Rural Development Credit System. The Federal board may require the Federal Agency, the Regional Bank and the Federal Rural Development Investment Incentives Administration and the district agencies to submit to it similar annual reports.

Each institution of the Rural Development Credit System will be subject to audit by the General Accounting Office at such times and to such extent as the Comptroller General determines.

Section 803. Conditions of other banks and lending institutions

The Comptroller of the Currency is required, upon request of the Farm Credit Administration, to furnish for confidential and exclusive use of the Regional Banks such information as he may have available relating to the financial condition of national banks with which such institution of the system has made or contemplates making discounts, loans or delegations of power.

Section 804. Consent to the availability of reports and to examinations

This section requires any organization seeking discount privileges or delegated powers from a Regional Bank to consent to examination by Farm Credit Administration examiners or, in the case of state banks, trust companies and saving associations, to permit state authorities to furnish reports for their examinations upon request of the Farm Credit Administration. This information will be available only for the exclusive and confidential use of the regional banks.

Section 805. Reports on conditions of institutions receiving loans or deposits or redelegated power

This section authorizes various agencies, upon request of the Farm Credit Administration, to furnish certain information to the Rural Development Credit System. This information (regarding the condition of any organization to which an institution of the System has made or contemplates making a loan or uses or contemplates using as a custodian of credit instruments, as a depository or to which it has or contemplates delegating powers) will be kept in confidence. The Federal Reserve Banks are also required to make their records available for audit.

Section 806. Jurisdiction

Each institution of the Rural Development Credit System shall for the purposes of jurisdiction be deemed to be a citizen of the state, commonwealth or District of Columbia in which its principal office is located. United States District Courts are not to have jurisdiction over any local unit of government or any financial institution exercising delegated power under this title.

Section 807. State legislation

This section authorizes the Federal Agency to declare obligations or securities to be ineligible as collateral under this title where the state law applicable to such obligations provides insufficient protection in the event of default.

Section 808. Tax status

The Federal Board, the Federal Agency, the Regional Banks and the District Agencies will be subject to Federal, state and local taxes as provided in this section.

The real property and tangible personal property of such board, banks and agencies will be subject to Federal, state and local taxation to the same extent according to its value as similar property held by other persons.

The income from any obligations purchased by such Regional Bank or District Agency from any federal, state or local government or quasi-governmental body and the income from any obligations issued by such Regional Bank or District Agency will be subject to the same extent as the income of obligations of private corporations.

The Regional Banks will be subject to the franchise tax provided in section 407(c) of this act.

Notwithstanding the foregoing provisions of this section, no Regional Bank or District Agency will be subject to Federal, state or local income taxes for any period in which capital stock in a regional bank is held by the executive director for the United States.

Section 809. Nature of obligations

All obligations issued by the Federal Agency or Regional Banks will be lawful investments for all fiduciaries. All obligations issued by the Rural Development Credit System pursuant to this title will be exempt from regulation by the Securities and Exchange Commission.

Section 810. Amendments to other laws

This section amends Title 5 of the United States Code to place the executive director of the Federal Rural Development Credit Agency and the Administrator of the Federal Rural Development Investment Incentives Administration in level IV of the executive schedule, which currently is $38,000, and to place the deputy executive director of the Federal Rural Development Credit Agency at level V of the executive schedule, which is currently $36,000 per annum.

National banking associations are authorized to purchase the obligations of any Regional Rural Development Credit Bank or District Rural Development Credit Agency created by this title.

Section 811. Separability

This section provides that if any provision of this title is held invalid, the remainder of this title shall not be affected thereby.

Section 812. Reservation of right to amend or repeal

This section reserves the right to alter, amend or repeal any provision of this title.

Section 813. Appropriations

There is authorized to be appropriated the following sums:

(1) to the Federal Agency not to exceed $200 million annually for not to exceed ten years for the purchase of capital stock of the Regional Banks;

(2) to the Federal Rural Development Investment Incentives Administration not to exceed $100 million annually for the incentives for rural development authorized under Subtitle G;

(3) to the Federal Agency not to exceed $26 million annually for expenditure, directly or by contract, for research and scientific study on rural development;

(4) to the Secretary of Agriculture $5 million as initial capital for the revolving fund;

(5) to the Secretary of Agriculture such sums as may be necessary to carry out his responsibility under this title;

(6) without fiscal year limitation, such additional sums as may be necessary to carry out the purposes of this title.

TITLE III—RURAL REVENUE SHARING

SHORT EXPLANATION

This title authorizes the appropriation of $500 million annually to be apportioned on a formula basis among the States. Each State's share would then be further apportioned and granted as follows: (1) one-third would be apportioned and granted to multijurisdictional planning districts; (2) one-third would be apportioned and granted to counties for the benefit of the local governments therein; and (3) one-third would be retained by the State. The amounts granted would be used by the recipients for rural development, a rural area being, in general, the area outside cities of 50,000 or more.

GENERAL STATEMENT

The concept of the Federal government sharing revenue with State and local governments for rural community development purposes was first proposed by President Nixon in a Message to Congress on March 10, 1971 (page 74 of this report.)

The President proposed abolishing eleven categorized grant programs which were spending $921 million in fiscal 1971, adding $179 million in new money, and creating a pool of funds totaling $1.1 billion to be divided among the states for use in rural community development.

Title III provides for no change in existing categorical grant programs nor amendment of their authorizing legislation. It does authorize annual appropriations not to exceed $500 million for rural community development revenue sharing. The Committee intends that revenue sharing funds may be used selectively to expand existing, as well as to initiate new, rural development programs.

It was the consensus of the Committee that the present categorical programs which have been tried and proven should be maintained. However, the Committee did approve the concept of giving States, districts, and local governments additional funds with more flexibility in determining how the money could be best spent for rural development purposes within their jurisdictions.

For example, revenue sharing is provided in this title for the protection, conservation, and development of the natural resources for improvement of rural areas and of rural community development under the leadership of local entities of government. Conservation districts under State district enabling legislation are assigned specific responsibilities for soil, water, and related resource development and, as eligible local instrumentalities of State government, may be authorized to utilize State, district, or local government revenue sharing funds as those entities may determine.

These rural revenue sharing funds may be used generally for any purpose which contributes to the enhancement of rural areas as a place to live, to make a living, and to provide increased employment. In addition, the funds may be used as the State, district, or local government's share of matching funds for other Federal-State formula or project grant programs.

This title provides for the apportionment of the revenue sharing funds among the States on the following basis: 40 percent on the State's rural population; 20 percent on the rural per capita income; and 40 percent on decrease in the State's rural population. Each State must pass one-third of the rural revenue sharing funds it receives on to substate multi-jurisdictional areawide general purpose planning and development districts that have been designated as clearing houses under Office of Management and Budget Circular A-95 and a like amount to local governments within the State.

The two-thirds thus passed on to districts and local governments would be apportioned within each State on the same formula basis as funds are apportioned among the States.

The monies provided under the revenue sharing authorization would be available to areas of any State, Puerto Rico, the Virgin Islands, American Samoa, and Guam which are outside the outer boundary of any city having a population of 50,000 or more and its immediately adjacent urbanized and urbanizing area with a population density of more than 100 persons per square mile.

In order to become eligible for funds each State must present to the Secretary of Agriculture a State rural development plan which will generally be a composite of rural development plans submitted by all multi-jurisdictional general purpose planning and development districts within the State.

SECTION-BY-SECTION EXPLANATION

STATEMENT OF FINDINGS AND PURPOSE

Sec. 1001 provides that Congress finds and declares that in order to provide more effective assistance to rural areas of the Nation for the purposes of stemming outmigration, stimulating and aiding economic development and the creation of job opportunities, providing more and better public works and community development facilities, and assisting in the solution of farm, home, and other community problems, it is necessary to establish a program by which States may share in Federal revenues.

SUBTITLE A—DEFINITIONS

Sec. 1002 provides that the definitions contained in the following subsections are applicable for the purposes of this Title.

Subsection (a) provides that the term "rural area" means territory within any State, Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam outside of any city having a population of 50,000 or more, and its immediately adjacent urbanized and urbanizing area with a population density of more than 100 persons per square mile.

Subsection (b) provides that the term "rural development" means any program or activity of a State, county, municipality, township, town, or multijurisdictional areawide planning and development district of a State which raise rural per capita income, directly increase employment or income or otherwise benefits the residents of a rural area, and that the term "rural community development programs and activities" includes, but is not limited to, the promotion, establishment, assistance, improvement, and encouragement of a greater number of programs and activities related to rural development.

Subsection (c) provides that the term "rural per capita income" means the average personal income of population of a rural area as defined by this title.

Subsection (d) provides that the term "fiscal year" means the fiscal year of the United States.

Subsection (e) provides that the word "Secretary" means the Secretary of Agriculture.

Subsection (f) provides that the word "State" means the several States, Puerto Rico, the Virgin Islands, and Guam.

Subsection (g) provides that the word "Governor" means the chief executive officer of each State.

Subsection (h) provides that the term "multijurisdictional areawide planning and development district" means an organized planning and development body composed of two or more counties, towns, townships, boroughs, municipalities, or a combination of any such governmental units established by or under state law and designated under OMB Circular A-95.

Subsection (i) provides that the term "Attorney General" means the Attorney General of the United States.

Subsection (j) provides that the term "personal income" means such term as defined by the Office of Business Economics of the Department of Commerce, or, as appropriately modified or changed by the Secretary.

Subsection (k) provides that the term "local government" means a municipality, county, parish, borough, or township as defined and used by the United States Bureau of the Census, but does not include independent school districts.

Subsection (l) provides that the term "development plan" means a plan for the expenditure of funds to which an eligible recipient is entitled under section 1102. The plan shall include various programs and activities and growth potentials of the rural areas.

Subsection (m) provides that the term "State rural development planning system" includes a State rural development planning advisory commission, comprised of the Governor and one representative from each district planning board within the State to advise the Governor with respect to the formulation of the State rural development plan. Such planning boards shall be comprised of elected officials from local governments in rural areas within the district. The duties shall be determined by State law or the Governor under State law. Such multijurisdictional planning districts shall encompass the rural areas of entire geographic territory of the State.

DATA FOR DEFINITIONS

Sec. 1003(a) provides that, where appropriate, definitions in section 1002 shall be based on reports of the Department of Commerce or the Office of Management and Budget. The latest published data is to be used in applying these definitions.

SUBTITLE B—RURAL DEVELOPMENT REVENUE SHARING

APPROPRIATION AUTHORIZATION

Sec. 1101 authorizes the appropriation for Subtitle B of sums without fiscal year limitation not to exceed $500,000 for each fiscal year.

APPORTIONMENT

Sec. 1102(a) provides that appropriations authorized by section 1101 shall be apportioned by the Secretary to the States in an amount equal to the sum of the amounts determined in paragraphs (A), (B), and (C).

Subparagraph (A) provides that each State shall be apportioned an amount equal to 40 per centum of the total amount to be apportioned multiplied by a fraction the numerator of which is the pollution of the rural areas of such State and a denominator of which is the sum of the populations of the rural areas of all States.

Subparagraph (B) provides that each State shall be apportioned an amount equal to 20 per centum of the total amount to be apportioned multiplied by a fraction the numerator of which is the average of per capita incomes of all the States less the rural per capita income of such State with the difference multiplied by the rural population of the State at the same point in time, and the denominator of which is the sum of the numerator of all States. However, if the rural per capita income of a State is greater than the average of the per capita incomes of all the States, the difference is considered zero.

Subparagraph (C) provides that each State is to be apportioned an amount equal to 40 per centum of the total amount to be apportioned multiplied by a fraction the numerator of which is the numerical decrease of the population of the rural areas of such State (the Secretary is to take into consideration prior migration trends) and the denominator of which is the sum of the numerical decreases in the population of the rural areas of all States in which numerical decreases in the population of rural areas took place.

Section 1102(b) provides that one-third of the amount apportioned to each State under section 1102(a) shall be divided among the multijurisdictional areawide planning and development districts of such State so that each district will receive an amount equal to the sum of the amounts determined in paragraphs (A), (B), and (C).

Subparagraph (A) provides that each district shall be apportioned an amount equal to 40 per centum of the total amount to be apportioned multiplied by a fraction the numerator of which is the population of the rural areas of such district and the denominator of which is the sum of the populations of the rural areas of all districts.

Subparagraph (B) provides that each district shall be apportioned an amount equal to 20 per centum of the total amount to be apportioned multiplied by a fraction the numerator of which is the average per capita incomes of all the districts less the rural per capita income of such district with the difference multiplied by the rural population of the district at the same point in time, and the denominator of which is the sum of the numerator of all districts. However, if the rural per capita income of a district is greater than the average of the per capita incomes of all the districts, the difference is considered zero.

Subparagraph (C) provides that each district is to be apportioned an amount equal to 40 per centum of the total amount to be apportioned multiplied by a fraction the numerator of which is the numerical decrease of the population of the rural areas of such district (the Secretary is to take into consideration prior migration trends) and the denominator of which is the sum of the numerical decreases in the population of the rural areas of all districts in which numerical decreases in the population of rural areas took place.

Section 1102(c) provides that one third of the amount apportioned to each State under section 1102(a) shall be divided among the local governments of such State so that each local government shall receive an appropriate share of the amount to which its county is entitled under paragraphs (A), (B), and (C).

Subparagraph (A) provides that each county (which shall include any similar subdivision of a State which is not divided into counties) shall be entitled to receive for the local governments therein an amount equal to 40 per centum of the total amount to be apportioned multiplied by a fraction the numerator of which is the population of the rural areas of such county and the denominator of which is the sum of the populations of the rural areas of all counties.

Subparagraph (B) provides that each county shall be entitled to receive for the local governments therein an amount equal to 20 per centum of the total amount to be apportioned multiplied by a fraction the numerator of which is the average per capita incomes of all the counties less the rural per capita income of such county with the difference multiplied by the rural population of the county at the same point in time and the denominator of which is the sum of the numerator of all counties. However, if the rural per capita income of a county is greater than the average of the per capita incomes of all the counties, the difference is considered zero.

Subparagraph (C) provides that each county shall be entitled to receive for the local governments therein an amount equal to 40 per centum of the total amount to be apportioned multiplied by a fraction the numerator of which is the numerical decrease of the population of the rural areas of such county (the Secretary is to take into consideration prior migration trends) and the denominator of which is the sum of the numerical decreases in the population of the rural areas of all counties in which numerical decreases in the population of rural areas took place.

Section 1102(d) provides that each State shall be entitled to one-third of the amount apportioned under section 1102(a).

Section 1102(e) provides that until the State, district, or county is authorized to receive funds and carry out activities as provided by this Act, or in the event it refuses to accept such funds, the funds to which it would have been entitled shall be available for allocation by the Secretary for the purposes of this subtitle.

Section 1102(f) provides that the computations and determinations by the Secretary shall be final and conclusive.

STATE RURAL DEVELOPMENT PLAN

Section 1103 provides that commencing with fiscal year 1973, as a condition precedent to receiving entitlements under section 1102, the Governor of each State shall publish and submit a State rural development plan to the Secretary of Agriculture, which shall be formulated through the State rural development planning system or an alternative rural development planning system which assures consultation and coordination with substate multijurisdictional planning and development district and local government. Amendments to such plan may be submitted prior to the end of the fiscal year to which such plan relates. Development plans and amendments thereto shall not be subject to approval by the Secretary. This section requires that such plans take into account the rural development plans prepared by districts and local governments.

Section 1104 provides that each State is authorized to expend its section 1102 entitlement moneys for rural development as defined in section 1002(b).

SUBTITLE C—ADMINISTRATION

PAYMENTS TO STATES, DISTRICTS, AND LOCAL GOVERNMENTS

Sec. 1201 provides that the Secretary shall make payments to each State agency at such intervals and in such installments as he shall determine.

RECORDS, AUDITS, AND REPORTS

Subsection (a) of section 1202 provides that revenues shared by the States, districts and counties are to be accounted for as Federal funds.

Subsection (b) provides that each state, district, and county must utilize proper disbursement and accounting procedures, maintain and provide the Secretary with access to books, documents, records, etc., and make such reports as the Secretary may require.

BALANCED GROWTH POLICY

Sec. 1203 provides that shared revenues shall be expended in accordance with the provisions of section 901(a) of title IX of the Agricultural Act of 1970. Public Law 91-524.

NONDISCRIMINATION

Sec. 1204 provides that shared revenues shall be considered as Federal financial assistance within the meaning of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 20000d).

RECOVERY OF FUNDS

Subsection (a) of section 1205 provides that if the Secretary determines, after giving reasonable notice and opportunity for hearing, that a State has failed to comply substantially with the provisions of this title, he shall (1) refer the matter to the Attorney General for appropriate civil action; or (2) notify such State that if corrective action is not taken within 60 days of such notice that such State's revenue share will be reduced in the same or succeeding fiscal year by an amount equal to the funds which were not expended in accordance with the title's provisions; or (3) take such other action as may be provided by law.

Subsection (b) authorizes the Attorney General to seek appropriate court relief with respect to a matter referred to him under subsection (a).

Subsection (c) authorizes a State to file a petition in an appropriate U.S. Court of Appeals to review the Secretary's reduction of such State's revenue share pursuant to subsection (a), and provide rules of procedure and for Supreme Court review with respect to such petition.

POWERS OF THE SECRETARY

Sec. 1206 vests the Secretary with general administrative powers to carry out effectively the provisions of this title.

AGREEMENTS BETWEEN STATES, DISTRICTS, AND LOCAL GOVERNMENTS

Sec. 1207 gives Congressional consent to cooperation and agreements between States, districts, and local governments.

REPORT BY THE SECRETARY

Sec. 1208 requires the Secretary to make an annual report to the President and the Congress regarding the programs conducted under, and general effectiveness of, this title.

ADMINISTRATIVE EXPENSES

Sec. 1209 authorizes, without fiscal year limitation, such sums as may be necessary to administer this title.

LOCATION OF INSTALLATIONS

Sec. 1210 provides that all installations located, relocated, or constructed with shared revenues shall conform to section 901(b) of the Agricultural Act of 1970, Public Law 91-524.

LABOR STANDARDS

Sec. 1211 provides that the provisions of the Davis-Bacon Act, relating to the payment of prevailing wage rates, shall be applicable to certain projects assisted by shared revenues under this title.

RELOCATION COSTS

SEC. 1212 provides that no Federal relocation contribution in addition to shared revenues shall be provided to assist those displaced by community development activities under this title.

MATCHING GRANTS

Sec. 1213 provides that rural community development funds may be used by a State, multijurisdictional areawide planning and development district, or local government as matching shares for Federal grant programs which contribute to rural development.

EFFECTIVE DATE

Sec. 1214 provides that the effective date of this title shall be July 1, 1972.

Mr. HUMPHREY. Mr. President, I think it is a great day for rural America when we pass this bill and I urge the Department of Agriculture to proceed immediately with its implementation. It is possible to do that and we request that it be done immediately following the President signing the bill into law, which I assume, he will do without reservation.

LOANS FOR RURAL COOPERATIVES

Mr. MOSS. Mr. President, no one will welcome more than I the adoption by the U.S. Senate of the conference report of H.R. 12931, the Rural Development Act of 1972 and the speeding of it on its way to the President.

In the first place, I am a cosponsor of the Senate bill (S. 3462) and although some of the most far-reaching provisions of this bill were lost in House-Senate conference, I still feel that passage of the conference version here today will represent one of the longest steps we have taken for years to improve the quality of life for rural America. When the full effects of this bill are felt, I am confident we can begin reversing the exodus of rural inhabitants of cities because our rural communities will become more attractive places to live, with more orderly development, improved opportunities for industry and small business and more jobs for rural residents close to their homes, better marketing facilities for rural products, more centers of culture and education, and greater assistance with the growing problem of protecting the rural environment from pollution of its water and air.

I want to commend the distinguished Senator from Minnesota (Mr. HUMPHREY), for sponsoring this innovative bill in the Senate, and the dedicated chairman of the Senate Agriculture Committee (Mr. TALMADGE) and all of the subcommittee members and staff who have spent so many long hours on this measure. Its enactment alone will go a long way toward qualifying this Congress for the label of "the Rural Development Congress."

My second reason for hailing final Senate action on this bill today is that it contains the objectives of an amendment to the Consolidated Farmers Home Administration Act I introduced in the 90th Congress, and have introduced in each succeeding Congress. That amendment would authorize the FHA to make loans to both new and existing farm cooperatives unable to obtain credit from other sources.

At the time, in 1967, when I introduced my first bill to authorize the Farmers Home Administration to make loans to cooperatives which served rural families (S. 1971, 91st Congress) many of the rural cooperatives in my State of Utah were victims of what I called a giant credit gap.

They were unable to meet the assets, net worth and management experience required for a loan from the Farm Credit Administration Bank for Cooperatives, so they were turned down there. On the other hand they did not meet the poverty requirements necessary for consideration for a loan under the Office of Economic Opportunity cooperative loan program—which is that two-thirds of the families in the cooperative be in the so-called poverty class. The Utah cooperatives thus fell in between the two available loan programs—existing in a "no loan land," with nowhere to turn for family assistance.

I found after I had introduced my bill that the same situation which prevailed in Utah existed in other States as well, and I was offered support and cooperation from a number of my colleagues. But although hearings were held, no further action was taken.

By the time I had introduced the bill in this Congress, the OEO cooperative loan program was being phased out, and the need for new sources for loan for cooperatives was even more apparent. I, therefore, felt there was a better chance of passage for my 92d Congress bill, S. 1094, and hoped for early action.

Then came the introduction of S. 2223, the predecessor of S. 3462, and the hope it provided, and I turned my attention to supporting it.

Because the conference version before us does not contain exactly the language of my bill (S. 1094) I would like to read the language of that conference version which relates to loans to cooperatives, and ask the chairman a question or two about it afterward.

The section of the conference version to which I would draw attention is section 118, Rural Industrialization Assistance, (a) subtitle A of the Consolidated Farmers Home Administration Act of 1961. It is amended by adding at the end thereof, after section 310A, a new section, as follows:

> Section 310 B (a)—
>
> "The Secretary may also make and insure loans to public, private, or cooperative organizations, organized for profit or nonprofit, to Indian tribes on Federal and state reservations or other federally recognized Indian tribal groups, or to individuals for the purpose of improving, developing, or financing business, industry and employment and improving the economic and environmental climate in rural communities, including pollution abatement and control. Such loans, when originated, held, and serviced by other lenders, may be guaranteed by the Secretary under this section without regard to subsections (a) and (c) of Section 333.
>
> "(b) The Secretary may make grants, not to exceed $50,000,000 annually, to eligible applicants under this section for pollution abatement and control projects in rural areas. No such grant shall exceed 50 per centum of the development cost of such a project."

As I read this, the Farmers Home Administration would be authorized to extend to farm cooperatives—that is cooperatives which serve rural families—the kinds of loans contemplated in my bill (S. 1094). The language in that bill provides that loans would be made—

> to local cooperative associations furnishing to farmers and rural residents services and facilities for harvesting, storing, processing (including preservation or preparation of edible products for market) transporting or marketing agricultural commodities or products, consumer purchasing services, or processing or marketing of other products of farmers or rural residents.

The bill provided that—

> Such loans may include funds for the organization and establishment of the association, necessary and, buildings, and equipment, or for the repair, expansion, or enlargement of such services or facilities, or operating capital for refinancing.

Is it your understanding, Mr. Chairman, that under the provisions of H.R. 12921, section 118, sections 310(a) and (b) such loans and grants may be made?

Mr. TALMADGE May I say to the distinguished gentleman from Utah, who has taken such a constant and supporting interest in this bill, that it is our understanding and intent that the information the Senator from Utah has just made is correct. The section 118 of the Rural Development Act of 1972 fully authorizes all of the loan and grant authorities provided in the Senator's bill, S. 1094.

Mr. MOSS. I certainly do agree that almost any of the efforts made by a farm cooperative to improve or expand its services or facilities would come under the heading of providing more orderly development of the rural community, while at the same time improving it economically and environmentally, so I would feel that the objective which I have sought for so long in behalf of farm cooperatives are encompassed in this bill.

I thank the chairman for this clarification. I wanted to make this legislative history of the intent of the Congress on this bill at this time.

Mr. MILLER. Mr. President, unless someone else would like to speak I am prepared to yield back our time.

Mr. ALLEN. Mr. President, as a cosponsor of S. 3462, as a member of the Senate Rural Development Subcommittee of the Senate Committee on Agriculture and Forestry, as a member of the conference committee, and as one who is deeply interested in strengthening and preserving the most vital of our blessings—the heritage of rural America—I strongly recommend Senate passage of the rural development conference report.

Almost everyone agrees that rural development is important.

Unfortunately, we as a nation are not yet acting as if we think rural development is important.

This is not to say that we are guilty of hypocrisy. We in a democratic society have to agree on our objectives before we can take effective action. Furthermore, we are doing a great deal—as individuals and organizations, as private enterprises and Government units—to develop the economic and social potentialities of rural America. The trouble is, we are not doing enough. We are moving too slowly, and we are not acting in unison.

The objectives of Congress in the area of rural development are well stated in title IX of the Agricultural Act of 1970. Under the heading "Commitment of Congress," we adopted this language:

> The Congress commits itself to a sound balance between rural and urban American. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

We agreed to this national commitment 2 years ago for a great variety of reasons. Each of us, perhaps, has an individual set of reasons based upon his own observations and predelictions.

My own convictions can be put into two categories—first, the fact that both rural and urban America are suffering for lack of opportunity in rural areas; and, second, that we know progress is possible because we see it happening, but not fast enough.

Let us look into the first category of reasons—the fact that rural and urban America are suffering for lack of opportunity in rural areas.

I have seen with my own eyes, and I have heard testimony from witness after witness, that migration out of rural America has produced almost incredible hardship for people and seemingly insuperable problems for city governments and institutions.

In agriculture a technological revolution has displaced people much faster than new jobs and business opportunities have come into being. We have slowed outmigration in many ways. For one, we have been fighting to hold and build markets for our agricultural production in other countries and resisting excessive imports of competing farm products. We have sought to prevent the forceout of farmers by means of programs to support farm prices and income, and in some cases, dividing markets among farmers through marketing quotas.

Through publicly supported research and extension educational work, we have tried to see to it that even the poorest among the farmers could know and use the latest technology. Through conservation programs, we have tried to prevent the erosion of soil and thus maintain a resource base for economic production. Through farm ownership loans, farm operating loans, and various other credit programs, we have tried to make possible the ownership and operation of farms by millions of families who otherwise would have had no chance to be either owners or operators of farms.

I could give many more examples of governmental efforts to maintain the kind of agriculture and rural America—to strengthen the human side of the equation against the harmful forces of the onrushing technological revolution.

Obviously, we have not fully succeeded. Since 1940 more than 30 million people have migrated from rural America, and some 20 million of them from the farms. Now more than 70 percent of our people live on only about 2 percent of our land. Only 9 million people now live on farms. Of 435 congressional districts, only 35 have farm populations of more than 25 percent, and 21 States do not have a single district in which as many as 15 percent are farm people.

Many of the people who have migrated from rural America were not prepared for industrial jobs or for city living. Even had more of them been well prepared, their numbers were so great and they came so fast, that the cities to which they flocked could hardly have avoided being smothered and choked.

Police departments, fire departments, welfare departments, health departments, sanitation departments—every facet of city government, plus the private institutions of our cities, have been strained, tested, and found wanting.

All of this is to say that rural development also has a special meaning for nonrural residents. It means that if we are to help solve the problems of the cities, we must create a new rural environment which not only will curb migration to urban centers, but also will reverse it.

The migration has been slowed, but it has not stopped. During the 1960's about 1,500 counties lost population—about the same number of counties as in the 1950's.

The ills of rural America have been

stated many times. There appears to be no serious disagreement on the major facts. President Nixon has stated—and we find this in the printed hearing records of our Rural Development Subcommittee—that approximately half of the unemployment and underemployment is in rural America, and approximately half of those below the poverty level live in rural America. In his recent message to Congress on rural development, the President said:

> Dramatic disparities exist between metropolitan and rural areas in such indices as per capita income, housing standards, educational attainment and access to medical care.

He noted, also, that Government services cost more per person in thinly settled area, and that State and local governments are frequently "too impoverished or too fragmented to undertake the necessary planning and development activities."

The chairman of our Senate Agriculture Committee, the distinguished Senator from Georgia (Mr. TALMADGE), has stated—and this is in the hearing record—that migration from rural to urban areas is comparable to the movement of 22 million immigrants to our shores between 1890 and 1930. The distinguished senior Senator from Georgia has further stated that the balance-of-payments problem between rural and urban America is far greater than that between our Nation and foreign countries, pointing out that rural people pay millions of dollars of interest to people in the cities and spend millions more on education of children who go to live in the cities. Senator TALMADGE quotes the Veterans' Administration to the effect that 108 of the 159 counties of his State of Georgia are credit-shortage areas where veterans have great difficulty getting home loans. As an example of the staggering credit needs of rural America, he cites Farmers Home Administration survey results showing that communities with populations of 5,500 or less need water and sewer systems that would cost well over $13 billion.

Our Rural Development Subcommittee chairman, the distinguished junior Senator from Minnesota (Mr. HUMPHREY), pointed out in hearings that two-thirds of the Nation's substandard housing is found in rural America. Senator HUMPHREY also pointed out that rural America is short of jobs, doctors, and hospitals, transportation facilities.

He further pointed out that industry is not going to move to rural areas if schools are inferior, if there is inadequate electric and telephone service, and if the nearest health care facility is 50 or 100 miles away.

We also have testimony that tells of progress in rural America. We know some kinds of action really work. We can, therefore, commit ourselves to the objectives of rural revitalization, not merely in desperation, but in a spirit of determination and well-founded hope.

One magnificent example is that great engine of democracy, the Tennessee Valley Authority. In subcommittee we took a close look at the triumphs of TVA both at Decatur, Ala., and at hearings here in Washington.

For almost 39 years now, the Tennessee River Valley has been a successful pilot plan to show how men can develop their resources by democratic means and for the benefit of all the people. The achievement of TVA is a record of men at work with their Government with an absolute minimum of control and interference from Washington, D.C. Let me quote a highly significant statement from the testimony before our subcommittee of Aubrey J. Wagner, chairman of the TVA Board:

> Since 1933 when TVA was created, there has been a notable increase in job opportunities in the Tennessee Valley region, and outmigration has been halted.

Let me repeat and emphasize that statement by Chairman Wagner: Outmigration has been halted.

Mr. Wagner went on to say that per capita income in the TVA region has risen from 45 percent of the national average to 75 percent. Jobs in manufacturing make up a greater part of the total employment in the region than in the Nation as a whole. And in recent years about 80 percent of the region's new industrial jobs have been created outside the metropolitan areas.

I quote further from Mr. Wagner's testimony:

> The development of the Tennessee River and its tributaries has provided a base for industrial and commercial growth and a prime recreation asset. The waterway makes available low-cost barge transportation, and the dams we have built provide abundant supplies of water for communities and industries, as well as for water-based recreation. Flood control has made the level land on the shoreline safe from floods and therefore more usable by industry. And, of course, TVA's dams and steamplants provide large amounts of low-cost power.
>
> All of this has meant jobs. Private industry has invested over $2 billion in new and expanded plant facilities along the main stem of the Tennessee River since TVA completed the navigable channel in 1945 . . . In total in the Tennessee Valley, about a million and a half new jobs have been created in the last 30 years.

Yes, Mr. President, TVA represents rural development on a grand scale. The people of the TVA area have outstripped the Nation in their progress—in their agriculture, their business, their industry, in the increase of their personal incomes, and in the comforts and conveniences of modern life.

In much smaller areas, the rural electric cooperatives throughout the Nation have been helping build stronger, more attractive communities, and providing an indispensable ingredient for industry and commerce—dependable electric service at rates comparable with those of the highly populated cities.

I agree with this statement made by Robert D. Partridge, general manager of the National Rural Electric Cooperative Association, in his testimony before our rural development subcommittee:

> Were it not for the rural electrification program, there would be little or no hope of revitalizing rural areas, which many of us consider essential to achieving balanced national growth.

Rural electric systems are adding consumers to their systems at a rate of nearly 250,000 new meters a year, compared with about 150,000 a year in the mid-1960's. This growth rate in 1970 was 4 percent or nearly double the growth of the electric utility industry as a whole. And the volume of power delivered to consumers on rural electric lines is increasing faster than for the rest of the industry. The power loads of REA borrowers are doubling every 7 years while loads for the entire industry are doubling every 10 years.

In Alaska during last fiscal year, 23 remote villages were electrified, bringing the total of such systems to 40. And in Nevada and Utah the last "power desert" in the continental United States got electric lines.

A REA survey in 1970 indicated that rural electric systems in that year helped to create 38,570 new jobs through 765 commercial, industrial, and community facilities projects.

In Alabama rural electric cooperatives have for years exercised leadership in making communities attractive to people and, therefore, to industry. They have helped the Farmers Home Administration put its expanded housing program before the people, and in one recent 6-month period, the Farmers Home Administration in Alabama doubled its rate of lending for rural housing. Our electric cooperatives have taken the lead in organizing nonprofit housing groups such as the one helped into being by the Baldwin County Electric Cooperative with headquarters at Robertsdale. It is an organization that can borrow money and develop land for rural residences. In many cases, such groups should be able to accomplish much more than could individuals building one house each.

Other Alabama electric cooperatives have helped organize water and sewer projects. For example, Sand Mountain Electric Cooperative with headquarters at Rainsville recently helped get a water project started. And in the Sand Mountain cooperative area, new jobs are being provided by a Monsanto plant, a new cookie bakery, garage body plant, and recreational developments at DeSoto State Park, Lake Guntersville State Park, Buck's Pocket Tri-County Park, and other places.

This electric cooperative is not alone in its interest in recreation developments. Recreation and tourism together make up one of the fastest growing industries in Alabama. It is a half billion dollar business today and the best is yet to come. Many of our excellent recreational sites are in rural locations served by the electric cooperatives, and I am happy to note they take pride in both serving and boosting our great recreation and sightseeing attractions.

In the field of health care, Alabama is providing still another encouraging approach to the problem of rural health delivery services. In Montgomery last July, our Senate Rural Development Subcommittee heard outstanding testimony from the University of Alabama Medical Center spokesmen about a three-point program to help rural doctors and make rural medical practice more attractive. One part of the program is a medical information system through which any physician in the State can call a panel of specialists at the medical center, day or night, without charge, and can obtain consultation or information from the library, and if necessary he can arrange for emergency flights of medicine, equipment, or patients.

Another part is called the MEDEX training program for physicians' assistants. Recently the program has centered on the training of returning military corpsmen, and at the time of our subcommittee hearing in Alabama last July 23 MEDEX trainees were working with rural doctors in five States of the South. The third part of the program is the Lawrence County project, which aims at developing a model of rural health care involving use of MEDEX assistants and trained outreach teams to help with health care in the home.

We thus see that in various parts of the country where we have held hearings, we have heard not only about problems but also of much promising work and some success.

Somebody must be doing something right, because at least a few of our rural areas are gaining in population. The President identified those areas in his rural development message as the middle Tennessee Valley, which I have already discussed, the Southern Piedmont, eastern Oklahoma, and northern and western Arkansas.

The question now is, how are we going to turn the tide around in many more rural areas?

Probably everyone would agree that new industry is essential. But it has become clear that it will take more than new industry to revitalize rural areas. It takes good electric service and modern telephones, water and sewer systems, doctors and hospitals, good schools, roads, libraries, recreation facilities. Another way of saying all that is: "It takes money."

It also takes organization.

Rather than dismantle the Department of Agriculture, we should insist that the Department of Agriculture has the fundamental mission of organizing and administering a real rural development program. For emphasis, we could call it the Department of Agriculture and Rural Development. That would be all right with me.

There are so many pieces of a rural development program scattered through the Federal Government that we can hardly count them. Many of these pieces are in the Department of Agriculture. They are not pulled together and administered as a program. But they should be, and in my opinion, they must be if town and country America is ever to enjoy the fruits of prosperity to which it is entitled.

Much of the money required to do the job need not be expended in the forms of grants—rather it can be loaned, and later returned to the Treasury for use again. So much money is required that we cannot, as a practical matter, rely on Federal expenditures, grants, and revenue sharing to go around. But credit is another matter. Vastly more credit is needed, and credit is practical for the circumstances with which we are dealing.

But to make credit programs fully effective, we need more advance planning, and for this we need to be able to make limited grants. A community cannot hope to obtain credit for facilities such as water and sewer systems until it has a plan and an official presentation that meets the requirements of the lending agency. Yet, in many cases, the community has nobody with the required time and expertise, and no money to hire engineering and other firms to do the advance work that must be done. Problems of this sort represent a bottleneck in rural development, and it will take some grant money to break the bottleneck.

We have also learned in our hearings and through observation that there have been important gaps in credit programs as well as quantitative limits that seriously restrict the potential for getting results. Housing credit is a problem for rural people of moderate income. We can upgrade rural housing much faster than we are now doing if we open up the Farmers Home Administration housing program to them.

The biggest and most important gap we have observed is that of credit for job-creating industrial and commercial enterprises. I personally feel it is necessary to help and encourage local governmental units in their efforts to offer incentives to industry and business.

In addition to helping local government in that manner, we need to make sure that the Federal rural development program can offer loans to both public and private organizations to finance small- or medium-sized industrial and commercial establishments and related facilities.

The principles I have set forth are embodied in the legislation now before us.

We must, of course, continue our endeavor to improve the quality of life in our urban areas, but we must never forget that the strength and prosperity of rural America is basic to the strength and prosperity of our Nation.

Rural America is the very foundation of our national life. It is rural America which has given us the moral and spiritual values that have preserved the vigor of our Nation and the foundations of our freedom and our enterprise.

Indeed, America's greatness has been built not upon material wealth alone but, far more importantly, upon the initiative, the independence, and the love of a divine providence that has flown from the homes of town and country America into the fiber and fabric of our Nation's life.

It is with a deep sense of responsibility to the record of the past and a keen awareness to the challenge of the future that I urge enactment of the Rural Development bill.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the adoption of the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mrs. EDWARDS), the Senator from Georgia (Mr. GAMBRELL), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PELL), the Senator from New Mexico (Mr. ANDERSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Rhode Island (Mr. PASTORE), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from Rhode Island (Mr. PASTORE), the Senator from North Dakota (Mr. BURDICK), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Kansas (Mr. DOLE), the Senator from Michigan (Mr. GRIFFIN), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Ohio (Mr. TAFT), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent. If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[No. 386 Leg.]

YEAS—73

Aiken
Allen
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Metcalf
Miller
Moss
Muskie
Nelson
Packwood
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Williams
Young

NAYS—0

NOT VOTING—27

Allott
Anderson
Baker
Brock
Burdick
Curtis
Dole
Edwards
Gambrell
Goldwater
Griffin
Harris
Hatfield
Hruska
Jordan, N.C.
McGee
McGovern
Mondale
Montoya
Mundt
Pastore
Pell
Percy
Schweiker
Taft
Tower
Weicker

So the report was agreed to.

ORDER OF BUSINESS

(The remarks of Mr. JAVITS on the introduction of S. 3935, Public Service Act amendments, are printed earlier in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that LeRoy Goldman, of the staff of the Subcommittee on Health, be accorded the privilege of the floor during the consideration of the health bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, Calendar Nos. 1012 and 1013 have been cleared on both sides, and I ask unanimous consent that they be considered at this time in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 3858) to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 1012, S. 3858, be temporarily laid aside, and that the Senate proceed to the consideration of Calendar No. 1013.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH SERVICES FOR MIGRANT WORKERS

The Senate proceeded to consider the bill (S. 3762) to extend the program for health services for domestic agricultural migrant workers, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That section 310 of the Public Health Service Act is amended by striking out "$30,000,000 for the fiscal year ending June 30, 1973," and inserting in lieu thereof "not to exceed $60,000,000 for the fiscal year ending June 30, 1973, $105,000,000 for the fiscal year ending June 30, 1974, $120,000,000 for the fiscal year ending June 30, 1975".

SEC. 2. Section 310 of the Public Health Service Act is further amended by striking "and" immediately before the clause designation "(ii)" in paragraph (1) and inserting at the end of such clause the following: "and (iii) premiums for a prepaid health care plan eligible for Federal assistance where such clinics or special projects so request. All such clinics, special projects, and prepaid health care plans shall provide out-reach and follow-up services;".

SEC. 3. Section 310 of the Public Health Service Act is further amended by inserting "(a)" immediately after the section designation and by adding at the end of such subsection the following new subsection:

"(b) There are hereby authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, $35,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975, to enable the Secretary to assist in the provision of necessary hospital care to domestic agricultural migratory workers and their families."

SEC. 4. Section 310 of the Public Health Service Act is further amended by adding at the end of new subsection (b) the following new subsection:

"(c) In making grants under this section the Secretary shall give priority to those applicants whose policy-making body is composed of a majority of persons who are consumers of its services, where competing applicants appear to the Secretary of Health, Education, and Welfare to be equally qualified."

Mr. KENNEDY. Mr. President, this bill extends the Migrant Health Act through June 30, 1975. It provides comprehensive health care provisions, and provides as well that funding for hospital care be included in the migrant health program for the first time.

Today, with the migrant health programs we have on the books, we are providing health services for fewer than 10 percent of the migrant workers and eligible seasonal farmworkers in the country. We are spending an average of about $5.10 per migrant, in spite of the fact that their health needs, as with so many of the poor and unfortunate people of this country, are among the most critical in the country.

This measure steps up quite significantly the amount of resources available by providing authorizations of $60 million for fiscal year 1973, $105 million for 1974, and $120 million for 1975. That will actually double the authorization for next year over this year, but it is a needed program, and the testimony we had before our committee was that if we were to try to provide minimum standards for health care for the migrants, it would cost some $600 million; so $60 million is a bare minimum.

This measure also includes a separate authorization to help defer the cost of hospital services to migrant workers. That is an extremely important provision, because we have seen time and time again, during the course of our health hearings, where hospitals today are operating on such a thin line between bankruptcy and survival that they have refused to provide migrants with health care, because they cannot afford it. This measure would provide resources for migrant hospitalization. It would authorize $20 million in fiscal year 1973, $35 million for 1974, and $40 million for 1975.

Mr. President, for too long, the health needs of the approximately 1 million migrant agricultural workers in the Nation have remained unmet. Low economic and educational levels, forced mobility, and the lack of State resident status, as well as cultural and language barriers all serve to deny access to any health care service.

Government reports and private studies have convincingly documented the poor health of migrant farmworkers. For example, the infant mortality for migrants is 25-percent higher than the national average. Mortality rates for tuberculosis and other infectious diseases are 2½ times higher than the national rate. Hospitalization for accidents is 50 percent higher than the national rate. The average life expectancy for the migrant is under 60; for the average U.S. citizen, it is over 70.

Witnesses before the joint hearings held by the Senate Subcommittees on Health and Migratory Labor all concurred without exception, that there continues to be a need for a distinct, identifiable program to meet the special health needs of the migrant farmworker and his family. Although there are almost 900 counties in 46 States which have substantial numbers of migrant and seasonal farmworkers, at the current time, the Department of Health, Education, and Welfare finances projects in only 130 counties.

Perhaps no single group in our Nation continues to be as exploited and unserved as the agricultural migrant worker who harvests the food we consume daily.

A dozen years have passed since the television exposé "Harvest of Shame" told the Nation, as did Steinbeck a generation earlier, of the brutal conditions endured by the Nation's farmworkers.

Yet we still find migrant workers with incomes that average approximately $2,100. We still find migrant workers in substandard housing. We still find migrant workers denied the protection of the law.

These men and women continue to travel the stream working for subsistence wages because their own dignity and self-esteem forces them to seek work wherever it can be found rather than to resign themselves to public indigency. In reality, they are subsidizing the meals we eat, for their exploitation means lower costs to growers, savings which may or may not be translated into lower prices at the supermarket for the fruits and vegetables we buy.

The Migrant Health Act is a recognition that the Nation's farmworkers represent a considerable interstate resource.

Without them, there would be no peaches from Washington, no lettuce from California, no tomatoes from Ohio, no asparagus from Colorado, no citrus from Florida, and no cherries from Michigan.

The three major amendments proposed within the bill are a small effort to improve the health care of these citizens. They were included for the following reasons:

First. The bill for the first time specifically authorizes sums for hospitalization. Although the act has authorized the cost of hospitalization since 1965, the program has been unable to stretch the appropriations to cover this vital service. The witnesses have all testified that despite medicare and medicaid, less than

7 percent of the migrant and seasonal farm workers and their families receive hospital benefits.

Second. We have included a provision to permit projects which so request, to use funds for the payment of premiums for health services, where adequate outreach and follow-up services are provided.

This provision looks ahead to the day when it might be possible to enroll more and more migrant and seasonal farmworkers in an improved health care delivery system which serves the entire rural population.

Third. The act also provides for the Secretary to give priority to funding over those projects whose policymaking body is composed of 51 percent or more from the population being served. There are two basic elements which justify this amendment:

The overwhelming demonstration by consumer-based projects that they in fact are more effective in providing a higher quality and more responsive health care service system; and

The commitment Congress and all Americans have for local community control over those services which are designed to serve the people.

Mr. President, this is a good bill. It was reported by the committee unanimously, and it is one that the Senate should accept.

Mr. DOMINICK. Mr. President, I rise in support of S. 3762, which would authorize Federal funds for reimbursement of hospital expenses incurred by migrant workers and their families.

Residency requirements make many migrants ineligible for hospitalization benefits under State medicaid programs, even though they would otherwise be eligible under the income guidelines. This has led to two unfortunate results. First, some migrants and their families have been denied needed medical care; and second, since Government regulations require that Hill-Burton-assisted hospitals provide a "reasonable amount" of free care to persons unable to pay, paying patients at such hospitals have been forced to absorb the extra cost through increased hospital charges.

Mr. President, this legislation, which authorizes $20 million in fiscal year 1973, $35 million in fiscal year 1974, and $40 million in fiscal year 1975, will help alleviate these problems. Existing migrant health legislation provides for reimbursement of hospital costs as well as funding for outpatient health care. Unfortunately, however, due to inadequate funding for the overall program, no funds have yet been used for hospitalization. This does not make sense to me when hospitalization costs amount to more than one-third of total migrant health costs.

Mr. President, I am pleased with Senate passage of this bill today.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REVENUE SHARING ACT OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 1015, H R. 14370, so that it may become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> An act (H.R. 14370) to provide payments to localities for high priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. LONG. Mr. President, tomorrow I expect to discuss this bill, and this bill, of course, will be the pending business over the recess and when the Senate returns.

Mr. President, I ask unanimous consent that part 2 of the report, the "Supplemental Report Showing Distribution of Funds," be reprinted. This is a computer printout of the funds going to each of the localities, and a number of computer errors in the report need correction. The figures shown for individual cities and for county governments are correct, but many of the figures for county areas and for "total to all city governments" are not correct. I think it is important to the Members that his part of the report be reprinted so the correct figures will be available.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I will be prepared to discuss this bill tomorrow.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR H.R. 16233 TO BE HELD AT THE DESK

Mr. JAVITS. Mr. President, on H.R. 16233, entitled "Naval Reserve Midshipmen Students at State Maritime Academies and Colleges, Appointments," and so forth, which came over from the other body today, I have been requested, inasmuch as we have one of these State maritime academies in New York—other States have them, too, I understand; there are five—to discuss with the chairman of the Committee on Armed Services whether reference is really necessary or whether it is equitable to put the bill on the calendar.

As I understand, it is a matter which might be delayed because of the volume of work the Committee on Armed Services has and it really is not necessary. I will have no opportunity to do that, Mr. President, unless the bill is held at the desk. It just came over today. No one asked that it be held until I had this notice this evening. We cannot seem to get through to the Committee on Armed Services. They are occupied in a conference.

I have informed the majority leader of my purpose, and I ask unanimous consent that the bill may be held momentarily at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. I thank the majority leader.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Tht assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HUGHES TOMORROW, FOR TRANSACTION OF ROUTINE MORNING BUSINESS, AND FOR THE SENATE TO PROCEED TO THE CONSIDERATION OF H.R. 14370

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks tomorrow of the distinguished Senator from Virginia (Mr. Harry F. Byrd, Jr.) the distinguished Senator from Iowa (Mr. Hughes) be recognized for not to exceed 15 minutes; that there then be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate H.R. 14370, the revenue sharing bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE JOINT RESOLUTION 241 TO BE TEMPORARILY LAID ASIDE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business, Senate Joint Resolution 241, on tomorrow remain in a temporarily laid aside status, throughout the day, until the close of business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY, SEPTEMBER 5, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the two leaders on Tuesday, September 5, 1972, there be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR SENATE JOINT RESOLUTION 241 TO BE TEMPORARILY LAID ASIDE ON SEPTEMBER 5, 1972

Mr. ROBERT. C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on Tuesday, September 5, 1972, the unfinished business, Senate Joint Resolution 241, be temporarily laid aside and that it remain in a temporarily laid aside status throughout the day of September 5.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on September 5, 1972, the Senate proceed to the consideration of S. 2087 and follow in sequence with the consideration of the other four bills which have been previously ordered for that date; that at the conclusion of H.R. 9222, the fifth of the five bills included in the previous order, the Senate proceed to the consideration of the second-track item, which will be the Revenue Sharing Act, H.R. 14370.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. COTTON. Mr. President, I have not interposed any objection, of course, to the unanimous-consent requests of the distinguished acting majority leader, and I am thoroughly aware of the plans that have been made.

I just want the record to show that it is my understanding that the revenue-sharing bill, which is of considerable importance and controversy, will be laid aside for five rollcall votes on five measures which, so far as I can see from examining them, probably are completely noncontroversial.

Am I correct in that, I ask the distinguished acting majority leader?

Mr. ROBERT C. BYRD. I think the distinguished senior Senator from New Hampshire is substantially correct. I would only make this observation: It will not be the revenue-sharing bill that will be laid aside. It will be the interim agreement, Senate Joint Resolution 241, which is the unfinished business. Revenue sharing will remain the second track item.

Mr. COTTON. The interim agreement is a matter of some substance.

Mr. ROBERT C. BYRD. Yes. The Senator is correct. The Senator is also correct with respect to his observation that there is probably little or no opposition to the five bills. There may be some problems in connection with one or two, but several Senators have indicated a desire to be recorded on these various crime bills by a yea-and-nay vote. That was one reason why yea-and-nay votes were ordered thereon.

Second, the leadership felt that it was necessary to get off to a good running start with good attendance following the postholiday reconvening of the Senate, so that it could get right on to the revenue-sharing bill and get some action thereon. I would anticipate a vote or some votes on amendments to that bill.

Mr. COTTON. On the revenue sharing bill?

Mr. ROBERT C. BYRD. Yes. I am quite sure there is an amendment which will be offered that day by the Senator from Arkansas (Mr. McCLELLAN). He will probably be prepared to call up an amendment which he indicated will be forthcoming. If that is the case, I would imagine there would be a yea-and-nay vote on that amendment.

Mr. COTTON. My point is this: I rather gather—incidentally, may I compliment the distinguished acting majority leader. I have never seen anyone more faithful in attending to the business of the Senate and ore zealous in striving to follow the business of the Senate and to see that it works and does not mark time. The Senator is fulfilling an excellent function because the tendency on the part of many of the public is to think that we are stalling and wasting time in Congress and I suppose it is natural for them to think that.

However, my recollection is that there was an announcement made that the joint leadership, both majority and minority, had agreed not to ask Members to come back immediately after the convention and prior to Labor Day, provided that Members would be most cooperative and came back quickly after Labor Day and be prepared to be here every day in the week and always available, which is praiseworthy, too.

I rather assumed that the setting of rollcall votes on five measures, some of which probably could be handled in a routine manner on the Calendar, is more or less an enforcement of that ultimatum, that Members be back here and be back promptly the morning of the day after Labor Day, with their sleeves rolled up and ready for business.

Mr. ROBERT C. BYRD. If I might appear to take slight umbrage to the use of the words "enforcement" and "ultimatum," I would have to agree with the rest of the Senator's statement.

Mr. COTTON. I will be glad to withdraw the words "enforcement" and "ultimatum" and simply substitute encouragement and perhaps the carrot method.

However, I simply want to say this, that it so happens—and again I always like to get this into everything I have to say at any time on the floor of the Senate—because of the absolute inadequacy of air service to New England and the complete failure of the Civil Aeronautics Board to deal justly by New England, if I were to be present and answering rollcalls on all these votes, I would be compelled to leave home on Labor Day and either spend the night in Boston and get an early plane or come down here and spend the night, because the first plane out of Boston is at 9 o'clock, the next one is at 12 and gets in here at 1:15.

So I hope that I will not be in ill repute with the leadership if I fail to arrive to answer some of these rather unnecessary rollcalls. It will be simply because I physically cannot arrive. I am not asking for any special consideration. I can sympathize with some younger Senators who are looking forward to future campaigns and who feel it necessary to be here whenever the whip is cracked. But so far as I am concerned, it is not going to be of serious import. But if I am not here for the first two or three of these votes, which undoubtedly will take place before I could physically be here, or if I am not here for any of the votes, come Tuesday, under those circumstances, or if I do not arrive until some future time in the week, I just will come as soon as I can and hope that when I do come it will be for the purpose of voting on something that is important and not something that is just used for the purpose of—I must not say enforcing, but encouraging me to get up in the middle of the night or the night before, or to take 2 days to get here to vote for benefits to survivors of police officers. I cannot imagine that there is a soul in the Senate that would think of voting against that bill. I cannot imagine that it would not be unanimous. On civil remedies to victims of activities prohibited by title IX of the Organized Crime Control Act, if I am not here to vote on that, I hope it will be understood that I am against crime, and that I am for police officers.

On the rehabilitation of addicts bill, if I should not be here to answer that rollcall, I want the record to show that I want to do everything I can to rehabilitate those addicted to narcotics. No. 4, the prosecutions for crimes committed aboard aircraft, heaven knows we are all for that. No. 5, to correct deficiencies in the law relating to counterfeiting and forgery. If I should not be here for that vote, I want the record to show that I am dead against counterfeiting and forgery. On all five of those bills, I just cannot picture a vote against them.

I think that by stating my position as being firmly against crime, firmly for the police, firmly against narcotics, dedicatedly against crimes on aircraft, and completely against counterfeiting and forgery, my reputation will not suffer if I do not get up in the middle of the night and drive to Boston in order to get a plane and get down here in time to vote on measures that would seem to me probably will pass without many votes against them. I just wanted this to show in the RECORD, that I am just not going to be bludgeoned into coming by that method.

I am going to be here, and I am going to be here to attend to the Senate's business. I will be here tomorrow. I will be back when I can get back on Tuesday. However, I might miss some of these votes. So I want to make my position clear.

I thank the distinguished acting majority leader.

Mr. ROBERT C. BYRD. Mr. President,

I have the feeling that a tactical error has been made on my part in allowing this epistle to fall into the hands of the distinguished senior Senator from New Hampshire (Mr. Cotton). However, I say this facetiously and I have no objection to its happening again.

Mr. COTTON. Mr. President, the Senator does not say that this is a classified document and that I have stolen it.

Mr. ROBERT C. BYRD. No. Never. May I also say that while I recognize the very, very gentle rapping of the knuckles—and in all good humor—which the distinguished senior Senator from New Hampshire has administered to the leadership, may I say that the program for Tuesday was agreed upon by the leadership on both sides of the aisle.

The distinguished Senator will, I believe, feel a little better about the whole matter if he is reminded that, while our prognostications cannot always be quite as pure as Ivory soap, we can be at least 95 percent sure that there will not be any rollcall votes tomorrow, which is 1 day's relief which we did not earlier anticipate.

The Senator does have difficult problems insofar as air service is concerned. I think his problems are somewhat unique in that respect, as compared with most other parts of the country. I hope that the votes that will occur on Tuesday, September 5, will not be an inconvenience to, or will not discommode the Senator, because I have the feeling that if he is back in the Chamber by 2 o'clock that afternoon, he will not have missed more than two rollcall votes. And it might be possible that he may not have missed any.

I do not want to be bound by what I have just said. But I have the feeling that it is a pretty fair statement. And the Senator from New Hampshire will never stand in ill repute with the leadership. Nor will he stand in ill repute with any Senator in this body. All Senators recognize the distinguished senior Senator from New Hampshire as being not only one of the most able Members of the Senate, but also as being one of the most conscientious and hardworking Members of this body. And he is certainly always to be commended for his conscientious efforts and for the splendid and most efficient work he does in the committees and on the floor.

I offer my apologies for the program for September 5, insofar as it may in some instances, I know, inconvenience Senators. Some of them may miss a few votes. However, as I say, there probably will not be any votes tomorrow. And I hope that by getting off to a good start on September 5, the Senate can realize its objective, and the House can also realize the joint objective of Congress, to adjourn sine die by the close of business on September 30.

That is something that may not be achievable, but at least we will try.

Mr. COTTON. Mr. President, may I say that I was not attempting to rap the knuckles of my friend, my very dear friend, the distinguished acting majority leader. I commend him because I have been in the Senate long enough, 18 years, to know something about the problems of the leadership. And I know that it requires a great deal of effort on the part of the leadership to perform their tasks. They have to do everything possible to expedite the business of the Senate.

I know that every time we turn around some Senators, who are only human, of course, rush up to the Senator and ask him to defer this or that business of the Senate because they have a speaking engagement or something else to attend to.

I know that if in the goodness of the hearts of the leadership they say that they will, they will soon be blamed because the Senate's business does not proceed rapidly enough. If they say no, some Senator might feel aggrieved because some particular consideration was not furnished to him.

At the very beginning of my remarks I expressed my appreciation for the Senator. I am very serious in saying that. I have never seen in all the years I have been here a leader who was more devoted and dedicated to expediting the business of the Senate than the distinguished Senator from West Virginia. If Senators sometimes say he does not spare them, it is equally true that he does not spare himself ever.

I am not really irritated particularly by this except that I think it is unquestionable that the Senate has gotten into the situation where mature men sometimes have to be treated like schoolboys. Something has to be done to make sure they get here promptly on the first morning of a week ready to do business. If business is going to be done, a Senator ought to be here and he ought to be here without that kind of prompting.

After all, all men are boys to some extent. And it is no disrespect to my distinguished colleague to say that this may well be true. I merely wanted to make sure that I know exactly what the situation is, and I want to make it clear that if I do not respond to the encouragement, it is because it is physically impossible for me to get here.

I just hope that the distinguished acting majority leader can give me some assurance that probably if I should miss the first two or three of these votes, I will not be in the unenviable position of having missed a vote that was so close that one vote would count. I cannot conceive of any votes against the bills. However, it might be so.

I thank the distinguished Senator for his courtesy. I assure him that what I have said is not in criticism of him. However, I do feel that it is necessary that the Senate has had to resort to this kind of expedient.

I am sure that the distinguished acting majority leader is doing a good job. However, he may have to do it for a while without me. However, he will have my prayers and my sympathy all the time I am gone.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator. May I say that whatever factors may have entered into the necessity for programing votes, as is the case here, the distinguished senior Senator from New Hampshire does not fall into the category of any of the problems which created that necessity. His diligence and attendance are always of the highest order.

Mr. COTTON. Mr. President, I thank the distinguished Senator.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. Following the remarks of the two leaders under the standing order, the distinguished Senator from Virginia (Mr. Harry C. Byrd, Jr.) will be recognized for not to exceed 15 minutes, after which the distinguished Senator from Iowa (Mr. Hughes) will be recognized for not to exceed 15 minutes, following which there will be routine morning business for not to exceed 15 minutes, with a 3-minute limitation on statements therein, after which the Senate will return to the consideration of the revenue-sharing bill, H.R. 14370. Opening statements and debate will ensue on that bill, which will be the second track item following our return on September 5.

Senate Joint Resolution 241, the interim agreement with the U.S.S.R., remains the unfinished business, and will remain the first track item following the Labor Day holiday. It had been hoped that some agreement might be reached with respect to the interim agreement, by which Senators could guide themselves with respect to knowledge of a final vote thereon in mid-September, and it may yet be possible to reach such an agreement this week. It might require an extraordinary amount of optimism to hope that such could happen, but at least I hope it will.

With the opening statements that will be made on the revenue-sharing bill, and the debate that will occur, I assume that that, together with clearance of the calendar of any unanimous-consent items thereon, would constitute the progress for tomorrow.

Mr. President, for the convenience of all Senators, I ask unanimous consent that a copy of today's majority whip notice be printed in the Record at this point.

There being no objection, the whip notice was ordered to be printed in the Record, as follows:

Whip Notice

August 17, 1972.

Dear Colleague: The Senate will convene tomorrow, Friday, at 10:00 a.m. Senator Harry F. Byrd, Jr., will be recognized for not to exceed 15 minutes, after which Senator Hughes will be recognized for not to exceed 15 minutes.

There will then be routine morning business for not to exceed 15 minutes (3-minute statements therein).

Following routine morning business, opening statements and debate will begin on the Revenue Sharing Bill, which will be the second-track item following our return on September 5. S.J. Res. 241 (Interim Agreement) remains the unfinished business—the first-track item—following the Labor Day holiday.

TUESDAY, SEPTEMBER 5

The Senate will convene at 10:00 a.m. There will be a period for routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes. Upon the disposition of routine morning business, the following bills will be taken up, in the order shown and under the time limitations stated, with yea and nay votes thereon:

1. S. 2087 (Benefits to survivors of police officers)—1 hour on bill; 20 minutes on any amendment—a yea and nay vote has been ordered.

2. S. 16 (Civil remedies to victims of activities prohibited by Title IX of Organized Crime Control Act)—½ hour on bill; 20 minutes on any amendment—a yea and nay vote has been ordered.

3. H.R. 9323 (Amends Narcotic Addict Rehabilitation Act of 1966)—½ hour on bill; 20 minutes on any amendment—a yea and nay vote has been ordered.

4. S. 2567 (Prosecutions for crimes committed aboard aircraft)—1 hour on bill; 20 minutes on any amendment—a yea and nay vote has been ordered.

5. H.R. 9222 (Correct deficiencies in law relating to counterfeiting and forgery)—½ hour on bill; 20 minutes on any amendment—a yea and nay vote has been ordered.

Following the foregoing yea and nay votes, the Senate will go to the second-track item (H.R. 14370, Revenue Sharing Act); amendments will be in order; yea and nay votes can be expected.

REMINDER

1. There will be several yea and nay votes on Tuesday September 5, the first day of session following the Labor Day holiday. As you will note, the first yea and nay vote could occur as early as 11:30 a.m. (or before if all time is not used).

2. The Interim Agreement with the U.S.S.R. remains the unfinished business.

3. The Revenue Sharing Bill (HR. 14370) will be the second-track item daily upon our return until the bill is disposed of.

NOTE

Obviously, if Congress is to adjourn sine die by September 30—and this is a hopeful target date—committee work on H.R. 1 will have to be done during the days between the Republican Convention and the Labor Day holiday, even though the Senate will not be in session. Senator Long, the Chairman of the Finance Committee, has stated his desire and willingness to continue work during that period, and the leadership on both sides of the aisle urges full cooperation on the part of all members of the committee.

NOTE NOTE

It is important that, if possible, conferences be completed on bills authorizing appropriations as soon as possible, so that the appropriations bills can be acted upon as early after September 5 as the situation will permit.

NOTE NOTE NOTE

It may be necessary to hold some Saturday sessions in order to complete the work before final adjournment.

Since the Senate reconvened following the Democratic Convention, the following major pieces of legislation (often controversial) have been disposed of:

1. Foreign Assistance Authorization Act.
2. Minimum Wage.
3. Maritime.
4. Marine Mammals.
5. Extension of Civil Rights Commission.
6. Military Procurement Authorization.
7. Military Construction Authorization.
8. Agriculture Appropriations.
9. Freight Car.
10. Securities Exchange Act.
11. Export Control.
12. SALT.
13. SBA Disaster Loans.
14. Vocational, Rehabilitation and Education Assistance Allowance for Veterans.
15. Gun Control Bill.
16. No-Fault Insurance.
17. Airport and Airways Development.
18. American Revolution Bicentennial Commission.
19. Continuing Resolution.
20. Hurricane Agnes Disaster Relief Appropriation.
21. Child Nutrition Programs.
22. S. 32 National Science Foundation Research.
23. Various conference reports and other bills.

The following major pieces of legislation remain to be acted upon—one way or another—before sine die adjournment. They are not necessarily arranged in the order of their scheduling.

1. Interim Agreement on Offensive Weapons. (First and second track items upon return.)
2. Revenue Sharing.
3. Military Construction Appropriations.
4. Military Procurement Appropriations.
5. Foreign Aid.
6. H.R. 1 (Welfare).
7. Supplemental Appropriations.
8. Debt Limit Revision and Extension.
9. Various Conference Reports.

Hopefully, some other measures can be sandwiched in from time to time, as the situation permits. For example, H.R. 10729, Federal Insecticide, Fungicide, and Rodenticide Act.

ROBERT C. BYRD.

ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a. m. tomorrow.

The motion was agreed to; and at 6:21 p.m. the Senate adjourned until tomorrow, Friday, August 18, 1972, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 17, 1972:

DEPARTMENT OF THE TREASURY

Jack Franklin Bennett, of Connecticut, to be a Deputy Under Secretary of the Treasury.

Warren F. Brecht, of Connecticut, to be an Assistant Secretary of the Treasury.

Frederic W. Hickman, of Illinois, to be an Assistant Secretary of the Treasury.

HOUSE OF REPRESENTATIVES—*Thursday, August 17, 1972*

The House met at 11 a.m.

J. C. Jones, pastor, Glencarlyn Road Baptist Church, Falls Church, Va., offered the following prayer:

O Lord our God, we begin this day aware of Thy presence and our need for Thy guidance. May Thy spirit bless the Members of Congress that they will keep their composure in difficult times, finding inner peace and becoming instruments in bringing peace to the world.

May each Member of our governing bodies be blessed with Thy wisdom to transform every privilege and opportunity into progress and blessings for all mankind.

We seek Thy help in the deliberations today and pray for Thy love to abound in our hearts for every cause that should claim attention.

Let us discipline our minds and actions that we will not grow weary in well-doing, but run the race set before us with patience and endurance. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 16254. An act making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 3824. An act to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3441. An act to extend the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Health Service Act; and

S. 3752. An act to extend programs for assistance to medical libraries.

CALL OF THE HOUSE

Mr. LANDRUM. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 334]

Abbitt
Abourezk
Abzug
Anderson, Tenn.
Ashbrook
Aspin
Badillo
Baker
Baring
Barrett
Betts
Blanton
Blatnik
Byrnes, Wis.
Cabell
Caffery
Carey, N.Y.
Carney
Carter
Celler

Chisholm
Clancy
Clark
Clay
Collins, Ill.
Colmer
Conte
Conyers
Culver
Daniel, Va.
Danielson
Davis, Wis.
Dellums
Dennis
Dingell
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Evans, Colo.
Fascell
Flood
Ford, William D.
Fraser
Frelinghuysen
Gallagher
Gibbons
Goldwater
Goodling
Gray
Green, Pa.
Hammerschmidt
Hansen, Wash.
Harrington
Hébert
Heckler, Mass.
Henderson
Hull
Jarman
Jones, Ala.
Keith
Kemp
Kyros
Leggett
Lennon
Long, La.
McKinney
McMillan
Mathias, Calif.
Melcher
Michel
Mills, Ark.
Mills, Md.
Mitchell
Mollohan
Monagan
O'Hara
Passman
Pelly
Pike
Pryor, Ark.
Railsback
Rangel
Rarick
Reid
Rhodes
Roberts
Rodino
Rooney, N.Y.
Rosenthal
Runnels
Ruppe
Ryan
Scheuer
Schmitz
Scott
Sisk
Springer
Steele
Talcott
Teague, Tex.
Terry
Thompson, N.J.
Veysey
Waldie

The SPEAKER. On this rollcall 326 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

RECESS

The SPEAKER. Pursuant to the authority granted to the Speaker on Thursday, August 10, 1972, the Chair declares the House in recess subject to the call of the Chair to receive the representatives of the U.S. Olympic team.

Accordingly (at 11 o'clock and 34 minutes a.m.) the House stood in recess subject to the call of the Chair.

RECEPTION BY THE HOUSE OF REPRESENTATIVES OF THE U.S. OLYMPIC TEAM, 1972

The SPEAKER of the House presided.

Mr. Clifford H. Buck, president, U.S. Olympic Committee; and Miss Cynthia Potter, Sgt. Raymond Russell, U.S. Marine Corps, and Mr. Wayne Wells, elected representative members of the U.S. Olympic team; entered the Chamber, escorted by the Doorkeeper (Hon. William M. Miller), and took the seats reserved for them.

The SPEAKER. Members will be in order.

My colleagues, may I begin my brief remarks by saying that we, as elected Representatives of the people of the United States, are proud that the outstanding young visitors who have come here today are, first of all, Americans. We are proud of their talents. We are proud of their dedication. We believe in their goals. We are confident of their victory.

We welcome them to the House of Representatives.

[Applause, the Members rising.]

The SPEAKER. The Chair is now pleased to recognize the distinguished majority leader of the House of Representatives, the gentleman from Louisiana (Mr. Boggs).

Mr. BOGGS. Mr. Speaker, Mr. Buck, my colleagues and members of the great American Olympic Team: I am happy to join with the distinguished Speaker and the distinguished minority leader, Mr. Ford, in welcoming to this historic Chamber the members of our team soon to begin competing in the Olympic games in Munich.

This is an ancient competition, dating back to the year 760 B.C., continuing until well into the Christian era and revived in 1896.

Our team has competed for many years, and has won great distinction. We are proud indeed that in this body we have two distinguished ex-Olympic champions, my colleague Bob Mathias and my colleague Ralph Metcalfe.

These games represent peaceful competition between nations promoting better than almost anything else good will and international understanding.

So I would say to the members of our team, some of whom I am proud to say are from my own State of Louisiana—sitting there in the gallery—that you go really representing us, our country, a great nation, and you go with the blessing and the good will of every Member of this body on each side of the aisle.

I might say it was an athletic event or a team event, a ping-pong team, which went to the People's Republic of China, which first opened contact with that nation after 25 years.

So, as I said at the beginning, we are happy to have you here. We are proud of you. We wish you Godspeed.

We shall be watching your performance.

Thank you.

The SPEAKER. The Chair now recognizes the distinguished minority leader of the House of Representatives, the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, our distinguished guests, and my colleagues: I join all 435 Members of the House of Representatives in welcoming our 1972 Olympic Team to the people's House, the House of Representatives.

In my 24 years in the House of Representatives I have been privileged to sit in the House and to hear from many, many distinguished guests. We have had heads of state. We have had our famous and heroic astronauts. We have had Presidents of the United States. We have warmly welcomed all such distinguished and honored dignitaries.

But I think I speak for all Members of the House when I say on this equally auspicious occasion each and every Member wishes to each and every one of you the best of luck to win those Gold Medals in 1972.

The modern Olympiad began in 1896, and we have had 20 since that time. On 17 out of those 20 occasions the United States has accumulated enough points to be recognized as the winner. On three occasions we have not been that successful.

But it is my judgment, after reading the papers of the trials and the competition in all of the events, that 1972 is the year for the United States in Munich.

As was mentioned by Mr. Boggs, two of our very distinguished Members of the House of Representatives, in their younger days, were Gold Medal Winners in the Olympics. Mr. Metcalfe, of my era was a distinguished member of the 400-meter relay team, along with Jesse Owens and two others. Bob Mathias was the winner of the decathlon in 1948, and again in 1952.

I can say, observing both Ralph Metcalfe and Bob Mathias, they are in pretty good shape today.

I might add, I hope the fact that Ralph Metcalfe and Bob Mathias as Members of the House of Representatives may be an inspiration for some of you. It seems to me that they are carrying on in the same great tradition that they did in 1936 and again in 1948 and 1952 by serving in the House of Representatives today.

With all sincerity, I urge that each and every one of you serve in the Congress; and, being a little prejudiced, I hope in the House of Representatives.

Along with the Speaker and the distinguished majority leader and all Members of the House on both sides of the aisle, we wish you the very best. The Olympics have contributed substantially—not only the games but also the competitors—to better world understanding.

As we move in 1972 and in the decades ahead to a hopefully improved and enlarged world of understanding let me say that each and every one of you by your competition can contribute to a better world in the years ahead.

Good luck and Godspeed!

The SPEAKER. The Chair now has the honor to introduce a colleague whom the Chair met in 1933, on the way to Europe, when he was going to participate in summer athletic events, having been on the Olympic team the year before. Later, in 1936, he was on that immortal relay team that broke the world record in the presence of Adolf Hitler.

A fine Congressman, a great athlete, and a great American, the Honorable Ralph Metcalfe of Illinois.

Mr. METCALFE. Thank you, Mr. Speaker.

My distinguished colleagues in the House of Representatives; a good friend of mine over many years, Mr. Clifford Buck; a very fine group of athletes representing the United States, America's finest, the Olympic Team to compete in the 20th Modern Olympic Games: I have a double pleasure this morning, for my good friend and colleague, Congressman Bob Mathias, said that, "I have to be out in the district tomorrow on congressional business. Will you please say a word for me?"

I am happy to do that, and to say to you, though he sits on that side of the aisle and I sit on this side of the aisle we have a common spirit of togetherness and something that has been carried over, and these athletes will also have that spirit when they return. It means that you accept an individual for what he is and the contribution that he is making.

My arch competitor during the 1930's, the great Olympic champion, Jesse Owens, and I are still friends. We play in the same foursome, although we play against each other. It is that sort of spirit that is so important to us.

Tomorrow and the couple of days thereafter you athletes will be embarking on a new and brilliant experience. You will be going to Munich, and I think it is wise to say to you now that the fine people of Germany are most anxious to have you. They are most anxious to have these Olympic Games. And they are also somewhat embarrassed and would like to remove the stigma that occurred in 1936. I would hope that you will not hear that any more.

If you get the full impact of your hosts, those on the Munich Olympic Committee and all of the Germans, it will be for you to remember Germany as it is today and to remember Munich. This is their goal and this is their purpose, for all of us can recognize the importance of the effort that has been put forth.

We refer to our villages as the Olympic villages. They refer to them as the oberwiesenfeld, and that means a complex of 740 acres for athletic and cultural olympiads. There will be art exhibits, the theater, concerts, orchestras, operas, ballet, and folklore festivals.

So, in addition to athletics, you will have the opportunity to see this Bavarian country, this country that aligns themselves with Vienna, and many of them would like to think of themselves as being Viennese, who have spent over $400 million in order to make your stay enjoyable and to remember it as you move along in physical life.

The main competition itself will be in the arena, a free form steel and plexiglass tent. They call it the "tent roof" tent, and under this cover is 90,000 square yards, which is equivalent to 14 football fields.

The Olympic stadium itself hosts 80,000; the sports hall 11,000; and there will be 9,000 seats for those who wish to see the swimming events.

After these games are over these facilities will be turned over to the people of Munich for housing, recreational, and cultural development—housing for some 16,000 residents, dormitories for 1,800, and there will be facilities in the elementary and high schools to accommodate some 8,000.

This is because you are going over there as a member of the U.S. track team, and other countries will be participating. I would urge you to view what you see there, to look at their mass transit system, to be able to ride on their subways, in which they take a great deal of pride, to be able to shop in the malls and to see the lack of automobiles in those malls.

Because you are going over there in the spirit of competition already you have achieved a goal in your life. I, for one, am not concerned as to whether or not you come back with the gold medal but rather what else you do come back with, that will be of lasting value.

Many people have asked me—and they will ask you, if they have not already done so—"What is your greatest experience?" I told them mine was in 1932, when I finished the 100 meters, in the final Olympic tryouts and I was pulled off to the side, and the gentleman said, "I want to take your measurements for your uniform on the Olympic Team." That to me was my greatest experience. I then knew that I would have the opportunity of representing my country and that I had made the Olympic Team.

So when you go to Munich, you go with our blessing and with our spirit. I would ask that you prepare yourselves so that you may be able to return to your families, to your community, some of the benefits that you are the recipients of, and the reason why you are the greatest that we have in the United States. You will come back assuming a role of leadership, helping to make this country a greater country than it is today, and then you will know that you have really gotten the full impact of being a member of the U.S. Olympic Team.

Our wishes, our prayers, our confidence go with you as you represent all of the people of the United States.

[Applause, the Members rising.]

The SPEAKER. Thank you, RALPH. I am sure that your words today will be an inspiration to the members of our great Olympic team, as your performance on the Olympic field was an inspiration, to all young Americans in the 1930's. We appreciate the historical perspective from which an Olympic's winner, now a great public servant, is able to review the past and present importance of these international games.

Now I have the honor of presenting Mr. Clifford Buck, who is Chairman of the U.S. Olympic Committee, Mr. Buck.

[Mr. Buck rose, to applause.]

The SPEAKER. Every member of this great team—and they occupy a major portion of this chamber—is a distinguished and an accomplished American. We would like to meet them all. We would like to hear from them all. But in the interests of time they, themselves, by their own election, have chosen representatives to speak for them.

I make that preliminary statement, because I want to emphasize that it is only a coincidence that the first person I am going to call on happens to be an alumnus of my university, happens to participate in a sport I participated in in my university, is a resident of my State, is one of the all-time all-American wrestling champions, and during his college years broke all records ever made at the University of Oklahoma.

I have the great honor, and take pride in it, presenting to you Mr. Wayne Wells, 1970 world champion wrestler.

[Applause, the Members rising.]

Mr. WAYNE WELLS. Mr. Speaker, distinguished Representatives: First of all I would like to just thank the whole Congress for being so wonderful not only to me but to the whole Olympic delegation from the United States, to allow us to come here today and just see all this. It is really great.

Personally, I would just like to again thank you, Mr. Speaker. We in Oklahoma are real proud of him, and I know he is real proud of the people of Oklahoma.

Speaking as a representative from the Olympic Team, I would just like to say that it is a tremendous honor to be a member of the Olympic Team and to go to Munich and to represent the United States of America. I would just like to pledge myself personally and as a representative of the team that we are going to go over there and do everything that we can to bring back a Gold Medal for every single person that makes the trip.

Thanks a lot.

[Applause, the Members rising.]

The SPEAKER. It is now my honor to introduce a young man who has distinguished himself in many ways. First of all, he is a member of the U.S. Marine Corps, and I think that is a distinction.

Second, I am told he is a sergeant in the U.S. Marine Corps.

And when you see him I know that you will agree that every private in every company that he has served in respected his authority.

He has been the 1969 light heavyweight interservice boxing champion, and the 1970 Pan American Games light heavyweight champion. On the boxing team representing us he will bring back the Gold Medal.

It is an honor to present Raymond Russell of the U.S. Marine Corps.

[Applause, the Members rising.]

Mr. RAYMOND RUSSELL. Mr. Speaker, on behalf of all of the Olympians, I thank you for this honor and the privilege of speaking before this distinguished legislative body, the Congress of the United States. We feel that it is most appropriate for this Congress to honor us today as the U.S. Olympic Committee was established when the 81st Congress passed Public Law 805.

You are the Representatives of all the people of this great Nation, and through you we want to thank all these people for their support, moral and financial support, and for enabling all of us to represent them in the 20th Olympiad in Munich.

One of the ideals of Baron De Coubertin—if I am pronouncing his name correctly—who was the founder of the modern Olympiads, was to "create international amity and good will, thus leading to a happier and more peaceful world."

So while all of us will seek to reach our highest level of accomplishment in our respective competitions, I pledge to you and the American people that our primary purpose will be to fulfill that ideal of the Baron's on the field of friendly strife; and we will extend the hand of friendship on behalf of the United States to all these men and women from all nations, with our fondest hope that we may contribute to a greater understanding that will lead to an everlasting peace throughout the world.

I thank you very much.

[Applause, the Members rising.]

The SPEAKER. I have saved the prettiest team member for the last. This distinguished young lady, chosen by all of her colleagues on our great team, and I belong to the smallest minority in America, the short people.

She is last only with respect to her stature. She has proven her talents are towering; she won all three outdoor AAU diving championships in 1971. She is certain to bring home some gold medals.

It is an honor indeed to present Miss Cynthia Potter, of Houston, Tex.

[Applause, the Members rising.]

Miss CYNTHIA POTTER. Mr. Speaker, Members of Congress, ladies and gentlemen: On behalf of the women's representatives of this 1972 Olympic Team I should like to thank you for giving us the time of yours today to receive us here.

I am proud to be representing the United States in Munich this month, and I would like to say that we will all do our very best.

Thank you very much.

[Applause, the Members rising.]

The SPEAKER. My colleagues and our guests, I want to thank those who have addressed us. They have been outstanding representatives of a wonderful team. I thank those who selected them for choosing such typical and outstanding young America athletes; I thank all of you again for coming here today.

This concludes the program. The House will stand in recess and will reconvene in 5 minutes.

The president of the U.S. Olympic committee and the three elected representative members of the U.S. Olympic team were escorted by the Doorkeeper from the Chamber.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 17 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING THE RECESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3337, ACQUISITION OF VILLAGE SITE FOR PAYSON BAND OF YAVAPAI-APACHE INDIANS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, HALEY, EDMONDSON, ABOUREZK, SAYLOR, STEIGER of Arizona, and LUJAN.

APPOINTMENT OF CONFEREES ON H.R. 6797, DISPOSITION OF JUDGMENT FUNDS OF KICKAPOO INDIANS OF KANSAS AND OKLAHOMA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6797) to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316A, 317, 145, 193, and 318, with a Senate amendment thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, HALEY, EDMONDSON, ABOUREZK, SAYLOR, STEIGER of Arizona, and CAMP.

APPOINTMENT OF CONFEREES ON H.R. 7742, DISPOSITION OF JUDGMENT FUNDS OF YANKTON SIOUX TRIBE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332-A, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, HALEY, EDMONDSON, ABOUREZK, SAYLOR, STEIGER of Arizona, and CAMP.

APPOINTMENT OF CONFEREES ON H.R. 8694, DISPOSITION OF JUDGMENT FUNDS OF YAVAPAI APACHE TRIBE

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22-E and 22-F, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, HALEY, EDMONDSON, ABOUREZK, SAYLOR, STEIGER of Arizona, and LUJAN.

APPOINTMENT OF CONFEREES ON H.R. 10858, DISPOSITION OF JUDGMENT FUNDS OF THE PUEBLO DE ACOMA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, HALEY, EDMONDSON, ABOUREZK, SAYLOR, STEIGER of Arizona, and LUJAN.

APPOINTMENT OF CONFEREES ON S. 3230, DISPOSITION OF JUDGMENT FUNDS OF ASSINIBOINE TRIBES

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3230) to provide for the disposition of funds to pay a judgment in favor of the Assiniboine Tribes of Indians in Indian Claims Commission docket No. 279-A, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, HALEY, EDMONDSON, ABOUREZK, SAYLOR, STEIGER of Arizona, and CAMP.

INEQUITABLE TARIFF HURTS U.S. SMALL BUSINESS

(Mr. WOLFF asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, considering the critical state of the economy in general and the defense-related economy in the Long Island area in particular, I am deeply concerned about the fact that American small business defense firms are unable to compete in the Canadian market.

This situation has resulted from a seemingly inequitable tariff arrangement whereby Canadian defense firms can sell to the United States without import duty, while the U.S. firms' sales to Canada are subject to duty on all orders of under a quarter million dollars.

I believe that there is a close relationship between the economies of our two nations and I in no way wish to penalize the Canadian economy. However, I feel that the terms of the informal defense production understanding must be altered to reflect more clearly the severe unemployment in our Nation.

This must be considered by the appropriate officials involved in the ongoing bilateral talks on this agreement. All that we are asking is an even break for U.S. small business.

EXTENSION OF THE EMERGENCY EMPLOYMENT COMPENSATION ACT OF 1971

(Mr. SMITH of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of New York. Mr. Speaker, I am committed to attempts to reduce the crucial unemployment situation that presently exists throughout the United States and particularly in my own congressional district. Latest reports available for the Niagara-Erie County area show the unemployment rate to be 8.2 percent for the Buffalo standard metropolitan statistical area—SMSA.

Public Law 92-224, extension of the Emergency Employment Compensation Act of 1971 allows for 13 weeks of additional unemployment insurance when the State's unemployment rate rises above 6.5 percent. Along with the 13 week extended benefits, this legislation recognized the suffering and hardship that many people are continuing to experience and recognized our need to provide assistance during this emergency.

The present unemployment rate in New York State is 5.95 percent which makes the State ineligible for extended emergency unemployment benefits. Yet, at the same time, there are pocket regions throughout the State, including Buffalo, town of Tonawanda, Erie County, Niagara Falls, North Tonawanda, and Niagara County whose unemployment rate exceeds the 6.5 percent cutoff level. Because of the inequities in the present legislation which prevents these people from receiving extended or emergency compensation, I am today introducing legislation which would allow any standard metropolitan statistical area to continue receiving benefits so long as the area's unemployment rate remains above the level prescribed by the present law.

I should be the first to point out, however, that unemployment compensation is not the final answer to those people who must receive it. But, it will allow them the assistance they need until we realize the training and the jobs that are so essential to our local and national economy.

I urge immediate consideration of the assistance offered by this legislation.

CALL OF THE HOUSE

Mr. RUTH. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from North Carolina makes the point of order that a quorum is not present.

The Chair will count.

Mr. RUTH. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The gentleman may withdraw the point of order.

For what purpose does the gentleman from California (Mr. Hawkins) rise?

Mr. HAWKINS. Mr. Speaker, I object.

The SPEAKER. This is not subject to objection.

Mr. HAWKINS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair has just counted.

A quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 335]

Abourezk
Ashley
Baker
Baring
Betts
Bingham
Blatnik
Boggs
Bow
Brinkley
Cabell
Caffery
Carney
Carter
Chamberlain
Clancy
Clark
Collins, Ill.
Conte
Davis, Wis.
Dickinson
Diggs
Dow
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Evans, Colo.
Frelinghuysen
Gallagher
Gibbons
Gray
Hansen, Wash.
Harsha
Hébert
Heckler, Mass.
Hull
Keith
Kemp
Koch
Kyros
Leggett
Lennon
Long, La.
McCormack
McMillan
Mailliard
Mathias, Calif.
Melcher
Michel
Monagan
Moorhead
Passman
Patman
Pelly
Peyser
Podell
Pryor, Ark.
Railsback
Rees
Reid
Rhodes
Rooney, N.Y.
Ryan
Satterfield
Scheuer
Schneebeli
Scott
Shipley
Springer
Talcott
Teague, Calif.
Ullman
Veysey
Waldie

The SPEAKER. On this rollcall, 357 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1090 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1090

Resolved, That upon the adoption of this resolution, clause 27(d)(4) of rule XI to the contrary notwithstanding, the House shall immediately resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and such substitute shall be read for amendment by titles instead of by sections. It shall be in order to consider without the intervention of any point of order as an amendment to the committee amendment in the nature of a substitute the provisions of section 406 of the bill H.R. 13915. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The Chair recognizes the gentleman from Mississippi (Mr. Colmer) for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the minority, to the very able and distinguished gentleman, my friend from California (Mr. Smith); and pending that I yield myself such time as I may consume.

Mr. Speaker, if I may have the attention of the membership, I would like to make a few remarks that I regard as pertinent to the consideration of this matter.

First, Mr. Speaker, permit me to say for the benefit of the membership generally and, particularly for those who might be tempted to engage in some dilatory practices here, that we have been a long time in getting this bill, or any bill of this nature to the floor. As chairman of the Committee on Rules, and having the privilege that that committee possesses of calling up resolutions of this nature, under privilege, I have tried to cooperate with the leadership to the best of my ability, and I think with the approval of my committee—and we have arrived at this hour.

It could have been called up days ago.

Now I have an understanding, and if I am not correct about that, of course, I will be corrected, that this matter finally enjoys that high privilege, and to exercise that high privilege, this matter is considered now.

It is the purpose of this House by a resolution heretofore agreed upon that the Congress will recess tomorrow night, but if I understand the agreement that I have correctly, this matter having that privilege, is going to be pursued until its consummation and a final decision one way or the other.

This House will get out of here on schedule for the recess if the membership cooperates. If it does not, I am going to insist upon this privileged matter being pursued to the end, and I hope we may have the cooperation of the House.

Now, so there can be no confusion and in order to put the matter in correct perspective, this matter of forced busing for the purpose of achieving racial balance is possibly either first or certainly not more than second, if not of equal importance, depending on how you want to evaluate it, to the Vietnam war itself. The great majority of the people of this country, including the President of the United States, want to see an end to the war at the earliest practical date. They also want to see an end at the earliest date to this intolerable situation of taking children, transporting them up to 20, 30, or 40 miles, not to mention a half mile or a mile, away from their homes for the purpose of achieving racial balance in our schools.

Now, I think it is only fair to say that some legislative committees have been rather reluctant to take any action upon the bills that have been presented to them. There is a constitutional amendment that has been reposing in the committee headed by my friend, an able gentleman, the dean of this House, the gentleman from New York (Mr. Celler), who will be, according to the press, shortly leaving us, at the end of this term, and that will be a great loss to this body. But that committee has not seen fit to report out that amendment, nor has it seen fit to report out the President's recommendations on a moratorium that would hold this matter in abeyance until the Congress could finally enact a bill with some guidelines under its constitutional authority to stop, as I said, this intolerable situation.

Now, your Committee on Rules—a majority of them, of course, not always unanimous—had these three propositions before it: a constitutional amendment; the President's moratorium and the guideline version of the Committee on Education and Labor.

The Committee on Rules saw fit to—I use the word, yes, "bypass," I might as well use it—bypass the Judiciary Committee on the constitutional amendment and clear it to the floor. But, and I want this made plain now, it did not exercise authority or power possessed by it to bring out the President's moratorium. On the contrary, with some diligence and some patience, considerable patience, the Committee on Rules awaited action on the guidelines provision by the Committee on Education and Labor on the theory, of course, that if the guidelines legislation were enacted, then the moratorium which the President recommended would be unnecessary.

So today we have the Education and Labor Committee bill. I must confess that while the Rules Committee did not take this bill away from the Committee on Education and Labor, maybe a little prodding did contribute to the final reporting out of such a bill. So that is what we are considering here today.

It is not a bill that this House or even the proponents of some relief in this matter can agree upon in its entirety. It is not what I would prefer to have. It is too weak to suit me, just as it is too strong to suit some other people. So we come to the legislative process, which is historically in legislative matters approached and resolved in a compromise.

Before I leave that matter permit me to say if I may that this resolution on the constitutional amendment is still pending. It has been reported out. It is a privileged matter and could have been called up many days ago, but it was not called up for that reason that I mentioned earlier, and for the further reason that the time element is such that there could be no hope for relief in the immediate future, requiring as it does a two-thirds vote in this Chamber and in the other Chamber and ratification by three-fourths of the States. It is my honest opinion that the States would ratify, once given the opportunity. And again, if I had my choice I would prefer the constitutional amendment to this approach, because I think there could be no question then about its effectiveness or its constitutionality of course.

However, I want to emphasize that it has been cleared for floor action by my committee; and may be called up after we return from the congressional recess. In other words we could well be in the position of approaching this problem on two fronts.

From one end of this country to the other the people are deeply concerned about these court orders taking their children, from infancy, from kindergarten on through high school, and busing them, as I said a moment ago, 20 miles or more, or even a mile.

The purpose of this legislation, which I do not have time to discuss at any length but which will be discussed later, and explained possibly better than I could, is to stop that situation and to prevent the busing of children up to and through the sixth grade to any school, giving preference to the neighborhood school or the school next to that.

I do not like that phrase, nor do I like the limitation. I understand an amendment will be offered that would extend that provision beyond the sixth grade and through high school.

Sometimes I think my friend who put that provision in the bill must have been thinking about 75 or 100 years ago when people in the sixth grade had gotten up to 15 or 16 years of age. Today a seventh grader is pretty much in the infant class.

Regardless of that, the people of this country do not want their children taken away from the neighborhood school or the one closest to them and bused to these interminable ends. It is not good for the child and it is not good for the school.

We talk about quality education. How are we going to get quality education when they spend a great deal of the time transporting the students back and forth in buses?

There was a time when this affected only my particular section of the country, but the courts have now expanded and extended it, and it is no longer de facto or de jure. They are going to be bused whether they live in Michigan, as the Michiganders realize now, or in Maryland, or in California, the State of my friend, Mr. SMITH, where they started out on this expanded theory.

Remember this now: It was all right as long as it affected only a minority section of this country, to wit, the so-called South, but now the chickens have come home to roost, and it is affecting other sections.

Mr. Speaker, I would not be human if I did not admit that it is with some—well, at least I do not lie awake at night worrying or crying about some of my friends in the so-called North having to go through what we have been going through down in my section for some time.

Now, maybe they have not hit you yet, but it is just a question of time unless something is done about it. Mr. Speaker, I did not want to take all this time. I do want to follow that one thought, however, that I just made. I have not read it recently, but in my early high school days I seem to remember something about a man named Ulysses.

Ulysses, according to Greek mythology, did a lot of traveling. He came to an island that was inhabited and controlled by a giant of a man, a one-eyed giant, who subsisted on a flock of sheep. He gathered these sheep into his cave with him at night. When Ulysses' ship landed on the island, the giant captured him and the whole crew and ushered them into his cave. And each night, according to this mythology, if I remember it correctly, he took two of the crewmen for a change of diet from the sheep, dashed them to the ground, and consumed them. Ulysses pled with him but to no avail.

However, he did promise Ulysses that he would consume him last. Well, Ulysses conceived the ingenious idea of sharpening a club, and while the giant was asleep bashed in that one eye. Then when the sheep went out in the morning, the giant ran his hands, blinded as he was, across the back of the sheep. Ulysses outwitted him on that by tying the few remaining members of his crew under the bellies of the sheep. In that way they escaped. Now there may be some Ulysses around here that are waiting to be the last to have their particular areas go through what we have been going through but your time will come. I would not advise that you pursue that policy. In this connection, an amendment will be offered in simple fair play to provide that those districts, those schools that are already affected by this court procedure, can be reopened. Is that an unreasonable request? Or is that fairness?

Can anyone object to the people in California who are under this edict, or the people from Alabama, having the same treatment as the people of the rest of the country? I hope you will support it.

Mr. Speaker, there are so many other things I would like to say about this bill, but I cannot in good conscience and good practice usurp all of the time because I have promised some time to others.

Mr. Speaker, I hope that those who are interested in this objective and those who are interested in the objective of carrying out the scheduled vacation will stay on the floor and permit the House to work its will in this matter.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first may I say that I think my good friend, the distinguished chairman of the Committee on Rules, the gentleman from Mississippi (Mr. COLMER) has made one of the most profound statements on the floor of the House in the presentation of this matter that I have ever heard. He has covered every single step of the history of this matter, and in my opinion it was very, very expertly and well done. I wish to associate myself with the remarks of the gentleman, particularly his request for the cooperation of the Members because, as I understand the schedule posted on the minority leader's desk, we have a number of bills that must be disposed of before we take our recess. Whether we have a pro forma session tomorrow or whether we have a long session tomorrow will depend upon how much work we are able to accomplish today on some matters that must be disposed of.

Mr. Speaker, this particular resolution, House Resolution 1090, provides for the consideration of the bill H.R. 13915. This is a bill for the further achievement of equal educational opportunities.

The first waiver of points of order has to do with clause 27(d)(4) of rule XI in view of the fact that the report was not available to the House for 3 days prior to the time that House Resolution 1090 was reported. All points of order are actually waived against the bill. In addition it provides for 2 hours of debate, to be equally divided between the chairman of the Committee on Education and Labor, and the ranking minority member.

In addition, Mr. Speaker, the bill is a committee substitute, so the rule provides for its consideration in the nature of an amendment.

Then it will be read by titles under the rule, instead of by sections. In addition, specifically, the rule provides that section 406 of the bill H.R. 13915 will be in order as an amendment. I am not certain whether or not we have to have that in the rule, because that provision was in the bill earlier. However we wanted to be certain that this could be considered. That is the provision that has to do with permitting previous cases to be opened up.

That happens to be my situation. I have no idea whether my city of Pasadena, Calif., would come back to open up this case and appeal it or not. I never did understand the decision, and I do not believe 1 percent of the people in my city understand why the decision was ever made; that is, the busing decision of some years ago. Actually, the Department just asked us if they could come out and study the city of Pasadena. We have no discrimination problems at all in the city of Pasadena. The blacks are just as welcome as anybody else. They live wherever they want to live. It happens that many of them, being friendly with one another, do live in the area in Pasadena known as Altadena. The houses are the same and the children live and play together. Pasadena has no ghettos and no slums. It is a fine city.

In fact, when the investigators went out there first they asked us for our cooperation. They indicated to us that they wanted to ascertain how we operated so successfully with the indication that it could help explain this to other parts of the country.

We cooperated in every way.

The next thing we knew, we were in court and neither the blacks nor the whites understand it.

The schools were precisely the same—the desks, the books, the lunch programs announced every Friday afternoon—everybody went to the school they wanted to, the neighborhood school mostly. But all of a sudden we were ordered to bus students from one area to another in order to have a balance of black and whites in each school.

We have several families—fathers and mothers, husbands and wives—both schoolteachers. The husband will teach in one school and the mother or the wife will teach in another.

Yet, their children are bused back and forth. The parents teach the same course and they do not understand why children have to be bused as the education is uniform in all schools in the city. They have explained it to me this way.

At the time this started, Pasadena, I am proud to say, my district, had as high an educational average as any congressional district with 12.4 years per person.

In any event, I have no idea—they have given me no indication whether they will appeal it. I would rather doubt they would appeal.

In any event, this matter is before us today. The Rules Committee has tried by a majority vote in the committee to bring something to the floor that Members can consider.

Mr. Speaker, I would urge the adoption of House Resolution 1090 so that we may proceed with the consideration of the bill, H.R. 13915.

Mr. PUCINSKI. Mr. Speaker, will the gentleman yield for a question?

Mr. SMITH of California. I yield to the gentleman.

Mr. PUCINSKI. Did I understand the gentleman correctly to say that the bill would be read by section? The rule provides that it be read by title. Am I not correct?

Mr. SMITH of California. Yes; it will be read by title instead of by sections. I thank the gentleman. I will correct my remarks.

Mr. PUCINSKI. I thank the gentleman.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. McCulloch).

Mr. McCULLOCH. Mr. Speaker, by what authority can the Congress enact a law which would deny a citizen the enjoyment of a constitutional right? By what authority can the Congress constrain a coequal branch, entrusted with interpreting the Constitution, to do what it has already declared unlawful?

In our hearts, Mr. Speaker, we know we do not have the authority to deny the enjoyment of constitutional rights or to tell the courts how to interpret the Constitution. Yet, H.R. 13915 would do just that. It would attempt to overrule Swann by overriding Marbury against Madison.

Do any of us seriously believe that the Supreme Court is going to accept this bill as law? If not, then what is H.R. 13915?

First, it is ineffective. It will not stop busing. Second, it thus holds forth a false hope to those who find constitutional commands inconvenient. It will frustrate and exacerbate—not relieve. Third, it is an attack on the courts. It will be a grave personal injustice to the judges, who true to the same oath we have taken, perform their duty and invalidate this legislation. They will bear the scorn of those who suffer the empty promise of H.R. 13915. Fourth, it is a message to the black community, to the blacks who favor busing and to those who oppose it, that the Congress is no longer committed to a policy of desegregation. The bill is a nullity but the impact of the message on the aspirations of blacks is real.

We live by symbols. By this action, the Congress would be taking down one flag and raising another. The whole land would understand. And no legal doubletalk, no rationalizations would ever explain it away.

A society is measured by how its majorities treat its minorities. Prior to 1954, the law that governed the land, although it condoned separation, at least promised equality. Then in Brown the Supreme Court made history by adopting as law what time had proved to be fact: That there would be no equality ever, so long as there was separation. H.R. 13915 promises neither to end separation nor to achieve equality. As a statement of principle of how the majority treats the minority, H.R. 13915 is less worthy than what Brown condemned.

Therefore, I oppose the rule. The bill is a bad bill. The sooner its death, the better.

Mr. SEIBERLING. Would the gentleman from California yield 1 minute for a question to the gentleman from Ohio?

Mr. SMITH of California. I shall be glad to yield 2 minutes to the gentleman from Ohio (Mr. McCulloch).

Mr. SEIBERLING. Mr. Speaker, I would like to commend the gentleman from Ohio, the dean of our delegation and the ranking minority member of the Judiciary Committee, for a very profound and very basic criticism of this bill. I should like to associate myself with his remarks.

I should also like to say that I intend at the appropriate time to offer an amendment or amendments which would declare that nothing in this bill shall authorize or require any educational agency or court to refrain from taking any action necessary to prevent a denial of equal educational opportunity to any person in violation of the 14th amendment to the Constitution of the United States.

Mr. McCULLOCH. Mr. Speaker, I thank the gentleman from Ohio for his comments, and I welcome his support.

Mr. BOLLING. Will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I should like to associate myself with the statement and the position of the gentleman from Ohio (Mr. McCulloch). I should like to state further that when he leaves this Congress, this Nation will have suffered a grevious loss. Without the efforts of the gentleman from Ohio (Mr. McCulloch), this country would not, through its Congress, have taken the positions that it has taken in the last dozen and more years in support of equal treatment for all its citizens.

The gentleman from Ohio (Mr. McCulloch) has played as great a role in that effort as any two other people that I know.

Mr. McCULLOCH. I thank the gentleman from Missouri.

I yield back the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. Anderson).

Mr. ANDERSON of Illinois. Mr. Speaker, I am well aware of the desire of most and perhaps all of the Members of this body to quickly dispatch the business that is before us this afternoon, and yet I think it is appropriate to take this time that I had asked for before I knew what my colleague on the Rules Committee, the gentleman from Missouri (Mr. Bolling), was going to say. I asked for this time because I too wanted to pay a word of tribute to the gentleman from Ohio, the ranking member of the House Committee on the Judiciary (Mr. McCulloch. Because we are now in what most of us hope also are the closing weeks of this second session of the 92d Congress, I personally may not have as good an opportunity as this again to express to him the very deepest feelings that I have for him and his courage, and his capacity, and the constancy with which he has supported the cause of civil rights in this body and before the American people.

I do not quarrel with the constitutional analysis that he has just so very succinctly given us of this particular measure. I personally appeared and testified at great length before the House Committee on Education and Labor when that committee was conducting hearings on this bill in an effort to suggest to them some ways in which I thought they could draft a constitutional statute because I do not quarrel with the notion that many Members have that the courts on past occasions have in some instances committed some rather egregious errors in school desegregation cases.

I also believe that this Congress has the legal authority and the right to establish proper guidelines in cases of this kind. But I have thought long and hard since that testimony was given several weeks ago and I have pondered very carefully this legislation. I simply cannot believe that it comports with my understanding of what the 14th amendment and the Constitution say.

I voted to send this bill to the floor. I take a somewhat different position from the gentleman from Ohio on the rule. I did so because I thought this was such a grave public question that the Members of this body have the right to express themselves and to work their will on it.

I would also very frankly confess that I felt that in the case of this bill it had gone through the proper committee hearings, whereas the other bill we were being asked to report, the so-called Student Pupil Transportation Moratorium Act, had not been released from the committee of competent jurisdiction.

I personally feel it is only on very rare cases of very grave national emergency, such as the one we were confronted with in the national transportation strike, where the Committee on Rules should undertake to discharge the committee of competent jurisdiction from its consideration of a bill. So I voted to send this bill to the floor today, but I merely wanted to take this time to express my appreciation again to the gentleman from Ohio for pointing out with his excellent clarity and conciseness why this bill simply does not in its present form pass constitutional muster.

In his Currie lecture at Duke University earlier this year on the busing controversy, Prof. Alexander M. Bickel of Yale employed a very apt quotation by Alfred North Whitehead. In it Whitehead warns against allowing the symbolic elements in life to "run wild, like the vegetation in a tropical forest. The life of humanity can easily be overwhelmed by its symbolic accessories."

In 1972 busing has become the symbol of a vast and pervasive discontent with the failures of our educational system. No matter that it accounts for only 4 percent of the more than $47 billion expended annually for public schools or that only around 5 percent out of a total of 2.2 billion vehicle-miles in the school year 1970–71 was for desegregation purposes. The fact that every day 20 million children or over 40 percent of total public school enrollment travel daily on more than a quarter million familiar yellow schoolbuses and have done so for more than a half century without harm to either themselves or their educational careers is submerged by a tidal wave of public resentment because of some recent court-ordered desegregation plans.

And so today we threaten to overwhelm the forces of those who still believe in the cause of integration because of our complete preoccupation with this symbolic element. The real problem is that of inferior schools. The real problem is a continuation of racial isolation which is revealed in statistics for the 1970–71 school year which show that approximately one-third of all black students in 11 Southern States are attending all black schools. The real problem is also in the North because today more than half of the black population of our country resides in the nation's 50 largest cities which are located in the north and east and west as well as the south.

I am under no illusions about the passage of this bill. Recently I attended a meeting where I heard a lady tell her representative: "I don't care what the bill is. As long as it's against busing, vote for it." We do not discharge our duty, however, if we take an action today that merely attacks the symbol and not the problem. Nor do we discharge our duty under the Constitution if we adopt legislation that in conscience we believe is violative of both the spirit and the letter of our constitution. It is not that I believe that our courts are free from error in some of their decisions. Indeed in a lengthy statement before the House Education and Labor Committee when hearings were conducted on this very bill I freely conceded that I think in cases like those in Denver, Detroit, and Pontiac I felt the courts had erred. It is not that I feel that Congress is "totally without power to act and to prescribe reasonable guidelines for the courts to follow. But to legislate the complete proscription of a remedy which may be the only available remedy to guarantee equal protection rights under the 14th amendment to the U.S. Constitution as this bill would clearly do goes far beyond the legitimate constitutional prerogative of the Congress. Since Marbury against Madison we have held to the doctrine that the judicial feel that Congress is totally without in the judicial branch and that it has the power to determine the constitutionality of actions of the legislature. In the case of North Carolina State Board of Education against Swann which was decided a little over a year ago the U.S. Supreme Court struck down a busing ban as unconstitutional because it operated "to hinder vindication of federal constitutional guarantees."

In the other Swann case involving the Charlotte-Mecklenburg Board of Education the U.S. Supreme Court declared that in the disestablishment of formerly dual systems school boards and district judges must make "every effort to achieve the greatest possible degree of actual desegregation." The committee bill in section 403 of title IV clearly flies in the face of that test. Indeed the committee bill in my judgment possesses a patent internal inconsistency. For in title II, section 201, which defines "unlawful practices" and "denial of equal educational opportunity" it expressely says that "no State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by (a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools. Then in subparagraph (b) it prohibits the failure of an educational agency which has formerly practiced such segregation to take affirmative steps, consistent with title IV of this act, to remove the vestiges of a dual school system.

Anyone who is at all familiar with the facts in the Charlotte-Mecklenburg case realizes immediately that the committee bill would make it impossible to wipe out the remaining vestiges of a dual system by banning all busing in the elementary grades beyond the second closest school from the pupil's place of residence. So what the committee bill does is to pay lip service to wiping out the vestiges of a dual system while proscribing the only feasible and available remedy.

The adoption of this bill means the continuation of all black schools even in a district which once operated as a dual system. This point was freely conceded in testimony before the House Rules Committee.

When Congress undertakes to totally circumscribe the enforcement of a basic constitutional right that has been so adjudged for 18 years, can anyone seriously argue that we are not taking a great stride backward. Stripped of all its emotionalism we are confronted by this bill with two fundamental questions. Do we want to redefine the allocation of power between the judicial branch and the legislative branch of our federal system in such a way as to render it impossible for the courts to enforce basic constitutional rights? Do we want to go back more than 75 years to the discredited doctrine of Plessy against Ferguson that there is such a thing as separate but equal schools?

Mr. Speaker, I cannot in truth and conscience answer these questions in other than the negative. I have a deep reverence for our federal system and its basic doctrine of separation of powers. I believe that if we commit an act of retrogression by abandoning the goal of an integrated society, which this bill clearly does, we are only sowing the seeds of future despair and hopelessness for millions of black schoolchildren who deserve something more than continued racial isolation in the classrooms of our country. This bill is not the answer to inferior schools nor will it advance the cause of quality education. It is out of focus completely and it reflects only a sadly blurred image of the real problems that confront American public education. It is that will take us farther away from the goal of a society where men are not judged on the basis of race or the color of their skin. It will simply perpetuate and indeed exacerbate the tensions within our society that produced the convulsive reactions of the decade just passed. For all these reasons I cannot and shall not vote for this bill.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York, the dean of the House (Mr. CELLER).

Mr. CELLER. Mr. Speaker, I yield to no man in my admiration for the gentleman from Ohio (Mr. McCULLOCH). He has consistently plumped for decent and good legislation and he has manifested at all times in the committee and on this floor and in all his labor as a Congressman patience, integrity, and wisdom.

I rise in opposition to the rule. The antibusing bill reported out by the Committee on Education and Labor cannot pass constitutional review. It is not so much against busing as against racial equality.

It deprives the Federal courts of their constitutional power to remedy deliberate, State-imposed racial segregation in public schools. But if Congress by statute cannot abolish a constitutional right, it cannot by statute abridge or restrict such rights.

The bill before us curtails fundamental constitutional tenets. Here busing is denied as a remedy. Denial of a remedy is denial of the underlying right.

If the Constitution can be split up as to schools, remember, ladies and gentlemen that that technique can be applied next to housing, then to voting, then to labor, and then civil rights can be cast into limbo.

The so-called antibusing proposal denies to the courts what may be in some cases the only effective remedy to desegregate schools and to secure equal protection of the laws. There is no court decision, there is no constitutional provision, which empowers the Congress so to act.

The Equal Educational Opportunities Act resurrects the doctrine of separate but equal and applies it to the elementary schools. It applies another standard to secondary schoolchildren. If our basic charter can be amended by mere statute, then we have indeed lost our fundamental civil liberties.

No such mechanical, inflexible, or far-reaching device will withstand judicial review. The Equal Educational Opportunities Act is merely an effort at short-term political gain. Even if the administration wants to lead us to Gehenna, must we follow?

The House of Representatives is not the place to abandon the national commitment to equal rights under the law. The Congress cannot use the courts to accomplish unconstitutional objectives.

The purpose of the proposed legislation is not to enforce the 14th amendment; it is not to foster desegregation of public schools; it is not to regulate the jurisdiction of Federal courts. Rather, its purpose is to suspend the equal protection clause and to roll back the progress so painfully won in schools throughout the Nation. It is only calculated to defer the busing issue until November.

And do not let the situation deceive you. It is a political ploy. It will take a year or so before a final decision is reached in the Supreme Court. The President knows that. When the case has reached the Supreme Court, the election will be over. He will have accomplished his political purpose. What is the political purpose? Votes. By that time, when the decision is reached in the Supreme Court, the public fever will have abated. Then what? We will have on our statute books a statute which is undoubtedly unconscionable and unreasonable.

I say, do not permit prejudice to becloud your wisdom. Do not let emotion overwhelm your logic. Do not allow your anger to control your actions.

Remember, he who rises in anger always sits down with a loss.

Mr. Speaker—

> There are many places still in this country where the schools are either white or Negro and not just schools for all children as the Constitution requires. In my opinion, there is no reason why such a wholesale deprivation of constitutional rights should be tolerated another minute.

So spoke the late Justice Hugo Black in 1969. The proposed "Equal Educational Opportunities Act" violates the fifth amendment to the Constitution by placing special burdens on minorities who would resort to the courts to obtain their constitutional right to unsegregated schools.

The proposed legislation violates article III of the Constitution by interfering with the judicial power of the Federal courts and particularly the Supreme Court by outlawing pupil transportation where unconstitutionally segregated schools are found.

Nor can the proposal be sustained as a means of enforcing the 14th amendment. Its clear purpose and its effect will be to perpetuate segregation in those schools now violating the constitutional mandate. It will roll back the desegregation that has heretofore been achieved only after many years of travail and perseverance.

Plainly, this bill is an effort to amend the Constitution by statute, and to repeal the equal protection clause as applied to public schools. It seeks to camouflage an antiequality purpose by an ostensible regulation of Federal courts.

Busing is not the issue, it is only the excuse.

More than 43 percent of all public school pupils ride a bus to school. Only that busing which will guarantee equal protection of the laws is under attack here, so it must be civil rights and not transportation which is at issue.

This bill panders to fears; fears that have been fostered by political opportunism. It falsely promises that the children of certain citizens will be immune from desegregation.

Mr. SMITH of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Speaker, nearly two decades have passed since the Supreme Court handed down its momentous Brown against the Board of Education decision in 1954, which declared that "separate but equal" was merely another term for inequality.

Our Nation has since experienced many tense moments as we have sought to implement the process of desegregating our public schools and facilities. There have been some setbacks, but for the most part, we have made remarkable progress in giving greater meaning to the noble phrase embodied in our Pledge of Allegiance that we are "one Nation under God" and that we share one common destiny as one people.

I believe the great majority of Americans have come to accept the idea that true progress as a Nation is dependent upon domestic harmony and tranquility, and that we cannot have within our midst an alienated segment of the population which cannot share the spirit of belonging and pride in our common heritage and destiny. Freedom of choice, the neighborhood school, and open and free access to our public facilities are essential to our success in unifying our society. Unfortunately, there are those in positions of public trust who have overreacted; that is, they have attempted to impose solutions to our problems which have been as bad if not worse than the problems themselves. I am referring in this particular instance to the extraordinary and even incredible schemes of racial mixing that have been developed which have expanded the meaning of Brown again the Board of Education far beyond its original intent. For the first time in American history the schoolbus has become a symbol of oppression and has brought about the total disruption of neighborhoods, cities, States, and the Nation itself.

Public opinion polls tell us that the American people are strongly opposed to busing for the sake of achieving racial balance in our public schools. I for one completely concur as I do not feel that blending certain percentages of skin color in a classroom has anything to do with improving the quality of education for our children. Instead of spending money for schoolbuses, gasoline, tires, and salaries for busdrivers, we ought to instead be investing in new classrooms, better prepared teachers, and better teaching materials.

Mr. Speaker, I have personally introduced a constitutional amendment to prohibit the forced busing of schoolchildren; I have supported and have signed a discharge petition to wrench this important legislation from the Judiciary Committee where it has been held captive, and I have continued to speak out against Department of Health, Education, and Welfare regulations and court rulings which have only further aggravated the schoolbusing problem without offering any hope for an end to this ludicrous activity.

I applaud the decision by the House Rules Committee to take action upon the constitutional amendment prohibiting forced school busing by bringing this measure to the House floor for a vote. This is the only way the views of the people can be expressed and their judgment rendered on this important question.

Until the busing amendment can be voted upon and sent to the various States for ratification and approval, I strongly support any other legislation, including the President's proposed busing moratorium which will work to bring to a halt the further imposition of arbitrary, unreasonable, and pointless busing schemes which are dreamed up in the minds of social planners whose idea of freedom for the American people is that the American people shall be free only to do as they are told by the would-be savers of society.

I call upon this body to listen to the American people to whom we owe our office; we must stop the absurd busing of schoolchildren merely for the sake of achieving racial balance. It would make no more sense to bus children because of their religion or their sex or their nationality. The American people expect and deserve no less than that we shall represent them in truth in this the "people's house."

Mr. SMITH of California. Mr. Speaker. I have no further requests for time.

Mr. COLMER. Mr. Speaker, I am somewhat sympathetic with my two senior retirees and "lameducks," the gentleman from New York (Mr. CELLER) and the gentleman from Ohio (Mr. McCULLOCH), being in that position myself. The three of us have given the Members the benefit of our parting wisdom here. After many battles with them over the years, I somehow feel that the tide may be turning and public opinion may be swaying to the more realistic attitude that I have espoused in many previous battles.

I am sorry that I cannot agree with what was just said. I, of course, do not have the time to comment upon it, but I recall that my good friend and my very able and astute friend (Mr. CELLER) said toward the end of his statement that it would take a year to test the constitutionality of this proposed legislation. I recall that when he opposed at first the 18-year-old constitutional amendment as not being constitutional and then espoused it, that arrangement was made and the matter of testing its constitutionality was accelerated in the courts.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CORMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 318, nays 72, answered "present" 1, not voting 41, as follows:

[Roll No. 336]

YEAS—318

Abbitt
Abernethy
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspin
Aspinall
Baring
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boland
Bow
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Cotter
Coughlin
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Horton
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lent
Lloyd
Long, Md.
Lujan
McClory
McClure
McCollister
McDade
McEwen
McKay
McKevitt
McKinney
Macdonald, Mass.
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Mayne
Mazzoli
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—72

Abzug
Adams
Ashbrook
Ashley
Badillo
Barrett
Begich
Bingham
Bolling
Brademas
Burton
Byrne, Pa.
Celler
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Culver
Dellums
Diggs
Dow
Drinan
Eckhardt
Edwards, Calif.
Findley
Foley
Fraser
Gonzalez
Green, Pa.
Hall
Harrington
Hathaway
Hawkins
Hicks, Wash.
Holifield
Howard
Kastenmeier
Koch
Link
McCloskey
McCormack
McCulloch
McFall
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mikva
Mink
Mitchell
Moorhead
Mosher
Moss
Nix
Obey
Perkins
Price, Ill.
Rangel
Rees
Reuss
Rodino
Rosenthal
Roybal
Scheuer
Seiberling
Stokes
Thompson, N.J.
Van Deerlin
Whalen
Yates

ANSWERED "PRESENT"—1

Anderson, Ill.

NOT VOTING—41

Abourezk
Baker
Betts
Boggs
Caffery
Carney
Carter
Clancy
Conte
Davis, Wis.
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Frelinghuysen
Gallagher
Hansen, Wash.
Hébert
Heckler, Mass.
Hull
Keith
Leggett
Lennon
Long, La.
McDonald, Mich.
McMillan
Mathias, Calif.
Michel
Monagan
Passman
Pelly
Railsback
Reid
Rhodes
Rooney, N.Y.
Ryan
Springer
Talcott
Ullman
Veysey
Waldie

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Rooney of New York against.

Mr. Passman for, with Mr. Reid against.

Mr. Caffery for, with Mr. Ryan against.

Mr. Long of Louisiana for, with Mr. Waldie against.

Mr. Anderson of Illinois for, with Mr. Conte against.

Until further notice:

Mr. Monagan with Mr. Baker.

Mrs. Hansen of Washington with Mr. Talcott.

Mr. Abourezk with Mr. Edwards of Alabama.

Mr. Leggett with Mr. Betts.

Mr. Hull with Mrs. Dwyer.

Mr. Boggs with Mr. Frelinghuysen

Mr. Carney with Mr. Springer.

Mr. Edmondson with Mr. McDonald of Michigan.

Mr. Ullman with Mr. Rhodes.

Mr. Lennon with Mr. Railsback.

Mr. McMillan with Mr. Keith.

Mr. Gallagher with Mrs. Heckler of Massachusetts.

Mr. Mathias of California with Mr. Michel.

Mr. Carter with Mr. Clancy.

Mr. Davis of Wisconsin with Mr. Pelly.

Mr. DANIELS of New Jersey changed his vote from "nay" to "yea."

Mr. CULVER changed his vote from "yea" to "nay."

Mr. ANDERSON of Illinois. Mr. Speaker, I have a live pair with the gentleman from Massachusetts (Mr. CONTE). If he had been present, he would have voted "nay." I voted "yea." Therefore, I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to House Resolution 1090, the House resolves itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13915) to further the achievement of equal educational opportunities.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13915, with Mr. UDALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Illinois (Mr. PUCINSKI), will be recognized for 1 hour, and the gentleman from Minnesota (Mr. QUIE), will be recognized for 1 hour.

The Chair recognizes the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Equal Educational Opportunities Act is truly historic legislation. Its passage 18 years ago would have allowed our country to undertake an orderly removal of the dual school system without arousing all the resentments and animosities which are so visibly present among our people today.

The Supreme Court itself has stated in Swan that its own guidelines on busing are "incomplete and imperfect."

This act has as its basic purpose the laying out of "ground rules" regarding segregation in public schools. It defines for the first time in Federal law "equality of educational opportunity," and it absolutely bars a State from denying this equality to any individual. It also authorizes civil actions by the Attorney General and by persons being denied this equality.

The bill, however, makes crystal clear that the failure of an educational agency to achieve a racial balance of students among its schools does not constitute a denial of equal educational opportunity or a denial of equal protection of the laws under the Constitution.

Similarly the assignment of a student to the school nearest his place of residence is no such denial unless such assignment is for the purpose of segregation.

Those are the rules. Now people will know where they stand. School administrators will know what their responsibilities are to their students and to their teachers. And students and teachers will have a right to sue for an infraction of their rights.

But the bill also goes one step further. It also sets out precisely what will happen if a court or a Federal agency finds that a denial of equal educational opportunity or a denial of equal protection has occurred. Today there is no such uniformity of result among Federal courts and agencies. A particular judge in one State has ordered integration by television throughout the school district of a large city. Another judge in a different State has ordered the merger of three entirely distinct school districts. Yet both judges claim that they are remedying de jure segregation. No wonder the people are confused. No wonder we wind up with court cases dragging on for 10 or 12 years. No wonder our court calendars are becoming hopelessly bogged down with school matters. And no wonder our citizens are voting down school bond issues to show their disgust.

The bill before you will bring stability to our schools by requiring that all Federal courts and agencies must use the same systematic method for determining remedies in school segregation cases. This method is set out in section 402 of the bill. In fashioning their remedies courts and agencies must go to the first remedy listed in that section to determine whether that particular remedy corrects the unconstitutional situation. If it does not, then the court proceeds on to the second remedy and thereon down the list. The first adequate remedy or the first combination of effective remedies on the list must be used by the court or agency in correcting the unconstitutional wrong.

No student in sixth grade or under can be ordered bused beyond the school closest to his home or next closest to his place of residence. Nor can busing be ordered for students in seventh grade and above beyond the closest or next closest schools unless it is demonstrated by clear and convincing evidence that no other adequate remedy is available.

In no case, however, can school district lines be ignored or altered in prescribing any of these remedies unless these lines were established for the purpose, and had the effect, of segregating students.

I was pleased to read last week that the Fifth U.S. Circuit Court of Appeals in New Orleans has come close to requiring that the method which we set out in this bill be used by all Federal judges within that circuit in prescribing remedies. The court ruled in cases involving Austin and Corpus Christi, Tex., that the lower Federal court judges had to exhaust every other possible remedy before resorting to busing to desegregate schools.

That is precisely what we have done in this bill. We have set out with specificity the remedies which may be used in school segregation cases, and we have limited busing as a remedy of last resort.

The reasons we limited busing are twofold. First, we have been told by the head of the Civil Rights Office in HEW that substantial integration is possible within the neighborhood school concept and without a heavy resort to busing. Testimony presented on the study "school desegregation with minimum busing" buttressed this position. Twenty-nine urban areas were surveyed in this study and it was found that substantial integration could be achieved without busing any students who could otherwise walk to school.

Second, we came to the conclusion that courts were ordering excessive busing. In Raleigh, N.C., 40 percent of that school district's student population has now been ordered to be bused. This amounts to 22,000 additional students who are now being bused. In Little Rock, Ark., almost 30 percent of its students were ordered to be bused recently—23,000 additional students. And we have evidence that in every one of the 10 largest school districts showing the greatest percentage increases in busing there has occurred at the same time a flight from those school districts of white pupils from middle-income families as well as black students from middle-income families.

We want to bring stability to these school districts. And it is my hope that the bill before the House today will go a long way to achieve that goal.

The bill before you also earmarks from the Emergency School Aid Act up to $500 million for compensatory education programs in schools with high proportions of poor children. The bill provides that hopefully up to $300 in additional funds from this program be spent on the education of each educationally deprived child. This is the "critical mass" which the administration has told us is needed to assure results in compensatory education programs.

I would have preferred, and I voted in committee for, a provision making this "new" money instead of taking it from the Emergency School Aid Act. That act now authorizes a billion dollars a year to pay for desegregation ordered by Federal courts and to help pay for voluntary integration efforts undertaken by local school districts. Both of those purposes are eminently proper—the Federal Government ought to help pay for desegregation if it has been ordered through the Federal courts and we ought to be encouraging totally voluntary efforts at integration.

The committee instead decided to earmark up to half of the authorization under that act for compensatory education. But this was done with the clear understanding that the administration would ask for the full billion dollar authorization for ESAA this year. Since this act was an administration proposal, this full funding should offer no problems.

Mr. Chairman, the bill we have brought before this House today is a balanced bill. It sets out an orderly process for the determination of remedies in school integration cases and it provides that if any minority students are left in schools with high proportions of poor children they will have extra funds spent on their education to afford them equal opportunities for quality education.

The distinguished gentleman from Ohio (Mr. MCCULLOCH), principal sponsor of this bill, asked by what authority does Congress deny a constitutional right. If you read this bill carefully, you will find we are not—I underscore—not, taking away any constitutional rights; we are spelling out remedies.

I believe that this act represents the best we in Congress can do at this point in time, and I urge my colleagues to support it.

Constitutional experts who have argued in favor of the constitutionality of this type of legislation:

Charles Bork, Yale Law School;

Charles Alan Wright, University of Texas Law School; and

Archibald Cox, former Solicitor General of the United States.

REGARDING CONSTITUTIONALITY

Congress is not denying anyone any constitutional rights. It is merely spelling out remedies.

Congress has explicit power under section 5 of the 14th amendment to pass legislation to enforce that amendment. And the U.S. Supreme Court has recently held in Katzenbach against Morgan that, since Congress has far greater fact-finding and interest-weighing ability than the courts, Congress therefore could by legislation bar an activity as being in contravention of the 14th amendment although the U.S. Supreme Court had earlier upheld that activity as constitutional.

Specifically, the Court said in Morgan:

> Correctly viewed, Section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment.
>
> It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations. . . . It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.

BRIEF SUMMARY OF THE LEGISLATION

The purpose of the Equal Educational Opportunities Act is to provide Federal financial assistance for educationally deprived students and to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

The Federal financial assistance for educationally deprived students is obtained by amending the Emergency School Aid Act to earmark $500 million of the annual authorization of appropriations for compensatory education programs in schools with high proportions of low-income students. These funds will be administered through State plans submitted by State educational agencies.

Regarding the removal of the vestiges of the dual school system, the bill prohibits denials of equal educational opportunities by the States and authorizes civil actions by aggrieved individuals and by the Attorney General when such denials occur. The bill specifies, however, that the failure of an educational agency to achieve a racial balance of students among its schools is not a denial of equal educational opportunity or equal protection of the laws. Similarly the assignment of a student to the school nearest his place of residence does not constitute any such denial unless such assignment is for the purpose of segregation.

Lastly, the bill prescribes remedies which Federal courts and agencies may use in correcting denials of equal educational opportunity and equal protection of the laws as regards education. These remedies are listed in a specific order of priority which courts and agencies must abide by in formulating remedies. No transportation, however, can be prescribed by any such court or agency, pursuant to this listing, for a student in sixth grade or below other than to the school closest or next closest to his or her place of residence. Nor can transportation be prescribed for a student in seventh grade and above beyond the closest or next closest school unless it is demonstrated by clear and convincing evidence that no other method will provide an adequate remedy. In no case, however, can school district lines be ignored or altered unless they were established for the purpose, and had the effect, of segregating students. School districts may voluntarily, though, go beyond the limitations set out in this bill.

I include the following:

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section provides that the act may be cited as the "Equal Educational Opportunities Act of 1972."

Section 2. Policy and purpose

Subsection (a) of this section declares it to be the policy of the United States that all public school children are entitled to equal educational opportunity without regard to race, color, sex, or national origin, and that the neighborhood is an appropriate basis for public school assignments.

Subsection (b) states it to be the purpose of the act to authorize concentration of resources under the Emergency School Aid Act on educationally deprived children and to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

Section 3. Findings

Subsection (a) contains a number of congressional findings:

(1) The maintenance of dual school systems where pupil assignments are made solely on the basis of race, color, sex, or national origin denies the equal protection of the laws.

(2) Many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in extensive student transportation for the purpose of abolishing dual school systems and eliminating their vestiges.

(3) The implementation of desegregation plans which require extensive student transportation has in many cases required local educational agencies to expend large sums, thereby depleting their resources for the maintenance or improvement of the quality of the education they provide.

(4) Transportation of students which creates serious risks to their health and safety, disrupts the educational process with respect to such students, and impinges significantly on their educational opportunity, is excessive.

(5) The risks and harms created by excessive transportation are particularly great for children in the first six grades.

(6) Court guidelines for fashioning remedies to dismantle dual school systems have been incomplete and imperfect and have not established a clear, rational, and uniform standard for determining the extent to which the local educational agency is required to reassign and transport its students to eliminate the vestiges of a dual school system.

Subsection (b) provides that the foregoing reasons make it necessary and proper for Congress to specify appropriate remedies for the elimination of the vestiges of dual school systems pursuant to the powers granted in the Constitution.

TITLE I—ASSISTANCE

Section 101. Amendments to the Emergency School Aid Act to permit concentration of resources on educationally deprived students attending schools enrolling high concentrations of students from low-income families

This section contains a series of amendments to title VII of the Education Amendments of 1972—the Emergency School Aid Act. In general these amendments provide for Federal assistance to enable State educational agencies to make grants to local educational agencies which adopt and implement plans to provide basic instructional and supportive services for educationally deprived students in schools having a high proportion (as determined by the Assistant Secretary) of students from low-income families, and to provide such services for educationally deprived students who, under an approved plan, transfer from such schools to other schools in which a lower proportion of students are from low-income families. For convenience, in this analysis these new plans are referred to as "newly authorized programs," and the students to be served thereby are referred to as "newly included educationally deprived students."

Subsection (a) amends section 702(b) to add to the stated purposes the purpose of aiding newly included educationally deprived students in overcoming their educational deprivation.

Subsection (b) amends section 706(a)(1) which specifies the local educational agencies which are eligible for assistance. The amendment would include among eligible agencies those which adopt and implement newly authorized programs. The amendment specifies that grants and contracts for local educational agencies eligible under the new provision will be made by the appropriate State educational agency.

Subsections (c), (d), (e), and (f) amend various provisions of the title to repose in State educational agencies the authority to act with respect to grants to and contracts with local educational agencies for newly authorized programs.

Subsection (f) also makes a number of additional changes in section 710(c).

1. There is added to the factors to be considered in determining need for assistance in the case of applications for newly authorized programs, consideration of the extent to which newly included children are enrolled in schools which enroll a high proportion of their children from low-income families.

2. New criteria are added to be applied in approving applications for newly authorized programs. The first of these is the extent to which the program is likely to meet the special educational needs of newly included educationally deprived students. The second is the extent to which the program constitutes a comprehensive approach to meeting the special educational needs of the newly included educationally deprived students. Third, the Assistant Secretary is authorized to prescribe criteria to assure that the funds made available to a local educational agency will be used for carrying out programs for the provision of basic instructional and supportive services for newly included educationally deprived students. These criteria must be designed to insure that the State educational agencies, in approving applications for newly authorized programs, will give priority to local educational agencies which are implementing plans provided for in existing law as well as a newly authorized program and that the funds available under this title to a local educational agency for a newly authorized program will be adequate to meet the needs of the students. The subsection also provides that nothing in the title authorizes assistance which would encourage or reward the transfer of a student from a school in which students of his race are in a minority to a school in which they are in a majority, or which would increase racial or economic isolation in the schools.

Subsections (g) and (h) make technical amendments to reflect the fact that grants for newly authorized programs will be made by State educational agencies.

Subsection (i) adds four new definitions to title VIII.

1. "Basic educational services" will mean instructional services in mathematics or language skills meeting standards prescribed by the Assistant Secretary.

2. "Basic supportive services" means noninstructional services (including health and nutritional services) prescribed by the Assistant Secretary.

3. "Low-income family" means a family having an income below the low-income factor.

4. "Low-income factor" means the low-income factor as defined for purposes of title I of ESEA.

Subsection (j) adds two new sections to the title.

New section 721 makes it clear that nothing in the title will alter the amount a local educational agency is eligible to receive under title I of ESEA, or otherwise modify any provision of that title.

New section 722 sets forth requirements for State plans in connection with the newly authorized programs. Subsection (a) of the new section provides that applications by local educational agencies for assistance in carrying out newly authorized programs must be submitted to their State educational agencies for approval.

New subsection (b) provides that a State may receive payments for the purpose of assisting local educational agencies to carry out newly authorized programs if it submits to the Assistant Secretary a State plan which (1) recommends to the Assistant Secretary the amount of funds apportioned to the State under section 705 which will be reserved within the State for applications under subsection (a), (2) sets forth criteria for establishing priorities for the approval of applications for newly authorized programs which the State educational agency determines will be most effective in carrying out the purposes of the title, (3) provides the usual requirements with respect to fiscal control and fund accounting procedures, and (4) provides assurances that the State educational agency will evaluate the effectiveness of the assistance made available for the newly authorized programs and make appropriate reports to the Assistant Secretary.

The Assistant Secretary will determine the amount of the funds apportioned to each State under section 705 which will be reserved for newly authorized programs, approve a State plan which meets the requirements of this section, and give an opportunity for a hearing to the State agency with respect to his actions which affect it.

It is further provided that the aggregate amount of funds reserved, from the funds apportioned to the States under section 705, for making payments to States under this section shall be up to $500 million for each fiscal year.

Subsection (c) contains the usual provisions for judicial review of the Assistant Secretary's final action with respect to approval of State plans.

Subsection (d) directs the Assistant Secretary to make payments to State educational agencies which have approved State plans for carrying out those plans and for making payments to local educational agencies. Not exceeding 5 percent of the amount reserved for newly authorized programs may be reserved by the State to meet its costs of administration of the plan.

TITLE II—UNLAWFUL PRACTICES

Section 201. Denial of equal educational opportunity prohibited

This section prohibits a State from denying equal educational opportunity to an individual on account of race, color, sex, or national origin by—

(1) deliberate segregation by educational agencies on the basis of race, color, sex, or national origin among or within schools;

(2) failure of educational agencies which formerly practiced deliberate segregation to take affirmative steps, consistent with title IV, to remove the vestigates of their dual school systems;

(3) assignment by educational agencies of students to schools, other than the ones closest to their homes, where the assignment results in a greater degree of segregation of students on the basis of race, color, sex, or national origin than would result if the students were assigned to the schools closest to their homes which provide the appropriate grade level and type of education;

(4) discrimination by educational agencies on the basis of race, color, sex, or national origin in connection with the employment of school faculty and staffs;

(5) transfer by educational agencies of students from one school to another if the purpose and effect is to increase segregation of students on the basis of race, color, sex, or national origin; or

(6) failure by educational agencies to take appropriate action to overcome language barriers that impede equal participation by students in instructional programs.

Section 202. Balance not required

This section states that the failure of an educational agency to attain a balance, on the basis of race, color, sex, or national origin, of students among its schools does not constitute a denial of equal educational opportunity, or equal protection of the laws.

Section 203. Assignment on neighborhood basis not a denial of equal educational opportunity

This section declares that, subject to other provisions of the title, assignments of students to schools nearest their homes which provide appropriate grade level and type of education are not a denial of equal educational opportunity or of equal protection of the laws unless the assignments are for the purpose of segregating students on the basis of race, color, sex, or national origin, or the schools to which the students are assigned are located where they are for the purpose of so segregating students.

TITLE III—ENFORCEMENT

Section 301. Civil actions

Any individual who is denied equal educational opportunity, as defined by the act, may institute a civil action in the appropriate U.S. district court for appropriate relief. The Attorney General may also institute such civil actions on the behalf of any such individual.

Section 302. Jurisdiction of district courts

This section provides that the U.S. district courts shall have and exercise jurisdiction of proceedings brought under the preceding section.

Section 303. Intervention by Attorney General

This section authorizes the Attorney General to intervene in actions brought by individuals under section 301.

Section 304. Suits by the Attorney General

This section prohibits the Attorney General from bringing civil action under section 301 until he has given the affected educational agency notice of the conditions which constitute a violation of the act, and has certified to the court that he is satisfied that the educational agency has not within a reasonable time undertaken appropriate remedial action.

Section 305. Attorneys' fees

This section gives the district courts discretionary authority to allow the prevailing party in actions instituted under the act (other than the United States) a reasonable attorneys' fee as part of the cost and provides that the United States shall be liable for costs to the same extent as a private person.

TITLE IV—REMEDIES

Section 401. Formulating remedies; applicability

This section requires Federal courts and agencies to seek or impose only such remedies for denials of equal educational opportunity or equal protection of the laws as are essential to correct the particular denials which have occurred.

Section 402. Types of remedies

Under this section, in formulating a remedy for a denial of equal educational opportunity or of equal protection of the laws, which may involve directly or indirectly the transportation of students, the Federal court or agency concerned shall consider and make specific findings on the efficacy in correcting such denial of the remedies listed below, and shall require the implementation of the first of such remedies or the first combination thereof which would remedy the particular denial.

The remedies referred to are the following:

(1) Assigning students to schools closest to their homes which provide appropriate grade level and type of education, taking into account school capacities and natural physical barriers.

(2) Assigning students to schools closest to their homes which provide appropriate grade level and type of education, taking into account only school capacities.

(3) Permitting students to transfer from a school in which a majority are of their race, color, or national origin to a school in which a minority are of their race, color, or national origin.

(4) Creating or revising attendance zones or grade structures without requiring transportation beyond that described in section 403.

(5) Constructing new schools or closing inferior schools.

(6) Constructing or establishing magnet schools.

(7) Developing and implementing any other plan which is educationally sound and administratively feasible subject to the provisions of sections 403 and 404.

Section 403. Transportation of students

Subsection (a) prohibits Federal courts and a agencies from ordering pursuant to section 402 (d) or (g) the implementation of a plan that would require the transportation of any student in the sixth grade or below to a school other than the school closest or next closest to his home which provides the appropriate grade level and type of education.

Subsection (b) provides that no Federal court or agency shall order pursuant to section 402 (d) or (g) the implementation of a plan requiring transportation of any student in the seventh grade or above to a school other than the school closest or next closest to his home which provides appropriate grade level and type of education for such student, unless it is demonstrated by clear and convincing evidence that no other method set out in section 402 will provide an adequate remedy for the denial of equal educational opportunity or equal protection of the laws that has been found by such court or agency. A plan pursuant to section 402 shall only be ordered in conjunction with a development of a long-term plan involving one or more of the remedies set out in section 402. If a district court orders that implementation of a plan requiring transportation beyond that described in this subsection, the court of appeals shall grant a stay of the order until it has reviewed such order.

Subsection (c) prohibits Federal courts and agencies from requiring directly or indirectly the transportation of any student where it would pose a risk to his health or constitute a significant impingement on the educational process with respect to such student.

Section 404. District lines

In formulating remedies under section 401 or 402, the lines drawn by a State, subdividing its territories into separate school districts, may not be ignored or altered except where it is established that the lines were drawn for the purpose, and had the effect of segregating children among public schools on the basis of race, color, sex, or national origin.

Section 405. Voluntary adoption of remedies

This section makes it clear that the act does not prohibit plans of desegregation, otherwise lawful, which are at variance with the standards set out in this title, and that Federal courts and agencies may approve plans which go beyond what can be required under this title, if the plan is voluntarily proposed by the appropriate educational agency.

TITLE V—DEFINITIONS

This title contains definitions of terms used in the act.

The terms "educational agency," "State educational agency," and "local educational agency" are given the meanings assigned in the Elementary and Secondary Education Act of 1965.

The term "segregation" is defined to mean the operation of a school system in which students are wholly or essentially separated among the schools of an educational agency on the basis of race, color sex, or national origin or within a school on the basis of race, color, sex, or national origin.

The term "desegregation" is given the meaning assigned that term by section 401 (b) of the Civil Rights Act of 1964.

An educational agency shall be considered to have transported a student if it paid any part of the cost of his transportation.

TITLE VI—MISCELLANEOUS PROVISIONS

This title repeals section 709(a)(3), of the Emergency School Aid Act which provided for a program of grants to local educational agencies for planning and constructing integrated education parks.

Mr. DELLUMS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred five Members are present, a quorum.

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

Mr. QUIE. Mr. Chairman, I know this is about as controversial legislation as this body has ever considered. I am glad that we are considering the question of busing all by itself, rather than hampering other legislation, because of the emotionalism of the subject.

When President Nixon made his recommendation for both a moratorium and the Equal Education Opportunity Act, I took a look at the Equal Education Opportunity Act, and I could see in that a great opportunity to remove some of the emotionalism that exists about this subject throughout the country. That emotionalism, I believe, stems from the crosstown busing of our elementary schoolchildren more than anything else.

People do not like to have their children bused—sometimes, if they have to go to the closest school. We ran into that in Minnesota in the redistricting of the rural school districts, but they got used to it. They knew it was necessary for improving the quality of education. While people do not like the idea of busing their children to any great distance to high school if they do not have to, it really should not be too onerous because we all are willing to send our children all the way across the country and sometimes out of the country to go to college, and so if a 19-year-old can go that far, an 18-year-old should not find it too difficult to attend a high school some distance away if it is necessary.

But, when it comes to the elementary schoolchildren, we know that that is what raises the anxiety of parents more than anything else, to go into a community that is strange and foreign to themselves. Some people make the claim that people are objecting to this only because of race. I recognize that some people do object to it because of race, but to say that everybody objects to it for that reason I say is utter nonsense.

There are people who do not want their children—I would say this is most of them—to go to a foreign community when they start in the first grade, no matter what the race of the people is in another community. Also, I doubt whether it is good education to attempt to educate children in the elementary school in isolation from their community. Let us, using as an example, the studies that were made in the preschool level Headstart program; it was found abundantly clear there that you had no visible improvement in the child if you left the parents out of the development of the child, nor did you have successful improvement in the educational development of the child. The parents must play a part in it; the community must play a part in it.

When you look at the improvements in education for the disadvantaged child, you will find that exists where the communities are involved in the improvement of the child and the parents are as well. There is no way you can, if you bus them long distances, when you bus them the way across the city as in many cases they are doing, to some place else, I think is bad education.

So, in this legislation we give them the, I believe justifiable, position that it is just the crosstown busing of elementary schoolchildren.

The question may come to your minds then, Can we do that? Can we prohibit that kind of busing as we do here, limiting it to requiring the elementary schoolchild to go no further than the closest school or second closest school and still protect the constitutional line?

I think that is the big question before us. I think if anybody has any reservations about the constitutionality of this legislation, section 403(a) is the one that a person could have reservations about.

I came down on the side of feeling section 403 is constitutional and I do it for this reason. It is that the Congress has some tools to provide remedies to unequal educational opportunities that is not afforded to the court, and one is the power of the purse. In this legislation we add $500 million of money to go to those areas where there is a concentration of lower income students—the only means we now have of deciding who is educationally deprived—in order to improve their education even though they might live in an area where to go to the second closest elementary school does not provide for an integrated education.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I will yield to the gentleman if he will let me finish my statement. I will take some time additional to do so and I will yield to the gentleman. I will not cut him off.

Mr. Chairman, the question also comes whether we want integrated schools throughout America, and I do not believe that is what the courts are saying and what the majority of the people are saying, that they want every school to be an integrated school. I think the courts have said de jure segregation is wrong. When the States have required segregation of the schools it is wrong.

But when people because of the housing patterns live with others of their own race and there is not a school close enough to accomplish desegregation, then I think we will have to do the best we can.

When I went to school in Minnesota I went only with white children. In fact almost all of them were of Norwegian descent as well, so I guess I went to a segregated school. My children attend a public school and they are in an integrated school and they attend with black children and oriental children and children of all national origins. I think they have a better opportunity because of that. I like the idea that they can attend with people of all races. But if they were not living close enough to do so I think it would be completely unwise to take my children in Montgomery County and bus them into Washington just so they could have that experience, because education is more than that experience.

I learned to know people of other races after I got out of both elementary and secondary school. I guess Members can tell from my actions here that I do not have any animosity toward people of other races. I have seen people here who voted against urban housing. I voted for it. I found those individuals who did it on constitutional grounds rather than out of animosity toward people of other races. So I will not judge people on how they vote on legislation.

Besides improving the quality of education by putting $500 million additional money in for compensatory education and besides laying down some standards for the remedies that can be used by the courts in bringing about desegregation, we also provide in title II for the first time what is a denial of educational opportunity, and I believe we list them here, what has been laid down by the courts as a denial of educational opportunity, and we even go further than that.

I think we ought to be aware of the fact that we do go further than just what the Court has laid down. For certain we know that in subsection (f) of section 201, which states:

> The failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs—

That certainly goes further than what the Court has said so far.

So here we have a piece of legislation which I believe will eliminate the worst emotions against schoolbusing, for improving the quality of education for disadvantaged children, and the country can still eliminate unconstitutional segregation. I believe that is the kind of legislation this country needs.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I thank the gentleman for yielding.

I fail to understand the question of constitutionality on this legislation as the gentleman has explained it. As I understand it, the legislative branch of the Government has said it has the power of the pursestring and has taken $500 million for compensatory items and therefore has provided to the Supreme Court remedies other than busing.

If that is in fact so, how does the gentleman square away the fact that this legislation still restricts the Supreme Court in its opinion, in its mandate to desegregate? If in fact it believes it is necessary to use busing for students from 1 to 6 years old, I do not see how it squares away with the fact that the Congress controls the pursestrings on the constitutional question.

Mr. QUIE. As I look at it, when the Congress looks at what the Court has said, they do not even propose to bus, so far as that would impinge on the educational process, if it is permitted that elementary schoolchildren be bused across town, rather than to leave them in their own home areas. I believe, and every proponent of the legislation believes, this is permissible.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Chairman, I yield myself 3 additional minutes.

Secondly, since we then would provide the additional money, it is conceivable to me that the courts, recognizing that, would say, "There we can provide for equal educational opportunity."

It appears to me the question here is equal educational opportunity for the children.

Mr. RANGEL. If I accept that we are giving the Supreme Court more to work with, that still does not deny the fact that the legislation restricts what the Supreme Court can do.

Mr. QUIE. That is correct. I believe we do have the power to restrict the remedies. I do not believe the Congress can take action which will deny constitutional rights, but I believe we can restrict the actions of the court provided we still leave the remedies to protect constitutional rights.

Mr. RANGEL. My question is, if the Supreme Court finds it is necessary to bus a child in order to fulfill the mandate of the U.S. Constitution, does not this legislation prohibit it from doing that in certain cases?

Mr. QUIE. I do not believe the court will find that is what Congress has done.

Mr. RANGEL. The gentleman must admit there is a serious constitutional question involved in this legislation.

Mr. QUIE. There is a serious constitutional question involved, as I said, and I feel we are being constitutional here.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from New York.

Mr. CELLER. Will the gentleman explain what is meant by the term "closest or the next closest" school. You will recall that Justice Burger, in the Swann case, indicated that conditions varied so widely that in terms of traveltime, because of travel patterns, good highways and accessibility, that the school closest geographically may not be the nearest in terms of travel.

Mr. QUIE. I recognize that is what Justice Burger said. At that time they did not have the opportunity to utilize the additional assistance we provide in this legislation. Also, he said, as I recall, that he referred to the closest school. He did not refer to the second closest school to the residence. Whether that would give them sufficient opportunity to eliminate the vestiges of a dual school system in Charlotte I do not know.

Mr. CELLER. Chief Justice Burger, speaking for a unanimous Supreme Court in Swann, declared:

> Maps do not tell the whole story since noncontiguous school zones may be more accessible to each other in terms of the critical travel time, because of traffic patterns and good highways, than schools geographically closer together. *Conditions in different localities will vary so widely that no rigid rules can be laid down to govern all citizens.*
>
> * * * * *
>
> We find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. *Desegregation plans cannot be limited to the walk-in school.*

Thus, H.R. 13915 may in fact require assigning children to less accessible schools and cause longer rides on schoolbuses.

Now, suppose the closest school or next closest school were a segregated school, or a school located in a segregated neighborhood? Can the Government mandate school assignments in racially segregated neighborhoods? What would they do then?

Mr. QUIE. There is no requirement, as I read the decision, that in every school they have to have a racially balanced situation. As I read it, the only time when they are mandated to remove a segregated system is when that was caused by the dual school system.

Mr. CELLER. Suppose the neighborhood itself is segregated, is it the aim of the bill to mandate school assignments in such neighborhoods?

Mr. QUIE. What does the gentleman mean by "segregated"?

Mr. CELLER. Suppose it is a ghetto, where racial groups are congregated and constitute a preponderant majority of the inhabitants? If establishment of such assignment zones is the goal, every Member must acknowledge the patent unconstitutionality of the bill.

Mr. QUIE. The courts have not ruled that a segregated school is de facto unconstitutional.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. QUIE. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, I promised to yield to the gentleman from Illinois (Mr. PUCINSKI) and I yield.

Mr. PUCINSKI. In the gentleman's reply to the gentleman from New York (Mr. RANGEL), the gentleman was correct. In Katzenbach against Morgan the Supreme Court said, in interpreting section 5 of the 14th amendment:

> Correctly viewed, section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the 14th Amendment.

Mr. QUIE. I thank the gentleman for his contribution.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I am glad to yield to the gentleman from North Carolina.

Mr. JONAS. The gentleman from Minnesota in response to the chairman of the Committee on the Judiciary is absolutely correct. Chief Justice Burger stated in the Charlotte case, in the Swann case, the following and I quote him:

> If we were to read the holding of the District Court to require as a matter of substantive Constitutional right any particular degree of racial balance or mixing that approach would be disapproved and we would be obliged to reverse.
>
> The Constitutional command to desegregate schools does not mean that every school in a particular community must always reflect a racial composition of the school system as a whole.

Your response to the chairman is absolutely correct as I read this decision.

Mr. QUIE. I thank the gentleman.

Mr. DELLUMS. Will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding to me. I listened to the gentleman very closely and especially to the opening statements that he made about the concern of American families with regard to busing their children into, and I quote, "strange and foreign communities." I would like the gentleman to respond to this question. Is it not your opinion that one of the tragedies of America and one of the reasons for the lack of humanity and justice in this country is because too many individuals, groups, sections of communities, and total communities are perceived by too many people in this country as either foreign or strange? Would the gentleman respond to that?

Mr. QUIE. Yes; I agree with you that there has been a tendency in the last perhaps 30 years from what I have been able to observe of people tending to live together in the same economic level—not just race, but economic level as well, with houses being constructed in housing programs in areas where they are all of the same income level, which tends to make people of that strata to live and associate with each other, and then others become foreign. I do not think it is wise to use schools to try to break this up. I came from a rural community where a rich man and the poorest person practically lived next door to each other and associated with each other. I think that is healthy.

It was a misfortune that there were no people of the black race there. It would have been a better mix. The conception of America from the beginning was to have that mix, and I am as concerned as you are about, but I do not want schools to force the little children, and I am talking about the elementary schools, to pay the penalty for what the adults have done.

If you could have corrected it, then we ought to look at it, but I have seen studies to show that it does correct the problem you have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I yield myself 2 additional minutes. I yield to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. I thank the gentleman for yielding. In section 201 of title II of the bill, the word "assignment" of students by an educational agency is used in subparagraph (c) and the word "transfer" is used in subsection (e). Would you please explain what difference is intended by the use of those two words?

Mr. QUIE. Assignment in subsection (c) and transfer in subsection (e)?

Mr. WIGGINS. Yes.

Mr. QUIE. As I see it, and here we are talking about title II, the unlawful practices and denial of equal educational opportunity, to go through them first, they are the most glaring examples of segregation and deliberate segregation for the reasons that were laid out by the courts very clearly.

Then in (c) when there is an assignment by an educational agency of a student to a school other than the closest school, and you know there are times when he would be required to assign them, then you should not do it in such a way that it will increase the degree of segregation. When it comes to the transfer down at the bottom here, we go to whether it is voluntary or not.

Then you go to whether it has the purpose or effect. You cannot transfer if it has neither the purpose nor effect of bringing about an increase. So I think you are dealing with two possibilities of the local school agencies moving a child from one school to another.

Mr. WIGGINS. I understand that the provisions of the two subsections are different, but what I want to know is whether the committee meant any real difference by the use of two different words, "assignment" and "transfer?"

Mr. QUIE. I doubt that there was any.

Mr. WIGGINS. Accepting that response, I now would like to turn to section 401 on page 35 of the bill.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. QUIE. Mr. Chairman, I yield myself 2 additional minutes.

Mr. WIGGINS. Mr. Chairman, if the gentleman will yield further, on line 16 of that section, the language "particular denials of equal educational opportunity" is used, and I would like the statement of the gentleman as to what is intended by the use of the word "particular."

Perhaps I can frame my concern more precisely; I would like to know whether or not the use of the word "particular" is intended to foreclose class actions?

Mr. QUIE. I could not tell the gentleman, but I doubt that would be the case. The question never came up, so I have not checked it with counsel at all, but I doubt that it would.

Mr. WIGGINS. Is it accurate to say that there is no conscious intent to foreclose class actions?

Mr. QUIE. Not at all, that is correct.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from California, and then I will not ask for any more time.

Mr. CORMAN. Mr. Chairman, I want to inquire whether or not this bill attempts in any way to restrict the court's ability to make a determination that the segregation is de jure. Is that still left entirely to the jurisdiction of the court as to finding of fact? Is that correct?

Mr. QUIE. That is correct.

Mr. CORMAN. And I assume this bill does not in any way deny a child remedy, if there is de jure segregation, is that correct? Or is it intended in any way to change a child's right that he now has to be protected from de jure segregation?

Mr. QUIE. That is right, but it does put a limit on the remedies that the court can use, and that limit is in section 403(a).

Mr. CORMAN. Then the court may order an end to de jure segregation?

Mr. QUIE. That is correct.

Mr. CORMAN. The point is that if the child moves further than one more school zone, then he must be ordered to walk rather than ride a bus; is that correct?

Mr. QUIE. No; it is just that he will not be ordered to go.

Mr. CORMAN. Then you do change the right of a student to be protected from de jure segregation in this bill?

Mr. QUIE. No; we do not change the right. We do put a limit on the remedies. They will have to use other remedies to bring it about. The same thing is incorporated in the authority act.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. PUCINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. GARMATZ. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Maryland.

Mr. GARMATZ. Mr. Chairman, I would like to include a letter, at this point of the debate, as a perfect example of mail that I have received in opposition to H.R. 13915:

AUGUST 15, 1972.

Hon. EDWARD A. GARMATZ,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN GARMATZ: I write out of the utter frustration of someone who has followed closely the emergence of busing as the superficial solution to integrating the public school systems throughout this nation. I am opposed to busing and I feel the vast majority of Americans both black and white, share this view.

The voyage of the past 200 years cannot be eradicated by forcing today's children to pay for yesterday's mistakes.

Massive busing of students ignores the basic purpose of the public school system which is to provide the best possible education to every child regardless of race, color or creed. The priority of the next Congress very clearly is to provide nothing less. And this can be done without busing which disrupts family and community life, without the risks created to the health and safety of our children and without seriously threatening the quality of education dispensed within our public schools.

Busing today is being used as the "easy answer" to achieving integration. What disturbs me about these solutions of convenience is that they often become excuses for doing too little about giving people the educational tools they need to compete in today's world. They become justifications for failing to assure equal employment opportunities for all of our citizens and for failing to give our people decent housing so they may live as human beings.

In some areas where racial busing has been instituted, administrators are discovering that the cost of buses and hiring drivers has siphoned funds from programs that would improve the quality of public school education. It is removing funds that could be put to better use by providing programs that adequately prepare a child to take his place in the world with dignity and with full confidence that he or she can compete equally.

The nightmare of busing is with us today because past national administrations and past Congresses have failed to come to grips with problems of guaranteeing equal opportunity across the board. Because the government has side-stepped and neglected this significant issue, we are now faced with a divisiveness regarding busing that is creating serious polarization within our society.

How many times have you heard politicians pass the buck by telling their constituents, "you can't fight the court"? But we can change all this. The House of Representatives is now pursuing deliberations on House Bill 13915. This Bill provides at least a beginning toward a rational uniform method for establishing guidelines on busing. To prevent an incredibly chaotic situation this fall as the result of eleventh hour pupil reassignment, redrawing school boundaries and providing buses, I would urge the following amendments to House Bill 13915:

To make guidelines in the Bill applicable to the 1972 school year.

Wherever busing orders are pending or are issued after August 1, 1972, the appropriate school authorities will have until the beginning of the 1973 school year to implement fully the new guidelines.

To require that all costs involved in integration-oriented busing be borne by the federal government.

I would further urge each and every member of the Congress to make a personal commitment to truly equal opportunity for all of our citizens in the areas of employment, housing and education. Only when this commitment is fully realized and fully implemented can we avoid collision courses with polarizing remedies such as busing and forever bury the dualism that has been the great American tragedy. And with it let us bury once and for all, the popular but erroneous myth that we are powerless against the courts.

Sincerely,

WERNER FORNOS.

Mr. MEEDS. Mr. Chairman, I would like to take just a moment at the outset to set the record straight on a couple of things that have transpired.

First of all—the holding in Katzenbach against Morgan was precisely the opposite of what the gentleman from Illinois indicated or intimated that it was.

The gentleman from New York is precisely correct—the fifth amendment cannot be used to restrict the due process clause of the 14th amendment. That is precisely what Katzenbach against Morgan decided.

So if this were to be interpreted, as I clearly think it is—a restriction on rights granted under the 14th amendment—it would certainly also be held improper under the fifth amendment.

Second, I would probably agree with the gentleman from Illinois that there is not too much argument about the constitutional issue in view of the witnesses who appeared before the committee. I would disagree with his interpretation of that, however.

The fact is that with the exception, I think, of two witnesses who appeared before the committee, every single witness—every single expert witness—every professor of law, every lawyer who appeared and testified on the constitutionality of this bill said unequivocally that it was unconstitutional.

So I think that the record ought to be amply clear on that.

I do not think it should be necessary for me to establish credentials in objectivity on this issue. But let me just try, briefly.

I am not one who feels that we, in the Congress, do not have the power to establish guidelines. Indeed, I think we do have the power to establish guidelines in this Congress—and I think we should have done so a long time ago.

Had we done so, and done so properly, we would not be at this impasse.

I am not one who felt that we could not require a stay. In fact, I worked in the higher education conference and on the modified Broomfield amendment, as the gentleman from Minnesota will tell you, and I believe that we, in the Congress, do have a right and the power—and I believe that the Broomfield amendment is constitutional to stay the orders of courts.

But that is not the issue with which we are here met.

I am also not one who believes that busing is the total answer to the problem of desegregating our society. But, in some instances—and the gentleman from California (Mr. CORMAN) was precisely correct.

In some instances, where there are still situations of de jure segregation, this bill will absolutely prohibit a remedy which would otherwise be available, and thus flies directly in the teeth of Brown against Board of Education.

It is unfortunate that we cannot separate the emotional issue of busing and dispassionately here today discuss the constitutional issues. Because it seems to me that a deliberate reflection on this bill will show very clearly that particularly section 403 is absolutely unconstitutional.

For 18 years ago, the U.S. Supreme Court held that the separate but equal doctrine was inherently unequal and every Supreme Court Justice since that time has taken a position foursquare for enforcing the constitutional remedies with regard to that.

The hypothetical that the gentleman from California used shows that black children in the sixth grade, in some instances, are going to be deprived of the constitutional guarantee enunciated by Brown against Board of Education.

As noted by the Supreme Court in the Swann opinion it is unconstitutional, where a plan assigning children to schools nearest homes "may fail to counteract the continuing effects of past segregation and hence be constitutionally unacceptable." Section 403 will fail to counteract the continuing effects of past segregation and as such is patently unconstitutional.

And finally, section 403 flies in the teeth of one of the oldest and most famous cases that our Supreme Court has ever decided—the case of Marbury against Madison, decided in 1803, and written by Chief Justice Marshall.

Every act of the Congress must be measured against the Constitution. When they conflict the Constitution must prevail. Chief Justice Marshall said, "It is a proposition to plain to be contested that the Constitution controls any legislative act repugnant to it."

Indeed it is a proposition to plain to be contested. Otherwise of what use is the Constitution. If the Congress can override the Constitution by the mere passage of legislation is serves no valid purpose and must be described as the futility of our forefathers.

The institution which measures legislation against the Constitution is the Court. To hold differently would be to allow the legislature to arrogate unto itself power which would badly overbalance the balance of power.

As Chief Justice Marshall said in Marbury against Madison, "Were it otherwise" it would reduce "to nothing what we have deemed the greatest improvement on political institutions, a written constitution."

Mr. Chairman, if this House is hellbent on denying a right guaranteed by the Constitution, let it do so straightaway by a constitutional amendment rather than by indirection. I want no part of either—but most of all I want no part of this bill which prohibits remedies and provokes confrontation.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, today is the day that many of us have been looking forward to for a long time. For the first time we have an opportunity, in substantive legislation, to write into permanent law some provisions which will guarantee to all schoolchildren, black or white, that they are not going to be shoved around—moved around—shifted around—because of their race, color, or creed.

In the past we have added to appropriation bills which, of course, have a very limited term, certain restrictions on busing, attempts to achieve racial balance, and so forth. The bill today concerns me because I believe it takes as a basic premise the fact that we are going to have busing. Then it begins to limit the amount of busing that is going to be allowed. In one instance it states that there will be no busing of students below the sixth grade. In other instances it states there will not be busing to achieve racial balance if it is detrimental to the health of the individual.

I believe the time has come in America when we should stop classifying students as black or white students, with their race to determine where they are going to school.

I will offer at the appropriate time an amendment to do this. I sincerely believe that this amendment will withstand the challenge of the court, because we as a Congress are granted in the Constitution under the 14th amendment, section 5, the power to implement the provisions of the 14th amendment.

Now, in implementing the phrase, "equal protection of the law," we can certainly state that in order to provide equal protection for all children, white as well as black, we are not going to force a child out of a school which some call a superior school and into a school which some call an inferior school because the racial balance is not correct, and in order to correct that particular balance.

Those of you who may feel that this would allow for discrimination, I would like to set your fears aside. If the court finds that in any area a school body is being designed for racial purposes—let us take, for example, that a school district is drawn with a corridor 2 miles long and at one end there is a solid white constituency and the people have drawn it along that line and the student body is 100 percent—I personally think the court would be fully justified in coming in and saying, "You are assigning those children—that district was drawn—for the purpose of having all whites in there. Therefore, the assignment is based upon race, color, or creed."

I think my amendment would, in effect, prohibit that, but by the very same token my amendment would prohibit any school board, court, or anyone else from coming in and stating, "this is a white school although the entire neighborhood is white, and this is a black school, although the entire neighborhood is black, and we find that you are going to have to have busing in order to break up this racial pattern."

Now, when you get right down to the nitty-gritty of it, that is exactly what is happening throughout the entire country. We are stressing beyond all reasonable realm the idea that we must force a racial balance on the people. We are getting away from the concept that we in America should consider each American as an American and as an individual. We should forget about his race, his color, or his creed, certainly so far as assignments to schools are concerned.

There is nothing in this amendment which would allow any person to specifically try to draw a school district so as to perpetuate a segregated district, or on the reverse side, so as to perpetuate or require a racially balanced district. In effect, you would not be able to consider race for school assignments. I think the amendment has great merit and I urge your support when it is offered.

Mr. PUCINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. HAWKINS).

Mrs. ABZUG. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and two Members are present, a quorum.

The Chair recognizes the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, certainly in this debate busing is not the issue. I know of no one who simply advocates busing as such, and I think that the division in this House is not between those who are opposed to busing but rather between those who oppose constitutional rights and those supporting our Constitution. Education often requires that some children be bused, and I am of the opinion that those who have been strongy opposed to busing would go along with that particular finding. Over 60 percent of the children of this Nation are bused, and I see no prohibition in this bill that would prevent these children from being bused. It is only with respect to busing for school desegregation that the issue is raised. This constitutes less than 3 percent of those who are being bused so that the issue boils down to that 3 percent. Busing for the purpose of achieving racial balance, despite what has been said by some of the previous speakers, is not and never has been required by the courts. I would submit that those, including the chairman of the Rules Committee, who are so concerned about the distance the children are being bused, that they are suggesting that children in the rural areas who necessarily are being bused are necessarily therefore receiving an inferior education. If so, then half the children in America are receiving an inferior education, and that kind of education should be declared unconstitutional.

The issue really is equal rights. This question of constitutional rights cannot be brushed aside so easily by this Congress as it has been in the action by the Rules Committee and in the action by those sponsoring this legislation if their efforts were to succeed.

I think it should be remembered we are not dealing with the elite private schools but we are dealing with public tax-supported schools, and all who pay taxes can demand equal treatment, and those who do not want to give this equal treatment but to use the schools for their individual elite uses certainly stand against the decision of Brown in 1954.

But quite apart from the constitutional issues, there are several issues it seems to me that are present in this bill which perhaps are just as serious.

First. Those advocating this bill are in opposition to respect for law and order, which in my opinion is just as important in the classroom as it is on the street. By this legislation we are condoning school officials who have deliberately violated the law, and we are now not only going to condone but also to reward them. It seems strange a group pledged to uphold the respect for law and order would encourage those who would advocate lawlessness by condoning public officials who have deliberately violated the constitutional mandates.

Second. This legislation is in direct contraventon to the principle of States rights, and the concept of home rule, and even of the President's policy as he enunciated it a few months ago of returning power to the people in local communities. Yet in this proposal we intend to lodge more power at the Federal level and in effect make the Federal Government a Federal school board which is going to intervene in the policies and practices of local school boards and tell them what to do.

Third. It creates a fiscal deadlock. Something has been said about the money which this bill allocates. It merely juggles money which was appropriated in other bills and allocates it for purposes in this bill, money which will be expended whether this bill becomes an act or not.

So it is not new money. It is taking money away from a bill which was just signed into law 2 months ago, which the administration offered to us, which we accepted, and which had bipartisan support in this House.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from Maryland.

Mr. MITCHELL. I want to take this opportunity to associate myself with the remarks being made by my distinguished colleague. It seems to me he is pointing up the kinds of hypocrisy which caused a young black American to write these lines, "My country, 'tis of the, sweet land of bigotry."

Mr. Chairman, I rise to oppose the Equal Educational Opportunities Act of 1972. I view the findings in this bill as factually unsupportable, obfuscating, and often misleading. I shall limit my remarks to sections 3(a) (4) and (5) on page 20 of H.R. 13915 which suggest that transportation of students creates risks to health and safety and disrupts the educational process, especially for children enrolled in the first six grades.

These findings contain the insidious implication that it is busing for desegregation that leads to all these dastardly dangers. This just does not follow. If 43.5 percent of the Nation's schoolchildren are bused and they experience no excesses, then busing cannot be any less safe for the 3 percent of the Nation's kids who are bused for desegregation. And it just cannot be that school authorities have been jeopardizing the safety and health of children since they decided to use the bus in 1919.

It is pure demogoguery to suggest that busing is not safe. It is the safest mode of transportation. It beats even walking or riding in the parent's car. As a report of the National Safety Council shows, accident rates in 1968–69 for boys riding schoolbuses was 0.03 per 100,000 student days compared with 0.09 for walking; for girls, 0.03 when riding a bus and 0.07 when walking to school. In that same year, the occupant death rate per 100 million passenger miles was 0.06 for schoolbuses as compared with 0.24 for regular buses and 2.40 for automobiles.

Not only as safe as safe can be, busing is speedy and efficient. Trips are rarely long. The average traveltime is 20 to 30 minutes. An hour or more would be out of the ordinary. A trip of half an hour or so would not bring the pupil home much later than if he walked from a neighborhood school. In Richmond, Va., for example, the desegregation order called for an average bus ride of about 30 minutes. In Hoke County, N.C., desegregation actually shortened the bus ride 15 minutes. In 11 cities surveyed by the NAACP legal defense fund, the length of an average trip increased 15 minutes more in only two and remained the same before and after court-ordered desegregation in six.

In fact, busing is used to insure the safety of children. In Roanoke, Va., the school system used 20 newly purchased school buses not only to comply with their desegregation order, but also to bus kindergarten children who last year had to travel via unsafe streets. In Virginia, during this last school year, 66,110 children otherwise ineligible for State-reimbursed transportation because they lived within walking distance of their school were nonetheless bused. The reason—safety.

In fact, elementary schoolchildren are sometimes bused further than high school students. In Charlotte-Mecklenburg, N.C., the system as a whole, without regard to desegregation plans, scheduled more elementary schoolchildren than high school children for busing, 4- and 5-year-olds having to travel the longest routes. The same is true for Florida, in Duval, Hillsborough, Pinellas, Manatee, and Orange Counties, where the majority of kids bused are in elementary school.

Apparently, local education officials do not share the same alarmist views as the authors of this bill. They deem busing essential in protecting the health and safety of schoolchildren for traveling.

Some proponents suggest that busing disrupts by deterring kids from taking part in extracurricular activities. This should not happen. Students in remote rural areas have been riding buses for years without giving up after-school activities. A lot of districts provide an "activity" bus; one that is scheduled to leave an hour or so after school ends for the day, so that students can participate without having to walk home.

And last of all, may I remind my colleagues of the Lambda Study. This important report, commissioned but never released by HEW, concludes that additional busing to provide almost complete desegregation can be as little as one-third to one-quarter of the amount estimated by conventional rule of thumb techniques.

This election year has stampeded this Congress into a wild rush to report the bill out of committee and to get it passed. We have trampled over the reams of testimony, completely ignoring evidence arguing for its defeat. I call upon my colleagues to resist the thundering hooves of those who would cast aside the

Constitution and listen to their inner reasons in these times of hysteria and prejudice.

Mr. HAWKINS. I appreciate the contribution by the gentleman.

Mr. Chairman, already we have in the Emergency School Act, passed a few months ago, prohibited the use of Federal education funds for transportation of students or teachers to overcome racial imbalance or to achieve desegregation. So those Members who are so anxious for political reasons to get a vote against busing have already had that opportunity. If this also is passed, the question arises as to which one of these prohibitions is going to prevail.

We are just creating hostility, confusion and chaos in the schools of our country. The bill should be defeated.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. Wiggins).

Mr. WIGGINS. Mr. Chairman, I thank the gentleman for yielding.

The purpose of my taking the well at this time is merely to gain a better understanding of some language in title II of the bill which troubles me.

The committee report, Mr. Chairman, starts off by saying that the principal purpose of this bill is to end the last vestiges of dual school systems in our country. Yet I am not convinced that it is confined to that purpose. So I ask the gentleman from Illinois (Mr. Pucinski) and the gentleman from Minnesota (Mr. Quie) to give me their attention for a moment, so that I may inquire about the meaning of section 201(c) on page 32 of the bill.

As I read that section, Mr. Chairman, it speaks of an assignment by an educational agency to another school which results in a greater degree of segregation.

My first question is: Is it required that the assignment be motivated by a purpose to discriminate?

I yield to the gentleman from Illinois for an answer.

Mr. PUCINSKI. The answer is "yes." There must be an intent to discriminate.

Mr. WIGGINS. Does the gentleman from Minnesota agree with that interpretation?

Mr. QUIE. Yes; I would agree.

Mr. WIGGINS. That being the case, I should like now to pinpoint a particular problem in my State, and perhaps in other States as well.

We are struggling with bilingual education programs in California. I am sure other States are doing likewise.

If a school district should feel compelled to assign a youngster of a national origin group—in my illustration, a Mexican-American—to a different school so as to take advantage of uniquely qualified bilingual education instructors in that school, would it be an unlawful act even though the assignment would increase the degree of segregation by national origin in that school?

Mr. PUCINSKI. If this school provided the particular type of education which this child needed, as spelled out in line 17 of subsection (c), this would not be a violation. The test would be whether it is providing the type of education that this child needs. If that is the only school which can provide the bilingual education and the child needs that bilingual education it would not be considered a violation. However, this explanation assumes that there is no systematic discriminatory activity by the school district against these school children.

Mr. WIGGINS. I should like to get the concurrence, if he does concur, of the gentleman from Minnesota in that interpretation of subsection (c) of section 201.

Mr. QUIE. It would be my understanding, because that is where we have the "appropriate grade level and type of education" wording.

The bill specifies "the appropriate grade level and type of education." If that is the only place you can get that type of education, it would certainly be permissible.

Mr. PUCINSKI. Will the gentleman yield further?

Mr. WIGGINS. Yes, I yield to the gentleman.

Mr. PUCINSKI. I might call the gentleman's attention to line 16 further to fortify the position you have taken here. The words are "providing the appropriate grade level and type of education for such student."

Mr. WIGGINS. Yes, I read that language, but what I am trying to accomplish by my questions is to have this interpretation by the two leaders on this bill made clear. I now understand the prohibition against assignment which may result in a degree of segregation higher than that which would be the case without the assignment is not barred absolutely if the intent is not to discriminate and if it is necessary in order to achieve an appropriate type of education for the student.

Mr. PUCINSKI. That is correct.

Mr. THOMPSON of Georgia. Will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman.

Mr. THOMPSON of Georgia. I thank the gentleman for yielding. It appears to me the phraseology is very clear. There is a prohibition if the assignment results in a further degree of segregation. You may well have, and you do have a grade structure and type of education, but you may well have within that area the same type of education in this group, but yet he wants to go there. It seems to me that is a prohibition resulting in a greater degree of segregation which would prevent the assignment based on race.

Mr. PUCINSKI. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York (Mrs. Chisholm).

Mrs. CHISHOLM. Mr. Chairman, first of all, I think it is very important that we correct some of the errors that were made here earlier this afternoon, because busing is not really the issue. Over 73 percent of the young people in this country are bused to other schools for reasons other than for the purposes of desegregation. So busing is nothing new.

We are dealing with a bill that offers no sound solution to the inequities in education that deprive our children of learning experiences necessary for their development. The solution here offered, and solution is hardly the word for it in my mind, is blatantly political and is without a shred of educational relevance. It is an insensitive ploy to placate and appease parent voters who are overwrought with imagined and unsubstantiated fears about integration.

The children of the parents, who object so vehemently to busing, meet others of different races and nationalities with more calm and wisdom than we have seen their elders exhibit since busing became a household word this election year. We have not seen one iota of hard evidence, not one shred of sound testimony which proves that children undergo psychological and sociological damage by riding a bus to school. Is not the elementary age the best time for children to learn that there are others in the world a bit different from them but no less human?

I am dismayed over the subterfuge perpetrated by calling this bill an equal educational opportunity measure. It is not. Even the minimal provisions of title I of the original H.R. 13915 have been watered down in the legislation currently under consideration.

We are left with an antibusing measure designed to fit an election bandwagon rather than any substantive national need.

Busing has been blown up beyond all perspective on all levels and in every fashion. It is beyond credibility to consider busing of such paramount importance that Congress must take action not once but two or three times in one session. Particularly when there are so many other measures that deserve, and are not getting, congressional attention this year. Welfare reform, strong water pollution control legislation, day care, are all relegated to the wings while busing remains center stage.

Less than 2 months ago the President signed the higher education bill as enacted by Congress. Its stringent busing provisions received much more congressional and public scrutiny than some of the real educational advances it in fact contained. As a result of its passage, school integration plans due to go into effect in September are now subject to postponement and further acrimony.

Having already taken this action, the Congress continues to belabor the issue. What more is necessary? The victim—the American child—has been knocked down—must he be kicked, also?

For the benefit of the Democratic Members of the House, let me remind them of the plank adopted by the delegates to the convention in Miami:

> Transportation of students is another tool to accomplish desegregation. It must continue to be available according to Supreme Court decisions to eliminate legally imposed segregation and improve the quality of education for all children.

The statement introducing the plank on education says:

> America in the 1970's requires . . . masses of educated people—educated to feel and act, as well as to think . . . Education must prepare students not just to earn a living but to live a life—a creative, humane and sensitive life.

These are sentiments which I share wholeheartedly. Moreover, it should be clear to Members of Congress after years of community and public involvement that learning to live a "creative, humane and sensitive life" cannot be done in isolation. One of the basics of quality education is exposure to the many sides of our multiracial society. Following decades of discrimination, if busing is the only fiscally responsible means presently available to achieve school desegregation it should not be prohibited. Of course, some parents fear that their children will be transported to poorer schools; the very existence of this fear, however, reflects some sad truths about our school systems. I agree with Father Hesburgh that substandard schools should be bulldozed. The League of Women Voters of the United States has testified that their local experience also bears out Father Hesburgh's contention that when active concerned white parents have children in previously black schools a miraculous transformation takes place as elected public officials respond to their political clout.

I would like to speak briefly to that part of the bill which I consider most damaging.

Court-ordered transportation of an elementary school student beyond the school closest or next closest to his home would be absolutely prohibited. Even secondary school integration by transportation is effectively barred: the delaying tactics made possible through requiring proof that no other remedy would work could make plans for desegregation drag on for years with the added onus that court orders shall be delayed pending appeal. The patience of Job would be tried by such procedures—and pupils presently in school would probably be grandparents before the problems were resolved.

Finally, there are going to be attempts here today to amend the bill to include a section, wisely deleted by the Education and Labor Committee, which says that if a school system so chooses, court orders or Federal agency desegregation plans intended to end segregation "shall be reopened and modified to comply with the provisions of this act." The bill even without this gem of an amendment is a Pandora's box—add it and the bill would be a Pandora's trunk.

The whole question of what constitutes legitimate court and agency procedure in specifying desegregation plans would be open to doubt, and many school systems would very likely apply to reopen past decisions for further argument, with the strong possibility that a system could revert to its prior segregated state.

Eileen P. Simmons, quoted in an editorial in the Gainesville, Fla., Sun on July 29, 1972, tells of the desegregation uproar in her so-called tolerant home of Minneapolis—compared to the integrated tranquility of her current home in Tallahassee. She notes, and I quote:

> President Nixon has ordained that busing is intolerable now, in the stifling spring of 1972. Our Chief of State has ordained that separate does not necessarily mean unequal. . . .
>
> How, then, do we explain to our children that what was necessary in the South is no longer necessary in the North? . . . They ask us which is more evil, the inconvenience of the white majority for a few years, or the unequal educational opportunities of the non-white minority for a hundred years?
>
> Our children counter with the truth that the Supreme Court in 1954 proclaimed that separate IS unequal. Is the President of the United States, the upholder of the Constitution, advocating disobedience or, at the very least, the ignoring of the law of the land?

Well yes, he is and so is the House of Representatives if it passes this bill.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. BURKE of Florida. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I will be glad to yield to the gentleman from Florida.

(Mr. BURKE of Florida asked and was given permission to revise and extend his remarks.)

Mr. BURKE of Florida. Mr. Chairman, I rise in support of H.R. 13915, the Equal Educational Opportunities Act, which declares the policy of the United States to be that: First, all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, or national origin; and second, the neighborhood is an appropriate basis for determining public school assignments.

In my two decades of serving the people as an elected official, first on the local level, and now on the national level, I do not believe that I have witnessed a more persistent, emotional issue than the controversy over the busing of children to achieve racial balance in our public schools.

In March of this year, when Florida became the first State to hold a referendum on the subject, 74 percent of the people of Florida by their votes indicated they opposed the busing of students and indicated their support for a constitutional amendment to prevent it.

It is interesting to note also that Florida is not alone in voting its opposition to school busing. National polls have also consistently shown a strong resentment by the people in almost every part of the Nation to the busing of students. Even the delegates to the National Black Political Convention, which was held in Gary, Ind., voted overwhelmingly against busing and in favor of the concept of local neighborhood schools.

I, too, favor the right of freedom of choice and the concept of the neighborhood school, but I favor also an honest concept of an equal educational opportunity for all. In the 91st Congress, I, like many others, introduced, and which I reintroduced again in the 92d Congress, a joint resolution which would amend the Constitution of the United States to prevent the busing of schoolchildren from their neighborhood schools, except with the consent of their parents. I have also introduced H.R. 9865, which would, if enacted, preserve the right of students to attend their neighborhood schools.

President Nixon, on March 16, 1972, on national television, made two proposals for resolving the present busing dilemma. H.R. 13915, which is before us today, proposes equal education for all. H.R. 13916, which is still in the Committee on Education and Labor, proposes a moratorium on busing.

To be frank, I honestly do not feel that these proposals are strong enough to overcome the resistance of the people to the thoughtless disregard of their rights displayed by the Federal courts in their social reform decisions or by the bureaucrats. All efforts prior to now have been frustrated by either one side or the other. The problem would have been further on the road to a solution, if the courts had heeded the various amendments passed by the Congress as part of some educational appropriation bills forbidding the use of Federal funds for the purpose of busing to achieve a racial balance. Regrettably this has not been the situation for the reason, that as usual, the courts indulged in sociological legislation rather than adjudication as it should.

With the 92d Congress drawing to a close, the suggested constitutional amendment against busing has little, if any, chance of enactment. I am a signer of the discharge petition to bring it to the floor for a vote, but this petition has been circulating for months and it still lacks the necessary two-thirds of the signatures to bring it out. Also, we should recall that, last fall there was a successful discharge petition effort when the prayer amendment was forced to the floor for a vote, yet many of the two-thirds of the Members of the House who signed the discharge petition did not vote for the measure on the House floor, and it was defeated. If the necessary two-thirds will not sign the discharge petition, what chance is there of getting a favorable vote on the House floor? Mr. Chairman, even if it was passed by the House, I doubt if it would be passed by the Senate, and even it was passed. and was then ratified by the needed 38 State legislatures, I fear that the children presently being bused might well be adults.

Mr. Chairman, I strongly favor the constitutional guarantee of the protection of the rights of the minorities, but I have never felt that the protection of the rights of the minorities calls for completely disregarding the equal rights of the majority. People are reasonable, but, if we take the position of to hell with the feelings of the majority, then such an approach, I feel, will not solve many of our existing social problems, but, will, instead, only lead to further polarization of the races, and, further, divisions, fear, and distrust in our society.

The real question is, Are we really interested in the proper and equal education of all children or are we busing our children solely for political reasons to achieve racial balance? Those who disguise the busing of students as a means of better education, either ignore the fact, or do not realize whether by ignorance or design, that busing is intended to dismantle the dual school system, and it does so to the detriment of families, communities, and the children themselves, in whose welfare the courts and the bureaucrats purport to have an interest.

I support H.R. 13915, because I honestly believe that all children enrolled in public schools are entitled to an equal educational opportunity without regard to race, color, or national origin, and that the neighborhood is the appropriate basis for determining public school assignments.

I feel also that busing of students is wrong and does not and will not solve the problems of segregation. I, therefore, urge my colleagues to vote for passage of H.R. 13915, to put an end to the frustration of our American families, without further sociological, legislative meddling of the courts with public education.

Mr. COLLINS of Texas. Mr. Chairman, as my friend mentioned before, busing is certainly not the main issue. The real issue is education. Every time a family moves into a new neighborhood down in Texas invariably the first thing the mother asks is, "What is the school in our neighborhod like?" School is the primary thing they talk about when they choose where they are going to live. And then when the youngsters come home from school the first thing mother asks is "What happened in school today?" And, "What is the news with your teacher?" and school is the most integral and most important element of a child's life, and does more to develop a youngster than anything else.

So when we are talking about busing and when we are talking about quality education we are talking about education—the most important factor of all in the future of America.

I want to talk a while about quotas, because basically quotas is what we have gotten into in talking about busing. Buses haul kids from the country into town, that is true, but when we talk about busing today we are not talking about bringing the kids from the country into town, we are talking about busing to work out quota systems for various schools.

A couple of weeks ago I received a letter from the Secretary of HEW, Elliot Richardson, in answer to my specific question, I said, "Do we have a quota system for schools in HEW?" And he very definitely said, "There is no quota system, we have no student quotas of any type."

You can well understand why HEW does not have quotas, because in my State of Texas the largest minority are Mexican Americans, and yet right beside us, if you went over in Louisiana and started talking about who were the minority, they would tell you that the French are the minority. Or if you continued right up beyond us and asked who were the minority in Oklahoma they would start talking about the Indians.

I have talked to citizens in the North, and I have visited Northern cities. I was in Chicago the other day, and there was a Polish community. In Cincinnati I found a German community. In Boston—and I lived there for a while—I found an Italian community, and I found also that they had an Irish group. People of different racial groups sometimes live together, but when they live together they should have the right for their children to be able to go to school together.

We are talking about equal opportunity, and we are talking about equal opportunity for all children. When we really get down to basic facts the problem is that some children, when they enter the first grade, are not as well prepared as other children. That has nothing to do with race, economic conditions, religious background, or anything, but some of them are not just as well prepared in academic readiness.

That has nothing to do with race, ethnics, religious background, or anything. But some of them are not just as well prepared.

In this busing system we have developed, we have tried to shuffle children. If I may, I would like to tell you of a telephone conversation I had the other day. I called to talk to a businessman friend of mine, down in Dallas. He was not in the office but the secretary said that he would be back in a minute. While waiting I asked her, "What is the news down in Dallas? What is important?" She said, "I will tell you, Congressman, what is the most important thing in the world. They have slowed my child down in his education. My youngster is in the third grade, a real, real bright young boy. Last year he was in the advanced class and every day he was up and eager and he wanted to get to school 15 minutes early." She said, "I never saw such enthusiasm and a desire to learn. Then this year they started a busing system and they have now leveled it down to where the class is moving about a grade below their previous academic level. He is moving so slow—he has lost his enthusiasm and he has lost his joy for education.

"Now my other child is just an average student. This one had a great opportunity to go someplace—he could have been a scientist or gone into research. What they are trying to do is to pull him down."

The way America became great is by moving everyone up together. We never get anywhere trying to figure how we are going to bring some people down while we bring others up. Everybody needs to move forward together.

In all the legislation we work on this year, nothing will be more important than to improve equal educational opportunities for all students.

Mr. PUCINSKI. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Chairman, I certainly agree with the previous speaker that the purpose of having a democracy in America is to move all of the people upward to the point where they constitute a part of the majority.

But I believe that the legislation that is pending before us today does not do that. I believe the Congress has discovered 18 years too late that it had a responsibility to implement the Supreme Court decision in Brown against Board of Education, but that it is not discharging that responsibility by this legislation.

What we are doing today is that we are seeking to follow the discredited and deceitful pattern of refusing to accept the decision in Brown against Board of Education that was established by all the Southern State legislatures over a period of 18 years—the deceitful and discredited pattern that did not work for them—and which is not going to work for Congress either.

The Supreme Court never said in 1954, or since, that we had to have busing. All that the Supreme Court said was that steps had to be taken with all deliberate speed to end separate even though equal systems of education in this country.

For years, State legislatures in the South sought to nullify that decision, with the support of the Governors of the Southern States. They tried techniques that are proposed in this bill, and all of those techniques failed—and they are going to fail when they come up for review now, if they are approved by this Legislature, since it makes no difference whether it is a State legislature or the Congress of the United States that seeks to nullify the Constitution—it cannot be done in either case and the U.S. Supreme Court will not permit it.

It is sad that instead of taking action, even 18 years too late, to implement the decision of the Supreme Court, we are seeking to avoid and to nullify that decision. We are seeking to do this by incorporating in this legislation findings of fact that everyone in this Chamber knows are not true. For example, we know it is not true that segregation has virtually been ended and that only vestiges of segregation remain and yet we seek to give this falsehood the status of a fact. We know that it is not true that busing has depleted the financial resources of schools of this country and, yet, we insist on embodying this statement into law as if by making it a law, we make a falsehood a fact. We cannot do that.

We also seem to want to ignore facts—because we provide that the neighborhood is an appropriate basis for determining public school assignments, but we refuse to recognize that the most important fact in making up a neighborhood is the housing pattern of that neighborhood. We refuse to recognize that the way in which segregation is preserved in this country is by allowing county officials to so arrange the zoning codes so that housing for low- and lower- and middle-income people cannot be built in a community—and in that way we preserve the patterns of segregation in housing and in education throughout the country.

If we really want to move toward equal educational opportunities, we shall have the opportunity today because I will propose amendments and others will propose amendments to recognize that we cannot provide for a neighborhood unless we provide for the total community, including the housing patterns.

If we want to move toward the one America that the gentleman before me referred to, then we will provide that one of the things that the country must look to, one of the things that all the governments in all of the respective counties and municipalities and States must do aside from building magnet schools and building educational parks is to remove the barriers in zoning conditions to have housing for lower-income people and for people of all ideas.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, I shall take this only to point out to the committee that at the proper time I shall offer an amendment under title IV, section 402, subsection (c), in subsection (c) the language says: "permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin."

I think this is the most discriminatory legislation that has been proposed by the House since I have been here. I do not think the House wants to be on record as favoring language that favor children of one race over another as proposed in this section. I intend to offer an amendment at the proper time, to make it fair, and equitable for all students.

Mr. PUCINSKI. Mr. Chairman, I yield 1 minute to the gentlewoman from Massachusetts (Mrs. HICKS).

(Mrs. HICKS of Massachusetts asked and was given permission to revise and extend her remarks.)

Mrs. HICKS of Massachusetts. Mr. Chairman, I rise in support of H.R. 13915, Equal Educational Opportunities Act which would place permanent prohibitions and restrictions on busing. It also proposes funding to equalize educational opportunities in schools that cannot be integrated. I feel that while this bill does not go far enough in banning forcible busing, it is a step in the right direction with its busing restrictions and prohibition. This bill would reserve $500 million appropriated under the Emergency School Aid Act to enable State educational agencies to make grants to local educational agencies which adopt and implement plans to provide basic instructional and supportive services for educationally deprived students. Under the bill any individual who is denied equal educational opportunity as defined by the act may institute a civil action in the appropriate U.S. district court for appropriate relief. The bill does not restrict voluntary school desegregation proposals put forth by a school district.

Our country is a government of the people, for the people and by the people, and there are constitutional limitations on the amount of coercion that the Government can exercise over its citizens. Throughout our history, the judicial branch has served as a guardian of the people, seeking to guarantee that the other two branches did not exceed their limitations. The main purpose of our judicial system is to give certainty to the law so that citizens know what the law is. Today, however, we are threatened by the judicial branch itself. In the important matter of education, our courts have caused great confusion. Federal district judges seem to have different ideas as to the interpretation of the U.S. Supreme Court decisions regarding busing. Local school boards do not know what to do. Parents do not know what to expect.

I cannot accept judicial dictatorship which forces children to be pawns in a social struggle. Force without justice is dictatorial.

Twenty years ago, this Nation committed itself to removing discrimination from its educational systems and I support this commitment. Yet, busing is itself an example of discrimination—the forcible assignment of certain students to certain schools solely because of their racial background.

Recent court decisions, which order children to be forcibly transported over separate, well-defined county or city geographic and political boundaries to be educated in a city or county that is foreign to them, have created chaos and disorder in the community and traumatic experiences for the children. These decisions are said to create neighborhood schools, but they are in someone else's neighborhood. Parents, regardless of race, fear that if their children can be forcibly taken from them and bused miles away into unfamiliar often hostile neighborhoods, then the courts shall have all the powers to decide all things that are best for their children. The erosion of parental control is the erosion of the fundamental human freedoms.

Reason and commonsense are the lifeblood of the law. Forcible busing completely defies both reason and commonsense and is based entirely on speculation and idealistic concepts of social engineering.

What a senseless indictment has been place on a single race—the implication that because one is black, one can learn only through the process of osmosis—sitting next to a white child.

Children who live under ghetto conditions, under socioeconomic conditions that are not conducive to learning need quality education in their neighborhood schools with low pupil-teacher ratios, more professional and paraprofessional personnel to offer guidance in the form of practical instruction with emphasis on the basics as reading, writing and arithmetic and one's own worth, they need compensatory educational programs to compensate for the sense of insecurity the children have developed by living under these conditions. Let us invite self-help to clean up the inner city so it will be safe and more inviting. Let us give higher per pupil expenditure in city ghetto schools where children begin life with so many handicaps. Let us give full funding to the title I program, let us bring the resources to where the children are. Let us leave education in the hands of the educators.

Busing advocates say that 20 million children are bused in the United States, but they fail to mention that this is voluntary busing and usually to the neighborhood school.

Busing advocates say that busing will mean an easing of racial tensions between the black and white communities. Sadly, this is not so. The controversy itself has caused immeasurable bitterness and strife because forcible busing occurs in the world of reality not the world of theories.

Busing destroys the neighborhood school concept which is more than a mere tradition. Neighborhood schools are a time-honored and meaningful force for community well-being. Busing destroys the neighborhoods themselves and causes the school districts to become more black as the white flight takes place. This leads to the decline of the inner city and the problem we face then is resegregation.

I believe in quality integrated education, but it can never be achieved by forced measures. I have never supported inferior education for any child. Quality education is what is at stake in this controversy. We cannot let "antibusing" become a disguise for racial prejudice or intolerance, but neither can we let the plans for busing endanger the rights of our children. We cannot let the concept of racial balance dominate the picture if quality education is thereby sacrificed. Do not use busing as a smokescreen to hide deficiencies in an inferior school where some children are left behind. No child should attend an inferior school, but inferiority should be remedied at its source.

As Members of Congress, representing the people of this Nation, we must respect the will of our constituents, and they do not want forced busing. According to the latest Gallup poll, three out of four people in all areas of the country were opposed to forcible busing, that is 76 percent of the American public are against forcible busing and 47 percent of blacks are so opposed.

We must turn our efforts away from massive busing schemes and toward developing better programs in the schools which will provide our children with the tools for creating a better society for us all. Confront that one directly and busing becomes what it should have been all along—merely a means of voluntary transportation.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would hope that there are yet some like myself who find ourselves in an ambivalent position about this bill.

I voted to report it. I am persuaded that in fact the Congress does have the responsibility and in fact the authority to undertake some guidance to the court on what can and should be done in this area. I am convinced that the tragedy of even the House's consideration of this bill is the byproduct of neglect by the Congress in not having moved some time ago, after Brown against Board of Education, before the whole issue became so impossibly emotional so that no degree of rationality is possible today.

Neglect, yes, by the Congress; and neglect, too, by courts and by school boards; by local units of government across the country in dealing with the problems of racial segregation; and abuses by the Court in having gone too far. On balance, then, the fact that this bill comes to this House today is a tragic commentary on the failure of all of us as Members of the Congress, political leaders, courts, judges, leaders of all kinds in our communities, that we are forced to deal with this kind of bill under these kinds of circumstances.

Having voted to report the bill, I would, I think, vote for it on final passage if no amendments are adopted, but I must say in all honesty, Mr. Chairman, that if we put back in the reopener, if we attempt to provide a total prohibition against busing, then this bill is both unconstitutional and unacceptable to this one Member.

I would hope that amendments of that kind would not be adopted in this Chamber today, that it would be possible for the Congress of the United States to responsibly exercise an authority and jurisdiction that I think it has, but I fear greatly that any effort to either oppose or support this bill on an all-or-nothing basis, or on the basis that it is the panacea of the world, or that it will be the end of the world, depending on one's point of view, does nothing to enlarge but will hamper the attempt to implement the goal of equal educational opportunities.

I would hope the Members of this body would think long and hard before we adopt amendments which will gut the bill.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, if we assume that the bill is constitutional in its present form—and that is a debatable question.

Mr. STEIGER of Wisconsin. Yes.

Mr. DENNIS. But I agree with the gentleman and I think it is constitutional. If we assume that, what makes it unconstitutional, to put in the reopener, the effect of which, as I understand it, would merely be to treat all jurisdictions the same.

Mr. STEIGER of Wisconsin. Mr. Chairman, I would say to the gentleman from Indiana that my feeling on that amendment, and obviously it hinges on what the language is that is contained in it, is in effect it allows us to go back and reopen cases which were settled, where there was a clear-cut pattern of de jure segregation. I would not want to see us get into that position. I think that opens the door to some frightful possibilities in attempting to uphold the Constitution. It is for that reason I oppose the amendment.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding and I wish to associate myself with the gentleman in his remarks and the statement he just made. As it came out of the committee, many of us had difficulties with this bill. We felt it was constitutional as it was written, although others of good faith did feel otherwise. But, if the House strips it of the money and adds the reopener, which is a backward step in civil rights and human relations, this bill would become unsupportable in this Member's opinion.

Mr. FRENZEL. Mr. Chairman, this bill has the elements of a good compromise; that is, it does not satisfy strong-minded people on either side of the issue.

It has elements of danger, also. There are constitutional doubts—as there are on any bill involved with personal rights—and there are doubts as to whether it will change the current situation enough. It is worth reviewing the current situation. This country has struggled manfully to divest itself of dual school systems. The courts have lead this effort. One desegregation tool originally considered temporary has been massive busing. As court ordered busing has spread from dual-school areas to points all across the Nation, people have become more and more dissatisfied, and more and more upset. We are seeing these feelings in my own area now, just as we have seen great objection to consolidation-compelled busing in rural Minnesota during the past 15 years. But, in Minnesota, our people knew what was going to happen. In many cities across this country, various courts have applied various remedies. Whole cities, and whole areas, live under the shadow of unknown, unpredictable, pending court decisions.

This bill seeks to deal with legitimate concerns without destroying traditional human rights guaranteed by our Constitution. That is a difficult tightrope act, indeed.

The bill sets guidelines for remedies in the case of de jure segregation. It lists remedies by priority for sixth grade and under busing cannot be farther than the second nearest school suitable for the particular student. For over sixth grade, busing is lowest priority remedy, to be used only when other remedies are exhausted.

The remedies, and their priority, are calculated to bring some order out of the uneven mix of court decisions. It is clearly provided that districts may voluntarily adopt any remedies in any priority sequence.

The bill is euphemistically titled "The Equal Educational Opportunities Act of 1972." One of its important purposes is to provide financial assistance for educationally deprived students. The Federal assistance estimated to be about $300 per pupil would come from the Emergency School Aid—Desegregation—Act, and be used for compensatory programs where there are heaviest concentrations of poor children. Compensatory programs are limited to "basic instructional services," and do not include frills or brick and mortar.

School district boundaries are protected unless the boundaries have been drawn to discriminate. This provision embodies the features of my bill introduced back in November 1971.

This bill also provides for definitions of unlawful, discriminatory practices, and for enforcement of the act through civil actions, either instituted by the Attorney General, or in which he may intervene.

The bill has imperfections. It will not satisfy people of strong conviction on both sides. But it will do something.

It will establish order in a chaotic situation. It will establish guidelines. If, as alleged, it is a backward step, it is a step least abusive to minorities who have suffered the effects of segregation.

Despite constitutional questions, it does less violence to the Constitution than other proposals. Unless it is passed, other remedies, such as the constitutional amendment—now not favored by the administration—may prevail as substitutes.

Anything less would not restore order. Anything more may alter cherished, constitutional rights. I hope the bill is passed without substantial amendments, so that we may move on to other compelling matters instead of being embroiled in this issue again and again.

Mr. PUCINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. Downing).

Mr. DOWNING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think my feelings on this subject are well known. I will not dwell on them longer. I think the bill in its present form is imperfect, but with the adoption of certain amendments I could support it wholeheartedly. One of those amendments is the one the gentleman in the well just referred to, and that is the "reopener." If we do not adopt that amendment I think it would be the most unfair thing we have had since the Voting Rights Act of 1964, which completely excluded seven States in the South from being able to pass their own voting laws. The reopener is important and I do hope this House will see fit to pass that.

Mr. Chairman, the forced busing of children over long distances over hazardous roads and streets to obtain racial balance has literally torn some of my constituency asunder—particularly in the Hampton and Newport News area of Virginia.

The people are bitterly protesting—and rightly so in my opinion—that their rights as citizens are being compromised.

I do not view this as a part of the racial controversy but I do admit that, in the minds of some, it is an outgrowth of that problem. The harshness of the Federal Court mandate affects both blacks and whites adversely. Several months ago I had a black constituent telephone me complaining bitterly that his young son was being forced to attend a school some 20 miles away when there was an excellent school within walking distance of his home. He told me, "When my wife and I selected our home in this city, we selected it with regard to the proximity of the church and the school. We now have a fine home within walking distance of both of those places. How is it, Mr. Downing, that they can force my son to attend a certain school? What rights do the courts have to tell me where my child should go to school?" I told him that the courts had decided that the busing of students to maintain racial balance was an indispensable tool in obtaining the goal of integration. He said, "I want none of it."

These Federal court decisions have disrupted the lives of many Americans. They have added to the cost of providing a child with inferior education. I am told that the quality level of education in schools where attendance has been forced has generally deteriorated. And do these judicial edicts really accomplish integration? There is evidence proving otherwise. There are facts of record where forced integration has resulted in massive desegregation and thus we are back to the old unwanted unitary system.

I know of at least one case in Georgia where a school which was formerly 30 percent black and 70 percent white is now 70 percent black and 30 percent white. In my opinion, if we prolong this, we will gradually undermine one of the great institutions of this country, and that is the free public school educational system.

I do not condemn my colleagues if they believe this to be a political issue, or a regional issue or an emotional issue. I do believe, however, that they have misjudged, in many cases, the hidden but true feelings of most Americans black and white regarding this matter.

Most Americans cannot afford private schools with their superior educational facilities. They have to rely on the public school system their taxes provide for them. They do not object to integration—in fact many welcome it—but not as the cost of education.

I do not know what your personal feelings are on this matter. But even though you are seriously dedicated to the proposition that this is a necessary tool in order to accomplish integration. I ask you please look at the havoc and unrest it has caused and ask yourself. "Is it worth the cost? Have we not gone too far?"

Some say that the passage of the legislation will "roll back" the progress made since the historic Brown decision. In my opinion the only "rollback" will be a return to the principle enunciated in that famous case.

The thrust of the Brown decision was that no child should be involuntarily assigned to a certain school because of his race.

The courts, since then, in trying to implement this decision have built up an inverted pyramid of judicial precedents so that now our school districts are being required to assign students to a particular school solely because of his race.

I sympathize with our beleaguered Federal judges in their zeal to uphold the Constitution of the United States, they have, in some cases unwittingly chopped away at the very foundations which hold it up.

The Richmond, Va., decision was a case in point here, the presiding judge ordered the merger and consolidation of several school districts, cutting across the county and city boundaries, and ignoring the responsibilities of the individual subdivisions of the State. Had this decision not been struck down by a superior court, it is logical to assume that another Federal court could order the merger of northern Virginia school districts with the school districts of the District of Columbia and parts of Maryland based on the Richmond precedent.

The Detroit, Mich., case is another case of judicial frustration. There, I am informed that the presiding judge actually ordered the State treasurer of Michigan to purchase several million dollars worth of buses for the school districts of Detroit without even extending the courtesy of asking the Michigan State Legislature to authorize and appropriate such funds. Fortunately, this decision was swiftly struck down by the next appellate court within a matter of hours.

The city of Norfolk, Va., which has no school buses, has been ordered to bus thousands more students. The local transit company, which previously bused the students, had insufficient buses, and could not possibly provide the additional busing required by the courts. To complicate matters further, the bus company is ceasing business operations as of this summer. Must the city of Norfolk buy buses? If so, with what? That city is as financially strapped as the other great cities of our Nation.

The extremes we are reaching can no longer be tolerated by patience and good humor. They are now realistically dangerous. Never has, as the oft-repeated phrase, "throwing the baby out with the bath water" been so apt.

Some famous man once said, "A fool learns by experience; a wise man by the experience of others." In other words, you do not have to put your finger in the flame of a candle to know that it burns and pains. Thus, you have profited by the experience of others.

What we, who have experienced the agonies of forced busing, are trying to tell you is that it should not happen to you.

I urge you to favorably consider this legislation.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I appreciate the gentleman yielding and would like to associate my remarks with those which have just been made by my colleague, the gentleman from Virginia (Mr. DOWNING). As far as the reopening of court cases is concerned, I have heard the comment made that we would be going back to de jure segregation, but if we get to thinking about the case in Richmond, in Henrico and Chesterfield Counties, we have never before, to my knowledge, had any place in this country where the courts have abolished the political subdivision lines. This is not a question of segregation. This is a question, at least in the Richmond area, of taking children out of the city and putting them into the adjoining counties and children in the counties and putting them into an adjoining city.

Mr. Chairman, let me commend the chairman of the Rules Committee, Mr. COLMER, for his action in bringing this matter to the floor of the House today.

I know the bill came out of the Committee on Education and Labor, but I just wonder if it would have, without the action of our Rules Committee in holding hearings on the various antibusing proposals. Its action, in my opinion, indicated some antibusing legislation would be brought to the floor and encouraged the favorable action by the Committee on Education and Labor.

In any event, I believe that the people's Representatives should have an opportunity to vote on a matter such as this general subject.

In a poll of my own district I found that, of the 50,000 replies which came back, 7 percent favored the busing of children for the purpose of obtaining racial balance, and 91 percent were opposed to busing under any circumstances to bring about a racial balance.

If we believe that the ultimate will in this Republic rests with the people collectively, we have an obligation to favorably vote on this legislation or any other reasonable bill that would prohibit busing of children.

We are proud of the fact that we live in a nation where the people govern, where this ultimate will or sovereignty resides. Regardless of any other factor, if we are here, Mr. Chairman, to represent the American people, to carry out their desires, then we must preserve the neighborhood schools.

Families want to decide for themselves where they will live, where they will work, where their children will attend school. This is a part of our democratic society.

I am convinced of the deep resentment felt about the use of children as pawns to bring about social reform.

We might ask, "What does a family consider when it purchases a home?" They consider where the school is, where the church is, where the market is, who their neighbors are. They purchase an environment in which to raise a family. They do not want their children taken into a foreign environment.

I would prefer for us to have a constitutional amendment before us today. I still hope that the chairman of the Rules Committee will bring that up after the recess is over, regardless of what action is taken on the matter before us in the House today.

We have heard the chairman of the Judiciary Committee and the ranking minority member of that committee talk about this measure being unconstitutional; yet they refuse to bring out a measure which would amend the Constitution to obtain similar results. I am not aware that the Supreme Court has ever held an amendment to the Constitution to be unconstitutional. So that is the way it could be done, if we have any reservations about the constitutionality of this bill.

I believe the bill has a number of defects in it. I do not like the concept that busing is to be prohibited only for children in the sixth grade and below. I would like to have the amendment adopted which I understand will be offered by the gentleman from Georgia (Mr. THOMPSON). This would prohibit all busing for the purpose of racial balance. I should like to have the amendment adopted that will be proposed by the gentleman from North Carolina (Mr. RUTH) that would permit us to reopen the Richmond-Henrico-Chesterfield case, in the event the Supreme Court does uphold the Federal district court. As you may recall the Circuit Court of Appeals for the Fourth Circuit has reversed, the district court but we know an effort will be made to have that reviewed by the Supreme Court on certiorari.

Mr. Chairman, I am going to vote for, and I urge the support of this body for, any measure which comes before this House which will prohibit the busing of schoolchildren for the purpose of bringing about racial balance. I urge a favorable vote on the bill before us and any perfecting amendments to strengthen it.

Mr. CONYERS. Mr. Chairman, I rise to make a point of order. There are so few Members in the Chamber. Mr. Chairman, that I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Eighty-one Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 337]

Abernethy
Abourezk
Anderson, Ill.
Anderson, Tenn.
Betts
Boggs
Brademas
Caffery
Carey, N.Y.
Carney
Carter
Clark
Conte
Davis, Wis.
Dorn
Dowdy
Dwyer
Edmondson
Frelinghuysen
Gallagher
Hansen, Wash.
Harvey
Hébert
Heckler, Mass.
Holifield
Hull
Jacobs
Jarman
Keith
Leggett
Lennon
Long, La.
McDonald, Mich.
McKevitt
McMillan
Mallary
Mathias, Calif.
Melcher
Michel
Monagan
Nichols
Passman
Pelly
Pettis
Railsback
Rarick
Rees
Reid
Rhodes
Rooney, N.Y.
Ryan
Scheuer
Springer
Stanton, James V.
Talcott
Teague, Tex.
Waldie
Wiggins

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. UDALL, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill H.R. 13915, and finding itself without a quorum, he had directed the roll to be called, when 374 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. PUCINSKI. Mr. Chairman, I yield 5 minutes to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, H.R. 13915 has the form and the appearance of a bill to limit busing arising out of court ordered transportation of racially different students from one school to another. The bill purports to do so by limiting the ability of the courts to order such transportation. In fact, this bill H.R. 13915 should greatly increase the busing discord, because it strengthens the jurisdiction of the court to order the troublesome transportation.

Mr. Chairman, because of the lateness of the hour, I am not going to take the full 5 minutes, but it seems to me, unless amendments are adopted to strengthen this bill so that, in fact, we have more than the appearance of doing something about busing that the bill would be unacceptable. Therefore, I hope that the amendments that will be offered by the gentleman from North Carolina will be approved by this House and we can, once and for all, get this busing controversy behind us.

Mr. PUCINSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. O'HARA).

Mr. O'HARA. Mr. Chairman, I rise in support of H.R. 13915.

Mr. Chairman, when I came to Congress 14 years ago, there were children being bused to distant schools because of the color of their skin. In much of the South, black children were being taken to black schools, white children to white schools—even when other schools were closer.

I opposed that, Mr. Chairman. I opposed it then and I am proud of the fact that I played a small part in the enactment of much of the civil rights legislation that has helped to correct that situation.

Today, Mr. Chairman, we find black and white children once again being assigned to schools on the basis of the color of their skin, this time by Federal judges in the North and in the South. Mr. Chairman, I oppose racial assignment to schools. I oppose it today just as I opposed it 14 years ago.

To my mind, Mr. Chairman, the Constitution, the 14th amendment and the equal protection clause require that public institutions be colorblind; that a person neither be favored nor discriminated against because of the color of his skin; that the color of a man's skin may make no difference in determining where he works, where he lives or where he goes to school. I firmly oppose racial assignment of students, no matter what its motive, as contrary to the spirit and the letter of the Constitution.

I support this bill, Mr. Chairman, even though it does continue to permit some busing—and I am opposed to all racial busing—because this bill is the best remedy available at this time and because it contains some very good provisions. Section 203 of the bill makes it clear that it is the intention of the Congress that if a school system operates on the basis of racially nondiscriminatory neighborhood attendance areas, that it is not subject to a court order of any kind. And section 404 makes it clear that children are not to be bused across district lines, nor are school districts to be altered, to carry out a desegregation order.

These are two very important provisions, and their prompt enactment is essential.

Finally, Mr. Chairman, I shall, at the appropriate time, offer an amendment to cure the principal defect of the bill and strike out the limited busing authority still found in it. I hope that those who share my opposition to racial busing will support my amendment, and that that amendment will be adopted.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of this legislation.

Mr. PUCINSKI. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SCHEUER), a member of the committee.

Mr. SCHEUER. Mr. Chairman, this is a difficult day for many of us. There are not many Members in Congress who do not have serious reservations about the use of busing. I for one do not regard busing as the be-all and end-all device for providing equal education opportunity for our kids. It is not a simplistic answer, and in many cases it is an undesirable expedient. Father Hesburgh, the Chairman of the Civil Rights Commission, made amply clear the limitations of busing and some of the problems it creates in his most eloquent testimony before our committee.

But we are here faced with a basic challenge to the Constitution—and the separation of the powers of the three branches of Government; under our Constitution, when the Supreme Court of the United States or a Federal court orders busing as a remedy to give meat and substance to a constitutional right, there simply is nothing we can do about it, and, indeed, nothing we should try to do about it.

The gentlewoman from Oregon (Mrs. GREEN) complained that we are fortifying the right of the courts to mandate busing. The fact of the matter is that, regardless of what we do or say here this afternoon, we can neither diminish the right of the Court to order busing, nor can we add to the right of the Court to order busing to protect a constitutional right. Where the Court is providing a remedy to give life's breath to a constitutional right, there is no way we can affect that, and there is no precedent for the hope that we can diminish the remedy that our courts can provide to protect constitutional rights.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Let me read some language from Katzenbach versus Morgan because I do not think it has been read this afternoon.

Concerned with the dissent's charge that the decision would justify congressional cutbacks in the amendment's basic guarantees, the majority opinion included a footnote:

> Contrary to the suggestion of the dissent . . . § 5 does not grant Congress power to exercise discretion in the other direction and to enact "statutes so as in effect to dilute equal protection and due process decisions of this Court." We emphasize that Congress' power under § 5 is limited to adopting measures to enforce the guarantees of the Amendment; § 5 grants Congress no power to restrict, abrogate, or dilute these guarantees.

Now I suggest that here this afternoon we are engaging in a very dangerous, destructive exercise. If we pass this bill containing these limiting parameters on the right of the Supreme Court to provide appropriate remedies for constitutional rights—we will not succeed in affecting the rights, powers and authority of the Court one iota, for they will strike down what we do here. But we will succeed in further poisoning the atmosphere in this country, and further embroiling the Court in the emotional political processes of an election year.

Mr. PUCINSKI. Mr. Chairman, I yield 4 minutes to the gentlewoman from Oregon (Mrs. GREEN) since the gentlewoman's name was mentioned by the preceding speaker.

Mrs. GREEN of Oregon. Mr. Chairman, I yielded back a few minutes just a little while ago because I thought we could save time, but since the gentleman from New York has raised questions, let me make the statement I intended to make.

Mr. Chairman, H.R. 13915 has the form and appearance of a bill to limit busing arising out of court-ordered transportation of racially different students from one school to another—busing. The bill purports to do by limiting the ability of the courts to order such transportation.

In practice, H.R. 13915 should greatly increase busing discord because it strengthens the jurisdiction of the courts to order the troublesome transportation. It nowhere denies jurisdiction to the courts in regard to busing; its expression of preferences in regard to limitation on busing is nullified by ratification of the courts' authority to order busing when the courts think it necessary for constitutional reasons.

Title II accepts and codifies the more advanced judicial legislation on desegregation of school systems. Section 201 (b), for example, requires affirmative action programs. Section 201(d) prohibits discrimination for race, et cetera in employment if it denies equal educational opportunity. For example, superior teachers may not be employed if they do not conform to such racial categories as courts may require.

Section 201(e) prohibits transfer of students if the transfer increases segregation by race, and so forth, even though the transfer may be educationally desirable.

Section 202 does not prohibit administrative striving for racial, and so forth, balance. It simply does not require it.

Section 203 confirms judicial authority to transfer students away from neighborhood schools in order to accomplish desegregation of races, and so forth.

Title III gives a legislative basis for jurisdiction to district courts, where they would otherwise have to construct it themselves out of the Constitution. The hundreds of judges who now view with reluctance the assumption of responsibility, based on a reading of the Constitution alone, requiring intervention in school district decisions will now have congressional authorization to do so. Private individuals may institute suits to carry out the provisions of this act—a right which now has to be constructed out of the Constitution. Section 305 authorizes the courts to allow attorneys fees "as part of the costs" if the plaintiff prevails. Such fees and costs may be very substantial. The possibility of reimbursement should encourage litigation.

Title IV authorizes judicial intervention in school administration by congressional ratification of the techniques which the courts have constructed for themselves out of their reading of the Constitution. This act does not indicate a different reading by the Congress of the Constitution.

It may be argued that section 403(a) does constitute a different reading by Congress of the Constitution. Section 403(a) prohibits transportation of any student in the sixth grade and below to a school other than the school closest or next closest to his place of residence. The provision does not expressly include the usual exception that such transportation is authorized if necessary to avoid a denial of equal educational opportunity—see section 403(b) dealing with students in the seventh grade and above. The argument would fail because section 403(a) does expressly refer to section 402 which describes the basis of the courts' jurisdiction as the provision of a remedy for denial of equal educational opportunities. That reference brings into a reading of section 403(a) the authority for a court to order additional transportation if necessary to avoid a denial of equal educational opportunities.

Section 403(a) does constitute a decision by Congress that consideration of a student's health overrides the 14th amendment. The decision is not likely to offend the courts. Section 403(a) also prohibits transportation of a student which "constitutes a significant impingement of the educational process with respect to such students." The language is meaningless; any transportation is a "significant impingement."

Section 404 confers congressional approval of judicial reordering of school district lines in the situation in which courts are beginning to assert interest—where lines were drawn for the purpose of segregation.

In summary, the bill strengthens judicial intervention in school administration by giving congressional approval to the body of law which the courts have worked out as grounds for intervention and by giving congressional approval to the means by which the courts may intervene to accomplish their purpose. Specifically it constitutes congressional approval of court-ordered busing.

Some may argue that therefore this bill is harmless: It simply accepts as law what courts say to be the law. Logically this may be so, but the world of reality operates on considerations that go beyond conceptual logic. At present most judges are reluctant to interpose themselves into difficult and controversial questions of drawing school boundary lines, faculty selection, crosstown busing of students, and overriding school district boundaries. At present, in order to do so, judges must draw forth authority directly from the Constitution. They must read that specific authority into words of broad meaning such as "equal protection." Reasonable men can differ in application of those words to specific situations. The result is that now a plaintiff has to "fish" for a judge whose views predispose him to rule the plaintiff's way. This bill is a plaintiff's bill. It provides a legislative basis acceptable to all judges to act in situations in which now most judges act cautiously and with reservations.

Second, there is a real probability that many of the judicial opinions that now trouble us will eventually be overruled by the courts themselves on the ground that they are unwarranted assumption by the courts of authority that, under the Constitution, properly belongs to the Congress and to State legislatures. The effect of this bill is to foreclose the possibility of that reconsideration by the courts themselves. It gives congressional approval to the decisions of aggressive judges in areas in which, in my view, the courts are not competent to make decisions.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. MCCULLOCH).

Mr. McCULLOCH. Mr. Chairman, I ask the Members of this body who have from time to time stated their belief that a constitutional amendment was necessary to stop busing ordered by courts to enforce the equal protection clause to vote their belief. I know that we may differ on what is the best social policy for our country, but likewise we can agree that H.R. 13915 is unconstitutional. I am confident that a majority of the Members of this body believe that this bill is repugnant to the Constitution.

The Judiciary Committee held 20 days of hearings on busing proposals this year. We heard 130 witnesses. We received countless statements. Yet, as far as I know, no Member of Congress voiced the opinion that this bill or anything like it was constitutional. All who made their thoughts known agreed that only a constitutional amendment could stop busing to overcome segregation.

Over a hundred legal scholars voiced their opposition while only one made known his support. Constitutional doubts have been raised from the very beginning, but the majority report raises not a finger in reply. Because it cannot. The case simply cannot be made. This bill is not the product of a detached good faith effort to learn the law and enforce it.

For the Supreme Court has already told us that we cannot pass an antibusing statute. North Carolina tried it, and the Supreme Court unanimously struck it down in North Carolina Board of Education against Swann.

The Court said:

> [I]f a state-imposed limitation on a school authority's discretion operates to inhibit or obstruct the operation of a unitary school system or impede the disestablishing of a dual school system, it must fall; state policy must give way when it operates to hinder vindication of federal constitutional guarantees.

If the State legislature could not limit busing, how can we? The Court said that—

> All reasonable methods [must] be available to formulate an effective remedy.

The Court said that busing was a reasonable method, one that could not be eliminated.

Does Congress have some power to override or contract constitutional rights which State legislatures do not have? Well, I had always thought that no legislature, State or Federal, could limit rights guaranteed by the Constitution. That Congress cannot was stated expressly in Katzenbach against Morgan, a case that acknowledged Congress broad power to implement the Constitution.

What reason did the Court give for invalidating the antibusing statute? The Court said:

> It would inescapably operate to obstruct the remedies granted by the District Court in the Swann case.

That is quite interesting in view of the admission of one of the managers of the bill that the remedies granted by the district court in the Swann case could not be implemented under the bill in the

Charlotte-Mecklenburg school system where the case arose.

I suppose some may try to slip away from the hard truth by pointing out that Swann condemned as inadequate plans which "assign pupils to schools nearest their homes," that the Court probably meant the closest school, and that the bill would allow assignment to the second closest school, thereby escaping unconstitutionality. Or it may be argued that Swann said that "desegregation plans can't be limited to the walk-in school," but the bill would permit busing to the walk-in school, thereby proving that reasonable busing is permitted and only unreasonable busing is forbidden. But these are not arguments that will convince any court, and it is the courts that will determine whether this bill is to be given effect.

Once it becomes clear that the bill does flatly contradict decisions of the Supreme Court based upon its interpretation of the Constitution, the argument is made that although Congress cannot abridge constitutional rights, it can limit the remedial powers of the Federal courts, and that is what this bill really does.

Certainly, Congress has limited the remedies that a Federal court could give in particular cases. But never like this. In all prior instances, Congress had either made certain that other effective remedies were available, such as in Cary against Curtis or ex parte McCardle or had limited the remedy where it had already constitutionally limited the right, as with the anti-injunction provision of the Norris-La Guardia Act.

The history leading up to the enactment of the Norris-LaGuardia Act should not be overlooked. By the Sherman Act, labor unions were subjected to the antitrust laws. Their activities were considered a "restraint of trade." Public outcry led Congress to exempt unions from antitrust coverage in the Clayton Act. But the courts did not get the message; they continued to enjoin labor union activities, some of which we now readily recognize as protected by the first amendment. Therefore, in order to further the policy of the Clayton Act which exempted labor from the Sherman Act, Congress enacted the Norris-LaGuardia Act. It limited remedial powers of the Federal courts; yes. But only to bring them into line with a validly enacted restriction of the substantive rights.

Obviously, where Congress creates the right, it can take it away. In such a case I cannot see any reason why Congress must repeal the right rather than restrict the remedy. Thus the Norris-LaGuardia Act does not justify this bill; rather it demonstrates a critical distinction.

Congress can tell the Federal courts not to enforce rights that Congress created or even rights that States created in conflict with Federal policy. The Voting Rights Act of 1965 illustrates the latter.

However, Congress cannot tell a Federal court not to enforce the Constitution in an actual case over which it has jurisdiction. Marbury against Madison taught us that. This means that Congress cannot tell Federal courts how to decide cases that hinge upon constitutional interpretation. See United States against Klein.

Once the Federal courts are granted jurisdiction over the subject matter, the courts must decide the cases according to the law of the land. Judges likewise take an oath to uphold the Constitution. Congressionally enacted limitations—"obstructions," as Swann put it—on the powers of the courts to reach the result required by the Constitution are null and void.

Congress cannot use the courts to mouth Congress' interpretation of the Constitution. That is what this bill does. It would not work.

In asserting that the bill is unconstitutional, I do not assert that every line is unconstitutional. But viewed as a whole, almost all of the language is an elaborate attempt to camouflage, with meaningless words of balance, section 403, which limits busing.

Title I's purpose and effect is to take dollars already authorized to assist school districts with desegregation efforts and transform them into dollars for the promotion of separate but equal education for blacks. Perhaps I am too kind in stating that the effect would be to give an "equal" education to blacks. As the gentleman from Florida (Mr. PEPPER) stated during the Rules Committee hearings on this bill: If it takes $300 million to provide compensatory education just in the State of Florida, how can $500 million suffice for the whole country?

Also it should be noted that title I funds do not necessarily flow to black children who are denied a better education by title IV. No judge is authorized, after he decides for the black plaintiff on the merits but denies him any remedy, to make him a dollar grant for compensatory education. The substitute for the reality of being bused to a better school is displaced by the theory that Government will someday provide compensatory education. Does this comport with the command of Green and of Alexander to provide equal opportunity "now" and "at once?"

Title II states—and misstates—some of the present law of desegregation. Section 405 indicates that title II is not binding upon school districts. The only requirement is that they obey the law. A bill that requires "lawful" action with no guidelines or sanctions is hardly worth enacting.

Title III is procedural. Title IV limits busing. Title V defines terms. Title VI is miscellaneous.

So when you take away the restatements, the procedure, the definitions, and the miscellaneous, what is left is a limit on busing, which is unconstitutional, and a rechanneling of funds away from desegregation toward separation with better living conditions, which is shortsighted.

Moreover, the limit on busing is illogical in view of the committee report's reliance on the so-called Lambda study. That study suggested that it was possible to achieve more integration with less busing. If so, why limit busing? Why not simply establish a list of priorities making busing the remedy of last resort? If the committee believes this assertion, why does not it act accordingly? Why must it prohibit in section 403 what it claims is made unnecessary by section 402?

Section 403(a)—which is the heart and soul of this elaborate disguise—flatly prohibits busing beyond the second closest school where younger children are involved. It is interesting to note that the Charlotte-Mecklenburg school system bused its youngest children the farthest before it was ordered to employ busing by the Federal court. Moreover, testimony before the Judiciary Committee made clear that desegregation is critical for younger students and that if desegregation is obstructed in lower grades, integration for higher grades will tend to produce racial tension. But this flat inflexible rule—which prohibits busing for desegregation even where school boards require more busing for other reasons and which thus discriminates against integration—is recommended nonetheless.

Section 403(a) is significant only when it operates to stop busing; that is, only when the Lambda report on which the committee relies is wrong and only when it is unconstitutional. But section 403(a) is why we are here. Nevertheless, I hope that other assaults on the Constitution are not overlooked. Section 203 would allow a State or local educational agency to defend against an action alleging segregation by showing that some other agency of the State caused the problem. This contradicts the 14th amendment which declares that—

> No *State* shall . . . deny . . . equal protection of the laws.

This contradicts the holding of the fourth circuit in Brewer. This contradicts the holding of the Supreme Court in Gaston County against United States that one State agency cannot raise as a defense the constitutional violation of another State agency.

An even more glaring disregard of the Constitution is section 404. It would attempt to reverse a decision of the Supreme Court not even two months old. In Wright against Council of the City of Emporia the Supreme Court held invalid the establishment of a separate school district where the effect but not the "dominant purpose" of such establishment was to frustrate desegregation. Section 404 by requiring "purpose and effect" rather than "purpose or effect" runs afoul of the Wright case.

The bill would sail a rocky course, tacking back and forth between the unnecessary and the unconstitutional. It will undoubtedly run aground. It is not seaworthy, and it should not be launched.

Mr. PUCINSKI. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, having been forced economically to live in a segregated community all my life, I am not sufficiently sophisticated to really understand the true values of integration. Certainly when I was in Korea it did not make me feel any better that I was being shot at next to some white soldier rather than being shot at next to a black GI. Nevertheless, I do recognize that in certain parts of this country many have been denied the right of a quality education based on color.

It seems to me as we search our consciences we will come to the conclusion that we are really not talking about the inconvenience of busing for our children because America has learned to understand and appreciate the value of inconveniences if indeed the search is for a better quality of life and a better education. The real tragedy is what is happening to middle America, how we take somebody and overtax him and underpay him and allow him the false security to believe he is better than someone else just because of the color of his skin. I daresay there are many black people who can afford to send their children to a private school who would not dare to send their children to the inferior schools located in some white communities which believe they are superior because they exclude blacks.

Indeed, the chairman of the Rules Committee was so correct when he said that the chickens have come home to roost. There are Members of this House who are paying for buses to leave Harlem in New York to go into the South to demonstrate and articulate against injustices committed against blacks there who will today vote against the black kids in the North to prevent them from entering these communities and getting an education.

It seems to me what we are doing now is playing a very tricky game and a very emotional game.

This is a game which we, as lawmakers, cannot afford the luxury of.

I cannot tell the Members how many times I have wanted to seriously change the Constitution. Many Members of this House, when they were emotionally involved with the Member who was the former chairman of the Committee on Education and Labor, my predecessor, threw out the Constitution emotionally at that time, to say that he should be excluded.

Now we are taking a very serious risk. Now because of the inconvenience, because of the emotion of your constituents, you are going to determine whether or not the Constitution is going to be flexible enough for you to do what you really want to do.

But I suggest to you that you are opening up the doors, because already you find it difficult, as lawmakers, to explain to any kids in your district what happened to the warmaking powers of the Congress. You can mumble, but you cannot declare yourselves to be the body that declares war in these United States any longer.

And now we have reached the point where the President of the United States is asking you to restrict the powers of the U.S. Congress. I submit that once again the chickens will come home to roost.

Mr. Chairman, the Association of the Bar of the City of New York has concluded that the administration's so-called Equal Educational Opportunities Act, as well as the Student Transportation Moratorium Act it is also proposing, are "unconstitutional as well as most unwise." I can only concur most emphatically with that judgment.

In a report prepared by the Committees on Federal Legislation and Civil Rights of the association, it was concluded that the legislation "would have the effect of condoning and indeed fostering continued segregation in schools."

The report specifically analyzed the administration's original proposals, but many of the arguments it contains apply equally to H.R. 13915, the so-called Equal Educational Opportunities Act. To refer to this legislation by that title is indeed callously misleading. Contrary to its title, the bill does nothing whatsoever to promote equal educational opportunities; instead it would place very serious inhibitions in the way of the courts in dealing with unconstitutional school segregation. In some instances, it would prevent the courts from providing an effective remedy for denial of equal educational opportunity.

The Bar Association of New York, in opposing the predecessor of H.R. 13915 in the form originally proposed by the administration, said—and I quote:

> There is no doubt that it would, in many instances, remove the only effective remedy for the violation of an individual student's constitutional rights. We think that the proposals are in violation of the Fifth Amendment to the Constitution. Moreover, we think that, even if free of constitutional infirmities, such legislation should have no place on the national agenda.

Mr. Chairman, the report of the association should be read by every Member of this body, and I include it at this point in the Record:

The Administration's Proposed "Anti-Busing" Legislation

(By the Committee on Federal Legislation and the Committee on Civil Rights of the Association of the Bar of the City of New York)

The Administration has introduced two bills—the "Student Transportation Moratorium Act" (STMA), and the "Equal Educational Opportunities Act" (EEOA)—which would severely restrict and in a number of cases eliminate entirely the use of increased busing by Federal courts as a means of alleviating racial separation in the schools. They would be applicable whether that separation constitutes *"de jure"* segregation deliberately imposed by governmental authority or *"de facto"* segregation arising out of other factors, such as segregated housing patterns. We believe that the proposals are unconstitutional as well as most unwise. On June 8, 1972, Congress completed action upon, and sent to the President for approval, and on June 23, 1972 the President approved an education bill into which there had been interpolated, in the final stages of Congressional action on the bill, certain provisions relating to busing. Among other things, these provisions would delay, until all appeals were exhausted or until July 1, 1974, the effectiveness of district court orders requiring the "transportation or transfer" of students for the "purpose of achieving a balance among students with respect to race, sex, religion or socioeconomic status." While these provisions appear to be less restrictive than the totality of the Administration's anti-busing proposals, we believe that similar Constitutional and policy objectives apply to both.

I. PRELIMINARY ANALYSIS

Set forth below is a summary of the principal provisions of the proposed legislation together with a preliminary discussion of the Constitutional and policy problems raised thereby.

The Administration's two bills purport to rest on certain legislative findings as to students' rights to desegregation, the current status of school desegregation, and the asserted excess of pupil transportation ("busing") for the purpose of desegregation. The STMA seeks to halt implementation of all new orders for desegregatory pupil busing until the enactment of the EEOA or until July 1, 1973.

Both bills purport to find that educational agencies have been required to implement excessive pupil busing, thereby diverting funds from use in improving educational quality (STMA § 2, EEOA § 3). The EEOA contains legislative findings to the effect that the elimination of dual school systems has been "virtually completed," they assert that great progress has been made toward elimination of the vestiges of those systems, and that excessive busing causes disruption and substantial hardship to school systems and creates serious risks to student health and safety. (§ 3(a)). Neither bill directly defines excessive pupil transportation but both suggest that Fourteenth Amendment requirements have been exceeded.

EEOA § 403(a) prohibits an order for the busing of pupils in the sixth grade or below which exceeds the average daily distance or the average daily time of travel or the average daily number of such students transported in the preceding school year. In computing these averages, however, the Court is directed to disregard busing resulting from the student's change in residence, his or her advancement to a higher level of education, or his or her attendance in a new school. To the extent that this section serves to define excessive busing to mean only busing directed pursuant to an order requiring racial desegregation, it is plainly discriminatory and in violation of Constitutional guarantees.

It should be noted that the prohibition of § 403(a) apply regardless of how short the distance or time involved, or how small the number transported, so long as any one of these is greater than in the preceding year. Moreover, this section would operate to prohibit or restrict most other desegregation remedies, such as pairing, rezoning or educational parks, since these usually indirectly involve some increased busing.

EEOA § 403(b) has similar provisions for students in the seventh grade or higher but provides that such transportation cannot be ordered in the absence of clear and convincing evidence that no other method set out in § 402 will provide adequate remedies. Moreover, busing orders for students in the seventh grade or higher are explicitly made subject to § 407 which provides that all such orders expire after five years. In addition, such orders must be part of a long-term plan involving the other remedies provided in § 402, and all transportation orders are to be stayed upon timely application to a court of appeals. EEOA § 403(c) contains additional language that pupil transportation shall not be ordered if it poses a risk to the health of students or constitutes a significant impingement on the educational process. This merely repeats current judicial doctrine.[1]

The assertion in the bills that transportation funds are diverted from other educational uses (STMA § 2(a)(6); EEOA § 3(a)(5)), neglects the consideration that desegregation is itself a goal of education. Moreover, it is far from clear that funds used for transportation would be used for other purposes. In varying degrees, the states reimburse local school districts for providing school transportation and, given the relatively smaller number of students transported because of desegregation, it is

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unlikely that the amount of funds "diverted" is significant.

In any event, the claim of excessiveness in desegregation of transportation does not withstand scrutiny. The Department of Transportation recently reported that the annual increase in desegregation of transportation accounts for less than 1% of the total number of students comprising the annual increase.[2] The Department of Health, Education and Welfare has estimated for the eleven southern states during 1967–1970 a 3% increase in busing for all purposes, including desegregation.[3] By any comparison, therefore, desegregation accounts for a statistically insignificant amount of transportation for the 43.5% of the total public school enrollment, or 18,975,939 pupils, transported daily.[4] Part of the reason for this minimal increase has been the reluctance of Federal courts to order busing except where it has been constitutionally required. Furthermore, desegregation often rationalizes a transportation system by eliminating segregated busing.

By asserting that transportation "impinges" on the educational process (STMA § 2(a)(2); EEOA § 3(a)(5)), the bills ignore the fact that bus transportation may enhance education by making available larger facilities for use by a greater number of students and by reducing the danger that walking may pose to younger children. A recent report of the National Safety Council indicates that the accident rate for boys transported by school bus is .03 per 100,000 student days compared with .09 for walking. For girl students, the accident rate is .03 when riding a bus and a .07 when walking.[5]

EEOA §§ 101–102 permit the Department of Health, Education and Welfare to provide funds for compensatory education for disadvantaged students. These provisions clearly seek to make attractive the segregated schools perpetuated by the bill's impediments to busing. Implicit in this is a rejection of the holding of Brown v. Board of Education[6] that a segregated education is inherently unequal as a constitutional matter. Moreover, there are no reliable data which demonstrate that compensatory education is sufficient to overcome defects in educational background or to compensate for the denial of constitutional rights to desegregation.

EEOA § 202, which provides that the failure to achieve racial balance in the schools is not a denial of equal protection or equal educational opportunity, exceeds the provisions of the 1964 Civil Rights Act which merely defined "desegregation" as not meaning pupil assignment to overcome racial imbalance.[7] The bill fails to explain the distinction between a denial of "equal educational opportunity" and a denial of "equal protection." The term "balance" is also not defined.

EEOA § 203 supplements § 202 by providing that the assignment of students to neighborhood schools is not a denial of equal educational opportunity unless such assignment is "for the purpose of segregating students on the basis of race, color, or national origin . . ." or the school to which children are assigned was located "for the purpose of segregating students." This language appears to be at odds with constitutional requirements as outlined by the 4th Circuit Court of Appeals in Brewer v. School Board of the City of Norfolk, Va.:[8]

"If residential racial discrimination exists, it is immaterial that it results from private action. The school board cannot build its exclusionary attendance areas upon private racial discrimination. Assignment of pupils to neighborhood schools is a sound concept, but it cannot be approved if residence in a neighborhood is denied to Negro pupils solely on the ground of color." (footnotes omitted)

EEOA § 404 purports to validate lines drawn by a state, dividing its territory into separate school districts, except where it is established that the lines were drawn for the purpose and have the effect of segregating children. Only when a test requiring both wrongful purpose and effect is met can remedies under § 401 or § 402 be permitted. This would appear to mark a backward step in applying the Fourteenth Amendment. Courts have held that a consistent course of conduct resulting in segregation supports an inference of discriminatory intention; in short, from the effect of segregation the Fourteenth Amendment supports an inference of wrongful purpose.[9]

It is a cornerstone of our constitutional system that Congress may not impose its interpretation of the Constitution upon the courts.[10] But just as "Congress may not authorize the States to violate the Equal Protection Clause"[11] Congress may not impose its view of a constitutional violation upon the court where that view restricts the full measure of a constitutional guarantee.

EEOA § 402 directs that in formulating a remedy "for denial of equal educational opportunity or denial of equal protection of the law," a federal court or agency may no longer simply adopt the necessary remedy but must weigh and "make specific findings on the efficacy in correcting such denial" pursuant to a descending order of preferability of various remedies, the last and least of which is pupil transportation. The vice here is that needed flexibility of the courts' traditional equity powers would be severely hampered where most or all of the specified remedies in a given case would be necessary to achieve maximum school desegregation. Plainly the severe restriction on the use of busing, without its outright prohibition, is an attempt to deal with the unanimous decision upholding busing in *North Carolina State Board of Education* v. *Swann*.[12] In lieu of a direct ban on busing, EEOA seeks to make its utilization difficult by requiring the exhaustion of all other remedies prior to any busing. This, too, does not accord with constitutional doctrine. A unanimous court held in *Swann* v. *Mecklenburg Board of Education*:[13]

"Desegregation plans cannot be limited to the walk-in-school. . . .

"District courts must weigh the soundness of any transportation plan in light of what is said in [this opinion] above. It hardly needs stating that the limits on time of travel will vary with many factors, but probably with none more than the age of the students. The reconciliation of competing values in a desegregation case is, of course, a difficult task with many sensitive facets but fundamentally no more so than remedial measures courts of equity have traditionally employed."

Equity's traditional powers to fashion an appropriate remedy are constitutionally compelled where the questions in issue relate to fundamental rights. A unanimous court so held in *Davis* v. *Board of School Commissioners of Mobile County:*[14]

"Having once found a violation, the district judge or school authorities should make every effort to achieve the greatest possible degree of actual desegregation, taking into account the practicalities of the situation. A district court may and should consider the use of all available techniques including restructuring of attendance zones and both contiguous and noncontiguous attendance zones . . . The measure of any desegregation plan is its effectiveness."

The scheme proposed by EEOA § 402 would impose virtually insuperable barriers before complete school desegregation could be achieved. To achieve an appropriate remedy, plaintiffs would be obliged to prove the inefficacy of a host of other remedies with all attendant expenses and without necessarily yielding any definitive answer. This negative feature of the EEOA is reinforced by § 305 which provides that attorneys' fees may be collected by the prevailing party other than the United States and that the United States shall be liable for costs to the same extent as a private person. Section 305 is clearly aimed at civil rights plaintiffs because § 406 provides that educational agencies may reopen a court order or desegregation plan to achieve compliance with the EEOA.

To permit the recovery of attorneys' fees against civil rights plaintiffs is to reject the rationale of Title II of the 1964 Civil Rights Act as interpreted by *Newman* v. *Piggie Park Enterprises, Inc.*[15] where the court stated that a plaintiff under Title II of that act obtains an injunction not for himself alone but also as a "private attorney general." In fact the 1964 Civil Rights Act and the 1968 Fair Housing Act provide that attorneys' fees are recoverable by plaintiffs under certain circumstances in accord with the public-interest nature of such litigation.[16]

The prospect that a plaintiff may lose a civil rights action and therefore be required to pay substantial attorneys' fees would have an "in terrorem" effect on attempts to vindicate civil rights. The problem is highlighted by other provisions of EEOA which make it likely that decrees heretofore obtained by civil rights plaintiffs will be reopened.

Moreover, to allow a court to charge attorneys' fees to an unsuccessful plaintiff is quite contrary to the spirit of American justice which has not allowed the taxation of costs so high as to discourage plaintiffs from commencing litigation to obtain what they deem to be their rights.[17]

EEOA § 405 permits voluntary adoption of remedies going beyond those provided in the Act, a permission not likely to be availed of in the absence of vigorous enforcement, which this bill makes virtually impossible.

EEOA § 406 permits the reopening of court-ordered desegregation plans to conform them with the provisions of the bill. While this is arguably permissible under the usual doctrine that equity decrees are always subject to review because of change of circumstances, this is in fact an invitation to reverse the school desegregation of the past eighteen years, particularly in school districts where desegregation has long been achieved. Presumably in such districts, the alleged disadvantages of pupil transportation have long since been overcome. It is cynical in the extreme, therefore, to permit new rounds of litigation where successful adjustment to constitutional order exists.

II. CONSTITUTIONALITY OF LEGISLATION IN LIGHT OF ITS EXPLICITLY RACIAL BASIS

Recent Supreme Court decisions have made it clear beyond doubt that "compensatory" discrimination in a variety of respects (pupil assignment, faculty assignment, site-selection, etc.) is not only permitted but *required* where necessary to correct the effects of past unlawful segregation.[18] Among the remedies specifically so sanctioned by the Supreme Court in its most recent opinion, in the *Swann* case, is the use of a pupil-transportation plan to achieve integration where this is not otherwise attainable.[19] As the preceding analysis of the bills indicates, there are very serious Constitutional objections to legislation of the type proposed, in the following specific respects:

A. Denial of any increased busing in certain cases

It is clear from decisions of the Supreme Court that operation by any state (or its local subdivisions) of dual educational systems for the races is a violation of the Fourteenth Amendment and that the Federal Courts are obliged to grant plaintiffs who succeed in establishing such violations remedies which effectively remove the burden of such practices from the plaintiffs and those similarly

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situated.[20] It is also clear that in some cases it may be impossible to effectuate such relief without the issuance of an order which among other things calls for some modifications of and/or additions to the presently obtaining patterns of pupil transportation within the school district(s) affected.[21] Although Section 5 of the Fourteenth Amendment invests Congress with the power to implement its guarantees with appropriate legislation,[22] it cannot be seriously contended that the prohibition of busing by the proposed legislation is authorized by Section 5: the Supreme Court has stated that that Section does not include the power to contract the scope of the Amendment.[23] If a school system is in violation of the Fourteenth Amendment with respect to its students in the sixth grade and under, and if a judicial decree ordering a certain amount of busing (within the limits set by Chief Justice Burger for the Court in *Swann*)[24] is the appropriate remedy for such violation, it is difficult to see how any Act of Congress can validly destroy the plaintiffs' right to such a remedy. The Supreme Court has in one of the *Swann* cases held that a state may not by act of its legislature forbid the assignment of pupils on a racial basis or the transportation of pupils so assigned.[25] Chief Justice Burger, speaking for a unanimous Court, made the following statement about the need for busing as a remedy in such cases:

" . . [A]n absolute prohibition against transportation of students assigned on the basis of race, "or for the purpose of creating a balance or ratio" will . . . hamper the ability of local authorities to effectively remedy constitutional violations . . . [B]us transportation has long been an integral part of all public educational systems, and it is unlikely that a truly effective remedy could be devised without continued reliance on it."[26]

The Supreme Court also has recently affirmed without opinion a three judge Federal District Court opinion to the same effect where the racial imbalance complained of was considered by the lower court to be *de facto* rather than *de jure*.[27] The Supreme Court declared in one of the original *School Desegregation Cases*[28] that the Federal Government is by virtue of the due process clause of the Fifth Amendment bound equally with the states to refrain from segregation in public education. Accordingly, it seems clear that any Act of Congress which purports to deprive the Federal courts of the power to remedy Constitutional violations of the type complained of in *Swann* must be a violation of that Amendment, and therefore invalid.

B. Definition of the scope of equal protection

The reasons discussed above which prevent Congress from denying to the Federal courts power to remedy particular violations of the equal protection clause appear sufficient also to render ineffective any attempt by Congress to narrow the definition of what constitutes such a violation. There are some Federal court decisions to the effect that racial imbalance within schools does constitute a violation of equal protection, whether produced by or merely passively acquiesced in by the local school authorities;[29] there are also numerous decisions holding that the assignment of students on a "neighborhood" basis does not necessarily insulate school authorities from successful attack on the ground of improper discrimination.[30] If Congress cannot limit the scope and effect of the Fourteenth Amendment in general, it certainly cannot do so by a mere declaration that certain acts do not constitute violations of that Amendment's guarantees, if the acts in question would—in the absence of such legislation—be held improper as violations of equal protection.

C. Limitations upon, and delay of, court orders of pupil transportation to implement racial desegregation

As noted above, the Supreme Court has held that a state may not constitutionally prohibit any attempt to implement racial integration by means of pupil transportation.[31] As the Federal government is subject equally with the states to the requirement that it refrain from invidious racial distinctions in the field of education,[32] the principle of such decisions should apply equally to Acts of Congress. It might be argued that those provisions of the proposed legislation which merely stay the effectiveness of integration orders and require the courts to utilize busing only as a remedy of last resort are not the functional equivalent of such "anti-busing" statutes, because they merely impose certain procedural burdens upon the employment of such a remedy without actually prohibiting it. However, this argument is answered by another recent series of Supreme Court opinions involving racial discrimination.

In *Reitman* v. *Mulkey*,[33] the California Supreme Court had invalidated a newly-adopted provision of the state's constitution prohibiting any interference with the individual's right to dispose of his property to whomever he should in his discretion see fit, on the ground that in the context of an existing state Fair Housing Law such an amendment was designed to permit and even foster the practice of racial discrimination in the sale of property within the state. The Supreme Court upheld the California court's judgment, on the ground that it could not say that the California court had erred in finding that the state had by adopting this constitutional provision involved itself in a significant degree in private discrimination.

By itself, *Reitman* could perhaps be explained away as judicial deference to the fact-finding of a lower court. In *Hunter* v. *Erickson*,[34] however, the Court in order to reach a similar result had to reverse the Supreme Court of Ohio. The city of Akron, Ohio, had previously adopted a fair housing ordinance, generally forbidding discrimination on the ground of race or color in the sale of private housing. Later, by a majority of the voters in a general election, the city adopted a charter provision requiring that any ordinance (including the one already on the books) regulating the sale or lease of property on the basis of race or color be approved by a majority of the voters at a general election before taking effect.

Striking down this charter provision, the Court stated plainly that the "explicitly racial classification" was the defect. The Court conceded that Akron could simply have repealed its fair housing ordinance, and that it could also validly have chosen to subject city ordinances in general to such a requirement of voter approval. What the city (which unquestionably wielded "state power," the Court noted) could *not* do was to place "special burdens" on racial minorities in securing the benefits of law under the political process. The majoritarian character of the provision did not render it immune, since as the Court pointed out "the majority needs no protection against discrimination."[35]

Although both *Reitman* and *Hunter* involved discriminatory burdens on the minority's resort to the legislature, not the courts, it appears that the same principle should apply to the proposed busing legislation. To the extent that this legislation would impose an arbitrary stay on the implementation of court orders, or require plaintiffs to bear a burden of proof not borne by plaintiffs in analogous suits not involving racial discrimination, it would appear to put members of the affected minority at a distinct disadvantage in securing their rights by the litigation process. Such a racial classification bears a "far heavier burden of justification" than is normally borne by legislation;[36] whether this burden could be met is extremely doubtful. Particularly in light of the provision which would permit the reopening of past integration orders and require their modification to comply with the proposed legislation (Section 406), the apparent intent of the proposed Equal Educational Opportunities Act—and its likely effect, whatever the intent—would appear to be the undoing of much of the remedial action taken during the last 18 years[37] and a definite impairment of future plaintiffs' ability to secure the remedies to which, under the original *School Desegregation Cases* and succeeding opinions, they may be entitled. As this would constitute a substantial intervention by the Federal government against the interests of members of racial minorities, we believe it would amount to a denial of due process of law, under the Fifth Amendment to the Constitution.

III. CONGRESSIONAL CONTROL OVER JURISDICTION OF FEDERAL COURTS

Proponents of the proposed legislation have argued that it merely restricts the jurisdiction of Federal courts, denying or limiting the use in these courts of a particular remedy, and that Congress has clear power to do this under Article III of the Constitution as well as existing case law.

Article III of the Constitution vests the judicial power of the United States in the Supreme Court "and in such inferior Courts as the Congress may from time to time ordain and establish." It provides among other things that the judicial powers shall extend to "all Cases. . . . arising under this Constitution." It gives the Supreme Court original jurisdiction in certain specified cases and provides that that Court shall have appellate jurisdiction "with such Exceptions and under such Regulations as the Congress shall make." The few cases arising under this Article have made it clear that the Congress has substantial power to restrict the jurisdiction of the Federal Courts, including the appellate jurisdiction of the Supreme Court. *Ex Parte McCardle*.[38] In *McCardle*, Congress had enacted a statute withdrawing jurisdiction from the Supreme Court to hear appeals in habeas corpus cases. The statute was passed during the pendency of a particular appeal, with the deliberate intent to prevent Supreme Court review of the case. The Supreme Court upheld the power of Congress to do so, and dismissed the case, citing the provisions of Article III of the Constitution, giving Congress the power to make exceptions to the appellate jurisdiction.

But the *McCardle* case, assuming *arguendo* that it is still good law,[39] does not stand for the proposition that Congress has unlimited power to prevent the Supreme Court from considering Constitutional claims. The Supreme Court retained the power to issue writs of habeas corpus in the exercise of its original jurisdiction. The withdrawal of appellate jurisdiction therefore merely closed one avenue and did not prevent access to the Court. Indeed, within months after the *McCardle* decision the Court held that it had the power in the exercise of its original jurisdiction to resolve the substantive issues raised by the *McCardle* case. *Ex Parte Yerger*.[40]

Aside from the *McCardle* case, there appears to be little authority to support Congressional interference with the courts in enforcing the Constitution.

While the Emergency Price Control Act of 1942 prohibited the Federal District Courts from reviewing the validity of regulations made pursuant to the Act, the legislation also established a special court, the Emergency Court of Appeals, to adjudicate these controversies. Its decisions were made reviewable by the Supreme Court. That legislation was upheld because it preserved a full remedy in the Federal Courts. See *Yakus* v. *United States*[41] and *Lockerty* v. *Phillips*.[42]

The line of cases under the Norris-LaGuardia Act,[43] which declares that the Fed-

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eral Courts have no "jurisdiction" to issue injunctions in certain labor disputes, do not involve Constitutional matters. That Act therefore does not purport to deny the right to an injunction to vindicate Constitutional rights.

In the present situation it is apparent that in many cases, as a practical matter, no effective alternative to busing exists in carrying out the mandate of *Brown* v. *Bd. of Education* [44] to desegregate schools where segregated residential patterns exist. In many such situations, the denial of busing as a remedy will constitute the denial of any effective remedy in redressing the unconstitutional condition of segregated schools. Thus, while purporting only to prohibit or restrict a particular remedy, Congress would in fact be requiring the courts to reach a particular result at odds with previous court decisions as to what is Constitutionally required.

Article III has to be read with the rest of the Constitution, and, as shown above, we believe that the proposed legislation clearly violates the Fifth Amendment. Leaving aside the question of whether or not Congress may take away from an individual the opportunity to obtain a judicial determination in a Federal court of constitutional rights, it can scarcely be seriously contended that, under the guise of limiting the jurisdiction of the Federal courts, Congress may do indirectly what it may not do directly, that is, restrict the scope of the Fourteenth Amendment.

In short, as stated by Professor Bickel, the proposed legislation is "plainly aimed not at regulating jurisdiction, but at mandating a desired result. The power of Congress to regulate judicial jurisdiction has never been held to enable Congress to change specific Constitutional results. It should not be, and cannot be—not consistently with *Marbury* v. *Madison*." [45] It seems abundantly clear that Article III is not to be interpreted to allow such a result.

IV. POLICY CONSIDERATIONS

As is evident from the preceding analysis, the effect of the proposed bills would be not merely to "chill" the impetus towards desegregation generated by court decisions since *Brown*, but, by reopening past decrees, actually to roll back much of the progress already made. Regardless of constitutional considerations, we think that this is indefensible as a matter of public policy. The net result of such legislation could only be further to divide our nation, to encourage racial strife, and to interfere with the realization of what are generally recognized to be desirable educational goals.

While it is recognized that such is not the intention of all of the proponents of the proposed legislation, we think that this would be its essential effect. Moreover, as pointed out above, statistics show that the evil sought to be remedied—allegedly excessive busing—is more apparent than real. We think the problems which concededly may exist in particular instances with long distance or massive busing are better dealt with in individual cases than by any attempt to establish general legislative restrictions on the use thereof.

Moreover, even assuming that Congress had the constitutional powers thus to constrict the jurisdiction of the Federal courts, we think such interference with the role of the judiciary is both unwarranted and unwise. It would tend to place the legislative and judicial branches in conflict, and to impair the Supreme Court's historical role as the final arbiter of constitutional matters.

CONCLUSION

We strongly oppose this legislation. Regardless of intent, it would have the effect of condoning and indeed fostering continued segregation in schools. There is no doubt that it would, in many instances, remove the only effective remedy for the violation of an individual student's constitutional rights. We think that the proposals are in violation of the Fifth Amendment to the Constitution. Moreover, we think that, even if free of constitutional infirmities, such legislation should have no place on the national agenda. Accordingly, for all of the foregoing reasons, we urge that the proposed legislation be rejected.

Respectfully submitted,

Sheldon H. Elsen, Chairman, Mark H. Alcott, Michael F. Armstrong, Stephen E. Banner, Donald J. Cohn, Peter M. Fishbein, Peter E. Fleming, Jr., Robert L. Friedman, Richard A. Givens, George J., Grumbach, Jr., Arthur M. Handler, Conard K. Harper, Thomas V. Heyman.

Charles L. Knapp, Arthur H. Kroll, David M. Levitan, Standish F. Medina, Jr., Eugene H. Nickerson, William B. Pennell, Bruce Rabb, Martin F. Richman, Benno C. Schmidt, Jr., Thomas J. Schwarz, Beatrice Shainswit (Hon.), Brenda Soloff, Committee on Federal Legislation.

Robert M. Kaufman, Chairman, Charles P. Bergoffen, Eastman Birkett, Raymond S. Calamaro, Michael A. Cardozo, Porter R. Chandler, Jack David, John R. Fernbach, Stephen J. Friedman, Simeon Golar, Murray A. Gordon.

William S. Greenawalt, Eric L. Hirschhorn, John J. Kirby, Jr., Alfred J. Law, Maria L. Marcus, Alan U. Schwartz, Donald S. Shack, Donald J. Sullivan, Susan F. Teich, Paul L. Tractenberg, Milton L. Williams, Committee on Civil Rights.

June 30, 1972.

FOOTNOTES

[1] Swann v. Charlotte-Mecklenburg Bd. of Educ., 402 U.S. 1, 30–31 (1971).

[2] U.S. Dept. of Transportation, Report on School Busing 1 (March 24, 1972).

[3] HEW Memorandum from Constantine Menges to Christopher Cross 3 (March 30, 1972).

[4] Id., at 1.

[5] National Safety Council, Accident Facts 90–91 (1971 ed.)

[6] 347 U.S. 483 (1954).

[7] 42 U.S.C. § 2000c(b) (1964).

[8] 397 F. 2d 37, 41–42 (4th Cir. 1968) (en banc).

[9] Brewer v. School Board of City of Norfolk, note 8, *supra;* Spangler v. Pasadena City Board of Education, 311 F. Supp. 501, 522 (C.D. Calif. 1970); Davis v. School District of City of Pontiac, 443 F. 2d 573 (6th Cir.), cert. denied, 404 U.S. 913 (1971).

[10] Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

[11] Shapiro v. Thompson, 394 U.S. 618, 641 (1969).

[12] 402 U.S. 43, 46 (1971).

[13] Note 1, supra.

[14] 402 U.S. 33, 37 (1971).

[15] 390 U.S. 400, 402 (1968).

[16] 42 U.S.C. §§ 2000a-3(b) and 2000e-5(k) (1964): 42 U.S.C. § 3612(c) (Supp. 1970).

[17] Farmer v. Arabian American Oil Co., 379 U.S. 227, 235 (1964).

[18] United States v. Montgomery County Bd. of Educ., 395 U.S. 225 (1969): Swann v. Charlotte-Mecklenburg Bd. of Educ., Note 1, supra; Davis v. Board of School Comm'rs of Mobile County, Note 13, supra (1971); McDaniel v. Barresi, 402 U.S. 39 (1971).

[19] Swann v. Charlotte-Mecklenburg Bd. of Educ., Note 1, supra.

[20] Note 8, supra.

[21] Note 9, supra.

[22] This section was applied in Katzenbach v. Morgan, 384 U.S. 641 (1966), to uphold The Voting Rights Act of 1965.

[23] Id. at 651, n. 10 (Brennan, J., for the Court); Oregon v. Mitchell, 400 U.S. 112, 128–29 (1970) (Black, J., for the Court).

[24] Swann v. Charlotte-Mecklenburg Bd. of Educ., Note 1, supra at 29–31 (1971).

[25] North Carolina State Bd. of Educ. v. Swann, Note 12, supra (1971).

[26] Id. at 46.

[27] Lee v. Nyquist, 318 F. Supp. 710 (W.D. N.Y. 1970), was affirmed by the Court without opinion, 402 U.S. 935 (1971); three Justices (Burger, C. J., Black and Harlan) voted to note probable jurisdiction and set the case for argument.

[28] Bolling v. Sharpe, 347 U.S. 497, 500 (1953):

"In view of our decision that the Constitution prohibits the states from maintaining racially segregated public schools, it would be unthinkable that the same Constitution would impose a lesser duty on the Federal Government." (Warren, C. J., for the Court.)

[29] Holland v. Board of Pub. Instruction of Palm Beach County, 258 F. 2d 730 (5th Cir. 1958); Barksdale v. Springfield School Comm., 237 F. Supp. 543 (D. Mass. 1965), vacated and remanded for dismissal, 348 F. 2d 261 (1st Cir. 1965); Blocker v. Board of Educ. of Manhasset, 226 F. Supp. 208 (E.D. N.Y. 1964); Branche v. Board of Educ. of the Town of Hempstead, School Dist. No. 1, 204 F. Supp. 150 (E.D.N.Y. 1962). The Supreme Court has not yet passed on this question of the Constitutionality of racial imbalance not resulting from *de jure* segregation.

[30] Davis v. School Comm'rs of Mobile County, 402 U.S. 33 (1971) previous *de jure* segregation); an example from the lower Federal courts is Dowell v. School Bd. of Okla. City, Pub. Schools, 244 F. Supp. 971 (W.D. Okla. 1965).

[31] Notes 25, 26 and 27, supra.

[32] Note 28, supra.

[33] 387 U.S. 369 (1967).

[34] 393 U.S. 385 (1969).

[35] Id. at 391. The importance of the racial factor in Reitman and Hunter is emphasized by the Court's decision in James v. Valtierra, 402 U.S. 137 (1971), where no violation of equal protection was found in a referendum provision designed to discourage low-income public housing; the Court in its opinion in James stressed the absence of the racial factor, and declined to extend Hunter to non-racial discrimination. Id. at 141. Justices Marshall, Brennan and Blackmun dissented.

[36] McLaughlin v. Florida, 379 U.S. 184, 194 (1964).

[37] Acting Attorney General Kleindienst testified before the Senate Judiciary Committee on April 12, 1971, that the proposed legislation would "permit the reopening of every school desegregation case in the country." according to The New York Times. New York Times, April 13, 1972, at 1, col. 1.

[38] 74 U.S. (7 Wall.) 506 (1869).

[39] The *McCardle* case has been criticized in recent years. See *Glidden Company* v. *Zdanok*, 370 U.S. 530, 605 n. 11 (1962) (Douglas, J. dissenting.

[40] 8 Wall. 85 (1869).

[41] 321 U.S. 414 (1944).

[42] 319 U.S. 182 (1943).

[43] 29 U.S.C. §§ 101–115.

[44] 347 U.S. 483 (1954).

[45] Bickel, What's Wrong with Nixon's Busing Bills?, The New Republic, April 22, 1972, at 21.

Mr. PUCINSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. Conyers).

Mr. CONYERS. Mr. Chairman and my colleagues, this bill is more than an attack on the courts, though it is that.

It is more than a challenge to the integrity and the independence of the judiciary, and it is that as well.

It is more than a distortion of the balance of powers of the three coequal brances, but it is that also.

It is more than a step toward undermining respect for the highly vaunted theory of law and order, and it does that as well.

But above everything else it seems to me it is a sacrifice of the Constitution of the United States on the altar of political expediency.

I do not believe that we should disgrace ourselves in this body by enacting this legislation.

Perhaps it is more than wishful thinking that I believe I can penetrate the deception and sometimes the hysteria about busing with an appeal to reason, but I wish to speak to you nevertheless because I believe it is our duty, mine and yours, those of us who took the oaths to uphold the Constitution, to consider that we are making a hypocritical mockery of that most precious of documents, for this bill would declare that Congress and not the courts shall determine what constitutes a denial of the equal protection of the laws.

I do not think that anyone seriously believes, as has been asserted in this well, that this bill strengthens the ability of the courts to order the approval of busing. It is a refutation of Marbury against Madison's pronouncement over 169 years ago that "it is emphatically the province and duty of the Judicial Department to say what the law is," a pronouncement that has been regarded as an indispensable feature of our constitutional system.

Even the Eisenhower-Nixon administration regarded it as such. In 1954, when the Government was asked to submit a brief in the Brown case, it stated that the issue of school segregation was "a question not of legislative policy but of constitutional power—and it is a question which under our system of government must ultimately be determined by this Court."

The Court, of course, did determine the question. It decided that State-imposed segregation in public schools was a denial of the equal protection of the laws. And in the 18 years since, the courts have gone on to determine what constitutes a dual school system and to fashion remedies to dismantle it.

But from now on we shall look not to the courts but to the Equal Educational Opportunities Act of 1972. It tells us what constitutes a dual school system and what remedies are appropriate to dismantle it. And it directly contradicts what the Supreme Court has been mandating since 1954.

The Green case held that school authorities are charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system. The bill before us says that their only duty is to take those steps of which Congress approves. And Congress says it does not approve of busing, even though it knows that that is often the only step by which desegregation can be achieved.

The Swann decision held that local authorities could be required to employ bus transportation as one tool of school desegregation, saying: "Desegregation plans cannot be limited to the walk-in school." The bill before us would limit desegregation plans to the walk-in school system.

Swann also made it clear that the assignment of pupils to schools nearest their homes is not appropriate in a system that has been deliberately constructed and maintained to enforce racial segregation. The bill before us takes as its basic premise the principle that the neighborhood is an appropriate basis for determining public school assignments.

Some would have us believe that all of this is justified as "appropriate legislation" under section 5 of the 14th amendment. That is simply not true. Congress' power under section 5 is limited to adopting measures to enforce the guarantees of the amendment. It grants Congress no power to restrict, abrogate, or dilute those guarantees. As the Supreme Court said in *Katzenbach* v. *Morgan*, 384 U.S. 641, 651 n. 10 (1966):

> Section five does not grant Congress power to exercise discretion—to enact 'statutes so as in effect to dilute equal protection and due process decisions of this Court.'

Yet that is precisely what this bill would do. It would deny citizens the equal protection of the law which the 14th amendment guarantees them.

In effect, then, passage of this measure would signal that, as far as this body is concerned, the Constitution is no longer the supreme law of the land.

Mr. PUCINSKI. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. Abzug).

Mrs. ABZUG. Mr. Chairman, all who have spoken in opposition to the bill, as I do, have indicated that the Congress has no power to substitute itself for the courts. But, more than that, the Congress has no power to deprive the people in this country of the protection of the 14th amendment. I concur with their arguments and state that this bill is unconstitutional. But few of us have spoken to the fact that this bill is really an assault upon the children of this country—not just black children, but all the children of America.

There is nothing in this bill which will improve the educational opportunity of one single child in this country. Its content is a mockery of its title. It will not provide a penny of new money to alleviate the shocking and inadequate conditions in our inner city schools.

The proponents of this measure come to us and claim that they have written a bill that will end busing and provide funds for nonbusing desegregation remedies. They claim that busing is not a suitable remedy for the problems of racial isolation, and they purport to substitute this bill as a viable alternative to the remedies that the courts have found necessary to end segregation and protect the 14th amendment rights of schoolchildren.

But let us look at what they really offer us as a solution. They offer us a new bill that will divert funds from a desegregation bill already passed by this House earlier this year. They offer us a bill that will divert the first $500 million of the ESAA appropriation and use it in this bill for "compensatory education" programs.

I guess we are supposed to forget that the ESAA bill already authorizes these funds for desegregation purposes. And I guess we are also supposed to forget that the sponsors of this bill have consistently voted against increasing appropriations for title I ESEA, the statute passed by the House 7 years ago to provide funds for compensatory education programs.

We are told by the President of the United States on nationwide television that we need a remedy for desegregation that does not include busing. We were also told on that memorable broadcast that up to $2½ billion could be spent to achieve this goal.

We as a body responded to the President's message. When the Labor-HEW appropriations bill came to the floor, this House voted overwhelmingly to increase the funding of title I and title V ESEA and other education programs. The President asked for funds to pay for quality education and this body responded. We now find out in this bill that we misread Mr. Nixon's intentions. He really didn't want more money to provide quality education for children in segregated schools. He not only is supporting a bill that would prevent busing to improve educational opportunities he has vetoed the appropriation bill that would go some of the way toward improving schools in poor neighborhoods.

What this bill will do is quite clear. It will—in the unlikely event that it is held to be constitutional—end any hopes we may have of providing real educational opportunity to all of our children. It will destroy entirely the desegregation process and substitute for that effort what is nothing more than a public relations gimmick. I believe it is clear that what the President and his supporters really desire to do is to give us a bill with the title "equal educational opportunities" that would, in fact, consign millions of children to an unequal future and destroy their educational opportunities. We need an educationally integrated system so that we can provide a society which fulfills the needs of all of its people for clothing, housing, recreation, and hope. We must open up the educational process so that we can provide for all children the expectation of an equal education and equal access to the tools for a decent future and a decent life.

This bill is a mockery and a fraud, and behind it are those who hide their feelings of racism in this country.

I am shocked to hear some Members of this House state that they support this bill because they oppose discrimination on the basis of color. It is hard for me to understand how remedies designed to end and to rectify discrimination on the basis of color can be said to constitute such discrimination themselves. This claim—and this bill—are utterly fraudulent.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. Biester).

Mr. BIESTER. Mr. Chairman, I rise to associate myself with the very thoughtful and forceful remarks of the gentleman from Wisconsin (Mr. Steiger) when he took the well just prior to the last quorum call. This debate is indeed the fruit of neglect; neglect by all of us. And having failed to set guidelines in the past we must admit that some courts have gone too far. The bill is the product of compromise. I hope that the balance of that compromise will not be upset by a reopener amendment. I will oppose such an amendment. Again, Mr. Chairman, I congratulate the gentleman for his candor and his clear statement setting forth the extent to which all of us share a heavy measure of responsibility.

Mr. PUCINSKI. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. O'HARA).

(Mr. O'HARA asked and was given permission to revise and extend the remarks he made earlier.)

Mr. PUCINSKI. I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I intend to vote against this bill. I intend to do so because it contains many provisions that have not been adequately explained or explored, many provisions that are patently unwise, and on the whole represents an action of dubious merit and even more dubious effectiveness. We are dealing in this bill with a serious question—yet this bill is at best politically inspired expedience, and expedience that sacrifices principle at that.

I realize that there are serious objections to school busing as a means of achieving integrated education. Yet there is no need for us to attempt to resolve that question here and now, through this bill. The Supreme Court has yet to rule on the controversial school busing decisions.

The essential thing that we ought to be remembering is that we have an obligation to provide equal educational opportunity for every citizen of this land. It is their right to have it and our responsibility to give it. This bill is anything but a step toward providing equal opportunity—it is a lie on its face. It will not be easy to achieve justice and equal opportunity—nobody ever said it would be. The demands of the time are for cool heads and clear thoughts, and not for the kind of expediency that this bill represents. It is shameful that this legislation was dreamed up as a political expedient, and that its hasty consideration has been encouraged by the fanning of passions, even by the President, who should know better. So great are the passions that this bill comes before us in a most irregular manner, a manner which denied the committee having jurisdiction over it a chance to fully study its meaning, its ramifications, and what it would and would not do.

How are we to know, for example, what the full import of the provision to pay attorney's fees for court challenges might be? Are we setting up a system whereby one arm of the Government will in effect be suing another, both at taxpayer expense? Are we throwing the doors open to a sea of litigation that will only further exacerbate the fears and tensions of communities across the land, and which might indeed cause the breakdown of schools themselves? Would this provision unwittingly only further ensnare and entangle the country in a problem that vexes us all? I say that this is the kind of question that has not been answered and cannot be answered by the kind of procedure we have seen today, and by the kind of procedure that wrenched this bill from the committee before consideration could be completed.

There is an inevitable day when this House must accept its responsibility, if not today, then sometime in the future. I urge that we face our responsibility today, and seek out sensible legislation, legislation that really would provide equal educational opportunity. We can only begin by defeating this bill, standing up against expedience and demagogery, and working with serious hearts and clear minds toward making our schools truly equal, truly the engine of democracy, and truly the hope of the future—not the center of bitter, needless, hopeless controversy.

Mr. PUCINSKI. Mr. Chairman, I yield myself such time as I may consume. This will finish a good debate. We have been trying to be eminently fair in distributing the time so as to give everyone a chance to express his views. I listened to this debate with great interest, but I must say I am depressed at the degree of misunderstanding that exists on the part of so many Members in this chamber on this legislation. This is no assault on the judicial system; this is no wholesale revision of the American Constitution; this is no denial of rights to any citizen. What this legislation attempts to do is to end the cruel practice of making children the pawns of a social system which refuses to change its ways. It is all right to bus kids all over America; it is OK. Go ahead and let them get up at 5 or 6 o'clock in the morning. They are only children who have no one to protest to. It is okay to shake up the whole school system all over this country. The thing that somewhat depresses me is the degree to which some Members of this Chamber are willing to go to give up their rights as a coequal branch of the Government. I have heard throughout the debate on this bill, and I have heard throughout the testimony on this legislation before my subcommittee time after time witnesses saying that this is a responsibility that rests only with the courts.

As if the courts stood supreme above all. And I suggest that those who propound this argument——

Mr. CONYERS. Mr. Chairman, would the gentleman yield?

Mr. PUCINSKI. I shall not yield. I have yielded all afternoon.

I suggest to those who propound that argument, they ought to read the Constitution and recognize the fact that in this country we have three coequal branches of government, the Executive, the Legislative, and the Judicial. And we in this Congress have a constitutional responsibility. And had we carried out this responsibility 18 years ago after the historic Brown decision, you would not have the chaos you have in America today, and you would not have the complete disillusionment of the American citizens where bond issue after bond issue are being voted down one after another all over the country. Americans have lost faith in the public school system simply because of the fact that the courts keep undermining it.

The gentlewoman from New York who just spoke in the well stood here and said that we are voting congressional restrictions on court-ordered busing. But the gentlewoman has no qualms about the courts putting some 2,000 school districts in this country under their jurisdiction. Where are the crocodile tears for those people?

I say to you this: This is an honest bill, it is a bill brought to the House to bring some order out of chaos in this whole business of busing.

The gentlewoman from New York said a moment ago, "Why, nobody is going to get any better education." That is not true. We are providing in this bill a half billion dollars of additional money to children in the highest concentrations of poverty, and this is in addition to the $1.8 billion already in the pipeline under title I. And so there is $2.3 billion that is going to be spent for compensatory education for those youngsters. Add to that another half billion dollars in the emergency school bill, which we voted on a few weeks ago, so we are now talking about some $2.8 billion to help youngsters here in these schools, and schools undergoing integration.

So I say to you this bill does not deny anyone anything. What it attempts to do is to set up an orderly procedure so that you are not going to have one court make a decision this way over here, and another court make a decision this way over here. You are also going to give school administrators some idea of where we all stand.

On the question of constitutionality I say that the Founding Fathers of this country had a greater faith in the Congress than some of the Members I heard express opinions in the well today.

Section 5 of the 14th amendment, has been interpreted by the courts as a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the 14th amendment.

So I say to you, Mr. Chairman, this is sound legislation. I hope we are not going to emasculate it here with mischievous amendments that will make it difficult for the majority to support.

Now that is obvious—it is not an appropriate basis—it is the opposite.

If you really want to make some order out of chaos in this country and set some ground rules that the courts can follow—and the courts admit themselves that the rules are imperfect, then I suggest you vote for this bill—vote for this bill which I am sure will be widely hailed by millions of Americans who are now living in the shadow of doubt as to precisely where they stand on this issue.

Mr. CONYERS. Mr. Chairman, will the gentleman yield for a question?

Mr. PUCINSKI. I yield to the gentleman for a question.

Mr. CONYERS. I thank the gentleman for yielding.

Is this Government in which we have three coequal branches, is it not the responsibility of the Federal judiciary to make final determinations about the laws? Is that not a prerogative that is reserved to them rather than to us?

Mr. PUCINSKI. That is correct.

Mr. CONYERS. So, we are not diminishing our authority if we were to yield to the rulings of the court which have been established in the Swann case and the Marbury against Madison case. The court made those decisions.

Mr. PUCINSKI. There is nothing in this bill that is contrary to anything in the Swann case.

Mr. CONYERS. May I point out there is no court decision that has ever required that children in grades 1 through 6 be precluded from ramifications of a decision that might involve busing.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, I rise to express my support of this measure, to offer my suggestions on how it could be further improved and to emphasize once again my firm conviction that the answer to the problem of unequal educational opportunities is to improve inferior schools rather than merely reshuffling the children who must attend those schools.

Amidst all the hue and cry about forced busing, one thing stands out clearly. Busing is a self-defeating and futile remedy for the problem of unequal educational opportunities. Even probusing advocates have admitted that it is a remedy of last resort. Nevertheless, they would have us believe, that busing, though distasteful, is a remedy; a remedy which the American people must swallow.

I personally feel that busing is not a viable remedy. We must seek and implement remedies which do not carry the costs, in terms of money, time, disruption, and hardship that busing almost by definition creates.

I am further disturbed, Mr. Chairman, by the obvious lack of uniformity in the application of busing orders by various courts throughout the Nation. I am unable to discern any trend much less rhyme or reason from the maze of conflicting busing decisions handed down by courts responding to very similar fact situations. Some, such as those in Detroit and Richmond, have attempted to order extensive cross-district and cross-county busing. Others have ordered limited citywide busing. Still others have shunned busing as a solution altogether.

If the Equal Education Opportunities Act does nothing else, it is worthwhile for the simple reason that for the first time there will be clear and definite guidelines for all the courts to employ for all sections of the country.

This measure will limit busing of children below the sixth grade only to their closest or next closest school. For those over the sixth grade busing can only be implemented if and when several alternatives have been tried and have failed to equalize educational opportunities.

Mr. Chairman, while I am glad to see these beginning steps taken to restrict busing it seems to me that the distinction drawn between elementary and high school busing is both arbitrary and unnecessary. If we realize, as those of us from the State of Michigan have learned from hard experience, that busing is a failure then why should we restrict its use only at the elementary school level. Therefore, I intend to support any effort to amend this measure to remove that arbitrary distinction.

Mr. Chairman, I would like to commend that section of this bill which repeals the authorization of funds for the planning or construction of educational parks. As many of you already know I have long opposed this idea and was disappointed that these funds were authorized in the first place. Many of my constituents have expressed very legitimate concerns about educational parks. I am happy to see that these fears will now be dispelled.

Another extremely important section of this legislation is that which assures the integrity of school district lines. As such, no busing can be planned which would ignore or alter existing school district lines unless it can be proven that they were drawn with the purpose and object of creating segregation.

Recent litigation in Detroit and Richmond have attempted to wipe out school, municipal, and even county lines. I sincerely hope that this measure, if passed, will lay to rest the notion that our children can be bused without regard to city or county borders.

On the other side of the coin, Mr. Chairman, the Equal Eductional Opportunities Act faces up to the very real problem of unequal schools in this country. Rather than shifting students from good to bad schools which seems to be the basis of the busing philosophy, this bill provides hard and desperately needed cash which is specifically earmarked for inferior schools.

This money, $500 million in the committee bill, must be spent on improving the mathematics and language skill of pupils. This money will not go into increased salaries, maintenance or capital expenditure costs. It will go directly toward improving the child's educational skills. That is as it should be since we are dealing with an educational problem.

This money which is to come from previously authorized moneys, will have a strong impact on poorer school districts. I would only add that this sum may not be adequate to significantly affect the level of the vast majority of inferior school districts.

I intend to support an amendment which would increase the amount of money to be authorized for the purposes of this bill. I have been in Congress too long to think that money is the final or total answer to any situation. However, it is a vital and necessary ingredient. There is no doubt that judged by any standard there is a great deal of room for improvement. As such, the funds in this bill should be roughly commensurate with the size of the challenge which faces our educational system.

In conclusion, Mr. Chairman, I wish to endorse once again the purpose and intent of this bill. Today, we have an opportunity to build on the antibusing legislation originally sponsored by myself, Mr. ASHBROOK and Mrs. GREEN last November.

As a matter of fact, Mr. Chairman, only this week the Justice Department has assured the people of Detroit that the Broomfield antibusing amendment does apply to the Detroit case. They have assured us that my amendment to delay court ordered busing pending appeal is indeed constitutional. I think the Justice Department should be commended for its diligence and efforts on behalf of this moratorium and the people of Michigan.

I feel very strongly, especially in light of the recent actions and assurances by the Department of Justice, that we can effectively control busing through the use of legislation. This measure before us today represents another milestone in that effort.

While I have signed the discharge petition to the constitutional amendment to ban busing and while I am heartened to see that it is now eligible for floor consideration, I believe that legislative action remains the most efficient and best means to end the problem of forced busing once and for all. However, should this legislation become stalled or fail to eliminate forced busing, I will lend all of the energy at my disposal toward the passage and eventual ratification of the constitutional amendment.

Mr. PUCINSKI. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I should like to answer some of the arguments just made.

This bill is very hard to construe because it is a deception. It is a fraud. But if it does anything at all, it purports to express the following proposition:

If the curing of a constitutional violation requires a painful remedy, the bounds of constitutional rectification may be so constricted as not to include that remedy.

That is precisely what this bill says—if it says anything. I am not sure it says anything. But I can say, if that is its purpose, its purpose is unconstitutional. If that is not its purpose—it does not prohibit busing.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. GONZALEZ. Mr. Chairman, I will address my question either to the gentleman from Illinois, the chairman of the subcommittee or to the gentleman from Texas, because they are referring to court decisions and legal expertise.

Is it true that the Supreme Court has yet to rule on this precise point that this bill is addressing itself to?

Is my understanding correct that all of these decisions that the bill is really worried about are inferior court decisions and not Supreme Court decisions, and that the Supreme Court has not really dealt with this subject matter?

Mr. PUCINSKI. For the information of the gentleman, so far as the Congress having the right to set rules and regulations and exercising its legislative responsibilities under the 14th amendment, that has been spelled out in the Supreme Court decision in Katzenbach against Morgan.

So, the court has addressed itself to the question of whether or not the Congress has the right to pass legislation on the protections of the 14th amendment. That is precisely what we are doing in this bill.

Mr. QUIE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I had not intended to participate in this debate and I do so only because it seems to me that we have been making some too broad statements here about the matter of constitutionality.

Several very distinguished Members have asserted flatly that this bill is unconstitutional. Now they may be right. I concede that, but it is not that clear—it is a very debatable proposition—whether the bill is unconstitutional or not.

Whether you like the bill or not, that is another question to which I am not at the moment addressing myself.

Let me read to you what the Supreme Court said in Katzenbach against Morgan:

> Correctly viewed, Section 5 (of the Fourteenth Amendment) is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment.

Now then, that is Congress which can determine what legislation is necessary to secure the guarantees of the 14th amendment, according to the Supreme Court.

Mr. Justice Harlan said in his dissent:

> In effect the Court reads Section 5 of the Fourteenth Amendment as giving Congress the power to define the substantive scope of the Amendment. If that indeed be the true reach of Section 5, then I do not see why Congress should not be able as well to exercise its Section 5 "discretion" by enacting statutes so as in effect to dilute equal protection and due process decisions of this Court.

Professor Bork of Yale Law School says this:

> It is difficult to see how any judge or scholar committed to the principle of *Morgan* could fail to conclude that the President's busing proposals are constitutional.

Personally, I, myself, have never bought Katzenbach against Morgan as necessarily being good law. It amuses me just a little bit to see how some of my liberal friends, who regard it as a great case, now want to get away from it when it is not to their advantage.

Where I think you can uphold the constitutionality of this bill better than by Katzenbach is simply by saying that we are dealing under section 5, as we can deal, with the regulation of the remedy, and we are not affecting the constitutional right.

We are just talking about how and to what extent and under what circumstances we can utilize certain remedies, how and to what extent the court can utilize certain remedies; and I do not think you have to buy Katzenbach to say that; but if you do buy Katzenbach it is very hard to see why Congress in one case can say that the State of New York cannot set up literacy tests and yet we cannot here say what we want to put in this legislation.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, this debate on Katzenbach is so good that I will not yield my time back, but I will yield a minute to the distinguished chairman of the Judiciary Committee.

Mr. CELLER. Mr. Chairman, I thank the gentleman for yielding.

I wonder if the gentleman from Indiana read the footnote in the case he referred to, which reads as follows:

> We emphasize that Congress' power under Section 5 is limited to adopting measures to enforce the guarantees of the Amendment; Section 5 grants Congress no power to restrict, abrogate, or dilute these guarantees.

Any other reading of section 5 would conflict with the objective to secure equal protection guarantees against a hostile Congress. To read section 5 of the 14th amendment to ignore the command of fifth amendment that the Federal Government, including the Congress, as well as the States, is bound by the equal protection clause.

Mr. DENNIS. Mr. Chairman, I would say to my distinguished chairman that of course he has correctly read the footnote, which I think Justice Brennan—I cannot tell, but I think he may have put it in because Justice Harlan had pointed out to him in the section which I read a moment ago the danger from his point of view—from Justice Brennan's point of view—of where he was going; so he put that in.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. QUIE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, Mr. Justice Brennan put that footnote in to protect himself. Let me read to my chairman what Professor Bork says. I am sure he is familiar with it:

> It is . . . improbable that the Court could make that gratuitous limit stick.

That is the footnote he is talking about.

> The Court's own argument in Morgan requires a congressional free hand. Congress is assigned power because of its superior ability "to assess and weigh the various conflicting considerations." That competence, though the opinion does not spell the point out, resides in Congress' superior ability to gather information on a nationwide scale and to make the judgments of degree necessary to frame a general rule in certain areas. That being admitted as a reason to permit the Congress to extend the meaning of the constitutional guarantee, there is no case for denying Congress the power, on the same grounds, to say that its information and judgment indicate a Court-made rule is not necessary to the effectuation of the guarantee.

Mr. QUIE. Mr. Chairman, I yield myself 1 minute. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I believe this has been a very successful debate on this issue. I am delighted that the chairman of the Judiciary Committee is here. This proves precisely what we have been saying all afternoon. It is not necessary to say that this bill is going to be tested. Of course it is, and the courts will have ample opportunity to give their attention to this law and to interpret it in their way. The gentleman is correct.

But the argument that we have heard here all day long is that we should not be legislating, that this is not our function. I say that is a completely erroneous argument as sustained in Katzenbach against Morgan.

Mr. MOORHEAD. Mr. Chairman, I fear the way H.R. 13915 has been drafted, it could be construed as a racist bill.

In the 20-page substitute bill the words "race" or "racial" appear 15 times.

I do not believe these explicit references are necessary to remedy the legitimate complaints of the American people who want quality education for their children.

The overwhelming majority of American people are not racists but they are concerned about education.

I think they object to having their children taken involuntarily from what they consider to be a superior school and sent to what they consider to be an inferior school.

They understand other parents who wish to transfer their children from an inferior to a superior school.

I understand and share these feelings and I am sorry that the committee could not translate this concern into language which will not exacerbate the division between white and black Americans.

The fact that this can be done is shown by the language of section 101(a) of the substitute bill which provides funds to—

> (4) to aid educationally deprived students enrolled in schools enrolling a high proportion of students from low-income families (or transferring from such schools to schools enrolling a lower proportion of students from low-income families) in overcoming their educational deprivation.

If the balance of the bill had been drafted in this nonracial, nonemotional way we could have before us constitutional legislation which those of us who truly believe in equality of educational opportunity could support.

Mr. NEDZI. Mr. Chairman, I support H.R. 13915.

In my judgment, the quality of public education is directly related to two essential elements: First, sound policies, and second, public support.

Arbitrary orders of the Federal courts requiring cross-district busing in pursuit of racial balance, have created, as we all know, tremendous chaos, and resistance in every place where the issue has been pressed.

Cross-district busing is a bad policy. Not only that, but the prospect of cross-district busing has withered public support for education and severely damaged public school systems.

The essential thrust of H.R. 13915 is to prohibit cross-district busing and to severely limit the free-wheeling use of busing as a court-ordered tool. The bill, steered through the Education and Labor Committee by three knowledgeable and responsible specialists in education, MARVIN ESCH, JAMES G. O'HARA, and WILLIAM D. FORD, a bipartisan trio of Michigan members, is designed to be a stronger version of the antibusing proposal advanced by the administration.

The bill would preserve existing school

district boundaries. It further provides that children in the first six grades could be bused only to the nearest or next-nearest school in their own school district. Further, the controversial education parks provision of the higher education bill would be repealed.

The overwhelming opinion of the majority of thoughtful citizens of my State is that the turmoil caused by the busing decisions of Judge Roth and others must be resolved by a prohibition on busing. Then and only then can we return to the matter of improving our Nation's educational system.

The point must be stressed: If courts insist on busing, chaos is insured for years to come. If busing is prohibited, the affected States and the Nation can finally return to other business in the educational field.

The bitter irony of this controversy is that busing to achieve racial balance is a half-baked theory that will not produce educational improvement. To persist in a bad policy which brings public resistance and turmoil would be the height of folly.

It is in the national interest, then, that H.R. 13915 be supported by the House of Representatives.

Mr. CHAMBERLAIN. Mr. Chairman, I rise in support of the bill, H.R. 13915, the Equal Educational Opportunities Act of 1972, which provides guidelines to the courts for enforcing equal educational opportunities and equal protection of the laws under the 14th amendment. I agree with my colleagues, Mr. QUIE of Minnesota, and our distinguished minority leader, Mr. FORD, that the courts have carried too heavy a burden in cases involving the use of busing in school desegregation. It is the responsibility of the Congress to enforce guarantees of equality by suitable legislation. It is up to Congress to provide other remedies from which the courts may choose; up until now their only recourse to school desegregation has been to bus schoolchildren. In my judgment this bill does this in a responsible way.

I am against creating hardships for children in the name of equal opportunity. In November of last year, I introduced a resolution, House Joint Resolution 983, the companion measure to Senator ROBERT P. GRIFFIN's resolution, which proposes an amendment to the Constitution that would prevent pupils from being assigned or transported to public schools on the basis of their race, color, religion, or national origin. Such a hardship as sending children a greater distance from home out of their communities to distant schools has been imposed in my own State by Federal court.

The Supreme Court, in the Swann case in April 1971, recognized that care must be taken in transporting students so as not to impair their safety and health. This bill today precludes court or Federal officer ordered busing in the transporting of elementary pupils except to their nearest or next nearest elementary school, as it does for secondary school pupils unless it is demonstrated by clear and convincing evidence that no other method will provide an adequate remedy.

In my own district, results of my annual questionnaire showed that 82 percent said "no" when asked if they favored busing to achieve racial balance in schools. Recent Gallup polls have shown similar results, indicating strong opposition to busing programs.

During the past few weeks when I spent a great deal of time in my district, I found my constituents voicing the same intense concern as heard from other citizens over the busing issue. They were almost unanimous in their opposition to court-ordered busing. While they feel very strongly about this question, I found also reasonable and fair thinking, and I am satisfied that this opposition does not spring from bigotry or racial prejudices. Simply, we all are concerned about the well-being of children. It is evident that no enlightening experience is gained by a child who is transported from his neighborhood to distant and strange locations. Rather busing impedes, if not destroys, cooperative and educational efforts of parents and schools.

Mr. Chairman, everyone I have talked with at home is strongly in favor of children in all sections of our cities attending schools of substantially equal quality. They support equal financing for schools and are prepared to pay the costs of upgrading schools which are inferior. They also support adequate financing for all schools at every level: local, State and Federal. But, they view forced busing as a waste.

The overriding question then is whether compulsory busing achieves the goal of equal educational opportunities and equal protection of the laws or whether school children are merely being used in an attempt to attain this goal. During my years in the Congress, I have always subscribed to the American ideal of equal opportunity for every man, woman, and child to achieve whatever level of accomplishments his talents may earn for him. I have always supported the goal of equality I feel we all must share, and my votes on civil rights make this very clear. I have voted for the Civil Rights Acts of 1957, 1960, 1964, and 1968, as well as the Voting Rights Act of 1965 and 1970.

The busing issue, however, has inflamed public opinion against our courts and against our public educational system. During the primary election last week, two bond issues in Detroit were lost because of the busing issue. This is happening in other cities, too, and this adds to the mounting evidence that court-ordered busing has the effect of damaging our educational process. If this method of enforcing equal educational opportunities is permitted to continue, not only will confidence in public education be destroyed, but also the public educational system. Certainly, crosstown busing destroys the opportunity of building any sense of community into the school program, which is so essential to the success of these programs, particularly for preschool and elementary school children. Without the much needed public support for education and parent involvement, there will be no public education for our children.

Therefore, Mr. Chairman, I urge passage of H.R. 13915, the Equal Educational Opportunities Act, which provides Federal financial assistance for educationally deprived students and specifies appropriate remedies for the orderly removal of the vestiges of the dual school system.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in reluctant support of H.R. 13915, the Equal Educational Opportunities Act of 1972. This bill, which has been the subject of much controversy since its introduction a few months ago, will indeed bring about a degree of clarification on the role of busing in the education of America's school children. Unfortunately, I believe that too much attention is being given to the issue of "to bus, or not to bus" as one prominent commentator has termed the question. For if we here today are truly concerned about equal educational opportunities, we will concern ourselves with the problem of inadequate schools, inferior facilities and the need for innovation rather than continue the emotional debate on the subject of busing of schoolchildren.

For, in my opinion, if the original purpose of busing was to improve the quality of education for all our young people, whether they be black or white, whether they live in the inner city or in the suburbs, then I feel that busing has been a failure. It has created much hardship for all those involved and certainly has had an adverse effect on the children who have been forced to spend hours a day traveling to and from a distant school.

The hardship to the children, the wasted time in transit, the forced elimination of postschool activities and the not unsubstantial cost, are all reasons why I believe that we must look for another way to help better the quality of education. For busing students back and forth in search of that magical percentage of racial balance has done little but impose frustration on all concerned.

But, if nothing else has come from this endless litigation and legislation, I am convinced that it has made the vast majority of Americans admit for the first time that the quality of all our schools is not as high as we would like to believe. It has made them admit that there is a considerable difference between the schools of the inner city and the schools in the more affluent surburbs. The universal acceptance of that fact might very well be the first step towards eliminating that difference of opportunity.

As a member of the Committee on Ways and Means, I for one, am very interested in several suggestions about new means of financing public schools. Hopefully they will signify an effort to bring about greater equality, both in teachers and in facilities, than presently exists. For only by upgrading our schools and restructuring educational financing, will we be able to achieve true equality.

So today as we consider this legislation, I hope that the members of this body will concentrate on looking ahead, on finding new solutions to the problems in our schools, rather than talking about looking back, back to the days when America had a system of education that was inherently unfair and inherently unequal. I hope that we can spend our time and our efforts finding a permanent cure for the disease rather than belaboring the discussion on one of its less successful attempted remedies.

Mr. NIX. Mr. Chairman, this legislation before us, H.R. 13915, is unconstitutional because it seeks to substitute a legislative policy for a finding of constitutional right by the United States Supreme Court.

There has been no allegation of corruption or a fatal defect of judicial process made by the sponsors of this legislation, therefore, I must conclude that they base their attack on the jurisdiction of the Federal Court system because they disagree with the decisions of the United States Supreme Court.

The decisions this bill is directed against, the Brown against Board of Education case in 1954 and the Swann against Charlotte-Mecklenburg Board of Education decision in 1971, were both unanimous decisions. I think it is safe to predict that this legislation will be held unconstitutional. It is fair to say that this exercise in futility will provide more heat than light.

Since the Swann case is the law, I would like to point out what the Swann case did.

First, the Swann case reaffirmed the Brown decision of 1954 and then took the position that the time for action in ending segregation in education was now, since the deliberate speed pace was no longer adequate to protect constitutional rights.

Second, it restricted its impact to segregation resulting from State action in the drawing of school district boundaries.

Third, it characterized school busing as one tool to be used in the breakup of segregated education. The Court pointed out that the importance of school busing arose from the fact that it was the schoolbus which had transformed American education from the "one-room schoolhouse" to "consolidated schools."

Fourth, the Court established that the right to attack school busing and the assignment of children to schools could be done on the basis that the education of the children involved was being diminished or that the health of the child was threatened as the result of the distance of such trips.

What do the sponsors find so offensive to them in the Swann decision? Their objection has to be that the courts will take any action at all. This bill has as its keystone the protection of school district lines as drawn up by local authorities. It seeks to do this by limiting remedies for unconstitutional State action as to segregated education. Therefore, if rights are established, remedies cannot be found to make such rights effective. In return to those Americans who lose their rights, the spending of Federal conscience money is provided for in the form of an investment in local school construction. The provision for such spending alone is an admission of the defective character of this legislation.

The heart of this proposal is the substitution of construction of new facilities as a new remedy for those who establish in court that their children are being injured by a segregated school system. This provision is 402(e) of the bill. The constitutionality of such an approach was condemned in Brown against Board of Education by a unanimous Court in 1954. The Court had found that segregated education, so-called separate but equal education, was inherently inferior. Therefore, the Court concluded that new construction designed for minority group students did not cure the unconstitutionality of inherently unequal education.

A fair summary of the position of the sponsors of this bill is that while segregation in the South is unconstitutional, segregation in the North is not, since this is the only difference between their interests and the Swann situation.

I say to those parents who are concerned about the 3 percent of the school busing done in the United States for purposes of racial balance, that their best protection is still the court system. It is the courts that can examine, on a case by case basis, disputes between individuals. It is the Supreme Court of the United States which has provided a standard for the protection of those students who are being bussed against their parents' will. That standard is one of education and health, which are matters of proof. If the busing of children is bad in certain situations, such could be demonstrated to the courts.

But, even for these concerned parents this obviously unconstitutional legislation can add no protection. It may delay progress for a time, but it only puts off until tomorrow problems which have to be faced today. It supplies general rules and promises that cannot be kept, for reasonable decisions in the courts are based on real problems and facts rather than emotion.

The enactment of unconstitutional legislation with the foreknowledge that the courts will strike it down is not a harmless gesture. The very passage of this legislation will set race relations back 10 years. The path we take backwards today will have to be traveled again, if this bill is enacted. H.R. 13915 is an unnecessary trip into the past. It seeks to allay present fears but only provides for future anxiety. Its enactment cannot help its sponsors' constituents. It will harm their future and the future for all of us. I ask that the House reject H.R. 13915.

Mr. DERWINSKI. Mr. Chairman, I support H.R. 13915 and consider this to be long-overdue legislation.

The solution to the problem of providing proper educational opportunities for all students will not be solved by an emphasis on these programs which arouse emotional responses. It is obvious that court edicts on busing have increased racial tensions and have not contributed to educational improvements. The practical alternative to continued court orders and the resulting controversy is prompt congressional action on this measure.

This issue has been debated across the country in growing intensity as court edicts, tending to ignore majority thinking of the public and especially that of parents of schoolchildren, create turmoil, confusion, and problems in our schools which are facing a monumental enough assignment of providing education for millions of students in our public schools.

It is my judgment that most Members have their minds made up as we go into this debate: they also have their minds made up over the positions they will take on the amendments that will be offered. Therefore, I will deliberately be brief and reemphasize my support of the neighborhood school concept, my interest in quality education for all students, and I also reemphasize my feeling that the busing of schoolchildren merely for the sake of racial balance is negative rather than positive policy.

May I also reemphasize my belief that it was and is wrong to bus children on a mandatory basis except to provide sound education. The obligation of our institutions of learning is to provide the finest possible education for the students under their jurisdiction. To give integration priority over sound educational administration creates more problems than it solves and works to the detriment of the student, the teacher, and the taxpayer.

In closing these brief remarks, Mr. Chairman, I will make other points during the debate on amendments. I believe this bill deserves to and will receive overwhelming support in the House. I trust that the other body will give it priority attention immediately after the congressional recess.

Mr. HARRINGTON. Mr. Chairman, I rise in opposition to H.R. 13915, the so-called Equal Educational Opportunities Act of 1972. It is a distortion of the highest magnitude to attempt to clothe a bill which seeks to retard our progress toward genuine equality for all Americans, one which attempts to negate the Federal Court's power to remedy school segregation by busing, with such an upright, just and equality ringing title. It should be entitled what it really is, "an antibusing, anti-integration" bill.

The intent of the framers of the bill to dilute the guarantees of the 14th amendment is nowhere more evident than in section 202 of the measure. This section states:

> The failure of an educational agency to attain a balance, on the basis of race, color, or national origin, of students among its schools shall not constitute a denial of equal educational opportunity, or equal protection of the laws.

This provision would in effect impede further school desegregation efforts. This measure if adopted would take us back to the days before Brown against Board of Education, when racial segregation in schools was the law of the land.

What does this legislation do, Mr. Chairman? It does not really provide any new funds to upgrade our economically inferior schools. The $500 million that this bill would redirect to provide basic instructional and supportive services for students in schools having a high proportion of students from low-income families has already been appropriated under the Emergency School Aid Act.

The thrust of the legislation would be to place permanent prohibitions and restrictions on the use of busing to achieve racial balance in our schools. It would permit busing only as a last resort to end segregation. Even when busing is the last resort to end school segregation, the bill absolutely prohibits the busing of students enrolled in the first 6 grades. It is at this age, however, that school desegregation is the most successful.

H.R. 13915 also represents the most far-reaching legislative assault on the independence of the Federal judiciary. It is an attempt to reverse the prointegration decisions of the Supreme Court, and represents a blatant disregard of the separation of powers.

I urge all my colleagues who seek quality education for all to join me in voting against this bill.

Mr. DRINAN. Mr. Chairman, I rise in opposition to H.R. 13915. This bill is titled the "Equal Educational Opportunities Act." Never has a bill been more inaccurately labeled. This measure will frustrate equal opportunity and in many cases render it impossible.

The chairman of the Leadership Conference on Civil Rights, Roy Wilkins, has said that our action on this bill will be "one of the crucial civil rights votes of the past 10 years." The lines are well drawn. Some of us will vote to restrict the ways in which desegregation can be accomplished. Others, myself included, will vote against this bill because we will not sanction, in the name of busing or any other slogan, a continuation of existing, purposefully segregated public schools.

Mr. Chairman, I have previously spoken out in this Chamber on busing. I have indicated as forcefully as I know how why this issue is in reality a mere disguise for other issues too dark to be discussed in the company of civilized men.

I have indicated that measures such as this bill are, in the view of many if not most constitutional experts, unconstitutional. And I have tried to demonstrate that passage of legislation such as this will undermine the delicate but hitherto unshattered balance of responsibilities among the executive, legislative, and judicial branches.

We do not approach the issue of busing in a vacuum of social policy; rather, we approach it in the context of the fulfillment of a national goal shared by nearly every American of good will. That goal was described as follows by President Nixon in his March 24, 1970, statement on school desegregation. The President stated:

> It is clear that racial isolation ordinarily has an adverse effect on education. We also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve a broad-based human understanding that increasingly is essential in today's world.

When we speak of the use of busing as a means to accomplish that goal, we do not suggest that busing is the only such means, nor that it is the best means under all circumstances. Many other techniques have been and are used to desegregate schools. Schools have been integrated by changing the grade structure of the system, by redrawing attendance zones, by multischool pairing, and by the construction of new facilities. Indeed, as we approach a society in which equal opportunity is afforded in the fields of housing and employment as well as education, it is highly likely that such alternate techniques will predominate even more than they do today.

Moreover, limitations on the use of busing are specifically sanctioned by the Supreme Court, which, in Swann, stated in plain language that "busing will not be allowed to significantly impinge on the educational process."

It is also imperative to note that when we urge the use of busing to achieve integration in some circumstances, we are not advocating the introduction of a new, dangerous, or untested activity. To the contrary, as Mrs. Lucy Wilson Benson, the president of the League of Women Voters of the United States, Dr. William T. Coleman, Jr., president of the NAACP Legal Defense and Educational Fund, Incorporated, and others have testified, busing and public education have traditionally been inseparable in our country. In fact, historically, busing "was an important strategic device in maintaining racial discrimination and segregation in the public school," according to Dr. Coleman. A 1967 pamphlet prepared for HEW, "Race and Place; A Legal History of the Neighborhood School," details the pervasive use of busing to promote segregation.

Between 1954 and 1969 our national fleet of school buses grew from 150,000 to 238,000 for reasons wholly unrelated to desegregation. Setting forth statistics supplied by the Departments of Health, Education, and Welfare and Transportation, Mrs. Benson has shown that in the 1960–61 school year, when there was virtually no busing employed to facilitate integration, 13,106,779 public school children out of a total public school population of 36,281,000 rode a total of 1.5 billion miles on buses. That year, 186,000 school buses were used at a total public expense of $505,754,515. In the 1970–71 school year, 40 percent of our public school children—65 percent when you include those using public transportation—rode to school each day for reasons that have nothing to do with school desegregation. Thus, in the 1970–71 school year, 19,617,600 public school children out of a total public school population of 45,905,000 rode a total of 2.2 billion miles on buses. The 256,000 vehicles were used at a total public expense of $990,000,000.

Other statistics demonstrate that 18 million students were bused to school, at public expense, and for reasons unrelated to desegregation, in 1969–70, and that "accidents were proportionately and considerably fewer than those associated with any other form of home-to-school transportation, including walking," according to the testimony of Dr. Coleman before the House Judiciary Committee.

As the editors of the Nation have so aptly pointed out:

> Antibusing, not busing, is the issue. Busing is a familiar, long-tested technique; there is nothing inherently unfair or arbitrary about it. . . . It is absurd to say that "compulsory busing has failed" when it has so seldom been fairly tested.

The law of the land does not compel—indeed, it does not permit—extreme busing plans. There is specific judicial protection against any unreasonable busing decisions given by Chief Justice Burger in the Swann decision of April 20, 1971, and I cite the very language of the Chief Justice:

> We find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of school desegregation. Desegregation plans cannot be limited to the walk-in school.

Chief Justice Burger goes on to say:

> Busing will not be allowed to significantly impinge on the educational process.

The Chief Justice went on to define what unreasonable busing is, and these are his words:

> When the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process——

Mr. Chairman, the circumstances in which this bill comes here today—plucked from the proper jurisdiction of our conscientious Education and Labor Committee and forced to the floor by some members of the Rules Committee—are particularly unfortunate. That such a procedure, undermining the appropriate working of the committee system, could be allowed indicates to me once against that we must have comprehensive reform of the procedures of this House.

I for one intend to continue to make such reform a top priority.

I insert in the Record at this point three highly relevant letters I have received from the AFL–CIO, the United States Catholic Conference and the Leadership Conference on Civil Rights, in opposition to this bill. I endorse these views completely:

American Federation
of Labor and Congress
of Industrial Organizations,
Washington, D.C., August 15, 1972.

Hon. Robert F. Drinan,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Drinan: The AFL–CIO strongly opposes the enactment of H.R. 13915, the Equal Educational Opportunities Act of 1972. The title of this legislation is as misleading as the claim of its proponents that the bill is simply an anti-busing measure.

H.R. 13915 is an unconstitutional, anti-desegregation, anti-court proposal that does not provide a penny of new money for equal educational opportunity.

The legislation proposes, in the guise of regulating the courts' jurisdiction, to deprive the courts of the power to enforce the 14th Amendment through busing orders designed to eradicate the last vestiges of the segregated "dual school system. The bill does not merely suggest court guidelines. It rules out the remedy of transportation in situations where transportation is the only remedy for the violation of constitutional rights.

In the case of students in the sixth grade or below, the bill prohibits transportation beyond the "closest or next closest school" even if busing beyond such a school is essental for the protection of the 14th Amendment rights. Yet, as AFL–CIO President George Meany pointed out, March 22, 1972: "The rights in question are those of individual school children and once lost for any school year cannot be recaptured."

Nor is there any attempt in this legislation to provide new funds either for compensatory education or for non-busing desegregation remedies. Instead, the first $500 million appropriated under the Emergency School Assistance Act is to be transfered to this program. ESAA funds, of course, already are authorized for desegregation purposes.

The lack of new funding, coupled with the potential veto of the Labor-HEW appropriations bill with its increase in ESEA Title I monies, makes a mockery of the declared purpose of H.R. 13915.

Earlier this year, the AFL-CIO called upon the Congress to defeat the conference report on Higher Education because of the anti-civil rights Broomfield amendment. We were told, then, that passage of the Broomfield amendment would block any further anti-civil rights legislation. The Higher Education Act now is law and—still—the Rules Committee is rushing H.R. 13915 to the floor in its determination to enact an even harsher measure.

On June 28, 1972, the AFL-CIO testified in opposition to H.R. 13915. As we said in our testimony:

"In 1954, the labor movement hailed the Brown decision as 'historic'. Like all fair-minded Americans, we recognized the inequities of the dual school system. It has now been almost two decades since that widely hailed decision. We have made progress, but there is still a long way to go. The AFL-CIO has been in this battle for progress at every step of the way.

"Just as we have fought hard to implement the Brown decision, we will vigorously oppose all efforts to retreat. The AFL-CIO believes that H.R. 13915 represents such a retreat."

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

UNITED STATES
CATHOLIC CONFERENCE,
Washington, D.C., August 10, 1972.

DEAR CONGRESSMAN: On behalf of the United States Catholic Conference, I would like to advise you of the position the Conference has taken with respect to three so-called "anti-busing" measures that may soon be acted upon by the House of Representatives:

H.J. Res. 620, the proposed Constitutional amendment;

H.R. 13915, the Equal Educational Opportunities Act; and

H.R. 13916, the Student Transportation Moratorium Act.

The U.S. Catholic Conference strongly opposes each of these bills. The issue of racial relations is fundamentally a moral one, as the Catholic bishops of the United States have often pointed out. One aspect of that issue is the right of all children to equal educational opportunity. To secure that right, busing, while certainly not a total solution, may in some instances be a helpful and indeed a necessary instrument.

Enactment of any of these measures would be a serious setback to the quest for racial justice and equal educational opportunity. It is our ardent hope that the Congress will recognize the inconsistency of these proposals with the constitutional mandate to desegregate the nation's schools and with the good faith efforts being made to implement that mandate.

We urge you to vote against each of these bills, should they reach the floor of the House.

Sincerely yours,

Most Rev. JOSEPH L. BERNARDIN,
General Secretary.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, D.C., August 15, 1972.

DEAR CONGRESSMAN: This Thursday, August 17, you will be called upon to cast one of the crucial civil rights votes of the past ten years. The House is scheduled to consider H.R. 13915, the Equal Education Opportunities Act. We urge you to vote against it.

You are probably already acquainted with the reasons why organizations like the 127 national groups that participate in the Leadership Conference on Civil Rights oppose this bill. We have testified against this measure in the House and Senate and we have sent letters to members of Congress expressing our views. Little purpose is served by repeating at length, our objections to this bill. Putting the matter as briefly as possible, we are appalled by a measure that seeks to restrict the federal courts in their deliberations so that, in many instances, the courts would be prohibited from prescribing remedies for desegregation even when they felt these remedies would best serve the purposes of justice. We think such restrictions are plainly unconstitutional. How can a court uphold a right if it is denied the use of all possible means for protecting that right?

But we ask you to look beyond the bill for a moment and consider how it appears to millions of the nation's minority groups, who look to Congress and the federal courts to secure their rights for them. For almost twenty years, we who believe in winning our rights through the democratic process have been able to point to measurable progress brought about by laws and court decisions and have counseled patience. I do not believe we can do that any more.

Consider what a black person sees, who look at H.R. 13915. First, the name: The Equal Educational Opportunities Act! At once that person is reminded of the olden days when the doctrine in Southern schools was "separate but equal."

The whole tenor of H.R. 13915 is designed to confirm that suspicion. Now that there has been a significant increase in school desegregation, a bill appears that seeks, under the guise of setting guidelines, to restrict the ways in which desegregation can be accomplished. Busing is to be the last means possible. I will not dwell on what emotions buses and busing stir in the breasts of black people—veterans of the Montgomery boycott, the Freedom Rides and more than a century of riding in the back. They are also veterans of the long rides that took them to segregated schools. It is difficult for them to understand why Congress, after taking little note of that, is suddenly roused to action now that white parents have begun to complain about busing meant to accomplish constitutionally-required desegregation.

And what does this bill do for those of us alarmed at restrictions that can only slow down and perhaps reverse the process of desegregation? It throws us a sop: $500 million for compensatory education. Even President Nixon, who is not noted for his generosity in matters of education, asked for $1 billion. Not only is that $500 million too little, it isn't even new money. It is taken from the Emergency School Aid Act and can only weaken the effectiveness of that law. Once again, we get a strong impression here of the old days, when the schools were separate, sure enough, but the black schools were underfunded shacks, and the white folks never got around to working on the equal part. Those were the days, and we are reminded of them again, when every grudging concession was calculated to be demeaning and an insult.

Don't tell us this bill is needed. It is not. The courts on the whole have been careful and moderate in their handling of desegregation plans. We see and recognize one thing. The Congress that, in the series of civil rights laws passed in 1957, 1960, 1964, 1965 and 1968, appeared to be offering us equality has pulled back frightened, now that the full dimensions of what is needed to achieve equality are beginning to emerge.

Faced with this situation how can we do anything but despair? How can we place our trust in Congress today if this bill passes? We cannot and will not forget those who are joined in trying to push this terrible bill to enactment.

We urge you to stand with the laws Congress has enacted thus far, resist attempts to stampede the House into rash and destructive action, and vote *against* H.R. 13915.

Sincerely,

ROY WILKINS, *Chairman.*

Mr. PREYER or North Carolina. Mr. Chairman, I am firmly convinced that the final solution to the problem of successfully integrating our school system must be forged by us in Congress and by our local communities—and not by the courts. It must be an answer that is reasonably acceptable over the long pull to the broad majority of both blacks and whites. It must be an answer that applies equally to all sections of the country—the North and West as well as the South.

If our school systems and our cities are to survive over the long run, we must recreate a set of educational conditions which can be reasonably justified to our citizens as deserving of our support. This means no less than a stable, integrated school system delivering an equal educational opportunity of highest quality to every child. Integration temporarily achieved by the mere mixing of bodies, and then lost through resegregation, is not the solution to our problems. The gradual abandonment of urban public education by the middle class can only lead to a gradual deterioration of our public educational system.

It is both evil and illegal to say to a child: "You cannot attend this school because it is a white school." But how much better is it to say: "You must attend this school because it is integrated and we need you for racial balance." The ideal is a situation in which race is irrelevant to assignment.

Preoccupation with mathematical precision, unfortunately, is not the way to achieve that ideal.

I, along with others, have worked for several years on a bill aimed at these objectives. The results are embodied in H.R. 13552 introduced by Congressman UDALL and me. I am convinced that in the long run something like this bill will pass—perhaps in the next session of Congress. I shall continue to work for it. The present bill before the House, even if passed, is no final solution. Frankly, the support is not there for our bill at this time. Opinion is still polarized in Congress between all-or-nothing solutions. Liberals and civil rights forces still refuse to recognize how heavily damaging extensive busing is to our public school system and to our social fabric. They continue to see it primarily as a matter of white racism. While a small number of parents may be diehard segregationists, I submit that the majority of them are conscientious and sincere, and are genuinely concerned for the welfare of their children and for their children's rights as they may perceive them. These are good citizens who, by and large, have faithfully supported public education and who have provided the resources to nourish it. They have also accepted integration as right and just. But they are heartsick to see the deterioration in the quality of our schools and what it means for the future of their children. We must reassure the disadvantaged minority but also the advantaged majority that their children will not become victims of wholesale relocations. We cannot jeopardize the education and life chances of one child in the interest of improving others. We must level up, not down.

Our present system is not doing this. Liberals and civil rights advocates must realize that our present system of achieving educational equality through busing is not working. Instead of burying their heads in the sand and denying this, they should seek alternative ways of achieving their goals.

In the long view of history, the United States will be judged to have made a great effort—one unprecedented in the history of mankind—to bring the black man into the mainstream of society. But the effort is failing in its present form.

The effort, as far as school desegregation is concerned, has been both a success and a failure. It has been a success in that the principle of legal, official segregation has been denied everywhere. The legal structure that embodied it has been destroyed and the idea repudiated. For moral as well as historical reasons, all of the United States stand firmly for the principles of racial equality. This has been a considerable achievement. But the effort has been a failure in pushing beyond the abolition of official segregation to increase integration in schools. Because racial segregation in public schools is both foolish and wrong does not necessarily mean that school integration through racial balance is wise and just. The actual integration of our schools on a significant scale is an enormously difficult undertaking. Our efforts to solve it in a mechanical racial balance formula is failing. Instead of denying this, we should find better ways to reach the goal of truly one society.

The present bill, the Equal Educational Opportunities Act, does not fully achieve these objectives but it is a step in the right direction. It applies largely to the North and West and not to the South, to those areas which have not yet integrated rather than to those that have already integrated. But it does recognize that this is a problem that Congress should take action on and not leave it all to the courts. This represents the first comprehensive bill from Congress on the subject. It is encouraging that we in Congress are at last recognizing our responsibility to act. Also, one section of the bill does endorse the philosophy of alternative solutions to busing: It says that before a court can order busing, it must first try other remedies such as neighborhood schools, pairing and clustering, revision of attendance zones and construction of new schools. Thus the committee bill has incorporated a major part of the philosophy of the Preyer-Udall bill.

Finally, the bill says to the courts: "You have gone too far too fast—stop, look, and listen."

Mr. PODELL. Mr. Chairman, through almost two decades as a Congressman and State legislator, I have fought for every child's right to a free, quality education. I still fervently believe that all children should be treated equally before the law. I also look forward to the time when children of all races, religions, and backgrounds will be integrated in a quality school system. Indeed my young son attends an integrated, local public school in New York.

However, current efforts to attain quality, integrated education with busing will fail. I am presently and have always been opposed to the mandatory and involuntary busing of schoolchildren for the purpose of meeting racial and ethnic quotas.

I have voted against involuntary busing both times the issue has been before the House of Representatives. I will vote against it here today, by voting for the Equal Education Opportunity Act.

The busing of schoolchildren into strange neighborhoods is a serious threat to their health and safety. From current research that I have seen, most schoolbuses are inferior vehicles, so that the use of existing schoolbuses exposes our children to many potential safety hazards and dangers.

These dangers are the sort of thing that parents like myself had attempted to avoid when we bought our homes. I know that in my own case the fact that there is a nearby, quality public school was an important factor in the purchase of my home.

Moreover, there is no satisfactory evidence that busing aids the educational process. Most recent educational research shows that in many cases busing hurts educational progress.

Although proponents of busing argue that it helps race relations, I believe that, in fact, it increases racial tensions. The poor child is forced to compete with students who have been provided with early educational enrichment and are better prepared. Stiff classroom competition and middle-class affluence may well overwhelm the poor child, decreasing the child's motivation to learn, and creating additional resentment and a new generation of racial tension.

Equally important is that this Nation's heritage of a free quality neighborhood public school system is at stake. In school districts in my area, busing results in two schools under one roof, as white middle-class students who are educationally prepared are placed in honor classes and the deprived students are placed in other classes.

Additionally, busing plans require several billions of dollars for the purchase of buses including drivers, maintenance, and so forth. That money would be far better spent on improving education and building additional classroom space. Particularly at a time when school systems are in dire financial straits, we should not require them to waste money on busing.

Indeed, the fact is that, under current law, when a poor child is bused into a middle-class neighborhood, that school does not receive any of the Federal funds—including title I funds—that are allocated to deprived school areas.

Mr. Chairman, racial reconciliation and quality education are among the fundamental issues facing this Congress. I believe my position will guarantee both of those goals.

Mr. VEYSEY. Mr. Chairman, there is a broad consensus in this country that we must become a single society and at the same time that we must provide quality education for all our people regardless of race. Ever since the 1954 Brown decision the public schools have been the institutions we have looked to first to accomplish these goals. In the years since Brown we have made great progress in breaking down the legal barriers separating the races. Most of the public now accepts the desirability of integrated schools and will cooperate in their creation. But there is a point where this cooperation ends. That point is reached when the program to integrate the schools begins to have an adverse effect on the education children receive.

Since reliable research studies like the Armor report have concluded that we are at that point today, the issue has become how to achieve quality education and a single society at the same time. We must find a way to achieve both. If we force people to choose between the two they are going to opt by huge majorities for the more visible benefits of education.

The bill before the House today is a conscientious attempt to achieve both of these goals. It is based on the premise that integration and quality education are not mutually exclusive, that they are attainable, and attainable with the consent of all the people. But to attain our goals we will have to listen to all the people and be willing to reflect their views in the legislation we pass. This kind of reconciliation is exactly what a representative legislature is supposed to do. No one can force solutions to tough social problems down the throats of the voters in a democracy. The public does not have to stand for it and it will not.

Recently we have seen a number of courts try to impose integration programs on unwilling communities by judicial fiat. The courts have no legislative guidelines to rely on and have ordered a series of different solutions to similar fact situations. The mandatory nature of these decrees and their negative impact on the educations of both majority and minority pupils have led to loud and determined resistance across the country.

In Detroit the public has responded by simply refusing to vote the necessary funds to carry out the court orders. In other cities and States the principal reaction has been to push for an amendment to the U.S. Constitution outlawing busing as a means to achieve racial balance. Both these reactions put us further from our ultimate goals. But just as importantly, both of them lead right back into this Chamber.

In a democracy there is no way to avoid the necessity of the elected representatives of the people working out some plan acceptable to the voters. If we do not face up to our responsibilities and pass a systematic and cohesive legislative policy in this area, we will find ourselves forced to try to make policy piecemeal through bailout funding bills and short-term tactical amendments to the Constitution.

This is the time. This is the bill. While this bill was originally proposed by the President, it now bears the clear imprint of your Committee on Education. It represents months of hard work, debate, and conflict resolution.

It is no accident, for example, that the bill contains both guidelines and substantial aid for underprivileged children. At one point the committee had decided that the public call for action in this area demanded a quick and simple set of integration guidelines, rather than the balanced bill proposed by the President. The compensatory education title of the bill was stricken, and my motion to reinstate it failed. The later restoration of this aid program is an example of the kind of reasoned debate that has characterized the committee's consideration of this emotional measure.

The guidelines in the bill result from research which finds that busing does not work as either a tool to achieve improved education or a vehicle to lessen tensions between the races. But once we recognize this, we have an obligation to provide the kind of programs that can accomplish these goals. As Secretary Richardson pointed out, careful and concentrated compensatory education programs can crack through the educational barriers of the past. Based on analyses of California's title I programs, the Secretary concluded:

> There is strong evidence that well planned and administered compensatory education programs which provide additional services for basic learning at a critical mass level of $250–$300 per pupil, over and above regular educational expenses do improve the achievement of slow learning children.

The bill authorizes $500,000 per year to be added to ESEA title I moneys in the neediest schools to produce long hours of skilled compensatory help in basic subjects like mathematics, language, and basic supportive services like counseling, nutrition and health. No funds can be used for overhead, major capital investments, or general salary increases. I am pleased that the committee recognized the value of this title and reconsidered its rejection of the aid program. We also added a clear assurance that nothing in this bill is to alter the amount of a grant a local educational agency is eligible to receive under ESEA title I.

One other aspect of the bill merits comment. Section 201 establishes for the first time an express requirement that schools take affirmative action to overcome language barriers that impede equal participation by students. This provision especially aids Mexican Americans whose language and cultural barriers have been ignored for too long. Provisions like this are essential to achieving true equality of educational opportunity for all our citizens.

I believe this bill merits wide support. But your committee is not holding it out as the final word on the subject. It is open to amendment and improvement.

Let the people's elected representative speak. Let us write our people's priorities into this bill and give the courts the guidance they need. No one can do this job for us. If we refuse to do it, the people will find representatives who will.

Mr. KOCH. Mr. Chairman, I will vote "no" today on this bill. The bill on its face is unconstitutional and seeks to prevent the courts from taking those actions they believe necessary to uphold constitutionally protected rights. I have listened to the debate and when it is all said and done, it is clear that the purpose of this bill is to frustrate the efforts of the courts to assure quality education for all children when that necessitates busing.

There is no one in this Chamber today who advocates busing for the sake of busing. I, along with every one of you, agree that busing is the least desirable technique for ending the ghetto school with its educational deficiencies. Much to be preferred are other methods of pupil assignment—such as zoning, pairing, site selection, and construction of new schools. The courts are well aware of the alternatives and have normally imposed busing only in those cases where all else has failed. Too often, the failures occurred when local authorities refused to cooperate with other reasonable proposals. Where a court errs as it will, since judges are not infallible, there is the right of appeal and it should and will be taken by concerned parents. But we must not strip the court of using each and every technique—including busing, when appropriate, to accomplish the goal of quality education for all children.

Mr. ANNUNZIO. Mr. Chairman, last week, the Committee on Education and Labor reported out H.R. 13915, Equal Educational Opportunities Act, which promises once and for all to quell the perennial fall madness of racial student busing that has justifiably outraged concerned parents, school officials, and the American public, generally, for all too many school terms. This well-conceived legislation provides a check against the immoderate and misguided social policymaking penchant of the Federal courts in the sensitive school desegregation area.

In one of the most important decisions in its history, at least in recent history, the U.S. Supreme Court, in Brown I, declared that State-imposed racial segregation in public education was contrary to the equal protection clause of the 14th amendment. The principle enunciated in the Brown decision was that the Constitution prohibits States from using a child's race or color as a basis for assigning him to the public schools. And yet, despite the clarity and unmistakable significance of the constitutional mandate laid down in Brown, the courts have over the last 18 years retrenched to pre-Brown days. We are now told by the Court in Swann, that our Constitution not only permits, but demands assignment of pupils to public schools on the basis of race in order to achieve a preconceived racial mix.

Judges, school officials, and parents alike are in a state of near total confusion over the extent of the constitutional obligation imposed upon the schools in this respect. This confusion is understandable given the palpable inconsistency of the cases. For example, one school district in Cincinnati, Ohio, was told that the existence of all-black schools is of no constitutional consequence, while more recently, school officials in Detroit and its surrounding suburbs were told that the attendance of their children at schools within the school district of their residence is a constitutional transgression.

But what does this ill-begotten and misguided reformist approach by the Federal judiciary mean in human terms? It means the abolition of the neighborhood school as a source of emotional security and social stability at a time in the child's life when these values are of greatest significance to healthy personality development. It means uprooting the child from his home, family, and friends and transporting him many miles each day, and in some cases for many hours, in order to achieve an artificial racial balance in the public schools. It means that staggering financial expenditures, which might more wisely be channeled to improving the quality of educational facilities available to all students, must instead be diverted to attain a utopian goal of racially numerical exactitude. The recent order in the Detroit case, for instance, affects an overall student population of 780,000 in 53 separate school districts. If implemented, the lower court order would require the purchase of 295 buses at an approximate cost of $3 million in order to shunt roughly 300,000 students about the traffic clogged Detroit area.

An additional social cost of the unrelenting reformist policy of the Federal judiciary in this area; namely, the loss of people's confidence in the organs of government, becomes apparent as one considers the sentiments and firm conviction of a majority of the American people on this issue. A reient Gallup poll indicates that 69 percent of the American people—North and South—oppose compulsory busing of children to achieve desegregation. Furthermore, teh Gallop analysis indicated that sizable proportions of blacks oppose busing.

Even these patterns of disruption to individual lives and community organization might be justifiable upon some basis of demonstrable improvement in the educational product of the public schools. This has not been the case, however. Early research studies, most notably the Coleman report on equal educational opportunity, did suggest that black students attending schools in white neighborhoods did better educationally than black children attending black neighborhood schools. These study results were seized upon as the basis for a massive busing movement that education and social leaders saw as the panacea that would help solve the Nation's racial and poverty problems.

Recent followup studies on the Coleman data, however, indicate that the statistical sampling techniques used in the original study failed to adequately account for various socioeconomic factors unrelated to the school of attendance. It now appears that quality of home environment is most directly related to educational achievement. Similarly, studies carried out within the White Plains, N.Y., and Berkeley, Calif., systems, both of which voluntarily adopted desegregation plans calling for extensive student busing, demonstrated only modest educational gains among blacks.

In short, the results heralded by the reformers have not been attained, even where busing was carried out within school systems of manageable size and with the support of parents and school administrators. The results are obviously bound to be less encouraging where the attempt is made to homogenize school populations of many tens, or even hundreds, of thousands in an atmosphere of extreme ill will.

For all of these reasons, the majority of Americans, white and black, oppose the busing of their children to schools outside the home neighborhood in pursuit of an illusive and ill-defined racial balance. They are outraged by the intrusive manipulation of their children as pawns of social reform by the Federal courts. They want to be able to decide for themselves where they as a family will live, where they will work, and where their children will attend public schools. And they want equal educational opportunity for all regardless of race, creed, or color.

The committee reported version of H.R. 13915 represents an enlightened congressional response to the overriding national need for a clear, rational, and uniform Federal policy with regard to public school desegregation. This legislation would provide school officials and the courts with a comprehensible—and what is equally important, a predictable—standard against which to determine a school systems obligation under the 14th amendment. In so doing it would once more restore a measure of reason and sanity to the conflict and confusion engendered by the case law and go a long way toward correcting the arbitrary results of unhampered judicial discretion. Uniform standards, applicable alike to North and South, emphasizing the social and educational advantages of the neighborhood school, and well defined limitations on the use of mass student busing can only serve to enhance the benefits to be derived from the public school experience. Coupled with the provision for infusion of additional Federal funding for compensatory education in poor and disadvantaged schools, this legislative package will assure every student in the country the equal educational opportunity mandated by Brown I and desired by the American people for their children.

Mr. FINDLEY. Mr. Chairman, this bill is significant for a number of reasons. It is a bill dealing with civil rights. That is beyond question. Were it not for racial discrimination in schools in the past and present, this bill would not be before us.

The word "busing" cannot conceal the fact that the root issue is racial.

The basic question is not that of discrimination and hardship caused by busing.

For many years students in my home county in Illinois have been bused for many miles. Many travel 20 miles a day, perhaps more. Buses became commonplace during the consolidation of school districts immediately after World War II. In the prewar years small schools, even the ancient one-room schools, were numerous.

Busing was not always accepted with rejoicing. There is still some grumbling in the dead of winter about climbing on buses about dawn or sooner and returning at dusk or later. But few, if any, today would wish to return to the old system of small neighborhood schools. Buses are the symbol of better quality education in Pike County, and perhaps in many other areas too.

This bill aims to restrict the use of buses as a means of ending racial discrimination in schools.

It is notable for another reason.

It marks, in all probability, the end of an era. It may be the civil rights swan song for two distinguished Members of this body, men who have symbolized advancement in civil rights as much as any other citizens of my knowledge.

I speak, of course, of two great citizens, BILL McCULLOCH, of Ohio, and EMANUEL CELLER, of New York.

In the 12 years I have been a Member of this body, this Chamber has been the scene of many a major battle for the advancement of civil rights. These two men, one of the party of Jackson, the other of the party of Lincoln, have always—to the best of my recollection—stood together and voted together on all these historic issues.

Fortunately, almost all of these major pieces of legislation in the civil rights field have been progressive. They have represented advance. Mr. McCULLOCH and Mr. CELLER have, therefore, been consistently on the affirmative side, in favor of advance.

This bill is an exception. In my view it represents a step backward, not one forward. I, therefore, expect those great stalwarts in the battle for civil rights to vote negative when the time comes.

And that I say with sadness—sadness because neither man will likely be in this body next year, and sadness, too, that their civil rights swan song must by necessity occur in connection with backward legislation. This legislation is unworthy of either the party of Jackson or Lincoln.

Almost 200 years after the Declaration of Independence declared that "all men are created equal," we again stand at the threshold of deciding just how far we are willing to go to implement that noble ideal. In times past, the Republican Party has stood to the fore, sometimes at terrible sacrifice to keep the hope expressed in the Declaration shining before all men. Abraham Lincoln expressed it this way:

> The Declaration of Independence gave liberty not alone to the people of this country, but hope to all the world, for all future time. It was that which gave promise that in due time the weights would be lifted from the shoulders of all men, and that all should have an *equal* chance. This is the sentiment embodied in the Declaration of Independence. . . . I would rather be assassinated on this spot than surrender it.

Lincoln never surrendered that hope and guiding principle "that all should have an equal chance." He was, in fact, assassinated because of it.

It is important that 200 years after that noble ideal was first penned, 100 years after Lincoln died for it, the Republican Party which he helped to found should now stand resolutely for the idealism he espoused.

Whatever else the bill before us today accomplishes, its main effect will be to restrict the opportunity for many children across the Nation to have an equal opportunity to secure a quality education.

When votes are cast I hope the party of Lincoln will be well represented in the negative column.

Mr. FRASER. Mr. Chairman, never during my time in Congress did I expect to see us dashing headlong toward repeal of Brown against Board of Education, as we are doing tonight.

The patently unconstitutional nature of section 402 is reason enough to oppose this misnamed Equal Educational Opportunities Act. But the harm caused by section 402 is only compounded by the school assistance title which makes a shambles of our efforts in the Higher Education Act to aid desegregating school districts.

Three districts in my State that are developing desegregation plans—Minneapolis, St. Paul, and Duluth—could very well loose $1 million in emergency school aid that they were expecting to receive under the Higher Education Act.

Until appropriations are made and guidelines are written, we can not know for sure what H.R. 13915 will mean for each district in terms of Federal aid. But one thing we do know for sure is that this legislation seriously undercuts efforts throughout the country to break down the barriers to racial separation.

Many civic, religious, and labor organizations share my concern about this ill conceived measure. On the national level, the AFL–CIO has been particularly vigorous in its opposition to H.R. 13915. The following letter from Andrew Biemiller outlines the national labor organization's objections to the bill:

AMERICAN FEDERATION OF
LABOR AND CONGRESS OF
INDUSTRIAL ORGANIZATIONS,
Washington, D.C., August 15, 1972.

Hon. DONALD M. FRASER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRASER: The AFL–CIO strongly opposes the enactment of H. R. 13915, the Equal Educational Opportunities Act of 1972. The title of this legislation is as misleading as the claim of its proponents that the bill is simply an anti-busing measure.

H. R. 13915 is an unconstitutional, anti-desegregation, anti-court proposal that does not provide a penny of new money for equal educational opportunity.

The legislation proposes, in the guise of regulating the courts' jurisdiction, to deprive the courts of the power to enforce the 14th Amendment through busing orders designed to eradicate the last vestiges of the segregated "dual school system." The bill does not merely suggest court guidelines. It rules out the remedy of transportation in situations where transportation is the only remedy for the violation of constitutional rights.

In the case of students in the sixth grade or below, the bill prohibits transportation beyond the "closest or next closest school" even if busing beyond such a school is essential for the protection of 14th Amendment rights. Yet, as AFL–CIO President George Meany pointed out, March 22, 1972: "The rights in question are those of individual school children and once lost for any school year cannot be recaptured."

Nor is there any attempt in this legislation to provide new funds either for compensatory education or for non-busing desegregation remedies. Instead, the first $500 million appropriated under the Emergency School Assistance Act is to be transferred to this program. ESAA funds, of course, already are authorized for desegregation purposes.

The lack of new funding, coupled with the potential veto of the Labor-HEW appropriations bill with its increase in ESEA Title I monies, makes a mockery of the declared purpose of H. R. 13915.

Earlier this year, the AFL–CIO called upon the Congress to defeat the conference report on Higher Education because of the anti-civil rights Broomfield amendment. We were told, then, that passage of the Broomfield amendment would block any further anti-civil rights legislation. The Higher Education Act now is law and—still—the Rules Committee is rushing H. R. 13915 to the floor in its determination to enact an even harsher measure.

On June 28, 1972, the AFL–CIO testified in opposition to H. R. 13915. As we said in our testimony:

"In 1954, the labor movement hailed the Brown decision as 'historic'. Like all fair-minded Americans, we recognized the inequities of the dual school system. It has now been almost two decades since that widely hailed decision. We have made progress, but there is still a long way to go. The AFL–CIO has been in this battle for progress at every step of the way.

"Just as we have fought hard to implement the Brown decision, we will vigorously oppose all efforts to retreat. The AFL–CIO believes that H. R. 13915 represents such a retreat."

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

Mr. O'NEILL. Mr. Chairman, I would like to place in the RECORD the study made by my staff—legislative—and interns concerning busing, as follows:

STAFF STUDY

In summation, the points raised in this paper represent a mere smattering from the several hundred pages of testimony, documentation and reports which exist on the subject of busing.

The basic point is simple however. Busing is necessary to achieve integration, as it is the only tool which can overcome segregation which occurs through housing, dual educational systems, and discriminatory school assignment based on the mythical neighborhood concept.

As was pointed out in the report, it is only when busing is spoken of in a racial context that opposition becomes manifest. To the millions of children (and their parents) who are bused daily in our cities and rural areas, busing has never been an issue. We cannot allow the progress made in the last two decades to evaporate over an issue like busing. The President's program is an insult to the record of civil rights legislation accumulated in the last decade, and represents a return to the doctrine of separate but equal, a system of apartheid which has been ruled unconstitutional. There is no evidence of any kind that busing is detrimental to the health, welfare or educational capabilities of children, and where there is such evidence, the courts have stated that busing need not be used. Our entire education concept is meaningless without integration, and thus without busing.

BUSING—THE REAL ISSUE

Busing is nothing more than camouflage. The fundamental issue is integration and school desegregation. Historically, this battle has already been fought, with *Brown* v. *Board of Education* as the landmark decision denouncing once and for all times the corrupt doctrine of "separate but equal." As Donald Morrison (President of the National Education Association) has said: "The current controversy over school busing is surprising to those of us who have devoted our lives to public education. The school bus has been a major factor in improving the education opportunity of hundreds of millions of American children during the 1st half century." Busing has always been a part of the American educational scene, woven into the fabric of our system since 1869. In that year, Massachusetts enacted a law authorizing the spending of public funds to carry children to and from school. By 1900, 18 states had some sort of pupil transportation law, and by 1919 pupil transportation at public expense was legal in all 48 states. The basic impetus behind this movement was the desire to achieve equal education through consolidation of school centers in rural areas which formerly relied on inferior one-room school houses, and the emergence of compulsory attendance laws based on the belief that the welfare of the states required all children to obtain some education. Through the improvement of our road and highway systems, and the increase in the number of motor vehicles, the number of school districts dropped by 75 percent following WWII.

The figures

Busing for desegregation purposes is but a small percentage of the busing which goes on daily in this country. For millions of American children who live too far from any school to walk, the institution known as the neighborhood school is not and never has been a reality. According to Administration sources, while about 40 percent of the nation's school children are bused to school, at most 1 or 2 percent of this total are bused for desegregation purposes. These figures make school busing the greatest single transportation system in the country. Eighty percent of the school districts in the nation maintain one or more vehicles for pupil transportation, with some districts having fleets of more than 500 vehicles.

Busing is greatest in rural states. In Maine, West Virginia and Missouri, more than 60 percent of all students are bused to school daily. In many areas great pride is taken in the busing programs—as an essay written by the State Board of Education on Pupil Transportation in North Carolina notes "As long as we accepted a narrow and limited education . . . the States discharged this responsibility primarily through . . . a small school within walking distance . . . but demands on the school for a broadened program have increased . . . these and other factors have resulted in transportation of pupils to and from school becomes one of the most important of the auxiliary activities of the school."

Busing is by no means limited to rural areas. Busing in urban areas is uniquely suited to overcome problems of overcrowded cities, which pose safety and problems for millions of commuting students. School busing is not even the necessary evil it has been depicted; more correctly, it is an essential convenience.

In light of the foregoing discussion, certain myths concerning busing may be exploded. *First,* busing does not break with past tradition, on the contrary it constitutes part of the American educational fabric. *Second,* that busing is the exception and neighborhood schools the rule can no longer be maintained, with the number of school children now at 19.6 million, 42 percent of whom are transported daily by bus. In fact, in some of the most virulent anti-busing pockets of the nation, there has long been a disregard for neighborhood school patterns. (See *Charlotte Mecklenburg* decision.) *Thirdly,* critics maintain that until recently, busing has not been motivated by social beliefs of principles of egalitarianism. This is blatantly false. The underlying assumption of busing, and the early busing statutes, was that education was required for the social welfare of the country, offering a chance for social advancement and betterment. The dual system of the South would never have been possible without the school bus. Under the dual system, buses for blacks and whites often traveled the same routes. *Fourthly,* that busing is "bad" for children. Except when desegregation is involved, this point is rarely made. Every year, millions of school children sojourn from all over the nation to the Capitol and other historic places, traveling often for several hours. This has never been held to be detrimental to a pupil's health. *Lastly,* that busing is a financial burden on the community and the nation. Ironically, the busing which eliminated the one-room school house was thought to be a saving to the community. Furthermore, busing, where used to achieve desegregation, results in a saving in that it replaces two bus systems with one.

In any discussion of busing, it is important to consider the Administration's proposals on busing, both from an intellectual standpoint, and from a practical constitutional one. Adoption of the President's plan would send us back almost 20 years to a time before *Brown v. Board of Education.* For much of the period since *Brown,* opponents of the decision have successfully avoided and delayed its enforcement. Only recently has the decision gained momentum. Politically, the President is taking advantage of fear and apprehension over the busing issue. The President is encouraging Congress to react to busing in a panic, as though they were the key issues, where he should be exercising leadership to calm the public and call on the Legislative Branch to deal with busing as one aspect of a comprehensive program for ending dual systems.

One of the greatest areas of argument is that busing destroys the concept of "neighborhood schools," which is supposedly so fundamental as to be sacrosanct. According to Donald E. Morrison, President of the N.E.A. "By and large, with the possible exception of school in small towns, the 'neighborhood school' is a mythological institution which does not exist. In our cities and outlying suburbs the attendant areas of schools are constantly changing to adjust to population shifts, new school construction, and new school programs. Thus, schools in those areas do not serve clearly defined 'neighborhoods' regardless of whether that term is understood to mean a particular geographical area or community with an identity of interest." The same theme was sounded by Samuel S. Sheats appearing before the House Judiciary Committee: "Even in public school systems, junior and senior high schools are rarely neighborhood schools, but serve a broad area, and clearly private and parochial schools are not neighborhood schools, generally located only incidentally with respect to geography."

Quality education

Quality education is another phrase, like neighborhood schools, which is constantly bantered around, but which has little, if any meaning. In the President's March message on busing, during which time he proposed a "moratorium" on school busing, a plan was put forth calling for quality education as the answer to problems of segregation and inadequate educational opportunity. Quality education should mean integrated education. However, on two other occasions the President vetoed important appropriations bills which proposed to do exactly what President Nixon suggests, increasing funds for education. Furthermore, the $2.5 million which the President has supposedly added to the education budget, has already been authorized by the Congress for existing programs. It is mere deception to claim that lumping together of $2.5 billion from the present Title I and emergency desegregation funds will in any way relate to the Administration's already questionable commitment to desegregation or quality education. Quality education is in reality a euphemism for a return to the separate but equal doctrine developed in *Plessy v. Ferguson,* and later repudiated in *Brown.*

H.R. 13915—The Equal Educational Opportunities Act

H.R. 13915, the "Equal Educational Opportunities Act of 1972" declares in its findings that the dual system of education has been virtually disestablished. This conflicts with school enrollment figures furnished by the Department of HEW which illustrate that in the 1971–1972 school year approximately one third of all black students in 11 States are attending nearly all black schools (those with 80 to 100 percent minority enrollment).

Cost: Figures supplied by the Secretary of Transportation show that total cost to school busing, including capital expenditures, in 1970–71 have been $1.5 billion. According to the September Office of Transportation figures, the amount of annual increase in school busing is attributed by the Department to the following causes:

Population growth, 95 percent.
School centralization, 3 percent.
Safety factors, less than 1 percent.
Desegregation, less than 1 percent.
Other factors, less than 1 percent.

It is obvious from the figures that desegregation, accounting for less than 1 percent in the increase in the amount of school busing, is only subordinately responsible for such increased costs. While these figures reflect national aggregates, they give an accurate national picture of busing, which is what is desired for purposes of evaluating legislation having a national scope and effect.

Moreover, a yearly expenditure of $1.7 billion on busing is a relatively small fraction of the total national expenditure on public elementary and secondary education, which totals $45 billion. Furthermore, the annual cost increase attributable to more school busing for desegregation purposes in 1971 is but a smaller fraction of the total national education outlay. Special legislation is not required for such a small outlay.

At the core of the anti-busing legislation is the myth that the abolition of dual system requires extensive transportation of students. *As mentioned earlier and substantiated by the Secretary of HEW testifying before the Senate Select Committee on Equal Educational Opportunity in August 1970, there has been more busing of students to preserve segregation than to implement desegregation plans.* He supported his statement with a study done by the Department of HEW which reported that in 300 counties in the South, only seven were required under desegregation plans to increase busing, the remaining 293 districts would have had the same, or less busing. Busing for purposes of desegregation can result in less pupil transportation. In Alabama, busing to desegregate has resulted in one million fewer miles than the previous year under segregation. Length of time which is spent on the buses has also been reduced. Before the *Charlotte-Mecklenburg* decision, pupils averaged over an hour on the bus; after desegregation, bus trips were reduced substantially. The *Richmond* decision would call for average bus rides of about 30 minutes which is less than the current average in an adjacent district involved in the decision.

One cannot overemphasize that only when busing is used for purposes of desegregation does it evoke a public outcry. That a great deal of busing can be tolerated, and through deliberate choice of the parents, was illustrated by statistics on public and private school busing published by *South Today* in 1970. The *South Today* article surveyed pupils at 10 segregated private schools and found that the number of pupils bused averaged 62 percent and that the average distance traveled was 17.7 miles each way. By contrast, public schools in the eight states in which these private schools are located were busing less than half the enrollment an average of 10.1 miles each way. Thus more private school students were being bused, and they were traveling an average of 7.6 miles more than pupils at public schools.

Mr. HORTON. Mr. Chairman, I will cast my vote against H.R. 13951. At the outset, I want to make very clear that I have consistently opposed forced busing as a solution to racial isolation. Busing is a bad solution from an educational, a social, and a financial standpoint. In line with this position, I have voted for the strongest possible antibusing provisions offered under the Emergency School Aid Act. These provisions, now part of the new higher education law, include a guarantee that no court busing decisions can be implemented until the school district in question has had the opportunity to exhaust every possible means of appeal. When these provisions were being considered by the Congress, I made a very comprehensive statement detailing my reasons for feeling busing is not the answer to the school segregation problem since it places the full burden for social integration on schoolchildren and school systems.

I said at that time that Congress had abandoned its responsibility for contributing to the solution of segregation. Ever since the Supreme Court decision on the Brown case of 1954, Congress has failed in its duty to enact affirmative legislation to strictly limit the use of massive busing plans by the courts on a case-by-case basis. At the same time, however, it was incumbent upon the Congress to do more than merely tell the courts what they could not do. It was equally important that such legislation provide meaningful alternatives that would lead to the improvement of educational opportunity for disadvantaged and minority children.

The bill now before us, which is misnamed the Equal Educational Opportunity Act of 1972, does accomplish the first goal, albeit in a negative way. It does not, however, do anything in the way of providing the means for the improvement of urban school systems, the sorry state of which is at the heart of the school desegregation problem. I feel that this bill should be improved to include provisions of congressional policy that would realistically face the hard question of providing adequate Federal funds that could produce a real impact on the learning improvement of disadvantaged youngsters. In this way, we would go beyond treating the mere symptoms and address ourselves directly to the problem.

Mr. Chairman, my statement of April 14, 1972, was critical of the President's proposed Equal Educational Opportunity Act of 1972 because it added absolutely no new money for positive purposes which would counter the prohibitions against busing contained in the President's bill and H.R. 13915. Instead of providing even as much as the President recommended, H.R. 13915 cuts the level of funding by 80 percent and at the same time virtually guts the emergency school aid program which Congress passed just this year and which the President has signed into law. An amendment was offered by Mr. Hawkins to put some of the money recommended by the President back into H.R. 13915 and I voted in favor of this amendment. The defeat of the Hawkins amendment makes the title of this bill even more meaningless since it virtually assures the continued failure of Congress to provide the kind of alternatives to busing which even those who are most staunchly opposed to busing could support. Quoting from my statement of April 14:

> If Congress and the President are to step in to relieve the understandable dissatisfaction which inconsistent court busing rulings have brought about, then we have a duty to at least provide the alternatives and the monies, which will realistically replace busing as a solution to the serious problem of unequal educational opportunity and racial isolation.
>
> When I am called upon to vote on the moratorium bill, I shall very carefully weigh, not only the feelings of my constituents, who are seriously divided on the question, but also the prospects for positive legislation which will make the moratorium worthwhile from an educational standpoint. There should be no moratorium, bad as the present situation is, if it will only turn out to be a cheap substitute for an anti-busing Constitutional Amendment.

In addition, Mr. Chairman, the House has added an amendment during this debate which would allow those court orders and school desegregation plans already in effect under title VI of the 1964 Civil Rights Act to be reopened and modified to comply with the bill. HEW Secretary Richardson, in testimony before the Senate Education Subcommittee in March of this year, stated that 100 recently desegregating school districts might conceivably be able to ask for reductions in desegregation programs if Congress were to adopt a provision permitting prior court orders to be reopened. I have stated in the past that whatever the attempted solutions agreed upon for the busing crisis, they should in no way force or encourage a retreat from desegregation progress in areas where desegregation programs have been successfully implemented, and have gained a significant degree of public and parent acceptance.

For these reasons, Mr. Chairman, I cannot accept H.R. 13915 as a responsible solution to the busing dilemma. We are not faced with the emergency situation that confronted us only a few months ago. We now have strong antibusing language in the law, and we should proceed with responsible legislation that truly provides the alternatives and the moneys to replace busing as a solution to unequal educational opportunity. H.R. 13915 fails to meet that challenge.

Mr. HOGAN. Mr. Chairman, earlier in today's debate on H.R. 13915, I referred to a letter which I had sent to the Prince Georges County School Board relating to the busing controversy in my district. I insert this letter in the RECORD at this point:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 17, 1972.

Lt. Col. CHESTER E. WHITING,
President, Prince Georges County Board of Education, Adelphi, Md.

DEAR COLONEL: Because I have been deeply involved at the Congressional level with busing legislation and because of the tremendous number of pleas I have received from constituents, I am taking the liberty of communicating with you on the proposed busing plan for Prince Georges County.

Since August 1, 1972, particularly, my office has been deluged with telephone calls, letters and telegrams concerning the proposed plan which I am informed will be presented at the August 21st meeting of the Board of Education.

I have received petitions and have been invited to meetings by individuals and groups, virtually all of whom are opposed to the idea of establishing a racial balance in our schools at the expense of quality education. These contacts all clearly confirm the results of my questionnaire (with a return of 33,752 responses) which disclosed that 88% of my constituents oppose busing for racial balance.

In my opinion, the U.S. District Court at Baltimore has placed an impossible burden on the Prince Georges County School Board. The Court orders the Board to file with the Court by 10:00 a.m. August 22, the report it receives from the Lambda Corporation "along with to the fullest extent practical . . . the Board's own plan for student attendance, faculty and administration."

The Lambda Corporation report, I understand, is a status report providing no detailed schedules. When available at a later date the schedules will be based upon somewhat different criteria from the Board's staff plan. How could the Board seek views from the public and give its staff report the thoughtful study and deliberation which the situation warrants let alone compare it with the schedules of the Lambda Corporation in such a short time?

The Court orders the Board to "commence and pursue diligently" its own plan to bring the Prince George's County school system into total compliance with the Brown-Swann standards "*to the fullest extent practical*" by September 5, 1972. The Court itself clearly indicated that it might not be possible to complete this complex work in such a short time when it said "if that is not feasibly possible, then to bring the system into such compliance in part *to the fullest extent practical* by that date."

The Court then stated that "the burden of establishing the need for any delay or delays in whole or in part shall rest upon defendants."

I recommend that the Board instruct its attorney to send a copy of the Lambda Corporation status report to the Court on August 22 without comment, approval or disapproval, explaining that there was no time available to study and assess the report and comply with the Court's order. It would seem to make no sense at all to submit the Board's staff plan without taking advantage of any desirable ideas which might be gleaned from the Lambda report.

I further recommend that, at the Court hearing set for August 25 for the purpose of considering the report which is due August 22, the School Board's attorney be instructed to move for a continuance because of the foregoing facts and because Congress is at this time legislating in this very area.

Since enactment of federal legislation might make the Court's ruling moot, it would seem to be reasonable for the Court to grant such a continuance until Congress has acted. To do otherwise would subject the School Board to considerable expense and subject thousands of parents and children to inconvenience and disruption of their lives.

Congress has been wrestling for months with what constitutes the "Brown-Swann standards." The courts do not take a uniform position on this matter. I am confident that Congress will enact legislation in the immediate future to clarify this very confusing situation. There are three proposals pending in Congress which could affect this situation:

1. A Constitutional amendment (which I am supporting) which would prohibit busing for racial balance. This, of course, if passed by Congress and signed by the President, would require ratification by ¾ of the states.

2. A moratorium on court-ordered busing until July 1, 1973, to give Congress "a breathing spell" to enact remedial and clarifying legislation regarding busing.

3. Clarification of desegregation standards as in the "Equal Educational Opportunities Act of 1972", H.R. 13915. This latter proposal is scheduled for House action by August 17. An amendment will be offered to this bill (which I am supporting) to prohibit busing which has been previously ordered by the courts.

Obviously these matters would have a bearing on the decision and actions of the Court and the School Board. I continue to be amazed at the magnitude of the problem faced by the Prince George's County School Board. It would be far easier to achieve "racial balance" in the schools of the District of Columbia and Baltimore City. Even combining the City of Richmond, Virginia, and two adjoining counties is no more difficult than the Prince George's County problem. When one looks at the area covered by the Prince George's County school system (larger than Baltimore, Washington and all the area in between) and the present Prince George's County school bus fleet (larger than the combined fleets of suburban Washington's three public transportation firms), it is unbelievable that one could view the problem of student assignments of 165,000 pupils as simple to be resolved in a few hours.

I urge the members of the Prince George's County School Board to point out these matters to the United States District Court. An ill-considered decision at this time would create unbelievable confusion and may interfere irreparably with the education of children and disrupt the lives of their families.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

Mr. BIAGGI. Mr. Chairman, I rise in support of this legislation as the best means of restoring some sanity to the education of our children. I do not believe that this bill will in any way lessen the progress this country has made to eliminate the remains of segregation in our educational systems. In fact, it will strengthen these systems by upgrading the quality of education in the poorer schools.

This Nation was committed to ending segregation by the Supreme Court decision in the case of Brown against the Board of Education of Topeka. Subsequent decisions and actions by the Congress have strengthened our resolve to guarantee equality under the law for all Americans regardless of race, color, creed, or country of origin.

Integration must succeed 100 percent. Many tools were tried over the years to eliminate the barriers and artificial controls established in our society to keep the races separate. Busing was one of them. And while there are many well-meaning people who still feel busing is an essential tool, there are many others who agree that the millions of dollars spent have not been productive.

For the many who suffered under the curse of segregation, busing offered a hope for equality and equal opportunity. Yet even when it has failed, for some it still survives as a symbol of hope and for others a vehicle to exploit politically. But survey after survey throughout the country has indicated that busing is not the answer and that most people are opposed to it.

But a mother is a mother, whether she is black or white, Spanish or Italian. She wants her child near her. She wants her child to have a good education in a neighborhood school, to succeed in life and be happy. For many, busing does not do this. Perhaps for those deprived children bused to the best schools in town, there is an advantage. But what does a mother tell her children when they report that they feel even more acutely deprived side by side with a well-off child?

And what does a mother say to her child who must remain in the disadvantaged school because he was not chosen to be bused? And what does the mother of the well-off child say when her son or daughter is bused to an educationally deprived school to make room for those bused in? Is sitting next to a white child the only way for a black child to get a good education? That is an insult to the black community.

Clearly the answer cannot lie in presenting the charade of success through numerical balance when in the hearts and minds of those affected their life is a series of conflicts both emotional and physical.

Moreover, there is a movement among blacks, chicanos, Puerto Ricans, and other ethnic and racial minorities to fight for their own identities to control their own destinies. An important aspect of this fight lies in controlling the education of their children. This they cannot do when the courts limit their numbers to a minority in all schools as dictated by the population.

However, in all this discussion, in all the charges levied on both sides, we have lost sight of the objective of busing and the other tools of integration. What we really are seeking is quality education. Every one of us here in this Chamber want our children and all the children in America to be the best educated in the world. We are already falling behind other countries in terms of literacy in our population. Let us not fail our children in providing them with the tools to succeed in life.

Quality education, though, is more than just a good school. It is good teachers and good programs and a good environment in which to learn. To provide the atmosphere for a better education I intend to vote for the amendment that will be offered by the gentleman from California (Mr. HAWKINS) to increase the funding for this measure to $1.5 billion. This Nation has failed its children by not providing the economic means to better all its schools. This commitment will provide that means and will develop within the institutions the ability to give every child the best education possible.

I think it is significant to note that there are many in this Chamber tonight that will vote for those increased funds when in the past they would never even consider it. Whatever their motive, it has committed more people to providing the wherewithal to better our childrens' education.

What we are seeking is the best education possible. To put millions of dollars into transportation will not build a better educational system. This bill will put the dollars where they will do the most good, in the neighborhood school.

This bill will permit a child to develop his total being. He will be close to his family and his daily environment. He will be able in many cases to rely on his own power to get to school. He will spend his time after school in developing his athletic prowess or his emotional and mental well-being or getting a part-time job—not in riding a bus.

We have committed millions of dollars to the highway trust fund, to mass transit, to the airports and airways, to merchant ships and pipelines, all to move men and goods more quickly.

Yet we are willing to stand here today and advocate busing our children for hours on end in pursuit of some numerical balance for a better life. That is no life for an adult, let alone a child. Let us make each school in and of itself an institution we can be proud of. Let us see that every American has the opportunity to grow and develop to his maximum both mentally and physically. Life is too short to spend it in a bus.

Mr. EDWARDS of California. Mr. Chairman, H.R. 13915 represents the largest step backward in civil rights that I can recall in the 10 years that I have served in Congress.

It is a frontal attack on the 14th amendment and an unwarranted and frightening intrusion by the legislative branch on the proper authority of the judiciary.

It is in my view clearly unconstitutional.

I do not believe that transportation is the only, or necessarily the best means available to local educational agencies to meet constitutional obligations to desegregate. But it is a remedy which should be available to the courts.

In 1971 the Burger Supreme Court without dissent, followed its predecessors and affirmed a desegregation order which included busing.

Bus transportation has long been an integral part of all public educational systems, to deny Federal courts this tool is to render illusory the constitutional promise of equal protection.

Mr. QUIE. Mr. Chairman, I yield back the balance of my time.

Mr. PUCINSKI. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read by titles instead of by sections the committee amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amend.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunities Act of 1972".

POLICY AND PURPOSE

SEC. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, sex, or national origin; and

(2) the neighborhood is an appropriate basis for determining public school assignments.

(b) In order to carry out this policy, it is the purpose of this Act to authorize concentration of resources under the Emergency School Aid Act on educationally deprived students and to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

PARLIAMENTARY INQUIRY

Mr. PUCINSKI (during the reading). A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. PUCINSKI. Mr. Chairman, is it in order to move that the paragraph be considered as read and open to amendment at any point?

The CHAIRMAN. It is not in order to make such a motion at this point. It is in order to make an unanimous-consent request.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that this paragraph be considered as read and open to amendment at any point.

Mrs. ABZUG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will read.

The Clerk concluded the reading of the section.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: On page 19, section 2(a)(2), line 3 and 4, delete the language contained therein and substitute the following:

"(2) the neighborhood is the appropriate basis for determining public school assignments."

Mr. PUCINSKI. Mr. Chairman, we have examined this amendment. We have no objection to accepting it.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes in support of his amendment.

Mr. ASHBROOK. Mr. Chairman, I am glad the gentleman from Illinois has indicated his support.

I say for the purpose of legislative history that it is not the intention of the author, as I believe I could not do it if I so intended, to make the neighborhood school the exclusive basis for pupil assignment. Some have indicated their opposition because they believe my amendment in stating the neighborhood is the appropriate basis rather than that a neighborhood is an appropriate basis that this would be exclusive. This is not so. I offer it merely because I believe the congressional intent would indicate the neighborhood school is where we start. This does not mean we can have that exclusively, that there can be no other concept. But I believe it does add strength to our congressional position when we say the neighborhood is the appropriate basis rather than the neighborhood is an appropriate basis. Throughout the rest of the bill we indicate the circumstances where we would have the neighborhood concept. At the same time we do not say it is the exclusive basis for pupil assignment. We start with the neighborhood school concept. The word appropriate should be equated to normal rather than exclusive.

Mr. QUIE. Mr. Chairman, if the gentleman will yield, with that explanation that it will not be exclusive, I accept the amendment.

Mr. ASHBROOK. I thank the gentleman.

Mr. CELLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not think the membership realizes the facts with reference to the number of students that have used the buses to desegregate. In the most recent school year, 1970–1971, it was 43.5 percent or 19 million pupils who rode a bus to school. School districts which were desegregating showed an increase of 205,000 pupils transferred.

This represents only 1 percent of 19 million student transported daily at public expense.

In some communities where little or no busing previously took place, desegregation has meant more public transportation.

Mark ye well: Only a little more than 1 percent of all students transported in the last school year were transported to desegregate. The facts do not justify antibusing legislation, restrictions on the courts, and attempts to curtail constitutional rights of our citizens.

Antibusing forces indeed contend that rides are too long and schedules too rigorous.

Indeed there has been more busing of students to preserve segregation than to implement desegregation.

In some 300 counties in the South only seven were required to increase busing to desegregate. The remaining 293 districts had the same or less busing. See the HEW report of 1970.

In Sturgis, Miss., black pupils were bused 93 miles daily to attend a segregated school.

Until 3 years ago black students in an Atlanta suburb were bused 75 miles to attend segregated schools.

Before the Swann decision pupils averaged over an hour on a bus in Charlotte, N.C. When desegregation was ordered the bus trips were cut substantially.

Desegregation in Alabama has resulted in 1 million fewer miles than the previous year.

Where there have been hardships, HEW acknowledged to a Judiciary Subcomittee that many of the hardships could be eliminated with additional buses and transportation funds.

Is school busing a pressing national issue?

The Democratic platform reads in part:

> Transportation of students is a tool to accomplish desegregation. It must continue to be available according to Supreme Court decisions to eliminate legally-imposed segregation and improve the quality of education for all children.

A recent poll taken by the Republican Platform Committee indicates that interest in school busing is ebbing; 58 percent responding indicated that the issue was "not very important".

The facts are that school busing for desegregation is not an issue that merits Federal legislation of the character before the House today. There are not accurate estimates of the amount of pupil transportation that is attributable to desegregation, but all agree it is an infinitesimal portion of the 19 million students, or 43.5 percent of total enrollment, who are bused to school daily.

This "Un-Equal" Educational Opportunities Act robs minority children of what legally is theirs.

State enforced racial segregation is constitutionally prohibited. It must be eliminated "root and branch." If no other remedy is adequate and transportation is needed to vindicate the right—no State or Federal statute can limit the remedy.

Denial of the remedy—denies the underlying right.

The right to attend an unsegregated public school is personal and present. It belongs to primary as well as secondary school pupils.

The right is secured under the 14th amendment and the fifth amendment against impairment by the States or the Federal Government.

The right to unsegregated schooling cannot be postponed until a child reaches secondary school. It cannot depend on going to the "closest school," whatever that may mean. And where the "closest school" is located in a racially segregated neighborhood the Government cannot reenforce segregation and lock minorities in inferior schools.

Busing has become a slogan replacing—"freedom of choice"—"States rights," or "never," which symbolized earlier resistance to enforcement of equal protection of the laws.

Regrettably, some new recruits have joined the ranks of those who traditionally have opposed the struggle for equal rights. These newcomers in the campaign against equality resent being labeled "segregationists" but that is their burden.

Make no mistake about it, those who would urge enactment of this bill or any other bill to delay, curtail, deny or obstruct desegregation of the public schools oppose equal protection of the laws for all our citizens. They would divide, not unite, our citizens. Such actions constitute segregation.

For these reasons I do not believe this bill merits favorable consideration.

Mr. RANGEL. Mr. Chairman, I rise in opposition to the amendment. I should like to ask a question. Is the proponent of this amendment still in the House?

Mr. ASHBROOK. I am still a Member; yes.

Mr. RANGEL. Sir, when you strike out the word "an" and substitute "the" in the sentence you are talking about, does that mean now that the neighborhood will be the sole and exclusive appropriate basis for determining public school assignment?

Mr. ASHBROOK. No. As I tried to indicate, I will say in my answer to the gentleman from New York, what it merely says is that we start with the neighborhood school. That is the appropriate basis, not the exclusive basis. The word "appropriate" certainly would be likened to normal, not exclusive.

I believe the congressional intent would then say, yes, in the nature of assignment of students the neighborhood is the normal, appropriate school.

In sections 403 and 404, later in the bill, or on dual school systems, the neighborhood school may not be appropriate in all cases.

I think that is what we are saying, and that is my intention. I am certainly not trying to slip something in. You start with the neighborhood school being a normal and appropriate place to assign a student. If you have a dual school system or the system denies equal protection under the law, then in that case the neighborhood school would not be appropriate.

Mr. RANGEL. But under the existing language in the bill, if the neighborhood is an appropriate basis for determining the public school assignments, one would suspect we could use other bases in determining assignments. However, when you say "the," it does seem to restrict the discretion on public school assignments.

Mr. ASHBROOK. I would say I am trying to put the neighborhood schools up a notch. "An appropriate" basis could mean almost anything. It is meaningless that way. When you say it is "the appropriate" basis, you tie it into the rest of the language and you tie it into the intention of the Congress and the legislative history not to make it exclusive. You say in the assignment of students you start with the first appropriate basis, and that is the neighborhood. If there are other reasons like 401 and 402 or a dual system, then it is not an appropriate basis, and it is not exclusive. I am not trying to slip in a neighborhood school amendment which would make it exclusive.

I am simply saying, and I hope the Members will agree, if we say "the neighborhood school," that would be better, but all things being equal, that is the appropriate basis for the assignment of the student.

Mr. RANGEL. I am not suggesting the gentleman is attempting to slip anything over on us, but I am suggesting it does make a difference as to whether you use "an" or "the." If your intention is really to bring up the neighborhood concept a notch, what you will be doing actually is restricting it to the neighborhood, and making it really the sole area used in determining where children will be assigned to schools. It is very important. I am certain the gentleman will agree that if he did not think it was important, he would not have offered it as an amendment.

Mr. ASHBROOK. That is right. I say as it stands now, the word "an" is meaningless. The gentleman will agree with that, I am sure.

Mr. RANGEL. It makes a lot of sense to me, and that is why I support the existing language.

Mr. ASHBROOK. But it would not be possible as the gentleman indicated, because where there is a dual school system, the children are not given equal educational opportunities. In that event the neighborhood school system might not be appropriate. The rest of the bill indicates that.

Mr. SCHEUER. Will the gentleman yield?

Mr. RANGEL. I yield to the gentleman.

Mr. SCHEUER. I think many of us will agree the neighborhood school is the appropriate one unless there are overriding considerations to the contrary.

Mr. ASHBROOK. Precisely what we say.

Mr. SCHEUER. Would you agree that there is a constitutional right to a remedy?

Mr. ASHBROOK. Where you have a dual school system or denial of equal educational opportunity, then in that case it would not be appropriate, but for legislative history it is not my intention to make it exclusive. I think it should be primary, the initial basis for pupil assignment, but not exclusive.

Mr. SCHEUER. I agree with that, but therefore I ask my colleague, will you accept as a part of the amendment, after assignment, changing the period to a comma, and adding the language, unless the implementation of such is, making it clear that we agree the neighborhood school is the legitimate basis?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment. Despite the assurance of the gentleman from Ohio, and, I am sure, he is acting entirely in good faith, it seems to me there is no reason to change the word "an" to the word "the" unless the purpose is to make it an exclusive basis. If the gentleman from Ohio will look further in the bill, as I am sure he has done, he will find that, while we do look at the neighborhood as the closest and most proximate basis, there are still instances of guidelines which go beyond that.

If we at that point change the word "an" to "the," it seems to me we further restrict ourselves so that the further guidelines enumerated later in the bill become meaningless and cannot be used.

I know that may not be the intent and the purpose of the gentleman, but the fact is that words means what they mean to say. And when you change the word "an" to the word "the," the legislative history is going to be clear that you want to restrict it. And for that reason I oppose the amendment.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words, and rise in opposition to the amendment.

Mr. Chairman, this question has been discussed thoroughly in the Supreme Court, and I would like to read the precise sentence from the Swann decision which made at it clear that using the neighborhood school as a basis may not meet the constitutional requirements of equal educational opportunity. Mr. Justice Burger noted in the Swann case, and this appears in the very discerning Additional Views of the gentleman from Washington (Mr. Meeds) and the gentlewoman from Hawaii (Mrs. Mink) that a plan assigning pupils to schools nearest their homes "may fail to counteract the continuing effects of past school segregation", and hence be constitutionally unacceptable.

Now, I would ask the author of the amendment what are you going to do in the instance of a black child in an inner city location who is now confronted with language that now reads that his neighborhood school is now an appropriate basis for determining public school assignment when in the sentence just above in this bill it says that all children enrolled in public schools are entitled to equal educational opportunities without regard to their race, color, sex, or national origin?

I think this poses a very serious conflict.

Mr. ASHBROOK. Mr. Chairman, if the gentleman would yield, I would say to the gentleman from Michigan that the question he raises was answered before. I hope the Congress states as a matter of policy that the neighborhood is the appropriate basis for pupil assignment. It certainly is not the sole or exclusive basis. In the Burger decision which the gentleman cited, the neighborhood may not have been the appropriate basis. We are not saying it is the exclusive basis.

Mr. CONYERS. But is not the gentleman from Ohio aware that that is not an appropriate basis, even if they might have a neighborhood school assignment?

Mr. ASHBROOK. Well, if there is a present dual school system, a local segregated school, it would not be the appropriate basis.

Mr. CONYERS. I suggest we are moving in the face of a long series of decisions that have very clearly established that the neighborhood is not an appropriate basis for determining public school assignments, and certainly is not the sole appropriate basis because this would be locking in all the children in the segregated schools automatically unless they could somehow show there was some exception to which they might apply.

Mr. ASHBROOK. Would it not be just as easy to start the other way, to say the neighborhood is the appropriate basis for the assignment of students unless these things the gentleman espouses are present?

Mr. CONYERS. Would the gentleman be willing to offer an amendment in this respect?

Mr. ASHBROOK. It is my understanding, and my statement and my belief, that the rest of the bill would take care of the situations the gentleman is talking about. But if the gentleman would feel better with that amendment I would not have any objection. However, I do not think we should waste a great deal of time debating it. I understand the concern of the gentleman.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield, I might add that on page 36 is an instance in which an appropriate basis is quite obvious, in (c) on page 36 it says:

> (c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

Mr. HUNGATE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had not sought to take a position on this controversial issue at this time, but I will never dodge a fight. If by busing you mean that system whereby countless young children in remote areas across our Nation have been transported to improved facilities where they can enjoy a hot lunch program and take part in music and athletic activity and study foreign languages and advanced mathematics and science courses not available to them in the sparsely furnished one room schoolhouse; then I support busing wholeheartedly.

But if by busing you mean that heartless and inhuman doctrine whereby young people—infants, mere babes—are snatched from their mother's bosoms against their will to be hauled like cattle from before the break of dawn until after dark over countless miles to strange surroundings far from their own neighborhood and playmates for the mere purpose of satisfying some sociologist's statistical need—then I oppose it.

This is my position, sir. I think the question is crystal clear and I will not equivocate.

Mr. SEIBERLING. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am inclined to oppose this amendment for the obvious reason, as stated by the gentleman from Washington, that the rule of construction of statutes is that you do not even go to the legislative history if the wording is clear. When you strike out the word "and" and put in the word "the," it says it is the appropriate basis. The word "the" excludes other bases which might be appropriate.

It just so happens that I live in an area where my kids, all of them, have been bused 9 miles each day to and from school ever since they started school. That was the nearest school.

I do not know how big a neighborhood can be, but that strikes me as getting pretty big.

Now I do not want to see us produce no legislation on this subject. I happen to think it is appropriate for the Congress of the United States to spell out some guidelines for the courts in administering the 14th amendment to the Constitution.

Also I happen to think there are some provisions in this bill which are plainly unconstitutional, and at the appropriate time I will offer amendments to clean that up.

But I submit to the gentleman from Ohio (Mr. Ashbrook) that the change that he proposes is a change in substance, stating the policy of this bill, and it is a change which in certain circumstances such as the ones I have mentioned completely obfuscates the definition of the word "neighborhood."

There are some rural schools where they have to drive 50 miles a day to get to school. So what is your definition of "neighborhood?"

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. ASHBROOK. Does the gentleman believe as a matter of policy that the neighborhood school is the proper basis for the assignments of students?

Mr. SEIBERLING. I think the neighborhood school, all other things being equal, is an appropriate basis.

Mr. ASHBROOK. Is that not exactly what the amendment says?

Mr. SEIBERLING. This says the appropriate basis, and I submit that where you say it is an appropriate basis, you have covered the situation adequately. If you change it to "the"—you completely restrict it to that basis and not others.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield further?

Mr. SEIBERLING. I yield to the gentleman.

Mr. ASHBROOK. I think the gentleman from Texas (Mr. Eckhardt) further illustrated the point I was making—the entire bill constitutes a decision in some ways of what is appropriate and what is not appropriate and what is an educational right or opportunity and what is a dual school system.

We state that as a general policy. Then we have other limitations—we have other factors.

I think the gentleman in his response said—"Yes, the neighborhood school is an appropriate basis—all things being equal."

Mr. SEIBERLING. That is not what it actually says. If you revised the whole sentence, it would be different.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. ECKHARDT. To finish my statement—what I was trying to point out is—the appropriate basis—sometimes. Some other times another appropriate basis exists as, for instance, the will of the student. If he is a minority student in a school which has a majority of his race, the appropriate basis is his desire.

So the term "the appropriate base" is simply not meaningful in all instances. That is the point I was making.

Mr. SEIBERLING. I concur in the gentleman's statement.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

The **CHAIRMAN.** The gentleman from California is recognized for 5 minutes.

Mr. DELLUMS. Mr. Chairman, I think it is very clear in the colloquy that using the term "the appropriate" or "an appropriate"—given the maker of the amendment's response to previous questions—points to the fact that this amendment is totally irrelevant, because what the gentleman is saying is that if "the" is not exclusionary, and "an" is not exclusionary. Therefore, I can only arrive at the opinion that the motivation for this amendment is strictly political, which goes to the question not only of this amendment but to this entire piece of legislation.

Mr. Chairman, let us face reality. The only reason we are here couched in fear and paranoia on this issue is simply because of the selfish and self-centered self-aggrandizement of many of the elected officials on this floor of Congress who lack the courage to assume the moral and political leadership of this country. They are following the paranoia, irrationality, and racism of millions of people in this country.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I will not yield, Mr. Chairman.

Mr. ASHBROOK. Mr. Chairman, the gentleman will not yield?

Mr. DELLUMS. Mr. Chairman, I will appreciate the gentleman's not interrupting me. It is my time.

Mr. Chairman, the fact of the matter is that every single one of us on the floor of this Congress could die tonight—some of us of a heart attack. What would the rest of us do? Run to the Speaker to find out where we would be on the seniority list?

Mr. Chairman, the point I am trying to make is that it is totally irrelevant whether many of us come back to the U.S. Congress next year or not. What I would suggest to you is vote your conscience, not vote your district. Do not be concerned with whether you can get reelected. Do not vote on the basis of self-aggrandizement or whether you commit political suicide. I urge you to not engage in political expediency. These are the considerations before us—nothing else.

Mr. Chairman, many of our liberal friends who are saying to us, "I am with you 99 percent of the time, but I cannot go with you now"—I say to them, we do not need you when you cannot come through in the clutch. We do not need you if you cannot come through in the clutch.

If you have any political spirit and any political heart, any political leadership, any political integrity, you would come to the floor of this Congress and not vote whether you come back to Congress, but vote your integrity and concern for this country, because if you do not come back to Congress, because you could die before November anyway, who would care? What would happen in this country if you would pass on? What would happen if 435 of us did not come back to the U.S. Congress? Life would go on. Stop placing so much importance upon your reelection, and start placing importance on principle.

We should be guided by morality in this country, by human values in this country, and by a philosophy in this country that speaks to the human needs of all the people.

Busing is not and has not ever been the critical question in America, but our problem is the fear and the trepidation of politicians walking willy-nilly through their congressional districts, smiling, shaking hands, and opposing busing, but saying on the other side, "I am liberal, but I cannot vote for this, because if I do they will send a real racist to Congress."

Well, maybe they should send us a real racist. Send us some real racists, and then we will know what we are dealing with. We do not need people who are not willing to come into this well and stand up on their integrity as human beings and be counted on the moral issues of these troubled times.

Let us help the people who deserve education in this country, people who have the right to education in America. That is the reality we ought to be dealing with.

On both sides of the aisle there are too many people here, both men and women, who are frightened to death to face the reality of this amendment.

This amendment is politically inspired. This entire legislation is politically inspired. Let us vote for the people, whether they are black, brown, yellow, red, or white, and stop playing the dangerous expedient games we are playing on the issue of busing.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and on a division (demanded by Mr. HAWKINS) there were—ayes 70, noes 39.

TELLER VOTE WITH CLERKS

Mr. CONYERS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CONYERS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. ASHBROOK, RANGEL, PUCINSKI, and MEEDS.

The Committee divided, and the tellers reported that there were—ayes 254, noes 131, not voting 47, as follows:

[Roll No. 338]

[Recorded Teller Vote]

AYES—254

Abbitt
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bennett
Bevill
Biaggi
Blackburn
Blanton
Bow
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conover
Cotter
Coughlin
Crane
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fisher
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Gibbons
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Harsha
Harvey
Hastings
Hays
Henderson
Hicks, Mass.
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Kee
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Lloyd
Long, Md.
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McKevitt
McKinney
Macdonald, Mass.
Mahon
Mann
Martin
Mathis, Ga.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Monagan
Montgomery
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
Patten
Pepper
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncalio
Rooney, Pa.
Rousselot
Runnels
Ruth
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NOES—131

Abzug
Adams
Addabbo
Anderson, Ill.
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Biester
Bingham
Blatnik
Boland
Bolling
Brademas
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Celler
Chisholm
Clay
Collins, Ill.
Conable
Conyers
Corman
Culver
Daniels, N.J.
Dellenback
Dellums
Denholm
Diggs
Donohue
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Evans, Colo.
Fish
Flood
Foley
Fraser
Frenzel
Gonzalez
Green, Pa.
Hamilton
Hanna
Hansen, Idaho
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hicks, Wash.
Hillis
Holifield
Horton
Howard
Hungate
Jacobs
Karth
Kastenmeier
Kazen
Koch
Kyros
Leggett
Link
McClory
McCloskey
McCormack
McEwen
McFall
McKay
Madden
Mailliard
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Mikva
Miller, Calif.
Mink
Mitchell
Moorhead
Morgan
Mosher
Moss
Nix
Obey
O'Neill
Perkins
Podell
Price, Ill.
Rangel
Rees
Reuss
Riegle
Rodino
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
St Germain
Scheuer
Schwengel
Seiberling
Sisk
Smith, Iowa
Staggers
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Thompson, N.J.
Thone
Tiernan
Udall
Whalen
Wiggins
Wolff
Yates
Zwach

NOT VOTING—47

Abernethy
Abourezk
Anderson, Calif.
Betts
Boggs
Caffery
Carney
Carter
Chappell
Clark
Conte
Davis, Wis.
Dorn
Dowdy
Dwyer
Edmondson
Frelinghuysen
Gallagher
Giaimo
Gude
Hansen, Wash.
Hébert
Heckler, Mass.
Hull
Keith
Lennon
Long, La.
Lujan
McMillan

Mathias, Calif.
Melcher
Michel
Mollohan
Passman
Patman
Pelly
Railsback
Reid
Rhodes
Rooney, N.Y.
Ryan
Springer
Talcott
Terry
Ullman
Waldie
Wilson, Bob

So the amendment was agreed to.

Mr. PUCINSKI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to merely advise the Members that we have about 30 amendments pending, many of them substantive, many of them not very substantive, and it is the present intention to go through with this legislation until we finish, regardless of what time of the night we complete our work. We hope we can do that. I hope that the Members will at least take under consideration that, as we debate the various amendments, and some of these are very important, very substantive, and have important meaning to the bill, but I would just hope that we can discipline ourselves in a manner in which we can, without resorting to a limitation of debate—and it is not our intention to do so—as I said earlier, when we started that it was our intention to give everybody a chance to speak—but I would hope that the Members would keep that in mind—that there are some 30 amendments, many of them, as I say, very substantive, which will require substantial debate.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from New York.

Mr. CELLER. The gentleman, of course, has the right to ask that the Committee rise at any time.

Mr. PUCINSKI. The gentleman, to the extent that he has anything to say about it, has the intention to move along with this legislation, and finish it some time tonight.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 3. (a) The Congress finds that—

(1) the maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, sex, or national origin denies to those students the equal protection of the laws guaranteed by the fourteenth amendment;

(2) for the purpose of abolishing dual school systems and eliminating the vestiges thereof, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students;

(3) the implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend large amounts of funds, thereby depleting their financial resources available for the maintenance or improvement of the quality of educational facilities and instruction provided;

(4) transportation of students which creates serious risks to their health and safety, disrupts the educational process carried out with respect to such students, and impinges significantly on their educational opportunity, is excessive;

(5) the risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades; and

(6) the guidelines provided by the courts for fashioning remedies to dismantle dual school systems have been, as the Supreme Court of the United States has said, "incomplete and imperfect," and have not established, a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in order to eliminate the vestiges of a dual school system.

(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to it by the Constitution of the United States, specify appropriate remedies for the elimination of the vestiges of dual school systems.

Mr. PUCINSKI (during the reading). Mr. Chairman, I ask unanimous consent that this section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. MITCHELL. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk concluded the reading of the section.

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BADILLO: On page 19, strike lines 20 through 24 inclusive and on page 20, strike out lines 1 through 3 inclusive.

Mr. BADILLO. Mr. Chairman and Members of the Committee, we are now in the section of the bill that makes findings of fact. It is very important that whatever else we do with respect to the rest of the bill, that we be very precise in our findings of fact, because the findings of fact that are included in this bill are put in to ensure that the courts upon reviewing this bill would consider the statements involved as binding and not reviewable

However, we cannot, just because we say so, find something as a fact that is not true.

I submit to you, that the finding of fact which is the subject of my amendment contradicted by the facts as they exist in our country and by the facts as they were brought out in the committee.

The specific findings says:

> The implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend large amount of funds, thereby depleting their financial resources available for the maintenance or improvement of the quality of educational facilities. * * *

Now that just is not true, as a nationwide situation. It may have happened in one or two cases, but the facts which are brought out in the committee report indicate in many cases, in fact, the opposite took place and in many cases there was less busing rather than more busing as a result of a court desegregation order.

In Alabama, for example, desegregation orders resulted in a decrease of 1 million passenger-miles. In Mississippi, 318,095 schoolchildren were bused to maintain segregated schools; but only 292,472 were bused when segregation was ended. The same situation—a decline in the number of children bused and the number of miles transported—resulted after desegregation orders were entered at Charlotte, in Richmond, in Leon County, Fla., and elsewhere.

As a matter of fact, Secretary of Transportation, John A. Volpe, has said the less than 1 percent of the annual increase in busing costs can be attributable to desegregation orders.

The fact is that this finding is not based on reality. We have to be very exact about the findings because once the law is passed, these findings of fact will become the first items that will be taken up by the courts in determining whether or not this law is to be upheld.

I submit to you, as we begin considering this legislation, we should begin to take reality into account. If we do that, we will move to strike this provision of the law because it does not correspond to the facts as they exist in our society today. It is for this reason that I seek by this amendment to strike out totally the wording of this subsection.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the findings of the Congress are very important to establish the rationale for the rest of this legislation.

I am not going to take the time of the House at this time to substantiate each of these findings. They are in the hearings. Some of them are in the report. I have additional data here which you are perfectly welcome to examine at the table.

We can show you that in Little Rock, Ark., the increase in busing was 27 percent from 1970 to 1971 at a tremendous cost.

In San Francisco City in California, there was a 19-percent increase.

You might be interested in seeing the flight of white children from that school system in California—7,500 white children left.

In Hillsborough County, Fla., there was an increase of 19 percent and a flight of 4,000 children and so on down the line.

We had tried to make a case in this bill, in the findings. These are statements that can be corroborated. The gentleman's effort to strike this language would indeed delete from the bill the rationale for the rest of the bill. Therefore, I hope that the Committee will reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BADILLO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BADILLO. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 13915 because it assures equality of educational opportunity while curbing busing pursuant to court orders. Some view the question of enforced busing as involving support or opposition of a particular racial group. As Representative of the 16th District of Michigan, I wish to report that nearly all citizens of my district, regardless of race or color, oppose enforced busing.

This legislation, substantially similar to that suggested last year by the President, is a long stride toward full educational opportunity. It provides for this while narrowly circumscribing the powers of courts to engage in counterproductive enforced busing to achieve racial quotas or racial balance.

While I believe this to be a good bill, and a long step in the right direction, I still feel strongly that a constitutional amendment is needed to lay to rest this most divisive and unnecessary question of enforced busing so that we may begin the orderly process of affording all our children, without regard to race or color, equal access to high-quality education in their neighborhood schools. Certainly this approach is urgently required if this Nation is to have the steady supply of outstanding young Americans to carry on its affairs.

ENFORCED BUSING TO ACHIEVE RACIAL BALANCE IS WRONG

In my memory no issue has so outraged all the citizens of Michigan or of the 16th Congressional District of Michigan, which I represent, as does busing to achieve racial balance. In the case now affecting the Detroit metropolitan area, civil case No. 35257 in the eastern district of Michigan, U.S. district court, Judge Stephen Roth proposed to bus some 350,000 children in, through, and around 53 school districts in the tricounty area of Wayne, Oakland, and Macomb.

The cost, which has not been finally calculated with precision, has been estimated as high as $100 million a year by the two Detroit daily newspapers. Hundreds of buses traveling 20 to 30 miles per trip will move students far from the security of their neighborhood, from their parents, and from familiar surroundings. The plan in the words of Judge Roth's order would "require development of transportation on a vast scale" and would require acquisition of 1,606 vehicles.

School programs of extracurricular activities would suffer, or be eliminated in their entirety. Band, athletics, debating, clubs and other activities to expand young minds and provide them with valuable experience will be denied to all who are bused into schools far from home. A large additional class of deprived students will be created. They will be fully integrated in their deprivation; blacks and whites alike undergoing hardship together for no gain to anyone. Parent-teacher organizations and the wholesome interest flowing therefrom would no longer be the useful tool of school improvement. These organizations would no longer benefit by programs of mutual enrichment to the schools, children, and parents of those involved in enforced busing.

SOME OUTRAGEOUS RESULTS OF THE BUSING CASE IN THE DETROIT METROPOLITAN AREA

Self-willed and arrogant Judge Roth proposes to mandate the legislature to appropriate funds and to order State and local officials to expend money in contravention of the laws and constitution of the State of Michigan. Judge Roth has even taken steps to contravene the contracts of teachers with the school districts by proposing to move teachers from system to system without regard for contracts, seniority, retirement, health benefits, or other constitutionally protected rights.

Judge Roth has even taken steps leading toward effective merger of suburban school districts with the Detroit system and cross-district busing without either hearings or opportunity to be heard by the suburban districts or their citizens on questions of fact or law. This, without so much as a finding of discrimination on the part of a single suburban school district, some of them 20-some miles from Detroit.

Judge Roth has ordered cross-district busing of pupils, transfer of teachers, complete change in local and State financing practices, teacher contracts and tenure, and curricula for some 780,000 students in 53 school districts.

But for the actions of our colleague, **William S. Broomfield** of Michigan, and a group of bipartisan Members of Congress, of whom I am proud to be one, in sponsoring the provisions of what is now section 803 of the Higher Education Act Amendments of 1972, Public Law 92–318, all these effects of Judge Roth's orders would be moving toward completion. I am pleased to report that the U.S. Court of Appeals for the Sixth Circuit, exercising the responsibility imposed upon it, has stayed the actions of Judge Roth pending appeal. Nevertheless, Mr. Chairman, this is only a delay. It will protect the people I serve from the outrages threatened in this matter only during the pendency of appeal. It is now necessary for the Congress to legislate further and final assurance.

SHORT ANALYSIS OF H.R. 13915

H.R. 13915 among other things provides for:

First. Utilization of $500 million in authorized emergency school aid funds to assure upgrading of educational opportunities for educationally deprived children.

Second. Defines and prohibits denial of educational opportunities to all children.

Third. Prohibits enforced merger of school districts.

Fourth. Allows enforced busing for racial balance only after all other remedies and methods have been exhausted.

Fifth. Prohibits enforced busing of children below grade 7 beyond the school nearest or next nearest their home.

Sixth. Prohibits busing hurtful to the education or health of the child.

H.R. 13915 IS FAIR TO ALL

The legislation expressly outlaws the old and properly rejected "separate but equal" doctrine and other defined racial discriminatory educational practices. Discriminatory practices which were once used to deny quality education to large numbers of our children will not be tolerated under the legislation.

H.R. 13915 prohibits enforced busing except where there is no other way of eliminating racially discriminatory educational practices.

The thrust of H.R. 13915 is affirmative. It would correct discriminations practiced in the past, give full educational opportunity to all, eliminate counterproductive and divisive methods tried by the courts out of frustration, use effective methods which assist the efforts to adequately and equally educate all our young people, and would not squander scarce resources or jeopardize the educational and physical well-being of our young.

CONSTITUTIONAL AMENDMENT STILL NEEDED

However, it should be evident that H.R. 13915 does not completely eliminate busing. Accordingly, it becomes clear that other and further legislative steps are required. The statute itself although soundly drawn, in my opinion, still requires constitutional interpretation by the courts. While I feel satisfied H.R. 13915 will pass all constitutional tests, I believe that any residual doubts on this point must be resolved at the earliest time. Accordingly, I feel it is desirable and necessary that prompt and favorable consideration be given House Joint Resolution 620, a constitutional amendment providing that no child be required to attend a particular school because of race or color.

ELIMINATION OF EDUCATIONAL PARKS

H.R. 13915 has provisions in it repealing laws authorizing Federal assistance for State and local construction and maintenance of educational parks. While this concept may be desirable and innovative, public acceptance has been lacking for it. Broad opposition and a number of serious questions about the need and operation make elimination of these provisions advisable at this time.

SHORT HISTORY OF THE DETROIT CASE

It appears appropriate to relate this legislation to the Detroit case before Judge Roth, referred to earlier.

In that case, Judge Roth, after initial findings of discrimination in the Detroit case, moved to implement a metropolitan plan of desegregation involving 53 school districts in the Detroit area. Many of these are in the district I represent. None of the school districts was heard on either factual or legal questions involved, nor was there any findings of racially discriminatory practices involving any suburban school district.

Nevertheless, Judge Roth moved to compel initial purchase of some 295 buses as the first step to implement the broad plan which he promulgated, leading to busing of thousands of children for racial balance.

The cost, as mentioned above is so large that precise estimates are lacking. Variously estimated in the daily press at as high as $100 million per year, the prospects, are that it would be a hideously expensive and wasteful program.

The worst criticism of this proposal is that after the moneys are dissipated, the students are benefited not at all in terms of education. The only result of this massive program of enforced busing would be altered and disordered school systems full of bewildered children far from home, family, and security.

MICHIGAN LAW AND CONSTITUTION PROVIDE STRONG PROTECTION OF EQUAL OPPORTUNITY IN EDUCATION AND ALL PUBLIC PROGRAMS

In Michigan, the laws and constitution prohibit discrimination on grounds of race in all matters, housing, public accommodations, schools, education, employment and transportation, and all activities sanctioned by State law. Certainly Michigan's strong legal bulwarks against discriminatory governmental actions in all areas, coupled with the strong provisions of Federal law on these points make this plan proposed by Judge Roth most unnecessary and undesirable. In other States, Federal actions, both statutory and judicial, have largely eliminated the evil results of the old separate but unequal school systems which did so much to destroy dignity in generations of black Americans. I believe that the time is now here to go forward affirmatively to abate and eliminate any remaining abuses and discriminations through devices which positively and immediately benefit the children concerned. Let us use methods which more directly attack the remnants of former racial abuses.

This bill, H.R. 13915, provides the mechanism for that beginning.

LET US MEET THE REAL NEEDS OF OUR CHILDREN

Inadequate education is a problem not peculiar to the children of any racial group. Children of low income groups living in rural areas, the big cities and in the suburbs are faced with school systems, schools, teachers, curriculums and classrooms which do not meet their needs and which do not turn out well-educated graduates. All parts of the country are faced with a continuing school crisis.

The problem of providing adequate education to all our children is often one of imbalance of funds and funding from one school district to another. School taxes, raised by taxing real property vary greatly from school district to school district. I do not believe it proper for the Federal Government to intrude into local financing devices or to meddle in local school administration. However, Federal and State assistance is desperately needed to bring education up to uniformly high standards.

Other needs are for better qualified teachers and for adequate special and remedial educational programs for both gifted and backward students. Oversized classes and overworked teachers are a major deprivation of many students. Old and inadequate facilities and lack of modern teaching methods and devices create hardships to many students. Lack of the most advanced materials, curricula and facilities are a major problem in meeting the needs of minority and deprived children. Special programs to advance education by involving parents, and special programs in reading, English, and mathematics are urgently needed.

Let us begin working to meet these and other needs of all our children. If we do so, the need to bus children to achieve racial balance will be revealed as illusory.

I pledge myself to the great goal of equal educational opportunity. I will continue in the future, as in the past, in all efforts to make useful contributing citizens of all our children. I believe we have a special duty to make sure we do not deny opportunity and useful citizenship to our black citizens. We must assure that the mistakes and deprivations of former generations will not be visited upon any of the children of this generation. Let us go forward together then to this great national goal. Let us, however, go forward not only in the spirit of harmony, but in the spirit of wisdom. Let us suit the means to the great goal. Let us not be misled from successful accomplishment here by false and counterproductive means such as enforced busing and enforced school district merger. These devices only deny real progress and waste scarce resources. In important studies of its effect on our young people, busing has been proven to have accomplished nothing.

Let us use more effective and less divisive means to provide for the quality education of our young.

AMENDMENTS TO BE OFFERED

I will support an amendment to be offered to make the legislation before us apply to previously decided cases. I believe that all should be treated alike, and certainly, where it becomes our national policy that enforced busing is wrong in areas which might be afflicted in the future, the same criteria should apply to all other cases, past and present.

I intend to offer a "separability clause" amendment which will protect other parts of the bill in the event that some parts are declared unconstitutional.

I warn my colleagues that the bill before us, although clearly constitutional in my opinion, treads close to the narrow line of constitutionality or unconstitutionality. I hope the House will approach the problem of strengthening amendments with care, and for this reason I offer what I view as a most important amendment to afford the needed protection against constitutional failure of the whole legislation.

I intend to listen carefully to the debate and examine the amendments offered with care, and to try, in concert with my colleagues, to work out the strongest and fairest legislation possible.

The law and the Constitution in my view require only that treatment of citizens be without regard to race or color. The Constitution is colorblind and imposes the same responsibility on all our governmental actions. I do not read Brown against School Board or any of the other school cases as requiring equal racial quotas or transportation of students long distances. It is my hope that the Congress will today take steps making plain that we are for equality of educational opportunity for all of our children and opposed to racial quotas, racial preferences, and governmental imposed hardships which afford no good to any citizen or group of citizens.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 20, strike out lines 12–19 and insert:

(6) The Federal district courts in the exercise of their equity jurisdiction, and the courts of appeal and the Supreme Court in the exercise of their respective appellate jurisdiction, have established general guidelines for fashioning remedies to dismantle dual school systems, and in particular with regard to student transportation, the Supreme Court has said that "an objection to transportation of students may have validity when the time or distance of travel is so great as to risk either the health of the children or significantly impinge on the educational process."

Mr. CONYERS. Mr. Chairman, the purpose of this amendment is to replace the incorrect and misleading statements in sections 3(a) (6) which infer that there has been an incomplete and imperfect remedy fashioned to dismantle dual school systems.

I would like to point out that there have been in the courts a series of rather rational decisions that are much more than incomplete and imperfect that would make this finding of fact inaccurate. I would think that we would want to correct it with the suggested language that I have produced in this amendment.

In 1955, in the second Brown decision, the Supreme Court determined that it was proper for District Courts to exercise their equity jurisdiction with its traditional flexibility to fashion specific remedies for each factual situation in school desegregation cases. That line of reasoning has been reiterated time and time again up to the leading 1971 decision in the Swann against Charlotte Mecklenburg unanimous decision of the Supreme Court with the decision being written by Chief Justice Burger.

It stated that the conditions in different localities will vary so widely that no rigid rules can be laid down to govern all situations, and to me, this seems to me much more than an incomplete and imperfect guidelines that have been established.

But, in the exercise of appellate review functions, the court has established general guidelines to the district courts. The statement in section 3(a)(6) that the Court has said its guidelines were incomplete and imperfect is taken wholly out of context, because after using those words in the Swann decision, the Court proceeded to set forth many appropriate guidelines.

With regard to student transportation, the Court has stated:

> The scope of permissible transportation of students as an implement of a remedial decree has never been defined by this Court and by the very nature of the problem it cannot be defined with precision. No rigid guidelines as to student transportation can be given for application to the infinite variety of problems presented in thousands of situations.

But, the Court did, however, announce a general guideline as to how much student transportation was permissible.

Mr. Chairman, I think it is a guideline that few of us would quarrel with because it is stated that an objection to transportation of students may have validity when the time or the distance of travel is so great as to risk either the health of the children or significantly impinge upon the educational process. In my judgment this standard is most reasonable and effective and yet it does not jeopardize the full realization of the constitutional rights of minority group children seeking equality of education. So I urge that the substitute amendment in place of the language in section

3(a)(6), so that we will accurately have a finding of fact that is consonant with the decisions that have come from the courts thus far. I urge support of my amendment.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, the amendment offered by the gentleman from Michigan is completely contrary to the language in the bill now. The language in the bill now is there to establish a rationale for the rest of the bill. We quite properly point out the multiplicity of decisions and we quite properly quote the Supreme Court as stating in Swann that the guidelines are incomplete and imperfect. So what we are proposing here is that we use this as a basis for the legislation.

Earlier I told the House that the multiplicity and the diversity of decisions all over this country is one of the factors that has created the chaos. I pointed out in one district the court ordered the use of television to overcome desegregation while in another court jurisdiction the court arbitrarily, in Richmond, Va., merged three separate school districts and ordered massive busing.

So it is this multiplicity of court decisions and general chaos that exists that we are trying to correct in this legislation. This section 6 sets down a specific reason why the legislation is necessary. I would hope that the amendment would be rejected.

Mr. QUIE. Mr. Chairman, I rise also in opposition. I would add to what the gentleman from Illinois said, and I concur with him completely, that the language of the amendment offered by the gentleman from Michigan, where he lists the expression of the court and objection to transportation of students, may have validity when the time of travel is so great as to risk the health of the children or significantly impinge on educational process, but it is written into section 403(c) of the bill as now part of the remedies and it is therefore taken care of.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

I wondered why the committee chairman said this amendment was completely opposite and inconsistent to the purposes of the bill. The reason why I included it is that if we are stating findings of fact here, I was trying to suggest that findings of fact as expressed in paragraph 6 as it now stands is very inconsistent. The court language and the language of the bill later on is far more accurate.

Mr. QUIE. Mr. Chairman, the gentleman from Illinois has especially pointed out in the gentleman's amendment it says the court has established general guidelines for providing remedies. The language of section 3(a)(6) is more accurate.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I am glad the gentleman called attention to this language, because this is language completely contrary to what we have in the bill, when the gentleman from Michigan says the Federal district courts have fashioned general guidelines. I might say his reference to the language on transportation is cosmetic and does not mean anything in this section. The guts of his statement is this section that they have established general guidelines, which is completely contrary to the facts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. If there are no further amendments to be proposed to this section, the Clerk will read.

The Clerk read as follows:

TITLE I—ASSISTANCE

AMENDMENTS TO THE EMERGENCY SCHOOL AID ACT TO PERMIT CONCENTRATION OF RESOURCES ON EDUCATIONALLY DEPRIVED STUDENTS ATTENDING SCHOOLS ENROLLING HIGH CONCENTRATIONS OF STUDENTS FROM LOW-INCOME FAMILIES

SEC. 101. (a) Section 702(b) of the Emergency School Aid Act is amended by striking out "and" at the end of clause (2), striking out the period at the end of clause (3) and inserting "; and" in lieu thereof, and adding at the end of such section the following new clause:

"(4) to aid educationally deprived students enrolled in schools enrolling a high proportion of students from low-income families (or transferring from such schools to schools enrolling a lower proportion of students from low-income families) in overcoming their educational deprivation."

(b) Section 706(a)(1) of such Act is amended by—

(1) inserting "(or, in the case of a local educational agency described by clause (E) of this paragraph, the appropriate State educational agency)" after "Assistant Secretary";

(2) striking out the period at the end of clause (D) and inserting "; or" in lieu thereof, and

(3) adding at the end of such section the following:

"(E) which has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement a plan (either as a part of any plan described in clause (A), (B), (C), or (D) of this paragraph or otherwise) to concentrate (consistent with such criteria as the Assistant Secretary may prescribe) funds available to it under this title on the provision of basic instructional services and basic supportive services for educationally deprived students enrolled in schools of such agency enrolling a high proportion (as determined by the Assistant Secretary) of their students from low-income families and on the provision of such services for educationally deprived students who, pursuant to such plan, transfer from such schools to other schools in which a lower proportion of the students enrolled are from low-income families."

(c) Section 706(c) of such Act is amended by—

(1) inserting "(or, in the case of a local educational agency described by clause (E) of subsection (a), the appropriate State educational agency)" after "Assistant Secretary"; and

(2) inserting "prescribed by the Assistant Secretary" after "regulations".

(d) Section 710(a) of such Act is amended by inserting "(or, in the case of a local educational agency described by section 706(a)(1)(E), the appropriate State educational agency)" after "Assistant Secretary" each time it occurs in so much of such section as precedes clause (1).

(e) Section 710(b) of such Act is amended by inserting "(or, in the case of a local educational agency described by section 706(a)(1)(E), the appropriate State educational agency)" after "Assistant Secretary".

(f)(1) Section 710(c) of such Act is amended by—

(A) inserting "(or, in the case of a local educational agency described by section 706(a)(1)(E), the appropriate State educational agency)" after "Assistant Secretary",

(B) striking out "and" at the end of clause (1)(C),

(C) striking out the semicolon at the end of clause (1)(D) and inserting in lieu thereof ", and", and

(D) adding at the end of clause (1) of such section the following:

"(E) the extent to which educationally deprived students are enrolled in schools of a local educational agency enrolling a high proportion (as determined by the Assistant Secretary) of their students from low-income families;"

(2) Such section 710(c) is further amended by inserting before the semicolon at the end of clause (2) the following: ", or in the case of applications by local educational agencies implementing plans described in section 706(a)(1)(E), the degree to which the plan and the program or project are likely to meet the special educational needs of educationally deprived students enrolled in schools enrolling a high proportion (as determined by the Assistant Secretary) of their students from low-income families and of educationally deprived students who, pursuant to such plan, transfer to schools in which a lower proportion of the students enrolled are from low-income families".

(3) Such section is further amended by inserting before the semicolon at the end of clause (3) the following: ", or in the case of a plan described by section 706(a)(1)(E), constitutes a comprehensive approach to meeting the special educational needs of educationally deprived students enrolled in schools of a local educational agency enrolling a higher proportion (as determined by the Assistant Secretary) of their students from low-income families and of educationally deprived students who, pursuant to such plan, transfer to schools in which a lower proportion of the students enrolled are from low-income families".

(4) Such section is further amended by striking out "and" at the end of clause (5), striking out the period at the end of clause (6) and inserting "; and" in lieu thereof and adding at the end thereof the following:

"(7) such criteria as the Assistant Secretary may prescribe for the purpose of assuring that funds made available under this title to a local educational agency implementing a plan described by section 706(a)(1)(E) will, to the extent determined by the Assistant Secretary after consultation with the appropriate State educational agency, be used by such local educational agency for carrying out programs or projects for the provision of basic instructional services and basic supportive services for educationally deprived students enrolled in the schools of such agency enrolling a high proportion (as determined by the Assistant Secretary) of their students from low-income families and for educationally deprived students who, pursuant to such plan, transfer to schools in which a lower proportion of the students enrolled are from low-income families.

Criteria prescribed by the Assistant Secretary pursuant to clause (7) of the preceding sentence shall be designed to insure that—

"(1) in the approval by State educational agencies of applications for funds under this title from local educational agencies to assist them in implementing plans described in section 706(a)(1), priority will be given to those local educational agencies which are implementing, or will implement, if assistance is made available to them under this title, a plan described in clause (A), (B), (C), or (D) of such section and a plan described in clause (E) of such section,

"(2) the amount of funds available under this title to a local educational agency implementing a plan described by section 706(a)(1)(E) for the provision of basic instructional services and basic supportive services for educationally deprived students enrolled in the schools of such agency enrolling a high proportion (as determined by the Assistant Secretary) of their students from low-income families will be adequate to meet the needs of such students for such services, and

"(3) there will be adequate provision for meeting the needs of such students who transfer from schools in which a high proportion (as determined by the Assistant Secretary) of the number of students enrolled are from low-income families to schools in which a lower proportion of the number of students enrolled are from such families.

except that nothing in this title shall be construed to authorize the provision of assistance under this title in such a manner as to encourage or reward the transfer of a student from a school in which students of his race are in a minority to a school in which students of his race are in the majority or the transfer of a student which would increase the degree of racial or economic isolation in the schools of any local educational agency."

(g) Section 710(d)(2) of such Act is amended by inserting "(or, in the case of an application by a local educational agency described by section 706(a)(1)(E), the appropriate State educational agency)" after "Assistant Secretary".

(h) Section 710(e) of such Act is amended by inserting "(or, in the case of applications by local educational agencies described by section 706(a)(1)(E), the appropriate State educational agency)" after "Assistant Secretary".

(i) Section 720 of such Act is amended by inserting at the end thereof the following:

"(16) The term 'basic instructional services' means instructional services in the field of mathematics or language skills which meet such standards as the Assistant Secretary may prescribe.

"(17) The term 'basic supportive services' means noninstructional services, including health or nutritional services, as prescribed by the Assistant Secretary.

"(18) The term 'low-income families' means families having an annual income of less than the low-income factor.

"(19) The term 'long-income factor' means the low-income factor as defined by section 103(c) of the Elementary and Secondary Education Act of 1965."

(j) Such Act is further amended by inserting at the ending thereof the following new sections:

"TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 NOT AFFECTED

"Sec. 721. Nothing in this title shall be construed to alter the amount of a grant which any local educational agency is eligible to receive for a fiscal year under title I of the Elementary and Secondary Education Act of 1965 or otherwise modify any provision of such title.

"STATE PLANS

"Sec. 722. (a) Application by local educational agencies for assistance in carrying out plans described by section 706(a)(1)(E) shall be submitted to the appropriate State educational agency for approval by such agency.

"(b)(1) A State may receive payments for any fiscal year for the purpose of assisting local educational agencies to carry out plans described by section 706(a)(1)(E) if it submits to the Assistant Secretary, through its State educational agency, a State plan which—

"(A) recommends to the Assistant Secretary the amount of funds apportioned to such State under section 705 which shall be reserved within such State for applications under subsection (a);

"(B) sets forth criteria for establishing an order of priorities for the approval of applications of local educational agencies submitted under subsection (a) which such State educational agency determines will most effectively carry out the purposes of this title;

"(C) provides that such fiscal control and fund accounting procedures will be adopted as may be necessary, in the judgment of the Assistant Secretary, to assure proper disbursement of and accounting for Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this section;

"(D) provides assurances satisfactory to the Assistant Secretary that such State educational agency will evaluate the effectiveness of assistance made available under this title for carrying out plans described by section 706(a)(1)(E) and make such periodic reports to the Assistant Secretary as he may determine to be reasonably necessary for him to perform his duties under this title.

"(2) The Assistant Secretary shall—

"(A) determine the amount of the funds apportioned to each State under section 705 which shall be reserved for applications under subsection (a),

"(B) approve a State plan which meets the requirements of this section, and

"(C) not determine the amount of such funds which are to be reserved for applications under subsection (a) or finally disapprove a State plan without first giving reasonable notice and opportunity for a hearing to the State educational agency.

"(3) The aggregate amount of funds reserved, from funds apportioned to States under section 705, by the Assistant Secretary for making payments to States under subsection (d) shall be $500,000,000 for each fiscal year.

"(c)(1) If any State is dissatisfied with the Assistant Secretary's final action with respect to the approval of its plan submitted under this section, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Assistant Secretary. The Assistant Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Assistant Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Assistant Secretary to take further evidence, and the Assistant Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Assistant Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(d)(1) The Assistant Secretary shall make payments to any State educational agency which has a State plan approved under this section for carrying out its State plan (including the cost of administration of such plan, but not to exceed 5 per centum of the amount reserved for such State for any fiscal year pursuant to subsection (b)(2)(A)) and for making payments to local educational agencies.

"(2) For the purposes of this subsection and section 712, a State educational agency shall be deemed an applicant for assistance."

Mr. PUCINSKI (during the reading). Mr. Chairman, I ask unanimous consent that this title be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Hawkins: On Page 31, after line 19, add the following:

"Sec. 102. Section 704 of the Emergency School Assistance Act is amended by inserting at the end of Section 704 the following:

"'(c) For the purposes of making grants under this title to carry out the plan described in 706(a)(1)(E) and Sec. 402(f) of the Equal Educational Opportunities Act, there is authorized to be appropriated for the fiscal year 1973 and for each fiscal year thereafter the sum of $1,500,000,000 and no funds appropriated under subsection (a) shall be used for such purposes.

"'(d) No funds are authorized to be appropriated under subsection (c) for any fiscal year until funds appropriated for title I of the Elementary and Secondary Education Act of 1965 are at least equal to the funds appropriated for such title for the fiscal year immediately preceding, and subsection (a) of this section is fully funded.'"

Mr. HAWKINS. Mr. Chairman, this bill is labeled the Equal Educational Opportunity Act. It seems to me if this is the intent of the authors of this act this amendment is absolutely necessary to implement that title and the policy as stated.

This amendment would provide $1.5 billion each year for the implementation of this act.

Various remedies have been proposed in this bill, including the construction of magnet schools and other construction items, as well as the closing of inferior schools. If this is to be implemented, obviously some money is going to be required.

Also, the bill provides for the concentration of title I funds. If this amendment is not adopted, it simply means that perhaps as many as another million disadvantaged children will be deprived of the services of title I, due to the concentration of the money.

I do not object to the concentration. I believe the idea is good; it is desirable. At the same time, I believe we should not deprive children who are already receiving title I services, by the concentration of that money, by taking the money away from some children to provide for the concentration of services among other children.

Actually, since 1966 the amount of money available under title I has decreased due both to inflation and to the concentration of the money. So if we do not adopt this amendment it simply will mean that in addition to the 1.5 million children who have already been deprived by a concentration of services of title I, an additional number will be deprived of those services.

This amendment protects both the elementary and secondary education funds, as well as the emergency school assistance funds which we approved just 2 months ago. Unless this amendment is adopted, it means, therefore, that the so-called remedies provided or suggested under this bill will be meaningless and mere rhetoric, because we are saying that you should do certain things, but we are not providing the money with which to do them. It means also some of the children who are presently enjoying the services of title I will lose the services.

On page 33 of the report, if you turn to the report, you will see set out on the page an enumeration of the amounts of money your State will receive at the present time under the Emergency School Aid Act.

Under the proposal as it is now drafted, that money will be taken away from your State. Under the Emergency School Act, $500 million will be taken away to provide services under this present proposal. I think that is unnecessary; I think it is certainly a juggling of the funds, statements emanating from the White House that pretend to say to the children of this country that they are going to be provided with some services. In this bill, however, we are going to take those services away from. This is an irresponsible way to proceed. If this bill is to have any validity at all, I think this is certainly an amendment which will provide a means of making the bill operate for the benefit of at least some children in this country.

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California. As the Members of this House know, I have said repeatedly I do not consider busing as a cure-all for the problems that confront our schools across the country. I think that is a very superficial answer. I think it leads to polarization. I think it has increased racial tension. But we cannot talk about just being against busing. If we are not going to look at the other side of the coin and do something in a positive and constructive way to improve the quality of education, then we are not doing anything. Certainly if the Members of this House do not have the opportunity to visit the schools in Detroit, Chicago, Philadelphia, New York City, Portland, Oreg., Los Angeles, and other places, we do have the opportunity to visit the schools in the District of Columbia. In my judgment, the schools in the District of Columbia are typical of schools across the country. They are deteriorating. Unless we face up to the responsibility of doing something about it, we are going to have a lost generation.

Mr. Chairman, I voted to sustain the President's veto yesterday on the Labor-HEW bill. You may say that is inconsistent that you would vote to sustain that and then support the amendment offered by the gentleman from California. I voted to sustain the veto, because I thought the increase of $2 billion to the House-passed bill which was carefully considered, I felt those $2 billion were not carefully considered. I said yesterday on the floor we not only have to think about tax reform, but we have to think about spending reform.

In HEW there are lots of places where millions and millions of dollars are being wasted. Many millions of tax dollars are going down the drain. The benefits from those dollars are not reaching the people for whom they were intended. We could eliminate that waste if we would be more selective in the programs that we fund instead of just adding $2 billion to be scattered among many programs in HEW. As some of you know, I have been doing, for 2 years, a study of contracts and grants. I am appalled by what I see in the Office of Education. It is just as bad as many of those things happening in the Department of Defense, but the difference is many dislike the Department of Defense supposedly, and, therefore, if they waste money, it is somehow sinful, but if HEW and the Office of Education waste money, then we rationalize and we say well, we meant to do good. We meant those funds for good purpose. If they were wasted, and if there was conflict of interest, if deals were made, we gloss it over and say that is too bad.

Until we get to the place where we are selective about the programs we fund and insist that the dollars go to the beneficiaries for whom they were intended, we are never going to improve the quality of education.

The amendment offered by the gentleman from California, as I understand it, is to say that we will have a billion and a half dollars for compensatory education that is to go into the classrooms. You can spend $500 million more in all the think tanks and research but the schools are closing early, they are deteriorating because they do not even have the money to buy essentials. Certainly they do not have the money to implement the results of the research programs that are funded. So let us save the money there and let us really provide the money for compensatory education, as the gentleman from California has suggested, and take the positive attitude that while we are opposed to busing because it is a superficial answer, and it increases polarization, that we will not settle for the deterioration of the schools of this country, and that we are going to try to do something about it and provide quality education, and equal educational opportunities for every child whether he is black, white, brown, red, or yellow.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, if you adopt this amendment you might be able to go home and tell your people that you added another billion and a half dollars a year for education, but you know good and well there is not going to be any billion and a half dollars of additional appropriation.

The committee used wise judgment, I think, because it took $500 million from the emergency school aid authorization and put it in this compensatory education title, which is title I of H.R. 13915.

That money is already budgeted. It has not been appropriated. All of the $1 billion of the Emergency School Aid Act which has been budgeted, has not been appropriated. I am confident that we should be able to convince the Committee on Appropriations to bring out this $1 billion with $500 million for emergency school aid and $500 million for compensatory education. The President asked for the emergency school aid more than two years ago, and that was to help the schools pay for the added cost of desegregation. They have had to pay for that themselves. Emergency school aid has been one-shot money. We should not be paying for that very far in the future. Since there is as much emergency school aid money needed at the present time, we ought to use $500 million for compensatory education.

But let us not hand out false hope like we handed out for years, authorizing money that we know good and well would not be appropriated. Why, you might as well make this a trillion dollars, and really feel like a hero, because there is not going to be any of that appropriated.

I think we have a realistic bill here. We ought to stay with the figure that is in it, and then after in this fiscal year we can look at the program and maybe we should increase the appropriation later on.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, let me say first that I intend to vote for this bill. I am against busing, but I am also for equal educational opportunity if we can possibly achieve it. I wonder if the gentleman from Minnesota really believes that we can achieve equal educational opportunities for $500 million, or anything like that?

Mr. QUIE. No, we cannot, we will not get equal educational opportunities by just authorizing an additional billion and a half, making it $2 billion. I think we have to look at what this Congress can appropriate, and how we can distribute it.

You have to remember that this money is to be allocated to the States on the basis of the number of minority children there. But the compensatory education money is going to be divided according to the number of poor kids. That means all the States that have disadvantaged kids are not going to get much money unless they have a large number of minority children.

I think that is another failure of the amendment. If we are going to pay an additional $1,500,000 in compensatory education, let us go at that through separate legislation.

Title I of the Elementary and Secondary Education Act also is faulty. New legislation should be drafted so compensatory education money is distributed on the basis that we get at children in need, wherever they are and whatever their race is.

This is not the vehicle to use to add another $1,500,000,000 under a formula that we do not want to appropriate any more money through, anyway.

Mr. LONG of Maryland. I am on the Appropriations Committee and I happened to vote to sustain the President's veto the other day on the floor.

Lamentably, we are far from the last word on appropriations. If we are really sincere about carrying through the title of this bill to achieve equal educational opportunity and I am not sure that this title is not an exercise in hypocracy—if we are really sincere in this—then I think we have to vote some meaningful sums of money. This $500 million is a joke and I think the gentleman from Minnesota is intelligent enough to recognize that.

Mr. QUIE. But I also recognize that this Congress is not going to appropriate an additional $1½ billion when you allocate the money the way this allocation will be. That I recognize full well and I do not see any sense in handing out false hope.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, if I recall correctly, the able gentleman stated before the Committee on Rules the other day that none of the money now in this bill could be used or is designed to be used for the construction of additional schools; is that correct?

Mr. QUIE. That is correct—and there will not be if this amendment is adopted either.

Mr. WILLIAM D. FORD. Mr. Chairman, I do not think anybody has taken this floor more often than I have to fight for more money for elementary and secondary education.

But I also took this well twice when the President's so-called emergency school assistance act or desegregation bill was before the House to ask the House not to approve $1½ billion because of the way in which it was to be divided and spent.

Unfortunately, that legislation was attached to the Higher Education Act when it passed the House last fall and did provide for an authorization of $1½ billion for education funds to be distributed at the discretion of the Secretary of HEW.

Why would people, like me, who have made a career in this Congress out of fighting for more money for education and improvement in the quality of education be opposed to that?

I called that bill, at the time it went through here, a back door busing bill and I have been criticized very severely for that opinion by some of my friends in the civil rights movement who now disagree with me on this bill.

That bill was wrong and the method of distributing the money was wrong. Instead of addressing itself to distributing money on the basis of need of children for education, it distributes money merely on the basis of the numerical count of people according to their race, and if you please—their national origins in the case of Spanish-speaking people. That, I think, is wrong.

It was a departure from everything constructive that has been attempted for education in this House, but it did pass.

One of the things that we did achieve in the bill now before you was taking $500 million of that money and reallocating it to be used, not on a distribution to school kids according to the number of kids who have black skins or brown skins or a Spanish-sounding name, but on the basis of the number of children they have who come from backgrounds and surroundings which indicate they need a special educational effort to help them to get an equal education in this country.

What we are doing here is giving you an opportunity to correct that previous action. I feel today, as we talk about reordering priorities, that there is a higher priority for giving money to children on the basis of an identifiable need for additional education help than there is for giving it on the basis of the color of their skin.

We cannot stand here and talk, all of us, on both sides of the question of whether this bill should be adopted, about supporting a colorblind society, and then turn around and at the same time talk about looking at the color of people's skins when you start passing out education dollars.

It is wrong to pass out education dollars to people whose skin is white or to people whose skin is black by taking that skin color into account. What we have to be considering here today is the educational needs of children and forget about what color they are. If we start talking about a billion and a half dollars for providing quality education, Mr. Quie and I will both tell you that we really ought to be talking about $12 billion because that is where he and I agree that we should be moving in the next year in the way of Federal aid to elementary and secondary education.

I think before the end of the Congress you are going to see the two of us working together for that kind of legislation.

Mr. Hawkins offered this amendment in committee, and I know he is sincere, but understand one thing, it will wipe out what we have done in reallocating priorities for the $500 million and it will not provide the billion and a half in additional funds for kids. It would say to the Secretary of Health, Education and Welfare, "If we appropriate pursuant to this legislation any amount of money, you can take any or all of it and use it on a distribution according to race instead of a distribution on the basis of educational need."

I would say now to those people who feel exercised, as they have indicated here today one person called this legislation, a bill that is hypocritical because it talks about equal educational opportunity—put your money where your mouth is. If you want equal educational opportunity, talk about educational opportunity in terms of identifying the kids who need it and giving it to them, not identifying the school districts by counting children on the basis of what color their skin is or how they spell their last name——

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from California.

Mr. HAWKINS. Mr. Chairman, the gentleman from Michigan made a statement that this amount would wipe out in some way the formula under which the Emergency School Aid money is now being allocated.

Mr. WILLIAM D. FORD. No; I would like to correct the gentleman; he misunderstood me. I said that it would wipe out the progress which I think the legislation before us today makes in changing the formula by which the emergency school assistance funds will be distributed. That is, by educational need rather than by race.

Mr. HAWKINS. I have no intention of changing the formula.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

For what purpose does the gentleman from Florida (Mr. Bennett) rise?

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, when I first came to Congress, I believe the first bill which I introduced and the first speech while I made on the floor of the House were within relation to improving the education of people who were underprivileged because of racial connection. My bill and that speech did refer to the black race and to the red race. Much of that legislation has now been enacted as far as the red race is concerned in impact-type legislation.

I think this amendment which has been offered here is in content similar to the type of legislation which I have reintroduced in every session of Congress since I have been here during the last 24 years. I very much think that it is needed and that it will do nothing but good.

In the State of Florida this year we had an overwhelming straw vote. In the population of Florida, a million and more votes were cast. The overwhelming percentage of these votes were cast in favor of the neighborhood school concept. In another thing in that straw ballot, another vote was on the question of having equal school opportunities for all people in this country. By almost the same percentage this idea was also approved. So I think that I am being consistent with my constituents and being consistent with what I have had in my heart ever since I have been here in Congress, and I am grateful to the gentleman from California for introducing this amendment.

Atlhough I am a fiscal conservative I think not just the amount of money he urges but more money than this is in fact needed.

I wish also to speak in strong support of an amendment which will be submitted by the gentlewoman from Oregon to allow the reopening of previous "court orders" or "desegration plans." I particularly want to thank her for putting a comma after the word "orders" to assure that the words found after the words "desegregation plans," as found in the original bill, will in no way be a limiting factor on the types of "court orders" involved in her amendment.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, if I could make a couple of quick comments, it has been inferred we are dreaming and we might as well ask for a trillion dollars. Yet a request for a billion and a half is a reasonable request. It has been suggested the Appropriations Committee would not give it. Let me suggest there are two areas where if we were selective we could save a billion and a half. In the higher education bill there is a provision for a National Institute of Education. Ninety percent of it is to go to more contracts and grants; there is absolute chaos already down there in their research department.

To spend funds on compensatory education instead of NIE and the Foundation on Higher Education would provide $635 million in authorization.

Also in the higher education bill, which the gentleman from Minnesota supported, there is a provision that every student attending college, postsecondary education, in this country is entitled, the words in the bill are that each is entitled; every student is postsecondary education is "entitled" as a matter of right to $1,400 minus the family contribution, and inevitably ahead of us in all States are going to concur big arguments about the nationally imposed standard on family contributions. Let me suggest education in this country requires far more attention at the elementary and secondary levels; if a student in postsecondary education is entitled as a matter of right to have $1,400 for personal expenses beyond the institutional cost of providing the education, then I say to the Members that a youngster in the elementary schools ought to be entitled in this country to the educational opportunities which might be provided by that $1,400.

We would have more than a billion and a half if these priorities were established in the Appropriations Committee. These funds would then go to that part of the educational program where there is the greatest need.

Mr. Chairman, I thank the gentleman from Florida.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, the gentlewoman from Oregon says we should reduce authorizations to find money for appropriation. It just will not work. We cannot talk about saving money in authorizations. Look at the budget request for the items the gentlewoman mentions in the higher education amendments. That will not even fund one-half billion dollars. You would have to find new money outside the budget to fund this proposed new authorization. This the Congress will not do.

Mr. BENNETT. Mr. Chairman, I would like to say a few words in conclusion. If we really want to do this, we will find the money to do this. I think it is something that needs to be done. No legislation is perfect when it comes from one of our two legislative bodies. It will go from here to the Senate and will be worked over there. Then a conference committee can perfect it further.

We owe a debt to all these Americans. I would like to see that debt paid as much as we can and as soon as we can. Let us get on with it.

Mr. MEEDS. Mr. Chairman, I rise in support of the legislation and move to strike the necessary number of words.

Mr. Chairman, the amendment offered by the gentleman from California really does two things. First of all it puts a billion and a half in this bill where our mouth is. We are saying we want to apply equality of educational opportunity and we are in fact robbing another program to provide the funds for doing it. So first the amendment puts a billion and a half dollars in the program we are talking about today.

Second, and I think very importantly, it protects the Emergency School Act from that $500 million robbery. It is $500 million which can be used and should be used to comply with the kind of educational opportunity we are talking about and which we were talking about when the House Members cast these votes the very kinds of things we are talking about as eliminating segregation.

I submit to this House that if we are really serious when we talk about educational opportunity, we are not going to take $500 million from one act which was dedicated to doing that and put it in another act which says it is going to do the same thing. It is a sleight-of-hand trick that this Congress really ought to be above. If we are going to do as the gentlewoman from Oregon so correctly says, if we are going to put the money in where it will do the most good, we will have it in those lower grades. We are going to be providing compensatory education for these young people, and this billion and a half dollars some people said this afternoon is going to be going right into the areas where compensatory education is needed most. This billion and a half dollars is going to go into those areas of 30 percent educationally deprived children, or higher, combined with the efforts under the Emergency School Act, and the $500 million should be spent under that act as well as this, and we should be getting the kind of concentration of funds the President was talking about but which he did not provide funds for, and which the educators are talking about, getting to the critical mass we hear so much about today, to bring about real educational opportunity.

I submit to this House, if we are not going to provide the funds really required to do that, if we are not going to provide ample funds to get to these educational problems, then we really do not mean what we are saying when we talk about equal educational opportunities.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from California.

Mr. CORMAN. I just want to call the attention of Members to the fact that the President is presently trying to get the Ways and Means Committee to spend $980 million for private education, and I believe that $980 million would be better spent under this amendment.

Mr. RUTH. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I sincerely feel that we have a great many Members here who exercise fiscal responsibility. To add $1.5 billion to this bill would eliminate the vote of those Members who are responsible.

I should like to point out that in the Emergency School Act we put $1.5 billion, and by the time it came back from conference it had $2 billion in it. When the administration proposed this bill, they proposed that we take $500 million out of that bill which the President did not want to start with, so therefore we could sweeten this with the half billion dollars we already have and do not need in another program.

I should also like to remind the Members that in the committee it was proposed we add a billion dollars, a half billion dollars less than this proposal, and that was defeated in the committee. So it is almost absurd to come up with a proposal here that we add $1.5 billion.

I urge the defeat of the amendment.

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. RUTH. I am happy to yield to the gentleman from California.

Mr. HAWKINS. Does the gentleman care to give the specific vote whereby this amendment was defeated in the committee?

Mr. RUTH. No, sir. I remember there was a specific vote.

Mr. HAWKINS. Would it be correct to say it was defeated by a vote of 18 to 19?

Mr. RUTH. That could possibly be.

Mr. HAWKINS. That is a narrow defeat.

Mr. RUTH. I do remember specifically that the reopening clause was defeated by two votes. I can remember that very clearly.

Mr. PUCINSKI. Mr. Chairman, I move to strike the last word.

I believe we are about ready to vote on this amendment. We have made no attempt to curtail this discussion.

The Members ought to know that this amendment was offered in the committee. It was rejected by a vote of 18 to 19.

Members also ought to know that we now have $1.8 billion in title I. We have $6 billion authorized. If the Appropriations Committee wants to increase the appropriation for title I, they now have the authorization. There are $6 billion authorized, of which only $1.8 billion has been appropriated.

There was an additional $300 million in the bill vetoed by the President yesterday, the appropriation bill. I presume that since the objections of the President to the bill were not so much in the area of education it is reasonable to assume, or at least to hope, that the $300 million under the veto message will be reinstated by the Appropriations Committee.

Secretary Richardson testifying on this matter before the committee said that this $500 million that the administration proposes to transfer from the Emergency School Act that was approved a few weeks ago here would provide $300 per child of compensatory services in the target areas. In other words, taking the $500 million incorporated in the bill before us—each child in the target area, that is, the area of the highest concentration of poverty, would get $300 additional money for compensatory education. I might say under this bill if a child subsequently moves to another school, the $300 will follow that child to that school.

The Secretary, as Mr. MEEDS mentioned, talked about the critical mass. The testimony before our committee indicated children in the highest concentration areas of need require a minimum of $300 additional money to give them a compensatory program of education which will meet their needs. The Secretary said $500 million in the bill would provide that $300. He said, and I quote from the testimony, "Compensatory supplementary aid provided over and above the base level after a district complied with existing title I comparability provisions. These private schools must receive at least equal resources for a pupil for instructional purposes as provided in nontarget schools."

Therefore, I believe it is important for the Committee. I know this is a tough decision, and each member of the Committee of the Whole will have to make that decision.

It seems to me when you have $6 billion already authorized in title I——

Mr. WAGGONER. Will the gentleman yield to me at that point?

Mr. PUCINSKI. Yes; I yield.

Mr. WAGGONER. Is the $6 billion to which you keep referring which is presently authorized for title I an annual authorization of $6 billion?

Mr. PUCINSKI. That is correct.

Mr. WAGGONER. And what did the gentleman say the Committee on Appropriations had appropriated this year for title I?

Mr. PUCINSKI. Well, the Congress appropriated $1.8 billion.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. PUCINSKI was allowed to proceed for 1 additional minute.)

Mr. PUCINSKI. Therefore, the decision that the Members have to make here is difficult. I appreciate the sincerity of the amendment offered by the gentleman from California. I may say that I voted for it in the committee.

I hope you use your judgment wisely on this.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent (at the request of Mr. GERALD R. FORD) Mr. PUCINSKI was allowed to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield to me?

Mr. PUCINSKI. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Chairman, I was intrigued as the gentleman from Louisiana was a few moments ago, when the gentleman from Illinois mentioned a $6 billion annual authorization in title I and the annual appropriation reflected in the last appropriation bill against that authorization of $1.8 billion.

If my mathematics are correct, that means that $4.2 billion of unused authorization exists certainly in this current fiscal year or the next fiscal year. Is that correct?

Mr. PUCINSKI. That is correct.

Mr. GERALD R. FORD. I also understand that this amendment would add another $1.5 billion to that $6 billion authorization?

Mr. PUCINSKI. That is correct.

Mr. GERALD R. FORD. On an annual basis?

Mr. PUCINSKI. There is one difference in that the $1.5 billion being offered by the gentleman from California to title I would not go through the normal census basis formula. This money that the gentleman from California is proposing here, the $1.5 billion, would go right into the target areas. It would substantially increase the $300 that Secretary Richardson says is the minimum to be added in the target areas, but it would all be title I type money.

I would ask the gentleman from California (Mr. HAWKINS), if that is correct?

Mr. HAWKINS. I think that is correct, but is it not correct that we who sponsor this amendment are not the ones who provide for the concentration of the funds. The sponsors of this legislation are changing the rules of the game by providing for the concentration of the funds and they are the ones who should provide for the means.

Now, you either will concentrate that money on fewer children, or else you will deprive some children of these services. And if you do not adopt this amendment it simply means that you will be taking it from another agency in order to get the money provided. If you want to juggle the money and take it away from one program that has already been signed by the President, and sponsored by the President, you will take the money away from that program before the money is even appropriated.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(By unanimous consent, Mr. PUCINSKI was allowed to proceed for 1 additional minute.)

Mr. PUCINSKI. That statement is not quite consistent with the facts. The gentleman from Michigan asked a good question. This $1.5 billion is an addition to title I—in other words, we would have $7.5 billion authorized, but if I understand the language offered by the gentleman from California, that portion of the title I type money that he is now proposing as a new additional authorization would be allocated to the target areas, and that is the difference. But the fact remains, and you will recall that a member of the Committee on Appropriations made a very eloquent speech here on this subject, and I would hope that that Member and the other members of the Committee on Appropriations would recognize that they have, as the gentleman from Michigan has pointed out, there is $4.5 billion of unexpended authorizations for title I, and when they are ready to appropriate that money then I would be happy to support that move.

Mr. GERALD R. FORD. If the gentleman will yield, the gentleman from California referred to the possibility that there would be a reduction to the number of children in title I. As I understand the legislation, there would be no reduction in title I money in any way.

Mr. HAWKINS. Since 1966 the number of children receiving title I services has decreased from $9 million to $7.5 million. That is a tremendous loss. If you continue that concentration obviously there will be fewer children. This is merely to offset that decrease.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HAWKINS).

TELLER VOTE WITH CLERKS

Mr. HAWKINS. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. HAWKINS. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. HAWKINS, ASHBROOK, QUIE, and MEEDS.

The Committee divided, and the tellers reported that there were—ayes 129, noes 252, not voting 51, as follows:

[Roll No. 339]

[Recorded Teller Vote]

AYES—129

Abzug
Adams
Addabbo
Anderson, Ill.
Ashley
Aspin
Badillo
Barrett
Begich
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Bolling
Brademas
Brasco
Brown, Mich.
Burton
Cabell
Carey, N.Y.
Celler
Chisholm
Clay
Collins, Ill.
Conover
Conyers
Corman
Culver
Daniels, N.J.
Dellums
Dent
Donohue
Dow
Drinan
Eckhardt
Edwards, Calif.
Eilberg
Fascell
Foley
Fraser
Gibbons
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Halpern
Harrington
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Hicks, Mass.
Holifield
Horton
Howard
Hungate
Jacobs
Kastenmeier
Koch
Kyros
Leggett
Link
Long, Md.
McClory
McCloskey
McCulloch
McDade
McFall
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Meeds
Mikva
Miller, Calif.
Minish
Mink
Mitchell
Mollohan
Moorhead
Morgan
Moss
Murphy, Ill.
Nix
Obey
O'Neill
Patten
Pepper
Perkins
Pickle
Podell
Price, Ill.
Pucinski
Rangel
Rees
Reuss
Riegle
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roybal
Ruppe
St Germain
Sarbanes
Scheuer
Seiberling
Sisk
Staggers
Steele
Stokes
Symington
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Whalen
Wolff
Wright
Wyatt
Yates
Young, Tex.

NOES—252

Abbitt
Abernethy
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bell
Blackburn
Boland
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Camp
Carlson
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Cotter
Coughlin
Crane
Curlin
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Gaydos
Gettys
Giaimo
Goldwater
Goodling
Gray
Griffin
Griffiths
Gross
Grover
Gubser
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Henderson
Hicks, Wash.
Hillis
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kemp
King
Kluczynski
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Lloyd
McClure
McCollister
McCormack
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
Mahon
Mailliard
Mallary
Mann
Martin
Mathis, Ga.
Mayne
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
Patman
Pettis
Peyser
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roush
Rousselot
Roy
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stanton, James V.
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Waggonner
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Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
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Boggs
Bow
Caffery
Carney
Carter
Clark
Conte
Davis, Wis.
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Dorn
Dowdy
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Edmondson
Frelinghuysen
Gallagher
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Hagan
Hansen, Wash.
Hébert
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Keith
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Lujan
McMillan
Mathias, Calif.
Melcher
Metcalfe
Michel
Passman
Pelly
Railsback
Reid
Rhodes
Rooney, N.Y.
Ryan
Springer
Talcott
Terry
Ullman
Waldie
Wilson, Bob

So the amendment was rejected.

The CHAIRMAN. If there be no further amendments to be proposd to title I, the Clerk will read.

The Clerk read as follows:

TITLE II—UNLAWFUL PRACTICES

DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY PROHIBITED

SEC. 201. No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by—

(a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;

(b) the failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with title IV of this Act, to remove the vestiges of a dual school system;

(c) the assignment by an educational agency of a student to a school, other than the one closest to his or her place of residence within the school district in which he or she resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, sex, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his or her place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

(d) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff;

(e) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency; or

(f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

BALANCE NOT REQUIRED

SEC. 202. The failure of an educational agency to attain a balance, on the basis of race, color, sex, or national origin, of students among its schools shall not constitute a denial of equal educational opportunity, or equal protection of the laws.

ASSIGNMENT ON NEIGHBORHOOD BASIS NOT A DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY

SEC. 203. Subject to the other provisions of this title, the assignment by an educational agency of a student to the school nearest his place of residence which provides the appropriate grade level and type of education for such student is not a denial of equal educational opportunity or of equal protection of the laws unless such assignment is for the purpose of segregating students on the basis of race, color, sex, or national origin, or the school to which such student is assigned was located on its site for the purpose of segregating students on such basis.

Mr. PUCINSKI (during the reading). Mr. Chairman, I ask unanimous consent that this title be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. BADILLO

Mr. BADILLO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BADILLO: At page 33, after line 6, add the following new subsection:

"(g) permitting any general or special purpose unit of local government to exercise powers with respect to planning, zoning, subdivision controls, building codes or permits, or other matters affecting land use in such a manner as to prevent the reasonable provision of low and moderate income housing in undeveloped or predominantly undeveloped parts of any community within a Standard Metropolitan Statistical Area, or to discriminate in any other way (on the basis of amount, type, location, or otherwise) against low or moderate income housing in any such community."

POINT OF ORDER

Mr. PUINSKI. Mr. Chairman, I make a point of order against the amendment that it is not germane to the bill before us. The bill before us is an education bill.

The CHAIRMAN. The gentleman from Illinois (Mr. PUCINSKI) will state his point of order.

Mr. PUCINSKI. Mr. Chairman, I love the applause for the recognition that this is an education bill, and I am also pleased to see the distinguished former Speaker of the House, Mr. McCormack, join us on the floor.

Mr. Chairman, I make a point of order against the amendment on the grounds that this bill deals primarily with educational matters. It imposes certain duties on educational agencies and the courts. The amendment permits any general or special purpose unit of local government to exercise powers with respect to planning, zoning, subdivision control, building codes or other matters affecting land use in such a manner as to prevent the reasonable provision of low- and moderate-income housing in underdeveloped areas and parts of any community.

The amendment goes way beyond the scope of the legislation before us and brings in extraneous matter not germane to the basic matter before the committee. Therefore, I make the point of order that the amendment is not in order under the rule of germaneness.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. BADILLO. I do, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BADILLO. Mr. Chairman, this specific bill has to do with unlawful practices, and does not limit the unlawful practices to those unlawful practices which may be carried out by an educational agency. The section begins by saying that "no State shall deny equal educational opportunity" by doing the following things. That means not just the educational agencies of the State but all the agencies of the State as well.

The specific provision has to do with States and municipalities and what they might do in order to deny equal educational opportunity by making it impossible to have that kind of housing pattern that would bring about the neighborhood school that would not require any kind of busing.

Since we are talking about what the States may do, I submit that the point of order does not lie.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard further on the point of order?

Mr. PUCINSKI. I reiterate what I said, Mr. Chairman. On pages 31 and 32 are all the remedies on the denial of equal educational opportunities, and the entire program is directed through State educational agencies. This deals only with educational agencies.

The amendment offered by the gentleman from New York goes way beyond that and brings into this act special purpose or general units of local government to exercise powers with respect to planning, zoning, subdivisions and a myriad of other functions that are not functions of State educational agencies.

The CHAIRMAN (Mr. UDALL). The Chair is prepared to rule.

The gentleman from Illinois makes the point of order that the amendment offered by the gentleman from New York (Mr. BADILLO) is not germane to section 201 of the committee amendment in the nature of a substitute.

The Chair notes that section 201 contains prohibitions against six types of activities by State educational agencies which deny equal educational opportunity to an individual on account of race, color, sex, or national origin. Each of those prohibited activities relates to policies adopted by school systems with respect to pupils, teachers, and policies of educational agencies.

On the other hand, the amendment offered by the gentleman from New (Mr. BADILLO) would prohibit actions by "any general or special purpose unit of local government" with respect to land use or building policies which discriminate against low or moderate income housing in a community.

It is the feeling of the Chair that the class of activities in section 201 of the committee substitute is confined to actions and policies of educational agencies. The amendment, on the other hand, relates to another class of prohibited activities, namely certain discriminatory housing policies of local government.

It is, therefore, in the opinion of the Chair, not germane to section 201 of the committee substitute. The Chair, therefore, sustains the point of order.

Are there any further amendments to title II?

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: Amend H.R. 13915, Title II, Section 201, subsection (d) on page 32, line 21, by striking the semicolon and by inserting the following: ", except to fulfill the purposes of subsection (f) below."

Mr. WHITE. Mr. Chairman, an inconsistency exists which this amendment seeks to correct.

On a number of occasions this House has passed and funded bilingual education programs.

In fact, this bill, on pages 31 and 33, section 201, provides:

No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by . . .

(F) the failure by an educational agency to take appropriate action to overcome language barriers that impede participation by its students in its instructional programs.

This means, in Spanish-speaking areas such as along the Mexican border—where there are language barriers and need bilingual education to phase students into comprehending English and their courses, there must be Spanish-speaking teachers to apply the bilingual program.

This usually means persons of Mexican-American descent.

Yet, in this same section 201, subsection (d) the bill specifically prohibits "discrimination" on the basis of national origin in the employment or assignment to schools of its faculty or staff.

This would, in effect, defeat the bilingual education program because in its administration Spanish-speaking and Mexican-American teachers are preferred and assigned.

My amendment merely qualifies subsection (d) by simply adding the words "except to fulfill the purposes of subsection (f) below."

Mr. PUCINSKI. Will the gentleman yield?

Mr. WHITE. I am glad to yield to the gentleman.

Mr. PUCINSKI. Mr. Chairman, we have examined the amendment offered by the gentleman from Texas, and we find it a constructive amendment. It improves the bill, and we are prepared to accept it.

Mr. WHITE. I am happy to hear that.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I am glad to yield.

Mr. QUIE. Mr. Chairman, I think the amendment does what the bill probably would have done anyway, and therefore clarifies it.

We are prepared to accept it.

Mr. WHITE. I thank the gentleman.

Mr. MEEDS. Will the gentleman yield?

Mr. WHITE. I yield to the gentleman.

Mr. MEEDS. Mr. Chairman, I believe this is a constructive amendment, and I hope it is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SCHMITZ

Mr. SCHMITZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHMITZ: In section 201, add "creed" after "color" whenever the word appears (line 25, page 31; line 2, page 32; line 19, page 32; line 1, page 33).

Add the following paragraph at the end of section 201, describing another situation in which denial of equal educational opportunity is prohibited:

"(g) The failure by an educational agency to take appropriate action to require that no teacher shall give instruction, nor any textbook or other instructional materials be used in the classroom, which reflects adversely upon any person because of his race, color, creed or national origin, and the failure by an educational agency to take appropriate action to terminate discrimination on the basis of religion which results from the teaching of unproven theories based on atheism, agnosticism and secular humanism as fact in the classroom, while ignoring, deprecating or ridiculing in the classroom religious beliefs which pertain to the same area of knowledge as the unproven theories."

Mr. SCHMITZ. Mr. Chairman, this amendment which I am offering relates to another situation in which denial of equal educational opportunity is found. It is the forgotten discrimination against Christians who are strong in their faith, especially fundamentalist Protestants and traditional Catholics. I speak at this time as a former instructor in philosophy, history, and political science, since the problem to which this amendment is directed pertain primarily to those fields. You could add others such as the field of anthropology. College students, high school students, and even grade school students are subjected to unproven theories, taught as fact, in all these fields, while simultaneously their own religious faith is ridiculed. There are any number of examples, whether in history—presenting the teachings of Toynbee or Marxism as opposed to Christian history—or in philosophy, anthropology, and presenting the theory of evolution as opposed to the doctrine of creation. I for one am not against teaching these things as theory, and I have taught these things as theory in my own college teaching career, but this amendment gets to the central problem which is the teaching of these things as fact. And in some schools they are discriminatory toward those religious people whose beliefs are different, and as the amendment points out, they are ignored, deprecated, and ridiculed.

Mr. PUCINSKI. Mr. Chairman, I believe that this is a very complicated amendment, and one which we have not had any opportunity to examine at any length. The gentleman from California has not presented it to the subcommittee or to the full committee at any point in time. There have been no hearings held on it at all. We have not the slightest idea how this amendment would affect the educational institutions of this country, and what are some of the views, for or against the amendment, by religious leaders.

My concern, is just a quick reading of this amendment, is that it would indicate to me that it would put a lot of authority into the Government over the classrooms in our schools. It would impose severe requirements on school administrators. It would put the Federal Government into the business of examining textbooks and other instructional materials used in the classrooms, as to whether or not they have some religious bias or not religious content to them.

It just seems to me that in addressing ourselves to the curriculum matter of the schools we open up a Pandora's box.

The bill before us today generally deals with students attending schools; it does not make any effort to go into the curriculum in a school, the educational standards or practices.

So it seems to me that a hurried examination of this amendment, well-meaning as it may be—and I am sure the gentleman is offering it with the best of intentions—that it would open up, as I say, a whole Pandora's box of new problems that I do not think the Congress wants to become involved in. This may very well be an excellent amendment and had the gentleman submitted it to our committee for study we might have been able to work something out.

Mr. SCHMITZ. Mr. Chairman, if the gentleman will yield, would not the gentleman tend to agree that this whole bill opens up a Pandora's box, and most specifically line 3, which is subsection (f) of the bill, which says:

> (f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

Requires a heavy burden on the administrations in this connection also?

Mr. PUCINSKI. No, because under all of our civil rights legislation, existing legislation, which is a part of our law, discrimination because of racial origin is now an established matter of law.

But I suggest that what the gentleman is proposing here is the heavy hand of the Federal Government going into these classrooms and examining the books for religious content, and to establish whether the religious content is discriminatory and whether it is fair.

I wish that the committee had had some opportunity to examine this amendment and to get some professional judgment and some professional advice as to just exactly what would be the full impact of this language. I do not at all question the gentleman's sincerity. I am sure he is trying to do a constructive thing here. By my judgment is that you are going to open up a whole mess of problems that I do not think anyone is prepared to deal with.

Mr. SCHMITZ. Mr. Chairman, will the gentleman yield for a response?

Mr. PUCINSKI. I yield to the gentleman.

Mr. SCHMITZ. If I may just give a very brief response, I might point out this very policy, as put forth in this amendment, is basically the policy adopted and successfully implemented within the last few years, by the State Board of Education in the State of California, the largest State in the Union.

This would seem to be adequate indication as to the feasibility of such a policy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHMITZ).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. SEIBERLING: On page 33, line 23, substitute a comma for the period at the end of the line and add the following words: "or such school assignment would otherwise result in a denial of equal educational opportunity in violation of Amendment XIV to the Constitution of the United States."

Mr. SEIBERLING. Mr. Chairman, this amendment is an effort to try to cure some of the obviously very serious constitutional defects in this bill.

Section 203 says:

> SEC. 203. Subject to the other provisions of this title, the assignment by an educational agency of a student to the school nearest his place of residence which provides the appropriate grade level and type of education for such student is not a denial of equal educational opportunity or of equal protection of the laws unless such assignment is for the purpose of segregating students on the basis of race, color, sex, or national origin, or the school to which such student is assigned was located on its site for the purpose of segregating students on such basis.

I submit to you that the "unless" clause does not cover all the possible situations that might involve violations of the 14th amendment of the Constitution.

Now all my proposal does is simply add another qualifying clause, which says that it is not a denial of equal opportunity unless one of those purposes that are cited in the bill, as presently drawn, exist, or unless such a school assignment would otherwise result in a denial of equal educational opportunity in violation of the 14th amendment.

I do not think that is an unreasonable addition—if the proponents of this bill really mean this to be a constitutional bill.

I would just like to dilate for a minute on this subject. I think it is a very tragic turn of events that the latter day leadership of the party of Abraham Lincoln is now, on the very eve of their national convention, sponsoring a step backward, away from the principles for which the founder of their party lived and died.

I think it is a very sad turn of events that the national head of the party that wrote the 14th amendment to the Constitution is now asking the Congress to weaken that great charter of liberty.

But I am not going to address myself to that party. I think the dean of the Ohio delegation, the gentleman from Ohio (Mr. McCULLOCH) dealt very effectively with that subject. I urge the Members of his party in this House to heed his advice.

I would like to address myself to those in this House who are members of the Democratic Party. The founder of our party wrote the immortal words, "All men are created equal," that the 14th amendment tried to translate into constitutional doctrine.

Last month we held our party's national convention. My memory goes back to a presidential year, 24 years ago, when the late, beloved Alben Barkley of Kentucky, who was one of the great pillars of the Democratic Party, made the keynote speech in Philadelphia at the party's national convention. In his speech he recalled what our party's founder said in the Declaration of Independence.

Alben Barkley pointed out that Jefferson did not say that all rich men or poor men are created equal, but all men are created equal; not black men or yellow men or white men, but all men. I ask the members of this party—at a time when it is asking the people of the whole country once more to support its principles and its candidates—whether the members of this party are going to go before the country with a clear conscience and with their heads held high, be able to say that they have acted in the great traditions of our country and our party, and, I might add, within the language and the spirit of our party platform that was adopted only a few short weeks ago. That is what is at stake here.

We all know that the talk about busing is a smokescreen for something much deeper. Do we really mean it when we say that all Americans are created equal? Is the 14th amendment to stand as a pillar and as a beacon for future progress, or are we going to turn our backs on it? That is really what it is all about.

It is incumbent on us to make this bill conform with the Constitution as it was conceived by the great authors of the 14th amendment. That is what I am trying to do.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the language being offered by the gentleman from Ohio as an addition to section 203 would, in effect, negate all of section 203. The Supreme Court under the bill as it stands now would have ample opportunity to review section 203 as a judicial body.

We are proceeding in this legislation to write some legislative guidelines in this whole field of educating children, and we are spelling out these guidelines in this bill. Now, to do what the gentleman from Ohio suggests in the language which he has proposed here would for all practical purposes wipe out the legislative intent and substitute for the legislative intent whatever subsequent judges or prior judges of the Supreme Court have said.

We have argued all afternoon about section 5 of the 14th amendment of the Constitution. It does give the legislative branch of the Government the right to set up certain guidelines for principles guaranteed under the 14th amendment. If we are wrong in any of these provisions in this bill, we will learn soon enough in judicial review. I do not believe we should be adding to this bill the particular language offered by the gentleman from Ohio.

Therefore, I would hope that the amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The question was taken; and on a division (demanded by Mr. SEIBERLING) there were—ayes 17, noes 58.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—ENFORCEMENT

CIVIL ACTIONS

> SEC. 301. An individual denied an equal educational opportunity, as defined by this Act, may institute a civil action in an appropriate district court of the United States against such parties, and for such relief, as may be appropriate. The Attorney General of the United States (hereinafter in this Act referred to as the "Attorney General"), for or in the name of the United States, may also institute such a civil action on behalf of such an individual.

JURISDICTION OF DISTRICT COURTS

SEC. 302. The appropriate district court of the United States shall have and exercise jurisdiction of proceedings instituted under section 301.

INTERVENTION BY ATTORNEY GENERAL

SEC. 303. Whenever a civil action is instituted under section 301 by an individual, the Attorney General may intervene in such action upon timely application.

SUITS BY THE ATTORNEY GENERAL

SEC. 304. The Attorney General shall not institute a civil action under section 301 before he—

(a) gives to the appropriate educational agency notice of the condition or conditions which, in his judgment, constitute a violation of title II of this Act; and

(b) certifies to the appropriate district court of the United States that he is satisfied that such educational agency has not, within a reasonable time after such notice, undertaken appropriate remedial action.

ATTORNEYS' FEES

SEC. 305. In any civil action instituted under this Act, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorneys' fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person.

Mr. PUCINSKI (during the reading). Mr. Chairman, I ask unanimous consent that the title be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. FASCELL: Page 34, after line 10, insert the following:
>
> "SEC. 302. When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, such school population changes so occurring shall not, per se, constitute a cause for civil action for a new plan of desegregation or for modification of the court approved plan."
>
> And redesignate the sections which follow accordingly.

Mr. FASCELL. Mr. Chairman, I have another amendment on the same subject. It is on page 38 and it deals with exactly the same subject matter. I ask unanimous consent that the amendments be considered en bloc.

PARLIAMENTARY INQUIRY

Mr. WAGGONNER. Mr. Chairman, a parliamentary inquiry.

Does not the rule require that the bill be read for amendment by title?

The CHAIRMAN. The Chair would advise the gentleman that he is correct. However, a unanimous-consent request to consider en bloc at this time an amendment in this title and an amendment in a subsequent title is appropriate if there is no objection.

Mr. WAGGONNER. Mr. Chairman, I object.

Mr. FASCELL. Mr. Chairman, I withdraw my unanimous-consent request.

The CHAIRMAN. Objection is heard to considering the amendments en bloc and the gentleman from Florida is recognized on his amendment to title III.

Mr. FASCELL. Mr. Chairman, if the Members would turn to page 34, line 10, with respect to court action, I would like to refresh the Members with the language of the amendment which says:

> When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, such school population changes so occurring shall not, per se, constitute a cause for civil action for a new plan for desegregation or for modification of the court approved plan.

There are a lot of frustrations in this busing issue. One of them, and I am sure we are all familiar with it, is that people are never sure exactly when they have met the desegregation test; when they have met the constitutional requirements. There should be no requirement that year after year because of demographic changes which occur naturally we have to rescramble the entire school system to take care of those changes.

The Court has stated that proposition very carefully in the case of Swann against Board of Education—Charlotte-Mecklenburg—and to be positive of it let me read from the Court language. I am quoting from the decision:

> At some point, these school authorities and others like them should have achieved full compliance with this court's decision in *Brown I*. The systems will then be "unitary" in the sense required by our decisions in *Green* and *Alexander*.
>
> It does not follow that the communities served by such systems will remain demographically stable, for in a growing, mobile society, few will do. Neither school authorities nor district courts are constitutionally required to make year-by-year adjustments of the racial composition of student bodies once the affirmative duty to desegregate has been accomplished and racial discrimination through official action is eliminated from the system. This does not mean that federal courts are without power to deal with future problems; but in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix or alter demographic patterns to affect the racial composition of the schools, further intervention by a district court should not be necessary.

The amendment I have offered tracks that language.

I believe the Court has time after time laid down guidelines we ought to follow where we can properly legislate. I submit this is one of those areas which ought to be written into statute.

The people in my district have in good faith complied with Court-ordered desegregation and the Court has so held. But the school system has been concerned with changes in population which have taken place and which have resulted in school population changes. And even though our system has been declared a unitary system further school and student changes have been contemplated in order to anticipate the possibility of further court action. My amendment says that now that the Court has said we are desegregated no further court action is required.

Mr. PUCINSKI. Mr. Chairman, will the gentlman yield?

Mr. FASCELL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Is it the gentleman's opinion and intention in offering this amendment that while the community in a state of change shall not be subject to constant legal action and legal attacks, the Court, having issued the original order, always has jurisdiction over that matter? The gentleman is not changing that at all, is he?

Mr. FASCELL. I am not changing that at all, Mr. Chairman. I simply said that demographic changes in populations occurring after the stamp of approval has been made, after the Court has said, "You have met the constitutional test and you are a unitary system," at that point, under this amendment, changes in population, per se, shall not be considered as the basis for court action.

Mr. QUIE. Mr. Chairman, I move to strike the last word.

I should like to ask the gentleman from Florida a question or two.

The gentleman read from the Swann decision the language which says that "this does not mean that Federal courts are without power to deal with future problems; but in the absence of a showing that either the school authorities or some other agency of the State has deliberately attempted to fix of alter demographic patterns to affect the racial composition of the schools, further intervention by the district court should not be necessary."

My question to the gentleman is: Why does the gentleman leave out of his amendment the exact wording which brings into the jurisdiction of the court the right to determine whether the State or other agency deliberately attempted to fix or alter demographic patterns?

Mr. FASCELL. Because that issue is quite clear under all of the interpretations by the Court in defining constitutional rights under the 14th amendment. That is a constitutional interpretation. In other words, it is their definition of de jure segregation.

Mr. QUIE. Is it the gentleman's interpretation that if this amendment is adopted at any time the State or any agency of the State should deliberately try to fix or alter demographic patterns to affect the racial composition of the schools the amendment would not apply?

Mr. FASCELL. Absolutely, positively, without any question.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. In other words, the controlling factor in the amendment is that if the shift in population occurs the original court order would prevail. As the gentleman from Minnesota said, if some other overt act were done by some agency in some effort to create artificial segregation, the court would not lose jurisdiction over the subject matter.

Mr. FASCELL. There is no question about that in my mind. The amendment does not change that and could not change the constitutional interpretation laid down by the court in any event.

It seems to me we ought to write this amendment into the statute. We are making it clear that once a school system has desegregated and removed the vestiges of a dual school system, the mere shift in population that normally takes place is not, per se, to be considered a cause of action.

Mr. MEEDS. Mr. Chairman, I rise in reluctant opposition to the amendment offered by the gentleman from Florida.

I think I am sympathetic with what the gentleman is trying to do, but unfortunately I think it goes beyond what the Swann-Mecklenburg ruling said, and in fact, imposes by statute an obligation or guideline on the court which is changes in population. In other words, the Court in Swann said that—

> This does not mean the Federal court is without power to deal with future problems, but in the absence of a showing that they deliberately acted to fix or alter the demographic patterns—further intervention by the District Court should not be necessary.

Indeed it should not be necessary, but the fact is that we are, by statute, making that determination and taking away the continuing equity power of the court what I object to as I understand the amendment.

Mr. FASCELL. Will the gentleman yield?

Mr. MEEDS. I am happy to yield. Perhaps the gentleman can straighten me out if I am incorrect.

Mr. FASCELL. With all due deference, it does not remove any power of equity from the court. That is impossible.

Mr. MEEDS. That is precisely why I am concerned it does.

Mr. FASCELL. We cannot do it by statute and this amendment does not seek to do that. It simply says the demographic changes shall not per se constitute a cause of action after the court already ruled a school system is desegregated, and it is a unitary system. It simply follows the thrust of the language by the court. When people in good faith have desegregated their school system and the court has sustained such action by its determination that such a system is a unitary one, there is no need to scramble the school system year after year because of population changes which have taken place through normal actions of people.

Mr. MEEDS The gentleman is making an effort to accomplish that, and perhaps with some colloquy we could do so on the record. It is not in any way the intent of the gentleman's amendment to impose by statute a determination of what is occurring, and in that manner to take away the equity and continuing power of the court to make the determination?

Mr. FASCELL. No. As a matter of fact, if the gentleman will read the amendment very carefully. It simply says it shall not be per se a cause of action.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. MEEDS I yield to the gentleman.

Mr. PEPPER. The purpose of this bill is to lay down guidelines for the governance of the courts in these matters. This amendment merely lays down certain guidelines, and it should be adopted. I associate myself with my distinguished colleague and hope his amendment will be adopted.

Mr. MEEDS. Mr. Chairman, with that explanation I withdraw my objection.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the amendment. I believe it does clarify the bill, and I hope it is adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FASCELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HALL

Mr. HALL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HALL: On page 35, lines 4 through 9, strike out "attorneys' fees" in section 305.

Mr. HALL. Mr. Chairman, this is a very simple amendment. I would remind you that section 305 says in a very unusual manner that—

> In any civil action instituted under this Act, the court in its discretion may allow the prevailing party other than the United States a reasonable attorneys' fee as a part of the costs, and the United States shall be liable for the costs to the same extent as a private person.

To be the very kindest about the committee included language herein, and with all my respect for my legally trained brethren who make up the bulk of this body, this would certainly encourage litigation predicated on this act. It is certainly a departure from the old system of jurisprudence wherein courts assigned the necessary attorneys in pursuit of equality and justice.

Further, it is an unfair opening of the Treasury's door. I refuse to believe that the courts in their wisdom cannot and will not arrange with qualified lawyers or attorneys to see that they are adequately recompensed in the due course of events. I strongly recommend the deletion of this section in order to eliminate another objection from this bill in the form of another lawyer's bonanza.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment.

I am sure that this is a well-meaning amendment, and I have deep respect for the gentleman who is offering this amendment, but we had this same provision in the emergency school bill, we wrote it into this bill and the other bill, and for a very good reason, and that is that a lot of the small school districts sometimes find themselves with greater legal bills than their payroll for their teachers. A school district is brought into court and is put through all of the legal proceedings at tremendous expense, and all that this section says is that if the school district wins the case, if the Federal Government is bringing the action against the school district, then the Government pays for it; if somebody else is bringing the action, then that somebody pays for it. All it is designed to do is to give the small school districts some sort of backing on the enormous amount of money that they have to expend in defending themselves in these lawsuits.

I would hope that the amendment, well-meaning as it may be, will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. HALL).

The question was taken; and on a division—demanded by Mr. HALL—there were—ayes 24, noes 43.

Mr. HALL. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE IV—REMEDIES

FORMULATING REMEDIES; APPLICABILITY

SEC. 401. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of the laws.

SEC. 402. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, which may involve directly or indirectly the transportation of students, a court, department, or agency of the United States shall consider and make specific findings on the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or on the first combination thereof which would remedy such denial:

(a) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

(d) the creation or revision of attendance zones or grade structures without requiring transportation beyond that described in section 403;

(e) the construction of new schools or the closing of inferior schools;

(f) the construction or establishment of magnet schools; or

(g) the development and implementation of any other plan which is educationally sound and administratively feasible, subject to the provisions of sections 403 and 404 of this Act.

TRANSPORTATION OF STUDENTS

SEC. 403. (a) No court, department, or agency of the United States shall, pursuant to section 402, order the implementation of a plan that would require the transportation of any student in the sixth grade or below to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

(b) No court, department, or agency of the United States shall, pursuant to section 402, order the implementation of a plan which would require the transportation of any student in the seventh grade or above to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student, unless it is demonstrated by clear and convincing evidence that no other method set out in section 402 will provide an adequate remedy for the denial of equal educational opportunity or equal protection of the laws that has been found by such court, department, or agency. Such plan shall only be ordered in conjunction with the development of a long-term plan involving one or more of the remedies set out in clauses (a) through (g) of section 402. If a United States district court orders implementation of a plan requiring transportation beyond that described in this subsection, the appropriate court of appeals shall, upon timely application by a defendant educational agency, grant a stay of such order until it has reviewed such order.

(c) No court, department or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

DISTRICT LINES

SEC. 404. In the formulation of remedies under section 401 or 402 of this Act, the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose, and had the effect, of segregating children among public schools on the basis of race, color, sex, or national origin.

VOLUNTARY ADOPTION OF REMEDIES

SEC. 405. Nothing in this Act prohibits an educational agency from proposing, adopting requiring, or implementing any plan of desegregation, otherwise lawful, that is at variance with the standards set out in this title, nor shall any court, department, or agency of the United States be prohibited from approving implementation of a plan which goes beyond what can be required under this title, if such plan is voluntarily proposed by the appropriate educational agency.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Title IV is amended as follows: (a) Section 403, page 37, line 5 is amended by striking out "in the sixth grade or below";

(b) Section 403., beginning on page 37, line 9 and continuing on page 38 through line 3 is amended by striking all of paragraph (b);

(c) Section 403., page 38, line 4 is amended by striking out the letter "c" and inserting in lieu thereof the letter "b";

(d) Adding at the end thereof the following new sections:

"REOPENING PROCEEDINGS

"SEC. 406. On the application of an educational agency, court orders, or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin, shall be reopened and modified to comply with the provisions of this Act. The Attorney General shall assist such educational agency in such reopening proceedings and modification.

"LIMITATION ON ORDERS

"SEC. 407. Any court order requiring, directly or indirectly, the transportation of students for the purpose of remedying a denial of the equal protection of the laws shall, to the extent of such transportation, be terminated if the court finds the defendant educational agency is not effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto. No additional order requiring such educational agency to transport students for such purpose shall be entered unless such agency is found to be effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto.

"SEC. 408. Any court order requiring the desegregation of a school system shall be terminated, if the court finds the schools of the defendant educational agency are a unitary school system, one within which no person is to be effectively excluded from any school because of race, color, or national origin, and this shall be so, whether or not such school system was in the past segregated de jure or de facto. No additional order shall be entered against such agency for such purpose unless the schools of such agency are no longer a unitary school system.".

(Mrs. GREEN of Oregon asked and was given permission to proceed for 5 additional minutes.)

PARLIAMENTARY INQUIRY

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentlewoman yield for a parliamentary inquiry?

Mrs. GREEN of Oregon. I yield to the gentleman.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. STEIGER of Wisconsin. Mr. Chairman, the amendment offered by the gentlewoman from Oregon amends several sections in title IV.

My parliamentary inquiry is whether or not it is possible to have a separate vote on each of the substantive sections included in the gentlewoman's en bloc amendment?

The CHAIRMAN. In response to the parliamentary inquiry, the Chair will state at this point it would be appropriate and proper to ask for separate votes on amendments to the different sections.

However, in the event a substitute is offered and agreed to, that procedure cannot be followed.

Mr. STEIGER of Wisconsin. But there could be separate votes?

The CHAIRMAN. The gentleman can demand a separate vote and the Chair will preserve his right to do so, subject to the condition that a substitute, if offered, is not agreed to.

The gentlewoman from Oregon is recognized for 10 minutes.

Mrs. GREEN of Oregon. Mr. Chairman, I know that the hour is growing late and I am sure that all of us, regardless of which side of the issue on which we stand, are a bit weary of the total busing controversy.

But I do suggest that parents—millions of parents in the United States are even more weary of having their schools thrown into chaos and the constitutional rights of their children being ignored.

Now the amendment, which is a single amendment, although it does affect various sections, is the amendment to which I referred earlier this afternoon. Earlier, I said that I could not vote for this bill unless there are some amendments approved that, in my judgment, would strengthen it.

Without these amendments, it seems to me, we give congressional approval to busing and specifically authorize busing for youngsters from the seventh grade up.

This amendment was worked on by a group of people, and I pay my respects to the gentleman from North Carolina (Mr. RUTH) who did the major amount of work on this.

Earlier in the day, as I mentioned, it was he who was going to offer this amendment, but for some reasons that I will not take the time to go into, I find myself offering the amendment and I hope that you will support it. I support EARL RUTH's views and believe we are not in any disagreement on these four parts of this amendment. He is a great legislator; his delightful sense of human so often serves the legislative process very well. When tensions are high, he has that knack of saying just the right thing to get us all back on the track.

In the discussion today, at least as I see it, we are not talking about busing out of choice to achieve an educational purpose. We are not talking about a family with children who buy a farm and know when they purchase the farm that there is no school nearby and that they will bus their children 9 miles or 15 miles or 30 miles; this was their decision, not a Government decision. It was a decision based entirely on their choice.

We are talking about a family who establish residence in a particular area and where a major factor that entered into buying their home or establishing their residence there was the school in that area which they had every right to expect their children to attend.

What we are really talking about in this whole debate today is not voluntary busing but forced busing: the force of the Government versus the freewill choice of a family.

The amendment which I offer to the House this afternoon first of all goes to section 403. It strikes out the lines, "in the sixth grade or below" and then strikes out all of subparagraph (b) which in effect says that it is all right to bus children in the seventh grade and above. I concede that I am not a lawyer, and there may well be technical points of the law which I do not understand. But I must say to you I do not understand the logic nor the constitutional justification in this House saying that it is all right to bus children from the seventh grade up but you cannot bus youngsters from the sixth, and fifth and on down to the first grades. I cannot accept the logic.

I never knew that constitutional rights were in one case available for seventh-graders if they were 13 years of age, and were not available to sixth-graders if they were 12 years of age. This seems to me a glaring inconsistency in the bill, so I propose to strike that.

The second part of the amendment, Mr. Chairman, goes to reopening proceedings. This is section 406. It enables schools that are under court orders to reopen proceedings. This makes for justice and fairness, and in my judgment it would be a very hollow victory if the bill did not contain this provision.

We have debated on the floor of this House many times the uniform administration of guidelines and rules and regulations, but I suggest—and it is not out of bitterness or anything else—but I suggest that the full impact of the court orders on busing were not really brought to the membership of this House until there were certain court decisions in Detroit and other northern cities.

By this particular part of the amendment, it simply seeks to correct what I think has been a terrible injustice by treating one section of the country differently from others. So we say they could reopen the cases.

The next part of the amendment, Mr. Chairman, restores, with amendments, sections 407 and 408, the limitation of orders. This refers to court orders and the thrust is that any court order requiring transportation of students shall terminate if the educational agency is found not to have effectively excluded any person from any school because of race, color, or national origin. It defines a unitary school as one that has not denied any students attendance because of race, color, or national origin. So, it restores section 407 and 408 with amendments.

The Attorney General shall enter into the case if the educational agency asks for the court order to be reopened.

That, Mr. Chairman, is the summary of the amendment that I have offered. I have offered it as a single amendment. It would be my hope that it would be considered and voted upon as a single amendment because together the four parts make a package that seems to me will go to the heart of what we are talking about today.

Mr. BROOMFIELD. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, Mrs. EDITH GREEN.

It is no secret that I have long been opposed to forced busing. I have found that too often court-ordered busing is as impractical as a tool of desegregation as it is cruel in its application. In recent months the entire Detroit metropolitan area comprising 53 independent school districts has been faced with the threat of consolidation and the prospect of extensive cross district busing.

Fortunately, that order has been stayed pending a hearing of appeal, and thanks to the congressional moratorium on busing orders pending the outcome of appeals which I was pleased to sponsor, the people of Detroit will be spared busing while Congress gets to the task of legislating an end to this problem once and for all.

The President's Equal Educational Opportunities Act is a substantial and important new step in the direction of providing a quality education to all of our children without more busing. This measure may not be the final answer but it is a substantial beginning.

The Green amendment, the so-called reopener clause, is a logical and I think a necessary extension of the President's proposal. This measure seeks to prescribe an orderly and uniform system of priorities and procedures which must be met before more busing is ordered. I think that is a good idea, especially if you consider the confusing and conflicting busing decisions that have been handed down throughout this country in the past few years.

The Green amendment seeks merely to extend the same restrictions which this bill will place on future busing cases to those cases which have been decided in the past.

Mr. Chairman, it is a fundamental proposition that our laws must be equally applied across the board for everyone if they are to be really fair. Without this amendment we will be using one yardstick to measure the requirements of those school districts which have had to bus in the past and another for those who may have to bus in the future.

That makes very little sense. In my own congressional district the city of Pontiac has complied with court ordered busing since last year. Without this amendment, that busing will continue next year with no hope of relief from this bill.

Yet, in a different city, at some future time after the passage of this bill much of that some sort of busing would be illegal.

Mr. Chairman, the people of Pontiac, Mich., along with Americans all over this country are curious to know why they must continue to bus under orders which, if issued today, would be invalid.

Why should they be forced to conform to one strict standard while the rest of the Nation finds relief from this measure.

Mr. Chairman, I know from my own experience that in many instances forced busing is as ill advised educationally as it is disruptive socially. Busing rather than uniting Americans has been an irritating and disruptive mistake. I feel certain that many of my colleagues here today have shared similar experiences and hold similar opinions.

If forced busing is a mistake, and I feel it is, then why do not we freely admit it. Instead of merely changing the law to prevent additional school districts from suffering, we should open the doors of the courthouse for those schools which have unjustly suffered from the mistakes of busing in the past.

They should be allowed to return to court to have a reexamination of their cases conducted under the light of these new busing limitations.

In conclusion, Mr. Chairman, I feel that the Green amendment is fair in theory and further I am confident that it will prove fair and reasonable in effect. I therefore recommend its passage.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, I thank the gentlewoman for yielding.

I would like to try to write a little legislative history here because I think it is very important. Earlier in the day we had a discussion about Katzenbach against Morgan and the fact that in that decision it was specifically provided or stated this Congress under section 5 of the 14th amendment does have the power to implement the provisions of the 14th amendment and through legislative action.

Is this amendment being offered specifically through the power of Congress to implement equal protection of the laws for all, sixth grade or fifth grade or 10th grade or whatever it may be, for all students? Is this where the gentlewoman is basing this decision, the power of the Congress to legislate the implementation of equal protection of law?

Mrs. GREEN of Oregon. The amendment limits the extent of the busing that may be ordered.

Mr. THOMPSON of Georgia. Mr. Chairman, if the gentlewoman will yield further, in doing this as a basis of authority for this, is the gentlewoman basing this upon the authority of the Congress as contained in the Constitution, the 14th amendment, fifth section?

Mrs. GREEN of Oregon. That is right.

Mr. THOMPSON of Georgia. I thank the gentlewoman.

AMENDMENT OFFERED BY MR. O'HARA TO THE AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mr. O'HARA. Mr. Chairman, I offer an amendment to the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The Clerk read as follows:

> Amendment offered by Mr. O'HARA to the amendment offered by Mrs. GREEN of Oregon: Strike out paragraphs (a), (b) and (c) on page 1 of the amendment and insert "Beginning on Page 37, line 1, strike everything through Page 38, line 8, and insert in lieu thereof the following new section:
>
> "TRANSPORTATION OF STUDENTS"
>
> "SEC. 403. No court, department or agency of the United States shall, pursuant to section 402, order the implementation of a plan that would require the transportation of any student to a school other than the school closest to his place of residence which provides the appropriate grade level and type of education for such student."
>
> And redesignate succeeding paragraphs accordingly.

Mr. O'HARA. Mr. Chairman, the purpose of the amendment is to completely prohibit busing of students as a remedy in a desegregation case. The amendment offered by the gentlewoman from Oregon goes part way in that direction but does not go the rest of the way. The language of the section of the bill which is found at the top of page 37 says:

> No court, department, or agency of the United States shall, pursuant to section 402, order the implementation of a plan that would require the transportation of any student in the sixth grade or below to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

The gentlewoman from Oregon proposes to strike the words "in the sixth grade or below" and I am completely in accord with that. I would propose also to strike the words "or next closest" which the gentlewoman's amendment does not do.

The reason for this, Mr. Chairman, is that busing is either correct or it is incorrect. I do not know what is better about the next closest as compared to the second next closest, or the third next closest, or the 10th next closest.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Just a point of information. As I understand the amendment the gentleman has offered, he also would strike subsection (c) on page 38.

Mr. O'HARA. Yes, because if we have gotten rid of orders that require transportation completely then we do not need (c). We need (c) only if we keep in the words "or next closest." We do not need (c) if we take out the words "or next closest."

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I believe the gentleman may have answered a question I was going to raise. One of the concerns I have about the amendment offered by our colleague from Oregon, consistent with what she said earlier this afternoon about this legislation encouraging rather than discouraging forced busing is this: By leaving (c) in, to my way of thinking, would not we encourage busing? Do I understand the gentleman to say his amendment would have the effect of knocking out paragraph (c)?

Mr. O'HARA. Yes. My amendment knocks out both (b) and (c). The gentlewoman's amendment would knock out just (b). But we do not need (c) if we get rid of that "next closest" in my amendment.

Mr. ASHBROOK. I agree with the gentleman, and I give him my wholehearted support.

Mr. O'HARA. I thank the gentleman from Ohio.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Is the gentleman's amendment an amendment to the amendment or a substitute?

Mr. O'HARA. It is an amendment to the amendment offered by the gentlewoman from Oregon.

Mr. THOMPSON of Georgia. It does not delete that portion of the amendment of the gentlewoman from Oregon providing for the reopening of cases?

Mr. O'HARA. No. It does not affect that in any way.

Mr. CLAY. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Missouri.

Mr. CLAY. Will the gentleman explain to this body what he means when he makes the statement that busing is either correct or it is not correct?

Mr. O'HARA. Yes. It is my thesis and the thesis, apparently, of a number of Members of the Congress, that assignment of students on the basis of their color and transporting them to schools on the basis of their color is an inappropriate remedy for a 14th amendment violation. I would hold that it is inappropriate whether it is the second closest school or the 25th closest school.

Mr. CLAY. Pardon me. Whether the busing is inappropriate, or the busing of black children into white schools or vice versa is inappropriate is the question. Let us get down to the point.

Mr. O'HARA. Busing, when used to carryout a system of racial assignments, I believe to be wrong under the equal protection clause.

Mr. CLAY. I believe honestly would dictate if the gentleman believes busing is incorrect the amendment should be to outlaw busing, period, to any school.

Mr. O'HARA. No. I do not agree that there is no difference between busing for the purpose of carrying out racial assignments and busing to provide a child with transportaiton to the nearest school, if that school is somewhat distant. I think there is a great deal of difference.

SUBSTITUTE AMENDMENT OFFERED BY MR. QUIE FOR THE AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mr. QUIE. Mr. Chairman, I offer a substitute for the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The Clerk read as follows:

Amendment offered by Mr. QUIE as a substitute for amendment offered by Mrs. GREEN of Oregon: Title IV is amended by adding the following new sections:

"REOPENING PROCEEDINGS

"SEC. 406. On the application of an educational agency, court orders, or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin, shall be reopened and modified to comply with the provisions of this Act. The Attorney General shall assist such educational agency in such reopening proceedings and modifications.

"LIMITATION ON ORDERS

"SEC. 407. Any court order requiring, directly or indirectly, the transportation of students for the purpose of remedying a denial of the equal protection of the laws shall, to the extent of such transportation, be terminated if the court finds the defendant educational agency is not effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto. No additional order requiring such educational agency to transport students for such purpose shall be entered unless such agency is found to be effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto.

"SEC. 408. Any court order requiring the desegregation of a school system shall be terminated, if the court finds the schools of the defendant educational agency are a unitary school system, one within which no person is to be effectively excluded from any school because of race, color, or national origin, and this shall be so, whether or not such school system was in the past segregated de jure or de facto. No additional order shall be entered against such agency for such purpose unless the schools of such agency are no longer a unitary school system.".

Mr. QUIE (during the reading). Mr. Chairman, I ask unanimous consent that the substitute amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mrs. ABZUG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk concluded the reading of the substitute amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for 5 minutes in support of his amendment.

PARLIAMENTARY INQUIRY

Mr. ECKHARDT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from Texas for a parliamentary inquiry?

Mr. QUIE. I will yield to the gentleman.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ECKHARDT. The parliamentary inquiry is whether or not the first portion of the amendment was separated from the latter portion as was urged at an earlier time and I think at a proper time. This, it seems to me, is an amendment to the second portion and as I understood it, the Chair recognized the right of the gentleman to insist on a separation between the two amendments.

The CHAIRMAN. The gentleman's inquiry goes to the substitute offered by the gentleman from Minnesota with regard to separating?

Mr. ECKHARDT. That is right. As I understand the amendment before us now, it is to the first amendment which, as I understood it, was separated from the second.

The CHAIRMAN. The Chair is not entirely sure the Chair understands the gentleman's inquiry. Let the Chair state that the original amendment offered by the gentlewoman from Oregon (Mrs. GREEN) contains four separate elements. Inquiry was made by the gentleman from Wisconsin (Mr. STEIGER) as to whether it would be proper to divide those questions and ask for a separate vote. The Chair advised that in the event the substitute is not agreed to, the gentleman's rights would be protected, and he could ask for a separate vote on each of the four propositions in the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

Is the gentleman asking the same inquiry or asking about a division of the substitute offered by the gentleman from Minnesota?

Mr. ECKHARDT. What is the parliamentary situation with respect to the matter we are working on now?

The CHAIRMAN. The Chair will state to the gentleman from Texas that the substitute offered by the gentleman from Minnesota (Mr. QUIE) cannot be divided for a separate vote, whereas the original proposition by the gentlewoman from Oregon can be divided in the event that a substitute is not agreed to.

Mr. ECKHARDT. Thank you.

Mr. QUIE. Mr. Chairman, first I want you to know I am completely opposed to the O'Hara amendment which would prohibit any busing at all any place, which would be completely unconstitutional. I do not see how it could be anything else from the recent decisions of even the Supreme Court, and the Swann decision. However, my big concern in this legislation is that the House will go too far and remove provisions which draw a rational and, I believe, constitutionally required distinction, between the extent of busing of pupils in the sixth grade and below and those in the seventh grade and above. The Supreme Court itself has recognized that the age of the students bused is a critical factor in these cases.

Chief Justice Burger, in the opinion in Swann against Board of Education, in discussing limitations on busing which district courts should consider stated:

> It hardly needs stating that the limits on time of travel will vary with many factors, but probably with none more than the age of the students.

This certainly is a major consideration in limiting elementary school transportation which can be ordered to the nearest or next nearest school which provides the appropriate grade level and type of education for the student.

At the seventh grade and above, the bill applies the same formula of "nearest or next nearest school" but it permits these limitations to be exceeded if a list of other remedies is examined and found not to be effective. It is not absolute at the seventh grade and above. From the cases I have reviewed, and from the testimony of distinguished constitutional lawyers who favor this bill—such as Prof. Robert Bork of Yale Law School—I am convinced that if we remove the distinction, that if we legislate an absolute bar to busing beyond the nearest or next nearest school at the seventh grade and above, we shall have rendered the legislation unconstitutional.

And so I urge my colleagues to reject that course of action and to stay with that committee bill. Our purpose here is to give guidance to the courts and to place effective, workable limits upon busing as a remedy. That purpose would be destroyed if the courts are forced to strike down the act as unconstitutional.

There are other rational and sound reasons for making the distinction and for placing an absolute limitation on busing at the sixth grade and below which may not be exceeded. The age of the student was mentioned by the Chief Justice. This bears upon the educational process as well. Traditionally, our elementary schools are our neighborhood schools, and we are increasingly finding that school programs for younger children are more effective when the parents and the community are closely involved in these programs. This is particularly true of programs to help disadvantaged students. When these children are bused out of their neighborhoods, and particularly to schools so distant that their parents feel no identification with them, then we have lost the proven educational value of parental involvement. So there is a very sound educational reason why we make this distinction.

I am told by my colleagues who are lawyers that the fact that the legislature has made a rational and, in its judgment, valid distinction in matters of this kind bears heavily upon the constitutionality of their action, when that is at issue. There is always the presumption that a legislative act is constitutional, but that presumption is overcome when it appears to be an arbitrary or capricious action. There is nothing arbitrary or capricious about the distinction made by this bill—it is based upon a large and growing body of evidence that parental and community involvement in school programs at the elementary level is an essential ingredient if they are to serve their purpose.

My substitute drops the changes of the Green amendment to section 403, the remedies section, but leaves in the new section 406, which is the reopener and leaves in the limitations on orders, which says as soon as the school district becomes a unitary system, that the court then can remove the order and they could be on their own. The question comes before us as to whether under the Green amendment, we should prohibit, absolutely prohibit, the courts from ruling or providing an order that grades seven and above cannot be bused any further than the second closest school.

Now, we provide in the legislation that before there can be any busing, all the other remedies have to be attempted, including closing schools, building new schools, putting in magnetic schools, and all the other remedies before ordering busing. If this does not bring about elimination of de jure segregation, or provide for the equal protection of the law, and busing them to the closest or the second closest school does not either, busing further may be ordered for those in seventh grade and above if the need is demonstrated by clear and convincing evidence that none of the methods in section 402 provide an adequate remedy.

However, we do put a limitation, that you cannot go any further than the second-closest school for the sixth grade and below. And that is the only place in the legislation, without amendment, that some seem to have a question on its constitutionality. But here the court itself has looked at the lower grades as being different than the higher grades because there is more likelihood, as they have said, that transportation could be harmful to their health or impinging on the educational process, and that is why the administration reached this decision in the legislation.

Most of the objection to busing is against busing elementary children out of their community. But I do not know how we can here say that the court should be denied the use of that remedy in the high schools, because I doubt that by being isolated from the community is necessarily going to be harmful to education in the high schools. The question here is constitutional rather than preference. I would prefer all children got to their neighborhood school.

As I said earlier this afternoon, there is no problem with young people going all over the country to college, and so if the year before they should travel to the third closest school I doubt that that is going to hurt them in what we look for here as the procurement of equal educational opportunity and equal protection of the law.

I believe the courts have been in danger of really preventing equal educational opportunity when they bus small children too far. I cannot imagine in the city of Detroit that it will do anything different than that, if they bus small children from 50 or more different districts. I think that is unreasonable.

I believe from everything I have learned that the Congress can set standards, but we had better stay close to the administration bill.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. QUIE. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. CELLER. Mr. Chairman, reserving the right to object, will the gentleman yield to me and respond to a question that I will propound to him?

Mr. QUIE. Yes, I will yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. QUIE. I yield to the gentleman from New York.

Mr. CELLER. Mr. Chairman, I would ask the gentleman from Minnesota what cases under his proposal this would reopen, and what cases could be modified, how many, and to what date could this go?

Mr. QUIE. The gentleman from New York has asked me how many cases this would affect. Do you ask which cases could be reopened by this reopener?

Mr. CELLER. How far back would you go?

Mr. QUIE. How far back could we go?

Mr. CELLER. Yes.

Mr. QUIE. You can go to any case.

Mr. CELLER. Can you go back to the 1954 Brown decision?

Mr. QUIE. You can go all the way.

Mr. CELLER. There is no limitation?

Mr. QUIE. No.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I think it should be made clear that the reopener which is in the Quie substitute is identical with the reopener in the GREEN amendment.

Also I believe that the reopener in either case would go back at least to any case where there is continued court jurisdiction. That is my judgment; it might be broader.

Now, as to what precise cases this would cover in each instances, I cannot cite the cases. However, I think that wherever there is a continued court jurisdiction they are covered and possibly to a broader extent.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. WAGGONNER. Mr. Chairman, I have asked the gentleman to yield for the purpose of pursuing for a moment the statement made by the gentleman from Michigan (Mr. GERALD R. FORD).

It makes no difference how far it goes back, because the only relief to be granted wherein cases are reopened, if this becomes law, is that same relief which is provided for those who have not yet been subjected to court orders. They would only be modified to the extent that those which have not yet had court orders finalized would gain relief. It is simply a matter of equity.

Mr. CELLER. Would that pertain to cases that were reopened and would have been decided by the U.S. District Court, the U.S. Court of Appeals and by the Supreme Court; is that correct?

Mr. QUIE. That is correct.

Mr. CELLER. About how many cases would that involve?

Mr. QUIE. Well, we do not know how many cases would be involved because I do not have the number of cases that have transportation involved.

As I recall, many of the earlier court orders did not involve transportation and, naturally, that would be a different situation.

Now in late years, practically all of the cases have involved transportation and, therefore, if they are under court order at the present time—they could if they don't comply with the transportation limits of this act.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. PUCINSKI. I think it is important to point out here, when we are talking about the reopener, the only ground for reopening is to comply with the provisions of this act.

So those who tell you that there is going to be a wholesale reopening all over the country have completely ignored the fact that the limitation is to comply with the provisions of this act. That is why I think the reopener makes a lot of sense. If you are going to treat northern schools one way, certainly you ought to have the same standard for the whole country.

Mr. QUIE. Mr. Chairman, I just want to make this statement.

This issue before us now on my substitute, is not the reopener or limitation on orders since Mrs. GREEN's amendment and mine are the same in this regard.

The issue is section 403 (a) and (b) and also the change in the entire section 403, as proposed by the gentleman from Michigan (Mr. O'HARA). Here is where I believe we have to make certain that we do not make this legislation unconstitutional or else it is just as impossible to make any changes in the problems that face us now with people being so emotionally upset by crosstown busing of elementary school children

Now on the reopener part of it, which I support—I think it is just fair. I do not think we should penalize the people of the South just because they are southerners and then let everybody else under new court orders operate under this bill. Let us treat everybody alike across the country. The only way to do that is if you permit the reopener.

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. DERWINSKI. Mr. Chairman, I rise in support of this amendment and feel it is absolutely essential if in this bill Congress will truly solve all the problems caused by arbitrary court-ordered busing plans.

School District 151, Cook County, Ill., in my district, has been subjected to a very strict court-ordered busing program since 1968. The district has had nothing but growing problems traced primarily to the adverse effects of the arbitrary court order, which was concerned only with busing for racial quota purposes and not at all concerned with improving educational facilities or standards.

I believe some statistics on the adverse effect of court-ordered busing on this one school district are in order, and I am sure these statistics can be substantiated by other Members who are aware of similar problems in their own school districts.

The district's racial composition has changed from 30 percent black to 45 percent black with an adverse change in enrollment from an anticipated enrollment of 2,800 to only 1,760 in September 1972. For every five homes constructed in the area since the court order, the district receives only one student, clearly indicating that parents are enrolling their children in private schools.

The reduction of staff, the closing of buildings and the possibility of reducing school programs has negated the positive aspects of a quality school program, which the Board had hoped to implement.

Mr. Chairman, time does not permit me to go into much more detail except to reemphasize that unless this amendment is accepted there will be no relief under this bill for school districts, such as the one I refer to, which have already been feeling the adverse effects of court-ordered busing. Therefore, I support the amendment as logical addition to the bill.

Mr. BELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise to strike section 406 of the substitute.

This provision would require the reopening of old and settled desegregation cases which many of us have been arguing about for years.

It strikes at the heart of our total civil rights progress from 1954 to the mid-1960's.

If you think that by supporting this provision you are merely further getting on record against busing, you are wrong.

You are in the process of turning the clock back on the whole civil rights progress that has been made in this Nation.

The same committee that reported out this antibusing bill voted down the reopening proceedings section—and it did so after extensive hearings and discussion.

It did so because of the realization that of all the provisions contained in the original bill, this one is the most insidious in its anti-civil-rights purpose and ramifications.

It encourages injustice and guarantees chaos in the Federal courts.

Some have argued that this section is needed to assure equal treatment of North and South.

Those who make this argument overlook the fact that the courts do not need a law to tell them when they can modify their own decrees.

In Brown two, the Supreme Court set out the manner in which the rights guaranteed by Brown one were to be implemented.

While placing the primary burden on the local school systems, the Court made clear that this burden would be subject to the continuing jurisdiction of the lower Federal courts exercising their equity jurisdiction.

And as every lawyer Member of this body knows, once equity takes jurisdiction, it retains it for all purposes.

It should be clear, then, that this provision is not intended to permit the courts to modify their decrees—they can already do that.

It is intended to require that old cases, with voluminous and often obsolete evidence, be reopened, relitigated, rehashed.

Rehearing these cases would impose a financial burden of unprecedented magnitude on civil rights groups who would be forced to fight again battles they won years ago.

And there would be neither money, lawyers, nor court time left over to secure rights not yet vindicated.

Another argument we have heard is that this provision applies only to a few cases involving excessive busing orders.

But the language is so broad that it can apply to virtually every one of the several hundred orders still in effect—whether or not they involve transportation.

This is not an antibusing provision.

It is an anti-civil-rights provision.

Our Nation and its people suffered enough from troops in the schools, fire bombs, police dogs, and beatings.

Is that an era we really want to return to?

If you want to start another rhubarb in this country, then just vote for this provision, vote for a return to the era of fire bombs, vote for chaos in the Federal court system, vote for reopening old wounds, vote for injustice.

Mr. Chairman, this is the real purpose of this provision.

I urge that it be defeated.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. BELL. I yield to the gentleman from California.

Mr. CORMAN. Mr. Chairman, I ask to be associated with the remarks of the gentleman from California (Mr. BELL).

Mr. MEEDS. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the Quie substitute.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from Maryland.

Mr. HOGAN. Mr. Chairman, I rise in support of the Green amendment as I have supported and will support all amendments to strengthen the bill before us today, the Equal Educational Opportunities Act of 1972.

I oppose the assignment of children to a particular school because of the color of their skin. It was wrong when it was done to maintain segregated schools and it is wrong when it is done to maintain artificial racial balance in the schools.

If we are ever going to solve the racial strife in this country, we must reach a point where the color of a person's skin makes no difference in where he goes to school, where he lives or what kind of job he gets. We must eliminate all remnants of discrimination in education, housing, and employment. Busing for racial balance is not the answer. It solves no problems and is disruptive of the education of our children.

The Green amendment would prohibit courts from ordering the implementation of any plan that would require busing a child past the nearest or next nearest school to his home, not only in the sixth grade and below, as in the committee bill, but of any student of any grade of direct interest to me.

Mr. Chairman, the Green amendment would also keep Prince Georges County in its dispute with the Department of Health, Education, and Welfare. It would allow the school board to have reopened and modified any court order or HEW citation for noncompliance with the Civil Rights Act. The Attorney General of the United States would assist in the legal proceedings to reopen and modify these orders.

In my opinion this amendment would completely terminate any order which the U.S. District Court at Baltimore might hand down to the Prince Georges County School Board.

I urge my colleagues to support the Green amendment to demonstrate effectively to the courts and HEW that this body—the House of Representative, the people's House—believes that the purpose of schools is to educate children, not to engage in a disruptive scheme of social manipulation.

Mr. Chairman, I would like to relate one of the experiences of the Prince Georges County School System regarding busing, because it relates to the bill before us.

In addition to a citation which HEW leveled against it, the Board of Education of Prince Georges County is involved in a suit in the U.S. District Court for Maryland. The plaintiffs are represented by attorneys of the American Civil Liberties Union and the National Association for the Advancement of Colored People. The court has ordered a plan to bring the school system into "total compliance with the Brown-Swan standards" by 10 a.m. August 22, 1972.

It is impossible to design a plan to satisfy the court without destroying the concept of neighborhood schools.

Prince Georges County School System is greater in size than Washington, Baltimore and all the area in between. One could take the map, cut out Prince Georges County and superimpose it over Baltimore, Washington, and the area in between and it would cover it completely. The system covers an area eight times as large as the District of Columbia. It has more pupils than the District of Columbia and is the 10th largest system in the Nation. At the present time, the budget for busing in Prince Georges County is approximately $6 million a year. The Prince Georges County school system has more than 700 buses, about the same as the combined fleets of the public bus companies: A. B. & W., Virginia; WBM, Virginia; and WMA, Maryland. The Prince Georges County school bus fleet is five times larger than WMA which handles public transportation for Prince Georges County. It is three times larger than A. B. & W. which not only handles public transportation, but also school transportation for the Alexandria, Virginia schools.

There are 230 schools in the Prince Georges County school system. Of these, 18 are senior high and 43 junior high schools. The school system has 160,000 students.

In short, busing of Prince Georges County school students is already big business.

Some county schools are racially unbalanced because the neighborhoods they serve are racially unbalanced.

Prince Georges County is the one area where blacks have been able to find housing with relative ease. There are more black-owned homes in Prince Georges County than all the rest of the Washington suburban areas combined. The percentage of Negroes in Prince Georges County is increasing at a far greater rate than in the rest of the Washington metropolitan area.

In the 1971–72 school year the number of black students for Prince Georges County increased by 4,500. The number of whites decreased by 2,500 leaving a net increase for black and white of 2,000. Although Prince Georges County, with an 80 percent growth, was among the Nation's fastest growing counties in the past decade, it can be seen that the racial balance is changing far greater than the total growth as these figures indicate. Many parents will not allow their children to be bused past their neighborhood school. Many are putting their children in private schools and many others are moving from the county.

One can picture an imaginary black-white demarcation line bulging out into Prince Georges County. An example is Dodge Park elementary school some 6 miles from the District of Columbia line. In 1968, black students constituted one-quarter of 1 percent of the student body. In 1971 blacks were 25 percent. In 1972, they will exceed 30 percent. You have the "domino" effect when you bus for racial equalization. One school after another becomes black and requires more busing.

In summary, the growth rate of blacks and the way it comes about makes mockery of any attempt to "comply with the Brown-Swain standards to the fullest extent." The neighborhood school concept is abandoned and new busing plans must constantly be revised to maintain an artificial racial balance as the racial balance in the neighborhoods is constantly changing The net result is a changing racial standard which has no static meaning. The standard was 12 percent 5 years ago, 22 percent today, and will be 33 percent 5 years hence. And the Brown decision was handed down over 15 years ago.

Transportation is not the only element in busing for racial balance. Prince Georges County schools now begin as early as 7:30 a.m. and end as late as 4 p.m. I am told that no other system in Maryland has these extremes. Busing times should not be considered in terms of averages, but in terms of maximums. Prince Georges County, in extreme cases, has a 90-minute schedule. Educators tell us that it is undesirable for schools to have more than one starting time but some have three. When there is more than a single starting time, it is impossible to tell whether a student on school property is in class or not.

Many people have related individual busing problems to me. The Committee for the Advancement of Red America—Indians—points out the Court order relates to blacks whereas it should relate to other minorities as well. The question raised is whether Indians in the county are to be racially balanced. The Indian mother of four called and asked what happens to her offspring, are they counted as white or black? There are also 14,586 Spanish-speaking residents of the county many of whom have a language problem. Are these students also to be "balanced"? I have previously related the story of the black mother of seven who already sends her children to five different schools at four different times. And who has three junior high school students attending three different schools.

Under the Board's staff plan for the full 1972 session the seniors of senior high schools could be at one school, the juniors and sophomores at another, the junior high students at still another and the elementary at again another. Thus a family with several children is faced with children attending many schools and living by many bus schedules.

Perhaps, if schools open early enough, close late enough, bus long enough, stagger hours and ignore individual considerations that racial balance can be achieved with a "minimum" of busing. In effect, the students ride segregated buses to desegregated schools at the expense of the education of both bused and non-bused students.

The Prince Georges County board in an effort to comply with the order of the district court has directed its staff to proceed immediately to develop plans for desegregation of the county's secondary schools, under the following guidelines and constraints:

Each school shall reasonably reflect the overall racial composition of the county school system, and in no circumstance shall any school have a majority of a minority race. Specifically, the attainment of a standard of not more 35 percent black student body is deemed to be the optimum practical means of achieving such results. Mr. Speaker, it strikes me as being a racist concept to say that the only way that black children can get an adequate education is if they have the great honor and privilege of going to a school that has a majority of whites in it.

That to the extent possible, such a plan require the least amount of additional pupil transportation consonant with achieving the degree of racial balance stipulated in above.

That no schools, as a result of implementation of such plan, operate at more than 2 percent over its seating capacity.

That, in adjusting senior high attendance areas, the existing senior class may complete its attendance at its current school; accordingly that in computing the racial balance of a senior high, consideration be directed solely to grades below the 12th.

That plans for the desegregation of existing senior high schools be developed so that, if reasonable, they could be implemented by September 1972, and that plans for desegregation of existing junior high schools be developed so as to enable them to be implemented as soon thereafter as is feasibly possible, but in no case later than the opening of the second semester in February of 1973.

The board further instructed that the staff be directed to continue to develop plans for desegregation of the county's elementary school system, such plans to become effective with the opening of school in September 1973 and that the staff be directed to continue to achieve faculty and administrative staff desegregation in accordance with past board policies and directives.

Mr. Chairman, the Prince Georges County School Board is an appointed board, not an elected body. It reflects essentially the will of the Governor of our State. It may not necessarily be responsive to the will of the public. The present school board is almost equally divided on busing matters. Yet my questionnaire, which was answered by over 32,000 respondents, indicates that 88 percent of my constituents are opposed to busing for racial balance.

It is difficult to predict what will happen on Monday, August 22, 1972. The board will not have the results of the staff study until that morning, so obviously, there will not be adequate time for review of what could be the most important decision the board will ever make.

Mr. Chairman, I have urged the school board members to delay their action until Congress acts on this important legislation.

The Green amendment is needed to delay enforcement of any court which would require busing until Congress finally acts on this complex matter. As a member of the Committee on the Judiciary, I deplore the failure of the committee to act on moratorium legislation and the constitutional amendment to prohibit racial busing. One can look over the Nation and see widely varied court interpretations of racial busing. I strongly support the passage of H.R. 13915 but for it to respond to the real problems of busing the Ruth amendment is necessary.

Mr. MEEDS. Mr. Chairman, Members of the House, as the gentleman from California correctly pointed out, the Court has always had the power to reopen these cases, and by putting it in the statute we give them not one whit more power to reorder and reexamine the fact situation as it existed at the time of the entry of the order and the fact situation as it may be now. Indeed, in the Swann case the Court indicated that this should be done.

So, Mr. Chairman, the mischief in the reopener clause does not come from the reopening, but it comes from the combination of the reopening and the application of the guidelines as set forth in the bill before us.

Now, here is what will happen. Assuming the reopener passed, the cases in which there was absolute de jure segregation, segregated schools, dual school systems, can be reopened and the children—as the bill now stands—in the sixth grade and below even in those schools could be absolutely segregated. They could be in dual school systems, and there is nothing that could be done about it.

If this reopener carried, and if this bill passes with section 403 intact, obviously that is unconstitutional, as I think I have tried to point out before.

But the fact is that we ought to know precisely what we are doing when we do it here. I suggest that is patently unconstitutional.

We are told day after day here on the floor of the House that we just want to make the same law apply all over the Nation. I am really getting a little irritated about that because the same law does apply all over this Nation. De jure segregation is just as wrong in California as it is in Alabama or Mississippi, and it has been rooted out in some places better, in California or other places, than it has in Alabama or Mississippi. The same law with regard to dual systems exists all over this land, and if there is a school system in the State of California that is dual it will be rooted out as it would in any other place. So the same law does now apply.

Further, section 407, which they attempt to put in in the substitute is supposedly a limitation of orders, but it does not require, as the Supreme Court has required in every instance since the decision in the Green against County Board case, an affirmative duty on the part of the courts to reach out and to root out the dual school system. Under the proposal of the gentleman from Minnesota we could achieve dual school system or we could go back to a dual school system and never have an obligation on the school board to take the affirmative action of attempting to root it out.

The same problem exists with his proposed section 408. Again, there is absolutely no affirmative duty on the school board or on the courts in these instances, as has so often been enunciated by the court, to take affirmative action to root out the unconstitutional or dual school systems which exist.

For all of these reasons, Mr. Chairman, and many others the substitute should be defeated.

Mrs. CHISHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is not difficult to assess the impact of the amendment before us: it would simply make a bad bill even worse. The amendment offered by the gentleman from Minnesota (Mr. QUIE) represents an open invitation to school boards throughout our Nation to discard effective court orders and title VI desegregation plans already implemented and to reopen proceedings to bring their plans into line with the ineffective guidelines spelled out in H.R. 13915.

Imagine the turmoil such a provision would create in school districts which have met their constitutional responsibility to desegregate by reassigning students in such a way as to eliminate illegal segregation. Needless to say, in many communities those assignments have required transportation beyond the next closest school.

Now, along comes the Congress—after the fact—telling those districts that what they did was more than necessary and that they can now backslide because what the courts and Federal agencies said was required by the Constitution no longer goes. Congress will set a new standard for compliance with the Constitution.

The end of illegal segregation in many school systems has not just happened; it has resulted from hard work, sweat, and even the blood of many thousands of Americans—black and white—working in their communities for what they knew was right. A provision such as that proposed by the gentleman from Minnesota (Mr. QUIE) would effectively cut the ground—indeed the credibility—from under this local leadership, which we should be supporting, by saying in effect, "You have taken your community too far. Children do not need to be bused beyond the next closest school; the neighborhood is the appropriate basis for assigning children; school district lines should not be tampered with."

This bill, even without the so-called reopener provision is unconstitutional and a slur on our Nation's commitment to equal opportunity. With the reopener, it is even worse. The amendment deserves to be defeated as a similar provision was in the Committee on Education and Labor.

Mr. Chairman, I cannot see how a reopener provision is in the interests of any of us. Those who support it are voting against the enlightened leadership which has emerged in their congressional districts to deal with the issue of school desegregation. I cannot vote with those who have tried to resist the requirements of the law the longest; I shall vote with the enlightened educational and political leaders in communities across this land who are meeting their constitutional obligation to end segregation. A vote for the amendment is a vote for retrogression, a vote against it is a vote of confidence in those leaders and parents in communities who have met this challenge and have prevailed by desegregating their schools effectively.

Mr. Chairman, I urge defeat of the amendment.

Mr. ERLENBORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are those who would tell us that in an area where rights are guaranteed by the Constitution the Congress ought to leave the enforcement of those rights to the courts, that we should not legislate in that area.

I reject that argument. I believe we have not only the right but also the duty to legislate to establish the means to enforce constitutional rights. I believe that the attempt to legislate in this bill in the area of the rights to be protected relevant to nonsegregated education is a proper exercise of the authority of the Congress.

There are those who tell us that this is strictly an antibusing bill, that calling it a quality education bill is mere subterfuge.

Mr. Chairman, I believe that if the amendment offered by the gentlewoman from Oregon is adopted there may be some reason to say that, because if we are going to limit the remedies to merely allowing the child to go to the nearest school or the next nearest school to his residence regardless of the age or the ability of that child it may be that charge would have some substance.

So I rise in opposition to the amendment offered by the gentlewoman from Oregon.

In the bill I believe there is a logical differentiation made between the lower grades and the upper grades. There is a difference between the remedies that are available. For the upper grades a list of remedies are available. Busing is one of those remedies, but as a last resort after other remedies have been attempted by the courts.

The fact that there is a differentiation between the upper and lower grades I believe is a reasonable exercise of the judgment of the Congress. Those who are entering school, leaving their home environment for the first time, to spend a part of the day in a school environment, are the least able to take the long distance busing. The most important thing for them is to stay in the neighborhood, with chillren that they know, in an area that would be more familar to them.

As the child gets older, it is less important that the child be educated in his neighborhood. We all know by the time our children graduate from high school they travel long distances, perhaps across the country or perhaps to other parts of the world, to get their educational experience.

So applying different standards to grades one through six and the grades seven and above I believe is a legitimate exercise of the discretion that this Congress can utilize in this area of establishing the remedies for the enforcement of the constitutional rights that we are trying to enforce and in giving equal educational opportunity.

I would fear that if the Green of Oregon amendment were adopted the bill would be subject to attack as being unconstitutional. I believe if the Quie substitute is adopted we will be on more solid constitutional ground. Of course the court, as has been pointed out, will have the last word in any event, but we should do the best job we can in seeing that this bill is on solid constitutional ground.

I will be happy to yield to my colleague from Illinois.

Mr. MIKVA. I will agree with the gentleman that Congress also has the responsibility for enforcing constitutional rights. I do not know anybody who says to the contrary; but I ask the gentleman what do we say in response to a court that says a fifth grader is being denied equal protection of the laws and protection can only be afforded him by transportation? How does that square with the Constitution of the United States?

Mr. ERLENBORN. The gentleman is presuming the court will say the only way to protect the constitutional rights of a fifth grader is by busing. In other words, the gentleman might say that we made some arbitrary choice that was not based on the facts. I submit we make arbitrary choices all the time.

Mr. MIKVA. In the Constitution?

Mr. ERLENBORN. By denying the right of an 18- or 19-year-old to vote in an election, it is unconstitutional, because it is arbitrary. However, if you set the age at 18, then the 17-year-olds will argue they are being deprived of their constitutional rights. So it might appear arbitrary to set a specific age limit.

I do not believe it is arbitrary, however, to recognize that certain remedies might be proper for older children but not for the younger.

Mr. CELLER. Mr. Chairman, I move to strike the last word. I rise in opposition to the so-called reopening amendments. Not only cases involving pupil busing would be involved, but all manner and kinds of school desegregation cases, in fact a myriad of cases would be involved. Courts are mandated to modify any previous court order where the court complained of did not follow the shopping list of remedies, and the specific order of that shopping list outlined in section 402 of the bill. If you will examine section 402, you will see the different types of remedies involved and the specific order of priority set forth. Reopening and modification of prior orders depends on whether prior decisions complied with this bill. Otherwise the case "shall" be reopened and the decree shall be "modified." That is a very far-reaching provision. How many existing court orders will be jeopardized; how many are vulnerable to modification?

Mr. Chairman, during hearings before a Judiciary subcommittee then Acting Attorney General Richard Kleindienst testified concerning the so-called reopening provision of H.R. 13915.

The Attorney General asserted that all desegregation cases, even where busing was not an issue and though completely litigated and a final decree issued, could be reopened. Under the reopening provision, the Attorney General further stated that the courts could order busing where none had been ordered earlier. Indeed, HEW has advised the committee that 154 school districts' assignment plans in 19 States would be vulnerable to reopening under the provisions of this proposed amendment. What a waste.

I would like to quote briefly from Mr. Kleindienst's testimony, Mr. McClory of our committee asked the following questions:

Mr. McClory. Is it your opinion that the enactment of H.R. 13915 would provide a right then to reopen all of the desegregation cases that have already been litigated, even those that have been decided by the Supreme Court?

Mr. Kleindienst. And if reopened, with respect to many (cases) where there is no busing, under this law there could be some busing.

Mr. McClory. Would the right to reopen apply only to cases which involve busing?

Mr. Kleindienst. No, sir.

Mr. McClory. Are we talking about only busing cases or all desegregation cases?

Mr. Kleindienst. All desegregation cases, even where busing might not even be an issue involved in it. You are going to have an opportunity for a school agency to come into a Federal district judge and say, this order was entered into 12 years ago. Congress has laid down a national standard and we want to reexamine this and apply the remedies and priorities set forth in the national standards, and obtain a new order in this particular case.

Mr. McClory. So all desegregation cases that have been litigated and in which there have been final decisions can be reopened?

Mr. Kleindienst. Yes, sir; and if they reopen them, the Court could order as a remedy, busing, where they had none before.

So, that clearly indicates that busing alone is not involved in the situation.

If the reopening provision becomes law, it is painfully obvious from the Attorney General's own interpretation that no school administrator will know what the law is or what is required of him. Confusion and litigation surely will ensue.

Imagine the pressures upon a school authority that does not wish to reopen a case or modify a case. Think what kind of pressure would be brought to bear upon that school board to bring a motion to reopen a previous case? We would have confusion thrice confounded. It is the best situation I know to encourage all manner and kinds of litigation.

If the reopening provision becames law, it is painfully obvious from the Attorney General's own interpretation that no school administrator will know what the law is or what is required of him. Confusion and litigation surely will ensue.

I urge that the reopening provisions be defeated.

The text of the Attorney General's testimony on this provision before Subcommittee No. 5 of the Committee on the Judiciary on April 12, 1972 follows:

Mr. McClory. In reviewing H.R. 13915 in your statement, you mention that the Congress is considering a permanent solution to the busing problem—"one that permits reopening of existing busing orders."

Mr. Kleindienst. Right. Section 406 of the substantive legislation says that upon the application of any school agency, every desegregation order that exists in this country may be reopened to see to it that it meets the standards set forth in this legislation. And that, it seems to me, is the great remedying feature of this legislation. I do not think that there is anybody in the country that can speak with more convincing clarity and persuasion than the Congress of the United States, as it has done so many times in the past, and say that we have a national problem here, that there is a national standard that is going to be met by everyone. If you are going to say that, then it seems to me that you have got to permit the reopening of cases to come within that standard. Some will require more and some will require less busing.

Mr. McClory. Is it your opinion that the enactment of H.R. 13915 would provide a right then to reopen all of the desegregation cases that have already been litigated, even those that have been decided by the Supreme Court?

Mr. Kleindienst. And if reopened, with respect to many where there is no busing, under this law there could be some busing.

Chairman Celler. Will the gentleman yield?

Mr. McClory. Would the right to reopen apply only to cases which involve busing?

Mr. Kleindienst. No, sir.

Mr. McClory. Are we talking about only busing cases or all desegregation cases?

Mr. Kleindienst. All desegregation cases, even where busing might not even be an issue involved in it. You are going to have an opportunity for a school agency to come into a Federal district judge and say, this order was entered into 12 years ago, Congress has laid down a national standard and we want to reexamine this and apply the remedies and priorities set forth in the national standards, and obtain a new order in this particular case.

Mr. McClory. So all desegregation cases that have been litigated and in which there have been final decisions can be reopened?

Mr. Kleindienst. Yes, sir; and if they reopen them, the Court could order, as a remedy, busing, where they had none before.

Mr. RUTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we need to get our feet back on the floor, and find out what we are talking about. We started out with the Green amendment, and then we had the O'Hara amendment to the Green amendment, and the Quie substitute. All the O'Hara substitute does is to change the wording, take out that phrase which said "or the next nearest school," and then the Quie substitute, where the point was to have a different ruling for the first through the sixth grades, and the seventh through the 12th grades. None of these have opposed the reopening clause. I repeat, none of them have opposed the reopening clause.

Mr. Chairman, I would like to take this time to thank the gentlewoman from Oregon (Mrs. Green) for her kind remarks, and to assure her that it was a pleasure for me to have the gentlewoman offer the amendment.

Most of the Members received a "Dear Colleague" letter from me with regard to the reopening clause, and, therefore, I would like to talk about the reopening section at this time.

I would first like to go to the bill, and I take this from the bill—

> shall be reopened and modified to comply with the provisions of this act

That is the whole story—shall be reopened to comply with the provisions of this act.

I say to the Members that if we had not had certain court decisions that we would not have this bill before us today. I also say are we so unfair in this bill that we would consider passing legislation to help with the busing problem and say to the school boards that have already had a decision, "You are stuck with it, we do not give you any relief." If we do, we destroy the bill. This would be no bill if we did not give those schools who already have been ruled against an opportunity to reopen them where compliance comes within the provisions of this bill.

So I beseech you in the spirit of fairness: Do not say to those who have already been discriminated against, "We closed the door on you, but we promise not to let it happen in the other areas of the United States."

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. RUTH. I will be happy to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding, and I would ask this question of the gentleman:

Beginning in section 401, the Green amendment says, "On the application of an educational agency." I wonder if the gentleman would comment on his feelings as to what would qualify as an educational agency?

Mr. RUTH. This is a problem that you people seem to have in Florida, and we have discussed that, and to me an educational agency is the school board, and those people who operate the schools.

If you will look in title V, under "Definitions," and I have just had some help here by the gentleman from Louisiana (Mr. Waggonner), it says:

> The term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801(k) of the Elementary and Secondary Education Act of 1965.

I thank the gentleman from Louisiana for his assistance and I point out that that appears on page 39 of the bill.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. RUTH. I yield to the gentleman.

Mr. JONAS. Mr. Chairman, I would like to associate myself with the remarks of my colleague, the gentleman from North Carolina.

The major school system in my district is one of those which is operating now under a court order. It involves the famous Swann case to which I have already referred in earlier colloquy this evening.

I concur in the view of the gentleman in the well that it would be unthinkable for this Congress to pass legislation without giving the school system the right to have cases that have already been disposed of before this act becomes law an opportunity to have those cases reopened and reconsidered under the terms and conditions outlined in this bill.

Mr. RUTH. Mr. Chairman, I thank the gentleman.

Mr. MIZELL. Mr. Chairman, I rise to express my opposition to the Quie amendment and support the amendment offered by the gentlewoman, Mrs. Green, and Mr. O'Hara to the Equal Educational Opportunities Act, which would permit the reopening of existing desegregation cases to bring the school districts involved in those cases in line with the new desegregation guidelines set forth in this legislation.

I announced last week, immediately after this legislation was reported by the Education and Labor Committee, that I was prepared to offer this same amendment in the event that no member of the committee did so. I am happy to see that the amendment has already been offered.

The need for this amendment is obvious, Mr. Chairman. There is absolutely no reason why the Winston-Salem/Forsyth County school system, for instance, should have to continue to bear the heavy financial and social burden of massive forced busing when this legislation prescribes much less drastic conditions for providing quality education to children in some other area of the country.

In Winston-Salem, 32,220 of the school system's 44,000 students rode buses to school this past school year. About two-thirds of them were bused because they lived beyond walking distance of a school, but more than one-third—more than 11,000 children—were bused solely to achieve court-required racial balances in the elementary and secondary schools.

One hundred fifty-seven new buses were required to implement that order. Each of those buses cost $6,300 to buy, and it costs $1,600 a year to maintain them, without mentioning the additional costs in bus drivers' salaries. The superintendent of schools in Winston-Salem has told me that this massive busing program requires an operating budget of $1.4 million. That figure represents almost exactly a 100-percent increase in transportation costs over the previous year.

I have said on many occasions that, when funds for higher teachers' salaries, school building improvements, and other basic educational needs cannot be sufficiently met with existing revenues, it makes no sense to impose overwhelming additional costs for buying new fleets of buses to conduct an artificial and arbitrary social experiment in the name of quality education.

Now it seems that some of my colleagues have agreed that this holds true for the school systems in their districts, but that the financial and human expense of massive forced busing is entirely justified and proper for the Winston-Salem school system and for other systems currently under court order to bus students for racial balance.

This kind of hypocrisy and duplicity makes a farce out of the express purpose of this legislation—to provide equal educational opportunities to all our children.

What is equal about requiring one school system to spend more than a million dollars to buy school buses to send children to schools they should not have to attend in the first place, while another school system can spend that some million dollars for upgrading its faculty, or for building new facilities, or for the other basic needs essential to a good education?

What is equal about making a child in Winston-Salem travel 20 miles to school every day on a bus, while a child in Hartford, Conn., is free to walk to the school in his neighborhood?

What is equal about these conditions? Nothing. Yet this is what the Equal Educational Opportunities Act in its present form calls for.

Obviously, the reopening clause is warranted, it is needed, and I also believe it is imperative for all grades from the first grade through the 12th. We must provide protection for all our children. I strongly urge my colleagues to join me in seeing its enactment.

Mr. DICKINSON. Mr. Chairman, I rise in support of the gentleman's amendment to restore a provision to H.R. 13915 to allow school districts under busing orders to reopen their proceedings in the Court.

Two years ago, I wrote in a weekly news column that we in the South are not asking for special handling and special treatment with regard to desegregation of our school system. Now, as then, we are merely asking that laws which we deem unworkable, especially concerning busing, be applied equally throughout the United States. We are sick and tired of being the scapegoat. If the laws being applied in the South are just and equal, we demand that they also be applied justly and equally to all sections of the country.

I had hoped that the Education and Labor Committee would report a bill to the House of Representatives which would finally give the South equal treatment in the busing controversy, but once again we are being asked to vote for a bill which grants relief to the North while the South continues to suffer. This bill will allow a moratorium on busing for northern States like Michigan but will continue busing in the South. I know the people of my home State of Alabama are not willing to give this type of help to our northern neighbors who were all too eager to refuse us such help a few years ago. Certainly, if legislation is not passed now to remedy this situation in the South, we will never be rid of the menace of busing.

If busing is the least desirable remedy for alleged denial of equal educational opportunity or of equal protection of the laws, as the committee bill states, then why is it allowed to continue in the South? In the interest of justice, I ask the Members of this body to vote in favor of the amendment to allow school districts under busing orders to reopen their proceedings in the Court in order to let the Southern States have an equal opportunity to find better remedies for the dual school system.

Mr. PUCINSKI. Mr. Chairman, I rise in support of the Quie substitute.

Mr. Chairman, if I may have the committee's attention. We have worked very hard on this bill. The Quie substitute includes all of the President's language recommended by the administration and carefully worked out by the Office of the Attorney General to maintain that very careful and narrow balance between the right of the Congress to establish certain limitations and a long line of Supreme Court decisions on busing itself.

Now I know that there are a lot of temptations around here and I know that there are great pressures. The fact of the matter is—if you want a bill, an honest to goodness bill, that will stand up and will do all the things that you want it to do—then I say to stay with the experts.

You are not going to be writing legislation on the floor here on something as important as this issue. So I am standing with the administration bill because it was carefully thought out and there has been testimony on it. Now what the gentleman from Minnesota (Mr. QUIE) has done, in addition to taking all of the language carefully worked out so that we are not struck down in the Supreme Court as so many have predicted all day here—the gentleman has taken the language that we have brought before this Committee of the Whole and he has added to it the reopening clause.

I have said that we ought to treat every school the same—North or South or East or West.

The author has taken the other proposals incorporated in the Green amendment. I know there is temptation over here to tilt this thing too far. If you vote down the Quie substitute amendment, you are tempted to go ahead with the Green amendment—the package, and you may find yourself going too far on this whole subject and, indeed, make the dire predictions of those who have said that this bill is going to be struck down as unconstitutional come true.

I say that you ought to stay with this committee. This committee held extensive hearings. We did not bring a frivolous bill here. We recognized what the problems were. They said that we would never get this bill to the floor of the House and we did get it to the floor of the House.

So I say to you—stay with the ranking minority member on the committee. This substitute will give you the leeway that you need to take care of the reopener.

As to the other problems that you have brought up, which should have been brought up in our committee, and voted on in our committee—if they should be restored here on the floor—I tell you this, you are running the risk of tightening this so tight that it is going to be held unconstitutional.

I am relying on the fifth section of the 14th amendment which says that Congress may place limitations on the guarantees and the rights incorporated in the 14th amendment.

In our best judgment—in the best judgment of the administration—in the best judgment of the President of this country—and in the best judgment of those in the Department of Justice—by saying that we can bus to the next closest school, the O'Hara amendment would be a certain road to having the courts hold this whole bill unconstitutional because the courts have already said that busing is legal in Swann. You are not going to turn that around. Just the other day in the Fifth Circuit Court of Appeals in New Orleans, the court remanded two cases to the lower courts in Corpus Christi and in Austin and the court said—"Examine all the other alternatives—but you cannot deny busing if there are any other alternatives."

So what we are doing here as legislators is putting in what we believe are reasonable limitations so that we do not have a repetition of children being bused 20 and 30 and 40 miles, 2 hours a day. What we are doing here is placing a reasonable limitation in which we believe, and the Justice Department——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. PUCINSKI was allowed to proceed for 2 additional minutes.)

Mr. PUCINSKI. What we are asking this House to do is to go along with those people who have carefully worked this out and brought to you a bill that I believe will stand up and will bring the people of this country the relief they are seeking from all the turmoil and chaos.

Mr. DENNIS. Mr. Chairman, I agree with the gentleman from Illinois on a great deal of what he says, and I am very anxious to pass a constitutional bill. I do not think we should have to amend the Constitution on this question, and I personally would be very much afraid of the O'Hara amendment. I would not go along with it because under the second Swann case, the Court struck down down a very similar statute. In that case it was a State statute, but I am afraid of it.

Mr. PUCINSKI. Mr. Chairman, if my colleague will yield me time, I will make one further observation. I should like the House to carefully consider the Quie substitute. If you vote up the Quie substitute, you will have everything that the administration has recommended, plus the reopener, plus the other things that certainly concern some of those who said that we ought to treat every school district equally in this country. If you start fooling around at this late hour with other bills, you are going to find that you have spent a whole day legislating a bill that may very well be shot down by the Supreme Court.

For that reason I urge you to stay with the substitute offered by the gentleman from Minnesota (Mr. QUIE).

Mr. Chairman, if I have time remaining, I will lield to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, if I might ask the gentleman from Illinois, I am not so sure that the Green amendment has anything wrong with it. What is the constitutional basis for the different treatement in respect to the sixth grade and under? The only thing I know of is that an offhand remark made by Justice Burger as to what was reasonable——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent Mr. DENNIS was allowed to proceed for 1 additional minute.)

Mr. DENNIS. The only basis for that that I know of in case law is Justice Burger's offhand remark that what busing will be reasonable will depend on the circumstances, and perhaps mostly on the age of the children. It was just an aside; it was not a holding. I am not so sure as the gentleman seems to be that Mrs. Green's amendment has any constitutional infirmity.

Mr. PUCINSKI. I think the gentleman misses the point, though. The Justice Department well recognizes the fact that the courts have now established busing as a legitimate alternative in desegregated schools. What we are trying to do here is put in reasonable limitations. In our judgment, the best judgment that we can offer, we are saying that children of tender age, the first through the sixth-grade children of tender age, cannot be bused beyond the second closest school to their home. That is a reasonable limitation which we think the Court will sustain.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that I be allowed to proceed for 1 additional minute.

Mr. SCHERLE. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. STEIGER of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. STEIGER of Wisconsin. Mr. Chairman, we are faced here with a confused parliamentary situation and a series of bad choices. As I understand, we will vote first on the O'Hara amendment to the Green amendment in order to perfect that amendment. Then we will vote on the Quie substitute to the Green amendment. And then on the Green amendment. I must say in all honesty that I do not like either the Quie substitute or the Green amendment, and, I find myself in the difficult position, even though it is tempting to vote for the Quie substitute, of voting against it. I say that because the Quie substitute continues to have within it section 406, the reopening procedure.

I think there is mischief in that section. I think it creates serious problems. I cannot support section 406, whether it be in the Quie substitute or in the Green amendment. Thus, I would hope that the committee would vote down the Quie substitute and vote down the O'Hara amendment to the Green amendment. Then let us bite the bullet, and let us have the vote that I have asked for, and the Chair has indicated has been protected, which is a separate vote on the provisions of the Green amendment. Those separate provisions are substantively important.

One of them has to do with amendments to 403, and I think the House ought to have the right and opportunity to have a separate vote on eliminating the distinction between the sixth grade and below, and I would hope that the particular provision in section 403 and that amendment that relates to 403 could be considered separately, so that each of us might have the opportunity to determine whether or not we want to maintain the distinction as the gentleman from Minnesota would like to do; or not to, as the gentlewoman from Oregon would like to do. I personally think it is important to maintain the distinction.

I think the gentleman from Minnesota, with the original administration bill that contained that provision, was correct in saying that there is a difference between the first to the sixth and then above the sixth insofar as the question of how far one transports children.

Then we could have a separate vote on section 406, the reopening procedures, and I recognize many Members of the House feel very strongly on what they conceive to be the equity question, and that there ought to be a separate vote on that. Many will vote for it. I personally will vote against it.

Thus I would say, Mr. Chairman, at least insofar as I am concerned, the only way in my judgment that we can get what I think is most important, which is the opportunity for the Members of this House to vote separately on section 403 and the amendments thereto, is to vote down the Quie substitute, to vote down the O'Hara amendment, and then have a clear-cut decision about whether or not we want to amend section 403.

I think that is by and large what is substantively most important in this debate.

Mr. PUCINSKI. Mr. Chairman, I wonder if we can have some idea of how many Members intend to discuss this substitute and all amendments thereto.

Mr. Chairman, I ask unanimous consent that all debate on this Quie substitute—not on the Green of Oregon amendment and not on the O'Hara amendment, but on the Quie substitute—end at 9:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. GERALD R. FORD. Mr. Chairman, reserving the right to object, I wonder if the gentleman from Illinois will withhold that request for a speech or two.

Mr. PUCINSKI. Mr. Chairman, I was trying to ascertain if there was a basis for some limitation of time, but if the gentleman has some objection I will withdraw my request.

Mr. ECKHARDT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose both the O'Hara amendment and the Green amendment as well as the Quie amendment. But let me point out I oppose the first two primarily on questions of constitutionality, but let me point out one other infirmity. In addition to its constitutional infirmity, the amendment offered by the gentleman from Michigan (Mr. O'HARA) also has a geometric infirmity which makes it practically impossible to implement.

If it is said that one must attend the school closest to his residence, this means that all schools in the United States must, in order to be subject to jusdicial implementation, be in districts shaped in a hexagon with the school exactly in the middle of the hexagon. Everyone in the United States has to be in a sort of beehive. Presently, with irregularly shaped districts, many people do not live in the area closest to their neighborhood schools. If we vary from a hexagon and if we live close to the edge of the district or if the neighboring school district has a school closer to our borderline, we are not as close to the school in our attendance district as to the school in the adjoining area.

This illustrates how bad it is to try to draw legislation on the floor.

The O'Hara amendment, in striking the next closest to his place of residence, makes the amendment utterly impossible. I know that the gentlewoman from Oregon, with whom I disagree on many matters of principle in regard to this legislation is nevertheless extremely well learned on the question of the location of school districts and where people live in them, and I should like her to comment on whether or not in the United States there are not presently literally thousands of children in every school attendance district who live closer to a school in another school attendance district.

Mrs. GREEN of Oregon. If the gentleman will yield, I would not argue about the description he has made of the hexagon; it may well be accurate. Certainly there are families who live in school districts in which another school might be closer even though it's outside of their own district.

It seems to me the important point to remember on the O'Hara amendment is that the courts indeed have said that one can bus. By the action we take today we do not defy the courts and say, "You cannot bus," but we limit the distance, we limit the area of busing.

I believe that if the O'Hara amendment is adopted we will weaken the final result of the bill. I would hope that this House would not support the O'Hara amendment for the reasons the gentleman from Texas has stated as well as the constitutional points.

Mr. ECKHARDT. Let me point out in conclusion that certainly we cannot establish the exact bounds of these districts in such a way as to require every district to be uniformly shaped. The necessity of a little flexibility of the school closest to one's place of residence or next closest is absolutely necessary to protect the integrity of the division between two districts as they exist in many cases throughout the country. I believe the committee was wise in putting that language in. I am sure the language was put in for that purpose.

Mr. O'HARA. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Michigan.

Mr. O'HARA. I am afraid the gentleman has misconstrued by amendment. My amendment goes to orders pursuant to section 402; in other words, busing plans for the purpose of carrying out racial assignments, not busing plans for the purpose of getting kids to distant schools. They can carry them all the way across the county, unless that is the purpose of the order.

Mr. ECKHARDT. That is right, but if an order were issued to presently put into effect present school assignments it would be illegal under the O'Hara provision. That is the point I am making. I do not believe that can be refuted.

Of course it is true there are not orders with respect to every district, but certainly an order ought to have sufficient flexibility to perpetuate the existing districts, and the O'Hara amendment would prevent it. That is the point I am making.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, a very few moments ago my very good friend and outstanding colleague the gentleman from Wisconsin (Mr. STEIGER) made a statement that went more or less like this: He said that the committee at this point was faced with a series of bad choices.

I will say to the gentleman, if I have misquoted him I will be glad to correct the record. At least that was the impression I received of his remarks.

Let me say, Mr. Chairman, I believe the committee at this point is faced with a series or the potential of a number of good choices, with one exception. I happen to believe that the Quie amendment and the Green of Oregon amendment are both good legislative proposals.

I intend to support the Quie amendment, but I would certainly support the Green amendment if the Quie substitute does not prevail. The difference between the Green and Quie amendments is a simple one. I think conscientious people can intelligently differ. The Quie amendment seeks to retain in the bill that was submitted by the administration the differentiation between the sixth grade and below with certain rules and regulations or prescriptions from those students in the sixth grade or above. Now honest differences can exist in each one of us as to whether there should be this different treatment. As I understand the Green amendment, that differentiation is eliminated. The Quie amendment keeps it in as the administration recommended. I intend to support the Quie substitute first, but I have no hesitancy whatsoever in supporting the Green proposal if the Quie substitute does not prevail.

What does concern me, however, and this is the bad choice, is the potential problems of the amendment offered by the gentleman from Michigan, my friend (Mr. O'HARA). This legislation as it came from the administration and as it is before us today is delicately put together in order to give some guidance to the courts so that the courts will understand that busing is the last resort, but anything that makes that prescription too tough or too tight could upset the applecart. I am just apprehensive and I am concerned that the elimination of the next nearest school could make all the efforts that we are seeking to achieve tonight in vain.

For that reason when we come to that choice, I intend to vote against the O'Hara amendment.

Mr. COLMER. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Mississippi.

Mr. COLMER. Let me say first to my distinguished friend, the minority leader, that I think we both seek the same objective. However, I am wondering how one can read into the 14th amendment of the Constitution a differentiation based upon the sixth grade or the eighth grade and how, as a political proposition, one is going to explain, aside from the politics of this thing, how he will explain to his constituents back home that he was in favor of limiting it to the sixth, but not to the eighth.

Mr. GERALD R. FORD. Let me respond to the gentleman's inquiry. It is a very legitimate inquiry. The Supreme Court, or the Chief Justice, did himself differentiate in the Swann case, so we have the precedent based on his words in one of the Supreme Court's recent cases. So it seems to me that if we follow his guidelines, it makes more certain, it makes more certain although not positive, that what we are doing tonight here will be accepted by the Supreme Court.

Mr. CLAY. Mr. Chairman, I move to strike the last word. Mr. Chairman, I came in here today very concerned about the inferior education that millions of black and Spanish-speaking children in this country have been receiving and what I thought they would be receiving if this bill became law. However, after sitting here for some 9 hours and 15 minutes, it has become apparent to me I ought not to be quite as concerned about the kind of education blacks are receiving, and Mexican Americans as I ought to be concerned about the kinds of education that whites, particularly some Members of this body, have received.

Mr. Chairman, I think that there are Members in this body, and apparently a majority of this body, who do not have the courage or the integrity to stand up and say specifically and honestly what this particular bill is all about.

As I analyze the situation, I think it boils down to one primary argument, and that argument is whether or not blacks are entitled to equal protection and due process as guaranteed under the 14th amendment of the Constitution. I think with the mood and the sentiment that exists here in this House today that if that question is posed the answer will be that blacks are not so entitled, and I would like to advance the solution for those of you who feel that black people in this country are not entitled to equal protection of the law, and due process.

I would like to advance the solution for you, and that solution is simply that this body instruct the Supreme Court to stop enforcing the provisions of the 13th amendment to the Constitution, return us to our previous status of involuntary servitude, and I am sure that no constitutional authority in the country will rule that slaves are entitled to equal protection or due process of law.

Mr. PUCINSKI. Mr. Chairman, I wonder if we can have some idea on how many Members intend to speak either on the O'Hara amendment, the Green substitute, or the Quie substitute, because, as I understand, Mr. Chairman, we are going to vote first on the O'Hara amendment.

Therefore, Mr. Chairman, I ask unanimous consent that all debate on all three amendments and all amendments thereto close at 9:45.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. DELLUMS. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Illinois a question. I believe the gentleman mentioned earlier in the debate that he would not make such a move under any circumstance, and that he would give ample opportunity for every single Member to express their will.

Mr. PUCINSKI. Mr. Chairman, if the gentleman will yield, my colleague will notice that I asked unanimous consent, and I did not move the question.

If it is agreeable to all, if everyone agrees—and as I mentioned, we have a number of other amendments—so I merely ask unanimous consent, and the gentleman has the right to object.

Mr. DELLUMS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SCHERLE. Mr. Chairman, I move that all debate on the pending amendments and all amendments thereto close at 10 o'clock.

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. SEIBERLING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SEIBERLING. The motion that was just agreed to, does that just relate to the amendments that were offered by the gentlewoman from Oregon (Mrs. GREEN) and all amendments and substitutes thereto, or does it cover all amendments to this bill?

The CHAIRMAN. The gentleman is correct in his first statement; the motion was that all debate on the Green amendment, the Quie substitute, the O'Hara amendment and all amendments thereto close at 10 o'clock.

Mr. SEIBERLING. I thank the Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. ASHBROOK).

(By unanimous consent, Messrs. ROUSSELOT, SCHMITZ, and O'HARA yielded their time to Mr. ASHBROOK.)

Mr. SCHMITZ. Mr. Chairman, I welcome the amendment offered by the gentleman from Michigan (Mr. O'HARA) because it will afford this House the first opportunity it has had in many years for all Members to go on record for or against the removal of busing cases from the jurisdiction of the Federal courts, which is the real effect of the gentleman's amendment. I have long advocated that Congress use the power granted by article III, section 2 of the Constitution to take away the jurisdiction of the Federal courts in the areas where they have most consistently abused it. The forcible transportation of public school students to achieve racial balance is clearly the most spectacular example of this kind of abuse.

The effect of the gentleman's amendment would be to deprive the Federal courts of all authority to order busing—except to the nearest school—rather than recognizing that authority in some cases as the administration's bill would do. The amendment previously offered by the gentlewoman from Oregon (Mrs. GREEN) would extend this elimination of Federal court authority to busing orders already issued, thereby undoing the great injustices to parents already committed in places such as Richmond, Va.; Jacksonville, Fla.; and, of course, in the Detroit area. It would in fact render these court orders null and void.

Nearly a year ago I introduced a bill, H.R. 10614, which would have essentially the same effect as the amendment now introduced by the gentleman from Michigan. I had a similar amendment ready to offer on the floor tonight. In February of this year the Senate approved such a measure, only to reverse itself soon afterward. In March I testified for my bill before the Judiciary Committee, but still it was not possible to bring it to the floor. Now a measure of this kind is on the floor and I am happy to support the gentleman from Michigan, a senior member of the committee which handled the bill we are debating, in putting it before you. May I say that I am certain he is speaking for the great majority of his hard-working, taxpaying constituents, workingmen of his district, good solid Americans who are tired of having their children pushed around like pawns on some sociological chessboard. These are the type of Americans I am also proud to speak out for on this and similar issues.

Let us get the Federal courts out of busing cases once and for all. They never had any business, any legal or constitutional right, to be making such rulings.

This is a situation above all others that calls for our use of the power the Constitution gives us to put a check on the judiciary when they go too far, arrogantly ignoring the most fervent desires of the people, who are and should remain the final authority in this land of ours.

The amendment offered by the gentleman from Michigan deserves to be adopted overwhelmingly.

Mr. ASHBROOK. Mr. Chairman, it seems to me there is a very interesting constitutional doctrine that is evolving on the floor of the House tonight.

The chairman of our subcommittee, the gentleman from Illinois (Mr. PUCINSKI) and our esteemed minority leader, the gentleman from Michigan (Mr. GERALD R. FORD) in addressing the House both said the Quie substitute has endeavored to walk a very fine constitutional line.

But let us think about that line. The opponents of the O'Hara amendment would have us believe that simply by this Congress stating that busing shall only be allowed as a last resort—that is a restraint—as a last resort—that would probably be constitutional. But for the Congress to say that busing shall not be allowed would be unconstitutional, according to their logic.

Now I ask you to consider very carefully those two different ideas. Does it make sense to say that busing as a last resort is proper, but to prohibit busing is improper?

I happen to think if it is wrong, it is wrong and if it is right, it is right. I think the gentleman from Michigan (Mr. O'HARA) is absolutely right when he said that busing is either right or wrong. Let us find out whether it is right or wrong.

No. 2, we keep hearing references to Supreme Court cases. It is very axiomatic and it is very simple to reflect on those cases to recall there was no statement on the part of the Congress—there was no indication by this body of what we thought national policy should be when they rendered their busing decisions.

I think all of the constitutional lawyers in this House—I think the chairman of the Committee on the Judiciary and I think the gentleman from Ohio (Mr. MCCULLOCH), for example, will all admit there is a difference when there is no statement on the part of the Congress of what a national policy shall be as against what they would say when there is a strong statement.

Agreed that even with a strong statement the court might say that this action is unconstitutional—but there is a great chance, and I think the Congress should take that chance—I think there is a great chance that if the Congress passes a law that indicates that busing is against public policy—that the Supreme Court would not strike it down.

But whether they do this or not, reflects on what the detractors of the O'Hara amendment have said—that somehow or other by saying that busing is all right—but only as a last resort, that that is constitutional.

I happen to think that is a distinction without a difference. I happen to think the gentleman from Michigan was absolutely correct when he said—

> Constitutionally speaking, busing is either constitutional or it is unconstitutional.

Let us go on record against busing. Let us defeat the Quie substitute. Let us pass the O'Hara amendment. Let us pass the Green substitute. Let us state national policy in clear terms.

I happen to believe that this Congress, as a coequal branch of the Government has a right to set national policy. This we should do.

Let us not forget that the Swann decision and other busing decisions were rendered when there was no statement of congressional policy. Let us make a strong congressional policy here and now. If that should happen to be found unconstitutional, then as the President has indicated, possibly the constitutional amendment route would be in order, but let us find out.

The CHAIRMAN. The Chair recognizes the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN), who as a thoughtful and consistent member of the Education and Labor Committee, has grappled with this whole issue of Federal mandatory and compulsory busing for some time. She is thoroughly familiar with what needs to be done legislatively by this Congress and I support her amendment. In addition, I support the gentleman from Michigan, Mr. O'HARA's amendment to Mrs. GREEN's amendment because, in my opinion, he further clarifies that the Federal Government should not intervene and mandate in any way compulsory busing.

More important than this, and an issue that I do not believe has been as thoroughly discussed as it should be here in our debate tonight, is what seems to me to be very clear; that is, that Federal financing and intervention in the field of compulsory busing is a violation of the 10th amendment of the U.S. Constitution which states:

> The Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Mr. Chairman, both the Green and O'Hara amendments address themselves very thoroughly to this issue and put Congress on the record, where we should have been many months ago, that it is the sense of Congress that the Federal Government has never been delegated the authority to impose itself over a school district, or any area, to mandate compulsory busing. It runs counter to commonsense and it does not allow to parents, the important civil right of free choice to send their children to the local neighborhood school—which system has been the backbone of our public education system.

Further, as stated in both sections 407 and 408 in the amendment offered by Mrs. GREEN, it is only fair that we allow all school districts that have been mandated in the past by Federal courts into a compulsory busing system, that they have a clear opportunity to retry these decisions, or properly appeal such cases as all other school districts will be able to do currently, or in the future, under this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I would remind the Members that what they are seeing here this evening is a throwback to a few years ago in the House of Representatives in dealing with bills from the Committee on Education and Labor. In those days when the committee rewrote its bills on the House floor, and that was quite frequently, there was always a "Quiedell" amendment; always a "Quiedell" substitute. We rued those days.

The House is right back to a few years ago, for there is a "Quiedell" substitute here tonight. Now, I say to you who are opposed to forced busing: Vote for the O'Hara amendment, adopt the O'Hara amendment; defeat the "Quiedell" substitute, and pass the Green amendment as amended and get on with the business.

The CHAIRMAN. The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, as the Members know, I very seldom take the well. I do so only when I am sufficiently moved, and I believe that I am sufficiently moved tonight.

I am a member of the committee, and I was one who voted originally to retain the reopener provision in this bill. Then, I had an opportunity to attend the hearings, and I had the opportunity to sit there with Mr. Henry of Mississippi when he testified, and others testified on his panel.

I was at that point sufficiently moved to vote later to strike the reopener because it is the most pernicious, the most mischievous possible addition to this bill.

I believe that the House is called upon tonight to show true leadership. I think the House can do so by not adopting the reopener, whatever else we do tonight in this bill.

I understand the feelings of my own colleagues from the border and Southern States. They have had it very tough; there is no question about that. At the same time, we must be realistic and understand that it was in those States where there were the clearest-cut cases of de jure and legally sanctioned segregation of schools.

I urge the defeat of the reopener.

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, it troubles me to hear people take the well of this Congress and advocate that there be a different policy for those States in the North than those States in the South. We have seen a differentiation made based upon de jure and de facto. We have seen the courts go to absurd lengths in order to call something de jure just in order to reach a de facto situation.

The truth of the matter is simply this: That we should have reopening. The entire Nation should be treated the same, and not one section treated differently from another section. A reopening does not mean that the Court is going to close their eyes to any discrimination that is taking place. The Court simply is not going to allow discrimination, but if there is an inequity that exists in the South, and believe me, there are many inequities that exist in the South, then at least it allows a method by which we can reach that inequity and correct that inequity.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. Abzug).

Mrs. ABZUG. Mr. Chairman, I have observed with great sorrow that the Congress has failed to exercise the power it does have under the Constitution to end the war, and now seeks to exercise power which it does not have under the Constitution to impose segregation. The Green, the O'Hara, and the Quie amendments reflect the clear intention of Members of this body to usurp the power of the courts, to attack the courts which have sustained the democratic rights to equal education that this country and this very body has in the past fought for.

What is involved in each of these amendments has thoroughly unmasked the busing facade. Underneath is cold racism and a concerted effort to repeal hard fought for civil rights won for youngsters through Brown against U.S. Board of Education. If we unlawfully act to take away the human rights of young black people to go to school so that they can have an equal opportunity to become useful, important members of society, whose human rights will we take away next?

Mr. Chairman, I urge the defeat of every one of these amendments and their substitutes. I should really urge their support because their passage would crystallize the true purposes of this legislation, which is foul and wholly unconstitutional.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. Corman).

Mr. CORMAN. Mr. Chairman, I am very much opposed to the O'Hara amendment, to the Green amendment, the Quie substitute to the Green amendment, and to section 403A of the bill. I hope we may have an opportunity to strike that section.

It seems the height of absurdity to me to say that the constitutional rights for the youngest of our children penetrate only the periphery of the ghetto.

Further, I would like to point out that the courts have never validated de facto racial segregation. And I have never been able to distinguish de facto and de jure segregation. The court in the Brown case was not looking at the intent of the school board or the State legislature. The court was looking at the effect on young Americans of racial segregation. The small child is segregated by color. Degraded, demeaned and often destroyed, that child really does not know, nor are the end results altered by some nebulous definition of de facto or de jure.

The greatest blot on this free Nation from its inception has been the treatment of the blacks by the nonblacks. A substantial portion of all our social and economic problems are rooted in the mire of racism which has imposed upon us all racial segregation. How can we possibly look at the effect such a system has on our Nation and its people and insist on preserving it?

If we somehow frustrate the efforts of the courts and people of good will across the land to desegregate our schools, then we will preserve for our children and grandchildren this degrading and immoral practice. The victims in the first instance are the little children whom we by this action condemn to a life outside the America which we so highly prize and selfishly guard for ourselves. But certainly we who are on the comfortable side of the segregation wall do not escape its evil. First, we suffer the social and economic results. Second, we deny ourselves the fellowship of some of the finest among us. And most costly of all, we tolerate a cruelty which must trouble our own conscience.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. Waggonner).

(By unanimous consent, Mr. Ruth, Mrs. Green of Oregon, and Mr. Edwards of Alabama yielded their time to Mr. Waggonner.)

Mr. WAGGONNER. Mr. Chairman, I thank the gentlemen for yielding their time.

There are a number of things in this bill that are important. The O'Hara amendment is important. It is controversial. Section 403 of the Green amendment is, as well, controversial and important.

But listen to me now, you people who have not had the experience we have had in the South. You have not been listening in the years gone by, but you had better listen now. The Michigan people have finally awakened to what is going on. They are converts. They are believers now. Some of the rest of you had better listen to me tonight because you are going to be believers at a later point in time.

The most important thing in this bill is not the reopening clause. That is important. It is a matter of equity. Surely you would not deny us that. But the most important thing in this bill to those people who do not know what is going on has to do with the Green amendment and sections 407 and 408, because sections 407 and 408 provide a limitation on orders.

It is not a limitation having to do with a time, with a period of time, but a limitation on a court order which simply says, as the U.S. Supreme Court has said, and I have got two decisions here where they use this language, describing a unitary system as one within which no person is to be effectively excluded from any school because of race, color, or national origin. The amendment adds that this shall be so whether or not such school system was in the past segregated de jure or de facto.

We are trying to get rid of court orders when we operate schools in conformity with the law. A court order will no longer be in effect against those school people if they do not discriminate. And this shall be so according to sections 407 and 408, whether or not the situation which brought it about because of segregation was de jure or de facto. Why should not a court order be terminated if there is no discrimination when you operate a unitary system.

The South has already been judged to be de jure and we are still on probation.

The people in the North who do not know, who were living so smugly and so far away from it, have, so some say, a de facto situation, but they are the people who are in for it in the time to come. We have had it in the South, but the de facto situation is under attack now in Michigan and it is going to be so in other cases, and they are the people who had better put a limitation on these orders by adopting sections 407 and 408 as contained in the Green amendment.

If you people do not think I am telling the truth, come back a few years from now and tell me as so many have, "I wish I had listened to you a few years ago."

The only thing in the world you have to do is put a limitation on these orders and operate your school systems as unitary systems without discrimination, and the court orders will be terminated.

Believe me. Provide a reopening procedure but put a limitation on the orders you have already gotten, and the orders you are going to get. If you do not put some limitation on such orders you will live to regret it.

You do not believe me. Vote against it, and then go back and tell your people, when the situation hits, "I was too blind to see."

The CHAIRMAN. The gentleman from Washington (Mr. Meeds) is recognized.

Mr. MEEDS. Mr. Chairman and Members of the House, the unconstitutionality of all three of these proposals is just a matter of degree. I therefore urge my colleagues to vote against all of them.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. Mitchell).

(By unanimous consent, Mrs. Chisholm and Messrs. Badillo, Rangel, and Stokes yielded their time to Mr. Mitchell.)

Mr. MITCHELL. Mr. Chairman, I would ask that the Chair bear with me and that my colleagues bear with me. I am suffering from a heavy cold, as Members possibly can hear, and therefore I have been reluctant to participate in this debate up to this point. Now I find myself forced to participate.

I ask the very simple question: Is it possible to love one's country very deeply? The answer is "Yes." I believe I have loved my country very deeply.

Then I ask another question: Is it possible to have that love turn to hate, if indeed every vestige of racism and dishonesty and hypocrisy is revealed nakedly before a nation? I ask the question: Is it possible for the love of one's country to turn to hate?

Earlier today a Member took offense because I quoted the remarks made by a young man who lives in my district who wrote the following words. That young man said, in his little poem, "My country 'tis of thee, sweet land of bigotry?"

I am suggesting that every one of you, you who use all of the euphemistic terms and all of the constitutional terms to cover over racism, every one of you, has forced that young black man into the position where he had to write the words, "My country 'tis of thee, sweet land of bigotry?"

There are blacks in this country who are now asking and who have been asking for a separate black State in this country. Years ago they asked for five separate States to be turned over to black people. The reason they did that was they had been once too often exposed to the deceit and the hypocrisy and the lying and the duplicity and the double-dealing that is clearly an integral in all of the debate tonight.

There are blacks in this Nation that you have forced to say, "We want no more of America, because America has lied to us once too often."

You are guilty. You are guilty. All of the words you have used about polarization, this amendment and that amendment helping to end the polarization are really expressions of your guilt. The only way you will end it is by being decent and honest and just on this occasion.

Maybe I am asking too much. Maybe I am asking too much that this body be decent and honest and just. Maybe I am asking too much that the Representatives who serve this country should reach back into the past of this Nation and find that which is decent, and just, and honest, and compassionate. Maybe I am asking too much of you to do that.

However, if I am asking too much of you to do that, then you are asking too much of black Americans to take the kind of insults you are heaping on us tonight.

There are other black Americans who are now saying "No white man, no white man can ever be my friend." They are saying that because they are exposed to the hypocrisy of the liberals; they are exposed to the reactionary people in this Congress; they are exposed to the racism that we cover over by using polysyllabic words and alliterative phrases. But when you reduce the polysyllabic words, and the phrases, they come out as one simple little word: r-a-c-i-s-m. You talk about polarization. Well, who has caused it? May I have order, Mr. Chairman? I am sorry, but my voice is not strong enough tonight.

You talk about polarization in this Nation and ask who caused it. Oh, you love to attempt to place the blame on black militants and radicals and all of the groups who disturb the status quo. That is your way of getting off the hook. But you caused it by holding out the dream of a perfect nation to people and then snatching the dream back. You caused it by lying once too often and expecting the black people to be so naive and so stupid that they cannot see the lie. What you are doing tonight—and you will do it, there is no doubt in my mind but that you will do it—is setting the stage for the second post-Reconstruction era in this Nation. You talk about black Congressmen being here. Yes, 13 of us are here, but we were here a hundred years ago. We were here until this Nation reneged on a commitment. What you are doing tonight is setting the stage for the second post-Reconstruction era. Mark my words and mark them well.

Also mark the words of the young black man: "My country 'tis of thee, Sweet land of bigotry?"

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Well, it is very difficult to follow a very impassioned and very intellectual speech that we have heard, and I am a rather simple man myself. My own feelings about these matters is that, if we use words like bigotry and hate and hypocrisy, we may, in fact, engender them. If we think of love and justice and honesty, we may achieve them.

I believe I represent about as many black people as most people here do, at least. I do not believe there is a one of them that I hate, and I do not think there is a one of them that hates me. I just recently had a youth forum, or it was several months ago, and, in that youth forum, most of the young people who spoke against busing were black youngsters. I think sometimes you do not realize the tremendous impact this has had upon people, not just because they are black or white, but because they are people. There are people in my district who are being bused in excess of 80 miles a day.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. STEIGER of Wisconsin was allowed to yield his time to Mr. BENNETT.)

Mr. BENNETT. I thank the gentleman. There are 65,000 youngsters in my hometown who are being bused for racial reasons. Sixty percent of the youngsters in my hometown are bused for racial reasons. My hometown is not a wealthy one; it has a very low average income, both black and white. The youngsters, both black and white, who speak to me about busing, say it has not added very much to their education; it has decreased their opportunities for extracurricular activity; it has decreased their chances for working in after-school hours. I just want to say that I am not here in a spirit of bigotry. I would much rather be a person who loved my fellow man than to be a Congressman. I am deeply grateful for the black people who elect me to office, as they do, by tremendous numbers in my district.

I do not think any one of them has ever hated me, and I have certainly never hated them. So I think we ought to think about this legislation with the idea of what is best for our country, or can help the country and make a better country for us, and think less about these inflammatory words.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. CHAPPELL).

Mr. CHAPPELL. Mr. Chairman, the Federal District Court in Jacksonville entered a school desegregation order on June 23, 1971, setting forth a comprehensive countywide plan which necessitates the massive cross-busing of its students. All appeals from the order have been exhausted. Thus section 803 of the recently enacted Education Amendments Act of 1972 does not afford Jacksonville any relief. The order was partially implemented during the 1971–72 school year with the major provisions of the order scheduled to be implemented this fall under the so-called phase II. Recently, the court denied a motion to stay the further implementation of the order.

Jacksonville is a prime example of the devastation which can be caused by massive court ordered forced busing in school desegregation cases.

Jacksonville, ranked 13th as of last year, is one of the largest school systems in the country. Prior to the first order requiring busing, which was entered in August 1970, the student enrollment was almost 122,000 of which 33,500 were riding 200 buses to their neighborhood schools.

Since then two orders have been entered. Their requirements and results are as follows:

The August 1970 order: Additional students bused, 5,250; additional buses, 49.

The June 23, 1971, order:

Phase I, school year 1971–72: Additional students bused, 6,250; additional buses, 112.

Phase II, school year 1972–73: Additional students bused 21,000; additional buses, 62.

Totals, 32,500 additional students bused; 223 additional buses.

The public school enrollment has steadily decreased during this period of time to an anticipated enrollment this year of 110,667 students.

The costs of implementing the Federal court orders have been devastating. The cost alone of operating buses for the 1972–73 school year—not counting costs of school personnel time in attempting to make changes in the school system and programs necessary to comply with the near impossible requirements to implement the court orders—will be approximately $3 million. Of that amount, almost half is necessary to implement the busing necessary under Federal court order.

This fall, with the full implementation of Federal court orders, Jacksonville will be busing approximately 65,000 students or about 60 percent of the total student enrollment.

Many of these students are elementary school children who will be transported up to 2½ hours per day, many of whom will be traveling distances from 50 to 74 miles daily. This fall alone, 21,000 students who have not previously ridden a bus to school are scheduled to be bused to implement the Federal order. Of course, that number will probably be reduced somewhat since those who can afford private school will probably not be in the public school system come September 5.

The Jacksonville experience is a living, real example which should rebut the ridiculous assertion by some of the opponents of this bill that school desegregation orders do not require many, if any, additional students to be bused.

The Jacksonville public school system is literally being turned into a mass transit system.

It would indeed be unconscionable for communities such as Jacksonville to be deprived of the relief which other cities would obtain under the Educational Opportunities Act simply because of the unfortuitous happenstance of the court order having been entered before the passage of this bill.

Even opponents of this bill—in the spirit of fairness—should advocate passage of this amendment to permit the reopening of proceedings. Commonsense and justice require no less. In considering the applicability of this bill, how can we possibly, in good conscience, draw a distinction between a court order which is entered after the bill's passage and an order, such as the one in Jacksonville, which, although entered a year ago, is currently being implemented with a major part of it not being implemented until this fall.

If this bill is passed without this amendment, the American people will never understand, as indeed they should not, why the Congress of the United States chose to accord substantial rights to one section of the country while denying them to another.

Mr. Chairman, I urge the adoption of the Green amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, as a black Member of this body who represents a district that is 70 percent white, who opposes not only all of the amendments before us, but the entire bill, I would ask in the remaining seconds I have, how far are many of my colleagues in this body willing to go in defense of their personal and political ambitions? Are they willing to sell out the Constitution of the United States, the democratic process that we talk about in this country, or even their very souls?

Perhaps the answer to those questions will be learned in the CONGRESSIONAL RECORD tomorrow, as it reflects the votes for the remainder of the time this evening. I find it all very tragic, Mr. Chairman, and yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. ERLENBORN).

(Mr. ERLENBORN asked and was given permission to revise and extend his remarks.)

Mr. ERLENBORN. Mr. Chairman, I listened a moment ago to the gentleman from Maryland (Mr. MITCHELL), who gave a very impassioned and obviously a very sincere and deeply felt speech to this House. The gentleman asked that we be decent and fair and just. The gentleman of course has the right to ask that, and we must all be decent and fair and just. But I would ask the gentleman is it decent and fair for him to say we must follow his lead, we must follow his conscience; that if we disagree with the gentleman we are no longer decent, honest, and just people? If so, I say that is the way of a dictatorship.

The gentleman probably did not mean it that way, and maybe when the gentleman thinks a little deeper on it he may realize that in a country as large and diverse as ours that there can be honest differences of opinion. If we deny a person the right to have an honest and different opinion we then set ourselves up as dictators.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I have never heard such an eloquent plea to subordinate principle to expediency as I have just heard enunciated by my colleague and fellow southerner, the gentleman from Louisiana, who is a very affable and very honest and candid Member of this House.

The first action I took in this House was to take an oath to uphold the Constitution of the United States, and I believe that pledge was to be taken literally. I think it must be so taken because we are as much under a duty as Members of the Congress to uphold the Constitution of the United States as the Court is.

It is wrong to call upon us to make experiments in constitutionality, to pass laws that we think may be unconstitutional with the expectation that they will be so held—just as an experiment, and then to come back to amend the Constitution when we find we are wrong.

I would suggest to you that we are wrong—we are wrong in both substitutes and in the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, what these amendments and the substitute do and, indeed, what the bill does is to attempt to, by statute, require the courts to refrain from taking actions that they feel are obligated to take under the Constitution to protect individual constitutional rights.

I think most of you here tonight know that we cannot by action here set new and narrow parameters over the remedies that the Supreme Court can apply to assure constitutional rights. Perhaps we can limit them to what remedies they can apply for rights that we create by statute, by our legislation here. But we cannot tamper with their right to grant remedies to preserve constitutional rights. I think we all know that.

So we will not be accomplishing anything tonight by trying to do that because they will strike us down. But we will be sending out the kind of signal that you have heard other Members of the Congress deplore—the kind of signal that is going to exacerbate tensions, and deepen the mistrust, frustration, and alienation that plagues our society.

Mr. Chairman, in the Swann cases, decided only 1 year ago, the Supreme Court reaffirmed the 14th amendment's prohibition on State-imposed segregation by race in the public schools and upheld the broad and flexible equitable powers of the Federal courts to fashion remedies, including busing, designed to remedy the effects of violations of that constitutional prohibition.

Clearly, the Congress cannot permit by legislation what the Supreme Court has declared to be constitutionally prohibited. Thus, the Congress cannot, by statute, specifically permit State-imposed segregation in our public schools.

H.R. 13915 does not purport to do this. Rather, the bill is aimed at the second part of the Court's Swann decisions and attempts to limit the remedies which the Federal courts may fashion. Thus, the bill specifically provides, in section 403 (a) that a court cannot order the transportation of a student in the sixth grade or below to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

The Congress cannot constitutionally enact a complete prohibition of this nature. If it could do so, it would be, in effect, rendering State-imposed racial segregation constitutional in those cases: First, which involved children in the sixth grade or below; and second, which could be remedied only by transporting the students beyond the appropriate school next-closest to their homes. That is, Congress, would be changing, by statute, a right guaranteed by the Constitution—something which, under our theory of the supremacy of the Constitution, the Congress cannot do.

Thus, in my opinion, section 403(a) as contained in the committee bill is clearly unconstitutional. Congress cannot by statute prevent the courts from taking an action which the Constitution requires them to take.

The amendment I will introduce in a few moments to section 403(a) would remedy this defect in the committee bill by adding the words "unless the implementation of such a plan is required by the Constitution of the United States." It would thus permit the courts to order the implementation of a plan requiring the transportation of students in the sixth grade or below beyond the school next-closest to their homes, if the implementation of such a plan is required by the Constitution. Thus, the amendment makes it clear that the Congress is not attempting, by statute, to require the courts to refrain from taking an action they are required to take by the Constitution.

Mr. Chairman, if my amendment is not adopted, the passage of H.R. 13915 will do great harm.

Its passage will raise the hopes of the opponents of busing to cure dejure segregation. They will be encouraged by the passage of this bill to believe that busing, under specified circumstances, cannot and will not be ordered by the courts. As I have attempted to make clear, this will not bet the case. Section 403(a) is bound to be struck down as unconstitutional. The unfulfilled hopes of the opponents will only serve to increase their frustration and militancy.

The passage of the bill without my amendment will also demoralize those who have asserted and continue to assert their constitutional rights under the 14th amendment. They will view the willingness of the House to pass such a clearly unconstitutional bill as a great retreat from the sometimes slow, but steady, progress we have made in the nearly 20 years since Brown against Board of Education was decided. They will also be put to great inconvenience and expense in instituting a lawsuit attacking the bill—a lawsuit which would not be necessary if the Congress would recognize its responsibilities.

Mr. Chairman, there are those who will say that my amendment is not necessary—that every bill passed by the House is implicitly subject to the Constitution.

My answer to this argument is that if this is so, Members should not object to making explicit that which everyone knows is implied. The amendment can do no harm.

However, an explicit recognition in this bill of the supremacy of the Constitution, can be of great benefit. It would clearly indicate to the opponents of busing that Congress cannot satisfy their demands by statutorily permitting that which is constitutionally prohibited, and it would clearly indicate to those who seek to assert their rights under the 14th amendment that this body was not abandoning its responsibilities under the Constitution no matter what pressure is exerted upon it.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Chairman, I am glad to see the House finally come to this day though I must say I do not have the greatest confidence that the bill we pass will stop forced busing or restore the quality of our schools—but I do have hopes.

I am the author of the so-called Whitten amendments which have brought us to the point where again we have the opportunity to show the Federal courts, all of them that the people's branch, the Congress overwhelmingly opposes forced busing against the wishes of parents which has done so much to lower the quality, and in some cases to actually destroy public schools.

These amendments which I wrote and which the House and the Congress adopted repeatedly as a part of the appropriation bill for the Department of Health, Education, and Welfare, read as follows, I quote:

> SEC. 309. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88–352, to take any action to force busing of students; to force on account of race, creed or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.
>
> SEC. 310. Provides that funds shall not be withheld until any school or school district shall on its own action do any of these things.

Mr. Chairman, these sections offered by me have not been enforced though adopted repeatedly. I do think that in their passage we have crystallized the feelings of the Members here and have changed or influenced public opinion. I see many of my colleagues supporting my views here.

Congressional Quarterly in its December 11, 1971, issue, page 2559, refers to the history of my provisions under the title "The Building of a Majority." It lists the history of the Whitten amendments as follows:

LIST OF WHITTEN AMENDMENTS

1968. Whitten amendments to education appropriations bill, 1968. Almanac, page 603, 600, 598, vote 214, p. 92H, 93H.

1969. Whitten amendment to education apropriations bill, 1968 Almanac, page 603, 549, 548 vote 167, 78H, 79H.

1970. Whitten amendments to education appropriations bills, 1970 Almanac, p. 266, 264, 262, 260, 144, 143, 142, 141, 133, vote 106, p. 40H, 41H, vote 2. page 8H, 9H. C.Q. Book Civil Rights Progress Report, 1970, p. 49–50.

1971. Anti-busing amendments, to higher education-desegregation aid bill. Weekly Report p. 2386–2310, 2276. President Nixon busing, p. 1820, 1829; Whitten amendments to Education Appropriations bill, p. 1468, 1304, 843, 842; Supreme Court decision on busing, p. 928. Desegregation statistics, p. 199, vote 236(T), 239(T), p. 2332–2333, vote, 31(T), p. 875, 874.

Mr. Chairman, it has been a long road. Perhaps this bill which is supported by many who opposed my amendments for years, whose names I shall not repeat here, may break the ice, influence the President to enforce my provisions; change the attitude of the Supreme Court and other Federal courts so to put education first and foremost, and to stop this course which has lowered the quality of public education, and actually destroyed schools in some sections.

Mr. Chairman, I am proud to see us get this far. Let us hope once again that we keep on the road to victory for the education, for the well-being of all schoolchildren.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of H.R. 13915 as the most comprehensive and reasonable legislative proposal to reach the floor of Congress since the Federal courts first began to invade the jurisdiction of the legislative branch by "legislating" social policy rather than interpreting and enforcing the legitimate constitutional rights of all Americans regardless of race, creed, color, or national origin.

My entire public career and record as an attorney, local judge, constitutional convention delegate, State senator, and Member of Congress reflects my unswerving dedication to the building of an open American society.

No child should be deprived of or interfered with in his pursuit of education. However, I find myself in complete disagreement with those who speak in this House and elsewhere of equal rights while they argue for a double standard. I agreed with the U.S. Supreme Court when it said in 1954 that it was wrong to bus little children past the school nearest their home to an inferior school, because the color of their skin happened to be black. I still think the Court was correct in that decision and believe that it would be equally wrong to bus little children away from their neighborhood schools to an inferior school just because their skin is white.

As a lawyer, I have believed that the Constitution of the United States prohibits the establishment of racial quotas. Racial quotas are wrong. The assignment of children to schools to establish racial balance or achieve racial quotas is wrong when applied against anyone of any color or creed and whether it is done by the courts, the legislative or the executive branch of Federal, State, or local government.

The Congress has never before confronted this whole question in the way in which we present it to you here today. Although the legislation is basically that asked for by President Nixon last March, the bill before you today represents a bipartisan effort by those of us on the Education and Labor Committee who have worked for months to secure passage of a Federal law to bring order out of the social chaos created by Federal judges who attempt to engage in social engineering by ordering mass transfers and busing of children with little or no regard for sound educational policy or the real intent and purpose of constitutional guarantees of equal educational opportunity.

One need only consider the current case involving Detroit and the suburbs to recognize the need for immediate adoption of this bill. While Judge Roth has been stopped from putting any busing into effect this fall and I am sure that the Supreme Court would never approve cross-district busing or merger of suburban school districts, the fact that he has long since gone beyond the precedent of any higher court has led to unnecessary damage to public confidence in our democratic system and the Congress, as well as the courts.

The Constitution clearly insulates the courts from interference from the Congress in their jurisdiction, but the people have a right to expect the Congress to address itself to the serious problems they face and stand up to them. I believe we have a duty to legislate legitimate guidelines for courts to follow in dealing with the education of children.

Mr. Chairman, at this point, I would like to discuss the various provisions of this legislation.

First of all, an amendment which we added to the committee bill repeals the authorization in the Emergency School Aid Act for the construction and maintenance of education parks, the committee wants to make clear that this repeal means that no such parks may be constructed or maintained with any funds provided under the act, including the discretionary funds reserved to the Assistant Secretary.

This bill prescribes remedies which Federal courts and agencies may use in correcting denials of equal educational opportunity and equal protection of the laws as regards education.

These remedies are listed in a specific order of priority which courts and agencies must abide by in formulating remedies. No transportation, however, can be prescribed by any such court or agency, pursuant to this listing, for a student in sixth grade or below, other than to the school closest or next closest to his or her place of residence. Nor can transportation be prescribed for a student in seventh grade and above beyond the closest or next closest school unless it is demonstrated by clear and convincing evidence that no other method will provide an adequate remedy.

In no case, however, can school district lines be ignored or altered unless they were established for the purpose, and had the effect, of segregating students.

The Equal Education Opportunities Act of 1972 was proposed to Congress by President Nixon on March 17, 1972. Subsequently, the Committee on Education and Labor conducted 16 days of extensive hearings on H.R. 13915 and related bills. The General Subcommittee on Education reported an amended version of that bill on August 8 by a record vote of 21 yeas and 16 nays. As a member of both these committees, I have supported its basic principles and now ask you to vote for it.

The committee bill sets out specifically the remedies which Federal courts and agencies may use in correcting denials of equal educational opportunity and equal protection of the laws as pertaining to education. This sequential listing of remedies and the provisions limiting the use of massive busing are meant to systematize the manner in which Federal judges and officials formulate their remedies. Far too often it seems that different officials order widely different remedies when they are faced with similar fact situations. It is the purpose of this section of the committee bill title IV, to require an orderly and nationally uniform procedure for the formulation of remedies. Again the idea is to make clear the ground rules so that everyone involved will know where they stand.

Title I of the Equal Educational Opportunities Act, as reported by the committee, is designed to change the persistent patterns of discouragement and failure experienced by poor children.

The title reserves up to $500 million of funds authorized to be appropriated annually pursuant to the Emergency School Aid Act—which I voted against when it was attached to the Higher Education Act earlier this year—for special compensatory programs in those schools having the heaviest concentrations of poor children.

By limiting the compensatory education supportable under title I of the committee bill to "basic instructional services," defined as mathematics and language skills, and to "basic supportive services," such as counseling, nutrition, and health, the legislation attempts to avoid dissipation of the aid in nonessential areas. No funds can be used for overhead, major capital investments, or general salary increases. The title does not in any way authorize general aid.

The committee made several major changes in the administration's propsal. First, it eliminated any reference to title I of the Elementary and Secondary Education Act of 1965. As proposed by the President, the title would have combined the resources of the Emergency School Aid Act with those of title I ESEA, and would have authorized a redirection of title I ESEA funds into the limited uses eligible for support under EEOA. The committee strongly opposes any change in the existing title I ESEA program. To reinforce this feeling, it added a new section 721 to the Emergency School Aid Act which makes it clear that nothing in the new leigslation should be construed to alter the amount of a grant a local educational agency is eligible to receive under title I ESEA or otherwise modify in any way the current operation of title I ESEA.

Second, the bill reported by the committee makes the compensatory education portion of the Emergency School Aid Act a State plan program. The administration had proposed that it be a project-grant program, administered by the Assistant Secretary for Education. We felt that this vested too much discretion at the Federal level. We felt, rather, that State educational agencies are closer to the needs of their individual school districts and better able to make decisions concerning relative needs for compensatory education funds.

The committee bill states explicitly that the failure of an educational agency to attain a balance, on the basis of race, color, sex, or national origin, of students among its schools will not constitute a denial of equal educational opportunity or a denial of equal protection of the laws. This provision reaffirms the holding in Swann against Mecklenburg that the Constitution does not require a racial balance in each school.

This title of the committee bill also makes clear that, subject to the other provisions of this title, the assignment of a student to his neighborhood school—if that school has the appropriate grade level and type of education for such student—is not a denial of equal educational opportunity or of equal protection of the laws unless such assignment is for the purpose of segregation.

Title IV of the committee bill prescribes specifically the remedies which Federal courts may use in correcting a denial of equal educational opportunity or a denial of equal protection of the laws. This title also restricts in the same manner all Federal agencies and departments which are engaged in correcting such denials.

The title, first of all, requires that these Federal courts, departments and agencies may only impose such remedies as are essential to correct particular denials of equal educational opportunity and equal protection as regards education. This provision means that courts are not to use lawsuits against school districts as occasions for imposing free-wheeling requirements on these school districts. Rather, they must restrict themselves to the particular facts and circumstances of the cases. But this provision does not mean that courts are restricted to imposing remedies only when the particular plaintiffs are still in attendance at the schools in question if the particular lawsuit has taken several years to reach its conclusion.

This title also requires that in formulating a remedy for a denial of equal educational opportunity or of equal protection, which involves directly or indirectly the transportation of students, the Federal courts, departments, and agencies must follow the specified order of remedies set out in section 402. The courts or agencies must attempt to correct the denial by applying the first remedy or the first combination of remedies on the specified list before it can move on to the other remedies on the list.

This list includes such remedies as the creation and revision of attendance zones and grade structures and the construction of new schools. A plan heavily dependent on the transportation of substantial numbers of schoolchildren is only permited as the last possible remedy and even then such transportation is subject to the grade requirements in section 403 and the provision in section 404 regarding school district lines.

They cannot order the transportation of a student in sixth grade and below to a school other than to the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student. Nor can any student in the seventh grade or above be transported beyond the school closest or next closest to his place of residence providing the appropriate grade level and type of education for such student unless clear and convincing evidence demonstrates that no other method of providing an adequate remedy is possible. If any Federal district court orders the implementation of a plan requiring such transportation, the appropriate court of appeals shall grant a stay of such order until it has reviewed the order.

This title, moreover, bars any transportation of students if such transportation poses a risk to the health of such students or constitutes a significant impingement on the educational process. Furthermore, in formulating the remedies under this title, school district lines shall not be ignored or altered except where they were drawn for the purpose, and had the effect, of segregation.

(By unanimous consent, Mr. PATTEN yielded his time to Mr. PUCINSKI.)

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, as I heard the comments of the gentleman from Maryland, they can only make one sad. I do not know how I would feel if I happened to be a black. I hope that I would not call everybody that I disagreed with a racist.

But the other comment that gave me a different reaction was by Mr. GROSS—when he was so devoid of logic—that he condemns the amendment because he likens it to old Quiedell amendments, telling you that one person who fell from favor in our party some years ago should now cause you to vote against the amendment.

Let us get to the issue before us—the substitutes I have offered here.

I would like to quote to you from a professor of the Yale Law School, Robert H. Bork, a conservative professor who supports this legislation.

He says, and these are his very words:

> The constitutionality of this provision depends essentially upon the reasonableness of the judgments that busing is less appropriate for children in the elementary grades than it is for older students.

Then he goes on and says:

> Section 403(a) gains support from the fact that the Supreme Court has recognized as proper the type of distinction the law draws. In discussing the factors to be weighed in framing busing orders, Chief Justice Burger stated in Swann I: It hardly needs stating that limits on time of travel will vary with

many factors, but probably with none more than the age of the students.

This distinction, drawn by Chief Justice Burger in the Swann case was quoted by the gentleman from Michigan (Mr. Gerald R. Ford).

Continuing: Professor Bork says:

> On balance, therefore, it appears that a good case can be made for the constitutionality of the President's proposal to limit busing of elementary school children.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. Pucinski) to close debate.

Mr. PUCINSKI. Mr. Chairman, we have heard a great deal of oratory here today. No one has told the House that 48 percent of black people in this country are opposed to busing.

I have heard all of the gentlemen over here telling us the things that they think they know. But we had studies made and 78 percent of the American people said that they opposed busing and 48 percent of the black people who were asked told us and indicated that they also opposed busing—because busing has been most cruel to the black people of this country and for a longer time.

If the courts of this land faithfully carry out the remedies spelled out in title IV of this bill, we probably will not need very much busing in this country. So you can vote for this bill on final passage regardless of what happens in the amendment stage as long as we provide the remedies here which the courts should apply first before they can apply any busing to the solution of these problems.

Therefore, I would hope on final passage of this legislation that we stand together.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. O'Hara) to the amendment offered by the gentlewoman from Oregon (Mrs. Green).

TELLER VOTE WITH CLERKS

Mr. O'HARA. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. O'HARA. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mr. O'Hara, Mrs. Green of Oregon, Mr. Quie, and Mrs. Chisholm.

The Committee divided, and the tellers reported that there were—ayes 174, noes 211, not voting 47, as follows:

[Roll No. 340]

[Recorded Teller Vote]

AYES—174

Abbitt
Anderson, Tenn.
Annunzio
Archer
Ashbrook
Baker
Baring
Belcher
Bennett
Bevill
Biaggi
Blackburn
Blanton
Bray
Brinkley
Broomfield
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Camp
Casey, Tex.
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Cotter
Crane
Daniel, Va.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Derwinski
Devine
Dickinson
Dingell
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Esch
Fisher
Flowers
Flynt
Ford, William D.
Fountain
Frey
Fulton
Fuqua
Galifianakis
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Harsha
Harvey
Hastings
Hays
Hicks, Mass.
Hillis
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, Ala.
Jones, Tenn.
Kee
Kemp
King
Kuykendall
Landgrebe
Latta
Long, Md.
McCollister
McEwen
McKevitt
Mahon
Mann
Martin
Mathis, Ga.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Montgomery
Myers
Nedzi
Nichols
O'Hara
Pepper
Poage
Powell
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Randall
Rarick
Robinson, Va.
Rogers
Rousselot
Runnels
Ruth
Sarbanes
Satterfield
Scherle
Schmitz
Scott
Shipley
Shoup
Shriver
Sikes
Slack
Smith, Calif.
Snyder
Spence
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
White
Whitehurst
Whitten
Widnall
Wilson, Charles H.
Winn
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NOES—211

Abzug
Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bergland
Biester
Bingham
Boland
Bolling
Bow
Brademas
Brasco
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey, N.Y.
Carlson
Cederberg
Celler
Chisholm
Clausen, Don H.
Clay
Collins, Ill.
Conable
Conover
Conyers
Corman
Coughlin
Culver
Curlin
Daniels, N.J.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Diggs
Donohue
Dow
Drinan
Eckhardt
Edwards, Calif.
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Forsythe
Fraser
Frenzel
Garmatz
Gaydos
Gonzalez
Green, Oreg.
Green, Pa.
Hamilton
Hanna
Hansen, Idaho
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Koch
Kyl
Kyros
Landrum
Leggett
Lent
Link
Lloyd
McClory
McCloskey
McClure
McCormack
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mailliard
Mallary
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Mikva
Minish
Mink
Mitchell
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nix
Obey
O'Konski
O'Neill
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Rangel
Rees
Reuss
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
St Germain
Sandman
Saylor
Scheuer
Schneebeli
Schwengel
Sebelius
Seiberling
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Stanton, J. William
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Veysey
Ware
Whalen
Whalley
Wiggins
Williams
Wright
Wyatt
Wydler
Wylie
Yates
Zwach

NOT VOTING—47

Abernethy
Abourezk
Anderson, Calif.
Betts
Blatnik
Boggs
Caffery
Carney
Carter
Conte
Davis, Wis.
Dorn
Dowdy
Dwyer
Edmondson
Frelinghuysen
Gallagher
Gray
Gude
Hansen, Wash.
Hébert
Heckler, Mass.
Hull
Keith
Kluczynski
Lennon
Long, La.
Lujan
McMillan
Melcher
Metcalfe
Michel
Miller, Calif.
Passman
Pelly
Railsback
Reid
Rhodes
Rooney, N.Y.
Ryan
Springer
Talcott
Terry
Ullman
Waldie
Wilson, Bob
Wolff

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now occurs on the substitute amendment offered by the gentleman from Minnesota (Mr. Quie) for the amendment offered by the gentlewoman from Oregon (Mrs. Green).

The question was taken; and on a division (demanded by Mr. Quie) there were—ayes 20, noes 208.

So the substitute amendment was rejected.

Mr. STEIGER of Wisconsin. Mr. Chairman, I am correct, am I not, that the question now occurs on the Green of Oregon amendment.

The CHAIRMAN. The gentleman is correct.

Mr. STEIGER of Wisconsin. On that I demand a separate vote on those amendments relating to section 403 and 406.

The CHAIRMAN. The gentleman from Wisconsin demands a division and a separate vote on those portions of the pending amendment of the gentlewoman from Oregon (Mrs. Green) to section 403 and section 406. The gentleman is entitled to make that request.

The question now occurs on that portion of the Green of Oregon amendment relating to section 403.

Without objection, the Clerk will reread that portion of the amendment.

There was no objection.

The Clerk read as follows:

> Title IV is amended as follows:
>
> (a) Section 403, page 37, line 5 is amended by striking out "in the sixth grade or below";
>
> "(b) Section 403, beginning on page 37, line 9 and continuing on page 38 through line 3 is amended by striking all of paragraph (b);
>
> (c) Section 403, page 38, line 4 is amended by striking out the letter "c" and inserting in lieu thereof the letter "b";

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, my parliamentary inquiry is this: Does section 403 in effect only change the differentiation of the treatment between sixth grade and below and sixth grade and above?

The CHAIRMAN. The Chair will state

that the interpretation of the language in this portion of the amendment is for the individual Members.

The question is on that portion of the amendment relating to section 403 of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

Mr. QUIE. Mr. Chairman, on that I demand tellers.

Tellers were refused.

The question was taken; and on a division (demanded by Mr. STEIGER of Wisconsin) there were—ayes 178, noes 88.

So that portion of the amendment relating to section 403 of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN) was agreed to.

The CHAIRMAN. The question now occurs on that portion of the Green of Oregon amendment relating to section 406.

Without objection, the Clerk will reread that portion of the amendment.

There was no objection.

The Clerk read as follows:

(d) Adding at the end thereof the following new sections:

"REOPENING PROCEEDINGS

"SEC. 406. On the application of an educational agency, court orders, or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin, shall be reopened and modified to comply with the provisions of this Act. The Attorney General shall assist such educational agency in such reopening proceedings and modifications.

The CHAIRMAN. The question is on that portion of the amendment relating to section 406 of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

TELLER VOTE WITH CLERKS

Mr. STEIGER of Wisconsin. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. STEIGER of Wisconsin. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chair appointed as tellers Mrs. GREEN of Oregon and Messrs. STEIGER of Wisconsin, ASHBROOK and MEEDS.

The Committee divided, and the tellers reported that there were—ayes 245, noes 141, not voting 46, as follows:

[Recorded Teller Vote]

[Roll No. 341]

AYES—245

Abbitt
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bennett
Bevill
Blackburn
Blanton
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Crane
Curlin
Daniel, Va.
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Denholm
Dennis
Derwinski
Devine
Dickinson
Dingell
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frey
Fulton
Fuqua
Galifianakis
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Harsha
Harvey
Hastings
Hays
Henderson
Hicks, Mass.
Hillis
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lent
Lloyd
McClure
McCollister
McDonald, Mich.
McEwen
McKevitt
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
Patman
Pepper
Pettis
Peyser
Pickle
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Rogers
Roush
Rousselot
Runnels
Ruth
Sandman
Sarbanes
Satterfield
Scherle
Schmitz
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Vander Jagt
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NOES—141

Abzug
Adams
Addabbo
Anderson, Ill.
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Biaggi
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Brown, Ohio
Burke, Mass.
Burton
Byrne, Pa.
Carey, N.Y.
Celler
Chisholm
Clay
Collins, Ill.
Conover
Conyers
Corman
Cotter
Coughlin
Culver
Daniels, N.J.
Danielson
Dellenback
Dellums
Dent
Diggs
Donohue
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Evans, Colo.
Fish
Foley
Fraser
Frenzel
Gonzalez
Grasso
Green, Pa.
Hanley
Hanna
Hansen, Idaho
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hicks, Wash.
Holifield
Horton
Howard
Hungate
Karth
Kastenmeier
Koch
Kyros
Leggett
Link
Long, Md.
McClory
McCloskey
McCormack
McCulloch
McDade
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mayne
Mazzoli
Meeds
Mikva
Minish
Mink
Mitchell
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Nix
Obey
O'Neill
Patten
Perkins
Pike
Podell
Price, Ill.
Rangel
Rees
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roy
Roybal
Ruppe
St Germain
Saylor
Scheuer
Schwengel
Seiberling
Smith, Iowa
Stanton, J. William
Steiger, Wis.
Stokes
Stratton
Symington
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Whalen
Wolff
Wydler
Yates
Zwach

NOT VOTING—46

Abernethy
Abourezk
Anderson, Calif.
Betts
Blatnik
Boggs
Caffery
Carney
Carter
Conte
Davis, Wis.
Dorn
Dowdy
Dwyer
Edmondson
Frelinghuysen
Gallagher
Garmatz
Gude
Hansen, Wash.
Hébert
Heckler, Mass.
Hull
Keith
Kluczynski
Lennon
Long, La.
Lujan
McMillan
Melcher
Metcalfe
Michel
Miller, Calif.
Passman
Pelly
Railsback
Reid
Rhodes
Rooney, N.Y.
Ryan
Springer
Talcott
Terry
Ullman
Waldie
Wilson, Bob

So that portion of the amendment relating to section 406 of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN) was agreed to.

The CHAIRMAN. The question is on the remainder of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The remainder of the amendment offered by the gentlewoman from Oregon (Mrs. GREEN) was agreed to.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: On page 38, after line 8, insert a new subsection (d) to read as follows:

"(d) The limitations on student transportation contained in this section shall not preclude any court, department, or agency of the United States from ordering an adequate remedy for denial of equal protection of the laws."

Mr. MIKVA. Mr. Chairman, I realize that the hour of reason has probably passed on this bill. It may have passed in the Michigan primary, or in the Maryland primary, or in one of the earlier primaries this year.

But I must confess I am still troubled by some of the orators who talk about shooting craps with the Constitution, who urge that "we ought to take chances on the Constitution" or who justify our actions tonight on the notion that section 5 of the 14th amendment to the Constitution somehow gives us the power to interpret the Constitution or to limit it in some way or to limit the remedies for its violations.

Section 5 is very simple. It says "enforce the rights"—not to limit, not to dilute, not to derogate the rights, but to enforce the rights under the 14th amendment. One of those rights is the equal protection of the laws.

I call attention of the Members to page 33 of the bill, where it states that an assignment which is for the purpose of segregating students on the basis of race, color, sex, or national origin is outlawed, but an assignment that does not have that purpose is all right, even though it could have that effect.

And that is what we have said in the bill.

As recently as June 22, 1972, the Supreme Court of the United States, interpreting the 14th amendment, said, and

I quote from Mr. Justice Stewart's opinion, the majority opinion:

> The existence of a permissible purpose cannot sustain an action that has an impermissible effect.

Yet we are going ahead and legislating exactly that result, even though the Supreme Court of the United States has said we cannot do it.

What my amendment does—in a very imperfect way, because this bill took too long to write for me to try to pull it out of imperfection with one amendment—is to suggest that at least we are cognizant of the fact that the 14th amendment and its equal protection clause cannot be repealed, modified, or limited by this Congress; that we might not like the court decisions but if they are interpreting or enforcing that clause there is nothing we can do about them.

Mr. Chairman, I realize it is politically popular to derogate the courts even when they are interpreting the Constitution of the United States, but it is constitutionally contemptible.

If that oath we took means anything, I would urge support of this amendment.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment.

I shall not take 5 minutes.

This amendment totally negates everything we have been doing here all evening. It negates completely the provisions of the act and the limitations we have carefully written into the act. It seems to me that if we adopt this amendment we will just undo everything that has been done here so far, so I urge the rejection of this amendment.

Mr. QUIE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois. Very briefly, with what we have done now, I believe that is the only way we can save this bill, to make it constitutional. Therefore, I shall support the amendment offered by the gentleman from Illinois.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

I will not take 5 minutes. I just want to say I find that the arguments we have heard, in opposition to those amendments which would require that the act be administered in such a way that it complies with the 14th amendment, are fantastic, because they are saying, in effect, that the purpose of these particular provisions is to permit the courts to violate the 14th amendment. That is a patently absurd position. It is incredible to me that it would be advanced in this House.

Mr. FRASER. Mr. Chairman, I did not hear the amendment read when first read. I would ask unanimous consent that before the vote is taken the amendment be read once more.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota that the amendment be reread?

There was no objection.

The Clerk reread the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. Mikva).

The question was taken, and on a division (demanded by Mr. Fraser) there were—ayes 76, nays 109.

TELLER VOTE WITH CLERKS

Mr. MIKVA. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MIKVA. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the chairman appointed as tellers Messrs. Mikva, Pucinski, Quie, and Meeds.

The Committee divided, and the tellers reported that there were—ayes 154, noes 223, not voting 55, as follows:

[Roll No. 342]

[Recorded Teller Vote]

AYES—154

Abzug
Addabbo
Anderson, Ill.
Ashley
Aspin
Badillo
Begich
Bell
Bergland
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton
Byrnes, Wis.
Carey, N.Y.
Celler
Chamberlain
Chisholm
Clancy
Clay
Collins, Ill.
Conyers
Corman
Coughlin
Culver
Danielson
de la Garza
Dellenback
Dellums
Denholm
Donohue
Dow
Drinan
du Pont
Eckhardt
Edwards, Calif.
Erlenborn
Evans, Colo.
Findley
Fish
Foley
Fraser
Frenzel
Gonzalez
Grasso
Green, Pa.

Grover
Hamilton
Hanna
Hansen, Idaho
Harrington
Hathaway
Hechler, W. Va.
Heinz
Helstoski
Hicks, Wash.
Hillis
Holifield
Horton
Howard
Hungate
Jacobs
Karth
Kastenmeier
Kazen
Keating
Koch
Kyl
Kyros
Leggett
Link
McClory
McCloskey
McCormack
McCulloch
McDade
McFall
McKay
McKinney
Madden
Mailliard
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Mikva
Minish
Mink
Mitchell
Moorhead
Morgan
Mosher
Moss
Murphy, N.Y.
Nelsen
Obey
O'Neill

Perkins
Pettis
Pickle
Podell
Poff
Price, Ill.
Quie
Rangel
Rees
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Roncalio
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
Saylor
Scheuer
Schwengel
Sebelius
Seiberling
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Steele
Steiger, Wis.
Stokes
Symington
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Veysey
Whalen
Widnall
Wiggins
Wolff
Yates
Young, Fla.
Zwach

NOES—223

Abbitt
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Barrett
Belcher
Bennett
Bevill
Biaggi
Blackburn
Blanton
Bow
Bray
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.

Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Cabell
Camp
Carlson
Casey, Tex.
Cederberg
Chappell
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Cotter
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.

Delaney
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Downing
Dulski
Duncan
Edwards, Ala.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fascell
Fisher
Flood
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fulton
Fuqua
Galifianakis
Gaydos
Gettys

Giaimo
Gibbons
Goldwater
Goodling
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Gubser
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hanley
Harsha
Harvey
Hays
Henderson
Hicks, Mass.
Hogan
Hosmer
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kee
Kemp
King
Kuykendall
Landgrebe
Landrum
Latta
Lent
Lloyd
Long, Md.
McClure
McCollister
McEwen
McKevitt

Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
O'Hara
O'Konski
Patman
Patten
Pepper
Peyser
Pike
Pirnie
Poage
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Rogers
Rooney, Pa.
Rousselot
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield

Scherle
Schmitz
Schneebeli
Scott
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Stanton, James V.
Steed
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Tex.
Thomson, Wis.
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Charles H.
Winn
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Tex.
Zablocki
Zion

NOT VOTING—55

Abernethy
Abourezk
Adams
Anderson, Calif.
Betts
Blatnik
Boggs
Caffery
Carney
Carter
Conte
Davis, Wis.
Diggs
Dorn
Dowdy
Dwyer
Edmondson
Flowers
Frelinghuysen

Frey
Gallagher
Garmatz
Gude
Hansen, Wash.
Hastings
Hawkins
Hébert
Heckler, Mass.
Hull
Keith
Kluczynski
Lennon
Long, La.
Lujan
McDonald, Mich.
McMillan
Macdonald, Mass.

Melcher
Metcalfe
Michel
Miller, Calif.
Passman
Pelly
Railsback
Reid
Rhodes
Rooney, N.Y.
Ryan
Springer
Talcott
Terry
Ullman
Waldie
Wilson, Bob
Wright

So the amendment was rejected.

AMENDMENT OFFERED BY MR. FASCELL

Mr. FASCELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Fascell: Page 38, after line 8, insert the following:
>
> "(d) When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges as a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such desegregated school system, no educational agency because of such shifts shall be required by any court, department, or agency of the United States to formulate, or implement any new segregation plan, or modify or implement any modification of the court approved desegregation plan, which would require transportation of students to compensate wholly or in part for such shifts in school population so occurring."

Mr. FASCELL. Mr. Chairman, I will only take a moment. This amendment simply conforms this section in the same manner which the previous amendment which was adopted by this committee on page 34 does. This makes the language of the Mecklenburg case apply to an act of a department or agency as well as that of a court.

I hope there is no objection since the other similar amendment has already been agreed to by this committee.

Mr. PUCINSKI. Mr. Chairman, we have no objection to accepting this amendment. In the committee it was not accepted at that time because it was under a different title.

We accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. FASCELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. THOMPSON of Georgia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMPSON of Georgia: On page 39, after line 2, insert:

"CONGRESSIONAL IMPLEMENTATION OF EQUAL PROTECTION OF THE LAWS

"SEC. 409. Pursuant to authority contained in Section 5, of the 14th Amendment and in order to implement, for public school students, "equal protection of the laws" as set forth in Section 1 of the 14th Amendment the Congress does declare that no student shall because of his race, creed or color be assigned to or forced to attend a particular school."

Mr. THOMPSON of Georgia. Mr. Chairman, this amendment is a very broad amendment. I want to be certain that everyone in the Chamber knows what it does. I will not attempt to mislead you, but I do state that I think it is perhaps one of the broadest amendments that has been presented before this body because it reaches not just to busing; it reaches gerrymandering districts; it reaches pairing of schools; it reaches changing of grade structures or whatever it may be which has a racial motive, be that to segregate or to provide for a racial balance.

I would like to reread the amendment so that you can hear it. I base its authority on section 5. The title is—

"CONGRESSIONAL IMPLEMENTATION OF EQUAL PROTECTION OF THE LAWS

"Pursuant to authority contained in Section 5, of the 14th Amendment and in order to implement, for public school students, 'equal protection of the laws' as set forth in Section 1 of the 14th Amendment the Congress does declare that no student shall because of his race, creed or color be assigned to or forced to attend a particular school."

As I said, this is not just a busing amendment. It goes beyond that. It would prevent the drawing of district lines, the closing of schools, the pairing of schools, the changing of grade structures, or what ever it may be that is done for a racial motive. The reason, I think, that this amendment should be adopted is because we in this country have reached a time when we should stop considering students by race, with race to determine, by whatever means is used, where they will go to school, either to achieve a balance or to segregate.

Now this wording is practically identical with the constitutional amendment that many Members have seen and coauthored and signed a discharge petition for. I personally think it will withstand the challenge of the courts. However, the Members as well as I know that the courts are going to declare constitutional those bills and measures which they deem are constitutional and as unconstitutional those they deem are not constitutional. I cannot speak for the court in this particular instance, but I do know that we do have the power to implement—and I stress "implement"—equal protection. It is not equal protection to take a child out of a school which we say has a high standard and force it into a school which we say has a low standard in order to balance them, because we are taking from the child in the so-called good school the right to a good education. What we should do is to insist that we build up the low school and not seek a common level of two schools. That is in effect the amendment.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I wonder if the gentleman would accept, for the purpose of clarification, an addition to his amendment which reads:

Nor shall any school be established to evade "equal protection of the laws" which require equal education for all regardless of race, creed or color.

Mr. THOMPSON of Georgia. Mr. Chairman, I will be willing to accept that, because I think it does further clarify the purpose and intent. The gentleman discussed it with me prior to this time and the purpose is simply this: to provide that a school board, a school district, or a State, or whatever it may be, would not establish a school for the purpose of trying to have a segregated district or whatever it may be. In other words, it provides that the quality of education is the primary factor and that we would not establish schools for the purpose of trying to deny equal protection of the laws, and equal protection of the laws is equality of educational opportunity.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment. This is language that is very close to what is in the constitutional amendment which may, or it may not, I do not know, come before this House. It is a very complicated subject. It creates a whole series of legal questions. This language undoes or would attempt to undo at least a whole series of Supreme Court decisions and other decisions.

The committee had not had an opportunity to hold hearings on this amendment. I think the House would be wise to reject this amendment at this time. We have placed limitations on busing, which has been a deep concern to Members of this House. We have done that in this bill.

Now to accept this amendment being offered at this late hour would be unwise. This is normally an amendment of a nature that if it were offered as a constitutional measure would require a two-thirds vote. In my judgment it is bad legislation. I would welcome opinions from some other constitutional experts on this matter, but it seems to me we will be going into a field that needs a great deal more debate and study. I am afraid we are going to be adopting an amendment in haste that can do more harm than good in the final analysis.

I appreciate the gentleman offering this but I think this amendment could seriously impair the bill that we are now carefully working through this House, which I presume is going to be adopted by this House.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Let me say that although I personally favor the constitutional amendment, I think it would be folly to include this amendment on this legislation at this time. Therefore, I urge opposition to the amendment, because I want good legislation passed and I will take my chances on the constitutional amendment on a separate basis.

Mr. THOMPSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Georgia.

Mr. THOMPSON of Georgia. Mr. Chairman, the gentleman said it was not considered by the committee. I did bring this to the attention of the Committee on Education and Labor when they were considering this particular matter. So it did come before them.

It is broad legislation; there is no question about that. But we do have the power to implement the equal protection clause.

In effect it says a student shall be a student, not a black student or a white student.

While I grant there is a split of opinion as to whether or not it is constitutional or not constitutional, it will establish a principle in this country that we are not going to consider race as the criterion by which we are going to assign students, by busing or other means.

Mr. PUCINSKI. The other side of the coin is that the language is so unclear that I believe it would cause more problems than it would solve.

Mr. Chairman, I ask that the amendment be voted down.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Even though I do not favor the constitutional amendment, I believe language of this nature can only be offered as a constitutional amendment.

On April 20, 1971, Chief Justice Burger in his opinion in the North Carolina State Board of Education against Swann struck down a North Carolina State statute, being virtually identical language to that contained in this amendment, so the Supreme Court has already decided on this. We should not offer something which has already been decided as unconstitutional.

Also I would say that the House has made its decision not to accept the amendment offered by the gentleman from Michigan (Mr. O'HARA). Therefore, if this were adopted it would cancel out what we have already agreed, to permit the assignment of students to the next nearest appropriate school to their place of residence. Therefore, it would be contrary to what we have already accepted.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude at 11:15 p.m.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Chair will recognize Members for approximately 1¼ minutes each.

The gentleman from Washington (Mr. Meeds) is recognized.

Mr. MEEDS. Mr. Chairman, I take this time to address a question to the gentleman from Georgia (Mr. Thompson).

In the event that there is a dual school system, what remedy could be used to desegregate that system in the event the gentleman's amendment is adopted?

Mr. THOMPSON of Georgia. They may use any remedy that is based upon factors other than race, creed, or color. In other words, the criterion would be no discrimination. Those who say racial balance is the answer——

Mr. MEEDS. I am not asking about racial balance. I am asking, how would that school system be desegregated?

Mr. THOMPSON of Georgia. If a school system is considered a dual system, the children are being assigned based upon race, creed, or color. When they are no longer assigned based on race, creed, or color it would not be a dual school system.

The CHAIRMAN. The gentleman from Georgia (Mr. Thompson) is recognized.

Mr. PUCINSKI. Mr. Chairman, I am opposed to the amendment, but I ask unanimous consent that my time be yielded to the gentleman from Georgia (Mr. Thompson).

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. THOMPSON of Georgia. Mr. Chairman, I thank the gentleman for yielding me his time.

Let me again make one point very clear. This, of course, is the language of the proposed constitutional amendment many Members have signed. The minority leader has signed a discharge petition, I know, in this particular area.

It is broad legislation, but, at the same time, the time has come when we should stop the classification based upon race, color or creed.

In my opinion there is a very good chance that this is constitutional. In fact, I sincerely believe, as an attorney, this is constitutional. I cannot stand here and tell the Members that the court is going to uphold it. I do not believe any Member can state what the court will hold.

Mr. BROWN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of Georgia. I yield to the gentleman from Michigan.

Mr. BROWN of Michigan. As I understand the gentleman's amendment, he does not have the word "solely" in it, but it is my understanding he really means that race, creed, color, et cetera, may not be the sole basis for assignment of a child to any school.

Mr. THOMPSON of Georgia. I certainly agree.

Mr. Chairman, I would like to ask unanimous consent that immediately following the word "student," the word "shall" be stricken, and "solely" substituted, so that he would not be solely assigned based on race, creed or color.

The CHAIRMAN. Is there objection?

Mr. GREEN of Pennsylvania. I object to it.

Mr. BROWN of Michigan. Will the gentleman state that that is the intent of the amendment.

Mr. THOMPSON of Georgia. Yes, that is the intent.

Mr. BROWN of Michigan. That the assignment should not be solely on the basis of race, creed or color.

Mr. THOMPSON of Georgia. That is correct. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. Wolff).

AMENDMENT OFFERED BY MR. WOLFF TO THE AMENDMENT OFFERED BY MR. THOMPSON OF GEORGIA

Mr. WOLFF. Mr. Chairman, I take this time to offer an amendment which has been accepted by the author of this amendment as a clarifying amendment to his amendment.

The Clerk read as follows:

Amendment offered by Mr. Wolff to the amendment offered by Mr. Thompson of Georgia: At the end of the amendment, strike the period and insert the following: "Nor shall any school be established to evade 'equal protection of the laws' which require equal education for all regardless of race, creed, or color".

The CHAIRMAN. The gentleman from New York is recognized.

Mr. WOLFF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Wolff) to the amendment offered by the gentleman from Georgia (Mr. Thompson).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. Thompson), as amended.

The question was taken; and on a division (demanded by Mr. Thompson of Georgia) there were—ayes 30, nays 126.

So the amendment, as amended, was rejected.

AMENDMENT OFFERED BY MR. MIZELL

Mr. MIZELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Mizell: Page 36, strike out lines 11 through 14, and insert in lieu thereof the following: "(c) granting students the right to transfer to the school of their choice which provides the appropriate grade level and type of education (taking into account only school capacities) without regard to their race, color, or national origin;".

Mr. MIZELL. Mr. Chairman, section 402 of this legislation prescribes seven possible remedies which Federal courts and Government agencies may use in guaranteeing equal protection of the laws and equal educational opportunities for all of our children.

These remedies are supposedly designed to end discrimination. But I would like to direct my colleagues' attention in particular to one of these remedies, proposed in subsection (c) of section 402—

Permitting students to transfer from a school in which a majority of the students are of their race, color or national origin to a school in which a minority of the students are of their race, color or national origin.

This language seems innocent enough until you begin to examine it more closely. Then, gentlemen, I would have to liken it to the old hidden ball trick—no one seems to know where it is. But when it works, it is great. In this case few Members evidently know what it really says.

I am surprised that this language has remained in the bill this long, for if it is not removed it will be the most discriminating legislation that has ever passed the House of Representatives since I have been a Member of the House. That discriminates against our school children.

You might ask the question.

Why or how did I come to this conclusion? I would like to share my reasons with you, and I believe the majority of this body will agree with my conclusion.

First. It provides for freedom of transfer for one race within a school while denying the same right to another race within the same school.

Second. It establishes or tends to write into law for the first time, that a child's race is the only criterion to be considered in granting a transfer.

Third. Under the language of this bill, a student who requests a transfer could be provided space within the school of his choice even if some student would have to be denied the right to attend his school in order to provide space for the one who wants to transfer. In fact, the courts could require this.

Well, you might say that would be ridiculous, and I agree, but I would point out to you that the reason we have this legislation before us today is because the courts today are denying children the right to attend the school of their choice.

Let me give you an illustration of what could occur under the language contained in this bill. Which I hope to correct.

Let us say we have a school with 175 students, 100 black and 75 white. Twenty-five of the black children would have the right to transfer to the school of their choice. The remaining 150 black and white children would be denied that right.

What could be more discriminatory than a situation like that?

If my amendment is not adopted, based on the past track record of the Federal courts, I see this section C. placed in every school plan implemented in this country.

My amendment would correct these inequities. It would eliminate granting a preference to one race over another. Therefore it would strengthen the legislation by providing truly equal treatment for children of every race.

I don't believe the House wants to be on record as passing legislation that would grant right of transfer to children of one race while denying it to children of another race.

My amendment assures that this will not be the case, and I strongly urge the adoption of this amendment.

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this freedom of choice amendment has been held unconstitutional by the U.S. Supreme Court in the Green decision.

We have already dealt with this subject in this bill establishing all kinds of neighborhood schools. I would urge rejection of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. Mizell).

TELLER VOTE WITH CLERKS

Mr. MIZELL. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MIZELL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. Mizell, Meeds, Schmitz, and Mrs. Green of Oregon.

The Committee divided, and the tellers reported that there were—ayes 123, noes 255, not voting 54, as follows:

[Roll No. 343]

[Recorded Teller Vote]

AYES—123

Abbitt
Alexander
Andrews, Ala.
Archer
Ashbrook
Baker
Baring
Belcher
Bennett
Bevill
Blackburn
Blanton
Bow
Bray
Brinkley
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byron
Camp
Casey, Tex.
Cederberg
Chappell
Clausen, Don H.
Clawson, Del
Collins, Tex.
Colmer
Crane
Daniel, Va.
Davis, Ga.
Dennis
Devine
Dickinson
Downing
Duncan
Edwards, Ala.
Evins, Tenn.
Fascell
Fisher
Flowers
Flynt
Fountain
Frey
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Griffin
Gross
Gubser
Haley
Hall
Hammerschmidt
Harsha
Hastings
Henderson
Hicks, Mass.
Hutchinson
Jarman
Jonas
Jones, N.C.
Jones, Tenn.
King
Kuykendall
Landgrebe
Landrum
Lloyd
McClure
Mahon
Martin
Mathis, Ga.
Miller, Ohio
Mills, Ark.
Mizell
Montgomery
Myers
Nichols
Pepper
Pirnie
Poage
Powell
Price, Tex.
Pryor, Ark.
Purcell
Quillen
Randall
Rarick
Robinson, Va.
Rogers
Rousselot
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schmitz
Scott
Sebelius
Shoup
Sikes
Snyder
Spence
Steiger, Ariz.
Stephens
Stubblefield
Stuckey
Taylor
Thompson, Ga.
Waggonner
Wampler
Whalley
Whitehurst
Whitten
Wright
Wyman
Young, Fla.
Young, Tex.
Zion

NOES—255

Abzug
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Aspin
Aspinall
Badillo
Barrett
Begich
Bell
Bergland
Biaggi
Biester
Bingham
Boland
Bolling
Brademas
Brasco
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton
Byrne, Pa.
Byrnes, Wis.
Cabell
Carey, N.Y.
Carlson
Celler
Chamberlain
Chisholm
Clark
Clay
Cleveland
Collier
Collins, Ill.
Conable
Conover
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Dingell
Donohue
Dow
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton
Gaydos
Giaimo
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Hagan
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harrington
Harvey
Hathaway
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Jacobs
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
Koch
Kyl
Kyros
Latta
Lent
Link
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Mikva
Mills, Md.
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Poff
Preyer, N.C.
Price, Ill.
Pucinski
Quie
Rangel
Rees
Reuss
Riegle
Roberts
Robison, N.Y.
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
St Germain
Sarbanes
Scheuer
Schneebeli
Schwengel
Seiberling
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stokes
Stratton
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Ware
Whalen
White
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Yates
Yatron
Zablocki
Zwach

NOT VOTING—54

Abernethy
Abourezk
Anderson, Calif.
Betts
Blatnik
Boggs
Caffery
Carney
Carter
Clancy
Conte
Davis, Wis.
Diggs
Dorn
Dowdy
Dwyer
Edmondson
Frelinghuysen
Gallagher
Garmatz
Gray
Gude
Hansen, Wash.
Hébert
Heckler, Mass.
Hull
Ichord
Keith
Kluczynski
Leggett
Lennon
Long, La.
Lujan
McCulloch
McDonald, Mich.
McMillan
Melcher
Metcalfe
Michel
Miller, Calif.
Minshall
Passman
Pelly
Railsback
Reid
Rhodes
Rooney, N.Y.
Ryan
Springer
Talcott
Terry
Ullman
Waldie
Wilson, Bob

So the amendment was rejected.

Mr. PUCINSKI. Mr. Chairman, it is my understanding that there are eight amendments still pending to title IV but some of those may not be offered.

I ask unanimous consent that all debate on title IV and all amendments thereto end at 11:50.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on title IV and all amendments thereto close at 11:50. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Members will be recognized for approximately 1¼ minutes each.

The gentleman from Washington (Mr. Meeds) is recognized.

Mr. MEEDS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The gentleman from Florida (Mr. Pepper) is recognized.

Mr. PEPPER. Mr. Chairman, in section 402 there is a provision to permit the courts to order the construction of new schools as a way of desegregating school systems which have been segregated by State order, yet there is no authority in any legislation for the provision of any Federal money.

My amendment would simply authorize the Commissioner of Education to make grants to local educational agencies to assist them to construct school facilities where such construction is required by section 402 of this act. In other words, if we are going to permit the courts to order construction we ought to provide some money to help the local school authorities pay the cost of the building of such schools.

I hope the amendment will be adopted.

The CHAIRMAN. The Chair will state to the gentleman from Florida that he did not offer his amendment.

AMENDMENT OFFERED BY MR. PEPPER

Mr. PEPPER. I am sorry, Mr. Chairman. I offer the amendment.

The Clerk read as follows:

Amendment offered by Mr. Pepper: Page 39, after line 2, insert:

"FINANCIAL ASSISTANCE WHERE SCHOOL CONSTRUCTION REQUIRED

"Sec. 406. The Commissioner of Education is authorized to make grants to local educational agencies to assist them to construct school facilities where such construction is required by section 402(e) of this Act. A grant under this section may be in any amount not exceeding the cost of the construction. For purposes of the General Education Provisions Act the program provided for in this section is an applicable program. For purposes of this section the terms 'construction' and 'school facilities' have the meaning given them by section 15 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress). There is authorized to be appropriated the sum of $500,000,000 for the fiscal year 1973, and $1,000,000,000 for the fiscal year 1974, for making grants under this section."

The CHAIRMAN. Do any of the Members on the list desire to be heard on the Pepper amendment?

Mr. PUCINSKI. Mr. Chairman, the gentleman makes a valid point in his amendment. This bill gives courts the right to order construction of new schools but there is no money in any bill to help local communities in that process. I would hope the amendment would be adopted to provide such funds.

Mr. Chairman, I reserve the remainder of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Pepper).

The question was taken; and on a division (demanded by Mr. Pepper) there were—ayes 29, noes 79.

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Eckhardt).

Mr. ECKHARDT. Mr. Chairman, this is a very noteworthy night and a very historic occasion. It is most unusual that we could make Mr. Hamilton and Mr. Jefferson turn over in their separate graves at the same time by action taken in a single session.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, as I have talked to various groups, especially in schools, one of the things I said is there are times when a Member finds that his own bill is amended so that he cannot even support it. I thought I would want to take the floor and tell you so that you would not be surprised when we vote. Rather than wait until the very end when you will be anxious to vote quickly, I tell you now. I want you to know that from the information given to me from the administration about this legislation, it is constitutional to limit busing for the grades 6 and below. Extending the full limit to 7th grade and above. I feel makes this bill unconstitutional. Therefore, I will not vote for it. I do not say that with any rancor, because you voted for the Green amendment, I know you have the right to do that, and I am not holding that against any of you, but I just do not want anyone surprised when we vote here, on how I vote. I want you to know beforehand, and that is why I am telling you now.

The CHAIRMAN. All time has expired on title IV. Are there any further amendments to be proposed to title IV? If not, the Clerk will read.

The Clerk read as follows:

TITLE V—DEFINITIONS

Sec. 501. For the purposes of this Act—

(a) The term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801(k) of the Elementary and Secondary Education Act of 1965.

(b) The term "local educational agency" means a local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965.

(c) The term "segregation" means the operation of a school system in which students are wholly or substantially separated among the schools of an educational agency on the basis of race, color, sex, or national origin or within a school on the basis of race, color, or national origin.

(d) The term "desegregation" means desegregation as defined by section 401(b) of the Civil Rights Act of 1964.

(e) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

The CHAIRMAN. Are there any amendments to be proposed to title V? If not, the Clerk will read.

The Clerk read as follows:

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Section 709(a)(3) of the Emergency School Aid Act is hereby repealed.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dingell: Page 39, after line 25, add the following:

"SEPARABILITY OF PROVISIONS

"Sec. 602. If any provision of this Act or of any amendment made by this Act, or the application of any such provision to any person or circumstance, is held invalid, the remainder of the provisions of this Act and of the amendments made by this Act and the application of such provision to other persons or circumstances shall not be affected thereby."

Mr. DINGELL. Mr. Chairman, this is a very simple amendment. It is taken almost verbatim from the statute which has been in effect since 1938. It is known as the separability clause. Its purpose is to see to it if any portion of the statute now before us is later held unconstitutional that the balance of it shall remain intact, and that the whole of the statute shall not fall by reason of a finding of unconstitutionality of any part of the statute.

It is a very simple thing. I hope that my friends and colleagues in this body will support it.

The function of it, I repeat to my colleagues, is simply to insure that in the event that any portion of the statute is held unconstitutional that the balance of the statute shall continue to have force and effect, and shall not fall by reason of any finding of lack of constitutionality.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Minnesota (Mr. Quie).

Mr. QUIE. Mr. Chairman, I want to say to the gentleman that his amendment is acceptable to me.

Mr. DINGELL. I thank my good friend.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to my good friend, the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, this is boilerplate language, it is used in other bills. Much has been said here today about the constitutionality of certain sections; it seems to me that this is a very timely and constructive amendment, and I would have no objection to it, and I would urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. Dingell).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Seiberling: Page 39 following line 25 add a new section, as follows:

"Sec. 602. Notwithstanding any other provision of this Act, nothing contained herein shall authorize or require any educational agency or court to avoid any action necessary to prevent a denial of equal educational opportunity within the meaning of Amendment XIV of the Constitution of the United States."

Mr. SEIBERLING. Mr. Chairman, we have taken care of some of the defects in this bill by the separability clause that this House has just approved. Nevertheless, I submit that it is poor legislative practice to incorporate provisions which are of very dubious constitutionality. We have one more opportunity to clean up the unconstitutional character of this act. That is the purpose of this amendment, to bring the whole act into conformity with the 14th amendment to the extent that that is necessary.

I hope very much that the same kind of arguments we had on some of the similar amendments, to the effect that "this frustrates the whole purpose of the bill," will not be used again, because such arguments amount to an admission that the purpose of this bill is to violate the 14th amendment.

Mr. PUCINSKI. Mr. Chairman, we have already disposed of a similar amendment earlier in the evening, and I would hope that this amendment would be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. Seiberling).

The question was taken; and on a division (demanded by Mr. Seiberling), there were—ayes 48, noes 104.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Ashbrook: Page 39, after line 25, insert a new section:

"Sec. 603. The implementation of any order of a court of the United States shall be stayed to the extent it requires, directly or indirectly, a local educational agency—

"(1) to transport a student who was not being transported by such educational agency immediately prior to the entry of such order; or

"(2) to transport a student to or from a school to which such student was not being transported by such local educational agency immediately prior to the entry of such order."

Mr. STEIGER of Wisconsin. Mr. Chairman, I will make a point of order against the amendment, and I reserve the point of order.

The CHAIRMAN. The gentleman from Wisconsin (Mr. Steiger) reserves a point of order on the amendment.

The Chair recognizes the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Chairman, I certainly do not need to take 5 minutes this late at night on this amendment.

Last March 20, two bills were introduced, H.R. 13915 and H.R. 13916. The bill, H.R. 13916, was offered by that eminent constitutional lawyer in this body, the gentleman from Ohio (Mr. McCulloch).

The minority leader, the gentleman from Michigan (Mr. Gerald R. Ford) joined him in the introduction of this bill which was known at that time as the moratorium.

I am very candid to say that there is a very basic difference. The moratorium they introduced, and this is the language of the bill, H.R. 13916, was to be for 1 year, to expire on July 1, 1973.

This amendment you would strike that date. It would make a permanent stay. Therefore, their moratorium would be in the form of a stay and I think it is proper and I would in advance answer the point of order which has been raised—unless I misunderstand the debate this afternoon—virtually everything we have talked about has been busing guidelines for busing, prohibitions on busing when busing can be used, and whether it is a last resort or a first resort or whether it is to be prohibited. This is what we are talking about in this amendment. I think it is in order and with that explanation, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. Steiger) desire to be heard on the point of order?

Mr. STEIGER of Wisconsin. I do, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman.

Mr. STEIGER of Wisconsin. The language contained in the amendment offered by the gentleman from Ohio is, of course, not identical to that introduced as to the moratorium legislation. But I would think a prima facie case could be made that the moratorium legislation has as its root the Judiciary Committee's jurisdiction. This legislation comes out of the Committee on Education and Labor.

An attempt to invade the jurisdiction of the Committee on the Judiciary by introducing the moratorium legislation would, I think, be out of order and not germane to the bill from this committee.

Thus, I would say to the chairman that any effort to bring in this bill not referred to the Committee on Education and Labor is not germane to the work of this committee and is not germane to the bill under consideration this afternoon.

The CHAIRMAN. Does the gentleman from Michigan (Mr. Gerald R. Ford) desire to be heard?

Mr. GERALD R. FORD. Yes, Mr. Chairman.

Let me supplement what has been said by the gentleman from Wisconsin.

If my recollection is accurate. At the time the bills were introduced, the Parliamentarian recommended to the Speaker of the House that the moratorium legislation—and this amendment is reasonably comparable to it—had to be referred to the Committee on the Judiciary. He precluded its reference to the Committee on Education and Labor.

Now with that decision as to the reference of the legislation was good then, it seems to me the point of order is good tonight.

The CHAIRMAN. Does the gentleman from Ohio (Mr. Ashbrook) desire to be heard on the point of order?

Mr. ASHBROOK. Yes, Mr. Chairman.

Mr. Chairman, I would say, if we would reexamine the bill we have before us tonight—the policy and purpose—time and time again we refer to the courts of the land. We refer to guidelines of the Supreme Court. We refer to limitations.

The gentleman from Michigan himself in discussing previous amendments has referred to the constitutionality of these amendments. I could cite section after section that refers to limitations which apply to courts and to local educational agencies. I would say that this amendment is strictly in keeping with the previous amendments, all of the sections of the bill, and I hope that the point of order will be overruled.

The CHAIRMAN. The Chair is prepared to rule.

The Chair has read the amendment offered by the gentleman from Ohio and notes that it would stay the implementation of orders of courts of the United States under certain circumstances. The Chair notes that in section 403 of the committee amendment there are provisions relating to the power of courts and agencies and departments of the United States to order the implementation of plans requiring the transportation of students.

The Chair also notes that we already have approved in the bill sections 406, 407, and 408 which deal with the reopening or termination of court orders relating to transportation and place certain limits and conditions on the power of the courts in those cases, so the Chair would be constrained to rule that the amendment offered by the gentleman from Ohio is germane, based upon the well-established principle that the germaneness of an amendment is based upon its relation to the bill in its amended form.

Therefore, the Chair overrules the point of order.

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

At the time the administration introduced this legislation setting some guidelines of limitations on busing, the administration at the same time introduced a moratorium bill. One went to the Judiciary Committee; one went to our committee. It was clearly the intention of the administration that until Congress worked its will on this legislation, the moratorium legislation would be hopefully approved as a stopgap measure. But there is no need for this legislation since we are now passing the Equal Educational Opportunities Act. Therefore, I would hope that the membership would reject the moratorium as unnecessary so long as we are moving the bill.

I would hope this bill will be approved. If the bill is not approved, obviously this amendment would not be approved with the bill.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I would say to the gentleman respectfully that he is incorrectly referring to this amendment as a moratorium. This amendment is not a moratorium. It is a stay. As was originally drafted, it was a stay on court orders in the form of a moratorium as of a fixed date.

As I have introduced it, it is a stay, purely and simply, and could not be called a moratorium.

Mr. PUCINSKI. Mr. Chairman, I say to the gentleman this amendment is not necessary.

Mr. Chairman, we are coming to the end of debate on this long and weary bill. The fact is we have covered a lot of ground today. I want to thank the membership for the courtesy with which we have dispensed with the amendments. We have had a lot of action.

I regretfully disagree with my colleague from Minnesota, Mr. Quie, on his assessment of the bill. This is a good bill. I believe one thing that many of us overlooked in the heat of debate on the busing amendment. Many have failed to see the forest for the trees.

If you will look at title IV and the remedies provided in this bill, if the courts will apply these remedies in the order in which we have recommended them, I doubt very much if there is going to be any need for any extensive busing in this country. Therefore, I highly recommend the bill for final passage to my colleagues. I hope the motion to recommit will be rejected and the bill will be approved.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. Mr. Chairman, I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I join the gentleman from Illinois in urging approval of this legislation. I think it is good legislation. The House has worked its will. I believe it is reasonably close to the proposals initiated by the President, and I think for the benefit of the country we come closer and closer and closer to the opening of schools this fall. It is important that the House—and I hope the other body—make a conscientious effort to pass legislation of this kind, and by affirmative action in this body tonight we have at least assumed our responsibility to prevent the chaos and the complications, and perhaps far more unfortunate circumstances, in September when literally millions of children go back to school.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. Mr. Chairman, I shall be glad to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I cannot refrain from making one final comment. This House went through a similar exercise last November when various amendments on busing were passed, and we instructed conferees, and we saw everything that was done in the House go down the drain.

I would hope that the leadership on

both sides of the aisle would take all the steps that they possibly could to see that we do not have a repeat performance and that we do not have to come back here a month from now to again go through this exercise.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I thank the gentleman for yielding.

Since I will be voting against the bill, I will not be a conferee. I do want to make the point here that I feel that both sides of the question should be represented in the conference, that 100 percent of the conferees need not hold the view of the House, but I also feel that a majority of the conferees should be selected who carry the view of the House and to represent the view of the House. That is my point of view on any legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STOKES

Mr. STOKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STOKES: The bill is amended by adding thereto the following:

"Title VII—Conformity to the Constitution

"SEC. 701. Nothing in this Act is intended to be inconsistent with or violative of any provision of the Constitution."

Mr. STOKES. Mr. Chairman, the hour is late and I shall not belabor the point. It would seem to me that the amendment which I offer to this body is in conformity to everything that has been said here for the past 12 hours. The only exception is that of the gentleman from Minnesota (Mr. QUIE) who has announced that in his opinion, just a few minutes ago, this legislation may be unconstitutional. Everyone else whom I have heard in this Chamber over the past 12 hours has told us what fine and good legislation it is and how it does conform to the Constitution in all respects.

For instance, I could quote our distinguished chairman of the subcommittee, the gentleman from Illinois (Mr. PUCINSKI), who in opening up the bill this afternoon told us of the many eminent and distinguished constitutional scholars who said that this is a bill that conforms in all respects to the Constitution. Additionally we have heard comments similarly all afternoon, particularly with reference to the distinguished minority leader, Mr. GERALD R. FORD, who said that this bill has been delicately put together in order to give the Supreme Court some guidance.

It seems to me then that we ought at this time to express the fact that it is the intention of the Congress that this bill conform in all respects and not in any manner be violative of the Constitution of the United States. I would urge adoption of this amendment.

Mr. PUCINSKI. Mr. Chairman, I presume the Members of this House, all of whom have taken the oath of office and have sworn to uphold the Constitution, deliberated all day here today on amendments and a bill that the majority believe to be constitutional. I am not aware of any Member of this House who intentionally or willfully or willingly wants to pass legislation that is unconstitutional.

If there is anything unconstitutional in this bill, there will be ample opportunity for the U.S. Supreme Court to so declare.

I submit that as far as I know, to the best of my knowledge, in my honest judgment, this bill is constitutional.

This legislation was put together very carefully with the help of the best constitutional experts we know and we could get in the Justice Department. The administration had tried to put together language that we believe is constitutional.

So I say, Mr. Chairman, I have no objection as to whether this language is here or not, but I do not believe it is needed. I believe it is superfluous. If there is anything unconstitutional in this bill, the U.S. Supreme Court will make that very clear very quickly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. STOKES).

The question was taken; and on a division (demanded by Mr. STOKES) there were—ayes 72, noes 121.

TELLER VOTE WITH CLERKS

Mr. STOKES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. STOKES. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Mrs. GREEN of Oregon and Messrs. STOKES, MEEDS, and SCHMITZ.

The Committee divided, and the tellers reported that there were—ayes 178, noes 197, answered "present" 4, not voting, 54, as follows:

[Roll No. 344]

[Recorded Teller Vote]

AYES—178

Abzug
Adams
Addabbo
Albert
Anderson, Ill.
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boland
Bolling
Brademas
Brasco
Brotzman
Broyhill, N.C.
Burke, Fla.
Burke, Mass.
Burton
Carey, N.Y.
Celler
Chisholm
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conover
Conyers
Corman
Cotter
Coughlin
Culver
de la Garza
Dellums
Denholm
Dent
Derwinski
Diggs
Donohue
Dow
Drinan
du Pont
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Foley
Fraser
Frenzel
Gaydos
Giaimo
Gonzalez
Grasso
Gray
Green, Pa.
Grover
Gubser
Hamilton
Hanley
Hanna
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Howard
Hungate
Hunt
Jacobs
Karth
Kastenmeier
Kazen
Keating
Kemp
Koch
Kyl
Kyros
Link
McClory
McCloskey
McClure
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
Madden
Mailliard
Mann
Matsunaga
Mayne
Mazzoli
Meeds
Mikva
Miller, Ohio
Minish
Mink
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Nix
Obey
O'Hara
O'Neill
Pepper
Perkins
Peyser
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Randall
Rangel
Rees
Reuss
Riegle
Rodino
Roe
Roncalio
Rosenthal
Roush
Roy
Roybal
Ruppe
Sarbanes
Saylor
Scheuer
Seiberling
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Steele
Steiger, Wis.
Stokes
Stubblefield
Symington
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Vanik
Veysey
Whalen
Widnall
Wolff
Yates
Yatron
Young, Fla.

NOES—197

Abbitt
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspinall
Baker
Baring
Belcher
Bevill
Blackburn
Blanton
Bow
Bray
Brinkley
Brooks
Broomfield
Brown, Ohio
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carlson
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clark
Clawson, Del
Collier
Collins, Tex.
Colmer
Conable
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Delaney
Dellenback
Dennis
Devine
Dickinson
Downing
Dulski
Duncan
Edwards, Ala.
Eshleman
Evins, Tenn.
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frey
Fulton
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Goodling
Green, Oreg.
Griffin
Griffiths
Gross
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Henderson
Hosmer
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kee
King
Kuykendall
Landgrebe
Landrum
Latta
Lent
Lloyd
McCollister
McDonald, Mich.
McEwen
Macdonald, Mass.
Mahon
Mallary
Martin
Mathias, Calif.
Mathis, Ga.
Mills, Ark.
Mills, Md.
Minshall
Mizell
Montgomery
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Konski
Patman
Patten
Pettis
Pickle
Pike
Pirnie
Poage
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Rarick
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rooney, Pa.
Rostenkowski
Runnels
Ruth
St Germain
Sandman
Satterfield
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Snyder
Spence
Stanton, James V.
Steed
Stephens
Stratton
Stuckey
Sullivan
Taylor
Teague, Tex.
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Tex.
Zablocki
Zion
Zwach

ANSWERED "PRESENT"—4

Eckhardt
Thompson, Ga.
Van Deerlin
Wiggins

NOT VOTING—54

Abernethy
Abourezk
Anderson, Calif.
Betts
Boggs
Brown, Mich.
Caffery
Carney
Carter
Clancy
Conte

Davis, Wis.
Dingell
Dorn
Dowdy
Dwyer
Edmondson
Ford, William D.
Frelinghuysen
Gallagher
Garmatz
Gude
Hansen, Wash.
Hébert
Heckler, Mass.
Hull
Keith
Kluczynski
Leggett
Lennon
Long, La.
Long, Md.
Lujan
McMillan
Melcher
Metcalfe
Michel
Miller, Calif.
Passman
Pelly
Railsback
Reid
Rhodes
Rooney, N.Y.
Rousselot
Ryan
Springer
Steiger, Ariz.
Talcott
Terry
Ullman
Vander Jagt
Waldie
Wilson, Bob

So the amendment was rejected.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I do not mean these words to be critical of anyone as to the manner in which they voted on the last vote. But I have listened to several people who have, in effect, said that those of us who support amendments tonight are in favor of destroying the Constitution.

That seems to me to be a rather unfair allegation—and absolutely without foundation. I have noticed constitutional lawyers for whom I have the greatest respect who have voted on both sides of the issue. So it does not seem to me fair nor intellectually honest to make such accusations.

Someone once said that waving the flag, and an extraordinary display of patriotism is the last refuge of the scoundrel. I suggest tonight, that waiving the Constitution, and this extraordinary display of waiving the Constitution, is the last refuge of those who have lost their case.

Mr. MEEDS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, fortunately we have not been able to destroy the Constitution and I think it is a fitting tribute to our day of noble work to paraphrase that famous English statesman, Winston Churchill, and to say that never has the Constitution of the United States been assailed by so many so often with so little effect.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Udall, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13915) to further the achievement of equal educational opportunities, pursuant to House Resolution 1090, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. QUIE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Quie moves to recommit the bill H.R. 13915 to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. PUCINSKI. Mr. Speaker, I demand tellers.

The SPEAKER. All those in favor of taking a vote by tellers will rise.

Mr. QUIE. Mr. Speaker, on that I demand the yeas and nays.

Mr. PUCINSKI. Mr. Speaker, I have demanded that the vote be taken by tellers and I will ask that it be taken by tellers with clerks.

The SPEAKER. The gentleman from Illinois has demanded a vote by tellers and a request has been made that the Members rise. The Chair is counting.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GERALD R. FORD. Mr. Speaker, if we have a vote by tellers with clerks, is it possible to have a record vote subsequently?

The SPEAKER. A record vote is a constitutional prerogative of the Members of the House.

Mr. PUCINSKI. Mr. Speaker, I withdraw my demand for tellers.

Mr. QUIE. Mr. Speaker, I demand that the vote be taken by the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 283, nays 102, not voting 47, as follows:

[Roll No. 345]

YEAS—283

Abbitt
Addabbo
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspinall
Baker
Baring
Belcher
Bennett
Bevill
Biaggi
Biester
Blackburn
Blanton
Boland
Bow
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Cotter
Coughlin
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Esch
Eshleman
Evins, Tenn.
Fascell
Fisher
Flood
Flowers
Flynt
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Harsha
Harvey
Hastings
Hays
Heinz
Helstoski
Henderson
Hicks, Mass.
Hillis
Hogan
Hosmer
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Kemp
King
Kuykendall
Kyl
Landgrebe
Landrum
Lent
Lloyd
Long, Md.
McClure
McCollister
McDade
McDonald, Mich.
McEwen
McKay
McKevitt
McKinney
Macdonald, Mass.
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
O'Hara
O'Konski
Patman
Patten
Pepper
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Randall
Rarick
Roberts
Robinson, Va.
Roe
Rogers
Rooney, Pa.
Rostenkowski
Roush
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Scott
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—102

Abzug
Adams
Anderson, Ill.
Ashbrook
Ashley
Aspin
Badillo
Barrett
Begich
Bell
Bergland
Bingham
Bolling
Brademas
Burton
Byrne, Pa.
Celler
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Crane
Culver
Dellenback
Dellums
Diggs
Dow
Drinan
Eckhardt
Edwards, Calif.
Erlenborn
Evans, Colo.
Findley
Fish
Foley
Fraser
Gonzalez
Green, Pa.
Hall
Hansen, Idaho
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Hicks, Wash.
Holifield
Horton
Howard
Karth
Kastenmeier
Koch
Kyros
Latta
Link
McClory
McCloskey
McCormack
McCulloch
McFall
Madden
Mailliard
Mallary
Matsunaga
Mayne
Mazzoli
Meeds
Mikva
Mink
Mitchell
Moorhead
Mosher
Moss
Nix
Obey
O'Neill
Perkins
Quie
Rangel
Rees
Reuss
Riegle
Robison, N.Y.
Rodino

Rosenthal
Rousselot
Roy
Roybal
Ruppe
Scheuer
Schmitz
Schwengel
Seiberling
Smith, Iowa
Steiger, Wis.
Stokes
Thompson, N.J.
Udall
Van Deerlin
Whalen
Yates
Zwach

NOT VOTING—47

Abernethy
Abourezk
Anderson, Calif.
Betts
Blatnik
Boggs
Caffery
Carney
Carter
Conte
Davis, Wis.
Dorn
Dowdy
Dwyer
Edmondson
Frelinghuysen
Gallagher
Gude
Hansen, Wash.
Hébert
Heckler, Mass.
Hull
Keith
Kluczynski
Leggett
Lennon
Long, La.
Lujan
McMillan
Melcher
Metcalfe
Michel
Miller, Calif.
Passman
Pelly
Railsback
Reid
Rhodes
Roncalio
Rooney, N.Y.
Ryan
Springer
Talcott
Terry
Ullman
Waldie
Wilson, Bob

So the bill was passed.

The Clerk announced the following pairs: On this vote:

Mr. Hébert for, with Mr. Rooney of New York against.

Mr. Abernethy for, with Mr. Ryan against.

Mr. Kluczynski for, with Mr. Leggett against.

Mr. Passman for, with Mr. Waldie against.

Mr. Caffery for, with Mr. Reid against.

Mr. Anderson of California for, with Mr. Metcalfe against.

Mrs. Hansen of Washington for, with Mr. Gallagher against.

Mr. Carney for, with Mr. Blatnik against.

Mr. Rhodes for, with Mr. Conte against.

Mr. Gude for, with Mrs. Dwyer against.

Mr. Lennon for, with Mr. Roncalio against.

Until further notice:

Mr. Boggs with Mr. Keith.

Mr. Hull with Mr. Lujan.

Mr. Bob Wilson with Mr. Carter.

Mr. Melcher with Mr. Davis of Wisconsin.

Mr. Edmondson with Mrs. Heckler of Massachusetts.

Mrs. Abourezk with Mr. Michel.

Mr. Betts with Mr. Pelly.

Mr. Ullman with Mr. Railsback.

Mr. Long of Louisiana with Mr. Springer.

Mr. McMillan with Mr. Talcott.

Mr. Dorn with Mr. Terry.

Mr. Miller of California with Mr. Frelinghuysen.

Messrs. GARMATZ, TEAGUE of Texas, and DUNCAN changed their votes from "nay" to "yea."

Mr. RUPPE changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous matter on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING CLERK TO MAKE CERTAIN CHANGES IN ENGROSSMENT OF H.R. 13915

Mr. PUCINSKI. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 13915, the clerk be authorized and directed to make such changes in section numbers, cross references, and other technical and conforming corrections as may be required to reflect the actions of the House.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

GUARANTEED STUDENT LOAN PROGRAM

Mrs. GREEN of Oregon. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 260) to delay the effectiveness of certain amendments to the interest subsidy provisions of the guaranteed student loan program in the case of certain students.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

The Clerk read the Senate joint resolution as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) until April 1, 1973, in the case of students whose adjusted family income is less than $15,000, the provisions of section 428(a)(1) of the Higher Education Act of 1965, as amended by the Education Amendments of 1972, shall not apply, and in lieu thereof, the provisions of section 428(a)(1) of such Act in effect on June 30, 1972, shall be applicable and shall be retroactively effective to July 1, 1972.

(b) Section 431(b) of the General Education Provisions Act shall not be applicable to any regulations promulgated with respect to such section 428(a)(1) prior to April 1, 1973.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Strike all after the resolving clause and insert the following:

"That the effectiveness of the amendments made by sections 132A, 132B, 132C, 132D, 132E, and 132F of the Education Amendments of 1972 is hereby suspended for the period beginning with the date of enactment of this joint resolution and ending March 1, 1973, and the provisions of part B of title IV of the Higher Education Act of 1965, as in effect immediately prior to the enactment of such amendments, shall be effective during such period, except that (1) nothing in this joint resolution shall be deemed to affect the validity of any action taken or obligation undertaken under such part prior to the enactment of this joint resolution, and (2) section 438(b) of the Higher Education Act of 1965 shall continue to be in effect during such period. Section 431(b) of the General Education Provisions Act and section 495 of the Higher Education Act of 1965 shall not be applicable in the case of administrative action taken to effectuate this joint resolution."

Mrs. GREEN of Oregon. Mr. Speaker, believe me, and I suppose it is superfluous to say it, that I could not be persuaded at 1 a.m. this morning to ask unanimous consent to take up anything in this House if I were not persuaded it was a real emergency and crisis facing us.

The President sent up a special message yesterday to the Congress asking that action be taken on this before we go home. If the House is willing at this hour to take favorable action, then we have some reason to believe that the Senate will take action tomorrow and this can be on the President's desk.

Let me describe the situation briefly. The guaranteed student loan program over the years has worked amazingly well. In my judgment, the lending institutions, primarily the banks, have done a superb job of making loans to students in our colleges and universities. Last year alone, over $1 billion was loaned to students; money that does not come out of Federal funds or the Federal Treasury. Over 1 million loans were made.

A year ago in July, $71 million in loans was made to students. This July, of this year, $4½ million only was made to students. The situation is such that many of the lending institutions have withdrawn from the program entirely because there is so much confusion and there are difficulties in carrying on this program. In the last 2 weeks the Health, Education, and Welfare Department has put out interim regulations, and it has resulted in nationwide opposition and consternation among colleges and universities. I am sure that many of you have received telegrams and letters urging you to take some action on this so that the students in the colleges and universities in your districts will be able to borrow the money which will enable them to be able to pursue their college education this year.

Now, in the unanimous request and the amendment which was read, we do not touch EOG or the college work study or NDSL or the so-called grants. The only thing we do is to repeal the guaranteed student loan program as it was amended in the Higher Education Act of 1972, the conference report which was voted upon in this House about 2 months ago.

We repealed the guaranteed student loan program with the exception of secondary loans and the warehousing provisions. Many of you supported very actively the secondary loan and warehousing provisions which would make it possible for a larger sum of money to be obtained from this source.

This obviously was cleared before I would suggest that it be brought up tonight. It was cleared by the Speaker of the House, by the minority leader, by the distinguished chairman of the committee, by the ranking Republican member on the committee, the gentleman from Minnesota (Mr. QUIE), and the gentleman who is approaching the mike now, the gentleman from Illinois (Mr. ERLENBORN), by the gentleman from Wisconsin (Mr. STEIGER), by the gentleman from Pennsylvania (Mr. DENT), and by the gentleman from New Jersey (Mr. DANIELS), and other members of the Committee on Education and Labor.

Mr. ERLENBORN. Mr. Speaker, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Illinois.

Mr. ERLENBORN. Mr. Speaker, the gentlewoman from Oregon has just a moment ago stated that the resolution under consideration would repeal the guaranteed student loan program as enacted in the Higher Education Act. Just for clarity, is it not correct that the effective date would be extended and the legislation for the student loan program would be in effect as it was prior to passage of the higher education program?

Mrs. GREEN of Oregon. The gentleman is correct. We do not repeal the Act. We repeal the changes made a couple of months ago, and the effect is to go back to the provisions of the guaranteed student loan program as they were in operation this past year. I think the effect will be to relieve the uneasiness and anxiety of the student foreign aid officers and the presidents of colleges and universities.

If the House approves this resolution this morning and the Senate later this morning, then the student financial aid officers will be able to work under the rules and the guidelines and the regulations under which they worked last year so they will not be having the ground rules changed and will not be having to train people for a new procedure. Also the lending institutions will be working under the ground rules under which they have worked for a couple of years.

This also, may I say to my colleagues, has met with the approval of Senator DOMINICK and Senator WILLIAMS on the Senate side, so we do have a hope that the action that is taken tonight is not an exercise in futility and that it will get down to the President's desk and will make it possible for students to borrow the money and go to college.

I urge that this be adopted.

Mr. BRADEMAS. Mr. Speaker, I rise in opposition to the amendment.

When the House approved and sent to the President the Education Amendments of 1972 2 months ago, it was our intent to broaden rather than constrict the scope of the student aid programs.

Specifically, Mr. Speaker, it was our intention that the subsidized loan program, under which millions of students each year obtain low-interest loans from private lenders, be opened up to all students who need help, and not be restricted only to those whose adjusted family income is less than $15,000 per year, as had previously been the case.

Unfortunately, Mr. Speaker, our intent was not immediately clear to the Department of Health, Education, and Welfare, which has the responsibility for implementing the program, and interim regulations were promulgated by the Department which threatened substantially to reduce the number of students who would be eligible to participate in the program.

This was emphatically not the intent of the conferees. As I have indicated, it was our intent to expand rather than restrict the eligibility of students to receive Federal interest benefits, for it was quite clear to us that the $15,000 adjusted family income limitation in existing law was, if anything, unrealistically low.

But as I have indicated, Mr. Speaker, the guideline drafters at the Department of Health, Education, and Welfare had quite a bit of difficulty in understanding this.

And in the meantime a crisis has erupted that affects millions of college students and their parents in every congressional district in this country.

The subsidized loan program is in complete disarray, with colleges and universities, their students—and most important, the banks that actually make these loans—bewildered by conflicting signals from Washington as to who is eligible, who is not eligible, and who is eligible for how much.

The situation has hit hardest those families whose sons and daughters are already in school, and who in past years have received these loans.

To such families the availability of subsidized loans is a promise on which they have put their faith, and on which they made decisions—some of them as long ago as 3 years ago—as to which college or university their sons or daughters would attend.

But now these expectations have been drawn up short of events in Washington.

According to the U.S. Office of Education, only 4,500 applications for Federal loan subsidies were processed during the last 2 weeks of July this year, while the figure for the comparable period last year was 30,000 applications processed.

And, Mr. Speaker, with the passage of time the situation is getting even worse. During the first week of August only 606 applications were processed, while last year the comparable figure was 21,184.

Mr. Speaker, from this evidence we are surely confronted with a crisis of national proportions; one which demands a response on an emergency basis.

The Senate has already taken remedial action, and the President of the United States has sent us a message urging action.

The Senate bill suspends until April 1 of next year the applicability of the new law to students whose adjusted family income is less than $15,000.

Thus families who have in the past been able to count on these loans being available, will be able to do so now, without further delay.

They will also be able to take advantage of the liberalized maximum loan ceiling, which the law increased from $1,500 in any one year to $2,500.

Finally, Mr. Speaker, families with adjusted gross incomes in excess of $15,000, who in the past have not been eligible to participate, will also be eligible as soon as HEW manages to promulgate regulations appropriate to their situation.

But to reiterate, Mr. Speaker, the main thrust of this legislation will be to reestablish—at this critical time of the year—the rules with which bankers and other lenders have long been familiar in responding to the needs of families who have come to depend on this program.

If we act now the bill will go to the White House tonight for signature.

But if we adopt this amendment—if we yield now to the desire of some to reopen the decision Congress made earlier this year to try and bring more families into this program, and to liberalize the maximum loan limit—the bill will have to go back to the Senate for reconsideration by that body.

Mr. Speaker, I am aware that suggestions have been made in this Chamber to the effect that the Senate will readily accept this amendment, that it will "sail through" the other body tomorrow morning.

But I must suggest, Mr. Speaker, that we should not forget that, in order for a measure different from the one passed by the Senate to gain quick acceptance in that body, unanimous consent to its immediate consideration would have to be obtained.

If only one Senator, therefore, were to object to the immediate consideration by the Senate of the bill containing the amendment that has been offered, we could be in a situation where, Congress having adjourned, we would not be able to do anything to clear up the chaos that has resulted from the confusion over loan regulations until next month, after the academic year has started.

Mr. Speaker, we cannot afford to take chances such as are posed by this amendment.

If we defeat the amendment and approve the bill as passed by the Senate, millions of students and their families will thank us.

If, on the other hand, we attempt to engage in substantive lawmaking here at this late hour, we run the risk of a reenactment of a conference between the two Houses, and all of the rest of the normal legislative process being dragged out into the fall.

Mr. Speaker, we deal here with an emergency.

I urge the House to act accordingly, to reject the amendment, to approve the bill passed in the Senate and to forward this measure to the President for his signature.

Mr. QUIE. Mr. Speaker, I should like to speak in favor of the amendment.

Mr. Speaker, I support the amendment that is offered by the gentlewoman from Oregon (Mrs. GREEN) to the Senate language. This is the reason why: If we adopt the Senate language, that means the needs test is removed for this school year. We put in a needs test. Everybody who has a $15,000 income and below is presumed to be in need, and those above $15,000 of income have to prove whether they are needy or not.

But all of that is under the law we passed into effect on July 1, with respect to the amount the educational institutions determined needed.

The Senate removed that needs test entirely.

Also, what the new language did was to increase the maximum a person could borrow each year from $1,500 to $2,500. This is what has happened in some lending institutions. A banker came before our committee and said that he lends everybody $1,500, that the law provides for it, they come in and ask for the money, and he gives it to them. I have talked with any number of students who say that they do not only receive the money in the loan for their needs at college, but they get more. We know there are purchases of cars and boats and what not. Everybody knows that.

On August 1 of this year the GAO came in with a report which said that loans are going to students who do not need them. Now, with the Senate language, we will be opening the door for another $1,000 for students who do not need it.

The only way that I can see we can get rid of the confusion, so that the students today can get some money, is to adopt the amendment of the gentlewoman from Oregon.

Those of us who got together this afternoon agreed to it, as she listed the names. A member of the other body may object, but I would say that he will then have on his shoulders the denial of guaranteed student loans to all the students of the country, not only of Rhode Island. I believe the gentleman has a little problem of his own and I doubt that he is going to make that objection.

Mr. PUCINSKI. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I hope that the statement made by our colleagues from Indiana, Mr. BRADEMAS, has not escaped the careful attention of this House. It is 1:15 a.m.

We stayed here until about 2 o'clock or 2:30 a few weeks ago hammering out the higher education bill. This amendment before us today was worked out all day long in discussions and makes some very substantive changes to what you did here after careful deliberation. Now whether we believe him or not, a Member of the other body said he is going to object, and he has a right to object, and if he does object, then most of you are going to be stranded. We will be leaving here tomorrow and will not come back until the 5th of September. You are going to find tens of thousands of young people stranded in this country without loans. We have already enacted a resolution by the other body. Here it is in the RECORD.

All you have to do is look at page 28578 of the RECORD of August 16. The suggestion being made today is that instead of taking a chance on a new approach and taking a chance that somehow it will work in the Senate, that we do this. I know several others have said that they will get it through, but all it takes is one Member, and that Member has already said he is going to object, so you will be stranded until after Labor Day. If you do that, I strongly recommend we take the Senate language already approved and run with the law. Otherwise we will get in trouble.

Mr. STEIGER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Let me say I hope the gentleman from Illinois is not suggesting that the House play patsy to the other body or any Member of the other body?

Mr. PUCINSKI. I am not suggesting it, but he has the votes and the objection, and if he exercises that objection, you can stand on your head for the rest of tomorrow and you will not get this bill through, and he has said he will object.

Mr. STEIGER of Wisconsin. If the gentlemen will yield further, what the gentlewoman from Oregon has proposed in the way of the action of the House is substantively the correct course to take, and it allows the House to work its will.

Mr. PUCINSKI. I do not quarrel with that.

Mr. SISK. Mr. Speaker, a point of order.

Mr. PUCINSKI. I have the floor. I do not hold with the theory——

Mr. SISK. Mr. Speaker, I hesitate to make a point of order against my friend here, but there have been a number of violations of the rules of the House in the past few moments, and reference to a Member of the other body was made.

The SPEAKER. The Chair would like to state there has been a number of violations of the rule of comity recently. The rules of the House forbid any reference to debates or votes in the other House or to the probable action of the other House. If any Member wants the citation in the manual read, he can have it read, but it forbids any reference to any Member of the other body or any action of the other body. The gentleman may proceed in order.

Mr. PERKINS. Mr. Speaker, I move to strike the requisite number of words.

This situation comes about because unnecessarily restrictive regulations have been prescribed to implement new provisions for the guaranteed student loan program.

It was clear to me at the time the Office of Education promulgated temporary regulations for the insured student loan program in July that the Office had badly misinterpreted congressional intent and that unless corrected there would be a crisis.

Within days after the release of those guidelines, on July 28, I along with other members of the conference committee from both bodies, protested the new regulations in a letter to the Commissioner of Education. In that letter, it was made clear that the interim regulations failed to carry out congressional intent.

In the face of continuing delays, on August 10, I telegramed both Secretary of the Treasury Shultz and Secretary of Health, Education, and Welfare Richardson restating my concerns, pointing out the crisis, and asking for their personal intervention. At this point in the RECORD I should like to insert a copy of our letter to Commissioner Marland dated July 28, and a copy of my telegram to Secretary Richardson and Secretary Shultz dated August 10. I should also like to insert a letter I received from the executive secretary of the National Association of Student Financial Aid Administrators, as it is illustrative of many of the letters the committee has received regarding this crisis situation:

CONGRESS OF THE UNITED STATES, HOUSE OF REPRESENTATIVES, COMMITTEE ON EDUCATION AND LABOR

Washington, D.C., July 28, 1972.

Hon. SIDNEY P. MARLAND, JR.,
Commissioner of Education, Office of Education, Washington, D.C.

DEAR COMMISSIONER MARLAND: We are writing to you with respect to an interim regulation affecting the interest subsidy provisions of the Guaranteed Student Loan Program, which was filed last week and published in the Federal Register of July 18, 1972.

Having compared the regulation to the relevant provisions of the statute, we must tell you that in our view the regulation seriously misconstrues the law, and, if left unchanged, will effect a substantial change in Federal student aid policy that we as Members of the Committee of Conference on the Education Amendments of 1972 did not intend.

The regulation in question purports to give effect to Section 132C(a) of the recently approved Education Amendments of 1972, and states in part:

"(b) In connection with a loan issued after June 30, 1972, in order for a student to be eligible for payment on his behalf by the Commissioner of a portion of the interest on such loan . . . the eligible institution at which the student has been accepted for enrollment or which he is attending . . . must, prior to the making of such loan, (1) determine, pursuant to paragraph (c) of this section, the loan amount needed by the student, if any, and (2) recommend that the lender make a loan in the amount so determined.

In our view this regulation would not be objectionable if it governed only the eligibility to receive interest benefits of students whose adjusted family incomes exceed $15,000, since in essence it merely restates the three elements of subparagraph II of Section 428(a)(1)(C) of the statute, as amended. These elements are: (1) that the institution has determined the student is in need of a loan; (2) that the institution has determined the amount of the loan of which the student is in need; and (3) that the institution has recommended to the lender that it make a loan in the amount of such need.

The comparable statutory provision running to students whose adjusted family incomes does not exceed $15,000, however, contains only two of these three elements, omitting the requirement that the institution has determined the student is in need of a loan.

This omission was intended by the Conferees to have meaning. Our intent was to create *a presumption* of need in favor of students whose adjusted family incomes does not exceed $15,000, and not to change existing law in this respect.

The statement of the managers that accompanied the legislative provisions of the Conference Report supports this conclusion:

"The conference substitute contains features drawn from both the Senate and House amendments. Under it a student would be eligible for an interest subsidy if his adjusted family income is less than $15,000. The student's school will furnish the leader with a statement concerning its determination of the amount of the student's need for the loan and a recommendation as to amount of the subsidized loan. In the case of students whose adjusted family income is over $15,000, the school may determine that he is in need of a loan to attend the institution. If it so determines, it shall provide the lender with a statement evidencing the school's determination of the amount of his need and a recommendation as to the amount of the subsidized loan.

You will note that the statement of managers describes in absolute terms the eligibility to receive interest benefits of students with adjusted family incomes of less than $15,000. Further, the statement of managers clearly indicates that the only issue to be addressed by the educational institution under such circumstances is the *amount* of the student's need, and the amount of the loan it will recommend.

Thus, on the strength of the language of the statute, as well as the statement of managers that accompanied it, we feel that the only reasonable construction of the recently enacted amendments is one which recognizes a clear distinction between the eligibility requirements applicable to a student with an adjusted family income of less than $15,000, and those applicable to a student with an adjusted family income in excess of $15,000. Indeed, unless Section 132C when read in its entirety is construed as having this meaning, our action in writing two separate eligibility provisions could at best be regarded as a frivolous exercise. It was not.

You will appreciate that the above analysis has more than academic interest, since it bears directly on a question to be addressed in subsequent regulations, i.e. the basis on which the payment of interest benefits may be made on loans in excess of the recommendation of the educational institution.

The regulation here addressed implies—and the form (OE 1260) intended to implement it flatly states—that "if the educational institution makes no recommendation for a loan . . . the loan is not eligible for the Federal interest benefits."

Again in our view such a result would not be objectionable if it applied only to the eligibility to receive interest benefits of students whose adjusted family income exceeds $15,000, for there an institutional determination of need is a prerequisite to any further consideration of a student's application.

When applied to students whose adjusted family income is less than $15,000, however, such a rule would have the effect of allowing the educational institution to overcome the statutory presumption of need on the part of such students, thus exercising a power Congress did not grant, and working a substantial change in previously existing law.

This result was not our intent. We intended to leave existing law substantially unchanged with respect to students with adjusted family incomes of less than $15,000, adding only the requirement that the educational institution have some input into the judgment reached by the lender before the loan is made. This input was not intended to be conclusive, and students with adjusted family incomes of above and below $15,000, respectively, were not intended to have to proceed on the same footing.

It follows from this conclusion that if the Office of Education is to administer the loan subsidy program in the manner intended by Congress, substantial changes must be made in the regulation promulgated last week. Such changes should reflect the intent of Congress that students with adjusted family incomes of less than $15,000, and students with adjusted family incomes in excess of $15,000, not be treated the same, and that the former be accorded a presumption of need, as was the case under previous law.

It is our understanding that, pursuant to Section 189 of the recently enacted Education Amendments, the Office of Education will submit proposed permanent regulations, guidelines, and application forms issued in connection with the subsidized loan program to the Committee on Labor and Public Welfare of the Senate, and to the Committee on Education and Labor of the House of Representatives, at least thirty days prior to such regulations, guidelines, and application forms taking effect. We trust that copies of the relevant documents will be transmitted as soon as possible since the immediate plans of millions of college students, and thousands of colleges, universities and lending institutions, are dependent upon the matter being resolved without delay.

In the meantime we hope the information contained in this letter will be useful to you in revising the regulation issued last week. We appreciate that the Office of Education has had to move with considerable speed in implementing the changes made by Congress in the subsidized loan program but know you will agree that this and all programs created by statute must be administered in accordance with the intent of Congress, without exception.

Best wishes,

Sincerely,

Carl D. Perkins,
Chairman, House Committee on Education and Labor.
John Brademas,
Member, House Committee on Education and Labor.
Harrison A. Williams, Jr.,
Chairman, Senate Committee on Labor and Public Welfare.
Claiborne Pell,
Chairman, Senate Subcommittee on Education.
Jennings Randolph,
Ranking Majority Member, Senate Committee on Labor and Public Welfare.

August 10, 1972.

Hon. Elliot Richardson,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.
Hon. George P. Shultz,
Secretary of the Treasury,
Washington, D.C.:

The increasing volume of protests to the interim regulations for the Federally insured student loan program compels me to contact you and ask for your personal intervention in this matter. Based on the reports I have, we are already in a crisis situation. Unless immediate action is taken and rules and regulations promulgated which are consistent with the position stated in our letter to Commissioner Marland dated July 28 and which protect the statutory rights of students with adjusted family incomes of $15,000 or less, thousands and thousands of students will be denied benefits clearly intended for them by the Congress.

Carl D. Perkins,
Chairman, House Education and Labor Committee.

National Association of Student
Financial Aid Administrators,
Washington, D.C., August 9, 1972.

Hon. Carl D. Perkins,
Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

Dear Chairman Perkins: I thought you would be interested in the following telegram sent to Secretary Richardson, today.

"Denver, Colo.

"Dear Mr. Secretary: Want to share with you the deep concern of the student financial aid community represented by leaders of over 40 States assembled in Denver, Colorado, over the interim regulations for the federally insured student loan program.

"Aid officers from every corner of the country are reporting the effect of these regulations to:

"1. Deny eligibility for Federal interest subsidy to many deserving students for whom the program was intended;

"2. Choke up processing in colleges lending institutions and endorsement centers because of burdensome new administrative requirements;

"3. Discourage lender participation due to increased red tape and additional processing costs of billing interest to individual students. If these hurdles are not cleared up soon thousands of students will lack the needed resources for fall enrollment only a few weeks away.

"We realize that there are a number of technical problems with this legislation but we are confident that the Office of Education can develop realistic regulations that meet the intent of Congress yet stay within the law. However, direction is needed from your office to bring this about. Our association stands ready to help with this effort in any way possible.

"Sincerely yours,

"Grant R. Curtis, *President.*"

We support your position in this matter completely.

Sincerely,

Richard L. Tombaugh,
Executive Secretary.

During this period I instructed the staff of the committee to cooperate in every way possible with the Office of Education in order to arrive at an acceptable solution at the earliest possible date.

On August 14, Monday of this week, I called Commissioner Marland to my office in a further attempt to expedite matters. At that time, I was advised that within 24 hours agreement would be reached within the Administration and that we would be provided with new regulations. On Monday also we began to plan the action which the Committee on Education and Labor might have to take. On Tuesday, I was hopeful that satisfactory rules, regulations and guidelines which would properly carry out the intent of the Congress would be agreed to within the Administration.

In order to expedite matters in the event that such was the case, I introduced House Resolution 1286 to exempt any new regulations from the provisions of law which requires their publication for thirty days prior to their effective date. It was with great disappointment yesterday that I learned that there was still division within the Administration and that it would not be possible to meet the crisis as we had hoped to do, and as we should have done. We are thus in a position today where we must resort to the legislation which is before us.

Yesterday the Senate passed the resolution now under consideration, postponing the effectiveness of certain new provisions of the interest subsidy portion of the guaranteed student loan program until April 1, 1973. Shortly after that, the President's message was received requesting such legislation. Hearings on this matter had already been scheduled this morning by our Special Subcommittee on Education.

Based on all the information that I have, including the hearing transcript of this morning, it is clear to me that we are indeed in a crisis situation. I believe the Senate resolution meets the problem fairly.

However, the amendment under consideration should be supported since it is the only way we have been able to obtain an agreement on the House side.

Time is working against us. Students are in the process of seeking aid for this coming semester. About 200,000 to 300,000 applications are presently pending. Approval of the amendment and enactment of the resolution will allow for the continuation of the program as it has been operated in the past, with the result that students will be able to get the needed financial aid during the next few weeks, the peak borrowing period.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding for just one moment, because I feel very strongly on this particular issue. I have supported the higher education bill that we originally passed. I agree with the terms of it. However, there are students in my State, in the State of New York, and all over the country, who will not be able to get loans today. If we accept and support the amendment of the gentlewoman from Oregon tonight then we have a good chance and the students, starting in the middle of next week, will be able to get loans. This is August, and school starts in September.

So I hope you will support this amendment.

Mr. DELLENBACK. Mr. Speaker, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Speaker, I think it is important that the House understand exactly what it is we are facing. The point that is made by my colleage, the gentlewoman from Oregon, is sound. We have a provision which wraps up together, not to repeal, but merely to suspend the operation for a period of time for the series of sections of this higher education law which make an homogenous unit. The proposal of the Senate is deficient in at least two respects. First it is deficient in that it does not present the series of items which should be in it if we are going to suspend them all together, but it suspends only one process.

Second, if you will read the last sentence, there is one provision which deals with the effectiveness of the regulations, and time delays which should be utilized before those regulations can become effective; the proposal which passed the Senate did not waive one of those two provisions which apparently must be waived, if in these next several weeks we can be operating under a program to get loans that the institutions can live with, and the students can get loans, and the lending institutions can operate under it. We have operated under this section, as my colleagues pointed out, and they know what it is.

If we can pass this amendment tonight and get the approval of the Senate, and it is almost inevitable it will be coming, then we will have an operating unit which will get loans to our students. Without such action, we will be seriously deficient.

Mr. BRADEMAS. Mr. Speaker, will the gentleman yield?

Mr. DELLENBACK. I yield to the gentleman.

Mr. BRADEMAS. Mr. Speaker, I appreciate the observations of the gentleman.

One thing, I think, has not been made totally clear and apparently I failed to do so in my own remarks.

We are not talking, when we analyze the amendment offered by the gentlewoman from Oregon, about a simple extension of time. We are talking of repealing substantive portions of the higher education law that was enacted. I cited one example of the dropping of the maximum limit of the amount of money that can be borrowed, from $2,500 to $1,500. That may be a good idea or it may not be a good idea. But that is part of the amendment and we should not beguile ourselves into thinking that we are talking about a simple extension of time here.

I hope my colleagues will appreciate, therefore, that this is the safest way to be sure that we make possible loans for students.

Mr. DELLENBACK. I appreciate the remarks of my colleague.

Mr. BRADEMAS. I am sure my colleague will not disagree with what I have said.

Mr. DELLENBACK. I will merely read the first lines of the amendment offered by our colleague from Oregon:

> That the effectiveness of the amendments made by sections 132A, 132B, 132C, 132D, 132E, and 132F of the Education Amendments of 1972 is hereby suspended for the period beginning with the date of enactment of this joint resolution and ending March 1, 1973.

This is not a repeal. This is a suspension for a given period of time.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the gentleman from Indiana uses words of art when he warns that this is more than a suspension in time, that this is indeed and in fact an effort substantively to change the action taken overwhelmingly by this body.

What the other body will or will not do, I suppose, is not particularly relevant, except that I might warn that in the unhappy event the other body does not agree with the action taken in this body, if this amendment is passed, then each and every one of you can look for all sorts of grief from students who are expecting and have a right to be expecting stipends and loans and who are not going to get them if it happens that there is not a concurrence on tomorrow.

Now, if you want to run this risk, I invite you to do so. But you are running a great risk. You have not had a chance to study these amendments any more than a lot of us have had. I will admit I had an opportunity, which I was unable to avail myself of this morning. But had I availed myself of that opportunity this morning to go to the subcommittee, I would have objected strictly and violently to this.

I doubt that the chairman of the full committee would have been a participant in it. I simply caution you that the safest route is to defeat this amendment and to concur in what the other body has done and guarantee to the students the availability of these loans.

Mr. ESCH. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, speaking as a member of the committee and having suffered with the House during the past hours of this day, I would suggest to the Members of the House that it is indeed a rare occasion when our committee recognizes that it needs to correct an error that it made.

I would strongly urge that all of you support the amendment and pass the bill and recognize that we take this responsibility and that you would support the action of the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Will the gentleman yield?

Mr. ESCH. I would be happy to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I thank the gentleman for yielding. I appreciate the comments of my colleagues on the committee, and especially my colleague from Oregon.

It seems to me that he made it abundantly clear that all that is being asked is that we postpone the effective date of the amendments which were made to the guaranteed student loan program this year through the conference report. It is not to repeal; it is to postpone the act, and there is a terminal date of March 1. There was an agreement today that in the subcommitee which I have the privilege of chairing that we would immediately start hearings on the guaranteed student loans and work out several provisions that are causing trouble.

We would start those hearings immediately after we come back on September 5. I am planning to schedule hearings on September 6 and 7, and at that time the several bugs that have been identified can be discussed and the committee and the House can work their will at that time.

So we are not asking for any repeal; we are asking for the postponement so that we can get on with the business that is so urgent for the colleges and universities.

The SPEAKER. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The question was taken; and on a division (demanded by Mr. BRADEMAS) there were—ayes 198, noes 64.

So the amendment was agreed to.

The SPEAKER. The question is on the Senate joint resolution.

The Senate joint resolution, as amended, was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: To suspend until March 1, 1973, the effectiveness of certain amendments made by the Education Amendments of 1972 to the Guaranteed Student Loan Program.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERSONAL EXPLANATION

Mr. RONCALIO. Mr. Speaker, I was unavoidably detained during final passage of the bill H.R. 13915, Equal Education Opportunities. If I had been present I would have voted against the legislation.

MOST FAVORED NATION FOR RUMANIA

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, today a bipartisan group of 10 of my colleagues who are members of the Ways and Means Committee are introducing a bill to provide the President the authority to negotiate most-favored-nation tariff treatment with Rumania. The language of the bill is identical to one I first introduced in the House in August 1969 and reintroduced in July 1971.

For the last decade, the Rumanians have made a significant effort to formulate and practice their own independent policies, both at home and especially in their international relations. Among the significant signs of Rumanian independence in recent years are the following:

1964—Rumania blocked a Soviet attempt to integrate the economies of the Warsaw Pact countries on Soviet terms.

1966—Rumania was the first Warsaw Pact nation, other than the U.S.S.R., to recognize West Germany, and establish diplomatic relations despite objections from Moscow and the East Germans.

1967—Rumania refused to break diplomatic relations with Israel or brand Israel an aggressor after the 6-day war.

1968—Rumania refused to participate in the invasion of Czechoslovakia and warned Moscow that a similar move against Rumania would be met by force.

1969—Rumania was the first Communist nation to invite and host President Nixon on its soil.

1971—Rumania's President Ceausescu paid a state visit to the People's Republic of China, despite Soviet reaction.

1972—No Rumanian ships were in North Vietnamese ports when they were mined, nor have any called there in recent memory. Rumanian trade with the North Vietnamese has declined steadily for years, consisting only of a minimal amount of non-military goods.

This independence makes it desirable, indeed very essential that the United States be able to negotiate for most-favored-nation tariff treatment with this Eastern European country as far in advance of a similar negotiation with the Soviet Union as possible.

To fail to do so will serve to aid the Soviets in consolidating their hold on their Eastern European neighbors, who will conclude that their own independence from the Moscow line will yield them little recognition from the United States, and that the United States prefers "big power" diplomacy with the Soviets to the exclusion of Eastern Europe's sometimes differing interests.

President Nixon upon several occasions—including his most recent State of the World Message—has publicly endorsed most favored nation for Rumania and, through Secretary of State Rogers, asked Congress to give him the authority to negotiate with Rumania on most-favored-nation trade status. Congress' failure to do all possible to fulfill this most important commitment to the Rumanians might be misunderstood in all Communist capitals as well as elsewhere.

The introduction of this bill today by so many prominent members of the Ways and Means Committee is a signal that Congress has not forgotten one of the most independent Communist countries in the Soviet bloc. Hopefully, the committee will now set a date for hearings on this bill.

Such a move at this time would certainly be a political and economic plus for the United States.

Politically, as stated above, it would recognize the independent policies pursued by the Rumanians and give meaning to our declared intention to deal with Eastern European countries directly and not through Moscow. At the same time, it would give the Soviets no valid cause for offense if negotiations on most favored nation were initiated first with Rumania. The Soviets realize the significance for themselves of an Eastern bloc country being accorded favorable trade status. It is well known that they hope to receive similar trade status early in 1973. In fact, granting most favored nation to Rumania would clearly strengthen the United States negotiating position vis-a-vis the Soviet Union.

Most favored nation for Rumania should not be compromised because of the continuing war in Vietnam. Rumania's trade with Hanoi has steadily dwindled since 1967 to the point where last year it sold only $10 million worth of products to the North Vietnamese. Even that trade is restricted to foodstuffs, medical supplies, and other nonmilitary goods.

Economically, it would represent a positive trade initiative by President Nixon. A bill restricted to most favored nation for Rumania would not, in my judgment, encounter the fire of protectionists in either the House of Representatives or the Senate this year. What may occur next year is unknown. Certainly a major effort will be made then to amend general grade legislation to include protectionist measures.

Moreover, it can be expected that granting most favored nation to Rumania will increase its trade with us, which is already heavily in our favor. Rumania purchases more than four times as much from the United States as it sells to us. At the same time, it has limited its trade with the Soviets to only 28 percent of its total trade, far less than other Warsaw Pact countries.

In addition, U.S. investors in Rumania may obtain equity of 49 percent of their investments in a joint venture.

All of this indicates the strong reasons for acting on most-favored-nation tariff treatment for Rumania. The members of the Ways and Means Committee are to be commended for their foresight and judgment in introducing this measure which can have a substantial impact upon our political and economic relations in Europe.

DR. CALVIN M. THOMPSON

(Mr. HANLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, a dear friend and noble man passed from this life yesterday, Dr. Calvin M. Thompson. Dr. Thompson held many titles in his life, but first and foremost, he was a man of God, and a man who served his God by serving his fellow man.

Dr. Thompson was more than a cornerstone of the Syracuse community. He was an embodiment of its moral force, and for 37 inspiring years he influenced generation after generation as pastor of the Delaware Street Baptist Church. But Dr. Thompson did not confine his message to his own church only, it was far too important, and he knew of its power. So for as many years, he preached the Gospel for all Syracusans over WSYR radio. I remember as a young man listening to his words come over the radio; words of conviction and courage; words that were to influence my life and many others.

Dr. Thompson's influence hardly stopped there, however. Over the years of our long and close association, I leaned on him heavily for counsel. His wisdom and strength buoyed me through many a trial.

In 1970, I had the honor of speaking on the occasion of his retirement, when his congregation and community feted him for his years of loving service, and his personal warmth and sincerity never shined as brightly. We came to praise him and did, but when he rose to speak, he did not talk much about his past, but rather he spoke of the future, and once again inspired us. That was the kind of man he was.

Dr. Thompson was a native of Newark, Ohio, and was educated at Georgetown College, Ky., and the Andover-Newton Theological School in Newton Center, Mass. His career was a brilliant one, and I would like to touch on a few of its many highlights.

At age 22, Dr. Thompson served as the post chaplain at the American Hospital Center, Beaune Cote D'Or. After returning to America after the war, young Dr. Thompson finished his seminary work and took his first pastorate in the wild and untamed oil town of Casper, Wyo. In 3 short years, Dr. Thompson's efforts were so successful he had to build two new missions to accommodate his flock.

It was in Casper he met his bride, Miss Helen Crissman, who was working with the Young Women's Work of the Baptist Denomination. After his work in Wyoming was done, the people of Kentucky were next to have the privilege of his services. As in his later years in Syracuse, Dr. Thompson contributed much to the community of Barbourville, writing a newspaper column as well as administering to the religious needs of his people.

Then he came to my home, Syracuse, N.Y. I have mentioned some of his work there, but there is more. For more than 10 years, Dr. Thompson was member, vice chairman and chairman of the Syracuse Housing Authority, forcefully molding the first postwar program of low rental housing. His contributions in this area cannot be measured. He also was a figure in community organizations, including the Masons, the Kiwanis Club and the American Legion, and he often wrote for the city paper.

But, Mr. Speaker, you know as well as I that a man's accomplishments, although they be great, do not give us the true feeling of the man. Dr. Thompson was a great human being. A man of spirit and humor, a man who was deeply concerned about his fellows. He was a deep and reflective man, a man with an abiding faith in God and the life hereafter.

It is for that reason that my sadness at his passing is tempered. I know he died at peace, for he lived in peace with God. I am reminded of the immortal words of John Donne:

> "Death, be not proud, though some have called thee
> Mighty and dreadful, for, thou art not so,
> For those, whom thou think'st, thou dost overthrow,
> Die not, poor death
> One short sleep past, we wake eternally,
> And death shall be no more; death, thou shalt die."

Mr. Speaker, I trust my good friend Dr. Thompson shall wake, for he trusted his life to his Creator.

THE CROPLAND AND WATER RESTORATION ACT

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. HALL) is recognized for 1 hour.

(Mr. HALL asked and was given permission to revise and extend his remarks and include extraneous matter.)

GENERAL LEAVE

Mr. HALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to comment on the subject of the Cropland and Water Restoration Act of 1972.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. HALL. Mr. Speaker, as I prepare to introduce the Cropland and Water Restoration Act, today, I would like to first point out that it is applicable to agriculture legislation as a whole concept, or can be incorporated as a part, or special feature of another agriculture bill.

It is divided into two parts, the first of which eliminates the Federal Government, that is the U.S. Department of Agriculture, from any management of food and fiber grown by the farmer to be sold in the free marketplace; the second part, which I refer to as the "second market," puts the Federal Government, through its Department of Agriculture, in the position of acting as a regulatory agency only to the extent that the farmer himself is willing to participate in, after consultation and agreement with his local representative of the ASCS committee, on an economically feasible basis.

In short, this bill is voluntary, and funding by the Federal Government is elected only as an incentive to encourage the farmer to make better use of his land, instead of merely "idling" acres.

Mr. Speaker, early in my service as a Member of the Congress, I felt the need for a new approach to the way our Federal Government participates in this Nation's vast system of agriculture.

We have for years, attempted to solve our farm problems on a "piecemeal" basis, patching here, shoring up there, deleting programs, adding others, always reacting instead of attacking the problems with an across-the-board, "grand design." It is increasingly apparent to all that we now need a plan that will not only give the American farmers a strong and voluntary voice in the management of their own affairs, but will assure this Republic of—

First, an abundance of food and fiber for the consumer;

Second, a fair profit for the farmer; and

Third, a conservation program that will provide for the future demands on soil and water—that will surely be made by our growing population—here and around the world.

Fortunately, we are blessed with abundant resources and I believe that we are smart enough to plan and prosecute the utilization thereof. Also, it is basic that our farmers have sought out and used the best environmental control practices for generations.

Mr. Speaker, today attention is focused on agriculture as never before. The farmers' story, for the first time in years, has become page 1 news, and the message is finally coming clear to the American people that farm income is only 75 percent, of nonfarm income. The story is being told, that the people who produce our food and fiber now number less than 5 percent of our population; and the resources we are dependent on are slowly being depleted, yet no thought of depletion allowances has ever occurred. How much better to restore, than to deplete.

The Fact Book of U.S. Agriculture tells us that by the year 2000, farmers will withdraw about one-third more water than they did in 1965. We must have a sound program to prepare for that eventuality. It is, No. 1 for the farmer, consumer, scientist, technician, manufacturer, dreamer, and ecologist.

The same publication tells us that in January of 1971, the farm debt amounted to more than $61 billion, and production expenses have increased by $14 billion in the last 10 years. We must have a plan to help alleviate this problem, including "start-ups" of young farm couples fresh from agriculture schools. Close to a national disaster is the decreasing numbers of farm-born children who elect to stay, produce, and follow in the tradition of their parents. Indeed, we are all too rapidly becoming a nation of buyers, not producers. It cannot go on to the endpoint, in this manner.

Mr. Speaker, while I do nót pretend to have all the answers, I do feel that after some 10 years of intense staff and library research, plus field experimentation and observation, I have, with the assistance of many knowledgeable men of the soil, put together a plan that when given the added expertise of our House Committee on Agriculture and the U.S. Department of Agriculture; can offer this Nation a strong, workable, and fair agricultural program. At least it could well be the first that all farm organizations can study and agree upon. This alone is a big plus, as well as almost essential.

The bill I suggest is entitled the Cropland and Water Restoration Act of 1972, and it seeks to create a "second market" for restoring the national cropland in direct proportion—or better than—to the rate it is being used and depleted; and to bring the supplies of farm products into line with current demands, in order to encourage the farmer to return to the soil that potential to produce which has been taken from it in the production of crops, to hold it in place, to provide irrigation through the building of flood controlling farm ponds, to increase farm income toward minimal parity while the family is growing, to decrease the public cost of agriculture, and to preserve the high quality of food and fiber at a reasonable price to the consumer. In this sense it could just as fairly be "dubbed," "The consumer protective bill." It truely entwines proper management practices, conservation, amplitude and environment.

The really essential ingredient of this legislation is what I have termed the "second market." This feature provides the farmer with the option of selling to the Federal Government improved practices on depleted acres, or disposing of his crop in the usual manner, in the marketplace, and foregoing any Federal payment.

Under the bill, the Secretary of Agriculture will be authorized to enter into contracts covering periods of 1 or more years with producers, determined by him to have control for the contract period of the farms, if such producers agree to retire and devote to soil-rebuilding uses any or all farm cropland.

The Secretary will be further empowered to place a maximum limitation on the percentage of total cropland which may be so dedicated, if he finds that such action is necessary to prevent the program from having an unduly disruptive effect on the economics of counties and local communities. Widespread and voluntary polls prior to explaining the intent of this bill, indicate oversubscription of the requisite number of acres.

The Secretary will also be empowered to make annual restoration payments to participants based on the following:

The incentive necessary to achieve voluntary participation;

The loss of crop production, on the rededicated acres;

Any savings in cost which result from not planting crops;

The estimated profit margin of crop production on the designated acres;

Continuing farm overhead expenses;

The cost of establishing conservation, and good land and water management practices on the rebuilding acres; and

The cost of planting, fertilizing, and plowing under a suitable restorative or cover—nurse—crop, capable of returning the lost fertility to the soil.

For example, the "second market" idea would permit the local ASCS agent to figure on the spot, the weight and rent per acre the farmer would receive for growing a restorative crop, such as sweet clover or lespedeza to be plowed under, after 1 year. The farmer would receive additional bonus money if he had an SCS approved farm pond for irrigation and flood control, or other bonuses for approved and enhancing practices.

The Secretary of Agriculture would in effect, buy tons of a suitable crop, which would be used to restore the land instead of just idling acres, such as provided by the soil bank.

The farmer will be permitted to determine by a competitive bid procedure the percentage of the rental rate applicable to his farm, that he is willing to accept.

The Secretary will then compensate the producers for participating in the program through cash payments. These payments can be made in advance, as long as they do not exceed 50 percent of the determined amount.

Other uses for the restored land credits could include: Environment controls, restoration of wildlife habitat, ponds for farm and community water supplies where nitrate poisoning in wells becomes a health hazard and/or row crop irrigation, the preservation of virgin stands of grasses and timber, and beautification in general.

One final advantage to the "second market" concept is that the cost to administer the program will be less. There is only one crop in any given acre to measure. Participation can be easily checked. There will be no surplus to measure, sell, or give away. There will be no "cost sharing" for fertilizer, lime, ponds, terraces, and many other activities now requiring more and more people, wherein the executive branch plays budget games with the legislative branch. These are all good, tested and approved practices and would be rated and considered for payments in the "second market" formula.

Mr. Speaker, what I am offering today, is an attempt to give the farmers of this Nation, an opportunity to farm and produce, utilizing their God-given talent and our God-given resources, both of which are so vital to the survival of this Nation; to say nothing of the rest of the Nations of the world who are dependent on our food exports. It is an attempt to release them from dependency on the whim of the Federal Government, and yet permit them to exercise their own judgment, judgment that has always proved to be far and away better than those bureaucrats who for years have determined what will be grown and where it will be grown, with little or no thought to the future. Let us put the biblical ever-normal granary concept to work in our own soil, and its products.

I do not advertise the Cropland and Water Restoration Act as a "cure-all" or final solution. I repeat, I have no pride of authorship. I do offer it as evidence that a successful solution to the problems of agriculture can be found, and this proposal can serve as a "framework" or vehicle for that solution. I hope those concerned will take up the baton and race for a record of accomplishments.

Mr. Speaker, for a number of years now, I have been speaking to my colleagues about the need for a totally new concept in agriculture legislation. To that end, I have spent many years in research and consultation with men whom I think hold credentials in the field of agriculture that are superior to most. They make up the 11-year-old Seventh Missouri District Farm Advisory Council. Through their input and advice, a bill has been developed and introduced to the House of Representatives today. The main source of counsel for the legislation has been a man by the name of E. M. "Gene" Poirot, a man of the soil, author, conservationist, and philosopher. His book, "Our Margin of Life," was the source of much of the legislative concept.

Recently, the mail brought further thoughts and suggestions from Gene Poirot, and his simple but eloquent words, reach out and grasp the problem and offer a sensible solution at the same time. It proves that the end product of farm produce, is human bodies.

For the enlightenment of my colleagues, and all interested parties, I offer Mr. Poirot's letter at this time.

The letter follows:

POIROT FARMS, INC.,
Golden City, Mo., August 14, 1972.

Congressman DURWARD G. HALL,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN HALL: You amaze me. Even though retired you fight as hard for what you know is right as you did when first elected. I am proud to be on your side and you may be sure I will come to Washington any time you may call me.

Your letter is good news. Perhaps some people are beginning to understand the farm problem is more than economics; and economics as taught by the professors and put into laws will not solve it.

The best proof is that 1. farm income has not reached parity of income for farmers. When beef prices got near that level the economists got scared and opened the gate for more imports made by Natures laws not not by economic laws.

2. USDA Figures say we have lost more than we have restored in crop land by some over 25 million acres in the past 25 years. That is a NET loss.

3. The farmers our programs were supposed to help, have left the farms by the millions because they went broke.

4. Streams are still muddy. Cropland goes to the sea. Streams and lakes are polluted. Floods are still with us. Wildlife is becoming less. Insect sprays have become a "Must" on most farms. Why?

Because the economists who put together past laws were guided only by man's economic law of supply and demand which gives its reward for a limited supply and measures its reward in dollars. The other law ignored by economists is nature's law, the law that creates life from air, water, sunshine and soil plantfood minerals. Her reward for obedience is abundance, her punishment is death, first economic death for the farmers who had to leave the land. For those in other nations who could not find food elsewhere it is death.

Where in reality is the farm problem? It is one farmer and his farm any place from here to there. He can not grow net income in dollars when his yield is multiplied by the market price offered him. If Nature's law declares his corn yield to be zero, and offer of $1,000.00 per bushel could not correct his problem. The science of agriculture can correct it. It deals with obedience to the law of Nature and it is taught by every college of agriculture down to include 4 H clubs and grade school kids in rural communities.

Now try to find any program we have ever had that reaches the people who went broke farming. The payments are always less for retiring poor land and more for retiring richer land. Programs were directed to all farmers not just to those having a problem as they knew it to be on their farms down even to the acres that were not net profit producers because of yields, weather; or local market prices.

The excuse was (and still is), "These farms are not efficient units of production and should be absorbed by larger farms". Many farmers did not sell out. They followed the law of Nature which says "return to the soil the plant foods that have been taken. Hold those additions in place where new life begins and provide water if and when it is needed". These are the people we brag about. They got the money to buy lime and fertilizer by putting their wives and kids to work when they should have been at play. Go up and down any country road and you can find them.

The real, long time solution to the farm problem then, is to provide a program to give all farmers a chance to solve their problems as they find it on one or many acres, where yields are poor and/or prices are low, by applying the science of agriculture.

The program will use supply and demand to control every commodity but in this market is another commodity the government buys called soil and water restoration. It is to be bought at a fair parity of income price to the farmer below which he need never produce food and fiber for the consumer. Supply and demand is now in the hands of the farmer and consumer. The government responsibility is only that of holding the food and fiber producing resources of soil and water at a high level of potential production for generations to come.

In order to prevent private investments from plowing out new lands for the production of products, a tax on all food and fiber can be collected to pay for soil and water restoration. It is a cost item that should be paid by all those who expect to eat. It would not be passed on to the farmer as long as the government provided a market for soil and water restoration at a parity of income price to the farmer.

This is your bill, for buying the science of agriculture put to work on every farm. Soil and water are the resources in limited supply. Their conservation and restoration gives the SCIENCE OF AGRICULTURE in any of its details a chance to reach farmers, and his farm, in the shortest possible time.

Thanks again for the many things you have done and are doing for we who farm the lands, so many more human bodies and well nourished minds can be grown from our farm land soils.

Sincerely yours

GENE POIROT.

Mr. HALL. Finally, Mr. Speaker, I include a cropland and water restoration bibliography.

CROPLAND AND WATER RESTORATION BIBLIOGRAPHY

1967, June 12. CONGRESSIONAL RECORD, volume 113, part 12, page 15497, Introduced Cropland and Water Restoration Act, plus discussed visit to Poirot Farm.

1968, May 1. Testified before the House Committee on Agriculture, accompanied by Gene Poirot. Page 324 of Committee hearings for that year.

1968, May 1. CONGRESSIONAL RECORD, volume 114, part 9, page 11295, Statement re H.R. 10742, Cropland and Water Restoration Act.

1969, August 9. Visit to Poirot Farm accompanied by Representative Odin Langen and Dr. Don Paarlburg, U. S. Department of Agriculture.

1969, September 10. Introduced new bill, H.R. 13717. CONGRESSIONAL RECORD, volume 115, part 18, pages 24983–24986.

1969, October 10. Testified in behalf of H.R.

13717 before House Committee on Agriculture.

1970, July 28. Testified before Committee on Rules to offer H.R. 13717 as a substitute for H.R. 18546—The Agriculture Act of 1970.

1970, August 4. Offered H.R. 13717 as a substitute for H.R. 18546, CONGRESSIONAL RECORD, volume 116, part 20, pages 27191–27193.

CONGRESSIONAL REORGANIZATION

The **SPEAKER**. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 30 minutes.

Mr. **SCHWENGEL**. Mr. Speaker, congressional reform is a series of continuing changes that serve to keep the legislative branch both strong and responsible to the American people. The Legislative Reorganization Act of 1970 was the first step towards modernization since 1946. In this period of accelerating change, we must continue the process of reform in order to keep Congress a viable, respected institution.

This bill would not, by any means, do all that is needed. A bill that includes all the changes I believe necessary would not have a chance of being enacted into law. We are trying only to correct a few of the most needed changes in the rules of this body. Many of them have been debated before, and some have even been passed by this body, only to be eliminated in a conference committee. Many were recommended in the final report of the Joint Committee on the Organization of the Congress in 1966, but still have not been acted upon.

In this country, we are dedicated to the ideals of democracy and the rights of the individual. Yet Congress, which is supposed to be the fortress of representative government, still clings to the antiquated seniority system. It does not guarantee the rights of the minority for committee staff or for the filing of minority reports. It does not guarantee individual Members of Congress the right to request budgetary and fiscal investigations and information. It does not encourage the opening of committee hearings to the public. Is it any wonder that many people are losing faith in our Government?

In recent years, the power of the executive branch has increased, while Congress has been relegated to a watchdog status, making minor adjustments in the executive program. Now we are finding ourselves unable even to do that satisfactorily. This bill would serve to provide more effective legislative review, especially in regard to appropriations.

A major reason for the declining influence of Congress is that we are being pressed more and more for our time. We must reduce some of the demands on our time. We must become more efficient in our committee procedures. This bill would serve to provide digests and summaries of testimony in committees, and to revise the House Employees Position Classification Act.

The first provision of this bill requires the public announcement of any rollcall vote in any committee meeting at the conclusion of the meeting. Immediate access of committee votes will encourage the media to publicize committee votes, resulting in a more informed public. The people have a right to know how their Representative voted in committee, since that is where virtually all of our legislation is created.

Greater freedom of information is provided by section 106. This provides that each committee hearing "shall be open to the public except when the committee, by majority vote, determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation." This language is exactly that which the Joint Committee on the Organization of the Congress recommended in 1966, after much study and many hearings. A committee is still allowed to close more than one hearing at a time, but it does place limits on the reasons by which a hearing can be closed. Thus, this is a very mild change, insuring the access of the public to more hearings, especially investigatory hearings.

A major part of this bill is the total elimination of voting by proxy. As we all know, most of the work accomplished by the House is done in the committee. Ninety percent of the legislation voted out of a committee is passed in that form.

We do not allow proxy voting on the House floor. Why should we allow it in committees where each vote carries much more weight? Elimination of proxy voting would mean that Members would be more likely to make a wise decision. They would, hopefully, be present to listen, debate, discuss, and question proposed legislation before exercising their right to vote. A proxy cannot consider amendments, it cannot compromise. Through the increased participation and attendance, the committees would become more responsible, more likely to produce better legislation.

Section 105 requires that a majority of the committee be present when a vote on any measure or amendment is taken, not just to report a bill. This will guarantee proper consideration of all bills and amendments. Section 104 will be changed to conform with the elimination of proxy voting so that a "concurrence of a majority of the members actually present," is needed to report a measure or matter.

These changes in committee procedure will lead Members to spend more time in committees. Several provisions to compensate for this lost time are made in the bill. Each day of committee hearings, the staff will prepare a digest of the statements filed by the witnesses for that day. Not only will this serve as a timesaver, but it will also enable the Members to prepare intelligent, constructive questions for the witnesses. The staff is also required to prepare a summary at the conclusion of each day of hearings, for the use of the Members and the public, if the hearing was not closed. These provisions might necessitate a staff increase, but the savings in time and the long-range effects on legislation would certainly justify the cost.

In order to cope with the increasingly heavy workload, section 112 would tend to encourage more committee meetings, Monday through Friday. Clause 26(b) of Rule XI already gives the chairman the power to call and convene additional meeting as necessary. This section would just further define and elaborate on that power, and limit the extra meetings to the normal weekdays.

The Joint Committee on the Organization of Congress recommended each standing committee have at least one review specialist assigned exclusively to that function. Each committee would determine how the review specialist could best perform his function. Section 111 of the bill would carry out this reform recommended 6 years ago by the bipartisan committee. My bill would also broaden the areas of review by requiring the committee to "analyze, appraise, and evaluate reports and other data of the Comptroller General," to review and study departmental and agency reports, as well as to "carry out the general review and study policies of the committee." It also specifies that the reports must be distributed to all other concerned branches of government.

Section 109 of my bill will require distribution of committee reports to all members before filing. It allows at least 2 days, excluding Saturdays, Sundays, and holidays, for members to check the committee report and correct it before it is published. This inspection period immediately follows the minimum 3-day period to submit minority reports.

In our two-party system, the majority rules. The chairman of all the committees is a member of the majority party and all the committees are carefully controlled so that the proper ratio of majority to minority exists. These two factors give potentially great power to a united majority party. Yet, we all realize that the rights of the minority must be protected in order to provide a constructive opposition or to provide the people with a choice.

Sections 113 and 114 will help support this constructive opposition. The minority must have the same facilities and the same access to experts' information in order to prevent domination of one party. I hope we all realize how basic two strong parties are to our system of government. Therefore, this bill insures the right of the minority to two of the six professional and clerical staff members on all committees, and control of one-third of all the additional funds allotted beyond the basic staff.

I sincerely hope this does not become a partisan issue for I do not offer it because I am a Republican. In many cases, there will be no need to invoke this rule. But if some committee is sharply divided along party lines, this insures the minority will be able to adequately fulfill their function. How can they be expected to offer alternative programs or evaluate the existing ones if they do not have adequate staff to do the research and background study that is necessary? These sections are not intended to, and will not, encourage partisanship in the committees. Ideally, the staff should be chosen by consensus of the majority and minority leaders and they would serve both parties equally well. But this House does not function ideally. Thus, we must put the rights of the minority into the rules.

The other side of the aisle might find itself in the minority and will then welcome this protection in the rules. I ask a spirit of fairness in passing this reform, again recommended by a bipartisan committee over 6 years ago.

The most controversial proposal in this bill concerns the selection of committee chairmen. My bill provides for election of the chairmen and ranking minority members of all the standing committees. The three most senior members of the committee who are of the majority party are automatically nominated. Voting shall be by secret ballot and only members of the majority party may vote. The minority ranking member shall be elected in the same manner except only those who are not members of the majority party may vote.

This is a much needed reform. The seniority system began when the House took away Speaker Cannon's power to appoint chairmen. Since then, the sole criterion for chairmen has been to get reelected many times from a safe district where one does not have to be nearly as responsive to the mood of the country. Certainly experience and broad knowledge is necessary, but sheer longevity should not be the sole qualification.

One of the most common criticisms of people in regard to Congress is the seniority system. We claim to be a representative government, an open democracy, yet how many times do we cast a meaningful vote for chairman of our committees? This is not an issue of the party or the House, but of the people. The committee members, working in close contact with each other, are best able to judge knowledge, leadership, and competence.

As far as I know, there is no similar method of selection in the free world. Yet we retain this system for fear of the alternatives. We elect all our other officers—the Speaker, our respective party leaders, and our whips. Why can we not elect chairmen and minority leaders of our own committees? I do not believe we are so spineless that we would sell our votes in return for favors. If my colleagues voice these deep fears, is it any wonder why the American people doubt our integrity?

How can we expect to be effective when we choose our committee chairmen by age? When Members first arrive, they soon realize that all Congressmen are not equal. They are, in effect, second-class Congressmen making time until they slowly move into a position of power.

In all likelihood, very few chairmen will be displaced by this procedure. Nevertheless, the chairmen will necessarily be more responsive to the committee as a whole, knowing that his actions would determine his tenure.

It is said the longer a Member is here, the more he likes the seniority system. I have been here almost 16 years and I still do not like it. It is time we responded to the people and admit that seniority is not the best system. The principle of voting by secret ballot should be made universal. Members of the committee are not only the best qualified to cast an intelligent vote, but they are also the ones who are most affected by their vote. I hope the Members will realize that this is not a party problem but a problem of the House of Representatives.

In the Legislative Reorganization Act of 1970, all committees and joint committees were given the power to request fiscal information from the various Federal agencies. My bill would expand this power to include individual Members of Congress as well as the committees. Again, this serves to protect the minority by giving them access to the information necessary to develop their own evaluations and proposals. Without this provision, each individual has to obtain the permission of the committee to request this data. Under normal circumstances, I am sure there would be no difficulty. But putting this provision into the rules would guarantee equal access to all under all conditions.

Section 202 of my bill requires the Committee on Appropriations to "state the consideration" given by them to any cost effectiveness analysis or study. They are also required to include an "analysis of the major factors taken into consideration by the committee in reporting the measure and recommending the appropriations contained therein." The report also must inform the Members where they may obtain copies of such cost effectiveness analysis or study. These requirements will apply both to the Senate and the House. With more complete committee reports and increased availability of cost effectiveness studies, the average Member can be much better informed in regard to the crucial appropriations bills.

Section 203 puts requirements on any report of the Committee on Appropriations which makes supplemental or deficiency appropriations for any fiscal year. The report accompanying such measure shall include a complete explanation of the nature of the request for such appropriation, and the reason such request was not made or could not have been made for inclusion in the regular appropriation measure for the following fiscal year.

These stipulations will eventually lead to greater fiscal responsibility. Whenever additional money is needed, it will have to be explained and justified by the respective committees. This in itself is sound budgetary policy. The necessary correction of inadequacies will point out errors in the process of estimating appropriations. Hopefully, through time the cause of these errors will be corrected so that there will be less need for supplemental or additional appropriations.

With the deficit increasing at a rate of $20 billion a year, it is time we began to establish some mechanism to show why we keep running out of funds. It will help make clear the cost overruns, especially those that appear to be standard procedure in military programs.

Under my bill, the Congressional Research Service is put under the jurisdiction of the Joint Committee on the Library. The Joint Committee is allowed up to one professional and two clerical staff to help them with this added responsibility.

The Congressional Research Service has done an excellent job of providing information to both bodies and both parties impartially. In order to maintain this high-quality service, we need to be more responsive to their needs and they to ours. By being under the jurisdiction of a joint committee, both Houses would have an equal input, and the Service could better respond to the needs of both bodies. As it now stands, the Congressional Research Service is not closely tied to any committee.

The last provision of this bill seeks to change the system under which many of the House employees operate. Presently, there is a strong system of patronage supervised by the Committee on House Administration.

Under my bill, the elected officers of the House would be given the power to regulate their employees without the Committee on House Administration having to approve their every move. It provides that the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster of the House of Representatives shall establish classes of positions, position standards, and compensation under their respective jurisdictions. They would have the power to adjust various positions to different compensation levels. They will also be able to hire new personnel and create new positions as necessary and appropriate "for the orderly and efficient operation of the House of Representatives."

The net effect of these provisions will be to free the Committee on House Administration from many of the minor decisions and give it more of a supervisory responsibility. The officers of the House will have much more responsibility, including that of promotion. This will help base the system more on merit than patronage, as employees advance to positions of responsibility through ability, rather than political connections. Of course, this will be beneficial to all, since the employees will realize that quality will result in advancement, thus resulting in better service to the House. The Committee on House Administration will now be able to devote their time to other, more important matters.

I offer these reforms in the sincere belief that they are needed. They are needed to help us use and distribute our time more wisely. They will let us take another small step towards making this Congress more open and more representative. We are writing into the rules provisions to protect the minority, to guarantee their rights, and help them provide a constructive alterntive. The cumulative effect of all these reforms will be to increase the trust of the American people in our ability to respond to changing needs and conditions.

RECOMPUTATION OF MILITARY RETIRED PAY

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 15 minutes.

Mr. DICKINSON. Mr. Speaker, the House of Representatives conferees on the Military Procurement Act have a unique opportunity to eliminate an injustice endured by our retired military for nearly 15 years. They have the opportunity to agree with the Senate amendment to this bill to provide that any member or former member of the uniformed services who is age 60 or older and is entitled to retired pay in effect prior to January 1, 1972, would be allowed to recompute this pay based on the rates in effect January 1, 1972. The amendment also allows recomputation for some retirees with disabilities of 30 percent and more and permits both groups to benefit from the consumer price index formula.

As a long-time supporter of military recomputation and, at the same time, as an advocate of fiscal responsibility, I feel this amendment is reasonable. First, it is a step toward mending a break in faith with the men and women of our uniformed services and, second, it authorizes expenditures which have already been accounted for in the President's budget.

I realize that some will argue that we should have hearings on an issue of such magnitude as recomputation, and I agree that we should. However, we should have dealt with recomputation long before now, and since we have not, I feel that we can do no less than to give prompt attention to the plight of those who laid their lives on the line to preserve our heritage, not just because the law demanded it but because they were committed and served voluntarily until they had, by virtue of their sacrifices, attained retirement.

Of all the recomputation proposals, and there have been many, this amendment is the most conservative. It is not a runaway bill and requires less money than any of the others that have been offered. As you know, the President has recommended that recomputation take place and his plan will cost $4 billion more than the amendment. Furthermore, full recomputation, which I have supported in the past, would cost approximately $134 billion between now and the year 2000.

We are currently giving the lowest rate to the oldest group of retirees, because salaries in the service have been raised year after year since 1958 when the recomputation principle was set aside. The raises are just, but the man who served his country just as long before 1958, and for less money, now gets 50 percent less, in many cases, than the man who retired last year or the year before in the same grade.

It has been suggested that the whole military retirement system is becoming unreasonable in cost and unmanageable and we should put a new system in motion which includes the idea of contributing amounts to be paid in by the military personnel in question. By all means, let us make a study and come up with a more sound, reasonable, workable, fair system; but, in the meantime, we have an obligation to our retired military personnel now, and I believe we must not lose this opportunity to fulfill that obligation.

BENEFITS FOR VIETNAM VETERANS

The SPEAKER. Under a previous order of the House, the gentleman from Kansas (Mr. WINN) is recognized for 5 minutes.

Mr. WINN. Mr. Speaker, much has been said about the plight of the Vietnam veteran. There appears to be a continuing controversy over the adequacy of benefits extended to this most deserving group of our Nation's defenders.

As a member of the Committee on Veterans' Affairs, I am aware of the deep interest of our committee in fulfilling this Nation's obligation to its Vietnam era veterans. I, of course, intensely share that interest. Fulfilling this obligation is, to me, a matter of justice and national honor.

I am somewhat surprised and dismayed, therefore, to read such statements as, "They are the most shabbily treated veterans in our history." I cannot accept the premise, Mr. Speaker, that veterans of any war are shabbily treated.

It is generally recognized that the United States has the most generous and comprehensive program of veterans' benefits of any nation in the world. Vietnam veterans participate in these benefits to the same degree as veterans of previous conflicts. In the current fiscal year, this Government will spend almost $12 billion on veterans' programs. These funds help to provide education and job training benefits for Vietnam era veterans. Monthly compensation payments for the service connected disabled of all wars and the survivors of our war dead are provided on a continuing basis. Pensions are authorized for those war veterans who are in financial need. Home loan guarantees by the Government have enabled thousands of veterans to purchase the home of their choice. Additionally, we are providing hospitalization for sick and needy veterans of all wars.

Now, this is not to say that we should rest on our laurels, or that there is no room for improvement in the benefits offered to Vietnam veterans. There are three areas in particular that concern me, and require our positive action if the benefits are to be meaningful.

First, we must recognize the fact that spiraling costs of education have far exceeded the increased cost of living. Now, I have heard it said that today's veteran wants the same G.I. bill education program that was available to the World War II veteran. The Veterans' Administration, on the other hand, has informed me that a large percentage of current veteran-students would receive less monetary benefits if they were paid on the same basis as their World War II predecessors. Comparing the World War II G.I. bill with today's bill is like comparing apples with oranges. The cost of living has increased, but the cost of education has increased even more.

World War II veterans had a ceiling on their combined income from wages and educational allowances. There is no ceiling on today's G.I. bill. The World War II veteran had 48 months of entitlement but the Vietnam veteran has a predischarge educational program, and high school remedial and refresher education program with no charge against his entitlement. So, Mr. Speaker, it is extremely difficult to make comparisons. The important point, however, is that the Vietnam veteran desperately needs an increase in his monthly benefits that is commensurate with today's educational costs. I am hopeful that the House and Senate can soon reach agreement on a substantial increase in payments.

An equally important topic that is deserving of congressional attention is employment opportunity. This administration is already focusing the spotlight of public attention upon the need for job opportunity for the returning veteran. President Nixon's Jobs for Veterans Committee, with the cooperation of Federal agencies, State and local governments, veteran's organizations, industry and labor, waged an intensive campaign that resulted in the employment or placement in job training of at least 1.3 million veterans during the 12 months ending June 30.

Despite this Herculean effort, much remains to be accomplished. I am hopeful that we will be able to enact legislation that will improve even more the Government's splendid effort in this area.

Finally, Mr. Speaker, the high-cost of housing has made it virtually impossible for the young veteran to take advantage of the home loan guaranty provisions of the G.I. bill. It is essential that we develop a program that will make it possible for today's veteran to be able to buy a home in the current market.

Mr. Speaker, the approval of measures to accomplish these purposes will accent our continuing resolution, "to care for him who shall have borne the battle."

NEEDED LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. HARVEY), is recognized for 15 minutes.

Mr. HARVEY. Mr. Speaker, I was pleased to note that the House Committee on Ways and Means just last week acted favorably on H.R. 15624, a bill that is designed to eliminate some of the inequities in the Federal-State extended unemployment compensation program. The committee has reported this bill to the full House, and I would like to bring it to the attention of my colleagues at this time because it will provide some additional unemployment compensation to those States which have previously lost, or are about to lose, their Federal-State extended benefits.

In a period of unacceptable unemployment, it seems ridiculous to me that States should be losing benefits because their unemployment does not equal 120 percent of a given base period. Such a formula makes it extremely difficult, in periods of prolonged unemployment, for a State to qualify for these Federal-State extended benefits. My home State of Michigan, for example, has an unemployment rate of 9.8 percent, and an insured unemployment rate of 4.28 percent. Yet it does not qualify for Federal-State extended benefits because this rate is not 20 percent greater than the average rate for 1970 and 1971.

H.R. 15624 corrects this anomaly by deleting the 120-percent requirement from the "off" trigger of the Federal-

State Extended Unemployment Compensation Act of 1970. If this bill is enacted, as I sincerely hope it will, States will qualify for extended benefits so long as their insured unemployment rate is 4 percent or greater, and provided they have passed enabling legislation that will bring their state laws into compliance with the amended Federal statute. Thus, unemployed individuals in States with an insured unemployment rate of 4 percent or more will be able to qualify for an additional 13 weeks of compensation, provided H.R. 15624 is passed.

There are several other shortcomings in the Federal-State Extended Unemployment Compensation Act of 1970. Unfortunately, H.R. 15624 does not address itself to these additional problem areas, and for that reason, I introduced H.R. 16243 on August 8. The most serious problem with the existing law is its failure to deal with pockets of persistent unemployment. In my Eighth Congressional District, for example, certain counties have an unemployment rate approaching 20 percent. Bay County, a new addition to the Eighth District, has an unemployment rate of 14.4 percent, and Huron County's rate is 21.3 percent. Yet, even if H.R. 15624 passes, the State will lose the extended benefits if its insured unemployment drops by only slightly more than one-fourth of 1 percent. If that happens, none of my constituents will be eligible for these extended benefits.

H.R. 16243 is designed to correct this flaw. Under my bill, States would continue to receive both extended and emergency unemployment compensation so long as any county in the State had unemployment rates exceeding the minimum accepted levels for each program. Thus, H.R.16243 would provide Michigan with continued unemployment benefits for as long as any county in the State remained above the acceptable levels.

A second aspect of H.R. 15624 that might cause unnecessary delays before States can receive these additional extended benefits, should the bill pass, is the requirement for enabling legislation on the State level. No Federal money will be available to States until they bring their own laws into compliance with the Federal statute, and if the Congress acts on H.R. 15624 before adjournment, it might be difficult for some States to recall their legislatures and pass the proper amendments. I have written to Gov. William Milliken of Michigan and to the appropriate leaders of the Michigan Legislature to inform them that H.R. 15624 is pending in the House and that the State government should prepare itself, when the legislature returns in September, to amend State law should the Congress act. It would be unfortunate if Michigan, or any State, lost unemployment benefits for which it was entitled because of the inability of the local legislatures to pass the necessary enabling legislation.

Having reported out H.R. 15624, I would hope that the Ways and Means Committee will not consider this subject closed. Many States are experiencing the problem of pockets of high unemployment, and until the Congress acts to correct this situation, many of our citizens will be left without compensation, even though they are unemployed. I would also hope that the Ways and Means Committee would attack this problem with the same vigor and with the same ingenuity that it has shown on all subjects in the past. With their cooperation, the Congress can end, forever, the burden of prolonged unemployment without adequate compensation.

At the same time, I would hope that the House Committee on Education and Labor will continue its consideration of my Comprehensive Manpower Act, H.R. 15829. While unemployment compensation is necessary, it never will solve the root of the unemployment problem, inadequate training and the lack of job opportunities. My Comprehensive Manpower Act is designed to provide such an approach and to reduce unemployment by stimulating job opportunities. Only when this type of legislation is passed, Mr. Speaker, can this Congress consider its work on the problems of unemployment finished.

COMMUNITY SCHOOL CENTER DEVELOPMENT ACT

The SPEAKER. Under a previous order of the House, the gentleman from Michigan (Mr. BROWN), is recognized for 5 minutes.

Mr. BROWN of Michigan. Mr. Speaker, today, I have introduced a modified version of the Community School Center Development Act. While I am in wholehearted agreement with the spirit of other similar bills introduced this session, and recognize the great need for and value of the community school center concept, I believe certain changes in the provisions of the proposed act will materially advance the development of community school centers.

I would like to gratefully acknowledge the guidance I have received in this important matter from Dr. John Sandberg, dean of the College of Education at Western Michigan University and his staff. After a careful study of the earlier proposed legislation, Dr. Sandberg suggested certain changes and additions. The bill that I have introduced today embodies most of those suggestions.

My version of the Community School Center Development Act would establish a national research and development center for the purpose of promoting the adoption of community school programs throughout the country. This center would perform the necessary and basic function of storing, retrieving, and disseminating relevant information for the various agencies participating in the program.

In addition, every State community school coordinator would be required to attend training seminars prescribed by the Commissioner of Education before the implementation of that State's program. I would like to quote Dean Sandberg on the need for such a requirement:

> Many programs of this magnitude have been started assuming than an operating network will automatically appear. We believe that this is a false assumption. We also believe that meaningful working relationships will not be established in a one or two day "get together." Therefore, we suggest that state community education coordinators be required to attend an extended seminar prior to the implementation of their programs. Through such a training experience, coordinators should get to know their contemporaries and the program will probably gain identity as a national thrust in education.

There are, in addition, some changes in language and terminology which I believe are necessary, but which I will not detail here.

In conclusion, let me just say that the recognition and cultivation of an identity with one's community brought into focus through the medium of a community school is, in my opinion, an important goal and must be given the highest priority. I think that the Community School Center Development Act will be an important step in bringing that goal to fruition and will, at the very least, provide the structure for encouraging communities to adopt such programs. I sincerely hope that this legislation will receive the enthusiastic support of Congress.

REMARKS BY JANE FONDA AND RAMSEY CLARK

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. NICHOLS) is recognized for 5 minutes.

Mr. NICHOLS. Mr. Speaker, I rise today to endorse the actions of my distinguished colleague from Missouri—the chairman of the House Internal Security Committee—and members of the committee for their actions in the Jane Fonda case. I too have written the Attorney General of the United States, asking that Miss Fonda's remarks made during her recent visit to North Vietnam be investigated. While there may be a question of whether or not Miss Fonda did commit treason, I hope the Justice Department will investigate her activities for a possible violation of title 18, section 2387 of the U.S. Code which deals with activities affecting Armed Forces generally.

Right after Miss Fonda's visit, former U.S. Attorney General Ramsey Clark visited North Vietnam and soundly criticized our involvement in Southeast Asia. Mr. Clark has branded the United States as criminal and inhumane. Perhaps this explains his sometimes questionable actions as Attorney General—he could not decide who the good guys were. On Monday, the distinguished gentleman from Mississippi (Mr. MONTGOMERY) said on the House floor:

> I do not want to question the patriotism of Ramsey Clark but I do question his judgment, motives and the ability to know the truth.

Mr. Speaker, I cannot help but question the patriotism of an American who brands his country as a criminal for their actions against a Communist Nation that has been carrying on a war of aggression for over 10 years, a Communist Nation that has contributed to the deaths of approximately 55,000 fine Americans.

In the past, hundreds of thousands of Americans have given their lives so individuals such as Jane Fonda and Ramsey Clark have the right to speak freely. I cherish the first amendment to the Constitution as much as any American but I believe this safeguard has been badly abused by the statements of Miss Fonda and Mr. Clark.

The 55,000 Americans who have died in Vietnam and the hundreds of thousands who died in earlier conflicts did not give their lives so Miss Fonda could urge American troops in South Vietnam to stop fighting or so Mr. Clark could brand us as criminals.

The morality of the war in Vietnam is not the question. Individuals and groups in the United States have the right to peacefully protest our involvement there and this right I do not question. What I do question is the right of Miss Fonda to urge our servicemen to quit fighting and the right of Mr. Clark to brand our actions in Vietnam as criminal.

I do not view the U.S. action in Vietnam as being criminal or inhumane. If Miss Fonda and Mr. Clark do, I am sure Alabamians could be counted on to provide the necessary money to purchase one-way tickets for these characters back to Hanoi.

CARE FOR THE MENTALLY ILL

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the whole spectrum of medical care and health facilities in our country has, as most of us realize, not kept pace with the needs of the people.

Further, the greatly abused stepchild of medical care—care for the mentally ill—is further behind than all other aspects of health care.

Because of this lag there continues to be great misunderstanding, even among those who should know better, as to what mental illness is all about. There are times when it seems that the general populous is more acutely aware of what the needs are in this respect and what the variables are in terms of types of mental illness, than those in the mass media whose interests are not frequently directed toward health problems, particularly mental health problems.

Such words as "schizophrenia" or "schizophrenic" are overused in news stories to connote various forms of mental maladies, and invariably it is never explained to the reading public that there are at least seven different categories of schizophrenia with greatly varying characteristics. For example, if a killer is described as schizophrenic, it is easy to see how those who might not know about the various categories of schizophrenia might believe that all schizophrenics are potential killers, or the likelihood of their killing someone is much greater than that of the average person. However, the truth is that many, whose illnesses have been described as schizophrenia, would not even hurt a fly. Many in this classification, doctors of psychiatry will tell you, might hurt themselves, but they would not inflict harm on others.

To further illustrate how the word has increasingly become overused one has only to read a number of articles on the subject by doctors of psychiatry to learn that if everyone who is called schizophrenic in our country really has schizophrenia then there are more schizophrenics in the United States than anywhere else in the world.

Also, those doctors of psychiatry who are considered "radical" rather than traditionalistic write articles to the effect that schizophrenia does not exist—that it is just a myth.

By making this point I do not want it to be interpreted that I am making a strong criticism of mass communications in terms of its usage of such words as schizophrenia. The main problem lies in the necessity of the writer of the news story getting as succinct a description of the reasons for a person's actions as possible. In any given situation, a psychiatrist or more than one psychiatrist attempts to describe the situation simply to the reporter, knowing full well that the case is not one which can be described simply.

However, what I have just discussed is among the more complex of our Nation's mental health problems.

What we have to face, first of all, is that we are not meeting the needs of the more ordinary, day-to-day, occasional type of mental health problem of which almost everyone knows.

These are the momentary "breakdowns" which occur in persons who are facing extreme personal crises, or cases of completely debilitating exhaustion and nervous fatigue which result from overwork and lack of sleep.

We have facilitated several programs for drug addiction and alcoholism, still other mental health problems, but we still do not have adequate facilities for all those who need and seek help with these problems.

Primarily, we have to face realistically the fact that every human being has his or her breaking point; however, the fact that someone has broken at some point or the other does not make him or her any less worthy to have responsibility and to hold a position of importance. People who are wise about life, even though they may not have a great deal of formal education, are sensitive to the fact that the intelligent, intense and highly capable people are often prone to drive themselves beyond human mental and physical endurance.

The nature of today's society is such that such instances are more common than is generally known. And, as these cases go untreated, Americans generally become less and less healthy.

Those who realize they must seek help often times do not find it in our country, especially in the smaller townships and even the smaller metropolitan regions.

Many who seek appointments with psychiatrists who have good reputations are told frankly that unless they have the funds to pay the $35 to $60 an hour fees, they should seek help elsewhere.

At least some of these eventually wind up in a hospital. If it is in a private hospital, it is at an exorbitant rate, and oftentimes they do not get appreciably better by the hospitalization because of the little time their therapist has to spend with them.

Paradoxically, despite the terrible reputation that various State hospitals have as far as conditions are concerned, many persons actually get more help through the low-rate hospital care because of the dedication and sincerity of purpose of the therapists in many of these institutions. However, the overwhelming majority of our State hospitals are overcrowded and understaffed, and despite the dedication of some of the personnel, not nearly enough can be accomplished.

The main thing that we need is preventative mental health care, because the consensus of opinion in mental health groups today is to keep the patient functioning at some level and out of the hospital, if at all possible.

It is for these reasons as well as countless others that I wish to join as a cosponsor of the bill introduced by my ditinguished colleague, the Honorable MICHAEL J. HARRINGTON, Democrat of Massachusetts, which will provide comprehensive mental health coverage to all Americans through a program of national health insurance. A major thrust of the bill is that of preventing mental illness, and this is, of course, as I said above, essential for the well-being of our society.

Although the bill is comprehensive in scope, I know that it is not a panacea to our national mental health problems, even if it is enacted and fully implemented.

There is no way to guard against the human failings that make what appears to be on paper an ideal program less than effective; nevertheless, we must try and get this legislation enacted as quickly as possible if we are even to come close to meeting the mental health crisis in our country.

NASA REFUSES TO SUPPLY DETAILED INFORMATION ABOUT SPECIAL ENVELOPES ON APOLLO 15

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN), is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, on July 18 I called on NASA to dismiss the three Apollo 15 astronauts from the space program for trying to smuggle 400 specially stamped and canceled envelopes aboard Apollo 15, with the intention of later selling them for their personal profit. At that time, I also asked the GAO to determine whether the astronauts had violated any Federal laws.

In response to my request, GAO wrote to NASA asking the space agency to detail more thoroughly than it had in public the facts surrounding the three astronauts' scheme. However, NASA has written the GAO, which forwarded a copy of the letter to me, that because the Justice Department and the Senate Aeronautical and Space Sciences Committee are both currently looking into the case for possible violations of Federal law by the astronauts, "it would be inappropriate at this time to respond to your request."

I can understand why NASA would be hesitant to give a definitive opinion as to whether the astronauts broke any Federal laws, but its refusal to even fully detail the facts surrounding the controversy is inexcusable and totally unjustifiable. It strongly suggests that NASA still has something to hide and has not been completely open about the astronauts' scheme.

There are extremely important questions of facts surrounding this controversy which have not yet been made public. For example, who in NASA besides the astronauts knew of their scheme? How did the envelopes get stamped, both before the astronauts left for the moon and after they returned? Since their movements were monitored extremely closely the day they left and after they returned, is not it likely that high NASA officials would have been aware that the astronauts took 400 special envelopes with them?

On July 18 I put some questions directly to NASA. One of the questions I asked then was whether NASA was aware of any other astronauts on previous missions who had concocted similar plans. I am still waiting for an answer almost 1 month later.

Mr. Speaker, NASA's ostrich-like action of trying to bury its head in the sand and not even answer factual questions will not work. I hope the space agency will realize this and begin to respond openly and publicly to all requests for objective information concerning the three astronauts' envelope scheme.

REINTRODUCTION OF PRISON REFORM ACT OF 1972, H.R. 15765

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG), is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, the riots at Attica, Holmesburg in my own northeast Philadelphia district, and in prisons near Washington, are irrefutable evidence of the failure of America's correctional institutions.

Not only are prison conditions causing disruption and dissatisfaction behind prison walls, but they are also contributing to this country's ever-growing crime problem.

Today we have over 400,000 persons locked up in our prisons and jails. Nineteen out of 20 prisoners eventually will be released. It is estimated that two-thirds of these will then go on to commit additional and often more serious crimes.

In fact, it is said that four out of five felonies are committed by "graduates" of our "correctional" institutions. Instead of preparing prisoners for a resumption of normal life in the community upon release, our correctional institutions are—rather—finishing schools for the lessions in crime and violence learned on the streets.

The majority of today's prisons are hopelessly overcrowded, outmoded and isolated. They house thousands of offenders in an impersonal atmosphere, far from the family, friends, and the community to which they will someday return.

First offenders are thrown in with hardened repeaters. Homosexuality is rampant. Relevant job training or academic programs are few and far between and recreational and medical facilities on any significant scale are almost nonexistent.

In short, as pointed out by the President's Commission on Crime and the Administration of Justice, the conditions in which most offenders live "are the poorest possible preparation for their successful re-entry into society, and often merely reinforce in them a pattern of manipulation or destructiveness."

If we seriously want to reduce the number of repeaters and cut crime, we must reform our prison system without further delay.

In order to meet this pressing need I have introduced the "Prison Reform Act of 1972"—H.R. 15765—which was prepared with the help and advice of the staff of the Governor of Pennsylvania, Milton J. Shapp. The proposal amends the Omnibus Crime Control and Safe Streets Act of 1968. It provides increased assistance to the States to develop effective correctional programs by placing greater emphasis on programs and action and by streamlining administrative procedures.

The 1970 amendments to the Omnibus Crime Control and Safe Streets Act of 1968 made available to the States and localities a special program of grants specifically for the improvement of correctional facilities, programs, and practices. The law provided that not less than 20 percent of the funds available for general law enforcement purposes should be allocated to correctional activities.

The Prison Reform Act of 1972, however, increases the percentage to 40 percent, thereby doubling the amount available for correctional purposes. Under current law, States wishing to receive assistance must submit a State plan for corrections which meets certain requirements. My bill, however, spells out more specifically the guidelines for the receipt of such assistance.

In order to receive aid, State plans must emphasize the phasing-out of massive and outmoded prisoner facilities, and stress instead the development and operation of community-based correctional facilities and programs, such as halfway houses, probation, parole, and other supervisory release programs.

We cannot successfully rehabilitate the offender by "warehousing" him in fortresses located substantial distances from the urban areas to which he is most likely to return. An offender's problems begin in the community and it is in the context of this community that he must learn to cope with them. Moreover, studies have indicated that alternatives to incarceration such as probation and parole are not only less expensive but are also more effective in rehabilitating offenders and reducing recidivism.

One of the most damaging features of prison life is its mass treatment procedures resulting in the offenders' loss of individuality and self-respect. In an interview conducted shortly after his release from Lewisburg Federal Penitentiary, James Hoffa declared:

> If you want to know what's wrong with prisons, you can start with this. Everybody is dumped together. The kid who stole or a kid who wrote a $40 bad check, dumped right with a psychotic . . ., or the homo, or the rapist.
>
> Everything that happens to the inmate in prison reduces the chances of his making it on the outside. He's stripped of his personality and his individuality. He is treated as if he is nothing. He is put in cells that are too small with people he shouldn't be with.

According to Hoffa, the single most important action which would relieve pressure and tension in the prisons would be to classify prisoners, by age and by offense:

> Get the young ones together. Keep the homosexuals together, and away from the others. Keep the violent ones apart.

Under this proposal a State plan must emphasize privacy and adequate living space for prisoners, and most particularly, separate housing for known or declared homosexuals, hardened recidivists, and youthful first offenders.

The Prison Reform Act also stresses and provides funds for modern vocational training methods and facilities. In order to prepare men and women for reentry into society, they must be able to obtain and keep meaningful jobs.

Studies have shown that unemployment is a major factor in release violations, and that steady employment is directly related to lower recidivism rates. Yet, it is estimated that 85 percent of the inmates leaving our Federal prisons alone lack marketable job skills. Our Nation's prisons are faltering in the one area where they could have the most impact. They are failing to provide the offender with meaningful job training, relevant to outside employment needs. In Jimmy Hoffa's words:

> Many ex-convicts revert to a life of crime because they have not received job training that would assist them in obtaining employment in the outside world.
>
> License plate and mop bucket manufacturing are two examples of prison vocations that bear little resemblance to potential jobs in private industry.

It is no wonder that the unemployment rate for ex-offenders is three times the national average. It is no surprise that recidivism rates are a whopping 63 percent.

H.R. 15765 would provide funds to assist States in developing modern vocational training methods and facilities, including work-release and other useable on-the-job training experience, as well as opportunities for occupational counseling and testing.

In order to prepare offenders for the job market of today and the chance for a meaningful and fulfilling life upon release, we must equip them not only with adequate vocational training, but with the necessary academic tools as well.

Fewer than 5 percent of the inmates in our Federal institutions function at the 12th grade level; many can neither read nor write. At a national conference on corrections held in Williamsburg last December, Chief Justice Warren E. Burger said:

> The figures on literacy (of prisoners) alone are enough to make one wish that every sentence imposed could include a provision that would grant release when the prisoner has learned to read and write, to do simple arithmetic, and then to develop some basic skill that is saleable in the marketplace . . . to which he must someday return.

The Prison Reform Act would provide assistance for the conducting of basic education courses within our correctional institutions, including high school graduation equivalency programs and study release opportunities at the college level. Funds are also available for the development of correspondence and independent study programs.

Chief Justice Burger also stressed the need for recreational facilities sufficient to end the "terrible effect of boredom, frustration of empty hours and pointless existence of prison life." I am pleased to note that such programs are also eligible for assistance under the provisions of H.R. 15765.

Perhaps one of the worst fears the average offender has behind bars is that of illness. According to the recent national jail census, one-half of our jails alone have no medical treatment facilities whatsoever and the treatment programs that do exist are critically undermanned. Moreover, despite the large number of drug addicted or drug dependent offenders who comprise our prison population—approximately 30 percent of our Federal inmates, for example—prison drug abuse treatment programs are extremely limited in both scope and supply.

In order to remedy these shortcomings, my bill provides assistance to States for establishing inmate mental and physical health programs, including preventive and corrective medical, psychological and psychiatric care as well as drug treatment facilities.

Financial assistance is also available for the creation of area parole boards; inmate grievance procedures and experimental programs, such as conjugal living projects—all of which are designed to reduce the tensions inherent in prison life and to better prepare the offender for a law-abiding life in the community upon release.

In order to carry out these programs, my proposal would increase significantly the amount of assistance available to the States. The proposed legislation would amend the Omnibus Crime Control and Safe Streets Act of 1968 by authorizing $2.75 billion for fiscal year 1973 for all programs to be funded under title I of this act. Forty percent of this amount, or $1.1 billion would be allocated for corrections programs under H.R. 15765. Under present law, however, only $1.75 billion is authorized for general law enforcement purposes; and only 20 percent of this amount, or $350 million, is available for corrections activities.

Mr. Speaker, when we put a person behind bars we are punishing him by depriving him of liberty, the freedom we all cherish so much. Further punishing him—by subjecting him to degrading and dehumanizing conditions and by denying him the opportunity to participate in useful job-training and academic programs—is only self-defeating.

TAX CREDIT FOR HIGH SCHOOL AND GRADE SCHOOL TUITION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. DULSKI), is recognized for 10 minutes.

Mr. DULSKI. Mr. Speaker, the Committee on Ways and Means is holding hearings this week on a subject of vital importance, public and private education assistance.

This morning I had the opportunity to present my views to the committee. Last May I introduced H.R. 15065, to permit a credit against the individual Federal income tax for tuition paid for the elementary or secondary education of dependents.

A somewhat similar tax credit proposal is an integral part of a more comprehensive education assistance bill, H.R. 16141, introduced by our colleague from New York (Mr. CAREY), a member of the committee, and the gentleman from Arkansas (Mr. MILLS), committee chairman. I am today introducing an identical bill so that I may be identified as a cosponsor of the broad measure.

With private and parochial school tuition rates rising fast, it is only reasonable that these families receive some tax relief since they are assuming a burden that otherwise would fall on the entire community.

Mr. Speaker, as part of my remarks, I include the full text of my statement to the committee today on this pressing matter:

STATEMENT BY HON. THADDEUS J. DULSKI

Mr. Chairman, I appreciate your giving me this opportunity to express my views on tax help for families facing the skyrocketing costs of elementary and secondary education.

For the record, Mr. Chairman, I am Thaddeus J. Dulski, Representative for the 41st Congressional District of New York.

On last May 18, I introduced H.R. 15065, now pending before your Committee. This bill would amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents.

A somewhat similar tax credit proposal is included in H.R. 16141 which our colleague from New York, Mr. Carey, has introduced with co-sponsorship by the Chairman and other members of the Committee.

The bill by Mr. Carey and his co-sponsors goes beyond a tax credit and, while your Committee is considering this subject, I believe the expanded approach is in order.

Indeed, I am today joining you gentlemen as a co-sponsor of the concept of H.R. 16141. I will drop the bill in the hopper this afternoon.

INCREASES IN EDUCATION COSTS

My concern has been focused in particular on the endless increases in the cost of grade and high school education for our children in private and parochial schools.

I speak as a parent who has been through the mill, so to speak—and by my own choice. I further speak as a former city legislator who saw this mounting problem years ago and attempted even then to pave the way for some relief.

As a parent, I have been fortunate to be able financially to send all my children to parochial schools and to pay their tuition. But what of those many thousands of parents who cannot afford the full burden of tuition today and yet would like to exercise their option to send their children to non-public schools?

Before I came to Congress, I was a member of the Common Council of the City of Buffalo, New York. In our city, unlike many others, the school budget is part of the city budget. It is not handled as a separate tax item.

I realized even then the crisis which was developing in the cost of operating the parochial schools. I was aware, too, that without those parochial schools our city budget would literally go through the ceiling.

SOUGHT HELP YEARS AGO

I arranged a meeting with the head of the local parochial school system to discuss the overall situation and to see what we might do about it. I suggested that, before the situation got completely out of hand, the diocese should apply for school aid from the city and the state.

My logic then, as it is today, is that it is only fair that the people who are helping to hold down the public school budget should receive at least some help in return.

We had a full discussion and I offered to prepare such legislation as might be necessary. After consideration, the school officials notified me that the church hierarchy had decided against seeking any school aid at that time.

I said then, and I say again now: If our non-public schools in Buffalo were to remain closed in the coming school year, there not only would be fiscal chaos in our city but also our public school system would become a shambles.

Property assessments already are at the full level of taxation. If the public school system had to take on the job of educating pupils now in non-public schools, local tax rates would have to be increased tremendously to meet the additional costs.

NEED FOR AIDE BREAKTHROUGH

Actually, it is really a humanitarian gesture on the part of the Buffalo diocese to keep its schools open. Frankly, for my own part, if there isn't a breakthrough on aid for non-public schools, then I am prepared to see them closed down so the impact of their contribution to the local budgets can be realized fully.

The old argument on separation of Church and State has led to court rulings on Government aid, which to my mind are ridiculous. The courts complain of their heavier case load because of new legislation, but they ignore the problems they create for themselves by opening Pandora's boxes time after time.

The matter of direct aid for non-public schools is not within your Committee's province of course, but it has a direct bearing on the pending legislation.

In order to try to meet rising costs, non-public school systems are being forced to raise their tuition rates. Tuition rates in Buffalo have been rising steadily and our diocese faces a huge $1.5 million deficit this fall—that's before the school year starts.

Nevertheless, the diocese just last week decided to go ahead with the 1972–73 school schedule without change. Incidentally, $1 million of that $1.5 million deficit in the Buffalo area stems from a court injunction barring State aid for so-called "mandated services."

TAX CREDIT IS FAIR APPROACH

The Buffalo diocese of eight Western New York counties has 33 parochial high schools serving 16,000 students, and 178 elementary schools serving about 50,000 students.

As I said before, I hate to think what would happen to our local public school system if the diocese and its parishes were forced to close down our parochial schools.

I am not here to make the case for private and parochial schools. What I do seek is a reasonable Federal tax credit for the families who are paying tuition for their children. The Carey bill and my bill call for a tax credit and that is indeed the only fair approach.

Our formulas differ. Mine has a higher maximum, but I believe the allowance should be no less than the $200 maximum which is provided by the Carey bill.

Mr. Chairman, the need for tax help for these families, in my opinion, is very real. I am delighted that your Committee has called these hearings to explore the ramifications, and I am hopeful that legislation can be enacted promptly to deal with this very pressing educational and social problem.

With your permission, Mr. Chairman, I would like to include as part of my remarks some timely data on the Diocese of Buffalo schools which may be of interest in your deliberations.

EDUCATION DATA FOR DIOCESE OF BUFFALO, N.Y.

For diocesan high schools, the tuition rate has increased from $150 per pupil per year in 1967 to $400 per pupil per year in 1971. Tuition for private secondary schools in the diocese varies from $400 to $850 per year.

The tuition rate for most parochial grade school students in Buffalo ranges from $60 to $150 a year. A few schools charge only a registration or supply fee ranging from $10 to $25 per pupil.

In the same period, the operational budget for diocesan high schools increased from $3,043,755 in 1967 to $4,706,985 in 1971. The teacher salary schedule for step one, a bachelor's degree, increased from $4,600 in 1967 to $6,400 in 1971.

Diocese secondary school population was 19,936 in 1967, reducing to 15,824 in 1971, when the diocese closed four schools. The staff consisted of 660 religious and 444 lay teachers in 1967, and 511 religious and 541 lay teachers in 1971.

As for diocese elementary schools, there were 73,964 students in 1966, and 52,636 in 1971, a 28% decline. There were 1,367 religious and 1,003 lay teachers in 1966, with 915 religious and 1,219 lay teachers in 1971.

On the average, 62% of a parish budget is used to maintain its schools.

FISCAL RESPONSIBILITY ACT OF 1972

The SPEAKER. Under a previous order of the House, the gentleman from North Carolina (Mr. GALIFIANAKIS) is recognized for 5 minutes.

Mr. GALIFIANAKIS. Mr. Speaker, today I am introducing the Fiscal Responsibility Act of 1972. This legislation is designed to help put this great country of ours back on the road to economic solvency. It is a path we have somehow lost sight of in the last few years, and as a result we have found ourselves with a federal deficit of $27 billion for fiscal year 1972.

We cannot continue to spend funds we do not possess. We can no longer allow the executive branch to subvert the expressed will of the Congress by politically motivated impoundments. And we can no longer in the words of Senator WARREN MAGNUSON—

> Run a business ten times as large as A.T. & T. or GM combined . . . with machinery as obsolete as a quill pen and a slanting bookkeeper's desk.

No problem is so simple that it will disappear by merely appropriating vast sums of money. We must face up to reality: Money alone is not a panacea for societal ills. Too often it is more akin to Pandora's box; a box from which springs forth wasteful programs. Instead of partaking in careful scrutiny and constant evaluation of existing programs and their needs, Government in the past has behaved like those children who go back to their empty piggy banks and shake out fantasy coins.

This body, as the elected representatives of the people, must resurrect our citizens' faltering faith in their Government. We could not make a better start than by assuring the taxpayers that we will spend their money wisely.

As families have long known, this can only be accomplished by establishing, and abiding by, a self-imposed budget. Then and only then, will we be able to view our national priorities and our budget with one and the same eye. The Fiscal Responsibility Act of 1972 asks Congress to do just this, to initiate a spending ceiling that is realistic in terms of both the needs of our people, and our ability to meet these needs. This bill states explicitly that if Congress decides to disregard its own ceiling, except in the case of providing relief with respect to natural disasters, that Congress shall simultaneously provide the means for raising additional revenues to cover the resulting increase in expenditures. It is my hope that the prospect of having to raise taxes will compel Congress to look carefully at any appropriations that call for more funds than its own budget can accommodate.

The ceiling is but one part of the Fiscal Responsibility Act of 1972. This bill also seeks to change the fiscal year so that it will coincide with the calendar year. Such a change will help enable Members of Congress to plan budgets more effectively on a long-range comprehensive basis.

Another section of the bill establishes a Federal impoundment procedure which will regulate and limit the manner in which a President may withhold appropriated funds.

The final section of the bill authorizes Congress to undertake a study of alternative budgetary and fiscal procedures. One such alternative the study would consider is the feasibility of establishing a 6-month period out of every 2 years during which the Congress would consider all appropriations measures for those 2 years. The study would also review in depth the uncontrollable portion of the budget, and determine whether or not there are some in this category that should be appropriated annually.

The Fiscal Responsibility Act of 1972 is a bill intended to help Congress help itself, and by so doing, help the American people. It is a bill intended to assure the American people that their Government is wisely investing their tax dollars. And it is a bill intended to combine fiscal responsibility and people responsibility.

I hope this bill will receive the prompt consideration it deserves.

ROCKY HILL'S "THINKING OF YOU": A GOOD PROGRAM

The SPEAKER. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, Every so often a project comes to my attention that I feel necessary to share with my colleagues.

Last week I was informed that one of the towns in my district, Rocky Hill, was undertaking a novel and interesting program to keep Rocky Hill services informed of local news. This all volunteer project called "Thinking of You," will send each serviceman a monthly communication comprised of town news secured from local papers, and local job opportunities.

Further, this news will assist the servicemen in securing employment when their military obligations are over. This month's newsletter will assist in this task by providing up-to-date job opportunities and act as liaison between potential employers and service men and women.

The newsletter will also provide a convenient source of information in vocational and work study programs available to service personnel.

This entire effort, which begins in September, will be handled by volunteers with the following groups participating: Stepheney seniors, Mrs. Dorman; Youth council, Joseph Urgo, Gregg Batterson; parks and recreation chairman, Richard J. Emonds; town manager, Dana Whitman; and Mrs. Lillian Yarrington.

In conclusion, Mr. Speaker, I commend this program to my colleagues for their inspection and comments. I am hopeful that this novel program will be taken up by other towns and cities, not only in Connecticut, but in other States.

SPIRALLING MEAT PRICES

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, last Tuesday, August 15 in Columbus, Ohio, Secretary of Agriculture, Earl L. Butz stated:

> The price of beef had reached a plateau and will ease off some in the next few months.

He also stated that beef has dropped by $2 a hundredweight and will drop off another $2 between now and the election.

However, information made available to me this morning from the Department of Agriculture indicates the beef prices have increased from $31.80 per hundredweight during the first half of 1971 to $35.86 for the first half of 1972, a 12.7-percent increase. The projected increase for the third quarter of 1972 will be a whopping 14.2 percent increase from $35.86 to about $37 per hundredweight.

This report from his department repudiates the Secretary's stump speeches.

What hurts the consumer is the $4 billion more they are paying for beef in 1972. This bonanza in beef is hurting every family. Secretary Butz's policies may spell profit for the large-fat-profit beef producers—but they are rapidly alienating the American consumer from any support for farm programs.

RABBI JACOB MANN

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, last Sunday, the congregation of the Beth Israel Synagogue in Quincy, Mass., honored one of the South Shore's leading religious leaders after 30 years as spiritual head of that synagogue. Born in Jerusalem, Rabbi Mann has been a religious leader for most of the 42 years he has been in this country. A leading dynamic spokesman for the Jewish community in the South Shore, the rabbi has received numerous awards on several occasions for his civic leadership in the South Shore area. I know my colleagues in the House want to join me and the members of his congregation in congratulating the rabbi on 30 selfless years of devotion to his flock and his community and wish him every success in the future. I am inserting at this time into the RECORD a recent newspaper story on Rabbi Mann's career by the Quincy Patriot Ledger staff reporter, Howard Levenson.

[From the Quincy Patriot Ledger,
Aug. 12, 1972]

MANY FACETS OF QUINCY RABBI'S WORK

(By Howard Levenson)

QUINCY.—The long and distinguished career of service for which Rabbi Jacob Mann is to be honored tomorrow began when he left his native Palestine 42 years ago "looking for a job."

He came to this country and became rabbi for a congregation in Torrington, Conn., where he remained for about ten years. Since 1942 he has been the spiritual leader of the Beth Israel Synagogue on Grafton Street in Quincy Point.

In addition, Rabbi Mann has served for many years as the Jewish chaplain at the Massachusetts Institute of Correction in Bridgewater and at the Massachusetts Hospital for Crippled Children in Canton. He is a prominent spokesman for the Jewish community of Quincy, which he represents at numerous public functions.

Rabbi Mann has made seven visits to his homeland since 1959. He feels that since the state of Israel was founded in 1948, "there has been an absolute revival of the Jewish religion . . . a great inspiration in all branches . . . The most encouraging thing is the growth of yeshivas (Jewish seminaries) in many parts of the country."

The Beth Israel family, including the Synagogue, Women's Council and Brotherhood, will recognize Rabbi Mann's contribution to community life with a testimonial at the synagogue tomorrow evening.

Rabbi Mann was born in Jerusalem in 1909, when Palestine was ruled by the Ottoman Turks. He was one of eight children of a third generation Palestinian father and a New York City-born mother.

He attended parochial schools and was ordained as a rabbi at the age of 21 on graduation from a yeshiva bearing the name "Etz Chaim" (Tree of Life).

His pulpits in Torrington and in Quincy were both obtained through a placement agency.

When he became rabbi at Beth Israel, he also became principal and sole teacher of the synagogue's six-grade Hebrew school. For five afternoons a week, Sunday through Thursday, until the school was replaced by the Hebrew school at the Jewish Community Center on Merrymount Road, he had charge of between 40 and 50 students.

Rabbi Mann said that it was normal for a rabbi in a relatively small community to be a jack of all trades. However, he has always performed functions for Beth Israel that in most other synagogues are parceled out among several different people. He has delivered sermons, served as a cantor and handled such clerical tasks as sending notices to remind members of the congregation of "yahrzeit," the anniversary of the death of a relative.

In 1962 he was appointed Jewish chaplain for the several branches of the Massachusetts Institute of Correction in Bridgewater. Since then he has visited inmates once or twice a week, conducting religious services, individual counseling sessions and interfaith group therapy sessions.

Rabbi Mann said that in preparation for the chaplaincy he had to take a 24-week training course with examinations at the end. He received instruction from penal experts, psychiatrists and psychologists, he said.

For the past 15 years he has conducted once-weekly sessions in religious training at the Massachusetts Hospital School for Crippled Children in Canton.

Since its founding about ten years ago he has been head of the Hebrew school at Temple B'nai Shalom in Braintree. He also taught for several years at the Jewish Community Center Hebrew School, which was closed several years ago.

About 25 years ago he founded the kashruth commission of the Orthodox Rabbinical Council of Boston. The commission supervises the preparation of meals for many of the gatherings held in Boston by Jewish organizations, making sure that kosher laws are strickly observed. Rabbi Mann performs this function for the Statler Hilton Hotel.

Rabbi Mann spends most of his time when visiting Israel in Jerusalem, although on the first trip he did a great deal of traveling in the young country.

During his visit in the summer of 1967 he visited the holy places that had been off-limits on his earlier visits because of Arab occupation. He kissed the Wailing Wall in the Old City of Jerusalem and found the graves of his father and two sisters in a desecrated cemetery in the Mount of Olives.

Rabbi Mann said that he might consider moving back to Israel in the future, perhaps upon his retirement, but not now: "I feel that I am so much involved in religion where I am . . . The affection and the respect shown to me by the people I work with makes it hard for me just to reestablish my home back where I was born."

His daughter Esther has lived in Israel for the past several years. She is now head law librarian at Bar-Ilan University in Ramat Gan on the outskirts of Tel Aviv.

His two sons are both ordained rabbis. Dr. Jonah Mann is professor of mathematics and dean of admissions at City College in New York City. Abraham Mann is rabbi of Temple Israel, Long Beach, Long Island, New York.

Mrs. Mann is the former Isabelle Marentz, former principal of the Quincy Elementary School.

The rabbi's first wife, Mrs. Leah Mann, also a native of Palestine, died several years ago.

The rabbi was honored at an interfaith testimonial held in 1959 at the Quincy Jewish Community Center. In 1965 he received the "Citizen of the Year" award of the Quincy Jewish War Veterans Post.

The reception Rabbi Mann received at the dedication ceremony for the Islamic Center of New England, located in Quincy, is indicative of the esteem in which he is held throughout the South Shore. When his greeting to a representative of the Arab legation in Washington, D.C., was rebuffed, Rabbi Mann turned away politely and received a warm welcome from members of the host Muslim community.

TRIBUTE TO SAMUEL Z. WESTERFIELD

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. CHISHOLM) is recognized for 5 minutes.

Mrs. CHISHOLM. Mr. Speaker, I would like to join my distinguished colleagues in paying tribute to an outstanding and dedicated U.S. Ambassador, Dr. Samuel Z. Westerfield, Jr., who died suddenly last month while serving our country in Liberia.

Dr. Westerfield was an eminent economist. After obtaining his AB degree magna cum laude from Howard University, at the age of 20 years, he served as an instructor at his alma mater. At later dates, he was granted an assistant professorship at West Virginia State College and Lincoln University. After completing his studies for his MA and Ph. D. at Harvard University, his prominent work in the field of education led to his appointment as dean of the school of business administration and professor of economics for 9 years at Atlanta University.

In 1961, he commenced his career in government as associate director of the debt analysis staff in the Treasury Department and moved up to the post of Deputy Director of the Office of International Affairs in the Treasury. Dr. Westerfield chose to stand up for the underdeveloped countries, in terms of economic power, when it was not a popular practice. His efforts helped pioneer the way for U.S. participation in the economic development of the world. He took the time and courage to analyze the problems developing economies face and stood up for his convictions in the services he performed in the Foreign Service and as Ambassador. His appointment by President Nixon was an asset to the State Department and all Americans who were represented by a man who was respected by Liberians and Americans.

Samuel Westerfield will be greatly missed in this country by his family, distinguished friends, colleagues, students, neighbors, and he will also be missed greatly in Africa where he served diligently, honorably, and excellently for all. During his lifetime, Ambassador Westerfield showed us that a great public servant can serve all mankind with distinction and because of his outstanding work and personality, he will be remembered for many years to come.

NADER REPORT

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina, (Mr. DAVIS), is recognized for 5 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, as everyone is well aware, we in Congress are currently the subject of a thoughtful, in-depth, supposedly objective report by Mr. Ralph Nader. Let me state for the record that I have never met "Mr. Citizen." I am told on one hand he is dedicated, tough, and zealous. On the other hand, General Motors and several other companies have a different set of adjectives for him. I plan to make no snap judgment about Mr. Nader himself, but I would like to make a comment for the record on the people he employs and apparently trains. Since most employees do things the way the boss wants, I can only surmise Mr. Nader has given his blessing to the tactics being used by his investigators in the Congress project. I heard this was going to be an unbiased, truthful, and objective report. If all the investigators are like the ones I have met I can only shudder at what might come out of the endeavor. All of the people that I have met from the Congress project are rude and unprincipled. They lack even the most rudimentary elements of courtesy. They flap their mouths when they should be listening. They demand, threaten, and berate and then scream they are getting no cooperation.

I would like to make a specific reference to one of the investigators who has been calling on me. She is called Sally Keeble. Miss Keeble first called my office without a previous introduction and demanded an appointment from my secretary. She was told she would have to call back and talk with me. She did call back and I talked to her and listened to another demand for an interview. Well, Mr. Speaker, I tried to explain my position. This coming August the 29th we are having a primary in South Carolina—one that has been postponed twice before. I tried to explain to Miss Keeble that my time right now is at a premium, but that after the primary I would be glad to sit down with her for an interview. I must not have done too well, because yesterday I got a letter from the person in question. I would like to quote from that letter:

Page one, paragraph 1: Quote; "You refused to give me an interview."

Page one, paragraph 3: Quote; "I would like to make it clear this profile will be written whether or not you give me an interview."

And finally, page 2, paragraph 1: Quote; "I hope you would rethink your decision not to give me an interview."

I have a little trouble understanding this letter. It sounds like I have barred her from even approaching within a hundred yards of my office. I have never said at any time that I would not give an interview, but merely to wait until I get finished with the primary campaign. Mr. Speaker, this sounds like the Western sheriff telling his lynch mob to give the fellow a fair trial before hanging. I have tried, without success, to explain to Miss Keeble that her extensive questioning will take several hours that at this time I do not have to spare.

Perhaps Miss Keeble can read as well as she can demand, because if so I want to put into the RECORD that I will be glad to talk with her after my primary in South Carolina.

I would also like to mention that in this letter, Miss Keeble states, quote: "We would appreciate it if you would fill in and return at least part of the written questionnaire." Now before I get accused of not cooperating with Congress project and Miss Keeble, let me state that I have at no time seen anything even remotely resembling a questionnaire from Congress project. They claim to have sent it to my office, but Mr. Speaker, I have not seen such a letter. I might also add that none of my staff has either.

Frankly, I am appalled at the tactics being used by this consumer protection outfit. I wonder if truth will have any merit in this report. I wonder how many others will be accused of noncooperation. I doubt if they will let anything like objectivity get in the way of their report. I have heard of such tactics, but usually under the auspices of the Gestapo, secret police, or a goon squad.

Mr. Speaker, let us get down to basics. I have only to answer to the people of the First District of South Carolina. I am in the process of doing that right now. I take care of the First District constituents myself. Instead of a "Congress Report" I am presently using the "Davis Report." I answer for that report every 2 years.

POLICE MANPOWER ACT OF 1972

The **SPEAKER.** Under a previous order of the House, the gentleman from New Jersey (Mr. DANIELS) is recognized for 5 minutes.

Mr. **DANIELS** of New Jersey. Mr. Speaker, I am introducing today legislation which if passed would recognize an approach to law enforcement ignored by the administration but which makes sense to millions of Americans. Under the Law Enforcement Assistance Administration in the Department of Justice, we have supplied police departments with gadgets and gimcracks, rather than effective means of enforcing the law on the streets every day.

It is absurd to supply local police forces with armored vehicles, heavy artillery, and electronic gadgetry when the major day-to-day problems which most affect citizens are muggings, armed robberies, rapes, and assaults. An armored car or an electronic radio signal finder awaiting use in the police warehouses is not going to protect a merchant from an armed robber. A policeman on the beat would. That is what this bill is all about.

The Police Manpower Act of 1972 would, for the first time, provide Federal funds exclusively for the purpose of increasing police manpower on the streets. The bill would provide $2 billion a year for the next 6 years, not for gimmicks, but for well-trained policemen on the streets and on the beat. The funds would be used for recruitment and salaries of an additional 140,000 police officers in municipalities chosen on the basis of need.

The bill provides that upon application, communities' law enforcement needs would be analysed by a federally financed study.

Thereafter, Federal funds would be awarded by the Law Enforcement Assistance Administration according to the findings of the studies and the ranking of the applicant cities according to the severity of their crime problems.

Mr. Speaker, crime is the No. 1 concern of the American people. There has been no significant reduction in crime or the concern for personal or public safety in the last 3 years.

Life magazine found in a survey of its readers that: 78 percent felt unsafe in their own homes at night; 80 percent in large cities felt unsafe on the streets at night; 43 percent were victims of crime within the last year; 41 percent felt their police protection was inadequate; and 71 percent indicated would pay higher taxes for better protection.

Higher taxes are in fact not needed to pay for better police protection. Reallocation of current law enforcement priorities from gadgets and unnecessary equipment, as well as a general reallocation of our national priorities, would provide sufficient funds to provide safe streets for our citizens. For example, since 1968 Federal subsidies in excess of $20,000 to agricultural producers amounted to over $1½ billion. This is only one loophole that could be closed up to provide for better police protection.

We have provided long term antipoverty programs that are working to prevent crime and give poor people a chance to make it, we are providing employment programs, we are working to improve educational and vocational training. But these are long term programs and although they are working, the average citizen should not be forced to endure for the long term the fear and too often the pain and suffering of crime.

This legislation would protect the average man and woman on the street and it would provide it now.

The text of the bill follows:

H.R. —

A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable units of general local government to increase the numbers of police

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Police Manpower Act of 1972".

SEC. 2. (a) Parts F, G, H, and I of title I of the Omnibus Crime Control and Safe Streets Act of 1968 are redesignated G, H, I, and J, respectively.

(b) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after part E the following new part:

"PART F—POLICE MANPOWER ASSISTANCE

"SEC. 471. It is the purpose of this part to enable units of general local government to increase significantly the number of police as quickly and as effectively as possible.

"SEC. 472. There is authorized to be appropriated, in addition to any other sums authorized to be appropriated for the purposes of this Act, the sum of $2,000,000,000 for the fiscal year ending June 30, 1973, and for each of the next five fiscal years, for the purposes of this part, and no other sums authorized to be appropriated for the purposes of this Act shall be used for the purposes of this part.

"SEC. 473. (a) The Administration shall make, either through its staff or by contract with outside experts, a study of the needs and efficiency of the local police force of each consenting unit of general local government under whose jurisdiction is a population of over 10,000, as reported in the most recent available Federal Bureau of Investigation's crime index, in descending order of the severity of such unit's crime problem, as reflected in the most recent available Federal Bureau of Investigation's schedules of crime index offenses, studying as many such units as its feasible and practical. Such studies shall be made as soon as possible and practical, but only with respect to those units of general local government who consent to such a study in order to qualify for grants under this part.

"(b) (1) The planning studies shall consist of the following:

"(A) identification of deficiencies and proposal of solutions including recommendations for optimization of allocation of existing resources;

"(B) determination of the extent of assistance required; and

"(C) development of a time and budgetary schedule for the needed implementation.

"(2) The methodology of the planning study shall include the following:

"(A) extensive interviews and discussions with members of the law enforcement agency, and consultation outside of the agency with citizen groups, community government personnel, and other governmental agencies, to include those State, regional, and local agencies affected by and contributing to law enforcement within the community;

"(B) inspection of facilities and equipment;

"(C) review of recorded data and documents; and

"(D) actual field observation of the agency.

"(3) The following analytical method shall be utilized:

"(A) examination of present practices;

"(B) examination of past practices where applicable to existing operation and administrative situations;

"(C) consideration of outstanding contemporary practices conducted elsewhere;

"(D) consideration of alternatives and constraints; and

"(E) development of specific implementation programs, to include rankings by priority.

"(4) The planning study shall include the following:

"(A) examination of crime and police problems in the community, police manpower and material resources, and community attitudes and resources, including contribution and inputs by agencies of the State and other units of general local government where applicable;

"(B) evaluation of the existing organizational structure;

"(C) in-depth review of existing administrative and managerial procedures, including planning operations, direction, and supervision, internal inspections and control techniques and devices, fiscal management operations, and community relations;

"(D) analysis and evaluation of allocation and distribution of line, staff, and administrative personnel by time, function, and area;

"(E) examination of existing personnel management systems and procedures including recruiting and selection practices, promotion procedures, performance evaluation practices, training and education activities, salary structures, working conditions, employee relations, and disciplinary procedures;

"(F) examination of existing operational procedures including analysis and evaluation of patrol, traffic, investigative, and vice control operations;

"(G) analysis and evaluation of the agency's technical communications system, to include radio, telephone, teletype, and complaint recording and dispatching;

"(H) analysis and evaluation of records management activities including investigative, indentification, arrest, and administrative records-keeping practices, report processing, and information retrieval and storage;

"(I) analysis of service functions including custody of persons and property, building space utilization, and adequacy and maintenance of equipment;

"(J) any other matters relating to the efficient administration of law enforcement within the jurisdiction;

"(K) analysis of adequacy of the local funding of law enforcement; and

"(L) analysis of local manpower resources and the projected effects of this program.

"SEC. 474. (a) The Administration is authorized to make grants to any unit of general local government with respect to which a study has been made under section 473 of this title, in order to enable that unit to make net additions to its police force, consistent with the findings and recommendations arrived at through such study and contingent upon adherence to such recommendations.

"(b) No grant under this section shall be used to diminish the level of local efforts and resources allocated to police manpower purposes, nor shall any programs and projects assisted under this section be administerd so as effectually to permit a weakening of the standards of police appointment or performance.

"(c) No grant under this section shall be made to any unit of general local government that, with respect to the hiring and advancement of police, discriminates on the basis of race, creed, color, sex, or national origin.

"SEC. 475. (a) There is established the Police Manpower Assistance Council (hereinafter referred to as the 'Council'), which shall consist of twelve members to be appointed by the Attorney General. It is the sense of the Congress that each member of the Council shall be from a different public interest group, and that the Council shall have representatives from at least eight of the following groups:

"(1) the United States Conference of Mayors:

"(2) the National League of Cities;

"(3) the Urban Coalition;

"(4) Urban America, Incorporated;

"(5) the National Association of Counties;

"(6) the National Governors' Conference;

"(7) the American Bar Association;

"(8) the International Association of Chiefs of Police;

"(9) the Police Foundation;

"(10) Common Cause;

"(11) the National Association for the Advancement of Colored People; and

"(12) the Brookings Institution.

"(b) Each member shall serve for a term of four years, and shall receive no compensation for his services as such member except for that provided for persons intermittently employed in the Government service in section 5703 of title 5 of the United States Code.

"(c) The Council shall hold such meetings and adopt such rules as are necesesary to the transaction of its business and the performance of its duties under this title. The Council is authorized to hire such staff, and at such salaries, as it shall find necessary.

"(d) The Council shall have authority—

"(1) to certify or revoke certification of any person, whether such person is an employee of the Administration or an outside consultant to it, who is to perform any study required under section 473(a) of this title, and no such study shall be valid for the purposes of this title unless performed by a person with respect to whom a Council certification under this subsection is in force, and

"(2) to exercise general and specific oversight concerning the administration of this part, including the review and resolution of disputes between the Administration and any unit of general local government with respect to the propriety or interpretation of any conditions and terms of any grant made under this part, and this authority may be exercised in the implementation and operative stages of programs and projects assisted under this part as well as at the application, planning, and study stages of such programs and projects."

THE PEKING CONNECTION: COMMUNIST CHINA AND THE NARCOTICS TRADE

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, many of us here in the Congress are worried by the amount of drugs that make their way into our country from many nations abroad. We all know and have read of the dangerous drugs that make their way here from Turkey, Mexico and other nations, but little is being said by this administration about the drugs that are being produced and clandestinely brought into the United States from Communist China.

Recently I came upon an extensive study which calls on our government to make a "fair, thorough and objective examination" of the amount of dangerous drugs making their way on the American market from mainland China.

This 36-page study, commissioned by The Committee For A Free China and written by Allan C. Brownfeld, columnist, author, lecturer and winner of a a Wall Street Journal Foundation Award, cites authoritative United States, Soviet, Dutch, Argentinian, Republic of China, Egyptian, British, Japanese, Hong Kong, Filipino and German sources for its conclusions.

The study titled, "The Peking Connection: Communist China and the Narcotics Trade," concludes:

> If our society is serious about putting an end to the flow of narcotics into our cities and into our military installations abroad, we must, initially, determine precisely who it is that is producing and marketing the drugs involved. The evidence, as we have seen, indicates that the government of Communist China bears a large portion of the responsibility.

"The Peking Connection" states that in the face of such far-reaching substantive evidence, the U.S. Government "refuses to name Communist China a suspect, if not an active participant, in the narcotics traffic." It asserts:

> What is most exasperating is the burden of proof now falls on those who have accepted at face value years of official assertion by the Executive Branch of Government that Red China was in fact engaged in the drug traffic.

The study asks:

> Should it not be the obligation and responsibility of the government of the United States—faced with a mountain of incriminating evidence—to prove or disprove the validity of Red China's involvement in narcotics trafficking?

Among the many citations are:

Chou En-lai's statement to Egyptian President Nasser that—

> We are planting the best kinds of opium especially for Americans.

Prof. Stefan Possony of the Hoover Institution asserting:

> Between two-thirds and four-fifths of the high grade heroin sold on the international

market is and can only be supplied by mainland China.

Representative Seymour Halpern, of New York, saying:

> There is reason to believe that opium produced in Communist China, particularly in the Yunnan Province does enter the Golden Triangle—Burma, Thailand, Laos—drug conduit in Southeast Asia.

Consistent testimony by Harry J. Anslinger throughout the 1950's when he was U.S. Commissioner for Narcotics that Red China was heavily engaged in illicit drug trade.

A charge by U.S. Narcotics Commissioner Henry Giordano in 1963 that—

> The Red Chinese are extensively engaged in drug traffic.

A 1970 Fact Sheet of the Bureau of Narcotics and Dangerous Drugs which states:

> In the Far East, opium is cultivated in vast quantities in the Yunnan Province of China and the Shan and Kachin States in Burma. Although much is consumed by opium smokers in the region, considerable amounts of the drug find their way to the United States.

A report by Prof. James Turnbull of the Royal Military College of Science which states:

> The Chinese Communist government export illicitly 2,000 tons of opium a year to the non-Communist world.

A British narcotics expert, A. H. Stanton Candlin, who says that:

> When President Nixon visited Chou-En-lai he saw the biggest drug pusher in the world, with 800,000 acres under cultivation.

A Pravda article by a Soviet correspondent based in Tokyo who charged that Communist China was the biggest opium, morphine and heroin producer in the world.

An Argentinian English-language paper which reported:

> The Chinese Communists were exporting large quantities of the cheapest but highest quality heroin to Vietnam in a plot to paralyze the American troops.

A Filipino Senate chairman saying that the value of narcotics smuggled into his country from the Chinese mainland via Singapore and Hong Kong had reached over $1,000,000.

The eyewitness testimony of a Chinese refugee before a House Foreign Affairs Subcommittee that she had seen the Chinese Communist army growing opium in Yunnan Province.

Yet, says the study:

> The evidence amassed by the Bureau of Narcotics and Dangerous Drugs, the evidence presented by Harry J. Anslinger, the material put together by Professor Turnbull, the statements of President Nasser, the Japanese narcotics experts, Pravda and others, seems to have made little impression upon the rest of official Washington at the executive level.
>
> Good relations cannot be developed between the United States and its Asian allies, an assault with narcotics which is as real and dangerous as an assault with tanks, guns and planes.

Mr. Speaker, I include the entire study in the Congressional Record so that my colleagues and the American people may learn the extent to which the Red Chinese are attempting to infiltrate their dangerous drugs upon the youth of our Nation.

The Peking Connection: Communist China and the Narcotics Trade

(By Allan C. Brownfeld)

FOREWORD

It has been said in recent days that the fight against narcotics addiction is the nation's number one domestic priority.

Thousands of servicemen are returning from Vietnam with drug problems, and these newly returned addicts are fueling an already serious situation in our cities.

There is significant evidence leading to the conclusion that Communist China is one of the primary sources of the opium which is then refined into heroin to which Americans in Southeast Asia have been subjected.

In 1965, for example, the Egyptian publisher and longtime confidant of the late President Nasser, Mohammed Heikal, quoted Communist China's Premier, Chou En-lai, as stating that, "The more troops the U.S. sends to Vietnam, the happier we shall be, for we feel we shall have them in our power, we can have their blood . . . Some of the American soldiers are trying opium, and we are helping them. We are planting the best kinds of opium especially for Americans."

After an extensive study of the drugs coming into the American and world markets, Professor Stefan T. Possony of the Hoover Institution at Stanford University, declared in November, 1971 that, "Between two-thirds and four-fifths of the high grade heroin sold on the international market is and can only be supplied by mainland China . . . The heroin offensive appears to have accelerated in 1965."

Although few Americans are aware of the fact, our own government placed a formal complaint before the United Nations in 1955 concerning the opium being produced in Yunnan Province by the Communist Chinese government. Since 1955 it appears that Communist Chinese efforts in this field have increased dramatically.

Yet today, at a time when the United States Government repeatedly declares its commitment to end the illegal traffic in narcotics, it refuses to seriously consider the role being played in the drug traffic by the government of Communist China.

In fact, one is led to the conclusion that the Administration places the entire burden of proof regarding Red China's involvement in the dope trade on the shoulders of American citizens who are deeply concerned about this narcotics traffic.

The Committee For A Free China takes on this task only because we anxiously seek the truth, and we do not wish to see the realities of something as horrifying as narcotics proliferation swept under the proverbial rug.

Discussing the effort by White House spokesmen to end all consideration of the role of Communist China in the drug market, columnist Jack Anderson wrote in the Washington Post of May 26, 1972:

"In an unusually conciliatory move toward Peking, the White House is vigorously mobilizing the administration to fight what it calls 'arrant nonsense' about Red China's role in world dope trafficking.

"The White House gesture toward Mao Tse-tung comes even as President Nixon is wooing Mao's arch-rival in the Communist world, Soviet Party head Leonid Brezhnev.

"A White House memo contains evidence that Richard Nixon, once the implacable foe of Communist China, is now defending China. The memo was circulated quietly to the Departments of State, Defense and Treasury, and the U.S. Information Agency.

"The memo urges them to fight 'propaganda' against Red China. Included with the memo is a two-page briefing paper prepared by the federal intelligence agencies on Red China and opium."

The two-page briefing paper, according to columnist Anderson, contends that a "persistent propaganda campaign . . . is being promoted in this country by a number of groups who have consistently opposed normalization of relations between the U.S. and the PRC . . . no evidence has yet been produced to indicate any attempt on the part of Peking to introduce opium or heroin into Vietnam."

The White House also maintains, without providing any evidence of its own, that China strictly controls opium production. Anderson states that "Even in the old opium belts of Yunnan Providence, states the briefing paper, there is no 'significant illicit cross-border movements' to the outside world."

The White House approach to this question is not only "unusually conciliatory," as columnist Anderson noted; it also overlooks the real evidence which *is* available, both with regard to Communist China's acknowledged past history in narcotics production as well as its current role.

The Committee For A Free China commissioned Allan C. Brownfeld, columnist, author, lecturer and recipient of a Wall Street Journal Foundation award, to review all of the available literature in this field, as well as to talk with experts in this country and in the Far East, including Hong Kong, long known as a major port of entry for narcotics. The conclusions drawn in Mr. Brownfeld's study are at variance with the conclusions drawn by the White House, whose conclusions appear to be political and unrelated to the real story of the production of and traffic in narcotics engaged in by the government of Communist China.

It is clear that in any instance where the machinations of a totalitarian government are at work, it is not possible to know in detail all of the internal and external practices engaged in by that government. To say that we do not know all there is to know about this subject is obvious. But what we *do* know certainly merits an investigation. The evidence which *is* available leads not to the exoneration of Communist China, but to its conviction.

The facts, however, must speak for themselves. They, and not political rhetoric, will lead to a solution of the drug problem which all of us say we want to solve, but which some seem to be aiding and abetting by permitting other goals to stand in the way of a thorough exploration of the world as it really is.—The Committee For A Free China, June, 1972.

On March 20, 1972, President Nixon called drug abuse the nation's "Number One domestic problem" and said that despite the need to save money "this is one area where we cannot have budget cuts."

The Washington Post declared that the President's statement concerning narcotics included "some of the strongest language he has used about drug abuse." The President said that the heroin pusher is worse than a murderer or burglar because what he does "strikes at the very heart of the society in which we live."

In our efforts to prevent narcotics from entering the country we have taken action in Turkey, in France and elsewhere in the world to see that narcotics traffic is stopped at its source.

Yet, despite our efforts, narcotics addiction increases, both within our own country and among American servicemen in Vietnam and elsewhere in Southeast Asia. In addition, the flow of narcotics is heavier than ever before despite the fact that new restrictions have been imposed on the previously identified main sources of raw opium from which heroin is produced, namely Turkey and Iran.

In recent days there has been much discussion about the possible role played in the production and distribution of narcotics by the Communist Chinese government.

Many and diverse spokesmen—journalists, political leaders, academicans—have declared that Communist China is deeply involved in the drug traffic, and is using this traffic for the twofold purpose of gaining foreign exchange and subverting both American servicemen and non-Communist Asian societies.

Let us consider some of the statements which have been made on this subject.

Speaking on the C.B.S. radio network on February 23, 1972, commentator Jeffrey St. John declared that "Ever since the establishment of the Reds on the China mainland they have been actively involved in drugs. However, it has only been in recent years that narcotics have served a specific ideological end, coinciding with the mushrooming of the drug problem in Western nations like the United States."

Testifying before a Congressional committee in July, 1971, Dr. Robert Baird, a New York drug expert with 24 years in the field of drug addiction, contended that the Chinese Communists are now preparing to use drugs to demoralize the American population, especially young people, and for ideological purposes. Dr. Baird declared that we are being misled into thinking that Turkey is the primary source of narcotics, and he estimated that Communist China produces 55 to 60 percent of the world's hard drugs.

In a report in October 1971, to the House Foreign Affairs Committee entitled, "The International Narcotics Trade and Its Relation to the United States," Rep. Seymour Halpern (R-New York) stated that "... there is reason to believe that opium produced in Communist China, particularly in the Yunnan Province, does enter the Golden Triangle—Burma, Thailand, Laos—drug conduit in Southeast Asia."

Rep. Halpern noted that "It has been difficult, because of China's great wall of isolation, to document the extent of her opium production in relation to her own consumption and to her medicinal requirements. Several experts have estimated, however, that the minimal medical need for her huge population would require about 100 tons of opium production per year. It is known that the People's Republic of China has the capacity for large cultivation, particularly in the Southern provinces. . . . There have been numerous rumors that a good portion of China's vast crop finds its way into illicit channels."

The Washington Report of the American Security Council for January 13, 1972 reported that Hong Kong police have stated that illegal drugs smuggled out of Communist China and bound for the Free World increased nearly 1,000 percent in 1971, most of it in opium, the raw material from which heroin is made. Police in Hong Kong seized 12,500 pounds of opium last year, as compared with only 877 pounds in 1970.

Rep. Philip M. Crane (R-Illinois) stated on April 12 that "At a time when there is a euphoric feeling that peace may be at hand with the Communist Chinese, a feeling not borne out by the fact that the Peking government continues to sponsor subversion and terror throughout Asia, one important question remains unanswered and, to a large measure, unasked. That question is this: how involved is Communist China in the flow of narcotics in Southeast Asia, and elsewhere in the world?"

Citing the available evidence, Rep. Crane concluded that, "At a time when thousands of young Americans, particularly servicemen in Vietnam, are becoming addicted to heroin and other dangerous drugs, it is incumbent upon our government, if it is sincere in its desire to stem the tide of such drugs, to investigate the possible involvement of Communist China in their production and distribution."

A report published in England in April, 1972 declared that "The Chinese Communist government exports illicitly 2,000 tons of opium a year to the non-Communist world."

Prepared by James Turnbull, Professor of Applied Science at Britain's Royal Military College of Science, the report states that "The annual sales are estimated to be worth $500 million to Peking."

Professor Turnbull writes that "The covert dissemination of opium narcotics, in particular the addictive drug heroin, for commercial and subversive purposes represents one of the gravest threats to the armed services and societies of the free world."

Published by the Foreign Affairs Publishing Company, Ltd., this report includes a foreword by a Conservative member of Parliament, Geoffrey Stewart-Smith, who writes: "James Turnbull has produced a devastating exposure of the way in which the allegedly 'trustworthy' Chinese People's Republic is carrying out a massive secret chemical warfare strategy by exporting opium and heroin to the non-Communist world. In view of the growth of drug taking in Eastern Europe, it is possible that the Chinese Communists are doing the same thing to their 'fraternal' Communist states there too."

Speaking to the 43rd Annual Conference of the Copley Newspapers at Borrego Springs, California, on February 14, 1972, Lt. General V. H. Krulak (U.S. Marine Corps, Ret.), stated that "The Chinese Reds do want hard money and opium is probably China's greatest export staple. They are doing everything they can to improve and expand opium culture, and it is estimated that they earn almost a billion clandestine dollars a year from their dope sales."

That there is a widespread feeling that Communist China is deeply involved in the narcotics traffic is clear. Concern, however, is far from being conclusive in determining what role the Communist Chinese do, in fact, play in narcotics production and traffic. Let us turn to the available evidence and to the very real history of Communist Chinese involvement in narcotics.

Speaking to a group of Congressional aides this past February, A. H. Stanton Candlin, a British narcotics expert who has spent many years in the Far East, declared that "When President Nixon visited Chou En-lai he saw the biggest drug pusher in the world, with 800,000 acres under cultivation."

This idea was confirmed by Mohammed Hassanein Heikal, editor of Cario's semi-official Al Ahram newspaper and a confidant to the late Egyptian President Nasser, who reported that Premier Chou En-lai told Nasser in 1965 that Communist China planted opium in Vietnam, hoping to demoralize U.S. troops there with drugs. The London Sunday Telegraph of October 24, 1971 quotes President Nasser as stating that "One of the most remarkable things Chou En-lai said that night when talking about the demoralisation of the American soldiers (in Vietnam) was that 'some of them are trying opium, and we are helping them. We are planting the best kinds of opium especially for the American soldiers in Vietnam.'"

According to Mr. Candlin, the Chinese Communists are now using a policy of "psycho-chemical warfare" first used by the Japanese on the Chinese themselves in the 1920s and 1930s. The Japanese established brothels and spread morphine. It was done by intelligence services of the army and the Chinese method being used today "can be traced to the Japanese. They saw it done to themselves and they are improving on it."

Corraboration is set forth in the volume, "Traffic In Narcotics," published in 1953, by Harry J. Anslinger, the United States Commissioner for Narcotics for many years.

In 1950, after the Chinese Communists established control of the Mainland, Mao Tse-tung forbade opium smoking in China and a few opium growers were executed with great publicity. Yet shortly thereafter, Commissioner Anslinger placed an American complaint before the United Nations to the effect that the Communist Chinese were smuggling narcotics into Japan. His evidence was overwhelming and proved that during the early 1950s China was heavily engaged in the illicit drug trade.

As the U.S. Representative to the United Nations Commission on Narcotic Drugs, Mr. Anslinger had many occasions to warn the free nations of Communist China's illicit narcotics trade. Here are several excerpts from his remarks before the U.N. Commission, in April, 1955, concerning the opium being produced in Yunnan Province:

"At the end of 1953 a group of smugglers, including an official of the Bank of Canton, (smuggled) 23 pounds of heroin and morphine from Yunnan to Chiengmai to Bangkok and thence to another transshipment point . . .

"Despite the efforts of the Burmese Government to control the illicit traffic in narcotics, hundreds of tons of cleaned and packaged opium in 1-kilogram units are brought into Burma each year from Yunnan Province . . .

"The hub of the traffic on the Yunnan side of the border is Tengyueh. Along the border are found trucks, military vehicles, carts, mules and pack trains used for the transportation of opium . . ."

Several months before his retirement in 1962, Commissioner Anslinger further illustrated the extent to which Yunnan contributed to the Communist Chinese narcotics traffic. The following is from the Report of the Seventeenth Session (1962) of the U.N.'s Commission on Narcotic Drugs:

"92. With reference to the question of the origin of opium in the Burma-mainland China-Laos-Thailand border area, information was reported by the representative of the United States concerning investigations carried out in recent months in cooperation with control authorities in the Far East.

Three witnesses, former inhabitants of Yunnan province in mainland China, had made detailed statements to United States Treasury Department officials on the cultivation of opium in Yunnan and its export from there to the Shan states in Burma. One witness had himself been a cultivator, and in 1953 and 1956 he had also, with his mules, joined caravans transporting opium to the Shan frontier, where he assisted in its transshipping into trucks for transport to a trading company at Kentung, Burma. Two caravans, of 108 and 82 mules, had transported over 4 and 3 tons respectively, two sealed tins of 20 kilograms being carried by each mule. The cultivator estimated that some 6 tons of opium had been produced annually in the area where he lived, and that the total production of the region in 1961 had been of the order of 1,000 tons."

Speaking before the U.N. Commission on Narcotic Drugs on April 15, 1953, Mr. Anslinger set forth the proposition that the Communist Chinese government did, in fact, engage in and sanction the illicit export of opium and its derivatives. He said:

"When the Communists occupied the whole of China, opium-smoking was prohibited in the land by order of the Communist Administrative Department, but it soon became known that traffic in narcotics would be permitted if it was contrived behind the scenes so those who wished to export opium applied to the government organization controlling special items and received licenses to export opium which amounted to a license to buy and sell opium and heroin. Tientsin and Canton are the chief opium and heroin export centers in China.

"Within the Communist government there is the Opium Prohibition Bureau of the Peoples' Government. Within this Bureau the responsible persons are: Po I Po, Chief of the Finance Division; Yih Chih Chuang, Chief of the Trade Division; and Wang Feng Chi, who as Chief of the Hwapei Opium Prohibition Bureau is the actual person in charge.

"The Opium Prohibition Bureau amounts to a government monopoly, which in the Tientsin district, is known as the Yuta Concern which is located at 5 Aomen-lu, 10 Ward, Tientsin. Wang Tsu Chen is the head of this concern, Li Tsu Feng is the managing director, and Sung Han Chen is an active partner . . . The opium business in the Canton district is monopolized by the South China Trade Bureau under the name of 'Lin Chi Hang.' Wang Jui Feng, a senior Communist leader, is in charge."

After providing additional details of opium production in other areas of China, Mr. Anslinger outlined the coordination of the narcotics personnel and agencies with other governmental departments:

"The traffic in narcotics is closely related to other organs of the Communist government. For example, there is a close relation with the People's Bank of China and the Bank of China, both of which have local branches throughout the country with special counters to handle loans, extend credit, and handle mortgages for opium. The transportation of opium is guarded by the armed forces. These agencies along with the Tobacco Monopoly are also the organs for handling the transactions in opium. The responsible persons of the Tobacco Monopoly in the various districts have close connections with the big opium dealers. They employ the names of recognized firms for their export business and conduct narcotic transactions under the protection and cover of various subterfuges."

When Mr. Anslinger made these charges at the United Nations, the Soviet Union responded that there was no truth in the charge that Communist China was engaged in illicit production and traffic in narcotics. After the Sino-Soviet split, however, the Soviet Union altered its estimate of Chinese Communist innocence in this field.

An article in Pravda of September 13, 1964, written by a Soviet correspondent in Tokyo, based on first-hand observations in Peking and supported by statements of the Japanese National Narcotics Committee, charged that Communist China was the biggest opium, morphine and heroin producer in the world. Total proceeds from the illicit narcotics traffic were alleged to yield some 500 million dollars annual revenue for the Chinese Communist Party. Independent reports from other agencies in Tokyo, West Berlin, and London confirmed the magnitude of this illicit export traffic to the outside world. Soviet sources, basing their assertions on Japanese reports, indicating that some 8,000 tons of opium were produced in China in 1958. This staggering figure represents about ten times the total world requirement for legitimate use.

In a speech on September 21, 1961, Rep. Francis E. Walter (D-Pennsylvania) referred to Communist Chinese "dope warfare" against American and United Nations troops during the Korean War. He added that many of the narcotics were peddled "at bargain prices by young women pushers near all military installations in Korea." He stressed that the products were of high quality and reported that during 1952 the Japanese police arrested over 2,000 pushers near American installations in Japan. He stated that opiates were coming into Hong Kong, Burma and Thailand from the North and he quoted the U.N. Commission on Narcotic Drugs as the source of his information. During the Korean War, U.S. troops found an opium processing plant in Pyongyang which was producing prepared opium and morphine.

In his study, Professor James Turnbull notes that after World War II ended ". . . drug-taking in Japan rose rapidly. By 1949, heroin addiction in the country had reached alarming proportions. Reports from the GHQ of the Supreme Commander of Allied Power in Tokyo, based on arrests and seizures in the intervening period till 1951, revealed that large amounts of Chinese opium and heroin were reaching Japan from North Korea and Hong Kong through the ports of Yokohama, Kobe, Kure and Sasebo. In 1960 considerable amounts of Chinese heroin of Hopei origin were seized in Japan."

A Japanese National Committee to combat the narcotics traffic was established under the chairmanship of Mr. Tsusai Sugahara. Reports of this Committee were quoted by the *Pravda* correspondent in Tokyo to the effect that Peking was netting annually from Japan some $170 million for drugs. Approximately 25% of this sum was estimated as going to the support of the Japanese Communist Party. The total narcotics traffic in Japan is currently valued at approximately $500 million, two thirds of which represented transshipments to the United States through the port of San Francisco. The estimated wholesale price of Chinese heroin in Japan was some $4,000 per pound in 1960.

Increasingly in recent years United States spokesmen up to the highest level have asserted that 80% of the heroin brought into the United States is manufactured from Turkish opium. When asked whether or not Communist China was involved in the narcotics traffic, the response has consistently been negative.

At a news conference held on December 28, 1971, Nelson Gross, senior adviser to the Secretary of State and Coordinator for International Narcotics Matters, was asked, "Do you have any evidence pro or con that any of the opium comes from China?" His response was the following:

"We have no evidence that any opium is coming from China at all. In fact, we have even had reports that some has moved up from Burma across the border into China. I might say here that the Chinese and our own government have had virtually an identity of interest and an identity of policy for a century. We have consistently been with the Chinese Government over the years in trying to eradicate not only production but obviously trafficking and use of opium and derivatives."

Mr. Gross was then asked, "How would you know if it were coming from China or not?" His response:

"Well our intelligence sources indicate that it is coming from those areas (indicating "golden triangle" area on map). There is more than enough supply in those areas to account for all of the material which comes either into Southeast Asia, into victim areas—South Vietnam or the United States. We have no reports—and we would tell from those who might be arrested as to where they were acquiring the material—we have no report of any coming from China."

Mr. Gross declares that there is "no evidence." Yet the Bureau of Narcotics and Dangerous Drugs on March 10, 1970 in a statement before the House Appropriations Subcommittee headed by Rep. John Rooney (D-New York) on Departments of State, Justice and Commerce, the Judiciary and Related Agencies, discussed the BNDD's overseas operations which are divided into three regions:

"The third Region is in Asia with a Regional Office in Bangkok and District offices in Seoul, Hong Kong and Singapore. The countries of Burma, Thailand, Laos and China (Yunnan Province) are sources of opium which move to Bangkok, Macao, and Hong Kong to be made into heroin which enters the West Coast of the United States."

The Bureau of Narcotics and Dangerous Drugs refutes Mr. Gross' "no evidence" statement even further in its 1970 Fact Sheet 2, entitled, "Illegal Traffic in Narcotics and Dangerous Drugs." In this paper it states the following:

"There are two main currents of illicit traffic in opium and the opiates. One begins in the Middle East and ends in North America. The other pattern is from Southeast Asia directed to Hong Kong, Japan, China (Taiwan), and the west coast of America . . . In the Far East, opium is cultivated in vast quantities in the Yunnan Province of China and the Shan and Kachin States in Burma. Although much is consumed by opium smokers in the region, considerable amounts of the drug find their way to the United States."

The evidence amassed by the Bureau of Narcotics and Dangerous Drugs, the evidence presented by Harry Anslinger, the material put together by Professor Turnbull, the statements of President Nasser, the Japanese narcotics experts, Pravda, and others, seems to have made little impression upon the rest of official Washington at the Executive level.

A memo dated February 15, 1972, was sent by a Member of Congress to his colleagues on the Task Force on Drug Abuse of the House Republican Research Committee. It was entitled, "Alleged Involvement of the People's Republic of China in Illicit Drug Traffic." This memo declared that "The government of the People's Republic of Chinas has for years officially forbidden the private production, consumption, and distribution of opium and its derivatives. There is no reliable evidence that the PRC has either engaged in or sanctioned the illicit export of opium or its derivatives to the Free World nor are there any indications of PRC control over the opium trade of Southeast Asia and adjacent markets."

The memo came from the White House but was on blank paper. Discussing this material, Rep. John Ashbrook (R-Ohio) declared that "The memo, which was confirmed as a White House memo by my colleague was, interestingly enough, on plain white paper with no heading, no agency identification, no attribution—a real 'backgrounder.' It was real propaganda, too . . . The claim that the Chinese people are forbidden to produce opium for their own consumption is of course true . . . but the production of opium by the Red Chinese for illicit export is a long established policy which, of course, they deny."

Mr. Ashbrook notes that "The memo does indicate that there is evidence that there has been 'cross-border movement of opiates between China and Southeast Asia.' This, of course, confirms to some extent the BNDD claims that illicit opiate shipments have come from Yunnan Province. However, the White House memo puts the responsibility for such shipments on individual Chinese efforts which, they infer, violate Red Chinese government regulations. Information . . . shows that such individual efforts would violate Government regulations only if such traffic were for domestic consumption in China, whereas illicit export is approved and encouraged by the Government of Red China."

When the Bureau of Narcotics and Dangerous Drugs initially stated that 80% of the heroin brought into the United States was manufactured from opium grown in Turkey, this figure included not just Turkish opium but Middle Eastern and especially Iranian opium. Iran remained a major opium producer and purveyor long after 1955, when it officially prohibited the planting of poppy seed. Cultivation was again authorized in 1969.

Turkish authorities have been restricting poppy cultivation from 21 to 9 provinces, with most of the planting restricted to four. As of June, 1971, all cultivation was prohibited. Production itself was curtailed before 1971. During this same period, heroin consumption in the U.S. and elsewhere went up dramatically. With a dynamic growth of consumption in the U.S. and elsewhere, and a concurrent reduction in the output of Turkish opium, the contribution of Turkey to the American heroin market cannot possibly have remained static at the 80% level.

Discussing this 80% figure, Professor Stefan T. Possony of the Hoover Institution, notes that, "U.S. experts watching the international narcotics trade have been asserting for years that 80% of the heroin consumed in the United States originates in Turkish opium. After being transformed into morphine somewhere in the eastern Mediterranean area, the morphine is shipped to France, converted into heroin, and smuggled to America. This 80% figure appears, for example, in the writings of Ramsey Clark, former Attorney General, and it was prominently used in 1971 when the then Postmaster General Winton Blount suggested the United States take economic sanctions against France. Evidently, magic numbers can have rather explosive consequences."

The 80% figure used by Mr. Clark, Mr. Blount and many others has finally been declared by the Bureau of Narcotics and Dangerous Drugs to be inaccurate. On June 2, 1971, BNDD Director John E. Ingersoll testified to the House Select Committee on Crime and bluntly de-magicized the magic figure: "That was the figure used by the old Bureau of Narcotics. . . . When I became Director of the new Bureau. . . . I asked for data to support that precise figure and when it was not forthcoming, I dropped the use of the 80% figure which has been used traditionally for sometime. The best I can say now is that still the overwhelming majority comes from that source (Turkey) but whether it is 80% or whether it is 70%, I just cannot tell you."

Mr. Ingersoll also declared that the 80% figure "represents the percentage of opium (opiates) discovered in illicit traffic in the United States which is of Turkish origin." That is, 80% of the heroin seized has come from Turkey. It does not follow that 80% of the total American import of heroin is derived from Turkish opium nor that 80% of the imported heroin was processed in French refineries. Professor Possony points out that "The figure may actually mean *only* that the nets peddling the Turkish-French product are far less secure than other distribution channels."

Mr. Ingersoll added: "Once opium is processed into heroin and is seized in the form of heroin in the United States, it is beyond our technical capacity to trace it scientifically to its origin." The evidence provided by the Bureau of Narcotics and Dangerous Drugs is, as a result, in the nature of "intelligence" and "common knowledge of traffic patterns," to use Mr. Ingersoll's words. There is *no* scientific method through which the Turkish-French origin could be proved in the laboratory.

Professor Possony states that "The 80% figure originally referred to Turkey *and* Iran. Turkey significally reduced poppy acreage and also cut down opium production. Meanwhile, heroin consumption was increasing sharply in the United States and Europe. Yet in spite of these variations, which necessarily must have altered the arithmetic drastically, the magic figure remained immutable. Whenever a question was raised, the BNDD simply increased its 'estimate' of the illicit opium output in Turkey."

In continuing to maintain that Turkey is primarily responsible for the increase in the narcotics traffic without having any real evidence to substantiate this assessment, the Bureau of Narcotics and Dangerous Drugs and other government spokesmen are, in effect, turning their backs upon the significant body of evidence which exists and which points to the involvement of Communist China in the narcotics traffic.

In an article which appeared in the Congressional Record of October 13, 1971, DeWitt S. Copp writes, "A shocking British government document has come into this reporter's hands; it is Great Britain's 1969 estimates of the contribution Communist China makes to the world's illicit production of opium. According to the British, as of two years ago the illegal world production of the drug from which heroin is derived was '5,000 tons, 1,000 tons coming from the Middle East and minor producers,' the remaining '4,000 tons' emanating from 'Southeast Asia (including Burma, Thailand and Laos)' and the 'Chinese People's Republic.' Of this amount, the official British estimate is '3,500 tons' coming from Red China."

Mr. Copp continues: "The confidential document goes on to point out . . . that the average yield of opium per hectare of poppy field is seven kilos and that the total area under cultivation is estimated at a half-million hectares or 200,000 acres. The poppy-growing provinces are listed as Yunnan—where production is figured at 1,000 tons, Szechwan, Kwangsi, Kwangtung, Hopei and Honan. The annual revenue to Peking is placed at a half-billion U.S. dollars."

There is some undisputed history with regard to the past involvement of the Communist Chinese in opium and heroin production. In the course of the long march from southern China to the Yenan caves in Shensi, some 400,000 Communists were forced into a mountainous region which lacked agricultural and other income-producing resources. The Communists turned to the cultivation of opium as the most expeditious means of survival and of financing the "protracted struggle."

They began to market their product by 1938–39, and they were helped in their efforts by the Japanese who rescinded the prohibition on opium smoking that had been imposed by the Chinese Nationalist Government. The Japanese were anxious to stimulate opium consumption among the Chinese. The Communists were eager to trade opium for metals, including gold, and they reportedly also used opium as a bank reserve.

Recounting some of this past history, Professor Turnbull recalls that "The Japanese invasion of China in 1937 provides an example of the exploitation of narcotics for subversive purposes. During their occupation of the country, the Japanese made determined attempts to spread opium addiction in China. A significant development in this technique was the setting up of laboratories in Manchuria for the conversion of opium into morphine and heroin."

When the Communists came to power in 1949, reports Professor Turnbull, "their first drive was against the drug addicts. A series of decrees were promulgated forbidding imports of narcotics, and curtailing the domestic drug traffic. Significantly, no mention was made of actual opium growing in China, or of any prohibition regarding its export from the country . . . The drug traffic was, in effect nationalised under the Central Finance and Economic Committee in Peking which became the central authority for all commercial dealings in opium narcotics expressly for distribution and sale outside China."

It is well known that heroin addiction among American troops in Vietnam steadily rose toward record proportions beginning in December, 1969. It has also been stated that a heavy heroin influx followed shortly after the Cambodian invasion in the spring of 1970. This influx was estimated from service deaths resulting from drug overdoses by Assistant District Attorney John Steinberg of Philadelphia, who investigated the Vietnam drug scene in the fall of 1970 as a special consultant to the Senate Subcommittee to Investigate Juvenile Delinquency. Shortly after the Cambodian operation "large quantities of heroin began arriving in Vietnam . . . uniform packaging and refining indicated a single highly organized source."

Reviewing the available information, Professor Possony stated that, "I am satisfied that while much detail remains hidden and statistical accuracy is not attainable, the overall story has emerged rather clearly. The various sources have—on the whole—been mutually confirmatory. The sources do reveal a cleavage of opinion on the role of Maoist China, but I believe this difference can be resolved. I also want to record that denials of Chinese Communist involvement which I have seen were in the nature of flat assertions and were never accompanied by analysis."

Professor Possony notes that "In terms of production, the Chinese Communists have the capacity for replacing suppliers like Turkey who may go out of business. They are also able to satisfy a larger market and/or growing market demands."

According to Ch'in Yung-fa, writing in the March 1972 Issues and Studies, published by the Institute of International Relations on Taiwan, "Since the establishment of the Peiping regime, exportation of dangerous drugs on a global scale has become one of the most important national policies of the Chinese Communists. Today, mainland China has become one of the major suppliers of dangerous drugs in the international drug market."

Mr. Ch'in reports, "On February 1950, when the Communist troops led by Ch'en Keng and Sung Jen-ch'ung entered Yunnan Province, they brought large quantities of drugs to Kunming for sale. Since very little profit was gained, opium was transported by men and animals to Burma. From there it was transported to Rangoon via Mandalay and then to northern Thailand for sale. This marked the beginning of Communist dumping of drugs in Southeast Asia by way of Yunnan Province."

According to the Issues and Studies article, beginning in 1951, Loping, Kwangnan, Funning, Yensan, Chiupei and Luhsi in northern Yunnan were designated as a "special zone" for opium cultivation. Products were procured at official prices by the "Special Products Management Committee" of the "people's government" in each county. These products were then exported by the "Yunnan Provincial Trading Company." In addition, morphine and heroin processing factories, including ten big pharmaceutical factories, have, according to the author, been built in Yunnan Province.

The estimate presented by Mr. Ch'in, a specialist in Chinese Communist military affairs, is that "the Chinese Communists process about 10,000 tons of narcotics a year. From 1952 to 1957 the annual production and sale totaled about 2,000 tons, but it increased to 8,000 tons a year between 1958 and 1964. From 1965 to the present the annual export has been 10,000 tons, earning a net profit of over $800 million U.S. dollars per year."

There is a great deal of independent evidence available which points to the validity of the conclusions drawn by Mr Ch'in.

On October 15, 1970, the chief of the narcotic division of the Hong Kong Police revealed that large quantities of narcotics were seized in 1969 by Hong Kong police, including 10,500 lbs. of opium, 310 lbs. of heroin and 250 lbs. of morphine. All persons involved were punished according to regulations. The police official, however, said that to avoid "political issues," all Chinese Communists arrested had been released.

According to an article entitled, "The Inside Story of Chinese Communists' Sale of Narcotics," written by a former high ranking Chinese Communist Party cadre and published in the Hong Kong Times on December 12, 1950, there were three major financial resources in Communist China for export. These were "white goods," referring to rice, wheat, and cotton; "yellow goods," referring to gold, silver, U.S. dollars and bonds; and "black goods," referring to opium. The article noted that the "white goods" were used to pay the salaries of military personnel, government employees and teachers; the "yellow goods" to finance construction and military projects; and the "black goods" to pay for part of military expenditures and secret service costs and to eliminate the deficit.

Tsusai Sugawara, Chairman of Japan's National Commission for Control of Narcotics, has disclosed that the Chinese Communists make a profit of 60 billion yen (approximately $170 million U.S. dollars) from the sale of narcotics to Japan each year; however, the amount is less than one third of the total export.

In an article entitled, "How the Maoists Smuggle Opium," published in No. 30 issue of the semi-monthly, *Intelligentsia*, B. Bulatov, a correspondent for the Soviet Literaturnaya Gazeta, estimated that the annual production of opium on the Chinese mainland is about 8,000 tons of heroin.

Investigating the increase in narcotic consumption among American servicemen in Vietnam at the time of the Cambodian invasion, John Steinberg, an investigator for the U.S. Senate subcommittee on Juvenile Delinquency, discovered that heroin which was 99.5% pure was being sold for as little as $1.00 a vial. Heroin which was only 10% pure, he pointed out, could be sold for at least $10.00 a vial. It was, thus, clear that the increase in narcotics was by no means only a money making venture, but had other purposes. Why did the increase occur after Cambodia? The evidence points clearly in the direction of Communist Chinese involvement for the political purposes of subverting by weakening its intended victims.

This fact was confirmed in the English language daily Vanguard published in Argentina. On October 31, 1970 it reported that "The Chinese Communists were exporting large quantities of the cheapest but highest quality heroin to Vietnam in a plot to paralyze the American troops. The local price was only US $20 per ounce compared with US $4,000 per ounce in the United States while the quality of heroin was 99 to 100 per cent refined."

In 1969, American deaths in Vietnam resulting from drug addiction averaged two persons a month. The figure rose, however, to two per day from January to October, 1970. *Vanguard* noted that "In the last six months the percentage of drug addicts among American troops in Vietnam had risen from 30 to 50 percent. In some military units 70 to 80 percent were reported. On October 31 (1970) a group of GIs was even trying morphine publicly before personnel of the CBS television network."

The chairman of the Labor and Immigration Committee of the Philippine Senate said on April 30, 1966 that the value of narcotics smuggled into his country from the Chinese Mainland via Singapore and Hong Kong had reached $1,161,290. He said that the Hong Kong-based Communist drug traffic was intended to narcotize both the bodies and minds of the Filipinos and to damage economic construction in the Philippines in order to create dissatisfaction and incite rebellion among the Filipinos.

The Communist Chinese production of opium was confirmed in testimony presented May 17, 1972 by Miss Yuan Moun-ru before the Subcommittee of Asian and Pacific Affairs of the House Foreign Affairs Committee in Washington, D.C. The witness was described in these terms: "Miss Yuan was born in Szechuan Province of China. Both her parents were medical doctors . . . Miss Yuan herself is an engineer with a degree in mechanical engineering from Chung King University. Because of differences with university authorities Miss Yuan was classified as a 'rightist' and was assigned by the Communist Party to work as a laborer in the mines and in factories for some ten years. In May, 1969, Miss Yuan escaped from the People's Republic by way of Burma."

In her testimony, she declared, "My route of escape from China to Burma is via Yunnan Province. I rode through Lu river valley and the district of Kaonigon Mountains. I saw with my own eyes the Chinese Communist liberation army growing opium in that area. So were the Burmese Communists and their mountain army under Chinese Communist influence. It did not surprise me, because the Chinese Communists in order to defeat 'American imperialism,' have never hesitated to employ whatever means available to them. They would be glad to see their enemy degenerated, and collapsed without their firing even a single shot."

Mr. Lawrence Sullivan, Coordinator of Information for the U.S. House of Representatives, said on December 13, 1961: "For the first time in human history, the systematic production and distribution of narcotic drugs has become an organized government monopoly in Red China. In ten years, Mao Tse-tung has built up a virtual monopoly in opium, heroin and morphine."

The 1966 edition of the *Encyclopedia Americana* stated: "It is to be assumed that even if the production of opium is forbidden, that country (mainland China) is still by far the most important producer."

Writing in *Human Events* on October 16, 1971, DeWitt Copp reported of the existence of a British government document which estimated that as of 1969, the total illegal world production of the drug from which heroin is derived was 5,000 tons. Of this amount the official British estimate is 3,500 tons coming from Red China. Mr. Copp reported that, "No doubt the authenticity of the British document will be challenged . . . However, supportive evidence is offered from a ranking official of the Dutch Narcotics Bureau and Jacques Kiere of the French Bureau of Narcotics and Dangerous Drugs."

The Dutch official declared that "Smuggling of Red Chinese narcotics is on the increase in Holland. The main port of entry is Rotterdam and Amsterdam in that order. Most of the drug seized is heroin. Ninety percent of the crew members apprehended have been Chinese. Several of the ships involved have been Red Chinese. Our laboratories have verified that the drugs originate in Communist China."

The French official declared that: "The Bureau has always stated that Communist China is involved in poppy cultivation and illicit drug trade. We have much evidence on that."

In a recent publication, Interdoc reviewed a book by a German author, Dr. F. W. Scholmann, entitled: "The Maoists, Peking's Efforts in Western Europe." The reviewer says in part:

"Scholmann's account of the role of Peking's embassies in the West is absorbing, as is that of trade missions, press agencies and the like. In fact, this is the first book to my knowledge to give an outline of the organization and pattern on Communist China's silent approach to the West . . . Attention is paid to the political—not gastronomical—role of the Chinese restaurants and the organization in which the Communist restauranteurs are often the leading men. Nor has the writer avoided the embarrassing subject of the export of narcotics from China. It is said to reveal that Chinese Communist propaganda in the West seems to be financed largely from the proceeds of opium and other narcotic sales."

In contrast with all of the above, it is particularly disturbing to note that the United States Government, on the one hand, declares its interest in fighting narcotics addiction, both at home and among our servicemen in Vietnam, yet, on the other hand, refuses to name Communist China as a suspect, if not an active participant, in the narcotics traffic.

The hesitancy is something new. In 1963, for example, U.S. Narcotics Commissioner Henry Giordano charged that "The Red Chinese are extensively engaged in drug traffic."

Others in Asia have made the same charge. The Chairman of the Japanese National Committee for Struggle Against Drug Addiction stated in 1964 that "Peking has become the world's principal producer of opium poppies which yield opium, morphine, and heroin." The Prime Minister of Thailand accused Peking of flooding that nation with narcotics. In Hong Kong, a doctor at the anti-narcotic center stated, "There are upwards of a half million addicts in the British Colony supplied with narcotics flowing out of Communist China."

Discussing the new refusal to mention Communist Chinese participation in the narcotics traffic, Rep. Ashbrook stated that "When the President journeyed to Red China many of us who had observed the Red Chinese participation in the opium traffic hoped that at least Mr. Nixon would pressure the Red bandits to stop this illicit contribution to world misery . . . It now appears that Mr. Nixon never even broached the subject . . . to Mao or Chou. Henry Kissinger vetoed bringing up the issue because it would have been too explosive at the initial meeting . . . The Communists won once more and American interests were subordinated . . . "

What is most exasperating to Members of Congress is that the burden of proof now falls on those who have accepted at face value years of official assertion by the Executive branch of government that Red China was, in fact, engaged in the drug traffic.

As a practical matter of deep concern to millions of Americans, should it not be the obligation and responsibility of the Government of the United States—faced with a mountain of incriminating evidence—to prove or disprove the validity of Red China's involvement in narcotics trafficking?

Syndicated columnist Paul Scott explained our government's refusal to discuss the real culprits in the international narcotics traffic this way: "Discussion of the heroin issue with the Chinese Communists also would contradict the official Nixon Administration position that 'there is no hard traffic from the Asian mainland.' This 'fig leaf' policy, as it is referred to within the American intelligence community, was adopted by the White House as part of the new Nixon policy toward accommodating Red China as a part of a new global balance of power strategy.

"Under this preconceived policy," writes columnist Scott, "government officials must not reveal any information of heroin traffic from China or the direct involvement of the Peking government. . . . Since the President's major foreign policy objective is to improve relations with Communist China, it is very doubtful that he will make any decision that might cause public embarrassment to the Peking government at this time."

It is interesting to compare this Administration attitude of accommodation and refusal to even discuss the role played by Communist China in the narcotics traffic with the harsh words President Nixon has directed at drug pushers. On March 20, 1972, the President made a trip to New York to inspect the first of nine planned regional offices of the Justice Department's new offices of Drug Abuse Law Enforcement. A UPI dispatch of that date, reporting on the President's visit, stated in part:

"Vowing 'no sympathy whatever' for the drug pusher, President Nixon called today for tougher law enforcement and harsher court penalties to help sweep narcotics from the Nation's streets.

"There isn't a penalty that is too great for drug traffickers who prey upon youth, the President declared. That is 'the most reprehensive of all crimes. It is worse than a crime like murder, a crime like robbery, a crime like burglary.'

"The President declared that 'For those who traffic in drugs, those who make hundreds of thousands of dollars . . . and thereby destroy the lives of young people throughout this country, there should be no sympathy whatsoever and no limit insofar as the criminal penalties are concerned.' "

Is the Administration willing to apply this "no-sympathy" policy to those in Communist China who as an intrinsic part of government policy support the narcotics traffic which has engulfed our servicemen in Vietnam and aims at the destruction of our very will to resist aggression and to defend ourselves? Is the only target the street pusher in New York or Chicago or Los Angeles? Must there not also be major concern with the source of the narcotics which has ruined so many lives, and threatens to ruin so many more?

Good relations cannot be developed between the United States and Communist China if those relations are based on a failure to confront the very real assault which Peking is making upon the United States and its Asian allies, an assault with narcotics which is as real and as dangerous as an assault with tanks, guns, and planes.

The evidence that Communist China is a major participant in the narcotics traffic is overwhelming. Professor Turnbull writes, "The covert dissemination of opium narcotics, in particular the addictive drug heroin, for commercial and subversive purposes represents one of the gravest threats to the armed forces and societies of the Free World. The subversive operation must be recognized as a peculiar form of clandestine chemical warfare, in which the victim voluntarily exposes himself to chemical attack."

If our society is serious about putting an end to the flow of narcotics into our cities and into our military installations abroad, we must, initially, determine precisely who it is that is producing and marketing the drugs involved. The evidence, as we have seen, indicates that the government of Communist China bears a large portion of the responsibility. Those who argue that it does not have the real burden of proof upon their own shoulders. The American people are entitled, at the very least, to a fair, thorough, and objective examination of this question. They will not be satisfied until all the facts are laid out for their examination. When this is done, the real role of Communist China in the narcotics traffic will be clear for all to see.

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Allan C. Brownfeld received his A.B. from the College of William and Mary, his J.D. from the Marshall-Wythe School of Law of the College of William and Mary, and his M.A. from the University of Maryland.

The recipient of a Wall Street Journal Foundation Award, he has written for such newspapers as the Houston Press, the Washington Evening Star, the Richmond Times Dispatch and the Cincinnati Enquirer. His articles have appeared in such journals as the Yale Review, the Texas Quarterly, Orbis, Modern Age, the Michigan Quarterly, Worldview, University Bookman, Commonweal and the Christian Century.

Mr. Brownfeld is the author of two books, "Dossier On Douglas," published in 1970 and "Hung Up On Freedom," a collection of his newspaper columns, published in 1972. His essays appear in several college textbooks in the field of Political Science. Mr. Brownfeld serves as Washington editor of Private Practice magazine, and his column appears each week in Roll Call, the newspaper of Congress.

He is the recipient of the George Washington Medal of Freedoms Foundation, Valley Forge, Pennsylvania, where he is a regular lecturer. He also lectures regularly at the Air Force Special Operations School, Eglin Air Force Base, Florida.

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APPENDIX I

LOCATIONS AND AREAS OF ORDINARY OPIUM PLANTATIONS

Location and districts of plantation	Total area (mu)
Northeast China: Counties on Sino-Korean border such as Yenchi, Hunch'un, Holung, Changpei, Fusung ,Linkiang, Yian, Kuantien and Chingyu	40,000
Northwest China: Shensi—Luehyang, Changwu; Kansu—Liangtang, Chingchuan, Hoshui, Chingning, Chingyuan, Wuwei, Changyeh; Ninghsia—Chungwei; Sinkiang—Yiwu, Nanhu, Suilai, Chinghua, Changchi; Tsinghai—Tungjen, Yushu; and Shensi-Kansu border districts	250,000
Inner Mongolia: Jehol—Chaoyang, Chengteh, Chihfeng	100,000
East China: Kiangsu—Tunghai, Kuanyun, Lienshui, Liuho; Chekiang—Yuhang, Wukang, Anchi	700,000
Central China: Honan—Nanyang, Neihsiang, Chech'uan, Fangcheng; Hupeh—Anshih, Laifeng, Hofeng, Tungshan, Huangpeh; Kiangsi—Juichin, Huich'ang, Yuntu, Hsinfeng; Anhwei—Hsuancheng, Taiping, Hsiuning, Nanning; Hunan—Paoching, Sangchih, Yungshun, Chinyang, Huit'ung, Wukang, Hsinning, Ch'angteh	1,700,000
Szechwan Basin: Szechwan—T'ungkiang, Nankiang, Pachung, Chiangching, Weiyuan	30,000
Southwest: Kwangsi—Silung, Silin, Paise, Chenpien, Makuan, Wenshan, Yenshan, Chiupei, Lusi, Ningerh, Szemao, Chenyueh, Mengla, Lantsang, Tsangyuan, Shuangchiang, Kungshan, Lichiang, Hoch'ing, Tali, Chingtung, Kengma, Chenkang, Lungling, Juili, Lungch'uan; Kweichow—Pichieh, Chinglung, Hsingyi	2,000,000
Sikand and Tibet: Sikang—Yaan, Sich'ang, Hiuli; Tibet—Langma. Teh-ch'ing	
Kwantung Mountain Area: Kwangtung—Ch'ingyuan, Tungwan, Yingteh, Juyuan, Yangshan, Lienhsien, Kwangning, Szehui, Yunfu, Uangkiang, Wuhua, Hsingning, Tzechin, Loch'ang, Yangchun, Fengch'uan, Kaoyao, Loting, Lufeng, Huahsien; and Hainan Island	330,000

Remarks: The Chinese Communists bought marihuana seeds from India and Brazil in 1968, and planted them in Hainan Island; however, the production is unknown.

APPENDIX II

LOCATIONS AND AREAS OF SPECIAL OPIUM FARMS

Organizations in charge and name of farm	Area (mu)
Water and Soil Conservancy Bureau, Ministry of Agriculture:	
Third Experimental Farm	20,000
Fifth Experimental Farm	16,000
Central Bureau of State Farms, Ministry of Agriculture:	
Model Farm directly under central authority	12,000
Chinchow Farm, Liaoning	7,000
Frog Pool Farm, Liaoning	
Hsungyu Farm Liaoning	
Princess Ridge Farm, Kirin	3,000
Chiuchan Farm, Kirin	
Lingwu Farm, Ninghsia	
Tarim Farm, Sinkiang	
Kupeikou Farm Hopei	
Chihung Farm, Hopei	
Huanghua Farm, Hopei	
Yungnien Farm, Hopei	
Kaoli Farm, Hopei	
Paoting Farm, Hopei	
Yellow River Valley Farm, Honan	
Hulan Farm, Chekiang	
Nanhsung Farm, Kwangtung	
Agricultural Products Bureau Ministry of Agriculture:	
Special Farm directly under central authority	Unknown
Chaoyang Farm directly under central authority	Unknown
Northwest Agricultural and Forest Bureau, Ministry of Agriculture: Second Farm	2,000
Chinese Academy of Sciences:	
Special Products Farm, Institute of Sciences	800
Experimental Farm for Narcotic Plant Seeds	
Botany Institute	
Sinkiang Military Region: August First Farm	1,000
Tibet Military Region: Chiangtze Farm	700
Inner Mongolia Military Region:	
Koerhsin Farm	1,500
Taolin Farm	
Ninghsia Hui Autonomous District: Yinchuan Farm	500
Heilungkiang People's Government: Chiamuszu POW Farm	1,000
Liaoning People's Government: Peipiao Herb Farm	8,000
Hopei People's Government: Huachuan Water Conservancy Farm	Unknown
Kiangsu People's Court: Huapei Hsinjen Village Reclamation District	2,000

APPENDIX III

NARCOTICS REFINERIES

Area and name of factory	Products
Northeast China:	
Dairen Pharmaceutical Works	opium, morphine
Dairen: Dashuang Pharmaceutical Works.	heroin
Shenyang (Mukden) Pharmaceutical Works.	morphine
Mukden: China Company Nicotine Refinery.	nicotine
Liaoning: Peipiao Pharmaceutical Works.	opium
Liaoning: Chinchow Chemical and Pharmaceutical Works.	morphine, opium
Fusung, Kirin: Northeast Chemical Pharmaceutical Works.	morphine, ether
Yenchi, Kirin: Special Product Refinery of Northeast Korean Nationality Autonomous District.	opium
North China:	
Peiping: Narcotic Laboratory affiliated with Medical Institute of Academy of Science (with four branches).	morphine
Peiping: Narcotics Works under direct control of Pharmaceutical Bureau, Ministry of Health.	opium
Peiping: Raw Materials Works, Narcotics Control Bureau, Ministry of Health.	opium
Peiping: Narcotics Works of China Pharmaceutical Company (with three branches).	opium, morphine
Peiping: Special Products Refinery	opium, heroin
Tientsin: Special Products Manufactory.	heroin
Tientsin: Chinese Products Export Company Refinery, Ministry of Foreign Trade (with five branches).	opium
Tientsin: Refinery under direct control of Monopoly Enterpise of Ministry of Commerce (with nine branches).	opium
Chingwan, Hopei: Special Products Experimental Refinery, Ministry of Agriculture.	opium
Kupeikou, Hopei: Native Products Refinery.	opium, morphine
Taiyuan, Shansi: Chemical and Pharmaceutical Works.	morphine
East China:	
Hangchow, Chekiang: Chekiang Pharmaceutical Works	opium, morphine
Shanghai Pharmaceutical Works	opium, morphine
South China:	
Paoan, Kwangtung: Paoan Pharmaceutical Works Canton: Kwangtung Chemical and Pharmaceutical Works	morphine, heroin
Central China:	
Hankow: Special Products Refinery, Agricultural Products Purchase Bureau	opium
Southwest China:	
Kunming, Yunnan: China Chemical Materials Company, Special Materials Refinery (with four branches)	morphine, ether
Tali, Yunnan: Yunnan Provincial Materials Works under direct control of China Pharmaceutical Company	opium
Northwest China:	
Chengtu, Szechwan: Szechwan Pharmaceutical Works, the Third Branch	morphine
Chungking Opium Laboratory	morphine
Kangting, Sikang: Sikang Pharmaceutical Works	
Chiang tze Tibet: Tibet Refinery, the Second Branch	

APPENDIX IV

BRANDS OF NARCOTICS PRODUCED BY THE CHINESE COMMUNISTS

Type and brand	Grade
Opium:	
138	B
139	A
Ginseng	C
Shun-feng	C
Lao-pei-kou	A
Ta-chen	A
Heng-tiao	C
Kang-fu	A
Sung-pao	B
Hung-hsing (Red Star)	A
Chin-feng (Golden Phoenix)	A
Fan-chuan (Sail Boat)	B
Morphine:	
Tsai-feng (Variegated Phoenix)	B
Yin-lung (Silver Dragon)	B
Lung-tze (Dragon Son)	A
Chin-ying (Gold-Silver)	B
Hei-chi (Black Chicken)	A
Lo-to (Camel)	B
Huang-shang-huang (King of Kings)	C
Hsung-chi (Cock)	B
Hung-shih (Red Lion)	A
Heroin:	
Pei-chi (North Pole)	B
Hung-chin (Red Gold)	A
Yin-ting (Silver Tripod)	A
Shih-chiu (Lion-Ball)	A
Hsiang-pin (Champion)	A
Chin-yu (Gold Fish)	B
Hsiang-nan	B

THE NEED FOR BETTER REGULATION OF "PRIVATE CLUBS" IN NEW YORK CITY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I would like to bring to the attention of my colleagues a situation in my congressional district which illustrates how necessary it is, that in our zeal to protect the civil rights of the individual, we remember that the public also has civil rights which must be guarded.

On Manhattan's east side and in Greenwich Village there has been a recent proliferation of bars and so-called private-after-hours clubs which operate as centers for drug trafficking. The Tambourine bar on East 81st Street is an alleged example of this type of bar. But whether chartered as private clubs or not, these places are taking advantage of a laxity in our laws and are creating, with virtual impunity, not only a public nuisance but a public danger.

Constituents of mine living near these bars are rightfully angered and frightened. Their streets are crowded with people who are obviously "stoned," and assaults, stabbings, and shootings take place in and around some of these places.

These clubs are cancers spreading crime and infecting otherwise decent neighborhoods. The police have responded as best they can to all complaints but they cannot close these places down. They and other local authorities are forced to resort to the ineffectual issuance of summonses for petty violations; but business is woefully good, and the owners simply remove violations, pay the fines and continue operations.

Because some of these places are involved in illegal drug dealings and probably linked to organized crime, I have asked the Federal Joint Task Force to investigate several of them. But clearly there needs to be a method of continual local law enforcement supervision. The State liquor authority has the legal power to close down any establishment where liquor is served if it is found to be a public nuisance, but has failed to exercise sufficient initiative to protect the public from the menace these bars have become.

The State liquor authority must do more than check occasionally to see if the gin is watered. It must actively and continually monitor the social impact that any bar has on the community, so that it can move quickly to revoke the bar's license if it is proven at a hearing to be a source of public disorder. If State legislation is needed to accelerate the administrative and court appeal procedures during which one of these bars might be able to stay open, then we must have that legislation. At the present it is only after long delay, after the situation becomes intolerable, that the SLA begins to act.

In the case of privately chartered clubs where no liquor is served—and many of those are not private at all but profit-making businesses—legislation placing them under the city's department of consumer affairs for licensing is needed, thus allowing the department's inspectors to enter the premises for periodic inspection.

Obviously the right of any individual to assemble in private with others having a common interest must not be abridged. But we must also recognize the right of the public to live in a decent safe community, and when the bars and so-called private clubs threaten that right, then there must be adequate controls to protect the public.

DISCLOSURE OF PERSONAL FINANCIAL ASSETS

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. VAN DEERLIN. Mr. Speaker, I have made it a policy, before each general election campaign, to submit for the RECORD a full public disclosure of my personal financial assets.

I intend this as no reflection on Members who do not choose to make such disclosure. The law requires only the financial statements which all of us file with the House Committee on Ethics.

However, those statements are limited in scope, and portions are sealed from public scrutiny except under exceptional circumstances. I continue to feel that the people of my district are entitled to know whether I, as my party's nominee for a 2-year term in Congress, am free of financial ties which might influence my actions as their representative.

Under California's community property law, Mrs. Van Deerlin and I jointly own a mortgaged residential rental property of about 2½ acres in Poway, Calif. We acquired this in 1951, at a price of $12,500. We have equity of $28,500 in our present residence at 3930 Argyle Terrace, NW., Washington, D.C. We own one commercial and one residential lot with total value of about $7,000 in Imperial County, Calif.; 2½ unimproved acres worth $750 in Mojave County, Ariz., and 10 undeveloped acres, value undetermined, near Hilo, Hawaii.

We own no corporate stocks and no bonds of any nature. My salary as a Member of Congress constitutes virtually our entire gross income. For the year 1971 we paid $5,838 Federal income tax and $1,181 California State tax on an adjusted gross income of $39,287.07.

My Internal Revenue Service forms and/or State tax forms are available for inspection by news media.

CHERNOFF TO THE RESCUE

(Mr. VAN DEERLIN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. VAN DEERLIN. Mr. Speaker, we have been hearing much this week about the troubles of the American Revolution Bicentennial Commission. In the wake of disclosures published by the Washington Post, a bill continuing the Commission's funding authorization was removed rather suddenly from the House calendar, with the implicit hope that new provisions can be inserted to pull this agency out of its tailspin.

As one who would like to see the commission succeed, in putting on a 200th birthday party which will reflect the values and aspirations of the widest possible cross section of our populace, I would like to offer one suggestion.

My proposal is prompted by a letter sent last January by Jack LeVant, then the Commission's executive director, to David G. Mahoney, its chairman.

In this letter, text of which is found on pages 28536–28537 of yesterday's RECORD, Mr. LeVant states that the Commission would succeed if it were a "one-man show," free of undue interference from outsiders and with a cohesive staff.

Mr. LeVant goes on to say that a

> Perfect example of one-man control is that of Osaka and our friend Howard Chernoff.

Now as it happens, Mr. Chernoff, a fellow resident of San Diego, is also an old friend of mine. He has rendered distinguished service under two administrations—first as a top aide to the USIA director in the Johnson administration and more recently, under President Nixon, as the ambassadorial-rank official in charge of the U.S. exhibit at the Osaka international trade fair.

As Mr. LeVant says of Mr. Chernoff's performance in the latter job:

> He placed before the President on a "take it or leave it" basis what all would be involved in the way of money, help, authority, and endorsement. Osaka was an outstanding success.

I should point out that Mr. Chernoff also earned the praise of no less a judge of character than our distinguished colleague, the Honorable JOHN J. ROONEY of New York, whose Appropriations Subcommittee exercised jurisdiction over the trade fair.

All of which leads to a rather obvious conclusion.

Why not follow through on Mr. LeVant's warm endorsement, by naming Mr. Chernoff as the top man in the American Revolution Bicentennial Commission?

I am convinced Howard would be just as efficient in handling the bicentennial bureaucracy as he was in shaking up the international trade paper shufflers and earlier, a bloated USIA staff.

LEGISLATION TO CREATE AN ASIAN STUDIES INSTITUTE

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, on March 16, 1971, I introduced H.R. 6168 which amended the International Education Act of 1966 to provide for the establishment of an Institute of Asian Studies at the University of Hawaii. The bill is pending in the Select Education Subcommittee of the House Committee on Education and Labor. Hearings will be held August 24 in Hawaii.

I believe that an Asian Studies Institute is urgently needed to help fulfill the objectives of the International Education Act of 1966: "that strong American educational resources are a necessary base in strengthening relations with other countries; (and) that this and future generations of Americans should be assured of ample opportunity to develop to the fullest extent possible their intellectual capacities in all areas of knowledge pertaining to other countries, peoples, and cultures." When this bill was passed, we seemed to be on the verge of a revitalization of our entire foreign studies effort. The act provided for a sweep of programs almost stunning in their scope.

Under the act, there would be new international programs in our schools and new agencies and staffs to promote the programs. Yet after the adoption of this act, funds were never appropriated. It has remained dormant on the statute book, an immensely promising program, but without funds to give it life.

One tangible evidence of the Federal Government's commitment to international education is the National Defense Education Act of 1958, title VI of which provides funds for the establishment of foreign area and language centers at American institutions of higher learning. At the end of my Statement I have attached a list of all Federal programs related to international education. It is obvious that no new initiatives have been proposed. This is illustrative of the rather low priority attention we are giving to what I believe is an urgent national obligation to broaden the scope of education in our own country, especially in the elementary and secondary schools, to include hemispheres of knowledge which in the past have been largely ignored as unimportant to the average American's understanding of his world.

In 1960, Congress under the leadership of the then majority leader, Lyndon Johnson, established the Center for Cultural and Technical Interchange Between East and West. In 1969, the Center formally reorganized its structure into a technical "problem-oriented" center highlighting Institutes of Population, Food, Communications, Culture Learning and Technology and Development. The East-West Center as it is called has been since its inception under the administrative control of the State Department.

The East-West Center's primary concern has been technical and scholarly interchange with learned persons and its statutory and legislative directions have not been towards the development of concepts for our total society. I have attached a recent letter from the Center's Chancellor, Mr. Everett Kleinjans which deals in detail with some of the Center's projects.

My bill, H.R. 6168 proposes to establish an Asian Studies institute, to be administered by the Department of Health, Education and Welfare. Its location at the University of Hawaii will complement the East-West Center's activities. The Institute would provide the United States with a large, cohesive, highly organized, multidisciplined enterprise. In time it could parallel in importance such Federal institutions as the National Institute of Health, and the National Science Foundation.

In the 1972 Amendments to the Higher Education Act Congress provided for the establishment of ethnic study centers across the United States. Ethnic heritage studies in themselves while needed will not do the full job. This is simply a way to stimulate study concerned with self-identity. Understanding of another country, apart from its culture, will only come about when a multitude of disciplines and programs have succeeded in raising our cultural intelligence quotient to a degree where we truly appreciate the achievements and accomplishments of peoples of other parts of the world.

It is true that we have many eminent scholars in our academic institutions who are aware of the enormous history of Asia: its science, technology, literature, art, and music. But they and we have not met our responsibility to inform and educate the public in general about Asia and its people. This is the purpose of my bill.

Americans have been taught in our public schools that the roots of our civilization is Western. The Asian countries are passed over as part of the underdeveloped world from which we can learn nothing of value. As long as this neglect exists, who can blame Americans for not knowing or caring about Vietnam and being awed suddenly at the notion of our President having dinner in Peking?

Our scholars have been preoccupied with other matters and have failed to meet the vacuum of knowledge which persists. This lack of education about non-Western societies has compounded our inability to explain and expound upon our foreign policy. The collection of artifacts in the museums and personal libraries of the wealthy does not influence public policy, nor does it make foreign policy more understandable to the average American.

We must insist upon the study of Asian culture and history in the earliest years of our schooling. Asian studies must not only be a pursuit of a few wise scholars at universities, but it must become a standard part of our school curriculum, both elementary and secondary.

It is not enough just to train specialists whose knowledge will not be widely disseminated. Too many scholars, having once been educated in the field of Asian studies, have confined themselves to academic pursuits. These experts speak and write only to themselves. We need to take greater advantage of their training and expertise and use their knowledge to reach the people at large and reduce the ignorance level about non-Western foreign affairs.

We must structure and staff a curriculum that will develop a knowledge and appreciation of all people everywhere. Our school system has traditionally emphasized Western civilization. Children grow up in virtual ignorance of the fascinating history of Asia. They do not know the impressive contributions of Asians to science, technology, literature, art, music, and culture in general. To Americans, orientals are merely "inscrutable" and mysterious. Similarly, we have ignored the rich heritage of Africa and South America.

We must start somewhere and start now to instill in the entire American public an awareness of Asians as people. This will require a major adjustment in our educational system and our national attitude. Our schools must develop textbooks and curricula which fully depict the culture and the values of Asians, as well as the Africans and Latin Americans.

How else are we to pass on to our children, and to a new generation of leaders, the knowledge that all Asian life is just as precious as ours. Americans have to all realize that all Asians have their separate and unique art and culture from which we have learned much and from which we can learn more.

It is, therefore, a myopic mentality that has required our country to persist in its educational direction which fails to recognize that the history, culture, and politics of Asia are equally important as the study of Europe, its history, culture, and politics. If America is to reach full bloom as a nation which fulfills the ideal of democracy, it must develop an attitude in its people which accepts an Asian life as being equal to that of other human beings, and accords it full dignity.

The Asian Studies Institute, instead of only producing new experts in the field of Asian studies, will serve as a pool of collected competence: of scholars whose presence on the same campus under a unified administration operating with substantial institutional resources, will make their collective skills greater than the existing independent, decentralized Asian studies departments in various institutions throughout the United States. The opportunity to draw on such resources will strengthen our Nation.

It would be my hope that the institute's primary focus would be to concentrate its efforts in developing a comprehensive review of our elementary and high school curriculums so that it could more adequately present the world as it is—made up of many, many diverse nations, non-European, but nevertheless important to our future.

In an age when all nations must learn to live together if any are to survive, the peril of ignorance is just as great as the peril of nuclear holocaust; and these two threats compound each other.

For the benefit of my colleagues of the House, I would like to insert in the RECORD the following articles and statements:

SUMMARY REPORT

Fiscal Year 1973 Budget Requests in International Education:

(a) *Office of Education:*

1. *Foreign Language and World Affairs Programs, NDEA Title VI and Fulbright-Hayes 102(b)(6)* The NDEA VI programs support fellowships and Language and Area Studies centers on 106 American Campuses. In addition, ten undergraduate and six graduate programs in innovative areas of international education which seek to enhance international understanding in an increasingly interdependent world and/or focus on

global problem areas such as ecology, public policy, urban development, population, etc. will be included in the FY 1973 budget.

The Fulbright-Hayes 102(b)(6) programs support PhD dissertations, faculty research and foreign curriculum consultants in special fields dealing with international education.

	Fiscal year 1972 budget request	Fiscal year 1972 appropriation	Fiscal year 1973 budget request
NDEA, title VI	13,940,000	13,940,000	13,940,000
Fulbright-Hays 102(b)(6)	1,360,000	1,360,000	1,360.000
Total	15,300,000	15,300,000	15,300,000

2. Research and Training Special Excess Foreign Currency Program.

This program of the Office of Education provides grants to support overseas research and training projects of American schools, colleges, universities and non-profit organizations in "excess" foreign currency countries.*

FY 1972: Budget Request, $3,000,000.

FY 1972: Appropriation, $3,000,000.

FY 1973: Budget Request, $5,000,000.

(b) Department of State Mutual Cultural and Educational Exchange Program.

This program supports mutually beneficial cooperative activities with other countries, specifically student and faculty exchange and assistance to privately sponsored foreign students in the United States. Significantly, the budget request is almost equal to the 1966 appropriation of $52.9 million which was the largest budget ever for CU.

FY 1972: Budget Request, $45,000,000 including $5 million in excess foreign currencies.

FY 1972: Appropriation, $40,500,000 including $4.5 million in excess foreign currencies.

FY 1973: Budget Request, $52,400,000 including $4 million in excess foreign currencies.

(c) Library of Congress Overseas Acquisitions Program.

This program supports cataloging, microfilming, and book procurement programs of American libraries in excess foreign currency countries. This year's budget request is increased $100,000 in excess foreign currency to provide for support of the program in Poland.

FY 1972: Budget Request, $2,889,000 including 2.6 million in excess foreign currencies.

FY 1972: Appropriation, $2,891,000 including 2.625 million in excess foreign currencies.

FY 1973: Budget Request, $2,991,000 including 2.725 million in excess foreign currencies.

(d) National Science Foundation.

1. Scientific and Informational Research Activities Aboard.

This program supports translations and reviews of scientific literature as well as scientific research in excess foreign currency countries.

FY 1972: Budget Request, $3,000,000.

FY 1972: Appropriation, $3,000,000.

FY 1973: Budget Request, $7,000,000.

2. International Cooperative Scientific Activities. This dollar program supports scientific seminars, cooperative research and scholarly exchange activities jointly sponsored by the National Science Foundation and counterpart agencies in countries such as the Republic of China, Italy, Japan and Rumania.

FY 1972: Budget Request, $4,000,000.

FY 1972: Appropriation, $4,000,000

FY 1973: Budget Request, $4,700,000.

(e) National Endowment for the Humanities.

The Endowment supports programs in the humanities broadly defined to include areas of academic endeavor which enhance man's understanding of man. Using this broad interpretation, the Endowment has supported a number of international and intercultural activities including planning and development grants, project grants, research and fellowships. International education comprises a small part of the total NEH budget but support for it is growing and there is no quota limitation on kinds of programs funded.

FY 1972: Budget Request, $26,500,000 plus up to 3.5 million in funds to match private contributions.

FY 1972: Appropriation, $24,500,000 plus up to 3.5 million in funds to match private contributions.

FY 1973: Budget Request $35,500,000 plus up to 3.5 million in funds to match private contributions.

(f) Smithsonian Institution Research in Excess Foreign Currency Countries.

This program supports scientific and cultural research by American museums and universities in excess foreign currency countries.

FY 1972: Budget Request, $5,00,000.

FY 1972: Appropriation, $3,500,000.

FY 1973: Budget Request, $6,000,000.

(g) Woodrow Wilson International Center for Scholars.

The Woodrow Wilson Center provides fellowships for foreign and American scholars in a broad field of academic endeavors. The fellowships must fall within the Center's concern for "significant international, govermental, and social problems, and alternative means for resolving them." The United States international responsibility in the post-Viet Nam era; the political, cultural, and international dimensions of the problems of human environment; and international law as relates to the uses of oceans are the three major concerns of the center.

FY 1972: Budget Request, $683,000.

FY 1972: Appropriation, $695,000.

FY 1973: Budget Request, $831,000.

THE EAST-WEST CENTER,
OFFICE OF THE CHANCELLOR
Honolulu, Hawaii, July 24, 1972.

Hon. PATSY T. MINK,
U.S. House of Representatives
Washington, D.C.

DEAR REPRESENTATIVE MINK: I have heard that you will be in Honolulu next month for hearings on your bill to establish an Asian Studies Institute in Hawaii. We at the Center hope that Congress will pass your bill. The Asian Studies program at the University already is a good one, but the proposed Asian Studies Institute can build on these strengths including the additional academic and cultural resources of Asia provided by the East-West Center. If you feel it desirable, I, or members of my staff, will be happy to testify at the August hearings.

Because we need your help and understanding in our constant drive to improve this institution so that we continue to work for some of the same goals for which you yourself are working, I hope you will take the opportunity to visit us when you are here. We certainly do not have all the answers—no one does in this delicate business of trying to promote mutual understanding among diverse peoples. But the challenge is an exciting one and we at the Center feel as strongly about it as you do.

I would like to share some thoughts with you regarding the development of problem-oriented programs and the direction of their implementation. We are trying to put our ideals into concrete form. Given the conditions and attitudes prevailing in the world today, you certainly know how difficult a task this is.

The basic reason for the establishment of problem-oriented programs was to create a more effective vehicle for achieving the original educational and cultural exchange goals established by Congress when the Center was founded. We accept the goals as stated in the amendments to the Mutual Security Act of 1960, that the Center shall be an "educational institution" with the goal of promoting "better relations and understanding between the United States and the nations of Asia and the Pacific through cooperative study, training and research."

When I came to the Center in 1967 I found the institution to be basically a grant administering agency involved in an exchange-of-persons program. There was little academic or educational content within the Center itself. Therefore, it was not the "educational institution" that Congress had envisioned. In addition, the furthering of cross-cultural interchange and understanding occurred largely outside the classroom in the context of varying degrees of extracurricular social interaction in the dormitories and cafeteria. Academic or intellectual interchange at the Center was ad hoc or incidental.

Because the Center does not fit the conventional university model, I saw the possibility for developing an innovative educational institution which would combine cross-cultural encounter on both the social and intellectual levels with interdisciplinary and multi-professional approach to education. I argued that the problem-oriented approach would strengthen the Center by facilitating the achievement of its original goal. This educational approach would build academic integrity and intellectual interchange into the internal structure and content of the Center. The Center would become a true "educational institution" as mandated by Congress.

The options, as I saw them, were to organize: (1) with a disciplinary focus (rejected because the University is so organized; (2) with a geographic focus (rejected because the University already had strong area programs, and the Asian students who make up two-thirds of our degree participants had come during the first ten years in such fields as business, agriculture, engineering, etc.); (3) around the kinds of people brought to the Center as it was organized during its first ten years (rejected because it separated research, education, and training; it did not integrate programs, budgets and administrative structure; and it had reached the ceiling of its creative potential); and (4) around problems of common concern East and West (accepted).

Problem-oriented programs are educationally significant because they set forth actual problems of urgent relevance, require matching theory and practice, generate and promote the exchange of knowledge about alternative solutions, and create an atmosphere of practical involvement for all participants.

Problem-oriented programs are significant for cultural interchange because participants and staff members from many diverse cultures come together to work on areas of common professional concern. In the process, respect and trust develop among the team members to a degree not possible in casual, or even planned, social contact. Drawn together by a common bond of professional interest, the participants learn to cooperate with each other despite their cultural differences. As a consequence, a long step toward mutual understanding is taken.

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*Excess foreign currencies are generated by the sale of surplus American agricultural products under the Agricultural Trade Develepoment and Assistance Act of 1954 (PL 480) and are considered in excess of normal U.S. Government requirements in the countries concerned. Their use by U.S. educational institutions and agencies has no inflationary impact in the U.S., does not contribute to the outflow of U.S. dollars and is not a direct burden on U.S. taxpayers. "Excess" countries include Burma, Guinea, India, Israel, Morocco, Pakistan, Poland, Tunisia, the United Arab Republic, and Yugoslavia. (However, funds in Israel are very limited and Morocco will be "excess" for fiscal year 1972 only.)

The concept of problem-oriented programs evolved over a period of many years. The original University of Hawaii proposal for an International College (1959) called for "the solution of major issues of concern to all peoples. . . ." In 1961, the first major group of consultants, led by Dr. Clark Kerr, then president of the University of California, recommended that "the Center should focus its programs on certain subject areas rather than diffusing its activities throughout a great many fields."

In 1966 an East-West Center/University of Hawaii Task Force recommended the development of problem-oriented programs. In 1967 this group, after consulting with 40 faculty members, submitted a Five Year Program Projection stating that "the East-West Center should identify major problems of Asian concern, of American concern, and of Common concern. . . . Thereafter, all elements of the Center should jointly approach the solution of designated problems. . . . Several problems have been suggested which might provide the focus of integrated Center programs. Among these are: Modernization . . . Conflict Resolution . . . Food and Population, Language, Communication."

In late 1967 I wrote "The Search for Understanding," which was a proposal to build problem-oriented programs into the Center. In the spring of 1968 the fifth draft of this proposal was considered by a joint meeting of the National Review Board and the Board of Regents. They recommended the incorporation of problem-oriented programs into the Center's operations. In 1969, after public hearings, the University of Hawaii Faculty Senate and Council of Deans adopted "The Academic Plan II for the University of Hawaii." Chapter 27 of that document dealt with the East-West Center, outlining in detail the plans for problem-oriented programs. The Board of Regents formally adopted this plan at its meeting in April, 1969. The Department of State in the spring of 1970 encouraged us to move "expeditiously" into these new programs.

It is significant, I believe, that the international programs at the UCLA graduate school and that Teachers College of Columbia University in the last couple of years are moving toward an interdisciplinary, problem-oriented approach to relate higher education more closely to the vital issues of our times. The entire campus of the University of Wisconsin at Green Bay is organized in this manner. The Ford Foundation Fellowship program and the Board of Foreign Scholarships have adopted the same approach. Proposals for the United Nations University stress the problem-oriented curriculum.

To summarize, the decision to move into problem-oriented programs was made after years of careful consideration stimulated by numerous proposals, consultations, and recommendations aimed at bringing the Center closer to the fulfillment of its Congressionally-mandated goals of both education and mutual understanding.

By design, all East-West Center programs are broadly interdisciplinary, with a social sciences orientation, but focusing on humane concerns including the humanities. Although we recognize that technology is a part of all cultures and creates a focus for mutual interaction, none of our programs is restricted solely to technological concerns.

Participants and staff represent a broad spectrum of interests and nationalities. For example, in the Technology and Development Institute, besides students taking degrees in such areas as engineering and economics, there are students in social work, political science, sociology, education, anthropology, and geography. In the Food Institute, in addition to students in fields directly related to agriculture and fisheries, there are participants in anthropology, geography, history, political science and social work. In the Communication Institute students' interests range from Asian studies, educational administration, and library studies to educational communication and speech communication. The staff of the Population Institute has representatives from nine different countries and nineteen different disciplines.

Research and seminar activities also cover a broad range of interests. For example, the Population Institute has two staff researchers, including a professional historian, working on a research project concerning demographic patterns in Tokugawa, Japan. Another staff member is carrying out research and developing a study project on "The Value of Children to Parents: A Cross-National Study of Motivations for Childbearing." The Technology and Development Institute has developed an annual student workshop which fosters ecological thinking and values in order to enhance understanding of the consequences of technological development on the environment. The theme of the first workshop was "The Responsibility and Role of the University to the Community." Research themes in the Communication Institute include "The Role of Communication in Promoting Understanding Between Peoples of Different Cultures" and "Evaluation of the Impact of New Communication Technology on Intercultural Understanding."

Although all of our programs are concerned with cultural interchange and humane interests, the Cultural Learning Institute has a special commitment to humanistic studies. For example, research plans for the program include a study of the socioliterature of Asia and the Pacific and a study of national and cultural identity problems in the United States, Asia and the Pacific. Study projects include the Indonesian Humanities Program which provides participants with the opportunity to enhance their knowledge of the humanities and to devise by themselves a curriculum suited to Indonesian educational needs; the Pacific Cultural Centers Program, which will lead to the establishment of cultural centers run by local people in the Pacific area; the Summer Program in East-West Intercultural Studies, which provides Asian and American educators, opportunities to discuss aspects of Eastern and Western cultures and to consider how cross-cultural understanding can contribute to the solution of important problems facing mankind; and a proposal in which Americans and Asians will work together to produce films and textual materials illustrating different aspects of Asian civilizations, including their history, art, philosophy and religion.

The Open Grants category provides the Center additional flexibility which brings participants to the Center whose interests are not directly relevant to the five problem-oriented institutes. The entire range of scientific, social and humanistic concerns is represented. The topics for two seminars planned for this year are "Ethics and Human Organizations" and "Alternative Futures." Students are offered many opportunities to put the concept of cultural interchange into practice. For example, an American with professional interests in Japanese garden design recently served as an intern with an eminent landscape designer in Japan. Also, an American student of drama is planning to study the art of Kabuki in Osaka.

Finally, a proposed new program in Humanities and Human Service is being designed for inclusion in our next budget request to Congress. Unfortunately, although funds for this program were included in this year's budget request, Congress cut this portion from our final budget for FY 1973. Therefore, implementation of this program is contingent on Congressional approval of our FY 1974 budget.

No nation or ideology has magic answers to the massively consequential problems facing mankind today. We hope that by getting people East and West to put their attention on these problems they will not only learn to cooperate but also cast light on the problem involved. The problems chosen for study were specifically those of common concern to the United States as well as Asia and the Pacific area.

Detailed planning for the new programs was done by teams of experts from both East and West. Consultation on a mutual basis continues. For example, the Communication Institute International Advisory Committee is composed of three Asians and three Americans. The Institute itself is now directed by an Asian, Michio Nagai. The Population Institute's International Advisory Committee includes ten Asian and Pacific members and four from the United States. The Food Institute program was instituted as a result of recommendations made by a group of three Asian experts working together for a year as Senior Fellows. The East-West Technology and Development Institute is directed by an Asian, and a series of planning conferences with dominant Asian/Pacific participation has set the path for its programs. The proposed new program in Humanities and Human Service is being designed by professional people East and West. Consultation is a two-way street in drafting and implementing East-West Center programs.

Our participants represent a mixture of individuals from over 30 Asian/Pacific countries and the 50 states of America and the District of Columbia. All degree students from the United States are required to study an Asian/Pacific language in depth. We are steadily striving to increase the number of international staff members in order to increase mutuality at all levels. A few years ago there were practically no Asian/Pacific citizens on the professional staff. Now, out of a total staff of 179, there are 21 Asian/Pacific citizens including two Institute Directors and two Assistant Directors. This figure will continue to grow in the next few years.

Through regular seminars, discussions, and research projects, American students, fellows and staff members learn from their Asian/Pacific counterparts. To cite a few examples, last year the East-West Population Institute held regular seminars, many led by Asians including a Filipino, a Korean, an Indian, a Ceylonese, and a Chinese. This year Open Grants held seminars in which many Americans participated. Seminar leaders included a Korean, an Indian, a Ceylonese, and a Chinese. The leader of an East-West Technology and Development Institute workshop on management development, which included American participants, was Dr. Abelardo Samonte, vice president for academic affairs of the University of the Philippines. In addition to Asian/Pacific participants at a recent Enterpreneurship Workshop organized by the East-West Technology and Development Institute, there were U.S. representatives of the "Black Capitalism" program in Chicago and a program for unemployed engineers in Los Angeles.

In the East-West Culture Learning Institute, Dr. Thelma Kintanar of the Philippines is directing a research project on socioliterature of Asia and the Pacific and Dr. Masanori Higa of Japan is leading a project on national and cultural identity problems in the United States, Asia, and the Pacific. The Institute is planning to assist the public school system in North Carolina to further develop its Asian Studies curriculum.

We still have a good way to go in attracting more non-American staff members to broaden our intercultural basis, but progress in the past two years has been encouraging. Even more difficult, from my own standpoint as an administrator, is to redirect our programs and the thinking of all our staff—including Asians—away from the conventional "teaching" approach to one of cooperative learning. You may be interested in a memo I recently directed to all staff members on this matter and also circulated in *Intrachange* (attached) for the benefit of all participants and key faculty of the University of Hawaii. In the memo I make the point: "Given the fact that we at the East-West Center come from various countries with different levels of national, economic and industrial resources, mutuality is difficult to attain. It may be easier to say what it is not than what it is. We must avoid the concepts of technical assistance with their donor/recipient syndromes. Rather we should strive for intellectual and scientific cooperation. . . . If we can see cooperation as the other side of understanding and act accordingly, then the two will be mutually enhancing. The more understanding, the better we cooperate. The more cooperation, the better we come to understand. In the process we achieve equality and foster mutual respect."

Thus, although we are not yet where we want to be in attaining our goals we are striving to build mutuality and respect by basing our entire programmatic structure on areas of relevance to the United States as well as the Asian/Pacific area and by gathering staff and participants from the entire area to work together to generate new ideas and to share experience and knowledge. I am convinced that the Center is moving in the direction originally established for it by Congress. As I mentioned earlier, please visit us when you are here. I know we will have much in common to talk about.

Sincerely yours,

EVERETT KLEINJANS,
Chancellor.

NATIONAL COUNCIL OF ASSOCIATIONS
FOR INTERNATIONAL STUDIES,
Albany N.Y., August 3, 1972.

Congresswoman PATSY T. MINK,
U.S. House of Representatives,
Washington, D.C.

DEAR MRS. MINK: The National Council of Associations for International Studies is an organization composed of a dozen regional associations of colleges, which in turn represent some 400 institutions of higher education across the country from Vermont to Hawaii. The basic purpose of the National Council is to strengthen the international and intercultural dimensions of undergraduate education by assisting its member organizations and their constituent colleges through the development of programs and materials for faculty and students. It is natural, therefore, that we should be actively interested in your bill to amend the International Education Act of 1966 to provide for the establishment of an Asian studies institute (HR 6168).

At its July 12th meeting in New York City, the Executive Committee of NCAIS took formal action in reaffirming its support of the fundamental objective of your bill (in the language of Section 501 of the bill) "to promote understanding between the United States and nations of Asia and the Pacific . . ." The Executive Committee also went on record in expressing its appreciation to you for your initiative in arranging the forthcoming hearings in Honolulu on your bill as a means of stimulating dialogue on an important set of issues of public educational policy. These issues include, in our view, not only the need for strengthening advanced studies and research but also the need to broaden awareness and appreciation of Asian cultures and societies throughout the American educational system at the school and college level.

The Executive Committee did not take a specific position on the substantive provisions of your bill to establish an Asian studies institute in Hawaii. My personal view is that, to the degree that such an "institute" could be designed to serve as an effective means of strengthening awareness and appreciation of Asian societies and cultures throughout the United States at both general and more advanced levels of education, as an essential element in promoting mutual understanding between the American and Asian peoples, it would be a useful step forward, although I am inclined to think that, if it were to serve these objectives as I have stated them, it would be necessary to provide for a geographically more varied set of institutional relationships than would be possible if the institute were based exclusively in Hawaii. On the other hand, as a former Senior Specialist at the East West Center and as one with an active and direct interest in the growth of Asian studies at the University of Hawaii for well over a decade, I can say on the basis of more than casual knowledge of intellectual and educational resources in Asian studies in Hawaii, that Hawaii would have an important contribution to make and should certainly play a significant role in the implementation of an institute or center as (to quote again from your bill) "a national and international resource for academic and scholarly education, Asian history, language, and culture, and for research into problems of particular concern to Asians or of interest to non-Asians."

I hope very much that this letter can be made part of the record of the forthcoming hearings on your bill. I regret very much that I personally cannot be present to testify and thus to participate more actively in the dialogue which you have stimulated on an important set of educational issues.

Yours sincerely,

WARD MOREHOUSE,
President.

HOUSE RESOLUTION 337, SUPPORTING U.S. HOUSE OF REPRESENTATIVES BILL 6168 TO AMEND THE INTERNATIONAL EDUCATION ACT OF 1966 AND TO PROVIDE FOR THE ESTABLISHMENT UNDER THAT ACT OF AN ASIAN STUDIES INSTITUTE

Whereas, there is a need in Hawaii for a higher education institution clearly dedicated to academic and scholarly education, Asian history, language and culture, and research directed to problems of particular concern and interest to Asians; and

Whereas, the East-West Center located at the University of Hawaii has increasingly tended to reflect the attitudes and objectives of the Department of State, the sector of government responsible primarily for foreign policy; and

Whereas, present program orientations at the Center operate under the assumptions of foreign policy rather than educational concerns; and

Whereas, such problem-oriented approaches assume that Asians have problems and the West has solutions, thus undermining two-way communication between Asia and the West; and

Whereas, there is need for a complementary center concerned with educational, cultural, and other resources which would continue to depend on the presence of students and scholars from Asian nations such as presently at the East-West Center; and

Whereas, these students and scholars would continue their work on problem-oriented areas such as food, population, communication, and health in institutes and thus enhance the activities of a newly created Center on Asian Studies provided in H.R. 6168; and

Whereas, the University of Hawaii has developed plans for a comprehensive Faculty of Asian Studies, headed by a Dean of Asian Studies on the Manoa campus to administer regional programs for the East, Southeast, and South Asia; country study centers; and undergraduate and graduate interdisciplinary programs on an inter-college and inter-departmental basis; and

Whereas, in February, 1972, the University Board of Regents approved the establishment of a CENTER FOR KOREAN STUDIES which will stress cooperation among the humanities, social sciences; mutual relationships between the University and island community; and the enhancement of inter-societal relations between Hawaii and the societies of Korea, thus basing its programs on educational rather than foreign policy assumptions; and

Whereas, among the graduate areas of selective excellence is ASIAN STUDIES, according to University of Hawaii scholars and administrators who appeared before the Hawaii State House of Representatives Higher Education Committee in a March, 1972 hearing on graduate studies; and at that hearing there was presented evidence of a need to expand, develop, and renovate present Asian library facilities; now, therefore,

Be it resolved by the House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, that it does and hereby is, in support of the intent and purpose of H.R. 6168; and

Be it further resolved that it strongly urges the scheduling of hearings on the bill here in Hawaii so that relevant University of Hawaii, East-West Center, and interested parties might testify in the presence of the U.S. House Select Subcommittee on Education; and

Be it further resolved that certified copies of this resolution be transmitted to the Chairman and members of the U.S. Congress House of Representatives Select Sub-committee on Education, members of the U.S. Congressional delegation from Hawaii, President of the University of Hawaii, Chairman of the Board of Regents, Chancellor of the East-West Center, Chancellor of the Manoa campus, Director of Asian Studies, President of the East-West Center Grantees Association, and President of the Associated Students of the University of Hawaii.

COMMENTS ON THE MINK BILL

(By Fred W. Riggs)

The bill introduced by Representative Patsy Mink to create a national institute of Asian studies comes at a timely moment in view of the reassessment of international studies that is now taking place in the United States. It deserves to be given careful consideration and the underlying issues require serious study. Certainly Representative Mink should be congratulated and thanked for bringing this important issue to public attention.

There is, indeed, a grave crisis in higher education to which the Mink bill is a response. In order to understand the nature of this crisis we need to separate three aspects of the bill: Hawaii, Asian studies, and the overall national need for improved international education.

1. THE HAWAII ASPECT

Although those of us who live in Hawaii would naturally be delighted to have a national facility for Asian studies headquartered in our state, we believe the location of such a facility is a secondary question and should be decided only after the decision has been made to create a national institution. Certainly it would be much better for Hawaii if such a facility existed even though it were headquartered elsewhere than if there were no such institution.

2. THE ASIA ORIENTATION

Similarly, with respect to *Asia*, clearly the considerations which dictate the need for an Asian studies institute also point to the urgent need for similar facilities relating to Africa, Latin America, the Soviet bloc, etc. Whether to start with an institute focused on Asia or to begin by recognizing the broad need for a national approach to international and foreign area studies is a strategic rather than a substantive issue.

It may well be that political and financial considerations dictate a strategy in which only one world area would be taken up at a time. Certainly the current great issues of Vietnam, Pakistan and China justify a high priority for Asian studies. Perhaps it would be easier to secure support for one area at a time, just as the East-West Center was launched before the North-South Center. However, serious attention should be given to an alternative strategy whereby Congress would be asked from the start to authorize the establishment of national institutes dealing with all parts of the world.

3. THE UNIVERSITY BASIS

The most critical issues that need priority consideration at this time, however, are not those relating to the location or even the scope of a national approach to area studies. Rather, these issues arise from the increasingly apparent *inability of our universities*, as now constituted, to provide the support needed for the kind of functions which simply must be performed.

Five overriding issues need to be considered in this connection. They relate to the organization, character, level, disposition, and domain of area (or Asian) studies, as described below:

a. *University Organization: Area versus Discipline, Profession and Problem.* Four basic organizing principles are applicable to the structure of any academic enterprise: discipline, profession, problem, and area. All are important, and each overlaps all of the others. In the organization of government agencies and private corporations, such distinctions are normally reflected in the establishment of "staff" units which cut across "line" divisions. However, for a variety of reasons it has been very difficult, if not impossible, to incorporate these principles in the internal structure of universities. Let us consider here, not the causes of this situation, but its consequences for area and international studies.

The basic organizing concept in universities is the *discipline*, which refers to organized bodies of knowledge. The academic departments in the liberal arts colleges constitute the intellectual and normally the political core of university organization. We have all been conditioned to think that fundamental knowledge must always come packaged in these disciplinary containers.

The second basic organizing principle is the recognized *careers* open to university graduates, such as law, medicine, agriculture, business, social work, librarianship or engineering. The preparation of future members of these professions has been institutionalized in the professional schools which cluster around the disciplinary departments found in any University.

These two principles account for the bulk of all academic organizations. The power exercised by these organizations is reflected in the virtual monopoly that disciplinary departments and professional schools exercise over the appointment, promotion, and awarding of tenure to members of any university faculty. So powerful is their grip that it is virtually an academic heresy to suggest that the university *should have* scholarly bodies based on other principles which would also have the authority to hire and fire on a long-term basis.

There are, however, two other principles around which academic enterprise might well be mobilized; problems and areas. The demand for academic relevance relates in large part to *problems*, not to disciplines or professions. To mobilize an academic team capable of coping with any serious social problem—problems such as pollution, quality of life, urbanization, population growth, world peace, race-relations, crime and drug abuse—means to bring together a wide variety of talents, persons rooted in diverse disciplines and professions.

Yet it is extraordinarily difficult to secure the *primary* right to name scholars to a university faculty because of their ability to help solve such problems. Even where problem-oriented institutes exist, they are normally handicapped by the need to secure the support first of disciplinary departments which alone have the authority to make long-term academic appointments.

The creation of the East-West Center, the Environmental Center, the center for futures study, etc., at the University of Hawaii, has been possible only because of *external* funding, providing resources supplementary to the regular university budget. Even in these problem-oriented establishments, most of the participating faculty have come in on a joint appointment which normally gives a prior claim on the loyalty of participants to their academic departments.

The East-West Center, precisely because of its national status and funding, does have the ability to make independent scholarly appointments, a fact which demonstrates the feasibility as well as the need for nationally based problem-oriented institutions. Looking around the country we notice other institutions such as Brookings, RAND, the Stanford Research Institute, Batelle, and the like, which are all problem-oriented and typically organized *outside* of—though in proximity to—universities.

The need, in other words, for problem-oriented academic organizations has been met, though somewhat unsystemetically, by the creation of a swarm of non-profit research corporations whose survival in the penumbra of the universities is made possible only by the continuing—and largely project-based—support of the federal government and private foundations.

No such good fortune has blessed the *area-oriented centers*, which are also needed if the United States is to survive in an increasingly congested and interdependent world. Without questioning the primary need for an autonomy of disciplines, professions, and problems, it is surely also true that the way these elements come together in localized configurations is always and everywhere unique. Granting that the deepest knowledge of any area is likely to be possessed by the people who live there, there is nevertheless a need for people living elsewhere to gain some more or less reliable perception of what is happening in neighboring areas.

We cannot continue to rely on the crisis-oriented reporting of the mass media, or the nationalistically biased "intelligence" of the military security forces. Yet the *universities* cannot, as now constituted, build area programs into their fundamental budgetary structure. At best, area specialization can be smuggled into some of the disciplinary departments, most notably in the humanities. To the extent that cross-disciplinary area programs or centers have been established at American universities, their survival is precariously contingent on external funding by private foundations and governmental grants.

This is scarcely surprising, of course. It is more surprising that the donor agencies should ever have thought area-oriented institutions could thrive within any university once *external subsidization* was withdrawn. The inherently desperate condition of any area-oriented establishment on a university campus, however, has led to a continuing flow of paltry and quite inadequate funds parcelled out between a large number of competing universities, no one of which has been able, thereby, to attain the critical mass needed to serve the national need adequately.

The Mink bill points the way to a *viable alternative* approach. If a national institution for Asian (or other world area) studies were to be created, outside the framework of a university, and assured permanent funding, it could not only meet a general national need, but it could service the universities as well. There is, then, a national need for area-oriented establishments, outside of though related to, our universities, which would parallel in scale and vigor the problem-centered institutions which have already become a part of the national scene.

b. *The Character of Area Studies: Research versus Teaching.* The organizational dilemmas pointed to above grow out of the notion that the primary function of universities is to teach—research and public service are seen as secondary by-products, even as luxuries. The teaching of disciplines is justified as necessary for a liberal education, and the professional schools obviously prepare graduates for careers in their chosen career lines. Increasingly the Ph.D. has become, also, a professional degree for those selecting academic careers.

This clamps a *self-perpetuating mold* on the academic establishment. Student demand is clearly contingent on career opportunities. Since area studies programs lack the authority and resources to make appointments, career opportunities are inherently limited. Consequently few students will seek to take area programs for advanced degrees, thereby confirming the view that there is little demand, and hence no real justification in academic terms for area programs.

The long-term justification for *hard* money investments in faculty has, indeed, overwhelmingly been student demand. Area studies, therefore, have been treated as a *teaching* program, justified by the need to increase the number of experts on selected foreign areas. An underlying premise for existing commitments to the idea of centralizing national resources for area study in a major university center of selective excellence appears to be the belief that there will be enough students to justify at least one good program on each subject. Two flaws may be noted: first, even if all the American students who wanted to study Burmese or Nepali were willing to go to University X where this subject was being taught—and it were not to be taught anywhere else—there still might not be enough demand to justify the investment of sufficient resources by University X to teach Burmese or Nepali well; and second, subjects like Burmese or Nepali will not be demanded by students without reference to other subjects taught at the same institution. For a variety of quite legitimate reasons students prefer one institution to another. It should be possible for students, within limits, to choose the universities that best meet their personal needs, and still study the subjects they want to take up. I believe it is possible to achieve this goal only if we reject the notion that area studies must be based on teaching needs.

In order to see that a different approach is possible and fruitful, consider the structure of Southeast Asian area studies at Kyoto University, where a pattern that is also familiar in continental Europe prevails. This Center has no students, yet it offers tenured appointments to scholars who becomes regular members of the faculty at Kyoto University. They devote themselves exclusively to research, adding to the stock of available knowledge in Japan about Southeast Asia, but they do not offer courses or give degrees. Nor do they seem to think it necessary to provide instruction in Southeast Asian studies in Japan, except at a very modest level.

Typically the Center recruits for its staff scholars who have secured advanced degrees in various professional or disciplinary fields.

Recruits are then given some language training and sent to Southeast Asia for a couple of years of field study and research during which they make themselves expert on the area, and perfect their language skills. The nearest American equivalent to this may be the American Universities Field Staff, and the Institute of Current World Affairs, which subsidized the field study of many of the AUFS experts. However, because the AUFS tries to cover the whole world, and depends on contracts with American Universities and extended personal visitation tours, their efforts are necessarily diluted by contrast with the focus that the Southeast Asia Center at Kyoto University can achieve.

One of the hang-ups which impedes the strengthening of Asian studies in the United States is surely the suspicion harbored by foundation executives and legislators that we already have enough "area specialists" to take care of the demand. If area centers continue to produce more and more graduates, may they not become a glut on the market. For how many Burma or Nepali experts will there be positions, and how many of them face a bleak future doing something else—driving taxis or teaching English? Of course, we might think about how to create jobs to take advantage of the skills of our area specialists, but this takes us back to the organizational questions raised above.

The prevailing structure of American universities is based on the inextricable linkage of research and teaching—but must we accept this linkage as a fetish never to be questioned? There are, indeed, significant exceptions. The Smithsonian Institution, RAND, Brookings come to mind. Consider also the National Center for Atmospheric Research. NCAR has a large research facility located on a mountain side above Boulder, Colorado where, like a Gothic fortress, it towers in splendid isolation from both the city and the University of Colorado. It has a large research staff, some fifty of whom have Ph. D.'s in a wide variety of disciplines, plus a much larger number of auxiliary personnel. Funding for NCAR has become a line item in the budget of the National Science Foundation, and it also secures support from a variety of other sources, through grants and contracts.

Surely the study of Asia, or of Latin America, Africa, the Middle East, is as *important* to the United States and as deserving of Federal funding as atmospheric research. As is all too obvious we have, though reluctantly, poured billions into a tragic war in Vietnam. If some millions had been wisely invested in a major research center on Asia (or Vietnam), is it not conceivable that we would have discovered a way to protect our fundamental interests in Southeast Asia without such a vast loss of lives and treasure, and without such catastrophic costs for the people whose lands have become a gigantic battleground?

In short, we *need to know* a great deal more about Asia (and other areas) than we now know, and this information can be produced by research and made available to the public through many channels of communication—but we do not need to produce a growing number of unemployable experts on many world areas. I suspect that if we made good use of the experts who are already available, and helped them to improve their skills, we could do well enough, and it would not be difficult to increase—as the Kyoto Center does—the number of experts when they are needed.

We will continue to need courses and teaching materials relating to Asia, not just in one or a few universities, but indeed in many. However, this can be done much better than it is now being done if a solid research core could be institutionalized through independent, non-teaching establishments.

c. *Academic Levels: Scholarly Professionalism versus Clientele Needs.* When thinking about the diffusion of knowledge generated in and through our universities, we immediately confront a major obstacle in the form of *academic professionalism.* Just as the need for students rests on an economic imperative—the reluctance of funding sources to pay for educational costs not justified by enrollment figures—so the deeply engrained professionalism of scholars rests on the institutionalization of their career prospects.

The primary criterion for promotion, for tenure, for salary increases and academic status is the *evaluation* of scholars by their disciplinary peers. Although the cliché—publish or perish—oversimplifies the dynamism of this incentive system, it speaks to a basic reality in American higher education. The disciplinary departments are linked to national professional societies which have become the chief arbiters of merit on the campus. In the name of objectivity and standards, we have thrown chains at the national level around the cells that imprison us locally.

If this seems like an overstatement, consider some of its *consequences.* We prefer to teach graduate students, because seminars can be linked to research and publications more effectively than can undergraduate courses. If our research leads to knowledge of general interest or value, we will nevertheless prefer to publish our findings in academic journals, hopefully those sponsored by our professional societies. Anyone who seeks to reach a larger public through the schools or the mass media will incur the scorn of his associates and win the label of "popularizer," or "dilettante."

Under these circumstances it is understandable that insofar as area programs have been established at American universities, their faculties should strive for academic status—against the overwhelming odds described above—by seeking to enhance their disciplinary identification and research output. Yet clearly if area studies are to become soundly established, they need to satisfy the needs of large *clienteles* outside the inhospitable reaches of the academic disciplines. These clienteles include not only the undergraduate students in our college and universities, but also the pupils in primary and secondary schools, the teachers and colleges of education, the mass media and the general public, and especially our policy makers and Americans working overseas.

Even if a set of university-based area study programs could be successfully institutionalized, it seems doubtful that they could successfully meet the needs of this larger clientele for more adequate information and explanation of world areas. Only a *national approach,* through institutions based outside, though linked with, the universities can be expected to generate the substantial flow of knowledge required to meet these needs. The Foreign Policy Association used to have a small research staff which prepared and published reports on world affairs, essentially from an area orientation. The effort was utterly inadequate, of course, but with small scale short-term foundation funding, one could not have expected much more. Yet the experience of the FPA shows that it is quite possible to employ good scholars, outside the universities, not only to do area-based research, but also to package and present their findings to a larger public, including schools, teachers, opinion leaders, the mass media, and Americans overseas. A national institute(s) for Asian (and other area) studies, if adequately funded, could certainly do the same with far greater effectiveness.

d. *The Disposition of Materials: Libraries or an Information System.* With notable exceptions, assuredly, the university-based area centers have been burdened by mounting costs in the form of heavy investments to establish and maintain research libraries. Insofar as several centers have been created to work on the same area, they have competed with one another for scarce materials, thereby raising the unit costs of building these collections, taking into account both the need for specialized library personnel and the expense of making acquisitions from remote areas not well supplied with book industry facilities.

The work of the *Center for Research Libraries* in Chicago has demonstrated how costly and unnecessary this approach is. It is astonishing not only that universities persist in their anachronistic ambition to build large research collections, but also that funding agencies continue to make limited—and quite inadequate—funds available for this purpose.

The basic premise of the CRL is the distinction between *frequently* and *infrequently* used materials. If we take one use in five years as a criterion, it would be safe to say that the vast majority of materials held in most research collections are infrequently used. Such materials could just as well be housed in a national lending library, where they would be equally available to scholars at any research library on relatively short notice. This would permit universities and area centers to use their limited funds for the acquisition of frequently used materials, not just one copy of each item but, indeed, multiple copies of the most frequently used materials, thereby making them rapidly available to users. The price that readers now pay for the privilege of having immediate access in research libraries to materials that they very rarely ever want is the long delays they typically encounter in gaining access to the materials they wish to see most frequently.

A national lending library on any topic need not be housed in Chicago, of course. If clear criteria can be established, there is no reason why a *network* of libraries could not house national lending collections, provided it was clearly understood that the primary obligations of the libraries concerned was to supply all users, nationally, on an equitable basis, not giving preference to local users.

Books and journals are, of course, not the only kind of research materials needed for the strengthening of Asian, as of other areas, studies. Indeed, the ratio of *unconventional* to conventional materials is probably much greater in third world countries than in the Western world. These materials are particularly difficult for ordinary university libraries to handle, and the categories of "ephemeral," "fugitive," and "documentary" materials merge into that of "archival" holdings. Modern methods of materials holding, including the use of microforms, and computerized information systems, are necessary tools for the collection, storage, and utilization of these materials. Central libraries or archives are essential if these materials are to be made available to scholars.

A good deal of *frustration* has been generated by the false hope—at least I think it is an illusory expectation—that many of these materials can be imported, duplicated, and sold in a volume large enough to cover costs. Such is the underlying premise of private foundation support for the centers of Chinese and Slavic materials administered through the Association of Research Libraries in Washington. I believe the lending library principle is much sounder. Of course, if something is out-of-print and in demand from a national lending library, then that library should have the authority to duplicate and sell copies with, if necessary, royalties to copyright holders. Users need not be dependent on borrowing copies if they are willing to pay for private possession. The miracles of modern reprography have transformed the technology of information handling, but we continue to think in terms that antedate the Xerox machine, the microfiche reader, and photo offset duplicator.

A number of *microform projects* have already been established through the Center for Research Libraries, providing for African, South Asian, and Southeast Asian materials. These programs need to be vastly expanded by subsidization, since they now depend largely on the pitifully small budgets that can be generated by contributions from subscribing libraries. Because of the national interest in foreign areas, permanent and continuing support of basic national collections on these areas ought to be a Federal responsibility. The Library of Congress provides some of these services on a most limited and inadequate basis. There needs to be a national library network, which can be widely dispersed, not localized in the capital city. The basic point is that it is less expensive to bring materials to the person than persons to the materials, to use the mails rather than public transportation, in order to make library research possible.

If an *information system* rather than a research library approach is to work, however, it is essential that improved bibliographic access be provided. One can now go to the Library of Congress and browse through a substantial collection of uncatalogued and unclassified materials in Thai. However, it is not permissible in any adequate information system to compel the researcher to hunt through materials in this random fashion. A national service obviously cannot be provided if bibliographic support is not also available. In short, a substantial part of the budget for any national collection and lending library program has to be matched by support for *automated bibliographic services* whereby potential users, no matter where they may be located, can quickly discover the existence and location of materials they may wish to consult. Such a service can, of course, at least in principle, not only provide periodical and cumulated listings of research materials, but can quickly generate by computer print-out selective bibliographies to meet the needs of various categories of users, plus the selective dissemination of information (SDI) for individual researchers.

To some extent all these services can be partially supported by users. However, I believe that we are still some distance from the time when they can be fully supported—if ever. Meanwhile they must be *subsidized*, not only to create the facilities and services, but to maintain them. This is something that I believe Congress ought to be willing to finance as a national service, and for Asian (or other) area studies, this should be through a national facility for the disposition of research materials.

e. *The Appropriate Domain: National versus International.* So far we have spoken of the nation's needs as though they could be met nationally. However, I am convinced that our long-run interest in knowing about the rest of the world can only be satisfied in close collaboration with scholars and agencies in other parts of the world.

This has already been well established in the organization of Southeast Asia Microforms, an *international consortium* to pool resources for the preparation and utilization of microfilm and microfiche copies of archival materials relating to Southeast Asia, no matter where they are held, whether in the region, or in Europe, North America, Japan, or elsewhere.

It does not make sense for Americans to decide now to *catalog* works in Indonesian without consulting with Indonesians who, above all, have an interest in the bibliographic and library processing of materials in their own languages.

The *purchase* of materials from abroad is made possible by and affects the publishing and book selling industry (including government documentation) of the countries concerned.

American scholars seeking to do *field research abroad* can do so only with the consent and collaboration of foreign scholars. Their failure for some time to give much weight to this fact means that the confidence and goodwill of the growing number of foreign scholars—many trained in American institutions of higher learning—has been eroded, and field research has become increasingly difficult to do in many countries. Moreover, the research that foreign scholars wish to do in and about their own countries increasingly generates knowledge of interest to American scholars. Consequently Americans need to have good opportunities to meet and pool information with their opposite numbers abroad, to exchange publications, and to participate in jointly planned research efforts.

Similarly, we cannot train experts on foreign areas any longer if we expect them to travel abroad for field research without entering into *collegial relations* with foreign scholars in the countries where they carry out their inquiries. The best place for anyone learning a foreign language to perfect his language competence—if he requires more than a superficial knowledge—is in a country where the language is normally spoken. We cannot, in other words, really take seriously the question of learning about the rest of the world (including Asia), unless we think in terms of meaningful cooperation with scholars in these countries.

Such cooperation must, of course, be based on *reciprocity*. We can scarcely imagine that foreign scholarship will not be affected by Americans studying in their domains. Indeed, it is only if we see the complementarity of the American wish to learn more about the world in which we live, and the wish of indigenous scholars everywhere in this world to develop their own competence and understanding of their own countries, that we can work out a valid basis for strengthening foreign area studies. The artificial dichotomy between support for international studies as an exclusively American concern, and assistance to foreign institutions as a matter of international development, needs to be overcome. Indeed, one of the reasons our foreign aid programs have been so ineffective is surely our lack of deep knowledge about the dynamics of change in these societies, and one reason our understanding of these areas has been so superficial is that we have persisted in our attempts to do it alone.

If the propositions just stated make sense, then clearly any national facility for the strengthening of Asian (or other area) studies should be established in such a way, and so located, as to facilitate *international cooperation* in the achievement of its objectives. This implies not only a willingness to consult in advance with scholars from other parts of the world but, indeed, to bring them into the planning process from the start in such a way as to make certain that their national interests are fully considered in the creation of new institutions and the adoption of their governing policies.

4. SOME OPERATING ASSUMPTIONS

A national (or international) approach to the strengthening of Asian (or other area) studies should not be at the expense of university-based centers. Quite the contrary, a truly effective national facility outside the boundaries of any one university would be able to provide invaluable services to any, or all, universities so that each could do a better job of combining instruction on foreign areas with basic preparation in the disciplines, for professional careers, and in relation to pressing public problems. Among the techniques that could be used to achieve these goals are the following:

a. *Curriculum and teaching materials.* One of the perpetual concerns of teachers is the need for improved teaching materials. Most teachers are too busy to spend much time preparing new materials, and they are often also ill-equipped for this purpose. In fields where the potential student market is not large, textbook publishers are also reluctant to finance production. Consequently the teaching materials available for courses which attract few students are often makeshift improvisations.

One of the essential functions of a national institute or center for Asian studies ought, therefore, to be the preparation of suitable texts and related *teaching* materials. Of course to the extent that student demand exists, there would be a market and sales could generate funds to be ploughed back into the budget of the institute. Publishers could also be used as intermediaries, paying royalties to the institute, and handling sales and production costs whenever the market was large enough.

Curriculum materials can, of course, be designed for *all levels*. Not only undergraduate instruction, but also materials for primary and secondary schools, and for teacher training, could be prepared, working closely with experts on curriculum and teaching problem at each level. The lower the level in the school school system, the more area materials need to be integrated into broader subjects rather than taught separately. Thus one might expect to find materials on Chinese history included in a World History course at the high school level, and made the basis of a separate course only at the university level.

Programed learning techniques, especially for *language study*, could also be used by experts at a national institute. Consequently, for example, students might be able to study any world language at institutions of their choice. They might attend intensive language courses sponsored by a national institute during one or two summer sessions. During intervening years, they could continue study by themselves, using language tapes and other instructional materials, meanwhile sending transcriptions of their work to the national institute for evaluation of progress. Eventually, if they were serious language students, they would spend some time in a country where the language is commonly spoken in order to perfect their command of it. By this means they could combine language training with the study of other subjects at whatever university seemed best able to meet their needs. A national institute would also, of course, prepare materials for the general public, and especially for opinion leaders and Americans working abroad.

b. *Student subsidization.* The Foreign Area Fellowship Program, sponsored by the Ford Foundation, through the SSRC, should surely be continued and strengthened. It enables students from any university who have shown exceptional capacity for an ability to study and do research in a selected area to go there for advanced study. The same principle might be used by a national institute, either independently, or through grants administered by the FAFP. This would have the effect of enhancing, in a relatively controllable manner, the supply of new graduates skilled in the study of selected areas of the world.

The NDFL principle is complementary to that of the FAFP. It enables recipient institutions to attract students who wish to enroll for residential study programs. If a national institute for Asian studies were to administer a program of this type, it could *assign fellowships* to selected universities so as to increase the number of students participating in any program that the institute wanted to strengthen, thereby contributing to the strengthening of selected centers of excellence.

c. *Research grants.* Another important way to strengthen a teaching faculty is to provide funds for institutional support of research. A double objective is thereby achieved: the institution can attract, support, and hold a larger and more able faculty than might otherwise be possible. Secondly, it will contribute to the common stock of knowledge.

Under Title VI, the NDEA program makes grants to *area centers* which are used to stimulate research, improve teaching, and enhance interdisciplinary coordination. However, it is my impression that Title VI funding is rarely if ever substantial enough to support major research projects such as are funded by the National Science Foundation, for example. Moreover, given the wide range of areas and disciplines that the NDEA staff has to monitor, plus the fact that its staff consists essentially of administrators rather than researchers, it is not surprising that NDEA avoids, for the most part, substantive decisions about research projects.

However, if a *national institute* were to engage in research, it would have on its own staff persons highly qualified to judge the projects of scholars located at different universities. A prototype of such a staff can be found at the Russell Sage Foundation, where scholars in residence conduct their own studies, while also stimulating and giving advice on studies carried out at universities with support from the foundation. An institute serving a national purpose might, accordingly, decide to allocate a certain amount of money for research on, let us say, Cambodia. It would not only carry on its own research, but advise on additional studies to be carried out on campus. By splitting available funds between "in-house" research, and contracted university-based research, a continuing partnership between scholars in the institute and on campuses would be maintained.

If this pattern were followed, it would also be possible to choose between inviting a scholar to come to the national institute as a visitor for, let us say, an academic year; or subsidizing his research in residence; or financing a field trip. One consideration in making such grants would clearly be the *institutional context* of the candidate, whether or not he had colleagues with whom he needed to work, and whether the host institution could help cover expenses.

I believe that it would be quite feasible for a national institute, working as the institutes in the East-West Center now work, to *strengthen selected universities* for the study of particular areas, and to do so gradually, responding to opportunities and campus-based initiatives, without having to make conspicuous and apparently arbitrary choices among universities. Moreover, insofar as the beneficiaries of research grants could be widely distributed geographically, the political basis of support in Congress for such an approach would surely be enhanced.

d. *Visiting Staff Appointments.* In addition to research grants from a national institute to scholars based at a university, the institute could use another option to protect and enhance centers of excellence at a few universities. It would arrange for its regular staff members to spend some time as visiting professors at a university thereby following a good precedent already established by the American Universities Field Staff (AUFS). Indeed, any institute should expect research staff members to spend a good deal of their time away from headquarters, partly in the field conducting research, and partly at cooperating universities.

In this respect the campus-based activities of institute staff members would resemble that of current AUFS personnel. They might visit several universities interested in the area they cover, but the number would be fewer than those included in AUFS itineraries. They would also, on occasion, want to remain *in residence*, for a full semester or a year, taking on regular teaching assignments. If institute staff members visited universities and gave guest lectures, they would soon become well known locally, and would receive invitations to stay on campus. A cost-sharing basis could be used, whereby the host university would cover part of the salary of a visitor, the institute paying the rest.

By a judicious combination of new teaching materials, research grants to resident faculty, visiting staff, and student fellowship awards—augmenting cash awards to area centers by the NDEA under Title VI—it would be possible for a national institute to contribute much to the strengthening of a few carefully selected *centers of excellence.* The selection of these centers would evolve gradually, and would appear to be much less arbitrary than the much feared designation of major centers under the revised NDEA formula, as now projected. It should also be much more attractive to Congress than the plan now contemplated by the IIS.

e. *Seminars.* The present context for making decisions about university-based centers of excellence hampers cooperation because scholars at leading institutions often meet one another in a context of scarcity where each is bidding for a maximal slice out of a finite pie—he feels he is playing a zero-sum game. The general ambience of the area studies associations normally militates strongly in this direction.

Although it has some counter-productive features, the Southeast Asia Development Advisory Group (SEADAG) has pioneered in establishing international substantive or problem oriented seminars which can generate *countervailing forces* against the zero-sum psychology. Let us suppose that a national institute for Asian studies would sponsor seminars, some on a single country, and others on problems that are widespread in Asia, using a comparative approach. Participation would be based on substantive competence rather than institutional affiliation. The institute could enable seminar participants to undertake field research, or to visit the site of the national institute as scholars in residence.

If this were done, the seminar participants would soon come to feel a much stronger *identification* with the national (and international) interest in the problems under study than they would with the particular universities at which they happened to be employed. They would then become more detached in thinking about the institutional interests of their universities and more committed to a professional concern for the field or subject, viewed nationally (or internationally).

I believe, therefore, that a program of general seminars on selected problems within the general scope of an institute's program (e.g., Asian studies) would not only contribute significantly to the enhancement of knowledge and competence on the chosen topics, but it would make it much easier to allocate scarce resources among competing universities in a rational manner.

5. STRATEGIC IMPLICATIONS

Whether or not the Mink bill can be enacted, or other legislation designed to implement the ideas put forth above can be introduced, it is important to consider the organizational means by which these proposals might be successfully carried out. Certainly a wide range of private and public agencies need to be considered—and consulted—in this connection. I do not propose to discuss this topic in the present memo, however. I believe we should first direct attention to the major substantive issues. Once some degree of consensus has been reached on these issues, we ought then to be able to move ahead to consider the practical and strategic problems that would be involved in any effort to implement these ideas. Clearly the most promising general ideas could be completely nullified by inept execution. The greatest care must therefore be given to the strategic, the organizational and financial, the administrative, aspects of the questions raised by the Mink bill. However, that should be done at a later stage—meanwhile let us focus our attention on the central issues of principle as they have been raised above.

HAWAII INTERNATIONAL
SERVICES AGENCY
Honolulu, Hawaii, February 9, 1972.

H.R. 6168: A BILL TO AMEND THE INTERNATIONAL EDUCATION ACT OF 1968

The Asian Studies Institute can be a vital resource for the nation as a whole as well as Hawaii. By virtue of its mid-Pacific location, Hawaii can, and must, play a critical role in this country's trans-Pacific relations which with each passing day are of more strategic importance to United States interests. Suffice to mention here the emerging relationships we can already forecast between the U.S. and Japan and the U.S. and China.

The Asian Studies Institute must first be an institution for the needs of the U.S. But, in view of the shape of the "Pacific Community of Nations" to come within the decade, the Institute must also serve the Pacific region at large if it is to fulfill its objectives adequately. We therefore urge that funding for the Institute be no less than as proposed in H.R. 6168 if not more.

This Agency has been intimately involved in assisting Hawaii's myriad international programs and interests since 1967. It is our candid assessment that this State has the necessary human, social and cultural resources to insure the success of the Asian Studies Institute. Conversely, it is our evaluation that the Asian Studies Institute has long been needed in Hawaii to complement the State's existing resources vis-a-vis Asia and the Pacific.

[From Bridge Magazine, June 1972]

CHINA THROUGH THE BOOB TUBE

An audio tone at 6:30 P.M. in San Francisco (7:30 in Denver, 8:30 in Minneapolis, 9:30 in New York) signalled America's first live look at the People's Republic of China. On all three major television networks, viewers could see, in the crisp, clear Peking morning, the landing of the Presidential plane.

As the "Spirit of '76," the converted jetliner carrying President Nixon, approached the airport, the chief American security official radioed to an agent on the ground: "What about the crowd?" Answer: "There is no crowd." The Secret Service agent aboard the plane asked: "Did you say 'no crowd'?" Answer: "That is affirmative—no crowd."

From the beginning, both the news media and the Government of the United States viewed the People's Republic of China with blinders on. As the mission entered its later stages, the media, especially broadcast journalists, remained incapable of shaking off their parochial preconceptions and ignorance of China.

Television coverage of the President's journey to Peking was modelled after coverage of the first spectacular moon shot. And television newsmen, particularly the superstar anchormen, were genuinely appalled at the lack of excitement at the Peking airport that first day.

The dismay persisted as the Presidential party drove through Tien An Men Square during the lunch hour with a sprinkling of people paying little or no attention to the motorcade. The newsmen had probably expected cymbals, clanging gongs and huge red banners fluttering in the wind.

When it became apparent that such symbols of Chinese hospitality were not forthcoming, John Chancellor of the National Broadcasting Corporation pontificated: "This is a cool, correct, cordial reception."

At the airport, television pool cameras lingered along the long line of the People's Liberation Army honor guard. And, as the President moved along the line of officials that were there to greet him, the television cameras dutifully followed.

However, the broadcasters were able to provide very little interpretation of the significance of what they were witnessing. Indeed, they had difficulty identifying the various Chinese leaders.

When the President was being driven into Peking, the networks showed file film of Chinese people joyously welcoming other world leaders in previous months, including Emperor Haile Selassie of Ethiopia, again accentuating what they felt was the "cool" nature of the Chinese reception.

While President Nixon did not receive the tumultuous welcome that the networks had expected, his reception was by no means a snub by the Chinese. The presence of an honor guard at the airport was in itself significant, since this was a practice that had been abolished during the Cultural Revolution. Again, in spite of the fact that the United Stated did not have diplomatic relations with the Government in Peking, and indeed continued to maintain support for the Nationalists on Taiwan, the presence of almost the entire government at the airport was a signal honor.

The only high officials who were not present were those who held only party, not government, posts, accentuating the fact that this was a government-to-government visit.

The television networks trapped themselves into covering the expected masses of people jamming Tien An Men Square and missed the small, subtle gestures that mean so much in dealing with the Chinese.

Although television cameras eventually ventured into the late-night restaurants, the department stores, the communes and the schools of Peking, the broadcast newsmen were handicapped by their naivete. A few reporters expressed shock and became depressed after observing the regimentation at a Peking secondary school.

Some correspondents, among them Eric Sevareid of the Columbia Broadcasting System and John Chancellor of NBC, complained that the Chinese were exercising tight control of news, restricting their freedom to deviate from official guided tours.

Despite brief forays into the unknown, the broadcast newsmen stuck in the main to their usual formulas for reporting grand occasions. Attempts at an analysis of Chinese intentions slipped into vague, vacuous generalizations.

Perhaps the problem lay with the networks, which refused to assign even one specialist in Chinese language, history or culture to the trip. If the news media had assigned reporters familiar with the history and culture of the Chinese people, possibly including Chinese-American reporters, who would have had the advantage of low visibility and language facility, Americans back home would have had a better understanding of the very special treatment that was accorded President Nixon. Reporters with the proper background and training could have interpreted the small, subtle, seemingly insignificant gestures that suggest the true feelings of the Chinese.

Undoubtedly, the experience in China has been educational for the television and press correspondents. Unfortunately, their education has been at the expense of the American public, which was denied the knowledgeable analysis and in-depth understanding that the situation cried out for. Instead, the media sent reporters who, in Dan Rather's words, felt they had "landed on some kind of moon," who had no knowledge of Chinese history, culture, politics or language.

And, as Bernard Kalb pointed out, "we had eight days for 800 million people, that's a day for every 100 million Chinese." Since the networks, news agencies and press were undoubtedly aware of the magnitude of their task, it must be considered a dereliction of duty on their part to send people who were patently unqualified.

Aside from the ignorance that was on daily display on television screens during the Nixon trip, too many American reporters found it impossible to keep their racist attitudes under control.

Walter Cronkite, in speaking about acupuncture sets that include little dolls and needles, could not restrain a remark that likened this to voodooism. Mr. Cronkite even repeated the ancient cliche by saying of the Chinese, "Everyone looks exactly alike."

Even Eric Sevareid, who is supposed to be something of a philosopher, is not blameless. He described an encounter between "a very lovely, tall blonde girl with the White House staff," who dressed "in a very feminine way, very blonde," and some Chinese women. According to him this woman said the Chinese were "challenging" and "defiant" as they looked at her. Mr. Sevareid is probably unaware that his cultural prejudice is showing. He implies that "tall and blonde" are two universal attributes of beauty, attributes that Chinese women lack since none are blonde and few are tall.

But the media, which wore self-imposed blinders while in China, appear unaware of the egg on their face. Charles Collingwood, in a debriefing session, said to the CBS correspondents: "Well, in spite of all the inhibitions, all of you did a great job." Mr. Collingwood went further by saying his colleagues are "accredited, genuine, certified experts on China." One hopes that he at least said that with his tongue in his cheek.

X-RAY TECHNOLOGISTS AND X-RAY EQUIPMENT SHOULD BE REGULATED AND LICENSED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing a bill today, H.R. 16429, the Radiation Health and Safety Act of 1972, which has as its purpose the reduction of unnecessary radiation exposure that patients and technologists are subjected to. This bill has previously been introduced as S426 by Senator JENNINGS RANDOLPH.

This bill would require the Secretary of Health, Education, and Welfare to issue and promulgate criteria and minimum standards for the training of radiologic technologists for the accreditation standards of schools training radiologic technologists and for the licensure of radiologic technologists. These standards would be the national minimums required in these fields. The bill would make it unlawful for an educational institution not accredited to conduct such training and would make it unlawful for an individual to apply radiation to a patient for diagnosis or treatment unless he or she is a licensed medical practitioner, a licensed dentist, a licensed dental hygienist, or a licensed radiologic technologist or technologist-in-training.

It is a fact that 95 percent of the radiation to which the American public is exposed comes from medical X-ray exposure. Only 2 percent of man's exposure comes from the nuclear power industry which is stringently regulated while strangely medical and dental X-ray usage is not in most cases subject to control. K. Z. Morgan, Director of the Health Physics Division of the Oak Ridge National Laboratory has stated that medical X-ray exposure could be reduced to less than 10 percent of its present level by the use of better equipment and improved techniques, while at the same time improving X-ray diagnosis.

There is no evidence to suggest that there is a radiation exposure level so low that the probability of damage is zero. Indeed, there are those who believe that the present American population and generations yet unborn are and will be indicated that present medical X-ray diation exposure, all of which is cumulative in its effect. The International Commission on Radiological Protection has indicated that present medical X-ray exposure is causing 3,000 deaths per year in the United States from various forms of cancer and genetic damage and may be introducing each year into future generations approximately 30,000 deaths from malignancies, stillbirths, and spontaneous abortions because of the genetic damage.

The most sophisticated and modern of X-ray systems cannot protect the health and safety of patients unless the technicians operating the equipment are adequately trained and licensed. In some States, we license car mechanics and TV mechanics. Does it not make sense that we license X-ray technicians who handle the most sophisticated of equipment—equipment which can provide extended life if properly used or shorten life when improperly used.

I have heretofore introduced H.R. 15732 which amends the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems. That bill would require that existing X-ray machines meet new performance standards mandated by Public Law 90–602 required of all newly manufactured machines. Further, the bill requires annual inspections of existing equipment to ensure their continued operation at the stated performance level. Equally important in the bill is a provision requiring doctors and technicians to cover patients with protective shielding so as to make certain that the patient's body is not subjected to more X-radiation than is absolutely necessary.

I have asked experts in the field to comment on the need for both bills. This matter is so grave involving so many lives that I feel compelled to set forth the extended correspondence both pro and con I have had, so that our colleagues and those interested in this matter will be aware of the support for this necessary legislation.

The text of the bills and correspondence follows:

H.R. 16429

A bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That this Act may be cited as the "Radiation Health and Safety Act of 1972."

SEC. 2. It is the purpose of this Act to—

(a) assure adequate training of radiologic technologists by providing for the establishment of criteria and minimum standards for accrediting schools for the training of radiologic technologists;

(b) provide for the establishment of criteria and minimum standards for the licensure of radiologic technologists; and

(c) provide for State adoption and administration of programs for the accreditation of education institutions training radiologic technologists and programs for the licensure of radiologic technologists with authority for the Secretary to take necessary action in the absence of State action.

SEC. 3. Title III of the Public Health Service Act is amended by inserting after part F, subpart 3, section 360F, the following:

"Subpart 4.—Radiologic Technologists

"DECLARATION OF FURPOSE

"SEC. 360G. The Congress finds and declares—

"(a) that, consistent with the recommendations of the National Council on Radiation Protection and the International Commission on Radiological Protection and Measurement, it is in the national interest and in the interest of public health and safety to minimize exposures of the public to ionizing radiation from all sources;

"(b) while the operation and use of radiologic equipment and methods is essential in modern medicine, even the most advanced equipment and methods will not adequately protect the health and safety of patients subjected to radiologic diagnosis or therapy and the health and safety of radiologic technologists applying radiologic equipment and methods, including their progeny, unless these technologists are fully trained and qualified in the operation of such equipment or the application of such methods so as to avoid unnecessary exposure to ionizing radiation;

"(c) that it is in the overall public health interest to have an adequate and continuing supply of well-trained radiologic technologists and that any person who operated radiologic equipment or employs radiologic methods should be required to demonstrate competence by training, experience, and examination; and

"(d) that the protection of the public health and safety from unnecessary exposure to ionizing radiation from all sources is the primary responsibility of State and local government, within minimum criteria and standards established by the Federal Government."

"RECOMMEND CRITERIA AND STANDARDS"

"SEC. 360H. (a) The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1971, develop and issue to the States criteria and minimum standards for the accreditation of education institutions conducting programs for the training of radiologic technologists and minimum criteria for education institutions conducting programs for the training of medical and dental practitioners. Such criteria and standards shall be published in the Federal Register.

"(b) The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1971, develop and issue to the States criteria and minimum standards for licensure of radiologic technologists, and such other advice and assistance as he deems necessary. Such criteria and minimum standards may distinguish between radiation technologists including medical and dental technologists, radiation therapy technologists, nuclear medicine technologists, and photoroentgen technicians, and technologists-in-training. Such criteria and standards shall be published in the Federal Register.

"(c) In establishing criteria and minimum standards under this section the Secretary shall consult with State health departments and appropriate professional organizations including, but not limited to, the American Society of Radiologic Technologists, the American Registry of Radiologic technologists, the American Dental Association, the American Academy of Dental Radiology, the American Medical Association, the American College of Radiology, the American Osteopathic College of Radiology, the American Osteopathic Association, the American Board of Health Physicists, the American Association of Physicists in Medicine, and the Health Physics Society.

"(d) The Secretary shall give to the States such other advice and assistance as will encourage them to enact and enforce appropriate laws and standards. Such advice and assistance may include model laws and training curriculums, and training aids.

"(e) The Secretary shall, from time to time, revise the criteria and standards material issued by him pursuant to this section.

"STATE ACCREDITATION AND LICENSURE

"SEC. 360I. (a) The training and licensure of radiologic technologists who intend to apply ionizing radiation to humans for diagnostic or therapeutic purposes in any State or States shall be subject to the provisions of this section.

"(b) Consistent with the policy declaration of this subpart, State and local government shall be encouraged to minimize exposures of the public to ionizing radiation from all sources and shall not be displaced by Federal action except as otherwise provided under subsection (c) or (d).

"(c) After receiving any criteria and minimum standards issued pursuant to section 360H for the accreditation of educational institutions conducting programs for the training of radiologic technologists, the Governor of a State may file with the Secretary a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum, the standards for accreditation of educational institutions conducting programs for the training of radiologic technologists issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for the accreditation of educational institutions for the training of radiologic technologists shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of the subpart, such State standards shall be the standards applicable to such State.

"(d) Upon application of a Governor, the Secretary may grant an extension under subsection (c) for not more than two years if after review the Secretary determines that good faith efforts have been made by the State and reasonable assurance is provided that an effective program to implement the purposes of this Act will be provided by the State within the period of the extension.

"(e) After receiving any criteria and minimum standards issued pursuant to section 360H for the licensure of radiologic technologists or technologists-in-training, the Governor of a State may file a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum the standards for licensure of radiologic technologists and technologists-in-training issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for licensure of radiologist technologists shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of this Act, such State standards shall be the standards applicable to such State.

"(f) For the purpose of implementing licensure of radiologic technologists, the Secretary may certify appropriate State or professional licensing organizations.

"(g) The Secretary may make grants to States in an amount up to two-thirds of the first year and one-third of the second year costs of planning, developing, or establishing programs to carry out the purposes of the Radiation Health and Safety Act of 1972.

"(h) The Secretary may make grants to educational institutions under section 314 (E) of this Act (Partnership for Health Amendments of 1967, Public Law 90–174) or the Health Manpower Act of 1968 (Public Law 90–490) to carry out the purposes of the Radiation Health and Safety Act of 1972.

"(i) The Secretary shall annually review programs established pursuant to this subpart and shall suspend the effectiveness of any standards or regulations as to accreditation or as to licensure with respect to any State or certified professional licensing organization when he determines that administration of such State program is inconsistent with the purposes of this subpart or revised criteria and minimum standards issued pursuant to subsection 360H(e)."

"PROHIBITED ACTS

"SEC. 360J. (a) Upon the effective date of regulations and standards established pursuant to the subpart, it shall be unlawful for any institution to conduct a program for training of radiologic technologists unless accredited by the Secretary or a State program approved by the Secretary, or for any individual to apply ionizing radiation to humans for diagnostic or therapeutic purposes unless he is a licensed medical practitioner, a licensed dentist, a licensed dental hygienist, holds a valid radiologic technologist's license, or holds a valid license issued according to the standards promulgated under Section 360H(b) and is under the immediate supervision of a radiologist or licensed radiologic technologist.

"(b) The district courts of the United States shall have jurisdiction, for cause shown, to restrain violations of this section. The district courts of the United States shall also have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce the provisions of this section.

"(c) (1) Any violation of this subsection by the owner or operator of an educational institution, or an individual applying radiation to human beings for diagnostic or therapeutic purposes shall be subject to a civil penalty of not more than $1,000. For the purpose of this section, any such violation shall be with respect to each act or omission made unlawful by this section.

"(2) Any such civil penalty may on application be remitted or mitigated by the Secretary. In determining the amount of such penalty, or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be deducted from any sums owed by the United States to the person charged.

"(d) Actions under this section may be brought in the district court of the United States for the district wherein any act or omission or transaction constituting the violation occurred, or in such court for the district where the defendant is found or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(e) Nothing in his subpart shall be construed as requiring the Secretary to report for the institution of proceedings minor violations of this subpart whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(f) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law.

"ANNUAL REPORT

"SEC. 360K. The Secretary shall submit to Congress an annual report evaluating the implementation of this part by the Federal Government and State and local governments, and containing such recommendations for legislation as he considers appropriate."

H.R. 15732

A bill to amend the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to prescribe radiation standards for, and conduct regular inspections of, diagnostic and other X-ray systems

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "X-Ray System Radiation Control Act of 1972".

PERFORMANCE STANDARDS FOR X-RAY SYSTEMS

SEC. 2. Section 358(a) of the Public Health Service Act is amended by adding at the end thereof the following new paragraph:

"(6)(A) Whenever a performance standard for a class of X-ray system is prescribed under authority of this section (hereinafter in this paragraph referred to as 'primary standard'), the Secretary shall by regulation prescribe a performance standard applicable to systems of such class manufactured, assembled, or imported prior to the effective date of such standard, which regulations shall except as provided in subparagraph (B) (i) take effect not more than thirty months after the enactment of the primary standard (subsection (c) of this section notwithstanding), and (ii) specify the same level of performance as the primary standard.

"(B) The Secretary may by regulation exempt for a limited period any X-ray system manufactured before the effective date of a primary standard from any requirement of a standard required to be prescribed under subparagraph (A), if he determines that the public health benefits from compliance with such requirement are outweighed by (i) the costs of bringing such system into compliance therewith or (ii) the detriment to public health resulting from discontinuing the use of the system. If he exempts any system from any requirement of such standard, he may prescribe an interim requirement with which such system must comply during the period of such exemption."

REQUIREMENTS APPLICABLE TO USE OF X-RAY SYSTEMS

SEC. 3. (a) Subpart 3 of part F of title III of the Public Health Service Act is amended by inserting after section 359 the following new section:

"SPECIAL PROVISIONS APPLICABLE TO X-RAY SYSTEMS

"SEC. 359A. (a)(1) Commencing not more than thirty months after the date of enactment of the X-ray Systems Radiation Control Act of 1972, the Secretary shall carry out a program of inspection of all X-ray systems to which standards under section 358 (a) apply and which are in actual use in the United States, for the purpose of determining whether such systems comply with applicable standards prescribed in accordance with section 358(a) of this Act. Each X-ray system shall be inspected at such intervals as the Secretary may prescribe by regulation, but not less frequently than once every twelve months.

"(2) Within thirty days after inspection of any X-ray system under paragraph (1), the Secretary shall notify the person who has control over such system whether such system complies with applicable standards prescribed in accordance with section 358(a).

"(3) The Secretary may—

"(A) to the extent provided by regulations, delegate to any agency of a State (or political subdivision thereof) any authority of the Secretary under this subsection, and section 360A(g), or

"(B) may contract with any State (or political subdivision) to carry out any of his functions under this subsection.

"(b) The Secretary shall prescribe regulations requiring, in appropriate cases, the use of protective shields for persons undergoing diagnosis or treatment by means of an X-ray system.

"(c)(1)(A) Subject to subparagraph (B), no person may operate any X-ray system more than twenty-four months after the person who controls such system has been notified under subsection (a)(2) that such system does not comply with applicable standards prescribed in accordance with section 358(a), unless the person who controls such system satisfies the Secretary that such system complies with such standards.

"(B) The Secretary may prescribe a period for compliance under subparagraph (A) shorter than twenty-four months in any case in which he determines such shorter period is necessary to protect the public health from an imminent hazard.

"(2) No person may operate any X-ray system in violation of regulations prescribed under subsection (b).

"(d)(1) Effective thirty months after the date of enactment of the X-ray System Radiation Control Act of 1972, no person may sell or otherwise transfer any X-ray system to which standards under section 358(a) apply unless prior to such sale or transfer he notifies the Secretary and receives the Secretary's authorization to sell or transfer such system. The Secretary may not authorize such sale or transfer unless he is satisfied that such system complies with applicable standards under section 358(a).

"(2) The Secretary may by regulation exempt a manufacturer from the requirements of this subsection to the extent he determines is consistent with the purposes of this part."

CONFORMING AMENDMENTS

SEC. 4. (a) Section 355 of the Public Health Service Act is amended by striking out "and" at the end of paragraph (4); striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and "; and by adding at the end of such section the following new paragraph:

"(6) the term 'X-ray system' means an assemblage of components for the controlled production of X-rays for irradiation of any part of the human body for purposes of diagnosis, visualization, or treatment."

(b)(1) Subsection (a) of section 356 of such Act is amended by inserting after paragraph (1) the following new paragraph:

"(2) pursuant to section 359A, establishing an inspection program for X-ray systems in actual use and procedures for shielding of patients;".

(2) Such subsection is further amended by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively.

(c) Section 358(a)(1) is amended by inserting before the semicolon at the end of subparagraph (C) the following: "(subject to the requirements of paragraph (6))."

(d) The second sentence of section 360(a) of such Act is amended by striking out "samples of electronic products" and inserting in lieu thereof "any electronic product (or, if regulations of the Secretary of Health, Education, and Welfare so provide, samples of such products)".

(e) Section 360A of such Act is amended by adding at the end thereof the following new subsection:

"(g) For purposes of carrying out section 359A, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter, at reasonable times, any establishment in which an X-ray system is located, and (2) to inspect, at reasonable times and within reasonable limits and in a reasonable manner, such system. Each such inspection shall be commenced and completed with reasonable promptness."

(f) Section 360B(a) of such Act is amended by striking out "or" at the end of paragraph (4); by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or"; and by adding at the end thereof the following new paragraph:

"(6) for any person to violate any provision of section 359A (c) or (d)."

(g) Section 360F of such Act is amended by inserting after the first sentence the following: "Notwithstanding the first sentence of this section, a State (or political subdivision thereof) may establish or continue in effect a standard which is applicable to an aspect of performance of an X-ray system (or component thereof) and which the Secretary determines is more stringent than a standard prescribed pursuant to section 358 which is applicable to the same aspect of performance."

STATE OF ALASKA,
DEPARTMENT OF HEALTH
AND SOCIAL SERVICES,
Juneau, Alaska, July 26, 1972.

Re H.R. 15732 and S. 426.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: We have reviewed these two bills concerning the surveillance of radiological equipment and its use.

Past surveys in our State have shown a definite need for tighter control in this area. While our Department of Environmental Conservation is responsible for radiation within the State, we still feel additional medical controls are needed. In reviewing the bills we favor the provisions in HR 15732 for State programs, training and licensure.

I thank you for the opportunity to review these bills and support the passage of an X-ray surveillance bill.

Sincerely,

FREDERICK MCGINNIS,
Commissioner.

STATE OF CALIFORNIA,
Berkeley, Calif., July 24, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Longworth Office Building, Washington, D.C.

DEAR CONGRESSMAN KOCH: We are pleased to respond to your July 10, 1972 letter requesting our comments on H.R. 15732 and S. 426. What follows represents the best professional judgment of our staff; it should not be construed as an official position of the State of California.

H.R. 15732

The intent of this bill appears to be: a) to require "retrofitting" of existing medical and dental X-ray equipment to bring it up to standards for new equipment; b) to require, by or through HEW, periodic inspection of such equipment; and c) to mandate regulations for protective shields for patients subjected to X-ray.

These are all laudable objectives, but we would foresee considerable practical difficulties in implementation. There are hundreds—if not thousands—of different kinds of X-ray machines in current use. Many, possibly most, of these machines could not be altered to meet all of the standards for new equipment. Moreover, it would require a massive effort to determine for which machines it would be practicable to require alteration to meet which of the standards.

It might be preferable to alter the language on page 2 of the bill to require the Secretary to make a feasibility study and then to impose requirements as determined to be feasible.

We would be concerned with two aspects of Section 359A. First, no cognizance is given to the fact that a number of states, including California, have excellent ongoing programs of inspecting X-ray equipment. We would strongly urge that the Secretary be *required* to recognize any existing state program which met certain standards.

We also question the feasibility of annual inspections. This would require a large increase in resources in say a state like ours, where we believe that we already have an excellent program. We do not consider this to be justified on a cost/benefit basis, in comparison with other urgent public health needs.

As regards subsection (d)(1), page 5, a paperwork nightmare might well be created by having *every* sale or transfer of an X-ray machine in this country be approved in Washington. The benefit to be gained does not justify this, in our opinion.

One or more lines appear to have been inadvertently omitted after line 22, page 5.

S. 426

We are fully supportive of the purposes of this bill. In fact, we would have only one problem with it, albeit a rather substantive one. It fails to recognize that several states, including California, have ongoing programs for certifying X-ray technologists and schools for their training which are at least equivalent to those that would be provided by S. 426. It would be most unfortunate if, because of some perhaps small differences from the criteria developed by the Secretary, these programs could not continue to be recognized. We would recommend a "grandfathering" provision for existing state programs to be effective unless and until the Secretary determined one or more to be substantially deficient. Also, if a state program were found to be substantially deficient, reasonable time should be permitted to make appropriate corrections.

We appreciate the opportunity to comment on these two bills.

Sincerely,

William J. Kurtz,
Director of Public Health (Acting).

Dover, Dela., *July 24, 1972.*

Hon. Edward I. Koch,
Longworth Office Building,
Washington, D.C.

Dear Sir: The following are comments on H.R. 15732 and S. 426 relating to radiation protection:

1. H.R. 15732—The Division of Public Health (DPH) and the Authority on Radiation Protection (ARP) concur with the purpose of this act. ARP adopted regulations (July 22, 1969) requiring the registration of all x-ray equipment and establishing standards for equipment. The Radiation Control program of the DPH has a goal of inspection of all x-ray equipment in the State.

We feel that under Sec. 359A. a(3) the Department of Health, Education and Welfare and the Delaware Division of Public Health should cooperate and coordinate their activities so that duplication of effort does not occur.

2. S. 346—DPH and ARP also concur with the conclusion that the most advanced equipment will not protect the health and safety of patients unless the technicians who operate it are fully trained and certified. To this end ARP has been working with representatives of the University of Delaware and with experienced persons in the radiologic field to develop and install a training course at the University which would assist operators of x-ray equipment in obtaining certification. The Authority has also been studying and discussing the pamphlet "Model Legislation for Users of Ionizing Radiation in the Healing Arts" in order to determine the proper procedure for certification of persons in Delaware.

We are extremely interested in providing an acceptable, workable certification program at the State level. The regional office of the Bureau of Radiological Health has been assisting us in this regard. We shall appreciate the continuation of such assistance so that our efforts are coordinated with the Federal effort to provide protection of the public against unnecesary radiation.

Very truly yours,

Edward F. Gliwa, M.D.,
Acting Director,
Division of Public Health.

Jacksonville, Fla., *July 28, 1972.*

Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Mr. Koch: Thank you for the opportunity to comment on H.R. 15732 and S. 426.

X-RAY SYSTEM RADIATION CONTROL ACT OF 1972.—H.R. 15732

Florida's x-ray regulations require many of the provisions outlined in H.R. 15732. We feel in general that this is a good Bill and should be supported. The following comments are made for your consideration in improving the Bill:

1. The inspection program by DHEW would require considerable financial support to the States if contracts are made with the States to perform annual inspections. At the moment, Florida has approximately 12,000 x-ray units. The overall cost in Florida for annual x-ray inspections would amount to approximately $250,000 per year.

2. The provision on page 5 concerning the sale or transfer of x-ray machines appears to be too restrictive. We feel that a provision should be made to permit sale or transfer to an authorized person or user without DHEW approval.

RADIATION HEALTH AND SAFETY ACT OF 1971.—S. 426

Senate Bill, S. 426, introduced by Senator Jennings Randolph is an excellent Bill and we encourage its introduction on the House side. The Florida Society of Radiologic Technologists has made several efforts in the past to introduce a similar Bill in the Florida Legislature. We feel that the training of most x-ray technicians has been neglected. Established training requirements and licensure of these technicians will do much toward reducing the radiation exposure to the general public.

The implementation of the provisions of this Bill would also require additional financial burdens and should be supported by the Federal Government.

We appreciate this opportunity to comment.

Sincerely,

Wilson T. Sowder, M.D.,
Director, Division of Health.

State of Hawaii,
Honolulu, Hawaii, July 26, 1972.

Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Congressman Koch: Thank you for sending us a copy of S. 426 which relates to diagnostic X-radiation.

We have been concerned with the proper use of medical x-ray during examinations so that both the operator and the patient may be protected. One of the principal methods utilized in this control is the licensing of x-ray technicians. We are in full accord with the purpose of S. 426 which will assure adequate training for x-ray technicians, provide for the licensing of these technicians, and provide the states with Federal guidelines in both the training and licensures.

We appreciate your effort in this endeavor and will provide you with any assistance we can give you.

Very sincerely,

Walter B. Quisenberry, M.D.,
Director of Health.

State of Idaho,
Boise, Idaho, July 17, 1972.

Re S. 426 and H.R. 15732.
Representative Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Mr. Koch: Thank you for your letter of July 10, 1972 and the opportunity to comment upon two bills (S. 426 and H.R. 15732) relating to the use of radiation in the healing arts.

S. 426 "Radiologic Technicians" * Having reviewed this particular bill once again, I am in full support of its enactment as long overdue legislation. I do, however, offer the following suggested changes and supporting comments:

Refer: Section 360(G)(c). "(c) that it is in the overall public health interest to have an adequate and continuing supply of well-trained radiologic *technologists* and, *working under the supervision of persons licensed to practice a healing art,* that *such persons* who *operate* radiologic equipment or *employ* radiologic methods should be required to demonstrate competence by training, experience and examination; and"

Comment: The above suggested change clarifies the subsection to such extent that (a) radiologic technologists must work under the supervision of licensed healing art practitioners and (b) by striking the wording "any person", essentially exempts "persons licensed to practice a healing art" from the provisions of the act.

Refer: Section 3601(a). "(a) The training and licensure of radiologic technologists who intend, *under the supervision of a person licensed to practice a healing art,* to apply ionizing radiation to humans for diagnostic or therapeutic purposes in any State or States shall be subject to the provisions of this section."

Comment: Suggested addition to this subsection clarifies the idea that a radiologic technologist can only apply ionizing radiation to humans when working under the supervision of a person licensed to practice a healing art.

Refer: Section 360J(a). "(a) . . . or for any individual to apply ionizing radiation to humans for diagnostic or therapeutic purposes unless he is *a person licensed to practice a healing art and authorized to use such radiation, or when acting under the supervision of such a person,* is a licensed dental hygienist, holds a valid radiologic technologist's license . . . etc."

Comment: The above suggested change (a) permits persons licensed in aspects of the healing art other than medicine or dentistry to utilize ionizing radiation in their practices, if so authorized (e.g., chiropractors and podiatrists) and (b) again clarifies that use of ionizing radiation on humans by a radiologic technologist shall be only under the supervision of a licensed practitioner.

H.R. 15732 "X-Ray System Radiation Control Act of 1972." The provisions of this bill appear fairly applicable to complementing the x-ray system standard-setting authority of the federal government. The following comments are offered in its regard:

Refer: Section 359A.(a) (1), line 9, page 3. ". . . the Secretary shall carry out a program of inspection of [all] X-Ray systems to which standards under section 358(a) apply and which are in actual use in the United States, . . ."

Comment: Suggest the deletion of the word "all" in that it implies that *all* x-ray systems of a certain type that are in actual use will be inspected by the federal government, where I feel it is intended that a respectable sampling of a certain system is meant and not actually *all*.

Refer: Section 359A.(a) (1), line 16, page 3. ". . . inspected at such intervals as the Secretary may prescribe by regulation, but not less frequently than once every twelve months."

Comment: It is unclear to me the rationale for doing an inspection of the same system every twelve months.

Refer: Section 359A.(c) (1) (A), line 10, page 4. "(c) (1) (A) Subject to [subparagraph (B),] *section 358(a) (6) (B)*. . . ."

Comment: Suggest change of wording to refer directly back to section 358 for clarification reasons.

General Comments re H.R. 15732. It could be that the bill is truly unclear to me, however, it appears that (a) the federal government is about to enter an area that involves "consumers" who use x-ray systems; (b) the regulation of x-ray systems used by "consumers" has traditionally rested with the state governments and (c) it was my impression that "performance standards for x-ray systems" was to be directed to the manufacturer of such equipment only.

Thanks for the opportunity to review and comment upon this pending legislation.

Sincerely,

Michael Christie,
Chief, Radiation Control Section,
Environmental Protection Division.

Department of Public Health,
Springfield, Ill., August 2, 1972.

Hon. Edward I. Koch,
U.S. House of Representatives, Longworth Office Building, Washington, D.C.

Dear Congressman Koch: Thank you for providing us with copies of the two bills, S. 426 and H.R. 15732 that you are going to submit to the House of Representatives. In that you asked for comments concerning each bill, we respectfully submit the following:

S. 426—Our Department has had an opportunity to review this bill which was sponsored by Senator Randolph in the United States Senate. We have also had the opportunity to study Senator Randolph's earlier bill S. 3973 which contained basically the same information. We believe that in substance, this bill would assist our society in reducing unnecessary radiation exposure from the improper use of x-ray machines. In an era where so much concern is being expressed about the effect of radiation on the general population, it seems natural that people using x-ray equipment should demonstrate their competency in performing their tasks. Most states require registration of many professions, yet the x-ray technician, a signficant public health influence, has not been required to be licensed.

Two points, however, do come to mind during the review of S. 426. This bill was expanded over the provisions of the earlier bill to include minimum criteria for educational institutions training medical practitioners. Our interpretation leads us to believe that the term medical practitioner might not include other health professionals such as dentists, podiatrists and chiropractors. Our second comment concerns appropriations necessary to carry out these licensure programs. If this bill is enacted, most states would probably attempt to establish their own programs under the guidelines of this bill. State finances being as they are, however, would probably prohibit the participation necessary to adequately carry out these programs.

H.R. 15732—Although we were unable to make a full review of this bill within the allotted time, we found two areas on which we wish to comment. The provision for the annual inspection of all x-ray systems would be impossible with existing personnel working in the field of radiological health. Our program in Illinois does maintain a very active inspection program, however, we are only able to accomplish 4,400 machine inspections per year. If we were required to perform annual inspections of the over 11,000 machines in our state, a considerable increase of headcount would have to occur.

Our second comment pertains to the lack of appropriations in this bill to assist states in performing the required inspections. Many states presently receive some federal funding to assist in carrying out radiological health programs. This funding would be inadequate if a state was to sign an agreement with the Secretary to inspect all x-ray machines on an annual basis. Additional appropriations would then be necessary.

Thank you for allowing us to comment on these two proposed bills. If we can be of further assistance, we will be most happy to cooperate with you.

Yours sincerely,

Franklin D. Yoder, M.D.,
Director of Public Health.

Kansas State Department of Health,
Topeka, Kans., July 19, 1972.

Hon. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Mr. Koch: The attached memorandum has been prepared by Mr. R. C. Will, Chief of the Radiation Control Section, in response to your request of July 10, 1972.

I trust this datum will be of help to you.

Sincerely,

E. D. Lyman, M.D., M.P.H.,
Director of Health.

July 18, 1972.

To: Edwin D. Lyman, M.D., M.P.H., State Health Director.
From: Robert C. Will, Chief, Radiation Control Section.
Subject: Information Pertinent to Representative Edward I. Koch's Letter of July 10, 1972 Concerning HR 15732 and S 426, Relating to Diagnostic X-Radiation.

It is our understanding that the latter, S 426, has the approval of the American Society of Radiologic Technologists. Furthermore, the Kansas Society of Radiologic Technologists, in conjunction with the Kansas Medical Association and the Kansas Chapter of the American College of Radiology, have prepared a certification or licensure bill which is in consonance with S 426 for submission to the Legislature at the appropriate time. Subject bill is patterned after the California act and, while it has not been determined that the Board of Health is to be the administrative agency, this Department sees no conflict with the Kansas Radiation Protection Regulations.

Relative to HR 15732, on the presumption that the Secretary of Health, Education and Welfare would delegate certain authorities under the Act to the State of Kansas under contract or agreement, the Department would be faced with a manpower problem. Currently, there are in excess of 2,500 x-radiation facilities in the State, with more than 3,500 x-ray devices in those 2,500 installations.

Of the six full-time professional and technical staff members, three are assigned to the Radiation Producing Devices Registration and Control Unit. One professional man working one-third time for the Radiation Control Section, maintains the registration program at the headquarters office. The devices are re-registered on a two year cycle. To enable the three field men to inspect so large a number of devices in an extensive geographical area such as is Kansas, it has been necessary to set up a priority system.

Modified where necessary due to individual characteristics or problems, medical installations are assigned priority one and are inspected annually. Chiropractic and Podiatric installations are priority two, inspected biannually; Veterinary, Dental and Industrial or Research, priority three, inspected on a three year cycle. In certain cases, where the record indicates a high degree of proficiency, excellent equipment, and a verified effective radiation protection program, installations in the priority three group may be reclassified to a priority four, inspected on a four to five year cycle.

Even with a priority system of this type, each of the three inspectors must visit roughly 300 installations annually, write up the results of his findings, prepare forms for submission to such agencies as the Food and Drug Administration's Bureau of Radiological Health, the Medicare Program, and the Department's Hospital Facilities Section.

Thus, it is estimated that it would require no less than 12 field men to perform annual inspections of the type required by the increased scope (inclusion of performance standards) HR 15732.

Secondly, the requirement that existing equipment meet the new performance standards after thirty months from the time of enactment of HR 15732 would result in further limiting the dwindling medical care afforded the remote rural population of a state such as Kansas. At present, the Department carefully weighs the benefit-vs.-risk factors when considering exemptions for older equipment in many of these small communities. Were we to adhere to the letter of the law, the physician would be forced to scrap equipment which he uses infrequently, and then generally only in extreme emergencies or on geriatric patients to whom the exposure problem is of less concern. The problem seldom exists in larger communities, but even in these, there is the question of the economics of enforcing performance standards which would require costly replacement of parts or alterations to equipment in lieu of enforcing regulations which are designed specifically to protect the patient, the user, and the public.

As new equipment is manufactured, the performance standards can readily be applied by the Department of Health, Education and Welfare at the point of origin, relieving the now overburdened State Radiation Control Section Programs of this highly technical engineering problem.

Lastly, the Kansas Radiation Protection Regulations state, in relation to protective shielding, that "The useful beam shall be restricted to the area of clinical interest. Particular attention shall be paid to protection of genetic tissue either by beam orientation and collimation or the use of gonadal shielding." In practice, the Department requires that both beam orientation and collimation and the use of gonadal shielding be employed.

In view of the fact that the radiation protection regulations of the fifty states and many local political subdivisions are, for all practical purposes, identical, it is felt that sufficient authority to accomplish the intent of the amendment to the PHS Act as set forth in HR 15732 now exists.

COMMONWEALTH OF KENTUCKY,
DEPARTMENT OF HEALTH,
Frankfort, July 26, 1972.

Hon. EDWARD I. KOCH,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR SIR: As you requested in your letter of July 10, 1972, we have reviewed House Bill 15732 and Senate Bill 426, relating to diagnostic x-radiation.

We concur with the overall intent of House Bill 15732, and feel that such legislation is needed to assure that x-ray systems meet performance standards established for the reduction of unnecessary radiation exposure to the population. There are some areas which we would recommend being amended:

(1) Section 358 (a)(6)(B)(i) should be deleted. It is our opinion that the time schedule for the implementation of prescribed standards should be left to the judgment of the Secretary.

(2) Section 359A. (a)(1) should be amended to remove the following wording: "but not less frequently than once every twelve months." We believe that annual inspections of all x-ray equipment coming under this Act would be a monumental task and an unwise use of funds and personnel, therefore the frequency of inspections should be determined by the Secretary.

(3) Section 359A. (a)(3)(B) should be amended to substitute the word "Act" for the word "subsection."

(4) Section 359A. (b) containing the statement relative to protective shields should be deleted. It is our opinion that references to the need for protective shields should be stated in regulations and not be expressed in the basic law.

(5) Section 359A. (d)(1) should read, "effective thirty days after the date of enactment of the X-Ray System Radiation Control Act of 1972, no person may sell or otherwise transfer any x-ray system to which standards under Section 358(a) apply unless such system complies with applicable standards under Section 358(a)." We believe that specific authorization from the Secretary for the sale and transfer of each system coming under the Act would again be a monumental task and an unwise expenditure. We believe the Secretary should establish a system for assurance of compliance under this Section.

We agree completely with the general intent of Senate Bill 426. We specifically like the wording used in Section 360H. (a) regarding teaching institutions. For us to support this Bill the following recommendations should be considered:

(1) The Bill does not provide definitions for radiologic technologists, photo-roentgen technicians, radiation therapy technologists, dental technologists or nuclear medicine technologists.

(2) There is a need and a place for operators of x-ray systems which are used as single purpose units only. Specifically, facilities which only perform chest radiography, extremity radiography, or other single type projections should have operators specifically trained for these projections, but not necessarily trained for multi-type projections. It appears that Senate Bill 426 does not provide for this limited type operator.

(3) Section 360I. (c) and (e) is too restrictive to equally apply to all states. The individual problem of each state differ considerably in respect to the use of x-ray systems. It is very difficult to see how one federal standard can be applied uniformly, without causing many hardships, and possibly even reducing or stopping needed x-ray services in certain areas.

(4) Section 360I. (e) omits four of the six classifications identified in Section 360H. (b).

(5) Section 360J. (a) does not identify all professions, which under many state statutes, are permitted to use x-ray systems. It appears that this section of the Bill is in conflict with the authority granted by state legislation.

Thank you for the opportunity to review and comment on these two Bills. I trust these comments provide adequate indications of our views.

Sincerely yours,
WILLIAM P. MCELWAIN, M.D.,
Commissioner of Health.

LOUISIANA STATE DEPARTMENT
OF HEALTH,
New Orleans, La., July 26, 1972.

Hon. EDWARD I. KOCH,
Congress of the United States, House of Representatives, Washington, D.C. 20515

DEAR MR. KOCH: Many thanks for sending us a preview copy each of H.R. Bill 15732 and S. 426 relating to diagnostic x-radiation.

It is obvious to those of us working in the public health field that many persons are being exposed to unnecessary radiation, especially X-ray, by unqualified persons. We are also aware of defective X-ray equipment being operated within the State without suitable safeguards for protection of personnel and other persons, many of whom are unware of the exposure.

In view of the situation, the correction of which is extremely important for the health of the people of this State, I believe that appropriate legislation is necessary. In Louisiana, registration of X-ray equipment is required and is quite specific regarding radiation protection. The problem is essentially one of inspection and enforcement of regulations for which there is insufficient funding. I believe a Federal grant program in this area would be helpful to up-grade the State program.

We are also of the opinion that Senate Bill 426 providing licensure and minimum standards of training of X-ray technicians will be very helpful for improving the quality of X-ray services provided.

Sincerely yours,
RAMSON K. VIDRINE, M.D.,
State Health Officer.

STATE OF MARYLAND,
DEPARTMENT OF HEALTH AND
MENTAL HYGIENE,
Baltimore, Md., July 20, 1972.

Hon. EDWARD I. KOCH,
Congress of the United States, House of Representatives, 1134 Longworth Office Building, Washington, D.C. 20515

Dear Congressman KOCH:

In response to your letter of July 10, 1972 concerning the two bills, H.R. 15732 and S. 426 which relate to diagnostic x-radiation, I believe that each bill reflects on an important problem area and that such legislation is warranted.

The following comments on the two bills are offered for your consideration:

H.R. 15732

1. Most of the States have existing radiation laws and regulations and radiation protection programs. I believe that most all of these programs include inspections of x-ray equipment against the recommendations of the National Council on Radiation Protection and Measurements or some comparable organization. I would hope that the on-going programs of the States will be given recognition and that any new work expected of the States under this bill will be compatible with that already underway.

2. The bill prescribes inspection not less frequently than every 12 months. After the original inspection of the equipment, I question the need for a re-inspection as often as every 12 months.

3. On Page 5 in lines 22 and 23 there is an error where apparently some words have been left out.

S. 426

1. Some of the States already have laws requiring licensing of medical x-ray users including the professional people as well as technologists. I am not convinced that licensing of professionals is the best solution, but some improvement is needed in this area.

(a) The training requirements of the law perhaps should be expanded to include the medical and dental schools.

(b) Educational institutions for the training of other health professionals, i.e., schools of chiropractic, podiatry and even veterinarian schools might also be included.

2. Certain minimum training in radiation techniques and safety might also be required for professionals now in practice. Opportunities for the professional to take short refresher courses or correspondence courses in radiation protection should be provided. After a reasonable length of time, completion of certain training could be made mandatory in order to register x-ray equipment.

I hope that you will find merit in these suggestions, and appreciate your consideration in affording us the opportunity to comment on these bills.

Sincerely yours,
NEIL SOLOMON, M.D., Ph. D.,
Secretary of Health and Mental Hygiene.

STATE OF MICHIGAN,
DEPARTMENT OF PUBLIC HEALTH,
Lansing, Mich., July 21, 1972.

Representative EDWARD I. KOCH,
House of Representatives, Congress of the United States, Washington, D.C. 20515

DEAR REPRESENTATIVE KOCH: This letter is in response to your request for comments on H.R. 15732 and S. 426.

Amendment of the Public Health Service Act to provide for inspection of x-ray systems as called for in H.B. 15732 would be redundant to state radiation control inspection of x-ray systems. Michigan has had a program of this type since 1958 as have many other progressive states including New York. By moving the basic statutory control from state to federal government a large source of revenue to carry out the radiation control through registration or license fees would be deleted. Radiation control for public health would be set back by the passage of this act in my opinion based on 25 years of experience in this field.

With a few modifications S. 426 is the type of legislation which would be helpful to control the human element of public radiation exposure. The following changes are suggested for that bill.

Subpart 4.—Radiologic Technicians:

Change to TECHNOLOGISTS to be consistent with wording of remaining bill.

Section 360G (c):

Change "technician" to "technologist."

Section 360H (b) line 9:

". . . . medical and dental technologists, . . . " add ". . . . medical and dental (radiologic) technologists, ..." because the term medical technologist designates a B.A. college degree in medical techology which has nothing to do with radiation.

"Limited X-Ray Technician" should also be included to provide for licensure to perform chest and extremity radiography in private medical offices without need for knowledge of more elaborate procedures. This provision is needed for physicians in rural areas that are many miles removed from the nearest hospital.

Section 3601:

Should be Section 360I

Section 360I (c) line 15:

". . . . or more stringent standards," Some provision for reciprocity between states should be included based upon minimum standards to allow mobility of the work force between states.

Section 360I **(f)**:

". . . . appropriate state or professional licensing organizations." The state agency currently conducting an active radiological health program should be designated as the licensing agency.

Section 360I (g):

If the states are required to implement such a program for "national radiation safety and health" these costs should be 100% federally funded!

Section 360J (a):

". . . . under the immediate supervision of a radiologist or licensed R.T." would severely limit x-ray practice in private medical offices and also diagnostic nuclear medicine. Many such offices employ only one such individual and would not have a radiologist or R.T. for immediate supervision. Perhaps this is the intent?

Thank you for the opportunity to comment on this legislation. If I can be of further assistance, please do not hesitate to contact me again.

Sincerely,

Bureau of Industrial Health
and Air Pollution Control
D. E. Van Farowe, *Chief, Division of Radiological Health.*

State of Minnesota,
Department of Health,
Minneapolis, July 27, 1972.

Hon. Edward I. Koch,
1134 Longworth Office Building,
Washington, D.C. 20515

Dear Sir: In reply to your recent request we offer the following comments concerning the two Bills which relate to diagnostic x-radiation, H.R. 15732 and S. 426. It is common knowledge that medical exposure constitutes a large portion of the radiation exposure to the public. It is also well known that this exposure can be significantly reduced with proper equipment and operating techniques. For this reason it seems necessary that regulations covering these areas should exist and be enforced.

H.R. 15732 proposes to charge the Secretary of Health, Education, and Welfare to establish standards for x-ray systems. We agree that standards of this nature should be promulgated and enforced. In Section 3 of the Bill reference is made to a program of inspection whereby each x-ray system is inspected at least once every twelve months. While this is a desirable frequency, the task is formidable. The funds required to conduct such a program would be astronomical. Either some allocations of funds or alteration in frequency of inspection should be considered. Another paragraph of Section 3((c)(1)(a)) allows for up to 24 months for compliance unless otherwise specified for a particular unit. That would seem inconsistent with the requirement for an inspection every 12 months. In Section 3 a portion of Section 539 A(d) speaks to the sale and/or transfer of an x-ray system. It is not clear if this includes transfers such as relocation of offices by a practitioner and sale from one practitioner to another. If all such transactions are included, again this will require excessive amounts of time if normal functioning is not to be impeded.

Section 4(a)(6) defines "x-ray system" in terms of human body irradiation. Is this designed to exclude x-ray systems used by veterinarians? Inasmuch as operators of these systems are exposed it would seem as if they ought also to be included.

While the concept of regulating the performance and sale or transfer of all diagnostic x-ray systems is sound, the regulation must at the same time be enforceable. It would be more effective to have a less stringent regulation that is enforced than a more stringent one that due to lack of time or money cannot be enforced.

S. 426 proposes to establish minimum standards and criteria for radiologic technologists education and training. It is vital for radiation protection that radiologic technologists be capable of operating radiologic equipment and employ radiologic methods with minimum exposure to the patient. We note that Section 3(c) of the Bill has reference to "any person who operates radiologic equipment". In some smaller clinics and private offices persons with no formal training in the field operate x-ray units. Although the Bill does not speak to this directly, is this an attempt to eliminate these untrained operators? We feel that such operators should be eliminated and the Bill should be so worded to make the intent clear. Some states have attempted to include licensed practitioners among those required to demonstrate competence through some type of examination. It should be made clear whether or not this group is among those required to demonstrate competence to obtain certification.

No provision has been written into the Bill for continued education and training for radiologic technologists. With rapid development of new machines and techniques it is vital that technologists find a method through which they can continually update themselves.

These comments are offered that they may be of assistance in your introduction of these Bills. We favor this legislation, but feel that some modification will make it more acceptable and effective. Please advise us if we can be of further assistance.

Yours very truly.

Warren R. Lawson, M.D.,
Secretary and Executive Officer.

Mississippi State Board of Health,
Jackson, Miss., July 28, 1972.

Hon. Edward I. Koch,
The House of Representatives,
Washington, D.C. 20515

Dear Sir: Your letter dated July 10, 1972, has been forwarded to me and I have been asked to submit my comments on the two bills, H.R. 15732 and S. 426.

Section 359A.(a)(1), Bill H.R. 15732, states "Each x-ray system shall be inspected at such intervals . . . , but not less frequently than once every twelve months." The federal government does not have enough qualified personnel to inspect all x-ray equipment this frequently. Some type of contract or agreement, including financial support, would be necessary for competent inspectors in the states to conduct such inspections. I would object to federal inspectors performing x-ray inspections in our state and certainly there would be some disagreement in state regulations vs federal regulations.

The issue in Bill S. 426 is good; however, I do not feel the federal government could properly enforce the regulations and standards issued pursuant to Section 360H., and certainly I object to the federal control of curriculum in educational installations. I feel the licensure of radiologic technologists can be controlled in the states by a professional licensing organization.

Please advise if I can furnish you with additional information concerning either of the above two bills.

Sincerely,

Eddie S. Fuente,
Supervisor, Radiological Health Unit.

The Division of Health of Missouri,
Jefferson City, Mo., July 12, 1972.

Hon. Edward I. Koch,
Representative, 17th District Congress of the United States House of Representatives,
Washington, D.C. 20515

Dear Representative Koch: This will acknowledge receipt of your letter dated July 10, 1972, transmitting copies of H.R. 15732 and S. 426. As requested, I have had the bills reviewed by the staff of the Missouri Division of Health and submit the following comments for your consideration.

It is rather difficult to evaluate House Resolution 15732 without a copy of the Act that this Bill amends. We believe that the Bill will establish standards for x-ray systems and will require an inspection of these systems at least every twelve months This responsibility for inspection can be delegated by contract to any state or political subdivision. We have not been able to determine if this contract provision applies in states that have established standards more stringent than the Federal standards.

The Missouri Radiation Law requires the registration of all radiation producing devices and materials that are not controlled or licensed by the Federal Government. As authorized by this law, the Division of Health registers x-ray machines and naturally occuring radioactive elements but does not register radioactive isotopes licensed and distributed by the Federal Atomic Energy Commission.

That portion of H.R. 15732 that establishes standards for x-ray systems apparently would, to some extent, duplicate and possibly pre-empt the Missouri Law I believe that the present Missouri Law is adequate to protect the public from excess radiation. H.R. 15732 would be of potential benefit to the public in those states that do not regulate radiation producing devices and would also be of benefit to the equipment manufacturers through the development of uniform standards.

S. 426 establishes national standards for the training and licensure of radiologic technologists. The State of Missouri does not presently license or regulate this profession, although bills to accomplish this have been introduced during several of the past legislative sessions. The application of ionizing radiation to humans for diagnostic or therapeutic purposes is performed in Missouri under the direction of licensed practitioners of the healing arts. It is also understood that establishments and institutions where this service is performed have adopted minimum standards for training and experience of radiologic technologists. I am not aware of any instances in the State of Missouri where the lack of state training standards and state licensure has resulted in harm to the public.

I appreciate this opportunity to submit comments on these two bills.

Sincerely,

Herbert R. Domke, M.D.,
Director.

State of Montana,
State Department of Health
and Environmental Sciences,
Helena, Mont., July 21, 1972.

Representative Edward I. Koch,
1134 Longworth Office Building,
Washington, D.C.

Dear Representative Koch: I have recently reviewed Senate Bill 426, "Radiation Health and Safety Act of 1971" and House of Representatives Bill 15732 "X-Ray System Radiation Control Act of 1972" and feel that the following comments are in order:

A. *Senate Bill 426:*

Section 360H(b)

It is essential that a provision be made to license a technician who would be qualified to perform limited radiographic procedures such as radiographing extremities and chests. In many rural areas it is impossible to acquire a fully qualified radiologic technologist. If no provision is made in this act to license technicians to perform limited radiographic procedures, the quality of medical care in many rural areas will deteriorate and emergency medical care will become almost non-existent.

Section 360I(g)

A provision should be made in this section for the Secretary to provide funding on a continuing basis to assist states in maintaining a licensing program for radiologic technologists.

Section 360J(a)

I was unable to find a definition of the term "licensed medical practitioner." Does this term apply only to physicians, or is it meant to include all members of the healing arts?

This Act does not make any provision to ensure that the "licensed medical practitioner" is competent to perform radiologic diagnostic or therapeutic procedures. "Licensed medical practitioners" should also be licensed to *perform* radiologic procedures. If a "licensed medical practitioner" is not licensed to perform radiologic procedures, he should be restricted to only *prescribing* such procedures.

B. *House Bill 15732:*

It is difficult to comprehend the chaos that results if a bill such as this should be enacted.

Federal agencies should restrict their activities in such areas as establishing performance standards to the control of manufacturers of new equipment.

Federal agencies should not be involved in the inspection of x-ray equipment in locations other than federal institutions and this function could be better handled if contracted to the States.

For any agency to inspect each x-ray unit at a frequency of not less than once each twelve months is absurd. Possibly fluoroscopes and therapeutic equipment should be inspected this often, but there is no need to inspect radiographic equipment at this frequency.

* * * * *

I urge you to support Senate Bill 426 with modifications such as I have suggested, and I also urge you to take all possible action to defeat House Bill 15732.

Respectfully,
LARRY L. LLOYD,
Health Physicist,
Radiological Health Program.

THE CITY OF NEW YORK,
COMMISSIONER OF HEALTH,
July 28, 1972.

Hon. EDWARD I. KOCH,
U.S. Representative, 17th Congressional District, New York, 1134 Longworth Office Building, Washington, D.C. 20515.

DEAR REPRESENTATIVE KOCH: Thank you for the opportunity to forward comments for Joseph A. Cimino, M.D., M.P.H., Commissioner of Health, on your bill, H.R. 15732, and on Senator Jennings Randolph's bill, S. 426, which you are considering introducing in the House of Representatives. Doctor Cimino is away on vacation.

I have the following comments on S. 426:

1) This is an excellent bill and, in my opinion, worthy of your support, since it will stimulate the uniform, safe regulation of radiologic technology throughout the United States.

2) I would prefer to amend Section 360 H(a) by changing line 11 to read, "medical and dental practitioners. Such criteria and". Dentists should also receive adequate training as part of their regular professional school curriculum.

3) I recommend changing the second sentence of Section 360H(b), starting on line 8, to read, "Such criteria and minimum standards may distinguish between various types of radiologic technologists, including medical and dental technologists, radiation therapy technologists, nuclear medicine technologists, photo-roentgen technicians and technologists-in-training."

4) In 360H(e), line 2, I believe the second word was intended to be "revise" instead of "devise".

5) I would like to reword line 17 of Section 360I(e) to read, "State and the Secretary shall take the necessary steps to assure enforcement of his minimum standards for training and licensure. If the Secretary determines that such".

6) I would prefer to either include a definition of "medical practitioner" to specify all members of the healing arts who are to be allowed the use of x-ray, by virtue of their professional licenses, or to authorize the Secretary to develop such a definition.

7) It is felt that section 360 J(a) should be reworded, beginning with line 10, to read, "he is a licensed medical practitioner, licensed dentist, a licensed dental hygienist, or holds a valid license issued according to the standards promulgated under Section 360 H(b) and is under the supervision of a radiologist or licensed radiologic technologist."

I have the following comments on H.R. 15732:

1) It is recommended that "twelve" be changed to "twenty-four" in the last line of Section 359A(a)(1). Annual inspections for all installations are not warranted.

2) The provisions of Section 359A(d)(1) are too burdensome, even though 395A(d)(2) could lighten the effect. It would be preferable to change 359A(d)(1) to merely require notification of sale or transfer of all X-ray systems, new or used. Section 359A(d)(2) could then be deleted.

3) This bill is considered very progressive since it establishes uniform minimum standards for equipment existing prior to the issuance of any primary standard, allows for selective local use of more stringent standards and also permits the continuance of State and Local X-ray regulatory programs.

I believe the above comments, if incorporated, will clarify and improve features of these bills and also produce greater flexibility in application. Thank you again for this opportunity to comment.

Sincerely yours,
ALAN J. GIBBS,
Acting Commissioner

STATE OF NEW YORK,
DEPARTMENT OF HEALTH,
Albany, N.Y., July 19, 1972.

Hon. EDWARD I. KOCH,
Congress of the United States, House of Representatives, 1134 Longworth Office Building, Washington, D.C.

DEAR REPRESENTATIVE KOCH: Following are our comments on the two bills, S. 426 and H.R. 15732 which you sent to us.

1. *S. 426*

This is generally a good bill. However, we do have one reservation concerning the fact that the two-year standard of education for all radiologic technologists is not specifically incorporated into the law. As you may know, there has been some talk in favor of the fragmentation of radiologic technology through special and limited licenses (for example, the Model Bill prepared by the Bureau of Radiological Health-F.D.A.). Since the "Model Bill" appears to have strong support in the Bureau of Radiological Health Services-F.D.A., which most likely would administer S. 426, after enactment, we believe some steps should be taken to safeguard against fragmentation of radiologic technology into an unlimited number of categories.

The way 360 H (b) is presently written, including the terms "radiation therapy technologists, nuclear medicine technologists, photo-roentgen technician", it may be possible by its implication, to limit categorization to the terms listed. However, we believe it is important to safeguard against this by incorporating appropriate wording into the law itself. The following is a suggested rewording of Section 360 H (a) and Section 360 H (b) in which the additional words to be inserted are underlined.

"The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1971, develop and issue to the States criteria and minimum standards for the accreditation of education institutions conducting programs *of at least two years in duration* for the training of *medical* radiologic technologists and minimum criteria for education institutions conducting programs for the training of medical practitioners. Such criteria and standards shall be published in the Federal Register.

"(b) The Secretary shall, as soon as practicable, (sic) but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1971, develop and issue to the States criteria and minimum standards for licensure of radiologic technologists, and such other advice and assistance as he deems necessary. Such criteria and minimum standards may distinguish between medical and dental *radiologic* technologists, radiation therapy technologists, nuclear medicine technologists, and technologists-in-training, *but shall establish no other categories for licensure of medical radiologic technologists with less than two years of training except for persons already in the practice of radiologic technology in a State prior to the adoption of such standards.* Such criteria and standards shall be published in the Federal Register."

While we would be more comfortable with a "tighter" bill amended along the lines suggested above, we believe S.426 deserves endorsement, since it is in the public interest.

2. *H.R. 15732*

The one basic objection we have to this bill is that it is slanted towards federal, rather than state, control. At the present time, about 47 states, including New York, have radiological health programs. Probably, many of these are not as effective as they should be, which may be an adequate justification for federal legislation in this area. However, assuring the safety of medical x-ray equipment should remain basically a state, rather than federal, responsibility.

Perhaps a change could be made that would make this bill acceptable to all states with Radiological Health Programs. The federal legislation should only prescribe minimum standards, and then give the individual states the right to establish their own programs meeting or surpassing these standards. This would apply for both the equipment itself and for the frequency of inspection of the equipment.

While we believe that x-ray-producing equipment in a hospital x-ray department should be inspected at least once every 12 months, some other types need not be inspected as often. For example, it would probably be adequate for a dental unit in a dentists office to be inspected only once every two or three years.

The federal legislation should only provide for direct inspection by HEW in those cases where states do not or cannot establish their own programs which meet the minimum federal standards. Instead of the bill having a "may" provision to delegate federal authority to states or contract with states, it should have a "shall" provision giving states primary authority and relegating residual authority to the federal government only in those cases where states do not meet their obligations under the law. (This would be simlar to S. 426 in its approach to this problem.)

We would also suggest that Section 359A (b) be expanded to read as follows (added parts underlined):

(b) The Secretary shall prescribe regulations requiring the use of *adequate filtration, beam collimating devices,* and protective shields (including gonadal shields in appropriate cases) for persons undergoing diagnosis or treatment by means of an x-ray system.

We also suggest that this bill be expanded to include the following additional paragraphs under Section 359A:

"The Secretary shall prescribe regulations requiring the use of mechanical restraining devices and restricting the situations under which persons other than the patient undergoing diagnosis or treatment by means of an x-ray system may be directly exposed to the primary x-ray beam."

"The Secretary shall prescribe regulations setting forth minimal standards for the operation of x-ray systems in the areas of: structural shielding, personnel monitoring, periodic radiation surveys, permissible occupational dose, permissible dose in uncontrolled areas, the posting of radiation signs, the wearing of protective gloves and protective aprons, restrictions on persons present in an x-ray room during x-ray exposure, the reporting of radiation accidents, and the designation of radiation safety officers."

"The Secretary shall prescribe regulations requiring that manufacturers of x-ray film used in x-ray systems designate on the film package the speed of the film and any such other information as may be required."

If you need any further information or you feel we can help in any way, please do not hesitate to contact us.

Sincerely yours,

HOWARD L. GOLDMAN,
Director.

STATE OF NORTH CAROLINA, DEPARTMENT OF HUMAN RESOURCES,
STATE BOARD OF HEALTH,
Raleigh, N.C., July 27, 1972.

Hon. EDWARD I. KOCH,
1134 Longworth Office Building,
Washington, D.C. 20515

DEAR REPRESENTATIVE KOCH: In response to your July 10, 1972 request I have enclosed detailed comments regarding H.R. 15732. North Carolina has an aggressive radiation control program and I am pleased that our comments have been sought in this matter.

H.R. 15732 would completely undermine the effectiveness of our ongoing program if the result is Federal inspectors enforcing Federal Regulations in North Carolina X-ray facilities. However, I am confident that unnecessary diagnostic x-radiation can be significantly reduced in North Carolina if adequate funds are attached to this bill and full authority is delegated to implement this important program at the State level.

You also requested my views regarding Senator Randolph's bill designated as S. 426. This is a program that I feel could be more effectively implemented at the Federal level. Although the intent of this bill is sound, I am not confident that licensure of technicians is the most economical approach. In addition, it would seem inconsistent to require a specified level of training and experience for radiologic technologists and exempt other operations of diagnostic X-ray equipment from licensure. At the present time the North Carolina State Board of Health could not accept the responsibility to implement this bill without full financial support from the Federal government.

Thank you for providing this opportunity to share my views with you.

Sincerely yours,

JACOB KOOMEN, M.D., M.P.H.,
State Health Director.

COMMENTS REGARDING H.R. 15732
JULY 26, 1972

1. Sec. 2. Section 358(a)(6)(A) appears to provide a workable solution to orderly upgrade existing x-ray systems. It is essential to provide the flexibility to exempt certain systems from particular standards and also have the capability to prescribe interim requirements.

2. The twelve month inspection frequency required by Section 359A(a)(1) is not efficient use of manpower or expenditures. In North Carolina the cost of providing a compliance program on this basis would require an additional one million dollars per year. A variety of inspection programs could be developed which are as effective and extremely more economical than repeated annual inspections of every x-ray system. For example, priority inspection systems based upon strong intelligence data may be a more reasonable approach. Statistical sampling techniques for certain classes of x-ray systems may be effectively used to determine their adherence to standards and identify problem areas. For these reasons the inspection periodicity should be left to the discretion of the Secretary.

3. The efficacy of using protective shields during particular diagnostic radiographic examinations as called for by Section 359(A)(b) is well documented. However, it is virtually impossible to regulate certain standards of medical practice. In this instance a clinical evaluation is necessary to determine when such shields are appropriate and how they should be used. This is an area where effective educational programs should be implemented in lieu of regulatory programs. To be consistent with this philosophy the definition of "x-ray systems" should be modified to delete reference to protective shields.

4. The compliance procedures contained within Section 359(A)(c)(1) do not provide the Secretary with adequate flexibility. The twenty-four month period is indeed a realistic upper time limit for achieving compliance, but it is cumbersome to require the Secretary to demonstrate an imminent hazard before prescribing a shorter period. It would also appear to conflict with the twelve month inspection frequency. The compliance procedures should be left to the discretion of the Secretary with only minimal guidance provided by the Bill.

5. Section 359(A)(d)(1) requires that each person who offers to sell, or transfer an x-ray system must receive prior approval from the Secretary. A more effective mechanism may be to require licensure of these persons. Such licensure would ensure that these persons understand the requirements of the standards and have the training, experience and equipment to properly assemble, install and service their particular x-ray systems. Development of such legislation is currently under consideration in North Carolina.

6. It would be unfair to require nationwide x-ray system manufacturers to produce equipment that would fully meet different standards for different states. It would appear that these manufacturers would have to design all equipment to meet the most stringent standards. For this reason the current language of "identical to" in Section 360F of the act should remain.

7. The most crucial requirement for fulfilling the intent of this proposed Bill is to provide adequate appropriations. If the state should accept the full delegation of authority provided by this Bill without receiving accompanying funds to establish the needed comprehensive programs to discharge these duties no real progress can be made. The only effective approach is at the state or local level. An estimated thirty-million dollars per year would be needed for all states to adequately fulfill the intent of this Bill if the comments listed above are incorporated.

STATE OF OHIO,
DEPARTMENT OF HEALTH,
July 24, 1972.

Hon. EDWARD I. KOCH,
1134 Longworth Office Building,
Washington, D.C. 20515

DEAR CONGRESSMAN KOCH: Thank you for your letter of July 10. We appreciate the opportunity of commenting on H.R. 15732 and S. 426.

I have asked Mr. James C. Wynd, my engineer in charge of the radiological unit of the Ohio Department of Health, to express his views and I am enclosing a copy of a memorandum which he has just written to me. I have reviewed his remarks and the legislation and find that I am in accord with his views.

I'm sure Mr. Wynd would be responsive to any further questions your staff might have regarding suggestions for amendments of which we are not aware.

We are pleased to support both H.R. 15732 and S. 426 with the proposed modifications.

Best wishes.

Sincerely yours,

JOHN W. CASHMAN, M.D.,
Director of Health.

Enclosure.

OHIO DEPARTMENT OF HEALTH MEMORANDUM
JULY 19, 1972.

To: John W. Cashman, Director of Health.
From: James C. Wynd, Engineer-in-Charge, Radiological Health Unit.
Subject: Comments on H.R. 15732 and S. 426 as per letter from Representative Koch of New York.

H.R. 15732

H.R. 15732 would accomplish the following with respect to diagnostic and therapeutic X-ray systems:

1. Extend to existing X-ray systems, within 30 months, the performance standards established by HEW for *newly manufactured* X-ray systems under the present authority of Section 358 of the Public Health Service Act.

2. Make mandatory the periodic inspection (every 12 months) of all X-ray systems, either by HEW or, subject to approval of the Secretary of HEW and possibly through contracts, by State or local agencies.

3. Require the Secretary of HEW to prescribe regulations requiring, as appropriate, the use of protective shields (presumably gonadal) for persons undergoing X-ray diagnosis or treatment.

Proposed performance standards for new *diagnostic* X-ray systems have been published in the Federal Register. The standards will apply to diagnostic X-ray systems and components manufactured and/or assembled after one year following publication of the performance standards in their final form (which should occur any time now).

To bring existing diagnostic X-ray systems up to these standards would in many cases be quite expensive and in some cases impracticable or impossible. Nevertheless, this requirement together with the requirement for patient shielding should effect a significant reduction in patient X-ray dose. A side benefit would be to stimulate the present trend toward discontinuing X-ray facilities in physicians' private offices with referral of patients to more efficient hospital radiology departments for X-ray diagnosis and treatment.

My only serious criticism of the bill is the stipulation in proposed Sec. 359A. (a)(1), lines 6 through 16, page 3, making it mandatory that all X-ray systems be inspected at intervals not less frequent than once every twelve months. Such an inspection program would require a huge staff or skilled personnel and for many types of X-ray systems would be entirely unwarranted once it has been determined that the systems comply with the applicable standards. If a mandatory inspection frequency is to be stipulated in the bill, it should be more like 24 or 36 months, especially in view of the fact that the bill permits operation of an X-ray system for up to 24 months without modification after the owner has been notified that the system does not comply with standards.

S. 426

S. 426 would require the Secretary of HEW to establish and issue to the States minimum radiation health and safety criteria and standards for:

(1) Accreditation of educational institutions conducting programs for the training of radiologic technologists or medical practitioners.

(2) Licensure of radiological technologists. If, within 2 years of the issuance of such criteria and standards (or within such extension of this period as the Secretary may grant) a State fails to adopt these or more stringent standards, the Federal standards and requirements will apply in that State.

S. 426 also authorizes the Secretary of HEW to:

(1) Make grants to the States for up to two-thirds of the first year and one-third of the second year costs of planning, developing or establishing programs to carry out the purposes of the Radiation Health and Safety Act of *1971*.

(2) Make grants to educational institutions to carry out the purposes of the Radiation Health and Safety Act of *1971*.

The bill would make it unlawful for an educational institution not accredited by the Secretary or a State to conduct training of radiologic technologists and would make it unawful for an individual to apply radiation to a human for diagnosis or therapy unless he is a licensed medical practitioner, a licensed dentist, a licensed dental hygienist, or a licensed radiologic technologist (or technologist-in-training).

The staff of the Radiological Health Unit have long observed that it does little good to require X-ray equipment to meet safety standards if the persons using the equipment are not trained and motivated to use it properly. S. 426 should result in marked improvement in the operation of X-ray equipment for diagnosis and therapy with minimal exposure to patient and operator and the requirements of S. 426 must be considered reasonable in view of the fact that several States have already voluntarily adopted such requirements.

Recommendation

It is recommended that the Ohio Department of Health indicate support for both H.R. 15732 and S. 426 with the suggestion that the provision in H.R. 15732 for *mandatory* periodic inspection of all X-ray systems be deleted or that the mandatory inspection frequency be changed from at least once every twelve months to at least once every 36 months. The Secretary of HEW could specify more frequent inspections for X-ray systems assigned a high inspection priority.

Oklahoma State Department of Health,
Oklahoma City, Okla., July 25, 1972.

Hon. Edward Koch,
Member, House of Representatives, 1134 Longworth Office Building, Washington, D.C. 20515

Dear Mr. Koch: This is in response to your letter of July 10 in which you asked us to comment on two bills dealing with diagnostic x-ray usage. Please excuse the delay in replying; however, it was necessary for my staff to review the bills.

Enclosed are copies of the comments prepared by members of the radiation control program. In short, they feel that there is no overwhelming need for the passage of either H.R. 15732 or S. 426.

We are sorry that we could not agree more fully with your point of view ir regard to these bills. However, we hope that our detailed comments will be of assistance to you in preparing legislation which will work to further reduce the unnecessary exposure received by the public from the use of diagnostic x-ray.

Please let us know if we can be of further assistance to you.

Very truly yours,
R. LeRoy Carpenter, M.D.
Commissioner of Health.

Oklahoma State
Department of Health,
Oklahoma City, Okla., July 24, 1972.

MEMORANDUM

To: Loyd F. Pummill.
From: Dale McHard.
Subject: H.R. 15732, "X-Ray System Control Act of 1972"

H.R. 15732 by Mr. Koch of New York State is similar to H.R. 12265, H.R. 12416, and H.R. 12963 which we have reviewed previously.

These bills are all intended to modify the provisions of P.L. 90–602, "The Radiation Control for Health and Safety Act of 1968," to provide for federal standards and inspections applicable to x-ray machines and associated equipment manufactured prior to the effective date of P.L. 90–602.

It has been our contention that P.L. 90–602 refers to manufacturing standards and not "user" standards. However, this is a matter of some controversy at the present time. H.R. 15732 would resolve the matter by making P.L. 90–602 applicable both as manufacturing and user standards (with regard to healing arts x-ray equipment) with the possibility that the philosophy would be further expanded to all items covered by P.L. 90–602.

This bill constitutes federal takeover of an area where at least some states have taken a very active interest by developing competent diagnostic x-ray control programs. We would consider Oklahoma to be one of those states.

On the question of whether federally-enforced minimum standards are desirable in this case, there is something to be said on both sides. On one hand, it is recognized that both the equipment and the patient who is exposed can move across state lines. Further, there is some justification (with regard to standardization) for the imposition of national standards. On the other hand, we know from practical experience in dealing in some environmental areas that the so-called partnership between federal and state agencies has not always been equitable to the states. Furthermore, we seriously question whether evermore federal laws which preempt additional areas traditionally looked after by the states is a true solution to the many administrative governmental problems of today.

In our opinion, H.R. 15732 suffers from vagueness and problems related to semantics and bill-drafting. There appear to be some considerable problems with the meshing of H.R. 15732, if enacted, to P.L. 90–602, even though the former would be an amendment to the latter.

As health physicists and administrators of radiation control programs, we must be quite skeptical about the actual need for H.R. 15732 (or any similar bill). While we are well aware that diagnostic x-ray continues to be the No. 1 radiation problem in the United States and is the No. 1 and major contribution of the man-made radiation exposure received by the general public, we have serious doubts that H.R. 15732 is the solution or even a good partial solution. On a more pragmatic level, we strongly question the need for and attainment of the goal of mandatory inspection at 12-month intervals of all healing arts x-ray equipment in the United States; in Oklahoma, this would be a logistic impossibility, even with the complete disruption of other radiation activities, with current staff. In fact, we doubt that the combined staffs of BRH and the various states could reach this inspection goal on a national basis at present staffing levels. Further, the inspections for compliance with the standards (which we assume will be quite similar to those published for comment in the Federal Register in October of 1971 but not yet republished) may be quite time-consuming to the practitioner and disruptive to his practice.

In general, we would recommend that the department support H.R. 15732 only to the extent of its intent of the upgrading of healing arts x-ray equipment. We do not believe that support should be given to the bill in its present form and format for the reasons indicated by our comments herein.

The following are our comments on specific provisions of H.R. 15732:

1. Section 358(a)(6)—This version is better than corresponding sections of previous bills by Koch with respect to the time permitted for phase-out of older equipment; we concur with the concept that phase-out should be allowed. The language is very ambiguous; what are the definitions of "a class of x-ray systems" and "primary standard?" We foresee the possibility that Section 358(a)(1) may preclude (or limit) the operation of 358(a)(6).

2. Section 359A(a)(1)—As noted elsewhere, we strongly disagree with the necessity or desirability of a yearly inspection program.

3. Section 359A(a)(3) A&B—As we understand the use of the word "subsection" in lines 1 and 5 of page 4, the delegation of authority to the states would be limited to that in 359A(a)(1) (inspection program) and would not include such Sections as 359A (c) and (d) (enforcement and authorization to sell or transfer used equipment). If we have correctly interpreted these provisions, then we heartily disagree with this concept. Further, we believe that the provisions of Section 360E of P.L. 90–602 make the inclusion of 359A(a)(3) (A)&(B) unnecessary.

4. Section 359 A (generally)—If the problems related to the comments herein are solved, this section could work to benefit the states if its end result were to be the support of acceptable, on-going state x-ray control programs with federal funds not presently being received.

5. Sub-sections 359 A (b) and (c)(2)—We do not understand either the intent or the practical effect of 359 A (b). The serious consequence of the vagueness of 359 A (b) is sharpened by the prohibition of operation contained in 359 A (c)(2).

6. Section 359 A (d)—As written, this paragraph would prohibit (without prior approval) the transfer of equipment to salvage or other non-x-radiation-producing uses.

7. Section 355 (6)—There is a typographical error in line 23 of page 5 of the bill. We have assumed that this line should read "(pur)poses of diagnosis or treatment." With this assumption, we are in disagreement with this definition. P.L. 90–602 covers x-ray equipment which is not used in the healing arts area; use of this definition would leave that other equipment in limbo with respect to the descriptive use of the word "x-ray." We suggest, for 355 (6), the use of the qualifiers "healing arts," "diagnostic," and/or "therapeutic," as applicable.

8. Section 356 (a)(2)—See comments pertaining to Section 359 A.

9. Section 360 F (g)—We strongly favor the concept expressed here.

Oklahoma State Department
of Health,
Oklahoma City, Okla., July 25, 1972.

MEMORANDUM

To: Loyd F. Pummill.
From: Coleman H. Smith and Dale McHard.
Subject: S.426, "Radiation Health and Safety Act of 1971"

S.426 has been introduced by Senator Randolph, and we have been advised that Congressman Koch intends to introduce the bill into the House side. S.426 has not been previously reviewed by this office.

For many years, this department has maintained a position of essential neutrality on the question of the desirability of the licensing of x-ray technicians. During that time, we have made an effort to keep abreast of all developments and to be aware of all the arguments and statements of fact, pro and con, concerning this question. To date, having heard both sides, the writers remain unconvinced that there is any compelling need to license such technicians with respect to radiation safety. Accordingly, we would recommend that the department neither support nor oppose the passage of S.426.

If licensing does become a reality, it is believed that the best administrative arrangement would be for the licensing board to be a separate state agency (along the lines of the Medical Examiners or Professional Engineers Boards) with some means of direct input to that board from this department on matters pertaining to radiation safety. Further, it is believed that such a board should be self-supporting.

The following are specific comments on this bill:

Section 2—"Technologists" are referred to here, but elsewhere in the bill the provisions appear to apply to all operators, including licensed practitioners of the healing arts.

Section 360 I (g)—This section provides for grants for two years to states in the planning, developing, or establishing a program; there is no provision for grants for operating funds. As written, this sub-section is not very attractive with regard to state participation.

STATE OF OREGON, HEALTH DIVISION,
DEPARTMENT OF HUMAN RESOURCES,
Portland, Oreg., July 28, 1972.
Hon. EDWARD I. KOCH,
1134 Longworth Office Building,
Washington, D.C. 20515

DEAR CONGRESSMAN KOCH: We appreciate the opportunity to comment on your bill for an X-ray System Radiation Control Act of 1972, and Senator Randolph's bill for improving the experience and training of radiologic technologists.

In connection with your bill, I have the following comments:

1. I assume there is a typographical error of omission of one or more lines following line 22, page 5, under the definition of an X-ray system. I am assuming that this definition covers both diagnostic and therapeutic sources of radiation ionization, including not only the usual X-ray machines, but also such sources as cobalt and VanderGraf accelerators, etc. If this is not so, you may wish to explore the definition more fully. This raises the question of whether or not you would like to have your bill include other sources of ionizing radiation to which the body is exposed for diagnostic or therapeutic reasons. I am referring to the various types of radioactive isotopes used for scanning tests, radium needles, and radioactive isotopes used for therapeutic purposes. If you would like to include some regulatory safeguards for these, I would suggest you communicate with whomever is your professional and technical consultant in this area and ask him to draft the necessary definitions. I realize that about a third of the states and the Atomic Energy Commission now have regulatory legislation in effect in this area, but it is my opinion that neither the Atomic Energy Commission nor many of the states do as satisfactory a job in this regard as can be done. Just as Senator Randolph's bill proposes to improve the skills of the technologists using the X-ray machines, I believe there is room for improving the skill of some of the "physician-technologists" utilizing some of these radioactive isotopes. Standards could be developed similar to those in the top five percentile of the states now operating in this area, and these standards could be made national, either enforced by the AEC officials, or by U.S. Public Health Service officials. I believe this would be preferable to having them enforced by officials of the Environmental Protection Agency. A case in point is that the AEC and some of the states (that allow a general license) permit any licensed physician with a modicum of special training in a particular radioactive isotope to use any radioactive isotope for diagnostic purposes and, in my opinion, this could result in more harm than good in some instances; and the situation could be benefitted by improved regulation.

2. Another item in your bill has to do with improved or further assistance of a financial nature from the federal to the state governments. While I realize that asking for more money is a ubiquitous request nowadays, frequently not justified; nevertheless, the only area in your bill that I see in this regard is the authority that you give for the Secretary to contract with the states to carry on any of these functions under the subsections. In the final analysis, I believe the enabling authority to delegate responsibility to state and local areas, assuming that they meet minimum national standards, is a major asset of our form of government and should be encouraged. In order to do so properly, there should be both monitoring or auditing of the delegated authority on a periodic and regular basis, and also, provisions for improving the training of the state and local people and, often, for improving their financing. While your contractual clause will help with the financing, I believe you should also add some grant authority to assist in training and enforcement on the state level, with diminishing grant funding, so that assistance can be given to the states for the first three to five years, then tapering off to zero. This combination of both grant and contract authority, with the former providing funds for both training and enforcement is, in my opinion, superior to contractual authority only.

3. In connection with the section starting on line 19, page 6, which has to do with the authority for federal inspections, I would make it clear that the written notice to which you refer need not be sent in advance. This could be done by adding, at the end of line 2, page 7, the following: "Such credential presentation and written notice need not be submitted in advance, but may be presented on entrance for the inspection."

With respect to Senator Randolph's bill, S. 426, the major comment that I have has to do with the individuals excluded from the professional training and proficiency requirements that are spelled out for the radiologic technologists. These are itemized in Section 360J(a). They include a licensed medical practitioner, a licensed dentist, a licensed dental hygienist, and a photoroentgen technician; as well as the trainees. I am not sure whether your "licensed medical practitioner" includes a licensed osteopathic practitioner and a licensed podiatric practitioner (foot specialist). In either event, I believe it would be desirable to mention them by name. This will exclude chiropractic practitioners and such exclusion may be a problem to you in the passage of the bill. My feeling is that there should be some third-party, disinterested person, preferably representative of state regulatory agencies or voluntary regulatory or accrediting agencies that should supervise or review the training and experience requirements in the curricula not only of schools of dental hygiene and schools of dentistry, but also in schools of medicine, schools of podiatry, chiropractic colleges, and anyplace where persons are taught to take X-rays for diagnostic or therapeutic purposes. This may be difficult to include in the bill, but if it is not included as a mandatory portion of the bill, I would urge you to include it as a recommendation or an optional portion and, perhaps, to include specific designation that some of the grant funds would be for the purposes of improving such training and experience in the various professional institutions concerned, such as medical and dental schools, schools of podiatry and chiropractic, etc.

Finally, I would like to commend both you and Senator Randolph for your efforts as embodied in the two proposed pieces of legislation, and to make it clear that the comments above represent my personal opinion. I have not formally cleared them with the Oregon State Board of Health in my capacity as Secretary of the Board; with the Administrator of the Oregon State Health Division, in my capacity as his Deputy; with the membership of the American Association of Public Health Physicians, in my capacity as President of the Association; with members of the Conference of State and Provincial Health Authorities of North America, in my capacity as President of the Conference; nor with my Council members in my capacity as Chairman of the American Medical Association Council on Environmental and Public Health. If I were to do so, you would not have received the comments by your deadline. However, should you wish support from any of the abovementioned organizations during Committee hearings on these bills, I would be glad to explore this.

Again, good wishes in your endeavors.

Sincerely,

EDWARD PRESS, M.D.,
State Public Health Officer.

COMMONWEALTH OF PENNSYLVANIA,
DEPARTMENT OF ENVIRONMENTAL
RESOURCES,
Harrisburg, July 18, 1972.
Hon. EDWARD I. KOCH,
House of Representatives, Longworth Office Building, Washington, D.C.

DEAR CONGRESSMAN KOCH: I am honored to reply to your letters to Mr. Gerusky of this Department and the Secretary of Health concerning H.R. 15732 and S. 426.

S. 426, relating to radiologic technology licensing was commented on earlier by Mr. Gerusky suggesting the changes as made in Section 3601(g). I believe his comments are incorporated in the Congressional Record following a request from Senator Randolph for specific comments. We heartily endorse the concepts of this legislation.

Your legislation, H.R. 15732, also has specific merits relating to minimum federal standards for the design and use of all x-ray equipment. However, we believe that the same comments should apply, i.e., that federal funding of state programs is absolutely necessary. Most achievements in x-ray protection have been innovative work of state radiation control programs such as Pennsylvania's. To give the federal government complete control of these programs is in effect selling their 15 to 20 years of productive work down the drain. If the federal government cannot assist in financing, at least on a 50–50 basis, many state programs will unfortunately fall by the wayside.

As an alternative, I suggest that you review S. 3588, which was introduced by Senator Schweiker from Pennsylvania. This bill combines both the bills you mentioned and achieves a third and most important goal—to put all federal radiation control programs into one agency which has broad powers but considers the rightful role of a federal-state joint effort towards reducing radiation exposure of all of our people from all sources.

Thank you for the opportunity to comment. I hope our suggestions have been helpful.

Sincerely yours,

HOWARD W. CHAPMAN,
Associate Deputy for Air, Water, and Community Protection.

COMMONWEALTH OF
PENNSYLVANIA,
DEPARTMENT OF HEALTH,
Harrisburg, July 12, 1972.
M.C. Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C. 20515

DEAR MR. KOCH: Dr. Speller has asked that I forward your letter of July 10, concerning legislation regarding diagnostic X-radiation to Mr. Wesley E. Gilberton, Deputy Secretary for Environmental Protection and Regulation in the Department of Environmental Resources, since the Radiological Health Program was transferred to that Department.

You should be hearing from them in the near future.

Sincerely,

C. GAIL RHEN,
Administrative Officer,
Executive Office.

STATE OF TENNESSEE,
DEPARTMENT OF PUBLIC HEALTH,
Nashville, July 27, 1972.

Hon. EDWARD I. KOCH,
U.S. House of Representatives, 1134 Longworth Office Building, Washington, D.C. 20515

DEAR MR. KOCH: Thank you for your invitation to comment on Senate Bill 426 entitled "Radiation Health and Safety Act of 1971", a copy of which was attached to your letter dated July 10, 1972. Our comments are as follows:

1) We feel that minimum standards should be included in Section 360H.(b) for licensure or certification of all persons who operate medical x-ray equipment. We would not, however, be adverse to incorporating a grandfather clause to permit licentiates of the healing arts, who may not presently be able to meet requirements of the standards established, to continue administering x-rays where a practice has already been established. In fact, we would recommend such an exemption. This concession should be made primarily because of the probable interruption of essential medical services, which would result, if insistence on necessary and adequate training was strictly adhered to.

2) In the same section, additional categories of those subject to licensure should also include a place for persons trained in a limited number of radiologic procedures. In some of our small hospitals and clinics and in many private medical offices, it is not uncommon to see only a limited variety of x-ray procedures being performed, e.g., radiographs of extremities and chests. To require that such offices employ fully qualified x-ray technologists is unreasonable and will, in our opinion, pose an unnecessary burden on such limited x-ray practices. It can be noted in this bill that such a provision has been made for licensure of dental technologists who radiograph only a select portion of the human body. Likewise, appropriate provision should be made so medical facilities desiring to limit their practice to x-raying select portions of the human body may do so by employing a technologist trained and tested only in that area. Equally applicable here would be the approval of physicians, osteopaths, podiatrists, etc., and dentists to x-ray specific portions of the body without being fully qualified for all x-ray techniques and procedures. Thus, it is our opinion that multiple levels of training and certification should be established for technologists as well as for licentiates of the healing arts. The establishment of such will serve, in our opinion, to avert the probability of increased medical costs and the decreased availability of essential medical services presently inherent in the bill.

As an overall comment, we will recommend that Senate Bill 426 be amended so as to permit states to enact legislation patterned after model legislation proposed by the Surgeon General, United States Public Health Service, in 1970. Two (2) exceptions to the recommendation would be as follows:

1. Establishment of one (1) board instead of two (2) for carrying out the provisions of the Act.

2. Place most authority in this board with the exception that the Department of Public Health would act as administrative agency of the board.

This document is numbered BRH/ORO 70-80 and entitled "Model Legislation for Users of Ionizing Radiation in the Healing Arts," October, 1970. Incidentally, this model legislation was endorsed by the American College of Radiology in 1971 as "the most suitable approach to controlling unnecessary radiation exposure." (ACR Bulletin, Volume 27, Number 4.)

Also, as you requested in your letter, we are preparing comments to your bill, H.R. 15732, and will forward them to you in the near future.

Sincerely,

BILL GRAHAM,
Assistant Director,
Division of Industrial and
Radiological Health.

STATE OF UTAH,
DEPARTMENT OF SOCIAL SERVICES,
DIVISION OF HEALTH,
Salt Lake City, Utah, July 19, 1972.

Hon. EDWARD I. KOCH,
Member of Congress, 1134 Longworth Office Building, Washington, D.C. 20515

DEAR REPRESENTATIVE KOCH: I support both bills (HR 15732, S426) although your bill has more impact.

I have been trying to get increased activity in my State in this direction.

One of the problems we have had is the AEC has asked us to be an agreement state, but no funds have been available. I would hope that the transfer of responsibility from AEC to EPA in radiation activity would include some funding for state activity.

The Association of State and Territorial Health Officers has supported a number of resolutions urging increased activity in these fields of radiation control.

Sincerely,

LYMAN J. OLSEN, M.D.,
Director of Health.

STATE OF VERMONT,
DEPARTMENT OF HEALTH,
Barre, Vt., July 25, 1972.

Rep. EDWARD I. KOCH,
House of Representatives,
Washington, D.C. 20515

DEAR REPRESENTATIVE KOCH: In response to your letter of July 10, 1972 concerning bills H.R. 15732 and S. 426 relating to diagnostic X-radiation, I have the following comments.

S. 426 Sec. 360 H(a):

Criteria and minimum standards for accreditation of educational institutions conducting programs for the training of dentists and dental hygienists should also be established. Otherwise, dentists and dental hygienists with no specific qualifications could apply ionizing radiation to humans under section 360 J(a).

H.R. 15732:

I disagree with the concept that the federal government should preempt jurisdiction for radiation safety from state governments which have existing regulatory programs.

pp 4 lines 11–12—Twenty-four month period should be shortened drastically.

pp 5 lines 1–9—Should be a simple prohibition against selling or transferring X-ray equipment which does not meet standards of sec. 358(a).

Sincerely,

RAYMOND N. MCCANDLESS,
Health Physicist.

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF HEALTH,
Richmond, Va., August 1, 1972.

Hon. EDWARD I. KOCH,
House of Representatives, Congress of the United States, Washington, D.C. 20515

DEAR MR. KOCH: Thank you for the opportunity to comment on proposed legislation regarding ionizing radiation referred to in your letter of July 10, 1972.

After reviewing the two bills, H.R. 15732 and S. 426, we are basically in favor of S. 426 which deals with the heart of the X-ray exposure problem as we see it; that is, the need for adequate training and licensure of all X-ray users.

We are opposed to a requirement for annual inspections of all X-ray producing equipment as we believe that a schedule of reinspections on a priority basis primarily related to the number of patients exposed would be far more efficient. We are in favor of a schedule similar to that proposed by Mr. Bobby L. Dillard, Office of Regional Operations, Bureau of Radiological Health of the U.S. Department of Health, Education, and Welfare (See: *Radiological Health Data and Reports*, Vol. II, No. 8, August, 1970, "A Priority System for the Inspection of X-ray Facilities").

We believe that existing legislation and present conditions do not warrant further legislation for the control of X-ray equipment. However, minimum standards for training and licensure of all users of X-ray equipment, including medical practitioners and their employees are sorely needed.

If we can be of any further assistance, please do not hesitate to call us.

Sincerely,

MACK I. SHANHOLTZ, M.D.,
State Health Commissioner.

STATE OF WEST VIRGINIA,
DEPARTMENT OF HEALTH,
Charleston, July 25, 1972.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C. 20515

DEAR CONGRESSMAN KOCH: Thank you for the opportunity to comment on the radiation control bills, H.R. 15732 and S. 426.

We believe the amendments contained in H.R. 15732 will be very beneficial to both Federal and State radiation control programs. The requirements for a twelve month inspection frequency may initially create problems in many state programs due to staff and budget limitations. However, both bills provide for some type of potential Federal funding so this may not be as serious a problem as we feel. The section prohibiting the sale or transfer of X-ray systems will eliminate a problem area that has been of concern to our program. We were quite pleased to see this provision in H.R. 15732.

We are very much interested in seeing S. 426 introduced as a house resolution. Again, we feel the provisions in this bill will eventually be very beneficial to both Federal and State radiation control programs. In the past most radiation control activities have been oriented toward the correction and elimination of deficient equipment. It is our belief that the provisions contained in S. 426 will give us a very workable tool to reduce the radiation exposure to the general public. We know that the finest equipment available, operated by an inadequately trained individual, can still result in unnecessary exposure to ionizing radiation.

As an aid to our radiation control program, we would respectively request your introduction and support of the radiation control bills.

Sincerely yours,

N. H. DYER, M.D., M. P. H.,
State Director of Health.

STATE OF WISCONSIN,
DEPARTMENT OF HEALTH
AND SOCIAL SERVICES,
July 25, 1972.

Hon. EDWARD I. KOCH,
Congress of the United States, House of Representatives, Washington, D.C. 20515

DEAR CONGRESSMAN KOCH: Thank you for your letter of July 10, 1972 and the opportunity to comment on the two bills, H.R. 15732 and S. 426.

I feel that H.R. 15732 should be amended to eliminate the requirement for annual surveys of x-ray installations since in many installations this is not necessary. Annual inspections of the x-ray equipment in busy installations such as hospitals and clinics may be desirable, but annual inspections of all installations would require large increases in the number of state employees engaged in x-ray survey work.

This bill should also be amended to eliminate the requirement that all existing x-ray equipment be modified to conform with the design or performance standards for new equipment. The cost of making ever some minor improvements in the design or construction of existing x-ray equipment could be excessive.

Senate Bill 426 should be amended to include the licensed practitioners in the fields of chiropractic, podiatry and dentistry.

Hoping that these comments will be helpful to you, I am

Sincerely yours,

George H. Handy, M.D.,
State Health Officer.

The State of Wyoming,
Department of Health and Social Services,
Cheyenne, Wyo., July 24, 1972.
Hon. Edward I. Koch,
U.S. Representative, 1134 Longworth Office Building, Washington, D.C. 20515

Dear Representative Koch: Your letter and bills H.R. 15732 and S. 426 have been referred to the attention of this Section.

We feel that our involvement is so minor in the subject coverage of S. 426 that we should not comment except in a very general way. If technology groups favor the measure, we feel that it should receive attention.

Wyoming is not an agreement state and lacks the enabling laws to negotiate for such status. Until this development takes place, it is unlikely that we can expect an effective state radiological state program. Our x-ray monitoring efforts are limited to the requirements of the Medicare program and requests from users on a voluntary basis. A uniform nationwide effort appears to offer some improvement for states like Wyoming where such programs are virtually nonexistent under present state laws.

Very truly yours,

Robert E. Sundin,
Director,
Air Quality Section.

Peter Bent Brigham Hospital,
Department of Radiology,
Boston, Mass., August 2, 1972.
Repr. Edward I. Koch,
1134 Longworth Office Building,
Washington, D.C. 20515

Dear Sir: This letter is a response to your request for comments on H.R. 15732 and S. 426.

My professional activities include serving as Radiation Protection Officer for the Diagnostic Radiology Department of Peter Bent Brigham Hospital and teaching radiation physics to x-ray technology trainees and radiology residents. I was recently appointed to the American Association of Physicists in Medicine and Health Physics Society Joint Committee on Diagnostic Surveys and inspections of diagnostic x-ray equipment. The purpose of this committee is to develop recommendations for performance standards and techniques for surveys of diagnostic x-ray equipment.

The biological effect of ionizing radiation is a controversial subject. Some believe that the effects of diagnostic levels of x-rays are insignificant. Others have recommended such stringent measures as therapeutic abortion when a fetus has been exposed to diagnostic levels of x-radiation.

When compared to the efforts of the Atomic Energy Commission to prevent the release of radioactive isotopes from power reactors, relatively little has been done to lower radiation exposures to the patient. I was therefore pleased that the X-ray System Radiation Control Act and Radiation Health and Safety have been presented to the Congress.

Specific Comments on the Bills:

S. 426:

Technology training programs should be spread throughout the country and not just localized in urban centers. This will encourage persons from rural areas to enter training programs and will provide more technologists for their communities.

H.R. 15732:

"Each X-ray system shall be inspected at such intervals as the Secretary may prescribe by regulation, but not less frequently than once every twelve months."

An annual inspection requirement is excessive in light of the shortage of personnel trained for this work. Demanding frequent inspections may result in superficial inspections. More consideration should be given to the quality of the surveys. Newly purchased equipment will be protected by the performance standards set for x-ray equipment manufacturers.

In addition to the bills mentioned above, there is a need for increased government support for graduate medical radiological physics education. The professional objective of the medical radiological physicist is the improvement of information content of diagnostic radiological examinations and the reduction of radiation exposures. He is also involved in the training of technologists and the use of radioactive isotopes within medical institutions. The shortage of such personnel is acute.

If I can be of further service, please feel free to contact me.

Sincerely,

Ben Arnold, M.P.H.,
Medical Radiological Physicist.

Suffolk County
Department of Health,
Smithtown, N.Y., July 25, 1972.
Hon. Edward I. Koch,
26 Federal Plaza, New York, N.Y. 10017

Dear Congressman Koch: Reference is made to your letter of July 10, 1972 requesting my comments on Bills S. 426 and H.R. 15732 which relate to diagnostic x-radiation. It appears that generally Bill S. 426 will present and assure adequate training for radiologic technologists. However, I feel that the provisions in the bill should include *all* users of x-ray machines.

In New York State, only chiropractors and radiologic technologists must take an x-ray examination to meet the State's licensure requirements. All other licensed healing art practitioners, such as physicians, dentists, dermatologists, osteopaths, and podiatrists, are not required to take a special examination to show that they are knowledgeable in x-ray physics.

However, though the professional practitioners mentioned above state that *they alone* take the x-rays in their private offices, the Suffolk County Radiation Inspectors have found unlicensed office personnel taking the x-rays. Of course, in those cases the violators were reported to the proper State regulatory agency for action.

Section 360J(c)(1): In addition to a monetary penalty, there should be a provision to revoke the license until such time when the violation has been corrected and a reapplication has been submitted for review.

Section 360H: The minimum standards, when established, should only apply to those licensees that apply ionizing radiation to humans and should be limited to licensed professional practitioners, radiologic technologists, nuclear medicine technologists, radiation therapists, and dental roentgenologists who are well trained in the radiation sciences.

Regarding Bill H.R. 15732, it appears that the provisions of the bill are adequate to conduct regular inspections of diagnostic and other x-ray systems. However, the following amendment should be considered. If an x-ray machine does not fully comply with the established standard, then that piece of equipment should be *immediately* suspended from operation until the owner corrects the deficiency and is inspected by representatives from the delegated radiation protection agency.

Thank you for giving me the opportunity to comment on these important documents. If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

Seymour Becker,
Public Health Physicist.

The American Registry of
Radiologic Technologists,
August 1, 1972.
Hon. Edward I. Koch,
17th District, New York, House of Representatives, Washington, D.C. 20515

Re: H.R. 15732 and S. 426.

Dear Sir: I am sorry that I could not respond to your letter by the date line of July 27 as you requested. Your letter was addressed to Mr. Lang the President of our Board of Trustees two years ago and just now filtered down to me.

I represent the National Certifiying Body for Radiologic Technologists. We have been in existence for 50 years and at present have 72,000 radiologic technologists registered. Our prime reason for existence is to provide examinations for graduates of A.M.A. approved schools of radiologic technology and certifying those candidates who successfully pass their exam. Our Executive Director Mr. Roland McGowan will send you one of our limited copies of a special 50th Anniversary brochure so that you can have some background on this organization. The trustees of this board are composed of four radiologists appointed by the American College of Radiology and four radiologic technologists appointed by the American Society of Radiologic Technologists.

Since we are concerned primarily with certification I would prefer not to make comment on the relative merits of either bill. I would strongly suggest that you contact the representatives of the American Society of Radiologic Technologists. They would be the spokesmen for and can best relate to the attitudes of the same technologists who will be required to perform under any proposed legislation. Mr. George Mead is their legislative consultant and his address is 621 Pershing Road, Silver Spring, Maryland.

I would, however, like to bring to your attention our expertise of 50 years experience providing examinations for highly specialized health workers. We would very much like to meet with writers of this type of legislation and congressmen such as yourself to make our presence known. If, indeed, there are ever federal standards for radiologic technologists we would like to offer our experience, integrity and knowledge towards providing examinations for these health workers. Several of my colleagues on our Board of Trustees would make every effort to visit Washington, D.C. at your convenience to meet with you.

Sincerely,

Dante DiLella, R. T., FASRT,
President, Board of Trustees.

Brookhaven National Laboratory,
Associated Unversities, Inc.,
Upton, N.Y., July 24, 1972.

Cong. Edward I. Koch,
House of Representatives,
Washington, D.C. 25015

Dear Ed: Your recent forwarding of H.R. 15732, which would direct the Secretary of HEW to prescribe standards for and to conduct regular inspections of diagnostic and other x-ray systems, and of S. 426, which would direct the Secretary to establish criteria for accrediting schools training radiologic technologists and for licensing radiologic technologists, is most appreciated.

In my judgment, both bills would be helpful toward reducing unnecessary radiation exposures from diagnostic x-ray, which are currently far the largest source of the exposure of the public to man-made radiation. I have nothing to add specifically to them, except to suggest that somewhere along the line some minimal time to radiation protection considerations should also be mandated in the training of physicians. As it is, this seems to be a hit or miss thing for other than radiologists.

It so happens that I was Chairman of this year's Resolutions Committee of the Radiological Section of the American Public Health Association. You may be interested in the resolution in this area that the Section Executive Council has recommended to the APHA for adoption at its next annual meeting (November, 1972 at Atlantic City).

Yours truly,

Andrew P. Hull,
Certified Health Physicist.

Oak Ridge National Laboratory,
Oak Ridge, Tenn., July 20, 1972.

Rep. Edward I. Koch,
House of Representatives,
Washington, D.C.

Dear Representative Koch: Thank you for your letter of July 10, 1972, and for the enclosed bills, H.R. 15732 and S. 426. You ought to be congratulated for the part you played in framing these two bills and in lending them your strong support. I am pleased you are considering introducing S. 426 in the House of Representatives.

I have read over these two bills rather carefully, and find them to be excellent. S. 426 provides primarily for the training of radiologic technologists. This is something which has been long overdue, and for which I have worked for many years. It seems inconceivable to me that we require drivers of school buses to hold drivers licenses, and yet in all of our states except New York, New Jersey and California, the operator of an x-ray machine can x-ray our children when he may have little or no training in the safe operation of such equipment. I am enclosing copies of two papers; one, "The Need for Radiation Protection," which I gave before the Southeastern Conference of Radiologic Technologists in Durham, North Carolina in January, and the other, "Comparison of Radiation Exposure of the Population from Medical Diagnosis and the Nuclear Energy Industry," which I gave last month before the American Nuclear Society in Las Vegas. From these papers you will note that the lack of education, training and certification, and the failure to use the proper techniques and equipment in medical diagnosis in the United States, are probably leading to thousands of unnecessary deaths in the form of malignancies, life-shortening and genetic mutations each year. The first step in correcting this situation is the requirement for education, training and certification of all those who use this most valuable medical tool. I have shown, in a number of Congressional hearings, and in many publications, that this dose can be reduced to less than 10% of its present value with relatively little effort, while at the same time providing better medical diagnosis in the United States. Altogether, I have listed more than 100 ways by which this can be accomplished, but without doubt, proper education and training requirements top the list. I firmly believe that Bill S. 426 is a giant step in the right direction, and I hope you will pursue your plan of introducing it in the House of Representatives. I believe, however, we must recognize that it is only a first (and most important) step, because it would still permit practitioners, chiropractors, osteopaths and others to operate and own x-ray machines without any education and training in their use. Only the state of California has laws which require that courses in x-ray and radiation protection be taught in the medical schools, and that there be questions in the state board examinations on these subjects. In short, I believe that not only x-ray technologists should have proper education, training and certification, but in addition all those who use x-rays or other forms of radiation on a patient. Ultimately, I believe that anyone who does so much as to prescribe the use of x-rays on a patient should have such education, training and certification. Otherwise, they cannot weigh appropriately the benefits of the information expected against the radiation risks to which the patient would be subjected.

Bill H.R. 15732 is excellent, but it too is only a giant step in the proper direction. It places particular emphasis on protective shields, when there are several score of other corrections and radiation protection devices which should be used to minimize patient exposure. I hope that subsequent bills will be directed at these other problems. I am particularly pleased that this bill authorizes the secretary to inspect x-ray equipment and its use. Hopefully, such inspections would take care of some of these other correctional matters, such as the use of proper diaphragms in collimators, voltage and current indicators, appropriate and proper operating timers, proper procedures in the development of x-ray films, etc.

I do not have a copy of the amended bill, but at the bottom of page five of H.R. 15732, lines 20, 21, 22 and 23 do not make sense to me. I wonder whether or not there could be a misprint. Perhaps the clause would make sense if I knew the wording to which it is to be appended, but I thought that I had better call this to your attention.

I am pleased to note that this bill puts some restrictions on the selling and exchange of x-ray equipment. This is a fine development, because much of the old x-ray equipment now finds its way into improper hands—sometimes even in small colleges and high schools, where it is not under appropriate supervision.

I am also enclosing an outline of the testimony I gave before Senator Kennedy's Committee on Health and Welfare on May 15, 1972.

Sincerely,

Karl Z. Morgan,
Health Physics Division.

The Johns Hopkins University,
School of Medicine,
Baltimore, Md., July 13, 1972.

Cong. Edward I. Koch,
1134 Longworth Office Building,
Washington, D.C. 20515

Dear Congressman Koch: Thank you for your letter of July 10 concerning H.R. 15732 and S. 426. I have reviewed both of these bills and believe that they represent a constructive solution to the education of radiation technologists in the United States and the control of x-ray equipment sold prior to the initiation of primary protection standards. I endorse the principles on which both bills are based.

I notice one printing error in H.R. 15732. On page 5, something is missing between lines 22 and 23. I assume that this error has been already detected by your staff.

Yours sincerely,

Russell H. Morgan, M.D.

University of North Carolina,
School of Dentistry,
Chapel Hill, N.C., July 19, 1972.

Congressman Edward I. Koch,
1134 Longworth Office Building,
Congress of the United States,
House of Representatives,
Washington, D.C. 20515

Dear Congressman Koch: Your letter of July 10, 1972 has been forwarded to me for comments on two bills, H.R. 15732 and S. 426.

With the increased use of ionizing radiation for medical purposes it is essential and desirable to have both bills enacted into law. H.R. 15732 because it insures proper standards for x-ray equipment. S. 426 is extremely important because it will ensure the competency of the individual actually using the equipment.

I do have a few comments about the two bills:

H.R. 15732, Sec. 359A (line 14–16) states that "Each x-ray system shall be inspected at such intervals as the Secretary may prescribe by regulation, but not less frequently than once every twelve months". Annual inspection of every x-ray machine would require large numbers of employees in order to conduct all surveys resulting from this requirement. Once the machine has been found to comply with performance standards periodic inspection at intervals between 2 and 4 years might be more desirable than annual inspection. The Secretary should always reserve the right to inspect at more frequent intervals, particularly individuals who refuse to abide by performance standards.

Bill S. 426, Sec. 360H (c) lists a number of organizations to be consulted in establishing criteria and minimum standards. I would suggest including the American Academy of Dental Radiology (A.A.D.R.) in that list since they are presently involved in establishing educational standards and criteria for dental students, dental hygienists and dental assistants. Additionally the A.A.D.R. tends to be more "radiation hygiene" conscious than the American Dental Association.

Bill S. 426, Sec. 360J (a) states that it will be unlawful for any individual to apply ionizing radiation to humans for diagnostic or therapeutic purposes *unless* he is a licensed medical practitioner, licensed dentist, or licensed dental hygienist . . . etc. This statement if taken literally would exclude the dental assistant from using ionizing radiation. Since the dental assistant is an integral part of the dental health team they should also be included in the list. The training of dental assistants and their licensure would apparently be included under the broad definitions in Sec. 360H and Sec. 3701 relating to radiologic technologists.

I hope these comments will be useful to you; if I can be of further assistance to you now or in the future please let me know.

Sincerely,

John W. Preece, D.D.S., M.S.,
Chairman, Oral Radiology Section.

University of Alabama,
School of Dentistry
Birmingham, Ala., July 20, 1972.

Hon. Edward I. Koch,
Congress of the United States, House of Representatives, Washington, D.C. 20515

Dear Congressman Koch: Your letter of July 10, 1972, relating to H.R. 15732 and S. 426 reached me while on vacation. I am pleased to have the opportunity to react to these bills. In order to expedite matters, I have asked my secretary to send the replies directly to you without my signature.

I very much approve of the intent of H.R. 15732. There is considerable need to establish standards for x-ray equipment presently in use and to develop regulations whereby inferior equipment must be either modified or replaced. On page 3, lines 15 and 16, I wonder about the need for inspecting equipment ("Each x-ray system") "not less frequently than once every twelve months." Equipment once placed in compliance is not likely to get out of compliance except by deliberate tampering. Such inspections, particularly of medical equipment as compared with dental, will require substantial time and effort. You might wish to consider somewhat less frequent surveillance.

Page 4, lines 6, 7, 8 and 9, relates to technique rather than to the x-ray system per se. While I have no opposition to regulations designed to assure the proper use of equipment, I wonder whether this portion of the proposed bill might not be some what out of place.

On page 4, lines 11 and 12, I wondered why you suggested a period as long as twenty-four months during which time a person might operate an x-ray system that does not comply with acceptable standards. Surely it should not take twenty-four months to either modify or replace inadequate equipment. For this reason, I would suggest a somewhat shorter time period. It is realized that lines 18, 19, 20, 21 and 22 on page 4 take this matter into consideration, but I would prefer the twenty-four month period to be reduced with a provision that the Secretary might permit a longer period if the need arose.

There seems to be one or more lines missing on page 5 between lines 22 and 23. I trust these comments will be helpful.

The remainder of this letter will relate to S. 426. The declared purpose of this act seems to relate specifically to radiologic technologists. However, there is no definition given to define what the term radiologic technologist includes. (I believe most people think of a radiologic technologist as a medical radiologic technician.) This situation becomes rather confusing when one reads under Sec. 360G(c) "that it is in the overall public health interest to have an adequate and continuing supply of well-trained radiologic technicians and that *any person* (my underline) who operates radiologic equipment or employs radiologic methods should be required to demonstrate competence by training, experience, and examination; and". Additionally, Sec. 360H(a) speaks to minimum criteria for education institutions conducting programs for the training of medical practitioners and (b) suggests that dental technologists may also be included in the overall term "radiologic technologists."

While I have no objection to legislation requiring the adequate training and licensure of medical radiologic technologists, I would like to see a bill that is more all inclusive, one that would assure the adequate training and certification of all people who use ionizing radiation in the diagnosis and treatment of human beings. It is noted under "PROHIBITED ACTS," Sec. 360(J)(a), that licensed medical practitioners, licensed dentists, licensed dental hygienists, etc., are excluded from those who would be unlawfully using radiation unless they were accredited. Except for medical radiologists and a few well trained dental practitioners (there is as yet no specialty of dental radiology although such should exist), most physicians, dentists and hygienists know very little about x-radiation and, in my opinion, should be certified before being permitted to use x-radiation on humans. A review of medical, dental and dental hygienist training curriculums and/or of the questions used in licensing examinations will verify this opinion. Rather than directing legislation primarily toward radiologic technologists, I would like to see developed legislation modeled after the suggested MODEL LEGISLATION FOR USERS OF IONIZING RADIATION IN THE HEALING ARTS published by the Bureau of Radiological Health in October, 1970 (BRH/ORO 70–8). Efforts to enact such legislation would bring down the wrath of the professions, but it is needed.

In concluding, I should like to make two suggestions. In Sec. 360H(a) where there is mentioned "minimum criteria for education institutions conducting programs for the training of medical practitioners," it would be well to insert the words "and dental" after the word "medical." Dental educational institutions must be required to improve their radiologic undergraduate instruction. I have data that supports the fact that present training is inadequate. In Sec. 360H(c), I should like to see added to the list of professional organizations the American Academy of Dental Radiology.

Thank you again for the opportunity of commenting.

Sincerely yours,
ARTHUR H. WUEHRMANN, D.M.D.,
Professor of Dentistry.

THE UNIVERSITY OF ROCHESTER,
SCHOOL OF MEDICINE AND DENISTRY,
Rochester, N.Y., July 25, 1972.

Hon. EDWARD I. KOCH,
House of Representatives, Congress of the United States, 1134 Longworth Office Building, Washington, D.C.

DEAR MR. KOCH: Thank you for letting me see the copies of H.R. 15732 and S. 426 relating to diagnostic radiation. I favor passage of both of these Bills. By far the largest single source of radiation exposure to the general population of the United States is in the uses of ionizing radiation, particularly x-rays, in the healing arts. This comes about partly because of the large numbers of individuals exposed, a fact which cannot be changed much without loss of the benefits of such procedures. But a part of the exposure is unnecessary because of use of out-moded or improperly operated or adjusted equipment and inadequately trained operators. For these reasons I fully endorse submission of these Bills and hope that they will be passed by the Congress.

I have comments on each Bill as outlined below:

I. *H.R. 15732*

A. *General*—In view of the very large number of x-ray systems in the United States, lack of trained manpower at either State or Federal level will be a serious bottleneck to implementation of these regulations. The Bill should include or have as a companion Bill means for increasing the supply of suitably trained inspectors and other personnel.

B *Specific points*

(1) p. 4, line 21–22. The term "imminent hazard" is subject to misinterpretation. An "imminent hazard" would exist only in cases of gross carlessness or malfunction. The hazard is primarily the development of late radiation effects which may be years in developing. I suggest the wording be changed to "serious hazard."

(2) p. 5, lines 10–13. This section is much too permissive and general. The Secretary should have this discretion but the general conditions for its use should be spelled out or everyone could be exempt.

(3) p. 5, lines 20–23. This paragraph is unclear. It appears to be incomplete. As written it would cover no "x-ray systems" since none are specifically developed "for procedures for shielding of patients". Should it not read

"(6)" "the term 'x-ray systems' means an assemblage of components for the controlled production of x-rays for irradiation of any part of the human body *including devices* and procedures for the shielding of patients"?

II. *S.426*

A. *General*—The problem of manpower exists in application of this Bill to. Section "h" states that the Secretary may make grants to educational institutions. I hope this can include *training* grants for the support or partial support of individuals (students) to be trained. If it does not the Bill should have a specific section added authorizing use of Federal funds for this purpose and be composed in language which would insure appropriation of such funds.

There should also be assistance available through the States or directly to the institution or individual for *retraining* of operators not employed so that they can meet licensure requirements.

Turnover of manpower in the field of radiologic technology is large now. Licensing should not be mandated in a way which would further reduce trained manpower available.

I hope the above is of assistance to you.

Sincerely yours,
J. N. STANNARD,
Professor of Radiation Biology and Biophysics; Past-President, Health Physics Society

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UNIVERSITY OF PENNSYLVANIA,
RADIATION SAFETY COMMITTEE,
Philadelphia, July 25, 1972.

Hon. EDWARD I. KOCH,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: Thank you for your letter of July 10, 1972 concerning HR 15732 and S. 426. I am distributing copies of HR 15732 to the membership of our American Association of Physicists in Medicine Committee on Legislation and Regulations and will send comments later. As you are contemplating introducing a companion bill to S 426, and ask comments by July 27, it is not practical to poll our Committee. We have discussed S. 426 and its predecessor S 3973, however, so that while the following comments are personal ones, they reflect a number of discussions with our full committee and other interested individuals.

There is enclosed a copy of a letter from Professor R. O. Gorson to Senator Randolph concerning S 3973. After carefully reviewing the differences between this predecessor bill and S 426, I believe the comments expressed in Professor Gorson's letter are still applicable. While S 426 would permit criteria and minimum standards to distinguish between medical and dental technologists, radiation therapy technologists, nuclear medicine technologists, photo-roentgen technicians and technicians in training, I do not feel that this listing of several different types of technologist and technician resolves the very important considerations Professor Gorson discussed. A system of licensure should be flexible enough to permit the Secretary to provide for licensing different levels of competence even within one category of technologist and to react to changes in technology or equipment that may change criteria and standards both as to level and to type of special competence.

It would also seem desirable for a system of licensure to provide for exemptions or something of the nature of a limited permit. This is desirable as some special equipment may require essentially no special training or skill and other, such as highly sophisticated developmental apparatus, may require a specialty team including radiologist, engineer and others.

In closing, let me call attention to a recent contract between the NIH, Bureau of Health Manpower Education and the Educational Testing Service, Princeton, New Jersey, 08540. The contract is concerned with the credentialing of diagnostic radiologic personnel. An expert advisory Committee is in the process of being formed to guide the program. With this guidance, recommendations regarding levels of competence will be generated, examinations prepared for two levels of competence and recommendations developed concerning means of credentialing those concerned. You could get more information by contacting either Mrs. Jane Houis (pronounced "Hweess") or Dr. Eugene Ketcham at Educational Testing Service (phone 609-921-9000).

I hope these comments are of help. If there are any areas where we might help by further discussion, please let me know.

Sincerely,

JOHN W. THOMAS,
Radiation Safety Office.

THOMAS JEFFERSON UNIVERSITY,
JEFFERSON MEDICAL COLLEGE,
Philadelphia, August 7, 1970.

JENNINGS RANDOLPH,
Senator,
U.S. Senate,
Washington, D.C. 20510

DEAR SENATOR RANDOLPH: I have your letter of 31 July regarding S. 3973, the Radiation Health and Safety Act of 1970, and I welcome this opportunity to provide you with my personal observations and comments.

While I have certain misgivings and reservations concerning the bill and its implementation, I certainly concur with its basic objective of reducing unnecessary medical exposure to ionizing radiation. I think the bill should explicitly allow the Secretary more latitude in the exercise of his judgment in the application of subsequent regulations in certain gray areas. While I agree that technicians who are expected to operate a wide variety of radiological equipment should meet certain minimum standards of training and experience such as those required by the American Registry of Radiologic Technologists, I do not agree that all technicians must meet the same minimum standards nor must all operators be licensed technicians.

There are several reasons for this opinion. First is the observation that radiologic equipment varies widely as to type and degree of sophistication and degree of competence required of the operator. Some single purpose equipment such as chest photofluorographic units require only a very minimal amount of training to insure minimal exposure to the patient while achieving roentgenograms of adequate diagnostic quality. At the other end of the spectrum is equipment, such as remote controlled image intensified fluoroscopic equipment requiring the degree of competence likely to be achieved only by a highly trained diagnostic radiologist. It is therefore important to recognize on one hand the need for highly trained and educated technologists, with academic degrees in some instances, to carry out the responsibilities for patient care and to participate in all radiological procedures as is frequently required in the larger hospitals and in the offices of private practicing radiologists. Very few technologists today have the formal educational background and radiological training that will be required of those needed to practice at a professional level in the future. Accordingly, if we adopt only a *single* level of minimum standards for the accreditation of educational institutions and for the licensure of radiologic technicians, we may perpetuate a problem that exists today wherein many of the technologists are improperly trained for the responsibility that they are required to assume and other technologists are overtrained or are wasting their training in positions that require very little judgment.

Related to the above problem is the observation that there is at present (and into the foreseeable future) and acute shortage of not only highly trained radiologic technologists, but also all other classes of paramedical personnel as well as medical practitioners. Accordingly, if we are to effectively deliver health care while curtailing spiralling costs, we must find more efficient ways of using to the best of their ability all people, including technologists, regardless of their level of training or competence. It seems to me that the only way to accomplish this objective is to provide a range of training levels from the lowest to the most sophisticated so that each individual, regardless of his intellectual or technical limitations, may advance as far up the technical and professional ladder as his ability and initiative permit. By providing a sufficient number of plateaus of training, vertical mobility on the technical and professional ladder will be enhanced and anyone desiring to work in paramedical fields will be able to contribute to the delivery of health care at the level of his training and ability.

It seems to me that the above approach to the problem would help alleviate the high turnover rate of partially or completely trained technologists which are lost to the field for one reason or another. Our present system is very wasteful and inefficient in this regard. A great majority of the radiologic technician trainees are young women fresh out of high school who leave a few years after training to begin raising their families. More men could be attracted into the field if there were a vertical structure for continued advancement. At the same time, many women who leave to raise families might return to the field at appropriate levels, perhaps on a part time basis later in life.

The Congress can constructively contribute to the combined effort of all the radiological professions and organizations to reduce not only unnecessary exposure to the patient, medical, and paramedical personnel, but to reduce also the gross inefficiency and the high cost of the delivery of health care inherent in our present system by modifying S. 3973 to promote the estsablishment of multiple levels of training and certification or licensure.

There is another gray area that may have been overlooked in the drafting of the bill about which I am reminded recently by several radiological physicists. High energy accelerators for radiation therapy (linear accelerators and betatrons) coming on the market must be operated at least part of the time by highly specialized medical physicists and engineers. While radiation therapy technologists will be trained to carry out most of the routine operation there will be occasions of varying frequency depending upon the sophistication and idiosyncrasies of individual accelerators where the physicist or engineer will have to take over the operation with the concurrence of the responsible radiation therapist if the treatment is to be adequately and safely carried out. Allowance must also be made for the operation of experimental equipment by other than licensed technologists during the developmental stages and early clinical trials, usually in University Medical Centers. While the technologist may often be an important member of the research and developmental team, it is usually the engineer or medical physicist who must work closely with the radiologist in the design, construction, testing, and preliminary clinical evaluation.

I trust these comments will be of some value to you. If you have any questions, I would be glad to respond further.

Sincerely yours.

ROBERT O. GORSON,
Professor of Medical Physics.

ACCREDITATION OF MEDICAL FACILITIES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, by virtue of my nearly 24 years of service on the Committee on Veterans' Affairs, I have been keenly interested over the years in the activities of the Joint Commission on Accreditation of Hospitals which accredits all community and private hospitals, including those operated by the Veterans' Administration.

My interest in this subject was aroused by the reading on numerous occasions of the results of the surveys made by the Joint Commission and the sparseness of those reports. While I am advised that the Commission goes into minute detail with regard to the operation of the hospital under investigation, the results which are made available to the hospital being reviewed and those which have been made available to the committee over the years would not lead one to the conclusion that a detailed report had been made. To substantiate this point, I am including as a part of my remarks a series of surveys just completed by the Commission, and forwarded to the Veterans' Administration and later submitted to the Committee on Veterans' Affairs.

The Veterans' Administration Hospital in Washington, D.C. operates nearly 700 beds. The report dated May 5 and May 8, 1972 is attached. It should be noted that this covers less than one letter size page:

VETERANS ADMINISTRATION HOSPITAL, WASHINGTON, D.C.

Date of survey: May 5, 8, 1972.

Surveyor: Charles R. Dugan, M.D., Carroll E. Dugan, R.N.

Reviewer: William F. Everett, M.D., Mary A. Everett, R.N.

RECOMMENDATIONS AND COMMENTS

Nursing services:

1. Nursing care plans should be more individualized to meet the needs of the patient.

2. There should be a representative of the nursing service on the medical records committee.

Environmental services:

1. Written reports and evaluations must be kept on all fire drills.

Medical record services:

1. Authenticated signatures should be accompanied by professional designation.

2. Nursing notes should be pertinent and complete.

Refer to: "Accreditation Manual for Hospitals."

Rating by Board of Commissioners: Accreditation for two years.

The Veterans' Administration Hospital in St. Louis operates 1,137 beds and the JCAH report on that facility is attached:

VETERANS ADMINISTRATION HOSPITAL
ST. LOUIS, MO.

Date of survey: May 30, 31, 1972; June 1, 1972.

Surveyor: Hugh Cunningham, M.D., A. Kent Schafer, Facha.

Reviewer: H. Charles Franklin, M.D., Nora C. O'Malley, R.N.

RECOMMENDATIONS AND COMMENTS

Environmental services:

1. Severely hazardous locations, such as soiled linen collection and trash collection rooms, should be protected by 2-hour fire-resistive construction and an approved automatic fire extinguishing system.

2. The paint shop area Cochran Unit is considered a severely hazardous area and should be adequately protected by 2-hour fire-resistive construction and an approved automatic fire extinguishing system. The no-smoking regulations in this area should be rigidly enforced.

3. Doors in fire separations, horizontal exits and smokestop partitions shall be such that they can be opened and closed manually. They should also close by actuation of the methods specified by National Fire Protection Association: Life Safety Code No. 101, Section 10–1245.

4. The emergency electrical power sources at Jefferson Barracks Unit should be surveyed for compliance with National Fire Protection Association Codes.

5. The patient areas in the Cochran Unit, which are blind cul de sacs, should be provided with enclosed exit stairwell towers in accordance with National Fire Protection Association: Life Safety Code No. 101, Section 10–1211.

Pathology services:

1. Personnel in the transfusion service or blood bank should have had sufficient training and experience to qualify them as technically competent in the immunohematological procedures performed. All personnel qualifications, methods and procedures for hemotherapy shall conform to: "Standards for a Blood Transfusion Service".

Pharmaceutical services:

1. The checking of drug storage areas by the pharmacy should include documentation of proper refrigeration temperatures where appropriate.

2. It is desirable for the pharmacist to review the prescriber's original order, or a direct copy, before the initial dose of medication is dispensed.

3. Only the pharmacist, or authorized pharmacy personnel under the direction of the pharmacist, shall dispense medications, make labeling changes, or transfer medications to different containers.

Special care units:

1. Because of the intensity of care given within the unit, and of the critical nature of the illnesses of patients cared for within it, written policies and procedures additional to basic hospital policies should be developed to guide personnel in the management of the unique situations within the unit.

Refer to: "Accreditation manual for Hospitals."

LONG-TERM CARE FACILITY (CATEGORY II) OF VETERANS ADMINISTRATION HOSPITAL, ST. LOUIS, MO.

Date of survey: May 30, 31, 1972; June 1, 1972.

Surveyor: Hugh Cunningham, M.D., A. Kent Schafer, Facha.

Reviewer: Harris B. Jones, Facha.

RECOMMENDATIONS AND COMMENTS

No recommendations.

Rating by Board of Commissioners: Accreditation for two years.

The VA facility at Wood, Wisc., a suburb of Milwaukee, operates 827 beds. The report on that hospital is attached.

VETERANS ADMINISTRATION HOSPITAL, WOOD, WISC.

Date of survey: May 25–26, 1972.

Surveyor: Arthur N. Springall, M.D., FACHA; Foster G. Ramsey, ADM.

Reviewer: William F. Everett, M.D.; Walter S. Shakespeare, FACHA.

RECOMMENDATIONS AND COMMENTS

Dietetic services:

1. Hoods over ranges in the dietary department should be protected by an approved automatic fire extinguishing system, such as carbon dioxide, dry chemical or steam. It is noted the present system is water type.

Environmental services:

1. Doors in smokestop partitions may be held open only by an electrical device which, upon actuation of the fire alarm, smoke detector or automatic fire extinguishing system, will be self-closing. They must be capable of being opened and closed manually.

2. Grab bars should be installed in all patient toilet and bathing areas.

Medical record services:

1. Medical records on discharged patients should be completed within a reasonable time following discharge.

Pharmaceutical services:

1. The pharmacist should maintain a record of his periodic inspections of drug storage and medication centers on the nursing care units.

2. Thermometers should be installed in all medication refrigerators.

Refer to: "Accreditation Manual for Hospitals."

LONG-TERM CARE FACILITY (CATEGORY III) OF VETERAN'S ADMINISTRATION HOSPITAL WOOD, WISC.

Date of survey: May 25, 26, 1972.

Surveyor: Arthur N. Springall, M.D., FACHA; Foster G. Ramsey, Adm.

Reviewer: Harris B. Jones, FACHA.

RECOMMENDATIONS AND COMMENTS

1. A written social service history should be obtained on each patient and included in the patients' medical record. This information should be available to the nursing supervisor to assist her in planning patient care.

Rating by Board of Commissioners: Accreditation for two years.

The Veterans' Administration Hospital at Portland, Oreg. operates 518 beds, and the report follows. In this case, it should be pointed out that one of the surveyors is a former long-time official of the Veterans' Administration and thus some question is raised with regard to objectivity.

VETERANS' ADMINISTRATION HOSPITAL PORTLAND, OREG.

Date of survey: May 5-8, 1972.

Surveyor: Roderick G. St. Pierre, M.D.; David L. Moore, Adm.

Reviewer: Henry K. Speed, Jr., M.D.; Nora C. O'Malley, R.N.

RECOMMENDATIONS AND COMMENTS

Dietetic services:

1. Exhaust hoods for cooking ranges should be equipped underneath with an approved automatic carbon dioxide or dry chemical extinguishing system.

Environmental services:

1. Openings in the linen chutes shall be equipped with doors having self-closing devices.

Refer to: "Accreditation Manual for Hospital."

Rating by Board of Commissioners: Accreditation for two years.

The VA Hospital at Columbia, S.C. (428 beds) has had many problems with regard to construction, but you would never guess it from the report the Joint Commission filed and which follows:

VETERANS ADMINISTRATION HOSPITAL COLUMBIA, S.C.

Date of survey: February 23, 24, 1972.

Surveyor: Charles R. Dugan, M.D., Carroll Dugan, R.N.

Reviewer: Henry K. Speed, Jr., M.D., Avis L. O'Connor, R.N.

RECOMMENDATIONS AND COMMENTS

Environmental services:

1. Procedures for collecting and storing soiled linen should be reviewed to change present practice of storing linen in stairwells.

2. As previously recommended, arrangements should be expedited for providing sufficient emergency electrical power.

Pharmaceutical services:

1. The pharmacist should document his visits to medicine areas of nursing stations to assure safety, security, and proper handling of medications.

Refer to: "Accreditation Manual for Hospitals."

LONG-TERM CARE FACILITY (CATEGORY II) OF VETERANS ADMINISTRATION HOSPITAL COLUMBIA, S.C.

Date of survey: February 23, 24, 1972.

Surveyor: Carroll Dugan, R.N.

Reviewer: Harris B. Jones, FACHA.

RECOMMENDATIONS AND COMMENTS

No specific recommendations noted at the time of this survey.

Rating by Board of Commissioners: Accreditation for two years.

The VA facility at Alexandria, La., not only operates 449 beds, but also a long-term care facility was surveyed in March and that report follows:

VETERANS ADMINISTRATION HOSPITAL ALEXANDRIA, LA.

Date of survey: March 7, 8, 1972.

Surveyor: Louis J. Fuhrmann, M.D.; Muriel W. Stutz, R.N.

Reviewer: William F. Everett, M.D.; Avis L. O'Connor, R.N.

RECOMMENDATIONS AND COMMENTS

Pharmaceutical services:

1. The pharmacy-therapeutics committee of the medical staff, in cooperation with the pharmacist, nursing service and other departments, as necessary, should recommend policies for the control, accountability and administration of drugs throughout the hospital.

Refer to: "Accreditation Manual for Hospitals."

LONG-TERM CARE FACILITY (CATEGORY II) OF VETERANS ADMINISTRATION HOSPITAL ALEXANDRIA, LA.

No recommendations.

Rating by Board of Commissioners: Accreditation for two years.

Date of survey: March 7, 8, 1972.

Surveyor: Muriel W. Stutz, R.N.

Reviewer: Harris B. Jones, Facha.

The VA facility at Togus, Maine (823 beds) for many years was primarily a neuropsychiatric facility and domiciliary was surveyed last November and the report follows:

VETERANS ADMINISTRATIVE CENTER TOGUS, MAINE

Date of Survey: November 17, 18, 1971.

Surveyor: Harry M. Lowd, Jr., M.D.; Nora C. O'Malley, R.N.; Philip J. Hall, Adm.

Reviewer: Henry K. Speed, Jr., M.D.; Mary Susanne Thomas, R.N.

RECOMMENDATIONS AND COMMENTS

Clinical services:

1. More space should be provided to prevent overcrowding in the patient care areas.

Medical staff:

1. The rules and regulations of the medical staff should be updated in order to conform with the new Standards of the Joint Commission on Accreditation of Hospitals.

Nursing services:

1. The nursing policies and procedures should be developed, periodically reviewed and revised as necessary by nursing representatives in cooperation with appropriate representatives from administration, the medical staff and such other hospital services or departments as are concerned.

Special care units:

1. The functions and duties of the medical director of the two intensive care units should be defined in writing.

2. The medical-surgical and cardiac care intensive care units' policies and procedures should be expanded to include necessary training required of employees, staffing pat-

terns, use and maintenance of equipment and medical staff obligations. These policies should be approved by appropriate medical staff and nursing personnel, and implemented.

Refer to: "Accreditation Manual for Hospitals".

LONG TERM CARE FACILITY (CATEGORY III) OF VETERANS ADMINISTRATION CENTER, TOGUS, ME.

Date of Survey: November 17, 18, 1971.
Surveyor: Nora C. O'Malley, R.N.
Reviewer: Mary Susanne Thomas, R.N.

RECOMMENDATIONS AND COMMENTS

1. The policy and procedures book should be revised to include policies and procedures specific to this area of patient care.

Rating by Board of Commissioners: Accreditation for two years.

These are simple examples, Mr. Speaker, which could be added to for every station operated by the Veterans' Administration. Again, the surveys may be of a very substantial character. The reports which are made available would not lead one to that conclusion:

> The Joint Commission on Accreditation of Hospitals developed from the Hospital Standardization Program, which had been established by the American College of Surgeons in 1918 to encourage the adoption of a uniform medical record format that would facilitate the accurate recording of the patient's clinical course."

The fundamental purpose of the Commission since its 1952 incorporation under the laws of Illinois as a nonprofit corporation are:

> 1. To establish standards for the operation of hospitals and other health care facilities and services.
>
> 2. To conduct survey and accreditation programs that will encourage members of the health professions, hospitals and other health care facilities and services voluntarily to:
>
> a. Promote high quality of care in all aspects in order to give patients the optimal benefits that medical science has to offer;
>
> b. Apply certain basic principles of physical plant safety and maintenance, and of organization and administration of function for efficient care of the patient;
>
> c. Maintain the essential services in the facilities through coordinated effort of the organized staffs and the governing bodies of the facilities.

The only reference in U.S. Code to the activities of the Joint Commission are found in section 1395bb of title 42 which follows:

> § 1395bb. Effect of accreditation.
>
> Except as provided in the second sentence of section 1395z of this title, an institution shall be deemed to meet the requirements of the numbered paragraphs of section 1395x(e) of this title (except paragraph (6) thereof) if such institution is accredited as a hospital by the Joint Commission on Accreditation of Hospitals. If such Commission, as a condition for accreditation of a hospital, requires a utilization review plan or imposes another requirement which serves substantially the same purpose the Secretary is authorized to find that all institutions so accredited by the Commission comply also with section 1395x(e)(6) of this title. In addition, if the Secretary finds that accreditation of an institution or agency by the American Osteopathic Association or any other national accreditation body provides reasonable assurance that any or all of the conditions of section 1395x (e), (j), or (*o*) of this title, as the case may be, are met, he may, to the extent he deems it appropriate, treat such institution or agency as meeting the condition or conditions with respect to which he made such finding. (Aug. 14, 1935, ch. 531, title XVIII, § 1865, as added July 30, 1965. Pub. L. 89-97, title I, § 102(a), 79 Stat. 326.)
>
> In 1965, Public Law 89-97 (Medicare) was enacted. The impact of this legislation on hospitals—their financing, the management of their services to the people and their standards of performance—was greater than that of any other recent single factor. Written into the Medicare Act was the provision that the hospitals participating in that program were to maintain the level of patient care that had come to be recognized as the norm. The standards of the Joint Commission on Accreditation of Hospitals are specifically referred to in the law and the *Conditions of Participation for Hospitals*, subsequently promulgated and published by the Social Security Administration, reflected the 1965 standards of the Joint Commission.
>
> The Board of Commissioners in August 1966 voted "to review, reevaluate and rewrite the hospital accreditation standards and their supplemental interpretations to attain two objectives:
>
> 1. To raise and strengthen the standards from their present level of minimum essential to the level of optimal achievable and to assure their suitability to the modern state of the art.
>
> 2. To simplify and clarify the language of standards and interpretations to remove all possible ambiguities and misunderstandings."

The Joint Commission as shown in records of the office of the Secretary of State, Springfield, Ill. that the original incorporators were: George Bughee, 18 E. Division Street, Chicago, Ill.; Paul R. Hawley, M.D., 40 E. Erie Street, Chicago, Ill.; George F. Lull, M.D., 535 N. Dearborn Street, Chicago, Ill.; Leroy H. Sloan, M.D., 55 E. Washington Street, Chicago, Ill.

The latest list of officers and its composition follow:

BOARD OF COMMISSIONERS

Richard E. Palmer, M.D., Chairman.
Carl P. Schlicke, M.D., Vice Chairman.
Wright Adams, M.D., Treasurer.
George W. Graham, M.D., Executive Committee Member at Large.
John D. Porterfield, M.D., Secretary.

AMERICAN COLLEGE OF PHYSICIANS

*(1971) Marshall N. Fulton, M.D. 284 President Avenue, Providence, R.I. 02906.

(1972) Wright Adams, M.D., Box 298, Gulf Shores, Alabama 36542.

(1973) John A. Layne, M.D., 817 5th Avenue, North, Great Falls, Montana 59401.

AMERICAN COLLEGE OF SURGEONS

*(1971) Joel W. Baker, M.D., 1118 9th Avenue, Seattle, Washington 98101.

(1972) Carl P. Schlicke, M.D., 312 West Eight Avenue, Spokane, Washington 99204.

(1973) John I. Brewer, M.D., 860 North Lake Shore Drive, Chicago, Illinois 60611.

AMERICAN HOSPITAL ASSOCIATION

(1971) Philip D. Bonnet, M.D., 615 North Wolfe Street, Baltimore, Maryland 21205.

(1971) Donald J. Caseley, M.D., 840 South Wood Street, Chicago, Illinois 60612.

(1971) David B. Wilson, M.D., 2500 North State Street, Jackson, Mississippi 39206.

(1972) Charles E. Burbridge, Ph.D., Sixth and Bryant Sts., Washington, D.C. 20001.

(1972) Monsignor Harrold A. Murray, United States Catholic Conference, 1312 Massachusetts Avenue, NW., Washington, D.C. 20005.

(1973) George E. Cartmille, 3825 Brush Street, Detroit, Michigan 48201.

(1973) George W. Graham, M.D., 1101 Nott Street, Schenectady, New York 12308.

AMERICAN MEDICAL ASSOCIATION

(1971) Richard E. Palmer, M.D., P.O. Box 1229, Alexandria, Virginia 22314.

(1971) William B. Hildebrand, M.D., 59 Racine Street, Menasha, Wisconsin 54952.

(1972) L. O. Simenstad, M.D., 195 Hammond Street, Osceola, Wisconsin 54020.

(1972 Humphrey H. Hardy, Jr., M.D., 328 3rd Street, Alexandria, Louisiana 71301.

(1973) Burt L. Davis, M.D., 701 Channing Avenue, Palo Alto, California 94301.

(1973) Lester H. Rudy, M.D., 1601 West Taylor Street, Chicago, Illinois 60612.

(1973) Joseph D. Calhoun, M.D., 500 South University Avenue, Little Rock, Ark. 72205.

AMERICAN ASSOCIATION OF HOMES FOR THE AGING

(1971) Herbert Shore, Ed.D., 2525 Centerville Road, Dallas, Texas 75228.

AMERICAN NURSING HOME ASSOCIATION

(1971) John W. Daake, M.D., 48 Portland Place, St. Louis, Missouri 63108.

1971 COMMITTEES OF THE BOARD

Executive Committee:
Richard E. Palmer, M.D., Chairman, AMA.
Carl P. Schlicke, M.D., ACS.
Wright Adams, M.D., ACP.
George W. Graham, M.D., AHA.
Organization Committee:
John I. Brewer, M.D., Chairman, ACS.
David B. Wilson, M.D.
Burt L. Davis, M.D., AMA.
Marshall N. Fulton, M.D., ACP.
Accreditation Committee:
Wright Adams, M.D., Chairman, ACP.
Marshall N. Fulton, M.D., ACP.
Lester H. Rudy, M.D., AMA.
Humphrey H. Hardy, M.D., AMA.
Charles E. Burbridge, Ph.D., AHA.
Phillip D. Bonnet, M.D., AHA.
Joel W. Baker, M.D., ACS.
John I. Brewer, M.D., ACS.
Survey Procedures Committee:
John A. Layne, M.D., Chairman, ACP.
George Cartmill, AHA.
John I. Brewer, M.D., ACS.
William B. Hildebrand, M.D., AMA.
Standards Committee:
George W. Graham, M.D., Chairman, AHA.
John A. Layne, M.D., ACP.
Richard E. Palmer, M.D., AMA.
Carl P. Schlicke, M.D., ACS.
Research and Education Committee:
Msgr. Harrold A. Murray, Chairman, AHA.
Carl P. Schlicke, M.D., ACS.
Joseph D. Calhoun, M.D., AMA.
Marshall N. Fulton, M.D., ACP.
Interprofessional Liaison Committee:
L. O. Simenstad, M.D., Chairman, AMA.
Wright Adams, M.D., ACP.
Donald J. Caseley, M.D., AHA.
Joel W. Baker, M.D., ACS.
February 8, 1971.

It will be noted, Mr. Speaker, that the Joint Commission on Accreditation of Hospitals is composed entirely of representatives of associations which have a vested interest in the operation and management of hospitals, nursing homes, extended care facilities, etc. The organizations are the American College of Physicians, the American College of Surgeons, the American Medical Association, the American Association of Homes for the Aging, the American Nursing Home Association. The individual members are all doctors of medicine with four exceptions as noted above.

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* Year appointment terminates (December 31)

It should be pointed out that the surveys made by the Joint Commission involve no unannounced inspections or surveys. A notice of the date of the survey is given in writing 30 days in advance to the institution surveyed. The usual time each day that is spent by the surveying team conducting the on-site survey is 7 hours. A hospital of 500 beds takes 2 to 3 days, and, of course, this depends whether or not the survey team is made up of two or three individuals. A VA hospital pays at a rate of $230 per day for each survey; I assume similar charges are paid by other hospitals. Until recently accreditation was for 3 years; now it is for 2. There are at least two ways of reviewing this change: better accreditation or a means for increasing the revenue of the Commission.

At the time that the hospital applies for accreditation or at which time the accreditation is to be renewed or reexamined, a voluminous form of 169 pages is submitted to the hospital for completion and returned to the Joint Commission to permit it to make a computer analysis of the data provided. This allegedly permits the survey to be directed toward problem areas.

A second form entitled "The Surveyor's Report" of some 43 pages is completed by the survey team during the visit. Before the team leaves the hospital it hold a summary conference with the hospital authorities. As an example of the broadness of the survey, the following hospital services are considered: Clinical services and governing body and management; medical staff; nursing services; anesthesia services; environmental services; medical record services; pathology services; pharmaceutical services; physical medicine services; professional library services; radiology services; social services; special care units.

So that the records may be completed on this subject, I am including as a part of the remarks an exchange of remarks I have had with the director of accreditations, Dr. John E. Porterfield, which follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., March 1, 1972.

Dr. JOHN P. PORTERFIELD,
Director, Joint Commission on Accreditation, Chicago, Ill. 60611

DEAR DR. PORTERFIELD: As the ranking minority member of the Subcommittee on Hospitals of the Committee on Veterans' Affairs, I have seen and read, during my service of nearly 23 years on the Committee many of your reports on individual Veterans' Administration hospitals wherein the Commission accredits the hospital under investigation.

I would like to have some information on the operations of the Commission. Would you please indicate, for the calendar years of 1965, 1966, 1967, 1968, 1969, 1970, and 1971 the number of hospitals which representatives of the Commission inspected for the purpose of accreditation, the number disaccredited (accreditation withdrawn or not granted if the inspection was the first time visit for the purpose of accreditation). Please furnish the same information for nursing homes which you have inspected. Indication should be made between those hospitals or nursing homes which are a part of the system operated by the Department of Medicine and Surgery of the Veterans' Administration and those which are operated under other public or private auspices. (The categories should be VA operated and others). It should be emphasized that I am requesting numbers and totals for the years indicated; not names or location of the facilities.

Would you please state the policy as to notice given the hospital tc be visited for the purpose of accreditation. Is notice given to the prospective hospital in writing or orally? Are unannounced inspections made, and if so, under what circumstances? How many hours does it take, on an average, to make up an inspection of a five hundred-bed hospital? How many individuals make up an inspection team for such a hospital?

I look forward to receiving this information at an early date and will appreciate your cooperation to that end.

Sincerely yours,
JOHN P. SAYLOR,
Member of Congress.

MARCH 13, 1972.

JOHN P. SAYLOR,
Member of Congress, U.S. House of Representatives, Committee on Veterans' Affairs, Washington, D.C. 20515

MY DEAR CONGRESSMAN SAYLOR: This is answer to your March 1, 1972 inquiry requesting information regarding hospitals and nursing homes that have been surveyed by the Joint Commission on Accreditation of Hospitals for the calendar years of 1965 through 1971. The attached sheets list these facilities.

In reply to the specific questions relative to the notice given facilities:

1. A notice of the date of survey is given in writing 30 days in advance.

2. Unannounced inspections or surveys are not made.

3. The usual time each day that is spent by the survey team conducting the on-site survey is seven hours; and a hospital of 500 beds takes 2 or 3 days, depending on whether the survey teams is made up of two or three individuals.

Sincerely yours,
JOHN D. PORTERFIELD, M.D.,
Director.

To: Reed N. Nesbit, M.D.
From: Russell H. Blood, M.D.
Date: March 9, 1972
Subject: Number of Accredited Hospitals, Non-Accredited Hospitals, Veterans Administration Hospitals and Totals for the years 1965 through 1971

1965

Accredited*	1714
Non-Accredited	55
Total No. Surveys	1765
VA Hospitals* (included in Accredited)	49

1966

Accredited*	1970
Non-Accredited	85
Total No. Surveys	1875
VA Hospitals* (included in Accredited)	40

1967

Accredited*	1974
Non-Accredited	116
Total No. Surveys	2090
VA Hospitals* (included in Accredited)	66

1968

Accredited*	1917
Non-Accredited	74
Total No. Surveys	1991
VA Hospitals* (included in Accredited)	47

1969

Accredited*	1790
Non-Accredited	65
Total No. Surveys	1855
VA Hospitals* (included in Accredited).	

1970

Accredited*	1817
Non-Accredited	59
Total No. Surveys	1876
VA Hospitals* (included in Accredited)	63

1971

Accredited*	2072
Non-Accredited	38
	2114
VA Hospitals* (included in Accredited)	57

There were 3 Initial surveys among Veterans Administration Hospitals, 1 in 1965, 1 in 1969, and 1 in 1971.

Number of Accredited Long Term Care Facilities:

1966

(First year of program)

Accredited	422
Non-Accredited	347
Total Surveys	769
VA Hospital	1

1967

Accredited	302
Non-Accredited	100
Total Surveys	402
VA Hospitals	5

1968

Accredited	374
Non-Accredited	83
Total Surveys	457
VA Hospitals	14

1969

Accredited	278
Non-Accredited	23
Total Surveys	301
VA Hospitals	16

1970

(First year of Mixed facility surveys)

Accredited	532
Non-Accredited	28
Total Surveys	560
VA Hospitals	31

1971

Accredited	527
Non-Accredited	14
Total Surveys	541
VA Hospitals	26

APRIL 27, 1972.

Dr. JOHN P. PORTERFIELD,
Director, Joint Commission on Accreditation of Hospitals, Chicago, Ill. 60611.

DEAR DR. PORTERFIELD: Thank you for your letter of March 13 which I received on April 14 after I had my office call the Commission in Chicago.

I have had a careful search made of the records in this office and the records in the Committee on Veterans Affairs, and this search fails to reveal that your original letter was ever received. Again, my appreciation for the carbon.

I have seen the somewhat voluminous form used when a hospital is inspected by members of the staff of the Commission, but the reports which have been furnished to me over the years by the Veterans Administration are summaries which, as you know, run between 1 and 4 pages. Is the full report made available to the individual hospital under accreditation study or does the institution just receive the brief report or summary which I have seen? I would appreciate hearing from you on this point.

Again, thank you for your help.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

MAY 12, 1972.

HON. JOHN P. SAYLOR,
Member of Congress, House of Representatives, Washington, D.C. 20515

DEAR CONGRESSMAN SAYLOR: In response to your inquiry of April 27, there are two voluminous forms used in connection with a hospital accreditation survey. The first of these, entitled *Hospital Survey Questionnaire,* is sent to a hospital when it applies for accreditation or reaccreditation. Hospital personnel must complete and return it to the Joint Commission for review before the survey visit. It is in essence a comprehensive program audit in terms of the Joint Commission standards. It is helpful as such to the hospital. It also serves to give the Joint Commission a computer analysis of the data provided, so that the survey visit may be directed toward problem areas.

The second form, the *Surveyors' Report Form,* is completed by the survey team during the survey visit. It is intended to validate the data previously submitted and to provide a record of direct observations made. This is returned by the survey team to the central office, where it is reviewed and becomes the basis for the accreditation decision and critique adopted by the Commissioners' Accreditation Committee. Copies of both documents now in use are forwarded for your inspection.

Before the survey team leaves the hospital, it holds a summary conference with the hospital authorities. At that time, both documents are reviewed and discussed and direct consultation is provided. While the hospital has usually retained a copy of the first document described above, it is not given a copy of the second document.

The formally approved critique, which is in fact a summary of the adverse findings and recommendations, is later sent to the hospital with the accreditation decision letter as a documentation of the summary conference which was held.

This same critique is subsequently used, where the hospital has been given two-year accreditation, as the interim survey report. The hospital is expected on the anniversary date of the survey visit to review the critique and to report to the Joint Commission on the improvements which have been effected or on the progress to that end.

Your continued interest is appreciated. If we may help you further, please let us know.

Sincerely,

JOHN D. PORTERFIELD, M.D.,
Director.

JUNE 15, 1972.

Dr. JOHN P. PORTERFIELD,
Director, Joint Commission on Accreditation of Hospitals, Chicago, Ill.

DEAR DR. PORTERFIELD: You will recall my letter of April 27 in which I asked you for certain information.

Having received no response, on May 31 my administrative asistant, Mr. Harry Fox, called your office and spoke with your secretary who advised that a letter together with considerable material had been forwarded to my office several weeks previous to the call. Your secretary then called Mr. Fox later in the same day and asked to whom the material should be addressed and was given that information. As of this date I have not seen the original letter or the carbon which was promised on May 31.

This is my third request for this information and I would urge you to promptly comply with what I believe most people would agree is a reasonable request for information of this type. I would suggest in view of the difficulties which we have experienced with my original inquiry, as well as the one embodied in my letter of April 27, that you certify the response which you make to this letter. It should be addressed to me at Room 2354, Rayburn House Office Building, Washington, D.C. 20515, Attention: Mr. Harry Fox.

Thank you for your cooperation.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

JOINT COMMISSION ON
ACCREDITATION OF HOSPITALS,
Chicago, Ill., June 19, 1972.

Hon. JOHN P. SAYLOR,
Member of Congress, Rayburn House Office Building, Washington, D.C. 20515

DEAR CONGRESSMAN SAYLOR: I am as depressed in reading as you were in writing your letter of June 15.

A reply to your April 27 letter was mailed to you on May 12 with a substantial bulk of informative enclosures. This was addressed to you, as you will see on the carbon, only at the House of Representatives since your letterhead gave no more precise information and this office does not have a Congressional directory.

When your Mr. Fox called on May 31, a duplicate set was mailed airmail to you the same day, now using the office address Mr. Fox furnished.

A third set is now forwarded to you by registered mail, return receipt requested. I am very hopeful we can beat the system this time.

There is no need to urge me to promptly comply. Your request is indeed reasonable and we have been doing our level best to fill it.

I cannot apologize for what was not the fault of this office, but I join you in deploring the circumstances which created this difficulty, whatever they are.

We are pleased at your interest in our work and will continue to try to respond promptly and adequately to any further requests you may make.

Sincerely,

JOHN D. PORTERFIELD, M.D.,
Director.

I invite Members' particular attention to the summary data on Commission survey attached to Dr. Porterfield's letter of March 13, 1972. It should be noted that during that 7-year period the highest percentage of nonaccredited was 5.6 percent in 1967 while the lowest percentage was 1.8 percent in 1971.

In the case of accreditation of long-term care facilities—a facility providing inpatient care for convalescent or chronic disease patients who require skilled nursing care and related medical services—begun in 1966, 45.1 percent were not accredited that year. It dropped to 24.9 percent in 1967; 18.2 percent in 1968; 7.6 percent in 1969; in 1970 it was 5 percent—first year of mixed facility survey—and in 1971 it was 2.6 percent.

Mr. Speaker, one can draw comfort from these percentage figures but from reports we read and hear about almost daily I wonder how much comfort we should draw.

Mr. Speaker, we are discussing here today a highly important subject literally running into billions of dollars, and it is estimated that HEW is spending now in excess of $5 billion under medicare. When ths amount is considered in conjunction with the funds voted for the construction of hospitals under the Hill-Burton Act, the operation of the Veterans' Administration system, which costs in excess of $2.6 billion per year, the operations of the National Institutes of Health, the Public Health Services, the medical aspects of the Department of Defense, subsidies paid to medical schools, and the medical scholarships involved, plus the huge amounts allocated for research, the interest of the Federal Government and all taxpayers is obvious. It should be pointed out, too, that it is estimated that we are spending each year for nursing homes approximately $2.6 billion, three-fourths of which comes from public funds, and that on July 19 of this year the Secretary of HEW announced that 68 percent of the 7,000 nursing homes surveyed did not meet minimal standards, and thus were accredited for 6-month periods only.

According to statements made in civil action number 2016–71 in the District Court for the District of Columbia which involved the approval by the Joint Commission of the San Francisco General Hospital, it is reported that:

> A. Dr. Robert Marvan, an intern at San Francisco General, reported that:
>
> (1) Worms were found on the head and maggots on the neck of a comatose patient who had undergone a tracheotomy;
>
> (2) Ants were observed in a patient's bed and in his I.V. bottle which leads to his bloodstream.
>
> B. Documentary evidence was presented which showed:
>
> (1) That medications and specimens (blood, urine, and stool) were stored with food in the same refrigerators;
>
> (2) That the surgical suite, cleaned in April of last year (1970), was once more an unsafe area; and
>
> (3) That no fire drill had been held for at least 8½ years."

This accreditation permitted the hospital to receive at least $2.1 million annually in medicare payments.

In this same suit, it was stated in referring to the D.C. General Hospital:

> At this meeting, house staff physicians, kitchen and maintenance employees of the hospital and community members who had been patients at the hospital offered oral testimony about drug shortages, lack of nurses, lost and incorrect medical records, inaccurate and unavailable lab reports, lost X-rays, and other deficiencies which render the hospital unable to provide medical care to the poor of the District of Columbia in compliance with Joint Commission standards.

In regard to the activities of the American Hospital Association, it is one of the principal governors of the Joint Commission on Accreditation of Hospitals. It should be pointed out that the Veterans' Administration has to pay each year a large sum of money to participate in the activities of this operation. It is currently at the figure of $73,747. This is determined by paying $6,880 for the first hospital, in this case the one operated at Hines, Ill., and $412 for each additional membership. The results of this membership as far as worthwhile benefits to the agency and to the veterans of this country are at least somewhat open to question. A copy of a letter from the Administrator of Veterans' Affairs on this subject follows:

VETERANS ADMINISTRATION,
Washington, D.C. June 29, 1972.

Hon. JOHN P. SAYLOR,
House of Representatives
Washington, D.C. 20515

DEAR MR. SAYLOR: Enclosed is the information you requested concerning Veterans Administration payments to the American Hospital Association.

We contract for annual membership on the basis of payment of $6880 which provides overall agency membership and includes the first hospital, in this case Hines, Illinois. Each additional hospital is charged at the rate of $412 per annum. The exceptions are the VA Domiciliary, White City, Oregon, whose rate is $255, and the VA Center, San Juan, Puerto Rico, whose rate is $275.

Our current year contract provides for maximum payment of $73,747. Our current expenditures are $72,506. Provision is made each year to increase or decrease charges as the number of VA hospitals changes.

If we can furnish any further information, please let me know.

Sincerely,
Deputy Administrator
(In the absence of
DONALD E. JOHNSON, *Administrator*).

AMERICAN HOSPITAL ASSOCIATION'S CHARGES FOR VA HOSPITAL MEMBERSHIP

Hospitals	Annual dues	Total[1]
Alabama:		
Birmingham	$412	483
Montgomery	412	253
Tuscaloosa	412	777
Tuskegee	412	1,106
Arizona:		
Phoenix	412	219
Prescott	412	240
Tucson	412	330
Arkansas:		
Fayetteville	412	230
Little Rock	412	1,601
California:		
Fresno	412	275
Livermore	412	191
Long Beach	412	1,670
Los Angeles (Brentwood)	412	488
Los Angeles (Wadsworth Hospital Center)	412	200
Martinez	412	498
Palo Alto	412	1,462
San Diego	412	322
San Francisco	412	352
Sepulveda	412	910
Colorado:		
Denver	412	401
Fort Lyon	412	600
Grand Junction	412	103
Connecticut:		
Newington	412	195
West Haven	412	711
Delaware: Wilmington	412	338
District of Columbia: Washington	412	694
Florida:		
Bay Pines	412	660
Gainesville	412	480
Lake City	412	445
Miami	412	780
Georgia:		
Atlanta	412	496
Augusta	412	1,318
Dublin	412	500
Idaho: Boise	412	172
Illinois:		
Chicago (Research)	412	523
Chicago (West Side)	412	545
Danville	412	1,434
Downey	412	2,048
Hines	6,880	1,398
Marion	412	127
Indiana:		
Fort Wayne	412	178
Indianapolis	412	650
Marion	412	1,335
Iowa:		
Des Moines	412	362
Iowa City	412	405
Knoxville	412	814
Kansas:		
Leavenworth	412	642
Topeka	412	890
Wichita	412	200
Kentucky:		
Lexington	412	815
Louisville	412	444
Louisiana:		
Alexandria	412	449
New Orleans	412	561
Shreveport	412	452
Maine: Togus	412	823
Maryland:		
Baltimore	412	291
Fort Howard	412	237
Perry Point	412	1,075
Massachusetts:		
Bedford	412	895
Boston	412	845
Brockton	412	939
Northampton	412	741
West Roxbury	412	300
Michigan:		
Allen Park	412	704
Ann Arbor	412	401
Battle Creek	412	1,240
Iron Mountain	412	229
Saginaw	412	217
Minnesota:		
Minneapolis	412	920
St. Cloud	412	1,020
Mississippi:		
Biloxi	412	910
Jackson	412	498
Missouri:		
Columbia	412	110
Kansas City	412	510
Poplar Bluff	412	179
St. Louis	412	1,137
Montana:		
Fort Harrison	412	160
Miles City	412	96
Nebraska:		
Grand Island	412	172
Lincoln	412	211
Omaha	412	473
Nevada: Reno	412	177
New Hampshire: Manchester	412	150
New Jersey:		
East Orange	412	929
Lyons	412	1,623
New Mexico: Albuquerque	412	430
New York:		
Albany	412	900
Batavia	412	237
Bath	412	208
Bronx	412	977
Brooklyn	412	1,000
Buffalo	412	878
Canandaigua	412	1,055
Castle Point	412	258
Montrose	412	1,543
New York	412	1,080
Northport	412	961
Syracuse	412	422
North Carolina:		
Durham	412	489
Fayetteville	412	390
Oteen	412	577
Salisbury	412	904
North Dakota: Fargo	412	224
Ohio:		
Brecksville	412	899
Chillicothe	412	1,562
Cincinnati	412	460
Cleveland	412	780
Dayton	412	718
Oklahoma:		
Muskogee	412	262
Oklahoma City	412	481
Oregon:		
Portland	412	518
Roseburg	412	436
Pennsylvania:		
Altoona	412	170
Butler	412	396
Coatesville	412	1,505
Erie	412	134
Lebanon	412	934
Philadelphia	412	492
Pittsburgh (Leech Farm Road)	412	951
Pittsburgh (University Drive)	412	737
Wilkes-Barre	412	500
Puerto Rico: San Juan	275	688
Rhode Island: Providence	412	343
South Carolina:		
Charleston	412	388
Columbia	412	428
South Dakota:		
Fort Meade	412	420
Hot Springs	412	235
Sioux Falls	412	250
Tennessee:		
Memphis	412	923
Mountain Home	412	500
Murfreesboro	412	1,066
Nashville	412	485
Texas:		
Amarillo	412	146
Big Spring	412	225
Bonham	412	56
Dallas	412	680
Houston	412	1,242
Kerrville	412	310
Marlin	412	222
Temple	412	700
Waco	412	1,337
Utah: Salt Lake City	412	561
Vermont: White River Junction	412	200
Virginia:		
Hampton	412	538
Richmond	412	868
Salem	412	1,272
Washington:		
American Lake	412	720
Seattle	412	302
Spokane	412	206
Vancouver	412	384
Walla Walla	412	212
West Virginia:		
Beckley	412	172
Clarksburg	412	200
Huntington	412	180
Martinsburg	412	691
Wisconsin:		
Madison	412	420
Tomah	412	800
Wood	412	827
Wyoming:		
Cheyenne	412	127
Sheridan	412	413
Total	[2]72,506	96,189

[1] Total hospital operating beds as of Apr. 30, 1972.

[2] Includes $255 annual AHA dues for VA domiciliary, White City, Oreg.

Several conclusions may be drawn from the above record:

First. A well-developed pattern of accreditation has existed in this country for over 50 years;

Second. The Joint Commission on Accreditation of Hospitals is a private body incorporated as a not-for-profit organization in one State and doing business in all 50;

Third. The Commission is medically controlled—82 percent of the board of directors are doctors of medicine, 18 percent are not;

Fourth. There is no Commission representation on the board for nurses, engineers, social services, and others in the allied health professions;

Fifth. There is no representation for consumers—patients—or community interest in Commission surveys;

Sixth. While the accreditation process is important there is no record there was any public demand for the Commission activities, but rather the accreditation process was developed by the medical fraternity;

Seventh. The Federal Government—taxpayers—pay over 50 percent of the medical costs in the country;

Eighth. The Federal Government and individual citizens have no control or input in the accreditation process as now existing.

Mr. Speaker, I am introducing today three bills which I believe are necessary and which would correct in my judgment many of the deficiencies which exist in this field, and which would provide for an objective appraisal of hospital administration at all levels throughout the country, as well as nursing homes and remove from it the influence of accreditation by associations who have a vested interest in the operation of the facilities, which is the case today.

The first bill is one which relates entirely and exclusively to the Veterans' Administration. It provides simply that the Administrator may not pay to the Joint Commission on Accreditation of Hospitals any fee or other charges for a survey, until and unless the Administrator receives from the Joint Commission a copy of the surveyor's report and such other information as the Administrator may require.

The second bill authorizes the Secretary of Health, Education, and Welfare to require hospitals, as a condition to participation in Federal programs, to meet the accreditation standards established by him where he finds that the Joint Commission's accreditation policies do not assure the delivery of safe, effective, and economical health care in a hospital.

The last bill is a more comprehensive one, and it proposes to supplant the Joint Commission on Accreditation of Hospitals by establishing a Federal Commission to be composed of 32 members.

First. Including as ex-officio members the chief medical officer of the Veterans' Administration and a medical officer designated by the Secretary of Defense.

Second. Nine members will be appointed by the Comptroller General, six to be persons experienced in the administration of hospitals and three from members of the general public.

Third. Twenty-one appointed by the Secretary of HEW, six of whom shall be physicians and 15 from persons in the applied health professions, nurses, and engineers.

Appointed members shall serve for a term of 6 years. The chairman shall be elected for a term of 4 years by the Commission. The Commission shall meet at least every 3 months, but work of the board shall be conducted by a director who shall have overall responsibility for its operation. The Commission may authorize public hearings, hold such hearings set at such times and places and submit testimony as the Commission deems advisable. The hearings shall be open and there is no bar in the bill to receiving testimony from any source, including consumers of patient care and employees of a particular hospital.

Each hospital shall be charged an appropriate fee for this accreditation procedure so as to make the activities of the proposed Federal Commission tax free and not require an appropriation.

If the determination is made with respect to any public or private hospital that the hospital does not meet the accreditation standards and after the expiration of a 90-day period, no Federal financial assistance may be paid to or on behalf of the hospital from any source and the hospital shall not be eligible to participate as a provider of services under titles XVIII or XIX of the Social Security Act until such time as the Commission accredits the hospital. In the case of a Federal hospital, the head of the agency, after the expiration of the 90-day period, shall terminate its operations until the hospital is accredited by the Commission.

WYOMING'S GREATEST ASSET IN PERIL

(Mr. RONCALIO asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, Air Facts is a noted monthly magazine devoted to the development of private air transportation, edited by Leighton Collins. It recently featured an article by Terrance Honikman on the flying experiences of the author and his wife on a coast-to-coast vacation flight. It carried an excerpt which I quote in the hope that my constituents who still feel that Wyoming's air is pure and sweet and clean may take pause and reflect upon what others who come through my State have to say about how we who are living there are guarding its priceless resource, clean air.

The excerpt follows:

> So now we are left alone for 25 minutes while cruising across Wyoming skies at 180 knots. * * *
>
> The land over which we were flying is spectacular, when you can see it. For already the brown stain called smog has made its home over the Wyoming wilderness. * * * We were sickened by what we saw, for it was apparent that man's thoughtlessness has reached even to where he does not live in significant numbers. We have come to expect smog in and around large cities, but to find it for mile after eyestinging mile between the metropolitan areas raised some terrible questions. It seemed even more evil out there (in Wyoming).

The author was flying from Jackson to Rapid City, S. Dak., and was probably observing the results of the great industrialization that is so highly touted in Wyoming today—the trona industry in southwest Wyoming, power generation in various parts of State—and the prosperity that is heralded so keenly throughout Wyoming these days. How evil it is that in just a few years my beloved State of Wyoming, at elevations of 6,000 and 7,000 feet, may be suffering the same smog alert we are having in the District of Columbia today.

PERSONAL ANNOUNCEMENT

(Mr. DANIELSON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, on Thursday, August 3, 1972, I was compelled to leave the floor at 5:15 p.m. in order to return to my district, and therefore I missed roll No. 298. On roll No. 298, a recorded teller vote, I would have voted "aye" on the Gonzalez amendment to H.R. 15989, to extend the Export Administration Act of 1969. This amendment removes the President's authority to control exports of cattle hides. The amendment was agreed to by a vote of 177 ayes to 158 noes.

On Tuesday, August 15, 1972, I was compelled to leave the floor shortly after 5 p.m. and therefore missed roll No. 327, final passage of the bill, S. 3824, the public broadcasting authorization, which passed the House by a vote of 377 yeas to 8 nays. If I had been present and voting, I would have voted "yea."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Aspinall, from September 5 until September 14, on account of primary election.

Mr. Conover (at the request of Mr. Gerald R. Ford), for September 5 and 6, on account of official business.

Mr. Gude (at the request of Mr. Gerald R. Ford), for from 5:30 p.m. today, for personal matters due to the marriage of his daughter.

Mr. Railsback (at the request of Mr. Gerald R. Ford), for today and tomorrow, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Shoup), to revise and extend their remarks, and to include extraneous matter:)

Mr. Schwengel, today, for 30 minutes.

Mr. Dickinson, today, for 15 minutes.

Mr. Mathias of California, on August 18, 1972, for 5 minutes.

Mr. Don H. Clausen, on August 18, 1972, for 5 minutes.

Mr. Winn, today, for 5 minutes.

Mr. Harvey, today, for 15 minutes.

Mr. Brown of Michigan, today, for 5 minutes.

(The following Members (at the request of Mr. Mazzoli) and to revise and extend their remarks and include extraneous matter:)

Mr. Nichols, for 5 minutes, today.

Mr. Fraser, for 15 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Aspin, for 5 minutes, today.

Mr. Eilberg, for 5 minutes, today.

Mr. Dulski, for 10 minutes, today.

Mr. Galifianakis, for 5 minutes, today.

Mr. Cotter, for 5 minutes, today.

Mr. Vanik, for 5 minutes, today.

Mr. Burke of Massachusetts, for 5 minutes, today.

Mrs. Chisholm, for 5 minutes, today.

Mr. Davis of South Carolina, for 5 minutes, today.

Mr. Daniels of New Jersey, for 5 minutes, today.

Mr. Charles H. Wilson, for 10 minutes, on August 18.

Mr. McFall, for 5 minutes, on August 18.

Mr. Sisk, for 5 minutes, on August 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Waggonner, notwithstanding it exceeds two pages of the Record, and is estimated by the Public Printer to cost $1,147.50.

Mr. Frenzel to extend his remarks

following Mr. Steiger of Wisconsin during general debate on H.R. 13915.

Mr. Mizell, immediately following the remarks of Mr. Ruth under the 5-minute rule on the Green amendment in the Committee of the Whole today.

Mr. Dickinson, immediately following the remarks of Mr. Ruth under the 5-minute rule on the Green amendment in the Committee of the Whole today.

Mr. Rousselot, to extend his remarks following comments of Mr. Ashbrook.

Mrs. Mink to extend her remarks in the body of the Record and to include extraneous matter notwithstanding the estimated cost of $1,530.

Mr. Koch and to include extraneous matter, notwithstanding the fact that it exceeds 14¼ pages of the Record and is estimated by the Public Printer to cost $2,422.50.

Mr. Saylor and to include extraneous matter, notwithstanding the fact that it exceeds 6 pages of the Record and is estimated by the Public Printer to cost $1,020.

(The following Members, (at the request of Mr. Shoup) and to include extraneous material:)

Mr. Railsback in two instances.
Mr. McClory in two instances.
Mr. Anderson of Illinois.
Mr. Price of Texas.
Mr. Derwinski in three instances.
Mr. Wyman in two instances.
Mr. Broyhill of Virginia.
Mr. McClure.
Mr. Bob Wilson in two instances.
Mr. Terry.
Mr. Eshleman.
Mr. Robison of New York in two instances.
Mr. Bell.
Mr. Brown of Michigan.
Mr. Peyser in five instances.
Mr. Whitehurst in two instances.
Mr. Findley.
Mr. Collier in five instances.
Mr. Veysey.
Mr. Hansen of Idaho in three instances
Mr. Gude in two instances.
Mr. Riegle in two instances.
Mr. Rousselot.
Mr. Shriver in two instances.
Mr. Frey.
Mr. Smith of New York.
Mr. Frenzel.
Mr. Landgrebe.
Mr. Scott.
Mr. Steiger of Arizona in two instances.
Mr. Bray in three instances.
Mr. Brown of Michigan.
Mr. Dellenback.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous materials:)

Mr. Gaydos.
Mr. de la Garza in 10 instances.
Mr. Aspin in five instances.
Mr. Brasco in two instances.
Mr. Giaimo.
Mr. Gonzalez in three instances.
Mr. Rarick in three instances.
Mr. Long of Maryland.
Mr. Fuqua.
Mr. Wolff.
Mr. Garmatz in two instances.
Mr. Harrington in four instances.
Mr. Hungate.
Mr. Diggs in three instances.
Mr. Colmer.
Mr. Roy.
Mr. Dorn in two instances.
Mr. Hamilton.
Mr. Eilberg in two instances.
Mr. Symington in two instances.
Mr. Vanik.
Mr. Anderson of Tennessee in two instances.
Mr. Nix.
Mr. Carey of New York.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3441. An act to extend the traineeship program for professional public health personnel, and project grants for graduate training in public health under the Public Service Act; to the Committee on Interstate and Foreign Commerce.

S. 3752. An act to extend programs for assistance to medical libraries; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 16254. An act making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3824. An act to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 43 minutes a.m., Friday, Aug. 18, 1972), the House adjourned until 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2262. A letter from the Architect of the Capitol, transmitting a report of all expenditures during the period January 1 through June 30, 1972, from moneys appropriated to the Architect of the Capitol, pursuant to section 105(b) of Public Law 88-454; to the Committee on Appropriations.

2263. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the Officers Motor Boat, Hull No. C-12928 to the Admiral Nimitz Center, Fredericksburg, Tex., pursuant to 10 U.S.C. 7308(c); to the Committee on Armed Services.

2264. A letter from the Chairman, Commission on the Organization of the Government of the District of Columbia, transmitting the final report of the Commission, pursuant to Public Law 91-405, as amended (H. Doc. No. 92-317); to the Committee on the District of Columbia and ordered to be printed with illustrations.

2265. A letter from the Clerk, U.S. House of Representatives, transmitting his semiannual report of receipts and expenditures of appropriations and other funds for the period ended June 30, 1972, pursuant to 2 U.S.C. 104(a) (H. Doc. No. 92-346); to the Committee on House Administration and ordered to be printed.

2266. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on positions in NASA as of June 30, 1972, established under the authority of section 203(b)(2) of the National Aeronautics and Space Act of 1958, pursuant to section 206(b) of the act (75 Stat. 785, 791); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOLIFIELD: Committee on Government Operations. H.R. 15763. A bill to amend chapter 25, title 44, United States Code, to provide for two additional members of the National Historical Publications Commission, and for other purposes; with amendments (Rept. No. 92-1362). Referred to the Committee of the Whole House on the State of the Union.

Mr. RODINO: Committee on the Judiciary. H.R. 16188. A bill to amend the Immigration and Nationality Act, and for other purposes; with amendments (Rept. No. 92-1366). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DANIELSON: Committee on the Judiciary. H.R. 5416. A bill for the relief of Ossie Emmons and others; with amendments (Rept. No. 92-1363). Referred to the Committee of the Whole House.

Mr. SMITH of New York: Committee on the Judiciary. H.R. 12099. A bill for the relief of Sara B. Garner (Rept. No. 92-1364). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 15865. A bill for the relief of Richard L. Krzyanowski; with an amendment (Rept. No. 92-1365). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 16417. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mrs. ABZUG:

H.R. 16418. A bill to amend the Public Buildings Act of 1959 to require public buildings to have bicycle parking facilities; to the Committee on Public Works.

By Mr. BINGHAM:

H.R. 16419. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

H.R. 16420. A bill to establish a national surface transportation trust fund, and for other purposes; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. Betts, Mr. Carey of New York, Mr. Corman, Mr. Fulton, Mr. Gibbons, Mrs. Griffiths, Mr. Pettis, Mr. Ullman, and Mr. Vanik):

H.R. 16421. A bill to promote the foreign policy and security of the United States by providing authority to negotiate a commercial agreement with Rumania, and for other purposes; to the Committee on Ways and Means.

By Mr. DANIELS of New Jersey:

H.R. 16422. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable units of general local government to increase the numbers of police; to the Committee on the Judiciary.

By Mr. DORN:

H.R. 16423. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes; to the Committee on Ways and Means.

By Mr. ESCH (for himself and Mr. Danielson):

H.R. 16424. A bill to provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GALIFIANAKIS:

H.R. 16425. A bill to provide greater assurance of Federal fiscal responsibility; to the Committee on Government Operations.

By Mr. GARMATZ (for himself and Mr. Mailliard):

H.R. 16426. A bill to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself, Mr. Carney, Mr. Dellums, and Mr. Mikva):

H.R. 16427. A bill to authorize the Secretary of Labor to provide financial and other assistance to certain workers and small business firms to assist compliance with State or Federal pollution abatement requirements; to the Committee on Banking and Currency.

By Mrs. HICKS of Massachusetts (for herself and Mrs. Grasso):

H.R. 16428. A bill to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day"; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 16429. A bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation; to the Committee on Interstate and Foreign Commerce.

By Mr. McKEVITT:

H.R. 16430. A bill to amend the Social Security Act to prohibit the payment of aid or assistance under approved State public assistance plans to aliens who are illegally within the United States; to the Committee on Ways and Means.

By Mr. MANN (for himself and Mr. Taylor):

H.R. 16431. A bill to provide for a study of a proposed Southern Appalachian Slope National Recreation Area on the southern slope of the Appalachian Highlands in areas of the States of South Carolina, North Carolina, and Georgia; to the Committee on Interior and Insular Affairs.

By Mr. NELSEN:

H.R. 16432. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

H.R. 16433. A bill to make illegal the manufacture of thin-gage steel drums; to the Committee on Interstate and Foreign Commerce.

By Mr. SAYLOR:

H.R. 16434. A bill to establish the Federal Commission on Accreditation of Hospitals, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16435. A bill to authorize the Secretary of Health, Education, and Welfare to require hospitals as a condition to participation in Federal programs to meet accreditation standards established by him; to the Committee on Interstate and Foreign Commerce.

H.R. 16436. A bill to amend title 38 of the United States Code to prohibit payment of hospital inspection fees by the Administrator of Veterans Affairs to the Joint Commission on the Accreditation of Hospitals until certain information regarding such inspections is received by the Administrator; to the Committee on Veterans' Affairs.

By Mr. SCHWENGEL:

H.R. 16437. A bill to improve the committee system of the House of Representatives and the operation of the Federal legislative branch generally, and for other purposes; to the Committee on Rules.

By Mr. SHRIVER:

H.R. 16438. A bill to amend the Small Business Act to authorize assistance to small business concerns in financing structural, operational, or other changes to meet standards required pursuant to certain Federal or State laws; to the Committee on Banking and Currency.

H.R. 16439. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. TIERNAN:

H.R. 16440. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mrs. ABZUG:

H.R. 16441. A bill to provide for research for solutions to the problem of alienation among American workers in all occupations and industries and technical assistance to those companies, unions, and State and local governments seeking to find ways to deal with the problem, and for other purposes; to the Committee on Education and Labor.

H.R. 16442. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the food stamp and surplus commodity programs) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. ANDERSON of California (for himself, Mr. Koch, Mr. Coughlin, and Mr. Gude):

H.R. 16443. A bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes; to the Committee on Public Works.

By Mr. BURTON (for himself, Mr. Mailliard, Mr. Don H. Clausen, Mr. Aspinall, Mr. Saylor, Mr. Taylor, Mr. Skubitz, Mr. Johnson of California, Mr. Hosmer, Mr. Haley, Mr. Udall, Mr. Kastenmeier, Mr. Ryan, Mr. Meeds, Mr. McClure, Mr. Melcher, Mr. McKevitt, Mr. Terry, Mr. Camp, Mr. Abourezk, Mr. Holifield, Mr. Leggett, Mr. Waldie, Mr. Dellums, and Mr. Edwards of California):

H.R. 16444. A bill to establish the Golden Gate National Urban Recreation Area in San Francisco and Marin Counties, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. BURTON (for himself, Mr. Mailliard, Mr. Moss, Mr. Corman, Mr. Hawkins, Mr. Rees, and Mr. Danielson):

H.R. 16445. A bill to establish the Golden Gate National Urban Recreation Area in San Francisco and Marin Counties, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. DELLUMS:

H.R. 16446. A bill to amend the Age Discrimination in Employment Act of 1967 to extend the protection of that act to employees of States and their political subdivisions; to the Committee on Education and Labor.

H.R. 16447. A bill to provide the protection of the safety and health standards under the Occupational Safety and Health Act of 1970 for individuals participating in athletic contests betwen secondary schools or between institutions of higher education; to the Committee on Education and Labor.

By Mr. DONOHUE (for himself, Mr. O'Neill, Mr. Boland, Mr. Burke of Massachusetts, Mrs. Hicks of Massachusetts, Mr. Macdonald of Massachusetts, Mr. Drinan, Mrs. Heckler of Massachusetts, Mr. Keith, Mr. Harrington, and Mr. Conte):

H.R. 16448. A bill to designate the Federal office building being constructed in Fitchburg, Mass., as the "Philip J. Philbin Federal Office Building"; to the Committee on Public Works.

By Mr. EILBERG (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Barrett, Mr. Brinkley, Mr. Conyers, Mr. Danielson, Mr. Dent, Mr. Diggs, Mr. Fraser, Mr. Green of Pennsylvania, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Helstoski, Mr. Matsunaga, Mr. Metcalfe, Mr. Mikva, Mr. Morgan, Mr. Nix, Mr. Rangel, Mr. Thompson of New Jersey, Mr. Williams, and Mr. Wyatt):

H.R. 16449. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide increased assistance to correctional programs, to establish more detailed guidelines for such programs, and to create a streamlined administration of such assistance; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 16450. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. GUDE:

H.R. 16451. A bill to authorize the Commissioner of the District of Columbia to enter into cooperative arrangements with other governmental entities in the National Capital Region with respect to the procurement of supplies and services; to the Committee on the District of Columbia.

By Mr. HARRINGTON (for himself, Mr. Carney, and Mr. Stokes):

H.R. 16452. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees; to the Committee on Government Operations.

H.R. 16453. A bill to require a study of the practices, policies, and procedures of all Government agencies relating to the availability of certain goods and services through Federal supply and service sources, to amend the Federal Property and Administrative Services Act of 1949 to permit certain grantees and contractors of Government agencies to procure certain goods and services through Federal supply and service sources, and for other purposes; to the Committee on Government Operations.

By Mr. KEMP:

H.R. 16454. A bill to amend the Social Security Act to provide for revenue sharing grants to the States to assist them in meeting the costs incurred in operating public assistance programs; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 16455. A bill for the establishment of a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER:

H.R. 16456. A bill to amend the Elementary and Secondary Education Act of 1965 to protect schoolchildren from certain persons convicted of criminal behavior; to the Committee on Education and Labor.

H.R. 16457. A bill to amend the Social Security Act to provide that future increases in retirement or disability benefits under Federal programs shall not be taken into consideration in determining a person's need for aid or assistance under any of the Federal-State public assistance programs, and for other purposes; to the Committee on Ways and Means.

By Mr. PEYSER (for himself, Mr. Rangel, Mr. Keating, and Mr. Biaggi):

H.R. 16458. A bill to prevent the use of heroin for any drug maintenance program; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 16459. A bill to establish an independent and regionalized Federal Board of Parole, to provide for fair and equitable parole procedures, and for other purposes; to the Committee on the Judiciary.

H.R. 16460. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. ROYBAL:

H.R. 16461. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide increased assistance to correctional programs, to establish more detailed guidelines for such programs, and to create a streamlined administration of such assistance; to the Committee on the Judiciary.

H.R. 16462. A bill to make United Nations Day a legal public holiday; to the Committee on the Judiciary.

By Mr. SAYLOR (for himself, Mr. Aspinall, Mr. Begich, Mr. Camp, Mr. Dent, Mr. Gude, Mr. McClure, Mr. Skubitz, and Mr. Ware):

H.R. 16463. A bill to provide for the establishment of the Clara Barton House National Historic Site in the State of Maryland, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SMITH of New York:

H.R. 16464. A bill to provide that the emergency and extended unemployment compensation programs shall not end in any standard metropolitan statistical area until the unemployment rate in that area has fallen to the level prescribed for a State "off" indicator for that program; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 16465. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veteran's Affairs.

By Mr. BROWN of Michigan:

H.R. 16466. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

By Mr. DULSKI:

H.R. 16467. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. HARRINGTON:

H.R. 16468. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mrs. Abzug, Mr. Badillo, Mr. Begich, Mr. Boland, Mr. Brasco, Mr. Brinkley, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Corman, Mr. Diggs, Mr. Donohue, Mr. Dow, Mr. Eckhardt, Mr. Edwards of California, Mr. Eilberg, Mr. William D. Ford, Mr. Flood, Mr. Gaydos, Mr. Gonzalez, Mr. Green of Pennsylvania, and Mr. Halpern):

H.R. 16469. A bill to provide adequate mental health care and psychiatric care to all Americans; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. Hechler of West Virginia, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Hungate, Mr. Koch, Mr. Madden, Mr. Mitchell, Mr. Nix, Mr. O'Konski, Mr. Pepper, Mr. Podell, Mr. Rangel, Mr. Roe, Mr. Rosenthal, Mr. Roybal, Mr. Ryan, Mr. Steele, Mr. Stokes, Mr. Vanik, Mr. Waldie, and Mr. Charles H. Wilson):

H.R. 16470. A bill to provide adequate mental health care and psychiatric care to all Americans; to the Committee on Ways and Means.

By Mr. JACOBS:

H.R. 16471. A bill to provide retroactive payment of a lump sum death benefit to the survivors of policemen killed in the District of Columbia in the performance of their duties; to the Committee on the District of Columbia.

By Mr. RANDALL:

H.R. 16472. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 16473. A bill to grant discretionary powers to the President to enable him to deal effectively with any foreign nation which he determines is encouraging international aircraft hijacking; to the Committee on Foreign Affairs.

By Mr. HALL:

H.R. 16474. A bill to establish a cropland and water restoration program, and for other purposes; to the Committee on Agriculture.

By Mr. PRICE of Texas:

H.J. Res. 1290. Joint resolution proposing an amendment to the Constitution of the United States limiting the power of Congress with respect to deficit spending; to the Committee on the Judiciary.

By Mr. ECKHARDT (for himself, Mrs. Abzug, Mr. Ashley, Mr. Aspin, Mr. Carney, Mr. Conyers, Mr. Dent, Mr. Dingell, Mr. Edwards of California, Mr. Gonzalez, Mr. Harrington, Mr. Helstoski, Mr. Howard, Mr. Kastenmeier, Mr. Mikva, Mr. Mitchell, Mr. Moss, Mr. Podell, Mr. Rees, Mr. Rosenthal, Mr. Scheuer, Mr. Seiberling, Mr. Thompson of New Jersey, Mr. Tiernan, and Mr. Van Deerlin):

H.J. Res. 1291, a resolution to provide for the continued operation of the transportation properties owned or operated by Penn Central Transportation Company, to protect the security interest of the United States in such properties and to provide for the payment of just and reasonable compensation therefor; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.J. Res. 1292, a resolution to delay the effectiveness of certain amendment to the interest subsidy provisions of the Guaranteed Student Loan Program in the case of certain students; to the Committee on Education and Labor.

By Mr. FISH:

H. Con. Res. 688. Concurrent resolution expressing the sense of the Congress with respect to further limitations of nuclear arms and the goal of ultimate nuclear disarmament; to the Committee on Foreign Affairs.

By Mr. FRASER (for himself, Mr. Gude, Mrs. Abzug, Mr. Bell, Mr. Bingham, Mr. Brademas, Mrs. Chisholm, Mr. Corman, Mr. Dellums, Mr. Dow, Mr. Eckhardt, Mr. Edwards of California, Mr. Harrington, Mr. Link, Mr. McCloskey, Mr. Mikva, Mr. Obey, Mr. Pepper, Mr. Podell, Mr. Rodino, Mr. Rosenthal, Mr. Seiberling, and Mr. Stokes):

H. Con. Res. 689. Concurrent resolution calling on the President to seek an international agreement prohibiting environmental warfare; to the Committee on Foreign Affairs.

By Mr. FREY:

H. Con. Res. 690. Concurrent resolution to require a court impact statement in each report of legislation from a committee of either House of Congress to that House; to the Committee on Rules.

By Mr. McCLURE:

H. Res. 1104. Resolution amending the rules of the House by adding rule XLV on House-authorized Federal budget; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

420. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the Santa-Ynez River flood protection project—San Miguelito Watershed, which was referred to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mrs. ANDREWS of Alabama:

H.R. 16475. A bill for the relief of Mrs. Modesta Ugalino; to the Committee on the Judiciary.

By Mrs. HICKS of Massachusetts:

H.R. 16476. A bill for the relief of Domenico Tavella, his wife Lalia Tavella, and their minor children, Maria Tavella and Francisco Tavella; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania:

H.R. 16477. A bill for the relief of Lt. (jg.) Robert Jennings, U.S. Navy (Active); to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

ILLINOIS VOLUNTEER TUTORS HELP CHILDREN LEARN TO READ

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. PUCINSKI. Mr. Speaker, I am proud to report that the citizens of Illinois are taking imaginative and important action to meet the reading crisis in this Nation.

They have begun a statewide volunteer tutor effort to assist our boys and girls to learn to read.

This Nation's reading problem is serious.

Teachers estimate that 43 percent of the children in America's primary schools need special help with reading problems.

Educators tell us that 8 million schoolchildren need reading help, and that 1 out of 20 is held back a grade each year, usually because of reading problems.

Mr. Speaker, America's teachers and schools cannot alone supply the time, talent, and funds to meet this problem.

But citizen volunteer tutors dedicated and well trained, working under supervision of the classroom teacher, can provide our children with the individual assistance needed.

This approach is now underway in my State of Illinois, sponsored by Dr. Michael Bakalis and his State department of education, with the cooperation of the National Reading Center, of Washington, D.C.

Two tutor-training workshops recently were held in Chicago and Springfield, involving 255 volunteer reading tutor-trainers and coordinators from throughout our State.

More than 70 Illinois public and parochial school districts were represented in these workshops. The National Reading Center provides the tutor training program at no cost to the volunteers.

Thus far, the workshops have been held in 20 States and 5 metropolitan areas. They are available to all States in the Nation.

The trained volunteers from these workshops have now returned to their home communities. They are teaching other volunteers how to tutor primary-grade children in reading when school begins this fall.

The future of American democracy depends upon the American people's capacity for mature and rational decision. The ability to read is essential to a strong and progressive nation.

Every man, woman, and child in the United States has a right to read. We must work to assure the reality of that right, and we must begin our work with our children.

As a member of the National Reading Council, the body dedicated to the elimination of illiteracy in this Nation during this decade of the 1970's, I am particularly proud of the lead that Illinois citizens are taking in this national volunteer effort.

I invite my colleagues to join me in commending the thousands of volunteers in Illinois and in the many other States participating in the National Reading Center tutor training program.

I express my thanks and appreciation to the volunteers at work in the 70 public and parochial school systems of my State. The following organizations are among the many supporting this endeavor to give reading help to the children of Illinois:

ORGANIZATIONS SUPPORTING TUTOR-TRAINING IN READING FOR ILLINOIS CHILDREN

Council of Community Services of Metropolitan Chicago, Chicago Housing Authority, Englewood Urban Progress Center, Lutheran Welfare Services of Illinois, Northwest Cook County Volunteer Services Bureau, Operation Word Power, Voluntary Action Center, Woodlawn Urban Progress Center, University of Illinois, Menard Branch of the AAUW, Moline Association for Children with Learning Disabilities, Governors' Commission on Voluntary Action, Illinois State Library, East St. Louis Project Outreach Libraries, Prairie City Parent Teacher Organization, Retired Teachers Association and Shamel Manor No. 2 Shelter Care Home.

SKYROCKETING METHADONE ADDICTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. RANGEL. Mr. Speaker, one of the tragic offshoots of our unsuccessful attempt to rehabilitate the estimated 560,000 heroin addicts in the United States is that we are presently relying on a drug as dangerous and addictive as heroin itself—methadone—to treat 85,000 of our addicts.

I am deeply troubled by methadone maintenance and by the thought that we are depending on one drug whose long-range effects on the human body are still unknown to treat those addicted to another drug. Unfortunately, until research efforts to develop nonaddictive heroin antagonists are completed and as long as certain panicking politicians call for heroin maintenance programs, we have little choice but to accept methadone as one modality for treating addiction.

Out of the growing use of methadone under medical supervision has sprung an increasing diversion of methadone into illegal channels. Certain unethical physicians and pharmacists are also growing rich from dispensing methadone with the knowledge that it is destined for the black market. As a result, methadone overdose deaths are skyrocketing and may soon overtake the heroin overdose death rate.

Jim Markham, a journalist who specializes in covering the problems of the drug epidemic, has written an excellent article on the methadone addict which I am pleased to share with my colleagues at this time.

[From the New York Times, Aug. 14, 1972]

A NEW PROBLEM: THE METHADONE ADDICT

(By James M. Markham)

In New York and other large metropolitan areas, methadone-maintenance programs are rapidly expanding and reaching out to help thousands of heroin addicts. But at the same time controversy hounds methadone because more people—frequently nonaddicts—are dying from overdoses of the drug, while an uncertain number of others are becoming primary methadone addicts, bypassing heroin.

As a result, a debate is building over the controls that should govern the dispensation of methadone. While physicians involved in methadone maintenance argue they are being hobbled by Federal regulations, those who would regulate them insist that the Jekyll-Hyde properties of the synthetic opiate dictate extreme caution

"Pilot studies of the data indicate a steady rise in the number of primary methadone addicts over the past three years," observed Dr. Jerome H. Jaffe, head of the Special Action Office for Drug Abuse Prevention in Washington.

"The problem is small in terms of the heroin problem," he added, "but, in terms of trends, it indicates that substantial efforts are going to be needed to bring it under control."

Like others in the tangled field of addiction treatment, Dr. Jaffe notes that methadone, which is now dispensed to an estimated total of 85,000 addicts in some 450 programs across the country, has been an important rehabilitative tool, enabling many addicts to resume normal lives. But, as methadone programs continue to expand at a galloping pace, he sees a need for a balanced approach.

"We are aware of both the necessity for expanding and the need for further controls to prevent diversion," Dr. Jaffe said.

At the heart of the methadone debate is the issue of "diversion" of methadone from legitimate programs to the street, where addict-patients retail it to a varied clientele of genuine heroin addicts, poly-drug abusers and simple experimenters.

The following handful of recent developments highlights the nature of the diversion controversy:

Dr. Robert T. Dale, who operated one of the largest private methadone programs in New York, has, along with his wife, been declared a fugitive from justice. A warrant for his arrest was issued after agents of the Bureau of Narcotics and Dangerous Drugs said they had discovered that Dr. Dale was unable to account for 55,000 40-milligram methadone wafers. One or two wafers could maintain an addict for a day. The legitimate price of a wafer is 4 cents; on the street one costs from $5 to $10.

Dr. Elio Maggio, a psychiatrist who ran a private methadone program in the Bronx, was indicted for selling sizable quantities of the drug to six undercover agents who reportedly told him they were not even heroin addicts. The psychiatrist, who allegedly passed methadone to his customers through a slit in the door of his office, grossed $3,000 during a monitored two-day period, according to the Bronx District Attorney's office.

In Hudson County, N.J., Dr. Sidney A. Nelson, a Union City physician, and Joseph Klausner, a pharmacist, were indicted for selling and filling prescriptions for methadone for more than 1,000 "patients."

In the first seven months of 1972, there have been at least 57 methadone overdose deaths in New York City, according to the Office of the Chief Medical Examiner. In all of 1971, there were about 20.

In Washington, methadone has been almost as lethal as heroin this year. In the first six months, 19 people have died from heroin overdoses, 17 from methadone overdoses and 13 from a combination of the two drugs, according to Dr. James Luke, the capital's Chief Medical Examiner. In 1971, eight persons died from methadone overdoses.

Confirming what appears to be a pattern in many methadone overdose deaths around the country, notably in New York, Dr. Luke said: "These are younger people, most of them are teen-agers. Many of them take the methadone orally, although some of them inject it."

"It's hard to say whether they're addicts or not," Dr. Luke continued. "What is an addict? But there's a paucity of track marks—they are not New York City addicts."

FOUND IN AUTOPSIES

Around the country, in addition to recording a growing number of methadone fatalities, medical examiners and coroners are finding methadone in the bodies of addicts and drug abusers—along with heroin, barbiturates and alcohol—indicating that the synthetic opiate has joined the pharmacopoeia of the street.

If a nonaddict takes methadone orally or by injection, it produces a heroin-like euphoria, lending methadone a high potential for abuse by kicks-seeking drug users. Only when methadone is administered in regular, oral doses to a stabilized, tolerant individual does it produce little or no euphoria.

In a study of 95 heroin addicts in Brooklyn's Bedford-Stuyvesant section, Dr. Carl D. Chambers reports that 87 said they had been offered an opportunity to buy illicit methadone in the previous six months and that 53 said they had in fact purchased street methadone, with the majority of them stating that the drug was always available in their neighborhoods.

The primary suppliers of street methadone, according to the interviewed addicts, were other addicts who had "take home" privileges from ambulatory maintenance programs. The addicts gave several reasons for buying methadone: to insure against withdrawal (41 per cent), to "boost" other drugs and enhance their euphoric effects (40 per cent), to "clean up" or detoxify themselves (17 per cent) and to resell to others (2 per cent).

PROBLEM OF BLACK MARKET

The methadone black market has become sufficiently widespread to cushion the effects of heroin shortages on the street, according to some narcotics law-enforcement officials. While the East Coast is currently facing a heroin shortage, addicts, particularly in New York, have not been flooding rehabilitation programs as they have in past "panic" periods.

And when the heroin market is tight, the value of methadone rises. Last month two men in stocking masks held up the methadone program at Francis Delafield Hospital in Washington Heights, getting away with 17,000 milligrams of the drug—worth more than $2,000 on the street.

In San Francisco, researchers associated with the Haight-Ashbury Free Medical Clinic reported that transplanted "New York junkies, with habits bred in a methadone boom town, are found to be more methadone oriented" than their West Coast counterparts.

The researchers also found that the flourishing black market for the synthetic opiate had spawned a new, pathetic species of addict—"the phony-heroin consumer"—who is sold methadone by street-wise California junkie-pushers who maintain they are retailing the real thing.

"The connection's motive is obvious—he can sell the inexpensive methadone, obtained usually more or less directly from local methadone clinics, in place of heroin which he would have to obtain from abroad through many price-multiplying middlemen," the Haight-Ashbury study found.

The methadone black market, it is argued, is a fairly benign phenomenon as long as its clientele is restricted to established heroin addicts. But, in addition to the methadone overdose deaths, there is other disquieting evidence of primary methadone addiction.

SITUATION IN DETROIT

Dr. George Wilson, special assistant to the Michigan Director of Mental Health, said that this spring methadone-maintenance programs in Detroit began seeing a new type of "addict"—with no track marks, no established history of addiction, no morphine in the body.

"What we found was that a huge proportion—more than two-thirds—did not have a clear history of heroin addiction," Dr. Wilson said. "Some of them appear to be methadone addicts, people who were buying street methadone."

Detroit, which is thought to have perhaps the highest addiction rate per capita in the nation, has a long, unhappy and continuing history of badly run methadone programs that have fueled a bulging black market for the drug.

"What's bothering me," said Dr. Wilson, "is that we may be on the verge of creating a new generation of methadone addicts."

NEW FEDERAL REGULATIONS

Equally bothered by that possibility, the Food and Drug Administration is honing a new set of regulations that will probably restrict the number of private methadone programs—by insisting on higher, more expensive standards—which some officials feel have been responsible for some of the most blatant instances of diversion.

The new regulations are also expected to restrict take-home privileges for new patients who have not established their "trustworthiness"—a proposal that irritates some methadone administrators, particularly in New York.

"The regulatory agencies are losing themselves in a morass of unenforceable rules," commented Dr. Vincent Dole of the Rockefeller University, who pioneered the use of methadone in addict rehabilitation. "The key thing is to control the ratio of patients and doctors—to make sure programs don't get too large."

NONFOOD ITEMS IN SUPERMARKET BASKET

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. ZWACH. Mr. Speaker, we hear constant references from consumers about the increasing cost of their groceries and immediately someone has the idea that our food producers are making too much profit.

I have previously called attention to the fact that in general the food producer is still getting paid at the level of 20 years ago, while all the costs between the producers' gates and the supermarket cash register have been escalating.

I recently read an article by Dr. Don Parlberg of the U.S. Department of Agriculture that further pointed out that 28 cents of every grocery dollar is spent on nonfood items.

With your permission, and for the information of all of those who read the CONGRESSIONAL RECORD, I would like to insert this article on Dr. Parlberg's findings:

NONFOOD ITEMS IN SUPER MARKET BASKET

Have you ever sat down and figured what percent of your supermarket dollar is spent for nonfood items? Dr. Don Parlberg, director of economics for the USDA, has; and he determined that 28 cents out of every dollar is spent for nonfood items. The breakdown is as follows:

	Percent
Food items	72.3
Alcoholic beverages	5.0
Pet food	1.2
Tobacco	4.0
Health and beauty aids	3.6
Soap and laundry supplies	2.4
Paper products and foil	1.7
Housewares, etc	2.1
Magazines and books	.3
Miscellaneous	7.4

Let's not point our finger at food prices and ignore the rest of the items in the shopping basket.

FACT SHEET ON MENTAL ILLNESS IN CHILDREN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. HARRINGTON. Mr. Speaker, today, in my weekly insert on mental illness, I am including a fact sheet on mental illness in children. The mental health issue has been one that has been much discussed throughout the country. However, many people are not aware of what mental illness really is. Also, the events of recent weeks have shown that Americans continue to discriminate against their fellowman who has received some form of mental health treatment. A main element of this discrimination, like any discrimination, is ignorance. It is my intent today to help clear the air on some of the facts of mental illness in children.

Mentally ill children are those children whose progressive personality development is interfered with or arrested by a variety of factors so that they show an impairment in the capacity expected of them for their age. These impairments include a lack of a reasonably accurate perception of the world around the child, a lack of impulse control, unsatisfying and unsatisfactory relations with others, an incapacity for learning, or any combination of these.

Most Americans view mental illness as untreatable. Some do not even consider it a valid illness. In 1970 alone, over 150,000 children sought treatment at the community mental health centers, but only 10 percent received treatment. Estimates are as high as 10 million young Americans under the age of 25 who need some psychotherapeutic help. One out of every 10 young people or one out of every 10 Americans for that matter are afflicted with mental health problems that require specialized services.

Other factors involved in mental illness in children include:

First, boys outnumber girls 2 to 1 in

admissions to psychiatric hospitals and once they are hospitalized, they remain longer.

Second, most of the children in State and county mental hospitals are over 10 with more than half between the ages of 15 and 17.

These statistics do not say much, Mr. Speaker, until we realize that we are dealing with human lives. We are concerned with people, not pure numbers or percentages. I have introduced H.R. 16154, the Mental Health Act of 1972 and intend to reintroduce it tomorrow with more than 40 cosponsors. The services covered under that bill will help to relieve the mental health problems that plague young and old Americans regardless of cost. It is time, Mr. Speaker, that these people receive the proper treatment and without any stigma attached to their seeking help.

TEXAN POOLE TOPS BALLET

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. COLLINS of Texas. Mr. Speaker, Dallas is proud to see her sons achieve leadership in all fields. The most recent triumph was Dennis Poole. Dallas is a center of culture. This young Texan, Poole, won recognition as the best in ballet. He and his partner, Michelle Lees, danced their way to fame and first prize at the Sixth International Ballet Competition at Varna, Bulgaria, July 11 through 25. This competition, long viewed abroad as the "olympics" of the dance world, attracted competitors from 21 countries.

Mr. Poole and Miss Lees along with other members of Washington's National Ballet Company are to be commended not only for their marvelous performances on the dance floor, but for their noteworthy diplomatic gestures throughout the entire competition. With respect to this dual triumph for America, Miss Mary Day, director of the Academy of the Washington Ballet, commented:

> We were frankly surprised over the outcome . . . and terribly pleased. We went over there simply to show what we had to offer and are delighted that what we offered was so well received.

She added that the hosts, jurors, and dancers were marvelous to the Americans.

> We made a lot of new international friends, which was one of our objectives in the first place.

Texas-born, Mr. Poole started ballet lessons at age 8, going to New York at age 15 on a Ford Foundation scholarship to study at the American School of Ballet. He became a trainee with the Harkness Ballet, subsequently joining the Youth Dancers and the Harkness Ballet. He became a member of the National Ballet in the 1971–72 season and has danced leading roles in "Cinderella," "Sleeping Beauty," "Giselle," "Nutcracker," and "Swan Lake." Nationwide he has received high praise for his dancing at the barre in the prize-winning "Three Preludes." He is a principal dancer with the National Ballet for the 1972–73 season.

It is no wonder that at the age of 20 Dennis Poole has gained recognition by the national critics. Mr. Poole has become a "part of the young American promise." Texas and especially our Dallas community is proud to have our local son achieve rank as No. 1 in the world ballet.

THE TUNDRA TIMES—A TRIBUTE

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. BEGICH. Mr. Speaker, there are many things about Alaska of which I am extremely proud, but few of which I am so proud as the Tundra Times. This small newspaper, devoted to the Natives of Alaska, is simply one of the best things about the State.

I have recently received an excellent history of the Tundra Times which I would like to share with my colleagues. I am fully aware that many items are put in the RECORD for such attention, but never really receive it. Let me just say that I think you will all find this one of the most interesting stories you have read.

The history follows:

A SURVIVAL STORY

(By Lael Morgan)

One of the most astonishing survival stories of the Far North is that of the *Tundra Times*. This fall the little Eskimo-Indian newspaper celebrates its 10th year of publication, flourishing in the financial wasteland of the Arctic on an erratic circulation that wavers between 1,500 and 5,000.

More remarkable is the influence exerted by this hardy weekly and its Eskimo editor, Howard Rock. Working with one reporter, or often just a part-time staffer, Rock has shaken high offices in Washington, D.C., with the force of seismic seizure and helped change the face of Alaska.

"Perhaps more than anyone else, he helped weld together the frontier state's 55,000 natives for their successful, years-long fight to win the largest aboriginal land-claims settlement in American history," notes Stanton H. Patty, veteran Alaskan observer for the *Seattle Times*.

"He was their voice, at times about the only calm voice when crescendos of invective threatened to tear Alaska apart."

If credit is given where credit is due, however, Rock would not be the original hero of this tale. That honor belongs to the Atomic Energy Commission (AEC) to which Alaskans often assign the role of villain.

PEACEFUL USES OF ATOMIC POWER

In 1958 the AEC developed a plan to excavate a harbor with nuclear explosives in Alaska's northwest Arctic. The need for a deep water refuge on this storm-strafed coast had long been felt by the handful of seamen who ventured there and proponents of the blast believed it a good chance to test the peaceful uses of atomic power.

They failed, however, to take into account the 800 Eskimos who lived in the area of Cape Thompson, the chosen blast site. The isolated natives knew little about the work of the AEC, but they had heard of the Atomic Bomb and they began to worry that their game and perhaps their very existence might be threatened.

"There were attempts to lull us, the people of Noatak, Kivalina and Point Hope," recounts editor Rock who was born in Point Hope. "We were wheedled with rewards of acclaim from science and the peoples of the world if we would agree to go along with 'Project Chariot.'

"We, the people of the three villages, did not go for the enticements. We chose to remain in our home villages come what may. The love for our homes, however humble, and the deep sense heritage prevailed . . ."

To defend this heritage an unprecedented meeting of Eskimo leaders from 20 villages was held in the fall of 1961. It was called "Inupiat Paitot"—The People's Heritage.

Until this time there had been little communication between native communities and even less between natives and whites. Major Alaskan newspapers seldom carried news of Indians and Eskimos and showed little concern for the problems of native people.

As a result of Inupiat Paitot, it was decided the native people must have a voice of their own—a newspaper. To found it, Eskimo leaders chose Rock, then a well-known artist who was fluent in English but had no writing experience, and Tom Snapp, the only white journalist in the state who had been interested enough to cover the meeting.

Funding for the enterprise was to be investigated by the late LaVerne Madigan, then director of the Association on American Indian Affairs, who helped organize Inupiat Paitot.

At the outset the project seemed impossible. Either it failed to fit foundation specifications or philanthropists required elaborate proposals that would have cost several thousand dollars to prepare.

Finally, in desperation, Miss Madigan volunteered the names of her five richest board members and turned up a winner. Dr. Henry S. Forbes of Milton, Mass., headed the list. He was a retired physician, a descendant of Ralph Waldo Emerson and well ahead of time in concern for aboriginal rights.

Rock wrote him a formal, rather stilted letter and the answer—long in coming—was a question:

"What do you need a newspaper for and what are the issues?"

Rock left the reply to Snapp who had a ready answer. The reporter had been trying to cover native news for the *Fairbanks News Miner* but they'd limited him mainly to editing quaint little local-interest columns from the villages.

"It was frustrating. Personal columns! I wanted to cover the issues—education, hunting and fishing rights.

"I did a series on Project Chariot and they (the AEC) tried to stop it. I'd gone through all the Associated Press copy and found the AEC reports didn't match with what the scientists said. The scientists were upset. They'd found radiation in the food chain and the AEC had tried to cover this up. They were talking in terms of moving mountains and doing mining and they said it was no more dangerous than the luminous dial on a watch!"

After reading Snapp's 85 page reply, Forbes pledged to back the paper with $35,000 in its first year. His only requirement was that it start at once with Rock as editor and Snapp assisting.

AN UNLIKELY TEAM

It seemed an unlikely team and Snapp was a reluctant member. He'd come to Fairbanks in 1959 on vacation from the University of Missouri where he was about to start his second year's work on a Master's in journalism. He'd already been talked into postponing his schooling once, when the *News Miner* couldn't find a replacement for him, and he wasn't anxious to postpone again.

"His bags were packed and he was even

mailing boxes back to Missouri," Rock still recalls with a shudder. "I was just desperate and I begged him to stay."

Howard Rock had absolutely no grounding in journalism and he'd been long absent from his native state. Although raised in the traditional Eskimo fashion, he'd left Alaska at an early age to pursue a career in art. He studied under Max Siemes, a Belgian artist, worked his way through three years at the University of Washington and had become a successful painter and designer of jewelry in Seattle.

In 1961 he returned to Point Hope for a vacation and family reunion.

"After the excitement of the whaling season that was climaxed by the whaling celebration, I began to hear some of the problems and fears my folks were having," he recalls. "One subject that came up most often was the impending nuclear blast. They talked about radioactive fallout, contamination of food animals and probable genetic effects it might have. These subjects were altogether foreign to me. And my ignorance appalled me when the folks said more than once, 'You came at a most opportune time. It must be the answer to our prayers.' "

Rock set out to educate himself and found Tom Snapp a major source of information. The artist had suggested a native newspaper to his village council but it was Snapp (who turned out to be his roommate at Inupiat Paitot) who really made the idea jell.

Rock didn't know how or what to write and he didn't have the vaguest idea how to go about setting up a newspaper. In the end he got Snapp to unpack his suitcases and stay another year.

PARAKEET IN THE DISHWATER

"To start a paper is a tremendous job," observes Snapp who now publishes *All Alaska Weekly*, the liveliest general issue paper in the state. "Mine took five or six months but the Tundra Times had just two weeks."

Fortunately Snapp's sister had gone on vacation leaving him in charge of her trailer. The two men set up shop there, working round-the-clock three days straight, catching a night's sleep, then working three more straight days and nights.

"One problem was the parakeet," Snapp recalls with a smile. "I was supposed to take care of it and Howard just couldn't stand to see it caged up. He used to let it out and it was always flying headfirst into our dishwater.

"Of course we had to eat our meals right there . . . and the backshop kept complaining because we had peanut butter and jelly on our copy."

It was the midst of the political season and Snapp and Rock ran themselves thin collecting political ads.

"We stuck together just like that," Snapp brandishes crossed fingers. "That's what we did that whole year almost. That was the deal. He got a journalism education in that year he'd have had to go (to school) two or three years to get.

"We talked about what he knew. He was very proud of his Eskimo culture and he started telling me all these fantastic things like you go to the supermarket now and they have all these plastic bags they wrap everything in. Well, he said, 'We've had that for centuries.' What it was, was oogruk (giant seal) gut. They cleaned them out and made pokes out of them. And all that frozen food . . . They've been having frozen food like that for centuries.

"I started encouraging him and he started writing about all these things. He wrote for months about Arctic survival and his traditions and it ought to be reprinted. Some fantastic stuff.

"He had a natural bent for writing. It wouldn't have worked with just an ordinary person. He had an art background and an appreciation for humanity. He also had a rich heritage. He could appreciate both cultures and he believed you could mesh the two."

"INUPIAT OQAQTUT" WON'T GO OVER THE PHONE

One of the biggest hassles was finding a name for the publication. At first they picked "Inupiat Oqaqtut", Eskimo for "The People Speak."

"But what if we got a non-Eskimo for a secretary?" someone asked. "She would have the darndest time trying to put that over the phone."

Finally they settled on *Tundra Times* and flanked it with explanations in Alaska's four major native languages:

Unanguq Tunuktauq—The Aleuts Speak

Den Nena Henash—Our Land Speaks (Athabascan)

Ut kah neek—Informing and Reporting (Tlingit)

Inupiat Paitot—People's Heritage

The first issue hit the street Oct. 1, 1962, with the banner: Interior Secretary Udall Visits Alaska—Historic Rights and Claims Settlement is Number One Problem, Declares Official.

There was also an editorial explanation of *Tundra Times* intent.

"Long before today there has been a great need for a newspaper for the northern natives of Alaska. Since civilization has swept into their lives in tide-like earnestness, it has left the Eskimos, Indians and Aleuts in a bewildering state of indecision and insecurity between the seeming need for assimilation and, especially in Eskimo areas, the desire to retain some of the cultural and traditional way of life."

It promised unbiased presentation of native issues and added the paper would support no political party.

"With this humble beginning we hope, not for any distinction, but to serve with dedication the truthful presentations of native problems, issues and interests."

Snapp's former associates at the *News Miner* took one look and sent word they'd give the paper six weeks.

FILES IN THE ICE BOX

The Association on American Indian Affairs wasn't much more encouraged. When their representative arrived in Fairbanks to inspect the new Tundra Times headquarters, he found its staff struggling to settle a small office on the main street.

"We couldn't afford file cabinets or anything like that but the place came with an ice box and stove that didn't work," Snapp recalls. "We kept our papers in there and when the AAIA man wanted a tour of the plant that's about all we had to show him."

They also had more than the usual share of problems to report.

"Starting a native paper at this time was very rough because there was distrust against us," Rock explains. "It took a lot of nerve, really. We had things thrown through the door at night and I was threatened with beatings and things like that, but somehow we just kept right on going."

"We got all kinds of trouble along the way," Snapp adds. "One thing, the utility company asked for a much larger deposit because none of the incorporators had a credit reference. Once when I placed a long distance call that cost more than $100 the operator called back and told us we had to come down and pay the bill at once . . . in the middle of the night!

"Then there was the cost of printing. Outside I'd paid $3,000 for printing 32 times a year. Here, for 24 issues, they wanted $28,000.

"We were stepping on some awfully big toes."

The Atomic Energy Commission had called off plans for a major blast at Cape Thompson before the *Tundra Times* began publication but in April of 1963 it filed a new application for land withdrawal. The *Tundra Times* bannered the news and the project subsequently died.

The paper also reported findings of scientists on Russian atomic testing. Fallout had settled on the Alaskan tundra and been absorbed by caribou that grazed there. Eskimos who lived exclusively on this game were found to have a higher radiation count than any people in the United States. AEC began to monitor their exposure and the *Tundra Times* monitored the AEC.

Rock and Snapp also began actively pushing for settlement of native land claims.

"You see the federal Bureau of Land Management had never plotted native claims on their records so people would check and find no claims," Snapp explains. "All those claims the natives had been filing for years were with the Bureau of Indian Affairs down in Juneau or in the archives in Washington, D.C."

In 1962 five oil companies filed leases between the native villages of Nenana and Minto and private businessmen followed suit. The state got word of oil activity and started making tentative selection under the federal Statehood Act and no one paid any attention to native claims which had accumulated over the years.

"We didn't know who you could trust to get an attorney," Snapp shakes his head. "You couldn't tell who was your friend. We finally got Ted Stevens (now a U.S. Senator) who said we should file a protest. It would probably be dismissed locally but we could appeal."

The problem was that the natives had filed a number of conflicting claims on maps too crude for legal use, so Snapp and Rock bought huge, detailed maps and traveled to the villages to straighten out the contradictions.

"As soon as our first native suit was filed, there were two more, even bigger. That's when the first freeze came against the state," Snapp reports.

"Then Udall came to the *Tundra Times* banquet and announced the deep freeze," Rock adds with pride. "The natives had filed suits all over the state."

The paper also campaigned for abolition of "semi-servitude" for the people of the Pribilof Islands.

"In those days the Bureau of Commercial Fisheries controlled the Pribilofs. It was kind of a company store arrangement, where hunters were paid in kind for their seal skins. They had to barter with the government," Rock says.

"The *Tundra Times* did so well on that series the Bureau of Fisheries threatened to expose us as Communists," Snapp recalls.

Tundra Times reporting was so lively other newspapers in the state became interested in covering native news. Soon a number of white reporters were plugging away on the issues of subsistence hunting rights, education, equal opportunity and a decent standard of living for natives.

PRECARIOUS EXISTENCE

Tundra Times existence has remained precarious, however. Despite generous financing by Dr. Forbes (until his death in 1968) the overhead has remained high and circulation low.

Reading comes hard to many Alaskan natives and so does the $10 *Tundra Times* subscription fee, so often one copy of the paper services an entire village. The bulk of the subscribers are native leaders, government agencies, other newspapers and interested whites.

In 1966 the paper incorporated as the Eskimo, Indian, Aleut Publishing Co., Inc. (with a native controlled board) and many well-wishers began to purchase stock at $25 a share to keep the paper going. Rock has taken on additional fund raising ventures like the *Tundra Times* annual banquet and management of the Eskimo Olympics, and whenever the wolf is really at the door, something unusual turns up.

The current angel is Rural Alaska Community Action Program which purchases a page to publish its own news twice monthly. The Alaska Federation of Natives sometimes buys subscriptions for native villagers. So does the National Guard. And other organizations, both native and white, have provided loans or grants.

When Snapp resigned to go back to school, the little paper could not offer the kind of salary needed to attract a reporter of similar caliber but a good man turned up anyway. When he quit, another materialized out of the blue, and it's still happening.

During one bare budget siege, an east coast heiress volunteered to work for Rock free and turned out to be a remarkably good writer. She was followed by a top flight magazine editor from New York who worked for expenses one summer.

Currently the job is being held by a former interior decorator who writes like Faulkner, has a good feeling for the issues and lives on bread and water.

In addition, there is Tom Richards, Jr., a young Eskimo who was drafted following an outstanding apprenticeship with the paper. Rock, now 61, hopes Richards will eventually work into editorship and the young reporter is enthusiastic about the idea.

SETTLEMENT IS JUST THE BEGINNING

For Howard Rock, settlement of the land claims does not mean the end of a fight but a new charge. After meeting with other native leaders for announcement of the bill's passage, he wrote, "The (Congressional) vote was overwhelming, to be sure, for President Nixon to sign the measure. There was a 40 million acres of land award in the offing, and there was $962 million—a payment for lands lost. These are almost astronomical figures, but at the end of the voting, they were met with almost dead silence by the 600 native delegates . . .

"One would think that some measure of elation would be apparent. Instead something else happened. We do not know exactly what.

"The Alaskan native people have a profound sense of belonging to their lands, or a profound sense of ownership. The delegates must have sensed that as they voted, they were also voting to relinquish some 300 million acres of land forever—lands they and their ancestors were accustomed to using for their subsistence. Indeed this was what was happening and there were mixed feelings.

"We believe that the measure will be the closest to a substitute to the former way of living. It will not do away with subsistence living altogether. It can be a good basis for perpetuating charming cultures and traditions. It will provide food for the table. In order to make it do these good things, the provisions in it must be handled carefully, always with feelings that it is being done for the good of the present generation and for the the good of the native people in the future."

And that will take some watch-dogging. The 13 regional corporations set up to administer the bill will undoubtedly produce newspapers of their own but Alaska still needs—now more than ever—a strong, statewide native paper.

There should be more money to support one, too. In fact, under the management of Frank Murphy, the *Tundra Times* advertising revenues have increased considerably even though the claims settlement payment is still two years off. The paper has grown from eight to 12 and 16 pages since last summer.

Eventually Rock hopes to increase village coverage and circulation; add an easy-to-read supplement for those who speak English as a second language; develop a wire service for native news; build his own printing plant and go daily.

THE BIGGEST WHALE

Occasionally Editor Rock gets nostalgic, unearths his old sketch books and moodily thumbs through their yellowing pages. He has not picked up a paint brush since 1961, although the canvases he did at that time are now selling for $1,500 and $2,000.

He has no time for art now except for serving as a member of the Indian Arts and Crafts Board for the Department of Interior.

"I just think that expansion of the paper is more important than my painting," he says quietly. Then he smiles, recalling his beginnings and his family who have been famous Point Hope whaling captains for generations.

"My brother, Allan, used to tease me. He used to say 'You know Howard you're the only man in our family who never got a whale!' "

But perhaps Howard Rock has caught the biggest whale of all.

H.R. 13915—EQUAL EDUCATION OPPORTUNITY ACT

HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. REID. Mr. Speaker, I would like to make a short statement on H.R. 13915, the so-called busing bill. I very much regret that I will not be in Washington tomorrow when the House considers and votes on this bill, due to a longstanding commitment I made to my family over a year ago.

Therefore, I would like to go on record today as opposing this bill. If I could be present and voting, I would vote "nay" on final passage and "nay" on the amendment which proposes to reopen court orders and school desegregation plans already in effect under title VI of the Civil Rights Act of 1964. I voted for and strongly supported this civil rights legislation, and indeed introduced the very first Voting Rights Act in the House of Representatives. This is not the time to turn our back on fundamental rights of all Americans.

Although I do not support long-distance busing which would cause harm to the education or health of young children, this so-called antibusing bill is a bill which in fact handcuffs the courts of our Nation—supposedly a coequal branch of our Government—and, indeed, does violence to the very Constitution of our land. I supported the Higher Education Act which passed earlier this year, and I worked hard on it in conference, including supporting the Scott-Mansfield amendment limiting busing to achieve racial balance. However, as the New York Times noted in comparing that legislation with the bill which is now before us, the higher education bill "specifically put the brake on busing to achieve racial balance, which is a dubious goal, as against busing to further integration, which is an essential one." To return to separate but equal now, in 1972, would be to turn back the American dream in which every child has a stake.

What is truly needed if we are to equalize and expand educational opportunities for all children is a much higher priority for education: an increase in Federal funds for local school districts is vital, along with quality day care programs, early childhood education programs, smaller classrooms, qualified guidance counselors, and other special services. This bill provides no new money to upgrade our educational system, even while we as a nation still continue to spend more of our resources on the building of highways than on elementary and secondary education.

This bill, in summary, does not address itself to the basic question of the quality of education in this country. Dealing with unconstitutional segregation is a task of the courts, but dealing with the quality of education is a task of the Congress. We must attack that task realistically and promptly, but we must not prohibit the courts from doing their duty.

COMMON CAUSE: PART II

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. HUNGATE. Mr. Speaker, in the CONGRESSIONAL RECORD of August 15, 1972, on page 28348. I called to my colleagues attention the first of three parts of an article on Common Cause. I would like to bring to their attention part II of that article for their further consideration:

COMMON CAUSE: PART II

Until Gardner joined the Johnson Administration in 1965, he had led an almost cloistered life, broken only by a hitch behind a Marine Corps OSS desk during World War II. For several years before the war he had worked quite happily in what he later described as "fine girl colleges in sylvan glens"—Connecticut College for Women and Mount Holyoke College. Books were his favored entry to life. During his undergraduate days at Stanford University he dropped out with plans to become a fiction writer, but at the end of a year he decided he needed to understand people better in order to write about them. Others might think the best way to do this would be to travel or get the right kind of job or in some other way arrange to mix with people. Not Gardner; his solution was to return to Stanford's books and switch his major to psychology.

In 1946 he became an official and in 1955 the president of the Carnegie Corporation and the Carnegie Foundation for the Advancement of Teaching. This was the life of a theoretician devoted to guessing what esoteric teaching projects deserved how much moola. For backing such ventures as the new math and the Russian Research Center at Harvard, Gardner was hailed by *The New York Times* as "the most powerful behind-the-scenes figure in American education."

If the reputation was deserved, it was obtained at a bargain price. As with most foundations, the benevolence of the Carnegie Corporation was marked by stinginess; it was worth more than $330,000,000, but under Gardner it was giving away only $12,000,000 of its taxfree dollars, or less than four percent, a year.

A foundation officer's ideas of the immediate problems of education are not necessarily related to the outside world. There is no indication that Gardner was much interested in using the Carnegie power and prestige during the period when it was his to command—which spanned the era between the Supreme Court's *Brown* decision in 1954 and the first major civil rights legislation of the Johnson regime—to promote desegregated education.

In 1963, when 97.5 percent of the black children in the South still attended wholly segregated schools, Gardner spoke at the University of Georgia. Only two years before, two blacks had needed police protection to register there, and feelings were still inflammatory. Gardner urged the Georgia students to "keep your horizons wide," to develop your potentialities," to "risk failure"—all admirable advice, no doubt, but nowhere in the speech (as preserved in *Reader's Digest*) does one find him alluding even vaguely to the most critical problem then confronting the students: racism. "If you want to get back to the source of your own vitality," Gardner counseled the Georgians, "to be refreshed and renewed, cut through the false fronts of life and try to understand which are the things that you really believe in and can put your heart into." Like white supremacy?

One must sympathize with his terrible isolation during this period. Even as late as 1965 he could write as though he were making a great discovery that "young people find that the moral precepts their parents have to offer are no longer relevant in a rapidly changing world." Gosh.

For 19 years Gardner was in the foundation icebox and then one day he was miraculously rescued by President Johnson, who pulled him out and made him his Secretary of Health, Education and Welfare. It was a time of enormous growth in the department, with L. B. J. grinding another social-welfare or education program through Congress every other day and depositing it on Gardner's doorstep for implementation, and at least Gardner carried out his duties with dignity under great stress.

But once again it was a period in his life unmarked by exceptional leadership in the delicate area of race relations, although, of course, his education agency was expected to exert a pivotal influence. As his stay at HEW neared its end, he admitted, "If we had taken literally the language of the Civil Rights Act, which instructs us not to give Federal money to anyone who discriminates, we would have cut off a far greater number of school districts than we actually did." At the time he made that declaration of obvious lawlessness, HEW was withholding Federal funds from only 34 districts of the literally thousands that were refusing to comply with the civil rights law.

Gardner was in his early 50s (he'll be 60 next October) before he even went into the street, which is pretty late to get started and may partly account for his subsequent erratic course.

Today, like so many of the men who happily served L.B.J., Gardner denounces the war as the worst blight on our existence. As a result of it, he says, "the erosion of the spirit that we have experienced is beyond calculation." No such remarks were heard from him during the great escalation. He knew the kind of Administration he was coming into; the build-up had already started in Southeast Asia when he joined HEW.

Johnson used Gardner as a show horse in his Vietnam snow job, trotting him out to indicate that the Administration didn't really want to destroy Vietnam but to bring it health, education and welfare—as Gardner's presence was supposed to symbolize when, in February 1966, L. B. J. hauled him out of a sickbed and took him along for the meeting in Honolulu with South Vietnam's leaders. Apparently Gardner enjoyed being used in this fashion. His response to the trip was a breathless "God, it was exciting!"

When he left HEW in March 1968, there were speculations among his many journalist fans that he did so out of opposition to the L. B. J. war. But Gardner publicly denied it and he did not condemn the war until Johnson had left Washington.

Today one of Gardner's favorite themes is the disastrous callousness and unresponsiveness of the Federal Government. He pounds away at this in every speech. But when he was an important part of that same Government, he never made any such complaint. Early in 1971 he told *The New Yorker*, "What was borne in on me during my years in Washington is that we aren't going to solve any of our problems with the existing machinery." Later the same year he told me that his time at HEW had persuaded him how decayed some of our political institutions are.

One finds no trace in the printed record of his having felt this way at that time. As recently as 1969 he wrote condescendingly of dissenters who believe in the "old and naive doctrine" that "corrupt and wicked institutions" have oppressed mankind.

The reason he has got by with this *ad hoc* hopping around without being caught is that he sticks to generalities—the vaguest sort of generalities—and avoids specific like poison.

Assuming that he is now really convinced the machinery of Government is decadent, surely he should be able to supply an example of the decadence from his two years and eight months at HEW—which, next to the Department of Defense, has the biggest budget and the biggest waste factor and the biggest employee mess in the Federal Government. I asked him for just one example, one specific example. His response was, "The unholy trinity among a bureau chief and a lobbyist and a member of the Appropriations Committee. There are hundreds of them all over town. Little threesomes. Fellows who have gone fishing together for years. Their wives have played bridge together. They are part of a permanent invisible Washington. Their names are not known. They rarely make the headlines. But they've seen Presidents come and go, they've seen Secretaries come and go, and they determine a great deal of what actually goes through Congress with respect to their field. This is roughly the kind of relationship you might have among, say, the head of vocational education in the Office of Education, the American Vocational Association and a member of the Senate or House Appropriations Committee."

That's a colorful and totally believable premise—sneaky little threesomes—but how about one concrete example of their destructiveness while he was at HEW?

"Gee," he said with an apologetic seizure in his throat, "I could have given you a lot of examples [once upon a time], but it's faded now."

Incredible? Not really. To Gardner, life has been an unanchored, unballasted, gaseous romanticism. Sometimes there has not been a single sandbag hanging from his balloon, and things down below in the solid world of specifics are just too small to make out. Excelsior. A Higher Calling. On his way up he admonishes us to have faith in "justice, liberty, equality of opportunity, the worth and dignity of the individual, brotherhood, individual responsibility," and then, as if sensing that maybe we had heard of those things somewhere before, he hurries on to concede that these have little meaning unless translated into "down-to-earth" programs. But when he is asked to point out exactly what he has in mind, he squints at the receding earth below and, waving vaguely, equates all those airy concepts with "a decent job for everyone who wants one."

Such is the typical view from a Gardner balloon: that the ultimate of the faith he had been preaching, the purest expression of human existence, the highest aim of all his exhortations against "sterile self-preoccupation," comes down finally to something that the Employment Act of 1946, if enforced, could provide.

But a man with that outlook is highly valued in some quarters. So in 1968, with Detroit and Newark still smoking and with the powers that be afraid that this time the blacks might really be out for theirs, the Urban Coalition was established and Gardner was put in charge of it. Concocted by big-city mayors, the standard labor leaders, the standard civil rights organizations and a representative covey of big businessmen, the Urban Coalition was supposed to have a tranquilizing effect. It was supposed to "establish a dialog," as they say.

Gardner's concept of how to proceed was captured in a speech he made in 1969 that went like this: "Our problems today—poverty, racial conflict, urban decay, archaic Government institutions, inadequate education, inflation, crime, air and water pollution, snarled transportation, and so on—are more complex and deep-seated than most Americans wish to recognize. But I want to talk about them not as problems *but as opportunities.*"

The italics are mine, but the rest is pure Gardner. Fortunately the ghetto blacks weren't paying any attention or they would probably have switched from gasoline to napalm. He was full of that sort of thing. The confrontation of the races, he said, "will be resolved only by patient, determined efforts on the part of the great, politically moderate majority of whites and blacks through programs of education, job training, health care and social services." God. After nearly three years in HEW did he still think a few rinky-dink programs could fix up a place like Bedford Stuyvesant? Did he really think that health care could offset a city full of the kind of apartment buildings in which the upstairs toilet leaks into the downstairs kitchen sink?

Today, when he's peddling a lobby to the middle class, his objective is to cut through apathy, and so he talks occasionally in a semi-quasi-revolutionary way about how the ballot will never get the job done, as the system now stands. "If you could increase by ten percent or even 15 percent the number of first-rate people in Congress, it would be spectacular," he says. But if you did, so what? For "there would still be the oil lobby, the Congressional-military-industrial complex." Good people, he suggests, are swallowed by the system; they disappear into its reeky conflict-of-interest bowels and are never seen again.

That's his line now, and it may be an accurate one. But if it's accurate for the middle-class whites, who aren't expected to react with more vigor than to reach into their wallets and produce $15 for a C.C. membership, why wasn't it also accurate for the rioting blacks of the late Sixties? Gardner didn't see it that way. In those days his line was that first among the "long-tested, well-established procedures of a free society," the chief means by which "citizens make their influence felt" was—the ballot. Put down that brick, darky.

The Urban Coalition of that era was a flop, but not necessarily because of any failure on Gardner's part. Perhaps the failure could be traced to the fact that by the time he left it, most whites were fed up with blackish organizations and blackish needs. Whether or not Gardner diagnosed his problem that way, it is clear that Common Cause was set up to appeal to another class, the white middle- and upper-middle and even wealthy class—the people whose daughters he had got along with so well as a professor, the people he had spent Carnegie Corporation money on, the people for whom he had held HEW to a program of gradualism. They were back in business together.

It was a brilliant step to take, a perfect marriage of talent and interests. The middle class was in despair. Yet it is also the center of whatever clout the people might have. No serious effort had ever before been made to organize it. And Gardner was just the man to launch the organization with respect.

No effort is made to disguise the predominant color. At Common Cause headquarters I was repeatedly told that if I really wanted to get a feel for the interplay between Gardner and his followers I should attend one of the "town-hall-type" meetings he has been holding around the country. A few weeks later there was a meeting in the Daughters of the American Revolution auditorium in Washington. On several notable occasions in the past the D. A. R. has refused to let Negro and antiwar artists perform in their hall. The ladies would have been pleased with the people who used their hall that evening. At first swing I could not see a single black face in the 2000 or so on hand; in a city whose population is 72 percent black, an all-white crowd of that size is rather unusual. Then I saw two black men in the first balcony, just at the edge of the stage. Obviously they wanted to hear everything. But as it turned out, their interest was not personal: They were reporters for *The Washington Post* and the Washington *Star*, ordered to listen.

The color and class on display that night constitute the strength of the citizen lobby, some of its leaders feel. C. C. president Conway says, "The thing about our members is they are where labor people aren't. The peculiar thing about our members is they are right smack in the middle of where the power in this country now resides—that's the suburbs, the areas surrounding the cities, in the small towns. Middle America." He said he had no idea how many blacks were among the membership, but conceded the obvious, that "until we're on issues that have a direct appeal to the blacks and browns and Indians and poor folks where they can see it, they're not going to join."

Unfortunately, Gardner's brilliant conception has not yet brilliantly achieved. Considering the lobby's immaturity, however, it has done OK. Perhaps its biggest problem was that during the first year and a half, it usually joined an issue too late to really make much difference (although Common Cause newsletters convey an entirely different estimate of its impact).

A TRIBUTE TO THE BALTIMORE AFRO-AMERICAN

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. CLAY. Mr. Speaker, the Baltimore Afro-American is a leading information and communication source for the black community of Baltimore, as are its counterparts in other national cities. At a time when many black citizens are realizing the need for more black involvement in media, both in terms of employment and programatical content, the Afro-American can take great pride in its outstanding service and inspiration to the community.

The paper was founded by John Murphy, Sr., on the philosophy of "faith in the common people" and the preservation of their liberties. For eight decades they have demonstrated their commitment to this goal, and in so doing, have gained widespread recognition and respect as a spokesman for the thoughts and aspirations of many black people.

On August 13, the Baltimore Afro-American celebrated its 80th birthday. I extend to the staff of that publication my most sincere congratulations and best wishes for the future.

VERMONT GOV. DEANE C. DAVIS

HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. MALLARY. Mr. Speaker, not too long ago many of the citizens of the State of Vermont of both political parties were saddened to hear that our Governor, Deane C. Davis, would not seek reelection. It was my privilege to know him well before his active political career and to be closely associated with him during his two terms as Governor.

I have known no person to excel him in his dedication or service to his fellow man in either his public or his private capacity.

To mention that Deane Davis, at age 30, served as Vermont's youngest superior judge in history, and that he currently serves, at 71, as the Nation's oldest Governor, is only to establish benchmarks in a long and distinguished career. To speak of his working his way through law school in a shoeshine parlor, of his overcoming physical handicap to become a great horseman, and of his personal efforts in rehabilitating the criminals he prosecuted, defended or passed judgment upon, is only to highlight the determination and compassion with which he lives.

As a member of the first Boy Scout troop in America, as a 33d degree Mason, as chairman of Vermont's Little Hoover Commission, and as an active lay Christian, Deane Davis personifies the highest qualities of civic and religious involvement. As a business executive, he envisioned the transformation of a local mutual life insurance firm into a progressive and profitable firm of national prominence and he carried his plans to fruition. As a man without a college education he set out in his youth to read for 1 hour every day on a variety of subjects in order to broaden his knowledge, and he pursued this form of self-education for 30 years. These events speak to the quality of the man.

Deane C. Davis has always lived in Vermont and has remained a faithful servant to its citizens. His continuous service, combined with his abilities and strength of character were sufficient to gain him the governorship of Vermont in 1968. It never occurred to him to sit back as a senior public servant to reap the rewards of political prominence. Instead, he set out to achieve an ambitious program of government reorganization, fiscal accountability, and environmental conservation. He pressed for and passed a reorganization program to transform an outmoded unmanageable administration into an efficient responsive system. He won a landslide victory in seeking a second term of office after introducing a sales tax by demonstrating that it is possible to provide quality services while remaining fiscally accountable. His comprehensive environmental legislation, which is facilitating environmental conservation without jeopardizing economic vitality or private rights, has become a model to the Nation.

In refusing to seek a third term as Governor of Vermont, Deane C. Davis has again opened the way for a new dialog with his fellow Vermonters as servant and friend. Whatever may be the form of that dialog, it will be to the benefit of his State and country, for, in the words of an honorary citation to Deane Davis from Middlebury College:

> He blends tireless diligence with persuasive logic, warm humanity with professional skill, translating the liberal ideal of the whole man into the field of public action.

THE RATIONALE FOR EARLY INTERVENTION

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. HANSEN of Idaho. Mr. Speaker, Dr. Bettye M. Caldwell, director of the Center for Early Development and Education in Little Rock, Ark., is one of the most articulate, enthusiastic, and energetic spokesmen for young children whom I have met during my years of work on child-development legislation.

Dr. Caldwell recently shared her vast knowledge, talents, and experiences with Idahoans at the Early Childhood Conference I sponsored in Boise, and it is with great pleasure that I insert portions of her remarks in the RECORD:

THE RATIONALE FOR EARLY INTERVENTION

(Dr. Bettye M. Caldwell)

Congressman Hansen, Dr. Zigler, and dedicated guests, I am really very delighted to be here with you today. I sat there and smiled when Congressman Hansen introduced me as, I don't remember what all the words were, but I heard the one "enthusiasm". I have decided that is a kind of euphemism that people use for me. Now they never say that Bettye Caldwell is right or that she is this or that, they always say that she is enthusiastic and that is the truth. I am very enthusiastic about what I do; very grateful for the opportunities that I have had to play some small role in helping to develop programs for young children.

Now, my assignment today puts me on the side of the endeavored and it is a little bit different from the assignment I usually get, which is mainly to tell about what we are doing or really what I have done in the past or what I am doing now in Little Rock, Arkansas. Rather I have been asked to talk about some of the background factors that have gone into the current ferment about early childhood.

There certainly can be no doubt that the importance of early development is an idea whose time has come. It seems to me that it came to us right smack in the middle of the 20th century and when it arrived it seemed so obvious and so apparent to everyone, at first so void of opponents, that we must wonder how and then why it took us so long to recognize or appreciate the fact.

We have had many reminders and exhortations from specialists in many fields—people in poetry, philosophy, medicine, psychology, education. But until fairly recently, no one really paid too much serious attention to the importance of the first five or six years of life. Perhaps this is not too surprising when we reflect on Aries' suggestion that the idea of childhood per se—childhood, not just being little adults—is of relatively recent origin and that it certainly did not go back beyond the 18th century. Thus, the idea of early childhood, not childhood but very early childhood, as being an important developmental period does not go beyond about the middle of the 19th century.

Now in this country, in the 1920's and 30's, early childhood had a brief fling in America. But after rather vitriolic attacks from the heavily scientific wing of the social sciences, the advocates licked their wounds and slipped away to dream up apologies for what they had been suggesting should be done. Programs continued, but those in the universities operated mainly to provide subjects for research studies for professors and students and to train teachers so that they could provide subjects for professors and students for the next generation.

Then suddenly in the mid-60's (and I think we can date it officially as February, 1965, the month when Head Start was officially born—that doesn't include its pre-natal period)—early childhood education was rediscovered and it certainly was not a chance discovery. Rather I feel it was not that it was so much re-discovered, it was simply that we could not ignore it or overlook it any longer. Reasons for the discovery appeared every time we picked up an idea or turned it over or examined its implications. What were the reasons, why did we become so heavily concentrated, so focused on the importance of early childhood?

The first class of reasons that I would identify I have called inferential, and the second I have called emperical and I am going to review these briefly with you now. First of all, let us look at some of the inferential rationale for our current interest in early childhood.

Maybe I should define my term just a little bit. I am referring to ideas that were generated in another context sometimes bearing no direct relation to early intervention with humans, but from which one can infer the importance of early experience. And the importance of early experience is basically what early childhood intervention is all about. All of the programs are predicated on the assumption that this is indeed an important period. Not a critical period, not a magic period as Dr. Zigler said, but one which we cannot afford to ignore.

The first category of inferential reasons that I would sight is one that many of you might object to. I know sometimes people do not like to think that we build programs for humans on studies that have been done with animals, but I dare say that none of us would feel very comfortable having been vaccinated against measles or against polio and other things if we had not previously tried out the vaccine with animals. Much of the same kind of background work has been done with animals in relation to the importance of early experience.

If you think back to general psychology text books, you will find a lot of these studies under chapters that are concerned with perhaps maturation vs. learning, an old dichotomy that we don't slip into anymore, or heredity vs. environment. A whole host of different kinds of behaviors were looked at and a whole host of different kinds of variations of early experience were tried, but the main principle to emerge from these studies is that the timing as well as the type of experience may well have profound effects on development.

I certainly won't try to offer a comprehensive review of such experiments (a number of these are available), but I do wish to recognize the contribution of this line of endeavor to our current concern with early intervention and enrichment.

The studies have measured a variety of behaviors; sensory, perceptual and motor functions; learning and problem solving; and conflict forms of social behavior. Different types of early intervention were tried, sometimes depriving, sometimes enriching, and so on. One of the chief generalizations that emerges out of this vast body of literature is that the timing of experience was indeed critical and from the standpoint of many of the infrahuman animals that were used in these studies, manipulation of experiences during the early infancy of the animals seemed to have the greatest effect. Now with non-human animals this may be due to the fact that most complex forms of behavior are mediated by intrinsic processes which when fully developed are relatively less sensitive to variations in experience. The data, however, also points to the importance of experience during the time that neutral patterns which form the substrata for all complex forms of behavior are being established. So, whether or not we like the idea, we must recognize our indebtedness to the animal studies that pointed to the importance of early experience.

Now for a second kind of inferential data about the importance of early experience. Here I would turn to inferential studies; I am using Anastasi's term there, comparative studies, if you will, of children reared in different environments. Most of our information that we have here relates to cognitive development. I wish I could cite with as much authority studies that relate to the effects of different kinds of environments upon social and emotional variables. I think that we simply have to apologize at the outset of this and then go right on and look at what information we have. It seems to me that one of the reasons that we concentrate so much on cognitive development is a very poor one. Namely, we do think that we can measure it more accurately than we can measure other variables and, therefore we go right on, say giving these tests, even though we may be less concerned with change in this area than in some other areas. I say that as a way of apologizing for the fact that when we look at human studies again, much of the evidence relates to the effects of variations of experience on some kind of cognitive measure.

How do we measure different kinds of environments? One of the greatest inadequacies in our vast armamentarium of psychological and educational measuring devices, is a sensitive technique for measuring the environment—very much like what Dr. Zigler said that in a way Head Start is insulting to the poor because it assumes that everybody who lives in an environment identified by some financial cut-off point is in an environment that is of itself depriving.

We simply know that is not true. We have relied on this kind of cut-off point simply because it gives us a reasonably accurate, actuarial statement about what might transpire within those families. I say reasonably accurate is the best we can come up with. Usually the designation that is employed is something called a measure of socio-economic status that hopefully combines social as well as economic variables and a sociologist who introduced these terms years ago made the bad mistake of using a vertical-sounding hierarchy when really it ought to be horizontal. They speak of upper class, middle class, lower class, and so on.

Now when you take information about a child being reared in an environment that on a host of educational, economic variables is considered middle class and then look at this development and let us multiply that by a thousand and then take a thousand children who are in different social class as measured by the same index, you can come up with a pretty accurate statement that by and large on almost all psycho-educational variables you might choose to measure you will find differences associated with socioeconomic status.

It doesn't matter whether it is an achievement test, an intelligence test, or certain kinds of personality measurement and so on. You will clearly find it if you are working with fourth graders or high school students or first graders. We have found it with Head Start children, you will find it to some extent with three-year-olds. But below that point in the age spectrum do you stop finding it, or do you ever stop finding it; that is, when, in the developmental cycle, do the differences that are associated with social class appear? This is actually an extremely important scientific and practical question for us.

Until Head Start came along one of the real tragedies in the whole psycho-educational world was that we knew so little not, let us say, children of professors or about the development of children who were doctors in town who attended university nursery school where they could be adequately studied. We never really had access to a population of children younger than six, because we only get in contact with large numbers of children when they get into public education.

So, we did learn from Head Start children the performance of the children on various measures of some kind of cognitive or intellectual functioning showed that they were below national norm, which is perhaps but another way of saying that if they would have had a control group from the middle class they would have been different. So, now dropping on down, first grade—yes, Head Start which was really five-year-olds at first. What about much younger children? What about babies, for example, because this is an extremely important question to ask yourself. What do we know about infant development as a function of social class?

The answer dealt with 30, 40, 50 children. But in 1965, Nancy Bailey—who worked with infants for 40 or 50 years—standardized a new version of an infant scale that she had developed on about 1,500 children. She looked at the performance of children on her scale as a function of race, sex, and social class. At every assessment point, up to 15 months of age, there were no significant differences of performance on the Bailey scale as a function of sex, birth order, parental education, geographic residence, or race. In other words, the infants from all of these different sub-groups performed in a varied and highly similar fashion as a function of their overall maturity. Black babies tended to score higher than whites on the motor scales up to about a year, but the differences were not statistically significant beyond that point.

Now Dr. Bailey has not given us any data from this standardization beyond that point although such data are currently being prepared. They are going to be extremely important because we know that by age five we've got differences; here at age 15 months, no differences. Somewhere in that in-between developmental period the development of children from the less privileged environments begins to diverge from that of children who are growing up in more privileged environments and we very much need to pinpoint exactly when it occurs.

A recent study by two people named Golden and Burns suggests that if one looks only at test scores this difference still has not declared itself by the age of two. However, if you regard the full constellation of test behaviors you can see possible marginal differences by age two. These people used the Katelle Infinite Intelligence Scale and also an experimental procedure designed to assess a child's development within the Piaget framework. They examined three separate groups of children who were 12, 18, and 24 months of age. On neither test were statistically significant differences observed at any of the three age periods. However, the authors reported that children from the lower socioeconomic groups were far more difficult to test and that they frequently required more than one session to complete the procedures. Had the examiners not made efforts to get a valid score for each child, significant differences in mean scores might have appeared. You might want to reflect here back on what Dr. Zigler said earlier about motivational and attitudinal differences which may appear that are perhaps more basic than some of the cognitive ones that we can so easily measure.

This says in effect that if one does want to develop preventive programs and if the environment really is one of the main explanations for what is happening here, it says that it is extremely important to begin some kind of intervention during this early period, regardless as to whether those effects are going to last forever. It is important because if you don't, by even age three you are going to have to be dealing with a remedial program.

It is my deeply-held conviction that the only opportunity to develop truly preventive programs lies in beginning such programs in this period of 18 months to three years. Certainly during that time seems to be the period when the environment really begins to show itself. The comparative studies of children in different environments—that is my second inferential rationale for early intervention.

The third one is what I have called major conceptual analysis of the role of experience in development. If you have been around for the last ten years and been interested in young children, you have probably heard about Piaget, and about Joseph McVicker Hunt, about Ben Bloom and also I would add Jerome Bruner to that list. These are people I feel have made an important contribution to our rationale for early development, not by virtue of emperical studies that they have done proving the importance of early experience, but rather because of an exhaustive and scholarly analysis of what other people have done, but often not integrated with things that other people in perhaps similar areas might have done.

A decade ago, Joe Hunt published his magnificent book called *Intelligence and Experience*. In this book he attempted to survey all that was known at that point in time about the influence of experience on intelligence. Hunt felt that for too many years the thinking in psychology had been dominated by a belief in fixed inheritance of intelligence even though data from a variety of sources should have challenged this belief. As he put it, "Evidence from various sources has been forcing a recognition of central processes in intelligence and of the crucial role of life experience in the development of these central processes".

In his book, Hunt presented evidence that would challenge the belief in fixed intelligence and pre-determined development, and offered instead a model of information processing, which stresses the importance of experience for the development for the central organization of information necessary to solve problems. He also reviewed for American audiences the work of Piaget.

Piaget had been around on the American scene—he is another one who has been rediscovered many times. He was discovered and outlawed by some earlier people who said his work was not very worthwhile and he does publish mainly in French—and most of us are language illiterate. But Hunt tried to review for the American reader the basic tenets of Piaget and highlighted particularly Piaget's emphasis on the way that experiences help program the development of cognitive functioning in the human infant. For Joe Hunt the implications were very clear. Society must pay ever greater attention to what takes place in the lives of very young children and must stop leaving things to chance during this period.

The second of these conceptual analyses that I mentioned was made by Benjamin Bloom and it started from a different frame of reference. No matter what point you start from, you cannot escape the inference that the early years are very important. Bloom surveyed all of the longitudinal studies that had been published at that time. This was done eight years ago, and in it he looked to see what the authors had come up with about the measurement of change and a variety of characteristics within the same individual. He was interested in only longitudinal studies in which the subject had matured, that is, had reached early adulthood or beyond.

Bloom's chief interest in this analysis lay in identifying periods during which the characteristics under study were going through relatively stable growth—physical growth, intelligence, achievement motivation and so on—and those periods in which they were unstable and showed rapid change. In considering all the data that he could find relating to repeated measures of physical and personality characteristics, intelligence and achievement test data, Bloom concluded that the introduction of the environment as a variable makes a major difference in our ability to predict the mature status of a human characteristic.

Surprisingly little attention has been given to measuring environmental characteristics. We have been content to take something like socio-economic status and say that because it is accurate in some cases we will assume that it is accurate in all. Yet we know—absolutely—that is is not the case. In any data that I have ever collected, and I have happened to have worked primarily with the low-income background families, the variability that we find in all of the characteristics that we have measured tends to be greater than the variability from the same characteristics from a middle class sample.

I happen to think that is extremely important point. It says that if you are making this judgment about what a child might be experiencing in a middle class home there is a slight chance that you will be a little more accurate if you guess that is going to be right at the mean or median than you will be if you are making that assumption on the basis of a less privileged home. The variability tends to be greater in the latter situation.

We desperately need sensitive measures in this field that deal with the specific environmental characteristic likely to influence the particular growth characteristic in which we are interested. In calling attention to the impact of the environment, Ben Bloom suggested further that it will have more impact on a characteristic at a time when that characteristic is undergoing relatively rapid change than it will at a point in time when relatively little change is likely.

A final step in this logic is the realization that since most characteristics are perhaps changing most rapidly during infancy and early childhood, one might expect the environment to have its greatest impact during the first years of life. This realization led Bloom to suggest in his famous term that has now become an avarism with us that in regard to intelligence measured at age 17, about 50 percent of the development takes place between conception and age 4. He feels that the statement has often been misinterpreted but again the implications of the analysis are very clear. If the environment can be assumed to have its greatest impact during roughly the first four years of life, then very careful attention to the development of growth-fostering environments during this period is absolutely essential.

Furthermore, his analysis suggests that as far as education is concerned, we may well have had emphasis placed at the wrong points in time. Whereas we have had elaborate mechanisms for providing education for older children in our society, guidance for the growth and development of the very young has been a casual venture indeed.

We have fallen back on statements but we really don't know all of the answers. Therefore we must be very careful. We don't know all of the answers about how to educate 16-year-olds, as countless 16-year-olds will be happy to attest, but we go right ahead and design educational procedures nonetheless. It is fair to summarize this section on inferential rationale by saying in the middle of the decade of the 60's, no thinking person could ignore the first few years of life. We were but one step away from a social mandate to give careful attention to the development of programs that would foster learning cognitive development.

THE ARMY CAREER OF STAN SMITH

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. PIKE. Mr. Speaker, I wish to present a rough chronology of the past year in which Specialist Stan Smith, allegedly of the U.S. Army, has received acclaim as an international tennis celebrity.

An official letter from the Office of the Secretary of the Army dated July 7 to me recounts Stan's year in a somewhat loftier tone. In part, the letter states:

> From June 1971 to 30 October 1971, Specialist Smith was directed to participate in national and international tennis competition under the auspices of the U.S. Davis Cup Committee in preparation for Davis Cup play. Following this, he was attached along with several other soldier athletes to the U.S. Army Recruiting Command to serve as a sports clinician in a nationwide sports clinic program. His duties required him to travel throughout the United States addressing high school and community groups. On 15 March, 1972, he was once again ordered to the U.S. Davis Cup Team to represent the United States in international competition, now in progress.

I urge you to compare this official statement of July 7 with a recapitulation gathered from the daily sports pages of the New York Times that follows:

RECAPITULATION

DATE AND TOURNAMENT

June 1-4, 1971, in Paris for French Open Tennis Tournament.

June 8-12, in Beckenham, England, for Kent Grass Tennis Tournament.

June 16-19, in London for the London Grass Tennis Tournament. Wins singles prize of $690.

June 21-July 3, at 1971 Wimbledon takes second prize purse of $5,400.

July 6-9, in Baastad, Sweden for Swedish Open Tennis Tournament.

July 13-17, at Washington (D.C.) *Star* International Tennis Tournament.

August 4-8, in Cincinnati for the Western Tennis Tournament. Wins Singles. Share of $30,000 purse not disclosed in AP dispatch.

August 16, upset in first match of the Pennsylvania Lawn Tennis Championship at Haverford, Pa.

September 1-16, at Forest Hills, N.Y. for U.S. Open Championship. Wins singles prize of $15,000 and $5,000 expenses. Prize money goes to Davis Cup Fund in return for Army's permission to let him compete.

September 16, drops out of California Tennis Championship in Sacramento.

September 22–25, in Los Angeles for Pacific Southwest Open Tennis Tournament.

October 8–10, in Charlotte, N.C. for Davis Cup challenge round.

October 25, in Wembley, England for $48,000 Wembley Open Tennis Tournament. Loses opening match.

November 1–7, in Stockholm, Sweden for $45,000 Stockholm Open Tennis Tournament. Wins doubles, purse undetermined.

November 23–27, in Buenos Aires, Argentina for South American Open Tennis Tournament.

December 1, Reuter's dispatch from London says Smith won Pepsi Grand Prix of Tennis first prize of $25,000 based on point standing in 31 international tennis tournaments.

December 4–12, in Paris for $50,000 Pepsi Masters Grand Prix. Wins $9,000 second place prize.

February 11, in San Diego, Calif., for $40,000 International Open Tennis Tournament.

February 14–20, in Salisbury, Md. for National Indoor Open Tennis Championship. Wins singles prize of $9,000.

February 22–27, in New York City for Clean Air Tournament. Wins single prize of $4,500 and also takes doubles share of $500.

February 24, named co-winner of Martini & Rossi Gold Racquet Award for 1971. Donates one-half share of $7,500 award to California charity.

February 29–March 5, in Hampton, Va. for U.S. National Indoor Tennis Tournament. Wins $9,050 single's prize.

March 8–12, in Washington, D.C. for $25,000 International Tennis Tourney. Wins undisclosed singles prize.

March 19, in Kingston, Jamaica for Davis Cup Regional Match.

March 27–31, in San Juan, Puerto Rico for Caribe Hilton Tennis Tournament. Wins $3,500 prize.

April 11–16, in Spain for Madrid International Tennis Tournament.

April 18–22, in France for $30,000 Nice International Tennis Tournament.

April 25–26, in Rome for Italian Tennis Championship.

May 8–12, in Bournemouth, England for $39,000 British Hardcourt Tennis Championship.

June 6–18, in Mexico City with Davis Cup Team for North American zone final against Mexico.

June 20, in England for London Grass Court Championship.

July 9, 1972, wins singles prize for $13,000 at 1972 Wimbledon.

Really, Mr. Speaker, is this the Army?

U.S.S. "THORN" REUNION

HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. ROONEY of Pennsylvania. Mr. Speaker, the clock will be turned back a quarter century next week as the former crewmembers of the U.S.S. *Thorn* reunite at the Philadelphia Naval Station aboard their mothballed destroyer. What is unique about the event is that it is the first time that a ship and its crew will be reunited. Furthermore, I am particularly proud that one of my constituents, Mr Kaj "Swede" Swenson, is chairman of the reunion committee and as his fellow crewmembers have assured me, it has been his initiative, drive, and persistence that has sparked the reunion.

The U.S.S. *Thorn*, or the "Mighty T" as it is fondly remembered was commissioned April 1, 1943, and served with distinction during World War II. After the war it was retired to the Philadelphia Reserve Basin. Because time and the elements have taken their toll, the *Thorn* is currently slated to be towed to sea and sunk during target practice. Thus, although many crewmembers have expressed a strong interest in preserving the ship, the annual cost of berthing and maintaining the retired destroyer would be about $10,000.

Thus, the event takes on added significance since there may never be another chance for crewmembers to go aboard. Consequently, Mr. Swenson and his committee have conducted an extensive search for the members of the *Thorn* family, and it is expected that 250 people will be present for the August 25–26 festivities. To increase interest in the upcoming event, the committee has been publishing the *Thorn* Flashback, which prints letters from crewman fondly recounting incidents from their life aboard the "Mighty T."

The Navy, too, has been cooperating with the reunion planners by providing facilities for the dinner dance by unsealing and sprucing up the *Thorn*, itself, and by making it possible for returning veterans to take small souvenirs from the ship.

As the time for the reunion draws near, I want to recognize the outstanding work that Mr. Swenson has done in organizing the affair and send my best wishes to him and the rest of the crew, while at the same time realizing that the greatest rewards are yet to be reaped when the returning sailors will be able to renew friendships and rekindle the memories of the time they spent aboard a proud vessel that served and fought with distinction in World War II.

TRIBUTE TO THE ORDER OF AHEPA ON ITS 50TH ANNIVERSARY

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. SARBANES. Mr. Speaker, it is indeed a great honor and a matter of deep personal pleasure for me to salute on the occasion of its 50th anniversary the American Hellenic Educational Progressive Association, known with respect throughout our Nation as the Order of Ahepa.

It is a matter of great pride because, as a Greek-American and as an Ahepan, I am deeply aware of the significant contributions which the Order of Ahepa has made to the progress and growth of America. The Order of Ahepa was founded 50 years ago in Atlanta, Ga., by eight farsighted, patriotic, and civic-minded Greek-Americans who realized that the time had arrived for the establishment of an organization which would reflect the finest in the Greek and American ideals of freedom, democracy, good citizenship, and devotion to family and church. Since that historic moment in Atlanta on July 26, 1922, AHEPA's progress and achievements have surpassed even the boldest dreams of its visionary founders.

AHEPA's programs and activities have spanned two continents helping to strengthen the historically close ties which have marked the relationship between the United States and Greece. In truth, Ahepans have succeeded in combining the best traditions of these two great nations whose histories have been marked by a dedication to human justice and freedom.

As proud sons and daughters of Hellas, Ahepans have generously and often at great sacrifice aided a troubled Greece, in time of natural disaster, national peril, or philanthropic need. At the same time the Order of Ahepa has been a leader in preparing Greek-Americans for full and constructive participation in virtually every sphere of American life, be it in business, politics, education, labor, or the arts. In addition, Ahepans have played a major role nationally and locally in the establishment and support of such important Greek-American institutions as the Greek Orthodox Church, various educational and philanthropic facilities and a host of other important community projects.

Most importantly, however, the AHEPA family, which includes the auxiliary organizations of the Daughters of Penelope, Maids of Athens, and Sons of Pericles, has inculcated in their members, their families and friends a keen sense of civic responsibility and patriotism, a love of family and church and a devotion to democratic practices and ideals, all reflected in a devotion to their fellow man and a dedication to a just society. AHEPA has indeed reflected the finest precepts of Hellenism, formulated by the brilliant philosophers and law-givers of ancient Greece, and carried forward by the democratic ideals and institutions of the United States.

Mr. Speaker, I am happy to report that in my own State of Maryland there are nine active chapters of AHEPAN's and that in my own city of Baltimore, there are two active chapters, Worthington chapter No. 30 and the Lord Baltimore chapter No. 364. I should like to pay tribute to the members of these chapters by listing their officers and home cities. I know that my colleagues join me in wishing them and all other AHEPAN's continued good fortune in their efforts to carry on the finest traditions of our shared heritage.

MARYLAND AHEPA LEADERS

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Paul Cocoros, Vice President.
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George J. Leber, National Executive Secretary, Silver Spring.

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J. William Holmes, Past Supreme Lodge, Silver Spring.

AID AND TRADE WITH THE ENEMY

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. SCHMITZ. Mr. Speaker, the most despicable practice I have encountered in my lifetime is that of successive Republican and Democrat administrations in carrying on aid and trade with the Communist nations which supply the weapons to kill our men in Vietnam. How any Member of this body, who supports such action, can go home and sleep with a clear conscience, is beyond my understanding. Many of them have sons, like mine, who some day will serve in our Armed Forces if they are not already doing so, and may well be a target for those weapons whose manufacture we make possible.

In Arlington Cemetery we keep a 24-hour watch over our honored dead, who made the supreme sacrifice to defend our country and freedom against its foes. Their loved ones mourn them still, and will never forget them. Many of these dead would be alive today if we had not done so much to build up and sustain the economy of the Soviet and satellite nations for the last half-century. But as long as the dollars roll in to fill the coffers of the "big money" men who in turn make many of the largest contributions to both Republican and Democrat presidential candidates, those who profit from aid and trade with the enemy could not care less about the cost in blood paid in places like Korea and Vietnam. Business and hypocrisy of the highest order must be carried on—as usual.

For 10 years, Antony C. Sutton, research fellow with the Hoover Institution on War, Revolution and Peace, has been researching Soviet technology. He has so far written two volumes on "Western Technology and Soviet Economic Development." Today he is presenting a summary of his findings to the platform committee of the Republican National Convention in Miami, Fla. This is his shattering conclusion:

> There is no such thing as Soviet technology. Almost all—perhaps 90 to 95 percent—came directly or indirectly from the United States and its allies. In effect the United States and the NATO countries have built the Soviet Union—its industrial and its military capabilities. This massive construction job has taken 50 years, since the Revolution in 1917. It has been carried out through trade and the sale of plants, equipment and technical assistance.

The evidence he presents in support of this conclusion is of the greatest importance to every American and especially to all who make policy here in Washington. It is imperative that every Member of this body read what he has to say—and act accordingly.

Mr. Sutton says that "this information has been blacked out by successive administrations." I intend to see that it is blacked out no longer. Simultaneously with placing it in the CONGRESSIONL RECORD today, I have released it to the Associated Press and United Press International and to major newspapers throughout the country. For once, let us submerge our differences and unite on an issue on which every man of conscience and honor in this country ought to be able to agree. These facts must not be suppressed or ignored because of concern about face-saving or a desire to pretend that unpleasant truths do not exist. Those who fail to print and publicize Mr. Sutton's evidence do so at the peril of the lifeblood of America.

Nor can it be hidden much longer in any case. This story will become too big to kill. You remember the old saying "murder will out." What Mr. Sutton reports is a very sophisticated kind of murder; the bodies involved are those of our own young men, crying out from their graves for justice. The truth about this murder through trade with the enemy is coming out, and it will be heard.

The article follows:

> The information that I am going to present to you tonight is known to the Administration. The information is probably *not* known to the Senator from South Dakota or his advisers. And in this instance ignorance may be a blessing in disguise. I am not a politician. I am not going to tell you what you want to hear. My job is to give you facts. Whether you like or dislike what I say doesn't concern me. I am here because I believe—and Congressman Ashbrook believes—that the American public should have these facts.
>
> I have spent ten years in research on Soviet technology. What it is—what it can do—and particularly where it came from. I have published 3 books and several articles summarizing the work. It was privately financed. But the results have been available to the Government. On the other hand, I have had major difficulties with United States Government censorship. I have 15 minutes to tell you about this work. In a few words: there is no such thing as Soviet technology.
>
> Almost all—perhaps 90–95 percent—came directly or indirectly from the United States and its allies. In effect, the United States and the NATO countries have built the Soviet Union. Its industrial *and* its military capabilities. This massive construction job has taken 50 years. Since the Revolution in 1917. It has been carried out through trade and the sale of plants, equipment, and technical assistance. Listening to Administration spokesmen—or some newspaper pundits—you get the impression that trade with the Soviet Union is some new miracle cure for the world's problems. That's not quite accurate. The idea that trade with the Soviets might bring peace goes back to 1917. The earliest proposal is dated December 1917—just a few weeks after the start of the Bolshevik Revolution. It was implemented in 1920 while the Bolsheviks were still trying to consolidate their hold on Russia. The result was to guarantee that the Bolsheviks held power: they needed foreign supplies to survive. The history of our construction of the Soviet Union has been blacked out—much of the key information is still classified—along with the other mistakes of the Washington Bureaucracy. Why has the history been blacked out?
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> Because 50 years of dealings with the Soviets has been an economic success for the USSR and a political failure for the United States. It has not stopped war, it has not given us peace. The United States is spending $80 billion a year on defense against an enemy built by the United States and Western Europe. Even stronger, the United States apparently wants to make sure this enemy remains in the business of being an enemy. Now at this point I've probably lost some of you. What I have said is contrary to everything you've heard from the intellectual elite, the Administration, and the business world, and numerous well regarded Senators—just about everyone. Let me bring you back to earth.
>
> First an authentic statement. Its authentic because it was part of a conversation between Stalin and W. Averell Harriman. Ambassador Harriman has been prominent in Soviet trade since the 1930's and is an outspoken supporter of yet more trade. This is what Ambassador Harriman reported back to the State Department at the end of World War II: "Stalin paid tribute to the assistance rendered by the United States to Soviet industry before and during the War. Stalin said about two-thirds of all the large industrial enterprises in the Soviet Union has been built with the United States help or technical assistance." (he in original*). I repeat: "two-thirds of all the large industrial enterprises in the Soviet Union had been built with the United States help or technical assistance." Two-thirds. Two out of three. Stalin could have said that the other one-third of large industrial enterprises were built by firms from Germany, France, Britain, Italy, and so on. Stalin could have said also that the tank plants, the aircraft plants, the explosive and ammunition plants originated in the United States. That was June 1944. The massive technical assistance continues right down to the present day.
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> Now the ability of the Soviet Union to create any kind of military machine, to ship missiles to Cuba, to supply arms to North Vietnam, to supply arms for use against Israel—all this depends on its domestic industry. In the Soviet Union about three-quarters of the military budget goes on purchases from Soviet factories. This expenditure in Soviet industry makes sense. No army has a machine that churns out tanks. Tanks are made from alloy steel, plastics, rubber, and so forth. The alloy steel, plastics, and rubber are made in Soviet factories to military specifications. Just like in the United States. Missiles are not produced on missile-making machines. Missiles are fabricated from aluminum alloys, stainless steel, elec-

trical wiring, pumps, and so forth. The aluminum, steel, copper wire, and pumps are also made in Soviet factories. In other words, the Soviet military gets its parts and materials from Soviet industry. There is a Soviet military-industrial complex just as there is an American military industrial complex. This kind of reasoning makes sense to the man in the street. The farmer in Kansas knows what I mean. The salesman in California knows what I mean. The taxi driver in New York knows what I mean. But the policy makers in Washington do not accept this kind of common sense reasoning, and never have.

So let's take a look at the Soviet industry that provides the parts and the materials for Soviet armaments: the guns, tanks, aircraft. The Soviets have the largest iron and steel plant in the world. It was built by McKee Corporation. It is a copy of the United States steel plant in Gary, Indiana. All Soviet iron and steel technology comes from the United States and its allies. The Soviets use open hearths, American electric furnaces, American wide strip mills, Sendzimir mills, and so on—all developed in the West and shipped in a peaceful trade. The Soviets have the largest tube and pipe mill in Europe—1 million tons a year. The equipment is Fretz-Moon, Salem, Aetna Standard, Mannesman, etc. Those are not Russian names. All Soviet tube and pipe-making technology comes from the United States and its allies. If you know anyone in the space business, ask them how many miles of tubes and pipes go into a missile. The Soviets have the largest merchant marine in the world—about 6,000 ships. I have the specifications for each ship. About two-thirds were built outside the Soviet Union. About four-fifths of the engines for these ships were also built outside the Soviet Union.

There are no ship engines of Soviet design. Those built *inside* the USSR are built with foreign technical assistance. The Bryansk plant makes the largest marine diesels. In 1959 the Bryansk plant made a technical assistance agreement with Burmeister & Wain of Copenhagen, Denmark (a NATO ally), approved as peaceful trade by the State Department. The ships that carried Soviet missiles to Cuba ten years ago used these same Burmeister and Wain engines. The ships were in the POLTAVA class. Some have Danish engines made in Denmark and some have Danish engines made at Bryansk in the Soviet Union. About 100 Soviet ships are used on the Haiphong run to carry Soviet weapons and supplies for Hanoi's annual aggression. I was able to identify 84 of these ships. None of the main engines in these ships was designed and manufactured inside the USSR. All the larger and faster vessels on the Haiphong run were built outside the USSR. All shipbuilding technology in the USSR comes directly or indirectly from the United States or its NATO allies.

Let's take one industry in more detail: motor vehicles. All Soviet automobile, truck, and engine technology comes from the West: chiefly the United States. In my books I have listed each Soviet plant, its equipment, and who supplied the equipment. The Soviet military has over 300,000 trucks—all from these United States built plants. Up to 1960 the largest motor vehicle plant in the USSR was at Gorki. Gorki produces many of the trucks American pilots see on the Ho Chi Minh trail. Gorki produces the chassis for the GAZ-69 rocket launcher used against Israel. Gorki produces the Soviet jeep and half a dozen other military vehicles. And Gorki was built by the Ford Motor Company—as peaceful trade. In 1968 while Gorki was building vehicles to be used in Vietnam and Israel, further equipment for Gorki was ordered and shipped from the United States. Also in 1968 we had the so-called "FIAT deal"—to build a plant at Vologograd three times bigger than Gorki. Dean Rusk and Walt Rostow told Congress and the American public this was peaceful trade—the FIAT plant could not produce military vehicles. Don't let's kid ourselves. Any automobile manufacturing plant can produce military vehicles. I can show anyone who is interested the technical specification of a proven military vehicle (with cross-country capability), using the same capacity engine as the Russian FIAT plant produces. The term "FIAT deal" is misleading. FIAT in Italy doesn't make automobile manufacturing equipment—FIAT plants in Italy have United States equipment. FIAT *did* send 1,000 men to Russia for erection of the plant—but over half, perhaps well over half, of the equipment came from the United States. From Gleason, TRW of Cleveland, and New Britain Machine Co.

So in the middle of a war that has killed 46,000 Americans (so far) and countless Vietnamese with Soviet weapons and supplies, the Johnson Administration doubles Soviet auto output. And supplied false information to Congress and the American public. Finally, we get to 1972 under President Nixon.

The Soviets are receiving now—today, equipment and technology for the largest heavy truck plant in the world: known as the Kama plant. It will produce 100,000 heavy ten-ton trucks per year—that's more than ALL United States manufacturers put together. This will also be the largest plant in the world, *period*. It will occupy 36 square miles. Will the Kama truck plant have military potential? The Soviets themselves have answered this one. The Kama truck will be 50 percent more productive than the ZIL-130 truck. Well, that's nice, because the ZIL-130 truck is a standard Soviet army truck. It's used in Vietnam and the Middle East. Who built the ZIL plant? It was built by the Arthur J. Brandt Company of Detroit, Michigan. Who's building the Kama truck plant? That's classified "secret" by the Washington policy makers. I don't have to tell you why.

The Soviet T-54 tank is in Vietnam. It was in operation at Kontum, AnLoc, and Hue a few weeks ago. It is in use today in Vietnam. It has been used against Israel. According to the tank handbooks, the T-54 has a Christie type suspension. Christie was an American inventor. Where did the Soviets get a Christie suspension? Did they steal it? No, sir! They bought it. They bought it from the United States Wheel Track Laver Corporation. However, this Administration is apparently slightly more honest than the previous Administration. Last December I asked Assistant Secretary Kenneth Davis of Commerce Department (who is a mechanical engineer by training) whether the Kama trucks would have military capability. In fact, I quoted one of the Government's own interagency reports. Mr. Davis didn't bother to answer it but I did get a letter from the Department and it was right to the point. Yes! We know the Kama truck plant has military capability, we take this into account when we issue export licenses. I passed these letters onto the press and Congress. They were published. Unfortunately for my research project, I also had pending with Department of Defense an application for declassification of certain files about our military assistance to the Soviets. This application was then abruptly denied by DOD. Obviously, the Administration can't take too much heat in *this* kitchen. It will supply military technology to the Soviets but gets a little uptight about the public finding out. I can understand that.

Of course, it takes a great deal of self-confidence to admit you are sending factories to produce weapons and supplies to a country providing weapons and supplies to kill Americans, Israelis, and Vietnamese—in writing. In an election year, yet. Many people—as individuals—have protested our suicidal policies. What happens? Well, if you are in Congress—you probably get the strong arm put on you. The Congressman who inserted my research findings into the Congressional Record suddenly found himself with primary opposition. He won't be in Congress next year.

If you are in the academic world—you soon find it's OK to protest United States assistance to the South Vietnamese but never, never protest United States assistance to the Soviets. Forget about the Russian academics being persecuted—we mustn't say unkind things about the Soviets. If you press for an explanation, what do they tell you? First, you get the Fulbright line. This is peaceful trade. The Soviets are powerful. They have their own technology. It's a way to build friendship. It's a way to a new world order. This is demonstrably false. The Soviet tanks in AnLoc are not refugees from the Pasadena Rose Bowl Parade. The "Soviet" ships that carry arms to Haiphong are not peaceful. They have weapons on board, not flower children or Russian tourists. Second, if you don't buy that line you are told, "The Soviets are mellowing." This is equally false. The killing in Israel and Vietnam with Soviet weapons doesn't suggest mellowing, it suggests premeditated genocide. Today—now—the Soviets are readying more arms to go to Syria. For what purpose? To put in a museum? No one has ever presented evidence hard evidence, that trade leads to peace. Why not? Because there *is* no such evidence. It's an illusion. It is true that peace leads to trade. But that's not the same thing. You first need peace, then you trade. That does not mean if you trade you will get peace. But that's too logical for the Washington policy makers and it's not what the politicians and their backers want anyway. Trade with Germany doubled before World War II. Did it stop World War II? Trade with Japan increased before World War II. Did it stop World War II? What was in this German and Japanese trade? The same means for war that we are now supplying the Soviets. The Japanese Air Force after 1934 depended on United States technology. And much of the pushing for Soviet trade today comes from the same groups that were pushing for trade with Hitler and Tojo 35 years ago.

The Russian Communist Party is not mellowing. Concentration camps are still there. The mental hospitals take the overload. Persecution of the Baptists continues. Harassment of Jews continues, as it did under the Tsars. The only mellowing is when a Harriman and a Rockfeller get together with the bosses in the Kremlin. That's good for business but it's not much help if you are a G.I. at the other end of a Soviet rocket in Vietnam. I've learned something about our military assistance to the Soviets. It's just not enough to have the facts—these are ignored by the policy makers. It's just not enough to make a common sense case—the answers you get defy reason.

Only one institution has been clearsighted on this question. From the early 1920's to the present day only one institution has spoken out. That is the AFL-CIO. From Samuel Gompers in 1920 down to George Meany today, the major unions have consistently protested the trade policies that built the Soviet Union. Because union members in Russia lost their freedom and union members in the United States have died in Korea and Vietnam. The unions know—and apparently care. No one else cares. Not Washington. Not big business. Not the Republican Party. And 100,000 Americans have been killed in Korea and Vietnam—by our own technology.

The only response from Washington and the Nixon Administration is the effort to hush up the scandal. These are things not to be talked about. And the professional smokescreen about peaceful trade continues. The plain fact—if you want it—is that irresponsible policies have built us an enemy and maintain that enemy in the business of totalitarian rule and world conquest. And the tragedy is that intelligent people have bought the political double-talk about world peace, a new world order and mellowing Soviets. I suggest that the man in the street, the average taxpayer-voter thinks more or less as I do. You do not subsidize an enemy. And when this story gets out and about in the United States, it's going to translate into a shift of votes. I haven't met one man in the street so far (from New York to California) who goes along with a policy of subsidizing the killing of his fellow Americans. People are usually stunned and disgusted. It requires a peculiar kind of intellectual myopia to ship supplies and technology to the Soviets when they are instrumental in killing fellow citizens.

What about the argument that trade will lead to peace? Well, we've had United States-Soviet trade for 52 years. The 1st and 2nd Five-Year Plans were built by American companies. To continue a policy that is a total failure is to gamble with the lives of several million Americans and countless allies. You can't stoke up the Soviet military machine at one end and then complain that the other end came back and bit you. Unfortunately, the human price for our immoral policies is not paid by the policy makers in Washington. The human price is paid by the farmers, the students, and working and middle classes of America. The citizen who pays the piper is not calling the tune—he doesn't even know the name of the tune.

Let me summarize my conclusions: *One:* trade with the USSR was started over 50 years ago under President Woodrow Wilson with the declared intention of mellowing the Bolsheviks. The policy has been a total and costly failure. It has proven to be impractical—this is what I would expect from an immoral policy. *Two:* we have built ourselves an enemy. We keep that self-declared enemy in business. This information has been blacked out by successive Administrations. Misleading and untruthful statements have been made by the Executive Branch to Congress and the American people. *Three:* our policy of subsidizing self-declared enemies is neither rational nor moral. I have drawn attention to the intellectual myopia of the group that influences and draws up foreign policy. *Four:* the annual attacks in Vietnam and the war in the Middle East were made possible only by Russian armaments and our past assistance to the Soviets. *Five:* this world-wide Soviet activity is consistent with Communist theory. Mikhail Suslov, the party theoretician, recently stated that the current detente with the United States is temporary. The purpose of the detente, according to Suslov, is to give the Soviets sufficient strength for a renewed assault on the West. In other words, when you've finished building the Kama plant and the trucks come rolling off—watch out for another Vietnam. *Six:* internal Soviet repression continues: against Baptists, against Jews, against national groups, and against dissident academics (like myself). *Seven:* Soviet technical dependence is a powerful instrument for world peace if we want to use it.

So far, it's been used as an aid-to-dependent Soviets welfare program. With about as much success as the domestic welfare program. Why should they stop supplying Hanoi? The more they stoke up the war the more they get from the United States. One final thought.

Why has the war in Vietnam continued for four long years under this Administration? With 15,000 killed under the Nixon Administration? We can stop the Soviets and their friends in Hanoi any time we want to. Without using a single gun or anything more dangerous than a piece of paper or a telephone call. We have Soviet technical dependence as an instrument of world peace. The most humane weapon that can be conceived. We have always had that option. We have never used it.

VERY ACCURATE PREDICTION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. DERWINSKI. Mr. Speaker, I periodically make it a point to go back and reread editorial commentaries to check if the comments or predictions carried in any specific editorial turn out to be reasonably accurate and appropriate. This morning, I rechecked an August 7, 1972, editorial in the San Diego Union which predicted that Mr. Ramsey Clark would be subject to a carefully staged tour of North Vietnam and, upon his return to the United States, he would claim expertise and trumpet his own views in every possible media outlet.

In inserting this editorial into the RECORD, I call the attention of the Members to the very accurate prediction of Mr. Clark's behavior pattern that it carried:

CERTAIN TRUMPET

The planned visit to North Vietnam by former Attorney General Ramsey Clark will follow a pattern as ingrained and predictable as the program of a computer.

Like Jane Fonda before him, Mr. Clark will be taken to carefully selected and staged damage areas at dikes that could have been accidentally damaged by bombing, and perhaps to a few civilian buildings also damaged by aerial warfare.

In due time he will return to the United States of America and take to the stump as the final expert on bombing damage in North Vietnam, and the futility of the war, reporting the exception as the fact. In doing so he will deliberately volunteer to be a public address system for the Communist North Vietnamese.

The objectives of the Communists are plain. They seek to bring the greatest possible political pressure to bear on the presidential election in the United States.

They also are preparing to convince the world that the flooding that will occur in the impeding monsoon season in North Vietnam—which also happens annually with intact dikes—is the fault of the United States. Finally, they are whipping up anti-American frenzy among their own people, who even now are tightening their belts because of the blockade of Haiphong, by blaming the rice shortage on destruction of rice fields.

At least one has to have a grudging admiration for the Communists for their tenacity.

TRIBUTE TO THE LATE FRANK A. PLESCIA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. HELSTOSKI. Mr. Speaker, Frank A. Plescia, the founder of the Lodi, N.J., Boys' Club and one of the great humanitarian figures of our area, passed away recently. Frank Plescia's life exemplified the biblical command to love thy neighbor and many formerly underprivileged youngsters are better off today as a result of his guidance and his concern. I join with the citizens of Lodi in mourning the death of this great man, and include at this point in the RECORD a tribute to Frank Plescia recently published in the Lodi Messenger.

The tribute follows:

THE UNFORGETTABLE FRANK A. PLESCIA

(By Lawrence C. Toscano)

In my humble opinion, I sincerely feel that upon the death of the late beloved, Frank A. Plescia, founder and father of our Boys' Club, no greater man has ever graced our proud community. This devoted, faithful and truly dedicated man has well earned the everlasting gratitude and remembrance of the entire Boys' Club family and the people of Lodi. In his passing, Mr. Plescia's many sacrifices, unselfishness and unfailing loyalty for the welfare of a boy has left innumerable reflections upon the hearts and minds of the youth and people in all walks of life.

In my long association with this distinguished and lovable man, I feel duly qualified to re-affirm Plescia's great patience, faith, zeal and enthusiasm in the great cause of our young boys! Perhaps unknown to many people, it was long before his interest in our Boys' Club, when he befriended 'Yours Truly' and my young friends in all of our sports activities in early 1900. I remember well his gifts of baseballs and gloves for our baseball team. After each game Plescia woud always lecture us on good sportsmanship and good behavior.

It was during these early years when Plescia organized the popular Royal A.C. baseball team. I was one of the mascots who chased all over Westervelt Place recovering foul balls. I recall some of the players, Steve Nebesni, Charles Cutitto, Anthony Greco, Martin Bua, Johnny Goulen, Frank J. Terranella, Tony (Raymond) Sproviero, John Micklas, John Lascari and Louis De Rosa. How well I remember the bitter rivalry between the Royals and the Eagles A.C. in their playoff series. I don't think they ever finished a nine inning game. Those were the days when baseball dominated all local sports.

HARDSHIPS IN THE GHETTOS

Frank Plescai didn't develop his interest in boys—he was born with kindness and compassion for all underprivileged youngsters. He was blessed with a warm nature and just consideration for all humanity. His special interests for the well-being of the young boys was utmost in his mind after he acquired great experience when he resided in a tough Ghetto district in New York City.

As a young man, Plescia lived in New York City's tough Tompkins Square district. He had witnessed the daily rival gang wars that brought havoc and fear in the neighborhood, the hate and prejudices among ethnic groups and the endless crimes committed in the streets. In order to escape the everpresence of violence and danger, he and his two young brothers found a peaceful sanctuary in the Tompkins Square Boys' Club. It was here where Plescia learned the need to assume leadership for a youth organization when he came to our borough.

I am taking the privilege to repeat some early accounts of Mr. Plescia written several years ago. It was in the winter of 1943 during a local Civil Defense Council meeting when he accepted to assume the responsibility to help organize a Youth Activity Council (YAC). This request was made by letter from the U.S. Civil Defense. With a genuine fatherly interest and great patience, Plescia set out to recruit members for his newly found organization. Without any available funds, he turned his home basement into a clubhouse to give aid and shelter to his many new young members.

With the loyal assistance of his lovely wife Frances, Frank embarked upon a one man crusade to help find a permanent home for our long neglected young boys. After each meeting the youngsters enjoyed hot dogs and ice cream served by Mrs. Plescia. It was several months later in May 1943, when Frank A. Plescia changed the name of the organization from the Youth Activity Council and planted the seed of our present Boys' Club of Lodi! At this point I wish to remind the Boys' Club family that lest they forget; Mrs. Frances Plescia is truly the Mother of the Boys' Club of Lodi!

How can we ever forget this lovable man as he rode down our main streets in his familiar station wagon, packed with smiling and happy youngsters! Within the years, it has become well-known that to the young boy, Frank's face always radiated with kindness and understanding and he was blessed with warm tenderness. There always existed a strong bond of affection and friendship between them. Yes, many of us well remember too that despite his many bitter disappointments, idle promises, financial setbacks and roadblocks, his unshakeable spirit, inexhaustible virtues, faith and strong determination to help a boy, won for him great acclaim and the admiration and gratitude of the people of Lodi.

BOYS' CLUB BUILDING

It was about fifteen years after Plescia founded the Boys' Club organization that his long dream had come to pass with the building of the first part of the Boys' Club building in 1957. Upon completion of the building, an elaborate dedication program was held with John J. Lattanzio, acting as master of ceremonies. On this happy occasion, Plescia was joined by many dignitaries, club directors, happy youngsters and the general public. A borowide parade preceded the ceremonies.

Governor Robert Meyner was the principal speaker and he lauded Mr. Plescia for his many years of self-sacrifices, epic labors and unselfish devotion to help realize a boys club building for the youth of the borough. Yes, on this memorable day, this obedient, illustrious, modest and humble, Frank A. Plescia was the recipient of deserved praise and glory from a grateful people in Lodi!

In 1961, in recognition for his outstanding contribution and services rendered to our Boys' Club, Plescia received national honors when he was presented the Silver Keystone Award from the Boys' Clubs of America at a dinner in his honor at the Boys' Club. Several years later, he received several outstanding awards from local organizations and was named Boys' Club Director Emeritus by the Board of Directors. A little boy had no greater friend than Frank A. Plescia.

Frank's work on earth is done . . . but we will always cherish his loving memory. His name will always grace the pages of our borough's history. His greatest credentials on earth was his love, friendship and deep concern for the "little boy." May the good Lord always rest his soul in peace and invoke his divine grace and blessings upon his wonderful wife and family.

AN INTERVIEW WITH CHIEF JUSTICE WARREN E. BURGER

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. KEATING. Mr. Speaker, the current issue of U.S. News & World Report, August 21, 1972, contains an excellent interview with Chief Justice Warren E. Burger, wherein he sets forth his views on many of the problems which now beset the Federal judiciary. The Chief Justice also explores many of the remedies which have been proposed to correct these problems, including what may be done to insure a more prompt disposition of criminal cases.

When I introduced the Speedy Trial Act of 1971 last November, I stated my firm conviction that bringing criminal defendants to trial within 60 days of their arrest would represent a giant stride forward in the reduction of crime in the United States. In my judgment, speedier trials would serve as a certain deterrence to the commission of other crimes.

Mr. Speaker, I include the following excerpts from the interview with the Chief Justice in the RECORD:

SWAMPED: "EVERY LEVEL OF JUDICIARY"

Q. Over all, are the courts themselves trying to do too much? Or are they required to do too much?

A. They are certainly being called on to do more than their resources permit. This is true from the bottom of the pyramid, in the minor-offense State and local courts, right straight up to the Supreme Court. With few exceptions, every level of the judiciary has more work than it can properly handle.

Q. How much has the Supreme Court's load grown in recent years?

A. In 10 years the docketed cases have doubled. More than 10 years ago, Chief Justice [Earl] Warren urged the American Law Institute to conduct a study on federal jurisdiction, and I think he would agree that he had less incentive than we have now for seeking relief. One measure of federal-court business generally is the Supreme Court's work. In 1959, the Supreme Court had 2,178 cases docketed, and it disposed of 1,822. In 1969, when I came on board, the load had increased to 4,202 cases docketed, with 3,500 dispositions.

Q. Has the study asked for by the former Chief Justice ever been made?

A. Yes, but it took the American Law Institute more than eight years to complete the study, partly because the institute has no substantial permanent staff and must depend on the volunteer work of lawyers, judges and law professors. The study has been in Congress since 1969.

Q. What would you propose as a solution to this problem?

A. I would do away with these three-judge district courts completely. For any case in which a constitutional issue on a State or a Federal statute requires urgent decision, the Supreme Court may take the case directly and without review by a court of appeals. For example, a reapportionment case involving an impending election, in which time is crucial, can reach the Supreme Court for an immediate decision.

Q. Would constitutional questions, then, be initially decided by a single district judge?

A. Yes. But there is nothing unsual about that. District judges in the federal system frequently decide important federal constitutional questions sitting alone. They're perfectly capable of doing so.

Q. What are the powers of the Congress to change or limit jurisdiction of federal courts?

A. The Constitution enumerates the areas of federal judicial power subject to "such exceptions and under such regulations as the Congress shall make."

Q. Can Congress limit jurisdiction on a specific case?

A. It can do so on specific categories under the clause I just mentioned.

Q. Getting back to the glut of federal court cases, whatever happened to the Institute of Court Management that was set up in Denver some years ago?

A. It has prospered. It is functioning today.

Q. What does it do?

A. It has given 87 men and women an intensive, full-time training course for six months. Of these graduates, 94 per cent are now working in fields related to court management. An additional 48 are currently enrolled in the fourth 6-month program. About 150 others, such as clerks of courts, have received shorter-term training.

Q. Are most of its students lawyers?

A. The ratio of lawyers has dropped from almost one half to one third, as more nonlawyer court personnel have enrolled.

Q. Are judges willing to relinquish some of their administrative functions to these aides?

A. When judges become thoroughly familiar with the potential of court executives, they'll not only be willing but anxious to have the assistance that these people can give them.

Q. Do these graduates function more or less as efficiency experts in the courts?

A. No, not at all. They function primarily in a managerial capacity as an assistant or executive officer to the chief judge or the administering judge—State or federal—doing many things that now take him away from his judicial work.

Let me give an illustration of what has happened in the federal system:

At the same time that we proposed the creation of the Institute for Court Management, we proposed that Congress create a position of court executive for each of the 11 circuits and for every district court—that is, the trial court—having six or more judges. That would have been a total of 29 executives. Congress was somewhat skeptical and created the position of court executive only for each of the 11 circuits, excluding the district-court executives.

The bill created a blue-ribbon certification board. This board interviewed 129 people considered to be well-qualified out of some 700 applicants. The board certified 52, of whom 28 were not lawyers but had managerial skills from private industry, military service, or public administration.

Eight court executives have been appointed by U. S. courts of appeals. So here we have made a start. However, the metropolitan district courts also need executives.

Q. Can you tell about some other ideas you've been working on?

A. We now have an intensive two-week seminar for new judges at the Federal Judicial Center. Whenever we get 25 or 30 new federal judges onboard, we bring them into Washington for two weeks.

The assumption has been for several hundred years that every lawyer was automatically qualified to be a judge. If that was ever true, it is not so any longer. He is—one would hope—qualified to become a judge, but not every person appointed is immediately qualified to step right in and perform the function. I think it is now widely recognized that even very experienced lawyers need some special training to adapt prior legal experience and skills to the bench. The State courts have been far ahead of the federal system in this respect, with their voluntary association, the National College of Trial Judges at Reno, Nev., which was established eight or nine years ago.

Another example of the leadership of State courts is found in the matter of using court executives. This conception had already been tested in the States and had been used for years in States, notably New Jersey, New York and California. I might say, too, that most of the graduates of the Institute of Court Management have gone into the State systems. They have been snatched up immediately.

LEARNING FROM "BEST-RUN COURTS"

Q. What else can be done to eliminate or reduce delays that drag out trials interminably?

A. Starting from the premise that the function of the courts is to deliver the best quality of justice at the least cost and in the shortest time, we have been conducting studies to identify what are the significant characteristics of the best-run courts—where they get their cases tried promptly, their appeals reviewed promptly, and where the disposition rate is high. This has been done by federal judges themselves.

The effort is to try to get all the courts in the federal system to begin adopting these characteristics. One, for example, is the "individual calendar" system, so that, instead of having one great pool from which cases are parceled individually to judges as they finish the prior case, a court with 10 judges and 2,000 cases will assign 200 cases by name and number to each judge. These cases then become his responsibility, and everything relating to a case must go to him.

I can illustrate the significance of this by recalling that when I sat on the Court of Appeals [for the District of Columbia], it was a common thing to review a file two inches thick and find that 6 to 14 judges had signed various orders, and reading the transcript you would see that each judge had to familiarize himself with the case before he could act on motions unless they were simply postponements.

The individual calendar requires that all matters on a case be handled by a single judge. It focuses the responsibility on that one man. If he has the misfortune of getting an antitrust case which takes two months to try, sometime before the end of the year there has to be a reshuffling of his assignments, and some untried cases are given to other judges.

Another way to help speed trial and appellate procedures is a pooling of all the court reporters, making them available for courtroom work when they do not have transcripts to prepare for appeals, but relieving them from trials when it is necessary to do so in order not to delay appeals for want of the record. District judges have made great improvements in this respect.

Q. We have read of something called the "omnibus hearing." What is that?

A. That is also called the single-hearing procedure. A number of innovative district judges have evolved a procedure by which the judge, particularly in a criminal case, directs that all pretrial motions must be made by a fixed date, after which the court will entertain no additional motions except for some new, unexpected development.

Q. Such as newly discovered evidence?

A. Yes, that could be one development. Otherwise, however, all motions for disclosure of evidence, for suppression of evidence, are waived. This precludes delaying trial by a series of dilatory motions and hearings.

Q. How much can measures such as these speed up courtroom justice?

A. In one of the State courts in New York City, studies show they have cut the backlog 58 per cent by steps of the kinds I'm talking about here, plus some others.

PAROLE SITUATION: "DESPERATE"

Q. Are you as concerned as you have been in the past by the state of correctional institutions in this country?

A. Yes. As you may know, one of my first steps as Chief Justice was to urge the American Bar Association to create a Commission on Corrections to look at the whole operation of the prison systems of the country.

The association promptly created a Commission on Correctional Facilities and Services which is doing some very important work. For example, one project is developing a system of part-time auxiliary probation officers to assist the State and federal probation system. There is, as you know, a desperate shortage of probation and parole officers.

Q. You use the term "desperate." Can you enlarge on that?

A. We probably have no more than one third of what we need in the federal system, and this is very crucial in the whole spectrum of criminal justice. You have read time and again that men on probation and on parole are committing additional crimes. There have been situations where a man, by the time he came to trial, had three or four other indictments waiting for him—each of the charged crimes allegedly committed while he was on probation or on parole, and before parole was revoked.

Now, there is no guarantee that the presence of a parole officer would stop this, but the grim fact is that probation and parole officers are so overburdened that they aren't able to perform the function of counseling, helping these fellows get jobs, keeping them away from the negative environments that get them back into trouble. A probation officer with 150 parolees and probationers to supervise is really not supervising any of them—or only a few—effectively, and the whole function of parole and probation becomes undermined.

Many federal district judges have told me they are sending convicted offenders to institutions instead of placing them on probation because the judge has before him the figures of how many cases each probation officer in his district is charged with. That figure is so high the judge decides that there will not be any realistic supervision. I have no first-hand information about what goes on in the minds of parole-board members, as I do of what goes on in the minds of some federal judges, but I would not be surprised if parole boards are influenced by knowledge that parole supervision also is totally inadequate. It is entirely possible—even likely—that parole boards deny parole in marginal cases because of the lack of adequate supervision of parolees.

Q. Where it is adequate, do you have confidence in the parole system as a means of rehabilitating released criminals?

A. The truth is that we do not really know, but I do know that without supervision there is no chance of really restoring most of these people. With supervision and careful selection of people for probation and parole, there is some chance. What are the alternatives? Put every offender in jail, and throw the key away? We know this has been a total failure. We are beginning to see that the processes for deciding who is to be confined and who is to be on probation and parole are very faulty and inadequate.

BACK OF THE PRISON RIOTS

Q. We're now having a rash of prison riots and a lot of disorder in the penal system. Why?

A. Well, there are probably many causes, and I'm not professionally qualified to understand what they are, even though I have visited many penal institutions of various kinds in this country and in Europe for the last 17 years on a fairly regular basis, and I've kept in very close touch with experts in correction.

One of the major problems of unrest and disorder within the institutions is the failure to have constructive programs not only to keep the inmates occupied, as people are in normal working life, but to at least give them some hope that they are learning something they can market on the outside when they're released.

Q. Do you mean vocational training?

A. Yes—vocational training and educational training of every kind. That's missing in the vast majority of penal systems.

The second thing that brings on trouble is the environment of the prison itself. I know of one prison that was built in 1829 to house 700 or 800 prisoners, with cells that are approximately 5½ feet wide by 8 feet in depth. When I last visited it, it had 1,600 or 1,700 prisoners, two men in the cell built more than 150 years ago for one man—with one bunk on top of the other. This situation can't have anything but a destructive effect on people. When you bear in mind that most of the inmates are younger men—an enormous number of them are between 18 and 25—not to provide recreational facilities so they can burn off their excess energy is asking for trouble.

A third factor that I'm far less able to evaluate is that with television sets in all of these institutions, it is not surprising that a prison riot in one State or one city triggers a prison riot in another place within the reach of television. I don't suggest that TV sets be removed but that the conditions be changed—and swiftly.

Q. In a lot of these cases, inmates now demand the right to negotiate their grievances with the authorities. Does a felon have civil rights?

A. I would not be willing to say that a felon loses all rights, but I don't think that is the issue. For me, common sense dictates that whether we call it negotiating or "providing avenues for articulating grievances and complaints," that is what must come.

There is a parallel in the history of employer-employee relations. More than a hundred years ago in Europe, beginning largely in Germany, they developed grievance procedures within factories, so that before there was a blowup people had an opportunity to be heard. This is a keystone in all mass human relations. We all want to be heard.

I think correctional institutions should have an established grievance procedure. I wouldn't put that on the level of negotiating. I do not think society negotiates with prisoners in that sense, but society should provide a mechanism where the complaints, real or fancied, of prisoners can be heard. And in the process of being heard, most of the complaints will "wash out." If they don't, they should be closely examined by prison administrations.

Q. How important are prisons as a deterrent to crime?

A. It is possible that the idea of imprisonment as a punishment and significant deterrence to crime has been overrated. At least it has been placed in the wrong order in relation to the deterrent effect of the prospect of being caught in the first place, and being properly tried and convicted in the second stage.

When you look at the figures, it is a dismal statistical fact, widely accepted both by professional experts and in the criminal community, that there is probably only about 1 chance out of 5 that an offender will get caught in the first place. Some of the figures would indicate even less risk. Of those who are caught, there is in turn less than 1 chance in 5 that they will be convicted and punished. Even where that happens, the process is so drawn out that the deterrent impact of the conviction is dissipated or lost.

Q. Have the new and relaxed bail provisions affected this?

A. I think we must concede that releasing virtually all defendants pending trial and providing free counsel for everyone tends to keep trials from occurring promptly. This is why delay in criminal trials is so damaging. If we could see to it that every person arrested would be brought to trial within six weeks or 60 days, you would see a downturn in crime, if for no other reason than you'd have these people off the street that much sooner and the swiftness of society's response would itself have a deterrent impact.

Q. Haven't you recently suggested a federal authority to improve justice?

A. At the American Law Institute this year in the traditional welcoming speech from the Chief Justice, I urged that we take action on an idea long discussed in professional circles. The idea is that we create a National Institute of Justice to parallel in some respects the National Institutes of Health which, as you know, has a budget of 2.5 billion dollars a year. There has never been any comparable federal program for the system of justice in the country, State and federal.

Q. Don't Justice Department grants to States and communities for law enforcement carry out this function?

A. Yes, but in a very limited although an important way. The Justice Department's Law Enforcement Assistance Administration (LEAA) has made grants to police departments for the training of policemen, for two-way radios and more automobiles, better training, and that sort of thing. It has also made some grants to State courts. But this is a very, very small step in relation to the problem.

The 50 States have no mechanism, except the recently created National Center for State Courts, to function in meeting what is a problem common to all of them. What they need is more resources—money and central facilities. The new center provides something comparable to the Council of State Governments and the Conference of Governors, but they need funds that the States seem unable to provide.

What we genuinely need is some central or national facility to deal with the needs of the judicial systems on a long-range and comprehensive basis, rather than piecemeal and short term.

EXPERIMENTAL EDUCATION AT HOLY CROSS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. DRINAN. Mr. Speaker, during the past 18 months several outstanding students at Holy Cross College in Worcester, Mass., have spent a semester working as interns in my congressional offices.

My staff and I have benefited much from the conscientious efforts of these young men, and I am very pleased that another Holy Cross student will be with us this fall.

I insert at this point in the Record an article which appeared in the Holy Cross Quarterly for spring 1972, by the director of the Center of Experimental Studies at Holy Cross, Dr. Phyllis Keller. I congratulate Dr. Keller and her associates on this excellent program.

The article follows:

Experimental Education at Holy Cross

(By Phyllis Keller)

The so-called "crisis of higher education in America" is fundamentally demographic. In the aftermath of World War II American colleges and universities were transformed by the ever broadening base of population that they were called upon to serve. In the first round of democratization, the issue was equality of opportunity to secure a college education. New groups in the population were invited to compete—against a rigid and inflexible set of standards—for the social, intellectual and economic rewards that their talents might earn. From the one extreme of emphasis upon achievement, higher education has moved, in the last decade, to the other extreme of emphasis upon ascription: the issue is now whether a college degree is a constitutional right. In response to powerful pressures, the definitions and standards of academic work have inevitably yielded to the variety of interests and abilities that characterize a vastly expanded population of eligible youth. In 1971 about 45% of the appropriate age group attended institutions of higher learning; projections indicate that the number will reach 70% in 1980.

Two distinguished American scholars (Oscar and Mary Handlin, *Facing Life*, Atlantic-Little Brown, 1971) argue persuasively that American universities have always been the product of a bargain struck between scholars and society: for the scholars, freedom to pursue ideas for their own sake; for society, a set of institutions that will responsibly exercise authority over the intellectual and moral development of the young. Our current crisis is perhaps nothing less or more than an agonizing and uncertain struggle to find the right terms for a new bargain among a fresh and significantly altered set of negotiators.

There can be no mistaking the national problem before us: huge numbers of a heterogeneous population of young people—heterogeneous in values, attitudes and abilities—are going and will continue to go to college and no degree of resolution will make the older academic structures serve them all. The "new movement" in education, like its experimental forebears dating back to the nineteenth century, articulates an urgent social demand that the forms and content of higher education demonstrate utility (i.e., relevance) for the lives of an extraordinarily diverse group of young people.

Catholic schools such as Holy Cross are doubly buffeted by the winds of change, for they must meet the challenge of heterogeneity both in their religious and their academic aspects. In the early 1960's, Holy Cross maintained a relatively inflexible curriculum rooted in the traditions of Jesuit education. Priests presided in dormitory corridors as counsellors and as enforcers of a set of moral standards which the community (however much it may have chafed) endorsed in the deepest recesses of its conscience. In the classroom, men of learning and wisdom taught young American Catholics to appreciate the richness of their cultural heritage. Now, a decade later, the college would be unrecognizable to the men who lived here a short time ago. The youths in the dormitories govern themselves—often badly. In the classrooms students and faculty struggle to find a common language with which to address the task of appreciation and understanding.

Within the last two or three years Holy Cross has moved dramatically—not to abandon or diverge from its essential values and perspectives—but to modify and adapt its heritage to new conditions. Symbolic of these adaptations is the Office of Special Studies which combines a traditional Honors Program (representing commitment to the older academic models of education for the gifted) with the new Center for Experimental Studies, now in its first year and committed to finding alternative models and flexible procedures that will encourage the intellectual growth of all students. Established in the spring of 1971 and funded in part by a gift from that year's senior class, the Center is Holy Cross' newest program and one that provides a good perspective of the problems and possibilities of the college's present situation.

The Center for Experimental Studies has four dimensions. First, it provides opportunities for students to study for a semester or a year at selected institutions in Canada and the United States where some special educational advantage or cultural enrichment can be gained. Exchange arrangements with a small number of schools may permit a Holy Cross student to study in Montreal, Toronto, Vancouver, Los Angeles, Chicago or New York, while a student from a sister institution in one of those cities may come to Holy Cross to take his place.

Second, the Center is authorized to plan and to implement individually designed programs of study, primarily for students with cross-disciplinary interests. Currently, a dozen students have developed "majors" in urban affairs, American studies, theater arts and dramatic literature, and educational psychology.

The third charge of the Center is the development of innovative or experimental courses. Primarily seminar-discussion groups, these "courses" are open to upperclassmen and limited in enrollment to approximately fifteen students. In the fall of 1971, the Center offered a course, "War and the Christian Conscience," which featured weekly visits by outside lecturers skilled in the history, theology or politics of peacemaking from a distinctively Christian perspective. Each speaker addressed an open public meeting and later met privately with students registered in the course. Six faculty members from different departments volunteered to organize a second seminar to examine the ecology crisis from the perspective of various disciplines. A third offering brought a member of the Modern Language Department together with a member of the English department to discuss the novel in eighteenth century France and England. In the spring term, a seminar on legal reasoning taught by a Professor from the Harvard Law School and designed primarily for students planning careers in fields other than the law, attracted a huge number of applicants; a seminar on "The Urban Dilemma," directed by the Dean of Holy Cross, Rev. Joseph Fahey, S.J., invites faculty specialists to work together with advanced students in a problem-centered format.

The fourth, and at the moment the largest, division of the Center for Experimental Studies is that dealing with fieldwork programs. Free of prescribed form or content and providing opportunities for off-campus involvement, the work-study program represents our most broad-gauged innovation. From the outset, it occupied the front stage of the Center because of overwhelming student interest and the great challenge it posed to administrative and faculty resources. Over fifty placements were made during the first term in field agencies dealing with local and regional planning for health, education and economic development; the care of retarded and disturbed children; delinquent youth rehabilitation; national, state and local government; scientific research; civic cultural enrichment.

Work-study projects begin with individual students' interest in field research or work in a particular type of agency. The time allotted to each project varies from the equivalent of one to the equivalent of four courses. Students may initiate their own agency affiliation or select from a substantial list provided by the Center staff. Once the student has chosen his project, he is asked to confer with a faculty sponsor to plan the academic framework of his field experience. The "contract" arrived at by faculty sponsor and student provides for coordinated readings, regular discussion meetings, and the critical evaluation of research papers or other written reports.

Certain obvious benefits of this combination of independent work experience and guided study have clearly emerged from the first semester. The plan is founded upon student interests and in most cases the motivation to succeed at self-chosen tasks has been high. One junior, interested in the problems of community health care, was assigned to work with a Boston physician who was also a Holy Cross alumnus. Under this aegis, the student attended a special seminar for Harvard medical students. His project culminated in an extensive and thoughtful research paper analyzing and evaluating the operations of a health care unit newly placed in a low income community in Boston.

Another student worked as a junior economist for the Boston Economic Development and Industrial Commission. There he undertook a variety of tasks including a study of the feasibility of constructing an urban industrial park on a certain site in Boston, the prospects of generating new jobs for underprivileged workers through granting various tax credits to local enterprises, and other matters pertaining to the industrial development of South Boston. His apprenticeship ended with a full-time job offer—which he turned down in order to go to law school.

A senior planning to make his career in religious education worked with children and parents at Our Lady of the Rosary in Worcester, coordinating the parish's CCD program. Several students, working in congressional offices in Washington or Massachusetts, wrote speeches, articles, position papers; acted as detail men and reporters for their employers; touched and tasted the heady working world of government and politics.

At the end of the term, a number of students reported with satisfaction that "these projects eliminate learning that takes place from the 'neck up' and place much emphasis on involving the whole person." No one who has worked closely with students at the Center will claim that fieldwork always effects a greater acquisition of knowledge than more traditional academic structures. But it *does* for some students, and for all students there are the fringe benefits of an opportunity to explore a greater variety of personal assets, to expand the range of professional role models, to develop special skills and realistic self-images. Still, the great educational rewards of a fieldwork approach come when a student is so captivated by casework or other concrete tasks that academic mastery assumes a new urgency and utility.

The benefits of this program do not accrue to students exclusively. Here, as well as through the interdisciplinary course offerings, faculty members can develop their own interests and direct field research that the demands of full-time teaching does not allow them to do directly. Agency supervisors have been virtually unanimous in applauding the program; many public and private agencies are minimally staffed and wholly caught up in dealing with their everyday concerns. Students bring a valuable outside perspective of the operations of their offices and provide the manpower to follow up on actions and decisions that otherwise might never be evaluated. Public agency personnel, in particular, welcome the opportunity to expose students to the complexities of the working world; to demonstrate the insufficiency of good intentions in dealing with the intractable problems of social organization and the inherent ambiguities of human behavior.

Of course, not all of the students nor all of the projects succeeded. Some students, assigned relatively routine tasks, completed them mechanically and waited to be told what to do next. One or two were charged with solving problems that were over their heads—ironically, these were students who performed very well in the classroom. As with every new program, there were "first try" administrative mistakes in the selection of students and agencies; but these were, fortunately, minimal. There were some serious misconceptions about the significance of the academic component of projects; these have been corrected after a mid-semester period of evaluation, discussion and planning for revisions. Student participation in projects for the second term has increased by 30%, faculty by 17% and agency by 40%.

Where do we go from here? The various programs of the Center have excited considerable interest and enthusiasm on the campus and in the community. Surely more than novelty is responsible, but we cannot tell how much more until we have played out the possibilities of this flexible instrument and evaluated the results over a two year period. What has been demonstrated, at the very least, is that the college can find new ways to stimulate and respond to the interests of a new generation of young people, and to the changing needs of society, by drawing upon its special resources and adapting its unique traditions with care, with caution and with conviction.

In addition to making constant revision of procedures in the light of experience, the staff of the Center for Experimental Studies regularly conducts its own internal planning seminars, in consultation with interested faculty members and students. One new plan is to organize workshop seminars for those students working in seminars for those students working in similar areas. Those employed by various health and education planning agencies may benefit from learning about the operations of offices other than their own. We are beginning to send substantial numbers of students to work in community organizations and want to reinforce this potentially fruitful association by bringing professional agency personnel and community leaders onto the campus.

The possibilities of flexible curriculum planning are almost limitless. There is no reason derived from sacred scripture, for example, why a student must be involved in four separate courses each semester: perhaps he should be involved in two courses, twice as difficult. It is hoped that occasionally an experimental course may prove sufficiently valuable to be subsequently included among the regular departmental offerings. Perhaps some of them may serve as a breeding ground for new programs within departments as participant faculty carry back new interests arising from interdisciplinary exchanges. Some venturesome students (with faculty counsel) have already succeeded in developing model plans of study in fields such as Urban Affairs which might be followed by others. This particular program requires no large injection of new energies or funds, but builds upon existing resources in an imaginative way.

Several of the programs developed by the Center offer opportunities for participation to Holy Cross alumni. Many alumni could provide interesting work opportunities to undergraduates while tapping themselves some of the idealism, energy, intelligence and extraordinary abilities of the younger generation. Sometime in the future we should like to make provision for a few alumni, on leave of absence from their jobs, to come back to Holy Cross and work here with us, studying with our faculty, helping to supervise students in work-study projects, joining in seminars that may benefit from their professional expertise.

It is often a matter of complaint for older men who return to their college that things have changed and they neither understand nor admire the direction of the change. The Center for Experimental Studies is a potential link between the past generations and the present for it offers all parties a special opportunity to take the initiative in joining together in the common and serious enterprises of work and study.

THE LATE SENATOR RALPH TYLER SMITH

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 14, 1972

Mr. McCLORY. Mr. Speaker, the recent passing of my longtime friend and former U.S. Senator, Ralph Tyler Smith, recalls to the minds of many of us the distinguished public service rendered by this son of Illinois.

Mr. Speaker, it was my privilege to serve with our former colleague, Senator Smith, in the Illinois House of Representatives during the entire period from 1954 until 1962 when I was first elected to this body.

As majority leader of the Illinois House of Representatives and as speaker of the Illinois House during the 4 years prior to his appointment to the U.S. Senate, Ralph Smith demonstrated his special talents of responsible public leadership. Following the death of Senator Everett McKinley Dirksen, our Illinois Governor, Richard Ogilvie, named Ralph Smith to the U.S. Senate where he served from September 1969 until January 1971. Although losing his bid for election, Senator Smith demonstrated that he was a tireless campaigner and an articulate spokesman on the great public issues facing the Nation.

Mr. Speaker, in the passing of Senator Smith, I feel the loss of a longtime friend and colleague—and one who gave a full measure of his time, energy, and uncommon talents in behalf of the State of Illinois and of the Nation.

In noting with a sense of personal sorrow his sudden passing, I wish also to convey to his widow, Mary Elizabeth, and his daughter, Sharon Lynne, my respect and deep sympathy.

NEW PROGRAM ANNOUNCED: THE ASME CONGRESSIONAL FELLOW

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. McCORMACK. Mr. Speaker, I am pleased to announce the opening of the Washington, D.C., offices of the American Society of Mechanical Engineers and the Institute of Electrical and Electronic Engineers. This is the beginning of a major communications link between the technical community and the Congress. Mr. Bill Miller of the ASME and Mr. Ralph Clark of the IEEE have assured me that they will cooperate with Congress in obtaining information, reports, and technical witnesses on any subject within their respective fields.

In addition, the ASME is taking what I believe to be an important and encouraging step by advertising in their Journal for applicants for the position of ASME congressional fellow. I cannot think of a better method of encouraging men of science to become involved in the governmental process, while giving the Congress the benefit of their expertise. I would hope that other technical societies will follow their lead.

The advertisement follows:

NEW PROGRAM ANNOUNCED: THE ASME CONGRESSIONAL FELLOW

A program to sponsor ASME Congressional Fellows has recently been authorized by the Executive Committee of the Council. The program calls for ASME to send engineers for a year at the Nation's capitol in Washington and for each to be associated with a congressman or a congressional committee as a resource person. This sponsorship would be shared with the engineer's employer, who would treat the time away from his regular job in the nature of a sabbatical leave. While the prime purpose of the program would be to assist the legislative process by making technical expertise available, both the individual Fellows and their employers would benefit from the experience. In the long run, the program is seen as a step toward better technical input in the setting of public policy.

The program, patterned on the highly successful experience of the American Political Science Association, has developed from a suggestion which came out during a joint meeting of ASME members with congressional leaders last December. It is a direct response to a number of the ASME GOALS, particularly the Overriding Goal: "To move vigorously from what is now a society with essentially technical concerns to a society that, while serving the technical interests of its members ever better, is increasingly professional in its outlook, sensitive to the engineer's responsibility to the public interest, and dedicated to a leadership role in making technology a true servant of man."

The Congressional Fellow would be closely associated with a congressman or committee concerned with legislation on subjects for which an understanding of mechanical engineering is important. He would have available to him the facilities of the office of William P. Miller, ASME's Washington representative, in calling on the resources of the Society.

For the first year ASME will provide up to half of the cost for one man with the understanding that his employer would provide the other half. Facilities of the Congress will make office space and secretarial support available. In taking this action, the Executive Committee of the Council views this one-time cost as seed money, for which reserve funds are available. The action also called for the exploration of other sources for funding in future years.

MEMBERS MAY APPLY

The first step for a member of ASME interested in applying for the followship available in 1973 would be to establish with his employer the basis under which he could be made available. Applications will be held in confidence and should be directed to Dr. Rogers B. Finch, Executive Director and Secretary, ASME, 345 East 47th Street, New York, N.Y. 10017.

Each application should include:

1, A résumé covering education, engineering, experience, and pertinent personal factors.

2. A statement describing the terms of the applicant's leave from his employer. This should state his current salary and the total amount of financial support which the employer would provide.

3. A letter describing the way the applicant views this position and how his experience and abilities qualify him for the post.

Applcations will be received up until Nov. 1, 1972, and should cover a period of one year beginning no earlier than Jan. 1, 1973. nor later than Mar. 1, 1973.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

VICTOR CLARK OF WICHITA, ELECTED PRESIDENT OF NATIONAL RETAIL HARDWARE ASSOCIATION

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. SHRIVER. Mr. Speaker, we in the Kansas Fourth District are especially proud that Victor Clark, of Wichita, has been elected president of the National Retail Hardware Association, the largest retail trade association in the United States. Mr. Clark, a constituent of mine, exemplifies the small businessman in our Nation who has achieved success by providing good service and following a policy of honesty, integrity, and hard work. He has devoted 45 years to his hardware business in Wichita. He will be an effective spokesman for the small businessmen of this Nation and the members of the National Retail Hardware Association. It is a pleasure to congratulate him on this high honor which has been given him.

Bruce Sankey, business writer for the Wichita, Kans., Eagle, recently wrote an interesting feature article concerning Victor Clark which I include under the leave to extend my remarks in the RECORD:

SMALL WICHITA BUSINESSMAN ELECTED HEAD OF 20,000 HARDWARE RETAILERS

(By Bruce Sankey)

For 35 years Victor Clark has operated the same small hardware store at the same location in west Wichita. By some standards he might be considered just another small businessman in a city that has hundreds of them.

But Vic Clark has set himself apart. Yet, at the same time, he typifies the small retailer who is alert and responsive to change in his own field.

Last week Victor Clark achieved the pinnacle in his field when he was elected president of the National Retail Hardware Association (NRHA), the largest retail trade association in the United States.

"It's quite an honor to represent 20,000 hardware retailers," he said after his return from the 73rd annual NRHA Congress at Atlanta, Ga.

Hardwaremen operating independent stores in more than 10,000 cities in the U.S. and Canada are members of the 26 state, regional and Canadian hardware associations comprising the organization Clark now heads.

The Wichitan's election caps a hardware career that spans 45 of his 55 years.

At the age of 10 he began working in his grandfather's hardware store. Ten years later. in 1937, he purchased a bankrupt hardware store at 1718 W. Douglas, assuming $1,500 in debt on a $500 stock.

Over the years that "one-horse store" of 1937 with an inventory of less than 4,000 items has grown to more than 15,000 different pieces of merchandise today.

Not only has the size of the inventory changed but so has its makeup.

"Fifty per cent of the merchandise in a hardware store today wasn't there in 1946," Clark said.

Latex paints, teflon, transistors, epoxy glues—none of them were around 25 years ago, he said.

"Last week I talked with the president of a company that did $80 million worth of business last year. Everything they make was nonexistent 15 years ago. That's an indication how fast we're living today," Clark added.

Just as the merchandise they sell has changed, so has the hardware business itself, Clark continued.

"Many have gone out of business but the hardware business is a long way from being dead. The hardware business is basically a traditional service-type business. No one yet has been able to duplicate good service. The big home centers and discount stores don't have the personnel, knowledge or know-how. The guy nationwide who wants service still goes to a hardware store," Clark maintained.

"The type of competition has changed remarkably too," he went on.

Clark sees the large merchandisers—K-Mart, David's, Wickes Lumber, Star Lumber & Supply, Sears and Montgomery Ward—as competition.

To meet them he concentrates on service, full inventories, effective advertising and sound business practices.

"Still, while things are changing, honesty, integrity and hard work are the best policies," Clark said. "You've got to stay flexible and move with the times."

He is a firm believer in advertising, even for the small businessman.

"The guy who doesn't advertise is helping his competition out," he said. "We can't compete with Wards and Sears in advertising. But we set a budget and live with it. We keep our name before the public."

He splits his advertising 50-50 between the institutional and pricing. The National Retail Hardware Association also advertises in national publications for its members.

His 4,000-square-foot store is well lighted, displays are attractive and shelves are full.

Although Clark's business is small in comparison to some of the large hardware outlets and home centers in operation today, he is in every sense of the word a successful merchandise retailer.

"The key to merchandising is moving merchandise," Clark said. "The day is gone when you can buy something and let it set out and hope that someone will buy it. We can't move merchandise as fast as K-Mart, but we turn it over."

While Clark has preferred to remain a small dealer, he has actively and enthusiastically supported NRHA programs geared toward large-volume stores such as the formation of the Home Center Institute to support superstores dealing in lumber-building materials as well as hardware.

His dedication to the hardware industry is reflected in his election in 1956 to the board of the Western Retail Implement and Hardware Association and to its presidency in 1962. He also has represented the Western Association as a member of the NRHA's board of governors.

During the next year he will make more than 20 trips around the country representing the NRHA, culminating in June with a trip to Cannes, France.

Clark said he got into the hardware business because he wanted to be in a service-type industry.

"It's been good to me," he said. "I've lived within my means, paid my bills and made a comfortable living."

FIFTIETH ANNIVERSARY OF UNICO NATIONAL

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mrs. GRASSO. Mr. Speaker, it is a special pleasure for me to join in honoring the 50th anniversary of UNICO National.

On August 19, at the UNICO golden anniversary convention in Miami Beach, Dr. John X. R. Basile of Hartford, Conn., will be installed as national president to guide the beginning of UNICO's second 50 years. Dr. Basile has given years of dedicated service and leadership to the Connecticut chapter and to UNICO national. He initiated the Italian heritage and cultural program, founded the UNICO Foundation Century Club, edited the cultural supplement to the national magazine, and most recently, served as national executive vice president of the organization. Dr. Basile's election as national president is a well-deserved tribute to his untiring work for UNICO. All of us who live in Connecticut are proud that Dr. Basile is the first UNICO national president from New England.

UNICO's work is recognized throughout the Nation. Since Dr. Anthony P. Vastola founded the UNICO clubs in Waterbury, Conn. in 1922, and was honorary president, this admirable organization has consistently fulfilled its noble purpose: to take an active and constructive role in community life, and by so doing to represent the contributions made to America by the spirit and energy of our Italian-American citizens. During the 25 years from the founding of the UNICO clubs until 1947, Dr. Vastola and his associates vigorously promoted their organization. The UNICO clubs united men of Italian heritage to further the interests of the entire community. With success came expansion of the organization in 1947 when the UNICO clubs merged with the National Civic League, a midwestern Italian-American organization well-known for outstanding accomplishments in scholarship awards and youth work. The result was the creation of UNICO national. The years since that merger have brought Unicans national recognition as members of one of the most productive community service organizations in history.

The UNICO motto, "Service Above Self," is a philosophy of life epitomized in the activities by which Unicans throughout the country carry out their worthy objectives. Membership in a UNICO chapter encourages one to become service oriented, requires high ethical standards in one's occupation, and demands an interest in community welfare. UNICO, the Italian word for "unique," symbolizes unity, neighborliness, integrity, charity, and opportunity, the ideals fostered by the organization's dedicated business and professional men. UNICO has perpetuated these ideals through a growing scholarship program which provides an education for hundreds of the best Italian-American students.

UNICO National has demonstrated its deep concern for humanitarian programs and for improving the health and welfare of our communities through such projects as UNICO National Mental Health Research Center. I am especially grateful for strong support of the Unicans for H.R. 15474, the National Cooley's Anemia Control Act, which I sponsored and which has now passed both Houses of Congress. Calling on the country to again assume the lead in health research, Dr. Basile stated on behalf of UNICO:

> We strongly endorse the House of Representatives to take a step forward in the fight for the prevention of Cooley's Anemia.

The concern shown by such civic organizations as UNICO has helped push this vital legislation through both the House and Senate. UNICO's support for this important bill deserves the commendation and appreciation of all who suffer from Cooley's anemia.

Mr. Speaker, UNICO national has demonstrated its deep concern for humanitarian programs through its overseas relief work, and its efforts on behalf of young people, the handicapped and the needy in this country. I extend my best wishes to UNICO national and especially to Dr. Basile, as UNICO celebrates its 50th anniversary. I know this admirable service organization will continue its outstanding contributions to the civic life of America.

WILL THE REAL GEORGE McGOVERN STAND UP?

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. WYMAN. Mr. Speaker, the extent of GEORGE McGOVERN's radicalism is a matter of public record in his bills, his speeches and his writings.

Beyond his commitment to increasing sharply the tax burden on middle-level Americans to give money to those with lesser incomes, and his announced commitment to deeply reduce U.S. defense capabilities, and his support of forced busing of children to achieve racial balance in the schools, are his statements of disaffection and even hatred toward such as J. Edgar Hoover, Senators GOLDWATER and MUNDT, and President Richard M. Nixon.

He has even compared Nixon's effort to render ineffective North Vietnam's invasion of South Vietnam with Hitler's effort to exterminate Jews in Germany.

The real GEORGE McGOVERN is a radical extremist whose policies and program would be a disaster for the United States.

In this connection I commend the reading of William Buckley's column in yesterday's Washington Star-News.

The article follows:

McGOVERN'S DECENCY LIES OUTSIDE HIS RHETORIC

(By William F. Buckley, Jr.)

It has been frequently quoted about George McGovern that he is "the only decent man in the Senate." Now that quote is the late Robert Kennedy's, and it does, I truly believe, an injustice to the Senate. I am sure that there are other decent men there, not even counting the sainted junior senator from New York, successor to Robert Kennedy in the affections of New York's constituents. And it is not the purpose of this essay to suggest that Sen. McGovern is other than a decent man. It is rather the purpose to suggest that that which is decent about him is expressed other than in his political rhetoric.

But I fear that he has another image of himself than that which collectors of his remarks come up with, and before the campaign heats up, he should be reminded of it. Particularly before he sets his course to the deploring of the rhetorical excesses of Spiro Agnew.

Here is Nick Kotz of the Washington Post (May 17, 1972) commenting on Sen. McGovern whom he had just interviewed. "As he talked in his office, McGovern returned repeatedly to the theme that he had tried to calm rather than incite the public to anger. 'I have sought not to appeal to humanity and reason,' he said. 'There's plenty of anger and tension without our leaders adding to it. I think a conciliatory approach is needed . . ."

A conciliatory approach is not going to be tempered on McGovern rhetoric, and the gentleman's habits of harsh and uncharitable overstatement are not purely the accretions of a presidential campaign. Back in 1964 (CONGRESSIONAL RECORD, vol. 110, pt. 16, p. 21690), he was saying about another decent man in the Senate of the United States: "I regard Mr. Goldwater as the most unstable, radical and extremist ever to run for the presidency in either political party."

And about yet another decent colleague—from the same state—Karl Mundt of South Dakota: "I don't know how he (Mundt) felt about me . . . but I know I hated his guts . . . I hated him so much I lost my sense of balance." (Robert Sam Anson, "McGovern: A Biography," p. 93).

And one more time on a colleague: "But (Sen. Henry) Jackson destroyed whatever chance he had of becoming the Democratic nominee by embracing racism in the anti-busing campaign, Sen. McGovern said." (Chris Lydon, N.Y. Times, March 19, 1972).

And after J. Edgar Hoover died, McGovern gave an interview. (Life Magazine, July 7, 1972). "Hoover had lived beyond the normal years, so I couldn't feel the pathos I would for a young man. I could feel nothing but relief that he was no longer a public servant."

On the Indochinese war, it is hard to think of Sen. McGovern as stable. "I think the reelection of Richard Nixon in 1972 would be an open hunting right for this man to give in to all his impulses for a major war against the people of Indochina." (Speech, Catholic University, April 20, 1972). And, "I've said many times that the Nixon bombing policy on Indochina is the most barbaric action that any country has committed since Hitler's effort to exterminate Jews in Germany in the 1930s." (Interview with Gregg Herrington, AP June 29, 1972.) To liken Richard Nixon (and Lyndon Johnson) not only to Hitler but to the worst that Hitler ever did is, well, among other things, perverse.

But that is characteristic when touching on the subject of Vietnam. President Nixon "has descended to a new level of barbarism and foolhardiness for no other reason than to save his own face and to prop up the corrupt regime of Thieu." (AP, April 16, 1972). And speaking of Thieu, he is a "corrupt dictator who jails opponents, a despicable creature who doesn't merit the life of a single American soldier or for that matter a single Vietnamese." (UPI, April 7, 1972.) And "I want to be blunt about it," says Sen. McGovern. "(Nixon's) playing politics with the lives of American soldiers and with American prisoners rotting in their cells in Hanoi. He's putting his own political selfish interests ahead of the welfare of these young Americans and ahead of the taxpayers of this country who are bearing the burden."

I want to be blunt about it. Sen. McGovern's animadversions on his fellow human beings are—indecent.

MICHIGAN SOLDIER RECEIVES BRONZE STAR MEDAL

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. DINGELL. Mr. Speaker, Sp4c. Rex A. Johnson, the son of Mr. and Mrs. George Gross of River Rouge, Mich., was awarded the Bronze Star Medal for his valor while serving in the Republic of Vietnam. This young man is most deserving of this recognition and honor. Therefore, I insert the text of his Bronze Star Medal Award from the Department of the Army at this point in the CONGRESSIONAL RECORD:

(General Orders, Number 555)

AWARD OF THE BRONZE STAR MEDAL

DEPARTMENT OF THE ARMY,
HEADQUARTERS, U.S. ARMY
SUPPORT COMMAND, SAIGON,
APO San Francisco, May 30, 1972.

TC 439. The following award is announced: Johnson, Rex A. [redacted] Specialist Four USA 228th Supply and Services Company (DS).

Awarded: Bronze Star Medal with "V" Device.

Date of Service: 16 April 1972.

Theater: Republic of Vietnam.

Authority: By direction of the President of the United States under the provisions of Executive Order 11046, 24 August 1962, AR 672–5–1 and USARV Supplement 1 to AR 672–5–1.

Reason: For valor, not involved in aerial flight, in connection with military operations against a hostile force in the Republic of Vietnam during the morning of 16 April 1972 and throughout the following day. SP4 Rex A. Johnson distinguished himself by exceptionally valorous performance of his duties during a rocket, mortar and small arms penetration attempt. At the onset of the attack, he was in the crucial sector designated as the most likely avenue of approach. It was at this point that this sector received small arms fire, almost simultaneously with the direct hit on the ammunition dump. Amid the onslaught of a heavy and continuous rain of shrapnel, the "Brighteyes" crew held firm in their position. Power was shortly knocked out and the "Brighteyes" crew put their high intensity light into action and immediately drew small arms fire. Together with the surrounding positions, the small arms fire was suppressed. Emergency lighting was obtained some time later, but only after the supply of flares and ammunition had been reduced to a dangerously low level. Unhesitatingly, the crew immediately volunteered to make a dash through the hail of exploding shrapnel to obtain the necessary resupply of flares and ammunition. Specialist Johnson's professionalism as a soldier and his willingness to face extreme danger, saved the sector from possible penetration. His initiative, zeal, tenacity, sound judgment and devotion to duty have been in the highest traditions of the military service and reflect great credit upon himself, his unit and the United States Army.

For the Commander:

JOHN W. MCCARTHY,
LTC, GS, Acting Chief of Staff.

OFFICIAL:

HOWARD B. SMITH,
2LT, SC, Acting Asst AG.

CITIZEN INTEREST HIGH AS CONSTITUENTS RESPOND TO COUGHLIN QUESTIONNAIRE

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. COUGHLIN. Mr. Speaker, the reresults are now available for my fourth annual poll of citizens of Pennsylvania's 13th Congressional District. I am happy to report the results to my colleagues since the questions and answers are pertinent to many key issues that face the Nation.

I am also sending a copy of the results to President Nixon whose initiatives in both the foreign and domestic fields formed the basis for many of the questions.

In submitting the tabulation to my colleagues, I want to point out that the 13th Congressional District represents a cross-section of population. Represented are heavily urbanized areas, less densely populated suburban sections, and rural communities.

Many constituents, as they do daily throughout the year, took the time to write to me. In keeping with their informed and concerned view of our country, they amplified on the questionnaire and displayed a keen knowledge of the problems that confront us. While perturbed over issues, constituents overwhelmingly adopted a realistic view of difficulties and the means with which we must resolve them.

To get an idea of their overall opinion of the United States, I asked a broad question of the state of the Nation. Seven out of 10 respondents felt we are in a fair state with lots to improve. They indicated in their written comments, the traditional American urge to make things better.

A clear majority wanted our involvement in South Vietnam ended with 57 percent feeling that our commitment has been fulfilled and we should terminate all our military operations at the earliest possible date.

In other important areas, the majority of citizens were not generally satisfied with the way economic and wage-price controls are working, and favored more strict controls in every category. Opinions were diverse on spending of Federal tax dollars in specific fields.

The response was overwhelmingly against busing both for the purpose of racial balance and where boundaries result from official policies. Constituents also favored stronger consumer measures even if cost of goods are higher, supported legislation I sponsored to increase social security benefits by 20 percent—already enacted into law—and approved of national legislation to establish no-fault auto insurance.

These and other questions and answers are included in this insertion in the CONGRESSIONAL RECORD.

The questionnaires were printed—not at Government expense—and sent to all households and boxholders in the district. There were 18,236 individual responses by the July 24, 1972, deadline. Answers were tabulated carefully under statistical procedures to guarantee that errors were at a minimum.

QUESTIONNAIRE RESULT

1. Assuming any alternative must provide for the safe return of our men and release of our prisoners, which best expresses your viewpoint on iVetnam? (one only)

[All figures indicate percent]

Any commitment to South Vietnam has been fulfilled and we should terminate all our military operations at the earliest possible date	57
We have a commitment to South Vietnam and should continue combat operations to support the Saigon government	10
We should employ stronger military means to defeat the North Vietnamese and Viet Cong	17
We should accommodate Hanoi's insistence on a coalition government in South Vietnam if necessary to achieve peace	9
None of above (specify)	7

2. Are you generally satisfied with the way economic and wage price controls are working?

Yes	18
No	73
Undecided	9

If no, would you support more or less strict controls on:

Wages: More, 79; less, 21.
Prices generally: More, 92; less, 8.
Corporate profits: More, 83; less, 17.
Rents: More, 87; less, 13.
Food prices: More, 92; less 8.
Other (specify): More, 93; less, 6.
(Does not total 100 percent).

3. Federal spending involves your tax dollars. Should we spend more, less or the same Federal tax effort as presently on the following:

Education:
More, 49; less, 18; same, 33.
Aid to elderly:
More, 65; less, 5; same, 30.
Environmental protection:
More, 62; less, 10; same, 28.
Defense (other than Vietnam):
More, 13; less, 52; same, 35.
Public transportation:
More, 54; less, 16; same, 30.
Aid to poor:
More, 29; less, 32; same, 39.
Health care:
More, 51; less, 14; same, 35.
Foreign aid:
More, 2; less, 82; same, 16.

4. Which best expresses your feelings about the State of our Nation? (one only)

Good: little to improve	10
Fair: lots to improve	70
Poor: needs complete overhaul	17
Other (specify)	3

5. Court-ordered decisions on busing of school children are affecting many more school districts throughout the country.

A. Do you favor busing of school children to achieve racial balance?

Yes	9
No	85
Undecided	6

B. Do you favor busing to promote integration where Courts have found officially-sanctioned segregation or artificially-contrived school boundaries?

Yes	25
No	67
Undecided	8

6. Do you favor amnesty for those who left the country because of objections to serving in Vietnam? (one only)

Now	13
After alternate service	30
After the fighting stops and alternate service	22
Never	35

7. Do you approve the President's efforts to change the emphasis of our foreign policy from cold war confrontation to new era negotiation with Communist powers?

Yes	86
No	6
Undecided	8

8. If industry and governmental bodies are made to conform to strict anti-pollution standards, would you be willing to pay more taxes to help clean up and protect our environment?

Yes	55
No	33
Undecided	12

9. Would you favor a value-added (national sales) tax as a method to reduce local property taxes?

Yes	29
No	52
Undecided	19

10. Do you favor President Nixon's policy of continuing to supply jet aircraft to Israel for defense?

Yes	54
No	32
Undecided	14

11. Federal Courts have struck down state laws to aid non-public schools. If a Constitutional means could be found to aid non-public schools, would you favor such action?

Yes	49
No	44
Undecided	7

12. Do you feel conditions warrant increasing basic Social Security benefits by 20% as proposed in legislation I have sponsored?

Yes	67
No	24
Undecided	9

13. Do you favor national legislation to establish no-fault automobile insurance?

Yes	70
No	15
Undecided	15

14. Would you approve of stronger consumer protection measures even if they result in higher costs of goods?

Yes	53
No	33
Undecided	14

Party preference of those responding

Republican	64
Democrat	20
Non-partisan	15
Other (specify)	1

Ages of those responding

18 to 21	2
21 to 35	24
35 to 50	30
50 to 65	30
65 and over	14

SPREADING THE BIG LIE

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. SPENCE. Mr. Speaker, in recent weeks the American people, along with the rest of the world, have been bombarded with wild propaganda concerning the bombing of dikes in North Vietnam. This particular propaganda effort is notable only because so many individuals have been taken in by it. The Communists must sit back and chuckle when even their most outrageous claims are given credence by gullible leaders throughout the world, especially in our own country. No doubt this "dike campaign" has been successful beyond their wildest imagination.

Faced, as we are, with daily harangues about "criminal" and "murderous" acts perpetrated by our country, it is refreshing to run across an article which gives us something to think about from the other side of the coin. I include the article entitled "Spreading the Big Lie" from Aviation Week magazine, August 7, 1972, at this point in the RECORD:

[From Aviation Week magazine, Aug. 7, 1972]

SPREADING THE BIG LIE

(By Robert Hotz)

Fabricating and spreading a big lie to shift the blame for a critical domestic problem to a foreign foe has long been a standard practice of Communist nations. Most Americans have now forgotten the elaborate hoax the Chinese and North Koreans perpetrated during the Korean war to convince their own people and the rest of the world that the U.S. was waging germ warfare in Korea. But members of this magazine's staff who covered that war remember it well. There is still a residue of belief in Asia and Europe that the U.S. really sprinkled virulent bacteria from its aircraft onto North Korea when in fact it did not.

The combination of Oriental sanitation standards and the ravages of war created epidemics of serious proportions of diseases such as typhus, influenza and typhoid in North Korea and the bordering areas of China. To divert their people from the real causes of the epidemics and try to turn world opinion against the U.S., the Communists decided to invent the big lie of germ warfare. It was a cleaverly constructed campaign based on easily provable facts laced together by blatant lies. For example, the Communists said the viruses were spread by infected goose and duck feathers scattered from inside U.S. fighter fuel drop tanks.

The Communists provided traveling exhibits of U.S. bomb casings and duck feathers to which were affixed visible black bugs. Since loose duck feathers are a standard part of Oriental debris and fuel drop tanks were spattered all over Korea, this made a credible pattern. The fact that the diseases running rampant were caused by invisible bacteria and not the cockroach size bugs on display was an irrelevant detail.

The whole fabrication was tied together and given credibility by the false confessions tortured from U.S. Air Force and Marine pilots who were prisoners of war. These false confessions were so elaborately laced with air base locations, commanders names, types of bombs and operational procedures that even seasoned U.S. war correspondents, well steeped in military censorship and evasion, wondered about the truth of these charges. The Communist line on germ warfare was trumpeted to the English language press of the world by the two British Communists, Wilfred Burchett and Alan Winnington who covered the war from North Korea in much the same manner some Americans are now viewing the Vietnam war from Hanoi.

When the Korean war was over and censorship ended, there was not a single shred of valid evidence to support the Communist thesis that the U.S. had conducted germ warfare in Korea. Even the Communists quickly dropped their campaign.

Now in Vietnam they are perpetrating a similar hoax by trying to explain away the massive flooding that will occur in the Red River delta this month with the flat lie that U.S. planes are systematically bombing the dikes and flood control system of that area. In spreading this enormous lie the North Vietnamese Communists are being aided by U.S. and neutral observers who are being deliberately shown part of the facts that lead to a totally erroneous conclusion.

Here is what is really happening. Last August, the Red River delta was hit by massive flooding that caused enormous loss of life and economic damage. Pictures of this massive flooding taken by U.S. reconnaissance planes in August, 1971, when there had been absolutely no bombing in this area for three years, are shown on page 17 of this issue. These floods created severe damage to the dike and flood control system, much of which has not been repaired.

The reason very few repairs were made in the last 12 months was because most of the large labor force that would normally do this work was diverted to building supply roads and depots in the south to prepare for the massive offensive launched by North Vietnam last Easter.

Now the Hanoi government is facing another flood season with a badly damaged system of dikes. The easiest explanation, both for the population that will die and suffer in the ensuing floods and that part of the world that is always ready to believe the worst of the U.S., is that this damage is caused by U.S. bombing attacks. This is another enormous lie. It is true that some U.S. bombs have hit a few dikes where they carry a main rail or highway supply line, are near oil storage depots and protect SAM missile or anti-aircraft batteries. But the masssive damage to the flood control system in the Red River delta was caused a year ago and has been photographed in deail by U.S. reconnaissance planes for the past 11 months.

We think the Nixon Administration is being stupid in not releasing a thorough documentation of this 11-month-old flood damage along with the many pictures that show flak guns and SAM batteries emplaced on these dikes firing at U.S. aircraft.

It took a full-scale briefing with greatly magnified photo-recon pictures to convince both U.S. citizens and foreign diplomats that there really were Russian offensive ballistic missiles in Cuba in the fall of 1962. A similar exercise to expose the big lie of dike bombing in Vietnam would be equally salutary.

The testimony of Western "eyewitnesses" on bomb damage in North Vietnam is no more reliable than were the reports of Burchett and Winnington on germ warfare from North Korea. These current eyewitnesses are expertly led around by Hanoi officials who permit them to see just enough of what has transpired to let them jump to an erroneous conclusion.

Much of the alleged U.S. bomb damage they are shown has in fact been created by Russian built SAM anti-aircraft missiles fired futilely at U.S. planes. The SA-2 carries a 420-lb. high-explosive warhead encased in double metal wrapping. This is roughly the same volume of explosive carried in a standard U.S. 750-lb bomb. When a SAM misses its aerial target, it falls to earth and blows up, making a crater about the same size as a U.S. bomb and showering metal shrapnel over a 600-ft. lethal radius. Over 2,000 SA-2s have been fired in North Vietnam since April. Only a handful have exploded near U.S. planes. The surface damage in the vicinity of Hanoi and Haiphong from these spent SAMs must be enormous. How can a passing "eyewitness" tell the difference in craters or damage between a U.S. bomb and a spent SAM?

There are two salient facts in the current big lies being spread from Hanoi. First, the U.S. is not deliberately or systematically targeting or bombing the Red River delta dike system. The occasional bomb strikes have created only a tiny fraction of the massive damage still left from the 1971 flood season. Second, much of the alleged U.S. bomb damage shown to foreigners in Hanoi and Haiphong is in fact damage created by SA-2 missiles smashing back to earth. It is time the Nixon Administration abandoned its defensive posture and made clear to the American people and the rest of the world the big lies being spread on U.S. bomb damage by Hanoi.

DESTRUCTION OF REAL ESTATE SETTLEMENT REFORM

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mrs. SULLIVAN. Mr. Speaker, every American family which purchases a home is confronted by, and usually horrified by, the closing costs it must pay at the time of settlement. Most of these costs are necessary and legitimate—such things as real estate taxes, some legal fees, title search, title insurance, and so forth. But a pattern has grown up in the real estate industry of inflating the legitimate charges with all kinds of legal extortion—including kickbacks to developers, payments to lawyers who perform no services, fees to lawyers who provide service for the lender but whose fees are paid by the borrower, excessive charges for duplicated title searches, and so on.

In title IX of the housing bill pending before the Committee on Banking and Currency, we are trying to protect the homebuyer from these excessive and unconscionable charges. It is the most controversial title of the bill because it steps on, and regulates, practices which have been built into the real estate industry over many years to increase the incomes of certain firms and individuals to an indefensible degree, at the homebuyer's expense.

The Members of the House have received this week a proposed substitute for title IX which will be offered in committee and, presumably, on the House floor if not agreed to in committee.

As the sponsor of title IX, I want the Members to be forewarned of what this proposed substitute would do in destroying the main purposes of title IX. The proposed substitute is described as, in some way, strengthening consumer protections compared to existing law. That is an oversimplification. Actually, as it relates to FHA-insured or VA-guaranteed loans, the substitute for title IX takes away significant consumer protections.

Mr. Speaker, what this proposal really does is destroy the effectiveness of most of title IX as it now exists.

The substitute would eliminate section 902, the heart of title IX, which authorizes and directs the Secretary of Housing and Urban Development to establish maximum settlement charges for most conventional, as well as all federally insured and guaranteed, residential mortgages.

Moreover, the substitute to be offered would repeal section 701 of the Emergency Home Finance Act of 1970, which empowers the Secretary of Housing and Urban Development to determine whether maximum settlement charges should be established for federally insured and guaranteed mortgages and to set such maximums. In the 2 years since enactment of this legislation HUD has conducted an exhaustive study of settlement transactions in various regions throughout the country. The findings of this study strongly indicate the need for establishment of maximum settlement charges. Accordingly, the Secretary of Housing and Urban Development issued a notice of proposed rulemaking on maximum charges, fees, or discounts for federally insured and guaranteed mortgages and insured home improvement loans in late June. It is expected that the maximum settlement charges promulgated by HUD would become effective some time this fall.

Adoption of the substitute for title IX would prevent HUD from implementing regulations which will save federally insured and guaranteed residential mortgage borrowers 50 to 75 percent of the settlement costs they would otherwise have to pay in some sections of the Nation. A vote for the substitute represents a vote for inflated and unjustified settlement charges.

The substitute would offer a new section 902 which simply directs the Secretary of Housing and Urban Development to determine within 1 year if it is necessary to establish maximum settlement charges and whether such maximum charges can be effectively imposed through State or local regulation which meets federally established minimum standards. This contrasts with the present proposals in title IX which would be enforced by the Federal Housing Administration, the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation, agencies which have the experience and capacity to do so.

The effect of the substitute proposal is to send HUD back over the same ground it has already covered. State and local governments are not effectively regulating real estate settlement transactions and in recent years the Federal Government has assumed major responsibilities in the area of residential housing.

Mr. Speaker, the substitute for title IX is nothing more than a thinly disguised effort to cripple the residential real estate settlement reform proposals now in the housing bill being considered by the Banking and Currency Committee. Any regulation of settlement charges under the substitute proposal would be dead for the foreseeable future. If the substitute is approved this Congress will have utterly failed to respond to the settlement scandals that have bilked homeowners throughout the Nation of millions of dollars. By the same token, the way will have been left clear for continuation of these abusive practices on the part of those mortgage lenders, developers, attorneys, appraisers, title companies and others involved in real estate settlement transactions which have victimized home buyers by excessive charges.

Mr. Speaker, the substitute also cripples other important provisions of title IX.

Section 903 directs the Secretary of Housing and Urban Development to develop a standard form for the statement of settlement charges and section 905 requires residential mortgage lenders to provide home buyers with a statement of these charges at least 10 days prior to settlement, so that borrowers will have an opportunity to examine individual items and take whatever action is necessary to protect their interests.

The substitute amendment provides that the 10 days notification requirement may be waived. There is little doubt in my mind that some, or many, lenders and settlement attorneys will not hesitate to pressure home buyers into waiving the 10-day notification requirement. This will result in the settlement charges not being presented to the buyer until the closing, when there is little opportunity to determine their validity or fairness. In effect the substitute proposal will permit continuation of the present indefensible practice of presenting the home buyer at settlement with a confusing welter of documents and charges which cannot be questioned.

Section 904 of title IX directs the Secretary of Housing and Urban Development to prepare and distribute special booklets designed to help home buyers understand the nature and the cost of settlement. An itemized list indicating the maximum amounts which the homebuyer should reasonably be prepared to pay is required to be included in the booklet. The substitute proposal would eliminate the listing of reasonable maximum charges from the booklet, this preventing the home buyer from having any guideline by which to make a judgment about the fairness of such charges.

Section 912 provides that title companies which are qualified to issue title insurance are authorized to perform all settlement services. The section reflects the recognition that title insurance companies which issue title insurance can provide full settlement services at substantial savings to the home buyer, but in some States are prevented from doing so by laws or regulations which reserve this right to attorneys. One example is the District of Columbia where title companies can and do provide full title services at savings of hundreds of dollars at settlement as compared to the cost of settlement services provided by attorneys in Maryland and Virginia.

In this connection, Mr. Speaker, I am fully aware of the concern voiced by attorneys about the possibility of unqualified employees of title companies performing legal services. To remedy the situation, I intend to offer an amendment to section 912 which requires that title companies employ qualified attorneys to perform legal services in connection with settlement transactions.

Finally, the substitute provides that any legal action to recover damages in connection with violations of title IX provisions must be brought within 1 year from the date of the occurrence of the violation. In essence, this says that the home buyer is out of luck if he fails to determine within a year following the transaction that he has been cheated. A 3-year statute of limitations, at least, should apply to violations of the title.

Mr. Speaker, adoption of the substitute for title IX eliminates the most important provisions of the settlement reform proposals now in the housing bill. It leaves the home buyer of the Nation unprotected against continued victimization in terms of inflated and erroneous settlement charges. It says there is no meaningful response to the residential real estate settlement and housing speculation scandals that have been well documented in the press throughout the Nation for more than a year.

I for one cannot accept this sorry conclusion to all the effort that has gone into the task of trying to protect the home buyers of the Nation from extortionate or fraudulent abuses. Any housing act which does not contain the protections afforded the consumer in title IX as presently written constitutes nothing less than a monumental disservice to the home buyers of the Nation.

THE PLIGHT OF SOVIET JEWS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. BELL. Mr. Speaker, in May of this year I submitted to the RECORD the transcript of a recorded conversation between Stuart Lotwin of Los Angeles and Lev Lerner of the Soviet Union.

At this time, I would like to enter another revealing exchange between these two men, which further underlines the difficulties and harassment individuals who desire to emigrate from U.S.S.R. to Israel are experiencing. The text of the conversations follows:

TELEPHONE CONVERSATION, JUNE 11, 1972, BETWEEN LEV LERNER, LENINGRAD, U.S.S.R. AND S. J. LOTWIN, LOS ANGELES, CALIF.

S.L. Hello.

L.L. Hello. Mr. Lotwin, sometime ago two American Senators wrote the Leningrad OVIR with the request to give us the permission for going to Israel. Their names—Jim Bergland and John Brademas—and some days ago we got the negative answer on this application.

S.L. You received a negative answer! What reason did they give?

L.L. They say the same as before—we were refused the permission for going to Israel.

S.L. Did they tell you why?

L.L. No, very difficult to ask why. The reason is as before.

S.L. The reason as before—still 1974?

L.L. Yes, yes.

S.L. Lev,

L. L. And we want to send with you our gratitude to these Senators.

S.L. I see. We and people in the United States Government are trying to get the visa for you.

L.S. Thank you very much.

L.L. Yes.

S.L. Could you do this, Lev?

S.L. Could you politely and formally ask OVIR why they have given the negative answer.

L.L. Yes, I can tell you now. I was told that it was connected with and if I was connected with the secret work in my work last.

S.L. Is that why?

L.L. If I was connected with the secret work.

S.L. Oh, you were connected with the secret work?

L.L. No, I was never connected with the secret work.

S.L. You were not! No, no; I know that. You told me that before, so could you ask them why they have given a negative answer?

L.L. On this application?

S.L. Yes.

L.L. Yes, we shall ask the Leningrad OVIR about this.

S.L. Good! Lev, what we are going to do is . . .

L.L. We shall apply once more.

S.L. Yes, please do; apply again, apply again.

L.L. Yes, and we shall apply everytime after the negative answer too. After one negative answer we shall apply once more.

S.L. Excellent, good! Now, Lev, listen carefully. At about 8:30 at night, your time in Leningrad, on either Monday June 19, June 26, or July 3; or Friday, June 23, June 30 or July 7, I am going to call you again.

L.L. Yes, it would be night?

S.L. Right, your night, not mine. I will call with some important people including Congressman Bell who is trying to help you.

L.L. Thank you very much.

S.L. Congressman Bell and other people in my government, the American Government, are publishing for the other members of the American Government transcripts of our telephone conversations and your letters to me. They are doing everything they can within our government to have OVIR say yes soon. So they are trying to help you.

L.L. Yes, thank you very much. This is our hope.

S.L. Yes, and that is their hope as well.

L.L. Yes, thank you very much.

S.L. Now, Lev, we were unable to call you on the telephone on May 22 through May 30. Were you home or were you called in the Army?

L.L. No, I was not called to Army.

S.L. No.

L.L. Yes, because I have the medical.

S.L. I see. Were you home with your family at that time?

L.L. Yes, I was at home with my family.

S.L. I see; well we could not get through to talk to you. We were trying but we could not get through.

L.L. Yes, I can say that only one day—the day when Nixon was in Leningrad—I was arrested.

S.L. You were arrested on the day he was in Leningrad, but for one day only.

L.L. Yes, this was for seven hours. This was during the visit of Mr. Nixon.

S.L. I see, I understand. I will forward that to people who are interested in that because we tried to call you for over a week and were told there was no answer on your telephone.

L.L. This isn't the truth because in the evening I am at home.

S.L. Yes, I thought so. I am glad that you are well and that you are safe; that was my primary concern about you. Are you working?

L.L. Yes, I am working.

S.L. Good. No change in your job.

L.L. My new job?

S.L. Your new job?

L.L. Yes, I got the new job after I was forced to dismiss from my last job.

S.L. What kind of work is your new job?

L.L. I am an engineer, not in my profession.

S.L. Not in your profession.

L.L. No, not in my profession.

S.L. I see, what type of work now?

L.L. Now I am an engineer of textile machinery.

S.L. What about Zina, is she working?

L.L. Yes, she is working too, but the situation on her work is very, very hard.

S.L. Is she going to be dismissed?

L.L. No, no. She is on (unintelligible).

S.L. She's on what work? What kind of work?

L.L. She is an engineer of communications.

S.L. And she is still working in communications?

L.L. Yes, in the field of communications.

S.L. How is your family; your mother and father? Are they well?

L.L. No, they have not been very well, but they wait for permission for going to Israel. The waiting for them is very hard.

S.L. Yes. I know. Your mother-in-law Zina's mother, how is she?

L.L. She is at home too, and she waits for permission too.

S.L. And she's well?

L.L. Yes, she is O.K.

S.L. Good. I understand that Zina has relatives in Cleveland, Ohio. Is that true?

L.L. Yes, this is true.

S.L. Good. What is their name?

L.L. Of relatives?

S.L. Yes.

L.L. His name is Abraham Wachter. I give to you the address.

S.L. I can get it here. Don't bother, I will get it here.

L.L. Yes, yes. Abraham Wachter is the brother of my mother-in-law, and Jerry Wachter is his son.

S.L. O.K. I will get in touch with him. Who were you talking to in Israel?

L.L. One hour ago we were talking with Israel.

S.L. Yes, with whom? Were these former Soviet's or friends in Israel?

L.L. With whom we were talking?

S.L. Yes.

L.L. Yes, now we were talking to this Mrs. Kominsky. She is the wife of Kominsky who now is in prison.

S.L. I see. I know the name. How is she, is she O.K.?

L.L. She is O.K., but she wants to be with husband.

S.L. The other thing is we received your letter and the pictures.

L.L. And my pictures?

S.L. You have a very handsome family.

L.L. We are three in this picture? Taken with my wife?

S.L. Yes, that's the picture and then I got another picture, just of you.

L.L. Yes, from my friend?

S.L. Yes, from your friend. Did you receive a letter from me?

L.L. I received from you only one letter.

S.L. Well, I wrote a second letter. I am going to mail to you copies of what is called in the United States the Congressional Record. This is where the Senators and Congressmen have been publishing our telephone conversations. So, I will mail you a copy so you can read the conversations.

L.L. Yes, thank you very much. And, a copy of your second letter?

S.L. Good. I am glad you are working, you will apply again for a visas, and you will ask for the reason for not letting you go now.

L.L. Yes, thank you I shall ask.

S.L. O.K., we will speak to you again, soon.

L.L. Yes.

S.L. In the meantime, you take care of yourself, keep your strength and courage going——

L.L. Yes.

S.L. And, with the help of all the people who are concerned with you, I am sure we are going to meet in Israel soon.

L.L. Yes, thank you.

S.L. So please give our best to your wife, to your daughter and to your family.

L.L. Yes, thank you. And send our best greetings to your family and to our friends, too.

S.L. Absolutely. I will speak to you soon. Please write to me again, will you?

L.L. Yes, yes, of course.

S.L. Good. Alright.

L.L. Yes.

S.L. Shalom and goodbye.

L.L. Goodbye, Shalom.

RESOLUTIONS ADOPTED BY THE NATIONAL FEDERATION OF SETTLEMENTS AND NEIGHBORHOOD CENTERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. RANGEL. Mr. Speaker, the National Federation of Settlements and Neighborhood Centers adopted a series of resolutions at its annual meeting in May.

These resolutions deal with such critical issues as education, health, child care, housing, and economic development, and I am pleased to share them with my colleagues at this time.

The resolutions follow:

ANNUAL MEETING ADOPTS RESOLUTIONS ON MAJOR ISSUES

The Annual Meeting of the National Federation of Settlements and Neighborhood Centers, which met in Chicago on May 26, during the 47th Biennial Conference, adopted the following important resolutions.

SOCIAL POLICY PLATFORM

The National Federation of Settlements and Neighborhood Centers (NFS) reaffirms and readopts the Social Policy Platform adopted by its Annual Meeting, May 30, 1970 in Cincinnati, Ohio. In addition, it singles out the following areas of high priority concerns for immediate attention and action by NFS and its affiliates.

HOUSING

The Congress of the United States, in the Housing Act of 1949, stated that our national objective was to provide "housing which is decent, safe and sanitary for all Americans at prices and rents they can afford to pay." This promise is far from realization. Large areas of our inner cities are being virtually abandoned because of abuse or seriously flawed federal housing programs, a decline in public safety and public services, and because of racial and economic polarization.

NFS calls upon Congress and the President of the United States to declare a state of emergency and enact such new laws or amend existing laws as is necessary to prevent exploitation by speculators, prevent further abandonment and provide an adequate supply of new and renewed housing, available and accessible to those excluded from the total housing market.

NFS, to achieve the foregoing goals, will convene a national convocation, "To Save our Cities." It will bring together representatives of the poor, racial minorities and national organizations to call further attention to this national crisis in housing and to find new, appropriate approaches to the solution of this critical problem.

ECONOMIC DEVELOPMENT

NFS is committed to healthy, over-all economic development but is particularly concerned about the need for economic development in inner city ghettos and barrios. NFS endorses policies and programs, public and private, which are essential to assure high levels of employment and production, the raising of living standards and the improvement of conditions of work.

NFS endorses public works programs which are beneficial to the community and the economy as a whole. It calls on government—federal, state and local—to provide opportunities for public service employment. It also endorses programs of training, supportive services and placement in the private sector, and wages adequate to meet the soaring cost of living.

NFS sees a need for redress of major past inequities through the development of minority-owned businesses, industries and services, and calls for appropriate federal legislation and private measures to make such economic development feasible. Such programs should include low-cost loans, availability of bonding, training in management and production skills and compensatory practices in the issuance of grants, contracts and work orders.

ASSURED INCOME

NFS calls for an adequate program of assured annual income. It opposes Title IV of the Social Security Amendments of 1971 (HR 1) as approved by the House of Representatives, as completely inadequate with respect to income guarantees and punitive in its work provisions. NFS similarly, opposes the General Employment (Long) measure as reported to the Senate by the Senate Finance Committee since it does not provide an assured income and is punitive and regressive.

NFS calls for the adoption by Congress of more equitable measures which assure adequate annual income based on the Bureau of Labor Statistics' findings. It asks that Congress adopt such related measures as tax reform, improved Social Security benefits, increased minimum wages and the inclusion under their coverage of new categories of workers including household employees and farm workers.

EDUCATION

NFS believes that overcrowded schools, poor teaching, inadequate facilities and discrimination are a detriment not only to the resultant under-educated individual but also to society as a whole. We urge efforts to ensure that every person has equal and full opportunity to realize his ultimate potential for intellectual growth, including the provision of programs designed to overcome the limiting handicaps imposed by social, racial and economic discrimination.

We call for federal programs and fiscal grants to eliminate the inequities and the wide range of differences in the funding of education, state-by-state, and within the political subdivisions of the state. We ask that funding be based on educational need, fiscal capacity and equalization of opportunity for all on a non-segregated basis.

We view busing of children as one device for helping to achieve this end and are opposed to legislation which would prevent its continuance. We believe, along with the U.S. Commission on Civil Rights that, "What has divided the nation on school busing is not so much sharp disagreement on the merits but confusion as to what the issues really are. The complex matters of overcoming in a few years the inequities of the long past through the medium of desegregated schools has been reduced to the question of whether one is for busing."

NFS continues its support for achieving desegregation and the elimination of inferior schools through the use not only of busing but also such additional techniques as redrawing school attendance lines, pairing schools and establishing central schools and school parks.

HEALTH INSURANCE

NFS calls for the enactment of a federal health measure which (1) recognizes health care as a right of every citizen and (2) provides one excellent quality of health care for all regardless of differences in age, income, racial origin, etc.

NFS further calls for the provision of a high quality of preventive health services and medical services available at the neighborhood level to all individuals and families and with full participation by consumers in all policymaking settings.

NFS believes that this quality of health care cannot be made universally available through enactment of the Nixon Administration's Health Care Bill. It would provide two qualities of program—one for employed persons under private health insurance policies and another for the unemployed and the poor, similar to Medicaid, with the regulation of the private insurers left to the states.

NFS calls for the elimination from the environment of elements dangerous to health such as the use of lead in the household paints.

NFS calls for effective federal programs directed at eliminating hunger and malnutrition and racially-related diseases such as Sickle Cell Anemia.

DRUG USE

NFS urges the immediate elimination of the penalty for the possession and use of marijuana by an individual, but endorses penalties for the amassing and sale of it.

NFS calls for effective education in the dangers of drug abuse, including not only heroin and other hard drugs but also barbiturates, amphetamines, and similar drugs, and will endorse legislation which: (1) provides effective preventive and treatment programs for drug addicts and, (2) seeks to stop the flow of illegal, addictive drugs from overseas through negotiation. Where this fails to halt the flow, NFS urges the cessation of foreign aid to such country and the cut-off of all foreign trade with it.

Further, NFS calls for intensive local programs directed at stopping the corruption of law enforcement personnel by the pushers of illegal drugs and their criminal organizations.

LEGISLATIVE COMMUNICATION

In 1962, Congress extended to business the ability to conduct legislative efforts with tax-deductible funds, so that legislators could benefit from businessmen's knowledge in considering legislation. This reasoning applies with equal force to voluntary agencies supported by tax-deductible gifts.

NFS, therefore, calls upon the Congress of the United States to amend the Internal Revenue Code of 1954 so as to permit voluntarily funded organizations such as NFS and its affiliates to engage in communications with legislative bodies and committees and members thereof, and with their members or contributors with respect to legislation or proposed legislation of direct interest to the organization.

CHILD CARE AND DEVELOPMENT

NFS urges enactment of a comprehensive child care bill which incorporates the following: funding at the highest feasible level, with continuation of existing Headstart programs, local prime sponsorship of programs, parent participation in policy-making and operation of programs, multiple services to families, and delivery of services by the Department of Health, Education and Welfare.

NFS urges that adequate, licensed child care facilities for pre-school and after-school programs be made available for all children of working mothers or single parents and funded by the federal government.

Further, that no mother be required to accept child care by untrained or uncertified persons or organizations, either in child care centers, family homes or in their own homes; that federal funds be provided for appropriate training of any persons authorized to undertake child care, and that the open-ended provisions of the 1967 amendments to the Social Security Act which enable child care to be provided on the basis of 75% federal and 25% local funds for child care for the children of former, current, or potential recipients of public assistance be retained.

REORDERING PRIORITIES

NFS proposes, in order to help achieve these goals, a complete and continual reordering of national priorities, the reduction of defense expenditures and the re-allocation of such monies for domestic programs aimed at the elimination of poverty and racism.

NFS supports all efforts to replace war as an instrument of international relations by negotiation, mediation, and conciliation. To this end, we urge a cessation of hostilities in Indochina and the strengthening of the ability of the United Nations to settle disputes and maintain peace.

THE WHITE HOUSE FELLOWS PROGRAM AND NATIONAL LEADERSHIP

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. FRASER. Mr. Speaker, it is time we take a closer look at the leadership programs which are managed by the Federal Government and for which Congress appropriates funds. My office has been looking into the participation of women and minority groups in a number of programs conducted by the Federal Government: Smithsonian Institution fellows, Woodrow Wilson Center for International Scholars, National Foundation for the Arts, National Foundation for the Humanities, Atomic Energy Commission Fellowships.

Today I would like to focus some attention on the White House Fellows program. One of the most alarming aspects of this program is the steady increase over the past 3 years of the number of military participants. Since we fund the War College, and a number of other higher level training institutions for the military, it is difficult to justify their intrusion into what was intended to be a totally civilian endeavor. When the White House fellows program was created in 1964—Executive Order No. 11183—it specified that only "non-Federal" applicants were eligible. This effectively excluded any members of the armed services and the Federal Government. In the past 3 years members of the active Armed Forces have composed over 25 percent of each class. The original Executive order was not amended until this year, February 16, 1972.

In a program that purports to trace back to the spirit of leadership and national pride of Franklin, Jefferson, and Washington—the intensity of military participation is somewhat questionable. In addition I question the real contribution to the leadership of the Nation by the reinforcement of the idea that there is a military input to all our national problems.

I am inserting into the Record a chart of the participants of the past 3 years in hopes of raising a discussion of whether or not this is the kind of program we want to continue to support with taxpayers funds. Clearly the Nixon administration has given a very different emphasis to the nature of the participants and the goals of the program.

Women's groups are rightly criticizing the program on the basis of the negligible number of women in the program and the apparent lack of perception of women in leadership positions.

Finally, there is some question as to whether or not the program is fulfilling its stated goal—that of sending young people back to their local States and communities with an increased commitment to making Government work at the local level. We badly need leadership at the State and community level but the White House Fellows have by and large remained in Washington lining up better jobs for themselves. Mike Causey in the Federal Register column in the Washington Post reports his discussions with numbers of high Government officials and their reactions to the White House Fellows program.

The material follows:

WHITE HOUSE FELLOWS DRAWS PROTEST

(By Mike Causey)

In this day of semantic sensitivity, nobody quarrels with the sexist title of the elite White House Fellows program. When they say fellows, in this case, they mean associates.

Launched during the Johnson administration, the WHF system was and is aimed at injecting bright, young (under 35) people into the government for one-year tours.

The idea was to give the WHF—future leaders in industry, education and the military—a sample of how the federal machine works from the top. As a bit of fallout, it is hoped the fellows return to their chosen careers with a sympathetic attitude toward the bureaucracy and help convince young people that Uncle Sam really wants their input.

Critics of the program, however, say it has two basic faults. First, that only 10 of the 119 fellows have been women, and secondly, that it has proved so rewarding that many of the fellows don't want to go home.

A battle-scarred bureaucrat, who has seen every WHF "class" since 1964, says, "It's a lot like that old song 'How You Going To Keep Them Down On The Farm After They've Seen Paree.'" A lot of the fellows, he estimated 20 per cent, get incurable cases of Potomac Fever and remain in government, defeating the cross-fertilization aspects of the program.

A group called Women's Equity Action League (WEAL) says the program is male-dominated, and that the recent trend of including more midcareer military officers in WHF classes makes it even tougher for women to make the grade.

The White House announced yesterday the 17 fellows (one a woman) for the 1972–73 year that begins in September. They are:

Douglas C. Bauer, 34, Pittsburgh; Air Force Maj. Robert H. Baxter, Las Vegas; James E. Bostic, Asheville, N.C.; Joseph P. Carroll, 29, Paris, France; AF Maj. John C. Fryer, 31; James H. Gross, 30, Columbus, Ohio; Stephen G. McConahey, 28, Alexandria; William E. McGlashan, 30, Los Altos, Calif.; John B. Mumford, 32, Orlando; Luis G. Nogales, 28, Stanford; Maj. Lee R. Nunn, Jr., Air Force Academy; Lt. Col. Colin L. Powell, 35, Woodbridge; Ann S. Ramsey, 29, New Seabury, Mass.; David W. Schrempf, 30, Oberlin, Ohio; AF Maj. Donald J. Stukel, 34, Fairborn, Ohio; George B. Weathersby, 27, Berkeley, and John B. Yasinksy, 32, Pittsburgh.

The Women's Equity Action League has already challenged more than 300 universities and colleges, claiming they discriminate against women in faculty assignments and pay in violation of federal equal-rights rules for contractors.

Now, WEAL is protesting the White House Fellows program, saying that women candidates have been subjected to "discrimatory" questioning about their marital and family status; that almost no women are on selection boards and that only one married woman has been appointed a WHF.

WEAL President Arvonne Fraser, in a letter to President Nixon, said 50 per cent of the future selectees should be women. A total of 68 candidates were approved by regional boards this year, six of them women.

Federal agencies who take WHF for the one-year terms (usually about 15 are selected) have other complaints about the program. They range from jealousy of older staff members at the salaries and red carpet treatment given the WHF, to the fact that many of them don't want to live up to the "gentleman's agreement" and leave government at the end of a year.

Salaries for WHF are negotiated by the agencies, based on what the candidate was getting in his or her job in industry. Some, however, do manage to bargain for more, with Grade 15—a salary of $25,583 to $33,260—the ceiling.

"A couple of years back, we got a candidate who was about 28 years old and said he was making nearly $30,000 with a food chain on the West Coast," a federal official said. "We checked and found out he was, so we paid him that," even though it was much higher than most senior career officials made at the time.

Some Cabinet members have been reluctant to take on WHF assigned to them, either because they want "their own men" in the sensitive posts or because they don't trust "short-timers" who are likely to write books about what happens "or pull a Wally Hickel." The famous Hickel letter to the President, which resulted in his being fired as Secretary of the Interior, was inspired, if not drafted, by a young staff member.

"I think the program has been a success, except in its primary aim of getting the WHF to go back to their jobs," one top career man said. "They get the social rush from embassies here, parties and what not, and they enjoy the power or association with power that comes from working directly with a Cabinet officer. They get Potomac Fever pretty fast, and a lot of them spend most of their tour here trying to line up a comparable job in government."

One former Cabinet officer refused to take a WHF last year. He gave as his reason the fact that he would be leaving government soon and didn't want his successor to be saddled with someone he might not like. In private, however the Cabinet man said the WHF-types "got under his skin, were always underfoot," and he thought, spent too much time trying to build a constituency with young people in the agency, and not enough doing routine work. His successor, however, did pick a WHF who now serves as an executive assistant.

WHITE HOUSE FELLOWS PROGRAM—1969-73

Year	Military	University	Business	Minorities	Other
1969-70 total 18	From 1964 to 1970—No military participants.	7 (Professors, consultants etc., 2 Black, 1 assistant to president of Johns Hopkins). 7	2 (Black). 1 (Richard Ramsden). 1 General Foods. 1 IBM. 5	1 Woman (lawyer). 1 Woman (Puerto Rican). 1 Indian. 3	2 Lawyers (Harvard). 1 Journalist. 3
1970-71 total 17.	1 Captain, Air Force. 1 Lieutenant commander, Navy. 1 Captain, Air Force. 1 Lieutenant colonel, Army. 1 Lieutenant colonel, Army. 5	1 (Dean scl. of business administration, University of Texas). 1 (Assistant to president, University of Hawaii). 2	1 MBA (McKinsey). 1 3M of Minnesota. 1 Burlington Industry. 1 Westinghouse (Bettis Atom. Power Laboratory). 1 RCA. 1 Continental Oil. 6	1 Woman.	2 Local government. 1 Lawyer (former Vietnam Army major). 3
1971-72 total 16.	1 Major, Army. 1 Major, Marine. 1 Major, Marine. 1 Lieutenant colonel, Army. 4	1 (Director, nuclear reactor laboratory, University of Texas). 1	1 (Jewel companies) Osco Drug, Inc. 1 J. Walter Thompson. 1 Boise Cascade, Inc. 1 McKinsey & Co. 1 Arthur Andersen & Co. 5	1 Mexican-American (urban plan). 1 Woman (Black, oceanographer). 1 Woman (lawyer). 1 Indian (Harvard law school). 4	1 (Dartmouth MBA, former Army captain) 1st sergeant, N.Y. Police Force, Tactical Patrol. 2
1972-73 total 17.	1 Lieutenant colonel, Army. 1 Major, Air Force. 1 Major, Air Force. 1 Major, Air Force. (Special Assistant to Secretary of Defense, East Asia and Pacific region). 1 Major, Army. 5	1 (Assistant to president, Stanford University, Spanish American). 1 (Director Ford Foundation, project on Univ. Admin.). 2	2 Westinghouse (Bettis Atomic Lab.). 1 American Standard, Inc. 1 Walt Disney World. 1 McKinsey & Co. 1 W. R. Grace & Co. 1 Enka Research Corp. 1 Syva Co. 8	1 Woman (drugs).	1 Lawyer.

MELISSA BELOTE, SPRINGFIELD, VA., SETS WORLD SWIMMING RECORD AT OLYMPIC TRIALS IN CHICAGO

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 17, 1972

Mr. HARRY F. BYRD, Jr. Mr. President, Miss Melissa Belote of Springfield, Va., this month set a world swimming record at the Olympic trials in Chicago.

I am sure that all Virginians share pride in the accomplishments of this young woman, who is a sophomore at Robert E. Lee High School. On the day when she broke the record for the 200-meter backstroke, she won both a preliminary and a final race in this event. At the age of 15, she obviously is one of the Nation's outstanding swimmers.

The Washington Post of August 6 contains an article describing Miss Belote's victory and her reactions after the races.

I ask unanimous consent that the article, entitled "Record-Setting Miss Belote Double Winner in Trials," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RECORD-SETTING MISS BELOTE DOUBLE WINNER IN TRIALS

(By George Solomon)

CHICAGO, August 5.—Melissa Belote grew up tonight. The 15-year-old wondergirl forgot her lucky toy fish back at the motel and still won the 200-meter backstroke before 5,000 people in the Olympic trials at the Portage Park pool.

Earlier in the day Miss Belote, a sophomore at Robert E. Lee High School in Springfield, Va., set a world record in the 200, whipping through the water in 2:20.64 in a preliminary heat.

The previous world record was 2:21.5, held by Susie Atwood of Lakewood Calif.

Tonight Miss Belote's time was 2:21.771, more than a second slower than her brilliant effort this afternoon but still far enough to leave the bewildered Miss Atwood in her wake. Miss Atwood was clocked in 2:24.359, finishing a distant second.

"Coach Solotar (Ed) told me not to worry about the record tonight," Miss Belote said afterward. "I didn't think my stroke was as smooth tonight. I didn't have enough left to bring it back."

Miss Belote, who had enough confidence to pack her suitcase for a week of training with the Olympic team in Knoxville, Tenn., is the only woman to have won two events at the trials so far. The meet ends Sunday.

Misses Belote and Atwood previously finished one-two in the 100-meter backstroke.

While Miss Belote headed back to the motel with a second bouquet of roses under her arm, Mark Spitz climbed the victory stand for the fourth time in as many nights, the most dominant figure in world swimming.

Spitz, a handsome 22-year old and one of the few swimmers sporting a mustache, captured the 100-meter freestyle in 51.919. Earlier in the day he established his fifth world record of the meet, churning the 100 in 51.47 in a preliminary heat.

"I hope I can keep this up at Munich," said Spitz, who four years ago in Mexico City was favored to win four individual gold medals but wound up being shut out.

"I know I'm the best in the world tonight," Spitz said. "But it won't matter unless I win at Munich. Four years ago I had done well prior to Mexico City. Then I folded. I'm trying to see that I don't fold again."

Spitz finished ahead of Jerry Heidenreich of Dallas, John Murphy of Hinsdale, Ill., and Dave Edgar of Fort Lauderdale, Fla., all of whom made the team.

Frank Heckl, an outstanding swimmer at Southern California and prime contender to make the team, was again blanked, finishing a disappointing eighth in a field of eight.

There was no world records tonight, though Miss Belote, Spitz, Mitch Ivey (200 backstroke, 2.04.827), Brian Job (200 breaststroke), 2:23.36) and John Hencken (200 breaststroke, 2:22.79) bettered the world standards in preliminary heats.

SOUTH CAROLINA VOLUNTEER READING PROGRAM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, August 17, 1972

Mr. THURMOND. Mr. President, as we deal daily in this Chamber with the increasing challenges of modern society, I remind Senators that 21 million of our fellow Americans are functionally illiterate in this Nation.

They cannot read, Mr. President. They cannot participate in the democratic process. They cannot understand a job application, make out a driver's license application, or fill in a loan form at a bank.

These stark facts are revealed in a Louis R. Harris survey conducted for the National Reading Center of Washington, D.C.

I am pleased to report that the citizens of South Carolina are aware of this problem, and are taking volunteer action to help the children of our state to get a firm foundation in reading ability.

Recently, in the city of Columbia, 100 South Carolina volunteers attended a reading tutor-trainer workshop, sponsored by our State department of education and conducted by the National Reading Center at no cost to the volunteers.

Other sponsors included: South Carolina Education Association, League of Women Voters of South Carolina, Midlands Community Action Agency, and the South Carolina Congress of Parents and Teachers.

The 100 volunteer trainers and coordinators came from 28 of our School districts, and among them were representatives from the University of South Carolina, Columbia College, and Winthrop

College. Other counties will be sharing the training received by the 100 participants who attended the state-level workshop.

These volunteer trainers have now returned to their home communities. They are recruiting and training many more volunteers to go into their neighborhood primary schools and tutor children in learning to read.

Mr. President, there are 8 million youngsters in our Nation's elementary schools who need special help in reading instruction.

These children need individual attention. There is not enough money, there are not enough teachers, and the teachers do not have the time to provide such individual help.

Only through the dedicated volunteer efforts of citizens, who work under direction of the classroom teacher, can our national reading problem be solved.

I am proud that my fellow—citizens of South Carolina are responding to the needs of children in our state.

Particularly, I commend our State department of education and the National Reading Center for bringing this national tutor-training program to South Carolina, as one of the first 20 States in the Union to lead in this volunteer effort to help America's children become good readers.

Mr. President, I ask unanimous consent that the article from the Columbia Record newspaper entitled "S.C. Volunteer Tutor Program Opens To Aid School Pupils," be printed in the Extensions of Remarks of the CONGRESSIONAL RECORD at the conclusion of my comments.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

S.C. VOLUNTEER TUTOR PROGRAM OPENS TO AID SCHOOL PUPILS

South Carolina's part in a nationwide effort to improve the reading of elementary pupils by using volunteer tutors will be inaugurated today in Columbia.

Representatives of service organizations and the 93 school districts of the state were invited to the conference in the auditorium of the J. Marion Sims Building of the State Board of Health.

The tutoring program is a project of the National Reading Center, Washington, D. C. Its goal is to train 200,000 volunteer reading tutors in the nation to help children in grades one through three improve their reading ability.

Reading deficiencies are a main cause of failure in early grades, according to Mrs. Mary L. Beach, reading consultant for the South Carolina Department of Education. She is coordinating the South Carolina Volunteer Reading Program.

The program is sponsored by the State Department of Education, South Carolina Education Association, League of Women Voters of South Carolina, Midlands Community Action Agency, and South Carolina Congress of Parents and Teachers.

During the conference participants heard an explanation of the national Right to Read program established in 1970, and information concerning the South Carolina Volunteer Reading Program.

South Carolina is one of 21 states holding tutor-trainer workshops this spring. Following a two-day workshop June 5-6, tutor-trainers return to their communities to train locally recruited volunteers who will receive 16-20 hours of instruction, including six to eight hours of practical experience working with children.

Reading tutors will work in grades one, two and three under supervision of the regular classroom teacher.

Educators estimate that about 43 per cent of elementary school children are in urgent need of help in reading, and that 15-20 per cent cannot keep up with their classmates without special reading assistance.

THE DIKES OF NORTH VIETNAM

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 17, 1972

Mr. SCOTT. Mr. President, with all the charges and countercharges that have arisen over the dikes of North Vietnam, I am pleased to see an article that moves toward laying the blame for this furor squarely where it belongs—on the North Vietnamese.

I ask unanimous consent that an article, entitled "Behind the Furor Over Bombs on Red River Dikes," published in U.S. News & World Report of August 14, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Aug. 14, 1972]

BEHIND THE FUROR OVER BOMBS ON RED RIVER DIKES

The approach of a potentially devastating flood season in North Vietnam means that the furor over U.S. bombing of Communist dikes is likely to reach new heights in days ahead.

Hanoi is pulling out all stops in a determined propaganda campaign to convince the world that American warplanes are deliberately destroying North Vietnam's dikes and threatening hundreds of thousands of persons with drowning or starvation.

The U.S.—with President Nixon leading the way—is denying just as strenuously that there is any calculated plan to wreck North Vietnam's elaborate system of flood control.

Said the President in a White House news conference on July 27: "If it were the policy of the United States to bomb the dikes, we could take them out—the significant part of them out—in a week."

Next day, the State Department, in an unusual move, released a report on aerial-reconnaissance photos of North Vietnam that showed only a dozen bomb craters on dikes. Even the largest crater, it said, could be repaired in a day with "a crew of less than 50 men with wheelbarrows and hand tools." Highlights of the State Department report are on page 20.

The truth is, American officials contend, that Hanoi—looking ahead to heavy rains in August and September—is seeking to cover up its own failure to repair dikes badly damaged in last summer's destructive floods.

Says one ranking military observer: "Rather than divert the men necessary to make the repairs, Hanoi apparently decided to let the floods come and to blame the U.S.—in advance—for any disaster that might occur."

DELTA'S HISTORY

For a full understanding of the exchange of charges and countercharges between Hanoi and Washington, a detailed picture of North Vietnam's dike system is necessary.

North Vietnam is a country of dikes. A network of between 2,700 and 3,000 miles of them protects the nation from the ever-dangerous Red River and insures the country's food supply by regulating the flow of water to the rice fields.

Dikes play a vital role in the Red River Delta, an ancient rice-producing center. Great quantities of water are channeled by the dikes and spread on the paddies through a system of sluices. Rice seedlings then are planted by hand. When the rice matures, the sluices are opened to drain the fields. The water is channeled back to the river, and the grain is harvested.

Since centuries before Christ, the North Vietnamese have been at battle with the Red River. Every year, the river rises to flood proportions in August and September, threatening the surrounding countryside where the great majority of the people live and work.

Every year new dikes are added and damaged dikes are repaired in a never-ending process that over the centuries has resulted in a system so complex that no single dike is responsible for holding back flood waters.

Primary dikes—up to 50 feet high, 150 feet thick at the base and 80 feet wide at the top, channel the Red River through Hanoi and the Delta to the ocean. Other primary dikes on the coast prevent salt water from damaging valuable riceland.

Secondary dikes up to 50 feet thick back up the primary system, so that no one break will overwhelm flood defenses. The smallest dikes—the tertiary system—distribute water to individual fields.

DEFENSELESS?

At first glance, North Vietnam's system appears to be defenseless against air attack. And if actually breached in flood stage, the dikes would unleash billions of gallons of water on Hanoi and the surrounding countryside, flooding up to 6,000 square miles.

However, U.S. experts liken the Red River Delta to a warship in which watertight compartments virtually insure against destruction by a hit from a single torpedo.

Despite President Nixon's assertion that major dikes could be destroyed in a week, some military strategists figure that all U.S. fighter-bombers in Southeast Asia would have to fly daily strikes for up to two months to effectively knock out the system.

Lang Chi Dam and a half dozen smaller dams upstream from Hanoi could be destroyed in a day with guided "smart bombs," they say. But it would take repeated hits with 2,000-pound guided bombs to uproot the massive dikes themselves, 15 feet at a time.

Such an operation, U.S. commanders warn, would expose American pilots repeatedly to withering enemy fire, and would divert them from more productive military targets.

"It's just not worth it," explains one general.

ASSIGNED TARGETS

U.S. officials concede that some dikes are being hit during attacks on military targets either on or near the dikes. North Vietnam is so riddled with dikes that it is impossible to do otherwise, they say, even though pilots are told to bomb only assigned targets and to do as little collateral damage as possible.

According to one military man:

"Dikes are an integral part of the country. To put an absolute quarantine on hitting dikes is like telling your kids to stay off the sand at the beach."

Aerial photographs confirm that the tops of dikes are used by the Communists for anti-aircraft guns and missile emplacements, pumping stations for oil pipelines, and storage areas for surface-to-air missiles. Many dikes also are topped by roads which are used by trucks and other military traffic—natural targets for U.S. bombers.

GUIDED TOURS

Western visitors to North Vietnam routinely are taken on guided tours of damaged dikes, and journalists in Hanoi report what appears to them to be deliberate U.S. bombing of the system.

Yet American analysts insist that most of the damage to North Vietnam's dikes has been caused by last year's floods, which were among the most severe in the country's history.

American experts report that four major breaches in primary dikes along the Red River flooded an estimated 1.1 million acres of riceland. Much of the primary and secondary systems were silted or undermined, and great stretches of the tertiary were broken.

Radio Hanoi, although it gave no casualty figures, said at the time that the disaster surpassed even the flood and famine of 1945, which killed huge numbers of people.

The North Vietnamese recognize the problem—at home, if not in their international propaganda. Mayor Tran Duy Hung of Hanoi wrote in the publication "New Hanoi" on June 30:

"In some places the repair of the dike portions that were damaged by torrential rains in 1971 has not yet met technical requirements. A number of thin and weakened dikes which are probably full of termite colonies and holes have not yet been detected for repair."

Despite the obvious dangers, the Hanoi leadership has not diverted the 300,000 or more men, women and children needed to repair the damage. Instead, the labor force has been kept at tasks essential to the North Vietnamese invasion of South Vietnam.

U.S. flood-control authorities say this means that even the normal August-September rise in the Red River will cause some overflow in the Delta region. A heavy rainfall could bring severe floods and widespread damage to Hanoi.

THE STAGE IS SET

Most American officials are convinced that the U.S. will be blamed for any flooding. Says one Defense Department expert:

"The stage is set. When the floods come, there is nothing we can do to counter the propaganda that we are responsible."

Another military man explains Hanoi's campaign this way:

"The North Vietnamese have lived in the shadow of dikes all their lives. They see bombs cratering a dike, and they know what could happen if there were a concentrated campaign against the dikes. So they are doing some 'preventive propaganda.' They are hollering as loud as they can now in an effort to forestall such a bombing campaign in the future—even before the U.S. thinks seriously about it."

HEADS I WIN, TAILS YOU LOSE

Some military commanders worry that the Nixon Administration, in an effort to counter North Vietnam's propaganda, will so restrict the U.S. bombing campaign that it would be made useless or needlessly endanger the lives of American pilots. Says one officer:

"Hanoi can blame the U.S. for any break in the dike system. At the same time, the enemy would profit from any change in American bombing strategy. It's a kind of 'heads I win, tails you lose' proposition."

NO MAJOR DIKE HAS BEEN BREACHED

(The U.S. State Department on July 28 issued a formal statement refuting charges of intentional bombings of dikes in North Vietnam. From the official text:)

In recent weeks Hanoi has tried to convince the world that its elaborate dike system is a direct and deliberate target of U.S. attacks.

This is not ture. Photographic evidence shows conclusively that there has been no intentional bombing of the dikes. A few dikes have been hit by stray bombs directed at military-associated targets nearby. The damage is minor and no major dike has been breached. The damage can be easily repaired—in a matter of a few days—and has not been sufficient to cause any flooding. No damage has been observed in the Hanoi area or against the primary dike system protecting that city.

Hanoi no doubt is genuinely concerned about the dike system. North Vietnam's rainy season will soon reach its peak, and damage in the dikes caused by last year's very extensive flooding has not yet been fully repaired. . . .

Dikes are particularly resistant to bomb damage. Those in the primary system could be breached only by a series of overlapping craters across the entire top of a dike, and the lips of the craters would have to be sufficiently lower than the river surface to initiate the flow and subsequent scouring action of water rushing through the breach. . . .

North Vietnam's official press agencies and radio service have repeatedly described alleged U.S. bombing attacks on the dike system. In April and May, the North Vietnamese made more than 40 specific allegations, and on 30 June the official press quoted the Deputy Minister of Hydraulics as saying that 20 bombing attacks had been made on dikes during that month. Foreign diplomats, newsmen, and, most recently, actress Jane Fonda have ben escorted to dikes to view damage—most of it around Haiduong, southeast of Hanoi.

A detailed examination has been made of photography of mid-July of the North Vietnamese Red River Delta and bomb craters were detected at 12 locations. None of the damage has been in the Hanoi area, where destruction of the dikes would result in the greatest damage to North Vietnam's economy and logistics effort. Nearly all the damage has been scattered downstream from Hanoi, as well as downstream from the areas of major breaks resulting from the 1971 floods. . . .

All identified points of dike damage are located within close range of specific targets of military value. Of the 12 locations where damage has occurred, 10 are close to identified individual targets such as petroleum-storage facilities, and the other two are adjacent to road and river-transport lines. Because a large number of North Vietnamese dikes serve as bases for roadways, the maze they create throughout the delta makes it almost inevitable that air attacks directed against transportation targets cause scattered damage to dikes.

The bomb craters verified by photography can be repaired easily with a minimum of local labor and equipment. . . .

Repairs to all the dikes could be completed within a week, as the necessary equipment is available throughout the delta.

Local labor historically mobilizes to strengthen and repair dikes to avoid serious flooding. An occasional bomb falling on a dike does not add significantly to the burden of annual repair work normally required. North Vietnam must, however, complete the repair of damage caused by the 1971 floods before next month when this year's rainy season will reach its peak.

ACHIEVEMENTS OF THE BARTER THEATRE, ABINGDON, VA.

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 17, 1972

Mr. HARRY F. BYRD, JR. Mr. President, the Washington Evening Star and the News of August 12 contains an excellent editorial about the achievements of the Barter Theatre in Abingdon, Va., and its founder and former director, Robert H. Porterfield, who died last October.

A product of the Great Depression, the theater was established to provide work for unemployed actors and actresses. But it survived the depression era and earned an enviable reputation for excellence for production through the years. Today the people of Abingdon are launching a Robert H. Porterfield Memorial Fund to maintain the quality of the offerings at the Barter Theatre.

I ask unanimous consent that the editorial, entitled "Small-Town Drama," be printed in the Extensions of Remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SMALL-TOWN DRAMA

Very few travelers have been more surprised in years past than those who drifted unawares into Abingdon, Virginia, at day's end and found that Shakespeare was playing on Main Street. Or that, instead of a wild-west movie, the local theater was offering a stage play straight off Broadway. That improbable small-town playhouse would have been the Barter Theatre, founded by Robert H. Porterfield during the Great Depression as a haven for out-of-work actors. They literally bartered their talents, collecting hams, and other farm produce in return for Hamlet, and thereby avoiding the soup lines.

Somehow, to the surprise of many, the theater caught hold there in the sparsely populated hills. When times got better, a good many people were willing to pay cash at the box office, and youths in that area developed a zest for drama seldom found in rural places. Even the General Assembly got captivated by the experiment, providing some modest state subsidies to keep the theater from folding. (Hence its somewhat grandiose designation as "The State Theatre of Virginia.") But in recent years the Barter has been a success in its own right, drawing people from all over the country to its performances, growing in fame as the only one of its kind.

There was apprehension, however, when Porterfield died last October. His strong, warm personality had been the guiding force since the curtain first went up 40 years ago, and it was hard to imagine the Barter without him. But his successors pledged that what he started would be carried on, and thus far this season the promise has been admirably kept. Good plays and bright talent are booked through the summer and the crowds these evenings are encouraging. Special children's plays now are presented in a separate building, and young people are given a chance to develop as actors. And apart from its regular productions, Barter is acquainting 15,000 Virginia school children with Shakespeare and the modern stage classics.

All this is remarkable, if not amazing, in a little town, and of course it's getting more costly all along. To keep up the momentum, Abingdon people are starting a $500,000 Robert Porterfield Memorial Fund as a three-year project. They're seeking contributions, and we hope they succeed.

TRIBUTE TO CAPT. JOSEPH L. RUZICKA, JR.

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, August 17, 1972

Mr. THURMOND. Mr. President, the tragic death of Capt. Joseph L. Ruzicka, Jr., 26, of North Augusta, S.C., was felt very strongly by the many people who loved and admired this young Air Force officer.

This young man's talents and accomplishments marked him as outstanding. Joe's ability for leadership and his enthusiasm for involvement are evidenced by the diverse activities in which he participated.

During high school, Joe was voted the senior with the most school spirit and was a merit scholarship semifinalist. He reported the news for the high school to the local newspaper, and he also found time to be active in school sports, as well as presiding as president of the Beta Club.

From high school, Joe entered Clemson University at Clemson, S.C., and joined the U.S. Air Force.

Many friends have mourned the passing of this outstanding and versatile young man, and our deepest sympathies are extended to his family in this time of sorrow.

Mr. President, several articles have paid tribute to Captain Ruzicka, and I ask unanimous consent that the articles which appeared in the August 10 issue of the North Augusta Star, North Augusta, S.C., be included in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

JOSEPH L. RUZICKA, JR.

Captain Joseph L. Ruzicka, 26, a North Augusta favorite son, lost his life when the B–52 in which he was navigator crashed in a thunderstorm on a bombing mission in Indochina. Based in Thailand, Ruzicka had just reported to Thailand July 21 after being on Guam.

The son of Mrs. Lucie Ruzicka and the late Joseph L. Ruzicka, Sr., his sister, Susan, now resides in Charlotte and his grandmother, Mrs. Helen Cook, is a North Augustan. His wife, Calista, and 5½ month old daughter, Jennifer, are California residents.

Described in his North Augusta High School yearbook as animated, enthusiastic and dynamic, Joe was voted as the senior with the most school spirit in 1963. His accomplishments in high school ran the gamut from Merit Scholarship Semi-Finalist to a member of the track and tennis teams; from president of Beta Club to master of ceremonies at the Junior-Senior; from photographer to class historian.

Community interests were also paramount in his life. He wrote the school news for the Star for two years, he was the acolyte at St. Bartholomew's Church when the church was built, he was prominent in scouting, he was as his classmates described him, "an unorganized organizer."

Joe's leadership and scholastic ability extended into all phases of college life at Clemson University where his musical aptitude found him a place in the Tiger Band as well as the Air Force ROTC. He entered the service following his graduation in 1967.

A keen wit, a brilliant, inquisitive mind, an affectionate and loyal friend—many hearts are saddened by Joe's tragic death.

A memorial service was held last week at Beale Air Force Base, California for the five casualties of this accident. Interment will be in California.

A memorial service will be held locally at St. Bartholomew's Episcopal Church, the time and date to be announced. A memorial fund has been established at this church for any who wish to honor Capt. Ruzicka's memory.

SIDE GLANCES WITH SAM

Several years ago, Mim and I had a party one Christmas night for several of our younger friends. Of course, at the time, we were much younger ourselves, so the difference in age didn't appear as great as it might to some now.

Over the years, we have continued the practice. Mainly, I think, due to the fact that on that particular night many of the differences of age and social status tend to be negated by the spirit of the season. Also, we discovered that since Christmas EVE parties are more popular, attendance seems greater on Christmas night.

One of the rules is that once you were invited, the invitation lasted forever. That rule hasn't changed. One rule that we found necessary of revision, however, was that no one could come who had accrued more age than the host and hostess. When one of our younger friends married outside of that classification, we simply revised the rule to conform to the times . . . , something like the Supreme Court changes things every now and then.

I began thinking about this at this particularly un-Christmas time of year when I heard of the death of Captain Joe Ruzicka last week at some distant outpost of civilization.

My recollection of Joe, Jr., as we knew him then, dates back to one of those long time ago Christmas parties. I remember sitting in the den, everyone in stocking feet, consuming vast amounts of good things. Reb, at the time still a pup, embarked on the project of removing my socks by chewing the ends and pulling. The task seemed monumental as I guess indeed it was. But for the better part of two hours, this simple undertaking was the major source of entertainment.

I remember Joe in this particular instance since he took over cheerleading duties for the dog, pleading and cajoling with him to succeed in the vast undertaking. Joe always had a weak spot for the underdog.

And then, when the time came for high school graduation, Joe was to be one of the student speakers. Always a rebel of sorts, we talked at length on the wisdom of preparing two speeches, one to be approved by school authorities and given in rehearsal; the other to be the "real thing" which would be sprung on everyone when he stood up to speak. Fortunately, perhaps, this latter project was rejected, a concession to the establishment.

Joe never did forget those Christmas night parties. With the onset of the exposure to a college education, his appearances became later and later. He was responsible for the emergence of the 'second shift' at the parties—the late arrivals who wouldn't even appear until around 2 AM. (We found out later that he would drive past earlier in the evening just to keep a watch on when the crowd would start to thin.) And then, with others of this newly-nighted breed, the conversations would become deeper and deeper as the hour became earlier and earlier. But these early morning conversations would always leave me feeling a little bit better about the future of the human race.

Last week's events in far off Asia, however, tend to raise a question about that future.

Maybe this year's 'second shift' will have some of the answers. And Joe's absence may make some of the problems clearer.

ORDER OF AHEPA CELEBRATES ITS GOLDEN ANNIVERSARY

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. VANDER JAGT. Mr. Speaker, I would like to take this opportunity to congratulate the Order of Ahepa which is celebrating its golden anniversary this year.

The organization can be justly proud of past and present achievements. The Order of Ahepa is a leader in the educational field, it has helped in giving the national minorities of our country new self-respect, and the organization has helped victims of disasters in both foreign and domestic lands.

Through these and innumerable other achievements, the Order of Ahepa represents the highest ideals of American life.

COSTLY AND CONTROVERSIAL F–111 IS FULLY ACCEPTED BY AIR FORCE

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. BOB WILSON of California. Mr. Speaker, much has been written and spoken—some good, some bad—about the F–111 aircraft. Those of us who continued to support the F–111 program in the face of controversy and criticisms feel that our efforts have not been in vain. Air Force pilots who have lived with the development of this plane feel it is one of the best aircraft in the U.S. inventory. This is further substantiated in a New York Times report by a very credible writer, Drew Middleton, whose article I insert in the RECORD for our colleagues to read.

The article follows:

COSTLY AND CONTROVERSIAL F–111 IS FULLY ACCEPTED BY AIR FORCE

(By Drew Middleton)

WASHINGTON.—"Any time there's anything wrong with an F–111 it's all over the newspapers," said Lieut. Col. Robert Morrison, "but believe me, I've put in plenty of hours on it and the F–111 can do more things, things the Air Force needs, than any other aircraft—and it's stable and safe, too."

Born in controversy and reared in criticism, the F–111 has been plagued by the "bugs" common to all aircraft that embody technological breakthroughs. But the F–111 and the fighter bomber version, the FB–111, are fully accepted by the Air Force.

Col. Louis Gagnon, who has been with the aircraft from the start, and Colonel Morrison said that it had "one of the better records" among combat aircraft after 150,000 hours operational flying.

The Air Force lists 30 major accidents for F–111's between January, 1967, and June 18 of this year. The accidents include the loss of three aircraft in Southeast Asia. The two-man crews of two of the latter are listed as missing in action. The other 27 accidents have claimed the lives of 19 crewmen.

MODULE SAVED CREWS

The official accident summary notes eight instances in which the lives of crews were saved by the F–111's unusual crew module. This is a self-supporting unit allowing the crew to eject from the aircraft at any moment.

An exploding wire severs the module from the fuselage and a single large rocket motor propels the module clear of the aircraft before the parachutes open.

Political doubts about the plane's capacity and its high cost—about $10-million a copy—have magnified every accident in the public mind, Air Force officers argue.

They point out that criticism of the plane flourished during its first 80,000 hours even though the F–111's record of 21 accidents in that period compared favorably with 39 for the F–4 and 33 for the F–106 in the same time frame.

WARTIME MISSION

Experienced F–111 pilots here and with the Third Air Force in Britain called the plane the best aircraft for nighttime and bad weather strikes deep inside enemy territory. In wartime, the F–111 would be assigned to interdict enemy airfields. This was the decisive mission of the Israeli Air Force in the Six Day War of 1967.

F–111 pilots believe that, if the Israelis had F–111's at that time, they would have completed their mission at night with less aircraft and greater destruction of the Egyptian Air Force.

The aircraft's advanced design enables it to perform at least three roles—tactical fighter, tactical reconnaissance and strategic bomber.

The advent of new Soviet fighters has prompted discussion of the F–111's chances with the Soviet MIG–23 or Foxbat. Intelligence sources say the MIG–23 has a ceiling of 90,000 feet and a speed of Mach 2 plus, with a 4,000-pound payload.

EFFECTIVE ALTITUDE

Aerial combat is unlikely in upper altitudes. Most such fighting takes place around 20,000 feet. There, American pilots argue, the F–111 is superior. Air Force experience in Vietnam is that the MIG–21J, the basic Soviet interceptor, was not effective against F–105's at that and lower altitudes and note that the F–111 is much faster at low altitudes than the F–105.

The MIG–23 has what airmen call a "look down, shoot down" capability, enabling it to fire missiles on fighters belows. The Air Force contends that the tail radar in the F–111 will give sufficient warning of such attacks.

The ultimate answer is that the F–111 is built to operate at night, at low altitudes and in bad weather. These are conditions that do not favor the MIG–23, according to intelligence officers. Aerial combat is not the F–111's job, they add. Its job is "destroying the other fellow's planes and bases on the ground."

TWO MAJOR ADVANCES

The F–111 incorporates two major advances in military aviation.

One is its swing or variable sweep wing. The F–111, with wings extended, takes off in less than 3,000 feet. In flight, the wing can be folded back to a delta wing configuration for high speed.

The aircraft's most remarkable attribute is its capacity to fly automatically at low level under the "eyes" of enemy radar.

It is this capacity to penetrate radar defenses that is believed to be behind the Soviet delegation's suggestion at the recent talks on the limitation of strategic arms that the F–111's be included in the discussion. It was the only aircraft mentioned by the Russians during the talks.

The F–111's Terrain-Following Radar, or TFR, can be set to fly the plane at a selected low level.

TRF guides the plane over the contours of the earth, swooping into valley and clearing mountains at a fixed altitude day or night, regardless of weather. Should any of the TFR circuits fail, the system puts the plane automatically into a climb to a higher altitude.

EVADES ENEMY RADAR

The F–111 has a speed of Mach-1 plus at sea level. Moving at that speed "on the deck," no eye, human or radar, can pick it up in time for effective action. During a short operational tour in Vietnam, the F–111 was engaged by enemy fire on only 42 per cent of its missions.

At high altitude the F–111 has a speed of Mach 2 to 2.5 times the speed of sound. (At sea level and at 32 degrees Fahrenheit, sound travels at a speed of 1,088 feet a second.)

Along with its other attributes, the F–111, a two-man aircraft, is a comfortable "fly."

"Moving from the ordinary fighter to the F–111 is like moving from a Jeep to a Cadillac," said Maj. Cornelius Kelly.

However, the aircraft has been controversial from its birth.

Early in the Kennedy Administration, Secretary of Defense Robert S. McNamara began thinking about a multimission aircraft. He wanted a plane that could do a variety of jobs at greater cost effectiveness rather than single-mission planes.

UNPOPULAR CONCEPT

This was not a popular concept with the Air Force and the Navy. But, under pressure, they agreed and listed their individual requirements.

The Air Force wanted a long-range fighter bomber capable of flying at high speeds and low altitudes, carrying conventional or nuclear bombs. The Navy asked for a carrier-borne interceptor of medium range for fleet defense.

In January, 1968, six years after the Defense Department awarded the F–111 contract to the General Dynamics Corporation, the British, who had agreed to purchase 40 F–111's, pulled out of the program. In July, 1968, the Navy followed suit.

The effect was to increase public doubts about the plane's effectiveness.

Since then the British, in cooperation with the West Germans and Italians, have embarked on the MRCA, or Multiple Role Combat Aircraft, program to build a fighter with many of the F–111's characteristics.

RESULTS IN VIETNAM

The aircraft's history in Vietnam was not happy. A six-plane force flew 55 combat missions and then, Colonel Morrison said, "ran out of missions." It began to fly early in March, 1968, and at the end of that month the Johnson Administration stopped its bombing of North Vietnam.

Officers say the F–111 did its job. The results, as estimated from reconnaissance photographs, showed that the plane could hit its targets at night and in bad weather as effectively as other fighter bombers could do in daylight.

The F–111's cost has been another source of criticism.

The fighter version's "flyaway cost," that is, airframe and two Pratt and Whitney TF–30–P–3 turbofan engines, is about $9.5-million for the fighter and just under $10-million for the fighter bomber. When support and spares are added, the prices rise to $11.8-million and $13.9-million.

$8.8-BILLION PROGRAM

The total program cost is estimated at $6.6-billion for the fighters and $1.2-billion for the bombers. There are two wings of bombers in the United States, one at Plattsburg Air Force Base in New York and the other at Pease Air Force Base in New Hampshire. One wing of fighters, 72 aircraft, is deployed at Upper Heyford in England.

Air Force officers are generally convinced that the F–111 is worth the money in either version. This is not only because it can do things no other aircraft can do, they argue, but because it incorporates technology—the variable wing, TFR, the crew module, the main strut landing gear—that represent the future in combat aircraft.

"There is no comparable aircraft," Colonel Gagnon said.

COMMON CAUSE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. HUNGATE. Mr. Speaker, I would like to bring to my colleagues attention the conclusion of three parts of an article on Common Cause.

The article follows:

COMMON CAUSE

Gardner's lobby helped in the fight to change the Congressional seniority system, but as Richard Conlon, staff director of the House's Democratic Study Group, correctly recalled, "There was all kind of press to change the seniority system all year long—long before Common Cause got involved. They were not the prime movers. I think [the modest reform rules] would have gone through anyway, whether or not Common Cause had helped."

Common Cause lobbied against appropriations for the continued development of the supersonic transport (SST), and Senator William Proxmire, the ringleader of the opposition, has publicly given polite thanks. But staff members in Proxmire's office, to keep the credit in balance, point out that the critical vote to kill the SST occurred in December of 1970, at which time Common Cause wasn't even lobbying the issue. Gardner's crowd did recruit help for the vote in March 1971, which delivered the *coup de grâce* to the SST, but the momentum to that end had been building for a year—thanks to the lobbying drive of 15 public-interest organizations, coordinated at the end by Friends of the Earth. They, along with Proxmire, were the real heroes.

Unquestionably Common Cause was the most vigorous peace lobby in Washington throughout 1971, and although it failed (the vote was 254 to 158) to pass an amendment in the House to cut off funds for the Vietnam war by the end of the year, Gardner's lobbyists did win a number of unlikely converts among the ethnic hawks and established a more tangible antiwar mood than had ever before been created in the House.

Common Cause lawyers have been busy. In California they sued the state and forced it to let unmarried students vote where they were attending school rather than being required to vote at the home of their parents—a victory that helped one fifth of the nation's 18-to-21-year-old voters. And in the District of Columbia, Gardner's lawyers embarrassed both national parties by suing them to obey the campaign money laws.

A full and accurate appraisal of Common Cause's work to date, however, is impossible to make. For one thing, the lobby's bookkeeping is helter-skelter. It is a bit ironic. Gardner's standard theme is that "the two great weapons against the public interest are money and secrecy." He is constantly denouncing special interests for not telling the whole story about their lobbying activities. Yet the lobbying reports Common Cause files with the clerk of the House of Representatives, as required by law, leave much untold.

These reports show that Common Cause received $4,217,668.22 in dues and gifts in 1971 and spent $847,856.29. Does this mean the lobby came through the year with a surplus of more than $3,000,000? No, it only means this was all Common Cause spent to actually lobby on *Federal* legislation. Like all its public accounting, Common Cause's record of specific lobbying expenditures is spotty. Guessing from other known Common Cause executive salaries, David Cohen, the lobby's national field director—the fellow who pulls together any letter-writing campaign from the membership—must be earning at least $24,000, but the lobbying report shows that for the last three months of 1971 he was paid a total of only $1246 for his efforts to influence legislation at the Federal level.

A number of other key salaries either are also reported only in part or are ignored altogether. Common Cause president Conway's $45,000 salary is not listed. No salary is listed for Gardner and his aides say he doesn't receive one, surviving instead on income from lecturing and from stock-market profits. Andrew J. Glass, a reporter for the *National Journal,* reminded Gardner that his refusal to disclose the specific sources of his income "appeared inconsistent with his stand against financial secrecy in lobbying operations and exposed him to conflict-of-interest suspicions"; but Gardner still refused to open up.

Efforts to put together an accurate picture of the financial outlay through direct inquiries at Common Cause headquarters are equally frustrating. The young woman who—by her and her boss's estimate—researched all and wrote 90 percent of a leaflet on delegate selection to national party conventions told me that the editorial cost had been "less than $3000." But other officials at Common Cause, insisting that the cost of secretaries and proofreaders and rewrite editors should also be counted, put the cost at $15,000. The state director of another project testified before a Congressional committee that "the total cost to us in making this effort may be estimated to have been between $10,000 and $15,000." But higher officials at national headquarters told me that the director was wrong and that the actual cost was in the neighborhood of $75,000.

If there's confusion about how the citizens' lobby spends its money, there's even more confusion about where the lobby is going and what it hopes to achieve next—confusion that was generated at the end of 1971 when, just as it seemed Gardner and his top honchos had settled on a plan of operation, there was, without warning, an upheaval and a regrouping. Some of the more successful operations were killed and a few of the C.C. executives with the best reputations were let go. The Capitol Hill lobbying staff was cut in half. Even though they'd just begun to learn how to concentrate pressure at the Federal level, suddenly there was the announcement that "from now on we intend to put more emphasis on state issues and state legislatures." A Common Cause lawyer had been cooking up a suit to force Nixon to roll back milk prices on the grounds that the G.O.P. had been bought off by the milk lobby—just the sort of lawsuit it seemed Gardner should have loved—but at the critical moment the lawyer was cut from the payroll. (So Ralph Nader stepped in and hired him, filed the lawsuit and reaped front-page publicity in *The New York Times, The Washington Post* and papers all around the country—publicity from which Common Cause could have dearly profited.)

Why the nervous reorganization? It was widely believed around town that Gardner had panicked. If there is any one thing that has been his specialty in the world of real people, it has been raising money—and suddenly, alramingly, it seemed that he was losing his touch. Common Cause had launched itself, as one of Nader's aides put it, "on nothing but a good idea and John Gardner's good name." As 1971 slumped to an end, it seemed that these were still its main, or only, assets in the public's mind. The organization's activist role in Washington had been admirable but not impressive. And the public seemed to be losing interest.

The return on the lobby's direct-mail recruiting had fallen from a high of two and a half percent—far better than the average return for direct-mail solicitation—to one percent, which is barely acceptable. For a comparison, Nader's direct-mail solicitation has sometimes had as high as a three-and-a-half-percent return and has never had less than two and a half percent.) In the fall of 1970, full-page ads in *The New York Times* had a fantastic response, pulling more than 7000 members into Common Cause. But a $10,000 full-page ad in the *Times* in November 1971 brought in only 300 members. Gardner and his advisors decided the ad route was washed out.

This is not to suggest that Common Cause is dying or that its executives feel defeated. Conway predicts the outfit will continue to grow at the rate of 15 percent a year. But it is to suggest that by spending about $1,500,000 a year in membership drives—over one third its income—the C. C. hierarchy is forced to be too concerned with what that money returns. Thus, if Federal lobbying seems to lose its sales appeal, pump more into the state level and see if that catches on better.

This is a danger Common Cause leaders seem to realize. They say they will spend much less to recruit in 1972. The experiences of 1971 had a dampening effect on some workers. At the first meeting of the Illinois state steering committee after Gardner's decision to change C. C.'s focus, one who was there recalls, "The feeling was that the Washington offices were so screwed up that no one quite knew how to approach the whole thing, that it was a mistake to switch the focus to local and state issues, since we already have the IVI [Independent Voters of Illinois], BGA [Better Government Association], etc., for that type of lobbying, and that Common Cause ought to be a national—that is, Federal Government—lobby. There was also the feeling that Common Cause was concentrating so much on membership drives and fund raising that it might possibly become simply a self-perpetuating organization, losing sight of its original goals."

Whether or not the refocusing on the states was wise, it was understandable, in a way. Aside from a couple of lawsuits, Common Cause had only one socko trophy to point to at the end of 1971: the Colorado Project. This project was so well conceived and executed—on so little money—that it was normal for Gardner to hold it in awe and to dream of duplicating it elsewhere, even if the effort ripped apart the original concept of Common Cause.

The pillars of the Colorado Project/Common Cause are a couple of exciting public-interest adventurers named David Mixner and Craig S. Barnes. Mixner, who grew up in the Seven Mountains area of Appalachia in a coal-mining family "that had been ripped off for years by the Rockefellers," as he put it, dropped out of college to join the peace movement, drifted West and in 1970 went to work trying to elect Barnes to Congress.

Barnes' background is posher. Son of a Denver civil engineer, he graduated from Stanford University in 1958 and from its law school in 1962. He joined a large Denver law firm. Part of his duties included lobbying for industry's position on pollution matters. But, says, he, "I decided I didn't want to do that for the rest of my life," and his rebellion quickly evolved to the point that he became the lawyer in a celebrated Denver school-integration case. Having cut the ties in this way, he took the next step by running as a peace candidate against the 20-year incumbent, Congressman Byron Rogers. Barnes defeated Rogers by 30 votes in the primary, but lost in the general election for two reasons: He was considered too pro-integration and he made a public statement, which he never withdrew, that he would go to jail rather than serve in Vietnam.

Thus free to do better things than serve in Congress, Barnes and Mixner looked around to see what they could do for Colorado. "We started out to discover why the average Coloradan feels that his government is corrupt," says Barnes. "Here's a progressive state with progressive leadership on both sides of the aisle, good men in the legislature, a legislature that has sporadically kicked up progressive legislation on abortion law and a children's code and things like that. Nevertheless, the typical citizen in the state thanks that all politics is corrupt, that the government somehow doesn't reflect his interest and that he's tuned out. We felt if we could find out what was wrong and what to do about it in a microcosm like Colorado, then we'd know the answer to the whole national malaise."

When the Public Service Company of Colorado—the biggest utility (gas and electricity) in the state—asked for an annual $11,300,000 rate increase, Barnes and Mixner decided that this was the test case they had been waiting for. First they pulled together data showing P.S.C.'s paralyzing hold on the state: interlocking officials in half of Denver's biggest banks, on 28 Colorado government commissions, in 19 chambers of commerce, 19 civic organizations (such as Red Cross), 32 business and professional organizations, six country clubs and eight universities and colleges.

"We sent out fact sheets to thousands of Common Cause members," says Barnes, "to tell them what was at stake here: the country clubs we were financing through our electric bills, the political movies we were financing through our electric bills, the inflationary salary increases we were financing; the failure of the company to do anything about pollution control at the same time it spent nearly $3,000,000 a year on advertising for a monopoly it didn't need to advertise. We sent all that information out to the public, and wow, they weren't apathetic at all. They came streaming in."

Indeed they did. It was the largest public participation in a rate hearing in the state's history. Barnes and Mixner had welded together a coalition that would have made the ghosts of the old Populists give a cheer. Every Steelworkers local in Colorado joined. The women's auxiliaries of the Steelworkers joined. The National Farmers Union came in. So did the environmentalists and the peace people. Mixner calls it "a 'coalition' of the exploited,' to use Senator Fred Harris' phrase. These are the people who are getting together, who have been divided by the wealthy in this country. The people in our coalition, why, they weren't even *talking* to each other a year ago."

The public showing in the rate hearing was so overwhelming that the utilities commission, notoriously in the pocket of the industry, decided that the safest thing to do was whack $3,900,000 off the $11,300,000 rate-increase request. And in their appeal from this ruling the Public Service Company lawyers were reduced to complaining that—and these are their very words—the Colorado Project leaders had injected an "emotional element" into the hearing and that this was "improper." Nobody can whine like a corporation lawyer when he's been trounced.

Moving from Gardner to Barnes/Mixner, one moves to an entirely different altitude. Here the air is crisp and biting. No sludgy *Reader's Digest* wishfulness. No tips of the hat to Rockefeller, Whitney, Ford and company. "We are gearing up to the day when we can force the states to require different criteria for chartering corporations so that corporations will have their public responsibilities as well as profit motives," says Barnes. "Isn't it Saul Alinsky who says what we need is an American form of communism? That we need a fairer way to restrain corporate power and the profit ethic, but something that just isn't as unethical as Marxist communism? I would agree with that. I think this is a political movement. I think the climate is right to have another progressive revolution. The facts are right. The 30-year period of consolidation of corporate power is almost complete, so that the President can deal with 500 corporations and feel that he's got the problem under control. Mintz and Cohen say (in *America, Inc.*) there are only 200 corporations that you have to worry about, standing astride the economy of the country. Well, the time has come, and those of us who are involved are at the genesis of a movement to do something about the subversion of the democratic process by corporate power."

The point in quoting so extensively from these two Colorado chaps is to show one potential of Common Cause. Both in the Federal capital and out in the states it has surfaced a number of tough do-gooders like Barnes and Mixner, and occasionally the money raised by Gardner trickles down to them and they do marvelous things with it. Maybe the trickling will increase.

Meanwhile, what more could you ask from $15 than the surprise of finding yourself lobbying hand in hand with Jack Valenti and Arlene Francis?

A PROFILE OF THE HONORABLE F. EDWARD HÉBERT

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Mr. BOB WILSON of California. Mr. Speaker, those of us who serve with Armed Services Committee Chairman, F. EDWARD HÉBERT, have great respect for him and his earnest desire for fairness in the operations of our committee. Recently a profile of Chairman HÉBERT was published in the Washington Star and Daily News which captures the colorful character of this unusual man. I insert this article by Orr Kelly to be printed in the RECORD.

The article follows:

SOME CHANGES SINCE RIVERS—ARMS AND MR. HEBERT

(By Orr Kelly)

In the glacial movement of congressional seniority, it took Eddie Hebert 30 years from the time he entered Congress to become chairman of the House Armed Services Committee and thus one of the half dozen or so most powerful men in Washington.

"There's no kidding. The chairman's got power!" Hebert says.

"An admiral was in here the other day. There was a little 'dilution' going to take place in the Eighth Naval District. The admiral was sitting down where you are sitting.

"And I looked at him and said, 'Admiral, I don't know whether you heard it or not but Mendel Rivers died a year and a half ago. Have you heard? He's dead!'

"Well, he got the message."

Rep. F. Edward Hebert, D-La., has a particular concern for the welfare of the congressman from Louisiana's First Congressional District.

"The only election I take in is every two years in the First Congressional District of Louisiana when I support the incumbent with vigor," he says.

If you live in Hebert's New Orleans district, you have to be 53 years old to have voted for anyone else who was elected to Congress. He confidently expects to be elected for the 17th time this November—more times than anyone has been elected to public office in the history of Louisiana.

STAYING POWER

It is this remarkable staying power that made it possible for Hebert to be there when the chairmanship of the committee opened up with the death of Rivers in 1970. A Louisiana friend has a theory of how Hebert got the chairmanship, and thus his present position of power.

Hebert, a Jesuit-educated Roman Catholic, tells the story this way:

"He says, that Fella upstairs wanted Hebert. He wanted one of His boys to be chairman instead of that Baptist, Mendel Rivers. So what does He do? (Rep. Philip J.) Philbin's in the way. He's blockin'. So He goes over there to Boston, gets that Jesuit (the Rev. Robert F.) Drinan—another one of the boys—to beat Philbin. So that clears the way for Hebert. Then He grabs Rivers and takes him off."

Whether he got there by accident of age or politics or by divine intervention, the way the former newspaperman from New Orleans has chosen to use his immense power in the last year and a half has been interesting and not entirely predictable.

When Hebert came to Congress in 1941 as part of a political deal, he was 38 years old and had behind him a career as a newspaperman in which he had broken a major scandal in Louisiana.

In 1952, as head of the House investigating subcommittee, he conducted a series of widely publicized hearings on Pentagon waste and procurement mistakes.

"I'm supposed to be the patsy of the Pentagon," he says. "I know that's what people think. But way before Proxmire ever could spell 'waste,' let alone get it in print, I had a chamber of horrors. That was one of the most devastating investigations of the Pentagon that was ever conducted."

In another investigation, he uncovered a scandal in the airframe industry and saw a corrupt labor leader hustled off to jail.

But now that he is chairman, Hebert's investigative zeal seems to have cooled. Instead, he has concentrated on reforms within the committee—a committee on which the chairman has traditionally been a stern autocrat.

Asked in a recent interview what image he would like to create, Hebert replied:

"The image I'd like to have is that I'm fair, that I'm not swayed by partisanship and that I believe in giving every man his day in court. That I'm trustworthy and that when I say something I mean it. I think that's the image I'd want most."

Thus, under Hebert's chairmanship, each member of the committee is allowed just five minutes to question witnesses and then wait his turn again. Each is called in the order of seniority among those present when the session begins. This contrasts with hearings under Rivers, when the chairman did most of the questioning and his friends—including Hebert—did the rest, or with the days of Carl Vinson, who didn't even know the names of the junior members on his committee.

Even with those members of the committee with whom he has the greatest political, ideological and generational differences, Hebert has generally managed to maintain a friendly personal relationship, and he has given some of them important assignments they would not have received under Rivers.

Rep. Lucien N. Nedzi, D-Mich., for example, has been made chairman of the special subcommittee on the Central Intelligence Agency with the mandate to take a close look at the government's whole intelligence operation.

Hebert's relations even seem to be reasonably good with Rep. Michael Harrington, D-Mass., who is just half as old as Hebert and who has gotten into a couple of rather nasty little exchanges with him in committee sessions.

"I think he would say mine is the minority of the minority point of view," Harrington said.

He agreed that Hebert has made an effort at fairness in running the committee—partly because Hebert has the votes, both in the commitee and in Congress.

"But I think there is much more the form of fairness than the substance of fairness," Harrington said. "They can play a pretty rough sub-surface game."

Harrington's complaint is that some staff members and the more senior—and generally more conservative—members of the committee play things close to the vest.

"I have a feeling that there is a reluctance to share information," he said.

As committee chairman, Hebert dispenses what he calls the "goodies"—generally airplane rides to interesting places. He encourages the committee members to travel because "the best way that a man knows what he's doing is to absolutely touch the thing and see it."

Thus, when Harrington, a brand new member of the committee, wanted to go to Southeast Asia, Hebert told him he was welcome to go to South Vietnam—but not to Laos or Cambodia.

"He couldn't understand that," Hebert said. "I said, well, I got enough trouble . . ."

"We fenced for a year on Laos and Cambodia," Harrington said. "Finally, I said I surrendered and would agree to his ground rules.

Even Hebert's critics don't accuse him of using his power to influence the location of military bases or the awarding of military contracts for political purposes—aside from his acknowledged protection of installations already in the New Orleans area.

But the fact that military installations and defense contracts are economically important in many parts of the country has made it difficult—virtually impossible, in any meaningful sense—for the would-be rebels on Hebert's committee to get together in a concerted effort to make major changes in the defense budgets in committee.

And yet, it is only in committee that there is a realistic chance to make changes. This year, for example, the committee cut the administration's $23 billion military procurement and research bill by $1.5 billion—but Hebert proudly notes that there was not a single change made in the bill on the House floor.

LIKES LAIRD

The committee handles two major chunks of the defense budget each year—the procurement and research budget of about $22 billion and the military construction budget of about $2 billion. But it also has a strong influence on the operations and maintenance account, and it sets the pay scales. In effect, it thus has direct or indirect control over the entire defense budget of about $85 billion.

Hebert's concentration on reform within the committee is probably based to some extent on his general feeling that things are going pretty well at the Pentagon under Defense Secretary Melvin Laird.

"I think Laird's a great man," Hebert said. "I put Laird in the class with Forrestal. Forrestal is my favorite." The late James Forrestal was the first secretary of defense.

But Hebert, who talks with an accent peculiar to certain parts of New Orleans—an accent more like that of Brooklyn than the South—would probably run the committee quite different if Robert S. McNamara were still secretary.

"I used to get a kick out of that man," he said. "I had fun with him. I'd tell him things deliberately, you know, just to annoy him. He didn't talk my language at all.

"Oh, I used to tell him the goddamndest, most outrageous things. One day he was sitting right over there, and I told him, 'Robert, you know, you just a transient here. . . . I said I've seen 'em come and I've seen 'em go and I'll be here when you're gone.'

"I am. . . . And I am!"

Hebert has an irrepressible and ribald sense of humor and a lasting appreciation for the finer things in life.

He rides around in a Cadillac and owns three homes. In each home is a complete expensive wardrobe, so he never has to pack a bag. Since he first came to town, some of the nicest looking girls in Washington have graced his offices.

When the Rayburn House Office Building was under construction, he prowled around and found a place where the design would provide one office of extraordinary size. It is now the fanciest office on the Hill, complete with a foyer with fountain.

Off his private office are two other rooms. One he calls the "Adult Room." It is a little bar decorated with seductive pictures of naked ladies and a street sign from Bourbon Street, which used to be in Hebert's district and was part of his beat as a reporter.

The other is furnished with a television set, chairs and a couch.

"That's the 'Adultery Room,'" Hebert chuckles.

It took Hebert 30 years to get where he is now—and he likes his job.

"I know I'm in the twilight stages," he acknowledges. "I'll be 71 on Oct. 12. Times are changing. You feel like. . . . Take those kids, imagine those kids 18, 19, 20. Me, I'm just a name to them."

But now that he's chairman, he shows no signs of wanting to move on.

"TESTING FOR VIRUSES AT DALECARLIA"

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. GUDE. Mr. Speaker, Washington, D.C. and its suburbs, without appropriate planning, can face a water shortage sometime in the next decade—the projected flow of the Potomac River will simply not be sufficient to meet the growing demand indefinitely. Washington's water problem is, however, symptomatic of the water situation in many other municipalities throughout the United States. It is no news that the time is long overdue to begin exploring and developing the potential of recycled wastewater and polluted surface waters as supplements to our existing sources of potable and recreational waters. As a matter of fact, reuse of water in America is hardly a revolutionary or novel concept. An exhaustive study of one-third of our American cities in 1961 demonstrated that these municipalities included from 0 to 18 percent municipal waste water from upstream in their drinking water with the average city having 3.5 percent recycled waste water in its supply.

One of the major concerns to use of polluted and recycled waste waters is viral contamination. Enteric viruses, which cause such diseases as infectious hepatitis, polio, and a variety of gastrointestinal disorders, are commonly found in raw sewage and polluted waters. However, before the means to remove or inactivate viruses can be fully developed, the extent of their presence must be determined.

Last week I visited the Dalecarlia Water Treatment Plant to observe the Army Corps of Engineers' virus testing operations. The Corps of Engineers, responsible for Washington's water supply, has recently awarded the Woodard Research Corp. a contract to test regularly both the raw and treated water at Dalecarlia for viruses. The data provided by this study will go a long way toward answering questions on the effectiveness of current water treatment processes, from the standpoint of viral contamination. And too, this study will contribute to the refinement of techniques for detecting small quantities of virus in large quantities of water, techniques that are now prohibitive because of the complexity, expense, and time involved. Just as water is now monitored for bacterial contaminants—that once constituted major public health hazards—we can soon expect viral monitoring to become the rule rather than the exception in municipal water and sewage treatment plants.

It is to the great credit of the Corps' skilled professional and technical personnel that despite raw sewage contamination received at the intake, Washington area residents are guaranteed wholesome, potable water. The Dalecarlia intake receives upstream water with an estimated one-half to two-thirds million gallons of sewage overflow from the Cabin John watershed; this contamination is of a higher degree than would be found in water from the upper estuary.

For all these reasons the Army Corps of Engineers is doing research on the effects of chlorination on enteric viruses and is studying the potential of the Potomac Estuary as a supplemental water source for Washington. These three projects will provide much needed information for all concerned to avert a water crisis in Washington, and ultimately the Nation. The Army Corps of Engineers is to be commended for their foresight and leadership in the field of water supply; and I sincerely hope that others will follow their example and direct their efforts toward developing new sources of "cool, clean water."

A POSITIVE APPROACH TO CONSUMERISM

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. DORN. Mr. Speaker, the Hon. H. W. Close delivered a very timely and superb address recently to the South Carolina Textile Manufacturers Association at Sea Island, Ga. Mr. Close is providing outstanding leadership as president of the American Textile Manufacturers Institute and as chairman of the board of directors of the fabulous Springs Mills. I commend this great address to the attention of the Congress and to the American people:

A Positive Approach to Consumerism

(By H. W. Close)

The greatest challenge to business survival is the array of demands, desires, decrees and doubts we call consumerism.

Consumerism is a fact of business life.

It's not just a noisy phase that will pass if we ignore it. It's here to stay. And it's changing the way we run our businesses.

Look at the time, energy and money all of us have invested in recent months to meet the immediate requirements of the new consumerism—regulations on flammability, labeling, packaging, and so on. Often we are working in the face of arbitrary deadlines and impractical standards.

That's more than just a noisy phase. Every time you look at your cost statement it gets more real.

But the noise—the overkill, the exaggeration, the emotion, the overreaction—has tended to make a positive response to the consumer movement difficult.

One reason is that consumerism is assessed differently by different people.

Some businessmen, for example, might think it's a costly, bloody nuisance.

The reform-hungry zealots see consumerism as a way to inflict vengeance—they call it "justice"—on a business community which has exploited the consumer.

Some politicians think it's a great vehicle for vote-getting.

Some bureaucrats think it's a great vehicle for empire-building.

Many of the leading consumer advocates, I'm sure, see the movement as a means of giving voice to millions of silent but aggrieved consumers.

But I'm not sure whether the real consumer—the Lady with the Pocketbook at the retail counter—cares about the movement, or realizes what is being promoted in her behalf.

The consumer, of course, is the very reason for the businessman's existence. If there is anything we value more than a customer, it is a satisfied customer who comes back . . . and brings a friend.

That's called good will. Good will is earned by performance. And you are never better than your last performance.

OMINOUS IMPLICATIONS

So we have reason to be concerned, not only about the immediate pressures of consumerism, but about some of the long-range implications of the movement. They are ominous.

They are aimed at destroying the credibility of business with its customers, and they threaten the free enterprise system that has done more for consumers than any other system in the history of the world.

Our credibility is already eroding when a Gallup Poll shows Americans think business makes 28 per cent net profit on sales. . . . Somebody said they just misplaced the decimal point.

Our credibility is undermined when a United States Senator is quoted widely as saying $30 of every $100 spent by the average consumer is lost due to overpricing, underquality, unnecessary surcharges, or plain fraud.

Our credibility is suspect when nearly two-thirds of the public, according to a survey made by Opinion Research Corporation, feel that the issue of "advertisers making false claims" is a serious moral problem. The FTC compounds the suspicion with its movement toward "full disclosure" product advertising.

Our credibility is jeopardized in an extremely ironic way when an outfit in Boston starts selling, by mail order, something called the Telagripe Complaint Kit, complete with sample letters to company presidents. Only one dollar.

You and I can fume in outrage.

But while we're steaming, our opposition is making points with our customers and putting new rules in the lawbooks.

It makes it tough to take a positive approach to consumerism.

TIME FOR OBJECTIVITY

But a positive approach is necessary. Because a punitive philosophy which makes business the whipping boy will hurt the consumer as much as business in the long run.

How, then, do we put consumerism in perspective?

For one thing, it is time that informed, respected, objective, credible voices made themselves heard in the consumer clamor.

We recently held the first meeting of Springs Mills' Consumer Advisory Panel. This group is composed of six women college professors from across the nation, all professional home economists. They represent an organization of 2,200 professors of textiles and clothing at 400 universities and colleges throughout this country, Canada and Puerto Rico.

We thought of them as moderate, informed consumer advocates.

That perception didn't really prepare us for their first session with our marketing executives.

Much of what these consumer advocates had to say was at odds with what the better publicized leaders of the movement constantly offer.

One of them said: "Some of the current trends in consumerism are going to result in eliminating the freedom of choice the consumer should have when she makes a purchase."

Another one said: "I don't think consumers are aware of what is being done for them by industry, because industry isn't telling its story. Maybe education isn't helping tell the story either."

Other comments from this group of women—they're consumers, too, as well as experts in the field of textile consumer research—tended to support the contention that increased regulation would limit consumer freedom, and increase costs.

We are hopeful that this influential group, with knowledge of industry as well as consumers, will begin to make its voice heard in consumerist and government circles as a result of our effort to open communications with them.

One panel member went so far as to say we're putting too much quality into our fashion products. She contended that extra durability meant extra cost that was unnecessary in a product with a brief fashion life. For example, she complained she'd had the same bedspread for 20 years, and was sick of it.

Now I'll have to admit that this is a new one on me.

But maybe it's also a new one on the professional consumer movers who're advocating that we build every product to last a lifetime, and limit the choices the customer faces at the retail counter.

Those are two extremes. And maybe the real answer lies somewhere in between, neither too much nor too little.

To get an answer, of course, you have to ask a question.

ASK THE CONSUMER WHAT SHE WANTS

We have to break out of our comfortable shells of preconception and ask the emerging American consumer direct questions: What does she really want, what is she really willing to pay for, where does she want to go to get it? That's called market research.

Then we must answer our own questions: Can we make it, how much will it cost, how soon can we get it to her? That's called product research.

If we do that, I think we are getting to the eye of the hurricane: True consumerism is giving the consumer what she wants and will pay for, not what anybody else says she wants.

In England a few years ago, government flammability standards were made very stiff. So stiff, in fact, that the only goods available on the counters didn't have the feel or look customers wanted. They wouldn't sell.

Mothers started sewing pajamas and nightgowns for their children. Or they let the children sleep in their underwear in place of the sleepwear they couldn't find in the store.

That's consumerism gone berserk—protection so thorough and so sound it protects no one and limits the consumer's selection in the process.

It is the consumer—not government, nor business, nor self-appointed guardians—who must determine freely what goods and services will survive in the marketplace.

The new American consumer is not a wild, loud radical (although some who say they represent her might be).

She is a fashion-conscious, independent, better-educated, more affluent person who looks for value in products, and integrity in companies which make products.

If we in business take no initiative to serve her interests in a positive way, it is obvious she will look to someone else for attention—and we will have to live (or die) with the consequences.

How can business take a positive approach to consumerism?

There are several ways:

1. Short-term, of course, we must comply with the new regulations if we wish to continue marketing products.

2. But we can also begin an aggressive policy of informing the consumer about the free enterprise system, and the benefits she can and has derived from it.

One of our college teacher panel members talked about a model curriculum now being introduced in some public schools as far down as kindergarten. It is aimed at providing a base for understanding product value—we economists would call it the cost/benefit relationship.

Opening the doors of communication at this and countless other levels is a long-range antidote to anti-business attitudes. Someone has called this form of economics ignorance "attitude pollution."

The result of "attitude pollution" is a wealth of doubt and criticism about business, and very few practical solutions.

3. We can provide our customers with clear, concise and practical information about our products—whether it's through schools, retail clerks, advertising or labels.

4. We can take a closer look at our own companies to make sure channels of communication between us and the customers are open. Let's think of consumers as human beings, not some homogeneous entity out there somewhere.

If the lady's sheet doesn't fit her bed, we ought to want to know about it. The lady, in turn, doesn't want a short course in sheetmaking technology, or form-letter bafflegab from a remote computer. She simply wants a sheet that fits her bed. And quickly.

5. We can coordinate our product lines and our product development work more closely with our market research.

If we are to improve our profitability at the same time we improve our response to the consumer, we are going to have to become more selective about the products we offer. We are going to have to be sure they are meeting a distinct consumer demand.

6. Finally, we can improve our liaison with government at all levels, in an effort to make reason and practicality important elements in regulatory guidelines—more important than crusading zeal, presumptuous advocacy or misguided enthusiasm.

But let's put the lady first, not the textile industry, not Betty Furness, not the FTC.

If she wants to buy a red dress for a special occasion, or a flowered bed spread that she'll tire of soon, or a printed shift to wear around the house for two years, then she has a perfect right to indulge herself. That's pure consumerism, and we can live with it.

The consumerism movement, however, can be disastrous to us if we sit back and let it, ignoring its enormous implications.

But if we approach it positively and flexibly, we can minimize the dangers. We can make consumerism what it ought to be—a mechanism that listens to and responds to the consumer.

They said it a long time ago, and it's still true: The customer is always right. That response, for business in a time of change, should never change.

THE GUARANTEED STUDENT LOAN PROGRAM

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. ROY. Mr. Speaker, today this body is focusing its attention on our system of elementary and secondary education. While I think that this discussion is a necessary one, I think that we should also be aware of some recent occurrences that may have an adverse effect on our system of higher education. Mr. Speaker, I am referring to the situation now being encountered by thousands of students under the recent changes in the guaranteed student loan program.

The Congress completed its action on the Education Amendments of 1972 in late June. In its deliberations, it was made clear that the Congress sought to expand and enlarge the guaranteed student loan program, which has been so successful in the past. However, now that these amendments are public law, and are being implemented, the actual intent and the actual effect of the law are in conflict.

Because of some ambiguities in the language of the legislation, the guaranteed student loan program has come to a virtual stop. Students who had been eligible for and had received loans in the past are now finding that they can no longer receive this aid. With this comes the increasing possibility that many of the students who have benefited under this loan program in the past may not be able to obtain the necessary assistance they are counting on to return to school this fall.

Mr. Speaker, we must act immediately to correct this problem. The fall semester will begin in just a few weeks, and yet literally thousands of students are still left hanging in the balance. The students need to know whether or not they will be able to get the money to return to school. The passage of emergency legislation is most certainly in order. We must act before the close of business tomorrow, before we recess, if we are to have any effect at all.

I was glad to learn that, yesterday, the Senate passed Senate Joint Resolution 260 which delays the implementation of the guaranteed student loan program provisions of the Education Amendments of 1972 so that lenders may continue to provide student loans on the same basis as they did last year. This action on the part of the Senate is to be applauded. I now call on the House of Representatives to do the same. We cannot afford to do less.

FIRST UKRAINIAN-AMERICAN DAY

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. SMITH of New York. Mr. Speaker, last Sunday I had the privilege of attending the first annual Ukrainian-American Day in western New York. This event celebrated the first settlers in western New York to come from the Ukraine 90 years ago. It was a day of pride in heritage and a day that made all of us proud for the many wonderful and strong strands that make up the warp and woof of the United States of America. The words of Wasyl Sharvan, president of the Ukrainian Congress Committee, Buffalo Chapter, delivered on this happy occasion, were as follows:

ADDRESS BY WASYL SHARVAN

Most Reverend Clergy, Honorable Edward Regan, Congressman Dulski, Congressman Kemp, Congressman Smith, Honorable Frank Sedita, Mayor of Buffalo, Mayors of our neighboring towns of Lackawana and Cheektowaga members of the honorary committee of this First Ukrainian-American Day, ladies and gentlemen, fellow citizens:

It gives me great pleasure to greet everyone of you participating at this First Ukrainian-American Day in our Erie County, honoring the 90th Anniversary of the first Ukrainian settlers in the Buffalo area. In planning this special and memorable day, we hope to initiate a similar annual gathering for all Ukrainian Americans and their friends; to give them ample opportunities of deepening and widening steadfast friendships. We gather here today, to reminisce with old friends and to meet new ones whose honorable opinions and ideas will be of great help in dealing with our community activities.

While celebrating this memorable occasion, it would be quite impossible to single out the pioneers whose endless struggles and hardships well preserved the Ukrainian identity in a new land—through innumerable contributions into the social life of the Ukrainian ethnic community. The period after the 2nd World War brought into this country and also into our community many fine families of Ukrainian emigrants who, immediately upon their arrival have included themselves entirely into this ethnic movement. Here are some of the many examples of the persistent work that today is being accented with the greatest possible appraisal: Ukrainian churches of the Eastern rite, traditionally decorated Ukrainian homes, fraternity organizations, auxiliary organizations and others.

This festive occasion makes it possible for us and equally for all others to admit—and we do it with a note of pride—that in spite of our small group, as far as other ethnic groups are concerned, we—as the Ukrainian American minority group, are being constantly praised for being well organized, disciplined, conscientious and well respected in this community of various nationalities.

I'm convinced that this celebration of the First Ukrainian-American Day will bring together all Americans of Ukrainian descent much closer in order to achieve our goals. Such we will do—through better understanding and more dedicated work in our community. Consequently, we will be able to better fulfill the demands of this wonderful country—the United States of America—where everyone of us can practice the rights of a free people, and also fulfill the demands of Ukraine—the fatherland of our ancestors—which now, unfortunately, enslaved by the Communist regime is deprived of all equality and human rights which we here freely enjoy. Thank you.

WE MUST STEP UP OUR FIGHT AGAINST CANCER

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. PEYSER. Mr. Speaker, the thousands of Americans dying of cancer each year cry out for an accelerated drive against this terrible affliction. Over a year ago, the Congress took a significant step forward in the battle against cancer with the passage of the National Cancer Act. Already, in fiscal year 1971, almost $300 million were spent for pure research under the auspices of this act. However, the passage of this act and the expenditure of Federal moneys are no more than a beginning and we must not slacken our efforts to wipe out cancer.

It is a rare family which has not been touched by cancer in one way or another. I recently received an eloquent letter from a Bronxville, N.Y., mother and wife whose family has been tragically affected by this disease.

I commend it to the attention of my colleagues:

BRONXVILLE, N.Y.

DEAR CONGESSMAN PEYSER: I am so permeated with grief and fear that I pray you will read my letter, give it your serious consideration, and hopefully, take effective action.

Last June, after a thirteen year battle with Cystic Fibrosis, we lost our daughter, Lynn. The cure for which we had prayed so long did not come in time! When we lost Lynn, we lost a precious little gem!

Two weeks after Lynn died my husband was operated on for removal of a second intestinal polyp (malignant). The first polyp was removed, and a colostomy performed in December, 1970. I have been numb since hearing this.

Passage of the Cancer Act, along with an announcement from Dr. Judah Folkman of Children's Hospital in Boston, have provided a light at the end of a seemingly dark tunnel. I have enclosed a copy of the article which talks of a major breakthrough, of a possible vaccine for cancer. For the first time, a malignant tumor has been held in the dormant state! Dr. Folkman estimates a treatment method may be available within 2 to 5 years. This doctor has given hope and inspiration to millions. The enormous multitude of cancer victims has been thrown a life-line; but Congressman Peyser, how long can they hang on?? Dr. Folkman mentions having a 12 man team and that 6 other labs have excitedly joined in the search. To a drowning man, this seems like a "token" force!!

Certainly, with time such a precious commodity in this race against death, this area of such great promise should be stepped up to a round-the-clock basis! Time is of the utmost if the present cancer victims are to be saved. What a blessing that the Cancer Act has been passed, what a boon to mankind, and yet, what has been done?? On a recent WINS broadcast, Dr. Watson of the Cancer Board reported that they have this large appropriation of money for six months now, but nothing has been done! How can we explain this or justify political nonsense, government red tape, inefficiency, and blundering to cancer victims and their families? We cannot tolerate this floundering for a few years before we decide what's needed to have the program move forward and really play a tremendously significant role in benefitting mankind.

Would you Congressman Peyser, please push for a "crash program" in this vital area of *finding* a *control* or *vaccine?* Areas of research showing great promise such as Dr. Folkman's should take *"top priority."* In the words of Irving I. Rimer, Vice President for Public Information of the American Cancer Society, Inc., "Dr. Folkman's work holds great promise and the Society and the National Cancer Institute will support him fully. It looks like Congress will appropriate major increases for research. This is what the scientific community has been demanding and *needs* to get on with the job." If this is what's needed Congressman Peyser, please act *now!!!*

I feel so strongly that great numbers of men of expertise in the field of Immunology should be directed to join Dr. Folkman as a back-up team in his life-saving search. Certainly, *more labs* should join in this vital search and attack on this national menace—this dread disease.

Doesn't this crisis open our eyes enough to see that it is absolutely essential for the National Cancer Institute to secure Doctor Folkman's services on a *full time*!!! basis, so that this Chief of Surgery at Children's Hospital in Boston could devote his time *solely* to this urgent area of *accelerating* an intensive search for a vaccine to conquer this deadly peril!

We cry out against the loss of life in Vietnam and at the slaughter of innocent angels in abortion, and rightfully so! But what about the cancer battlefront that is constantly with us and its continually mounting death toll—its pain, suffering and heartbreak? Spiraling taxes, catastrophic medical expenses and the insidious threat ever hanging over us! I've lived in fear for 13 years only to bury a sweet little angel who loved life and all it had to offer, a beautiful little girl just going into her teens. We lost the battle with Cystic Fibrosis. Every three months my husband and I took Lynn to Children's Hospital in Boston to see Dr. Harry S. Livachman. Now, Dr. Folkman is in the same hospital.

Don't let a cure be so near and yet so far! Stop the growth and spread of the tumor with a vaccine or control, as Dr. Folkman is endeavoring to do, and save precious human lives as quickly as possible, *before these cancer victims have crossed the threshold of no return*!!! Then, we can fill in the remaining pieces of the puzzle—the cause and prevention. The *acute* cry for help is from the *present* cancer patients hoping to be saved. This is an "SOS" for salvation!

Congressman Peyser, I pray that you will put the vast resources of our nation to work for the public good in this most vital area and *demand* a national *crash priority program* in order to accelerate and make the headway necessary to end this war on cancer. People protest and introduce all kinds of legislation, but so much of it is "trivial" in comparison to a plea for human life! We deplore the loss of our natural resources, but what more precious resource than life itself?

We are abdicating our responsibility, as are the men in the key positions of the Cancer Program, if we allow blundering and laxity and government red tape to hinder an intense search. Unnecessary delays cannot be tolerated! The question, "What has been done?" should be answered. The people are entitled to that answer. We worry about helping people in other countries, and we do not hear the multitude crying at home.

If we were to think in terms of a war effort, as in the Manhattan Project and Space Programs, with research labs working "round-the-clock," this type of speed-up program would increase productivity, could bring the day of a cure closer to becoming a reality! Try to get a Doctor on a weekend. Hospitals operate on a skeleton force, and those research labs are *idle* and *closed*. This should never be when millions of people are fighting time—waiting for help—their lives hanging in the balance! Death and suffering take no holiday!

We must function at *full spead* in this disaster area, in this desperate battle for life, to eradicate this dread menace, this nightmare that now exists for hundreds of thousands of cancer patients and their families.

I pray that you will make a strong *demand* before Congress for a showdown *immediately* for the necessary appropriation needed for research in this vital area—a "crash program" in the area of a vaccine or cure! I hope you will get much exposure for this cause before the people. What more sane or humane cause—what cause more in the interests of the people? Hardly a family has not been touched by this dread disease. The government must cooperate and take effective action now before more citizens are claimed as victims. No feet should be dragging when time lost means lives lost! You men who are holding the reins should get the wheels in motion and keep them moving. Dr. Folkman's search must be accelerated in every possible way and our efforts concentrated in this area *first*, when time is running out. We must *act now* if we are to save the lives of all the cancer victims who have been given hope. These hopes must not be disappointed!

Again, Congressman Peyser, don't let a cure be so near and yet so far! I am fighting for the most precious person in all the world to me, my husband. I pray that Dr. Folkman and hundreds of other dedicated doctors will work *feverishly*. I pray that he will devote himself solely to the pursuit of his vaccine to stop the growth and spread of malignant tumors. I pray that his search will be intensified and greatly *accelerated* on a round-the-clock basis with every conceivable kind of sophisticated equipment at his disposal. I pray that his team will be greatly enlarged. Please, please shout this appeal, and I know you will be heard!

Please God, be with us. Bring this cure to us. We have been living on Death Row. Now, there is hope for a pardon! Help us to live. Help my husband and me to realize our hopes and dreams, to raise our other three children. My husband is my life. To ever face this world alone makes me tremble with fear to even think of it. I love him and need him so desperately!

Please Congressman Peyser, help make this vaccine attainable. What greater cause, what more precious gift to all mankind than life itself? I can think of no more worthy endeavor than the one I leave with you.

My eternal thanks for anything you can do to help.

Sincerely yours,

EILEEN LASKOSKI.

P.S. The key factor is the *time* factor. These cancer patients are fighting time! Fight for a speed-up for Dr. Folkman's search and *immediate* increase for research!

KANSANS IN THE OLYMPICS

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. SHRIVER. Mr. Speaker, it was most appropriate for the House of Representatives today to receive members of the United States Olympic Team prior to their departure for the 1972 Summer Olympics in Munich, Germany. It was an inspiring and meaningful tribute to America's finest athletes.

The Wichita, Kansas Eagle gave its editorial best wishes to four Kansans who are members of this outstanding team. The editorial follows :

KANSANS IN THE OLYMPICS

The best wishes of all of us Kansans who must stay home go with four Sunflower State athletes who will compete in the 20th Olympic Games beginning August 26 in Munich, Germany.

There, Kansas will be represented by Wichita's star miler Jim Ryun in the 1,500-meter events; former Clay Center high school and Kansas State University runner Ken Swenson in the 800-meter races; former Wichita State University assistant track coach Preston Carrington in the long-jump events; and self-taught archer Dennis McCormak in the first bow-and-arrow competition ever held in the Olympics.

This will be the third Olympics competition for Ryun, who in 1967 ran the world's fastest mile in 3:51:1 minutes. Now, on leave of absence from his California job, the Wichitan has been living recently in Lawrence, Kan., so that he might train under his former high school coach, Bob Timmons, now track coach at the University of Kansas.

Swenson, a 1970 graduate of Kansas State University, is in the U.S. Army and has been transferred to Ft. Riley in order to train with his college coach, DeLoss Dodds, at neighboring Manhattan. While at high schooler at Clay Center, he was the State half-mile champion.

Carrington is WSU's first Olympian since Harold Manning placed fifth in the steeplechase events in 1936. With a top jump of 26 feet 4 inches in the Olympic trials, he has been rated ninth best long jumper in the world by Track and Field Magazine.

Twenty-year-old McCormak was one of six Americans qualifying for the new Olympics archery event in national trials at Oxford, Ohio, recently. He got his first bow and arrow at the age of 14 and taught himself how to use it. The Columbus, Kan., resident, now a student at Kansas State College, Pittsburg, has never had formal archery training.

The hopes of these four, as they go into competition with the best of the world's athletes in Munich will be matched by the good wishes of their fellow Kansans. The young men should be proud that they were chosen to represent the United States in the international games, and Kansas is rightfully proud of them.

"NEWSMEN'S PRIVILEGE ACT"

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. HARRINGTON. Mr. Speaker, 18 months ago, 25 Members of Congress, including myself, introduced the Newsmen's Privilege Act. That bill was designed to protect the right of newsgatherers to maintain confidential sources, a right essential to full reporting of the news. As you know, the Supreme Court recently decided three cases in this area, ruling by a 5 to 4 vote that newsmen did not have such a constitutional right under the first amendment's free press guarantee. The decision poses a threat to our free press which Congress must act to avert.

In that opinion, the authority of Congress to create such a privilege was not denied. Several bills pending in the House Judiciary Committee which would grant such a right to newsmen have been held up for over 14 months awaiting a report from the Justice Department. I have urged Attorney General Kliendienst to hasten his completion of the report, but it has not yet been issued. Further delay by the Justice Department only worsens the situation for newsmen trying to obtain information from controversial sources. The result is that the public is deprived of a considerable degree of knowledge about events, because many are reluctant to disclose information to reporters whose pledge of confidence may now be circumvented by any grand jury. It is essential that we fill this gap in the first amendment before the concept of a free press itself becomes an empty promise.

An article in yesterday's Washington Post by William Raspberry advances some of the arguments for the passage of a Newsmans Privilege Act. I am inserting it in the RECORD. I am also inserting an article written by Earl Caldwell in the August 5, 1972 Saturday Review. Caldwell was one of the reporters involved in the Court decisions, and his article provides a dramatic first-hand account of how reporters operate, and how damaging the denial of newsman's privilege actually is to newsgathering in America.

I urge members to read these articles, so that with a full understanding of the problem we may act quickly to defend the first amendment's guarantee of a free press from the damaging effects of the recent Court decision.

The articles follow:

ON NEWSMAN'S PRIVILEGE

(By William Raspberry)

So soon after Jack Anderson's goof in the Eagleton affair may not be the best time to talk about newsman's privilege; public opinion may be too much the other way.

But it seems clear, to me and to most newsmen, that we should be able to offer some sort of assurance to our confidential sources that their confidences will not be betrayed. It also seems clear to many of us, in light of the June ruling of the U.S. Supreme Court in the Earl Caldwell case, that we cannot offer any such assurance now, except, perhaps, a vow that we'd go to jail before betraying a confidence.

That's too high a price for an individual to pay for what is, in effect, an act in the public interest.

The Caldwell case stemmed from that newsman's reports, in The New York Times, on the activities of the Black Panther Party—reports that he was able to write only after he gained the confidence of Black Panther members, and after promises that he would honor their restrictions on what was not to be published.

But after Caldwell wrote his series, he found himself summoned to testify before a grand jury investigating Black Panther activities.

His refusal, on First Amendment grounds, was fought all the way up to the Supreme Court, and he lost. The free-press guarantee of the First Amendment, the Court held, neither prevents the subpoenaing of reporters by grand juries nor protects them from punishment if they choose to remain silent.

Until that ruling, some newsmen had discouraged attempts to write into law any provision aimed at protecting reporters' sources. Their feeling was that it was better to have newsman's privilege accepted as a matter of common law—as with doctors and lawyers—than to have it enacted. Pass it as a piece of legislation, and a subsequent legislature could repeal it.

That argument is worthless in light of the Supreme Court ruling. What demands attention now is what kind of law can best serve the purpose. It must be strong enough to provide real protection for confidences, and yet not so strong as to risk turning newsmen into tyrants.

That's why the Anderson-Eagleton affair comes to mind. At the time Anderson made his claim about Eagleton's alleged drunk-driving record, he said he got his information from a former Missouri official—that is to say, a confidential source.

He later acknowledged that the information was false. But suppose he hadn't. Clearly no law ought to give Anderson the right to make an unfounded allegation against anyone else. If it came to that, I could write any scandalous thing about anyone I didn't like, claim I learned the scandal from a confidential source and get away clean.

I obviously can't do that. Nor does any legislative proposal I have seen propose to let me do that. The essential protection being sought is of sources, not of newsmen. The laws against libel would remain intact.

One proposal that seems to fit the bill has been drawn up by Cecelia Matthews for her legislative drafting class at George Washington University Law School.

Essentially, it would prevent mandatory disclosure of any communication between a news source and a newsman "whenever, and for as long as, the passage of the communication, the content of the communication, or the source of the communication is designated as confidential by the news source in order to provide for, or facilitate, the free flow of information to the public through the news media.

"A newsman may not be adjudged in contempt (of court, grand jury or Congress) for refusing or failing to disclose any matter (so) protected."

The protection could be waived *after a hearing* in the interest of national security, to prevent a miscarriage of justice or in a public emergency.

That seems fair enough.

"ASK ME. I KNOW. I WAS THE TEST CASE."

(By Earl Caldwell)

NEW YORK, N.Y.—At this point I am already so far past my deadline that my editor has given up listening to my excuses. She has parked outside my office and has informed me that she will not leave until the piece is finished. All this to pull loose my reaction to the Supreme Court's June 29 decision that the government has, if it chooses, a perfect right to subpoena me, or any other newsman, to testify before a grand jury—in my case, one investigating the Black Panther party.

The article should be easy to write. I've got so much to say that I feel about to burst. But I can't put anything on paper. I can't let anyone know. I have to keep it to myself. That's the rule of the game. Just this once, though, I'd like to say: The hell with it—the hell with what the Justice Department might do—the hell with what the *New York Times* thinks. I owe this one to myself. I know what I've been through these past two years. Let me get this off my chest.

The day the decision came down I stayed at home. A friend called to say that I had lost. Later that morning I phoned the *Times*, and Gene Roberts, the national editor, told me that the decision had been 5 to 4. Justice Rehnquist had made the difference. The deciding vote had been cast by a man who had been deeply involved in the subpoena issue when he was in the Justice Department.

I thought back to the day, February 2, 1970, when the first subpoena was served. It required me to appear in San Francisco before a federal grand jury that was probing the activities of Black Panthers. I had been counseled—not by my attorney, but by other legal experts and by people prominent in the newspaper industry—against being so anxious to go to court to fight the issue. They argued that I risked having a bad law made in an area where none had existed. In other words, I shouldn't go to court because I might lose. It would be better, they said, if we could work something out.

There was nothing to work out. I'm a journalist and, as quiet as it's kept, serious about my work. I grin a lot and try to give the impression that I'm always happy. That's the facade black folks must put up. So when I said that I wasn't going to appear before any grand jury investigating the Black Panther party, nobody believed that I was serious. Perhaps they didn't know now where I'd been for the past five or six years.

I was on the balcony with Martin Luther King in 1968, and I saw him die. I saw the blood come out of his neck and stack up around his head. I watched Ralph Abernathy cradle King's head in his arms. I was there, and I looked into King's eyes and watched him die.

Before that I had done my time in the streets. I wasn't just in Newark or Detroit. I was on Blue Hill Avenue in Boston. I was on the west side in Dayton. I was in Cincinnati and Watts and Sacramento and Chicago and a lot of other places where black folks showed their anger and rebelled during the summer of 1967.

I remember being in Newark and visiting a young kid in his home just after his mother had been fatally shot. There were twelve in that family, and their father was dead. Their mother had locked them inside the apartment when the rioting broke out, and she was lying on a couch. She got up—maybe to get a drink of water or may to see about the food on the stove. It makes no difference. The thing that's worth remembering is that when she got up a bullet came through a window and tore her neck apart. When I arrived, with my press card, there was only a pool of blood left and holes in the walls that were bigger than your fist. The next morning the stories in my paper were not about police and National Guardsmen firing weapons so powerful that they dug walls apart. The *Times* headlined stories about snipers—snipers who the governor of New Jersey said were operating in the black community and who were highly professional (in spite of the fact that they never killed anyone).

Out of that summer came Rap Brown. I went across the country with him, and I watched thousands of black folks who were fed up, who were so filled with rage that they, too, were about to explode. Out of all that came the Black Panther party.

When I linked up with the Panthers late in 1968 on the West Coast, they called me a cop. I had to be a cop, they reasoned: The *New York Times* was not about to send a black reporter 3,000 miles just to cover them.

I had friends who knew Kathleen Cleaver; she was my first contact with the party. But to make it, you had to be able to deal with the Panthers in the streets, the Panthers whose names you never asked, whose names you never read in the paper. They were the one who showed me what I needed to know. Late one night in San Francisco they yanked an old couch away from a wall in a cramped apartment, exposing stacks of guns of every sort. I could tell my readers then to take these people seriously, and I did.

I watched the Panthers' breakfast program before other reporters knew it existed. I wrote about it in the *Times*. If I've ever written a page-one story, that was it. The story was all there, but it was buried somewhere in the thickness of the Sunday edition. I told how painstakingly they went about their work, cooking big breakfasts—eggs, bacon, ham, grits, biscuits—they had it all. But they also added politics, in the songs they sang, in the literature they gave to the kids. Nobody tried to hide the political part from me—the reporter from the *New York Times*. Every now and then I'd get the third degree. "C'mon now, Caldwell; we know you're a cop," they'd say. But I kept coming back, and I kept telling them: "I'm a reporter. That's my job. That's the only reason—the only reason I'm here." Somewhere along the line they began to believe me.

On the morning before he went into hiding and eventually slipped out of the country I visited Eldridge Cleaver in his San Francisco home. I remember him sitting there at his typewriter with his shoes off and telling me that the time was coming when the Panthers would have to move against black journalists. Once, he explained, it hadn't made any difference what we wrote because nobody—nobody black, that is—read us. But with blacks beginning to read more, what was being written about them was becoming more important. "What good do you do, anyhow?" he asked me. I wrestled with the question then; it is even more difficult to answer now.

As I became more deeply involved with the Panthers, I began to keep all kinds of files on them. On Panther personalities. On off-the-record conversations. I kept tapes, too, and I would write my personal reactions to everything involving the Panthers that I covered. At this point they were under attack by police groups across the country. At a time when the party was shutting out reporters, I was closer to it than ever. I would sit nights at the national headquarters on Shattuck Avenue in Berkeley, talking with anyone who would talk. Often I would not leave until 3 or 4 in the morning. The party trusted me so much that, I did not have to ask for permission to bring along a tape recorder. Some writers hinted on occasion that I was a member of the party: I wrote that off as professional jealousy.

But I was never permitted to follow the story through to the end. The FBI saw to that. I had my first encounter with FBI agents when I wrote about the Panthers' guns, but that time they left me alone when I assured them that all the information was available in the newspaper. Then, late in 1969, they began to interfere with my work. They wanted to pick my brain. They wanted me to slip about behind my news sources, to act like the double agents I saw on old movie reruns on TV.

This is not my fantasy. The *Times* knew what was happening. They knew the FBI was calling me very day. Finally, Wallace Turner, chief of the *Times* bureau in San Francisco, arranged for an assistant in the bureau, Alma Brackett, to take all my calls. The FBI even had women call. It went on like that for months, until one day an agent told Mrs. Brackett that, if I didn't come in and talk to them, I'd be telling what I knew in court. That's when they subpoenaed me. They asked for all of my tape recordings, notebooks, and other doucments covering a period of more than fourteen months—and let me know that, if I did not come in with everything, I would go to jail. As it turned out, when I did refuse to appear before the grand jury, I was found in civil contempt and sentenced to jail until I complied with the court order. Fortunately, the court agreed to stay the execution of that order until I had a chance to appeal.

The rest is history. I met Tony Amsterdam, a good man and a brilliant lawyer, who understood why I could not appear before the grand jury. Tony was beautiful. He never asked about money. He never said that we shouldn't do this or we shouldn't do that because we might get a bad law written. He said that we were right and that we would go all the way to the Supreme Court if we had to. We did. And now the Court has ruled, and it makes me sick that the vote that beat us was cast by one of the very men who earlier sat in the Justice Department, where he could not have avoided being involved in this whole issue. So the records show that we lost—lost in a court that black folks has come to think of as their last resort for justice in the United States of America.

It's no longer important now what the government can get from me about the Panthers. I have nothing to say about them. They are not the same organization now that they were when I covered them. As for the notes and the tapes I spoke of earlier—well, they're all gone. I ripped up the notebooks. I erased the tapes and shredded almost every document that I had that dealt with the Panthers. Many of those items should have been saved, for history's sake, as much as for anything. But in America today a reporter cannot save his notes or his tapes or other documents.

That's not all. From now on no newspaper can hope to cover effectively an organization such as the Panthers. I don't care how black a reporter is, he won't get close. He won't, and he shouldn't try. He won't because he cannot be trusted as a reporter. When he goes out and cuts an interview, he may say that it's only for his paper. He may swear to it. But if he means it, the government can now put him in jail and keep him there. Ask me. I know. I was the test case. And because Justice Rehnquist did not disqualify himself, we lost.

Yes, this should be an easy piece to write. I have a lot to say. It's difficult, though, because I have a lot to think about. I am teaching this summer at Columbia University, but in another month I'll be heading back west to my job as a West Coast correspondent for the *Times*. I still have not figured out how I can go back into the black community—or any community, for that matter—and present myself as a journalist. Hell, even the Supreme Court has now said that there is nothing wrong with forcing a reporter to become a spy. But not all of the Court misunderstood.

In his dissenting opinion, Justice Douglas wrote: "A reporter is no better than his source of information. Unless he has a privilege to withhold the identity of his source, he will be the victim of governmental intrigue or aggression. If he can be summoned to testify in secret before a grand jury, his sources will dry up and the attempted exposure, the effort to enlighten the public, will be ended. If what the Court sanctions today becomes settled law, then the reporter's main function in American society will be to pass on to the public the press releases which the various departments of government issue."

"SYPHILIS AND GENOCIDE"

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. DIGGS. Mr. Speaker, the events surrounding the so-called "Tuskegee Study" to investigate the effects of untreated syphilis have shocked the entire black community. Those responsible for the "experiment" have repeatedly denied that race was a factor. However, many black Americans are discovering in these repeated "coincidences" a sick and invidious intent.

Mr. C. Sumner Stone, a highly respected journalist, raises some very important questions in his column of August 1, 1972. As he suggests, the use of the word "genocide" often brings charges of hyperbole from some quarters. But, Mr. Speaker, we would do well to remember that the Genocide Convention has yet to be ratified by the U.S. Senate.

Mr. Speaker, Mr. Stone's article entitled "Syphilis and Genocide" follows."

SYPHILIS AND GENOCIDE

(By Chuck Stone)

It either takes a tough constitution or a rancid morality to sit quietly by and watch 200 men die without doing anything about it.

I call it genocide. Have you got a better name for it?

The act of genocide was even officially sanctioned by the United States Public Health Service.

The experiment began 40 years ago with about 600 black men. Of those 600, about one-third were free of the disease; two-thirds showed evidence of syphilis. Of the syphilitic group, half were treated, but the other half—about 200—received no treatment. And they received no treatment even after penicillin was developed during World War II.

At first blush, the charge of genocide may be considered extravagant rhetoric. But, those 400 black men were "systematically and deliberately destroyed" as a racial group and that's exactly what genocide is.

Even my reaction is a delayed one because I was so revulsed by this official slaughter, I shied away from a comment. What do you say about a group of sadists who wear the snow-white uniforms of medical researchers which permit them to play God with the lives of human beings?

The 13-member Congressional Black Caucus shocked me back into reality with its demand yesterday that "everyone responsible for these hideous acts of crime be brought to justice."

The Caucus also called for reparations to be paid to the families and victims of this 40-year-long experiment.

In its demand for reparations, the Caucus resurrected an idea that enjoyed a wide currency in the black community a few years ago. Former SNCC Director James Forman demanded that America's churches pay reparations to black people for supporting American racism. The idea was contemptuously dismissed as far-fetched, but the Caucus's demand of yesterday gives it a renewed respectability.

"The overall effects of this immoral revelation," continued the Caucus's statement, "extend far beyond the life-long sufferings of myriad black families and their unborn offspring. It poignantly reflects the deflated value that white people have historically placed upon black lives."

That's an extremely harsh indictment for a group of distinguished elected officials to level against the citizens of their own country.

But its harshness in no way compares to the devaluation of human life that the United States government placed upon the lives of a group of its own citizens.

Sure, in the name of scientific advance, there have been medical experiments in which the victims were injected with a disease or a virus to test the effectiveness of a newly discovered cure. They knew the possibility of death, but they also knew that the medical researchers were hanging in there all the time trying to save their lives.

Not the U.S. Public Health Service this time.

And I think that's an essential difference—that doctors or researchers who usually dedicate themselves to trying to save human beings this time sat casually by for 40 years and watched them slowly die without making any effort to help them to hold on to life.

During the last few years, there has been a rising tide of opinion in the black community that there is a "secret" or "unofficial" plot to wipe out black people.

The continued existence of "detention centers" around the country and some of the cattle round-up methods used by some officials have in dealing with dissent have not diluted that charge.

Family planning or planned parenthood has been widely viewed by many responsible black professionals and leaders as a subtle, but effective effort to destroy the black family and limit its growth.

The high rate of black veterans' deaths in Vietnam (12.5%) compared to their percentage in the armed services (9.8%) worries a black community who sees its manhood being systematically wiped out.

And now comes along a U.S.-government-stamped genocide program that takes on some of the coloration of Hitler's systematic destruction of 6 million Jews.

Sure, dismiss the analogy as ridulous and tut-tut me with the admonition that I'm really being paranoid.

But when you live in a country that deliberately facilitates the deaths of 200 of its citizens of an ethnic group of which you are a part, that's not paranoia.

That's "real-a-noia" and a lot of black people, like the Congressional Black Caucus, are wondering just how much their American citizenship is worth these days.

SOVIET OCCUPATION OF CZECHOSLOVAKIA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, there will be no freedom in Czechoslovakia until Soviet troops are removed and the iron heel of dictator's boots lifted from the backs of those who live in this great land where decency and justice has been stifled by oppression.

Now is the time, the hour and the moment for America to marshal world opinion to expose the indecency that is depriving the people of Czechoslovakia of their historic right to govern themselves in peace and freedom.

We who are free cannot rest in security until man is free everywhere. Aggression and oppression must not, cannot be tolerated by civilized nations. Those who seek to join the community of free nations as the Soviet Union is attempting today, must pay freedom's price or be denied the equality and respect it demands. Until such time, when the Soviet Government ceases its occupation and oppression, it must stand aside from the world of peace-seekers. So long as there is a single Czech or Slovak citizen deprived of his rights or his freedom there can be no trust or faith in our relations with Soviet leadership. We who are free must proclaim this rule of decency for mankind, now and tomorrow, with all the strength and insistence we command. To do less is to deny our own heritage. This we will not do as Americans. This we cannot do as decent people whose faith in justice extends to all who are now denied it.

SLICING TWO WAYS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. WOLFF. Mr. Speaker, while I am sure that there are numerous positive aspects to the United States-Soviet grain agreement, I am deeply concerned that this $750-million deal may be paid for by the American consumer and taxpayer.

According to a Wall Street Journal article, which I will include following my remarks, the grain deal may add 1 or 2 cents per loaf of bread for the consumer and necessitate added Government export subsidies for the already overburdened taxpayer.

I am afraid that this may be another example of an international agreement, which may have a definite adverse economic impact on the average American, taking precedence over the needs of our troubled domestic economy.

The article follows:

SLICING TWO WAYS—U.S.-SOVIET GRAIN DEAL COULD LIFT BREAD PRICES AND INCREASE SUBSIDIES

(By Norman H. Fischer)

CHICAGO.—Along with all the expected benfits, the big grain deal with Russia may deliver a couple of surprise punches to U.S. consumers and taxpayers.

—Bread prices could go up. Wholesale flour prices already are rising dizzyingly, and if they stay up the big bakers say they will be forced to ask the Price Commission for permission to boost retail prices by a cent or two a loaf.

—The government will have to shell out many million of dollars in export subsidies to move U.S. grain to Russia. The Soviet Union is buying wheat here at prices generally prevalent throughout the rest of the world, while wheat prices in the U.S. are climbing to much higher levels because of the increased demand caused by the sales to Russia. The government subsidizes exporters to make up for the difference.

On the positive side, of course, selling at least $750 million of wheat, corn and other grains to the Soviet Union over the next three years will be a welcomed boost for the lagging U.S. balance of payments. The deal will benefit the U.S. economy, too, with boons for those handling the grain—farmers, elevator operators, railroads, truckers, barge lines, exporters, longshoremen and ship owners.

EASING THE STRAINS

There is no indication yet how the positive and negative repercussions will balance out. In the long run, argue Nixon administration officials who helped negotiate the deal, the U.S. stands to gain not only economically but in reduced international tensions as well. The benefits of relaxing the often-strained relations with Russia are incalculable, administration men assert.

The dollars-and-cents impact can't be pinned down now for another reason—the Russians might end up buying more grain than originally anticipated because of bad harvests in the Soviet Union and throughout Eastern Europe. When the deal was announced July 8, the $750 million was supposed to be spent largely on corn and other grains to feed Russian livestock. So far, though, the Soviets have been concentrating on buying wheat. If other grains are purchased in amounts predicted a month ago, trade sources say the three-year deal could total $1 billion.

The Russians aren't saying what their plans are, and the U.S. exporters with whom they are doing business are even more secretive. Since July 8, $127 million of wheat for export to Russia has been registered with the government's Export Marketing Service, a procedure necessary to qualify for some of the $500 million credit that the U.S. is extending Russia. That $127 million will buy about 82 million bushels.

However, sources in the grain trade say that much more wheat has been bought by Russia for cash; most of this wheat is the hard red winter type used mainly for breadmaking. Some sources figure that Russia could buy 350 million to 400 million bushels of U.S. wheat this year alone.

PUSHING PRICES UP

Such bullish reports have spurred one of the sharpest climbs in wheat prices on record. Ordinary hard red winter wheat hit a peak last week in Kansas City of $1.86 a bushel, the highest in five years and up 35 cents from the day before the Russian deal was announced. Wheat-futures trading on the Kansas City Board of Trade is setting records, and during a recent three-day period a speculator could have turned a $1,000 profit on a $500 investment on a single futures contract for 5,000 bushels.

Since Aug. 1, the New York wholesale price of 100-pound sacks of flour has increased to $7.44 from $6.57. The big baking companies, which normally are in the market at this time of year contracting for about a six months' supply, have been buying enough to keep operating on a day-to-day basis.

"It looks as if we missed the bus this year," sighs one Southwestern baker, who figures he could have saved 60 cents to 90 cents on each 100 pounds if he'd bought his supplies three weeks ago. "Our only hope is that the bottom will fall out of the wheat market, but I don't think it will."

Bread, cookie and cracker bakers say they'll be forced to raise prices sometime this fall unless the wheat and flour prices lose some of their gains. R. H. Uhlmann, president of Standard Milling Co., Kansas City, says flour costs constitute 15% of the retail price of bread, roughly six cents for a one-pound loaf. The increase in flour prices so far would justify a one-cent boost in the retail bread price, some bakers continued.

SUBSIDY PAYMENTS MOUNT

Rising wheat prices are taking their toll on Uncle Sam's pursestrings, too. A month ago, the wheat prices here and throughout the rest of the world were so close that the U.S. government had to subsidize exports from Gulf of Mexico ports by only two cents a bushel. Now, mostly because of the Russian purchases, the Gulf port subsidy has swelled to 36 cents a bushel.

One day in mid-July, when the subsidy had risen to about 15 cents, a record 77 million bushels of wheat were registered for export and covered by subsidies totaling $11.5 million. Since the Russian grain deal was announced, export subsidies have been granted for some 200 million bushels of wheat (not all of it for Russia).

On the other hand, the government might save as much as $100 million on wheat subsidy payments to farmers because of the rise in the market price. The subsidy program for U.S. wheat farmers is very complex, but basically as the market rises the subsidies decline. The government previously estimated its subsidies to wheat farmers this year would be $890 million.

Millers and bakers contend the subsidy to exporters is helping push wheat prices higher than they should be, and they are asking the government to lower that subsidy or suspend it. The Agriculture Department can do this, but hasn't given any indication that it will.

Wheat buyers also are unhappy that the government isn't unloading enough of its wheat stocks—which now amount to some 300 million bushels from surplus production in recent years—in an effort to stem the wheat price spiral. Market prices have risen far above the trigger level at which the government can sell the grain it acquired from farmers as part of its price-support program, but the government has chosen to sell at the higher market price instead of the "trigger" price. In the past two weeks, the government has sold more than 50 million bushels of wheat.

THE BRIGHTER SIDE

Enthusiasts of the Russian grain deal say the benefits to the economy will more than offset these unforeseen or at least unmentioned costs to the public.

"It's going to start right at the farm, where the little guys with maybe 5,000 bushels to sell are getting the best price in years," says a vice president of a grains export firm. "He and his family are going to use that extra money not only for a new tractor or something but also to get a new refrigerator or new car. Those Russian rubles are going to ripple through our whole economy."

The government figures that every million tons of grain exported creates 3,000 to 5,000 jobs in the U.S. Among the first to benefit are the grain handling and transportation industries, which are directly involved in gathering the wheat and other grains from across the country and moving it to the ports, mainly on the Gulf of Mexico.

Only the Western "granger" railroads will cash in on the export business; the profit-pinched Eastern roads won't get any of the business. Fortunately, there won't be a harvest-season boxcar shortage this year for the first time in many years, railroad officials say. They explain they are keeping better track of their boxcars and hopper cars with the aid of computers, and shippers are being encouraged with lower rates to load and unload faster.

BOON FOR BARGES

Barge lines' business is booming, too. Traffic down the Mississippi River to New Orleans is running 15% to 25% ahead of a year ago for five major barge operators, says John Creedy, president of the Water Transport Association. August and September are usually dull months on the river, he says, but the grain exporting firms "are booking all the barges they can find."

Even some truckers are getting grain business because shipping deadlines in some cases won't allow a leisurely barge trip or even a day's wait for a freight train. Truckers moving Russia-bound grain from the upper Midwest to Great Lakes ports recently got premiums of 10 cents a hundred pounds to make speedy delivery.

Because of the Russian orders, the total U.S. wheat exports to all customers in the year ending next June 30 could be a record one billion bushels. If so, and if domestic use is 805 million bushels as predicted, surplus U.S. wheat stocks held by this government and others on June 30, 1973, could be cut by a whopping 200 million bushels to about 620 million bushels, the smallest surfeit in several years.

As a result, there is speculation that the government may have to revise its 1973 farm program for wheat, announced late last month. The program aims at reducing wheat acreage next year and further cutting the surplus stocks by another 100 million bushels.

However, Washington sources say the Agriculture Department is unlikely to change gears now and encourage increased wheat plantings. "The farm planners think all the Russian wheat-buying is a one-shot deal," says one observer. "And if it isn't, the market price will stay up and farmers will plant more wheat anyway, farm program or no."

OUR WITHDRAWAL FROM VIETNAM

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Mr. WYMAN. Mr. Speaker, in recent days there have been many thoughtless and self-serving criticisms of the President's various initiatives to end our involvement in the war in Indochina. The central theme of all this talk from those who wish to be President is that any other administration could disengage from Vietnam in an easy fashion without any trouble whatsoever. This is just not the case. Our withdrawal from Vietnam is proceeding in as expeditious a fashion as possible. A precipitous withdrawal, as some who should know better have suggested, would lead to a catastrophe in South Vietnam and cheapen the word of the United States in its relations with other countries around the world.

The lead editorial in August 14 Washington Star-News dealt with this matter in a timely and perceptive way and I believe its message should be made available to all who read the RECORD.

MASSACRE IN BINHDINH

It is a fervently held article of liberal faith that if the United States will just get out of Indochina, all will be sweetness and light among the Vietnamese people, North and South, Communist and non-Communist. Those who chant this doxology ignore the execution of thousands of Vietnamese and flight of tens of thousands more when the Communists took over in the North in 1954. They ignore the mass graves containing the bodies of more than 2,600 South Vietnamese civilians murdered at Hue during the 1968 Tet offensive. So they should have no difficulty whatsoever in glossing over the less numerous casualties of the more calculated reign of terror which has taken place at Binhdinh province on the central coast of South Vietnam the past three months.

Binhdinh fell quickly to the North Vietnamese in early April and it was not until July that Saigon's forces launched a serious effort to retake it. So the Communists had plenty of time. There was no need to hurry, as there was in Hue in 1968, when American and South Vietnamese forces counterattacked within days of the city's fall.

According to intelligence reports and on-the-spot interviews with survivors, the Communists were extremely methodical. They rounded up hamlet and village chiefs, pacification workers, policemen, militiamen, teachers, doctors, nurses, clerical workers, literally anyone who had had any connection with the Saigon government. "People's courts" executed several hundred (perhaps as many as 500) and shipped an estimated 6,000 others off to "people's prisons" in remote areas of the Communist-held Anlao valley. Most of those killed apparently were executed by rifle fire but others were buried alive, beheaded or hacked to pieces.

None of this represents any new departure in tactics on Hanoi's part. Aside from the general massacres in the North in 1954 and in the South during the 1968 Tet offensive, the murder and kidnaping of South Vietnamese officials has been part and parcel of Communist "liberation" since the war began. In the past four and a half years, nearly 25,000 South Vietnamese civilians and officials have been executed by the North Vietnamese Communists and the Viet Cong.

There have, of course, been atrocities on the Allied side. But anyone who is still prepared to maintain that a Communist takeover in South Vietnam would not lead to a bloodbath of major dimensions is simply ignoring the evidence at hand. A politician like Senator McGovern, who advocates a quick and unilateral American withdrawal from Southeast Asia, need look no farther than the shallow graves of Binhdinh province to see where the policies he advocates would lead those who have placed their trust in the United States.

EXIT FEES RISING FOR SOVIET JEWS

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. GUDE. Mr. Speaker, a most disturbing development in the struggle of the Jews of Russia for freedom was brought to light yesterday in Moscow. The Soviet authorities have established a new system of exit fees, ranging from $5,000 to $25,000 for educated Jews who wish to emigrate to Israel. It is quite clear that more Jewish intellectuals and technicians have been applying for exit visas lately. They have traditionally been harassed upon application for permission to emigrate, but this highly punitive measure is an unconscionable step. The new system of graduated fees—the higher the level of education, the more expensive it is to leave the country—cannot be justified. It is a clear attempt to discourage the highly qualified scientists and other intellectuals from applying for visas, if not eliminate the feasibility of their leaving altogether. I urge my colleagues to make note of this as reported in the New York Times, August 17:

SOVIET JEWS SAY EXIT FEE IS RISING FOR THE EDUCATED

(By Hedrick Smith)

MOSCOW, Aug. 15.—Jewish sources reported tonight that Soviet authorities are instituting a new system of heavy exit fees ranging from $5,000 to $25,000 for educated Jews who want to emigrate to Israel.

The sources said they learned of the new measure, replacing the old general fee of about $1,000, while some Jews were applying for exit visas with a branch of the Interior Ministry today. No official confirmation was possible.

The Government explanation, the sources said, was that the fees were necessary repayment to the Government for the costs of state-financed education. A similar reason had long been given for the earlier fee.

Earlier today, 10 Jewish intellectuals charged that the Government was discriminating against educated Jews in handling emigration requests and that harassment and delays had increased in the last two months.

Under present Government policies, the 10 said in a joint statement, there was a danger that highly qualified scientists and educated Jews were in danger of becoming "a new category of human beings—the slaves of the 20th century."

RARE NEWS CONFERENCE HELD

The statement was read at a rare news conference by Benjamin G. Levick, a 55-year-old chemist and scholar, the highest-ranking Soviet academician to apply for an exit visa to Israel. He is a corresponding member of the prestigious Academy of Science and so far the only person associated with the academy to apply for permission to emigrate.

Educated Jews have long encountered more difficulties in emigrating than blue-collar or office workers and tradesmen, and Western diplomats said tensions between Jews and Soviet authorities were evidently rising because more intellectuals had been applying for exit visas lately.

Western diplomats reported that through the first six months of this year about 15,000 Jews had been allowed to emigrate, roughly the same number as in all of 1971.

Some Jews are contending, however, that the flow since midyear has slowed down, reflecting a change in Soviet attitude. So far there has been no official confirmation, nor any confirmation from diplomats who follow such affairs closely.

GRADUATED FEE SYSTEM

A new schedule of fees for educated applicants, if put fully into practice, would be aimed not only at blocking those who have already applied but at deterring others from applying, Jewish sources said.

They reported having been told today that Jews who had graduated from a teachers institute faced fees of 4,500 rubles—$5,400. University graduates were to pay 11,000 rubles—$13,200—and holders of the candidate degree, equivalent to a Ph.D. in America, were to be charged 22,000 rubles—$26,400. Other Jewish sources reported slightly different figures but in the same range.

Even without a graduated fee scale, Dr. Levich and his colleagues contended that educated Jews were being discriminated against. "Jews wishing to leave are being divided according to their educational and intellectual level," they said in their statement. "The higher the level, the more difficult it is to get permission to get a visa."

They asserted that obstacles to intellectuals had been stepped up lately—discharge from work after applying for visas, the threat of prosecution for lack of employment, sudden military call-ups and the danger of trials for those who refused to serve, disconnection of telephones and interference with mail.

These measures, the statement asserted, came at the same time as new pressures against non-Jewish civil rights activists here and trials of liberals in Czechoslovakia.

Professor Levich, who was demoted since his unsuccessful application for an exit visa last March, said that his son, Yevgeny, a 24-year-old astrophysicist, has been ordered to report for two years' military service despite chronic physical disabilities and despite the normal exemption granted to scientists with Ph.D.'s.

Besides the Leviches, those who endorsed the statement were Dr. David S. Azbel, 61, a retired chemistry professor who spent 16 years in Stalinist prison camps; Prof. Aleksandr V. Voronel, 41, a physicist; Prof. Boris G. Moisheson, 34, mathematician; Dr. Vladimir G. Zaylavsky, 43, molecular biologist; Viktor S. Yakhot, 28, solid-state physicist; Dmitri K. Simis, 24, sociologist formerly with the Institute of World Economics and International Relations; Gregory L. Svechinsky, 32, an engineer and teacher, and Viktor B. Nord, 27, a film director whose recent movie, "The Debut," won critical acclaim.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks:

"How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

THE NATIONAL CONGRESS ON THE WORD OF GOD

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. CAREY of New York. Mr. Speaker, a "National Congress on the Word of God" will be held at the National Shrine of the Immaculate Conception, Washington, D.C., September 5 to 7, inclusive. Hosts for this far reaching effort for a renewal in Gospel preaching are the U.S. Catholic Conference, the National Conference of Catholic Bishops and, in particular, the Archbishop of Washington, Patrick Cardinal O'Boyle, D.D.

People of all faiths are invited, and several Protestant dignataries will participate as leaders in the concurrent conferences on various aspects of bringing the Word of God more fruitfully to all peoples. In these times it is encouraging that our people are giving evidence of a growing desire to study, proclaim, pursue and live what God's Word instructs through the sacred Scriptures.

People of every faith, or of none, and particularly clergymen and young people are urged to take advantage of this end-of-summer opportunity to attend one of the significant religious events of 1972.

I include the editorial from the current July-August issue of the Priest magazine, and the lead article to which it refers, "Faith Comes Through Hearing, National Congress on the Word of God," by Robert M. Donihi, in the Record. Mr. Donihi, an attorney of Upper Marlboro, Md., and former director of the U.S. Catholic Conference Office of Public Information, and Editor Jordan Aumann, O.P., speak for the magazine to recall the clergy to a renewal of Gospel preaching.

The material follows:

PRIMARY PRIESTLY APOSTOLATE

(By Jordan Aumann, O.P.)

It is likely that a large number of priests, especially those ordained many years ago, were puzzled and somewhat shocked to read in the *Decree on the Ministry and Life of Priests* that "priests, as co-workers with their bishops, have as their primary duty the proclamation of the Gospel of God to all" (no. 4) and in Pope Paul's *Ecclesiam Suam* that "preaching is the primary apostolate." Some priests may even have interpreted these statements as an implicit downgrading of the priestly ministry of the sacraments and, in particular, of the ministry of the Eucharist.

Did not the Council of Trent, following the medieval theologians, expressly define the Catholic priesthood in terms of the Eucharist and the Mass? And even Vatican Council II stated that the Eucharist is at once the source and the summit of the Christian life: *a fortiori*, of the priesthood. How does one explain the apparent conflict of emphasis?

In order to clarify and defend the statements on preaching and at the same time to avoid erroneous conclusions and incorrect pastoral applications, a distinction is necessary. The Eucharist enjoys the primacy of excellence and therefore it transcends all other priestly ministries and, indeed, all the other sacraments. But the preaching of the Gospel has primacy in the work of evangelization, in the apostolate of the salvation of souls. Thus, when Christ gave his apostles their mission, his mandate to them was that they should preach the Gospel and baptize those who believe. But, Paul asks: "How shall they believe if they do not have the Gospel preached to them?"

The preaching of the Gospel, therefore, has the primacy in the priestly apostolate—preaching unto faith, faith unto baptism, and baptism unto reception of the Eucharist. The Eucharist is the summit or goal to which evangelization leads; it can then become the source from which the priest fashions and directs the Christian community. It is not, however, the source of unity of faith as some modern ecumenists would have us think. Faith derives from the hearing of the good news of the Gospel as proclaimed by the preacher; then comes baptism, as Christ taught; and then comes the invitation to the table of the Eucharist.

The sad fact is that today, as yesterday, there are still far too many priests who do not preach the Gospel. Even some who preach, are not preaching the Gospel. Some of them are the most vocal in attacking what they call the Trindentine concept of a cultic priest, but what they opt for is not a preacher of the Gospel; they seem to want the contemporary priest to be a composite of social worker, militant demonstrator against society's evils, and charismatic leader. Now, there have been priests—and even saints—in the Church who were one or all of these things, but they always acted within the context of Gospel teaching and with an uncanny ability to discern the spirit by which they were led.

Here we are touching on a nerve in the crisis of priestly ministry. We should bless the day that priests began to speak out and to act against the moral evils of modern society. We should emulate those dedicated priests who are sincerely trying to adapt their preaching of the Gospel to topics and problems that preoccupy the minds and hearts of their parishoners. But there is such a thin line between preaching the Gospel in this way and letting oneself be so overwhelmed by the difficulties and evils of modern society that one's preaching becomes pulpit-thumping harangue that does nothing but reveal the frustration and anger of the preacher. Most of our people know the problems as well or better than we do, and perhaps there are some who could come forth with better possible solutions. But what they want to hear from the preacher of the Gospel is an application of Christ's teaching both to their own lives and the life of society at large. They may be willing to listen to a priest's views on social problems in a discussion group or social gathering; they may listen attentively to a priest's philosophical or theological opinions; but when that priest is in the pulpit as proclaimer of the Gospel, they expect to hear him speak not in his own name, but in the name of Christ and the Church.

It is practically overwhelming to think of the conversion and renewal that would occur if all our priests throughout the United States would commit themselves unswervingly to preach the Gospel faithfully at all the Sunday Masses. And if you tend to doubt this, then just remember what the Twelve accomplished by preaching the Good News until repentance and conversion.

NATIONAL CONGRESS ON THE WORD OF GOD

(By Robert M. Donihi)

"Everyone who calls on the name of the Lord will be saved." But how shall they call on him in whom they have not believed? And how can they believe unless they have heard of him? And how can they hear unless there is someone to preach? And how can men preach unless they are sent? Scripture says, "How beautiful are the feet of those who announce good news!" But not all have believed the gospel. Isaiah asks. "Lord, who has believed what he has heard from us?" Faith, then, comes through hearing, and what is heard is the word of Christ. (Rom. 10:13–17; inspiration for the National Congress).

When was the last time you preached a sermon that changed your life? Or when was the last time you preached a sermon that changed the lives of others?

The National Congress on the Word of God believes the lives of both of us—you as a priest and myself as a layman—should be changed for the better by your sermons.

The Puritans are credited with the saying: "Brown bread and the Gospel is good fare" (Matthew Henry, 1662–1714). To me, a former Southern Baptist, that saying still has the ring of "Gospel-truth." Simply speaking, the Baptists believe that there is something about the truth—in this case the word of God—which rings true to those who seek truth. God spoke, man recorded, but (and here's the rub) too many men misinterpreted. The result: chaos.

For Protestant and Catholic alike, the current crisis of faith was predictable, considering the nature of man himself. Each of us is tempted to prefer his own personal theology, all of which makes for a great many conflicting opinions in every pew.

But now, thanks be to God, a renewal in Gospel preaching approaches. All "who profess belief in Jesus Christ" are summoned to bear united witness to the power of the word of God against the crisis of faith at the National Congress on the Word of God, September 5 to 7 at the National Shrine of the Immaculate Conception in Washington under the sponsorship of the Catholic University of America. One strongly feels that it will be one of those occasional moments in human history when the People of God resolutely and joyfully turn their faces away from the darkness toward the light.

The National Congress on the Word of God is peculiarly the province of pastors and all priests. It is the direct outgrowth of the Institute for Pastoral Communication and Liturgical Celebration, established at Catholic University in 1970 as a year-round operation aimed at making each sermon of the preacher so significant and each celebration of the liturgy so vivid that they can serve as vehicles for the grace of God to change the lives of those who hear him; to reestablish that tradition of the Church which recognizes preaching as the principal work of the Church and its priests, especially during the celebration of the Eucharist.

Patrick Cardinal O'Boyle, the host bishop and chancellor of Catholic University, states in his invitation to "brother bishops, fellow priests, pastors of souls and all those who profess belief in Jesus Christ" that "the National Congress on the Word of God will give us, the People of God, the opportunity to make a great hope-filled affirmation that God's word begets, strengthens and renews Christian faith when it is proclaimed by enlightened, convinced and holy preachers of his Church."

As a layman, I often listen to the sermons of the clergy, and markedly less often it seems of late, to the words of the Gospel. Sometimes I have been filled with thanksgiving and a quickening of the spirit; and sometimes with dismay. In that, I was clearly not alone.

Pope Paul speaks often, and always with

pain, of the current crisis of faith. Both religious and laymen today often feel themselves uprooted, and even that doughtily—if silently—Protestant publication, The Reader's Digest, has become so exercised by recent trends in religion as to devote major articles in three of its more recent issues to the aberrations and changes from the old-time religion within the World Council of Churches. Meanwhile, seminary professors report that the young clerics seemed to be turned off by theological hair-splitting but turned on by scriptural studies of the word of God.

In its Decree on the Ministry and Life of Priests, Vatican II states: "The People of God finds its unity first of all through the word of the living God, which is quite properly sought from the lips of priests. Since no one can be saved who has not first believed, priests, as coworkers with their bishops, have as their primary duty the proclamation of the Gospel of God to all. In this way they fulfill the Lord's command: 'Go into the whole world and preach the gospel to every creature' (Mark 16:15). Thus they establish and build up the People of God" (n. 4).

In Ecclesiam Suam, Pope Paul writes: "Preaching is the primary apostolate. Our apostolate, Venerable Brothers, is above all the ministry of the word of God. We know this very well, but it seems good to remind ourselves of it now, so as to direct our pastoral activities aright. We must go back to the study, not of human eloquence or human rhetoric, but of the genuine art of the sacred word."

This stress on Scripture has placed new and to some extent unfamiliar demands on the parish priest, whom one priest staff coordinator of the National Congress on the Word of God calls "the ultimate executor of the Church's pastoral directives." And Father John Burke, O.P., who heads the Institute for Pastoral Communication and Liturgical Celebration, says: "Within a few brief years the parish priest has been called upon to preach mainly on Scripture; at the same time it has been simply assumed that he has the intimate familiarity with a wide range of texts necessary to preach effectively."

All priests were exposed to scriptural studies in the seminary, nevertheless it remains difficult to arrive at the meaning of the various passages and to translate the mysteries revealed in them into terms relevant to the lives of modern congregations. Preachers, discouraged with their efforts to master Scripture, sometimes substitute psychological, social, moral and political theories for scriptural truths, merely accommodating biblical quotations to give verbal support to their preconceived ideas—some valid, some not—regarding issues.

This kind of philosophical preaching does not build a community of believers who, in spite of their difficulties, have a basically optimistic outlook because of trust in the loving power of our heavenly Father. On the contrary, passing off theological opinion for revealed truth can be divisive.

Potential results of philosophical preaching, substituted for the divinely inspired liturgical sermon on the word of God, include factionalism within congregations; condemnatory attitudes are mistaken for zeal; people begin to drift away from regular worship, discouraged because they hear nothing from the pulpit they are not already familiar with from books, magazines, newspapers and television. The "relevant" has become irrelevant to their deepest longings for personal meaning and fulfillment.

The liturgical sermon is not an ornament or enhancement. It is intrinisc to the entire divine plan of salvation to men of all ages. It is an integral element in the dynamic manifestation of Christ in salvation history. The liturgical sermon is itself a saving event in that history. It reveals Jesus and makes his sacramental actions show meaning for his worshippers. It enables the People of God to perceive the mystery which the liturgy makes present and it thereby takes its place with Scripture, the Church and the sacraments as part of the unfolding of the plan of God for the salvation of men.

As integral to the liturgy, the liturgical sermon also partakes of its characteristics. It, too, is an exercise of the priestly activity of Christ and is both an act of worship and sanctification of men. Preaching within the liturgy follows from the very nature of the Church as the image of Christ, who both reveals and makes holy, preaches and redeems.

(I apologize for parts of this article which are outside the authoritative competence of a layman and may well sound too dogmatic. The extent to which the sermon has been diverted from Scripture has been somewhat trying to me, to put it mildly. Recently I witnessed the concelebration of the liturgy of the Eucharist for a national Catholic organization composed primarily of priests, religious women and brothers, none of whom voiced protest over the movie and soundtrack disturbances deliberately thrusting audiovisual shock into the congregaton composed of more than a thousand persons. The film and sound were used to accent the homily on the theology of liberation. Though I received the Eucharist at this Mass, I did so with a sad and tired feeling. This may prove nothing but my lack of preparation, but the need for such activity at Mass in lieu of preaching on the word of God has not been explained to me satsfactorily.)

The liturgical sermon is not part of a systematic approach to solving problems of life-situations. It, especially the Eucharistic homily, has as its primary task the expounding of the mystery of Christ as that mystery is revealed in Scripture and celebrated in the liturgy. At the same time, like all instructions of the faithful, it must take into account their age, condition, way of life and standard of religious culture. In other words, the sermon on the word of God must be immediately directed to the audience of the assembly and perfectly adapted to their lives.

The bishops and other priests who have cooperated to make the National Congress a possibility are too numerous to be mentioned individually. Through their efforts, there has been a remarkable response by way of manpower and financial contributions. In no instance has there been a refusal to give help when it has been asked. Credit must be given to the Serran Clubs of the United States for primary financial backing of the Congress.

One of the founders of the Congress, Archbishop Hannan of New Orleans, comments on the phrase "primary duty" in the *Decree on Priestly Life and Ministry:* "There is no qualification about the primacy of this duty. In fact, one can hardly imagine the choice of another phrase when we recall the blunt command of Christ: 'Go into the whole world and preach the gospel to every creature' (Mark 16:15). The simplicity of the command does not mean that the task is simple. We live in an age of competing communication systems. To proclaim effectively the word of God, we need specialization and thorough training.

Above all, we need the inspiration of the Spirit so that the authenticity and power of the word as uttered by us will command acceptance. Our best efforts are required to fill the hunger today for the word of God. Every poll of the People of God attests to this fact. To secure an enthusiastic hearing from any gathering of the People of God, a priest need only say that he believes deeply in improving the quality of his sermons. The response is always immediate and enthusiastic. The Congress on the Word of God is essential at this time and in this country for the advance of the kingdom of God."

In addition to concurrent conferences on a variety of topics related to preaching, the National Congress will also feature the following as homilists at the Eucharistic liturgy or as principal speakers during the day of the Congress; Archbishop Timothy Manning of Los Angeles; Archbishop Fulton J. Sheen; Father Barnabas Ahern, C.P.; Father Eugene Maly of Cincinnati; and Bishop John Quinn of Oklahoma City.

The crisis of faith is not simply an academic problem that can be resolved by enlightened discussion. It is a way of life that has been revealed. It is no longer a world or a Church in which the preacher can assume belief in the revealed Jesus; rather, it is his sacred task to beget that belief through his proclamation of the Gospel to all.

It is the purpose of the National Congress to give members of the hierarchy, leading theologians, Scripture scholars, religious educators and all the people of God an opportunity to come together to witness the power of the Word of God to resolve the crisis of faith. The Congress itself will be an act of celebration in which those participating in the various liturgical ceremonies will proclaim that the preaching of the word is the primary source for priestly formation, liturgical renewal and religious education.

If on a national level a resurgence of interest and enthusiasm can be generated about the preacher's mission in the Church today, an integral step will have been taken toward the revitalization of the Christian community. And for both priests and laymen it will make the Sunday sermon a renewed source of growth for our spiritual life.

The deposit of faith does not lie in a box to be opened or closed. What exists is a living quality of soul. The only place in the Church where the faith lives is in the hearts of believers. The National Congress is an act of faith that God's word has power for all of us.

THE DEATHS OF 24 SOVIET JEWS IN 1952 AND ITS CONTEMPORARY SIGNIFICANCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. PEYSER. Mr. Speaker, 20 years ago, 24 of the most outstanding representatives of Soviet Jewry were executed in the basement of Moscow's notorious Lubianka Prison. They had been found guilty of being, "enemies of the U.S.S.R., agents of American imperialism, bourgeois nationalist Zionists, and rebels who sought by armed rebellion to separate the Crimea from the Soviet Union and to establish their own Jewish bourgeois, nationalist, Zionist republic there." This was the fate of the leaders of the Jewish Anti-Fascist Committee which had been organized in 1942 by the Soviet Government to mobilize Soviet Jewry against the threat of Nazi Germany. Their execution was the culmination of Stalin's 5-year campaign to eradicate "rootless cosmopolitanism" from Soviet society.

On Tuesday, August 15, 1972, a memorial meeting for these martyrs was held on the steps of the Capitol. The purpose of the meeting was not only to remember the slain Jews, but also to focus attention on the plight of Soviet Jews today.

I include the following address, given at the memorial by Dr. Isaac Franck, executive vice president of the Jewish Community Council of Greater Washington:

Soviet Jewry's Bridge 1952–72

Congressman Peyser, Other Members of the Congress, Ladies and Gentlemen: Two decades have passed since Stalin's monstrous act on August 12, 1952, a date which lives in infamy. On that date, in the dark of night, in the subterranean cellars of Moscow's notorious Liubianka prison, the bullets fired by the executioners in the employ of Stalin, extinguished one by one 24 of the leading luminaries in the firmament of Jewish cultural life and artistic creativity in the USSR. Poets, novelists, essayists, actors in the Moscow Yiddish State Theatre, young, middle aged, and old. There beloved medium of expression was the warm, colorful folk-language, the Yiddish language. Their burning desire was to keep alive the flame of the Jewish spirit which Stalin wanted to snuff out, and to contribute to the cultural and artistic creativity of the masses of Jews who had survived the Nazi Holocaust. This was their crime; for this were these 24 gentle giants of the spirit felled by the bullets of the Soviet tyrant.

The epic poet, Peretz Markish; the sensitive novelist, David Bergelson; the distinguished actor, Binyamin Zuskin; the gentle lyricist, David Hofshteyn; the benign writer of poems and stories for children, Leib Kvitko; the proud and powerful poet, Itzik Feffer; Shmuel Persov, Itsik Nusinov, Solomon Lozovsky, Eliahu Spivak, and on and on this catalogue of diabolic death continues. For, the 24 who were murdered on that night in August of 1952 were not the only victims. They were only a part of the Jewish aristocracy of the intellect whom Stalin liquidated. One historian estimates that a total of 431 outstanding Soviet Jewish arists and writers were arrested and exiled to Siberian labor camps during this period: 217 Yiddish writers and poets, 108 Yiddish actors, 87 painters and sculptors, and 19 musicians. Most of them perished in the Soviet labor camps. The first victim in this exalted assembly was Shlomo Mikhoels the great actor of the Yiddish stage, who was brutally beaten to death and then run over by a truck in Minsk, on January 13, 1948; and parts of Peretz Markish's courageous poem on Mikhoels' death will be read later in our program today.

Two decades have passed since the executions of August 12, 1952. But we here mourn and cry out against the death not only of 24, or of 431 precious persons whose lives were brutally taken because they were exponents of Jewish culture. We mourn here today, and protest against, the brutal annihilation of Jewish culture itself in the Soviet Union, by Stalin and his successors.

For across this span of years, across this bridge of years, we have witnessed a forced march of death of the culture of a people. Across this bridge of years, from Stalin's first days to this very day, driven by the whips of the Soviet Secret Police; by the terror of arrests, phony trials and imprisonment; by the whipped up hysteria in the Soviet press; by government approved anti-semitic books like Kichko's notorious "Judaism without embellishment"; by official threats and intimidations—driven, I say, by these diabolically calculated methods—a forced march to death has taken place.

Across this bridge of time the Soviet regime has driven to death and annihilation all but the remaining miserable 58 Synagogues in the USSR; all Jewish schools—in Yiddish, Hebrew, or Russian; all Jewish newspapers; all Jewish libraries; all Jewish publications except for a small monthly; all Jewish theatres; all Jewish community institutions; all production of Jewish ritual objects; all printing of the Hebrew Bible; all printing of the Hebrew Prayer Book (except for 10,000 in 1968). No other religious or nationality group in the Soviet Union has been subjected to this systematic cultural destruction. So far as one could discern, this Soviet policy and practice left three million Soviet Jews spiritually and culturally desolate; bereft of poets, writers, teachers, leaders, artists, Rabbis;—three million Jews silenced after nearly four decades without any Jewish education, victims of enforced assimilation, and on their way to oblivion as a people.

This was Stalin's plan, and his successors continued its execution. No de-Stalinization in Soviet Jewish policy followed Stalin's death. It appeared that the forced march of death for Soviet Jewry was irreversible, and that in this Stalin would succeed even after his death.

But they were mistaken. They did not count on the deathless, indomitable Jewish spirit that continued glowing under the surface, and erupted into a flame of freedom in the past three years. Secretly, at serious peril to their safety, Jews continued to study Hebrew and Yiddish; to circulate secretly reprinted Jewish books; to listen to broadcasts about Jewish life in the freedom of Israel and the United States; and to nurture the hope of liberation that would enable them to join their fellow Jews in the Holy Land.

And then it all broke out into the open. We here protested, and Soviet Jews acted publicly. They began to demand their right to emigrate to Israel where they could live freely as Jews. They applied for exit permits. Thy sat in in the offices of Soviet totalitarian officialdom. They wrote letters and manifestos of freedom and sent them out to the free world. The Soviet regime responded in a cruel but puzzled fashion. They tried to suppress this Jewish Liberation movement. In 1970 they began a series of phony trials of activist leaders among the Jews seeking liberation, and over 40 of them are languishing in Soviet prisons today. Vladimir Markma of Sverdlovsk, who was sentenced to 3 years in prison on trumped up charges only last week, is the latest among these victims whose sole crime is their desire to emigrate to Israel.

But this freedom movement of the Soviet Jews cannot be stifled. In spite of terror and intimidation, close to 100,000 Soviet Jews have applied for exit permits, at great peril to themselves and their families. The Soviet government has had to relax its closed door policy and permits a limited number of Jews to leave for Israel, in response to Soviet Jewish activism, and in response to our protests. And so, the march across the bridge of time has not turned out to be what Stalin wanted, namely, an irreversible march of death. The direction of this march *has* been reversed. And across this bridge of years there has appeared a new march, a march of renaissance, of revival; a reaffirmation by Soviet Jews of their Jewishness, and an increasingly clamoring insistence before the conscience of the world that they want to live as Jews, and that toward this end they want the right to emigrate to Israel, a right guaranteed by civilized law and international covenents.

Their struggle goes on. More and more are joining the march back to Jewish existence, even though the penalties imposed upon them by the Soviet regime are grave and often unendurable, from prison sentences, to continuous harassment, to loss of jobs and a life near destitution. This is what the widow and son of the poet Peretz Markish are enduring now, and the Soviets will not let them go.

We here, today, meeting in the sacred memory of Peretz Markish and the others who were executed in the Lubianka prison on August 12, 1952, we will continue to protest, to appeal to the conscience of the world, and we will continue to demand of the Soviet Union: free the prisoners, remove the obstacles, stop the terror and punishments, let Soviet Jews go to their freedom, and we will do this until every Soviet Jew who wishes to do so, is free to be reunited with his fellow Jews, to live freely, as a free member of the Jewish people.

SENATE—*Friday, August 18, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JOHN V. TUNNEY, a Senator from the State of California.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God of this day and of all history, come to us in this quiet of the morning hour with a fresh awareness of Thy presence. Guide us through the duties of this day with joyous hearts and confident spirits. Be ever amongst us as the unseen reality to guide, strengthen, and uplift all who serve in this place. Be with us when we separate. Give journeying mercies to all who travel. Out of the coming contests forge a new and better nation where the things that are unseen and eternal transcend the things which are seen and temporal. Lead us in paths of righteousness for Thy name's sake and bring us at last to the haven of Thy peace.

We pray in that name which is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 18, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN V. TUNNEY, a Senator from the State of California, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. TUNNEY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 17, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DISTRICT OF COLUMBIA COURT OF APPEALS

The second assistant legislative clerk read the nomination of Stanley S. Harris, of Maryland, to be Associate Judge of the District of Columbia Court of Appeals.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

The second assistant legislative clerk read the nomination of H. Carl Moultrie, of the District of Columbia, to be an Associate Judge, Superior Court of the District of Columbia.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the calendar, beginning with Calendar No. 1001.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MARY DANOS NAYAK

The bill (S. 2816) for the relief of Mary Danos Nayak, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of section 301(a)(7) of the Immigration and Nationality Act, Mary Danos Nayak shall be held and considered to have been physically present in the United States prior to May 10, 1971, for a period of ten years, five of which were after attaining the age of fourteen years.

REYNALDO CANLAS BAECHER

The bill (S. 3835) for the relief of Reynaldo Canlas Baecher, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of section 203(a)(1) and 204 of the Immigration and Nationality Act, Reynaldo Canlas Baecher shall be held and considered to be the natural-born alien son of Donald Leslie Baecher, a citizen of the United States. The natural parent, brother, or sister of the said Reynaldo Canlas Baecher, by virtue of such relationship, shall not be accorded any right, privilege, or status under the Immigration and Nationality Act.

ANTONIO BENAVIDES

The bill (H.R. 2394) for the relief of Antonio Benavides, was considered, ordered to a third reading, read the third time, and passed.

MRS. CONCEPCION GARCIA BALAURO

The bill (H.R. 2703) for the relief of Mrs. Concepcion Garcia Balauro, was considered, ordered to a third reading, read the third time, and passed.

MARIA ROSA MARTINS

The bill (H.R. 5158) for the relief of Maria Rosa Martins, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF UNITED STATES CODE WITH RESPECT TO FINALITY OF SETTLEMENTS

The bill (H.R. 5814) to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under sections 2733, 2734, 2734a, 2734b, or 2737, was considered, ordered to a third reading, read the third time, and passed.

KYONG OK GOODWIN (NEE WON)

The bill (H.R. 9256) for the relief of Kyong Ok Goodwin (nee Won) was considered, ordered to a third reading, read the third time, and passed.

WILMA BUSTO KOCH

The bill (H.R. 10713) for the relief of Wilma Busto Koch was considered, ordered to a third reading, read the third time, and passed.

GERALD VINCENT BULL

The Senate proceeded to consider the bill (S. 3583) for the relief of Gerald Vincent Bull which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

> That, for the purpose of the Immigration and Nationality Act, the periods of time Gerald Vincent Bull has resided in the United States shall be held and considered to meet the residence and physical presence requirements of section 316 of the said act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAOYO CAMPBELL

The Senate proceeded to consider the bill (S. 173) for the relief of Naoyo Campbell which had been reported from the Committee on the Judiciary with an amendment strike out all after the enacting clause and insert:

> That, in the administration of the Immigration and Nationality Act, Mrs. Naoyo Campbell, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 of such Act shall not be applicable in this case.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Mrs. Naoyo Campbell."

RENATO M. DIOQUINO

The Senate proceeded to consider the bill (S. 3252) for the relief of Renato M. Dioquino which had been reported from the Committee on the Judiciary with amendments on page 1, line 6, after the word "of", where it appears the first time, strike out "the date of the enactment of this Act" and insert "January 6, 1965,"; and, on page 2, after line 4, insert a new section, as follows:

> SEC. 2. The periods of time Renato M. Dioquino has resided in the United States since January 6, 1965, shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

So as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Renato M. Dioquino shall be held and considered to have been lawfully admitted to the United States for permanent residence as of January 6, 1965, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.
>
> SEC. 2. The periods of time Renato M. Dioquino has resided in the United States since January 6, 1965, shall be held and considered to meet the residence and physical presence requirements of section 316 of the said Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

The Senate proceeded to consider the bill (S. 3858) to amend the Public Health

Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Emergency Health Personnel Act Amendments of 1972".

SEC. 2. (a) Section 329(a) of the Public Health Service Act is amended to read as follows:

"SEC. 329. (a) There is established, within the Service, the National Health Service Corps (hereinafter in this section referred to as the 'Corps') which shall consist of those officers of the Regular and Reserve Corps of the Service and such other personnel as the Secretary may designate and which shall be utilized by the Secretary to improve the delivery of health care and services to persons residing in areas which have critical health manpower shortages."

(b) Section 329(b) of such Act is amended to read as follows:

"(b)(1) The Secretary shall (A) designate those areas which he determines have critical health manpower shortages, (B) conduct information programs in such areas as may be necessary to inform the public and private health entities serving those areas of the benefits available under this Act and to encourage their application for such benefits, and (C) assist such entities to apply for the assignment of Corps personnel and other benefits authorized under this Act.

"(2)(A) Upon request of a State or local health agency, or any public or nonprofit private health entity in an area designated by the Secretary under paragraph (1)(A), and upon certification to the Secretary by the State and the district medical societies (or dental societies, or other appropriate health societies as the case may be) for that area, and by the local government for that area, that such health personnel are needed for that area, the Secretary may assign personnel of the Corps to provide, under regulations prescribed by the Secretary, health care and services for all persons residing in such areas except that where all of the foregoing conditions are met in an area, except certification of need by the State and local medical, dental, or other health societies, and the Secretary finds from all the facts presented that such certification has clearly been arbitrarily and capriciously withheld, then the Secretary may, after consultation with the appropriate medical, dental, or other health societies, assign such personnel to that area. Corps personnel shall be assigned to such area on the basis of the extent of the need for health services within the area and without regard to the ability of the residents of the area to pay for health services.

"(B) In providing health care and services under this section, Corps personnel shall utilize the facilities and organizational forms adapted to the particular needs of the area and shall make services equally available to all persons in such area regardless of the ability of such person to pay for the care and services provided in connection with—

"(i) direct health care programs carried out by the Service;

"(ii) any direct health care programs carried out in whole or in part with Federal financial assistance; or

"(iii) any other health care activity which is in furtherance of the purposes of this section.

"(C) Any person who receives health care or services provided under this section shall be charged for such care or service at a rate and in a manner (including prepayment, capitation, incentive reimbursement, fee-for-service, or other basis) established by the Secretary, pursuant to regulations, to recover the reasonable cost of providing such care or service; except that if such person is determined under regulations of the Secretary to be unable to pay such charge the Secretary shall provide for the furnishing of such care or service at a reduced rate or without charge. If a Federal agency, an agency of a State or local government, or other third party would be responsible for all or part of the cost of the care or service provided under this section if such care or service had not been provided under this section, the Secretary shall collect on a capitation, prepayment, incentive reimbursement, fee-for-service, or other basis from such agency or third party the portion of such cost for which it would be so responsible. Any funds collected by the Secretary under this subparagraph shall be deposited in the Treasury as miscellaneous receipts and funds allocated or obligated under this section shall not be dependent on or related to such fees collected in any way.

"(D) Notwithstanding the provisions of the Federal Property and Administrative Services Act (40 U.S.C. 471), the Secretary may transfer the title to any or all facilities, equipment, and supplies, belonging to the Service and being utilized by the Corps in a medically underserved area designated by the Secretary under subsection (a) to any public or private nonprofit institution which the Secretary determines will conform to minimum standards of operation prescribed by him. In a case where the Secretary determines, after a hearing on the record, that such real or personal property is not being utilized in conformance with such minimum standards, title shall revert (after payment of proper compensation for facility improvements, if any) to the United States. This paragraph shall not apply to any hospital or clinical facilities operated by the Service prior to December 31, 1971."

(c) Section 329(c) of such Act is amended by striking out "Service' 'and inserting in lieu thereof "Corps".

(d) Section 329(d) of such Act is amended—

(1) by striking out "Service" in the first sentence and inserting in lieu thereof "Corps", and by inserting before the period at the end of such sentence the following: ", except that if such area is being served (as determined under regulations of the Secretary) by a hospital or other health care delivery facility of the Service, the Secretary shall, in addition to such other arrangements as the Secretary may make to insure the availability of care or services by Corps personnel in the area, arrange for the utilization of such hospital or facility by Corps personnel in providing care and services in such area, but only if such utilization shall assure the continual provision of care to persons entitled to care and treatment at such facilities at such time.";

(2) by striking out "If there are no such facilities in such area" in the second sentence and inserting in lieu thereof "If there are no health facilities in or serving such area";

(3) by adding after the second sentence the following new sentence: "In providing such care and services, the Secretary may (A) make such arrangements as he determines are necessary for the use of equipment and supplies of the Service and for the lease or acquisition of equipment and supplies, and (B) secure the temporary services of nurses and allied health professionals."; and

(4) by inserting "(1)" after "(d)" and by adding at the end the following:

"(2) The Secretary shall conduct at medical and nursing schools and other schools of the health professions and training centers for the allied health professions, recruiting programs for the Corps. Such programs shall include the wide dissemination of written information on the Corps and visits to such schools by personnel of the Corps.

"(3)(A) For the purpose of recruiting persons for the Corps who have gained experience in the provision of health services at a direct result of specialized military training, the Secretary, in cooperation with the Department of Defense and the Veterans' Administration shall develop a list of persons having such experience.

"(B) In the assignment of personnel to designated health manpower shortage areas, the Secretary shall give priority to persons recruited from the list developed under paragraph (A), with respect to such individuals' desires.".

(e) Section 329(f) of such Act is amended (1) by striking out "Service" in paragraphs (1) and (3) and inserting in lieu thereof "Corps", and (2) by striking out "to select commissioned officers of the Service and other personnel" in paragraph (2) and inserting in lieu thereof "to select personnel of the Corps".

(f) Subsection (g) of section 329 of such Act is redesignated as subsection (k) and the following new subsections are inserted after subsection (f) of such section:

"(g) The Secretary shall report to Congress no later than May 15 of each year—

"(1) the number of areas designated under subsection (b) in the calendar year preceding the year in which the report is made as having critical health manpower shortages and the number of areas which the Secretary estimates will be so designated in the calendar year in which the report is made;

"(2) the number and types of Corps personnel assigned in such preceding calendar year to areas designated under subsection (b), the number and types of additional Corps personnel which the Secretary estimates will be assigned to such areas in the calendar year in which the report is submitted, and the need (if any) for additional personnel for the Corps; and

"(3) the number of applications filed in such preceding calendar year for assignment of Corps personnel under this section and the action taken on each such application."

"(h) Section 5532 of title 5, United States Code, shall not apply to a retired officer of a regular component of a uniformed service who, holds a full-time position with the Corps, during the time he holds such position.

"(i) The Secretary may from time to time and for such period as he deems advisable, secure the assistance and advice of experts, scholars, and consultants, including the services of advertising and other public information specialists, to foster, promote, and improve the image of the Corps with regard to the provision of health services and with the further aim of emphasizing recruitment of new and retention of present members of the Corps.

"(j) The Secretary may reimburse applicants for positions in the Corps for actual expenses incurred in traveling to and from their place of residence to an area in which they would be assigned for the purpose of evaluating such area with regard to being assigned in such area. The Secretary shall not reimburse an applicant for more than one such trip."

(g) Section 329(k) as redesignated by this Act, of such Act is amended by striking out "and" after "1972;" and by striking out the period at the end and inserting in lieu thereof "; $30,000,000 for the fiscal year ending June 30, 1974; $40,000,000 for the fiscal year ending June 30, 1975, sum appropriated under this section shall remain available until expended."

(h) Section 329 of such Act is further amended by adding at the end thereof the following new subsection:

"(l) Where the Corps requires personnel assigned to designated shortage areas to obtain State and local licenses or permits, the Secretary shall pay the fees therefor."

SEC. 3. (a) The Secretary may not close or transfer control of a hospital or other health care delivery facility of the Public Health Service unless—

(1) he transmits to each House of Congress, on the same day and while each House is in session, a detailed explanation (meeting the requirements of subsection (b)) for the proposed closing or transfer, and

(2) a period of ninety calendar days of continuous session of Congress has elapsed after the date on which such explanation is transmitted.

For purposes of paragraph (2), continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because an adjournment of more than three days to a day certain are excluded in the computation of the ninety-day period.

(b) Each explanation submitted under subsection (a) for closing or transferring control of a hospital or other health care delivery facility of the Public Health Service shall contain—

(1) (A) assurances that persons entitled to treatment and care at the hospital or other facility proposed to be closed or transferred and persons for whom care and treatment at such hospital or other facility is authorized will, after the proposed closing or transfer, continue to be provided such equivalent care and treatment through such hospital or other facility, or under such new arrangement and (B) a detailed explanation of how such care will be provided to such persons, and an estimate of the cost of providing such care and treatment to such persons after the proposed closing or transfer;

(2) (A) assurances that the capacity to supply health services to the critical manpower shortage areas near the facility will not be impaired by the closing or transfer and (B) a detailed explanation of how persons residing in such areas will be provided such care and treatment after the proposed closing or transfer;

(3) (A) assurances that any teaching program conducted at the hospital or other facility proposed to be closed may be conducted at other appropriate facilities, and (B) a detailed explanation of how such program will be conducted after the proposed closing or transfer; and

(4) the approval of those agencies established under section 314 (a) and (b) of the Public Health Service Act, having jurisdiction in the area in which such hospital or other facility is located, where both such agencies exist or the approval of only one such agency where only one exists in such area.

SEC. 4. Section 741 (f) of the Public Health Service Act is amended (1) by striking out "The payments" in paragraph (2) and inserting in lieu thereof "Except as otherwise provided in this paragraph, the payments", and (2) by adding after and below subparagraph (C) the following:

"In the case of any individual who qualified under paragraph (1) for payments on the principal of and interest on a loan and who, as a member of the National Health Service Corps, practices his profession in an area designated under section 329(b), the portion of the principal of and interest on the loans for which payments may be made for and on his behalf under paragraph (1) shall, upon completion of the first year of such practice, be 50 per centum and, upon completion of the second year of such practice, be the remaining 50 per centum."

SEC. 5. Section 218 of the Public Health Service Act is amended to read as follows:

"PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP TRAINING PROGRAM

"SEC. 218. (a) The purpose of the Public Health and National Health Service Corps scholarship training program (hereinafter referred to as 'such program') is to obtain trained physicians, dentists, nurses, and other health-related specialists for the National Health Service Corps and the Public Health Service Corps of the Department of Health, Education, and Welfare.

"(b) To be eligible for acceptance and continued participation in such program, each applicant must—

"(1) be accepted for enrollment, or be enrolled as a full-time student in an accredited (as determined by the Secretary) educational institution in the United States, or its territories or possessions;

"(2) pursue an approved course of study, and maintain an acceptable level of academic standing, leading to a degree in medicine, dentistry, or other health related specialty, as determined by the Secretary;

"(3) be eligible for, or hold an appointment as a commissioned officer in the Regular or Reserve Corps of the Public Health Service or be selected in the National Health Service Corps; and

"(4) agree in writing to serve in the Commissioned Corps of the Public Health Service or as a civilian member of the National Health Service Corps following completion of training as provided in subsection (f) of this section, in the National Health Service Corps, the Indian Health Service, the Federal Health Programs Service, and such other programs as the Secretary may designate.

"(c) Each participant in such program will be authorized a stipend for each approved academic year of training, not to exceed four years, in an amount prescribed by the Secretary and payable in monthly installments. The stipend shall not exceed an amount equal to the basic pay and allowances of a commissioned officer on active duty in pay grade O–1 with less than two years of service, plus an amount to cover the reasonable cost of books, supplies, equipment, student medical expenses, and other necessary educational expenses which are not otherwise paid as a part of the basic tuition payment.

"(d) The Secretary may contract with an accredited educational institution for the payment of tuition and other education expenses, not otherwise covered under subsection (c) of this section, for persons participating in such program. If necessary, persons participating in such program may be reimbursed for the actual cost of tuition and other educational expense authorized in this subsection, in lieu of a contract with the educational institution.

"(e) A person participating in such program shall be obligated to serve on active duty as a commissioned officer in the Public Health Service or as a civilian member of the National Health Service Corps following completion of academic training, for a period of time prescribed by the Secretary which will not be less than one year of service on active duty for each academic year of training received under such program. For persons receiving a degree from a school of medicine, osteopathy or dentistry, the commencement of a period of obligated service can be deferred for the period of time required to complete internship and residency training. For persons receiving degrees in other health professions the obligated service period will commence upon completion of their academic training. Periods of internship or residency shall not be creditable in satisfying an active duty service obligation under this section except that if such residency is served in a Public Health Service facility or facility of the National Health Service Corps such residency shall be counted as satisfying the active duty service obligation under this section.

"(f) If, for any reasons, a person fails to complete an active service obligation under this section, he shall be liable for the payment of an amount equal to the cost of tuition, and other education expenses, and salary expenses, paid under this section plus interest at the maximum legal prevailing rate. Any amount which the United States is entitled to recover under this paragraph shall, within the three-year period beginning on the date the United States becomes entitled to recover such amount, be paid to the United States. Until any amount due the United States under this paragraph on account of any grant under this subpart is paid, there shall accrue to the United States interest on such amount at the same rate as that fixed by the Secretary of the Treasury with respect to the grant on account of which such amount is due the United States.

"(g) When a person undergoing training in such program is academically dismissed or voluntarily terminates academic training, he shall be liable for repayment to the Government for an amount equal to the cost of tuition and other educational expenses paid from Federal funds, plus all salary payment which he received under such program.

"(h) The Secretary shall by regulations provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to any individual would be against equity and good conscience.

"(i) Notwithstanding any other provision of law, persons undergoing academic training under such program shall not be counted against any employment ceiling affecting the Department of Health, Education, and Welfare.

"(j) The Secretary of Health, Education, and Welfare shall issue regulations governing the implementation of this section.

"(k) To carry out the purposes of this program, there are authorized to be appropriated $10,800,000 for the fiscal year ending June 30, 1974, and $11,500,000 for the fiscal year ending June 30, 1975."

SEC. 6. Section 2(f) of the Public Health Service Act is amended by inserting after "Puerto Rico," the following: "Guam, American Samoa, and the Trust Territory of the Pacific Islands,".

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY), I submit a statement on this measure and ask unanimous consent that it be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

STATEMENT BY SENATOR KENNEDY

Mr. President, the Committee on Labor and Public Welfare, by a vote of 18–0 ordered S. 3858, the Emergency Health Personnel Act Amendments of 1972, reported to the Senate for consideration. This bill is aimed at strengthening our Nation's ability to deal with one of the most difficult and intransigent problems in our health care system, namely, the problem of attracting physicians, dentists, nurses and other health care personnel into rural and inner-city communities across our land.

I doubt that there is a Senator in this body who does not have a rural or inner-city community in his home State that is desperate for health professionals of some kind. During the Health Subcommittee's field hearings a year ago, we heard first hand from rural communities in West Virginia and Iowa, that have searched for years for a physician willing to offer health care to their people. This story is repeated in thousands of communities across our Nation. Doctor McDonald Rimple, Director of the National Health Service Corps, indicated there are approximately 5,000 communities in the United States without any health services. Indeed, he indicated there are 132 counties where there is no doctor in the entire county, and 225 counties where there is no dentist.

Moreover, Mr. President, it is likely that the situation will get worse before it gets better. The continuing trend toward specialization in medical education and the general trend of our population toward suburban areas result in most young physicians, dentists, and other health professionals practicing in the suburbs or near large urban medical centers. As physicians who have practiced in rural and inner-city areas retire, it is increasingly difficult to replace them.

These trends have created a genuine crisis for many rural and inner-city communities. It is a crisis: when children in these areas grow up with limbs unnecessarily twisted or minds unnecessarily retarded because they did not receive the routine child care that most suburban Americans take for granted; when simple childhood diseases cause unnecessary suffering and complications because routine immunizations were never given, or because parents waited too long to make the long arduous trip to the doctor; and when people are unnecessarily disabled or even die because it simply took too long to get the health care that might have made them whole.

Mr. President, the Senate has responded to these problems by establishing special scholarship and loan forgiveness programs intended to attract health professionals into shortage areas. The Senate will also soon consider legislation aimed at establishing health maintenance organizations, health service organizations, and area health education centers. These new forms of health care delivery also hold promise for making practice in rural and inner-city areas more attractive to health professionals.

However, every expert who has looked at the problem of rural and inner-city areas in America has indicated that these measures are only partial answers. No one has yet come up with the sure answer on how to attract health professionals into these areas. I am personally convinced, that we will not be able to adequately respond to this problem until we have passed a program of national health insurance in this country. Only when equal financing is available to cover health care to all Americans where they live, and only when adequate resources are available to underwrite health care facilities and networks appropriated to every type of community will be able to adequately deal with this problem.

I am also convinced, however, that we currently have an emergency of national health insurance, there will remain parts of our country which cannot attract health professionals. The bill which is before the Senate today is addressed both to this current emergency, and the long-range problem of supplying health care professionals to shortage areas.

Several years ago, the Senator from the State of Washington, Mr. MAGNUSON, introduced the National Health Services Corps Act. That legislation was signed into law on December 31, 1970. Under this authority, the Secretary of HEW to date has designated 144 communities to receive Federal health personnel. The bill which is before the Senate today strengthens this program in order that the Secretary of HEW may move more rapidly to identify and assist all shortage areas in our Nation.

1. The bill incorporates a major new scholarship program introduced originally by Senator STEVENS of Alaska as S. 3867. This program, plus an enhanced loan forgiveness program, and other new authorities are intended to enhance the Secretary's ability to recruit young professionals into the corps. These proivsions are vital, given changes in the military draft, and their impact on recruitment for this program.

The bill requires that the Secretary of HEW take the initiative of designating all areas of the country which require National Health Service Corps assistance and providing such assistance without regard for the ability of the people in the area to pay for these services. This provision is especially important given the slow implementation of this program to date, and the specific priority given by HEW to areas that can pay for services in spite of the lack of any basis in the law for such a priority.

The bill also provides the Secretary authority to override State and local medical, dental and other health professional societies which refuse to certify the need for National Health Service Corps personnel. State and local medical and dental societies have withheld certification to date on over 30 physicians and dentists. It is questionable whether a private, nonelective organization should have absolute veto rights over whether a group of Americans receives the benefit of a Federal program for which they help pay through their taxes.

It is more than questionable, indeed, it is an outrage if such a veto is exercised out of racial prejudice or other arbitrary and capricious reasons. In most cases, professional societies have been an enormous help in implementing the National Health Service Corps. I am pleased, however, that the committee has seen fit to give the Secretary an override authority in order that he can protect the rights of Americans who may be the victims of arbitrary or capricious actions under this program.

Mr. President, this bill also addresses the long perplexing problem of the disposition of Public Health Service hospitals and clinics. For several years, the beneficiaries of these Public Health Service hospitals and the employees have lived under a giant question mark regarding their future. There have been rumors, intercepted memos from HEW to OMB, and plan after DHEW plan. Some have been discussed and reviewed with local communities, while other plans have been kept secret only to leak in rumor and innuendo, and further aggravate the misgivings of everyone concerned with these Public Health Service hospitals and clinics.

Last year the Congress passed a concurrent resolution, S. Con. Res. 6, which insisted that no Public Health Service hospital or clinic be closed or transferred through June 30, 1972, and that any plan for these facilities be reviewed with the Congress. This bill, S. 3858, includes provisions which write these requirements into the law. The bill requires that any plan for closure or transfer of the facility be forwarded to the Congress 90 days before the plan is implemented. It requires that this plan include strong assurances that Federal beneficiaries will be properly cared for, that on-going service and teaching programs in the facility be continued, and that the closure or transfer of the facility will not decrease the capacity of the community to respond to its own health care needs.

In addition, the bill requires that all such plans receive the approval of the State and local health planning agency involved. These agencies have been established and funded by the Department of Health, Education and Welfare to assure that health facilities are used in a way which controls inflation and assures maximum efficiency and economy. The Department of Health, Education and Welfare requires such clearance of hospitals that are reimbursed under medicare; it makes equally good sense for changes in DHEW health care facilities in a community to be subject to similar review. Moreover, this requirement will assure that the Department's planning process takes into consideration the views of the local community.

Mr. President, I believe this is an urgent bill which responds thoughtfully to many of the program requirements in the National Health Service Corps, and the Public Health Service hospital system. It will extend the Health Service Corps for two years, through June 30, 1975. I urge the Senate to pass this measure. Thank you.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bills, S. 3716, to amend the Public Health Service Act to provide for continued assistance for health facilities, health manpower, and community mental health centers, and H.R. 14370 to provide payments to localities for high priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, were announced as next in order.

Mr. MANSFIELD. Mr. President, I ask that these two bills go over.

The ACTING PRESIDENT pro tempore. The two bills will be passed over.

AUTHORIZATION FOR THE COURT OF CLAIMS TO IMPLEMENT ITS JUDGMENTS FOR COMPENSATION

The bill (H.R. 12392) to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation was considered, ordered to a third reading, read the third time, and passed.

AMENDMENT OF STATUTORY CEILING ON SALARIES OF U.S. MAGISTRATES

The Senate proceeded to consider the bill (H.R. 7375) to amend the statutory ceiling on salaries payable to U.S. magistrates which had been reported from the Committee on the Judiciary with an amendment on page 2, line 2, after "$100", insert "nor more than $15,000".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

METRIC CONVERSION ACT OF 1972

The Senate proceeded to consider the bill (S. 2483) to provide a national program in order to make the international metric system the official and standard system of measurement in the United States and to provide for converting to the general use of such system within 10 years after the date of enactment of this act which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Metric Conversion Act of 1972".

FINDINGS

SEC. 2. The Congress finds that—

(1) the use of the metric system of weights and measures in the United States was authorized by the Act of July 28, 1866 (14 Stat. 339); and

(2) the United States was one of the original signatories to the Convention of the Meter (20 Stat. 709), which established the General Conference of Weights and Measures, the International Committee of Weights and Measures, and the International Bureau of Weights and Measures; and

(3) the metric measurement standards recognized and developed by the International Bureau of Weights and Measures have been adopted as the fundamental measurement standards of the United States and the customary units of weights and measures used in the United States have been since 1893 based upon such metric measurement standards; and

(4) the United States is the only industrially developed nation which has not established a national policy committing itself to and facilitating conversion to the metric system; and

(5) as a result of the study to determine the advantages and disadvantages of increased use of the metric system in the United States authorized by Public Law 90–472 (82 Stat. 693), the Secretary of Commerce has found that increased use of the metric system in the United States is inevitable, and has concluded that a national program to achieve a metric changeover is desirable; that maximum efficiency will result and minimum costs to effect the conversion will be incurred if the conversion is carried out pursuant to a national plan; that the changeover period be ten years, at the end of which the Nation would be predominantly, although not exclusively, metric; that a central planning and coordinating body be established and assigned to plan and coordinate the changeover in cooperation with all sectors of our society; and that immediate attention be given to education of the public and to effective United States participation in international standards making.

STATEMENT OF POLICY AND PURPOSE

SEC. 3. It is therefore declared that the policy of the United States shall be:

(1) to facilitate and encourage the substitution of metric measurement units for customary measurement units in education, trade, commerce, and all other sectors of the economy of the United States with a view to making metric units the predominant, although not exclusive, language of measurement with respect to transactions occurring after ten years from the date of the enactment of this Act;

(2) to facilitate and encourage the development as rapidly as practicable of new or revised engineering standards based on metric measurement units in those specific fields or areas in the United States where such standards will result in rationalization or simplification of relationships, improvements of design, or increases in economy;

(3) to facilitate and encourage the retention in new metric language standards of those United States engineering designs, practices, and conventions that are internationally accepted or embody superior technology;

(4) to cooperate with foreign governments and public and private international organizations which are or become concerned with the encouragement and coordination of increased use of metric measurement units or engineering standards based on such units, or both, with a view to gaining international recognition for metric standards proposed by the United States;

(5) to assist the public through information and educational programs to become familiar with the meaning and applicability of metric terms and measures in daily life. Programs hereunder should include:

(a) public information programs conducted by the Board through the use of newspapers, magazines, radio, television, other media, and through talks before appropriate citizens groups and public organizations;

(b) counseling and consultation by the Secretary of Health, Education, and Welfare and the Director, National Science Foundation with educational associations and groups so as to assure the metric system of measurement is made a part of the curriculums of the Nation's educational institutions and the teachers and other appropriate personnel are properly trained to teach the metric system of measurement;

(c) Consultation by the Secretary of Commerce with the National Conference of Weights and Measures so as to assure that State and local weights and measures officials are appropriately informed of the intended metric changeover and are thus assisted in their efforts to bring about timely amendments to weights and measures laws.

(d) such other public information programs by any Federal agency in support of this Act which relate to the mission of the agency;

(6) to accomplish a changeover to the greatest practical extent within ten years by Federal agencies to the metric system of measurement pursuant to the comprehensive plan developed by the Board; and

(7) to utilize Federal procurement activities to encourage the general use of the metric system of measurement.

DEFINITIONS

SEC. 4. For the purpose of this Act—

(a) The term "metric system of measurement" means the International System of Units as established by the General Conference of Weights and Measures in 1960 and interpreted or modified for the United States by the Secretary of Commerce.

(b) The term "engineering standard" means a standard which prescribes a concise set of conditions and requirements to be satisfied by a material, product, process, procedure, convention, test method, and the conformance characteristics thereof.

(c) The term "changeover period" means the length of time for the United States to become predominantly, although not exclusively, metric.

ESTABLISHMENT OF NATIONAL METRIC CONVERSION BOARD

SEC. 5. There is hereby established a National Metric Conversion Board (herein referred to as the "Board") to implement the policy set out in this Act.

SEC. 6. The composition of the Board shall be as follows:

(a) Nine members shall be appointed by the President, with the advice and consent of the Senate, from among those persons with experience and competence in the following areas: business, labor, education, consumer protection, science, and technology. The President shall designate one member appointed by him to serve as Chairman. The members first appointed under this section shall continue in office for terms of 1, 2, 3, 4, and 5 years, respectively, from the date this section takes effect, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of the expiration of the term which his predecessor was appointed. No more than five of the members shall be appointed from the same political party;

(b) One Member of the Senate shall be appointed by the President of the Senate; and

(c) One Member of the House of Representatives, who shall not be a member of the same political party as the Member of the Senate, shall be appointed by the Speaker of the House of Representatives.

SEC. 7. No vacancy on the Board shall impair the right of the remaining members to exercise all the powers of the Board. Six members of the Board shall constitute a quorum for the transaction of business. The Board shall annually elect a Vice Chairman to act in case of the absence or disability of the Chairman or in case of the vacancy in the Office of the Chairman.

SEC. 8. (a) Within eighteen months after funds have been appropriated to carry out the provisions of this Act the Board shall, in furtherance and in support of the policy expressed in section 1 of this Act, develop and submit to the President and the Congress a comprehensive plan to accomplish a changeover to the metric system of measurement in the United States. Such a plan may include recommendations for legislation deemed necessary and appropriate. Such a plan shall include proposed Executive orders or other directives, which the President is authorized to promulgate and make effective, requiring such conversion activities of the Federal Government, including procurement, in accordance with an appropriate time schedule and pursuant to the comprehensive plan. In developing this plan the Board shall—

(1) consult with and take into account the interests and views of the United States commerce and industry, including small business; science; engineering; labor; education; consumers; government agencies at the Federal, State, and local level; nationally recognized standards developing and coordinating organizations; and such other individuals or groups as are considered appropriate by the Board to carry out the purposes of this section;

(2) consult, to the extent deemed appropriate, with foreign governments, public international organizations, and, through appropriate member organizations, private international standards organizations. Contact with foreign governments and intergovernmental organizations shall be accomplished in consultation with the Department of State.

(b) Any amendment to the plan shall be submitted by the Board to the President and the Congress under the provisions set out in subsection (a) of this section and section 9 of this Act.

(c) Unless otherwise provided by the Congress, the Board shall have no compulsory powers.

SEC. 9. The Board shall begin implementation of the plan at the end of the first period of sixty calendar days that Congress is in session after the date on which the plan is transmitted to it and to the President unless between the date of transmittal and the end of the sixty-day period, either House passed a resolution stating in substance that it does not favor the plan or the President disapproves the plan and gives his reasons therefor.

SEC. 10. In carrying out its duties, the Board is authorized to:

(a) enter into contracts in accordance with the Federal Property and Administrative Services Act of 1949, as amended, with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties;

(b) conduct hearings at such times and places as it deems appropriate;

(c) establish such committees and advisory panels as it deems necessary to work with the various sectors of the American economy and governmental agencies in the development and implementation of detailed changeover plans for those sectors; and

(d) perform such other acts as may be necessary to carry out the duties prescribed by this Act.

SEC. 11. Members of the Board who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Board or otherwise engaged in the business of the Board, be entitled to receive compensation at a rate of $100 per day, including traveltime, and, while so serving on the business of the Board away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service. Payments under this section shall not render members of the Board employees or officials of the United States for any purpose.

SEC. 12. (a) The Board is authorized to appoint an Executive Director who shall serve full time and receive basic pay at the rate not to exceed the rate provided for GS–18 in section 5332 of title 5, United States Code, and to appoint and fix the compensation of such staff personnel as may be necessary to carry out the provisions of this Act.

(b) The Board is authorized to employ experts and consultants or oganizations thereof as authorized by section 3109 of title 5, United States Code, compensate individuals so employed at rates not in excess of the rate prescribed for grade 18 of the General Schedule under section 5332 of such title, including traveltime, and allow them, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of said title 5 for persons in the Government service employed: *Provided, however,* That contracts for such employment may be renewed annually.

SEC. 13. Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other staff services as may be requested by the Board shall be provided the Board by the Secretary of Commerce, for which payment shall be made in advance, or by reimbursement, from funds of the Board in such amounts as may be agreed upon by the Chairman of the Board and the Secretary of Commerce. In performing these functions for the Board, the Secretary is authorized to obtain such information and assistance from other Federal agencies as may be necessary.

SEC. 14. (a) The Board is hereby authorized to accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, and personal services, for the purpose of aiding or facilitating the work of the Board. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Board.

(b) For the purpose of Federal income, estate, and gift taxes, property accepted under subsection (a) of this section shall be considered as a gift or bequest to or for the use of the United States.

(c) Upon the request of the Board, the Secretary of the Treasury may invest and reinvest in securities of the United States any moneys contained in the fund herein authorized. Income accruing from such securities, and from any other property accepted to the credit of the fund authorized herein, shall be disbursed upon the order of the Board.

SEC. 15. The Board shall cease to exist no later than ten years after submission of a comprehensive plan to accomplish a changeover to the metric system of measurement that is not disapproved by the President or either House of Congress.

SEC. 16. The Board shall submit annual reports of its activities to the President and the Congress with respect to (1) progress being made under such plans; (2) tangible costs and benefits being incurred thereunder; and (3) any additional legislation needed to carry out the policy stated in this Act.

SEC. 17. There are hereby authorized to be appropriated not to exceed $3,000,000 for the fiscal year beginning July 1, 1972, not to exceed $4,000,000 for the fiscal year beginning July 1, 1973, and for each of the following three fiscal years not to exceed $2,500,000. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to provide a national program in order to make the international metric system the predominant but not exclusive system of measurement in the United States and to provide for converting to the general use of such system within 10 years.

Mr. MANSFIELD. Mr. President, that concludes the call of the calendar.

EXCURSION FROM CAMBODIA

Mr. MANSFIELD. Mr. President, apart from Vietnam, there are other situations in which we are enmeshed in Southeast Asia. It is difficult to keep them continuously in mind, so remote are they from any vital interest of the people of this Nation. Nonetheless, they go on, these irrelevant involvements. There is the half-forgotten war in Laos. There is the almost completely forgotten war in Cambodia. They cost this Nation hundreds of millions of dollars of public funds each year. They cost lives—some American lives, many other lives—men, women, and children. They open ever wider fans of destruction over Indochina.

How many months ago, or years, was it, that we moved into Cambodia? Perhaps it will be only dimly remembered but that blitzkreig tactic was debated for weeks at the time. The "incursion" into the Cambodian-Vietnamese border region was launched with great fanfare. It was supposed to result in the capture of the enemy headquarters, the destruction of the border "sanctuaries," the hastening of the end of the war and the insuring of the "safe" withdrawal of our forces.

Of course, the Cambodian invasion did none of these things. The high command, if it was ever there in the first place, simply moved out long before the invasion began. To the mounting casualties in Vietnam and Laos, Cambodia added new accumulations of United States and other casualties.

What had been a constricted border hideout for the supply of a limited number of Vietcong and North Vietnamese was turned by the incursion into a broad highway for the deployment and movement of any number of North Vietnamese and Vietcong forces almost at random throughout most of Cambodia.

In short, the Cambodian gambit brought, not peace, but another costly extension of our involvement in Southeast Asia and one more expensive dependent government. It contributed to converting into one more desert of war, the last oasis of civil stability and modest progress in Indochina—the Cambodia of Prince Norodom Sihanouk. This dubious conversion was paid for almost entirely with the money of the American people. How many American lives also paid for it, Mr. President? How many limbs? How many more drug addictions?

Over and over again, the press has documented this exercise in tragic futility in Cambodia. The sorry recitation of internal devastation, corruption, incompetence, disassociation of people from government, mystic militarism, the growth of indigenous revolutionary forces and so on is all to familiar to anyone who has followed the situation in Southeast Asia over the years. Regrettably, the Cambodian situation is one in which we permitted our involvement—again as we did in Vietnam, as we did in Laos—to rise from the wetting of a toe up to the level of our necks. Indeed, we played the major part through military aid programs, air support and B–52 bombing in converting what was a tolerable, productive and certainly peaceful existence for ordinary Cambodians into a life of aimless refugees among the spreading ruins of their towns and villages. All that has been spared, it would seem, is the corruption in the capital of Phnom Penh.

So far as I can see, Mr. President, the best thing that could happen to the people of the United States in this situation would be for the administration to end, forthwith, our military involvement in every form in the Cambodian theater of the Indochina war. As for the Cambodian people, the matter is for them to decide but it would seem to me they would be a lot better off if Prince Sihanouk were to be returned to Phnom Penh to head an interim government at least until such time as the war ends in a peace settlement. The Peking government with whom the President and his foreign policy adviser, Dr. Kissinger, have established such excellent working relations, might well be prevailed upon to assist in the diplomacy of this endeavor. May I add that I would be remiss if I did not acknowledge, as remote, the likelihood of this development's coming to pass in the near future. It looks to me, Mr. President, that we select our lemons and having done so, seem determined to hold on to them until, not they, but we, ourselves, are squeezed dry.

THE SITUATION IN CAMBODIA

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Weary Cambodians Losing Confidence in Lon Nol," written by Arnold R. Isaacs, and published in the Baltimore Sun of August 18, 1972.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WEARY CAMBODIANS LOSING CONFIDENCE IN LON NOL

(By Arnold R. Isaacs)

PHNOM PENH, CAMBODIA.—President Lon Nol's popular support is draining away as Cambodia's war weariness grows and his government seems increasingly remote, erratic, corrupt and inefficient.

The 58-year-old president, who came to power after the overthrow of Prince Norodom Sihanouk in March 1970; has managed to keep his country from collapsing altogether—perhaps a remarkable achievement in itself.

HOPED FOR TWO THINGS

But he has disappointed the millions of Cambodians who, in their initial outpouring of support, hoped above all for two things: the expulsion of Vietnamese Communists from Cambodian territory and an end to the whimsical, unpredictable and corrupt Mandarin style of the Sihanouk government.

The atmosphere of political bickering is worse than ever, many Cambodians feel.

The current political turmoil began in March, when Marshal Lon Nol, after ruling for two years as prime minister, declared himself president, assuming extremely broad executive powers and dissolving the National Assembly.

At the same time, he scrapped a draft of a republican constitution prepared by the legislators and substituted a draft written hastily to his own specifications, legalizing nearly all the extraordinary powers he had seized.

The new document was put to a referendum and was approved, by official tally, by more than 97 per cent of the voters.

On June 4, presidential elections were held and Marshal Lon Nol, to no one's surprise, was elected, though his opponents charged the voting was flagrantly rigged.

In the course of these events, many of the president's associates went over to the opposition.

The most prominent were In Tam, who had been National Assembly president and who ran against Marshal Lon Nol in June, and Sisowath Sirik Matak, who as prime minister-delegate had virtually run the country.

MORALE UNDERMINED

The next step after the presidential election is the choice of a new National Assembly, scheduled for September 4. In Tam's Democratic party and Prince Sisowath's Republicans, after a vain effort to change election laws that heavily favor government candidates, decided not to enter any candidates.

These political intrigues among the privileged have little meaning for the average Cambodian, but the general sense of national disunity has seriously undermined the country's morale and self-confidence.

There is no one to serve, as Prince Sihanouk did even at his worst, as a symbol of the nation.

Everyone, too, is affected by corruption, which seems, according to most neutral observers, to be spreading.

The local newspapers and foreign diplomats have documented examples of truck drivers paying bribes at no fewer than 17 checkpoints during a 35-mile journey, of farmers doubling the price of a pig because they have been shaken down for that much while bringing it to market, of officers collecting pay for thousands of "ghost soldiers" and sometimes leaving real soldiers unpaid for six months or more while pocketing the money.

REFUGEES CROWD CAPITAL

Hundreds of thousands of Cambodians, fleeing the fighting, have crowded into Phnom Penh, where living costs are higher than in the countryside.

The government does not have funds to provide more than marginal assistance to war refugees, and officials at the War Victims Commission, the government relief agency, say that of the estimated half million refugees, only about one-third have received any help at all.

The assistance is nominal. A "registered" refugee family, averaging five persons, normally gets one week's rations—15 kilograms of rice, 7 tins of fish, a kilogram of salt, and sometimes a few vegetables or other foods.

After a week, most refugees must find a way to support themselves, usually by living with relatives.

NO CONFIDENCE IN GOVERNMENT

At an unfinished hotel in Phnom Penh, now being used as temporary quarters for recent evacuees from Svay Rieng, conversations with a dozen or more refugees suggested that they, like other Cambodians, have lost much of their confidence in the government's ability to protect them.

Without exception, those interviewed planned to remain in Phnom Penh, saying they would not return even if government troops recaptured their villages, for fear they would simply have to run again.

The war has so disrupted the countryside that travel outside Phnom Penh for most civilians is limited to perhaps 20 or 30 miles.

Even roads officially classed as "secure," like the highway to the principal port of Kompong Som, are actually traveled only by escorted convoys.

The sense of isolation and the difficulty of visiting homes or relatives have also disheartened many Cambodians. In the Khmer expression, "the country is broken."

All of this could perhaps be borne if the government had scored any significant victories on the battlefields, but it has not, and Communist forces now occupy most of the eastern half of the country, except for a few government-held enclaves around the major towns.

If any motivation to carry on the war remains, it is not rooted in any commitment to the Lon Nol government but simply in the Cambodian's traditional fear and hatred of the Vietnamese.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Oregon, the acting minority leader, desire to be recognized?

Mr. PACKWOOD. I do not.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

TRIBUTE TO SECRETARY OF TRANSPORTATION VOLPE

Mr. HARRY F. BYRD, JR. Mr. President, I want to make a few comments this morning in regard to the distinguished Secretary of Transportation, the Honorable John A. Volpe. This week, Mr. President, Secretary Volpe gave a series of five brief interviews with a Virginia radio station, WAVA, of Arlington, Va. These interviews are most interesting and, I think, enlightening.

I am not prepared at this time to endorse all of the proposals suggested by Secretary Volpe. However, I am impressed with the imaginative and able way in which he has handled his responsibilities as Secretary of Transportation.

Secretary Volpe had a highly successful career in private business. He was an outstanding Governor of the Commonwealth of Massachusetts and, in my judgment, he is an outstanding Cabinet officer serving as Secretary of Transportation.

I am impressed with the fact that he is readily accessible, that he is prompt in handling his correspondence, and that his department is operated with a high degree of efficiency. I might say that to the Senator from Virginia, Secretary Volpe seems very refreshing as compared to some of the other high officials of government who put themselves in an ivory tower and deal in theory and seem unaware of realities. But not John Volpe.

Mr. President, I want to comment on one or two of the interviews of Secretary Volpe. He cites in his interview of Wednesday, August 16, the Shirley Highway project in northern Virginia as an example of how the use of public transportation facilities can be greatly increased. He points out that the Department of Transportation set up an exclusive busway with express bus service for commuters and turned the rush hour driving habits around. More Shirley Highway commuters today ride the bus than drive.

A recent survey, Secretary Volpe points out, of the Shirley Highway morning rush hour count showed 9,100 bus passengers as compared to 7,700 auto commuters; a 110-percent increase for mass-transit and a reduction of 2,800 cars, along with a more efficient use of the highways for those automobiles.

This Shirley Highway proposal was worked out with the Department of Transportation along with the North Virginia Transportation Commission under the able chairmanship of Joseph Alexandria, a member of the board of supervisors of Fairfax County. I think this is a very desirable experiment and that it has proven to be a very successful one.

I was interested also, Mr. President, in Secretary Volpe's comment in regard to skyjacking. He said that the hijacking of planes is a preventable crime if the airlines are tough enough in their boarding procedures on the ground. If they are tough enough on the ground, Secretary Volpe says, there will be no necessity to have to get tough in the air.

He points out that in one 3-month period 2,000 passengers were prevented from boarding and 800 were arrested. And of those arrested, about half of them were armed.

Ground security is being intensified, and that is good news for air travelers. He points out that Congress is appropriating enough money to equip virtually every boarding gate at every U.S. airport with metal-detecting equipment.

I think all of this is good news for the hundreds of thousands of Americans who daily use the Nation's airlines.

Again I commend the work of Secretary Volpe, who is an outstanding Cabinet officer who is rendering effective and outstanding service to his fellow citizens.

Mr. President, I ask unanimous consent to have printed in the Record at this point the five interviews, beginning with Monday, August 14, 1972, and continuing through Friday, August 18, 1972, which Secretary Volpe gave to radio station WAVA, Arlington, Va.

There being no objection, the interviews were ordered to be printed in the Record, as follows:

MONDAY, AUGUST 14, 1972

Q. Do you consider TRANSPO a success?

A. Definitely yes. I find it significant that so many people came to what was essentially a trade show. The long lines of people who stood in line for an hour or more to ride on the Personal Rapid Transit models—to go through the various new trains and commuter cars—to look over the Experimental Safety Vehicles—in fact, to see everything the industry and government had to offer—indicates to me a tremendous public interest in what we're trying to do in transportation. I'm glad we were able to reward that interest with such an outstanding exposition.

It's hard to know what the economic impact will eventually be but our best estimate at this time is that TRANSPO 72 will generate sales in the neighborhood of $200 million. Some of the companies that exhibited almost reluctantly—you might say out of a sense of patriotic duty—were the most enthusiastic about results once the show got underway.

I personally feel we should count as a benefit of great potential significance the tremendous amount of international good will that was generated in connection with this undertaking. Delegations of more than 50 nations from around the world met with us in formal conferences and informal visits to discuss mutual problems and exchange ideas for their solutions. They all seemed favorably impressed with what they saw of U.S. technology. I can tell you that some of the nations that declined to exhibit at the first TRANSPO have indicated they'd like to reconsider if we stage another one. I might add that exhibitors, visitors, foreign officials, have all encouraged us to stage other TRANSPO's on a regular basis.

This first exposition of its kind gave the casual viewer new faith in America's leadership in the transportation field. It gave planners new insight into what's available now and what's coming up in transportation hardware and software. And it gave exhibitors sales and leads in new markets, both domestic and foreign. I'm convinced TRANSPO was good for the United States and good for the future of transportation.

TUESDAY, AUGUST 15, 1972

Q. I have heard references in transportation discussions to a single urban fund? What does this mean?

A. We are proposing that some of the Federal Highway Trust Fund be set aside and that it be made available to states and cities for improving local urban transportation. The decision on how these funds will be spent will be made by state and local authorities. Under the present Federal Aid Highway Act all funds must be spent for highways and highway related projects. The difficulty is, however, a number of cities simply don't need highways. Their highest transportation priority may be buses or rail transit or perhaps upgrading commuter railroads.

Our proposal is based on the idea that local authorities are best qualified to determine local transportation problems and their solutions. Consequently, we want them to determine what's best. And we'll provide most of the funding. By 1975 we anticipate there will be about 6 billion dollars in the Highway Trust Fund and about 2 billion would go into the single urban category for use on a flexible basis for any mode of transportation. Now I want to make one thing clear. This is not a program to promote mass transit, or railroads, or highways. It is a program to promote the very best transportation possible, balanced transportation. And whatever our cities and states decide, they can go ahead and build. We have just sent up to the Congress a new study of transportation needs for the next two decades. The data for this report was contributed by all 50 states and this report shows very dramatically that transportation priorities vary from state to state and from city to city. And we here in Washington must cooperate with these local authorities and help them meet their special needs.

The present highway program dictates highways, but we must help cities find an alternative to the highway. We simply can no longer accept the spectre of increased air pollution, highway congestion and urban strangulation. We have tried to make the motor vehicle the complete answer to our surface transportation problems. We cannot do this any longer. Now we must assist with alternatives.

WEDNESDAY, AUGUST 16, 1972

Q. Mr. Secretary, do you foresee a return of widespread use of public transportation in our cities?

A. I certainly do! It won't happen overnight but the trend has started already. We in the Department of Transportation are working to make public transportation better for people—cleaner, quieter, safer, more comfortable, less congested—easier on the traveler and the environment. This is our most compelling task—to revitalize urban transportation—to release the strangle hold the automobile has on our cities. And it is an intermodal task, involving the co-operation of highway and transit planners, industry and government, citizen groups and community officials.

During the present Administration, the Urban Mass Transportation Administration has spent a billion dollars for public transportation. That's more than the total Federal funding for all the previous five years. Additionally, under President Nixon's Urban Mass Transportation Assistance Act of 1970, another billion dollars for mass transit for Fiscal 1973 has been budgeted. As a result of this program, faltering or failing transit systems have been saved or stabilized in some 60 U.S. cities. Think of that!

We have proposed, also, to help the cities meet the transportation crisis by proposing a single category of funding, supported by Highway Trust Fund resources, for urban transportation purposes. We want to give the States and cities a choice of technologies, plus a choice of spending options.

We feel local officials know problems best. Nearly 300 transit systems have gone out of business in the last 20 years. There is no doubt that we must halt that decline and reverse the trend; not by forcing people to ride buses and transit cars, but by making public transportation so attractive the private car will become, in many instances, "second choice" for intercity trips.

The Shirley Highway Project in Northern Virginia is a prime example. We set up exclusive busway with express bus service for commuters and turned rush hour driving habits around; more Shirley commuters today ride the bus than drive.

A recent Shirley Highway morning rush hour count showed 9,100 bus passengers and 7,700 auto commuters; a 110 percent increase for mass transit, a reduction of 2,800 cars, and a more efficient use of highways for those automobiles.

At certain points during rush hour bus patronage is up 300 percent. The new group of delighted bus riders find that they are saving—on the average—at least 30 minutes each day. On Shirley Highway, we are proving by means of technology and by hold and innovative plans, that public transportation can be reborn and find new favor with the public.

THURSDAY, AUGUST 17, 1972

Q. Mr. Secretary, is the Government's policy toward skyjackers still one of resistance, and—if so—how can you "get tough" with hijackers without endangering the lives of passengers and crew?

A. Hijacking is a "preventable" crime. If the airlines are tough enough in their boarding procedures on the ground, there will be no necessity to have to get tough" in the air.

The FAA behavioral profile, for example, is amazingly effective—if it is religiously applied and faithfully enforced. In the late July hijacking of the Delta plane, you may remember, it turned out that two of the skyjackers had aroused suspicions, but the "profile alert" was not followed up by a search procedure. I have since directed that not only must the airlines screen all passengers, but any who fit the behavioral profile *must* have their hand luggage searched and pass an electronic device before they can board.

President Nixon has taken a firm policy of resistance ever since September 1970, when three commercial aircraft were hijacked and subsequently blown up. The President immediately implemented the Sky Marshal force as a back-up to preboarding screening procedures.

The profile, incidentally, is more effective than people realize. In one three-month period 2,000 passengers were prevented from boarding. Eight hundred were arrested, and about half of them were armed.

Ground security is being progressively intensified. Congress is appropriating enough money to equip virtually every boarding gate at every U.S. airport with metal-detecting equipment.

So when we say we're going to fight back, violence is the last thing we want. The safety of passengers and crew always has been and always will be our first concern. Our weapons are surveillance, technology, and determination. The odds are now heavily against the hijacker . . . and getting tougher all the time. Out of 28 hijacking and extortion attempts this year, 21 failed. That means only 7 successful hijackings out of more than two and a half million flights in this period. Pretty good average I'd say—but we won't be satisfied until there are no hijackings, successful or otherwise. President Nixon has said we won't be intimidated. We shall continue to take whatever actions are necessary to make air commerce safe and secure.

FRIDAY, AUGUST 18, 1972

Question. Mr. Secretary, we are all concerned with the increasing threat of death on our highways and in particular the number of alcohol-related deaths each year. Can you tell us what is being done to get the drunk driver off the road?

Answer. I can tell you that no task in our Department is more urgent than lowering the highway death toll, and solving the drinking-driving problem is basic to that objective.

The statistics are appalling. Of last year's 55,000 highway fatalities, 50% or 28,000 were alcohol-related. Even more appalling is the fact that two-thirds of those fatalities, 19,000 were caused by problem drinkers who drive.

At the Direction of President Nixon, a wide-ranging alcohol countermeasures program has been developed. In my Department, we've committed $84 million for a three and one-half year period to set up model, community-level demonstration projects—Alcohol Safety Action Programs—in 35 locations across the country. They are designed to educate the driver and rehabilitate the problem drinker.

In addition a massive information-education campaign designed to generate public awareness of the continuing threat of the drunk driver was launched in March 1972. Research and development programs for better hardware, such as breath testing devices and ignition control systems have been established. And Federal funds have been made available to the states in order to assist them in bringing their programs in line with Federal standards.

As long as 25,000 people die each year as a result of abusive drinking and driving then drunk driving will remain our concern. President Nixon feels that way. I feel that way—and so should every citizen of this Nation. It is our problem—our responsibility—to get the drunk driver off the road and into an appropriate course of rehabilitation.

Mr. HARRY F. BYRD, JR. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Virginia has 8 minutes remaining.

ECONOMIC EXPANSION

Mr. HARRY F. BYRD, JR. Mr. President, the August 1972 issue of the Economic Research Division of the Chase Manhattan Bank goes into some detail regarding the U.S. economic expansion and it discusses also the Federal budgetary situation.

The report of the Chase Manhattan Bank emphasizes that U.S. economic expansion is gaining momentum. It points out that if the economy follows the path most observers expect for the balance of the year the real growth for all of 1972 will approximate 6 percent. Perhaps equally important, it notes this will be only the second year since 1966 when the gain in real activity was greater than the increase in prices.

The only other such year was 1968 when the economy was artificially stimulated, according to the Manhattan report, by spending in support of the war in Southeast Asia.

It makes the very important point that growth will not solve all economic problems of the United States, but it notes "it can create a climate in which attempts to deal with this problem are more likely to be successful." The report states:

> In particular, continued economic growth would provide an opportunity to deal responsibly with persistent and potentially inflationary Federal budget deficits.

Then, it states:

> As matters stand, the outlook for the U.S. budget is decidedly unhealthy.

Most certainly that is no exaggeration; if anything, it is an understatement.

The outlook for the U.S. budget is decidedly unhealthy, and this report of the Economic Research Division of the Chase Manhattan Bank states:

> In these circumstances, the next administration and Congress will face an unpleasant choice. They can raise taxes or limit spending. Or they can leave fiscal matters as they are and allow the Federal budget to feed a new inflation.

Yes, Mr. President, I think the new administration and the new Congress beginning in January will face unpleasant choices. Ironically, those unpleasant choices are being fostered on both the Congress and the administration by both the Congress and the administration themselves. I do not see any evidence that either the administration or the Congress is attempting to get Federal spending under control. In fact, it is getting more out of control every day.

The administration estimates the Federal funds deficit for the current fiscal year will equal $38 billion. In my judgment, it will exceed $40 billion. A $40 billion deficit in 1 year is a fantastic figure, particularly when it is added on top of all the other deficits which the Government has run for many, many years.

Mr. President, I have prepared a table showing deficits in Federal funds and interest on the national debt, 1954 to 1973, inclusive. I ask unanimous consent that the table may be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. HARRY F. BYRD, JR. Mr. President, I have prepared another table entitled "U.S. Gold Holdings, Total Reserve Assets and Liquid Liabilities to Foreigners." Liquid liabilities to foreigners today totals $67 billion whereas total assets are only $13 billion. I ask unanimous consent that this table may be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. HARRY F. BYRD, JR. Mr. President, I yield back the remainder of my time.

EXHIBIT 1

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954-73 INCLUSIVE

[In billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972 [1]	147.1	179.3	−32.2	21.2
1973 [1]	152.6	190.4	−37.8	22.3
20-year total	1,927.6	2,142.2	214.6	241.5

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

EXHIBIT 2

U.S. GOLD HOLDINGS, TOTAL RESERVE ASSETS, AND LIQUID LIABILITIES TO FOREIGNERS

[Selected periods in billions of dollars]

	Gold holdings	Total assets	Liquid liabilities
End of World War II	20.1	20.1	6.9
Dec. 31, 1957	22.8	24.8	15.8
Dec. 31, 1970	10.7	14.5	43.3
Dec. 31, 1971	10.2	12.2	64.2
May 31, 1972	10.5	13.3	[1] 67.0

[1] Estimated figure.

Source: U.S. Treasury Department.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa is recognized for 15 minutes.

THE TIP OF THE ICEBERG

Mr. HUGHES. Mr. President, several weeks have passed since I last reported to the Senate on the status of the investigation into the unauthorized attacks on North Vietnam by aircraft under the command of General Lavelle. Since the Armed Services Committee will be holding hearings on this subject in the near future, I wanted to inform my colleagues of the issues as they stand at this point.

Recent attention has focused on the fact that General Lavelle was retired with a startling 70 percent disability only a few weeks after he had been certified as flight-qualified. Other voices have demanded a court-martial for the general.

The primary issue is not General Lavelle, however, but the command and control system which permitted and then allowed to be concealed the unauthorized attacks against North Vietnam. Nor should General Lavelle be made the lone scapegoat if it turns out that others in the chain of command are also responsible for these actions.

I might add it seems almost impossible that one man along that chain of command could have been the only man aware of or issuing orders in relation to those strikes.

So far we have seen only the tip of the iceberg—one man disciplined on the basis of one investigation prompted by one letter to one U.S. Senator. Now we must go further, and I trust that the committee's hearings will explore all relevant facets of this issue.

At my request, a special subcommittee of the Armed Services Committee held a hearing to take testimony from Adm. Thomas H. Moorer, Chairman of the Joint Chiefs of Staff, about the Lavelle incident. Admiral Moorer's nomination for reappointment as Chairman was pending before the Armed Services Committee, and he appeared in that connection.

It was my feeling that the committee wanted a more complete picture of his role in the command and control structure, particularly with respect to our military operations in Indochina, and the questions I devised for Admiral Moorer were intended to elicit that information.

Mr. President, I believe my colleagues in the Senate would be interested in reading some of Admiral Moorer's opening statement to the subcommittee regarding these matters, and I ask unanimous consent that the statement be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUGHES. Mr. President, in answer to a series of questions, Admiral Moorer, in his testimony, provided the subcommittee with insight into the process by which General Lavelle forwarded his requests for authorization to strike certain targets—including targets that he regarded as military targets in North Vietnam.

This testimony is basic to our investigation, Mr. President, because there are strong indications that specific requests from General Lavelle were specifically turned down at several levels, in keeping with U.S. policy against attacking targets of opportunity in North Vietnam.

Mr. President, this testimony is most important because it demonstrates that there were numerous written communications that traveled up and down the chain of command—from General Lavelle to Secretary Laird and back—communications that are vital to an understanding of what, exactly, transpired in connection with General Lavelle's attempts to secure approval for his air strikes against North Vietnam.

I will insist that these orders be examined in detail by the Armed Services Committee and, wherever possible consistent with reasonable security precautions, they be made a part of the public record to be published by the committee.

The chain of command reached both up and down from General Lavelle. In fact, Admiral Moorer testified that there were several points of importance along the chain of command through which orders, reports, and requests for bombing authority passed.

Beneath General Lavelle were the commanders of forces operating in South Vietnam, near the DMZ in North Vietnam, in Laos and Cambodia, and from the 7/13th Air Force elements in Thailand.

Upward from General Lavelle, the orders, reports, and requests were channeled through General Abrams, commander of American forces in Vietnam, to Admiral McCain, commander in chief, Pacific forces, and then to the Joint Chiefs of Staff and, when appropriate, to Secretary of Defense Laird.

I have already informed the Senate of my request to the distinguished chairman of the Armed Services Committee (Mr. STENNIS) to have the airman who first wrote to me called as a witness in the forthcoming hearings. I have also suggested by letter to the chairman calling on others in the chain of command between General Lavelle and this brave sergeant.

In addition, I have requested that the committee hear from General Abrams and Admiral McCain, as well as General Lavelle, before action is taken on any of the nominations regarding these men that are pending before the committee.

Since we need the personal testimony of officers involved in this chain of command, I have requested that no action be taken by the committee on a series of nominations in which these officers are involved.

First there was the nomination of General Lavelle to retire at a reduced grade of lieutenant general.

Second, the nomination of Gen. Creighton Abrams, former military commander in Vietnam, as Army Chief of Staff.

Third, the nomination of Adm. John D. McCain, Jr., commander in chief, Pacific, for retirement at the rank of full admiral.

In each of these cases, I have requested that these nominations be deferred until the committee has had an opportunity to examine in detail the operation—and apparent failure—of the command and control system that we used in Southeast Asia and what role, if any, each of them had in connection with General Lavelle's transgressions.

Only if we examine each link in the chain of command can we be sure that we will find and correct whichever ones may have been defective.

Mr. President, my own doubts about the command and control system were not eased when Admiral Moorer testified that he had known about one unauthorized attack during the 4-month period in question. In this instance, in December, one or two planes fired on a radar installation which was used to control North Vietnamese fighters. Since that particular facility was not authorized, Washington brought the incident to the attention of the field commander.

But instead of being suspicious of such violations of orders, the military command also went to Secretary Laird and received his permission to hit similar targets in the future.

In other words, the Pentagon authorized what it had been unable to prevent.

Mr. President, the effectiveness of our system of command and control is clearly the focal point of the concern aroused by the Lavelle affair, but there are grounds to worry about larger and more fundamental issues, also.

The Senator from North Carolina (Mr. ERVIN) has said that the Lavelle affair involves a problem of military control over the military more than a concern over civilian control over the military.

Mr. President, I for one believe that this incident—and a combination of others—raises a question as to the strength of civilian commitment to control military actions.

Policy is not merely what our civilian authorities say, but more importantly it is what is done.

We say that our policy is not to bomb North Vietnam except in retaliation, but the Air Force under General Lavelle bombed North Vietnam at will.

We say it is not our policy to bomb the dikes in North Vietnam, but the dikes are bombed.

We say it is not our policy to bomb schools and hospitals and other civilian targets, yet schools, hospitals, and civilian targets all over Indochina are damaged and destroyed by American bombs.

We say it is not our policy to attack civilians, yet columns of civilian refugees are napalmed as they stream away from areas of intense battle activity.

We say it is not our policy to achieve a first-strike capability in strategic nuclear weapons, yet the President requests funding for weapon systems that have unquestionable capability as first-strike weapons.

We say it is not our policy to strike first with lethal chemical weapons, yet the Army is in the advanced stages of developing new lethal chemical weapons to add to our arsenals.

As I said earlier, Mr. President, these are all contradictions of policies asserted by the civilian leaders of our Government who seem undisturbed by the fact that actual events frequently and sometimes consistently contravene these policies.

It is, in other words, a situation in which civilian leadership is willing to state a policy, but shows little willingness to enforce it.

Newspaper reports have quoted several present and former officials to the effect that the current administration has loosened the reins of control over military operations in Indochina. Whether this occurred because of military assertiveness or White House indifference remains unknown.

Under President Johnson, as we all know, the targeting of attacks in North Vietnam was considered so closely tied to diplomatic strategy that such decisions were made at the highest level.

Under President Nixon, however, this is not the case. When Admiral Moorer was asked whether Dr. Kissinger's office knew or approved of targets in North Vietnam, he replied that large scale operations like the mining of Haiphong would be coordinated with the White House, but not details of "target A or target B."

If the question deals with whether you hit a bridge or a ferry slip or a supply center, of course it is not coordinated.

Yet these very details make the difference between hitting SAM sites on dikes or dikes themselves and bombing supply centers near schools and hospitals or those which are not.

If the civilian authorities refuse to assert their control and monitor the activities done to carry out their policies, they run the risk of criminal neglect.

Only this week I was shocked to read in the New York Times that:

> More than half the ordnance delivered (in Indochina) falls outside the intended target area.

If this is true, it utterly destroys the credibility of our claims of "pinpoint accuracy" and the avoidance of civilian targets.

There is another paradox that strikes one who gives some careful thought to the whole picture of command and control—extended upward from our Military Establishment into the civilian leadership, as well as downward from the fighting man to the very weapons he fights with.

Mr. President, in every military man there is a strong vein of humaneness—an overpowering desire to be able to perform his distasteful task of waging battle without injuring the innocent and uninvolved.

I believe that this humaneness is at the heart of requests from the fighting man for weapons that are more accurate, more predictable, and better tailored to the terrible task.

In other words, Mr. President, the military man strives for weapons over which he has better control—"smart" bombs, laser-guided munitions, pinpoint antitank weapons, costly and sophisticated guidance systems for our aircraft, improved surveillance systems for pinpoint targeting, and a thousand other weapons improvements.

The fighting man asks for these weapons improvements, and the Congress almost without question grants his requests.

We grant them because it just makes good, simple sense for the man in combat to have complete control over the destructive powers at his command.

And there is other technology that receives general approval from the Congress in the name of better command and control. The President has requested—and I predict that Congress will approve—$10 million in fiscal 1973 for acceleration of improvements in C–cubed systems—Command, Control, and Communications.

We can grant this request for better communications gear—we can grant request after request for better weapons that can be better controlled—but the control we urgently need to improve relates to the people who use the systems.

Unless we take strong measures to improve military control over the military man, and above that civilian control over the military establishment, all of the careful and expensive steps for controlling our weapons of destruction are totally wasted.

Exhibit 1

Testimony of Admiral Moorer

Admiral Moorer. I think it would be helpful, Mr. Chairman, and Senator, if I simply give a little background here with respect to the way that the operations have been and are conducted in Southeast Asia. They are conducted on the basis of rules of engagement which were, of course, promulgated in 1965 when the activity first commenced.

As you can appreciate, over this extended period of time the rules of engagement have been modified and updated. For instance, the change in the status of Cambodia would generate a requirement to change the rules of engagement. And so they are continually updated depending upon the situation at the time.

In addition to the standing rules of engagement, we also have what we call authorities of limited duration wherein the forces in the field are ordered to conduct a specific operation for a limited duration.

Now, the requests for these authorities or the genesis of these authorities can come from several places. For instance, the field commander can ask authority to conduct such and such type operation or the unified commander in Hawaii. Admiral McCain, may recommend a certain type of action. The Joint Chiefs of Staff may recommend an action of a certain kind.

However, I want to emphasize to the committee, since this subject always comes up about the question of civilian control, since I have been Chairman of the Joint Chiefs of Staff, and I am sure this has been true in the past, not one directive has ever been given to the forces in the field without first receiving the approval of the Secretary of Defense, and I think that is an important point.

In order to follow operations so far as the air operations are concerned, we have a very, I think, complete and thorough reporting system. This system is called the operation reporting system, and for short the various reports are called OPREPS. There are five of these OPREPS. OPREPS 1, 2, 3, 4, 5.

OPREP 1 indicates the intent to conduct the operation and the nature of the operation.

The OPREP 2 indicates that the operation is now underway, the aircraft have been launched, for instance.

OPREP 3 reports special events that are of particular interest which may occur during the progress of the operation.

OPREP 4 is the report that the pilots make immediately after they return from the flight.

We recognize that this report may not be complete and may be subject to reevaluation but it gives us immediate information on what has happened.

For instance, when the mining operation was conducted in Haiphong, within 30 minutes we had the OPREP 4 back telling us that the mines had been put in the proper position, that all aircraft had returned safely, and a brief outline of the enemy reaction. That type of thing is in OPREP 4.

And finally there is an OPREP 5 which gives a good summary of the verified information that has been reviewed and evaluated and more or less winds up the reporting on the particular operation.

These reports come, of course, to the senior commanders. They come to Hawaii where they are recorded and reviewed by Admiral McCain and they come to Washington where I keep a very detailed record of these reports which are placed in the automatic data processing system and in that way we are able to extract information and statistics concernnig almost any operation that has been conducted under this system.

And I can assure you, Mr. Chairman and Senator Smith, that I watch these reports very carefully in order to evaluate what has taken place, the results of the operations and, of course, from that we develop recommendations concerning other operations of this type or perhaps different operations which might be indicated as desirable.

Last fall when the dry season developed in Laos it became quite apparent that the North Vietnamese were going to lay on a very heavy effort leading to military operations in South Vietnam.

For instance, they deployed south finally a large number of battalions of SA–2 missiles—that is the surface to air missiles—and positioned them north of the DMZ and around their most valuable targets or rather most valuable facilities which were necessary in order to conduct this buildup.

For instance, such a place would be the Mugia Pass or the Dong Hoi transshipment point.

In addition to these ——— battalions of SA–2 missiles, some of which were finally put in Laos, they also deployed south an exceptionally large number of triple A antiaircraft sites and regiments.

In addition to that, they commenced for the first time to operate aircraft, their MIG aircraft, down south, and on frequent occasions they made excursions into Laos. South of Hanoi beginning with Baithuong airfield, they had three other good airfields and they commenced construction of two more, and so we had every indication that they were going to do everything they could to interfere with U.S. air operations.

That was the situation that existed during this period of time in question.

If I may at this point go back a bit. I think, as you recall, when the bombing was halted in 1968, one of the understandings was that we would continue unarmed photo reconnaissance of North Vietnam in order to observe any efforts on the part of the North Vietnamese to move men and material to the south and into South Vietnam.

As I recall, we first endeavored to conduct reconnaissance without any escort for the reconnaissance plane and very shortly after the bombing halt in November 1968 one of our unarmed photo reconnaissance planes was shot down even though the North Vietnamese had agreed that the reconnaissance could take place.

So at that point we began to escort these aircraft, sometimes with two planes, sometimes with four planes, the average I would say was something betwen two and four depending on what the anticipated threat was.

And the authority which permitted these planes to take counteraction in the event they were fired on, the reconnaissance plane was fired on, was an authority which termed such action as protective reaction.

In other words, the authority clearly states that before these aircraft can take action against either the missile or any antiaircraft that fires at them, that there must be evidence that they have in fact been fired upon. This has been the authority and I think it is crystal clear.

As you can appreciate, when the North Vietnamese added Migs to the missiles and antiaircraft and projected them as far south as they did last winter, this presented quite a threat. Therefore, in addition to the flak suppression aircraft, that is the escort aircraft, it was necessary also to provide high-altitude protection against any possible Migs that might come down and attempt to shoot down the reconnaissance plane, and that was done on occasions whenever the field commander felt that there was in fact a Mig threat present.

So you had in the reconnaissance effort a photographic plane which was escorted by two to four aircraft and one or two occasions six, but I don't recall ever having over six, and that is very rare, planes whose orders were in the event the photographic plane was fired upon they in turn were to react against the ground unit firing at the reconnaissance plane. And on occasion up at higher altitude above the photographic plane, we had other aircraft that we call a Mig cap, the Mig is the fighter aircraft that the North Vietnamese use which was charged with the responsibility of preventing the enemy Mig fighters from shooting down the photographic plane.

There were other types of operations which were labeled protective reaction. For instance, we have an aircraft missile which is an antiradiation missile. In other words, it homes on the enemy radar which directs either the guns or the SH–2 missiles. And this particular missile is what one would call a standoff missile. In other words, the plane that fires it does not have to be right at the radar, it can be several miles back, and so consequently the authority has been granted again to use these antiradiation missiles against the radars that directed the antiaircraft and the missiles against our aircraft, but that involves one missile at a time at one radar as compared to bombs that were dropped immediately over the missile site or the missile van or the antiaircraft site.

There was one other authority that dealt with protective reaction. As a matter of fact, two others. One permitted the aircraft, if they were operating in Laos, and were fired upon by antiaircraft or missiles just inside the North Vietnamese border, such as at the Mugia Pass, to take action against those guns or missiles. In other words, the enemy was not allowed to have a sanctuary where they could sit across the line and fire away as they chose without getting a reaction from our planes.

And, finally, we had protective reaction operations of limited duration. For instance, we noted that a large number of 130-mm artillery pieces were positioned just north of the DMZ system around last Christmas and we requested and received authority to attack these 130-millimeter artillery pieces and they were destroyed.

So those then were the authorities that were given the operating forces and which were used by them during this buildup period that the North Vietnamese used to put themselves in a position to commence this invasion on March 30, 1972.

* * * * *

The CHAIRMAN.

General Lavelle testified that he made numerous requests for authority to hit targets in North Vietnam and that he was turned down. I assume he is quoting now from the Laos hearings. He said he testified.

Did those requests come to your attention?

Admiral MOORER. The procedure for General Lavelle to follow in requesting these authorities is for him to submit them to General Abrams who, in turn, would submit through Admiral McCain to the Joint Chiefs of Staff and we would in turn request authority from the Secretary of Defense.

In other words, the point I am trying to make here, General Lavelle would not make a request directly to the Joint Chiefs of Staff, he would only make a request directly to General Abrams.

So, the answer is "Yes," I did receive requests from General Abrams which I am sure in many cases General Lavelle initiated.

The CHAIRMAN. And they were brought to your attention then by General Abrams?

Admiral MOORER. Yes, sir; that is correct via Admiral McCain.

The CHAIRMAN. But at that time you assumed they came from Lavelle?

Admiral MOORER. Generally—but not always—the requests for air authorities would come from General Lavelle and requests for the ground authorities would come from the Army commander; it works that way.

The CHAIRMAN. He was in charge of the Air Force in that area?

Admiral MOORER. That is right.

The CHAIRMAN. All right, the next question.

Admiral MOORER. If I may, I explained at the outset that the requests for authorities originate in many places. They could come from General Lavelle who, in turn, asked General Abrams at that point, COMUSMAC V—we call him to request from Admiral McCain, or Admiral McCain may originate this himself, or in some cases the Joint Chiefs of Staff may originate the request. We are all watching this all the time, but in the particular case we did receive requests from General Abrams for air authorities.

The answer to that question is "Yes," I did receive them.

The CHAIRMAN. Like a telephone call, it can originate anywhere along the line, it is coming to the same destination?

Admiral MOORER. Yes, sir; the decision is made the same way regardless of where it originates.

Senator SMITH. General Abrams did not identify the person who was making the request to you?

Admiral MOORER. No; he would not do that. It is not necessary and not expected.

The CHAIRMAN. His next question, how did you handle them, still referring to the requests?

Admiral MOORER. In the cases relating to air authorities, I, of course, prepared then a paper and forwarded them to the Secretary of Defense, sir, and requested his approval.

The CHAIRMAN. Suppose you denied the request?

Admiral MOORER. In that case, if the Joint Chiefs of Staff felt that this was not a proper action, we would simply not request approval.

The CHAIRMAN. Wouldn't pursue it further?

Admiral MOORER. Yes, sir; although the Secretary of Defense is informed of the request.

The CHAIRMAN. His next question: Did you communicate with General Abrams about the denial of the request?

Then he says, with Secretary Laird? With General Lavelle? The last three: Abrams, Laird, and Lavelle?

Admiral MOORER. We communicate with General Abrams through Admiral McCain. In other words, we always reply to the request but the Joint Chiefs of Staff send their reply for this, whether it is positive or negative, to the Commander in Chief, Pacific, an information copy goes to General Abrams. So the answer to that is "Yes," I communicated with Admiral McCain; and General Abrams was informed simultaneously what I was telling Admiral McCain and Admiral McCain picks it up and directs General Abrams to take action accordingly. I do not communicate with General Lavelle.

The CHAIRMAN. That is the ordinary course then that these requests take coming in and then going back?

Admiral MOORER. That is correct, sir. Because the Commander in Chief, Pacific, Admiral McCain, is of course, in command of overall operations in the Pacific. So the Joint Chiefs of Staff deal directly with Admiral McCain.

In order to expedite action and to keep everyone informed, we list General Abrams, sometimes General Lavelle, Admiral Clarey, and others that are involved, as we call them, information addresses, so they will know what I told Admiral McCain and that will expedite the action. But I would not give General Abrams a direct order. The order would be given to Admiral McCain who, in turn, would see to it that the action was taken by General Abrams.

Admiral MOORER. No, sir. I am very careful not to do that.

The CHAIRMAN. You already said you didn't skip Abrams either and go to Lavelle.

Admiral MOORER. No, sir. I wouldn't have occasion to communicate directly with General Lavelle.

The CHAIRMAN. Going back to the question. To be sure that it's been fully answered I will repeat it: did you communicate with General Abrams about the denial of these requests, with Secretary Laird, with General Lavelle? I think you have answered those as to Lavelle and as to Abrams but what about Secretary Laird?

Admiral MOORER. Yes, sir.

The CHAIRMAN. If you approved them then, they went on to Mr. Laird?

Admiral MOORER. That is correct. I prepare the rationale explaining why we want approval and I send the rationale plus a message, a proposed message to Admiral McCain and others involved, to Secretary Laird and if he approves the message he signs. He may deny it or he may modify it on occasion. But I want to repeat what I said at the outset, that since I have been chairman of the Joint Chiefs of Staff I have never sent an order to the field without getting approval of the Secretary of Defense.

The CHAIRMAN. All right.

Did you read any of the operations reports or damage assessments filed after the unauthorized raids or any summary reports of them?

Admiral MOORER. Yes, sir. As I explained to you, Mr. Chairman, I keep a very careful record, a machine run. General Pauly, for instance, whom you are well acquainted with through your regular Vietnam briefings, is one of the officers responsible for this, and so the answer to that question is "Yes."

The CHAIRMAN. The next question. Did those reports raise any suspicion in your mind that the 7th Air Force was striking unauthorized targets?

Admiral MOORER. No, sir. The reports do not indicate that the strikes were other than in accordance with current instructions.

There was one case which occurred in December, and this is rather involved, if I may start at the beginning.

The authority for the standoff missiles that I explained to you—the antiradiation missiles—was such that they could be used against the radars that control the missiles and the radars that controlled the antiaircraft. They did not provide authority to strike the radars that are used to control fighters at that particular time.

It became evident to us that the enemy was using the radars that are used to control fighters to aid in directing their missiles. They had developed a system wherein they used the radars that controlled the fighters to pick up the targets and this meant that the radar controlling the missile also was on the air a very short time and, consequently, was not as vulnerable to the antiradiation missiles as it had been before. That was the purpose of tie-in between these various radars systems.

One of the aircraft, as a matter of fact there were one or two of the aircraft, I have forgotten the number, did fire at a radar that is used to control the fighters. Because we were all working on the feasibility of what we suspected the enemy was doing and in the eyes of the pilot, I think he felt that the fighter control radar was part of the missile system. In fact, it was, but literally he did not have authority to do that because we only covered the two types. We are talking about three types: One that controlled the missile, one that controlled antiaircraft and one that controls the fighters. At the moment this strike took place the authority actually covered only two of the radars. I am only talking about one missile; I am not talking about a large formation of airplanes, I am talking about one airplane firing one missile at one radar.

The CHAIRMAN. Pardon me. That is almost a distinction without a difference, isn't it, because it was a converted radar.

Admiral MOORER. Yes, sir.

The CHAIRMAN. Converted?

Admiral MOORER. Yes, sir. We had suspected this and we were examining it technically. I am bringing this up because I wanted to show you that we had picked this firing incident up immediately, that they had fired at this radar. We called the field commander's attention to it. In the meantime we had taken it up with the Secretary of Defense and on 26th of January he expanded this authority to permit firing at all three radars, and this is the case now.

I only mention this to show you and to answer your question that we do review the reports and that we did pick up immediately from the reports, and in this case that there was a misinterpretation, but it was a minor one and was corrected right away.

The CHAIRMAN. With that exception then of this special radar that was being misused, you didn't have any other suspicions that the 7th Air Force was striking unauthorized targets?

Admiral MOORER. None whatever, sir. And I don't think there is anything in these reports that would cause me to have any suspicion.

I should point out that when General Ryan informed me of these letters he received and the fact that he had ordered his

Inspector General to go to Southeast Asia, I was concerned about this and in order to be sure what the interpretation was, that it was correct, and that the order was clear, I sent General Pauly to Southeast Asia to go aboard our carriers because they are also conducting air operations under the same identical rules, and I wanted to cover all aircraft in Southeast Asia, not only the 7th Air Force that General Ryan was inspecting, but I wanted to inspect the Navy, too, to be sure that they had not misinterpreted the intent of the directive, that the directive was in fact clear. And so I have been looking into this continuously in terms of the reporting system—by sending one of my key officers out to take a look, by talking to Admiral McCain about this problem, and we are still in the process of trying to analyze and evaluate and improve the reports, if we can, so that we can properly monitor these things.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

U.S. BOMBING OF VIETNAM MOST SHAMEFUL CHAPTER IN AMERICAN HISTORY

Mr. PROXMIRE. Mr. President, the Senator from Iowa has just given a very, very important speech. I certainly hope Senators will have an opportunity to review it in the RECORD. It is most significant, and I think its importance will become more apparent as the Abrams nomination and other military nominations come before this body.

I speak now on another very closely related subject.

Mr. President, the U.S. part in the Vietnam war has in the last few weeks become outrageous. Every day the headlines in our papers tell us that this country is carrying on the biggest bombing raids in the history of the war on North and South Vietnam. Literally millions of tons of death are being rained down on those pitiful little countries by the most powerful air force in the history of the world.

Mr. President, this just has to be the sorriest most shameful chapter in the history of this great and gallant country we love. There was a time when the Vietnam war made some sense—to some of us. We were opposing a Communist aggression that could result in Red Chinese takeover of Asia. We were fulfilling our obligations under the protocol of the SEATO treaty. That obligated our defense of South Vietnam. I supported the war. The war may have been wrong then and I may have been wrong to support it. I have opposed the war for the past 5 years.

And Mr. President, that war has certainly become wrong and evil now. This country has fulfilled its obligations under the SEATO pact with 50,000 dead Americans and more than $100 billion. And Communist aggression? Let us stop kidding ourselves.

Peking is out of the Vietnam war. There has not been a single Chinese or Russian soldier in combat in Vietnam throughout the war. Not a single Chinese or Russian bomber pilot has dropped even a 1-pound bomb in this war.

Sure we have withdrawn our troops, but from the skies 6 miles above Vietnam we are raining down a concentration of lethal, terrible death and destruction—day after day as never before. I repeat, as never before. It is killing hundreds of Vietnamese—many of them innocent. If the Mylai massacre was wrong, what is it when a B–52 drops tons of bombs in populated areas, killing scores of helpless women and children and babies, and when this slaughter is planned and directed by the top officials of this Government?

Mr. President, the time has come to ask what the hell are we doing out there? Yes American ground combat troops are away from it all. Draftees no longer go to Vietnam unless they ask for it. Our casualties are way down. And this has worked political magic for this administration. Sam Lubell one of the best public opinion experts in the country says that the American people now want us to finish off North Vietnam with our bombing attack. Now that most of the American boys are safe, the American people may well support this tragic, shameful, senseless rain of death and destruction on a little primitive country. Well, if they do they are wrong.

Just for one night every American father and mother should look at his own children as they sleep peacefully and quietly in their safe and secure home, and then think of the Vietnamese children who are being killed and maimed for life by the hundreds with American bombs every day and every night. For what? For what?

What in hell are we trying to accomplish? No one, I repeat, no one thinks this war is now preventing a potential Red Chinese takeover of Asia. Does little North Vietnam with her 17 million people, her pathetic bicycle and wagon economy represent a threat to America? Do not be silly.

Let us face it. We, the Congress and the administration, are carrying on this war because we want to save face. Somehow too many of us think that if we can bomb North Vietnam into acceptance of our terms that will constitute victory. America will have won. Our moral purpose will have been vindicated. Those who supported the war to the end will be proven right.

Mr. President, this is nonsense. The American people are going to be deeply shamed by this war. History will find that in the glorious record of this country—a record which the poet, Archibald MacLeish, once said is honored by the fact that America has always fought its wars in the name of freedom and to establish, preserve, and protect freedom. Well, this chapter of the Vietnam war—this appalling repetition of scores of new Mylai cases every day—will make this Congress and this administration the most shameful in our history.

Mr. President, I yield the floor.

AMERICAN BAR ASSOCIATION SUPPORTS THE TREATY AND THE INTERIM AGREEMENT ON LIMITATION OF STRATEGIC WEAPONS

Mr. MANSFIELD. Mr. President, I have received today in the form of a telegram, in my capacity as majority leader of the Senate, a resolution from Mr. Kenneth J. Burns, Jr., secretary of the American Bar Association. I shall not read the whereases nor all of the resolves, but the telegram concludes as follows:

> Be it further resolved, that the President or his designee be authorized to appear before the appropriate committees of the Congress in support of such action; and
>
> Be it further resolved, that the American Bar Association urges the Government of the United States to seek promptly to reach agreement with the Soviet Union on further measures limiting and reducing strategic offensive arms, and on general and complete disarmament, in accordance with the provisions of the preamble and Article XI of said treaty and of Article VII of said interim agreement.

Mr. President, I ask unanimous consent that the telegram setting forth the resolution adopted by the American Bar Association on Wednesday last be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

> SAN FRANCISCO, CALIF.,
> *August 17, 1972.*
>
> Hon. MIKE MANSFIELD,
> *Majority Leader of the Senate,*
> *Capitol Hill,*
> *Washington, D.C.:*
>
> On Wednesday afternoon, August 16, 1972, the House of Delegates of the American Bar Association adopted the following resolutions:
>
> Whereas, the United States has undertaken by the terms of Article VI of the Non-Proliferation Treaty of 1968, to which it is a party to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control", and expressed a similar intention in the preamble of the Limited Test Ban Treaty of 1963; and
>
> Whereas, it has for some years been a major objective of the United States to reduce the risk of military confrontation with the Soviet Union, particularly if involving the use of strategic or nuclear weapons; and
>
> Whereas, it has also been a major objective of the United States to slow down and arrest the escalation of armaments, in particular in the field of strategic weapons; and
>
> Whereas, the needs of the people, in the United States and elsewhere, require the allocation of greater financial and other resources, some of which might not be available if increased military expenditures occur; and
>
> Whereas, the United Nations and various of its committees have for many years urged strategic nuclear arms control and disarmament measures; and
>
> Whereas, the United States and the Soviet Union have sought since 1967 to begin negotiations on agreements to limit strategic weapons, and began such negotiations in November 1969, and have reached certain agreements expressed in a proposed treaty and interim agreement. Both signed in Moscow on May 26, 1972, by President Nixon and General Secretary Brezhnev; and
>
> Whereas, the Senate, on August 3, 1972,

advised and consented to the ratification of the said treaty; and

Whereas, negotiations on further agreements will be facilitated by approval by the Congress of the said interim agreement as well; and

Therefore, be it resolved, that the American Bar Association urges the Senate and House of Representatives to authorize approval by the President of the United States of the interim agreement on certain measures with respect to the limitation of strategic offensive arms, and the associated protocol, all of which were signed at Moscow on May 26, 1972 by President Nixon and General Secretary Brezhnev; and

Be it further resolved, that the president or his designee be authorized to appear before the appropriate committees of the Congress in support of such action; and

Be it further resolved, that the American Bar Association urges the government of the United States to seek promptly to reach agreement with the Soviet Union on further measures limiting and reducing strategic offensive arms, and on general and complete disarmament, in accordance with the provisions of the preamble and article XI of said treaty and of article VII of said interim agreement.

KENNETH J. BURNS, Jr.,
Secretary of the American Bar Association.

LEAVE OF ABSENCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, on the basis of a long standing official engagement, the distinguished Senator from Iowa (Mr. HUGHES) be authorized to be absent from the Senate on official business from September 5, when we return after the recess, through September 9, 1972.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE RETIREMENT OF GENERAL LAVELLE

Mr. HARRY F. BYRD, JR. Mr. President, the distinguished Senator from Iowa, in his remarks a few moments ago, mentioned the matter of General Lavelle. I do not wish to prejudge that case. General Lavelle will come before the Senate Armed Services Committee, and any comments that I make this morning should not be construed as either favorable or unfavorable to General Lavelle.

But there was one point in the remarks of the able Senator from Iowa that caught my attention. I want to comment on it this morning and ask the Senator from Iowa a question.

Did I correctly understand the Senator from Iowa to say that General Lavelle received from the Army a disability discharge, which tends to increase his retirement pay, a week or 2 weeks after having passed a medical examination for flight pay, which itself tends to increase an officer's pay?

Mr. HUGHES. If the Senator from Virginia will yield for response, the Senator from Iowa did not say 1 or 2 weeks. The Senator from Iowa stated a few weeks after a physical examination, had certified the general as flight qualified. The Senator from Iowa does not have the specific facts before him to say just at what date the general was certified and what date physical disability was certified.

I certainly want to join the distinguished Senator from Virginia in saying that the statement I have made here is not a judgment of the physical disability of General Lavelle in any sense whatsoever, because the Senator from Iowa has no formal documents as to the physical ability or disability of General Lavelle, only news reports as to what Air Force spokesmen have said—that General Lavelle was flight-qualified at the time of his retirement.

Mr. HARRY F. BYRD, JR. I thank the Senator from Iowa.

The point I am suggesting this morning is that perhaps the Armed Services Committees of Congress should look into the matter of how flight pay is handled and how disability is being determined. As we know, if an officer is qualified for flight pay, he receives additional compensation; and if he is discharged for physical disability, he receives a tax advantage on his retirement pay.

So I think that perhaps the appropriate committees of Congress would do well to delve a little into how these matters are being handled in the Defense Department, to be sure that those officers who are entitled to flight pay are, indeed, qualified for the work for which they are receiving additional pay, and, by the same token, that those officers who are being retired for disability are, in fact, entitled to such a discharge, which gives to that officer a very desirable tax advantage on his retirement pay.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. TUNNEY) laid before the Senate the following letters, which were referred as indicated:

REPORT ON CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a secret semi-annual report on chemical warfare and biological research programs (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE SECRETARY OF THE SENATE

A letter from the Secretary of the Senate, transmitting, pursuant to law, a statement of the receipts and expenditures of the Senate, from January 1, 1972, through June 30, 1972 (with an accompanying report); ordered to lie on the table and to be printed.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on Finance, with amendments:

H.R. 11185. An act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations (Rept. No. 92–1082).

By Mr. MANSFIELD (for Mr. CANNON), from the Committee on Commerce, with amendments:

S. 2741. A bill to amend the act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act (Rept. No. 92–1083).

By Mr. RANDOLPH, from the Committee on Public Works:

S. 3939. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (Rept. No. 92–1081). Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. RANDOLPH. Mr. President, I report an original bill from the Committee on Public Works to authorize appropriations for the construction of certain highways in accordance with title 23, United States Code and for other purposes. I ask unanimous consent that the committee have until midnight tongiht to file the report.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the bill be referred to the Committee on Banking, Housing and Urban Affairs for their consideration of that portion of paragraph 3 of section 105 requiring that at least $300 million of funds authorized for fiscal years ending June 30, 1974, and June 30, 1975, be used for highway public transportation in urbanized areas, and of those provisions of section 128 of the bill authorizing the purchase of passenger equipment other than rolling stock for fixed rail, and that the Committee on Banking, Housing and Urban Affairs have until the close of business on Friday, September 8, 1972, to act on this referral.

The PRESIDING OFFICER. Is there objection?

Mr. RANDOLPH. Mr. President, the able chairman of the committee to which the referral would be made is in the Chamber. We have discussed this matter, and perhaps with the understanding of the Senator from Alabama, he would allow his colleague just for a moment to engage in a colloquy.

Mr. ALLEN. Yes, Mr. President, I yield under the same understanding as before.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, let me say we have worked out an agreement as stated by the chairman of the Public Works Committee. It is our plan in the committee to hold hearings on September 7, and we have assured the chairman that we would complete action on the bill during that week.

Of course, the 7th is Thursday. The chairman requested until Friday. I suppose if there is a legislative session on Saturday, we could act then. However, I have no doubt but that we will be able to report it back on the 8th, as the chairman has requested.

Mr. President, I have no objection.

Mr. RANDOLPH. Mr. President, I thank my colleague from Alabama, the able chairman of the committee, and if no action has been taken on the unanimous-consent request for referral, I ask unanimous consent that the question be put.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. LONG, from the Committee on Finance:

James E. Smith, of Virginia, to be a Deputy Under Secretary of the Treasury.

By Mr. BENNETT, from the Committee on Finance:

Cynthia Holcomb Hall, of California, to be a judge of the U.S. Tax Court.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. PERCY (for himself and Mr. TAFT):

S. 3936. A bill to amend title III of the Trade Expansion Act of 1962 so as to provide more effective adjustment assistance thereunder, and for other purposes. Referred to the Committee on Finance.

By Mr. MATHIAS:

S. 3937. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress. Referred to the Committee on Rules and Administration.

By Mr. HART (for himself and Mr. BURDICK):

S. 3938. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to permit the disposal of surplus property, both real and personal, to Indian, Eskimo, or Aleut tribes, bands, groups, pueblos, and communities recognized by the Federal Government, and for other purposes. Referred to the Committee on Government Operations.

By Mr. RANDOLPH (from the Committee on Public Works):

S. 3939. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN (for himself, and Mr. ALLEN):

S. 3940. A bill to amend the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend those benefits to miners who incur silicosis in iron mines and surface coal mines. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself and Mr. MATHIAS):

S. 3941. A bill to establish Capitol Hill as a historic site. Referred to the Committee on Public Works.

By Mr. GRAVEL:

S. 3942. A bill for the relief of Clifford and Yvonne Gibbons. Referred to the Committee on the Judiciary.

S. 3943. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes. Referred to the Committee on Public Works.

By Mr. ROBERT C. BYRD (for himself and Mr. RANDOLPH):

S. 3944. A bill to provide for repair and conversion to a fixed-type structure of dam numbered 3 on the Big Sandy River, Kentucky, and West Virginia, in the interest of water supply and recreation for local interests. Referred to the Committee on Public Works.

By Mr. BUCKLEY:

S.J. Res. 262. A joint resolution to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PERCY (for himself and Mr. TAFT):

S. 3936. A bill to amend title III of the Trade Expansion Act of 1962 so as to provide more effective adjustment assistance thereunder, and for other purposes. Referred to the Committee on Finance.

TRADE ADJUSTMENT ASSISTANCE ACT OF 1972

Mr. PERCY. Mr. President, the world has experienced in the past 40 years the effect of restrictive trade policies, closed markets and nationally oriented economies. In 1934, the United States realized the need to encourage cooperative commercial ventures by enacting the Reciprocal Trade Act. This legislation was the first in a long line of trade bills which have recognized that American prosperity and security rely on the health of the world economy. Neither domestic nor international events can be so serious as to require the United States to close its markets and curtail its international relationships. This tenet has been the foundation of U.S. economic policies for more than three decades.

The Trade Expansion Act of 1962 was a further evolution of this policy. The bill authorized tariff reductions of up to 50 percent on many goods; the Kennedy round of negotiations, which was the embodiment of this authorization, subsequently produced an important international commercial agreement. Its goal was to stimulate U.S. economic growth with increased sales abroad and strengthened economic relations with foreign countries.

The 1962 Trade Act was significant for another reason. It recognized that a lowering of tariff barriers would possibly cause economic hardships to some sectors of the economy. The sudden removal or reduction of the protective wall could have adverse effects on firms and workers which had not previously felt the full force of competition. The philosophy of the Trade Act was that all segments of the American economy would benefit from duty reductions and it was therefore the Nation's responsibility to share in the cost of compensating injured workers and firms for any dislocations which would result. Uncompetitive firms and workers should not have to bear unassisted the burden of economic adjustment stemming from the implementation of a freer trade policy.

Thus the 1962 Trade Act introduced a program of adjustment assistance for those firms and workers injured by increased imports that result from tariff concessions. Various European nations had practiced adjustment assistance for many years, successfully guiding the retraining of workers and the modernizing of outdated facilities. As the Secretary of Commerce said when the TEA was sent to Congress, the assistance was not to be "an indemnity or a franchise to remain noncompetitive."

The rigid requirement in the 1962 act that firms and workers show that injuries are related to tariff concessions resulted in negative findings by the Tariff Commission. No adjustment assistance was offered until 1969, when the Tariff Commission began to reinterpret the eligibility criteria. This reinterpretation was not, however, the broad revision which the Trade Act needed in order to make it effective. Labor organizations and businesses who were facing tough, damaging import competition had already come to distrust this adjustment program, which failed to offer any effective assistance. Because of their experience with the Trade Act's adjustment assistance provision, many of those who have grievances have become convinced that protectionist legislation or restrictive international trade arrangements are the only meaningful alternatives available to deal with damaging foreign imports.

For the purpose of providing a workable alternative to protectionist restrictions on international trade, I am introducing today the Trade Adjustment Assistance Act of 1972. In my opinion, this bill is a reasonable, responsive means of making adjustment assistance a workable answer to the dislocations caused by imports.

The bill would amend title III of the 1962 Trade Expansion Act, a section which deals wholly with tariff adjustment, and adjustment assistance.

Whereas the scope of assistance in the 1962 bill—and in subsequent attempts to amend it—has been limited to firms and worker groups, the Adjustment Assistance Act would permit new groups to apply for help. Communities would for the first time be eligible, as would cooperative firm-worker, firm-community, and worker-community groups. This is in recognition of the dislocation which communities can and have experienced if they are dependent on one firm which is seriously affected by increased imports. In my own State of Illinois, several small towns in the southern part of the State have experienced great hardships because of the demise of shoe factories, upon which much of the towns' populations were economically dependent. If enacted as law the Trade Adjustment Assistance Act I am proposing would have assisted in modernization of the industries and retraining of the workers, and would have lightened the adjustment burden on the communities themselves.

This bill would encourage cooperative firm-worker, firm-community, and worker-community petitions and adjustment proposals. This integrated effort to apply for and use the adjustment assistance would speed the readjustment for all concerned parties. This principle was endorsed in the report of the President's Commission on International Trade and Investment Policy, the "Williams Commission" and in Peter G. Peterson's report titled "Foreign Economic Perspective of December 1971."

The bill also makes needed changes in the criteria and in the process for receiving adjustment assistance. First, the criteria for receiving assistance are liberalized by eliminating the requirement that injury-creating imports must result from tariff cuts, and by requiring that imports need only be a substantial cause of injury. The idea of breaking the causal link between tariff cuts and increased imports has been widely accepted since the passage of the 1962 Trade Act. This change was proposed in the 1968 Trade Expansion Act drafted by the Johnson administration, in the 1970 Trade Act proposed by President Nixon, and in the International Trade Act of 1971 introduced by Senators Harris and a group of other Senators. The concept was also advocated in the 1971 Williams Commission study and in former Ambassador William M. Roth's 1969 report to the President, Future United States Foreign Trade Policy.

Secondly, the Tariff Commission will become an investigative body only, as sugested in the 1968, 1970, and 1971 trade bills. Application for adjustment assistance will be made to the President. The modification of these sections provides firms, workers and communities with a more accessible application procedure, one that is not an insurmountable hurdle, as in the past, but one that makes reasonable demands that injury is substantial and is the result of imports and not of other factors.

This easing of the adjustment assistance requirement does not, however, apply to petitions for tariff adjustment. The basic tenet of the 1962 Trade Act is respected that tariffs should be raised to protect domestic industry only in exceptional and critical cases, and that assistance to help the adjustment of the domestic industry is the preferred remedy.

In instances where tariff adjustment is sought, the Trade Adjustment Assistance Act provides that increased imports must be shown in the primary cause or threat of injury, and firms must submit detailed plans of the actions they will take to become more competitive during the period for which they are protected. The 1962 Act also tied tariff adjustment to trade agreements concessions. With the elimination of this criterion in the 1972 Trade Adjustment Assistance Act, a new test is required which would allow only those critical cases which result primarily from imports to be eligible for tariff action. This differs from the adjustment assistance criteria which require only a substantial increase in imports to qualify for benefits. Under the 1962 Trade Act, the Tariff Commission makes annual reports to the President on tariff adjustment cases. The Trade Adjustment Assistance Act of 1972 would in addition require the Commission to: First, suggest whether adjustment assistance is a more appropriate remedy and second, find the probable effect of a tariff increase on consumers and exporters. Firms applying for a renewal of tariff protection must report on the efforts and progress they have made in their attempts to become competitive. These provisions will attempt to insure that firms actually use the protection to attempt to adjust to import competition and that a tariff increase does not have adverse effects on other economic groups, particularly consumers.

The adjustment assistance program has proven to be extremely slow in the delivery of benefits, as recognized in the Roth Report, the Williams Commission Report, and the Peterson Report. Delivery has been delayed by as much as 2 years in some cases, negating the intended effectiveness of the adjustment program. To assure a minimum of hardship, this bill imposes time limits throughout the determination process.

After an application has been investigated by the Tariff Commission, approved by the President, and certified by the Secretary of Labor or Commerce, the next step is the awarding of assistance. This is based on the recognition that the firm is the "engine of economic adjustment" and that all sectors have an interest in the restoration of its vitality. The technical, tax and financial assistance presently provided by the 1962 act will be supplemented with interim assistance—a Williams Commission innovation. This interim assistance consists of low-interest loans, tax credits, and grants to firms while they await delivery of their benefits. Firms are encouraged to take initiatives toward readjustment themselves. The Federal guarantee of loans is raised from 90 to 100 percent if firms take substantial measures to assist their own adjustment.

The assistance offered workers has become woefully inadequate in the decade since the 1962 Trade Act was passed. Federal and State unemployment benefits have been upgraded to correspond to cost-of-living increases. To become more consistent with these, the trade readjustment allowance in this bill is raised from 65 percent of the average manufacturing wage to 80 percent. This also acknowledges that an impacted worker should be able to receive a decent percentage of his own wage rather than, as presently provided, a percentage of a national average wage. Under present law the worker is obligated to take the lesser of the two sums, and can consequently be placed in a difficult financial position.

Under the Trade Adjustment Assistance Act of 1972 workers are encouraged to seek retraining. Workers who find assistance from other manpower development services—such as State unemployment and retraining programs—will now be eligible to receive a total of 100 percent—rather than 75 percent—of their former wage. This means, for example, that a worker receiving a State retraining allowance equal to 80 percent of his former wage will be eligible for a Federal allowance of 20 percent of his former wage. This Federal contribution is reduced as the worker approaches his previous wage level. Otherwise, the adjustment allowance continues throughout the period of retraining.

Eligible workers over 60 years of age often find reemployment and retraining difficult to obtain. They should receive adjustment assistance benefits until the time they qualify for social security. The bill I am introducing today provides for such assistance.

The new chapter concerning community adjustment would be administered by the Secretary of Commerce. Communities dependent on a firm which faces hardships due to increased imports would be eligible for adjustment assistance if their proposals would contribute to economic adjustment, give consideration to the workers and the firm, and importantly, demonstrate the efforts of the community to use its own resources. Community adjustment can take the form of industrial diversification, improvement of transportation facilities, and other projects related to the encouragement of industry.

In an effort to assure that consumers are not seriously and adversely affected by adjustment actions, the Trade Adjustment Assistance Act of 1972 makes a provision for the protection of consumers. The economic effects of increased tariffs and of international orderly marketing agreements on consumers must be annually investigated by the Tariff Commission and reported to the President. The price and availability of articles being protected must be considered. The Tariff Commission shall also have the responsibility of recommending reduction or removal of a duty, should it be found to be having a substantially adverse effect on consumers.

Finally, Mr. President, I have included a provision for eventual coordination of this adjustment assistance program. The lack of direction in this area is a serious handicap to the entire program. No governmental agency or department now in existence can fairly and adequately administer all aspects of the assistance programs. This bill, therefore, simply recommends inclusion of a coordinating body at the time of the creation of a Cabinet-level Department of Economic Affairs, such as is provided in S. 1433.

The Trade Adjustment Assistance Act of 1972 is in the best tradition of American trade policy. It provides adequate benefits to those workers, firms, and communities affected by trade dislocations. It makes the substantive alterations which will help American industry and agriculture, relieves them of the complete readjustment which may be involved in a free exchange of goods and services and facilitates the movement of capital and labor into more efficient uses. The provisions included here will reinforce the U.S. commitment to an open world economy and discourage those who would seek to discredit the progress of the past four decades. It is in answer to the competition we meet now on various levels and in various markets and preserves the driving competitive philosophy of the American economy.

I ask unanimous consent that the text of the Trade Adjustment Assistance Act of 1972 be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Trade Adjustment Assistance Act of 1972."

SEC. 2. Section 301 of the Trade Expansion Act of 1962 (19 U.S.C. 1901) is amended to read as follows:

"SEC. 301. PETITIONS AND DETERMINATIONS.

"(a) (1) A petition for tariff adjustment under section 351 may be filed with the Tariff Commission by a trade association, firm, certified or recognized union, or other representative of an industry.

"(2) A petition for a determination of eligibility to apply for adjustment assistance under chapter 2 may be filed with the President by a firm or its representative, by a duly authorized joint firm-worker representative, by a duly authorized community representative, or by a duly authorized joint firm-community representative. A petition for a determination of eligibility to apply for adjustment assistance under chapter 3 may be filed with the President by a group of workers or by their certified or recognized union or other duly authorized representative. A petition for a determination of eligibility to apply for adjustment assistance under chapter 4 may be filed with the President by a community or its representative.

"(3) Whenever a petition is filed under paragraph (1), the Tariff Commission shall transmit a copy thereof to the Secretary of Commerce.

"(b) (1) Upon request of the President, upon resolution of either the Committee on Finance of the Senate or the Committee on Ways and Means of the House of Representatives, upon its own motion, or upon the filing of a petition under subsection (a) (1), the Tariff Commission shall promptly make an investigation to determine whether increased quantities of imports of an article directly competitive with an article produced by a domestic industry have been the primary cause or threat of serious injury to such industry. In making its determination under this paragraph, the Tariff Commission shall take into account all economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment, and detailed plans, submitted by the firm, for use of time requested.

"(2) For purposes of paragraph (1), the term 'domestic industry' means that portion or subdivision of the producing organizations manufacturing, assembling, processing, extracting, growing, or otherwise producing like or directly competitive articles in commercial quantities. In applying the preceding sentence, the Tariff Commission shall (so far as practicable) distinguish or separate the operations of the producing organizations involving the like or directly competitive articles referred to in such sentence from the operations of such organizations involving other articles.

"(3) If a majority of the Commissioners present and voting make an affirmative determination under paragraph (1), the Commissioners voting for such affirmative injury determination shall also determine the amount of increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such injury. For purposes of this title, a remedy determination by a majority of the Commissioners voting for the affirmative injury determination shall be treated as the remedy determination of the Tariff Commission.

"(4) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall investigate any factors which in its judgment may be contributing to increased imports of the article under investigation; and whenever in the course of its investigation the Tariff Commission has reason to believe that the increased imports are attributable in part to circumstances which come within the purview of the Antidumping Act, 1921, section 303 or 337 of the Tariff Act of 1930, or other remedial provisions of law, the Tariff Commission shall promptly notify the appropriate agency and take such other action as it deems appropriate in connection therewith.

"(5) In the course of any proceeding initiated under paragraph (1), the Tariff Commission shall, after reasonable notice, hold public hearings and shall afford interested parties opportunity to be present, to present evidence, and to be heard at such hearings.

"(6) The Tariff Commission shall report to the President the determinations and other results of each investigation under this subsection, including any dissenting or separate views, and any action taken under paragraph (4).

"(7) The report of the Tariff Commission of its determinations under this subsection shall be made at the earliest practicable time, but not later than 4 months after the date on which the petition is filed (or the date on which the request or resolution is received or the motion is adopted, as the case may be). Upon making such report to the President, the Tariff Commission shall promptly make public such report, and shall cause a summary thereof to be published in the Federal Register.

"(8) No investigation for the purposes of this subsection shall be made, upon petition filed under subsection (a) (1), with respect to the same subject matter as a previous investigation under this subsection, unless 1 year has elapsed since the Tariff Commission made its report to the President of the results of such previous investigation.

"(c) (1) In the case of a petition by or on behalf of a firm for a determination of eligibility to apply for adjustment assistance under chapter 2, the President shall determine whether increased quantities of imports of an article like or directly competitive with an article produced by the firm have been a substantial cause or threat of serious injury to such firm.

"(2) In the case of a petition by a group of workers for a determination of eligibility to apply for adjustment assistance under chapter 3, the President shall determine whether increased quantities of imports of an article like or directly competitive with an article produced by such workers' firm, or an appropriate subdivision thereof, have been a substantial cause or threat of unemployment or underemployment of a significant number or proportion of the workers of such firm or subdivision.

"(3) In the case of a petition by a community for a determination of eligibility to apply for adjustment assistance under chapter 4, the President shall determine whether increased quantities of imports of an article like or directly competitive with an article produced by a firm in such community have been a substantial cause or threat of serious injury to such firm and hence to the economic base of the community.

"(4) In order to assist him in making the determinations referred to in paragraphs (1), (2), and (3) with respect to a firm, group of workers, or community, the President shall promptly transmit to the Tariff Commission a copy of each petition filed under subsection (a) (2) and, not later than 5 days after the date on which the petition is filed, shall request the Tariff Commission to conduct an investigation relating to questions of fact relevant to such determinations and to make a report of the facts disclosed by such an investigation. In his request, the President may specify the particular kinds of data which he deems appropriate. Upon receipt of the President's request, the Tariff Commission shall promptly publish notice thereof in the Federal Register.

"(5) In the course of any investigation under paragraph (4), the Tariff Commission shall, after reasonable notice, hold a public hearing, if such hearing is requested (not later than 10 days after the date of publication of its notice under paragraph (4)) by the petitioner or any other interested person, and shall afford interested persons an opportunity to be present, to produce evidence, and to be heard at such hearing.

"(6) The report of the Tariff Commission of the facts disclosed by its investigation under paragraph (4) with respect to a firm, group of workers, or community shall be made at the earliest practicable time, but not later than 60 days after the date on which it receives the request of the President under paragraph (4).

"(d) Should the Tariff Commission find with respect to any article, as the result of its investigation, the serious injury or threat thereof described in subsection (b), it shall find the amount of increase in, or imposition of, any duty or other import restriction on such article which is necessary to prevent or remedy such injury as well as the appropriateness of adjustment assistance to remedy such injury and shall include such finding in its report to the President. In addition, the Tariff Commission shall find the probable effect of such increase or imposition upon consumers, including the price and availability of such article and the like or directly competitive article produced in the United States.

SEC. 3. (a) Section 302 of the Trade Expansion Act of 1962 (19 U.S.C. 1902) is amended by striking out "DETERMINATION" in the heading of such section and inserting in lieu thereof "REPORTS".

(b) Section 302(a) of such Act is amended by striking out "or" at the end of paragraph (3), and by striking out paragraph (4) and inserting in lieu thereof the following:

"(4) provide, with respect to such industry, that the affected communities may request the Secretary of Commerce for certification of eligibility to apply for adjustment assistance under chapter 4, or

"(5) take any combination of such actions."

(c) Section 302(b) of such Act is amended to read as follows:

"(b) (1) Within thirty days after receiving a request for certification from a firm in an industry with respect to which the President has acted under (a) (2), the Secretary of Commerce shall certify such firm as eligible to apply for adjustment assistance under chapter 2 unless he makes a determination that the increased quantities of imports have not been a substantial cause or threat of serious injury to such firm. Any such determination shall be supported by written findings of fact and shall be issued within thirty days after receipt of the initial request for certification unless, within that period, the Secretary notifies the firm that he requires it to submit additional information in order to enable him to resolve specific questions as to the firm's eligibility, in which event he shall issue his decision as to eligibility within fifteen days after receiving such information.

"(2) Within thirty days after receiving a request for certification from a group of workers in an industry with respect to which the President has acted under (a) (3), the Secretary of Labor shall certify such group of workers as eligible to apply for adjustment assistance under chapter 3 unless he makes a determination that the increased quantities of imports have not been a substantial cause or threat or unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. Any such determination shall be supported by written findings of fact and shall be issued within 30 days after receipt of the initial request for certification unless, within that period, the Secretary notifies the group of workers that he requires it to submit additional information in order to enable him to resolve specific questions as to the group of workers' eligibility, in which event he shall issue his decision as to eligibility within fifteen days after receiving such information.

"(3) Within 30 days after receiving a request for certification from a community affected by an industry with respect to which the President has acted under (a)(4), the Secretary of Commerce shall certify such community as eligible to apply for adjustment assistance under chapter 4 unless he makes a determination that the increased quantities of imports have not been a substantial cause or threat of serious injury to the economic base of such community. Any such determination shall be supported by written findings of fact and shall be issued within 30 days after receipt of the initial request for certification unless, within that period, the Secretary notifies the community that he requires it to submit additional information in order to enable him to resolve specific questions as to the community's eligibility, in which event he shall issue his decision as to eligibility within 15 days after receiving such information."

(d) Secton 302(c) of such Act is amended to read as follows:

"(c)(1) In the case of any petition for adjustment assistance filed under section 301(c), the President shall make his determination at the earliest practicable time after receiving the report of the Tariff Commission of the facts disclosed by its investigation under section 301(c)(4), but not later than 30 days after the date on which he receives such report, unless within such 30-day period, he requests additional factual information from the Tariff Commission. If the President requests such additional factual information, the Tariff Commission shall, not later than 25 days after the date on which it receives the President's request, furnish such additional factual information in a supplemental report, and the President shall make his determination not later than 15 days after the date on which he receives such supplemental report.

"(2) The President shall promptly publish in the Federal Register a summary of each determination under section 301(c) with respect to any firm, group of workers, or community.

"(3) If the President makes an affirmative determination under section 301(c) with respect to any firm, group of workers, or community, he shall promptly certify that such firm, group of workers, or community is eligible to apply for adjustment assistance.

"(4) The President is authorized to exercise any of his functions with respect to determinations and certifications of eligibility of firms, workers, or communities to apply for adjustment assistance under section 301 and this section through such agency or other instrumentality of the United States Government as he may direct."

SEC. 4. (a) Section 311(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1911) is amended by striking out the second sentence and inserting in lieu thereof the following: "Within a reasonable time after filing its application, the firm, the firm-worker group, or the firm-community group, shall present a proposal for the economic adjustment of the firm."

(b) Section 311(b)(2) of such Act is amended by striking out "actions taken in carrying out trade agreements" and insert-amended by striking out "by the increased imports".

(c) Section 311 of such Act is amended by redesignating subsection (d) as (f), and by inserting after subsection (c) the following new subsections:

"(d) Immediately after the certification by the Secretary of Commerce, the firm shall be eligible for interim assistance (between approval and delivery of assistance). Such interim assistance may consist of low-interest loans, tax credits, and grants.

"(e) Certification procedures and forms prescribed by the Secretary of Commerce pursuant to this section shall be designed to simplify and expedite the provision of adjustment assistance to firms."

SEC. 5. Section 315(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1915) is amended by inserting after "90 percent" the following: "(or, if the Secretary determines that the firm has already taken substantial measures to assist its own economic adjustment, 100 per cent)".

SEC. 6. Section 317(a)(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1917) is amended by strikng out "by the increased imports which the Tariff Commission has determined to result from concessions granted under trade agreements" and inserting in lieu thereof "by the increased quantities of imports identified by the Tariff Commission under section 301(b)(1) or by the President under section 301(c)(1), as the case may be".

SEC. 7. Section 321 of the Trade Expansion Act of 1962 (19 U.S.C. 1931) is amended by inserting "(a)" immediately before "The", and by adding at the end thereof the following new subsection:

"(b) Procedures and forms prescribed by the Secretary of Labor pursuant to this section shall be designed to simplify and expedite the provision of adjustment assistance to workers."

SEC. 8. Section 322 of the Trade Expansion Act of 1962 (19 U.S.C. 1941) is amended—

(1) by striking out subsection (c), and

(2) by striking out "subsections (b) and (c)" in subsection (a) and inserting in lieu thereof "subsection (b)".

SEC. 9. (a) Section 323 (a) of the Trade Expansion Act of 1962 (19 U.S.C. 1942) is amended by striking out "65 percent of his average weekly wage or to 65 percent of the average weekly manufacturing wage, whichever is less" and inserting in lieu thereof "80 percent of his average weekly wage".

(b) Section 323(e) of such Act is amended to read as follows:

"(e) Whenever, with respect to any week of unemployment, the total amount payable to an adversely affected worker as remuneration for services performed during such a week, as unemployment insurance, as a training allowance referred to in subsection (d), and as a trade readjustment allowance—

"(1) would be less than 100 percent of his average weekly wage, his trade readjustment allowance shall be increased by the amount of such deficiency, or

"(2) would exceed 100 percent of his average weekly wage, his trade readjustment allowance shall be reduced by the amount of such excess."

SEC. 10. Section 324 of the Trade Expansion Act of 1962 (19 U.S.C. 1943) is amended to read as follows:

"SEC. 324. PERIOD OF PAYMENT OF TRADE READJUSTMENT ALLOWANCES.

"(a) Payment of trade readjustment allowances shall be made to an adversely affected worker for the entire period of his retaining to assist him in the completition of that retaining as approved by the Secretary of Labor.

"(b) Payment of a trade readjustment allowance shall be made to an adversely affected worker who has attained the age of 60 years for the period of time until he qualifies for social security payments, or until he has been relocated in suitable employment."

SEC. 11. Section 326 of the Trade Expansion Act of 1962 (19 U.S.C. 1951) is amended to read as follows:

"SEC. 326. IN GENERAL.

"(a) To assure that the readjustment of adversely affected workers shall occur as quickly and effectively as possible, with minimum reliance upon trade readjustment allowances under this chapter, every effort shall be made to prepare each such worker for full employment in accordance with his capabilities and prospective employment opportunities. To this end, and subject to this chapter, adversely affected workers shall be afforded, where appropriate, the testing, counseling, training, and placement services and supportive and other services provided for under any Federal law. Qualified workers should be provided the opportunity to pursue further training in technical, professional, and academic areas, as well as in vocational areas. Such workers may also be afforded supplemental assistance necessary to defray transportation and subsistence expenses for separate maintenance when such training is provided in facilities which are not within commuting distance of their regular place of residence. The Secretary of Labor in defraying such subsistence expenses shall not afford any individual an allowance exceeding $5 per diem; nor shall the Secretary authorize any transportation expense exceeding the rate of 10 cents per mile.

"(b) To the extent practicable, the Secretary of Labor shall encourage joint firm-worker adjustment assistance proposals, as well as joint community-firm proposals, for the expedition of retraining and readjustment. Lacking such a coordinated effort, the Secretary of Labor shall consult with such workers' firm and their certified or recognized union or other duly authorized representative and develop a worker retraining plan which provides for training such workers to meet the manpower needs of such a firm, in order to preserve or restore the employment relationship between the workers and the firm."

SEC. 12. Section 328 of the Trade Expansion Act of 1962 (19 U.S.C. 1961) is amended to read as follows:

"SEC. 328. RELOCATION ALLOWANCES AFFORDED.

"Any adversely affected worker who has been separated or has voluntarily separated may file an application for a relocation allowance, subject to the terms and conditions of this subchapter."

SEC. 13. Section 330(2) of the Trade Expansion Act of 1962 (19 U.S.C. 1963) is amended to read as follows:

"(2)(A) a lump sum equivalent to two and one-half times the average weekly manufacturing wage, or (B), in the case of an adversely affected worker who cannot obtain adequate information and assistance through public employment services, a low-interest loan in such amount as is reasonable and necessary under regulations prescribed by the Secretary of Labor (but not less than the amount specified in clause (A)), repayment of which shall be waived if the worker actively seeks and locates employment within a reasonable period."

SEC. 14. Section 331(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1971) is amended to read as follows:

"(a) The Secretary of Labor is authorized on behalf of the United States to enter into an agreement with any State, or with any State agency. Under such an agreement, the State agency (1) as agent of the United States Government, will receive applications for, and will promptly provide, assistance on the basis of this chapter, (2) will afford adversely affected workers who apply for assistance under this chapter testing, counseling, referral to training, placement services, and supportive and other services, and (3) will otherwise co-operate with the Secretary of Labor and with other State and Federal agencies in providing assistance under this chapter."

SEC. 15. Section 338 of the Trade Expansion Act of 1962 (19 U.S.C. 1978) is amended—

(1) by striking out paragraph (3).

(2) by isserting the following fourth sentence in paragraph (4):

"For purposes of this paragraph, the Secretary of Labor is authorized to issue regulations providing that the term 'total wages' may include the monetary equivalent of insurance, retirement, and other benefits obtained in addition to wages."

(3) by inserting after "severance" in paragraph (11) "(including voluntary severance)", and

(4) by striking out "75 percent" in paragraph (14) and inserting in lieu thereof "100 percent".

SEC. 16. Title III of the Trade Expansion Act of 1962 is amended by renumbering chapters 4 and 5 as chapters 5 and 6, respectively, and by inserting after chapter 3 the following new chapter:

"Chapter 4—ASSISTANCE TO COMMUNITIES

"SEC. 339. AUTHORITY.

"The Secretary of Commerce shall determine whether applicants are entitled to receive assistance under this chapter and shall pay or provide such assistance to applicants who are so entitled.

"SEC. 340. QUALIFYING REQUIREMENTS.

"(a) A community certified under section 302 as eligible to apply for adjustment assistance may, at any time within two years after the date of such certification, file an application with the Secretary of Commerce for adjustment assistance under this chapter. Within a reasonable time after filing its application, the community shall present a proposal, either separately or in conjunction with a firm or a group of workers, or both, for its economic adjustment.

"(b) Adjustment assistance under this chapter consists of technical assistance and financial assistance. Except as provided in subsection (c), no adjustment assistance shall be provided to a community under this chapter until its adjustment proposal shall have been certified by the Secretary of Commerce—

"(1) to be reasonably calculated materially to contribute to the economic adjustment of the community,

"(2) to give adequate consideration to the interests of the communities' workers and firms adversely affected by substantially increased imports,

"(3) to demonstrate that the community will make all reasonable efforts to use its own resources for economic development.

"(c) In order to assist a community which has applied for adjustment assistance under this chapter in preparing a sound adjustment assistance proposal, the Secretary of Commerce may furnish technical assistance to such community prior to certification of its adjustment assistance proposal.

"(d) Any certification made pursuant to this section shall remain in force only for such period as the Secretary of Commerce may prescribe.

"SEC. 341. USE OF EXISTING AGENCIES.

"(a) The Secretary of Commerce shall refer each certified adjustment proposal to such ageney or agencies as he determines to be appropriate to furnish the technical and financial assistance necessary to carry out such proposal.

"(b) Upon receipt of a certified adjustment proposal, each agency concerned shall promptly—

"(1) examine the aspects of the proposal relevant to its functions, and

"(2) notify the Secretary of Commerce of its determination as to the technical and financial assistance it is prepared to furnish to carry out the proposal.

"(c) Whenever and to the extent that any agency to which an adjustment proposal has been referred notifies the Secretary of Commerce of its determination not to furnish technical or financial assistance, and if the Secretary of Commerce determines that such assistance is necessary to carry out the adjustment proposal, he may furnish adjustment assistance under sections 342 and 343 to the community concerned.

"(d) There are hereby authorized to be appropriated to the Secretary of Commerce such sums as may be necessary from time to time to carry out his functions under this chapter in connection with furnishing adjustment assistance to communities, which sums are authorized to be appropriated to remain available until expended.

"SEC. 342. TECHNICAL ASSISTANCE.

"(a) Upon compliance with section 341 (c), the Secretary of Commerce may provide to a community, on such terms and conditions as he determines to be appropriate, such technical assistance as in his judgment will materially contribute to the economic adjustment of the community.

"(b) To the maximum extent practicable, the Secretary of Commerce shall furnish technical assistance under this section and section 340(c) through existing agencies, and otherwise through private individuals or institutions.

"(c) The Secretary of Commerce shall require a community receiving technical assistance under this section or section 340 (c) to share the cost thereof to the extent he determines to be appropriate.

"SEC. 343. FINANCIAL ASSISTANCE.

"(a) Upon compliance with section 341(c), the Secretary of Commerce may provide to a community, on such terms and conditions as he determines to be appropriate, such financial assistance in the forms of guarantees of loans, agreements for deferred participations in loans, or loans, as in his judgment will materially contribute to the economic adjustment of the community. In addition, grants for specific economic development projects, transportation facilities, community economic development corporations, government feasibility studies, and joint firm-worker adjustment assistance programs patterned for specific economic enterprises shall be provided by the Secretary of Commerce if, in his judgment, they will materially contribute to the economic adjustment of the community.

"(b) Guarantees, agreements for deferred participations, loans, grants, or studies shall be made under this section only for the purpose of making funds available to the community for diversification and encouragement of industry.

"(c) To the maximum extent practicable, the Secretary of Commerce shall furnish financial assistance under this section through agencies furnishing financial assistance under other laws.

"SEC. 344. CONDITIONS FOR FINANCIAL ASSISTANCE.

"(a) No loan shall be guaranteed and no agreement for deferred participation in a loan shall be made by the Secretary of Commerce in an amount which exceeds 90 percent of that portion of the loan made for purposes specified in section 343(b).

"(b)(1) Any loan made or deferred participation taken up by the Secretary of Commerce shall bear interest at a rate not less than the greater of—

"(A) 4 percent per annum, or

"(B) a rate determined by the Secretary of the Treasury for the year in which the loan is made or the agreement for such deferred participation is entered into.

"(2) The Secretary of the Treasury shall determine annually the rate referred to in paragraph (1)(B), taking into consideration the current average market yields on outstanding interest-bearing marketable public debt obligations of the United States of maturities comparable to those of the loans outstanding under section 343.

"(c) Guarantees or agreements for deferred participation shall be made by the Secretary of Commerce only with respect to loans bearing interest at a rate which he determines to be reasonable. In no event shall the guaranteed portion of any loan, or the portion covered by an agreement for deferred participation, bear interest at a rate more than 1 percent per annum above the rate prescribed by subsection (b) (determined when the guarantee is made or the agreement is entered into), unless the Secretary of Commerce shall determine that special circumstances justify a higher rate, in which case such portion of the loan shall bear interest at a rate not more than 2 percent per annum above such prescribed rate.

"(d) The Secretary of Commerce shall make no loan or guarantee having a maturity in excess of 25 years, including renewals and extensions, and shall make no agreement for deferred participation in a loan which has a maturity in excess of 25 years, including renewals and extensions. Such limitation on maturities shall not, however, apply to—

"(1) securities or obligations received by the Secretary of Commerce as claimant in bankruptcy or equitable reorganization, or as creditor in other proceedings attendant upon in solvency of the obligor, or

"(2) an extension of renewal for an additional period not exceeding 10 years, if the Secretary of Commerce determines that such extension or renewal is reasonably necessary for the orderly liquidation of the loan.

"(e) No financial assistance shall be provided under section 343 unless the Secretary of Commerce determines that such assistance is not otherwise available to the community, from sources other than the United States, on reasonable terms, and that there is reasonable assurance of repayment by the borrower.

"(f) The Secretary of Commerce shall maintain operating reserves with respect to anticipated claims under guarantees and under agreements for deferred participation made under section 343. Such reserves shall be considered to constitute obligations for purposes of section 1311 of the Supplemental Appropriation Act, 1955 (31 U.S.C., sec. 200).

"SEC. 345. ADMINISTRATION OF FINANCIAL ASSISTANCE

"(a) In making and administering guarantees, agreements for deferred participation, and loans under section 343, the Secretary of Commerce may—

"(1) require security for any such guarantee, agreement, or loan, and enforce, waive, or subordinate such security;

"(2) assign or sell at public or private sale, or otherwise dispose of, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with such guarantees, agreements, or loans, and collect, compromise, and obtain deficiency judgments with respect to all obligations assigned to or held by him in connection with such guarantees, agreements, or loans until such time as such obligations may be referred to the Attorney General for suit or collection;

"(3) renovate, improve, modernize, complete, insure, rent, sell, or otherwise deal with, upon such terms and conditions and for such consideration as he shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by him in connection with such guarantees, agreements, or loans;

"(4) acquire, hold, transfer, release or convey any real or personal property or any interest therein whenever deemed necessary or appropriate, and execute all legal documents for such purposes; and

"(5) exercise all such other powers and take all such other Acts as may be necessary or incidental to the carrying out of functions pursuant to section 343.

"(b) Any mortgage acquired as security under subsection (a) shall be recorded under applicable State law.

"Sec. 346. Protective Provisions.

"(a) Each recipient of adjustment assistance under section 342 or 343 shall keep records which fully disclose the amount and disposition by such recipient of the proceeds, if any, of such adjustment assistance, and which will facilitate an effective audit. The recipient shall also keep such other records as the Secretary of Commerce may prescribe.

"(b) The Secretary of Commerce and the Comptroller General of the United States shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient pertaining to adjustment assistance under sections 342 and 343.

"(c) No adjustment assistance shall be extended under section 342 or 343 to any community unless the officials or representatives of such community certify to the Secretary of Commerce—

"(1) the names of any attorneys, agents, and other persons engaged by or on behalf of the community for the purpose of expediting applications for such adjustment assistance, and

(2) the fees paid or to be paid to any such person.

"Sec. 347. Penalties.

"Whoever makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Secretary of Commerce under this chapter, or for the purpose of obtaining money, property, or anything of value under this chapter, shall be fined not more than $5,000 or imprisoned for not more than two years, or both.

"Sec. 348. Suits.

"In providing technical and financial assistance under sections 342 and 343, the Secretary of Commerce may sue and be sued in any court of record of a State having general jurisdiction or in any United States district court, and jurisdiction is conferred upon such district court to determine such controversies without regard to the amount in controversy; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against him or his property. Nothing in this section shall be construed to except the activities pursuant to sections 342 and 343 from the application of sections 507(b) and 2679 of title 28 of the United States Code, and of section 367 of the Revised Statutes (5 U.S.C., sec. 316)."

Sec. 17. (a) Section 351(a)(1) of the Trade Expansion Act of 1962 (19 U.S.C. 1981) is amended by inserting before the period at the end thereof ", taking into account the probable effect of such increase or imposition upon consumers, including the price and availability of the imported article and the like or directly competitive domestic article, and upon competition in the domestic markets for such articles".

(b) Section 351(d) of such Act is amended to read as follows:

"(d)(1) So long as any increase in, or imposition of, any duty or other import restriction pursuant to this section remains in effect, the Tariff Commission shall keep under review, and make annual reports to the President on—

"(A) the specific efforts being made by the firms in the industry concerned to adjust to import competition, and other developments with respect to such industry,

"(B) the effect of such increase or imposition upon consumers, including the price and availability of the imported article and the like or directly competitive article produced in the United States, and upon competition in the domestic markets for such articles, and

"(C) the impact upon United States exports and exporters of any action taken by foreign countries as a consequence of such increase or imposition.

"(2) When in the Commission's judgement the effect of such increase or imposition is

(A) substantially adverse to the interests of consumers, or

(B) that the impact on U.S. exports and exporters is materially adverse,

then it may recommend to the President reduction or removal of the tariff."

"(3) No later than 2 years after the effective date of a proclamation providing for the increase in, or imposition of, any duty or other import restriction pursuant to this section, or upon request of the President, or upon its own motion, the Tariff Commission shall advise the President of its judgment as to the probable economic effect on the industry concerned of the reduction or termination of such increase or imposition.

"(4) Upon petition on behalf of the industry concerned, filed with the Tariff Commission not earlier than the date which is nine months, and not later than the date which is six months, before the date any increase or imposition referred to in paragraph (1) or (2) of subsection (c) is to terminate by reason of the expiration of the applicable period prescribed in paragraph (1) or an extension thereof under paragraph (2), the Tariff Commission shall advise the President of its judgment as to the probable economic effect on such industry of such termination. Such petition shall include a detailed account of the specific efforts made by the firms in the industry to adjust to import competition after the effective date of such increase or imposition.

"(5) In advising the President under this subsection as to the probable economic effect on the industry concerned, the Tariff Commission shall take into account the specific efforts made by the firms in such industry to adjust to import competition, as well as all other economic factors which it considers relevant, including idling of productive facilities, inability to operate at a level of reasonable profit, and unemployment or underemployment. In so advising the President, the Tariff Commission shall also provide its judgment as to the probable effect of the reduction or elimination, as the case may be, upon—

"(A) consumers, including the price and availability of the imported article and the directly competitive article produced in the United States, and upon competition in the domestic markets for such articles, and

"(B) United States exports and exporters affected by any action taken by foreign countries as a consequence of the increase in, or imposition of, any duty or other import restriction pursuant to this section.

"(6) Advice by the Tariff Commission under this subsection shall be given on the basis of an investigation during the course of which the Tariff Commission shall hold a hearing at which interested persons shall be given a reasonable opportunity to be present, to produce evidence, and to be heard."

Section 352(a) is amended by adding thereto the following new second and third sentences:

(1) So long as any international agreement pursuant to this section remains in effect, the Tariff Commission shall keep under review and make annual reports to the President on—

(A) the specific efforts being made by the firms in the industry concerned to adjust to import competition, and other developments with respect to such industry,

(B) the effect of such international agreement on consumers, including the price and availability of the imported article and the like or directly competitive article produced in the United States, and on competition in the domestic markets for such articles, and

(C) the impact upon United States exports and exporters of any action taken by foreign countries as a consequence of such international agreement.

(2) When in the Commission's judgment the effect of such international agreement is

(A) substantially adverse to the interests of consumers, or

(B) that the impact on U.S. exports and exporters is materially adverse,

then it may recommend to the President a revocation or modification of the agreement.

Sec. 18. Title III of the Trade Expansion Act of 1962 is amended by adding at the end thereof the following new chapter:

"Chapter 7—PUBLICITY

"Sec. 371. Publicity of Adjustment Assistance Programs.

"(a) The President shall take all appropriate steps to insure that the adjustment assistance available under chapters 2, 3, and 4 is made known in a prompt and effective manner throughout the United States to persons who might need such assistance, including persons in areas of substantial unemployment as determined by the Department of Labor.

"(b) In particular, the President shall direct the Departments of Commerce and Labor, and such other agencies as he deems appropriate—

"(1) to use their services and programs in the several States to furnish interested persons with information concerning the various kinds of adjustment assistance available under chapters 2, 3, and 4 and the procedures for obtaining such assistance, and

"(2) to provide timely and appropriate assistance, through their field offices in the several States, to any person seeking to applv for, and to obtain, adjustment assistance under chapters 2, 3, and 4.

"(c) In any area of the United States where a language other than English is used by a significant number of persons, the President shall insure that information and assistance under this chapter are provided in both English and such other language."

Sec. 19. Upon the establishment of a Department of Economic Affairs, the functions, powers, and duties of the Secretary of Commerce and the Secretary of Labor under title III of the Trade Expansion Act of 1962 are hereby transferred to the Secretary of Economic Affairs.

Mr. PERCY. Mr. President, at the request of the distinguished Senator from Ohio (Mr. Taft), I ask unanimous consent to have printed in the Record a statement by him relative to the Adjustment Assistance Act of 1972.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senator Taft

Millions of American workers are gripped by the fear that imports are going to cost them their jobs. Andrew Biemiller, Director of Legislation for the AFL–CIO has estimated that approximately 700,000 American jobs were lost directly as a result of foreign competition between 1966 and 1969 alone. This trend was not peculiar to any specific industry, but was evidenced in such diverse types of concerns as textiles, appliances, shoes, bicycles, steel, and tennis rackets.

Representative Burke and Senator Hartke, with the support of the AFL–CIO, have proposed across-the-board import quotas as part of the answer to this problem. I reject this approach because it would lead to higher prices for American consumers and invite a trade war that would cost American jobs in export-related industries. The Burke-Hartke bill might even result in a net reduction of American jobs.

It would be irresponsible, however, to dismiss the Burke-Hartke bill without suggesting any viable alternative. In view of the tremendous impact which imports have had on workers, industries, and entire communities, a positive alternative to Burke-Hartke is called for. The Government must help those hurt by imports, but it must do so in a manner which balances their interests with the interests of taxpayers in the role of consumers and exporters. I am joining Senator Percy as a cosponsor of the Adjustment Assistance Act of 1972 because it would provide this kind of assistance.

One of the major reasons for the enactment of the Trade Expansion Act of 1962 was to provide aid in the form of tariff increases or import quotas where necessary, and subsidized loans and grants on a more widespread basis, to help workers and firms adjust to increased imports. Relief cannot be provided, however, unless the Tariff Commission makes a positive finding that it is needed. In the first 7 years of the Trade Expansion Act, the Tariff Commission reviewed 13 industry applications for assistance without making a positive finding! To this day, only 5 positive findings on such applications have been made. I believe that tariffs should not be increased nor import quotas imposed unless the situation is extremely serious, but I see no reason to be so miserly with respect to the provision of relief for individual workers. An adequate level of assistance has just not been provided under the present law.

The Adjustment Assistance Act would deal with this problem by eliminating the requirement that adjustment assistance be made available only if the damage due to increased imports results from U.S. trade concessions. Instead, tariff increases or import quotas could be invoked if increased imports have been the primary cause or threat of serious injury to the industry in question. I am not certain that this is the best solution to the problem, but I do feel that it should be brought before the Senate for full consideration. Loans and direct subsidies for workers, firms, and communities would be made available whenever imports have been a substantial cause of the industry's problems. I hope that the latter provision will result in a much more realistic utilization of this type of adjustment assistance.

The legislation would also expedite the provision of assistance by placing time limits on the Tariff Commission's administration of various stages of the application process. An extremely constructive provision of the Act makes clear that any tariff increases or import quotas would be applied only to the specific articles affected and not on an industry-wide basis.

I believe that the increased relief for workers which this bill provides will alleviate many of the hardships that they now face upon losing a job due to increased imports. It will also facilitate any necessary retraining and relocation of these workers. The increased loans subsidies to firms which have already made substantial efforts to adjust to import competition will serve as an incentive for firms to make such adjustments. In addition, the establishment of an entirely new program of assistance to adversely affected communities who need to diversify their industrial base will be particularly helpful. For example, in my own State of Ohio, the town of East Liverpool could seek aid for ending its dependence on the now-depressed ceramics industry. Similarly, a city such as Massillon, which is dependent upon the import-plagued specialty steel industry, could ask for assistance in attracting new sources of employment.

This legislation goes further than any bill ever introduced before to protect consumers and exporters against abuse of the Adjustment Assistance program. It is imperative that any shelter which domestic industries are provided by the artificial restraint of competition through higher tariffs or import quotas be utilized to give these industries time to increase their competitiveness. We cannot permit tariffs or import quotas to be used as vehicles simply to raise prices. To ensure that this condition is fulfilled, the bill directs the President to take consumer interests into account as he decides whether to increase tariffs or impose import quotas. It requires the Tariff Commission to report on any protected industry's efforts to adjust to import competition, to survey the effects of any increased tariffs, import quotas, or import restraints ("orderly marketing") agreement on consumers, and to document the impact on U.S. exporters of any measures adopted by foreign countries in response to such protective arrangements. Most importantly, the legislation puts teeth in these provisions, by giving the Tariff Commission the power to recommend reduction, modification, or elimination of increased tariffs, import quotas, or import restraint agreements if the arrangement in question has had a substantially detrimental effect on consumers or exporters.

This legislation is not pro-business or pro-labor. The measure is not protectionist. It simply attempts to provide the kind of assistance that workers, firms, and communities desperately need to adjust to increased import competition, while maintaining adequate safeguards to ascertain that the interests of consumers and exporters are not allowed to fall by the wayside in the process. I hope that the Senate will give the Adjustment Assistance Act of 1972 full consideration at the earliest possible date.

By Mr. MATHIAS:

S. 3937. A bill to amend the act of August 4, 1950 (64 Stat. 411), to provide salary increases for members of the police force of the Library of Congress. Referred to the Committee on Rules and Administration.

Mr. MATHIAS. Mr. President, I am pleased to introduce today a bill which would bring long-overdue recognition to the members of the special police force of the Library of Congress by raising their salaries to parity with the Supreme Court and Capitol Police forces.

If we are to maintain a competent, professional police force at the Library, we cannot continue to overlook the important responsibilities and duties which they fulfill. They guard a world-famous collection of books and documents of immeasurable, irreplaceable value. They serve a large Library staff as well as thousands of visitors every year. The Library's proximity to the Capitol, the Supreme Court, and the congressional office buildings makes a competent force particularly important.

The Librarian of Congress has indicated his hearty support for this measure, and in fact has stated that a salary scale comparable to those of other police organizations serving Federal facilities is essential to overcoming present difficulties in hiring and keeping skilled personnel. I would like to have printed in the RECORD at this point a table prepared by the Librarian of Congress which illustrates the present disparity in pay scales among such organizations.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF STARTING AND ENDING SALARIES OF LIBRARY OF CONGRESS AND OTHER POLICE

Rank	Library of Congress		GSA		U.S. Capitol		National Zoological Park	
	Starting	Ending	Starting	Ending	Starting	Ending	Starting	Ending
Private	$8,295	$8,295	[1] $8,295	[1] $10,491	$8,610	$12,300	$9,053	$10,261
Jergeant	9,241	9,241	[1] 8,697	[1] 11,145	11,562	15,252	10,013	11,349
Sunior Lieutenant	9,657	10,261	10,013	13,019	14,022	17,712	11,046	12,518
Senior Lieutenant	11,046	12,518	10,013	13,019	14,022	17,712	11,046	12,518
Captain	12,151	13,053	12,151	15,796	16,728	20,418	12,151	13,771

[1] Saved rate—new hires start at base of GS-5, GS-6, etc.

Note: Special rates used by GSA are canceled effective Feb. 6, 1972. Supreme Court Special Police paid at same rates as U.S. Capitol Police, 5.5-percent increase not yet adopted.

Mr. MATHIAS. Mr. President, I am pleased to note that our colleague in the other body, the Honorable HARLEY O. STAGGERS has introduced there H.R. 14640, an identical measure. It is evident that the salary adjustment in this legislation is not only that, but requisite to the security of the Library of Congress and the entire Capitol Hill complex.

By Mr. CRANSTON (for himself and Mr. MATHIAS):

S. 3941. A bill to establish Capitol Hill as a historic site. Referred to the Committee on Public Works.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to establish Capitol Hill as a historic district. Capitol Hill is an unique area. It is anchored by public buildings of unequalled significance to Americans—the Capitol Building, the Supreme Court, and the Library of Congress. With the exception of the White House, no other landmarks have equal power in capturing the public imagination. This is true now, and will be especially true in 1976, when in honor of the bicentennial of the American Revolution, people from across the country will come to Washington to get a sense of themselves as descendants of the American past and participants in its future. Certainly, a celebration of the birth of our Nation begins with a visit to Capitol Hill.

Besides being the seat of the Nation's Government, Capitol Hill is an area of historic and cultural significance. It contains landmarks listed on the National Register of Historic Places, such as the Frederick Douglass Memorial House, the Folger Shakespeare Library, and Christ Church; residences of Senators, Congressmen, Supreme Court justices, and other public officials, who, in the 19th and 20th century clustered on Capitol Hill. It also has singular attractions like the Eastern Market and the Congressional Cemetery. Its neighborhoods display almost every style of the 19th century architecture, much of which has been restored to its former beauty to the delight of visitors and residents alike.

But Capitol Hill is noteworthy for another reason. Because it is an area within the District that is experiencing rebirth. Washingtonians recall that during the 1930's, some of the District's worst slums buttressed the Capitol. Housing had changed hands and deteriorated, and a jarring disparity existed between the poor blacks living in the shadow of the Capitol and the gleaming houses of government.

Now, like Georgetown or San Francisco's Russian Hill, Capitol Hill is undergoing transformation. Individuals with money to finance costly restoration are buying property on Capitol Hill. Old townhouses are being restored to their former charm, and whole blocks have been rejuvenated. New construction is going on—deliberately in 19th century style to conform with neighboring houses. People are putting down roots; "The Hill" has once more become a desirable address.

A sign of the vitality of Capitol Hill are the citizen groups that have organized to respond to community issues. Two weeks ago, one such group came out in force to oppose the demolition of century-old houses on East Capitol Street—which already has a special landmark designation—so as to make way for a parking lot. These residents could not stop the leveling of three Victorian houses, and the preservation of the rest of the block is not assured.

As a Washington Post editorial of August 12, 1972, ably points out, the events on East Capitol Street are a portent of things to come unless we provide mechanisms to shield our cultural heritage from the wrecking ball.

Mr. President, I ask unanimous consent that the Washington Post editorial of August 12, 1972, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Landmarks and Parking Lots

With three down and nine to go—nine charming, century-old houses, that is—the Capitol Hill Metropolitan Baptist Church and the citizens of Capitol Hill have reached an uneasy truce in a battle that, in the end, affects the future of this city's past. The church owns all but one corner property on the north side of the 500 block of East Capitol Street which officially has been declared a National Capital Landmark. Despite this designation, which has no legal standing, the church decided to demolish this row of Victorian townhouses, in part, it seems, because the trustees found their maintenance too expensive, and in part because it has some vague plans for expansion. Some trustees said they needed more parking space during the Sunday services, despite the fact that the church already owns an ample and underused parking lot alongside its church building and that street parking is freely available on Sundays. Other trustees hinted at building a youth hostel and, perhaps a home for the elderly. Over 400 residents of Capitol Hill signed a petition opposing these designs and their representatives met with church officials, urging them to postpone the demolition until the church had worked out its plans and secured the funds for new, permanent buildings. The chairman of the trustees rejected this citizen recommendation and without any further ado called in the bulldozers. A street demonstration on the part of the citizens, armed with such signs as "Jesus Does Not Need a Parking Lot," called the controversy to city-wide attention, but could not prevent the hasty demolition of the first three buildings. The parking lot is an accomplished fact. It is, said the Rev. C. Wade Freeman Jr., "in the best interest of the church." The vigorous citizen protest did, however, result in the promise that the church would discuss its further plans with the community. The truce now gives both the church and the city time to reflect on basic issues involved in the dispute. Just where do we want our city to go?

The church might, more specifically, ponder the question whether it is possible to love your neighborhood any less than you love your neighbor. We should think that the two go hand in hand. It was, after all, the people, the neighbors on Capitol Hill, who gave of themselves, their civic pride and their sense of beauty to build those houses and other buildings (including the Metropolitan Baptist Church), which now return these intangible values by giving the people who live there a sense of belonging and an identity. It is the physical neighborhood that engenders the strong neighborhood spirit you find on Capitol Hill.

The City Council and the Zoning Board, meanwhile, might do well to ponder ways to give the landmark designation some practical meaning. At the very least the regulations should provide that the capital expansion plans of churches should be, like those of any other tax-exempt institutions, subject to review by the Board of Zoning Adjustment so that their effect on the surrounding community can be publicly considered. Demolition permits of buildings that have been designated landmarks or that are part of a landmark environment, furthermore, should not be granted without full public hearings. The authorities now presume that any building whose owner claims that it is not making a profit is guilty and must be destroyed. Let landmarks be presumed innocent unless their owners can prove that there is no way to save them. Unless the will to preserve what we can of our past is anchored in legislation and zoning and building regulations, it will soon be entirely gone. And a city given over entirely to parking lots and unloved money-making buildings surely doesn't have much of a future.

Mr. CRANSTON. Mr. President, it is out of this sense of urgency that I introduce my bill to establish Capitol Hill as a historic district, for as the seat of the Nation's government, the location of unique historic and cultural landmarks, and as a residential sector critical to the vitality of the District, I believe Capitol Hill deserves the protection that such a designation affords.

My primary desire is to protect the fabric of Capitol Hill from brutal ruptures like parking lots or high-rise office buildings. But, this is not the sole purpose of my bill. I do not believe that Capitol Hill should be preserved as a historic district in order to solidify it in its present state. I hope my bill will encourage innovation and the application of talent and energy to the problem of developing the area within a historical context.

For this reason, my bill goes beyond the designation of Capitol Hill as a historic district and requires that a comprehensive plan be created for the area to guide future growth. One of the requirements of the comprehensive plan is that the District government, in cooperation with the National Capitol Planning Commission, develop strategies to encourage the continuation of a racial and economic mix in the historic district.

Pending before the Department of Housing and Urban Development is a District application for Federally Assisted Code Enforcement—FACE—a program that provides grants and loans to lower income residents to correct code violations and to perform modest home improvements. The application would affect a sizable portion of Capitol Hill.

I am pleased to see that the District government has plans for improving the housing so that long-time residents will be encouraged to stay on Capitol Hill. Code enforcement is a useful tool, but I urge the District government and the National Capital Planning Commission to develop other strategies for assisting families to remain. Otherwise, I fear that without assistance, Capitol Hill will come full circle.

Black families will be displaced and the area will become almost exclusively middle and upper income, and almost exclusively white. In my view, the shift from an all-black population to all white—which took place in Georgetown and intensified the housing problems for blacks in other sections of the city—should be prevented. The District as a whole will, I believe, be healthier if its neighborhoods retain racial and economic diversity.

My bill, which draws upon examples of historic district zoning, particularly the Old Georgetown Act of 1950 (Public Law 808), has several features that I want to emphasize. First, the National Capital Planning Commission, after determining the boundaries of Capitol Hill and after performing a historical and cultural survey of the area, will recommend that Capitol Hill be nominated to the National Register, maintained by the Secretary of the Department of the Interior. This nomination will bring Capitol Hill under the protection of the National Historic Preservation Act of 1966 (Public Law 89–665), and will enable the District government to take advantage of matching grants-in-aid provided by that act.

Second, my bill divides responsibility between the National Capital Planning Commission and the Office of Planning and Management within the District government for the survey of Capitol Hill and the comprehensive plan for the conservation, development, and redevelopment of the historic district. The intent is to capitalize on the special capabilities of each and to enhance those capabilities. By requiring the cooperation of these planning bodies, I hope a more unified approach to historic preservation will take form in the District.

The National Commission of Fine Arts was given authority under the Old Georgetown Act to review plans for construction, alteration, reconstruction, or razing of structures within Old Georgetown. It was not given authority to review plans for demolition. The events on East Capitol Street demonstrate that this is a serious weakness. My bill gives the Fine Arts Commission authority to comment on demolition. Further, it requires that the District delay demolition for 90 days, so that if the Commission finds the structure to have historical or architectural significance, there will be time for public discussions, and there will be time to develop possible ways of saving the structure. This provision is extremely important if historical preservation is to have success.

In addition, I have urged the Fine Arts Commission not to preclude the approval of contemporary design when it is compatible with older styles of architecture. To assist the Fine Arts Commission in its review, I have authorized the District government to appoint four residents of Capitol Hill who are knowledgeable in historic preservation as advisers to the Commission.

Lastly, my bill provides two special authorizations: $280,000 for the restoration of the eastern market, and $50,000 for minor beautification of public places within the historic district.

The livability and vitality of a city depends upon the character of its neighborhoods. Significant structures play an important role in forming and maintaining a neighborhood. In my own State of California, I have sought to continue the usefulness of historic buildings, and point with success to the preservation of the San Francisco Mint and the Mission Inn in Riverside. Last year I introduced S. 737, a bill that would designate the residence of Eugene O'Neill in Danville, Calif., as a national historic site.

But while structures often generate a neighborhood sense, other factors that make a neighborhood "work," factors that coalesce to give satisfactions to its residents, are not always perceived. I believe that aside from the value of preserving the historical flavor of Capitol Hill and channeling future growth within prescribed guidelines, the designation of Capitol Hill as a historic district will give us insight into how an area is revitalized and what kinds of policies promote that process. It is my hope that since this bill provides legislation for a specific purpose that the lessons of Capitol Hill will be instructive to the rebuilding of our cities.

I ask unanimous consent that the full text of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3941

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares that—

(1) districts of historical and cultural significance should be preserved to enrich the lives of present and future generations of Americans;

(2) as the seat of the Nation's government, the Capitol Hill district is unique and is of great national and international importance;

(3) the creation of the Capitol Hill historic district within the District of Columbia will foster civic pride and tourism and enhance the vitality of the entire city; and

(4) the creation of a Capitol Hill historic district will encourage private and public actions to restore the visual beauty and usefulness of landmarks, sites, and dwellings, and, thus, preserve the special character of the area.

TITLE I

SEC. 101. (a) To facilitate the testing of new methods of revitalizing neighborhoods within a metropolitan area and to encourage the coordination among agencies having responsibility for comprehensive planning within the District, the National Capital Planning Commission shall survey Capitol Hill district for the purpose of recommending that said district be included on the National Register as established by Public Law 89-665.

(b) The Capitol Hill historic district is defined as that area bordered on the west by 2nd Street between E and C Streets, west on C Street to New Jersey Avenue, and south on New Jersey Avenue to the Southwest Freeway; bordered on the south by the Southwest Freeway east to 19th Street, including the Congressional Cemetery; bordered on the east by 19th Street north to E Street; and bordered on the north by E Street west to 2nd Street.

(c) The National Capital Planning Commission may modify these boundaries based upon its survey of the area and upon the advice of Federal and District of Columbia agencies having responsibility for historic preservation, as well as private groups and individuals, whose knowledge and talent are relevant to historic preservation.

(d) In addition to determining the boundaries of the Capitol Hill historic district, hereafter referred to as Capitol Hill, the National Capital Planning Commission shall include the following in its survey:

(1) a revised list of landmarks for nomination to the National Register prepared in conjunction with and with the review of the Joint Committee on Landmarks;

(2) a definition of the historic and cultural character of Capitol Hill, drawing upon a detailed architectural inventory of the location, style, and condition of structures; and

(3) an analysis of present conditions in the district, including neighborhood facilities, parks, type and conditions of streets and pavements, and other site features.

(e) Such survey shall be made at a cost not exceeding $100,000, which amount is hereby authorized to be appropriated.

(f) Included in such survey shall be a comprehensive plan for the conservation, development, or redevelopment of the historic district, which shall be prepared by the Office of Planning and Management of the District of Columbia, but which shall be coordinated with the findings of the National Capital Planning Commission, as described in paragraphs (1), (2), and (3) of subsection (d) of this section. Such comprehensive plan shall include, but not be limited to, the following:

(1) an analysis of present land-use patterns, with emphasis on the applicability and reasonableness of present zoning laws and regulations to preserve the character of Capitol Hill;

(2) an analysis of recent economic, demographic, and social trends in the district; and

(3) a statement of objectives for the future conservation, development, or redevelopment of the district, which shall include strategies to encourage the continued racial and economic integration of the historic district.

(g) Such comprehensive plan shall be made at a cost not exceeding $150,000, which amount is hereby authorized to be appropriated.

SEC. 102. The National Capital Planning Commission shall submit the survey, which includes the comprehensive plan, to the Congress of the United States, to the Commissioner of the District of Columbia, and to the National Commission of Fine Arts no later than one year after the enactment of this Act, and shall serve as the guide to the preservation and development of Capitol Hill.

TITLE II

SEC. 201. In order to promote the general welfare and to preserve and protect the places and areas of historic interest, exterior architectural features and examples of the type of architecture used in Capitol Hill since its initial years, the Commissioner of the District of Columbia, before issuing any permit for the construction, alteration, reconstruction, razing, or demolition of any building within said Capitol Hill district, shall refer the plans to the National Commission of Fine Arts for a report as to the exterior architectural features, height, appearance, color, and texture of the materials of exterior construction which is subject to public view from a public highway, and, including, the impact of such plans upon the environs of the building.

The Commission's review shall not preclude the approval of contemporary design which is compatible with the architectural styles prevailing in the historic district.

SEC. 202. The National Commission of Fine Arts shall report promptly to said Commissioner of the District of Columbia its recommendations, including such changes, if any, as in the judgment of the Commission are necessary to preserve the historic value of said Capitol Hill district. The said Commissioner shall take such actions as in his judgment are right and proper in the circumstances: *Provided,* That, before issuing a permit of demolition, the Commissioner of the District of Columbia shall refer such plans to the National Commission of Fine Arts, and shall delay for 90 days the demolition of such property. Within the period of postponement of such demolition, the Commission of Fine Arts shall take steps to ascertain what the Commissioner of the District of Columbia can or may do to preserve such building, including consultation with private civic groups, interested private citizens, and other public boards or agencies, when the preservation of a given building is clearly in the interest of the general welfare of the community and of certain historic and architectural significance. The Commission shall then make its report to the Commissioner of the District of Columbia: *Provided,* That, if the said Commission of Fine Arts fails to submit a report on plans within forty-five days, its approval thereof shall be assumed and a permit may be issued.

SEC. 203. The Commissioner of the District of Columbia shall appoint four citizen members, who are residents of the historic district and who have demonstrated outstanding interest and knowledge in historical or architectural development of the historic district, as advisers to the National Commission of Fine Arts. Such citizens shall advise the Commission on plans referred to it and shall serve without expense to the United States.

SEC. 204. The National Commission on Fine Arts may also advise interested parties on the design and appearance of walls, fences, signs, light fixtures, and steps so that such design and appearance may be compatible with the architectural styles of Capitol Hill.

SEC. 205. Nothing in this title shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure within the historic district; nor shall anything in this title be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which the authorized municipal officers shall certify as required by public safety.

SEC. 206. This title shall become effective upon the approval of the Secretary of the Interior for the nomination of the Capitol Hill historic district to the National Register.

TITLE III

SEC. 301. For the purpose of restoring the Eastern Market, at 7th Street and North Carolina Avenue, S.E., to its full usefulness and beauty, there is authorized to be appropriated $280,000, to be administered by the District of Columbia.

SEC. 302. For the purpose of undertaking minor beautification of public sites in the historic district and for the purpose of marking with plaques, or other means, places of historical and cultural significance, there is authorized to be appropriated $50,000, to be administered by the District of Columbia.

By Mr. SPARKMAN (for himself, and Mr. ALLEN):

S. 3940. A bill to amend the black lung benefits provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend those benefits to miners who incur silicosis in iron mines and surface coal mines. Referred to the Committee on Labor and Public Welfare.

Mr. SPARKMAN. Mr. President, today I am introducing, with my colleague from Alabama (Mr. ALLEN) as cosponsor, the so-called red-lung bill, which is designed to benefit those miners who have developed serious lung problems, and other related health problems, as a result of working in iron ore mines for a number of years.

What the bill will do is provide the same benefits to iron ore miners that the black lung legislation did to coal miners.

I think everyone agrees that a person has no more precious possession than good health. Without it, we are practically helpless to provide either for ourselves or our families.

Many fine men, in my State and throughout the country, spent their lives toiling in the iron ore mines. These are the men who helped build this great country; they worked the mines long before mine safety became a by-word of the mining industry.

As a result, many of these men—possibly as many as 5,000 in Jefferson County, Ala., alone—have suffered serious health problems resulting from breathing the iron ore dust over the years.

I think it is only just and humane that this Nation provide help to these people who have spent a lifetime building this country and providing the very backbone of our economy. They made tremendous sacrifices—even including their health—to provide for their families and their country. It is now time for this Nation to help them.

I urge the Senate to act swiftly on this matter, to provide equity and justice to the thousands of iron ore miners who are deserving of our concern and our help.

A number of my constituents in the Jefferson County area have been working to organize support for this legislation. Recently, the Honorable Ben Erdreich, a young Birmingham attorney, came to Washington and presented petitions with over 4,000 signatures from people who are interested in the health of Alabama miners afflicted with red lung disease.

Companion bills have been introduced in the House of Reuresentatives and I hope that Congress will soon have good news for these suffering people.

By Mr. ROBERT C. BYRD (for himself and Mr. RANDOLPH):

S. 3944. A bill to provide for repair and conversion to a fixed-type structure of dam No. 3 on the Big Sandy River, Ky., and W. Va., in the interest of water supply and recreation for local interests. Referred to the Committee on Public Works.

Mr. ROBERT C. BYRD. Mr. President, I introduce a bill on behalf of myself and my colleague from West Virginia (Mr. RANDOLPH), and I ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be appropriately referred.

Mr. ROBERT C. BYRD. Mr. President, this bill would authorize the Department of the Army, through the Corps of Engineers to rebuild dam No. 3 on the Big Sandy River in order to restore the water supply for the towns of Fort Gay, W. Va., and Louisa, Ky. There is an existing dam which was constructed in the late 1800's and maintained for navigation until 1947, at which time ownership of this dam was transferred to Fort Gay and Wayne County, W. Va., and Louisa and Lawrence County, Ky. Flooding and other adverse conditions have subsequently caused severe deterioration of the dam structure and the surrounding abutments. These damages have, in turn, resulted in a lowering of the pool behind the dam from which Louisa and Fort Gay derive their water supply.

The Corps of Engineers, by letter of July 26, 1972, expressed the view that this proposal is feasible and is considered to be the most appropriate solution to meet this problem. This legislation extends to the Corps the authority to accomplish this work and to authorize appropriations of $300,000 for this purpose.

By Mr. BUCKLEY:

S.J. Res. 262. A joint resolution to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week." Referred to the Committee on the Judiciary.

Mr. BUCKLEY. Mr. President, today I am introducing a joint resolution calling upon the President to proclaim the week of September 24, 1972, as "National Microfilm Week." An identical resolution has already been introduced in the House of Representatives as House Joint Resolution 1193, which I am hopeful will call attention to an industry which has revolutionized the information collection, retrieval, and dissemination process within our lifetime.

This resolution takes note of the extensive contribution this industry has made to every sphere of our national life; commercial, historical, cultural, and governmental. The widespread employment of microfilm technology has contributed to the development of the means by which our society can be assured of retaining broad and meaningful access to historical information in every field of endeavor in the most efficient manner possible.

In recognition of this formidable contribution to American society, I offer this resolution, and hope for early Senate approval.

ADDITIONAL COSPONSORS OF BILLS

S. 3880

At the request of Mr. HANSEN (for Mr. SCHWEIKER) the Senator from New York (Mr. JAVITS) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 3880, the National Diabetes Education and Detection Act.

S. 3906

At the request of Mr. FANNIN, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3906, a bill to protect the safety of users of compressed gas cylinders, and for other purposes.

SENATE RESOLUTION 356—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. HART, from the Committee on the Judiciary, reported an original resolution as follows:

S. RES. 356

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $18,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 256, Ninety-second Congress, agreed to March 6, 1972, authorizing an investigation of antitrust and monopoly laws and their administration.

REVENUE SHARING ACT OF 1972—AMENDMENT

AMENDMENT NO. 1460

(Ordered to be printed and to lie on the table.)

PASSING ON BENEFITS TO SENIOR CITIZENS

Mr. TUNNEY. Mr. President, I am submitting today an amendment to H.R. 14370, the revenue sharing legislation, to pass through some of the benefits of the recently approved 20-percent increase in social security payments to the more than one and a quarter million elderly people who depend on both social security and public assistance payments for their income. My colleague from California (Mr. CRANSTON) is a cosponsor of this amendment.

Unless this action is taken before the social security increases are paid, none of these people will receive any of the increase which Congress voted for them.

Their assistance payments will be reduced dollar for dollar according to the size of the increase in their social security entitlements. Some will find their welfare payments cut off altogether.

In a number of places, the social security increase will make many receipients ineligible for State medicaid programs and also reduce food stamp allotments—in real terms, the increase could cost them far more than they gain.

In California, the latest figures available show that some 229,000 retired persons receiving social security benefits are also on the rolls for old age assistance payments.

They comprise 70 percent of all those on old age assistance, and 14 percent—one in every seven—of all Californians receiving social security retirement benefits.

In the Nation as a whole, there are approximately 1,277,000 on both OAA and OASDHI—more than 7 percent of all people on social security retirement benefits.

By definition, these are all people with few resources and very low income, with no capacity to absorb the impact of increasing costs and prices.

The Senate, by its overwhelming vote of 82 to 4 in favor of the across-the-board increase in benefits, demonstrated its conviction that it was of the greatest importance to grant a very substantial increase in income to the elderly who depend on social security for their support.

The House concurred in that decision.

Of all the groups of social security recipients, the one whose need is greatest—with the smallest resources to face the constant increases in the daily costs of living—is this group.

It would be a contradiction of the action of Congress at that time not to make the effort to pass through at least a part of the increase.

It is pertinent to recall the considerable increases in costs which elderly people have faced in the last 18 months. I shall mention only two. Food alone accounts for about 27 percent of the income of old people—far more than for the general population.

Food costs have gone up 6 percent or more since the beginning of January 1971, and as everyone knows these prices are currently the source of continuing great concern.

At the same time, property taxes which hit both homeowners and those who rent, have risen 14 percent.

To face these increased demands on their meager income—or rather to continue facing them, for they have been forced to cope with the situation for upwards of 18 months without any extra help—these people need the help which this pass-through provision would give them.

My amendment adds an extra title to the bill, imposing an additional requirement on States as a condition for approval of a State plan to provide aid to individuals under title I, X, XIV, or XVI of the Social Security Act.

This requirement is that, once the 20-percent increase is effective, an individual who receives both social security and OAA payments must receive in total from the two sources an extra $15 a month, or an extra amount equal to the full amount of his personal social security increase, whichever is the lesser.

States will be permitted to pass on this extra amount to them either by increasing the amount of income disregarded in determining eligibility for and amount of payments, or by other means, such as increasing the standard of need or payment for all recipients of public assistance for the aged, whether social security beneficiaries or not.

The average lift in social security benefits under the 20-percent increase was $28 a month for a single retired worker and $47 for a retired couple. In view of this, and of the fact that no pass-through has yet been granted for last year's social security increase, I think it must be agreed that this pass-through is not at all excessive. Personally, I would prefer that it could be set at an even higher level.

I do think, however, that it is also important not to create too much of a differential between the treatment of recipients with some social security entitlements, and those with no other resources at all.

In this connection it should also be kept in mind—and kept in mind very prominently—that unless the pass-through is implemented, the increases which we voted 2 months ago for these people will simply constitute a direct fiscal relief operation for the States. For each dollar of the social security increase which goes to decrease a recipient's public assistance grant will be a dollar off the State welfare bill, not in the pockets of the elderly poor.

It has been suggested that it would be more appropriate for this provision to be handled in connection with general welfare provisions, sometime after the recess.

Two main considerations militate strongly against this. First, the program for action on welfare changes is, to say the least, not altogether clear or certain. If battle is eventually joined on the issue, it will be a long and bloody conflict, and no one can be sure what the body count will be at the end of the day.

Second, and more urgent, is the fact that the 20-percent increase is to be paid for the month of September, in the October checks.

If we are to act to pass through these benefits without considerable added administrative expense, it must be done as soon as possible.

Because of the administrative lead-time needed, I understand some States are already preparing for changes they expect to have to make in entitlements, in order to prevent an unmanageable log jam at the time of the actual payment of the increase.

If we are to forestall a situation which gives rise to unnecessary and wasteful administrative expenses, we must act quickly.

The time to get this done is now.

Overriding all these considerations, however, is the fact of the undeniable need of the old people of our Nation, not to share in the affluence of the rest of the population—this is not a level of income where it makes the remotest sense to talk in terms of affluence—but to be given help in counteracting the inroads already made into their inadequate incomes.

I urge my distinguished colleagues to give this matter their fullest support.

Mr. President, I request unanimous consent that the text of the amendment be printed in full in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1460

At the end of the bill, add the following new title:

TITLE IV—DISREGARD OF SOCIAL SECURITY BENEFITS IN DETERMINING NEED FOR PUBLIC ASSISTANCE

DISREGARD OF SOCIAL SECURITY BENEFITS IN DETERMINING NEED FOR PUBLIC ASSISTANCE

SEC. 401. In addition to the requirements imposed by law as a condition of approval of a State plan to provide aid to individuals under title I, X, XIV, or XVI of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual found eligible (as a result of the requirement imposed by this section or otherwise) for aid for any month after August 1972 who also receives in such month a monthly insurance benefit under title II of such Act, the sum of the aid received by him for such month, plus the monthly insurance benefit received by him in such month, shall not be less than the sum of the aid which would have been received by him for such month under the State plan as in effect for August 1972, plus either—

(1) the monthly insurance benefit which was or would have been received for August 1972, plus $15; or

(2) the monthly insurance benefit to which he would be entitled for the month of September, 1972, whichever is less (whether this requirement is satisfied by disregarding a portion of his monthly insurance benefit or otherwise).

AMENDMENTS NOS. 1461 THROUGH 1464

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted four amendments intended to be proposed by him to the bill (H.R. 14370) to provide payments to localities for high priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

NOTICE OF HEARING

Mr. SPARKMAN. Mr. President, I should like to announce that the Subcommittee on Housing and Urban Affairs of the Committee on Banking and Currency will hold a hearing on Thursday, September 7, at 3 p.m., to receive testimony on S. 3939, the Federal-Aid Highway Amendments of 1972. This hearing will be limited to that part of the bill relating to the use of highway funds for highway public transportation, the authorization levels for these purposes and the impact of these upon funding needs of the urban mass transportation program.

The hearing will be held in room 5302, New Senate Office Building.

The subcommittee welcomes statements for inclusion in the record of hearings.

ADDITIONAL STATEMENTS

THE PEOPLE OF CZECHOSLOVAKIA

Mr. PERCY. Mr. President, as we mark the fourth anniversary of the Soviet invasion of Czechoslovakia, I wish to express my continuing admiration for the people of that unhappy land who, despite every pressure, despite the calculated treachery committed against them, still maintain an irrepressible love of freedom.

At the same time, I want to express my appreciation to the many organizations in our own country which seek to keep alive public consciousness of the plight of the people of Czechoslovakia.

For myself, I can say that I have not forgotten, nor will I forget, the people of Czechoslovakia. They bear burdens which no men should have to bear. They are deprived of freedom. Their destiny is not in their own hands. They suffer a cruel subjugation to the wishes of a foreign state.

The people of Czechoslovakia deserve our concern, our sympathy and our prayers.

ANTENNAS OF SKEPTICISM

Mr. HUGHES. Mr. President, because of official policies of secrecy and news management on the part of our Government and the Thieu regime regarding events in the war in Indochina, it has always been difficult for the American public to get an accurate view of what is going on in Vietnam.

According to some recent news reports, the truth of what is happening may be further distorted by exaggeration by allied sources of alleged acts of terrorism by North Vietnamese and Vietcong troops. If this is true, I submit that it is regrettable. There is enough brutality to be reported without doctoring the news and undermining the credibility of our official news sources.

One well-publicized atrocity story deals with a so-called convoy of death in which civilians retreating from Quang Tri last spring were attacked by North Vietnamese soldiers. Certainly any attack on civilians cannot be condoned. But these particular charges have since been partially discredited by an AP reporter on the scene, who says that half of the victims were South Vietnamese troops fighting their way out of the battle area.

Atrocities in this war should be condemned wherever they occur. But Laurence Stern, in an article published in the Washington Post on August 11, 1972, makes a point that I believe is worth everyone's sober consideration.

He writes that—

> When government spokesmen on either side begin to moralize about the outrages of the enemy's troops it is time to raise the antennas of skepticism rather than to join the parade.

Mr. Stern also discusses the reports of selective assassination by local government officials during the occupation of Binh Dinh Province earlier this year. He says:

> It is the mirror image of conditions when territory is under Saigon control and the suspected Vietcong cadre and infrastructure become the chief target for "neutralization" under the Phoenix program.

Mr. President, I ask unanimous consent that Mr. Sterns' article, entiled "The 'Convoy of Death,'" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CONVOY OF DEATH

(By Laurence Stern)

Last week in Saigon, newsmen were briefed by American officials on the "Convoy of Death"—an alleged attack by North Vietnamese ambush teams on a retreating column of unarmed refugees from Quangtri during the Communist capture of that city at the end of April. As reported by the official briefers, the incident falls into the category of atrocity. The claim was that 1,000 to 2,000 defenseless civilians were killed in the attacks on April 29–30.

And within the past few days The New York Times has carried two dispatches from its able Saigon correspondent, Joseph B. Treaster, on reports from refugees and estimates of "allied Intelligence officials" that some 250 to 500 civilians were executed by the Communists during their three-month occupation of northern Binhdinh Province in South Vietnam's central coastal region.

These reports are bound to invoke the memory of the Hue massacre and the specter of a future Communist "blood bath" that high administration figures claim could accompany a political settlement of the Vietnamese conflict. The "blood bath" theory has long served as a potent argument against trying to come to terms with Hanoi and the Southern Front on a formula for sharing the power in Saigon.

The new reports also come on the heels of North Vietnam's protests, condemned by the administration as propaganda, against American bombing of the Red River Valley dike system and other non-military targets.

So, the decibels of accusation and counter-accusation are rising both above and below the DMZ as the Paris talks flounder on. If the past is any guide, there are undoubtedly elements of the true, the false and great gobs of the unknown in the charges of both sides. Furthermore, as the international climate grows increasingly shrill so will the possibilities of reasonable inquiry be drowned out by the noise.

The "Convoy of Death" story was challenged in some important respects by Associated Press correspondent Holger Jensen, who reported that half the victims of the April 29–30 attacks were South Vietnamese troops battling their way out of besieged Quangtri—and not just unarmed civilians. He puts his maximum estimate of those killed, soldiers and civilians, at 600, less than a third of the officially-claimed toll.

This is not to say that the killing of civilians fleeing with the South Vietnamese army and ranger units is an attractive piece of heroism, any more than the bombing of civilians in retaliatory American air strikes is a pardonable misdemeanor.

But when government spokesmen on either side begin to moralize about the outrages of the enemy's troops it is time to raise the antennas of skepticism rather than to join the parade, as this war has repeatedly taught us.

The reports from Binhdinh Province deserve even closer attention. For there is little doubt that the "bloodbath" demonologists in the administration and elsewhere will soon begin banging the kettle drums.

In his dispatches on the Communist occupation of northern Binhdinh, an entrenched Vietminh and then Vietcong stronghold, Treaster carefully separates what the refugees said from the assertions of "allied intelligence officials."

Those refugees who chose to escape from the Communist zones spoke of heavy political indoctrination, of execution of Saigon government functionaries and of conscript hard labor in the service of the Communist troops. The chief targets, Treaster was told were the agents of the Saigon government: hamlet and village chiefs, police and militiamen. It is the mirror image of conditions when territory is under Saigon control and the suspected Vietcong cadre and infrastructure becomes the chief target for "neutralization," under the Phoenix program.

Some Washington officials closely concerned with Vietnam matters feel it is too early to judge how representative a picture it is of the Communist occupation of northern Binhdinh. Individual refugees have their own motives for running, whether from ideology, bombs or artillery. Each has a limited perspective on something far bigger than anyone's individual perceptions.

"What this tells me more than anything is that the White House sees little possibility of a negotiated settlement," said one such source. His point was that when the conference table is bare the war of rhetoric waxes strongly.

SOVIET EXTORTION-THROUGH-EDUCATION AGAINST JEWS

Mr. BUCKLEY. Mr. President, an article published on the front page of the New York Times for Wednesday, August 16, told of a new and insidious practice of discrimination against Jews by the Soviet Union. The article told of a new system of heavy exit fees ranging from $5,000 to $25,000 for educated Jews who want to emigrate to Israel.

Soviet officials have a ready explanation for this practice. They claim that the fees are "repayment for the costs of state-financed education." Since there is no other system of education allowed in the Soviet Union, it is difficult to imagine how Soviet officials can justify, even by their curious logic, such an extortion. If a person has never had a choice as to what kind of school he can attend, then it might be said that he has "paid" for whatever education the state gives him by the loss of his freedom to choose his own kind of educational system.

The world learns, once more, that by whatever means it has at its disposal, the Soviet Union continues to carry out its program of discrimination against and, ultimately, the destruction of, Soviet Jewry. That their means of destruction are extortion, terror, and unrelenting psychological pressure does not make the intent less evil than the intent of former persecutors of the Jews who have used less subtle, more horrible means.

Equally important we learn that when the state is all-powerful, even the most highly desirable institutions can be perverted to evil ends. When the state has total control over the educational process, there is no chance for anyone to escape the threat of state sanctions at any time of life, for whatever reason. The total state gives and the total state can take away—or, in the example quoted above, the state gives and then the state demands payment, at its leisure, for its own political reasons, without hope of appeal.

Let us never get to a condition in our own country where the state can blackmail or terrorize or extort from citizens because of some educational debt that is supposedly owed to the state. Nature and the just laws of nations have placed the primary responsibility and right for the education of the young in the hands of parents, where it belongs. If parents choose to send their children to a state-supported school, that is their business. But we must have a strong pluralistic system of education—as President Nixon has suggested on a number of occasions—if we are to have true freedom.

I ask unanimous consent that the Times article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET JEWS SAY EXIT FEE IS RISING FOR THE EDUCATED

(By Hedrick Smith)

MOSCOW, August 15.—Jewish sources reported tonight that Soviet authorities are instituting a new system of heavy exit fees ranging from $5,000 to $25,000 for educated Jews who want to emigrate to Israel.

The sources said they learned of the new measure, replacing the old general fee of about $1,000, while some Jews were applying for exit visas with a branch of the Interior Ministry today. No official confirmation was possible.

The Government explanation, the sources said, was that the fees were necessary repayment to the Government for the costs of state-financed education. A similar reason had long been given for the earlier fee.

Earlier today, 10 Jewish intellectuals charged that the Government was discriminating against educated Jews in handling emigration requests and that harassment and delays had increased in the last two months.

Under present Government policies, the 10 said in a joint statement, there was a danger that highly qualified scientists and educated Jews were in danger of becoming "a new category of human beings—the slaves of the 20th century."

RARE NEWS CONFERENCE HELD

The statement was read at a rare news conference by Benjamin G. Levick, a 55-year-old chemist and scholar, the highest-ranking Soviet academician to apply for an exit visa to Israel. He is a corresponding member of the prestigious Academy of Science and so far the only person associated with the academy to apply for permission to emigrate.

Educated Jews have long encountered more difficulties in emigrating than blue-collar or office workers and tradesmen, and Western diplomats said tensions between Jews and Soviet authorities were evidently rising because more intellectuals had been applying for exit visas lately.

Western diplomats reported that through the first six months of this year about 15,000 Jews had been allowed to emigrate, roughly the same number as in all of 1971.

Some Jews are contending, however, that the flow since midyear has slowed down, reflecting a change in Soviet attitude. So far there has been no official confirmation, nor any confirmation from diplomats who follow such affairs closely.

GRADUATED FEE SYSTEM

A new schedule of fees for educated applicants, if put fully into practice, would be aimed not only at blocking those who have already applied but at deterring others from applying, Jewish sources said.

They reported having been told today that Jews who had graduated from a teachers institute faced fees of 4,500 rubles—$5,400. University graduates were to pay 11,000 rubles—$13,200—and holders of the candidate degree, equivalent to a Ph.D. in America, were to be charged 22,000 rubles—$26,400. Other Jewish sources reported slightly different figures but in the same range.

Even without a graduated fee scale, Dr. Levich and his colleagues contended that educated Jews were being discriminated against. "Jews wishing to leave are being divided according to their educational and intellectual level," they said in their statement. "The higher the level, the more difficult it is to get permission to get a visa."

They asserted that obstacles to intellectuals had been stepped up lately—discharge from work after applying for visas, the threat of prosecution for lack of employment, sudden military call-ups and the danger of trials for those who refused to serve, disconnection of telephones and interference with mail.

These measures, the statement asserted, came at the same time as new pressures against non-Jewish civil rights activists here and trials of liberals in Czechoslovakia.

Professor Levich, who was demoted since his unsuccessful application for an exit visa last March, said that his son, Yevgeny, a 24-year-old astrophysicist, has been ordered to report for two years' military service despite chronic physical disabilities and despite the normal exemption granted to scientists with Ph.D.'s.

Besides the Leviches, those who endorsed the statement were Dr. David S. Azbel, 61, a retired chemistry professor who spent 16 years in Stalinist prison camps; Prof. Aleksandr V. Voronel, 41, a physicist; Prof. Boris G. Moisheson, 34, mathematician; Dr. Vladimir G. Zaylavsky, 43, molecular biologist; Viktor S. Yakhot, 28, solid-state physicist; Dmitri K. Simis, 24, sociologist formerly with the Institute of World Economics and International Relations; Gregory L. Svechinsky, 32, an engineer and teacher, and Viktor B. Nord, 27, a film director whose recent movie, "The Debut," won critical acclaim.

WHEN MENTAL HARM IS GENOCIDE

Mr. PROXMIRE. Mr. President, Mr. George Aldrich, the Deputy Legal Adviser of the State Department, has provided the Subcommittee on Foreign Relations with some very useful testimony concerning the category of "mental harm" in the Genocide Convention's definition of genocide. His testimony does much to dispel the fear that the treaty's definition of "mental harm" is so vague that it will open up many innocent citizens to the charge of genocide.

According to article II of the Genocide Convention, genocide includes "Causing serious bodily or mental harm to members of the group," with intent to destroy that group in whole or part.

A self-explanatory understanding of this definition proposed by the President, is attached to the treaty as reported out by the committee. It states:

> The U.S. Government understands and construes the words "mental harm" appearing in article II(b) of this Convention to mean permanent impairment of mental faculties.

Mr. Aldrich has provided a good explanation of the implications of this understanding—

> Thus, before a charge could be sustained, it must be proved that permanent impairment of mental faculties occurred and that the defendant brought about this injury with the intent to destroy, in whole or in part, one of the protected groups. This standard is rigid enough to discourage frivolous allegations of genocide through mental harm.

In my opinion, nothing could be clearer. The understanding and the explanation by Mr. Aldrich show that a suspected loophole in the Genocide Treaty does not exist. The definition of genocide is precise enough to prevent convictions of people on imprecise and undocumented charges of mental harm. Therefore, I urge the ratification of the Genocide Convention.

INTERIM AGREEMENT ON OFFENSIVE ARMS

Mr. STEVENSON. Mr. President, the negotiations which led to the Interim Agreement on offensive weapons, and the negotiations yet to come, offer hope that we can end the costly and perilous race in strategic arms. That hope is diminished by the amendment offered by our esteemed colleague, Senator JACKSON.

The proponents of his amendment have professed a need for "stable parity," for a "stable strategic relationship based on survivable strategic forces," for a "prudent strategic posture," for a "credible deterrent." To listen to them, the Jackson amendment would only record the Senate's support for principles we all support. But the Jackson amendment goes beyond those principles to give implicit, if not explicit, support to principles I do not support. It could lead to another round in an arms race which the agreement rightly attempts to stop.

The interim agreement contains disparities between the number of offensive launcher systems allotted to each side. But those disparities in the number of certain launcher systems clearly do not limit the United States to a position of inferiority in any essential category or in overall strategic force.

That is because the agreement does not by any means cover all categories of offensive weapons. It does not, for example, limit our vastly superior tactical forces, principally in Europe, which enter into the overall strategic differences between our forces in every category which will offset many of the quantitative differences. These qualitative differences weigh heavily in our favor, as in the case of the Poseidon submarine and its MIRV'd missiles. And besides, this agreement is expected to be supplanted by a treaty before the end of its 5-year period.

I submit that the Jackson amendment, not the agreement itself, is the real threat to our security. If the argument of the Jackson amendment supporters for "equality" is to be taken literally, and enshrined in the Senate's approval of the interim agreement, could it not then be logically argued that the Soviet Union as well as the U.S. was invited to seek "equality." Indeed, what else can "equality" mean—except equality? By this logic is not the Soviet Union invited to deploy MIRV'd missiles on nuclear submarines in such numbers as to overcome our superiority?

As it stands now, from submarines alone we can deliver 3,504 warheads against as many targets in the Soviet Union. The Soviet Union can deliver 518 warheads from its 60 submarines against targets in the United States. That warhead gap will widen to our further advantage during the term the agreement is in effect. By supporting numerical "equality" would we really mean to support numerical equality in the number of deliverable nuclear warheads from submarines during the interim agreement? If not, does the Jackson amendment suggest that the United States should be free to do what the Soviets cannot? Indeed, what does the amendment mean by demanding numerical equality? No one really knows.

The same arguments could be made on the other side for numerical equality in every category of offensive weapons. To the extent the Soviets demanded "equality" and, for example, were encouraged to MIRV missiles on submarines, the United States would under the Jackson amendment be called upon to both accept the "equality," and inconsistently, to deploy more weapons and conduct more research. If it chose the latter course, as seems to be intended, the arms race would lurch ahead again in derogation of all our professed purposes and those of the interim agreement. If "equality" is to mean anything, it must mean equality for both sides, and I submit that should mean overall equality in offensive arms. But if that were the real purpose of the Jackson amendment I suspect it would not now be offered. The amendment leaves little room for our negotiators to seek arms limitations based on true equality.

The purpose of offensive strategic nuclear weapons—ours and theirs alike—is to deter the other side from a first strike. A stable condition exists when each side has a force which deters the other from striking first. That is the situation now. We are ahead in numbers of warheads and bombers, and they are ahead in numbers of land based launchers and submarines. Inequality exists in every category of hardware. What matters is that the two overall forces are equal in their ability to deter a first strike. This agreement will not disturb that equality of deterrent capability which now exists. The Jackson amendment could.

The Jackson amendment's apparent definition of equality is so selective that it could completely undermine the possibilities for SALT II. It ignores the fact that variations in accuracy can more than make up for differences in megatonnage. It prevents silo hardness, which can enhance the survivability of a deterrent force, from being taken into account.

It prevents the present fundamental differences in ABM deployment from being taken into account. It prevents our enormous advantages in bomber forces from being taken into account. There are other factors, such as system reliability, time on station, antisubmarine warfare proficiencies, the ranges of missiles, which negotiators, the President and the Senate could consider in framing a comprehensive treaty on offensive weapons. The Jackson amendment seems to contemplate equality where we presently have lesser numbers and superiority where we have the greater numbers. The most likely consequence of the Jackson amendment, if adopted, is another spiral in the hideously expensive, dangerous and destabilizing nuclear arms race.

I have no quarrel with the notion of overall equality in nuclear offensive weapons. But I have to suspect that the purport of this amendment is to seek a nuclear superiority long since abandoned in a recognition that "superiority" is elusive and, at best, unnecessary. Each advance by one side begets a response from the other side. We end up having run very hard to stay in the same place, but always poorer and a little closer to the flash point. Superiority is now admitted even by the supporters of the Jackson amendment to be a recipe for a continued arms race which neither side can win.

The Jackson amendment has served to focus attention on shopworn and simplistic yardsticks of launchers and megatonnage. If it passes in any form it will be interpreted as a Senate effort to put our SALT II negotiators in a straightjacket of narrow numerical equality by category of arms. Nothing could make a second SALT treaty harder to obtain than to require the negotiators to produce an agreement the sole characteristic of which would be numbers adding up to equal sums on both sides for every category of weapons. No future negotiating team will conclude, let alone the President and the Senate approve, a SALT II agreement which will put our deterrent in jeopardy. We should allow the negotiators a chance. We should give them bargaining room—rather than bargaining chips—and then pass judgment on their handiwork.

Mr. President, I had thought that long before this debate we, Mr. Nixon included, had accepted the concept of "sufficiency." No one in a position of responsibility avows the need for a first strike capability.

Our nuclear deterrent has always been sufficient, and the new ABM Treaty makes it even more certain that it will remain so for the foreseeable future—long beyond the 5-year term of this agreement. The Soviet Union is exposed by the ABM Treaty limitations to attack by our tactical nuclear forces, by ICBM's, by bombers, and by nuclear warheads launched from submarines. Our submarines are by all the admissions of the Pentagon, invulnerable to enemy attack—and will remain so for many years to come. That submarine force has by itself the capability to virtually destroy the Soviet Union. We will continue to have that capacity. Enough is enough.

Our national security would be better served if we were armed in this world with a big stick—and also with our own best ideals. Strength is made up of many things. The morbid insistence upon more arms for the sake of more arms is a confession of American weakness, insecurity, and inability to establish effective civilian control of the military. We were once made strong by our ideals and our love of our country. Now our prestige in the world is at an all time low. The SALT agreements and, above all, the prospect for a comprehensive agreement on offensive strategic arms afford us the chance to carry that big stick, to harmonize our actions in the world with our own best principles, to make peace at home—and be strong. And so, Mr. President, I must oppose the efforts of Senator JACKSON and support without such counterproductive amendments as he has offered, the interim agreement which the President brought back from his momentous meeting in Moscow.

PATRIARCH ATHENAGORAS

Mr. PERCY. Mr. President, recently a great religious leader, Patriarch Athenagoras I, died in Constantinople. He was a man of great wisdom and compassion, a constructive man, a saintly man.

On July 14, 1972, the Greek Star printed a speech given by Archbishop Iakovos on the occasion of the 50th anniversary of the Patriarch's service to the Greek Orthodox Church. In his moving statement, the Archbishop refers to the Patriarch as slave to his people, proud for his service and full of joy. This was truly a man of total commitment and I shall never forget him.

I ask unanimous consent that the following excerpts from Archbishop Iakovos' speech, which so eloquently chronicles the life of Patriach Athenagoras, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SPEECH OF ARCHBISHOP IAKOVOS

January 1931, together with its sky smiled in joy as did the eyes of the Greek-Americans, upon the arrival of Athenagoras to America. His coming foretold of a Spring without end. And this Spring did not delay coming. The hope in the hearts of his new flock budded with new promise. By looking up to him the moral fortitude of his people was exalted. In his open arms their souls found a warm abode. They saw in his eyes a new sun that would warm and enlighten their faith further.

Thus his 18 years here were spent; like a constant spring, full of creation, full of inspiration, filled with the fragrance of wonderful achievements. Until another January, January 1949, took him away and carried him on the wings of a presidential plane (of President Truman) to that place, where Orthodoxy had been waiting the arrival of its own Spring.

He was building. As a worker and founder, he created; hecreated for 18 years in Amerca. What did he not build! Churches, schools, community centers. All the flowers of his dreams set seed; and they fruited, and from their rich substance the soul of our people is nourished even today. The ruins of division were shortly covered by an evergreen ivy, his peace-making love for all. To the conclaves of our people and their organizations he brought a new and brighter viewing of reality. To the White House he took the heart of Orthodoxy through the traditional embrace and kiss of love. Boldly and lovingly he expressed it by his kiss of endearment on the foreheads of two Presidents, Roosevelt and Truman. True love casts out fear. This was his credo and his "slogan."

Twenty-three years have elapsed, since January 1949. Each one constitutes a volume of an amazing history. Historians and Chroniclers relate deeds, events, documents, statements. Their is not always the study of the spirit of events. For this reason those who would attempt to only historically sketch his Patriarchal tenure will fail. One must have lived by his side for years, must have filled his ears with his words, his eyes with his glance (which tells in silence the things the tongue does not say), one must have allowed his soul to be filled by Athenagoras' love and faith. Intangible characteristics, these. Researchers and even critics have stopped seeking them. The time of Athenagoras as Patriarch is in the nature of a flash of light "from East to West." Darkness has retreated in fright.

The Golden Jubilee of 1972 is for us Orthodox, especially in America, the fifty years of the Episcopal service of our Patriarch. Fortunately, it coincides with another Golden Jubilee, that of our Archdiocese. One would say that the two find their true meaning in each other. They are inseparable, essentially and chronologically. And thus we, Greek-Americans, combine the one with the other as our own celebration joyful and bright. This double jubilee is, therefore, a time of reawakening, a time of giving thanks, a time of rededication. Rededication to the message and mission of our Archdiocese and our Patriarch. Cycles of years and anniversaries can prove to be cycles of vicious petty ambitions if they do not carry with them the spirit and the soul of the people and institutions that created them.

However, the two cycles within which the two Jubilees—those of our Archdiocese and our Patriarch—are brought into unison as if in a golden and unbreakable chain, contain a period of creative years, of founding years, years of progression and extension, years of rekindling and revivification, years of lighting and radiation; radiation of faith that works greatness, of love that transforms and transcends, and of hope that breeds no shame.

TRIBUTE TO SENATOR ELLENDER

Mr. SPARKMAN. Mr. President, the Senate and the country suffered a great loss when Senator Allen Ellender died.

Senator Ellender came to the Senate at the same time that I came to the House of Representatives. I have known and admired him throughout the years.

When I came to the Senate, 10 years later, I came to know Allen Ellender much more closely. I was amazed at his energy, his capacity for work, and his absolute devotion to his responsibilities whatever they were.

Allen Ellender was a man of unquestioned integrity, boundless energy, dedicated to the service of his State and the Nation.

Senator Ellender was for a long time chairman of the Agriculture Committee. Much of the legislation that is now on the statute books for the betterment of conditions among farmers throughout the entire Nation was put there under his leadership.

He was throughout the years a member of the Appropriations Committee heading some of its most important subcommittees. I remember so clearly his enthusiastic support of the development of the waterway potential of our country. As it happens, Alabama is blessed with a wonderful network of navigable streams—more miles of navigable water than any other State in the Union possesses. Our State delegation, in both Houses, has worked diligently throughout the years to have those streams improved. Year after year we have presented our case to Senator Ellender and he has always approved our programs and put them through the Senate.

Senator Ellender later became chairman of the full Appropriations Committee. As every Senator can attest, he did a tremendous job in that capacity. Still later, he became President pro tempore of the Senate and was serving in that high position awarded to him by his fellow Democratic Senators at the time of his death.

Senator Ellender rendered a great service to the Nation in his tireless work every year following the adjournment of the Congress traveling to virtually every nation of the world, inspecting our Embassies and offices in each country and at the same time observing and studying conditions there. His reports, his pictures, movies, and comments became annual classics, valuable to our understanding of world conditions.

His going was a great loss to all of us and I join my colleagues in paying tribute to him and in mourning the loss of so good a man.

PRESIDENT'S COMMITTEE ON THE NATIONAL MEDAL OF SCIENCE

Mr. PERCY. Mr. President, on July 20, President Nixon announced the appointment of nine persons to be members of the President's Committee on the National Medal of Science. The committee is responsible for making recommendations to the President for the award of the medal, which was established by law in 1959 and has been presented each year since 1963.

The purpose of the National Medal of Science is to honor individuals who, in the judgment of the President:

> Are deserving of special recognition by reason of their outstanding contributions to knowledge in the physical, biological, mathematical, or engineering sciences.

The medal is the highest recognition offered by the Federal Government for distinguished achievement in these fields of endeavor.

I am pleased to note that Dr. Charles P. Slichter has been designated as chairman of the committee for a 2-year term. Dr. Slichter has served as a member of the committee since December 1968.

Dr. Slichter is a distinguished scientist in the field of solid state physics and has spent the major portion of his time at the University of Illinois, where he is now professor of physics. He has served as a member of the President's Science Advisory Committee and the Defense Special Projects Group Science Advisory Committee. He has been a consultant to the National Science Board of the National Science Foundation, and is a member of the National Academy of Sciences.

He has received numerous awards from his scientific colleagues, among which are the Langmuir prize from the American Physical Society and an Alfred P. Sloan Fellowship.

I am also pleased to note that another distinguished Illinois scientist has been named to the committee. Dr. Nathan M. Newmark is a professor of civil engineering and the head of the engineering department at the University of Illinois. Dr. Newmark's work has been concerned with the design of complex structures, particularly those required to resist unusual stresses. His outstanding contributions to engineering have earned him a variety of awards, including the J. James R. Croes Medal, the President's Certificate of Merit, and the Vincent Bendix Award of the American Society of Engineering Education.

Also appointed to the committee was a man I have known and admired for many years, Dr. Edwin Land of Cambridge, Mass. Dr. Land's achievements as a physicist and an inventor are well known to most Americans.

Others who will serve on the President's Committee on the National Medal of Science are:

Dr. William D. McElroy of San Diego, Calif., chancellor, University of California, San Diego.

Dr. Thomas S. Smith of Appleton, Wis., president, Lawrence University, Appleton, Wis.

Dr. James H. Boggs of Stillwater, Okla., vice president for academic affairs and research coordinator, Oklahoma State University, Stillwater, Okla.

Dr. Howard O. McMahon of Lincoln, Mass., former president, Arthur D. Little, Inc., Cambridge, Mass.

Dr. H. Guyford Stever of Pittsburgh, Pa., Director, National Science Foundation, Washington, D.C.

Mr. William P. Lear, Sr., of Verdi, Nev., chairman of the board, Lear Motors, Reno, Nev.

FORTHCOMING VISIT TO THE PHILIPPINES BY SENATOR INOUYE

Mr. INOUYE. Mr. President, during the fall of 1959, soon after my election as Hawaii's first Representative to Congress, I journeyed to the far reaches of the Pacific to visit with some of our friends and neighbors in that distant part of the world. Without doubt the most memorable days of that journey were those I spent in the Philippines. The hospitality of the people of the Philippines was beyond every expectation. Although I was but a freshman Member of Congress from a freshman State, I was accorded the privilege of conferring with President Carlos Garcia and with his Cabinet.

To this day, I remember the wonderful and happy day that I spent at the barrio of the Honorable Alejo Santos, the Minister of Defense. The people of the village set aside a whole day to prepare a fiesta in my honor. It was a wonderful experience.

Again, in December 1965, as a member of the Mansfield mission, I revisited the "Pearl of the Orient." Once again it was a most joyous visit. The time was immediately following the 1965 national elections in the Philippines. We were privileged to meet with the President-elect, the most distinguished soldier, statesman, and leader, the Honorable Ferdinand E. Marcos.

Like all members of the Mansfield mission, I was deeply moved by the charm, the beauty, the brilliance of the First-Lady-to-be, Imelda R. Marcos.

There was much joyful anticipation in Manila. The atmosphere was exciting as the people of the Philippines prepared for the gala inaugural ceremony. People were literally dancing in the streets.

Mr. President, I will now once again return to the Philippine Islands. This time it will not be for a happy occasion, for I will be returning as the newly designated chairman of the Foreign Operations Subcommittee of the Senate Appropriations Committee to make a personal, on-the-spot, onsite investigation of the aftermath of the terrible and devastating floods which have ravaged much of this land during the last 3 weeks of July and the first week of August.

Our analysis to date shows not only a heavy loss of life—estimated in excess of 500—but also more than 2 million made homeless with a massive destruction of property, crops, transportation systems, water supplies, irrigation systems, and public and private facilities of all kinds.

An exact dollar amount is not available but the latest U.S. estimate totals $375 to $450 million loss in terms of damage to the infrastructure and lost production. For a nation with the resources and GNP of the Philippines, this imposes a dreadful burden which cannot be met from local resources.

Predisaster assistance requirements were estimated at $200 million. The disaster assistance requirements are estimated to range in the $200 to $275 million range for a total assistance requirement of $400 to $475 million. This is, and should be, a multinational and multilateral effort.

The recent flood is the worst natural disaster in recorded Philippine history. It is the greatest devastation to hit that nation since World War II. Beginning July 7 and continuing through the first week of August, rains dumped more than 80 inches of rain in the central Luzon lowlands and as much as 180 inches in the highland areas surrounding that valley. The typhoon season will continue for yet another 6 weeks to 2 months.

These floods have not only been accompanied with significant loss of life and property but with cholera, gastroenteritis, and pneumonia as well. Food is scarce and it may prove impossible to replant the current rice crop in this area which accounts for some 26 percent of the Philippines total rice production. Many of the rice fields have been covered with sand and rocks and will be unusable for that crop now or in the future. Many farm animals have drowned, feed stocks have been destroyed, dikes and drainage ditches have been impaired, and the heavy monsoon winds drove salt water inland at some points for 60 miles, further impairing rehabilitation of the land.

The breakdown in transportation hampered relief efforts and has made recovery most difficult. Large sections of the roads and railroads have been washed away as have some 25 major bridges and a number of dikes. The area lying between Manila Bay and Lingayen Gulf was turned into a virtual sea stretching for some 125 miles in length and in some places up to 35 miles in width. The truly awesome task of rehabilitating the 3,000 square miles which is the home of almost 8 million people is about to begin.

Thirteen years ago during my first visit to the Philippines, a distinguished member of President Garcia's Cabinet said in all seriousness to me:

> We Filipinos are the children of America.

Mr. President, a very honest appraisal of the history of our relationship with the people of the Republic of the Philippines will disclose that there may have been moments when the Filipinos have had reason to believe that they were the neglected and forgotten sons and daughters of America.

Mr. President, in this, their hour of tragedy and disaster, let us not forsake our sons and daughters. Let us not forget our friends. As a Member of the U.S. Senate and as an American, I feel confident that in this time of need, all Americans will respond as one to offer to our Filipino friends our sincere and compassionate hand of help.

Mr. President, I intend to leave the United States on Saturday, August 26, and return a week later. I hope to return with sufficient information and insight to assist the Senate in formulating and pushing forward a plan of appropriate assistance to our friends in the Republic of the Philippines.

CRISIS OF THE SPIRIT

Mr. HUGHES. Mr. President, on Wednesday the distinguished junior Senator from Missouri (Mr. EAGLETON) spoke to the National Student Association about America's crisis of the spirit.

He discussed the war, racial strife, and poverty in his usual compelling and forthright way. And he called upon his listeners, and all Americans—

> Not to demean those who oppose you, but to encourage understanding—not to scorn disbelievers, but to convince by reason—not to belittle, but to search out and praise those qualities that are praiseworthy—not to contribute to polarization, but to inspire unity.

So that all may have an opportunity to read this message, I ask unanimous consent that Senator EAGLETON's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH TO THE NATIONAL STUDENT ASSOCIATION, CATHOLIC UNIVERSITY NURSING AUDITORIUM, WASHINGTON, D.C.

On the ancient walls of the Greek temple at Delphi there is inscribed the words, "Know thyself"—an admonition that has survived the ages as a fundamental principle for mankind.

Knowledge of one's self is an essential first step in finding the sources of strength to persevere in the face of adversity. I believe that the same principle has profound meaning for nations, as well as for individuals. It could well be applied to America today.

America is undergoing a crisis of the spirit. As a nation, we are beset with a series of disturbing problems . . . status anxieties . . . persistent racism . . . repression, frustration, and aggression . . . outburst of violence . . . and a general melancholy feeling of alienation and disenchantment.

As a society, we reflect a multitude of polarizations . . . young against old . . . poor against rich . . . city dweller against suburbanite . . . white against black . . . the forgotten Middle American against the Establishment.

It is time that we apply the principle of self knowledge to our nation as a whole. It is time that we realize that democracy is not only a system but a state of mind. It is time to understand that we as a nation are not only a composite of institutions and ideologies but attitudes and mentalities. It is time that we begin the process of knowing ourselves.

A few months ago I received a letter from a man in Kansas City whose son had died the previous day of a drug overdose. The man was understandably emotional but his view of the tragedy that had beset him is reflected every day in our polarized society. He talked of a deteriorating society, and he blamed unbridled permissiveness and excessive freedom. He was a distraught man who felt that America had betrayed him.

The frustrations and the fears of this bereaved father are not exceptional today. They run deeply in the minds and hearts of an alienated and troubled middle America.

Unfortunately there are those in positions of power in this country who would prefer to encourage frustration and transform fear to political gain. This activity is being pursued in this election year with an enthusiasm that is undercutting our national purpose and will. Our challenge, yours and mine, is to prove that our free society can withstand these appeals based on fear and suspicion, and remain free, humane, and creative.

We ask ourselves as we look at the issues that have torn the fabric of our society—Vietnam, racial strife, poverty, law and order—are they the causes or the effects of America's crisis of the spirit?

In Vietnam this past weekend another record was broken—a record we cannot be proud of. More B–52 bombing runs—200—were made over North Vietnam than ever before.

Prominent Americans have reported that schools, hospitals, homes, dikes, and people have been obliterated by American bombs.

These reports are deeply disturbing, not only to those of us who over the years have opposed our involvement in Vietnam, but also to millions of other Americans who have hesitated to question decisions made by the President. Beneath the anger and dismay they direct at the messengers who bring the bad news from North Vietnam, there lies a sorrow and despair over this never-ending violence.

The Administrator, sensing only the anger and dismay, prefers to play to those emotions and to question the loyalty and the patriotism of the messengers. They prefer to "curse the darkness" rather than "light the candle" and discover the sadness felt by America.

The real conscience of America questions the larger issue—the bombing of a backward, agricultural society to preserve a policy built on the false pride of the President of the United States.

The pride of a nation is much like the pride of a man.

A great man is acclaimed by others and need not acclaim himself. A weak man compensates with artificial power and boisterous bravado. A great man understands his fallibility and acknowledges error. A weak man admits no fault.

What we are doing today in Vietnam is not a sign of greatness it is a compensation for failure.

The only conclusion I can draw is that we have embarked on a course of raw retaliation. The President's policy has been threatened, and there is nothing more vengeful than the wounded pride of a king.

America is a great country. We do not need false pride. We can acknowledge error and we must.

Even those citizens who believe that America should support its President, must be deeply troubled by the moral vacuity of our bombing policy.

Never before in our history have the American people been subjected to such a conflict of previously unquestioned values. And never before has moral leadership been so conspiciously absent in the President of the United States.

But in Vietnam a cause or an effect of America's crisis of the spirit?

Four years ago a nation deeply troubled by the violence of racial riots searched its heart for an answer to what appeared to be blind hatred. President Johnson established a commission to study the matter and to report to the nation. This Report of the National Advisory Commission on Civil Disorders—the Kerner Report—was not widely read, but the impact was great. When the report was released the headlines read, "America is a Racist Society."

No one enjoys being called a racist. And America was again forced to cope with an unbecoming view of itself.

Since the Kerner Report we have learned a new term that somehow buffers the reality of our image. We are now told that much of the racism in America is "institutional." It's a fine term. It tells Americans that they are not really to blame. Americans aren't racists, the institutions of our society are racist.

So, we ignore the medicine prescribed in the pages of the Kerner Report, we depersonalize the terminology . . . and we perpetuate racism.

But is racial conflict a cause or an effect of America's crisis of the spirit?

In 1964, President Lyndon Johnson declared a "War on Poverty." For a nation that badly needed a lift after the assassination of one of its most beloved Presidents, the effort to extinguish poverty was a compelling challenge—and it salved a pained national conscience.

As a nation, our best instincts were awakened by this opportunity to tackle a problem that had defied mankind for ages. The air of optimism grew as programs were formulated and agencies created. In the face of such human and monetary resources victory would only be a matter of time.

But what was the result?

Today we are left with nothing more than the remnants of good intention and the hollow feeling of failure. The effort to eliminate poverty has largely been abandoned and unemployment is now regarded by the Administration as a tool to stop inflation. The result is a lingering cynicism among those whose hopes were first elevated—and then dashed—as commitment turned to benign neglect.

But is poverty a cause or an effect of America's crisis of the spirit?

America is a great nation—but not because its greatness is often and loudly asserted by public figures whose leadership consists largely of leading cheers. Rather it is because we have demonstrated time and again throughout our history that we have the capacity to look within our society, to recognize where we have gone wrong, to regenerate ourselves and emerge from the ordeal even stronger. In short, we have demonstrated that the admonition, "Know thyself" is as apt for a nation as it is for an individual.

Your generation has been in the forefront in forcing America to confront its conscience. But today your challenge is greater than ever. You must sell yourselves and your ideas as never before.

As you carry your message in 1972 you must remember that your mission is not to demean those who oppose you, but to encourage understanding . . . not to scorn disbelievers, but to convince by reason . . . not to belittle, but to search out and praise those qualities that are praiseworthy . . . not to contribute to polarization, but to inspire unity. This way you can help America to know itself.

This year more than any other in our history the American political process offers a choice. The new message of hope that is being carried by George McGovern is being countered by Richard Nixon's appeal to fear. The destiny of our nation will be decided by this struggle between faith and anxiety.

If those of you who have the message will work hard to carry it to every American . . . if you will get out and register the young, the poor, the minority Americans, to vote for change . . . if you will help America to know itself . . . we will say on November 8 that 1972 was the year, not when America lost its way, but the year when America found its conscience.

CEQ REPORTS ON THE DELAWARE VALLEY

Mr. BOGGS. Mr. President, the President's Council on Environmental Quality recently issued its third annual report. As with the two previous documents, this report provides an excellent evaluation of our environmental challenges.

Press attention, however, has centered less on excellence of the report than on the so-called lost chapters. Contrary to some opinion, it seems to me that no evidence exists that these chapters were omitted in an effort to "hide" information, as some have argued.

The truth is that these portions of the report have not been completed. Although they are still in rough draft form, the chapters are available to the public and to the press for review. I have recently had the occasion to review these chapters, and I would like to give Senators a brief description of their contents.

There are three unpublished chapters. One involves energy, analyzing the types of energy-producing systems in use today, the fuels demands of these systems, and the systems' impact on the environment.

Another chapter concerns recycling. It discusses the problems associated with the various types of waste recovery, mentioning various proposals seeking to improve the demand for, and reducing the cost of, recycled materials.

The third, and most comprehensive, chapter involves an environmental study of the Delaware River Valley.

This region, which includes portions of my own State of Delaware, as well as New York, Pennsylvania, and New Jersey, was apparently selected because it offers a wide contrast of various threats to the environment. This great region encompasses both highly industrialized urban and port centers and untouched, rural mountain and coastal regions. The environmental challenges confronting the Delaware Valley are varied, the draft report notes, ranging from air and water pollution to urban blight to land-use confrontations.

The draft report stresses the historical development of the valley, for knowledge of these development patterns is helpful to an understanding of present-day challenges.

Natural harbors and waterways, plus rich mineral deposits, enabled the region to foster American commerce and industry. Factories and railroads sprouted along the banks of the Delaware River and its tributaries. Industrialization brought sharp population growth to the valley.

Over the past few decades, changes in technology and transportation have caused much heavy industry to leave the crowded river fronts in search of suburban locations near highways. The population has followed.

After developing this general background the study focuses on several specific topics.

One is the so-called urban problem. Such problems are not necessarily new to the valley, as they are not new to any major area in the East. In view of a diminishing tax base created by a migration of middle- and upper-income families to the suburbs, city governments confront an awesome task in trying to restore housing, improve services, and enhance the environment.

Urban waterfronts have become industrial graveyards lined with rail lines and abandoned piers and factories. The draft report makes the point that the possibility of reclaiming these areas for recreational purposes exists, but that the historic trend makes this appear unlikely.

The report, however, examines in detail two examples of waterfront revival. One is the Penn Landing-Society Hill section of Philadelphia, where new life and vitality have been brought in to the area of restored housing, new shopping districts, and easy access to highways. Only a few years ago, this was the site of decaying warehouses and obsolete wharves.

South of Philadelphia one finds a good example of wetland preservation in an urban area, the Tinicum Marsh. Although some of the marsh area was used for the construction of Interstate Highway 95, 200 acres remain. Another 130 acres could be reclaimed. In fact, this marsh has been designated a National Wildlife Refuge by the Department of the Interior, the first instance of such a site in an urban area.

It seemed to me, in evaluating the draft CEQ study, that such urban environmental revival is necessary and vital.

The draft report also examines the suburban expansion that has occurred in the urban corridor that cuts down and across the Delaware Valley. The burgeoning suburbs, once limited to the peripheries of cities, have now spread into once rural regions. Improved transportation has made such areas easily accessible. The financial incentive to development has produced rapid change, with little thought to the environmental impact, the report notes.

The report goes, in some detail, into the difficulty in obtaining effective regional planning on land use, due to decentralized control and conflicts in the goals of various groups.

Of course, the Delaware Valley is but an example of a situation that is occurring from Casco Bay to San Diego Bay. That, I believe, is why this report is important, and should not be rushed out in final form just to suit a timetable.

This draft report then turns its attention to the Delaware Bay region. This area, which lies outside the corridor of the New York-Washington megalopolis, is relatively untouched by the hand of man. Its farmland is among the most productive in the Nation. Its tidal marshlands, and the bay itself, are home to a wide variety of wildfowl, fish, and shellfish.

This region, however, confronts the possibility of major change from tranquility to development. Once of little interest to industry and developers because it lacked proximity to urban markets and raw materials, the lower bay has grown increasingly attractive, the report notes, because of improved highways and the need of major industries to find the space outside the crowded cities.

Perhaps the most important potential impact of all is the fact that Delaware Bay could provide the potential deepwater facilities needed for huge, bulk-cargo ships.

Indeed, this port question is an issue of considerable controversy at the moment. According to the draft CEQ report, conservationists in New Jersey and Delaware believe that the creation of deepwater ports, even miles at sea, would eventually mean an end to the tidal marshes and wildlife refuges that line the bay.

The report also devotes considerable attention to the fact that the State of Delaware has passed legislation to ban or control industrial development along the bay's shore.

But heavy industry is not the only threat to preservation of the coastal environment, the report notes. Poorly planned vacation homes, warehouses, and the destruction of sand dunes by man and by nature are other factors. The report makes the point that few tools exist for long-range planning on such complex problems.

The New Jersey Wetlands Act made a step in this direction, requiring permits for development in wetland areas.

While the draft report does not make this point—an oversight that may be cleared up in the final report—Delaware has recently taken steps to place a freeze on future wetlands development, as part of an overall environmental and developmental study.

The CEQ concludes with an environmental analysis of air and water pollution in the Delaware Basin, and the steps to correct it. The report discusses the work of the Delaware River Basin Commission, which is composed of the Governors of Delaware, New Jersey, Pennsylvania, and New York, as well as the Secretary of the Interior. This Commission serves as a forum and a mechanism for working toward effective pollution control.

In conclusion, Mr. President, the report appears to me to be an objective analysis of the Delaware Valley: its challenges and its opportunities. As I said earlier, I can find nothing in these chapters that would lead anyone to conclude that they are being suppressed. Rather, I believe they are being evaluated carefully so that they can provide the best information and analysis possible when eventually published.

SUSPENSION OF EUROPEAN TARIFF ON BEEF COULD HELP ALABAMA FARMERS

Mr. SPARKMAN. Mr. President, the European Community on June 5 suspended its 20-percent tariff on beef imports. A recent edition of its publication, European Community, notes that consumer demand in the nations of the Common Market will outpace supply by 600,000 tons this year, an increase of 14 percent over last year.

Even so, beef consumption in the Common Market is only about 57 pounds per person, compared with well over 100 pounds in the United States—so they have a long way to go. And, the Common Market with 190 million people is only part of Western Europe, which has a population of nearly 300 million.

The Senate may recall that in 1965–66, the Senate Small Business Committee held extensive hearings on the potential for exporting American beef to Europe.

At that time, our committee estimated that a total import gap in Western Europe approaching 1 million tons a year would be a reasonable prediction for the future.

We also found that Europe was hedged around with barriers to trade in American beef products. Some were official, such as the variable import levy; and some were very unofficial, such as unfamiliarity with the excellence of American grain-fed table meats. However, the June action of the European Community appears to be a step in the right direction in reducing these barriers.

It is well known that the sale of beef animals accounts for nearly one-fourth of farm income in this country and has always been one of the leading commodities in my own State of Alabama. Thus, many small farmers and livestock raisers in the Southeast would be in a position to benefit from the development of an additional large market for U.S. beef on the increasingly wealthy European continent.

This is especially true since American balance of payments is in such sad shape. I believe that our overall balance of payments was in deficit last year by the sum of almost $30 billion, which approximates the total deficits for the 10 years before 1971. Through the first half of 1972, the figures for merchandise trade, which have been a consistent money earner for the United States since 1893, stood in deficit by a striking $3.3 billion.

This market, therefore, seems an area where American farmers could help their country as well as themselves, and I hope that farm, meatpacking, and other organizations concerned will keep abreast of these developments and opportunities.

I ask unanimous consent that an article published in the European Community, August–September 1972, page 7, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EC REMOVES TARIFF ON BEEF IMPORTS

In hopes of halting the spiraling cost of meat in the European Community, the Commission on June 5 suspended the Common Market's 20 per cent tariff on beef imports.

The Common Market has used tariffs to protect domestic suppliers of meat, whereas the United States limits imports by quantitative restrictions. In a similar action on June 26, President Richard M. Nixon ordered quotas removed on meat imports into the United States.

More than 10 per cent of Community beef needs have been imported in recent years. According to the Commission's calculations, Community demand for beef will outstrip Community supply by 600,000 tons this year, an increase of 14 per cent over 1970–71. World market supplies may not fill this gap, the Commission said. For example, Eastern Europe, an exporter until 1969, has now become an importer of frozen beef.

Despite price increases, consumption of beef in the Community has been steadily rising. In 1966–67 Community consumers were eating an average of 49.25 pounds of beef a year. By 1969–70, consumption had risen to 56.75 pounds.

Increased competition from abroad in EC markets, following the suspension of Community tariffs on beef imports, does not alarm France's famed Charolais beef cattle. Tariffs will be reapplied if the EC average falls below 113 per cent of the recommended guide price, or if prices in any country fall below 109 per cent of the guide price.

THE COMMUNIST MASSACRE AT BINHDINH

Mr. BUCKLEY. Mr. President, last Monday's Washington Evening Star and The News contained a timely reminder of the nature of the North Vietnamese enemy. I say timely because the reports of the unspeakable atrocities—including live burial—committed by the Communists come at a time when there are those who scoff at the idea that a Communist victory in Vietnam would lead to a bloodbath.

The methodical, well-planned and deliberate Communist slaughter of South Vietnamese, whose only crime was to work for the South Vietnamese Government, is evidence that cannot be ignored. This kind of atrocity has been an acknowledged part of the Communist campaign to dominate the south ever since this war began. The massacre at Binhdinh demonstrates beyond any doubt that such a policy is still in effect.

Mr. President, how can anyone continue to cling to the belief that the Communists will show mercy to their conquered enemies in the face of such evidence. In Binhdinh Province we have an unequivocal and horrible portent of things to come if South Vietnam is overrun by the Communists.

I ask unanimous consent that the editorial entitled "Massacre at Binhdinh" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MASSACRE IN BINHDINH

It is a fervently held article of liberal faith that if the United States will just get out of Indochina, all will be sweetness and light among the Vietnamese people, North and South, Communist and non-Communist. Those who chant this doxology ignore the execution of thousands of Vietnamese and flight of tens of thousands more when the Communists took over in the North in 1954.

They ignore the mass graves containing the bodies of more than 2,600 South Vietnamese civilians murdered at Hue during the 1968 Tet offensive. So they should have no difficulty whatsoever in glossing over the less numerous casualties of the more calculated reign of terror which has taken place at Binhdinh province on the central coast of South Vietnam the past three months.

Binhdinh fell quickly to the North Vietnamese in early April and it was not until July that Saigon's forces launched a serious effort to retake it. So the Communists had plenty of time. There was no need to hurry, as there was in Hue in 1968, when American and South Vietnamese forces counterattacked within days of the city's fall.

According to intelligence reports and on-the-spot interviews with survivors, the Communists were extremely methodical. They rounded up hamlet and village chiefs, pacification workers, policemen, militiamen, teachers, doctors, nurses, clerical workers, literally anyone who had had any connection with the Saigon government. "People's courts" executed several hundred (perhaps as many as 500) and shipped an estimated 6,000 others off to "people's prisons" in remote areas of the Communist-held Anlao valley. Most of those killed apparently were executed by rifle fire but others were buried alive, beheaded or hacked to pieces.

None of this represents any new departure in tactics on Hanoi's part. Aside from the general massacres in the North in 1954 and in the South during the 1968 Tet offensive, the murder and kidnaping of South Vietnamese officials has been part and parcel of Communist "liberation" since the war began. In the past four and a half years, nearly 25,000 South Vietnamese civilians and officials have been executed by the North Vietnamese Communists and the Viet Cong.

There have, of course, been atrocities on the Allied side. But anyone who is still prepared to maintain that a Communist takeover in South Vietnam would not lead to a bloodbath of major dimensions is simply ignoring the evidence at hand. A politician like Senator McGovern, who advocates a quick and unilateral American withdrawal from Southeast Asia, need look no farther than the shallow graves of Binhdinh province to see where the policies he advocates would lead those who have placed their trust in the United States.

BETTER TRANSPORTATION FOR THE AGED

Mr. CHURCH. Mr. President, I invite the attention of the Senate to a most provocative article published in the summer edition of the periodical City. The article, by the Institute of Public Administration's transportation expert Sumner Myers, is entitled "Turning Transit Subsidies into 'Compensatory Transportation'."

Aside from discussing the need for urban transportation reform in a most knowledgeable way, Sumner Myers makes some excellent suggestions as to how public transit could be made more available and more convenient for the aged and the infirm. He suggests that subsidies for public transportation be weighted so as to make it more attractive for transportation companies to provide better service for the aged. He suggests, for example, that bus companies use tokens that would give them extra subsidies for elderly riders. A special token used by the aged would qualify the company for extra payments. This would result in a move by those companies interested in higher revenues to attract more elderly riders. Schedules and routes that appealed to the elderly would receive more attention from transportation companies. These and similar ideas point in the direction in which transportation reform should move.

I call this excellent article to the attention of those legislators who are concerned with the provision of better transportation to those who must rely on means other than the private automobile.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Turning Transit Subsidies Into "Compensatory Transportation"

Several years ago an MIT professor observed that ". . . transit subsidies are needed to enhance the mobility of the poor and the physically handicapped whose relative mobility has been steadily decreasing." At the time, his recommendation was academic: The Nixon Administration was in no mood to subsidize transit, much less on behalf of the disadvantaged.

But times have changed. The professor, Alan Altschuler, is no longer an academic; he is secretary of transportation and construction for the state of Massachusetts. And federal subsidy is no longer an academic issue; it is a virtual certainty. A well organized and highly effective coalition of transit, city, and suburban forces seems likely to push an operating subsidy program through Congress this year. Led by Fred Burke, whom the National Journal has called "the heart, soul, and brain of the urban transportation lobby," the coalition has split the administration's opposition and all but convinced Congress that help is desperately needed. Even Virginia's conservative Joel Broyhill allows that "Subsidy has always been obnoxious to me, but in the case of local transit there ain't no other way.

Broyhill is right: Without subsidy, local transit is likely to shrivel in most cities, disappear in others. Surely transit has to be kept alive and healthy, but it's time to ask, For what purpose? The answer depends on one's sense of priorities. I believe that transit must do more than just keep automobiles off the streets. That is unquestionably important, but a more important mission for transit, it seems to me, is to provide an acceptable level of mobility for people who can't use automobiles. That is, transit must be kept alive and healthy to provide an essential social service. And this simply cannot be done without some form of subsidy.

Subsidy as such is hardly the question anymore. The real question is, How shall the subsidies be given? Given properly, they could be the lever for radically overhauling the nation's transit systems, first, to better serve those for whom public transportation is an essential service—the poor, the old, and the physically handicapped—then, to serve everybody.

The transit operators of this country—public and private—unquestionably need some kind of subsidy if they are to provide essential transportation services. The people who need these services simply can't afford to pay what it costs to provide them. And so, of course, the services are barely provided. I suggest that we abandon our niggardly approach to this twin problem. Instead of giving transit operators barely enough subsidy to keep them going, let's pay them a premium for carrying the particular groups that need service. That is, let's provide the transit operators with a kind of subsidy that has a built-in incentive to improve transportation for the people who can't use automobiles.

For example, suppose the aged and the physically handicapped were provided with tokens worth double or triple the usual fare *to the transit company*. You can be sure the transit company would "try harder" to earn those extra-value tokens. To begin with, it would try to provide frequent and courteous service in the off-peak hours when the premium riders need service most. If the tokens were worth enough money, the transit company might even try some innovative services—perhaps a door-to-door service, which is what the disadvantaged really need.

The basic principle I am advancing is simple. Create a lucrative new market for transit by transforming the disadvantaged into "premium passengers." Transit will then have to *earn* its subsidy by improving service for those who need it most. As service is improved, others will use it too.

I've used extra-value tokens in my example to illustrate the importance of creating a new market for transit companies. Tokens, however, do have certain drawbacks. Some are administrative: How should the tokens be given out? But the most important drawback may be psychological. For example, the aged and the handicapped might be willing to accept tokens that would identify them as premium passengers. But if the poor were to get such tokens to identify *them*, I'm afraid everybody would find the token system distasteful. Many people want to avoid the "stigma" of welfare if they can. In some model cities programs, for example, it was not unusual for the aged to refuse to ride free buses because "free" implied "welfare."

The welfare stigma could be completely avoided and much the same groups helped by paying the transit company a premium *for each passenger riding at off-peak times*. For each such passenger, the government would pay the operator a set figure, say 20 cents. A direct premium payment for all off-peak riders would be simple to administer. Most important, it would fit in with the travel patterns of the disadvantaged who very often are without jobs or work sporadically. Those without jobs generally prefer not to travel during rush hours. When they travel at all they prefer to travel during middays, evenings, and weekends. Right now they travel less than they would if fares were lower and service better. Their mobility is severely limited, even at rush hours, because public transportation service is barely adequate except on routes leading to the center of town. At other times the situation is worse. Public transit just doesn't go near where most people want to go. To make matters still worse, the disadvantaged can ill afford to pay ever-higher fares. The combination of irrelevant service and exorbitant fares discourages ridership and, without access to automobiles, virtually immobilizes the disadvantaged.

The existence of a large unmet need for public transportation at a low price has been demonstrated in Atlanta. When that city cut its transit fares from 40 to 15 cents, ridership went up across the board. Peak (commuter) ridership went up be only 10 percent, but midday and weekend ridership rose by 32 and 40 percent, respectively.

Low fares, however, mean high deficits. Atlanta's bus system used to break even. Now it loses $600,000 per month, though many more passengers are carried. Obviously, no transit company will understake such a program on its own no matter how socially desirable it is to increase ridership. Conclusion: A reduced fare program of this type is only possible with a large public subsidy.

Atlanta's subsidy needn't be so large if rush hour fares were kept at 40 cents for everybody except perhaps the poor. As a practical matter, a 10-percent ridership increase at the peak is relatively insignificant. Its effect on the region's total automobile ridership is virtually imperceptible. Its effect on the deficit, however, is substantial. The extra subsidy needed to make up that part of the deficit necessarily diverts money that could be used to help the people who ride at offpeak times. At these times, ridership will go up sharply as fares come down because most off-peak riders will respond to a financial inducement to ride.

Ridership would go up still more during off-peak times if services were radically improved. That's where a premium passenger system could offer a powerful incentive for change. For example, offering transit companies somewhat more than $1 for each premium passenger carried would probably generate a strong market for door-to-door bus systems—even in relatively low-density suburbs. Research indicates that door-to-door transit service would cost somewhat less than $1 per ride. While door-to-door systems might come into being in response to the lucrative new premium passenger market, once operating they would be available to everybody. This, in turn, would free everybody, poor and nonpoor alike, from being completely dependent on the automobile.

It should be emphasized that the problem of developing door-to-door transit systems is largely a problem of developing markets for them. The technology is practically in hand. But even if it were not, as technologist John Rubel once said, "If you want rockets to the moon, make a market for rockets to the moon and you will get rockets to the moon." So it is with transit systems. If the poor, the aged, and the physically handicapped could be transformed into a high-paying market for door-to-door systems, it is almost a certainty that companies would develop door-to-door systems to serve them.

Under current policy (such as it is) transit companies are asked to "do good" by offering discount fares to certain groups, principally the aged. In Washington, D.C., for example, those over 65 can ride during the off-peak hours and Sundays for 25 cents rather than the full fare of 40 cents. On an average day, some 8,000 to 9,000 oldsters take advantage of these discount fares. There is no public subsidy to make up the difference and nobody seems to know whether D.C. Transit is gaining or losing by this policy. What is clear, however, is that the unsubsidized discount fare arrangement offers D.C. Transit no incentive whatsoever to improve services for its aged passengers—or for anybody else. At the same time, D.C. Transit is experiencing a deficit of $4 to $5 million per year.

D.C. Transit might "earn" a subsidy big enough to cover its deficit if those over 65 were to become premium passengers. If each of the discount passengers paid his fare with a token worth $1.50 *to the transit company,* the company would net approximately $3 million more than it does today. While $1.50 may seem like a high premium, remember that somehow the money it adds up to has to be given to the company one way or another if it is to avoid bankruptcy. The policy question is how to give the money to spur desired change. The company would avoid bankruptcy and easily wipe out the rest of its deficit by doubling ridership among the elderly. Doubling the ridership of elderly passengers would surely require some extensive service improvements which, of course, would cost additional money. But a profit-minded transit company should be more than willing to invest this money if the net effect is to bring it out of the red—and into the black. In any event, a good potential market of premium passengers seems to exist in the Washington SMSA. Living there are 170,000 persons over 65, few of whom now ride D.C. Transit. To this potential market might also be added 136,000 handicapped adults who are not institutionalized.

Alternatively, if D.C. Transit received an extra 20 cents for every off-peak passenger it now carries, more than half its deficit would be met. Again, the transit company might erase its whole deficit by doubling its daily off-peak ridership. And again, this would require some investments in service improvement—which is precisely what we want to get.

The numbers I've used are, of course, illustrative. It would take a bit of systematic experimentation to set the premium at the right price. The natural tendency will be to set it too tight—a serious mistake. I would urge—at least for starters—that the premium be set on the generous side. We should take full advantage of the profit motive to help transit save itself. The transit company should be able to more than just cover its costs of providing service for the disadvantaged; it ought to be able to earn enough money serving these premium passengers so that it could afford to improve transit for all passengers—including peak passengers. Granted, this principle of generosity will be a difficult one to implement, especially because it calls for larger subsidies than are needed just to cover transit deficits.

The total amount of transit subsidy needed is fairly substantial. According to the American Transit Association, the total annual deficit for all transit companies is on the order of $400 million per year. Big as it is, however, if the whole transit deficit were to be financed through a gas tax, it would hardly be felt. It would add a third of a cent to the cost of each gallon. To be generous enough to improve the lot of commuters with fares "spent" by premium passengers would probably double the total subsidy required. Even so, this would only amount to two-thirds of a cent per gallon of gas. Such an amount could radically change public transportation—first on behalf of those who are dependent on it, but also on behalf of those who might prefer to use transit instead of their automobiles.

Subsidizing transit from a tax on gasoline is hardly a unique idea. But I think that the real argument for doing so is different from that usually put forward. The usual argument is that improving transit decreases congestion and thereby offsets the need for more highways. Curiously, the only people who seem to take this argument seriously nowadays belong to the highway lobby. In fact, highway lobbyists believe it so strongly that they fight transit subsidies tooth and nail. If a different kind of argument were presented—one that is not based on decreasing the "need" for highways—the highway lobby would have less reason to fight against the use of gas-tax money for transit subsidies. In any event, I would suggest that the thrust of the subsidy argument be for *compensatory transportation.*

Whether transit offers the need for highways or not, the argument for compensatory transportation is valid on its own terms. Transit dependents are dependent because they cannot drive automobiles. Public transit is the only way they can get about on their own. This would not have been too serious a matter, say, 30 or 40 years ago, before so many people had access to automobiles. In those days, transit provided virtually ubiquitous and frequent service at all times—peak, off-peak, and weekends. As automobiles became more and more popular, transit patronage, of course, fell off. Ridership fell off much less during the peak, however. (Buses and trains heading downtown are still crowded because parking space there is scarce and expensive.) At the same time, transit lost most of its riders during the rest of the day and on the weekends. That's when people travel for social, recreation, shopping, and medical reasons. Since nothing could beat the automobile's door-to-door service for these kinds of trips, people used automobiles, and transit ridership dropped precipitously. When and where transit ridership fell off, transit companies did what most businesses do: cut back on service in response to falling demand. This did not hurt those who could use automobiles, of course, but it practically immobilized those who couldn't and were dependent on transit.

The automobile damaged transit in still another, more pervasive way: It made transit's peak services more and more irrelevant. Transit can best serve downtowns where trip ends are reasonably concentrated. But the automobile spread out the city in such a way as to make it virtually impossible to get from home to work or anyplace else except by automobile. Transit continues to service the downtown areas, but only a small fraction of travel demand is to the downtown. This means that people who have no access to automobiles can go downtown at the peak, but as a practical matter they can barely go at any other time because service is so poor. Nor can they go anyplace else, because service is nonexistent. And so it is that people with automobiles enjoy their mobility at the expense of people who do not have automobiles. Surely, the latter group is entitled to compensatory transportation.

Their numbers are much larger than one would think. They are, in effect, a silent minority, comprising the uncomplaining old and physically handicapped, the young and the poor. In 1970, over 20 percent of the U.S. households did not own a car. Among the poor and the elderly, car ownership was even lower. 57.5 percent of all households with incomes under $3,000 did not own a car. For households headed by persons 65 years of age or older, 44.9 percent did not own a car. Those too young to drive but old enough to travel alone are also immobilized. Of the youths between 10 and 18 years of age, 80 percent are dependent on others, including public transit, for their mobility.

The physically disabled deserve special mention because they represent a large, unserved market for good public transportation. Mostly poor, they currently number about 6 million persons. Of these, about 5.7 million are potential riders of public transportation if the system could take them door-to-door. Again, such a system would probably come into being if the transit company were able to get approximately $1 per passenger trip as it might through the premium passenger system.

In some ways we are not too far from the concept of providing the subsidy through premium passengers. A House bill under consideration proposes to credit the transit company for each passenger carried, whether peak or off-peak. This concept should be refined to pay the transit company only for passengers carried during the off-peak hours. Unless it were a very high amount, a straight per-passenger subsidy would have little if any effect on transit service because it would not provide the incentive to improve off-peak service to attract more riders. As Atlanta has demonstrated, the only time when large numbers of additional people can be attracted is during the off-peak times.

Won't these people—most of whom are poor—cheat on the premium passenger system? Would they sell their tokens to unauthorized users? Perhaps, but the likely effect of a few individual abuses is negligible compared with the likely effect of the systematic abuse that would be possible if the transit companies were simply given a subsidy. The recent housing subsidy scandals have driven home the lesson that even red tape can't prevent large-scale abuse if subsidies go through producers before they get to consumers. Moreover, little subsidy actually gets to the consumers.

Of course we can't be sure that the pattern of abuse in housing would repeat itself in transit. We can be sure, however, that a transit subsidy not keyed to market performance will not reach the consumer. It will surely not improve transit service. At the same time, the premium passenger system is disciplined by the market. Assuming the premium is set generously enough, if the transit company makes money on it, we will know that the disadvantaged are fast being served. If not, we will know that the transit system really isn't essential after all. In that sense a premium passenger system is a "no lose" game.

THE 25TH ANNIVERSARY OF INDEPENDENCE OF INDIA

Mr. PERCY. Mr. President, on August 15, 1947, the people of India became independent of Great Britain. In the 25 years that have followed, India has made great technological, agricultural, medical, and social advances. India has become a great nation.

Recently, the Governments of the United States and the Republic of India have had their differences. But our countries share common goals and are devoted to common principles of justice and liberty, and I am confident that the friendship that has always marked the relationship of our two peoples will be renewed and strengthened in the years ahead.

I invite the attention of the Senate and the American people to the text of President Nixon's message of congratulations to the Government and people of India on the occasion of the 25th anniversary of India's independence. It is my profound hope that this message will serve to convey to the Government of India our determination that American-Indian relations will soon reflect the mutual respect and friendship of the two peoples and the desire of the U.S. Senate that the two governments may cooperate fully in the interests of world peace and stability.

President Nixon's message to President Giri of India reads as follows:

DEAR MR. PRESIDENT: I am pleased to extend my warm congratulations and those of the government and people of the United States to India on the twenty-fifth anniversary of its independence.

During its first twenty-five years, the Indian Republic, inspired by the traditions of the freedom struggle, has overcome adversity and taken its place among the world's democracies. Friends of India everywhere are impressed by the progress it is making in fulfilling its national commitments to improve the conditions of its people.

On this auspicious occasion, you have America's warm greetings for India's twenty-first birthday and our best wishes for the years to come.

Sincerely,

RICHARD NIXON.

Mr. President, on August 14, the New York Times published an article written by Robert Trumbull, reflecting on India's 25 years of independence. I ask unanimous consent that excerpts from this excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDIA, STILL IN SHADOW OF POVERTY, SHOWS PRIDE AS A NATION NOW 25

(By Robert Trumbull)

NEW DELHI.—Prime Minister Indira Gandhi is about to open a subdued year-long celebration of the 25th anniversary of Indian independence in a country where much has changed, yet much remains the same, since her father, Jawaharlal Nehru, hailed the new nation's "tryst with destiny" as Britain handed over power in the first minutes of Aug. 15, 1947.

Physical improvements have brightened the face of this ancient and long-suffering land, though Mr. Nehru's comment that "we have achieved much" but "we must achieve much more" is as applicable today as when he made it on the first Independence Day.

The shining image of India in the emerging "third world" of former colonial countries has dulled in the years of shifting alliances and the declining relevance of neutralism, the basis of Indian foreign policy under Mr. Nehru, the first Prime Minister.

The internal political complexion of the country has also altered, with the power no longer in the hands of the old Congress party as Mr. Nehru had known it until his death in 1964. Indians say that Mrs. Gandhi's rule at the head of a reconstructed party, younger and more leftist, is firmer than her father's ever was.

Mrs. Gandhi has taken the economy, never strong, into uncharted socialist paths. With wages low, prices up, productivity down and unemployment growing, the success of the socialist experiment is yet to be established.

Meanwhile, uncontrollable natural factors of alternating floods and droughts, and the savage summer heat, are unchanging agonies in a disaster-prone country poorly served by nature.

Following a recurrence this summer of the droughts that periodically deprive struggling industry of needed electric power and threaten food shortages where many already are hungry, Mrs. Gandhi has decreed an austere observance of the 25th Independence Day in order to rebuild depleted reserves.

Such spectacular holiday displays as the outlining of public buildings with electric lights on the festive night have been barred and the public has been asked to forgo the customary ostentatious anniversary parties.

In the midst of India's modernization, some things remain unchanged. Despite a jagged new skyline of monolithic highrise buildings, the environs of the capital retain an ambiance of timeless antiquity through the spectacular old monuments of bygone eras, like the huge seventeenth-century Red Fort, once the seat of Mogul emperors.

With urban sprawl pushing New Delhi's boundaries ever outward to country that was semidesert, the quiet of the night in this once-compact capital is shattered by traffic sounds instead of the jackal's eerie wail. These noisy, skulking animals that once scavenged nightly in the city's outskirts shun the new suburbs.

But the twilight hour, when sunset cuts the heat like the closing of an oven door, is still made vivid by flocks of screeching parakeets darting above the city streets like streaks of green flame.

A MIXTURE OF SOUNDS

Besides the screams, chirps and caws of the many kinds of birds, the cacophony of Indian cities includes the chattering of untamed rhesus monkeys roaming the urban roofs, and the ululating tones of the snake charmer's flute.

In the country side around New Delhi a motorist may have to swerve to avoid hitting a wild peacock strutting on the highway. In the railway yards of eastern India elephants are preferred to engines for shifting boxcars.

The new mingles with the old.

Soviet-made tractors, driven by bearded, turbaned Sikhs, dodge around bullock carts and camels on the Grand Trunk Road, the great Punjab artery described in Rudyard Kipling's tales of British India.

Children of the untouchables, lowest of the low in the stratified Hindu social order, earn university degrees although their fathers may still live in hovels and follow inherited menial occupations that members of the higher castes hold in contempt.

In teeming cities like New Delhi, Calcutta, Bombay and Madras, new apartment houses are rising in vast slum-clearance projects. But in most cities the odorous colonies of tumbledown, makeshift huts also grow despite regulations against them. "You can enforce regulations only so far," said a municipal housing official in Madras.

A notable feature of the new India is the air of cheery pride exhibited in fields and factories where so many faces once were hangdog and discouraged.

"You know, we send technicians to other countries now," said an Indian irrigation expert in Himachal Pradesh, a mountain state whose melting Himalayan snows water the burning northern plain.

"Garibi Hatao"—"Banish poverty"—is the slogan adopted by the new Congress party built by Mrs. Gandhi after she had led the electorate in casting out the old guard.

The socialist approach has so far produced a mixed pattern of Government monopoly, official competition with private enterprises, Government and private partnerships and the purely private sector.

To its existing monopolies in communications and transportation, the Government has added banking, insurance and coal, and 80 per cent control of the steel industry.

"Actually, we have nationalized very little," a close adviser to Mrs. Gandhi said in a recent interview. "Mostly, we have merely taken over ailing businesses to put them on their feet."

In Punjab and other states, where the "green revolution" in grain production has enabled India to halt costly importing and even to think of exporting food soon, the successful farmers have been discouraged by the Government's imminent imposition of a ceiling of 10 to 12 acres on land holdings.

"I may as well sell my tractor and move to the city," said a Punjab farmer who had arrived as a destitute refugee from Pakistan 25 years ago and now owns 90 productive acres and employs several families.

"But think of the millions of landless cultivators who will become owners when the excess acreage is redistributed," a state official insisted, when told of the Punjab farmer's despair.

A proposal to limit urban property holdings is expected to be put before the parliament, where Mrs. Gandhi commands an overwhelming majority, as soon as a New Congress party committee has worked out the details.

The plan upset a New Delhi widow who has just built a four-bedroom house, modern in all respects, that she can rent to an embassy family for the equivalent of $400 a month.

"After expenses and taxes I'll have nothing left," said the widow, who lives in a small apartment, "and I don't even know if I will be allowed to leave the property to my children."

Concern for the myriad underfed, jobless poor has enabled Mrs. Gandhi to renege without a qualm on pledges by her father's Government, such as the payment of privy purses—in effect, pensions—to the former princely rulers in return for ceding their states to the Indian union. Her action in stopping the payments bothered the consciences of many Indians.

Mrs. Gandhi's tendency to act on significant matters without consulting Parliament has been criticized by Indians who feel that ignoring the forms of democracy can engender contempt for the substance.

A close associate of Mrs. Gandhi recently described her ideology as "centrist, or left of center." At the same time she keeps the support of the extreme left, including a new youth corps that has evolved from the wreckage of the Naxalites, a Maoist organization that had advocated violent revolution.

Mrs. Gandhi's luster at home has been enhanced by India's victory over Pakistan in the war last December, which resulted in the creation of Bangladesh in what was formerly East Pakistan.

Except for Hindu diehards, the country has acclaimed the accords worked out by Mrs. Gandhi and President Zulifikar Ali Bhutto, of Pakistan in Simla last month, beginning an effort to end 25 years of ill-will and four wars between the two countries.

While relations with Pakistan are improving at last, the suspicions of small states for giant neighbors has lessened India's popularity in Nepal, Bhutan, Bangladesh and Sikhim, the latter an Indian protectorate.

Nearby Ceylon has displeased New Delhi by moving closer to China. The border dispute with Peking, which resulted in an Indian military defeat in 1962, still poisons relations between the two Asian giants, once the warmest of friends.

India's confidence of her role as a leader among the neutralist states was shaken when many of these countries decided not to take sides in the conflict between New Delhi and Peking, and declined to support India in United Nations debates on the Bangladesh affair.

Except for the tiny Himalayan kingdom .of Bhutan, which is committed by treaty to be "guided" by India in foreign affairs, only the Soviet Union and her satellites supported New Delhi's opposition to a cease-fire in Bangladesh.

India's status as a nonaligned nation has been impugned since New Delhi and Moscow signed a treaty last year that has military overtones. Indian spokesmen, however, insist that no Soviet military aid has been accepted.

The increasing commitment to the Soviet Union, India's consistent supporter in international disputes, and the alienation from the United States since President Nixon's reported "tilt" toward Pakistan in the Bangladesh situation disturb many Indians.

"For God's sake," a high Government official begged an American journalist friend, "tell your people that we aren't in the Russians' pockets."

OFFENSIVE AGREEMENT SECURES OUR NATIONAL SECURITY

Mr. CHURCH. Mr. President, the State Department has issued an excellent summary of how the interim offensive agreement negotiated by the President in Moscow protects fully the security of the United States.

I ask unanimous consent that the August 1 release on "Peace, National Security, and the SALT Agreements" be printed in the RECORD.

There being no objection, the news release was ordered to be printed in the RECORD, as follows:

PEACE, NATIONAL SECURITY, AND THE SALT AGREEMENTS

Since World War II, the United States and the Soviet Union combined have produced nearly $20 trillion in gross national product—approximately $15 trillion in the United States and more than $4 trillion in the Soviet Union. Of this amount, more than $2 trillion has been spent on defense (approximately $1.3 trillion by the United States, and an estimated $1 trillion by the Soviet Union).

If the two societies continue to grow as projected to the end of the century, and if both continue to spend the same proportion of GNP on defense, the two countries together, by the year 2000 A.D., could spend another $5 trillion or more to maintain national security.

In both countries there are other pressing needs for capital, and both countries have long recognized a mutual advantage in first stabilizing the level of spending and ultimately moving to the stage where both countries can safely scale it down.

When President Nixon and General Secretary Brezhnev signed the SALT agreements in Moscow, May 26, 1972, the first stage was completed. Agreement was reached to limit ABMs to very low levels, including a commitment not to build a nationwide ABM defense or the base for such a defense. Both sides thus forgo a defense against retaliation, and, in effect, have agreed to maintain mutual deterrence.

Agreement was also reached to stabilize the level of strategic offensive missiles for five years, giving both sides an opportunity to proceed to the second stage of negotiations in which further limitations and controls will be pursued.

The freeze on strategic offensive missiles leaves the Soviet Union with more missile launchers and the United States with more warheads and bombers. (See Missile Balance Sheet below.) A great many factors were balanced off on both sides, but the most important consideration—probably the factor that made the Interim Agreement feasible—is the recognition (given concrete form in the ABM Treaty) that with any conceivable or current or future deployment of nuclear weapons, neither side can expect to attack the other without receiving a retaliatory strike that would destroy the attacker as a modern nation-state. Out of this fact grows the assurance of national security for both sides. This, in turn, now makes it possible to negotiate additional mutual limitations—hopefully including reductions of forces on both sides.

However, if the United States were to make unilaterally a substantial reduction in strategic strength, the other side might lose incentive to continue at the bargaining table. Similarly, if either side were somehow able to make a substantial jump in its strategic forces, we can only anticipate that the other side would undertake to redress the balance.

President Nixon said in his Foreign Policy Report of February 1971 that any Soviet attempt to obtain a large advantage "would spark an arms race which would, in the end, prove pointless." The President added that "both sides would almost surely commit the necessary resources to maintain a balance."

The Interim Agreement limits for up to five years the numbers of intercontinental ballistic missiles (ICBM), and submarine-launched ballistic missiles (SLBM) for the Soviet Union and the United States. Some might argue that the Soviet Union gained an advantage because it is permitted larger total numbers of ICBM launchers, SLBM launchers, and modern ballistic missile submarines.

However, it is also argued that the United States gained an advantage because no current U.S. offensive arms program is limited whereas limitations are placed on the three most active Soviet programs. Furthermore, although the Soviet Union will have more missile launchers, the United States has a considerable lead in numbers of warheads and intercontinental bombers, and in qualitative factors—including weapon dependability and general weapons sophistication—which are not limited by the agreements.

The central fact is that both sides find advantages in the limitations. We have reached levels where neither side can start a nuclear war without triggering its own destruction. There are simply too many launchers, too many warheads that would survive a surprise attack.

More importantly, both sides can benefit enormously from additional strategic arms limitations. An important process has, however, been started. Both the United States and the USSR are investing in this process, and we expect will want to preserve the investment and build upon it. It is not a question of "winning" or "losing". Both sides—and the world—gain from what has been achieved without compromising the basic security interests of any nation.

ECONOMICS

The long-range effect of the arms race on the economics of the United States and the Soviet Union is difficult to gauge precisely, but it is obviously enormous. The United States is currently spending about eight percent of GNP on defense—approximately $80 billion in FY 1972. The Soviet Union is spending in the range of 11–14 percent of GNP—some $45–60 billion in 1972, depending on the method of evaluating the cost. As noted above, if both countries were to continue to spend at these levels of GNP to the end of the century, the aggregate defense costs for the United States and the Soviet Union combined might total more than $5 trillion.

Both countries find defense spending a substantial burden on the economy, but the effect probably is more serious in the Soviet Union, because the high level of defense spending is believed to reduce substantially the available growth capital badly needed for expansion of the Soviet economy.

Efforts to compare the Soviet defense burden with that of the United States are difficult because neither the costs nor the distribution of GNP in the two countries are comparable. What is clear is that given the economic resources of the Soviet Union and its relatively lower level of economic development, the arms race places a comparatively greater burden upon the Soviet economy than the U.S. economy. Therefore, in economic terms the Soviet Union has even greater reason than the United States to develop meaningful weapons controls through negotiation.

The SALT agreements are an important step toward achievement of the kinds of controls that over time can substantially reduce expenditures on both sides, although the goal has not been reached in the initial stage. The agreements signed in Moscow do, however, provide the foundation for negotiations which will, hopefully, lead to important cuts in the level of defense spending on both sides.

Both the United States and the USSR could well continue to spend at approximately current levels while negotiating additional limitations, with the funds devoted chiefly to qualitative improvements. One of our goals will be to avoid this.

MISSILE BALANCE SHEET

ICBM launchers: Current strength: U.S. 1,054; USSR 1,618. The United States has no new ICBM construction program underway; the Soviet Union has been building new ICBMs. Without the agreement, if recent construction rates were continued for five years, the United States would still have 1,054 ICBMs and the Soviet Union, which has been building at a rate of up to 250 a year, could have more than 2,800 land-based ICBMs. Under SALT both sides are frozen at current levels.

SLBM launchers: The United States currently has 656 Polaris and Poseidon missile launchers; the Soviet Union has approximately 650–700 SLBMs. The United States has no missile submarines under construction; the Soviet Union has an on-going program of some eight new submarines a year. Without SALT, in five years the United States missile-launching submarines would not have increased, while the Soviet total could have risen to 80 or 90. With SALT, the United States has the right to increase to up to 44 submarines. The Soviet Union may add modern ballistic missile submarines up to the number of 62 operational, but only provided that they retire 209 older land-based missiles and 30 older SLBM launchers. This would leave the USSR with no more than 950 modern SLBM launchers.

Total ICBMs and SLBMs consistent with the terms of the agreement: United States, 1,710; USSR, 2,419. Warheads: The difference in numbers of missiles is offset by the kinds of warheads they can carry. Currently, with the new MIRV warheads, the U.S. strategic missiles and heavy bombers carry 5,900 nuclear warheads; the Soviet missiles and heavy bombers carry an estimated 2,200 warheads. The Interim Agreement sets no limit on the number of warheads for either side, and both of these figures could rise substantially in five years. The implications of the warhead figures are enormous. They mean that currently, in the event of a surprise nuclear attack, if half of the U.S. strategic capability was wiped out, the United States could still strike more than 2,500 separate targets in the Soviet Union. This reinforces the recognition on both sides that there can be no winner in a nuclear war. The U.S. expects to continue to hold a substantial warhead lead during the Interim Agreement, sufficient to more than compensate for the numerical edge the Soviet Union has in missile launchers. The number of U.S. independently targetable warheads is planned nearly to double in the next five years, and will remain far ahead of the Soviet total.

Megatonnage: The agreement does not limit megatonnage as such. Both sides are free to make warheads as large or as small as they wish. On the average, Soviet Missile warheads are larger than U.S. warheads. It should be noted, however, that the radius of damage does not increase proportionate to the increase in yield. If the explosive power is doubled, the radius of damage increases by approximately one-third. Moreover, accuracy is more important than yield.

SEARCH IS ON FOR HUNGRY OLD FOLKS

Mr. CHURCH. Mr. President, the editor of the Twin Falls, Idaho, Times-News, O. A. "Gus" Kelker, is a well-known writer whose feature stories are read with special interest by many Idahoans.

His story entitled "Search Is On for Hungry Old Folks" points out the poignant plight of many older Americans who lack adequate food and what the food stamp program can do to alleviate this lack. As chairman of the Senate Special Committee on Aging, I know well the problems he so effectively discusses. I ask unanimous consent that Mr. Kelker's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEARCH IS ON FOR HUNGRY OLD FOLKS

(By O. A. "Gus" Kelker)

The search is on to find all the hungry old folks!

And quite a few of them live in Twin Falls and other Magic Valley counties. They are those who, after a lifetime of service to their communities, find themselves isolated from the mainstream of American life. This isolation, coupled with lower income, often leads to hunger and malnutrition.

So last week—it was Thursday to be exact—every individual recipient of social security or medicare received a brochure explaining how it is possible to qualify under the new Federal Foods Assistance Program. They also received a franked post card permitting them to request personal assistance if required.

Nationwide there are 27 million men and women who received the notices. In Magic Valley the numbers were in the hundreds and it is expected that scores of these—not helped in the past—will now be able to receive food assistance.

In Twin Falls county such assistance would come through food stamps. In some counties it would come through commodity distribution. Right now, in Twin Falls county, there are between 750 and 800 individual cases where food stamps are being distributed. These, of course, include those of all age groups who are eligible and would number more than indicated because a family head, who might receive stamps for two or more family members, is still only counted as one.

When the Federal Food Assistance Program (FIND) takes hold issuance of food stamps will increase. How much is not known.

Four government agencies and the American Red Cross—including the chapter in Twin Falls—are joining hands in this program, an outgrowth of the White House Conference on Aging.

The Department of Agriculture will administer the food assistance through the stamp and commodity programs; the Social Security Administration will communicate the objective of Project FIND to all Social Security and Medicare participants; the Office of Economic Opportunity, through a $4.4 million contract, will be the funding agency for the volunteer activity; ACTION, the government citizen service corps, will provide the project management and public information, and the Red Cross will enroll, train and supervise up to 50,000 volunteers in an effort to reach all the older Americans who are eligible.

Statewide, Idaho is involved in both the food stamp and commodity programs.

In Idaho there are 44 counties. Food distribution programs reach a total of 18,851 in these counties and food stamps reach another 14,037 for a total of 32,888 being helped with food subsidies. Some local officials expect this number will hit a ceiling of nearly 50,000 when the elderly who are now eligible but are not receiving anything apply for aid.

The whole idea is to be sure old folks do not go hungry and also to be sure what they eat is beneficial to their health.

It is pointed out in Twin Falls that the Red Cross is not receiving any money other than to reimburse for direct out-of-pocket expenses such as the salaries of field supervisors, travel cost and reimbursement to volunteers for their direct out-of-pocket travel costs.

Want to volunteer in this program? Then drop into the local office of Social Security as a starter. Your volunteer help is needed and the Social Security officials can put you on the right track as to where to go and what to do.

And you old folks who do not have enough money to buy nourishing food? Why don't you send that card back—or go in and ask questions? The program is for you. All you have to do is to take advantage of it.

LACK OF FUNDS FOR RICHLAND HOUSE, COLUMBIA, S.C.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that an article entitled "HEW Apparently Will Not Fund Boys' Home," published in the Columbia Record of August 9, 1972, be printed in its entirety at the conclusion of my remarks.

I should like to acquaint the Senate with a situation that is most unfortunate and it is hoped, not a frequent occurrence. The Department of Health, Education, and Welfare has funded for 3 years a boys' home in Columbia, S.C., called the Richland House. The home's board of directors was led to believe that funding from HEW would be available for 5 years before other funding sources would have to be found. However, the funds run out on September 1 of this year, and HEW has belatedly indicated that the grant will not be renewed. At this time, no alternative sources are lined up, and the home is faced with closing in September. I have asked HEW to fund the program for an additional year, to allow the board of directors time to secure other sources of funds.

The Richland House is operated in conjunction with the Richland County family court and is a home for boys of the age 13 through 16 who have gotten into trouble with the law. The family court judge now has the option of sending a boy to the Richland House or to a jail cell. In its 3 years of operation, the home has repeatedly demonstrated its success in rehabilitating these young boys and its closing would be to the detriment of the entire community.

What bothers me the most in this situation is HEW's apparent failure to adequately forewarn the grantee, the Richland House board, that the program definitely would not be funded another year. The board would then have had plenty of time to develop alternative funding sources and it would not be faced with probable closing in September. This program has been of significant benefit to the Columbia community for the past 3 years and HEW is to be commended for its support. However, it is clearly not good government for HEW or any Federal agency to place a grantee in such an untenable situation unnecessarily. Because HEW has placed the Richland House in this position, I feel they have a direct responsibility to keep this valuable community project in operation for an additional year. This will allow the board of directors adequate time to develop a permanent source of funding.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HEW APPARENTLY WON'T FUND BOYS' HOME

(By Margaret N. O'Shea)

The U.S. Department of Health, Education and Welfare has apparently decided some lives that are important to Richland County aren't worth a dime.

Lives at stake are those of the boys who live at Richland House, a group home for 13 and 16 year olds who have run afoul of the law or have the potential to do so if they remain in their home environments. Richland County Family Court, which refers youngsters to the home, believes it is meaning the difference between lives of crime and productivity for the boys who have lived there.

For the past three years, Richland House has received most of its operational funds from the HEW—$30,000 the first year, $35,000 the second and $53,000 the third. The board of directors had been led to believe that federal funding from HEW would be available for five years before other sources would have to be found, but their grants runs out Sept. 1, and HEW has shown no signs of renewing it.

"This year we began getting indications that HEW was undergoing a policy change in that Never-Never Land of Washington and there might be no funding for one-unit projects," said Jim Hale, chairman of the board of directors and Vocational Rehabilitation's Family Court specialist for the state.

In previous years, HEW has notified Richland House of grant approvals in July, he said. This year there has been no word at all, and the home cannot continue to function without the funds.

A telegram campaign got under way this week to "attempt to dislodge the logjam" in Washington, and the board and staff at Richland House are hoping it will result in renewal of HEW funding for the project.

They are asking citizens with an interest in continuation of Richland House operations to telegraph their concern to Sens. Ernest F. Hollings and Strom Thurmond and Rep. Floyd D. Spence.

"We don't have to convince them that we have something important that's worth keeping," Hale said. "They will turn the telegrams over to HEW to show that the community is concerned."

Meanwhile, other fund sources are being explored, but Hale said it is unlikely that any will come across for several months. "We just don't feel that we can close in the interim," Hale said.

Richland County Council is expected to act this month to provide $6,000 in county funds for the home—funds that are to be applied to this fiscal year's operations. And the fiscal year at Richland House ends Sept. 1, along with the HEW grant.

That $6,000 is a drop in the bucket. It takes about $4,000 a year to house one boy at Richland House—$3,000 less than it costs the state to keep a juvenile offender in a correctional institution—and the home is equipped to handle up to 12. Only eight now live there. Because funds are scarce, the staff has been cut to a skeleton crew, and the boys could not be offered stability.

Hale said the telegram campaign can be conducted for $1.25 per 15-word communication, but the cost to the community is incalculable if Richland House is abandoned.

He cited some of the results of the home's efforts in its three years of operation:

—Of 75 official residents—at least that many more have participated in some home activities without officially living there—all were school dropouts when they arrived. All returned to school, since that is a requirement to live at Richland House. Eight have graduated in the past three years.

—One youth now living at Richland House was failing in school. He is now a member of the National Honor Society.

—One of the school graduates is a National Merit finalist and plans to go to college on scholarships.

—Only seven of the 75 official residents have had to return to Family Court and sent to correctional institutions because of continuing delinquency.

—Hostile boys are handling responsibility at the home, as much of it as they can take on, according to John Kinchen, Richland House director. Some have progressed to the point where they live in the home's annex, work, pay rent and earn their own way, all with minimal supervision.

—Youngsters who were taking out their frustrations on others are now talking to counselors about goals for the future, ways they can help others and how they can contribute to society.

"This is an expensive program," Kinchen said, "but compared with the cost of incarceration and institutionalization, it runs low. Most of these boys are not born criminals. They come from homes where discipline was lacking or where there was no love. In many cases, they were seeking attention in the only way they seemed to be able to get it—by breaking the law.

"Here, we care, and that means a lot to them. They don't want to violate the trust we have in them," he said.

Richland House offers a healthy environment with responsibilities as well as benefits. The boys work at the home and are required to attend school regularly in order to stay there. They also have counseling and group activities that foster an ability to live and work with others.

The apparent failure of HEW to come through with operational funds is a specter at Richland House. "We're running a little scared," Hale admitted. "We feel that we have to survive or some of these kids won't have a chance at all."

THE PURCHASE OF CHROME ORE FROM RHODESIA

Mr. MOSS. Mr. President, twice the Senate has considered the question of abdicating our responsibility under the United Nations Charter by reestablishing our purchase of chrome ore from Rhodesia. Twice by a very narrow vote, we have elected to violate our solemn obligation to the United Nations and to purchase ore contrary to the resolution of the Security Council. This has distressed me very deeply, as I am sure it has many Members of the U.S. Senate. I have always felt that the matter has been presented in such a manner that many Senators did not understand the consequences of our action.

Mr. President, I was pleased to note that the American Bar Association meeting in San Francisco considered this problem and by resolution placed the American Bar on record as recommending that we keep our international agreements, and especially the one on the purchase of chrome ore. The House of Delegates of the American Bar recognized that we cannot hope to live in a world of law and order if we unilaterally choose to violate our own commitment.

ALLEN ELLENDER—A TRIBUTE

Mr. CHURCH. Mr. President, I wish to pay my tribute to Senator Allen Ellender, whose unexpected death has saddened us all.

Senator Ellender and I did not serve together on committees of the Senate, but during my 15 years here I have had numerous occasions to ask for his cooperation on behalf of appropriation measures, particularly those having to do with agriculture, that would benefit Idaho. I found him unchangingly courteous and cooperative. On those occasions when he could oblige, he would; when, in his judgment, he could not, I understood. His diligence, his "workhorse" energies, his candor, all these, and more, were great assets to the U.S. Senate which he loved so well during the 35 years he served here.

Senator Ellender traveled widely. And his extensive tours abroad resulted in a growing skepticism about the efficacy of our so-called foreign assistance programs, as well as the need for such profligate military spending. Allen Ellender sensed quite properly our overseas activities were becoming increasingly characterized by wastefulness and a blind reliance upon assumptions that, whatever their original validity, had been rendered invalid by world events. For this, we in the Senate owe Allen Ellender our appreciation for his insights, his counsel, and his independent judgment in this matter.

One observation of his, I would like to recall:

> It seems to me that we have as much to fear from ignorance, prejudice, selfishness and bias in our own Nation as we have from a similar condition on the part of the Russian leadership.

That is a bit of wisdom we would all do well to remember in this ever-changing world.

BALM FROM THE DRUG FIRMS

Mr. NELSON. Mr. President, the Washington Post of July 30 contains a story entitled "From Drug Firms, Balm for the Buyer." Written by the distinguished reporter Morton Mintz, the article discusses some happy results of the more than $100 million settlement of civil antitrust suits against five drug companies. This sum was awarded a number of States, municipalities, and consumers. An additional $32 million was awarded to private hospitals.

Of the $37 million set aside for consumers only a very small amount will actually be claimed. The remainder will provide a public health windfall in 43 States, 22 cities and counties, the District of Columbia, and Puerto Rico, which intend to spend the funds mainly on public health programs designed to benefit consumers as a class. According to Mr. Mintz' article, many of these programs are highly innovative and would otherwise go unfunded.

While the States and other political subdivisions are congratulating themselves on their good fortune, they should also remember that this would not have come about without the tireless efforts of the senior Senator from Louisiana, Russell B. Long.

The $132 million settlement by the drug firms is the result of private treble damage suits filed by the City of New York, Louisiana, Wisconsin and about 41 more States, 22 other political entities and a number of private institutions. These suits and counterclaims were directly dependent on the successful prosecution by the Department of Justice of the Federal Government's own criminal case. Although the drug companies had been indicted in 1961, by the end of 1965 the Department of Justice had done very little to develop the case.

In addition, intelligence gathered from trade source indicated that the Justice Department's criminal antitrust prosecution against the drug industry might be ended or otherwise disposed of by acceptance of a plea of nolo contendere. After careful and discreet staff inquiries had confirmed that the reports from trade sources were correct, Senator LONG, who was then Chairman of the Monopoly Subcommittee of the Small Business Committee, vigorously protested the proposed action by the Justice Department, and just a few days before Christmas of 1965 interrupted his vacation in Louisiana to return to Washington to insure that the public's interest in this matter was protected.

This was followed on February 10, 1966 by a memorable speech by Senator LONG on the floor of the Senate in which he revealed for the first time the international scope of the price fixing conspiracy by the manufacturers of life saving "wonder drugs," and made public a large number of supporting documents as well as the key to unlocking the codes used by the drug companies in their price fixing activities.

Because of Senator LONG's vigilance and dedication to the public interest, the Government's criminal antitrust prosecution proceeded. The results will soon benefit the public in a variety of ways as described in Mr. Mintz' article. But an immediate and visible benefit of Senator LONG's efforts is the price of the important antibiotic tetracycline, which fell from 50 cents per capsule to the consumer to the present price of less than 10 cents. This decrease of more than 80 percent will help reduce the cost of health care for the American people.

I ask unanimous consent that the correspondence between Senator LONG and the Department of Justice, as well as Mr. Mintz' Washington Post article, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., December 21, 1965.
Re: United States v. Chas. Pfizer & Co., et al, U.S.D.C., SDNY (Crim.)
Hon. DONALD F. TURNER,
Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C.

DEAR MR. TURNER: Seeking to determine the accuracy of a trade newsletter report that the criminal antitrust prosecution against the drug industry may be ended by acceptance of a plea of nolo contendere, my staff assistant, Benjamin Gordon, telephoned Paul Owens of your Special Litigation section. Mr. Owens stated that although the defendants had not yet offered a nolo contendere plea, the Antitrust Division may accept such a plea because, as Mr. Owens said, the case is considered weak. I strongly urge that this not be done.

I assume that in 1961, the year of indictment, the Government was at least able to prove a *prima facie* case. What has happened since 1961 to weaken it? Indeed, why haven't measures been taken to strengthen it? How many attorneys have been assigned to this effort and what have they been doing for four years?

Is it true that since August 17, 1961, there has been little or no investigation by the Antitrust Division or the Federal Bureau of Investigation and that little, if any, additional evidence, based on leads furnished by the record in the FTC proceedings, has been developed?

Is it true that since August 17, 1961, there have been few, if any, statements taken from prospective witnesses and that former employees of the defendants who might be able to furnish vital evidence have not even been contacted?

If the foregoing questions are answered in the affirmative, and I would appreciate answers to all of these questions promptly, it is apparent why the Government does not have a strong case. Accordingly, I would suggest that instead of accepting a nolo contendere plea, immediate steps be taken to prepare a strong case for trial. I am assured that evidence, in addition to that appearing in the FTC record is available and can be developed quickly if enough men, time and effort are put on the job.

Perhaps you are unaware that the cost of drugs, particularly the cost of broad-spectrum antibiotics, is a matter of grave and increasing concern to the Congress. Ten percent of the entire "Medicare" program as presently constituted is spent by institutions for the purchase of drugs and medicines. In addition, the average expenditure for drugs and medicines per person per year for those 65 and over is $54.00, whereas the average cost for hospitalization is $53.00 For such persons in the income bracket of $7,000 per annum and under, the percentage expenditure for drugs and medicines is considerably higher. Since it is possible that the Federal Trade Commission order may be reversed on some technical ground in the United States Court of Appeals for the Sixth Circuit, it is inconceivable that the Justice Department would consider removing the last road-block to this continued exploitation of the American public, particularly the poor and the aged.

You may also be unaware that there are a number of private treble damage suits already pending which would be adversely affected by the acceptance of any nolo contendere plea. These include suits and counterclaims totalling many millions of dollars filed by the City of New York, McKesson & Robins, Inc., and others. I am also informed that many state and local governments, private hospitals, and small drug manufacturers are awaiting the outcome of the Justice Department's case so that they, too, may institute suit.

I consider the drug price-fixing conspiracy to be one of the most vicious ever foisted upon the American public. It particularly victimizes the poor and the aged. I assure you that I did not give my considerable support to the passage of the Medicare and Poverty Bills in the expectation that more Federal funds would be added to the profits of the drug industry.

If the Department of Justice under a Republican Administration refused to agree to a nolo contendere plea by "conspirators" who were fixing the price of generators, how can you even consider acquiescing in such a plea when there is strong evidence that there is a conspiracy to fix the price of medicines?

If the Antitrust Division does not vigorously oppose attempts by the defendants to enter a plea of nolo contendere, I and certain of my colleagues who are becoming increasingly aware of the nature, scope and gravity of this conspiracy may feel compelled to take the Senate floor in order to bring this situation to the attention of the American people.

If you feel your case is weak, I am certain that I have the evidence you need to strengthen it.

I ask you not to accept a nolo contendere plea this week or at any time until I have an opportunity to discuss the matter with you fully. This will, of course, be after the Congress reconvenes in January.

I would appreciate a prompt reply.

With every good wish I am,

Sincerely yours,
RUSSELL B. LONG.

DECEMBER 22, 1965.
Hon. RUSSELL B. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your letter of December 21 concerning *United States v. Chas. Pfizer & Co., et al.*, U.S.D.C., SDNY.

Defendants have not yet made any proposal to us regarding nolo contendere pleas, but at their request I have agreed to a conference with them on January 7th, and we anticipate that they will make such an offer at that time. I have not yet had the opportunity to review this case in any detail, but I have discussed it generally with my staff. It is not my impression that the Division considers the case to be a weak one, and on the basis of my general information, neither do I. I believe Mr. Gordon must have misunderstood Mr. Owens in believing him to state the contrary. Mr. Owens assures me that he made no comments whatsoever on the merits of the case.

I have also been assured, although I have not personally gone into it in detail, that all customary steps have been taken to develop evidence since the case was filed in 1961. The long delay is attributable to the fact that despite several requests on the government's part, Chief Judge Ryan of the Southern District of New York has failed to assign a judge for trial on the ground of docket congestion. While we have not been happy with the delay, I am sure that Chief Judge Ryan has delayed the case in all good faith, as over the years he has given fair and sympathetic treatment to the Antitrust Division.

Needless to say, we would be anxious to obtain any further evidence that one may have, and my staff would be prepared at anytime convenient to you to talk with members of your staff and obtain whatever information in their possession.

The other considerations referred to in your letter, though not the only considerations involved, are of course highly relevant to the question of whether nolo contendere pleas should be acquiesced in or vigorously opposed.

I hope this letter clarifies at least to some extent the questions you raised. I would, of course, be happy to discuss the matter with you further for the purpose of obtaining any relevant information you think particularly significant.

Sincerely yours,
DONALD F. TURNER,
Assistant Attorney General, Antitrust Division.

JANUARY 17, 1966.
Re United States v. Chas. Pfizer & Co., et al., U.S.D.C. SDNY (Crim.).
Hon. DONALD F. TURNER,
Assistant Attorney General, Antitrust Division, Department of Justice, Washington, D.C.

DEAR MR. TURNER: Thank you for your letter of December 22 concerning the above case.

I was pleased to note that the Antitrust Division considers the case to be a strong one, and I naturally conclude that it would be inconceivable for the Division to acquiesce in a plea of nolo contendere if, and when, it is made.

Because of my great and continuing interest in this matter, I would appreciate it if you would furnish me the details of the information requested in my letter of December 21 regarding the precise steps which have been taken to develop the case on the basis of the leads furnished in the FTC proceedings.

In addition, I would appreciate it if you would advise me as to the nature and outcome of the conference you had with the attorneys for the drug companies on January 7, 1966.

Your kind cooperation in supplying the requested information would be appreciated.

Sincerely,

RUSSELL B. LONG.

DEPARTMENT OF JUSTICE,
Washington, D.C., January 18, 1966.

Re United States v. Chas. Pfizer & Co., et al., USDC, SDNY (Crim.).

Hon. RUSSELL B. LONG,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in response to your letter of January 17 regarding the above case, and is in confirmation of our telephone conversation today.

Following a conference on January 7, 1966, and after careful reconsideration of the case, we have informed attorneys for the defendants that we will not dismiss the indictment, we will oppose nolo contendere pleas if and when they are made, and that we have every intention of prosecuting the case to a conclusion.

As a matter of policy, I do not consider it appropriate to disclose the details of preparations for trial in this or other cases, at least in the absence of exceptional circumstances. Nevertheless, I have been assured that the case has been and will be pursued with all due diligence.

Sincerely yours,

DONALD F. TURNER,
Assistant Attorney General,
Antitrust Division.

[From the Washington Post, July 30, 1972]

From Drug Firms, Balm for the Buyer

(By Morton Mintz)

One does not generally think of the drug industry as a philanthropic enterprise. But five pharmaceutical makers are about to be shoved into the role of great public benefactors, unwitting contributors of many millions of dollars to help combat drug abuse, rehabilitate delinquents, control gonorrhea, deliver medical aid in rural areas, train midwives and finance other social projects.

This unintentional goodwill stems from an unprecedented $100 million settlement of antitrust suits against the five drug companies, and from the unusual way in which the funds will be disbursed.

Of the total, $60 million was designated for reimbursement of states and political subdivisions for overcharges they paid for "wonder" antibiotics purchased during the 1960s for public institutions and programs. Most of the remainder—$37 million—was set aside for consumers, and if a complicated disbursement proposal wins court approval, $16 million in tax-free refunds soon will go to about 40,000 individuals who paid excessive prices for the same drugs.

Thousands of persons who might have had valid claims did not file for refunds, however, and their share of the settlement, estimated at $15 to $18 million, will provide a public health windfall in 43 states, 22 cities and counties, the District of Columbia and Puerto Rico.

Excluded from the payments will be individuals and governments of seven states, two counties and one city that rejected the settlement, preferring to sue instead.

Under a distribution plan awaiting approval by a U.S. district court in New York City, the individual refunds (less legal fees) will be distributed between October and the year's end. They will average $420 per claimant, but that figure does not reflect the real meaning of the settlement to many recipients.

Florence A. Aarnes of Denver, for example, stands to receive $15,820, or 70 percent of the $22,500 she spent from 1954 to 1966, when she lived in El Paso, Tex., for two of the anti-infection medicines, tetracycline and oxytetracycline. Hers is the largest individual claim.

Similarly, a Richmond, Va., truck driver, William Jordan, expects to receive $8,110, which is 70 percent of the approximately $55 a month he spent within that same period for antibiotics for each of three children with cystic fibrosis, an incurable disease that hardens lung fibers.

MIDWIVES IN WASHINGTON

But perhaps more unusual is what will happen to the money that will go to political subdivisions, acting as representatives of the individuals who did not file claims. These political units intend to spend the funds mainly on public health programs designed to benefit consumers as a class. Many of them are highly innovative efforts that otherwise would go unfunded.

The programs are so diverse that Virginia Attorney General Andrew P. Miller, chairman of the antitrust committee of the National Association of Attorneys General, says he is reminded of a Supreme Court opinion of 40 years ago in which the late Justice Louis D. Brandeis spoke of "one of the happy incidents of the federal system: that a single state may serve as a laboratory; and try novel social and economic experiments . . ."

The District of Columbia, for example, hoping to lower its "high and steadily rising infant mortality rate," intends to hire two certified nurse-widwives and a supervisory physician. Working with three universities, they would train 50 more nurse-midwives in two years, freeing doctors to handle difficult maternity cases at D.C. General Hospital.

Maryland proposes to meet a critical need: the care and treatment of cancer victims. It would use $260,000 from the drug makers' unintentional philanthropy to establish new professorships of clinical oncology (the study of tumors), one each at the medical schools of the University of Maryland and Johns Hopkins.

The American Cancer Society, saying that medical schools and their teaching hospitals are the best place to speed progress against cancer, is contributing $50,000 to the program. The universities have agreed to maintain the new professorships not only after the special fund is exhausted but, as the State of Maryland has told the district court, "so long as cancer is a major disease of man."

Wisconsin, "beset by an epidemic of gonorrhea which is clearly out of control," intends to spend 47 per cent of its funds to try to control the disease. And Missouri, dissatisfied with the "wholly inadequate" rehabilitation method available for aggressive delinquents at its State Training School for Boys, wants to try out an alternative: pilot community treatment centers in converted residences in the inner cities of St. Louis, Kansas City and Springfield.

RURAL MEDICAL AID

But the list does not end there. Kentucky plans to contract with a non-profit corporation to use college students and student nurses to improve health, nutritional and medical care in the rural eastern part of the state, where health facilities "are virtually non-existent and a large proportion of the population is indigent."

Oklahoma, which has a similar problem, would meet it by providing physicians, nurses, dietitians and medical social workers for a clinic, in Wakita, that now has no staff.

It also plans to finance additional facilities at its state university schools of nursing, dentistry and medicine, and provide scholarships "for disadvantaged and minority group students entering professional health training."

Mississippi has adequate kidney treatment facilities, including four kidney machines, but in most part of state is "wholly lacking . . . supplies necessary to sustain treatment." The unclaimed money would be used to buy the supplies, which cost about $3,000 per patient a year.

Iowa wants to divide its money seven ways: 20 per cent to improve public health nursing services; 15 per cent each to fight drug abuse, screen for sickle cell anemia, immunize against measles, treat VD and provide emergency health services, and 5 per cent to inspect waste-treatment plants.

In Louisiana, it was decided to split the money among 12 state institutions for disabled and crippled children. Texas would use 30 per cent of its share to expand a solid waste pollution control program. And Ohio has drafted an elaborate plan to find "those consumers who for one reason or another did not have an opportunity to file claims" the first time around.

DRUG ABUSE DRIVES

The majority of states, however, plan to spend all or part of the expected funds on programs of one kind or another to combat drug abuse.

In Virginia, for example, the Drug Abuse Control Council has been unable "to institute and continue valuable drug abuse treatment and rehabilitation programs" even though the federal government will put up $3 for each $1 put up by the state.

The council requested $739,935 for the 2-year period ending June 30, 1974, but the General Assembly approved only $350,540—too little, Attorney General Miller said to get enough federal "matching" funds to do the job.

His proposal is to turn over the excess consumer fund payment to the council, so that Virginia "would overcome her present financial inability" to pay for state and local drug programs with a total of $2 million in federal and state funds, in addition to the $350,540 appropriation.

Alabama, as part of a three-part effort at its state university, would be enabled to complete a research project that "is now close to synthesizing an anti-LSD drug."

Florida seeks to fund a scholarship program for needy students who agree that after graduation they will "participate in drug abuse control programs as trained professionals."

Texas would allocate money to community health centers, partly for "round-the-clock crisis assistance in drug emergencies, including telephone counseling, referral to appropriate help and pick-up service is needed."

"Minnesota would fund halfway houses, which play a vital role in the rehabilitation of drug-dependent individuals."

North Dakota and Vermont want to set up drug-abuse educational programs in their public school systems.

KEY FIGURE

In each of the 43 states that will share in the unclaimed consumer refund money the key figure has been the attorney general, the official who had sued the five antibiotics suppliers for antitrust damages. He, in turn, worked with health officials and others to develop a proposal tailored to the particular needs of the state. In Maryland, Deputy Attorney General Norman Polovoy worked with the Cancer Society and the president and medical school deans of the state university and Johns Hopkins to fashion what Polovoy calls a "very, very exciting" plan to teach medical students how to make life more comfortable for cancer victims.

In Kentucky, the decision to provide health care in parts of Appalachia where it now does not exist was made after consultation with specialists, including the deans of the state's two medical schools, according to Assistant Attorney General Laura Murell.

But while the attorneys general have led in the planning for use of the funds, it was a Washington lawyer—David L. Shapiro, of

Dickstein, Shapiro and Galligan—who developed the basic concept for enabling individual consumers to recover overcharges, and for making unclaimed consumer funds available for special public programs.

Shapiro's firm represents 20 states, including Virginia, that are involved in the litigation, plus the District of Columbia and two cities.

His grand design is about to be completed in multi-stage proceedings before Federal Judge Inzer B. Wyatt.

TWO HEARINGS

On Aug. 23 in New York, Wyatt will hold a hearing on the distribution of funds proposed for that city's 5,000 individual claimants. (Nothing would be left for a residual consumer fund for New York City.)

The next day, Wyatt will hold hearings on the distribution plans proposed for 10 other jurisdictions—Ohio, North Dakota, Vermont, Puerto Rico, Missouri, Pennsylvania, New Jersey, Maine, Texas and the City of Philadelphia.

If the judge finally approves plans for these 11 jurisdictions by early October, and if his rulings are not appealed, refund checks probably will go out by late fall.

Each refund will be reduced by a deduction for legal fees and services, in an amount to be determined by the court. Dickstein, Shapiro and Galligan has proposed that the deductions be 15 per cent of each share. Counsel for a number of jurisdictions, including Maryland, have proposed other arrangements.

Judge Wyatt will hold similar hearings for 35 other states, including Virginia, and more than 20 cities and counties in October, with refinds expected to be mailed by January.

LITIGATION SINCE 1963

The drugs involved in the hearings have been the subject of litigation since 1963, five years after Chas. Pfizer & Co. was awarded a patent for tetracycline. Of the three chemically related antibiotics then available to treat a broad spectrum of infections, tetracycline was acclaimed as generally the best. The others were Pfizer's Terramycin (oxytetracycline) and Lederle Laboratories' Aureomycin (chlortetracycline).

In the litigation, Pfizer, alleging infringement of the tetracycline patent, initially sued the Premo Pharmaceutical Corp., a small firm that was selling tetracycline by its generic name for much less than Pfizer was charging for its trade-named version.

Later in 1963, the Federal Trade Commission ruled tht Pfizer, with Lederle cooperating, had obtained the patent by committing fraud on the Patent Office—a bitterly contested charge that ultimately was upheld by the Court of Appeals in Cincinnati. The Supreme Court allowed the decision to stand.

The FTC ordered Pfizer and Lederle, a division of American Cyanamid Co. and originally the exclusive licensee for tetracycline, to stop fixing prices, exchanging price information and rigging bids. The order applied also to Bristol-Myers, which had won a license to produce and sell the antibiotic, and two firms licensed only to sell it, the Upjohn Co. and what was then E. R. Squibb & Sons, a division of Olin Mathieson Corp.

Encouraged by the commission order, Premo Pharmaceutical and principal customer, the City of New York, filed counterclaims in an effort to recover treble antitrust damages for overcharges from Pfizer and other licensees.

Premo settled in 1966. Eventually, however, all 50 states and almost 30 other jurisdictions either joined the City of New York antitrust action, in which David Shapiro's firm was counsel, retained other law firms to sue, or filed suit themselves.

While most of this litigation was pending, a federal court jury in New York convicted Pfizer, Cyanamid and Bristol of conspiring with two non-defendant co-conspirators, Olin Mathieson and Upjohn, to fix the prices of all three antibiotics and to monopolize a market from which all five firms grossed about $100 million a year, and of having achieved the desired monopoly.

The Justice Department showed at the trial that during the period covered by the indictment, 1953 to 1961, production costs for 100 capsules of tetracycline varied from $1.52 to $12. Yet, for eight years, all five suppliers charged pharmacists an unvarying $30.60, with the price for Aureomycin and Terramycin always being identical.

Fair prices, attorney Shapiro has suggesed, would have been $6 wholesale and $10 retail.

Each of the three defendant companies was fined $150,000, the maximum allowable.

The verdicts were important for another reason: they were potentially powerful evidence that the states and other plaintiffs could use in pressing their civil antitrust suits.

The verdicts were returned on Dec. 29, 1967. Within a matter of months, all five drug companies became deeply interested in the possibility of settling.

On Feb. 6, 1969, the companies formally agreed to the $100 million package settlement, the largest since the Sherman Act—the first antitrust law—was enacted in 1890. Aside from $3 million for antibiotic wholesalers and retailers, all of the money was for the political jurisdictions. Later, the companies agreed to pay an additional $32 million to non-government hospitals and to Blue Cross insurance plans.

The settlement offer was rejected, by seven states (California, Hawaii, Idaho, Kansas, North Carolina, Oregon and Utah) the Counties of Los Angeles and San Francisco, the City of Kansas City, Mo., on the theory that they could do better than the total of $17 million they were offered.

The rejection reflected, Judge Wyatt said later, "the exercise of questionable judgment" based on "a misplaced optimism about a highly problematical result."

He made that evaluation in an opinion in 1970, after the Court of Appeals in New York City had reversed the criminal conviction of Pfizer, Cyanamid and Bristol on grounds that District Judge Marvin E. Frankel had erred in instructing the jury. The Supreme Court, by a tie vote of 3–3 last Jan. 24, affirmed the appellate court.

"It is our present intention to re-try this case," the Justice Department's Antitrust Division told Judge Frankel in May. But years could go by before the case is tried and legal challenges disposed of, and the 10 political entities that rejected the settlement are deprived—possibly permanently—of the potent legal weapon of criminal convictions to use in their lawsuits, which are pending in Minneapolis before U.S. District Judge Miles W. Lord.

PLANS APPROVED

With relatively good purchase records available, the 67 jurisdictions that agreed to the settlement were able within a year or so to win court approval of a system to allocate awards from the $60 million set aside for overcharges of their hospitals and institutions and for overpayments for prescriptions filled by druggists for welfare patients.

As of last Dec. 16, $5,975,277, including interest, had been paid out for these purposes, including $250,900 to the District of Columbia, $499,755 to Boston, $347,236 to Baltimore, $71,988 to Chicago, $3,489,487 to New York City, $169,384 to Detroit, $236,091 to Erie County, N.Y., $448,868 to Philadelphia and $160,915 to Memphis. Still to be distributed is $46,133,597, also including interest as of last December.

The truly difficult problem—one that had not been solved in the 80 years that had passed since approval of the Sherman Act—was a practical one: how to enable individual consumers to recover overcharges that they had paid, directly or indirectly, to antitrust violators.

The breakthrough was lawyer Shapiro's idea for the states and their political subdivisions to serve as representatives of individual purchasers as a class and to use unclaimed monies for public health purposes.

The next step was to notify individual claimants. This was attempted, starting in July, 1969, with a quarter-page advertisement in every daily newspaper, and in Spanish- and Japanese-language newspapers in every participating jurisdiction. This process which cost $129,848, turned out to be far less successful, Shapiro has said, than news stories and "public service announcements" carried by radio and television stations.

Judge Wyatt authorized Shapiro's law firm to collect, collate and tabulate the claims and, where needed, to seek more information from claimants. This task, which included setting up an alphabetical card file to guard against possible fraudulent claims, took about a year and cost about $100,000.

CLAIMS VERIFIED

Meanwhile, in the 23 jurisdictions represented by Shapiro's firms, investigators, usually with personal interviews, sought verification of 2,321 claims filed by persons who asked $1,000 or more each. Only 29 were disallowed altogether, while 1,739 were verified, 320 were found to be overstated, and 158 were found to be understated. Similar verification was accomplished in the other jurisdictions.

One who claimed less than he was owed was the Richmond truck driver William Jordan.

Having insufficient records, and trying to recollect what he had spent over a 13-year period, he filed for $3,960.

Reine Kram, legal assistant to David Shapiro, went to Richmond to see if Jordan could verify his claim. Suspecting that he had inadvertently understated, she checked with four physicians who are experts in cystic fibrosis. She also learned that the Cystic Fibrosis Foundation of Houston had done a survey on the cost of antibiotics for victims of the disease. Her conclusion was that Jordan should claim $11,585, or triple what he had asked.

At another point, in Navasota, Tex., Miss Kram and an assistant attorney general were helped by the county sheriff to find several persons in remote rural sectors who needed aid in documenting refund claims. In other rural areas other local officials—even the mayor, in a few cases—gave similar help to investigators. Such "field audits" were not made for claims of less than $1,000 although lawyers tried to screen out obvious errors.

For years, antitrust activity by the states generally languished. Now, with the antibiotics cases—which Virginia Attorney General Miller calls "a very significant legal development"—it is beginning to increase.

Shapiro who says his firm put in 40,000 hours in 8½ years on the antibiotics litigation, is proud of his role in what he calls "the first antitrust cases in which individual consumers recovered anything." But he hopes that in future antitrust cases for which they will be a model, "there will be 400,000 claims, not 40,000."

States, principal cities and other political subdivisions will receive the amounts shown in the table (with interest computed to May 1, 1972) if the distribution plan wins judicial approval. Column A lists allocations of individual claims and consumer funds. Column B shows reimbursement for overpayment by institutions and for welfare.

	A	B
Alabama	$713,407.25	$1,460,524.71
Alaska	51,518.30	17,247.54
Arizona	285,361.97	285,636.96
Arkansas	388,405.85	538,932.78
Colorado	273,472.30	547,622.84
Connecticut	554,869.47	448,507.35
Delaware	99,086.05	71,142.23
Florida	1,022,546.57	2,347,306.18
Georgia	860,049.04	2,015,761.28
Idaho	146,641.46	247,905.76
Illinois	1,422.849.09	3,421,308.62
Indiana	1,018,586.25	1,712,857.78
Iowa	602,430.91	1,172,879.57
Kentucky	661,880.22	780,496.45
Louisiana	709,440.99	2,001,739.30
Maine	210,057.23	52,832.97
Maryland	471,643.32	546,548.11
Massachusetts	971,026.41	1,872,723.11
Michigan	1,272.238.69	1,878,439.21
Minnesota	745,111.52	1,894,259.56
Mississippi	475,603.19	1,011,358.84
Missouri	943,282.32	1,216,346.49
Montana	146,644.95	108,893.39
Nebraska	309,140.32	426,038.88
Nevada	63,412.23	238,001.33
New Hampshire	134,751.39	158,471.01
New Jersey	1,323,766.07	1,523,159.51
New Mexico	206,095.78	383,782.12
New York State	1,731,987.05	2,471,747.82
North Dadota	138,713,89	121,836.83
Ohio	1,815.221.20	2,230,415.68
Oklahoma	507,309.69	625,166.95
Pennsylvania	1,680,464.64	1,993,493.47
Rhode Island	186,279.03	270,634.10
South Carolina	519,200.21	985,181.33
South Dakota	150,605.07	131,526.95
Tennessee	582,614.01	1,096,199.59
Texas	2,088,694.16	2,910,922.93
Vermont	87,197.32	21,558.55
Virginia	864,013.53	656,244.35
West Virginia	404,265.22	530,435.45
Wisconsin	864,010.79	1,226,677.85
Wyoming	71,339.50	229,215.64
District of Columbia	166,461.06	[1] 314,494.93
Puerto Rico	511,272.27	781,457.70
New York City	1,696,319.28	[1] 4,297,893.32
City and county of Denver	107,012.10	[1] 111,561.96
Detroit	364,627.77	[1] 212,498.73
Tampa	59,450.88	[1] 79,686.70
Honolulu	110,972.66	[1] 10,625.10
Buffalo	114,930.39	
Erie County, N.Y	114,934.63	[1] 291,060.28
Cleveland	190,242.40	[1] 90,311.92
Philadelphia	435,970.04	[1] 563,122.90
Pittsburgh	130,785.72	
Allegheny County, Pa	221,950.50	[1] 15,937.10
Chicago	772,846.37	[1] 90,311.51
Baltimore	206,095.40	[1] 435,622.14
Boston	150,605.93	[1] 591,372.67
Memphis	107,012.18	[1] 201,874.51
Nashville	87,191.03	[1] 69,060.82

[1] Includes payment made Dec. 16, 1971.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 16, 1972, the President had approved and signed the joint resolution (S.J. Res. 254) to authorize the printing and binding of a revised edition of Senate Procedure and providing the same shall be subject to copyright by the author.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

REVENUE SHARING ACT OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate H.R. 14370, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Finance with amendments.

The ACTING PRESIDENT pro tempore. Under the previous order, the unfinished business, Senate Joint Resolution 241, will be laid aside and will remain laid aside until the close of business today and until the close of business on September 5, 1972.

Mr. LONG. Mr. President, the basic problems we are dealing with in this bill are among the major problems in our economy today. Any close examination of the fiscal status of States and local governments indicates that they need fiscal assistance and need it now. It is hard to examine the financial situation of State and local governments without coming away with the conclusion that they are in serious financial trouble. Our State and local governments are daily confronted with urgent requests for more and more services; at the same time, the cost of providing these services is soaring.

Actually, State and local governments have tried valiantly to meet these problems. Between the fiscal years 1955 and 1970, State and local general expenditures rose from $33.7 billion to $131.3 billion. In terms of current dollars, this is virtually a tripling of their expenditures in this 15-year period. Actually, many of the larger governmental units have experienced still larger increases.

The State and local governments have tried to deal with this demand for more services in a fiscally responsible manner. General revenues of State and local governments from all sources in the same period, 1955 to 1970, have increased from $33.1 billion to $131.8 billion. This is a tripling of revenues in this period of time.

However, State and local governments are now finding it increasingly difficult to continue raising revenues, even though the demand for expenditures continues to rise unabated. In part, this is because their revenue systems—largely based on property taxes and sales taxes—have a limited capacity. This means they must seek rate increases to obtain new revenues, and rate increases—particularly in property taxes—are strongly resisted by taxpayers generally. Also because of their limited jurisdictions, localities, and even States, are finding that they dare not raise their taxes too much, because another local jurisdiction or even a nearby State may not make the same increase. As a resullt, if they do make the increase, they are encouraging taxpayers with large tax resources to move across the border, to locate themselves in adjoining States.

The cities, because of their still more limited jurisdictions, are facing especially several financial problems as middle-income and higher-income people rapidly move to the suburbs. In part, this is because of the high tax rates the cities have had to impose to meet the demand for more services. This, in turn, leaves the cities with the ever-increasing burden of providing services to large numbers of relatively low-income people who are able to pay only a relatively small share of the cost of these services. The more the city tries to meet these problems by raising taxes, the more rapid is the exodus of those with fiscal resources to the suburbs.

But the current financial problems are not confined to the cities. Small communities, especially in rural areas are also in financial distress, particularly where their inhabitants are poor and the tax base is limited. In their case, their citizenry virtually no government services at all.

The Federal Government has, of course, tried to help the State and local governments in their financial distress. In the period from 1955–70, for example, Federal grants in aid increased from a little over $3 billion to nearly $24 billion—about a sevenfold increase. Since 1970, this has increased to a level of $38.8 billion in 1973—still another 80-percent increase.

However, there has been a real problem with most of the aid we have provided up to now. The aid has been in the form of categorical aid and has been provided on a matching basis. The effect of this has been to encourage State and local governments to expand their expenditures in specified, narrowly defined program areas. This has been true because in these limited areas, for every dollar of their own money they spend, they can receive another dollar from the Federal Government. In some of these areas such as social services, for every dollar of their own money they have received $3 from the Federal Government. The distortions in expenditure patterns that this causes for the State and local governments is clearly illustrated by the direction of the social service expenditures of State and local governments in the past few years. We have seen expenditures in these areas blossom from practically nothing to totals almost as great as prior total government expenditures.

The matching categorical grant programs actually have in many cases intensified the problems of State and local governments. By always compelling the State and local governments to use their limited resources for categorical matching programs, the result is that these governmental units frequently cannot use their own funds for what they consider to be their most pressing needs. Ask any Governor or mayor, and he will tell you that if he could determine the purpose for which the Federal aid is spent, he could make far better use of these funds—and for more efficient use—than he does now.

The revenue-sharing measure which we have before us is designed to deal with the several facets of the problem which I have been outlining to you. First, it will help the State and local governments by providing them immediately with more funds—up to $7.5 billion a year by 4 years from now.

Second, by sharing with the State and local governments up to 7 percent of the Federal individual income tax revenues, we are sharing our most flexible tax source—one which is progressive in its impact and one which is built on the basis of ability to pay.

Third, and probably most important, these additional funds which are being made avaliable to the States and localities are not categorical grants and are not matching programs. These funds are a shared revenue being turned over to the States and localities for them to apply their own priorities, rather than our superimposing on them here in Washington our notion of local priorities. By giving the States and localities freedom to spend these moneys as they and their citizenry believe desirable, I believe that we will receive far more real results per dollar of aid than is true under the ham-strung categorical matching programs. Under revenue sharing, the localities can spend the money where the need is rather than where they can get the most dollars from Uncle Sam.

It is because this represents a new departure even more than because of which in my opinion makes this measure so important. It is a new intergovernmental fiscal device—it is a sharing of the Federal Government's most productive revenue source with the States and localities. Moreover, it is a sharing without this Nation's trying to tell them how to spend the money.

Let me turn now to the specifics of the bill.

The committee's bill, like the House measure, provides a 5-year program of aid to State and local governments starting January 1, 1972; $5.3 billion of revenue-sharing funds is to be distributed to the State and local governments in 1972. Beginning in January 1973 this is to be further increased by $1 billion a year in supplementary grants, which take the place of social service grants—other than those for child welfare and family planning—in the future. In addition, the revenue-sharing funds are increased by annual increments of $300 million in each of the 4 succeeding years, reaching a level of about $6.5 billion in the fifth year of the program. Taking the supplementary grants into account, this means that the total grants under this bill will be $7.5 billion a year by the end of the fifth year.

As in the House bill, the committee version of the bill has a starting date of January 1, 1972. We believe that this starting date is desirable because this program has been under consideration for a long time and, as a result, many State and local governments have already taken the aid into consideration in their budgets. Without this date there would be many crises in State and local finance throughout the country.

Let me turn now to the description of the revenue-sharing bill. The committee's bill allocates two-thirds of the total revenue-sharing payments to local governments and one-third to the States. We made this allocation because local governments generally are in a more precarious financial condition that State governments and also because local governments now account for about two-thirds of total State and local expenditures.

The House bill provides for a somewhat similar two-thirds—one-third allocation of the $5.3 billion initial level of payments.

The committee bill also provides that the $300 million of annual increase in the revenue-sharing payments after the first year also are to be divided between localities and States on a two-thirds—one-third basis. Similarly, the supplemental payments of $1 billion a year are also divided on this same basis. The House bill would have allocated all of the $300 million of annual increase in revenue-sharing funds to the States—a results which we thought was unfair to the localities in view of the expected increase in their financial burdens.

Certainly, one of our major departures from the House bill was in the formulas for the distribution of the revenue sharing funds to the States and localities. Here, we made a number of very substantial improvements. The committee bill is more effective than the House bill in "putting the money where the needs are."

Instead of having one formula for distribution to the States and another for distribution to local governments within the States as under the House bill, the committee bill provides a single formula to serve both purposes. This has the advantage of providing consistent treatment in allocating funds to State and local governments. This standard formula distributes the total revenue sharing funds to the States and their local governments on the basis of population weighted by "tax effort" and by relative poverty levels as they are measured by inverse relative income levels.

This formula recognizes that the need of a governmental unit for revenue-sharing increases with the size of its population and to the extent the income levels of its residents are lower than in other communities.

By taking tax effort into consideration in the distribution formula, the committee bill recognizes that the extent that State and local governments are willing to help themselves should also be used to measure the extent of Federal aid.

The formula in the committee bill also avoids a number of pitfalls of the House formulas. The House bill, for example, distributed funds to the States only on an incentive basis—that is, on the basis of general tax effort and income tax collections. This ignored the "need" factor in distributing funds and meant that the lower income States received less than their fair share.

Another defect of the House bill is that the distributions to the States were to be based in substantial part on their income tax collections. This would have meant that the Federal Government would be dictating to the State governments what taxes they should use. This discriminates markedly against States with either no income tax or low income taxes. It also would have the effect of distorting the choices of the States in determining what taxes they should impose or increase in the light of their particular needs. The committee bill by taking into consideration general tax effort from all sources avoids this deficiency.

The House formula for distributing funds to local governments also contained defects. This formula would have given equal weight to population, urbanization, and relative income levels. The House selected the urbanization factor, and to some extent the relative income factor, in order to give significant relief to the cities which are faced with especially serious financial problems. However, in practice, the House formula would distribute relatively large amounts of aid to well-to-do suburbs, reducing the amounts available for distribution to the cities and low income rural areas.

The reason for this defect in the House formula is the emphasis it places on urbanized areas, which include not only the cities but also the surrounding suburbs. The committee bill, by emphasizing both low-income levels and tax effort, channels more of the revenue-sharing funds, both to the cities and to the poorer rural areas. New York City, for example, will receive over $33 per capita under the committee bill as compared to $20 per capita under the House bill; Detroit will receive over $28 per capita instead of $17; and Gary, Ind., over $22 per capita instead of less than $14 per capita.

I realize that there has been some concern because the formula for revenue sharing in helping some of the poorer States has had the effect of decreasing to some extent the amount of funds which, under the House version, would go to our more populous States. This point of view was brought to the attention of the committee by the very able Senator from Connecticut (Mr. RIBICOFF) in his very articulate and effective manner. We were sympathetic with his concern. The fact that tax effort is one of the elements in our revenue-sharing distribution formula helps the urbanized areas. However, we took even more direct aim at this problem by the manner in which the supplementary grants are distributed. This $1 billion supplemental grant under the committee action is distributed to each State on the basis of its urbanized population, but with a floor providing that no less than 30 percent of the population of each State is to be considered as urbanized.

The effect of this action was to distribute this $1 billion in a manner which appreciably benefited the more urban and industrialized States. As a result, the combined effect of the revenue sharing and supplemental grant program is that all but four States, and the District of Columbia, receive more funds under the action taken by the committee than was the case in the House bill. This is shown in table 1 in the committee report which compares the distribution by States under the committee bill with the distribution provided by the original administration proposal and the House bill. Mr. President, I ask unanimous consent that the table showing this distribution be printed at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—DISTRIBUTION OF FUNDS TO STATES UNDER ADMINISTRATION PROPOSAL, HOUSE AND FINANCE COMMITTEE VERSIONS OF H.R. 14370 AND DIFFERENCES IN THE AMOUNTS DISTRIBUTED UNDER THE THREE VERSIONS OF THE BILL

[Amounts in millions of dollars]

States	Administration proposal [1]	House bill [2]	Committee bill [3]	Differences between— House bill and administration proposal	Committee bill and administration proposal	Committee bill and House bill
United States, total	5,000.0	5,300.0	6,300.0	300.0	1,300.0	1,000.0
Alabama	82.1	80.2	138.2	−1.9	56.1	58.0
Alaska	8.6	6.6	6.2	−2.0	−2.4	−.4
Arizona	51.4	46.1	64.7	−5.3	13.3	18.6
Arkansas	43.0	38.3	65.2	−4.7	22.2	26.9
California	590.2	610.8	644.4	20.6	54.2	33.6
Colorado	60.1	59.4	71.8	−.7	11.7	12.4
Connecticut	59.2	72.6	74.9	13.4	15.7	2.3
Delaware	13.4	17.3	15.8	3.9	2.4	−1.5
District of Columbia	22.9	26.0	20.4	3.1	−2.5	−5.6
Florida	167.4	150.0	194.6	−17.4	27.2	44.6
Georgia	107.5	103.4	136.3	−4.1	28.8	32.9
Hawaii	23.5	25.9	26.4	2.4	2.9	.5
Idaho	20.1	15.4	23.6	−4.7	3.5	8.2
Illinois	219.8	301.8	316.2	82.0	96.4	14.4
Indiana	115.8	113.8	134.5	−2.0	18.7	20.7
Iowa	74.5	67.8	91.6	−6.7	17.1	23.8
Kansas	54.2	47.7	64.5	−6.5	10.3	16.8
Kentucky	78.2	71.8	105.2	−6.4	27.0	33.4
Louisiana	101.5	83.2	138.9	−18.3	37.4	55.7
Maine	22.9	19.9	36.7	−3.0	13.8	16.8
Maryland	92.7	117.5	116.3	24.8	23.6	−1.2
Massachusetts	136.2	179.0	179.5	42.8	43.3	.5
Michigan	229.1	243.7	257.9	14.6	28.8	14.2
Minnesota	107.8	114.1	124.0	6.3	16.2	9.9
Mississippi	61.3	46.0	105.1	−15.3	43.8	59.1
Missouri	96.4	107.6	129.9	11.2	33.5	22.3
Montana	18.8	16.7	24.3	−2.1	5.5	7.6
Nebraska	39.0	34.5	52.0	−4.5	13.0	17.5
Nevada	13.9	12.2	14.7	−1.7	.8	2.5
New Hampshire	15.0	13.5	18.5	−1.5	3.5	5.0
New Jersey	153.8	179.7	193.0	25.9	39.2	13.3
New Mexico	31.8	22.5	39.0	−9.3	7.2	16.5
New York	534.1	649.6	625.1	115.5	91.0	−24.5
North Carolina	113.3	113.0	161.4	−.3	48.1	48.4
North Dakota	20.5	12.0	23.2	−8.5	2.7	11.2
Ohio	212.5	227.4	240.5	14.9	28.0	13.1
Oklahoma	63.7	52.9	74.0	−10.8	10.3	21.2
Oregon	56.9	60.1	70.0	3.2	13.1	9.9
Pennsylvania	246.2	300.9	347.6	54.7	101.4	46.7
Rhode Island	20.8	25.9	29.3	5.1	8.5	3.4
South Carolina	56.7	57.9	95.9	1.2	39.2	38.0
South Dakota	18.8	13.5	29.3	−5.3	10.5	15.8
Tennessee	86.8	79.3	120.4	−7.5	33.6	41.1
Texas	243.0	248.3	326.0	5.3	83.0	77.7
Utah	28.7	29.0	40.6	.3	11.9	11.4
Vermont	11.9	11.0	17.4	−.9	5.5	6.4
Virginia	104.6	115.6	129.6	11.0	25.0	14.0
Washington	92.0	79.1	107.8	−12.9	15.8	28.7
West Virginia	41.7	36.4	61.8	−5.3	20.1	25.4
Wisconisn	124.4	137.0	164.2	12.6	39.8	27.2
Wyoming	11.4	6.1	11.5	−5.3	.1	5.4

[1] The administration proposal would have distributed funds to the States on the basis of population weighted by general revenue effort. This is for fiscal year 1973.

[2] The House bill would have distributed $1,800,000,000 to the States based on general State and local tax effort, and State individual income tax receipts, and $3,500,000,000 to the local units of government within each State based on 3 factors: population, urbanizer population, and relative income. This is the amount for the last six months of the fiscal year 1972 placed on an annual basis.

[3] The committee formula for distributing revenue sharing funds to the States is based on State population multiplied by the inverse of the State relative per capita income (the lower the per capita income the higher the weight of the factor) multipled by tax effort (State and local tax collections as a percentage of total personal income in the State). The amounts shown also include the supplemental sharing grants. These are distributed on the basis of urbanized population (with a 30-percent floor). The revenue sharing distribution is the amount for the last six months of fiscal 1972, placed on an annual basis. The supplemental sharing grants shown are those which first become applicable on January 1, 1973.

Note: Details may not add to totals because of rounding.

Mr. LONG. Mr. President, Senators will note, in the last column of this table that, as I indicated, all but four of the States, and the District of Columbia, do better under the committee bill than under the House bill. Even in these States the extent to which the funds are decreased from the House level is quite small.

The committee's bill also gives each State considerable flexibility in revising the formula for distributing the funds to its local governments. For the first 12 months of the program the funds must be distributed to the local governments on the basis of the standard formula—namely, population weighted by both tax effort and relative income. After the first 12 months of the program, however, each State may continue to have the funds distributed to its local governments on the basis of the standard formula, or it may by law choose to have the distribution made on the basis of two alternative factors. These alternative factors are population weighted by relative income and population weighted by tax effort. The State may use any combination of the two factors it desires. This is in accord with the principle we have tried to follow in this bill of leaving with the State and local governments the maximum discretionary powers.

Besides the improvement in the distribution formulas, the committee amended the House bill in a number of other respects.

Probably the most important of these amendments is the one deleting the House provision which requires local governments to spend the aid funds only for specified high-priority items. In the opinion of the committee, forcing local governments to spend the revenue-sharing funds for certain specified items would be inconsistent with the broad objective of this bill—to give the State and local governments maximum discretion in making the most efficient use of these funds. We are convinced that local governments know better than we do in the Senate as to what their needs are. Dictation by the Federal Government as to how they should use the revenue-sharing funds runs contrary to our whole understanding of the purpose of the bill. We also believe that to do so would deprive them of the right to make the most efficient use of these funds.

For similar reasons, we deleted the House provision which requires laborers and mechanics employed by contractors and subcontractors on construction financed in whole or in part from revenue-sharing funds to be paid wages at rates complying with the Davis-Bacon Act. The committee believes that it is no more appropriate to specify the wage rates to be paid from funds in such cases than to specify how the local governments are to spend the funds in the first instance.

Although, as I have indicated, we do not believe in deciding the question of priorities for the local governments, we do believe that the local governments should take their citizens' views into account in determining expenditure priorities. As a result, the committee adopted an amendment to require State and local governments to make reports to their residents indicating how they plan to spend these funds. These reports must be published in newspapers of local circulation and must also be made available to all communications media within their geographic area.

I also want to call the Senator's attention to the fact that the committee bill generally accepted the House provision authorizing the Federal Government to administer and collect State income taxes for those States which agree on a voluntary basis to have the Federal Government perform this function for them. States which wish to enter into such agreements will, of course, have to conform their income taxes to the Federal income tax. Otherwise, it would be impractical for the Federal Government to collect State taxes. However, the fact that a significant number of States have already adopted income taxes that conform substantially with the Federal income tax suggests that this may not be too much of an obstacle.

While the committee accepted most of the House provisions in regard to Federal collection of State income taxes, it did make a few changes. Probably the most important of these is the effective date change providing that the piggyback program will go into effect after January 1, 1974, when any number of States accounting for at least 5 percent of the taxpayers in the United States agree to have the Federal Government collect their income taxes. The House bill would also have required five States to request Federal collection of their taxes for the program to be instituted.

Let me turn now from revenue sharing to the important provisions the committee has adopted in regard to social services. Before 1962, social services provided to welfare recipients were subject to the same 50 percent Federal matching as was available for administrative expenses. In order to encourage States to prevent and reduce dependency on welfare, the Congress in 1962 increased Federal matching for social services to 75 percent. For 7 years, Federal appropriations for social services increased gradually, more or less consistent with congressional intent, reaching a level of about $350 million in fiscal year 1969. Two years later, however, the amount had more than doubled to about $750 million, and it doubled again in 1 year, exceeding $1.5 billion in 1972. It is now estimated that the social services provisions of the Social Security Act will be exploited to the tune of almost $5 billion in the current fiscal year unless we do something.

The committee bill deals with this problem by continuing 75 percent Federal matching for child care and family planning services—the two basic kinds of social services the committee had in mind when it set up the program. Beginning January 1, 1973, however, there is to be no more Federal matching for other social services under the welfare titles of the Social Security Act. Instead, as I have already indicated, the committee bill establishes a new billion-dollar grant program—with no State or local matching required. No strings are imposed as to how these funds are to be spent. One-third of the amounts are to go directly to State governments, while the remaining two-thirds are to go to local governments. As I have indicated, distribution of the funds among the States are to be on the basis of urbanized population, while within the State the distributions are to be made on the same basis as the revenue-sharing grants.

The committee bill allows for a 6-month transitional period, from July 1 to December 31, 1972, during which States will still receive 75 percent Federal matching for continuing services at the level they were provided before August 9, 1972, the date of the committee's decision.

I believe that what I have said fairly summarizes the bill and describes the more important changes we have made in the House provisions. Before I conclude, however, I want to discuss two further points.

The first of these relates to the problem of where the funds for the revenue-sharing program are to come from in view of the Federal Government's present deficit position. I certainly am well aware of the Federal Government's fiscal problems at the present time. No one can be a member of the Finance Committee and have the responsibility which we have for raising necessary revenue and for action on the debt limitation without being acutely aware of the present fiscal problems of the Nation.

I certainly would agree that the deficits we have run in the fiscal years 1971 and 1972 of $23 billion in each year plus the significantly greater deficit which we undoubtedly will run in the fiscal year 1973 present us with serious financial problems. I certainly can also agree that steps need to be taken to improve the Federal budget position. I cannot agree, however, that the presence of these large deficits in the Federal budget should in themselves preclude revenue sharing with the State and local governments in view of their very real need for fiscal assistance. To permit Federal deficits to forestall revenue sharing implies that State and local fiscal assistance had a lower priority in terms of expenditures than all other present expenditure programs. This is certainly a position I, for one, cannot accept. I believe that the revenue sharing represents one of the Nation's most vital needs, and I am unwilling to forego this program because of our present deficit position on other Federal spending programs.

Much of our fiscal problems can, of course, be overcome by again restoring full employment in this country. However, to the extent this does not achieve the desired end, I believe that it is other expenditure programs, and not revenue sharing, which should be eliminated or reduced.

Finally, let me deal with the problem that some of my friends on the Appropriations Committee apparently have with this bill. They have expressed concern because this bill contains a permament appropriation. They have indicated the intent of asking that this bill be amended to appropriate funds only for the first year and a half and then leave to the Appropriations Committee, for annual consideration, the question of appropriations for the subsequent years.

I can understand their concern with this matter, but I do not believe that they understand the basic nature of this program. As the name of the bill implies, this is a program for the "sharing" of revenues. This in itself implies that it should be a continuing and ongoing program and not subject to annual appropriations. In this respect, we have modeled the fund after the old age and survivors insurance trust fund as well as other Social Security Act trust funds. In this bill, we have provided that 7 percent of Federal individual income taxes annually are to be set aside or permanently appropriated to a trust fund for State and local governments. I note that this is precisely how the social security benefit payments have been handled since 1936 without any question being raised as to the exclusive jurisdiction over this matter by the Finance Committee.

More important, however, to subject this program to the vicissitudes of annual appropriations is to destroy at least half of the value of the revenue sharing program. The very essence of revenue sharing is that here are funds which the local government can definitely plan upon and take into account in their budgetary considerations. We all know the problems of the categorical grant programs at the present time and how the local governments often do not have these funds available to them until the year is partially or sometimes largely past. They cannot plan for efficient and economical use of the money on this basis and in fact would not be able to count on revenue sharing funds if they were subject to annual appropriations.

We, in this revenue-sharing program, are expressing our trust in the State and local governments. We are expressing our belief that, given assurance that they will have these funds, they will spend them economically and in the public interest. If we are not willing to accept this thesis we are in reality not willing to accept a real revenue sharing program. This is the problem which I fear some of my friends on the Appropriations Committee failed to recognize. This is one of the very features of the bill which makes this landmark legislation. To destroy the concept of sharing revenue with the States and localities through the use of the trust fund destroys much of the originality and value of this concept of the sharing of revenue.

In conclusion, I want to again emphasize the importance of this legislation and to urge my colleagues to consider it carefully during the recess which we are about to begin. I hope it will be possible for us to complete action on this shortly after our return. It is important that we do so. Time is running out on us to act on this problem of the fiscal needs of our States and local governments. We must not fail them if our federal system is to survive.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for purpose of further amendment.

The **PRESIDING OFFICER**. Is there objection? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 1, following the enacting clause, strike out all through line 17 on page 34, and insert the following new language:

TITLE I—SHARING OF INDIVIDUAL INCOME TAX REVENUES WITH STATE AND LOCAL GOVERNMENTS

Subtitle A—ALLOCATION AND PAYMENT OF FUNDS

SEC. 101. SHORT TITLE.

This title may be cited as the "Revenue Sharing Act of 1972".

SEC. 102. CREATION OF TRUST FUND.

(a) IN GENERAL.—There is created on the books of the Treasury of the United States a

Trust Fund to be known as the Revenue Sharing Trust Fund (referred to in this subtitle as the "Trust Fund"). The Trust Fund shall consist of the amounts appropriated to it as provided in this section. There are hereby appropriated to the Trust Fund, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

(1) for the fiscal year ending June 30, 1972, 3½ percent of the Federal individual income taxes received in the Treasury during such fiscal year;

(2) for the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976, 7 percent of the Federal individual income taxes received in the Treasury during each such fiscal year; and

(3) for the fiscal year ending June 30, 1977, 3½ percent of the Federal individual income taxes received in the Treasury during such fiscal year.

The amounts appropriated by paragraphs (1), (2), and (3) shall be transferred from time to time from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such paragraphs.

(b) Federal Individual Income Taxes.—For purposes of subsection (a), the term "Federal individual income taxes" means the tax imposed by chapter 1 of the Internal Revenue Code of 1954 on the income of individuals and the tax deducted and withheld at source on wages under chapter 24 of such Code.

(c) Trustee; Reports to Congress.—The Secretary of the Treasury shall be the trustee of the Trust Fund, and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

(d) Expenditures From Trust Fund.—Except as provided in this subtitle, amounts in the Trust Fund shall be available for, and may be used only for, payments by the Secretary to State governments and units of local government under this subtitle. Such amounts shall remain available without fiscal year limitation.

(e) Transfers From Trust Fund to General Fund.—The Secretary shall from time to time transfer from the Trust Fund to the general fund of the Treasury any moneys in the Trust Fund which he determines will not be needed to make payments to State governments and units of local government under this subtitle.

Sec. 103. Payments to State and Local Governments

Except as otherwise provided in this subtitle, the Secretary shall, for each entitlement period, pay out of the Trust Fund to—

(1) each State government a total amount equal to the entitlement of such State government for the period (determined under section 104(c)), and

(2) each unit of local government a total amount equal to the entitlement of such unit for the period (determined under section 105).

Such payments shall be made in installments during the entitlement period but not less often than once each quarter. Such payments for any entitlement period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a State government or a unit of local government, to the extent that the payments previously made to such government under this subtitle were in excess of or less than the amounts required to be paid.

Sec. 104. Allocation Among States

(a) In General.—The Secretary shall, for each entitlement period, allocate among the States so much of the moneys appropriated to the Trust Fund for the fiscal year which includes such entitlement periods as does not exceed—

(1) $2,650,000,000, in the case of the entitlement period beginning January 1, 1972,

(2) $5,450,000,000, in the case of the entitlement period beginning July 1, 1972,

(3) $5,750,000,000, in the case of the entitlement period beginning July 1, 1973,

(4) $6,050,000,000, in the case of the entitlement period beginning July 1, 1974,

(5) $6,350,000,000, in the case of the entitlement period beginning July 1, 1975, and

(6) $3,325,000,000, in the case of the entitlement period beginning July 1, 1976.

(b) Allocation Among States.—There shall be allocated to each State for each entitlement period an amount which bears the same ratio to the total amount to be allocated for such period under subsection (a) as—

(1) the population of that State, multiplied by the general tax effort factor of that State, multiplied by the relative income factor of that State, bears to

(2) the sum of the products determined under paragraph (1) for all States.

(c) Division Between State and Local Governments.—The State government shall be entitled to receive one-third of the amount allocated to that State for each entitlement period. The remaining portion of each State's allocation shall be allocated among the units of local government of that State as provided in section 105.

(d) State Must Maintain Transfers to Local Governments.—

(1) General rule.—The entitlement of any State government for any entitlement period beginning on or after July 1, 1973, shall be reduced by the amount (if any) by which—

(A) the average of the aggregate amounts transferred by the State government (out of its own sources) during such period and the preceding entitlement period to all units of local government in such State, is less than,

(B) the similar aggregate amount for the one-year period beginning July 1, 1971.

For purposes of subparagraph (A), the amount of any reduction in the entitlement of a State government under this subsection for any entitlement period shall, for subsequent entitlement periods, be treated as an amount transferred by the State government (out of its own sources) during such period to units of local government in such State.

(2) Adjustment where state assumes responsibility for category of expenditures.—If the State government establishes to the satisfaction of the Secretary that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then, under regulations prescribed by the Secretary, the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent that increased State government spending (out of its own sources) for such category has replaced corresponding amounts which for the one-year period beginning July 1, 1971, it transferred to units of local government.

(3) Special rule for period beginning July 1, 1976.—In the case of the entitlement period beginning July 1, 1976, and ending December 31, 1976, the aggregate amount taken into account under paragraph (1)(A) for the preceding entitlement period and the aggregate amount taken into account under subparagraph (A) shall be allocated to the amounts which (but for this paragraph) would be taken into account.

(4) Reduction in entitlement.—If the Secretary has reason to believe that paragraph (1) requires the reduction of such titlement of any State government for any entitlement period, he shall give reasonable notice and opportunity for hearing to the State. If, thereafter, he determines that paragraph (1) requires a reduction in the entitlement, he shall also determine the amount of such reduction and shall notify the Governor of such State of such determinations and shall withhold from subsequent payments to such State government under this substitle an amount equal to such reduction.

(5) Transfer to general fund.—An amount equal to the reduction in the entitlement of any State government which results from the application of this subsection (after any judicial review under section 143) shall be transferred from the Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.

Sec. 105. Allocations to Local Governments Within a State

(a) Allocation among county areas.—The amount to be allocated to the units of local government within a State for any entitlement period shall be allocated among the county areas located in that State so that each county area will receive an amount which bears the same ratio to the total amount to be allocated to the units of local government within that State as—

(1) the population of that county area, multiplied by the general tax effort factor of that county area, multiplied by the relative income factor of that county area, bears to

(2) the sum of the products determined under paragraph (1) for all county areas within that State.

(b) Allocation to County Governments, Municipalities, Townships, Etc.—

(1) County governments.—The county government shall be allocated that portion of the amount allocated to the county area for the entitlement period under subsection (a) which bears the same ratio to such amount as the adjusted taxes of the county government bear to the adjusted taxes of the county government and all other units of local government located in the county area.

(2) Other units of local government.—The amount remaining for allocation within a county area after the application of paragraph (1) shall be allocated among the units of local government (other than the county government and other than township governments) located in that county area so that each unit of local government will receive an amount which bears the same ratio to the total amount to be allocated to the units of local government within that county area as—

(A) the population of that local government, multiplied by the general tax effort factor of that local government, multiplied by the relative income factor of that local government, bears to

(B) that portion of each amount set aside under subparagraph (A) for all units of local government within the county area (other than the county government and other than township governments).

(3) Township governments.—If the county area includes one or more township governments, then before applying paragraph (2)—

(A) there shall be set aside for allocation under subparagraph (B) to such township governments that portion of each amount allocated to the county area for the entitlement period which bears the same ratio to such amount as the sum of the adjusted taxes of all such township governments bears to the aggregate taxes of the county government, such township governments, and all other units of local government located in the county area, and

(B) the sum of the products determined under paragraph (1)(B) shall be one-half of each township government on the same basis as amounts are allocated to units of local government under paragraph (2).

If this paragraph applies with respect to any county area for any entitlement period, the remaining portion allocated under paragraph

(2) to the units of local government located in the county area (other than the county government and the township governments) shall be appropriately reduced to reflect the amounts set aside under subparagraph (A).

(4) Entitlement.—

(A) In general.—Except as otherwise provided in this paragraph, the entitlement of any unit of local government for any entitlement period shall be the amount allocated to such unit under this subsection (after taking into account any applicable modification under subsection (c)).

(B) Maximum and minimum per capita entitlement.—Subject to the provisions of subparagraphs (C) and (D), the per capita amount allocated to any county area or any unit of local government (other than a county government) within a State under this section for any entitlement period shall not be less than 20 percent, nor more than 145 percent, of two-thirds of the amount allocated to the State under section 104(a), divided by the population of that State.

(C) Limitation.—The amount allocated to any unit of local government under this section for any entitlement period shall not exceed 50 percent of the sum of (i) such government's adjusted taxes, and (ii) the intergovernmental transfers of revenue to such government (other than transfers to such government under this subtitle).

(D) Entitlement less than $200, or governing body waives entitlement.—If (but for this subparagraph) the entitlement of any unit of local government below the level of the county government—

(i) would be less than $200 for any entitlement period ($100 for an entitlement period of 6 months), or

(ii) is waived for any entitlement period by the governing body of such unit,

then the amount of such entitlement for such period shall (in lieu of being paid to such unit) be added to, and shall become a part of, the entitlement for such period of the county government of the county area in which such unit is located.

(5) Adjustment of entitlement.—

(A) In general.—In adjusting the allocation of any county area or unit of local government, the Secretary shall make any adjustment required under paragraph (4)(B) first, any adjustment required under paragraph (4)(C) next, and any adjusted required under paragraph (4)(D) last.

(B) Adjustment for application of maximum or minimum per capita entitlement.—The Secretary shall adjust the allocations made under this section to county areas or to units of local government in any State in order to bring those allocations into compliance with the provisions of paragraph (4)(B). In making such adjustments he shall make any necessary adjustments with respect to county areas before making any necessary adjustments with respect to units of local government.

(C) Adjustment for application of limitation.—In any case in which the amount allocated to a county government or to a unit of local government within a county area is reduced under paragraph (4)(C) by the Secretary, the amount of that reduction—

(i) in the case of a unit of local government (other than a county government), shall be added to and increase the allocation of the government of the county in which it is located, unless (on account of the application of paragraph (4)) that county government may not receive it, in which case the amount of the reduction shall be added to and increase the allocation of the government of the State in which that unit of local government is located; and

(ii) in the case of a county government, shall be added to and increase the allocation of the government of the State in which it is located.

(D) Adjustment for application of minimal allocation or waiver.—In any case in which the amount of the allocation to a unit of local government is reduced under paragraph (4) (D), the Secretary shall allocate that amount in accordance with the provisions of that paragraph.

(c) Special Allocation Rules.—

(1) Optional formula.—A State may by law provide for the allocation of funds among county areas, or among units of local government (other than county governments), on the basis of the population multiplied by the general tax effort factors of such areas or units of local government, on the basis of the population multiplied by the relative income factors of such areas or units of local government, or on the basis of a combination of those two factors. Any State which provides by law for such a variation in the distribution formula provided by subsection (a), or by paragraphs (2) and (3) of subsection (b), shall notify the Secretary of such law not later than 30 days before the beginning of the first entitlement period to which such law is to apply. Any such law shall—

(A) provide for allocating 100 percent of the aggregate amount to be allocated under subsection (a), or by paragraphs (2) and (3) of subsection (b);

(B) apply uniformly throughout the State; and

(C) apply during the period beginning on the first day of the first entitlement period to which it applies and ending on December 31, 1976.

(2) Certification.—Paragraph (1) shall apply within a State only if the Secretary certifies that the State law complies with the requirements of such paragraph. The Secretary shall not certify any such law with respect to which he receives notification later than 30 days prior to the entitlement period during which it is to apply.

(3) Special rule for six-month period beginning January 1, 1973.—For purposes of this subsection, the period beginning January 1, 1973, and ending June 30, 1973, shall be treated as a separate entitlement period with respect to any State law which meets the requirements of paragraph (1) and provides for the allocation during that period of one-half of the funds otherwise allocated under subsection (a), or paragraphs (2) and (3) of subsection (b), for the entitlement period beginning July 1, 1972.

(d) Governmental Definitions and Related Rules.—For purposes of this section—

(1) Units of local government.—The term "unit of local government" means the government of a county, municipality, township, or other unit of government below the State which is a unit of general government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes).

(2) Certain areas treated as counties.—In any State where, for part or all of its geographic area, the next unit of local government below the State government is a city or other unit, the geographic area of such unit shall be treated as a county area (and such unit shall be treated as a county government) with respect to that portion of the State's geographic area.

(3) Townships.—The term "township" includes equivalent subdivisions of government having different designations (such as "towns"), and shall be determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes.

(4) Units of local government located in larger entity.—A unit of local government shall be treated as located in a larger entity if part or all of its geographic area is located in the larger entity.

(5) Only part of unit located in larger entity.—If only part of a unit of local government is located in a larger entity, such part shall be treated for allocation purposes as a separate unit of local government, and all computations shall, except as otherwise provided in regulations, be made on the basis of the ratio which the estimated population of such part bears to the population of the entirety of such unit.

(6) Boundary changes, governmental reorganization, etc.—If, by reason of boundary line changes, by reason of State statutory or constitutional changes, by reason of annexations or other governmental reorganizations, or by reason of other circumstances, the application of any provision of this section to units of local government does not carry out the purposes of this subtitle, the application of such provision shall be made, under regulations, in a manner which is consistent with such purposes.

Sec. 106. Definitions and Special Rules For Application of Allocation Formulas.

(a) In General.—For purposes of this subtitle—

(1) Population.—Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

(2) Income.—Income means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

(3) Personal income.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

(4) Dates for determining allocations and entitlements.—Except as provided in regulations, the determination of allocations and entitlements for any entitlement period shall be made as of the April 1 immediately preceding the beginning of such period.

(5) Intergovernmental transfers.—The intergovernmental transfers of revenue to any government are the amounts of revenue received by that government from other governments as a share in financing (or as reimbursement for) the performance of governmental functions, as determined by the Bureau of the Census for general statistical purposes.

(6) Data used; uniformity of data.—

(A) General rule.—Except as provided in subparagraph (B), the data used shall be the most recently available data provided by the Bureau of the Census or the Department of Commerce, as the case may be.

(B) Use of estimates, etc.—Where the Secretary determines that the data referred to in subparagraph (A) are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

(b) General Tax Effort Factor of States.—For purposes of this subtitle—

(1) In general.—The general tax effort factor of any State for any entitlement period is (A) the net amount collected from the State and local taxes of such State during the most recent reporting year, divided by (B) the aggregate personal income (as defined in paragraph (3) of subsection (a)) attributed to such State for the same period.

(2) State and local taxes.—

(A) Taxes taken into account.—The State and local taxes taken into account under paragraph (1) are the compulsory contributions exacted by the State (or by any political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

(B) Most recent reporting year.—The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of such period.

(c) General Tax Effort Factor of County Area.—For purposes of this subtitle, the general tax effort factor of any county area for any entitlement period is—

(1) the adjusted taxes of the county government plus the adjusted taxes of each unit of local government within that county area, divided by

(2) the aggregate income (as defined in paragraph (2) of subsection (a)) attributed to that county area.

(d) General Tax Effort of Unit of Local Government.—For purposes of this subtitle—

(1) In general.—The general tax effort factor of any unit of local government for any entitlement period is—

(A) the adjusted taxes of that unit of local government, divided by

(B) the aggregate income (as defined in paragraph (2) of subsection (a)) attributed to that unit of local government.

(2) Adjusted taxes.—

(A) In general.—The adjusted taxes of any unit of government are—

(i) the compulsory contributions exacted by such government for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay) as such contributions are determined by the Bureau of the Census for general statistical purposes,

(ii) adjusted (under regulations prescribed by the Secretary) by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to expenses for education.

(B) Certain sales taxes collected by counties.—In any case where—

(i) a county government exacts sales taxes within a unit of local government and transfers part of all of such taxes to such unit without specifying the purposes for which such unit may spend the revenues, and

(ii) the Governor of the State notifies the Secretary that the requirements of this subparagraph have been met with respect to such taxes,

then the taxes so transferred shall be treated as the taxes of the unit of local government (and not the taxes of the county government).

(e) Relative Income Factor.—For purposes of this subtitle, the relative income factor is a fraction—

(1) in the case of a State, the numerator of which is the per capita income of the United States and the denominator of which is the per capita income of that State;

(2) in the case of a ciunty area, the numerator of which is the per capita income of the State in which it is located and the denominator of which is the per capita income of that county area; and

(3) in the case of a unit of local government, the numerator of which is the per capita income of the county area in which it is located and the denominator of which is the per capita income of the geographic area of that unit of local government.

For purposes of this subsection, per capita income shall be determined on the basis of income as defined in paragraph (2) of subsection (a).

Sec. 107. Reports to Secretary; Publication.

(a) Reports on Use of Funds.—Each State government and unit of local government which receives funds under this subtitle shall, after the close of each entitlement period, submit a report to the Secretary setting forth the amounts and purposes for which funds received during such period have been spent or obligated. Such reports shall be in such form and detail and shall be submitted at such time as the Secretary may prescribe.

(b) Reports on Planned Use of Funds.—Each State government and unit of local government which expects to receive funds under this subtitle for any entitlement period beginning on or after July 1, 1972, shall submit a report to the Secretary setting forth the amounts and purposes for which it plans to spend or obligate the funds which it expects to receive during such period. Such reports shall be in such form and detail as the Secretary may prescribe and shall be submitted at such time before the beginning of the entitlement period as the Secretary may prescribe (except that in the case of the entitlement period beginning July 1, 1972, such report shall be submitted at such time before January 1, 1973, as the Secretary may prescribe).

(c) Publication and Publicity of Reports.—Each State government and unit of local government shall have a copy of each report submitted by it under subsection (a) or (b) published in a newspaper which is published within the State and has general circulation within the geographic area of that government. Each State government and unit of local government shall advise the news media of the publication of its reports pursuant to this subsection.

Sec. 108. Nondiscrimination Provision.

(a) In General.—No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this subtitle.

(b) Authority of Secretary.—Whenever the Secretary determines that a State government or unit of local government has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State (or, in the case of a unit of local government, the Governor of the State in which such unit is located) of the noncompliance and shall request the Governor to secure compliance. If within a reasonable period of time the Governor fails or refuses to secure compliance, the Secretary is authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (3) to take such other action as may be provided by law.

(c) Authority of Attorney General.—When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

Sec. 109. Prohibition on Use as a Matching Funds.

(a) In General.—No State government or unit of local government may use, directly or indirectly, any part of the funds it receives under this subtitle as a contribution for the purpose of obtaining Federal funds under any law of the United States which requires such government to make a contribution in order to receive Federal funds.

(b) Determinations by Secretary of the Treasury.—If the Secretary has reason to believe that a State government or unit of local government has used funds received under this subtitle in violation of subsection (a), he shall give reasonable notice and opportunity for hearing to such government. If, thereafter, the Secretary of the Treasury determines that such government has used funds in violation of subsection (a), he shall notify such government of his determination and shall request repayment to the United States of an amount equal to the funds so used. To the extent that such government fails to repay such amount, the Secretary shall withhold from subsequent payments to such government under this subtitle an amount equal to the funds so used.

(c) Increased State or Local Government Revenues.—No State government or unit of local government shall be determined to have used funds in violation of subsection (a) with respect to any funds received for any entitlement period to the extent that the net revenues received by it from its own sources during such period exceed the net revenues received by it from its own sources during the one-year period beginning July 1, 1971 (or one-half of such net revenues, in the case of an entitlement period of 6 months).

(d) Deposits and Transfers to General Fund.—Any amount repaid by a State government or unit of local government under subsection (b) shall be deposited in the general fund of the Treasury. An amount equal to the reduction in payments to any State government or unit of local government which results from the application of this section (after any judicial review under section 143) shall be transferred from the Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.

Sec. 110. Miscellaneous Provisions.

(a) Assurances to the Secretary.—In order to qualify for any payment under this subtitle for any entitlement period beginning on or after July 1, 1973, a State government or unit of local government must establish (in accordance with regulations prescribed by the Secretary, and, with respect to a unit of local government, after an opportunity for review and comment by the Governor of the State in which such unit is located) to the satisfaction of the Secretary that—

(1) it will establish a trust fund in which it will deposit all payments it receives under this subtitle;

(2) it will use amounts in such trust fund (including any interest earned thereon while in such trust fund) during such reasonable period or periods as may be provided in such regulations;

(3) it will provide for the expenditure of amounts received under this subtitle only in accordance with the laws and procedures applicable to the expenditures of its own revenues;

(4) it will—

(A) use fiscal, accounting, and audit procedures which conform to guidelines established therefor by the Secretary (after consultation with the Comptroller General of the United States),

(B) provide to the Secretary (and to the Comptroller General of the United States), on reasonable notice, access to, and the right to examine, such books, documents, papers, or records as the Secretary may reasonably require for purposes of reviewing compliance with this subtitle (or, in the case of the Comptroller General, as the Comptroller General may reasonably require for purposes of reviewing compliance and operations under subsection (c)(2)), and

(C) make such annual and interim reports (other than reports required by section 107) to the Secretary as he may reasonably require; and

(5) in the case of a unit of local government, persons employed in jobs financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages which are not lower than the prevailing rates of pay for persons employed in similar jobs by such unit of local government.

In order to qualify for any payment under this subtitle for the entitlement period beginning on July 1, 1972, a State government or unit of local government must establish to the satisfaction of the Secretary that it will comply as soon as possible before July 1, 1973, with the requirements of the preceding paragraphs.

(b) Withholding of Payments.—If the Secretary determines that a State government or unit of local government has failed to comply substantially with any provision of subsection (a) or any regulations prescribed thereunder, after giving reasonable notice and opportunity for a hearing to the Governor of the State or the chief executive officer of the unit of local government, he shall notify the State government or unit of local government that if it fails to take corrective action within 60 days from the date of receipt of such notification further payments to it shall be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

(c) Accounting, Auditing, and Evaluation.—

(1) In General.—The Secretary shall provide for such accounting and auditing procedures, evaluations, and reviews as may be necessary to insure that the expenditures of funds by State governments and units of local governments comply fully with the requirements of this subtitle. The Secretary is authorized to accept an audit by a State of the expenditures of a State government or unit of local government under this subtitle if he determines that such audit and the audit procedures of that State are sufficiently reliable to enable him to carry out his duties under this subtitle.

(2) Comptroller general shall review compliance.—The Comptroller General of the United States shall make such reviews of the work as done by the Secretary, the State governments, and the units of local governments as may be necessary for the Congress to evaluate compliance and operations under this subtitle.

Subtitle B—SUPPLEMENTARY GRANTS TO STATE AND LOCAL GOVERNMENTS

Sec. 121. Authorization of Appropriations.

(a) In General.—For the purpose of enabling the Secretary to make the grants authorized by this subtitle, there are authorized to be appropriated such sums as may be necessary to assure the availability, for the making of grants under this subtitle, of the sum of $500,000,000 for the entitlement period beginning January 1, 1973, $1,000,000,000 for each of the entitlement periods beginning on July 1 of 1973, 1974, and 1975, and $500,000,000 for the entitlement period beginning July 1, 1976.

(b) Additional Amounts.—Any appropriated Federal funds, which are available after December 31, 1972, for the purposes of making payments to States for services under title I, X, XIV, or XVI, or part A of title IV, of the Social Security Act and which are not utilized for such purposes, shall be available for the purpose of making the grants authorized by this subtitle for the entitlement period beginning January 1, 1973.

Sec. 122. Payments.

(a) In General.—The Secretary shall allocate to each State, for each entitlement period beginning on or after January 1, 1973, an amount which bears the same ratio to the total amount available for making grants for the period (but not exceeding $500,000,000, in the case of the entitlement period beginning January 1, 1973) as the urbanized population of that State bears to the urbanized population of all the States.

(b) Division Between State and Local Governments.—

(1) Payment to state government.—Of the sum allocated under subsection (a) to any State for any entitlement period, an amount equal to one-third of such sum shall be paid to the government of that State, and an amount equal to two-thirds of such sum shall be paid to the units of local government in that State.

(2) Payments to units of local government.—The amount payable to any unit of local government in any State for any entitlement period is an amount (A) which bears the same ratio to the total amount payable for such entitlement period to all such units in such State as (B) the amount payable to such unit for the same entitlement period under subtitle A bears to the total amount payable for such entitlement period to all such units in such State under such subtitle.

(c) Application of Subtitle A.—The provisions of sections 107, 108, 109, and 110 of subtitle A shall apply to the making of payments under this subtitle.

(d) Coordination of Payments.—To the maximum extent feasible payments of grants under this subtitle shall be made at the same time and in the same manner as payments are made to State governments and units of local government under subtitle A.

(e) Entitlement Period Beginning January 1, 1973.—For purposes of this subtitle, the term "entitlement period" includes the period beginning January 1, 1973, and ending June 30, 1973. For purposes of making payments under subsection (b)(2) for such entitlement period, the entitlement period under substitute A is the entitlement period beginning July 1, 1972.

Sec. 123. Definition of Urbanized Pouplation.

For purposes of this subtitle, the term "urbanized population", when used in reference to any State, means (A) the population of each area, within such State, which consists of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes, or, if greater, (B) 30 percent of the population of such State (determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes). The data used for determining population and urbanized population under this section shall be the most recently available data provided by the Bureau of the Census, except that where the Secretary determines that the data so provided are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

On page 67, beginning at line 15, strike out:

(c) District of Columbia.—

(1) Treated as state.—For purposes of this title, the District of Columbia shall be treated as a State, and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Commissioner of the District of Columbia.

(2) Treated as local government.—For purposes of subtitle A, the District of Columbia shall be treated as a county which has no units of local government (other than itself) within its geographic area; except that it shall be treated as a State for purposes of the allocation under section 103(a), and the amount allocated to it under section 103(a) for any entitlement period shall be the entitlement of the District of Columbia under subtitle A for such period.

(3) Reduction in case of income tax on nonresident individuals.—If there is hereafter enacted a law imposing a tax on income earned in the District of Columbia by individuals who are not residents of the District of Columbia, then an amount equal to the net collections from such tax during any entitlement period attributable to individuals who are not residents of the District of Columbia shall be applied—

(A) first to reduce the income tax share of the District of Columbia under subtitle B for such period (to the extent thereof),

(B) then to reduce the combined tax effort share of the District of Columbia under subtitle B for such period (to the extent thereof), and

(C) then to reduce the entitlement of the District of Columbia under subtitle A for such period.

And in lieu thereof insert:

(c) District of Columbia.—For purposes of this title, the District of Columbia shall be treated both—

(1) as a State (and any reference to the Governor of a State shall in the case of the District of Columbia, be treated as a reference to the Commissioner of the District of Columbia), and

(2) as a county area which has no units of local government (other than itself) within its geographic area.

On page 69, in line 17, strike out "Any local government which receives a 60-day notice under section 105(b), and any State which receives a notice of a reduction in its entitlement under section 122 (c)(4), may, within 60 days after receiving such notice, file with the United States court of appeals for the circuit in which such State or local government is located a petition for review of the action of the Secretary." and insert in lieu thereof "Any State which receives a notice of reduction in entitlement under section 104(d), and any State or unit of local government which receives a notice of withholding of payments under section 109(b) or 110(b), may, within 60 days after receiving such notice, file with the United States court of appeals for the circuit in which such State or unit of local government is located a petition for review of the action of the Secretary.

On page 72, beginning with line 9, strike out:

"(a) Civil Penalty.—If any person who is required by regulations prescribed under section 6017A to include on any return information with respect to his place of residence fails to comply with such requirement at the time prescribed by such regulations, such person shall pay a penalty of $5 for each such failure, unless it is shown that such failure is due to reasonable cause.

And insert in lieu thereof:

"(a) Civil Penalty.—If any person fails to include on his return any information required under section 6017A with respect to his place of residence, he shall pay a penalty of $5 for each such failure, unless it is shown that such failure is due to reasonable cause.

On page 79, starting with line 11, strike out:

"(B) A nonrefundable credit is allowed against such tax, on the basis of a specified number of dollars per capita, with respect to a general sales tax imposed by the State.

At the beginning of line 15, strike out "(C)" and insert in lieu thereof "(B)";

At the end of line 17, after the word "State", insert "or a political subdivision thereof."; beginning with line 19, strike out:

"(3) Definitions.—For purposes of this subsection and subsection (e)—

"(A) Net tax-exempt income.—The term 'net tax-exempt income' means the excess (if any) of the interest on obligations excluded from gross income under section 103 (a)(1) (relating to interest on certain State and local obligations), over the sum of (i) the amount of deductions allocable to such interest which is disallowed by application of section 265, and (ii) the amount of the proper adjustment to basis allocable to such obligations which is required to be made for the taxable year under section 1016(a) (5) or (6).

"(B) NET STATE INCOME TAX DEDUCTION.—The term 'net State income tax deduction' means the excess (if any) of (i) the amount deducted from income under section 164(a) (3) as taxes paid to a State or a political subdivision thereof, over (ii) amounts included in income as recoveries of prior income taxes paid to a State or a political subdivision thereof which had been deducted under section 164(a)(3).

And, in lieu thereof insert:

"(3) NET STATE INCOME TAX DEDUCTION.—For purposes of this subsection and subsection (c), the term 'net State income tax deduction' means the excess (if any) of (A) the amount deducted from income under section 164(a)(3) as taxes paid to a State or a political subdivision thereof, over (B) amounts included in income as recoveries of prior income taxes paid to a State or a political subdivision thereof which had been deducted under section 164(a)(3).

"(4) NET TAX-EXEMPT INCOME.—For purposes of this subsection and subsection (c), the term 'net tax-exempt income' means the excess (if any) of—

"(A) the interest on obligations described in section 103(a)(1) other than obligations of the State and its political subdivisions, and

"(B) the interest on obligations described in such section of the State and its political subdivision which under the law of the State is subject to the individual income tax imposed by the State, over the sum of the amount of deductions allocable to such interest which is disallowed by application of section 265, and the amount of the proper adjustment to basis allocable to such obligations which is required to be made for the taxable year under section 1016(a) (5) or (6).

On page 82, beginning at line 20, strike out:

"(4) FURTHER PERMITTED ADJUSTMENTS.—A tax which otherwise meets the requirements of paragraphs (1) and (2) shall not be deemed to fail to meet such requirements solely because it provides for one or both of the following adjustments:

"(A) A nonrefundable credit is allowed against such tax, on the basis of a specified number of dollars per capita, with respect to a general sales tax imposed by the State.

"(B) A credit determined under rules prescribed by the Secretary or his delegate is allowed against such tax for income tax paid to another State.

And insert in lieu thereof:

"(4) FURTHER PERMITTED ADJUSTMENT.—A tax which otherwise meets the requirements of paragraphs (1) and (2) shall not be deemed to fail to meet such requirements solely because a credit determined under rules prescribed by the Secretary or his delegate is allowed against such tax for income tax paid to another State or a political subdivision thereof.

On page 89, in line 21, strike out "September 1" and insert in lieu thereof "November 1".

On page 92, in line 1, strike out "Public Law 91–569 (and the amendments made thereby) with respect to the withholding of compensation to which such Public Law applies" and insert "section 26, 226A, or 324 of the Interstate Commerce Act or of section 1112 of the Federal Aviation Act of 1958 with respect to the withholding of compensation to which such sections apply"; on page 93, in line 5, after the word "apply", strike out "after" and insert "on or after"; in line 22, after the word "agreement", strike out "made" and insert "received"; on page 99, in line 10, after "January 1", strike out "beginning more than one year after the first date on which at least 5 States (having residents who in the aggregate filed 5 percent or more of the Federal individual income tax returns filed during 1972) and insert "which is more than one year after the first date on which one or more States having residents who in the aggregate filed 5 percent or more of the Federal individual income tax returns filed during 1972"; and, at the top of page 100, insert a new title, as follows:

TITLE III—LIMITATION ON GRANTS FOR SOCIAL SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

INTERIM PROVISIONS

SEC. 301. (a) Notwithstanding sections 3 (a) (4) and (5), 403(a) (3) and (5), 1003 (a) (3) and (4), 1403(a) (3) and (4), and 1603(a) (4) and (5) of the Social Security Act, no payment shall be made to any State with respect to services (other than child care services (as defined in subsection (b) (3)), family planning services, and services provided pursuant to section 402(a)(19)(G) of such Act) provided under any of its plans approved under titles I, X, XIV, or XVI or part A of title IV of such Act for the period commencing July 1, 1972 and ending with the close of December 31, 1972. In lieu of payments for such period pursuant to the above enumerated sections the Secretary of Health, Education, and Welfare shall pay to each State an amount equal to whichever of the following is the greater—

(1) an amount which bears the same ratio to $500,000,000 as the urbanized population (as defined in section 123 of the Revenue Sharing Act of 1972) of such State bears to the urbanized population of all the States, or

(2) the total of the Federal payments which it would (except for the provisions of this section) have received with respect to expenditures for such services for such period under the above enumerated sections, but not counting, for purposes of determining the amount of such Federal payments, any expenditure by such State which is attributable to the provision of such services (A) after December 31, 1972, or (B) under a new project (as defined in subsection (b)(2)).

(b) For purposes of this section—

(1) The term "State" means the fifty States and the District of Columbia.

(2) The term "new project", when used in reference to the provision of social services, means any project for the provision of such services (whether operated directly by the State agency authorizing the project or by any other person) under which social services are initially provided after August 9, 1972. Social services provided after August 9, 1972, under a project, under which such services were initially provided on or before such date, shall be regarded as being provided under a new project, if such services would not have been provided thereunder except for a modification, expansion, renewal, or extension, of such project.

(3) The term "child care services" means services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (A) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (B) because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child.

(c) Any appropriated Federal funds which are available after June 30, 1972, for the purpose of making payments to States for services under title I, X, XIV, or XVI, or part A of title IV of the Social Security Act, shall be available for the purpose of making grants authorized by this section.

AMENDMENTS TO PART A OF TITLE IV OF THE SOCIAL SECURITY ACT

SEC. 302. Part A of title IV of the Social Security Act is amended—

(1)(A) by striking out "and rehabilitation and other services" in the first sentence of section 401, and

(B) by striking out "and services" in the second sentence thereof;

(2) by striking out "and Services" in the heading immediately preceding section 402;

(3)(A) by striking out "and services" in the matter preceding clause (1) of section 402(a),

(B) by striking out ", with particular emphasis" and all that follows down to the semicolon in clause (5)(B) of such section and inserting in lieu thereof "in the administration of the plan",

(C) by striking out clause (13) of such section,

(D) by striking out "such family services, as defined in section 406(d), and child welfare services, as defined in section 425" in clause (14) of such section and inserting in lieu thereof "such child care services, as defined in section 406(d), family planning services, and child welfare services available under the State plan approved under part B";

(4) by inserting "subject to subsection (e)," immediately before "75 per centum" in section 403(a)(3)(A);

(5)(A) by striking out "any of the services described in clauses (14) and (15) of section 402(a)" in subparagraphs (A) (i) and (ii) of section 403(a)(3) and inserting in lieu thereof "child care services as defined in section 406(d) and family planning services",

(B) by striking ": Provided" and all that follows down through "if provided by such staff" in subparagraph (C) of such section,

(C)(i) by striking out "subject to limitations" in subparagraph (D) of such section and inserting in lieu thereof "under conditions", and

(ii) by striking out "by the State health authority" and all that follows in such subparagraph down through "under the Vocational Rehabilitation Act or",

(D)(i) by striking out "except that services described in clause (ii)" and all that follows down through "vocational rehabilitation services so approved;" in the matter following subparagraph (D) of section 403 (a)(3), and

(ii) by striking out "child welfare services, family planning services, and family services" in such matter and inserting in lieu thereof "child care services (as defined in section 406(d)) and family planning services"; and

(6) by striking out section 403(a)(5) and inserting in lieu thereof the following:

"(5) in the case of any State, an amount equal to 50 per centum of the total amount expended under the State plan during such quarter as emergency assistance to needy families with children."

(7) by amending section 403(d)(1) to read as follows:

"(d)(1) In addition to amounts paid under subsection (a)(3)(A), the Secretary shall pay to each State with a plan approved under this part an amount equal to 90 per centum of the total amounts expended during any quarter as are found necessary for the proper and efficient administration of the plan and as are for social and supportive services provided pursuant to section 402(a)(19)(G)";

(8) by adding at the end of section 403 the following new subsection:

"(e) Notwithstanding subsection (a)(3)(A) (i) and (ii), the amount of the payment made thereunder to any State for any quarter shall not exceed 12½ per centum of the total of such amounts paid thereunder for such quarter to all the States.";

(9) by striking out "and services" in the matter preceding clause (1) of section 404(a);

(10) by amending section 406(d) to read as follows:

"(d) The term 'child care services' means services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (1) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (2) because of the death, continued absence from the home, or incapacity of such child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child.".

(b) The amendments made by this section shall become effective January 1, 1973.

CONFORMING AMENDMENTS TO TITLES I, X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

SEC. 303. (a)(1) Section 1(c) of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 2(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency", and inserting in lieu thereof "in the administration of the plan".

(3) Section 2(a)(10) of such Act is amended—

(A) by inserting "and" after the semicolon at the end of subparagraph (A) thereof; and

(B) by striking out subparagraph (C) thereof.

(4) Section 3(a)(4) of such Act is amended to read as follows:

"(4) in the case of any State, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 3(a) of such Act is further amended by striking out paragraph (5) thereof.

(6) Section 3 of such Act is further amended by striking out subsection (c) thereof.

(7) Section 2(a)(12)(C) of such Act is amended by striking out "for services referred to in section 3(a)(4)(A) (i) and (ii) which are appropriate for such recipients and for such patients;".

(b)(1) Section 1001 of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 1002(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committee established by the State agency" and inserting in lieu thereof "in the administration of the plan."

(3) Section 1002(a) of such Act is amended—

(A) by inserting "and" immediately after the semicolon at the end of clause (11) thereof; and

(B) by striking out the semicolon at the end of clause (12) thereof and all the matter following such clause up to, but not including the period at the end of such section 1002(a).

(4) Section 1003(a)(3) of such Act is amended to read as follows:

"(3) in the case of any State an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 1003(a) of such Act is further amended by striking out paragraph (4) thereof.

(6) Section 1003 of such Act is further amended by striking out subsection (c) thereof.

(c)(1) Section 1401 of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 1402(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and receipients and in assisting any advisory committees established by the State agency" and inserting in lieu thereof "in the administration of the plan".

(3) Section 1402(a) of such Act is amended—

(A) by inserting "and" immediately after the semicolon at the end of clause (10); and

(B) by striking out the semicolon at the end of clause (11) thereof and all the matter following such clause up to, but not including, the period at the end of such section 1402(a).

(4) Section 1403(a)(3) of such Act is amended to read as follows:

"(3) in the case of any State, an amount equal to the sum of the following proportions of the total amounts expended during such quarters as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 1403(a) of such Act is further amended by striking out paragraph (4) thereof.

(6) Section 1403 of such Act is further amended by striking out subsection (c) thereof.

(d)(1) Section 1601(c) of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 1602(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency" and inserting in lieu thereof "in the administration of the plan".

(3) Section 1602(a) of such Act is further amended by striking out paragraph (10) thereof.

(4) Section 1603(a)(4) of such Act is amended to read as follows:

"(4) in the case of any State, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employing by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 1603(a) of such Act is further amended by striking out paragraph (5) thereof.

(6) Section 1603 of such Act is further amended by striking out subsection (c) thereof.

(7) Section 1602(a)(16)(C) of such Act is amended by striking out for services referred to in section 1603(a)(4)(A) (i) and (ii) which are appropriate for such recipients and for such patients;".

(e) The amendments made by this section shall take effect January 1, 1973.

PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM

SEC. 304. The amendments made by sections 302 and 303 of this title shall not be applicable in the case of the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. SPARKMAN. Mr. President, I commend and congratulate the distinguished Senator from Louisiana, the chairman of the Committee on Finance, upon this presentation today, and upon the excellent job his committee has done in working out this legislation and getting it to the floor of the Senate. I know it has been a difficult job. The Senator and his committee have stayed right with it.

I believe in the revenue-sharing program. If I had had the privilege of putting something into effect I would have done some things differently, things I have advocated for a good many years. But it became apparent that what I had in mind would not work. I think what the President came up with and what the Committee on Finance worked out is the next best thing and probably the most practical approach. I will not elaborate on what my opinion was, but it had to do with taxation, and receipts in certain areas. But it became apparent that was not going to be worked out, so I think this is the next best thing.

I call attention to the fact that my colleague from Alabama and I were joint sponsors of the original resolution introduced on behalf of general revenue sharing. As we all know, it has two parts—general revenue sharing and special revenue sharing. Some of the special revenue sharing came to the committee of which I am chairman; we included it in the housing bill which passed the Senate on March 2. That legislation had to do with community development.

I am hopeful that before Congress adjourns the House will have acted on the housing bill of 1972 and that we will get community development in as part of the revenue sharing bill.

My colleague from Alabama had the privilege of steering legislation through the Committee on Agriculture and Forestry which likewise included some of the revenue sharing, and that bill was passed and now has gone to the President.

Mr. ALLEN. That is correct.

Mr. SPARKMAN. That bill has gone to the President in the last few days for his signature. So revenue sharing is moving along regardless of some of the comments that have been made that we are dragging our feet in connection with revenue sharing.

We have two pieces of revenue sharing legislation that have passed the Senate already in the special field. Now, the Senator comes up with this legislation. I wish we could have completed it before taking the adjournment, but I feel confident that soon after we come back it will become law and it will mean a great deal to the local governments throughout the country.

I commend the committee for working out the formula that I think makes a much fairer distribution. I know, for instance, that in the case of our own State we get better treatment, I think, than we could have gotten under the House bill or under the President's original proposal.

I express my thanks, gratitude, and commendation to the Senator and his committee for that action.

Mr. LONG. I thank the distinguished Senator. I agree with him that many of us have thought there might be a better approach. I, for example, explored the approach of a Federal credit for income taxes paid to the States. I explored this approach, as did others—and while it might help, and in the long run might prove to be a better answer—I was compelled to conclude that the States would not get fiscal relief from it unless at the same time they increased their taxes. Only by levying an income tax or increasing an existing tax, at the same time the credit is allowed—so that it would cost their citizens nothing—would a tax credit mean additional funds for the State government. For instance, a State like Connecticut—which receives part of the overflow from the New York metropolitan area, people who are fortunate enough to live some distance from New York and are able to go back and forth from that major metropolis—would be benefited by this proposal if they imposed an income tax to a much greater extent than a low income State like Louisiana or Alabama, which already has an income tax.

Mr. SPARKMAN. I assure the Senate we have one in Alabama and have for many years.

Mr. LONG. Yes; so while this would be desirable to encourage States to have an income tax, at least in its initial impact it would not place the help where the help is needed. It would give more help to the richer States, and less help to the poorer States where more help is needed most.

In Louisiana we have a revenue-sharing program, from the State to the cities, to help cities get on with their job. We also have something that amounts to a revenue-sharing program at the State level to help counties, which we call parishes in Louisiana as a result of our French background. There is no doubt that the Committee on Finance was able to work out a better formula than the House because we took need and tax effort into account to a greater extent than does the House bill. We concluded that the greatest need is where the people are the poorest.

The people tend to be the poorest in the central cities of the major cities in America and also in the rural areas which are losing population. I know we have rural areas in Louisiana where they have either nothing to tax except pine trees in north Louisiana and nutria in south Louisiana, which has become more of a menace to people trying to earn a living than an asset.

If one looks at the problems that exist and uses a need factor and then couples that to a tax effort factor, it tends to promote justice and equity, to help those who are poor and to help those who help themselves.

The formula spelled out in the bill in county after county will demonstrate that, applied across the Nation, the people who have the greatest need and who are trying to help themselves do get the greatest help under the committee bill. The formula demonstrates that often where the greatest need exists, they are generally making the greatest effort. They are poor and they have a hard time raising revenues.

The reason why the House was not able to arrive at such a formula is that the large States, such as New York and California—and I have nothing but praise for their delegations—have more votes in the House than in the Senate, so that when one advances a "need" formula, he will find delegations from those States tending to resist it.

We will undoubtedly have to compromise this matter with the House, but I am sure the House will see our point and that what will emerge from conference we will be able to vote for, I am sure, in the Senate.

Mr. SPARKMAN. Let me say that I recognize the difficulties of working out a tax situation, as I said a few minutes ago. I think the committee did an excellent job. I do hope when the bill goes to conference, insofar as we can we will sustain the formula that has been worked out by the Senate committee.

Mr. LONG. I thank the distinguished Senator.

Mr. ALLEN. Mr. President, will the Senator yield to me for two purposes, first to comment on the bill, and second, to make an unanimous-consent request?

Mr. LONG. I yield.

Mr. ALLEN. Mr. President, I want to commend the Senator from Louisiana, chairman of the Finance Committee, and to commend the Senator from Utah (Mr. BENNETT), for the fine work of that committee and the diligence and dedication and hard work that they have manifested and given toward bringing this bill to the floor at this time.

Certainly, I approve the concept of revenue sharing. The Federal Government has preempted nearly all of the fields of taxation, and it is only right that some of the revenue that is collected by the Federal Government be turned back, without any strings attached, to local governments. I believe that local governments know better what the needs of their people are than bureaucrats here in Washington. So on that theory I certainly approve of revenue sharing.

I noted the remarks of the able Senator from Louisiana with respect to the theory of this bill—that it helps those who help themselves. I note that that is the same theory the distinguished Senator has with respect to H.R. 1—to help those who try to help themselves. So the Senator is certainly trying to be consistent.

His committee and the members of the committee have put in long hours, days, weeks, and months on these bills. They certainly have been the workhorse of the Senate in the revenue-sharing bill and in the committee's action on H.R. 1.

I certainly want to commend the distinguished Senator from Louisiana, the distinguished Senator from Utah, and all the members of the committee on the great job they have done.

Mr. LONG. I thank the Senator.

ORDER OF PROCEDURE ON H.R. 13915

Mr. ALLEN. Now, Mr. President, I wish to ask unanimous consent that if the House message with respect to H.R. 13915 does not reach the Senate today, it not be referred during the recess, but that it remain at the desk for action by the Senate on September 5.

The PRESIDING OFFICER (Mr. STEVENSON). Is there objection? The occupant of the Chair, as a Senator from Illinois, does object. The unanimous-consent request is not agreed to.

Mr. ALLEN. Mr. President, may I inquire of the Chair to state again what he has just said?

The PRESIDING OFFICER. The occupant of the Chair, as a Senator from Illinois, objected. The Chair ruled that the unanimous-consent request of the Senator from Alabama was not agreed to.

Mr. ALLEN. I thank the distinguished occupant of the chair, the distinguished Senator from Illinois, for his statement.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. BENNETT. Mr. President, this bill—the Revenue Sharing Act of 1972—is an important step toward renewing our reliance on the federal system and should begin the reversal of the centralizing trend of the past several decades.

This bill will realize the President's objective when he sent his general revenue sharing message to the Congress. His basic objective was to restore the responsibility for making many of the important government decisions to the governmental bodies that are closest to the people affected by the programs. These are obviously the State and local governments, and this bill provides them with the funds to implement the programs which their constituents tell them are needed but which because of their limited financial resources they are unable to finance.

Financial difficulties are not new problems to State and local governments, but they have become acute in the past 7 years. Changes in our society in recent years have greatly increased the demand for services our States and especially our local governments traditionally provide. Coupled with this, rapidly rising prices have greatly increased the costs of providing these services.

By redirecting the flow of tax payments back to the local government level, this legislation begins the effective decentralization of the federal system. This was the intent, of course, in the categorical grant programs. They too were designed to implement local programs through the matching with local funds. However, the Federal Government retained the right to set standards and to approve the nature of the local program before Federal funds were made available. As a result, these programs have become far less effective assistance than initially had been hoped for. The paperwork and bureaucratic decisionmaking interfered with true exercise of local initiative.

This bill starts the reversal of directions because it provides that the Federal Government will distribute $6.3 billion of Federal individual income tax receipts to State and local governments without requiring these governments to prepare an application or submit detailed plans for spending the money in a limited category.

These funds will go to the local governments and to the States according to a formula which is designed to redistribute Federal tax moneys on the basis of the relative need of the residents of the communities and a measure of local efforts to use local tax resources for governmental purposes. The requirement for detailed plans and bureaucratic approval of the program in Washington is absent from this bill. Local governments and the States will decide through their normal budgetary decisionmaking processes upon how they will spend these funds to meet local and State requirements. The decision is theirs alone.

I would like to follow this line of thinking, showing how the Finance Committee bill applies the principle of decentralization throughout the bill. I do not intend to describe and explain the bill in detail because the able chairman of the Committee on Finance has already done so in his customary, masterful way.

The Treasury Department will distribute the revenue sharing funds from a new revenue sharing trust fund which will receive, each full fiscal year, 7 percent of the collections from individual income tax. By financing the program in this fashion, the committee has given the State and local governments a share of that highly productive revenue raising machine which the Federal Government seems to have preempted. This important revenue resource now is being rechanneled back to the State and local governments and the Federal Government thereby is easing the strain on the overburdened revenue sources available to local governments.

As they receive these funds, State and local governments will be able to use them after going through their normal procedures for authorizing and appropriating funds to meet the government budget. The Finance Committee struck from the House bill the provisions that established several high-priority categories upon which the revenue sharing funds were to be spent. The committee's thinking was that the States and the local governments know their needs and problems far better than does the Federal Government. It is our belief that the purpose of decentralization will be carried out most effectively by leaving the important decisions about spending to State and local executives and legislatures. Independent decisionmaking of this sort is the essence of a decentralized Federal process.

One of the factors in the formula that governs the distribution of funds—general tax effort—extends the theme of decentralized Federal responsibility by allocating a part of the funds in terms of how much these governments are willing to draw upon their own tax sources. In this case, the revenue sharing allocations will be relatively greater where the tax effort—total tax collections relative to income—is highest. The two other factors in the formula—population and relative income per capita—measure size and need.

Reports are required from the State and local governments that describe how the revenue-sharing funds were used and by next year these governments will have to prepare reports that describe how they plan to use revenue-sharing funds. These reports will be filed with the Secretary of the Treasury who will use them to examine the program and assess how well the intent of Congress is being carried out. The State and local governments also are required to publish these reports in local newspapers with general circulation in their respective jurisdictions, and they must inform other news media in their communities that the reports have been filed and published. The purpose of requiring local publication and dissemination of the identical report filed with the Secretary of the Treasury is to assure that the citizens of the State and local governments also are given an opportunity to evaluate the plans for spending revenue sharing funds and the efficiency of their governments in carrying out their plans.

Another aspect of the encouragement for the decentralization contained in this bill is designed to make sure that the State and local governments continue their efforts in providing the existing level of matching funds for the various Federal categorical aid programs. Under the committee bill, State and local governments are not to use revenue-sharing funds, either directly or indirectly to obtain Federal matching grants. The objective is to prevent the use of revenue-sharing funds from becoming another method of reliance upon the Federal Treasury. The Secretary of the Treasury is given the responsibility to make sure that the State and local governments comply with this provision.

The Finance Committee retained a provision from the House bill which is designed to assure that the State governments continue to provide the same amount of revenue-sharing funds to their local governments as they did before the availability of Federal revenue sharing.

In other words, there are ongoing programs in most if not all States under which the States share their tax collections with the local communities. We want to make sure that the States continue to do that, that they do not take Federal funds for that purpose, and thus withhold from the local governments the help that has been given in the past.

States are required to continue to distribute to their local governments the same amount of money from their own sources as they did in fiscal year 1972. This provision was placed in the bill to make sure that the State governments did not envision Federal revenue sharing to local governments as a vehicle that would permit them to reduce the degree of their own responsibility. In this provision, the Congress is making sure that decentralization of Government decisionmaking does not mean only that State and local governments will decide how to spend the Federal revenues that are allocated to them. They also are required to continue their own self-support activities on the same scale as before.

Although the formula governing the allocation of Federal revenue sharing funds that has been selected by the Finance Committee is a fair and effective means for distributing moneys according to need and effort, it is recognized that a State and its local governments may believe that there may be a better way of allocating the funds within the State. The committee believed that the general principle has merit, but it believed some limits in this flexibility needed to be set. Accordingly, the committee has provided an alternative formula which States may enact to allocate the funds among county areas and among local governments within counties. The factors in the new formula are derived from the basic formula in the committee bill. They are population weighted by general tax effort and population weighted by relative income per capita. The States may select any combination of weights for these two variables that appears to satisfy the requirements of their local governments. Selection of an alternative formula, however, may be made only once during the 5-year entitlement period of this bill.

Title II of the bill provides that the Federal Government will collect State individual income taxes when the State tax program conforms very closely to the Federal tax.

This provision was in the House bill, and the committee accepted it because this provision may be the most valuable of all provisions in this bill, in the long run. It may well be the way the decentralized federal system of government will retain its vitality.

The Federal individual income tax is generally acknowledged as the most efficient of all taxes used in this country by any level of the Government. Provision for Federal collection of State taxes when there is substantial identity between the State and Federal individual income tax systems will enable the State governments to share effectively in the revenue raising capacity of the Federal Government, and incidentally will greatly reduce their cost of collecting the income taxes. The Federal Government will do it for them without charge, and simply pass the money back to them. Of the 41 States which presently have an individual income tax, most of them have designed their taxes with the model of the Federal income tax in mind. In fact, most of the State income tax systems conform reasonably close to the Federal tax systems. Four of the State income taxes presently are actually levied as a percentage of the Federal income tax liability. The provision in the bill provides that a State government may voluntarily ask the Treasury to collect its individual income taxes so long as it adjusts the State taxes to conform either with the Federal concept of taxable income or that they levy its tax as a percentage of the Federal tax liability.

I wish to emphasize the voluntary aspect of this provision. There is no requirement that any State enact an individual income tax if it has so far chosen not to do so. No State is under any compulsion to change its existing income tax to conform in any way with the Federal tax if it does not choose to do so. This provision only makes it possible for those States that choose to conform their individual income tax structure to the Federal structure to take advantage of the existing Federal method for collecting the tax.

Some of the critics of the bill maintain that the revenue sharing program should be deferred until the Federal budget is closer to a balance between receipts and outlays. They question whether the revenue sharing assistance to State and local governments is as vital at this time as has been claimed because of the sequence of Federal deficits. These have been greater than $20 billion a year in 3 successive fiscal years, which indicates that the Federal Government raises the danger of renewed inflation at the present time and that the only prudent fiscal policy is to delay new programs until a budget balance has been restored. The committee gave great attention to this problem and believes, however, that this form of fiscal assistance to State and local governments has such a high priority that it should be considered in connection with all other Federal expenditures which help to create the deficit and that revenue sharing should certainly be supplied at this time.

The committee believes that relief to the State and local governments, in view of their present stringent financial situation, is of the utmost importance. The fact that the Federal Government has a large deficit is no greater justification for denying enactment of this program than it would be for deferring or cutting back a large number of current Federal programs. Revenue sharing will not increase the estimated deficit in the Federal budget for the fiscal year 1973, because the budget estimates sent by the President to Congress last January have included the proposed expenditure of Federal funds for revenue sharing with State and local governments. Therefore, the bill will not increase the budget deficit for this fiscal year; and I hope that in the fiscal years ahead, including this, as a part of our overall program, we in Congress will be able to tailor our expenditures so that the burden of this revenue sharing will not be unbearable.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. LONG. Mr. President, I believe it is impossible for anyone to commend too highly the Senator from Utah for the statesmanship he has displayed, both in connection with this measure and in connection with H.R. 1. As the ranking Republican member of the Committee on Finance, the Senator, throughout this year, as well as last year, has been the best friend that the President of the United States has had on that committee, even in the entire Senate, and he has been the President's friend in the tradition of a best friend. He has not only supported the President when he agreed with him, but also, when the administration program left something to be desired, he has had the intellectual honesty and the forthrightness to both suggest to the President what the changes ought to be and to vote to change something, if he felt the national interest would suggest that.

In this case, the Senator from Utah was the prime mover; in fact, he was the person who suggested the formula which the committee had agreed upon.

I think that this formula will be applauded by all those who understand it; particularly, it will be applauded because it not only takes into account the relative income of each community and multipiles the population by a relative income factor, but also, the result is then multiplied by the tax effort factor.

This is a novel way of arriving at a figure; but when applied across the entire Nation to the 39,000 communities, it does more justice than any suggestion that was recommended or any other formula that was devised by anyone else.

The ingenious nature of this formula, and the equity and merit of it, are demonstrated by the fact that when applied to any community that receives a small amount of money, it will be found that it is so because those people have not made much effort to help themselves, or, to some measure, because they are relatively wealthy to begin with. But any community can receive a large amount of assistance from this bill, if its citizens should desire to make the effort to tax themselves in order to provide services that they deem essential.

So we have a very fine formula which we have reviewed with regard to a great number of States, and before this matter has been fully developed on the Senate floor, every Senator will have reviewed it with regard to his own State.

I am satisfied that the committee has done a good job. We have brought the Senate a better bill than the House sent to us, as we pride ourselves in thinking we are capable of doing. I am satisfied that the bill as recommended by the committee would advance the national interest.

The Senator is aware of the fact that we now have $38½ billion annually in Federal grants to States and to local governments. I would ask the Senator if it is not his experience in studying this matter that in many cases we find that much of this $38½ billion is being inefficiently spent, because the States, in order to obtain the money, are being required to spend it on items which both they and we, on examination, find have low priority, compared to something else which deserves greater consideration that the money could be spent for.

Mr. BENNETT. I think it was the realization of this fact that encouraged President Nixon to recommend general revenue sharing, with no strings attached.

I am sure that far and wide over this country there have been communities and States that, looking at the categorical grants available, decided that rather than not sharing in anything, they would try to develop a program—that they may not have needed—to match the specifications of a particular grant just in order to get the money for something they might not need for 10 or 20 years more.

This is the weakness of the categorical grant. It did not show up so much in the beginning, because it was limited to a fairly small number of operations, but over the last few years, every time a new idea has come up in the Senate, somebody has said, "That is a fine idea. We will develop a matching grant program for the States."

As the Senator says, they have been built up to where there is now $38½ billion involved in that. So the States and local governments are in the position of the shopper who goes into the store and buys something he does not need, just because it is cheap or because he can get it for half price.

The bill we have been working on so

long in the committee should begin to eliminate that unwise and unnecessary use of Federal funds.

Mr. LONG. Mr. President, I would like to pursue this point with the Senator. The argument will be made that this matter should be treated as other Federal grant in aid programs are treated and made subject to annual appropriations.

All of us are aware of situations in which a Federal grant program results in a great amount of waste, compared to the way the money would be spent if the State or locality had the money as its own to spend according to its best judgment.

For example, I can demonstrate this with respect to the social service grant program in Louisiana. The State should take the money and spend it on hospital outpatient care where mothers with sick babies are required to wait as long as 3 or more hours to see a doctor, and money is unavailable to be spent in the hospital to provide care for the child and to provide more doctors, more hospital rooms, and more expeditious service for the child. The social service program, however, has made money available to send a social worker to sweep out the house and cook a meal for the father who might be left at home, or to provide someone to baby sit with the healthy child that remains in the home while the mother is waiting in line. The program serves to deny that services be made more readily available to an aged sick person awaiting health treatment in the hospital, although the money would be available to send someone to cook a meal for the spouse who remains at home to make the beds, sweep out the house—a lower priority need than the health care of a sick, aged person in the hospital. Those distortions, in order to obtain Federal matching, would be eliminated by the proposal of this committee, where instead of a categorical grant program we proceed with a program where money would be in the budget as one of the most reliable sources of community or State income and then accounted for under the same budgetary proceeding as is used for the tax money taken from the citizens.

I would ask the Senator if it is not likely that in time, after the program is accepted, the people will look on the money as they look on their own tax money, as taxes they have paid which went to the local government, the only difference being that some went via Washington to get back to the local government.

Mr. BENNETT. Yes. Actually, this is money that people have paid. It has this variation or this difference, however. As the chairman knows, we have poor States and rich States. The Senator and I come from States which are relatively poor. The rich States in part are rich because they house many manufacturing plants or their distributing units. If, as someone suggested, all this bill did was to send back to my State or to the Senator's State the percentage of the income tax our State paid, it would not help to solve the problem so effectively as the system which sends back the percentage of the total tax effort made.

So this, is in effect, a tax equalization program of the same type, in general nature, that exists particularly for school districts in many States, where the States collect the money and distribute it to the local school boards or to the school districts in order to equalize the amount of money available and to equalize the quality of education.

I think this is important for that reason. The chairman mentioned earlier the question of annual appropriations. On the surface, this may seem to be a desirable thing. Here we have $6.3 billion which is going to be divided up among the States. I am sure there are some States—we know that already from our experience in committee—not satisfied with their share. I am sure they would like to be able to come before the Appropriations Committee and say, "Upset the formula. Take some of this money that is going to the other States and give it to us."

Well, the first problem that would be created would arise from eliminating the assurance that each State or local community has under this bill that it would get a specific amount of money. There are 50 States in the Union, and presumably the Appropriations Committee could hear only 50 witnesses, but there are between 38,000 and 39,000 governmental units that will get a share of this program.

Can the Senator imagine the chaos and the confusion, can the Senator imagine the burden we would add to the Appropriations Committee if 39,000 units came up here and said, "We are not satisfied with what we have. We need more." The Appropriations Committee members say, "Well, we do not mean that. We mean that we are either going to appropriate more or less and let it be distributed under your formula."

Even that destroys the assurance that the local government people have under the Finance Committee's bill. The Appropriations Committee members say that they would reserve to themselves the right to decide what States or cities should be paid. They would write into the appropriations that no money may go to a State or no more than *x* amount is legal for a city or a State. All of that destroys the effectiveness of the formula program.

Mr. LONG. Does it not lend itself to one further thing, which is unintended by those of us who sponsor the bill, that the annual appropriation approach lends itself to the Federal Government's and then to the Treasury's auditing the books of every State and every locality. So that one could then, on the eve of an election, call on his Senator or his Congressman to demand that they audit the books of the city or the county, or even the State, to see if the revenues-sharing money has been properly spent. That would be contrary to what is intended by this proposal. It would be like going out to audit someone's income tax the day he had announced he was a candidate for office. That kind of thing, perhaps would result from the annual appropriation proposal.

Is it not true that the committee does not feel that that approach should be used at all; that the committee believes that responsibility should be primarily left to the people in the communities, that if a public official should do a poor job, or even become corrupt in the use of certain funds, the answer would be for the people to vote that fellow out of office, rather than to punish everyone in the country to prevent a future recurrence of the mischief made by one person in one State.

Mr. BENNETT. We have built into the bill sufficient protection in the requirement that a report must be made and it must be published in the local newspapers. It would not be the Treasury, it would be the GAO, would it not, that would be charged with the auditing of all these books?

Mr. LONG. The Treasury Department would do the auditing, but the GAO would review the auditing. It would bring both into the picture.

Mr. BENNETT. That is right.

Mr. LONG. Actually, the theory of this bill is that, of course, there will be cases where governments—it is customary in this form of government—make mistakes. Of course, there will be cases where some mayor or Governor or some county commissioner will be guilty of an indiscretion, but that does not mean that we have to punish everyone in the country for that. We feel that the answer is for the people to vote such a man out of office and replace him with someone who will make fewer mistakes.

Mr. BENNETT. It would seem to me that, as the bill requires, before a county or a State or a city can use it, the revenue-sharing funds have to go through the regular appropriations process that any other local tax revenue goes through. It would seem to me, then, that that process would make the revenue-sharing funds subject to the auditor of that unit of government.

Mr. LONG. I agree with the distinguished Senator and again I congratulate him for the major and—I am satisfied—the beneficial contribution he has made to this legislation.

Mr. BENNETT. Those are sweet words to the Senator from Utah.

I should like to say, Mr. President, that the Finance Committee is a good team. We respect our chairman. We work for him. We work with him. He is not an autocrat. He is willing to listen to the ideas that members of the committee suggest, and he gives them very careful consideration. I believe that this bill is the result of a combination of many ideas. I am glad that I have had some part in them, but that is true of all the other members of the committee.

Now, Mr. President, there are some differences between this bill and the bill initially recommended by the President. I think that this bill represents a significant improvement over the draft bill that was sent to the Congress. The formula for distributing revenue-sharing funds among the States and the local governments that are in this bill performs the allocation role with greater equity and effectiveness. Nevertheless, the fundamental objective of the President which was to increase the vitality of the State and local governments in the Federal system will be achieved with this bill. I recommend that my colleagues in the Senate pass this bill.

In conclusion, let me urge that you give favorable consideration to this legislation. The House has referred to it as "landmark" legislation and I believe that truly it meets this description. It is the best way available to us to return some of the important aspects of self-government to our State and local governments.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BENNETT. Mr. President, I would be happy to yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I would like to express my very real appreciation, both to the distinguished chairman of the Finance Committee and to the distinguished ranking minority member, who has just concluded some very perceptive observations on the pending legislation, and to the other members who serve with me on that committee.

I agree wholeheartedly with what the distinguished Senator from Utah has said. We do have an outstanding chairman of this committee. It has been my privilege to serve on it for a little while. He is the antithesis of autocracy. We can express an opinion. We can ask for a vote on any issue at any time. If we choose, each of us is permitted to project for the full consideration of the committee any ideas that we may have.

Mr. President, if I may go into more detail, I would like to say that this legislation culminates an idea that has been kicking around for a long time, as the distinguished Senators who have already spoken know so well. I do not think that anyone deserves exclusive credit for the idea. Much that has been presented for the consideration of the full Senate today reflects the exhaustive hearings that have afforded Governors and mayors and county officials and other distinguished citizens throughout the length and breadth of the country an opportunity to be heard on some of the very pressing fiscal problems that are recognized today.

I think it also should be noted that one of the arguments made by the Appropriations Committee when we met jointly with that very important committee 3 days ago reflected the feeling of members of the Appropriations Committee that indeed the appropriations to revenue sharing ought to be made annually in order that that committee might exercise an oversight function.

I think what they were saying in effect was that they would like to pass upon the demonstrated wisdom of the State and local governments. And while in many respects it is my feeling that Congress has not exercised its oversight function as openly or as incisively as it should have with regard to this particular type of activity, it occurs to me that there are no established guidelines. I know of no perfect way of meeting the needs of people through a governmental agency. And I should think it would be extremely difficult for any committee of the Senate to examine what one State has done as compared with what another State has done or with what one city has done as compared with what another city did—and then to say that this is the way it ought to be done.

As a matter of fact, it occurs to me, Mr. President, that basically the whole concept embodied in revenue sharing is the idea that local people and States who have firsthand experience and an opportunity to observe firsthand what the local and State problems are, ought to know better than anyone else how to solve those problems.

In effect, among other things, we are saying here this morning: "Let's strip away this redtape that for too long has cluttered up the expenditures in the administration of government by State and local governments and give them an opportunity to demonstrate their unique and different ideas in solving problems that they ought to understand better than anyone else."

I have heard the distinguished chairman of the committee express that view, and I have heard the distinguished ranking minority member of the committee express the same view. And having served as a Governor of Wyoming, I could not agree more with the distinguished Senators that we have seen too often in the past money spent by State and local units of government for one program that did not address itself to the number one problem in that State or local community Money was spent simply because the Federal participation for program A may have been 3 Federal dollars for each local dollar, or 3 Federal dollars for each State dollar, as contrasted with a program that might address itself to the major problem, for which only one Federal dollar was contributed for each State or local dollar. And that is the reason that I think revenue sharing does make good sense.

I have misgivings, as I know others in the Congress do, about a program that contemplates an allocation of funds to the States when the charge is made that the Federal budget is out of balance. But I think that question has been put to rest by those members of the Finance Committee who have already spoken.

May I say in conclusion that I believe there is much merit in the pending bill presented by the Finance Committee. I think it is fair. I think the tests that are applied by the action of the Senate Finance Committee as a substitution for those recommended by the House are sound. They recognize, first of all, that we shall consider population as a major factor and, second, then shall be motivated by their tax effort to recognize the willingness of the people of a State to do the best job they can do or that the State can do to solve its own problems.

Third, we take an inverse proportion of the per capita income as a true measure of need.

On that basis it is interesting to note that the final results embodied in the pending legislation coincide quite closely with what the President recommended when he made the proposal to Congress in the first place.

Mr. President, I ask unanimous consent that a press release which has been prepared by the staff of the Finance Committee be printed at this point in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

[Committee on Finance Press Release, Aug. 16, 1972]

COMMITTEE OF FINANCE ORDERS REVENUE SHARING BILL REPORTED TO THE SENATE

The Honorable Russell B. Long (D., La.) Chairman of the Committee on Finance, announced today that the Committee, by a vote of 12 to 4, ordered favorably reported to the Senate H.R. 14370, the Revenue Sharing Act of 1972. The major features of the bill as reported by the Committee on Finance are described below:

1. DISTRIBUTION OF FUNDS TO THE STATES

The Committee approved a formula which would distribute in 1972 $5.3 billion in revenue sharing funds (both State and local) among the States on the basis of State population, State and local tax effort, and the inverse per capita income of each State. Under this formula, each State's share is determined by its population multiplied by its tax effort, and further multiplied by its inverse per capita income. The tax effort of each State is measured by the ratio of its total net tax collections to total personal income in the State. Relative per capita income is measured by the ratio of U.S. per capita income to that State's per capita income. Unlike the House bill, the Committee formula does not favor any particular type of tax system for the States such as personal income taxes, but does recognize that general tax effort is a factor which should be considered in any distribution formula for revenue sharing funds.

The Committee bill would distribute an additional $1 billion of revenue sharing funds to the States and localities annually, beginning January 1, 1973, on the basis of "urbanized population." "Urbanized population" is defined by the Bureau of Census generally to mean a central city or cities of 50,000 or more inhabitants (including closely surrounding territories).

The Committee formula differs from the House formula mainly by excluding the income tax factor from the formula for distribution of funds to the States. The Committee believed that it was undesirable to attempt to dictate to the States the structure of their tax laws.

Under the House bill, $1.8 billion would have been distributed to the States in the first year, one-half on the basis of State individual income tax collections and one-half on the basis of the State's general tax effort. The House bill would have distributed $3.5 billion to local units of government based on three equally weighted factors: population, urbanized population, and relative income.

The Committee retained that feature of the House bill which would begin the entitlements to each unit of general government as of January 1, 1972. Since the entitlements are to be made on a fiscal year basis (paid out at least quarterly) and since fiscal year 1973 has already begun, payments of $8.1 billion would be made during the initial fiscal year 1973 while payments in subsequent years would be as follows: $5.750 billion in fiscal year 1974, $6.050 billion in fiscal year 1975, $6.350 billion in fiscal year 1976, and $3.325 billion during the first half of fiscal year 1977. This excludes the $1 billion which would be distributed to the States beginning in fiscal year 1973 on the basis of "urbanized population." The following table compares the distribution by States provided in the Committee bill with the distributions provided by the original Administration proposal and the House bill:

DISTRIBUTION OF FUNDS TO STATES UNDER ADMINISTRATION PROPOSAL, HOUSE AND FINANCE COMMITTEE VERSIONS OF H.R. 14370 AND DIFFERENCES IN THE AMOUNTS DISTRIBUTED UNDER THE 3 VERSIONS OF THE BILL

[Amounts in millions of dollars]

States	Administration proposal [1]	House bill [2]	Committee bill [3]	Differences between— House bill and administration proposal	Committee bill and administration proposal	Committee bill and House bill
United States, total	5,000.0	5,300.0	6,300.0	300.0	1,300.0	1,000.0
Alabama	82.1	80.2	138.2	−1.9	56.1	58.0
Alaska	8.6	6.6	6.2	−2.0	−2.4	−.4
Arizona	51.4	46.1	64.7	−5.3	13.3	18.6
Arkansas	43.0	38.3	65.2	−4.7	22.2	26.9
California	590.2	610.8	644.4	20.6	54.2	33.6
Colorado	60.1	59.4	71.8	−.7	11.7	12.4
Connecticut	59.2	72.6	74.9	13.4	15.7	2.3
Delaware	13.4	17.3	15.8	3.9	2.4	−1.5
District of Columbia	22.9	26.0	20.4	3.1	−2.5	−5.6
Florida	167.4	150.0	194.6	−17.4	27.2	44.6
Georgia	107.5	103.4	136.3	−4.1	28.8	32.9
Hawaii	23.5	25.9	26.4	2.4	2.9	.5
Idaho	20.1	15.4	23.7	−4.7	3.5	8.2
Illinois	219.8	301.8	316.2	82.0	96.4	14.4
Indiana	115.8	113.8	134.5	−2.0	18.7	20.7
Iowa	74.5	67.8	91.6	−6.7	17.1	23.8
Kansas	54.2	47.7	64.5	−6.5	10.3	16.8
Kentucky	78.2	71.8	105.2	−6.4	27.0	33.4
Louisiana	101.5	83.2	138.9	−18.3	37.4	55.7
Maine	22.9	19.9	36.7	−3.0	13.8	16.8
Maryland	92.7	117.5	116.3	24.8	23.6	−1.2
Massachusetts	136.2	179.0	179.5	42.8	43.3	.5
Michigan	229.1	243.7	257.9	14.6	28.8	14.2
Minnesota	107.8	114.1	124.0	6.3	16.2	9.9
Mississippi	61.3	46.0	105.1	−15.3	43.8	59.1
Missouri	96.4	107.6	129.9	11.2	33.5	22.3
Montana	18.8	16.7	24.3	−2.1	5.5	7.6
Nebraska	39.0	34.5	52.0	−4.5	13.0	17.5
Nevada	13.9	12.2	14.7	−1.7	.8	2.5
New Hampshire	15.0	13.5	18.5	−1.5	3.5	5.0
New Jersey	153.8	179.7	193.0	25.9	39.2	13.3
New Mexico	31.8	22.5	39.0	−9.3	7.2	16.5
New York	534.1	649.6	625.1	115.5	91.0	−24.5
North Carolina	113.3	113.0	161.4	−.3	48.1	48.4
North Dakota	20.5	12.0	23.2	−8.5	2.7	11.2
Ohio	212.5	227.4	240.5	14.9	28.0	13.1
Oklahoma	63.7	52.9	74.0	−10.8	10.3	21.1
Oregon	56.9	60.1	70.0	3.2	13.1	9.9
Pennsylvania	246.2	300.9	347.6	54.7	101.4	46.7
Rhode Island	20.8	25.9	29.3	5.1	8.5	3.4
South Carolina	56.7	57.9	95.9	1.2	39.2	38.0
South Dakota	18.8	13.5	29.3	−5.3	10.5	15.8
Tennessee	86.8	79.3	120.4	−7.5	33.6	41.1
Texas	243.0	248.3	326.0	5.3	83.0	77.7
Utah	28.7	29.0	40.6	.3	11.9	11.6
Vermont	11.9	11.0	17.4	−.9	5.5	6.4
Virginia	104.6	115.6	129.6	11.0	25.0	14.0
Washington	92.0	79.1	107.8	−12.9	15.8	28.7
West Virginia	41.7	36.4	61.8	−5.3	20.1	25.4
Wisconsin	124.4	137.0	164.2	12.6	39.8	27.2
Wyoming	11.4	6.1	11.5	−5.3	.1	5.4

[1] The administration proposal would have distributed funds to the States on the basis of population weighted by general revenue effort. This is for fiscal year 1972.

[2] The House bill would have distributed $1,800,000,000 to the States based on general State and local tax effort, and State individual income tax receipts, and $3,500,000,000 to the local units of government within each State based on 3 factors: population, urbanized population, and relative income. This is the amount for the last 6 months of the fiscal year 1972 placed on an annual basis.

[3] The committee formula for distributing revenue sharing funds to the States is based on State population multiplied by the inverse of the State relative per capita income (the lower the per capita income the higher the weight of factor) multiplied by tax effort (State and local tax collections as a percentage of total personal income in the State). This also includes the supplemental sharing grants. These are distributed on the basis of urbanized population (with a 30-percent floor). The revenue sharing distribution is the amount for the last 6 months of fiscal 1972, placed on an annual basis. The supplemental sharing grants shown are those which first become applicable on Jan. 1, 1973.

Note: Details may not add to totals because of rounding.

II. DISTRIBUTION OF FUNDS TO LOCALITIES

A. Retain the basic two-thirds localities/one-third State distribution of House bill

The Committee agreed with the House bill on the basic distribution of the total amount of shared revenues between the States and all units of local governments. However, the Committee bill, unlike the House bill, would allocate one-third of *each* State's share to the State government, and two-thirds to its local governments. Under the House bill's two-formula approach, the one-third State and the two-thirds local distribution would have been achieved for the nation as a whole, but not necessarily for each State.

B. Limitation on grants to local governments

The Committee also retained the feature of the House bill which provides that the revenue sharing payment to any local government is not to exceed 50 percent of the sum of that government's adjusted taxes and intergovernmental transfers of revenue during the immediately preceding fiscal year.

Funds remaining available because of the reduced entitlement of a county government under this rule are to go to the government of the State within which that county is situated. Funds remaining available because of the reduced entitlement of any other local government under this rule are to go to the government of the county within which that locality is situated, unless these funds are in excess of that county government's entitlement, in which case these funds go to the State government.

C. Incremental allocations

The House bill would have increased the annual amount distributed to the State governments after the first full year by as much as $300 million a year. The Committee bill would distribute the additional funds to the States *and* localities in the same way in which the basic distribution is made under the Committee bill: i.e., one-third to the State Government and two-thirds to the localities:

D. Distributions to local units of government

The House bill would have distributed $3.5 billion annually to the localities for a 5-year period, based on three equally weighted factors: population, urbanized population, and inverse per capita income. The Committee bill would distribute roughly the same amount $3.5 billion) to the localities in the first year, but would increase the allocation to local units of government by $200 million in each subsequent year, based on essentially the same formula that is used for the distribution of funds to State Governments—population, total tax effort, and inverse per capita income. For the first nine months of the program; i.e., from January 1, 1972, through October 1, 1972, the distribution to both State and local units of government would be based on these factors multiplied together; thereafter the Committee bill would allow the State legislatures the flexibility to adopt a distribution formula which essentially is based on two factors:

(1) population multiplied by tax effort and (2) population multiplied by the inverse ratio of per capita income. The State legislature may choose to weight each of these two factors between zero and 100 percent. Each State would be limited to only one change in the formula for the within State distribution during the full 5-year period. The Committee provided that in no event can any unit of government within each State receive an amount, on a per capita basis, which is less than 20 percent of the average per capita allocation to the State as a whole, and that no unit of government within a State can receive more than 145 percent of the average per capita allocation to the State as a whole.

III. SOCIAL SERVICE

The Committee bill replaces the provisions of present law under which 75 percent Federal matching is available on an open-ended basis for social services to welfare recipients and persons likely to become dependent on welfare. Beginning January 1, 1973, open-ended 75 percent Federal matching are to continue to be available only for child care and family planning services; moreover not more than 12½ percent of all Federal funds for these two services can go to any one State. Child care services covered by this provision are those needed to enable a member of the family to work (or to take job training) or to provide necessary supervision for a child whose mother is dead or incapacitated. Although the bill does not limit the type of child care which the States can make available or purchase for such children, it does not authorize the States to simply establish or underwrite massive child care or pre-kindergarten programs in low-income neighborhoods (as some States have done under interpretation of existing law) and claim 75 percent Federal matching.

Beginning January 1, 1973, the Committee bill replaces grants for social services (other than that for child care and family planning referred to above) by the supplementary revenue sharing grants of $1 billion annually, beginning in fiscal year 1973. These grants are to be allocated among the States on the basis of urbanized population.

For the period between July and December, 1972, the Committee adopted a special transitional provision which will benefit those States which now have somewhat larger social service programs by permitting them to maintain their programs at the present level until the end of December, 1972. Specifically, for the last six months of calendar year 1972, the State government is to receive (other than for child care and family planning services) the higher of (a) its share of $500 million distributed among States on the basis of urbanized population, or (b) 75 percent of the cost of providing social services between July and December, 1972, excluding the cost of any new social services provided after August 9, 1972, and also excluding the cost of any expansion of on-going programs after August 9, 1972.

IV. OTHER ISSUES

The Committee also made several significant changes in the House bill which are described below:

A. High priority categories by local governments

The House bill would have provided that local governments may spend their grants only for activities that fall within a limited group of categories such as operating and maintenance expenditures for public safety: environmental protection, and public transportation. The Committee deleted these "high priority" categories on the grounds that the localities can determine for themselves which priorities the money should be spent for and that Federal restrictions were at best cumbersome and ineffective and at worst, counterproductive. The Committee also noted that the "high priority" categories in the House bill would not have prevented localities from substituting funds saved in these categories by virtue of revenue sharing for other programs not in the high priority list.

To avoid this, the Committee would have had to adopt maintenance of effort requirements on existing local expenditures which would have been contrary to the "no Federal strings" revenue sharing philosophy. The Committee, however, did adopt a provision which would prevent States and local governments from using the funds received under general revenue sharing directly or indirectly for matching purposes under categorical grant-in-aid programs. This was felt necessary in order to avoid a situation in which revenue sharing monies could have a multiplier effect on categorical grant-in-aid programs.

B. Accountability

The Committee adopted a provision under which each unit of government will file a report with the Secretary of the Treasury annually on how it intends to spend its revenue sharing funds and how it has actually spent the revenue sharing funds received in the last year. Each unit of government must cause this report to be published in a newspaper. In this way the people located in each community will know how the communities and the States are spending the revenue sharing funds allocated to them by the Federal Government.

C. Areawide purposes

Under the House bill a State is permitted to require each local government in an area directly affected by one or more areawide, high priority projects to spend up to 10 percent of the local government's entitlements for those specific areawide projects, to the extent that the local government's entitlements are matched on a current basis by the State's spending out of its own resources for those projects. The Committee considered this provision to be unnecessary and deleted it.

D. Trust funds

The House bill requires local governments to establish trust funds and deposit their revenue sharing receipts in such funds. However, it does not require State governments to establish trust funds for their revenue sharing funds. The Committee approved a provision which would also require each State government to establish a trust fund.

E. Davis-Bacon Act

The Committee deleted the provision in the House bill (Sec. 105(a)(6)) which would have required localities which employ laborers and mechanics for construction financed in whole or in part out of its revenue sharing allocation to pay wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis Bacon Act, as amended.

F. District of Columbia commuter tax

The Committee deleted the provision in the House bill (Sec. 141(c)(3)) which would have reduced the entitlements of the District of Columbia by an amount equal to the net collections of any tax imposed by the District of Columbia on income of nonresidents.

G. "Piggyback" provision

The Committee approved, with minor modification, the "piggyback" provision of the House bill which provides for Federal administration and collection of State individual income taxes in those cases where the States requested the service. The Committee eliminated a permitted adjustment, under the House bill, for a credit allowed against the State income tax, on the basis of a specified number of dollars per capita, with respect to a general sales tax. The Committee also modified the rule in the bill to permit a variation in the State income tax with respect to the taxation of interest on bonds issued by the taxing State. The Committee voted to permit changes in the qualified State tax before November 1 of a calendar year (vice September 1 in House bill) to be eligible for the Federal collection procedure. Finally, the Committee voted to modify the effective date for the Federal collection procedure by eliminating the requirement that five States must have notified the Treasury Department of their intention to seek Federal collection. Hence, the only requirement under the bill as amended is that there must be an election by one or more States, having residents who in the aggregate filed 5 percent or more of the Federal individual income tax returns filed during 1972.

H. Funds subject to State law

The Committee agreed to a provision which would explicitly recognize that the funds must be used by the States and localities subject to their laws and budgetary procedures.

Mr. HANSEN. Mr. President, I think the press release does a good job of summarizing in capsule form what many provisions of the legislation are. Once more I pay my respects to the distinguished chairman of the committee and the distinguished ranking minority member of the committee for having worked side by side along with the other members of the committee in trying first to understand what the problems are in the financing of State and local governments and, second, devising a formula and a bill that I think addresses itself to a specific resolution of those most vexatious problems.

I thank the Senators.

DISRUPTION IN CALIFORNIA FROM SOCIAL SERVICES PROPOSALS

Mr. TUNNEY. Mr. President, I wish to draw the attention of my distinguished colleagues in the Senate, and particularly those who are members of the Finance Committee, to some very serious and disturbing implications of the method the committee has proposed for limiting Federal matching expenditures on social services through the revenue-sharing legislation.

Under the provisions of the committee amendments, the amount allocated to each State from the extra $1 billion a year of the so-called supplementary sharing grants, which would replace social services matching funds, would be divided within the State in the same way as the general revenue-sharing funds.

About a third would go to the State government, and the other two-thirds would be divided between the cities and counties on the basis of population, tax effort, and inverse per capita income.

Leaving aside any question about the absolute amount of funds which would be provided, if this method of intrastate distribution is followed, the consequences in the State of California at least will be totally disruptive, wasteful, and quite contrary both to the intent of the Social Security Act and to the effective provision of basic social services at an adequate and responsible level.

In California, as in other States, the Federal matching moneys are paid to the State.

The State of California itself retains a small proportion of the funds for the provision of services, and provides a small amount of the local matching funds.

The rest of it passes on to the counties. The counties handle some 70 percent of all the social services funds expended in the State. They provide 70 percent of the services. And they also pay from their own resources 70 percent of all matching funds.

Thus, of the total expenditure, the State contributes some 7.5 percent, the Federal Government 75 percent, and the counties 17.5 percent.

In Los Angeles, the county provides some 20.1 percent of the funding, the State 7.3 percent, and the Federal Government 72.6 percent.

In San Diego, the county provides 21 percent, the State 4 percent, and the Federal Government 75 percent.

It is the counties which have the responsibility, and the developed capacity and experience, for providing social services in accordance with the intent of the Social Security Act.

The committee bill, however, would direct one-third of the Federal money to the State, which presumably would still want to delegate the responsibility and pass through part of its share to the counties.

But very substantial funds—and a very substantial proportion of all the funds for any State—are directed to the cities—the cities which now have no responsibility in California for the provisions of services.

What are they to do with the funds? Move into social services? Take up what the counties would be forced to abandon because the existing financial and organizational structure was abandoned? Indeed, is there any compulsion on them to spend the money on these services at all?

I feel sure that the implications of this attempt to use a formula devised to achieve certain ends in the field of revenue sharing for the detailed distribution of funds for social services were not realized when this action was taken.

There is no positive aspect to this change in intrastate distribution of funds at all. Its effect would simply be disruptive of an apparatus which has been found to work satisfactorily.

To avoid this disruption, these provisions must be amended to approach more closely to the status quo. Whatever funds are allocated should be allocated to the States, as at present, and it should be left to the States and their local governments to provide the services in whatever way has been found to be most appropriate with their needs and circumstances.

Mr. President, I am not now seeking to offer an amendment to this effect. I know that there is considerable attention being given to much more comprehensive amendments dealing with social services which would be able to accommodate this serious objection to the committee version.

It is my hope that during the time of the recess it will be possible to reach some agreement on the best approach to the solution of this potentially very disruptive provision.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954 WITH REGARD TO THE EXEMPT STATUS OF VETERANS' ORGANIZATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the immediate consideration of H.R. 11185.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

H.R. 11185, a bill to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organization.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That (a) section 501(c) of the Internal Revenue Code of 1954 (relating to list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

"(19) A post or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization—

"(A) organized in the United States or any of its possessions,

"(B) at least 75 percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans), or are cadets, or are spouses, widows, or widowers of war veterans or such individuals, and

"(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual.".

(b) Section 512(a) of such Code (relating to definition of unrelated business taxable income) is amended by adding at the end thereof the following new paragraph:

"(4) SPECIAL RULE APPLICABLE TO ORGANIZATIONS DESCRIBED IN SECTION 501(c)(19).—In the case of an organization described in section 501(c)(19), the term 'unrelated business taxable income' does not include any amount attributable to payments for life, sick, accident, or health insurance with respect to members of such organizations or their dependents which is set aside for the purpose of providing for the payment of insurance benefits or for a purpose specified in section 170(c)(4). If an amount set aside under the preceding sentence is used during the taxable year for a purpose other than a purpose described in the preceding sentence, such amount shall be included, under paragraph (1), in unrelated business taxable income for the taxable year."

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

SEC. 2. (a) Section 165(h) of the Internal Revenue Code of 1954 (relating to disaster losses) is amended by—

(1) striking out the first sentence and inserting in lieu thereof the following: "Notwithstanding the provisions of subsection (a), any loss attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief Act of 1970 may, at the election of the taxpayer, be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred."; and

(2) inserting before the period in the second sentence a comma and the following: "based on facts existing at the date the taxpayer claims the loss".

(b) Section 6405 of such Code (relating to reports of refunds and credits to the Joint Committee on Internal Revenue Taxation) is amended by adding at the end thereof the following new subsection:

"(d) REFUNDS ATTRIBUTABLE TO CERTAIN DISASTER LOSSES.—If any refund or credit of income taxes is attributable to the taxpayer's election under section 165(h) to deduct a disaster loss for the taxable year immediately preceding the taxable year in which the disaster occurred, the Secretary or his delegate is authorized in his discretion to make the refund or credit, to the extent attributable to such election, without regard to the provisions of subsection (a) of this section. If such refund or credit is made without regard to subsection (a), there shall thereafter be submitted to such Joint Committee a report containing the matter specified in subsection (a) as soon as the Secretary or his delegate shall determine the correct amount of the tax for the taxable year for which the refund or credit is made."

(c) The amendment made by subsection (a) shall apply to disasters occurring after December 31, 1971, in taxable years ending after such date. The amendment made by subsection (b) shall apply with respect to refunds or credits made after July 1, 1972.

Mr. BENNETT. Mr. President, I have reported the bill under instructions from the Finance Committee and have asked the Senate to proceed to its consultation for the purpose of getting through a very important amendment which the Finance Committee attached to the bill.

H.R. 11185, as passed by the House, deals with the tax-exempt status of veterans' organizations and the treatment of their insurance activities under the tax laws. Under present law veterans' organizations have been exempt from tax as social clubs, or as social welfare organizations. The House bill creates a separate exemption category for war veterans' organizations. It also provides that income a war veterans' organization receives from insuring its members and their dependents is not to be subject to the unrelated business income tax, to the extent the income is used or set aside for the insurance benfits or for religious, charitable, educational, and so forth.

The committee accepted this House-passed provision with two modifications. First, it extended the new exempt category and the exemption of the organizations' insurance income from the unrelated business income tax to any veterans' organization whose membership consists of at least 75 percent of war veterans as long as substantially all of the other members are veterans—other than war veterans—cadets, or are spouses, widows or widowers of war veterans or such other individuals. In addition, since the unrelated business income tax was extended to these organizations in 1969 by the Tax Reform Act, the committee made the effective date of this bill as of the date of enactment of the Tax Reform Act.

The committee has also added two amendments to the bill with respect to disaster losses. The first amendment allows a taxpayer, at his option, to deduct a disaster loss—in a Presidentially declared disaster area—occurring at any time during a taxable year for the immediately preceding year. This extends the recently enacted provision—in Public Law 92-336—which allows this treatment if the disaster occurred within the first 6 months of the taxable year to cover taxpayers without regard to when during the taxable year the loss occurred. The 6 months' rule of the recent legislation, for example, denies many fiscal year taxpayers the right to use this provision even for flood losses arising from Hurricane Agnes merely because this storm did not occur in the first 6 months of their taxable years. The second amendment speeds the processing of refund claims resulting from Hurricane Agnes, other recent disasters and similar future disasters by authorizing the Internal Revenue Service to make credits or refunds in excess of $100,000 before submitting a report to the Joint Committee on Internal Revenue Taxation. A report will be submitted to the joint committee after the refund is made.

This bill has been reported unanimously by the committee and the Treasury Department does not object to the bill's enactment.

Mr. President, one or two very large companies have suffered almost fatal damage as a result of the damage done by Hurricane Agnes, which literally will cause them to go out of business if this relief is not immediately available. Therefore, I ask that the Senate approve this legislation.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended, so as to read: "An Act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, and for other purposes."

REMOVAL OF INJUNCTION OF SECRECY FROM CONVENTION BETWEEN UNITED STATES AND JAPAN ON PROTECTION OF MIGRATORY BIRDS (EXECUTIVE R, 92D CONG. SECOND SESS.)

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment, signed at Tokyo on March 4, 1972 (Executive R, 92d Congress, 2d session), which was transmitted to the Senate today by the President of the United States, and that the convention with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention Between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment, signed at Tokyo on March 4, 1972, I transmit also, for the information of the Senate, the report from the Department of State regarding the Convention.

This Convention, which marks the culmination of several years of intensive study and consultations between experts of both countries, is designed to provide for the protection of species of birds which are common to both countries or which migrate between them. Recognizing the importance of the preservation of the environment of birds and recognizing that island environments are particularly susceptible to disturbance, the Convention provides that each country will develop programs to preserve and enhance the environment of the birds which are protected under the Convention.

I believe that the Convention establishes an effective basis for cooperation in taking measures for the management and protection of the birds included under the Convention.

I recommend that the Senate give early and favorable consideration to the Convention and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *August 18, 1972.*

PENDING BUSINESS (H.R. 14370) TEMPORARILY LAID ASIDE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business (H.R. 14370) be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1024, and the remainder of the calendar in sequence, except for Calendar No. 1027.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEAL BEACH NATIONAL WILDLIFE REFUGE

The bill (H.R. 10310) to establish the Seal Beach National Wildlife Refuge was considered, ordered to a third reading, read the third time, and passed.

ADMINISTRATIVE CONFERENCE ACT

The bill (S. 3671) to amend the Administrative Conference Act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 575 of title 5, United States Code, is amended—

(a) by amending paragraph (10) of subsection (c) to read as follows:

"(10) organize and direct studies ordered by the Assembly or the Council, to contract for the performance of such studies with any public or private persons, firm, association, corporation, or institution under title III of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 251–260), and to use from time to time, as appropriate, experts and consultants who may be employed in accordance with section 3109 of this title at rates not in excess of the maximum rate of pay for grade GS–18 as provided in section 5332 of this title;";

(b) by redesignating paragraphs (11) and (12) of subsection (c) as paragraphs (14) and (15) respectively and by adding the following new paragraphs:

"(11) utilize, with their consent, the services and facilities of Federal agencies and of State and private agencies and instrumentalities with or without reimbursement;

"(12) accept, hold, administer, and utilize gifts, devises, and bequests of property, both real and personal, for the purpose of aiding and facilitating the work of the Conference. Gifts and bequests of money and proceeds from sales of other property received as gifts, devises, or bequests shall be deposited in the Treasury and shall be disbursed upon the order of the Chairman. Property accepted pursuant to this section, and the proceeds thereof, shall be used as nearly as possible in accordance with the terms of the gifts, devises, or bequests. For purposes of Federal income, estate, or gift taxes, property accepted under this section shall be considered as a gift, devise, or bequest to the United States;

"(13) accept voluntary and uncompensated services, notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b));".

SEC. 2. Section 576 of title 5, United States Code, is amended to read as follows:

"§ 576. Appropriations

"There are authorized to be appropriated sums necessary to carry out the purposes of this subchapter.".

DR. DAVID G. SIMONS, LIEUTENANT COLONEL, U.S. AIR FORCE, RETIRED

The bill (H.R. 3413) for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force, retired, was considered, ordered to a third reading, read the third time, and passed.

SETTLEMENT OF CERTAIN ADMIRALTY CLAIMS

The bill (H.R. 8549) to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

WHITE HOUSE CONFERENCE ON THE HANDICAPPED

The Senate proceeded to consider the joint resolution (S.J. Res. 202) to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States which had been reported from the Committee on Labor and Public Welfare with amendments on page 5, line 16, after the word "such", insert "handicapped persons"; and, at the beginning of line 23, insert "In carrying out his functions under this joint resolution, the Secretary shall employ handicapped persons."

The amendments were agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

Whereas this Nation has achieved great and satisfying success in making possible a better quality of life for a large and increasing percentage of our population; and

Whereas the great benefits and fundamental rights of our society are often denied those who are mentally and physically handicapped; and

Whereas there are seven million handicapped children and countless numbers of handicapped adults; and

Whereas equality of opportunity, equal access to all aspects of society and equal rights of the handicapped is of critical importance to this Nation; and

Whereas the primary responsibility for meeting the challenge and problems of the handicapped has been that of the States and communities; and

Whereas all levels of government must necessarily share responsibility for developing opportunities for the handicapped; and it is therefore the policy of the Congress that the Federal Government shall work jointly with the States and their citizens, to develop recommendations and plans for action, consistent with the objectives of this resolution, which will serve the purposes of—

(1) providing educational, health, and diagnostic services for all children early in life so that handicapped conditions may be discovered and treated early;

(2) assuring that every handicapped person receives appropriately designed benefits of our educational system;

(3) assuring that the handicapped have available to them all special services and

assistance they need to live a full and productive life;

(4) enabling handicapped persons to have equal and adequate access to all forms of communication and transportation services and devices, especially in time of emergency;

(5) examining changes that technological innovation will make in the problems facing the handicapped;

(6) assuring handicapped persons equal opportunity with others to engage in gainful employment;

(7) enabling handicapped persons to have incomes sufficient for health and for participation in family and community life as self-respecting citizens;

(8) increasing research relating to all aspects of handicapping conditions;

(9) assuring close attention and evaluation to all aspects of diagnosis, evaluation, and classification of handicapped persons;

(10) assuring review and evaluation of all Federal programs in the area of the handicapped, and a close examination of the Federal role in order to plan for the future;

(11) promoting other related matters for the handicapped; and

Whereas, it is essential that recommendations be made to assure that all handicapped persons are able to live their lives in a manner as independent and self-reliant as possible, and that the complete integration of all the handicapped into normal community living, working, and service patterns be held as the final objective: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized and requested to call a White House Conference on the Handicapped within two years of the date of enactment of this joint resolution in order to develop recommendations for further research and action in the field of the handicapped, and to further the policies set forth in the preamble of this joint resolution. Such conference shall be planned and conducted under the direction of the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") with the cooperation and assistance of such other Federal departments and agencies, including the assignment of personnel, as may be appropriate.

(b) For the purpose of arriving at facts and recommendations concerning the utilization of skills, experience, and energies and the improvement of the conditions of the handicapped, the conference shall bring together representatives of Federal, State, and local governments, professional and lay people who are working in the fields of the handicapped, and of the general public, including handicapped persons and parents of handicapped persons.

(c) A final report of the White House Conference on the Handicapped shall be submitted to the President not later than one hundred and twenty days following the date on which the conference is called and the findings and recommendations included therein shall be immediately made available to the public. The Secretary shall, within ninety days after the submission of such final report, transmit to the President and the Congress his recommendations for the administrative action and the legislation necessary to implement the recommendations contained in such report.

SEC. 2. In administering this joint resolution, the Secretary shall—

(a) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

(b) render all reasonable assistance, including financial assistance, to the States in enabling them to organize and conduct conferences on the handicapped prior to the White House Conference on the Handicapped;

(c) prepare and make available background material for the use of delegates to the White House Conference on the Handicapped as he may deem necessary;

(d) prepare and distribute interim reports of the White House Conference on the Handicapped as may be exigent; and

(e) engage such handicapped persons and additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter 111 of chapter 53 of such title relating to classification and General Schedule pay rates. In carrying out his functions under this joint resolution, the Secretary shall employ handicapped persons.

SEC. 3. For the purpose of this joint resolution the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

SEC. 4. (a) The Secretary is authorized and directed to establish an Advisory Committee to the White House Conference on the Handicapped composed of twenty-eight members of whom not less than ten shall be handicapped or parents of handicapped persons.

(b)(1) Any members of the Advisory Committee who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties.

(2) Members of the Advisory Committee, other than those referred to in paragraph (1), shall receive compensation at rates not to exceed $75 per day, for each day they are engaged in the performance of their duties as members of the Advisory Committee including traveltime and, while so engaged away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) Such Advisory Committee shall cease to exist ninety days after the submission of the final report required by section (1)(c).

SEC. 5. There is authorized to be appropriated to carry out this joint resolution $2,000,000.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I am looking for the distinguished Senator from Alabama (Mr. ALLEN) because it is my intention to call up the adjournment resolution at this time.

Mr. HUMPHREY. Mr. President, will the Senator withhold?

Mr. MANSFIELD. We are not going out now, which I understand is privileged and not debatable. What it does is to call for an adjournment from the conclusion of business today until 10 o'clock Tuesday morning, September 5.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. I have not yielded the floor, and I call up the resolution.

Mr. ALLEN. Very well, I suggest the absence of a quorum.

The PRESIDING OFFICER. The call for the quorum takes precedence.

The assistant legislative clerk proceeded to read the resolution.

Mr. MANSFIELD. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. ALLEN. I withdraw my request.

The PRESIDING OFFICER. The call for the quorum is withdrawn.

The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President——

Mr. WILLIAMS. Mr. President, will the Senator yield so that I may get a couple of staff people on the floor? Mr. President, I ask unanimous consent that two members of the staff of the Committee on Labor and Public Welfare, Stephen Wexler and Mik Edes, be permitted on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ALLEN. Mr. President, having obtained the floor, I ask unanimous consent that I may yield the floor for the purpose of receiving at least two messages from the House, one dealing with the student loan and the other dealing with the antibusing legislation, and that after those messages have been acted upon by the Senate I be allowed to obtain the floor again.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

The Senate will receive a message from the House.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 182) authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the World Ploughing Contest in September 1972.

The message also announced that the House had passed the joint resolution (S.J. Res. 260) to delay the effectiveness of certain amendments to the interest subsidy provisions of the guaranteed student loan program in the case of certain students, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 13915) to further the achievement of equal educational opportunities, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution:

S. 2166. An act to authorize the establishment of the Grant-Kohrs National Historic Site in the State of Montana, and for other purposes;

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Junior, Memorial Parkway, and for other purposes;

H.R. 12931. An act to provide for improving the economy and living conditions in rural America; and

H.J. Res. 1278. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

Mr. ALLEN. Now, Mr. President——

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. On the last legislative day unanimous consent was given to the junior Senator from Alabama that when the House message with respect to this bill——

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLEN. Yes, sir.

Mr. MANSFIELD. The Senator may recall a conversation which I had and in which I thought we agreed that Senate Joint Resolution 260, having to do with student loans could be called up at this time.

Mr. ALLEN. I have no objection. I understood the other one was ready.

Mr. MANSFIELD. I understand the other matter was with it.

Mr. ALLEN. Are both of them here?

The PRESIDING OFFICER. Is the request that they be laid before the Senate?

Mr. MANSFIELD. Yes, the Senate joint resolution.

Mr. ALLEN. Are both measures here?

The PRESIDING OFFICER. Both measures are here.

Mr. ALLEN. Does the Senator request that the student loan message come up first?

Mr. MANSFIELD. Yes.

Mr. ALLEN. To be followed immediately by the message with respect to H.R. 13915?

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. ALLEN. I yield, but not on my time for that purpose for which I was to be recognized.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the first matter is disposed of the Senator from Alabama (Mr. Allen) be recognized.

Mr. ALLEN. For the full 10 minutes allotted to me.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

INTEREST SUBSIDY PROVISIONS OF THE GUARANTEED STUDENT LOAN PROGRAM

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S.J. Res. 260) to delay the effectiveness of certain amendments to the interest subsidy provisions of the guaranteed student loan program in the case of certain students, which were to strike out all after the resolving clause, and insert:

That the effectiveness of the amendments made by sections 132A, 132B, 132C, 132D, 132E, and 132F of the Education Amendments of 1972 is hereby suspended for the period beginning with the date of enactment of this joint resolution and ending March 1, 1973, and the provisions of part B of title IV of the Higher Education Act of 1965, as in effect immediately prior to the enactment of such amendments, shall be effective during such period, except that (1) nothing in this joint resolution shall be deemed to affect the validity of any action taken or obligation undertaken under such part prior to the enactment of this joint resolution, and (2) section 438(b) of the Higher Education Act of 1965 shall continue to be in effect during such period. Section 431(b) of the General Education Provisions Act and section 495 of the Higher Education Act of 1965 shall not be applicable in the case of administrative action taken to effectuate this joint resolution.

And amend the title so as to read: "Joint resolution to suspend until March 1, 1973, the effectiveness of certain amendments made by the Education Amendments of 1972 to the guaranteed student loan program."

Mr. WILLIAMS. Mr. President, this action originated here. The Senate passed legislation to deal with a crisis in the granting of loans to students for the college semester about to begin. There was confusion, and out of the administrative confusion loans were not being processed to conclusion.

I shall not delay the Senate with a description of why there was this administrative confusion. It did exist. The Senate passed a joint resolution to deal with it and let the finance office get on with the business of seeing through the completion of student loans. The House acted differently, and the Senate resolution, as amended, by the House, is before us.

I should like to read a brief statement that indicates the view of the Senator from Rhode Island (Mr. Pell), the chairman of the subcommittee that handles this legislation for the Senate.

On this matter, I have spoken to Senator Pell, who informed me that during House debate on Senate Joint Resolution 260, he was advised that the nature of the House amendment would, in effect, threaten the new provisions of the education amendments of 1972 pertaining to student assistance programs. At that point, he let it be known that if the House amendment did, in fact, have such an effect, he intended to object to immediate Senate action.

The Senator has now been informed of the text of the House-amended Senate Joint Resolution 260. The amendment added on the House floor does not threaten the new student aid provisions. Therefore, the Senator from Rhode Island does not object to immediate Senate action.

I am in agreement with the Senator from Rhode Island. I believe that the essentials of the Senate-passed measure that is now law have been preserved in this temporary suspension of the title of the program.

I yield to the Senator from Colorado to see if that is clear.

Mr. DOMINICK. Mr. President, I thank my colleague from New Jersey. We have been over this matter very carefully. What it does is suspend the new law insofar as guaranteed loans are concerned and go back to the old law that both students and financial officers understand. This suspension will go only until the first of March, so that we can have hearings to see what needs to be done either in change of regulations or change of the new law, in order to make it easier to process student loans.

This also has what we generally call a grandfather clause. It provides that those who have already taken action or gotten a commitment under the new law will be preserved in their rights. So we have not jeopardized anybody's rights, but we have made it far easier, in the intervening time between now and March, to get loans, which many of them desperately need. It is my sincere hope that we will pass it rapidly.

I have authority to say that the Senator from New York (Mr. Javits) agrees with this position. Everybody I have contacted feels this is the way to proceed.

Mr. WILLIAMS. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The motion is agreed to.

Mr. DOMINICK. Mr. President, a procedural question. I did not hear the announcement of the Chair. Did he say the joint resolution had passed?

The PRESIDING OFFICER. The announcement that the amendments were concurred in clears the bill.

EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

The PRESIDING OFFICER. The clerk will read the next bill by title.

The assistant legislative clerk read as follows:

H.R. 13915, a bill to further the achievement of equal educational opportunities.

Mr. ALLEN. Mr. President, I call for the first reading of that bill.

The PRESIDING OFFICER. That was the first reading of the bill by the clerk.

Mr. ALLEN. Very well. It was the understanding of the junior Senator from Alabama that there are Senators who object to the bill's getting its second reading at this time, so, in order to accommodate their wishes, without any prejudice whatsoever to the bill except to delay it 1 day, even if such request were granted, I now object, Mr. President, to further proceedings today under this bill.

The PRESIDING OFFICER. Does the Senator from Alabama object to the second reading of the bill?

Mr. ALLEN. I object to further proceedings in order to accede to the request of some Senators who do not wish the bill to get a second reading. Then I would like to get my time.

The PRESIDING OFFICER. Without objection, second reading will go over until the next legislative day.

Mr. ALLEN. I yield myself 5 minutes.

Mr. President, after midnight last night, the House passed H.R. 13915, a most important piece of legislation. I ask unanimous consent that a copy of that bill be printed in the Record at this point, together with an article entitled "Ban on Busing Up to Senate, written by Ron Sarro and published in today's Washington Star.

There being no objection, the bill and the article were ordered to be printed in the Record, as follows:

H.R. 13915

An act to further the achievement of equal educational opportunities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunities Act of 1972".

POLICY AND PURPOSE

SEC. 2. (a) The Congress declares it to be the policy of the United States that—

(1) all children enrolled in public schools are entitled to equal educational opportunity without regard to race, color, sex, or national origin; and

(2) the neighborhood is the appropriate basis for determining public school assignments.

(b) In order to carry out this policy, it is the purpose of this Act to authorize concentration of resources under the Emergency School Aid Act on educationally deprived students and to specify appropriate remedies for the orderly removal of the vestiges of the dual school system.

SEC. 3. (a) The Congress finds that—

(1) the maintenance of dual school systems in which students are assigned to schools solely on the basis of race, color, sex, or national origin, denies to those students the equal protection of the laws guaranteed by the fourteenth amendment;

(2) for the purpose of abolishing dual school systems and eliminating the vestiges thereof, many local educational agencies have been required to reorganize their school systems, to reassign students, and to engage in the extensive transportation of students;

(3) the implementation of desegregation plans that require extensive student transportation has, in many cases, required local educational agencies to expend large amount of funds, thereby depleting their financial resources available for the maintenance or improvement of the quality of educational facilities and instruction provided;

(4) transportation of students which creates serious risks to their health and safety, disrupts the educational process carried out with respect to such students, and impinges significantly on their educational opportunity, is excessive;

(5) the risks and harms created by excessive transportation are particularly great for children enrolled in the first six grades; and

(6) the guidelines provided by the courts for fashioning remedies to dismantle dual school systems have been, as the Supreme Court of the United States has said, "incomplete and imperfect," and have not established, a clear, rational, and uniform standard for determining the extent to which a local educational agency is required to reassign and transport its students in order to eliminate the vestiges of a dual school system.

(b) For the foregoing reasons, it is necessary and proper that the Congress, pursuant to the powers granted to it by the Constitution of the United States, specify appropriate remedies for the elimination of the vestiges of dual school systems.

TITLE I—ASSISTANCE

AMENDMENTS TO THE EMERGENCY SCHOOL AID ACT TO PERMIT CONCENTRATION OF RESOURCES ON EDUCATIONALLY DEPRIVED STUDENTS ATTENDING SCHOOLS ENROLLING HIGH CONCENTRATIONS OF STUDENTS FROM LOW-INCOME FAMILIES

SEC. 101. (a) Section 702(b) of the Emergency School Aid Act is amended by striking out "and" at the end of clause (2), striking out the period at the end of clause (3) and inserting "; and" in lieu thereof, and adding at the end of such section the following new clause:

"(4) to aid educationally deprived students enrolled in schools enrolling a high proportion of students from low-income families (or transferring from such schools to schools enrolling a lower proportion of students from low-income families) in overcoming their educational deprivation."

(b) Section 706(a)(1) of such Act is amended by—

(1) inserting "(or, in the case of a local educational agency described by clause (E) of this paragraph, the appropriate State educational agency)" after "Assistant Secretary";

(2) striking out the period at the end of clause (D) and inserting "; or" in lieu thereof, and

(3) adding at the end of such section the following:

"(E) which has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement a plan (either as a part of any plan described in clause (A), (B), (C), or (D) of this paragraph or otherwise) to concentrate (consistent with such criteria as the Assistant Secretary may prescribe) funds available to it under this title on the provision of basic instructional services and basic supportive services for educationally deprived students enrolled in schools of such agency enrolling a high proportion (as determined by the Assistant Secretary) of their students from low-income families and on the provision of such services for educationally deprived students who, pursuant to such plan, transfer from such schools to other schools in which a lower proportion of the students enrolled are from low-income families."

(c) Section 706(c) of such Act is amended by—

(1) inserting "(or, in the case of a local educational agency described by clause (E) of subsection (a), the appropriate State edutary"; and

(2) inserting "prescribed by the Assistant Secretary" after "regulations".

(d) Section 710(a) of such Act is amended by inserting "(or, in the case of a local educational agency described by section 706(a) (1) (E), the appropriate State educational agency)" after "Assistant Secretary" each time it occurs in so much of such section as precedes clause (1).

(e) Section 710(b) of such Act is amended by inserting "(or, in the case of a local educational agency described by section 706(a) (1) (E), the appropriate State educational agency)" after "Assistant Secretary".

(f) (1) Section 710(c) of such Act is amended by—

(A) inserting "(or, in the case of a local educational agency described by section 706 (a) (1) (E), the appropriate State educational agency)" after "Assistant Secretary",

(B) striking out "and" at the end of clause (1) (C),

(C) striking out the semicolon at the end of clause (1) (D) and inserting in lieu thereof ", and", and

(D) adding at the end of clause (1) of such section the following:

"(E) the extent to which educationally deprived students are enrolled in schools of a local educational agency enrolling a high proportion (as determined by the Assistant Secretary) of their students from low-income families;"

(2) Such section 710(c) is further amended by inserting before the semicolon at the end of clause (2) the following: ", or in the case of applications by local educational agencies implementing plans described in section 706 (a) (1) (E), the degree to which the plan and the program or project are likely to meet the special educational needs of educationally deprived students enrolled in schools enrolling a high proportion (as determined by the Assistant Secretary) of their students from low-income families and of educationally deprived students who, pursuant to such plan, transfer to schools in which a lower proportion of the students enrolled are from low-income families".

(3) Such section is further amended by inserting before the semicolon at the end of clause (3) the following: ", or in the case of a plan described by section 706(a) (1) (E), constitutes a comprehensive approach to meeting the special educational needs of educationally deprived students enrolled in schools of a local educational agency enrolling a higher proportion (as determined by the Assistant Secretary) of their students from low-income families and of educationally deprived students who, pursuant to such plan, transfer to schools in which a lower proportion of the students enrolled are from low-income families".

(4) Such section is further amended by striking out "and" at the end of clause (5), striking out the period at the end of clause (6) and inserting "; and" in lieu thereof and adding at the end thereof the following:

"(7) such criteria as the Assistant Secretary may prescribe for the purpose of assuring that funds made available under this title to a local educational agency implementing a plan described by section 706(a) (1) (E) will, to the extent determined by the Assistant Secretary after consultation with the appropriate State educational agency, be used by such local educational agency for carrying out programs or projects for the provision of basic instructional services and basic supportive services for educationally deprived students enrolled in the schools of such agency enrolling a high proportion (as determined by the Assistant Secretary) of their students from low-income families and for educationally deprived students who, pursuant to such plan, transfer to schools in which a lower proportion of the students enrolled are from low-income families.

Criteria prescribed by the Assistant Secretary pursuant to clause (7) of the preceding sentence shall be designed to insure that—

"(1) in the approval by State educational agencies of applications for funds under this title from local educational agencies to assist them in implementing plans described in section 706(a) (1), priority will be given to those local educational agencies which are implementing, or will implement, if assistance is made available to them under this title, a plan described in clause (A), (B), (C), or (D) of such section and a plan described in clause (E) of such section.

"(2) the amount of funds available under this title to a local educational agency implementing a plan described by section 706 (a) (1) (E) for the provision of basic instructional services and basic supportive services for educationally deprived students enrolled in the schools of such agency enrolling a high proportion (as determined by the Assistant Secretary) of their students from low-income families will be adequate to meet the needs of such students for such services, and

"(3) there will be adequate provision for meeting the needs of such students who transfer from schools in which a high proportion (as determined by the Assistant Secretary) of the number of students enrolled are from low-income families to schools in which a lower proportion of the number of students enrolled are from such families,

except that nothing in this title shall be construed to authorize the provision of assistance under this title in such a manner as to encourage or reward the transfer of a student from a school in which students of his race are in a minority to a school in which students of his race are in the majority or the transfer of a student which would increase the degree of racial or economic isolation in the schools of any local educational agency."

(g) Section 710(d) (2) of such Act is amended by inserting "(or, in the case of an application by a local educational agency described by section 706(a) (1) (E), the appropriate State educational agency)" after "Assistant Secretary".

(h) Section 710(e) of such Act is amended by inserting "(or, in the case of applications by local educational agencies described by section 706(a) (1) (E), the appropriate State educational agency)" after "Assistant Secretary".

(i) Section 720 of such Act is amended by inserting at the end thereof the following:

"(16) The term 'basic instructional services' means instructional services in the field of mathematics or language skills which meet such standards as the Assistant Secretary may prescribe.

"(17) The term 'basic supportive services' means noninstructional services, including health or nutritional services, as prescribed by the Assistant Secretary.

"(18) The term 'low-income families' means families having an annual income of less than the low-income factor.

"(19) The term 'low-income factor' means the low-income factor as defined by section 103(c) of the Elementary and Secondary Education Act of 1965."

(j) Such Act is further amended by inserting at the ending thereof the following new sections:

"TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965 NOT AFFECTED

"SEC. 721. Nothing in this title shall be construed to alter the amount of a grant which any local educational agency is eligible to receive for a fiscal year under title I of the Elementary and Secondary Education Act of 1965 or otherwise modify any provision of such title.

"STATE PLANS

"SEC. 722. (a) Applications by local educational agencies for assistance in carrying out plans described by section 706(a) (1) (E) shall be submitted to the appropriate State educational agency for approval by such agency.

"(b) (1) A State may receive payments for any fiscal year for the purpose of assisting local educational agencies to carry out plans described by section 706(a) (1) (E) if it submits to the Assistant Secretary, through its State educational agency, a State plan which—

"(A) recommends to the Assistant Secretary the amount of funds apportioned to such State under section 705 which shall be reserved within such State for applications under subsection (a);

"(B) sets forth criteria for establishing an order of priorities for the approval of applications of local educational agencies submitted under subsection (a) which such State educational agency determines will most effectively carry out the purposes of this title;

"(C) provides that such fiscal control and fund accounting procedures will be adopted as may be necessary, in the judgment of the Assistant Secretary, to assure proper disbursement of and accounting for Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this section;

"(D) provides assurances satisfactory to the Assistant Secretary that such State educational agency will evaluate the effectiveness of assistance made available under this title for carrying out plans described by section 706(a) (1) (E) and make such periodic reports to the Assistant Secretary as he may determine to be reasonably necessary for him to perform his duties under this title.

"(2) The Assistant Secretary shall—

"(A) determine the amount of the funds apportioned to each State under section 705 which shall be reserved for applications under subsection (a),

"(B) approve a State plan which meets the requirements of this section, and

"(C) not determine the amount of such funds which are to be reserved for applications under subsection (a) or finally disapprove a State plan without first giving reasonable notice and opportunity for a hearing to the State educational agency.

"(3) The aggregate amount of funds reserved, from funds apportioned to States under section 705, by the Assistant Secretary for making payments to States under subsection (d) shall be $500,000,000 for each fiscal year.

"(c) (1) If any State is dissatisfied with the Assistant Secretary's final action with respect to the approval of its plan submitted under this section, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Assistant Secretary. The Assistant Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Assistant Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Assistant Secretary to take further evidence, shall be conclusive; but the court, thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Assistant Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(d) (1) The Assistant Secretary shall make payments to any State educational agency which has a State plan approved under this section for carrying out its State plan (including the cost of administration of such plan, but not to exceed 5 per centum of the amount reserved for such State for any fiscal year pursuant to subsection (b) (2) (A)) and for making payments to local educational agencies.

"(2) For the purposes of this subsection and section 712, a State educational agency shall be deemed an applicant for assistance."

TITLE II—UNLAWFUL PRACTICES

DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY PROHIBITED

SEC. 201. No State shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by—

(a) the deliberate segregation by an educational agency of students on the basis of race, color, or national origin among or within schools;

(b) the failure of an educational agency which has formerly practiced such deliberate segregation to take affirmative steps, consistent with title IV of this Act, to remove the vestiges of a dual school system;

(c) the assignment by an educational agency of a student to a school, other than the one closest to his or her place of residence within the school district in which he or she resides, if the assignment results in a greater degree of segregation of students on the basis of race, color, sex, or national origin among the schools of such agency than would result if such student were assigned to the school closest to his or her place of residence within the school district of such agency providing the appropriate grade level and type of education for such student;

(d) discrimination by an educational agency on the basis of race, color, or national origin in the employment, employment conditions, or assignment to schools of its faculty or staff, except to fulfill the purposes of subsection (f) below;

(e) the transfer by an educational agency, whether voluntary or otherwise, of a student from one school to another if the purpose and effect of such transfer is to increase segregation of students on the basis of race, color, or national origin among the schools of such agency; or

(f) the failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.

BALANCE NOT REQUIRED

SEC. 202. The failure of an educational agency to attain a balance, on the basis of race, color, sex, or national origin, of students among its schools shall not constitute a denial of equal educational opportunity, or equal protection of the laws.

ASSIGNMENT OF NEIGHBORHOOD BASIS NOT A DENIAL OF EQUAL EDUCATIONAL OPPORTUNITY

SEC. 203. Subject to the other provisions of this title, the assignment by an educational agency of a student to the school nearest his place of residence which provides the appropriate grade level and type of education for such student is not a denial of equal educational opportunity or of equal protection of the laws unless such assignment is for the purpose of segregating students on the basis of race, color, sex, or national origin, or the school to which such student is assigned was located on its site for the purpose of segregating students on such basis.

TITLE III—ENFORCEMENT

CIVIL ACTIONS

SEC. 301. An individual denied an equal educational opportunity, as defined by this Act, may institute a civil action in an appropriate district court of the United States against such parties, and for such relief, as may be appropriate. The Attorney General of the United States (hereinafter in this Act referred to as the "Attorney General"), for or in the name of the United States, may also institute such a civil action on behalf of such an individual.

SEC. 302. When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which result in school population changes in any school within such a desegregated school system, such school population changes so occurring shall not, per se, constitute a cause for civil action for a new plan of desegregation or for modification of the court approved plan.

JURISDICTION OF DISTRICT COURTS

SEC. 303. The appropriate district court of the United States shall have and exercise jurisdiction of proceedings instituted under section 301.

INTERVENTION BY ATTORNEY GENERAL

SEC. 304. Whenever a civil action is instituted under section 301 by an individual, the Attorney General may intervene in such action upon timely application.

SUITS BY THE ATTORNEY GENERAL

SEC. 305. The Attorney General shall not institute a civil action under section 301 before he—

(a) gives to the appropriate educational agency notice of the condition or conditions which, in his judgment, constitute a violation of title II of this Act; and

(b) certifies to the appropriate district court of the United States that he is satisfied that such educational agency has not, within a reasonable time after such notice, undertaken appropriate remedial action.

ATTORNEYS' FEES

Sec. 306. In any civil action instituted under this Act, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorneys' fee as part of the costs, and the United States shall be liable for costs to the same extent as a private person.

TITLE IV—REMEDIES

FORMULATING REMEDIES; APPLICABILITY

Sec. 401. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, a court, department, or agency of the United States shall seek or impose only such remedies as are essential to correct particular denials of equal educational opportunity or equal protection of the laws.

Sec. 402. In formulating a remedy for a denial of equal educational opportunity or a denial of the equal protection of the laws, which may involve directly or indirectly the transportation of students, a court, department, or agency of the United States shall consider and make specific findings on the efficacy in correcting such denial of the following remedies and shall require implementation of the first of the remedies set out below, or on the first combination thereof which would remedy such denial:

(a) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account school capacities and natural physical barriers;

(b) assigning students to the schools closest to their places of residence which provide the appropriate grade level and type of education for such students, taking into account only school capacities;

(c) permitting students to transfer from a school in which a majority of the students are of their race, color, or national origin to a school in which a minority of the students are of their race, color, or national origin;

(d) the creation or revision of attendance zones or grade structures without requiring transportation beyond that described in section 403;

(e) the construction of new schools or the closing of inferior schools;

(f) the construction or establishment of magnet schools; or

(g) the development and implementation of any other plan which is educationally sound and administratively feasible, subject to the provisions of sections 403 and 404 of this Act.

TRANSPORTATION OF STUDENTS

Sec. 403. (a) No court, department, or agency of the United States shall, pursuant to section 402, order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides the appropriate grade level and type of education for such student.

(b) No court, department, or agency of the United States shall require directly or indirectly the transportation of any student if such transportation poses a risk to the health of such student or constitutes a significant impingement on the educational process with respect to such student.

(c) When a court of competent jurisdiction determines that a school system is desegregated, or that it meets the constitutional requirements, or that it is a unitary system, or that it has no vestiges of a dual system, and thereafter residential shifts in population occur which results in school population changes in any school within such a desegregated school system, no educational agency because of such shifts shall be required by any court, department, or agency of the United States to formulate, or implement any new desegregation plan, or modify or implement any modification of the court approved desegregation plan, which would require transportation of students to compensate wholly or in part for such shifts in school population so occurring.

DISTRICT LINES

Sec. 404. In the formulation of remedies under section 401 or 402 of this Act, the lines drawn by a State, subdividing its territory into separate school districts, shall not be ignored or altered except where it is established that the lines were drawn for the purpose, and had the effect, of segregating children among public schools on the basis of race, color, sex, or national origin.

VOLUNTARY ADOPTION OF REMEDIES

Sec. 405. Nothing in this Act prohibits an educational agency from proposing, adopting, requiring, or implementing any plan of desegregation, otherwise lawful, that is at variance with the standards set out in this title, nor shall any court, department, or agency of the United States be prohibited from approving implementation of a plan which goes beyond what can be required under this title, if such plan is voluntarily proposed by the appropriate educational agency.

REOPENING PROCEEDINGS

Sec. 406. On the application of an educational agency, court orders, or desegregation plans under title VI of the Civil Rights Act of 1964 in effect on the date of enactment of this Act and intended to end segregation of students on the basis of race, color, or national origin, shall be reopened and modified to comply with the provisions of this Act. The Attorney General shall assist such educational agency in such reopening proceedings and modifications.

LIMITATION ON ORDERS

Sec. 407. Any court order requiring, directly or indirectly, the transportation of students for the purpose of remedying a denial of the equal protection of the laws shall, to the extent of such transportation, be terminated if the court finds the defendant educational agency is not effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto. No additional order requiring such educational agency to transport students for such purpose shall be entered unless such agency is found to be effectively excluding any person from any school because of race, color, or national origin, and this shall be so, whether or not the schools of such agency were in the past segregated de jure or de facto.

Sec. 408. Any court order requiring the desegregation of a school system shall be terminated, if the court finds the schools of the defendant educational agency are a unitary school system, one within which no person is to be effectively excluded from any school because of race, color, or national origin, and this shall be so, whether or not such school system was in the past segregated de jure or de facto. No additional order shall be entered against such agency for such purpose unless the schools of such agency are no longer a unitary school system.

TITLE V—DEFINITIONS

Sec. 501. For the purposes of this Act—

(a) The term "educational agency" means a local educational agency or a "State educational agency" as defined by section 801(k) of the Elementary and Secondary Education Act of 1965.

(b) The term "local educational agency" means a local educational agency as defined by section 801(f) of the Elementary and Secondary Education Act of 1965.

(c) The term "segregation" means the operation of a school system in which students are wholly or substantially separated among the schools of an educational agency on the basis of race, color, sex, or national origin or within a school on the basis of race, color, or national origin.

(d) The term "desegregation" means desegregation as defined by section 401(b) of the Civil Rights Act of 1964.

(e) An educational agency shall be deemed to transport a student if any part of the cost of such student's transportation is paid by such agency.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Section 709(a)(3) of the Emergency School Aid Act is hereby repealed.

SEPARABILITY OF PROVISIONS

Sec. 602. If any provision of this Act or of any amendment made by this Act, or the application of any such provision to any person or circumstance, **is held invalid**, the remainder of the provisions of this Act and of the amendments made by this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Tough Bill Clears House—Ban on Busing Up to Senate

(By Ron Sarro)

Civil rights leaders are looking to the Senate to kill a strong anti-busing measure passed by the House early today which could lead to a rollback of many school desegregation orders now in effect.

The measure would prohibit new crosstown busing of children to achieve racial balance and would allow re-opening of long-settled desegregation cases to bring them in line with the bill's guidelines.

The bill would allow busing only as a last resort for providing equal educational opportunity, and even then would limit busing of any student to the school "closest or next closest to his place of residence."

Atty. Gen. Richard Kleindienst has said all school desegregation orders could be reconsidered—not just those involving busing.

STIFF OPPOSITION

Senate southerners, led by Sen. James Allen, D-Ala., are hoping to force the House measure onto the Senate floor by attaching it to other legislation. But civil rights forces expect stiff opposition in the Senate.

The bill will probably be watered down, as the Senate has never passed restrictive busing legislation, though each time it has considered the issue this year the vote has been close.

Senate sources say that one of the bill's political aims is finally to smoke out Sen. George McGovern on his position on the issue.

Final passage of the measure by a 282-102 vote came after 12 hours of debate punctuated with charges that its provisions are unconstitutional and accusations of racism and bigotry.

The bill went beyond President Nixon's call for limiting busing to the "next closest" school for elementary students.

Although the Nixon proposal was adopted earlier by the Education and Labor Committee, the House adopted, 178–88, a more limiting amendment offered by Rep. Edith Green, D-Ore.

REOPENINGS APPROVED

Mrs. Green and the southern bloc also won House approval, 242–142, of the Nixon-backed provision which would allow reopening of court orders and desegregation plans. Officials estimate about 100 school districts now being desegregated could use the provision to cut back busing. Most are in the South.

After the limit was adopted, the chief Republican sponsor of the committee bill, Rep. Albert Quie, R-Minn., said he felt the bill was now unconstitutional and would not vote for it. He tried to send it back to committee, but was defeated.

Mrs. Green scoffed at assertions the bill was unconstitutional.

"Waving the Constitution is the last refuge for those who have lost their case," she said.

SUPPORT BY LIBERALS

Several longtime northern liberals who usually support civil rights legislation backed the anti-busing measure.

Mr. ALLEN. Mr. President, for the RECORD, so that the RECORD will show the purpose of the request of the Senator from Alabama with respect to this bill, I make the following statement.

The bill has come over from the House of Representatives with a message. On the last legislative day, the Senator from Alabama obtained unanimous consent that, when the message came to the Senate, he would have the opportunity to make such objections and motions as he might care to make with respect to this bill. Had I not done so, the bill would have gone to a committee, and it is so late in the session that the bill, in all likelihood, would have been reposing in that committee when this Congress adjourned sine die.

So it was the plan of the junior Senator from Alabama—and I pay tribute to my distinguished senior colleague (Mr. SPARKMAN) and to the distinguished junior Senator from Michigan (Mr. GRIFFIN) for advising with me on the procedures to use in that connection. Ordinarily a bill is recited as having been read twice in the Senate and referred to a committee, although actually it does not necessarily get those readings. By calling for the first reading and then objecting to the second reading, the bill will remain at the desk and be taken up for its second reading on the next legislative day, which will be September 5. At that time it will receive its second reading, and then the junior Senator from Alabama will object to further proceedings, and it will go on the calendar, in that way avoiding gradual but certain death in the committee.

So this bill now will, on the 6th of September, be on the calendar for consideration by the Senate. This is a bill that is far reaching in its impact. It is commonly called the antibusing bill; and it means a great deal, Mr. President, to the schoolchildren, the parents of schoolchildren, and the school systems of our country. It is a part of the President's recommendation to Congress, though I believe it went far beyond the President's request; but it is legislation that we should enact in the Senate prior to our adjournment.

By going on the calendar on September 6, it will give the majority leader an opportunity to schedule the bill for action by the Senate.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ALLEN. I am glad to yield to my distinguished senior colleague.

Mr. SPARKMAN. I certainly have been happy to join with the junior Senator from my State in this move, and I agree with the statement that he has made.

Let me ask him this question: The Senator said that it went beyond the President's proposal. As a matter of fact, it is a decided improvement over the President's proposal, is it not?

Mr. ALLEN. Yes, it is a great improvement, and that is the meaning I meant to convey.

Mr. SPARKMAN. But as a matter of fact it may still need some amending?

Mr. ALLEN. That is correct.

Mr. SPARKMAN. To make its application uniform throughout the country?

Mr. ALLEN. Yes.

Mr. SPARKMAN. To make any one part of the country just like the others?

Mr. ALLEN. That is right. That is the objective I have been driving at. The people of the South will abide by any uniform rule with regard to the desegregation of our schools that the other sections of the country abide by.

Mr. SPARKMAN. And most of our districts are now operating under court orders that have already been entered?

Mr. ALLEN. That is correct. And while desegregation has now been pretty well accomplished in the South, many districts outside the South are more segregated today than they were 5 years ago. And they hope to continue that way, I might add.

Mr. President, this legislation, H.R. 13915, will be on the Calendar on September 6 for further consideration, and it is the hope and wish of the junior Senator from Alabama, and also the wish of his senior colleague (Mr. SPARKMAN), and of the Senator from Michigan (Mr. GRIFFIN), that the legislation embodied in this bill will be given a chance to be considered by the U.S. Senate.

During the recent political campaigns in connection with the primary elections all over the country, it was shown conclusively that the people of this country are opposed to forced busing of schoolchildren in order to create an artificial racial balance in our schools. This legislation would go farther toward eliminating forced busing than any other measure, I believe, that has come before the United States Senate. That is the reason, Mr. President, that it is so very, very important that it not go to a committee and meet a slow death there, but that it come out in the open, to give Senators an opportunity to take a stand on this legislation. I believe when the legislation is put to a vote of the Senate, it wil be enacted by a majority of the Senate.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield to the Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. HARRY F. BYRD, JR. Mr. President, I commend the distinguished junior Senator from Alabama——

Mr. ALLEN. I might add before yielding, Mr. President, that I have been in consultation this very morning with the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) with respect to strategy wth regard to getting this bill on the calendar, and the advice he has given, with the benefit of the experience he has had in this body, has been most helpful to the junior Senator from Alabama, and I commend him. He is one of the pioneers in fighting forced busing, which I know is of great importance to the people of his State.

Mr. HARRY F. BYRD, JR. Mr. President, if the Senator will yield——

Mr. ALLEN. Yes.

Mr. HARRY F. BYRD, JR. The distinguished junior Senator from Alabama (Mr. ALLEN) has, I feel, today rendered a great service to the people of this Nation and the schoolchildren of this Nation. I commend most highly his initiative, his alertness, his ability, and his knowledge of parliamentary law in standing on the Senate floor today and making sure, by his parliamentary motions, that this legislation does not go to a committee, but will, because of the action of the junior Senator from Alabama, come before the Senate for a vote.

This is a vitally important piece of legislation. It affects schoolchildren all over America. It affects their parents.

The PRESIDING OFFICER. The 10 minutes allotted to the Senator from Alabama have expired.

Mr. ALLEN. I ask unanimous consent that I may have 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. The measure passed by the House last night, by a very significant vote, is one on which the Senate should have an opportunity to express itself. Were it not for the alertness of the distinguished Senator from Alabama, were it not for his knowledge of parliamentary law and the rules of the Senate, it is very possible that the Senate would not have an opportunity to vote on this important measure.

But because of what he did today in stopping this bill at the desk and making objections to the second reading of the bill, he has assured that this bill can be considered by the Senate. The bill can go on the calendar 2 days after the Senate returns from the Labor Day recess. The Senate subsequently will have an opportunity to express its views.

I commend highly the very distinguished and able Senator from Alabama.

Mr. ALLEN. I thank the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.).

Mr. President, I commend the Government Printing Office on the tremendous job they did in getting this bill ready for consideration by the Senate, ready to be sent over in the message. There was considerable talk that the bill might not get here during the day. The junior Senator from Alabama was prepared to talk here until midnight, to give it plenty of opportunity to get here, and he was going to be joined by several Senators.

I thank the personnel of the House, of the House Members, and the staff of the Clerk's office for setting to and seeing that this bill got over here today. The President may not realize it, but it is quite an accomplishment that this bill did reach the Senate.

I yield the floor.

CONCURRENT RESOLUTION (S. CON. RES. 94) PROVIDING FOR ADJOURNMENT OF THE SENATE UNTIL 10 A.M., TUESDAY, SEPTEMBER 5, 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution which is at the desk.

The PRESIDING OFFICER (Mr. BENTSEN). Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 94) was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Friday, August 18, 1972, it stand adjourned until 10:00 o'clock ante meridian on Tuesday, September 5, 1972.

EXECUTIVE SESSION

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations which were reported earlier today.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations will be stated.

U.S. TAX COURT

The assistant legislative clerk read the nomination of Cynthia Holcomb Hall, of California, to be a judge of the U.S. Tax Court.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF THE TREASURY

The assistant legislative clerk read the nomination of James E. Smith, of Virginia, to be a Deputy Under Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BENNETT. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

INNOCENT VICTIMS OF CRIME

Mr. MANSFIELD. Mr. President, I must say that the Senate on day before yesterday demonstrated its capacity to go two different ways at the same time.

For the innocent victim of flood disaster, the Senate voted over $1½ billion in relief. For the innocent victim of violent crime, the Senate lost an opportunity to provide expeditious relief in any shape or form when on Wednesday it reported out six crime bills but not the one which would give some relief and some consideration to the innocent victim of violent crime.

It is too bad that we pay so much attention to the rights of the criminals, alleged or otherwise—and that is the way it should be, under the Constitution—but so little attention to the raped, the mugged, and the disabled who are the innocent victims of violent crime.

It is tragic, indeed, that the Senate has been precluded from acting in behalf of the criminal victim promptly and efficiently. I understand that every Senator is entitled to employ any means at his disposal to delay and to obstruct legislation and that such a device was employed day before yesterday with regard to the crime-victim proposal now pending before the Committee on the Judiciary. That is a Senator's right. It is the right of any Senator. But it is unfortunate, indeed, that such a device is used at the expense of the innocent victim of crime; the victim of rape, of muggings—the secretary molested as she sits behind her desk right here in the Capitol, and the secretary raped on the Capitol grounds.

I cannot imagine that such delay tactics would occur when the Senate addresses other similar concerns. Relief for the innocent victim of flood disaster was provided promptly and efficiently—and deservedly so. Not so in the case of the innocent victims of crime. Their rights continue to go ignored by the Senate. We talk about the rights of the criminal, and I detect no lack of commitment when defending those rights. We talk about rights of individual privacy and lose no time in clearing legislation on that issue.

Indeed, it was just a few days ago that the Senate adopted the measure that seeks to protect the privacy rights of individuals employed in the executive agencies downtown. There was no effort to obstruct action on that proposal. No delay. Not so in the case of the rights of the innocent victim of crime. Concern for him and his rights has been postponed; and, frankly, I deplore these backdoor slowdown devices. I deplore them, yet I know they are within the rules.

Nor will I permit this setback to diminish my determination to see that the victim-of-crime proposal becomes law. I would urge the Committee on the Judiciary to hold another meeting on this measure at the earliest time possible in order to get this measure reported. The delay for the victim of violent crime has been long enough. If a Senator objects to defending the victim's rights, let him do so out in public, on the floor of the Senate, and let the Senate work its will.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Virginia yield to me for a unanimous-consent request?

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from West Virginia for that purpose.

UNANIMOUS-CONSENT AGREEMENT ON VOTES ON FIVE BILLS ON SEPTEMBER 5, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with reference to the five bills scheduled for votes on September 5, 1972, that, as each of the first four bills reaches third reading and all time thereon has expired or has been yielded back, the vote—which is to be a yea-and-nay vote on each of the bills—be delayed until the fifth bill, H.R. 9222, has advanced to third reading and all time thereon has expired or has been yielded back; at which time the five votes then occur, beginning with the vote on S. 2087, followed with the vote on S. 16, followed with the vote on H.R. 9323, followed by the vote on S. 2567, and then followed by the vote on H.R. 9222, the votes occurring back to back so that all votes will come at the same time and in the sequence ordered.

Mr. BENNETT. Mr. President, reserving the right to object, I should like to ask the distinguished assistant majority leader about what time in the afternoon he estimates the votes might come.

Mr. ROBERT C. BYRD. I really cannot estimate, except to say that the purpose of this request is to allow Senators—who are coming from the Far West, the Middle West, or the New England States, and so forth—time to get here before the first vote occurs; otherwise the first vote on the first bill, S. 2087, could occur perhaps at 11:30 a.m., or earlier if time were to be yielded back.

Mr. BENNETT. I agree with the objective of the proposal. I was wondering whether the Senator had a chance to look at the times allocated for debate on each bill and was able to arrive at some kind of estimate as to when the votes might occur.

Mr. ROBERT C. BYRD. If no amendments are offered to any of the bills, and I do not know of any controversy involved in connection with any one of them, I would assume that the first vote could occur circa 2 p.m., give or take a little.

Mr. BENNETT. I thank the distinguished Senator and I withdraw my objection.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) for his usual patience and courtesy in yielding.

Mr. HARRY F. BYRD, JR. It is always a pleasure to cooperate with my splendid friend from West Virginia.

GOVERNMENT SPENDING

Mr. HARRY F. BYRD, JR. Mr. President, on June 28, 1972, the Honorable

George P. Shultz, Secretary of the Treasury, accompanied by Mr. Paul Volcker, Under Secretary of the Treasury, appeared before the Finance Committee. At the same time, the Honorable Caspar W. Weinberger, Director of the Office of Management and Budget, accompanied by S. M. Cohn, Assistant Director of the Office of Management and Budget, also appeared before the Finance Committee.

Mr. President, I put to these witnesses a number of questions in regard to the Nation's finances. The hearings of the meeting were printed and are available to the Senate.

At this point, however, I want to read into the record a few of the questions which I put to Mr. Weinberger in his capacity as Director of the Office of Management and Budget.

At one point I asked this question:

Mr. Weinberger, in your statement yesterday that Congress is going to force a huge tax increase by creating new programs without eliminating old ones, I certainly agree with that.

I predicted 18 months ago that whoever comes in here next January on behalf of whatever administration it might be, is going to ask this committee and the Congress for a substantial increase in taxes or new taxes, or both, and I think what you say here today bears out that view.

Now, Mr. President, at this point I ask unanimous consent to have printed in the Record Mr. Weinberger's reply which is printed on page 55 of the committee hearings, all the rest of that page plus page 56 down to the last paragraph.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Mr. Weinberger. Senator, it doesn't bear out that view if the President is reelected.

Senator Byrd. Well, the financial condition of the country is not going to—deficits are not going to change between now and January, regardless of who is reelected.

ow, if you assume that this country can spend itself rich, if you assume that the people can get something for nothing, if you assume that we can keep on spending more money, creating more deficits, and no one has to pay for them, then I guess you are right, but I don't proceed on that assumption.

Mr. Weinberger. If the deficits exceed the full-employment revenues on a regular basis, there is no question that they are highly inflationary and can't continue, but the simple fact is that the President thus far and his future plans insofar as I know them, are to conduct the national affairs in such a way that additional taxation will not be needed.

Senator Byrd. Let's get to your deficits right now. I hadn't intended to go into this.

In 4 years, you will have $113 billion in Federal funds deficit: $13 billion in 1970, $30 billion in 1971, $32 billion in 1972, and a minimum of $38 billion, by your own figures, in 1973.

I think those figures alone—and from what we have brought out here today, they are bound to be low—if you are not alarmed about $113 billion, $113 billion accumulated deficit in a 4-year period of time, then I don't know what you would be alarmed about.

I, for one, feel no obligation to support a tax increase. I voted against a bill last night after they loaded down this HEW bill; $6 billion more than we spent last year. I voted to reduce many other appropriations. I voted against that foolish tax reduction that was passed last December which added more to the deficit yet really helped no one, so I feel no obligation to support a tax increase. I will keep an open mind on it because I think you will be around here asking for it. I make the prediction that an increase in taxes or new types will be sought.

Mr. Weinberger. No, sir.

Senator Byrd. But, in my judgment, the No. 1 problem facing the United States today is the deplorable and tragic, in my judgment, financial situation of the Government, and we are not making any headway on it. As a matter of fact, we are going backward. Every year the deficit gets more.

And one final thing I must say. I am a minority, a minority in the Senate, a minority in Congress. Nor am I in agreement with the majority of those in the administration in regard to this matter. But I think it is a tragic thing that the people of the United States, the individual citizens, are the ones to be hurt the most by this fantastic Government spending which was stimulated last year by going to a Keynesian concept and by saying we want more deficits, we want an expansionist budget. You sure got it, and Congress is helping you do it. You are not doing it with my help but doing it with the help of the majority of Congress, and you are in tune with the majority of the Congress. They want to spend, and that is what they are doing, and that is what they are going to do.

I just think the people are going to suffer by this a great deal. It might even be likely it is not a very wise political thing to do to be advocating all this spending and all these programs. I don't know.

I admit that I am a very unorthodox politician, voting against tax reduction. That is very unorthodox. Everybody likes to vote for logical to me when you are running these smashing deficits to reduce the Government's revenue.

I asked you earlier about new programs that you would recommend deleting. I went through that with Secretary Shultz in the last meeting that we had here on—not the last meeting, but on February 15, 1972. One question I asked was this:

"Senator Byrd. Have you recommended or do you now recommend the elimination of any programs?"

"Mr. Shultz. We had quite a list, I believe, in some of our past budgets of programs that we thought should be eliminated or changed drastically to save substantial sums of money. These reductions have been distributed through the program categories. I don't happen to have the list. I don't think we have accumulated it in that fashion this year."

Then another question:

"Senator Byrd. What I want to get from you as Director of the Office of Management and Budget is what programs, in your judgment, can be eliminated. Are there 10, 15, one, zero?"

"Mr. Shultz. Well, we don't have an independent judgment. The President's judgment is reflected in his budget, and that is the judgment that we have before the Congress and before the Appropriations Committee."

Mr. HARRY F. BYRD, JR. Mr. President, to sum up that colloquy it was this, that I asked Mr. Weinberger what programs, if any, he would recommend be discontinued so that we might get the Government's financial house in better order.

In that colloquy I quoted a similar question which I put to Secretary Shultz when he held the position of Director of the Office of Management and Budget. The gist of Mr. Shultz' reply was that he could cite no program but that he would submit for the record certain suggestions.

When I received from him, which is a part of the committee report, his suggestions as to what reductions might be made in Government spending, and when I added up the figures, it showed he recommended a decrease of $454 million, of which some $215 million was in the sale of stockpile commodities.

The sale of a stockpile commodity is an asset, so there is no saving to the Government on the sale of an asset.

As a practical matter, what Mr. Shultz' recommendation amounted to was a suggested reduction of some $300 million out of a total budget of $211 billion.

Then I said:

I would like to ask you, sir, if you, Mr. Weinberger, the new Director of the Office of Management and Budget, if you would submit for the Record what programs you feel should be eliminated. I want to help you with it.

Mr. President, I ask unanimous consent to have printed in the Record Mr. Weinberger's reply beginning on page 59 of the committee report and continuing through page 60.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Mr. Weinberger. I understand that and I appreciate it, Senator. We will submit it in connection with the 1974 budget. I don't see any possibility for the 1973 budget.

Senator Byrd. But we are with the 1973 budget now.

Mr. Weinberger. I understand that, sir, but what we would submit would be recommendations of the President, and I think that the recommendations we would make would be recommendations that would be worked on in the course of the next few weeks that he would agree to, that he would wish to submit. Since the Congress is going to be out of session such as it is, the most appropriate time at this point seems to be in connection with the 1974 budget, but we may very well have some reductions that we would want to make in the 1973 total. In that event, they would be submitted as soon as they are ready.

Senator Byrd. I understood from your previous testimony that you already had recommendations——

Mr. Weinberger. No, sir. I meant to say that we were working on lists of proposed reductions and eliminations to present to the President for his action. As soon as those are ready and as soon as he wishes them presented, we would obviously present them, but we are working on the problem because we agree with you that this is a very necessary thing to be doing now.

Senator Byrd. But that does not deal with 1973.

Mr. Weinberger. Well, it might very well because the submission we make might have some application to the 1973 budget. Some of those are on their way through the Congress now.

Some of the President's feelings about them may be indicated by action that he takes in connection with the individual bills as they reach his desk.

I just don't want to promise you that I am going to deliver a list of recommended reductions tomorrow because I can't do that. It has to go through too many hands.

Senator Byrd. Well, I might say that I would hope to get such a list, but I must say that I wasn't 100-percent certain I would get such a list. I tried to get a list last time. I did get something, a list, which, as I say, adds up to $545 million out of a $211 billion budget.

Mr. Weinberger. We will hope to do better.

Senator Byrd. No one seems to want to eliminate any programs.

The only reason I brought it up, you mentioned in this interview published today—I am not defending the Congress. I condemned the Congress on the floor last night for what it is doing in these expenses.

As an independent, I am not going to get mixed up with a Republican administration on one hand and a Democratic Congress on the other, as to who plans to do the most spending and the most taxing. I think neither is exactly in tune with my way of doing things.

Mr. HARRY F. BYRD, JR. Mr. President, what this colloquy shows is that no one in a position of responsibility concerning the Government's finances is willing to recommend the elimination of any program of the Government.

What we are doing, Mr. President, is piling more and more spending programs on top of already heavy spending programs.

It is very discouraging when the top budget people in our Government come before the Finance Committee and, upon questioning, admit that the Government is in serious financial difficulty. Yet, when one asks them for suggestions and says that he wants to help reduce some of the spending programs, no one will make any suggestions or recommendations as to what programs can be reduced or eliminated. Instead, the whole endeavor is to add new programs.

I am persuaded to make these remarks today, Mr. President, because it was today that the distinguished chairman of the Finance Committee, the senior Senator from Louisiana (Mr. LONG), submitted to the Senate on behalf of the Finance Committee the so-called revenue-sharing legislation.

This is another program, a new spending program. It is in addition to all the other programs.

Mr. President, I have kept an open mind on the revenue sharing program. I had hoped to support it. It has been advocated by President Nixon. It has the support of virtually every Governor of the 50 States. It has the support of most of the mayors of the 39,000 communities.

So naturally I would like to be able to support such a plan.

However, what disturbs me about it, Mr. President, is that when we talk about revenue sharing, where is the revenue to share?

Where is there any revenue to share? No Member of the Senate has answered that question or attempted to answer that question because there is no revenue to share, only deficits. The $30 billion of so-called revenue sharing money will be added to the national debt.

For the current fiscal year the Federal funds deficit is estimated by the administration to be $38 billion. In my judgment it will be much more. However, let us take the administration's own figures of $38 billion. That is a huge, smashing deficit and when we add that to the deficit for the fiscal year which ended this past June and the fiscal year just prior to that, in those 3 fiscal years the total Federal funds deficit will equal or exceed $100 billion.

So, it is fine to say, "Let us share the revenue." However, the Federal Government has no revenue to share. It is deeply in debt.

The interest on the debt alone, just the interest charges, total $22.7 billion. Another way of stating that is that of every personal and corporate income tax dollar paid into the Federal Treasury, 17 cents goes to pay the interest on the national debt.

Mr. President, if the revenue sharing proposal were to take the place of other programs, then I would prefer the revenue sharing legislation over the other programs because it is a more flexible one. I think it will be of greater benefit to the localities and to the States than many of the categorical programs. However, it will not take the place of other programs. The proposal is to add this $6 billion a year, totaling $30 billion over the 5-year period which the bill provides for, on top of all the other programs.

Mr. President, I have deep anxiety about the Government's financial situation. I think it is the most pressing problem, the most important problem, the most serious problem of a domestic nature facing the U.S. Government today.

How we can go on and on piling on new spending programs, running up yet more and more deficit spending, I do not see. It is bound to end in either more and more taxes or new taxes or more inflation, which in itself is a hidden tax. Unless one believes that we can get something for nothing, that we can continually spend and no one has to pay for it, unless we believe that—which I do not believe—then the day of reckoning will most certainly come.

And when it comes, who is going to be hit the hardest?

It will be those in the middle-income group and those in the lower middle-income group. That is where the bulk of the money comes from to pay the taxes, from the people who work, from the wage earners, because taxes are paid from the sweat of those who labor.

I must say, frankly, I am not at all impressed with the way Congress and the administration handles the money of the people. I think we have a sacred obligation to handle tax funds as a sacred public trust. I do not find that being done around Washington, D.C. I find money being squandered in every direction, with more and more spending programs pyramiding on top of other programs.

So I find it necessary to file minority views in regard to the revenue-sharing proposal. I dislike differing with my colleagues on the Committee on Finance. I dislike being in the minority. But I just could not find it logical to start a new $30 billion program at a time when there is this huge deficit spending.

This is not the only time I have found myself in the minority. This past December I found it necessary to vote against the tax reduction bill. The administration and Congress working together reduced taxes by $10 billion at a time when we were running a deficit of $30 billion.

That did not seem very logical to me and especially it did not seem very logical when the average citizen was getting very little from the tax reduction. It took a vast amount of revenue away from the Government and further increased the deficit and further increased the inflation, without helping the individual citizen to any real degree.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the minority views that I filed to the Revenue Sharing Act of 1972, as incorporated in the report from the Committee on Finance.

There being no objection, the minority views were ordered to be printed in the RECORD, as follows:

IX. MINORITY VIEWS OF SENATOR HARRY F. BYRD, JR.

I have given a great deal of thought during the past several months to the Revenue Sharing Act. I have kept an open mind.

This proposal, H.R. 14370, has been endorsed by President Nixon and has the support of most, if not all, of the governors of the 50 states and most of the mayors throughout the nation.

Under its provisions, the federal government, over a five-year period, would distribute $30 billion in additional federal funds to the 50 states and to 39,000 units of local government. Distribution in the current fiscal year would total $8.1 billion. (This is separate and apart from the supplementary grants of $1 billion a year.)

This, of course, would be helpful to state and local governments. The governors and mayors have told the Congress that they need additional assistance over and above the vast sums which already are being returned to the states in a multitude of federal programs. The legislation assumes all states and localities have a fiscal crisis common in nature and magnitude with which they are equally unable to cope.

I realize it would be more popular to support than to oppose the Revenue Sharing Act.

But in considering this matter there are at least three issues of major concern. The first and foremost is this: Where is the revenue to share?

The federal funds deficit for fiscal year 1971 was $30 billion; for fiscal year 1972, the deficit was $29 billion; the administration estimates that the deficit for the current fiscal year will be at least $38 billion.

So in three fiscal years the federal funds deficit will near or exceed $100 billion.

This means that more than 20 percent of the total national debt will have been incurred during this three-year period.

Never before in any other three-year period in the history of the American Government have there been such deficits, except during World War II, when we were fighting in both Europe and the Pacific and when we had 12 million Americans under arms.

When 12 of the nation's governors testified before the Senate Finance Committee, I made this assertion: No state in the Union is in as bad shape financially as is the federal government. No governor disputed this statement.

The annual interest on the national debt is $22.7 billion.

Of every personal and corporate income tax dollar paid into the federal Treasury, 17 cents goes to pay the interest charges.

As I view it, the dominant domestic problem facing our nation is the desperately bad condition of our federal finances. As a result of increased deficit spending, the purchasing power of the American dollar has declined. Deficit spending by the federal government is the major cause of inflation, which is a hidden tax on the earnings of the working people.

What the Congress is considering in the revenue sharing legislation, is an additional program—over and above the present programs—with an average cost of approximately $6 billion per year for each of 5 years, beginning now. In addition, there is the $1 billion a year cost of the supplementary grant program.

The second issue of major concern is the division of public accountability. State and local governmental units would expend public funds which they have no responsibility for raising.

Under the House-passed legislation, 40 percent of the funds will be distributed to five states—New York, California, Illinois, Michigan and Pennsylvania.[1] These states have gone into expensive programs which they find difficult to maintain. Now they are seeking assistance from the federal government.

Is it wise to separate the responsibility for collecting taxes from the authority to spend revenues? The 50 states and the 39,000 localities dispensing tax funds will be relieved of the obligation to weigh carefully the benefits of increased public expenditures against the burdens imposed on their community through increased taxation.

The third area of major concern is that the House-passed legislation seeks to dictate to the states the tax structure each state should have. It also requires each local government, as a condition of receiving funds under the bill, to obtain approval from the Secretary of the Treasury as to its wage rates on construction financed in whole or in part by revenue sharing funds. Thus, from its inception, this new revenue sharing program incorporates dictation from the Congress to the states and to the localities, even though the Finance Committee has removed this provision from its bill.

Through the years, federal grants-in-aid and shared revenues to the various states have increased tremendously.

To give a dramatic example of just how far out of hand some of these federal programs have gotten, I cite the following:

A few years ago, legislation was enacted providing 75 percent Federal financing of "social services." The States have discovered that, by expanding or changing programs that they were already paying for themselves, they can collect from Washington 75 cents out of every dollar spent.

When this proposal was enacted, it was estimated by its sponsor and by H.E.W. that it would cost the Federal Government $40 million annually. It has soared to such an extent that the cost for the current fiscal year is now estimated to be $4.7 billion—more than 100 times the original estimate.

In the first year of this program, New York State received $57 million in matching grants. This year, New York is asking for $850 million in Federal matching grants for this one program.

The State of Mississippi, which 2 years ago applied for $1 million of Federal funds to finance "social services," this year is asking for $464 million—about the size of the state's entire budget last year.

If the revenue-sharing proposal now under consideration were being recommended as a replacement for other, less flexible programs, I would greatly prefer the flexibility of the new program.

But the legislation now under consideration is in addition to all the other programs.

The federal government obtains its funds from the same sources as do state and local governments, from working men and women. Costly federal programs must be paid for by more taxes, or by more inflation, or both.

I feel I cannot vote for costly new programs at a time of unreasonably high deficit spending.

Last November, I felt compelled to take another unpopular stand, namely in opposition to a tax reduction which lowered revenues at a time of large federal deficits.

Similarly, this year, I must vote against the revenue sharing proposal, which calls for a large increase in federal spending.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Chiles). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSUMER PROTECTION AGENCY

Mr. PERCY. Mr. President, I should like to comment very briefly on just two aspects of legislation with which we will be dealing. First, I would like to comment on the Consumer Protection Agency legislation, reported out of the Government Operations Committee. This would not have been possible without the complete cooperation of the members of that committee on both sides of the aisle, and both our former chairman, Senator John McClellan, and the present new chairman, Senator Sam Ervin. The committee has met over a period of months, in many, many long sessions.

There are sharp differences of opinion as to what will be the policy for the country in this regard. There are sharp differences of opinion among consumer advocates as well as among representatives of business, but I believe the action of the Government Operations Committee yesterday, which was taken after thorough and careful study, endless hours of negotiations, and listening to witnesses, as well as conferring with experts in the field, represents the best kind of program, on balance, that we could develop to protect the consumer interest. I certainly commend all my colleagues on the committee, regardless of their particular position or feelings in the matter, for the good will with which they worked to finally report the bill to the Senate.

It would be my hope that the committee staff would finish the report, as directed by the chairman, and have it available for reporting to the Senate on next Friday, a week from today, and that the Senate could give early consideration to this legislation on the floor.

I commend the Senator from Connecticut (Mr. Ribicoff) and the Senator from New York (Mr. Javits) for their brilliant leadership in connection with this legislation.

CONSUMER PROTECTION AGENCY OVERWHELMINGLY APPROVED BY GOVERNMENT OPERATIONS COMMITTEE

Mr. President, yesterday afternoon, after 2 months of intensive consideration, the Government Operations Committee by a 14 to 2 vote reported a landmark consumer protection bill to the Senate. This action should be taken as a signal to government and industry that the day of the consumer is finally at hand.

As ranking Republican on the committee and a principal consponsor of the measure, I want to extend special tribute to Senator Abraham A. Ribicoff, of Connecticut, and Senator Jacob K. Javits, of New York, whose outstanding advocacy—and persistence—enabled the measure to win the support of so many members of the committee.

Yesterday's action practically assures that a consumer protection bill will emerge from this Congress. This is a precise and balanced measure which provides the authority and resources needed to assure effective representation of consumer interests.

The bill, similar to an administration-backed version approved 344 to 44 by the House last October, creates a Consumer Protection Agency which would be authorized to:

Represent consumer interests as an equal party before Federal agencies and courts in formal and informal proceedings, including those where fines, penalties of forfeitures are involved.

Represent consumer interests in proceedings before State or local courts or agencies, when requested to do so by the agency or court involved.

Conduct independent surveys and research concerning consumer interests and needs, and assure action of legitimate consumer complaints.

Make grants to States, localities, and nonprofit private groups to encourage and assist their consumer programs and activities.

The head of the CPA would be appointed by the President, with Senate confirmation, for a 4-year term, and be removable only for cause.

The agency chief would have authority to name his own general counsel and other key administrative assistants. The Administrator would be Chairman of a three-member Commission which would be responsible for general policy determination.

Under the House-passed version, the CPA head would serve at the pleasure of the President, who also would appoint the agency's general counsel and other top officials.

The committee rejected a crippling amendment that would have weakened the role of the agency in regulatory proceedings from that of a full participant to an "amicus" with no standing to question witnesses or appeal decisions.

Consistent with truth in packaging principles, the amicus amendment should more properly be termed the "inimicus" or "enemy of the consumer" amendment because it is a sham, and many responsible members of the business community have confided as much to me.

This legislation does not tip the scales for the consumer or against business. It is needed because the regulatory agencies Congress has set up to protect the consumer have simply not been doing the job. Too often in the past, agencies established as watchdogs for the public interest have become lapdogs for private interests.

The Senate bill also establishes a three-member Council of Consumer Advisers in the Executive Office of the President, which would replace the present Office of Consumer Affairs.

Patterned after the Council of Economic Advisers and the Council on Environmental Quality, it would directly advise and assist the President on consumer policies and priorities and the management of consumer protection programs. The Council will develop new legislation, evaluate current programs and help prepare an annual consumer report for the President.

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[1] Under the Finance Committee proposal 35 percent will go to the above 5 states.

The Council would not be involved in daily operations, such as handling consumer complaints or publishing consumer education material. Those functions, now performed by the Office of Consumer Affairs, would be taken over by the Consumer Protection Agency.

Mr. President, in a letter to Chairman Sam Ervin, of the Government Operations Committee, dated August 3, 1972, our distinguished majority leader, Senator Mike Mansfield, properly termed the Consumer Protection Agency legislation "one of the major items for floor consideration prior to the close of this Congress."

I am hopeful, and I urge that the Senate leadership promptly schedule this measure for floor action, since so many Senators have indicated their approval. The Senate passed similar legislation in December 1970, by 74 to 4 margin, and I trust the upcoming vote will be at least as overwhelming.

LIMITATION OF IMPORTS

Mr. PERCY. Mr. President, I would also like to mention one other aspect of consumer protection. There is a piece of legislation that we will be dealing with at some point in the future on the floor called the Burke-Hartke bill. This is a bill that places absolute limitations on imports coming into this country from abroad.

I think it would be a very disastrous piece of legislation for this country to adopt, and I was reaffirmed in this view by a statement of the Board of Directors of the Illinois Agricultural Association. To a man, these men felt that no more serious blow could be struck at the farmer than the passage of this kind of restrictive legislation.

I do believe we need to look with concern and a compassionate feeling toward any community or any country or any industry adversely affected by imports.

We all want to protect in the right way the worker in America. So, for that reason, earlier today I introduced, together with the cosponsorship of my able colleague from Ohio (Mr. Taft), a piece of legislation that I think will deal effectively with trade adjustments that are necessary when imports come in.

As the legislation now exists, adjustments can only be made when it is definitely proven that tariff action adversely affects American workers. We cannot deal with a community as a whole. The legislation that I introduced today, the complete explanation of which is available in the Record, would allow us for the first time to simply determine that imports have adversely affected workers and for the first time would enable us to deal with an entire community and provide adequate adjustment assistance that would enable us to move out of industries which are so adversely affected into trades and industries where we can more effectively compete. To do it any other way would be to strike a blow at the consumer.

Mr. President, I believe this is a consumer economy. All my business life I have believed the purpose of our economy was not just to protect the producer, but the consumer. The standard of living in this Nation depends upon wages that are paid and depends also on what we can buy with those wages. For that reason we need to take a good, hard look at what affects costs in the marketplace.

I believe it would be wrong for us to move away from the policy that has been advocated and supported by five Presidents in a row and overwhelmingly supported by Congress. I believe this is a propitious moment for the Senate to move ahead with the most completely thought-out piece of legislation that we have had yet to deal with the problem.

DATE FOR EULOGIES TO THE LATE SENATOR ELLENDER TO BE FIXED AFTER FIRST OF NEXT YEAR

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished majority leader, I wish to announce that a period for the delivery of eulogies with regard to our late departed colleague, Senator Ellender, will be established and set aside at some time during the early days of the first session of the next Congress. It is felt that the schedule will be so busy during the days following the return of the Congress after the Labor Day holiday that it would be best to go over until the first of the year for those eulogies. Senators will be appropriately notified when that date has been set.

RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 2 o'clock p.m. today.

The motion was agreed to; and at 1:36 p.m. the Senate took a recess until 2 p.m.; whereupon the Senate assembled at 2 p.m., when called to order by the Presiding Officer (Mr. Buckley).

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and at 2 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:05 p.m. when called to order by the Presiding Officer (Mr. Buckley).

AUTHORIZATION OF CERTAIN AIRCRAFT LOAN GUARANTEES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2741, a bill at the desk, which was reported today, and which has been cleared on both sides; and with respect to which there is some kind of emergency situation attached.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 2741. A bill to amend the Act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments on page 1, after line 8, strike out:

(1) in the second sentence of the first section by inserting "(1)" after "to enable them to", and by inserting before the period at the end thereof a comma and the following: "and (2) refinance aircraft financed at a higher rate of interest, or on terms otherwise less favorable;"

(2) in section 3 by inserting after "any aircraft purchase loan" a comma and the following: "or other loan or commitment in connection therewith made for the purpose described in clause (2) of the first section.";

(3) in section 4(b) by inserting before the period at the end thereof the following: "or refinanced therewith";

On page 2, at the beginning of line 12, strike out "(4)" and insert "(1)"; in line 13, after "$30,000,000", strike out "and"; after line 13, strike out:

(5) in section 4(e) by inserting after "Secretary finds" the following: "in the case of an aircraft purchase loan";

(6) by striking out section 4(f) and inserting in lieu thereof the following:

"(f) Unless the Secretary finds that the guaranteed loan is needed to continue or improve the service and efficiency of operation of the air carrier.";

(7) by striking out section 6(a) and inserting in lieu thereof the following:

"(a) The Secretary shall have the responsibility of administering this Act and shall make the findings required by section 4 (e) and (f): *Provided, however,* That he may make use of the advice of other agencies and instrumentalities of the Federal Government to the extent that he regards such advice desirable: *And provided further,* That such use shall not unduly delay the guaranties of loans and their administration in accordance with the policy of this Act."; and

On page 3, at the beginning of line 8, strike out "(8)" and insert "(2)"; in the same line, after the word "out", strike out "15" and insert "fifteen"; in line 9, after the word "thereof", strike out "20" and insert "twenty"; and, after line 9, strike out:

By deleting the last sentence of section 1380 of this title (49 U.S.C. 1380) and inserting in lieu thereof the following: "The provisions of this section shall not be applicable to the guaranty of loans by the Secretary of Transportation under the provisions of such Act of September 7, 1957, as amended, but the Secretary of Transportation may consult with and consider the views of the Board in making such guaranties."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for Government guaranty of private loans to certain air carriers for purchase of modern aircraft and equipment, to foster the development and use of modern transport aircraft by such carriers, and for other purposes", approved September 7, 1957 (49 U.S.C. 1324 note), is amended—

(1) in section 4(d) by striking out "$10,000,000" and inserting in lieu thereof "$30,000,000"; and

(2) in section 8 by striking out "fifteen" and inserting in lieu thereof "twenty".

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Nevada (Mr. CANNON), I ask unanimous consent that the amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDER FOR RECOGNITION OF SENATOR BAKER ON TUESDAY, SEPTEMBER 5, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on the morning of Tuesday, September 5, 1972, immediately following the remarks of the two leaders under the standing order, the distinguished Senator from Tennessee (Mr. BAKER) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 3:30 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 3:30 p.m. today.

The motion was agreed to; and, at 2:08 p.m. the Senate took a recess until 3:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess awaiting the call of the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to; and, at 3:30 p.m., the Senate took a recess subject to the call of the Chair.

At 3:31 p.m. the Senate reassembled, when called to order by the Presiding Officer (Mr. ALLEN).

RECESS UNTIL 4 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 4 o'clock p.m. today.

The motion was agreed to; and at 3:32 p.m. the Senate took a recess until 4 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

RECESS TO 4:45 P.M.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until 4:45 p.m. today.

The motion was agreed to; and at 4:01 p.m. the Senate took a recess until 4:45 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. ALLEN).

ORDERS FOR ADJOURNMENT FROM SEPTEMBER 5, SEPTEMBER 6, AND SEPTEMBER 7, 1972, UNTIL 9 A.M. ON EACH OF THE FOLLOWING DAYS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on September 5, September 6, and September 7, it stand in adjournment, respectively, until 9 a.m. on September 6, September 7, and September 8, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 755) to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes.

The message also announced that the House had passed without amendment the joint resolution (S.J. Res. 213) to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day."

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 11185) to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 94) providing for an adjournment of the two Houses from August 18, 1972, to September 5, 1972, with an amendment in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 755. An act to amend the Shipping Act 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes;

H.R. 2394. An act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 5158. An act for the relief of Maria Rosa Martins;

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737; and

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, August 18, 1972, he presented to the President of the United States the following enrolled bills:

S. 2166. An act to authorize the establishment of the Grant Kohrs National Historic Site in the State of Montana, and for other purposes; and

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Junior, Memorial Parkway, and for other purposes.

ADJOURNMENT OF THE TWO HOUSES TO SEPTEMBER 5, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 94.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 94) entitled "Concurrent resolution providing for an adjournment of the two Houses from August 18, 1972, to September 5, 1972", which was on page 1, line 4, strike out "1972.", and insert: "1972, and that when the House adjourns on Friday, August 18, 1972, it stands adjourned until 12 noon on Tuesday, September 5, 1972."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is an agreeing to the motion of the Senate from West Virginia.

The motion was agreed to.

The concurrent resolution, as amended, reads as follows:

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Friday, August 18, 1972, it stand adjourned until 10:00 o'clock ante meridian on Tuesday, September 5, 1972, and that when the House adjourns on Friday, August 18, 1972, it stands adjourned until 12 noon on Tuesday, September 5, 1972.

ORDER LIMITING TIME FOR YEA-AND-NAY VOTES ON SEPTEMBER 5

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the first rollcall vote on September 5, the remaining rollcall votes which will occur in consecution be limited to 10 minutes each, with the warning bell to be sounded after the first 2½ minutes have expired.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene again, following the close of business today, at 10 a.m. on Tuesday, September 5.

After the two leaders have been recognized under the standing order, the distinguished Senator from Tennessee (Mr. BAKER) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 30 minutes, at the conclusion of which the Senate will proceed to the consideration of the following bills, in the order stated:

S. 2087, benefits to survivors of police officers.

S. 16, civil remedies to victims of certain activities.

H.R. 9323, amending the Narcotics Addicts Rehabilitation Act of 1966.

S. 2567, prosecutions for crimes committed aboard aircraft.

H.R. 9222, correcting certain deficiencies in the law relating to counterfeiting and forgery.

There is a time limitation on each of the five bills, and yea-and-nay votes have previously been ordered on the five bills. Under the order, the yea-and-nay votes will not occur on the first four bills until the fifth of the aforementioned measures has reached the third reading stage and all time thereon has been used or yielded back. At that time, the yea-and-nay votes will occur, back to back, the first one on S. 2087, then on S. 16, H.R. 9323, S. 2567, and H.R. 9222, in that order. The first of the five votes will probably occur at around 2 p.m., give or take a little.

Following the yea-and-nay votes on the five bills that have been enumerated, the Senate will proceed to the second track item for the rest of that day, which is H.R. 14370, the Revenue-Sharing Act. Amendments will be in order, and yea-and-nay votes may occur thereon.

So, repeating, there will be several yea-and-nay votes on Tuesday, September 5, the first day of the session following the Labor Day holiday.

The interim agreement with the U.S.S.R. remains the unfinished business, and consequently the main track item, for the days following Tuesday, September 5; and the revenue-sharing bill, H.R. 14370, will be the second track item daily upon our return until that bill is disposed of.

The leadership may, of course, from time to time call up other items, and the Senate may operate on a third track or a multiple track system beyond the two tracks. Conference reports may be called up at any time, they being privileged matters, and yea-and-nay votes may occur thereon.

Obviously, if Congress is to adjourn sine die by September 30—and that is a hopeful and optimistic target date, though not one entirely out of our reach—committee work on H.R. 1 will have to be done during the days between the close of the Republican Convention and the Labor Day Holiday, even though the Senate will not be in session. The Senator from Louisiana (Mr. LONG), as chairman of the Committee on Finance, has indicated his willingness and his desire to continue to work during that period and the leadership on both sides of the aisle in urging full cooperation on the part of members of the Committee on Finance.

It is, of course, important that, if possible, conferences on bills authorizing appropriations be completed promptly so that the remaining appropriation bills can be acted upon by the other body and transmitted to the Senate for action here as early after September 5 as the situation will permit.

The various subcommittees on appropriations of the Senate Committee on Appropriations have completed their hearings on the regular appropriation bills and stand ready to mark up the bills promptly on their receipt from the other body.

It may be necessary to hold some Saturday sessions in order to complete the work before final adjournment.

At this time, Mr. President, I wish on behalf of the majority leader, to compliment the Senate—Senators on both sides of the aisle—on the work that has been done following the Democratic Convention. Since the Senate reconvened following the Democratic Convention, several major, important, and often controversial measures have been disposed of in one way or another, such as the Foreign Assistance Authorization Act, the minimum wage bill, the maritime bill, the marine mammals bill, the bill extending the life of the Civil Rights Commission, the military procurement authorization, the military construction authorization, the agriculture appropriation bill, the freight car bill, the Securities and Exchange Act, the export control bill, the SALT treaty, the SBA disaster loan bill, the gun control bill, the no-fault insurance bill, the Airport and Airways Development Act, the continuing resolution, the Hurricane Agnes disaster relief appropriation, the national school lunch legislation, the National Science Foundation research bill, several conference reports—some of which required rollcall votes—and various other bills.

The following major pieces of legislation remain to be acted upon—again I say, one way or another—before sine die adjournment: The interim agreement on offensive weapons, which I understand was acted upon by the other body today; the revenue-sharing bill, which is presently the second-track item before the Senate; the military construction appropriation bill; the military procurement appropriation bill; foreign aid, the supplemental appropriation bill; the debt limit revision and extension; H.R. 1, the welfare bill; and various conference reports. Perhaps, hopefully, some other measures can be sandwiched in from time to time as the situation permits—for example, H.R. 10729, the Federal Insecticide, Fungicide, and Rodenticide Act.

Mr. President, I again compliment the Senate. I express appreciation, on behalf of the distinguished majority leader, for the splendid cooperation that has been accorded to the leadership in its efforts to work out time agreements and thus to expedite the business of the Senate and the business of the people.

I know that the majority leader would want me to add that we hope to continue receiving—and we expect that we will continue to receive—the same high degree of patience and cooperation from all Senators on both sides of the aisle in our efforts to expedite the remaining business and give Senators a chance, once the work of the Senate is done, to get back home and touch hands with the people and see what the people are saying and thinking, and then come back with batteries recharged and with a better understanding of what the attitudes of the people are with respect to the major issues facing the Nation, and be ready with vigor to go into the new session when it gets under way next year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TUESDAY, SEPTEMBER 5, 1972

Mr. ROBERT C. BYRD. Mr. President, with every good wish to every Senator that he might receive a good rest during the ensuing days, and with good wishes to the officers of the Senate, the people at the front desk, Senate attaches and pages, and Senators' staffs, I move, if there be no further business to come before the Senate, that the Senate, in accordance with the provisions of Senate Concurrent Resolution 94, stand in adjournment until 10 a.m., on Tuesday, September 5, 1972.

The motion was agreed to; and at 4:56 p.m. the Senate adjourned until Tuesday, September 5, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate August 18, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Joseph A. Mendenhall, of Virginia, a Foreign Service Officer of class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic.

Talcott W. Seelye, of Maryland, a Foreign Service Officer of class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

UNITED NATIONS

The following-named persons to be Representatives of the United States of America to the Twenty-seventh Session of the General Assembly of the United Nations:

GALE W. MCGEE, U.S. Senator from the State of Wyoming.

JAMES B. PEARSON, U.S. Senator from the State of Kansas.

U.S. ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. John Russell Deane, Jr., [redacted], U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 18, 1972:

District of Columbia Court of Appeals

Stanley S. Harris, of Maryland, to be Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

Superior Court of the District of Columbia

H. Carl Moultrie, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of years prescribed by Public Law 91–358, approved July 29, 1970.

Department of the Treasury

James E. Smith, of Virginia, to be a Deputy Under Secretary of the Treasury.

U.S. Tax Court

Cynthia Holcomb Hall, of California to be a judge of the U.S. Tax Court for a term expiring 15 years after she takes office.

HOUSE OF REPRESENTATIVES—*Friday, August 18, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Acquaint thyself with God and be at peace: Thereby good shall come unto thee.—Job 22: 21.

Eternal God our Father we are grateful for life and for the opportunity of serving our Nation in these Halls of Congress. Grant that we may be strong enough and patient enough to be equal to every experience, ready for every responsibility and adequate for every activity. Bestow upon us all the spirit of devotion which proves that it is just and good to obey Thy Commandments as taught in Thy Word.

Now we pray that we may walk in Thy way and live by Thy laws until the shadows lengthen and the evening comes and the busy world is hushed and the fever of life is over and our work is done. Then, of Thy great mercy, grant us a safe lodging, a holy rest, and peace at the last: through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 2394. An act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 5158. An act for the relief of Maria Rosa Martins;

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won);

H.R. 10713. An act for the relief of Wilma Busto Koch;

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation; and

H.J. Res. 1278. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and a concurrent resolution of the House of the following titles:

H.R. 14896. An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs; and

H. Con. Res. 553. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14896) entitled "An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Talmadge, Mr. Allen, Mr. Humphrey, Mr. Miller, and Mr. Aiken to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2956) entitled "An act to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress," agree to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Fulbright, Mr. Church, Mr. Spong, Mr. Case, and Mr. Javits to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 2166. An act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes; and

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12931) entitled "An act to provide for improving the economy and living conditions in rural America."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3490. An act to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day";

S. 3594. An act providing for Federal purchase of the remaining Klamath Indian Forest;

S. 3762. An act to extend the program for health services for domestic agricultural migrant workers; and

S. 3811. An act to amend the act entitled "An act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966.

AMENDING SHIPPING ACT, 1916, AND INTERCOASTAL SHIPPING ACT, 1933

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 755) to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, after line 14, insert:

"(d) By amending the first paragraph of section 23 to read as follows:

" 'Orders of the Commission relating to any violation of this Act or to any violation of any rule or regulation issued pursuant to this Act shall be made only after full hearing, and upon a sworn complaint or in proceedings instituted of its own motion.' ".

Page 2, line 15, strike out "d" and insert "(e)".

Page 3, lines 3 and 4, strike out "to be assessed by the Federal Maritime Commission".

Page 3, strike out lines 6 to 10, inclusive.

Page 3, lines 15 and 16, strike out "to be assessed by the Federal Maritime Commission".

Page 3, after line 17, insert:

"Sec. 3. Any civil penalty provided herein may be compromised by the Federal Maritime Commission, or may be recovered by the United States in a civil action."

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished gentleman, our colleague from Maryland, the chairman of the Committee on Merchant Marine and Fisheries, to explain briefly to us the purport of the Senate amendments that we are concurring in and the need for concurrence and if there is an increase in cost and if the Senate amendments are germane.

I yield to the gentleman for that purpose.

Mr. GARMATZ. I thank the gentleman for yielding.

Mr. Speaker, the purpose of the bill is to assist the Federal Maritime Commission in carrying out its regulatory functions under the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933. The bill would do this by: First, changing the penalty provisions of the Shipping Act, 1916, from criminal to civil in those three areas that give the Commission most of its enforcement problems in day-to-day operations; second, providing a civil penalty for violations of any order, rule, or regulation of the Commission; and third, authorizing the Commission to compromise all civil penalties provided for violations of those sections of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, which are subject to its jurisdiction.

I might tell the gentleman two amendments are germane. The House-passed bill would amend the Shipping Act of 1916, to generally provide that whoever violates any order, rule, or regulation of the Federal Maritime Commission shall be subject to a civil penalty of not more than $1,000. The first Senate amendment would amend section 23 of the Shipping Act of 1916, so that the hearing procedure required for violations of that act would apply to violations of any such rule or regulation of the Federal Maritime Commission.

The second amendment is a technical amendment.

Third, the House-passed bill would generally have permitted the Federal Maritime Commission to assess civil penalties provided by the Shipping Act of 1916 and the Intercoastal Shipping Act of 1933. The remaining Senate amendments Nos. 3, 4, 5, and 6, would delete this authority, and in lieu thereof provides that the FMC may compromise any such civil penalty, or take civil action in the courts.

Mr. HALL. Mr. Speaker, I thank the gentleman. As I understand it, they are germane and apparently the main purpose is to change from criminal penalties to civil penalties. I deduce that there is no increase in cost by virtue of the Senate-added amendments.

Mr. GARMATZ. The gentleman is correct.

Mr. HALL. Mr. Speaker, I also ask if the gentleman has cleared with the minority the concurrence in the Senate amendments?

Mr. GARMATZ. Yes, I have.

Mr. HALL. Mr. Speaker, I appreciate the explanation for the benefit of all the Members, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FARMFEST—U.S.A.

Mr. FRASER. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 182) authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the World Ploughing Contest in September 1972.

The Clerk read the title of the Senate joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I ask the gentleman from Minnesota if it is anticipated that this will require any expenditure of Federal funds?

Mr. FRASER. Mr. Speaker, if the gentleman will yield, I can assure the gentleman from Iowa (Mr. GROSS) that the purposes of this resolution will involve no commitment of any funds by the Federal Government.

Mr. GROSS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 182

Whereas the United States will host the Nineteenth Annual World Ploughing Contest in September 1972 in Blue Earth County, Minnesota, and

Whereas up to twenty-two nations can be expected to participate in this contest on September 15 and 16 as part of a weeklong Farmfest—U.S.A., and

Whereas the 1972 National Ploughing Contest and the 1972 Grand National Tractor-Pull Contest are included in the scheduled events of Farmfest—U.S.A., and

Whereas Farmfest—U.S.A. will feature exhibitions of machinery, equipment, supplies, services, and other products used in the production and marketing of agricultural products; promote foreign and domestic trade and commerce in such products; and salute worldwide agriculture: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to invite by proclamation or in such other manner as he may deem proper the States of the Union and foreign nations to participate in Farmfest—U.S.A. to be held in Blue Earth County, Minnesota, from September 11, 1972, through September 17, 1972.

Mr. FRASER. Mr. Speaker, it is my privilege to offer this resolution on behalf of the entire House delegation from Minnesota.

Next month the State of Minnesota will host two related events; namely, Farmfest—U.S.A. and the 1972 World Ploughing Contest.

Farmfest—U.S.A. is an exposition that has an appeal not only for farmers but also for those interested in agriculture. The exhibits, both educational and commercial, are related to modern agricultural and conservation practices.

For only the second time the United States will serve as host country for the world ploughing matches. It is expected that about 40 contestants from 22 nations will compete in this colorful demonstration of agricultural skill. In addition about a dozen contestants will participate in the national competition.

As the committee report notes, no expenditure of public funds is involved. The joint resolution simply asks the President to invite by proclamation or other appropriate means the States of the Union and for nations to participate in the week-long tribute to those who derive their livelihood from agriculture.

I urge Members of the House to support the passage of Senate Joint Resolution 182.

The Senate joint resolution was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRASER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the Senate joint resolution (S. J. Res. 182) just passed.

The SPEAKER. Is there objection to the request from the gentleman from Minnesota?

There was no objection.

A CASE OF MISTAKEN IDENTITY

(Mr. BOW asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BOW. Mr. Speaker, I was quite surprised this morning when my attention was called to a Washington Post story showing a number of Members of Congress appearing before the Soviet Embassy in some kind of a protest.

Now, in looking over the story I find that my name is used as one of those appearing before the Soviet Embassy. Also in the picture printed by the Washington Post I am identified as being one of those appearing in the picture.

Mr. Speaker, I wish to say here and now that I was not in front of the Soviet Embassy, and I am not the one who is identified in the picture.

I hope the Washington Post will retract.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOW. I am delighted to yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I got up a little later this morning than I usually do. I picked up the Washington Post and saw the picture and read the story. I must admit that the headline shocked me a little bit and I will be darned if I could find the picture of the gentleman from Ohio in the photograph. I am glad that the gentleman denies that he was present.

Mr. BOW. I was not there. It has been suggested by several people that they would like to have me autograph the picture. If they will get it for me, I will be glad to autograph it.

CORRECTION OF VOTE

Mr. DUNCAN. Mr. Speaker, on rollcall No. 304 I am recorded as voting "yea." I voted "nay." I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The **SPEAKER.** Is there objection to the request of the gentleman from Tennessee?

There was no objection.

CORRECTION OF VOTE

Mr. COLLINS of Texas. Mr. Speaker, on rollcall No. 330 I am recorded as not voting. I was present and voted "yea." I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1097 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1097

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 7, rule XIII, to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1227) approving the acceptance by the President for the United States of the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms. After general debate, which shall be confined to the joint resolution and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the joint resolution or to the amendment in the nature of a substitute recommended by the Committee on Foreign Affairs now printed in the joint resolution. The previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. GROSS. Mr. Speaker, I wonder if the gentleman would yield for a brief observation.

Mr. PEPPER. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I think it is fitting that PEPPER should launch a discussion of "SALT."

Mr. PEPPER. Mr. Speaker, I appreciate my able friend from Iowa recognizing the propriety of PEPPER speaking for SALT.

Mr. PEPPER. Mr. Speaker, House Joint Resolution 1097 provides an open rule with 1 hour of general debate for consideration of House Joint Resolution 1227, the Agreement on Limitation of Strategic Offensive Weapons. The report does not contain a cost estimate; therefore, points of order are waived for failure to comply with the provisions of clause 7, rule XIII.

House Joint Resolution 1227—surely one of the most important matters that could possibly come before this Congress—approves and authorizes the President to accept the interim agreement on the limitation of strategic offensive arms, signed by President Nixon and the General Secretary of the Central Committee of the Communist Party at Moscow, May 26, 1972.

The agreement is the result of negotiations which started more than 10 years ago. SALT resulted in a treaty limiting antiballistic missile systems and a 5-year interim agreement freezing the overall levels of strategic offensive missile pending further negotiations which are to begin in October.

The treaty was transmitted to the Senate for "advice and consent." The interim agreement was sent to both Houses for approval.

Mr. Speaker, I want to add that I commend the President and all who have had a part in bringing this interim agreement to be approved by the Congress, that is by the Senate and the House of Representatives, whose Members are elected by the people of the United States.

I should have preferred to see the treaty which deals with the matter of the location and the number of antiballistic missiles each nation may have also submitted for approval of the Congress, because a matter so vital to the security of the country, it would seem to me, should be duly considered by the Congress of the United States, the people's elected representatives, in both Houses.

Mr. Speaker, I commend the President for his efforts to restrain the violence of the cold war and bring this Nation into a closer accord with the Soviet Union.

I did what I could to induce our country and the Soviet Union to adopt such a policy immediately after World War II. As a member of the Foreign Relations Committee of the Senate, and fearful about the seeds of World War III being sown in the aftermath of World War II, I visited 19 countries. In the course of that trip I conferred with Sir Winston Churchill, Prime Minister Attlee, General de Gaulle, General Eisenhower, Premier Stalin, and all the principal leaders of the 19 countries I visited.

On March 20, 1946, I made an extensive speech on the floor of the Senate in which I discussed the dangerous tensions which had already developed among the nations which had fought together in the war, the increasing conflict, suspicion, and fear arising among them. I also pointed out the frightening prospect of a nuclear arms race, still in its infancy but portending a growth of nuclear power on the part of the Soviet Union and the United States in the foreseeable future endangering not only both of those countries but the entire human race.

At that time the United States had a very limited number of bombs, and, so far as we knew, Russia had none, but was working frantically to develop her capacity to produce them. Whatever my plea and whatever seemed to me to be the answerable logic behind my belief that Russia would, on a day not too distant from then, challenge us as a nuclear power, I could persuade none in authority to see the necessity of acting then to stop the nuclear arms race.

On the contrary, I was severely criticized by many for proposing that Russia could ever challenge us as a nuclear power. Some even implied that my recognition of that possibility suggested that I preferred Russia to my own country.

Now, 26 years later, we have before this House for approval an agreement entered into between President Nixon and the Soviet authorities proposing an interim freeze upon offensive strategic nuclear weapons of both the United States and the Soviet Union.

In this agreement it is specifically recognized, as is set out on page 3 of the report of the distinguished Committee on Foreign Affairs of the House, that on July 1, 1972, the United States had 1,054 fixed, land-based ICBM launchers and the Soviet Union had 1,618. In many other categories of offensive nuclear weapons the Soviet Union now has superiority over the United States, although we hope our authorities are right in holding that, overall, taking into account all of our weapons capable of offensive nuclear action, we are of equal strength. I am disturbed, from the testimony we have heard from Admiral Rickover, that the Russians have the capability to build nuclear submarines three times in excess of ours.

I do not understand why our country has allowed Russia to gain superiority over us in any critical area related to our defense and security. There is no use now to go back and cry over our failure to do what some of us thought we should have done in the earliest days of nuclear weapons, to try to find a limiting agreement on such weapons then. We must, of course, consistent with our own carefully preserved security, do everything we can to spare our country and mankind from the terrible potential of nuclear destruction which today, like a damoclean sword, hangs over the human race.

I hope, therefore, that what the President has done will lead to a diminution not only in the nuclear arms race but in the armaments race between the United States and the Soviet Union.

As I urged upon Stalin when I saw him in Moscow in September, 1945, Russia and the United States should have taken the lead after World War II in international action which would have prevented all the other nations of the world from rearming again, and especially

Germany and Japan; and then the Soviet Union and the United States should have reduced their own armed forces down to a moderate level and discontinued the kind of arms race which has so long been the maker of wars and the curse of peace.

Let us hope that these agreements which the President has negotiated will lead to a new spirit of genuine and sincere cooperation between the United States and Russia to respect the integrity and security of each other and of all people, and to spend their substance, always too little, upon the things that make life better for our people and for all people.

Mr. Speaker, the measure which this rule would authorize may make the difference between war and peace. It may indicate the opening up of a new day for our nation and for all nations. So this is a day pregnant with hope as well as awesome responsibility on the part of this body.

But since we must move forward with faith, I urge the adoption of the rule, Mr. Speaker, so that this meaningful measure may receive what I hope will be the hearty approval of this House.

Mr. Speaker, I yield 30 minutes to the able gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1097 provides an open rule with 1 hour of general debate for consideration of House Joint Resolution 1227, the Agreement on Limitation of Strategic Offensive Weapons. We waivtd points of order so far as failure to comply with the provisions of clause 7, rule XIII, because it was impossible to make a cost estimate on House Joint Resolution 1227.

Mr. Speaker, the purpose of House Joint Resolution 1227 is to provide congressional approval of the interim agreement between the United States and the U.S.S.R. dealing with the limitation of strategic offensive arms and the related protocol which was signed by President Nixon in Moscow on May 26, 1972.

The strategic arms limitation talks—SALT—began on November 17, 1969, and resulted in two separate accords. The first is a treaty limiting anti-ballistic missile systems. The second is a 5-year interim agreement which provides a freeze on the levels of strategic offensive missile forces pending further negotiations.

The treaty was sent to the Senate for its advice and consent, while the interim agreement has been submitted to both the Houses of Congress for approval. While the House will act only on the interim agreement, the treaty and the interim agreement are so closely related that some mention should be made of each.

The treaty provides generally that each side will limit ABM systems to two sites: One to defend its national capital, and one to defend an ICBM site.

The interim agreement which requires the approval of both Houses, limits ICBM's, ballistic-missile submarines and submarine-launched ballistic missiles. No limitations are placed on strategic bombers. The limitations in the interim agreement are binding for 5 years, unless superceded by a comprehensive agreement. Major provisions in the interim agreement include the following: No additional fixed, land based, ICBM launchers may be started during the freeze, beyond the numbers in place and under construction on July 1, 1972. This allows 1,054 ICBM launchers for the United States and 1,618 for the U.S.S.R. Silos may not be relocated. The United States is allowed up to 44 nuclear-powered ballistic-missile submarines, while the U.S.S.R. is allowed up to 62 similar submarines.

There are no departmental letters or minority views in the committee report. However, the committee report does make the following points in support of the agreements. First, the U.S.S.R. had embarked on a large-scale expansion of its strategic forces, which would likely have carried Soviet forces well beyond the level planned for U.S. forces in the mid or late 1970's. Therefore, the effect of this agreement is to limit current Soviet offensive programs, but not current U.S. programs. Second, the limitations on ABM deployment have prevented an expensive new competition in the arms race.

The Committee on Foreign Affairs reported this joint resolution by a vote of 23 to 1.

Mr. Speaker, I urge adoption of the rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. ANDERSON).

(By unanimous consent, Mr. ANDERSON of Illinois was allowed to speak out of order.)

HON. RICHARD H. POFF

Mr. ANDERSON of Illinois. Mr. Speaker, it has just been brought to my attention that today is the last day that one of our most distinguished colleagues will be with us in the House of Representatives, at least in his present capacity as a Member of Congress. I refer to the distinguished gentleman from Virginia (Mr. POFF), the ranking Republican member of the House Judiciary Committee, with whom I have also had the pleasure of serving on the House Republican Conference where he has very efficiently and with great dedication served as secretary for a number of years.

I know that many Members of Congress will join me—all Members will join me—this afternoon in paying tribute to one of the most devoted public servants that we have ever known. In his knowledge of the Constitution, in his respect for the office which he holds, he has no peers. We will sorely miss his wise and judicious counsel although we will continue to cherish his friendship and unfailing courtesies down through the years.

I know that all of us will want to wish him well as he leaves this body to become a member of the Virginia Supreme Court, where I am sure he will carve out for himself an equally distinguished career. The people of the Commonwealth of Virginia are fortunate indeed that they will continue to enjoy the benefits of the public service of a truly able and distinguished American.

I am pleased to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, I am deeply grateful that the gentleman from Illinois has brought this to the attention of the House. I am especially grateful that he has yielded so that I may express my comments about the gentleman from Virginia (Mr. POFF). Although the House has many superb lawyers, I have long felt that there was no better legal mind in the House than the gentleman from Virginia, DICK POFF. I did all I could to see to it that his great legal capacity could be further utilized in the highest Court of our land, but for circumstances which were personal to the gentleman from Virginia he decided to withdraw his name from consideration.

I would simply conclude by saying that in my capacity I have known him to be loyal, constructive, and a great adviser. I am positive his contribution to the Commonwealth of Virginia in his new assignment will be just as great as it has been in the Congress of the United States.

Mr. ANDERSON of Illinois. I thank the gentleman from Michigan.

Mr. DENNIS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Speaker, there are others here senior to myself who could speak better to this subject than I but I see no one from our committee on the floor at the moment and I am a member of the Judiciary Committee, with the gentleman from Virginia (Mr. POFF), so it seems to me it is appropriate for me also to pay a tribute to him at this time.

Mr. Speaker, it is a tribute I am very glad to pay because the gentleman from Virginia (Mr. POFF) is a very fine gentleman, a fine individual, and he is an excellent lawyer. I am somewhat junior still in this honorable body here but I am not quite so junior at the bar. One thing I do claim to be able to do is to recognize a good lawyer when I see one. It was not very long after I had been here and I had been on the Committee on the Judiciary before I was able to recognize that the gentleman from Virginia (Mr. POFF) was indeed a very able lawyer.

Along with the minority leader, I regret that the gentleman from Virginia did not go to the Supreme Court of the United States, to which post I was happy to recommend him, but I am sure he will grace the Supreme Court of the Commonwealth of Virginia and that he will be an honorable and appropriate addition to a long line of distinguished Virginia lawyers running back to George Wythe, Chief Justice Marshall, Patrick Henry, Thomas Jefferson, and other gentlemen we read about in the history books.

I am sure the gentleman from Virginia (Mr. POFF) will live up to the traditions of the very proud bar of his native

State. As a colleague and a member of the Judiciary Committee I am very happy to have this opportunity to join in this tribute.

Mr. ABBITT. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Virginia.

Mr. ABBITT. Mr. Speaker, I am in wholehearted agreement with all the sentiments expressed here. I would like to point out by way of explanation that several weeks ago we had a special order on this matter when all Members of the Virginia delegation paid their respect to the gentleman from Virginia (Mr. Poff). We commended the Governor for the splendid appointment he made.

I am confident the gentleman from Virginia (Mr. Poff) will serve for many years on the Supreme Court of Virginia as ably as he has here in this body. However, Virginia's gain is a loss to this Congress. I did want the gentleman here to know the Virginia delegation and others have had a special order on this matter. I do wholeheartedly subscribe to everything that has been said.

Mr. DOWNING. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Speaker, even though the gentleman from Virginia, Mr. Dick Poff, is a member of the opposition, I was one of his earliest backers for a seat on the highest Court in the land because I recognize his great ability in the legal field. He is a longtime personal friend of mine. We went to law school together and had many happy years together. I am grateful that the Governor of Virginia has appointed him to the Supreme Court of Virginia where he will continue to serve his State with great distinction.

Mr. WYLIE. Mr. Speaker, it is with a spirit of congratulatory admiration that I rise to make a few remarks concerning my colleague from the Commonwealth of Virginia, the Honorable Richard H. Poff.

Today will be the last time that Dick Poff participates in the proceedings of the House of Representatives as a Member representing Virginia's Sixth District. He has held that seat and continued his office with distinction since being first elected to serve in the 83d Congress. Since that time he has earned the respect of his colleagues and the public as a hard working, conscientious, skillful legislator and a dedicated public servant. Like so many of us who are members of this august body, he is an attorney by profession, and this has been his special forte. Richard Poff is indeed most learned in the law and an acknowledged expert in the field of constitutional jurisprudence and related legislative matters. This special expertise is, in fact, the very reason for his departure from the seat he holds in the House of Representatives.

He is going to Richmond where he will assume the mantle of another high office of public trust. The Congressman has been appointed a justice of the Supreme Court of Virginia, and in my humble opinion the Commonwealth could not have chosen a more capable attorney to disperse justice in Virginia's highest judicial tribunal.

Dick Poff is my close friend, a sage counsel, and a Christian gentleman. We will all miss Mr. Justice Poff.

Mr. JONAS. Mr. Speaker, I would like to associate myself with the remarks that have been made concerning the forthcoming retirement of our colleague, Richard Poff. It is a pleasure for me to have this opportunity to join them in paying tribute to him today.

Dick Poff and I came to Congress the same year, 1953. We soon formed a close association—not only because we came from neighboring States, but because it became apparent that we entertained similar views and political philosophies. Out of that association grew a warm friendship which has continued and grown during the intervening 20 years.

Dick has announced that he will resign from Congress before the end of August to take a seat on Virginia's highest court. While the country and his congressional district will thus lose an able and dedicated servant, I must say that the State of Virginia will be gaining a highly qualified judicial officer and the cause of justice in that State will thereby be promoted.

I, too, am leaving Congress voluntarily at the end of this term. So I cannot say that I will be missing Dick Poff here next year; but I can say that I will miss the companionship and friendship I have enjoyed with him over a period of two decades. And I must add that as I go my way in private life down home in North Carolina and Dick Poff goes his way on the bench in Virginia, I expect that I will occasionally reflect upon the events that have transpired during my 20 years in Congress and one of those associates whose image will frequently pass across my memory will be that of Dick Poff.

I am pleased to have an opportunity today to pay my personal tribute of respect to him; to congratulate him upon a career of dedicated service in Congress; and to wish him continued success as he assumes the high responsibilities as a justice of Virginia's highest court. I predict that he will serve in this high judicial position with the same ability and devotion to duty as he has always displayed in the Congress.

Mr. CONABLE. Mr. Speaker, I want to salute our fine colleague, Dick Poff, as he leaves us for a judicial post in the highest court of the Commonwealth of Virginia. He has always been, in my experience, one of our most judicious Members, a man of learning and the law. He has been an adornment to the Judiciary Committee. As one of the elected leaders of the Republican Party in the House he has been a valued adviser to the President of the United States, as I can attest from having observed the respect with which his opinion is sought at leadership meetings at the White House.

But these views relate to his abilities and his judgment. However preeminent these qualities have made Dick Poff among legislators, of even greater importance to those of us who have been associated with him are his character and his personality. He is a fine human being, kind and thoughtful friend, and a pillar of personal integrity. He will be as good a judge as he has been a Representative and friend. I hope he will visit us often, here, because his counsel will be missed even though we are all proud in the recognition that has been accorded him.

GENERAL LEAVE

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks at this point in the Record on the distinguished service rendered to our country and this body by the gentleman from Virginia (Mr. Poff).

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MORGAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution (H.J. Res. 1227) approving the acceptance by the President for the United States of the Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the joint resolution House Joint Resolution 1227, with Mr. Daniels of New Jersey in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the joint resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Pennsylvania (Mr. Morgan) will be recognized for 30 minutes, and the gentleman from California (Mr. Mailliard) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, today the House will have its opportunity to express its support of the interim agreement on offensive arms which was concluded between the United States and the Soviet Union and signed by the President in Moscow last May.

This agreement is one of two accords to have been reached as a result of the strategic arms limitation talks—better known as SALT—which began in November 1969.

The other agreement limits the deployment of defensive missile systems. Since it is to be a permanent—rather than interim—agreement, it was submitted to the Senate as a treaty.

The Senate on August 3 gave its advice and consent to the treaty by a vote of 88 to 2.

The interim agreement on offensive arms was submitted to both Houses by the President. He has asked for an expression of support from the Congress through passage of a joint resolution.

This action by the President is in accord with section 33 of the Arms Control and Disarmament Act which requires that all arms control agreements entered into by the United States must be approved by Congress either by treaty or authorization through further affirmative legislation.

After several weeks of hearings on the subject, the committee by a vote of 23 to 1 voted to report the amended resolution which is before us today—House Joint Resolution 1227.

The committee approval of this very important arms limitation agreement was not a decision lightly taken.

A subcommittee of the committee had followed the progress of the talks for almost 3 years. During that period it was briefed by U.S. SALT negotiators nine times.

Other briefings on SALT-related subjects were held with officials of the Department of Defense and Central Intelligence Agency during that period.

We were informed and consulted virtually every step of the way on these agreements.

In addition, once the SALT accords had been signed and the interim agreement had been submitted to us for approval, the committee took testimony from high-ranking executive branch officials, including the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Director of the Central Intelligence Agency, and our chief negotiators at SALT—Gerard Smith, Director of the Arms Control and Disarmament Agency.

As a result of our deliberations, the committee was convinced that the SALT accords are a significant step toward arms limitation fully consistent with the national security interests of the United States.

SUMMARY OF MAJOR PROVISIONS

At this point let me summarize the major provisions of the documents as signed.

Although the ABM treaty is not before this body today for approval, it is so closely related to the interim agreement on offensive arms that the latter cannot be understood completely with some understanding of the treaty.

The ABM treaty allows each side to have one ABM site for the defense of its capital and another site for defense of intercontinental ballistic missiles—ICBM's.

The two sites must be at least 800 miles apart in order to prevent the development of a territorial defense. Each ABM site can have 100 missiles, for a total of 200 for each side.

The treaty contains additional provisions which prohibit either the establishment of a radar base for the defense of populated areas or the capability to intercept ballistic missiles by conversion of air defense missiles to antiballistic missiles.

The treaty also bans sea-based, space-based or land-mobile ABM systems.

Each party will use its own national technical means of verification—such as observation satellites—to monitor compliance with the accords. There is no on-site inspection involved.

A standing consultative commission will be established to promote implementation of the agreements and handle questions which arise in their implementation—including questions of compliance.

The treaty provides for withdrawal by either party on 6 month's notice if "supreme national interests" are judged to have been jeopardized by developments.

The interim agreement on offensive arms is to run for 5 years, unless replaced earlier by a comprehensive permanent agreement. Negotiations on a permanent agreement are to begin in October.

The interim agreement essentially freezes the numbers of strategic offensive missiles on both sides at approximately the levels currently operational or under construction.

For ICBM's, the number is 1,054 for the United States and 1,618 for the Soviet Union. Within this overall limitation, the Soviet Union has accepted a freeze of its heavy ICBM launchers at the current level of those in operation or under construction—a total of 313.

There is a prohibition on conversion of light ICBM's into heavy missiles, including a ban on any significant enlargement of missile silos.

The submarine limitations are more complicated.

Briefly, the Soviets are frozen to their claimed current level, operational and under construction, or about 740 submarine-launched missiles—some of them on an older type nuclear sub.

They are permitted to build to a ceiling of 62 boats and 950 missiles but only if they dismantle older ICBM's or submarine-launched missiles to offset the new construction. This would mean dismantling 210 ICBM's and some 30 missiles on about nine older nuclear submarines.

The United States, by exercising similar options, could increase its SLBM launchers from 656 to 710, and its modern nuclear submarines from 41 to 44.

The agreement does not affect bombers and other aircraft. Nor does it affect our forward-based systems in Europe or the strategic weapons of our NATO allies.

In sum, the interim offensive agreement will keep the overall number of strategic ballistic missile launchers both on land and sea within an agreed ceiling. That ceiling essentially is the current level of weapons, operational or under construction.

The agreement will stop the momentum of the Soviet strategic arms buildup and prevent any further increase in the numerical gap in missile launchers between the United States and Russia.

At the same time it will not affect any on-going American programs.

For example, it will not prevent the continuation of the U.S. program to convert its ICBM's and SLBM's to multiple warheads.

Nor is the B-1 bomber or the Trident submarine system within the purview of the freeze.

THE INTERPRETIVE STATEMENTS

In addition to the agreements themselves, there were a number of interpretive statements. Those interpretations have been provided to the Congress, along with the agreements.

The interpretations are in several forms:

Agreed statements initialed by the delegations;

Agreed interpretations or common understandings which were not set down formally and initialed; and

Unilateral interpretations to make our position clear in instances where it was not possible to get agreement.

The most important of these unilateral statements by the United States involve—

The right of the United States to withdraw from the ABM treaty if an agreement for a more complete strategic offensive arms pact is not achieved within 5 years;

The definition of a "heavy" ICBM from the viewpoint of the United States; and

The inconsistency with the objectives of the interim agreement which would be involved in any deployment of land-mobile ICBM launchers by the Soviet Union.

Dr. Henry Kissinger pointed out during his briefing to Members of Congress on the SALT agreements that in any negotiation of such complexity there will inevitably be details upon which the parties cannot agree. The United States made certain unilateral statements in order to insure that its position on those details was included in the negotiating record and understood by the Russians.

The committee believed that the several matters covered in the unilateral declarations by the United States are important enough to warrant special attention from the Congress.

Consequently, in the report on this resolution, it expressed the viewpoint that actions inconsistent with U.S. interpretations would be considered grave matters affecting the national security interests of the United States.

Our objective was to express congressional support for our SALT negotiators on those important points.

BENEFITS OF THE INTERIM AGREEMENT

Mr. Chairman, this agreement is very complex. It is also an interim agreement, meant to last only until a more permanent, more perfect instrument can be agreed.

Some critics have found it possible to criticize details of the agreement to find fault and raise questions.

In such a frame of mind, there is the danger of seeing the trees and not the forest—for the benefits to the United States in the agreement are evident if certain facts are kept in mind:

The Soviets had embarked on a large-scale expansion of its strategic forces. The momentum of that buildup would have carried their forces well beyond the level planned for our forces during the mid or late 1970's.

Our country had ceased quantitative increases in its strategic forces in favor of qualitative changes like MIRVed warheads. If the Soviet momentum had not been stopped, however, we also would have been forced to keep pace quantitatively.

That effort could well have cost our Nation $2 billion annually during the next 5 years—for a total of $10 billion.

When the money was spent and the additional land- and sea-based missiles deployed, our people would be no safer than they are today from the threat of a nuclear holocaust. In fact, they would be less secure because the results would undermine mutual deterrence and render difficult any stable international strategic balance.

This agreement is a first step toward checking the arms race. It enhances the security of both sides, while promising relief from costly weapons programs.

Furthermore, it provides us with time and a favorable basis for follow-on negotiations to bring under control elements in Soviet strategic forces which could eventually threaten our security.

The Secretary of State and the Secretary of Defense were emphatic in their belief that the agreements are in the national security interests of the United States.

Admiral Moorer, chairman of the Joint Chiefs of Staff, assured us that the Joint Chiefs and the American Military Establishment fully support the accords.

The director of the Central Intelligence Agency, Richard Helms, asserted that his Agency can successfully monitor Soviet compliance with the agreements through the use of national technical means of verification.

While offering the prospect of a more secure and peaceful world, the SALT agreements will permit the United States to take those steps necessary to maintain a strategic posture which protects our vital national interests and guarantees our continued security.

For those reasons, the interim agreement deserves the support of the Congress—support which can be expressed here today by a favorable vote for House Joint Resolution 1227, as amended.

THE FORM OF THE RESOLUTION

Before I conclude, a word of explanation is necessary on the form of the resolution.

When the committee met to consider the several resolutions of approval which had been introduced, it was keenly aware that the President had asked that final congressional action come before the recess, in order that the second round of SALT negotiations with the Russians could begin in October.

For that reason, the committee believed it wise to strike the "whereas" clauses of the resolution originally sent down by the administration and report a resolution of acceptance without any preamble.

In this way we believe it may be possible to avoid a conference with the Senate, delays which could put off final passage until after Labor Day and thereby force postponement of the second, very vital round of SALT talks.

Mr. Chairman, the issue before the House is whether or not it in the best interest of the United States to approve this interim agreement on nuclear offensive weapons. It imposes limits on the Soviet Union and it imposes limits on us. It lasts for a 5-year period unless a formal agreement concerning limiting offensive weapons can be reached sooner.

If this interim agreement is approved, the Soviet buildup of its ICBM's and its submarine launched ballistic missiles will be held during the next 5 years below the level that we can anticipate if there is no agreement.

Each of our countries, the United States and the Soviet Union, has a different defense strategy and a different mix of weapons to implement its differences. It is a mistake to focus attention too closely on any one type of weapon system and say that unless we have equality with the Soviet Union with respect to this weapon our national security is endangered.

The United States has important elements of military strength that are not covered by this interim agreement or by the ABM treaty. These include our forward bases, our advanced and broadly based technology and our fleet of bombers.

The issue we have to face this afternoon is whether or not we will be better off 5 years from now if we approve the agreement before us than if we do not. I believe the answer is clear. We should approve this resolution so that we can begin negotiations in October to work out a better and more permanent limitation.

The agreements should not, however, engender euphoria that an end to the arms race is in sight. As the President himself has said:

> The agreements are an important step in checking the arms race, but only a first step; they do not close off all avenues of strategic competition.

The negotiations of SALT I required 2½ years to come to fruition. Because it must deal with issues of qualitative limitations as well as quantitative limitations on weapons, SALT II can be expected to pose considerably more difficult problems and be even more protracted in time.

While never abandoning the hope that comprehensive nuclear offensive arms limitation is possible, the United States must continue to maintain a strong strategic posture. As Secretary Laird pointed out to our committee, only by bargaining from a position of sufficient strength can the United States expect success in the attempt to achieve an effective, lasting agreement limiting offensive strategic systems.

While offering the prospect of a more secure and peaceful world, the SALT agreements will permit the United States to take those steps necessary to maintain a strategic posture which both protects our vital national interests and guarantees our continued security.

For those reasons, the interim agreement and protocol deserve the support and approval of the House of Representatives.

Mr. FRASER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman.

Mr. FRASER. Mr. Chairman, I rise in support of House Joint Resolution 1227, authorizing the President to accept on behalf of the United States the interim agreement on offensive strategic nuclear weapons signed in Moscow last May.

Perhaps the most important effect of this agreement, and the related ABM treaty, is to break the action-reaction cycle of strategic arms deployments which have marked the relationship between the United States and the Soviet Union since the end of World War II.

The action-reaction cycle which has fueled the arms race results from the fact that what one side does in weapons development, forces the other side to react, both politically and technologically.

It has been a costly race.

Since the end of World War II, the United States has spent approximately $1,300 billion on defense. For their part the Soviets have spent an estimated $1,000 billion.

If the two countries continue to grow as projected to the end of the century, and if both continue to spend the same proportion of their gross national product on defense, by the year 2000 each could spend another $2,500 billion or more in order to maintain national security.

Because of the cyclical nature of the arms race, however, after spending billions of dollars, neither the United States nor the Soviet Union would have bought safety for its people.

The arms control agreements negotiated during the 30 months of the Strategic Arms Limitation Talks—SALT—provide some hope that the next arms spiral can be avoided.

For the next spiral will, indeed, be a costly one. Two technological advances on weaponry would assure that.

One of those developments is the anti-ballistic-missile system—ABM. The other is the multiple independently targetable reentry vehicle—MIRV.

Since each of those weapons developments tends to cancel the other out in strategic calculations, the deployment of both ABM and MIRV would have entailed constantly escalating expenditures on both sides, while at the same time rendering the international strategic balance less stable.

We need not be reminded of the pressing requirements in our own country for financial resources and the substantial burden which defense spending places on our economy.

In the Soviet Union, which has a considerably lower level of economic development, the arms race clearly is an even heavier financial burden.

Both sides, therefore, have pressing economic reasons for developing mutual arms restraint through negotiations.

The most important outcome of the first set of SALT negotiations has been the treaty limiting deployment of ABM's. By setting a limit to ABM defenses the treaty eliminates one area of costly and potentially dangerous defensive competition.

Secretary Laird has testified that the total ABM savings through 1981 as a result of SALT would be $9.9 billion, figured in 1968 prices. If the deployment of an ABM around Washington, D.C., ultimately is not authorized by Congress, an additional $4.8 billion could be saved.

Moreover, the limit on ABM deployment reduces the incentive for continuing deployment of offensive systems. The interim agreement on offensive arms is, in effect, recognition of that fact by both sides.

The freeze on ICBM's, submarine-launched missiles, and modern nuclear submarines will result in savings for the Soviets since they have ongoing programs in these areas.

Since the United States does not have current programs of building additional new missile launchers or nuclear submarines, there will be no comparable savings for our side.

However, if the United States had been forced ultimately—because of the action-reaction cycle of the arms race—to match the Soviets missile for missile, the additional costs would have been substantial.

In his testimony before the Committee on Foreign Affairs, Dr. Edward Teller estimated that cost at an additional $2 billion annually for at least the next 5 years, for a total of $10 billion.

Because of the interim freeze, it will not be necessary to divert that money from pressing domestic needs to putting more missile launchers in the ground and under the sea.

More important than any immediate savings which may result from the SALT agreements, however, are prospects that further controls can be agreed on which will allow substantial reductions in weapons expenditures on both sides.

Although that goal has not been reached, the Moscow agreements provide a basis for future negotiations which will—hopefully—lead to important cuts in the level of defense spending by both the United States and the Soviet Union.

Mr. Chairman, for too many years we have spent money for weapons in a fruitless search for safety in a very dangerous world. We have not found safety and our weapons—and the counterweapons of the Soviets—have only added to the dangers.

Now, at last, we have a chance to end that dangerous cycle in favor of mutual restraint and an eventual reduction in the amount of nuclear firepower we have aimed at each other.

Critics of this agreement are adept at playing "number's games" with quantities of launchers, numbers of warheads, amount of megatonnage, throw weights, accuracies, hardness of silos, and other factors in the strategic equation.

Although they can—through "worst possible case" analysis—cause apprehension, their arguments are specious.

Such calculations of marginal advantage at the end of 5 years—whether it be in warheads, launchers or megatonnage—overlook one important point:

Both nations have the ability to destroy the other several times over, and this will remain the case during the 5 years covered by this interim agreement.

In our era of mutually assured destruction, that chilling fact—ironically—should reassure us of the wisdom of the interim agreement.

It should also serve to remind us of the doomsday game we are playing and spur us on to greater efforts at controlling and reducing nuclear armaments.

The interim agreement before us today is an important step in that direction and I urge that it be given approval of the House of Representatives through passage of House Joint Resolution 1227.

Mr. MAILLIARD. Mr. Chairman, I yield myself 5 minutes.

Mr. MONAGAN. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman.

Mr. MONAGAN. Mr. Chairman, I wish to record my support of the interim agreement between the United States and the U.S.S.R. on the limitation of strategic offensive arms.

Clearly, the overriding problem of the great powers today is the creation of a plan through which they can proceed to a gradual reduction of the armaments which they have amassed over the years.

The benefits of such a reduction are obvious. To begin with, the security of the world would be increased and the danger of a holocaust would be decreased with the cutting down of the volume of destructive weapons.

In the second place, very substantial benefits could accrue to the people of the principal nations when the resources presently committed to arms production were diverted to nonmilitary objectives. Clearly, both countries have urgent needs in the domestic civilian sector and it is tragic that so great a portion of the national wealth has been diverted to nonproductive uses.

So far as the merits of the agreement are concerned, it is true that the situation created is not one that is ideal for the United States. The Russians are still free to move ahead in the areas which are not specifically excluded by the agreement. For example, their preponderance in submarines can be increased by 50 percent and this expands that already fearsome military arm. In addition, the sophistication of their warheads can be enhanced while mobile launching sites are not covered.

It is thus obvious that much of the future effect of this agreement rests with the parties. It is significant in this connection that the second stage of the SALT talks is scheduled to begin immediately after the approval of the treaty and interim agreement. It is in this area of reduction of weaponry that the most difficulty lies, but also the greatest hope for meaningful progress.

In questioning Ambassador Smith during the hearings before the Foreign Affairs Committee held on this agreement, I ask him whether or not he believed that the Russians honestly and sincerely desired to achieve significant progress in the limitation of weapons, and I pointed to the recent expansion of the Soviet naval and military presence in so many new areas of the world, a development which Admiral Moorer stated had great significance. Ambassador Smith responded that he had concluded from his long negotiations that the Russians did have such a desire and he believed that we could rely upon this desire in reaching a decision for action on the joint resolution.

Accordingly, I have concluded that the interest of the country required that the joint resolution be approved. It is clearly an interim step and one whose implementation is not at all certain. In this critical time, however, I believe that we should take a step based upon faith in the common desire of all people for peace, a belief that self-interest on both sides will be served by movement in this direction and hope that the future will bring not only the implementation of this agreement but the prompt initiation and successful conclusion of the vitally important phase II of the Strategic Arms Limitation Agreements.

Mr. MAILLIARD. Mr. Chairman, I rise in support of House Joint Resolution 1227.

The chairman, the gentleman from Pennsylvania (Mr. MORGAN) has explained, and the committee report explains, in some detail the contents of the agreement and its companion treaty, which has already been approved by the U.S. Senate.

This historic resolution simply approves of and authorizes the President to accept on behalf of the United States the interim agreement between the United States and the Soviet Union with regard to limitations on strategic offensive arms.

For the first time in the nuclear age, the two superpowers have reached an agreement to put a brake on the nuclear arms race. This agreement, which was signed by President Nixon and Secretary General Breshnev in Moscow on May 26, covered two areas—one, the treaty, as I have said, already approved by the Senate, limiting ABM systems to two designated areas and at a low level; and, two, the interim agreement limiting the overall level of strategic offensive missile systems, which we are asking the House to approve by this joint resolution today.

We are considering the second agreement which would stabilize the level of strategic offensive missiles for 5 years while we proceed with the second stage of the negotiations.

I realize there has been considerable controversy regarding the limitation on strategic offensive weapons. Admittedly, this freeze leaves the Soviet Union with more missile launchers than the United States, although we have more warheads and bombers.

We could debate all day here the relative strength of the United States and the Soviet Union if we want to play the numbers game with this extremely complicated issue. However, we need to remember that a great many factors were balanced off on both sides. As was pointed out in testimony before our committee, the agreement will freeze the total number of strategic missiles at about our present level for 5 years.

This accomplishes a major useful objective in breaking the momentum of the Soviet offensive missile launcher program. Without this agreement, the Soviets could have had and probably would have had by mid-1977 over 2,000 antiballistic missiles on launchers. This would have compared with our level of just over 1,000.

Actually, both sides could find advantage in the limitations which were agreed to. Each one possesses so much destructive power that neither could start a nuclear war without causing its own destruction. This creates a certain assurance of security for both, and indeed I may say that had this not been the case, surely there would have been no agreement. Both sides had to see advantage in it.

Finally, I think the SALT agreements may provide a foundation on which future agreements can be built that will lead to meaningful reductions in expenditures while still maintaining national security. The resolution itself, is straightforward and uncomplicated and goes directly to the heart of the issues: Do we approve of the agreement that the President his signed? In my opinion, it deserves your support.

Mr. Chairman, I yield 3 minutes to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I take this time to say that I support the resolution before us, which I regard as a highly important resolution, one of the most important which we have had to consider here.

I think it is regrettable that there are not more Members present on an occasion of this type. I believe that the measure is a step toward a more orderly and peaceful world, which is probably the single most important thing to which anyone in public life can direct himself at the present time.

I think it is also appropriate to note, as a matter of legislative record at this point, although I intended to offer nothing this morning, that there is pending in the other body, as the Members know, amendatory language which would specifically recognize in the resolution the principle, to which I think most of us subscribe and which we are intending here to accomplish, of equality in international strategic forces between our government and the Soviet Union. I think that principle is a sound principle. I trust that in the course of the legislative process, after we have passed the measure in this House, that the language enunciating that principle, which is now being offered in the Senate, or some similar language, will be given serious consideration in the conference and thereafter.

Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, we will soon take one of the most significant votes in the history of this country. We are asked to endorse an interim agreement on offensive arms, which the President concluded as a result of talks with the Russians in Moscow earlier this year.

We are told that we must approve this agreement because it is necessary to stop "Soviet momentum." In other words, the Russians have been engaged in such an intensive arms buildup during the past 10 years, that they threaten to leave us hopelessly behind in weapons strength. For example, in 5 years they would have had 90 "Y-class" submarines, as compared to our 41. By this agreement we manage to hold them to "only" 62. This gives us the chance to catch up in payload capacity—though not numbers—by building Trident.

Here is my question, Mr. Chairman: Why did we let ourselves get in this position? Why did we let an enemy power get so far ahead in certain key areas that we were compelled to enter into a generally unfavorable agreement to stop them? Why does our country—long considered the most powerful on earth—find itself dealing from a position of weakness? In my judgment, it all boils down to this and we should see it for what it is—a lack of reasonable alternative.

Because of an awesome Soviet capacity to produce weapons, we fear that the situation could be even worse next year—and perhaps, in the next few years, unthinkable. Furthermore, we worry that, given the present compulsion of many leaders in Congress and elsewhere to cut back drastically on anything military, we may not do any better at keeping up in the future. Mr. Chairman, because of these factors, and because I feel that we have little choice in the matter, I intend to support this resolution.

I am going to vote for this resolution in hopes that we have learned a valuable lesson. Unquestionably, we could have done much better at SALT for ourselves and for our allies had we been stronger and better prepared. We were forced to accept an inferior status in many cases, and our President could do no better because of our state of relative unpreparedness. We let the Communists get the upper hand, and this is the very result many of us have been warning about for years. Hopefully, we can salvage something from this experience, and our warnings will now be better received.

We can still maintain some degree of world leadership and self-respect under this agreement. Thanks to our ingenuity and technology, we can withstand some inferiority in numbers for a few years. But we must look to the future. We must rekindle the traditional American determination to be "No. 1." Unless we have something to bargain with in the next round of talks, there will be no incentive for the Russians to come to reasonable terms.

Should the Soviets continue their unprecedented buildup of nuclear power, with no competition from the United States, they would have little difficulty showing the rest of the world "who's boss." Whether by threat, or from the natural tendency of the weak to ally themselves on the side of strength, the Soviets would be in a position to control the fortunes of most presently nonalined nations.

As a world power, the United States has solemn duties and weighty responsibilities. She owes freedom and protection to her own people, as everyone knows, but also important is her obligation to help every citizen of the free world remain free. Reasonable men may differ on the advisability of our being a self-appointed guardian of the free world, but few will deny that the obligation is there. Some see it as a moral duty, a humanitarian effort. Others realize that we insure our own future freedom by helping others to remain free. Whatever the motive, no matter how we justify our military presence in the world, we must remain strong and powerful in order to meet our obligations.

With God's help and with the fresh support of those who have now seen the consequences of weak resolve, I am optimistic that our country can discharge our responsibilities with integrity and pride.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Illinois.

Mr. CRANE. Mr. Chairman, I rise in opposition to House Joint Resolution 1227.

On May 26, 1972, President Nixon and Soviet Communist Party General Secretary Leonid I. Brezhnev signed two agreements: the first is in the form of an executive agreement—Interim Offensive Agreement—limiting the deployment of intercontinental—ICBM—and submarine-launched—SLBM—ballistic missiles. The second is a formal treaty restricting to nominal levels, the deployment of antiballistic missiles systems—ABM—which is of primary concern to the other body.

The purpose of the interim agreement on offensive arms is to "freeze," for 5 years, the deployment of ICBM's and SLBM's at specified limits. During the term of the interim agreement, both sides are to seek a permanent set of limitations on strategic offensive arms including elements not included in the interim agreement such as strategic intercontinental bombers and U.S. aircraft based in Europe as well as U.S. aircraft carriers with aircraft capable of delivering nuclear weapons on Soviet territory—known as forward based systems. If no permanent agreement is reached, or both sides do not renew the agreement at the end of 5 years, both sides may resume their deployment of strategic offensive systems.

THE BALANCE OF FORCES UNDER THE SALT ACCORDS

The interim agreement on offensive forces provides for limitations on offensive weapons deployment for ICBM's and SLBM's only. The agreement does not impose limitation on bombers, number of warheads—of the "MIRV" or multiple warhead type—missile accuracy, or other characteristics of strategic nuclear forces. Since 1966, the Soviet Union has focused its strategic buildup on ICBM's and SLBM's. With regard to ICBM's only two properties are restricted: the total number of ICBM's—limited to those in operation or under construction as of July 1, 1972—and the approximate size of the missile silos, the underground housing for the ICBM. The latter restriction places a ceiling on the most important characteristic of ballistic missiles in the long run its payload capacity—or "throw-weight"—by limiting the size of the missile which can be placed in a silo. The significance of this characteristic is that the payload capacity determines the maximum number of individual warheads that can be placed upon a single missile. For example, if one missile has twice the payload capacity of another missile, the larger missile can carry twice the number of warheads carried by the smaller.

The terms of the interim agreement permit the Soviet Union to have a greater number of ICBM's, as well as a greater payload capacity in its entire strategic force. The effect of the agreement with regard to ICBM's is as follows:

	United States	Soviet Union
Modern heavy ICBM's	0	[1] 313
Modern light ICBM's	[2] 1,000	[3] 1,100
Obsolete ICBM's	[4] 54	[5] 209

[1] SS-9, or a new larger missile about to be tested.
[2] Minuteman.
[3] SS-11 and SS-13.
[4] Titan.
[5] SS-7 and SS-13.

The United States has no counterpart to the heavy Soviet ICBM's. The current SS-9 missile has a payload capacity five times that of the Minuteman III missile, our largest and most modern ICBM, and an even larger Soviet missile with a payload capacity eight times that of the Minuteman III could be used to replace the SS-9, further augmenting the Soviet advantage in payload capacity. The Soviets may not convert their "light" ICBM's into "heavy" ICBM's, nor may the United States do so. Both sides may convert their obsolete ICBM's into an equivalent number of SLBM's. The payload capacity of the Soviet "heavy" ICBM's exceed the entire U.S. ICBM payload by a factor of three.

The United States has 41 modern submarines capable of launching SLBM's. Each carries 16 SLMB's; ultimately 31 will be equipped with Poseidon multiple warhead—MIRV—missiles, the remaining 10 submarines will be equipped with the older Polaris missile with a single warhead. Near the end of the decade, the 10 Polaris firing submarines will be replaced by a larger submarine known as Trident—formerly called ULMS.

The Soviet Union has 26 modern submarines of the "Y" class in operation, and 17 more under construction. These are each equipped with 16 SLBM's each with single warheads. The terms of the SALT accords will permit the Soviets to build 62 modern—Polaris-equivalent—submarines. In addition, the Soviets may retain 22 older "G" class submarines firing three SLBM's each. The Protocol restricts the United States to a maximum of 44 modern submarines with no more than 710 SLBM's. The Soviet Union may have no more 950 SLBM's on no more than 62 modern submarines for a total of 84 submarines and 1,016 SLBM's.

MAXIMUM PERMISSIBLE BALLISTIC MISSILE FIRING SUBMARINES

	United States		Soviet Union	
	Submarines	Missiles	Submarines	Missiles
Modern (U.S. Polaris/Poseidon and Soviet "Y" class)	44	710	62	950
Older types (diesel) (Soviet "G" class)	20	0	22	66
Total	44	710	84	1,016

The terms of the interim agreement permit the Soviet Union to dismantle their 209 obsolete SS-7 and SS-8 ICBM's as well as some of their older diesel-powered ballistic missile launching submarines into modern nuclear-powered submarines similar to the U.S. Polaris/Poseidon-type—the Soviet Y class. The United States only has 54 older ballistic missiles—the Titan II—which it may dismantle to add three additional submarines to those already deployed—41—for a total of 44. Unaffected by the agreement are manned strategic intercontinental bombers and qualitative improvements to the existing forces such as multiple warheads, improved accuracy, and other improvements. Neither the United States nor the Soviet Union may increase the number of their ICBM force. However, the Soviet Union will be able to modernize their heavy missiles, 313 SS-9's with a new missile—noted above—with nearly twice the payload capacity of the existing SS-9's. Since the United States is not permitted any heavy missiles under the agreement, the payload capacity of the U.S. ICBM force cannot be significantly increased.

The United States is free to develop and deploy the Trident—ULMS—submarine. The Soviet Union is free to develop its modified Y class submarine to accommodate a recently developed new SLBM.

The United States is free to develop and deploy the B-1 bomber, the proposed new intercontinental bomber. The Soviet Union is free to develop and deploy its new intercontinental bomber, the Backfire.

The United States is free to make further qualitative improvements to its forces, including multiple warheads—MIRV—improved accuracy, and others. The Soviet Union is also free to make qualitative improvements of the same kind. However, because of the advantage conferred on the Soviet Union by the SALT accords in payload capacity of ICBM's—a 5-to-1 advantage—and numbers of SLBM's—a 3-to-2 advantage—their potential for qualitative improvement is vastly greater than for U.S. forces. Thus, the strategic balance could be as below if the Soviets make only modest qualitative improvements in their forces permitted under the agreements.

HYPOTHESIZED STRATEGIC BALANCE 1978

NUMBER OF WARHEADS

United States		*Soviet Union*	
Minuteman III (550 missiles @ 3 warheads)	1,650	SS-9 (modified) (313 missiles @ 20 warheads)	6,260
Minuteman II (450 missiles @ 1 warhead)	450	SS-11 (1,000 missiles @ 2 warheads)	2,000
Titan II (54 missiles @ 1 warhead)	54	SS-13 (100 missiles @ 2 warheads)	200
Polaris A3 (10 boats, 16 missiles @ 1 warhead)	160	TU-20 and MYA-4 heavy bombers (140 aircraft @ 10 missiles and/or bombs)	1,400
Poseidon (31 boats, 16 missiles @ 10 warheads)	4,960	TU-16 and TU-22 medium bombers (700 aircraft @ 5 missiles and/or bombs)	3,500
B-52 heavy bombers (400 aircraft @ 10 missiles and/or bombs)	4,000	"Y" class submarine (62 boats, 16 missiles @ 1 warhead)	950
FB-111 medium bombers (100 aircraft @ 5 missiles and/or bombs)	500	"G" class submarine (22 boats, 3 missiles @ 1 warhead)	66
Total	11,774	Total	14,376

These estimates are conservative because they assume that the Soviet Union will not be capable of matching the U.S. engineering ability in multiple warhead technology within the next 5 years. If the Soviet Union were able to do so, they have sufficient payload capacity in their ICBM force alone to mount 35,000 of our Poseidon-type warheads.

POLICY ISSUES IN THE SALT ACCORDS

The details of the SALT accords are exceedingly complex because the explicit interim agreement on offensive arms, and the treaty on ABM systems have their associated "unilateral statements" and "agreed interpretations" dealing with specific technical and engineering aspects of the offensive and defensive arms held by each side. Nevertheless, some crucial public policy issues emerge from the broad outlines of the agreements.

First, the United States has accepted an inferior position in every area which was the subject of the interim agreement on offensive arms. That is, the United States accepted a position of inferiority in the number of ICBM's, inferiority in the total payload capacity of ICBM's, inferiority in the number of ballistic missile firing submarines, and inferiority in the number of submarine-launched ballistic missiles. In short, the United States has accepted a "freeze" on its own forces, but have merely imposed a "ceiling" on Soviet forces; a ceiling which is substantially higher than the United States. If the United States is willing to accept inferiority in ICBM's and SLBM's in the first round of SALT, will the United States be willing to accept inferiority of this kind in other strategic systems which will be the subject of negotiations in the second round of SALT?

Second, most scientists close to multiple warhead technology maintain that the Soviet Union can be expected to develop multiple warheads—MIRV—within the 5-year term of the agreement—the United States developed MIRV warheads in 3 years. If the Soviet Union did this and thereby, exploiting their vast ICBM payload capacity, their potential superiority in warheads would become real, Can U.S. security be maintained with manifest strategic inferiority?

Third, the Safeguard ABM system was justified on the grounds that if the Soviets put sufficient numbers of accurate multiple warheads—a serious possibility, should they choose to do so within the 5-year term of the interim agreement on offensive arms—on their "heavy"—SS-9 type—ICBM's, they could destroy 95 percent of the unprotected U.S. Minuteman ICBM's on a first strike. The ABM treaty reduced the number of ABM interceptors at Minuteman bases to a nominal—100 interceptor missiles—and militarily ineffective level, but the offensive threat—that is, SS-9 missiles or larger—was not reduced. Thus, our Minuteman ICBM's are still in danger. How were the interests of reducing the incentive of the Soviet Union to strike first—a criteria of "strategic sufficiency" in President Nixon's 1972 foreign policy message to Congress—enhanced by the terms of the SALT accords?

Fourth, great emphasis among U.S. allies is placed upon the credibility of U.S. strategic forces to provide a "nuclear shield" against Soviet conventional or nuclear attack. The terms of the SALT accords place the United States in a position of at least apparent—based upon the agreed-upon disparity in the size of strategic forces in favor of the Soviet Union—if not real U.S. strategic inferiority. Based on the credibility of the U.S. nuclear umbrella, we have persuaded allied nations such as Japan and Germany to forgo the development of strategic nuclear forces. How can our alliance policy be supported in the future in the face of the SALT accords?

Fifth, the role of photographic satellite observation—national technical means of verification—to police the terms of the agreement is crucial. There have been major failures of photo reconnaissance in the past, such as the failure in 1964 to determine that the Chinese Communists' first nuclear test was going to be a uranium bomb—which required a huge factory for the production of the nuclear material—it was incorrectly predicted that the Chinese would test an unsophisticated plutonium bomb. The SALT accords require a much higher degree of reconnaissance sophistication, and the consequences of successful Soviet evasion are much more serious for the United States. Is it prudent to place our entire confidence in the integrity of the agreements in satellite observation, when on-site inspection is the only truly reliable inspection technique?

The prefatory language contained in the House joint resolution, as reported, fails to contain any language which is sensitive to the concerns expressed by numerous experts before the committees responsible for studying this agreement in both the House and the Senate.

Failure to include such language is likely to result in a misinterpretation of the determination of the Congress to support a prudent strategic posture. Absence of such congressional support could gravely weaken the chances for successful and truly effective arms limitation accords in the forthcoming round of strategic arms limitations negotiations. Moreover, to the extent that the resolve of the Congress is misinterpreted in Moscow, the chances for a stable and enduring world peace are jeopardized.

I therefore urge that the House reject the resolution.

Should the resolution be passed, I urge my colleagues from the Foreign Affairs Committee who will meet with their Senate counterparts to insist in the conference on the inclusion of the language of the so-called Jackson amendment in the final resolution which will be transmitted to the President.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, I rise in support of the Offensive Weapons Interim Agreement and urge passage of House Joint Resolution 1227.

It is generally conceded that America and Russia cannot risk attacking each other because their nuclear arsenals are sufficient to withstand surprise attack and still have enough undamaged retaliatory hardware left over to pulverize the aggressor.

President Nixon and Premier Brezhnev believe it is in the self-interest of their respective countries to perpetuate this condition of mutual deterrence based on nuclear sufficiency. The proposed SALT Treaty limiting defensive anti-ballistic-missile systems and its accompanying interim agreement limiting certain offensive weapons was designed for this purpose.

The rationale of the ABM limitation is obvious. Each new ABM built by one side can be nullified by the other's new offensive installation. It is in nobody's security interest to spend money for that kind of an arms race only to end up poorer, but no safer than before.

The logic of allowing the Soviets a lopsided number of offensive missiles and submarines is obscure if quantity alone is considered. It emerges clearly, however, when other factors relevant to assessing the kill power of these two Nation's strategic nuclear arsenals are taken into account. These include the following:

The actual number of nuclear warheads in the U.S. deterrent package considerably exceeds those of the Soviets because of our many multiple, independently guided reentry vehicles—MIRV's.

The greater accuracy of the U.S. warheads gives them a proportionately large kill capability, ample for nuclear sufficiency.

The U.S. allies and near allies possess substantial strategic deterrent forces which augment the free world's overall deterrent posture.

The arrangements impose no limitations at all on certain U.S. systems contributing to our deterrent strength, such as SAC bombers and U.S. aircraft based overseas on land and on aircraft carriers.

Sufficiency to deter is something in the mind of the beholder and when one side fields a mix of bombers, ICBM's, and SLBM's with which it is satisfied, the other side would need to assume very large and unknown risks of miscalculation in order to assess it as insufficient.

What are inside the strategic systems, how good they are now, and how they may be qualitatively improved are not covered by the arrangements, leaving the parties in exactly the same circumstances, whatever they are, as before.

Provision for verification by each party's own intelligence apparatus involves minimal risk, since the arrangements are cast in terms of items which reasonably can be monitored by satellite photography and similar means.

The foregoing and many additional calculations undoubtedly influenced President Nixon's determination that the agreements are worthwhile and that their terms involve neither undue risks to U.S. security nor disproportionate advantage to the Soviet Union.

In making his decision the President also must have totaled the quite large costs of the superpowers taking no steps at all toward arms control against those involved in the limited agreements he made in Moscow. No person better knows these costs than he and his judgment deserves great respect.

To assure that the arrangements do not grow lopsided by the passage of time, Congress must support the President's R. & D. requests for the Trident submarine program, the B-1 bomber, and other improved strategic systems.

Mr. MORGAN. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the historic resolution approving the interim agreement and related protocol on offensive strategic arms signed in Moscow last May.

In doing so, I want to emphasize that during the process of negotiations which led up to this agreement, Members of the Congress have consistently been kept abreast of developments.

When the SALT talks began about 2½ years ago, the chairman of the Committee on Foreign Affairs assigned the Subcommittee on National Security Policy and Scientific Developments, of which I am chairman, to monitor the progress of the talks.

As a result, the subcommittee was briefed nine times during the 30-month negotiating period. In addition, SALT-related briefings were held with officials of the Department of Defense and the Central Intelligence Agency.

All of these briefings were open to the entire membership of the committee and many members availed themselves of the opportunity to be brought up to date on progress at the talks. Several committee members visited the sites of the talks for additional briefings.

Other committees of this and the other body have similarly availed themselves of the opportunity regularly to be informed about, and consulted on, the negotiations.

Mr. Chairman, I can attest to the candid and forthright discussion which was given to the issues.

No one who attended those meetings failed to be impressed by the serious, professional attitudes of the U.S. SALT negotiating team.

Their work has been of such quality as to require that we give them individual recognition:

The head of the delegation was the Honorable Gerard Smith, Director of the Arms Control and Disarmament Agency, a man noted for his intelligence and judgment.

Representing the Department of Defense on the team was the Honorable Paul Nitze, former Secretary of the Navy.

Representing the Joint Chiefs of Staff was Lt. Gen. Royal Allison of the U.S. Air Force.

And representing the Department of State was the Honorable Graham Parsons, former U.S. Ambassador to Sweden and Laos and a high-ranking Foreign Service officer.

This is the team that hammered out the details of the agreements which President Nixon and Secretary Brezhnev signed in Moscow last May 26.

Since that time their work has received the endorsement of the highest officials of our Government.

In testimony before the committee on the agreements, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff all expressed their support of the agreements.

As one who has followed the progress of the talks from the beginning, let me—at this point—add my endorsement.

The treaty on ABM's and the interim agreement on offensive strategic weapons offer the first tangible evidence that the momentum of the arms race between our Nation and the Soviet Union can be successfully halted and that we can move ultimately to mutual arms reductions.

Several points about these agreements deserve particular attention:

First the negotiating dialog between the United States and the Soviet Union has in itself been useful.

Today, we have a much better understanding of Soviet interests and concerns in the strategic area—certainly the most sensitive area of national life.

And the Russians have a better understanding of our interests and concerns.

Second, the bargaining process was one of give and take on both sides.

Some critics have charged that the Soviets got the best of the bargaining. Such charges are not well founded.

Anyone who was knowledgeable of the bargaining positions of both sides as the negotiations progressed should be well aware that there was give and take on both sides—and that our negotiators took as well as they gave.

In that connection let me quote from the President's statement to Members of Congress on June 15 in which he said:

> I have noted a great deal of speculation about who won and who lost in these negotiations. I have said, that neither side won and neither side lost. As a matter of fact, if we were to really look at it very, very fairly, both sides won, and the whole world won.
>
> Let me tell you why I think that it is important. Where negotiations between great powers are involved, if one side wins, and the other loses clearly, then you have a built-in tendency or incentive for the side that loses to break the agreement and to do everything that it can to regain the advantage.
>
> This is an agreement which was very toughly negotiated on both sides. There are advantages in it for both sides. For that reason, each side has a vested interest, we believe, in keeping the agreement rather than breaking it.

I think that statement by the President is a sound one.

A third point which should be made is that nothing in this interim agreement on offensive nuclear weapons—or the treaty on ballistic missile defense systems—was or will be taken on faith.

There is an old belief in this country about not trusting the Russians. It is wise advice—and thus this agreement is not based on trust.

Rather, it is based on quantitative factors which can be verified by national technical means—that is, our observation satellites.

The director of the Central Intelligence Agency, Richard Helms, has assured the committee that these means are fully adequate to monitor successfully Soviet compliance with the agreements.

Moreover, the agreements themselves call for the creation of a Standing Consultative Commission which will be a forum for ironing out any questions or disputes which may arise from the application of the agreements.

In his testimony before the committee, Dr. Edward Teller, the outstanding nuclear scientist, cited the creation of the Commission as a significant advance in dealing with nuclear weapons issues.

My fourth and final point is that the interim agreement on offensive arms is exactly that—an interim agreement.

Its maximum life is 5 years, during which time both sides will be attempting to work out a comprehensive agreement on offensive strategic arms.

There is no pretense that this is a perfect agreement meant for the ages.

Some critics of the agreement have tended to see it in just that light. Their charges appear to be based on the mistaken idea that the agreement is a permanent one.

The agreement is not permanent in any sense. If it should be possible to reach a comprehensive agreement with the Soviets next month—albeit unlikely—the useful life of the agreement will have been 1 month.

The value of the agreement is to give both sides 5 additional years to see if comprehensive controls are possible. For the sake of ending the costly arms race, let us hope that they are.

In the meantime, this body should indicate to the American people and the people of the world that the Congress supports careful, reasonable steps toward strategic arms limitation by giving its overwhelming support to the joint resolution before us today.

Mr. DOW. Mr. Chairman, will the gentleman yield?

Mr. ZABLOCKI. I yield to the gentleman from New York (Mr. Dow).

Mr. DOW. Mr. Chairman, this Congressman heartily supports the resolution, House Joint Resolution 1227, to accept the interim agreement for limiting strategic offensive arms.

Some days ago, I was curious as to why this particular agreement was not handled as a treaty, but instead, comes as an agreement to be accepted by both Houses of Congress. The Library of Congress has given me some good reasons, and I want to share them with my colleagues.

This agreement relates to offensive weapons, and is interim in nature. Accordingly it does not seem to have the permanence that would be expected in the treaty form.

Further, the Arms Control and Disarmament Act of 1961, which establishes the U.S. Arms Control and Disarmament Agency, states that any agreement which limits U.S. arms must have congressional approval.

We should be pleased that the monumental consequence of this landmark agreement is signified by its submittal to both Houses of Congress. We should be pleased that we, as Members of Congress, can participate in the consummation of the first major limitation upon the principal nuclear weapons.

The implied threats by the Secretary of Defense and by some Members of the other body to qualify this agreement in some fashion, should be opposed. It is certainly ironic when worldwide appeals for strategic arms limitation have been prevalent for years and years, that anyone in his right mind would want to water down the monumental achievement represented in this agreement by armament strategies that would in any way nullify the accomplishments of the agreement. To observe that some American leaders would join in this agreement, yet promptly thereafter seek means to "get around it," is certainly disheartening.

The United States ought certainly to continue its observations of Soviet arming, but the United States should not be the first in nullifying what has been agreed to. I am more than a little surprised and disappointed that the United States might follow this course. Some of us will oppose any watering down of the SALT agreement, or any devices to destroy its effect.

Mr. MORGAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BINGHAM).

Mr. BINGHAM. Mr. Chairman, I thank the gentleman for yielding.

I should like to make two points.

First, I have often stood here in the well and criticized the present administration, and on this occasion I am happy to rise and pay tribute to what this administration has done. As the other speakers have pointed out, this has been a remarkable negotiating team. I believe Ambassador Gerard Smith, whom I have had the pleasure of knowing as a friend for many years, has done an outstanding job.

We have had the collaboration of the various agencies of the U.S. Government, and we have established a new means of communication without polemics with the Soviet Union, which can be extraordinarily valuable for years to come.

These agreements, of course, are limited in scope, and I certainly hope further negotiations will proceed to complete the job that has been commenced.

The other point I want to make is this: The strange thing which strikes me about what is going on in the other body, and the objections that have been raised to the interim agreement, is that the interim agreement—the one before us—is the one in which the United States gained something and the Soviets gave up something. It was the treaty on the ABM in which we made the sacrifice and the Soviets got what they wanted. Yet the administration witnesses pointed this out. So if by chance the treaty, which has now been ratified, were to be in force, and the agreement were not to be approved, we would be producing an absurdity: we would be saying, "OK, we have agreed to the treaty in which the United States gives up something, but we are not going to approve the agreement in which the Soviet Union gives up something."

Mr. MAILLIARD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Chairman, I rise at this point to endorse the proposal that is on the floor of the House that would call upon the House of Representatives to approve the interim agreement reached by the President and the representatives of the Soviet Union in the recent SALT talk negotiations.

The gentleman from Louisiana, the distinguished majority leader, and I introduced the basic proposal. It was referred to the Committee on Foreign Affairs. That committee worked its will and made some changes in the text, changes which in my judgment in no way whatsoever harm or injure the proposal that was originally submitted. As a matter of fact, I think the committee probably to some extent, if that is the right word, cleaned up the proposal as it was originally drafted.

It seems to me, however, a comment or two might be appropriate at this time as to the attitude of the Congress.

I believe this agreement will be overwhelmingly approved by the House of Representatives, and properly so. However, I do think it wise to say that both in the other body and here many searching questions have been asked and in the minds of at least some there is some concern and some apprehension.

I believe that the President and his negotiating team did a good job, but it should also be borne in mind—and this is in relationship to subsequent negotiations—that the President of the United States, whoever that might be, has to come back to the legislative body in the United States which represents the people to get in the one case any treaty agreement by the other body and an executive agreement approval by both bodies.

So the President in his negotiations does have to bear in mind the attitudes and the opinions of the 535 Members of the Congress as a whole. The President does not have a totally free hand, and under our system he should not.

This ought to be understood by those on the other side of the negotiating table. This fact of life in American politics ought to be understood by the other side in any such negotiations. It is a give and take with the Congress, figuratively, looking over the shoulder of our President.

In the case of the United States the President has the primary responsibility but he does have to bear in mind the facts, attitudes and opinions that do exist in the legislative branch under our system of government in America.

Mr. Chairman, I endorse the proposal before us and urge its affirmative consideration and I hope by an overwhelming vote.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I thank the gentleman for yielding. I rise in support of the resolution and to pay tribute to President Richard Nixon for the dedicated effort on his part that made it possible for us to make this first significant step toward an understanding between peoples and nations. An understanding that could well set the stage for a full generation of peace.

It is important to understand that this agreement and the accompanying treaty on strategic arms limitation are not the total answer to the problem of the world today. It is important to understand that it is only a beginning. And it is important to understand that the success or failure of these agreements and future agreements will, in the end, be determined by the manner in which all parties involved conduct themselves.

Mr. Chairman, while this agreement is only a beginning, when I think of the possibilities it presents, when I dare to dream that world peace may finally be in our future, the pride I feel for my country and for my President cannot be contained.

Mr. Chairman, I pray that we are right in this effort. I pray that God will continue to lead President Nixon in these extremely delicate negotiations for peace and I pray that each of us will soon be able to live in a time when war is obsolete and has been set aside by a people determined to live in peace.

Mr. YOUNG of Florida. I thank the distinguished minority leader for yielding to me.

Mr. MORGAN. Mr. Chairman, I yield as much time as he may desire to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, I take this time to commend the leadership on both sides of the aisle for supporting the proposal before us today. It represents a significantly forward step in America's history and in foreign policy programs. I endorse the proposal.

I believe the strategic arms limitations agreements now before Congress represent a significant forward step in the struggle for peace in the world. Let us be perfectly frank in admitting the agreements have weaknesses. I am concerned over the apparent numerical superiority the Soviets will enjoy. I am disturbed that the Soviets are not deterred from installing multiple warheads on their missiles.

But the agreement is better than no agreement at all. It is an interim agreement for a 5-year period, to be in effect until such time as a permanent agreement can be reached, unless canceled. The agreements provide us a breathing room while, hopefully a better understanding among nations and permanent agreements on arms limitation is reached.

The proposal which we are now asked to approve is a welcome substitute for an expensive arms buildup. More significantly, it does provide a degree of limitation on the Soviets. This is important because they are not bound by concern for domestic programs. They can build weapons without the restrictions which we impose upon ourselves so that we can provide greater benefits to the people of our country.

Let us hope that the years immediately ahead will give us a better understanding with Russia and with other world powers. Let us hope that it opens the door to an opportunity for permanent agreements on arms limitations. But let me caution that we must maintain a proper level of defense for America during the interim period. Particularly should we explore every fruitful avenue of research and development. We must seek better weapons to offset the limitation which we are imposing on ourselves.

I urge adoption of the agreements by the Congress, and that we afford the President our full support as, with congressional endorsement, he moves toward that goal which we all seek—an end to the arms race everywhere.

Mr. MORGAN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, I support this agreement, but I want more assurance that we can verify compliance.

Article V of the interim agreement merely states that each nation "shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law."

It is obvious that we are counting heavily on observation satellites. We can doubtless count also on diplomatic contacts, newspapers and articles, defectors, espionage, tourists, and businessmen. But can any of these give us adequate verification?

When Secretary Laird testified on these accords before the Appropriations Committee, I asked him if we had adequate means to discover violations. Mr. Laird would only say:

> Dr. Long, I expect you to take my word for it because you have had the privilege of sitting in executive sessions of this committee, and I believe, based upon the briefings I have given you and the information that you have had available to you, you will accept my words.

Well, I do not recall any such reassurance, and it is not my job as a Congressman to accept anybody's word on anything so vital to our national security.

Nowhere in the two agreements is there any recognition of the uniertainties of what is going on in the closed system of the Soviet Union. Yesterday Senator JACKSON pointed out that the Soviet negotiators lied to our negotiators that they had 48 Yankee class submarines when they only had 42 of these ballistic missile carrying sub—in order to obtain a better bargaining position in the talks.

Satellites can count missiles, but they cannot look inside the silos. In addition, the treaty has not yet settled the question of mobile land missiles. How can we count missiles that are being moved around?

We have to be able to verify that the Soviet Union is living up to the arms limitation. We have to have confidence in our ability to verify. And the Soviet Union has to be convinced that we are able to verify, because if it thinks we cannot, it may be tempted to cheat.

Most treaties and agreements of this type fail—if they do fail—because of cheating and lack of confidence.

Mr. Chairman, I want the agreement on offensive weapons to succeed, but I am disturbed about the adequacy of our verification system, and I am not satisfied with assurances offered by the administration.

Mr. MORGAN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I rise in full support of House Joint Resolution 1227, the resolution expressing the approval of the Congress and authorization for the President to accept an interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms.

The signing of the interim agreement and the ABM treaty in Moscow on May 26, 1972, was a historic first step in our efforts to check the ever escalating, evermore expensive and dangerous nuclear arms race. We must not underestimate the long-term significance, nor can we let down our guard in the face of limited, although notable, progress.

The agreements reached in Moscow this spring represent the culmination of concerted efforts which began during the Kennedy administration with the creation of the Arms Control and Disarmament Agency by the Congress in 1961, action which I supported in the House. Efforts continued during the administration of President Johnson and steps were taken to prepare for direct discussions with the Soviet Union on mutual arms limitation. President Nixon's initiative then led to the opening of the strategic arms limitation talks in November of 1969, and finally, to agreements on the limitation of both offensive and defensive nuclear arms. It has been a long, hard road, but one which I feel we could not afford to ignore.

The United States must, of course, maintain a strong national defense, one which includes a strong strategic posture. The House Foreign Affairs Committee agreed, and I concur, that only by bargaining from a position of sufficient strength can the United States expect success in the attempt to achieve an effective, lasting agreement limiting offensive strategic systems.

I agree, to, that while offering the prospect of a more secure and peaceful world, the SALT agreements will permit the United States to take those steps necessary to maintain a strategic posture which both protects our vital national interests and guarantees our continued security.

We must continue to hope for and work toward a comprehensive nuclear offensive arms limitation. The interim agreement, however, is in the national security interests of our country, and deserves the support of the Congress.

Mr. Chairman, this is a historic occasion for at least two reasons, and for both reasons I can commend President Nixon and the negotiating team on the first count for the substance of both the treaty and the interim agreement, which speak for themselves. And on the second count, Mr. Chairman, because of the fact that this administration has sent the interim agreement for ratification and approval by the Congress of the United States. This is an important step for us, and I would hope that all these executive agreements would ultimately be sent to the Congress for our consideration and acceptance.

The language of the resolution before us, therefore, carries out that intent, and says that the Congress ratifies the agreement and authorizes the President to enter into the formal acceptance for that interim agreement.

Mr. Chairman, it is for these reasons that I rise in support of the pending resolution.

Mr. MORGAN. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I rise today in support of this resolution, but I think there are some serious limitations to this agreement. Although we are all anxious to go home, and nobody, perhaps, is listening, I believe that if we pass this resolution today without recognizing some of the pitfalls in the agreement it ratifies, we may be in trouble.

It is impossible to explain all of these limitations in 2 minutes, and I hope to get a little more time under the 5 minute rule because, after all, this is basically an agreement with regard to long-range nuclear offensive missiles. The committee that has the primary concern with long-range nuclear offensive missiles is the Committee on Armed Services. We have examined the agreement; we have held hearings on it, but the legislation itself comes out today from the Committee on Foreign Affairs which, as we all know, is highly knowledgeable on the broad spectrum of political and military affairs. But perhaps a comment or two from someone on the military side of the picture might also be appropriate because there are very definite limitations to this SALT agreement from a military point of view.

The distinguished junior Senators from Washington probably the most knowledgeable man in the Congress today in the field of nuclear missiles and national defense generally, is so concerned about some of the inadequacies of this agreement that he has dominated the proceedings of the other body for the last week simply in an effort to put some language into their resolution of approval that will indicate that at least we in Congress know what these limitations are and that we will continue to be aware of them in the 5-year interim period that lies ahead.

The reason I support this agreement is that I think it is better than nothing. I believe that the military situation against us with regard to the Soviet Union would be worse if we did not have the agreement than if we have it.

So I am prepared to support it and I am not even going to offer the so-called Jackson amendment. But I do think we should recognize that this agreement will not exactly usher in the millennium—that we not only begin here from a position of slight inferiority for the United States—but, if we are not careful, it could parlay itself over the next 5 years into a position of substantial relative weakness on our part.

The time of the gentleman from New York has expired.

Mr. MAILLIARD. Mr. Chairman, I yield 2 minutes to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, the present time we have 1,054 long-range ICBM missiles while the Soviets have some 1,643. We have 41 nuclear submarines at the present, while they have 31 afloat and 12 others building. So you might say in spite of these numerical differences, maybe we still have a general parity with the Russians. But the Soviets are now and have been, and would have been without this treaty, undertaking a very rapid expansion of their nuclear forces.

Even under this interim arrangement, they are going to be allowed to have as many as 62 missile-firing submarines while our 41 have been frozen at that number for some time and under the agreement could only increase to 44.

So the question is whether we in this country are going to be willing to make the difficult decisions that will be needed over the 5-year period ahead if we are going to prevent this period from being used by the Soviets to achieve an even greater gap between our nuclear missile power and that of the Soviets.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I am glad to yield to the gentleman.

Mr. DENNIS. Mr. Chairman, I think the gentleman is making a very valuable contribution to this debate, to much of which I subscribe and which definitely needed to be made. I am glad the gentleman has made it.

I would like to add that we hear a lot these days about the need for greater participation by the Congress in the conduct of our foreign policy—a principle to which I subscribe. But I think personally that it is a poor argument for that principle, and rather reflects upon the Congress, that we are considering here this morning a highly important measure of foreign policy, in which we have been asked to participate, and only a corporal's guard is here present.

I thank the gentleman for yielding.

Mr. STRATTON. Mr. Chairman, the gentleman is absolutely correct.

Now, Mr. Chairman, there is some evidence that the terms of the agreement were arrived at rather hastily during 1 or 2 days of the Moscow conference in a desperate effort to get something that could be publicly agreed to. Some of the provisions of the agreement which was finally concluded, it has been suggested, involve concessions on which the American delegation to the SALT talks had until then steadfastly maintained they could not and would not yield.

I cannot pinpoint just which those provisions are, but we can readily see aspects of the agreement that do give cause for concern.

For example, the Soviets also have a substantial number of cruise-missile submarines not even covered by this agreement. Yet these submarines, with nuclear-typed missiles, pose a very considerable threat to the United States. Even though their range is only about 300 miles, they would still be capable of knocking out most of our major cities on the east coast, the west coast, and even along the gulf coast, since they can come in low and fast and thus get under our radar and antiaircraft defenses.

Indeed this is one area where we cannot match the Soviets since their major cities are so far inland that they are inaccessible to cruise missile attack.

In addition, there are the serious ambiguities in language to which I have already referred. Let me give just one example. On page 27 of the Presidential message transmitting the SALT agreements to Congress (House Document 92–311, June 13, 1972) there appears the following "Agreed Interpretation" numbered "J," which reads as follows:

> The Parties understand that in the process of modernization and replacement [permitted under the agreement] the dimensions of land-based ICBM silo launchers will not be significantly increased.

At the bottom of the same page there appears under the heading "Common Understanding" the following words:

> Increase in ABM Silo Dimensions—Ambassador Smith made the following statement on May 26, 1972: "The Parties agree that the term 'significantly increased' means that an increase will not be greater than 10–15 percent of the present dimensions of land-based ICBM launchers.
>
> "Minister Semenov replied that this statement corresponded to the Soviet understanding."

Now, Mr. Chairman, note the plural in the word "dimensions" in the next to the last sentence. In a launcher silo there are two important dimensions—the diameter and the depth. If we allow a 15 percent increase in just one of these two basic dimensions, the volume of the silo is increased by 32 percent—almost one-third. Is an increase of one-third in volume really an "insignificant" increase when it comes to the destructive power of the missile?

And since the wording on page 27 says "dimensions" not "dimension" let us see what happens if we increase both dimensions of the silo by 15 percent. In that case the volume is increased by an astounding 52 percent. That surely is not any "insignificant" increase. Indeed 52 percent is about the difference between the missiles on the new Trident submarine compared to the current Poseidon missile we now employ.

Ambassador Gerard Smith, our chief negotiator at the SALT talks did tell our committee that the wording of this particular "common understanding" actually meant "an increase of 10 to 15 percent in one dimension or a combination, but not in both." But in response to a question from me, he conceded there was nothing in the text of the agreements to demonstrate that the Soviet delegate had also accepted this view.

Let me touch on another problem that also disturbs me. We have heard a lot of talk lately that amendments like those being offered in the Senate by Senator Jackson upset the spirit of "trust" that marked these historic agreements. But the truth is, Mr. Chairman, that the Russians never did give us the precise number of ICBM launchers which they actually have. They just let us set our ceiling on the basis of our own intelligence estimates of the number of launchers which they have.

What kind of "trust" is this, if the Soviets will not even give us the basic figures on their own nuclear arsenal which are of course essential to any meaningful agreement?

So, Mr. Chairman, while this agreement before us may help to slow down the Soviet momentum, there are just too many loopholes in it for us to assume that peace suddenly is here at last, and that we can all safely let down our guard now and relax.

The Soviets have already indicated their intentions of proceeding at once—as indeed they may already be doing—to improve their missile capabilities under the terms permitted by the agreement. This is why it is so very important for us to continue during this 5-year interim period to improve the quality of our nuclear forces to maintain some continued position of equality.

There are some indications we may be prepared to do just this, since both the House and Senate have approved the new Trident submarine, as well as the B–1 bomber, as recommended by the Joint Chiefs of Staff. But there are other indications that Congress may hesitate to go as far as our military leaders have urged us to go to keep in step with other improvements the Soviets may be making in their forces during this interim period. The ABM missile site approved for the Washington area, for example, has been knocked out over in the Senate. And the Senate has also opposed research and development funds required to provide a steady degree of technological improvement for our own forces.

This is disturbing because if the Soviets do move ahead rapidly, and at the same time we lag back in the mistaken belief that we are now safe because of SALT, the real balance of power between ourselves and the Soviets could shift badly, and the chances of getting a real SALT II agreement would become almost impossible. This would be especially true if the Soviets were to succeed in MIRVing their much bigger and heavier SS–9 missiles.

Maybe all of this will not happen in just 5 years; but there is a chance that it just might happen. And we cannot afford to take that chance or at least be blind to the possibility it could occur.

So this is the reason for the Jackson amendment. I believe it makes a good deal of sense. Let me just read the text of that amendment:

> Resolved that the Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the anti-ballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.

Mr. Chairman, I do not intend to offer this Jackson amendment here today. But there is a very good chance it will be added to the resolution in the Senate.

I just want to express here today the hope that if this Jackson amendment is added in the Senate the House conferees will accept it. Its inclusion in the joint resolution would simply demonstrate that we recognize the dangers in the interim agreement, intend to avoid them, and look hopefully ahead to the achievement of a more stable, equitable, and permanent agreement on offensive missiles as a result of the SALT II talks.

Mr. MAILLIARD. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I just want to say I

have listened with great interest to the remarks of the gentleman from New York and I entirely subscribe to what he has said—that we ought not to take this as the millenium and sit back and feel that we are safe forever without taking some additional steps.

As I said in my original remarks, this is an interim agreement and it does not amount to much unless we proceed to the second stage.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I rise in opposition to House Joint Resolution 1227, the joint resolution approving the agreement on limitation of strategic defensive weapons between the United States of America and the Soviet Union. There are many reasons for my final conclusion to oppose this agreement which in "all hope" would genuinely provide a peaceful atmosphere in which our two countries can operate; however, I do not believe that either our immediate past experience or general conditions around the world justify the honest hope that this agreement will have any meaning should the Soviet Union decide to violate it. It is amazing how rapidly we forget, it was but 3 months ago that the Soviet Union was supplying massive amounts of armaments to the Communist North Vietnamese who were attacking not only the South Vietnamese but also our own American forces in South Vietnam. Further, on May 25. I introduced into the Record material from U.S. News & World Report which recounted previous agreements which the United States had with the Soviet Union and how they have violated 24 out of 25. I wish to review for my colleagues some of the facts from that article at this time because I believe it is very pertinent to the discussion here today.

Soviet Record in 25 Summit Agreements—Honored: 1, Broken: 24

In seven summit meetings between a U.S. President and a Soviet leader, 25 agreements have been reached. The Soviets have violated 24 of those 25 agreements, according to a staff study for the Senate Judiciary Committee. Here is their record:

1943. At Teheran, in a meeting with British Prime Minister Winston Churchill and U.S. President Franklin D. Roosevelt, Joseph Stalin made four major agreements. Russia broke all of them.

1945. At Yalta, in another wartime Big Three meeting, Russia entered into six major agreements, of which five were violated. The only pledge kept was to enter the war against Japan—and that was done only after the outcome was decided.

1945. At Potsdam, where President Harry Truman represented U.S. in a summit meeting after Germany's surrender, Stalin made 14 major agreements. All were broken.

1955. At Geneva, in a Big Four meeting including France, Russia agreed that Germany's reunification problem should be settled by free elections. Moscow later refused to permit such elections.

No hard agreements were reached at the last three summit meetings—in 1959 when President Dwight Eisenhower met with Nikita Khrushchev in Camp David, Md.; in 1961 when President John F. Kennedy met with Khrushchev in Vienna, and in 1967, when Premier Alexei Kosygin conferred with President Lyndon B. Johnson in Glassboro, N.J.

The Russians similarly have failed to keep many other international agreements with the United States. Examples:

In World War II, the Soviets promised Western allies they were seeking no territorial aggrandizement. But Russia by 1948 controlled 11 countries—plus East Germany—and 750 million people.

Russia repeatedly promised the U.S. between 1942 and 1946 that it would guarantee freedom and free elections in Hungary, Bulgaria, Poland, Czechoslovakia and Rumania. All those countries wound up with Communist dictatorships.

The Kremlin pledged to repatriate World War II prisoners, but instead sent millions of them to slave-labor camps.

Russia gave the U.S. a promise that Korea would be free and independent—then set up a Communist government in the northern half of the country and masterminded an attempt to invade and conquer the rest of Korea. That broken promise cost the lives of 33,629 Americans.

The Soviet Foreign Minister traveled to New York in 1946 and repeated a previous Kremlin promise that the Danube River would be opened to free navigation and trade. Today, the lower Danube, behind the Iron Curtain, is still a controlled Communist waterway.

The Soviet Union promised the U.S. that it would treat Germany as one country after World War II—then sealed off its occupation zone, turned it into a separate country and is now seeking to make Germany's division permanent.

Russia's promise of free travel between Berlin and the West has been broken repeatedly. Outstanding examples of this were the Berlin blockade of 1948–1949 and the 1961 construction of the Berlin Wall.

Russia repeatedly assured the U.S. in 1962 that the arms build-up in Communist Cuba was purely defensive in character—then secretly put in offensive missiles aimed at the U.S. When this action was met by a firm U.S. challenge and naval blockade, Russia promised to remove the missiles.

Faced with Russia's long history of breaking agreements, the U.S. attempted a tacit rather than a formal agreement to halt nuclear testing in 1958. In 1961 the Soviets broke this understanding and resumed testing.

In signing a nonproliferation treaty in 1969, Russia promised to end the nuclear arms race and work toward disarmament. Instead, Russia accelerated its missile construction, overtook the U.S. and is now challenging in almost every category of nuclear weaponry.

In 1970 Russia approved of a U.S. cease-fire plan in the Middle East, then helped Egypt violate it by moving SA-2 and SA-3 antiaircraft missiles up to the Suez Canal.

Other countries, as well as the U.S., have learned by experience that they could not rely on agreements with the Kremlin. Examples:

In joining the League of Nations in 1934, Russia pledged not to resort to war. In 1939, Russia was expelled from the League for acts of aggression, including the invasion of Poland and Finland—both countries with which Moscow had signed treaties of nonaggression.

In violation of nonaggression pacts, Russia invaded Estonia, Latvia and Lithuania in 1940 and incorporated them into the Soviet Union.

My colleague from Illinois, Mr. Pucinski, has pointed out that it is the General Secretary of the Communist Party who has signed this agreement and not the signature of the Premier of the United Soviet Socialist Republic. Therefore, a sudden change in the Communist Party leadership would give the Soviet Communists the excuse that the agreement was somehow jeopardized. It is not easy to raise some of these points of honest concern, but I cannot bring myself to believe that this agreement will have any more merit than those of the past which I have reviewed.

Mr. MATSUNAGA. Mr. Chairman, as one who is firmly convinced that further development of offensive armaments by the two great nuclear powers of the world would not advance the cause of world peace, I rise in support of House Joint Resolution 1227.

First, I would like to commend the members of the Committee on Foreign Affairs and its distinguished chairman, the gentleman from Pennsylvania (Mr. Morgan), for reporting to the House a bill which, stripped of verbiage, sets forth the congressional mandate to the Chief Executive in clear and concise language.

Although a great nuclear power, the United States nevertheless is strongly committed to seek world peace as an affirmative goal. This Nation's history and institutions do not permit the pursuance of any other course. Believing, therefore, that the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms would advance the cause of world peace, I urge support of the measure now before this body. The proposed legislation very simply states that the Congress approves and authorizes the President to accept the interim agreement on behalf of the United States.

Mr. Chairman, my colleagues may have different reasons for supporting the interim agreement, and certainly among reasonable lawmakers the reasons for supporting that agreement may differ. However, whatever may be the basis from which that support springs, it should not, either in whole or in part, involve fear—fear of being relegated to the No. 2 position in the offensive strategic nuclear weapons race and, perhaps, fear of fear itself.

Maximum effectiveness in achieving the result to which the interim agreement merely points the way, can only come from a responsible recognition by the United States and the Soviet Union, as well as by other nations, that the overriding consideration in further sessions at the bargaining table is the fostering of world peace. It is only then that an agreement limiting offensive strategic systems will have any real meaning.

Mr. Chairman, for the reasons I have stated, I urge the passage of House Joint Resolution 1227.

Mr. PURCELL. Mr. Chairman, I rise in support of the resolution approving the acceptance by the President for the United States of the interim agreement between the United States and the Soviet Union on offensive weapons limitations.

The SALT I agreements were formalized in Moscow this spring. They consist of a treaty limiting anti-ballistic-missile systems and an interim agreement intended to freeze strategic offensive missile forces for a period of 5 years pending further negotiations. Today the House of Representatives is concerned only with the interim agreement.

Signed by President Nixon last May, the agreement holds forth real promise that global tension and suspicion can be curbed. After careful study of public opinion from my own constituency and of the wealth of strategic and scientific information brought together by the Committee on Foreign Affairs, and after careful comparison of the effects of the agreement upon U.S. strategic planning and Soviet strategic planning, I am convinced that the approval of the agreement is in the overall best interests of the Nation.

My decision has not come quickly. Public sentiment on this question seems to be just about evenly split among the voters of my northwest Texas district. The focus of concern for those who have expressed their doubts to me has been that such an agreement might compromise our defense posture. Having reviewed the assurances of the Secretary of Defense, the Secretary of State, and the Director of the Central Intelligence Agency in this regard, I am confident that not only will the security interests of the United States continue to be adequately attended, but they will be improved by Soviet compliance with the agreement. Technical inspection procedures have been agreed upon and Congress has received the assurances of our intelligence officials that they are satisfactory.

The Chairman of the Joint Chiefs of Staff, Admiral Moorer, has informed the Committee on Foreign Affairs that without an agreement such as this one, a large-scale Soviet expansion of its strategic forces—already underway—would have continued undaunted. Admiral Moorer testified that the momentum of the Soviet arms buildup would have pushed their capabilities far beyond our planned levels before the end of this decade. Thus, the approval of this agreement will, in the words of the committee, place limitations on current Soviet offensive programs, but not current U.S. programs.

The agreement and the SALT II talks which it makes possible were conceived more than a decade ago. Three administrations have carefully nurtured the course of negotiations to this point. I think there is much which can be gained from a permanent agreement—the objectives of the SALT II meetings scheduled to commence in October. To throw out this interim agreement which we have in front of us today could very well jeopardize strong gains which we will be able to bargain for in those talks.

The record should, and I think clearly will show that the agreement received the closely scrutinized and pragmatic support of the American people. Certainly no one in this Chamber considers the agreement sacrosanct as an end in itself. Actually, it is no more than a latticework supporting a platform upon which negotiating efforts will be made to carve out a permanent agreement.

Hence, at this welcome pause in the long arms race, this country should be resting with one eye open. My support for this resolution comes only with the assurance that this will be the case.

It is absolutely essential to accompany our approval of this agreement with a strong resolve to maintain a positive strategic stance. Far more turns on American strength than international pride. Millions of our world neighbors literally depend upon the strength of our posture. In today's times of volatile and tenuous global relations, our position must continue to be firm in the eyes of the world.

This will not only enhance our bargaining position at the future SALT talks, but it will continue to lend critically needed stability to an unsettled international setting.

Mr. HARRINGTON. Mr. Chairman, I rise in support of House Joint Resolution 1227. Today, as on many past occasions, I registered my wholehearted approval of the SALT agreements. I feel that the results of the summit meeting in Moscow are worthy of great praise. The President's efforts in May of this year culminated the careful negotiations of 2½ years and mark the beginning of what will hopefully become a new era in the foreign relations of this country. These accords are perhaps the most significant accomplishment of this administration and indeed may be referred to as an historic achievement, for the establishment of a relationship with the Soviet Union based on mutual trust and confidence is an important step toward the day when all men can live in peace.

The limitation of strategic offensive arms, which this joint resolution would approve, shows that both the United States and Soviet Union are aware of the increasing threat of a nuclear confrontation and of the pressing need for greater international cooperation in order to avert such a catastrophic event. Both nations have recognized the overall parity of their nuclear forces and have, in effect, agreed to establish a strategic policy of mutual deterrence. Most importantly, these talks have laid the groundwork for further discussion and are a foundation on which to build more stable United States-Soviet relations. The fact that these two great nations were able to agree on these matters is an encouraging sign, pointing the way to the establishment of an atmosphere of greater trust.

There is, however, a relevant matter which is of great concern to me. Although not dealt with in this particular legislation, this is something which has great bearing on how effective these agreements will be. The matter to which I refer, Mr. Chairman, is the proposed increase in military expenditures that is being requested as a result of these very accords.

Frankly, I find it very perplexing that even before the Congress has had the opportunity to consider these arms limitations measures, the Defense Department has come before us asking for additional funds. There is absolutely no valid reason why these moneys should be appropriated, for, as the Senate Committee on Foreign Relations reported from hearings on a joint resolution similar to the one before us now, "expert witnesses were generally agreed that the United States has enough deliverable warheads in the various delivery systems to assure that U.S. strategic forces can destroy the Soviet Union or any other nation many times over. Variations in strengths merely affect overkill, not the ability to kill."

In this same vein, Dr. Stanley Hoffman, professor of government and management of the Center for International Affairs at Harvard University, sees the arms race as an exercise in futility, "which merely condemns the two racers to keep running faster just in order to remain in place" and that "always leaves the two runners at the end of each phase in the same mutual relation but on a higher plateau of financial depletion and human absurdity." So, as many knowledgeable persons have testified, it is certain that the granting of the funds would serve no good purpose.

I fear, in addition, that this accelerated spending would have adverse effects on recent accomplishments, jeopardize changes for further meaningful negotiations, and would generally be an unwise action for this country to take. To increase defense spending at this time would be a hypocritical action with injurious ramifications, demonstrating to the Soviets, Americans, and to people all over the world a policy of hostility and distrust. We must, therefore, show good faith in the interim agreement, for as the aforementioned Senate committee report asserts:

> Escalation of weapons development at this juncture involves a risk that the Soviet Union will be incited into endeavors it might not otherwise undertake. It would be ironic indeed if what is purportedly an agreement on arms limitation might become a spur to further arms buildups.

Dr. Marvin L. Goldberger, chairman of Princeton University's Physics Department, asserted in testimony to the Senate committee:

> There is no reason for accelerating any offensive weapons programs at this time. Instead, if the agreements are to have any real value, then many proposed programs should be cut back.

It is clear that the effects of this add-on spending can only be a hinderance to progress already made.

Another factor to be considered in deciding about the appropriation of the Defense Department's request for an extra $110 million is public opinion within our own country. As I have pointed out, there is an inherent contradiction in reaching an accord on arms limitations on one hand and building up arms with more of the taxpayers' money on the other. I feel that Americans have a right to be upset with this kind of reasoning that links arms control and more spending together. I believe there is an increasing disenchantment and skepticism in our Nation and this spending would add to these feelings and therefore is ill advised.

Mr. Chairman, in conclusion, I would like to reiterate my complete approval of this joint resolution and of the SALT agreements. However, I do not want my vote to be interpreted as in any way supporting the Defense Department's request for additional funds after SALT. This would only work against the measures taken to date and would render ineffective House Joint Resolution 1227 and our other accords with the Soviet Union.

At this point I include in the Record an article by Chalmers M. Roberts which appeared in the Washington Post on August 16, 1972. I think it explains very well the reasons for which I oppose post-SALT increased defense spending. The article follows:

[From the Washington Post, Aug. 16, 1972]

Backward of Forward? Promise of SALT: What's Happening?

(By Chalmers M. Roberts)

Less than three months ago Richard Nixon and Leonid Brezhnev signed their names to "basic principles of relations" between the two superpowers, a sort of codification of the President's pledge that the United States would move from "an era of confrontation" to an "era of negotiation." The Nixon-Brezhnev "principles" included a statement that "differences in ideology and in the social systems" are not a bar to normal relationships, that both nations "will always exercise restraint in their mutual relations" and that both recognize they should eschew "efforts to obtain unilateral advantage at the expense of the other, directly or indirectly."

Three days earlier the two leaders had signed the strategic arms limitation (SALT) agreements. In assessing the Soviet-American atmosphere at the end of the Moscow summitry Henry Kissinger remarked that "I think trust has developed but not the point that it could survive a major challenge that one side would put to the other that affects its own estimate of its vital interests."

It is against this background, it seems to me, that one should assess the Jackson amendment to one of the two SALT pacts, that limiting offensive weapons. The fate of the amendment is far less important that what the discussion of it disclosed about the post-summit attitudes in Washington. The same is true of the related new, more accurate and more powerful American missile warheads that the administration has requested. Like a summer lightening storm the discussion suddenly illuminated the landscape in this capital, both in the Senate and in the White House and elsewhere in the executive branch.

"Confrontation" and "negotiation" are not, of course, mutually exclusive and that is just as true in Moscow as in Washington. Mr. Nixon last July 27 said that "the decision with regard to the SALT agreements involved a fight between the hawks and doves" in his own administration. On July 15 Kissinger remarked at a congressional briefing that during the SALT negotiations "we were acutely conscious of the contradictory tendencies at work in Soviet policy"—in other words, the hawk-dove problem in the Kremlin.

In asking both for congressional approval of the two SALT pacts and for money for the Trident submarine and B–1 bomber programs the President said Brezhnev and his colleagues "made it absolutely clear that they are going forward with defense programs in the offensive area which are not limited by these agreements." Soviet sources in a position to know about those conversations, however, contend that Mr. Nixon's version stretched Brezhnev's remarks for his own purposes. But American sources, equally in the know, contend Brezhnev left no doubt about what Mr. Nixon said he said. Jackson commented that he was "disturbed by the report of the President" on Brezhnev's remarks.

What the Jackson amendment affair plus the revelation of the new missile warhead program demonstrates is the limited meaning being applied by the Nixon Administration to the Moscow "basic principles of revelations" and that we can expect to see a lot more "confrontation" along with future "negotiation." Indeed, the "trust" about which Kissinger spoke seems close to nonexistent.

Jackson made his own motivation clear enough. He considered the offensive weapons agreement put the United States at a disadvantage and he used the amendment device to lock the administration into a SALT II posture of accepting nothing less than what he termed "a restoration of parity." The gloss he supplied on what constitutes "parity" made it clear he meant what those Americans who negotiated the agreements and many others consider old fashioned "superiority." What Jackson could not do by direction—defeat the agreement in the Senate—he sought to do by indirection—tie the administration's hands in the negotiations ahead that are designed to turn the five year agreement into a permanent treaty.

The Kremlin reaction to all this is unclear but not difficult to imagine. Quite probably the Moscow hawks have gained a point in their continuing suspicion of arms agreements with the United States. Whatever chance there was for both Washington and Moscow to exercise mutual restraint by not doing what they legally could do within terms of the SALT pacts has been diminished.

The history of the action-reaction phenomenon in the Soviet-American arms race clearly indicates that the dominant pressure in both capitals is to build those arms not forbidden by agreement out of fear that the other side will do so to its own advantage.

The tragedy is that the long history of the Cold War, of Soviet-American ideological differences on top of clashes of national interest, makes mutual restraint exceedingly difficult to achieve. As Jerome H. Kahan of the Brookings Institution put it to the Senate Foreign Relations Committee on June 28: "In theory, both nations ought to exercise unilateral restraint and pursue purely stabilizing strategic policies. But experience shows that neither nation has taken such initiatives."

The promise of SALT was more than just the important limitations for the first time on both offensive and defensive strategic weapons. The hope of Mr. Nixon's Moscow visit, in Kissinger's words, was that it would "mark the transformation from a period of rather rigid hostility to one in which, without any illusions about the differences in social systems, we would try to behave with restraint and with a maximum of creativity in bringing about a greater degree of stability and peace." Hence the language of the "basic principles" signed in Moscow. Hence Mr. Nixon's remark in his address to Congress that his Moscow and Peking trips had done away with "the kind of bondage" of which George Washington had said: "The nation which indulges toward another in habitual hatred is a slave to its own animosity."

In this larger context both the Jackson amendment and the new missile warhead program represent backward, not forward, steps.

Mr. ANDERSON of Illinois. Mr. Chairman, I am proud to lend my support to House Joint Resolution 1227 which would give congressional approval to the 5-year interim agreement with the Soviet Union on the limitation of offensive strategic weapons. This is truly an historic moment, not only for the Congress, but for the country and the world as the two great nuclear powers move toward halting the strategic arms race. The defensive treaty ratified by the other body, coupled with this interim offensive missile agreement, culminate 2½ years of intensive bargaining at the SALT talks and give tangible evidence that we are indeed, in the words of President Nixon, moving from an era of confrontation to an era of negotiation. It is my fervent hope and prayer that this spirit and momentum will be carried forward into the second round of SALT talks as we endeavor to forge a permanent treaty for the limitation of offensive weapons.

Mr. Chairman, I want to take special note of a reference on page 2 of the committee report to the ongoing briefings and consultations the committee had with our SALT negotiating team while the talks were in process. The report goes on, and I quote:

> The willingness of the Executive to be candid about the U.S. negotiating position and developments at SALT, together with the unblemished record of the Congress in keeping confidential the sensitive information imparted to it, have established a model of executive-legislative cooperation which might well be emulated in other areas related to national strategic policy.

Mr. Chairman, as a member of the Joint Committee on Atomic Energy, I would simply want to second those words of praise for the frequent and informative briefings we received both during the talks and subsequent to the signing of the treaty and agreements in Moscow. I would agree that this approach should serve as a model for future policy in related areas of national security policy, and this is what we had in mind in passing the war powers bill just last Monday.

In addition, let me say that as a result of those comprehensive briefings, I was able to develop a full appreciation and understanding of the issues involved and any fears I might have had about a potential strategic imbalance which might result from the treaty and agreement were completely allayed.

As this point in the Record, Mr. Chairman, I would like to include several articles on the SALT agreement and treaty including an editorial from the August 7 New York Times, an article by Alton Frye from the June 18 Sunday Star, an article by Chalmers Roberts from the August 17 Washington Post, and an excellent memo from my colleague from California (Mr. Hosmer) to the Republican Task Force on Nuclear Affairs:

Jackson's SALT Ploy

It is a truism of politics as well as economics that events are determined "on the margin." Possessors of the last few votes needed to pass a law or win an election often can determine the policy for the majority. But the price the Administration has been paying to its conservative supporters for acceptance of the historic strategic arms limitation (SALT I) agreements with Russia evidently is beginning to seem excessive even to the election-minded White House itself. The over-hasty Administration support given to reservations in a resolution proposed by Senator Henry Jackson reportedly is being reconsidered. It has to be seen whether compromise language really can be found that does not undermine the SALT I pacts and, even more, the prospects for mutual reductions of nuclear weapons in SALT II.

The essential cornerstone for strategic arms limitation, the treaty restricting defensive antiballistic missiles (ABM's) to 200 on each side, already has been approved 88 to 2 by the Senate. It halts the offensive-defense race in weaponry and makes it feasible not only to limit but ultimately to reduce strategic offensive forces, only some of which are to be temporarily restricted now.

The preliminary five-year agreement limiting numbers of ICBM's and submarine missiles could make a useful contribution to arms control, even though it permits some further increases in offensive missile forces and has failed to head off Pentagon efforts to accelerate nonrestricted strategic weapons programs, such as the long-range Trident missile submarine and the B–1 bomber. But the Jackson resolution as it now stands, makes it questionable whether that interim agreement is worth having at all.

The first major reservation in the Jackson resolution would warn the Soviet Union against taking steps to endanger American strategic deterrent forces, saying such steps would be grounds for abrogating the treaty. But this reservation already is covered by the standard escape clause in the interim offensive missile agreement. The United States can abrogate that agreement at any time if new weapons developments actually endanger American security. There is no need to specify as one such development Soviet deployment of MIRV multiple warheads on its giant SS–9 missiles—a development that the United States itself has made inevitable by inventing and deploying MIRV's and refusing to make realistic proposals for a mutual MIRV ban. If Soviet MIRV's one day should endanger the American Minuteman force—and the Administration has insisted that they could not do so within the life of the five-year interim agreement—better countermeasures are possible than abandonment of arms control. Invulnerable sea-based missiles and airborne bombers would continue effectively to deter a Soviet first strike.

The second reservation in the Jackson resolution is not only unnecessary but destructive. It would call for the United States in SALT II to seek numerical limits on Soviet and American strategic offensive weapons. It is destructive because it challenges Administration assurances to Congress that parity of strength is provided by the asymmetrical interim agreement, which gives the Soviet Union an edge in missile numbers to compensate for British and French missiles as well as for American geographic advantages and an American edge in warheads and missile quality. It would also call on American negotiators in SALT II to seek treaty terms the Soviet Union has shown itself unwilling to accept on the valid grounds that these terms would condemn Russia to inferiority.

There is no doubt that, to the layman, the numerical edge in the interim offensive pact appears to give the Soviet Union an advantage, although the Pentagon and its supporters know that this is not so. President Nixon showed political courage in agreeing to the Moscow terms. To undermine this achievement and further arms control prospects by concessions to Mr. Jackson and the military-industrial complex would be the height of folly.

SALT: The Accord Deserves Our Support

(By Alton Frye)

Cynics say it is a typical American failing to know the price of everything and the value of nothing. This human frailty is serious enough in the routine exchanges of everyday life. In the great transactions of international politics, the tendency can be fatal to the most enlightened and essential undertakings.

The point comes to mind because of the surprising reaction in some quarters to the historic Nixon-Brezhnev agreements to limit strategic arms. The general enthusiasm for this momentous breakthrough in the Strategic Arms Limitation Talks (SALT) has been tempered not only by grumblings on the far right but by the disturbing response of a few respected commentators and congressmen.

Crosby Noyes alleges in The Star that the agreements give Russia nuclear "superiority on a silver platter." Seeking to ward off unjustified euphoria, The Wall Street Journal wonders whether the accords should be approved "anytime during a presidential campaign." Paul Warnke terms the agreement to limit offensive weapons "slightly worse than none at all," although he warmly endorses the ABM treaty. Sen. Henry Jackson, D-Wash., reserves his final judgment on the understandings, but blasts the "comic opera" procedures in Moscow and charges that the agreements give the Soviets "more of everything."

These are thoughtful and knowledgeable observers. Their opinions will carry weight with many of their fellow citizens. But close analysis reveals that the hasty critiques of the SALT agreements share a common fault: They are preoccupied with short-term balances which are totally inadequate to measure the long-term investment in mutual security which the United States and the Soviet Union have now made. And even in gauging the short-term balances, they badly misread the ledger written in Moscow. In effect the early criticisms of the Moscow summit overstate the price and understate the value of what was done there. Let us see why this is so.

THE CONTEXT OF SALT I

In 1970 the Senate urged President Nixon to make a freeze on further deployment of strategic weapons the first priority of the SALT negotiations. While a freeze then would have set somewhat lower and more advantageous ceilings, the Moscow agreements contain a reasonable approximation of this objective—which was recommended by an overwhelming majority of senators.

The proposed treaty limits anti-ballistic missile deployment to no more than two sites with a maximum of 100 defensive missiles each, a force totally insufficient to weaken the credibility of either side's capacity to retaliate and hence to deter war. The interim agreement on offensive weapons halts ICBM deployments at the existing levels (about 1,618 on the Soviet side and 1,054 on the American) and limits modern submarine-launched missiles (SLBMs) to those now operational and under construction (710 on the Soviet side and 656 on the American).

Unnecessary confusion has grown out of the provision permitting conversion of some land-based missiles into sea-based weapons; briefly put, the Soviet Union can build to a total of 950 missiles on submarines but only if it phases out 240 launchers already deployed, i.e., if it actually reduces its land-based force to 1,400 missiles or so.

In sum, the ceilings provided in the interim agreement would permit the Soviets to deploy up to 2,350 long-range missiles on land and sea, compared with a total of 1710 for the United States. It is the starkness of this numerical contrast which suggests, at first glance, that the United States accepted less equitable terms than it should have demanded.

But these gross figures do not reflect the crucial dimensions of the strategic bargain struck at SALT. Imbedded in that bargain are other commitments and detailed restraints which leave little doubt that the outcome of SALT is a decisive turn toward greater security. It is remarkable how far these understandings go toward fulfilling the U.S. conceptions of the requirements of strategic stability.

The United States sought explicit confirmation that mutual deterrence would be the basis for erecting a stable balance. The Soviets agreed. By curtailing ABM deployment, both sides have ratified the principle that mutual deterrence depends on mutual vulnerability. They may not welcome the condition of reciprocal terror, but they recognize the fact and acknowledge that neither has yet conceived a safe way to alter it.

The United States sought explicit acceptance of the de facto "open skies" arrangements, through which satellites keep each side appraised of the other's strategic inventory and innovations. The Soviets agreed. By committing themselves to avoid interference with observation satellites and other verification techniques, and by foregoing deliberate measures to conceal strategic capabilities from observation, the two countries have installed a necessary building block for confident progress on more substantial arms arrangements.

The United States sought to test Russian acceptance of the principle of mutual deterrence by demanding that the overall freeze include a firm limit on the gigantic SS–9 class missile, weapons which have perplexed U.S. planners because of their potential capacity to destroy American missile silos. The Soviets agreed. The interim agreement suppresses the number of supersize boosters to around 300, a level well below the danger point calculated by the Department of Defense.

The United States insisted that the freeze cover ballistic missile submarines, since the Soviet Union has been building such systems at a rapid clip (eight or nine a year) while the United States in the next five years will add no subs to the 41 it now has in service. In a decision critical to the success of the negotiation, the Soviets agreed. Without such a limit, the present building rate would have given the Soviets more than 80 missile-launching submarines by 1977, just as their present pace of ICBM construction would have produced by that year a land-based force alone in excess of 2,800 missiles.

The blunt truth is that no U.S. effort, even on a crash basis, could have matched this Soviet rate, launcher for launcher and boat for boat, during the five years governed by the interim agreement. The interruption of the massive Soviet building program is a stupendous gain to American security and international stability.

Any genuine negotiation must produce movement toward accommodation by both parties. One can only gain a distorted picture of the process by focusing exclusively on the concessions made by one side. Yet some commentators have done precisely that, implying that the United States has been too eager in conceding presumed advantages to the Soviets. As a partial corrective, one ought to understand the numerous and substantial concessions made by Moscow in its determination to promote a mutually acceptable balance.

The foremost issue on which the Soviet Union yielded is one which casts an utterly different light on the gross balance in ICBMs and Strategic Land-Based Missiles. At the outset the Russians had insisted with considerable justification that a fair definition of "strategic weapons" would include all systems capable of delivering a nuclear attack on the homeland of the other party. In order to facilitate a preliminary understanding they reluctantly agreed to treat only long-range missiles, excluding not only the U.S. strategic bomber fleet of about 460 planes but also the enormous number of forward-based systems maintained by the United States in Europe and on aircraft carriers.

These latter types of weapons are unique to the United States, in the sense that Moscow has no true carriers and no forward bases from which to mount a strike on this country with tactical fighter-bombers.

What this means is that the Soviets have granted the Americans at least for the short run, *more than 2,000 additional aircraft* capable of devastating all of the Soviet Union west of the Ural Mountains. Furthermore, the U.S. B–52s are being modernized with the Short-Range Attack Missile (SRAM) which will vastly increase the lethality of the force; each plane can carry 24 such missiles. And, expensive though they are, the B–52s have demonstrated over Haiphong in recent days that they can survive and function in the densest anti-aircraft environment yet tested in combat.

Those who are tempted to toss off the significance of the Soviet concession on this point should ask themselves how we would view an understanding which left the Russians with a free and unrestricted ride on more than two thousand delivery vehicles, each one of which is quite capable of demolishing any city in the United States. Had the Soviets been adamant in demanding immediate limits on forward-based systems—which play a dual conventional-nuclear role in the NATO posture—SALT could well have collapsed.

Clearly, SALT II and the coming conferences on European security will face hard and complex negotiations on these systems and similar Soviet weapons targeted on Western Europe, including particularly the several hundred Soviet intermediate- and medium-range ballistic missiles.

Another factor is central to evaluating the simple numbers of launchers controlled by the interim agreement. The superficial Soviet advantage in numbers and sizes of missiles is paired against a staggering American advantage in deliverable warheads. Roughly described, the Soviets will have a three to one lead in "throw-weight" or megatonnage, while the United States will have a three to one lead in warheads.

The ongoing U.S. deployment of Multiple Independently Targetable Re-entry Vehicles (MIRV) on both Minuteman III and Poseidon missiles is sure to maintain that advantage for the period of the agreement; the U.S. warhead inventory may well exceed 10,000 by 1977.

Having flight-tested no MIRV system to date, the Soviet Union can hardly convert its throw-weight advantage into a warhead advantage during these years. Even if they successfully develop MIRV technology, only the larger Soviet missiles look promising as MIRV platforms, and it is not realistic to expect a complete replacement of their existing missile force with MIRV-capable boosters. Judgments may vary, but no one can doubt that Soviet acceptance of continued U.S. MIRV deployment represents a concession of the first magnitude.

The tough Soviet delegation made other adjustments in its original positions, as did the American team. The illustrations here suffice, however, to highlight the fact that SALT I began an important learning process for both sides and persuaded each that its own security required realistic consideration of the other's security needs. There were no one-sided or disproportionate concesssions.

PRECLUDE TO PARITY

One can only appraise the achievements of SALT I by examining the agenda for SALT II, the second phase of the negotiations which is expected to begin later this year. The true worth of the ABM treaty and the five-year missile freeze lies in what President Nixon has rightly termed the "unparalleled opportunity" they create.

Critics may damn the frenetic atmosphere surrounding the last hours of diplomatic activity, although the issues resolved in those final moments were relatively marginal ones on which the options had been thoroughly explored in advance. Arms control advocates may lament the tardiness and scope of the strategic freeze. Yet the delay in setting the freeze may prove invaluable, because the long and methodical diplomacy preceding it has engendered a degree of mutual confidence which is indispensable to further steps toward reinforcing strategic stability. SALT I has made the cautious decision; the time is at hand for bolder action.

The tight limits on ABM have virtually removed the threats to stability which might arise from defensive deployments. The pressing need now is to curb the instabilities which might arise through offensive deployments threatening the survivability of either side's deterrent weapons. Ambassador Gerard Smith stressed this point on May 9 when he told the Soviet SALT delegation that the follow-on negotiations should seek "to constrain and reduce on a long-term basis threats to the survivability of our respective strategic retaliatory forces." Both countries well understand that, unless progress is made on this front, the ABM limits may not endure.

Two central threats loom on the offensive side of the equation: (1) Highly accurate, multiple warhead systems which could destroy land-based ICBM silos, and (2) developments in anti-submarine warfare (ASW) capabilities which might jeopardize the sea-based forces.

The logic and the structure of the ABM treaty open promising possibilities for coping with these problems. The prohibition of extensive defenses greatly simplifies the deterrent problem. No feasible attack could destroy all of either side's retaliatory weapons; even a small fraction of surviving, single-warhead systems would be able to deliver unacceptable damage to an attacker.

Thus, there is no longer any need for the United States or the Soviet Union to retain the option of MIRVing its boosters, since MIRV is superfluous to deterrence in a situation where there are no defenses to penetrate. Indeed, in the new strategic environment the effect of MIRV systems is not to bolster deterrence by hedging against a non-existent ABM system but to weaken it by posing a threat to the survivability of land-based ICBMs. Thus, in light of the guiding standard of stable deterrence, both sides should perceive their common interest in seeking a ban on MIRV systems.

The potential centerpiece of SALT II could well be a trade of the U.S. MIRV systems now in deployment for a comparable number of Soviet missiles, including the gigantic SS–9s which have caused such consternation. Land-based forces might be phased down to 500 single-warhead systems, while the U.S. Poseidon fleet could be converted to single warhead systems.

The Soviets have been reticent about entering a MIRV limit until they perfect the technology, but skillful diplomats should be able to underscore the advantages Moscow would reap by foregoing MIRV development in return for a suspension of U.S. MIRV programs before they are fully deployed and refined to pinpoint accuracies. The President has stressed that U.S. MIRV systems are intended exclusively for retaliatory purposes, but the Soviets must realize that unrestricted testing in the future may push the technology to such precise delivery accuracies that even relatively small U.S. warheads would jeopardize hardened missile silos. That prospect is still some years away, but only concerted measures to inhibit MIRV testing and deployment can guard against it.

Each side clearly has a greater interest in persuading the other not to deploy MIRV than it has in deploying such systems itself? So long as the United States persists in its own MIRV deployment, it cannot hope to induce the Soviet Union to refrain from similar weaponry. There is a powerful case for the United States to slow its MIRV programs and to offer SALT II a chance to devise mutual restraints on this provocative and unnecessary technology.

MIRV is the principal qualitative innovation which might undermine the quantitative limitations sketched by SALT I. Henry Kissinger has intimated that "questions of technological change" will be addressed in SALT II. The ABM treaty not only facilitates such an effort: it offers vital precedents, for it specifically establishes a number of qualitative limits on defensive systems. Under the treaty, development, testing and deployment of rapid-reload launchers and multiple-interceptor launchers are banned. Sea-based, air-based, space-based or mobile ABM components are ruled out and radars are strictly controlled in numbers and characteristics. Test activities are restricted to designated ranges and the upgrading of anti-aircraft systems is closely regulated.

All of these controls deal with qualitative features of defensive systems. Parallel controls applied to offensive systems and monitored by the highly effective means planned for the ABM treaty could provide a strong barricade against destabilizing modifications of offensive missiles.

A sensible course would be to limit future missile tests to perhaps 10 or 20 a year, and to specify that there be no testing at all of multiple warheads or penetration aids. To convince the Soviet Union that the United States actually eliminates its existing MIRV boosters should pose no difficulty. Satellites could monitor the destruction of Minuteman III silos, just as they could the SS–9 and other complexes.

In the radically altered setting of joint planning for mutual security, it is conceivable that the two side can agree to more intimate inspection to guarantee that Poseidon and analogous Soviet missiles are carrying only single warheads. The exchange of technical information and crew training arrangements for the proposed joint space venture afford encouragement that the ancient shrouds over the advanced technology of both sides may now be partially removed.

Even without local inspection, however, a stringent prohibition against testing multiple payloads could be verified reliably; since neither side could maintain MIRV systems and crews without frequent operational tests, this kind of ban would provide high confidence that neither was retaining such weapons. Elimination of large "MIRV-able" boosters would mean that any clandestine work on a Soviet MIRV would be futile, since there would be no significant force to carry such payloads.

In short, having forestalled the instabilities that might flow from large-scale ABM deployment, the two powers could drastically reduce the potential instabilities on the offensive side by precluding MIRV systems. And such a measure could be enforced through precisely the kinds of test constraints they are relying on to verify compliance with the ABM limitations.

ANTISUBMARINE WARFARE

If limits on MIRV would enhance the survivability of the land-based deterrent, there is comparable value in measures to reduce the likelihood that sea-based forces will become vulnerable. This suggests that SALT II should give intensive study to controls over anti-submarine warfare capabilities.

A first and urgent goal would be to limit the number of hunter-killer submarines and other ASW forces to levels consonant with the maximum survivability of the SLBM fleets. It may be helpful to constrain certain undersea surveillance systems, since the invulnerability of the subs hinges directly on their ability to evade detection. One important possibility would be to carve out sizeable areas of the oceans as SLBM sanctuaries in which no ASW forces would normally intrude.

A third major objective of the coming phase of arms control discussions ought to be a comprehensive ban on nuclear weapons tests. There is growing confidence that national means of verification can monitor such an agreement and the administration is actively considering the proposal. By inhibiting further refinement of warheads for either offensive or defensive missiles, an end to underground nuclear tests could contribute markedly to other efforts to prevent destabilizing breakthroughs.

In weighing these and other options for SALT II a cardinal rule of systematic arms control comes into play. It is extremely helpful to have a broad and diverse set of reinforcing agreements, the violation of any one of which would be insufficient to destabilize the balance—but quite sufficient to indicate that one or the other side was acting in bad faith. Conversely, compliance with a number of interlocked arrangements would testify powerfully to the continued dedication of the partners to the common interest enshrined in the agreements.

As the two countries approach SALT II, they face a special hazard. Both sides may be so busy hedging against possible violation of the first accords—by all-out programs to modernize their allowable missiles, submarines, and bombers—that they will lose sight of the unprecedented chance to reduce their need for such hedges.

President Nixon has won some vindication for his thesis that he needs on-going strategic programs to gain bargaining leverage in the negotiations. But it would be tragic indeed if that proposition were taken to warrant full-speed ahead on a host of possibly superfluous programs. That tragedy can only become more likely if the administration feels compelled to defend the agreements of SALT I by buying off its critics with promises of major new weapons.

The United States certainly will wish to continue gradual improvements in its arsenal, but SALT I justifies a moderate, not an accelerated, pace in this realm.

From the diplomatic standpoint, it is fortunate that the planned modernization efforts take time; for example, the Soviets could not reach their potential ceilings on SLBM deployment for several years. The U.S. Trident SLBM system would not go on station until late in the decade and the B–1 bomber, if approved, is some years away from operation. There is ample time to use them as bargaining chips, and absolutely no necessity to become wedded to them before diplomacy determines whether both sides can safely content themselves with lower hedges against some hypothetical future attempt to upset the equilibrium.

The imperative task now is to sustain the momentum toward a reliable system of mutual security, a momentum which will be seriously threatened if either nation embarks on the campaign to pacify domestic criticism by intensifying the qualitative arms race.

Nothing Richard Nixon has done speaks so well of his judgment and his courage as the beginning he has made on strategic arms limitation. If SALT II is to fulfill the immense promise of SALT I, the president's diplomacy needs—and deserves—the confidence of the Congress and the country. He has earned it.

[From the Washington Post, Aug. 17, 1972]

BACKWARD OR FORWARD?—PROMISE OF SALT: WHAT'S HAPPENING?

(By Chalmers M. Roberts)

Less than three months ago Richard Nixon and Leonid Brezhnev signed their names to "basic principles of relations" between the two superpowers, a sort of codification of the President's pledge that the United States would move from "an era of confrontation" to an "era of negotiation." The Nixon-Brezhnev "principles" included a statement that "differences in ideology and in the social systems" are not a bar to normal relationships, that both nations "will always exercise restraint in their mutual relations" and that both recognize they should eschew "efforts to obtain unilateral advantage at the expense of the other, directly or indirectly."

Three days earlier the two leaders had signed the strategic arms limitation (SALT) agreements. In assessing the Soviet-American atmosphere at the end of the Moscow summitry Henry Kissinger remarked that "I think trust has developed but not the point that it could survive a major challenge that one side would put to the other that affects its own estimate of its vital interests."

It is against this background, it seems to me, that one should assess the Jackson amendment to one of the two SALT pacts, that limiting offensive weapons. The fate of the amendment is far less important that what the discussion of it disclosed about the post-summit attitudes in Washington. The same is true of the related new, more accurate and more powerful American missile warheads that the administration has requested. Like a summer lightening storm the discussion suddenly illuminated the landscape in this capital, both in the Senate and in the White House and elsewhere in the executive branch.

"Confrontation" and "negotiation" are not, of course, mutually exclusive and that is just as true in Moscow as in Washington. Mr. Nixon last July 27 said that "the decision with regard to the SALT agreements involved a fight between the hawks and doves" in his own administration. On July 15 Kissinger remarked at a congressional briefing that during the SALT negotiations "we were acutely conscious of the contradictory tendencies at work in Soviet policy"—in other words, the hawk-dove problem in the Kremlin.

In asking both for congressional approval of the SALT pacts and for money for the Trident submarine and B–1 bomber programs the President said Brezhnev and his colleagues "made it absolutely clear that they are going forward with defense programs in the offensive area which are not limited by these agreements." Soviet sources in a position to know about those conversations, however, contend that Mr. Nixon's version stretched Brezhnev's remarks for his own purposes. But American sources, equally in the know, contend Brezhnev left no doubt about what Mr. Nixon said he said. Jackson commented that he was "disturbed by the report of the President" on Brezhnev's remarks.

What the Jackson amendment affair plus the revelation of the new missile warhead program demonstrates is the limited meaning being applied by the Nixon Administration to the Moscow "basic principles of revelations" and that we can expect to see a lot more "confrontation" along with future "negotiation." Indeed, the "trust" about which Kissinger spoke seems close to nonexistent.

Jackson made his own motivation clear enough. He considered the offensive weapons agreement put the United States at a disadvantage and he used the amendment device to lock the administration into a SALT II posture of accepting nothing less than what he termed "a restoration of parity." The gloss he supplied on what constitutes "parity" made it clear he meant what those Americans who negotiated the agreements and many others consider old fashioned "superiority." What Jackson could not do by direction—defeat the agreement in the Senate—he sought to do by indirection—tie the administration's hands in the negotiations ahead that are designed to turn the five year agreement into a permanent treaty.

The Kremlin reaction to all this is unclear but not difficult to imagine. Quite probably the Moscow hawks have gained a point in their continuing suspicion of arms agreements with the United States. Whatever chance there was for both Washington and Moscow to exercise mutual restraint by not doing what they legally could do within terms of the SALT pacts has been diminished.

The history of the action-reaction phenomenon in the Soviet-American arms race clearly indicates that the dominant pressure in both capitals is to build those arms not forbidden by agreement out of fear that the other side will do so to its own advantage.

The tragedy is that the long history of the Cold War, of Soviet-American ideological differences on top of clashes of national interest, makes mutual restraint exceedingly difficult to achieve. As Jerome H. Kahan of the Brookings Institution put it to the Senate Foreign Relations Committee on June 28: "In theory, both nations ought to exercise unilateral restraint and pursue purely stabilizing strategic policies. But experience shows that neither nation has taken such initiatives."

The promise of SALT was more than just the important limitations for the first time on both offensive and defensive strategic weapons. The hope of Mr. Nixon's Moscow visit, in Kissinger's words, was that it would "mark the transformation from a period of rather rigid hostility to one in which, without any illusions about the differences in social systems, we would try to behave with restraint and with a maximum of creativity in bringing about a greater degree of stability and peace." Hence the language of the "basic principles" signed in Moscow. Hence Mr. Nixon's remark in his address to Congress that his Moscow and Peking trips had done away with "the kind of bondage" of which George Washington had said: "The nation which indulges toward another in habitual hatred is a slave to its own animosity."

In this larger context both the Jackson amendment and the new missile warhead program represent backward, not forward, steps.

JUNE 6, 1972.

From: Rep. CRAIG HOSMER, Chairman, GOP Task Force on Nuclear Affairs.
To: Members of Congress.
Subject: SALT—ABM Treaty and Offensive Weapons Interim Agreement.

It is generally conceded that America and Russia cannot risk attacking each other because their nuclear arsenals are sufficient to withstand surprise attack and still have enough undamaged retaliatory hardware left over to pulverize the aggressor.

President Nixon and Premier Brezhnev believe it is in the self-interest of their respective countries to perpetuate this condition of *mutual deterrence* based on *nuclear sufficiency*. The proposed SALT Treaty limiting defensive antiballistic missile systems and its accompanying interim agreement limiting certain offensive weapons was designed for this purpose.

The rationale of the ABM limitation is obvious. Each new ABM built by one side can be nullified by the other's new offensive installation. It is in nobody's security interest to spend money for that kind of an arms race only to end up poorer, but no safer than before.

The logic of allowing the Soviets a lopsided number of offensive missiles and submarines is obscure if quantity alone is considered. It emerges clearly, however, when other factors relevant to assessing the kill power of these two nation's strategic nuclear arsenals are taken into account. These include the following:

The actual number of nuclear warheads in the U.S. deterrent package considerably exceeds those of the Soviets because of our many multiple independently guided reentry vehicles (MIRVS);

The greater accuracy of the U.S. warheads gives them a proportionately large will capability, ample for nuclear sufficiency;

U.S. allies and near allies possess substantial strategic deterrent forces which augment the Free World's overall deterrent posture;

The arrangement impose no limitations at all on certain U.S. systems contributing to our deterrent strength, such as SAC bombers and U.S. aircraft based overseas on land and on aircraft carriers;

"Sufficiency to deter" is something in the mind of the beholder and when one side fields a mix of bombers, ICBMs and SLBMs with which it is satisfied, the other side would need to assume very large and unknown risks of miscalculation in order to assess it as "insufficient"; and

What are inside the strategic systems, how good they are now and how they may be qualitatively improved are not covered by the arrangements, leaving the parties in exactly the same circumstances, whatever they are, as before.

Provision for verification by such party's own intelligence apparatus involves minimal risk, since the arrangements are cast in terms of items which reasonably can be monitored by satellite photography and similar means.

The foregoing and many additional calculations undoubtedly influenced President Nixon's determination that the agreements are worthwhile and that their terms involve neither undue risks to United States security nor disproportionate advantage to the Soviet Union.

In making his decision the President also must have totalled the quite large costs of the superpowers taking no steps at all toward arms control against those involved in the limited agreements he made in Moscow. No person better knows these costs than he and his judgment deserves great respect.

To assure that the arrangements do not grow lopsided by the passage of time, Congress must support the President's R&D requests for the TRIDENT submarine program, the B-1 bomber and other improved strategic systems.

Mr. NIX. Mr. Chairman, I rise in support of House Joint Resolution 1227. In doing so I am conscious of the extreme seriousness of the subject matter included in that resolution. The resolution gives the approval of this body to an interim agreement between the United States and the Soviet Union with respect to the limitation of strategic offensive arms. This agreement was reached after several years of difficult negotiations between the two Governments.

I well know, as do my colleagues, that the American people are intensely devoted to the support of any measure that will reduce the possibility of a nuclear war. At the same time there is an understandable uneasiness that any agreement made with the Soviet Union may be the matter of evasion that will only leave us in a more disadvantageous position.

The committee hearings on this resolution were most informative. Based on the testimony of the witnesses it is easy to see that we can get into a "numbers" game—who has how many of what? Certainly the protracted debate in the other body gives support to this approach.

It is well that we keep in mind a few basic points. First, our negotiators believe we have ample means of verification of Soviet compliance. Second, while some of the "numbers" may show the United States to be lagging, one must consider the quality of our weaponry and the fact that no limitations are placed on strategic bombers. Third, this is an interim agreement of 5 years duration. During that period it is expected that the negotiators will continue to wrestle with more difficult issues. Fourth, as the distinguished chairman of our committee has told the House:

> This agreement is a first step toward checking the arms race. It enhances the security of both sides, while promising relief from costly weapons programs.

My support for this agreement is tempered by a realization that the millennium has not arrived. We still have to maintain an adequate arsenal of weapons that will assure us a strong strategic posture. In this imperfect and often irrational world we have struck the best bargain we can at this time. We must be as persistent in guarding our own security as we are in pursuing further negotiations on this complex problem.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That acceptance by the President for the United States of the aforesaid interim agreement and the associated protocol is hereby approved.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The CHAIRMAN. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

> Committee amendment in the nature of a substitute: Strike all after the resolving clause and insert in lieu thereof the following:
>
> "That the Congress approves and authorizes the President to accept on behalf of the United States the Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms and the Protocol related thereto, signed at Moscow on May 26, 1972, by Richard Nixon, President of the United States of America, and Leonid I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union."

Mr. PUCINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to ask the chairman of the Foreign Affairs Committee a few questions about this treaty. Before I do that, I think it is worthy to note that it is the height of irony that yesterday we spent 12 hours in a very crowded Chamber, almost until 2 o'clock this morning, debating the question of whether or not children shall be bused in this country. Yet, today, on perhaps the most important matter to ever come before this Congress, we find only 40 Members on the floor, and we are going to spend only 1 hour in discussion. If we are wrong on this treaty, we may never be around to know it. I pray this will not be a nuclear Yalta. Apparently a large number of people in Illinois are similarly apprehensive about the agreement. A statewide survey on how people felt about this agreement shows some revealing attitudes. In answer to the question:

> An executive agreement limits U.S. offensive missile capacity to 1,054 Intercontinental Ballistic Missiles and 41 missile firing submarines, while Russia shall be permitted to develop her strength to 1,618 ICBM's and 42 missile firing submarines. Do you approve?

So far as I know, this is the only survey that I have seen any place on this agreement. I have not seen any Harris polls or Gallup polls, but with 102 counties in Illinois responding, 69 percent of the people said, "No," and 31 percent said, "Yes." The only justification I might have to support this agreement is because on another question, the last question of the survey, I asked:

> Despite any shortcomings, do you believe these agreements should be approved by Congress as the first step toward nuclear arms control?

Eighty-one percent said, "Yes," and 18.9 percent said, "No."

What this indicates to me is that the people of Illinois have reflected how deeply concerned they are about the executive agreement, but still feel that we ought to approve it to take that first step toward nuclear control. This is an understandable attitude and does not constitute a contradiction. The people do not like the agreement in its present form but likewise do not want to impede at least a start toward nuclear control.

It is for this purpose that I rise now.

I might be persuaded to support the agreement but I should like to know first from the chairman of this committee whether or not if the other body adopts the Jackson amendment, which would substantially strengthen the executive agreement—and it is my understanding that the other body does have the votes to do this—what is going to be the attitude of the House conferees in accepting the Jackson amendment which is going to strengthen this agreement?

I should like to ask the gentleman from Pennsylvania, (Mr. MORGAN), what is his position on this?

Mr. MORGAN. Mr. Chairman, I know how the gentleman feels about the amendment of the Senator from Washington as set forth in his remarks which he inserted in the RECORD the other day. It is possible that this amendment would strengthen the interim agreement.

If the House passes the resolution which is now before us in the form recommended by the Committee on Foreign Affairs, it would be my duty as chairman of the House conferees to defend the position of the House.

I would be amenable, if the other body passes the Jackson amendment, to consider a compromise if we feel that it will strengthen the position of the United States in our future negotiations with the Russians.

Mr. PUCINSKI. Mr. Chairman, I had intended to offer the Jackson amendment here, and I believe our colleagues from New York has similar ideas, but at the request of the Senator who is leading this fight in the other body, we will withhold here, with the assurance from the chairman of our conferees that indeed if this amendment is agreed to in the other body to strengthen the entire executive agreement, the House will accept this amendment.

Of course, we will at that time have a vote on the conference report.

Mr. MORGAN. Of course, we cannot do that. The gentleman knows that we cannot commit ourselves to language that has not yet passed the Senate. I have to consider the fact that many Members of this House feel differently than the gentleman from Illinois, and feel that the amendment of the Senator from Washington does not strengthen the agreement. Of course, we will be bound by the way the resolution comes out of the Committee of the Whole here today. I cannot give you any assurance that this House is going to accept an amendment that is now pending in the other body.

As the Members know it is possible that the first vote in the other body may be on a motion to table the Jackson amendment. The gentleman cannot be sure that the amendment is going to be adopted in the other body. I would rather wait until we pass the House bill and then make my decision as to the position to take when we go to conference.

Mr. PUCINSKI. I certainly hope the House will adopt in its final form the amendment suggested by Senator JACKSON because, as has been quite properly pointed out by the gentleman from New York (Mr. STRATTON), there are a great many loopholes in this amendment.

I believe those of us who insist on strengthening the agreement do so from our experience in dealing with the Communists and their deception.

I am willing to vote for the agreement now but reserve the right to vote against the conference report if the Jackson amendment is not included in the final bill.

Mr. STRATTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to reiterate a couple of points with respect to some of the loopholes that exist in this agreement that I referred to, briefly, a moment ago. The most obvious danger, of course, is that with the Soviet Union having 1,643 ICBM missiles to our 1,054, they could conceivably in the next 5 years MIRV those missiles and, then, with the greater throw-weight of their individual missiles compared to ours, they would have at hand a very much greater number of more powerful warheads that could knock out our own deterrent missiles right in their silos.

One of the things the Jackson amendment says is that anything that occurs during this 5 years that threatens the credibility of our deterrent forces could be a reason for breaking the agreement. Do we not have to be alert to this possibility as a matter of just plain commonsense?

The Soviets also have a substantial number of cruise missile submarines and we do not have any. What is serious about this? Well, the cruise missile has a nuclear warhead. It has a range of only 300 miles but that still brings its destructive power within range of almost every major city on the east coast, the gulf coast, and the west coast. The missile could come in at a fast speed, and at low altitude, below the radar, and it could destroy Washington, New York, or even New Orleans before we knew much about it.

Those cruise missile submarines are not even in the agreement and it is a serious error and something we must be concerned about. And I am also worried about the ambiguities, and this is a matter which the Armed Services Committee had an opportunity to explore at some length with Ambassador Gerard Smith and with Mr. Nitze. As I said earlier, the printed agreement actually deals with numbers of missile launchers, not the missiles themselves. The things that are controlled under the agreement are the numbers of missile launchers each side has, not the number of missiles we put in these silos.

Also it is agreed there cannot be any substantial increase in the size of these missile launchers, because, of course, a bigger launcher can fire a bigger, more destructive missile. Now what do they say is a "substantial" increase? They say 10 percent to 15 percent. That sounds simple enough, but the important thing on the missile launcher is the volume, and that is πr^2 times the depth of the silo. In other words, the radius and diameter of the missile launcher are what determine the volume. And if just one of those dimensions is increased by 15 percent, the volume goes up by 32 percent, a one-third increase.

But if Members will read the text carefully, it says we cannot increase the "dimensions" by more than 10 to 15 percent. So, suppose we were to increase both the radius by 15 percent and the depth by 15 percent. Do Members know how much that increases the volume of the silo by? By 52 percent.

And it is interesting in the interim agreement hearing that there is only a statement by the American negotiator who says that he believes that agreement means that only one dimension can be increased but not both. But there is no indication that the Soviet representative ever went along on that interpretation. And a 52-percent increase in the volume of the silo is the difference between our new Trident missile and the current Poseidon missile which we now have in our inventory. It is obviously a quantum jump increase, and not just an "insubstantial" increase that we may have agreed to permit.

This is the kind of ambiguity Senator JACKSON is concerned about and it is an ambiguity we ought to be concerned about. Although it has not been passed in the other body, my information is, as the gentleman from Illinois said, that the Jackson amendment will pass the other body, and I think if it does pass the other body then we ought to accept that amendment here, because all it says is that we in Congress do not want to see a situation develop, as a result of this agreement, where our deterrent force, the Minutemen missiles at Grand Forks and elsewhere, would be jeopardized and vulnerable to destruction even in their hardened silos.

Second, it urges that when we sit down for a phase 2 SALT agreement, let us not build a treaty that will allow the other side to expand much more rapidly than we expand. Let us shoot instead for equality. I think we need to get that into the ultimate resolution of approval in order to have some chance for real security.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of House Joint Resolution 1227. It is difficult and dangerous to wage efforts in war and it is difficult and dangerous to wage efforts in peace. At the present time, the national defense strength of the United States is the greatest single contributor to the objective of peace, but no stone should be left unturned in an effort to pursue all other feasible and prudent efforts to maintain peace.

When the two strongest nations on earth, the United States and Russia, agree to limit their arms in a fair and proper manner, this would seem to be a way in which peace might be enhanced. Therefore, I congratulate the President on his efforts as represented by the resolution now before us and I sincerely hope that they will have the result of lessening tensions in the world and securing a better chance for peace for the future of mankind.

There are, indeed, things about the agreements which have taken place which could turn out wrong, but on balance what has been agreed to, when the safeguards are considered, seems to me to be a thrust toward lessening tensions and increasing the chances of peace. For these very simple reasons I support the resolution before us.

Some have cautioned that there has been an inequality in what has been agreed to and I raised such points in the discussions of this measure before the House Armed Services Committee and received reassurances that if circumstances would arise, such as the discovery and implementation of the MIRV system by the Russians, this would be grounds enough for new talks and ultimate unilateral action by the United States to cancel the agreements if this were found to be a matter of danger in retaining a proper balance. This has reassured me relative to the propriety of endorsing the President's actions in this matter at this time.

It is obvious to me and I think to everyone that, when the ultimate and final agreements are arrived at, there should be more clearly a balance favorable to the United States in any ultimate arrangements that are made with regard to offensive and defensive weaponry. But for the time being with the reassurances which have been received, the effect of these agreements has been to cool the tensions and limit the tremendous buildup which was apparently already under way in Russia in the direction of seeking massive superiority over the United States in arms. The thrust that these papers make toward cooling this buildup justifies the present action.

On January 6, 1960, I introduced a bill to create a national peace agency and eventually this formed the basis of legislation enacted by Congress in the creation of the Arms Control and Disarmament Agency. This Agency has been handling the SALT talks and making efforts to assure us that any agreements arrived at are in the direction of the security of our country and the attainment of peace in the world.

The enactment of the Arms Control

and Disarmament Agency left unenacted portions of the original legislative proposal which I believe still have merit and which are now pending before Congress in my H.R. 585. I include herein the provisions of this proposal, H.R. 585, and I hope Members of Congress will consider this legislation and seek to make improvements on it and to enact its provisions in the not-too-distant future:

H.R. 585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "World Peace Agency Act."

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to establish an independent agency within the Department of State which will not establish policy but will do research on problems related to achieving peace, including an examination of the economic, political, and sociological causes of war and the development of techniques for the elimination or reduction of these causes.

CREATION AND FUNCTIONS OF THE UNITED STATES AGENCY FOR WORLD PEACE

SEC. 3. There is hereby established within the Department of State the United States Agency for World Peace (hereinafter in this Act referred to as the "Agency"). The Agency, shall, under the direction of the Secretary of State, undertake programs to carry out the purpose of this Act, including, among others, programs—

(1) for development and application of communications and advanced computer techniques for analyzing the economic, political, and sociological problems of nation states as they bear upon world tensions and tensions among states which might possibly result in conflict,

(2) for development of new analytic organizations to—

(A) apply the techniques of operations research to peace problems in the same way that "war gaming" is conducted for the military problems,

(B) conduct studies on alternative methods of achieving world peace,

(3) for support of studies and research on projects such as—

(A) legal aspects of national sovereignty extended to the space domain and freedom of the seas, insofar as they contribute to the possibility of war,

(B) analyses of the effects of world peace upon national economies, and

(C) analyses of economic, political and sociological problems which contribute to the possibility of war,

(D) analyses of the effects of military and economic aid programs on the attainment and retention of world peace,

(4) for research on educational techniques aimed at rendering underdeveloped nations less technologically dependent, insofar as their dependence contributes to the possibility of war,

(5) for research and development in problems of underdeveloped nations, insofar as they contribute to the possibility of war, in such areas as food production, conservation of mineral and water resources (including desalination of sea and brackisk water), practical power-generating systems, and medicine and health,

(6) for research in meeting adequately the tensions created by overcencentration of population in some areas and inadequate population in other areas of the world,

(7) for research into the effect of present foreign policies of the United States upon world tensions and alternative courses or policies which might promote peace or tend to diminish the possibility of both long-range and short-range tensions and conflicts, and

(8) for research into long-range goals of United States foreign policy which would promote the interests of the United States and world peace.

LABORATORY FOR PEACE

SEC. 4. The Director of the Agency shall establish in the Agency a Laboratory for Peace through which the Agency shall develop and administer its research and study programs. In carrying on such programs the Agency shall enter into contracts with educational and research institutions within the United States and abroad with a view to obtaining the benefits of scientific and intellectual resources, wherever located in the world.

POLICY FORMULATION

SEC. 5. The Director is authorized and directed to prepare for the President, the Secretary of State, and the heads of such other Government agencies, as the President may determine, recommendations concerning United States efforts for peace: *Provided, however,* That this Agency's powers are restricted solely to research and no action shall be taken by this Agency under this or any other law that will obligate the United States to undertake any policy or commitment, except pursuant to the treatymaking power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States.

RELATIONSHIP WITH OTHER AGENCIES

SEC. 6. The Secretary of State shall establish procedures designed to insure that the Agency will carry out its functions in close collaboration with the other agencies of the Federal Government, but without duplicating the efforts of any such agency or other agencies within the Federal Government. Such procedures shall also provide that information available to other agencies will be made available to the Agency, and shall prescribe other means by which other agencies of the Government may support the efforts of the Agency.

DIRECTOR AND DEPUTY DIRECTOR OF THE AGENCY

SEC. 7. (a) The Agency shall be headed by a Director who shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate of $32,000 per annum. Under the supervision and direction of the Secretary of State, the Director shall be responsible for the exercise of all powers and the discharge of all duties of the Agency, and shall have authority and control over all personnel and activities thereof.

(b) There shall be in the Agency a Deputy Director, who shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate of $31,000 per annum, shall perform such duties and exercise such powers as the Director may prescribe. The Deputy Director shall act for, and exercise the powers of, the Director during his absence or disability.

ADMINISTRATION

SEC. 8. (a) In the performance of its functions, the Agency shall have the following powers:

(1) To make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law.

(2) To appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil service laws and their compensation fixed in accordance with the Classification Act of 1949.

(3) To accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible.

(4) Without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purpose of this Act, such contracts, leases, agreements, and other transactions shall be allocated by the Director in a manner which will enable small business concerns to participate equitably and proportionately in the conduct of the work of the Agency.

(5) To use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Agency in making its services, equipment, personnel, and facilities available to the Agency, and any such department or agency is authorized, notwithstanding any other provision of law, to transfer to or to receive from the Agency, without reimbursement, supplies and equipment other than administrative supplies or equipment.

(6) To appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Agency in the performance of its functions.

(7) To establish within the Agency such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this Act with related activities being carried on by other public and private agencies and organizations.

(8) When determined by the Director to be necessary, and subject to such security investigations as he may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens.

INFORMATION AND SECURITY

SEC. 9. (a) In order to promote the free flow and exchange of new ideas and concepts in the new technology of peace research and development, the Agency shall, so far as possible, have all research efforts of the Agency performed in subject matter not requiring classification for security purposes. Nothing in this Act shall be deemed to change or modify security procedures or to exempt personnel of the Agency from being required to obtain security clearance before obtaining classified information.

(b) The Director shall establish such security and loyalty requirements, restrictions, and safeguards as he deems necessary in the interest of the national security and to carry out the provisions of this Act. The Director shall arrange with the Civil Service Commission for the conduct of fullfield background security and loyalty investigations of all the Agency's officers, employees, consultants, persons detailed from other Government agencies, members of advisory boards, contractors, and subcontractors, and their officers and employees, actual or prospective. In the event the investigation discloses information indicating that the person investigated may be or may become a security risk, or may be of doubtful loyalty, the report of the investigation shall be turned over to the Federal Bureau of Investigation for a full field investigation. The final results of all such investigations shall be turned over to the Director for final determination. No person shall be permitted to enter on duty as such an officer, employee, consultant, or member of advisory committee or board, or pursuant to any such detail, and no contractor or subcontractor, or officer or employee thereof shall be permitted to have access to any classified information, until he shall have been investigated in accordance with this subsection and the report of such investigations made to the Director, and the Director shall have determined that such person is not a security risk or of doubtful loyalty. Standards applicable with respect to the security clearance of persons within any category referred to in this subsection shall not be less stringent, and the investigation of such persons for such purposes shall not be less intensive or complete, than in the case of such clearance of persons in a corresponding category under the security procedures of the Government agency or agencies having the highest security restrictions with respect to persons in such category.

Mr. ICHORD. Mr. Chairman, I move to strike the last word.

Mr. Chairman and members of the committee, I rise to commend the gentleman from New York (Mr. STRATTON) for the remarks he has just made and to associate myself with his remarks.

I agree with the distinguished chairman of the Committee on Foreign Affairs. I believe that this agreement is in the interests of the United States of America.

I also agree with the President. I do not believe that either side won or that either side lost. It is in the mutual interest of both nations to stop the arms race.

At the same time, I believe we should recognize there are loopholes in the interim agreement, there are dangers inherent in the interim agreement. We must recognize that the United States of America by the agreement is frozen into a numerically inferior position for the 5-year period; 1,050 ICBM launchers on the part of the United States, 1,618 on the part of Russia; 710 SLBM launchers on 44 Polaris-type submarines, compared to 950 SLBM launchers on 62 Polaris-type submarines for Russia.

The only basis for justifying the signing of this agreement on the part of the United States is that we do have a technological lead and that the ongoing programs of Russia compared to our programs would eventually result in superiority on the part of Russia. So we have to maintain our technological lead, or the balance of power will definitely shift to Russia.

I would point out that there are limitations as to how far we can go in increasing our technology. There are limitations to improving reliability. There are limitations to improving accuracy.

So, Mr. Chairman, I am very happy to hear you state that you do look with sympathy upon the amendment of the senior Senator from Washington, because I believe we should be careful in any follow-on agreement to provide for numerical equality.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I yield to the chairman of the Committee on Foreign Affairs.

Mr. MORGAN. I thank the gentleman. I know the gentleman is a distinguished Member of the Committee on Armed Services, as was the gentleman from New York who has just spoken. I recognize that both of these gentlemen are well versed in the trends and the projections of our weapons procurement and military strategy.

The gentleman is well aware that in the year 1969 we closed out the production of weapons of these types. So, if we play the numbers game, it is really our fault that the Russians got ahead of us. If we had been in step with the Russians since 1969, we could now have more than 1,680 of the ICBM missiles now.

Mr. ICHORD. I did not mention MIRV but launchers.

Mr. MORGAN. Even in launchers since 1969 we have not kept pace with the Russians. They have been way ahead of us in their production. So in the numbers game we will not be able to keep pace with the Russians because we have not been in the production of launchers like the Russians have since 1969.

Mr. ICHORD. I am expressing concern, I would say to the gentleman from Pennsylvania, that the 5-year agreement may be used as a vehicle on the part of the Russians to catch up with us technologically. This is a danger, in that there are limitations as to how much farther we can go technologically.

Mr. MORGAN. This is only an interim agreement, and if SALT II comes up with a permanent agreement, I will be in agreement with the gentleman as to achieving strategic equality with the Russians.

Mr. ICHORD. Mr. Chairman, I yield to the gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL of Virginia. Mr. Chairman, I rise in support of this agreement.

Mr. Chairman, I rise in support of the agreement. If this agreement is approved by the Congress, our Nation will have reached a way station on its long and difficult path toward peace.

According to information provided by the State Department, since World War II, the United States and the Soviet Union have together expended more than $2 trillion on weapons and armament—approximately $1.3 trillion by the United States, an estimated $1 trillion by the Soviet Union.

A trillion dollars defies comprehension. As an example, if you were to convert a million dollars to $1 bills, and starting at the city limits of Danville, in the Fifth District of Virginia, laid them end-to-end, you would run out of dollars somewhere near the Nottoway County line, in Congressman ABBITT's district between Danville and Richmond. If you converted a billion dollars to $1 bills, it would circle the earth four times at the Equator. And 1 trillion is a million times a million.

If preagreement trends continue, it is estimated that by the year 2000 an additional $5 trillion could be spent on weaponry.

Our defense spending has been diminished by budgetary restrictions; the U.S.S.R. is not so restrained. While we are currently spending about 8 percent of our GNP on defense, it is estimated the Soviet Union is spending in the range of 11 to 14 percent.

If we were to make a substantial unilateral reduction in strategic strength, as is urged in some quarters, our potential opponent—and it must be constantly borne in mind that Russia is a potential opponent—might lose incentive to continue at the bargaining table.

There is reason for some optimism, as a result of these agreements. Anything which results in a potential reduction of our expenditures for weaponry should be welcomed. There are many things this Nation might do with the billions of dollars which must be spent on defense under current world conditions, not the least of which is to reduce the awesome burden of taxation borne by all, and the additional burden of payment on the national debt, which in turn increases the potential threat for additional taxation and feeds inflationary pressures.

Our optimism must be tempered with recognition that, while this is a first step along the right path, it is not a leap to our immediate goal of world peace, for there are other, very important areas which are not covered by these agreements, such as intentions. Fundamental differences of philosophy between the powers remain strong. This is not a treaty of friendship, but a treaty for survival.

It is imperative for our survival that we maintain a relatively strong defense posture, so that we may continue to bargain from a position of strength. Unilateral disarmament is the sure road to national suicide.

Mr. ANNUNZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. PUCINSKI. Will the gentleman yield?

Mr. ANNUNZIO. I yield to my distinguished colleague from Illinois.

Mr. PUCINSKI. I appreciate my colleague yielding to me.

There is one thing that it is very important to point out in this agreement, and that is who signed it. This agreement, unlike any of the others in Moscow, is signed by Brezhnev. All of the others were signed by Podgorny or Kosygin. This one, however, was signed by Brezhnev. That is like having BOB DOLE sign it for the United States. We signed it through our constitutional head of the United States, the President. This agreement will be carried out on our part because the President signed it on behalf of the people of the United States, but in the case of the Soviet Union they had their Communist political boss sign the treaty for the Communist political party and not for the people of Russia. Therefore, all they have to do if they want to renege on this agreement is to fire Mr. Brezhnev.

And if you think I am wrong, when President Nixon arrived at the airport he was received at the airport by both Podgorny and Kosygin, and when the question was raised on the matter of why Brezhnev was not there the explanation was given both by the Soviet Union and by the American State Department that Brezhnev is not a part of the government. It would be against protocol for him to be there.

Now we are signing an agreement with

the chairman of the Communist political structure. They can just do away with that.

About the silliest explanation was given when Secretary of State Rogers was asked why we permitted this and why we are signing the agreement with Mr. Brezhnev rather than Mr. Podgorny. He said we do not like to interfere with another country and tell them how to run their business.

But we are signing a treaty with another country, Mr. Chairman, and perhaps it is the most important treaty and executive agreement in the history of this country. It would seem to me the administration should have insisted, if they really mean business and they are honest about this thing in Moscow, this treaty and this agreement on the part of the Government, they should have insisted on it being signed by Mr. Podgorny or Mr. Kosygin on behalf of the people of the Soviet Union and not by the Communist political boss of that country.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ANNUNZIO. I have the time, and I am not yielding time.

Is the gentleman from Illinois finished?

Mr. PUCINSKI. I am finished.

Mr. ANNUNZIO. Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of Ohio. Mr. Chairman, I rise in support of the agreement.

Mr. Chairman, I rise in support of House Joint Resolution 1227, Interim Agreement on Limitations of Strategic Offensive Weapons, and urge its passage—1972 has been an historic year in man's quest for peace, understanding, and cooperation among nations. President Nixon's journeys to Peking and Moscow signal a new era in our relations with our two greatest global adversaries. Despite 25 years of animosity, mistrust, and ambivalance, the three great powers have agreed to try the path of talking about our differences instead of fighting about them. I applaud President Nixon for his peace initiatives, especially this interim SALT agreement which can be the cornerstone upon which to build a full generation of peace. Perhaps the most significant aspect of this agreement is that it is a first step—a key to further dicussion of a more comprehensive nature in SALT II or SALT III. A decade of preparation and 2½ years of intensive discussions in Vienna and Helsinki have produced this document which scores a joint conclusion that the continuation of the United States-U.S.S.R. arms race is not in the best interests of either nation and that some means must be devised to stop the arms escalation in a manner consistent with what each nation believes to be its vested security requirements.

This SALT agreement is clearly in our best interests for several reasons.

First, we have broken the momentum of the Soviet offensive buildup—a buildup which the President has stated this country could not possibly match during the next 5 years.

Second, we currently have a 2-to-1 advantage in warheads which offsets the Soviet numerical advantage in ballistics launchers. This advantage will be retained for the duration of the 5-year agreement. Moreover, it should be remembered the United States still maintains a distinct superiority over the Soviets in the field of MIRV capability and technology.

Third, the agreement still permits us a strategic modernization program putting us in a strong position if there is no agreement at the end of the 5-year period. In 5 years, the Trident SLBM system will be ready for deployment, the Trident I missile will be available, site defense development will be near completion, the B-1 bomber development will be completed, and standoff missiles will be ready for our strategic bomber force.

Finally, if the Soviets fail to live up to their end of the bargain, the agreement allows us to withdraw to protect our supreme national interests.

The agreement clearly does not sell us down the river but allows us to maintain a flexible defense posture sufficient to meet any threat to our vital interests or those of our allies. In the long run, we have much to gain under this agreement in reducing the costly redundancy in our defense structure through bilateral negotiation and agreement.

I would also like to commend my colleagues on the House Foreign Affairs Committee and Chairman MORGAN for their leadership in the Congress and cooperation with the administration in bringing this agreement before this body and working for its approval.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as all of you know by this point, I am an outspoken critic of America's involvement in Indochina. However, I would like to point out that I am not only an advocate of this Nation's withdrawal from Southeast Asia, but an advocate of this Nation's withdrawal from the mentality for war, death, and destruction as a way of solving international disputes, and dealing with serious human questions. Therefore, it is very important that we limit the extraordinary arms buildup that has been taking place in this Nation and the world.

In that regard, I believe that the interim agreement before us now is an important step toward the limitation of the United States and the U.S.S.R. arms buildup because this has an adverse effect in America's economy, and forces us into a position where we become more preoccupied with war, death and destruction than peace, justice and equality.

Therefore, Mr. Chairman, I would urge the adoption of the interim SALT agreement as reported by the Committee on Foreign Affairs, and I urge a unanimous vote on this important measure.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in view of the fact that we are living in a period of anything but open convenants openly arrived at, and we see emissaries flooding back and forth obviously in a position to bind the leadership of this Nation and all of us in the penumbra of backroom international politicking, therefore I am compelled to rise to direct some questions which I think ought to be raised at this time to anybody on the committee, the chairman, or others who are knowledgeable.

First, since we are being asked to vote on a resolution approving an agreement plus what is called the protocol, is there any Member of the House, either on or off the committee, the chairman or anyone, aware of any side or collateral understandings not part of the record with respect to these agreements that our leadership might have discussed with the Russian leadership?

Mr. MORGAN. Mr. Chairman, if the gentleman will yield the answer is "no."

Mr. GONZALEZ. Is the distinguished chairman aware of any kind of a side understanding, informal or formal, whereby our leadership has in effect agreed with the Russian leadership to let up with respect to Russian incursion into the Western Hemisphere, to wit, Cuba, in exchange for some understanding of the Russians letting up in another area of the world such as the Middle East? Is there any knowledge about that?

Mr. MORGAN. Mr. Chairman, I can assure the gentleman from Texas that there was no agreement in that respect.

Mr. GONZALEZ. Is the chairman of the opinion that this could be possible, and yet the membership of the House or the Congress be unaware of it? Could that be? Is it possible for that to happen?

Mr. MORGAN. I would hate to imply in any way that we cannot trust the President, or that we do not trust the military. They have given us their assurances. I think we can reassure the gentleman, and there is no doubt in my mind that there was no agreement or negotiation of that kind. There might have been discussions, but no agreement.

Mr. GONZALEZ. There is a possibility that such discussions could have been held?

Mr. MORGAN. Yes, I am saying to the gentleman that there may have been discussions, but no agreement.

Mr. GONZALEZ. Now, I do not want this to be interpreted as inferring distrust or lack of trust, but strange things have been known to happen to our leadership.

For instance, in 1944 our leadership turned over to the Russians the complete moneymaking machine to make the occupancy currency that the Russians circulated in Germany—until we finally had to limit it or put a stop to it. We turned over the printing press and material to the Russians and then they came back less than 2 weeks later and complained and said, "Hey, you did not give us the ink, either." We had to turn over the special ink to them. That cost the taxpayers conservatively $250 million then as best we can figure.

Now, that sounds astounding—but it did happen in the context of the atmosphere of that time.

What I am saying is—I just wonder if we are fully charged with knowledge in order to give our imprimatur to an agreement that is far reaching insofar as the national security is concerned.

Mr. HOLIFIELD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to place on the record my position on this bill.

This is probably one of the most important documents that has faced this Congress, at least in my 30 years of experience here. Anyone can find something to criticize about anything. I can find some things in the Strategic Arms Limitation Treaty that are not exactly to my liking. But I think this is a step away from chaos and from the possible total destruction of mankind.

As the former chairman and vice chairman, and as a member for 26 years, of the Joint Committee on Atomic Energy, I think I know a little something about what I am speaking.

I have watched the growth of the capability to wage nuclear destruction, both of our country on other countries, and of other countries on our country over the years, with great concern and apprehension in my mind.

I have sustained a strong capability on the part of this country, and I will sustain that as long as I am a Member of this House, because I confidently believe that in so sustaining that capability I was and am sustaining the power of deterrence which would keep the other fellow from making a mistake.

I also thought it was the only way we could guarantee peace in this world during this dangerous period, when the people of the world were beginning to find out what the total destructive capability of nuclear weapons could be.

As far back as 1959, I started hearings on the effects of atomic warfare. You can find it in several bound volumes, each 3 inches thick. We of the Joint Committee brought out for the first time a study by the experts of the Defense Department, as to what the exact capability of destruction was at that time. That was in 1959.

It said that a mild attack, a very reasonably mild attack upon the United States would destroy 60 million lives. Today each nation has many, many times the number and megaton warheads we had then.

One of my purposes in bringing these facts out was that I wanted the people of the United States to know, and I wanted the people of the world to know, the destructive capability of nuclear weapons. That knowledge has grown now to the point where I believe there is a new wind blowing in the world. I am not naive about the Soviet purposes—about their philosophy—about their dedication some day to be the controller of the world. But I am also not naive about the fact that they know if they start a nuclear war, it will start the destruction of the Soviet Union as well as of Western Europe and the United States.

So I say that for the first time in the history of mankind there is the most compelling motive in the hearts and minds of man—of every nation—to have a more peaceful world than has ever existed before.

That compelling motive is based on self interest—on the will to survive of the individual, which is the strongest instinct in mankind. When that will to survive permeates the intelligence of the leaders of nations of the world—that they too will perish in a nuclear war for that there is no place for the leaders to hide. In the event of a nuclear war radiation from nuclear weapons will permeate this Chamber and every other building in the United States. It would kill the people sitting in this Chamber, if it should occur—even though we were not in the blast area. This is the reason that there is growing throughout the world a compelling instinct to survive. It is causing the leaders of nations to make up their minds that no longer can we risk nuclear war. We cannot endure a full-scale nuclear war. Military capability to destroy is no longer partial, it is total.

Military capability to defend against full-scale nuclear attack is negligible. It is no longer credible. This applies to all clear weapon powers as well as ourselves.

This situation has never existed before in the annals of recorded history.

This wind that is the wind that is blowing in the minds of men throughout the world—and it is blowing in the minds of the leaders of the Soviet Union the same as it is in our minds. This is why I must pin my faith in some kind of agreement, not a perfect agreement, but an agreement that, in my opinion, is a step, is an important step, toward recognition of this one fact: That if mankind is to survive, mankind cannot afford a nuclear war. We cannot afford to start one; they cannot afford to start one. We cannot afford to retaliate; they cannot afford to retaliate. The price is too great to pay. This is the first real major power recognition of these principles that I am talking about. It is not perfect, but it is a building stone upon which we can build an edifice of peace.

I believe we should all get behind this and take this step forward.

I wish to pay my tribute to the President of the United States for his work in this field. It is far more important than this coming election; I will tell you that. It is of importance to you and your wife and your children and your children's children, and it may be the first important step for the preservation of the human race.

What more can I say?

What more can any man say?

Mr. ASHBROOK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let us take a closer look at the statement of Senator SMITH which appears in her article, "It's Time To Speak Up for National Defense," from the March 1972, issue of Reader's Digest. She stated:

> We may well have lost one of the crucial battles of the cold war when we entered into the 1963 Nuclear Test Ban Treaty with the Soviets. I was one of 19 in the Senate who voted against the treaty. Now, after nearly nine years of reflection, *my only regret is that the American people still have not been told the whole story about how the treaty worked to the Russians' tremendous advantage and to our own vast detriment.*
>
> Senators who voted against the treaty were not popular, but we who did so *acted on the basis of information that was—wrongly, I still believe—classified secret* and given to us behind closed doors. . . ." (Italic added.)

Note that Senator SMITH believes that the American people should have been given information which was classified secret and which was withheld from them during the Nuclear Test Ban Treaty of 1963. Furthermore, she states that this information should today be made available to the public.

Now let us consider the interim agreement which we are debating today. House Report 92-1324 of the Committee on Foreign Affairs states that the interim agreement is so closely linked with the treaty limiting anti-ballistic-missile systems that "an understanding of both is essential." The report states:

> The SALT accords consist of (1) a treaty limiting antiballistic missile systems and (2) a five-year interim agreement which freezes the overall levels of strategic offensive missile forces pending further negotiations which are to begin in October. There is also a protocol to the interim agreement, and a number of statements of "interpretation," some agreed and some unilateral. The texts may be found in House Document 92-311.
>
> As is customary, the treaty was sent to the Senate for its "advice and consent," while the interim agreement on offensive strategic arms has been submitted to both Houses for approval. Although the House of Representatives is being called upon to pass on only the interim agreement, the two accords are so closely linked that an understanding of both is essential.

Remembering Senator SMITH's objection to the element of secrecy surrounding the information withheld in 1963, consider the statement of Dr. Edward Teller, the eminent nuclear weapons authority, before the House Foreign Affairs Committee on the subject of the SALT Accords just a few days ago on August 9:

> The agreement on rocket deployment contains an Article VI which is *similar to Article XIII of the ABM Treaty*. In this case, as well as in the *ABM Treaty*, it is important to pay attention to the *national means of verification* which is supposed to furnish *prima facie* (Teller's emphasis) evidence of compliance. *These means of verification are secret. It is disturbing that on this vital point the public cannot get detailed* information. In fact, even the *information available to Congress* is less than complete. *One should raise the question* whether these *national means of verification should be declassified*. (Italic added.)

Dr. Teller's objection to secrecy is reminiscent of Senator SMITH's experience in 1963 although Dr. Teller goes a step further and claims that the information available to Congress was less than complete. As with Senator SMITH, he maintains that certain secret information should at the present time be declassified. It is interesting to note that information on the national means of verification which Dr. Teller holds should be declassified was mentioned in the committee report mentioned above. The report states:

> In addition, a special briefing on national means of verification was provided by Director Richard Helms of the Central Intelligence Agency.

Assuming that Mr. Helms' briefing was not for public consumption, the insistence on secrecy with regard to national means of vertification raises a serious logical muddle built into the treaty. Supposedly, we must withhold the nature of these verification means from the U.S. public because the Soviets do not fully know what these means are—and it is not in our interests to reveal these means. What other reason could there be for not making them known to the U.S. public?

However, the Russians must know of our means of verification, in order to fulfill the letter of the treaty, for in article V, section 2, of the interim agreement signed by President Nixon and the Communist leader Brezhnev, it says:

> Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with pargaraph 1 of this Article.

How is it possible not to interfere, if the means of verification are not completely known to the other party? The same problem is built into the ABM treaty by identical language in article XII, section 2. It is highly predictable that any violations of the treaties by the Soviets in the future will be described as "inadvertent," and therefore be turned over to the "Standing Consultative Commission" created by article XIII which is empowered by section 2(c) to "consider questions involving unintended interference." Thus the American people will be forever cut off from any real knowledge of what is going on. Even if the Soviets deliberately violate the treaty, they will not learn of it.

A word of clarification should be added concerning Dr. Teller's recommendation that the House approve the interim agreement. As will be noted in Dr. Teller's prepared statement, he proposes four safeguards:

First. That thorough use should be made of article XIII of the treaty and article VI of the agreement to make it probable that the treaty is honesty observed;

Second. That defense-oriented research receive vigorous support;

Third. That practical and economic measures be taken to improve our preparedness in civil defense; and

Fourth. That we establish better cooperation between the free and advanced democracies to insure our survival by collective action.

Dr. Teller concludes his prepared statement with these words:

> *Once these safeguards are adopted,* I recommend wholeheartedly the endorsements of the treaty and interim agreement, including particularly the planned cooperation in several fields which our President has called "building blocks of peace." (Italic added.)

It is evident that Dr. Teller's approval is a conditional one. After—and only after—the four safeguards are adopted would Dr. Teller give his endorsement. Close inspection of safeguard No. 4 demonstrates how serious and encompassing are Dr. Teller's stipulations. In his statement No. 4 he further expanded:

> Since we have lost leadership in the military field, it becomes even more important to cooperative closely with our Allies for the common defense of freedom. A united, free world could insure safety, peace and democracy. Nothing in the treaty or in its interpretation should stand in the way of the effort to build a better world based on the ideas of human dignity and safeguarded by proper measures to defend the citizens of a free society.

This proposal of free world unity capable of militarily defending free nations against aggressors is the same basic idea proposed by the late President Herbert Hoover in 1962 when he proposed his Council of Free Nations. Dr. Teller is, in effect, proposing a comprehensive and basic foreign policy to insure international security as a prerequisite of world peace.

At this point I insert the excellent statements of Senator SMITH and Dr. Teller:

IT'S TIME TO SPEAK UP FOR NATIONAL DEFENSE

(By Senator MARGARET CHASE SMITH)

For some time now, I have been growing increasingly concerned over a matter of public business which, it seems to me, ought to alarm all Americans. Yet, amazingly, I have heard little from my constituents or my Senate colleagues on the subject. Considering what is at stake—nothing less than America's ability to assure the future security and freedom of its people—the situation is incredible. Obviously, far too many Americans remain unaware of the frightful danger that is rising. As senior Republican member of the Senate Armed Services Committee, I feel I must speak out.

To put it as plainly as possible, there simply is no question that, if present trends continue, the Soviet Union will attain clear military superiority over the United States within the next very few years, perhaps as early as 1975 or 1976. Even now, in fact, the U.S.S.R. has far more land-based nuclear firepower than we have. It will equal or surpass us in submarine-based nuclear firepower by the middle of next year. It is embarked on an anti-submarine warfare program that may eventually succeed in neutralizing much of our missile-carrying submarine fleet. It has an extensive ABM (anti-ballistic-missile) deployment. It has been developing space weapons systems, as we have not. It has been modernizing and expanding its air and maritime forces, while we have allowed our own virtually to atrophy. And the modernized Red Army may now well be at its best.

FROM SUPREMACY TO PARITY

Thus, today, our previously unchallengeable military supremacy is gone. And although we are in a state of rough strategic parity—equality—with the U.S.S.R., even that is eroding at a fast clip. In short, we are on the threshold of a world that will be unimaginably different from any that Americans have ever known—a world in which our President will not be able confidently to demand, for example, that the Kremlin remove its nuclear missiles from Cuba. Or that it refrain from constructing a missile submarine base on that island, or from establishing air bases there for its strategic bombers. Nor will the President be able to press credibly for equitable resolutions of probems at other points of vital interest, such as the Middle East or Berlin. Our President, whoever he is, will have to negotiate as best he can from a position of weakness—if he gets a chance to negotiate at all.

For, make no mistake, we are rapidly approaching a day when the United States will be subject to all sorts of diplomatic blackmail and a strategy of terror waged by the Soviet Union. That is what the U.S.S.R.'s hugely expensive, decade-long military buildup is all about. There is no other logical reason for it. Moreover, as military ascendancy passes to the Soviet Union, the danger will increase that an over-confident Kremlin leadership will miscalculate, will try to impose its will somewhere in some way that will prove intolerable to the American people and will trigger nuclear war.

Unfortunately, this is not mere Pentagon propaganda, aimed at silencing opposition to defense spending and scaring Congress into apportioning a larger slice of the federal budget to the military. No one would be more delighted than I if we could safely eliminate military spending altogether and turn our full attention to improving the quality of American life—to refurbishing our cities, eradicating poverty, disease and crime, and solving our environmental problems. But first things must come first. As President Nixon has pointed out, if we are less strong than we should be, there soon may be no domestic society to look after.

SAFETY IN WEAKNESS?

Many Americans may be shocked to learn that we are in such serious and fast-increasing danger. But our military decline did not come about overnight. In fact, it has been ten years in the making. Briefly, here is how it happened:

The Soviet Union did not demobilize as we did after World War II. Having swallowed Eastern Europe, the Russians secured their newly conquered lands by maintaining and strengthening their military posture. The stronger they became, the more menacing became their behavior toward the free world—the United States in particular. But they always backed away when confronted with forceful resolve.

For example, a nearly successful communist takeover in Lebanon in 1958 failed only when President Eisenhower moved strong American forces onto the country's beaches in a dramatic display of U.S. determination to protect a friendly free nation. The Russians mounted a number of crises over West Berlin, but always backed off when America made clear that it firmly intended to keep the city free. In 1962, when President Kennedy ordered the Kremlin to remove its nuclear missiles from Cuba, he was standing under the umbrella of military security that had been raised during the Eisenhower 1950s.

Yet, in the face of such history, the Kennedy Administration was persuaded by a powerfully influential anti-defense clique that we Americans were largely to blame for Soviet behavior. The theory was that the military strength we had built to prevent a communist takeover of the world was fostering a paranoia in the Kremlin that could lead the Soviet leadership to launch a pre-emptive first strike against the United States. In effect, the anti-defense lobby warned, safety lay in weakening ourselves.

It's difficult to believe that such rubbish could have been accepted by responsible men. Yet it surely was accepted—by President Kennedy's Secretary of Defense, Robert McNamara, for one. McNamara decided that a balance of terror, where each side was capable of destroying the other was preferable to American supremacy. He believed that a military equal Kremlin would be a less aggressive Kremlin. The cold-war lessons, which clearly demonstrated that peace and freedom hinged on American strength and the will to use it, were discarded.

Some of us in Congress were on record early as opposed to this line of thought. It was disturbing that those who presided over our defenses should really believe that we could more effectively deter the Soviets by preparing to do less against them if they launched a war! Certainly it should have been clear, to the McNamara Defense Department as well as to the Kremlin, that the United States had no intention of launching a war. After all, there were a good many years when we enjoyed nuclear supremacy and could have put an end to the communist world at no real risk to ourselves.

But the anti-defense clique prevailed, and ever since we have been engaged in what has amounted to a one-sided disarmament program. Since the Cuban missile crisis, we have withdrawn all of our overseas-based nuclear missiles—from Turkey, Italy and the United Kingdom. We have drastically reduced the size of our strategic-bomber force; starved our military research-and-development programs of funds and talent, thereby retarding development of our military technologies; and canceled a number of promising new weapons-systems proposals.

FROZEN ADVANTAGE

We may well have lost one of the crucial battles of the cold war when we entered into the 1963 Nuclear Test Ban Treaty with the Soviets. I was one of 19 in the Senate who voted against the treaty. Now, after nearly nine years of reflection, my only regret is that the American people still have not been told the whole story about how the treaty worked to the Russians' tremendous advantage and to our own vast detriment.

Senators who voted against the treaty were not popular, but we who did so acted on the basis of information that was—wrongly, I still believe—classified secret and given to us behind closed doors. This was the background:

In 1958, the United States and the Soviet Union entered into a moratorium on atmospheric nuclear testing. U.S. test teams were largely disbanded, and our expertise flagged. In 1961, however, the Soviets suddenly and without warning ended the moratorium with the most extensive and sophisticated nuclear-test series ever mounted. The American response was to conduct some hastily organized tests, but these were ended before anything important could be accomplished.

Then, communist propaganda drummed up a tidal wave of specious sentiment for a treaty banning atmospheric testing, and got plenty of help from our home-grown anti-defense clique. The argument ran that a well-organized American nuclear-testing program would trigger a new round in the arms race; that the United States ought to be satisfied with having enough nuclear weaponry to blow up the Soviet Union several times over; and that we would contaminate the world's atmosphere with radioactive fallout. Having advanced their nuclear technology well beyond ours, the Soviets were naturally anxious to freeze their advantage.

To our great peril, they succeeded. Their tests enabled them to develop the kinds of monster warheads that they have since installed on their giant SS-9 ICBMs. And they learned how the electromagnetic radiations of high-yield nuclear detonations might affect our retaliatory ICBMs; never having fired such high-yield shots, we could not know what these weapons' effects might be, and the treaty prohibits us from learning so that we can move to counter them.

All this should have been clearly explained at the time to the American people. But President Kennedy and Secretary McNamara classified the information secret, prohibiting us from presenting it to the people. The treaty was then rammed through and hailed as a great peace breakthrough. In reality, it was a disaster for the American people and a great victory for the Russians who, with their superior nuclear technology, were soon embarked on a military buildup that has no parallel.

The Need for Realism. Now, nearly a decade later, we are again involved in arms-control negotiations with the Soviets. I share the hope that the SALT talks will produce some meaningful agreements, and that the world can start to stop arming. Meanwhile, however, we must be realistic. Although, since the SALT talks began in 1969, the Russians have continued to arm at a quickening pace, the United States has virtually been standing still. One reason is fear that any dramatic American move to redress the growing imbalance might jeopardize the chances of success in the SALT talks. Never mind the Kremlin's supreme indifference to the possibility that we might take exception to Russia's continuing military buildup!

A second, more understandable reason for our continued arms-development inertia is rooted in the Vietnam war. We are sick to death of war, defense spending and all things military. We are disgusted with and weary of the vilification that has been heaped upon us, at home as well as abroad, for our attempts to block communist enslavement in Southeast Asia. We yearn to turn away from foreign entanglements and to begin making our own house a better place to live in. We feel so strongly about this that President Nixon will risk his political life if he embarks on any new weapons-development programs requiring major expenditures. But if he fails to do so for much longer, he will gravely risk our national future!

The key to security is public information. There is no doubt whatever in my mind about the will and determination of the American people to safeguard their freedom and the future security of their children. But it is essential that we understand what has happened and is happening: that the Soviets have demonstrated that they have no intention of settling for parity with us, but are hell-bent on achieving across-the-board superiority. And we need only recall the Soviet slaughter in Hungary in 1956, Russia's brazen attempt in 1962 to place nuclear missiles in Cuba, and its ruthless suppression of Czechoslovakia in 1968 to imagine what kind of world it will be if we allow a dominance of Russian arms.

WANTED: A MANDATE

Elementary prudence dictates that we revitalize our defenses. Unfortunately, however, we have not lost so much time waiting futilely for the Soviets to rein in their arms programs that there seems no way to avoid becoming at least temporarily militarily inferior, perhaps sometime in mid-decade. Recognizing this, Sen. James Buckley (C.-R., N.Y.) last October suggested some steps we can and should take immediately to see us through the dangerous years ahead. First, he says, we must improve the accuracy of both our land-based Minuteman III ICBMs and our submarine-borne Poseidon missiles to the extent that, in an emergency, the President could attack the U.S.S.R.'s land-based ICBM force with reasonably high confidence of destroying a significant portion of it. At present, the President's only option is to attack Soviet population and industrial centers.

Senator Buckley also sensibly proposed that we begin research and development that by 1974 would enable us, if we deem it necessary, to rapidly replace an additional 450 Minuteman II ICBMs with a like number of Minuteman IIIs, each of which has the capability of striking a number of separate targets. And he suggested an additional three-year research-and-development program to improve the guidance systems in our submarine-launched Poseidon missiles.

Senator Buckley's good ideas all could have been implemented by adding $42 million to the defense-research-procurement authorization bill of $21 billion—a relatively modest increase, especially in view of what would have been accomplished in terms of national defense. I encouraged him to introduce them in the Senate as amendments to the bill, and supported him when he did so. But the Administration did not support the Buckley amendments; nor did many of my Senate colleagues, some of whom have been strong advocates of national defense. The amendments were rejected—mainly, I believe, because too many in the Senate have neglected to inform themselves of the reality of our growing peril, and are preoccupied with politically appealing domestic-welfare schemes they hope to finance with funds stripped from the defense budget. Also, I fear, too many who should be exercising leadership have been cowed by the anti-defense atmosphere that pervades the country.

I hope I have made it clear that we are running out of time. While many in Congress continue to do their best on behalf of national security, they need to know that they have the support of the people. For enormous opposing pressures continually are being brought to bear. The anti-defense lobby is well organized, articulate and effective. The time is long overdue for Americans who believe that our future safety lies in strength, and not in weakness, to make themselves heard, to let those who represent them in the House of Representatives and the Senate know how they feel. A ringing public mandate for a sensibly revitalized defense posture would be the clearest signal we could send the Kremlin that America's will to survive in freedom has not diminished.

COMMENTS ON THE MOSCOW AGREEMENT

(By Edward Teller)

Though the SALT Agreements signed in Moscow put us at a dangerous disadvantage, I recommend approval by the House of Representatives. It would take many billions of dollars in the next five years if we tried to catch up with the Soviets. In the absence of treaties, the Russian advantage would grow faster.

These agreements freeze our present disadvantage, but leave the door open for the Russians to catch up with us and surpass us in any field where we are still ahead.

It is claimed that we have a two-to-one lead in numbers of nuclear explosive missile warheads. This claim is probably correct but this advantage will not last. Mr. Laird's specific estimate that the Russians can develop MIRVs in two years is plausible.

The ABM Treaty has a valuable and novel provision: Article XIII. It establishes a standing commission with the purpose to strengthen the credibility of the treaty. It should be staffed by experts who possess vision and are dedicated to the defense of our Country.

According to this article, proof of compliance should be offered on a voluntary basis. Since it is difficult to establish foolproof checks, this provision is wise. It is, for instance, difficult to verify the exclusion of rapid reloading capability of ABM launchers. The question of whether or not missiles such as the SA-5 could be changed into an ABM defense by rapidly moveable radars is most worrisome.

The agreement on rocket deployment contains an Article VI which is similar to Article XIII of the ABM Treaty. In this case as well as in the ABM Treaty, it is important to pay attention to the national means of verification which is supposed to furnish *prima facie* evidence of compliance. These means of verification are secret. It is disturbing that on this vital point the public cannot get detailed information. In fact, even the information available to Congress is less than complete. One should raise the question whether these national means of verification should be declassified.

The geatest immediate danger of the agreements is unjustified euphoria. The great potential advantage is that the agreements spell out American inferiorities in vital fields; thus, needed preparation of our defenses may be spurred.

One phase of such preparation is research directed toward means of defense. Today such an activity is unpopular. If this does not change, our future is dark.

In the understandings which accompany the treaty, a most doubtful point is a limitation placed in the implementation of novel ABM ideas, should they develop in the future. It is indeed a mistake to limit the use of systems which do not exist as yet and may not even be imagined at present.

It is also important to know that the Russians have a decisive advantage over us in another vital respect. They have an effective plan to evacuate their cities, which they have published in half a million copies. In case they choose to subject us to nuclear blackmail, they would be able to protect their population so that their losses will not exceed under any circumstances 4%. At the same time in such an exchange more than half of the Americans would be killed.

Therefore, the generally accepted statement that our retaliatory power will certainly suffice is of most doubtful validity. It behooves us to take economically feasible measures to protect our people and thereby to insure peace for America as well as freedom from coercion.

Since we have lost leadership in the military field, it becomes even more important to cooperate closely with our Allies for the common defense of freedom. A united, free world could insure safety, peace and democracy. Nothing in the treaty or in its interpretation should stand in the way of the effort to build a better world based on the ideas of human dignity and safeguarded by proper measures to defend the citizens of a free society.

In summary, I recommend as safeguards

a) That thorough use should be made of Article XIII of the Treaty and Article VI of the Agreement to make it probable that the treaty is honestly observed;

b) That defense-oriented research receive vigorous support;

c) That practical and economic measures be taken to improve our preparedness in civil defense; and

d) That we establish better cooperation between the free and advanced democracies to insure our survival by collective action.

Once these safeguards are adopted, I recommend wholeheartedly the endorsements of the treaty and interim agreement, including particularly the planned cooperation in several fields which out President has called "building blocks of peace."

Finally, I refer to an excellent and recent study on the SALT accords which was called to my attention by its authors, A. H. Stanton Candlin and Gilbert S. Stubbs. The study presents a survey of some of the defects in the SALT agreements and how these defects all accrue to the military advantage of the Soviet Union. The study further explores the possibility of whether the Soviet Union will exploit the SALT loopholes based on the past Soviet diplomatic record and the Soviet military doctrine.

Mr. Candlin is a military analyst and author who served with the Allied Commission that supervised the disarmament of Germany following World War II. Mr. Stubbs, an electrical engineer by profession, is an assistant director of the Draper Lab at the Massachusetts Institute of Technology.

The SALT accords, everyone will concede, certainly have an important bearing on the national security of this Nation and by extension upon the security of the free world. The Stanton-Stubbs study provides much provocative discussion on various aspects of SALT which should be reviewed by the American public and, despite its length, I place the text entitled "SALT: Hanging By the Thread of a Soviet Promise" in the RECORD at this point:

SALT: HANGING BY THE THREAD OF A SOVIET PROMISE

(By A. H. Stanton Candlin and Gilbert S. Stubbs)

The recent Summit Conference in Moscow between Communist Party Secretary Leonid Brezhnev and President Nixon, and the Strategic Arms Limitation Agreements which were signed there, have been as rewarding to the USSR as they have been damaging and possibly disastrous to the United States.

Much has already been said about the advantage which the SALT agreements confer on the Soviets in terms of the total weight of nuclear warheads which they can deliver on the United States. Estimates of this advantage range from 3:1 to 5:1. Some military authorities contend that the presently larger number of U.S. warheads, obtained by dividing missile payloads into multiple, independently-targeted re-entry vehicles (MIRV's) is able to offset the Soviet advantage in total nuclear megatonnage. However, whatever may be the value of this U.S. capability, its countervailing effect is obviously short-lived, and will last only until the Soviets develop their own MIRV capability. The greater throw-weight of the Soviet SS–9 missiles plus the numerical superiority of the other Soviet missiles will allow the Soviet Union to obtain a virtually overwhelming superiority in flexibility, sophistication and destructive capability of their offensive missile systems.

The imbalance in nuclear weapons which the SALT pacts grant the Soviet Union is but one defect of these agreements, which are vaguely-worded, ill-defined, unverifiable and unenforceable.

It will be the purpose of the following analysis to present a survey of some of the defects in the current SALT agreements and to show how these defects all accrue to the military advantage of the Soviet Union. The particular question of whether the Soviet Union will exploit the SALT loopholes and SALT verification deficiencies to augment its present military superiority will be discussed in the context of the Soviet diplomatic record and the Soviet military doctrine.

It will be shown that the United States has no recourse but to reject the present SALT accords and to seek a new set of accords that are well-defined and enforceable by on-site inspection—and that until such time as meaningful and enforceable agreements are obtained, the United States has no choice but to take those measures necessary to restore the credibility of its strategic nuclear missile forces, and to regain as far as possible (and as rapidly as possible) a position which has almost been bargained away.

THE PROMISE NOT TO CONCEAL

Just one month prior to the Nixon-Brezhnev summit conference one of the authors prepared a paper for the April 28, 1972 issue of the American Security Council entitled, "On-Site Inspection: The Key Issue in SALT." This paper delved into the many ways in which the Soviets could completely ignore and circumvent any SALT agreement that was not based on ironclad provisions for verification by on-site inspection. The paper stated three points which are particularly pertinent to the SALT agreements now before the Senate.

"1. No missile or arms limitation pact can be safe without an agreement to open all weapons installations and all suspected weapons installations to close-up physical inspection by international inspection teams which are given unrestricted freedom of travel and entry.

"2. An arms agreement without provisions for direct personal inspection would not halt the "arms race"; it would merely guarantee success to any nation that would seek to achieve an overwhelming military superiority through the concealed production and concealed deployment of new missile systems. An inspectionless agreement would permit Communist bloc nations to take advantage of their closed societies to conceal massive nuclear missile buildups, while at the same time being certain that the open society of the United States would not permit such a subterfuge.

"3. At best, an arms limitation agreement without inspection would create a temporary, false impression of security. At worst, it could leave the United States with a choice only between surrender and annihilation by overwhelming nuclear forces."

At the time these three points were set down, the public was still uncertain as to what form the expected SALT agreements would take. Uppermost in many minds was a fear that U.S. SALT negotiators would defer to the repeated Soviet refusals to permit any kind of on-site inspection. However, on that particular concern the foregoing article quoted favorably some reassuring words of Secretary of Defense Melvin R. Laird, published in the March 27, 1972 issue of U.S. News and World Report:

"But it is my strong view that it would be a great and dangerous mistake for the United States to take unilateral disarmament actions. In short, we must have verifiable mutual-arms-limitation agreements . . . To put it bluntly, this President and this Secretary of Defense are not going to place the destiny of the United States or of our friends and allies, at the mercy of the hoped-for good will of any other power."

Two months later, these fine words of Secretary Laird were entirely ignored as two agreements were signed in Moscow that place the destiny of the United States and its allies squarely in the lap of the "hoped-for good will" of the Soviet Union.

In a remarkable capitulation to the Soviet Union, the Moscow SALT agreements contain absolutely no provision for any type of verification, on-site or otherwise, that goes beyond the normal means now employed (without agreement) to gather military intelligence. Such independent intelligence gathering methods are referred to in the SALT agreements as "national technical means of verification". They include, principally, the use of satellite surveillance, aerial reconnaissance and electronic intelligence in conjunction with the so-called "classical" intelligence sources.

Recognizing the deficiencies of these "allowed" means of verification, SALT negotiators have inserted a clause which calls upon the U.S. and the Soviet Union "not to use deliberate concealment measures which impede verification by national technical means . . .". This clause is found in Article XII of the Treaty on ABM's and in Article V of the Interim Agreement (on offensive missiles). Insofar as the United States is concerned, the effect of this clause is to hang U.S. security on the tenuous thread of a Soviet promise not to engage in concealed missile buildups.

Defenders of the SALT pacts have apparently chosen to ignore the significance of the "deliberate concealment" clause. They continue to assert, as they have in the past, that "national technical means of verification" are adequate in any case, independent of any Soviet attempts at concealment. They are able to avoid any proof of this assertion by taking refuge in the veil of secrecy that must necessarily surround the methods of military intelligence gathering. They are able to say, "If you knew what we know, you would not question the reliability of our verification means".

However, the very fact that secrecy is required to protect "national technical means of verification" is in itself an indication of extreme fallibility. One major reason for this secrecy is that once the details of any particular means of verification are known, countermeasures can be developed to thwart that method of verification. The delicate and uncertain balance between measures and countermeasures in the intelligence field makes any secrecy-dependent means of verification highly risky as a sole basis for arms limitation.

TACTICS OF CONCEALMENT

It is on the relatively recent development of surveillance satellites that SALT proponents appear to be basing their claim for a "see all, know all" capability in the so-called "national technical means of verification". In promoting this unfounded claim, the SALT proponents are able to take advantage not only of military secrecy but also of the awe and wonderment with which the public regards any space achievements.

Fortunately, the barriers of secrecy need not be penetrated to disprove any claims of satellite infallibility. That is, it is not necessary to go into details of what satellites can do, which is restricted information, but rather to explain what satellites cannot do, which is determined by the laws of nature.

Satellites cannot, for example, examine the interiors of missile sites, buildings, tunnels, caves, mines, trains, trucks, tankers, fishing trawlers, etc.; and satellites cannot probe the crust of the earth with sound and electrical waves or with sample borings. Satellite measurements of nuclear particles, which are used to detect nuclear explosions, are not applicable to detecting the dormant warheads of nuclear missiles on the surface of the earth. Furthermore, the nature of magnetic and gravitational fields is such that a local variation in these fields produced by any man-made object on or beneath the earth's surface would be so attenuated and marked by poor resolution at satellite attitude that even perfect sensors would be incapable of obtaining any data that would be meaningful in a military sense.

By process of elimination there is only one means of measurement open to satellites for the surveillance of objects on the surface of the earth. That is the measurement of electromagnetic radiation, which ranges from ultraviolet to visible light to infrared (heat) radiation to radio waves to x-rays to gamma rays. Such radiation may be emitted and/or reflected from the earth. Reflected radiation may come originally either from the sun or from the satellite (for example, from radar or laser systems).

(Lest any deeper meaning be ascribed to the foregoing conclusions, other than the laws of nature imply, it is here stipulated that the writers have not had access to current classified information on satellite measurement capabilities.)

In the case of offensive missiles, which do not require radars, lasers, or radio communication for their operation, their detection by satellites must be linked to (1) a telltale emission of infrared (heat) waves and light from the missile installation, (2) a revealing reflection of radar or laser radiation transmitted from the satellite, or (3) a significant pattern in the reflection of solar radiation. None of these categories of reflected or emitted radiation pose any insurmountable obstacles to a successful concealment of offensive missiles by scientific camouflage. All that is required is to enclose the missile and its launching system in a building or other structure whose surface reflects and emits radiation in a way that does not betray its contents.

Parenthetically, it should be mentioned that even in the area of radio emissions there is a whole field of deceptive action within the category of ECM (Electronic Countermeasures) which has an important bearing on the boundary conditions or limits of acquisition of satellites or special aircraft.

The ease with which satellite measurements can be deceived depends on the type of environment in which the missile system is concealed. Missiles can be concealed in caves, in mines, in forests, in railroad boxcars, in rivers, in harbors, on the bottom of the sea, in barges, in fishing trawlers, in freighters, in tankers, in any metal structure or building that conceals its contents, in dummy oil wells, in other dummy structures which are disguised as components of oil refineries, chemical plants, steel plants, electric power plants and the like, in silos which are installed beneath the surface of a mountain by drilling upwards from highway or railway tunnels, and in many other places human ingenuity can devise. Obviously, concealment can be easier in areas where the normal transportation and communication requirements parallel those of a missile installation, and where the physical dimensions of the missile system either correspond to or are masked by the characteristics of the environment, and where the normal characteristics for the emission and reflection of radiation either correspond to or mask those of the missile system. Many of the places of concealment listed above fit these requirements.

To answer those who will suggest that such concealment is too impractical or too costly, it is necessary to refer only to the effective concealment of entire factories by the Germans during World War II. The construction and maintenance of such factories, located underground, was made entirely feasible by the availability of slave labor—which is available also to the Soviets.

The resource and ingenuity which the Germans displayed in the concealment and protection of their factories from location and allied bombing had to be seen to be fully believed. One of the authors had this opportunity of first-hand observation while serving with a military government and with an allied commission which supervised the disarmament of Germany. In this capacity, he carried out aerial reconnaissance and on-site inspection of a number of underground factories and fully camouflaged strategic surface targets. A few of the examples of German concealment familiar to this author are described below.

Examples of German concealment are legion. A particularly intriguing case was that of the Kriegsmarine's principal Torpedo Research and Development Establishment at Eckenforde, whose general location was known, but where the Germans were able to conceal its extent and the full nature of its operations by the skillful use of artificial fog and other measures. This author has examined an underground refinery with full scale straight-run distillation units about seventy feet high which were concealed in a small hill whose rock had been completely hollowed out for the purpose and whose entrance could only be detected from the distance of a few feet at ground level—and even then only when the exact position was known. On one occasion this author when fully supplied with map references and good directions had difficulty in finding the concealed entrance to an underground factory installed to produce ball-bearings—which was totally invisible from above and only partially visible within a restricted range of access from the ground. He has also flown over certain wartime oil-field and oil delivery targets on the Kiel Canal at a height of about 200 feet being quite unable to distinguish any special characteristics of pumping stations disguised as thatched cottages whose exact location and detailed construction were known to him. This was not surprising because the pumps in some cases were below light screening structures which had been built inside the cottages and the machinery could not be seen even by looking through the windows. Also, at Flemhude the Kriegsmarine (German Navy) constructed an underground oil storage installation designed to hold seven million tons of oil in large concrete storage tanks. This was totally invisible from the air.

Another impressive example of concealment was the German construction of a small arms and medium ordnance factory in a mine. The sudden influx of gun-manufacturing machinery and outflux of "ore-bearing" railroad cars (containing guns) was explained by the announcement of the discovery of a new vein of ore. All the operations of the factory were masked by the simulated operations of a mine, even to the extent of supplying real mining equipment to the mine.

A masterful piece of concealment by the Germans was the construction of an arms factory as part of a prison, and the use of the prison population as a factory labor force. The Soviets are easily capable of such a ruse to conceal a missile component factory or a launch facility. It is well known, in fact, that many Soviet strategic projects have been constructed by slave labor administered by the MVD.

The activities of the allied disarmament commission sometimes involved the comparison of wartime intelligence on Germany with what was actually found by first hand inspection. The discrepancy was great. No satellite system could possibly fill this kind of gap.

In considering the virtually unlimited possibilities for missile concealment by the Soviets it should be borne in mind that missile facilities need not be accompanied by the massive, complex, underground concrete structures that are associated with U.S. missile complexes. It is quite feasible to construct light, mobile launchers for ICBM's, as the Soviets have already done for their intermediate range ballistic missiles (IRBM's). It is particularly significant that the SALT Interim Agreement places no limit on land-mobile ICBM's, as per the Soviet refusal to do so. This fact strongly suggests a need to re-examine recently publicized proposals to give our own ICBM's mobility that would help to protect them from a Soviet first-strike attack.

On the subject of concealment, two popular misconceptions about missile transportation and storage should be corrected. First, missiles need not be transported intact. Rather, it is quite feasible to design any missile so that it can be shipped as sections in crates whose physical size and dimensions give no clue as to their contents. These component sections can then be assembled at a concealed launch site. Thus, transportation from the factory to the launch site presents no problem in concealment. Second, missile storage, either at the launch site or elsewhere, need not be in the upright position, and therefore requires neither a tall building nor a deep hole.

In order to execute plans depending on large-scale mobility of ICBM's, the USSR possesses extremely adequate means for achieving this since they have very extensive state-controlled air cargo fleets as well as rail and inland waterway routes already involved as a means of logistic dispersal and deployment.

ARE SUSPICIONS ENOUGH?

Some defenders of the SALT agreements may contend that it is not necessary to determine with an absolute certainty that the Soviets are violating the SALT agreements with a concealed missile deployment. They may argue that "national technical means of verification" should at least be capable of uncovering enough evidence of any concealed Soviet buildup to generate suspicions in Washington. While not for one moment accepting this presumption of general capability, we may nevertheless ask, "What would or could Washington do in response to such suspicions?"

Viewed from a historical perspective, the chances of any U.S. response to mere suspicions of a Soviet arms buildup appear to be very small. On two occasions during the past decade the Soviet Union has solemnly promised not to seek a military advantage through a massive deployment of missiles, and on both occasions it has subsequently violated that promise in a way that gravely threatened the security of the United

States and/or its allies. In both cases, which shall be described below, the Administration then in Washington initially rejected all evidence of these buildups and publicly denied that they were taking place. Fortunately, for reasons best known to the Soviets, neither of the Soviet missile deployments was concealed, so that conclusive proof of these deployments was ultimately obtainable by aerial photographs. It was not until this proof was obtained that the respective Administrations were finally able to face the fact of Soviet duplicity.

EXAMPLE OF THE FIRST SOVIET MISSILE BUILDUP

The first of the Soviet missile buildups occurred in 1962, in Cuba. In this case we have the admission of Kennedy's Director of the Bureau of Intelligence and Research in the State Department, Roger Hilsman, that "classical" intelligence from CIA agents in the field was rejected for almost a month, until direct photographic evidence of the Soviet offensive missiles was obtained by a U-2 flight on October 16, 1962. He explained this policy as follows:

"To take the action the United States did in fact take and to mobilize public opinion in the United States and our allies to support that action requires 'harder' information than agent reports. It was only in the third [i.e., deployment] stage—after missiles and supporting equipment had actually been installed at the launching sites—that the necessary 'hard' information could be acquired. The 'hardest' information of all were pictures, for example, and it was only in this third stage that the installations would be recognizable in aerial photography." (Roger Hilsman, *To Move a Nation*, Doubleday and Company, Inc., 1967, p. 184.)

This statement is subject to a good deal of critical re-interpretation. When intelligence work is properly conducted and agents are properly selected, trained and used, the intelligence which they can obtain is within the hardest of all categories—and in many cases has revealed (*to those entitled to receive it*) with absolute accuracy the intentions of an enemy as well as his capabilities. During WW II such decisive battles as those of Kursk, the Battle of the Atlantic and the Normandy Invasion depended to a great extent on the successful use of agents and of well-tried methods now regarded as "classical". These are still supremely effective—and scientific aids, however sophisticated, can still only be regarded as an auxiliary to them rather than as a primary and basic substitute for other methods for which, in fact, there is no substitute. Hilsman himself, elsewhere in his book, discussed the problem of over-reliance on scientific aids during the Cuban Missile Crisis:

"As the scientific instruments of information-gathering have become so marvelous, the intelligence community, having the normal American love of technical gadgetry had neglected the time-consuming, tedious, but still essential methods of classical espionage. Recruiting, training, and implanting an agent may take years, and it may take still more years before he reports anything of significance. It is so much easier to send a U-2 or use some other scientific gadget. But there are some matters on which we need information that even a U-2 camera cannot pick up." (p. 191.)

Notwithstanding the efforts of dedicated and resourceful agents, classical methods can be thwarted by techniques of deception, just as can satellites and other purely technical means. This is a built-in hazard, which is quite evident when the potentialities of double agents are taken into account.

Together, classical and scientific national means of verification are necessary but *not sufficient* to police an agreement in which the U.S. security is critically dependent on absolute Soviet compliance. To impose such a burden on "national means" is to ask dedicated people to perform an impossible task, risking in some cases their lives and personal security to do what the diplomats did not have the courage to do around the conference table by insisting on on-site inspection.

EXAMPLE OF THE SECOND SOVIET MISSILE BUILDUP

A disbelief of early evidence of a second Soviet missile buildup was voiced by the Nixon Administration in response to Israeli charges of a SAM missile buildup along the Suez Canal. This missile buildup was in direct violation of an Egyptian-Israeli cease fire agreement, which took effect at midnight, Friday, August 7, 1970. Unlike the Cuban buildup, we are told that the initial evidence in this case was photographic. According to the New York Times, August 14, 1970 (page 6), only three or four hours after the cease-fire began,

"Israeli aircraft on reconnaissance missions were said to have sighted the [Soviet] missile batteries advancing toward the Canal. The United States was immediately informed. The reply from Washington was described as tentative. American reconnaissance was said to have confirmed that there were missiles in the forward position, but there was no firm evidence that they had not been in these locations before the cease-fire took effect."

However, such "firm evidence" was then supplied by the Israeli Ambassador to the United States, Itzhak Rabin, who according to the Times, flew from Israel to the United States on Monday morning, August 10, "with Israeli reconnaissance photographs said to have been taken at 3:30 Friday afternoon, before the cease-fire, showing that the movements were indeed new". Despite this Israeli evidence the Nixon Administration refused to believe that the Egyptians and Soviets were violating the cease-fire, and continued to express that disbelief until September 1, at which time the Administration revealed that not only had the Soviets violated the cease-fire in the initial hours after Friday midnight, but they had continued to move in SAM missiles during much of the month of August!! The final "convincing" evidence was said to have been in the form of photographs taken by U–2's and satellites.

The effect of the delayed U.S. response in the Suez crisis was described by the New York Times editorial of September 20, 1970:

"The weak American reaction to the original violations, the initial skepticism voiced about Israel's charges and the withholding of Phantom jet-fighters from Israel in the face of a shifting power balance doubtless encouraged Moscow and Cairo to go on with their buildup."

We cannot help but wonder what would have happened if the Soviets had concealed their missiles so as to prevent photographic evidence from being obtained in the 1962 Cuban crisis or if they had decided to conceal their missiles along the Suez Canal after the U.S. had rejected early photographic evidence. Would the existence of all these missiles still be a subject for debate today?

It should be pointed out that responsible sources have claimed that there are still Soviet missiles concealed in Cuba. Aerial photographs can neither prove nor disprove such claims. As President Kennedy once explained, "We cannot prove there is not a missile in a cave or that the Soviet Union is not going to ship next week".

The requirement for direct, photographic proof, imposed by both Democratic and Republican Administrations in two different situations, may hold some significance in relation to the present SALT agreements. Normally, the proof from "classical" intelligence sources can be just as reliable as aerial photographs, perhaps sometimes more reliable. However, in these times when the credibility of government officials (and their intelligence sources) has been repeatedly questioned (often unjustly), only photographic evidence may suffice to convince the general public. Under the present SALT agreements it is not impossible that some future Administration which has been able to acquire information of a concealed nuclear missile buildup would nevertheless be unable to convince the public of this buildup because of an inability to photograph the concealed missiles. The possibility of such an occurrence can neither be ignored nor dismissed.

PROMISES MADE TO BE BROKEN

In deciding whether Soviet promises have any value in the present SALT agreements, we should not lose sight of the fact that both the Suez and Cuban missile deployments were carried out in violation of prior agreements and promises, and that even during these deployments the Soviets repeatedly denied that they were taking place. This use of the "big lie" as a cover-up for clandestine Soviet operations is neither an isolated nor an occasional phenomenon, as any cursory look at Soviet history will reveal.

The American Bar Association published a particularly informative study in this regard in 1958. This study, which was conducted by the ABA's Special Committee on Communist Tactics, Strategy, and Objectives, summarized the record of Communist promises up to 1958:

"During the past 25 years, the United States has had 3,400 meetings with the Communists, including Teheran, Yalta, Potsdam, Panmunjom and Geneva. The negotiators spoke 106 million words (700 volumes). All this talk led to 52 major agreements, and Soviet Russia has broken 50 of them. The Communists have followed Lenin's dictum about treaties and agreements: "'Promises are like pie crusts—made to be broken.'"

One may well ask, in the face of this evidence of Soviet bad faith, "Should we be so foolish as to trust them again?" And yet, in the same year the ABA report was published, the United States entered still another agreement with the Soviet Union, this time an agreement to impose a moritorium on nuclear testing. The Soviet Union kept this agreement for three years—just long enough to acquire a substantial advantage over the U.S. in the development of new nuclear weapons, and to complete extensive preparations for the testing of these weapons which began late in 1961. President Kennedy strongly condemned this Soviet subterfuge, vowing never again to enter into a testing moratorium which did not have provisions for inspection:

"We now know enough about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium." (1962 speech of President Kennedy, quoted by *Human Events*, June 3, 1972, p. 4.)

Nevertheless, in spite of this strong declaration of President Kennedy and in spite of the subsequent indication of Soviet bad faith in the 1962 Cuban Missile Crisis, the United States allowed the Soviets to retain their ill-gotten lead in nuclear weaponry by signing an atmospheric-test ban treaty in 1963—an agreement which once again contained no provisions to inspect against secret test preparations!!

To place the reliability of Soviet promises further in perspective, it may be noted that shortly before the present SALT accords were completed the Senate Judiciary Committee released a report which updated the Soviet record on honoring summit agreements: 24 out of 25 summit agreements violated to date!

The dismal Soviet record in honoring agreements points to just one conclusion: As long as the United States continues to enter into unenforceable, unverifiable agreements with the Soviet Union, the Soviets will continue to break these agreements whenever it serves their purpose to do so.

In this regard their motives and intentions are obvious when the rate of Soviet missile and submarine build-up is considered which continued and even accelerated during the period of the SALT negotiations. The rate at which it still continues is a commentary on the use of the term "limitation" in connection with those or future SALT discussions.

LOOPHOLES

Not only are the current SALT agreements not enforceable and not verifiable to a degree that could ensure compliance, but a close examination of these pacts reveals numerous ambiguities and omissions that virtually invite a concealed missile buildup by the Soviet Union. A few of these deficiencies are listed below:

(1) The Interim Agreement avoids specifying any upper limit on the number of fixed land-based ICBM launchers, requiring the parties to this agreement merely to support an undefined status quo by not initiating any new launcher construction after July 1, 1972. Donald G. Brennan of the Hudson Institute, who has always concurred with past disarmament efforts, sees a major loophole in this SALT feature: ". . . the Soviets have refused to say how many missiles they have. Thus, our estimates of the Soviet strategic forces are presumably lower bounds . . . If we later discover a whole field of ICBM's, which I am told has happened in the past, there may be some controversy over just when it was started". (Donald G. Brennan, "When the SALT Hit the Fan", *National Review*, June 23, 1972, pp. 685–692.)

(2) Article V of the Interim Agreement, which prohibits "deliberate concealment measures", provides no definition of what constitutes "deliberate concealment". The Article states only that this prohibition "shall not require changes in current construction, assembly, conversion or overhaul practices". Accordingly, the Soviets will be able to excuse any future concealment techniques by merely claiming that these techniques are not changes from past practices. Article XII of the Treaty of ABM's offers the Soviets the same loophole.

(3) The Interim Agreement deals only with the construction of fixed land-based launchers and submarine launchers for offensive missiles. The Agreement does not prohibit the continued production of the missiles themselves or of the sophisticated electronic equipment required for launch operations. This omission is most serious in the case of the huge Soviet SS–9 missiles and their even larger replacements. The United States has no modern ICBM's comparable to these mammoth first-strike weapons. It would take the U.S. perhaps five to ten years to develop such weapons—plus more time to produce and deploy them. On the other hand, the Soviets would require a relatively short time to construct the launch facilities for accumulated stockpiles of these massive weapons.

(4) While the Treaty on ABM's does, in effect, prohibit the stockpiling of ABM missiles in Article VIII, this prohibition is obviously not capable of being enforced by "national means of verification". It should be noted that the Soviet ABM launching equipment does not involve underground silos, and would therefore be capable of being rapidly deployed from a concealed stockpile. Moreover, it has been pointed out by Senator James Buckley, in his June 29, 1972 testimony before the Senate Foreign Relations Committee, that the Soviet single-ABM-launchers, permitted by the ABM treaty, are capable of being modified covertly so that they will be able to launch more than one missile in rapid succession.

(5) Senator Buckley has further suggested that the Soviets also have the possible option of upgrading their new anti-aircraft systems to an ABM role: "There are those who believe, for example, that the existing SA–5 missiles, with their effective altitude of 100,000 feet, could be given an ABM capability and connected with the necessary radar installations without detection".

(6) Strangely, the particular weapons which the Soviets could be deployed most rapidly from concealment are not even covered by the SALT agreements. These are the land-mobile ICBM's. U.S. negotiators, who originally demanded the inclusion of these weapons, subsequently capitulated to Soviet intransigency on May 20, 1972, only six days before the SALT pacts were signed. In a most ineffectual attempt to mitigate the effects of this astounding Soviet diplomatic victory, U.S. negotiators issued a unilateral statement on May 20 in which they declared, ". . . the U.S. would consider the deployment of operational land-mobile ICBM launchers during the [five year] period of the interim agreement as inconsistent with the objectives of that agreement". This statement makes little sense when it is realized that the very fact that such launchers would be rapidly deployable makes it unnecessary to deploy them until they are needed—either for a surprise nuclear attack or for an attempt at nuclear blackmail.

(7) The Soviets have refused to define what they consider to be a "heavy ICBM" under Article II of the Interim Agreement, which prohibits the replacing of "light ICBM's" by "heavy ICBM's". Without a binding definition, the Soviets are free to do as they please under this article.

(8) A further ambiguity on missile replacement relates to the question of whether the Soviets are now replacing their intermediate missiles with SS–11's that have an intercontinental range. Senator Buckley testified:

"It is not at all clear that the so-called 'national means of verification' available to the United States will suffice to provide conclusive evidence as to whether or not Soviet medium and intermediate range ballistic missiles (M/IRBM) will be upgraded to an intercontinental capability through the replacement of obsolescent SS–4 and SS–5 missiles with 'variable range' SS–11 missiles. It has already been noted in the press and elsewhere that the Soviet Union has begun to place SS–11 missiles in her M/IRBM fields in the western part of the Soviet Union. If the United States does not obtain ironclad proof that an upgrading to an intercontinental capability is not taking place, the Soviet Union could add an additional 700 ICBM's to its arsenal without detection."

DANGER OF A UNILATERAL FREEZE IN WEAPONS TECHNOLOGY

Perhaps the single most objectionable feature of the present SALT agreements is that they guarantee that the Soviet Union will be the sole future possessor of a unique class of weapons for which the United States has no modern equivalents. These are the colossal SS–9 first strike ICBM's and their even larger replacements permitted by SALT. It is through the development of these massive-payload missiles that the Soviet Union now poses the threat of a first-strike capability against U.S. ICBM's. And, it is through these same giant carrier rockets that the Soviet will enjoy an unmatched future flexibility in the delivery of weapons of mass destruction on the United States.

A significant aspect of the unilateral Soviet acquisition of the SS–9-class ICBM's is that this acquisition occurred in the face of a unilateral, self-imposed freeze on such weapons by the United States. It was held in this country that any such weapons were unthinkable because they would constitute a first-strike capability that would be contrary to the spirit and rationale of the SALT negotiations. Ironically, the Soviets, who proceeded with their SS–9 buildup independent of SALT, have now been granted a permanent superiority by the SALT Interim Agreement which prohibits the U.S. construction of launchers for similar size missiles.

A very real danger now exists that the pattern of events of the SS–9 case may be repeated in other areas of weaponry, with the Soviets ultimately acquiring overwhelming superiority in crucial arms categories where the United States has frozen its own development of new weapons and new weapons technology. Such U.S. freezes may be self-imposed in the "spirit of SALT," as they were in the case of the SS–9 weapons category, or they may be imposed through the medium of unenforceable and unverifiable agreements negotiated in SALT. The magnitude of the danger that the Soviet Union will not be bound to impose identical freezes on its own weapons development becomes quite apparent when one considers the possible outcome of a unilateral Soviet acquisition of a near-absolute capability in either ballistic missile defense or anti-submarine warfare. Either development could make U.S. nuclear forces obsolete virtually overnight.

Proponents of the present line of negotiations in SALT must face the fact that "national means of verification" are no more capable of detecting the covert development of new weaponry than they are capable of detecting the concealed production and deployment of current weapons systems. This fact becomes particularly understandable when the full potentialities for the use of deception in developmental testing are realized. Thus, in the final stage of testing, where the weapons system would presumably be most visible, it is quite feasible in most cases to disguise both the test and the system to appear as something else—either as the operation of a non-military system or as the testing of an already existing weapons system. History indicates that the Soviets are not beyond such subterfuges.

In the case of initial SS–9 developmental tests, New York Times correspondent William Beecher suggested on October 28, 1969 (pp. 1, 12) that the Soviets deliberately tried to conceal the nature of these tests by launching the missiles from an area normally reserved for non-military space vehicles.

"The new Soviet intercontinental missile [SS–9] is also a puzzlement. Its test firings from Plesetsk in northwest Russia, seemed to be of a new space vehicle. But analysis decided it was in fact an intercontinental missile when shots were fired at a test range in the Kamchatka Peninsula, 3,500 miles away. Until now the Russians have tested new missiles in the Pacific before displaying them. And they did not try to disguise the tests to look like something else, whereas, informed sources say, this time they did just that. Since the United States experts believe they may have to depend largely on reconnaissance satellites to police any arms control agreement, they are disquieted by presumed Soviet attempts to disguise their testing." [*Emphasis supplied.*]

While Mr. Beecher did not indicate the extent to which U.S. Intelligence operations were deceived by the SS–9 testing subterfuge, he did reveal a serious failure to predict the missile buildup which included the SS–9:

"As recently as last November, for example, the intelligence community predicted that the Soviet Union would stop deploying more intercontinental missiles when they had roughly equaled the 1054 in the American arsenal. The Russians have far exceeded this level, however, and show no sign of stopping."

A concrete example of one U.S. failure to determine the nature of early developmental testing by the Soviet Union has been cited by columnist Joseph Alsop. In an article which appeared in the *Washington Post*, November 22, 1971 (p. A17), he described the initial U.S. reaction to the testing of a Soviet destroyer satellite, designed to blind reconnaissance satellites by exploding in their vicinity. According to Alsop, the successful exploding of this satellite near a target satellite, "was interpreted in reverse by the more wishful members of the intelligence community. It was said to be a sad failure, because the destroyer satellite had blown up while the target satellite continued on its course. In fact, as is now known, the target satellite was badly hit by pellets that the explosion of the destroyer satellite is designed to expel. As the target was a mere drone, this made no visible difference. But if the target has been a reconnaissance satellite the damage to the complex and vulnerable instrumentation would have caused instantaneous blinding."

It is notable that to date the U.S. has attempted only one mutual freeze on weapons development with the Soviet Union—and that this resulted in the Soviet development of the very weapons proscribed by the freeze. In April 1967 the United States ratified the Outer Space Treaty, which banned orbiting nuclear weapons but provided no means of either verifying or enforcing this ban. Seven months after the ratification of this treaty the world learned that the Soviets had broken the spirit, if not the letter, of the Treaty by developing a so-called Fractional Orbital Bombardment System (FOBS).

The FOBS was claimed to be exempt from the treaty because it orbited for less than a full revolution before launching its nuclear payload. Of course, this exempting feature was of scant comfort to the treaty signers. The resulting helplessness of the signers was indicated by the then-Secretary of Defense Robert S. McNamara. Asked how he would respond if FOBS were to be circulated for a full revolution or more, McNamara, according to the Washington Post of November 4, 1967, replied, "We will observe it".

Despite the lessons of history and logic the present SALT Treaty on ABM's embarks on the perilous course of attempting without inspection safeguards to prohibit the development, testing and deployment of "ABM systems or components which are sea-based, air-based or mobile land based". (Article V.) Senator Buckley, in his recent testimony on SALT, was particularly critical of this treaty clause, pointing out that it "would have the effect, for example, of prohibiting the development and testing of a laser type system based in space which could at least in principle provide an extremely reliable and effective system of defense against ballistic missiles". Here the potential danger is not just the denial of a means of defense to the U.S., but also the possibility that the Soviets themselves will acquire such a defense unilaterally through their own covert efforts.

Evidence now seems to be mounting that during SALT II there will be an attempt to promote a weapons technology freeze that would undermine the U.S. submarine capability at sea and interfere with our defense against anti-submarine warfare measures to place our second strike capability in hazard. Paradoxically, this freeze would be promoted in the name of *preserving* the U.S.-Soviet submarine deterrent forces by freezing anti-submarine warfare (ASW) developments. However, such a freeze must by its nature include also the development of countermeasures to ASW, which would be needed by the United States to guard against a covert development of advanced ASW technology by the Soviets.

If the Soviets gain the objective of a clear preponderance of offensive force by the present SALT agreements—and the crippling of our retaliatory power by subsequent agreements—they will have achieved the situation of nuclear checkmate for which they appear to be playing.

CONTEXT OF SOVIET NUCLEAR DOCTRINE

When considering the likelihood of Soviet subterfuges to evade the SALT agreements, one should take into account the doctrines which would cause such evasions.

It is important to recognize that the embodiment of the fullest capabilities for mobility and surprise in almost all aspects of their nuclear armament and its related doctrine, and the strategic deployment of their nuclear inventory, the Soviets proceed on the basic assumption that the capability for decisive offensive action is not only possible but mandatory. Such action is total in its concept and its applications to all elements of force within a wide range of alternative forms.

In no way, for example, does the Soviet operational planning or employment of combined forces call for a mutually exclusive distinction between "Strategic Forces" and "General Purpose Forces" as is the practice in the United States and to an increasing extent in the West. Indeed there are, within their system, modes of military thinking which have no real counterpart in the West which they call "operational art."[1] It is within this area that modern ideas about the application of nuclear warfare to the use of armored forces and the Grand Tactics of the land battle can be realistically explored and with the aim of victory in mind—at whatever cost. An examination of Soviet doctrine leaves no room for doubt that they believe in the essential validity of an overall strategy of combined arms within which ground forces and naval forces have a decisive strategic role.

SOVIET NUCLEAR DOCTRINE—GENERAL OBSERVATIONS

Before the Soviet Nuclear Weapons Program had gained full momentum, there were some evidences of a certain lack of precision in defining the nature of the military doctrine which would be needed in order to take these weapons into account. However, during the period 1954–55, a significant series of about fifty articles on nuclear warfare, modern weaponry, jet propulsion, radar, etc., appeared in the professional military press under the general title, "The Military-Technical Revolution", because these new developments were supposed to represent a break with the past and a new dimension in warfare was emphasized by Major General G. I. Pokrovsky who wrote in 1956:

"The appearance of the atomic weapons, long range rockets, guided missiles, supersonic aircraft, helicopters, nuclear-propelled warships, radar for reconnaissance and for bombing and for many other things have so strongly affected the possible means of combat that contemporary military affairs are completely dissimilar to what they were during the Great Fatherland War of 1941–45, or what they were in recent times in Korea. Therefore, at the present time, the partial experience of the wars of the past can only be regarded as important landmarks of the past and not as unchanging dogma determining military affairs of today and tomorrow." (Major General Engineering Technical Service, Prof. G. I. Pokrovsky, "Nauka i technika v sovremennykh voinakh", Science and Technology in Contemporary Wars, Voenizdat, October 1956.)

However, in spite of some professional opinions which accepted the idea of the indecisiveness of modern war and concepts of deterrence similar to those held in the U.S., after the decision had been to attain overwhelming superiority ("podavliausche prevoskodstsvo" in their teminology), the tune of their pronouncements began to change rapidly.

Soviet Nuclear Doctrine has gone, in the main, through three phases:

(1) Lip service to Deterrence Theory and repudiation of the decisiveness of nuclear arms. This has reflected a position of aspiration and inferiority to the U.S.

(2) Acceptance of the possibility of decisive victory in war in which nuclear weapons are used but also postulating the need for teamwork for all arms. Nuclear striking power regarded as an extension of the fire-power of the Armed Forces—characteristic of the period of approach-to-parity.

(3) an emphatic re-assertion of the decisive potentialities of nuclear warfare and the attainment of victory by combined arms. Recognition of the primary role of nuclear strikes in gaining such decisions and of the importance of pre-emption or surprise. Indicative of the possession of conscious superiority in nuclear armament and more effective defensive arrangements.

The year 1965 was an important year in the evolution of Soviet Doctrine, and in the evolution of their weapons systems it signifies the abandonment of any further adherence to deterrence of theories of "sufficiency" and may well have been linked to important assessments of defensive or damage limiting systems. In the important study issued by the Royal United Services Institute for Defense Studies (London) in 1971 called "Soviet Military Power" by John Erickson there is the following observation:

"It might be argued that these assertions [by the Soviets] about 'superiority' were connected not so much with any real concept of numbers but rather with the attempt to introduce 'reality' into the discussion about nuclear war—that war between the two system *is* possible, that the concept of 'victory' or 'winning' continued to have meaning if effective margins of strength were brought into play and, above all, that undue reliance on 'deterrence' in the Khrushchev style was no substitute for the assurance that the Soviet Union can realistically stand up to the risk of nuclear war. This concept was summed up by Colonel Telyatnikov[2] who insisted upon the 'correct understanding by our cadres of the possibilities of conducting a victorious nuclear missile war', demanded an '*active struggle* for creation of *definite capabilities* for achieving victory' and dismissed 'passive dispositions or views of certain people which border on fatalism'."

Throughout the development of Soviet thinking on this subject runs the consistent thread of the dominance of trained professional military thought applied with imagination and perseverance to the task in hand and basing its conclusions and findings on tested and well-tried principles of war which have not been superseded by the arrival of nuclear weapons but which need to be reviewed and interpreted with full understanding. The Soviet Union has been judged by some without proper understanding to be a defensive power without agressive intentions because, more than most, its professional military strategists study deeply and prize the importance of the defensive mode in war. After all, the Roman Legion, a fighting instrument of matchless offensive power for probably a longer period in history than any other and which conquered the known world for Rome, used to place the highest stress on defensive works and would build elaborate fortified camps night after night even without apparent need or an enemy presence. The Principle of Security is fundamental to warfare, and the Russians are supremely aware of this. Again Erickson:

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[1] According to R. L. Garthoff, American author of "Soviet Military Doctrine" (Rand, 1953), the term "operativna iskusstva" (operational art) is unusual to the Western military man and may seem to overlap both strategy and tactics. Garthoff refers to the Soviet definition of this term as "the organization and conduct of military operations", wherein "the operational art occupies a mildle position between strategy, the conduct of war and tactics, the study of battle". The concept has probably been developed by the Russians because the large standing armies that have always existed there, and the need to study theoretically the command of larger formations than divisions. The term may be said to correspond roughly to what is known outside Russia as "grand tactics".

[2] Colonel Telyatnikov in "Kommunist Vooruzhennykh Sil", No. 24, 1965.

"Such a position (Telyatnikov's) demanded an offensive-defensive 'mix' in order to induce the kind of stability which was contemplated; on the other hand, sections of American opinion held to the view that 'stability' was fundamentally connected with mutual vulnerability (or 'deterrence' and 'defense' are incompatibles) so that defensive measures such as the deployment of an ABM system embody an intention to gain 'invulnerability' and thus exert a de-stabilizing effect. The brunt of the post-Khrushchev arguments among Soviet specialists was quite the contrary, that 'deterrence' unsupported by 'defense' was both dangerous and unstable; at the same time, however, the offensive-defensive 'mix' or balance must have held out several obvious advantages, including that of surpassing American 'assured destruction' capabilities—bypassing might be an even better term." (R.U.S.I., "Soviet Military Power," pp. 43–44.)

In the same study, Erickson draws attention to the interesting fact that the announcement made by Mr. Gromyko on June 27, 1968 that the Soviet Union was ready to embark on the Strategic Arms Limitation Talks was made four days after the decision was made in the U.S. to embark on a major defensive system—"Safeguard". The great stress placed on Civil Defense and its obvious linkages with the highly developed Soviet Anti-Aircraft and Anti-Missile systems, taken together with the immense nuclear arsenal which the Russians have been stockpiling *during* the arms limitation talks, all underline the importance which they attach to these interrelated components of a modern first-strike capability.

The extremely ominous and menacing nature of this can be gauged by the revealing statement made by Marshal Nicolai Krylov, Commander of the Soviet Nuclear Missile Forces, which was quoted in an article in the *New York Times* by Wm. Beecher on September 12, 1969, shortly before the beginning of the SALT negotiations:

"The imperialist ideologists are trying to lull the vigilance of the world's people by having recourse to propaganda devices to the effect that there will be no victors in a future nuclear war. These false affirmations contradict the objective laws of history.

"Victory in war, if the imperialists succeed in starting it, will be on the side of world socialism."

SURPRISE IN SOVIET MILITARY DOCTRINE

In view of the great advantages of a surprise attack in terms of damage to the enemy—and the possibility of limiting one's own damage by means of a first strike combined with really effective damage-limiting active and passive systems—the role of surprise in Soviet military thinking needs to be examined in its relationship to possible first strikes.

In 1954–55 it began to be recognized in the Soviet Union that nuclear weapons and delivery systems provided an unparalleled opportunity for strategic surprise. In fact, since 1955, surprise has begun to be recognized by Soviet military circles as a means of achieving decisive and rapid success in war, especially if achieved by nuclear means. Although surprise had always been recognized as advantageous, it had not, hitherto, been recognized as potentially decisive.

One of the best known Soviet military writers who has extensively explored the factor of surprise has been Marshall P. Rotmistrov, who published a significant series of articles which appeared in "Voennaia Mysl", No. 2, Feb. 1955, "Voennyi Vestnik", No. 11, 1955 and "Kraznaia Zvezda", March 24, 1955. In these, he explored the differences between and the potential importance of preventive wars and pre-emptive strikes.

In regard to the concept of a sudden nuclear strike, some more than usually significant statements were made in a Soviet military article called "The Revolution in Military Affairs and Its Result". Near the beginning of the article occurs the following statement by the author, Lt. Gen. N. A. Sbitov: "The Communist Party and its Leninist Central Committee were the organizers and leaders of this revolution." (The reference is to the Revolution in Military Affairs.) The author continues,

"The Party reached the conclusion that the Armed Forces and the country as a whole must prepare for a war in which nuclear rocket weapons will be widely used; which will represent a decisive, classic collision of two, opposed world systems; and which will be distinguished by unprecedented violence, dynamic force and high maneuverability in combat operations . . .

"Nuclear rocket war signifies that the main means of armed combat, the main means of defeating the enemy, will be the nuclear weapon and the main means of delivering it to the target will be the rocket.

"The characteristics of the nuclear rocket weapon also cause the appearance of a new law in nuclear war which lies in the fact that war will be accompanied by massive extermination of people and massive destruction of resources. The action of this law calls for a change in the means of waging combat actions. The basic determining method of waging war is not the attack of the Ground Forces as it was earlier, but the *delivery of mass nuclear rocket strikes*. For instance, nuclear rocket strikes will deprive the U.S.A. of that geographical inaccessibility which it had earlier. In the event of war, the vital centers and strategic nuclear offensive weapons of the belligerents which are located throughout enemy territory, might turn out to be the main objectives of military actions.[3] This means that the line of separation between the front and the rear will disappear. The very meaning of "interior of the country" will become untenable because *the focus of armed combat will move to the interior of the territory of the belligerents.*

"The long range of strategic means makes it possible to achieve strategic-military and military political goals at the very beginning of the war. The enemy's strategic means of nuclear attack, economy, system of military administration and also main groupings of troops and naval forces in the theatre of military operations will undergo massive nuclear rocket strikes. (In the past, war was the other way around; the strategic successes were achieved or built up gradually, according to the tactical and operational successes.)

"The results of strategic rocket strikes must be used by the Ground Forces in full measure. The task of accomplishing the defeat of remaining groupings of enemy forces, occupying the enemy's territory, and protecting one's own country from invasion by the enemy's troops is given to them. Combat operations in naval theatres might have as a goal the defeat of the enemy's naval groups of forces, destroying his communications, and protecting one's own communications and coasts from nuclear strikes from the sea."

The article also contained the following:

"The revolution in military affairs brought about under the leadership of the Party solved the following problems:

"(1) The mass production of the nuclear weapon, as the main means of mass destruction was organized; and the mass production of rockets of various designations, as the basic means for delivering the rocket ammunition to the objectives of destruction was accomplished.

"(2) The equipping of the Soviet Army and Navy with the nuclear rocket weapon was fully completed, and the basic reorganization of the Armed Forces, connected with the introduction of the weapon was carried out.

"(3) Modern Soviet military doctrine which determines the new principles of Soviet military strategy, operational art, and tactics, was developed; and on the basis of the guiding instructions of the Communist party, the Soviet government, and the achievements of leading military-scientific thought, regulations and manuals were re-processed, taking into account the peculiarities and requirements of nuclear rocket war.

"(4) The retraining of all troop personnel, especially of officers, was carried out; a systematic and purposeful character was given to the mastering of the new sorts of complicated and powerful military equipment and weapons by the servicemen; this same thing was done in mastering new methods of combat operations; in the process of all this work, the high political consciousness, the military-theoretical and military-technological preparation of our military cadres and their ability always to be at the level demanded by contemporary theory and practice was once again demonstrated."

Thus, the revolution in military affairs is an accomplished fact. It led to basic quantitative changes in the military technological base of the Armed Forces and its structure. It marked a revolution in the method of waging war, a revolution in the theory of military art and the combat training of troops.[4]

It should be noted that the pronouncements presented above and other similar statements by Colonel V. V. Larionov in another article in the same book (entitled "A New Means of Fighting and Strategy") were made at about the time that initial plans must have been made for the massive nuclear development and deployment which now faces us.

The Soviet ideas on the means of achieving victories by the skilled use of nuclear arms are completely at variance with those in this country which have been largely conceived by civilian strategists with little or no experience rather than military men fully trained in the higher direction of war and in military practices. Soviet doctrine is one which confidently believes in the attainment of victory by such means, while U.S.

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[3] The "counterforce" concept of attacking strategic nuclear offensive weapons is associated primarily with a first strike strategy, since these weapons would presumably already have served their intended functions by the time a second (retaliatory) attack could be launched. U.S. nuclear strategic thinking has tended to avoid the counterforce concept as "unthinkable" because of its association with a nuclear first strike.

[4] Excerpts from an article by Lt. Gen. of Aviation N. A. Sbitov entitled, "The Revolution in Military Affairs and Its Results". This appeared in the book, "Problems of the Revolution in Military Affairs", edited by Gen. P. M. Derevyanko, published by Voenizdat, Moscow, 1965. An English translation of Sbitov's article is presented in the book, "The Nuclear Revolution in Soviet Military Affairs", edited by Wm. R. Kintner and H. F. Scott, published by the University of Oklahoma Press, Norman, Oklahoma, 1968.

doctrine, still influenced by concepts of deterrence long rendered obsolete by the new imbalance, clings to a strictly defensive posture with any permissible action being of a retaliatory nature only—an action which is rapidly becoming less "credible". Russia's fully offensive posture is increasingly becoming defined in terms of a first strike—and this includes deployment plans for their rocket-carrying vessels and nuclear attack submarines, which menace our carrier fleet as well as posing a mounting threat to our submarine-based second strike capability. On the one hand there is an avowed and ready strategy of action imbued with offensive thinking while on the other there is the U.S. defensive doctrine and strategy which is completely oriented towards "counter-value" (i.e. population) targets rather than "counter-force" (military and strategic) targets. Under such conditions and with such a basic divergence in doctrine any further use of such terms as "parity", "strategic balance" or "nuclear symmetry" become completely meaningless.

PROSPECTS FOR THE NEAR FUTURE

One SALT critic has asserted that the current SALT agreements give the Soviets such an overwhelming superiority in nuclear weapons that they need go no further. He may be right. The presently estimated 3:1 Soviet advantage in deliverable nuclear megatonnage is certainly impressive.

On the other hand, the glaring omissions, inadequate verification means and gaping loopholes in the SALT agreements may tempt the Soviets to maintain their present momentum in weapons production, perhaps temporarily stockpiling their missiles to avoid jeopardizing the enormous advantages they now have under SALT.

In the case of the Soviet SS–9 missiles, even a small increment in these missiles could drastically increase the Soviet capabilities for a first strike against U.S. ICBM's. Secretary of Defense Melvin Laird once estimated that 420 SS–9's could wipe out 95% of the U.S. ICBM force. The Soviets are now known to have at least 300 of these missiles, and the SALT agreements will allow these to be replaced with even larger missiles. According to Secretary Laird's figures, the Soviets would have to produce only 120 more SS–9's to gain an overwhelming first strike capability against U.S. ICBM's. Of course the deployment of the limited U.S. ABM forces allowed by SALT will increase this Soviet first strike requirement, just as the allowed replacements for the SS–9's will reduce it.

Whatever may be the actual requirements for a Soviet first strike capability, these requirements must be quite modest in comparison to present Soviet production capabilities. In his June 29, 1972 press conference, President Nixon estimated that the Soviets have the capacity to produce 1000 additional ICBM's and 1000 additional ABM's over the next five years. There is little likelihood that the present SALT agreements can prevent the Soviets from using this capability if they choose to do so.

Even now the Soviets have an impressive first-strike capability which, however, they are unlikely to employ either directly or as a threat unless certain essential conditions are achieved. These will be achieved the next few years probably under five unless the most strenuous countermeasures are taken. Taking into account the evidence of impressive military defensive measures which they have installed and their extremely extensive and highly organized civil defense effort which they have developed and to which we have no equivalent whatsoever, it can only be said that instead of a situation of "strategic balance" or of "symmetry" leading to "deterrence" we are now within a situation of asymmetry which is becoming more acute as time progresses. Stability has been replaced by "Meta-stability" and will be replaced soon by extreme instability.

Thus, the opportunities which are likely to rise in the near future and which will tempt the Soviet Union into nuclear action or blackmail unless we evidence a capability and will check them by a vigorous and unmistakeable response will be overwhelming. Although superficially persuasive to the uninformed, the current U.S. concept of "sufficiency" is, in fact only an inducement for the Soviet Union to execute a military strategy of outright destruction relying on an overwhelming first strike or of "compellence" (successful nuclear blackmail) based on a fully credible threat of such a strike.

In the civil defense field the Soviet Union has now a highly trained population which could evacuate its cities in a crisis, enabling the military authorities to contemplate seriously a first strike. The facts of Soviet civil preparedness—and their relation to a Soviet first-strike capability—are thoroughly discussed by Dr. E. P. Wigner and Joanne Gailar in their recent article, "Will Soviet Civil Defense Undermine SALT?", published in the Washington newspaper, *Human Events*, July 8, 1972 (pp. 9, 10). Dr. Wigner, a recipient of the Nobel Prize for Physics and one of the nation's foremost authorities on civil defense, has estimated that if the Soviets carried out their elaborate plans for evacuating their cities and dispersing their population, a nuclear exchange might result in only 10 million Soviet deaths as compared to 100 million American deaths.

The possibility that damage of that order in the Soviet Union would not be considered unacceptable by the Soviet leadership is suggested by such statements as the following:

"In major contemporary war atomic or thermonuclear weapons may be employed in quantities of hundreds, thousands or even tens of thousands. The Soviets have shown that they can take losses. During World War II they lost control of 40% of the population, 40% of their grain production, 60% of their coal, iron, steel and aluminum output and 95% of key military industries such as ball-bearing production." (Maj. Gen. Pokrovsky, in Marxism-Leninism o voine i armii, Feb. 3, 1955.)

All these possibilities need to be understood and avoided in the US by the urgent and realistic adoption of new defense policies. Many of these policies have been canvassed but remain in abeyance for reasons which are far from clear. Without the adoption of a much more determined attitude and the completely convincing evidence of a powerful revival of the US military establishment which would include an improved identification with the nation as well as procurement of essential equipment, the survival of the US as an independent state and of all its friends and allies as free and sovereign members of the international community is placed in the gravest danger.

In regard to the SALT agreements currently under consideration, it should be emphasized that quite aside from the serious imbalances which they countenance, these agreements are totally unacceptable under any conditions because of the lack of any provisions for physical inspection. Real and lasting progress in arms limitation will be achieved only when there is an established right to physical inspection of nuclear armaments in all their levels of production, storage and deployment. Only then will the danger of nuclear war recede.

The United States presently has no recourse but to reject the unverifiable and unenforceable SALT agreements signed in Moscow and to demand that the Soviet Union evidence a sincere desire for peace by agreeing to arms limitations that are precisely defined and enforceable by ironclad provisions for on-site inspection. Until such time as meaningful and enforceable agreements are obtained, the United States must pursue those measures of weapons development and re-armament that are necessary to restore the credibility of its nuclear defenses.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The Clerk will read the preamble.

The Clerk read as follows:

Whereas an Interim Agreement Between the United States of America and the Union of Strategic Offensive Arms and an associ- Measures With Respect to the Limitation of Strategic Offiensive Arms and an associated protocol were signed on May 26, 1972; and

Whereas the said interim agreement provides that it shall enter into force upon exchange of written notices of acceptance by each party, such exchange to take place subject to and concurrently with the exchange of instruments of ratification of the treaty on the limitation of antiballistic missiles; and

Whereas this interim agreement is a significant first step away from an era of nuclear confrontation and toward an era of mutually agreed upon restraint and arms limitation between the two principal nuclear powers; and

Whereas the new era toward which this agreement points can be a time when the dangers of war are substantially lessened and when nations can turn more of their energies to the works of peace; and

Whereas this agreement and the treaty limiting ballistic missile defense were made possible by the maintenance in the United States of a strategic defense posture second to none; and

Whereas the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the continuing maintenance of that strategic posture and a sound strategic modernization program: Therefore be it

COMMITTEE AMENDMENT TO THE PREAMBLE

The CHAIRMAN. The Clerk will report the committee amendment to the preamble.

The Clerk read as follows:

Committee amendment: Strike out the preamble.

The committee amendment to the preamble was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DANIELS of New Jersey, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the joint resolution (H.J. Res. 1227) approving the acceptance by the President for the United States of the interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, pursuant to House Resolution 1097, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment to the text of the joint resolution.

The amendment to the text of the joint resolution was agreed to.

The SPEAKER. The question is on the engrossment of the joint resolution.

The joint resolution was ordered to be engrossed.

The SPEAKER. The question is on the amendment to the preamble.

The amendment to the preamble was agreed to.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 330, nays 7, not voting 95 as follows:

[Roll No. 346]

YEAS—330

Abbitt
Adams
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Aspinall
Badillo
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Casey, Tex.
Cederberg
Celler
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conyers
Cotter
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Dent
Devine
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Koch
Kyl
Kyros
Latta
Leggett
Lent
Link
Long, Md.
McCloskey
McClure
McCollister
McCormack
McCulloch
McDonald, Mich.
McFall
McKay
McKevitt
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Mikva
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Randall
Rangel
Rees
Reuss
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruth
St Germain
Sandman
Sarbanes
Saylor
Scherle
Scheuer
Schwengel
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Vander Jagt
Vanik
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zwach

NAYS—7

Ashbrook
Crane
Landgrebe
Rousselot
Satterfield
Schmitz
Stuckey

NOT VOTING—95

Abernethy
Abourezk
Abzug
Addabbo
Anderson, Calif.
Baker
Bell
Betts
Blanton
Boggs
Burke, Fla.
Caffery
Carney
Carter
Chamberlain
Clancy
Clark
Clawson, Del
Collins, Ill.
Conte
Corman
Coughlin
Davis, Wis.
Derwinski
Dickinson
Diggs
Dingell
Dowdy
Dulski
Dwyer
Edmondson
Edwards, Ala.
Esch
Evins, Tenn.
Forsythe
Frelinghuysen
Gallagher
Griffiths
Hagan
Hansen, Wash.
Harvey
Hays
Hébert
Heckler, Mass.
Hull
Hungate
Keith
Kluczynski
Kuykendall
Landrum
Lennon
Lloyd
Long, La.
Lujan
McClory
McDade
McEwen
McKinney
McMillan
Melcher
Metcalfe
Michel
Minshall
Mollohan
Nelsen
Nichols
Passman
Pelly
Peyser
Pryor, Ark.
Quillen
Railsback
Rarick
Reid
Rhodes
Riegle
Rooney, N.Y.
Runnels
Ruppe
Ryan
Schneebeli
Scott
Springer
Steiger, Ariz.
Talcott
Terry
Thone
Ullman
Van Deerlin
Veysey
Waldie
Whalen
Wilson, Bob
Wydler
Zion

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Bob Wilson.
Mr. Rooney of New York with Mr. Frelinghuysen.
Mr. Addabbo with Mr. Forsythe.
Mr. Reid with Mr. Peyser.
Mr. Waldie with Mr. Del Clawson.
Mr. Hays with Mr. Conte.
Mrs. Hansen of Washington with Mrs. Dwyer.
Mr. Blanton with Mr. Baker.
Mr. Boggs with Mr. Rhodes.
Mr. Carney with Mr. Harvey.
Mr. Clark with Mr. Schneebeli.
Mr. Landrum with Mr. Betts.
Mr. Kluczynski with Mr. Railsback.
Mr. Melcher with Mr. Nelsen.
Mr. Mollohan with Mr. Bell.
Mr. Nichols with Mr. Clancy.
Mr. Ryan with Mr. Riegle.
Mrs. Griffiths with Mr. McDade.
Mr. Evins of Tennessee with Mr. Chamberlain.
Mr. Dulski with Mr. Coughlin.
Mr. Dingell with Mr. Esch.
Mr. Van Deerlin with Mr. Collins of Illinois.
Mr. Ullman with Mr. Ruppe.
Mr. Passman with Mr. Edwards of Alabama.
Mr. Gallagher with Mr. Metcalfe.
Mr. Runnels with Mr. Lloyd.
Mr. Hagan with Mr. Derwinski.
Mr. Diggs with Mr. Hull.
Mr. Abernethy with Mr. Dickinson.
Mrs. Abzug with Mr. Long of Louisiana.
Mr. Anderson of California with Mr. Lujan.
Mr. Caffery with Mr. Burke of Florida.
Mr. Corman with Mr. Talcott.
Mr. Abourezk with Mr. Davis of Wisconsin.
Mr. Hungate with Mr. Quillen.
Mr. Lennon with Mr. Carter.
Mr. Edmondson with Mrs. Heckler of Massachusetts.
Mr. Pryor of Arkansas with Mr. McClory.
Mr. Rarick with Mr. Keith.
Mr. McMillan with Mr. Kuykendall.
Mr. Dowdy with Mr. Pelly.
Mr. Whalen with Mr. McEwen.
Mr. Kinney with Mr. Terry.
Mr. Steiger of Arizona with Mr. Michel.
Mr. Thone with Mr. Minshall.
Mr. Springer with Mr. Scott.
Mr. Wydler with Mr. Zion.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Approval and authorization for the President of the United States to accept an Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter of the joint resolution just passed (H.J. Res. 1227).

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERSONAL EXPLANATION

Mrs. ABZUG. Mr. Speaker, I was inadvertently detained on business on rollcall No. 329. Had I been present, I would have voted "yea."

CONFERENCE REPORT ON S. 3726, EQUAL EXPORT OPPORTUNITY ACT AND INTERNATIONAL ECONOMIC POLICY ACT OF 1972

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1102 and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to consider the conference report on the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, the provisions of clause 2, Rule XXVIII notwithstanding.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the customary 30 minutes to the minority to the gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, as a reading of the resolution indicates, this is a simple resolution making in order the consideration of the conference report on S. 3726 for the extension of the Export Administration Act of 1969.

Mr. Speaker, this rule has become necessary according to the rules of the House that the conference report has to be allowed to lie over for 3 days. It is a simple procedure to waive that 3-day provision.

Mr. Speaker, I reserve the balance of my time.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, 2 days ago we had a resolution here on the floor to permit any conference report to be considered during the last 3 days of this week even though the 3-day intermission requirement under clause 2 of rule XXVIII was not observed. That resolution was defeated by a rather large vote. I think possibly we may have done wrong in the Rules Committee in having it so broad because it was not known whether there would be other reports.

I believe, however, the only one we were really concerned about was S. 3726, the Export Administration Act of 1969.

Mr. Speaker, we are here today with this resolution to waive the 3-day requirement rule for a conference report to be available so that we can consider this particular measure. The 3 days will not be up until tomorrow. In other words, tomorrow would be the first time this conference report could be considered.

I doubt that I will vote for the conference report. Mr. Speaker, in my opinion this is an extremely important matter, and I should like for the Members to give consideration to adopting this resolution.

Mr. Speaker, we are in a state of confusion on the cattle hide situation. We have had arrangements in the Export-Import Control Act where, under the situation, both Houses legislated, and then subsequent thereto we had to have a control program, which calls for the export of a ticket system which goes into effect on September 1, 1972.

The Department of Commerce has already scheduled the issuance of these tickets, starting August 17, 1972, which was yesterday.

The entire cattle hide industry is already in a state of grave uncertainty with respect to whether or not the Congress is going to defeat this provision or permit it to exist. In all fairness, Mr. Speaker, it seems to me we should take this bill under consideration and either vote it up or vote it down.

I realize the House took action on the so-called Commission, or whatever it was, which was included in the bill, to strike it out, and that it is now back in the conference report, which I do not like. Mr. Speaker, the administration has been operating, just as previous administrations did, under the Trading With the Enemy Act. Although this is probably a correct power to operate under, some place, some time—and today, in my opinion—we should straighten this out so that the departments will know what they are going to do, and the administration will know, and the cattle hide people will know one way or the other.

Mr. Speaker, I would urge that we adopt House Resolution 1102 and then decide what we are going to do with this conference report. If the Members want to vote it down, then vote it down. Let us not play games this afternoon. Let us dispose of this. We have some other business to get to. We had a big night last night.

I would suggest and hope, Mr. Speaker, that the Members seriously consider this. I have never, in my 16 years here, and 11 years on the Rules Committee, misled any Member of this body. In my opinion this measure has to be disposed of one way or the other before we adjourn tonight.

I urge the adoption of House Resolution 1102.

Mr. COLMER. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Massachusetts (Mr. BURKE); but, Mr. Speaker, I do so with one reservation; namely, that the gentleman does not pay me the dubious compliment which he did the other day when I yielded to him on the previous consideration of this matter.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to thank my good and gracious friend, the chairman of the Rules Committee for yielding me this time.

It is not my intention to take up too much time in this debate. This is the same subject matter we discussed, I believe, about 24 hours ago. I was opposing at the time the rushing through of this type of legislation.

This is a very complex bill. I know the cattle people have been misled into believing that this legislation is going to help them. Actually, what this bill will do is set up a new advisory council, and we are going to have a new Henry Kissinger on the scene, I believe, in the person of Peter Flanigan.

Of course, if there is a change in the Presidency next year, the place of Peter Flanigan will be more likely taken by Pierre Salinger. So that is what you are confronted with here on some of the parts that have not been discussed in this bill.

I have nothing against Pierre Salinger or Peter Flanigan, but I will say this: We have enough advisory councils now.

This bill is really a far-reaching piece of legislation. The tanneries in my district tell me that if we can hold this bill up for a couple of weeks, they might be able to get a supply of hides in to continue their business. It almost puts them in a position where they can negotiate for high-grade hides that they cannot get now.

I am pleading with this House on behalf of the Members on the other side, about 20 of them, who are today down in Miami Beach trying to formulate the rules and guidelines for the Republican Party convention. Some of those Members would like to be heard on this legislation, but they will not have a chance. They are not going to have a chance. So I cannot see how any Member on that side can allow a bill like this to go through that will deprive them of their right to speak for their constituency.

I know there are enough spokesmen on the other side to speak on behalf of the 20 Members in Miami, but let us consider those Members anyway, and let us consider the other cattle people here who are being led around believing this legislation will help them.

This does not help you in any way, shape, or form. You have been misled. You have been misled by people who speak with forked tongues.

Mr. Speaker, we can get out of here by 3 o'clock this afternoon and we will be on our way back home and come here after the recess completely rested and with a new, fresh frame of mind and look at this legislation in its proper perspective. I do not know. I might even vote for it then. But I would be very hesitant to vote for it now.

Another question that comes up here is the jurisdiction of this type of legislation. I do not know what it is doing over in Mr. PATMAN's committee. This is a trade bill if I have ever seen one.

So there are a lot of questions that can be raised. I do not want to go on until midnight fighting this bill when we can get out of here by 3 o'clock. Let us vote down the rule, and when we come back after the recess we will deal with it in a very fair and equitable manner.

Mr. GROSS. Will the gentleman yield?

Mr. BURKE of Massachusetts. I yield to the gentleman.

Mr. GROSS. The gentleman's solicitude for the Republicans and their convention overwhelms me.

Mr. BURKE of Massachusetts. I want to point out to my good friend from Iowa I have a great deal of solicitude for the Republican Party, because I was the first Democrat in 100 years in my district, and if it were not for the Republican votes I received that year, I would never be here. So I always think of you fellows. I like you.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. Burke of Massachusetts) there were—ayes 58, noes 21.

TELLER VOTE WITH CLERKS

Mr. CLEVELAND. Mr. Speaker, I demand tellers.

Tellers were ordered.

Mr. CLEVELAND. Mr. Speaker, I demand tellers with clerks.

Tellers with clerks were ordered; and the Speaker appointed as tellers Messrs. Colmer, Burke of Massachusetts, Smith of California, and Cleveland.

The Committee divided, and the tellers reported that there were—ayes 194, noes 111, not voting 127, as follows:

[Roll No. 347]

[Recorded Teller Vote]

AYES—194

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashley
Aspinall
Baring
Barrett
Belcher
Bennett
Bergland
Bevill
Blatnik
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Cabell
Camp
Carlson
Casey, Tex.
Cederberg
Chappell
Clausen, Don H.
Collier
Collins, Tex.
Colmer
Conable
Conover
Culver
de la Garza
Dellenback
Denholm
Dorn
Downing
Duncan
du Pont
Eckhardt
Erlenborn
Evans, Colo.
Findley
Fish
Fisher
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Frenzel
Frey
Galifianakis
Gonzalez
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gude
Haley
Hall
Hammerschmidt
Hanna
Hansen, Idaho
Harsha
Hastings
Helstoski
Henderson
Hicks, Wash.
Hogan
Horton
Hosmer
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Kee
Kyl
Landgrebe
Latta
Leggett
Lent
Link
Long, Md.
McCloskey
McClure
McCollister
McCormack
McCulloch
McFall
McKevitt
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Mikva
Mills, Md.
Minish
Mizell
Montgomery
Moorhead
Morgan
Mosher
Myers
Natcher
Nedzi
O'Konski
Patman
Pettis
Pickle
Poage
Poff
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quie
Randall
Rees
Reuss
Roberts
Robinson, Va.
Roe
Rogers
Roncalio
Roush
Roy
Ruth
Sandman
Satterfield
Scherle
Schwengel
Sebelius
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Spence
Stanton, J. William
Steed
Stubblefield
Sullivan
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Udall
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wright
Wyatt
Young, Fla.
Young, Tex.
Zwach

NOES—111

Abzug
Adams
Alexander
Anderson, Tenn.
Ashbrook
Aspin
Begich
Biaggi
Biester
Bingham
Blackburn
Boland
Burke, Mass.
Byrne, Pa.
Byron
Celler
Chisholm
Clay
Cleveland
Conyers
Cotter
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
Delaney
Dellums
Dent
Devine
Donohue
Dow
Drinan
Edwards, Calif.
Eilberg
Eshleman
Flood
Flynt
Fulton
Garmatz
Gaydos
Giaimo
Goldwater
Goodling
Grasso
Gray
Green, Pa.
Hamilton
Hanley
Harrington
Hathaway
Hechler, W. Va.
Heinz
Hicks, Mass.
Howard
Jacobs
Jones, Tenn.
Karth
Keating
King
Koch
Kyros
McKay
Madden
Mazzoli
Miller, Calif.
Miller, Ohio
Mills, Ark.
Mink
Mitchell
Monagan
Moss
Murphy, Ill.
Nix
Obey
O'Neill
Patten
Perkins
Pike
Pirnie
Podell
Price, Ill.
Pucinski
Rangel
Robison, N.Y.
Rodino
Rosenthal
Rostenkowski
Rousselot
Roybal
St Germain
Sarbanes
Scheuer
Schmitz
Seiberling
Shipley
Slack
Snyder
Staggers
Steele
Steiger, Wis.
Stratton
Symington
Teague, Tex.
Vanik
Wolff
Wylie
Wyman
Yates
Yatron
Zablocki

NOT VOTING—127

Abernethy
Abourezk
Addabbo
Anderson, Calif.
Annunzio
Badillo
Baker
Bell
Betts
Blanton
Boggs
Brasco
Broomfield
Burke, Fla.
Caffery
Carey, N.Y.
Carney
Carter
Chamberlain
Clancy
Clark
Clawson, Del
Collins, Ill.
Conte
Corman
Coughlin
Curlin
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Dickinson
Diggs
Dingell
Dowdy
Dulski
Dwyer
Edmondson
Edwards, Ala.
Esch
Evins, Tenn.
Fascell
Ford, William D.
Forsythe
Frelinghuysen
Fuqua
Gallagher
Gettys
Gibbons
Griffiths
Hagan
Halpern
Hansen, Wash.
Harvey
Hawkins
Hays
Hébert
Heckler, Mass.
Hillis
Holifield
Hull
Hungate
Ichord
Keith
Kemp
Kluczynski
Kuykendall
Landrum
Lennon
Lloyd
Long, La.
Lujan
McClory
McDade
McDonald, Mich.
McEwen
McKinney
McMillan
Macdonald, Mass.
Melcher
Metcalfe
Michel
Minshall
Mollohan
Murphy, N.Y.
Nelsen
Nichols
O'Hara
Passman
Pelly
Pepper
Peyser
Pryor, Ark.
Quillen
Railsback
Rarick
Reid
Rhodes
Riegle
Rooney, N.Y.
Rooney, Pa.
Runnels
Ruppe
Ryan
Saylor
Schneebeli
Scott
Springer
Stanton, James V.
Steiger, Ariz.
Stephens
Stokes
Stuckey
Talcott
Terry
Thompson, N.J.
Thone
Tiernan
Ullman
Van Deerlin
Veysey
Waldie
Whalen
Wilson, Bob
Wilson, Charles H.
Wydler
Zion

So the resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PATMAN. Mr. Speaker, I call up the conference report on the bill (S. 3726) to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 15, 1972.)

Mr. PATMAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. DENT. Mr. Speaker, reserving the right to object, I would like to ask a question. I do not object. All of us would like to leave because we have had a long week, but I would like to know if the chairman is prepared to give a few minutes or so to those of us who have something to say.

Mr. PATMAN. I will certainly be delighted to.

Mr. DENT. I thank the gentleman from Texas.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure returns from conference with two titles designed to promote American exports and increase employment here in the United States.

Title I of the bill extends and amends the Export Administration Act of 1969 and requires that the Secretary of Commerce act expeditiously to eliminate unilateral controls on the export of peaceful, nonstrategic goods.

The conferees adopted Senate provisions which would require the Secretary of Commerce to investigate which items should no longer be subject to export controls because they are not significant to the national security of the United States and require the President to remove unilateral export controls on items he determines are available in significant quantity and quality comparable to those produced here, except when he determines that the absence of controls would prove detrimental to our national security.

Another Senate provision adopted by the conferees requires that the Secretary of Commerce report to the Congress not later than 9 months after the date of enactment of this act concerning steps he has taken to reduce our unilateral controls, and a provision that the Secretary of Commerce shall report items and information subject to control procedures which are more burdensome than procedures of our allies.

The conferees also adopted a Senate provision which requires the Secretary of Commerce to establish technical advisory committees to assist in reducing both unilateral and multilateral export controls. The House receded to the Senate with an amendment which eliminated the requirement that the members of any such committee be compensated. The House conferees substituted a provision which authorizes the Secretary to reimburse any such member for travel and subsistence, when appropriate, upon request of the member.

The Senate provisions of title I agreed

to by the House constituted an explicit expression of the legislative intent indicated by your Committee on Banking and Currency in House Report 92-1260. In that report we indicated that the required reviews and revisions established in the 1969 act to be made by the Secretary of Commerce have not been made promptly and that consultations with industry have left much to be desired. The House report indicated that there shall be established technical advisory committees composed of representatives of relevant Federal agencies and relevant producers for each group of commodities which is subject to export controls because of its significance to national security and which is difficult to evaluate for technical reasons.

The House report further indicated that such committees should be activated expeditiously, with emphasis on commodity groups for which there is a significant export potential, and that such committee should have representatives from producers of the commodities to be reviewed. The House report further stated that consultative reviews should include the commodities under both multilateral control and unilateral control.

The House gave this expression of legislative intent in order to clarify the meaning of section 4(a)(1) and section 5(a) of the 1969 act. The Senate provisions agreed to by the House conferees are entirely consistent with the action taken by the House in consideration and passage of H.R. 15989.

Title II of the bill creates on a temporary, statutory basis until June 30, 1973, a Council on International Economic Policy in the Executive Office of the President. We are very hopeful that this Council can provide, on a statutory basis, an even better focus on solutions of U.S. trade, foreign investment, and monetary problems than has been the case until now.

The establishment of a linkage between the executive and the Congress in the forging of a more rational international economic policy, and in developing more consistency between domestic and international economic policy can be achieved with adoption of the title in the Senate bill.

The purpose of this Council is to provide for closer interagency coordination because there are many departments and agencies of the Federal Government operating in the international economic policy area, often at cross-purposes and because better coordination is needed between domestic and foreign economic policy.

The membership of the Council includes the President and nine Cabinet officers and executive office officials. The duties of the Council include advising and assisting the President in the preparation of an International Economic Report, reviewing the policies of the many agencies operating in the international economic policy area, and making recommendations to the President for improving and making more consistent our international economic policy.

The Senate bill provided that the President, with the assistance of the Council, shall submit an annual international economic report to the Congress.

The Senate bill further provided for a Council staff to be headed by an Executive Director. The Executive Director would be required to keep the appropriate committees of both the House and the Senate fully and currently informed regarding the activities of the Council.

The Senate bill authorized $1,400,000 for the Council for fiscal year 1973 and provided that the legislation creating the Council shall expire on June 30, 1973, unless specifically extended by legislation enacted by the Congress.

The House amendments contained no similar provision. Among the amendments to the Senate provision accepted by the House conferees there was the provision that, in connection with the duty of the Council to review the activities and the policies of the U.S. Government, there was stricken explicit reference to a specific international agreement and to specific trading partners. The conferees agreed that the remaining language was broad enough to allow the Council to review any such trade relationships.

In connection with the appointment of an Executive Director for the Council, it was agreed to delete the requirement that he be an assistant to the President.

The conferees unanimously agreed that the work of the Council and the report of the President shall include the following objectives:

First, strengthening the U.S. competitive position in world trade;

Second, achieving equilibrium in international payment accounts of the United States;

Third, increasing exports of goods and services;

Fourth, protecting and improving the earnings of foreign investments consonant with the concepts of tax equity and the need for domestic investment;

Fifth, achieving freedom of movement of people, goods, capital, information, and technology on a reciprocal and worldwide basis;

Sixth, increasing the real employment and income of workers and consumers on the basis of international economic activity; and

Seventh, preserving the diversified industrial base of the United States.

Mr. CULVER. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. CULVER. I thank the gentleman for yielding.

Mr. Speaker, I regret the complete retreat of the House conferees on the question of confirmation of the Executive Director by the Senate. In addition, in the colloquy this afternoon, I hope to clarify this question of appearances by the Executive Director before congressional committees and his availability for normal committee hearings. However, we did, in our action on the floor, provide one safety valve in the insistance that the authorized life of the Council not extend beyond June 30, 1973, unless there is affirmative renewal by the Congress. This will clearly put the burden on the Executive to prove and establish that the Council is the best mechanism for coordinating U.S. foreign economic policy, and on the Council and its Executive Director to, in fact, fulfill their declared intention of keeping the Congress fully and currently informed. The Subcommittee on Foreign Economic Policy will for one closely monitor the activities of the Council and will await the unstinted cooperation of the Executive Director and the other members of the Council.

The most appropriate administrative structure for the harmonization of foreign economic policy is a complex question and is currently the basis of hearings before the Foreign Affairs Committee. The recommendations from this inquiry will be available by the end of this Congress.

The results of these hearings should better equip Congress to carefully monitor the work of CIEP. In addition, it should help us make a judgment on the desirability of its existence as a statutory body and the discharge of its obligation to be accountable and responsive to proper congressional involvement in this extremely critical area of U.S. foreign policy.

In addition, Mr. Speaker, I realize the imperative necessity to act promptly on the provision in the legislation which repeals the Presidents order limiting the export of cattle hides. If this order is permitted to stand it would result in an increase in the cost of dressed beef to the consumer and a reduction in the return to the farmer on the hide.

Mr. WIDNALL. Mr. Speaker, I rise in support of the conference report and yield myself such time as I may consume.

Mr. Speaker, I rise to support the conference report. This bill extends and amends the Export Administration Act of 1969 and establishes a Council on International Economic Policy.

Title I of the bill amends the Export Administration Act and requires that the Secretary of Commerce move swiftly to end unilateral U.S. controls on the exports of peaceful nonstrategic goods. This will have the effect of promoting American exports and increasing jobs here in the United States by allowing our industries to better compete in the Eastern European market. Of course, we will still maintain controls on those goods of strategic and national security importance.

Title II of this bill gives a statutory imprint to a Council on International Economic policy within the Executive Office of the President. This Council, which was created by presidential memorandum in January 1971, has been in existence for the last 18 months, but has been crippled because of a lack of funds and because it did not have statutory approval. What the Congress is doing here is to give the Council legislative sanction and assuring that the Congress is in a better position to be informed of and to review the operations of the Council.

The legislation specifically requires that the appropriate congressional committees be kept fully and currently informed regarding the activities of the Council. This is a specific responsibility of the Executive Director of the Council.

Since there has been some misunderstanding as to what this provision requires, I would like to make the record clear.

The conference committee considered this question during three session which were held on the bill. It was agreed that the "fully and currently informed" provisions does not require the Executive Director to testify formally before congressional committees. The conference committee specifically rejected a proposition that the Executive Director be required to testify. It also rejected a proposal that such an understanding be included in the statement of managers.

Although the legislation does not mention that the Executive Director of the Council is to be an assistant to the President, it is a possibility that the President would appoint a Presidential assitant to that position as is the situation now. In such a case, it is not intended to alter the longstanding tradition that those who hold such a position and therefore have a personal and confidential staff relationship to the President do not testify.

However, as I stated earlier, it is understood that the Executive Director shall keep the enumerated committees fully and currently informed of the Council's activities. This will assure an adequate exchange of views and information. I have been assured that the Executive Director of CIEP will make himself available for informal meetings and briefings with Members and committees of the Congress.

Additionally, the annual report by the President on international economic matters which is required by the bill is another available means of keeping the Congress informed.

Beyond all this, however, Congress has retained direct control over the Council by giving it a short life. The legislation will expire in June of 1973. If the Council is not forthcoming during this period the Congress need not extend its life.

Fundamentally, what the conferees agreed to on this title is very similiar to the action the House took on August 3 before it struck this title from the bill. The only exception is that the House had agreed to an amendment by a voice vote which required Senate confirmation of the Executive Director. Since this was not in the Senate bill, it was not a point of discussion in conference.

Mr. Speaker, I believe the conferees have come up with a good bill. I think we will have a good relationship with the Council, and I certainly think we should give it a trial run.

I recommend that the House accept the conference report.

Mr. PATMAN. Mr. Speaker, I yield to the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Speaker, I take this time simply to point out to the membership of the House that the items in disagreement between the House conferees and the Senate were very few.

As all of you know, the amendment which would diminish the control of agricultural exports was in both the House and Senate versions of this legislation. So, obviously, that was beyond the consideration of the conference.

The major item in disagreement was with respect to the statutory establishment of a Council on International Economic Policy.

Mr. Speaker, I would like to say to the membership that the House conferees sought to insist on the action taken by the House. Finally, it was the thought and the decision of the House conferees by a vote of some 6 to 3, the six being equally divided between the majority and minority party members, that the Senate version be retained. There were three that were in disagreement.

That was the only major item in disagreement. It was resolved, as you find expressed in the conference report.

The SPEAKER. The time of the gentleman has expired.

(Mr. PATMAN asked and was given permission to proceed for 2 additional minutes.)

Mr. CULVER. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman.

Mr. CULVER. I appreciate the gentleman yielding. I have a question at this point in the debate, and that is I am concerned with the interpretation given to the conference report by the gentleman from New Jersey as well as remarks on the floor of the other body by one minority Senate conferee regarding the understanding of the conferees with respect to the issue of accountability to the Congress by the executive director.

As the gentleman from Ohio knows, I believe the House voted clearly and emphatically on this issue in the course of the debates a week ago.

I wonder whether or not the gentleman from Ohio a manager on the part of the House in the conference would be good enough to state his understanding concerning the obligation of the Executive Director to appear before the appropriate committees of the Congress enumerated in the conference report. Is this understood as an obligation on behalf of the executive director to appear before the committees in the regular course—or had that issue actually been considered and resolved as indicated by the statement earlier by the gentleman from New Jersey.

Mr. ASHLEY. It is my very firm understanding, I will say to my friend, the gentleman from Iowa, it was the consensus of the conferees, of both the House and Senate, that this issue be obviated by striking the Senate language that would have provided that executive director shall be a special assistant to the President.

Now there is nothing that would say an executive director, if he is simply appointed and holds no other position, should not appear before the appropriate committees of the Congress. Why on earth should he not?

The SPEAKER. The time of the gentleman has expired.

(Mr. PATMAN asked and was given permission to proceed for 2 additional minutes.)

Mr. ASHLEY. We sought to obviate the issue of Presidential prerogative with respect to confidentiality and privilege by striking the language—"shall be a special assistance to the President." We simply placed the focus on the duties of an Executive Director, which we felt would embrace a task of considerable scope and importance.

But we did not—and I repeat—we did not resolve the question of the availability or the nonavailability of an Executive Director who prospectively might also be a special assistant to the President.

Now that is my firm understanding, notwithstanding the comments of the gentleman from New Jersey and of a minority conferee from the other body.

Mr. WYLIE. I think that would be the understanding of the gentleman from New Jersey.

Mr. ASHLEY. I will go further and say that it was the intent of all of the conferees that there be no explicit language requiring or exempting the appearance of the Executive Director formally before committees if he happens to be a personal assistant to the President.

Mr. PATMAN. Mr. Speaker, will the gentleman yield to me?

Mr. ASHLEY. I yield to the gentleman from Texas.

Mr. PATMAN. Mr. Speaker, I concur in the views expressed by the gentleman from Ohio (Mr. ASHLEY). It was the consensus of the conferees that they wanted this Executive Director to appear before congressional committees, and by using the title, "Assistant to the President"—it was felt that that language would be sufficient to excuse him. from testifying before congressional committees. In order to get away from that contention, we agreed to strike out that he would be "Assistant to the President," so he would not be Assistant to the President.

Therefore, although the law does not require him to appear before congressional committees, in striking out that language, "Assistant to the President," which it was insisted would exempt him from appearing, of course, that leaves him where he will have to appear before congressional committees. And if he does not, the law will expire 10 months from now, and I assure you that the President will have a difficult time getting an Executive Director who has refused to appear before congressional committees.

Mr. J. WILLIAM STANTON. Mr. Speaker, will the gentleman yield?

Mr. ASHLEY. I yield to the gentleman from Ohio (Mr. J. WILLIAM STANTON).

Mr. J. WILLIAM STANTON. Mr. Speaker, I just want to ask a couple of simple questions. Basically it is what came out of our committee; would the gentleman from Ohio agree?

Mr. ASHLEY. Yes, it is.

Mr. J. WILLIAM STANTON. According to the report, 23 members of our committee voted for this bill?

Mr. ASHLEY. That is true.

Mr. J. WILLIAM STANTON. There were two who voted against, and one who was present.

Am I correct on that?

Mr. ASHLEY. The gentleman is correct.

Mr. J. WILLIAM STANTON. We got into a mixture of hides and leather, and all that business. Would the gentleman from Ohio agree that I led the fight against hides in the committee when the gentleman from Texas (Mr. Gonzalez) brought it up? We fought hard, and we fought long, and we lost.

Mr. ASHLEY. We lost.

Mr. J. WILLIAM STANTON. I am going to vote strongly for this legislation today, Mr. Speaker. As the chairman mentioned, the other body passed the legislation, and we need the legislation; am I right or wrong?

Mr. ASHLEY. The gentleman is accurate.

(Mr. MAYNE, at the request of Mr. Widnall, was granted permission to extend his remarks at this point in the Record).

Mr. MAYNE. Mr. Speaker, I rise in strong support of the conference report. It is urgently necessary that it be adopted today before the beginning of the congressional recess. I am, of course, deeply concerned about the unsettling effect which uncertainty about this legislation's being enacted is having on the hide and cattle market. I therefore urge all Members to vote in favor of the report, which will make it clear once and for all that neither the Secretary of Commerce nor any other governmental official has the power to limit our free market in hides both at home and abroad, which is so essential to our livestock industry.

Surely the gentleman from Massachusetts (Mr. Burke) cannot be serious when he states this salutary legislation is being hurried to a vote without sufficient consideration. This House debated all the issues before us today at great length when the bill first passed the House on July 15. It was again discussed at some length in debate on the rule on Wednesday of this week.

I am certain that we all realize that this Nation would have an even greater deficit in our balance of trade but for our export of American agricultural produce. Artificially limiting the export of our agricultural produce through embargoes, such as the embargo on export of hides, contradicts the established policy of this country to foster growth in our export markets and to promote freer trade between the nations. Limiting the export of hides gives one domestic industry advantages at the expense and detriment of another. We should be encouraging, not limiting, hide exports in order to improve our balance-of-payments picture and strengthen the dollar at home and abroad.

When the bottom dropped out of the hide market several years ago, our cattle producers had to develop new hide markets abroad at their own considerable effort and expense. Having now developed a flourishing export market abroad, they should not be deprived of the right to sell in a free market, even to foreign purchasers who outbid American domestic customers. The order to limit hide exports has already had a depressant effect on the market prices of cattle. Maintenance of healthy foreign export markets for American agricultural produce, including cattle hides, clearly has long-term benefits not only for the farmer and cattle feeder, but also for the consumer. Enactment into law of the Export Administration Act extension provisions as reported by the conference is essential if we are to see to it that no official can place a lid on exports of hides and other agricultural commodities. I strongly urge the House to vote for adoption of the conference report.

Mr. WIDNALL. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. Blackburn).

Mr. BLACKBURN. Mr. Speaker, I thank the gentleman for yielding.

I appreciate the attitude of most of the Members, because I share your impatience with our being here again this week on a matter that was decisively voted on by the House on two previous occasions. I think it is proper that we do review for judgment what has led to this particular moment on the last day, practically the last hour in this session, when we are all anxious to get on about our business, either at the convention in Miami, or perhaps on our private vacations and other matters that would take us away from Washington.

The only occasion on which this House could have dealt with this legislation realistically and fairly was settled weeks ago when it first came up. On that occasion the House acted decisively and said: "We do not want that Trade Advisory Council." They said it so decisively that no one even bothered to ask for a vote, and that is the only time when the House could have exercised its judgment freely. But what has happened in the meantime?

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. Is it not true that the conferees on the part of the House, despite the way the House spoke and in spite of the message we gave them, went over there and caved in in the fastest fashion in the history of this Congress?

Mr. BLACKBURN. I think it is fair to pronounce as a matter of fact that out of the 10 House conferees, only one conferee defended the position of the House on the floor of this House, and I happen to be that one. When we got to the conference, I said, "You fellows have the votes, and you can put through whatever agreement you want to, but when we get back to the House, if there is any way I can beat you, I will beat you again."

They have all the cards. They have an illegal Executive order over the heads of Members who have cattle producers in their districts. They say they will not enforce the rules unless we vote for their trade council. That is why we cannot have a fair vote. It is much easier to bring it up under these circumstances. They say, "You buy this bill or you who have cattle in your district will be hurting." That is why we are seeing people today voting exactly the opposite on the rule than they did on the floor the other day.

I do not submit to such treatment very kindly. Perhaps some others do.

Last night one of the issues on the bill we were voting on was the fact that if we would not agree on what the Senate wanted, the Senate said they would disagree and then the students would not be able to get their loans. I am proud the House said it wanted to put in its provisions and see what the Senate would do. The Senate caved in this morning in less than 2 minutes.

We are setting another precedent for the Senate today We are saying: Do not worry. We will stall around and submit eventually. I say what is at issue is not the International Trade Council and it is not the extension of the Act. It is the integrity of the House which is at issue today. That is why I have no reluctance to stand here and tell the Members I intend to vote against this conference report. It is the only way to send the message to the Senate or to the White House that the House does have a will and when it exercises its will it intends to stand behind it.

Mr. Speaker, I urge rejection of the conference report.

Mr. PATMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. Dent).

Mr. DENT. Mr. Speaker, I think we are neglecting the most important item before us. This is the strategic raw material which is limited in supply. No matter what the demand is, the supply cannot meet that demand and there is a question of balancing what we call payments against what is known to be the need.

The American hide industry, while being so important that it has to be regulated by the export-import control, still is given little importance in its position as a strategic limited material. No nation on the face of the earth allows any raw material to be exported until the demands of that nation are met. If this committee sincerely and if the hide people sincerely have the interest of this Nation and its people at heart, it is such an easy formula to follow. Hides are bought on futures. So if we establish a cutoff date for the purchase orders of futures by American consumers of hides, we could do it on the basis of our needs and requirements. We could do it at world prices, if you please, although most of us know who have made any study at all of the economics of trade, that sooner or later we are going to have to get into national parity prices on trade with the nations that deal with us and which we deal with. But here we are saying yes, we know we need hides, and we know we can get higher prices from foreigners, so we are selling 8 million hides at $160 million on a balance of trade. We are importing 360 million pairs of shoes.

Twenty pairs to the hide that is sold, plus the plastics.

We have forced ourselves in this country into making the shoddiest products that any nation makes. A backward nation does not make any more shoddy a product than we foist off.

Shoes, clothes, television sets, radios, automobiles—forced by the low-cost competition to reduce our quality and produce a shoddy product, so that I am ashamed to say it makes me sometimes wonder what has happened to that pride so many people used to have when they said, "Made in America."

Shoes. Yes, I got shoes. You got shoes. All God's children got shoes. Thanks to Italy, thanks to France, thanks to Sweden, thanks to Brazil thanks, to Portugal, thanks to Spain, thanks to Great Britain we all got shoes.

Maybe they are trying to put us back on our feet—our bare feet.

Let me tell all the Members something. It took 110 years to build the shoe industry in America to an adequacy for the needs of this country. It took 110 years, and we have dissipated that in the last 20 years. And only because of hides.

On this floor less than 12 years ago I reported from my hearings on the impact of imports on employment. I told this House what would happen, and it is in the Record.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. PATMAN. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. DENT. I said that the day would come, within the next decade—and I am a few years out of line—that we would find the policy of our State Department, implemented by our Agriculture and Commerce Departments, sending salesmen all over the world, selling hides, loaning them the money to buy hides. With our money, that did not cost them anything, they started in the marketplace and outbid the American hide tanneries. We lost 87 or 88 percent of all the tanneries of the United States, and we gave them the hides. They started their tanneries and started their shoe factories.

I visited one of the highest price shoe factories in the world, in Italy, that ships ladies' shoes to the United States. Those shoes sell anywhere from $40 to $65 a pair. And the workers were earning 70 cents an hour.

Go ahead. This is what you have done. And I am guilty of it, and I plead before you to forgive me.

I transferred the interest of certain Members of this Congress on this legislation from what they conceded to be a very bad feature—I agree with them—the feature of the unaccountability of the Commission. That was shifted to hides, and they shifted their whole position on the bill, and have now crucified both my shoeworkers and themselves.

Mr. WIDNALL. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. I thank the gentleman from New Jersey for yielding me this time to speak in opposition to this conference report.

Mr. Speaker, the gentleman from Iowa (Mr. Culver) asked about the accountability of the Executive Director of this new international economic agency. I believe if he will read the Congressional Record for August 15 during the Senate consideration of this conference report, which is reported on page 28242, there is light shed on the question. Mr. Bennett, in presenting the conference report, said:

> It was agreed that the "fully and currently informed" provision does not require the executive director of the council to testify formally before Congressional committees. But I have been assured, he continues that the executive director will make himself available for informal meetings and briefings with Members and committees of Congress.

Well, is that not nice? Some of you will be able to have breakfast with the Executive Director and find out what is going on. There is no accountability provided for in the conference report, and Senator Bennett recognized that and said so. This bill started out as a simple extension of the Export Administration Act, normally referred to as the Export Control Act, which expired on August 1, 1972. That bill was introduced last year. There appears to be no objection to extending the Export Administration Act to June 30, 1974, and I certainly would not have any objection to that. That bill would have passed easily and without fanfare.

But the other body had to add a title providing for a Council on Economic Policy, which would provide a new statutory Federal agency with an authorization of $1.4 million for the current fiscal year and the Banking and Currency Committee fell in line. I have consistently objected to this as a duplication which is not needed and would be a waste of $1.4 million of the taxpayers' money.

You will recall, as the gentleman from Georgia, Mr. Blackburn, mentioned, this House rejected the Council on International Economic Policy previously and on Tuesday again rejected by an overwhelming vote a resolution which would have waived the 3-day rule for all conference reports.

Those of us who have been keeping an eye on this bill were not fooled by that resolution on Tuesday. We knew S. 3726 would be back when it was defeated on Tuesday, and the advocates of that resolution, sure enough, went immediately to the Committee on Rules and came back with this special resolution today would apply only to one conference report.

This bill is like Hydra; every time you chop off a head two more pop up.

I think we should separate the Council on International Economic Policy from the Export Control Act and pass that act, which I am sure we can do very quickly, and vote up or down this Council on International Economic Policy.

The Senate added language which would also terminate the statutory life of this council on June 30, so its life is limited even before it is created. If the legislation is approved today—and it's almost certain it will be—the council must obtain an appropration for funding, and by the time that is accomplished it will have maybe 4 or 5 months to spend $1.4 million. Then the members of the Council on International Economic Policy will be back before the Congress saying, "We have not had enough time to get our information and our reports together as to recommendations for a better understanding of foreign economic policy, so we are asking the Congress to continue the council for an additional so many years and we need an additional so many millions of dollars in order to do it." The Council on Economic Policy is not needed to accomplish anything additional—there is a council in existence at the present time by Executive order—except that it will provide 30 people with jobs, and I suppose there is something to be said for that.

Members of the House, I urge rejection of the conference report.

Mr. PATMAN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. Burke).

Mr. BURKE of Massachusetts. Mr. Speaker, I am very reluctant to take the time of the House today, but this is the way we are always presented with problems of this type.

I want to point out in the New England area 115 shoe factories closed since 1965, and we have tanneries closing up there. We have shoe factories today that cannot get the hides from the tanneries because the best grades of hides are being sent overseas for the highest prices they can get there. We have to start concerning ourselves in America with American industries and American jobs.

We are only pleading here to keep the American people working, and by passing legislation like this you are kiting up the welfare rolls of our Nation, you are depriving people who want the opportunity to work from getting a job, you are forcing them on welfare, and you are getting them accustomed to the welfare system.

We are facing a $7 billion deficit in our trade balance this year. There has been one devaluation of the dollar already, and we are going to face some more. And within 1 year some of the people who will vote for this bill today will be doing the greatest flip-flop in history trying to repeal it.

Now, everybody talks about the Burke-Hartke bill, and the only reason this bill was not before the Committee on Ways and Means—and, believe me, this is a trade bill from one end to the other—but, if this bill was ever considered in the House Committee on Ways and Means, I would have offered an amendment attaching the Burke-Hartke bill to it. I have said before that I filed the Burke-Hartke bill to bring to the attention of the American people the problems that we are faced with in our international trade.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. BURKE of Massachusetts. Mr. Speaker, will the gentleman from Texas yield me some additional time?

Mr. PATMAN. Mr. Speaker, I would ask the minority side to use their time, we have only 4 minutes total remaining.

The SPEAKER. Does the gentleman from New Jersey desire to yield time to the gentleman from Massachusetts?

Mr. WIDNALL. Mr. Speaker, I yield back the balance of my time.

Mr. PATMAN. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts (Mr. Burke).

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Massachusetts. Yes, I will yield to the gentleman from Massachusetts, but before I do so I wish to say that these are the types of tactics that we are facing here. This is why America is losing the fight. They come in here and steamroll a bill through, ram it down your throat, and then America suffers a $7 billion deficit in trade this year and they will give us only a minute for debate.

I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, I am happy to associate myself with the remarks of the distinguished gentleman from Massachusetts.

Mr. BURKE of Massachusetts. I concur in everything that the gentleman has said about the impact of this bill, and also about the tactics that are being utilized to push it through today.

Mr. PATMAN. Mr. Speaker, the gentleman from Massachusetts has no complaint, since we have yielded time to him three different times with the remaining time that we had.

Now, since the gentleman from New Jersey, (Mr. WIDNALL) has used his time, and we have used our time for all practical purposes, I will ask for a vote on the conference report.

Mr. BROOKS. Mr. Speaker, this conference report contains a provision of utmost importance to cattle raisers, shippers, longshoremen, and other workers throughout the Nation.

The provision revoking authority of the President to restrict hide exports under the Export Administration Act is not in controversy so far as the conference report is concerned. Both Houses of Congress have gone on record opposing the action restricting the export of cattle hides and revoking the authority that was used.

As I indicated in my statement on the floor on August 2 when this matter was before us, the sudden action by the Secretary of Commerce has resulted in a severe and unanticipated hardship, not only for the ranchers and farmers, but also to the shipping industry and related activities. In my own district, it will mean the loss of hundreds of thousands of dollars and a number of jobs in the maritime industry in a county that already has 6.8 percent unemployment.

Congress did not intend for this act or any other to be used to transfer unemployment from one section of the country to another. At this point, time is of the essence. Hides are waiting on the docks in Galveston. Transportation has been arranged. Purchasers are awaiting delivery.

The House should again join the Senate in telling the President that we do not approve of these export restrictions and that we are expressly revoking the authority to impose them, including the authority to issue the regulations under some other less specific statutory provision as he has attempted to do since the expiration of the Export Administration Act.

Even if this conference report is not adopted, there should be no question that Congress does not want the Executive to have the authority to continue this program. That provision is not in disagreement in conference. Incidentally, I understand that the administration is having great difficulty in initiating the proposed quota system and that even they would prefer to drop the program. To remove all doubt, the House should adopt this report today and send it to the President for signature.

Mr. VANIK. Mr. Speaker, I am voting against the conference report to accompany S. 3726 because I object to title II which would create a Council on International Economic Policy to create a costly bureaucracy under leadership which I seriously question.

Mr. PRICE of Texas. Mr. Speaker, it is most important that the House of Representatives take action upon the conference report relating to the extension of the Export Administration Act before we recess for 2 weeks for the Republican National Convention.

As we all know, the Department of Commerce has recently imposed controls on the export of cattlehides from the United States, and the extension of the Export Administration Act as passed by both Houses of Congress would legislatively remove these controls by the Department.

It is important that we take action on this legislation before the recess not only because I firmly believe this legislation to be fully justified, but in addition, any stalling or indecision on the part of the Congress until September would only create a chaotic situation in the entire cattlehide industry, both domestic and export.

The export control program as ordered by the Commerce Department is scheduled to go into effect September 1, 1972. After that time exporters will be required to purchase export tickets from a cattlehide producer and then to present the tickets to the Office of Export Control in order to obtain an export license.

Since the Commerce Department is planning to issue these export tickets starting August 17, 1972, the urgency of our taking final action on this legislation becomes completely apparent. Failure to do so will mean that cattlehide businessmen will be faced with the prospect of having to obtain export tickets which might or might not prove to be worthless, and these people would be forced to make business decisions in a state of complete uncertainty.

I also urge that action be taken before the recess on the Export Administration Act which has already lapsed, otherwise the export control program will be dependent upon the authority vested in the Trading with the Enemy Act. Since the Trading With the Enemy Act is very broad in its power and has a minimum of statutory safeguards or restrictions, I do not believe that its use should be continued for the purpose of general export control beyond the time or the occasions where it is really necessary. Furthermore, unlike the Export Administration Act, the Trading with the Enemy Act provides only for criminal penalties and does not provide for the imposition of monetary civil penalties.

Mr. Speaker, for the very important reasons I have cited, I strongly urge that we take final action upon the conference report on the Export Administration Act today, and that we pass this most needed piece of legislation to give justice to our cattlehide producers and exporters. In this time of a serious balance of payments deficit for the United States, it simply makes no sense to cut off the export of a valuable commodity which is helping the national income of this Nation.

Mr. FLOOD. Mr. Speaker, as all the Members know very well, my congressional district suffered unbelievable damage when Tropical Storm Agnes struck on June 23, with such force and devastation that the experts tell me that the total damages will reach $1 billion, including homes, businesses, public utilities, roads, bridges, farms and railroads. Just imagine; $1 billion damage in one congressional district. Hard to imagine but true.

And, as the saying goes, we need all the help we can get—and we need it now.

One vital segment of our economy is the shoe manufacturing industry. In fact, the State of Pennsylvania ranks either one or two nationally in the manufacturing of shoes. And it is very important in my congressional district.

Given the difficulties that I previously mentioned, if there is one thing we do not need it is a national policy that would depress the economic health of the shoe manufacturing industry.

I have specific reference to a policy that would ship the very best quality hides overseas, and leave the lower grade hides here. It is quite obvious that such an arrangement would place our shoe manufacturers in less than a fair and competitive position with those industries manufacturing overseas and shipping their products to this country for sale. Such an arrangement, also, would cost the jobs of many of our citizens who have spent the greater part of their working lives in our domestic shoe manufacturing industry. They must be protected and it is our responsibility as their Representatives in the U.S. Congress to do so.

For years I have been a cosponsor of the Burke-Hartke bill to protect our Nation's shoe manufacturing industry.

I rise today in support of it again. We should not do anything in this House that will cause economic grief to one of our major industries and one of our major employers—the shoe manufacturing industry.

Let us protect the industry and let us protect its workers.

Mr. HANNA. Mr. Speaker, it is unmistakably clear that the intent of the conferees is to free American business from unnecessary, outmoded, bureaucratic restrictions in trade with Eastern Europe. United States and CoCom controls which discriminate against Americans must be done away with immediately if we are to get our rightful share of trade in this vastly expanding market. With the adoption of this conference report, we now call upon American industry to contribute its technical and commercial experience to assist in creating a more balanced and realistic export control posture. Joint industry-Government technical advisory committees should, in accordance with the provisions and clearly stated objectives of this law, be formed as soon as possible in order to avoid further losses to American businessmen, and further losses in our balance of trade.

PARLIAMENTARY INQUIRY

Mr. **BURKE** of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The **SPEAKER**. The gentleman will state his parliamentary inquiry.

Mr. **BURKE** of Massachusetts. Mr. Speaker, may I inquire how much time the minority side had left before they yielded back their time?

The **SPEAKER**. The Chair will state that the gentleman from New Jersey (Mr. Widnall) had 16 minutes remaining.

Mr. **BURKE** of Massachusetts. I thank the Speaker.

The **SPEAKER**. Without objection, the previous question is ordered on the conference report.

There was no objection.

The **SPEAKER**. The question is on the conference report.

The question was taken; and on a division (demanded by Mr. Burke of Massachusetts) there were—ayes 77, noes 36.

Mr. **BURKE** of Massachusetts. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 183, nays 124, not voting 125, as follows:

[Roll No. 348]

YEAS—183

Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Ashley
Aspinall
Baring
Belcher
Bergland
Bevill
Blatnik
Bolling
Bow
Brademas
Brinkley
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Cabell
Camp
Carlson
Casey, Tex.
Chappell
Clausen, Don H.
Collier
Collins, Tex.
Conable
Crane
Culver
Davis, Ga.
de la Garza
Dellenback
Denholm
Dennis
Dorn
du Pont
Eckhardt
Erlenborn
Evans, Colo.
Findley
Fish
Fisher
Flowers
Foley
Ford, Gerald R.
Fountain
Fraser
Frey
Fuqua
Galifianakis
Gettys
Gonzalez
Green, Oreg.
Griffin
Gross
Grover
Gubser
Gude
Hall
Halpern
Hammerschmidt
Hanley
Hansen, Idaho
Hastings
Heinz
Henderson
Hicks, Wash.
Hogan
Hosmer
Hutchinson
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Keating
Kyl
Landgrebe
Latta
Leggett
Lent
Link
McCloskey
McClure
McCollister
McCormack
McCulloch
McFall
McKay
McKevitt
Mahon
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Meeds
Mikva
Miller, Ohio
Mills, Md.
Mizell
Montgomery
Moorhead
Morgan
Mosher
Murphy, N.Y.
Myers
Natcher
Nedzi
Obey
O'Hara
O'Konski
Patman
Perkins
Pettis
Pickle
Poage
Powell
Preyer, N.C.
Price, Tex.
Pucinski
Purcell
Quie
Randall
Rees
Reuss
Roberts
Robinson, Va.
Rogers
Roncalio
Roush
Roy
Ruth
Sandman
Scherle
Schwengel
Sebelius
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steed
Stephens
Stratton
Stubblefield
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Udall
Vander Jagt
Vigorito
Waggonner
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Young, Tex.
Zwach

NAYS—124

Abbitt
Abzug
Adams
Alexander
Anderson, Tenn.
Aspin
Barrett
Begich
Bennett
Biaggi
Biester
Bingham
Blackburn
Boland
Broyhill, N.C.
Buchanan
Burke, Mass.
Byrne, Pa.
Byron
Carey, N.Y.
Celler
Chisholm
Clay
Cleveland
Conover
Conyers
Cotter
Daniel, Va.
Daniels, N.J.
Danielson
Delaney
Dellums
Dent
Donohue
Dow
Downing
Drinan
Duncan
Edwards, Calif.
Eilberg
Eshleman
Flood
Flynt
Fulton
Garmatz
Gaydos
Giaimo
Goodling
Grasso
Gray
Green, Pa.
Haley
Hanna
Harrington
Hathaway
Hechler, W. Va.
Helstoski
Hicks, Mass.
Horton
Howard
Hunt
Jacobs
Johnson, Pa.
Jones, Tenn.
Karth
King
Koch
Kyros
Long, Md.
Macdonald, Mass.
Madden
Mazzoli
Miller, Calif.
Mills, Ark.
Minish
Mink
Mitchell
Monagan
Murphy, Ill.
Nix
O'Neill
Patten
Pike
Pirnie
Podell
Poff
Price, Ill.
Rangel
Robison, N.Y.
Rodino
Roe
Rooney, Pa.
Rosenthal
Rostenkowski
Rousselot
Roybal
St Germain
Sarbanes
Satterfield
Saylor
Scheuer
Schmitz
Seiberling
Slack
Smith, Calif.
Staggers
Stanton, James V.
Steele
Steiger, Wis.
Stokes
Stuckey
Sullivan
Symington
Teague, Calif.
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Vanik
Whalley
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NOT VOTING—125

Abernethy
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Addabbo
Anderson, Calif.
Annunzio
Arends
Ashbrook
Badillo
Baker
Bell
Betts
Blanton
Boggs
Brasco
Bray
Broomfield
Burke, Fla.
Caffery
Carney
Carter
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Collins, Ill.
Colmer
Conte
Corman
Coughlin
Curlin
Davis, S.C.
Davis, Wis.
Derwinski
Devine
Dickinson
Diggs
Dingell
Dowdy
Dulski
Dwyer
Edmondson
Edwards, Ala.
Esch
Evins, Tenn.
Fascell
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Gallagher
Gibbons
Goldwater
Griffiths
Hagan
Hamilton
Hansen, Wash.
Harsha
Harvey
Hawkins
Hays
Hébert
Heckler, Mass.
Hillis
Holifield
Hull
Hungate
Jonas
Kee
Keith
Kemp
Kluczynski
Kuykendall
Landrum
Lennon
Lloyd
Long, La.
Lujan
McClory
McDade
McDonald, Mich.
McEwen
McKinney
McMillan
Mailliard
Mallary
Melcher
Metcalfe
Michel
Minshall
Mollohan
Moss
Nelsen
Nichols
Passman
Pelly
Pepper
Peyser
Pryor, Ark.
Quillen
Railsback
Rarick
Reid
Rhodes
Riegle
Rooney, N.Y.
Runnels
Ruppe
Ryan
Schneebeli
Scott
Springer
Steiger, Ariz.
Talcott
Terry
Thone
Ullman
Van Deerlin
Veysey
Waldie
Whalen
Wilson, Bob
Wydler
Young, Fla.
Zion

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Boggs for, with Mr. Rooney of New York against.
Mr. Hébert for, with Mr. Addabbo against.
Mr. Van Deerlin for, with Mr. Moss against.
Mr. Ullman for, with Mr. Holifield against.
Mr. Nichols for, with Mr. Clark against.
Mr. Passman for, with Mr. Brasco against.
Mr. Davis of South Carolina for, with Mr. Dulski against.
Mr. Gibbons for, with Mr. Diggs against.
Mr. Abernethy for, with Mr. Dingell against.
Mr. Caffery for, with Mr. Evins of Tennessee against.
Mr. Thone for, with Mr. Collins of Illinois against.
Mr. Runnels for, with Mr. Badillo against.
Mr. Steiger of Arizona for, with Mrs. Griffiths against.
Mr. Hull for, with Mr. Hawkins against.
Mr. Fascell for, with Mr. Conte against.
Mr. Curlin for, with Mr. Devine against.
Mr. Colmer for, with Mrs. Dwyer against.
Mr. Hillis for, with Mr. Kluczynski against.
Mr. Rarick for, with Mr. Metcalfe against.
Mr. Ashbrook for, with Mr. Mollohan against.
Mr. Bray for, with Mr. Ryan against.
Mr. Cederberg for, with Mr. Waldie against.
Mr. Lennon for, with Mrs. Heckler of Massachusetts against.
Mr. Rhodes for, with Mr. Burke of Florida against.
Mr. Davis of Wisconsin for, with Mr. Clancy against.
Mr. Blanton for, with Mr. McKinney against.
Mr. Edwards of Alabama for, with Mr. Forsythe against.
Mr. Harsha for, with Mr. Annunzio against.
Mr. McEwen for, with Mr. Carney against.
Mr. Michel for, with Mr. Kee against.
Mr. Pelly for, with Mr. Frelinghuysen against.
Mr. Railsback for, with Mr. McDade against.
Mr. Scott for, with Mr. Coughlin against.
Mr. Springer for, with Mr. Frenzel against.
Mr. Talcott for, with Mr. Wydler against.
Mr. Veysey for, with Mr. Young of Florida against.
Mr. Whalen for, with Mr. Carter against.
Mr. Zion for, with Mr. Harvey against.
Mr. Del Clawson for, with Mr. Schneebeli against.

Until further notice:

Mr. Melcher with Mr. Arends.
Mr. Corman with Mr. Baker.
Mr. Abourezk with Mr. Keith.
Mrs. Hansen of Washington with Mr. Goldwater.
Mr. Hays with Mr. Bell.
Mr. Hungate with Mr. Jonas.
Mr. Landrum with Mr. Derwinski.
Mr. McMillan with Mr. Betts.
Mr. Pepper with Mr. Kemp.
Mr. Pryor of Arkansas with Mr. Kuykendall.
Mr. Reid with Mr. Lloyd.
Mr. William D. Ford with Mr. Broomfield.
Mr. Hagan with Mr. Dickinson.
Mr. Long of Louisiana with Mr. Lujan.
Mr. Anderson of California with Mr. Chamberlain.
Mr. Edmondson with Mr. McClory.
Mr. Gallagher with Mr. Esch.
Mr. Bob Wilson with Mr. McDonald of Michigan.
Mr. Peyser with Mr. Mailliard.
Mr. Quillen with Mr. Ruppe.
Mr. Nelsen with Mr. Riegle.
Mr. Minshall with Mr. Mallary.
Mr. Terry with Mr. Hamilton.

Mr. **KOCH** and Mr. **BUCHANAN** changed their votes from "yea" to "nay."

Mr. DENHOLM changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force (retired);

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes; and

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 11185. An act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations.

The message also announced that the Senate agrees to the amendment of the House to a joint resolution of the Senate of the following title:

S.J. Res. 260. Joint resolution to delay the effectiveness of certain amendments to the interest subsidy provisions of the guaranteed student loan program in the case of certain students.

The message also announced that the Senate had passed a bill and a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. 32. An act to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; and

S. Con. Res. 94. Concurrent resolution providing for an adjournment of the two Houses from August 18, 1972, to September 5, 1972.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, D.C., August 18, 1972.

The Honorable the SPEAKER,
House of Representatives.

DEAR SIR: The Clerk of the House of Representatives received on August 17, 1972 from the U.S. Marshal by certified mail (812887) an unattested copy of the Summons in a Civil Action together with a copy of the complaint filed by Lewis Gene Freeman v. The United States Government, the United States Congress, the United States House of Representatives and others in Civil Action File No. 72 C 380 in the United States District Court for the Southern District of Indiana, Indianapolis Division.

The summons requires the Congress of the United States to answer the complaint within sixty days after service.

The summons and complaint in question are herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

WASHINGTON, D.C., *August 18, 1972.*

Hon. RICHARD G. KLEINDIENST,
Attorney General of the United States, Washington, D.C.

DEAR MR. KLEINDIENST: I am sending you a certified copy of a summons and complaint in a civil action (72 C 380) filed against the United States Congress and the United States House of Representatives and others in the United States District Court for the Southern District of Indiana, Indianapolis Division, and served upon me by certified mail (812-887) on August 17, 1972.

In accordance with 2 U.S.C. 118 I have sent a certified copy of the summons and complaint in this action to the U.S. District Attorney for the Southern District of Indiana, Indianapolis Division, requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

With kind regards, I am,

Sincerely yours,

W. PAT JENNINGS,
Clerk, House of Representatives.

WASHINGTON, D.C., *August 18, 1972.*

Hon. STANLEY B. MILLER,
U.S. Attorney for the Southern District of Indiana, Indianapolis, Ind.

DEAR MR. MILLER: I am sending you a certified copy of a summons and complaint in a civil action (72 C 380) filed against the United States Congress and the United States House of Representatives and others in the United States District Court for the Southern District of Indiana, Indianapolis Division, and served upon me by certified mail (812-887) on August 17, 1972.

In accordance with Title 2, U.S. Code, sec. 118, I respectfully request that you take appropriate action, as deemed necessary, under the "supervision and direction of the Attorney General" of the United States in defense of this suit against the U.S. House of Representatives.

I am also sending you a copy of the letter that I forwarded this date to the Attorney General of the United States.

With kind regards, I am

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

ADJOURNMENT OF THE HOUSES FROM AUGUST 18 TO SEPTEMBER 5, 1972

The SPEAKER laid before the House the Senate concurrent resolution (S. Con. Res. 94) providing for an adjournment of the two Houses from August 18, 1972, to September 5, 1972:

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Friday, August 18, 1972, it stand adjourned until 10 o'clock ante meridian on Tuesday, September 5, 1972.

AMENDMENT OFFERED BY MR. O'NEILL

Mr. O'NEILL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'NEILL: Strike out in page 1, line four, "1972.", and insert the following: "1972, and that when the House adjourns on Friday, August 18, 1972, it stand adjourned until 12 noon on Tuesday, September 5, 1972."

The amendment was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM SENATE AND SPEAKER TO SIGN BILLS AND JOINT RESOLUTIONS NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until September 5, 1972, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING PRINTING OF REPORTS BY COMMITTEES AUTHORIZED TO CONDUCT INVESTIGATIONS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that reports filed with the Clerk following the adjournment of the House until September 5, 1972, by committees authorized by the House to conduct investigations, may be printed by the Clerk as reported of the 92d Congress.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND TO APPOINT COMMISSIONS, BOARDS, AND COMMITTEES

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until September 5, 1972, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER ON CALENDAR WEDNESDAY, SEPTEMBER 6, 1972

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, September 6, 1972, may be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PRIVILEGE OF MEMBERS TO REVISE AND EXTEND OWN REMARKS NOTWITHSTANDING ADJOURNMENT UNTIL SEPTEMBER 5, 1972

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until September 5, 1972, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and also to include therein such short quotations as may be necessary to explain or complete such extensions of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of the House.

I also advise the membership that such extensions may be deposited in the CONGRESSIONAL RECORD boxes to be picked up in the customary manner.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

YOUTH APPRECIATION WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 1080) providing for the observance of "Youth Appreciation Week" during the 7-day period beginning November 13, 1972.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California (Mr. EDWARDS)?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1080

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period beginning November 13, 1972, is hereby designated as "Youth Appreciation Week", and the President is requested to issue a proclamation calling up the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL COACHES DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate joint resolution (S.J. Res. 213) to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if that would include the coach of the baseball team of Washington, D.C., the major league team?

Mr. EDWARDS of California. Does the gentleman refer to the coach of the Republican team that won the baseball game against the Democratic team?

Mr. GROSS. I suppose that would have to be the coach, since there is no other major league team in Washington, D.C. Does this include all the coaches of what—baseball teams, football teams, basketball teams, ping pong teams?

Mr. EDWARDS of California. This resolution was sponsored by our colleague from Texas (Mr. PICKLE) who happens to be here, and I am sure he can answer better than I.

I defer to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. PICKLE. The resolution is sponsored by the National Coaches Association. This includes collegiate and high school coaches in America. It is not professional coaches. It pertains to the National Coaches Association, primarily college and high school coaches.

Mr. GROSS. I stand corrected, Mr. Speaker. I just assumed that it included all coaches. It does not include coaches of chess teams, checker teams, and that sort of thing. I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 213

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating October 6, 1972 as "National Coaches Day," and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

Mr. PICKLE. Mr. Speaker, I am grateful for the opportunity and proud to join my colleagues in supporting passage of Senate Joint Resolution 213 to designate the period October 6 to honor the coaches of this Nation.

It is fair to say that these teacher-friends play a major role in the development not only of high standards for athletic competition but in the very development of the men and women.

It is easy for someone to put something down on paper that looks to be the perfect strategy in a sports event. It is entirely another thing to be able to take that paper and go to the ball field or the court and inspire the myriad qualities that a team function in harmony with brilliance and effectiveness.

This nation can be thankful for its sports institutions and it should be grateful for the men and women who mold the contestants for these games.

Any parent can tell you it is no easy task to instill high character, courage or dedication in their young. It takes a special person of outstanding physical ability and strong emotional status to project high ideals in those who participate in sports.

I was privileged recently to attend the annual Texas high school coaches luncheon in Houston where I was the recipient of the association's outstanding achievement award this year. I am grateful, of course, for this honor, but I am equally grateful for the opportunity to have been so closely associated with the high caliber of individuals that fill the ranks of those in coaching careers.

I think a day to honor those who serve youth particularly, is a day on which we can all reflect on the blessing that wholesome competition brings to our society.

As a nation, we are known for "our fair play." Certainly this attitude is a chapter that was first written in our sports annals. Without those leaders and mentors in the arena of sports competition this spirit would have perished with the horse and buggy.

Through the mirrors of sports we see ourselves reflected in a setting that shows we are a growing, prosperous and outgoing nation.

All over America every person interested in sports can express thanks to our coaches—at the university, college, high school and grammar school level. In Texas I especially express appreciation to the president of the Texas High School Coaches Association, Mr. Lloyd Parker, of Bay City, and to his board. And I would be remiss if I did not specially state my admiration to Mr. L. W. McConachie, executive vice president, and to Coach Darrell Royal who represent the finest qualities of coaches and men which our State possesses.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

NATIONAL FAMILY WEEK

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 135) to authorize the President to issue a proclamation designating the week in November which includes Thanksgiving Day in each year as "National Family Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 135

Whereas the family is the basic strength of any free and orderly society; and

Whereas it is appropriate to honor the family as a unit essential to the continued well-being of the United States; and

Whereas it is fitting that official recognition be given to the importance of family loyalties and ties: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the week beginning on the Sunday preceding the fourth Thursday in November of each year as "National Family Week" and inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. **EDWARDS** of California. Mr. Speaker, I offer two amendments, and ask unanimous consent that they be considered en bloc.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. EDWARDS of California: On page 1, strike out the entire preamble.

On page 2, line 4, strike out the phrase "each year" and insert in lieu thereof "1972".

The **SPEAKER**. The question is on the amendments offered by the gentleman from California (Mr. EDWARDS).

The amendments were agreed to.

Mr. **MYERS**. Mr. Speaker, I appreciate the patience of the House this afternoon. It is late and after the session yesterday that lasted 14 hours, I am happy that the House will consider this bill today.

The basic strength of our or any free and orderly society is the family. There could be no more appropriate week than that including Thanksgiving Day for us to honor our family loyalties and ties.

This legislation will authorize the President to designate the week beginning with the fourth Thursday in November of each year as "National Family Week." It also encourages the States and local communities to observe the week with appropriate ceremonies and activities.

The idea for a family week observance came from a constituent, Mr. Sam Wiley, who formerly taught in the Shakamak School system and is now assistant principal at Whiteland High School, both in Indiana.

The current unrest and dissatisfaction among the younger generation and the so-called generation gap can be traced in most cases to a complete breakdown in communications between parents and their children. While observance of family week does not promise to resolve all the unrest, I view it as a giant step toward the goal of restoring the traditional principles of respect and self-discipline which have made this a great Nation.

National Family Week is designed to coincide with Thanksgiving Day, that traditional time in America when families are rejoined for the purpose of giving thanks to God for the blessings which have come to them.

National Family Week would serve as the focal point for the enlistment of millions of American parents in an effort to better understand the wants and needs of their children and to encourage the children to better understand the duties and obligations of their parents.

I urge the adoption of this legislation.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize the President to issue a proclamation designating the week in November of 1972 which includes Thanksgiving Day as 'National Family Week'."

A motion to reconsider was laid on the table.

NATIONAL SOKOL U.S.A. DAY

Mr. **EDWARDS** of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Joint Resolution (H.J. Res. 1263) authorizing the President to proclaim October 30, 1972, as "National Sokol U.S.A. Day."

The Clerk read the title of the joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1263

Whereas the Sokol gymnasium and Sokol activities provide a training ground for improving individual strength and skill through gymnastics and encouraging development of the ultimate peak of physical fitness; and

Whereas the first Slovak Sokol Society was organized in Chicago, Illinois, eighty years ago on October 30, 1892, and from this modest beginning grew an organization of more than twenty-three thousand members across our Nation; and

Whereas Sokol U.S.A. during this span of eighty years has made an invaluable contribution to the health and vitality of our citizens by encouraging young people to take up the sport of gymnastics and by fostering the development of physical strength and fitness through gymnastics; Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating October 30, 1972, as "National Sokol U.S.A. Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. **EDWARDS** of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS of California: On page 1, strike out the entire preamble.

Mr. **ANNUNZIO**. Mr. Speaker, as the sponsor of House Joint Resolution 1263, which would designate October 30, 1972, as "National Sokol U.S.A. Day," I want to commend and thank Hon. DON EDWARDS of California, the distinguished chairman of Subcommittee No. 4 of the House Judiciary Committee, for the expeditious manner in which he has brought this legislation to the floor of the House for action.

I also want to express my appreciation to Hon. EMANUEL CELLER of New York, outstanding chairman of the Judiciary Committee, and all of the members of the committee for the prompt and favorable action they have taken in bringing this measure up on the House floor.

The 80th anniversary of the first Slovak Sokol Society, which was organized in my own city of Chicago, will take place on October 30, 1972, and the enactment of my resolution will enable more than 23,000 members of Sokol lodges across our Nation to proceed with plans for appropriate ceremonies in observance of this special anniversary.

This anniversary is especially significant in view of the fact that the 20th Olympiad will begin in the next few days in Munich, Germany, and many fine athletes, including gymnasts, from the United States will be competing in the Olympics.

The organization known as Sokol U.S.A. has made an outstanding contribution over the past 80 years toward development of individual strength and physical fitness of all Americans through gymnastics, and therefore, the special recognition afforded by my bill, House Joint Resolution 1263, is indeed fitting. I urge my colleagues to join in bipartisan support of House Joint Resolution 1263 which would make this special recognition possible.

The **SPEAKER**. The question is on the amendment offered by the gentleman from California (Mr. EDWARDS).

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and motion to reconsider was laid on the table.

NATIONAL MICROFILM WEEK

Mr. **EDWARDS** of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Joint Resolution (H.J. Res. 1193) to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week."

The Clerk read the title of the joint resolution.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

Mr. **GROSS**. Mr. Speaker, I reserve the right to object. I should like to ask the gentleman where this Microfilm Week is going to be celebrated and how.

Mr. **EDWARDS** of California. In answer to the question of the gentleman from Iowa, there certainly will not be any celebration that I know anything about. It is merely a recognition of the contribution that the industry has made, and we are eliminating the "Whereas" clauses which reflect how microfilm is making an essential contribution toward society, and so forth.

Mr. **GROSS**. I should have asked this question a long time ago when this started. Will any of these resolutions cost the poor old taxpayers of the United States any money?

Mr. **EDWARDS** of California. I assure the gentleman they surely will not.

Mr. **GROSS**. And they are all emergencies; are they?

Mr. **EDWARDS** of California. The dates are approaching.

Mr. **GROSS**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER**. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. Res. 1193

Whereas microfilm has made an essential contribution to our society and every facet of our lives as a means of quickly and efficiently storing, transferring, retrieving, and disseminating information; and

Whereas microfilm has made possible economical and convenient preservation of our history and opened the portals of knowledge for all who desire it; and

Whereas the National Archives and Records Service and the Library of Congress utilize microfilm to preserve the Nation's history and provide basic documentation for research in many fields and the Nation's V-mail program used microfilm to make sure its fighting men received their mail in battle zones; and

Whereas microfilm touches the lives of each of us through our Government, our place of employment, the merchants with whom we deal, our schools and other institutions; and

Whereas microfilm has played a significant role in American society, and its importance continues to expand as demands for information continue to grow: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation (1) designating the week which begins on September 24, 1972, as "National Microfilm Week"; and (2) inviting the Governors and mayors of States and local governments of the United States to issue similar proclamations.

AMENDMENT OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Edwards of California: On pages 1 and 2 strike the entire preamble.

The amendment was agreed to.

Mr. CONABLE. Mr. Speaker, I rise at this time to urge my colleagues to join me in voting for passage of the resolution designating the week of September 24, 1972, as "National Microfilm Week" in honor of an industry and technological system which has revolutionized information gathering and dissemination in a way that has affected everyone's life.

I first introduced this resolution last April along with Congressman Horton, and reintroduced it in May along with Congressmen Boggs, Smith of New York, Corman, Betts, Karth, Frelinghuysen, Thompson of New Jersey, Erlenborn, Dorn, Gubser, Helstoski, Conte, Abzug, Steiger of Wisconsin, Esch, Kuykendall, Williams, Kemp, Lent, and McKinney. The bill provides that the designation be made in 1972 only.

I am quite pleased that so many of my colleagues on both sides of the aisle have seen fit to honor this industry and to recognize the significant role of microfilm in American society. Microfilm has made possible economical and convenient preservation of our history as well as the opening of the portals of knowledge for all who desire it. Government is the largest single user of microfilm—historically through such programs as the V-mail program and currently through its use by the Library of Congress, the National Archives and most of the departments of the Federal Government. Private industry, as well as the education community, utilizes microfilm extensively for recordkeeping purposes.

I thank my colleagues for their support of this legislation and I am hopeful that the Senate will soon join the House of Representatives in recognizing this exceptional technological system of information and records.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WOMEN'S RIGHTS DAY

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 3490) to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day."

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill as follows:

S. 3490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the anniversary of the adoption on August 26, 1920, of the nineteenth amendment to the Constitution granting women the right to vote, the President is authorized and requested to issue annually a proclamation designating August 26 of each year as "Women's Rights Day", and calling upon the people of the United States and interested groups and organizations to observe such day with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. EDWARDS OF CALIFORNIA

Mr. EDWARDS of California. Mr. Speaker, I offer two amendments, and ask unanimous consent that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. Edwards of California: On page 1, line 6, strike the word "annually".

On page 1, line 7, strike the phrase "each year" and insert in lieu thereof "1972".

The amendments were agreed to.

Mrs. ABZUG. Mr. Speaker, I am very pleased that this House has acted to declare August 26 "Women's Rights Day." In the year since I originally introduced a bill, House Joint Resolution 808, similar to the one approved today, the women's rights movement has gained national influence and stature, and this action is one recognition of that development.

August 26 has a dual significance. It is the anniversary of the date 52 years ago when women, a majority of the Nation, won the right to vote after a struggle that took three-fourths of a century. It is also the date that marks the renascence of a national women's movement. Two years ago, on the 50th anniversary of women's suffrage, women declared a nationwide strike to dramatize their demands.

In New York next Friday, thousands of women will gather for the third successive year to march down Fifth Avenue in a women's strike for justice and equality. The many different groups and individuals participating indicate the breath of the womens' movement and the diversity of its issue and demands. All over the country, similar actions will be taking place.

One of our major demands last year, adoption of the equal rights amendment, is on the way to fulfillment. In the past year, we have also increased national awareness and sensitivity to the wrongs done to women under the discrimination in our legal, social, economic, and political institutions. But we are not deluding ourselves that mere passage of an amendment or declaration of a special day will wipe out discrimination. We know this is a continuing struggle. We also know that it is only when women organize politically that the full potential of their power can be felt. We also know that our demand for equal representation within the framework of a peaceful society is based on a humanist ideology opposed to violence and to discrimination not only on the grounds of six, but of race, age, and class.

The National Women's Political Caucus has become a major force since it was organized a year ago as a multipartisan group. Due to its efforts, dramatic reforms have been made within the Democratic Party, and women played a highly visible and significant role at the recent Democratic Convention in Miami Beach. Women comprised 40 percent of the delegates, worked on key committees, and occupied leading positions at the convention and in the party. Republican women in the NWPC are now in Miami Beach making a similar effort to gain effective recognition of women's rights within the Republican Party, but I gather from news reports that they are meeting more resistance than did their Democratic counterparts.

I think it should be clear to all Members of this body that women's issues cut across party lines and affect women of all classes and backgrounds. Women are rightly concerned with elimination of all forms of discrimination, with equal pay and job opportunity, equal job training and promotion, professional recognition and advancement, with universally available child care programs that are so necessary for the millions of working women who have young children, with the accessibility of birth control information, repeal of antiquated abortion laws, elimination of inequalities from the social security system and divorce and credit laws, and with equal representation in the political institutions of our Nation, including this Congress.

We have made considerable progress in the past year, but we have a long way to go. I call upon my colleagues to follow up their positive actions of the past year and today by enacting into law bills which I and other Members have introduced to eliminate many of the inequalities directed at women. Women all across the Nation look forward to the time when they will be recognized as citizens who are fully equal to men in both responsibility and privileges. We also look forward to the time when the composition of the Congress itself reflects the reality of our population. It is shocking that there should be one woman in the Senate and only a dozen in the House. The National Women's Political Caucus is working to change that, and I should advise you that it will be working for its goal not just on August 26, but on every day of every year for as long as it takes to succeed.

At this point, I would like to insert into the Record a list of the bills that I have introduced on women's rights.

Bills Relating to Women's Rights

H.R. 7533—lowers length of marriage required for divorcee to receive Social Security benefits on former husband's account.

H.R. 8402—comprehensive child care.

H.R. 9565—tax deductions for child care expenses.

H.R. 10121—prohibit use of prefixes denoting marital status by federal government ("Ms." bill)

H.R. 10240—authorizes abortions in military facilities notwithstanding local laws.

H.R. 14430—prohibit discrimination on the basis of sex in public accommodations, public education, housing, federally-assisted programs.

H.R. 14715—Abortion Rights Act.

H.R. 15114—prohibit sex discrimination in federally-related mortgage transactions.

H.R. 15115—prohibit discrimination on the basis of sex by grantors of consumer credit.

H.R. 15116—prohibit discrimination on the basis of sex by banks, credit unions, and other financial institutions in the granting of credit or loans.

H.R. 15522—establish "householder's basic benefit" under Social Security system.

H.R. 15526—reduces from 20 to 5 the number of years a divorced woman's marriage must have lasted to qualify her for wife's or widow's benefits.

H.R. 15527—eliminates special dependency requirements for wives and widows under Social Security system.

H.R. 15529—marriage or remarriage of beneficiary not to reduce benefits to which he or she is entitled; double payment prohibited.

H.R. 15533—eliminates the duration-of-marriage and other special requirements for Social Security eligibility.

H.R. 16574—authorizes HEW to make special educational grants for women's and related educational purposes.

The Senate bill, as amended, was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize and request the President to issue annually a proclamation designating August 26, 1972, as 'Women's Rights Day'."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the five measures just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDING INTERNAL REVENUE CODE OF 1954 WITH REGARD TO EXEMPT STATUS OF VETERANS' ORGANIZATIONS

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11185) to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

That (a) section 501(c) of the Internal Revenue Code of 1954 (relating to list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

"(19) A post or organization of war veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization—

"(A) organized in the United States or any of its possessions,

"(B) at least 75 percent of the members of which are war veterans and substantially all of the other members of which are individuals who are veterans (but not war veterans), or are cadets, or are spouses, widows, or widowers of war veterans or such individuals, and

"(C) no part of the net earnings of which inures to the benefit of any private shareholder or individual.".

(b) Section 512(a) of such Code (relating to definition of unrelated business taxable income) is amended by adding at the end thereof the following new paragraph:

"(4) Special rule applicable to organizations described in section 501(c)(19).—In the case of an organization described in section 501(c)(19), the term 'unrelated business taxable income' does not include any amount attributable to payments for life, sick, accident, or health insurance with respect to members of such organizations or their dependents which is set aside for the purpose of providing for the payment of insurance benefits or for a purpose specified in section 170(c)(4). If an amount set aside under the preceding sentence is used during the taxable year for a purpose other than a purpose described in the preceding sentence, such amount shall be included, under paragraph (1), in unrelated business taxable income for the taxable year."

(c) The amendments made by this section shall apply to taxable years beginning after December 31, 1969.

Sec. 2. (a) Section 165(h) of the Internal Revenue Code of 1954 (relating to disaster losses) is amended by—

(1) striking out the first sentence and inserting in lieu thereof the following: "Notwithstanding the provisions of subsection (a), any loss attributable to a disaster occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under the Disaster Relief Act of 1970, may, at the election of the taxpayer, be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred."; and

(2) inserting before the period in the second sentence a comma and the following: "based on facts existing at the date the taxpayer claims the loss".

(b) Section 6405 of such Code (relating to reports of refunds and credits to the Joint Committee on Internal Revenue Taxation) is amended by adding at the end thereof the following new subsection:

"(d) Refunds Attributable to Certain Disaster Losses.—If any refund or credit of income taxes is attributable to the taxpayer's election under section 165(h) to deduct a disaster loss for the taxable year immediately preceding the taxable year in which the disaster occurred, the Secretary or his delegate is authorized in his discretion to make the refund or credit, to the extent attributable to such election, without regard to the provisions of subsection (a) of this section. If such a refund as credit is made without regard to subsection (a), there shall thereafter be submitted to such Joint Committee a report containing the matter specified in subsection (a) as soon as the Secretary or his delegate shall determine the correct amount of the tax for the taxable year for which the refund or credit is made."

(c) The amendment made by subsection (a) shall apply to disasters occurring after December 31, 1971, in taxable years ending after such date. The amendment made by subsection (b) shall apply with respect to refunds or credits made after July 1, 1972.

Amend the title so as to read: "An Act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, and for other purposes."

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I do so not because it is my intention to object but because I want to ask the gentleman from Arkansas for an explanation of the Senate amendments. I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, I thank my friend, the gentleman from Wisconsin, for yielding.

Mr. Speaker, H.R. 11185 was brought up by unanimous consent and passed by the House on February 29, 1972. As passed by the House, it established a separate category in section 501(c) of the Code for the already existing Federal income tax exemption for war veterans' organizations. The bill also made it clear that income from insurance activities of such organizations would be exempt from taxation to the extent it is used for payment of insurance benefits or for educational, charitable, or religious purposes.

Mr. Speaker, the Senate accepted the House-passed provisions but made two modifications in them. First, it refined and clarified the tax-exempt category in the House bill to make it applicable to all veterans' organizations whose memberships consist of at least 75 percent of war veterans as long as substantially all the other members are veterans—other than war veterans—cadets, or are spouses, widows or widowers of war veterans or such other individuals. In addition, the Senate bill amends the effective date of the House provision to make it effective as of the generally effective date of the Tax Reform Act of 1969, that is, taxable years beginning after December 31, 1969. This amendment is consonant with the 1969 act under which it was never the specific intent to tax the insurance income of war veterans' organizations. I recommend that the House concur in these amendments, which are related to the original subject matter of the House-passed bill.

Mr. Speaker, the Senate has also added two unrelated amendments to H.R. 11185. These amendments, in my judgment, also deserve the concurrence of the House. It will be recalled that in June, Congress approved an amendment to section 165 (h) of the Internal Revenue Code, the section relating to disaster losses, to provide that if a Presidentially-declared disaster occurred within the first 6 months of the taxable year, a taxpayer in a designated disaster area could elect to deduct any casualty loss resulting therefrom on his tax return for the preceding taxable year. The first Senate amendment would extend this recently enacted provision and allow the same treatment if the disaster occurred at any time during a taxable year, rather than during the first 6 months of the year, I should state, Mr. Speaker, that this provision of the law applies to the deduction of casualty losses with respect to property—it has no application to the deduction of expenses, bad debts or similar items which may be attributable to the occurrence of the disaster.

Mr. Speaker, this particular amendment is necessary to place fiscal year taxpayers and calendar year taxpayers in the same position with respect to claims arising out of the recent Hurricane Agnes. I strongly recommend that the House concur in this necessary amendment, which should have been included in the public law enacted in June.

The second Senate amendment also relates to the consequences of Hurricane Agnes. It speeds the processing of refund claims resulting from that storm and other recent disasters by authorizing the Internal Revenue Service to make credits or refunds in excess of $100,000 before, rather than after, submitting a report to the Joint Committee on Internal Revenue Taxation. Refund claims under that amount do not have to be submitted to the joint committee either under existing law or under the amendment. Under the amendment, a report will be submitted by the Service to the Joint Committee after a refund in excess of $100,000 is made. This procedure would apply only in the case of disaster losses, and it will have the effect of preventing delay in the granting of badly needed tax relief, but at the same time provides for adequate subsequent review by the joint committee on large disaster loss refund claims.

Mr. Speaker, these amendments are entirely worthy of approval by the House, and I urge concurrence in them.

Mr. BYRNES of Wisconsin. Mr. Speaker, I believe the amendments should be concurred in.

I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion of reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 15580, DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT

Mr. CABELL. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 15580) to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CABELL. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 15, 1972.)

Mr. CABELL (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The gentleman from Texas is recognized.

Mr. CABELL. Mr. Speaker, first may I apologize to the Members for having to bring this up at this late hour. However, this will avoid a 30-day delay. This will mean an additional $1 million in tax revenue to the District of Columbia.

I should also like to thank most sincerely the chairman of the Committee on Interstate and Foreign Commerce for yielding this time to me.

There are no really substantive changes from the House-passed bill. The only change of any significance, on which the House conferees receded, was that we did agree to a 2-month retroactivity for the pay bill as opposed to the 4-month retroactivity as called for in the Senate bill.

This will cost approximately $3 million, which is the only additional cost of any significance that is provided for in this bill.

We held our position on all of the major items, including the proposals for funding of the items in the bill before you. We were able to hold our position on all other items of any consequence, and the position of the House, I can assure you, has been maintained.

Mr. CABELL. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CABELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE TO EXTEND ON SENATE AMENDMENT TO H.R. 11185

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania (Mr. SCHNEEBELI) and any other Members desiring to do so may have 5 legislative days in which to extend their remarks in the RECORD in connection with the concurrence of the House in the Senate amendments to H.R. 11185.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 14847, AIR PASSENGER FEES, STATE AND LOCAL CHARGES

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1095 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1095

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14847) to amend the Airport and Airway Development Act of 1970 to increase from 50 to 75 per centum the United States share of allowable project costs payable under such Act; to amend the Federal Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation; and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 14847, it shall be in order in the House to take from the Speaker's table the bill S. 3755 and to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 14847 as passed by the House.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1095 provides an open rule with 1 hour of general debate for consideration of H.R. 14847 to amend the Airport and Airway Development Act and the Federal Aviation Act. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment and, after passage of the House bill, it shall be in order to take from the Speaker's table

S. 3755 and move to strike all after the enacting clause and amend it with the House-passed language. The committee amendment in the nature of a substitute is not altogether germane to the original bill; therefore, points of order are waived for failure to comply with clause 7 of rule XVI.

H.R. 14847 provides an 18-month moratorium barring States or local governments from levying or collecting any charges on persons traveling by air. At the present time, approximately 20 communities are levying such charges. The effective date of the legislation is the day of its enactment.

During the moratorium, the Civil Aeronautics Board is authorized and directed to make an investigation into the matter and report, with its findings and recommendations, within 1 year. For the purpose of conducting its investigation, the CAB would be authorized to conduct hearings, issue subpenas and receive evidence in the same manner as in regular board proceedings under the Federal Aviation Act.

The sum of $100,000 is authorized to be appropriated to enable the CAB to make the investigation.

The legislation also extends from May 21, 1972, to May 21, 1973, the time within which the Secretary of Transportation is to publish a national airport system plan for the development of public airports.

Mr. Speaker, H.R. 14847 was reported out unanimously by the Subcommittee on Interstate and Foreign Commerce and by voice vote out of the full committee. I urge the adoption of the rule in order that the legislation may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I wonder if the distinguished gentleman from Hawaii, a member of the Committee on Rules, could elaborate just a little more on the point that it is necessary to waive points of order? I understand that the substitute may not be germane to the original bill considered, but it was not quite enough to satisfy the gentleman from Missouri because this seems to be a rather innocuous bill, albeit opposed by the administration and by all departmental reports in the report. Furthermore, it is opposed rather vehemently by various airport managers that have written in from around the country.

Be that as it may, I direct my question, Mr. Speaker, to any information the gentleman from the Committee on Rules might have as to why we again have a rule waiving points of order and again taking away the rights of the individual Members to make a point of order against certain portions of the bill.

Mr. MATSUNAGA. If the gentleman from Missouri will turn to page 5 of the bill itself, H.R. 14847, and look at section 5, line 5, that section is new, and not covered in the original bill, which would require a waiver of the rule in order that it may be considered at this hour by the committee.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, my understanding is that that provision extends something already mandated in the Airway Development Act of 1970 by striking "two years" and inserting in lieu thereof "three years."

I am well aware of the fact that the Airways and Airport Development Act of 1970 is not a part of the original intent of this bill, but actually the substitute printed in the bill that this rule makes—in order, mandates the Civil Aeronautics Board agency, in being, a creature of the Congress, to do all of this work and these studies. Why do they need 3 years to do this instead of 2 years?

Mr. MATSUNAGA. This is just to give them an additional year, which it was reported would be necessary in making the appropriate plans.

Mr. HALL. Mr. Speaker, I appreciate the gentleman's explanation. Of course, I had already read the bill and referred to the item where the waiver of points of order was made. It seems quite inadequate, and is another case where we have waived points of order, thus robbing the Members of their individual rights, and, as usual, I oppose such a rule.

I thank the gentleman for yielding.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. ANDERSON of Illinois. Mr. Speaker, I think the gentleman from Hawaii, my colleague on the Committee on Rules, has adequately explained the purpose of this legislation and also the rule that makes it in order.

Mr. Speaker, I would associate myself with his remarks and urge the House adopt this rule.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I am pleased to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, when was this rule approved? Does the gentleman remember?

Mr. ANDERSON of Illinois. On Tuesday, I believe.

Mr. GROSS. Of this week?

Mr. ANDERSON of Illinois. I believe it was Tuesday of this week.

Mr. GROSS. What is the emergency character or nature of this bill which requires it to be considered at this late hour?

Mr. ANDERSON of Illinois. I am not sure that I can answer the gentleman's question in its entirety. I do believe, however, there is a tendency on the part of local airport authorities around the country to begin to levy these head taxes, user taxes.

I happened to be in the State of Michigan on Monday of this week, and it just so happened it was in Kalamazoo, and I learned that that very week one of these head taxes was going into effect at that particular airport.

Mr. Speaker, I would be pleased to yield to some member of the Committee on Interstate and Foreign Commerce for a more complete explanation, but I am inclined to believe this may be one of the reasons for the urgency that is attached to this legislation.

Mr. GROSS. I wonder why, this being a Friday—and we never before have worked on Friday, or so seldom. I cannot remember when we have previously worked on Friday. We come down to this stage, just before an adjournment, and I wonder if we ought not suspend operations and join in singing that old hymn:

> Work for the night is coming. Work in the morning hours.

And really celebrate this occasion.

Mr. ANDERSON of Illinois. I am very sympathetic, of course, with the gentleman's feelings. However, I was on the floor earlier today and heard his colloquy with the gentleman from Florida when the gentleman from Florida brought up the so-called SALT bill. The gentleman from Iowa has certainly retained his ability to follow the proceedings here very well. I would hope that he would bear with us until this action is taken.

Mr. WARE. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. WARE. May I just add that the situation you have described in Kalamazoo, Mich., is identical to that which occurred recently in Philadelphia and elsewhere throughout the country. I think that prompts a sense of urgency.

Mr. ANDERSON of Illinois. I thank the gentleman for that added explanation.

Mr. Speaker, I have no further requests for time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll:

The question was taken; and there were—yeas 215, nays 23, not voting 194, as follows:

[Roll No. 349]

YEAS—215

Abzug
Adams
Alexander
Anderson, Ill.
Anderson, Tenn.
Archer
Ashley
Aspin
Aspinall
Baring
Begich
Belcher
Bennett
Bevill
Biaggi
Biester
Bingham
Blatnik
Bolling
Bow
Brademas
Brinkley
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Byron
Camp
Carey, N.Y.
Carlson
Chappell
Clausen, Don H.
Clay
Collins, Tex.
Colmer
Conover
Conyers
Crane
Culver
Daniel, Va.
Davis, Ga.
Delaney
Dellenback
Dellums
Denholm
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Eckhardt
Erlenborn
Fisher
Flood
Flowers
Flynt
Foley
Fountain
Fraser
Fulton
Fuqua
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gonzalez
Goodling
Gray
Green, Oreg.
Griffin
Grover
Gude
Gubser
Halpern

Hammerschmidt
Hansen, Idaho
Harrington
Hathaway
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hogan
Hosmer
Howard
Hunt
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Koch
Kyros
Landgrebe
Latta
Leggett
Long, Md.
McCloskey
McCollister
McCulloch
McFall
McKevitt
Macdonald, Mass.
Madden
Mahon
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Mikva
Miller, Calif.
Miller, Ohio
Mills, Md.
Minish
Mink
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Obey
O'Hara
O'Konski
O'Neill
Patten
Perkins
Pickle
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Quie
Randall
Rangel
Rees
Reuss
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Roush
Roy
Sandman
Satterfield
Saylor
Schmitz
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Vander Jagt
Vanik
Vigorito
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Charles H.
Wolff
Wyatt
Wylie
Yates
Yatron
Young, Tex.
Zablocki

NAYS—23

Andrews, Ala.
Barrett
Byrne, Pa.
Collier
Conable
Dennis
Green, Pa.
Gross
Haley
Hall
Hicks, Wash.
Horton
Hutchinson
Kyl
Link
Mills, Ark.
Nix
Pike
Pucinski
Sarbanes
Teague, Calif.
White
Wyman

NOT VOTING—194

Abbitt
Abernethy
Abourezk
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Badillo
Baker
Bell
Bergland
Betts
Blackburn
Blanton
Boggs
Boland
Brasco
Bray
Brooks
Broomfield
Brotzman
Burke, Fla.
Burton
Cabell
Caffery
Carney
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clawson, Del
Cleveland
Collins, Ill.
Conte
Corman
Cotter
Coughlin
Curlin
Daniels, N.J.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Dowdy
Dulski
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Ford, Gerald R.
Ford, William D.
Forsythe
Frelinghuysen
Frenzel
Frey
Gallagher
Gibbons
Goldwater
Grasso
Griffiths
Hagan
Hamilton
Hanley
Hanna
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hays
Hébert
Heckler, Mass.
Heinz
Hillis
Holifield
Hull
Hungate
Ichord
Jonas
Jones, Tenn.
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Landrum
Lennon
Lent
Lloyd
Long, La.
Lujan
McClory
McClure
McCormack
McDade
McDonald, Mich.
McEwen
McKay
McKinney
McMillan
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Melcher
Metcalfe
Michel
Minshall
Mollohan
Morgan
Moss
Nelsen
Nichols
Passman
Patman
Pelly
Pepper
Pettis
Peyser
Pirnie
Poff
Pryor, Ark.
Purcell
Quillen
Railsback
Rarick
Reid
Rhodes
Riegle
Roberts
Roncalio
Rooney, N.Y.
Rostenkowski
Rousselot
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Shoup
Smith, Calif.
Smith, N.Y.
Springer
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Talcott
Teague, Tex.
Terry
Thone
Ullman
Van Deerlin
Veysey
Waggonner
Waldie
Wampler
Whalen
Williams
Wilson, Bob
Winn
Wright
Wydler
Young, Fla.
Zion
Zwach

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Broomfield.
Mr. Hébert with Mr. Arends.
Mr. Rooney of New York with Mr. Rhodes.
Mr. Reid with Mr. Smith of New York.
Mr. Rostenkowski with Mr. Michel.
Mr. Ryan with Mr. Riegle.
Mr. Evins of Tennessee with Mr. Andrews of North Dakota.
Mr. Eilberg with Mr. Williams.
Mr. Morgan with Mr. Martin.
Mr. Wright with Mr. Ashbrook.
Mr. Teague of Texas with Mr. Terry.
Mr. Stephens with Mr. Carter.
Mr. Holifield with Mr. Mathias of California.
Mr. Hays with Mr. Devine.
Mrs. Hansen of Washington with Mr. McClure.
Mr. Addabbo with Mr. Kemp.
Mr. Brasco with Mr. Wydler.
Mr. Boggs with Mr. Gerald R. Ford.
Mr. Hull with Mr. McClory.
Mr. Jones of Tennessee with Mr. Kuykendall.
Mr. Kluczynski with Mr. Ruppe.
Mr. Mann with Mr. Dickinson.
Mr. Waldie with Mr. Bob Wilson.
Mr. Waggonner with Mr. Scott.
Mr. Passman with Mr. Frey.
Mr. Caffery with Mr. Quillen.
Mr. Roberts with Mr. Scherle.
Mr. Rarick with Mr. Poff.
Mrs. Griffiths with Mrs. Heckler of Massachusetts.
Mrs. Grasso with Mrs. Dwyer.
Mr. Cotter with Mr. Springer.
Mr. Daniels of New Jersey with Mr. Frelinghuysen.
Mr. Davis of South Carolina with Mr. Davis of Wisconsin.
Mrs. Chisholm with Mr. Gallagher.
Mr. Ichord with Mr. Blackburn.
Mr. Lennon with Mr. Hillis.
Mr. Stokes with Mr. Scheuer.
Mr. Collins of Illinois with Mr. Abourezk.
Mr. Burton with Mr. Mailliard.
Mr. Brooks with Mr. Mallary.
Mr. Kee with Mr. Metcalfe.
Mr. Mollohan with Mr. Minshall.
Mr. Moss with Mr. Pettis.
Mr. Nichols with Mr. Nelsen.
Mr. Pepper with Mr. Young of Florida.
Mr. Fascell with Mr. Burke of Florida.
Mr. Edwards of California with Mr. Del Clawson.
Mr. Dent with Mr. Coughlin.
Mr. Diggs with Mr. Pryor of Arkansas.
Mr. Dulski with Mr. Conte.
Mr. McCormack with Mr. Derwinski.
Mr. Hungate with Mr. Edwards of Alabama.
Mr. Hawkins with Mr. Dowdy.
Mr. Melcher with Mr. Esch.
Mr. Clark with Mr. McDade.
Mr. Celler with Mr. Forsythe.
Mr. Casey of Texas with Mr. Winn.
Mr. Cabell with Mr. Zwach.
Mr. Carney with Mr. Railsback.
Mr. Ullman with Mr. McKinney.
Mr. Van Deerlin with Mr. Pettis.
Mr. Abbitt with Mr. Pelly.
Mr. Abernethy with Mr. Lloyd.
Mr. Anderson of California with Mr. Heinz.
Mr. Badillo with Mr. Keith.
Mr. Boland with Mr. Cederberg.
Mr. Bergland with Mr. Bell.
Mr. Corman with Mr. Brotzman.
Mr. Danielson with Mr. Bray.
Mr. de la Garza with Mr. Betts.
Mr. Curlin with Mr. Jonas.
Mr. Dingell with Mr. Harvey.
Mr. Edmondson with Mr. Hastings.
Mr. Evans of Colorado with Mr. Cleveland.
Mr. William D. Ford with Mr. Chamberlain.
Mr. Gibbons with Mr. Eshleman.
Mr. Hagan with Mr. Findley.
Mr. St Germain with Mr. Clancy.
Mr. Runnels with Mr. Fish.
Mr. Purcell with Mr. Harsha.
Mr. McMillan with Mr. Frenzel.
Mr. Roybal with Mr. Goldwater.
Mr. Patman with Mr. Zion.
Mr. Landrum with Mr. Wampler.
Mr. Roncalio with Mr. Whalen.
Mr. White with Mr. Thone.
Mr. Hanley with Mr. Talcott.
Mr. Hamilton with Mr. Steiger of Wisconsin.
Mr. King with Mr. Lujan.
Mr. Lent with Mr. McDonald of Michigan.
Mr. McEwen with Mr. Rousselot.
Mr. Ruth with Mr. Schneebeli.
Mr. Shoup with Mr. Smith of California.
Mr. Steiger of Arizona with Mr. Schwengel.

Mrs. ABZUG and Messrs. WHITEHURST and ROBINSON of Virginia changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 12350, ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 92–1367)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Economic Opportunity Amendments of 1972".

EXTENSION OF ECONOMIC OPPORTUNITY ACT

SEC. 2. (a) Sections 171, 245, 321, 408, 615, and 835 of the Economic Opportunity Act of 1964, as amended, are each amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "eight succeeding fiscal years".

(b) Section 523 of such Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "seven suceeding fiscal years".

AUTHORIZATION OF APPROPRIATIONS

SEC. 3. (a) For the purpose of carrying out parts A, B, and E of title I (relating to work and training) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $900,300,000 for the fiscal year ending June 30, 1973, and $950,000,000 for the fiscal year ending June 30, 1974.

(b) (1) For the purpose of carrying out the Project Headstart program described in section 222(a) (1) of the Economic Opportunity Act of 1964, there are authorized to be appropriated $485,000,000 for the fiscal year ending June 30, 1973, and $500,000,000 for the fiscal year ending June 30, 1974.

(2) The Secretary of Health, Education, and Welfare shall establish policies and procedures designed to assure that not less than 10 per centum of the total number of enrollment opportunities in the Nation in the Headstart program shall be available for handicapped children (as defined in paragraph (1) of section 602 of the Elementary and Secondary Education Act of 1965, as amended) and that services shall be provided to meet their special needs. The Secretary shall implement his responsibilities under this paragraph in such a manner as not to exclude from any project any child who was participating in the program during the fiscal year ending June 30, 1972. Within six months after the date of enactment of this Act, and at least annually thereafter, the Secretary shall report to the Congress and the status of handicapped children in Headstart programs, including the number of children being served, their handicapping conditions, and the services being provided such children.

(3) For the purpose of carrying out the Follow Through program described in section 222(a) (2) of such Act, there are authorized to be appropriated $70,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year.

(c) (1) For the purpose of carrying out titles II, III, VI, VII, and IX of the Economic Opportunity Act of 1964, there are authorized to be appropriated $840,000,000 for the fiscal year ending June 30, 1973, and $870,000,000 for the fiscal year ending June 30, 1974.

(2) Notwithstanding any other provision of law, unless expressly in limitation of the provisions of this section, of the amounts appropriated pursuant to paragraph (1) of this subsection for the fiscal year ending June 30, 1973, and for the succeeding fiscal year, the Director of the Office of Economic Opportunity shall for each such fiscal year reserve and make available not less than $328,900,000 for programs under section 221 of the Economic Opportunity Act of 1964 and not less than $71,500,000 for Legal Services programs under section 222(a) (3) of such Act.

(3) The Director shall allocate and make available the remainder of the amounts appropriated for carrying out the Economic Opportunity Act of 1964 for each fiscal year pursuant to paragraph (1) of this subsection (after funds are reserved for the purposes specified in paragraph (2) of this subsection) in such a manner, subject to the provisions of section 616 of such Act, as to make available with respect to each fiscal year—

(A) not less than $18,000,000 annually to be used for the Alcoholic Counseling and Recovery program described in section 222 (a) (8) of such Act; and

(B) not less than $30,000,000 annually to be used for the Emergency Food and Medical Services program described in section 222(a) (5) of such Act.

(d) (1) There are authorized to be appropriated $58,000,000 for the fiscal year ending June 30, 1973, to be used for Domestic Volunteer Service programs under title VIII of the Economic Opportunity Act of 1964, of which (A) the amount of $44,500,000 shall be available for carrying out full-time volunteer programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII, and (B) the amount of $13,500,000 shall be available (notwithstanding the 10 per centum limitation set forth in the second sentence of section 821 of such Act) for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title VIII.

(2) If the sums authorized to be appropriated under paragraph (1) of this subsection are not appropriated and made available in full, then such sums as are so appropriated and made available for such fiscal year shall be allocated so that—

(A) any amounts appropriated not in excess of $37,000,000 shall be used for carrying out programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII;

(B) any amounts appropriated in excess of $37,000,000 but not in excess of $50,500,000 shall be used for programs designed to strengthen and supplement efforts to eliminate poverty under part B of such title VIII; and

(C) any amounts appropriated in excess of $50,500,000 shall be used for programs designed to strengthen and supplement efforts to eliminate poverty under part A of such title VIII.

(3) Section 833 of the Economic Opportunity Act of 1964 is amended (A) in subsection (b) thereof by striking out "under part A" and inserting in lieu thereof "under this title", and (B) in subsection (c) thereof by striking out "a volunteer under part A of this title" and inserting in lieu thereof "a full-time volunteer receiving either a living allowance or a stipended under this title".

(e) In addition to the amounts authorized to be appropriated and allocated pursuant to subsections (c) and (d) of this section, there are further authorized to be appropriated the sum of $16,000,000 to be used for Domestic Volunteer Service programs under title VIII of the Economic Opportunity Act of 1964, of which $8,000,000 shall be available for carrying out full-time volunteer programs under part A of such title VIII for ninety days after the enactment of this Act (of which amount $2,000,000 shall be available without regard to the limitation placed on the expenditure of funds by section 24 of this Act for programs, projects, or activities for which academic credit is granted to volunteer participants) and $8,000,000 shall remain available for expenditure in accordance with the provisions of such title during the fiscal year ending June 30, 1973.

TRANSFER OF FUNDS

SEC. 4. (a) Section 616 of the Economic Opportunity Act of 1964 is amended by inserting "for fiscal years ending prior to July 1, 1972, and not to exceed 20 per centum" immediately before the words "for fiscal years ending thereafter".

(b) Section 616 of such Act is further amended by striking out the semicolon the first time it appears therein and all matter thereafter through "$10,000,000" the second time it appears in such section.

TRAINING PROGRAMS FOR YOUTH

SEC. 5. Section 125(a) of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sentence: "The Director shall insure that low-income persons otherwise capable of such participation who reside in public or private institutions shall be eligible for participation in programs under this part.".

PROHIBITION OF ELECTIONS OR OTHER DEMOCRATIC SELECTION PROCEDURES ON SABBATH DAYS

SEC. 6. Section 211 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof a new subsection (g) as follows:

"(g) The Director shall ensure that no election or other democratic selection procedure conducted pursuant to clause (2) of subsection (b), or pursuant to clause (2) of subsection (f), shall be held on a Sabbath Day which is observed as a day of rest and worship by residents in the area served."

COMMUNITY ACTION BOARDS

SEC. 7. (a) The last sentence of section 211(b) of the Economic Opportunity Act of 1964 is amended by striking out "three" and inserting in lieu thereof 'five" and by striking out "six" and inserting in lieu thereof "ten".

(b) Section 211(b) (1) of such Act is amended to read as follows: "(1) one-third of the members of the board are elected public officials, or their representatives, except that if the number of elected officials reasonably available and willing to serve is less than one-third of the membership of the board, membership on the board of appointive public officials may be counted in meeting such one-third requirement.".

PARTICIPATION OF THE NONPOOR IN HEADSTART PROGRAMS

SEC. 8. The third sentence of section 222 (a) (1) of the Economic Opportunity Act of 1964 is amended by striking out the comma and all the language following the words "make payment" and inserting in lieu thereof the following: "in accordance with an appropriate fee schedule established by the Secretary of Health, Education, and Welfare, based upon the ability of the family to pay, which payment may be made in whole or in part by a third party in behalf of such family, except that any such charges with respect to any family with an income of less than the lower living standard budget shall not exceed the sum of (i) an amount equal to 10 per centum of any family income which exceeds $4,320 but does not exceed 85 per centum of such lower living standard budget, and (ii) an amount equal to 15 per centum of any family income which exceeds 85 per centum of such lower living standard budget but does not exceed 100 per centum of such lower living standard budget, and if more than two children from the same family are participating, additional charges may be made not to exceed the sum of the amounts calculated in accordance with clauses (i) and (ii) with respect to each additional child. No charge will be made with respect to any child who is a member of any family with an annual income equal to or less than $4,320, with appropriate adjustments in the case of families having more than two children, except to the extent that payment will be made by a third party. Funds appropriated for the purpose of carrying out this section shall be used first to continue ongoing Headstart projects, or new projects serving the children from low-income families which were being served during the preceding fiscal year. There shall be reserved for such projects from such funds an amount at least equal to the aggregate amount received by public or private agencies or organizations during the preceding fiscal year for programs under this section. The Secretary may defer but not later than April 1, 1973, the establishment of a fee schedule under this paragraph upon certification that the establishment of such fee schedule would hinder the orderly operation of such projects prior to such time."

COMPREHENSIVE HEALTH SERVICES CHARGES

SEC. 9. Section 222(a) (4) (A) (ii) of the Economic Opportunity Act of 1964 is amended by striking out "such services may be available on an emergency basis or pending a determination of eligibility to all residents of such areas" and inserting in lieu thereof "pursuant to such regulations as the Director may prescribe, persons provided assistance through programs assisted under this paragraph who are not members of low-income families may be required to make payment, or have payment made in their behalf, in whole or in part for such assistance".

DRUG REHABILITATION PROGRAM

SEC. 10. (a) Section 222(a)(8) of the Economic Opportunity Act of 1964 is amended by striking out the last sentence thereof.

(b) Section 222(a)(9) of such Act is amended by striking out the last sentence and inserting in lieu thereof the following: "The Director is authorized to undertake special programs aimed at promoting employment opportunities for rehabilitated addicts or addicts enrolled and participating in methadone maintenance treatment or therapeutic programs, and assisting employers in dealing with addiction and drug abuse and dependency problems among formerly hard-core unemployed so that they can be maintained in employment. In undertaking such programs, the Director shall give special priority to veterans and employers of significant numbers of veterans, with priority to those areas within the States having the highest percentages of addicts. The Director is further authorized to establish procedures and policies which will allow clients to complete a full course of rehabilitation even though they become non-low-income by virtue of becoming employed as a part of the rehabilitation process but there shall be no change in income eligibility criteria for initial admission to treatment and rehabilitation programs under this Act."

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 11. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for work (which would not otherwise be performed) on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: clean-up and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

"(11) A program to be known as 'Rural Housing Development and Rehabilitation' designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair existing substandard units in such areas, and to otherwise assist families in obtaining standard housing. Financial assistance under this paragraph shall be provided to nonprofit rural housing development corporations and cooperatives serving areas which are defined by the Farmers Home Administration as rural areas, and shall be used for, but not limited to, such purposes as administrative expenses; revolving development funds; nonrevolving land, land development and construction writedowns; rehabilitation or repair of substandard housing; and loans to low-income families. In the construction, rehabilitation, and repair of housing for low-income families under this paragraph, the services of persons enrolled in Mainstream programs may be utilized. Loans under this paragraph may be used for, but not limited to, such purposes as the purchase of new housing units, the repair, rehabilitation and purchase of existing units, and to supplement existing Federal loan programs in order that low-income families may benefit from them. The repayment period of such loans shall not exceed thirty-three years. No loans under this paragraph shall bear an interest rate of less than 1 per centum per annum, but if the Director, after having examined the family income of the applicant, the projected housing costs of the applicant, and such other factors as he deems appropriate, determines that the applicant would otherwise be unable to participate in this program, he may waive the interest in whole or in part and for such periods of time as he may establish except that (1) no such waiver may be granted to an applicant whose adjusted family income (as defined by the Farmers Home Administration) is in excess of $3,700 per annum and (2) any applicant for whom such a waiver is provided shall be required to commit at least 20 per centum of his adjusted family income toward the mortgage debt service and other housing costs. Family incomes shall be recertified annually, and monthly payments for all loans under this paragraph adjusted accordingly."

PUERTO RICO

SEC. 12. (a) Effective after June 30, 1972, section 225(a) of such Act is amended by striking out "Puerto Rico,".

(b) Effective after June 30, 1972, the first sentence of paragraph (1) of section 609 of such Act is amended by striking out the word "or" the second time it appears in such sentence and inserting in lieu thereof a comma and the following: "Puerto Rico, or".

NON-FEDERAL CONTRIBUTION CEILING

SEC. 13. Section 225(c) of the Economic Opportunity Act of 1964 is amended by inserting after the second sentence thereof the following new sentence: "The Director shall not require non-Federal contributions in excess of 20 per centum of the approved cost of programs or activities assisted under this Act."

SPECIAL PROGRAMS AUTHORIZED

SEC. 14. Part B of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new sections:

"DESIGN AND PLANNING ASSISTANCE PROGRAMS

"SEC. 226. (a) The Director shall make grants or enter into contracts to provide financial assistance for the operating expenses of programs conducted by community-based design and planning organizations to provide technical assistance and professional architectural and related services relating to housing, neighborhood facilities, transportation and other aspects of community planning and development to persons and community organizations or groups not otherwise able to afford such assistance. Such programs shall be conducted with maximum use of the voluntary services of professional and community personnel. In providing assistance under this section, the Director shall afford priority to persons in urban or rural poverty areas with substandard housing, substandard public service facilities, and generally blighted conditions. Design and planning services to be provided by such organizations shall include—

"(1) comprehensive community or area planning and development;

"(2) specific projects for the priority planning and development needs of the community; and

"(3) educational programs directed to local residents emphasizing their role in the planning and development process in the community.

"(b) No assistance may be provided under this section unless such design and planning organization—

"(1) is a nonprofit organization located in the neighborhood or area to be served with a majority of the governing body of such organization comprised of residents of that neighborhood or area;

"(2) has a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum possible participation of local residents, especially low-income residents, in the planning and decision-making regarding the development of their community; and

"(3) will carry out its design and planning services principally through the voluntary participation of professional and community personnel (including, where available, VISTA volunteers).

"(c) Design and planning organizations receiving assistance under this section shall not subcontract with any profitmaking organization or pay fees for architectural or other professional services.

"(d) The Director shall make whatever arangements are necesary to continue pilot or demonstration projects of demonstrated effectiveness of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971.

"YOUTH RECREATION AND SPORTS PROGRAM

"SEC. 227. (a) In order to provide to disadvantaged youth recreation and physical fitness instruction and competition with high-quality facilities and supervision and related educational and counseling services (including instruction concerning study practices, career opportunities, job responsibilities, health and nutrition, and drug abuse education) through regular association with college instructors and athletes and exposure to college and university campuses and other recreational facilities, the Director shall make grants or enter into contracts for the conduct of an annual youth recreation and sports program concentrated in the summer months and with continued activities throughout the year, so as to offer disadvantaged youth living in areas of rural and urban poverty an opportunity to receive such recreation and educational instruction, information, and services and to participate in such physical fitness programs and sports competitions.

"(b) No assistance may be provided under this section unless satisfactory assurances are received that (1) not less than 90 per centum of the youths participating in each program to be assisted under this section are from families with incomes below the poverty level, as determined by the Director, and that such participating youths and other neighborhood residents, through the involvement of the appropriate community action agency or otherwise, will have maximum participation in program planning and operation and (2) all significant segments of the low-income population of the community to be served will be served on an equitable basis in terms of participating youths and instructional and other support personnel.

"(c) Programs under this section shall be administered by the Director through grants or contracts with any qualified organization of colleges and universities or such other qualified nonprofit organizations active in the field with access to appropriate recreational facilities as the Director shall determine in accordance with regulations which he shall prescribe. Each such grant or contract and subcontract with participating institutions of higher education or other qualified organizations active in the field shall contain provisions to assure that the program to be assisted will provide a non-Federal contribution (in cash or in kind) of no less than 20 per centum of the direct costs necessary to carry out the program. Each such grant, contract, or subcontract shall include provisions for—

"(1) providing opportunities for disadvantaged youth to engage in competitive sports and receive sports skills and physical fitness instruction and education in good health and nutrition practices;

"(2) providing such youth with instruction and information regarding study practices, career opportunities, job responsibilities, and drug abuse;

"(3) carrying out continuing related activities throughout the year;

"(4) meeting the requirements of subsection (b) of this section;

"(5) enabling the contractor and institutions of higher education or other qualified organizations active in the field located conveniently to such areas of poverty and the students and personnel of such institutions or organizations active in the field to participate more fully in the community life and in solutions of community problems; and

"(6) serving metropolitan centers of the United States and rural areas, within the limits of program resources.

"CONSUMER ACTION AND COOPERATIVE PROGRAMS

"SEC. 228. (a) The Director shall make grants or enter into contracts to provide financial assistance for the development, technical assistance to and conduct of consumer action and advocacy and cooperative programs, credit resources development programs, and consumer protection and education programs designed to demonstrate various techniques and models and to carry out projects to assist and provide technical assistance to low-income persons to try to improve the quality, improve the delivery, and lower the price of goods and services, to obtain, without undue delay or burden, financial credit at reasonable cost, and to develop means of enforcing consumer rights, developing consumer grievance procedures and presenting consumer grievances, submitting consumer views and concerns for protection against unfair, deceptive, or discriminatory trade and commercial practices and educating low-income persons with respect to such rights, procedures, grievances, views and concerns.

"(b) No assistance may be provided under this section unless the grantee or contracting organization or agency is a nonprofit organization and has as a primary function the goal of bringing about, through the involvement of the appropriate community action agency or otherwise, maximum possible participation of low-income persons in the project.

"(c) The Director shall make whatever arrangements are necessary to continue pilot or demonstration projects of demonstrated effectiveness, or which have not yet been evaluated until such time as an evaluation is conducted and the effectiveness determined and to carry out evaluations of such projects, of the type described in this section receiving assistance under section 232 of this Act during the fiscal year ending June 30, 1971 or June 30, 1972."

TERMINATION OF ASSISTANCE

SEC. 15. Section 231 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(d) If any member of a board to which section 211(b) is applicable files an allegation with the Director that an agency receiving assistance under this section is not observing any requirement of this Act, or any regulation, rule, or guideline promulgated by the Director under this Act, the Director shall promptly investigate such allegation and shall consider it; and, if after such investigation and consideration he finds reasonable cause to believe that the allegations are true, he shall hold a hearing, upon the conclusion of which he shall notify all interested persons of his findings. If he finds that the allegations are true, and that, after being afforded a reasonable opportunity to do so, the agency has failed to make appropriate corrections, he shall forthwith terminate further assistance under this title to such agency until he has received assurances satisfactory to him that further violations will not occur."

SPECIAL ASSISTANCE

SEC. 16. Part C of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"SPECIAL ASSISTANCE

"SEC. 234. The Director may provide financial assistance for projects conducted by public or private nonprofit agencies which are designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. In administering this section, the Director shall give special consideration to programs designed to assist older persons and other low-income individuals who do not reside in low-income areas and who are not being effectively served by other programs under this title."

DISTRIBUTION OF FINANCIAL ASSISTANCE

SEC. 17. Section 244 of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following:

"(8) Consistent with the provisions of this Act, the Director shall assure that financial assistance under this title will be distributed on an equitable basis in any community and within any State so that all significant segments of the low-income population are being served."

AMENDMENT TO MIGRANT FARMWORKERS PROGRAM

SEC. 18. Section 312(b)(3) of the Economic Act of 1964 is amended by inserting after the word "Government" the words "employment or".

DAY CARE STANDARDS

SEC. 19. Section 522(d) of the Economic Opportunity Act of 1964 is amended by adding a new sentence after the words "local levels." as follows: "Such standards shall be no less comprehensive than the Federal interagency day care requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968."

PROHIBITION OF POLITICAL ACTIVITY

SEC. 20. Section 603 of the Act is amended by adding at the end thereof the following new subsection:

"(c) No part of any funds appropriated to carry out this Act, subpart (1) of part B of title V of the Higher Education Act of 1965, or any program administered by ACTION shall be used to finance, directly or indirectly, and activity designed to influence the outcome of any election to Federal office, or any voter registration activity, or to pay the salary of any officer or employee of the Office of Economic Opportunity, the Teacher Corps, or ACTION, who, in his official capacity as such an officer or employee, engages in any such activity. As used in this section, the term 'election' has the same meaning given such term by section 301(a) of the Federal Election Campaign Act of 1971 and the term 'Federal office' has the same meaning given such term by section 301(c) of such Act."

DEFINITION OF LOWER LIVING STANDARD BUDGET

SEC. 21. Section 609 of the Act is amended by adding at the end thereof the following:

"(5) the term 'lower living standard budget' means that income level (adjusted for regional and metropolitan, urban and rural differences and family size) determined annually by the Bureau of Labor Statistics of the Department of Labor and referred to by such Department as the 'lower living standard budget'."

GUIDELINES

SEC. 22. Part A of title VI of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"GUIDELINES

"SEC. 623. All rules, regulations, guidelines, instructions, and application forms published or promulgated pursuant to this Act shall be published in the Federal Register at least thirty days prior to their effective date."

NONDISCRIMINATION

SEC. 23. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by adding at the end thereof the following new section:

"NONDISCRIMINATION PROVISIONS

"SEC. 624. (a) The Director shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect to such program specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

"(b) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in connection with, any program or activity receiving assistance under this Act. The Director shall enforce the provisions of the preceding sentence in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Director to enforce such sentence. This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under this Act."

POVERTY LINE

SEC. 24. Part A of title VI of the Economic Opportunity Act of 1964 is further amended by inserting the following new section at the end thereof:

"POVERTY LINE

"SEC. 625. (a) Every agency administering programs authorized by this Act in which the poverty line is a criterion of eligibility shall revise the poverty line at annual intervals, or at any shorter interval it deems feasible and desirable.

"(b) The revision required by subsection (a) of this section shall be accomplished by multiplying the official poverty line (as defined by the Office of Management and Budget) by the average percentage change in the consumer price index during the annual or other interval immediately preceding the time at which the revision is made.

"(c) Revisions required by subsection (a) of this section shall be made and issued not more than thirty days after the date on which the necessary consumer price index data becomes available."

COMMUNITY ECONOMIC DEVELOPMENT

SEC. 25. (a) The Economic Opportunity Act is amended by inserting immediately after title VI the following new title:

"TITLE VII—COMMUNITY ECONOMIC DEVELOPMENT

"STATEMENT OF PURPOSE

"SEC. 701. The purpose of this title is to encourage the development of special programs by which the residents of urban and rural low-income areas may, through self-help and mobilization of the community at large, with appropriate Federal assistance, improve the quality of their economic and social participation in community life in such a way as to contribute to the elimination of poverty and the establishment of permanent economic and social benefits.

"PART A—SPECIAL IMPACT PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 711. The purpose of this part is to establish special programs of assistance to private locally initiated community corporations and related nonprofit agencies, including cooperatives, or organizations conducting activities which (1) are directed to the solution of the critical problems existing in particular communiites or neighborhoods (defined without regard to political or other subdivisions or boundaries) within those urban and rural areas having concentrations or substantial numbers of low-income persons; (2) are of sufficient size, scope, and duration to have an appreciable impact in such communities, neighborhoods, and rural areas in arresting tendencies toward dependency, chronic unemployment, and community deterioration; and (3) hold forth the prospect of continuing to have such impact after the termination of financial assistance under this title.

"ESTABLISHMENT OF PROGRAMS

"SEC. 712. (a) The Director is authorized to provide financial assistance to community development corporations and to cooperatives and other nonprofit agencies in conjunction with qualifying community development corporations for the payment of all or part of the costs of programs which are designed to carry out the purposes of this part. Such programs shall be restricted in number so that each is of sufficient size, scope, and duration to have an appreciable impact on the area served. Such programs may include—

"(1) economic and business development programs, including programs which provide financial and other assistance (including equity capital) to start, expand, or locate businesses in or near the areas served so as to provide employment and ownership opportunities for residents of such areas, and programs including those described in title IV of this Act for small businesses in or owned by residents of such areas;

"(2) community development and housing activities which create new training, employment, and ownership opportunities and which contribute to an improved living environment; and

"(3) manpower training programs for unemployed or low-income persons which support and complement economic, business, housing, and community development programs, including without limitation activities such as those described in part B of title I of this Act.

"(b) The Director shall conduct programs assisted under this part so as to contribute, on an equitable basis between urban and rural areas, to the elimination of poverty and the establishment of permanent economic and social benefits in such areas.

"REQUIREMENTS FOR FINANCIAL ASSISTANCE

"SEC. 713. (a) The Director, under such regulations as he may establish, shall not provide financial assistance for any program or component project under this part unless he determines that—

"(1) such community development corporation is responsive to residents of the area under guidelines established by the Director;

"(2) all projects and related facilities will, to the maximum feasible extent, be located in the area served;

"(3) projects will, where feasible, promote the development of entrepreneurial and management skills and the ownership or participation in ownership of assisted businesses and housing, cooperatively or otherwise, by residents of the area served;

"(4) projects will be planned and carried out with the maximum participation of local businessmen and financial institutions and organizations by their inclusion on program boards of directors, advisory councils, or through other appropriate means;

"(5) the program will be appropriately coordinated with local planning under this Act, the Demonstration Cities and Metropolitan Development Act of 1966, and with other relevant planning for physical and human resources of the areas served;

"(6) the requirements of subsections 122 (e) and 124(a) of this Act have been met;

"(7) preference will be given to low income or economically disadvantaged residents of the areas served in filling jobs and training opportunities; and

"(8) training programs carried out in connection with projects financed under this part shall be designed wherever feasible to provide those persons who successfully complete such training with skills which are also in demand in communities, neighborhoods, or rural areas, other than those for which programs are established under this part.

"(b) Financial assistance under this section shall not be extended to assist in the relocation of establishments from one location to another if such relocation would result in an increase in unemployment in the area of original location.

"(c) The level of financial assistance for related purposes under this Act to the area served by a special impact program shall not be diminished in order to substitute funds authorized by this part.

"APPLICATION OF OTHER FEDERAL RESOURCES

"SEC. 714. (a) SMALL BUSINESS ADMINISTRATION PROGRAMS.—

"(1) Funds granted under this part which are invested, directly or indirectly, in a small business investment company or a local development company shall be included as 'private paid-in capital and paid-in surplus,' 'combined paid-in capital and paid-in surplus,' and 'paid-in capital' for purposes of sections 302, 303, and 502, respectively, of the Small Business Investment Act of 1958.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Administrator of the Small Business Administration, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(b) ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS.—

"(1) Areas selected for assistance under this part shall be deemed 'redevelopment areas' within the meaning of section 401 of the Public Works and Economic Development Act of 1965, and shall qualify for assistance under the provisions of title I and title II of that Act.

"(2) Within ninety days of the enactment of the Economic Opportunity Amendments of 1972, the Secretary of Commerce, after consultation with the Director, shall prescribe such regulations as may be necessary and appropriate to insure the availability to community development corporations of such programs as shall further the purposes of this part.

"(c) PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.—The Secretary of Housing and Urban Development, after consultation with the Director, shall take all necessary steps (1) to assure that community development corporations assisted under this part or their subsidiaries, shall qualify as sponsors under section 106 of the Housing and Urban Development Act of 1968, and sections 221, 235, and 236 of the National Housing Act of 1949; (2) to assure that land for housing and business location and expansion is made available under title I of the Housing Act of 1949 as may be necessary to carry out the purposes of this part; and (3) to assure that funds are available under section 701(b) of the Housing Act of 1954 to community development corporations assisted under this part.

"(d) COORDINATION AND COOPERATION.—The Director shall take such steps as may be necessary and appropriate, in coordination and cooperation with the heads of other Federal departments and agencies, so that contracts, subcontracts, and deposits made by the Federal Government or in connection with programs aided with Federal funds are placed in such a way as to further the purposes of this part.

"(e) REPORTING ON OTHER FEDERAL RESOURCES.—On or before six months after the date of enactment of the Economic Opportunity Amendments of 1972, and annually thereafter, the Director shall submit to the Congress a detailed report setting forth a description of all Federal agency programs which he finds relevant to achieving the purposes of this part and the extent to which such programs have been made available to community development corporations receiving financial assistance under this part including specifically the availability and effectiveness of programs referred to in subsections (a), (b), and (c) of this section. Where appropriate, the report required under this subsection also shall contain recommendations for the more effective utilization of Federal agency programs for carrying out the purposes of this part.

"FEDERAL SHARE

"SEC. 715. Federal grants to any program carried out pursuant to this part, including grants used by community development corporations for capital investments, shall (1) not exceed 90 per centum of the cost of such program including costs of administration unless the Director determines that assistance in excess of such percentage is required in furtherance of the purposes of this part, and (2) be made available for deposit to the grantee, under conditions which the Director deems appropriate, within thirty days following approval by the Director and the local community development corporation of the grant agreement. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services. Capital investments made with funds granted as a result of the Federal share of the costs of programs carried out under this part, and the proceeds from such capital investments, shall not be considered Federal property.

"PART B—RURAL PROGRAMS

"STATEMENT OF PURPOSE

"SEC. 721. It is the purpose of this part to meet the special economic needs of rural communities or areas with concentrations or substantial numbers of low-income persons by providing support to self-help programs which promote economic development and independence, as a supplement to existing similar programs conducted by other departments and agencies of the Federal Government. Such programs should encourage low-income families to pool their talents and resources so as to create and expand rural economic enterprise.

"FINANCIAL ASSISTANCE

"SEC. 722. (a) The Director is authorized to provide financial assistance, including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families, or will contribute to the improvement of their living or housing conditions, by assisting or permitting them to—

"(1) acquire or improve real estate or reduce encumbrances or erect improvements thereon;

"(2) operate or improve the operation of farms not larger than family sized, including but not limited to the purchase of feed, seed, fertilizer, livestock, poultry, and equipment; or

"(3) participate in cooperative asociations, or to finance nonagricultural enterprises which will enable such families to supplement their income.

"(b) The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers and their purchasing power as consumers, and to provide such essentials as credit and health services. Costs which may be defrayed shall include but not be limited to—

"(1) administrative costs of staff and overhead;

"(2) costs of planning and developing new enterprises;

"(3) costs of acquiring technical assistance; and

"(4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

"LIMITATIONS ON ASSISTANCE

"SEC. 723. (a) No financial assistance shall be provided under this part unless the Director determines that—

"(1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

"(2) adequate technical assistance is made available and committed to the programs being supported;

"(3) such financial assistance will materially further the purposes of this part; and

"(4) the applicant is fulfilling or will fulfill a need for services, supplies, or facilities which is otherwise not being met.

"(b) The level of financial assistance for related purposes under this Act to the area served by a program under this part shall not be diminished in order to substitute funds authorized by this part.

"PART C—SUPPORT PROGRAMS

"TRAINING AND TECHNICAL ASSISTANCE

"SEC. 731. (a) The Director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel as may be required to effectively implement the purposes of this title. No financial assistance shall be provided to any public or private organization under this section unless the Director provides the beneficiaries of these services with opportunity to participate in the selection of and to review the quality and utility of the services furnished them by such organization.

"(b) Technical assistance to community development corporations and both urban and rural cooperatives may include planning, management, legal, preparation of feasibility studies, product development, marketing, and the provision of stipends to encourage skilled professionals to engage in full-time activities under the direction of a community organization financially assisted under this title.

"(c) Training for employees of community development corporations and for employees and members of urban and rural cooperatives shall include, but not be limited to, on-the-job training, classroom instruction, and scholarships to assist them in development, managerial, entrepreneurial, planning, and other technical and organizational skills which will contribute to the effectiveness of programs assisted under this title.

"DEVELOPMENT LOAN FUND

"SEC. 732. (a) The Director is authorized to make or guarantee loans (either directly or in cooperation with banks or other organizations through agreements to participate on an immediate or deferred basis) to community development corporations and to cooperatives eligible for financial assistance under section 712 of this title, to families under section 722(a), and to local cooperatives eligible for financial assistance under section 722(b) for business, housing, and community development projects who the Director determines will carry out the purposes of this title. No loans, guarantees, or other financial assistance shall be provided under this section unless the Director determines that—

"(1) there is reasonable assurance of repayment of the loan;

"(2) a loan is not otherwise available on reasonable terms from private sources or other Federal, State, or local programs; and

"(3) the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is made.

Loans made by the Director pursuant to this section shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding Treasury obligations of comparable maturity, plus such additional charge, if any, toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower, which rate shall not be lower than 1 per centum. All such loans shall be repayable within a period of not more than thirty years.

"(b) The Director is authorized to adjust interest rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him, and to take such other actions in respect to such loans as he shall determine to be necessary or appropriate, consistent with the purposes of this section.

"(c) (1) To carry out the lending and guaranty functions authorized under this part, there shall be established a Development Loan Fund consisting of two separate accounts, one of which shall be a revolving fund called the Rural Development Loan Fund and the other of which shall be a revolving fund called the Community Development Loan Fund. The capital of each such revolving fund shall remain available until expended.

"(2) The Rural Development Loan Fund shall consist of such amounts as may be deposited in such Fund by the Director out of funds made available from appropriations for the purposes of carrying out this title.

"(3) The Community Development Loan Fund shall consist of such amounts as may be deposited in such fund by the Director out of funds made available from appropriations for the purpose of carrying out this title. The Secretary may make deposits in the Community Development Loan Fund in any fiscal year in which he has made available for grants to community development corporations not less than $60,000,000 out of funds made available from appropriations for the purpose of carrying out this title.

"EVALUATION AND RESEARCH

"SEC. 733. (a) Each program for which grants are made under this title shall provide for a thorough evaluation of the effectiveness of the program in achieving its purposes, which evaluation shall be conducted by such public or private organizations as the Director may designate, and all or part of the costs of evaluation may be paid from funds appropriated to carry out this part. The results of such evaluations, together with the Director's findings and recommendations concerning the program, shall be included in the report required by section 608 of this Act.

"(b) The Director shall conduct, either directly or through grants or other arrangements, research designed to suggest new programs and policies to achieve the purposes of this title in such ways as to provide opportunities for employment, ownership, and a better quality of life for low-income residents. The Director shall particularly investigate the feasibility and most appropriate manner of establishing development banks and similar institutions and shall report to the Congress on his research findings and recommendations not later than June 30, 1973.

"PART D—GENERAL

"PROGRAM DURATION AND AUTHORITY

"SEC. 741. The Director shall carry out programs provided for in this title during the fiscal year ending June 30, 1972, and for the three succeeding fiscal years. For each fiscal year only such sums may be appropriated as the Congress may authorize by law."

(b) Part D of title I of the Economic Opportunity Act of 1964 is repealed.

AMENDMENT WITH RESPECT TO VOLUNTEER PROGRAMS

SEC. 26. (a) The second sentence of section 801 of the Economic Opportunity Act of 1964 is amended by inserting after the words "to eliminate poverty" the following: "and to deal with environmental problems focused primarily upon the needs of low-income persons and the communities in which they reside".

(b) Section 811(a) of such Act is amended as follows:

(1) by striking out the first sentence thereof, and

(2) by inserting in lieu thereof: "Volunteers under this part shall be required to make a full-time personal commitment to achieving the purpose of this title and the goals of the projects or programs to which they are assigned."

(c) Section 820(a) of such Act is amended as follows:

(1) by striking out the first sentence of subsection (a), and

(2) by inserting in lieu thereof: "The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for short periods of service either in their home or nearby communities or elsewhere, in volunteer activities contributing to the elimination of poverty and otherwise in furtherance of the purpose of this title."

(d) The first sentence of section 821 of such Act is amended, effective July 1, 1972, by inserting before the period at the end thereof a comma and the following: "and such programs shall include any program, project, or activity otherwise authorized under the provisions of this title for which academic credit is granted to volunteer participants in connection with their volunteer service (not including time devoted to training)".

EVALUATION

SEC. 27. (a) The Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following new title:

"TITLE IX—EVALUATION

"COMPREHENSIVE EVALUATION OF PROGRAMS

"SEC. 901. (a) The Director shall provide for the continuing evaluation of programs under this Act and of programs authorized under related Acts, including evaluations that describe and measure, with appropriate means and to the extent feasible, the impact of such programs, their effectiveness in achieving stated goals, their impact on related programs, and their structure, and mechanisms for delivery of services, and including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. The Director may, for such purposes, contract or make other arrangements for independent evaluations of those programs or individual projects.

"(b) The Director shall to the extent feasible develop and publish standards for evaluation of program effectiveness in achieving the objectives of this Act. He shall consider the extent to which such standards have been met in deciding whether to renew or supplement financial assistance authorized under any section of this Act.

"(c) In carrying out this title, the Director may require community action agencies to provide independent evaluations.

"COOPERATION OF OTHER AGENCIES

"SEC. 902. Federal agencies administering programs related to this Act shall—

"(1) cooperate with the Director in the discharge of his responsibility to plan and conduct evaluations of such poverty-related programs as he deems appropriate, to the fullest extent permitted by other applicable law; and

"(2) provide the Director on a cooperative basis with such agency, with such statistical data, program reports, and other materials, as they collect and compile on program operations, beneficiaries, and effectiveness.

"CONSULTATION

"SEC. 903. (a) In carrying out evaluations under this title, the Director shall, whenever possible, arrange to obtain the opinions of program participants about the strengths and weaknesses of programs.

"(b) The Director shall consult, when appropriate, with State agencies, in order to provide for jointly sponsored objective evaluation studies of programs on a State basis.

"PUBLICATION OF EVALUATION RESULTS

"SEC. 904. (a) The Director shall publish summaries (prepared by the evaluator) of the results of evaluative research and evaluations of program impact and effectiveness no later than sixty days after its completion.

"(b) The Director shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(c) The Director shall publish summaries of the results of activities carried out pursuant to this title in the report required by section 608 of this Act.

"EVALUATION BY OTHER ADMINISTERING AGENCIES

"SEC. 905. The head of any agency administering a program authorized under this Act may, with respect such program, conduct evaluations and take other actions authorized under this title to the same extent and in the same manner as the Director under this title. Nothing in this section shall preclude the Director from conducting such evaluations or taking such actions otherwise authorized under this title with respect to such programs."

(b)(1) Subsection (a) of section 113, subsections (b) and (c) of section 132, section 233, and section 314(b) of the Economic Opportunity Act of 1964 are repealed.

(2) Section 632(2) of such Act is amended by striking out "carry on a continuing evaluation of all activities under this Act, and".

(3) Sections 132 and 314 of such Act are each amended by striking out "(a)".

FUNCTIONS OF DIRECTOR

SEC. 28. Notwithstanding the provisions of section 602(d) of the Economic Opportunity Act of 1964, the Director of the Office of Economic Opportunity shall not delegate his functions under section 221 and title VII of such Act to any other agency.

AMENDMENT TO THE OLDER AMERICANS ACT OF 1965

SEC. 29. (a) Section 611(a) of the Older Americans Act of 1965 (42 U.S.C. 3044(b)) is amended by adding at the end thereof the following new sentence: "The Director of ACTION may approve assistance in excess of 90 per centum of the cost of the development and operation of such projects if he determines, in accordance with regulations establishing objective criteria, that such action is required in furtherance of the purposes of this section."

(b) The amendment made by subsection (a) of this section shall be effective from the date of enactment of this Act. In the case of any project with respect to which, prior to such date, a grant or contract has been made under such section or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met from non-Federal sources.

And the Senate agree to the same.

Carl D. Perkins,
Roman C. Pucinski,
Augustus F. Hawkins,
William D. Ford,
Patsy T. Mink,
Albert H. Quie,
John N. Erlenborn,
William A. Steiger,
Managers on the Part of the House.

Gaylord Nelson,
Harold E. Hughes,
Adlai E. Stevenson III,
Jennings Randolph,
Bob Taft, Jr.,
J. Javits,
Richard S. Schweiker,
Peter H. Dominick,
J. Glenn Beall, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two houses on the amendment of the Senate to the House bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The points in disagreement and the conference resolution of them are as follows:

The House bill authorized $2,304,066,000 for fiscal year 1972 and $3,000,000,000 for fiscal year 1973. Of these amounts $350,000,000 a year was reserved for local initiative programs and a specific authorization of $500,000,000 for fiscal 1972 and $1,000,000,000 for fiscal 1973 was authorized for Project Headstart.

The Senate amendment authorized the following amounts:

[In millions]

	1972	1973	1974
Department of Labor programs:			
Title IABE	$900.0	$950.0	$950.0
Special NYC	500.0	500.0	500.0
Health, education, and welfare programs:			
Headstart	500.0	500.0	500.0
Follow Through	100.0	100.0	100.0
ACTION programs: VISTA	37.0	58.0	
OEO programs:			
Total titles II, III, VI, VII, IX, X	(950.0)	(1,000.0)	(1,000.0)
Local initiative [1]	328.9	328.9	328.9
Legal services [1]	71.5	71.5	71.5
Comprehensive health	114.0	114.0	114.0
Emergency food	62.5	62.5	62.5
Family planning	25.0	25.0	25.0
SOS	8.8	8.8	8.8
Alcoholic counseling	18.0	18.0	18.0
Drug rehabilitation	$18.0	$18.0	$18.0
Environmental action	5.0	5.0	5.0
Rural housing	10.0	10.0	10.0
Consumer action	7.5	7.5	7.5
Design and planning	10.0	10.0	10.0
Youth recreation and sports	6.0	6.0	6.0
T. & T.A., SEOO, R. & D	117.6	117.6	117.6
Title III migrants	38.0	38.0	38.0
Titles VI and X	18.0	18.0	18.0
Title VII	58.0	58.0	58.0
Other	33.2	83.2	83.2
Add ons:			
Title VII		62.0	62.0
Legal services		100.0	100.0
Rural housing		5.0	5.0
VISTA	16.0		
SOS		21.2	21.2
Urban housing	20.0	20.0	20.0
Special assistance	50.0	50.0	50.0

[1] These amounts are reservations as well as authorization levels.

The conference agreement contains the following authorizations of appropriations:

For title I, Parts A, B, and E (work and training programs) the sums of $900,300,000 for fiscal year 1973 and $950,000,000 for fiscal year 1974;

For Headstart the sums of $485,000,000 for fiscal year 1973 and $500,000,000 for fiscal year 1974;

For Follow Through the sums of $70,000,000 for each of fiscal years 1973 and 1974;

For title VIII (VISTA) the sum of $74,000,000 for fiscal year 1974;

For all OEO-administered programs, titles II, III, VI, VII and IX the sums of $840,000,000 for fiscal year 1973 and $870,000,000 for fiscal year 1974. Of the amounts appropriated for OEO programs, the conference agreement reserves not less than $328,900,000 for programs under section 221 of the Act (Local Initiative) for each fiscal year and not less than $71,500,000 for Legal Services programs under section 222(a)(3) for each fiscal year. The conference agreement further provides that the remaining amounts are to be so allocated that for each fiscal year not less than $18,000,000 shall be used for the Alcoholic Counseling and Recovery program under section 222(a)(8) and not less than $30,000,000 shall be used for the Emergency Food and Medical Services program under section 222(a)(5).

For the balance of the programs operated by OEO, the conferees strongly recommend that the following amounts be made available for each of the programs;

	Fiscal 1973	Fiscal 1974
Comprehensive health	$100,000,000	$100,000,000
Family planning	20,000,000	20,000,000
Senior opportunities	8,000,000	18,000,000
Drug rehabilitation	18,000,000	19,000,000
Environmental action	5,000,000	5,000,000
Rural housing	15,000,000	20,000,000
Consumer action	7,500,000	7,500,000
Design and planning	10,000,000	10,000,000
Youth recreation and sports	4,500,000	4,500,000
T. & T.A., SEOO, R. & D	109,600,000	109,600,000
Title III (migrants)	36,000,000	36,000,000
Title VI and IX (administration and evaluation)	18,000,000	18,000,000
Title VII (community economic development)	40,000,000	55,000,000

In paragraphs (2) and (3) of section 3(c) of the conference agreement, the term "reserve and make available" is used in connection with the reservation and allocation of funds. By this the conferees mean that the sums required to be "made available" shall be newly obligated during each of the fiscal years for which such sums are required to be made available.

The Senate amendment authorized the Secretary of HEW to establish procedures to assure that not less than 10% of the enrollment opportunities in Project Headstart in the nation be available for handicapped children. There was no comparable House provision. The House recedes.

The House bill extended the authority for programs under the Act for two additional years. The Senate amendment extended the provision for three additional years. The House recedes.

The Senate amendment extended the length of time a person can serve on a community action board from three to six consecutive years and increased the total number of years a person may serve to twelve years. There was no comparable House provision. The conference agreement extends the length of service on a community action board to five consecutive years and increases the total number of years to ten.

The House bill required that the public officials who comprise one-third of each community action agency board be elected officials except where fewer than the requisite number of elected officials were available and willing to serve, in which case appointive public officials could be counted toward fulfilling the requirements of this subsection. There was no comparable Senate provision. The Senate recedes with the understanding that elected officials refers to those with general governmental responsibilities or responsibilies encompassing antipoverty programs—not to officials with limited or administrative responsibilities in specialized areas, such as a water district commissioner.

The House bill established guidelines which must be followed by the Secretary of Health. Education, and Welfare in promulgating fee schedules for the participation of non-low-income children in Project Headstart. No charge could be made with respect to any child who was a member of a family with an annual income less than $4,320. A graduated fee schedule was prescribed up to the level of the lower living standard budget as determined by the Bureau of Labor Statistics. Beyond that point the Secretary is given discretion. There was no comparable Senate provision. The Senate recedes.

The Conference agreement further provides that if the Secretary of HEW certifies that the establishment of such a fee schedule would substantially impair the ongoing Headstart programs, he may postpone their establishment, but under no circumstances may such establishment be postponed beyond April 1, 1973.

The Senate amendment allowed addicts enrolled and participating in methadone maintenance treatment or therapeutic programs to participate in the program. The House bill limited participation to rehabilitated addicts. The House recedes.

The Senate amendment allowed the Director to undertake special programs assisting employers in dealing with problems of employee "drug abuse and dependency". The House bill only allowed programs dealing with "drug abuse". The House recedes.

The Senate amendment required that priority be given to areas within the States having the highest percentage of addicts. There was no comparable House provision. The House recedes.

Both the House bill and the Senate amendment called upon the Director to establish procedures whereby addicts undergoing rehabilitation and participation in this program who, during the course of such rehabilitation, became non-low-income as a result thereof would nevertheless remain eligible to participate in this program until they had completed a full course of rehabilitation. The House bill also made clear that there is to be no exception to income criteria for initial entry into the program. The Senate amendment had no comparable provision. The Senate recedes.

Both the House bill and the Senate amendment established an Environmental Action program through which low-income persons would be paid for working on projects to combat pollution or to improve the environment. The Senate amendment also required that such work projects be those which would not otherwise be performed. There was no comparable House provision. The House recedes. The purpose of the provision in the Senate amendment is to insure that the program be operated in such a way as not to displace persons currently employed in similar tasks, but the conferees wish to make clear that they do not expect the Director to arbitrarily use the language as an excuse for not funding programs authorized under this section.

Both the House bill and the Senate amendment authorized a new program to be known as Rural Housing and Rehabilitation. In addition, the Senate amendment allowed the use of persons enrolled in Mainstream programs in the construction, rehabilitation, and repair of housing for low-income persons under this paragraph. The House recedes. The conferees wish it clearly understood that this new program is intended for a limited number of sponsors in order to fully demonstrate its potential. The conferees expect that the program will be administered in the national office of the Office of Economic Opportunity and that no regionalization of the program will take place until Congress has had an opportunity to assess its effectiveness.

The Senate amendment placed the administrative responsibility for the Youth Recreation and Sports Program with the Director of the Office of Economic Opportunity. The House bill placed such responsibility with the Secretary of Health, Education, and Welfare. The House recedes. The conferees wish to make clear that the Director of the Office of Economic Opportunity is given the discretion to continue to enter into delegation agreements he considers appropriate.

The Senate amendment specifically required the participation of all significant segments of low-income population to be served. There was no comparable House provision. The House recedes.

The House bill and the Senate amendment authorized the Director to provide financial assistance for projects designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. The Senate amendment authorized $50 million for fiscal year 1972 and the two succeeding fiscal years. The House bill authorized $50 million for fiscal year 1972 and such sums as may be necessary for each succeeding fiscal year, creating in effect a permanent authorization. The conference agreement contains the substance of the amendment but eliminates the specific dollar authorizations.

The House bill provided for the equitable distribution of financial assistance under the Act to all significant segments of the low-income population within a State and within a community. The Senate amendment required such equitable distribution only within a community. The Senate recedes.

The conferees urge the Director to exercise authority under this section to the extent appropriate to accomplish its purposes, utilizing funds available under the authorization for programs conducted under title II of the Act.

The House bill prohibited the use of funds appropriated for Teacher Corps or ACTION from being used to finance any activity designed to influence the outcome of any election, or for voter registration, or to pay the salary of any officer or employee of OEO, Teacher Corps or ACTION who in an official capacity engages in such activity. As used in this amendment, "election" and "Federal office" are defined as in the Federal Election Campaign Act of 1971. There was no comparable Senate provision. The Senate recedes.

The House bill required that any standards for day care programs be no less comprehensive than the interagency day care requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968. There was no comparable Senate provision. The Senate recedes.

The Senate amendment amended section 616 of the Economic Opportunity Act to increase the portion of an allocation that may be transferred from one program or activity to another from 15% to 25%. The amendment also deleted the limitation which placed a ceiling on the amount that may be transferred into a program. Existing law provided that such transfers could not result in increasing by more than 100% any program for which there was available $10 million or less or by increasing by 25% any program for which amounts available were in excess of $10 million. The House bill reduced the authority of the Director to transfer earmarked funds to 10% of the amount appropriated or allocated. The House bill further limited the degree to which the program or activity could be increased. The conference agreement increases the portion of an allocation that may be transferred from one program to another to 20 per centum.

The House bill prohibited any funds appropriated for programs administered by the Office of Economic Opportunity or ACTION from being used to finance any activity in which students in higher education perform voluntary or community service where, as a condition for eligibility for funds, an institution is required to award credit to students for training or experience derived from such voluntary or community service. There was no comparable Senate provision. The House recedes.

The Senate amendment prohibited the Director from providing financial assistance to anyone under this Act unless the grant, contract or agreement under which funds are to be provided specifically provides that no person with responsibilities in the operation of such program will discriminate because of race, creed, color, national origin, sex, political affiliation or beliefs. There was no comparable House provision. The House recedes.

The Senate amendment prohibited sex discrimination, to be enforced in accordance with Civil Rights Act procedures. There was no comparable House provision. The House recedes.

The House bill required the national poverty action plan to be presented by December 31, 1971. The Senate amendment required submission by August 1, 1972. The House bill required subsequent plans no later than December 31st of succeeding years. The Senate amendment required subsequent reports on January 31st of each year. The dates provided in both the House and Senate bill presented a situation where it would have been impossible for the agency to comply. Therefore, the conferees dropped the specific date that the national poverty action plan was to be presented to the Congress. It is the intention of the conferees, however, that at the earliest possible date the Office of Economic Opportunity submit such a plan.

Both the House bill and the Senate amendment consolidated all evaluation activities into a single title. They differed in the following respects:

(a) The Senate amendment specified that such evaluations may be made of programs under the Office of Economic Opportunity Act, or related Acts. There was no comparable House provision. The House recedes.

(b) The Senate amendment qualified the directives to develop evaluation standards with the words "to the extent feasible". There was no comparable House provision. The House recedes.

(c) The House bill required the results of evaluation to be considered in renewing financial assistance. There was no comparable Senate provision. The Senate recedes.

(d) The Senate amendment required the Director to exchange data "on a cooperative basis with such agency." There was no comparable House provision. The House recedes.

(e) Under the House bill the Director would "consult where appropriate with States to sponsor jointly funded evaluations" while the Senate amendment read "may consult when appropriate." The Senate recedes.

(f) The House bill required the publication of evaluations where the Senate amendment only required the publication of summaries of such evaluations. The conference agreement requires that summaries prepared by the evaluator be published. The conferees want to make clear that the publication of such summaries in no way relieves the Director from existing obligations to make evaluation reports in their entirety available to the Congress.

(g) The Senate bill authorized the head of any agency administering a program authorized by the Act to conduct evaluations or take other actions authorized under this title but specified that nothing in this section would preclude the Director from conducting such evaluations or taking such actions as otherwise authorized under the Act. There was no comparable House provision. The House recedes.

Both the House bill and Senate amendment established a new title of the Economic Opportunity Act to create a National Legal Services Corporation.

The Conferees regret that it was necessary to delete Title IX, which would have established a National Legal Services Corporation, as a result of the failure to reach agreement with respect to the composition of the Board of Directors and certain other elements of the Corporation.

The Conferees continue to strongly support the existing legal services program and the concept of a legal services corporation and intend to continue to seek appropriate means of expanding the program and insuring its independence, to provide the poor greater access to our system of justice under law.

The Senate amendment established a new program in title II, Design and Planning Assistance Programs, providing for the Director to fund to community-based design and planning organizations to provide technical assistance and professional services to community organizations and to continue existing section 232 programs of a comparable nature. There was no comparable House provision. The House recedes.

The Senate amendment established a new program in title II, Consumer Action and Cooperative Programs, providing for the Director to fund programs in consumer advocacy and protection and to continue existing section 232 programs of a similar nature. There was no comparable House provision. The House recedes.

The Senate amendment established a new program in title II, Urban Housing Demonstration Projects, to authorize the Director to provide financial assistance for demonstration projects in urban areas, and authorized $20.0 million for each of three fiscal years. There was no comparable House provision. The Senate recedes.

While the conferees did not adopt the new specific authority for Urban Housing Demonstration Projects contained in the Senate amendment, they expect the Director of the Office of Economic Opportunity to increase funding of projects to assist low-income families living in neighborhoods characterized by abandonment and deteriorating residential housing to maintain and upgrade existing substandard residential housing in such neighborhoods. The projects are to be carried out by appropriate community based organizations including tenant associations. It is anticipated that such projects may include financial assistance in the form of grants and loans for administrative expenses and to defray costs of repair and moderate rehabilitation, for tenant organization and counselling, management and maintenance services, and for encouragement of home ownership by low-income families. It is anticipated that such projects will be funded from general sources available under the Act, including general demonstration authority and authority under Title VII. Community Economic Development, to the extent consistent with that title; however, no such projects are to be funded from sums made available under the new Rural Housing and Rehabilitation programs.

The Senate amendment prohibited the Director from delegating his functions under section 221 and title VII of such Act, notwithstanding the provisions authorizing delegation of programs of section 602 of the Economic Opportunity Act. There was no comparable House provision. The House recedes.

The Senate amendment combined the existing title I–D Special Impact Program and title III–A Rural Loan Program into a new unified Community Economic Development Program (title VII). This new title provided expanded authorization for grants as well as loans to rural cooperatives. There was no comparable House provision. The House recedes.

The rules of the House forbid managers on the part of the House from accepting Senate amendments that provide for appropriations within authorization bills. It was felt that the transfer of funds from one agency to another and the requirement that interest payments on loans from a revolving fund be returned to the fund rather than to the Treasury would violate the rule against including appropriations provisions in authorizing legislation.

It was therefore necessary for the conferees reluctantly to delete those provisions of title VII that detailed the operation of the newly authorized Community Development and Rural Development revolving funds, to delete those provisions that would have transferred the assets of the existing title III–A loan fund from the Department of Agriculture back to the Office of Economic Opportunity for consolidation with the new Rural Development revolving fund, and to delete those provisions in title VII that would have repealed title III–A. As approved by the conferees, title VII authority for a Rural Development Loan revolving fund will exist in addition to the authority in title III–A for the present Rural Loan revolving fund. It is the intent of the conferees, to the extent not prohibited by law, that the revolving funds authorized by title VII operate as is common with such funds, i.e., that repayments of principal shall be returned to the fund to be available for new loans and that the budget provide for the appropriation of the amount of the interest paid on such loans to the fund, to be used to offset the cost of operating such funds. Further, it is the intent of the conferees that the Office of Economic Opportunity seek to operate the Rural Loan fund provisions of title VII and those under title III–A in close conjunction pending legislation to transfer the title III–A loan fund to this title. In deleting the language in title VII that detailed the operation of the new revolving funds it was necessary to delete the provision authorizing the use of interest payments to the funds to defray administrative expenses. However the conferees wish to make it clear that it is their understanding that the statutory authority of the Director to make payments out of the existing title III–A revolving fund for "loans, participation, and guarantees" encompasses the same authority as is provided in other federally supported revolving funds to defray such costs as are necessarily incurred in the administration of loans from such revolving funds.

The Senate amendment amended title VIII of the Act by making clear authority for VISTA volunteers to work on environmental problems focused primarily on the needs of low income persons and the communities in which they reside. There was no comparable House provision. The House recedes.

The Senate amendment added a new section to title VI requiring frequent review and revision of the poverty levels based on the changes in the consumer price index. There was no comparable House provision. The House recedes.

The Senate amendment authorized persons who are otherwise eligible and live in public and private institutions to participate in Neighborhood Youth Corps programs. There was no comparable House provision. The House recedes.

The Senate amendment amended section 211 by requiring the Director to insure no local community action agency election be held on a Sabbath Day. There was no comparable House provision. The House recedes.

The Senate amendment amended the Federal Property and Administrative Service Act of 1949 by requiring the GSA to continue its policy of making excess property available to a grantee of any agency under a program established by law for which funds had been appropriated. There was no comparable House provision. The Senate recedes because the rules of the House prohibit House conferees from agreeing to a nongermane Senate amendment.

Carl D. Perkins,
Roman C. Pucinski,
Augustus F. Hawkins,
William D. Ford,
Patsy T. Mink,
Albert H. Quie,
John N. Erlenborn,
William A. Steiger,
Managers on the Part of the House.

Gaylord Nelson,
Harold E. Hughes,
Adali Stevenson III,
Jennings Randolph,
Bob Taft,
J. Javits,
Richard S. Schweiker,
Peter H. Dominick,
J. Glenn Beall, Jr.,
Managers on the Part of the Senate.

SUBSIDIZED STUDENT LOAN PROGRAM

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, Congress has now given final approval to a resolution delaying the effective date of amendments made 2 months ago to the subsidized student loan program, and I know that all of us are pleased that the confusion that has surrounded this program for the past few weeks will now be removed in time for the begining of the academic year next month.

I cannot say, Mr. Speaker, that I was entirely satisfied with the specific provisions of the resolution this body approved to effect such a delay, but now that it is behind us, I am pleased that the Senate saw fit to concur in the House amendment and send the measure on to the President.

Banks and other private lenders will now be able to go ahead and process subsidized loan applications, and the thousands of families all over the country who depend on this program to help send their children to college will be relieved of anxiety.

In order that Members of the House may have some more background information as to the nature of the problem we discussed early this morning, Mr. Speaker, I would like at this time to make some additional comments on the subject, and also to take this opportunity to say a few personal words concerning one of my colleagues in the other body, the junior Senator from Rhode Island, who played such a large part in the recent revisions made to the Higher Education Act.

The federally guaranteed student loan program, including federally subsidized loans, was one of several important student assistance programs extended and revised by the Education Amendments of 1972.

Over 20,000 financial institutions in the United States participate in this program, under which the principal and interest of loans made to students by banks and other lenders is insured by the Federal Government against default. If a student qualifies, he or she may also receive a partial interest subsidy from the Government. Under previously existing law—which has now been temporarily put back into effect by the resolution we approved—students with adjusted family incomes under $15,000 are automatically eligible to receive these interest benefits.

During the year ending last June 30, over 1 million students, most of whom were eligible for interest benefits, at more than 8,000 colleges and universities borrowed money under the guaranteed student loan program.

Thus this program has far broader coverage than the other Federal student programs, and forms the backup support for all other student assistance programs—Federal, State, and institutional—that make it possible for each student to come up with a package of support sufficient to meet his or her needs.

As you know, Mr. Speaker, the conference that produced the Educational Amendments of 1972 was one of the longest and most difficult negotiations between the two Houses of Congress in recent years. We met 20 times over a period of 11 weeks to bring back a bill that could command bipartisan support in both the House and Senate.

I am proud to say, Mr. Speaker, that the conference committee did succeed in bringing back a bill that won the approval of both the House and Senate, and that was subsequently signed into law. Many Members from both the House and Senate deserve credit for this accomplishment, but I would like today to say a few special words about my conference counterpart from the other body—the junior Senator from Rhode Island—who was in so many ways a principal architect of the bill that was finally reported.

During his first two terms, Senator Pell has proved himself a vigorous and effective champion of education, one who gained the deep respect of his colleagues in both the House and the Senate. As chairman of the Senate Subcommittee on Education for the past 4 years, he has demonstrated his concern for the needs of all of America's students, rich and poor, urban and rural, and he has worked quietly but courageously to see that their needs are met.

For 11 weeks, during conference sessions which often lasted long into the night, Senator Pell was both diplomat and advocate, impeccably courteous, yet never yielding on his principles. Never contentious but always persuasive, Senator Pell's contribution to this landmark legislation was enormous and, indeed, indispensable.

Mr. Speaker, the bill produced by that conference represents the most comprehensive aid to education measure passed by the Congress in this century. Senator Pell was the author of one of the most significant programs in the bill, a new system of basic educational opportunity grants.

Beginning next year, every American student will be entitled to what should now be known as a "Pell grant," a grant of $1,400 each year to help pay for the costs of a college education, less the amount his or her parents can reasonably be expected to contribute.

With the enactment of the Pell grant program, Congress took a historic step. We committed ourselves to the principle that no student who wants to go to college will be denied that opportunity merely because of financial need.

Mr. Speaker, America's students have Senator Pell to thank for this commitment. In the years to come, I am sure that Claiborne Pell will both continue and enhance this record of courageous leadership by his achievements in the Senate.

I look forward to working with him in future Congresses in the service of American education.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER laid before the House the following resignation from the American Revolution Bicentennial Commission:

Washington, D.C., *August 18, 1972.*

Hon. Carl Albert,
Speaker, House of Representatives, Washington, D.C.

My Dear Mr. Speaker: I do hereby submit my resignation as a House of Representatives designee to the American Revolution Bicentennial Commission.

Respectfully yours,
Harold D. Donohue.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT AS MEMBER OF AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The SPEAKER. Pursuant to the provisions of section 2(b), Public Law 89-491, as amended, the Chair appoints as a member of the American Revolution Bicentennial Commission the gentleman from Massachusetts (Mr. Burke) to fill the existing vacancy thereon.

AIR PASSENGER FEES—STATE AND LOCAL CHARGES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the bill (H.R. 14847) to amend the Airport and Airway Development Act of 1970 to increase from 50 to 75 percent the U.S. share of allowable project costs payable under such act; to amend the Federal Aviation Act of 1958 to prohibit State taxation of the carriage of persons in air transportation; and for other purposes, be considered in the House as in the Committee of the Whole House on the State of the Union.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 14847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Passenger Safety and Convenience Act".

Sec. 2. (a) Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717), relating to United States share of project costs, is amended—

(1) by striking out "50 per centum" in subsection (a) of such section and inserting in lieu thereof "75 per centum"; and

(2) by striking out subsection (c) of such section and inserting in lieu thereof the following:

"(c) Security Equipment and Facilities.—The United States share payable on account of security facilities and equipment for designated airports shall be 100 per centum of the costs of such facilities and equipment.".

(b) The amendments made by subsection (a) of this section shall apply only with respect to the United States share of project costs payable under grant agreements entered into after the date of its enactment.

Sec. 3. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"State Taxation

"Sec. 1113. No State (or any political subdivision thereof) shall levy or collect a tax, fee, or other charge, directly or indirectly, on persons traveling in air transportation or the carriage of persons in air transportation by any aircraft—

"(1) operated by an air carrier certificated by an agency of the United States to perform air transportation,

"(2) operated by any person subject to regulation by an agency of the United States in the performance of air transportation, or

"(3) operating to or from any airport financed, in whole or in part, from Federal funds.".

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading "Title XI Miscellaneous" is amended by adding at the end thereof the following: "Sec. 1113. State taxation."

With the following committee amendment in the nature of a substitute:

Strike out all after the enacting clause and insert in lieu thereof the following: That, during the eighteen-month period beginning on the date of enactment of this Act, no State (or any political subdivision thereof) shall levy or collect any tax, fee, or other charge, directly or indirectly, on persons traveling in interstate, overseas, or foreign air transportation or on the carriage of persons in interstate, overseas, or foreign air transportation.

SEC. 2. (a) The Civil Aeronautics Board shall conduct a full and complete investigation of taxes, fees, and other charges levied and collected by States and their political subdivisions, directly or indirectly, on persons traveling in interstate, overseas, or foreign air transportation or on the carriage of persons in interstate, overseas, or foreign air transportation in order to determine the effect of such taxes, fees, or other charges on air transportation in the United States. Not later than twelve months after the date of enactment of this Act, the Board shall report to the President and to the Congress the results of such investigation, together with such recommendations as it may deem appropriate.

(b) The Civil Aeronautics Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Board, the head of such department or agency shall furnish the information so requested.

(c) In the conduct of the investigation required by this section, the Civil Aeronautics Board may hold hearings, issue subpenas, administer oaths, examine witnesses, and receive evidence in the same manner as provided by section 1004 of the Federal Aviation Act of 1958 (49 U.S.C. 1484).

SEC. 3. As used in this Act—

(1) the term "State" means a State of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, and Guam; and

(2) the terms "interstate air transportation," "overseas air transportation," and "foreign air transportation" shall have the same meaning given such terms by section 101(21) of the Federal Aviation Act of 1958 (49 U.S.C. 1301 (21)).

SEC. 4. There are authorized to be appropriated such sums, not to exceed $100,000, as may be necessary to enable the Civil Aeronautics Board to carry out the provisions of section 2 of this Act.

SEC. 5. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712(a)) is amended by striking out "two years" and inserting in lieu thereof "three years."

Mr. STAGGERS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the purpose of H.R. 14847 is to authorize the Civil Aeronautics Board to conduct a 1-year investigation as to the ramifications of air passenger fees exacted by State and local agencies. The CAB will determine the financial needs at the airports throughout the country and make recommendations to the President and to the Congress as to the manner in which such needs should be met. To allow time for the CAB investigation, report, and recommendations and time for congressional review of the Board's action, the bill provides for an 18-month moratorium barring States and subdivisions of States from levying or collecting any per capita charges on air travelers.

The need for this legislation was brought to the fore by recent Supreme Court cases concerning air passenger charges enacted in New Hampshire and in Indiana. The cases were decided on April 19 of this year. There are now some 17 jurisdictions which have enacted per capita or enplaning charges on air passengers. They are listed on page 4 of the committee report. All except the Indiana and New Hampshire charges have been enacted since the Supreme Court decisions in April. The Committee on Interstate and Foreign Commerce feels very strongly that the moratorium is warranted so that these new charges can be evaluated both as to the merit of such charges and as to the need for insuring uniformity in fundraising for the support of airport construction, maintenance, and development.

In addition to the actions which the committee took with respect to air passenger fees, the committee amended section 12(a) of the Airport and Airway Development Act to allow the Secretary of Transportation 3 years rather than 2 years in which to complete a national airport system plan.

I urge the passage of this bill by the House.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. I thank the distinguished chaiman of the Committee on Interstate and Foreign Commerce for yielding.

For the purpose of establishing legislative history, and for clarifying the language which is used on page 3, beginning with line 13, I wish to ask the gentleman whether the word in line 16 "indirectly" is intended to cover user fees imposed on the basis of tonnage, as some airports do, as in the case of Hawaii.

Mr. STAGGERS. I would answer the gentleman in the negative, positively it does not affect that.

Mr. MATSUNAGA. Even though the tonnage may be based on the weight which may be increased by the number of passengers onboard?

Mr. STAGGERS. Not in any way. It was not intended to do this, and it specifically goes to "head tax" charges.

Mr. MATSUNAGA. I thank the gentleman from West Virginia for making it clear, because I am fearful that the word is rather broad and may be misinterpreted by those who are charged with enforcement of the act.

Mr. STAGGERS. Mr. Speaker, if the gentleman will look on page 4 of the report, beginning with the last paragraph, I think the gentleman will find an explanation there.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, Des Moines has contemplated imposing an airport tax by October 1. I do not think it is unreasonable to do that, but I think it unreasonable to have taxes on both enplaning passengers and deplaning passengers.

My question is this. They need money for facilities. Under the Senate version would some of this increased money that will be coming up go back to the local airports and be available for facilities?

Mr. STAGGERS. All I can tell the gentleman is in the Senate bill, and I do not know what will happen when we go to conference, part of the money will be allowed for facilities.

Mr. SMITH of Iowa. As I understand it, due to the fact that the gentleman did not have proper reports and so forth, his committee did not actually take it up and turn it down. They simply did not pass on that.

Mr. STAGGERS. We had in the original bill to pay 75 percent instead of 50, but we determined to establish an 18-month moratorium without making any changes in the Federal funding at this time.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. MURPHY of New York. Mr. Speaker, as we consider H.R. 14847, a bill which would enact a moratorium and suspension of State and local charges on air passenger fees, or, as it is more commonly known, the passenger head tax, I want the Members to know that this is a matter which the House Committee on Interstate and Foreign Commerce has studied, and we have recognized the need for a more in-depth investigation of the complex problems involved.

This is particularly true because we must fully evaluate the potential impact of head taxes on the vital Airport and Airways Act, and on the municipalities involved.

I have therefore supported H.R. 14847 in the Commerce Committee and here today, and I am gratified that a majority has joined in enacting this suspension of head taxes while our committee study goes forth. I am confident this will prove to have been a wise decision for the House, and I congratulate my colleagues for their vote.

I enclose for the RECORD a letter from the Port of New York Authority which clearly states the issue as seen by the airport authority in the largest metropolitan area in the United States in order to help place the issue in perspective:

JULY 24, 1972.

Hon. JOHN M. MURPHY,
House Office Building,
Washington, D.C.

MY DEAR CONGRESSMAN: Former Commissioner Ammidon has asked me to reply to your letter of July 10, 1972, concerning proposed head tax legislation (H.R. 2337).

Our major objection to that bill is that it would prevent public airport operators from collecting revenues from landing fees, rentals and per passenger charges for the use of specific facilities even though such charges are just, reasonable and non-discriminatory and not a burden upon interstate and foreign commerce.

At this time, the Port Authority is not planning to impose an airport head tax. However, even with significant Federal aid available for certain airport projects, we are aware that some of our nation's airports will have difficulty in raising the local share of financing for badly needed improvements if they are limited to existing sources of funds. Unless facilities at these airports are improved, the growth of air service between the Northern New Jersey-New York metropolitan region and many other areas could be limited. Although we also recognize that the irresponsible employment of boarding fees could have a chilling effect on air commerce at a time when the airlines are beginning to recover from last year's recession, we are confident that the courts will be quick to strike down any boarding fee which imposes an undue burden on interstate and foreign commerce. The Port Authority, therefore, believes that the public interest will best be served by leaving the resolution of the head tax matter to the courts. We also believe there is sentiment for legislation by Congress which would impose a moratorium on head taxes to allow further study. A properly drafted bill to this effect would be a more meaningful course to pursue than H.R. 2337.

As to the information you received from Congressman Fletcher Thompson, I assume that he had reference to the conference conducted last year by the American Assembly on Transportation in America at Arden House, Harriman, New York. Our copy of the speech which Mr. Tobin made at that meeting on mass transportation problems in the New York-New Jersey metropolitan area does not contain the statement attributed to him by Congressman Thompson. In that speech, however, Mr. Tobin referred to the fact that revenues from other Port Authority facilities (tunnels and bridges, marine terminals and inland terminals, as well as airports) help support the deficits incurred in the operation of the Port Authority Trans-Hudson Railroad (PATH), a commuter railroad linking Newark, Jersey City and Hoboken, New Jersey, with downtown and midtown Manhattan.

The Port Authority was able to acquire, operate and improve that bankrupt commuter railroad at the direction of the States of New York and New Jersey because the two States have authorized the pooling of revenues from all Port Authority facilities. I must emphasize that it was only by virtue of the ability to use revenues derived from other Port Authority facilities that the Port Authority in 1947-8 was enabled to take over the then deficit-ridden New York City and Newark Airports and subsequently to invest in excess of a billion dollars of its own funds in the physical development of airline and other facilities at these airports.

PATH, like all Port Authority terminal, transportation and other facilities of commerce, plays a vital role in the preservation of the economic well-being of our Newark, New Jersey metropolitan area. Indeed, PATH may prove to be of special benefit to air passengers in the years ahead since the Port Authority is presently evaluating the feasibility of a plan to provide direct rail access to Newark Airport utilizing PATH equipment.

Moreover, in our opinion, the fees paid by the air carriers for the use of Port Authority airports, which are the result of intensive bargaining between the Port Authority and the airlines, are just and reasonable.

Thank you for your interest in this matter.

Sincerely,

MATTHIAS E. LUKENS,
Acting Executive Director.

Mr. STAGGERS. Mr. Speaker, I commend the chairman of the subcommittee and the members of the subcommittee for bringing this very serious situation to the attention of the Congress so we could take some action on it at this time.

Mr. JARMAN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Oklahoma.

Mr. JARMAN. Mr. Speaker, the hearings of our Subcommittee on Transportation and Aeronautics revolved around the question of State and local taxation and the Federal share of funds to be used for airport construction, maintenance, and improvements. Interest in the hearings was augmented by recent U.S. Supreme Court cases upholding the constitutionality of enplaning charges on passengers using scheduled aircraft. Witnesses representing virtually all segments of air transportation appeared.

Our subcommittee decided to report H.R. 14847 with an amendment to limit the bill to an 18-month moratorium barring the levying or collecting of State or local charges on passengers in air transportation and the vote of the subcommittee was unanimous.

Mr. Speaker, the purpose of this legislation is to authorize the Civil Aeronautics Board to conduct a 1-year study to determine the financial needs at airports which are funded in whole or in part at a State or local level. The Civil Aeronautics Board is to report to the President and to the Congress the results of its investigation with appropriate recommendations as to how the financial needs at airports may best be met. In order to allow time for the Civil Aeronautics Board's investigation and report and for congressional review of the Board's action, the legislation provides for an 18-month moratorium barring States, or subdivisions thereof, from levying or collecting any charges on persons traveling in air transportation.

Mr. Speaker, the Committee on Interstate and Foreign Commerce believes that this moratorium is warranted so that these new charges can be evaluated both as to the merit of such charges and as to the need for insuring uniformity in fundraising for the support of airport construction, maintenance, and development. I urge the passage of H.R. 14847.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, is this to be considered as the Senate version on this subject or the House version?

Mr. STAGGERS. The House version.

Mr. GROSS. Certainly it is not the same as the original House bill.

Mr. STAGGERS. No. We explain it in the latter part of the bill that changes are made, setting forth and amending the title so as to read: A bill to provide for a moratorium on State taxation of the carriage of persons in air transportation, and for other purposes.

Mr. GROSS. Mr. Speaker, I will say to the gentleman I have asked the question because I have had communications from airports in Iowa in my district, and they supported the Senate version and they are very much opposed to the House version or the House treatment on this subject. I am unable on this short notice to determine whether this is the Senate version or the House version.

Mr. STAGGERS. I would say to the gentleman we have to have a conference on it. In the original bill we did have 75 percent instead of 50 percent, but we did not include that as a part of the temporary moratorium.

Mr. BROYHILL of North Carolina. Mr. Speaker, I move to strike the last word.

Mr. Speaker, the situation is that a number of cities and towns around the country have been imposing these head taxes on passengers and it is growing by leaps and bounds. I am sure Members have been hearing from their airport authorities and the managers around the country.

What the committee is concerned about are two things.

First. It is going to result if it continues in a real hodgepodge. We do not know what the administrative burden would be of trying to collect on these taxes. They are certainly not uniform.

Second. Another thing we are concerned about is that the purpose, they say, of collecting these head taxes is so they can build capital improvements at their local airports, but we have evidence to show that these funds may not necessarily be spent for this purpose. They may be used to defray some of their present ongoing administrative costs. So the committee felt a moratorium was necessary at this time in order to give us a chance to come up with a sound long-range program.

No one denies the fact that the local communities which operate these airports certainly need funds to build the needed capital improvements and facilities.

If we are going to do this, I believe we should have a sound, long-range plan which is workable and which does not impose an undue administrative burden.

For this reason the committee has recommended to the House a moratorium and a study. This is not a complete prohibition. All it does is to put a moratorium on for 18 months for the collection and levying of these so-called head taxes. Hopefully by then we can come up with sound recommendations.

Mr. DON H. CLAUSEN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of North Carolina. I am delighted to yield to the gentleman from California.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of the position the committee has taken because I am convinced that the moratorium, as suggested, is the only way in which we will be able to come up with the kind of recommendation that will lead to an ultimate end of the problem and an integrated airport system coordinated among the States and with the local governments that will be systematic, rather than growing like Topsy, piecemeal, as it has in the past.

I believe there will be some recommendations for some of the facilities that will be desired. If we do not do this in a systematic way we will have problems, not only financially but also with respect to congestion and safety as well.

I commend the committee for its action.

Mr. STAGGERS. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. ROONEY).

Mr. ROONEY of Pennsylvania. Mr. Speaker, the legislation before us today provides for an 18-month moratorium on the levying of airport head taxes on airline passengers. I strongly object to the moratorium and, as a frequent air traveler and one vitally interested in the continued improvement of our Nation's airports, am greatly disappointed with the committee's recommendation that it be enacted.

The most important effect of the legislation is the continuing burden it places on the individual taxpayer. The financial support of airport operations should be provided by the traveler who benefits from improved facilities and services for air travel, and not by the general public, part of whose tax dollar is already applied to airport costs.

In my own district, Lehigh and Northampton counties annually contribute $175,000 apiece to operate Allentown-Bethlehem-Easton airport. In addition, a $9 million airport expansion program—which will cost each county approximately $375,000 a year for 30 years—and an airfield expansion program requiring $1 million of local funds over the next 5 years, are both under serious consideration. The tax burden on nonusers of the airport would be greatly alleviated by the imposition of a reasonable head tax on those who use and benefit from the facilities.

The legislation also authorizes the Civil Aeronautics Board to conduct a 1-year study to determine, identify and measure the financial needs of airports. I agree that such an investigation is most important at this time—the percentage of Federal funds to be made available to the airports, extension of Federal aid to construction costs of terminals and land acquisition for new airports, Federal funding of antihijacking and safety equipment required by Federal regulation and provision for long-term operating subsidies for carrying out these programs—all of these questions call for serious investigation. Before establishment of the aviation trust fund in 1970 all Federal moneys for the airports had to be appropriated from general funds. But although the revenue raised by the 8-percent excise tax on domestic tickets, air freight, fuel, and aircraft taxes and the tax on passengers destined for foreign countries has created a substantial backstop for Federal funding, the States and communities are finding it increasingly difficult to raise the 50 percent they are required to provide to match Federal grants.

The Supreme Court decision validating the head tax provided the airport operator with a reasonable and adequate means of collecting additional funds from the users of air transportation to meet the requirements not covered or funded through the airport development aid program. I strongly feel we must support this decision.

Mr. KYL. Mr. Speaker, in the absence of a record vote on final passage, I want to note that I oppose this bill in its present form.

Though there is unquestionably an advantage for all people in a community which operates an airport, those people who actually use the facilities should pay for the service they receive.

Mr. BROWN of Michigan. Mr. Speaker, I think it is regrettable that this legislation, H.R. 14847, was considered while the Members were in a headlong rush to recess, many having already left the Hill and the city. I had several questions to ask, the answers to most of which I knew but which I think should have been made part of this bill's legislative history.

Let me cite just a few:

Does the bill require a return of fees collected to date? Of course, the answer is no; but is that fair to those who have paid the fees and by what authorization can such funds be used for other purposes?

Am I correct that the bill does not alter the present 50–50 Federal-State and local cost sharing, even though it was the carrot of improved and increased Federal funding which prompted the consideration and passage of this legislation? Again, the answer is no.

In other words, Mr. Speaker, every airport badly in need of capital improvements, but which cannot produce the funds necessary to make up the 50 percent local share, will be required to wait 18 months before it can expect any help on the funding of local improvements, and even then such help is not promised nor do we even have any assurance that such a recommendation, if made, will be acted upon promptly by the Congress.

I have mixed emotions regarding this legislation.

I can understand the concern of many which provided the impetus for the consideration of this bill; namely, if we fail to legislate a prohibition against these so-called head taxes they will proliferate indiscriminately and profusely all over the country and administrative and tax chaos will result.

At the same time, I think the cost of the airport construction and improvement, like the cost of highway construction and improvement, should be primarily borne by those who use these facilities, to wit, air carriers, passengers, and air cargo shippers and users. Not only has the practice of requiring general taxpayers and property taxpayers to bear this cost become unpopular, it has become unproductive of revenues, the voters having rejected such proposals all over this land.

To illustrate the myriad problems that presently confront airport authorities, I would like, at this point, to quote in full a letter I received last week from Mr. James Caplinger, city manager of Kalamazoo, Mich., one of the cities in my district:

AUGUST 16, 1972.

Hon. GARRY BROWN,
House of Representatives,
Washington, D.C.

DEAR MR. BROWN: The City Commission of the City of Kalamazoo, by a unanimous decision, has asked that my office communicate with you to define our problems and our feelings as to the importance of allowing us to maintain a user's fee at our airport. Both the City Commission and the City administration of the City of Kalamazoo wish to go on record as being strongly opposed to current legislation which would call for a moratorium on, or abolition of, the use of user's fees. We do, however, feel that "head taxes" which are not specifically allocated to the development, maintenance, and operations of airports are improper and should not be allowed. Therefore, we could support legislation which would abolish an indiscriminate head tax but yet permit reasonably based user's fees which will support actual airport operations and development. While this letter is somewhat lengthy, it relays a number of very basic concerns and problems we are faced with. Therefore, I hope you will have the time to study it in some detail.

The City of Kalamazoo operates its own municipal airport, which has been recently designated to have interim regional status as a result of route consolidations in our area. We are about to embark on a $5,500,000+ airport development program. Obviously, we are going to need substantial additional revenues above and beyond our current revenue base, if we are to implement this capital improvement program and also to operate and maintain the new facilities created on an ongoing basis.

We anticipate that we will be able to pay a part of the cost of the capital improvements and operations through increased fees at our airport. Unfortunately, the City of Kalamazoo Municipal Airport, like many smaller airports, has only one regularly-scheduled commercial air carrier. This is the case, even though we serve a definite regional area concerning air transportation services. Therefore, we are in a rather difficult position with regard to how high we can effectively raise such things as landing fees and space rental rates.

In the past the City of Kalamazoo has substantially subsidized airport operations from local city tax revenues. However, with the recent trends of rising costs and the less rapid growth of revenues available, severe budgetary constraints have been imposed on many of our activities and programs. We feel that we are realistically facing the fact that we will no longer be able to substantially support airport costs from our local tax revenues. At the same time, air carriers feel they should not have to pay the actual cost of providing facilities for air transportation operations. They expect either city government, state government, or the federal government to pay a substantial portion of that price tag.

As an effort to provide improved and high-quality air transportation facilities for Kalamazoo and the southwestern Michigan area, our City Commission recently enacted by ordinance a user's fee at our Kalamazoo Municipal Airport. The revenues from this user's fee are designated solely for use in airport development and operations and, in fact, will be kept in a separate fund aside from the City general fund. We are making, and will continue to make, every effort to comply with both the technicalities and the spirit of the Supreme Court decisions recently handed down concerning usage of such fees. We recognize that there may be some possibilities that a few scattered communities may try to misuse this newly-found source of revenue, and we feel that whenever this happens, immediate and continued prosecution against those misuses should be undertaken. However, we do not feel that all communities having costly airport operations to support should be penalized for the potential misconduct of a very few airport operations.

We feel that the legislation currently pending before Congress has the effect of severely penalizing communities by removing from them a newly-found, much-needed, and long overdue source of revenues for their airport operations. Attempts to remove this source of revenue come at an especially bad time, when construction and operational costs are skyrocketing and at a time when new safety standards and security measures are being required for airport operations.

I wish to make it clear that we are not at all adverse to implementing, in good spirit, programs which will provide for necessary safety and security measures at our airport. But these items do have a significant ongoing cost. It is highly questionable if we will have adequate funds to carry out these programs if a user's fee is not allowed at our airport, due to the tightness of our budget, which was mentioned earlier.

We know that the airlines have a powerful lobby, which contributes substantially to election campaigns and political parties, and we realize the pressure this must bring to bear against many of our Senators and Congressmen. But we are hopeful that the same idealism and hard work, which is moving our country to the much-sought-after, popular, and needed goal of federal revenue sharing, will not be lost in a backward step, which would have the effect of removing from local governments the ability to fund their own operations at the local level.

> It is my understanding that some of the legislation being considered, which would propose a moratorium on, or abolition of, head taxes and user fees, does include the possibility of substantially greater grants from the federal government. *However, increased percentages in grants mean nothing if, in fact, appropriations are not made which provide enough grant monies to meet the needs of virtually all of our airports. If the grant percentages are any less than 100%, it will still be virtually impossible for many smaller airports to come up with the local share needed to obtain the grants, if the user fee is disallowed.* (Emphasis added.) Also, by placing a higher emphasis on grant programs and grant percentages, we will be placed in a political situation where the larger airports, which are more capable of being self-supportive, will, indeed, have the better chance to obtain the grants, whereas the smaller airports, having less of a chance to support themselves, will have a lesser possibility of obtaining the grants. This is the paradox which often creeps into grant programs and which makes it difficult for smaller communities to compete, even though they have significant long-term needs.
>
> We also would like to take this opportunity to reply to one of the major criticisms that airlines have levied against the user fee concept. That criticism goes something like this: If a user fee is allowed at airports, this will have the impact of increasing the cost of air travel, thus significantly reducing passenger enplanements and the utilization of air transportation services. I call on you and plead with you to recognize the fallibility of this argument. In fact, if the airlines were so concerned with this area, they undoubtedly would not ask for and receive continual rate increases for airline fares. It seems to me that there is some hypocrisy in this approach. When they need the money, fare increases are an absolute necessity! When local government needs the money to supply air facilities, then the increase in cost should not be passed on to the passengers, because it may deter them from using air services.
>
> I not only hope that you as an individual will vote against the pending legislation or legislation that may come out of a Senate-House Conference Committee, which would abolish, or call for a moratorium on, user fees; but I hope very sincerely that you will accept a personal responsibility to convince at least one or two other Congressmen, who would otherwise support such a bill, to change their minds and to vote against it.
>
> A vote *against* legislation of this type is a vote for making local government fiscally responsible for its actions and coping with its own needs and problems. A vote *for* legislation of the aforementioned nature is a vote to make local government more captive of airline interests than they already are and to place them in a position of growing dependence on federal monies simply to support their existence. I think you will agree with me that local government which loses the ability to have reasonable control over its destiny, with regard to its development and financial management, will in the long run cease to function as a reasonable entity in solving the problems our society is facing today and will face in the future.
>
> Please oppose this legislation, which is being lobbied by the airline and other associated interests. Thank you very much for your consideration and assistance in this matter.
>
> Sincerely,
>
> JAMES L. CAPLINGER,
> *City Manager.*

It, therefore, seems to me that the Congress could have acted much more responsibly. If we were going to decide to limit the availability of revenue resources to airport authorities, municipalities, and other units of government, we should have, in the same legislation, discharged our responsibility to these units of government by providing an alternate source of revenue; that is, increased Federal assistance.

For longer than I care to remember, I have advocated at least a 75–25 Federal-State ratio of funding for airport construction and improvement. It should have been incorporated in this bill regardless of the method used to finance such additional assistance at the Federal level. Irreparable damage will be done to good airport planning and air service while this airport financing "moratorium," if I may call it such, is in effect.

I, therefore, call upon those charged with the responsibility of this study and report to get to their task immediately and file their recommendations far in advance of the time limitation the bill provides.

The SPEAKER. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for a moratorium on State taxation of the carriage of persons in air transportation, and for other purposes.".

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, pursuant to the provisions of House Resolution 1095, I call up from the Speaker's table the bill S. 3755, to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of S. 3755 and to insert in lieu thereof the provisions of H.R. 14847, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to provide for a moratorium on State taxation of the carriage of persons in air transportation, and for other purposes.".

A motion to reconsider was laid on the table.

A similar House bill (H.R. 14847) was laid on the table.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendment of the House to a concurrent resolution of the Senate of the following title:

S. Con. Res. 94. Concurrent resolution providing for an adjournment of the two Houses from August 18, 1972, to September 5, 1972.

CONFERENCE REPORT ON S. 3323, NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 16, 1972.)

The SPEAKER. The gentleman from West Virginia is recognized for 1 hour.

Mr. STAGGERS. Mr. Speaker, the conference report we are considering today is in most respects the same as the House-passed bill, except that we split the money figures with the Senate, added provisions relating to emergency medical services, and permitted the conduct of prevention programs at research, training, and demonstration centers authorized by the House bill.

As passed by the House, the bill would have authorized appropriations of $1.290 million over a 3-year period, and the Senate bill authorized $1.470 billion over the same period. The conference agreement splits the differences, authorizing $1.380 billion.

The House-passed bill authorized the construction and operation of up to 30 research, training, and demonstration centers. The Senate bill contained the same provision for 30 centers but also provided authority for construction of 10 cardiovascular disease prevention centers. There was considerable opposition to this feature of the Senate bill, and in the conference, the Senate receded from this feature, but we included as functions of the research, training, and demonstration centers the activities intended to be covered in the 10 clinics contained in the Senate bill.

Mr. Speaker, this bill does the same thing in the area of heart disease as the Congress did last year with respect to cancer. Enactment of this bill, in our opinion, will strengthen the national attack on heart disease, which as we know is the Nation's No. 1 killer.

I know of no opposition to the conference report and urge its passage.

Mr. ROGERS. Mr. Speaker, I join Chairman STAGGERS in urging my colleagues to unanimously agree to the conference report on the National Heart, Blood Vessel, Lung, and Blood Act of 1972. This report will authorize an all-out Federal attack on major causes of death and disability in our country today:

On cardiovascular disease which is the Nation's leading health problem, afflicting more than 27 million and killing more than 1 million persons annually;

On chronic pulmonary disorders—such as asthma, bronchitis, and emphysema, which directly cause more than 30,000 deaths each year and contribute to at least 60,000 more;

On diseases of the lung which disable 20 million persons annually; and

On disorders of the blood such as sickle cell anemia and hemophilia, which produce lifelong disability for those afflicted and cause untold suffering and anxiety for victims and their families.

Mr. Speaker, this report is in most respects identical to the House-passed bill which was reported by the Subcommittee on Public Health and Environment. I am certain all my colleagues can support it, and I urge that they do so.

Mr. STAGGERS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

AMENDING THE PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 15474) to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in Cooley's anemia, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 4, line 4, strike out "$25,000" and insert "$1,000,000".

Page 5, line 15, strike out "part," and insert "title,".

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. ROGERS. Mr. Speaker, I rise to urge the House to concur in the amendment of the other body to the National Cooley's Anemia Control Act which passed the House almost unanimously on August 1. This legislation is designed to provide for increased research emphasis within the National Institutes of Health against this little understood disease which threatens to continue to increase across this country. The legislation also provides for the establishment of critical screening, treatment, and counseling and information programs to benefit persons unfortunate enough to have the disease or carry its trait. This measure will insure better therapy and badly needed increased efforts at prevention of Cooley's anemia. Hopefully, it will result in a cure for this painful, debilitating disorder. I urge its unanimous approval by the House.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CLAIMS OF YOKOHAMA SPECIE BANK DEPOSITORS

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8215) to provide relief for certain prewar Japanese bank claimants.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the bill as follows:

H.R. 8215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law to the contrary, persons of Japanese ancestry interned or paroled pursuant to the Alien Enemy Act during World War II may assert debt claims based upon yen certificates of deposit issued by the pre-World War II Hawaiian or United States branches of the Yokohama Specie Bank, Limited, payable from the vested assets of the bank remaining in the custody of the Attorney General after final distribution is made under the April 30, 1968, judgments and decrees of the United States District Court for the District of Columbia in Honda against Clark, civil action numbered 1179–64. Legal representatives or successors in interest, by inheritance, devise, bequest, or operation of law, of debt claimants, other than persons who would themselves be disqualified from allowance of a debt claim, may apply for and receive payment to the same extent as their predecessors in interest would have. Claims under this Act shall be filed not later than one hundred and eighty days after the date of enactment of this Act with the Office of Alien Property of the Department of Justice.

SEC. 2. Claims payable under this Act shall be subject to section 20 of the Trading With the Enemy Act, and required to meet all conditions of allowability and defenses prescribed by section 34(a) of the Trading With the Enemy Act, except the provision concerning allowance of claims of persons interned or paroled pursuant to the Alien Enemy Act, and the defense that the underlying debt obligation has been released or exonerated on or after November 14, 1957, by its redemption or surrender for consideration.

SEC. 3. Claims shall be payable at the same yen-dollar conversion ratio afforded to claimants under the consent decree of the United States District Court for the District of Columbia of April 30, 1968, in Honda against Clark, civil action numbered 1179–64, to the extent funds are available therefor.

SEC. 4. Payments under this Act shall be made as expeditiously as possible. Without prejudice to the administrative authority of the Department of Justice to pass upon allowability of each claim for payment, the United States District Court for the District of Columbia is authorized to dispense with the requirement of section 34(f) of the Trading With the Enemy Act for the publication of a schedule of debt claims, and to waive or prescribe any other procedural requirement (including establishment of time limits on final proof of claim) as it may find appropriate or necessary for the fair and expeditious administration of this Act.

With the following committee amendment:

Page 3, beginning in line 2, strike out "Without prejudice to" and all that follows down through the period in line 11 and insert in lieu thereof the following: All determinations with respect to the form and content of claims under this Act, the proof thereof and all other matters related to proceedings on such claims, including the allowance and disallowance thereof and the proration of available Yokohama Specie Bank assets among allowed claims if insufficient for full payment, shall be within the sole discretion of the Attorney General or his designee and shall not be subject to review by any court."

The SPEAKER. Without objection, the amendment will be agreed to.

Mr. HALL. Mr. Speaker, reserving the right to object, I simply want to ask two points of information.

Of course, it is obvious that there had to be a preclearance for this deserving bill on the claims of the Yokohama Specie Bank depositors or it would not be up at this time and in this order in view of its date of filing. I favor this. I think it is only just and equitable that these long-held funds be returned to their rightful owners. But I would like to know if any of the funds actually to be redistributed were gained by their owners and/or depositors from trading with the enemy.

Mr. STAGGERS. No, when the war broke out the money was in the bank. It was impounded by the Government.

Mr. HALL. Mr. Speaker, I would say that that would not necessarily make it so.

Mr. STAGGERS. I know that is true.

Mr. HALL. Because it could have been deposited from ill-gotten gains, but, what I am really asking is will an investigation be made by the War Claims Settlement Fund, or whoever is going to distribute this, to determine that no ill-gotten or improper deposits made from trading with the enemy under that act will be redistributed?

Mr. STAGGERS. I would like to say this: that the money was earned by these people before December 7, and was deposited in branches of the Yokohama Specie Bank in the United States. Also I am sure that the Justice Department would have cleared up any such fact, and they would have made it clear that none of this money would have been gained illegally or by trading with the enemy.

As the gentleman knows many of their sons fought for our country in World War II. They are good people. Most of them received their American citizenships, when the law was changed in 1952.

I might further say that many of these people have died, and that there is a total of about $4.5 million involved. The Justice Department is not opposed to this. Under those conditions I am sure that everything would have to be correct.

Mr. HALL. I appreciate the gentleman's statement, and it is very reassuring. I do know that the bill itself prohibits those who were returned to their native country during the war and after the war from being included in this bill.

I have one other question, and that is why the last nine words in the bill, which simply says, "shall not be subject to review by any court"?

Mr. STAGGERS. This allows these people to file applications. After they have been filed the Attorney General will make his decision. There will not be any court ruling to hold these moneys up for years in the courts. They have been held since 1941, that is long enough. As I say, there is about $4.5 million involved.

Mr. HALL. I understand that there will be some lost claims, and I hope that those funds could be distributed for the general good of the country.

I know that some of these people who are involved, their scions and heirs served so ably and well in the 441st and 442d Infantry units in Italy.

But the answer of the gentleman is that there will be no after review by the courts after these funds are returned. And, as I said before, we have held this money long enough, and I believe these funds should be returned.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Missouri.

Mr. Speaker, H.R. 8215, as reported by the Interstate and Foreign Commerce Committee, would permit Japanese-Americans who were interned or paroled during World War II under the Alien Enemy Act to file creditor claims with the Office of Alien Property of the Department of Justice for payment on yen certificates issued by branches of the Yokohama Specie Bank from vested assets of that bank in the custody of the Attorney General. Approximately 5,800 claimants have received payment from the vested assets of that bank, leaving approximately $4,500,000 in the custody of the Attorney General.

This bill permits the filing of claims by persons of Japanese ancestry who have been barred from recovering payments solely because of their internment or parole under the Alien Enemy Act.

The bill as reported includes an amendment recommended by the Justice Department which provides that all determinations under the bill shall be within the sole discretion of the Attorney General, and not subject to judicial review.

Enactment of the bill would not cost the Federal Government 1 cent. The Justice Department has no objection to its enactment. The bill was reported by unanimous voice votes from the Subcommittee on Commerce and Finance and the full Interstate and Foreign Commerce Committtee.

Mr. MATSUNAGA. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I am most happy and delighted to yield to the gentleman from Hawaii, the gentleman who introduced the legislation.

Mr. MATSUNAGA. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as the introducer of H.R. 8215, a bill that would provide relief to certain prewar claimants of the assets of the Yokohama Specie Bank, I rise in support of the measure. At the outset I wish to thank the distinguished chairman of the committee, Mr. STAGGERS of West Virginia, and the distinguished chairman of the subcommittee, Mr. MOSS of California, for the most expeditious manner in which they brought this measure to the floor for House consideration. In behalf of the beneficiaries of the bill I express my deepest appreciation.

The bill which I introduced is directed toward erasing one of the last vestiges of what has been called "the blackest page in American history." I am referring, of course, to the evacuation of 110,000 Americans of Japanese ancestry and their parents, who were uprooted from their homes along the west coast and Hawaii, deprived of most of their property, and imprisoned in what the Federal Government chose to call "relocation camps" or "internment centers," but which were in fact concentration camps, complete with barbed wire fences and armed guards.

Before the attack on Pearl Harbor, Hawaii, on December 7, 1941, a great many immigrants to America from Japan held yen certificates of deposit with Japanese banks having branches in the United States. The Yokohama Specie Bank was one of these. At the outbreak of World War II, the assets of Yokohama Specie Bank and other enemy firms were confiscated, or vested, under the authority of the Trading With the Enemy Act, so that those properties would not be used to aid the enemy during the period of hostilities.

When Congress in 1946 enacted a comprehensive plan for allowing claims of legitimate creditors of the enemy alien firms and entities whose assets had been vested, payment was expressly barred to creditors who were interned or paroled as "enemy aliens."

And how did these people earn the designation "enemy alien"? For the overwhelming majority, it was disarmingly simple. In the first place, all Japanese immigrants were aliens, not because none cared to become a citizen of his new country, but because Federal law forbade it. It was not until 1953 that Japanese immigrants were permitted to become naturalized American citizens. Incidentally, once that bar was removed, thousands demonstrated their long-felt loyalty by becoming naturalized citizens of the United States. But, because Japanese immigrants were noncitizens, that was enough to classify them as "enemy" aliens, particularly along the west coast, and virtually every one of them was swept up in the internment and parole machinery. In the then Territory of Hawaii, the authorities were more discerning, since interning all those of Japanese ancestry would have tended to destroy Hawaii's economy. Nevertheless, nearly every Buddhist priest, nearly every teacher in a Japanese language school, and nearly every official in a Japanese fraternal organization was automatically classed as dangerous.

Once Congress permitted it, almost every one of the "enemy" aliens became naturalized American citizens. A great many had sent their sons to war for America, both in the Pacific and European theaters. In 1956, Congress refused to discriminate against internees when it passed the Evacuation Claims Act, which compensated Japanese Americans for certain property losses suffered during the period of wartime hysteria. Under that act, Congress expressly permitted recovery by those who had been interned and subsequently released.

But the bar created by section 34(a) of the Trading with the Enemy Act remained. When internees holding yen certificates of deposit attempted to recover their money, they were told that the statute did not permit payment. Other Yokohama Specie Bank depositors, following lengthy litigation over the conversion rate, were permitted to recover their money at the prewar conversion rate of about four yen to the dollar. After all pending claims have been litigated and allowed, the Attorney General estimates that the balance of the Yokohama Specie Bank vested assets in his custody will amount to about $4.5 million.

However, the rightful owners of this amount find themselves in a dilemma, for the one hand, vested assets of the Yokohama Specie Bank remain available, while, on the other hand, their legitimate claims against those assets have been barred by law from recovering their hard-earned savings. The purpose of H.R. 8215, Mr. Speaker, is to eliminate this obvious injustice by removing the statutory bar to those with just claims against the remaining vested assets of the Yokohama Specie Bank. The pending bill would require claimants to meet all of the other requirements of the Trading with the Enemy Act. All legitimate arguments against the claims could be raised; but having been interned or paroled during World War II on account of racial ancestry would not constitute a bar to recovery.

H.R. 8215, as reported, includes an amendment recommended by the Department of Justice, which otherwise finds the bill acceptable. The amendment would give the Attorney General final authority to decide the validity of claims filed under the bill, rather than involving the U.S. district court which has jurisdiction in the case of other Yokohama Specie Bank claimants.

No one knows how many depositors have been deprived of their life savings by our existing laws. The Justice Department estimates there may be as many as 2,000. An attorney who handled a great many of the original Yokohama Specie Bank claims estimates the number at about 800. Regardless of the number, each of these wronged individuals is entitled, in the name of simple justice, to present his legitimate claim.

To illustrate a typical case with which we are here concerned, permit me to read a few lines from a letter which I have received:

> My parents have always been honest, hardworking people who believe in saving for future needs so that they would not need to depend on others. Thus, they made periodic deposits to the [YSB] bank during the pre-War years by living economically. Since my father was employed as a clerk at the Japanese consulate [in Hawaii] when World War II began, our family suffered humiliation and loss of freedom by being placed in concentration camps in Utah and California . . .
>
> My parents are financially disadvantaged now due to my father's condition (he has been an invalid for about 11 years now). My mother devotes full time to his care. They are both very anxious to recover their money.

Mr. Speaker, because of the advanced ages of potential beneficiaries of H.R. 8215, each week and month that passes by without its enactment means that fewer and fewer of the original Yokohama Specie Bank depositors would be able to benefit personally from the righting of this inequity.

There is a great deal of truth in the maxim that "Justice delayed is justice denied." For these Americans of Japanese ancestry, justice has been delayed for more than a quarter of a century. Let us not deny them justice any longer and approve H.R. 8215 unanimously.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 8215, legislation to provide relief for Japanese-Americans whose bank funds were seized during World War II by the U.S. Government.

This legislation would help correct one of the major inequities arising from the wartime internment of these Americans.

Under this bill, those who were interned or paroled under the Alien Enemy Act may file claims with the Office of Alien Property, Department of Justice, for repayment of funds deposited by them in United States or Hawaiian branches of the Yokohama Specie Bank, Ltd., prior to December 7, 1941. The claims would be payable from assets of the bank, which were vested by the U.S. Government at the outbreak of World War II. In the long absence of this legislation, Japanese residents of our country are barred by section 34 of the Trading With the Enemy Act from presenting claims for their rightful deposits.

The amount involved is about $4.5 million presently being held by the Justice Department. The bill does not provide that the persons whose deposits were confiscated will receive any interest payments on the $4.5 million that was taken.

Thus, the bill is a small step, indeed, toward righting the tremendous wrong that was inflicted on those whose only crime was having ancestral heritage of Japan. Previous legislation has granted some relief for other types of loss, but the legislation today would permit at least some compensation for losses of moneys that would be far more substantial today had this capital accrued interest or investment gain.

Equity requires that these 1,000 to 2,000 depositors be allowed to have their claims considered. This legislation would permit just repayment for approved claims.

I urge the adoption of H.R. 8215.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The committee amendment was agreed to.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the three bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

LEGISLATIVE PROGRAM FOR WEEK OF SEPTEMBER 4

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of Illinois. Mr. Speaker, I take this time to inquire of the distinguished majority whip if he can inform us as to the program for the week of September 4.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of September 4, 1972, is as follows:

Monday, the Labor Day holiday, there will be no session.

Tuesday, the Private Calendar will be called.

Following the Private Calendar:

Conference report on H.R. 12350—Office of Economic Opportunity amendments.

Conference report on H.R. 13089—National accelerated reforestation.

Wednesday, the bill, H.R. 13514—Wheat research and promotion. An open rule with 1 hour of debate.

Thursday and the balance of the week:

H.R. 12114—Indian lands in Oregon. An open rule with 1 hour of debate.

H.R. 15003—Consumer product safety. Subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced during that week.

Mr. ANDERSON of Illinois. Mr. Speaker, I would further ask the majority whip with respect to the bill, H.R. 13694, a bill to amend the joint resolution establishing the American Revolution Bicentennial Commission. It is my recollection that we had finished general debate and were proceeding under the 5-minute rule on that bill and had not completed it.

Is there any intention to schedule that bill for the week of September 4?

Mr. O'NEILL. The answer is in the negative due to the fact that the chairman of the Committee on the Judiciary has served notice that the bill will not be called up during that week.

Mr. ANDERSON of Illinois. I thank the gentleman.

EXPORT ADMINISTRATION ACT EXTENSION

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, on Wednesday this House overwhelmingly rejected attempts to circumvent the rules of this House and rush through controversial legislation in the final days before recess for the Republican Convention. At the time, practically every speaker who addressed himself to the merits or demerits of House Resolution 1094 ended up discussing the merits or demerits of the conference report on S. 3726, the Export Administration Act extension. Before the end of the debate, there could have been very few in this Chamber that were under any illusion that, in fact, House Resolution 1094 had been specifically designed to allow that conference report on S. 3726 to be whipped through this House in record time contrary to the intent of the Legislative Reorganization Act of 1970 which requires a 3-day waiting period to allow Members to acquaint themselves as completely as possible with the complicated details contained in any conference report, particularly on controversial legislation such as the Export Administration Act extension. Still, it is interesting to point out for the record that the Rules Committee and others did attempt to maintain the pretense that House Resolution 1094 had no such purpose in mind and in point of fact, was not directed at speeding through any one conference report.

Well, today, Mr. Speaker, the masks are off and we are dealing with a much more honest, straightforward resolution, House Resolution 1102, which specifically waives the rule for our old friend—or foe, as the case may be—S. 3726, the Export Administration Act extension. In other words, Wednesday's complicated maneuverings are made plain for all to see today. The powers-that-be are going to stop at nothing apparently in their attempts to steamroll through one of the most controversial bills this session, affecting as it does, vital economic interests in different sections of this country. Somebody up there likes this bill. Somebody up there is going to stop at nothing in their attempts to get this bill through. I am under no illusions that if we do beat back today's latest ruse, we will face another maneuver later. At least, however, things are more open now. We know the bill that is the subject of such unprecedented concern. Make no mistake about it, there are powerful interests pushing for this bill and it is clear they are stopping at nothing.

Actually, nothing newer need be said against today's resolution than was said Wednesday. The Clerk would merely have to reproduce Wednesday's debate again today in order to get all the arguments for and against this resolution. The only difference would be that the Clerk could delete all references to and pious concern for such national security measures as military procurement and construction bills, OEO conference reports, and so forth and so on, because it is clear that these measures are not really what the powers-that-be had in mind with either Wednesday's or today's Rules Committee resolutions.

Mr. Speaker, if there was a genuine concern that the Export Administration Act be extended on time, why was not a bill reported from the committee with jurisdiction in plenty of time before the July 31 deadline? If the lapse of statutory authority to impose export control was really the concern of the banking and currency committee, this bill should have been before us months ago, not days ago. The fact of the matter is, Mr. Speaker, that what put fire behind this bill and got the Banking and Currency Committee moving on this bill, is that on July 17, the Secretary of Commerce exercised some of the power granted to him under the terms of the old legislation. That is when the committee galvanized itself into frenzied activity and spared itself no effort in reporting a bill out in record time and now is asking the House not even to consider it 3 days before accepting 100 percent the terms of a far-reaching conference report. Make no mistake about it, the bill behind this resolution is not an extension of export control. It is a rewriting of export control authority for all intents and purposes. No longer will the Secretary of Commerce have the authority to impose controls where needed over agricultural commodities because the Secretary of Agriculture, whose constituency should be apparent to all, is in effect being granted veto authority by this seemingly innocuous conference report which might be before us today.

Make no mistake about it, this bill does not merely extend existing legislation. It grants statutory authority to yet another agency, yet another advisory council to the President—and we all know how much this country cries out for yet another advisory council to the President. What this bill does is create another Henry Kissinger, another man that will be answerable only to his views of the world as he sees it and to the President. Big deal—Congress is going to get yet another annual report. But, is the Senate going to have the power to approve the chairman of the advisory council? No. Is either the House or the Senate going to have the right to question the chairman or members of this committee? No. But this committee will, in effect, be assuming functions now being performed by an established department such as the Treasury Department or an established agency such as the Federal Reserve over which Congress today enjoys some jurisdiction and can expect some responsiveness and accountability. Mr. Speaker, the last thing Congress needs to do is to further erode its power of questioning and review over the activities of the Executive Department. We have already witnessed what can happen in the foreign policy field when much of the State Department's authority was transferred to a presidential advisor. We should be wary indeed of making this mistake this time in the international economic field. Mr. Speaker, the backroom at the White House is already too crowded. It is time to open up the doors and the windows. It is time that we, too, received some of the confidences now intended only for the President's ears.

Mr. Speaker, the saddest part of all when you look at this conference report is the total realization that it represents one of the most incredible cave-ins on the part of this House to the wishes of the other body. Mr. Speaker, this body a few weeks ago overwhelmingly defeated title I of our own Export Administration Act extension bill only to find our conferees have brought it back in this Trojan horse that is the conference report before us as title II. What was bad as title I in our own bill is hardly better because it comes back as title II in S. 3726. As a matter of fact, title I before it was stricken contained the sort of qualifications, provisos, riders, restrictions, what have you, that alone made statutory recognition of yet another advisory committee in any way palatable.

Now why do I take the House's time today in yet another effort to make sure this House deliberates carefully and conscientiously over this particular conference report? Mr. Speaker, I do so because perhaps never before in this Nation's history have we, as an economy, been so beset with the most fundamental international problems. Trade deficits month after month are at an alltime high. Instead of a balance of payments, what we have in effect, is a continuing imbalance of payments. Foreign investment opportunities look brighter than ever before, while our own domestic economy continues in the doldrums for lack of the necessary rejuvenation which can only come from massive reinvestment. Unemployment rates stand at record levels and the story is abroad in the land that our foreign trade policies have a bearing on these figures. Mr. Speaker, all around us we see huge corporations growing like topsy. Economic power every day is further concentrated in the hands of few giants who already have too much power. These corporations increasingly know no national boundaries and not surprisingly display few loyalties to any nation. Money, jobs, goods are moved about the world as if it were a chessboard, with no regard for national boundaries or the unemployed that are left behind. Mr. Speaker, we forget, at our own peril, that there are pawns in this international chess game and they are the workers we were elected to represent. And over and above all of this, the dollar increasingly appears to be more of a yo-yo than a stable international monetary standard.

So. Mr. Speaker, at the very time we should be proceeding cautiously in this area of international economics; at the very time when we should be engaged in a national soulsearching about what has gone wrong and where we should go in the future; at the very time we should be reviewing existing trade policies that have brought us into this chaos and for the first time tackling both the challenge and the problem presented by the multinational corporation as a modern business unit; at the very time we should be having extensive foreign trade hearings before the committees with jurisdiction in this field—at the very time all of these things should be going on, we are treated to the sorry spectacle of a House passing without due consideration or concern for the far-reaching implications legislation such as that embodied in the conference report on S. 3726. Mr. Speaker, in view of the broad authorization of objectives and the glib marching orders for this new statutory committee; I cannot in all good conscience, support any attempt to save even so much as a day in considering the legislation before us. For a bill which started off as one of the most poorly written bills ever to be reported from committee this session, only to be virtually rewritten on the floor, then only to be virtually scrapped on the floor; for a bill which represents a total sellout to the other body; this bill has come a long way very far, very fast. It is time that this House had the courage to blow the whistle on its meteoric rise to the status of law and slowed it down just long enough for each Member here today to know what it is all about. Mr. Speaker, I urge in just as strong terms today as Wednesday, the defeat of this latest attempt by the Rules Committee to circumvent the purposes of the Legislative Reorganization Act.

THE SPIRIT OF '76

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, as most of us are aware, the United States will be celebrating its historic bicentennial in 1976. For this momentous occasion, the old but very fitting theme—"The Spirit of '76" has been appropriately revived.

Speaking of another kind of spirit, I should like to bring to the attention of my colleagues that, on September 20, the California Brandy Advisory Board will be hosting a reception here in Washington as part of their promotional program to bring to the attention of those people who are, as yet, unaware that we in California are now producing quality brandys for those who enjoy good brandy.

California brandy, in addition to providing comfort and pleasure to brandy fanciers, also is rapidly becoming a viable contributor to our Nation's economy at every level of government. In 1971, California brandymakers paid taxes in excess of $175 million—and that is nothing to be sniffed at.

Representing the Napa, Sonoma, and Mendocino County "Wine Country", as I do, the contribution to the economic stability of these areas, by this industry, is well known but the beauty of the vineyards in these valleys can only be appreciated by those that visit the area. The quality of the environment is matched only by the quality of the products of the area.

We invite you to come visit us and assure you that you will leave with a good feeling and a good taste in your mouth.

LABOR-HEW APPROPRIATION VETO

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, the President, by refusing to sign into law the Department of Labor-HEW appropriation bill, has proclaimed to the people of the United States that he, and he alone, is the sole director of priorities in this Nation.

Not only has the President credited to himself and his administration, action initiated, analyzed, drafted, rewritten, reported, and passed by this Congress, but he insists on calling this body reckless and inflationary because we added $1.8 billion to this human needs legislation.

Let us look at the President's record of concern for America's health, education, and manpower needs and in particular his record of Government spending.

Health, manpower legislation—the administration withheld support from the bill until the day it reached the floor. The administration's own bill provided for only about half as much funding.

Sickle-cell anemia—the Deputy Assistant Secretary for Legislation in HEW testified against the bill calling it "redundant and unnecessary."

Cancer research—long before the administration introduced a cancer bill, a Democratic initiated measure had been reported out of committee.

In fact, this administration, which claims to be second to none in its concern for America's health, education, and manpower needs, proposed an NIH budget that, exclusive of increases for cancer research, is considerably lower than last year's budget. It proposed a decrease in Office of Education expenditures and repeatedly rejected congressionally initiated measures in the manpower field. This administration may be second to none in its concern. But it is long on concern and short on action.

Apparently in the President's eyes only budget increases for human welfare are inflationary—for President Nixon has been generous in his recommendations for increased defense spending.

Despite, or in President Nixon's strange logic, because of, the SALT agreements and the "ending" of the war in Vietnam, he has proposed hikes in military spending far greater than those this Congress has made in his Labor-HEW budget.

Mr. Speaker, the $1.7 billion increase in the President's Labor-HEW request provided by Congress, though for the public's welfare, is of secondary priority to this administration. Much of the increase was necessary simply to replace funds cut by the administration. For example, President Nixon saw fit in his budget to cut $400 million in medical school, hospital and other health construction programs. In spite of the President's calls for quality education for all children, $200 million in aid to schools in federally affected areas was slashed.

Despite almost daily alarming news about drug use, the Office of Education signalled its intent to cut back Federal support for ongoing community-based drug education projects. Funding for programs directly aimed at coming up with cures for this Nation's most menacing diseases did not escape the administration's paradoxical pecuniary parsimony.

President Nixon has told us that these cutbacks and the lack of new funding in the human welfare fields are the price we must pay for the restoration of economic stability. Of course, the President's credentials as an economic prognosticator are not very good. His own action in recommending increased funds in defense appropriations, hardly strengthens his case. Even without explaining away his inconsistency, the President would be hard pressed to justify his obsessive opposition to these budget hikes.

The President neglects to mention the end savings likely to result from adequate financing of human welfare programs. Is not the President aware that estimates of the loss to the economy due to individuals suffering from Parkinsonism, stroke and cerebral palsy run in the range of $100 billion a year? Is not the President aware that the resulting burden on public agencies comes to about $10 billion a year? Why then did the administration's budget provide virtually no increases for research on the causes and cures of these diseases?

The President tells us that this appropriation is recklessly inflationary. He fails to tell us that like everyone else, the Government is affected by inflation. Additional funds are necessary just to sustain existing program levels. Financing of urgently needed new programs designed to improve our welfare demands even higher appropriations.

The President leads us to believe that the slightest addition of funds above his budgetary requests will launch us into an uncontrollable inflationary spiral. He conveniently ignores the 5.5 percent current unemployment rate. He is apparently unconcerned that the economy is now operating at only 75 percent of its capacity.

The President tells us that we must limit Federal expenditures, but the President does not do so himself. The President's programs result in billions of dollars in increased deficits, yet the President draws the line at the increases he has suggested. Is the President really opposed to new spending or is he only opposed to the spending priorities promoted by this Congress?

Let us analyze the record of recent Government spending.

For fiscal year 1972 the budget was $231.5 billion. This year the President has set a price of $250 billion as the magic mark. This means that his budget is $18.5 billion more than was spent in fiscal year 1972. In his veto message of the Labor-HEW appropriation bill, the President has stated that it is $1.8 billion more than he is willing to spend. How many thousands of people will suffer from President Nixon's unwillingness to raise the budget from $250 billion to $251.8 billion.

Let us look at the record for the last 20 years. During the Eisenhower administration, the average deficit for each fiscal year was $2.7 billion. During the Kennedy administration, the average deficit per year was $7.5 billion. During the Johnson administration, the average deficit was $11.5 billion. During the years of President Nixon, the deficit has been $27 billion a year. About 25 percent of our national debt has occurred during the administration of President Nixon.

With these figures it is hard to rationalize how President Nixon could in good conscience have vetoed the Labor-HEW appropriation bill.

The American people are tired of a President who talks about inflation while favoring substantial defense spending increases and opposing legislation that would quench the inflationary fires in the health industry by providing an adequate supply of trained manpower. They are fed up with the President who considers 5 to 5.5 percent unemployment and a 75 to 80 percent utilization rate necessary for price stability. Most of all the American people are fast catching on to a President whose major initiatives in the field of human welfare have been vetoes of bills passed by this Congress.

CALIFORNIA BRANDY: THE SPIRIT OF '76

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MATHIAS) is recognized for 5 minutes.

Mr. MATHIAS of California. Mr. Speaker, I would like to place on record a few remarks regarding California brandy, the soul of the California grape. Not only is it steep in American history, but it is a unique blend of tradition and modern technology. In the San Joaquin Valley, the great brandymakers of this country have developed distillation techniques and established quality standards that are the envy of this worldwide industry. I heartily recommend that California brandy, the American spirit, be designated as the bicentennial spirit and that all present, at their first opportunity, avail themselves of its unique pleasures. Cheers.

THE AMERICAN SPIRIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, I would like to take just a moment to give formal recognition to one of the great spirits of the American way of life, both past and present.

Before the birth of our country and ever since, California brandy has been a proud product of American craftsmanship, particularly that of my Golden Staters in the great San Joaquin Valley, often called America's Brandyland.

There, all of the fine brandy made in this country is produced and sent out to provide this Nation comfort and cheer. Because of the service that this spirit has furnished our citizens down through the years, I believe California brandy should be recognized formally as the "Bicentennial Spirit."

The unique history of this beverage and its development as one of the outstanding products of the Golden State and the Nation has been recorded in a recent background article prepared under direction of the California Brandy Advisory Board.

I recommend this interesting résumé, tracing the history of the beverage from its discovery through refinement to its present day esteemed status, to the attention of the Members. It follows:

CALIFORNIA BRANDY

(By Bob Flynn)

Brandy has been celebrated for centuries as one of the noblest spirits of nature and is generally considered the oldest of all distilled beverages. Traditionally referred to as the drink of kings and the king of drinks, it has borne a variety of romantic appellations down through the ages.

The French called it, *eau-de-vie*, water of life. Some Latin-speaking regions used the designation, *acqua vitae*. To others, it was *acqua vitae ardenes, acqua vini, spirits vini*, and even the intriguing, *mercurius vegatabilis*. But no matter how curious the nomenclature, the same basic thought was there as it is today: brandy, the ultimate product of wine-making, is the true soul of the grape.

The art of making brandy has been formally practiced for at least eight centuries in the Western World. It is said that a Spanish scientist, Albuecasis, first experimented with the process of distilling wine into brandy in the 12th century.

A more recent, and perhaps more appetizing footnote to the history of brandy traces it back to a Dutch shipmaster in the 16th century.

In plying the brisk wine trade between the port of LaRochelle in France and Holland, this enterprising captain was cramped for space in his small sailing vessel. He hit upon the idea of concentrating the wines in his hold by eliminating the water, or distillation, thus transporting only the spirit of wine into Holland. Once on native ground, he planned to add the water back, and make a huge profit. But when his fellow citizens sampled this new product they liked it so well they wouldn't let him change it, and a brandy trade was born.

True or not, the distillation of brandy spread from Spain to all other European countries, and thence across the seas. Since fire was used to distill the wine, it became known as "burnt wine," *brandewijn*, in Holland, *brantwein* in Germany, and *brandevin* in France. To the English tongue it was *brandywine*, and soon became just plain brandy.

California brandymaking probably began with the Mission Fathers. As civilization took hold there, so did the vine, and thus brandy. By the 1840's, brandy was one of the small amenities of frontier life in the West, and we know that Captain Sutter, whose mill started the Gold Rush, had constructed a fully equipped brandy still at his fort in 1843.

Good brandy in small quantities has always been made in California but the perfection of the distilling art and the acceptance of native brandy by Americans had to wait until comparatively recent times. Actually, it wasn't until the repeal of prohibition that brandymaking became a major part of the grape industry. And even then it was mostly a salvage operation, a way to use up excess grape crop. As one leading wine executive described the brandy of the thirties: "The quality—to be charitable—was uneven."

It took World War II, with its shortages of imported brandies and other spirits, to turn the consumers' attention to their own native brandy. Even though it wasn't then the smooth, balanced beverage it is today, the public took to it eagerly. They found that its straightforward flavor and aroma, neither as complex nor as deep as that of Cognac, made it pleasant by itself, and an ideal liquor for mixing cocktails.

Encouraged by this surge of interest, growers and distillers began a long range program of product improvement and quality control. Quietly, carefully, for about the last 25 years, they began establishing one of the great brandy centers of the world. It's located roughly in a 200-mile swath of lush green vineyards stretching from Lodi, about 150 miles due east of San Francisco, south nearly to Los Angeles.

In this warm fertile valley, which has been accurately called America's "Land of Brandy," are concentrated the grapes, the distilleries, the storage facilities and the brandymaker's skills that account for more than 98 percent of all the brandy produced and bottled in the United States.

Here the soil and climatic conditions, the vintner's heritage, and some of the most sophisticated distilling technology in the world have combined to make a native American beverage that is distinct from the brandies made in any other country. Although there is enough variety among California brandies to suit almost any palate, they can all generally be described as light, clean, highly aromatic and fruity—a unique spirit not easily confused with any other, delightful straight and almost infinite mixable.

A famous gentleman of wine, the late Andre Simon, wrote of brandy that it is, "a spirit distilled from wine, anywhere. It has been distilled in most if not all of the lands where grapes grow and wine is made." But, he added, there are wines more suitable than others for distillation. And this is one of the principles that has made California brandies by far the most popular of all brandies consumed in the United States.

In the production of beverage brandies, the primary concern is that the grape used be ripe and sound, and of a high sugar content. In addition, it has to be of such a variety that no distinct varietal flavor will penetrate into the final product. In California it was determined that among the finest grapes for this purpose were the Tokays and the Thompsons, plus the Grenache, the Emperor and the Mission. Others like the Malaga and the Petit Sirah, are used in smaller degree. But, whatever the grapes, they are fresh, whole, and sweet.

Another discovery of the California distillers was that while aging in the wood improves most wine, only fresh, newly fermented wines produced the fruity bouquet they desired for their brandy. Western brandies are distilled exclusively from young wines, and thus brandymaking begins shortly after the harvest starts, ending when the supply of fresh grapes run out.

The single most significant change made by the U.S. brandy industry, however, was the replacement of the centuries-old "pot still" with the efficient, high-capacity continuous stills now used almost universally here.

Pot stills are low, rounded copper containers with small capacity. They require emptying and cleaning with each new batch of wine. Most important, they make it difficult to separate the various elements of the distillate, and generally produce a heavier brandy.

Continuous stills are much more productive, since they do not need shutting down for reloading. These tall metal columns also give very precise control over the distilling process, allowing producers to separate off almost all the unwanted parts of the distillate.

Some distillers maintain a few pot stills and blend small amounts of this heavier brandy into the final product to add body and fullness. In general, however, brandymakers have turned to the ultra modern, towering continuous stills developed in California—capable of producing thousands of gallons an hour, and producing a beverage marked by lightness and flavor.

In the most basic terms, distillation is simply applying steam to wine. At the lowest temperatures, the ethyl alcohol is transformed into a vapor. When it goes through a condensing process and is cooled sufficiently it reverts to a liquid, but now, with the water removed, it is actually new brandy.

At this point, the master brandymaker turns to nature for two vital ingredients. One is the fine white oak used in brandy barrels and the other is simply the passage of time.

Most California brandy is aged in used oak whisky barrels, charred on the inside. A smaller percentage is aged in a new oak cooperage. The only difference is that the new oak imbues the final product with a more distinct oak flavor. The decision is the brandy master's, and depends upon his special recipe.

All U.S. brandies are required by law to be aged at least two years, but most of the California product rests in the barrel longer—probably an average of four years. Some brandies, reserved for premium use or for blending, remain in the barrel for six, eight, or ten years.

The action of the oak upon the new brandy is essential to the creation of the splendid character and softened tone of the spirit that finally results. No one knows exactly how the aging process works: part of it takes place through the interaction of chemicals in the wood and in the brandy; part of it takes place through oxygenation, as the oxygen slowly permeates the stout oak and the liquid within. All the while, the perfume and taste are being altered, and when it's time for bottling, the brandy has taken on a beautiful amber shade, a mellow taste and a delicate bouquet redolent of grape blossoms.

Making and aging brandy is not for those who have limited budgets or are faint of heart about investments in the future. When you consider that a typical California aging warehouse may contain anywhere from 10,000 to 300,000 barrels, just the cost of cooperage and storage alone is staggering, and the initial investment will not pay out for from two to ten years. In addition, there is considerable loss of inventory from evaporation during each year of aging.

Some glimpse of the fiscal responsibility entailed in the aging of brandy can be seen from the fact that an inventory of 250,000 barrels—and there are some of that size presently—has a tax value to the Federal government of about $150 million, calculated at the rate of $10.50 per proof gallon.

The consummate art of the brandy master comes into fullest play during the final steps of the production process—the unbarrelling, blending and bottling. Each brandymaker has his own carefully guarded library of formulas or "recipes," plus carefully selected samples of prior batches of brandy. Extensive periodic testing while in the barrel and just prior to bottling is essential to the art, and the flavor experts rely heavily on their remarkable recall of taste characteristics.

Some U.S. brandy is bottled straight, that is, without rectification, or blending. The only thing added to straights is distilled or deionized water to reduce the proof from the barrel. Usually these are from five to ten year-old brandies. Straight brandies are generally bottled at 86 or 100 proof, and they are favored by drinkers who enjoy the drier, more volatile spirits.

Most California brandy is rectified, or blended with other brandies. Small amounts of pot still brandy are sometimes used—but the precise formulation of each brandy remains in the trade secret category. The rectified brandies are usually bottled at 80 proof.

Finally, when the blending is completed, the brandy is filtered for perfect clarity, and moves to the bottling line. The task is done, the elixir is captured, and merit of the product is preserved in glass once and for all. Prevailing myth to the contrary, brandy, unlike wine, ages no further in the bottle. A California brandy aged six years in oak, and bottled yesterday is going to taste better than some brandy aged one year, bottled 50 years ago, and sold as "fifty-year-old Napoleon."

Although most consumers of this superior beverage have little idea of the meticulous care that goes into its making, recent consumption figures show they like the results. From 1960 to 1970, for example, sales of all brandy in the U.S. went from 2,422,000 cases to 4,842,000 cases—a gain of more than 100 per cent. About 75 per cent of yearly sales are American brandies, presently available under more than 300 labels, but all from that small corner of California that is Brandy Country. Brandy consumption is increasing substantially faster than the average consumption of all spirits, and the industry expects case sales in 1980 to be more than 9,000,000. These figures demonstrate that California brandy is gaining loyalists all across the country.

Perhaps the characteristic that is most noticeable about California brandy—especially to the novice drinker—is that it tastes good. The flavor and aroma of the grape wine from which brandy is made survives the distilling process, and gives brandy an undeniable claim to its title as "the soul of the grape."

HISTORIC BEVERAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. Sisk) is recognized for 5 minutes.

Mr. SISK. Mr. Speaker, when this great country of ours was being forged, the good mission fathers of the West were already producing and dispensing brandy.

It was one of the few comforts of an often harsh pioneer life. Thus, California brandy has been, and continues to be, closely associated with the spirit of '76.

One of the famous battles of the Revolution, out of which this country rose, was fought at Brandywine, Pa. And brandy doubtless warmed the hearts and soothed the cares of our freedom fighters.

Thus, I too maintain that California bandy—or American brandy, if you wish to call it by that name—should be officially called the "Bicentennial Spirit."

McGOVERN'S POW PLOY: POLITICS, PROMISES, AND PARIS PARLEYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. Anderson) is recognized for 15 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, I think it is time we clearly recognized the emergence of a most unfortunate development in the presidential campaign of the Democratic candidate, Senator McGovern, and that is the politicization of the prisoner-of-war issue. And let me preface my remarks by saying that I have no quarrel with any elected official expressing his genuine concern about the safety and well-being of American prisoners of war, their repatriation, and a full accounting of the missing in action.

But it seems to me that Senator McGovern has far overstepped these bounds by making the prisoners of war a political campaign issue, and this is especially unfortunate and dangerous during this very sensitive stage in the official negotiations. The McGovern POW ploy may best be characterized by the terms, politics, promises, and Paris parleys.

In his opening address before the Democratic Convention, then National Chairman Larry O'Brien lectured on the need to level with the American people. "How do we level?" he asked.

> We begin, I believe, with a few simple steps: We cool the excessive political rhetoric. We lighten the purple prose. We do not promise what we know cannot be delivered by man, God or the Democratic Party . . . Now we must stop kidding the American people. We must tell them the truth.

And yet, only a few days later, in his acceptance speech, Senator McGovern made the following promise:

> Within 90 days of my inauguration, every American soldier and every American prisoner will be out of the jungle and out of their cells and back home in America where they belong.

Mr. Speaker, I would submit that if ever there was a promise that flew in the face of Larry O'Brien's advice not to promise what "cannot be delivered by man, God or the Democratic Party," that was it, for no American President has it within his power to unilaterally release American prisoners from enemy camps. To tell the American people otherwise is the cruelist form of deception for it is playing politics with the lives of human beings, both the prisoners and their families.

More recently we have been treated to the results of Mr. Ramsey Clark's impartial and objective, guided fact-finding tour of North Vietnam. Just this week, before a subcommittee of that other body, Mr. Clark reproduced the hook, line, and sinker he had swallowed in Hanoi. Mr. Clark claimed he made his visit in search of the truth because "it is very difficult to get the truth in America"; and yet he returned with props and pictures provided by his hosts and observations made on a specially guided tour. And he concluded that the treatment of American prisoners was "humane" after talking with only 10 specifically selected POW's out of 1,500 POW/MIA's.

And to bolster his impartial and nonpartisan credentials, Mr. Clark is quoted by the August 15 Washington Post as saying:

> The election of Sen. George McGovern would trigger the immediate release of some U.S. prisoners of war next Jan. 20 and the release of all of them in another three months.

While Mr. Clark was quoted in the same paper on the previous day as having said he received assurances on the release of prisoners from "high officials in Hanoi," at his subsequent press conference the only assurances he could pull out of the bag was a letter from a North Vietnamese newspaper editor.

Then, in his appearance before the subcommittee of the other body on Wednesday of this week, Mr. Clark backed off even further, saying his comments about the election of McGovern and the release of prisoners had been imprecisely reported.

Now we learn that Senator McGovern has sent his own personal emissary, in the person of Pierre Salinger, to Paris to discuss the prisoner of war situation with North Vietnamese officials—and at the very same time that the President's own special envoy, Henry Kissinger, was involved in sensitive talks with the North Vietnamese negotiators.

Mr. Speaker, as I said earlier, I do not fault anyone for making special efforts and pleas on behalf of American prisoners of war. But at the same time, I think we have to recognize the special set of circumstances which pertain in this instance. Senator McGovern, a candidate for the Presidency of the United States, sent his own personal emissary to Paris to talk with the North Vietnamese at what is perhaps the most critical juncture in the peace negotiations. Now, the Senator's intentions may have been the most honorable, and Mr. Salinger's talks with the North Vietnamese may have been harmless; but then again, it is just possible that something could have been said to jeopardize or undermine those very sensitive negotiations. This is a very real risk and possibility when it involves a spokesman for someone who is trying to replace the present administration, and I think, in the interests of peace, that Senator McGovern should have recognized that danger and risk and exercised some discretion and good judgment. But then, perhaps it is not fair to fault Senator McGovern entirely on this since his initial reaction to the report of Salinger's talks was one of surprise. He is quoted in Springfield, Ill., as saying:

> Pierre Salinger had no instructions whatsoever from me. He told me he was going to Paris and he said while he was there he might try to make some determination of what was going on in the negotiations but there wasn't the slightest instruction on my part to him.

Within 2 hours, however, Senator McGovern, presumably having been briefed by his staff on what he had done, made the following statement:

> At my request, he (Salinger) met with members of the North Vietnamese delegation in Paris. The only purpose of the discussion was to determine if any change had occurred which would permit the return of the prisoners prior to the end of hostilities.

This is a most curious reversal of positions in such a short time and not only raises the question of credibility, but would seem to increase the risks involved in the Salinger talks since he was apparently operating under rather imprecise instructions from yet to be determined sources.

Now in this morning's news we have the astounding and shocking report that Senator McGovern has charged that the Kissinger mission is a "highly publicized global junket" designed to deceive the

American people on the chances for peace in Vietnam. Mr. Speaker, I would submit that this is a highly irresponsible and reckless charge. It is specially ironic that Senator McGOVERN presumes to know the nature of the Kissinger talks when he did not even know about the instructions his own personal emissary had received. Senator McGOVERN is further quoted as having said in a Racine, Wis., press conference that—

> The President has placed the survival of Gen. Thieu's political career ahead of the interests of releasing our prisoners and bringing the troops home.

Again, I would submit, Mr. Speaker, that this is a most senseless and presumptuous charge, and is but one more example of McGOVERN's cruel politicization of the prisoner of war issue. I would, therefore, call upon Senator McGOVERN, in the interests of humaneness and decency, to cease this reckless demagoging on the POW issue and agree to a moratorium on the political exploitation of our POW's for the duration of the campaign. It seems to me this is the only proper course for restoring a sense of reasonableness and responsibility to our discussions of the real issues in this campaign.

IMPROVEMENT IN OSHA PROPOSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER), is recognized for 10 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, because the Williams-Steiger Occupational Health and Safety Act of 1970—OSHA—bears my name, I feel a special responsibility to carefully monitor its implementation.

In that effort, I have made a special point to visit a great many places of business, both in the Sixth District of Wisconsin and elsewhere, to discuss this law, respond to questions, and assess the impact of the standards and the Labor and HEW. These visits with employers and employees, along with scores of letters from across the Nation have been helpful to me in determining how well the law is operating. Given the size, scope, and complexity of this legislation, it is my best judgment that the Departments of Labor and HEW are doing a commendable job.

A great deal of attention by the Congress has been devoted to the criticisms of OSHA and a substantial number of bills to amend the act have been introduced. This is as it should be in a democracy. One must be careful, however, that changes are not made at the expense of the health and safety of workers.

The biggest criticism of OSHA has come from the small businessmen who would like to come into compliance with the standards but lack the technical staff resources to interpret how the standards apply to their operations. I have determined that this complaint is justified and for that reason I am introducing today an amendment that would enable the Labor Department to provide onsite consultation for employers of 50 or fewer employees. Such a change would, I believe, respond to the many who have said to me "I want to comply but do not know what I am supposed to do."

Under the Williams-Steiger Act, the Department of Labor is legally precluded from providing any consultation visits on an employer's premises without triggering the act's enforcement procedures. Section 9 of the act provides that, upon inspection, a compliance officer who believes that an employer has violated a requirement of the act must issue an appropriate citation and in many cases a proposed penalty to the employer. Since section 8 makes it clear that any entering upon the employer's premises is regarded as an inspection provided for in section 9, appropriate enforcement action would have to be taken following a consultation visit.

Since small employers face unique problems in complying with the act and since voluntary compliance, which is an essential aspect of the Federal occupational safety and health program, would be greatly enhanced by providing consultative visits at the jobsite, this amendment to the small-business section of the act—section 28—is being proposed to permit such visits in the case of those employers of 50 or fewer employees.

This amendment would amend section 28 of the act, so as to permit worksite visits by officials of the Department of Labor or their agents for the purpose of advising or consulting the small employer on his obligations under the act. The amendment expressly provides that the visit would take place only if the small employer requests such a visit for the purpose of discussing interpretation or application of standards or possible alternative ways of complying with the standards. The visit would be limited by the matters set forth in the request relating to conditions, structures, machines, apparatus, devices, equipment, or materials in the workplace. However, within the limits of the visit, there would be discretion to decide when and to what extent the visit would be conducted, depending on the availability of resources and other relevant factors.

The proposed amendment makes it clear that jobsite consultation visits are not inspections and investigations under the act which necessarily involve the issuing of citations and the proposing of civil penalties where circumstances so warrant. Even though hazardous conditions may be disclosed during a visit, the Department would be precluded from issuing citations or proposed penalties upon such visit. And the amendment makes it clear that the Secretary is not required under its provisions to conduct an inspection under section 8 of a workplace because it has been previously visited for the purpose of giving consultation and advice.

However, where the Secretary chooses to conduct an inspection under section 8 following a consultation visit, he may take into account in connection with the inspection any information obtained during the earlier consultation visit. The amendment also provides that the Secretary is not precluded from issuing citations and proposing penalties during an inspection by virtue of the fact that during the earlier consultation visit no advice or consultation was afforded to the employer about the particular condition which was later cited.

Further, since a consultation visit would not be an inspection under section 8, the visit would not be subject to the statutory incidents of an inspection. However, the amendment does require the Secretary to provide by regulation for appropriate consultation with employees concerning the consultation visit.

The amendment also provides that the Secretary, in issuing regulations, must insure that the persons who conduct the jobsite consultation visits are not OSHA compliance safety and health officers. Those who conduct the consultation visits should be advisers and, though fully qualified, should be completely separated from the staff of compliance officers having enforcement responsibilities.

The language of the amendment would permit the advisers to make recommendations to employers regarding the correction of workplace hazards disclosed within the scope of the visit. Such recommendations are a necessary part of an effective consultation program and would contribute greatly to workplace safety.

A very important provision of this amendment is the exception in the case of "imminent danger." While the consultation visit is not an inspection in any sense, the amendment contemplates that, if a situation constituting an imminent danger comes to the attention of the adviser in the course of conducting a consultation visit to the jobsite, he will immediately bring the matter to the attention of the employer who will be expected to abate the danger. Following this, the adviser will contact the area director, who will then promptly take whatever further enforcement action is necessary. In such situations, the Department would clearly have the responsibility to take all appropriate action to protect the lives of employees.

In clearly distinguishing between consultation visits and inspections, it should also be clear that the Secretary of Labor would not be permitted to conduct consultation visits where inspections or investigations are required under the act. For example, the Secretary may not respond to a valid employee complaint under section 8(f) of the act by conducting a consultation visit to the worksite. Nor is it contemplated that consultation visits be employed to any extent as a substitute for otherwise scheduled compliance inspections.

The amendment is not intended in any way to derogate from the Department's compliance activity; its purpose is solely to authorize consultation visits in addition to inspection activity which would normally be taking place.

Lastly, the amendment makes conforming changes in section 21 of the act and provides for a delay of 120 days in the effective date.

I am hopeful, Mr. Speaker, that this amendment will enable the small employers who wish to comply to do so while protecting all concerned in imminent danger situations. I look forward to working with my colleagues on the early consideration of this legislation in the mutual effort of employers, employees, and government at all levels to enhance our workplace environment. This legislation has been introduced at this time in order to give all interested parties a full opportunity to review the bill and provide comments and suggestions, so that the Congress can move promptly to pass a bill which embodies this concept.

RESIGNATION OF CONGRESSMAN POFF

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Kastenmeier) is recognized for 10 minutes.

Mr. **KASTENMEIER**. Mr. Speaker, this month of August marks a grievous loss to the House and an immeasurable gain to the judiciary of Virginia with the resignation from Congress of our esteemed friend and colleague, Richard H. Poff, from the Commonwealth's Sixth District.

Dick Poff came to the House with the 83d Congress, in 1953, and has served continuously since then. He is closing his 11th term in order to ascend the bench of the Supreme Court of Virginia.

It has been my privilege to work with Dick in the Judiciary Committee, of which we are both members, and I cannot let the occasion pass without setting forth some of my feelings about him and his departure at this time.

Dick Poff joined the House after some years of private practice of law in Radford. He had been named Virginia's outstanding young man of the year by the Junior Chamber of Commerce in 1954.

My own closest association with Dick was in connection with our joint service on Subcommittee No. 3 of the Judiciary Committee. In connection with the copyright law revision project which led to the passage by the House of a revision bill in April 1967, it was my duty to preside over the length hearings and subcommittee consideration of this legislation. Dick was the ranking minority member and we could not have done without his vigorous, analytical intellect, and his capacity for clarifying the obscure.

Dick Poff was appointed by the President to be a member of the National Commission on Reform of Federal Criminal Laws, on which I also served. The appointment of the Commission was authorized by the act of November 8, 1966, of which Congressman Poff was the principal author. Because of his keen mind and his great reverence for the law, the Commission members elected him vice chairman.

Dick has achieved much justified prestige in his own party, having served as chairman of the Republican Task Force on Crime and as secretary of the Republican Leadership Conference.

About a year ago, Dick Poff's name was submitted by the President to the Senate as a nominee to a vacancy on the Supreme Court of the United States. For personal reasons Dick thereinafter withdrew his name from consideration for this high office. Nonetheless, Congressman Richard Poff was an eminently appropriate nomination, wholly supportable not only on grounds of legal competency and high personal integrity, but for many other highly relevant reasons. His nomination was one that I, notwithstanding fundamental philosophic differences between us, would have been constrained to support, even, as I had indicated to others, by volunteering my testimony in his behalf to the other body's Judiciary Committee.

For men of his unique dedication and fairness, his special, judicial turn of mind, come altogether too seldom to legislative bodies, whatever their political disposition. And, when they leave, we experience a grave loss.

That the jurisprudence of Virginia will be enriched by Dick Poff I have no doubt, that the Judiciary Committee of the House of Representatives can replace him I have serious concern.

Nonetheless, we, his friends who have come to admire him and his work, commend to Dick Poff our fond good wishes.

ANOTHER LEE MEMORIAL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Rooney) is recognized for 15 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, during my years as a Member of the U.S. House of Representatives I have watched with interest the noteworthy restoration and revitalizing of the heart of Washington's sister city, Alexandria, Va.

For a time my own working residence in the Washington area was in the historic section of Alexandria, known as Old Town. During that period numerous homes built in the late 18th and early 19th centuries were restored by private owners, many new townhouses blending in tastefully with the historic homes were constructed and an urban renewal project undertaken which culminated in development of a new shopping center including office buildings in neo-Georgian style, a variety of stores and open space in the form of a town square.

The work of preserving and restoring the city's historic houses is continuing. Most notably there was an announcement just recently that the Lee-Fendall House at 614 Oronoco Street has been acquired by a preservation society and will be put in a state of good repair and opened to the public as a memorial to General Henry "Light Horse Harry" Lee, of Revolutionary War fame.

I am sure everyone in this Chamber has at some time seen or at least gone by this large, frame house on the corner of Washington Street and Oronoco, directly on the route from Washington, through Alexandria, to George Washington's home at Mount Vernon. For many years it was known as the John L. Lewis house, for the late leader of the United Mine Workers of America lived there with his family from 1937 until his death in 1969.

Mr. Lewis was a familiar figure to Alexandrians as, in his later and retired years, he would sit in the enclosed porch on the Washington Street side of the house and watch each year the annual Washington's Birthday parade on February 22.

The origin and importance of the house, however, goes far beyond the lifetime of John L. Lewis. It was built in the late 18th century by a member of the Lee family of Virginia and for a century housed various members of the family and played host to other Lees and many other Americans prominent on the national scene.

Although Gen. Henry "Light Horse Harry" Lee, a favorite of Gen. George Washington, did not actually reside at 614 Oronoco Street, he once owned the land and spent much time in the house with his relatives since his own last home was almost directly across the street, at 607 Oronoco Street. The latter for the last 5 years has been open to the public as the "Boyhood Home of Robert E. Lee," a son of "Light Horse Harry" Lee.

It was at 614 Oronoco that "Light Horse Harry" wrote a speech containing the embryonic ideas which he, as a Member of Congress, included in a later speech eulogizing George Washington as "First in war, first in peace, and first in the hearts of his countrymen."

Still later, "Light Horse Harry" himself became in a sense a victim of war. He was injured by antiwar rioters at Baltimore during the War of 1812 and never fully recovered. He attempted to regain his health through a trip to Barbados in the Caribbean but succumbed on the way home while aboard ship off the coast of Cumberland Island, Ga., in 1818. He was buried on the estate of the widow of his fellow Revolutionary War general, Nathaniel Greene, at Cumberland Island. His remains many years later were removed to Lexington, Va., to be entombed with those of his son, Robert E. Lee, at Washington and Lee University.

Interest in preserving the Lee-Fendall House after the death of John L. Lewis 3 years ago was aroused by that supreme guardian of historic homes in Virginia, Jay W. Johns. Although a native of my home State of Pennsylvania, having been born at Uniontown, Mr. Johns, a resident of Charlottesville for many years, has devoted decades of his life to preserving historic sites in Virginia.

As the owner of "Ash Lawn," the James Monroe home at Charlottesville, Mr. Johns moved out in order to open that historic house to the public. It was through the efforts of Mr. Johns and the organization he headed, the Stonewall Jackson Memorial, Inc., that Alexandria's Fitzhugh-Lee House, now known officially as the Lee boyhood home, was saved in 1967. That handsome, brick edifice has been visited by tens of thousands of Americans who have been given the pleasure of seeing the Lee family heirlooms and works of art of the period which Mr. Johns secured to grace the house where Robert E. Lee's mother played hostess to the Marquis de Lafayette on his visit in 1824.

At the time of the death of John L. Lewis, Mr. Johns was the first to propose acquisition of the Lewis—or Lee-Fendall—house and opening it to the public in conjunction with the Lee boyhood home, across Oronoco Street. Tremendous obstacles stood in the way. Where was the money to come from, for one thing. Also, there was the possibility that the house and grounds would be sold to make way for a commercial building fronting on Washington Street.

How Mr. Johns overcame all opposition and all obstacles in securing the house is a story in itself. Almost singlehandedly he talked the city of Alexandria into providing $35,000 and the State of Virginia into appropriating $65,000 to help pay for the property. Another $125,000 is needed to complete the purchase and to pay for necessary repairs to the old house. It is the hope of Mr. Johns and associates that this money will be contributed by public-spirited history-minded individuals. At any rate, he will be campaigning to secure the funds, and deserves the support of all of us.

Announcement of the acquisition of the Lee-Fendall House by the Virginia Trust for Historic Preservation, formed by Mr. Johns, was made on July 14, at a luncheon attended by Alexandria city officials, descendants of the old Lee family and supporters of Mr. Johns' and the city's historic preservation plans.

It was no coincidence that the date, July 14, was Mr. Johns' birthday—his 84th—and the 20th anniversary of his having lost his sight. For a score of years and more this remarkable man has dedicated his life to preserving and restoring some of America's great historic buildings. He has traveled by plane, train, and bus continually across Virginia to carry on his work, which is all the more remarkable because of his age and handicap. His work, his efforts, his knowledge of history, his wit and sense of humor, and his loyal friendship are valued wherever he goes.

The half-acre lot on which 614 Oronoco Street stands was purchased by General "Light Horse Harry" Lee in 1784, but he sold it a few months later to Philip Richard Fendall, the second husband of Harry's mother-in-law, Elizabeth Steptoe Lee. Fendall began building the house almost at once. George Washington's diary notes that on November 10, 1785, he "dined at Mr. Fendall's in Alexandria." Fendall, after the death of his wife Elizabeth, married Mary Lee, a sister of "Light Horse Harry."

It was only in this century that the house finally passed out of the hands of Lees and Lee-related owners. At various times, branches of the Lee family owned or lived in a good half dozen houses in the immediate area of the Lee-Fendall House, and the corner of Washington and Oronoco Streets was known as "Lee's Corner". During most of these years, Alexandria was part of the District of Columbia—that is, until its retrocession to the State of Virginia in 1846.

Restoration of the Lee-Fendall House, made possible by Jay W. Johns, will give the city of Alexandria a big lift toward its anticipated participation in the Bicentennial of American Independence in 1976.

Alexandria's city manager, Wayne Anderson, has promised Mr. Johns that by 1976 the city will be able to put its best foot forward. In addition to the Lee Boyhood Home and the Lee-Fendall House being open to the public, he said, there will be a beautification of Washington Street and restoration will be completed on the historic Carlyle House, the Lloyd House, the Lycaeum, and Gadsby's Tavern.

Mr. Speaker, I insert in the RECORD also two clippings from the Alexandria Gazette and the Washington Star reporting the announcement of acquisition of the Lee-Fendall House by the Virginia Trust for Historic Preservation, headed by Jay Johns.

[From the Washington Star, July 15, 1972]

ANOTHER LEE MEMORIAL

(By Mary Eisner)

The historic Lee-Fendall House in the north end of Old Town Alexandria will be restored and reopened as a memorial to "Light Horse Harry" Lee, Revolutionary War hero and father of Robert E. Lee.

At a celebration yesterday, Jay W. Johns who purchased the house just hours earlier from descendents of United Mine Workers President John L. Lewis, announced the completion of his plans for the shrine, his eighth restoration project.

"For the last 20 years of my life I've dedicated myself to trying to preserve historical places in Virginia. These are the places that make America famous, and we have a duty to restore them," said Johns, who was 84 yesterday.

He added that he hopes the house would be fully restored in time for the bicentennial celebration in 1976.

Both the City of Alexandria and the State of Virginia will financially assist Johns' nonprofit company, Virginia Trust for Historic Preservation, with the restoration arrangements for the Lee-Fendall property.

Recently, the Alexandria city council authorized a grant of $35,000, contingent upon release of state funds for the project. According to city manager Wayne F. Anderson, a state contribution of $65,000 was announced earlier this week.

The combined grants will meet about 45 percent of the project's total costs, currently estimated at $225,000.

The spacious white frame, green-shuttered house, at 614 Oronoco St., was the home of various members of the Lee family beginning in the 1780s. Two other Lee houses, including Robert E. Lee's boyhood home, are located across the street.

Light Horse Harry Lee, to whom the memorial is dedicated, served as Governor of Virginia from 1791 to 1796. A captain in George Washington's Continental Army, Lee was a close personal friend of Washington.

Eulogizing Washington in 1799, Lee wrote the well-known words, "First in war, first in peace, first in the hearts of his countrymen."

According to Johns, Washington visited the Lee-Fendall House about 30 times, while Lee resided there.

[From the Alexandria Gazette, July 14, 1972]

TRUST BUYS HISTORIC HOME

Purchase of the Lee-Fendall home at the corner of Washington and Oronoco streets was announced at a luncheon here today.

The Virginia Trust for Historic Preservation has bought the home and grounds from the heirs of John L. Lewis for a reported $185,000.

The organization hopes to raise a total of $225,000 for the purchase and restoration of the historic structure, which reportedly dates to 1784.

The Virginia General Assembly at its last session appropriated $65,000 to be applied toward the project and Alexandria's City Council contributed an additional $35,000 for restoration. The remainder will be sought by public solicitation, according to Mrs. Frances Shively, a spokesman for the trust.

The Society of the Lees of Virginia, has contributed generously, she added.

Complete restoration and opening of the home is slated for April 1974, she said, and it will be operated in a similar fashion to Lee's Boyhood Home across Oronoco Street.

The house originally was built for Phillip Richard Fendall, member of a prominent Maryland family whose mother was a sister of Squire Richard Lee of "Blenheim."

Gen. George Washington mentions the home many times in his diaries, observing on Nov. 10, 1785 . . . "Went up to Alexandria to meet the Directors of the Potomack Company. Dined at Mr. Fendalls (who was from home) and returned in the Evening with Mrs. Washington . . ."

According to historical researchers, the property was purchased in 1835 by Edmund Jennings Lee Jr. for his father.

John L. Lewis, founder of the Congress of Industrial Organizations and long-time president of the United Mine Workers of America, lived in the home from the early 1930s until shortly before his death in 1969.

FOOD STAMP ACT OF 1971: TAX DEPENDENCY PROVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 5 minutes.

Mr. SEIBERLING. Mr. Speaker, implementation of the Food Stamp Act of 1971 has caused several problems in my district and throughout Ohio. Several of these provisions were written in an attempt to prevent students, hippies, and welfare chiselers from receiving food stamps. However, many needy, deserving people are now also unable to qualify for food stamps.

Today I would like to address myself to the so-called tax dependency provision of the Food Stamp Act of 1971. This provision reads in part—

> Any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, shall be ineligible to participate in any food stamp program established pursuant to this Act during the tax period such dependency is claimed and for a period of one year after expiration of such tax period.

The intent of this provision was to prevent students from receiving food stamps. I would like to include a copy of a letter from the Coshocton County Children Services Board of Coshocton, Ohio, describing the unfair effects of this legislation on nonstudents. In sending me a copy of this letter, Mr. Robert B. Canary, acting director of the Ohio Department of Public Welfare, stated:

> We have encountered numerous cases of need where the family qualifies and receives some form of Public Assistance in Ohio, and yet, county administrators were unable to establish eligibility for the Food Stamp Program because of the inequity of the Tax Dependency Provision of the Amended Food Stamp Act.
>
> We sincerely believe the Tax Dependency Provision of the Amended Food Stamp Act should be corrected to permit participation in the Food Stamp Program for non-college households who are in need and can otherwise qualify for the Program.

Members of my staff have talked with welfare officials across the country about the effects of this provision. It is obvious from their responses that this is not an isolated case. In one instance, a young couple, recently married and expecting their first child applied for food stamps when the husband lost his job. They were ineligible because the wife had been taken as a dependent by her parents during the previous year when she was still a student. They met all other eligibility criteria.

It is long past time we stopped looking suspiciously at anyone who is poor or in need of temporary assistance. No one needs to be told about the high unemployment rate in this country today. If we were half as harsh in extending welfare to the rich in the form of tax subsidies and special tax writeoffs we would have enough revenue to end hunger in the United States. This is only one example of the misplaced priorities in this country.

The tax dependency provision is now before a three-judge panel in the District of Columbia awaiting final decision, in the case of Murray et al. against U.S. Department of Agriculture. I sincerely hope the judges will overturn this inequitable provision under the equal protection clause of the 14th amendment. If they do not, I will introduce legislation to amend the Food Stamp Act of 1971 in this regard.

CHILDREN SERVICES BOARD,
Coshocton, Ohio, June 7, 1972.

Re: Gwendolyn Young,
Mr. HORACE BARNETT,
Supervisor, Food Stamp Program Section, Bureau of General Services, Ohio Department of Public Welfare, Columbus, Ohio.

DEAR MR. BARNETT: I am writing this letter to advise you of a situation in Coshocton County involving a client of our agency who is also a recipient of ADC through the Coshocton County Welfare Department.

On 3/9/70 the Coshocton County Juvenile Court awarded temporary custody of Gwendolyn Young's five minor children to Coshocton County Children Services Board in that they were found to be dependent children. Since that date, the children have remained in foster care placement by this agency. Since 3/9/70, and especially in recent months, it has been the combined efforts of Coshocton County Children Services Board, Coshocton County Welfare Department, and Mrs. Young to effectuate return of all or part of the children to Mrs. Young. This decision was reached after considerable effort on the part of our agency and Mrs. Young to enable her to better care for her children. At this point we feel Mrs. Young is ready for the return of her children.

The problem: During the year 1971 Mrs. Young, who was without income, lived with her brother and sister-in-law in Coshocton, Ohio. When it came time for Mrs. Young's brother to file his 1971 Federal Income Tax Return, he claimed Mrs. Young and her newborn son as tax dependents. Late in 1971 Mrs. Young found suitable housing of her own and went on ADC. She remains on ADC for herself and her one child.

Recently, the Coshocton County Welfare Department learned Mrs. Young had been claimed as a tax dependent in 1971 and informed her she would be ineligible to participate in the food stamp program until January, 1973. According to the Coshocton County Welfare Department, this decision was made in accordance with FSP-17 dated 10/26/71, p. 20, Paragraph G.

I have reviewed this situation with the Coshocton County Welfare Department, and as I read FSP-17, p. 20, Paragraph G, I interpret it as applying to those who are claimed as tax dependents by a parent or guardian. I do not see why this should apply to Mrs. Young's situation. Furthermore, I understand this section was written in the food stamp regulations to prevent college students from participating in the program while being claimed as tax dependents by their parents. This is not the case with Mrs. Young. There was no intent on either the part of Mrs. Young or her brother to deceive anyone in this matter, but rather an attempt by the brother to help his sister when she was in need and was not eligible for public assistance.

At this point, Coshocton County Children Services Board is willing to return at least part of Mrs. Young's children to her. However, without food stamps, Mrs. Young would not be able to provide for the children adequately on ADC.

I will be awaiting your reply as to what can be done to enable Mrs. Young to become eligible for food stamps and, consequently, get her children back.

Very truly yours,
MAX F. BUCEY, *Social Worker.*

STATE OF OHIO,
DEPARTMENT OF PUBLIC WELFARE,
Columbus, Ohio, June 20, 1972.

Hon. JOHN F. SEIBERLING,
Longworth House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE SEIBERLING: The Food Stamp Act of 1964, as amended by Congress, was passed January 11, 1971, and provides in Section 5(b):

"Any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, shall be ineligible to participate in any food stamp program established pursuant to this Act during the tax period such dependency is claimed and for a period of one year after expiration of such tax period."

However, the Tax Dependency Provision also makes non-college households such as the one described in the attached June 7th letter from the Coshocton County Children Services Board ineligible for Food Stamps.

We have encountered numerous cases of need where the family qualifies and receives some form of Public Assistance in Ohio, and yet, county administrators were unable to establish eligibility for the Food Stamp Program because of the inequity of the Tax Dependency Provision of the Amended Food Stamp Act.

We sincerely believe the Tax Dependency Provision of the Amended Food Stamp Act should be corrected to permit participation in the Food Stamp Program for non-college households who are in need and can otherwise qualify for the Program.

Sincerely,
ROBERT B. CANARY,
Acting Director.

EDUCATION FOR BLACKS: UNITY WITHOUT UNIFORMITY

(Mr. HAWKINS asked and was given permission to extend his remarks at this point in the RECORD and include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, at a time when turmoil and apprehension pervade the black communities of America, it is rewarding to read the words of a man who so well understands their problems and who so brilliantly communicates that understanding to us. Dr. Bernard C. Watson, professor and chairman of urban education at Temple University presented this paper on July 31, at the National Urban League Convention in St. Louis. The paper's focus is on education, a concern of highest priority for all Americans, but especially for black people.

The article follows:

SURVIVAL PHASE II: UNITY WITHOUT UNIFORMITY

(By Bernard C. Watson, Ph.D.)

For the past several years, in black communities across the country, there has been a good deal of rhetoric about black genocide. Depending upon the community or the persons who were talking, the genocide was either physical, educational or psychological. Simultaneously, in these same communities, significant voices were calling for "community control," "nation-building" and the development of plans for "black survival". It was—and for that matter still is—a time of turmoil and apprehension. Perhaps because of it a practice of too many to attach labels to almost every Black among the spectrum of ideology: revolutionary, militant, Uncle Tom, liberal, conservative, oreo, integrationist, Aunt Sarah, separatist, zebra, colored, Negro, ad infinitum. Ideological and philosophical battles involving the most minute distinctions, differences and nuances have consumed the brains, time and energy of some of the best minds in the black community.

In its most bizarre manifestation, Blacks of acknowledged commitment, leadership ability and brains spent months opposing other Blacks with similar qualities over minor points of ideological differences. Less obvious, but no less debilitating, was the state of affairs where Blacks became immobilized as they looked inward and contemplated their navels, as it were, in agonizing attempts at introspection. The rhetoric of "blacker than thou," the ideological labeling, the withdrawal into a world of black fantasy are ultimately suicidal tactics. They distract attention from the very serious business of analyzing current developments which are inimical to the interests of Blacks and other minorities. They divert energy from the critical tasks of planning effective strategies to achieve equal rights for all minority citizens and indeed to assure their very survival.

If Blacks are to have any hope of success in negotiating the troubled waters of conservative and racist reaction to the limited gains and small victories achieved in recent years, they must be extremely wary of having too narrow a focus. Limited vision, whether it concerns people or issues, is a very real danger.

First, Blacks cannot waste time in the search for ideological purity, closing out brothers, sisters and potental allies who happen not to agree on every detail of a specific program. Even as dialogue continues in the hope of reaching consensus, options must be maintained for individuals to speak and act. In a crisis, every weapon, every vehicle, every tool must be pressed into service: the ragtag army may accomplish its goals, while the larger battalion waits, fearful of moving until it is sure of ideological uniformity.

Second, Blacks, together with the other oppressed groups of society, must recognize that the agenda is no less comprehensive than life itself. Some issues may appear more urgent at some tmes than at others, but it would be a fatal mistake to see only individual trees and lose sight of the forest. It is not possible to discuss housing without considering employment, education in isolation from the political system, or health and welfare while disregarding the war. Education is the focus of this essay, but clearly there are endless and complex relationships between educational issues and those which are usually considered beyond the scope of a paper on education. It would be infinitely more comforting if one could, with a sense of optimism, address himself to the postive achievements and promising developments in the American educational system. Unfortunately, like too many other aspects of the society—housing, employment opportunities, trasnportation, health care—the public schools and much of post-high school education are in disarray.

THE PUBLIC SCHOOLS

It is not an overstatement to suggest that the public schools which are supposed to serve the poor of this country reek with the odor of failure, despair, apathy and violence, with the result that far too many of these schools, particularly in the rural south and the urban north, are suffocating and choking. The litany of problems is too familiar to require recounting here: drop-outs, gangs, functionally illiterate "graduates," drugs, the crushing of cheerful curiosity, the deadening of the ability and will to learn. Parents send their children to school with high hopes, but when, faced with the continual failure of their children, they ask the schools what is wrong, they are told to go home and mind their own business.

Confronted by continual hostility, insensitivity or apathy, many Blacks have decided that retreat and surrender are the only courses open: they will do what they can for their own children, but for all those others, there is no more energy or time. Others may be seduced by the analyses of scholars and social diagnosticians, the Jensens and the Shockleys, who indicate that not much can be expected from people who are genetically inferior.[1] Those who have a pious bent ask: Didn't Jesus himself say that the poor would always be with us? Still others just want to rest; they are tired of the struggle. There is a great temptation to stop banging collective heads against the stone wall and be content with limited gains for some, stagnation and despair for those who are at the bottom of the heap. Ultimately, it is a matter of choice, whether to continue in the struggle for human renewal and development or to go separate ways in the misguided belief that an individual can make it alone, that the hopes, destinies and survival of other Blacks is in no way related to one's own.

FINANCE

Consider the financial crisis of the public schools. Those in large urban areas are approaching bankruptcy, if they are not bankrupt already. Along with so many other city services, the costs of education have moved well beyond the capacity of the municipal tax base—and the poor and the powerless are once again caught in the squeeze. It is ironic, however, that providing an adequate education may well be, in the long run, far less costly than allowing the school systems to decay and disintegrate.

Dr. Henry Levin, a Stanford University Professor, recently conducted a study for the Mondale Committee on Equal Educational Opportunity, and the results should be given very wide public attention.[2] Using failure to complete high school as his definition of inadequate education, he calculated the costs to the nation in lost income and in increased need for welfare services and criminal rehabilitation. Taking only the males aged 25 to 34 in 1969 who had not graduated from high school, he determined that the nation lost $237 billion dollars in income, and $71 billion in government revenues. But to have seen this group through just a high school education would have cost only about $40 billion.

Some very elementary arithmetic will indicate whether or not adequate financing of education is or is not a sound investment—even though no one has yet devised a way of measuring the differential in individual and social health. If an appeal to the American conscience does not produce results, perhaps the case can be made simply in terms of economics: scrimping on education is a dumb thing to do in terms of the Almighty Dollar. It must be noted, however, that calculations such as these and others, relating years of education to income received, are based on a rather important assumption: namely, that jobs will in fact be available for all those who seek them. Yet, high unemployment is a continuing problem of the economy; racism still prevents many minority group members from obtaining positions for which they are qualified; technology is eliminating routine jobs; and serious questions are being raised about the basic orientation of the economy (e.g., toward war and against ecology). All these factors muddy the simple equation of schooling and careers, yet they must be taken into account by those whose chief concern is education. Clearly, as was indicated earlier, education cannot be viewed in isolation: it is inextricably involved with each item on the social agenda.

The traditional basis of support for public education—the local property tax—is, however, finally being given serious examination. The California decision in *Serrano vs. Priest* rejects the property tax as the main source of educational revenue because reliance upon the property tax dictates that the quality of the school system is a function of local wealth.[3] It is a violation of the equal protection clauses of the Constitution, ruled the judge in that case, when the quality of a child's education depends almost entirely on the economic health of the community in which he happens to reside. The implications of that decision for Blacks and other minorities are clear, since most live in poor communities. The implications were not lost on the affluent either, and there will be strong opposition to a departure from past practice.

But even if new formulas are devised for allocation of educational funds, will it necessarily mean a boon to Blacks and other minorities? Equalizing per pupil expenditures across a given state may be appealing at first glance, but without careful calculation, the minorities and the poor may once again be shortchanged. Any formula has two parts: input is important, but there must be at least equal concern about output. If Blacks and other minorities are to be educated in a manner which will put them on a competitive basis with those from the wealthy suburbs, schools serving the poor and minorities may well require considerably higher allocations. As long as this society permits so many of its people to live in degrading circumstances, to suffer inadequate health services, to survive on the crumbs of a so-called culture which has systematically insulted and excluded them—as long as that situation continues (and there is little sign that massive reform of social conditions is imminent), then urban schools will *have* to be better staffed and equipped, more comprehensive than their suburban and affluent counterparts.

How can anyone in his right mind pretend that a youngster—no matter how attentive, how punctual, how well-behaved—who goes to a decaying school, is taught by inexperienced or hostile teachers, has no access to art or music or recreational facilities, has little or no example of encouragement to pursue a realistic career or college education—how can that youngster possibly compete? By the time he's out of elementary school, let alone high school, he's so far behind the starting line that it's ludicrous. Is that his *fault?* Is a racist society to continue in its comfortable illusion that it has had no hand in the screening out of minorities? Is it any wonder that so many Blacks and other minorities leave school before graduation? Graduation is no panacea, but in a credentialed society, a diploma opens doors.

The voucher plan is similarly a new development which, at first glance, shows promise of redressing some educational grievances. Unfortunately, it quickly shows fatal signs of having been conceived in the Utopian world of classical economics where the "invisible hand" will make sure that supply and demand balance neatly in a free marketplace. In the real world, unfortunately, things may not be so tidy. A family in North Philadelphia, in Pruitt-Igoe in St. Louis, or Lawndale in Chicago, may simply not be able to purchase with its voucher a quality of education even approximately what the affluent family in Scarsdale, New York or Winnetka, Illinois can buy. Voucher plans alone cannot make up for the years of neglect nor allow for the additional needs which poor, oppressed children bring to the schools.

It is important, then, to take careful note of the ferment surrounding educational finance, and to be as wary as ever of new proposals surfacing, whether for sources of revenue or for distribution. The value-added tax, for instance, which the President is contemplating as a stop-gap to avoid reform of the federal income tax, is a regressive tax which will be borne by consumers, not corporations. The Advisory Committee on Intergovernmental Relations is supposed to be looking into ways to counteract the regressive nature of this tax, but past experience indicates that one should not accept administrative proposals on faith alone. Warden has pointed out that one interesting by-product of the current discussions of the current discussions of the VAT may well be removal of educational legislation from the traditional Senate and House committees to the far less sympathetic Ways and Means or Finance committees.[4]

INNOVATIONS

For many concerned with the abysmal state of the public schools, hope seems to lie in one or another of the many new schemes for classroom or school reform. But frequently they pose more questions than answers. What about alternative schools? How does one distinguish among them? What evidence is there they provide the skills and the education needed to allow Blacks and other minorities to determine their own future options? Even more important, what are the sources of funding or financial support for these alternatives? Must they always operate on "soft money," while the bulk of tax revenues continue to flow to schools which have demonstrated their inability to educate, even in the most rudimentary way? Will these alternatives become convenient dumping grounds and enclaves for students, mostly Blacks, whom existing public schools have neither the skills nor the inclination to deal with on a regular basis?

A critical danger is the possible use of poor black children as "guinea pigs," particularly when the experiment is really meant to alleviate the private hang-ups of a few individuals. Informal classrooms, for instance, are almost everywhere touted as the lastest panacea for a host of educational woes. Like the little girl in the old nursery rhyme, when they are good, they are very, very good; but when they are bad, they are horrid. Informality, grooviness, and all the rest may become convenient covers for sloppiness and a general lowering standards. They mask the hard reality that nothing worthwhile, least of all a good education, is gained without discipline and hard work and while such innovations may in the short-run make schools happier places for some children, in the long run they may well become a new form of patronizing put-down: these kids aren't really capable of serious effort; so make sure they have fun.

Arthur Pearl, in his excellent article on the new informalism which appeared in *Social Policy* about a year ago, punctures

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Footnotes at end of article.

many of the balloons blown up by the informality advocates.[5] He does not deny that rigidity or irrelevance or coercion commonly characterize many public schools; but he cannot buy the prescription of those who would simply throw up their hands, turn schools over to kids, and abandon adult responsibility for leadership, guidance and teaching. The fact that some curricula are irrelevant, does not lead him, he says, to the conclusion that he cannot identify relevance and teach it. To quote Dr. Pearl: "There is a body of knowledge to be taught and a position to be taken through it, and supported by it, against parochialism, against poverty and misery." [6]

Equally damaging is the kind of rhetoric heard from some who try to persuade youth that some subjects are somehow foreign to black soul. Efforts to inculcate pride in black identity, to teach a more honest version of history, to recognize the drama and grandeur of the African past, are laudable and necessary as an antidote to years of dishonesty and racism and methodical suppression of ethnic identity and self-respect. But the needs of the black community for lawyers, doctors, engineers, planners, scientists and educators will not be met by young people, regardless of how committed they are to black development, who are not learning political science and chemistry and physics.

And finally, consider "de-schooling." What does that term mean to Blacks and other minorities? They have already been deschooled, deprived, de-motivated and, too often, dehumanized by the existing educational system. They don't need another vehicle to do to them better what too many educational institutions have already done very well indeed through the years.

Besides, this is a credentialed society, requiring diplomas, certificates, degrees and other stamps of approval to enter most of the more powerful and lucrative positions. While many of these credentials are meaningless in the more important ways or unnecessarily difficult to obtain, few can afford the luxury of ignoring them even while efforts to modify them are intensified. Blacks and other minorities don't need to invent new ways to be kept out of the system; that has been done for them by others who were experts. They want in, not out.

A more pragmatic way to attack the problem of non-education and inferior education is to force those institutions charged with the responsibility for educating to do just that: educate children and youth or get out of the way so others can get about their business. One should not be deceived by the new symbolic crusades. Eternal vigilance is essential if the poor and minorities are to avoid becoming victims of the diversions and blind alleys they have endured so long. White folks aren't about to pay for their education out of the goodness of their hearts. True educational equality should be argued and fought for, *not* as a favor or a sop, but as a sound investment in a healthy and viable society.

When appropriate courses of study and methods and techniques for black students are being debated, it might be well to examine more closely the examples set by many black colleges. Through the years, these institutions—starved for funds, struggling for survival, besieged on all sides by hostile, racist whites who wanted to keep Blacks ignorant and uneducated—took the products of inferior, segregated southern *and* northern schools and turned them into competent professionals and outstanding leaders. One of the reasons Blacks have been able to develop leaders in many fields is because these institutions existed. Unfortunately, Chicanos, Puerto Ricans and Indians had no such institutions in this country.

An innovation which has received far less publicity than some others, however, is one with extremely dangerous implications: the use of drugs to control the behavior of children in the classroom. Nat Hentoff, writing in the *Village Voice*, has produced a frightening indictment of the collusion among drug companies, doctors employed by school systems, and teachers.[7] Although only about 100 pediatric psychiatrists in the country are qualified to diagnose and treat the minimal brain dysfunction known as hyperkinesis, for which certain drugs have, in fact, proved helpful, preliminary investigation has revealed that thousands of school children have been placed on a regime of behavior modification drugs, without proper testing, without careful monitoring, and often in total disregard of parental concern and opposition. It should not be necessary to point out that the victims are frequently children of the poor and the powerless. Hentoff comments: "The so-called 'divergent behavior' is a desperate reaction to teachers and administrators who don't know what to do with kids who do not fall into their 'special ideology about discipline.' Unwilling to recognize their own deficiencies as educators, these school personnel, in alliance with some physicians, turn to drugging children as the 'easy' way to solve their own problems in a classroom." [8]

The proposals for innovation, for reform, for change are apparently endless in their variety. Some may be well-intentioned, but poorly conceived and executed. Some may cost so much that they can reach at best only a minute proportion of the children who would benefit from them. Some, like the drug therapy described above, may be actually malevolent and harmful to children. As with schemes for reform of educational finance, wariness and careful analysis should precede endorsement.

POLITICS

Another subject we must examine carefully is the politics of schools and education. The educational system of any country is one of the primary means of socialization for its citizens. Any society will attempt to inculcate within its citizens the basic values, philosophy, beliefs and traditions of the society through its schools, along with other institutions.[9] Community control of the schools is inevitably, then, like other school-related problems, an issue which is political in nature.

Community control is a topic which has upset educators all over the country, largely because of the potential ramifications of the New York City controversy of several years ago. It might be pointed out in passing that here is another interesting example—like busing—of American doublethink. When whites demand community control, it is regarded as logical, normal and appropriate. In fact, they don't need to demand it, because they have always had it! But once Blacks begin to talk about control, blood pressures sky-rocket, eyes bulge and people begin to see some dark devious plot being concocted by militants and revolutionaries. Derrick Bell of Harvard University Law School has put the issue in proper perspective. "The essence of community control," Bell says, "is the sense of parents that they can and do influence policy-making in their children's school in ways beneficial to their children.

"Parents in highly regarded suburban school communities have this sense, and in varying degrees, teachers and administrators in those schools convey and understanding that their job success depends on satisfying not the board or union but the parents whose children are enrolled in the school." [10] Or as John Smith of Howard University said more succinctly: "White schools are not 'better' because whites are superior, but because those responsible are required to act responsibly." [11]

Community control is clearly an understandable and worthwhile item on the Black educational agenda. The systematic favoritism for whites and planned inferiority for Blacks is too well documented to bear repeating. But when Black parents, driven to desperation by the continued refusal or inability of white-controlled school systems to educate their youngsters, talked about taking over, the attempts to suppress or subvert community control began. In Detroit and New York, where state-mandated redistricting and local boards have been established, the results have not given disenfranchised Blacks much to cheer about.

Marilyn Gittell, one of this country's major analysts of educational politics, sums up the problem by saying that "mere election of local boards is not a guarantee of a redistribution of power." She notes that professionals have seen to it that boundaries and election procedures were such as to assure continued control by the old forces; that in any case, organized groups—even those such as parochial parents with no direct interest in the public schools—are favored; and that local boards are limited to dealing with "at best minor housekeeping arrangements." [12] Barbara Sizemore's analysis of the Chicago Woodlawn School leads to similar conclusions: there the community board was simply an advisory group, recommending policies, not controlling much of anything.[13]

The critical issue, of course, in any discussion of community control is the definition of control. Is control simply a meaningless term whereby the downtown administration can keep the slaves content, a formula without substance, a device for decentralization of systems too massive for coherent governance? Control should mean power, nasty as that word may be: power to make decisions about staff and curriculum, and to make those decisions stick. Control means money to implement new programs, build buildings, hire personnel. Without power, without money, control is a fraudulent, empty slogan. It is crucial to deal with reality, not rhetoric.

Philip Meranto, who has noted with interest the paucity of political analyses of school governance, concludes that the only hope for rejuvenating urban school systems lies in greater Black representation in both legislative bodies and in school administration. "Only if Blacks are at least modernately successful in winning these battles will the quality of education in American cities be measurably improved," he writes. "The immediate past has demonstrated that the quality of education available to groups in American society is not unrelated to the political power of the various groups." [14]

The fact that Blacks have already become a majority in many cities (if not in the general population, certainly in the school population) argues for operation of the school system for the benefit of Black children. But merely because Blacks become a majority is no guarantee that things will improve. Financial support for basic services—education, transportation, welfare, housing—is slowly but surely being shifted from the local level to state and federal government.

As Blacks and other minorities approach or become the majority in urban areas, gerrymandering of political boundaries and metropolitan schemes proliferate in transparent attempts to dilute or deny political representation, once again, to these historically disenfranchised and powerless groups. There are other developments occurring which may well undercut any kind of meaningful community control. In New York State, for instance, the NEA and UFT have united to form one monolithic teachers organization. If dealing with the union in New York City was an impossible task for local boards, how can Blacks and other minorities hope to negotiate and deal with a statewide organization of over 200,000 members.[15]

Footnotes at end of article.

And it doesn't stop with teacher organizations. Increasingly there are calls for regional or interstate plans and programs—and no one can deny the need or good sense behind such appeals for transcending artificial boundaries. The problems of transportation or air pollution certainly do not respect political divisions. But what must be understood is that community control, in and of itself, may play itself out as another hoax on minority groups. Even assuming that they were able to get themselves together—organized, united, articulate—as a community or even city-wide group, what good would that do, if the action has moved to a higher level of government or if the resources are so pitifully few that nothing much can be accomplished anyway. One may be promoted from clerk to president of the bank, but the plush office will be a meaningless symbol if all of the depositors have taken their money and gone elsewhere.

Blacks and other minorities all have a lot to learn from participation in the decision-making process. Competence in governance—no more than in any other field—does not come overnight, and it may well be as some, including Barbara Sizemore,[16] have argued, that Blacks are still at a stage in their development as a people where separatism is a healthy and necessary phenomenon. But they must beware of still another rip-off. The question of community control requires caution, and eyes wide open to see what is being controlled and what resources are available to make the control effective.

In the Brown decision of 1954, separate schools were declared inherently unequal. Documentation of the inequalities had been provided by Bond, Caliver and others.[17] Sexton and Wise,[18] among others, have shown that schools serving the poor outside the south also received an unequal share of the resources of all kinds. What happened after 1954, however, was that many people, both black and white, assumed that mixing Black and white children in schools and classrooms would magically provide quality education. Few people confronted the hard realities of what quality education meant or would cost. Few dealt with the reality of racist teachers and administrators, rigid organizational arrangements, harsh disciplinary procedures unequally applied and the psychological violence visited upon Black children who would be bused to newly desegregated schools. Segregated schools had proved damaging, but the pain and anger of desegregated schools has been no less damaging in too many cases.

Samuel Etheridge, the National Education Association's director for teacher rights, has documented and publicized the scandalous treatment of Black teachers and principals in the South during this period of desegregation.[19] In the school year just past, Etheridge reports that 4207 Black educators were dismissed, demoted, assigned out of field or unsatisfactorily placed in five southern states. Needless to say, the horror did not end there. Students have also suffered their share of the penalties.

Literally thousands have been expelled, thrown out, physically brutalized and psychologically assaulted. A survey which covered less than ten per cent of all the school districts in the eleven Southern states uncovered these figures; 12,638 students suspended; 2,470 students arrested, and 22,978 students out of school for some reasons or other, including expulsion. Intimidation, violence and even murder has attended the Southern way of life. And yet there are other instances in which young people of both races have been able, with wise and patient adult guidance, to explore their misconceptions and fears and frustrations together, and to move on to respect and friendship, putting their elders to shame.

The fact that Black school children and teachers are being systematically repressed or impoverished is not news. But when such developments occur as the consequence of implementing a goal—desegregation or integration—for which people have fought and died, it is depressing and alarming in the extreme. That many Blacks have turned away from the unequal struggle and begun to advocate separatism may be ironic, may seem a contradiction of much that has gone before, but it should hardly be viewed as a surprising development by the press or anyone else.

Black people didn't invent or create two separate societies. It was the Kerner Commission which warned of a polarized society, separate and unequal.[20] What can one expect when oppressed Blacks and other minorities watch their children emerge from school uneducated, unequipped and psychologically damaged. Tracking, testing, counseling, and guidance contribute to this and are viewed as means of keeping Black folks ignorant. Is it any wonder that people begin to say they will use any means necessary to see that their children are no longer dehumanized?

Yet understandable as these reactions may be, the focus must always be clearly on quality education. If that can be provided in desegregated or integrated schools, good. But—given the reality of housing patterns and the intransigent opposition to busing—it may well have to be provided, for many youngsters in the foreseeable future, in all-black schools. In either case, the ultimate goal must continue to be a truly open society, an open society in which all people can choose from among many options. Blacks have been fighting for options for more than 300 years; hundreds of thousands have given their lives in the struggle. Whether Blacks want their children in desegregated or integrated schools, they must have that right. This country was built in no small part by the sweat, blood and brains of Blacks. It is as much their country as other more favored groups, and they are entitled to all the rights, privileges and options available to the most favored of its citizens.

As Vernon Jordan and others have noted,[21] this period seems to be the end of the second reconstruction. The potential for violence and destruction which are building up in this country is no less than terrifying, not least because it is condoned, if not actually led, by the top executive leadership in the federal government. If the policies of this administration are not evil, they are at best stupid and shortsighted. This administration seems to have far more confidence than is warranted by history and the experience of human nature that "benign neglect" in racial conflict will somehow serve to appease white racists into a more broad-minded outlook. Apparently it has not yet learned that the quest for self-aggrandizement at the expense of other "inferior peoples" is an appetite which is never satisfied. Has the lesson of Nazis Germany been forgotten so quickly?

As early as February 1970[22] a top Presidential advisor was propounding the theory that the ship of integration had gone down and that the President would do well to disassociate himself, before it cost him more votes, from a struggle which was bound to fail. It seems obvious that he has taken that advice. Thousands of citizens, black and white alike, have agonized and worked toward the goal of equal opportunity, recognizing that their common safety and health—to say nothing of the moral and Constitutional obligation—required no less. Now they are confronted by the stunning and sorry spectacle of a leader who panders to the worst elements in the individual or collective American mentality, and inflames racist and selfish desires or fears in a classically demagogic bid for re-election. The President has talked a great deal about honor in recent years, but it is extremely difficult to comprehend how he defines it. By submitting Constitutional safeguards to popular vote? Undercutting the duty of the Supreme Court to protect the Constitutional rights of minorities? Proposing legislation which would return this nation not simply to the thinking of *Plessy vs. Ferguson*, but even further back to the concept expressed in the Dred Scott decision: "... (Negroes are) altogether unfit to associate with the white race ... and so far inferior they (have) no rights which the white man (is) bound to respect. . . ."

The nation needs people who, in view of these disheartening and frightening developments, are committed to firm and vigilant pursuit of an open society, including the desegregation of the schools and the means to make desegregation possible. This is not to ignore the fact that many schools are now, and will continue to be, all or almost all black: the children in those schools cannot be penalized any longer for an accident of geography. But there are examples of excellent black schools from which to learn. The goal remains: a national educational system in which black and white and indeed all children will learn from one another, and in spite of one another, what life in a world of diversity and change is all about.

HIGHER EDUCATION

Equally serious problems face Blacks who wish to obtain undergraduate, graduate or professional training. But first, the topic of higher education for Blacks should be placed in historical perspective. For many years, of course, black colleges comprised virtually the sole means for Blacks intent on obtaining post-secondary education. Indeed, as late as 1968, almost 80% of the baccalaureate degrees awarded black students were granted by black colleges, and almost 50% of the graduates or professional degrees.[23] Earl McGrath emphasizes, in the initial pages of his study of Negro colleges, that if young black people are "to receive *any* higher education, the institutions now primarily serving Negroes must, for a considerable span of years, provide it."[24]

People may argue, as they do, about whether these colleges were founded to assist newly freed blacks assume their rightful role in a free society or to reinforce segregation and subservience. The fact remains that black colleges have performed heroically in providing education for generations of black people and that they have done so in the face of overwhelming odds against their very survival. To this day, they have been starved for funds—and have, therefore, had poor facilities and low salaries. They have had to engage in enormous amounts of remedial work because many of their students came from schools organized around planned inferiority and academic deprivation. And make no mistake about it: it was planned, overtly in the dual school system in the South and covertly in the ghettos of the North. The deliberate design has been alluded to and documented by such diverse writers as Ambrose Caliver, Horace Mann Bond, Henry Allen Bullock and in the monumental work of Gunnar Myrdal.[25] Dubois, again the visionary, said years ago that:

"The Negro Race, like all races, is going to be served by its exceptional men. . . . Now the training of men is a difficult and intricate task. Its technique is a matter for educational experts, but its object is for the vision of seers. If we make money the object of man-training, we shall develop money-makers, but not necessarily men; if we make technical skill the object of education, we may possess artisans but not, in nature, men,"[26]

But most whites, especially the philanthropists, were not interested in the training of "men" and thus a tragic cycle was initiated.

Students in black colleges and even the alumni have rarely been in a position to support them, through high tuitions or generous bequests. Financial weakness in the colleges and lack of demand for trained Blacks in a segregated and discriminatory so-

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ciety combined to limit their offerings to "safe" fields, like education, social work and religion. Even the few professional schools were limited to providing training for those careers which could be pursued in the black community: medicine, law, theology. The tragic cycle was repeated over and over: ambitious young blacks had no opportunity to study advanced science or business administration, and the white graduate schools or employers were provided with an easy "out" for their lack of black students or employees. But regardless of their crushing problems, black colleges did and continue to provide the vast majority of educated black leaders. From their alumni have come not only the well-known spokesman for the whole spectrum of black consciousness, but also the quiet supporters for the thousand-and-one projects and programs attempting to gain freedom, opportunity and power for black people.

Look at what black institutions have done, for instance, in providing professional training. Now it is quite clear that Blacks are still under-requested in all the higher professions. For instance, only two percent of this country's practicing physicians are black. The proportion of attorneys is extremely unequal: one for every 750 whites, but only one black attorney for every 5,000 blacks. The story is similar for other post-baccalaureate programs: only 1.72 percent of graduate enrollment is black, and of all the Ph.D.'s granted between 1964 and 1968, only .78 percent went to Blacks. But without Meharry and Howard, the record would be unimaginably worse. These two are still providing the vast majority of black doctors and dentists. The Carnegie Commission on Higher Education reports that "in 1968–69, out of 35,000 M.D. candidates in the nation, 393 were at Howard and 269 at Meharry. Less than 1 percent of the students in other medical schools were black . . . out of 15,408 dental students enrolled, 136 were at Meharry and 310 were at Howard. Only 21 of the 59 dental schools, other than Howard and Meharry, had any black students and most of these had only one."[27] Despite the fact that these figures are beyond dispute, at a recent social event one of the affluent white "liberals" present refused to accept their validity. He offered no refutation other than his contention they were inaccurate! He could not accept the fact that in the 1970's black institutions were still carrying the major burden of providing black professionals in law, medicine and dentistry, not to mention basic undergraduate education for Blacks.

While the gallant efforts and real successes of the black colleges in the past should be appreciated and receive endorsement, it must be noted that the desegregation gradually taking place in higher education has its price. For instance, the integration of institutions which were formally predominantly black poses the danger of reducing rather than expanding access of black youth to higher education. The Carnegie Commission says this, for instance:

> Among historically black colleges, three recently reported that more than 50 percent of their students were white: Bluefield State College, 69 percent white; West Virginia State College: 73.3 percent white; and Lincoln University, Missouri, 50.8 percent white."[28]

Similarly, Maryland State College became part of the University of Maryland, and nine predominantly Negro junior colleges in Florida were closed in order to integrate their students into white junior colleges. Before one can determine whether these integration efforts represents advancements of the black cause, he should inquire what happened to the black young people who might have gone to Bluefield State or to Lincoln University, Missouri. Were opportunities available to them in predominantly white colleges?

The "black brain drain" is another cause for concern. The scrambling by many sectors of society for black students and professionals is certainly a refreshing change: but one must guard against satisfaction with mere tokenism. The recruitment of topnotch students or professors from black colleges to white ones may represent a net loss, not gain. The installation of a Black as a special assistant in an otherwise white office is too frequently windowdressing at best, and at worse may serve as an excuse for avoiding the need for basic institutional change to meet the needs of the black community. The days for basking in the reflected glory of the achievements of one or two have long since gone: opportunity must be available to every one.

As recently as 1969, more than six percent of the white population (25 years or older) had graduated from college, as opposed to only three percent of the Blacks. More than half the white population of this country had at least a high school diploma, but less than one third of the black population had graduated from high school.[29] Has there been an improvement in this situation? It's hard to say. Figures on current enrollment of Blacks in colleges and universities vary from a high of 484,000 reported (1970) by the Census Bureau to a low 356,836, reported by the HEW Office of Civil Rights. One can only speculate about the disputed 125,000 bodies. Indeed, Elias Blake, in his paper prepared for the National Policy Conference on Education for Blacks last April, states "Despite all the publicity on increases, no studies of any comprehensive nature exist with solid answers to these questions . . ."[30] (i.e., of how many blacks are enrolled, in what kind of programs, leading to what). Equally mystifying is the exact proportion of Black youngsters in predominantly black colleges or in predominantly white, be they private or state-supported. The Southern Education Reporting Service conducted a survey of the 100 state universities and land-grant colleges, and found that (with the exception of these institutions which were originally all black) the percentage of black students ranged from a high of not quite 3% in institutions in the Midwest to a low of less than 1½ in the Far West.[31]

It is not just mathematical inaptitude that makes one suspicious of figures: it is the all-too-common phenomenon of non-existent, scrappy or inconsistent data which, in this age of computers, is hard to understand or excuse. But of course it should not be necessary to note that even if there were an accurate clear picture of black student enrollment, one would still need to ask the even more important questions about quality and productivity.

The efforts of some colleges and universities to expand access to higher education to minority youth have been lauded by a few, but they have triggered anxiety and outright opposition among many more, including the Vice President. The late Whitney Young, Jr. and Ermon Hogan provided an excellent response to those who, "when they grumble about 'lower standards' are really using code terms for keeping blacks out." They write: ". . . it has been clearly demonstrated that now traditional terms of admission predict little or nothing about what a minority student will do in college or about his potential after graduation. At the same time, it has been clearly shown that lack of motivation is not a problem where genuine opportunity exists; academic skills can be acquired; and persons once thought uneducable at the college level, based on high school records, College Board test scores, and cut-off points, are now succeeding in their studies. . . . The best way of determining whether a potential student is capable of college work is to admit him to college and evaluate his performance there."[32]

Open admissions, like so many other highly publicized new programs, cannot be regarded as the solution to the disproportionate representation of minorities and the poor in higher education. Indeed, some serious questions must be raised about certain programs which permit students to enter but do not provide the supportive services, counseling, remediation or financial backing which will make it possible for them to remain. Similarly, the proliferating community colleges must be carefully watched to see whether, as has been charged by some,[33] they are in part becoming a convenient device to screen out applicants for the universities and direct them into lower-status and even dead-end jobs.

The enormous expense of a college education is well-known, and cost alone will continue to bar the college door to many aspiring poor youngsters whose families are totally unequipped to help them. It is doubtful that, even with the emergence of new Federal aid to higher education, this country has yet made a commitment to ensuring that all its talented young people, regardless of their social or economic circumstances, will have an opportunity to engage in advanced study.

Even if adequate financial support were assured, very serious problems remain. The pressure on black students, particularly on the recently desegregated campuses, are extremely severe. Too many black youngsters, unfortunately, are confused, misled, and finally demoralized by self-proclaimed leaders who subsist on an ideology or program based on half-truths and a single strategy. Trying frantically to get their bearings, these youngsters have few opportunities to obtain sympathetic and sane advice and examples, and they fall prey to fools and charlatans. One black college president tells of looking out his window late one night to see one of his better students tearing up the grass on the college green. When the student was invited in and asked what he was doing, he replied: "I'm planting food to feed all the hungry brothers and sisters." Whether that particular trip was caused by drugs or something else is beside the point. What matters is that some of the brightest young people today are being bombarded with false information, conflicting theories and misleading signals without any corresponding method for evaluating them or sorting them out.

A very disturbing development on some predominantly white campuses is the establishment of special colleges for open admissions students, Blacks, Chicanos and Puerto Ricans. These colleges are separate, identifiable and often run by Blacks and other minorities. But if these colleges become the repositories for all of the disenfranchised and oppressed, what of their future? How much money will be available for them when Blacks, Chicanos and Puerto Ricans go out of style? What about the responsibility of existing departments and colleges to change their staffing patterns and curricula? Permitting or encouraging such separatism may become a part of the new racism: give them their thing and let them do it; we will be done with them, and good riddance. If quality is not established and maintained, if staff is not competent and committed, if skills and education are not directed to careers of the future, Blacks and other minorities will soon realize that they have been had, put in a trick bag once again, and ripped off in the name of progress.

Art Thomas, Director of the Center for the Study of Student Rights and Responsibilities, summed up the challenge, facing Blacks concerned about young people. "Black people have to realize," he said, "that one white dude can come into an audience of 2,000 Black people and act like he's in the majority. That's a very powerful thing, when a white racist society has conditioned a white dude to believe he is superior, to act like he's in the majority even when he's in the minority. Black people, if

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we are going to survive, have to develop within our children the belief that they are beautiful, that they are brilliant, and that they can do anything they make up their minds to do. If we can educate our children at an early age to believe in themselves, the question of integration or separatism will not be important because of Black pride. When you can put one Black child in a school with one thousand white children, and he knows he is powerful, that he is brilliant, then the thousand white children will not affect his confidence. By the same token, you can have one thousand Black students in a school together who live, trust, and respect each other, and they will know that they are together and can accomplish anything they set out to accomplish."[34]

Learning how to deal with overt and covert racism may be depressing, frustrating and difficult in the extreme. But it is an essential part of the educational experience for all minority young people. If they are to deal effectively with whites in later life, as they must, they might as well begin on the campuses. They cannot do so by retreating to the illusory havens promised by separate courses of study, dormitories or other exclusive minority programs. Harold Curse, that perceptive and biting critic of the Black intelligentsia, lays bare the hollowness of much of the separatist rhetoric. "The Negro intellectual," he writes, "must deal intimately with the white power structure and cultural apparatus, and the inner realities of the Black world at one and the same time . . . he cannot be absolutely separated from either the Black or white world."[35] Calling on radical Blacks to develop "a social theory based on the living ingredients of Afro-American history,"[36] he accuses them of disdaining profound theoretical and scientific examination of historical in favor of "passion, emotionalism and prejudice."[37] But while they are caught up this fervor, he warns, the white power structure will be busy doing their theory and practice for them.[38]

Even earlier, W. E. B. DuBois had defined the Black situation: "Once and for all," he wrote, "let us realize that we are Americans, that we were brought here with the earliest settlers and that the very sort of civilization from which we came made the complete absorption of Western modes and customs imperative if we were to survive at all; in brief, there is nothing so indigenous, so completely 'made in America' as we."[39] And Imamu Baraka, still known to many as Leroi Jones, adds: "The paradox of the Negro experience in America is that it is a separate experience but inseparable from the complete fabric of American life . . . In a sense, history for the Negro before America must remain an emotional abstraction."[40] Such words are sobering but much-needed as restraints to those who are tempted, however understandably, to escape into an all-black world.

Education is a complex topic: almost every issue raised in these few brief pages—and many others to which no reference has been made here—could well become the sole topic of an article, a chapter, even a book. Exactly because of this complexity, it is always tempting to put on blinkers, to focus too narrowly on an immediate problem, to ignore the annoying ramifications of events in tangential fields. But simplistic analysis, simplistic solutions, will not do. Equal opportunity in education will not become a reality overnight—even if funding increases drastically, even if the busing question is equitably resolved, even if teacher training is improved, even if admission to college is guaranteed to all who wish to apply. Suffice it to say there is work to be done, and work enough for everyone who seeks to forward the twin causes of quality and equality.

Peter Drucker has some astute comments on the current educational crisis: "The school is not in crises just because it is suddenly doing worse. Today's school does no poorer a job than it did yesterday; the school has simply done a terribly poor job all along. But what we tolerated in the past we no longer can tolerate . . . Rather the school has suddenly assumed such importance for the individual, for the community, for the economy, and for society, that we cannot suffer the traditional, time-honored incompetence of the educational system . . . Today, access to careers, to most opportunities, and to education is through the school. We expect of the school—and it is a new expectation that no school has met before—that most if not all students will really learn something . . . We expect a person to find in school his basic experiences and the knowledge foundation for his life . . . (we) depend on the diploma, so we rightly demand that the schools perform better."[41]

But the clouds of racism and reaction to earlier gains are gathering and loom ominously over any discussion about improving education. Those who have read Sam Yette's book, The Choice,[42] whether they agree with him or not, will have some notion of the possible dimensions of the storm. What, for instance, of recent judicial decisions, such as the Supreme Court's action in permitting juries to reach majority, rather than unanimous verdicts in cases tried in state courts? Or its upholding of the rights of private clubs to maintain restrictive practices, even while they operate under liquor licenses granted by the state?

What of the psychologists and others who suggest reconsideration of theories of genetic inferiority or predict an increasing role for an elite meritocracy? What of the social analysts who depict the "pathological" condition of the Black family, or intimate that a certain segment of society is destined (one can almost hear "predetermined") to remain in squalor or ignorance? What of the consolidation of power by organizations who oppose participation by the less powerful, who care nothing for the views of poor or minority groups and communities? None of these developments is irrelevant to the concerns of those who wish to improve education and increase opportunity.

Yet first on the educational agenda must always be the definition and redefinition of what is meant by "quality." Faddists and hucksters are ever eager to sell panaceas, to advocate the substitution of "pop" Shakespeare for the genuine article, to substitute grooviness for hard work and discipline (or, as someone has felicitously put it, to "grant absolution even where none was sought"). There is no substitute for exposure to the riches of the past—not only the African or the Spanish past, but the entire range of thinkers and civilizations. Only thus will the young be instructed in their human potential, even while they learn to moderate the arrogant pretensions of so much modern ideology.

Good education depends, too, on exposure to adults—not simply teachers, but many adults who will counsel, encourage, advocate—adults who provide models of commitment and of integrity by living out in their own lives what they presume to teach young people. And quality education demands the provision of many options, alternatives and choices. It is—or should be—well known by now that learning is a life-long process which varies in rate and style from one individual to another. Yet one unfortunate consequence of universalizing education has been the equation of learning with school, as well as the subjugation of natural curiosity and interest to "professionally" defined standards of progress and behavior and attitude in the classroom.

Despite the confusion, dislocation and turbulent change which will continue to impede the halting progress of this society toward realization of its dream, there is some hope. The current liberation movements—Black, female or youth—may prove capable of liberating everyone from the bitter residue of past failure and present fear. The demands, for instance, being made by many Blacks—for quality education, for accountability by teachers, for full funding, for desegregation—are not narrow and self-serving. They are needed by all segments of society, and all segments of society—rich, poor, black, white—will benefit if they are met.

But it will not be easy, in a time of bitterness and frustration, to remember to convince others that the cause belongs to everyone. The most important things for Blacks to remember is that the struggle is about survival as human beings. In these difficult days and in the more difficult tomorrows, the temptation to strike out at each other for perceived differences in tactics and strategy will bear heavily upon them. It is imperative that they resist and actively oppose such tendencies in themselves and in others. Neither pointless violence nor abject surrender will serve, nor will idolizing or romanticizing of Black leaders.

"Malcolm X," writes a perceptive member of the Institute of the Black World, "became in his lifetime the quintessence of a free man. . . . If we are serious about the fundamental personal and structural changes which are necessary for Black people to live, then we cannot fail to take Malcolm as our model. In saying that, we are not focusing here on a specific political methodology for change. Malcolm is the prime example of what we must do if we want to prepare ourselves, not only for the struggle for freedom, but for the possibilities inherent in freedom itself. Malcolm's crucial decision, as a member of an oppressed people, was to refuse to accept the limitations imposed on him by the conditions of oppression. . . . The willingness to expose one's life to the merciless glare of truth and to make whatever changes truth demands, . . . this is the epitome of a truly religious, truly political man. This was Malcolm, and it must be us."[43]

Blacks are a humane and loving people, they care about each other. Were this not so they would have long since perished under the weight of over three hundred years of oppression. Their ability to continue to struggle has been sustained by their basic humanity, their ability to remain humane through centuries of physical and psychological violence.

As that humanity has sustained them so they must now zealously nurture and continue to develop it. Blacks—like other minority groups—do not have to agree on everything, nor should they expect agreement on all things. Unity, not uniformity must be the goal. They cannot make the fatal mistake of adopting the attitudes and behavior of their oppressors. Name calling and labeling have little place in the struggle; they must look at one another in terms of what each is doing to advance the program of Black survival and development. If the brother or sister is on the case, moving the agenda forward, right on! If they are not, they can be helped to join the struggle for survival. There really is no viable choice in this regard: the survival and development of each Black man and woman are intimately, inextricably and inevitably linked to the fortunes of all Black people, and ultimately to the fortune of the human race.

FOOTNOTES

[1] Berkeley professor Arthur R. Jensen's article, "How Much Can We Boost I.Q. and Achievement?" which touched off a continuing storm of controversy, appeared in the *Harvard Educational Review*, Summer, 1969. William Shockley, a 1956 Nobel Prize winner and Stanford professor, is "Dysgenics, Geneticity, Raceology: A Challenge to the Intellectual Responsibility of Educators," *Phi Delta Kappan*, January 1972.

[2] Henry M. Levin, *The Costs to the Nation of Inadequate Education*, a report prepared for the Senate Committee on Equal Educa-

tional Opportunity (Washington: U.S. Government Printing Office, 1972).

[3] The California State Supreme Court decision in *Serrano vs. Priest* in the fall of 1971 was followed by similar rulings by a U.S. District Court Judge in Minnesota, by a Federal court in Texas, and by the New Jersey State Superior Court. See, for instance, *Education U.S.A.*, September 13, 1971; October 25, 1971; January 10, 1972; and January 31, 1972. See also, e.g., Joel S. Berke, "The Current Crisis in School Finance: Inadequacy and Inequity," *Phi Delta Kappan*, September 1971.

[4] Memorandum to Ruby Martin, dated February 7, 1972, prepared by Richard Warden of the Washington Action Research Council for the National Policy Conference on Education for Blacks.

[5] Arthur Pearl, "What's Wrong with the New Informalism in Education?" *Social Policy*, March/April 1971, pp. 15–23.

[6] Pearl, p. 18.

[7] Nat Hentoff, "Drug-Pushing in the Schools: the Professionals," *The Village Voice*, May 25, 1972, and June 1, 1972.

[8] Hentoff refers to several earlier accounts of this phenomenon, including "Federal Involvement in the Use of Behavior Modification Drugs on Grammar School Children . . ." testimony before the Gallagher House Subcommittee, and other material (Washington: GPO, 1970); a report of an HEW conference in January 1971, reprinted in *United Teacher*, April 25, 1971; "Effects of Amphetamine Therapy and Prescriptive Tutoring on the Behavior and Achievement of Lower Class Hyperactive Children," *Journal of Learning Disabilities*, November 1971.

[9] See, for example, the work on this subject by some of the great sociologists: Max Weber, *The Theory of Social and Economic Organization* (New York: Oxford University Press, 1947); Emile Durkheim, *Moral Education: A Study in the Theory and Application of the Sociology of Education* (New York: Free Press of Glencoe, 1961); Karl Mannheim, *Essays on the Sociology of Culture* (New York: Oxford University Press, 1956).

[10] Derrick A. Bell, Jr., "Integration—Is it a No-win Education Policy for Blacks?," an unpublished paper prepared for the National Policy Conference on Education for Blacks, 1972, p. 18.

[11] John W. Smith, "Some Afterthoughts Concerning the National Policy Conference on Education for Blacks," an unpublished paper, April, 1972, p. 3.

[12] Marilyn Gittell, Statement to the Mondale Committee (Equal Educational Opportunity) July 14, 1971.

[13] Barbara Sizemore, Statement to the Mondale Committee, July 17, 1971.

[14] Philip Meranto, *School Politics in the Metropolis* (Columbus, Ohio: Merrill, 1970), pp. 157–8.

[15] Fred M. Hechinger, "Muscle at School and on Campus," *New York Times*, April 30, 1972: Nat Hentoff, "The Biggest Teacher of Them All," *The Village Voice*, April 27, 1972.

[16] Barbara Sizemore, "Is There a Case for Separate Schools?" *Phi Delta Kappan*, January 1972.

[17] Horace Mann Bond, *The Education of the Negro in the American Social Order* (New York: Prentice-Hall, 1934); Ambrose Caliver, *Availability of Education to Negroes in Rural Communities* (Washington: GPO, 1936), *Education Influences Affecting Graduate and Professional Studies* (Washington: Federal Security Agency, Office of Education, 1949); Harry S. Ashmore, *The Negro and the Schools* (Chapel Hill, N.C.: University of North Carolina, 1954.)

[18] Patricia Cayo Sexton, *Education and Income* (New York: Village Press, 1961); Arthur E. Wise, *Rich Schools, Poor Schools* (Chicago: University of Chicago Press, 1968).

[19] Figures taken from the National Education Association's draft of a proposed "Program for Displaced Educators and Students," 1972. See also, for example, Andrew Barnes, "Study Cites Loss of 30,000 Black School Jobs," *Washington Post*, May 19, 1972.

[20] *Report of the National Advisory Commission on Civil Disorders*, Otto Kerner, Chairman (New York: Bantam Books, 1968).

[21] Vernon E. Jordan, Jr., Executive Director of the National Urban League in a speech of the Commonwealth Club, San Francisco, California, April 7, 1972.

[22] Patrick J. Buchanan, memorandum to the President, written in February 1970 and published in *Harper's*, June 1972.

[23] Elias Blake, Jr., "Future Leadership Roles for Predominantly Black Colleges and Universities in American Higher Education," *Daedalus*, Summer 1971 (Vol. 100, No. 3), p. 746.

[24] Earl J. McGrath, *The Predominantly Negro Colleges and Universities in Transition* (New York: Teachers College Press, 1965), p. 5.

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[30] Elias Blake, "Higher Education for Black Americans: Issues in Achieving More Than Just Equal Opportunity," unpublished paper prepared for the National Policy Conference on Education for Blacks, p. 4.

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[33] See, for instance; Arthur M. Cohen, "Stretching Pre-College Education," and Alan Wolfe, "Reform Without Reform: The Carnegie Commission on Higher Education," *Social Policy*, May/June 1971.

[34] Informal remarks at a meeting of the National Urban League's Advisory Council on Education, April 1972.

[35] Harold Cruse, *The Crisis of the Negro Intellectual* (New York: William Morrow, 1967), pp. 451, 452.

[36] Cruse, p. 557.

[37] Cruse, p. 558.

[38] Cruse, p. 560.

[39] *W. E. B. DuBois: A Reader* (New York: Harper & Row, 1970), p. 11.

[40] LeRoi Jones, *Home* (New York: Morrow, 1966), p. 11.

[41] Peter F. Drucker, "School Around the Bend," *Psychology Today*, June 1972, pp. 49–50.

[42] Samuel F. Yette, *The Choice: The Issues of Black Survival in America* (New York: Putnam's, 1971).

[43] Unsigned column, "Malcolm Revisited," The Philadelphia Tribune, May 30, 1972, p. 15.

LEGISLATION FOR THE ELDERLY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing legislation today to implement two of the recommendations of the 1971 White House Conference on the Aging.

The first bill H.R. 16492, would encourage family contributions to elderly relatives by allowing a taxpayer to take an exemption for each relative, 62 or more years of age, to whom he gives $1,500 or more in support in a taxable year. This would mean a reduction in one's taxable income of $750 for each qualifying relative. Generally, the persons affected would be parents, grandparents, immediate aunts and uncles, and brothers and sisters who are at least 62 years of age. Presently, a taxpayer can claim such an exemption if contributing over half of a dependent's support. My bill would simply enable a taxpayer to meet the support test, in the case of an elderly relative, by contributing $1,500 or more to his or her support.

The second bill, H.R. 16493, amends the Social Security Act and provides for the payment of attorney's fees incurred by an individual who successfully challenges a decision to deny, reduce or limit Federal or State benefits, such as medicare, medicaid, old-age assistance, and disability insurance. This means 'that if a person wins a case before a Federal or State agency administering these programs, or in a court, the agency involved would pay the attorney's fees rather than the beneficiary. Today, even if a person's challenge is upheld, his attorney's fees are subtracted from the benefits awarded him.

These bills are simple but they affect two areas that work particular hardships on the elderly today. One is the basic problem of adequate income for our senior citizens. Family support and care of elderly relatives should be encouraged; H.R. 16492 would do this by giving some tax relief to families who undertake this responsibility.

H.R. 16493 amending the Social Security Act corrects a failing in a law which, through its many programs, affects a great percentage of our elderly population. If a person can successfully demonstrate that an agency has made a mistake in reducing, limiting or denying certain benefits, then the burden of correcting that error should not lie with the claimant, but rather with the agency responsible for the mistake.

Mr. Speaker, I hope that these bills will receive favorable consideration by the Congress as soon as possible.

IT IS TIME FOR THE CONGRESS AND THE ADMINISTRATION TO PROTECT THE AMERICAN PUBLIC AND DEMAND REFORM OF THE FEDERAL RESERVE SYSTEM

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the Congress of the United States is failing to do its duty—its constitutional responsibility—on monetary issues.

The Nixon administration—fearful of alienating its big banker allies—is failing to carry out its responsibility to control the Federal Reserve System in the public interest.

Mr. Speaker, the Federal Reserve System is the only agency in this Federal establishment which is able to spend money freely—public money—without audit and without any type of review by either the legislative or executive branches. The public—because of the acquiescence of the Congress and the administration—has absolutely no protection.

The Federal Reserve System controls at least $4 billion of public funds annually and there is no one in the Federal Government—not the General Accounting Office, not the President, and not the Congress—who pays any attention to where this money goes. As public servants, and as duly-elected representatives of the people, we cannot defend these practices. The Congress, despite its timidity in the face of the bank lobbyists, had better wake up and start protecting the American public in this area.

Mr. Speaker, I cannot imagine a single Member—be he a Democrat or Republican—who would condone some of the expenditures which we know have gone on within the Federal Reserve System.

If the Department of Commerce spent $13,000 to pay the moving expenses for one of its employees, most assuredly the official who allowed the expenditure of such funds would be removed from his job and possibly prosecuted for misappropriation of Federal funds.

Or if the Department of Housing and Urban Development paid the babysitting costs for certain employees while they entertained visiting dignitaries, there would certainly be a congressional investigation into the incident.

And if the Interstate Commerce Commission paid thousands of dollars a year for membership dues in highway lobbying groups, there would certainly be newspaper stories in every paper in the country regarding this illegal expenditure of taxpayers' funds.

Yet every day the Federal Reserve System, its 33 banks and branch banks, spends money on just such items as these, and no one is held accountable for these expenses. Nor is there any prosecution for the misappropriation of taxpayers' money.

In 1964, the Banking and Currency Committee in connection with an overall review of the Federal Reserve System examined the expenditures of the Federal Reserve System and found a great waste of taxpayers' money. Again in 1969, the committee looked into the expenditures and found equally shocking examples. Presently the staff of the Banking and Currency Committee is reviewing the System's expenditures for 1971. And while the full review has not been completed, there is every indication that the Federal Reserve System is continuing to spend money in a way that would land any other official in Government in jail if he were responsible for similar expenditures.

The latest preliminary review shows for example, that one Federal Reserve bank spent more than $10,000 last year in dues to various organizations. Although the Federal Reserve System has finally agreed with me that membership in the American Bankers Association and related State banking associations is clearly a conflict of interest, this bank spent more than $7,000 of the taxpayers' money last year for membership in such banking groups as Robert Morris Associates, Bank Administration Institute, and the American Institute of Banking.

In one instance, a Federal Reserve bank paid out $13,629.78 in moving expenses to relocate its new President.

Mr. Speaker, when the Banking and Currency Committee staff in 1969 reviewed the expenditures of the Federal Reserve System, an investigator from the General Accounting Office worked along with the staff. After studying carefully a total of nearly a million dollars of expenses, about $588,200 was expended by the Federal Reserve banks for purposes which were either questionable or not considered allowable under Government regulations. Not included in that figure was an additional $132,000 for which there was no explanation given by the Federal Reserve bank for the expenditures, thus making it impossible to determine whether or not these were legitimate expenses.

PAID-UP BONDS OF $71 BILLION ARE AT THE HEART OF THE FEDERAL RESERVE'S PROBLEMS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, there are in the Federal Reserve System serious questions about the expenditure of public funds and certainly this is an area where the Congress has an overriding responsibility. Many Members of this House have been extremely vocal in criticizing illegal and questionable expenditures of other agencies and departments of this far-flung Government. But we have a deafening silence from Members on the question of the Federal Reserve's footloose and fancy-free operation. Why is this?

Of course, there are other questions—even more basic—than the misuse of public moneys. The Federal Reserve is at the heart of our economic system and its decisions determine whether people have jobs, whether businesses prosper, or whether our cities and rural areas have a chance. In short, the day-to-day lives of every American citizen are affected by the decisions at the Federal Reserve System. This is why it is so important that the elected representatives have a say in what happens in this all-important agency.

The secret to the Federal Reserve's freedom from accountability is the $71 billion of bonds which reside in the portfolio of the Federal Open Market Committee in the New York Federal Reserve Bank. These are bonds that have been paid for once by the credit of the U.S. Government. The Federal Reserve, instead of canceling the bonds when they are purchased in the open market, continues to maintain them in its portfolio and to demand interest payments from the U.S. Treasury. No one continues to pay interest on a mortgage once it has been paid for, but the U.S. Government ignores this principle and continues to pay interest to one of its own agencies—the Federal Reserve System.

Some might dismiss this as simply a question of bookkeeping, but it is much more serious than this. It is the device that allows the Federal Reserve to thumb its nose at the people and their elected representatives. This was what the late Speaker Rayburn was referring to when he said in 1959:

> I have been forced to the conclusion that the Federal Reserve authorities . . . consider themselves immune to any direction or suggestion by the Congress, let alone a simple expression of the sense of Congress.

In an age which demands candor and at a time when politicians everywhere are being sharply criticized for the fiscal confusion surrounding our Federal Government, it is regrettable that the Federal Reserve is allowed to maintain—and draw interest on—Government securities which have been paid for by the credit of the United States. This is fiscal fiction of the first order.

This system is absurd. This system deludes the American public. This system enables the Federal Reserve to be what the Congress never intended—an agency free of control and supervision.

It does the Congress no credit to allow these absurdities to continue.

This fiction is maintained because the Federal Reserve has developed into a superagency with a superpowerful lobby behind it. The banking community—and its big business allies—want the Federal Reserve System to be free to serve the banking interests full time without worrying about any public interest strictures which the Congress might insist upon.

The Federal Reserve will always be able to serve the interests of the banking and big business community first so long as the Congress continues to allow the System its own independent source of funds by maintaining the fiction of these paid-up bonds.

Without these bonds, the Federal Reserve System would be like any other agency of the Federal Government. It would have no independent source of money and it would be required to come to the Congress and to undergo annual appropriations processes just like the Department of Health, Education, and Welfare; the Agriculture Department; the Federal Power Commission; the Federal Communications Commission; the Securities and Exchange Commission; and all the multitude of other agencies. Faced with this appropriations process, the Federal Reserve System would be much more careful about its decisions, much less likely to meet the demands of the big banking and big business community and hopefully more inclined to pay attention to the public interest.

More important, the Congress would be able to use the appropriations process to insist that the intent of Congress was met in the administration of banking and monetary statutes.

BONDS HAVE BEEN PAID FOR ONCE AND SHOULD BE RETIRED AND SUBTRACTED FROM THE NATIONAL DEBT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, let me review the situation at Federal Reserve as it stands today. At the end of the first week in August, the Federal Reserve had $70.8 billion of bonds residing in the portfolio of the Federal Open Market Committee in the New York Federal Reserve Bank. These are all bonds which have been paid for by the credit of the United States. When the bonds are purchased by the Open Market Committee, credit is entered on the books of the bank or the seller has the right to demand payment in the currency of the United States—currency printed right here at the Bureau of Engraving and Printing. Thus, we have a situation where we have both the currency and the bonds outstanding at the same time—a double accounting against the U.S. Government. There is no dispute over this fact. Federal Reserve official after Federal Reserve official has conceded this in hearing after hearing before various committees of the Congress.

The maintenance of this system—in the face of unrefuted testimony—simply means that the Congress is perpetuating a myth and is a party to an effort to delude the American public about the public debt and the operations of the Federal Reserve.

The Federal Reserve is drawing about $4 billion annually in interest on these bonds. This interest is paid by the U.S. Treasury and the money comes from funds of the American taxpayers. The Federal Reserve uses this money as a huge slush fund for whatever it desires and the Appropriations Committee has no authority to either review or to control these expenditures in any manner. The funds are not audited by the General Accounting Office, and the Federal Reserve has engaged in a well financed and emotional campaign to lock the GAO out of the entire Federal Reserve System.

So the U.S. Government's debt ceiling of $450 billion is composed of at least $70 billion of outright fiction. These bonds should be retired, subtracted from the debt, and if this were done, there would be no need for another increase in the debt ceiling in the foreseeable future.

This could be done without any harm to either our fiscal or monetary system and I hope no one will fall prey to the emotional outcries of those who will be simply attempting to preserve their empire at the Federal Reserve. If the Federal Reserve thinks it needs these bonds for fiscal bookkeeping purposes, then it should be willing to agree that these bonds—which have been paid for by the credit of the United States—be non-interest-bearing. By making them non-interest-bearing, the Federal Reserve could continue to maintain its bookkeeping fiction, but it could no longer draw the $4 billion in interest from the Treasury Department each year.

Mr. Speaker, this situation is so absurd that many people just cannot believe that the Congress would allow this to continue. The absurdity of the situation is one of the protections that the Federal Reserve System has. The average person simply cannot believe that the Congress would allow the Treasury to pay interest on bonds which have been paid for by the credit of the United States.

So to clear up the question of whether these bonds have been paid for, I want to quote from a hearing record before the Banking and Currency Committee on July 6, 1965, when the then-Chairman of the Federal Reserve Board, William McChesney Martin, was asked about this situation:

> Mr. MARTIN. The bonds were paid for in the normal course of business.
>
> Mr. PATMAN. That is right.
>
> Mr. MARTIN. And that is the only time they were paid for.
>
> Mr. PATMAN. Just like we pay debt with checks and credit.
>
> Mr. MARTIN. Exactly.
>
> Mr. PATMAN. In the normal course of business, they were paid for once. You will admit that, will you not? They were paid for once and that's all?
>
> Mr. MARTIN. They were paid for once and that's all.
>
> Mr. PATMAN. That's right.

This is very clear. Surely the Congress does not need any more evidence that these bonds should be canceled and the Treasury relieved of its obligation to pay interest.

WHAT THE CONGRESS SHOULD DO ABOUT THE FEDERAL RESERVE SYSTEM

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, most Members of the House will be standing for reelection in November and I hope that they will see fit to speak out on the need to reform the Federal Reserve—to speak out for a responsive monetary system and for an end to the bookkeeping devices which leave the Federal Reserve outside of the democratic processes which have made this country so great.

Our constituents, of course, have the right to contact us on these issues and to demand that we initiate action to bring about justice for the people. Every voter has four people here in Washington who can be contacted on this question—their U.S. Representatives, their two U.S. Senators, and the President of the United States.

At a minimum, we should be demanding:

First, a full top-to-bottom audit of every aspect of the Federal Reserve System. This should be conducted by the General Accounting Office and it should be continued on a regular basis.

Second, a full appropriations review by the Appropriations Committees of both the House and the Senate.

Third, retirement of all Government securities which have been paid for by the credit of the United States and their subtraction from the national debt.

Mr. Speaker, there are many other reforms which are needed to bring the Federal Reserve System in line with the economic policies which the people are demanding at the polls. But these three steps are needed before we can really sit down and work out long range methods to assure that the people can control their own monetary system.

In later speeches on the floor of the House—in coming weeks—I plan to discuss how the failure to control the Federal Reserve System has resulted in serious economic harm to the Nation and has resulted in an ever-escalating round of higher interest rates.

CLOSED MINDS, CLOSED DOORS

(Mr. POAGE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. POAGE. Mr. Speaker, recently there was published a report entitled "Hard Tomatoes, Hard Times," which made a totally unwarranted and unjustified attack on the land-grant college system. The report truly is unworthy of recognition, but an excellent rebuttal to it has appeared in the form of an editorial entitled "Closed Minds, Closed Doors," which ran in the August issue of American Agriculturist, written by the editor, Mr. Gordon Conklin. I submit the editorial for publication in the CONGRESSIONAL RECORD and recommend its reading to my colleagues:

CLOSED MINDS, CLOSED DOORS

A popular shortcut to notoriety these days is to yell raunchy four-letter words at a Sunday-school picnic . . . or launch a diatribe against education at a PTA meeting. It is especially fashionable to be totally negative toward heretofore widely-esteemed symbols, institutions or customs . . . marriage, the flag, the church, or whatever.

Therefore, a voluminous report entitled, Hard Tomatoes, Hard Times . . . which attempts to discredit the land grant colleges . . . comes as no surprise. The report is published by an outfit called the Task Force on the Land Grant College Complex, Agribusiness Accountability Project. A suitable and convenient acronym, condensing both the report's title and its message, is hate.

Its contention is that the land grant college complex is a complete failure because it is allegedly a captive of the agribusiness community . . . and is responsible for the technology undergirding the social and economic revolution that has brought massive change to the nation's rural areas. Summing up his myopic views of the situation, author Jim Hightower writes, "As statistics indicate, and as visits to the countryside make clear, rural America is crumbling. Not just the family farm, but every aspect of rural America is crumbling . . . schools, communities, churches, businesses, and way of life."

Riding grimly on, this modern Don Quixote skewers the windmill. "The greatest failing of land grant research is its total abdication of leadership. At a time when rural America desperately needs leadership, the land grant community has ducked behind the corporate skirt, mumbling apologetic words like 'progress,' 'efficiency,' and 'inevitability.' Overall, it is a pedantic and cowardly research system, and America is less for it."

Flailing at all parts of the land grant college system, the report's author lines up 4-H in his gunsights, "4-H receives the largest allocation of man years . . . a third of the total. This social club for youth exists as one of the sacred cows of the land grant world. The fact is that 4-H might be an adequate youth club, but it is not doing much that seriously promises to make a change in the rural plight. It is a frivolous diversion of 72 million dollars."

My mind wandered back, as I read that broadside, to the hundreds of 4-Her's with shinning eyes whom I've seen accept awards . . . to the dozens of young people I've known personally who blossomed into capable leaders under 4-H guidance . . . to the countless volunteer 4-H workers I've visited with who devoted hours beyond measure to a task in which they deeply believed. I could no more sneer at these folks than I could curse life itself.

Special pains are taken in the report to roast the American Farm Bureau Federation at length (no mention is made of the NFO or National Farmers Union), to bitterly attack the Extension Service, and to climb all over the two most recent holders of the office of Secretary of Agriculture, Messrs. Hardin and Butz. The magazine, *Organic Farming and Gardening*, is quoted several times as documentation for the volleys fired at these folks.

My own background involves growing up on one of those hard-scrabble small farms which the report claims have been victimized by the land grant colleges. Quite to the contrary, my family (which would now be called poverty-stricken) always had respect for those colleges and both my brother and I found new opportunity and wider horizons in their classrooms and research facilities.

Later . . . as rural banker, county agent and farm magazine editor . . . I've visited hundreds of family farms from Maine's Aroostook County in the north down to Lancaster County in the Keystone State. These people, portrayed in hate as being rendered virtual peasants by the Agricultural Establishment, have no resemblance whatsoever to that distorted image, and would display little sympathy for the irresponsible accusations contained in the report's vitriolic rhetoric.

As I read the report, I found myself wishing that the effort expended on it had been more responsible in purpose . . . exploring with some perspective the very real shortcomings of the land grant college system . . . rather than merely seeking to discredit it. Hate is massively guilty of the multiple levels of overkill so characteristic of our clamorous times . . . remember the farmer who had to clobber his mule with a 2 x 4 just to get his attention so he could feed him a carrot?

Perhaps most disappointing of all was the disclaimer by the hate author, "But it is not the place of this Task Force to determine the agenda of the land grant complex." In common with so much of the protest of our time, bitter criticism is leveled without alternatives being presented . . . responsible people are totally condemned by hostile non-taxpayers operating from temporary headquarters located in the shifting sands of irresponsibility.

In normal times, the report would quickly be consigned to the oblivion it so richly deserves . . . but these are not normal times. Senator Adlai Stevenson III of Illinois, perhaps sensing some political hay to be made in the sunshine, decided to hold a Congressional hearing to air the charges made in hate.

Folks, we've all picked bones of contention from time to time with our agricultural colleges, and with their research and extension programs. But a 155-mm howitzer is hardly the best tool with which to begin a remodeling job on your house . . . just as seeking to destroy an organization is not the logical first step to making constructive changes in its philosophies and procedures. Artifical insemination techniques were not developed after first destroying the bull . . . nor were teachers of the one-room schoolhouse burned at the stake in the process of conversion to centralized schools.

The land grant colleges have done a marvelous job over the years, in terms of agricultural abundance and human development, but they of course need to change and adapt to meet the new challenges that inevitably accompany the sweep of history. The overwhelming majority of farmers . . . and rural non-farmers . . . support the overall thrust of those colleges, although they may disagree at times with specific projects or procedures.

The hate report led me to two inescapable conclusions:

It was written and researched by people seeking to document a foregone conclusion . . . closed minds that did not want to be disturbed by a wide range of facts. The report is typical of research in the legal profession where a particular position is taken, then all available arguments are marshalled in favor of that position . . . in marked contrast to scientific research which reviews all the known facts before arriving at a conclusion.

The author had obviously not visited northeastern family farms, and was woefully lacking in first-hand contact with farmers generally. He used carefully-selected statistics and statements by others (as you would expect of research in the legal profession), but had gathered little farm soil on his shoes from a wide range of personal visits . . . he had left too many doors to farm homes unopened.

Closed Minds, Closed Doors.

PERSONAL ANNOUNCEMENT

(Mr. CHAMBERLAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, in order that my position on recent votes will be clear, I wish to make the following personal explanation:

On rollcall No. 278, I would have voted "yea."

On rollcall No. 279, I would have voted "yea."

On rollcall No. 283, I would have voted "yea."

On rollcall No. 294, I would have voted "yea."

On rollcall No. 295, I would have voted "yea."

On rollcall No. 296, I would have voted "yea."

On rollcall No. 297, I would have voted "nay."

On rollcall No. 298, I would have voted "nay."

On rollcall No. 300, I would have voted "yea."

On rollcall No. 301, I would have voted "yea."

On rollcall No. 302, I would have voted "yea."

On rollcall No. 303, I would have voted "yea."

On rollcall No. 304, I would have voted "yea."

On rollcall No. 305, I would have voted "yea."

RISING FOOD PRICES

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, for 20 years the American consumer has witnessed a steady and relentless increase in the cost of food, particularly the cost of meat. In the past several months, the rate of increase appears to have accelerated. Today, I would like to address myself to two topics: First, the forces underlying this 20-year trend, and second, the reasons for the sudden spurt in prices since February, particularly in the Washington metropolitan area.

To explain the 20-year trend of rising prices, it is necessary to examine the cost structure of the three major components of the food marketing chain, the farmer, the wholesaler, and the retailer.

For raw agricultural products, there have been substantial increases in prices. However, the farmer has seen his production costs rise an average of 50 percent. Despite these increases in operating costs, farm prices have risen only 6 percent in the past 20 years. Farmers have been able to survive only by virtue of their increased productivity—223 percent over the last 20 years.

While farm prices have risen 6 percent, wholesale prices have jumped 20 percent. Most of the difference can be attributed to increased costs at the wholesale level. Labor costs have risen 300 percent; freight costs 140 percent; services—rent, insurance, telephone, and so forth—240 percent; containers 160 percent; fuel, power, and light costs have jumped 135 percent; while the costs of new plants and machinery have increased 192 percent. Throughout this period of rising costs, the profit margin for wholesalers has hovered around 1 percent.

For the third component of the food marketing chain, the retailer, prices have spurted 43 percent in the last 20 years. Again, most of this increase can be attributed to rising operating costs, particularly for labor which accounts for 50 percent of expenses. Most analysts would probably agree that for the retail food industry after tax profits as a percentage of sales should ideally average around 1.5 percent. Actual profits have traditionally been lower, peaking at 1.41 percent in 1965. In 1971, the food chain industry's profits on the dollar, after taxes, was down to .86 percent.

Underlying the rising costs within the food marketing chain is the steadily increasing demand for beef. Consumer consumption of beef has more than doubled over the last 20 years, increasing from 56.1 pounds per capita to 114.3 pounds per capita. Over the last 7 years the increase was 30 percent. This steadily rising demand for meat has sustained high prices. Indeed, it has been a significant force in pulling these prices up.

To help alleviate this continuing problem of supply relative to demand there are two initiatives to which we must give serious consideration. The first is the permanent lifting of import quotas. The President has, for the balance of 1972, already suspended import quotas for meat. This means that the amount of foreign meat that can be imported is no longer limited to 6.7 percent of U.S. production.

However, only limited relief in the supply situation can be expected from the President's action. I say this because there exists a worldwide shortage of beef, and foreign suppliers are not likely to jump to the American market, possibly loosing other markets to competitors, when there is no assurance that import quotas will not be reinstituted at the end of this year. Further, the American market offers no substantial financial incentives as U.S. beef prices are only three-fourths of 1 cent above the world level.

To overcome some of this anticipated

hesitancy on the part of foreign suppliers, I have suggested to the President that in formulating the administration program for next year he give serious consideration to legislation repealing the section of the Meat Import Act of 1964 which establishes the import quota system.

The permanent lifting of import restrictions could result in some change in world market patterns, bringing a larger supply of beef to the United States. It is, however, unlikely that a permanent lifting of the import quotas would increase the supply of beef to the extent that it would depress prices. Rather, the effect would be to prevent consumer demand from further outstripping supply, thus decelerating the rate of price increase, not depressing existing prices.

The second initiative to supplement the supply of beef which must be given careful attention is increasing the available grazing land to support a larger national herd.

Under the terms of existing legislation, 50 to 58 million acres of cropland are held out of production each year. If pasturing of this land were permitted, it has been estimated that the U.S. could produce up to 2 percent more beef. If this pasturing were allowed, it is doubtful that more than 20 million additional acres would be grazed during the pasture season. However, these acres would provide substantial additional feed for the existing 116 million head of cattle on U.S. farms and ranches, eventually permitting an increase of a few million head in the U.S. herd.

Grazing set-aside cropland would not lead to an immediate increase in beef cattle markets. Some cattle would gain more weight because of improved pastures, but additional female breeding animals would be retained on the farms and ranches to utilize the additional grazing, thus slightly reducing the number of cattle marketed for the first year or two. It would not add sufficient pasturage, however, to cause a noticable reduction in current marketings.

I have written to the Secretary of Agriculture and requested that the Department study the issues surrounding this suggestion so that it can provide the Congress with a full study when the legislation implementing the set-aside progam comes up for review next year.

With an ever-growing population and rising standard of living, it is unlikely that the American consumer's demand for beef will relent. The actions I have suggested regarding meat imports and grazing land will assist cattlemen in their efforts to meet this constantly increasing appetite for meat.

To this point, I have been discussing long-term national trends and long-term potential solutions. However, to explain market behavior since February, particularly in the Washington area, it is necessary to examine a narrower time spectrum. The fluctuations in food prices, particularly for meats, can be understood in terms of: First, the market forces of supply and demand, and second, expanded retail margins.

The high demand that has characterized the food market over the past 20 years has not relented in past months. If anything, demand relative to supply has increased because the supply of beef coming to the market has decreased somewhat. The decrease is generally attributed to the corn leaf blight of 1970. In that year, much of the corn crop fell victim to the blight. With a reduced supply of corn, the price of feed corn went up. The increase in production costs, without a corresponding increase in the return to the farmer, resulted in many cattle being withheld from the market. Had this particular series of events not occurred it is still unlikely that supply would have kept pace with demand.

However, not all of the price increase that occurred in February can be attributed to the forces of supply and demand. A significant portion of the explanation is to be found in expanded retail margins of profit.

Under the Price Commission's volatile pricing rule, firms operating in a market characterized by volatile prices, such as the food industry, may immediately pass along increased costs in order to maintain their customary profit margins.

In the food industry, retailers are wary of the effect constant price changes may have on the consumer. Therefore, retail pricing policies exhibit a lag phenomenon. That is, when wholesale prices begin rising, retailers hold the line until wholesale prices reach a trigger point. At that point retailers raise their prices. During this lagtime retailers experience shrinking profits. The loss is recovered when wholesale prices begin to decline because the higher retail prices are maintained until wholesale prices drop below another trigger level. When that level is reached, retailers drop their prices. This downside lag compensates retailers for the upturn lag.

Combined with the volatile pricing rule, this lag pricing characteristic of the retail food industry set the stage for excessive retail price increases in the early months of this year. When wholesale prices reached the trigger level in February retailers increased their prices above the customary levels. Further, retailers appeared prepared to lengthen the time lag on the downside. This situation led the Cost of Living Council to meet with retail executives on a jawboning session in late March. That meeting saw an immediate reduction in retail prices.

Recently released figures indicate that food shoppers in the Washington area are experiencing another sharp, and possibly unjustifiable, price increase. The most recent monthly data on food costs shows that prices in the Washington metropolitan area rose 2.1 percent—not seasonally or annually adjusted—while the national average was 0.6 percent—not seasonally or annually adjusted. During that 1-month period, retailers throughout the nation experienced the same increase in costs as retailers in the Washington area. Yet, prices in this area increased at a much faster rate. These figures suggest that retailers may be trying to accomplish in the local area, what was attempted nationally in February—increase profits beyond the average generally accepted by economic analysts.

A characteristic of the Washington retail food market which could give impetus to excessive price increases not found generally in other areas of the Nation is the absence of independent competition to the prices charged by the leading Washington chains. In the Washington metropolitan area, the major food chains completely dominate the market, accounting for 87 percent of total sales. Contrasted to the lack of competition in this area is the situation in other metropolitan cities. In New York, the leading food chains accounted for 51.7 percent of total sales. In Philadelphia the figure is 68.5 percent, and in Boston only 53.3 percent. The lack of independent competition in Washington may significantly reduce the pressures for price constraint on the part of large retail food chains.

As a result the Washington area consumer is more readily exposed to inordinate increases in food prices. The big food chains have minimal constraints of the competitive marketplace which is in the tradition of the American economic system.

I have today formally requested the Price Commission to investigate retail food pricing policies in the Washington metropolitan area to determine if prices have indeed been raised to excessive levels, as they were last February. If this proves to be the case, the Price Commission must immediately order prices rolled back to appropriate levels.

Mr. Speaker, I am deeply disturbed by the possibility that the benefits and burdens of the President's economic stabilization program may be shared unequally. Therefore, I am urging that the Price Commission also assume a continuing active role in monitoring food prices to insure that the consumer does not bear the heaviest burden of wage-price controls.

TESTING FOR VIRUSES AT DALECARLIA

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, Washington, D.C., and its suburbs, without appropriate planning, can face a water shortage sometime in the next decade—the projected flow of the Potomac River will simply not be sufficient to meet the growing demand indefinitely. Washington's water problem is, however, symptomatic of the water situation in many other municipalities throughout the United States. It is no news that the time is long overdue to begin exploring and developing the potential of recycled wastewater and polluted surface waters as supplements to our existing sources of potable and recreational waters. As a matter of fact, reuse of water in America is hardly a revolutionary or novel concept. An exhaustive study of one-third of our American cities in 1961 demonstrated that these municipalities include from 0 to 18 percent municipal waste water from upstream in their drinking water with the average city having 3.5 percent recycled waste water in its supply.

One of the major concerns to use of polluted and recycled waste waters is viral contamination. Enteric viruses, which cause such diseases as infectious hepatitis, polio, and a variety of gastrointestinal disorders, are commonly found in raw sewage and polluted waters. However, before the means to remove or inactivate viruses can be fully developed, the extent of their presence must be determined.

Last week I visited the Dalecarlia Water Treatment Plant to observe the Army Corps of Engineers' virus testing operations. The Corps of Engineers, responsible for Washington's water supply, has recently awarded the Woodard Research Corp., a contract to test regularly both the raw and untreated water at Dalecarlia for viruses.

The data provided by this study will go a long way toward answering questions on the effectiveness of current water treatment processes, from the standpoint of viral contamination. And too, this study will contribute to the refinement of techniques for detecting small quantities of virus in large quantities of water, techniques that are now prohibitive because of the complexity, expense, and time involved. Just as water is now monitored for bacterial contaminants—that once constituted major public health hazards—we can soon expect viral monitoring to become the rule rather than the exception in municipal water and sewage treatment plants.

It is to the great credit of the corps that, as is the case with so many municipal water systems of the United States, despite raw sewage contamination received at the intake, with a high level of treatment executed by skilled professional and technical personnel, Washington area residents are guaranteed wholesome potable water. The Dalecarlia intake receives upstream water with an estimated one-half to two-thirds million gallons of sewage overflow from the Cabin John watershed; this contamination is of a higher degree than would be found in water from the upper estuary.

For all these reasons the Army Corps of Engineers is doing research on the effects of chlorination on enteric viruses and is studying the potential of the Potomac estuary as a supplemental water source for Washington. These three projects will provide much needed information for all concerned with averting a water crisis in Washington, and ultimately the Nation. The Army Corps of Engineers is to be commended for their foresight and leadership in the field of water supply; and I sincerely hope that others will follow their example and direct their efforts toward developing new sources of "cool, clean water."

FROM HUMAN DIGNITY TO A SECRET WEAPON

(Mr. BROOMFIELD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BROOMFIELD. Mr. Speaker, the McGovern-Shriver forces "unveiled" last week in the New York Times one of its so-called secret weapons. In an August 7 New York Times dispatch, James Naughton wrote:

> The "weapon" according to Frank Mankiewicz, the political director of the campaign, is the large number of young Americans who served under Mr. Shriver when he was director of the Peace Corps in the Kennedy Administration.

The article, said Mr. Mankiewicz, predicts that returned Peace Corps volunteers are "going to be a very powerful force."

Mr. Speaker, I am not a returned Peace Corps volunteer, but I am certain that if I were, I would not appreciate being referred to as a "weapon" for anyone's cause or campaign. I read Mr. Mankiewicz remarks as an appalling affront to this outstanding group of young Americans.

Certainly these people, as Peace Corps volunteers, demonstrated a predisposition for activism. They refused to sit back and allow developing countries to remain isolated from existing technologies—to remain severely handicapped by trained manpower shortages. I would expect that today, many of these same people, as individuals in this country, take an active interest in the running of this Government. I feel certain that some have already offered their help to the various political candidates on an individual basis. This is to be expected, and perhaps for the sake of improving our political system, to be hoped for.

But, Mr. Speaker, I would also hope that no attempt would be made by any candidate to round up collectively this group of Americans for service as anyone's secret weapon or powerful force.

Such an action, as I understand it, goes completely counter to the nature and philosophy of the Peace Corps. I would think Mr. Shriver and Mr. Mankiewicz, both former Peace Corpsmen, would know this better than I.

As Mr. Shriver described it some 11 years ago to a group of graduating Notre Dame seniors:

> The purpose of Peace Corps is to permit Americans to participate directly, personally and effectively in this struggle for human dignity.

Mr. Shriver said on several occasions that politics were never to have a role in the Peace Corps. Presidents Kennedy, Johnson and Nixon have all sought to preserve its non-political nature.

Mr. Shriver has said he firmly believes that:

> Peace Corps' existence and effectiveness are dangerously threatened by any confusion that may be created in the minds of the peoples of our host countries, or of our own citizens, as to Peace Corps nonpolitical nature.

But that was Mr. Shriver, the Peace Corps Director. Now it is Mr. Shriver the political candidate, and several years later. It would seem this man, whom McGovern forces claim can reactivate the loyalties of thousands of former Peace Corps Volunteers, has made a rather rough transition from his work "in the struggle for human dignity," to his utilization of "secret weapons."

GUARANTEED STUDENT LOAN PROGRAM

(Mrs. GREEN of Oregon asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. GREEN of Oregon. Mr. Speaker, in recent weeks a severe crisis has developed in the operation of the guaranteed student loan program. Attempts at implementation of new guidelines resulting from the recently enacted higher education conference report have created chaos and confusion in the program. The tragic result, of course, has been that the loan volume has dropped drastically and thousands and thousands of deserving youngsters have been denied access to loans.

Yesterday, I proposed in the House a measure which would stay the effective date of any new changes in the guaranteed student loan program until March 1 of next year. In short, the program would continue to operate under the ground rules of the 1971–72 school year. The House, happily, overwhelmingly passed the measure and the Senate earlier today concurred in the House action.

Numerous and lengthy conversations with bankers, financial aid officers, college administrators, and others involved in the operation of the program have served to convince me that this action provides the best approach from which to begin dealing with the tremendous backlog of loan applications which must be processed if students are to receive loans for the fall semester. Hopefully, the time between the present and March 1 will offer us the opportunity to take a more careful look at the program and work at unravelling the maze of problems now confronting it. Two days of hearings have already been held in the Special Subcommittee on Education and I expect to schedule full hearings or the program when the Congress returns after Labor Day.

The crisis is reflected in the phone calls, letters and telegrams I have received from college administrators, and financial aid officers stressing the urgent need for the kind of action taken yesterday by the House. I would like to insert at this point in the Record some of the communications I have received, including correspondence from Mr. Edson Sample, director of the office of scholarships and financial aids at Indiana University, along with an editorial and news story from the Indiana University school newspaper discussing the severity of the problem:

INDIANA UNIVERSITY,
OFFICE OF SCHOLARSHIPS
AND FINANCIAL AIDS,
Bloomington, Ind., August 15, 1972.

Hon. EDITH GREEN,
House of Representatives, Rayburn Office Building, Washington, D.C.

DEAR MRS. GREEN: Enclosed you will find two articles regarding the Federally Insured Loan Program which appeared in the Indiana Daily Student, which is our campus newspaper. I hope you find them of interest.

We have been urging the Office of Education to either revise the regulations or to perhaps work for delaying the implementation of the regulations. In over ten years of working in student financial aid, I have never been in a more difficult position than that created in connection with the Guaranteed Loan Program. The regulations are impossible to work with and what makes the matter so bad is what we see happening to the students and parents who have benefited from this program in the past and who are no longer eligible to receive interest benefits or who are receiving smaller loans than we feel justified. Processing under the new and complicated regulations is extremely complicated and time consuming. We are finding that it takes a professional staff member fifteen minutes per application merely to do the minimum necessary paperwork. In addition, clerical staff are also involved to a large extent. Sending out the application form requires 24¢ in postage and 24¢ after we have completed the forms. As you know, the 1% administrative expense allowance was not included in the law despite its mention in the Conference Report. I urge Congress to include this provision so that colleges may be partially reimbursed for the tremendous expense involved.

I further urge you and your colleagues to return this program to its original intent by automatically allowing the interest subsidy to be paid for those students who come from families of $15,000 income or less. We have no objection to performing a needs analysis for those over $15,000 but we should be able to do so without undue restrictions or interference by Office of Education regulations.

We appreciate very much the wonderful job you are doing for Higher Education and in support of student financial aid programs. I remember so well the pleasant evening we spent at dinner at the Coronado Hotel in San Diego in January. I hope that we can reach very soon some solution to this problem. If there is any way I can be of assistance to you, please feel free to call upon me.

Sincerely yours,

EDSON W. SAMPLE,
Director.

CORVALLIS, OREG.,
August 16, 1972.

Congresswoman EDITH GREEN,
Capitol Hill, Washington, D.C.:

It is our understanding that Congress may consider postponements of amendments in the new higher education bill relative to the insured student loan program. We strongly urge that this action be taken this week, as it will directly affect several hundreds students hoping to attend our institution this fall. We estimate that at least 50 percent of our students eligible for interest subsidy benefits last year will not be eligible this fall under the current provisions of the new higher education bill. Also, we have been informed by reliable sources that money lending institutions in our State will refuse to make loans to students not eligible for interest subsidy benefits. Finally, we are very concerned that student enrollment will be seriously reduced this fall if a postponement of the new amendment is not granted.

Sincerely,

R. E. PAHRE,
Director Financial Aids, Oregon State University.

MCMINNVILLE, OREG.,
August 16, 1972.

Hon. EDITH GREEN,
U.S. House of Representatives,
Washington, D.C.:

We request that you act favorably on the President's request for postponement of the effective date of interest subsidy of guaranteed student loans as stated in the 1972 higher education amendment.

LLOYD R. SWENSON,
Director of Financial Aid, Linfield College.

PORTLAND, OREG.,
August 16, 1972.

Representative EDITH GREEN,
Capitol Hill, D.C.:

Passage of the Education Amendment of 1972 resulted in significant changes in the guaranteed student loan program. Thousands of law students are no longer eligible to receive Federal interest subsidy on their loans; we do not believe congressional intent was to prohibit students from borrowing, thereby making it virtually impossible for many to obtain a legal education. We urge you to take action to postpone the effective date of the interest subsidy provision of the loan program until further review is possible.

ANN KENDRICK,
Assistant to the Dean, Law School, Lewis and Clark College.

FOREST GROVE, OREG.,
August 16, 1972.

Congresswoman EDITH GREEN,
Third District, Oregon, House of Representatives, Capitol Hill, D.C.:

Effective date of new regulations for the federally insured student loan program contained in part 177.2 of title 45 of the OE of Federal regulations. It is essential that this step be taken. The new regulations as they now stand will deny Federal interest benefits to enormous numbers of student borrowers from middle-income families, and could make it impossible for as many as twenty percent of our students to borrow sufficient funds to remain in school. We urge that the effective date of part 177.2 of title 45 be postponed and that steps be taken to amend these regulations before such time as they do become effective.

Sincerely yours,

JAMES V. MILLER,
President, Pacific University.

HEMPSTEAD, N.Y.,
August 17, 1972.

Congresswoman EDITH GREEN,
House of Representatives,
Washington, D.C.:

Present situation on processing federally guaranteed students loans utter chaos for thousands of New York students including 2500 at Hofstra alone. President's recommendation for emergency legislation to hold new guidelines in abeyance until April 1 vital step that should be taken immediately. Unless resolved large number of Hofstra students dependent upon these loans for educational expenses will be unable to continue. Postponing of implementation to April 1 will allow time to implement properly constructive changes proposed under the Higher Education Act of 1972. At Hofstra tuition payments due late this month. Any delay on the President's urgent request would force withdrawal from college of many deserving young people call upon you and your colleagues for urgent action to support President's request.

CLIFFORD L. LORD,
President, Hofstra University.

PORTLAND, OREG.,
August 16, 1972.

Representative EDITH GREEN,
Washington, D.C.:

Urge affirmative vote on suspension of supplemental form for guaranteed loan.

Father WALDSCHMIDT,
President, University of Portland.

HEMPSTEAD, N.Y.,
August 17, 1972.

Congresswoman EDITH GREEN,
Capitol Hill, D.C.:

The present situation regarding the processing of federally guaranteed student loans has become chaotic for thousands of New York State students. President Nixon's action recommending that the new guidelines be held in abeyance until April 1, 1973, is a vital step that should be taken immediately unless the present confusion and uncertainty is resolved, the education of thousands of students who depend upon these loans to cover educational expenses will be placed in jeopardy. By advancing the date of implementation to April 1973, we will allow sufficient time to implement the constructive changes that were proposed under the Higher Education Act of 1972. On most campuses student tuition payments are due in late August. Any further delay on the President's request would make it impossible for many deserving young people to continue their education. I call upon you and your colleagues to take prompt action in supporting the President's request in this matter.

MILTON JONAS,
Chairman, Joint Legislative Committee on Higher Education of New York State.

ELECTION ASSISTANCE AND VOTER REGISTRATION ACT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous mater.)

Mr. BINGHAM. Mr. Speaker, in the most recent primary elections in New York City, prospective voters faced long waits before casting their ballots, and many gave up in despair.

Similar disturbing breakdowns in the administration of elections have confronted voters across the Nation. Recent elections in Cleveland, to cite another example, were ordered to be held a second time, primarily because of election machine difficulties. A recount of the 1970 election in Indiana was ordered on the basis of improper registration of voters. And, as Chicago Tribune reporter Bill Anderson noted in a recent article on voting problems, "there are entirely too many votes lost, switched, or not counted in all areas of the United States for Indiana to be an isolated case."

A study by the League of Women Voters Education Fund—LWVEF—of the administration of elections in 251 communities around the country in the fall election period of 1971 concluded that "the current system of registration and voting functions inefficiently for citizens throughout the United States."

In response to this serious problem, I am today introducing the Election Assistance and Voter Registration Act of 1972. This legislation would, for the first time, make Federal assistance available on a wide scale to local jurisdictions charged with administering elections involving Federal offices in order to help assure that those elections are conducted efficiently. It also proposes changes in absentee voting and voter enrollment procedures designed to make voting more convenient for all of our citizens.

The frustrating delays in New York City were brought about in part by last-minute changes in the order in which candidates names were to appear on ballots at each polling place. The board of elections had neither the personnel nor the financial resources to cope fully with such a situation. But there were more difficulties than just those growing directly out of the change in ballots. As an economy measure, polling places had been consolidated prior to the election, adding further to crowding and confusion. A New York Times editorial summed up the resulting "electoral muddle" as follows:

> To vote at all in last Tuesday's primaries in the city reflected a triumph of citizen determination over official bungling and pettifoggery. The ballots were unnecessarily confusing. Machines jammed. Polling places were hard to find. Once found, they were often inadequately staffed. Voters at some of the worst precincts had to wait in line until midnight to register their preferences.

To help eliminate these extensive election "snafus," the legislation I am proposing would permit the granting of Federal funds and the assignment of Federal personnel on request and on the basis of demonstrated need to assist local jurisdictions to hold elections involving Federal offices, including congressional seats. The Federal funds offered by this legislation could be used to provide more and better election machines, polling places, election workers and training, or whatever local officials might reasonably determine would help eliminate election difficulties. To solve the problem of too few competent personnel to administer elections, specially training Federal supervisory personnel could also be requested by local election officials.

Another section of this proposed legislation would assure absentee balloting in congressional primaries. In many States and congressional districts, victory in a primary is tantamount to election. In such areas, primaries are far more critical than general elections, yet in many State citizens are cut off from exercising their voting rights because they are ill or must travel outside the election district in which they are eligible to vote on primary day, because absentee voting in primaries is not permitted or is extremely difficult.

The Election Assistance and Voter Registration Act of 1972 would remedy this unjust hindrance to voting by requiring that absentee balloting be permitted in Federal elections and by providing simple procedures for that to be accomplished.

Finally, Mr. Speaker, my proposed legislation would encourage States and local jurisdictions to expand and streamline their voter registration efforts by providing funds and technical assistance for that purpose. In this respect, my proposal is similar to legislation introduced in the Senate by Senator EDWARD KENNEDY, S. 3420, the Registration Assistance Act of 1972. A special category of Federal grants would be provided to States and local jurisdictions that adopt simple voter registration by postal card.

A special Election Assistance and Voter Registration Administration is created in the Bureau of the Census to carry out these provisions and to monitor the conduct of Federal elections throughout the country.

Mr. Speaker, voter participation has steadily diminished in this country. In 1968, 40 percent of the eligible population did not vote in the presidential elections. Of that 40 percent, 47 million people, about 30 million were not registered. In short, more voters sat out the election than voted for the winner in a presidential election in which the margin of victory was less than a million votes.

This November we face a particularly decisive election in view of the important issues that face the Nation. It is especially important that we act now to eliminate obstacles that make voting a chore, that discourage voters from participating in elections, and that make the electoral process less than a true reflection of the attitudes and desires of all the American people.

If we are to increase voter participation, we can no longer permit or expect voters to face long waiting lines, to wrestle with inoperative machines, to be pushed aside by misinformed and untrained election workers, to be confused by highly complex ballots, or to be discouraged from voting by elaborate and restrictive registration and absentee balloting requirements. The Election Assistance and Voter Registration Act of 1972 would go a long way toward eliminating such problems and improving the efficiency and convenience of elections in this country. It would thereby help assure fuller, more satisfying participation in our Federal elections, and I urge my colleagues in the Congress to join me in seeking its prompt enactment.

Voters simply cannot be so inconvenienced by inadequate election facilities, personnel, and procedures that they become discouraged from participating in the electoral process and distrustful of election results. That has been going on far too long in many jurisdictions, and we must do everything possible once and for all to rid elections of frustrating inefficiencies that stifle and deter voting.

Mr. Speaker, a section-by-section summary of the Election Assistance and Voter Registration Act of 1972 follows:

SECTION-BY-SECTION SUMMARY, H.R. ——

Title: "Election Assistance and Voter Registration Act of 1972."

Section 2. Amends Title 13 of the United States Code by adding a new Chapter (11):

Section 401. Definitions. Defines "election" to include primary, special, and general elections in whole or part for Federal office and any election of national convention delegates or caucuses for selecting delegates. "State" includes the District of Columbia and any political subdivision of a State of the United States.

Section 402. Establishes a bipartisan, three-member Election Assistance and Voter Registration Administration in the Bureau of the Census appointed by the President to administer the Act.

Section 403. Duties and powers of the Administration include providing grants to carry out and improve voter registration and the conduct of election, to provide assistance upon request of State officials concerning voter registration and election problems generally, to collect, analyze, and publish information on elections in the United States, and to appoint and pay for staff and facilities. An annual report to the President and Congress is required.

Section 404. Authorizes assistance by grant, contract, or other arrangement in accord with subsequent sections of the Act.

Section 405. Authorizes grants and other necessary assistance to ensure efficient and convenient conduct of elections. Grants are limited to 10¢ per potential voter in a given jurisdiction or $35,000, whichever is greater.

Section 406. Authorizes grants to conduct and increase voter registration. Grants are limited to the total direct cost of voter registration in a given jurisdiction.

Section 407. Authorizes grants to modernize voter registration procedures. Grants are limited to one-half cent per potential voter or $15,000, whichever is greater.

Section 408. Authorizes grants for implementation of simplified voter registration by postal card, and limits such grants to the full direct cost of preparing and processing such cards.

Section 409. Authorizes technical assistance further the purposes of the act, including assistance in developing programs for the prevention and control of election fraud.

Section 410. Requires that persons absent from voting residence or physically unable to vote in person be entitled to vote by absentee ballot, and provides a simplified procedure for such absentee balloting. Authorizes such assistance to State and local jurisdictions as may be needed to carry out absentee balloting procedures.

Section 411. Established requirements for grant applications including fiscal controls, auditing, and reporting.

Section 412. Authorizes Election Assistance and Voter Registration Administration to issue rules and regulations.

Section 3. Amends Section 5316 of Title 5 to include members of the Election Assistance and Voter Registration Administration under Level V of the Executive Pay Schedule (basic pay, $28,000).

Section 4. Authorizes such sums as are needed to carry out the Act.

NEED FOR "INCOME DISREGARD" TO SAVE SOCIAL SECURITY BENEFIT INCREASES

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, as matters now stand October 3, 1972, will be a day of bitter disappointment for many senior citizens rather than a day of improvement and hopes, as Congress intended.

October 3, 1972, is the day when social security recipients will receive their first social security check containing the benefit increases passed recently by the Congress and approved by the President. In the case of the many thousands of Americans whose total incomes, including social security, are so modest or whose health circumstances are such that they also receive other benefits, such as medicaid, aid to the blind and totally disabled, or old age benefits, the increase in their social security benefits will be accompanied by corresponding decreases in their other benefits. In some instances, they may lose one or more of these other benefits altogether. The result for these individuals will be not a net increase in income, as Congress intended in raising social security benefits, but no increase or even a net decrease in income.

In New York City alone, unless something is done at least 10,000 elderly people will be excluded from receiving old age assistance because the increase in social security benefits will raise their income above the old age assistance eligibility level. Fifteen thousand will no longer qualify for medicaid, and an additional 23,000 will have to begin paying for drugs and certain medical services and devices which they currently receive as benefits.

Mr. Speaker, this is an emergency situation which requires immediate action by the Congress, and I am today introducing legislation which would remedy what is surely an oversight by Congress resulting from the suddenness with which the social security benefits increase was brought before the House as a Senate rider to the debt ceiling bill.

The two bills I am introducing would require the States to pass on the full amount of any increase in social security benefits as a result of the recently enacted social security amendments either by ignoring such increases in computing eligibility for other types of benefits or by any other method a State might deem appropriate. One of the two bills imposes this requirement with regard to veterans' benefits; the other imposes it with regard to such benefits as medicaid, old age benefits, aid to dependent children, and other benefits funded under the Social Security Act other than, of course, social security retirement benefits.

Mr. Speaker I am sure no Member of this House will want to be a party to the cruel disappointment that so many social security recipients will face in October unless these "income disregard" requirements are enacted between now and then. The Congress established the principle of income disregard by permitting the States to ignore the 1971 social security increase in computing eligibility for other types of benefits. Unfortunately, unless mandated to do so, many States will not be able to resist cutting other benefits in amounts equaling the social security benefits increase, thereby turning more of the cost of these programs over to the Federal Government, and nullifying the decision of Congress to provide badly needed additional spending power for our hard-pressed senior citizens. So I urge the distinguished chairman and members of the Ways and Means Committee to take up and act favorably on the "income disregard" legislation I have introduced today, and I hope all my colleagues in the House who displayed their interest in the plight of our senior citizens by voting for the social security increases will now join me in supporting this emergency legislation to make those increases a reality for all social security recipients.

HEARINGS ON THE OCCUPATIONAL SAFETY AND HEALTH ACT

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, there has been a great deal of discussion surrounding the operation of the Occupational Safety and Health Act of 1970 since the promulgated standards took effect last year. This has been of some surprise to those of my colleagues who worked for several years to draft an equitable law that would gain consensus in both bodies while achieving our real intent: to insure a safe and healthful environment for the Nation's workers.

It is apparent that there is a lack of accurate information about the law and its provisions. But what is worse is the plethora of misinformation and rampart rumor about OSHA. Out of this confusion have come numerous accusations from all the affected groups and a resulting rush to modify the law.

I believe that it is very important for us to pause at this point and listen to all the voices who are speaking for and about OSHA, and to examine the substance of the proposed administrative and legislative changes.

As chairman of the Select Subcommittee on Labor, I have scheduled 5 days of hearings on September 13, 14, 19, 20, and 21. This is in keeping with my June 15 commitment on the House floor during the Labor-HEW Appropriations debate. A letter to this effect has been mailed out today to all Members. Any Member who wishes to request time to testify or who wishes to submit a statement should contact the subcommittee staff.

VETO OF DEPARTMENT OF LABOR AND HEW APPROPRIATIONS

(Mr. WILLIAM D. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WILLIAM D. FORD. Mr. Speaker, yesterday President Nixon vetoed the Departments of Labor and Health, Education, and Welfare appropriations bill on the grounds that it represented "a perfect example of . . . reckless Federal spending."

While I share the President's deep concern over the critical problem of inflation, I find his reasoning for the veto of this crucial legislation both illogical and indefensible. During the presidential campaign in 1968, Richard Nixon proclaimed that the one area that could not be shortchanged by the Federal Government was education. Yet, since Mr. Nixon's election, we have witnessed three vetoes of vital health and education appropriation bills.

Those of us in Congress who supported this bill certainly agree with the President that excessive Government spending must be cut in the effort to curb inflation. During the last few years, I believe that Congress has demonstrated a conscientious effort to reevaluate what our national priorities should be and to enact legislation in accordance with these priorities.

Congress has shown its willingness to cut back in several areas. In June, the House-passed version of the military procurement authorization bill reduced the Department of Defense's budget request by $1.56 billion. And most recently, the House voted to cut over $120 million in questionable programs of U.S. foreign military assistance. But the President's message completely ignored the fact that Congress has already cut the Federal budget by more than the $1.8 billion that was added to the Labor-HEW appropriations bill.

The amount of funding Congress has appropriated in recent years for health and education programs expresses the strong commitment of both Houses to the serious needs of health and education. We have recognized that any attempts to sacrifice programs in these areas are indeed efforts at false economy. Thus, contrary to the President's charges of "reckless spending" I would maintain that Congress has been carefully working to redirect our spending, not to increase it at reckless levels.

The President has failed to realize that cuts in Federal education and health programs inevitably force a greater and greater burden upon State and local governments which only tends to negate any anti-inflationary effects of these cuts.

Mr. Speaker, at this point, I would like to relate the impact of this veto to the crisis in education in my own State of Michigan.

The State of Michigan has increased per pupil expenditures from $715 in 1968 to $1,148 in 1971. This was a 60-percent increase. The State received $30,677,000 in title I Federal assistance in 1968 and $41,359,000 in 1971, an increase of only 35 percent. The difference in effort has resulted in an increased burden on the local taxpayers to educate those who are most difficult to educate.

Michigan has had an increase of children receiving welfare assistance from 145,700 to 281,200 between 1966 and 1971, an increase of 93 percent. As pointed out before, title I only provided a 35 percent increase in that time span. Therefore, because the schools in the State are retaining more and more of the poor, the cost of operating and supporting systems has brought on an extra burden to local taxpayers.

In 1972, the Federal Government will grant moneys to the State of Michigan for title I, based on a count of approximately 326,500 poor children. The 1970 census indicates that the State has 428,262 children at or near the poverty level. The bill, which was vetoed by the President, would have provided $64,234,000 compared to $55,196,000 in fiscal year 1972.

The State has a potential need of $9,337,000 to offset local taxes paid to educate 36,618 children in rural and city schools in the State who live in federally subsidized housing. The House provision in H.R. 15417 would have begun to relieve some of that tax burden from the homeowner's shoulders. This money comes to local school districts unencumbered and would have been used for maintenance and operating expenses. The House recommendations would have provided an additional $362,000, not a cut of $1,400,000 as the President's estimate proposed to do. Is this fiscally responsible to put over a million dollar bite into the Michigan taxpayers' budgets? To put an addition $200 million burden on school districts nationally?

The President speaks of inflation and the gains in the economic situation at the national level, but look at what is happening at the State level. The veto of the Labor-HEW appropriations budget by the President will have particularly adverse effects on the compensatory education programs in several States. The title I distribution formula has a built-in mechanism for taking care of the needs of school districts whose concentrations of poor children has increased since 1966. This mechanism works by redistributing the title I dollars on the basis of the increases in numbers of children in impoverished families where there are dependent children. Michigan's count of such children increased from 148,837 in 1971 to 194,106 in 1972. Michigan was entitled to nearly $8 million additional dollars for the coming year under the House bill. But Michigan was not alone. Florida was entitled to $1,206,000; Georgia to $6,427,000; Ohio to $7,415,000; Texas to $8,305,000; and North Carolina to $3,079,000 of increases.

Not only did the President's action wreck havoc with the expanded programs the districts in these States were planning for the coming year, but it also will wreck havoc with their already depleted resources to finance the regular school programs. These districts, operating on a continuing resolution, usually spend at 80 percent of last year's level. That means the district must either reduce the programs through staff, service, and or salary cuts of up to 30 percent, or run the risk of continuing to provide the full program to these children out of the local taxpayer's revenues. It is the latter course that most school boards will courageously follow, hoping fervently that the Congress will muster up enough courage and votes to give these children the Federal revenues necessary to meet their basic educational needs.

Mr. Speaker, I find it particularly upsetting that the present administration—after its economic policies for the last 3½ years have failed, dismally—has chosen to wage its fight against inflation at the expense of our health and education needs rather than at the expense of superfluous aircraft or obsolete missile systems.

THE "MISSING" ENERGY CHAPTER FROM THE REPORT OF THE COUNCIL ON ENVIRONMENTAL QUALITY

(Mr. **FRASER** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. **FRASER**. Mr. Speaker, the National Environmental Policy Act of 1969—Public Law 91–190, 83 Stat. 852, 42 U.S.C. 4341—requires the President to report annually to the Congress on the environment. The law specifies that this report shall set forth, among other things:

> (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation . . . (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Nowhere in the environmental quality report sent to Congress last week by the President was the issue of national energy policy adequately dealt with. Energy—clean energy—is perhaps the most important environmental issue today. We must face squarely the inherent conflict between spiraling energy consumption and pollution control. To do this, we need a full ventilation of the issues and of the alternatives.

Last week the press reported that three chapters had been deleted from the environmental quality report prepared for the President by the Council on Environmental Quality—CEQ. The White House and the Office of Management and Budget, according to newspaper accounts, decided that the sections on energy, recycling, and management of the Delaware River Basin were "politically sensitive" and should be withheld until after the election.

CEQ has responded that the chapters in question are "rough draft reports" of a "preliminary nature," that they require further work, and that possibly one chapter, or two, may be ready for publication on or about November 1.

The annual environmental report is incomplete without meaningful consideration of the energy question. More important is the fact that a report on this politically sensitive issue may not be available before the election. Wednesday, hearings on the CEQ report were held before the House Public Health and Environment Subcommittee. Chairman Rogers raised the question of the need of Congress for an arm to evaluate national environmental policy—a body that could give Congress and the people informed views on national policy issues without executive censorship.

My experience on the Foreign Affairs Committee indicates that our questioning of administration witnesses seldom uncovers the alternatives debated within the executive branch before the administration closes ranks around its final decision. We are often unaware that options existed. If Congress is to subject the administration's policies to the critical review that our national welfare requires, we must be aware of the options. And for this we need competent advisers.

After Senator McGovern charged the White House with suppressing the chapters in question, CEQ made a few copies available to the public, to be read in their offices at 722 Jackson Place, NW., across from the White House.

My constituents should have access to this report on national energy policy. It touches on such sensitive topics as the pricing of electricity and conservation of fuels. The fact that the chapter in its present form does not have unqualified administration endorsement does not detract from its usefulness. In fact, it may add to it.

The following excerpts from the energy chapter are reconstructed from notes taken by a member of my staff, who read the missing chapters, in accordance with executive branch ground rules, in the CEQ conference room:

INTRODUCTION

"In the past one hundred years, the nation's total consumption of energy has multiplied seventeen-fold, and this accelerating trend is expected to continue. Unfortunately, energy consumption now causes damage to the environment from the extraction of the resource to its ultimate conversion into useful energy. And as our use of energy has multiplied, so have the attendant environmental impacts. These side effects of energy consumption are a serious problem and a major public concern.

"This chapter examines the factors underlying our increasing demands for all energy. It also considers the particularly rapid growth in demand for electrical energy. For this reason, it examines the major systems which convert the raw energy resources into electricity and the environmental impacts of these alternative electrical energy systems. The chapter then discusses the major avenues open to us to halt environmental degradation associated with the generation of electricity and provides a preliminary assessment of the increased cost of electrical energy with environmental controls. Finally, it sets forth a methodology to help analyze national energy policy issues. . . .

"THE DEMAND FOR ENERGY"

U.S. consumption of energy in 1971 was almost 71 million billion (70 x 10^{15}) BTU's.

The productivity of our economy "has been substantially increased by energy intensive tools. . . ." There is a strong relationship between energy consumption and standard of living.

The following table shows: "Market Saturation—Percent of Homes with these Electrical Appliances." The table figures show a marked increase in percentage from 1960–70:

Appliance	Percentage of homes with this appliance	
	1960	1970
Electric range	37.3	55.5
Air conditioner	15.1	40.6
Dishwasher	7.1	26.5
Vacuum cleaner	74.3	92.0
Washer	85.4	92.1
Dryer	19.6	44.6
TV	89.4	141.2

". . . Residential consumer decisions to use more electricity are certainly influenced by the fact that it is not very costly. . . . These trends in the residential sector are also seen in the commercial sector, where increased use of electricity for all types of appliances is growing without any end in sight."

Our transportation system relies increasingly on energy. Twenty-four percent of all energy consumed in the nation is used to transport people and materials. Of this, 55% is used by automobiles, 21% by trucks, 8% by aircraft, 3% by railroads, and the remainder by other modes of transportation (buses, pipelines, etc.)

". . . In every area of transportation there is a growing demand for more energy, and this trend is likely to continue unless the cost of energy rises dramatically. There is now more than one automobile for every two people . . .

". . . Indeed, industry is the largest consumer of energy today."

Manufacturing production has more than doubled from 1950 to 1968. The number of man-hours worked has risen only from 23,717 million to 28,287 million—a worker-productivity increase of 85%.

". . . Capital and energy intensive processes have replaced human labor, partly because energy has been inexpensive compared with wages . . .

"One other major trend in energy demand must be emphasized—the escalation in the use of electricity. Its consumption is growing at a rate of 7% annually, or twice as fast as all other energy use. . . .

"Both total energy use and our rising dependence on electricity are largely due to the low cost of energy. Because energy is not expensive, home owners and industry are increasing their consumption. . . . Hence, the task of policy makers is to plan for energy supply systems that can meet these needs with the least damage to the environment . . .

"An energy system has six components: extraction, processing, transportation, conversion, transmission and consumption . . ."

Man, historically, first relied on his own muscle strength as an energy source. He subsequently learned to make fire, wind, water and beasts of burden work for him. In the nineteenth century, wood was the principal energy source.

Today we rely on fossil fuels. In the future, perhaps we will rely on nuclear power.

"Coal is this country's most abundant energy resource and it will continue to be an important contributor of energy to 1985 and beyond . . .

"Oil is estimated to remain the major energy source from 1970 to 1985, increasing from 42.5% of total energy resources in 1970 to 46.9% in 1985. Measured in absolute terms, oil use in 1985 is estimated to be double that of 1970 . . .

"Natural gas demand from 1970 to 1985 is expected to be great, but domestic supplies are limited. Natural gas availability will be highly dependent upon pricing policies and our longer term ability to get more gas with stimulation techniques or coal gasification. It is also expected that natural gas will decline in relative significance as a component of total energy supply . . .

"Nuclear power will be used at an ever increasing rate between now and 1985. By then, it is estimated to be 15% of total energy—all in the form of electric power. . ."

New systems are emerging. ". . . the extent of their use is largely unknown today . . .

"The factors governing these expected changes in the energy mix are complex. Historically, both supply and ultimate price have been major factors in the demand for each resource. And relative price, which leans heavily on technology, resource availability and, to an unprecedented degree on environmental protection, also will figure in any future use of energy sources . . .

". . . natural resource shortages are not likely to limit energy supply in the long-term." Our coal supply will last for hundreds of years if we can control the environmental impacts of its use. Breeder reactors can extend our uranium supply almost indefinitely.

". . . And in the short-run, the United States will have to import considerably more energy in the form of oil and natural gas, which could strain our balance of payments and make us more dependent on insecure sources of supply . . .

"The real questions about energy availability for the future are, can we plan for and build the energy systems we will need, and how much will energy cost, both in economic resources and environmental quality? . . .

"WHAT ENERGY CONSUMPTION DOES TO THE ENVIRONMENT

"Few realize the degree to which energy systems affect the environment although many are aware of damages from specific energy activities. Converting fossil and nuclear fuels into energy leads to air pollution, water pollution, solid waste generation, land disruption and aesthetic degradation. Automotive air pollution, thermal discharges to lakes and streams, and land destruction by surface mining typify the diverse environmental damages of energy consumption. Energy is central to most things we do—transportation, manufacturing, and household conveniences—but environmental degradation is the price we pay. . . .

"AIR POLLUTION

'". . . energy systems account for over 72% of the total of ——— [sic] tons of air pollutants. Emissions from the combustion of fossil fuels in transportation—diesel oil and gas—are the largest source of air pollution. The second biggest group includes emissions from powerplants and from the use of fuels that generate heat. These two groups account for over two-thirds of all air pollution by weight . . .

"WATER POLLUTION

"Industrial processes, rather than energy production, account for the major share of oxygen demanding wastes (BOD) and other physical and chemical forms of water pollution."

Various forms of water pollution resulting from energy production are: oil spills, brine generated by oil extractions, acid mine drainage and siltation from coal extraction, and thermal discharges from electric powerplants.

LAND POLLUTION

Surface mining has affected over three million acres of land. Two-thirds of this area needs to be reclaimed. Forty-one percent of the total area affected has resulted from energy fuels extraction.

Deep mining has resulted in subsidence of land over mined-out areas. Nine million acres have been undermined by deep coal mines.

". . . And by the year 2000, over thirty million acres may be damaged by all mining, if reclamation is not undertaken. That is an area as big as the states of Maine, Massachusetts, Rhode Island and Connecticut together."

By the year 2000, the land area used by overhead transmission lines will be 8.5 million acres— ". . . an area larger than Delaware and Maryland combined . . .

"SOLID WASTES

"Energy consumption also generates solid wastes. Of the estimated total of 4.3 billion tons of solid waste produced annually, mining wastes account for almost 40% of it, with coal mining a big offender . . ."

Furthermore, solid wastes can catch fire, thus adding to air pollution. These wastes, through ground runoff or leaching, can also impair surface or ground water quality.

". . . In 1970, electric power generation from nuclear plants produced about 100,000 gallons of high level radioactive solid wastes. By the year 2000, this may increase to 6 million gallons annually. These wastes must be permanently stored because they can remain highly radioactive for thousands of years and present a very long-term, environmental hazard. A search for a national repository for these wastes is currently underway, but no acceptable site has yet been found. Also one million cubic feet of low level radioactive wastes were buried in 1970 and the quantity will triple by 1980. . . .

"ELECTRIC POWER ALTERNATIVES: THEIR ENVIRONMENTAL EFFECTS

"Because energy consumption is a major contributor to environmental degradation, political decisions on future sources, conversion processes and mixes of energy systems must be carefully charted. Environmental impact data must be developed for total energy systems. . . . For example, one fuel may cause twice as much total particulate emissions as another, but supply four times the energy. . . .

"This chapter evaluates the environmental impacts of electric power generating systems to illustrate how the analysis can be done and what results to expect. . . ."

A 1000 megawatt MWe plant operating at 85% capacity for one year—typical of electric powerplants now being built—is taken as the basis of comparison. "It generates nearly 7.5 billion kilowatt-hours annually or enough to meet the demands of a city of 1.3 million people."

COAL

The extraction process results in disturbed land, solid wastes, and water pollution. Processing produces solid wastes, water and air pollution. Transportation of coal involves air pollution from railroad train engines, land used by railroad right-of-way, and human fatalities from accidents. The conversion process pollutes the air (SO_x, NO_x, and particulates) and results in solid wastes and thermal discharges to water. Transmission of energy produced by coal entails line rights-of-way.

OIL

". . . Thus for oil-fueled electric power systems, the major land impacts are from transmission lines and domestic transport. The major sources of water pollution are off-shore oil extraction and oil transport, while air emissions are a problem primarily at the powerplant and the refinery. . . ."

GAS

Natural gas causes the least damage to the environment.

"NUCLEAR

"Uranium ore is extracted surface [sic] or underground mining after which it is concentrated in a complex process called milling. Because of the high energy value of uranium, relatively little land is affected in supplying the annual needs of a 1000 MEe powerplant.

"After milling, the concentrate is chemically converted, enriched, and fabricated. Also, spent fuel from the powerplant is reprocessed and then reintroduced into the enrichment operation. These processing steps generally occur at different sites so that transportation is required. The enrichment operation in particular causes significant radioactive emissions to the air. Also, solid wastes pose a disposal problem.

"As for transportation segments, the major environmental hazard is the potential of an accident. Because the fuels and wastes are very compact, there are few other transportation impacts.

"After the fuel is fabricated, it is transported to the powerplant where the electricity is produced. At the powerplant, there are radioactive emissions to air and water, and considerable waste heat emissions to water. And, for the nuclear fuel system in particular, the transmission line rights-of-way are the dominant land use.

"Thus, the processing steps, and especially enrichment, are the largest sources of high level radioactive solid wastes and radioactive emissions to air. The powerplant produces less radioactive emissions but is responsible for considerable thermal discharges to water."

There is difficulty comparing diverse categories of energy. More sophisticated methodologies and indeces are needed.

". . . Table IV summarizes these environmental impact data for each electrical power system without environmental controls."

Severity ranking key:

5=serious, 4=significant, 3=moderate, 2=small, 1=negligible, 0=none.

System classification	Air impact	Water impact	Solid wastes	Land impact
Coal:.				
Deep mine	5	5	3	3
Surface	5	5	4	5
Oil:				
Onshore	3	3	1	2
OCS	3	4	1	1
Imports	3	4	1	1
Natural gas	2	1	0	2
Nuclear	2	4	4	2

This severity-ranking index is acknowledged to be the subjective view of CEQ.

". . . While conventional water pollution from the nuclear power system is also low, but [sic] it does produce some radioactive emissions and about fifty percent more waste heat than any of the other systems. This large heat load, rather than the radioactive discharges, accounts for its high severity rating . . .

". . . The nuclear system produces little solid waste but some of it is highly radioactive. This is the reason for its high severity rating . . .

". . . Comparing a nuclear power system and the fossil fuel alternatives points up several important environmental tradeoffs. It highlights the difficulty of identifying the most desirable system when the impacts of each system are very different.

"A nuclear power system requires a very small quantity of fuel and, consequently, only limited extraction and transportation. Because these activities are the largest sources of occupational deaths and injuries, the nuclear power system causes few deaths and injuries. Also, there is little land disruption either for extraction or transportation rights-of-way. Because the nuclear system requires no refining or combustion, there are literally no emissions of our most common air pollutants—sulfur oxides and particulates. There are, however, low levels of radioactive discharges which are persistent in all media and which, at high levels, are known to be harmful to all forms of life. Radioactive and extremely long-lived, these solid wastes must be monitored constantly, even after burial. Also, because nuclear plants are less efficient, thermal discharges to receiving waters are about fifty percent greater than for any of the fossil fuel systems. Finally, there is a great range of potential accidents from nuclear power plants and processing facilities—from very small intermittent releases of radioactive materials to major reactor malfunction. Should the worst type of reactor failure occur, which current nuclear plants are designed to avoid, the potential for large scale damage to human health and the ecosystem is vastly greater than for fossil fuel systems.

". . . Natural gas is by far the least environmentally damaging of the fossil fuel alternatives." (However, current recoverable reserves are limited.)

". . . In the absence of controls, our most abundant resource, coal, causes the widest range of environmental damages. . . .

"ENVIRONMENTAL CONTROLS FOR EXISTING ELECTRIC POWER SYSTEMS

"Controls are possible to reduce the environmental damage from electric energy production, and in many cases these have been mandated by Federal, State and local legislative or administrative action."

Table V shows what can be achieved through environmental controls:

System classification	Percentage change— Air impact	Water impact	Land impacts[3]
Coal:			
Deep mine	−88	−91	+34.0
Surface	−88	−96	−39.0
Oil:			
On-shore	−75	−64	+1.4
OCS	−75	−48	+1.4
Imports	−75	−32	+1.7
Natural gas	0	−90	0
Nuclear	(1 2)	−90	0

[1] A controlled nuclear system emits 396,000 curies to the air, or a reduction of 31 percent from existing systems.

[2] A controlled nuclear system emits 54,000 curies to the water, or a reduction of 40 percent from existing systems.

[3] Land impacts are reduced by reclamation but are increased for solid waste disposal.

. . . Not included in the table are thermal discharges to water, because wet natural draft cooling towers at the powerplant in each system can virtually eliminate that problem. . . .

"THE COST OF ENVIRONMENTAL CONTROLS

"As control techniques are implemented, the cost of electric power will rise. . . . the control costs will be significant."

The cost of coal-based electric power will increase about 25% with the implementation of control techniques. The costs of nuclear and gas-fired systems will increase under 10% and of oil-fired systems about 20%. The percentage increase estimated is in costs and not in prices.

". . . as environmental controls are required, emerging energy systems that are expensive now compared to existing alternatives, but are less economically damaging, may become more economically attractive. . . .

". . . These expected changes in the mix of energy systems are desirable. They spring from an internalization of the environmental costs of energy production and consumption. Subject to fuel availability, they will stimulate use of those energy systems that are the least damaging to the environment. . . .

". . . total energy use also may be affected. Put another way, somewhat less energy may be used than would be the case without controls, and more other products and services, which do less inherent environmental damage, may be purchased instead. . . .

"EMERGING ELECTRIC POWER GENERATING SYSTEMS

". . . Assessing the environmental impacts of emerging systems is difficult . . . but must be done before full-scale development begins . . .

"Among the many emerging energy systems, those with the greatest promise for use within the next two decades include oil shale, coal gasification and stimulation for increased gas recovery, as well as several types of advanced nuclear power systems.

"In the longer term, nuclear fusion and solar energy systems hold great promise of significantly freeing us from our reliance on the earth's natural resources."

HIGH-TEMPERATURE GAS-COOLED REACTOR

Uses helium as a coolant rather than water. Thermal wastes are thus reduced. Because the cooling-effect is greater with this type of reactor, there is less danger of a major reactor accident. A 40 MWe high-temperature gas-cooled reactor pilot plant has been in operation since 1967. A 330 MWe demonstration plant is scheduled for operation by the end of 1972.

FAST BREEDER REACTOR

The liquid fast breeder reactor (LMFBR) currently has the highest priority for development. It may be in commercial use in less than two decades—on a large scale. This type of reactor produces 40% more fuel than it consumes. This is the principal difference between the LMFBR and the conventional light water reactor. The fast breeder reactor converts uranium into plutonium.

The projected impact of the LMFBR is that there will be a significant reduction in total radioactive emissions and thermal discharges.

". . . However there are several other factors that warrant careful consideration." Theoretically, reactor failure can occur more quickly in the LMBFR than in a light water fission reactor. The plutonium generated by the breeder reactor remains radioactive for thousands of years. ". . . safe storage and handling techniques are necessary."

EFFICIENCY

There are several ways of reducing environmental problems associated with energy: one, by putting additional controls on existing energy systems; two, by developing new systems with fewer environmental problems; and three, by introducing greater efficiency into existing systems.]

". . . It is apparent . . . that each electric energy system has a very low overall efficiency . . . there are large areas for improved efficiency, particularly in resource extraction and powerplant design. . . . By locating powerplants near industrial complexes, rejected heat could be used for industrial process heat."

An energy storage system could be devised to offset peak power requirements.

". . . The graphs also indicate that with total production of electric power growing rapidly, air and water pollution emissions will eventually become more severe than they were in 1970—even after implementation of current control technology. At some point, then, even more stringent controls will be required just to keep environmental quality from declining further.

"TOWARD AN ENVIRONMENTALLY SOUND ENERGY POLICY

". . . The nation's energy demands have grown dramatically in the last several decades, and a number of economic and social factors indicate that this trend is likely to continue. . . .

"With this increase in energy use has come a tremendous increase in our material well-being. But the complex, pervasive energy system which has developed to supply this demand leads to two important interrelated effects. First, there has been widespread environmental damage from energy production and consumption. Second, because energy is inexpensive and generally fails to take environmental degradation into account, existing systems are very inefficient. They consume large quantities of energy resources to produce power in convenient forms. . . .

"In this period of increasing energy demand and growing public concern over environmental degradation, the nation must inevitably make a number of important decisions to augment current energy supplies while protecting and enhancing environmental quality. . . .

". . . the costs of various energy systems should be determined with environmental controls included. . . .

". . . The effect of price increases from environmental controls will have by far the most important impact in encouraging more efficient and environmentally desirable forms of energy use in the future. However, for energy consumers to respond to these changing costs, it is important that government actions not restrain market forces.

"Because it is not always easy for consumers to determine total energy costs for alternative purchases, the Federal Government has the role of stimulating energy conservation and providing information to the public . . .

"More difficult, perhaps, are government actions to upgrade the efficiency of energy systems. . . . Increasing attention must be paid to efficiency. The Council believes that stepped up efforts to improve the efficiency of energy systems can yield significant environmental and economic benefits.

"Finally, the Federal Government must continue to assess at the national level the impacts of proposed new technologies to meet projected energy needs. With the National Environmental Policy Act, we already have a strong tool to force assessments of the environmental impacts of new energy systems. . . .

". . . Energy is responsible for a major share of our environmental problems, and its interrelationship with the quality of the environment requires a broad policy focus. Rationalizing energy and environmental considerations is dependent both on consolidating Federal energy programs under a Department of Natural Resources and on developing analytic techniques such as those discussed in this chapter. For without a comprehensive institutional base and adequate analytical tools, we will be unable to reconcile demands for dependable energy supplies with demands for a higher quality environment."

REPORTORIAL RESPONSIBILITY

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, as many of my colleagues know, for many years I was a news correspondent for papers in the East St. Louis area and I am still a member of the National Press Club. It seriously concerns me when I uncover bad journalism.

In the Monday, August 14, 1972, edition of the Washington Post there was an article attributed to the Associated Press which stated that the unfortunate death of two persons at the Virginia Electric & Power Company's nuclear plant in Surry, Va., was caused by a nuclear accident. The article went on to state that a Mr. Stephens, president of the Environmental Action Center, claimed that his group knew this to be a fact because of information received from VEPCO employees and from tests on the reactor.

When I learned of this article, I immediately had the Joint Committee on Atomic Energy staff try to contact Mr. Stephens or some other member of his Environmental Action Center. What I learned was that there is no such group as the Environmental Action Center. The Joint Committee was unable to contact Mr. Stephens at his Alexandria home. The staff did contact a Mr. Love from Environmental Action, Inc., and he said that Mr. Stephens had been using the name of his organization but had no contact with any known reputable environmental group. In the August 14 edition of the Star and in the August 15 edition of the Washington Post there is essentially a retraction of the original AP story.

It would seem to me that good journalism would dictate a thorough check of such a story. A simple telephone call to Mr. Love of Environmental Action, Inc., could have averted this erroneous report. Such a minor effort would have protected the Associated Press from distributing a story which borders on the science fiction put forth by those with special interests. These special interests include trying to dupe people into supporting nonexistent organizations. This is sometimes called fraud.

The fact of the matter of the unfortunate accident at Surry, Va., is that the powerplant recently came on line and is still undergoing tests. The reactor had been shut down the day before the two men were scalded, when a steam vent failed. The water was being heated by other than nuclear means at that time. No radioactivity whatsoever was involved.

Mr. Stephens should be embarrassed, as should the reporter who listened to him, for the great disservice they did this country.

In order that the Members of this body may have the benefit of the facts in this case, I ask unanimous consent to have printed in this Record a press release on this matter issued by the Atomic Energy Commission on August 17, 1972.

The press release referred to follows:

Preliminary Summary of AEC Investigation of Steam Accident at Surry Plant

On July 27, 1972, two employees of Virginia Electric and Power (VEPCO) were seriously burned by escaping non-radioactive steam at the Company's Surry Nuclear Power Station, Surry, Virginia. Both men died within a few days at the Medical College of Virginia Hospital in Richmond. The Atomic Energy Commission's Directorate of Regulatory Operation is investigating the accident. AEC inspectors were at the site on July 28–30 and August 3–5 reviewing the details of the accident, interviewing VEPCO management personnel and reactor operators and other employees, and examining pertinent plant records. While the AEC investigation is still incomplete, preliminary conclusions are as follows:

1. No radiation or contamination was encountered or released during the course of the accident or as a result of it.

2. The nuclear operation of the reactor had been discontinued on July 26 for maintenance and testing under shutdown conditions in accordance with normal practice and did not contribute to the cause or severity of the accident.

3. The accident resulted from a disconnect of the decay heat valve nozzle from its vent pipe and was a consequence of either inadequate design or installation. No weld failures have been discovered during the course of investigations which are continuing.

The following pertinent facts relate to the accident:

The Surry I reactor had completed startup testing at the 30 percent power test plateau (236 Mwe) on July 26 and was shut down that evening to conduct maintenance and additional testing with the reactor in a shutdown condition. At 7:15 a.m. on July 27, with the reactor shut down, the operator planned to control the reactor primary coolant temperature by venting steam from the secondary (non-radioactive) side of the steam generators to the atmosphere (heat was being added to the primary coolant system by operation of the main coolant pumps and reactor decay heat). The operator attempted to open the two power relief valves which vent secondary system steam to the atmosphere; however, these valves failed to open. Two technicians were sent to the equipment room where the valves are located to investigate the failure.

The operator initiated venting to the atmosphere through the decay heat release system. The decay heat release system is normally used to dissipate heat from the reactor by venting secondary steam to the atmosphere after the reactor is shut down. When the decay heat release control valve was opened, the 4½ inch valve discharge nozzle disengaged from the 8-inch exhaust pipe which vents to the roof of the building. The disengagement of the nozzle from the vent pipe was caused by the reaction force of the steam jet when the decay heat valve was actuated. This resulted in the release of non-radioactive secondary steam to an equipment room located between the reactor and turbine buildings.

The two instrument technicians, who were inspecting the power relief valves in this room at the time of the occurrence, received second and third degree burns over sixty percent of their bodies. No radioactivity was released and no personnel exposure to radiation was incurred as a result of the accident.

Excessive movement of the decay heat release system piping had been observed and had been reported by the operators during earlier plant tests. The problem had been scheduled to be corrected during the shutdown in which the accident occurred.

Corrective actions have been made by VEPCO and have been reviewed for adequacy by the AEC. These include: securing the valve nozzle to the vent pipe, securing the valve actuator to wall braces to limit movement, and several changes to improve egress from the equipment room and control access to the room. The plant is expected to resume operations in the next day or so. The AEC investigation and analysis is continuing, and a full report will be issued.

DRUG AMENDMENT PROVES VALUE

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the decision by an appeals court in Paraguay to extradite drug trafficker, Auguste Ricord, marks an important milestone in international narcotics law enforcement. It is an action which promises improved cooperation in the future, and which demonstrates the significance of section 481 of the foreign aid program, directing the President to cut-off foreign aid to any nation which fails to cooperate in combating drug traffic. Though aid was never actually terminated in this case, this provision provided the crucial leverage on a Paraguayan Government otherwise reluctant to take enforcement action.

The Ricord case has been pending since March 1971, when Ricord was arrested at the request of the U.S. Government for his role as a kingpin in Latin American narcotics smuggling operations. Ricord was considered a particularly valuable catch for his intimate knowledge of the "Latin Connection" which is to a large degree replacing the "French Connection" as the prime source of narcotics entering the United States.

Because of Ricord's importance, the United States asked for immediate extradition. Unhappily, no action came as Paraguay officials pondered the case for more than half a year before the courts took up the matter. When the problem finally reached the courts, the judge rejected the extradition request on the grounds that Paraguayan-American extradition treaty of 1913 did not specifically mention narcotics. The Ricord case was appealed to a higher court but it appeared that Ricord might avoid major punishment.

In April 1972, I wrote to Secretary of State Rogers to express my concern over the Ricord case. As the author of section 481, I felt that the failure to extradite Ricord was a disregard of the spirit of cooperation which this provision was intended to foster. Mr. David M. Abshire, Assistant Secretary of State for Congressional Relations, informed me at that time that the text of section 481 had been "communicated" to the Paraguayan Government.

I feel that the recent decision to extradite Ricord is in large part the result of that "communication." Under the threat of a cut-off in U.S. foreign aid, and under the pressure of unfavorable international publicity, the appeals court determined that Ricord was covered by the spirit of the 1913 treaty, if not by the letter.

Hopefully, the Ricord extradition will mark a significant improvement in cooperative efforts between the United States and all nations which are located on the narcotics supply routes. The extradition of Auguste Ricord does not mean that the flow of narcotics into the United States will dry up. However, it does mean that another link has been broken. And it means that section 481 of the foreign aid program can be an important tool in combating the illegal drug traffic.

THE PRESIDENT'S ECONOMIC STABILIZATION PROGRAM

(Mr. BROWN of Michigan asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROWN of Michigan. Mr. Speaker, it has been just over a year since the President announced his new economic policy, a program designed to curb the skyrocketing rate of inflation.

While all of us recognize that problems remain in certain segments of the economy, the progress is notable and I think we should all realize that we are better off today than we were a year ago.

For instance, inflation today is at an average annual rate of 2.7 percent. Last year at this time it was at an unsatisfactory average annual rate of nearly 4 percent. The goal is to get the rate of inflation to between 2 and 3 percent and I think the administration is well on its way toward achieving that mark. I commend the following assessment of the economic stabilization program by Cost of Living Council Director Donald Rumsfeld and some news articles and editorials to the attention of my colleagues:

AN ASSESSMENT OF THE PERFORMANCE OF THE ECONOMY UNDER THE ECONOMIC STABILIZATION PROGRAM

(By Donald Rumsfeld, Counsellor to the President of the United States and Director of the Cost of Living Council)

THE NEW ECONOMIC POLICY

Since August 15, 1971, the Administration has been pursuing a new economic policy designed to stimulate a vigorous expansion in domestic economic activity accompanied by a reduction in the pace of price inflation. The performance of one of the components of the policy mix adopted, the Economic Stabilization Program, should be assessed in terms of its ability to stabilize prices and wages, without chilling the economic recovery stimulated by expansionary fiscal and monetary policies.

THE ECONOMIC SITUATION LAST YEAR

Such an assessment must begin by reviewing the economic picture one year ago. First, although employment, productivity and output had begun to rise, the pace of the recovery was not satisfactory. There was, therefore, a need to provide greater economic stimulus for the economy to reduce unemployment and achieve a rate of output growth closer to the production potential of the economy.

Second, although the rate of inflation had been declining for more than two years, prices were still rising at an unsatisfactory rate near 4 percent. The dominant view was that the continuing inflation was mainly the result of cost increases forcing up prices, providing the necessity for further cost and price increases on a self-sustaining basis. Support for this view of the process was drawn from evidence of continuing large wage and labor cost increases under new collective bargaining agreements and continuing increases in wholesale industrial prices.

There was, consequently, widespread concern that additional stimulus applied to the economy would simply be dissipated in rising inflation with little impact on real output and employment.

It was against this background that the freeze was imposed and the post-freeze system of controls was developed. Both the freeze and the Phase II controls were designed to break the inflation psychology and to limit wage and price increases to rates compatible with a gradual return to full employment coupled with price stability.

PROGRESS UNDER THE STABILIZATION PROGRAM

The freeze was successful. It met with broad public support and voluntary cooperation. However, the freeze was too rigid and inflexible to be maintained for an extended period of time. A more flexible and equitable system was necessary to permit necessary market adjustments, efficient operation of the economy, and expansion in production and employment.

As we approach the first anniversary of the new economic policy, a review of developments in prices, production and employment over the past year provides some insight into the program's success.

PRICES

The overall evidence on the price-front clearly indicates that substantial progress has been achieved in reducing the rate of inflation. The term "overall evidence" is used because the appraisal is complicated by the sharp break in price trends generated by the freeze.

Prices were subject to a 90-day freeze after August and this was followed, as was expected, by some bulging after the freeze itself was lifted. This poses the difficult question of which period one should look to in assessing the results. Some would look to the entire period since August—but for others this produces a result that may be biased downward because it includes the non-recurring episode of virtual stability during the freeze period. Others would look only to the post-freeze period, but for some this introduces an upward bias because it includes the non-recurring episode of the post-freeze bulge. To confuse the issue further some would include raw farm prices, because people have to eat after all, while others would exclude these prices because they tend to display large movements, up and down, that are not closely connected with the overall pattern of price trends.

Given these basic difficulties, the easiest thing to do is to summarize the evidence and allow you to judge.

Before August 1971, the Consumer Price Index had been rising at about a 4 percent annual rate. The exact number varies with the span of time considered before August. The 10-month rate to August 1971 was 4.0 percent; the 7-month rate was 3.9 percent; and the 3-month rate was 4.1 percent. In June 1972, the latest month for which consumer price data are available, the rate of increase in the Consumer Price Index was about a full percentage point lower. The 10-month rate to June was 2.7 percent; the 7-month rate was 3.1 percent and the 3-month rate was 2.2 percent. The 7-month figure excludes the freeze but includes the last winter's bulge in food prices. To take the best statistic, for non-food commodities in the Consumer Price Index, the rate of increase since last August has been 1.7 percent. To take the worst, food prices have gone up 4.0 percent in the 7 months of Phase II, compared with a rate of 5.5 percent in the 7 months preceding the freeze. Since the interim price target is to get the rate of increase in consumer prices down durably and clearly below 3 percent by year-end, the evidence clearly indicates that we have made substantial progress in achieving this objective of the New Economic Policy.

Other data depicting price performance over the last year are also available. Since last August the WPI has risen at a rate one full percentage point lower than the pre-program months of 1971, even though farm prices rose abnormally during February and July. The GNP implicit deflator increased at an annual rate of 2.1 percent last quarter compared to rates in excess of 4 and 5 percent in pre-program periods.

OUTPUT, EMPLOYMENT, AND EARNINGS

The improved price performance is taking place in a context of vigorous economic expansion.

The strength of the recovery is indicated by growth in real output at an average annual rate over 7 percent during the last 3 quarters, more than double the 3 percent recorded in the 1971 period prior to the launching of the New Economic Policy. Since August 1971, there has also been an increase in employment of about 2.5 million persons pushing the unemployment rate down to 5.5 percent. The brisk economic expansion has been widely based and supported by increases in both capital investment and consumer spending. The surge in production has led to healthy gains in corporate sector income, permitting increases in both profits and real wages. The 5 percent average annual increase in productivity in the last three quarters has been reflected in real spendable earnings rising at an annual rate of over 4 percent, contrasted with virtually no growth in real wages in the last five years of the 1960's.

BALANCED IMPACT OF THE PROGRAM

Some who have criticized the operation of the program have conceded that progress against inflation has been achieved. Critics from this side have alleged that the progress that has been achieved in reducing inflation was achieved at the expense of workers and their wages. One of the purposes of the program, of course, is to reduce the rate of increase in nominal wages toward levels consistent with long-term projected productivity gains. Nominal wage rate increases have slowed considerably during the program period. The 5.6 percent increase in average hourly earnings since last August is at least one percentage point lower than in any comparable period before the program began. However, since wages have moved up faster than prices, real purchasing power of workers has advanced significantly. In fact, real take home pay of the typical rank and file worker has increased at an annual rate of 4.5 percent since the program began, reflecting both the relative behavior of wages and prices as well as the increase in hours worked and changes in Federal taxes. Finally, the real earnings growth has been more broadly shared as a result of the expansion in employment.

Skepticism has also been expressed concerning the program's treatment of corporate profits. Some have been concerned that business profits might be adversely affected by the Price Commission's profit margin limits. On the other hand, there are those who argue that prices and profits have been allowed to expand while wages were being held down. The merits of these opposing arguments can be evaluated by reviewing briefly the application of Price Commission regulations and recent movements of corporate profits.

There is no limit on either the absolute size of a firm's profits or its profit margin when increases are the result of rising sales volume or increased efficiency. If a firm increases its prices, however, its profit margin is limited to the ratio of its profits to sales during the base period. Some price reductions and rollbacks have occurred as a result of the profit margin limitation. The extent of the rollbacks and reductions is limited to either a reduction of all prices to base period levels or a reduction that leads to a profit margin equal to that in the base period, whichever is less.

Total corporate profits have risen cyclically since late 1971 primarily reflecting the strong economic recovery. Corporate profits were about 8.5 percent higher in the first quarter of 1972 compared to the same quarter one year earlier. As a percentage of income originating in corporate business, however, profits are still considerably below the average of the last half of the 1960's.

GENUINE PROGRESS

Another question frequently asked is whether the progress recorded against inflation is temporary and artificial, achieved only with the aid of the crutches of direct wage and price controls. The implication is that either prices and wages will explode when the crutches are removed or that the crutches will have to become a permanent part of the future.

A number of characteristics of the controls mechanism as well as recent program actions do not lend credence to this argument.

First the system was not designed and implemented in a way that involves significant cost absorption by business or the counterpart of cost absorption in wages. The regulations permit pass through of allowable costs for prices, and there are provisions for catch-up, tandem arrangements, and other exceptions to avoid inequities in wages.

Second, a fraction of the economy has been exempted from controls on both pay and prices under the exemption of small firms with 60 employees or less. An additional large segment of the work force was exempted under the low wage exemption of $2.75 per hour. Reliance has therefore been placed on a combination of competition and controls. These factors help to assure that the basis is being laid for continued improvement in price performance when cost-push forces recede and controls are no longer needed.

LIMITED PURPOSE AND EXTENT OF THE CONTROLS

Finally, after one year of controls, it is appropriate to ask whether the mechanism has been efficiently administered while maintaining the characteristics of a limited control program.

The controls have remained limited in the sense that there has not been a major expansion in the bureaucracy involved in implementing the controls. Indeed, significant sectors of the economy have been progressively removed from the controls. We have registered the tendency to expand into more and more detailed regulation of all economic transactions. We have not become so enamored with the operation of the controls that the fundamentals in avoiding demand-pull inflation through responsible monetary and fiscal policy have been neglected or de-emphasized. Indeed, they are most important in avoiding a repetition of our experience in the late 1960's.

The Economic Stabilization Program has operated in a manner sufficiently flexible to avoid the emergence of significant waste and in efficiency in the economy. The controls have not placed undue strain on institutional arrangements in the economy. The standards have been implemented with sufficient flexibility and the goals that were set were sufficiently realistic so that major industrial disputes have been avoided. The level of strike activity, traditionally high during a control period, has been below that of other recent years. This industrial peace is attributable to the cooperation of labor and management under the program in collective bargaining situations, and has been a significant factor in achieving a high rate of growth in real output under the New Economic Policy.

[From the Washington Post, Aug. 13, 1972]

PROGRESS SEEN ON ECONOMY

(By Hobart Rowen and James L. Rowe Jr.)

President Nixon asserted yesterday that his year-old New Economic Policy has produced "tangible pocketbook progress for the American people."

But he noted that the unemployment rate must be cut "much further" and that "the price of food remains a major concern." He reiterated an earlier warning that congressional failure to impose a $250 billion spending ceiling could result in "big increases in the cost of living, or big new taxes—or the first followed by the second."

The President's assessment of economic performance since Aug. 15, 1971, was contained in an introduction to an economic report by his Council of Economic Advisers, which updated the July 24 testimony before the Joint Economic Committee by the members of the council.

It was met by a prompt challenge from Democratic presidential candidate George McGovern, who said the results were but a "mini-recovery which didn't make up for the maxi recession" he said the Nixon administration had previously engineered.

The President's statement also was criticized sharply by the Democratic members of the committee to which it was addressed, who charged the administration with complacency about high unemployment.

Last Aug. 15, President Nixon instituted a 90-day wage-price freeze, allowed the U.S. dollar to "float" in world markets and imposed a 10 per cent surcharge on about half of total imports. He also proposed tax changes, including reintroduction of the investment credit to stimulate business investment. The freeze was followed by the current Phase II of wage-price controls.

The current debate about the results is occasioned by the imminence—on Tuesday—of the first anniversary of the Aug. 15 decisions. The administration not only marked the event with the special Presidential statement, but held a day-long briefing last Thursday for about 100 of the nation's business and economic writers. Reports on the briefing were embargoed for today.

Appearing before the reporters were Treasury Secretary George P. Shultz; Economic Council Chairman Herbert Stein and the other members of the CEA; Secretary of Commerce Peter Peterson; Secretary of Labor James Hodgson; Cost of Living Council Director Donald Rumsfeld; Office of Management and Budget Director Caspar W. Weinberger, and Paul A. Volcker, Treasury undersecretary for monetary affairs.

These officials echoed the President's claim that his new policies had substantially slowed the rate of inflation, stimulated the economy to new heights of economic growth and started workers' real earnings on an upward curve.

But they acknowledged that the inflation problem had not been licked. And they sidestepped questions about how along the present Phase II controls system will last. Current enabling legislation expires April 30, 1973.

With respect to inflation, Stein told reporters during the course of the Thursday briefing that the consumer price index in July—and probably in August as well—will rise more rapidly than in the past few months because of skyrocketing food prices.

But Stein said "the underlying trend of prices as a whole is very satisfactory" and consistent with the overall objective of limiting the consumer price index rise to 2 per cent to 3 per cent by the end of the year.

President Nixon, in claiming an interim success for his economic policies, cited:

The rate of increase in the cost of living, "which had been cut by one-third before the freeze, has now been cut in half."

An increase of 2.5 million civilian jobs over the past year.

A decrease in the rate of unemployment from about 6 per cent to 5.5 per cent.

A nearly 9 per cent annual increase in Gross National Product in the second quarter.

A 4 per cent rise in workers' real spendable earnings over the past year, "three times the average rate from 1960 to 1968."

Agreements among the world's major industrialized countries to confer on international financial and trade reform "which will susbtantially help us to improve our international competitive position as well as help other countries strengthen their economies."

The President said, however, that "we still have economic problems to solve . . . We must firmly establish a lower rate of inflation—both in fact and in the public expectations which help shape the economic future."

His comments came on the eve of a joint meeting between the Pay Board and Price Commission to discuss the current wage guideline, which restricts most pay increases to 5.5 per cent per year.

Administration officials and others, including Federal Reserve Board chairman Arthur F. Burns, feel that the 5.5 per cent standard must be reduced next year to keep the rate of inflation from rising again.

However, Treasury Secretary Shultz last week told a group of reporters that reduction of the pay standard probably had to await some further success in moving prices down. Democratic critics of the wage and price control have argued that the controls have curbed wage increases while allowing prices and profits to rise.

The Joint Economic Committee, in its statement, said "the wide publicity given to the improvements in economic performance in the last few months should not delude the public into believing that all is well with the economy.

"For the last three years, the economy has experienced a prolonged recession brought on through a deliberate policy of reducing the growth of output and employment in the vain hope that this would reduce inflation.

* * * * *

McGovern and vice presidential candidate R. Sargent Shriver, picking up on the Nixon administration's original analogy of an economic "game plan," said that in the first half of the year the economy gained almost enough ground to reach its own 2-yard line.

They charged that on unemployment and inflation the administration was "deep in its own end zone" in 1969, 1970 and 1971.

They noted that "Unemployment has been shaved to 4,785,000, a mere 75 per cent higher than in January, 1969. This is a mini-recovery, and the administration is entitled to take credit for it—as long as it takes the blame for the maxi-recession which it had previously engineered."

The Joint Economic Committee charged that unemployment is still too high and will remain so "without further policy efforts to reduce it." The committee said the administration's policies are "unduly influenced by a fear of inflation and by a stubbornly held, but erroneous belief that the way to control inflation is to restrict the growth of output and employment."

Stein told reporters at the briefing that in calling for a budget ceiling, "We have been accused of being in danger of stepping on the brake too soon; that is not our intention or expectation. But we are concerned about stepping too hard on the gas too soon, or too long, and that, of course, is the basis for our concern with the budget for fiscal 1973 and for fiscal 1974."

Cost of Living Council director Rumsfeld told the reporters that people can be "lulled" into thinking that the existence "of wage-price controls can enable us to do things in the area of fiscal and monetary policy you might not otherwise do."

Rumsfeld, who has headed the wage-price program since it was put in place in mid-November, called the President's new economic policies a success.

He named three key officials who deserve "hero's medals" for their efforts, including his predecessor, Arnold R. Weber, now a Pay Board member; Pay Board chairman George H. Boldt, and Marvin Kosters, the Cost of Living Council's top policy planner.

Conspicuously absent from the list was Price Commission chairman C. Jackson Grayson Jr., whose seven-member panel in late June urged the administration to extend price controls to farm products to alleviate rapidly rising food costs.

Grayson is known to have irritated a number of administration officials because of his insistence on an independent stance.

Also at the Thursday briefing:

Treasury Under Secretary Volcker said the nation is seeking an international trade and financial system that will produce a "continuing equilibrium" in both the U.S. balance of payments and "in the balance of payments of other countries." The Economic Council lists elements of a trade agreement the nation would like to see.

Office of Management and Budget director Weinberger reiterated his charge that "Congress is on a rather dangerous spending path," and said the administration has done its part in reducing federal spending.

Labor Secretary Hodgson said that "for the rank and file worker" for the "earning scenario written by the President's program has been upbeat, with continuing money increases and, what is really more critically important to men that work for a living, a sharp improvement in real wage increase."

Commerce Secretary Peterson said the devaluation of the dollar, among other factors, has had a significant impact on the automobile industry. As a result of the lessening of the price differential between American cars and imports, foreign share of the U.S. auto market dropped from 18.8 per cent last August to 14 per cent in June.

Neither Grayson nor Boldt appeared on the Thursday program because, a White House spokesman said, Rumsfeld would be able to discuss the entire program. On a number of occasions, however, Rumsfeld declined to comment on such topics as revising the wage guideline or corporate profit margin tests because he said they were totally under the purview of the respective panels.

[From the Chicago Tribune, Aug. 13, 1972]

The Economy Issue—Whose Will It Be?

(By Edward Rohrbach)

Washington, August 12.—Whose issue will the economy be this election year?

The answer seems to depend on whether voters will judge it according to how well off they feel they are or what the cold economic statistics tell them. And the stories are different.

At a White House briefing this week, Donald Rumsfeld, director of the Cost-of-Living Council, admitted that he can't even convince his wife that the Nixon administration is checking inflation—as the indicators indicate.

Rumsfeld added that the polls show "people aren't feeling it yet." But he insisted that wage earners have more to spend and prices are going up at a markedly slower pace. He noted that real earnings are up 4.5 per cent since last August and the rate of increase in the cost of living is down since last August.

PUSHED BY DEMOCRATS

The irony is that for the administration, the economy should be positive issue, if for no other reason than the successful controls program was pushed hard by many Democrats months before President Nixon finally adopted it.

A year ago it looked like the deteriorating state of the economy was going to escalate it beyond the Viet Nam war as the administration's achilles' heel in the Presidential election.

"To take the best statistic, for non-food commodities in the consumer price index," Rumsfeld told reporters, "the rate of increase since last August has been 1.7 per cent."

"To take the worst, food prices have gone up 4 per cent in the seven months of phase 2, compared with a rate of 5.5 per cent in the seven months preceding the freeze [begun Aug. 15, 1971]."

The stated goal on the inflation front was to reduce the price rise to a rate of 2 to 3 per cent by the end of this year.

BETTER THAN RESULTS ABROAD

Herbert Stein, chairman of the President's Council of Economic Advisers and another of the top officials the administration presented at the press conference to tell the good economic news, cheerfully admitted that the results of the stabilization program since Nixon sprung the freeze on wages and prices a year ago on a surprised nation and world have been almost better than could have been hoped for.

Stein pointed out that the controls program in the United States has worked "without generating some of the evils" that virtually every other similar incomes policy has when attempted in other countries.

Massive confrontations with labor and strikes have been avoided, Stein said, while there has been no adverse effects on output.

The facts Labor Secretary James Hodgson supplied are even more impressive. He noted that the period of controls has registered an eight-year low for industrial work stoppages.

REAL GROWTH DOUBLED

So far as output is concerned, real growth not counting inflation has accelerated to an average annual rate of over 7 per cent in the last three quarters, more than double the pace of the nine months preceding the new economic policy. The last quarter increase was a whopping 8.9 per cent.

Hodgson projected productivity gains for the nation's work force at 4.5 per cent for the year, a very healthy increase. He called the second quarter's 6 per cent "extraordinary" and doubted it could be repeated.

JOB FIGURES NEAR GOAL

On the international front, Commerce Secretary Peter Peterson said there are signs the country's trade deficit is turning around. The best evidence overall, he said, is the sharp reduction of U. S. inflation, making American products generally more competitive in the world market.

Even the employment figures, which the Democrats are zeroing in on as the softest spot in the economy, are trending better and appear headed for the stated administration goals. Unemployment for the last two months has settled to 5.5 per cent, at mid-year halfway to the 5 per cent target.

The jobless rate for heads-of-households is down to 3.3 per cent, Hodgson noted, and the rate for married men has fallen to 2.7 per cent.

Treasury Secretary George Shultz focused on the rise in real spendable earnings, that is, what people earn after the inflation and tax bites are taken out.

He noted that in the 1965–70 period, there was no real gain in this indicator, which should show whether they are getting ahead of the game or not. Since the start of 1971 this has risen markedly, increasing since the start of the stabilization program at an annual rate of 3.8 per cent.

PERMANENT CONTROLS DOUBTED

The thrust of the day-long comments on the economy by the top administration officials almost led to the conclusion that controls in some form might be a good idea as a permanent feature of the American landscape.

But free-marketers Shultz and Stein scotched that. Calling them "self-limiting," Stein added: "I think it is extremely unlikely that we are going to need or get any benefit from permanent controls of the kind we now have."

Shultz put it more succinctly:

"Freedom is part of your standard of living, too, you know."

[From Newsweek magazine, Aug. 21, 1972]

Mr. Nixon "Told You So"

The setting was a small, thickly carpeted auditorium nestled in a nook of the massive, baroque old Executive Office Building next to the White House. Present were the Nixon Administration's top economic seers, and their task was the happiest duty they had faced in months. For the first anniversary of President Nixon's new economic policy was at hand, and the Administration had gathered some 100 economic reporters to review the year's record. And for many of the correspondents, skeptical from the start about the value of the new Nixonomics, the charts, graphs and figures amounted to a forced diet of crow. With the Presidential campaign just getting down to business, Mr. Nixon's economic scenario seemed almost dead on target.

Treasury Secretary George Shultz, who had himself opposed wage-price controls right up to the time they were imposed on Aug. 15, 1971, began with the proud word that the rate of increase in consumer prices had dropped from 6.1 per cent in 1969 to 2.7 per cent since the freeze ended last November—"and if you take the last four months, the rate of inflation is less than 2 per cent." Even the price of food isn't as bad as the average housewife thinks, chimed in Donald Rumsfeld, chairman of the Cost of Living Council. "Food prices have gone up 4 per cent in seven months of phase two," he said, "compared with 5.5 per cent in the seven months preceding the freeze."

The economy itself was in a state of near boom, having chalked up an awesome growth rate of 8.9 per cent in the second quarter. Nobody expected that pace to continue; yet, in Shultz's words, "All the different kinds of things that you look at tend to show that this expansion is going to continue to be a strong one." The Treasury Secretary had been even more ebullient in private before the briefing, telling a White House colleague that the economy was "roaring" at such a clip that tax revenues for fiscal 1973 would almost surely top the current forecast. And this rosy view was generally shared last week by experts outside the Administration. "The U.S. has the fastest growth rate in the world, except for Japan," said William Wolman of Argus Research Corp., who predicted a jump of 9.8 per cent in gross national product this year and a gain of 9.5 per cent more in 1973.

Jobs: Problems, of course, remained—most conspicuously the continuing high unemployment rate. The best the Administration could promise was that the rate may fall to 5 per cent by the end of this year, and Democrats will surely make that a campaign issue. But Labor Secretary James D. Hodgson pointed out that the economy has added 2.5 million civilian jobs in the past year and that joblessness is now concentrated among teenagers and women who are not heads of families. Similarly, even though the nation's trade balance continues to deteriorate, Treasury Under Secretary Paul Volcker and Commerce Secretary Peter G. Peterson predicted that the full effects of last year's dollar devaluation would soon improve the picture. "Beware of generalizations in terms of competitiveness," Peterson cautioned. "We are very competitive in agricultural products. And remember that competitiveness depends on fair exchange rates."

The most ominous cloud on Mr. Nixon's economic horizon, it seemed, was that the economy might run altogether too strong. "We don't want a less rapid expansion," said Herbert Stein, chairman of the Council of Economic Advisers, "but we are concerned it might be too fast." Most economists are conceding a slight increase in the rate of inflation in the coming months in any event, if only because of the continuing Federal budget deficits. Wolman of Argus Research sees a rise of 3.6 per cent in inflation next year, compared with a 3.3 per cent increase in 1972.

Slack: That would still be a long way down from the 6 per cent price rise of 1969, and few forecasters see any dangers of a return to runaway inflation soon. If, for instance, Federal tax revenues are accelerating as Shultz indicates, a major inflationary danger lurking in the background could well be stamped out. And other economists point out several equally dampening influences: growing productivity, slack in both the unemployment rate and the utilization of factory capacity, and the historically high rate of private savings ,that should permit the Federal Reserve Board to avoid any excessive increase in the money supply.

And around the country, Newsweek correspondents found businessmen, bankers and economists alike in a rarely unanimous glow of approval for the state of the economy. There was carping about the unemployment rate, the equity of wage and price controls and the continuing pace of inflation, but the only real heat came in debating whether Nixonomics had been responsible for the current economic climate. A year ago, says economist Walter Fackler of the University of Chicago, inflation was already subsiding and the economy was already headed upward, and the President's emergency program was merely "cosmetic and political." Oddly enough, that view is not altogether rejected even in the Administration; Shultz concedes that "it is going to be a long while before one can really disentangle the results and get a careful and considered assessment of just what has happened."

But however the bed was made, the Administration is more than content to sleep in it. "We are not out of danger," summed up Caspar Weinberger, director of the Office of Management and the Budget, "but we are better off today because of the new economic policies that were adopted at Camp David a year ago." And President Nixon's men are in no mood to tamper with their successful formula. "It is extremely unlikely," said Stein, "that the wage and price controls will be abolished before Nov. 7."

[From U.S. News & World Report, Aug. 21, 1972]

Controls—Success or Failure?

Peacetime wage-price-rent controls, now entering their second year, have been trimmed back to cover only half of today's workers and renters and even fewer corporations. Here is how controls have worked out—and the changes to expect.

Hope is growing in Washington that the second year of extensive wage and price controls, just now beginning, will be the last.

Most federal officials believe that controls, as they exist at this time, will be lifted well before next August 15—provided that the cost of living continues to increase by not more than 2.5 to 3 percent on a yearly basis.

Right now, the rate of inflation is down to the lower part of that bracket. For the three months ended June 30, 1972, the rise in prices at retail was held to an annual rate of 2.5 percent.

The law authorizing the controls is scheduled to expire next April 30. There are indications that the present program may be ended by that time.

DATE INDEFINITE

The Cost of Living Council, which sets over-all policy for regulating the economy, is not ready to rule out an extension beyond that date, however. Top officials explain that, if they announce a definite time for ending controls, people may then begin to act in ways that would make the job of slowing inflation all the more difficult—buying heavily in advance, for instance, or demanding large pay raises to take effect after the deadline arrives.

Furthermore, there is growing sentiment for retaining some federal sway over prices and wages for an indefinite period, to be used from time to time on a limited basis.

Behind the scenes, the present control agencies are operating on the assumption that even if formal controls are ended when the present law expires in April, a "residual controls unit" will be kept on duty.

Meanwhile, the question is being raised, in public-opinion polls and by political debates, of, whether controls have been successful over the past year. Has inflation really slowed down appreciably? And if it has, should the federal price and wage ceilings get the credit?

WHITE HOUSE VIEW

The Nixon Administration gives a qualified "Yes" answer to both questions. Even officials who opposed the imposition of the "freeze" last August 15 are happier with the controls than they ever expected to be.

Looking back over the year since the President announced his "new economic policy," the Government's economists point to generally favorable trends, as indicated in the chart on page 15.

Aims of the new policy, as Mr. Nixon described them last August, were to check inflation, reducing it to from 2 to 3 percent by the end of 1972; to speed up business recovery, reduce unemployment and restore confidence in the dollar abroad.

All of this was to be accomplished by a series of steps, starting with a 90-day freeze on wages, prices, rents and dividends, plus the imposition of a 10 percent tax on imports, an end to the excise tax on autos, a tax cut for individuals and a suspension of gold payments. The freeze then was lifted, more-flexible control machinery was set up, and by year's end the dollar was devalued, the import surcharge removed and taxes cut.

LESS INFLATION

After a year of this three-pronged new policy, these things have happened:

Inflation is substantially lower.

While there is no one accepted measure, the consumer price index—retail prices that concern most people—dropped from about a 4 per cent annual-increase rate in the three months prior to the freeze to 2.5 per cent in the last quarter.

Wages are not rising quite as fast as they had been before controls.

During the year, the Pay Board authorized wage increases affecting 11.6 million workers, averaging 4.9 per cent.

That was below the general guideline of 5.5 per cent, and helped to hold the over-all increase in average hourly earnings to 6.2 per cent—compared with 6.6 during the preceding year.

"Real" pay, after taxes and after inflation, increased by an average of 4 per cent, after making no appreciable gains in the year before controls. This resulted from lowered taxes and a smaller rise in living costs, plus a larger hike in pay.

Employment increased and unemployment declined a bit, under controls.

The number of workers with civilian jobs rose by 2.4 million during the year, one of the biggest one-year increases on record. But the size of the U.S. civilian labor force increased almost as much—by 2.3 million people, including 400,000 who were cut from the armed services. So the latest unemployment reading, for both June and July, is holding at 5.5 per cent, just under the 6 per cent rate before the freeze.

Productivity now is rising more rapidly, as the economy gains momentum.

Output for the average man-hour of work in the nation's nonfarm economy, as measured officially, is up from an annual rate of 3.1 per cent in the three months preceding controls to 5 per cent in the most recent quarter.

Economic recovery, over all, has picked up speed despite the controls.

Key indicators are nearly all pointed upward, with retail trade up 8.6 per cent during the year since the freeze began, auto sales up 9.2 per cent, and housing starts up 12.2 per cent. The index of industrial production reached a new record high and is now 5 per cent above the level of a year ago.

Even more impressive is the increase in real "gross national product"—total national output of goods and services, discounted for the effect of inflation—which rose at an annual rate of 8.9 per cent in the past quarter of 1972. That is the biggest gain in GNP since 1965, when the Vietnam war was being cranked up. It compares with a 3.4 per cent increase for the quarter before controls.

Not all indicators are good, though.

The dollar is still in trouble abroad, with no early solution in sight.

Despite a devaluation of about 8 per cent and other efforts to restore confidence in the dollar overseas, the U.S. balance-of-payments deficit last year was a record-breaking 29.8 billion dollars. This was due in large part to capital outflows associated with a run on the dollar in the second and third quarters of 1971. That deficit dropped to an annual rate of 13 billion in the first quarter of 1972, but a new period of weakness in the dollar developed in June.

Wholesale prices, often a key to future inflation, have moved higher.

A sudden spurt in wholesale prices—those which businessmen pay and then pass on to the public—occurred in July and shot that price index up at an annual rate of 8.4 per cent. This stemmed in large part from skyrocketing food prices and leaves the outlook for future living costs much in doubt.

All in all, the indicators show, the economy has done well since controls were imposed. Yet economists concede that there are still major problems—the dollar dilemma, the prospect that inflation may turn up again if wholesale prices continue to rise, and a growing federal deficit that may lead to even more inflation. Unemployment, too, is still above 5 per cent. And interest rates remain high by historical standards.

Donald Rumsfeld, Director of the Cost of Living Council, was interviewed by "U.S. News & World Report" on his views of how successful the wage-price controls have been, and what lies ahead.

On the results of the controls, Mr. Rumsfeld commented:

"Well, I would have to ask, in answer to the question, 'How are we doing compared with what?' Compared with where we were a year ago? Pretty good. Compared with what the President's goals were? Quite good. Compared with where we would have been if we had not had an economic-stabilization program? Clearly, I think we're doing considerably better than where we would have been had the President not instituted the new economic policy."

Asked whether he foresees any further easing or tightening of the controls in the near future, Mr. Rumsfeld said:

"No, I don't.

"To the extent we find that there is a need for an adjustment of one sort or another, either a tightening or a loosening on one side or another, certainly we're capable of doing it. But I don't see any persuasive argument at the present time that would lead me to believe that there's an immediate need for any major alteration in the system."

SUBSTANTIAL CUTBACKS

At this time, as the chart on this page shows, the emergency controls that once covered virtually all except farm prices, all wages and all rents, have been cut back bit by bit so that large segments of the economy are no longer directly covered.

Fewer than half of the nation's 59 million nonfarm civilian wage earners are covered now, for example, as a result of rulings exempting organizations with fewer than 60 employes, and workers with pay of under $2.75 an hour.

Price controls have been lifted from 95 per cent of America's 400,000 business firms, in turn, largely because of the 60-employe exemption.

Rent controls are gone, too, from about 45 per cent of the country's rent-paying tenants. Here, the chief exemptor was a ruling that limited controls from any landlord who owns fewer than four rental units.

EYE ON THE FUTURE

What's the next step? Mr. Rumsfeld was asked whether he expects present controls to stay on for a prolonged period, to be dropped gradually, step by step, or to be ended abruptly. His response:

"My impression is that the lifting of controls will occur where the President's goals have been achieved. Whether it would be before the date [April 30, 1973, when the law expires] or after is something I can't predict. I don't think anyone can at this point.

"The one thing I'd say about what might happen is that it seems to me that there might be some sectors that may merit some special attention.

"Just as the construction industry received some special attention prior to the institution of formal controls last August, it may be that after the present phase of formal controls, there might be some areas, such as construction, that would merit attention and where special attention would make sense from the standpoint of the country."

In the longer run, will the success achieved by the control program thus far provide a pattern to be used any time inflation appears to be getting out of hand? Mr. Rumsfeld observed:

"Well, I would hope not. The present controls were imposed to perform a specific role under a particular set of economic circumstances. And if I've learned anything after a year of being this deeply involved in this activity, it's that those of us in Government—and those outside of Government—ought to have a very cautious attitude about injecting Government deeply into these essentially private decisions either frequently or for a prolonged period of time.

"It's an incredibly complex and difficult business to do well."

[From the Wall Street Journal, Aug. 14, 1972]

YEAR AFTER CONTROLS: WHITE HOUSE CLAIMS CURBS WORK BUT WON'T SAY WHEN THEY'LL END

WASHINGTON.—President Nixon is claiming something close to victory in the battle against inflation, but hedging that the final outcome depends on "the people" and the Congress.

"The rate of increase in the cost of living, which had been cut by one-third before the freeze, now has been cut in half," the President said, calling the result "impressive." But the budget situation is critical, Mr. Nixon added, pledging that "if the people join me in insisting that federal spending be held down, to avoid reviving inflation now and paying higher taxes soon, the government will act responsibly."

His statement noting the anniversary tomorrow of the New Economic Policy begun last Aug. 15 was associated with a day-long press briefing, by top economic aides, and accompanied by widespread rumors in the business community that present Phase 2 wage-price controls would be lifted soon.

Herbert Stein, chairman of the President's Council of Economic Advisers, acknowledged—indeed volunteered—the rumors at the Thursday briefing, which was embargoed for weekend release. Mr. Stein made light of the calls from lawyers that he said had "deluged" his office and that of Donald Rumsfeld, director of the Cost of Living Council; and he assured reporters that the rumors that controls would be ended that day were false.

WHAT ABOUT YEAR-END?

Asked whether controls are likely to be ended before the Nov. 7 presidential election, Mr. Stein first said that is "extremely unlikely." But when asked whether he would repeat his remarks made in early May that controls probably wouldn't end before Dec. 31, Mr. Stein huddled briefly with Mr. Rumsfeld and then said only that "the date of Nov. 7 is irrelevant" to the decision on controls.

Later, Mr. Stein explained to a reporter that he didn't respond directly to the Dec. 31 question because that would only have prompted someone else to ask about the likelihood of controls remaining by Feb. 1. "I will say it now," he said Friday, it is "very unlikely" that the controls program will end by Jan. 1. It would be "silly" and "rash" for anyone "not to count on its still being here by Dec. 31 or Jan. 1," he asserted.

Obviously, Mr. Stein added, "the probability of it still being here diminishes the farther out you go." Thus, he said, he couldn't offer the same degree of assurance about controls continuing next June 1, for example, that he could about their still being in effect next Jan. 1.

Asked at the briefing whether the Nixon administration would ask Congress to renew the basic controls authority before it expires next April 30, Mr. Rumsfeld said that is "obviously under discussion and thought" but "isn't the kind of question I think would be decided during the present period."

As a parade of officials praised the New Economic Policy, reporters from across the country kept concentrating on the subject of when the controls would end. That isn't a "fruitful subject," Treasury Secretary George Shultz said, explaining that setting a terminal date could undermine compliance. "Right now, we need to keep our eye on getting as much out of the control system as we can," he said.

Noting his original opposition to controls, Mr. Shultz said they have "worked out pretty well," remarking also that "freedom" is "part of our standard of living, too." Some negative factors have emerged with controls, he said, mentioning a few employers' "very insidious" practice of granting large pay increases to please their workers, and counting on the Pay Board to cut back the amounts.

COST-PUSH INFLATION

The present controls are designed to work against "cost-push" inflation fed by excessive wage demands, Mr. Stein said, declaring: "I don't think they will operate in a situation of general excess demand," referring to "demand-pull" inflation fed by federal deficits and easy-money policies. The present controls are "essentially temporary and self-limiting," he said, adding that he doesn't think they have a continuing place in the American economy.

Supporting the claims of progress against inflation, the Council of Economic Advisers noted in a mid-year report that the consumer price index climbed 6.1% in 1969 and 5.5% in 1970. The average seasonally adjusted annual rate of rise slowed to 3.8% between December 1970 and last August, however, and to only 1.8% from February through June of this year, the report said.

But Mr. Stein cautioned that after edging up at only a 1.2% annual rate in June, the index is likely to show "considerably more rapid increases" for July and August due to previously reported higher wholesale prices for food, particularly beef.

While Marina Whitman, a council member, voiced optimism that retail food prices probably will turn down shortly, Mr. Rumsfeld expressed concern about the time it takes for the public to believe that such relief exists.

Polls show that "most people probably aren't feeling it," Mr. Rumsfeld said, adding that "the other night my wife sat down and I told her food was up 0.0% (from February through June) and she said, 'Do me a favor—don't ever say that in public—no one will believe it.' She said, 'all I know is my bill is up $10 a week.' "

IMPROVEMENT IN SPENDABLE EARNINGS

The public feeling about inflation will be important in 1973's much heavier labor bargaining schedule, Mr. Shultz said, expressing hope that the improvement in "real spendable earnings" will moderate contract demands. This measure of actual after-tax purchasing power—adjusted to strip away the effects of inflation—caused a "great sense of frustration" by leveling off between 1965 and 1970, but since then it has been moving up "rather well" at about a 4% annual rate, he said.

Also over the weekend, the Democratic majority on the congressional Joint Economic Committee issued a statement contending that "the wide publicity given to the improvement in economic performance in the last few months shouldn't delude the public into believeing that all is well with the economy." While the present wage-price controls "shouldn't remain for long," the lawmakers said, "some form of continuing price and incomes policy will clearly be needed."

The Nixon administration's economic policies are "unduly influenced by a fear of inflation," the panel charged, "and by a stubbornly held, but erroneous, belief that the way to control inflation is to restrict the growth of output and employment." The joint committee Democrats said that while inflation "remains a most serious problem," the best way to deal with it is "a rapid return to prosperity, accompanied by carefully formulated price and incomes policies."

The unemployment rate "can and should" be brought down to 4% of the labor force from the current 5.5% within the next 18 months, the Democrats said, promising to outline a plan to do this soon. "Fiscal and monetary stimulus will continue to be needed," they stated, arguing that it "appears unlikely that the strength of the private economy alone in the second half of 1972 will be sufficient to sustain the growth needed for rapid reduction of unemployment."

Aides of Democratic presidential nominee George McGovern issued a separate rejoinder, charging that "high unemployment has been a deliberate policy of the Nixon administration." The administration "is entitled to take credit" for the "mini-recovery," they said, "as long as it takes the blame for the maxi-recessing which it had previously engineered."

[From The New York Times, Aug. 13, 1972]

ECONOMIC ANNIVERSARY

A year ago on a Sunday evening in mid-August, President Nixon went on television to loose three economic bombshells—the floating of the dollar, the freezing of wages and prices, and a big package of tax cuts in the face of a big budget deficit. This was his New Economic Policy, an about-face from the policies his Administration had pursued through its first two and a half years.

An alarming worsening in the balance of payments, signs that inflation—after a brief slowdown—was again accelerating, and the persistence of unemployment had combined to force adoption of policies similar to those the Administration's political opponents had long counseled—and which Mr. Nixon and his advisers had vociferously denounced.

Although the American economy still bears scars of the long delay in changing the original Nixon game plan, the N.E.P. appears to be on the way to success in most respects.

INDUSTRIAL RECOVERY

The economy is rising strongly. The total output of goods and services, corrected for inflation, rose at an annual rate of 8.9 per cent in the second quarter of this year. Even though so spectacular a rate of increase cannot be expected to continue, it still appears likely that real gross national product will climb by nearly 6 per cent in 1972 and that this increase will continue well into 1973.

The economy's recovery has been accompanied by a slowing of inflation—partly due to the delayed effect of the long recession and the wide gap it opened between the country's actual operating rate and its potential, partly to the increase of productivity, and partly to the impact of wage-price controls.

After rising at an annual rate of nearly 6 per cent in 1970 and the first half of 1971, the price index for the economy as a whole slowed to a 2.1 per cent rate in the second quarter of this year. It will almost certainly not stay so low for the year as a whole; yet the chances are good that 1972 will see a rise of only about 3.5 per cent for the over-all price index.

WORRISOME UNEMPLOYMENT

Unemployment has also come down from the 6 per cent plateau. However, five million workers, 5.5 per cent of the labor force, are still out of work, and the outlook is for unemployment to stay above 5 per cent for the rest of this year and 1973 as well. The Administration is unduly complacent about so high a level of joblessness.

Even granting that some structural changes in the labor force may make the attainment of full employment more difficult today than in earlier years, the White House deserves criticism for its failure to launch a more forceful direct attack on unemployment. It has depended too much on general fiscal and monetary policies to deal with idleness that results from social causes, imperfection in labor markets and shifts in job availabilities.

The Employment Act of 1946 did not imply a goal of "maximum employment" to mean whatever unemployment rate existed as long as business was in a boom or semi-boom. The time has come for the statutory pledge of full employment to be interpreted—by this or any future Administration—to mean that every American who wants a job can be assured of getting one—either in the private or in the public sector.

DEVALUED DOLLAR

In the international area, the Administration warrants great credit for severing the link between the dollar and gold and for forcing a realignment of exchange rates. Sooner or later this will mean a strengthening of the American balance of payments, although the nation is far from out of the woods. Compared to the enormous monetary drain in 1971 there has already been much improvement. That is true even though the balance of trade has worsened, due to the initial effects of dollar devaluation.

While the Administration can be faulted for the rough bargaining tactics used by former Secretary of the Treasury Connally, the over-all international strategy of the Administration was correctly based on the conclusion that the United States dollar was overvalued. The net devaluation of the dollar by 12 per cent has reduced this country's cost and price structure relative to its foreign competitors. The White House has sought to pressure other countries into granting unilateral trade concessions to the United States. Thus far, the Administration has little to show on the trade front and it has raised doubts about its commitment to maintaining close economic and political relations with its allies. Indeed, the Administration's balance-of-power approach to economic policy—with this country playing a lone hand among the Western European countries, Japan and the Communist states—could split the Western world into antagonistic blocs.

Mr. Nixon, furthermore, remains too willing to yield to protectionist demands of some industries and labor unions, although it must be granted that those pressures have been intense. Full employment policies would do more than any other thing to contain protectionist demands.

One of the major pieces of unfinished business facing the Nixon Administration or its successor will be the negotiation of reform in the international monetary system. The more cooperative attitude and actions the Federal Reserve and Treasury have displayed toward other nations in recent weeks have improved the outlook for the international monetary negotiations that begin in Washington next month.

POCKETBOOK CONTROLS

Short of embracing Marxism, no economic approach was more abhorrent to President Nixon in his first thirty months in the White House than the notion that an inflation-beset economy might benefit from mandatory controls on wages and prices. It was an item of dogma for him that such controls never had and never could work in a democracy except in periods of total war.

In the year since Mr. Nixon imposed a ninety-day freeze as Phase One of his embarkation on a regulated economy, his Administration has been giving a generally persuasive demonstration that, even in the face of hostility from most of organized labor, controls can moderate the wage-price spiral without stifling economic growth or building up a monstrous bureaucracy.

It is true, however, that the evidence remains inconclusive, both as to how fairly the program has been applied thus far and, even more, as to how adequate it is to meet the triple-barreled challenges just ahead of faster business expansion, mounting Federal deficits and a heavy 1973 calendar of union demands in major industries.

LOOPHOLE ON FOODS

Most observers give the Price Commission high marks for the vigor with which it has sought to achieve its goal of holding the over-all level of price increases to 2.5 per cent, but the exemption from controls of raw foods has proved a handicap so severe that the commission itself vainly appealed for White House action to put the whole family market-basket under ceilings.

The Administration response, born of reluctance to tangle with the farmers in an election year, was to settle for a much milder curb, a temporary lifting of meat import quotas. That hole in the price net makes it probable that 1972 will end with the price level a full percentage point above the anti-inflation target. On top of that, the high level of second-quarter corporate profits has brought a fresh deluge of labor complaints that the whole program is unfairly loaded in favor of big business.

The Pay Board, aided by a relatively light collective bargaining schedule, did an even more effective job than the Price Commission after an exceedingly rocky baptism. Despite the walkout of four of its five union members, the board has succeeded in trimming first-year pay increases in new contracts involving large unions from better than 11 per cent in the year before controls to just above 7 per cent now.

Even the rampaging construction unions, operating under a semi-autonomous stabilization mechanism of their own, have come way down. More important, the wage regulators faced up to such tough customers as the East and West Coast longshoremen on the need for shaving negotiated increases that would have torpedoed the whole control effort—and did it without touching off strike defiance of the kind British dock workers are currently directing against that country's new Industrial Relations Act.

WAGE GUIDEPOST

The combined average of increases approved for oganized and unorganized workers is running at 4.9 percent, well below the 5.5 percent basic yardstick established by the Pay Board last November. It will meet this week to consider cutting the guidepost still lower, though there is no prospect it will come down to the old Kennedy-Johnson productivity standard of 3.2 percent. Much more progress toward price stability will have to be made before that becomes a realistic guidepost for pay envelopes.

The real election test for both parties will be to tell the country what monitoring machinery they plan to hold the line of wages and prices. An abrupt termination of controls when the present Economic Stabilization Act runs out next April would almost certainly reactivate the senseless leapfrog which wiped out the purchasing power of higher wages before workers could get to the supermarket to spend them.

It is plain that the factors of monopoly power in big industry and big labor which prompted a conservative Administration to move from Adam Smith to John Maynard Keynes are only temporarily in check. The question now is how best to balance the imperatives of social responsibility and economic freedom when Phase Two ends.

We all know that food prices still are a problem. Even Mrs. Rumsfeld so advised her husband, as reported in the following dispatch Reuter News Service:

[From the Washington Post, Aug. 13, 1972]

Rumsfeld's Wife Sets Him Straight

The director of the Cost of Living Council has confessed he is unable to convince his wife the Nixon administration is holding down grocery prices.

Donald Rumsfeld revealed this to reporters at a briefing on the controls program.

"I told my wife food prices have been almost unchanged for the past few months," Rumsfeld said. "She told me, 'Don't tell anyone that. They will never believe it. My grocery bill is up $10 a week.' "

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Corman, for Friday, August 18, 1972, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Kyl) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Anderson of Illinois, for 15 minutes, today.

Mr. Steiger of Wisconsin, for 10 minutes, today.

(The following Members (at the request of Mr. Seiberling) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. O'Neill, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Kastenmeier, for 10 minutes, today.

Mr. Rooney of Pennsylvania, for 15 minutes, today.

Mr. Seiberling, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hawkins, notwithstanding it exceeds two pages of the Record, and is estimated by the Public Printer to cost $977.50.

Mr. Bingham, in two instances and to include extraneous matter.

Mr. Fraser and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $510.

Mr. Brown of Michigan, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $977.50.

Mr. Price of Illinois to revise and extend his remarks and include extraneous matter.

Mr. Mayne (at the request of Mr. Widnall) to revise and extend his remarks on S. 3726.

Mr. Murphy of New York to revise and extend his remarks on H.R. 14847.

(The following Members (at the request of Mr. Kyl) and to include extraneous matter.)

Mr. Schwengel.

Mr. Bell.

Mr. Coughlin.

Mr. Scherle.

Mr. Winn.

Mr. Whitehurst.

Mr. Findley.

Mr. Bray.

Mr. Myers in three instances.

Mr. Mathias of California in 10 instances.

Mr. Kemp in five instances.

Mr. Mizell in 10 instances.

Mr. Robinson of Virginia in three instances.

Mr. Ashbrook in three instances.

Mr. Hansen of Idaho in three instances.

Mr. Frenzel.

Mr. Wyman in two instances.

Mr. Brown of Ohio in two instances.

Mr. Don H. Clausen.

Mr. Keith.

Mr. Mallary.

Mr. Rousselot in two instances.

Mr. Dellenback.

Mr. Hosmer in four instances.

Mr. Shriver in two instances.

Mr. Hutchinson.

Mr. Dennis.

Mr. Crane in five instances.

Mr. Buchanan in five instances.

(The following Members (at the request of Mr. Seiberling) and to revise and extend their remarks.)

Mr. Matsunaga in five instances.

Mr. O'Neill in two instances.

Mr. Edwards of California.

Mr. Mills of Arkansas.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Fraser in 10 instances.

Mr. Jacobs in two instances.

Mr. Drinan in two instances.

Mr. Mathis of Georgia.

Mrs. Sullivan in three instances.

Mr. Wolff in three instances.

Mr. Hamilton in five instances.

Mr. Leggett in three instances.

Mr. Harrington.

Mr. Roe in two instances.

Mr. Pepper in three instances.

Mr. Zablocki in three instances.

Mr. Rooney of Pennsylvania in three instances.

Mr. McCormack.

Mr. Long of Maryland.

Mr. Mahon.

Mr. Carey of New York.

Mr. Rangel.

Mrs. Green of Oregon.

Mr. Pike.

Mr. Dellums in five instances.

Mr. Moorhead in three instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 32. An act to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

S. 3594. An act providing for Federal purchase of the remaining Klamath Indian Forest; to the Committee on Interior and Insular Affairs.

S. 3762. An act to extend the program for health services for domestic agricultural migrant workers; to the Committee on Interstate and Foreign Commerce.

S. 3811. An act to amend the act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes," approved November 5, 1966; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes;

H.R. 2394. An act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel U.S. Air Force (retired);

H.R. 5158. An act for the relief of Maria Rosa Martins;

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737;

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won);

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 10713. An act for the relief of Wilma Busto Koch;

H.R. 11185. An act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, and for other purposes;

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation;

H.R. 12931. An act to provide for improving the economy and living conditions in rural America;

H.R. 15474. An act to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia.

H.R. 15580. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; and

H.J. Res. 1278. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 2166. An act to authorize the establishment of the Grant-Kohrs National Historic Site in the State of Montana, and for other purposes;

S. 3159 An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes;

S. 3726 An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes;

S. J. Res. 182. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfeast-U.S.A. and the World Ploughing Contest in September 1972.

S. J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day"; and

S. J. Res. 260. Joint resolution to suspend until March, 1973, the effectiveness of certain amendments made by the Education Amendments of 1972 to the guaranteed student loan program.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On August 16, 1972:

H.R. 5065. An Act to amend the Natural Gas Pipeline Safety Act of 1968, and for other purposes.

H.R. 9092. An Act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes;

H.R. 13324. An Act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, and for related purposes; and

H.R. 15097. An Act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

On August 17, 1972:

H.R. 10676. An Act for the relief of Lester L. Stiteler; and

H.R. 16254. An Act making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes.

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. In accordance with Senate Concurrent Resolution 94 of the 92d Congress, the Chair declares the House adjourned until 12 o'clock noon on Tuesday, September 5, 1972.

Thereupon (at 5 o'clock and 46 minutes p.m.), pursuant to Senate Concurrent Resolution 94, the House adjourned until Tuesday, September 5, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2267. A letter from the Deputy Secretary of Defense, transmitting a semiannual report on funds obligated in the chemical warfare and biological research programs, covering the second half of fiscal year 1972, pursuant to section 409 of Public Law 91–121; to the Committee on Armed Services.

2268. A letter from the Chairman, Cost Accounting Standards Board, transmitting the first progress report of the Board, covering the period from its organization in January 1971, through June 30, 1972, pursuant to section 719(k) of the Defense Production Act of 1950, as amended; to the Committee on Banking and Currency.

2269. A letter from the Chairman, Equal Employment Opportunity Commission, transmitting a list of all persons employed by the Commission, by name, title, grade, and salary, as of the end of fiscal year 1972, pursuant to section 705(e) of the Civil Rights Act of 1964, as amended; to the Committee on Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee of conference. Conference report on H.R. 12350 (Rept. No. 92–1367). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 16478. A bill to amend title 10 of the United States Code to strike out the provision whereby the head of an agency may waive the submission of cost or pricing data by contractors prior to the negotiation and award of, or pricing of changes and modifications to, certain military contracts; to the Committee on Armed Services.

By Mr. BURTON (for himself and Mr. BEGICH):

H.R. 16479. A bill to establish the Golden Gate National Urban Recreation Area in San Francisco and Marin Counties, Calif.; to the Committee on Interior and Insular Affairs.

By Mr. CABELL (by request):

H.R. 16480. A bill to amend the law in the District of Columbia with respect to zoning regulations to create a presumption against the making of special exceptions to such zoning regulations in certain cases; to the Committee on the District of Columbia.

By Mr. CAREY of New York:

H.R. 16481. A bill to encourage and support the dissemination of news, opinion, scientific, cultural, and education matter through the mails; to the Committee on Post Office and Civil Service.

By Mr. CAREY of New York (for himself, Mr. SARBANES, Mr. COUGHLIN, and Mr. MURPHY of New York):

H.R. 16482. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. CELLER:

H.R. 16483. A bill to prevent the unauthorized manufacture and use of the character "Woodsy Owl", and for other purposes; to the Committee on the Judiciary.

By Mr. DON H. CLAUSEN:

H.R. 16484. A bill to prohibit the importation into the United States of birds, or parts thereof, unless inspected and found to be free of communicable diseases; to the Committee on Ways and Means.

By Mr. DENHOLM:

H.R. 16485. A bill to assure maximum national nutrition with the highest quality and greatest quantity of food and fiber at the lowest possible cost to consumers with emphasis on people, performance and production; and to achieve a balance in national economic growth and social stability by reducing or tending to reduce the cost of living, by reversing the pressures of continued inflation and by providing alternatives to economic coercion of national population trends; and to encourage maximum conservation in the preservation of ecological and environmental values in the optimum utilization of human and natural resources; and for other purposes; to the Committee on Agriculture.

By Mr. FOLEY:

H.R. 16486. A bill to authorize the transfer of earned purchasor credits between national forests timber sale contracts; to the Committee on Public Works.

By Mr. FRENZEL:

H.R. 16487. A bill to deem certain disabilities incurred pursuant to State National Guard service during World War I to be service connected for purposes of chapter 11 of title 38, United States Code (relating to compensation for service-connected disabilities); and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FREY:

H.R. 16488. A bill to restrict travel in violation of area restrictions; to the Committee on the Judiciary.

By Mrs. GRASSO:

H.R. 16489. A bill to provide for an investigation by the General Services Administration of various problems involved in providing toll-free telephone numbers for incoming calls at each regional office of most executive agencies; to the Committee on Government Operations.

H.R. 16490. A bill to amend title 39, United States Code, to authorize the transmission without cost to the sender, of letter mail to the President or Vice President of the United States, to Federal executive departments and agencies, or to Members of Congress, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GUBSER:

H.R. 16491. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. KOCH:

H.R. 16492. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of a dependent 62 or more years of age the support test shall be satisfied if the taxpayer contributes $1,500 or more to the support of such dependents to the Committee on Ways and Means.

H.R. 16493. A bill to amend the Social Security Act to provide that the Secretary of Health, Education, and Welfare (in the case of the old-age, survivors, and disability insurance program or the medicare program) or the appropriate State agency (in the case of any of the public assistance or medicaid programs) shall be liable for attorney's fees incurred by an individual in successfully challenging a decision which denies him the benefits or assistance, or reduces or limits the benefits or assistance, to which he is entitled under such program; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 16494. A bill to prescribe a minimum rate of interest which member banks of the Federal Reserve System shall pay on time and savings deposits; to the Committee on Banking and Currency.

By Mr. MATHIS of Georgia:

H.R. 16495. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. MIKVA:

H.R. 16496. A bill to terminate the airlines mutual aid agreement; to the Committee on Interstate and Foreign Commerce.

H.R. 16497. A bill to further amend the Social Security Act, as amended, to provide for grants to the States for the development and implementation of coordinated State programs for individual and family social services; to the Committee on Ways and Means.

By Mr. PEPPER:

H.R. 16498. A bill to authorize a program of research, development, and demonstration projects for non-air-polluting motor vehicles; to the Committee on Interstate and Foreign Commerce.

H.R. 16499. A bill to establish a National Economic Conversion Commission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16500. A bill to prohibit the alteration of streambeds unless the Administrator of the Environmental Protection Agency certifies it to be in the public interest; to the Committee on Public Works.

H.R. 16501. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for certain expenses paid by the taxpayer for the vocational or higher education of any individual; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 16502. A bill to provide increases in certain annuities payable under chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 16503. A bill to amend chapter 83 of title 5, United States Code, to eliminate the survivorship reduction during periods of nonmarriage of certain annuitants, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL:

H.R. 16504. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92-336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 16505. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself and Mr. Carney):

H.R. 16506. A bill to authorize the Secretary of the Interior to establish national parks or national recreation areas in those States which presently do not have a national park or national recreation area; to the Committee on Interior and Insular Affairs.

By Mr. SCHERLE (for himself, Mr. Poage, Mr. Steiger of Arizona, Mr. Sebelius, Mr. Price of Texas, Mr. Thone, and Mr. Mayne):

H.R. 16507. A bill to amend the Federal Food, Drug, and Cosmetic Act to revise certain requirements for approval of new animal drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin:

H.R. 16508. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. WAMPLER:

H.R. 16509. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits at least half of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 16510. A bill to amend the National Flood Insurance Act of 1968; to the Committee on Banking and Currency.

By Mr. GIAIMO:

H.J. Res. 1293. Joint resolution making supplemental appropriations for the fiscal year ending June 30, 1973, for certain activities of the Department of Agriculture, and for other purposes; to the Committee on Appropriations.

By Mr. ROYBAL:

H. Res. 1105. Resolution expressing the sense of the House of Representatives with respect to reruns of television programs; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia (by request):

H.R. 16511. A bill to allow International Risks, Inc., to use within the District of Columbia the name "Special Risk Covers of the District of Columbia, Inc."; to the Committee on the District of Columbia.

By Mr. CEDERBERG:

H.R. 16512. A bill for the relief of Lealla Laura Melvin; to the Committee on the Judiciary.

By Mr. FASCELL:

H.R. 16513. A bill for the relief of the Cuban Truck & Equipment Co., its heirs, and assigns; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 16514. A bill to permit the Capitol Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia; to the Committee on the District of Columbia.

By Mr. GUDE:

H.R. 16515. A bill to permit the Capitol Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia; to the Committee on the District of Columbia.

EXTENSIONS OF REMARKS

THE IMPORT OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS OF 1972 TO THE EIGHTH CONGRESSIONAL DISTRICT AND THE STATE OF NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 16, 1972

Mr. ROE. Mr. Speaker, in April 1972 we were successful in having the Secretary of Commerce determine that Passaic County, Eighth Congressional District of New Jersey, statistically qualifies, based on the continuing high unemployment rate in our county confirmed by the U.S. Department of Labor, for designation as a title I area eligible for long term economic development grants and loans for the construction of public works and development facilities including added Federal supplementary grants under the Public Works and Economic Development Act of 1965, Public Law 89-136.

This action was most important to my congressional district, one of the most highly industrialized and major labor market areas in the northeast metropolitan region of our country, where we have suffered among the highest unemployment ratios in the United States. Eligibility under title I of this act authorizing grants for public works and development facilities, as it is presently constituted, provided us with the opportunity to apply for 50 percent direct matching Federal assistance funds for:

First, acquisition or development of land and improvements for public works, public service, or development facility usage; and second, acquisition, construction, rehabilitation, alteration, expansion or improvement of such facilities including related machinery and equipment, as well as supplementary grants for a total maximum Federal share up to 80 percent to take maximum advantage of:

First, designated Federal grant-in-aid programs defined in the act; second, the forementioned direct grants enumerated under first—above—and third, Federal grant-in-aid programs authorized by the Watershed Protection and Flood Prevention Act and the 11 watersheds authorized by the Flood Control Act of December 22, 1944—including the Passaic River Basin—for which these areas are eligible but, because of their economic situation, they cannot supply the required matching share.

All essential factors in generating permanent jobs for long-term employment in our economically depressed areas and contributing substantially to the establishment of stable and diversified local economies.

Mr. Speaker, it is important to note that the amendments to the Public Works and Economic Development Act scheduled for consideration on today's congressional calendar will provide my Passaic County District with the following benefits which are essential to help meet the desperate need for economic development programing and capital economic expansion in our county, State and Nation—and particularly in our urban centers where the highest level of unemployment prevails throughout our country.

The amendments would strike the requirement that supplementary grants for public works and development facilities can be used only to increase the Federal contribution above the authorized maximum, thereby permitting use of supplementary grants to raise the Federal contribution from the amount of the basic grant to the authorized maximum. The bill would also decrease the required local share for grant-in-aid projects from 20 to 10 percent.

The amendments authorize operating grants at a rate not to exceed 75 percent of operating costs for vocational training facilities constructed with direct grants under title I of the act. These transition grants would be available for any two years during the 5 years following enactment to help communities make permanent arrangements to fund such operating costs.

The eligibility criteria provisions of the amendments under the public works impact program are most significant in providing immediate short term employment for pockets of high unemployment without sacrificing the limited funding available to other areas under the Public Works and Economic Development Assistance Act. The public works impact program would receive $500 million in each of the next 2 fiscal years. The amendment redefines special impact areas as areas, urban and rural and without regard to other boundaries, which have a large concentration of low-income persons, substantial unemployment, or actual or threatened unemployment due to closing or curtailment of a major source of employment and provides 100 percent Federal matching funds for these areas of high unemployment, concentrated low income, or substantial outmigration.

Mr. Speaker, by citing only benefits as they apply to title I of the Public Works and Economic Development Act, I trust no one will misconstrue the value of any of the other amendments contained in today's legislation as being less important. I firmly believe that the bill, as presented, has incorporated many of the desperately needed improvements in existing law that have been brought to the attention of our Public Works Committee and our committee staff members, and particularly our legal counsel, have done an excellent job in encompassing the evaluations made of the existing programs as well as recommendations received during our public hearings in the substantive 1972 amendments to the Public Works and Economic Development Act. The extension of these economic programs for an additional fiscal year to June 30, 1974 is, as the committee has reported, essential to assist economically depressed areas so that they may be brought into the mainstream of our Nation's economic growth.

REPORT TO THE HOUSE ON THE THIRD PARLIAMENTARY AND SCIENTIFIC CONFERENCE OF THE COUNCIL OF EUROPE AT LAUSANNE, SWITZERLAND

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. SYMINGTON. Mr. Speaker, the pace of scientific information and application has increased at an exponential rate since the 18th century, especially since World War II and the advent of sophisticated information systems. Science and technology have in the last 200 years changed beyond comprehension the potential for improvement in man's quality of life. Science and technology are inextricably bound to the social and economic fabric of modern society, and the effects which their development has on society are so great that they can no longer be permitted to evolve at random or to suit the needs of isolated interests. Decisions regarding the social impact and desirability of new scientific and technological innovations have increasingly been thrust upon political bodies because their effects are, as the Director of Oak Ridge National Laboratory has stated, trans-scientific—that is, their impact and behavior go beyond the predictive capabilities of science. Yet politicians have, with uncomfortable regularity, been asked to make decisions on technological proposals without having an adequate evaluation of the possible impacts of the technology on society. Recognizing the crucial need for more knowledge and careful assessment of those impacts before we vote our decisions, the House of Representatives voted in February to establish an Office of Technology Assessment—to provide us with adequate information for managing science and formulating a rational science policy for our Nation.

Although many countries in Europe have established such an office, either serving their parliaments directly or stemming from their ministries of trade, the Members of the Council of Europe determined that there was sensed a need to discuss science policy as it affects the member states collectively rather than individually. Therefore, the Consultative Assembly of the Council convened the Third Parliamentary and Scientific Conference of the Council of Europe. Mr. Speaker, I would like to submit for the RECORD a report to the House on this excellent conference.

The conference, which was held in Lausanne, Switzerland in April, was organized by the council's committee on science and technology to consider three topics pertinent to science in Europe today:

First, parliamentary democracies in the scientific-technological age.

Second, European science policy.

Third, management of technology and parliamentary control.

Some 150 members of parliament, scientists and science managers, and industrialists met to discuss the issues and to make recommendations as to how the European community might best organize meaningful scientific and technological policies for its citizens. To enlarge the scope of debate representatives of foreign countries were invited to participate in the conference. It was my privilege to attend by special invitation directed to our House Committee on Science and Astronautics. Among other non-European representatives were the Honorable Ian Watson, member of the Canadian House of Commons, who attended as a representative of the Canadian NATO Parliamentary Association. Also attending from the Canadian Parliament was Senator Allister Grosart, Chairman of the Steering Committee of the Special Committee of the Senate on National Science Policy. Mr. Takao Fujimoto, director of the special committee of the house of representatives for the promotion of science and technology, represented Japan.

The conference lasted for 5 days and consisted of working sessions at which the attendees considered each of the three conference themes. Thought-provoking papers were presented at each session and were followed by a general discussion and debate of the issue at hand. All conference attendees were encouraged to submit recommendations which they thought should be incorporated in the conclusions of the conference.

Regarding the role of parliamentary democracy in the scientific and technological age, the conference concluded that the power shift in modern states between administration and parliament, to the detriment of the latter, has resulted from specialization of the machinery of administration due to the demands of the complexities of modern life. In recent years the rapid development of technology has tended to speed this tendency. "Since parliamentary democracy is still the system of government best suited to safeguarding individual freedoms and human rights in a technical age," the conclusions state, "the decline in the authority of parliaments must be countered by providing them with the means to function independent of the executive power." Parliaments must provide themselves with operating methods and structures and up-to-date information systems so that the members are fully aware of the import of the decisions they must make.

Recognizing the need to develop trans-European institutions capable of synthesizing scientific and technological data, making recommendations to parliaments, and implementing a program of action, the conference concluded that European governments should encourage organizations like CERN where the cost of equipment for fundamental research can be shared by the participating governments, thus enabling European governments to tackle together research which they could not afford individually. The conference further recommended that European governments:

First, encourage intergovernmental and international scientific and technical organizations;

Second, facilitate the movement of scientists and scientific instruments for participation in programs developed by governments or international institutions;

Third, refrain from undertaking large joint technological projects when there may be parallel efforts on a national level;

Fourth, make necessary arrangements at the outset of a joint project for joint industrial exploitation and marketing of the results—thus emphasizing the importance of technology transfer;

Fifth, establish, in cooperation with the Organization for Economic Cooperation and Development, a data bank "designed to identify the described current research in Member States of the OECD and the Council of Europe."

I also made a recommendation which was incorporated into the conclusions of the conference on European science policy: "that European governments, in pursuance of the objectives set out in the preceding paragraphs bearing on fundamental research, give consideration to the establishment of a European Science Foundation under the direction of a Board of Governors drawn from both the physical and social science communities."

Further conclusions reached by the conference were that economic growth in Europe will, in the future, be based less on manpower reserves and more on the management of technological innovations; that European nations acting separately will be increasingly limited in the field of advanced technology; and that "so far European cooperation has above all been hampered by an insufficient integration of policies and action programs and too vague an appreciation of the dynamic nature of the new political power relationships between industry and the public authorities, whereby the latter intervene on at least three different levels: research, structures, and contracts." Considering these conclusions, the conference made the following recommendations, which I quote in full because they are so relevant to our own development of a rational science management policy:

A. At the national level

(i) that European governments should identify the public and private research and development centres and organisations capable of contributing to product and process innovation in order to establish in ocncert a group of priority objectives to which public funds may be allocated;

(ii) that European governments should assess the contribution of state enterprises to process and product innovation and their role in the state's general economic policy;

(iii) that European governments should analyse the role of the multinational corporations which regulate a significant proportion of technological innovation in Europe in the interest of a world-wide business policy in order to determine whether or not the strategy of the multinational corporations is in accordance with the co-ordination of innovation activities which the State seeks to attain;

(iv) that European governments should carry out an analysis covering the above areas in order to make possible the comparisons of different programmes against social and political objectives;

(v) that European governments, in order to provide a basis for evaluation of programmes, should increase their support to research in the social and political sciences concerning the interrelation between technological, economic, social and political development, as well as studies of decision-making processes and of structural arrangements for improved control and regulation of the development and uses of new technologies;

(vi) that European governments should take the necessary steps to encourage universities in Europe to undertake individually and jointly interdisciplinary research and examination in order that universities may contribute effectively and constructively towards the solving of the problems threatening the future well-being of mankind.

B. At the European Level

(i) that the European governments concerned institute co-operation in international institutions in the field of economic and technological long-range forecasting and planning, in order that those responsible for selecting research and development objectives at European, national, regional, company or laboratory level, and in particular parliamentarians, may be supplied with a full and coherent range of detailed studies of the situation;

(ii) that European governments grant European institutions and the European Communities in particular the necessary powers and means to formulate advanced technology policies, especially on those three levels where action is most urgently needed: research and development, the re-adjustment of industrial structures, the concerting of public contracts; and that European States should be given the opportunity of collaborating in these activities;

(iii) that European governments encourage concerted action by public authorities and organisations (international, national or regional) in order to ensure that their initiatives in advanced technology are complementary;

(iv) that European governments ensure that the purchasing policies of such authorities and organisations contribute to the elimination of administrative obstacles to the establishment of a unified market for the products of advanced technology, even in fields not covered by a common research and development programme.

Summing up the conclusions of the conference, it can be said that in the modern industrial state there is a grave necessity to reorder priorities and to direct scientific and technological efforts toward social objectives. Science policies must begin to mesh with and further those objectives, and parliaments must initiate the process and contribute to the formulation of objectives and review implementation of policy. With such conclusions the Council of Europe is trying to avoid the pitfalls of modern states noted by the Secretary-General of the United Nations, Kurt Waldheim, in March:

> Failure to assert the primacy of policy over technology is an alarming and increasingly dangerous phenomenon of the modern world. All too often, those responsible for the future development of technology are insufficiently aware of the far-reaching political, economic and social implications of their choices.

The European community as represented by the Council of Europe is on its way toward making itself aware of its problems and responsibilities in the areas of science and technology management. At a time when our own national priorities need serious reevaluation—when we face a breakdown of our social order because the major application of our technology has been directed at the military rather than toward solving our great domestic problems like transportation, housing, health care, trash disposal, and the energy crisis—it would be good for us as Members of Congress to study the recommendations of this Third Parliamentary and Scientific Conference of the Counil of Europe as food for thought in approaching our own science and technology policy and management problems.

Moreover, our peacetime technology effort that is our public investment in basic and applied research, having taken a back seat—even a rumble seat—to military needs, may find itself at a competitive disadvantage with a resurgent continental technology of a united Europe. While we applaud their initiative we had better look to our own.

NOTE.—The Council of Europe was formed in 1949 to forge a greater unity among its members. Its aims of facilitating economic and social progress and safeguarding common ideals and principles are pursued by the Council through "discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realization of human rights and fundamental freedoms." (Article 1 of the Statute of the Council of Europe). Membership in the Council is dependent upon observance of parliamentary democracy; there are at present seventeen member states: Austria, Belgium, Cyprus, Denmark, the Federal Republic of Germany, France, Iceland, Ireland, Italy, Luxembourg, Malta, the Netherlands, Norway, Sweden, Switzerland, Turkey, and the United Kingdom of Great Britain and Northern Ireland.

FOURTH ANNIVERSARY OF THE SOVIET INVASION OF CZECHOSLOVAKIA

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. ROBISON of New York. Mr. Speaker, August 21, 1972, will mark the fourth anniversary of the Soviet invasion of Czechoslovakia. By this act of foreign interference, Czechoslovakia's right of sovereignty over its own affairs was clearly, and unjustifiably, violated.

It is without question appropriate that we once again express our outrage over this action but, at the same time, we must be cautious not to act in a manner inconsistent with the overriding goal of American foreign policy. That goal, which now more than ever must be our constant guide, is to establish an atmosphere of peace in a world in which the people of Czechoslovakia can resume the great strides they were making toward obtaining increased liberties prior to the abrupt act of Russian intervention which we decry today.

Rather than to continue deploring this act in tired political rhetoric—although expressions of moral support are not without value—it is now time for us to encourage the Czech people to set out, once again, along the road to freedom. It is for us to determine, and then, to act, in whatever ways we can most-significantly aid them in this critical project. Very possibly, the most constructive activities the American people can undertake are those which will, by expanding our influence through diplomatic channels, liberalize the Czechoslovakian nation as well as those other nations engaged in similar struggles. This implies increased cultural exchange, more flexible trade agreements, and serious consideration of the future role of NATO and the possibilities for mutual and strategically-equitable troop reductions in Europe.

This approach will not only aid the people of Czechoslovakia in their efforts to regain their freedom from Soviet control, but it could have wider benefits as well, in the contribution it will make to the overall betterment of international relations and the making of a more-peaceful and understanding world.

NAACP SHOWS CONCERN FOR AFRICAN AFFAIRS

HON. CHARLES C. DIGGS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. DIGGS. Mr. Speaker, recent actions taken by a number of black organizations indicate that there is an ever larger concern for African affairs among all segments of the black community. National organizations in every area of endeavor, be they political, cultural, social, or economic, are taking firm and unequivocal stand on the right of African peoples to determine their own fate.

I am pleased to note that the National Association for the Advancement of Colored People—NAACP—has taken such a stand. I am certain that we will be hearing more from the NAACP as they move to implement the foreign affairs resolutions adopted at their most recent national convention in Detroit, Mich.

Mr. Speaker, I insert these resolutions into the RECORD:

VII. Foreign Affairs

AFRICA

The NAACP since its inception, has expressed a continuing interest in the Mid-East and Africa, opposed Colonialism, supported Pan-Africanism, the struggles of Africans for independence and self-determination. As expressive of our interest and concern with the problems of these areas, we commend our Executive Director, Roy Wilkins, for his recent trips to South Africa and Israel.

After independence, we have urged our nation, through grants and aid and technical assistance, to help the emerging new nations to develop their economic potential, increase their trade relations with the United States and other countries.

We have long recognized that South African apartheid, is one of the world's most iniquitous and debilitating practices separating black and non-white Africans from the white minority and discriminating against them in education, housing, employment as well as denying civil and political rights to this non-white majority.

Noting that the practice of apartheid support by foreign governments, including the United States, through investment policies, presence of foreign corporate enterprises, which follow the practice of a racially discriminating nation, and desiring to bring about an end to such practices in South Africa and other African nations, which likewise are guilty of denying equal rights and opportunities to natives, we call for the following:

1. Expansion of Economic aid to Africa;

2. An end to United States complicity with apartheid and the minority-ruled minority of Africa;

(a) Support of South African students in their courageous stand against segregation and discriminatory educational policies. Especially do we deplore and condemn the repressive action of the South African Government which closed the tribal colleges and universities because of student protests against expulsion of an African University student leader who attacked the Bantu Education System.

We also applaud and support the protest of white students against apartheid and we condemn the action of the South African governments in banning protest meetings from the campuses.

(b) A fresh review by American corporations of their employment policies and practices in South Africa and the pressing of corrective steps to insure equal opportunities for employment, training, upgrading and advancement of blacks in all categories of employment.

(c) A fresh review as of 1972–73 by U.S. organizations and individuals of their investment portfolios with firms doing business in South Africa with attendance at stockholders' meetings to insist that such firms use their corporate powers to help bring about remedial, non-discriminatory policy changes in management, employment, training, upgrading in South Africa, or withdraw their financial investments and franchise arrangements if such policies remain unchanged. We call on our members to withhold economic support from such companies doing business with the Union of South Africa where those companies do not accede to our request that they use their good offices to bring about a favorable change in the apartheid policies in South Africa.

We urge the appropriate NAACP officials to make available a list of American companies doing business in South Africa for the guidance of our members.

(d) Effective implementation of measures against illegal South African administration of Namibia.

(e) Closing of NASA Tracking Station in Johannesburg.

(f) Strict adherence to UN Arms Embargo against South Africa and Portugal.

(g) Termination of sugar quotas to South Africa and its redistribution to black Africa.

3. Termination of Azores agreement and of all military aid to Portugal.

4. We are dismayed and angry by the peremptory action of the United States Senate in disregarding the sanctions against Rhodesia in the matter of Rhodesian chrome, especially since it is acknowledged that the stockpile of the United States is more than enough to meet our needs for the next decade.

We reaffirm our long standing position regarding support of equal rights to Black Rhodesians and urge full support of UN sanctions against Rhodesia and an end to importation of Rhodesian chrome into the U.S.

5. Support of UN efforts to aid in the realization of self-determination and majority rule in Africa.

6. End to nuclear cooperation with countries, such as South Africa, which have not signed non-proliferation treaty.

7. Increased economic cooperation and assistance to the emerging African nations by the United States.

CZECHOSLOVAKIA—4 YEARS LATER

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. CRANE. Mr. Speaker, 4 years ago this month the Soviet Union sent its army into Czechoslovakia to eliminate the effort by the people of that country to achieve self-determination and freedom.

What has been referred to so often as the Prague Spring of 1968 was indeed short lived. For a short time, the people of Czechoslovakia, who have suffered so much as a result of both the Nazi and Communist occupations of their country, felt in control of their own destiny. For a short time, people could express their thoughts openly, could read the press and literature of the Western world of which they feel culturally so much a part, and could travel outside of the Soviet orbit.

Despite the fact that many in the West believe that the Soviet Union has, in some sense, altered its traditional policies and goals, the evidence seems quite to the contrary. Not only has the Soviet Union reimposed its iron grip upon the people of Czechoslovakia, but at this very moment, as if in celebration of the Soviet invasion of 4 years ago, a new purge of dissenters is taking place.

Since July 17, seven trials have been known to have occurred. The most recent is that of former Czech Communist Party College Rector Milan Hubl, and two other men who were accused of distributing "provocative printed matter" in order to weaken "the socialist system in the state." What they did was to pass out pamphlets during Czechoslovakia's elections last fall, informing voters of their constitutional rights to cross out names of the government-sponsored slate or not vote at all. Hubl, who was also accused of making contact with Italian Communists, was given a 6½-year sentence. One codefendant received 20 months.

The fact is that freedom has been obliterated in Czechoslovakia, and tyranny is regaining its iron grip on that country. That this is being done at the very moment when many in the West hail the new approach which is said to be emerging from the Communist world makes the suffering of the Czech people doubly ironic.

Commenting upon the recent series of trials, the Washington Post declared that—

> Once again, the world is paying heed to Czechoslovakia and observing the barren quality of its public life. It is less a handful of doughty individuals than the government itself which is on trial. Prague's hopes of pacifying the people with economic improvements and of quietly nursing the country back into international respectability have had to yield to the domestic imperatives dictated, or so one must presume, by the Soviet Union.

The Post notes that—

> Ironically, the invaders of Czechoslovakia currently enjoy a higher world standing, including a closer relationship with the United States, than does the victim.

Following is the editorial, "Czechoslovakia: A county On Trial," which appeared in the Washington Post of August 3, 1972:

> #### Czechoslovakia: A Country on Trial
>
> Such is the political ambiguity that still hovers over Prague four years after the Soviet invasion that it is hard to tell whether the current trials of "subversives" mark the darkening of a long night of the knives—as one defendant, Milan Hubl, reportedly warned Gustav Husak, the leader of Czechoslovakia—or whether, as the government contends, the trials are simply meant to erase the last public traces of resistance to the post-invasion status quo. That Mr. Husak chose the period of the trials to go on vacation, in the Soviet Union, would seem to illustrate the point.
>
> The Czech government notes that it is not the liberal leaders of 1968, long since purged (but not tried) who are in the dock, but others who are charged with "crimes" committed—after repeated official warnings—in the 1970s. The political overtones are nonetheless apparent. The several dozen defendants did in fact support Alexander Dubcek in 1968; they support what he stood for still. But their acts—like distributing leaflets urging citizens to ignore government voting instructions in the 1971 elections—are not those which either a democratic country or a confident socialist country would regard as criminal. Indeed, some defendants, admitting the charges against them, claim that what they did was for the *good* of Czech socialism. But of course the trials are not about the perfecting of socialism; they are about the consolidating of an uneasy regime's power.
>
> If the internal effects of the trial are as yet uncertain, the external effects are not. Once again the world is paying heed to Czechoslovakia and observing the barren quality of its public life. It is less a handful of doughty individuals than the government itself which is on trial. Prague's hopes of pacifying the people with economic improvements and of quietly nursing the country back into international respectability have had to yield to the domestic imperatives dictated, or so one must presume, by the Soviet Union.
>
> Ironically, the invaders of Czechoslovakia currently enjoy a higher world standing, including a closer relationship with the United States, than does the victim. The reason is simple: the Soviet Union has the power. Yet

> as the fourth anniversary of the invasion nears, the plight of the Czechs remains infinitely sad.

There has been an outcry throughout the world against the new series of repressive trials. Italian, British, and Swedish Communist newspapers have criticized the trials, and so has the acting head of the French Communist Party, Georges Marchais. An underground organization calling itself the Citizens' Freedom Movement has invited Angela Davis, the black militant leader, to come to Prague to attend the trial. The purpose of the visit would be, as the open letter to Miss Davis puts it, to help the defendants, who are being "persecuted for having questioned the wisdom of their rulers," but who, unlike Miss Davis herself during her recent trial, were unlikely to be accorded "the elementary right to defense in court proceedings."

The British magazine, the Economist, in its issue of July 22, 1972, reports about the invitation to Angela Davis, and notes that—

> There can be little doubt that the publicity surrounding the appeal to Miss Davis and another recent protest by a large group of prominent left-wing western intellectuals, including the philosopher Jean Paul Sartre and the novelist Graham Greene—have embarrassed both the Husak regime in Prague and the Soviet leaders. The open persecution in Czechoslovakia of right and left alike makes a bad impression on left-wing opinion in western Europe just at a time when some left-wing, non-Communist groups appear to be increasingly ready for close political cooperation with the communists in France, Italy, and elsewhere in the non-Communist world.

It is certainly time for the world to understand the true nature of communism. We have been given many examples, and if we fail to come to this realization it means that the brave people of Eastern Europe—particularly those of Czechoslovakia who face a new repression at this very moment—have suffered in vain. As we commemorate the fourth anniversary of the Soviet invasion, and as we observe the new persecution which is now taking place, we must make it clear to the world that wherever freedom and dignity are under attack, the sympathies of the American people are with the oppressed, not with the oppressor. We must keep faith with the brave people of Czechoslovakia, and must look forward to a time when their freedom and independence will once again be restored.

A RAY OF HOPE STILL EXISTS

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. HALPERN. Mr. Speaker, the streets of Prague, Czechoslovakia, will be quiet Monday. Quiet, not because the people of the Czech nation are content but because the tanks and soldiers of the Soviet Army extinguished all hope of freedom and liberty 4 years ago. Few will forget the tragic day on August 21, 1968 when the Soviet Union brutally and tyrannically overran the nation of Czechoslovakia. For over 20 years of Soviet domination, the independent minded Czechs sought some form of freedom amidst the dictatorship of communism. Alexander Dubcek, who ruled Czechoslovakia for only a 15-month "brief spring of freedom," was ousted and many of his supporters, Mr. Speaker, are now being tried in Prague for "subversive activity." These gallant freedom-fighters of Czechoslovakia are daily being sent to prison or death by the Soviet authorities. Participants in the August 1968 uprising are being rounded up and some are even being sent to insane asylums.

The Western world cries out for liberty and freedom for the persecuted Czechs. The Czech people have shown their outrage time and time again through work stoppages and other means of defiance. The puppet regime in Prague will continue to bend to every Soviet whim, realizing its only hope for political survival is the never-ending threat of a return of Soviet troops.

Mr. Speaker, the Czech-Americans should be commended for their continued vigilance in reminding us of the repression that exists in Czechoslovakia. With groups as the Czechoslovak National Council of America leading the fight to inform America and the world of what really is happening to their countrymen. Perhaps a ray of hope still exists. America condemns the Czech invasion of 1968 as much as the Nazi onslaught on Czechoslovakia in 1939. The spirit of freedom and the light of liberty in Czechoslovakia will never be crushed.

THE RISING COST OF MEAT

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. GUDE. Mr. Speaker, for 20 years the American consumer has witnessed a steady and relentless increase in the cost of food, particularly the cost of meat. In the past several months, the rate of increase appears to have accelerated. Today, I would like to address myself to two topics, first, the forces underlying this 20-year trend and, second, the reasons for the sudden spurt in prices since February, particularly in the Washington metropolitan area.

To explain the 20-year trend of rising prices, it is necessary to examine the cost structure of the three major components of the food marketing chain, the farmer, the wholesaler, and the retailer.

For raw agricultural products, there have been substantial increases in prices. However, the farmer has seen his production costs rise an average of 50 percent. Despite these increases in operating costs, farm prices have risen only 6 percent in the past 20 years. Farmers have been able to survive only by virtue of their increased productivity—223 percent over the last 20 years.

While farm prices have risen 6 percent, wholesale prices have jumped 20 percent. Most of the difference can be attributed to increased costs at the wholesale level. Labor costs have risen 300 percent; freight costs 140 percent; services—rent, insurance, telephone, and so forth—240 percent; containers 160 percent; fuel, power, and light costs have jumped 135 percent; while the costs of new plants and machinery have increased 192 percent. Throughout this period of rising costs, the profit margin for wholesalers has hovered around 1 percent.

For the third component of the food marketing chain, the retailer, prices have spurted 43 percent in the last 20 years. Again, most of this increase can be attributed to rising operating costs, particularly for labor which accounts for 50 percent of expenses. Most analysts would probably agree that for the retail food industry, after-tax profits as a percentage of sales should ideally average around 1.5 percent. Actual profits have traditionally been lower, peaking at 1.41 percent in 1965. In 1971, the food chain industry's profits on the dollar, after taxes, was down to 0.86 percent.

Underlying the rising costs within the food marketing chain is the steadily increasing consumer demand for beef. Consumer consumption of beef has more than doubled over the last 20 years, increasing from 56.1 pounds per capita to 114.3 pounds per capita. Over the last 7 years the increase was 30 percent. This steadily rising demand for meat has sustained high prices. Indeed, it has been a significant force in pulling these prices up.

To help alleviate this continuing problem of supply relative to demand there are two initiatives to which we must give serious consideration. The first is the permanent lifting of import quotas. The President has, for the balance of 1972, already suspended import quotas for meat. This means that the amount of foreign meat that can be imported is no longer limited to 6.7 percent of U.S. production.

However, only limited relief in the supply situation can be expected from the President's action. I say this because there exists a worldwide shortage of beef, and foreign suppliers are not likely to jump to the American market, possibly losing other markets to competitors, when there is no assurance that import quotas will not be reinstituted at the end of this year. Further, the American market offers no substantial financial incentives as U.S. beef prices are only three-fourths of 1 cent above the world level.

To overcome some of this anticipated hesitancy on the part of foreign suppliers, I have suggested to the President that in formulating the administration program for next year he give serious consideration to legislation repealing the section of the Meat Import Act of 1964 which establishes the import quota system.

The permanent lifting of import restrictions could result in some change in world market patterns, bringing a larger supply of beef to the United States. It is, however, unlikely that a permanent lifting of the import quotas would increase the supply of beef to the extent that it would depress prices. Rather, the effect would be to prevent consumer demand from further outstripping supply, thus decelerating the rate of price increase, not depressing existing prices.

The second initiative to supplement the supply of beef which must be given careful attention is increasing the available grazing land to support a larger national herd.

Under the terms of existing legislation, 50 to 58 million acres of cropland are held out of production each year. If pasturing of this land were permitted, it has been estimated that the United States could produce up to 2 percent more beef. If this pasturing were allowed, it is doubtful that more than 20 million additional acres would be grazed during the pasture season. However, these acres would provide substantial additional feed for the existing 116 million head of cattle on U.S. farms and ranches, eventually permitting an increase of a few million head in the U.S. herd.

Grazing set-aside cropland would not lead to an immediate increase in beef cattle marketings. Some cattle would gain more weight because of improved pastures, but additional female breeding animals would be retained on the farms and ranches to utilize the additional grazing, thus slightly reducing the number of cattle marketed for the first year or two. It would not add sufficient pasturage, however, to cause a noticeable reduction in current marketings.

I have written to the Secretary of Agriculture and requested that the Department study the issues surrounding this suggestion so that it can provide the Congress with a full study when the legislation implementing the set-aside program comes up for review next year.

With an ever-growing population and rising standard of living, it is unlikely that the American consumer's demand for beef will relent. The actions I have suggested regarding meat imports and grazing land will assist cattlemen in their efforts to meet this constantly increasing appetite for meat.

To this point, I have been discussing long-term national trends and long-term potential solutions. However, to explain market behavior since February, particularly in the Washington area, it is necessary to examine a narrower time spectrum. The fluctuations in food prices, particularly for meats, can be understood in terms of, first, the market forces of supply and demand, and second, expanded retail margins.

The high demand that has characterized the food market over the past 20 years has not relented in past months. If anything, demand relative to supply has increased because the supply of beef coming to the market has decreased somewhat. The decrease is generally attributed to the corn leaf blight of 1970. In that year, much of the corn crop fell victim to the blight. With a reduced supply of corn, the price of feed corn went up. The increase in production costs, without a corresponding increase in the return to the farmer, resulted in many cattle being withheld from the market. Had this particular series of events not occurred it is still unlikely that supply would have kept pace with demand.

However, not all of the price increase that occurred in February can be attributed to the forces of supply and demand. A significant portion of the explanation is to be found in expanded retail margins of profit.

Under the Price Commission's volatile pricing rule, firms operating in a market characterized by volatile prices, such as the food industry, may immediately pass along increased costs in order to maintain their customary profit margins.

In the food industry, retailers are wary of the effect constant price changes may have on the consumer. Therefore, retail pricing policies exhibit a lag phenomenon. That is, when wholesale prices begin rising, retailers hold the line until wholesale prices reach a trigger point. At that point retailers raise their prices. During this lag time retailers experience shrinking profits. The loss is recovered when wholesale prices begin to decline because the higher retail prices are maintained until wholesale prices drop below another trigger level. When that level is reached, retailers drop their prices. This downside lag compensates retailers for the upturn lag.

Combined with the volatile pricing rule, this lag pricing characteristic of the retail food industry set the stage for excessive retail price increases in the early months of this year. When wholesale prices reached the trigger level in February retailers increased their prices above the customary levels. Further, retailers appeared prepared to lengthen the time lag on the downside. This situation led the Cost of Living Council to meet with retail executives in a jawboning session in late March. That meeting saw an immediate reduction in retail prices.

Recently released figures indicate that food shoppers in the Washington area are experiencing another sharp, and possibly unjustifiable, price increase. The most recent monthly data on food costs shows that prices in the Washington metropolitan area rose 2.1 percent—not seasonally or annually adjusted—while the national average was 0.6 percent—not seasonally or annually adjusted. During that 1-month period, retailers throughout the Nation experienced the same increase in costs as retailers in the Washington area. Yet, prices in this area increased at a much faster rate. These figures suggest that retailers may be trying to accomplish in the local area, what was attempted nationally in February—increase profits beyond the average generally accepted by economic analysts.

A characteristic of the Washington retail food market which could give impetus to excessive price increases not found generally in other areas of the Nation is the absence of independent competition to the prices charged by the leading Washington chains. In the Washington metropolitan area, the major food chains completely dominate the market, accounting for 87 percent of total sales. Contrasted to the lack of competition in this area is the situation in other metropolitan cities. In New York, the leading food chains accounted for 51.7 percent of total sales. In Philadelphia the figure is 68.5 percent, and in Boston only 53.3 percent. The lack of independent competition in Washington may significantly reduce the pressures for price constraint on the part of large retail food chains.

As a result the Washington area consumer is more readily exposed to inordinate increases in food prices. The big food chains have minimal constraints of the competitive market place which is in the tradition of the American economic system.

I have today formally requested the Price Commission to investigate retail food pricing policies in the Washington metropolitan area to determine if prices have indeed been raised to excessive levels, as they were last February. If this proves to be the case, the Price Commission must immediately order prices rolled back to appropriate levels.

Mr. Speaker, I am deeply disturbed by the possibility that the benefits and burdens of the President's economic stabilization program may be shared unequally. Therefore, I am urging that the Price Commission also assume a continuing active role in monitoring food prices to ensure that the consumer does not bear the heaviest burden of wage-price controls.

WHO IS DESTROYING OUR ARMED FORCES? (III)

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. SCHMITZ. Mr. Speaker, a UPI dispatch of January 23, 1971, said:

> The U.S. Army had built a wall around its installation at Cam Ranh Bay to keep out drug pushers and prostitutes. Now, however, the official policy is permitting ladies of the evening to be signed onto its bases officially in central Vietnam to meet American troops in their barracks. The key for admission to such bases is a Vietnamese identity card, a document that any undercover Viet Cong agent can obtain without difficulty. The Army admits that the girls are smuggling dope into the formerly walled installations, as well as posing serious security risks; but says the Army: the risks are worthwhile in the interests of keeping the peace within an increasingly disgruntled and demoralized Army.

That is an example of how Armed Forces policy, which should be building up the morale of our men in uniform has been contributing to their demoralization in Vietnam. The origins of that policy can be traced to very high levels.

Until June 1970, for instance, two Navy lieutenants were giving morning intelligence briefings to the Chairman of the Joint Chiefs of Staff. Their names were Gordon Kerr and James Pahura, and both were members of the Concerned Officers Movement, an organization which has shown itself to be not concerned about victory over communism, but preferring Communist victory in Southeast Asia.

Going down one step in the chain of command, we come to Adm. Elmo R.

Zumwalt, author of the famous Z-Grams. It was these Z-Grams that promulgated more sideburns, more liquor in the quarters, and similar changes in policy leading to what one source in San Diego would call "a dangerous undermining of Navy discipline and morale." It was in San Diego that 180 active and retired admirals voiced their vehement objections to the trend reflected in a New York Times report that San Diego "and other Navy towns were filled with off-duty sailors in unpressed dungarees often spotted with grease stains and paint and sometimes ripped." No wonder a Navy man would comment in the Navy Times for November 1970:

> It is patently obvious Admiral Zumwalt intends to haul the U.S. Navy (willingly or not) into consonance with liberal America as it girds for the 21st century.

As this goes to press, Admiral Zumwalt has hauled the Navy still further in that direction by announcing his capitulation to the women's liberation movement in the form of plans for young ladies to man battle stations aboard ship and perhaps even fly combat missions in Navy aircraft.

These trends were put in clearer perspective upon discovering that on June 2, 1965, Elmo R. Zumwalt became the youngest rear admiral in the Navy while serving as executive assistant and naval aid to Paul H. Nitze, then Secretary of the Navy, now negotiating for President Nixon's Disarmament Agency in Geneva. It was Paul Nitze who headed a five-man committee for the National Council of Churches in 1958 that called for—among other things—opposition to the development of U.S. military strength, except under United Nations control; opposed retaliation by the United States even if attacked; advocated turning over the Strategic Air Command to the United Nations; and urged that Quemoy and Matsu Islands be handed over to the Chinese Communists. Congressman WAGGONER of Louisiana described this document as "a running theme of appeasement, coexistence, and surrender, the like of which probably cannot be found in any other document this side of the Iron Curtain."

At Fort Carson, Colo., once known as one of the toughest training areas in the United States, the Rocky Mountain News reported November 17, 1971:

> Bikini-clad go-go girls dance nightly in the enlisted men's service clubs. The post has two coffee houses, operated with government funds, where the GI's gather to rap with their commanders, practice arts and crafts and many to vent their anti-Army, anti-Vietnam war views.

This undermining of our military by "pressure from above and pressure from below" follows the classic pattern outlined in Jan Kozak's book "And Not a Shot Is Fired." In a future series I will explore the part that tax-exempt foundations have played and are playing in these developments. Every American would do well to think very deeply on these words of the late Gen. Douglas MacArthur in his annual report as Chief of Staff of the U.S. Army in 1933:

> The unfailing formula for production of morale is patriotism, self-respect, discipline, and self confidence within a military unit, joined with fair treatment and merited appreciation from without. It cannot be produced by pampering or coddling an army, and it is not necessarily destroyed by hardship, danger or even calamity. It will quickly wither and die if soldiers come to believe themselves the victims of indifference or injustice on the part of their government, or of ignorance, personal ambition, or ineptitude on the part of their leaders.

POWERS OF THE HOUSE ADMINISTRATION COMMITTEE CHAIRMAN

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. FRASER. Mr. Speaker, a news article appeared in today's New York Times which reports the attempts of the chairman of the House Administration Committee to include within his authority the power to remove from the payrolls House employees with whose work he disagrees.

One quotation from Chairman HAYS, in particular, deserves the attention of concerned Members of the House. In reference to a Foreign Affairs Committee staff member whose salary he withheld, he is quoted as having said:

> We're going to have a showdown when the guy gets back here from a European junket. After that, I'll decide if he'll keep on getting paid.

Nowhere in the rules of the House am I able to find any provision which delegates to the chairman of the House Administration Committee the authority to make such a decision concerning employees outside his committee's jurisdiction.

I include the entire article from the New York Times in the RECORD at this point:

REPRESENTATIVE WAYNE HAYS BECOMES A NAME TO RECKON WITH IN THE HOUSE

(By Marjorie Hunter)

WASHINGTON, August 16.—Around the halls of Congress, in these waning days of summer, the lawmakers have begun asking themselves: Who actually controls the House? The mild-mannered Speaker, Carl Bert Albert of Oklahoma? Or a brusque Ohio Democrat, Representative Wayne L. Hays?

To most Americans, Wayne Hays is little known, if at all. But to colleagues in the House and to the thousands of House employes on Capitol Hill, his name has become the Household word.

For in the year or so since becoming chairman of the House Administration Committee, Mr. Hays has assumed more and more power over the internal workings of the House, even challenging several recent appointments by the Speaker.

The latest disputes, involving efforts by Mr. Hays to dismiss some House employes, arose on the floor yesterday, threatening at one point to halt all House business for the day.

A challenge came from Representative Donald M. Fraser of Minnesota, former chairman of the Liberal Democratic Study Group, as he protested attempts by Mr. Hays to dismiss a staff member on the Fraser subcommittee.

QUORUM CALLS HALT HOUSE

By demanding a series of time-consuming quorum calls, Mr. Fraser effectively halted House business for nearly an hour and a half.

It was only during the third such quorum call that the matter was resolved during an off-the-floor conference attended by the Speaker, Mr. Hays and Mr. Fraser.

Minutes later, Mr. Hays returned to the floor and announced that he had agreed to sign the pay voucher of the Fraser subcommittee staffer, Robert Boettcher, for July.

But Mr. Hays disclosed later that "we're going to have a showdown when the guy gets back here from a European junket." He added, "After that, I'll decide if he'll keep on getting paid."

Still unresolved, however, is whether Mr. Hays will continue trying to dismiss two press gallery staff members recently appointed by Speaker Albert.

With the retirement in July of Clarence T. Day as superintendent of the House periodical press gallery, the gallery's executive committee, headed by David Searles of Business Week, recommended promotion of Mrs. Jeanne C. Hundley, the assistant superintendent, to the top job. The executive committee also recommended appointment of David Holmes as assistant superintendent.

Speaker Albert, in early July, confirmed the two appointments. At the same time, he named Ruth Tate to a vacancy on the staff of the House radio and television press gallery.

Mr. Hays subsequently informed Mr. Holmes and Miss Tate that he would sign their paychecks only through mid-August and after that, they would have to look for new jobs. He said he felt the two gallery staffs should be cut.

Payroll vouchers for a number of other House employes, including doormen and pages, also went unsigned, at least for a while, at one point this summer. Some were forced to borrow money for subsistence.

Mr. Hays said yesterday that the delay in signing these pay vouchers was only for a few days when he was out of town.

"No one on my staff has authority to sign my name," he said. "I want no rubber stamping around my office."

CREATES SUBCOMMITTEE

In addition, Mr. Hays has created a House Administration subcommittee on nonessential employes, headed by Representative Frank Annunzio, Democrat of Illinois.

Mr. Annunzio informed the House yesterday that his subcommittee had asked representatives of the Civil Service Commission to prepare a brochure" on every House employe to determine whether the jobs were essential and not just "make-work patronage" jobs.

The survey, however, will not include staffs of House members. These are named directly by the members and not by officers of the House.

In challenging the attempt to dismiss his own subcommittee staff member, Mr. Fraser proposed that the House amend its rules to bar any further attempts at dismissal or withholding of pay until the House Rules Committee approves any proposed set of hiring procedures devised by the House Administration Committee.

No action has been taken on the Fraser proposal.

Mr. Hays contends that Mr. Boettcher, staff director for the last year of the Fraser subcommittee of the House Foreign Affairs Committee, had meddled in scheduling business of still another Foreign Affairs subcommittee, headed by Mr. Hays.

Mr. Fraser, in turn, contends that Mr. Boettcher merely sought to line up a witness to testify in behalf of a Fraser bill pending before the Hays subcommittee.

The pay disputes are but the latest in a series of clashes touched off by efforts of Mr.

Hays to obtain a tighter grip over House administration.

Since taking over the committee, he has raised the price of haircuts in House barbershops from 75 cents to $2, removed jump seats from Capitol elevators and ordered operators—many of them students working their way through college—not to read on the job.

He has trimmed House restaurant deficits by sharply raising prices, removing linen tablecloths, dismissing employes he said had been stealing food, collecting thousands of dollars in overdue meal bills from fellow Congressmen, and converting one restaurant into a carry-out facility.

He also tried to eliminate breakfast table service in the House members' dining room, but gave up after one angry member reportedly threw a self-service tray against a pantry wall.

MOVES INTO CLERK'S SPHERE

He has succeeded in wresting authority to operate the House computer service and electronic voting system from the Clerk of the House, W. Pat Jennings, and has taken over other functions once performed by the Clerk.

And he has taken over the authority, with approval of the House, to determine the members' fringe benefits, such as paid trips home, stationery allowances, telephone services and office expenses.

With these and other moves, he has converted the once relatively obscure House Administration Committee into a powerful force in the daily lives of his House colleagues and Capitol employes.

House employes who fail to perform to his satisfaction are summoned to his newly decorated office and given tongue lashings. He frequently reminds the employes that it is he who signs their paychecks.

What many consider his heavy-handed approach has put him in conflict with various House officials, including Mr. Jennings, the Clerk; William M. (Fishbait) Miller, the Doorkeeper, and the Capitol Architect, George White.

He brushes aside such criticism, insisting that he is merely trying to put the House on an efficient operating basis.

"Congress does a lot of talking about economy," he said recently, "but economy must start at home."

His moves have gone largely unchallenged by Speaker Albert despite grumbling by some members that Mr. Hays has become what they call "the real czar of the House."

One member recently complained: "Wayne's a big bully, and he's walking all over the Speaker. And there's nothing we can do about it."

SALUTE TO THE U.S. OLYMPIC TEAM

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday August 17, 1972

Mr. DELLENBACK. Mr. Speaker, today we have received the U.S. Olympic team in this Chamber. I must confess it excites me to know these men and women will be carrying the Stars and Stripes to Munich.

These athletes, the best amateur athletes in this Nation, take their strengths and skills to the Olympic games. But they also carry with them something far more important—they carry the dreams and aspirations of every person in this country who has ever competed in athletics, who has ever been caught up in this infectious competitive spirit of a baseball game, a basketball game, a race.

These young men and women carry the spirit of America to the Olympic games. And when any one of them wins and stands on the highest step to receive his or her medal, some of us will feel goose bumps.

It is exciting to realize that many of these men and women come in effect from down the street, or, perhaps, next door. They are Americans from neighborhoods across this land. Yet they are not ordinary Americans. They are Americans who deserve our admiration and get it.

I should like to recognize and salute all of our Olympians, but especially those from my State, Oregon. A sportswriter for the Portland Oregonian, Leo Davis, has identified 22 athletes with ties to Oregon. He says:

Undoubtedly Oregon can lay claim, however tenuous, to more Olympians per capita than any State in the Union.

We in Oregon are proud to be so well represented in the Olympic Games. We are proud that Eugene, Oreg., was chosen as the site for the Olympic track and field trials this year. We are proud that University of Oregon track coach Bill Bowerman has been named head track coach for the United States. We are proud that the United States will be so well represented in Munich.

I. W. ABEL TESTIMONIAL

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. GAYDOS. Mr. Speaker, this past weekend thousands of steelworkers in the 20th Congressional District of Pennsylvania honored the man who has led their national organization for the past 7 years, Mr. I. W. Abel, president of the United Steelworkers of America.

Mr. Abel has collected numerous honors throughout his illustrious career as a union leader but I am certain he holds those given him by his fellow steelworkers above all else. I have no doubt he will long remember the tribute paid him by the members and pensioners of Steel City Local Union 1272, USWA, on Friday, August 11.

Mr. Speaker, I offer my personal commendations to the officers and rank and file members of No. 1272, who put together an outstanding program honoring one of the greatest labor leaders our nation has known: Francis E. McNairy; James P. Comer, local president; Louis N. Pierro, general committman; Chester "Obie" Obiedzinski, treasurer; Donald E. Hammerle, vice president, and Samuel Davich, president of J & L Veteran Employees Association.

SUPPORT FOR THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AMENDMENTS

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. HARRINGTON. Mr. Speaker, although I regret that my absence yesterday forced me to miss the vote, I strongly supported the Public Works and Economic Development Act amendments which passed by a vote of 285 to 92.

The major focus of the bill is its extension of the economic development programs through fiscal year 1974. These programs, created in 1965, call for financial assistance to alleviate conditions of substantial and persistent unemployment in economically distressed areas. I have consistently urged congressional action to stem this problem, through my introduction of the recent Emergency Employment Act extensions and other legislative efforts. Unfortunately, economically distressed areas still exist, and unemployment in many areas remains high. The Lawrence-Haverhill area, in my district, is a sad example, with over 9-percent unemployment. Other areas in the Sixth District, Massachusetts, and across the Nation are similarly suffering under this economic malaise.

In this public works bill, we have made fundamental and vital progress toward addressing this problem through the public works impact program. By providing grants for public works projects to specified areas of high unemployment or a large concentration of low-income persons, this program has already benefited many areas with needed employment for the jobless and the construction of community service facilities for all. This program has received the extension it deserves.

But although these kinds of financial assistance programs are crucial to stabilize the economy and ease the plight of many of our jobless, we must not overlook the importance of the "environmental effects" section of the bill. For the past few years, as you know, a growing interest in environmental quality has brought forth from the Congress a broad range of pollution abatement laws. In the process of mandating certain air and water quality levels, the Congress has largely ignored the plight of those who must comply with these pollution requirements.

A recent study by the Council on Environmental Quality indicated that some small businesses would be adversely affected by these laws. These smaller operations often contain older equipment, have more limited resources, and in general, are unable to cope with the demands of the new laws. The study found that some of these "marginal plants" would be forced to close down, unable to meet the costs required for acceptable pollution control.

In light of present economic conditions, such plant closings might have disastrous effects on many areas with already high unemployment and business difficulties. It was never our intent to solve the pollution problem at the cost of forcing workers out of their jobs and small companies out of business. Recognizing this need, I introduced on August 8 the Small Business Pollution Abatement Loan Assistance and Worker's Readjustment Assistance Act, which would provide assistance to small businesses for the purpose of meeting pollution control standards mandated by all Federal, State, or local laws and regulations. It also provides readjustment allowances, relocation benefits, job training and relocation services for workers whose plants are forced to close down because of pollution laws. I was pleased to see this concept embodied in the public works bill which passed yesterday.

Although I welcome this early step to aid compliance efforts, I remind you that some aspects of the problems are not fully met by the bill. Now that we have recognized the problem, we must continue to insure that environmental progress is not made at the expense of the Nation's workingmen and small businesses.

TEAMSTERS PENSION FUND AND ORGANIZED CRIME

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. STEIGER of Arizona. Mr. Speaker, the August issue of the magazine Overdrive, carried the third in a series of three articles on the Teamsters' pension fund and organized crime. I would like to include in the CONGRESSIONAL RECORD the first part of the article entitled, "How The Central States Pension Fund Finances The Nevada Schemes of Organized Crime." Since it is a rather long article, the second part will be included later.

The article follows:

HOW THE CENTRAL STATES PENSION FUND FINANCES THE NEVADA SCHEMES OF ORGANIZED CRIME

ORGANIZED CRIME, INC.

Some may say that it will become boring, hearing about the same kinds of corruption month after month. There is that danger, no doubt, but readers should keep in mind that what we are describing is not happening in some dream world. It's happening to you in the trucking industry, and it also seriously affects all phases of democracy in this country. The criminal conspiracy of organized crime can only exist by using fear and corruption to gain immunity from the law.

The activities of the Mafia that are publicized attract attention to their particular crimes. But organized crime is much more than that, more subtle, more sinister, and its leadership would frankly prefer that all attention be devoted to the Mafia, leaving them free to pursue their unpublicized schemes.

Think of the Mafia as a division of a company called Organized Crime, Inc. You should, because that's the way it is. The real manipulators of this criminal conspiracy always attempt to remain in the background. Names like Lansky, Mulligan, Groves, Chesler and Shenker are not in the news often, but their influence on the fabric of American life is more persuasive and damaging than any 10 Mafia leaders. In months to come, we will show more and more of the "quiet" crimes like influence-peddling and political corruption, the basic ingredients to the success of the Mafia and other elements of organized crime, and how the Fund actively promotes them.

MOE DALITZ AND THE FUND

Oddly enough, the first Pension Fund loan in Nevada was made to a hospital. As innocent as that may seem on the surface, a careful examination of the backgrounds and activities of those behind it show a continuing web of organized crime stretching beyond the borders of the United States to Switzerland and the Bahamas.

The Sunrise Hospital on Maryland Parkway in Las Vegas first received a Fund loan in August of 1959. Those connected with the Sunrise at that time were Morris (Moe) Dalitz, Allard Roen, Irwin Molasky and Merve Adelson.

Dalitz' intriguing background shows that he was involved in bootlegging during the 30's. Shortly thereafter, he was the leader of what was known as the Cleveland Syndicate, a huge bookmaking operation in that area. His first known contact with the Teamsters came in 1949, when he arranged a payoff to Hoffa from a group of employers in order to settle a contract dispute.

THE DESERT INN

Two years before, Dalitz had made his entry into Nevada gambling. He and others from the Cleveland gambling fraternity arranged for the money to complete construction of Wilbur Clark's Desert Inn—for 74% of the take.

Perhaps the most fascinating of Dalitz' associates is Meyer Lansky, considered the financial wizard of organized crime, and a "director" of the syndicate which oversees it. Currently, Lansky is in Israel to avoid prosecution in this country, and he has been indicted for skimming millions of dollars out of the Vegas Flamingo Hotel and arranging for its disposal in other countries. Dalitz is a close friend of Lansky, and both have been involved in various "businesses" over the years.

* * * * *

Both Roen and Dalitz were among the original developers of La Costa, the 3,000 acre spread near San Diego which has become a retreat for the top men in organized crime. La Costa, it should be mentioned, has been financed exclusively with Pension Fund money. Roen's activities with underworld figures go back many years, including stock transfers to gangster Bugsy Siegel and Lansky. In 1962, Roen pleaded guilty to stock fraud in a case involving a $100,000 bribe being paid to a United States Senator.

Since 1959, the Dalitz group has managed to direct $11,350,000 into the Sunrise Hospital. The latest loan occurred in 1971. At that time, a $5,500,000 loan to the hospital was made by the City National Bank in Beverly Hills. Under the terms of the agreement obtained by OVERDRIVE the Pension Fund will buy that loan from the Bank in January 1973, making Sunrise indebted still further to the Fund.

The Dalitz group has arranged a number of other Fund loans which have filtered through a bushel basket of corporations in a bewildering tangle of financial wizardry.

THE STARDUST AND FREMONT

Between 1961 and 1964, the Fund dumped $8,200,000 into the Dalitz-controlled Stardust Hotel. The amount still owed on those loans is $5,700,000.

In 1962, the Fremont Hotel received a total of $4,600,000 of which $2,500,000 is still owed the Fund. The year before that, a company called Three-O-One Corporation picked up an $850,000 loan for a downtown Las Vegas building. Over $500,000 is still due on that one. Both of these were controlled by Dalitz & Company.

Two other corporations which had members of the Dalitz group or their associates involved were United Resort Hotels, Inc. and the Lodestar Corporation. These two pulled out $10,850,000 in Fund loans, including one for a hotel on Lake Mead than ran into financial difficulties. Slightly under $8,000,000 remains unpaid on these 6-year old loans.

Although Dalitz sold his gambling interests in Las Vegas to Howard Hughes recently, there is little reason to doubt that he still has influence there. Nowadays, Dalitz operates his various enterprises out of La Costa.

"OWNERSHIP NOT OFFICIALLY RECORDED"

In 1965, the government began prosecution of a Dalitz associate on income tax charges. Three years later, however, the case was dismissed under curious circumstances, which arose when it was discovered that the FBI had bugged the casinos of at least five hotels, including the Stardust and Desert Inn, both of which were controlled by Dalitz. Lawsuits were filed against the government for this bugging, and in an apparent attempt to stop them, the government dropped its tax prosecution in return for the other side dismissing its lawsuits. What was learned from those bugs has never been released, but one FBI agent frankly stated that they contained what "I would refer to as ownership which is not officially recorded with the state of Nevada."

A Las Vegas-based real estate company which is run by those from the Dalitz group is Realty Holdings, Inc. Pension Fund records show that they have borrowed close to $15,000,000 within the past two years. Other records and agreements obtained, however, lend strength to the belief that considerably more money is involved. Many of these documents do not contain what amount of money is involved from the Fund, referring only to "value received" and "for a valuable consideration." But whatever amounts they are, they indicate that Dalitz and his men are far from being without power in Nevada.

MORRIS SHENKER AND THE DUNES

When it comes to manipulating Pension Fund money without having to answer to anyone, St. Louis attorney Morris Shenker is at least equal, if not superior, to convicted swindler Allen Dorfman. Shenker, a shadowy, behind-the-scenes operator who shuns publicity, has arranged hundreds of millions of dollars in Pension Fund loans. And in the process, he has received millions of dollars in fees for his "services." Although Shenker's activities are too numerous to detail here (they will be enumerated in an upcoming article), some general comments can be made. He is an acknowledged financial genius when it comes to setting up complex money deals (and hiding their ownership), and even IRS experts admit that he has been able to stump them. Further, he has been cited as the number one lawyer for organized crime in this country. Although he has dazzled and confused the IRS on many occasions, OVERDRIVE has learned that federal agencies are beginning a massive investigation into his affairs. Shenker's main activity with Fund loans in Nevada has involved the Dunes Hotel in Las Vegas.

When the Dunes opened in 1955, the owner was listed as Joseph Sullivan. Later, it was discovered that the hidden owner was Raymond Patriarca, chief of all Mafia operations in the New England states, and headquartered in Providence, Rhode Island. Just recently, however, Patriarca was sent to prison as the culmination of a major offensive against him by the Justice Department.

Later, Sullivan sold out to James (Jake) Gottleib, who died this past April; he owned, among other things, Western Transportation in Chicago and Missouri-Oklahoma Express in St. Louis. Gottleib reportedly then gave $100,000 to Major Riddle (Major is his name, not a military title) to buy control of the Dunes' casino operation. An outfit called

M & R Operating Company was then formed, composed of a group of gamblers, with Riddle in charge. M & R then leased the casino operation from Gottleib.

FRIENDS OF HOFFA

In 1962, the first loan from the Pension Fund was made to the Dunes. Since both Gottleib and Riddle were friends of Hoffa, it can be assumed that this friendship had something to do with the loan approval. In early 1963, Shenker's involvement with the Dunes surfaced publicly for the first time.

A partnership called Leonard J. Campbell Enterprises was formed in order to buy the Dunes from Gottleib. The main stockholders of Campbell Enterprises were William Vogler and Rollins Furbush, both executives of American National Insurance, Galveston, Texas; the shareholders of M & R (now called M & R Investment Company); and E. Perry Thomas, Chairman of the Bank of Las Vegas, and who has also been connected with Fund loans. In a complex series of transactions involving the funneling of money through various corporations, M & R ended up with the Dunes again, and Campbell Enterprises was dissolved. Leonard Campbell, though, still remained, ending up in charge of the slot machines in the casino.

In 1967, Shenker, Furbish and Vogler, together with 22 others, bought a controlling interest in Continental Connector Corporation, which bought M & R (and therefore the Dunes) in 1968.

ANOTHER FUND BORROWER IN THE DUNES

Since 1970, a company called Rapid-American Corporation in New York was attempting to gain control over the Dunes through the purchase of its stock. Apparently a takeover couldn't be finalized, so Rapid-American rescinded its agreement to buy 500,000 shares of Continental stock at around $18.50 per share. It has been learned that the shares will be sold to Shenker, E. Perry Thomas (who is now chairman of Continental) and Irvin J. Kahn. In months to come, the story of Kahn will be told—the man who has borrowed hundreds of millions from the Fund is a business partner of Shenker's, and is another phantom operating in the twilight zone of organized crime).

Throughout these past ten years of tangled corporate schemes, the Fund has been dumping millions of dollars into the Dunes. Today, documents indicate that the Dunes has borrowed a total of $15 million from the Fund. The last transaction recorded shows that the Fund picked up a Dunes loan in January, 1969, which had been made by the First Security Bank of Utah for $3 million. Interestingly enough, the Dunes still manages to owe the Fund a total of $12 million.

INDICTMENTS FOR SKIMMING

But in December, 1971, the owners of M & R ran into a problem. A federal grand jury handed down indictments charging six men with skimming cash from the casino receipts prior to their being counted for tax purposes and income tax evasion.

The officers of M & R who were indicted are Sydney Wyman, Robert Rice and George Duckworth, all former big-time gamblers from St. Louis, and Howard Engel. Also charged in the same case is Leonard J. Campbell and Charles Speck, former Dunes credit manager.

PRISON REFORM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. EILBERG. Mr. Speaker, today I introduced a comprehensive plan to reform the Nation's prison system. The purpose of the Prison Reform Act of 1972 is to make the prisons institutions for rehabilitating and training criminals so they can become useful, productive members of society when they are released.

In most cases our prisons are nothing more than warehouses where men and women are stored until they are released to commit another crime. The current estimates are that four out of every five felonies are committed by persons who have already served a prison term.

There is a great deal of information about life in prisons, but too much of it comes from "experts" who have only second hand knowledge.

Only recently have the men and women who have served time in prisons been looked to as the best source of information about our jails and what can be done to improve them.

Many of these former prisoners are intelligent and articulate and they are making important contributions to the movement to help prisoners and improve prison conditions.

One of these men is James Burgess, a former inmate of Holmesburg Prison, which is in my northeast Philadelphia district. Mr. Burgess is now back at Holmesburg as a community-prison worker for the Episcopal Community Service of Philadelphia.

Mr. Burgess is an expert on prison conditions and their effect on the prisoners. At this time I enter his statement on the need to improve our Nation's prisons into the RECORD:

PRISON REFORM

When will we ever learn from our past mistakes? For a hundred years we have been putting people behind walls as punishment for their crimes, and then further punishing them by abusing them, robotizing them, stripping them of whatever dignity they have left, and housing them in cells the SPCA would not tolerate for animals. After their sentence is served, they come back to society unable to cope because instead of being taught to compete, they have been taught to conform, and instead of being taught self confidence, they have been taught that they are worthless. When they come from behind the walls, they are bitter, afraid, and feel there is no future for them. In addition to being crippled emotionally, they have been crippled socially. Their family ties have deteriorated over the years of incarceration. They have no funds. They have no job, and know that most employers will treat them as lepers when they find out they have a criminal record. Even if they could find a job, it may take two weeks before they get their first paycheck: leaving them with the pressures of survival for that time.

When you put a bitter, confused, frightened man, with no money and no family in a society he can't cope with, what do you think the result will be? I am not surprised that the guesstimates of the recidivism rate go as high as 75%. It is a wonder to me that they are not 100%!! Our present philosophy of put the criminals behind walls where we don't have to think about them is failing miserably. Will we never learn?

If we are ever to clamp shut the revolving doors in our prisons we are going to have to take one of two avenues. Either we are going to have to throw the key away, or we are going to have to spend the time, effort and money to work with the people behind the walls and find out what is causing their antisocial behaviour and take steps to correct it.

It sounds easier to throw away the key, but it isn't. With no turnover our present prisons would soon fill to overflowing. You would have to build hundreds of new warehouses to store people. New prisons are expensive, and so are the staff and logistics it takes to run them. There is also a moral problem. Can we turn our backs on people who need help, and be at peace with ourselves? If we were walking along the river front, and saw someone drowning, we would attempt to save them. At the very least we would send for help. We would have difficulty living with ourselves if we just passed them by. Yet there are thousands of men, women and children in our prisons, drowning, and crying for help. Can we continue to ignore their cries?

If we have to put people behind walls to protect society, let us at least work with them behind the walls and try to solve the problems that are keeping them from leading normal happy lives.

My own prison experience has been in the country prisons. At that level, the overwhelming majority of people are incarcerated for drug related crimes. My experience has been that addicts, once detoxified, and released from the pressures of supporting their habit and their every day needs, undergo a complete personality change. While in prison they almost always express a desire to rid themselves of their psycological habit. It is tragic that they have to wait for their release from prison to enter a drug program, when the prison itself is the most logical place to run a large scale therapy program. There is no question in my mind that effective drug programs are the number one need in the prisons today.

We also need to give inmates the opportunity to get an education while incarcerated. I have known many men in prison who could not read or write. Is it any wonder they could not survive in our highly competitive society? Very few college graduates steal pocketbooks from little old ladies.

In line with this reasoning, we also need to provide vocational training, so ex-offenders will have the skills needed to secure decent, self gratifying employment.

I do not feel that the schools and training programs should necessarily have to be within the confines of the prison. I feel that letting inmates commute to established schools in the community would not only increase their enthusiasm but would also give them a healthier mental attitude.

Those incarcerated for minor offenses, and who can secure employment should be allowed to work during the day and return to the prison at night. This will allow them to maintain the dignity of being self sufficient, and will also make them tax paying citizens rather than tax receiving.

If we are ever to bring about prison reform, we are going to have to change public attitude. There are too many people who feel that implementing prison programs will eventually turn the prisons into country clubs. They do not realize that no matter how good conditions in the prison become the inmates will be suffering a very severe punishment—that of loss of their freedom and separation from their loved ones. That punishment is so severe, that there is no need to add on the punishment of bad living conditions and hostile attitudes of correctional staff. All the bad conditions of the prisons accomplish is to make the inmate bitter, and render him unreceptive to positive change.

We have tried the philosophy of punishment, and it has not worked. It is time to try a new tack—that of trying to give offenders a feeling of self esteem.

Most inmates whom I have interviewed have become antisocial, or started using drugs because they have had a very low opinion of themselves. Many actually hate themselves. They feel completely inadequate, worthless, and not capable of being loved by anyone. How can a person who does not respect himself, respect others? No wonder there are so many violent crimes in America today. All our prisons are doing today, is reinforcing this feeling of worthlessness.

In the interest of being brief I have listed only the most important needs in our prisons. As you well know there are reams and reams of printed material by learned authors; all pointing out the inadequacies of the prison system and calling for specific changes. But they only amount to so much waste paper and trash, as does this report, if no one is moved to act upon them. So I pray that you not consider this report as just more information about prison reform (God knows we have more than enough of that already); but as a plea to act on all the information we have gathered. Every day, every hour, that we delay putting intelligent reforms into effect more lives are being wasted, more people who need and deserve our help are drowning.

TELEPHONE PRIVACY—XXXV

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. ASPIN. Mr. Speaker, I reintroduced the telephone privacy bill on May 10, 1972, with a total of 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 33d sampling of these letters into the RECORD, since they describe far more vividly than I possibly could, the need for this legislation.

These letters follow—some of the names have been omitted:

MT. PROSPECT, ILL.,
August 7, 1972.

DEAR SIR: We, and everyone we know, are very much in favor of H.R. 14884 to outlaw telephone soliciting if the subscriber so requests. We would be really grateful for prompt action.

Sincerely,

——— ———.

WOODBRIDGE, VA.,
August 11, 1972.

DEAR REPRESENTATIVE ASPIN: I am writing in support of your bill concerning telephone solicitation.

In our area calls average perhaps 3 per week usually from Land Developers. These calls are, needless to say, very annoying.

I hope your bill passes, and I would like to add my support.

Sincerely,

——— ———.

TYLER, TEX.,
July 28, 1972.

Representative RAY ROBERTS,
House of Representatives,
Washington, D.C.

DEAR SIR: I, along with many of my friends and neighbors, are continuously being bothered with telephone solicitation. I don't have time for these calls and I regard them as an invasion of privacy. The things people try and sell over the telephone are a waste of time and money and I don't enjoy being bothered with such calls. I get several a month.

I understand that Rep. Les Aspin of Wisconsin is trying to get something done about this with his Telephone Privacy Act. I urge you to support this act. The idea of putting an asterisk by the names of people, in the phone book, who do not want solicitation is a good idea.

Would you please see what you can do about this situation?

Sincerely,

——— ———.

BAYLOR COLLEGE OF MEDICINE,
Houston, Tex., August 3, 1972.

Hon. LES ASPIN,
The House of Representatives, Congress of the United States, Washington, D.C.

DEAR REPRESENTATIVE ASPIN: This letter is to indicate my strongest support for your bill which would allow the American public to put a "no solicitors" designation on their telephone numbers.

Rest assured that many Americans from all walks of life share our dislike of being interrupted at the most annoying moments by telephone solicitors. This bill has my sincere, whole-hearted support.

With best wishes for your success in passing this bill, I remain

Sincerely yours,

——— ———.

PALATINE, ILL., *August 2, 1972.*

Hon. LES ASPIN,
House Office Building,
Washington, D.C.

SIR: Please add my name to those in support of your proposed bill, H.R. 14884, to keep nuisance calls off the phone.

What a bore they are. I resent them intensely.

Very truly yours,

——— ———.

AUGUST 7, 1972.

DEAR REPRESENTATIVE ASPIN: Enclosed are the names of four voters who support bill HR-14884. We feel it is about time some one st (excuse me the phone is ringing) opped this infernal bothering by the telephone. Please keep us informed of the bill's progress and if there is anything else we can do let any of us know.

Thank you.

DAVID MICHAEL DEMALA,
CHARLES FRANK DEMALA,
VIOLET ANN DEMALA,
JUDITH ANN MARX.

FIGHTING INFLATION AFTER PHASE II

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. LANDGREBE. Mr. Speaker, the June 1972 issue of Fortune magazine carried an article entitled "Fighting Inflation After Phase II," which spurred a letter to the editor of 1,825 newspapers by C. C. Moseley, president of Grand Central Industrial Centre, Glendale, Calif.

For the benefit of my colleagues, I insert here some excerpts from Fortune, and the letter from Mr. Moseley:

[From Fortune magazine, June 1972]

FIGHTING INFLATION AFTER PHASE II

Fiscal policy will be a particularly difficult problem because the federal budget is in a quite literal sense out of control. The aggregate cost of individually meritorious programs tends, of course, to exceed any viable total; let the congressional budegtary process focuses only on the programs and includes no explicit consideration of the total budget. The result is federal commitments, by direct outlays and through credit guarantees, that are growing at a more rapid rate than the economy can accommodate.

The figures concerning this matter are dramatic. In his latest budget message the President noted some serious shrinkage in our future "budget margin." Only last year the fiscal 1976 margin was put at $30 billion—i.e., federal expenditures implied by programs to which we were already committed would be $30 billion below the revenues that the tax system would produce in 1976 if the economy were operating at reasonably full employment. In the budget message for this year, the unspent margin for fiscal 1976 was down to $5 billion. The governmental process must again be made subject to fiscal discipline, or the price-cost battle, and even the free economy itself, will be in serious jeopardy.

GRAND CENTRAL INDUSTRIAL CENTRE,
Glendale, Calif., July 17, 1972.

DEAR EDITOR: Has the majority in Congress gone completely nuts? Don't sneer at this remark—you be the judge.

In the June Fortune magazine, in an article by President Nixon's former chief economist Paul W. McCracken, it was stated that ". . . federal commitments by direct outlays and through credit guarantees, are growing at a more rapid rate than the economy can accommodate," and that federal expenditures to which we are already committed would be $30 billion (yes, $30,000 million) short of the revenues that the tax system would produce in 1976. Unbelievable, but true!

Imagine the size of the deficit (money to be borrowed) by the time Congress gets through with additional projects! The writing is on the wall—greater inflation and higher taxes. The "Spenders" in Congress are bankrupting the country. Let's throw the "Spenders" out before we all go broke!

Sincerely,

C. C. MOSELEY, *President.*

FAIR AND IMPARTIAL ELECTIONS

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. RIEGLE. Mr. Speaker, it has come to my attention that the left and right in the country can come together on the issue of fair and impartial elections. At this time, I would like to submit these nationally syndicated articles, by James A. Wechsler and William F. Buckley, Jr., which speak for themselves.

[From the New York Post, July 20, 1972]

DEMOCRACY IN ACTION

(By William F. Buckley, Jr.)

When the South Vietnamese had their election in 1967, Lyndon Johnson invited a bunch of liberal professors to go over there and satisfy themselves that the election was clean. This they did, and one professor from the Boston area reported to the President his conclusion that the election in South Vietnam was as clean as the typical election in the Commonwealth of Massachusetts.

This comment was the source of enormous underground mirth among the cognoscenti, who understood exactly what the good professor was trying to communicate. That democracy in South Vietnam, while passably fair, is a pretty relaxed thing, along Massachusetts lines. I think it was in Boston, or maybe it was in Chicago, a little while back that an election district reported 183 votes, all of them for the Democratic candidate, and guess what? By sheer coincidence, the 183 citizens had filed in and voted alphabetically! That is democracy plus law and order.

I have always thought that if you're going to have democracy, you may just as well do it right. After the decision is reached as to what voter qualifications are, let them vote, and go ahead and count their votes. The evidence is overwhelming that the political machine in Brooklyn was recently concerned to return the incumbent to office, rather than to ascertain whom the majority wanted.

It would have been absorbed as routine Democratic graft except that the challenger is none other than Allard Lowenstein, the president of Americans For Democratic Action. Mr. Lowenstein has a particular stake in the contest, unrelated to the question of whether he will be sent to Congress.

He is the young man who has already made the history books in virtue of having persuaded Eugene McCarthy to make the race against Lyndon Johnson in 1968, thereby proving that The System was alive and well. He is as influential among the young as anyone in America, and if he gives out the word that you cannot have a reliable democratic contest in the heart of metropolitan New York, his constituency will experience a disillusionment that wil redound to the benefit of the crazies in American politics.

In his primary contest, every kind of fraud and harassment was exercised. New voters found their registration cards missing. Others were given runarounds. Some spent as much as four hours trying to locate the right polling place, and filing their votes. Others found machines rigged.

One lady wrote: "I was told that I had been redistricted. That I should vote at 75 Cadman Plaza. I left; (but there is) no 75 Cadman Plaza. On my walk back I noticed that that some people were voting at 140 Cadman Plaza. I stopped in there and was told I would have to go to 75 Henry St. When I got to 75 Henry St. I was told that it would be another two hours' wait. I gave up."

There were only 30,000 votes cast, and yet the Lowenstein forces are talking about as many as 14,000 irregularities, and hard-core fraud in 4000 to 5000 cases. At that, the incumbent beat Lowenstein by only a few hundred votes. The evidence suggests that Lowenstein would have won by something like a landslide.

* * * * *

So now it goes to the courts. It being widely suspected that local state judges are not going to upset the political machine that put them where they are, Lowenstein will probably end up in federal court. There he will be given an opportunity to document his grievances, in behalf of the electorate. And the message may go out to the bosses: Cut it out.

It happens that Mr. Lowenstein backs enthusiastically almost every mistaken political idea that ever issued out of the social imaginations of man. But that isn't the point, any more so than when us good guys sat around in 1964 worrying about how many votes would be stolen from Barry Goldwater by the Democratic poll tenders.

Fair elections, like precautions against accidental wars, are in everybody's interest. It is lucky for our international reputation that we didn't invite any South Vietnamese professors over to monitor the Lowenstein election.

[From the New York Post, July 7, 1972]

FIGHTING BACK

(By James A. Wechsler)

For many long, wearying hours of the past two weeks, a dedicated battalion of Allard Lowenstein's volunteer supporters has been quietly assembling evidence to document the charge that he was defrauded of victory in his Congressional battle with John Rooney and the Esposito machine. Their findings will form the bulwark of the case his attorneys will present in his legal fight to force a rerun.

Lowenstein's move grew out of a meeting with his campaign workers on the morning after primary day when Rooney had been reported winning by 1005 votes. (The final official margin, according to the Lowenstein camp, was actually closer to 800). Lowenstein's initial impulse was to go on a holiday with his family and then take up other endeavors. His campaign was deeply in debt; despite his own conviction, based on first-hand inquiry and reports he had received throughout the night, that he had been robbed of a hard-earned triumph, he knew how much hard, tedious labor would be involved in preparing a challenge. He was reluctant to ask his tired troops to begin another mission.

In a sense they made the decision for him that morning. One after another of the veteran community figures and activists who had carried his banner rose to describe primary-day chicanery and plead for a counterattack.

"After listening to them, I really felt ashamed that I'd even contemplated giving in," Lowenstein remarked yesterday. "So many of them kept saying that I was the one who had urged them to work within the electoral process—and now we had to show that we wouldn't let the machine steal an election from us. So I told them I had had my half-hour vacation and now we'd go back to work."

There are two major thrusts in the documentation now being prepared under the able, spirited direction of Terry Lenzner, former chief of legal services in the OEO.

One is the contention that more than 2000 prospective Lowenstein voters were disfranchised in varied ways; many found their registration cards mysteriously missing when they went to the polls. The principal victims, it is alleged, were blacks and Puerto Ricans, many of whom were bruskly turned aside when they went to the Board of Elections seeking help. (Additional frustrations, such as the breakdown or shortage of voting machines, were widely reported in the city that day, but the Lowenstein forces assert they can show the chaos was significantly conspicuous in areas favorable to him).

The parallel charge is that the Rooney total was flagrantly padded by use of names of the dead or departed, repeat voters and other hallowed practices of the old-line machines. A court order opening the Board of Elections files has already produced much confirmatory material.

The intensity of feeling among those participating in the challenge can be quickly discerned in interviews with a group of them. Thus Bertha Thomas, a warm articulate community worker in the predominantly black Fort Greene area declared:

"For the first time many minority citizens became aware of their right to vote in a primary. Now we're out to see that justice is done—not just for Al but for all the community people who were turned away. It was worse than in the deepest South."

Wilfredo Vargas, a 26-year-old Vietnam veteran who helped to rally Puerto Rican voters for Lowenstein in Williamsburg, said:

"This was the first time we could get a big Puerto Rican turnout—maybe 40 per cent instead of 15 per cent of those registered. But I know there were two or three hundred right in my own area who were told there were no cards for them—in some cases even when a husband and wife registered together, only one card was there. The people are watching to see what happens now. If the system is not going to be fair, why be part of it? I'm grateful to Al for fighting back—at least the machine will know it didn't get away with this."

John Mulhern, a former priest in a Puerto Rican neighborhood, said "I've never seen an election like this—everything was done to confuse and frustrate people by shifting polling places out of their areas and even refusing to give them directions."

A rerun would admittedly pose formidable problems for the Lowenstein forces, whose ardor is unmatched by any hidden fiscal resources. They would be counting heavily, however, on the anger stirred by what so many regard as a fraudulent exercise. The savagery of the Rooney campaign may also produce a backlash; by now, for example, many of the Hassidic Jews whom the Rooney machine recruited must have learned of the crudely anti-Semitic whispering campaign staged by Rooney adherents in such areas as Greenpoint.

Meanwhile echoes of the fight will be heard shortly in Miami Beach, where some young Lowenstein campaigners like Steve Morgan and Dennis Concilla plan to air their story before the youth and black caucuses at the Democratic Convention, the battle of Brooklyn's 14th CD may have just begun.

HEROIN MAINTENANCE

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. PEYSER, Mr. Speaker, Mr. Don Miller, Chief Counsel of the Bureau of Narcotics and Dangerous Drugs has prepared the following memorandum regarding heroin maintenance for the congressional ad hoc Committee Against Heroin Maintenance. I thought it might be of interest to my colleagues:

MEMORANDUM ON THE USE OF HEROIN UNDER THE COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

The question has been raised as to the interpretation of the law regarding the use of heroin in treatment or research under the Comprehensive Drug Abuse Prevention and Control Act of 1970 (CSA of 1970).[1] The question is posed incident to certain proposals to establish pilot programs to determine the feasibility of maintaining addicts on heroin as a treatment modality.

As early as 1918, heroin had become known as a drug particularly liable to abuse and to produce ill affects, and that such liability is not offset by substantial therapeutic advantages not possessed by such drugs as morphine. On March 16, 1918, the New York Psychiatrical Society and the New York Academy of Medicine made the following recommendation: "We recommend that the Federal Government take such measures as are feasible to abolish the manufacture of heroin altogether."[2]

Next, in 1920, the American Medical Associ-

Footnotes at end of article.

ation made the following recommendation: "We therefore recommend: . . . 2. That heroin be eliminated from all medical preparations, and that it should not be administered, prescribed or dispensed; and that the importation, manufacture and sale of heroin should be prohibited in the United States."[3]

The Congress fully subscribed to this medical consensus, and in the Act of June 7, 1927, amended the law relating to the importation of opium and declared that ". . . no crude opium may be imported or brought in for the purpose of manufacturing heroin."[4]

This action was immediately followed by physicians becoming widely aware of the dangers of heroin, and it was abandoned as a drug having an acceptable medical use. It has been deleted from the United States Pharmacopeia and the National Formulary; the United States Dispensory (26th Ed.) states that heroin has "so great an addiction liability it is available only for research purposes;" and Merck Index (8th Ed.) states that "Because of its addiction liability, the importation or manufacture of [heroin] . . . is forbidden in the United States by Federal statute."

In 1956, the Congress acted again against heroin and declared that all heroin legally possessed had to be surrendered with a specified time.[5] By this action, Congress virtually outlawed the use of heroin for treatment, providing only that the surrendered heroin could be used for scientific research purposes.

By 1970, all heroin in legal channels had been surrendered. Knowing that there was no need to retain the features of the 1956 Act, the Congress repealed the heroin surrender provision when it enacted the CSA of 1970. However, also knowing that there was no currently accepted use in treatment in the United States, the Congress placed heroin in Schedule I of the CSA of 1970. Also, the Congress retained the opium importation provision by providing in Section 1002 of the Act that "No crude opium may be so imported for the purpose of manufacturing heroin . . ."

From the history, it is prefectly clear that both the medical community and the Congress have concluded that heroin is not to be used in treatment. Even if research does find a therapeutic usefulness, the Congress has blocked its manufacture. The only way heroin could be brought into the United States would be for the Attorney General to declare an emergency under Section 1002(a)(2)(A) of the Act which specifies that he may allow the importation of any drug "during an emergency in which domestic supplies of such substance or drug are found by the Attorney General to be inadequate." It is not probable in view of other medications available that the Attorney General would be justified in declaring such an emergency regarding heroin.

As for research with heroin, the CSA of 1970 contemplates that researchers may conduct scientific investigations with heroin. Just how the researchers may acquire the heroin is not spelled out in the Act. Considering that Section 1002 does not allow opium to be brought in to manufacture heroin and that the Attorney General probably would not be authorized to declare an "emergency" to bring in the heroin, only one source for the heroin is left; that is, the use of seized heroin.

Under Section 511 of the CSA of 1970, the Congress provided that "Whenever property is forfeited under [the Act] the Attorney General *may* . . . forward it to the Bureau of Narcotics and Dangerous Drugs for disposition (including delivery for medical or scientific use to any Federal or State agency under regulations of the Attorney General)." Emphasis has been added to show that the word "may" places the decision entirely in the hands of the Attorney General. He may, or he may not do so; it is purely an act of grace on his part to make seized heroin available for research. Certainly, there is no requirement that the Attorney General must make heroin available to conduct heroin maintenance programs even under the aegis of research. Moreover, confiscated heroin is totally unsuitable for intravenous injection in humans; the heroin is neither pure nor sterile. Therefore, all confiscated heroin would have to be purified—a procedure that BNDD could not undertake. It is doubtful that the Congress intended for BNDD to perform commercial manufacturing services to researchers.

There is also a legal consideration that requires further consideration by the Federal Food and Drug Administration. Section 303 (f) of the Controlled Substances Act of 1970 provides that "Registration applications by practitioners wishing to conduct research with controlled substances in Schedule I shall be referred to the Secretary [of HEW], who shall determine qualifications and competency of each practitioner requesting registration, as well as the merits of the research protocol." It is believed that FDA must consider heroin as a "new drug," and, therefore, probably require researchers to go through the regular new drug procedures, including research on animals prior to its investigational use in human beings. BNDD has no jurisdiction in this regard; it is pointed out only as a matter that warrants further consideration before a heroin maintenance program is approved.

My conclusion is that it is not permissible to bring heroin into the United States; it has no currently accepted medical use in treatment; the Attorney General has complete discretion as to whether seized heroin may be available for research; and it is highly doubtful that Congress ever intended that BNDD should become a manufacturer and distributor of heroin for use in such a long range program.

FOOTNOTES

[1] P.L. 91–513; 84 Stat. 1236.

[2] New York Academy of Medicine, Med. Records, March 16, 1918, Vol. 93—p. 468.

[3] JAMA, May 8, 1920, Vol. 74, No. 19, pp. 1324–1328.

[4] P.L. 68–274.

[5] Narcotic Control Act of 1956; P.L. 84–728; 70 Stat. 567; 18 U.S.C. 1402 (repealed).

MEMORIAL SERVICE FOR RABBI URI MILLER

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. LONG of Maryland. Mr. Speaker, the members of Beth Jacob Congregation, Baltimore, and the American people have suffered a grave loss in the death of my friend, Rabbi Uri Miller. On July 9, a memorial service was held to pay tribute to Rabbi Miller. Rabbi Nahum M. Ben-Natan, who succeeded Rabbi Miller as spiritual leader of Beth Jacob Congregation, did a superb job of organizing and conducting this service, and I want to pay tribute to him for his efforts.

I should like to share with my colleagues my eulogy and the names of those who participated in the service.

Eulogy for Rabbi Uri Miller

The death of Rabbi Uri Miller has saddened the nation. That Rabbi Miller was a brilliant spiritual leader is, of course, well known, but he was also a man of action. In government he served as co-chairman of the President's Commission on Civil Rights nearly a decade ago. In religion he served as chief executive of many distinguished national organizations. His compassion was deep—for the young, for the old, and for the people of the Jewish faith who have been trapped in the Soviet Union.

The Jewish people with their thousands of years of cultural, economic, and intellectual leadership can be described as the great success story of the human race. Rabbi Uri Miller can be described as one of the great success stories of the Jewish people.

I valued him as a friend, I respected him as a leader, and I shall miss him as you will miss him. I am deeply proud to have been his Representative in the Congress of the United States.

Rabbi Nahum M. Ben-Natan, Beth Jacob Congregation, 5713 Park Heights Ave, Baltimore, Maryland.

Rabbi Samson R. Weiss, 13 Even Haazel, Jerusalem, Israel.

Father Thomas Peterman, Perry Point VA Hospital, Perry Point, Md.

Rabbi Louis J. Lehrfield, Hebrew Theological College, 7135 N. Carpenter Rd., Skokie, Illinois.

Rabbi William Herskowitz, Rabbinical Council of America, 220 Park Ave. South, New York, N.Y.

Rabbi Jacob Weinberg, Ner Israel Rabbinical College, Mt. Wilson Lane, Baltimore, Md.

Rabbi Leon Adler, Synagogue Council of America, 432 Park Ave., New York, N.Y.

Mr. Fred Neal, Mayor's Office, City Hall, Baltimore, Md.

Hon. Theodore R. McKeldin, 10 Light St., Baltimore, Md.

Rabbi Benjamin Bak, 3407 Menlo Drive, Baltimore, Md.

Rabbi David S. Goldstein, Baltimore Hebrew Congregation, 7401 Park Heights Ave., Balto., Md.

Rabbi Albert Pattashnick, Talmudical Academy, 4445 Old Court Rd., Balto., Md.

Hon. George L. Russell, Jr., Tower Building, Balto., Md.

Rabbi Israel Goldman, Chizuk Amuno Congregation, 8101 Stevenson Road, Balto., Md.

Judge Solomon Liss, 3207 Fallstaff Road, Balto., Md.

REPUBLICANS CONSISTENTLY SUPPORT THE CAPTIVE NATIONS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. DERWINSKI. Mr. Speaker, a telling testimony was presented at the recent platform hearings of the Republican National Convention in Miami. Delivered by the chairman of the National Captive Nations Committee, Dr. Leo E. Dobriansky of Georgetown University, it stresses the consistent record of the Republican Party in incorporating planks in its convention platforms since 1952. The committee was represented by Mr. Joseph Lesawyer, an executive member and also executive vice-president of the Ukrainian Congress Committee of America, at the Democratic Party convention in July. Because of its purely factual elements I commend this testimony to the reading of my colleagues.

Incidentally, in reviewing news reports from Miami, it is unfortunately true that publicity seeking critics, such as Representatives McCloskey and Riegle, are receiving far more attention from the media than a responsible man like Dr. Dobriansky.

The news release follows:

Republicans Consistently Support the Captive Nations 1952–1972

Mr. Chairman and distinguished members, it is a veritable privilege for me to testify again at a Republican Convention Platform hearing on a fundamental issue thaat has confronted us Americans for some time and will starkly face our people in the foreseeable future. Since 1948, in Philadelphia, it has been in the nature of a moral obligation for me and others to appear quadrennially in testimony for the incorporation of a strong plank on all of the captive nations in Central Europe, within the Soviet Union, in Asia and Cuba. And it is a striking and glorious fact, deserving of prime emphasis at the outset, that from 1952 thru '68, Republicans at each national convention have consistently and unequivocally supported the freedom cause of the captive nations as a basic, integral factor in our national security interest. This enviable record of expressed principle, moral conscience and political perception must be extended in the forthcoming '72 Platform.

A detailed review of this superb and unsurpassed record makes for exciting and constructive reading. By more recent examples, it is sufficient here to just quote in part from the '64 and '68 Platforms. The '64 plank began, "Republicans reaffirm their long-standing commitment to a course leading to eventual liberation of the Communist-dominated nations of Eastern Europe, Asia and Latin America . . .;" the '68 plank declared in part, "The peoples of the captive nations of Eastern Europe will one day regain their freedom and independence. We will strive to speed this day by encouraging the greater political freedom actively sought by several of these nations".

What is equally important is the fact that in the spirit and terms of this long-standing Party commitment, our President has in his Administration issued four successive Captive Nations Week Proclamations, the most recent of which, last month, emphasized that "in much of the world, the struggle for freedom and independence continues." Nowhere does this observation apply more powerfully, more strategically, and more meaningfully for world peace and freedom than to the areas of the captive nations. From the total viewpoint of our American body politic, it is in a real sense regrettable that, in contrast to Senator Humphrey and others, the Democratic Presidential candidate has consistently shown no concern whatsoever for the plight and strategic importance of the captive nations, as so prominently indicated by his absence of participation in last month's 14th Observance of Captive Nations Week which the President appropriately proclaimed. It appears that many have stiff to learn the Lincoln proverb: "Those who deny freedom to others deserve it not for themselves."

Now for a few essential facts and truths justifying a concise, meaningful and perpetuated captive nations plank in the '72 Platform. First, in addition to reflecting the above tradition, such a plank would also reflect the principles for which millions of Americans during the Captive Nations Week observances. Following Publication 86–90, which President Eisenhower signed in 1959, the 14th Observance last month was featured by extensive Congressional addresses, over two dozen Governor and Mayor proclamations from New Hampshire to Texas and Alaska to Georgia, rallies and events in Boston, New York, Philadelphia, Cleveland, Chicago, Los Angeles, New Orleans and other major cities, and even in 17 allied countries.

Second, despite both transient and power balance changes in the past two decades, the massive reality of the captive nations in toto has remained unchanged. Here is the list with the years of communist takeover:

Armenia, 1920; Azerbaijan, 1920; Byelorussia, 1920; Cossackia, 1920; Georgia, 1920; Idel-Ural, 1920; North Caucasia, 1920; Ukraine, 1920; Far Eastern Republic, 1922; and Turkestan, 1922.

Mongolian People's Republic, 1924; Estonia, 1940; Latvia, 1940; Lithuania, 1940; Albania, 1946; Bulgaria, 1946; Serbia, Croatia, Slovenia, etc. in Yugoslavia, 1946; Poland, 1947; Romania, 1947; and Czecho-Slovakia, 1948.

North Korea, 1948; Hungary, 1949; East Germany, 1949; Mainland China, 1949; Tibet, 1951; North Vietnam, 1954; and Cuba, 1960.

With regard to South Vietnam, Free China and others, the question of "Who's Next" on this list is a most valid one if you consider the policies advocated by those who oppose the President.

Third, as the President indicated in his '72 Captive Nations Week Proclamation, a year doesn't pass without new eruptions for freedom and independence among the captive nations. To mention just a recent few, the self-immolations in Lithuania, the mass arrests of dissidents in Ukraine, religious resistance in Czecho-Slovakia, the upsurge of Croat nationalism in Yugoslavia, the swim of hundreds of youth from Red China are indicators of the persistent struggle for freedom in the captive nations. Fourth, it is vitally important to distinguish between detente, involving negotiations with Red regimes, and any politico-moral acquiescence to the permanent captivity of these nations. There is nothing that Moscow, Peking, and others politically crave for more than the latter from us, but the very fact of the President's issuance of these proclamations demonstrates that such immoral acquiescence is unattainable. And fifth, the far-seeing diplomatic offensive of the President toward both Moscow and Peking underwrites the growing importance of those numerous captive nations in the USSR and Red China, opening up new frontiers of contacts and knowledge that in due time will dissipate typical American myths that these two imperial complexes are made up of only Russians and Chinese respectively.

In the light of these and my other observations, the following captive nations plank is proposed for your acceptance:

"The Republican Party has consistently and unswervingly upheld the goals of freedom and independence for all the captive nations in Eurasia and in Cuba. 'Yet,' as President Nixon's latest proclamation of Captive Nations Week stresses, 'in much of the world, the struggle for freedom and independence continues'. In fixed principle and by flexible deeds we support this struggle, and sharply distinguish between detente for peaceful negotiation and any immoral acquiescence to the permanent captivity of nations in the communist empire. Our firm faith in and dedication to the eventual freedom of all the captive nations from imperialist communist rule countervail in the spirit of 'peaceful coexistence' the communist ideology of subverting free world institutions."

FINANCING EDUCATIONAL SYSTEM IS SERIOUS PROBLEM

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. EILBERG. Mr. Speaker, it was my privilege today to present to Chairman Mills and his colleagues of the Ways and Means Committee Msgr. Francis B. Schulte, superintendent of schools of the Archdiocese of Philadelphia. The monsignor testified on the Public and Private Education Assistance Act of 1972 (H.R. 16141, H.R. 16215), which it is my pleasure to cosponsor with the gentleman from New York, Hon. Hugh Carey.

I have long felt that the Congress must come to grips with the ever more serious problem confronting the nation in the financing of its educational system—public and private. I am certain the Monsignor Schulte's cogent comments on this matter will be of great interest to the membership of the House. Therefore, I insert his testimony in the Record at this point:

Testimony of Msgr. Francis B. Schulte

August 17, 1972.

I am Francis B. Schulte, Superintendent of Schools for the Archdiocese of Philadelphia. Under the general supervision of this office are 279 parish elementary schools, plus 4 special schools, and 31 diocesan high schools, educating altogether 223,000 students. (These figures are exclusive of the private Catholic schools and Catholic colleges and universities in the Archiocese.) The territory of the Archdiocese includes the City of Philadelphia and the four surrounding counties—Bucks, Chester, Montgomery, and Delaware. Almost 60% of these students are in Catholic schools in the City of Philadelphia. About 15% of the city students are from minority groups, and more than 20% of these are non-Catholics.

DECREASING ENROLLMENT AND INCREASING COSTS

The Catholic schools of Philadelphia are facing an increasingly serious financial crisis. A brief look at enrollment figures over recent years will provide us with some understanding of the situation. In 1964–65 our schools in the five counties served some 271,379 pupils in contrast with last year's enrollment of 223,000, a decline of some 48,000 students.

These enrollment figures are related undoubtedly to steadily rising costs in education. A tradition of little or no tuition in the schools of the Archdiocese of Philadelphia had produced a uniquely democratic clientele over the years. As recently as 1965–66 high school "tuition" was $20; today the charge to each student is $300 a year, in addition to $150 per student from the parishes. Only in this last school year was tuition officially introduced into the elementary schools, so that, until very recently, there was no financial deterrent to the exercise of parental rights in education, and rich and poor alike were accepted into our schools as a result of the outstanding sacrifice of our Catholic people and friends.

Today, however, with the steadily rising tuition, we are faced with the distasteful specter of becoming less democratic, less "Catholic"—forced more and more to a position of being open only to those who can afford to come to our schools.

CITY AND SUBURBAN SCHOOLS AFFECTED

The Report of the Gurash Committee, recently completed and made available to this Committee, indicates that operational costs of Catholic schools in the city and suburbs will rise astronomically by 1976. The picture of many Catholic schools in the City of Philadelphia is one of deteriorating buildings, empty classrooms, rising tuition, and enormous debt. These conditions have already begun to limit freedom of parental choice in education.

The financial crisis of the Catholic schools affects the public schools' financial problems. Unfortunately, many Catholic schools serving families least able to absorb any added costs are located in the center of a large public school system which is itself struggling under the threat of bankruptcy. One out of every three children in the City of Philadelphia attends Catholic school. Unless immediate, substantial aid comes to these schools, both public and nonpublic schools will find their mutual problems gravely intensified.

In suburban areas of the Archdiocese the two-pronged debt factor of newer school buildings and families laboring under the costs of resettlement likewise limits parental freedom of choice in education. Those parents who continue to struggle to keep their children in our schools experience the added burden of increased school taxes to enable the public schools to absorb the transfer of their neighbors' children.

State and federal legislation over the past few years has provided various kinds of supplementary assistance to our schools. Valuable as these materials and services are, they do not touch upon the basic burdens of salaries and other operational costs. More and more, our schools must depend on tuition charges which cannot do otherwise than increase drastically.

SOCIAL AND EDUCATIONAL CONTRIBUTIONS OF CATHOLIC SCHOOLS

The Gurash Report, to which I referred briefly, is the work of a group of outstanding leaders in our community—Catholic and non-Catholic, business and professional people. Their independent study of our schools encompasses the social contribution of our schools as well as their present financial need. The Report stresses the important role played by Catholic schools in the total educational effort of the Philadelphia community and lists the following considerations:

1. Education encompasses the entire spectrum of social political, and spiritual values that are part of the fabric of life in a free society.

2. Catholic and other parochial schools are committed to an educational philosophy involving morals, conduct, and spiritual as well as intellectual excellence.

3. The American tradition of educational diversity has been a great strength to our educational system and should be preserved.

4. The individual citizen's right to choose the kind of education which he wishes his children to have is an important right and should be preserved.

5. Catholic schools are a stabilizing factor in the life of our urban communities.

6. The example set by the Catholic schools of efficient and economically constructed and operated facilities is also important.

7. In addition to the foregoing, the resources committed to supplying Catholic education in the Philadelphia area provide this community with:

A quality education for one out of three children in the City of Philadelphia and comparable numbers in the four suroundlng counties.

An important source of a skilled labor force and an educated citizenry.

A source of community and business leaders.

A full range of student activities which provide educational, social and recreational services to the community at large and develop in the students themselves a sense of social responsibility.

Substantial facilities and personnel to undertake the education of minority groups and the poor. This aspect of social contribution of Catholic resources was prominently noted by President Nixon in his Message on Educational Reform, March 3, 1970, in which he comments:

"They offer a wider range of possibilities for education experimentation and special opportunities for minorities, especially Spanish-speaking Americans and black Americans."

These resources exist today and present potentially a powerful instrument for social awareness and change. The resources so committed should be conserved along with our other national resources.

The community stake—both economic and social—is high. Independent of full acceptance of the benefits claimed or value judgments implied, the Catholic and other nonpublic schools of the Philadelphia community are a substantial factor to be reckoned with and assessed.

8. There exists between the public and Catholic schools of Philadelphia a large measure of interdependence, cooperation and interaction.

FINANCIAL IMPACT OF CATHOLIC SCHOOLS

The major findings of this Committee in the financial area may be summarized in these words:

1. By 1975 the deficit in the schools of the Archdiocese will reach $55.4 million.

2. Costs will continue to spiral due to:

a) Rising teacher salaries;

b) Decline in availability of Religious teachers; and

c) Improving (declining) student/teacher ratios.

3. Despite all these pressures, costs in the Catholic schools will remain substantially below the public school system when measured on the basis of cost per student.

4. The Catholic schools of the five counties represent a saving of more than 800 million dollars a year in operating costs alone, not to mention the housing of the children.

FREEDOM OF CHOICE IN EDUCATION

Finally, I would like to reaffirm our belief in the primary rights of parents in the education of their children. As was stated in the Wall Street Journal of December 8, 1970, in a letter to the editor, written by E. Earle Ellis, of New Brunswick Theological Seminary:

"Is it not understandable that the religio-philosophical framework of current public education is for many Christians and Jews confessionally offensive? The state's use of the taxes of such people exclusively for public school represents a two-fold infringement on their religious liberties. First, it is a discriminatory distribution of tax aid to one kind of educational structure, one that is confessionally objectionable to them. More seriously, it forces such persons of moderate income to send their children to these schools whatever their confessional preferences may be. It needs to be stated again, loud and clear, that whatever proper educational requirements the state may make, the primary rights in educating a child belong to the parents—not to the state."

CONCLUSION

Based on my observations and experience as Superintendent of Catholic Schools in a large metropolitan area, I urge prompt action on legislation to provide some relief in the form of tax credits for parents of children attending nonpublic schools.

SUMMARY OF TESTIMONY

Catholic schools make an important social and educational contribution to the total educational effort of the Philadelphia area. These schools also have a most significant financial impact on educational costs in the area. The contributions of Catholic schools have been widely recognized, most recently by the Gurash Report.

In recent years, Catholic schools, along with most American schools, have faced rapidly increasing costs. More and more of these costs have been met by rising tuition. This increase in tuition is limiting the availability of this form of nonpublic education and placing greater and greater burdens upon poor and middle class parents.

Relief for these parents in the form of tax credit legislation is urgently needed. Such legislation would be wise public policy for our nation.

BATTLE IN BROOKLYN

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. MIKVA. Mr. Speaker, fair and open and honest elections are at the very heart of this democracy. When there are serious doubts about the validity of an election, when there is substantial evidence of fraud and deceit, it is vital that those doubts be resolved, the evidence heard. People must be able to trust the democratic process. If they cannot trust the process, they cannot trust the government that it supports.

Vote fraud and dishonest elections are not unknown in this country. Almost every election, there are charges that one candidate or another has been "cheated" out of the election. All too often, the charges lack substance, based more on sour grapes than sound evidence. Because of that, it is often easy to ignore all charges of vote fraud—even the serious ones, the ones with substance. It would be a tragic mistake to ignore the charges and the evidence now being raised in New York's 14th Congressional District. The charges are not frivolous. The evidence has substance.

The newspaper article which follows explains what happened on primary election day in New York and what is being done about it. If the charges are proved, if the election was not honest, the only way to restore the trust and confidence of people in democracy is to hold a new election. Because of the principles involved, because of the importance, I think it is something all of my colleagues will want to follow. The article is attached:

[From the New York (N.Y.) Post, July 1, 1972]

BATTLE IN BROOKLYN

(By Jose Torres)

It seems as if the battle over who won and who lost in the 14th C.D. in Brooklyn is not yet over. I mean, as far as many Puerto Ricans are concerned, Al Lowenstein didn't lose to incumbent Rep. John Rooney. And these countrymen of mine are willing to go all the way to prove to the world that Lowenstein was cheated.

Until now figures say that Rooney received 14,292 votes to Lowenstein's 13,403. The arithmetic says that Lowstein was the loser by 889 votes. But a lot of Puerto Ricans disagree. And, 14,500 Puerto Rican registered voters make a big 22 percent of the C.D.'s total.

I was having lunch yesterday in Otero's Restaurant on Smith St. and Pedro Sanchez, a young man I know, came to me and said: "Al was cheated." Frankly, I didn't know what this man was talking about.

"I've been voting for years," he continued, "and as usual, I went to vote to I.S. 293." He asked for a beer, asked me if I wanted one, and as he pulled a dollar bill from his pocket he almost yelled: "It's a shame. Here we are in a democratic country. I was always proud of it. But now I don't know what to think. Some people here believe we Puerto Ricans are dumb people."

The young man took a sip from the can of beer and kept talking. "You know, Chegui," he almost yelled my nickname, "I didn't vote. Not because I didn't want it, but because 'the machine' didn't allow it. I was told that they couldn't find my card. So, for three hours I argued and I screamed, but 'they' didn't let loose. Man, 'they' prevented me from exercising my right to vote." "The machine" he meant was the Democratic machine in Brooklyn.

"What are you talking about?" I finally was able to sneak a word in.

"The Lowenstein-Rooney fight," he said with a broad smile. "Al Lowenstein, the Kennedy man, was cheated. And he was cheated in the most obscene way." Pedro was sincerely angry. He was not putting me on. "If Mr. Lowenstein don't put these bunch of crooks in jail, I'll do it."

Elba Rodriguez, 21, was more frustrated than mad. "I think I should blame myself," said Elba, entering the conversation. "I was given the chance to vote and blew it." Then she went on to explain that it was the first time she had been in a voting booth and she didn't know what to do.

"I was told to pull this way (she motioned her right hand to the right direction) and then this way (she moved her right hand to the left) and that's exactly what I did." So, automatically her votes were cancelled out.

When a third man, Raul Bones, joined the conversation I decided that this was no joke. There was a serious problem involved here. And I didn't laugh anymore when I heard Sanchez complaining: "It was a fraud."

The important thing here is that Sanchez, Rodriguez and Bones were not political activists. In fact they had said that they were going to vote for Lowenstein and that was about all they said about politics. "But that was enough," claimed Sanchez. "We had trouble for saying that we were for Lowenstein and not for Rooney."

I personally don't feel that Rooney himself would involve himself with this kind of maneuver. Rooney had shown me in the past that he's a decent man. In fact, he had been one of the few politicians in New York who has always wished me luck before my fights and sent me congratulatory telegrams after my boxing victories.

Of our personal relationship I have no complaints. But I began to dislike his political views about three years ago, after a few of my close friends died in a war that Rooney thought was proper.

But also Rooney is part of a machine, and although he is a Democrat, he's one of President Nixon's favorite Democrats. In fact, of all of New York's Congressmen in Washington, Rooney has been one of the most consistent backers of Nixon.

He's also been for jets to Taiwan, no jets for Israel; help for the South African government; help for fascist governments like Spain and Greece; more money for defense. But backing Nixon on the Vietnam war is what really turned me off from Rooney.

And if what all these countrymen of mine are saying about the primary vote foul-up is true, I see no reason why they should stop pressing the authorities to cancel the results.

Said Wilson Bones, son of Raul: "The complaints have been many. And there are many people who will testify to the fact that they didn't vote because they were somehow stopped from voting."

If Wilson is right, there is only one thing for me to say: Help!

ANNUNZIO DEMANDS STRICT ENFORCEMENT OF THE LAW

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. ANNUNZIO. Mr. Speaker, there has been a 30-percent increase in the reported crime rate in the last 3 years. The latest FBI figures show that during the first 9 months of 1971, there were increases of 10 percent for violent crimes and 6 percent for property crimes compared with the same period in 1970. Compare these figures with the total number of arrests, which increases about 5 percent a year.

An attorney and investor in Palm Beach, Fla., who understated his capital gains, thus avoiding taxes and penalties of over $1 million, was given 2 years' probation and fined $5,000. A numbers operator in Detroit was fined $5,000 for false wagering on his excise tax returns. The taxes on his income amounted to well over $1½ million.

How can average citizens maintain their respect for the law when "big-time operators" are dealt with so leniently?

It is obvious that in spite of all the talk about a war on crime being fought by the Justice Depatment's Law Enforcement Assistance Administration, the crime rate has gone up, millions of dollars have been wasted and the program has been badly administered. Large lump-sum money grants to the States have helped to create new and unmanagable bureaucracies caught up in politics.

This Federal program has supplied the Birmingham, Ala., Police Department with three Army tanks to the tune of $67,000. Just how a tank will help to apprehend the burglar and the mugger is a question nobody seems to be able to answer. I am not even sure that a tank would be particularly effective under riot conditions.

In 1967, the President's Crime Commission urged that the courts adopt modern administrative and business management methods that would avoid repeated appearances and continuances. This recommendation has been ignored, even though by adopting it, both the courts and the police would be helped. Prosecuting witnesses, including policemen, are often required to come to court on five or more separate occasions for a single case. These delays reward defendants. Last year, 94,000 felony arrests in New York City resulted in only 550 trials. The other cases were dismissed or reduced to misdemeanors in return for guilty pleas.

Drug addiction, a major reason for the increase in crime, is spreading among young people. This problem, and innovative ways to deal with it, has received too little attention. In a 2-year period, when Federal appropriations for the Law Enforcement Assistance Administration program increased from $270 million to $700 million, funds for the Federal juvenile-delinquency programs were cut from $15 to $10 million. Tragically, young people are involved in the vast majority of crimes.

Flashy gadgetry and unplanned, unthinking spending is not the answer to the problem of rising crime rates. We must support the overhaul of our court system and insist that justice be administered promptly and fairly without reference to the defendant's financial status. When our young people see the millionnaire tax cheater get off with a slap on the wrist—and the financial tycoon rewarded for dishonesty in the marketplace—it becomes easy to accept lawlessness as a way of life.

It was in this spirit that I introduced a resolution in the House urging that economic and military assistance to Thailand be suspended for its failure to take adequate steps to control the illegal traffic of opium through its borders.

I believe that if we take vigorous action to enforce the law at all levels of criminal activity and see that prompt court action is taken against all offenders, we will have gone a long way toward the solution of our crime problem.

CENTRAL NEW YORK IS RICHER HAVING KNOWN CALVIN THOMPSON

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. TERRY. Mr. Speaker, in our time there have been giants in history whose names will continue to be used as comparison with leaders of the future. This morning, the central New York area learned of the death of a man whose contribution to our spiritual and temporal well-being will constantly be used as an example of true concern for service to one's community.

Dr. Calvin M. Thompson, Jr., pastor of the Delaware Street Baptist Church for 37 years, established a position in the Syracuse community as both a religious and civic leader. In addition to his duties as pastor of his church, he broadcast a weekly radio program on WSYR titled "Sunday Morning at the Crossroads."

Dr. Thompson's willingness to help in difficult times was represented by his membership nearly 4 decades ago on the Syracuse Housing Authority when public housing was extremely new and certainly not something that a clergyman would dare lend his name to.

We have in our Nation a tradition of separation of church and state which has served us well during our 200 years of existence. Dr. Thompson represents that unusual man who could combine his religious duties with civic participation and never create a conflict because of the two responsibilities he held.

The death of Dr. Thompson brings sorrow to the hearts of all who knew him and sought his counsel in times of need. The entire central New York area is richer for having known him. His contribution to the Greater Syracuse area was recognized this morning in an editorial in the Syracuse Post Standard, as follows:

> CALVIN M. THOMPSON, JR.
>
> Through extension of his personality far beyond his pulpit by way of radio, the press and civic leadership, the Rev. Dr. Calvin M. Thompson, Jr., who died yesterday, was in a very real sense a minister to the entire Central New York community.
>
> Pastor of Delaware Street Baptist Church for 37 years until his retirement in 1970, Dr. Thompson exerted a tremendous influence with his own congregation but he served also thousands of shut-ins and persons of all faiths through his "Sunday Morning at the

Crossroads" radio program on WSYR since 1934, and in retirement had continued as religious adviser of that station.

Ever alert for any chance to carry his message to a wider audience, Dr. Thompson had "exchanged pulpits" 20 years ago with the late Richard H. Amberg, then general manager of this newspaper, with Mr. Amberg preaching at Delaware Church and Dr. Thompson writing the lead editorial in the Sunday Post-Standard.

Dr. Thompson was particularly proud of the fact that he had never missed a Sunday morning broadcast, even on the tragic Sunday in 1958 when his beloved church was in flames and he made his way to WSYR.

But it was as a doer of deeds as much as a preacher of sermons that Dr. Thompson made his greatest impact on the community and on every organization with which he was associated.

He was a member of the Syracuse Housing Authority nearly 40 years ago, when public housing was a highly controversial issue, and he served faithfully both as a member and for several years as chairman while the SHA withstood a storm of opposition and while Pioneer Homes was being established as Syracuse's first low-cost housing project.

He was a past president of the Syracuse Council of Churches, past moderator of the Onondaga Baptist Association, former chaplain of the State American Legion, former grand chaplain of the New York State Masons, and a leader of the New York State Baptist Convention, among numerous other secular and religious responsibilities.

He never refused an opportunity to serve when he thought his help was needed.

He was a friend of the poor and the rich, a counselor of the old and the young, a benefactor of all races, and a true practitioner of the "oldtime religion" which moves men's souls to follow the basic teachings of Christianity.

Many will miss his inspirational messages but will recall his firm loyalty to his principles. Syracuse is richer for having known Calvin Thompson.

STILL NC JUSTICE FOR KENT STATE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. MOORHEAD. Mr. Speaker, I have come before this House in several occasions to plead the case of those who feel that justice has been dealt a low blow by the Nixon administration in connection with the killing of four college students at Kent State University, May 4, 1970.

The circumstances surrounding those killings and the wounding of several more students, many of them innocents who were merely traveling between classes, have never been made public.

Twenty of us in this body formally asked the administration to convene a Federal grand jury to investigate the questionable behavior of certain Ohio National Guardsmen during the shooting. Our request was denied.

An independent researcher suggested there was a conspiracy to kill those students. I put his account into the RECORD for the information of my colleagues on July 22, 1971.

Today I will introduce another item for your perusal. I have edited the report slightly to conform with our RECORD extension rules, but the message remains powerful.

It is the account of bureaucratic runaround and blatant lying carried on by the administration with respect to the request by more than 10,000 Kent State students for a Federal grand jury investigation of what happened at their school on that fateful day.

After you read this account, ask yourself why the young people of this Nation have so little faith in their elected leaders. From this report the answer to that question is clear. The report follows:

KENT STATE UNIVERSITY'S PETITION TO THE WHITE HOUSE: TEN MONTHS OF DECEIT

Attorney General John Mitchell said today there are "apparent violations of federal law" in the Kent State shooting case. He said the federal government will move to prosecute the violators "if Ohio authorities do not." Mitchell did not specify the nature of the violations but said they involved both students and Ohio National Guardsmen.—*Akron Beacon Journal,* July 29, 1970, "Mitchell Eyes Prosecution By U.S. In Kent State Case"

"Watch what we do instead of what we say."—John Mitchell, Attorney General of the United States, July 1969.

BACKGROUND TO THE PETITION FOR A FEDERAL GRAND JURY INVESTIGATION OF THE KENT STATE UNIVERSITY TRAGEDY

Although several investigations were held following the Kent State University killings, none could determine why Ohio National Guardsmen fired into a crowd of K.S.U. students on May 4, 1970. The evidence indicated that the shootings were totally unjustified, but the President's Commission on Campus Unrest and the Justice Department could do no better than to speculate why the shootings occurred.

In the summer of 1970 Justice Department officials analyzed the 8,000 page FBI investigative report on the May 1–4 K.S.U. disorders to determine whether Federal prosecution was warranted. On July 29 of that year former Attorney General John Mitchell said there were "apparent violations of Federal law" involving both students and Guardsmen. The Justice Department reportedly was gathering evidence for presentation to a Federal Grand Jury in Cleveland if Ohio authorities did not prosecute.

In early August former Ohio Governor James Rhodes directed his attorney general to convene a special state grand jury. Twenty-five persons, mostly students, were indicted on October 16 for various offenses which allegedly occurred during the four days of disorder at the University. Despite advice from the Justice Department's Civil Rights Division that six Guardsmen could be criminally prosecuted under Ohio law, no indictments were returned against any Guardsmen.

The conclusions of the special Ohio grand jury have long been discredited. Its report, which contradicted both the Commission on Campus Unrest and the Justice Department's summary of the FBI report in concluding the Guardsmen fired in self-defense, was physically destroyed by Federal Court order in November 1971. In December 1971 state prosecutors dropped charges against 20 of the 25 defendants for lack of sufficient evidence.

Almost immediately after the special Ohio grand jury's report was released, K.S.U. student and faculty legislative bodies issued a joint statement calling for a Federal Grand Jury investigation of the May 1–4 disorders. Such an investigation was under consideration at the Justice Department, which resumed and intensified its evaluation of the matter in October, 1970. In November Jerris Leonard, the former chief of the Department's Civil Rights Division who had earlier promised federal action if the state proceedings were not capably handled, said a decision whether to convene a Federal Grand Jury would be reached before the end of the year.

For the next eight months, however, the Justice Department refused to say what it intended to do about the case while the parents of the four slain K.S.U. students, five members of the Commission on Campus Unrest, many Congressmen, organizations and individuals appealed for a Federal Grand Jury investigation of the shootings. In response to these numerous pleas, Department spokesmen publicly and privately promised that a decision would be announced at "the appropriate time."

On August 13, 1971, over fifteen months after the shootings, Mitchell finally announced the Justice Department's decision. He said that his personal review of the case prompted him to agree with the Commission on Campus Unrest's conclusion that the rifle fire was "unnecessary, unwarranted, and inexcusable." But in the next breath he said, "there is no credible evidence of a conspiracy between National Guardsmen" and that he believed further federal action in the case was unwarranted. Mitchell did not comment on the fact that four lives had been taken without due process of law, which attorneys for the parents of the four slain students had asserted was a violation of Section 242 of the U.S. Code, Title 18. "The appropriate time" for the announcement, the *Christian Science Monitor* commented, "was late on Friday (4:00) to minimize news coverage and safely after Congress had left town for summer recess."

Two weeks after Mitchell's announcement Senator Edward Kennedy, chairman of the Senate Judiciary Subcommittee on Administrative Practice and Procedure, indicated his subcommittee would investigate the Justice Department's refusal to convene a Federal Grand Jury. During the subsequent eleven months Kennedy's numerous requests that the Justice Department provide his subcommittee with its investigative file were refused.

THE PETITION FOR A FEDERAL GRAND JURY INVESTIGATION OF THE KENT STATE UNIVERSITY TRAGEDY

In his August 13 announcement, Mitchell said that he was satisfied that justice had been served. Over 10,380 K. S. U. students and faculty, however, did not agree with him. That number signed a petition circulated after classes resumed for the Fall quarter urging President Nixon to reverse the decision.

The unique circumstance of Dr. Glenn A. Olds, the University's new president, being a friend and former adviser to President Nixon, provided the inspiration for dormitory counselors Paul Keane and Greg Rambo to co-author the petition. Olds himself refused to sign the petition, saying he was not familiar enough with the facts of the case, but promised to convey the results of the petition to President Nixon if a clear mandate of the student body was obtained. On October 20 Olds brought Keane and Rambo to Washington in a University airplane and presented the signatures to Presidential Counselor Leonard Garment in the White House during an hour long meeting. Olds spoke forcefully on the students' behalf and told Garment he could not get on with the "creative or innovative work of the University" until the issue had been resolved. Rambo requested an answer to the petition by December 1, and, should President Nixon decide to uphold Mitchell's decision, they at least be provided with a detailed explanation of why it was reached.

Although the petition was addressed to the President and urged him to reverse Mitchell's decision, Garment referred the petitions to the Justice Department. On November 14 he said "the matter is now under consideration here (at the White House) and at the Justice Department." Garment said he hoped a response would be forthcoming "within the next couple of weeks." On December 9 Keane and Rambo returned to Washington with K. S. U. Student Body President Bill Slocum to present Garment with 23,000 more signatures obtained when the petition was circulated on other campuses. (The nationwide petition drive ultimately resulted in a total of 50,000 signatures.) Garment said then that the dropping of charges against 20 of the 25 persons indicted by the special Ohio grand jury could possibly speed up the Justice Department's decision. The students were prepared to distribute packets to every member of Congress along with a request that they sign the petition. After the meeting was over and the students left, Garment came out of his office and walked double-time halfway down the White House hallway to ask them not to distribute the packets. Still reading the information in the packets, Garment cautioned "this might cause people to make statements which wouldn't be helpful and which you have no reason to understand." The students agreed not to distribute the packets.

Justice Department officials had previously said that new evidence would help the call for a Federal Grand Jury. In October and November Garment received two detailed briefs from Keane and Rambo. The thrust of the briefs was that sufficient evidence already exists warranting the convening of a Federal Grand Jury.

There were a few indications that the Administration intended to respond to the petition before Mitchell resigned as attorney general and officially resumed his role as campaign manager for President Nixon's reelection effort. On February 17, a Justice Department spokesman said there would be a response soon, but added he was unable to specify when it would come in terms of days. On February 23, after Attorney General-designate Richard Kleindienst testified before the Senate Judiciary Committee that he would not reverse Mitchell's decision if confirmed as his successor, Garment reaffirmed that there would be "a review and a response in a formal fashion by the administration" within a few weeks. Garment indicated the response was being held up until President Nixon returned from his trip to China.

The Justice Department, however, became involved in a controversy in early March after columnist Jack Anderson printed a memo linking the Department's out-of-court settlement of three antitrust cases against International Telephone and Telegraph with ITT's pledge of an estimated $400,000 contribution to the Republican National Convention. On March 1 Mitchell resigned as attorney general without a response to the petition and Kleindienst's confirmation as his successor was held up while the Senate Judiciary Committee probed the circumstances of the ITT settlement. On March 10 a Justice Department spokesman said there was "no time fix" for a response to the petition.

The same day Keane placed a surprise call to David Norman, chief of the Justice Department's Civil Rights Division and the official Garment said he had been working with. It was this telephone call which convinced the petitioners that they had been deceived by the Nixon Administration.

Asked whether he received the two detailed briefs from Garment, Norman said, "I *think* they are in the packet Len (Garment) gave me." (emphasis not added) Norman told Keane that "we're getting a new attorney general in here and he might want to consider the petitions after he is confirmed."

Not only had Kleindienst testified before the Senate Judiciary Committee two weeks earlier that he would not reopen the Kent State case if confirmed as attorney general, but he had been saying essentially the same thing in response to questions after several speeches he had given since the petition was received in the White House. Norman's statement was another example of the curious lack of communication between Justice Department officials (and some White House aides) which also surfaced during the Senate Judiciary Committee's hearings on the ITT case. Kleindienst told the Senate Judiciary Committee on February 23 that he was "not aware the case is being reconsidered." His testimony contradicted Mitchell's December 20 letter to Ohio Congressman William Stanton in which Mitchell assured him the petitions were "receiving careful consideration."

In the telephone conversation, Norman was asked about one of the important points involving Federal law cited in the two detailed briefs: the assertion which appears in the Justice Department's very own summary of the FBI report that some Guardsmen may have jointly fabricated claims of having had to fire their weapons in self-defense. Norman, as if he had never heard of Kent State, said only he thought he had seen that point mentioned "in a memo prepared during the course of the (Justice Department and FBI) investigation." Significantly, when one of Garment's aides was asked the same question on July 13, 1972, he seemed equally unsure of the authority of that assertion.

The Nixon Administration continued to ignore requests for a response to the petition throughout the spring quarter. In April Garment told Olds that "we're still waiting for advice from the Justice Department." It was never explained why Kleindienst could not give his advice as Acting Attorney General. The issue of a Federal Grand Jury investigation, which dominated the campus news during most of the first two quarters of the academic year, seemed to fade and was replaced with protests over fresher issues: University budget cuts and President Nixon's Indochina war policies.

When the academic year ended without a response to the petition, Olds lamented that the "long delay has crippled my effort to persuade students the system will work." On July 10, nine months after Garment received the 10,380 signatures, Keane and Rambo finally were informed that a Federal Grand Jury would not be convened. The promised "review and a response in a formal fashion by the administration" came in the form of photocopies of a letter Garment sent to the parents of the four slain students on July 6. Since neither the White House nor the Justice Department made a public announcement nor issued a formal press release, and since the letter was received the first day of the Democratic National Convention, there was almost no press coverage of the letter.

Garment's five paragraph letter stated that Kleindienst "was asked about this matter in a public question and answer session and has answered for himself and for the Administration that he has not seen presented to him sufficient new evidence of information which would compel him to reverse the decision of former Attorney General Mitchell concerning the submittal of this matter to a Federal Grand Jury."

None of the points involving Federal law which were raised in the two detailed briefs were addressed in Garment's letter. Garment did respond briefly to the conspiracy charges suggested by Michener and Davies. Garment wrote, "Willfulness or specific criminal intent or planned or purposeful conspiracy must be proved in order support a federal indictment; there is still no evidence available to prove such a violation of the Federal criminal statutes. . . . There is still no evidence known to the Attorney General of a *federally* punishable conspiracy." (Garment's emphasis).

On July 12 Justice Department spokesman John Wilson was asked whether the Department had contacted Michener concerning his statement that the conspiracy theory was 'irrefutable'. Wilson said he did not know and added it would probably be up to Michener to contact the Department with any new information rather than the other way around.

The next day Brad Patterson, Garment's aide, was asked whether Garment's July 6 letter to the parents was considered to be the response to the petition by the Nixon Administration. Insisting that he was not an official White House spokesman, Patterson said the Administration's response to the petition was actually Kleindienst's response to a question asked at his first press conference after being confirmed as attorney general on July 13. Patterson said that confirmation that Kleindienst's remarks was the Administration's official response to the petition would have to come from Garment himself. It was subsequently learned that all calls to Garment's office concerning the matter were being referred to the Justice Department.

The text of Kleindienst's remarks, as provided by the Justice Department:

QUESTION. Has the matter of whether or not to have a Federal grand jury investigation regarding the shootings at Kent State ever been resolved?

Mr. KLEINDIENST. Since March 1 when Mr. Mitchell left, I have appeared before the Senate Judiciary Committee in which I testified about this. I have been on several campuses throughout the country in which I have had students ask me what am I going to do about Kent State. I've said publicly and I've said before the Senate Judiciary Committee that there has not been presented to me, since I have been the Acting Attorney General, sufficient new evidence or information or material that would compel me to reverse the decision of Mr. Mitchell concerning the submittal of this matter to a Federal grand jury.

QUESTION. I don't think they (the petitioners) have ever been told, have they?

Mr. KLEINDIENST. Well, they might not have gotten a personal letter from me. I don't want to appear insensitive or callous. I think you all know about my family and the affinity I have toward young people, but I don't know to what extent the Attorney General of the United States, in the proper execution of his responsibilities, is called upon to respond to matters of this kind that don't come about in the ordinary operation of our Department. Certainly in no attitude that I have attempted to conceal, as much as I grieve for those families, as much as I grieve for America, that this unfortunate situation occurred. But my position tonight is that I just don't think that the circumstances would alter Mr. Mitchell's basic decision, prior to the time that he left.

Several months before, Olds had asked Pepsi-Cola President Don Kendall and TV entertainer Art Linkletter to speak to President Nixon about the petition. Olds told Keane and Rambo that Kendall had told him Nixon had put the petition as "top priority" on the White House agenda.

When Olds also received a photocopy of Garment's July 6 letter to the parents and was unhappy with the White House treatment of the petition, he asked Billy Graham to intercede for a personal response from President Nixon and a reply to the briefs. Olds made a similar plea to Garment, who told him that he wanted to respond in more detail in his letter to the parents but could not.

Garment did write a short note on July 27 to Keane and Rambo to apologize "for my failure to write to the two of you when I wrote the parents. There is not much I could have added, certainly nothing of substance, but it was the least I could have done in view of our meetings and dealings and the sincerity of purpose and good faith with which you conducted yourselves throughout."

On July 25 Keane, Rambo and the new K. S. U. Student Body President, Bob Gage, wrote to Kleindienst requesting a meeting, a detailed explanation of why the Justice Department will not convene a Federal Grand Jury on the grounds cited in the briefs, and a thorough explanation of what Kleindienst meant by asserting there was no evidence known to him of a *federally* punishable conspiracy. On July 25 the students also wrote to Garment asking for a meeting with him and President Nixon to discuss the Nixon Administration's handling of the petition. As of the writing of this report (August 8), neither letter has been acknowledged. Nor are they expected to be, considering the numerous letters sent to the Justice Department and the Nixon Administration concerning the Kent State case which have never been acknowledged.

POLITICS, 1972

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, as the United States approaches its 200th anniversary the American people face the twin tasks of improving the conduct of our nation's foreign relations and building a better country for our own 210 million citizens. Because of these important needs, the elections that will be held this November will be among the most significant in our Nation's history.

The American electorate must, therefore, choose wisely from the many candidates who seek to govern our communities, our States and our Nation. We cannot allow ambitious candidates to ride into office on the crest of inflammatory rhetoric. We cannot allow demagogues to divide us by appealing to our emotions rather than our reason. Arousing the public and appealing to the people on the basis of their fears rather than their hopes is an inadequate substitute for bringing an issue to light on the basis of its merits. Too often in the past, we have permitted emotional issues to serve as a smokescreen obscuring debate on pertinent matters.

It is vital that in this year's election, the American people should scrutinize the record of candidates using past voting rather than glittering promises as a criterion in selecting the best men for various offices.

Recently, the Communications Workers of America, which represents more than 550,000 people, passed a resolution at its annual convention calling for a close examination of the voting records of all candidates for political office.

Because of its timeliness and importance, under unanimous consent, I insert this resolution entitled "Politics 1972" in the Record. I agree with the CWA not on every single issue, but with by far the great majority of issues discussed in the resolution.

The resolution follows:

Politics, 1972

Less than half a year from now, hundreds of thousands of Communications Workers of America members, their families, and millions of other Americans will file into voting places all over the country. Young and old, rich and destitute, radical and reactionary, Democrat and Republican—all will make their marks, and flip their levers, in the ritual which determines how well or how poorly our communities, our states and our nation are run.

This Resolution will not tell you whom to vote for.

But it will say that you and those associated with you should choose wisely, because if you and they choose wisely, our communities and states and the nation will be governed well.

Choosing wisely is not always easy.

In the hot atmosphere of American political campaigning, charges are replaced by counter-charges, claims are superseded by counter-claims, today's promises smother yesterday's and tomorrow's smears lie in ambush, awaiting their call into the political action.

Despite this, we must choose well.

And we can, if we disregard the charges and the counter-charges, the claims, the promises, and the smears.

Wherever possible, whenever there is a record, we must look at the record.

Fortunately in many elections there is a record.

All of the national candidates seeking the nominations of the major parties have records. All of the incumbent Congressional candidates for the House and Senate, and many of those seeking state and community offices have records.

But they must be looked at carefully.

Some politicians have so small a sense of truth, and so vast an imagination, that they can convert votes against us into votes for us, when they are campaigning.

It is not unusual for an anti-labor legislator—on the state or national level—to tell us that he has just voted to protect the rights of working people, when he has actually just voted for "compulsory open shop"—a vote directly opposite the interests of working people.

And it is not unusual for an anti-labor legislator to tell us that he has always been in favor of tax reform, but neglect to tell us that to him tax reform means taking taxes off corporations, and the very wealthy, and putting them on middle and low income workers.

So the record requires scrutiny.

Every Local President and Local legislative chairman in our Union has been sent a voting record analysis of each incumbent member of Congress. Many state central bodies prepare a voting record analysis of members of the state legislature.

These should be reviewed, so that our votes are given or withheld on a basis of the facts and the record, and not on emotions or erroneous information.

We must oppose those legislators who would take away our right to strike, and who would end collective bargaining by installing a compulsory arbitration system, with arbitrators chosen by the government.

We must oppose those legislators who try to pass off a sales tax in disguise, such as the value added tax, as tax reform, when value added tax is actually the opposite of tax reform.

We must support the true tax reform legislators—those who would correct the errors in the system which now place an unfair share of the tax burden on low and middle income earners, while the wealthy and the corporations too often can avoid any tax payment at all.

We must support those who would eliminate the percentage depletion allowances for minerals and the intangible drilling costs loophole, who would disallow special treatment for stock options and other favoritisms, including accelerated depreciation, investment credit, long-term capital gains, and who would tax profits held overseas by multinational corporations.

We must support those legislators who will work for passage of the Kennedy-Griffiths version of National Health Insurance, which would give Americans a true health delivery system. We must support those legislators who will work for the Hart-Magnuson No-Fault auto insurance bill, which will give Americans real insurance protection in auto accidents.

We need comprehensive child care, an education policy which provides every American with all of the education he or she can utilize without regard to ability to pay, and we need a full range of consumer protections in the market place.

We need an environment that is healthful, we need enforcement of laws which protect workers, and we need welfare reform without destroying job rights of welfare workers.

We need livable cities for all Americans, jobs for everyone who can work, and we need a climate of considerateness toward each other, not a climate of confrontation.

That is not a long list—that is only a beginning.

Where a candidate has a record, it should be checked, and where a candidate does not have a record, positions should be established before support is offered.

Those seeking our support for the highest national office, the Presidency of the United States, also have held or hold office, and they have records.

Therefore, when we make our decision on the Presidency, we should check their record.

If a candidate tries to sound as though he invented tax reform, we have a right to ask where he stood on it before the campaign started, and where he stood on it when he had the authority to do something about it?

As we might expect, we will find our longtime friends through the years have consistently voted to remove the inequities in the tax burden, and take some of it off workers. And we will find that some who claim to be our friends are capable of delivering an emotional spiel about taxes, but did not deliver the votes to do anything about it when they could have helped us.

If a candidate takes an obviously emotional issue—any emotional issue—and attempts to ride it into office by inflaming the voters, we have a right to ask—what is the candidate's record? What has the candidate accomplished on the issue? How many of his promises has he actually delivered on, and how many are just hollow, crowd-inflaming promises?

The facts and the answers will be in the record, for every issue that concerns us.

Therefore, Be It Resolved: That the Communications Workers of America will give maximum consideration and exposure to the record of each candidate for office who seeks our support and our votes, and

Be It Further Resolved: That we will disseminate the facts from the record showing which candidates are true friends of workers, and which candidates want to woo our votes from us with emotion instead of substance, and

Be It Finally Resolved: That the members of the Communications Workers of America will strive throughout the months between now and election day, November 7, to give our fellow workers, and others we know and talk with, the true facts from the record about candidates running for office.

INDIAN HEALTH SERVICE EYE CARE PROGRAM

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. STEIGER of Arizona. Mr. Speaker, the Navajo Times, of Window Rock, Ariz., on April 6, 1972, contained an editorial in praise of the recently passed Interior appropriations bill, H.R. 9417.

I would like to take this opportunity to place this editorial in the CONGRESSIONAL RECORD.

The editorial follows:

NAVAJO TIMES EDITORIAL

We have been informed that the House Appropriations Committee and the Subcommittee on Interior have approved an additional $400,000 for an expanded eye care program in the Indian Health Service.

Also, the Appropriations Committee has approved an additional $1 million for the Contract Health Care Program for procuring those health services the Indian Health Service cannot provide because of lack of staff, distances and other factors.

It is gratifying that Important Committees of the U.S. Congress have recognized that serious vision and health problems exist among Indians and that they have taken steps to solve these problems.

Statistics abound on the problems the Indians have faced in the overall health field. In the field of vision, even the most casual observer who has spent some time among Indians will conclude that their eye problems are much more serious than that of the general population.

The American Optometric Association, composed of eye specialists, has as members, over 18,300 optometrists who provide over 70 percent of this country's eye care.

Yet, there are reportedly only twelve of these eye specialists serving in the Indian Health Service!

The eight Indian Health Service Areas representing the greatest concentration of Indian population have an estimated Indian population of 477,546 Indians. Of these, 179,174 are children in the school age bracket. Yet, a total of about 40,000 of these children receive vision examinations each year which is only 22 percent of the total Indian students in these areas.

Students in the general population not only get frequent vision and health examinations through various school systems, but they do not have the problems which have plagued most Indian children from birth.

For Indian non-students the situation is even worse. It is estimated by the American Optometric Association that less than 10,000 of these Indians in the Areas cited have received an annual examination. This is less than 4 percent of this population of Indians.

For the school age five years and for non-students in the Indian population this means that many or most would never get an examination!

While perhaps it could be argued that even more is needed, the House Appropriation Committee and the Subcommittee on Interior are to be highly commended for their far-sighted and concerned action.

We hope that the Senate Appropriations Committee and the other bodies who will be involved will join in this humanitarian effort to give the First Americans assistance so that they can eventually have equal health treatment with the rest of society.—CHET MACRORIE, Editor.

WENDELL G. SCOTT, M.D.

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. SYMINGTON. Mr. Speaker, one of the most gallant and talented men of medicine ever to challenge the grim specter of cancer both personally and professionally was my friend and distinguished constituent, Dr. Wendell G. Scott of St. Louis, Mo. The great new cancer attack bill bears the imprint of his patient devotion to that cause, and I think it can fairly be said that while he may have lost his own battle, he has done more than his share to help us win ours. He will be greatly missed.

At this point in the RECORD I would like to place the remarks of his own friend and colleague, Dr. Ronald G. Evens, director of the Mallinckrodt Institute of Radiology:

WENDELL G. SCOTT, M.D., 1905–72

(By Ronald G. Evens, M.D.)

Wendell G. Scott, M.D., died of cancer on May 4, 1972 at the age of 66.

Born and raised in Colorado, he attended the University of Colorado as an undergraduate student. He came to Missouri in 1928 to attend Washington University Medical School; and fortunately for this Medical Center, decided to stay. After graduating with the Class of 1932, he interned at Barnes Hospital and accepted a residency in radiology at the Mallinckrodt Institute of Radiology. Throughout his professional career he was associated with the Mallinckrodt Institute and Washington University Medical School, holding the position of professor of clinical radiology.

Dr. Scott exemplified excellence to all who knew him. His competence as a radiologist and concern for his patients was evident at all times; his desire to further the specialty of radiology and the care of patients was the driving force behind his many scientific and organizational activities. His accomplishments as a scientist and radiologist include more than 70 publications and active participation in the development of radiographic kymography and rapid film changers for diagnostic radiographic use. The latter project was an important step in the development of angiographic evaluation of the heart, brain, lungs, and the organs of the abdomen.

He was called to active duty in the United States Navy in 1941, and served with typical devotion to duty to all causes that he believed important. He received several commendations for activities in radiology and general medicine, and continued to be active in the United States Naval Reserves and as a consultant to the Surgeon General's office, attaining the rank of rear admiral.

Dr. Scott was a great diplomat, understanding the art of compromise with an uncanny ability to lead individuals or societies towards accomplishment of goals. He served as president of the Barnes Hospital Medical Society and the Washington University Medical Alumni Association, president of the St. Louis Radiological Society, vice president of the Radiological Society of North America and the American Radium Society, president of the American Roentgen Ray Society, and was national president of the American Cancer Society in 1964. He was an important contributor to numerous organizations including the American Medical Association, Veterans Administration, American College of Radiology, and the James Picker Foundation. He also served as editor-in-chief of the American College of Radiology publication, *Your Radiologist*, editor of the *Planning Guide for Radiological Installations*, and editor of the journal of *Cancer*. He recently was commissioned by President Nixon to the National Cancer Advisory Board.

Dr. Scott's recognitions include the Gold Medal of the St. Louis Medical Society, the President's Medal of the American Roentgen Ray Society, the Gold Medal of the American College of Radiology, the National Award of the American Cancer Society, and the distinguished alumni awards of the University of Colorado and Washington University. He received an honorary degree of Doctor of Science from the University of Colorado and was to receive an honorary degree from Washington University in May of 1972.

Scottie had a mix of qualities, rarely found, that makes a great man. He was demanding and persevering, yet warm and loyal. He could involve himself in several important projects, yet give each his seemingly undivided attention. He could be active in university and national medical affairs, yet find time to remain a loving husband, father, and grandfather as well as a busy radiologist.

Many of Scottie's loves and accomplishments cannot be found on certificates or awards. His close family relationships are signified by his grandchildren who called him "O.K." His farm, near St. Louis, provided a place for pleasant interludes in a busy schedule.

His family, his profession, and his University will miss him greatly. Friends and colleagues have established a living memorial to his loyalty and excellence in the Wendell G. Scott Annual Lecture at the Mallinckrodt Institute of Radiology.

IS KINDERGARTEN TOO LATE?

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. HANSEN of Idaho. Mr. Speaker, Dr. Richard L. Willey, Dean of the College of Education at Idaho State University, was one of the featured speakers at the recent Early Childhood Conference I sponsored in Idaho to focus on the needs of young children. Dr. Willey is well known in Idaho as a researcher, and I include his remarks on "Is Kindergarten Too Late" in the RECORD and commend them to the attention of my colleagues:

IS KINDERGARTEN TOO LATE?

(By Dr. Richard L. Willey)

The subject of my talk, duly assigned, was to cover what "Research Finds About Early Childhood Education." This topic, if you have been listening, has been more or less covered this morning and afternoon. My title is not original. It actually was taken more or less unconsciously at the time, but in my "research" I find it is the title of an article in Saturday Review of some three years ago. An article that I read and quietly filed in the kindergarten section of my mind.

Before I launch into my researched talk I want to pose a puzzlement to this assembled group. It is an interesting puzzle even if it adds nothing to the discussion at hand.

Certain leader and/or legislators feel that to justify early childhood education, kindergartens, etc. one should be able to point to research that points to casual relationships between kindergarten preparation and scientific designed test results. To the thinking and rational person this makes sense. Remembering, of course, that in Idaho we do not have general public kindergarten programs and the expectation is that if we have the research pointing to the need, QED Kindergartens. Let us examine this type of premise from another view point or perspective.

How much research do you know about that has been done on the specific value of a college education? Does it matter what curriculum one takes over another? Is there the real value (instead of just the stated value) of a liberal education? Has this been scientifically demonstrated? Most institutions of higher education require a general education spread that covers social science, science, humanities, art, literature and language. Does research show the value of a particular course or sequence? How about high school; is there scientific evidence that shows that high school students correctly prosper by the traditional courses that they have been taking for generations? Against what do we measure the evidence? The early appraisers of goals, objectives, and/or functions of secondary education said that there were seven objectives (these were formulated in one form or another since the turn of the 20th Century): Health, Command of Fundamental Processes, Worthy Use of Leisure; Citizenship, Ethical and Moral Behavior; Vocation. As an aside Health was the number one priority. Does our evaluation system and research of the secondary school point out that we have been extremely successful in this goal? What does research show us on this? Do we succeed in making good citizens? What about vocational education? What does research show about it? Really! Does it point out that a person is better off to start his preparation in high school; after high school? Is it best to make youngsters decide about 11 or 12 as to avocation or vocational future? Does the pursuit of a graduate degree and the course work that students take really make for success?

With rare exception the schools that I have mentioned were started without any information on the research. Noble experiments but what does the research still show? But I need not limit the discussion to other agencies that we have in our country and the efficacy of a research base. What does research have to say about the advantage of the family system that we have? What does research show on school district reorganization?

My simple and over-extended and over-simplified answer is that when research has something to say, more often than not the findings are blocked by counter-valling beliefs or old wives tales. We have our beliefs about government, about economies, about college preparation, about secondary education, about elementary education, and we have very seldom let our research stand in the way of our beliefs.

Yet, in the case of kindergartens we have asked for the scientific proof once and for all to point out that if they are not the entire answer to all our problems then there can be no justification.

The point, and I believe there is one, is that those un-believers don't really give a whit about what research shows or doesn't show with early childhood education. It is simply a ruse; a delaying tactic. That when the research is replicated and replicated and studied and reported on, there will be a request by the power to make one more study and to report just one more time.

Perhaps we all should review most briefly the history of the kindergarten movement. Friedrich Froebel (1782–1852), a German educator, philosopher, is known as the "Father of the Kindergarten." He organized the first kindergarten (Kinder-children, Garten-garden). He was strongly influenced by the thinking of such men as Rousseau, Pestalozzi, and Comenius. Froebel was convinced that education should serve to develop the whole child—physically, morally, and intellectually. Credit must also be given to such Americans as Susan Blow (1843–1916), G. Stanley Hall (1846–1924), and John Dewey (1859–1952), for their influence. Some years before Froebel's death, kindergartens were banned in Germany. Shortly after his death, however, there was a great surge in the kindergarten movement. Froebel even predicted that the kindergarten movement would find its most fertile field in the U.S. It was in 1873 that the first public kindergarten was established in St. Louis. By 1880 there were 400 kindergartens scattered through 30 states. By 1914 there were 7,554. By 1962 there were public kindergartens in 42 states and the District of Columbia. Eight states did not provide public kindergartens—Alabama, Arkansas, Idaho, Mississippi, New Mexico, North Carolina, South Carolina and West Virginia (all but Idaho could be classified Southern, at least in geographical terminology).

But you are not really too interested in the per-cents of youngsters in kindergartens; the number of private kindergartens in Idaho; the percent that are qualified as teachers, etc.

You want to know what research does show about kindergartens. To this end I reviewed many sources of kindergarten research. I reviewed the old sources, and I reviewed the new. I read the generalizations and I read the specific reports. I even made such a report on findings in the Spring of 1966. This was widely circulated in Idaho—to legislators, IEA members and other interested citizens. It was part of a report to "Designing Schools for the Future in Idaho."

But with many crusades, or ideas, there seems to be a time when their time has come—examine pollution. You knew about it and so did I but there suddenly seemed to be a bursting of the idea and we knew that changes had to take place. We knew it with the population problem. Maybe we knew it about bussing and we seem to know it with Viet Nam.

The time of the kindergarten seem to come within the last ten years for even as late as the early 1960's early childhood education was considered by most people to be a desirable luxury for those who could afford it, but it by no stretch of the imagination was considered an essential part of every child's education. But within the last 5 to 7 years early childhood education has come to occupy the focus of attention in public education. It would be fair to say that the surge most likely can be traced to the Federal Government and its many programs in early childhood (perhaps this can be traced to the Federal Government at least reading the research reports on what researchers found about early childhood education). Project Head Start was the most monumental project so conceived. First conceived only eight years ago as an eight week summer crash program for 100,000 preschool children. So phenomenal was the response from local communities that the original plan was extended to accommodate more than 500,000 during the summer of 1965. By 1966 it was a year round program with more than 1,000,000 children between the ages of 3–5 enrolled. What they found with these youngsters is not all contained in research reports. Youngsters in Head Start programs were given complete medical and dental examinations. In Tampa, Florida (to make sure the stigma doesn't stamp it as Idaho) of 1,150 examinations, 230 revealed children who needed psychiatric help; 100 had visual problems; 24 were so serious that the children might never have learned to read without treatment; 12 had tuberculosis; 10 had serious hearing defects; 4 had brain damage; half of all the children suffered nutritional deficiencies. A superintendent from Idaho told me about one of his experiences with Head Start. He went by the lunch room to observe one day at the recommendation of his supervisor. He told me how he observed some of the children eating. One little fellow put his left arm encircling his plate and about two or three inches off the table. With the other arm and his hand cupped like a shovel, he proceeded to scoop the food from the table to mouth. Using, of course, his left arm to fend off others who might take his food. And the Superintendent exclaimed, "That wasn't an Indian child, it wasn't a black child, that was a white child."

One of the great tragedies in our country is the continual waste of human life. I'm not talking about auto accidents and murders but primarily the destruction of children. When children are born they are clean, ready and expectant to begin a viable and productive life. When they begin to malfunction, along about the time they are eight or later, we hire special teachers, policemen, youth workers, and build special classrooms, penal and mental institutions, and special hospital beds to get these children under some type of control, artificial as it may be. We say we cannot afford at the beginning to feed and nourish their bodies, and their spirit, but the children that survive in the environs I describe, as one person put it, "In my neighborhood an adult is a dead child." In the end the justification for the drop-out, the misfit, the welfare family, is that this is the way things are done in the free enterprise system, but in view of the fact that all the money is wasted, as well as the children, and surely young children are as valuable as our other natural resources, we wasted money and wasting money is not part of our capitalistic system.

Finally, what has recent research shown about children under six? About fifteen years ago, a growing number of educators began to conduct experiments with young children to determine the factors that influence intelligence and personality. They investigated environmental factors (environment was interpreted to be physical, psychological, and social climate as well). The results of these studies, they say, have been conclusive: The environment of the early years has lasting effects upon the individual's intelligence, personality, and physical and mental health.

One investigator of the relationship between early environment and intelligence is Bloom, of the University of Chicago. As a result of experiments conducted over several years at the Center for the Advanced Study of the Behavioral Sciences, Dr. Bloom had concluded: "Whatever may have been the genetic potential for learning, there is little doubt that the environment will determine what is learned and even the extent to which learning does take place. We would expect the variations in the environments to have relatively little effect on the IQ after age eight, but we would expect such variations to have marked effect on the IQ before that age, with the greatest effect likely to take place between the ages of about one to five."

In the preface to the publication I sent out in 1966, I had this quote from Bloom, "A child has gone 50 percent of the way in organizing the thinking patterns that we call intelligence by the time he has reached the age of four, and the next 30 percent by the time he is eight. The patterns of aggressiveness in a boy are normally 50 percent established by the time he is three.

Half a child's capacity for learning in school is established by the age of nine."

Studies by Lee also point out the importance of the environment in the early years and the diminishing effects of the environment as children grow older. Hunt, in his research regarding intelligence and experiences, suggests that the early years are crucial in the development of the ability to think and generalize; Jersild and Wann emphasize the importance of early experiences in development of children; Piaget's research over the past thirty years indicates that the thought processes comprising intelligence are continually changing as a consequence of a person's encounters with his environment. Kirk has demonstrated that preschool experiences which promote understanding and wide use of language result in greater success in the later years in school.

In a comprehensive review of the research evidence of over twenty years concerning the relationship of the early environment to personality development, Saul and Wenar state, "The emotional pattern is basically shaped during the first six years of childhood." Whether the child grows up to be dependent or self-sufficient, passive or aggressive, tense or composed, inhibited or communicative is, in large measure, determined by his experiences during early childhood.

The relationship between early childhood and environment and physical development also has been substantiated by numerous medical studies. Vision, hearing, speech, muscular strength and control—all develop rapidly before the age of six.

In view of these reports, it is apparent that an educational program for children under six no longer can be viewed as a luxury for the privileged or as compensation for the underprivileged. It must and should be recognized as an essential part of the education of *every* child.

But what does a good kindergarten do for a child? Headley states that it has been convincingly shown that kindergarten helps in the following manner:

To help the child to become a more friendly, likeable, helpful person; to grow in power to cope with individual and group problems; to respect the rights and ideas of others; to respond to intellectual challenges; to achieve good muscular and eye-hand coordination; to understand concepts essential to his continuing success pursuits of learning; to be responsive to beauty in all its many manifestations; to realize his unique, creative potential.

Things up to this point have been general in nature. The following are merely illustrative and are not meant to be definitive:

1. Almy, Milles C., "Children's Experiences Prior to First Grade and Success in Beginning Reading," *Contributions to Education*, No. 955, New York; Teachers College, Bureau of Publications, Columbia University, 1949.

"A significant positive relationship exists between children's beginning success in reading and their earlier response to all sorts of reading stimuli. Almy makes no case for any formal reading program, but stresses the importance of exposure to the awareness of the function of printed words in everyday life."

2. Dickerson, Ann E., *The Value of Preschool Education From a Review of Experimental Literature*, an unpublished research survey conducted at the Institute of Child Development, University of Minnesota, 1958.

"After summarizing 157 separate pieces of research bearing on early childhood education, Dickerson concludes that early childhood education has a positive influence on later academic achievements; that it provides a wide variety of opportunities for building skills necessary to intelligent behavior, helps to safeguard health, and develops good social attitudes."

3. East, J. K., "Kindergarten Is a Good Investment," *School Executive*, May 1953, 52–53.

"In comparing the achievement of kindergarten and non-kindergarten children in the first grade on the Metropolitan Achievement Test, East found that the average achievement for the kindergarten group was a grade equivalent of 2.1; for the non-kindergarten group, 1.65. He concluded that it is better and cheaper to give children the right start, i.e., kindergarten, than to have them cope with failure in the earlier years of their formal education."

4. Goetch, Edward W., "The Kindergarten as a Factor in Elementary School Achievement, *"University of Iowa Studies in Child Welfare*, III, 4(1962)

"Goetch found the grade means of reading scores higher for those children who had attended kindergarten than for those who had not."

5. Lee, J., et al., "Measuring Reading Readiness, *"Elementary School Journal*, (May 1934), 656–66.

"Lee found that the scores made on the Lee-Clark Readiness Tests by children with kindergarten experience better predicted their ability to learn to read than did the scores made by children who had not had kindergarten experience. He concludes that a background of common experience is an asset in a formal reading situation."

6. Meyers, V. C., "It is Worthwhile to Send Your Child to Kindergarten," *Educational Method* (April 1936), 388–89.

"In comparing the achievement of kindergarten and non-kindergarten children in first grade, Meyers concludes that the kindergarten children did "decidely better" than the non-kindergarten children, both in their ability to adjust to school and in content subjects."

7. Morrison J. Cayce, "The Influence of Kindergarten on the Age-Grade Progress of Pupils in New York's Elementary Schools, *"Portfolio on Kindergarten Extension*, Washington, D.C.: Association for Childhood Education, 1941, 1945.

"Morrison concludes that the provision of kindergarten instruction reduced first grade failure by 14 per cent and that normal or accelerated promotion through the grades was made by 80 per cent of the group with kindergarten experience, by only 59 per cent of the group without kindergarten experience."

8. Teegarden, Lorene, "The Kindergarten and Reading Reversals, *"Childhood Education* (November 1932), 82–83.

"Teegarden points out differences in the reading achievement in children from different socio-economic backgrounds. At the end of first grade, 70 per cent of the children in the middle socio-economic group who had had kindergarten experience, and 56 per cent of those who had not, were reading satisfactorily. In the lower socio-economic group, 40 per cent of the children who had had kindergarten experience, and 34 per cent of those who had not, were reading satisfactorily. In the lower socio-economic group it was a fact that children with kindergarten experience showed less tendency to confuse and reverse letters and figures than did those children who had not had kindergarten experience."

In May of 1970, Mary Wallace Smith of Boise completed her M.S. Ed. thesis on *A Comparative Study of the Effectiveness of a Volunteer-Run Kindergarten Program for Low-Income Children in Boise, Idaho*. In comparing two matched groups of low income children, one group with no kindergarten, the other group in attendance at the YWCA volunteer kindergartens, she found the following results. At the end of the school year, 71% of the non-kindergarten group showed below average readiness for school while only 33% of the kindergarten group fell into this category, even though the test scores were equal at the beginning of the year. Comparison of tests at the beginning and end of the school year showed the kindergarten group had made a 67% greater gain in school readiness. The results of these readiness tests are significant as they have been found to have a high correlation with the child's academic success during the first grade.

Far from running into problems when they enter school, as so many parents fear, children who learn to read early maintain their lead in reading achievement over the years, according to a longitudinal study by Professor Dolores Durkin of the University of Illinois College of Education. She carefully compared thirty early readers (children who learned to read before the age of six) with thirty children who learned later. The two groups had the same average IQ and the same first grade teacher. By the end of the third grade, the early readers were still an average of one year ahead. Both this study, which was made in New York City over a three year period, and an earlier study made by Dr. Durkin in California over a six year period support the premise that an early start in reading has most value for a slow learner.

Conclusions

Some conclusions may be drawn from a survey of current educational research concerning the value of kindergarten attendance as measured by school success in later years. The first would be that most educators and child development experts agree that kindergarten experience does positively influence the later school success of that child. The second conclusion would be that while disadvantaged youngsters make dramatic and necessary gains in achievement and IQ after attending kindergarten, even middle-class youngsters make significant and lasting gains. Study after study emphasized the fact that the disadvantaged child enters school as much as a year or more behind his middle-class counterparts in intellectual development, and he seldom catches up with them. Without a doubt, the disadvantaged child or the slow learner stands to gain more from a kindergarten than a middle-class child with an average IQ or above from a rich environment.

A third conclusion would be that a kindergarten program would essentially reduce costly and often ineffective remedial programs later in the school years. The kindergartens would be able to diagnose and work with physical, social and mental problems at their early stages. The fourth conclusion, and perhaps the most significant one is that a reappraisal of the kindergarten program necessarily means a reappraisal of the entire educational program. An enriched kindergarten program geared to the individual child would require that similar type program be then offered in the first grade and throughout the school years. If any of the advantages of a kindergarten program are to be carried beyond kindergarten, this is both desirable and necessary. The Carnegie Corporation said in its 1969 annual report on Early Education: "It seems clear that the schools must be changed in order to accommodate the abilities of the children who enter them—which sounds like a truism, except that much current thinking seems to hold that the purpose of early childhood education is simply to prepare children to do well in the schools as they are now organized and managed."

I have in my hand a volume simply entitled, "Current Research in Early Childhood Education: A Compilation and Analysis for Program Planners" by Annie L. Butler.

Its contents dwarf any attempt that I have made to give information relative to Research Finding on Early Childhood Education. It serves out the conflict between the environmentalists and the geneticists; the hurry, hurry and the go-slow philosophy. The reading versus the socialization. But the overwhelming conclusion that can hardly be argued is that things, positive things, can occur in Early Childhood programs of this type.

HOW MUCH POWER IS ENOUGH?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. ROBISON of New York. Mr. Speaker, now that the so-called energy crisis is a topic of national discussion, we hear a lot about projected future energy requirements. National planners have evidently done too thorough a job in predicting the country's future energy needs, since the immense figures included in their projections seem to be intimidating and even debilitating those public institutions charged with finding the energy resources to meet these future needs. Perhaps talk of billions of tons of coal and barrels of oil, and hundreds of trillions of cubic feet of gas, has simply overwhelmed our traditional "can do" attitude. How else do we explain the Congressional unwillingness to stir itself on this question and to do the hard work necessary for legislative action.

If mega-volumes of coal and oil are in fact "psyching us out," we might best take another tack in our approach to the energy question, one that does not bury us in the weight of gigantic future needs but, instead, offers more immediate and more obvious solutions. Close consideration of energy conservation might offer one such possibility. It is not a new idea—and I am proud to say that Joseph Swidler, chairman of the Public Service Commission in my own State of New York, has been a long-time advocate of it—yet it is a concept that has been given too little attention.

Finding ways to conserve energy is a most pragmatic beginning for building a new energy policy, and it is an area of endeavor which may offer some surprising perspectives on our present careless use of energy. I am told, for instance, that some air conditioners are more than one-third more efficient than others in the use of electricity, and that the ordinary light bulb converts no more that 10 percent of the electricity it uses to light, the rest being given off as heat.

It is, then, encouraging to find the recent Christian Science Monitor editorial titled, "How Much Power Is Enough?", and, in reading through it, to see that Chairman Joseph Swidler will soon conduct a noteworthy investigation of electricity use in the New York City area. I commend this brief editorial to my colleagues, and suggest that during future discussions of energy needs we also ask: How much is enough?

HOW MUCH POWER IS ENOUGH?

The chief response to the 1965 electric power failure in the Northeast United States was to improve the power grid and make it more reliable in times of heavy demand. This was a sensible thing to do. It was also sensible to work out emergency plans for cutting back power to select large users, and this was done.

But one thing not done was to question whether so much electrical power need be used at all, or indeed whether limits should be put on the use of air conditioners and other electricity devouring inventions on a broad enough scale to keep electrical use down.

This week, with New York suffering a prolonged heat wave, that state has announced that an electricity-use investigation will be launched by its Public Service Commission this September.

Such an investigation makes sense.

Hitherto, it has been accepted as if it were some natural law that electrical power consumption would double each decade—as it has since the war. One factor affecting the ever greater use of electricity, of course, is simply the economy of scale—the more electricity is used the cheaper it becomes, and in turn the more it is used. Another factor is that electrical heating units are cheaper to install than other forms of heating, adding to the growing emphasis on its use.

But the main factor has been that unbridled power use has been simply accepted as the way things are done.

There is no reason Americans cannot moderate their demands for electrical or other forms of power. They are being compelled to moderate the power and design of their automobiles, an industry which only a decade ago were given heavily preferential treatment—until it was apparent that the auto was creating as many problems in pollution and urban congestion as it was solving in giving mobility to people. The use of land is likewise being moderated in ways once land-rich Americans never would have imagined.

So perhaps Americans should consider new building codes that keep structures more temperature constant, should take an honest look at how many electrical appliances may be needed—in other words, economize on electrical use as much as strive to produce ever-larger supplies.

We hope the New York investigation into ways of moderating electricity use is a step in this direction, and not largely a bridge over public outcries during the heat wave power shortage at hand.

IT IS TIME TO BALANCE BOOKS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. FUQUA. Mr. Speaker, one of the finest new Members of the U.S. House of Representatives is the distinguished Congressman from my neighboring district to the north, the gentleman from Georgia, the Honorable DAWSON MATHIS.

Congressman MATHIS posed a question which needs answering. The Florida Times-Union of Jacksonville, Fla., on Monday, August 14, carried an editorial on this subject which I believe deserves repeating here.

I also feel that the time has long past when the American people were due an answer.

The editorial is as follows:

IT IS TIME TO BALANCE THE BOOKS

Brash newcomers often have a way of asking questions which stump the experts.

But Georgia's Rep. Dawson Mathis of Albany, now completing his first term in Congress, deserves an answer to a simple question he has asked, without success.

So far as he has been able to determine, Mathis says, nobody in Washington seems to know precisely how much money foreign governments owe the United States, or how much of such obligations are in default.

In an effort to force an answer, Mathis and several of his House colleagues have joining in offering a resolution calling on the Treasury department to provide the information within 90 days, along with a statement of what measures it proposes to take to collect debts already in default, some extending back as far as World War I.

"We as a people," Mathis said, "have been most fortunate through our history, to have been able to help other nations less fortunate than we, but the time has come for some of these nations to recognize that they have an obligation to pay back the money owed to the United States. These funds were loans, not gifts."

Among the chief beneficiaries of U.S. assistance in the past are countries now taking their place among the world's leaders in economic and industrial development, and which are not only challenging the United States in international trade, but are moving in to compete with U.S. production in domestic markets.

The entire world economic picture has undergone radical change since many of these foreign loans were made, when the U.S. dollar and U.S. industrial might dominated the world scene. Today, with its far-flung international commitments, the United States is sustaining heavy unfavorable balances of payments, and the dollar is periodically under attack by international traders.

However, much the generosity of the United States in earlier years in extending financial help to others was justified, both morally and in America's own enlightened self-interest, it is ridiculous for foreign beneficiaries of U.S. assistance in the past, who are now enjoying robust economic health, to be allowed to forget or ignore their valid debts.

It is, as Rep. Mathis said, "inconceivable" that no one in Washington "knows how much money is owed to the United States." Beyond question, the information is there. What is needed is for those in possession of it to be required to put it on the record.

THE THREE "R'S" PLUS "H"

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. BRASCO. Mr. Speaker, heroin pours into America from France and through the good offices of our Southeast Asian allies. Our State Department looks the other way, hoping this horror will just go away. Never has self-delusion been more futile or dangerous. Hard drugs are permeating many schools in our largest communities, especially New York City.

If Brooklyn schools have heroin today, then suburbs of Chicago, Los Angeles, New Orleans and St. Louis will receive its blessings by Christmas. By this time next year, Pocatello, Louisville, Tallahassee, Sheboygan, and Waco will be awash in this poison.

The House Select Committee on Crime recently conducted hearings on drug abuse in schools of New York City. Let me share some observations and evidence emerging from them. They are ominous, chilling and fraught with peril for all our children.

Estimates of drug use in schools varied. However, all witnesses agreed that a drug epidemic is engulfing our public school system.

All concurred that this horror cuts across every racial and economic line, striking middle-class and ghetto schools alike. Testimony was graphic and corroborated by stunning films depicting sale and use of heroin in schools, grammar and junior highs included.

Even worse, this traffic is not hidden in closets or dark recesses of school buildings. Rather, both traffic and use are open, in broad daylight and close proximity to school personnel at all levels. Here is what we can expect. Children arriving at school with lunch money in their shoes to evade shakedowns and extortion by student addicts or gangs. Students chronically absent because they are too badly addicted to function in any school environment. Unaddicted students being drawn into heroin networks by student addicts attending the same school and sitting beside them.

Overwhelming evidence was presented showing that the New York Board of Education knows all this and has not acted on behalf of New York's children.

Highly respected educators, aware of the spread of heroin in the schools, described attempts to have the board act with courage and vigor. Such pressures were matched by concerned, apprehensive parents all over the city. Yet as late as 1969, the New York Board of Education did not devote a single meeting to discussing this menace, literally growing before its eyes.

The board was not the sole entity abdicating responsibilities. Subordinates throughout the school system took a cue from those at the top. Everywhere, principals denied police reports of heroin use in their schools. Principals even hindered undercover police work. Teachers were helpless. If school and city authorities let it pass, how could they stop it?

Today, the Board of Education of New York continues this criminally negligent attitude toward heroin. The chairman of the State Commission of Investigation testified that despite a year-old report vigorously criticizing the board's head-in-the-sand attitude, nothing had changed.

The board and its apologists place this peril in the same category with failure to do homework or truancy. The people of New York should place them on notice that they will, in the very near future, be held personally responsible.

Worst of all, the board has yet to publicly admit there is a heroin problem. How can the public be mobilized when there is no alert on dimensions of the problem from those charged with sounding alarms? What do these moral cowards require—addicts shooting up outside their meeting chamber?

Who is a greater criminal—the mugger or a responsible public official looking the other way when he must do his duty? Citizens are just as dead from bureaucratic inaction as from a robber's pistol. A no-holds-barred investigation must be mounted into the heroin situation in our schools and inaction by the board.

One point should be made constantly until the public realizes what is going on. The whole heroin horror is perpetrated with complete knowledge of officialdom. Heroin permeates American society. Those looking the other way are fools or worse. We have little time to lose. Half a million addicts, at a minimum, are on our streets. To those who inevitably rise to pooh-pooh hysterical outcries, I recommend a guided tour of some neighborhoods and schools, and will gladly take them on such a tour.

Our Government knows where heroin comes from, how it travels, who deals in it and how it enters the U.S. France is mainly to blame. France is where it is refined. They are up to their necks in this nefarious traffic. Agencies of their government are involved. The "French Connection" is far more real than the movie. Turkish opium is processed in Marseilles and shipped here. John Cusack was packed up and shipped home because he made an honest effort to halt traffic the French Government wants continued. Seizing a few refining labs only points up how much they know and can do. We are being thrown a few bones to silence us. In a few weeks the heroin supply could be seriously curtailed, if those with power and knowledge acted.

In every American city, local authorities know where it comes from, who wholesales and distributes and pushes it. Society and history will pronounce a merciless, damning verdict on those who now sit quiescently and allow this.

New York's Board of Education is a good place to start. Yet Americans should know that not an ounce of heroin can move from Turkey to France to New York to Toledo and into our children's veins without the knowledge of foreign, national and local authorities.

Dick Gregory has a devastating line:

> If a 10-year old child can find the heroin man, how come the people in charge can't?

Now let's hear some anguished denials from those dedicated officials. Anybody for geometry?

BILL TO REQUIRE COURT IMPACT STATEMENT

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. FREY. Mr. Speaker, I am introducing legislation today that would require the Congress to consider the needs of the courts at the same time that it considers the needs of the country for new legislation. This concurrent resolution would, in essence, require a court impact statement in each report of legislation from a committee of either House of Congress to that House.

Each report accompanying a bill or joint resolution of a public character would have to contain an estimate, made by such committee, of the number of cases in Federal courts which might result from the adoption of such bill or joint resolution, and of the number of additional court personnel required to handle the increased caseload.

The quality of justice in our Federal courts has decreased as a result of the explosive increase in the caseload without a commensurate increase in Federal judges and court personnel. Cases filed in the U.S. district courts have increased from 92,000 10 years ago to 145,000 this year. The U.S. Court of Appeals will have 14,500 cases this year as opposed to 4,200 10 years ago; the Supreme Court had 2,400 cases docketed 10 years ago and this year had 4,500.

Chief Justice Burger in his "state of the judiciary" message on August 15 stated that the two major reasons for the present case overload on the Federal court system were population increase and litigation stemming from new legislation. He went on to conclude that awareness of the impact of new legislation would help the Congress and the courts "plan rationally for the future with regard to the courts' burden."

The legislation I introduce today would accomplish that result. I invite the cosponsorship of my colleagues in the House.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the Record the August 14 edition of the news bulletin of the American Revolution Bicentennial Commission. I take this action to help my colleagues be informed of events and developments taking place across the Nation in preparation for the country's 200th anniversary in 1976. The bulletin is compiled and written by the Communications Committee staff of the ARBC.

The bulletin follows:

[August 14, 1972]

Bicentennial Bulletin

Acting ARBC Director Hugh Hall will appear before the Platform Committee of the Republican National Committee on Tuesday, August 15, at the Eden Roc Hotel in Miami Beach to present the ARBC's program and urge that it be incorporated in the Party's '72 Platform.

Copies of the complete Hearings on the Bicentennial before the Senate Judiciary Subcommittee on Federal Charters, Holidays and Celebrations will be available soon and can be procured from the Government Printing Office or through the Senate Judiciary Committee.

Northbrook, Illinois' Bicentennial Olympic Park Committee sponsored a "Super Skytacular" utilizing the famous Goodyear Blimp, America, to help raise funds for the Park, which the Committee hopes can be built by 1976. Part of the August 11–13 program included raffled rides aboard the blimp. Special guests on board included Northbrook's "Golden Girls," Dianne Holum and Anne Henning, both 1972 Winter Olympic's Speedskating Gold Medalists.

Bob O'Brien, a member of the ARBC's Communications Committee represented the Commission as keynote speaker at the Oklahoma Bicentennial Workshop on August 4th. Representatives of ARBC Communications will also be participating in the National Newspaper Association Managers convention in Disneyworld, August 14–17. Communications member Ted Serrill has informed the ARBC that several thousand newspapers will be represented that are interested in developing support programs for the Bicentennial.

Robert Tarlecki, who originated the famed Dogwood Trail, one of Chester County's (Pa.) Bicentennial projects, reports that he has received the support of the Southeastern Pennsylvania Nurserymen Association. The group, which has 170 members, promises to donate one tree from each nursery to the Dogwood Trail.

Representatives from the Wind River Reservation in Wyoming presented a Bicentennial proposal for an Indian arts and crafts center and museum at a recent meeting of the Wyoming Bicentennial Commission. Mrs. Peggy Curry of Casper, Commission Chairman, said the group is seeking more projects from various groups and individuals in Wyoming.

Governor Dale Bumpers of Arkansas stated in a recent news release that the $45,000 grant from ARBC to the Arkansas Bicentennial Celebration Committee would be used "to develop local and statewide observance projects, to provide liaison among participating groups and individuals and to coordinate Arkansas's Bicentennial program with the national effort."

Frederick Seaton, Commission Member, who represented the ARBC at the Fourth of July ceremonies at Mt. Rushmore, said that the spirit with which Rapid City area people are rebuilding from the devastating floods on June 9 "is not only typical of the spirit of '76, but also of the spirit of cooperation and refusal to accept defeat that has made America grow, and grow great. In the face of disaster and tragedy, South Dakotans are rebuilding, renewing and rededicating themselves."

The Florida Commission has recently released an exceptionally fine film on Bicentennial plans for the state. Designed to create additional interest in the Commission's activities, the film was produced by Tel-Air Interests, Inc., of Miami and highlights statewide programs in Heritage '76, Festival USA and Horizons '76.

"From These Roots" A Mosaic of Stories, Legends and Facts from and about our 50 states, makes worthwhile reading. The author, Carolyn Gitman, is a one-woman campaigner for Americans to see America. The book is entirely edited, researched and compiled by Mrs. Gitman, the wife of Dr. Joseph Gitman, Professor at King's Point Academy. The book is published by Vantage Press Inc., and Mrs. Gitman is listed as distributor, Post Office Box 804, Great Neck, New York 11022. Cost: $7.95 plus 65¢ for postage and handling with a 10% discount to libraries, historical societies and State Bicentennial Commissions.

Author of the forthcoming Bicentennial *Songs of '76*, Oscar Brand, noted recently, "My curiosity drove me to books about the Revolution, and to further collections of songs. I perceived strange stories in these antique accounts and marvelously interesting sidelights that seemed more vital than the standard accounts of historical chronology. Having noted them down, I shared them with my audiences on television, radio or in concert. That's how I came to write this book. That's why it's a 'singer's history.' *Songs of '76* is a volume of sidelights on history from the vantage point of the folk balladeer; with 65 songs, with words and guitar accompaniment, it is all fresh and mostly unfamiliar. It is an eyewitness report of events that have paraded before the balladeer's imagination—events that you may never have read about in your history book but which were important to the balladeers of '76 and are still important to the music lover today."

Contact: Duke Zeller, Editor, (202) 254–8007.

LEGISLATIVE REPORT TO LAW ENFORCEMENT OFFICIALS, POLICEMEN, FIREMEN, AND AMBULANCE TEAMS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday August 17, 1972

Mr. HELSTOSKI. Mr. Speaker, under leave to extend my remarks, I include at this point in the RECORD a legislative report which I have prepared for law enforcement and other public safety personnel:

TO ALL LAW ENFORCEMENT OFFICIALS, POLICEMEN, FIREMEN, AND AMBULANCE TEAMS

Having always been among those who are seriously concerned with the welfare and effectiveness of our law enforcement personnel, firefighters and ambulance teams, I am listing for your information and guidance, summaries of legislative measures that have been proposed by me during the 92nd Congress. It is my hope that you will carefully review this material so that I may have the benefit of your views on these proposals, as well as any other suggestions and ideas you may have that you think should be considered.

H.R. 8933. Law Enforcement Officers' Bill of Rights: To amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a Law Enforcement Officers' Bill of Rights in each of the several States. This bill would guarantee the civil rights of our police officers and give national recognition to their fight to maintain their highly honorable and trustworthy stature during these most critical times. A firm and strict approach is necessary to stop the attack on our public safety officers and what they stand for in order to hold secure their dignity and honor and to provide them with the rights enjoyed by other citizens throughout the country.

H.R. 10500. Amends the Internal Revenue Code to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax.

H.R. 10287. Amends the Internal Revenue Code to permit an exemption of the first $5,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age.

H.R. 9091. Amends the Internal Revenue Code to provide that pensions paid to retired policemen or firemen or their dependents, or to the widows or other survivors of deceased policemen or firemen, shall not be subject to the income tax.

INSURANCE BENEFITS

H.R. 16397. Law Enforcement Officers' Group Life Insurance Act. Authorizes the Attorney General to provide group life insurance and group accidental death and dismemberment insurance for state and local law enforcement officers. This program would closely parallel the Servicemen's and the Federal Employees' Group Life Insurance programs.

H.R. 12629. Public Safety and Criminal Justice and Correctional Personnel Benefits Act. Authorizes a type of insurance program providing death benefits to survivors of certain public safety and law enforcement personnel and public officials concerned with the administration of criminal justice. Over 500 State and Local policemen have been killed in the line of duty in the past five years. Except for rather limited workmen's compensation laws, 15 states provide no specific benefits to the survivors of officers killed in the line of duty, Federal survivor benefits are available to the family of a local law enforcement officer killed in the line of duty if he is dealing with a federal law. This legislation would provide for the payment of a gratuity of $50,000 in survivor benefits when a law enforcement officer is killed in the line of duty leaving a spouse or one or more eligible dependents as defined by the bill.

H.R. 12740. Police & Fire Officers' Benefits Act. Provides benefits to survivors of police officers, firemen and corrections officers killed in the line of duty and to police officers, firemen, and corrections officers who are disabled in the line of duty.

H.R. 6145. Extends maximum benefits of $50,000 to law enforcement officers and firemen (and their survivors) not employed by the United States who are killed or totally disabled in the line of duty. Such benefits would include: medical, surgical, and hospital services and supplies; compensation for disability; and compensation for death based on the number of survivors. However, in the event of such death, the total monthly compensation shall not exceed 75% of the decedent's monthly pay. Extends such benefits to professional state and local policemen and firemen, volunteer firemen, and to members of a legally organized State or local law enforcement agency who are serving without compensation.

H.R. 4232. Provides compensation for totally disabled local firemen or survivors of local firemen killed or disabled while performing their duties in an area of civil disorder.

H.R. 16313. Federal Injury & Death Benefits for Volunteer Firemen, Ambulance Teams and Rescue Squads. Such benefits would be extended to members (and their survivors) of a legally organized volunteer fire department, ambulance team or rescue squad who are killed or totally disabled in the line of duty.

You will be pleased to know that the House Judiciary Committee has held hearings on most of these death and disability measures. Hopefully, progress will be made during further committee consideration and the bills will be ready for action in the House this fall.

LAW ENFORCEMENT

H.R. 13052. Nationwide Emergency Telephone No. "911". Amends the Safe Streets Act to provide funds to assist state and local governments for the purpose of developing and improving communications procedures and facilities with respect to prompt and efficient dispatch of police, fire, rescue and other emergency services.

H. Con. Res. 630. Prevention of Hijacking. Makes it the sense of Congress that the President should immediately cut off all aid to countries failing to take sufficient antihijacking measures or harboring hijackers.

H.R. 15498. National Crime Victims Compensation Act—Public Safety Officers' Group Life Insurance Act. Provides for the compensation of innocent victims of violent crime in need; makes grants to states for the payment of such compensation; authorizes group insurance program similar to that proposed by H.R. 16397.

H.R. 3821. Permits the disposal of surplus Federal property to State and local governments and volunteer firefighting and rescue organizations at 50 percent of the estimated fair market value.

H.R. 3127. Seeks to improve law enforcement in urban areas by making available federal funds to improve the effectiveness of police forces.

H.R. 12628. Emergency Crime Control Act. Extends special federal funds to high crime urban areas.

As you know, last year the Congress enacted the Organized Crime Control Act and passed the Omnibus Crime Control and Safe Streets Act Amendments providing further federal aid to local law enforcement agencies. And, considerable legislation on overall police and law enforcement matters is pending in Congress. In addition, the Revenue Sharing proposal passed by the House, with my active support, provides $30 billion over a five year period to states and localities for high-priority areas such as law enforcement and fire protection. At present, the Senate is considering this measure.

PRISON REFORM

Perhaps the greatest aid which public officials can extend to law enforcement officers is to end the role of our prisons as breeders of even more hardened and skilled criminals. In the area of prison reform, I have filed the following measures:

H.R. 11062. Assists in combatting crime by reducing the incidence of recidivism, providing improved federal, state and local correctional facilities, strengthening the administration of federal correctional agencies, and tightening control over probationers, parolees and persons found not guilty by reason of insanity.

H.R. 11063. Provides minimum standards in connection with certain federal financial assistance with respect to correctional institutions and facilities.

H.R. 11178. Provides financial assistance for state and local community based correctional facilities; for the creation of innovative programs of vocational training, job placement and on-the-job counseling; for improved educational programs and probation services.

CONCLUSION

Measures such as these which have been proposed by me, I believe, would enable public safety officers to carry out their proper duties in seeking to achieve optimum public safety and protection while assuring equitable treatment and benefits for the services rendered in the line of duty.

In closing, I welcome your comments on any of the measures I have discussed and your views on possible new legislative approaches I might take. And, if you wish to obtain a copy of any of the bills listed here, please feel free to contact me.

LEGISLATION TO CORRECT THE ADVERSE EFFECTS OF THE 20-PERCENT INCREASE IN SOCIAL SECURITY BENEFITS

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. PEYSER. Mr. Speaker, today, I am introducing legislation to correct a number of unforeseen adverse effects of the recently enacted 20 percent increase in social security benefits. This legislation is necessitated by the fact that the increase in retirement and disabilities benefits, under the present Social Security Act, is going to make a great number of people ineligible for other forms of Federal-State public assistance.

Title I of my bill amends five sections of the Social Security Act that determine eligibility of individuals for such programs as: State old-age medical assistance; State plans for aid and services to needy families with children; State plans for aid to the blind; State plans for aid to the permanently and totally disabled.

Under the present law, eligibility for assistance, such as Medicaid and food stamps, is determined by need, and is limited to individuals with an income of less than $2,100. In New York City alone, there will be approximately 38,000 people, now receiving between $1,750 and $2,100 annually who, on October 3, will suddenly be ineligible for Medicaid and other services because of the 20-percent increase in social security. Thus the social security increase will in effect be negated almost entirely by the loss of other benefits.

Title II will amend two sections of title 38 of the United States Code, veterans' benefits, to insure that increases in the retirement and disabilities benefits will not be included in determining the eligibility of an individual for pensions or compensation under this title. If the amendments contained in this title of my bill are not enacted by January 1, 1973, veterans, dependents of veterans, widows on VA pensions, and dependent parents on dependency and indemnity compensation will face a loss of, or a reduction in, their pensions.

It is my hope that this legislation will insure that the 20-percent increase and future increases will not result in reductions in other forms of assistance.

WE MUST TIGHTEN THE PURSE STRINGS OF GOVERNMENT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. PRICE of Texas. Mr. Speaker, the President of the United States has delivered a simple message to the Congress of the United States. We must move quickly and decisively to control government spending or be faced with "higher taxes, higher prices and a cut in purchasing power for everyone in the Nation."

Over the years lipservice has been given to "balanced budgets" and "fiscal responsibility," but the fact is, the liberal majority of the U.S. House of Representatives, as managers of the Public Treasury, has done an appallingly bad job. So bad has been the majority's performance that were the Congress to exchange places with the board of directors of General Motors or any other corporation, they would bankrupt the business in short order by their profligate spending policies. Fortunately or unfortunately, the U.S. Treasury has a greater capacity to absorb debt than any private enterprise. And the liberals in Congress have not lost any time in piling up that debt upon debt by adding millions upon millions of dollars to almost every program that comes before the Members for a vote. From fiscal year 1963 to fiscal year 1971, outlays—expenditures plus net lending—have increased from approximately $111 billion to about $211 billion. During the same period, receipts increased from $106 billion to $188 billion. Only once during that whole period, in fiscal year 1969, did receipts exceed outlays—$188 billion as opposed to $185 billion—for a budget surplus of about $3 billion. And even then the budget was only in balance when the collections of the trust funds were incorporated into the total for government revenues. In every other year since 1963, outlays were greater than receipts, resulting in budget deficits which ranged from somewhat less than $2 billion in fiscal year 1965 to an alarming high of $23 billion in fiscal year 1971. The almost continual annual deficits of course have led to substantial increases in the gross Federal debt. The debt increased from $311 billion in fiscal year 1963 to $408 billion in fiscal year 1971, the highest in American history.

Estimates for fiscal years 1972 and 1973 are very disturbing. The most current data available for fiscal year 1972 indicate an outlay level of $233 billion versus anticipated receipts of $207 billion, for an expected budget deficit of $26 billion. Initial forecasts estimated an even greater deficit of almost $39 billion. The expected reduction in the deficit is fortuitous rather than planned. A deliberate policy of expanding Federal outlays was adopted; only the inability to spend money fast enough—the incapacity to translate plans into on-going programs—prevented outlays from reaching the intended level. With lower outlays, and higher receipts than originally estimated, the fiscal year 1971 budget deficit is now projected at $26 billion—less than expected but still the highest since the peak deficit years of World War II. Furthermore, the deficit for fiscal year 1973 is expected to be even higher: $27 billion, with outlays programed at $250 billion and receipts anticipated to be $223 billion. Several nongovernment economists, however, predict that the eventual fiscal year 1973 deficit will be significantly higher than the official $27 billion. Because of the continuing deficits, the growth in the public debt will persist; the debt will be about $436 billion for fiscal year 1972 and is expected to reach $477 billion at the end of fiscal year 1973. Interest on this debt is presently costing the taxpayers billions of dollars per year.

Some economic theorists have advanced the proposition that fiscal policy—the management of outlays and receipts to create desired budget surpluses or deficits—is a useful tool to counter the ups and downs of the business cycle. Implementation of such a countercyclical policy would in theory result in the creation of surpluses during periods with high levels of business activity and low rates of unemployment, and in the creation of deficits during times of depressed business activity and high unemployment. Budget surpluses tend to inhibit the economy whereas deficits serve to stimulate economic activity. Pursuit of this policy would, in addition, operate to increase the public debt during depressed periods but to decrease the debt during prosperous times. The history of the past few years indicates that there has been no consistent attempt to follow such a countercyclical policy and there is good reason to question the basic premises of the theory. Deficits have been produced both in depressed and prosperous years. Failure to control the increase in expenditures, combined with failure to increase taxes in prosperous years, have, as I have already noted, added to inflationary pressures on the economy.

Overall Federal expenditures continue to increase even though costs for the Vietnam War have been declining. Vietnam War costs reached their peak in fiscal year 1969 when the incremental costs of the war—costs over and above what would have been spent for defense in peacetime—reached $19.8 billion. War costs since then have declined to an estimated $6.8 billion in fiscal year 1972 and an expected $3.5 billion in fiscal year 1973. These latter estimates do not take into consideration the current expansion of the bombing program. But this decline in Vietnam costs has been accompanied by increases in income maintenance and Great Society programs. A recent study by the Brookings Institution indicates that from fiscal year 1963 to fiscal year 1973, defense and defense-related expenditures dropped from 53 to 34 percent of the total budget, while civilian outlays grew from 47 to 66 percent. Furthermore, the study concluded that many of the numerous social programs, costing billions of dollars, had failed, indicating that money and good intentions alone cannot provide solutions to social problems. Nevertheless, the Brookings experts predicted that Federal expenditures for existing programs will increase in the future and that there will be demands for new services from the Government. With the tax reductions effected during recent years, the Federal Government will be hard-pressed to find the resources needed to finance these increased demands.

The continued increases in expenditures, in budget deficits and in the national debt have fortunately led to renewed interest in proposals to reduce or control Federal expenditures, to balance the budget, and to limit the growth of the public debt.

We must recognize that, despite the control over the Federal purse strings given to Congress by the Constitution, in practice, the Executive exercises extraordinary control over spending. However, the President frequently cannot take the most desirable action in the public interest when Congress enacts appropriation bills in excess of budget requests. His only recourse may be to veto the entire appropriation bill, which in many cases will be impractical. It has therefore been suggested that the Chief Executive be given the item veto power, whereby he could prevent specific increases which he considers without merit or of low priority.

Several critics believe that there is presently too little coordination between expenditure and revenue decisions by Congress. Congress now views the budget largely as a series of separate and unrelated acts, with decisions on taxes and expenditures made independently by separate committees in each House. I believe that some way must be found to insure that Congress considers the budget as a whole and relates revenues to expenditures. One attempt to accomplish these purposes was the Legislative Reorganization Act of 1946, which established the Joint Committee on the Legislative Budget. The committee was to meet early in each session of Congress, consider the President's budget proposal in relationship to economic conditions and efficiency, set an annual ceiling on appropriations, and coordinate taxes with expenditures. This committee did not live up to expectations. It was probably too large to be effective, and the overall expenditure limit was difficult to implement. At any rate, the committee died after it was unable to agree on a ceiling in 1947 and after its 1948 ceiling was not enforced.

The Committee for Economic Development has recommended creation of a "joint budget policy conference", to include congressional leaders, majority and minority representatives from the revenue and appropriations committees of both houses, and members of the Joint Economic Committee. This conference would study the budget as a whole, and would provide communication among the revenue and appropriations committees of the two houses and the Joint Economic Committee.

There appears to be much room for improvement in the coordination of appropriations decisions. At present, appropriations are determined in some thirteen separate appropriations bills, with little consideration given by the subcommittee responsible for each bill of its effect on total new obligational authority, total obligations to be incurred, or the likely level of expenditures. The costs of the programs considered in each of the individual bills are not considered in relationship to the costs associated with the other bills. Thus, Congress does not look at appropriations and other expenditures as a whole and compare alternative programs. The omnibus appropriation bill, associated with the fiscal 1951 budget, was an attempt to introduce the necessary coordination, but this proposal met the same fate as the Joint Committee on the Legislative Budget.

It is apparent that the Government has not heeded the advice of Thomas Jefferson when he said:

> To preserve our independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.

Over the years, many Members of Congress have proposed various methods to bring to the attention of responsible Federal officials the need to restrict expenditures to available receipts and thus to assure a balanced budget. Unfortunately, as the record testifies, these efforts have not been successful. Expenditures keep climbing, deficits continue to occur, the national debt continues to increase. The time for positive and drastic action has long since arrived. I believe that the only way to insure fiscal responsibility is by means of the constitutional amendment. I am therefore introducing a constitutional amendment which would contain the following provisions:

Total appropriations as well as total expenditures for any fiscal year cannot exceed total expected revenues for that year. There is to be no permanent increase in the national debt.

The existing debt is to be redeemed.

The above provisions may be suspended only in times of war or national emergency.

When Federal officials are forced to observe the mandates of this constitutional amendment, the financial integrity of the country will be insured. Less drastic steps have clearly failed. It is high time to adopt this amendment as rapidly as possible.

WORK IN ENGINEERING SCARCE

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. GIAIMO. Mr. Speaker, however much it is said that our national economy is improving, the plight of millions of people out of work or underemployed has remained dismayingly the same.

Foremost among that group are the scientists and engineers of our Nation, out of work, without pension rights or new employment opportunities, allowed to let those faculties that have made our Nation, the greatest industrial nation, grow idle.

In Connecticut this problem is particularly acute, as chronicled in many stories over the past few years, and remains so as shown in the following article from the August 13 edition of the Hartford Courant. While some help from the U.S. Labor Department and voluntary groups of scientists and engineers has cushioned the blow, the unemployment of these men and women remains a national disgrace and an economic tragedy.

Mr. Speaker, I commend this article to the Members of this body, and particularly to those who are charged with maintaining a vital defense budget and promoting our aerospace industry. Stimulating those industries is the greatest step we can take for the national economy, and bringing scientists and engineers back to their proper work is the best stimulus to those industries.

The article follows:

UNEMPLOYED HARDPRESSED: WORK IN ENGINEERING SCARCE

(By Barry Schiffman)

A 62-year-old engineer with a PhD degree had three children in college, a $60,000 house in the suburbs and membership in an expensive country club before he lost his job.

Now, after more than two years of unemployment, he and his wife are living in two furnished rooms in Hartford. His three children were unable to stay in school, and one is also unemployed.

"He wore the best of clothes when he first came in here, but now he's dressed shabbily," says Martin Meany, coordinator for the Connecticut Volunteer Engineers, Scientists and Technicians (CONN-VEST) a self-help group for unemployed engineers.

The engineer, whose name was withheld, had sent about 350 resumes of his work history to firms, but received only two responses, Meany says.

Meany, an employe of the State Employment Service which provides office space at 90 Washington St. for CONN-VEST, says "he's licked because of his age."

The 62-year-old engineer is just one of an estimated 5,000 aerospace engineers and technicians looking for work in Connecticut.

As defense expenditures were cut back in the past two years, the engineers started turning up on the unemployment lines.

CONN-VEST was established in Connecticut last November, shortly after a layoff of some 500 engineers at the Pratt and Whitney Aircraft Division, United Aircraft Corp. Similar organizations had been formed in other states to help engineers find employment.

CONN-VEST holds workshops for the engineers to help them know where to look for jobs and how to do well on interviews. And the group canvasses industry in the state trying to get the first word on job openings that may be filled by the engineers. It also provides a referral service.

Manpower for these activities is provided by the out-of-work engineers who must give at least four hours a week. Some financial support comes from the U.S. Labor Department, and office space and the coordinator's salary are given by the state Labor Department.

Some of the engineers who have found jobs contribute money to CONN–VEST to help the most successful groups of its kind and has compiled a 53 per cent placement rate in its first half year. John J. Nolan, CONN–VEST director, says the average placement rate is about 20 or 30 per cent.

The engineers encounter particular problems in finding work, and when they do get a job offer it often is not in their specialty and usually pays less than they were getting in their previous jobs.

A former chemical engineer is now working as an undertaker's assistant; a broadcast engineer is manager of a fast food franchise and an electrical engineer is manager of a shoe store.

Their new jobs often pay several thousand dollars a year less than what a top-level engineer can earn. Top engineering positions in the aircraft field pay between $18,000 and $20,000 a year, Nolan says.

The fact that many of the unemployed engineers have aerospace experience blocks them from some positions. The Connecticut Bank and Trust Co. donates computer time and prepares a weekly print-out of the registered job seekers and their specific skills.

"It's not true, but it's believed. Aerospace contracts are on a cost-plus basis, and aerospace engineers have a reputation of thinking money is no object," Nolan says.

"Age, however, is the biggest problem. They might have laws against discrimination, but it's difficult to prove anything," he says.

"We hear we're overqualified. They tell us we'll leave as soon as we find a better job up to our qualifications," he says.

"But, when a company wants to hire someone, they'll get an engineer to fill a technician's spot at a technician's salary and have him do the work of three men," Nolan says.

There is resentment among the engineers who a decade ago had felt a great demand for their skills and now face tremendous competition for less desirable jobs.

When engineers talk about their problems, unions are usually mentioned. One engineer at the CONN-VEST office in Hartford suggested that organization like a construction union—which controls hiring and firing and apprenticeship programs—would have been a good idea. This engineer was once a vice president of a large aircraft firm.

"Engineers had an outlook that each individual could do the job better than anyone else and felt secure that he would survive." Nolan said "They didn't trust any idea like basing job security on seniority."

PERSONAL PROBLEMS

Besides the economic difficulties the loss of a job creates, the men are faced with tremendous personal problems.

"It's difficult for a man who has worked all his life and has only a few years left. He had kids in college and he's running out of unemployment benefits. What do I do? How do I tell him to pay his bills? It's hard to send him to welfare," Nolan says.

"If he goes on welfare and still owns his home, it'll be attached. But most of our people are 40 or 50 or older. A man of that age has little chance of getting a job," he says.

Among the CONN-VEST members there has been one suicide, a heart attack believed to have been brought on by anxiety, and four or five divorces attributed to unemployment and drop in standard of living. There may be more problems, but the CONN-VEST staff does not seek personal information about the registrants.

Security becomes a great concern of the job seekers, but jobs are so scarce that most will return to the aerospace companies if given the opportunity, Nolan says. "There's nothing around at all. You have to take it," he says.

But further cuts are expected in the areospace field and some engineers at the CONN-VEST office said 20 percent of those now employed will lose their jobs before the field stabilizes.

One former engineer is studying to become a male nurse. Monthly Labor Department reports have continually shown a demand for nurses since the beginning of the recession.

HOPES TO EXPAND

CONN-VEST hopes to expand activities and develop more services for the unemployed engineers. Although only 10 percent of the estimated unemployed are registered, the group feels it has been successful.

"Many engineers live too far from Hartford to be attracted to the organization and many do not realize what we can do," Nolan says.

"We're efficient. Once we had a call for a German-speaking engineer and we sent someone for an interview in a half hour. The next day we found two more," he says.

The directors of the group have been among the most successful in finding jobs. Since last November five directors have found jobs, and Nolan is waiting for security clearance before he becomes a sixth former director.

HON. ALLEN J. ELLENDER, SENATOR FROM LOUISIANA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. RARICK. Mr. Speaker, the death of the late Honorable Allen J. Ellender, the distinguished senior Senator from Louisiana and President pro tempore of the U.S. Senate, is a great loss to the people of this Nation and the State of Louisiana.

Formerly chairman of the Senate Agriculture Committee and at the time of his death its ranking member as well as chairman of the Senate Appropriations Committee Allen J. Ellender was a great American and a particularly favorite son of the people of his native Louisiana.

Allen J. Ellender's public life was a model for all Americans. Sincere, honest, and dedicated, his life in public service spanned virtually a half century without a breath of scandal or conflict of interest. His death leaves a void that the people of Louisiana and this Nation will find difficult to fill.

Allen Ellender loved his people and they returned his affection. He will be missed. The Nation has lost a great legislator. Louisiana has lost a favorite son, a man from the bayou country who rose to heights of power never before attained by its people, yet a man who never lost touch with the folks at home—his people, the people who were the source of his strength and determination.

THE SLOW PARLIAMENTARY DEATH OF THE PRODUCT SAFETY ACT

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. BRASCO. Mr. Speaker, in recent years we have come to realize that a wide variety of commonly utilized consumer products are hazardous to the point of causing death and injury to millions of people annually.

Toys, lawnmowers, clothing, drugs, pesticides, glass doors, unvented gas heaters, household chemicals, children's car seats, floor furnaces, cars, baby furniture, and a host of other items take a devastating toll annually. Many very young lives are lost as a result of this state of affairs. Nor is industry interested in making any effort or spending money to make such products safe.

A variety of laws have been passed to remedy specific ills in respect to certain categories of products. One such was the Toy Safety Act, designed to remove thousands of different kinds of dangerous toys from the market. Another was the Poison Prevention Packaging Act, which aimed at insuring that all hazardous products came equipped with childproof safety closures. Yet another was the Flammable Fabrics Act, which sought to require availability of flameproofed nightwear for children.

Various Government agencies were specifically charged with responsibility for enforcement of these measures. The first two were placed in the jurisdiction of the Food and Drug Administration. The last was placed under the Department of Commerce.

In each case, the agency charged with protecting the public through enforcement of the law has totally abdicated its responsibility at the expense of an unsuspecting public. None of these laws are now being effectively enforced. Years have elapsed since Flammable Fabrics was placed on the books. The textile lobby has been able to influence the Department of Commerce, and today no across-the-board Federal protection is available. Thousands of young children die horrible deaths annually because of this Federal inaction.

President Nixon signed the poison prevention packaging law in December of 1970. We are still waiting to see aspirin packages equipped with childproof closures this month. Hurray for FDA, the consumer protection agency which only protects industries it is supposed to regulate.

This is why a new Product Safety Act was just passed by the Senate. It would establish a new Government agency to replace FDA to act as a consumer protection watchdog to guarantee that consumer products in the American marketplace are safe.

The House Commerce Committee has overwhelmingly approved a similar measure. Most observers are agreed that if presented to the full House, the bill would receive approval.

Yet since June 22, this House bill has reposed on the shelf in the Rules Committee of this House. Is it not one of the major functions of that same committee to see to it that important bills are given priority for floor consideration? It was my understanding that this was indeed the case.

Yet the Rules Committee of this House has given priority to much less important legislation in the interim.

The National Commission on Product Safety reported that annually 20 million injuries and 30,000 deaths are associated with consumer products. Reams of testimony have informed Congress that much of this could be prevented by removing unreasonably hazardous items from the marketplace. The bill now awaiting a rule would effectively accomplish such an objective.

In spite of a promise from the Rules Committee that it would consider the bill, it is not on their agenda. There are five bills on that agenda. Here they are:

Air passenger fees; a middecade sample census survey; wheat research; amendments to the public works law; interim SALT agreements.

If the product safety bill is not allowed out to the floor for full House consideration, it will be effectively killed, depriving the entire Nation of a vitally necessary and long overdue defense against what is revealed to be an appalling state of affairs.

Who wants to kill this essential measure? Let us drag a few resident Washington inhabitants out from under their accustomed rocks and examine them. First there is the drug lobby, which wants the bill dead as soon and completely as possible. FDA would be abolished under the Senate version, which the drug industry fears might be accepted in conference, as was the stronger version of the Poison Prevention Packaging Act of 1970. They do not want to take a chance on such an unhappy event. FDA enforces laws, by and large, of, by and for our drug and food industry, and the consumer can go hang. No mere page of the CONGRESSIONAL RECORD can do justice to the list of FDA failures when the public interest is at stake. The recent DES fiasco is a proper example. In the face of overwhelming evidence that this additive has some connection with cancer, the agency has stubbornly refused to act in the public interest. Yet the chemical is banned in a score of foreign countries.

So the crux of this lobbying effort is to preserve intact for as long as possible the entity we know as FDA. Should the agency be abolished, and a new consumer protection entity created, some very neatly stacked houses of cards would be destroyed.

The Senate bill would establish a new product safety agency and give to it FDA's present functions of regulating food and drug manufacturers. It would also give that new agency responsibility for ensuring safe consumer products.

Recently, the General Accounting Office did some food plant inspecting of its own, and submitted a report flaying FDA for lax inspection of facilities processing foods we commonly consume. Is there any wonder, then, that the food industry wants this bill on the House side to die a quiet death in the Rules Committee? It is their last chance to kill it.

How fascinating to observe the edifying spectacle of industries, lobbying to preserve an agency charged with policing them. Industries, we might add, which the agency has been charged often with favoring in the past at public expense. Coincidence, no doubt. Certainly, it must be just that and no more.

The Senate passed this measure overwhelmingly, by a vote of 79 to 10. The House is ready to debate and vote on this bill in our own version. The need for such a measure is proven. The Rules Committee of this House has a duty to the public, our leadership, and the House membership as a whole to perform its function and grant a rule.

EARLY INTERVENTION

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. HANSEN of Idaho. Mr. Speaker, Dr. Bettye M. Caldwell, director of the Center for Early Development and Education in Little Rock, is one of the Nation's leading authorities on the subject of young children. At the recent early childhood conference I sponsored in Idaho, Dr. Caldwell discussed the impact of early childhood programs and the rationale for early intervention.

I am including excerpts from Dr. Caldwell's very timely remarks in the RECORD:

THE RATIONALE FOR EARLY INTERVENTION

(By Dr. Bettye M. Caldwell)

The second reason for our becoming so focused on the importance of early childhood is what I have called the emperical rationale. I have suggested in my paper on early intervention that our present literature basically consists of an old wave of data and is terribly old—that is pre-1960—and then a new wave of data that to a great extent is post-1965; Head Start is but seven years old.

There were actually a number of studies conducted prior to 1960 that pointed to the importance of early experience but as I said in my opening remarks it is an idea whose time has come, and the idea of time had perhaps not come during that period and I think many of us were less willing to listen to the facts at that time.

A classic example is a very famous study by Harold Fields that was done in 1939. This is a study in which a number of children who had been diagnosed as mentally deficient—that was the word that was used at that time—and who were residing in an over-crowded orphanage in Iowa, but who had to be taken out of the orphanage because they were retarded or deficient, were transferred to an institution for older retarded girls. It sounds like hardly an infant enrichment experience, if you will, and yet it proved to be exactly that.

I have re-read this article several times in recent years and I have found it full of all kinds of wisdom that was overlooked. The adult-child ratio was 50:1; there were 50 adolescent girls on a ward who had been institutionalized for the most part for many years and into those wards came one baby. Can you think of anything that would have meant more to those girls and can you think of anything perhaps much more wonderful than for those babies who had been neglected and who simply had not had enough attention over in the orphanage? The results of this study were most encouraging. The children were left in that environment for awhile, then almost all of them were later found to be adoptable and they were taken out of the orphanage, out of the institution altogether and were placed in foster homes and eventually adopted.

In the early 1960's, Harold Fields followed the sample. It is a very interesting thing because we protect the identity of adopted children in order to help them and their new families, and he had to carry out a fantastic sleuthing enterprise to track them all down, but he found them and the results of the follow-up were as encouraging, if not more so, than the analysis that he made at the time they were at the institution.

The contrast group, which lost close to 30 points in IQ; the other group gained close to 30 points. The contrast had remained over this 30-year period. All 13 children in this experimental group were found to be self-supporting and none was a ward of any institution, public or private. In the contrast group of 12 children, one had died in adolescence following continued residence in a state institution and four were still wards of institutions. The cost to the state for the contrast group for whom intervention was essentially custodial care was at least five times that of the cost of the experimental group.

Of course, it is very difficult to get into what it means in terms of this intangible thing that we call the quality of life, but it would seem without question that the ones who were able to go out into the society at large had a much more meaningful life experience.

That study has been quoted and re-quoted for one particular reason, not because he proves that the environment was so important, but this was the first study that got into the literature that could be really called an infant enrichment study. These infants were transferred not at age four or five, but when they were between one and two, or thereabouts. It was really the first study that demonstrated that apparent retardation that could be measured at that point in time, could actually be corrected by placing the children in an environment that was more conducive to their growth.

Now, what about the new wave of studies? Dr. Zigler has mentioned the studies of Susan Gray and her colleagues in Nashville, Tennessee. They have now followed their children through the second grade. In contrast with some of the accusations that have been made in the Westinghouse study, not all the differences that were shown in the groups were "washed out by grade two". Studies completed throughout the nation including my own work at Syracuse are now reasonably established as offering some evidence that you can indeed improve the cognitive functioning of children as a consequence of enriching them during their early years.

Of the studies that I have mentioned only the Syracuse study, and that is the one I was involved with, had children in an enrichment project during infancy. When I pooled children from all the years that I directed that project—1964 to 1969—I can come up with the generalization that you can increase the quotient on the developmental quotient (I resist calling them IQ's at this early developmental period) something like 12 to 15 points the first year, and 3 to 5 points for the second year. If children participate in a program of this sort over any length of time, obviously this can result in substantial gain. Not all of the children gained and in our program, gain was inversely correlated with what you might call the general adequacy of the home. That is, the children who were from the most depriving environments tended to show the greatest gain.

The one thing that we did not find at Syracuse that I had expected to find was that when we divided our groups at age three, because that is the ordinary cutting point for acceptance to a nursery school program, we did not find that the children who were admitted prior to age three gained any more than the children who were admitted after age three.

If you will look at the gradual divergent, at the fact that children tested cross sectionally—as 1, 2, 3, 4—you will tend to see a slight decline in children from disadvantaged circumstances. This means that if you have a young group that is going to enter an enrichment program, that is tested at one, where is he in relation to these other groups. He starts out higher, which means that it is more difficult for gain to be greater. If you come here at age three, there has already been a certain decline that has been associated with the environment and therefore it is easier for the gains to be greater. I think that this is probably a valid interpretation and I hope that within the next few years we will be able to get more information about these very precious first three years in order to tell whether that is a rationalization or whether it is a rational answer.

In my remaining time I want to try to comment briefly on some things that I feel now are obligations of all of us if we are to move forward with the kind of program that Congressman Hansen is interested in, and the kind of program that Dr. Zigler in his key position can help generate throughout America. There are a few obligations that I feel we have—those of us who represent the bread and butter of the field. That is, we are really there working with children and are trying to carry out these programs and have the responsibility for seeing to it that quality does indeed exist.

The first one of these needs that I see now is that we need to develop comprehensive early childhood programs, embodying a full range of services. I like very much what Dr. Zigler said about Head Start entering an orthodox phase long before it had a chance to really be experimental. We do not need orthodoxy at this time; we need a great deal of flexibility. We need a willingness to look at different models and to search for different models. We need a willingness to think that we don't know all of the answers right now. We also need to have our heads battered against the wall when we find ourselves thinking in extremes—that is, it's full day care or nothing; does a child have to be in Head Start five half days a week? It may be that for many children the kind of enrichment or intervention that is needed might be one hour a week, and if so we need to develop the kind of model that is sensitive to that particular child and his family.

This, to me, is an extremely important thing for us to do, for us to be willing to think of new models and to develop a full range of services. I could not agree more with Dr. Zigler's remarks about the importance of day care and if you want to really know what hurts my feelings, it is to have day care indicted as something that is breaking up families in American life. Day care is perhaps doing more to help family life than many of the other social institutions that we have. Anything that provides a service that is develop mentally oriented and that the children need is helping families. Day care has been created and there is a need for more day care because of family problems. Family problems do not increase because we have more day care and it is extremely important for us to keep this distinction in mind as we develop programs for young children.

A second point that I wish to make here, and this is so very important, is that researchers who are conducting studies dealing with the effects of early intervention are obligated to follow their children in subsequent developmental periods. We are constantly hit with the thing that Head Start does good, but then they go back. I don't believe this is true. I even offer a different analysis of the Westinghouse report. There were still some gains that could be found and gains that were associated with a very brief period of time in the span of life of those individual children. It is mandatory and I am willing to mandate that people who accept grants to do studies of this sort must be obligated to build in some kind of machinery for long-term follow up. You should not be permitted to kiss and run; you should be required to do this work and say "I will see to it that a machinery is set in motion" so that we will indeed be able to say what happens in subsequent developmental periods.

My next point is that there must be continuity, not only of research but of programs between early childhood and the elementary years. We cannot continue to have this chasm at age six or age five as it is in some states. It is utterly ridiculous, it is what is called the naive environmentalism that says, "you step in here now and then you are through." That is all you have to do. That is an absolute denial of the very basic premise that says that the environment is important in the first place. If it is important initially, it is important later on and we simply must develop programs that provide for continuity from very, very early childhood up to the attainment of biological maturity.

I am extremely grateful for the opportunity that I have had to be involved in a program of this sort. We are operating the Center for Early Development and Education and it is a school that is a community-based school with home intervention, with all kinds of activities. We actually have classes for children ranging from infancy up through the end of sixth grade, in the same old elementary school—the oldest school built in Little Rock, built in 1895—but the kids are splendiferous and I think that the program is also splendiferous or at least has the potential of becoming so, because this kind of continuity is what we must have in these programs.

The next to the last point that I want to make is that if we are going to move beyond this point, we must obtain more careful program description. Here again, we continue to advertise our models and say, that is better than yours, or yours is better than his, and so on. We really don't know that they are that different. I can't help but smile when I read everything that comes out now about the open school. This is the new thing. The open school is everything. Well, the open school to me is absolutely nothing other than what we call the traditional early childhood education classroom. I want to mention a model which I call the ecological model, because I like to say that you have to design an environment and not create a curriculum. But we are probably much more alike than different. Until we get more careful program description, we have no justification for going around and screaming mine is better than yours, or yours is no good. We really need to know what is transpiring.

My last point that I would like to urge is that I hope in the future we will have an exercise, wisdom and good will, in the designation of priorities of money and time. Now wisdom and good will are always nice attributes to have around, but at times of peak excitement about certain ideas, it is easy to campaign for one approach as opposed to another, early childhood versus something else. To seek to divert funds from one endeavor to a different one. As a passionately-committed early childhood educator, I can see no justification at this time for a strategy that would involve massive diversion of funds from education of older children into early education. That may sound like heresy, but I believe that. Rather we need to work for an increase in allocations for programs for all ages. In our enthusiasm for early education it is very easy to promise too much. When too much is promised, a little disappointment seems like a lot. Or to use an expression that I have used on other occasions, the inevitable sequel to oversell is overkill.

We have been through our period of optimism, followed by skepticism, followed by denunciation, followed by a kind of reassessment or an attempt to rise from the ashes, and I think that now we are in a period of consolidation.

It is my greatest hope that in our current enthusiasm for early intervention, we do not try to oversell ourselves to the point where we cannot deliver and thus be forced into another early demise. We do not need another Renaissance of interest in early childhood development. We need only to make certain that the current interest fulfills its obligation. At this time, I think we are more comfortably theory-based and we are substantially data-based. I feel that it will indeed be a possible task. Thank you.

REMARKS BY THE HONORABLE GLENN M. ANDERSON AT MARITIME TRADES DEPARTMENT LUNCHEON

HON. EDWARD A. GARMATZ

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. GARMATZ. Mr. Speaker, on Wednesday, August 16, 1972, my colleague and Member of the Merchant Marine and Fisheries Committee delivered a very important address at the AFL–CIO Maritime Trades Department luncheon. The gentleman from California, Congressman ANDERSON, addressed himself to safeguarding the U.S. coastal sealanes. Never in the maritime history of this great Nation has it been more urgent that we continue the sanctity of the Jones Act and strengthen it. The gentleman from California (Mr. ANDERSON) has done this necessary goal a great service by his timely and important address. I take this opportunity to include Congressman ANDERSON's remarks in the RECORD for the information of the Members of Congress:

REMARKS OF CONGRESSMAN GLENN M. ANDERSON, DEMOCRAT OF CALIFORNIA, AT AFL–CIO MARITIME TRADES DEPARTMENT LUNCHEON, E. L. BARTLETT MEMORIAL AUDITORIUM, TRANSPORTATION INSTITUTE, WASHINGTON, D.C.

In 1920, Senator Wesley L. Jones of the State of Washington, introduced an amendment to the Merchant Marine Act restricting domestic sea trade to ships of the U.S.-flag. With the passage of the Jones Act, this means that no foreign-flag ships could—or can—conduct trade between U.S. ports.

At the time of passage, Senator Jones said, and I quote:

We are entering no brotherly love Sunday School in seeking our part of the world carrying trade. Fair means and foul will be used to defeat us. Fierce assaults will be made upon us from every angle. No meek turning of the cheek will win. We must fight back and fight hard to maintain ourselves, and every honorable means must be used to advance. Other nations will make concessions to attain certain advantages. We have it in our power to secure concessions that we should have. Unquote.

These are different times, of course. But are we really so far removed from that fiercely competitive maritime world Senator Jones saw in 1920? I think not.

Even now, five decades later, the act that bears his name is still the best safeguard we have against the coercion that would naturally follow the takeover of our coastal sealanes by ships of other nations.

Those coastal sealanes are, by any measure, as vital to the future of this nation, our industry and our people as are the rails that crisscross the land, and the airspace above.

I daresay that inroads by foreign operators into the rail and air cargo business between American states and cities would be beaten back by the sheer weight of public opinion.

I don't believe that a single one of us would stand quietly by and allow Air France to fly the shuttle planes between Washington and New York. Nor would we permit the British National Railway System to run the Metroliners.

To do so is to invite chaos in transportation. And yet, by means both "fair and foul" as Senator Jones put it, we are faced with that situation in our waterborne traffic—the traffic that moves thousands of tons of goods each year, and provides a meaningful and necessary link between our nation's seaports.

I said that there are both fair and foul means being brought to bear against the Jones Act. The fairest methods, it seems to me, are those that come before Congress for enactment. We see bills in each session that would exempt a single ship, or a single sailing.

I think that is the fair way to go about it. Fair, because it gives all sides the opportunity to be heard before the representatives of the people. And fair because, if exemptions are made, they are made in the light of publicity and not by underhanded and devious means.

Of course, the Congress has been reluctant to grant exemptions to the Jones Act because, first, the law is good law, relevant to its time and to ours. And secondly, because the Congress appreciates its value to the national interest and security.

But there are foul means afoot as well. Let me describe one method to you that must be nipped in the bud because it bears not only on the Jones Act, but also on the energy crisis that is just ahead of us.

We all know of the vast, rich oil fields on Alaska's North Slope. And, of course, the American oil companies are jockeying for the best use of the fields when the pipeline is put through.

But one of those companies, Amerada Hess, is attempting to seek a competitive gain by what I would brand a very foul method indeed—a blatant attempt to subvert the Jones Act.

The Jones Act when it was written made a notable exception of the American Virgin Islands. Although all the other U.S. states and territories were included, the Virgin Islands was exempted from the provisions because in 1920, it had virtually no commerce.

The Congress provided, however, that the President by executive order could place the Virgin Islands under the act at any time he deemed necessary. And it is my firm conviction that the America Hess scheme makes that inclusion both necessary and crucial to the nation, even if the Congress must do it by law without waiting any longer for Presidential action.

For Hess has the exclusive right to build and operate oil refineries in the Virgin Islands. And they intend, as my colleague in the House, Les Aspin of Wisconsin has revealed, to circumvent the Jones Act by use of those refineries.

Here's how they plan to do it: They have asked the government of Costa Rica for permission to construct a pipeline from the Atlantic to the Pacific across that Central American nation.

Obviously then, they will be able to send their foreign-flag fleet of tankers ships to Alaska to tap the North Slope resources, not as domestic trade, although they are an American firm, but as import-export trade.

And after the oil is pushed through the pipeline, the Hess fleet can stand by at its eastern end to ship the oil to the Virgin Islands for refining. And then use the Virgin Islands exemption to ship it to the contiguous United States, again in foreign vessels.

That's pretty shoddy business and it certainly violates the spirit of the Jones Act, if not the letter of the law.

It is thus clear that we must protect the integrity of the Jones Act in order to prevent maneuvers like the Hess pipeline. But I think that as far as the Alaskan oil goes we must take it one step farther.

With the grave energy crisis which we know looms over our nation, we must prohibit the exportation of that oil, and indeed the exportation of all our needed domestic oil and gas supplies, for as long a period as we are forced to import so much from so many nations around the world.

That becomes important because of reports that the Japanese, who presently import oil from Venezuela, wish to trade that commitment to the United States in return for permission to tap the Alaskan oil supplies.

Sailing distance, of course, is the reason for such a trade. But the obvious losers in the deal would be American shipboard workers who would lose employment to the foreign-flag tankers of the Japanese that called at Valdez.

I need hardly remind this audience that the need of martime is *more*, not less, job opportunities. And the need of the nation is more, not less fuel supply sources.

So if we diminish jobs, and cut into the amount of Alaskan oil available, by selling some to the Japanese, or any other foreign nation, we do ourselves a double disservice.

We in the Congress have the responsibility of seeing that the Jones Act is strengthened. We have the responsibility of protecting those fuel supply sources that we now have by seeing that Alaskan oil stays in the United States.

And equally important, we have the responsibility of insuring that Alaskan oil is carried on U.S.-flag vessels, manned by American seamen—whether or not that oil is refined in the Virgin Islands.

The time has come for us to start exercising those responsibilities with great firmness. For as Senator Jones said, "no meek turning of the cheek will win."

BICENTENNIAL HISTORICAL EVENTS IN AUGUST

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. WHITEHURST. Mr. Speaker, the Communications Committee staff of the American Revolution Bicentennial Commission has compiled an abbreviated list of historical events connected with the Revolutionary period that occurred in the month of August. There are undoubtedly many companion developments in various sections of the country that are equally significant to those on this list. It is by no means the sum total of actions during the month. It does, however, bring to mind the vast amount of important history in developing this Nation: Dates, events, places, and people that need to be recalled, their courage and contributions told again to guide our people into a third century of freedom.

This list also points out the wide ranging events that can be recognized by communities and organizations throughout the land in celebrating the Nation's 200th anniversary in 1976, and indeed during the bicentennial era ending in 1983, for just the one month cited.

The listing follows:

BICENTENNIAL NEWS

Listed below are significant historical events which relate to the Bicentennial Era.

August 1, 1774—Delegates from Virginia counties meet at Williamsburg.

August 1, 1776—Sir Henry Clinton and his force arrive at Staten Island from Charleston. British expeditionary force now 30,000 strong.

August 1, 1776—Action at Oconore, South Carolina.

August 1, 1776—Action at Essenecca Town, South Carolina. Francis Salvador, first Jew to hold elective office in the New World, killed in this skirmish, thus being the first Jew to die for American independence.

August 2, 1775—Congress adjourns.

August 2, 1776—Signatures affixed to the engrossed Declaration of Independence.

August 4, 1775—Lancaster War Dance. By Captain Cresap and his rifle company enroute to Cambridge.

August 7, 1776—Captain Wingate Newman, privateer, commanding the *Hannah* brings prize ship *Reward* into Portsmouth, New Hampshire. Cargo included turtles destined for Lord North.

August 8, 1775—Captain Daniel Morgan and his Virginia riflemen arrive at Cambridge.

August 9, 1775—Naval action at Gloucester, Cape Ann, Massachusetts (Aug. 9–10). British ships, pursuing two American schooners, capture one, but are driven back by gunfire from Gloucester.

August 11, 1776—Action at Tomassy, South Carolina.

August 22, 1776—Howe lands about 20,000 troops at Flatbush, Long Island (August 22–25).

August 23, 1775—Proclamation of Rebellion. George III declares the American colonies to be in open rebellion.

August 25, 1774—Convention to form North Carolina provincial congress meets at New Berne.

August 26, 1776—British night march to envelop General Israel Putnam's forces before Brooklyn.

August 26, 1776—Action at Valley Grove, Iong Island. Preliminary action in the Long Island, New York, Campaign.

August 27, 1776—Battle of Long Island. Continental army defeated by General Howe.

August 28, 1775—General Schuyler begins advance on Canada. Marches from Ticonderoga with 1000 men.

August 28, 1776—Action at Jamaica (Brookland), Long Island. British surprise a small American detachment and take most prisoner.

August 29, 1775—Attack on New York City. (Unexplained item in Heitman; presumably refers to a naval bombardment or a Tory raid).

August 29, 1776—Washington's Evacuation of Long Island (August 29–30).

TELEPHONE CONVERSATION

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. BELL. Mr. Speaker, I am submitting today a follow-up to the text of the conversation between my constituent Stuart Lotwin of Los Angeles, and Lev Lerner of the Soviet Union, which appeared in yesterday's CONGRESSIONAL RECORD:

TELEPHONE CONVERSATION BETWEEN LEV LERNER, LENINGRAD, U.S.S.R.; S. J. LOTWIN, LOS ANGELES, CALIF.; OPERATOR, MOSCOW, U.S.S.R.

July 7, 1972

S.L. Hello, Lev?

L.L. Yes.

S.L. This is Stuart, again.

L.L. I hear you very bad.

S.L. Very bad? Operator.

L.L. Hello.

S.L. O.K., I'll get our operator to do something. Operator, Operator.

L.L. Hello.

S.L. Hello, Lev? Can you hear me?

L.L. Yes.

S.L. O.K., good. You must be tired. Are you sleepy?

L.L. No, I wait your call.

S.L. Good. Listen, Lev.

L.L. Yes.

S.L. We had here before some people from . . .

L.L. Hello.

S.L. Hello.

L.L. Hello.

S.L. Hello, can you hear me?

OPR. Conversation in Russian with Lerner—Hello, New York, my party can hear you. The line is broken.

S.L. Can he hear me?

OPR. I hear you, not good.

S.L. Not good?

OPR. Yes. The line is bad.

S.L. The line is bad, huh?

OPR. Go ahead.

S.L. Lev, can you hear me better now?

L.L. Now better.

S.L. Now better?

L.L. Yes.

S.L. Good, anyway, Lev, we were here to call you. People from the Los Angeles Times, the Associated Press and the Columbia Broadcasting System were here but they had to leave because we had a bad connection on our end—we couldn't hear you before very well. So, they are, nevertheless, going to write stories about you, your family, and your desire to go to Israel and will publish it in the newspapers in the United States. Do you understand?

L.L. Yes, I understand.

S.L. And, it will be on the radio.

L.L. Thank you very much for your call.

S.L. Hello.

L.L. Hello.

S.L. Yes, did you understand?

L.L. Yes, I understood and all my family thank you very much for your call.

S.L. Oh, a pleasure! It's always good to talk to a good friend.

L.L. Yes.

S.L. We do have one man here who was with the Associated Press and he will want to say hello and give you his personal greetings. He'll be on in just a second. Before he does, tell me if I'm correct that your visa was denied because they said you had information that related to secret material.

L.L. Hello.

S.L. Hello.

L.L. Hello.

S.L. Hello, hello.

At this point a strange male voice (not Lerner) speaks in Russian to the operator. Then another female voice and the male voice started yelling, "Hang-up, hang-up."

S.L. Operator.

OPR. Hello, my party can't hear you, can't hear you.

S.L. He can or cannot hear me?

OPR. I'm sorry, Mister. Please try another time. The line is broken.

S.L. The line is broken?

OPR. Yes, please get back operator in New York City. Now it is not possible to get line.

S.L. It is not possible?

OPR. Yes.

S.L. Can you tell the party in . . .

OPR. Yes, please get back operator, your party cannot hear you—nothing.

S.L. O.K. Would you tell him something for me?

OPR. Me?

S.L. Will you tell him that I will call him Sunday?

OPR. I don't understand what you say.

S.L. Can you hear me?

OPR. I can hear you.

S.L. You can?

OPR. New York?

S.L. Hello.

OPR. New York?

S.L. The New York operator is not on the line.

OPR. Put down the receiver.

S.L. O.K., I'll flip the receiver.

OPR. Yes, you ought to speak with operator in New York City.

S.L. Alright, alright, very well.

OPR. New York, New York, New York, hello, New York?

S.L. Hello?

OPR. New York?

S.L. Hello?

OPR. Where is it you call in Leningrad.

S.L. Where in the city?

OPR. When, when?

S.L. On Sunday.

OPR. Call tomorrow.

S.L. Sunday, Sunday.

OPR. Sunday?

S.L. Sunday!

OPR. What time?

S.L. Sunday, as usual.

OPR. At what time?

S.L. At what time?

OPR. Yes.

S.L. Tell him at 10:00 at night in Leningrad.

OPR. 10:00 in the morning you call again?

S.L. In the evening.

OPR. Will this be your time or Moscow time?

S.L. Leningrad time.

OPR. Your time or Moscow time?

S.L. Moscow time!

OPR. O.K., O.K.

S.L. O.K., good.

OPR. Get New York operator. You can then hear your party in Leningrad.

S.L. Yes, on Sunday. Good.

MISS INDIAN AMERICA

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. HANSEN of Idaho, Mr. Speaker, Idahoans swelled with pride earlier this month when one of their daughters—Louise Edmo of Fort Hall—was crowned Miss Indian America, the first Shoshone-Bannock woman ever to be honored with this title. I am especially proud that she is a resident of my Congressional district.

This lovely young woman radiates life and enthusiasm. She holds great hopes and aspirations for the future of her people and promises to devote her own future to improving the quailty of life of the Indian people. I have worked closely with Miss Edmo's family at Fort Hall through the years and I know that her dedication will continue to grow long after her reign is over.

It is my great pleasure to offer my heartiest congratulations to this deserving young woman, and to insert in the RECORD a personality sketch of the new Miss Indian America by Tom Hodge of the Blackfoot News:

MISS INDIAN AMERICA VOWS TO DEDICATE LIFE TO HER PEOPLE

(By Tom Hodge)

FORT HALL.—The first Shoshone-Bannock woman ever to win the title of Miss Indian America returned here Thursday to make a pledge to "dedicate my life to Indian people."

Louise Edmo, in a news conference at the site of the ninth annual Shoshone-Bannock Indian Festival, said betterment of the Indian race will be her goal during her year's reign.

"But it won't stop there. I plan to dedicate my life to Indian people as my father has done."

Her father, Kesley Edmo, holds several positions of influence among Indian people. He is chairman of the Idaho Inter-Tribal Policy Board, a member of the Governor's Advisory Committee on Indian Affairs, and is a vice president of the Northwest Affiliated Tribes.

Until this summer he was chairman of the Shoshone-Bannock Tribal Council. He lost that seat by just a few votes in the tribal election.

Following the Shoshone-Bannock festival, the new queen will begin an intensive tour of the country for personal appearances and speaking engagements. The first after Fort Hall is at Casper, Wyo., where she'll address members of the Production Credit Association.

In the Miss Indian America contest at Sheridan, Wyo., Miss Edmo said 30 contestants from 27 tribes participated. "Any one of them could serve as Miss Indian America. They were all real sharp, and knew what their goals and aspirations are."

She said Miss Glenna Jenks of Fort Duchesne, Utah, is her runner-up.

"My goals and responsibilities during the next year will be to be a spokesman for my people. I'll lose a year of school, but it'll be well worth it."

Miss Edmo said she has had "numerous invitations to appear all over the country—except from around this area." For some reason, the invitations haven't come from Utah and Idaho, she said.

During the upcoming year, "I plan to put emphasis on the lifestyle and ways of the Indian. I hope I can let non-Indians know what our beliefs are."

Her ability to speak well in public, she said, played a large part in her success at Sheridan. "My parents helped me learn this, and speech classes I took (at Blackfoot High School) were very important to me."

Asked if she will use the Miss Indian America position as a soapbox from which to urge betterment of the lives of Indians, Miss Edmo said she will continue to speak out as she has always done.

The Blackfoot and Pocatello area, Miss Edmo said, "Is the best place to begin to fight."

As an Indian student, she said, "I felt I had to prove myself every day, to learn to communicate with each aspect of society."

The All-American Indian Days organization at Sheridan, she said, "is working effectively to bridge the communications gap between Indians and non-Indians."

Miss Edmo said she will not be identified with more "militant" Indian organizations. "They have good objectives. I agree with the goals, but militant action gets only publicity and usually doesn't benefit people."

Known by the Indian name, "Bird Wing," Miss Edmo said young Indians should "work through channels" to attain their goals. "Channels" she agreed, would include the Federal Bureau of Indian Affairs.

Young people of her race, she said, "should dedicate their lives to Indians. What needs to be done can't be done in two or three years."

After the year as Miss Indian America, she'll return to her home state to attend the University of Idaho. She plans to study pre-law there, and may go on to the University of New Mexico to study law.

"All our lives are based on rules, regulations and laws. An Indian person with a knowledge of law can be real useful."

As a lawyer, she said she believes she could fight to keep Indian lands from "going out of trust."

"I would also work to maintain water, fishing and hunting rights of the Indians," she said.

Miss Edmo, 18, is the daughter of two chiefs, Arimo of the Shoshones and Racehorse of the Bannock. Her successful competition at Sheridan was because of a speech she gave, she said.

The speech, originally prepared for a high school presentation, compares the "Value system" of the Indian with "middle class white society."

In the speech, Miss Edmo said, "The values of the Indian treat older people differently. We respect and understand them . . . the non-Indian is simply forgotten at age 65. We feel older people are the most important resource we have. They are our only means of learning the old ways."

HEW APPROPRIATIONS BILL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

August 17, 1972

Mr. HARRINGTON. Mr. Speaker, yesterday President Nixon vetoed the HEW appropriations bill because it exceeded his budget recommendations by $1.8 million. It seems that the President has developed a habit of vetoing bills which affect the education and health of the nation. In January 1970 he vetoed an HEW appropriations bill for vital education and health needs because it contained $1.26 billion more than his budget request. Similarly, in August 1970 he vetoed an education appropriations bill because of the $453 million which Congress had added for elementary and secondary education, handicapped, vocational and adult education, student college loans, and libraries.

If the President were truly concerned about "reckless Federal spending" and curbing inflation, he would have cut funds instead from the military budget as I and many of my colleagues suggested.

I deeply regret that due to prior commitments I was unable to be here yesterday to vote to override the President's latest veto of an HEW appropriations bill. If I had been present, I would have voted "yes."

U.S. INTERNATIONAL ECONOMIC POLICY AND U.S. AGRICULTURAL POLICY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. FRENZEL. Mr. Speaker, this week, Mr. Robert Dierks, representing Cargill, Inc., made an excellent statement concerning U.S. international economic policy and U.S. agricultural policy to the Republican Convention's Platform Committee.

This fine statement, slightly edited by me follows:

INTRODUCTION

A comprehensive and outward-looking U.S. foreign economic policy has become increasingly important. The volume of the international flow of goods, services and capital has grown rapidly. Developed nations have become increasingly interdependent economically, and developing nations are seeking to be included more meaningfully in this process. Longstanding barriers to commercial relations between East and West are coming down.

But the traditional, liberal trade and investment policies of the United States are also facing greater challenges. The international monetary system created at Bretton Woods has collapsed under the strain of prolonged inflexibility in the face of mounting payments imbalances. The economies of Western Europe and Japan have recovered to the point where those regions can compete on a fully equal basis with the U.S. The trading rules of the General Agreement on Tariffs and Trade (GATT) have been gradually and steadily eroded by the creation of free trade areas, customs unions and the widening circle of preferential trading arrangements being concluded by the European Community. Finally, segments of the organized labor and business communities in the U.S. have begun to back away from their traditional support for freer trade and to call for import quotas and restraints on the flows of capital and technology across national boundaries. These domestic concerns surfaced most clearly in the "Foreign Trade and Investment Act of 1972".

It is our firm belief that these developments only confirm the need for a renewed commitment to a coherent, comprehensive and outward-looking U.S. foreign economic policy. Very simply, the United States and her trading partners must meet constructively the substantial problems currently facing international economic policy, and they forge solutions which will mesh with the long-term objective of continued world prosperity and economic cooperation.

The interests of the entire agricultural community lie at the heart of this challenge. Both politically and economically, the challenge of liberalizing the conditions for trade in agricultural commodities demands the highest priority in the shaping of an expansive international economic policy for the United States. The future prosperity of the American agricultural community has become increasingly tied to access on liberal terms to foreign markets, and the political support for a comprehensive trade and investment policy which will benefit the nation as a whole rests in large part on meeting this challenge to agricultural trade.

THE IMPORTANCE OF THE AGRICULTURE EXPORT MARKET

In the year ending June 30, 1969, the total value of agricultural exports was approximately $5.7 billion. Approximately $1 billion of this total was exports under specified Government programs, with the remaining $4.7 billion representing commercial agricultural exports. In the year ending June 30, 1972, U.S. agricultural exports had risen to $8 billion. With exports under Government programs remaining at about $1 billion, this means that commercial agricultural exports have increased by approximately 50 percent during this period.

With population growth slowing in the United States and with American diets already at a relatively high standard, the continuing comparative advantage possessed by American farmers in major field crops has tied dynamic growth in agricultural production and marketing to expansion of foreign markets.

Looking toward the future, the opportunities for continued market expansion for U.S. farm products lie with export market developments.

The first lesson of this future potential market development is the need for the United States to employ its agricultural resources efficiently to meet this rising worldwide demand. Currently, the U.S. withholds more than 60 million acres of cropland from production. The continually rising world demand for fats, oils and protein meals offers an opportunity substantially to increase U.S. soybean acreage and production.

New market demands for wheat and for feed grains present the challenge of increasing U.S. production of those commodities as well. The challenge of reaching the target of $10 billion of farm product exports can be met. The first step in achieving that objective will be to utilize our vast productive resources more efficiently.

AGRICULTURAL TRADE POLICY CHALLENGES

Beyond this, however, each of these present and potential export arkets possesses special problems which need to be surmounted.

I. EUROPEAN COMMUNITY—It has been and remains a cornerstone of U.S. foreign economic policy to encourage the economic integration and development of Western Europe.

At the same time, however, the Community has pursued certain policies which have secured a part of its growth at the expense of third-country exports. One such policy has been the EC's Common Agricultural Policy (CAP) for grains.

While there can be competition among third-country exporters to the EC, the EC farmer is absolutely protected from outside competition. This system, together with the very high price support levels in the EC, has frequently generated surpluses in the Community. These surpluses are then disposed of either through high export subsidies or through denaturing premiums for wheat used as feed. As a result, the CAP for grains has not only reduced U.S. exports to the EC but has also disrupted U.S. exports to other traditional importing nations.

Enlargement of the Community to include four new members will extend this agricultural trade-diverting system to a market for $640 million of U.S. farm exports in 1970–71. The U.S. can expect to lose a substantial portion of this market. In addition, the high price support levels for grains in the EC retard growth in consumption.

Continuation and extension of the CAP for grains poses a serious barrier to growth of U.S. grain exports to the Community.

Another problem posed by the Community centers on the ever-widening circle of preferential arrangements the EC has negotiated or is in the process of negotiating with nonmember countries. 52 of the present 80 signatories of the GATT enjoy some kind of preferential arrangement with the Community member nations. Such preferences seriously undermine the most-favored nation clause of the GATT.

These facets of the development of Community trade policy present serious problems for all U.S. exports, but they—and especially the CAP—pose especially serious impediments to liberalization of the conditions of agricultural trade and to expansion of U.S. farm product exports. Congress and the Administration will have to work closely together to deal with these agricultural trade barriers effectively.

II. SOVIET BLOC NATIONS AND THE PEOPLE'S REPUBLIC OF CHINA—On June 10, 1971, President Nixon removed barriers to trade with Communist China arising under the Trading-with-the-Enemy Act, as well as the requirement that 50 percent of U.S. agricultural exports to Russia, mainland China and some Eastern European nations had to move on U.S. flag vessels. This latter restriction had proven a serious impediment to U.S. agricultural exports to these nations, since U.S. flag vessel rates for bulk shipments were not competitive. Since then, the emergence of Russia as a major new market for U.S. agricultural commodities has been very rapid.

At the same time, however, there remain problems which need to be surmounted. Long-term growth of U.S. agricultural exports to Russia will require: reciprocity in our trade relations with the Soviet bloc nations; Soviet capacity to earn foreign exchange; granting most-favored nation tariff treatment to the Russians; agreement on acceptable credit terms to be offered by each nation; an agreed-upon method for settling commercial disputes; and other operational freedoms characteristic of normal commercial relations among countries. In particular, putting commercial relations with the Soviet bloc on a more normalized basis awaits settlement of lend-lease debts. Beyond this, the U.S. must recognize that exports to Soviet bloc countries can only expand as rapidly as the ability of those nations to earn foreign exchange with which to pay for those commodities, and this foreign exchange must be earned through exports to the free-world economies. Similar problems confront expansion of trade with China, and here we can expect the pace of progress to be substantially slower.

III. JAPAN—U.S. agricultural exports to Japan have grown rapidly, to the point where Japan has become the largest single-nation market for American farmers. At the same time, however, the U.S. has experienced recently a large and rapidly deteriorating balance of trade and payments with Japan. Unless measures are taken soon to correct this situation, the U.S. can expect a balance of payments deficit with Japan in 1972 approaching $4 billion.

Progress must be made to close this serious gap. Lasting and long-term progress will hinge upon the success of broad-scale trade and monetary negotiations among the U.S., the EC and Japan.

The basic principles which could underpin such negotiations have been outlined by Ambassador William D. Eberle, the President's Special Representative for Trade Negotiations. The fundamental character of these principles underline the essentially new circumstances of today's commercial relations—a world increasingly interdependent, where economic change is transmitted across national boundaries more quickly and, in some cases, more massively and where the major economic groupings face each other essentially as equals. Such changed circumstances will require new policies, not only in the sphere of trade policy along the lines developed by Ambassador Eberle, but also in the sphere of monetary policy, where a new international monetary system must be more flexible—providing for adjustments to disequilibria on a more timely basis—with the burdens of adjustment shared equally by surplus and deficit nations.

IV. DOMESTIC ECONOMIC AND POLITICAL PROBLEMS—The other major challenges to securing for American agriculture—as well as for American society as a whole—the benefits of a more liberal atmosphere for international economic relations arise within the United States. Two are especially important.

International trade in agricultural products is highly competitive. Nations which import food and feed stuffs from the United States are understandably concerned about the reliability of the U.S. as a supplier. Nations have shown great confidence in the capacity of the U.S. to produce to meet their import needs. This confidence is reinforced by the productive reserves the U.S. possesses in the form of land withheld from production and by our policy of maintaining adequate reserves. Obviously, however, as world demand for food and feed grains and for oilseeds increases, the U.S. must pursue acreage and production policies which continue to provide adequate supplies to meet this demand.

These policies and this confidence can, however, be undermined when importing nations find themselves closed off from U.S. agricultural exports by recurring dock strikes. This undermining of America's reputation as a reliable supplier is especially unfortunate when grain and oilseed stevedoring is blocked by strikes which do not involve issues arising from those activities. This was the case in the most recent prolonged tie-ups at most of our major ports. Even at peak loading times, grain and oilseed stevedoring requires only about 1200 longshoremen, out of a total national membership of better than 60,000. Consequently, for often unrelated issues arising between parties where agricultural exporters do not have a voice and involving only a few longshoremen, America's farmers must suffer both foregone current exports and further erosion of our reputation as a reliable supplier. An effective solution must provide more effective legal tools to mitigate the victimization of interests other than those involved in contract disputes.

The other major domestic problem arises in connection with growing support for protectionist legislation in the United States. The Burke-Hartke bill is the most obvious example. This and similar proposals would impose quotas across-the-board on imports into the United States, would seriously restrict flows of capital and technology across national boundaries and would alter the tax treatment of foreign earnings in ways which would put U.S. foreign direct investors at a serious competitive disadvantage vis-a-vis foreign concerns, thereby seriously discouraging investments which have demonstrably benefitted the U.S. in a variety of ways.

These proposals must be of serious concern to all who share the goal of the President's Commission on International Trade and Investment Policy—that the U.S. play a constructive role in achieving a "world economic community of nations." But such proposals pose an especially acute threat to the entire agricultural community. Import quotas are inflationary. The farm community would become one of the first and most seriously injured victims of an inflationary spiral. Quotas would also prompt retaliation from our trading partners, since successful trading relations must run on a two-way street. Seeing their exports to the U.S. impeded by quotas, other nations would retaliate against U.S. exports. Past experience and the multiplicity of sources for agricultural products both demonstrate that U.S. agricultural exports would be among the first, and hardest-hit, victims of such retaliation. Restraints on the flow of technology and capital across national boundaries would undermine one of the most important marketing tools for agricultural exports. The ability to invest in and develop U.S. feeding technologies in foreign markets helps generate markets for exports of U.S. feed ingredients, since those feeding technologies are closely tied to U.S. farm products. Policies to tax foreign earnings in ways which would deter U.S. investment abroad would similarly undermine such export-promoting activities.

Trade restraints—through their inflationary effects and the inevitable retaliation which follows—merely transfer the costs of adjustment on to other industries. In this case, these burdens would be passed on to the most dynamic, export-oriented industries, with agriculture being one of the most serious victims. Secondly, trade restriction protects both those firms within an industry which need protection and those which do not, creating a windfall gain for some industries. Protection would also isolate the U.S. from the challenge of competition, impairing our ability to innovate and reducing the real welfare of all of our workers. Fourthly, while one can understand the political pressures to institute quotas—since the costs of such a policy are hidden in the prices consumers must pay rather than apparent in appropriations which must be made to meet real social needs—such policies do not solve the underlying problems; they merely allow those problems—and the substandard wages which are frequently associated with non-competitive industries—to be perpetuated. Finally, in contrast to the once-and-for-all costs of an adequate adjustment assistance program, the costs of protection cumulate overtime.

While rejecting the Burke-Hartke bill, we cannot ignore the very real problems which confront some workers, firms, industries and communities in adjusting to the pace of change in a more interdependent world. Those costs are very real—lost income, lost pension rights, lost health and life insurance, lost dignity.

It is important that supporters of a freer trade policy—which benefits the society as a whole—recognize and meet effectively the social and human costs that a few are asked to bear to secure those benefits. It is equally important to recognize that these costs of adjustment are the same, whether the dislocations which produce them arise from foreign or domestic competition. Indeed, with imports less than 4 percent of our total Gross National Product, the burdens of adjustment to domestic economic changes may well outweigh the burdens of adjusting to foreign competition. The social, economic and human costs of adjustment demand a coordinated industrial and manpower development strategy.

CONCLUSION

The main themes of this presentation can be summarized as follows. First, some of the most important policies affecting the future health and structure of American agriculture will not resemble traditional agricultural policies or issues. With the rapidly growing importance of the export market for American farmers, the progress (or lack of it) which is made in liberalizing the conditions of international trade in farm products and in devising a responsive and flexible international monetary system must be considered among the most important, if not the most important, challenges facing individuals concerned with the future of U.S. agriculture.

Secondly, with agricultural exports currently about one-fifth of total U.S. exports and with the marked potential for future growth in such exports (if the challenges to that opportunity can be met), securing substantially liberalized conditions for trade in agricultural commodities must be among the nation's highest foreign economic policy priorities. If such an objective were achieved, the U.S. balance of payments would be improved, U.S. productive resources would be more fully and more efficiently utilized, U.S. industry would be buoyed by the improved economic well-being of one of its largest customers—the agricultural community—and the society as a whole would gain from the continued commitment of the United States to an outward-looking trade and investment policy.

Finally, a positive and comprehensive trade and investment policy designed to further these objectives would include: (1) a commitment to keeping American agricultural production competitive in terms of price and quality and therefore capable of helping to meet the world's rising demand for food; (2) a commitment to providing U.S. trade negotiators a mandate to liberalize the conditions of world trade, with a high priority placed upon liberalizing the terms of trade in agricultural commodities; (3) a commitment to securing an international monetary system which is flexible, able to respond to the needs for adjustments to imbalances on a timely basis and based upon a mutuality of obligations for both debtor and creditor nations; and (4) an industrial and manpower strategy which is geared to achieving improved U.S. competitiveness in international markets and to meeting effectively, efficiently and in a timely fashion the very real economic, social and human needs of adjustments that arise in the increasingly equal, interdependent and competitive economic world in which we live.

We believe that these objectives are among the most important in our common commitment to building a new, lasting and equitable prosperity for the nation.

LEAD AND ZINC ACT OF 1972 AND ZINC ORE DUTY-SUSPENSION BILL

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. McCLURE. Mr. Speaker, the gentleman from Colorado (Mr. ASPINALL) the chairman of the Committee on Interior and Insular Affairs, yesterday gave this House a typically lucid and comprehensive explanation of why the two bills introduced are badly needed. I take great pleasure in joining the gentleman from Colorado and other Members in cosponsoring those two bills.

I agree with everything Chairman ASPINALL said about the need for bringing stability to our lead and zinc industries. They are of vital importance to America and to my State. In 1971 Idaho was the second-ranking lead ore producing State, with a production of 65,000 tons of recoverable lead. Idaho also was among the top five producers of zinc ore, producing 43,000 tons of recoverable zinc. In addition, there is a large lead smelter and refinery and a large zinc smelter and refinery in the Coeur d'Alene district in the northern part of Idaho. Directly and indirectly, about 10,000 jobs depend on Idaho's lead and zinc mines, smelters and refineries.

I support this legislation, however, not only because it will benefit the people of my State, but also because it will help our country. This legislation will help America by providing jobs, by helping to ensure adequate supplies of two strategic materials in time of national emergency, by safeguarding consuming industries against possible shortages, and by conserving our foreign exchange reserves.

On May 20, 1971, I remarked to this House that the lead and zinc industries had their backs to the wall. But, as Chairman ASPINALL has noted, the situation has become even worse since then. Meanwhile, foreign producers are pulling ahead.

They are pulling ahead because governmental policies and programs provide foreign producers with advantages that are not available to American producers. For example, in this country we are, quite rightly, taking steps to reduce pollution. In fact, the United States is in the forefront among the nations of the world in the battle to improve the environment. Most foreign countries are not taking the energetic measures we are taking. This means that American lead and zinc producers will have to incur added costs of several hundred million dollars over the next 4 or 5 years, while their foreign competitors will incur only a fraction of those costs.

Moreover, foreign goverments employ a number of tax incentives to encourage new investment, very rapid amortization, sometimes in a single year, being a favorite device. If we also take into account the subsidies and low interest loans which foreign producers receive, plus the fact that foreign wage rates are distinctly lower than ours, we can reach only one, inescapable conclusion: the competition is decidely unfair.

The two bills introduced will take an important step toward correcting the unfair, competitive imbalance that now exists. Thereby they will add to the stability of two industries badly in need of stability.

The Mining and Minerals Policy Act of 1970—Public Law 91-631—calls on us to take this action. Our national and industrial security requires us to take it.

I join Chairman ASPINALL in the hope that these two bills will find wide support in the House.

SOVIET SHAME CONTINUES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. DERWINSKI. Mr. Speaker, Monday is the fourth anniversary of the invasion of Czechoslovakia by the Soviet Union. On August 20 and 21, 1968, the frontiers of that tiny satellite were violated by 650,000 Russian, Bulgarian, East German, Hungarian, and Polish troops.

Invasion of other countries by the Kremlin's soldiers was, of course, nothing new. From the day back in 1917 when the Bolsheviks wrested power from the regime that overthrew the Romanoff dynasty until the present hour, the Soviet Empire has coveted the soil of its neighbors.

In the early 1920's it seized several nations, including such ancient lands as Ukraine, Byelorussia, and Armenia. In 1939 it collaborated with National Socialist Germany to take over Poland. Less than a year after that it extinguished the independence of Estonia, Latvia, and Lithuania.

During the late 1940's the Iron Curtain descended over a number of countries that had won their freedom from Hitler only to see it terminated by another international gangster, Stalin. Among these new colonies of the Soviet Empire were Bulgaria, Czechoslovakia, East Germany, Hungary, Poland, and Romania. The uprisings staged by East Germans, Magyars, and Poles at various times during the last two decades were put down with great severity when the tyrants in the Kremlin sent in overwhelming military forces.

The dispatch of troops to Czechoslovakia in 1968 was especially shocking because that nation had been a Soviet satellite for 21 years. Some inadequate reforms, were too much for the men in Moscow.

Despite the millions of words that have been spoken and written during the last few years to the effect that the Communists have mellowed and that their leaders have undergone a metamorphosis from socialistic totalitarianism to capitalistic free enterprise, the status of Czechoslovakia shows us that the facts are otherwise. The people who inhabit that unhappy nation can provide eloquent testimony to demonstrate the utter falsity of statements that proclaim the advantages of peaceful coexistence.

Mr. Speaker, the blackest midnight must eventually and inevitably yield to tomorrow's sunrise. Likewise, the people of Czechoslovakia, who witnessed the annihilation of Naziism, can take confort in the knowledge that godless Communism is doomed to eventual destruction. God speed the day when the power of international communism will disintegrate and that its victims, such as the long-suffering people of Czechoslovakia, will once more walk in freedom.

ONE MAN'S COMMITMENT TO A BETTER WORLD

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, August 18, 1972

Mr. RANDOLPH. Mr. President, America, in recent years, has become very environmentally aware. We are properly concerned that, as a result of our Nation's expansion, we are making parts of America undesirable places to live. It is encouraging, however, to know that millions of our citizens are aware of the danger and are alert to the opportunities to reverse the past neglect.

There is more to creating a clean, healthful, and enjoyable environment than just ending the pollution of our air and water. It is important to take positive steps to enhance the world around us.

The August 5 edition of the Sabbath Recorder, the weekly publication of the Seventh Day Baptist Church, contains a story of one man's commitment to a better world. Written by the Reverend Leon M. Maltby, editor of the magazine, it tells of the efforts of Earl D. Gardiner, of Watertown, N.Y., who, singlehanded, transformed a barren area into a place of beauty.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Sabbath Recorder, Aug. 5, 1972]

A LESSON IN ECOLOGY

We hear much about the ecological crisis that we are getting our country into and not very much about efforts that have been underway for a long time to conserve or rebuild our natural resources. The editor had occasion recently to observe one such local effort which, if repeated many times, would give reason for encouragement.

New York State, though not as densely populated as New Jersey, contains our largest city and many others that drain our resources and pollute air and water. On the other hand, there are large portions of northern New York that have gone out of cultivation and are producing valuable trees and an increasing supply of good, clean water in many creeks and rivers.

In Jefferson County where dairy farming is still prosperous, many marginal farms have gone back to nature by default or by plan. There is a stretch of several miles along the North Branch of Sandy Creek that holds much of nostalgia for the editor. It was the nearest swimming hole and the finest place to catch rock bass and to try to catch several other varieties of fish, including pickerel and pike. As boys we knew every bend, every swale, every tree crossing, and almost every large rock or overhanging bush that was likely to provide shelter for a bass that could be tempted with wriggling worms freshly dug from the moist barnyard. The whole creek bottom was pastured as well as the woods and open fields on the steep hillsides that made up the back end of several farms. The barbed wire fences extending to the banks of the creek were a hazard for overalls and fishing poles but helped one to keep his bearings as he trudged up and down this half-wild, half-tame country. It was the pasturing that made it possible to fish the creek. All this has changed.

There was one small farm on the creek bottom where a small bridge (which seemed big to a young boy's eyes) spanned the creek on a road that ran along the foot of the barren stony hill on the opposite side. We seldom traversed that steep road leading eventually to the village of Rodman a few miles away. Fresh spring water was piped across the bridge from a spring on our side and poured continuously into a big iron kettle to serve the cattle and the people in the Collins house. There were other springs and gurgling rivulets from which a thirsty young fisherman could drink like Gideon's band. We never thought of drinking from the main creek although its quality and its flow were even then being tested for use in the nearest city.

The narrow rocky road on our side of the creek that slanted down the long hillside and doubled back at the foot of the hill to cross the bridge was abandoned several years ago along with the bridge which is now only a skeleton of steel girders. It is reported that mischievous boys twice tore up the planking for the fun of launching the planks down the stream. Although the little farm on the bottom land had long since become inoperative the house and garden could be reached via the dirt road down the opposite hill, so I had heard. The easiest way to get a quick look at that fine old creek might be to approach it by car from the other side, since the unpastured woods on our side had grown up to briers and the hill is a harder climb at 66 than at 16.

Having laid this background we come to the ecology angle of this story with which we began. In company with longtime residents the editor set out to find the other end of that once-barren rocky road and follow it down the hill to that skeleton bridge. Much to his surprise, there was no barren brown hill. We drove through a young forest of pine and larch and native growth that completely overshadowed the road all the way down to the little clearing around the house where there was a tended lawn. On the way we heard an airplane and a helicopter overhead but could not see them or be seen by them as we burrowed through the green bower.

At the foot of the hill we met the owner of the land, a man well along in his seventies with pruning shears in his hand. He had a story to tell that would have done credit to a ranger in a national forest. Since 1927 he had been enlarging his land holdings in that area for purposes of reforestation and improving the ecology of the region.

Starting with a large farm at the top of the hill he had planted trees down the sides and included the little farm. The bottom land was set out to Christmas trees, which he was shaping with his shears. His picnic table was made with twelve-inch untrimmed white pine planks grown from a 1927 planting.

Through the years this one man had hand-planted half a million trees and carefully measured their growth and their contribution to the environment. He called our attention to the closely planted larch trees standing straight and limbless for seventy-five feet. He mentioned judicious harvesting of pulpwood and some other timber. In the nature of the case, he would not live to realize much financial gain from his years of labor, but he had made what seemed to him to be a worthy contribution to life. In spite of his advancing years he was still planting trees and watching the little seedlings put out new leaves as they struggled for light amid the grass. Our new friend was also planting shrubs that would yield winter food for the birds that now frequented the wooded area.

I went back to see the stream that had so much meaning for me as a boy. Though it was far less accessible and had lost some of its romantic charm because its banks were no longer closecropped by grazing dairy herds, I had to observe that there was much less erosion. It was a time of high water due to recent rains, but the stream was clean and clear, not muddy. The farmers had helped by keeping their cows closer to home, but the man who planted trees had more consciously done his part in making up-state New York a better place to live in.

Not everyone can make the same contribution to life, to be sure. We must doff our hats to such men as the one mentioned here who prepare benefits for the oncoming generations with little thanks from the present and keep on working regardless. When we look at efforts like this, we have hope that man will not make uninhabitable the world that God has made to be inhabited and cared for.

RESULTS OF SURVEY OF CONGRESSMAN ROBERT McCLORY'S YOUNG CITIZENS' COUNCIL

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. McCLORY. Mr. Speaker, there are a great many myths which surround the views and attitudes of young citizens of America—particularly the views of those in the age group of 18 to 21—who will be voting in the presidential elections this year—for the first time.

I have been most anxious to communicate directly with as many as possible of these young citizens in order to determine their views—and to indicate my desire to learn and understand their positions. Also, I have sought to express my individual opinions on issues which are of special interest and concern to these young voters.

Mr. Speaker, several months ago, I conceived the idea of establishing a young citizens' advisory council—a loosely organized body of young citizens composed mainly of high school seniors and college students, who can inform me of the concerns of young voters in my district. While the organization is still in the formative stages, it has already demonstrated its utility as a vehicle for communicating some of my positions on subjects such as first, the environment; second, ending the war in Indochina and reducing world tensions; third, extending the legal rights of 18-, 19-, and 20-year-olds; and, fourth, other issues.

Mr. Speaker, at the recent county fairs held in Kane, Lake, and McHenry Counties, members of my young citizens' advisory council were able to take a survey of the opinions of hundreds of young Americans on some issues in which young people frequently voice an interest. These young citizens who responded to this survey represent a broad cross section of those in this age group who inhabit this great section of the Nation. The survey demonstrated that, for the most part, these young Americans were well informed and held definite opinions on the six issues on which they were queried. I am confident that the results of this survey will be of interest to my colleagues and to other young Americans throughout the Nation. The results of the survey are as follows:

RESULTS OF THE SURVEY CONDUCTED BY CONGRESSMAN ROBERT McCLORY'S YOUNG CITIZENS' ADVISORY COUNCIL

Question	Yes	No	Don't know	Percent yes
1. Do you feel that full rights of citizenship should be extended to 18-year-olds?	452	71	28	80
2. Do you feel that the Federal, State and local governments are doing enough to protect the environment?	47	468	41	9
3. In view of the pending constitutional change granting equal rights to women, should women be included in any new draft law?	240	245	69	43
4. Do you favor a greater student exchange program for high school and college—including foreign study programs for American students?	441	67	50	79
5. Should busing of students be required to achieve greater racial balance in our schools?	137	350	70	25
6. Do you favor lifting all legal restrictions on marijuana to permit marketing of marijuana in the same manner as tobacco?	216	305	32	39

Mr. Speaker, the questionnaire also contained a question 7 in which those surveyed were invited to suggest other subjects which they felt were of equal or great importance. Only 60 out of 565 considered that other issues were of equal or greater importance—including 33 who mentioned Vietnam, 30 who referred to the existing Illinois 18-year-old drinking law, six who mentioned the economy—inflation, unemployment, poverty, 15 who referred to the existing laws on abortion, and 11 who raised the question of taxes, as well as a few who referred to other issues.

Mr. Speaker, a survey of the members of this body might result in differences of opinion on at least some of the issues upon which these young citizens were polled. However, the differences can be measured in percentage points and not in any diametric opposition to the views which these young Americans have expressed.

Mr. Speaker, I believe I interpret accurately the trend of thinking in this nation in support of respect and concern for those issues which are prominent in the minds of young Americans. Surely, in many instances we can sense a lack of perspective or a need for moderation of positions which many of our young citizens have taken. On the other hand, the results of the survey conducted by my Young Citizens' Advisory Council, and my own observations, establish that there is already a great deal of balance and good judgment being expressed by those who may be voting for the first time in this fall's election.

Mr. Speaker, it seems most significant to note that a substantial majority of these young citizens are opposed to the legalizing of marihuana.

Mr. Speaker, it is interesting also to note, that an extremely high percentage of the young students favor an expanded student exchange program—including foreign study programs of American students.

It would seem well for those of us in the Congress to ponder the overall results of this meaningful survey conducted by young citizens—among young citizens—on issues of concern to them—and to all Americans.

McGOVERN: GAINING IN STATURE

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. LEGGETT. Mr. Speaker, the announcement by AFL–CIO president, George Meany, that his organization will remain neutral in this year's Presidential election has led some observers to predict that McGOVERN will lose both union money and union votes. It is becoming increasingly clear that these predictions suffer from what Vice President AGNEW has termed "instant analysis."

Despite Mr. Meany's influential position among labor unions, he has been unable to prevent a large number of union leaders from bucking his neutral dictum and supporting Senator McGOVERN for President.

On August 14, 25 unions in the AFL–CIO publicly announced the formation of a national labor committee to work for the election of GEORGE McGOVERN.

Included among these unions were such important groups as the American Federation of Teachers, the International Union of Electrical Workers, the American Federation of State, County, and Municipal Employees, the Amalgamated Clothing Workers Union, the International Association of Machinists, and the Newspaper Guild.

Despite their individual differences of opinion, all of these unions are united in their opposition to President Nixon. As Joseph Beirne, president of the 300,000 member Communications Workers of America, has said:

> We recognize a 12 year record in the Senate that is rated 93 percent right by COPE and that's a damned good record compared with President Nixon's zero-minus record.

It is ridiculous to assume that labor will remain neutral in a presidential election. They are fully aware of the difference between the Democratic and Republican Party. Despite their objections to a few of McGOVERN's programs, they know that he will better represent their interests than the present incumbent.

Under President Nixon's leadership the working man's wage has been frozen, while the cost of living has continued to soar. At the same time the corporate share of the Federal tax burden is decreasing. It was 35 percent in 1960 and it is estimated that it will fall to 26 percent in fiscal 1972. This of course means that a greater and greater share of the tax burden is being placed on the shoulders of the working men and women of this country.

The repudiation of Meany's policy of neutrality should not be viewed as a repudiation of the man himself. As one California labor executive put it:

> We in the labor movement have the greatest regard for George Meany.... But this time he is wrong. Can labor survive four more years of Nixon?

In the weeks ahead, more and more labor leaders will be answering that question.

At this point in the RECORD I insert three articles from the August 7 Solano and Napa County Labor Journal.

STATE CARPENTER LEADERS FOR McGOVERN

"But this he (George Meany) is wrong. Can labor survive four more years of Nixon?" With that the two top executives of California State Council of Carpenters last week released a statement calling the attention of all carpenters in the state that "Nixon must be defeated and McGovern must be elected if America is to move forward toward the solution of the problems that are tearing this nation apart."

The following is the statement released by Council President Gordon A. McCulloch and Executive Secretary-Treasurer Anthony Ramos:

"For the past three years, elected officials of the labor movement and the labor press have continuously pointed out the urgent necessity of removing Richard Nixon in the 1972 Presidential election.

"On the basic issues of reducing unemployment, controlling inflation, eliminating poverty, rebuilding our cities, ending the war in Vietnam—the Nixon administration has failed miserably.

"None has been more outspoken in his criticism of the Nixon administration than AFL–CIO President George Meany.

"Now Brother Meany has changed his mind. With the field narrowed down to Nixon or McGovern, Brother Meany's position is that the AFL–CIO should remain neutral.

"We in the labor movement have the greatest regard for George Meany. He has led the fight against the monstrous inequities of the so-called wage-price freeze. He spearheaded the opposition to Nixon's attempt to place outrageously unqualified nominees on the U.S. Supreme Court. He has thrown the support of organized labor behind the fight for consumer protection, for equal opportunity under the Civil Rights Act and for protection of the environment.

"But this time he is wrong. Can labor survive four more years of Nixon?

"While it is true that Senator McGovern has made wrong decisions in the past on some issues important to labor and while it is not to be expected that all labor leaders are going to agree with all of his programs, there is no question in our minds that his overall program will aim to serve the needs of working people, as contrasted to the trickledown, 'What's good for big business is good for the nation,' economic theories of Mr. Nixon.

"Nixon must be defeated and McGovern must be elected if America is to move forward toward the solution of the problems that are tearing this nation apart."

STATE BUILDING TRADES CALL FOR DEFEAT OF NIXON

A resolution calling for the defeat of President Nixon in the November 7 general election won the unanimous approval of more than 400 delegates taking part in the 46th Annual Convention of the State Building and Construction Trades Council of California in San Diego last week.

The resolution, which put the Council "on record as endorsing the defeat of Richard M. Nixon," charged Nixon and his administration with:

Deliberately adopting policies and actions that doubled unemployment.

Taking direct action against all workers by holding back wage increases negotiated in legal collective bargaining contracts.

Conducting "a deliberate policy of character assassination of public officials who support the program of organized labor."

Vetoing "every decent piece of social legislation passed by the Congress."

Manipulating the Department of Justice so that more than 200 labor officials were charged with what the resolution termed "contrived violations of federal laws."

The delegates also adopted a resolution opposing the California Coastline Initiative to appear on the November ballot.

James S. Lee, the Council's president, said that the Building Trades have historically supported sound, reasonable and realistic environmental legislation.

But the problem is that many advocates of ecology and conservation movements have adopted a zero growth philosophy and this philosophy tends to ignore the job needs of workers as well as other human and property rights, he said.

The Building Trades Council's resolution opposing the Coastline Initiative said:

It urged all union members to vote against the initiative.

John F. Henning, executive officer of the California Labor Federation warned the delegates that "a Nixon sweep in California would inevitably mean a return of the Assembly and Senate to Republican party control."

"Unfortunately," he said, "conservatives would dominate the Republican legislative bodies . . .

"A Nixon sweep in California would be disastrous for the labor movement of the State," he declared.

In other actions, the building trades delegates:

Called for enactment of a state law to abolish the Division of Labor Law Enforcement, the agency responsible for collecting wages employers have refused to pay their workers. It charged that the division has deteriorated into a "do nothing body" that is "nothing more than a sham and a waste of the taxpayers' money." Instead, it supported a plan to place the collection of wages and fringe benefits under the jurisdiction of civil courts.

Called on the AFL-CIO National Building Trades Department to develop a new policy to resolve jurisdictional work disputes between building and construction trades unions.

Reelected Lee of Painters Local 595, Van Nuys, and J. J. Twombley of Operating Engineers Local 12 as president and secretary-treasurer respectively, and elected Ray Mendoza of Hod Carriers, Building and General Laborers Local 542 in Los Angeles to be the Council's Executive Board in District 3.

AMALGAMATED CLOTHING WORKERS OF AMERICA—WE BACK MCGOVERN FOR PRESIDENT

George McGovern is the Democratic Presidential nominee, and the Amalgamated and every other union must spare no effort to see that he is elected in November.

Nixon has brought the U.S. closer to economic collapse than any President since Herbert Hoover. In 1972 as in 1932 the majority of Americans are suffering because of a national administration oriented to big business. Now, as then, we've got to return America to its rightful owners.

Today, the corporate share of the federal tax burden is decreasing. It was 35 per cent in 1960, and it is estimated it will fall to 26 per cent in fiscal 1972. This means the public's share of the tax burden has been increasing.

The federal tax structure is rigged against income from work, and in favor of unearned income, There is a triple standard that government applies to income taxes.

One standard applies to wages and salaries. This income is taxed in full.

A second standard applies to income from stocks, real estate and other so-called capital assets sold at a profit.

A third standard is applied to some incomes which never appear on the tax form—interest on state and local bonds, the income that is washed out by phantom costs as oil depletion, fast depreciation write-offs, and bookkeeping farm losses. This type of income escapes taxation completely.

According to I. W. Abel, Chairman of the AFL-CIO Economic Policy Committee, in testimony to Democratic Platform Hearings, there has been a massive shift in income distribution—from low and middle-income people to big business and the wealthy. The unfair tax structure is part of it. The Phase 2 program that began Nov. 14, with the end of the freeze, is part of it. They are all of one piece—reflecting the Administration's view that economic progress begins and ends in the stock market and corporate financial reports. They reflect the Administration's view that the business of America is business.

The people around Nixon call McGovern a "radical" because he wants to reverse this trend. The business of America should be people, McGovern is saying, and we agree.

For the last 100 years or so we've been victims of the trickle-down theory—make businessmen rich, the theory goes, and enough will trickle down to the workers to keep them happy.

It's time to start the "trickle-up" theory of prosperity. This theory says that if there is full employment at decent wages, then businessmen will make profits because people will have money to buy. Businessmen are clever enough to find ways to make a profit. But the first consideration should be to the welfare of most of the people.

At no time in the last 100 years have we had such a significant opportunity to reverse the priorities of our government and put the people first. This is why the election of McGovern is so important and why we must use all of our resources to win in November.

ANOTHER TRAGIC RESULT OF OVERSIZE VEHICLES

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCHWENGEL. Mr. Speaker, no one needs to be an expert on the laws of physics to feel uneasy when a huge truck or bus approaches him on the highway. The danger is a fact of life, and has been documented. According to a 1968 report by the Federal Highway Administration, the heavier commercial vehicles constitute 7 percent of the Nation's registered motor vehicles, account for 11 percent of the total vehicle miles traveled, and are involved in 19 percent of highway fatalities.

Also known to practically every driver is the fact that blast and suction effects created by these massive vehicles can cause marked instability in cars overtaking or being overtaken by them.

Some may discount the danger of trucks and buses that push the limits of safety by their size alone, feeling that their turbulence rarely causes accidents. However, when such a tragic accident happens, the victims derive little comfort from being told that their plight is unusual.

On Interstate 80, in Henry County, Ill., July 21, another such accident happened. The report reads as follows:

Driver of Unit No. 1 stated she had just passed a unit and was about to pull back into right lane of traffic when she looked into the rear-view mirror and saw a commercial type bus passing her on the right side. As the bus went by it caused a vacuum between the two units and unit one lost control and tipped over in the median. Unit No. 2 did not stop.

Bleeding wounds were inflicted upon two of the car's three occupants. I am sure all three occupants would agree that other travelers should be spared the horrible experience, and that we are not at present doing nearly enough to protect them.

AIRLINERS IN NEAR MISS OVER TOKYO

HON. JAMES W. SYMINGTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SYMINGTON. Mr. Speaker, I have previously called attention to the possibility of a "Titanic of the air" through continued absence of collision avoidance systems throughout the airline industry. and the lack of resolution on the part of the FAA in that regard. Such a tragedy almost occurred recently over Japan, as the following article indicates. If it had not been avoided people would have immediately and justifiably called both governments to account for failure to require the incorporation of technology that has existed for years, technology such as McDonnell Douglas EROS system which would have prevented this near miss and a number of fatal collisions in the recent past. The FAA should move collision avoidance another notch up in priority, and work more expeditiously with the world's airlines to insure passenger safety. Comparisons in cost between accidents of the dimension of the one described and a national program of collision avoidance are noted in CONGRESSIONAL RECORD, volume 118, part II, page 23846.

Herewith follows the article which appeared in the Washington Evening Star and Daily News on August 4, 1972:

PAN AM, JAPANESE JETLINERS IN NEAR-MISS OVER TOKYO

TOKYO.—Pan American and Japan Air Lines 747 jumbo jetliners passed between 100 to 200 feet of each other in the skies near Tokyo Wednesday, endangering the lives of 501 passengers and crewmen, the Japanese Ministry of Transportation reported yesterday.

It said the near-miss occurred at 7:26 p.m. (6:26 a.m. EDT) at about 4,000 feet over Chiba, across Tokyo Bay from Tokyo International Airport.

A ministry spokesman identified the Boeing 747S and Pan Am Flight 820, which had just taken off for Honolulu with 343 passengers and 7 crew members, and JAL Flight 942, en route from Guam to Tokyo with 122 passengers and a crew of 19.

(A Pan Am spokesman in New York identified its pilot as Capt. Kevin Keith and quoted him as saying the two planes were at least 1,000 feet apart when they passed. He said Keith reported he saw the other plane approaching as he was climbing out and made a turn "purely as a precautionary measure.")

INSURING A FREE COMPETITIVE PRESS

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. CAREY of New York. Mr. Speaker, on June 30, 1972, a report was submitted to the Economic Analysis Division, Planning and Marketing Department of the U.S. Postal Service, entitled "A Study of the Demand for Advertising, Newspapers, and Magazine Mail." This report reflects the new approach of the U.S. Postal Service to maximize rates and revenues. The recent decision of the nine governors of the U.S. Postal Service to increase the postal service rates for second-class mail reemphasizes the new attitude of the Postal Service.

The new rate formula is very complicated since it involves differing rates on editorial and advertising material, with distinctions made for distance of delivery as well as a per piece surcharge. Although the overall average increase is 127 percent, this figure is very deceptive. The new increase of second-class postal service rates will affect our Nation's various newspapers and magazines to varying degrees. In many cases, particularly with the smaller publications, the postal rates will actually be an increase of several hundred percent over pre-1971 rates.

Generally speaking, the new increase will be relatively larger for small newspapers and magazines. These publications provide our Nation with the most effective means of expressing controversy, dissent, criticism, and minority viewpoints. They provide the public with a free flow of ideas and opinions which is indispensable to the integrity and vitality of democratic institutions.

In 1787 Thomas Jefferson recognized the vital role played by these small publications when he stated:

> The basis of our government being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspapers without a government I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them.

I believe the U.S. Postal Service has an obligation to the well-being of the American people. In 1901 the then Postmaster General, Charles E. Smith, said:

> Our free institutions rest on popular intelligence, and it has from the beginning been our fixed and enlightened policy to foster and promote the general diffusion of public information. Congress has wisely framed the postal laws with this just and liberal conception. It has uniformly sought to encourage intra-communication and the exchange of intelligence.

I do not believe that this recent increase which would economically intimidate a vast portion of our country's independent journals would be consistent with the policy outlined by Mr. Smith. Indeed I believe it would be a disservice to the American people and a threat to our democratic institutions.

I believe that the free flow of opinions and information on the public level is seriously threatened by the recent increase of postal service rates.

Mr. Speaker, today I am introducing legislation which would reiterate the traditional congressional support for the dissemination of news, information, and opinions through the mails. This legislation was introduced on June 28, 1972, by the distinguished Senator from Wisconsin, the Honorable GAYLORD NELSON.

This bill would amend section 101(a) of title 39 of the United States Code by adding that "the Postal Service shall also be obligated to provide postal services at rates which will encourage and support the widest possible dissemination of news, opinions, scientific, cultural, and educational matter."

The bill would freeze the second-class postal rates at the level of June 1, 1972, for the first 250,000 issues of papers and magazines sent through the mails. Any increases in postal rates on editorial content for issues over the 250,000 ceiling would be phased in over a 10-year period.

Finally, this legislation would expressly write into law the longstanding congressional policy that the postal service shall not apply per piece surcharges on individual issues of second-class publications. These per piece surcharges place an unequal burden upon the smallest, lightest weight publications.

The Postal Service clearly needs more revenue. But it cannot be permitted to impose a rate increase which will drive hundreds of marginal publications out of business and reduce the quality of those that remain.

Mr. Speaker, economic censorship can destroy the free press just as effectively as political censorship. It is the responsibility of Congress to safeguard the public well-being by assuring the continuing existence of a free, competitive press.

THE APPROPRIATION BILLS OF THE SESSION

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MAHON. Mr. Speaker, for the information of Members and others, I am including a table on the appropriation bills as they stand today with respect to the current fiscal year 1973. The table which I am including refers to new budget spending authority in the appropriation bills for 1973.

SUPPLEMENTALS, 1972

At this session, in respect to the fiscal year 1972 which ended last June 30, the Congress considered four supplemental measures and, in those four measures, appropriated a total of $7,105,174,329, representing a net reduction below the President's budget requests considered in those measures of $418,245,119.

In respect to the current fiscal year 1973, the table shows the totals including the vetoed Labor-HEW bill, and the totals excluding the vetoed Labor-HEW bill.

HOUSE ACTIONS

Omitting the vetoed Labor-HEW bill—for which a new bill must be formulated—House actions to date on the appropriation bills for 1973 are as follows:

Budget requests considered	$56, 145, 266, 099
Approved	55, 365, 860, 309
Net reduction in these bills	−779, 405, 790

In addition to the $28.8 billion of budget requests involved in the Labor-HEW appropriation bill, the House also has for consideration approximately $92 billion of appropriation requests to consider in connection with regular bills not yet reported, namely, Defense; Military Construction; and Foreign Assistance; and a closing supplemental bill.

SENATE ACTIONS

Omitting the vetoed Labor-HEW bill—for which a new bill must be formulated—Senate actions to date on the appropriation bills for 1973 are as follows:

Budget requests considered	$56, 339, 149, 994
Approved	57, 467, 671, 344
Net increase in these bills	+1, 128, 521, 350

CLEARED TO THE PRESIDENT

Again omitting the vetoed Labor-HEW bill, the 10 other bills for 1973 cleared to the President involve the following totals:

Budget requests considered	$51, 634, 823, 394
Approved	51, 957, 078, 075
Net increase in these bills	+322, 254, 681

PENDING FINALIZATION

In addition to the $28.8 billion of budget requests to be reconsidered in connection with a new Labor-HEW appropriation bill, the Congress has yet to finalize action on about $97 billion in budget requests involved in the State, Justice, Commerce, and judiciary appropriation bill, now in conference; the foreign assistance bill; the defense bill; the military construction bill; and the closing supplemental bill.

FINAL SESSION OUTLOOK

Mr. Speaker, as I indicated on the House floor earlier this week, when the work is all done this fall and we complete all the appropriation bills for fiscal year 1973, I would not be at all surprised if the House has not provided, in total, something materially below the total of the budget requests considered in the 1973 appropriation bills. I refer only to the annual appropriation bills. And I refer only to the House.

But even in respect to final action by the Congress on the annual appropriation bills for 1973, when we consider all the measures which will be before us, it now seems to me that we might very well be, in total, about even, or perhaps a few hundred million dollars below the related budget requests.

Mr. Speaker, I include the table referred to:

NEW BUDGET (OBLIGATIONAL) AUTHORITY IN THE APPROPRIATION BILLS FOR 1973 (REVISED TO AUGUST 18, 1972)

[Note: As to fiscal year 1973 amounts only]

Bill	Budget request considered	Approved	Change, (+) or (−)
IN THE HOUSE			
1. Legislative	$433, 627, 004	$427, 604, 764	−$6, 022, 240
2. State-Justice-Commerce Judiciary	4, 687, 988, 600	4, 587, 104, 350	−100, 884, 250
3. HUD-Space-Science-Veterans	20, 173, 185, 000	19, 718, 490, 000	−454, 695, 000
4. Transportation	2, 909, 181, 095	2, 791, 614, 095	−117, 567, 000
Advance 1974 appropriation	(131, 181, 000)	(131, 181, 000)	
5. District of Columbia (Federal funds)	343, 306, 000	332, 306, 000	−11, 000, 000
6. Labor-HEW (H.R. 15417, Vetoed)	[27, 327, 323, 500]	[28, 603, 179, 500]	[+1, 275, 856, 000]
7. Labor-HEW (New bill)			
8. Interior	2, 520, 340, 000	2, 529, 558, 200	+9, 218, 200
9. Treasury-Postal Service-General Government	5, 066, 603, 000	5, 057, 145, 000	−9, 458, 000
10. Public Works—AEC	5, 489, 058, 000	5, 437, 727, 000	−51, 331, 000
11. Agriculture—Environmental and Consumer Protection	12, 952, 177, 400	12, 897, 010, 900	−55, 166, 500
12. Disaster Relief Supplemental, 1973	1, 569, 800, 000	1, 587, 300, 000	+17, 500, 000
13. Defense	(79, 594, 184, 000)		
14. Military Construction	(2, 661, 384, 000)		
15. Foreign Assistance	(5, 163, 024, 000)		
16. Supplemental, 1973			
Total, House bills (as passed)	83, 472, 589, 599	83, 969, 039, 809	+496, 450, 210
Less: Vetoed Labor-HEW bill	27, 327, 323, 500	28, 603, 179, 500	+1, 275, 856, 000
Total, House bills (excl. Labor-HEW)	56, 145, 266, 099	55, 365, 860, 309	−779, 405, 790
IN THE SENATE			
1. Legislative	519, 347, 899	514, 722, 880	−4, 625, 019
2. HUD-Space-Science-Veterans	20, 258, 183, 000	20, 583, 370, 000	+325, 187, 000
3. District of Columbia (Federal funds)	343, 306, 000	313, 706, 000	−29, 600, 000
4. State-Justice-Commerce-Judiciary	4, 704, 326, 600	4, 820, 717, 769	+116, 391, 169
5. Transportation	2, 909, 181, 095	2, 906, 994, 095	−2, 187, 000
Advance 1974 appropriation	(131, 181, 000)	(131, 181, 000)	
6. Treasury-Postal Service-General Government	5, 066, 603, 000	5, 057, 186, 000	−9, 417, 000
7. Labor-HEW (H.R. 15417, Vetoed)	(28, 776, 633, 500)	(31, 354, 930, 500)	(+2, 578, 297, 000)
8. Labor-HEW (New bill)			
9. Interior	2, 527, 154, 000	2, 550, 922, 800	+23, 768, 800
10. Public Works-AEC	5, 489, 058, 000	5, 571, 696, 000	+82, 638, 000
11. Agriculture-Environmental and Consumer Portection	$12, 952, 190, 400	$13, 561, 055, 800	+$608, 865, 400
12. Disaster Relief Supplemental, 1973	1, 569, 800, 000	1, 587, 300, 000	+17, 500, 000
13. Defense			
14. Military Construction			
15. Foreign Assistance			
16. Supplemental, 1973			
Total, Senate bills (as passed)	85, 115, 783, 494	88, 822, 601, 844	+3, 706, 818, 350
Less: Vetoed Labor-HEW bill	28, 776, 633, 500	31, 354, 930, 500	+2, 578, 297, 000
Total, Senate bills (excl. Labor-HEW)	56, 339, 149, 994	57, 467, 671, 344	+1, 128, 521, 350
ENACTED			
1. Legislative	519, 347, 899	513, 787, 980	−5, 559, 919
2. Treasury-Postal Service-General Government	5, 066, 603, 000	5, 057, 827, 000	−8, 776, 000
3. District of Columbia (Federal funds)	343, 306, 000	316, 393, 000	−26, 913, 000
4. Interior	2, 527, 154, 000	2, 548, 935, 300	+21, 781, 300
5. HUD-Space-Science-Veterans	20, 258, 183, 000	20, 125, 951, 000	−132, 232, 000
6. Labor-HEW (H.R. 15417, Vetoed)	(28, 776, 633, 500)	(30, 538, 919, 500)	(+1, 762, 286, 000)
7. Labor-HEW (New bill)			
8. Agriculture-Environmental and Consumer Protection	12, 952, 190, 400	13, 434, 032, 700	+481, 842, 300
9. Public Works-AEC	5, 489, 058, 000	5, 504, 914, 000	+15, 856, 000
10. Transportation	2, 909, 181, 095	2, 867, 937, 095	−41, 244, 000
Advance 1974 appropriation	(131, 181, 000)	(131, 181, 000)	
11. Disaster Relief Supplemental, 1973	1, 569, 800, 000	1, 587, 300, 000	+17, 500, 000
12. State-Justice-Commerce-Judiciary			
13. Defense			
14. Military Construction			
15. Foreign Assistance			
16. Supplemental, 1973			
Total, bills enacted (as sent to President)	80, 411, 456, 894	82, 495, 997, 575	+2, 084, 540, 681
Less: Vetoed Labor-HEW bill	28, 776, 633, 500	30, 538, 919, 500	+1, 762, 286, 000
Total, bills enacted (excl. Labor-HEW)	51, 634, 823, 394	51, 957, 078, 075	+322, 254, 681

Prepared August 18, 1972, in the House Committee on Appropriations.

COMPREHENSIVE BUDGET SCOREKEEPING REPORT

Mr. Speaker, I again add that the foregoing table relates only to the annual appropriation bills. Those bills do not encompass all actions—or inactions—that have an impact on the budget recommendations. In that connection, I would again call attention to the periodic budget "scorekeeping" reports issued by the Joint Committee on Reduction of Federal Expenditures. These reports are designed to keep tabs, currently, on what is happening in the legislative process to the budget recommendations of the President, both appropriationwise and expenditurewise, and on the revenue recommendations, and not only from actions in the revenue and appropriation bills but also in legislative bills that affect budget authority and expenditures—backdoor bills, bills that mandate expenditures, and so on.

I should say that the budget has been seriously breached by three or four nonappropriation bills this year.

Several of these scorekeeping reports have been issued this year. The latest will be available sometime next week. Copies are sent to the office of each Member.

LES ASPIN'S FIGHT FOR TAX REFORM

HON. ADLAI E. STEVENSON III

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Friday, August 18, 1972

Mr. STEVENSON. Mr. President, few Members of the 92d Congress have fought more vigorously and effectively for the public interest than LES ASPIN, of Wisconsin's First District. This is all the more remarkable when one considers that Representative ASPIN is serving his first term and is one of the youngest Members of Congress.

One of LES ASPIN's most significant achievements has been his leadership in the House in the fight to eliminate special tax bills creating loopholes for special interest groups, commonly called Members' bills. His successful effort in stopping more than a dozen special interest "Members' bills" from being passed by the House constitute one of the most important tax reforms of the 92d Congress.

I ask unanimous consent that there be printed in the RECORD two newspaper articles detailing Representative ASPIN's leadership in the fight to make our tax system fairer and more progressive. The first article appeared in the Milwaukee Journal on March 1, 1972. The second article was published in the Christian Science Monitor on April 20, 1972.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Mar. 1, 1972]

ASPIN ACTION BLOCKS SPECIAL INTEREST BILLS

(By Frank A. Aukofer)

WASHINGTON, D.C.—Rep. Les Aspin (D-Wis.) teamed up with Rep. Wright Patman (D-Tex.) Tuesday to block House action on a group of special interest tax bills.

"Some of them were clearly just incredible boondoggles for people in particular situations," Aspin said. "No wonder our tax laws are just like Swiss cheese with these coming in here like this. The whole process stinks anyway."

He was referring to a long standing House procedure under which so called "members' bills"—that is, bills requested by individual members to deal with specific tax inequities—are brought to the House floor and acted on by unanimous consent.

USUALLY PASSED

In the past, Rep. Wilbur Mills (D-Ark.), chairman of the House Ways and Means Committee, simply introduced the bills and explained them briefly. They were considered passed if no one objected.

Aspin, with substantial advice from Rep.

Henry Reuss (D-Wis.), started the move against the bills over the weekend. On Monday, he sent a letter to Mills.

"We are being asked to unanimously pass 22 tax bills, only one of which would actually increase revenue, and 14 of which we believe are unjustified," Aspin wrote Mills. "Passage of these bills under the unanimous consent rule will make our expressed concern for tax reform appear hypocritical."

Mills argued that it would be impractical to suggest hearings on bills of this type because, he said, their impact was so narrow.

Rep. John Byrnes (R-Wis.), senior Republican member of the committee, backed Mills.

Aspin received support from Patman, chairman of the House Banking and Currency Committee, when he pointed out that one of the bills involved a $70 million tax break for banks. Patman is a foe of high interest rates and special treatment for banks.

Patman objected to two of the bills, Aspin objected to one. Reuss spoke against another, and four passed. Then Mills gave up and announced that he would not attempt to introduce the others.

Aspin said the worst bills were among those not brought up. One would have changed the method of taxing cigars to give the cigar industry a $9 million tax break this year and a $21 million break next year. Another would have temporarily suspended tariffs on olives to help that industry—at a cost of $3 million.

GAMBLERS COVERED

Among those that passed was a bill which, among other things, would prevent the government from disclosing information about persons who paid a federal gambling tax.

Aspin said he believed eight of the 22 bills were worthwhile. The rest, he said, favored special interests.

[From the Christian Science Monitor, Apr. 20, 1972]

TAX REFORM IGNITES IN CONGRESS

(By David B. Francis)

WASHINGTON.—Cigarmakers saw a special tax break blow up in their faces Monday.

"Congress has gotten the message that the taxpayer is fed up with expensive tax loopholes for the rich and special interest groups," commented Rep. Les Aspin (D) of Wisconsin, the congressman who led the successful fight against the cigar bill in the House of Representatives.

Under an old tradition, members of the House Ways and Means Committee have pushed through the House without hearings and little or no debate various minor tax bills that often have given sizable tax benefits to private interests.

Such bills are called "members' bills" because they are sponsored by members of the Ways and Means Committee.

HR 3544 was such a bill. It would reduce the excise tax on cigars by $120 million between now and 1979 and $21 million per year after that. It was sponsored by Democratic Rep. James A. Burke, whose Boston, Mass., district has some cigarmaking firms.

41 BILLS EMERGED

This was one of 41 members' bills that emerged from the Ways and Means Committee last October.

These bills are supposed to correct unintended inequities in the tax law. They are not supposed to change basic tax policies.

Tax reformers, however, contend that the bills sometimes amount to giveaways for various industries, corporations, or individuals.

For instance, HR 3544, according to the committee report on the bill, was intended to "make administration of the tax easier. . . ." It would have placed the tax on the wholesale price of cigars rather than the retail price. And it would have replaced a system of setting the tax according to price brackets with a simple 8.5 percent ad-valorem tax.

At the same time, however, the bill dramatically reduced the tax load. In defence, the committee report held that the cigar industry had a "relatively low" rate of return. It was said to be 9 percent on sales in 1970, a recession year. (Many other industries had lower profit levels that year.)

ROADBLOCK SET UP

On February 29, HR 3544 came up for a vote in the House along with 21 other members' bills. Normally, the rules of the House would have been suspended, and the bills would have zipped through without recorded vote.

However, a group of liberal Democrats led by Representative Aspin decided to stop the process. They objected to three bills, thereby blocking the "unanimous consent" of the House needed for suspension of the rules. Fifteen other bills were then withdrawn by their sponsors. Four passed without objection.

HR 3544 was one of the 15. Last Thursday it was put back on the legislative calendar for April 17.

Immediately Mr. Aspin sent a letter to members of the House stating: "At a time when tax reform has become one of the most important issues in the country, I find it incredible that we are being asked to approve a blatant $120 million tax break for the cigar industry without the benefit of committee hearings and without the right to offer amendments to the bill on the floor."

LOBBYING PARTNERS

Mr. Aspin was joined in the lobbying against the bill by Common Cause, Americans for Democratic Action, and Ralph Nader's tax-reform research group.

In a letter to Rep. Wilbur D. Mills (D) of Arkansas, chairman of the Ways and Means Committee, Albert H. Turkus of the Nader group wrote: "It seems ironic that, on the very day when millions of taxpayers will be completing their struggle to comply with their obligations under the internal revenue code, you and the members of the Committee on Ways and Means will be asking the House to enact this special-interest tax cut."

On Monday the bill was again withdrawn.

The tax reformers saw an important victory. They figured it was withdrawn because it would not have obtained the necessary two-thirds vote for passage under suspension of the rules.

"Congress is not likely to pass any more loopholes—at least for a while," said Mr. Aspin. He figures most representatives don't want to vote for anything that could be regarded as a loophole.

REBUTTAL GIVEN

A key staff member of the Ways and Means Committee, however, held that it was withdrawn because Mr. Mills was in New York making speeches and would not be on the floor to handle it. He held there should be no problem in passing it.

Representative Burke, in a telephone interview, said it was withdrawn because of "some inaccurate information" sent out by Mr. Aspin.

Mr. Burke dispatched a rebuttal to the Aspin charges Saturday in a letter to members. But he held members would have had inadequate time to consider it before the vote on Monday.

In defense of the bill, Mr. Burke held that increased sales of cigars, stimulated by the tax cut, might have reduced or eliminated any revenue losses.

An aide of Mr. Aspin noted that they were using revenue losses estimated by the Treasury that were based on assumption of constant sales.

DEBATE ABOUT INDUSTRY

Mr. Burke argued that the bill would have ended an unfair and regressive tax system on cigarmakers. He said the ad valorem system would help those making cheap cigars.

In reply, Mr. Aspin's aide said they would have had no objection to the bill if it changed the taxation system without reducing revenue. Indeed, it was noted, the tax could be made progressive—that is taxing expensive cigars more than cheap ones.

Mr. Burke said the industry had dropped from some 15,000 producers some 30 years ago to about 200 today and needed help.

This decline, according to the Aspin Staffer, was largely due to the arrival of automation in the cigarmaking industry.

Mr. Burke said his bill will be reintroduced at a later time. Mr. Aspin said he will again fight it.

To the tax reformers, the most significant aspect of the dispute is that it has occurred. Tax reform has become a popular issue.

So much so, indeed, that the Nixon administration may be advocating its own tax-reform program soon. The Treasury's top tax-policy official, Edwin S. Cohen, has a major speech scheduled for April 29 in Boston, preceded the day before by a press conference here. He is expected to make a major announcement on the question of tax reform.

It is not considered likely that any major tax reform will be proposed for this year. But, it is speculated, Mr. Cohen may announce a program for next year. This would presumably take some of the political steam out of the tax-reform proposals being ballyhooed by the various Democratic presidential candidates.

REGULATION TO OBLIVION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. FRENZEL. Mr. Speaker, there has been a great deal of discussion the last few years concerning the overcomplexity of government and the thousands of regulations which are put into effect every year. An article in the July 10 issue of Industry Week contains a warning of great importance to every elected official. The problem seems to be getting worse; not better. I am submitting for the RECORD a short section of the article in Industry Week:

REGULATION TO OBLIVION

Why not rules for government no less stringent than those it imposes on others? Under a Truth in Government Act we would see legislative labels like these:

"Caution: This legislative package contains unknown costs and may have unforseen consequences."

"Contents: This program includes 78% administrative burden, 19% overhead, and 3% benefits."

"Warning: This regulatory action may be hazardous to economic efficiency."

"Warranty: This law, if unsatisfactory within 12 months, will be cheerfully repealed and taxes reduced accordingly."

Or is it illogical to ask—if a deteriorating environment and rising pollution require government agencies to prepare a detailed environmental impact statement for each action—why a deteriorating economy and rising regulation ought not require a detailed economic impact statement?

For if we stand ready to turn over free markets and private enterprise to regulation, should we not then at least regulate the regulators?

REGULATION ESCALATION

The problem comes down to this: Rising foreign competition demands that our wealth, our resources, and our managerial skills be applied more efficiently and more effectively than ever before to increase economic growth.

Government itself agrees. Yet specious regulations which dissipate that wealth, constrain resources, and inhibit effective management action are escalating out of control.

During the 91st Congress, 20,000 bills were introduced in the House and 4,600 in the Senate. Some 3,000 bills were introduced during 1971 on pollution alone, truly a legislative avalanche.

Yet consider that just one regulatory agency—the Occupational Safety & Health Administration—during that same first year of its existence laid down 15,000 commandments and is readying 15,000 more.

We could find no one in government, including the Office of Management & Budget, who even knows how many agencies exist with such regulatory authority—let alone how many regulations were promulgated during 1971. But there are dozens of regulatory agencies which directly affect industry, and the Federal Register in which their regulations are promulgated bulged to 25,497 pages last year.

The Encyclopaedia Britannica contains only 28,715 pages.

But were it not bad enough that we have cacophony and chaos when we need unity and purpose, the regulatory approach has demonstrated time and time again that it does not solve problems—but creates them.

DECISIONS BEYOND COMPUTATION

It seems obvious why this should be so. The function of the free market, as President John F. Kennedy observed a decade ago, is that of a decentralized regulator of our economic system. "The free market is not only a more efficient decisionmaker than even the wisest planning body," he continued, "but even more important, the free market keeps economic power widely dispersed. It is thus a vital underpinning of our democratic system."

DRU GODWIN, PAPERGIRL

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MATHIS of Georgia. Mr. Speaker, in a recent issue of the Albany, Ga., Junior College newspaper Mode there was an article written involving a fine young lady whom I have known for some time. This article deals with her part-time job which is, indeed, unusual for a young lady; but I believe it exemplifies young America at its finest. I present the article for the examination of the Members of the House:

HURRAY FOR WOMEN'S LIB! DRU GODWIN, "PAPERGIRL"

Being a paperboy isn't such an unusual job, but for Dru Godwin it is definitely different.

Dru, a 20 year-old Albany Junior College sophomore, has been "papergirl" on the Albany Herald route through Shoreham Apartments for over a month. So far her only problem has been people's constant kidding.

"I wanted to do something different after working in an office for four years." Dru laughs. "So I got this job!"

Starting on her daily route, Dru reaches into an Albany Herald carrier bag, pulls out a tightly-rolled newspaper and tosses it onto a second-floor Shoreham balcony. An elderly man on the route taught her to throw the papers underhanded during her first week. She estimates that after a month of practice she is on target at least 80 percent of the time.

Dru's 18 year-old brother, Kerry, who also attends Albany Junior College, was responsible for her getting the job. "He has been a paperboy for a long time," Dru explains as she continues on the route. "Kerry brings me my papers in the afternoons. I don't like to pick them up myself at the platform downtown—other paperboys really laugh at me there!"

Recalling an unusual reaction to her job, Dru tells of the ten-year-old girl who ran up to her on the route, saluted her, elatedly proclaiming, "Hurray for Women's Lib! Gloria Steinham can be proud of you!"

After half an hour, Dru folds up the empty Herald bag and starts back to her car. "You know, I'll miss this job when I transfer to the University of Georgia next fall. There aren't many jobs that permit you to wear blue jeans, a jersey, and tennis shoes. But then maybe the Athens paper will need an experienced papergirl . . ."

CENSORED MY LAI REPORTS REVEALED AFTER LONG FIGHT

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. STEED. Mr. Speaker, for the past 2½ years editors of the Daily Oklahoman newspaper of Oklahoma City have sought the release of several Army reports connected with the My Lai incident of 1968. The following article which appeared in the May 14, 1972, edition of the Oklahoman describes the accounts of the struggle which lead to the release of the information.

CENSORED MY LAI REPORTS REVEALED AFTER LONG FIGHT

(By Jack Taylor)

When the news of an atrocity committed by U. S. Troops in Vietnam began to unfold more than two years ago, the American public was deluged with confusing and conflicting reports, statements, evidence and testimony.

What happened at My Lai on that day in the Spring of 1968 would be unraveled, as best the Army could determine, at the hearings and courts-martial that would follow. But why it happened—the circumstances and contributing factors that made it possible—received far less attention, even from the Army.

By analyzing official records, some of which even the Army had not perused. The Daily Oklahoman has found new bits of information that throw new light on some parts of the most debated military controversy since the Dreyfus Affair.

On Dec. 1, 1969, The Daily Oklahoman requested records of the principal unit involved in the My Lai incident under an Army regulation directing release of information from Army records and files. That initiated a 2½-year struggle against Army censorship that included promises made and broken by Army officials, collisions with conflicting Army regulations, bureaucatic bungling and, finally, an appeal directly to the Secretary of the Army.

During the intervening months, Army spokesmen frequently said one thing and did another, censored information the Army already had made public and violated its own regulations—written expressly to forbid such secrecy.

Two weeks after the Army's adjutant general in Washington was asked for release of morning reports—the basic data recording a unit's history—the Army denied the request, citing two regulations "to preserve the privacy of individuals who may be prospective witnesses and to avoid prejudicing the rights of an accused . . ."

Information contained on morning reports, however, is largely statistical, and any narrative is limited to the bare essentials describing the death, injury, hospitalization, promotion, disciplining or transfer of individuals in the unit. And at the time of the Army's refusal to release those records, the names—as well as the comments—of dozens of witnesses already had received widespread publicity.

The Oklahoman then asked the Army for similar records of two other infantry companies in the same task force as the unit whose troops massacred the inhabitants of My Lai. But again the Army refused to release the information, citing the same justification.

More than a year passed while the Army convened an inquiry and courts-martial, filed and dismissed other charges and finally convicted one lieutenant.

When the court-martial of Lt. William L. Calley, the central figure in the tragedy, ended in conviction, the Army was asked on March 31, 1971, for morning reports of the three infantry companies and of a helicopter support company involved at My Lai, plus a copy of the full report of the Army investigative panel headed by Lt. Gen. William R. Peers.

Three weeks later, Maj. General Verne L. Bowers, who had succeeded Maj. Gen. Kenneth G. Wickham, the adjustant general who had first withheld the records, denied the latest request because other litigation was pending. He added, however, that the Army "intends to release" the requested records, including the Peers report, at the conclusion of the trials related to the massacre.

Just before Christmas last year, the last trial was concluded with the acquittal of Col. Oran K. Henderson, commander of the infantry brigade whose troops were involved. Henderson had been accused of participating in a cover-up of the incident.

A week later, on Dec. 28, the Daily Oklahoman renewed its request. Nearly two months passed before a postcard, dated Feb. 22, informed the paper that a reply could be expected within the next month—the first hint the Army might lift its lid of secrecy.

A telephone call determined that the Army had decided to release the morning reports and the delay was necessitated by strenuous censorship officials had decided to impose first.

Finally on March 8, Gen. Bowers wrote that the morning reports would be made available—after expunging certain information for reasons he failed to explain as required by his own regulations. He also reported that the Army, by then, had decided to withhold the Peers report, despite earlier promises to release it. He cited a section of the U.S. Code as justification.

The authority cited for withholding the Peers report is a law exempting public release of "investigatory files compiled for law enforcement purposes . . ." However, the memorandum directing the Peers inquiry specifically restricted the investigation from any such purpose.

The memorandum from then-Secretary of the Army Stanley R. Resor and Army Chief of Staff Gen. William C. Westmoreland directed Gen. Peers on Nov. 26, 1969, that "the scope of your investigation does not include, nor will it interfere with, ongoing criminal investigations in progress."

In effect, the Army had used the same justification for withholding both the morning reports and the Peers report, then looked for other justification to withhold the Peers report when the initial reasoning was no longer sound.

The highly excised morning reports were finally released on April 10 by the Army personnel records center in St. Louis after the newspaper paid $289.55 for reproduction costs. The records reflected 401 separately censored items of information, all apparently designed to prevent an invasion of personal privacy of individuals mentioned in the reports. Virtually every entry except routine transfers was censored.

However, some censored information—such as names of soldiers killed in action—already had been made public. In fact, the Army routinely releases weekly KIA lists that actually contain more personal information, such as the name and address of next of kin, than is ever included in a morning report entry.

In other examples, particularly involving reductions in rank, the Army censored the narrative but left the individual's names, rank and service number, and ignored the strength figures which would pinpoint just such a reduction by the change in figures listed by each rank.

And in one case, the Army left untouched two paragraphs of an Americal Division special order attached to one morning report which included a more detailed accounting of the very information officials were censoring on the basic document. In this case, two men in a signal battalion were reduced in rank or fined for misconduct.

These were minor examples of how the Army's penchant for secrecy sometimes leads to censoring material already released in some other way.

Another, more serious example, is in the heavily censored summary of the Peers report was made public. In it, one category expunged was the numbers and distribution of allied and enemy troop strength and the numbers of maneuver battalions at the time of My Lai. Yet in Gen. Westmoreland's "Report on the War in Vietnam," written when he left there to become Army chief of staff in mid-1968, not only is troop strength for the same period liberally reported, but a map even pinpoints the location of each maneuver battalion.

That report is sold to the public by the U.S. Government Printing Office for $6.

The House Armed Services Investigating Subcommittee, which conducted its own inquiry into the My Lai incident, inclued in its final report several citations from tactical operations journals. Yet the Army says these are currently classified as Confidential and unavailable to the public without a declassification review. That report also is sold to the public by the government printing office, for 50 cents.

A nine-page appeal for the full copy of the Peers report and for the information expunged from the morning reports has been forwarded to Secretary of the Army Robert F. Froehlke. The Oklahoman is citing 23 reasons under federal law and three different Army regulations why the information should be released.

The secretary also has been asked in the event the appeal is denied, that in accordance with another Army regulation he explain fully in writing the justification for withholding the Peers report and for continued secrecy on each of the 401 censored items on the morning reports.

Copies of the appeal, with cover letters requesting intervention on behalf of releasing the information, were sent to 80 members of Congress—members of the Senate Foreign Relations Committee, the Senate and House Armed Services Committees and the Oklahoma congressional delegation, as well as to the Freedom of Information Committee of Sigma Delta Chi, professional journalistic society, the Associated Press Managing Editors Association and the American Society of Newspaper Editors.

TELEPHONE PRIVACY—XXXVI

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ASPIN. Mr. Speaker, I reintroduced the telephone privacy bill on May 10, 1972, with a total of 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 34th sampling of these letters into the RECORD, since they describe far more vividly than I possibly could, the need for this legislation.

These letters follow—the names have been omitted:

JULY 20, 1972.

U.S. Representative LES ASPIN.

DEAR SIR: Upon reading an article in the Chicago Tribune, "Action Express," I understand you have a bill, HR-14884 introduced, that would keep solicitors from phoning their wares at the expense of our wearing nerves.

My wife and I are both bothered constantly every day by those hucksters who push their resorts and wares upon us. We would like the phone to be kept for the purpose it was intended for, that's why we have our number listed so that others with a purpose, besides selling, would be able to reach us. But it seems these hucksters use the phone list to hound people, and that is what we do not want.

I do hope you get your bill through, we're with you, keep up the good work.

We hope your bill is adopted, maybe our nerves will settle down again.

If your bill is passed, please see that it gets in print so that we can be notified and take action with the Illinois Bell Telephone company to get on their list or an asterisk before our name.

Thank you, and good luck. I remain.

Sincerely,

——— ———.

MILWAUKEE, WIS.

DEAR SIRS: I am not much for writing, but I am for getting this bill passed.

——— ———.

MILWAUKEE, WIS.
August 9, 1972.

Re Bill H.R. 14884.
Representative LEE ASPIN,
House Office Building,
Washington, D.C.

DEAR SIR: I sincerely hope this bill will be passed and an asterisk placed beside the names of people who don't want to be bothered with calls from different companies.

I do not like to have to resort to an unlisted number to get relief from these calls because I have 3 children and a husband who has to travel with his work and in case of an emergency I would want people to be able to reach me, also people from out of town.

When I was recuperating from a long illness I often slept during the day and those phone calls are so annoying. I feel sorry for shift workers and people with babies who are disturbed by these senseless calls and also for the elderly who have difficulty getting to the phone.

I would never buy from someone over the phone or make an appointment with them. I don't like this type of selling.

I think too if this bill passes, anyone calling people who indicate they don't want to be bothered should be guilty of making a nuisance call.

Sincerely,

——— ———.

WARRENVILLE, ILL.

Bravo! I like your bill re: controlling nuisance calls. I'd like a star next to my name. Thank you!

——— ———.

WE NEED OUR STATE MARITIME ACADEMIES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. LEGGETT. Mr. Speaker, for many years our State maritime academies have acted as invaluable sources of merchant marine officer power.

They are to the Merchant Marine Academy at Kings Point what ROTC and OCS are to Annapolis and West Point. They turn out high quality, broadly educated merchant marine officers at relatively low cost.

In these days of antimilitary feeling among our most promising young men, the maritime academies serve an additional purpose: They provide a way for a bright young man to begin a seagoing profession without compromising any reservations he may have about military or foreign policy.

These maritime academies are entering a financial crisis which may prove overwhelming if increased Federal support is not forthcoming. Federal assistance has remained constant in terms of dollars, but costs have gone up with the general inflation. The result is that only 17 percent of the budget of the California academy is provided by the Federal Government.

I am inserting in the RECORD at this point a portion of a fascinating article on the academies, which appeared in the June issue of the U.S. Naval Institute Proceedings. The article, entitled "Our Imperiled State Maritime Academies," by Capt. William B. Hayler, is most impressive. I hope my colleagues will read it, and as a result become favorably inclined toward increased funding for these academies.

OUR IMPERILED STATE MARITIME ACADEMIES

(By Captain William B. Hayler, U.S. Navy (Retired))

This country has a tremendous asset in its six state maritime academies. These schools are a very small part of the nation's higher education picture, and are little known and less understood. They are, however, a vital source of trained officers for the U.S. merchant marine, and an important secondary source of officers for the naval reserve.

Indeed, it was a naval officer who provided the stimulus for the founding of a nautical college which would improve the quality of the U.S. merchant marine officer. Admiral Stephen B. Luce founded the Naval War College, but perhaps more important was his service to his country in lobbying to assist in the passage of the "Maritime Schools Act," which became law in 1874. This Act encouraged the establishment of maritime schools and authorized the U.S. Navy to assign officers and training ships to them.

The most important rationale for the continuance of the state maritime academy retaining its role in the education of merchant marine officers stems from one of Alfred Thayer Mahan's reasons for a nation becoming a seapower. The national character of a people, he felt, was one factor upon which seapower is built. So, also, he argued, must the people have an instinct for commerce and an aptitude for the sea. Maine is the best example of a state which has a seagoing heritage, and the presence of Maine Academy midshipmen at home on visits becomes a source of regional pride and serves to stimulate an interest in the sea which might otherwise diminish. In addition, it appears that the state academy graduate generally maintains his home ties and ultimately returns home to live. Consequently, the paycheck of the state academy graduate probably will find its way to his parent state for a long time to come. At the present time, about 55% of all academy-trained officers sailing from California ports are graduates of the California Maritime Academy—adding considerably to the enrichment of the state of California's treasury.

Moreover, it is just as impossible for all future merchant marine officers to attend Kings Point as it is for all future Army, Navy and Air Force officers to attend the appropriate federal service academy. This is why the Armed Services have a number of officer procurement sources to supplement the Service academies, ROTC units, officer candidate schools, and commissioning programs for promising enlisted personnel all help fill the Armed Services officer personnel requirements. And, considering the difficulty in recruiting officers these days, the time, effort, and money consumed in establishing these secondary sources have not been mis-spent.

The California Maritime Academy budget, for example, is about $1.2 million, of which the state will pay about $800,000. The remainder is made up about equally by the Maritime Administration (Marad) subsidy and student fees. The Marad subsidy pays for the maintenance of the training ship and helps defray the students' tuition costs. This sharing of costs of the education of a midshipman at a state academy is good business for the federal government. The federally-financed cost of the education of a state academy graduate is approximately $5,000, as opposed to $19,000 for his Kings Point counterpart. From the viewpoint of the individual student, the federal subsidy is something of a bonanza because it enables him to receive a first class education at a cost considerably less than that obtainable in other college level institutions, even those supported by public funds.

In a legal sense, State maritime academy midshipmen legally are cadets in the U.S. Maritime Service. They are civilians who have given up much, if not all, of the freedom which they would have enjoyed had they elected to live the life of an undergraduate at a nearby liberal arts or engineering college. The discipline under which they live is not military discipline in the sense in which it is inculcated at the Naval Academy or West Point. Rather, it is only that which is considered necessary to prepare them to live as licensed officers on board a well-ordered U.S.-flag merchant vessel. The purpose of this system of what might be termed "enlightened discipline" is to prevent instances of a breakdown in authority under stress, or incompetency in time of emergency where a maritime academy graduate is involved. The departure of many crew members of the *Andrea Doria* before all her passengers could be disembarked, and the ineptness displayed on board the *Morro Castle* when she burned off the New Jersey coast in 1934, are examples of shortcomings in discipline and training which the maritime academies are committed to prevent.

So much variation exists among the respective curricula of the state maritime academies, that it is necessary to generalize somewhat. All academies, however, strive to produce a highly qualified third mate or third assistant engineer who will be useful the day he reports on board his first ship and who also has the capability of growing into higher responsibilities both afloat and in the shore-side industry. State academies have been remarkably successful, and their graduates are prominent among the masters of American flag ships and as executives of shipping companies. The state schools are broadening their curricula, shifting away from the old nautical schoolship concept, but this costs money, and many state legislators who must foot the added bill are grumbling at the additional expense. Nor is there universal acceptance of the expanded course by a basically conservative shipping industry, some quarters of which are reluctant to depart from the traditions and practices of the past.

The maritime academy does not try to teach every midshipman to do everything. Unlike the Naval Academy, and in keeping with Coast Guard licensing requirements, the midshipmen are split into those studying for deck licenses and those aspiring to be engineers, Kings Point does have a pilot program enabling outstanding midshipmen to receive a dual qualification, but it will be some time before a significant number of officers are legally licensed to stand both a deck and an engineroom watch.

Just as some naval subjects, such as missile control and electronic warfare, are of no interest at the state academy, so would subjects of intense interest to a merchant marine officer—e.g., cargo handling and maritime labor relations—receive no more than minimal attention from a naval officer. Although it is no longer enough to be able to "splice, reef, and steer," the maritime academy graduate must have these practical skills or their modern counterpart. He must also have a broad background which will assist him as he goes up the maritime ladder, either ashore or afloat. For this reason, and unlike the Naval Academy, the state academy cannot satisfy its requirements simply by providing a drill or demonstration in machine shop practices or diesel operation. Maritime academy midshipmen must receive sufficient time in a diesel laboratory so that they learn how to operate a diesel, to diagnose its ills, and to repair it, possibly by machining a new part. Later in the same day, the same group of midshipmen may sit in a class in thermodynamics or electricity on an academic level in every way comparable to the Naval Academy.

Deck midshipmen must receive similar training. Since the merchant navy boasts no quartermasters or bosun's mates, it follows that midshipmen must be thoroughly proficient in deck seamanship. And they must be far more familiar with the theory and practice of navigation than their Naval Academy counterparts, who can expect the able assistance of a chief quartermaster in keeping out of harm's way. During their first class cruise, California midshipmen must use the Marcq Saint Hilaire method to work out their sights. They will probably never have to use it again, but if they master this, nothing will ever throw them. Finally, by maritime academy standards, the Rules of the Road as covered at Annapolis is scanty and would not provide the average maritime academy student with sufficient knowledge to pass the licensing exam which the Coast Guard throws at the aspiring merchant marine officer. At California, the Rules course covers seven semester hours. Over-emphasis? Perhaps; but the bridge watch of a merchant vessel is a one-man show. The new third mate will be his own junior officer of the deck, quartermaster, signalman, phone talker, and CIC team. If he is not to become an accident hazard later, he must be equipped with as much professional knowledge as he can hoist aboard while still a midshipman.

A maritime academy midshipman must spend six months at sea in order to qualify to "sit" for his license. A unique source of strength of the State Academy is the training ships owned by MarAd but permanently on loan to the various academies. Once a year practically all the faculty—who are licensed officers—and the midshipmen embark on a cruise of two to three months' duration. Kings Point, which prefers not to have a training ship, assigns its midshipmen to U.S.-flag ships for an equivalent period. Although there is something to be said for the Kings Point system, the state academies feel strongly that the academy schoolship is the best solution for afloat training, and the academies are currently engaged in another round of a perennial struggle with MarAd to retain their own training ships. MarAd's motives, as one might suspect, are economic.

A naval officer will think of a midshipmen's cruise as one in which midshipmen are embarked as supernumeraries for training. This is true with regard to a Naval Academy midshipman's cruise, but not true for a state maritime academy midshipman's cruise. California, for example, hires only ten non-faculty crewmen. Their talents range from those found in a Navy or Coast Guard warrant officer to that of a leading seaman. The rest of the muscle and skills necessary to run the ship come from the midshipmen, assisted and instructed by the licensed faculty. Coast Guard regulations require a licensed officer on the bridge and another in the engineroom. The rest of the watch at sea is made up of midshipmen in training, and the major portion of the maintenance is performed by them. In short, without midshipmen, the *Golden Bear* cannot get underway and stand out to sea.

The midshipmen, under the eye of the faculty, run the entire ship. They navigate, stand bridge and engineering watches, and maintain the ship. The faculty officer will step in only *in extremis*. The strength of the schoolship system is that, upon graduation, the new third mate or third assistant engineer is fully qualified to do any job which he may be called upon to perform. If a midshipman is embarked as a cadet on an American-flag merchant ship on a normal voyage the quality of instruction he receives from the ship's officers will vary from ship to ship. Some ship's officers will take an interest in him. Some can't be bothered. In any case, the midshipman cannot do jobs or perform maintenance which would take work away from an unlicensed member of the crew. The state academies feel, with considerable justice, that their graduate emerges with more practical operational knowledge than does his Kings Point counterpart, although they do begrudge some of the time which their midshipmen must spend maintaining the training ship during the academic year.

As a condition for receiving their MarAd subsidy, the state academy midshipmen must agree to accept a Naval Reserve commission if it is offered. To support this program, the academies all have small Naval Science Departments manned by the only active duty personnel on the campus. All midshipmen take a Naval Science course each academic semester, which course is designed to provide a rudimentary naval indoctrination as well as fill the gaps in the education which he receives as a part of his normal classroom work. Naval Science helps fill in the chasm dividing the education of a third mate and a third assistant engineer. The engineer midshipmen learn their navigation from the Navy, and the deck men learn about naval machinery the same way.

The Reserve program offered at the academies is not a primary source of Reserve officers, and the graduate is not ordered to active duty unless he so requests. The object of the program is to provide the midshipman with sufficient familiarity with the Navy so that he would be at home on the bridge of a merchant ship should he ever operate with naval units or to assist him in his transition to the Navy should he ever be called to active duty. The graduate's military obligation is considered completed if he sails on his license for at least six months a year for three years, or for an equivalent amount of sea time for a longer number of years. The interest in a Navy career varies with the economic climate and, probably, from one academy to the next. The current economic slump may be one of the reasons that the 1971 California class contributed six officers to active duty in the Navy and two to the Coast Guard, as opposed to none and two, respectively, for the Class of 1970. Obviously the small size of the officer input from the state academies does not make much of a dent on the entire officer corps of the Navy, and ashore or afloat, the graduate is a rarity. The author met few during his active Navy service. But those who remain appear in surprising places and achieve success comparable to their civilian counterparts in the maritime industry. They benefit from a thorough grounding in the fundamentals enjoyed by none of their contemporaries from any other source.

State maritime academies are under fire from several quarters these days. A July 1970 *Proceedings* article, "Manpower and the Merchant Marine," by a graduate of the New York Maritime College summarized the difficulties a graduate faces, for example, when sailing on his license in the face of opposition posed by the Marine Engineers Beneficial Association (MEBA). MEBA; incidently, has founded its own school in Baltimore and would probably not mourn too long at the demise of all the state academies.

One would hope that the passage of the Merchant Marine Act of 1970, and the trend toward larger, more sophisticated and automated vessels would make it most evident to the public that a solid maritime education would be necessary for the merchant marine officer of tomorrow. The current economic slump has hit MarAd along with other federal and state agencies. Funds for state academies are in short supply. Even in normal times, MarAd is by no means a front runner in the race to the Treasury. Federal financial assistance has remained constant in dollar value although the states have had to dip increasingly into their own pockets to pick up the deficit. In California, the percentage of the operating budget provided by MarAd has dipped from 27% to 17% in 1971. The state and federal governments have each tried to convince the other to throw more money into the pot. The arguments used by each side are identical: the program is really of primary benefit to the other. Should this financial shuffling continue to the ultimate limit—that a state academy should go under—both the state and the nation will suffer. The California Maritime Academy has been on the verge of being closed during most of the fiscal year 1970–71.

Although the State Maritime Academy is now and should remain only a secondary source of Naval Reserve officers, a careful reassessment by the Chief of Naval Personnel might well disclose ways to improve the Navy's contribution, increasing the dividends which the Navy enjoys from the program while at the same time decreasing the budgetary outlay. As the Navy is forced to close some of the long-established ROTC units throughout the country, this effort could be channeled to the state academies to the mutual advantage of all.

State academies have been in the business of turning out broadly educated merchant mariners for almost a hundred years. Their graduates are among the most successful leaders of the maritime industry both ashore and afloat. By any standard, the financial requirements of the academies are small, but if they are not met, the schools will founder. If this happens, the nation, the maritime industry, and the Navy will have ample reason to regret their inaction.

THE ALCOHOLIC DRIVER

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. HOGAN. Mr. Speaker, alcohol and alcoholism have taken their toll in our country in both physical and emotional pain, and alcohol has played a distressingly large role in traffic accidents. It is common knowledge that more than one-half of all traffic fatalities are alcohol related, but when we stop to consider that more than 27,000 people died last year in alcohol-related accidents, the impact is staggering.

And yet what serious measures have been adopted to get the drunken driver off the road? Federal funds have been granted for extensive research into traffic safety, and strides have been made, but the statistics continue to rise.

Two men who are seriously concerned with the ever-increasing number of alcohol-related traffic fatalities have proposed a plan which emphasizes the importance of rehabilitation and strict enforcement of punitive measures. They are Martin G. Blinder and Guy O. Kornblum and their proposal recently appeared in Judicature. Because the article presents a unique insight into the problem of alcoholism and the possibilities of alleviating that problem, I now insert it into the RECORD:

THE ALCOHOLIC DRIVER: A PROPOSAL FOR TREATMENT AS AN ALTERNATIVE TO PUNISHMENT

(By Martin G. Blinder and Guy O. Kornblum)

This article is a condensation of a larger work by the authors which is available as a Society Information Report and may be purchased upon request (See page 34.) The authors wish to express their appreciation to Mr. Edward F. Kearney, executive director, National Committee on Uniform Traffic Laws and Ordinances, Washington, D.C., for his assistance in the preparation of this paper. They also thank the people with whom they corresponded and who provided them with needed research material. However, unless otherwise indicated, all opinions and conclusions are those of the authors.

Five million Americans, five per cent of the adult population, are alcoholics.[1] The majority of them drive.

Statistics, though inadequate to measure the amount of personal anguish consequent to alcoholism, emphasize dramatically the havoc and devastation to all portions of our society: one-half of all automobile deaths are alcohol related; a quarter of all male admissions to mental hospitals and one-half of all general hospital admissions are associated with alcohol; and nearly one-half of all non-traffic arrests are for the "crime" of public intoxication.

A study just completed by the New York State Citizen's Committee on Problems of Alcohol,[2] with the assistance of the National Study Service of New York, reported that there are more than 800,000 alcoholics in New York, that alcoholism contributes in a major way to crime and over-crowding of our correctional system, and that it is a serious drain on business and the economy. Clearly, the facts mandate a reappraisal of the present system.

In most states, individuals convicted of driving while intoxicated are punished as misdemeanants by fine, imprisonment or both.[3] The method of expressing the offense varies. The Uniform Vehicle Code (UVC) states in section 11–902 (a):

"It is unlawful and punishable as provided in section 11–902.2 for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle in this state."

Most states follow this language, although some have not included the "physical control" aspect, or have combined references to drugs with those relating to alcohol or intoxicating liquor.[4]

The most used and most popular sanction for drinking and driving is the revocation or suspension of the driver's license. A number of states make suspension of the driver's license a mandatory penalty for driving while intoxicated.[5] The fear of loss of the driving privilege may have an important deterrent effect on the social drinker. However, it does not affect the alcoholic or problem drinker who continues to drive despite the loss of license. A recent California study indicated that two-thirds of all drivers with revoked permits were arrested (some as many as ten times or more) during periods when their driving privileges were revoked.[6] In addition, most states fail almost entirely to take any practical steps to enforce license revocation.

NEW STUDIES

Judicial re-examination of the criminality of the offense of public drunkenness in the light of new studies regarding the existing penal structure has begun. The United States Supreme Court recently stated in *Powell* v. *Texas*[7] that although the eighth amendment's prohibition of "cruel and unusual

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Footnotes at end of article.

punishment" does not bar processing chronic alcoholics who are drunk in public through criminal courts, the criminal structure is not a particularly effective means of dealing with what is largely a "health problem."

The recent federal cases of *Easter* v. *District of Columbia* and *Driver* v. *Hinnant*,[8] which held that alcoholics cannot be convicted of public drunkenness emphasized the importance of developing alternatives to punishment for dealing with alcohol-related offenses. The President's Commission on Law Enforcement and Administration of Justice recommended that drunkenness in itself should not be a crime, that civil detoxification procedures should be developed, and that comprehensive treatment programs, including "after care" facilities to bridge the gap between the detoxification center and the assimilation into society, should be established.[9]

The President's Commission on Law Enforcement and Administration of Justice [10] studied drunkenness offenses and concluded that the public drunk should no longer be treated as a criminal unless he is disorderly or engages in other criminal conduct such as driving while intoxicated. The drinker who only appears in public in a drunken state should not be treated as a criminal but should be detoxified in a community detoxification center. Similarly, when an alcoholic commits a separate criminal act while intoxicated, not only should the commission of the act be punished but an effort should be made to rehabilitate the offender. If, however, he is unwilling to be rehabilitated, then he should be prevented from committing the prohibited act again.[11]

Since drinking and driving offenses are generally punished as crimes, the usual procedural safeguards apply, including the right to jury trial.[12] However, prosecutors are reluctant to bring even strong cases to trial because they crowd even more the already crowded dockets. Furthermore, juries are frequently sympathetic to the defendant.[13] There are other roadblocks to successful prosecution of arrest for driving under the influence with the result that a plea is usually bargained and the defendant pleads guilty to a minor traffic offense (not involving alcohol) and is placed on probation, retaining his right to drive.[14]

REHABILITATION PROSPECTS

The prospects for rehabilitating the alcoholic driver (who is rarely a skid-row drunk with no family or community ties) are good. The San Francisco Committee on Crime reported:

> The Bureau (San Francisco Bureau of Alcoholism) knows that the vast majority of alcoholics in the city are not on skid-row. The National Council on Alcoholism has estimated that, for every skid-row alcoholic there are 15 to 20 working alcoholics doing jobs as house painters, teamsters, secretaries, bankers and attorneys. The Bureau knows too that alcoholic rehabilitation stands a good chance with patients who have enough ties to family, church or work to want to make it back. . . . One Bureau doctor pointed out that, in all his professional practice, he had never encountered a case in which a skid-row alcoholic was arrested for drunken driving. "By far the most dangerous alcoholics are those who drive," he said, "yet criminal justice does no more to solve their problem than it does to solve the problem of the guy on the skids." [15]

To date, several programs for rehabilitation of the drunken driver have been tried. Although results are incomplete, reports from a program in Nassau County, New York, indicate that rehabilitation has been achieved by a substantial number of alcoholics through small discussion groups with the goal of helping the individual recognize and admit his uncontrollable appetite for alcohol. The objective is to lead him to a realization that he needs medical assistance voluntarily.[16] A rehabilitation program for convicted drunken drivers has been developed at Phoenix, Arizona, by the Phoenix Municipal Court and the Phoenix Alcohol Research and Re-education Project. For more than four years, every resident convicted in Phoenix has had to spend four consecutive Wednesday evenings (ten hours) in an Arizona State University extension course or lose his license to drive. The student is given information about the effects of drinking and driving, and is encouraged to assess his own behavior. Fewer than 10 of the 2,000 individuals who have completed the course have been re-arrested in Phoenix on a charge of driving while intoxicated. However, the primary focus in this program is not only on the problem drinker but on a combination of punishment and education to expose the participants to the dangers of even moderate drinking and driving.[17]

A recent report of the Highway Safety Research Institute reviewed ten published accounts of court-related alcoholic treatment programs in the United States over the past 20 years. The programs were reviewed for their success as based on the following criteria: reduction in the number of arrests, number in treatment for full length of program, improvement in drinking pattern, family and social adjustment, occupational adjustment, and physical status. The report states that the review "consistently indicated that court-related treatment could be successful for at least one-half of the clients seen." [18]

SOCIAL VERSUS PROBLEM DRINKERS

Any program for enforcing "driving while intoxicated" laws should recognize that the social drinker must be treated differently than the problem drinker. Methods should be devised so that a judge has the flexibility to emphasize punishment and education for the former and rehabilitation and education for the latter. The program should also give a judge criteria for identifying those defendants who are alcoholics or problem drinkers a background investigation and interview should be conducted. Alcoholism is not easily recognized in its early stages. This is further complicated by the tendency of most alcoholics to deny that they have a problem. For this reason, conviction for driving while intoxicated could benefit the defendant by introducing him to medical facilities for treatment which he might otherwise have avoided, because he did not recognize his condition, was reluctant to seek treatment, or was not aware that treatment was available.

When making determinations of disposition it is not necessary for the court to become involved in the causes of the particular traffic offender's alcohol abuse or to wrestle with distinguishing between an irresponsible social drinker and an alcohol addict. The traffic court may define the problem drinker as one who has repeatedly demonstrated a driving problem when he drinks.

Some courts have attempted to refer alcoholics and problem drinkers to community medical facilities and social service agencies such as Alcoholics Anonymous, but the Department of Transportation states that what little data is available on the results of these referrals is not encouraging. This is probably due to the informality of such casual referrals. In most cases, the alcoholic is the last to realize he has a problem and it is therefore unusual for him to ask for help unless he has been coreced in one way or another into seeking help for his problem.[19]

CONSTRUCTIVE COERCION

Constructive coercion has been successful in alcoholic rehabilitation programs in industry, penal and correctional institutions, and in courts and hospitals. Thus, it should be susceptible to successful integration into a probation scheme.[20] Usually these rehabilitation programs are a combination of group therapy and individual counseling which work toward a reintegration of the individual into the community.

The use of authority as a means of motivation can be a valuable tool in making an otherwise reluctant individual seek the assistance he needs. Before applying the concept of judicial coercion however, the court should be assured that effective treatment techniques are available in its jurisdiction, and that adequate funds have been secured to implement them.

The use of constructive coercion to achieve rehabilitation is not a new technique. In fact, it would seem that examination and therapy programs such as the Phoenix experience can be put into effect without statutory authorization, as long as the defendant has the choice of the prescribed punishment or the rehabilitation alternative, and as long as the objectives of the alternative are legitimate (rehabilitation, correction and education).

The problem has been summarized in this statement:

> . . . Since a major portion of drunken driving is to be found in the small alcoholic population rather than in the general population of social drinkers, serious consideration must be given to quick recognition of the person with a drinking problem and his removal from the road. It has already been suggested that a prior history of non-traffic alcohol-related arrests is indicative of problem drinking. Certainly, drunken driving between the hours of 6:00 a.m. and noon is a strong indication of alcoholism.
>
> Removing such a person from the road is difficult. Merely revoking the license is not, apparently, sufficient. Alcoholics are more likely to have citations for driving with a revoked or suspended license than drivers with other medical conditions despite a probable equal frequency of license revocations and suspensions. The answer, while by no means simple, appears to lie in the early identification of alcoholism as a disease and prompt referral to treatment, in addition to revocation of license or other legal measures.[21]

A program combining strict enforcement of punitive measures with educational and rehabilitation programs should give the court the flexibility it needs to select the most effective means of processing convicted drunken drivers through the criminal system. This is consistent with what seems to be one of the objectives of the present reform of the penal system: to provide more realistic opportunities for rehabilitation. Hopefully, the above recommendations will encourage courts to work with community agencies in designing a corrective, educational and rehabilitative scheme which is designed to meet the needs of the individual defendant, and is also consistent with the community interest in discouraging future offenses.

FOOTNOTES

[1] Authorities vary as to the definition of "alcoholic" or "alcoholism". The Cooperative Commission on the Study of Alcoholism speaks of "problem drinking," which includes alcoholism. "Problem drinking" is defined as a "repetitive use of beverage alcohol causing physical, psychological and social harm to the drinker or to others." This definition stresses an interference with functioning rather than any specific drinking behavior. The amount or frequency of drinking is not a primary criterion. "Alcoholism" is defined as a "condition in which an individual has lost control over his alcohol intake in the sense that he is consistently unable to refrain from drinking or to stop drinking before getting intoxicated." Plaut, *Alcohol Problems—A Report to the Nation by the Cooperative Commission on the Study of Alcoholism* at 37–

39 (1967) (hereinafter cited as *Alcohol Problems*).

The Uniform Alcoholism and Intoxication Treatment Act adopted in 1971 defines alcoholism in these alternative ways: "a person who habitually lacks self control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted . . ."

[2] *Alcohol Abuse and Alcoholism in New York State: Programs, Problems and Promise* (Citizens' Committee on the Problems of Alcohol, State of New York, 1971).

[3] U.V.C. § 11.902.2.

[4] The Canadian Criminal Code refers to "driving while ability impaired by alcohol," in addition to "driving while under the influence." (Can. Crim. Code, § 285, subd. 4(a).) New Jersey, New York and Virginia have adopted this concept and made "driving while impaired" a lesser degree of the violation while under the influence of alcohol (N.J. Stat. Ann., § 39:4–50(b); N.Y. Vehicle and Traffic Law, § 1192(1); Code of Va. § 18.1–56.1).

[5] De-licensing action is mandatory upon first conviction for drunken driving in 45 states and the District of Columbia. It is discretionary in only five states (Hawaii, Nevada, Arizona, Colorado and Georgia). However, only 18 states require the licensing action for one year as in the U.V.C. (§ 6–208). *See Suspension and Revocation of Drivers' Licenses* (Highway Users Federation for Safety and Mobility, 1776 Massachusetts Avenue, NW, Washington, D.C., 1970).

[6] U.S. Department of Transportation, *Alcohol Safety Countermeasures Program* at 207 (June 8, 1970).

[7] *Powell v. Texas*, 392 U.S. 514 (1968) rehearing denied 393 U.S. 989. In *Powell*, the court held in a 5–4 decision that conviction for public drunkenness of an alcoholic did not amount to cruel and unusual punishment, where there was a question as to whether the defendant was "compelled' to drink, and where the defendant was prosecuted because of his public behavior which could present substantial health and safety hazards to the defendant and the general public, and not because of his "status" or "condition." If the reasoning of the dissent in *Powell* had been followed, the constitutionality of drunken driving laws when applied to alcoholics, who have an irresistible compulsion to drink, may be in issue. *But note* Justice Fortas' dissent, 393 U.S. at 559, note 2.

[8] *Easter v. District of Columbia*, 361 F. 2d 50 (CA—D.C. 1966); *Driver v. Hinnant*, 356 F. 2d 761 (CA–4 1966).

[9] President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: Drunkenness* at 4 (1967).

[10] *Id.* 4–6.

[11] Still, suspension or revocation of the license is unsatisfactory as it is not successful in preventing the alcoholic from driving. "Our studies have shown that the traditional fine and suspension or revocation do not work for problem drivers; they'll continue to drive with or without a license. Perhaps a rehabilitative approach will be meaningful to some defendants. Perhaps harsher, more stringent penalties, long-term revocation, would be the most effective method with others. It may be that with a small percentage of these drunk drivers, only permanent revocation of a license, with strict enforcement and supervision, will keep them off the highways." Wagner, "Problem Drinking v. Public Safety," *Trial Magazine*, at 30 (May–June 1971).

[12] The scope of the constitutional right to jury trial was recently redefined by the U.S. Supreme Court in *Duncan v. Louisiana*, 391 U.S. 145 (1968). The court held that "the right to a jury trial in serious criminal cases is a fundamental right and hence must be recognized by the states as part of their obligation to extend due process of law to all persons within their jurisdiction." 391 U.S. at 154. Petty offenses, however, were excluded from the jury trial requirement. The primary indication of what constitutes a "serious" offense is the severity of the penalty authorized by statute. *See Bloom v. Illinois*, 391 U.S. 194 (1968) (jury trial required where defendant is charged with criminal contempt, the state law does not set a maximum punishment, and defendant was sentenced to 24 months' imprisonment; here whether the crime is "serious" is determined by the penalty actually imposed).

[13] In addition to a fine or imprisonment (juries generally do not consider the possibilities of probation), a conviction for driving under the influence or while intoxicated or while ability is impaired is ordinarily followed by some action against the defendant's license, with considerable variation in the results. In some states, license action is permissive, and it is possible that no license action at all will follow; in others there may be either a revocation or suspension of up to two years. In the case of a minor, suspension may be for the period of minority, N.J. Stat. Ann., sec. 39:4–50(a); N.Y. Vehicle and Traffic Law, sec. 510(6). Where a license is suspended, there is generally automatic restoration of license privileges at the end of the suspension period. When the license is revoked, the licensee is required to "start over" and qualify for a new license. Where there is a mandatory fine or jail sentence, the sentence may be suspended or the licensee placed on probation. Unless a mandatory jail sentence is accompanied by a provision prohibiting its suspension, such a requirement may in practice be nullified by routine sentence suspension. Limiting the court in such a way is often criticized, however, as a legislative infringement upon the prerogatives of the judiciary.

Department of Transportation, *1968 Alcohol and Highway Safety Report*, at 102–103 (hereinafter cited as *DOT—1968 Report*). This report resulted from the National Highway Safety Act of 1966 which required the Secretary of Transportation to submit to Congress a report on the extent of alcohol involved in highway accidents.

[14] DOT—1968 Report, 103.

[15] The San Francisco committee on Crime, A Report on Non-Victim Crime in San Francisco, Part I, Basic Principles, Public Drunkenness (1971) at 37.

[16] Wagner, *Trial Magazine* (May-June 1971), *Supra* note 11, at 30.

[17] Weeks, "Educating Society's Most Lethal Criminal" (reprints of a series of five undated articles appearing in the *Phoenix Gazette* provided the authors in a monograph by the ABA Standing Committee on Traffic Court Programs, Section of Judicial Administration).

[18] U.S. Department of Transportation, *Alcohol Abuse and Traffic Safety: A Study of Fatalities, DWI Offenders, Alcoholics, and Court-Related Treatment Approaches* at 261–279 (Final Report, Preliminary Printing, submitted June 26, 1970, by the Highway Safety Research Institute to the U.S. Department of Transportation, National Highway Safety Bureau.)

[19] Soden, "Constructive Coercion and Group Counselling in the Rehabilitation of Alcoholics," 30 *Fed. Prob.* 56, 57 (1966). Mr. Soden states: "The doctor has intimated that death would be inevitable; the psychiatrist has implied that insanity will result; the clergyman has said that the end will be disastrous; the wife has threatened to leave or has already left; the boss has either fired him or has threatened to do so; the community has branded him a drunk. Or he has become so disgusted with himself that he has lost his self-respect. As a final desperate measure, he seeks help. Often there is no sincere or realistic desire to find help or to be helped. He seeks help only to relieve the pressures which are bearing down on him on him and to 'take the heat off'." Mr. Soden also states that 'constructive coercion can hardly be challenged if it will bring about a change in thinking that will result in the person's doing something about his problem. Considering the harm caused by alcoholism to the person himself, to his family, and to society in general, it is difficult to understand why there would be opposition to the use of constructive coercion in the field of corrections when in reality, circumstances resulting from uncontrolled drinking have actually coerced the individual into seeking or at least giving 'lip service' to some kind of a solution to a critical problem." *Id.*

[20] *Id.*

[21] Waller, "Pattern of Traffic Accidents and Violation Related to Drinking and to Some Medical Conditions," *Quart. J. Stud. Alcohol* 118, at 135 (Supp. 4, May 1968).

WHO BLASTED BEAVER DAMS ON PINYON MESA?

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. WHITEHURST. Mr. Speaker, the following article from the Grand Junction, Colo., Daily Sentinel, for Friday, August 11, was brought to my attention by Mr. Howard H. Caudle, director of the Colorado branch of International Defenders of Animals, Inc. At his request, I am inserting it into the Record for the benefit of my colleagues.

It is most unfortunate that such incidents as the one described apparently take place with little forethought.

The article follows:

WHO BLASTED BEAVER DAMS ON PINYON MESA?

(By Ken Botham, Jr.)

Strange it is in this age when man is capable of launching a missile from hundreds of feet under water near Miami and placing that same missile on the pitcher's mound at Yankee Stadium, that a beaver must justify his reason to live.

By now most outdoorsmen that frequent the Glade Park-Pinyon Mesa area are aware that some of the prettiest beaver dams in the state, unspoiled and in the grandeur that only a natural setting can allow, recently were dynamited.

The half tame beavers in the lower ponds were not caught and moved to another area, but were killed.

The 60 to 70 pound patriarch of the lower pond we called "Oscar" was either blown up, shot or trapped.

Many others were killed also, but Oscar was the greatest loss.

This dignified, greying gentleman looked forward to shoots of willow handed to him by people he thought he could trust. It had to be great sport for the man who killed old Oscar as a club would have done the job easily.

This was the only area, less than 40 minutes from Grand Junction, that a man could take his wife and children along with a camera and easily take pictures of deer, elk, bear, ducks and cats, and the beaver, without leaving his log. This was a photographer's mecca.

Oscar delighted in having his picture taken and undoubtedly looked on intently from about 5 feet as the explosive charges were being set. The heartbreak that the author felt as he saw the devastated dams is impossible to explain, and more difficult still is explaining to a 3 year-old son.

Certainly there must have been a good reason for this, so we set out to find it.

The first contact was with Louis Bertlshofer, district ranger, U.S. Forest Service.

Although Bertlshofer did not blow up the dams himself, he took credit for doing so.

After stock civil servant-pass the buck answers, Bertlshofer rationalized the following: There were two reasons why the dams were blown. (1) As the dams were located about Fruita Reservoir 3, the dams had to be the reason for an abnormally high fecal count in said reservoir. (2) Should the beaver dams in question break, this would pose a severe threat on the Fruita Reservoir dam.

Both of these reasons we would have to accept as valid, but let's look at them more carefully.

The beavers were located more than a quarter of a mile above the reservoir, which, had the stream been flowing, would have nearly purified itself. The fact remains that the stream was (and is) bone dry and has been for some time.

When Bertlshofer was asked about the hundreds of sheep on the land and about their effect on the fecal count, he denied that any sheep were in the area although at the moment the sheep were graciously redoing the entire landscape to their liking.

After several attempts to change the subject, Bertlshofer admitted there were "some" sheep in the area. No mention was made of the beaver colony that resides in Fruita Reservoir 3.

The flood hazard reasoning was better.

The beaver dams posed a threat to the Fruita dams because if the beaver dams should break, the earthen structure could wash out. However, if the dams were dynamited, this stress would not occur.

Occasionally a beaver dam on shale or bedrock will wash out, but how many beaver dams, located on a site such as this, have washed out while an entire beaver colony maintains it full time?

Bertlshofer also was asked who had the right to fence off the jeep trail going into the area.

Again he denied that such a situation existed but rather attributed such a blockage to windfall.

That should go down as the greatest coincidence of all time because the aspens had fallen precisely on top of each other, cutting themselves to the correct length and wiring themselves together.

Bertlshofer said he did not know who had blown the dams but acknowledged he was responsible.

Our next contact was with the Grand Junction office of the Colorado Game, Fish and Parks. Manager Glen Rogers was most polite, but after exhausting his stock answers had another appointment.

He did say that he knew nothing of the blasting and that the man to contact was Dwight Owens, wildlife conservation officer, as that was his area.

Again we received the stock answers, only this time with a little more spice.

Owens submitted that he had authorized the killing as the beavers were not needed in that area and that the sediment in the ponds was not to his liking. In view of this he had authorized the town of Fruita to remove both dams and beavers.

Owens said he did not know who had blown the dams.

The Town of Fruita was contacted and we were told that Danny Williams is in charge of the water, including the reservoirs on Pinyon Mesa. We also were told that this is a part-time job with Williams, that he had no office and that reaching him is impossible. Attempts to reach Williams at his home failed.

Although pure speculation it would seem that the owners of the sheep blocked the road to keep you off your land and drive the wildlife out by blowing up the dams so you would have no reason to go there.

Strange it is that the livestock people have so much control that they can take you to court for trespassing on the land that you own and pay for.

It's time for the over-taxed working man to speak out. It's time for the family man who is not familiar with the ways of politics to take a stand for what he knows is morally right.

What will become of the few remaining beaver that reside on the small amount of public land on Pinyon Mesa? Why is it that tragedies like this are allowed to occur? If the men and women who carry the load would band together by sending a letter or speaking out for what they know is right, we could weed out personal interest politics and join in the cause of keeping Grand Junction, our state, and our nation fit for our children and those to come.

WHAT ARE WE FIGHTING FOR?

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. DELLUMS. Mr. Speaker, one examines the arguments of those who still support our insane adventurism in Indochina, and you will notice that positive reasons for our intervention are completely absent. Our intervention is so indefensible that the only way to defend it is to distract people's attention by self-righteously pointing to the cruelties practiced by the North Vietnamese. By calling attention to the mote in our brother's eye, we hope that no one will notice the beam in our own eye.

Yet, the recital of these cruelties is completely irrelevant. It would be easy to come up with stories from Bangladesh, from the Soviet Union, from Brazil and Indonesia that far surpass anything the North Vietnamese have done. Yet no one suggests these as a reason for armed intervention, for a bombing policy that forces American military men to spread far more devastation than the most sadistic bully. The real question we must ask is: Does our action decrease the possibility of atrocities, or, on the contrary, does the suffering and bitterness we cause increase the possibility of revenge and cruelty?

The people who are forced to rely on this sort of argument are especially fond of the streams of refugees leaving the North Vietnamese zone. This tragedy seems to make them proud, seems to them to prove that somehow the Vietnamese people are choosing us over the North Vietnamese. And yet the explicit aim of our bombing policy is to force these people out of their homes. The moral blindness of this demagogic finger-pointing is frightening.

Mr. Speaker, I would like to enclose a story from a distinguished correspondent in Vietnam that tells us what these people were fleeing from. There is nothing in this story to make Americans feel proud. I hope every Congressman who still has some concern about the moral value of our national actions will read this story and think deeply about it. The article follows:

[From the Los Angeles Times, Aug. 1, 1972]

Lived 3 Months in Bunkers: Quang Tri Refugee Had Lost Hope, Expected To Die Soon

(By Jacques Leslie)

Hue, South Vietnam.—"We had no hope at all. We thought we would die very soon."

With these words a 64-year-old farmer who had just reached safety summed up his experience in living in a bunker in North Vietnamese-held Quang Tri province almost continuously for three months.

Like 15,000 other refugees who reached reception points here in the last three weeks, the man had stayed in his bunker to avoid South Vietnamese and American air strikes and artillery fire.

American officials here estimate that in addition to the 15,000 refugees who have already reached Hue, another 35,000 to 75,000 are still living in bunkers in Quang Tri.

In addition, based on refugee accounts, officials have tabulated "at least 5,000" civilian deaths caused by South Vietnamese and American air strikes and artillery fire. Since many hamlets and villages in Quang Tri are still unrepresented among the refugees, the final figure will undoubtedly be much higher.

The refugees had an opportunity to flee Quang Tri as South Vietnamese troops recaptured parts of the province where they were living. Since reaching Hue they have told stories of suffering and tenacious survival.

These accounts have come to light in interviews with hundreds of refugees.

Among the accounts are these:

Families frequently divided up into two bunkers so that even if one bunker was destroyed, some family members would survive.

Because of continual air strikes and shelling, many refugees did not dare to go outside even to bury the bodies around them. One refugee said he saw dogs eating civilian corpses.

An American official said refugees from one hamlet told him their bunkers were half-filled with water on the two occasions of heavy rain during the three months. They took advantage of the flooding in the bunkers to run to a nearby stream, find pregnant fish, replace the fish in the bunkers, get back in themselves, and then gradually eat the fish offspring.

A 65-year-old man fled from Quang Tri while carrying his 72-year-old invalid wife on his back for 12 miles.

Naval shelling in one area was so regular that people devised accurate schedules of when the firing would take place, and walked outside during the intervals.

CAPTURE OF CITY

When Quang Tri city fell to the North Vietnamese May 1, tens of thousands of people were trapped. Many refugees say they tried to flee south at that time, but North Vietnamese Army soldiers (NVA) stopped them and told them to go back or else artillery fire from both sides was too intense to escape.

In some villages air strikes and naval shelling began immediately after the NVA takeover, while in others it started up to two weeks later. Within two weeks, Quang Tri became a province virtually underground.

When people emerged from their bunkers during the last three weeks, they saw destruction. "Everywhere, everywhere," as one refugee put it. Said Gene Niewoehner, the American war victims adviser in Hue, "The destruction in Quang Tri has been pretty thorough."

SOME GO TO NORTH

Refugee accounts of treatment by North Vietnamese soldiers vary.

North Vietnamese soldiers drafted many young men as laborers, requiring them to carry ammunition, dig bunkers, move supplies and evacuate wounded. In addition, many people were encouraged or forced to go to North Vietnam.

Refugees who have just arrived in Hue said that during the last few days North Vietnamese threatened to kill people who did not go north, but none said he knew of any instance in which the threat was carried out.

Where there was time, NVA soldiers set up political indoctrination sessions for the civilians. In many cases attendance was voluntary. The session ended when shelling and bombing became too heavy.

LITTLE HOSTILITY

At the same time, little hostility was expressed toward the NVA. "They were the same as us—living in bunkers," said one man. In some villages, NVA soldiers apparently left civilians alone. In another they showed civilians how to dig bunkers or suggested the civilians put them in rice fields because hamlets would be more likely to be bombed or shelled.

In early May NVA soldiers in many villages told civilians that Quang Tri and Thua Thien, the province of which Hue is the capital, had already been captured, and that Da Nang, 60 miles south of Hue, would soon be taken.

But some civilians had radios and listened to news broadcasts contradicting the NVA claim. According to one account, NVA soldiers offered to buy the radios. People who made the deal threw away their North Vietnamese money when they came south for fear they would be accused of cooperating with the NVA.

Most civilians lacked materials to give their bunkers solid overhead cover. They used bamboo poles, wood, mud and tin sheets if available. A typical bunker was 5 feet deep, 10 feet long and 6 feet wide, and housed several people. In a few hamlets bunkers were connected by tunnel systems.

DIDN'T TALK IN BUNKER

"The bunker was very unpleasant and very hot," said one refugee. "We didn't talk, we didn't do anything while we were in them. We just lay down and fear dying."

A woman refugee said, "We just sat there quietly. I just held my little girl, She cried almost every day. I prayed to Buddha and my ancestors."

The woman said that when she reached the refugee center she was so dirty she was afraid her relatives would not recognize her.

B-52 strikes were most feared. One villager described how children near a B-52 strike were killed by the shock waves when blood gushed out of their ears. Those who survived were temporarily hard of hearing or acted crazy, he said.

"Unlike the artillery and tactical air, the B-52 strikes were not controlled by people in the field such as marine and airborne advisers." Niewoehner said. "The advisers have been good on shutting off tactical air strikes in areas where we think there are still civilians; but they don't control the B-52's.

"The B-52 targets are selected in advance, and it takes all kinds of higherups to shut one off once the process is begun. We told them about civilians in one area in Quang Tri two weeks ago, but it took about seven days before the B-52s stopped."

Refugees from Quang Tri are first taken to a reception center at a village north of Hue, then to camps several miles from the city. Arrivals at these camps often were emotional. Family members who separated during trips south were aften reunited there.

In some cases, the emotions were not happy. One woman arrived at a reception center to be told that one of her two brothers responsible for her support had been killed. Already wailing, she reached an intermediate point where she was informed that her other brother had also been killed.

One refugee at the reception center said, "The civilians are the people who suffer most. Only when we reached this place did we know we would survive." Almost all refugees interviewed said they wanted to return to their homes, even if only to see what is left.

FHA AND THE FAMILY FARM

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCHERLE. Mr. Speaker, the Farmers Home Administration, under the outstanding leadership of our former colleague Jim Smith, will soon have expanded responsibilities when the new Rural Development Act becomes law. As a cosponsor of the House version of this legislation, I am confident that the FHA will meet the challenge of a larger role with the same dedication that they have shown in the past.

An excellent example of the valuable assistance rendered to rural America by the Farmers Home Administration was recorded in the August 14 issue of the Clarinda, Iowa, Herald Journal. The article follows:

THE FAMILY FARM: A PLACE IN AMERICAN AGRICULTURE

A man who left a job as a mechanic to become a full-time farmer believes there's a place for the small family farm in modern American agriculture.

Bill Henry, a Missouri native, moved his family onto a 556-acre spread about a mile east of College Springs in March of this year. Living in Burlington Jct, Mo. he had been working at Maryville garage since 1964.

"I just decided I wanted to farm full-time" Henry said, adding that he had farmed part-time in Missouri for two years. "There were several reasons for the change; one of them was I just wanted to get away from the public and have a little privacy. And of course, like most farmers, I wanted to be my own boss."

Learning of the availability of a farm in Page County, Henry entered into a lease agreement with M M Dockendorf of Pella, and then applied for a loan from the Farmers Home Administration in Shenandoah in October of 1971.

The operating loan, approved Jan. 7, 1972, was a seven-year arrangement to help pay the costs of machinery, livestock feed and seed purchases.

Outlining his operations, Henry said the land on the farm was more conducive to marketing livestock than to growing grain for sale and that about 200 acres would be used for pasture. Stock cows and hogs, he said, will be the primary items.

He currently has 70 head of cows and about 40 sows, of which he owns half interest with the landlord. He said his plans are to eventually market from 400 to 500 hogs yearly plus as many feeder calves as he can manage.

"The way the land is on the farm I don't think a person could make it on selling grain alone," Henry said. "He would have to use a combined livestock-grain operation, which I hope, will work for us."

Henry is handling the farm on a livestock-share arrangement under which the landlord meets half the expense of the feed, seed, fertilizer and other products while the tenant supplies the labor and the machinery. Profits are also divided between the two parties.

"As a temporary set-up, this is satisfactory," Henry said. "Our goal, of course, is to some day own our own farm, but to get started the lease agreement seemed the most practical way."

Henry's spread is classified by the Agriculture Department as a family farm because it employs no outside help for the day-to-day operations.

"This is it for us," he said, pointing to his wife Dora Jean and their two children, Rhonda, 11, and Roger, 9. "We'll either make it or won't make it on our own."

"I believe the family farm does have a future in agriculture today, but certain factors will have to be in your favor."

One of the factors Henry feels is vital is the size of the farm.

"The farm would have to be at least the size of this one before it could pay on its own. On anything smaller there just isn't enough margin of return to make it," he said, pointing to the fact that many persons on farms of 200 acres or less are forced to supplement their incomes by taking non-agricultural jobs at various times or by offering other services from their operations, such as milking, custom baling or stock inseminating.

"There is a certain minimum limit under which one can operate profitably," Henry said, "and for these farmers a real crisis exists. Fortunately, a family farm can be big enough to show a profit and yet not too big to be operated by a single family. And this is where its future is. If the set-up is satisfactory—market prices have a lot to do with this—then I think the family farm can survive."

He added that government support is "looking up every year. They seem to be taking more interest in us and are wanting to help us maintain and keep our farms." Help from the government, he said, must be paired with responsible action on the part of individual farmers.

"They can help us along, but we have the main responsibility for making the operation work."

Since he is a family farmer, Henry is naturally opposed to the proposal to consolidate small farms into large agricultural corporations on the grounds that they would be more efficient and productive.

"Sure their gross profits would be more, but costs are going up all around, too, so I doubt if their profit margins would be high enough to justify eliminating the small farmer from the agricultural scene," he said.

He added that he agreed with those who say higher yields are the key to higher income for the farmer, but said on a cost basis the family farm could produce a large enough yield to survive.

Henry said he wasn't opposed to large-scale operations on their own, but was against building up one phase of agriculture at the expense of another.

"There's a place for both the large farm and the small," he said. "And if the small farm can make it there's no reason to have it absorbed by a corporation."

Other than earlier this spring when weather was unfavorable, Henry said he hadn't encountered any major unexpected problems in moving onto the land.

"We knew it would be a lot of hard work, and it has been," he said. He is currently completing a soil bank, putting up hay, building fences and preparing to farrow sows.

"When we are able to buy our own place we'll probably stay in this area," he said. "It's a pretty good location, especially for marketing livestock."

Gary Beggs, FHA representative, said the operating loan was designed to help farmers get started and enable them to switch over to bank or production credit mortgages later on.

"Usually the farmer doesn't carry the loan much over five years," he said.

Beggs added that applications are being accepted and processed at the FHA office for fiscal 1973, and that sufficient funds are expected to be available to qualifying county farmers.

"We hope that these loans can help the family farmer stay in existence," he said, "because we feel there is definitely a place for these operations. After all, the small farm formed the basis for much of what agriculture is today."

He said several younger men had indicated plans to go into farming, although not as many this year as in 1971.

McGOVERN TAKES A TWISTING ROAD

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. DENNIS. Mr. Speaker, I commend to the attention of my colleagues, and of the public, the following perceptive column by William S. White, on the subject of Senator McGovern, taken from the Washington Post for August 18, 1972.

McGovern Takes a Twisting Road

(By William S. White)

Of the McGovern campaign a question of the most somber concern to reasonable people must now be asked. If this is the tone of it in August, at the very beginning of the contest, what will it be like when the climax is reached in October?

The Democratic candidate, all the while weeping at the "unfairness" of the Republicans, is setting a series of ugly precedents of which he himself would be deeply ashamed, and his whole leadership deeply wounded, should he in fact reach the presidency of the United States.

George McGovern is the first presidential aspirant in history to accept without disavowal or real demurrer the public support of an enemy power—in this case Communist North Vietnam—simultaneously engaged in killing the soldiers of the United States and its allies in a shooting war.

George McGovern is the first presidential aspirant in history to tolerate a backer, former Attorney General Ramsey Clark, who is willing to stand in an enemy capital—in this case Hanoi—and denounce the motives of his own country. Clark goes farther, too. He brings back from Hanoi a suggestion from a member of the North Vietnamese propaganda apparatus that some American war prisoners will be freed on the day George McGovern is inaugurated. This gross interference by an enemy power in the American election is another "first," indeed.

Again, George McGovern is the first presidential aspirant in history to flub the elementary obligation to know something about his runningmate before selecting him and then privately driving that runningmate from the ticket while publicly professing a compassionate support for him of "1,000 per cent." And then McGovern permits associates to continue secretly to seek the destruction of Thomas Eagleton even after he bows his head and resigns.

The George McGovern whose people ceaselessly anoint him as uniquely the good, the kind and the "moral" guy is the George McGovern who compares President Nixon's course in Vietnam with Hitler's extermination of the Jews. And this is also the George McGovern who, when Nixon subordinates counter-attack Ramsey Clark for his infamous behavior, mournfully complains that it is the President who is "taking the low road."

Many had hoped that the addition of Sargent Shriver to the McGovern slate might add some touch of civility. Shriver unhappily has proved instead to be only an apt pupil of his chief. Having gladly served for a year and a half as President Nixon's ambassador to Paris, Shriver now discovers nearly four years later that Hanoi was positively aching for a peace denied by the President in early 1969. Vice Presidental nominee Shriver is unable, however, to offer so much as a piece of paper to support to this discovery or any evidence that Ambassador Shriver ever once pointed out this glittering opportunity to the Nixon administration.

Now, nobody should suppose that the Republicans for their part are in this game to play pat-a-cake or that they are dealing or will deal with McGovern and Shriver in all loving kindness. All the same, when it comes to who is "taking the low road" it is only simple fairness to say that by contrast the Republican campaign is almost benign. The fact is that while the "Old Politics" of the GOP is plently tough and rough, the "New Politics" of George McGovern is simply incredible.

One of its techniques is to attack with limitless savagery—and then to moan aloud when the victim responds with one-tenth the venom that had been flung first at him. Another technique is to practice smear politics and to shout out tirelessly that the other fellow is practicing—what? Why, smear politics.

Indeed, the whole nature of the McGovern campaign recalls the wry observation of Marshal Foch of France in the first World War. The German, he said, would first try to beat you with his sword—and then with his tears.

DEFOLIANT STUDY REPORTED

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ASPIN. Mr. Speaker, recent news articles have reported an Army study of herbicides in future conventional conflicts using simulation theory techniques. These reports are based on an article that appeared in Science and Government Report, August 18, 1972.

Everyone understands the need for contingency planning by the Army but if the allegations reported in Science and Government are correct, the study sounds like a flight of fancy right out Dr. Strangelove; a real nightmare of computer lunacy. Use of herbicides in the NATO areas— Liege and Mainz and Bonn and Kassel—is highly questionable on military grounds, potentially politically destabilizing to continued unity of NATO partnership and reprehensible on moral grounds as well.

Congress deserves an explanation from the Pentagon and Secretary of Defense Melvin Laird as soon as possible with regard to the use of chemical defoliants in Western Europe and elsewhere.

The article from Science and Government follows:

Defoliation: Secret Army Study Urges Use in Future Wars

The U.S. Army Corps of Engineers has secretly proposed rewriting the Army's basic battle "scenarios" to allow for the use of herbicides in Western Europe to destroy foliage that might shield advancing Warsaw Pact forces, SGR has learned exclusively.

The Corps' proposal comes at a time when the Senate Foreign Relations Committee has refused to act on the Nixon administration's request for ratification of the 1925 Geneva Protocol, banning first use of chemical weapons, because the administration insists that herbicides are not within the meaning of the Protocol.

Classified secret, the Engineers' proposed revision of the scenarios also includes the use of herbicides in "a conflict in which U.S. forces invade Cuba, defeat the Cuban armed forces and occupy the country pending establishment of a civil government acceptable to the U.S." Scenarios involving the use of herbicides are also given for counterinsurgency operations in Venezuela and Ethiopia, and in conventional warfare in Korea.

The original scenarios, contained in a secret Portfolio of General Purpose Force Requirements, code named SPECTRUM, are in the category of contingency planning, which means they may or may not be invoked in actual combat situation.

Originally drawn up in 1968 to cover 1970–75 and updated last year to cover 1972–79, SPECTRUM consists of 106 scenarios for military situations around the world. What the Corps did was to modify these scenarios to allow for the inclusion of defoliation operations, on the grounds that removal of foliage would substantially reduce U.S. manpower requirements.

The SPECTRUM scenarios are extensively referred to in a three-volume report, "Herbicides and Military Operations"—one classified secret, the others for official use only—that the U.S. Army Corps of Engineers prepared in response to the furor over herbicide use in Vietnam. The three-volume report, completed earlier this year following comprehensive study by the Corps' Engineer Strategic Studies Group, reviews the Vietnam experience, cites the roles that herbicides can play in the SPECTRUM scenarios, and strongly defends the retention of herbicides in the Army's weapons inventory.

Though the Corps' own interviews with hundreds of officers who served in combat in Vietnam produce a mixed picture on the military value of herbicides, the Corps strongly argues in behalf of herbicides on the grounds of military utility.

Thus, in refering to the SPECTRUM scenarios for Ethiopia and Venezuela, the secret study states that "in both of the insurgency scenarios, counterinsurgency force requirements are reduced because factor W (average search width of a patrol) is increased when herbicides are used." The study goes on to state that "offensive forces in Venezuela are reduced to approximately 40 percent of the forces required in the original SPECTRUM analysis and offensive forces in Ethiopia are reduced to approximately 35 percent of those needed without herbicides."

Herbicide use, it continues, "would improve visibility in the evergreen forest, shrub and small tree forests (of Korea), and in the sugar cane fields of Cuba."

The study states that "SPECTRUM Situation D" envisions "a deliberate attack by Warsaw Pact forces to seize Western Europe. France is assumed to participate and the NATO forces are logistically supported" over a line extending through France and the Benelux countries. "This analysis," it states, "investigates the maneuver of forces between Liege and Mainz and Bonn and Kassel," continuing:

"Because the effect of herbicides is to expose the enemy positions while the defender remains concealed in foliage, herbicides have the effect of creating a prepared position . . . (T)he use of herbicides permits NATO forces to prepare successive defensive positions by selecting defoliating areas where the attacking forces must assemble."

Since days or weeks are required for defoliants to take full effect, the use of herbicides in Western Europe is presumably predicted on intelligence warnings preceding an actual attack.

While the three volumes are unstinting in their endorsement of herbicides, synopses of earlier secret studies of defoliation efforts in Vietnam indicate serious reservations on the part of analysts and combat officers who have closely observed defoliation operations. Noting that President Kennedy gave approval for herbicide use against presumed Vietcong croplands "after additional assurance that enemy crops could be distinguished from friendly crops," the Corps of Engineers report notes that a secret 1967 Rand Corporation study concluded that "it appears that the crop destruction program has little effect on VC consumption. Despite the shortcomings of the data and the methodology used, the (Rand) analysis indicated the program is ineffective and that the negative effect on the peasant is too severe to continue the program."

It also reports that a secret study conducted by the Air Force in 1969 found, "There is no system for comprehensive evaluation of each project on the basis of the result it was supposed to achieve." That same study, the Corps reports, also concluded that "the public information program about herbicide operations was never adequate to overcome the resentment associated with the herbicide program."

The Corps' report also takes note of a "computer analysis (of defoliation operations) based on 12,526 sorties on 119 targets in 35 different provinces" in Vietnam. The conclusion: "Historical records of friendly and enemy-initiated incidents and of friendly and enemy personnel killed in action provide an inconsistent picture of the advantage and disadvantage associable with herbicide spray from fixed-wing aircraft."

Questionnaires filled out by several hundred combat officers, ranking from battalion commander and up, who served throughout South Vietnam from 1965–70, produced a generally favorable response concerning the military utility of herbicides, but the favorable responses were far from overwhelming, and in most cases, a small percentage of the officers concluded that defoliation actually worked to the tactical and political advantage of opposing forces.

In response to the question, "Where defoliants were used on wooded areas of VC shelter, friendly cross-country movement was:" the responses, by number, were as follows:

Seriously impeded (5); Impeded Somewhat (33); Unaffected (57); Assisted Somewhat (139); Greatly Assisted (38).

"Where defoliants were used on wooded areas of VC shelter, friendly casualties from enemy ambush were:"

Significantly reduced (65); Slightly reduced (120); Unaffected (67); Increased slightly (2); Increased Significantly (0).

"Where defoliants were used on wooded areas of VC shelter, enemy casualties from air support were:"

Significantly Reduced (2); Slightly Reduced (4); Unaffected (51); Increased Slightly (146); Increased Significantly (39).

"Where defoliants were used on enemy infiltration routes, enemy movement was:"

Seriously Impeded (33); Impeded Somewhat (157); Unaffected (43); Assisted Somewhat (12); Greatly Assisted (2).

In overwhelming numbers the responding officers reported favorably on the utility of herbicides for "perimeter defense," which actually accounts for a tiny proportion of the 5 million acres that have been defoliated in Vietnam, but on the politically sensitive issue of defoliation of food crops, the returns were extremely mixed as to reliability in identifying crops intended for hostile forces and the military and political effects of crop destruction.

In response to the question: "Where herbicides were used on food crops, the distinction between crops grown for use by the enemy and crops grown by noncombatants who were not supporting the enemy was:"

Completely Reliable (21); Usually Reliable (53); Fairly Reliable (63); Not Usually Reliable (5); Unreliable (3); Of Unknown Reliability (14).

THE McGOVERN VIETNAM OFFENSIVE

HON. LARRY WINN, JR.

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. WINN. Mr. Speaker, I have followed the recent controversy over alleged peace overtures made by North Vietnam in 1969 with some concern. It has been brought up now, 3 years later, that the administration ignored this supposedly unequivocal "signal" that the North Vietnamese were ready to end the war. These charges are displayed against a background of former Attorney General Ramsey Clark's melodramatic and rather hastily considered remarks about his trip to North Vietnam. To add to the confusion, we also have the not-too-consistent remarks of Senator McGovern and Mr. Pierre Salinger concerning the latter's "peace mission" to Paris.

I feel the following article from the Wall Street Journal, August 18, 1972, is very helpful in putting this melange of statements and charges into perspective:

THE McGOVERN VIETNAM OFFENSIVE

Senator McGovern is obviously trying to get his stumbling campaign on some sort of track by reigniting the war issue. Far from dispelling the stumbling image, though, the efforts so far leave a feeling that when it comes to Vietnam Senator McGovern and his friends have lost the capacity to draw any distinctions whatever.

To put the Ramsey Clark episode in some context, for example, imagine that John Mitchell had toured Greece or South Africa under an itinerary arranged by the government in power there, had visited one prison and interviewed a few selected prisoners, then returned issuing statements with the thrust that prisoners are being treated humanely. He would of course be alternately flayed and laughed at, and anyone who defended him would immediately be recognized as having utterly lost all critical faculties.

Mr. Clark has just taken precisely such a tour of North Vietnam, with a few added twists. A reporter on Hanoi radio, for example, quoted him as saying "I cannot understand how Nixon could commit such hideous crimes against a village living in peace amid rice fields like this.' Back in the U.S. with a chance to disavow such quotes, Mr. Clark instead announces that if his candidate is elected President the Communists promise to release their prisoners on inauguration day. When Republicans strike back, Senator McGovern charges they are taking the "low road."

Meanwhile, Senator McGovern is refusing briefings with Henry Kissinger on the announced grounds that he can learn more by reading the newspapers. He has, however, designated Paul Warnke to receive any information "that the White House thinks would be useful." He has also dispatched Pierre Salinger to talk with the North Vietnamese in Paris.

The press had initially understood Senator McGovern to deny connection with the Salinger mission, but the Senator says there "is not the slightest discrepancy" between his initial statement and the later confirmation. The first, he explains, merely meant that he hadn't instructed Mr. Salinger to urge the North Vietnamese to settle before the election. Rather, the Senator says, "I would like to get our administration to make a peaceful settlement right now."

The centerpiece of the McGovern Vietnam offensive, though, is the charge by vice presidential nominee R. Sargent Shriver that "Nixon had peace handed to him literally in his lap. He blew it." The charge has been more-or-less backed by W. Averell Harriman and Cyrus R. Vance. It turns out that peace in Mr. Nixon's lap involved the withdrawal of certain North Vietnamese forces from South Vietnam after the collapse of the Communists' "third wave" offensive in 1968. This, say Mr. Harriman and Mr. Vance, was a "signal" that the Communists wanted to settle the war.

Now, one of the important things about the McGovern offensive is the cast of characters. Averell Harriman, Cyrus Vance, Sargent Shriver, Pierre Salinger, Paul Warnke, Ramsey Clark. Every last one of them a high official of the administrations that created the mess in Vietnam. They are second-guessing Richard Nixon and Henry Kissinger in their efforts to clean it up.

The ex-officials argue, of course, that they opposed the policies of their administrations. In fact they won some and lost some; in particular, Mr. Harriman's advice prevailed at the time of the Diem coup, a crucial juncture in our expanding commitment to the war. But even if they were in fact totally absolved of the mistakes of the Kennedy and Johnson years, their criticism of the Nixon administration should be recognized for what it is: the roasting of their domestic adversaries for failing to follow policies they could not sell to their friends when they held seats of power.

This is the context in which to understand the 1968 "peace signal." Since Hanoi did not accompany its troop movements with any diplomatic hint of compromise, the Johnson administration felt they were no great signal. Mr. Harriman and Mr. Vance interpreted them that way as part of their effort to sell their own notion of a settlement, involving some kind of a coalition government practically certain to lead to Communist control. In that sense they are right, the United States could have settled in 1968—by agreeing to a Communist victory. This week's McGovern offensive is merely a rehash of the debate over whether that was a wise idea in 1968, or now, for it is precisely the policy the Senator and his supporters urge today.

Urge with a passion, in fact, that seems to blind their ability to make fine judgments. Judgments, for example, between nebulous signals and peace in our lap. Or between the intransigence of the Communists and the position of the Americans at Paris. Between Kissinger briefings and newspaper accounts. Between the North Vietnamese prisoner-of-war policies and their showcase tours.

Most of all, finally, between an immoral aggressive war which would be justly ended by Communist victory and American atonement, and a mistakenly ambitious defensive war which the Americans must find a way to end without too grievously undermining their position in the rest of the world.

CIPS ACTS TO IMPROVE ENVIRONMENT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. FINDLEY. Mr. Speaker, everyone is talking about pollution and the environment today. Central Illinois Public Service Co., an electric utility company in downstate Illinois, is doing something about it.

A test project using coal residue from the Coffeen Power Station has just begun, and it offers a promising solution to a mounting waste disposal problem for all electric utilities.

Litchfield Bituminous Corp. of Hillsboro presently is in the process of removing 125,000 to 150,000 tons of boiler slag from the storage pile at Coffeen Station. The slag is being used as a base material in construction of two overpasses on Interstate Highway 55 near Litchfield.

If the material proves suitable in the overpass construction, as thorough testing has indicated it will, other similar uses can be expected to develop and create a sizable market for the product.

Boiler slag, fly ash and bottom ash are natural by-products whenever coal is burned for industrial application. Since electric utilities burn more coal than any other industry in the United States, they produce the most ash and slag. How to dispose of this material is becoming a serious problem for most utilities.

The extent of the coal ash disposal problem facing CIPS is emphasized by the fact that even 150,000 tons represents only about a fourth of the residue pile at Coffeen Station. According to company calculations, the storage area contained approximately 560,000 tons of slag as of May 31.

The original storage area at Coffeen Station rapidly is filling up, with only about 2 years of use left. Another storage area, more than twice as large as the first, has been constructed and will be used for the station's new 600,000-kilowatt second generating unit.

In addition to Coffeen's situation, storage areas at the utility's other three Illinois power stations also contain hundreds of thousands of tons of ash. These stations are located at Hutsonville in Crawford County, Grand Tower in Jackson County, and Meredosia in Morgan County.

In time, continued operation of coal-fired power stations will require use of more and more land area for ash storage, unless practical uses for the material are developed to solve the problem. That is why the present project at Coffeen Station is encouraging.

Litchfield Bituminous began hauling slag from the station in mid-May and had removed 72,864 tons through June 30 for an average of 2,082 tons per day. The company is using up to 24 tandem and dump trucks on a shuttle operation between the power station and construction site.

The slag is being deposited in four large excavations located approximately 300 yards west of route 66 and 2 miles north of Litchfield, where Interstate 55 will bridge the tracks of the Chicago, Burlington & Quincy Railroad. The original soil at the site of the twin overpasses was considered too unstable to provide a solid base for the construction.

Coal residue from Coffeen Station was approved as a substitute base material after meeting all gradation specifications in tests conducted by both Litchfield Bituminous and the Illinois Department of Highways.

Central Illinois Public Service Co. is to be commended for its initiative in cleaning up the environment. Hopefully, this experiment will prove to be an outstanding success and point the way for other electric utilities across the Nation to follow.

"AMERICA THE BEAUTIFUL" YEAR: 1973

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. KEITH. Mr. Speaker, remembering the words of the ancient philosopher who said that he would rather write the songs of a nation than write its laws, I commend to the attention of Members of the Congress the following article from the Falmouth Enterprise, Falmouth, Mass. It was a Cape Cod woman, Katharine Lee Bates, the distinguished poet and educator, who wrote our Nation's most beloved song, "America the Beautiful." As we can now see, the words of that hymn express in their own way the philosophy of conservation, preservation, and enlightened planning—those needs that are becoming more urgent by the day in this country. Next year, as the article reminds us, will be the 80th anniversary of "America the Beautiful," written on Professor Bates' first trip west in 1893. The suggestion that 1973 be dedicated to a practical and creative kind of remembrance is worth our serious consideration.

The article follows:

[From the Falmouth (Mass.) Enterprise]

Request for a Proclamation—That 1973 Shall Be Known As "America the Beautiful" Year

(By Robert H. Simmons)

Next year, 1973, will be the 80th anniversary of "America the Beautiful." This moving hymn, by the poet and educator, Katharine Lee Bates—who was born on August 12, 1859, in Falmouth, Massachusetts, and who grew up in our town—was written in the summer of 1893 on the poet's first trip west.

"After visiting at Chicago the World's Fair," Miss Bates recalled in an article published April 6, 1918, "where I was naturally impressed by the symbolic beauty of the White City, I went on to Colorado Springs. Here I spent three weeks or so under the purple range of the Rockies, which looked down with surprise on a summer school [at Colorado College.] This had called to its faculty several instructors from the east. . . My own subject, which seemed incongruous enough under that new and glowing sky, was English Religious Drama. [Miss Bates was Professor of English Literature at Wellesley College, Wellesley, Massachusetts.]

"We strangers celebrated the close of the session by a merry expedition to the top of Pikes Peak, making the ascent by . . . prairie wagons. . . We were hoping for half an hour on the summit, but two of our party became so faint in the rarified air that we were bundled into the wagons again and started on our downward plunge so speedily that our sojourn on the peak remains in memory hardly more than one ecstatic gaze.

"It was then and there, as I was looking out over the sea-like expanse of fertile country spreading away so far under those ample skies, that the opening lines of the hymn floated into my mind. When we left Colorado Springs, the four stanzas were pencilled in my notebook, together with other memoranda, in verse and prose, of the trip. . . ."

One of the summer faculty at Colorado College was Professor Woodrow Wilson of Princeton. At the time Miss Bates wrote the above recollection, Wilson was President and the country was embroiled in World War I. The poet ended her article with the following note:

"That the hymn has gained, in these twenty-odd years, such a hold as it has upon our people, is clearly due to the fact that Americans are at heart idealists, with a fundamental faith in human brotherhood—that faith for which our Nation, in this crucial hour of history, stands ready to risk and suffer all."

According to custom, we should wait for its centennial year to honor this hymn that, without official fiat of any kind, has captured the hearts of Americans, year after year, for the past eight decades.

Realistically, however, we do not have time to wait. A special kind of celebration should, and must, begin next year at the latest.

"America the Beautiful" has taken its own place in American life and thought, without official assistance, because it, better than any other set of words ever written, reflects the vision, the dream, of what our country can be and should be.

The official National Anthem, "The Star-Spangled Banner," was written at a moment that nearly was the dark ending of this Nation's then brief history. It stated, and still states, the thrill of realization—after the anguish of expected defeat—that the greatest and most immediate battle had been won, that the Nation had survived and was safe to resume its chosen life, according to the vision of its rightful citizens.

"America the Beautiful" celebrates that vision itself. Today, it is both a celebration and a challenge.

Traditionally, as noted, we should wait for the 100th anniversary and then observe a ceremony of honors for "America the Beautiful." But we do not have time to wait. By 1993, the words of "America the Beautiful" may be ironic ghosts, with meanings lost in the archives of history. That is the challenge.

Instead of waiting, therefore, it is proposed that a Proclamation be drafted (by someone such as a Governor or a President) designating 1973 as "America-the-Beautiful" Year.

"America-the-Beautiful" Year would be dedicated, with or without ceremonies, to massive practical efforts toward turning back the tide of ugliness and pollution, both of the environment and of the spirit, that continues to threaten the life of this country.

These practical efforts would be carried out in the tradition of the pilgrims—from all nations—who packed up and left the unbearable conditions of their homelands to seek freedom and a better life in America. This time, however, the pilgrims would stay at home, while the homeland itself made the journey—into a better future.

"America-the-Beautiful" Year would represent a practical and re-invigorated beginning to the celebration that is to reach a climax in 1976—the Bicentennial of the signing of the Declaration of Independence and the founding of the United States of America as a Nation.

We have the dreams, in plenty, of what America should be. Our creative citizens—artists, poets, architects, writers, preachers, musicians, conservationists, philosophers, physicians, statesmen, builders, educators, landscape designers, engineers—possess both the vision and the know-how to transform America into a paradise for man and nature.

This vision of what our Nation intends to be was given expression in the hymn, "America the Beautiful." But, while the language of the hymn has become an accompaniment to most of the official functions of the Nation's recent history—inaugurations, graduations, etc.—it, like history texts, is often recited without real understanding or commitment.

In 1973, in this forthcoming symbolic year, the Nation would take a deeper look at the four stanzas of "America the Beautiful" and attempt to find there the guideposts for the year's special activities and chores.

These verses state that America is:

(1) "beautiful for spacious skies"—for unspoiled, fruitful, and abundant nature;

(2) "beautiful for pilgrim feet"—for the strong men, the forefathers, who ploughed and hammered a "thoroughfare for freedom" across the land;

(3) "beautiful for heroes proved"—for the courage of those who were willing to suffer and to die in defense of their principles and dreams;

(4) "beautiful for patriot dream"—for the vision itself, for the goal of a better life for all, for beautiful cities, created out of the wilderness to protect and nourish their citizens, physically and spiritually.

In brief, the hymn, "America the Beautiful," celebrates nature's creativity, man's physical strength and skill, man's spiritual strength and courage, and man's creativity.

We Americans, it states, were given four great gifts—the abundance of a natural wonderland, great strength of body and productive skills, profound courage of principle, and the vision to see a better life toward which to work, utilizing, with enlightenment, the first three gifts.

The hymn asks for the grace of God to illuminate this mission.

With the words of the hymn before us, as we all have sung them a thousand times over, we could, in the practical achievements of "America-the-Beautiful" Year, set straight the course toward that which we all want for the future of the United States of America.

A NEW RACKET

HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. PIKE. Mr. Speaker, it is not my custom to put commercial ads in the Record. On the other hand, when members of the U.S. Army are getting rich doing commercials, I feel that it should be called to the Members' attention. Reading the entire commercial that follows, do you get the impression that Sp4c. Stan Smith, U.S. Army, has more than one racket going for him?

The article follows:

[From Newsweek, Aug. 21, 1972]

How I Won Wimbledon

(By Stan Smith)

I've been preparing for Wimbledon for about a year. Ever since I lost to Newcombe in the finals last year. So I was determined to be 100% physically fit. I did a lot of running beforehand and a lot of stretching exercises. This has been helping my movement on the court and also kept my limbs limber. I've also been doing some yoga for the past six months—not the psychological part, but the physical part.

I've also spent months preparing myself mentally. I know that being seeded number one and being the favorite was something that added a bit of pressure. But then you realize that there's no other tournament in the world that has the tradition, charisma or atmosphere of Wimbledon.

When I walked out on the court for my first match the one thing that I thought about was how much longer the grass was. I was also a little uncertain about it, since I hadn't played on grass since Forest Hills, but then you quickly get mentally involved in the match. I think about the plan of attack or strategy that I'm going to use against that particular player, and if you think about that enough you don't really think about all the other elements involved. My biggest problem was the return of serve. Coming from the clay courts of Mexico City, during the Davis Cup Matches, my style was much different. On clay, I usually chip the return and try not to hit too aggressively. On grass, I'll try to hit a more aggressive return. I concentrated on hitting the ball as early as possible because the ball would come off the grass much faster than I was used to.

Also, I tried to stay down low to the ground, because I have a tendency to jump up as I hit the ball. I wasn't satisfied with my serve during the early matches, so by the time I got to the finals against Nastase I knew I had to try to serve well and get my first one in.

Nastase had been playing extremely well during the entire tournament so I knew I had to eliminate any unnecessary errors against him. Nastase is so fast he gets many balls that most players don't. Which gives you a tendency to overhit.

My strategy in the finals was to put a lot of pressure on his serve. He's got a good serve, but not a great serve and if I could make him get a little worried—especially after he misses his first serve—I could keep the pressure on him. I thought a turning point came in the fifth set on my serve when we were tied four games apiece. I was down Love-30 after he had just played two fantastic points. Then he hit another great shot that I reached for but didn't think I could get, and it hit right off the wood of my Autograph racket and was a perfect drop shot that gave me the point. If he had gotten the point I would have been down Love-40, but taking that point let me go on to win the game and eventually the match. All of a sudden it was over. My first emotion was it couldn't be over and then I realized it was. My feeling at that point is impossible to describe, because after a combination of 25 years and many hours of practice it was one of the happiest points that I can remember in my tennis career.

It was one of these marvelous days when everything was working beautifully—right down to my racket—which incidentally was great throughout the tournament. It's really important to be completely confident in the racket you play. But, I know from past experience with my racket that it will always play great for me.

I helped Wilson design my Stan Smith Autograph racket so I feel really good about it. It has more wood in the construction of the handle and tapers down, so there's less weight in the head of the racket. This lets you get a little more feel and a little more flexibility in the head, so that the ball will stay on the string a bit longer than with a different construction.

The Stan Smith Autograph racket.

Wilson, No. 1 in Tennis Wood rackets for serious players.

Wilson is a registered trademark of Wilson Sporting Goods Co.

THE REAL GEORGE McGOVERN

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. WYMAN. Mr. Speaker, recently I addressed myself to a call that the real George McGovern please stand. It is important in this election year of choice, that the American people should know the real George McGovern, what he stands for, what he would do to the country, and what he has done on the record, compared with promises.

In this connection a few more McGovern "firsts" are described in a column in this morning's Washington Post by William S. White.

All in all, that record is a sorry spectacle.

The column follows:

McGovern Takes a Twisting Road

(By William S. White)

Of the McGovern campaign, a question of the most somber concern to reasonable people must now be asked. If this is the tone of it in August, at the very beginning of the contest, what will it be like when the climax is reached in October?

The Democratic candidate, all the while weeping at the "unfairness" of the Republicans, is setting a series of ugly precedents of which he himself would be deeply ashamed, and his whole leadership deeply wounded, should he in fact reach the presidency of the United States.

George McGovern is the first presidential aspirant in history to accept without disavowal or real demurrer the public support of an enemy power—in this case Communist North Vietnam—simultaneously engaged in killing the soldiers of the United States and its allies in a shooting war.

George McGovern is the first presidential aspirant in history in tolerate a backer, former Attorney General Ramsey Clark, who is willing to stand in an enemy capital—in this case Hanoi—and denounce the motives of his own country. Clark goes farther, too. He brings back from Hanoi a suggestion from a member of the North Vietnamese propaganda apparatus that some American war prisoners will be freed on the day George McGovern is inaugurated. This gross interference by an enemy power in the American election is another "first" indeed.

Again, George McGovern is the first presidential aspirant in history to flub the elementary obligation to know something about his running mate before selecting him and then privately driving that running mate from the ticket while publicly professing a compassionate support for him of "1,000 per cent." And then McGovern permits associates to continue secretly to seek the destruction of Thomas Eagleton even after he bows his head and resigns.

The George McGovern whose people ceaselessly anoint him as uniquely the good, the kind and the "moral" guy is the George McGovern who compares President Nixon's course in Vietnam with Hitler's extermination of the Jews. And this is also the George McGovern who, when Nixon subordinates counter-attack Ramsey Clark for his infamous behavior, mournfully complains that it is the President who is "taking the low road."

Many had hoped that the addition of Sargent Shriver to the McGovern slate might add some touch of civility. Shriver unhappily has proved instead to be only an apt pupil of his chief. Having gladly served for a year and a half as President Nixon's ambassador to Paris, Shriver now discovers nearly four years later that Hanoi was positively aching for a peace denied by the President in early 1969. Vice Presidential nominee Shriver is unable, however, to offer so much as a piece of paper to support to this discovery or any evidence that Ambassador Shriver ever once pointed out this glittering opportunity to the Nixon administration.

Now, nobody should suppose that the Republicans for their part are in this game to play pat-a-cake or that they are dealing or will deal with McGovern and Shriver in all loving kindness. All the same, when it comes to who is "taking the low road" it is only simple fairness to say that by contrast the Republican campaign is almost benign. The fact is that while the "Old Politics" of the GOP is plenty tough and rough, the "New Politics" of George McGovern is simply incredible.

One of its techniques is to attack with limitless savagery—and then to moan aloud when the victim responds with one-tenth the venom that had been flung first at him. Another technique is to practice smear politics and to shout out tirelessly that the other fellow is practicing—what? Why, smear politics.

Indeed, the whole nature of the McGovern campaign recalls the wry observation of Marshal Foch of France in the first World War. The German, he said, would first try to beat you with his sword—and then with his tears.

FREEDOM IS EVERYBODY'S JOB

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. HUTCHINSON. Mr. Speaker, I recently received a communication from one of my constituents, Sp5c. Steve Larkin, of St. Joseph, Mich., presently stationed with the association of the U.S. Army in Europe. Mr. Larkin has sent me a copy of an address recently delivered by former Chief of Staff, Gen. Harold K. Johnson, USA, retired, and, because it is a thoughtful message—one which should be heard by all Americans, I am quoting portions of it herewith:

GEN. JOHN J. PERSHING MEMORIAL DINNER ADDRESS

(By Gen. Harold K. Johnson, retired, Garmisch, Germany, June 3, 1972)

I have debated a long time about what I might talk to you about tonight and I think that I finally came around to something that might be titled "Is It Worth It" which I drew from a lieutenant colonel about one and a half years ago at one of the War Colleges. He came up to me before I spoke to this class and said, "Sir, have I been marching to the beat of the wrong drum all these years?" Wherever I go, not only in the Army, but elsewhere, this question tends to recur.

Is what we are doing important? Is there a future in this day for a military force? Should I be doing something else? Well, for each person I think there is a different answer because each must satisfy himself. But, I think that there is a better answer for all of us and I am going to talk about that tonight. Kipling said, "God and the soldier all people adore, in time of war but not before." Somewhere in the early 1600's an English poet said, "Our God and soldier alike adore, when at the brink of ruin but not before. After deliverance, both our God forgotten and our soldier slighted."

These have been difficult years because much of the public attitude has gone beyond slight, and to a certain extent drifted into an area that one might call contempt. When one serves under conditions like that it's kind of difficult to keep your cool so you have to go back and establish a perspective for yourself and a perspective for the people with whom you associate.

I do it by going back into a little book by Will and Ariel Durant called "The Lessons of History" which says that "War is one of the constants of history and has not diminished with civilization or democracy. In the last 3,421 years of recorded history only 268 have seen no war."

Peace is an unstable equilibrium which can be preserved only by acknowledged supremacy or equal power. I would expect you would find some historians who would debate the equal power because there are times in the world when force of aggression recognized basically only raw, naked superior power. The point I think we all need to remember is that people are greedy. People seek things which are not theirs. This has gone on since there has been man on this earth and until the heart and the mind of man change, it is likely there will continue to be greed and avarice no matter how much we would like to see something else.

At the Freedoms Foundation we have an awards program in which we invite "Letters from Armed Forces". I would like to read what one Army captain said last year about "What is an American":

"If one can look at America's towering, snow-capped mountains and realize that she is beautiful and see her miles upon miles of waving fields of grain and realize that she is fruitful, and watch her mighty rivers flowing to the sea and realize that she is powerful, then he is an American.

If one can look at America's vast, dry wilderness and know that she is harsh and walk through her lush green forests and know that she is wild and observe her soggy, damp swamps and know that she is full of adventure, then he is an American.

If one can gaze at America's towering skyscrapers and know that she is progressive and watch her men walking on the moon and know that she is constantly seeking knowledge and watch machines probing into her abundant natural resources beneath the surface of the earth and know that she is rich, then he is an American.

If one stands a little taller when he hears her national anthem and senses a thrill when he sees her flag waving in the gentle breeze and realizes her freedom when he watches her great bald eagles winging silently in space, then he is an American.

If one can be proud when she is faithful and hurt when she has been wronged and fearful when she is restless and violent, then he is an American.

If one can read her history and realize that she is not perfect and look upon her many races of people and cultures and see only one and attend one of her numerous religious services and know that she is devout, then he is an American.

If one is willing to speak in her behalf when she has been criticized and willing to fight for her when she has been threatened and willing to die for her if she calls him to her aid, then he is an American.

If one can dream impossible dreams and know that America dreams also and hope with all one's heart for a better and more perfect tomorrow and realize that she is trying with all her might and have faith in her when she fails but dares to try again, then he is an American.

When one can watch her long straight lines of men in uniform and know that she is strong and watch her gather the needy of the world to her bosom and know that she is compassionate and observe her courts' process and know that she is just, then he is an American.

If one can speak one's thoughts without fear of punishment and write one's ideas for the whole world to read and finally be allowed to be oneself without fear of critics, then he is an American.

If one can sing when America sings and shout about when she shouts and laugh when she laughs and cry when she cries and struggle when she struggles and pray when she prays, then he is an American.

What you are doing is protecting. How, what are you protecting? There is nothing as constant as change, there is nothing as difficult to accommodate as change and there is nothing as essential as change. We have got to recognize that we are living in a world that is changing at a pace that we cannot keep up with entirely. Things are happening that we do not completely understand. Changes are taking place that we don't like. But there are other changes taking place that we do want, that we need. Change is going to continue to take place.

There is a topic that is highly emotional—Amnesty. Why should a man who runs away be given a consideration? And yet, we don't know why the man ran away and isn't this country all about giving him an opportunity to tell us why before we judge? Sure it is, and that's why your lives have been on the line over many, many years. In my lifetime four wars, every single one of them to uphold a principle that "man is entitled to be free." Man, wherever he is and under whatever condition he lives and serves, wants to be free and we have got to help him. Now, for a moment we seem to be pulling back. But this isn't new, we did the same thing in 1919 and 1920 after World War I.

In 1920 Gen. Douglas MacArthur went up to the United States Military Academy as the youngest superintendent since Thayer, charged with revitalizing, revamping the Military Academy. He had everybody up in arms over the changes he made but changes had to be made just like changes that are going to take place in this society, and you are going to guard the way the change takes place. You are not going to make the change, you are not going to be responsible for the change, you are not merely going to guide it, but you are going to maintain and protect the environment in which that change takes place.

Is it worth it? Do you know how many people have come to this land since we have been a free nation? Forty-one million. Forty-one million from other shores have liked what we have in the United States of America. They wanted to share and they came to share and those of us who were there shared. Perhaps not equally, perhaps not equitable. We have lots of injustices to correct but we have so much that is right about us that we must not forget what's right in our concern about what's wrong. Here's where you have to maintain a balance and here's where you have to maintain perspective.

What is more important then defending your country? Try to name it. The teacher can say I am more important because I am expanding your minds. You don't expand many minds in a closed society. You do this in the kind of free society that the force provides. The preacher can say I do because I am getting you acquainted with your God. Not in a closed society; you do this only in a free society. You are the people who keep it free. The doctor, dentist, lawyer, you name it, none of them can follow their vocation in a society where a man is not free—they can't follow it fully.

That's what you are doing—maintaining a free society. No more noble purpose can you have than defending your country and when people carp and criticize, remember that you have provided them with the opportunity to do just that because without the actions and performance that you have given they couldn't do it. This is what you are doing and it's a great, great privilege you have to be serving in your country's uniform and it's a great, great goal to have of continuing to keep us a free nation. I would like to wind up with one man's description of freedom—something you can take with you when you leave.

Dear God has given to each of us a gift beyond compare.
It is like a polished precious stone with many facets rare.
In one we find the sky and sea, the beauty of this world.
Another shows America with stars and stripes unfurled.
We see the people kneeling in deep and thankful prayer and homes with joyous faces that tell of loved ones and again we find men speaking and writing hopefully their conscience is telling them the truth shall make you free.
The scientist and artisan are working unafraid so man may find new challenges in everything they need.
One facet shows those noble bonds that grow betwix man and man with sacrifice and love and in their daily living plan
This gem of many facets is old yet ever new. It has the name of freedom—its other name is you.

This you can never forget. Freedom is everybody's job. Freedom is everybody's job. Freedom is everybody's responsibility, but a few are chosen to protect and preserve it from violent overthrow and you are among those chosen few. So be proud of what you are and be proud of what you do, above all be proud of the United States of America.

MINERAL KING

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. DELLUMS. Mr. Speaker, the future of the mammoth development planned at Mineral King by Walt Disney Enterprises is still in doubt as a result of the Supreme Court decision on April 19.

Because of the confusion surrounding this issue, I was pleased to read a detailed status report on Mineral King in the June issue of Not Man Apart, published by Friends of the Earth. An article by Tom Turner and Patricia Sarr explains some of the implications of the Court's decision, and outlines the ways conservationists hope to overcome that temporary setback.

I commend this timely article to the attention of my colleagues.

The article follows:

MINERAL KING: DID WE WIN OR LOSE?

On April 19, the Supreme Court dismissed a case, brought before it by the Sierra Club, in which the club sought to prevent the despoliation of a valley in the Sierra Nevada. The dismissal turned on a point of law known as "standing to sue," a point of critical importance to environmental organizations seeking redress in the courts.

"Standing" is recognition by the court that the plaintiff is a legitimate party to bring a given lawsuit. For example, if an airplane crashes into my house, I am obviously the proper person to sue the pilot, the airline, and perhaps the CAB for the damage to my house. If the plane crashes into my neighbor's house without injury to me, it is unlikely that the court will let me be the one to bring suit. One is expected to fight one's own battles.

When the environment is involved there is obviously a question about who should be able to go to court to defend it. For years, the courts insisted that only someone with an economic injury could bring suit, and routinely tossed out cases brought by conservation organizations seeking to protect the public domain on the grounds that they had no pecuniary interest in jeopardy.

Then in 1966, the Scenic Hudson Preservation Conference and others got the U.S. Court of Appeals (second circuit) to recognize that they had standing to participate in Federal Power Commission licensing proceedings to try to stop Consolidated Edison from building a pumped storage power facility at Storm King Mountain on the Hudson River.

The Conference demonstrated that it represented several thousand members who would be harmed by the building of the Storm King Plant, through the loss of aesthetic and recreational values, and claimed the right to sue on their behalf.

So the precedent was set, and more and more environmental cases began to be accepted by courts all over the country.

The Sierra Club used this precedent in June 1969 when it filed suit in the Federal District Court in San Francisco to prevent the Secretaries of Agriculture and the Interior from issuing permits for the development of Mineral King Valley, by Walt Disney Enterprises, as a ski resort. The club objected that the proposed development is so extensive as to completely subvert the purpose of legislation passed in 1926 setting Mineral King aside as the Sequoia National Game Refuge; that the proposed highway and power line through Sequoia National Park, to service Disney, would be illegal; and that the Forest Service could not, in any event, issue permits to private companies in excess of 80 acres under the law (Disney wants 13,000 acres).

The club claimed its right to standing solely since "one of the principal purposes of the Sierra Club is to protect and conserve the natural resources of the Sierra Nevada mountains." The District Court held that this allegation made the Sierra Club "sufficiently aggrieved" to have standing to sue on behalf of Mineral King, and issued an injunction barring the issuance of any permits to begin construction of the ski resort.

The Forest Service and Disney appealed the decision, and the U.S. Court of Appeals (9th circuit) overturned the earlier decision, ruling that the club did not have standing since it had not shown that the club itself would suffer injury. The club petitioned the Supreme Court to hear the case, and the High Court upheld the decision of the Court of Appeals. The Court, however, upheld the 9th circuit only on the precise pleading concerning standing, and did not rule on the merits of the case.

GAMBLING

The Sierra Club's case was dismissed because it tried to get the Court to affirm this broader view of standing, which the District Court had recognized. Rather than claiming a right to standing on the ground that it sponsors outings to Mineral King in the summer, and that it has hundreds of members who enjoy Mineral King in the summer, and that it has hundreds of members who enjoy Mineral King in its pristine state, the club argued that it should have standing to sue simply by virtue of its existence as a stable, reputable, respectable organization with a long-time interest in the environment. The court didn't go for it, but it was close, and there are some very hopeful words both in the majority opinion and in the dissents. (Voting with the majority: Burger, Marshall, Stewart and White; dissenting: Blackmun, Brennan and Douglas.)

(Before the case went to the Supreme Court, Friends of the Earth, The Wilderness Society, and the Izaac Walton League filed an *amici curiae* brief with the Court, setting forth four alternative grounds upon which the Court could support the club's claim to standing, including the outings and other activities the club carries on at Mineral King. The club chose not to adopt that argument in its final Reply Brief to the Court. The majority opinion, written by Justice Brennan and handed down on April 19, referred to that brief: "In an amici curiae brief filed in the Court by The Wilderness Society and others, it is asserted that the Sierra Club has conducted regular camping trips into the Mineral King area, and that various members of the Club have used and continue to use the area for recreational purposes. These allegations were not contained in the pleadings, nor were they brought to the attention of the Court of Appeals. Moreover, the Sierra Club in its reply brief specifically declines to rely on its individualized interest, as a basis for standing. . . .")

So the club lost its gamble. It can, however, amend its complaint to include allegations of use by members, and therefore injury to the club, and refile it with the District Court in San Francisco. In fact, the High Court very nearly recommended this course: "Our decision does not, of course, bar the Sierra Club from seeking in the District Court to amend its complaint by a motion under Rule 15, Federal Rules of Civil Procedure."

But has standing suffered a blow? Probably not. In denying the club's claim to standing, the Court actually moved to broaden the basis for standing, though not quite as far as the club wanted or FOE would have liked.

THE DECISION

In this case, the first time the issue of standing in an environmental case has been ruled on by the court, the majority said, "The injury alleged by the Sierra Club will be incurred entirely by reason of the change in the uses to which Mineral King will be put, and the attendant change in the aesthetics and ecology of the area. Thus, in referring to the road to be built through Sequoia National Park, the complaint alleged that the development would destroy or otherwise affect the scenery, natural and historic objects and wildlife of the park and would impair the enjoyment of the park for future generations. We do not question that this type of harm may amount to an 'injury in fact' sufficient to lay the basis for standing under (section) 10 of the Administrative Procedure Act. Aesthetic and environmental well-being, like economic well-being are important ingredients of the quality of life in our society, and the fact that particular environmental interests are shared by the many rather than the few does not make them less deserving of legal protection through the judicial process. But the 'injury in fact' test requires more than an injury to a cognizable interest. It requires that the party seeking review be himself among the injured."

THE DISSENTS

Three Justices in dissent would have extended the standing doctrine even further than the majority. Justice Blackmun, speaking for himself and Justice Brennan, wrote, "This is not ordinary, run-of-the-mill litigation. The case poses—if we choose to acknowledge and reach them—significant aspects of a wide, growing and disturbing problem, that is, the Nation's and the world's deteriorating environment with its resulting ecological disturbances. Must our law be so rigid and our procedural concepts so inflexible that we render ourselves helpless when the existing methods and the traditional concepts do not quite fit and do not prove to be entirely adequate for new issues? . . .

"I would permit an imaginative expansion of our traditional concepts of standing in order to enable an organization such as the Sierra Club, possessed, as it is, of pertinent, bona fide and well-recognized attributes and purposes in the area of the environment, to litigate environmental issues."

Justice Douglas wrote a second dissent, which contains a jurisprudential theory that may well represent the key to protecting the environment through the judicial process. He said that the real problem lies with the concept of the law which limits its protection to people and their property. Justice Douglas wrote, "The critical question of 'standing' would be simplified and also put neatly in focus if we fashioned a federal rule that allowed environmental issues to be litigated before federal agencies or federal courts in the name of the inanimate object about to be despoiled, defaced, or invaded by roads and bulldozers and where injury is the subject of public outrage. Contemporary public concern for protecting nature's ecological equilibrium should lead to the conferral of standing upon environmental objects to sue for their own preservation . . . This suit would therefore be more properly labeled as *Mineral King* v. *Morton*.

"Inanimate objects are sometimes parties in litigation. A ship has a legal personality, a fiction found useful for maritime purposes. The corporation sole—a creature of ecclesiastical law—is an acceptable adversary and large fortunes ride on its cases. The ordinary corporation is a 'person' for purposes of the adjudicatory processes, whether it represents proprietary, spiritual, aesthetic, or charitable causes.

"So it should be as respects valleys, alpine meadows, rivers, lakes, estuaries, beaches, ridges, groves of trees, swampland, or even air that feels the destructive pressures of modern technology and modern life. The river, for example, is the living symbol of all the life it sustains or nourishes—fish, aquatic insects, water ouzels, otter, fishes, deer elk, bear, and all other animals, including man, who are dependent on it or who enjoy it for its sight, its sound, or its life. The river as plaintiff speaks for the ecological unit of life that is part of it. Those people who have a meaningful relation to that body of water—whether it be a fisherman, a canoeist, a zoologist, or a logger—must be able to speak for the values which the river represents and which are threatened with destruction. . . .

"Those who hike the Appalachian Trail into Sunfish Pond, New Jersey, and camp or sleep there, or run the Allagash in Maine, or climb the Guadalupes in West Texas, or who canoe and portage the Quetico Superior in Minnesota, certainly should have standing to defend those natural wonders before courts or agencies, though they live 3,000 miles away. Those who merely are caught up in environmental news or propaganda and flock to defend these waters or areas may be treated differently. That is why these environmental issues should be tendered by the inanimate object itself. Then there will be assurances that all of the forms of life which it represents will stand before the court—the pileated woodpecker as well as the coyote and bear, the lemmings as well as the trout in the streams. Those inarticulate members of the ecological group cannot speak. But those people who have so frequented the place as to know its values and wonders will be able to speak for the entire ecological community.

"Ecology reflects the land ethic; and Aldo Leopold wrote in *A Sand County Almanac*, 'The land ethic simply enlarges the boundaries of the community to include soils, waters, plants, and animals, or collectively, the land.'

"That, as I see it, is the issue of 'standing' in the present case and controversy."

To that, we can only say, amen.

PROSPECT

As to Mineral King itself, the decision by the Court is not final. The door is still open for the Sierra Club to go back to court to stop the Disney ski development, and club attorneys are confident of eventual victory. Says Jim Moorman, Executive Director of the Sierra Club Legal Defense Fund, "There will never be a ski development at Mineral King."

The major short term problem with the decision is a psychological one. Unsympathetic judges may throw out some cases that they might otherwise have felt compelled to accept. And, ironically, the decision may hurt other groups more than it does the Sierra Club. The club, with its large membership and its extensive outings program, can allege injury to itself and its members in cases involving nearly any area in the country. Other groups may find the scope of their litigation narrowed.

For them, we will have to wait for the wisdom of Justices Blackmun and Douglas to gain the majority.

—TOM TURNER.

Late in May, three members of the NMA staff went to Mineral King Valley for the weekend. It was the kind of trip conservationists can go on and call a business trip, but it was mostly fun. We went, prompted partly by a new volume in the fine series of Sierra trail guides published by the Wilderness Press in Berkeley, wanting to see what the fuss was all about, and wanting to see Mineral King in its natural state, for perhaps the last time. These photos are taken from that trip. We arrived late Thursday night, and set out south for Franklin Pass in the morning. The sky was darkly overcast, and by mid afternoon a light snow began to fall. We made camp and slept, waking up the next morning to find a foot of snow had covered our whole world. By Saturday afternoon, most of the snow on the ground at lower elevations had melted. The peaks were covered with snow while the slopes were green and brown, with white trees on them highlighted by clear, bright sunlight. On a day hike to Sawtooth pass, two of us saw a wolverine thought to be extinct in this part of the Sierra, and close to extinct in California.

Try to imagine, as we found ourselves doing often, the valley covered with buildings, the slopes disfigured by ski tows, the high country jammed with hundreds and thousands of people. Disney expects to cram one million people a year into Mineral King; that's half as many people as visit Yosemite, and Yosemite is seven times the size of Mineral King. Imagine what will happen to the "game" in Mineral King National Game Refuge—to the deer and the marmots and the picas, to that lonely wolverine—when there are 5000 people arriving for a weekend of skiing, laden with gear and looking for a fast run down the slopes. Mineral King does not deserve a ski resort of whatever size. It belongs in the Sequoia National Park, which surrounds it on three sides.—P.S.

HOUSE ERRS IN PASSAGE OF BUSING BILL

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. DELLENBACK. Mr. Speaker, since the landmark Supreme Court decision in Brown against the Board of Education in 1954, the Congress has taken a definite back seat to the executive and judicial branches in the advancement of school desegregation throughout the Nation. The congressional role has been unfortunately minimal during the last 4 years when progress has been particularly outstanding: In 1972 only 10 percent of the schoolchildren in 11 States of the South will attend all-minority schools as opposed to 70 percent in 1968. During this period of remarkable progress, Congress has done little to encourage desegregation. Indeed, in 1971, the House even rejected the Emergency School Aid Act, proposed by the Nixon administration to make Federal financial assistance available to school districts in the process of desegregating. That legislation finally passed the House only after it had been tacked on to an omnibus education bill which included strong antibusing amendments.

At this late date in the development of desegregation, the House has finally entered the fray again. But instead of advancing the progress of school desegregation through our belated entrance on the scene, we have passed a bill calculated not only to slow down this progress, but quite possibly to contribute materially to reversing it. I opposed H.R. 13915 in the Education and Labor Committee. The House added a series of amendments which made this bill even more restrictive and potentially harmful than the original committee version, and I, accordingly, was strongly opposed to its final passage.

The impetus for congressional action on school desegregation at this point in time is the public furor over the widely misunderstood issue of pupil transportation, or busing. Over the years busing students has been used as a tool to achieve many different educational goals, including consolidation of schools, special education for the handicapped, and vocational training. In each instance, busing was used so that the quality of education would be improved. Now that it has been proposed as a tool to help desegregate schools, the old familiar schoolbus has suddenly become an object of wrath. Yet its goal in this new use remains the same: To improve the quality of education. As President Nixon has noted:

> Quality is what education is all about; desegregation is vital to that quality—

In some instances, busing is the only feasible tool to achieve desegregation. For this reason, it is vital that this tool remain available to be used by school districts which are either seeking voluntarily to desegregate or are under court order to desegregate. H.R. 13915 seeks to limit the use of that tool. There is a fine line between limiting the use of busing and actually hindering the progress of desegregation, however, and in crossing that line, H.R. 13915 becomes more than just an antibusing bill. In fact, the bill not only endangers the future progress of school desegregation in this Nation, it also goes against the progress that has been made in the 18 years that have elapsed since the Brown decision.

Making an already harmful bill even

more dangerous, the House has restored to the bill section 406, which the Education and Labor Committee had deleted. This section permits the reopening of desegregation plans already ordered by the courts in accordance with title VI of the Civil Rights Act of 1964, so that such plans may be modified to conform with the provisions of H.R. 13915. The clear and regrettable implication of this provision is that Congress wants to do more than guide and limit what can be done about school desegregation in the future; Congress is also willing to witness and even condone the undoing of what has been accomplished so far.

Yet another serious weakness of H.R. 13915 is that it walks on shaky constitutional grounds. First, although the 14th amendment does grant Congress the "power to enforce, by appropriate legislation, the provisions" of the amendment, this power does not include the right to reduce the extent of equal protection. Therefore, the attempt in H.R. 13915 to narrow the definition of what constitutes equal protection becomes highly questionable.

Second, H.R. 13915 tries to limit the ability of the Federal courts to remedy constitutional violations. This attempt may in fact amount to a denial of due process of law under the fifth amendment.

For all of the above reasons I voted against H.R. 13915. I am convinced that this bill, as passed by the House, would create far more problems than it could ever solve. Congress would be better off to continue to drag its feet on school desegregation and do absolutely nothing than to approve such potentially harmful legislation as this bill.

THE "PEER PRESSURE" DRUG CURE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. PEPPER. Mr. Speaker, on July 5 I had the pleasure of taking members of the Select Committee on Crime on a field trip to the small town of Davie, Fla., for a look at an apparently successful drug rehabilitation center which concentrates on rehabilitating large numbers of adolescent girls and boys.

This visit occurred on the evening following the first 3 days of hearings in Miami on the problem of drug abuse and narcotic addiction among school-age children.

Two articles reporting on these events follow:

"Peer Pressure" Drug Cure Gaining Friends and Critics

(By Doug Clifton)

Fort Lauderdale.—Debbie's mother looked at her 14-year-old daughter, newly free from the grip of drugs, and proudly confided: "I have a piece of canvas and stone from the old Seed building. I'll keep it always."

Her devotion to the two-year-old drug rehabilitation center near Fort Lauderdale is typical. It is shared by a growing group of prominent people.

Rep. Claude Pepper took his Select Committee on Crime to the newly purchased 26-acre compound in Davie. The following day, Art Barker, the center's director, testified before the committee.

Later in the day, U.S. Commissioner Edward Swan, father of a Seed success, offered testimony to the same committee.

Criminal Court Judge Alfonso Sepe refers all his drug-related cases to the Seed and has called it a "miracle." Sen. Edmund Muskie went to the Seed to see and be seen while his presidential campaign was still alive. Actor-singer Sammy Davis stopped by.

And the Seed story, "The Seed of Hope," was told in documentary fashion on television.

Debbie's mother and the others hail Barker as the creator of the program that saves youthful drug users. They claim the Seed transforms 90 per cent of all the youths who enter the program.

But not everyone is convinced that the Seed is the answer. Some doubt the claimed success rate. Others oppose the referral system. Still others fear that the treatment center is too "closed" and may overtreat.

Among critics are members of the Mental Health Association, psychologists, scholars, probation officers and psychiatrists.

How has Art Baker, a one-time Playboy Club comic and reformed alcoholic, convinced so many people that the Seed has the answer—perhaps the only one—to the rampaging drug problem?

It's quite simple, says Barker and his enthusiastic supporters: The program works.

"I save kids," says Barker, "And I don't get involved with the bureaucratic crap that makes all the other programs fail."

For the politician who sees the growing drug problem as trouble at the polls and the judge who sees it as crime in the streets, a simple, cheap ($200 a head) and massive program that works is like a miracle.

Barker tells at least one important person a day that 1,800 youths are "straight" because the Seed made them that way. Almost as frequently, he gives a demonstration of how he saves them through a device he calls an "open meeting."

The open meeting is similar to a revival. Participants stand and confess their drug-riddled past, renounce it and assert their long-abused love for parents.

Parents and children exchange "I love you's," the password of the Barker-Seed subculture. The evening is concluded with the 500 or 600 children singing "America the Beautiful," "Battle Hymn of the Republic" and other patriotic songs.

"I did everything from pot to downs. I started when I was 12. I robbed stuff from six different houses . . ."

Such confessions do not accurately reveal the extent of a child's drug use, say some critics.

Dr. Robert R. Jones, a Nova University professor of psychology and once a candidate to evaluate the Seed program, says admissions may be exaggerated to win status.

But Seed supporters close ranks with Barker on the basis of the performance at the open meeting and parents' testimonials.

Recently Barker has won financial support along with the vocal acclaims.

With the help of the political influence of one of his supporters, the National Institute of Mental Health awarded the program a $177,000 grant, renewable yearly for eight years.

The Law Enforcement Assistance Administration provided a $30,000 grant through the Broward County Narcotic Guidance Council.

Last week the Metro Commission awarded a $12,500 grant to Barker to treat 100 Dade Youth. He has also won wide private support from the community, and several Broward cities are donating $100 for each youth from its limits who attends the Seed.

The support is linked directly to the claim of a 90 per cent success rate.

Merrill Schuers, a Nova University researcher in drug rehabilitation and one of the evaluators of another Broward drug program, says, "It is inconceivable that anyone could seriously advance the proposition that a two-year-old drug program is 90 per cent effective."

Furthermore, says Schuers, the Seed has little or no follow-up program to keep tabs on "graduates."

Schuers and other critics say the program is basically a good one, based as it is on a variety of tested techniques, but judgments about its success must wait.

Barker calls a "Seedling" a success even when he still is undergoing rehabilitation.

But there are many two-term Seedlings and many who have been in the program's 24-hour-a-day surveillance phase—12 hours in therapy and 12 at a foster home—for longer than the prescribed two weeks.

According to a show of hands, at least one-fourth of the several hundred drug users at the Seed one day last week had been on the 10 a.m. to 10 p.m. regimen for at least five weeks. About half had been there more than three weeks.

Half of those present that day had been back to the Seed for a second visit after earlier being released as rehabilitated. Some of those who returned for the second time were at the Seed for "attitude" problems.

One girl had been on the 10–10 program for 54 days, was released and then returned by her parents after she started "playing games." She was 44 days into her second stay.

A boy said he'd been in the program three times. He was on the 10–10 program for 42 days. His story was cut off by Barker because he was "an exceptional case."

A married woman of 22, mother of an infant, admitted to smoking pot 20 times in two years. She was on her 23rd day of a scheduled 30-day stay at the Seed.

The Rev. Robert Kelley, a former Seed board member and, on the whole, a Seed supporter, said:

"Sometimes I think the children are left in the program too long. I know a boy who was left in it for 11 weeks, and it was just too much. That's one of the reasons I wanted more professionals in the program," Kelley says.

Mrs. Powers Sharretts, director of the Broward Mental Health Association, and a less-temperate critic, calls the tool of confrontation and confession employed by the Seed a "dangerous tool when you don't know when to stop it."

Barker says his 10 senior staff members and 12 junior staff members know what makes "druggies" tick better than anyone. All senior and junior staff members are graduates of the program. The Seed has one "professional," a Roman Catholic nun with degrees in psychology, to conform with dictates of the National Institute of Mental Health grant.

Barker regards professionals with disdain, dismissing them in a sweeping comment: "They can't do a damn thing with kids on drugs."

If the professionals and all other drug programs can't work, as Barker says, how can the Seed?

According to Barker, it works on major principle—peer pressure.

"Peer pressure turns them on to drugs, and peer pressure can get them off," he says.

It is Seed-created—peer pressure that does the job, he adds.

Dr. Raymond Killinger, a psychiatrist in private practice and the state's regional chairman for drug rehabilitation programs, says: "For some people, the system Barker uses may have some benefit. But there are those who can be hurt by the program. I think it works best with (drug) experimenters who respond to an authoritarian structure."

And an underlying claim that 75–85 per cent of the boys and girls in schools are heavy users of drugs is disputed by several school officials and Chief Juvenile Court Judge Frank Orlando, who says his experience places the figure much lower.

In support of Barker, however, is School Board Chairman Lyle Anderson, a Seed director.

Seed peer pressure is developed in the program with the basic principles of Alcoholics Anonymous—the system that won Barker from the whisky bottle. The heavy confessional aspect of the Seed and the moral-inventory concept are lifted almost directly from AA.

Basically the program breaks the participant down so that he develops dependence on the group. His good behavior then is rewarded by the group and bad behavior is punished.

In theory, he is placed in the group after an intake interview designed to estimate the depth of his drug habit and the complexity of his personality problem.

Fort Lauderdale child psychologist William Ryan, now with the Lauderdale psychiatric group but formerly a Nova staff member, calls the intake phase of any program vital.

"The intake procedure, as the rest of the program, must be fully evaluated. Children referred through the schools are never examined to determine their suitability for the kind of treatment at the Seed.

If someone came to me with a problem, I wouldn't just put him in shock therapy without first evaluating the nature of his problem," says Ryan, who has occasionally referred patients to the Seed.

In many cases, the person doing the intake interview at the Seed is a junior or senior staff member and not the program's one professional. Sometimes it is Suzy Barker, the director's 19-year-old niece—not a former Seedling, not trained in psychology.

That is not to say all youthful drug users referred to the Seed are not evaluated before being admitted.

In Broward, the chief Juvenile Court judge and the head of the probation division have refused to comply with Barker's request that all drug offenders be routinely paroled to the Seed.

Says Squire Hanni, Probation Department head: "I allow my probation officers full professional integrity. They fully evaluate the child and refer him to the drug rehabilitation facility they believe best suited for his particular personality."

Barker has no kind words for Judge Frank Orlando or Hanni.

Hanni, like nearly everyone else in Broward officialdom, offers restrained comment. Most reserve judgment on the program and refuse comment on Barker.

They would like to give the program a chance and don't like to judge it on their feelings about Barker.

But Barker IS the Seed, as both friends and enemies say.

His is perhaps the only program of its kind that has one man serving as executive director, president and chairman of the board. In the corporate structure, the other position of real importance is held by Barker's wife, Shelley. She is secretary-treasurer.

According to sources close to Barker in the days before he started the Seed, he incorporated with several helpers, including Municipal Court Judge James Balsinger, still a board member.

In a fact sheet about Seed, Barker does not mention that he used a church house provided free by the First Lutheran Church in Fort Lauderdale. The fact sheet does not mention modest funding provided by Broward's poverty agency and generous loans that made it possible for him to move into a second site after he had a falling out with church elders.

Tom Reagan, a Fort Lauderdale businessman who knew Barker in New York, admires the man.

"When Art got something in his head, he'd really argue the point, be adamant about it. He has an ego, sure, but this you have to have if you're ever gonna get your head above the crowd . . . and there's gonna be someone out there to throw rocks," he says.

And people do throw rocks.

"He has a rotten temper," says one former acquaintance. "He's the kind of guy who plays charades at a party and when nobody can guess what it is he flies into a rage and calls everybody stupid."

In the words of Phil Cheaney, a Broward County banker and former Seed board member, "Art burns people out."

"He is so intense a flame, you just can't keep up with him. Barker is an evangelist. If you want to follow him, you have to commit yourself wholeheartedly or not at all," Cheaney says.

[From the Miami (Fla.) News, July 10, 1972]

Twelve-Year-Olds Buy Heroin At School

(By Rick Abrams)

"Twelve-year-olds are experimenting here in Miami with heroin which they can buy in the schoolyard; young girls and boys are popping pills of all kinds; and 13-year-olds are buying dope from their 15-year-old friends."

This statement, by U.S. Rep. Claude Pepper (D-Fla.) was backed last week by many witnesses who appeared before the House Select Committee on Crime, investigating the "Drug Crisis in Dade County Schools," of which he is the chairman.

The other members of the committee are Congressmen Frank Brasco and Charles Rangel of New York, James Mann of South Carolina, Morgan Murphy of Illinois, Charles Wiggins of California and William Keating of Ohio.

The committee questioned dozens of witnesses. If the opinions of former addicts, drug-rehabilitation officials, school-board members, doctors, and parents whose children became addicted and may have died because of drugs are true, Miami is indeed, to use Pepper's words, "gravely in need of help by state, local and national government."

One 18-year-old ex-addict told the committee he robbed stores once a day to support a $200-a-day heroin habit.

A heroin addict's mother testified that her son strangled his 5-year-old sister while in a "drug stupor." The woman told the committee she tried to get help for her son several times.

She said she could not get help from local probation officials, although the boy had been convicted of shoplifting to support his habit.

Art Barker, a founder of The Seed, a Broward County drug rehabilitation program, said he could send any child to any school in Dade County with $10 "and in 20 minutes they could come back with drugs."

"The drug-abuse situation," Pepper said, "has assumed deadly proportions in the Miami area. Over the last five years, more than 450 people have died of drug overdoses or drug-related causes. In the last two years school-age children's drug deaths have more than doubled."

Each day, Pepper began the hearings by saying, "There are presently between 7,000 and 14,000 heroin addicts in Dade County. This means that one in every 137 residents is a hard-core drug addict. In Dade County, of the $58 million worth of property stolen each year, more than half can be attributed to addicts."

Pepper promised that the committee would urge federal legislation so that funds could be given to drug-rehabilitation projects and drug-education programs in schools.

"The federal government," Pepper said, "must take an active and prominent role. We can not let young children's lives turn to crime, degradation and death. We hope that these hearings will be . . . the beginning of a national commitment to assure drug-free schools."

FINANCIAL STATEMENT

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. BRADEMAS. Mr. Speaker, I insert at this point in the RECORD a current statement of my financial assets and sources of income.

The information given follows the form of the official financial disclosure statement required by rule XLIV of the House of Representatives.

Mr. Speaker, I also include a complete statement of my securities holdings and their value as of this date, some of which are not required to be disclosed in the official statement:

FINANCIAL STATEMENT OF CONGRESSMAN JOHN BRADEMAS

Securities holdings	Shares	Value
Massachusetts Investment Trust	255	$3, 320
Advance Ross Corp	50	275
General Motors Corp	25	1, 872
Sea Containers, Inc	200	4, 700
Union Carbide Corp	50	2, 463
Xerox Corp	50	8, 232
A.T. & T. 8¾ percent bonds	6	6, 667
Cash account	$332	
Total value of securities as of Aug. 18, 1972		27, 529

2. Income from Professional organizations—None.

3. (a) Income from a single source exceeding $5,000 and not reported in Section 2, above—None.

(b) Capital gains from a single source exceeding $5,000—None.

(c) Reimbursement for expenditures from a single source exceeding $1,000—None.

(d) Source of honoraria aggregating $300 or more from a single source—(1971 and 1972 to date): University of Notre Dame; North American Publishing Company; Indiana University; Education Press Association; Sweet Briar College; School Management Institute. Inc.; Children's Rehabilitation Institute, Baltimore; Indiana Statewide Rural Electric Cooperative; University of St. Louis; New England Program in Teacher Education; Amherst College; IBM Conference; Association of American Publishers; and Pennsylvania Association of Colleges and Universities. Total—1971 and 1972 to date $9,559.00.

4. Unsecured Indebtedness exceeding $10,000—None.

THE AMERICAN DREAM AND THE AMERICAN REALITY

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mrs. GREEN of Oregon. Mr. Speaker, a recent letter I have received from a constituent has so perfectly portrayed the dilemma of an average citizen of these United States in a period of intense national frustration, uncertainty, anger and bewilderment that I am moved to bring it to the attention of my colleagues. To an extraordinary degree it reveals not only the sources of our great national frustration but illuminates as well causal relationships between such important issues as unemployment, education, welfare, the war in Southeast Asia and the treatment of veterans.

President Nixon, in his now-famous remarks at the Connally Ranch last May concerning the American "work ethic" and the need to revive it in this country, could have found no better representative than the writer of this letter when he described "millions of fine Americans that work hard, are proud of their work—(who) have made—(and) built this country, and (who) are going to build it bigger in the future."

There is a terrible temptation to comment on other aspects of this excellent letter. I will forego the opportunity, commending it to your attention on its own merits as one of the best presentations of the overall U.S. dilemma to come to my attention in a long time.

Hon. EDITH GREEN,
House of Representatives,
Washington, D.C.

DEAR MRS. GREEN: I'm writing this letter to thank you for your recent stand against the war in Vietnam. My wife and I support Senator McGovern wholeheartedly in his efforts to bring this conflict to a swift conclusion. A second matter of concern is the economic chaos created by this war, a portion of which has touched my family.

I'm a veteran of service in the army from 1956 to 1959. My job included typing classified reports on far eastern countries including Vietnam. Upon my separation from the unit I was awarded a letter of appreciation for the manner in which I conducted my duties. My personal opinion has always been that this war was purely a Vietnamese internal matter and did not warrant the intervention of the United States.

Recently I graduated from Portland State University with a B.S. in geology. At the time of graduation I had maintained a GPA of 3.03 the entire four years, in spite of not finishing high school. A lot of hard work and sacrifices has been rewarded by the prospect of no job in the near future in my field and a loss of seniority and chance to regain my former job. The GI Bill to be successful in retraining veterans can't be coupled to a lame economy. At the present I have a GS 7 rating with the federal government as a geologist. I qualified for the higher rating under the superior academic achievement requirement. In spite of federal reinstatement rights for employees, I find it impossible to reenter the federal service if no position can be filled due to the present ceilings.

Prior to 1969 I was employed for ten years by the Postal Service. Taking into account military service I was a thirteen year federal employee. I entered the Postal Service during the last Republican recession in 1959–1960. The pay was only $2.26 per hour and the superintendents worked the substitutes 50 to 65 hours a week with no time and one half for overtime. Considering my army pay of $78.00 per month at the start of my tour and $146.00 per month at the end of it, this was luxury. Just prior to the postal strike I resigned, as did many of my co-workers. Fifteen years seniority was needed to obtain a summer vacation and the pay had lagged far behind what was needed for a man with a family. This is the reason I decided to accept the terms of the GI Bill and complete my education. I had been thoroughly sold on the idea that if I wanted out of the rut—education was the route. I figured that if I worked under the very worst the government had to offer I should at least be given the chance for something better.

During my education I received no other federal or state assistance. My wife and I managed to earn the remainder of the money we need to support a family of five by our own efforts (and wits). The GI benefits came to only $256.00 per month. We ended up spending my entire federal retirement fund to make ends meet. College work study grants are not geared to the needs of a veteran with a family; the machinery to implement such a grant is usually very slow and the jobs are not generally allocated according to amount of need. When I first started to attend full time I applied for a work study job and none was available in spite of the fact that a veteran who had attended the university prior to his military service did hold down such a job while working elsewhere part time, receiving GI benefits, and while married to a working registered nurse. Luckily we are very resourceful people.

Tomorrow I will go to an interview for the position of furniture mover, one of the few jobs available. What's bothering me is the fact that the harder we try the worse things seem to get. Federal regulations at the time prevented my mother from earning enough money to support her family and still retain her social security survivors insurance benefits, which were sorely needed. Federal and state regulations on hazardous work for minors prevented me from holding better paying jobs in my teens and forced me to spend even longer hours in harvest fields for little pay. I am beginning to tire of it!

Having lived like a peon in my younger years I identify strongly with people on lower incomes, this is why I support Senator McGovern. Young people in this country should have an equal opportunity to attend college, should be able to advance to responsible jobs if they are capable, should not be compelled to accept less then a decent standard of living so a privileged minority can profit excessively from a system that could provide well for all. I believe firmly in America, but I will not accept the conditions that I have observed in my lifetime as all that America has to offer.

If conditions don't improve soon our government will be faced with a gradual withdrawal of the consent to be governed by the people. Many otherwise honest people will resort to whatever means they can muster to earn money to pay bills and the U.S. will slip even closer to anarchy. If crime is to be sharply curtailed and the welfare roles reduced, for God's sake lets put Americans back to work.

Sincerely yours

RALPH C. FEELY.

HON. EDWARD G. BIESTER, JR.'S LATEST NEWSLETTER

HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. ESHLEMAN. Mr. Speaker, I would like to share with my colleagues my good friend, the gentleman from Pennsylvania, PETE BIESTER's latest newsletter to residents of the Eighth Congressional District of Pennsylvania:

AUGUST 1972.

DEAR CONSTITUENT: I am very pleased to report that the results of my sixth annual constituent poll have been tabulated, and the breakdown of responses on each question is printed below for your information.

	Percent		
	Yes	No	No response
1. Which of the following do you consider the most preferable course of action in Vietnam?			
a. Continued phased withdrawal of American forces consistent with the President's program	38		
b. Immediate withdrawal of all American forces	16	-----	6
c. Withdrawal of all American forces by a definite date conditioned on release of POW's	40		
2. The National Commission on Marihuana and Drug Abuse has recommended that the possession of marihuana for personal and private use no longer be an offense. Would you favor such a change in Federal law?	34	63	3
3. Do you favor the President's recent efforts to open more normal relations with China?	85	11	4
4. Do you favor the establishment of federally supported voluntary day care centers for the children of working mothers?	43	52	5
5. How successful have the wage-price regulations been in reducing the pace of inflation?			
a. Highly successful	1		
b. Moderately successful	43	-----	20
c. Unsuccessful	36		
6. Do you favor the continuation of wage-price controls?			
a. For 6 months	12		
b. For 1 year	22		
c. For 2 years	27	-----	23
d. Not at all	16		
7. Would you favor the adoption of a no-fault auto insurance program on the national level if the States fail to adopt a no-fault system?	77	17	6
8. Do you favor the construction of nuclear power plants at Newbold Island and in Bucks and Montgomery Counties?	54	38	8
9. Do you favor legislation to stop new and additional student transportation to achieve racial balance in schools?	75	21	4
10. Do you favor continued efforts to work toward a more racially integrated society?	57	27	16
If so, what steps should we take:			
a. More housing opportunities	35	------	------
b. Increased accessibility to job opportunities and better transportation facilities	50	------	------
c. Other ________ ________	15	------	------
11. With the completion of the Apollo space program, would you favor:			
a. Development of a space shuttle as proposed over the next 6 years?	50		
b. Radical reduction of the entire program	37		13
12. The House Judiciary Subcommittee of which I am a member is presently considering legislation to suspend the death penalty for 2 years.			
a. Do you approve of such a suspension?	21	64	15
b. Would you favor the abolition of the death penalty except in cases where conviction resulted from the death of law enforcement officers?	9	64	27
c. Would you favor the abolition of the death penalty in all instances?	18	59	23
d. Do you favor the death penalty?	66	19	15
13. Would you oppose granting amnesty to draft resisters upon the end of our involvement in Vietnam conditional upon the men involved completing 2 years of military or alternate service?	52	45	

Approximately 172,000 questionnaires were mailed to District residents, and replies were received from over 20,000. As in the past, I was encouraged by the substantial response to the mailing, and the letters which accompanied so many of the questionnaires were particularly helpful in interpreting the results.

After having used the questionnaire as a means of gauging constituent opinion since I first arrived in Washington, I am more convinced than ever of the vital role it plays in the communication process between Congress and the people. In our country today there is a searching on the part of citizens for a vehicle of expression and dialogue with government officials. This can be realized, to a significant extent, through the mechanism of the questionnaire. In fact, the questionnaire prompted letters from people who had never before written to a government official.

One gentleman from Morrisville wrote: "The complexity of government seems to have alienated most of this country's citizens—they no longer feel as if they can make any significant contributions to the process of government," and went on to say he thought the questionnaire realized this objective.

Many of the respondents didn't feel they could adequately express their true sentiments in a simple "yes" or "no," but in order to facilitate tabulation it is necessary to so structure the alternatives. I fully recognize the difficulty of answering complex and far-reaching questions in such a manner since I am often required to do this when I cast my votes on the House floor.

ON THE HORIZON

In recent weeks, Congress has been involved with a number of pieces of legislation I am co-sponsoring and have been actively supporting.

Revenue Sharing—The State and Local Fiscal Assistance Act of 1972, more commonly known as Revenue Sharing, passed the House on June 22nd and the Senate will consider its version on the Senate floor in September where the prospects for passage are very good. Once the Senate acts, the bill would go to conference to iron out any differences.

Under the provisions of both versions, $5.3 billion would be available for 1972 with the remainder of the $29.8 billion to be disbursed over the next four years. According to the House's distribution formulas, Pennsylvania's first year entitlement would be $98.4 million at the state level and $202.5 million for local governments, totalling over $300 million (under the Senate version, Pennsylvania would receive almost $42 million more). All governmental units in Bucks County would receive a total of $7.3 million with the county government receiving $3.3 million, boroughs $1 million and townships almost $3 million. The total amount scheduled for Montgomery County would be $10.3 million, and Lehigh County would be entitled to $4.9 million in the first year.

Revenue Sharing is President Nixon's proposal to provide desperately needed assistance to state and local governments for financing efforts designated by the state and local governments themselves rather than those dictated by the Federal government. Funds to the state are for its unrestricted use while those to local governments are for high-priority objectives in four broad areas—public safety, environmental projects, sanitary protections and public transportation.

The House and Senate versions of the bill contain the fundamental and essential elements of the President's proposal. I am cosponsor of the original Revenue Sharing legislation and have actively supported its passage. In 1971 I headed a Congressional Task Force team on Revenue Sharing which traveled to Richmond and several cities in the Los Angeles area, speaking before civic and business groups and newspaper editorial boards on the merits of Revenue Sharing.

Health—Two bills I am co-sponsoring in the health field—one to establish a National Advisory Commission on Multiple Sclerosis and another to establish a program of treatment and research into Cooley's anemia—passed the House on August 1st.

The purpose of the National Advisory Commission is to determine the most effective means of finding the cause of and cure and treatment for multiple sclerosis. M.s. is a chronic, usually progressive disease of the nervous system, generally striking individuals between the ages of 20 and 40. The paralysis, extreme weakness and shaking of the body which result can cut life expectancy by at least a dozen years. Most of us know someone afflicted with m.s. and appreciate the need for further investigation into some of the promising theories being considered as its causes.

Cooley's anemia is an inherited blood disease affecting approximately 200,000 Americans, mostly children. It is an incurable blood disorder requiring regular and frequent blood transfusions. Characteristics of the disease are poor bone growth, small stature, susceptability to other ailments, fatigue and lack of energy. Its victims seldom live to maturity. The legislation would provide for research projects into the diagnosis, treatment and prevention of the anemia. One of the dozen Cooley's anemia regional chapters is located in Cornwells Heights. A large number of our local residents have been active in leading the attack on the anemia, and I know they must be heartened with this show of Congressional support behind their efforts.

State Department Grievances—A bill I have introduced to establish grievance and appeals procedures for Foreign Service employees has received several days of hearings by a House Foreign Affairs subcommittee.

In testimony I presented to the subcommittee, I noted that, unlike other Federal agencies, the State Department has no formal system of due process through which its employees can appeal arbitrary or unjust actions regarding their employment status. While other Federal employees have such recourse through the Civil Service Commission, Foreign Service personnel do not, and this has caused serious moral problems among State Department employees. Many cases can be cited in which they have had their careers permanently marred by administrative insensitivity and intransigence.

This legislation, I feel, would provide reasonable management practices for a personnel problem which, if left unchanged, will continue to have an adverse impact on the day-to-day execution of our nation's foreign policy. This institution of due process will be in the public interest by creating a stronger climate for free and open debate and challenge, and will in turn promote a well-developed, responsive foreign policy. The Senate has already passed this bill, and I am hopeful the Foreign Affairs Committee will favorably report out the bill for full House consideration.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

ARMY HERBICIDE STUDY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ASPIN. Mr. Speaker, a provocative article appeared in the Washington Post, Sunday August 13, 1972 dealing with a reported U.S. Army study investigating proposed use of herbicidal agents in future conflicts. Despite the abysmal record of defoliants in Vietnam, the Army is apparently making every effort to see that this aspect of warfare will be used in future conventional conflicts. Implications of this development would be profound.

The article follows:

Army Study Asks Use of Herbicides—Sees Defoliants Helping Stop European Invasion

(By Jack Fuller and Tim O'Brien)

A U.S. Army strategic studies group has recommended that herbicides be included in top-secret contingency battle plans ready in case of war in Western Europe, Cuba, Korea, Ethiopia and Venezuela.

Despite its prediction that the controversial chemical defoliants used in the Vietnam war would be of limited effectiveness as a weapon in conventional warfare, the Engineer Strategic Studies Group of the Army's corps of Engineers concluded that defoliation of European forests could help NATO forces slow down an invasion by Warsaw Pact nations.

The group's analysis of possible warfare in Cuba, Ethiopia and Venezuela was based on a counter-insurgency style of fighting, and the conclusion was that in such warfare stripping away heavy vegetation with herbicides can drastically reduce the number of American troops necessary to put down an insurgency.

The group's secret recommendations are reported in a forthcoming issue of Science and Government Report, a private, Washington-based newsletter published by Daniel S. Greenberg. The recommendations are part of a three-volume study of the military effectiveness of herbicides. The volume containing the recommendations is classified secret, and the two others were prepared for official use only.

The five top-secret battle plans analyzed by the study group are part of the Portfolio of General Purpose Force Requirements, code-named SPECTRUM, a compilation of contingency plans which might or might not be invoked in the event of war.

According to Greenberg, the study group examined the impact of defoliation in 106 hypothetical war situations or "scenarios."

One of the scenarios evisions "a deliberate attack by Warsaw Pact forces to seize Western Europe. France is assumed to participate and the NATO forces are logistically supported" over a line extending through France and the Benelux countries. Greenberg quotes the secret report as saying: "This analysis investigates the maneuver of forces between Liege and Mainz and Bonn and Kassel."

These four cities are boundaries for a major corridor through Germany into France, Holland, Belgium and Luxembourg. The corridor was used by German forces in World War II to invade its Western neighbors, and the study group envisions it as a route that might be used by attacking Communist armies.

"Because the effect of herbicides is to expose enemy positions while the defender remains concealed in foliage, herbicides have the effect of creating a prepared position

. . ." the study reportedly says. "The use of herbicides permits NATO forces to prepare successive defensive positions by selecting defoliating areas where the attacking forces must assemble."

Since days and sometimes months are required for defoliants to take full effect, the use of herbicides in defending Western Europe would presumably have to be based on intelligence warnings preceding an actual attack.

The U.S. military presence in Western Europe is generally thought to serve two functions: to assure the Soviet Union that an attack on Europe means the involvement of American forces, aid to help slow down, although not stop, invading Communist troops. Defoliation, presumably, would serve the latter purpose.

The recommendation that defoliation be included in contingency plans for war in Western Europe was based on an analysis of "conventional (linear) warfare."

"In a defensive posture," Volume I of the Army report said, "the effect of herbicides is to increase the days of delay achieved in a sector." Hence, herbicides would contribute to the "trip-wire effect" of American presence in Western Europe.

However, the study did not find that herbicides would allow for much reduction in the manpower necessary to defend a position in a conventional war situation. "In conventional (linear) military conflicts, herbicides (when applied early enough) can yield, at most, localized reductions in force requirements along an entire front and in depth are small," the study said.

In fact, the study concludes that defoliants would be of more value, in terms of troop requirements, to forces attacking Europe than to those defending it: "When the herbicides are used by the attacking force, the estimated impact is a reduction of 3 to 4 per cent of the offensive force requirement for the entire theater. When herbicides are used by the defending force, the force reduction is somewhat less over the entire theater."

According to Greenberg, the secret volume of the Army report also proposed scenarios for using defoliants in a conventional war in Korea.

The recommendation was made despite a finding that about the same number of troops is needed to attack or defend, with or without the aid of defoliants, in a conventional war.

However, the study found herbicides considerably more effective in counter-insurgency situations.

Based on computer and manual simulations of the impact of herbicides on counter-insurgency operations—with special reference to the Ethiopia and Venezula—the study concludes that "in both of the insurgency scenarios, counter-insurgency force requirements are reduced because factor W (average search width of a patrol) is increased when herbicides are used."

More specifically, the study says that "offensive forces in Venezuela are reduced to approximately 40 per cent of the forces required in the original spectrum analysis and offensive forces in Ethiopia are reduced to approximately 35 per cent of those needed without herbicides."

Use of herbicides, the study continues, "would improve visibility in the evergreen forest, shrub and small tree forests (of Korea), and in the sugar cane fields of Cuba."

"The patrol is regarded as the primary offensive element in counter-insurgency," the study says.

"In each of the two specific insurgency scenarios investigated, offensive counter-insurgent forces required to resolve [win] conflicts are reduced by over 50 per cent by using herbicides to reduce foliage. The impact of herbicides on the defensive counter-insurgent forces was not treated quantitatively; but qualitatively; the improved visibility would tend to reduce these [defensive] forces as well."

"The analysis indicated that, under the respective theories of combat, herbicides are a significant aid to military operations in counter-insurgency and of less value in terms of force requirements in conventional (linear) warfare," an unclassified volume of the report said.

The report was careful to point out the limitations of projecting actual troop-level requirements on the basis of simulation theory.

"Nevertheless," the report says, "the results of this study's analysis of the record of herbicide spraying . . . in (Vietnam) . . . tend to confirm the direction if not the degree of the above theoretical estimates for counter-insurgency forces".

A "for official use only" summary of the project concludes that "herbicides produce only two assured military effects." One is increased "horizontal and vertical visibility" where foliage "obstructs liens of sight." The second is that an enemy's crops "can be destroyed in a matter of hours or days at suitable times in their growing cycles."

Even these effects require "special circumstances, the report says—factors relating to enemy determination, his available alternatives, sufficent time to employ defoliants, climatic conditions, and so on.

In a survey of military personnel, including chemical officers, commanders and advisers, the study reports that 518 of them thought herbicides would be required in future conflicts. Only 67 of the surveyed officers said herbicides would not be needed.

But military belief in the need for an arsenal of defoliants is not shared by everyone. Widespread use of herbicides in Vietnam touched off a wave of controversy—partly environmental, partly moral and partly practical.

The military first asked for permission to use herbicides in Vietnam in 1961, according to the report, and their use became most widespread in 1967 and 1968 at a time when the U.S. troop level was also climbing to its highest point.

In April 1970 the most commonly used chemical—Agent Orange—was eliminated. All aerial spraying of herbicides ceased in May 1971. After that, the report says, herbicides were used only to keep down jungle growth surrounding military bases.

In Vietnam defoliation had two aims—to eliminate hiding places used by enemy guerrilla units and thereby make Allied patrolling easier and to destroy rice crops believed to be controlled by the enemy in South Vietnam.

At the same time the use of herbicides was reaching its height public criticism of these military tactics began building up.

In November 1967 two of America's foremost biologists charged that defoliation in Vietnam was both militarily ineffective and extremely dangerous to the long-term health of the Vietnamese environment.

Dr. Arthur Galston, then president of the Botanical Society of America, and Dr. Jean Mayer, Harvard professor of nutrition, charged that the crop destruction tactic had not hurt the Vietcong but rather had caused a food shortage affecting innocent Vietnamese cvilians. They also claimed that defoliation to deprive the enemy of hiding places had little military effect but rather had severely damaged fruit and rubber trees, spinach and bean crops.

In October, 1969, the White House severely restricted the domestic use of Agent Orange as being "potentially dangerous" to humans and in need of further study. The White House move did not affect the military use of Agent Orange.

Early in April, 1970, two associates of consumer advocate Ralph Nader claimed that Agent Orange caused birth defects and demanded that its use be prohibited. At that time the defoliant, which had been developed in the 1940s by Army chemical warfare specialists, was still being used in the U.S. to control weeds along roads in nonagricultural areas.

A little more than a week later the Agriculture Department, which had disputed the Nader associates' charges, imposed drastic restrictions on the domestic use of Agent Orange in the United States. Simultaneously, the Defense Department announced it would stop using Agent Orange and replace it with Agent White in Vietnam.

Some of the critics of herbicides claimed that the Defense Department's move merely replaced one toxic substance with another. The American Association for the Advancement of Science had already asked the Defense Department to stop using the chemicals in Agent White because they could cause birth defects.

Meantime, the Nixon administration struggled with the Senate over the question of whether herbicides were instruments of chemical warfare banned by a Geneva Protocol the administration had submitted for ratification.

The Nixon administration said the protocol's term, "chemical warfare," applied only to chemicals that caused permanent disability or death. Some senators and the Federation of American Scientists sharply criticized that definition's exclusion of herbicides and tear gas.

Last March the administration proposed at the Geneva Disarmament Conference a new ban on chemical warfare which concentrated mostly on chemicals with no civilian use.

The Army study group's report revealed other, secret criticism of the defoliation effort.

Greenberg said the study group wrote that a secret 1967 Rand Corporation report concluded that "it appears that the crop destruction program has little effect on VC consumption. Despite shortcomings of the data and methodology used, the (Rand) analysis indicated the program is ineffective and that the negative effect on the peasant is too severe to continue the program."

Greenberg said the study group also wrote a synopsis of a secret 1969 Air Force report which concluded that "there is no system for comprehensive evaluation of each projection the basis of the result it was supposed to achieve," and also that "the public information program about herbicide operations was never adequate to overcome the resentment associated with the herbicide program."

In 1970 Congress ordered the Defense Department to contract with the National Academy of Sciences (NAS) for a study of the environmental effects of defoliation in Vietnam. The Engineer Strategic Studies Group report was designed as a "counterpart" to the NAS study.

In evaluating the possible use of defoliation in future wars, the Army study group employed highly complicated computer techniques which involve the simulation of various sequences of events, war objectives, terrain and other factors—"scenarios"—under various conditions.

From these computer simulations, programmed to include the effects of a defoliation campaign, and from other, less technical methods of analysis, the Army study group reached its conclusion to propose changes in five SPECTRUM scenarios.

Widespread use of this kind of contingency planning—though at a much higher decision-making level—was revealed in the Pentagon papers, and some Vietnam War critics have claimed that such planning too often ripened into fact without adequate discussion.

The Army study group also compiled and analyzed much data about herbicides' military effect in Vietnam, though it ran no laboratory or field experiments on the chemicals.

Summarizing its finds, the report states: "Herbicides were useful in supporting military operations in RVN (Republic of Vietnam) in selected instances." It recorded the following conclusions:

Herbicides were useful in operations against enemy infiltration routes and base areas, particularly when Allied forces followed up defoliation with observation and surveillance missions. In dense mangrove forests, defoliation made the enemy "unable to maintain an effective force in these areas."

Herbicides helped prevent ambushes near roads and waterways and around military bases.

"At most, the crop destruction program harassed the enemy." It did not succeed in depriving the enemy of much food.

There was evidence that defoliation reduced the number of men needed in some areas.

"The herbicide program in RVN (Republic of Vietnam) has been inexpensive when judged against military systems in general."

The Army study group surveyed military people acquainted with defoliation in Vietnam. The results showed that most believed defoliation helped them in their missions.

The report includes numerous before-and-after photographs of defoliated areas. One set shows how the enemy succeeded in concealing a 100-ton ocean-going ship in the tidewater mangrove forests of the Camau Peninsula at Vietnam's southernmost tip. "By securing trees from the stream banks over the ship," the report states, "the ship's position remained undetected for from several weeks to several months."

INEQUITIES IN THE SOCIAL INSURANCE AND INCOME SUPPLEMENTATION SYSTEM

HON. RICHARD W. MALLARY

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MALLARY. Mr. Speaker, I am very concerned about the thousands of older and disabled citizens who have been denied the benefit of the recent 20 percent increase in social security payments.

Approximately 120,000 citizens receive aid to the aged, blind, and disabled as well as social security. Their AABD payments will be reduced dollar-for-dollar with their increase in social security.

It is estimated that 20,000 veterans receiving pensions for other than service connected disabilities will lose their entire veterans' pensions due to the social security increase.

Past social security increases have usually included, or been followed by, a pass along to these citizens of at least part of the increase, so that they receive an increase in their total income.

Unfortunately, these people receiving Federal assistance based on need, in addition to social security, have been left out by the most recent increase in social security payments.

The speed with which the legislation was considered, and the parliamentary situation at the time prevented Members from taking action to insure that this increase would not adversely affect some citizens.

It is obvious that many reforms in the Federal insurance and retirement programs are needed. I am hopeful that many of the provisions in H.R. 1 will receive favorable action by the Senate. Until these changes can be made through a single measure such as H.R. 1, some changes are needed now to help thousands of needy citizens to counteract the adverse effects of the recent social security increase.

I have introduced two bills to allow recipients of AABD or veterans' pensions as well as social security to retain one-half of their social security increase. The need for this legislation is real.

In this Nation, more than 2 million people receive old age assistance. Of these 2 million, 60 percent also receive social security benefits. In my home State of Vermont, 75 percent of the people receiving old age assistance also receive social security.

None of these people will receive any net benefit whatsoever from the recent 20 percent increase in social security payments. They will lose in their AABD checks, rounded off to the nearest dollar, the amount of the increase in their social security checks.

Some veterans and veterans' widows may even be in a worse position. It is estimated that 20,000 people now receiving pensions will be pushed over the $2,600 income limitation by the increase in social security, and will totally lose their VA checks.

As an example, I discovered that one of my constituents in Burlington, Vt., is a veteran of World War I and is the widow of a World War I veteran. Before the social security increase, she received $2,318 in social security benefits, and $868 in veterans' pensions. With the 20 percent social security increase, her social security income rose to $2,782, and she has received notice from the VA that her veterans pensions will be discontinued. Thus, the social security increase has caused her loss of a net total of $404 per year.

Certainly, no one in the Congress intended to reduce any person's total income by our action, but that is clearly what we did.

Under the bill which I have introduced, H.R. 16371, only half of her social security increase would be counted, so that for VA purposes her total income would be $2,550, and she would be allowed to retain approximately $648 in veterans' pensions. Thus she would receive a net increase of about $244 per year, under the terms of H.R. 16371. This is an increase of nearly 8 percent over her income prior to the social security increase.

Most of the remaining two million recipients of veterans' pensions will notice a marked decrease in their pension checks. In approximate figures, a veteran receiving $1,800 from social security with no other income receives a veteran's pension of $780. With the social security increase, his social security checks would be increased by $360, and his veterans' pension would decrease by $259. Under the terms of H.R. 16371, his pension would be decreased instead by $120. Thus, under this bill, his total income would increase by $240. Even with this improvement, this increase in his total income would be 13 percent—far short of the 20 percent increase passed by the Congress.

When the Social Security Amendments of 1965 increased social security benefits by 7 percent, $5 of this increase was passed along to public assistance recipients. The Social Security Amendments of 1967, which increased social security benefits by 13 percent, increased the pass along to $7.50 per month.

The Tax Reform Act of 1969, which included a 15 percent increase in social security benefits, provided for a $4 pass along. This pass along has been extended, but not increased, despite the enactment of a 10 percent increase in social security benefits in 1971. This heightens the need for a significant pass along of social security increases to public assistance recipients.

Payment schedules for veterans' pensions have also been revised as social security increases have been enacted. As a result of the 1967 Social Security Amendments, income brackets for determining pensions were increased from 3 to 18, and the income limitation was increased by $200.

After the Tax Reform Act of 1969, the income limitation for veterans' pensions was increased by $300. Last November, to counteract the effects of the most recent 10-percent increase in social security benefits, the Congress adopted a formula system to relieve the problems for many veterans, who had a large loss of veterans' pension income caused by a small increase in income. The income limitation was also increased by $300, effective January of 1972.

The need for relief for recipients of veterans' pensions and old-age assistance are at least as serious at this time as those needs were when relief was provided previously.

I am sure that most of us will continue to support major reform of the Federal social insurance and income supplementation programs. Yet it is obvious that there is a great deal of disagreement in the Congress over broad reform proposals.

The two pass along bills which I have introduced, H.R. 16285 and H.R. 16371, are not the ultimate solution to the inequities in the social insurance and income supplementation system. Until major reform can be agreed upon, this limited, specific relief should be enacted.

BILL TO PLUG LOOPHOLE IN TRUTH IN NEGOTIATIONS ACT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ASPIN. Mr. Speaker, I am introducing legislation today to plug a loophole in the Truth in Negotiations Act. Under present law, individual contractors who refuse to disclose cost and price data can still win a Defense Department contract under a waiver granted by a service Secretary or the Secretary of Defense.

I believe this practice has been overused and abused by the Department of

Defense and the defense contractors. If defense contractors face the choice between losing business or disclosing their cost and price data, they will disclose.

More than $200 million has been granted in contracts in the last 9 years to defense contractors without any knowledge on the part of the Department of Defense about the contractor's actual costs, prices and profits. I believe this loophole should be plugged up. The legislation I am introducing today will amend the Truth in Negotiations Act and prohibit the waivers currently permitted according to that law.

THE ASME CONGRESSIONAL FELLOW

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. McCORMACK. Mr. Speaker, I am pleased to announce the opening of the Washington, D.C., offices of the American Society of Mechanical Engineers and the Institute of Electrical & Electronics Engineers, Inc. This is the beginning of a major communications link between the technical community and the Congress. Mr. Bill Miller of the ASME and Mr. Ralph Clark of the IEEE have assured me that they will cooperate with Congress in obtaining information, reports, and technical witnesses on any subject within their respective fields.

In addition, the ASME is taking what I believe to be an important and encouraging step by advertising in their journal for applications for the position of ASME congressional fellow. I cannot think of a better method of encouraging men of science to become involved in the governmental process, while giving the Congress the benefit of their expertise. I would hope that other technical societies will follow their lead.

The advertisement follows:

NEW PROGRAM ANNOUNCED: THE ASME CONGRESSIONAL FELLOW

A program to sponsor ASME Congressional Fellows has recently been authorized by the Executive Committee of the Council. The program calls for ASME to send engineers for a year at the Nation's capitol in Washington and for each to be associated with a congressman or a congressional committee as a resource person. This sponsorship would be shared with the engineer's employer, who would treat the time away from his regular job, in the nature of a sabbatical leave. While the prime purpose of the program would be to assist the legislative process by making technical expertise available, both the individual Fellows and their employers would benefit from the experience. In the long run, the program is seen as a step toward better technical input in the setting of public policy.

The program, patterned on the highly successful experience of the American Political Science Association, has developed from a suggestion which came out during a joint meeting of ASME members with congressional leaders last December. It is a direct response to a number of the ASME goals, particularly the Overriding Goal: "To move vigorously from what is now a society with essentially technical concerns to a society that, while serving the technical interests of its members ever better, is increasingly professional in its outlook, sensitive to the engineer's responsibility to the public's interest, and dedicated to a leadership role in making technology a true servant of man."

The Congressional Fellow would be closely associated with a congressman or committee concerned with legislation on subjects for which an understanding of mechanical engineering is important. He would have available to him the facilities of the office of William P. Miller, ASME's Washington representative, in calling on the resources of the Society.

For the first year ASME will provide up to half of the cost for one man with the understanding that his employer would provide the other half. Facilities of the Congress will make office space and secretarial support available. In taking this action, the Executive Committee of the Council views this one-time cost as seed money, for which reserve funds are available. The action also called for the exploration of other sources for funding in future years.

Members May Apply. The first step for a member of ASME interested in applying for the fellowship available in 1973 would be to establish with his employer the basis under which he could be made available. Applications will be held in confidence and should be directed to Dr. Rogers B. Finch, Executive Director and Secretary, ASME, 345 East 47th Street, New York, N.Y. 10017.

Each application should include:

1. A résumé covering education, engineering experience, and pertinent personal factors.

2. A statement describing the terms of the applicant's leave from his employer. This should state his current salary and the total amount of financial support which the employer would provide.

3. A letter describing the way the applicant views this position and how his experience and abilities qualify him for the post.

Applications will be received up until Nov. 1, 1972, and should cover a period of one year beginning no earlier than Jan. 1, 1973, nor later than Mar. 1, 1973.

NATIONAL AVIATION DAY

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. BROWN of Ohio. Mr. Speaker, tomorrow is celebrated as National Aviation Day, having been so declared by Congress to coincide with Orville Wright's birthday.

Today at Dayton, Ohio, the occasion is being celebrated at an annual Aviation Day luncheon during which the speaker will be Federal Aviation Administrator John H. Shaffer.

Also during the luncheon there will be a presentation of an article written by Fred F. Marshall of Xenia, Ohio, "Wright Brothers of Dayton, Ohio, Solve the Mystery of Winged Flight" which will appear in the winter edition of the Ohioana Library Association Quarterly. Mr. Marshall has been a long-time student of the Wright Brothers and their historic achievements in the development of flight of which the bulk of experimentation and work was carried out at the Huffman Prairie Simms Station experimental flying field which lies east of Dayton in Greene County in the Seventh Congressional District which I represent.

In addition to this article, which I am submitting for publication in the RECORD for the benefit of my colleagues, Mr. Marshall is also author of the book, "The Wright Brothers Chronology" (1903–09), and is the former editor and publisher of the Slipstream, one of the early-day aviation trade journals. Mr. Marshall is also a charter member of the National Aviation Hall of Fame.

The article follows:

WRIGHT BROTHERS OF DAYTON, OHIO, SOLVE MYSTERY OF WINGED FLIGHT

(By Fred F. Marshall)

Since man came upon earth it is apparent that he coveted with child-like and wistful fancy the winged flight of birds.

This insatiable passion to fly is evident in ancient myths and in the stone figures or petroglyphs depicting both humans and animals with wings. Of these there was Pegasus, Media's Dragons, and with the similar forms appearing on ancient Egyptian bas-reliefs.

What school youngster but who is not familiar with the classic legend of Daedalus and his son Icarus who for some unknown reason fled from Greece to the Isle of Crete. Here Daedalus constructed a famous labyrinth for King Minos. Subsequently, Daedalus with his son Icarus were imprisoned in this same labyrinth stronghold. We are told that they saved the feathers from sea birds and eventually fashioned wings for themselves by means of which they soared out over the sea and toward freedom. Daedalus had forewarned Icarus to keep high enough to avoid the dampness of the sea but meanwhile to avoid flying too high lest the heat of the sun melt the wax which held the wing feathers together. But the youthful Icarus, like so many impetuous teenagers of present times, disregarded this latter part of his father's counsel—he zoomed too high, the wax softened, the wing feathers fluttered apart, and Icarus fell into the sea and was drowned.

Amazingly enough, authentic records going back as far as 67 AD indicate that serious experiments were being undertaken in human flight.

And so it was that to the turn of the 20th Century there had been a ceaseless struggle to solve the mystery of flight, and with this impulsive, though futile, outlook persisting through fifty centuries. Though early inventors and scientists seemingly were well on the road to solving some of the basic principles of aerodynamics, they failed repeatedly to make practical application of their findings.

Today the chronology of human flight—from the period of early ballooning experiments, and some years before the era of the Wright Brothers—reveals that many talented scientists were deeply engrossed in the effort to fathom the baffling secrets of flight. Among these notable pioneers we must list Stringfellow, Ader, Lilienthal, Henson, Sir George Caley, A. Penaud and Sir Hiram Maxim.

But now viewed in retrospect, and with the discoveries of the Wright Brothers at hand, their accomplishments cannot be accorded higher distinction than that they present noteworthy milestones in the conquest of human flight.

How utterly improbable, therefore, and how highly tinged with romance it comes about that two unassuming bicycle mechanics of Dayton, Ohio—Orville and Wilbur Wright—go down in history as the first men to fly, and as the inventors of the first engine-driven airplane to get free of the earth and to land safely with its pilot at its controls. This epochal achievement took place a full lifetime ago, December 17, 1903, on the bleak sand dunes of Kitty Hawk along the North Carolina seaboard.

The detail facts of this history-making feat need not be reviewed here in further detail, with the story now being intimate knowledge to peoples, young and old, throughout the world.

How strange, in reassessing the magnitude of the accomplishment and the immensity of its impact upon human advancement, that it was not immediately heralded with universal acclaim! It is also in strange sequence that the sensational aspects of the Kitty Hawk flights did not bring to the Wrights immediate world prominence and affluence.

Actually, only meager bulletin mention was accorded the first Kitty Hawk feat in the press, in the newspapers of Dayton, the home town of the inventors. There is also the fact that despite this day of personal triumph for the Wright boys, and with their three successful flights just before them, it was not to end without sore misfortune if not complete disaster! For, while they stood by in contemplation of their history-making achievement, an errant wind blast caught up their machine and tumbled it over and over leaving it a jumble of wreckage. So, now with Christmas close at hand and with the weather becoming more and more inclement on the bleak dunes, the brothers decided to return home.

First they scribbled off a message to their father, Bishop Milton Wright, back in Dayton, which the nearby life-saving station operator agreed to forward to the telegraph station at Elizabeth City. The message included data on the successful flights and concluded with the word that they would be home for Christmas.

They forthwith crated up their wrecked machine for shipment back to Dayton, boarded up their shop-shack, and engaged a fishing launch to take them and their gear to the Elizabeth City railhead. When they arrived home there was no welcoming fanfare, no delegation of dignitaries, no welcoming party. Shortly they were back in their "West Side" bicycle shop and resuming their customary routine. Nor was there a train of industrial tycoons or of their agents beating a path to their door seeking to acquire an interest in their marvelous flying machine invention. Nor were they promptly visited by foreign agents or notable scientists seeking to learn more intimate facts pertaining to their discoveries.

So with the Wright boys settled back again in their shop they straightway laid plans for building a second flying machine rather than attempt to repair the damaged craft. And, in the process of building the second machine they would employ stronger frame members and supports.

They also set their chief shop mechanic, Charley Taylor, building another engine, hopefully one that would produce more horsepower without much additional weight. Amazingly enough, they accomplished both these projects during the remaining winter months.

There follow now the inexplicable hiatus period, from the years 1904 to 1908, with the Wright Brothers still in the role of virtual unknowns.

Early in 1904 they had made arrangements with a "West Side" banker acquaintance to rent his pasture at Simm's Station, some six miles north of the City of Dayton, for use as an experimental flying field. Here they set up a shed shelter and a launching track for their machine.

Thus, all through the late spring and summer the Wrights were unobtrusively conducting flight experiments. Strangely, Dayton citizenry took little or no note of their flying activities here, nor were they or the world at large cognizant to any degree of the progress the Wrights were making. To point up what would seem utter public indifference toward the Wright flying experiments, let us review briefly a listing of their record flight accomplishments from the years 1904 to 1908.

On September 20, 1904, the first circled flight of record was executed, and then shortly followed "S-shaped courses" and with dives and upward zooms. By the end of that year's flying season they had made two flights of 5-minutes duration!

Then in May, 1905, they perfected a means of placing the pilot in a seated position beside the engine rather than compelling him to take the tiring prone position. Amazingly on September 26, there was a flight of eleven-odd miles in 18 minutes, and the next day a flight of fifteen and a half miles in 19 minutes, followed the next day by a flight of over twenty miles in approximately 24 minutes.

Yet the *Scientific American*, in its issue of December 16, 1905, risked no more than to say that "The only flying machine news worth reporting was the 'box-kite' machine of the Wright Brothers." The entry concluded by saying that ". . . the only successful flying that has been done this year must be credited to the balloon or gas-bag type." At this time the Wrights had flown a total of over 160 miles!

On May 22, 1906, the Wrights finally received a letter patent for their invention of a "Flying Machine."

So, it was not until late 1907 that the Wright Brothers were able to consummate a deal with a Franch syndicate, giving this foreign group the rights to manufacture, sell or license the use of the Wright plane in France, that things appeared to take on a more promising turn.

About the same time (December, 1907), it came about that the U.S. Government became sufficiently impressed with the Wright flying machine that the Ordnance Board, through the Signal Corps, made preparations to issue sealed bids for the purchase of a flying machine after a set of rigid specifications.

Although it had been anticipated that the Wright machine would prove the only one able to meet the specification requirements in the flight tests, there were, surprisingly enough, 41 sealed bids returned. But subsequently most of these were thrown out through lack of the 10 percent bid bond deposit. Then first one and another of the remaining bidders, except the Wright Brothers, chose to eliminate themselves on the promise their bid bond would be returned. Though some further complications arose in light of the single legitimate bid dilemma, means were found to lawfully make award to the Wrights—this on February 8, 1908.

Three weeks later they closed a contract with Lazare Weiller, the wealthy Frenchman, to form the foreign syndicate.

The U.S. Government flight tests would be held at Ft. Myer, Virginia, near Washington. Delivery of the machine to be made August 28, and the acceptance tests to start shortly thereafter in September. But now one of the brothers would have to make demonstrations in France. Neither had flown for months on end, and not much time remained. They could not depend on uncertain wind currents at their Dayton Simms Station test grounds, so would return to the scenes of their initial triumph at Kitty Hawk.

It was decided that Wilbur should conduct the demonstrations in France. Orville would remain at home to get a machine ready and to make the Ft. Myer acceptance flight tests. Wilbur sailed for Europe on May 21. Orville arrived at Ft. Myer in August with two mechanics, Taylor and Furnas.

With the great stretches of open level country about Le Mans in the Sarthe district of France, some 125 miles southeast of Paris, this sector was chosen for Wilbur to stage his flight exhibitions.

Leon Bollee, a popular automobile manufacturer and sports enthusiast, offered Wilbur shop space at his factory, with the Hunaudieres race track grounds selected for the first flight exhibitions being nearby.

An imposing monument now stands in the City of Le Mans in commemoration of the spectacular flight performances conducted by Wilbur Wright in the late summer and autumn of 1908.

Among the teeming, highly emotional throngs who witnessed these flying feats, there were members of the staid, scholarly Aero Club of France as well as high ranking officers of the military. Then, with news spreading of these unprecedented flying performances at Le Mans, there was an influx of foreign scientists, officers of the military staffs, and Royalty. Griffith Brewer, the veteran balloonist, came, as did Charles Rolls of the Rolls Royce auto firm. In September, Wilbur was guest of honor at a dinner in his honor staged in Paris by the Aero Club of Sarthe.

In mid-September, Wilbur received reports of the excellent flight performances that Orville was executing at Fort Myer. Then, on the heels of this, a cable with the horrifying news of the tragic crash of the day before wherein Lieutenant Selfridge, Orville's passenger, was killed and he, Orville, badly injured. But, happily, by late autumn Orville, with his sister Katherine, was able to join Wilbur at Pau, the posh Pyrenees resort where winter flying exhibitions were being continued. Here the Wrights were heralded by the elite of European society and Royalty. They met King Alphonso of Spain, and in the spring of 1909 they met King Edward VII of England, together with Lord Balfour and Lord Northcliffe. There followed plans for the Wrights to stage flights in Rome, where they would train two Italian officers to fly.

The Wrights subsequently went to London to receive gold medals from the Aero Club of the United Kingdom.

The Wrights arrived back in America in early May, 1909. A few weeks later, on June 17 and 18, their hometown of Dayton, Ohio, staged a rousing homecoming for them. It was the greatest celebration in all the city's history. Directly after these ceremonies, the Wrights boarded a train for the nation's Capitol, where they were received at the White House by President William Howard Taft.

In a recent testimonial at the hand of Major Alexander P. de Seversky, notable inventor and member of the Aviation Hall of Fame, he said ". . . the technology started by the Wright Brothers opened the door into space and made possible the exploration of the universe that stretches beyond the gravitation of the earth. The impetus they provided for aerospace research and development has yielded enormous benefits to mankind.

"It resulted in new materials, new technological processes and new industries. It enables us to offer more goods and services to a greater number of people at home and abroad.

"If our youth will emulate the spirit of adventure and perseverance as personified by the Wright Brothers, America's continued greatness is assured."

PROBLEMS OF DRUG USE AMONG SCHOOL-AGE CHILDREN

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. PEPPER. Mr. Speaker, members of the Select Committee on Crime recently concluded 3 productive days of hearings on the problem of drug sales and use among school-age children in the Miami area.

These hearings were the second in a series which will take our committee to Chicago, San Francisco and Kansas City in the months ahead to hear from the people what the facts are and what the Federal Government can do to help.

In addition to Miami, we have also held hearings in New York City. We were pleased to note as recently as August 16 that School Chancellor Harvey B. Scribner of New York had taken constructive action recommended by our committee requiring the names of student drug users to be reported to the city's narcotics register where they might receive help.

Following our Miami hearings the school officials there announced a project to begin this September at a cost of $128,000 to determine the extent of drug usage in the schools. It is a first and an important step in recognizing that there is a serious drug problem within our schools.

The news reports referring to these events are placed in the Record at this point:

[From the New York Times, Aug. 16, 1972]

Scribner Says Law Is Forcing Schools To Report Addicts

School Chancellor Harvey B. Scribner said yesterday that city laws had forced a change in policy on reporting the names of student drugs users, and said the rule "may well be inconsistent with current efforts by the schools to fight drug abuse among students."

In a statement "to make clear to the people of New York City" the context in which the new order was given, Dr. Scribner said it was based totally and exclusively on a requirement of law—specifically, the New York City Health Code."

Dr. Scribner gave the order requiring school officials to report the names of student drug users to the city's narcotics register on July 20, after a State Commission of Investigation report criticized the city's schools for refusing to cooperate with the reporting law. The schools had previously only provided summaries of the total number of drug addiction cases discovered among students.

Counselors and drug-education specialists who work in the schools have expressed serious doubts to me that they could successfully obtain the confidence of the students and counsel them away from drugs while also reporting drugs to the central register," Dr. Scribner said in his statement.

The city law, Dr. Scribner continued, "provides no counseling which students need. It provides no drug education, which students need," he said.

Noting the criticism directed against his reporting order by school officials opposed to giving out the names of drug users, the Chancellor concluded:

"I hope that these persons and groups that object to this register report will direct their attention not merely to a school regulation, but primarily to the law which requires the issuing of the regulation."

[From the Miami (Fla.) Herald, July 6, 1972]

Mothers Tell House Probers How Dope Killed Their Sons

(By Tom Morganthau)

A sobbing mother opened three days of hearings before the Congressional Committee on Crime and Drug Abuse Wednesday with testimony that her heroin addict son strangled his younger sister while she beat helplessly on her locked bedroom door.

Mrs. Prescola Beneby, of 1100 N.W. 50th St. told members of U.S. Rep. Claude Pepper's House select committee that her son Alvin strangled her daughter Beverly in their home after taking heroin last January.

"There he was, strangling my little daughter," she said, near tears. "He strangled her until I couldn't hear her little voice any more, and she was dead."

Mrs. Beneby, whose son is now a patient at South Florida State Hospital, said he got his introduction to heroin while a student at Miami Jackson Senior High School. She was one of three mothers appearing before the travelling committee to testify on drug abuse in Dade County Schools.

Mrs. Beneby, Mrs. June Mock and Mrs. Shirley Fletcher said that drugs, including heroin, are readily available in junior and senior high schools in Dade. Mrs. Beneby and Mrs. Mock, whose son died of a heroin overdose in 1969, told committee members that school authorities had not notified them that their sons were suspected of drug abuse.

Mrs. Mock, a divorcee mother of three who lives at 1010 NW 147th St., said her son Edward began to use marijuana at Valley High School in Las Vegas, Nev., while living with his father.

When he returned to Dade County to live with her, she said, he obtained drugs at Thomas Jefferson Junior High School.

"My 13-year-old daughter tells me that nearly everyone is on pills or pot at Jefferson," Mrs. Mock said.

She said her son's friends had not been influenced against drug use by his death. "They were upset," she said, "but they considered him a hero. They thought it was a great way to go."

Mrs. Fletcher, whose son Michael died of an overdose of heroin in 1971, told the committee that her son's death was murder.

She said she turned the name of her son's pusher over to police two months before his body was found in the parking lot of Mount Sinai Hospital.

The pusher and a key witness in the trial of two youths later convicted of third degree murder in her son's death were later found dead, also by overdoses of heroin, she said.

"I can only guess that organized crime had a great deal to do with these three deaths," she said.

Committee members also sharply questioned Dr. Marvin Burt, a Washington D. C. researcher who is now evaluating eight Dade County drug rehabilitation programs for County Manager Ray Goode.

Prodded by Reps. Frank Brasco (D., NY.) and Charles Rangel (D., N.Y.), Burt said his research team had asked school administrators to survey Dade students on drug use.

School officials initially agreed to do the survey, he said, then failed to follow through.

Board member Dr. Ben Sheppard, who will testify before the committee Friday, later confirmed that he had been "unofficially" delegated by the board to review the request.

Sheppard said he and a group of school administrators decided against participating in the study because Burt's questionnaire "wasn't worth anything" because no provision was made for checking the truth or falsehood of students' responses.

"The idea seems to be prevalent that the schools haven't done anything," Sheppard said. "That's wrong. This is a large sociological question that can't be answered by 10 congressmen bent for election."

[From the Los Angeles Herald-Examiner, July 7, 1972]

Teen-Ager Tells Panel of Drug and Theft Link

Miami.—Sally Pace, blonde, pretty and 16, told a congressional committee Thursday that 80 per cent of the students in one of south Florida's largest high schools are on drugs and steal to support their habits.

Sally, a former student at Fort Lauderdale's Plantation High, told the U.S. House Select Crime Committee headed by Florida Congressman Claude Pepper that most of her teachers would just let her sleep when she came to school stoned on drugs.

"If you wanted to get stoned at school," she said, "you went to the bathroom or to the parking lot."

Sally and other teen-agers now participating in "The Seed," a Fort Lauderdale drug rehabilitation program for school-age children, were witnesses in the second of three days of hearings on local high schools by Pepper's committee.

Asked by committee members for advice on combatting the school drug problem, the teen-agers said the only thing drug addicts will respond to is "peer pressure," that antidrug programs need vast improvement, and that schools should have authority to force addicts into rehabilitation programs if parents won't.

Larry Pellegrini, who said he began smoking marijuana at the age of 13, told the congressmen he became addicted to heroin and finally turned to armed robbery to support his habit. He estimated he had committed more than 100 crimes.

Pellegrini, 18, said he committed more than a dozen armed robberies and had been arrested at least six times on a variety of charges.

Libby MacDonald testified she and another Florida girl were sent to a 150-student New York boarding school and wound up turning nearly all their classmates to drugs.

"When I got there, there were only a couple of us on dope," Libby said. "Three of us turned on about everyone there during the one year I was there."

"Kids today won't listen to parents, teachers, police or anybody except their peers," said Miss MacDonald. "Peer pressure is the only thing that is going to take the kids off drugs.

"Churches aren't doing any good at all. They provide another recreation place where the kids can sell drugs and get stoned."

[From the Cheyenne (Wyo.) Tribune, July 7, 1972]

Marijuana: Beginning of the End

All those people who wonder whether there's some validity in the argument that marijuana should be legalized because it really isn't any more harmful than liquor, should have read the account of the three mothers who testified before the committee on Crime and Drug Abuse in Miami this week.

The mothers told of their sons' addiction to heroin which began, they testified, with smoking marijuana. The heroin was the end of the road.

One of the mothers told of how her 18-year-old son, high on heroin, locked himself in a room and strangled his five-year-old sister while the mother frantically tried to beat the door down. The son now is in a mental hospital.

The mother of another boy said her son died of a heroin overdose and his body was dumped by two teenagers in a hospital parking lot. A third boy who was to testify at the House hearing also died of a heroin overdose.

Again it has been demonstrated in this hearing that marijuana is but a beginning step in the road to death by hard drugs.

[From the Tampa Times, July 7, 1972]

Committee Hears Drug Addicts' Fathers

Miami.—I thought I was the top expert on drugs in Miami, then I found out my own 15-year-old daughter was hooked on cocaine," said U.S. Commissioner Edward Swann.

"I handled all kinds of drug cases, from customs, the FBI and other agencies. I knew it all.

"But I've been re-educated in the last 90 days," Swann continued. "I knew just this much:" He held up his thumb and forefinger spaced close together.

Swann, father of six children, was testifying before Rep. Claude Pepper's House Select Committee on Crime late yesterday. Pepper, Miami Democrat, and four other congressmen are conducting three days of hearings, ending today, in the Miami area on the problems of drug abuse among school-age children.

Swann told his personal experiences alongside another father, Dr. E. (Jack) Taylor, vice president of student affairs at Fort Lauderdale University, who told of his 19-year-old daughter being rehabilitated after three years as a heroin addict.

Both fathers said they had the means and the drive to "try everything" to straighten out their afflicted children.

"I wasn't a bad parent," said Taylor and Swann nodded agreement that neither was he. Their daughters, they said, had both started with marijuana under pressure to stay in step with their school friends.

When none of the treatments and consultants worked, both wound up forcing their children to enroll in "The Seed," a project in nearby Fort Lauderdale aimed at rehabilitating school-age children hooked on drugs.

Testimony earlier yesterday from four teenage "graduates" of The Seed and from its director, Art Barker, estimated 75 to 80 per cent of junior and senior high students in both public and private schools are using some sort of drugs.

When I put Kathy in the program, she was 15 and had been using drugs for two years," Swann said. "She screamed for her lawyer.

"After two weeks, when we attended one of the meetings, she still tried to con us, whispering 'take me home.' Her mother and I just smiled and whispered back, 'we love you.' The experience will tear your heart out."

"Love" is the big word in the seed program, which teaches the youths 9 to 20 years old to love and respect themselves, their country and their parents and to be honest with everyone, the testimony brought out.

For Swann and Taylor there are happy endings. Both daughters are "straight" now and the families have learned new awareness, attitudes and knowledge about each other, the fathers said.

"When I tell some of my acquaintances, lawyers and professional men, that my daughter was a drug addict," Swann said, "They pat me and say, 'You poor man.'

"Funny thing is, my daughter was shooting drugs with some of their kids.

"We have a brand new beautiful daughter in our home now," Swann declared. "And I don't have to worry about the other children in my home. I have the best CIA agent in the world in my house."

[From the Miami (Fla.) News, July 6, 1972]

"I BEGGED THEM TO HELP MY BOY," TEARFUL MOM SAYS

(By Rick Abrams)

Prescola Beneby pleaded with probation officers for drug rehabilitation for her 18-year-old son, Alvin. He had recently been arrested on a charge of shoplifting—on which profits he supported a heroin habit, his mother said.

"The probation officers told me no—they said they would send him to the stockade," she recalled.

When Alvin was a student at Jackson High, he pumped his first syringe of heroin into his arm, Mrs. Beneby said. Shortly after, he was hooked, she declared—although the youth denied it.

When Alvin was arrested a third time on a shoplifting charge, "I begged the probation officers to send him to a hospital," she said.

Instead, her son was sent to the Dade County Stockade for one month. "I'm sure if he was given help he could have stopped the habit. If only he was given help . . ."

Ten days after leaving the stockade, Alvin, in a drug stupor, locked his five-year-old sister's door, then strangled her, as his mother tried in vain to break in, according to police records.

Through a flood of tears, Prescola Beneby told her story yesterday to the House Select Committee on Crime, holding hearings here on the drug crisis in Dade County schools.

Mrs. Beneby told the Congressional committee she has finally been given the help she so often requested—her son is in the Florida State Hospital.

"The place I asked to get him into—they said no. And so, my daughter had to be killed."

She, along with two others who had lost sons to drug overdoses, was assured by U.S. Rep. Claude Pepper, committee chairman, that "something would be done, to try and prevent these things from happening."

"It's not an easy thing," Mrs. Beneby told the committee. "Even if one person is helped by my testimony . . . even one person."

U.S. DRUG PROBE HERE SPARKS CLASH OVER SCHOOLS

An apparent failure to communicate between the Dade County School Board and a doctor seeking a survey of drug use in schools triggered the dissatisfaction yesterday of a congressional committee investigating the drug crisis in Dade County schools.

The committee of 10 congressmen, led by Rep. Claude Pepper (D., Fla.), heard testimony from Dr. Marvin Burt, who has a $25,000 grant from the county manager's office to compile a survey on heroin addiction here.

When the committee asked Dr. Burt how many addicts there were in local schools, Burt said he didn't know, because the school board had not conducted a survey which he said he had recommended.

However, school board member Phyllis Miller, testified later that "there was never any type of survey asked of us.

"I don't think it's fair to criticize the board for denying the survey when it wasn't even brought to our attention," she said.

Burt's testimony elicited heated response from some committee members, who asked him what good the survey did if it did not include the schools.

Rep. Charles Rangel (D., N.Y.) told Burt: "I'm trying to be objective—it seems that most everyone in this town would be concerned as to the number of school youngsters who are drug addicts . . . It seems to me you're sitting on a powderkeg by denying them recognition."

And Rep. William Keating (Rep., Ohio), told Dr. Burt, "I can't tell what you're doing—and any school board that does not conduct a survey in its schools is really derelict."

However, Mrs. Miller told the committee, that Burt's request for a survey was apparently elicited only at the administrative level.

Burt denied this, saying that the matter was discussed with administrators "and at least one school board official."

Mrs. Miller shook her head, and Ross Stone, in charge of public relations for the board, said the matter had not been up for approval.

The committee, meeting today and tomorrow, is expected to hear from other Dade School Board members tomorrow.

[From the Miami (Fla.) Herald, July 7, 1972]

PEPPER URGES NEW ANTIDRUG PROGRAMS IN SCHOOLS

(By Tom Morganthau)

U.S. Rep. Claude Pepper said Thursday that the Dade County school system should establish broad new programs to identify and rehabilitate student drug users.

"There's no doubt that the schools should have a part in the rehabilitation and recovery of drug abusers," Pepper said, adding that such programs would require new—and unspecified—amounts of state and federal aid.

Pepper made his remarks at the end of two days of hearings on drug use among Dade County secondary school students before his House Select Committee on Crime and Drug Abuse. A third day of hearings, at which School Board member Dr. Ben Sheppard and a group of school administrators are scheduled to testify, will be held today.

"I don't want to pass judgment on the school authorities until we hear from them tomorrow," Pepper said, "But it's pretty clear . . . that adequate recognition has not been given to the problem."

"I'm not blaming the schools for not doing what they don't have the money to do," he said. "But they should be crying on our shoulder about the problem. They should identify the scope of the problem and then go to the Legislature and Congress for funds."

He cited testimony given before the committee on Wednesday that school authorities last year refused a request that they conduct a survey of student drug use.

Dr. Sheppard Wednesday said the schools had declined to administer the study because "it wasn't worth anything."

Pepper's committee, which held similar hearings on drug abuse in New York City schools last week, Wednesday spent over six hours listening to students, parents and staff describe a Broward County drug rehabilitation program, The Seed.

The students—Ann Ryser, 14, Sally Pace, 16, Libby MacDonald, 18, and Larry Pellegrini, 18—told the congressmen that 85 per cent of the high school students they knew used drugs at some time or another.

Three of the four said they had been addicted to heroin prior to entering The Seed program, and Pellegrini said he committed over a dozen armed robberies to support his drug purchases.

Pellegrini, who said he regularly used drugs in school, said few teachers made any attempt to control drug abuse in the classroom.

"The teachers are afraid to say anything because the parents don't want to hear that their kids are on drugs," he said.

"You've got to start cracking down on the schools and make the teachers stand up and do what's right," Miss MacDonald added. "Unless something is done, in five years there won't be any younger generation left—they'll all be dead or in jail."

Other witnesses, however, asserted that school principals thwarted teachers' attempts to control drug abuse by limiting their disciplinary powers.

The committee also heard Criminal Court Judge Al Sepe recommend the creation of involuntary commitment centers for drug rehabilitation.

Sepe said that suspensions from school only compounded the drug abuse problem. "By suspending kids from school, we just give them another holiday and make it easier for them to get involved with drugs," he said. "What we need is involuntary commitment centers . . . where parents can take their children for treatment whether they like it or not."

[From the Tampa (Fla.) Tribune, July 8, 1972]

ACCESSORY TO CRIME

Marijuana, its defenders say, is a nonaddictive drug, no more harmful than beer or whiskey.

But listen to what witnesses told the House subcommittee on crime, headed by Congressman Claude Pepper, in hearings at Miami:

A mother whose 18-year-old son strangled his 5-year-old sister: "He started smoking marijuana when he was 16, in junior high. In two years he was hooked on heroin. He's now in a mental hospital."

The mother of a son who died at 21 of an overdose of heroin: "He started on marijuana, at school."

A 14-year-old girl, now in a rehabilitation program: "I started on marijuana at 11 and went to heroin. I went to school many days stoned. I would steal from stores and cars to get money for drugs."

An 18-year-old youth who testified he had committed more than a hundred crimes, including a dozen armed robberies: "I began smoking pot at 13 and then started shooting heroin. I stole constantly to buy dope."

Two prominent men, one a Federal commissioner, the other a college administrator, who discovered their teen-age daughters were heroin addicts. Both, they said, started smoking marijuana "to stay in step with their school friends" and moved on to hard drugs.

And this statement by the director of the rehabilitation program at Fort Lauderdale: "When I started on this job two years ago, the average age of the junkie coming to me was 20. Now it's 15—with three years of drug experience."

It all adds up to a horror story, in which marijuana, if not a principal in crime, is at least an accessory to the destruction of American youth.

BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCOTT. Mr. Speaker, since coming to the Congress, I have sent a regular newsletter to citizens of the Eighth District of Virginia and I am inserting in the RECORD at this point a copy of the August 1972 newsletter:

BILL SCOTT REPORTS

CONGRESSIONAL RECESS

Congress is nearing the end of the present term and will be in recess during the last two weeks in August so that Members will have an opportunity to attend the Republican National Convention in Miami. There was a similar recess in July for the Democratic Convention. It is expected that we will be in session throughout the month of September, but Members are hopeful of adjournment by the first of October. Past experience, however, indicates that adjournment plans are often delayed.

Because we are nearing the end of the session, it might be timely to mention my attendance and voting record during the 6 years I have served in the House of Representatives. According to statistics compiled by the Library of Congress, I was present 93.5% of the time in 1967; 92.7% in 1968; 96% in 1969; 97.8% in 1970; 95.3% in 1971; and 97% so far in 1972. A quorum call or roll call vote often occurs unexpectedly, and a Member may be only a short distance away with constituents and inadvertently fail to be present. Therefore, I am particularly pleased with this record of attendance during the time I have represented you in the Congress.

SPENDING CEILING

The President has recommended and I have co-sponsored legislation that would put a limit of $250 billion on spending for the fiscal year 1973. Frankly, it is much more than I feel we should spend, but our committees are recommending spending at higher levels than the President's budget and oftentimes amendments on the Floor of the House result in additional spending. It is understood that so far this year Federal spending has been authorized at $16 billion over the Administration's budget. Therefore, without some control such as provided by this measure, deficit spending can continue to increase, add to the inflationary spiral, and result in higher prices to consumers.

A CASE IN POINT

A few days ago, the President vetoed the Labor, HEW, and related agencies appropriation bill. It was $1.8 billion above the budget estimate and contained an open ended proposal whereby an additional $3.5 billion could be spent for social services to welfare recipients. Deficit spending and higher prices could jeopardize improving economic conditions, result in damage to individual family budgets and higher taxes. Therefore, I voted to sustain the veto. Hopefully, it will be enacted within a short time in a lower amount with the objectionable features removed.

AMATEUR SLEUTHING

Over the past several months, Members of Congress have been contacted by persons they do not know and oftentimes residents of other states asking to examine the files in a Member's office. These individuals are said to be working under the leadership of Ralph Nader, for the purpose of gauging the effectiveness of the entire Congress and grading the individual members. I understand Mr. Nader has supplemented his regular staff with approximately 800 summer volunteers who are mainly college students. Our staff has been instructed to advise the volunteers that correspondence with constituents is not open to public inspection, but that I would be glad to talk with Mr. Nader if he cares to contact the office for an appointment at a mutually agreeable time. We have also received a 98-page questionnaire which apparently was mailed to each Member of Congress and which I have not answered but filed among our records.

While the office is always open to visits from constituents and others, it seems unreasonable to take time from legislative duties to answer a 98-page questionnaire or to open our files to a self-appointed critic. Constituents often contact their Congressman about personal matters and include statements they would not want to be disclosed to the general public. Nevertheless, the Nader people have reviewed my financial statements filed with the Clerk of the House, contacted former employees and other Members, asking a wide variety of questions. Of course, the general public is entitled to be informed of the activities of their elected representatives and I have recognized this by monthly reports, daily correspondence, and frequent meetings with individuals and groups. Evaluation of Members of Congress can best be made by constituents on election day, and most Members have reservations about the sleuthing being done by Mr. Nader and his associates.

ACADEMY APPOINTMENTS

The Civil Service examination required of all qualified 8th District applicants for nomination to the Army, Navy, Air Force, and Merchant Marine Academies will be held this year on Saturday, September 30. To take the examination, eligible persons should file an application with our office no later than September 10. Those who apply will be notified by letter in advance as to exact time and place of examination. Results of this examination are used as the basis for selection of nominees. Applicants must have attained the age of 17 and not reached their 22nd birthday at the time of admission. Those interested in the Coast Guard Academy are urged to contact the Director of Admissions directly (New London, Conn. 06320) since those appointments are on the basis of an annual nationwide competition without geographic or other quotas.

NATIONAL HEROIN HOTLINE

One of the Federal government's newest tools in the battle against drug abuse is the establishment of a national heroin hotline that will be manned around the clock. Any citizen with information on drug traffic can call 800-368-5363. The hotline is entirely volunteer, and the identity of the caller will be protected if he prefers. Information obtained will be turned over to state and Federal enforcement agencies, including the Bureau of Narcotics and Dangerous Drugs. This new system will permit individual citizens to do their part in our efforts to win the war on this major national problem.

BUSING

For a long period of time there has been a concern over the transportation of children from one neighborhood school to another for the purpose of obtaining racial balance. A Federal court in Richmond, for example, has ordered that school children in the City of Richmond be transported by bus either to Chesterfield or Henrico County and children from the county be transported by bus into the city for the purpose of having the same percentage of black and white children in each school in the city and adjoining counties.

A poll of all of the homes in our District indicate that 91 per cent of the people responding were opposed to this practice. Various bills have been introduced in the Congress to maintain the neighborhood school concept and to prohibit the cross-busing of children. One of them was considered in the House of Representatives a few days ago and passed by a fairly substantial majority even though concern was expressed by some members that the measure would be declared unconstitutional by the courts.

Copies of my remarks on this subject during the consideration of the bill will be forwarded to you upon request. However, the remarks were in favor of preserving the neighborhood school as the best method of obtaining quality education for all of our children. It seems reasonable that families should decide for themselves where they will live, where they will work, and where their children will attend school. This decision appears to me to be a personal one to be decided by each family group. Many amendments were offered on the Floor of the House and most of them strengthened the measure reported by the House Committee on Education and Labor. One of the amendments adopted provided for re-opening of law suits ordering the busing of children such as the city of Richmond, Henrico and Chesterfield Counties. The busing measure passed by a margin of 282 to 102. Nevertheless, I would still like to see a constitutional amendment adopted because in spite of the action taken in the Congress and the strong desire of most people to eliminate busing for racial purposes, the courts could still declare the bill passed by the House to be unconstitutional. Let me also mention that the measure adopted in the House will still have to be passed by the Senate and signed by the President before it becomes law.

FEDERAL JOB INFORMATION

The Civil Service Commission now has toll-free long distance telephone service in Virginia. By dialing 800-582-8171, you can learn of available Federal employment opportunities, including such information as job requirements and qualifications; hiring programs for special groups such as Vietnam veterans or the physically handicapped. Centers serving Virginia are in Norfolk, Richmond, and Washington. However, if you are interested in a particular examination or application form, upon written request our office will attempt to obtain it for you.

APPOINTMENT OF PAGE

Our office was fortunate in obtaining the appointment of a young man from Springfield, Joslin J. C. Neidlinger, as a Page in the House during his summer vacation. We were pleased because only 5 of the House Pages are assigned to Republican Members, and competition is keen when a vacancy occurs. Appointments in the past have been restricted to young men between the ages of 16 and 18 who are in the 11th or 12th grades.

SOMETHING TO PONDER

"The only debt greater than the Federal debt is the one we owe our country."

—Everett Dirksen.

SUBSIDIZING OF PERIODICALS

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ROUSSELOT. Mr. Speaker, recently, the Los Angeles Times published four letters to the editor which relate to subsidizing of periodicals by the Postal Service. Because these letter raise important points that should be considered in the Post Office and Civil Service Committee, of which I am a member, I recommend it to my colleagues for review.

[From the Los Angeles Times, July 12, 1972]

SHOULD LOW POSTAL RATES SUBSIDIZE PERIODICALS?

Perhaps there is more to the second-class postal rates (July 6 editorial, "A Matter of Opinion") than meets the eye.

If enough publications feel the increase squeeze, and it appears many will, they may, as your editorial suggests, have to cease existing. Or will they? Since government now likes to have a hand in everything, it may wish to dash to the rescue by subsidizing the firms involved. While it would probably refer to the action as preventing an economic crisis, it would, in effect, assume a powerful position in the publishing business.

It seems that eventual control of the press by government is its goal anyway. The recent Supreme Court decision, continuous criticism by public officials and gag rules imposed by lower courts all seem to be indications that the First Amendment may someday soon be a joke.

Viewing the rate increase on a long range basis, I can't help but wonder if this is not just another step by the government to someday control everything. I have never thought in terms of my own government being my biggest enemy, but I must admit that it does seem within the realm of possibility.

ROBERT E. HOPPER,
Huntington Beach.

Indignantly Carey McWilliams laments the increase in postal rates for magazines and newspapers. What The Times general proposes editorially has no regard for increased costs, more government employment and of course higher taxes. For the same services and the same employes, the post office would increase its rate to offset general inflation in any case.

Rather than take their lament to Congress to ask for a dole or subsidy for periodicals. The Times might ask for revolutionary economy in the postal service. Half of our post offices might be closed in our wheeled society. Individaul home delivery might be abandoned with street boxes every four blocks. Saturday delivery might be eliminated and delivery made only three days a week to homes.

As a private citizen, I would like to see postal rates reduced back to 3 to 5 cents, but realize I must cheerfully give up something for this.

DAVID G. REYNOLDS,
Whittier.

The Times assertion that it is up to Congress to bring down the postal rates is invalid and only complicates the problem.

The most effective step that can be taken is to sell the U.S. Postal Service and leave the mails up to free enterprise. Efficiency would not only go up several points, but costs could be held down due to competition between several companies.

TOM PALMER,
Huntington Beach.

Dissemination of information and enlightenment of the citizenry by the only means possible at the time were the original justifications for postal subsidies in behalf of periodicals. With today's complete coverage by television, radio, newspapers and magazines can it be argued that continued subsidies benefitting only one medium are desirable?

Does it not follow that all media are important and deserve equal consideration? And what in the way of subsidies is justified to perform the desired function? Does The Times claim that currently popular slick paper pornographic sheets disseminate knowledge and enlighten the public?

Carey McWilliams claims justification for subsidies of all publications because of the good done by a few with limited circulations. Surely there is sufficient private wealth that could be attracted to provide the continued existence of worthwhile publications of all shades of philosophy.

McWililams also states that, since so many other hands are in the public grabbag why not the publishers. It seems to this reader that this is specious reasoning below the dignity of a writer of McWilliams' stature. It also seems to me that The Times has reversed some of its former policies of opposition to indiscriminate subsidies for everything by promoting subsidies for its own industry.

J. C. DAVIS,
Irvine.

HEARINGS ON H.R. 714

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. JACOBS. Mr. Speaker, on September 29, 1971, the Senate Subcommittee on Criminal Laws and Procedures held hearings on S. 2087, the administration-backed proposal to pay a $50,000 gratuity to the survivors of police officers killed in the line of duty. At that time, I testified in opposition to this measure.

Since then, the House Judiciary Committee has taken up consideration of similar legislation, and in May of this year I testified again before the House Judiciary Subcommittee No. 1, this time in support of H.R. 714, legislation which I have introduced in the past three Congresses.

Mr. Speaker, the House of Representatives will be considering this important issue, hopefully in the next few weeks. So that my colleagues may better appreciate the full context of the administration-backed measures and H.R. 714, I insert here my testimony before the Senate Subcommittee on Criminal Laws and Procedures:

TESTIMONY OF CONGRESSMAN ANDREW JACOBS, JR., BEFORE THE SENATE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES, SENATE COMMITTEE ON THE JUDICIARY

Mr. JACOBS. Mr. Chairman, on August 1, 1969, Senator Bayh and I introduced legislation to extend Federal survivors' benefits to the families of police and firemen killed in the line of duty. The legislation which extends coverage under the Federal Employees' Compensation Act to all public safety officers would provide up to 75% of the deceased officer's base pay to the widow and children until her remarriage and until the children's 18th birthday.

In April of 1968, President Johnson signed Public Law 90–291, which extended coverage under the Federal Employees' Compensation Act to all State and local law enforcement officers who are killed while enforcing a Federal law or while maintaining custody over a Federal prisoner.

It was late in the 90th Congress when Senator Bayh and I introduced our bill; too late, in fact, to solicit Administration support with an eye toward passage in that Congress. So in March, 1969, Senator Bayh and I introduced identical legislation in the 91st Congress. The reaction to our legislation was rapid and gratifying. By mid-summer of 1969 there were 135 co-sponsors in the House of Representatives as well as endorsements from the National Fraternal Order of Police, the International Firefighters' Association [AFL–CIO] and the American Trial Lawyers' Association.

After several phone calls, some prodding, and six months delay, the Administration voiced its opposition to the principle of Federal benefits to the families of slain local public safety officers in an October 8, 1969 letter from Deputy Attorney General Richard Kleindienst to Chairman Celler:

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., October 8, 1969.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 7989, a bill "To extend benefits under section 8191 of title 5, United States Code, to law enforcement officers and firemen not employed by the United States who are killed or totally disabled in the line of duty."

Public Law 90–291 (5 U.S.C. 8191–8193) extended the benefits of the Federal Employees Compensation Act (5 U.S.C. 8101 *et seq.*) to eligible State and local law enforcement officers and their survivors. That law defines eligible officers to include a State or local law enforcement officer killed or injured while seeking or attempting to apprehend a person for the commission of a crime against the United States or as a material witness in a criminal proceeding instituted by the United States. Also eligible are law officers protecting a person held for the commission of a crime against the United States or held as a material witness in connection with such a crime. A final category of eligible law enforcement officer is one who, when injured or killed, was attempting to prevent the commission of crime against the United States. In all instances, eligibility for compensation, pursuant to Public Law 91–291 is dependent upon some connection between the death or injury of the law enforcement officer and the enforcement of Federal law.

H.R. 7989, recognizing the valuable service of law enforcement officers and firemen throughout the United States, would amend section 8191 of title 5, United States Code to extend its benefits to professional and volunteer State and local police and firemen; as well as to all other members of legally organized law enforcement agencies. Eligibility for compensation would not be dependent upon any nexus between a injury or death and the performance of a federally connected activity.

The Department of Justice is unable to recommend enactment of this legislation, despite its high regard for those who risk their lives in law enforcement or fire fighting. If the principle of this legislation is sound, it could apply with equal force to retirement benefits and even salaries of public safety officers. In our judgment it is incumbent upon the States and local communities adequately to compensate such personnel when employed, when injured or killed, and when retired. Further, it would appear to be an unreasonable intrusion into State and local government activities for the Federal Government to underwrite the proposed compensation benefits.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

The administration persisted in its opposition to this principle for 20 months, until June 3, 1971:

[From the Washington Post, May 27, 1971]

Nixon, Hoover Discuss Police Deaths

(By Carroll Kilpatrick)

President Nixon summoned Attorney General John N. Mitchell and FBI Director J. Edgar Hoover to his office yesterday to discuss ways in which the federal government can help prevent the slaying of policemen.

White House press secretary Ronald L. Ziegler said after the unexpected meeting that the President feels the recent slayings in New York and Washington were "tragic" and "reprehensible."

"Mr. Nixon will write letters of sympathy to the families of two New York policemen who were shot in the backs last week and of two Washington policemen who died following gunshot wounds suffered in the line of duty, Ziegler said.

The New York policemen killed last week were Waverly M. Jones and Joseph A. Piagnitini. They were shot after having responded to a call for help in a Harlem apartment.

In Washington, William L. Sigmon was killed Tuesday when he attempted to apprehend two robbers of the National Permanent Federal Savings and Loan Assn. office on MacArthur Boulevard NW.

Another policeman, Jerard F. Young, was buried yesterday. He was shot in the head while attempting to make an arrest April 21.

Last November, the President directed the Justice Department "to make available all appropriate investigative resources" to local and state police "when requested in any case involving an assault upon a police officer."

The President said at the time that he had discussed his directive with Hoover and D.C. Police Chief Jerry V. Wilson.

The President "primarily wanted to discuss the scope of the problem and to see what assistance is being provided," Ziegler said yesterday of the late afternoon meeting.

The FBI's main help is in providing laboratory tests and assisting in out-of-state leads on those involved in attacks on police, Ziegler reported.

"The President asked me to express his hope that these tragedies will remind people of the debt we owe policemen for many services, of the protection they so selflessly provide and of the respect and support we owe them for what they do," the press secretary said.

Also attending the meeting in the President's office were John D. Ehrlichman, assistant to the President for domestic affairs, and Egil Krogh, deputy assistant.

Zeigler said that narcotics control also was discussed at the meeting.

The Following Statement Was Delivered Today by Congressman Andy Jacobs (D-Ind.) at a News Conference in the Capitol

In response to the recent tragedies of policemen killed in the line of duty, President Nixon on Wednesday expressed his hope that "these tragedies will remind people of the debt we owe policemen for many services, of the protection they so selflessly provide, and of the respect and support we owe them for what they do."

I share that hope. And I am encouraged to think that the President's concern might indicate that this administration will reconsider its opposition to my three-year effort to enact legislation to compensate the widows and children of police officers and firemen killed in the line of duty.

If it does not reconsider, if it does not withdraw its opposition then one must interpret the true White House message on Wednesday as being, "I can't give you anything but love. . . ."

[From the New York Times, June 4, 1971]

For Slain Policemen's Kin

(By Robert B. Semple, Jr.)

WASHINGTON, June 3.—President Nixon called today for Federal legislation to provide $50,000 to the family of any policeman slain in the line of duty.

At the same time, his Attorney General reiterated the Nixon Administration's opposition to new controls on the sale of handguns.

The new proposal was announced by Attorney General John N. Mitchell at a White House briefing following a morning meeting between the President, nearly two dozen chiefs of police and sheriffs from around the country, Mr. Mitchell, J. Edgar Hoover and several Senators and Congressmen.

The meeting had been called to discuss recent police slayings, to demonstrate the Administration's concern and to unveil the new proposal. By the end of the day, however, the Administration had found itself caught up in new controversies over the motives behind its concern, its stand on gun control legislation and even the composition of the meeting.

Among the prominent absentees were two critics of some aspects of the Administration's policy—Police Commissioner Patrick V. Murphy of New York and Quinn Tamm, executive director of the International Association of Chiefs of Police.

Without going into detail, Mr. Mitchell said that legislation providing a lump sum of $50,000 to the survivors of slain policemen would be forwarded to Congress soon "in further indication" of the Administration's support of law enforcement officers across the country. He said that benefit levels for slain policemen varied widely from state to state and were in some cases insufficient.

The proposal was denounced by Representative Andrew Jacobs, Jr., Democrat of Indiana. He submitted legislation in 1968 that would amend the Federal Employee Compensation Act to provide the widow of a policeman slain in the line of duty 40 per cent of her husband's salary plus 15 per cent per child up to a total of 75 per cent of the total salary.

Asserting that his version would provide larger annuities, Mr. Jacobs said that the Administration submitted an opinion in October, 1969, opposing his measure as "an unreasonable intrusion into state and local government activities." The fact that the Administration had reversed itself on the question of "intrusion," Mr. Jacobs said, suggested that it wished to gain political profit from the concern generated by the recent shootings.

Mr. Chairman, nearly 200 police officers lost their lives in the line of duty and over 50,000 assaults were made against police officers while the Administration opposed this legislation.

There are several salient features which distinguish and favor the Bayh-Jacobs legislation over that of the Administration.

(A) S. 1081/H.R. 714 will grant benefits more closely related to need by basing the annuity in part upon the number of dependents.

(B) The Administration machinery for the implementation of S. 1081/H.R. 714 is extant. In moving the consideration of the Conference Report of what became Public Law 90–291, the Chairman of this subcommittee commended placing the Administrative function of that similar legislation in the Department of Labor, to insure that a disparity did not exist between benefits received by a Federal officer and a non-Federal officer killed enforcing a Federal law. I suggest we should not allow a difference between two non-Federal officers, one of whom dies enforcing a Federal law while the other dies enforcing a State law, but both protecting American lives and property.

(C) S. 1081/H.R. 714 include benefits for permanently disabled public safety officers. The Administration proposal does not. Once more, Mr. Chairman, we are faced with a potential disparity. If a local law enforcement officer is disabled by a car thief from across the State line, he will receive Federal benefits. If the automobile was stolen in the State, the benefits will not accrue to him. It would be shameful if a totally disabled policeman under such circumstances were to wish for the sake of his family that he were dead.

It is well to note that of the 105 claims made to date under Public Law 90–291, nearly one-half [47] have been for disability. 100 police officers are assaulted every day. Some of these assaults result in no more than a bruise, others in total paralysis. Equity requires benefits for disability as well as death.

(D) S. 1031/H.R. 714 provide for the inclusion of firemen in the Federal Employees' Compensation Act. The Administration-backed proposal does not.

In 1970, 115 paid firefighters lost their lives in the line of duty and 38,683 were injured, 195 in civil disorders and an additional 113 as a result of individual acts of violence. 208 firefighters were injured answering and returning from false alarms. 320 firefighters were injured in the line of duty in 1970 to the extent that they had to leave firefighting. 224 left because of occupational disease disability, while another 235 died of occupational disease. Mr. Chairman, according to the F.B.I. statistics for 1970, nearly 10,000 arrests were made for the crime of arson. Though precise figures are not available, all indications point to the probability that deaths and injuries in the line of duty are as high, if not higher, for volunteer firemen. For the purposes of this legislation, amendment should be made to consider volunteer firemen as having a certain GS rating, as is currently mandated for volunteers in VISTA and the Peace Corps who are killed under certain circumstances.

(E) Comparison of the financial benefits which would be paid under the two major proposals for Federal benefits indicate that the annuity method is preferable to the gratuity method. The International Firefighters Association and the National Fraternal Order of Police have indicated that they would rather see their families receive a monthly annuity check than a lump sum which might well have a tendency to evaporate rather quickly. Even if the $50,000 gratuity were invested in 6% bonds, the yield would be only $3,000 a year, a figure which does not approach 75% of the base salary of most public safety officers—nor, for that matter, does it even reach the poverty level of $3,944 a year.

Senator Bayh and I—and, I trust, this Committee and the rest of Congress and most of the country—think the families of those who fall in the fight to make us safe deserve better than that.

THE WONDERS OF A CONSTITUTIONAL GOVERNMENT

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MOORHEAD. Mr. Speaker, the Sidney Hillman Foundation gave one of its awards for community service to Neil Sheehan, of the New York Times, for his work in exposing the so-called Pentagon papers.

In his remarks to the assemblage, Sheehan reminded them of certain truths about our constitutional form of government that we should never forget.

I would like to introduce Mr. Sheehan's remarks into the Record at this time.

Lessons From the Pentagon Papers

(By Neil Sheehan)

I have a friend, Brendan Gill, the drama critic for *The New Yorker Magazine,* who says that no good deed goes unpunished.

You gave me an award and you invited Robert Coles to give the main address here today. Mr. Coles injured his back and you now have to listen to a reporter preach. Your charity, ladies and gentlemen, has been justly punished. You should take a lesson from the majority of the trustees of Columbia University who yesterday managed to do a good deed and disassociate themselves from it at the same time.

Since you have given me an award for my work on the Pentagon Papers, I shall do my preaching by first drawing some lessons from that archive of American involvement in Indochina over the last three decades. One of the values of the Pentagon Papers is that they provide us with a vast body of facts through which we can see how our government really functions in contrast to how we imagined it to function. There are two central lessons to be drawn from the Papers, as I see them.

The first lesson is that the constitutional system of checks and balances in government envisioned by the Founding Fathers of our country no longer exists in fact. The American Presidency and the state machinery that has grown up under it in the Executive Branch since World War II now far outweighs in power and influence the other two, supposedly counter-balancing branches of government, Congress and the Judiciary. The Executive Branch of our government has become a centralized state in the European sense of the word. The Executive Branch has become the state in America for all intents and purposes.

The second lesson is that the requirements of the Executive Branch to maintain and enlarge our overseas empire has become incompatible with the preservation of our domestic liberties. And I do not use the word empire here in a pejorative sense, but rather in its simplest meaning—to describe the system of overseas dependencies and interests we have acquired in the course of the Cold War.

CITIZEN AND STATE: WHO SERVES WHOM?

What is emerging from the current structure of our government and its constant struggle to maintain this empire is the working concept that the citizen exists to serve the needs of the state. This concept is directly contradictory to the idea that was central to the thinking of the Founding Fathers—that government exists to preserve the liberties of the citizen.

Unless we can find some way to bring the American Presidency and the state machinery of the Executive Branch under control, unless we can find some means to restore a system of checks and balances to our government, unless we can somehow dismantle our overseas empire, we are, I believe, going to see this centralized state gradually turn into an authoritarian state. Unless we can reverse the historical trend that has us in its grip, we are in danger of losing the domestic liberties that have made this country, in the words of Lincoln, "the last best hope of earth."

To some of you I must sound like a Cassandra. You perhaps take comfort in the feeling—I once did—that what is done overseas in the name of America does not fundamentally affect our lives here at home. But I no longer take comfort in that feeling. There is a dynamic that relates foreign and domestic events. They are intertwined in their effects.

Let us take, for one example, the legal battle last summer between the newspapers and the Nixon Administration over the Pentagon Papers. The war in Vietnam led to the compilation of the Pentagon Papers. The compilation of the Papers led to their being published in a series in *The New York Times.* The publication led the Nixon Administration to obtain court orders after the first three articles had appeared, which restrained further publication for 15 days, while the government unsuccessfully fought through the court for a permanent injunction to suppress the material. The First Amendment to the Constitution says that "Congress shall make no law . . . abridging the freedom of speech or of the press. . . ." The language is very simple. The words are: "no law". We also know from the speeches of the Founding Fathers that the First Amendment was specifically designed to prevent restraint of publication, what is known as "prior restraint" in legal parlance, because the English kings used this device to quash political opposition. Yet we had prior restraint in the Pentagon Papers case for the first time since King George.

ROLE OF A FREE PRESS

And what was the main argument that the Solicitor General, the President's chief advocate, relied upon in the Supreme Court? It was not that *The Times* and the other newspapers were breaking the law. The Nixon Administration had initially charged *The Times* with violating the Espionage Act in the Federal District Court here in New York and had been rebuffed. So the Solicitor General argued in the Supreme Court that the publication of the Pentagon Papers would make it difficult for the President to conduct his foreign policy by embarrassing other nations. Therefore, the Solicitor General contended, it was inherent in the power of the President—that is an interesting and ominous phrase, *inherent in the power of the President*—to abridge or to abrogate the right to publication under the First Amendment when the President saw fit. I had always thought that one of the reasons for the existence of the First Amendment was to enable Americans, through the information provided by a free press, to make it as difficult as they liked for a President to conduct his foreign policy. To me that freedom of nonviolent dissent was the miracle of America. And the sole justification for the existence of a free press, if it is to overcome its inherent evil of abuse with the greater good of preserving creative dissent, lies in the right to publish. But the right to publish clearly conflicts with the need the Executive Branch perceives to conduct a war that is unpopular at home yet necessary to its preservation of empire abroad.

Let me give you other examples of this interrelationship between foreign and domestic events.

The decision to go to war in Vietnam leads to inflation at home. The Executive Branch does not stop the war. The war must go on. Instead, the Executive Branch imposes price controls.

Conscripting the sons of the middle class to fight a war of empire, discredits the draft. The Executive Branch then moves towards the creation of what is officially called a volunteer army. The volunteer army, as it is now envisioned by the Pentagon, would not be the small professional force that much of the citizenry associates with that description. Instead, if it materializes, it will be a large standing mercenary army that will constitute a grave potential threat to our freedom.

SUPPRESSING DISSENT

Opposition to the war creates dissent, some of it extreme. Again, the Executive Branch does not stop the war. Rather, it seeks greater ability to suppress dissent, this time through unlimited electronic surveillance. We find the Solicitor General in the Supreme Court once more, arguing that inherent in the power of the President—again that phrase, *inherent in the power of the President*—is the authority to delegate to the Attorney General the power to tap anyone's telephone or bug anyone's home or office or automobile or whatnot whenever the Attorney General decides that the national security might be endangered.

Not only is a court warrant for such surveillance unnecessary, given this inherent power of the President, the Solicitor General argues, but permission should not be sought from judges because they lack the necessary expertise to decide when matters of national security are involved. In other words, the state is restrained by no law in poking into the privacy of the citizen whenever the leaders of the state decide that something called national security is involved.

These signs and arguments of authoritarianism are not the result of any one political party or President. The Pentagon Papers show them developing over a succession of administrations by both major parties. They are the evidence of an Executive Branch that has grown to the point where it now exists more to serve itself than to serve the Republic, and which defines its good as the national good.

GOVERNING BY DECEPTION

The power manager at the top of the machinery sees the world outside the Executive Branch—Congress, the news media, the public, other nations, international opinion in general—as permanent adversaries. They are, to borrow the language of the policy documents in the Pentagon Papers, audiences to be influenced and targets to be moved in a given direction. The credibility gap did not open because horse-trading was part of President Johnson's Texas heritage . . . and it does not persist because President Nixon likes to reserve his confidences for Bebe Rebezo. The credibility gap exists because deception—news management, if you wish to use a polite term—is an essential element in the way the Executive Branch does business. The Executive Branch views information as a tool to further policy, not as a means to inform the public. The greatest evidence I can give you of the effectiveness of secrecy and deception as it is practiced by the Executive Branch is the Indochina War itself. We now know from the Pentagon Papers that the Indochina War was not an accident, it was not a quagmire into which the United States stumbled. Rather, the war resulted from a series of decisions deliberately taken, almost always in secret, by a small group of men at the top of the

Executive Branch of our government through a succession of administrations.

The Constitution says that Congress shall have the power to declare war. One of the prominent evils of the Eighteenth Century world in which the Founding Fathers lived was the prerogative of the European despots and their cabinets to make war. A small group of men set in motion a series of events that affected the lives and fortunes of nations. The Founding Fathers wanted to bar this evil from the American system of government. Before this country embarked upon war, that gravest of human acts, the Founding Fathers wanted the decision to be subjected to lengthy and searching debate by the representatives of the people.

TO WAR: WHO DECIDES?

This country might go to war for the wrong reasons. It might go to war unjustly, as we undoubtedly have, in some of our wars, but the decision to go to war would be made by the representatives of the people.

No such debate took place in the case of the Vietnam War. Congress and the people were ignored of most of the important decisions that committed them to war. The most egregious instance of secrecy and deception occurred during the Tonkin Gulf crisis of August, 1964, when the Johnson Administration tricked Congress into passing the Tonkin Gulf Resolution, a blank declaration of war which the Executive Branch wanted in order to launch open hostilities when it saw fit. Mr. Johnson and his senior foreign policy officials deliberately withheld from Congress and the public, information demonstrating that the President and his advisors may well have provoked intentionally or unintentionally the very attacks on our destroyers in the Gulf of Tonkin which they exploited to drive the resolution through Congress in a moment of patriotic fervor. Even that patriotic fervor we also now know was manipulated by the efficient news management.

Through these decisions taken in secret, the Executive Branch of the Government of the United States has made war in Indochina either indirectly through French or indigenous forces or directly with American troops for most of the past twenty-three years. The conflict has cost the lives of 95,000 members of the French Expeditionary Forces . . . some 55,000 American servicemen so far, and no one knows how many Indochinese; the estimates run from a million to two million men, women and children. A billion to a hundred and fifty billion dollars of the Treasury of the American people has been lavished on this war.

I submit that the power to make war on this scale is power indeed. It is a measure of how much authority the Executive Branch has arrogated to itself. It is a dramatic warning of how gravely the Constitutional processes of our system of government have been distorted and thrown out of balance.

Newspapermen ought to be brief and so I will end here. What I have been trying to say, in sum, is that if we do not find a way to again make the Executive Branch of government our servant, then the Executive Branch is going to make servants of us.

Neil Sheehan, a reporter for The New York Times, was awarded a Sidney Hillman Prize Award for his 1971 series of newspaper articles on the Pentagon Papers. This address was given by Mr. Sheehan in New York City on May 2, 1972, on the occasion of the presentation of the Award.

Sidney Hillman Prize Awards are given in honor of the memory of Sidney Hillman, one of America's greatest labor statesmen and first president of the Amalgamated Clothing Workers of America. Through the Awards program, the Sidney Hillman Foundation seeks to promote the ideals of service in the community that were cherished by Sidney Hillman in his lifetime. Since the initiation of this program in 1950, Sidney Hillman Prize Awards have been given to 113 authors and reporters for books and magazine and newspaper articles, and to script writers and producers of radio and television programs.

THE SOCIAL SERVICES AMENDMENTS OF 1972

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MIKVA. Mr. Speaker, a great deal of controversy has arisen recently over the lack of a ceiling on appropriations for Federal grants to share the cost of social services provided by the States in areas such as drug abuse control, alcoholic treatment, family counseling, and nutrition services for the elderly.

Various short-range solutions have been proposed to limit the impact on the Federal Treasury, but insufficient attention is being given to the long range need to establish comprehensive social services on a sound footing.

In cooperation with the National Association of Social Workers, I have developed legislation which would provide a long-range approach to the problem.

Under the bill I have introduced today, the Federal Government would fund up to 80 percent of the cost of community social service centers established by the States and local communities to provide a full range or social services to all who need them, regardless of financial need.

Individual and family assistance would be provided in the following areas: personal counseling, adoption, child welfare, homemaking services for the aged, blind and disabled, family planning, foster care, housing, marriage counseling, nutrition, protective services, emergency services, and special services for the blind and disabled.

A full summary of the bill follows:

THE SOCIAL SERVICES AMENDMENTS OF 1972

SUMMARY

This Bill is needed to provide the statutory basis for a public social service system independent of the Public Assistance Cash Payments program. It was designed to solve the increasing controversy over costs of service programs of those in need.

Currently both services and income are interwoven throughout the language of the Social Security Act as amended.

Recently the Department of Health, Education and Welfare has moved to create separation of the services function from the income programs. By regulation and guidelines the Department is requiring states to establish separate administration, program planning and accountability for the state services effort. In addition, the Administration has twice proposed in FY 1971 and 1972 appropriations request that a ceiling be placed on funds available for social services. Under existing Social Security Act provisions the Federal funds are available without limit to match state dollars which increase or decrease as service needs in the state fluctuate.

Clearly the services programs are receiving widespread attention and are undergoing changes. The Bill which is proposed seeks to accomplish that change in an orderly fashion. It would establish a comprehensive, state administered program of social services entirely separate from public assistance. It would create the specificity of definition of services which would make possible accountability and evaluation of effectiveness. It would require a comprehensive study to devise a plan and formula for increased fiscal accountability and restraint in the operation of social services programs. This is needed due to the rising costs of services programs. Yet an arbitrary limit on federal participation in these programs would impose unanticipated hardships on states which have drawn up plans for necessary state and local services.

Accessibility of services is stressed by creation of community multi-service centers which have the responsibility to provide some services directly and to arrange for others.

Consumer participation in planning is required at all levels of policy making.

For those individuals and families of low income all services would be without charge. For those above the established low income level a user charge is established except for a number of basic services which would remain universal and without fee.

The Federal matching is 80% for basic funds to the states. Based on current levels of expenditure ($1.8-billion in FY 1972), the proposed Bill is estimated to require an outlay of $3.8-billion in FY 1973. This increase reflects the increasing acceptance and utilization of service programs by the states and consumers of social services.

Future restraints in funding levels would be based upon a rational study of needs.

DISCUSSION

1. What is the structure of the proposed delivery system?

The social services program will be a state program with Federal financial assistance and standard-setting. The Bill requires the designation or establishment of a single state agency either to administer the program or supervise the administration. The agency designated is to be that agency, if an appropriate one exists, generally recognized in the state as having already a broad range of services—sometimes called an umbrella agency. The reason for this proviso is that the Bill aims to encourage consolidation and coordination of services—an urgent need because services at both state and community levels are usually fragmented and uneven and there are often gaps in types and locale of coverage.

A coordinated continuum of services is encouraged by several means in addition to the required designation or establishment of an umbrella agency to administer or supervise the program. A second means is the granting of Federal funds to finance the planning of coordinated services, research, experiments, and evaluations. A third means is a proviso giving the Secretary, authority to modify plans or requirements for any health, education, welfare, or manpower programs under his direction—including the requirements in this title—if such modifications are needed to achieve a coordinated approach.

Each state is to select local agencies, to administer the program in its political subdivisions. Local officials are to have an opportunity to appeal directly to the state if they are not satisfied with any aspect of state supervision or administration, including state directives, priorities, and interpretations.

2. What services are provided?

The Bill specifically defines all services the program covers. It indicates those the states must provide at the outset and those optional for a time but eventually mandatory. Rather than using general terms like "strengthening family life" or "helping to realize the individual's potentials," the Bill breaks such general services down into hard, visible components. Definitions have been carefully drafted so that the services are broad and comprehensive, although specific. This was done to make sure that there are no gaps in services because authorization is lacking.

Services to be offered are as follows:

Access Services.—Adoption services, Caretaker services, Child Welfare services, Day Care Services for adults, Family Planning services, Foster Care services, Homemaker services, and Information and referral services.

Outreach Services.—Marriage Counseling services, Nutrition services, Protective services for adults, Protective services for children, Self-care services, Services to meet special health needs, Special services for the blind, and Temporary emergency services.

Services are to be provided, in part, through community multi-service centers, to be so located throughout the states that they afford maximum accessibility to the population. Such centers are to provide—as a minimum—information and referral services, temporary emergency services, services to meet special health needs, family planning services, and housing services. The centers may offer "core services," which may be offered either through the centers or other governmental agencies or by grant, contract, purchase, or other arrangements with voluntary agencies. These core services initially are to include information and referral services, adoption services, foster care services, protective services for adults, protective services for children, homemaker services, and special services for the blind. From among the other services the Bill covers, the Secretary from time to time is to select additions to this list, with the objective that by July 1, 1976 all the services will be provided throughout each state. States may initiate on a less-than-statewide basis services they select among the non-required services.

Staff for carrying out the services will have a wide range of skills and educational qualifications. They should include neighborhood workers, new career personnel (low income neighborhood people trained and employed to provide social services), professional social workers, and members of other professional groups. The social services program is to be coordinated, not only with public welfare agencies, but also with vocational rehabilitation, health, and education agencies, as well as all types of voluntary agencies. In addition, plans are to be coordinated with area and community economic development agencies, such as regional authorities interested in broad planning.

3. Who is eligible for services?

The Bill is based on the assumption that public social services should be made available as rapidly as possible throughout each state to all persons requesting them. In moving beyond minimum core services, states may set up a system of priorities for the services they will provide, but they must emphasize the needs of low income people. In addition, states must put into effect methods prescribed by the Secretary to make sure that they bring to the attention of the needy the services presumably available to all in the community. There is to be no charge for services rendered to persons of low income, and above the income line a user's fee is charged on a scale established by the Secretary.

4. Is consumer involvement in policy and planning provided for?

The Bill includes several provisos assuring community involvement in administering and evaluating the program. It establishes a National Advisory Council on Individual and Family Services, to be composed of members representing various geographic sections of the country and including beneficiaries of the services. This council is to have authority to advise and make recommendations to the Secretary regarding major policies, scope, objectives, and operation of the program. There are to be parallel state councils with similar authority.

There is ample provision for program analysis and evaluation, both by the Federal agency and by the states, independently of the Federal Government and in conjunction with it. Results of evaluations are to be made available to the national council and the Secretary's annual report on this program is to include the national council's comments on program evaluation studies.

5. How is the program financed?

The states pay the costs for provision of services, administration, and training and the basic percentage of Federal funds paid to the states toward these costs is 80 per cent. There is special funding, with the percentage of Federal funds going up to 100 per cent, to finance projects having specific objectives. The Secretary will have some money to finance training, research, and experiments. He can use a variety of means, including grants to states and contracts with public and private nonprofit organizations. The Secretary will have another fund from which he can make grants to states to facilitate the provision of coordinated, comprehensive services. Grants can also be made for new career programs. In addition, the Bill includes an amendment to Title II of the Social Security Act, authorizing the transfer of up to $50-million a year from the Social Security Trust Fund to finance the cost of protective services for aged, blind, and disabled adult beneficiaries and child beneficiaries of social security when such services are essential to individuals for the effective use of their social security benefits. This money is to be transferred by the Secretary to the state and local agencies providing the needed protective services. Currently, such urgently needed services are either not provided or are provided irregularly and undependably by public or voluntary agencies.

HOUSING PROGRESS IN PITTSBURGH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MOORHEAD. Mr. Speaker, with the recent announcement in Pittsburgh of a plan to construct 500 private homes and a new high rise apartment building for low-income residents, our city has taken a giant step forward in answering the housing needs of its neediest citizens.

Planned on a site that has been the location of a long-time public housing project, complete with all the inherent problems of same, the new project in the Glen Hazel section of town offers hope for homeownership and pride that traditional public housing never contained.

I would like to introduce an editorial from the Pittsburgh Post-Gazette discussing this new project in Pittsburgh.

The editorial follows:

GLEN HAZEL PLANS EXCITING

If innovative housing answers are the key to saving the big cities, then the New Glen Hazel project just announced is momentous beyond just Pittsburgh.

For the new program to transform this 30-year-old public housing area in the Hazelwood district on the Mon into a mixed private and public development seeks to use the many costly lessons learned in recent decades to come up with solid answers.

Specifically, two developments totaling nearly $13 million have been approved by the Housing Authority of the City of Pittsburgh. One is a $10 million private 500-home development with homes for rent or sale, and in which public housing residents would have the option to rent or buy on the same basis as private renters and purchasers. Of this, 305 units will be private, and 195 for public tenants. The other development would be an eight-story high rise for the elderly, costing $2.7 million.

But those bare statistics don't really tell the story. For the Glen Hazel project, the first of its kind in the nation, has components and implications far beyond these aspects.

It represents one of the last major tracts of land available for housing development within the city limits of Pittsburgh. In a land-short community here is the opportunity to build a "new town within town" of the sort being talked elsewhere as the answer in aging urban areas.

Second, the Glen Hazel project is being planned to overcome many of the problems which have plagued public housing projects. It will have a scattered site arrangement, mixing various income levels, rather than the "fortress" type public housing arrangements which have proved so unworkable.

Low income persons will be able to choose homes befitting their family circumstances and have their rent subsidized, living without stigma among their neighbors. They will have an option to buy.

The beauty of this mixed arrangement is that it will enable the sons and daughters to go on to college and upgrade their employability . . . and still be able to return to live in the same neighborhood as their relatives and friends. A great thrust of public education in our country is to open opportunities for the deprived. It has worked (many college graduates have come out of Glen Hazel, for instance). But it also has had a self-defeating aspect. Under the present system, for the children of a public housing family moving up also means moving out, because they are barred by income restrictions from returning to the place where they grew up . . . a disincentive if ever there was one.

Public officials and private architects and builders working on the project also have utilized many new ideas about social and recreational services for such neighborhoods.

Two aspects auger well for the project, aside from its innovations. One is that present tenants of the area—who have waited many long years in steadily deteriorating World War II barracks-type housing—have been involved deeply in the process. The other is that from City Hall down all agencies involved have become excited about the job, making the commitments (streets, sewers, utilities) necessary for success.

Utopia isn't around the corner. But we wish the Glen Hazel project well, for much rides on it. It well could be the most significant experiment in national terms to come out of Pittsburgh since the downtown Renaissance.

EARTH RESOURCES SATELLITE—ERTS-1

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. COUGHLIN. Mr. Speaker, on July 23, 1972, NASA launched this Nation's first earth resources satellite, ERTS-1. This spacecraft was designed and constructed by the General Electric Co. in Upper Merion Township, Montgomery County, Pa., in the record time of 2 years from contract initiation to launch.

The successful launch of this spacecraft represents a most significant milestone in our continuing effort to utilize space and space technology "for the benefit of all mankind," and it signals the beginning of a new era of environmental improvement. With the earth resources information gathered by ERTS-1, local, State and Federal agencies can respond to factual data, and not suppositions, fears, or special interest pressures, in taking corrective actions to end the steady undoing of earth's life support systems.

Food crop health and yield can be more efficiently, and continuously, assessed providing man with an information base from which vastly improved planning decisions can be made for better distribution of food for the world's population. An accurate and continuing inventory of our timber resources can be achieved for the first time in history. Water quality data from all over North America can be gathered and evaluated in a few weeks.

Land use and misuse, various kinds of geological and geographic information, and many more facts about our limited life supporting resources can be obtained from ERTS-1, and these are just a few of the objectives of this vitally important spacecraft.

The early imagery being obtained by ERTS-1 is exciting and more informative than the many user agencies and experimenters had expected. NASA has already released many 100-by-100-mile ERTS scenes of these United States which dramatically portray the data return which can be expected from this "milestone" satellite.

Over the past decade, the General Electric Co. has made major contributions to our Nation's space programs. GE men and women in Pennsylvania and in other communities around the Nation have established impressive records for building extremely reliable, long-life space hardware including the highly successful Nimbus weather satellite and major subsystems for spacecraft and space systems widely recognized for exceeding their life and mission expectations.

At a recent earth resources open house held at General Electric's Valley Forge Space Center, I heard GE management describe a companywide best buy program designed to give its customers the best buy in quality, service, and value. For this open house, community leaders and taxpayers were invited as GE Space Division's best customers. Programs like ERTS-1 are indeed the taxpayers' best buy and I believe the American people should be made more aware of the value of these programs which directly benefit us all.

I congratulate NASA's Goddard Space Flight Center, the General Electric Co., and the entire ERTS industry-government team for their outstanding achievement in building this Nation's first earth resources satellite.

NINTH DISTRICT OF NEW JERSEY: LEGISLATIVE REPORT TO SENIOR CITIZENS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. HELSTOSKI. Mr. Speaker, I include at this point in the RECORD a legislative report which I have prepared for the senior citizens of the Ninth District of New Jersey.

The report follows:

LEGISLATIVE REPORT BY CONGRESSMAN HENRY HELSTOSKI FOR OUR SENIOR CITIZENS

INTRODUCTION

Despite the wage/price controls imposed by the Administration over a year ago, prices continue to soar. Rents, property taxes and food prices especially seem subject to no controls at all. The controls which exist in these areas are wholly inadequate and full of loopholes.

The resulting inflation hits Senior Citizens on fixed incomes the hardest. It is imperative that the Congress act promptly not only to tighten the nation's price controls, but also to relieve the financial crisis afflicting older Americans.

At the end of June, the House of Representatives, with my strong support, and the Senate passed a 20 percent increase in Social Security monthly benefits. This increase, which was reluctantly approved by the President, despite his stated objections, becomes effective this September 1. Having long urged such an increase in Social Security benefits, I was particularly gratified that the Congress at last took the initiative and acted vigorously.

This 20 percent increase augmented 10 percent benefit raises enacted with my full support in early 1971. And, Congress is approaching final action on companion legislation to raise Railroad Retirement benefits by 20 percent. These overdue costs of living increases should go a long way toward relieving the financial burden carried by older Americans. But there is much more which needs to be done.

SOCIAL SECURITY REFORM IN H.R. 1

Last year the House passed a comprehensive Social Security reform plan called H.R. 1. Unfortunately, this legislation has been stalled in the Senate for months, largely because of the controversial welfare reform features added onto the bill in committee. Nevertheless, I hope to see some action on this important bill during this session of Congress.

Under HR 1, Social Security benefits would increase every January in proportion to the increase in the cost of living. In addition, the amount that a beneficiary can earn in a year and still receive full benefits would be automatically increased each time there was a cost of living benefit increase.

Widow's benefits would be increased from 82.5 percent of the husband's retirement benefits to the 100 percent of the retirement benefit the husband would be paid if he were alive.

Finally, the amount that a social security beneficiary can earn and still be paid all of his social security benefits would be increased from $1680 to $2000 a year. Again, this is an improvement over existing law. But I have proposed a bill that would increase allowable income to $3000 a year. This bill, HR 5688, is still awaiting action by the Committee on Ways and Means.

HOUSING ASSISTANCE FOR SENIOR CITIZEN

There is much more that the government should do for our senior citizens. In addition to acting on Social Security benefits increases, the Congress should enact legislation to provide relief to senior citizens, homeowners and apartment dwellers.

I have introduced a bill HR 12609, which would provide an income tax credit or payment of up to $450 for Senior Citizens of limited means to compensate for taxes paid on property they own or rent. In addition to a tax subsidy for homeowners, persons who rent their dwellings would be eligible for an income tax credit or payment amounting to 25 percent of rent paid up to a total of $450. I am hopeful that the Ways and Means Committee will agree to consider this bill as part of its tax reform hearings promised for the near future.

To provide further relief from excessive housing costs and as an alternative to HR 12609, I believe that the federal government should contribute to payments of rent subsidies for elderly persons who have small incomes. Specifically, I have proposed a bill, HR 12608, which would authorize the government to pay the difference between 25 percent of the elderly person's income and his total annual rent, provided that this amount does not exceed $1200. HR 12608, represents significant improvement of existing rent supplement programs. I think this proposal, if adopted, would go a long way toward insuring a decent place to live for all elderly Americans.

THE WHITE HOUSE CONFERENCE ON AGING

One of the most important recommendations of the 1971 White House Conference on Aging was the call for a minimum annual income program for Senior Citizens. While the welfare reform section of HR 1 provides such a program, the annual benefits proposed would not allow older persons of limited income to rise even above the poverty line. The time has come, I believe, to go beyond such half-measures and to insure that all older persons have the right to a decent income.

Other recommendations of the Conference are embodied in my bill, HR 15701, the Older Americans Act Amendments of 1972. Some of its major provisions are:

1. To strengthen the role of the Administration on aging as a focal point of federal concern for our Senior Citizens.
2. To develop a comprehensive system of community-based services for Senior Citizens.
3. To provide emphasis on certain specific areas of concern such as nutrition, transportation and services in connection with specialized housing for the aging.
4. To extend the research, training and national volunteer programs of the Act, and
5. To establish a National Information and Resource Center for the Aging.

A bill embodying these proposals passed the House with my strong support on July 17, 1972 and is now awaiting Senate action.

EMPLOYMENT FOR SENIOR CITIZENS

One of the most shameful situations in our society is that which forces skilled and talented persons to remain idle because they are told that they "are too old to be hired" for regular jobs. I have co-sponsored a bill, HR 3671, which would establish a Senior Citizens Skill and Talent Utilization Program. It would authorize the government to hire and train low income individuals 55 years of age and over so that they could help themselves and make useful contributions to their communities. These persons would be hired to work on local community projects and would be regarded as federal employees.

TRANSPORTATION FOR SENIOR CITIZENS

Transportation within our major cities is a problem that is evident to anyone who has gone to a city as a commuter, a shopper or a tourist. This problem is especially critical for the elderly who cannot always walk from place to place easily. I have therefore proposed H.R. 11259, a bill that would amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation services, meeting the special needs of elderly persons.

Further dealing with the problem of transportation, I have introduced H.R. 15702, which would prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during non-peak travel periods.

RECREATION FOR SENIOR CITIZENS

I believe that it is very important that Senior Citizens have a means of putting their leisure time to good use. Therefore, I have introduced H.R. 15700, which is a bill to provide financial assistance for the construction and operation of Senior Citizens' Community Centers. I am continuing to urge early consideration of this bill by the Committee on Education and Labor where it is now pending.

HEALTH CARE

Although Medicare has gone a long way toward relieving Senior Citizens of the high cost of health care, there are still a number of reforms which deserve to be enacted. For example, I have introduced H.R. 5679, H.R. 6430, and H.R. 11249, which would, respectively, include the services of Optometrists and Chiropractors as well as prescription drug costs under Medicare. Additionally, I have filed H.R. 10285, which would allow citizens over 65 to deduct from their income taxes the full amount of medical costs. Although several of these measures have received consideration in Committee, the progress of Congress this year makes it seem unlikely that final action will be taken before the 92nd Congress adjourns.

CONCLUSION

It is clear that a great deal remains to be done by the federal government to meet the needs of America's Senior Citizens. Unfortunately, for the past four years, the present Administration has not realistically faced the problems of the nation's elderly. But if we remain indifferent to these problems, we diminish the dreams of all our people.

It is my hope that the Congress will act soon on the reforms I have outlined here so that the government will be able to respond to the needs, hopes and just demands of the people who helped build this country, her Senior Citizens. I would welcome your thoughts an comments on these proposals. For your further information, I am listing all of the bills I have filed in this Congress relating to Senior Citizens. If you wish a copy of any of these measures or should you have suggestions for further proposals, I would be more than happy to hear from you.

H. Res. 158. Creates a Select House Committee on Aging.

HR 2478 Creates a comprehensive system of federally financed national health insurance.

HR 3658 Conquest of Cancer Act. Establishes special, crash program within NIH to seek a cure for cancer. Similar legislation is now public law.

HR 3671 Establishes a Senior Citizens Skill and Talent Utilization Program.

HR 3823 Pension Reform Act. Provides full protection for individuals' contributions to qualified pension plans. Under active consideration in House and Senate.

HR 5679 Provides for payment of optometrists' services under Medicare.

HR 5688 Increases the Social Security outside earnings limitation to $3000.

HR 6430 Authorizes payment for chiropractic services under Medicare.

HR 9567 Authorizes reduced-fare transportation on a space-available basis for persons who are 65 or older.

HR 11249 Amends the Social Security Act to include qualified drugs under the hospital insurance program.

HR 12138 Strengthens and improves the Older Americans Act.

HR 12608 Establishes a Senior Citizens Rent Supplement Program.

HR 12609 Provides a property tax exemption for Senior Citizens.

HR 12610 Establishes a minimum income program for elderly persons.

HR 12728 Provides a 20 percent increase in Social Security benefits (with a $100 Minimum), increases the earnings base to $15,000 for benefit and tax purposes and requires that ⅓ of the revenues required for Social Security programs be contributed by the federal government. Similar legislation is public law.

HR 13811 Establishes an Office for the Aging in the Executive Office of the President.

HR 13933 Liberalizes the eligibility test for receipt of disability benefits.

HR 14626 Provides grants to the States for eye examinations for Senior Citizens.

HR 14839 Enacts the Social Security Reform provisions of HR 1. Passed House.

HR 15700 Authorizes funds for establishment of Senior Citizens Community Centers.

HR 15702 Prohibits common carriers in interstate commerce from charging elderly people more than half fare for the transportation during non-peak periods of travel.

HR 16264 Provides that Social Security or Railroad Retirement payments shall not be regarded as income for purposes of determining eligibility for or amount of a veteran's or widow's pension.

HR 16399 Amends Title II of the Social Security Act to provide for an exchange of credits between the old-age, survivors and disability insurance system and the civil service retirement system. Enables individuals who have some coverage under both systems to obtain maximum benefits based on their combined service.

HR 16400 Provides that State and local taxes paid by individuals shall be allowed as a credit against their liability for federal income tax instead of being allowed as a deduction from their gross income.

HR 16401 Amends the Internal Revenue Code to allow a tax deduction to tenants of houses or apartments for the proportionate share of the taxes and interest paid by landlords.

LAOS FOREIGN EXCHANGE OPERATION FUND

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MOORHEAD. Mr. Speaker, the Washington Star of August 14, 1972, contained another news article on the U.S. financed Laos Foreign Exchange Operations Fund which should be of serious concern to our colleagues and the public.

Only a short while ago—on August 10, 1972—the House passed H.R. 16029 authorizing $769 million for fiscal year 1973 under the Supporting Assistance provisions of the Foreign Assistance Act. Congress should be made clearly aware that $162 million—21 percent—of this supporting assistance authorization is to be given away to uncontrollable funds as follows:

Laos Foreign Exchange Operations Fund, $20 million;

Cambodia Exchange Support Fund, $17 million;

Vietnam Economic Support Fund, $50 million; and

Vietnam Economic Development Fund, $75 million.

Mr. Speaker, the House Committee on Government Operations called upon our AID officials last year to bring to an end these economic shenanigans in our foreign assistance being provided to the Orient—all to no avail. It is disgraceful that $162 million of the taxpayers' money will be given away with little if any benefit to the poor people it was intended to help.

I again call to the attention of my colleagues inserts in the CONGRESSIONAL RECORD on this subject matter which appear on pages 46605 of Dectmber 13, 1971; 12255 of April 11, 1972; 21211 of June 15, 1972; 21549 of June 20, 1972; and 23759 of June 30, 1972. The Washington Star article by Tammy Arbuckle of August 14, 1972, follows:

DIPLOMATS CHARGE "BIG STEAL" OF LAOTIAN AID FUNDS

(By Tammy Arbuckle)

VIENTIANE.—Diplomats here are hardly critical of the American AID mission and the Lao government for failing to take meaningful steps to halt corruption and mismanagement in the foreign exchange operations fund established to stabilize the Lao economy.

The fund consists of more than $25 million, of which the U.S. contributed more than $16 million.

Diplomats here call the effort "the big steal," and claim the fund almost totally goes to the powerful Lao mandarinate, the Sananikone family, and a handful of Chinese businessmen.

One diplomat described the attitude of the donor nations other than the United States—Britain, France, Australia and Japan—as, "the British treasury feels they need this program like they need a hole in the head, the French and Japanese are squirming to get out of it, and the Australians will follow the British lead."

Diplomats are upset because the fund is for the third time in 10 months running low because they say, of the dollar-hungry Lao elite and Chinese businessmen, and they have no intention apart from the United States of contributing further.

The main complaint about the fund is that it allows the Chinese to import into Laos cheaply by giving them dollars at 600 Lao kip to one, but the merchants do not pass the benefit on to the Lao. Instead, they sell goods at a minimum of 850 Lao kip to the dollar.

There are no price controls effectively enforced by the Lao government because the whole situation is enmeshed in Laos internal politics. The power-hungry Sananikone family is giving the merchants police protection and encouraging them to raise prices at the expense of fellow Laotians, Finance Minister Sisouk Na Champassak says.

Their objective, according to other Laotians, is to eliminate Sisouk as a serious contender for the premiership when Souvanna Phouma steps down, and install as premier their own man, Works Minister Ngon Sananikone. This elimination can be achieved by ruining Sisouk fiscal policies which, of course, is also the U.S. view of how best the aid money should be used.

At the same time, the Sananikone purses become heavier as the leading commercial family in Laos lives off U.S. financial support program, deals with the Chinese and smuggling of luxuries from Laos back into Thailand.

What incenses diplomats most is the failure of U.S. Aid Director Charles Mann to put pressure on Sananikones through the fund Mann reportedly spends his efforts in raising more money for the fund through economic juggling of U.S. AID money instead of cutting it off or increasing the kip-dollar exchange rates, thus soaking up surplus kip and saving the fund's money.

Diplomats assess the U.S. mission as knuckling under to political pressure from the Sananikones, a pressure which is applied by that rightist family by threatening neutralist Souvanna Phouma's position as premier, a position the U.S. judges imperative for Souvanna to retain if there is ever going to be a political accommodation with Lao Communists with honor of some sort.

"The Sananikone has been smelling money and they are not going to let go now," diplomats said. A measure suggested to stop the drain on the U.S. and other donor nations is to stop the fund from allowing the kip-dollar ratio, to rise out of sight, and to put the Sananikone's and the merchants out of business by stopping their high profits. Merchant profiteers would leave Laos and by ceasing to tie the kip to the U.S. dollar, a tie imposed by Americans themselves, price stability could be obtained for ordinary Lao.

Sources note that in certain Lao concerns where proprietors have not felt it necessary to convert their kip profit into dollars, prices remained steady. Soures say much of Lao's imports are unnecessary luxuries which the country only buys because of the U.S. AID policy of soaking up kip with imports in the first place.

The U.S. Embassy fears the Sananikones would retaliate with a coup against Souvanna, but diplomats say the U.S. could prevent this because it pays the army. The Lao budget deficit, which equals the amount of the exchange fund, would be overcome by paring war costs from it and putting them into U.S. military aid, where the money is not stolen, and the U.S. could avoid the blame from ordinary Lao for the cost of living mess.

Diplomatic disgust stems not just from the fact that the FEOF doesn't work, but from revelations of FEOF corruption in the Lao vernacular press.

Vientiane's prestigious Satlao newspaper this week revealed the fund is losing $3,000 per week because government officials are drawing money for holidays abroad, ostensibly for medical treatment by forcing physicians to falsify documents.

Also, the Lao commission which oversees documentation for imports takes 10-percent rakeoff from merchants to process their papers quickly, a tariff which the merchants pass on to the Lao consumer.

ONE STEP CLOSER TO REALIZATION AFTER LONG YEARS OF ARDUOUS EFFORTS A VETERANS HOSPITAL IN SOUTHERN NEW JERSEY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ROE. Mr. Speaker, there are 1.2 million veterans in New Jersey and any veteran who has tried to secure medical attention in a veterans' hospital is well aware of the problems of securing admission. It is like a voice crying in the wilderness. There is just not enough room.

At this writing all of us in New Jersey are greatly pleased that the President has signed the fiscal year 1973 appropriations bill for the Department of Housing and Urban Development, Space, Science, Veterans and Other Independent Offices, that I vigorously supported—now known as Public Law 92-383—which appropriates $3.7 million for the construction of a new Veterans' Administration Hospital in southern New Jersey/Philadelphia, Pa. metropolitan region.

The long-fought battle in New Jersey's veterans' interest has been scored with many, many years of effort by veterans organizations and concerned municipal, county and State officials—all seeking Federal action that would permit the construction of a desperately needed Veterans' Administration Hospital in southern New Jersey.

Mr. Speaker, I can speak from firsthand knowledge of these extensive efforts, having personally participated in these endeavors. In my former position in the Governor's cabinet as State commissioner of conservation and economic development having within my department's jurisdiction the State division of veterans services, I have worked with our veterans and veterans' organizations in attempting to secure Federal sanction to locate a veterans hospital in southern New Jersey. On November 8, 1971 I introduced legislation (H.R. 11618) seeking the construction of a Veterans' Administration Hospital in the southern area of New Jersey. This bill, however, was not new to the Congress. In fact, Congressmen from the State of New Jersey in the years before I came to serve in the House had attempted to secure passage of a similar measure.

In addition to the desperate need, there are other significant benefits that can be added to our petition to urge the Veterans' Administration to locate this hospital in southern New Jersey. Governor Cahill has advised me that the State has already undertaken the initial planning work for the establishment of a new medical school of the New Jersey College of Medicine and Dentistry in the south Jersey area which would utilize the proposed Veterans' Administration hospital as well as existing community hospitals for the clinical training of medical students, undergraduate clerkships, intern and residency programs, allied health training and continuing education of physicians. I know from my discussions with prospective students and administrators of medical education facilities in our State that many of our young people in New Jersey have been finding it necessary not only to go out of our State but, in many instances, out of our country to accommodate their needs for an education in medicine because of the sparseness and inadequacy of medical school facilities here in our country to meet the demand and needs of our populace for the education of medical doctors and nurses, medical training programs, and medical care.

The Board of Chosen Freeholders of Camden County has adopted a formal resolution offering 100 acres of land to the Federal Government for a Veterans' Administration hospital at their Lakeland facility near the border of Gloucester County, N.J., which is readily accessible to both Philadelphia and south Jersey via some of the main transportation arteries in this region: the Atlantic City Expressway, Interstate Highway I-295 and the New Jersey Turnpike.

With these built-in advantages of the donation of land, construction of a new neighboring medical school, and the funds to construct a new veterans hospital in southern New Jersey, by accepting this site location in New Jersey, there are indeed overwhelming benefits to be derived by all concerned—our veterans and their families, the Veterans' Administration, and all of the people of our State and Nation.

Mr. Speaker, I would like to take this opportunity to thank you and my colleagues for your support of this appropriations bill and, through this historic journal of Congress, I reach out to my constituents and all of our veterans throughout New Jersey to alert them to this near realization of their efforts. Our battle is almost won and their support with the Veterans' Administration who must now decide on the location of the hospital facility to be constructed with these appropriated funds is of utmost importance.

OMNIBUS HIGHWAY SAFETY ACT OF 1972

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SHOUP. Mr. Speaker, I am today announcing my support of Congressman WILLIAM H. HARSHA'S, Republican, of Ohio, Omnibus Highway Safety Act of 1972, House bill H.R. 13538. As many of my colleagues, I have become increasingly distressed over the number of accidents and loss of life, which take place yearly on our Nation's highways. The numbers and cost in Montana alone are enough to give cause for concern. For a 5-year period, the statistics are as follows:

	Reported accidents	Deaths	Economic loss
1967	15,697	319	$57,620,000
1968	16,669	289	57,800,000
1969	17,683	339	69,495,000
1970	15,276	318	69,960,000
1971	18,247	328	82,000,000

Additionally, the death count on Montana highways is 39 ahead of last year's count on the same date, August 8. The figures nationally are equally appalling. Perhaps the most significant statistic is that highway deaths outnumber combat death losses in Vietnam over the period of the war by a factor approaching 10 to 1. It is most important that Congress act now to attempt to alleviate this problem before the Nation's Highways become even more crowded.

Congress has, in past years, attempted to deal with the problem of highway safety. Unfortunately, funds which were to be set aside for safety programs were not sufficient to meet the need. Congressman Harsha's bill, which is cosponsored by all members of the Committee on Public Works, would go a long way toward the promotion of safety on the highways. Through an 11-point program, the bill would provide additional funds for already existing programs while also stimulating the development of new safety concepts. Such stimulation of new programs is definitely needed if we desire to attain any degree of safety upon our national highways.

There is, however, one particular area to which I would draw special attention and that is that portion of the bill calling for spot improvements of high-hazard locations. The problem with this portion of the bill lies in the difficulty which will be encountered in evaluating the off-system locations and justifying requested construction expenditures. One-third of the moneys to be appropriated under this section of the bill are to be spent on projects, not on the Federal-aid system, making this a particularly important problem. Highway departments have had problems in the past justifying projects which are on the Federal-aid system. Problems result from determining exactly what locations are actually hazardous and determining exactly how the hazard could be eliminated as well as anticipating reduction in accidents should a certain improvement be made. Since such difficulty is found in regard to justifying projects which occur on the Federal-aid system in light of the abundance of records kept thereon, the problems faced in trying to justify off-system projects may be impossible to overcome unless the total system of justification was reduced to minimal requirements.

Thus, although I concur generally with the proposals in this bill, I am apprehensive in regard to any specific requirements for off-system expenditures. Yet the bill is one which is desperately needed, particularly in light of the carnage which takes place daily on our highways.

DRUG ABUSE IN OUR SOCIETY

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. PEPPER. Mr. Speaker, three seminars on the subject of narcotics and drug abuse were presented over WMWM-Radio in Wilmington, Ohio, some months ago. Panelists included law enforcement officials at all levels, a juvenile judge, a pharmacist, a minister, and students from the local high school.

Mr. Gerald Lee Steese recently sent me a summary of these programs which contains many thoughtful observations on the scope of the drug problem and possible solutions to the crisis.

"The Problem of Drug Abuse in Our Society and Some Suggestions for a Cure or Holding Action for the Problem," is submitted herein with permission of Mr. Steese.

The Problem of Drug Abuse in Our Society and Some Suggestions for a Cure or Holding Action for the Problem

(By Gerald Lee Steese)

(Edited by Susan Steese)

Three seminars on the subject of narcotics and drug abuse were presented over Radio Station WMWM, in Wilmington, Ohio, on three consecutive Sundays in October and November of 1970. The panels included law enforcement officials from state, county, and local levels, ministers, a narcotics parole officer from Dayton, a juvenile judge, a pharmacist, a narcotics expert from the Cincinnati Police Department, and officials and students from the local high school.

The conclusions reached by the panels, and those reached by the author and moderator as a result of further study and research are many and varied. First, current methods of drug abuse prevention, and attempts at education, are simply not working. One main reason for this is that for too long, the question has been handled by our society in the same manner that the subject of sex was handled in past generations.

That is, the subject has been largely glossed over and treated as if it were nonexistent, and those who violated the standards which society had set concerning the subject, were ostracized and treated as if they too did not exist, and in fact, were less than nothing. Any education on the subject in question consisted merely of telling a child that a certain activity was "wrong" and should be strictly avoided.

Parents can no longer afford the luxury of believing that unreasoning, dictatorial decrees and half-truths, or even out-and-out lies, intended as "scare tactics" will carry any weight with the younger generation. Unfortunately, for generations, this has been the only way in which the problem of drug abuse has been handled. Even if a given narcotic, such as heroin, is labeled "bad", this is insufficient cause for most kids for not trying it.

First of all, what is meant by the word "bad"? Second, why, and by whom, was the subject so labeled? We now have, in our teenagers, the most intelligent, curious, and well trained generation ever known on earth, and they are not going to easily accept things at face value.

A program is now being started in the services for the prevention and treatment of drug abuse. I do not believe that this program will work. The services, traditionally, have expected their members to accept everything at face value, on the basis that they should believe, without question or reason, all that they are told by those in authority,

The current group of recruits will not, for the most part, accept this policy. They flatly reject the idea that any one thing is necessarily "right," and another wrong," and must have concrete reasons and explanations for any value judgment that they are expected to accept. In all probability, the only credentials that would be required by the various services for teaching a class on drug abuse would be a general teaching credential or Chaplain's bars, or a certificate of completion from a Service course in instruction.

If a person so qualified goes into a classroom situation, he will very likely meet a problem which extends beyond the scope of the instruction manual. If he is unable to cope with a situation of this type, he will do very little good, and very probably quite a bit of harm in the long run. If the instruction is not credible in the matter of moral judgments or common sense, then that instruction will not be accepted.

To teach a course in narcotics is much different than teaching a course in seamanship or military courtesy; the latter is law, while the subject of narcotics consists, in many areas, of values and morals judgments.

Another matter to be considered by the military and by the Federal programers is the problem of rehabilitation. If a drug abuser is simply dried out and cut loose, he will very probably have to go through the process again, maybe several times. The prevention of recidivism in a drug-oriented youth depends on being able to make a life all over again, to be rehabilitated and then have someplace to go to make a fresh start. This in turn, depends on being able to work, get a job, and be accepted by "straight" society.

The narcotics addict of this decade is in about the same position as the prostitute of another century, or a girl "in trouble" not too many years ago. The only words used in a polite society to describe him or her are "bad", "no good", "irreparable", etc. At this time, the only society which will accept the person who has been on drugs, even if only once, is the drug society. In many places, drug abuse is a felony, and a felon cannot secure much in the way of employment.

As far as the "straight" productive society is concerned, the drug abuser is an outcast, a leper, an untouchable. If the programs which are set up do nothing more than dry out the addict, they have failed miserably.

The Federal Hospitals at Lexington, Kentucky, and Fort Worth, Texas claim a six percent cure rate. This rate is a product of the admission policy, which provides that each admission is recorded as a "first time" admission. In other words, no record is kept of the number of times any one person is re-admitted to the facility. And still their reported cure rate is a low six percent. There may be two reasons for this.

First, the people sent to these two facilities have virtually no choice in the matter. A person must *want* to be helped before any real rehabilitation can take place, as witness Alcoholics Anonymous. Groups such as Synanon and Encounter House work with drug abusers who go there by choice, wanting to be helped, and these groups can claim a sixty-five percent cure rate.

The second reason is that there is nothing for a drug abuser to turn to after he leaves the Federal facility. The addict must be able to rebuild his life before he can stay off drugs, and very often, the same weaknesses which made him dependent on drugs also make him unable to begin a new life without outside help. Government programs, at this time, do not provide this help, and this is what makes it impossible to do an adequate job of rehabilitation.

One of the major obstacles to overcome, in the process of obtaining an adequate rehabilitation program, is the attitude of the society in which the program is attempted. This is probably almost impossible, and a total reversal will most likely never come about, but the efforts of interested individuals can improve the general conditions, and accomplish at least a start at partial, if not total reform.

The "Big Brothers of America" program could provide a part of the pattern for a drug rehabilitation project. Each "Big Brother" deals with one fatherless boy; this individual type handling is also the most effective way to handle a drug abuser. A group cannot so easily work as a group with another group in something of this nature because of the lack of set rules and guidelines.

In the radio seminars, two panel members from Encounter House noted repeatedly that there is no such thing as an ex-addict, just as Alcoholics Anonymous does not believe that there is any such a thing as an ex-alcoholic. For a former abuser of drugs or alcohol, there is always the chance that a slight stress, less than the original stress, will cause them to return to their old habits.

Alcoholics Anonymous has long held, and Encounter House has more recently confirmed, that the best help for drug or alcohol abusers is therapy, and the best therapy is given by those who have encountered and overcome the problem themselves. The best person to straighten out a former drug abuser is a former drug abuser, one who knows the problems being faced, and the best way to overcome them and to find help for the problem which initially caused the user to turn to drugs.

For school and military drug education programs, the most effective job can probably be accomplished by a combination of a former abuser, and an educator who has received special training in drug education. Thus, the educator can give concrete facts on the dangers and effects of drug abuse in the areas of physical and mental health, the ways that the different drugs act, etc., while the former abuser can provide first-hand views and knowledge on the psychological effects of drugs, reasons for not taking them, and the emotional impact of the abuse of drugs.

I believe that three things which an addict needs most are: an authority figure, a feeling of esteem from his peer group, and self-respect. The self-respect cannot come without the group esteem. The type of program which Encounter House provides furnishes a peer group which will put pressure on the individual in the direction in which it wants him to to, i.e., off drugs.

This reinforces the abuser or former abuser in his personal struggle to get off drugs or stay off drugs. A program such as that of Encounter House can also provide an authority in that it can help the abuser in establishing a willingness to accept responsibility and to trust and rely on his own reasoned moral judgments. Authority can also come from law enforcement agencies and from organized religion.

Many former drug abusers turn to the "Jesus Movement" for help in staying off or getting off drugs, as this organization provides them with both an authority figure and an influencing peer group. Thus, the church would be one of the best institutions to help, if they would, the drug oriented youth.

The "Jesus Movement" claims a "get off and stay off" rate of 85%, the highest rate of any drug abuse prevention, control, or education program.

One of the most important aspects of the problem should be the education of children before they begin to take drugs. This can best be accomplished within the family unit, because in the younger children, before they are of school age, the family has the greatest influence.

The average American family of today is far different from that of the turn of the century. There is much more independent movement by the members of the family. Often the mother works, and the younger members of the family unit have a much greater responsibility and personal mobility than any previous, comparable group.

This makes it very urgent that greater emphasis be placed on instilling values and moral guidelines at a young age. No longer can the child be coddled within the bosom of the family until he or she is mentally mature.

How a child is exposed to myriad situations and outlooks at a very early age. Often he is expected to make decisions for which he or she is totally unprepared. Parents must make clear to their children as never before that there are certain standards and guidelines which the society in which they must function and live and are living expects them to follow; that there are many ways of coping with problems that are socially unacceptable.

The children should be given an authority figure and a background upon which they can fall back in times of crisis. Parents should strive to instill within the child a feeling of self-respect and self-confidence, a certainty that he can make the right decisions on his own, and know that they will be right and acceptable.

The child must be informed about the choices that he or she will have to make as he goes through life. He should be given the strength to meet his problems rather than try to escape from them. He must be made to realize that if he uses drugs as a means to escape, the problem will still be there when he comes down, and may be much worse for the fact that he is even less able to cope with it due to his flight into the fantasy of drugs. In short, the problem of drug abuse education is going to take some considerable work on the part of the family.

One great problem is the average American medicine cabinet. This can be one of the greatest advertisements for the value of taking drugs to get out of a tight situation or just to feel better. Children can understand the taking of drugs for a specific medical problem, but if they see their parents taking a pill to pep them up, put them to sleep, keep them awake; pills for stress, pills for activity, pills to lose unnecessary weight or weight unnecessarily, etc.; this will confuse the child as to the true value of and reason for drugs, and give him the idea that pills and drugs are made just to help one cope with the everyday problems.

Children learn best by example. The parents should realize that their children are going to imitate them. To a child's way of thinking, his parents are right, and he is going to follow, but without the knowledge or background of his parents' experience. So parents should overhaul their own attitudes as to the efficacy of overusing or abusing drugs in their own daily lives.

Another essential point is that as long as a society or family keeps saying that no problem exists, then that much longer will they be unable to hear the pleas for help which immediately precede a drug problem right in the home. As was brought out in one of the seminars, "The most lost and most needed art is the art of listening, hearing, and acting on the listening.

"A child may be overloved, underloved, or normally loved, but this makes little or no difference if he has someone who will listen to him when he has a problem and will help him to overcome that problem, or conversely if he has no one to talk to, the problems which start small may become insurmountable or may disappear in a very short time with or without this help." Especially true if that problem is the fact that he has been faced with the decision of taking drugs. As one ancient philosopher once said, "as long as one's mouth is open, one's ears are closed".

The problem can be solved by education, whether by the non-drug addict, the ex-user, the parents, the teacher, but only at a very young age can the child be trained in the matter of drug abuse attitudes. To educate, the truth about each drug must be told, even if that truth does not seem to the teller to be a strong enough case against the abuse or use of the drug.

This younger generation is going to find out the truth, whether you tell them or not. As long as we attempt to educate through lies, those lies will be found out and discounted. One lie will discolor a whole book of truths. The instructor or parent who has attempted to practice this form of deception and his entire organization or peer group will be found out and become useless or worse as a disseminator of information to the youth.

As for the legal aspects, of the problem, for the source, the seller, make the second conviction for selling of illegal drugs, or possession for sale punishable as second-degree murder. For the young, first-time drug abuser, make it possible for him to redeem himself for that first mistake, for which he is now held accountable, often to his personal ruin. Seal the record of his first mistake, and bring it against him only if he, after considerable personal rehabilitation and counseling, fails again.

Those who teach about drug abuse, and the parents, should realize that drugs are different; should tell the youngsters that the effect of one drug is not as bad or as strong as another. They should also quit talking about the "drug problem". It is a problem with heroin, a problem with marijuana, or a problem with a mixture known mostly as "fruit salad".

The effects, and the treatments are different. Referring to the problem as the "drug problem", under one lump heading, is just another method of escape from the total problem, and a putting-off of the use of an effective solution. The problem must be broken down into manageable categories and entities. Individuals must become involved in any program. As pointed out earlier, groups are too bulky to do much good as a group, it will take the involvement of many individuals on an individual basis.

This is the key to a successful program. We must become more interested in solving the problem, preventing its recurrence, than in punishing the person who has made the mistake. I know a young man who made the mistake of experimenting with a drug, but three individuals took an interest in him, and vowed that he would never go that route again. Because of this, that young man is now employed in a good job, and has a much better outlook on life than before. This kind of individual involvement is just what it does and will take to get the job done.

The time is past when a person could feel that he had contributed to the eradication of the drug problem simply because he could say that he personally does not indulge in the abuse of any drug. A person must also help others, and especially, must not condemn. Parents should stand behind their children if the children do become involved in drug abuse. Now, frequently, a child is condemned by his parents on the slightest suspicion. Smoking one joint, or popping one pill may not constitute a habit, but parents should realize that a child can very easily be pushed into a habit by condemnation. Parents must also watch what they themselves use legally. Finally, again, the truth about all drugs must be told, and individuals are going to have to do the work, by getting deeply involved in a problem which can be licked by hard work. Or which, by being ignored, can ruin us.

RAISING OF CHICKENS IS NOT NECESSARILY A PALTRY BUSINESS

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MILLS of Arkansas. Mr. Speaker, the poultry industry is an important one throughout the Nation and is especially so in my home State. Eliot Janeway, an economic consultant and columnist whose reputation needs no elaboration here, recently devoted a column to one of the leaders in that industry in Arkansas and across the Nation.

I insert in the RECORD at this point the column published in the Chicago Tribune on August 10 under the heading: "Raising of Chickens Is Not Necessarily a Paltry Business." The column follows:

RAISING OF CHICKENS IS NOT NECESSARILY A PALTRY BUSINESS

NEW YORK, August 9.—Chicken feed does not mean big business. But feeding chickens scientifically, efficiently, and economically can grow into big business.

America's poultry raising and marketing revolution of recent years has provided a constructive case history of advanced technology shoring up the traditional social structure of the old institution.

Arkansas' hill country is one of America's poultry producing showcases. Its small farmers had been shut out of America's historic grain and cotton booms. They are being dealt into today's new deal for poultry. Don Tyson, chief executive officer of Springdale-based Tyson Foods, Inc., is one of this new industry's leaders.

JANEWAY. How has the poultry business evolved in this country?

TYSON. It started out as an industry of individual farmers who bore all the risks of fluctuating markets both for the birds they were selling and the feed they were buying. Then the feed dealers and dealer-manufacturers began setting up contractual arrangements with individual farmers under which the dealers would have a sure market for their grain and the farmers would be guaranteed against loss. The next step in this evolution was that the dealer started supplying baby chicks and feed to the farmer and paying him for the birds he raised. The farmer would supply only the tools of his trade and his labor. In most cases, the dealer spread his risk by going into the processing business as well.

JANEWAY. Is this how your operation is set up?

TYSON. Yes. Except that we go one step further; we pay the farmer on a weekly basis while he has birds in his houses, and then a bonus depending on how well he has done. I put it on this basis because I figured that a farmer who has to wait 10 weeks for his pay needs more money than one who gets paid by the week. As it turns out we're one of the main props of the economy in our area and we're helping to perpetuate the small farm in an era when most small farms have become uneconomical.

JANEWAY. Where are you located and where are your markets?

TYSON. Our home base is Springdale, Ark., and our production area is about 2 million birds a week from small farmers in a 25-mile radius area in Northwest Arkansas, half a million a week from an area below Hot Springs and another half million a week from Tennessee. Our markets are from Detroit west. I'd say our number one market is California. Illinois is second and colorado third. We laso have markets in Washington state and Texas. In other words, our production is reasonably close to the Iowa-Illinois grain belt, but is itself in an area where there are no economically feasible land-use alternatives to chicken farming. And our markets are in areas where by doing our own trucking we can capitalize on a freight advantage over our competitors. We have seven manufacturing plants in Arkansas, one in Oklahoma, one in Missouri and two in Tennessee, and we do about $100 million in sales a year.

JANEWAY. What are your products?

TYSON. We have three basic products: chicken meat for the housewife, preweighted and prepackaged; Rock Cornish game hens; and frozen cooked poultry for institutions and restaurants.

JANEWAY. Do you advertise your brand in the supermarkets?

TYSON. We have just started to in the last year. It gives us more opportunities for profit and it cuts the cost of processing for the supermarket chain as well. It seems a natural direction for us to go since we're doing so much of the processilng anyway in order to prevent spoilage.

JANEWAY. Has the higher price of beef affected the price of chicken?

TYSON. No. Not only is chicken selling at 50 per cent below its price 10 years ago but the whole price structure seems to be dominated by the 29 cent special. As beef prices rise the housewife does switch to buying chicken more often so this helps us build volume. The price doesn't go up, however, because the supermarkets use chicken as an everyday low special all over the West. The housewife is so used to this now that she doesn't even bother to stock up when she sees it priced down. It's a loss leader for the stores and for us, but they buy other products from us at markups to cover our losses.

JANEWAY. As food prices rise in general do you see the American consumer cutting back on spending on food?

TYSON. No. I think Americans generally insist on at least maintaining if not improving their food standard of living no matter how much it costs, tho to some extent they switch between high and low cost items or eating out or in to stay within a budget.

JANEWAY. Is there an export market for poultry?

TYSON. It's negligible now. The poultry industry has never been able to hold on to the foreign markets it created. No sooner would we open up a market, in say Germany, than that country would spawn poultry producers of its own and slap tariffs on imports. Five or six years ago we opened up in Japan; now it's starting to produce.

THE SIXTH DISTRICT SPEAKS OUT

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. BRAY. Mr. Speaker, I am pleased to announce the results of my 1972 public opinion poll. Returns ran upward of 25 percent; this is one of the best responses I have ever had in all the years I have sent out annual polls. As always, a great many letters accompanied the returns. On two questions in particular I had a surprisingly large number of qualifying remarks either in letters or jotted on the margin of the poll cards. These will be discussed further on; the qualifying statements mean the percentages of "Yes" and "No" on these two questions are not quite accurate in and of themselves, even though the percentages givn reflect the tabulation.

Following are the results, in percentages of those who gave a "yes" or "no" answer to each question. Incidentally, the number of those who had "no opinion" on any question or questions was quite low.

	Yes	No
(1) Do you favor busing school children for racial reasons?	4	96
(2) Should draft evaders and military deserters who fled abroad be allowed to return without penalty?	8	92
(3) Do you favor a nationwide, federally-financed child care system?	12	88
(4) Do you favor legalization of marihuana for personal and private use?	10	90
(5) Do you favor total abolition of the draft and reliance solely on an all-volunteer Army?	30	70
(6) Environmental spending is high, and climbing. Federal outlays went up 600 percent between 1969 ($431,000,000) and 1973 ($2,500,000,000 proposed). Private industry will spend $4,900,000,000 this year and must spend another $22,800,000,000 to meet current antipollution regulations. Do you feel this indicates progress?	65	35

BUSING

I did not ask this question on last year's poll but received a very large number of letters and comments concerned with busing. From those who added a comment on busing it totaled up to unanimous opposition, for 1971, to the idea of busing school children for racial reasons. This year I asked it; the return served to confirm last year's sentiments.

The most recent vote on busing was on the Equal Education Opportunities Act, taken last night and in the early morning hours of today. This overwhelming vote against busing, despite constant efforts by social planners to promote busing to achieve a racial balance, demonstrates "democracy in action." The will of the people is having this effect. Congress, at least the House of Representatives, is hearing the people.

Many of us in Congress have, for several years, been attempting to stem this tide of busing pupils hither and yon. The Education and Labor Committee of the House, the committee which must clear such legislation has steadily refused to report a meaningful bill against busing for House action. We have attached amendments to block busing to educational bills but the results have been inconclusive as it is difficult to make a bad bill good by adding amendments.

A bill dealing with higher education, which came up last summer, had some good, strong antibusing amendments attached to it by the House. In some other respects this legislation left much to be desired. Unfortunately, the House's antibusing amendments were badly weakened and distorted in a House-Senate conference, to the point where the bill became, according to one Capitol Hill expert, a "probusing bill." I voted against it.

Finally, antibusing forces have attained at least a temporary victory. Yesterday, Thursday, August 17, 1972, the Equal Education Opportunities Act came before the House of Representatives. It was a fair bill. It banned long-distance busing through the sixth grade. Courts are forbidden from ordering any busing for such students beyond the closest or next closest school to their home. For students in higher grades, busing any farther is only to be used as a last resort.

The House of Representatives, staying in session until well after midnight, added amendment after amendment to this bill to stop busing. This bill passed in the early morning hours of August 18 and went beyond what even the White House had asked. Amendments to the Equal Education Opportunities Act forbid courts from ordering long-distance busing for high school and elementary school students, and also allow reopening of many previously decided court cases where busing had been ordered. I voted "Yes" on both amendments.

An even stronger amendment, which I also supported, would have banned all court-ordered busing for racial purposes; this would have allowed busing only to the closest school. This failed, 211–174. The Senate has not yet acted on this legislation.

What we have here, in these actions by the House, is an example of democracy in action. A large majority of the American people, both black and white, have made it absolutely clear they want an end to busing, for once and for all. Congress must and did act in response to and in accordance with the wishes of the people. It is now up to the Senate to follow the example of the House.

The supporters of busing to achieve integration have borrowed trouble and thrust upon the rest of us things we neither desire nor need. The fight is not over yet; it will go on. The social planners have not given up. The Senate must act favorably to achieve the results the American people are demanding. Has American public opinion gotten through to the Senate? I hope we are getting closer to seeing the end of the day when planners and theorizers use our children as pawns, and seek to inflict on the rest of us things they would never remotely consider for themselves.

AMNESTY FOR DRAFT EVADERS?

Interestingly enough, even those who checked "Yes" to this question frequently threw in qualifying statements, such as "If they will perform, for 2 years, some sort of public service work, such as in hospitals, city ghettos, depressed areas or schools" or "With the provision that they are never entitled to any kind of veterans' benefits." There were, relatively, very few checking "Yes" who would allow these men to come home on an "all-is-forgiven" basis.

I found violent reaction from those checking "No." "Strip them of their citizenship," was common. "Make them feel the full penalty of the law; no one else gets off scot-free when they break the law," was frequent. One comment impressed me in particular: "I have no doubt that many, many young men who were sent to Vietnam also had reservations about the war. But they went, and they died, or were wounded. How can it be fair to their memory—for they were sincere and honest—to pardon men who ran away?"

Some pointed out the fact, often ignored, that "for every one who deserted and fled abroad someone else had to go in his place." Others asked "what kind of a precedent would we be setting for the future if we adopted some kind of overall amnesty, now?" I hope that we will never again find ourselves in a situation approaching the one we are now getting out of, in Vietnam. But maintaining the defenses of this country is something that we are going to have to do for a long, long time. I do not see any chance at all of allowing selective objection, on the part of any one individual, to any particular conflict in which we may become engaged.

No one knows how many of these men there are. Most seem to be in Canada; some have said they never wish to return. That is their choice. Estimates range from as low as 10,000 to as high as 70,000, and an accurate tally is impossible. But, on the strength of this poll, and other nationwide polls I have seen, I do not believe the American people are ready to scrub the entire thing and let these men come back without any penalty when so many others came back—in caskets.

CHILD CARE

Last year President Nixon vetoed an OEO bill that would have created a national child-care system. I had voted "No" on passage of the bill; the President's veto was upheld. Now a new version of this legislation has passed the Senate, but I find nothing in it to make me change my original opposition.

On the surface, the idea of child care may certainly seem attractive to many. However, some very serious objections have been raised by persons who cannot be questioned on their sincerity.

Many poll comments raised the all-important question, what effect does this have on the child? Everyone knows that it will be impossible to have enough people at these proposed day-care centers to have one person for every child. This is especially important at a young age. Dr. Ernest van den Haag, of New York University, told a Senate subcommittee:

> Nothing could be more harmful than the repeated disappearance of adult figures in whom the child has invested affection. Depending on age, the development of object relations and later of a superego will suffer if the child is repeatedly having important relationships with people who disappear. And nothing could be more cruel to impose on small children than these perceived abandonments.

And how about the cost? This was asked by many. Total price tag for the day-care plan would be $2.9 billion, now estimated, over a 3-year period. Will it stop there? The Department of Health, Education, and Welfare warned in 1971 the cost of these child-care centers could run to $20 billion annually. A New York Times writer said it "could easily cost $2,600 a year a child." And, if the day care plan became nationwide, the Emergency Committee for Children figured total cost would hit a yearly figure of $39 billion.

One writer said:

> A Federal program of child care could mean a cumbersome, unwielding, quarreling, jealous and conflicting bureaucracy, constantly squabbling among itself, for authority, and with the Congress, for more money.

The idea may have good intentions but at least public opinion has grave doubts about any meaningful results.

MARIHUANA

Last March the Gallup poll showed use of marihuana among Americans 18 and older had tripled over the last 2½ years to where an estimated 15 million have tried it, or use it. However, in the same poll, 81 percent opposed legalization, which was down only 3 percent from the 85 percent opposed to legalization in 1969.

In March of this year the National Commission on Marihuana and Drug Abuse, in its report to the President, recommended legalization. However, the report has some contradictions. A study of these contradictions is interesting.

The Commission said short-term or occasional use of marihuana is not harmful—medical experts still disagree widely, incidentally, on this point. Yet, the Commission also recommended a $1,000 penalty or a 1-year jail sentence for driving under the influence of the drug.

The Commission recommended keeping penalties on large-scale marihuana transactions, but abolishing those on small-scale deals. Why should giving marihuana away be alright, but selling it be bad? What makes selling it bad, if smoking it is not bad?

The Commission admits marihuana is a long-term risk. Then, why allow it to get a short-term start?

The Christian Science Monitor summed it up in one perceptive paragraph in a lead editorial, March 27, 1972:

> But marihuana, is a mind-affecting drug, is also a cooperative cousin to the other members of the drug family which is taking lives, ruining careers, accentuating personal frailties, and generating crime. In the aggregate, society loses from their use.

I think that is an injunction we should all bear in mind.

A VOLUNTEER ARMY?

I quite honestly expected to find overwhelming support for this idea. No one likes the draft; military service has been unpopular for a long time. With draft calls diminishing to almost nothing, I would have thought the volunteer army idea, where no one has to go unless he wants to, would find great favor.

It was not to be. Those saying "No," of course, made it quite clear they did not think we could maintain a satisfactory defense establishment without the draft.

But those checking "Yes" filled their answer with qualifiers, in marginal notes on the card, and with some long, well-thought-out letters. One of the very best and most perceptive came from a young man, a draftee, who had just gotten out of the Army and had been in Vietnam. Relatively very few felt that simply turning things over to a volunteer system would work. Practically all those saying "Yes" had remarks like "Better keep the draft mechanism handy, just in case," or "What about the cost? Has anyone thought of that?" Quite a few said things like, "Yes, but military service never hurt anyone. There should be some form of compulsory service for young men, to give some time to their country, in some form."

This question, with qualifiers in the answers, means the raw percentages themselves are inaccurate. It has been very, very difficult to decide any other figure but, based on the large number of comments, I would have to say that only about 15 precent favored a volunteer army concept with no draft mechanism and no form of compulsory service. It shows that the issue of keeping a strong and ready national defense is still very much alive and the responses to this question gave me much-needed insight into what promises to become a hotly debated and very thorny problem.

ENVIRONMENTAL SPENDING

Again, I was somewhat surprised at the results, and like the question on the volunteer army, the qualifiers surrounding the answers—probably 70 percent had additional remarks to make—shade the actual percentage figures and make it impossible to get an accurate numerical assessment.

One thing is quite certain: among the respondents to this poll, there was no trace of the panic mentality that has, unfortunately, plagued the environmental issue from time to time.

Those saying, "Yes," they did feel progress was being made, frequently added a comment to the effect that "But should not we stop and see just what we are getting into and how far we are going?" Those who said "No" made it quite clear that they were afraid, in this area, the Federal Government was slipping into that bottomless swamp where spending billions is synonymous with curing a problem.

Well, the billions I cited in my question are already outdated. The President's Council on Environmental Quality, in its latest report, released on August 7, 1972, says the United States will spend an incredible $287 billion in the 10 years through 1980. This is almost triple the amount that had been forecast for the first 6 years 1970–76.

Of this, $93 billion will be on new capital equipment, and $194 billion on operating costs. This is not all Government spending alone; it is total, business, Government, everyone, everything.

Fortunately, there are some very real signs that Congress is putting the brakes on panic spending on the environment. The House had before it, recently, a $5-billion make-work bill that would have put an estimated 500,000 people to work, "fighting pollution."

This was in spite of the fact that a 3-year water pollution bill, with an $18 billion price tag, had already passed both House and Senate, and the deficit in the budget was hovering around the $30 billion mark. However, by 205–192, the House defeated the bill.

I voted "No" on the measure; panic spending is worse than useless and to be avoided at all costs. It is interesting to note that 97 of those who voted for this bill, voted against raising the debt limit a few days earlier. If the debt ceiling had not been raised none of these bills could be paid.

Now, no one closes his eyes to whatever environmental problems there may be and assumes they will go away. Raising the matter to the level of national concern, where it now is, was something that certainly had to be done.

But the poll returns make it clear that the respondents do not think a clean environment is to be instantly achieved by billions. If we do not get our money's worth, then the whole cause is wasted and fruitless. Every individual citizen knows that, and the Congress must bear it in mind, as well as the Federal Government.

SUPPORT OF STUDENT AID

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. PRICE of Texas. Mr. Speaker, I am proud of the manner in which this House has so promptly and properly met and corrected the problem which has arisen in the adminstration of the guaranteed student loan program. I have always been a stanch supporter of assistance to deserving students for continuing their education beyond high school.

We all know the importance of higher education to the individual and to this Nation. And in this day of spiraling costs we must extend a helping hand wherever we can to insure that those of our young people who are qualified will not be denied the opportunity to further their education because of a lack of funds.

The history of legislation on student assistance demonstrates that we in this House of Representatives have endeavored to find always more avenues and means to overcome financial obstacles to higher education. And this was our purpose in amending the guaranteed student loan program—to extend and expand the number of students eligible for assistance through a program of cooperation between the Federal Government and private lending institutions. We understood that those students from families with incomes of less than $15,000 would need help in meeting the present day costs of higher education and we allowed Federal payment of the interest on their guaranteed loan for the period while the student was in school.

In addition, we realized there were occasions when even a student from a large family with an income of more than $15,000 would need help. So the Education Amendments of 1972 amended this program to allow Federal payment of interest, if need was determined at the local level, to these latter students as well.

There never was any intention of eliminating from these benefits some students previously eligible. But somehow the language of the law has been misinterpreted and the regulations could have the effect of excluding some deserving students. It is right to avoid this misfortune and to postpone implementation of these regulations for students receiving loans for this school year until all ambiguity can be clarified. I strongly support this action.

FIFTIETH ANNIVERSARY OF ORDER OF AHEPA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. DRINAN. Mr. Speaker, I rise in tribute to a distinguished organization, the Order of Ahepa, which recently celebrated its golden anniversary.

The Order of Ahepa was founded on July 26, 1922, in Atlanta, Ga. Since that time this fine organization has spread to all but one State in the Union, with 430 local chapters throughout the country, 23 of these in my home State of Massachusetts.

In addition to the Order of Ahepa, the name of which is an acrostic derived from the first letters of American Hellenic Progressive Association, there are three other organizations within the AHEPA family. These are: the Daughters of Penelope—senior women's auxiliary; The Sons of Pericles—junior young men's auxiliary; and Maids of Athena—junior young women's auxiliary.

While the membership of AHEPA is drawn primarily from men of Greek descent, AHEPA's effects have spread far beyond this base. In addition to promoting the ideals of Hellenism and Hellenic culture, AHEPA has contributed financially to many worthy causes both nationally and internationally. Among these contributions have been relief to hurricane victims, aid to war orphans of Greece, support for the Truman Library, aid to Turkish earthquake victims, and support for the George Papanicolaou Cancer Research Institute in Miami.

AHEPA consists of men from all walks of life, united by the common goal of good fellowship and common understanding. The nine objectives of AHEPA represent a commitment to good citizenship, education, and understanding.

I am proud that AHEPA has been particularly active in Massachusetts, and I wish to salute the chapters of AHEPA in my congressional district and their officers: Fitchburg: George Steffanides, president; Christo Bicoules, secretary; Harris Karris, treasurer; Clinton: Peter Kamataris, president; Arthur Pappas, vice president; Charles Georgeson, secretary; Harry Despotopulo, treasurer; Watertown: Nicholas Chronis, president; William Ravanis, vice president; George Patterson, secretary; George Spiliotis, treasurer; Framingham-Hudson: Andrew Tsantelis, president; James Tzellas, vice president; Harold Garvey, secretary; Ted Tzellas, treasurer; Sterling: Louis Chiamis, president; Andrew Vetras, vice president; Dr. Nicholas Despotopoulos, secretary; Edward Gibbons, treasurer; Brookline: Aristomenes Lydotes, president; George Sakillaris, vice president; George Sarantakos, secretary; John Sinanis, treasurer.

AMERICAN REVOLUTION BICENTENNIAL

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. HELSTOSKI. Mr. Speaker, although the American Revolution Bicentennial Commission is currently embroiled in controversy due to some of its members' activities, I do not believe that we should lose sight of the great events of 1775–76 which the Commission was established to help commemorate.

In preparing for the Nation's 200th birthday, I believe we must address ourselves once more to the ancient ideals of freedom and representative government which motivated the Founding Fathers. Drawing from the thoughts of philosophers who preceded them by centuries, Jefferson, Adams, Franklin, and the others did not reject these "old" ideas, but embraced them and breathed new life into them. It is for us, too, to reach back to the ideals of our revolutionary forefathers, to embrace them, however old or outdated they may seem, and to apply them to our own national circumstances in the late 20th century.

The ideals of the Founding Fathers

are best and most fully embodied in the Declaration of Independence, the anniversary of whose adoption forms the focal point for bicentennial activities. This, too, is an old document, but one which has provided philosophical guidance for two centuries to patriots and lovers of freedom the world over. I hope that the Bicentennial Commission will focus its activities around the content of that document and not merely the birth of a new nation which it represents. All Americans should be encouraged by the Commission to reread the noble words of Jefferson and to ponder how our ongoing democratic system can best be made to conform to the ideals of the Declaration of Independence. It is an old document to be sure, but one which is as relevant today as the day it was written.

FIVE HUNDRED MASSACHUSETTS RESIDENTS VOTE TO END THE WAR IN PEACE POLL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. HARRINGTON. Mr. Speaker, as we in this Chamber debate amendments which would end American involvement in that long and damaging war in Indochina, citizens across the Nation are expressing their sentiments about that conflict. They are voting in response to a poll sponsored by Peace Alert U.S.A., a bipartisan organization with the support of 72 Members of Congress. This poll provides the first chance for Americans to vote directly on the war, by posing the question: Should Congress bring an end to the war by cutting off funds?

Opinion polls have often measured public sentiment on this issue. These generally reliable polls, which measure only sample groups, have yet to provide a clear-cut answer to measure true feelings in this Nation on such an involved and emotional issue. We have been told of an undefined "majority" in favor of continued American involvement in Southeast Asia, while at the same time many professional opinion polls are reporting that more than three-fourths of the American public desire immediate American withdrawal.

The Peace Alert effort, of which I am proud to be a sponsor, has worked to make available for every American an opportunity to vote on the war. To date, votes have been running 20 to 1 against continued funding of the war. I am proud today to insert into the RECORD the names and hometowns of 500 residents of my home State of Massachusetts who have voted to terminate American involvement in Indochina, including bombing and all other military operations. Of course, many more in Massachusetts have voted against the war, joined by thousands of others across the Nation. By inserting these names as a symbolic gesture, however, I implore my colleagues not to ignore the pleadings of these citizens who are urging you to cut off funds for the Indochina war. When you receive the results of balloting in your State in this poll, I implore you to weigh the opinions of your fellow citizens who are expressing their heartfelt feelings about our misadventure in Southeastern Asia.

The list of Massachussets residents follows:

Mary Lou Eukson, Arlington, Barbara Favout, Winchester, Clone S. Buckley, Arlington, Carol McTutosh, Winchester, Joan Mondecar, Holliston, Tom Lombardo, Winchester, Mary M. Miller, Wakefield, Mrs. Richard E. Liebich, Winchester, Susan Erikson, Arlington, Mrs. Jeanne Cammarata, Winchester.

Lorraine M. Shea, Medford, Saurette Bunzel, Winchester, David E. Cincotta, Winchester, Joseph Montori, Springfield, Gloria Bizelia, Arlington, Maryrose Wilson, Winchester, Mrs. Anna V. Sullivan, Watertown, Lois Kuglin, Winchester, Ann Appenherme, Winchester, Mr. John Zaray, Medford.

Ms. Clairn Goroni, Arlington, Duncan Page, Boston, Carl F. Ickerbloom Jr., Winchester, Deborah Page, Boston, Rev. John J. Bishop, Winchester, Sandra Kaplan, Brockton, Ruth A. Cincotta, Winchester, D. R. Sanadi, Lexington, Myriel C. Eykamp, Arlington, Mrs. Lelham Barour, Dorchester.

LuAnn Kuder, Cambridge, Gabriel J. Gauveria, Arlington, Leonard I. Morobacai, Hollistone, Jeanne Emerson, Arlington, Grace Stelark, Somerville, Elizabeth Pepedicurian, Arlington, Mrs. G. G. Wunder, Winchester, Joanne Bishop, Woburn, Barbara Sepore, Arlington, Louise McCarley, Woburn.

Michael McCabe, Arlington, Jean Williams, Winchester, Tina DeBiasi, Plymouth, Arthur White, Winchester, Kathryn Dirocco, Lexington, Jean Frangas, Cambridge, Rosalie Lamson, Winchester, A. M. Smith Jr., Woburn, David Kreider, Winchester, Aillen Rixe, Roslindale.

Ira Coan, New Bedford, Diana Kinsy, Cambridge, Laura Wyman, Melrose, Andrea Mountain, Winchester, Eric Jankel, Franklin Maureen Brennan, Waltham, E. M. Purcell, Cambridge, Jeffrey Green, Watertown, Paul Vohl, Lexington, Hollis Wyman, Melrose.

Dr. Stephen Mott, Beverly, Marcella Matarese, Boston, Nancy Jeltsch, Lunenberg, Prosser Gifford, Amherst, Sheila Harrison, Groton, Mrs. S. C. Mott, Beverly, Arnold Jeltsch, Lunenberg, Judith Green, Watertown, Virginia Jones, West Tisbury, Olivia A. Cabot, Dover.

Kenneth Hules, Watertown, Audrey Drummond, Winthrop, Rev. Donald Thompson, Boston, Samuel A. Stone, Somerset, Celia Gilbert, Boston, Gilbert Cohen, Springfield, Joseph B. Nogels, Amherst, Leonora Hayford, Sunderland, Jean Lawrence, Northfield, Leare G. Page, Deerfield.

Nancy Bogert, Heath, Hayden Bogert, Shelburne Falls, William S. Tilton III, Greenfield, Jon R. Nyberg, So. Hadley, Milton Clerk, Turrells Falls, Walter H. Burnham, Jr., Montague, Christopher Zentraf, Plymouth, Audrey Waryas, Montague, Bernard C. J. Zentera, Jr., Mountain Centre, Barbara Ann Hern, Turners Falls, Brian F. McKenna, Greenfield.

Timothy J. Donovan, Bernardston, Robert Cambell, Greenfield, Phil Cousins, Jamaica Plain, Cathy Clifford, Arlington, Chris Antonellis, Weston, Alice Barrett, Dorchester, Robert Cunnave, Waltham, Paul True, W. Roxbury.

Mrs. Deirdre Patrich, Westwood, Paula Toland, Arlington, Charles D. McQuattie Jr., Peabody, Dennis J. Sullivan, Arlington, Juliete Laufer, Chestnut Hill, Mr. John Wosina, Winchester, Gerald O'Gonosky, Medford, Berridt Erickson, Arlington, Mary Boudreau, Woburn, Michael S. Strabs, Winchester.

Mrs. James S. Miller, Milton, Mrs. Ionis Knupp, Chestnut Hill, Rose Rosenberg, Brookline, Bernice Santz, Newton, M. Freedman, Brookline, Reuce Miller, Winchester, Denise Sterner, Malden, Maryellen Buckley, Arlington, Mrs. Kapp, Newton Centre, E. Menken, W. Roxbury.

M. Jacobs, Chestnut Hill, Donald R. Sterner, Malden, Susan Schultz, Winchester, Patrice Toland, Arlington, Mrs. Estdee M. Guban, Woburn, Raureth Sharma, Winchester, Deborah Daisa, Newton, Mrs. Elaine McNally, Woburn, Randi Mink, Boston, Clayton E. Heywood, Woburn.

K. M. O'Brien, Somerville, Maurice McFaughlin, Mattpan, David Miller, Winchester, Janet Lipson, Chestnut Hill, Mrs. Irving Banner, Needham, S. Simmon, Mattapan, S. Rampert, Newton Centre, Sadie Porter, Brookline, Mrs. James Cardan, Framingham, Mrs. Eugene F. Black, Newton Centre.

Thomas Groden, W. Roxbury, Tony Sachs, Chestnut Hill, Mrs. S. Greenberg, Newton, Pauline Grand, Brookline, Arthur Dublin, Mattapan, Mrs. David Laghery, Brookline, Mrs. M. Koslon, Newton, Judith Smith, W. Roxbury, Mrs. Rosman, Roslindale, Rose B. Kafman, Chestnut Hill.

Marilyn Gonte, Amherst, J. David Tholl, Needham, Jeronica Johnson, Cambridge, John A. Barb, Marlboro, Rev. Henry Hickey, Saugus, Alan Jehlen, Somerville, James Arpante, Pittsfield, Lorraine Charney, Carlisle, Robert J. Munnelly, Saugus, Muriel Williams, Cambridge.

Robert Jettsch, Lunenberg, S. Paul Schilling, Centerville, Steve Begbidere, Westwood, Joyce McCourt, Natick, Don Hunter, Newton, Rev. John Creed, Saugus, Mark Forant, Westwood, Timothy Blodgett, Concord, Charlotte Jeltsch, Lunenberg, Dr. Jacob Fine, Chestnut Hill.

Maxine J. Balkus, Byfield, Mrs. R. J. Munnelly, Saugus, Peter Goodman, Natick, Marlynn Drebs, Montague, Grace Lubin Finesurger, Cambridge, John Clayton, Montague, Howard Stoudt, Lincoln, Abram Segel, Brookline, Roth Marsden, Springfield, Ira Cohen, New Bedford.

Mel Gadd, Somerville, Dr. Jerome Klein, Chestnut Hill, John C. Eddison, Lexington, Milton Trebach, Boston, Robert E. Segal, Newton Highlands, Thomas Plaut, Framingham, Mrs. Gadd, Somerville, Stanley Shipulski, Saugus, A. S. Evers, Longmeadow, Mrs. M. Kosev, W. Newton.

Rhoda Varn, Springfield, Paul W. Walter, Stockbridge, Eugene P. Falco, Medford, Mrs. S. Shipulski, Saugus, Prof. Fred Warren, Springfield, Helen Stoneman, Delmont, Peter Buttner, Weston, Claire Mountain, Winchester, Mrs. E. P. Falco, Medford, Susan Berardi, Boston.

Kenneth Beechis, Cambridge, Railla Attinson, Natick, Gilman D. Harn, Lunenburg, Ann Johnson, Sterling, Rev. William Ziadie, Worcester, J. S. Canner, Waban, Mrs. W. Kisiel, Andover, Jean Brown, Mattapen, Tamar Smith, Haydenville, Nancy Goldstein, Norwood.

Victor Guez Reid, Hopedale, Ruey Pakcard, Boston, Kathryn Lemmel, Arlington, George Whitehouse, Brookline, Beth Moss, Boston, Rosemary Beerk, Housatonic, Peter Myette, Duxbury, Larry Lemmel, Arlington, Marvin Flevrit, Springfield, Nancy Myette, Duxbury.

Mrs. J. H. Ewing, Brockton, Mr. J. H. Ewing, Brockton, Gertrude Asimor, Cambridge, Thomas Adens, Lincoln, Mary Schilling, Centerville, Thomas Hodgson, W. Tisbury, Steve Peaul, Brookline, Janet Reardon, Bellingham, Hannah Sidofsky, Chester, Mrs. Gilman Horr, Lunenberg.

Jerome Early, Stockbridge, Joan T. Rosasco, Northampton, Jean Schibener, Lunenberg, Leila Schnitzer, Waban, David Edwin, Somerville, Ethel Kremer, Hyde Park, Charles Schiberer, Lunenberg, Vernon Wayne, Bridgewater, Julia Colen, Auburn, Cynthia Caldwell, Allston.

Marilyn Halevi, Cambridge, Pamela Gastins, Groton, Shirley Jersky, Hyde Park, Karen Lenbeke, Brookline, Norreer Hennessy, Allston, Miriam Wood, Needham, Steve Riggall, Haydenville, Selma Ganz, Cambridge, George Putman, Dedham, Beatrice R. Beird, Northampton.

Mrs. Samuel Gilbert, Chestnut Hill, Frances M. Selbir, Brookline, Tillie Becks, Chestnut Hill, Yaslight Weymoth, Chestnut Hill, Rose Mantel, Newton, Josephine Breen, Brookline, Charles Campe Jr., Roslindale, Pauline Burch, Newton Centre, Gertrude Lesnick, Brookline, Carol Sherman, Brookline.

Ame Birman, Hyde Park, Samuel Gilbert, Chestnut Hill, Ida Gilbert, Hyde Park, Lorraine T. Reilly, Milton, May Sanno, Woburn, John Sullivan, Chestnut Hill, George Desed, Winchester, Clara Kontos, Roslindale, Anita Vaitarrian, Winchester, Richard Heryet, Readville.

Robert M. Reilly, Milton, Ruth B. Donovan, No. Cambridge, Barbara Bailey, Winchester, Mary Radman, Newton, Sidney Fromen, Hyde Park, Mrs. Kathleen Murphy, Somerville, Rev. Jack Zorrheide, Winchester, Agnes Murphy, Brookline, Edith Ellison, Chestnut Hill, Mrs. Frances M. Joyce, No. Cambridge.

Walter B. Davis, Winchester, Kathleen K. Criswell, Arlington, C. McLaughain, Mattopau, Mrs. L. M. Mevlen, Winchester, Karie Miller, No. Eastham, Deborah Ellington, Brookline, Claire M. Bryant, Arlington, Joseph L. Sholkin, Newton, Mendy Sikkison, Shelburne, Francis L. Galligan, Arlington.

Margaret M. Anzalone, Wakefield, Valerie Civtti, Belmont, Robert Kittredge Jr., Winchester, Frank Patrick, Westwood, D. Galdman, Newton, Charles Krinsky, Chestnut Hill, Elaine Leon, Brookline, Joseph W. Lyons, Winchester, Eleanor MacPhee, Arlington, Dr. William J. Mallio, Winchester.

Mrs. Joyce Strah, Winchester, Edwin Kembel, Cambridge, Betty Levin, Lincoln, Margaret Becon, Yarmouth Port, Milton Coantor, Amherst, Thomas Wilson, Belmont, Susna Hegarty, Boston, R. G. Murphy, Montague, Rogert C. Vernon, Westwood, C. Wolfson, Worcester.

John Paine, Weston Douglas C. Griffiths, Jr., Boston, Susan Weader, Winchester, W. Gibson, Stockbridge, J. C. Van Itallie, Charlemont, Philip Mason, Manchester, Mrs. James B. Ames, Cambridge, Carl Pedersen, No. Scituate, Gary Laredo, Newton, Rockwell Kent III, Upton.

Armand Siegel, Brookline, Peter W. Brown, Manomet, Mrs. Maritn Zelin, Peabody, Milton Kosen, W. Newton, Michael Morris, Winchester, Claire Emerson, Lincoln, Marie Hughes, Pittsfield, Debra A. Machaby, Holbrook, Jacob Fichman, Revere, Dina Givern, Newton Centre.

Peter J. DeNatace, Winchester, Barbara Burr, Belmont, Peter Robinson, Wellesiey, Rev. Albert Baller, Clinton, Rev. John duBois, Auburn, Mrs. Harriet Miller, Worcester, Rev. Henry Coper, Uxbridge, Rev. John Dorna, Fitchburg, S. P. Gorzocoski, Northfield, William F. Oberr III, Oak Bluff.

Ruth Sargeant, Brighton, Carolyn McDade, Newton, Frances Lawrence, Winchester, Donna McGarigal, Duxbury, Manfred P. Friedman, Lexington, Daniel Cobbledick, Oak Bluff, Paul E. Johnson, Centerville, Abbie Jackson, Sheffield, Dr. Barbara S. Powell, Cambridge, Berge Tatian, Stonehay.

Mrs. Paul Marks, Framingham, Glenn Tindee, Lincoln, Mr. A. S. Goldin, Winchester, John Griefen, Belmont, Walter Wagerknecht, W. Newton, Mrs. B. Kobvson, Lexington, Elizabeth Ann Gaumer, Cambridge, G. Sterling Grumman, Boston, Mr. Rene H. Gingras, Lynn, Mrs. A. Goldin, Winchester.

Anthony Pilla Jr., Bedford, Mrs. Frank F. Mann, Winthrop, Burt Kolovson, Lexington, Steve Weiss, Weston, Gloria Tinder, Lincoln, Mrs. R. H. Gingras, Lynn, Gary Fontaine, Boston, Shirley Daphnis, So. Boston, Mrs. R. Hohn Griefen, Belmont, Lillian Cerostan, Framingham Center.

Pual Hickman, Scituate, Robert Duggan, Cambridge, Mrs. Norman Hamlin, Wakefield, Ann Rodney, Longsworthy, Gertrude McGill, Marblehead, Luella Hubault, Fall River, Jane Keddy, Wakefield, William Wilson Jr., New Bedford, Alan W. Jenest, Greenfield, Emily M. Jones, Warwick.

Masibeth McCarthy, Worcester, Dr. Paul E. Johnson, Centerville, Rebekah M. Baitler, Wilbereham, J. Wynn, Norwood, Jana Wagenseller, Brookline, Truman Winsor, Boston, James Gacioch, Westover, Adele Shectman, Brookline, Laurence Batchelder, Cambridge, Dan Galatis, New Bedford.

Arnold Metzer, Newton Center, Bernard C. Graves, Oxford, John A. Klobucher, Sudbury, Michael McCarter, Belmont, Priscilla Winter, Lexington, Mrs. J. A. Klobucher, Suxbury, Paul T. David, Lancaster, Margaret Gagcioch, Westover, Covet, Tiffit, Brookline, Bruce Miner, Boston.

Dr. Kent Slater, Worcester, Louisa Redfield McElwain, Weston, Susan G. Whitaker, Acton, Sophia Kahn, Wabain, James L. Zall, Lynn, Amy McElwain, Weston, Morton Engsteom, Watertown, Victoria Apsit, Wrentham, Louise S. Audet, Brockton, Roberta Thompson, Boston.

Mary Hunt, Dorchester, Lisa Allen, Weston, Leonard Unger, Wretham, Koris Baratz, Chelsea, Alice Hart, W. Roxbury, John Martin, Natuck, Peter C. Baker, Duxbury, Emily Horm, Cambridge, Ann Taylor, Brighton, Kevin Corrigan, So. Boston.

Richard L. Payne, E. Orlians, Joseph A. Johnston, Oak Bluffs, James L. Nelson, So. Yarmouth, Elizabeth Maxfield, Concord, Bert Zenaty, Longmeadow, Mrs. Edgar Cathcart, Wellesley, Wallace Taylor, Weshort, Jacqueline Rencee Tessler, Boston, Mrs. Regina Putnam, Dedham, Peggy Van Valkenburgh, Arlington, Doris Hartshorn, Weymouth.

Sr. Pauline Kalagher, Holyoke, Thomas Shelly, Cambridge, Eluert Miller, Brookfield, John Jelatis, Lexington, Ann Capidilupo, Dedham, Mrs. David Hottentein, Wexeham, Judith Yeager, Housatonic, Pat Edwards, Northfield, Marion Wilson, W. Springfield.

Faith Madzar, Natuck, Dr. C. B. Crampton, Vineyard Haven, Clara Barnard, Shelburne, David Ross, Northampton, Thomas C. Hollocher, Sudbury, Philip W. L. Cox, Vineyard Haven, Ethel Alper, Brookline, Bessie Beal, Hingham, Sarah Bradt, Boston, Karl Manner, Duxbury.

Robert Lindsey, Boston, Susanne Melbye, Wayland, Katherine Meyer, Brewster, Jean Cramlick, Bernardston, Robert Sykiia, Hyannis, Helen Grannam, Cambridge, Linda Crawford, S. Boston, Doug Bailey, Brighton, Helen Gray, Cambridge, Barbara Cushive, Salem.

Mary Hicery, Somerville, Susie Folk, Belmont, Mrs. J. Samuel, Newton Centre, Malcolm Rilborn, Stockbridge, Richard Stoeler, S. Dedham, Angelica Barnaas, Fitchburg, Phillip Ward, Chicopee, John Yellm, Allston, Dominic Capodilupo, Dedham, Jim Beaine, Edgartown.

Lynn Peterson, Edgartown, Mrs. Paul Sturtervent, Halifax, Belle Montaue, Cambridge, Ann Tucker, Newton Center, Ted Heuchleg, Concord, Rita Moss, Newton, Alfonsas Dainis, Cambridge, Bertha Reynolds, Stoughton, Joan Clark, Colrain, W. Harking, Cane.

Ruth Marshall, Cambridge, Marlene Miller, Highland, Juenita Weed, Lee, Donna Alexandianch, Worcester, Alba Chitauras, Somerville, Lucy Palfrey, Plymouth, Theresa Gilbert, Norwood, Merriell Callender, Everett, Seor Barnet, Newton, Paul Carming, Dorchester.

Robert McCockee, Carve, Joni Deven, Allston, Sharon Fay, Lexington, Shirley McCrary, Highway, Jerel Twiss, Colrain, Maurice Shriburn, Sharon, Ron Wilmot, Osser, David Huaschild, Branston, George Duthamo, Springfield, Ronald Hikel, Jefferson.

TERRY PRAISES DISASTER RELIEF; CALLS FOR FURTHER ASSISTANCE

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. TERRY. Mr. Speaker, the victims of Agnes have begun to rebuild. They are going home to clean up and put the pieces back together. The key words have been coordination and cooperation.

The coordination at all levels—Federal, State, and local—has been admirable considering the scope of the devastation. In my congressional district, the county, city, town, and village governments went into action immediately and were soon providing rapid emergency aid to victims. They moved quickly to help people find shelter, food, and clothing. Their work and cooperation has been phenomenal. The Federal Government likewise has moved quickly. They set up field offices and began helping flood victims in a very short time.

Thomas R. Casey, Regional Director of the Office of Emergency Preparedness in New York City is running the disaster office in Horseheads, N.Y. His leadership in coordinating the assistance efforts has been commendable and he and his staff have provided immense help to the victims in my congressional district. They are to be praised for these efforts.

The Federal Government, at the inception of this disaster, had an elaborate apparatus for assistance. Under the direction of OEP, more than 100 different services were available to communities and individuals to help with the rehabilitation of homes, businesses, public facilities, and private property. But more was needed because of the scope and severity of the flooding.

Several areas were and are still in need of assistance that has not been forthcoming. Outdoor recreation, for example, suffered severe losses. Parks and recreation areas owned by cities, towns, villages, and counties could not receive disaster relief. They are, in fact, strictly prohibited from receiving such assistance.

The Secretary of the Interior, seeing this as a problem that must be dealt with, has made this a top priority and will provide project grants up to 50 percent of the costs for the restoration of parks, recreation areas and facilities damaged by Agnes. The facilities must be open to the general public and not limited to special groups.

This will help a great deal, but the losses in my district were quite high since much of the economy in the Finger Lakes congressional district is tourist oriented. More needs to be done to get the recreation areas back in shape and prevent further loss of revenues.

Another area of concern is the Corps of Engineers. They have a vast amount of work to do in both cleanup and prevention of future similar catastrophes. I fear that the staff they presently have is not sufficient. I have recently learned that, according to the corps, they will only be able to accomplish their tasks in one end of Livingston County, the hardest hit in my district, this year. This means that the other end will be vulnerable to similar devastation until next year.

I fear that other counties in New York and throughout the flooding area are in a similar situation and that something must be done to give the corps the added capability needed to prevent further tragedy.

A third area of concern is FHA loans to farmers who sustained large crop losses. Currently, loans can be obtained for a period of 1 year with no maximum. Several farmers in the Potter Muck area of Yates and Ontario Counties and in areas of Livingston County in my district have losses of $100,000 or more. These losses are impossible to recoup in 1 year, yet the FHA crop loans are for only one growing season. More assistance to the farmers, the backbone of our economy, is needed.

Finally, one of the major problems I found that I had as a Member of Congress was a lack of knowledge of what to do and how to do it in the case of such an emergency. Something that was lacking and that is sorely needed is a disaster plan for congressional offices. I have written to Gen. George Lincoln, Director of the Office of Emergency Preparedness, on this subject and I conveyed to him the following suggested plan:

Suggested Disaster Plan for Congressional Offices

I. STEPS A CONGRESSIONAL OFFICE SHOULD TAKE TO BE READY IN THE EVENT A DISASTER OCCURS

A. Be aware of the types of disasters that might occur in the district and the weak points in the defense of such a disaster.

B. Have on hand the OEP Disaster Handbook and the information kits OEP uses for disasters.

C. Keep an up-to-date list of all OEP offices, their addresses and telephone numbers, and the people who run them.

D. Keep an up-to-date list of names and telephone numbers of Civil Defense, Corps of Engineers, Small Business Administration, Farmers Home Administration, and other pertinent offices, and State and local officials who have responsibility in a disaster situation.

E. Keep an up-to-date list of local disaster plans (if not available, suggest that they be drawn up).

F. Have on hand the OEP list of eligibility criteria for assistance. It should be very detailed so potential questions can be easily answered.

G. A list of potential sites for emergency information centers to be operated by the Congressional office should be drawn up and kept up-to-date. This will facilitate and expedite emergency operations when they become necessary. Suggested locations include, in addition to district offices, Civil Defense offices, Chamber of Commerce, local officials' offices, State officials' offices, etc.

II. THE DECLARATION OF A DISASTER

A. Definition of a Disaster

B. Procedure for declaring a disaster

C. The role of OEP

D. A list of procedures and criteria for an area to be declared a disaster area.

1. Legislative procedure and legal aspects of a disaster. Legislative history (include such things as the agreement between FHA and SBA on their overlapping programs).

2. Should include a careful explanation of the disaster declaration procedure such as the fact that a Presidential declaration does not necessarily mean OEP will confirm a particular county.

3. Explanation of the differences between an OEP declaration of a disaster area and an SBA declaration.

III. WHAT TO DO IF IT IS IMMINENT THAT A PRESIDENTIAL DISASTER WILL BE DECLARED

A. The Member should immediately contact and coordinate with State and local officials, OEP, Civil Defense.

B. Set up the information centers in the pre-selected spots throughout the district.

1. These offices should be available to answer any and all questions about the disaster.

2. The opening of the offices, their locations, and the telephone numbers, should be widely publicized.

3. The offices should gather statistics and damage estimates and locate the hardest hit areas and get this information to OEP officials for their use. OEP will use the information as a basis for sending out their own damage estimate teams and for setting up its own centers.

4. The offices should coordinate with each other to make sure the same information is being given out at each one. Each should have the previously prepared telephone list.

5. The offices should be closed only after OEP has set up its operations, but the regular district offices should remain available to answer questions and help solve the problems that arise.

6. The offices should maintain close contact with OEP officials in the area and provide a mutual exchange of up-dated information.

C. The Members should tour the stricken area as soon as physically possible so the people will know he is working on the problem. This will help ease the potential for panic which often accompanies such a disaster. A press conference should be called immediately after the tour to publicize the Member's presence in an effort to keep the situation calm.

D. All Members involved in the disaster area should make an effort to appraise each other of their activities and if possible coordinate any major efforts on behalf of the victims.

E. OEP should call a meeting at the White House for all Members and staff people involved in the disaster operations as soon as possible. The best opportunity is concurrent with the declaration and before the Member departs for a tour of the district.

F. Local OEP officials should be contacted immediately after each Member has set up his information centers and appraised of their locations, telephone numbers, and the staff people manning them.

G. OEP should contact these centers daily, or as the situation dictates, to appraise them of the situation and any changes that occur. The information centers should, in turn, relate pertinent information on a regular schedule to the OEP offices.

H. The utmost speed is necessary. Time estimates should be available and given out to victims who make requests for assistance and ask how long it will take. A definite time period should be given where possible because the worst thing you can say to a victim is "soon."

In essence the key words are advance preparation, coordination and speed. Speed is of the essence. The victims of any disaster deserve to be helped quickly and time is of the essence. Often the scope of the disaster will make travel difficult and communication impossible. In such a situation, it is imperative to make an extra effort to quell the possibility of panic. Ways must be found to get into these areas and calm the victims, assuring them that help is on the way.

The Federal Government, at the inception of this disaster, had an elaborate apparatus for assistance. Under the direction of OEP, more than 100 different services were available to communities and individuals to help with the rehabilitation of homes, businesses, public facilities and private property. But more was needed because of the scope and severity of the flooding.

We in Congress have now provided the victims some additional help in the form of H.R. 15692. Among other things, loans from the Small Business Administration and Farmers Home Administration are now available, retroactively, at a rate of 1 percent with a forgiveness feature of $5,000. It also provides much needed assistance in the form of grants to private, nonprofit education institutions which, until this measure was passed, were not eligible for Federal assistance. The ravages of Hurricane Agnes placed these schools in a position where they only alternative would have been to shut down if this assistance had not been provided.

But much more needs to be done if we are to get all of the flood victims back on their feet and prevent such occurrences in the future. More assistance is needed and more corrective and preventive measures must be taken and I call on my colleagues for their cooperation toward that end.

It is my sincere hope that out of this disaster two things will emerge. One, that measures will be taken to insure that such a thing will never again occur. And two, that this feeling of unity and cooperation will carry over into our everyday dealings with our neighbors.

In this hour of great need, my heart goes out to those who have lost so much in the devastating flooding. I have been to the area often and have seen the destruction first hand. We have still much, much more to do.

TULARE, CALIF., REACHES ITS GOAL

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MATHIAS of California. Mr. Speaker, I would like to bring an interesting fact to the attention of all the Members of this House. That fact is that the city of Tulare, Calif., in my congressional district, raised $161,700 in a period of only 1 month for the purpose of assuring the development of an industrial park. This accomplishment by the people in Tulare is both remarkable and outstanding. They have demonstrated what a public-spirited people can do when they are determined to achieve a particular goal.

The citizens of Tulare have been concerned for some time about attracting new industry and broadening their economic base. And the industrial park was the way they decided to bring new industry into the city and create new job opportunities.

The money was actually raised through

the sale of $100 shares in the Tulare Industrial Site Development Foundation. The stocks were bought by individuals and businesses from every segment of Tulare. The sales began on July 5 and after only 2 weeks $100,000 had been raised. This was enough to get the project going. It was decided to continue with the sales and after 1 month a total of $161,700 in stock had been sold. And they plan to continue until they have reached $250,000 which is the amount needed to complete the job.

The Federal Government was able to play a part in this success story. The Economic Development Administration and the Environmental Protection Agency have each made contributions to the construction of the Laspina-Levin sewer line that will service the park area.

This is indeed a success story of a town concerned about its future and determined enough to do something about it.

Tulare has set an example for other towns throughout the country to follow.

I ask unanimous consent that an article from the August 7 edition of the Tulare Advance-Register entitled "One Month—$161,700" be printed following my remarks:

ONE MONTH—$161,700—INDUSTRIAL PARK ASSURED AFTER WHIRLWIND CAMPAIGN

(By Tom R. Hennion)

Who said it couldn't done?

It could, and Tulare proved it—with flying colors!

Tulare's industrial park will be developed, and Tulare thus soon will make its re-entry into big league competition for new industry. All doubt of that was erased today by the jubilant officers of the Tulare Industrial Site Development Foundation.

They announced that the sale of stock in Tulare's proposed industrial park has reached the $161,700 mark.

That is $11,700 more than the $150,000 which the foundation, which will develop the park, said would be necessary to insure its establishment.

The sale of stock will go on, perhaps until the total has reached $250,000, but the essential amount to get the job started has now been raised.

And it was a true community-wide effort.

In fact, it might well be one of the speediest, most public-spirited sales of stock on record anywhere.

At the office of the Greater Tulare Chamber of Commerce, where the daily sales were tabulated, it was revealed that individual stock purchases ranged from $100 for a single share to $5,000 for 50. Also, sales records showed that purchasers came from all walks of life—from daily wage earners to large corporations.

It was their way of expressing their faith in the Tulare of the future, their way of making certain that Tulare is not handicapped in its quest for a broader economic foundation by lack of a proper place to put new industry.

It was also the serving of a community-wide notice on the world of industry that Tulare is a community that not only is ready to roll out the red carpet of welcome for new industry, but whose individual citizens are so enthusiastic over the idea that they have put up their own money to make it possible.

The actual campaign to raise the $150,000 necessary to get the industry park show on the road began just one month ago.

On July 5, the first offering of stock in the Tulare Industrial Site Development Foundation was made to the people of Tulare.

A community volunteer sales force of more than 20 businessmen, under the guidance of Frank Hulbert, immediate past president of the Chamber of Commerce, began calling on a list of prospects to tell them the industrial park story.

Acceptance of the proposal was even greater than had been anticipated. By July 19—two weeks after the sale started—$100,000 was in hand. That was the amount the foundation was required by the state corporation commissioner to impound in an untouchable bank account before any of the funds could be used.

The sales committee then set its sights on $150,000 as the essential minimum to insure the development.

This money will be used to make a down payment on the industrial park property, to pay for the cost of running a rail spur across So. K Street into the main body of the park, and for other necessary starting expenses.

"There is no intention of halting stock sales now," Dan T. Johns, executive vice president of the chamber, stressed today. "The more money we have the more we can do with the park. If we can reach our ultimate goal of $250,000, we can put together an ideal package to sell to industry."

The more than $150,000 now available to the foundation will, however, permit the group to begin its final planning, to construct the railroad spur, and to begin promoting the new park in nationwide industrial circles, Johns pointed out.

The industrial park, a Tulare dream for more than a decade, will be located on 163 acres of land to be purchased from Manuel and Mary Souza and Mrs. Allene Souza, as guardian for the estate of Gabriel Souza, Jr.

The site is bounded on the east by Blackstone Street, on the south by Paige Avenue, on the north by Levin Avenue, and on the west by So. K Street from Paige almost to Continental Avenue and by So. O Street from there to Levin.

Another 16 acre plot has been purchased on the west side of K Street to insure rail access to the principal park site east of K.

The site has ready and quick access to both Business Route 99 and U.S. 99 Freeway, and also to the Southern Pacific Railroad and Tulare Airpark.

The park will be developed by increments, with money obtained from the sale of the first parcels to industry to be used for the development of additional parcels.

Eventually, the total investment will exceed $1 million.

It will be served by the heavy industrial-type Laspina-Levin sewer line, now nearing completion, which surrounds the park on three sides. The city of Tulare has agreed to put in utilities and the necessary roads and to sink a new water well.

Weekend sales totaling $12,700 put the stock sale over the $150,000 top.

Purchasers included Southern California Gas Co., $2,000; Marion K. and Floy Morgan, $1,000; A. J. and Ruth Elliott, $1,000; Albers Manufacturing Co., an industry which itself is just now building a new plant in Tulare, $1,000; Al Holland, $500; Mary Enid Ledbetter, $500; Dr. Lee H. Smith, $500; Harry Krikorian, $500; and Mr. and Mrs. William Wolfe and Harold Williams. There also were anonymous purchases of $5,000 and $500.

NATIONAL STUDENT ASSOCIATION ON GREECE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ROSENTHAL. Mr. Speaker, the National Student Association, at its 25th congress held this week in Washington passed a forceful resolution on Greece. The NSA has been active, especially through its Center for Greek Studies, in calling attention to continued American support for a military dictatorship which illegally seized power over 5 years ago.

I include below the text of the resolution:

GREEK MANDATE

Whereas, it is now more than five years since a military junta seized power in Greece and destroyed all of that country's free institutions, and

Whereas, despite repeated assurances by both the Johnson and Nixon administrations that democracy was rapidly being restored in Greece, the only assurance that the Greek junta has given in regard to the long-awaited elections is that they will not take place this year either, and

Whereas, arbitrary arrest and torture remain the common experience of the Greek people, and many of the noblest Greeks remain in prison or exile under inhuman conditions, and the weight of the junta's oppression has fallen with especial severity on Greek students, and

Whereas, despite the declared opposition of the U.S. Congress to military aid for the Greek regime, the Administration is endeavoring to expand its aid, both open and concealed, to the junta,

DECLARATION

Therefore, the United States National Student Association demands the implementation of the expressed will of the U.S. Congress by the immediate cessation of all U.S. aid to the Greek junta, whether direct or indirect, open or concealed, and reiterates the condemnation of the Greek dictatorship adopted by the 23rd National Student Congress.

MANDATE

The U.S.N.S.A. is mandated to:

(1) Continue and expand the work of the U.S.N.S.A. Center for Greek Studies.

(2) Support and assist Greek students who are victims of the junta's oppression or actively engaged in resistance to it, both within and outside Greece,

(3) Take action in regard to repression in Greece nationally, by raising the issue with candidates for office, members of Congress and of the Administration, with the U.N. and other international bodies, with the churches and peace organizations, in the press, and in all possible ways.

(Approved by the National Student Congress, August 17, 1972.)

PROVIDING TREATMENT FOR EVERY NARCOTICS ADDICT WHO SEEK IT: THE FIRST PRIORITY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. EDWARDS of California. Mr. Speaker, on August 9, 1972 there appeared in the Review and Outlook section of the Wall Street Journal an article entitled "The First Step." It is an extremely important article and I am inserting it in the RECORD so that it may have as wide an audience as possible.

We have been hearing much in recent months, from the administration, regarding progress in its declared war against narcotics addiction. Almost every week there is a press conference featuring Mr. Ambrose, Mr. Ingersoll, or Mr. Kleindienst announcing some spectacular achievement in intercepting the narcotics traffic. Yet, despite all of the press releases, the estimated number of narcotics addicts in the Nation continues to grow, and the number of addicts in treatment remains at a level of less than 20 percent of the total addict population.

My Judiciary Subcommittee recently held hearings on narcotics treatment and rehabilitation programs in Los Angeles, San Francisco, and Alameda Counties, Calif. We found that in each of these counties existing narcotics treatment and rehabilitation programs are reaching only a small percentage of the estimated population. In all three counties there are waiting lists of narcotics addicts who want treatment, but cannot obtain it. In Los Angeles County alone, for example, there is a waiting list of over 2,300 persons unable at present to enter the Los Angeles County methadone maintenance program. We were informed that unless supplementary funding is obtained to expand the county's methadone program, it will take about 3 years to serve all of the patients presently on the waiting list.

The problem faced by Los Angeles County exists throughout the country. In every city examined by my subcommittee we have found actual waiting lists of narcotics addicts seeking treatment but unable to receive it. Even in those areas where there are no formal waiting lists established, we have found that newly established treatment programs fill up to capacity within days of their opening.

There is obviously a tremendous need for the expansion of treatment opportunities for narcotics addicts. Dr. Leon Marder of the Los Angeles County General Hospital testified that the minimum national need was for the creation of between 150,000 and 175,000 narcotics treatment slots. He estimates that if sufficient opportunities for treatment were made available and publicized, fully half of the Nation's narcotic addict population would seek treatment voluntarily. At the present time, however, there are only an estimated 30,000 narcotics treatment slots available nationwide.

Thus we are faced with the situation described by the Wall Street Journal: More than 20,000 narcotics addicts on waiting lists unable to obtain treatment. These addicts are being left on the streets with the need to support their habits through criminal activity while the administration issues press releases describing its successes in its war against heroin trafficking. As important as law enforcement efforts against heroin pushers are, and as much as I personally support the intensification of our national law enforcement programs against the heroin traffic, I believe that the administration has misplaced its priorities in its emphasis of law enforcement to the neglect of treatment and rehabilitation programs. Our greatest priority must be the providing of treatment and rehabilitation opportunities to every addict who seeks them.

I urge my colleagues to read the Wall Street Journal article, which I include in its entirety below:

The First Step

Since our business gives us more than a glimpse of mankind's foibles and calamities, very few facts shock us anymore. But one that does set us brooding is that nearly all of the nation's 450 methadone programs have waiting lists.

Imagine the scandal that would surround the discovery of waiting lists for treatment for cancer, or heart disease or broken limbs. Yet we have people asking to be treated for drug addiction, which is not only a personal tragedy but a severe social problem, and they end up on waiting lists.

We recognize, of course, that methadone treatment remains somewhat controversial and experimental, and by no means a complete remedy for the drug problems. We further recognize that the problems associated with the expansion of the programs are real, not matters of mere good intentions or even mere money. Still, if the drug problem is as serious as all the rhetoric about it suggests, those in charge of efforts to combat it ought to be doing whatever they can to help. And it seems to us methadone is one of the very few useful tools anyone has found.

In any event, we have trouble understanding many of the objections to methadone that have fueled the controversy. The treatment consists of switching addicts from heroin to methadone, itself an addictive drug. While this allows them to lead more-or-less normal lives, methadone detractors object that it does not cure their addiction. This objection would of course make sense if anyone knew any method of curing addiction on a large scale, but no one does. So we simply cannot understand logic that would deny what little help is available to addicts seeking it, and also deny what little chance society has to reduce somewhat the costs it pays in addiction-related crime.

Even harder to understand is the ignorant question, if you give them methadone, why not heroin? To insure anything like proper supervision, addicts must generally be made to visit clinics to obtain their maintenance drugs. Methadone is administered orally once a day, while heroin would have to be injected about four times a day. Even more important, methadone blocks the effect of heroin. An addict maintained on heroin would be continuously tempted to try additional illicit heroin for a better "high."

It is proving difficult enough to supervise the distribution of methadone, for that matter, without supervising the distribution of heroin. Here is the real problem of the methadone programs. Addicts have learned to inject the drug, apparently no little trick, and produce a high. Methadone, presumably somehow diverted from supplies intended for maintenance programs, has turned up on the street; people have turned up addicted to methadone without ever having been addicted to heroin.

While this certainly demonstrates the difficulties inherent in any attempt to deal with drug addicts, it seems to us a problem that can be reduced to manageable proportions. Regulations have already been tightened to insure better supervision. This means competent people must be found and a great deal of time expended in supervision. Building such administrative machinery is always slow and difficult work, and this of course goes far toward explaining those waiting lists.

Even so, it seems to us a greater sense of urgency would pay dividends. Estimates place the total waiting lists at about 20,000 addicts. Some 85,000 are receiving treatment, out of a guessed-at 500,000 addicts in the nation. Despite our current suspicions about the federal budget, we even approve of the Nixon administration's decision to ask $135 million extra for anti-drug efforts, including $60 million for local treatment programs that often rely on methadone. But we think cities where the drug problem is acute should not stand around waiting for federal funds, but should find ways to press ahead with their own resources.

No expansion of methadone treatment will end the drug problem, because it cannot help addicts who do not want to be helped. They will remain a large number, and there probably is no way to cope with them except to rely on greater coercion of one type or another. But it seems clear, at least to us, that the first step is to insure that properly supervised methadone programs are avaible to any addict who asks for help.

A FORKED-TONGUE ADMINISTRATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MOORHEAD. Mr. Speaker, it amazes me how often the Nixon administration has one of its junior members spout bountifully about freedom of information and how open the administration is about its policies.

It just ain't so.

The feeling downtown appears to be, why do anything in the open when it is easier to do it in secret.

The most recent instance of this aversion to scrutiny involves a man who performed a supreme service for his country, A. Ernest Fitzgerald.

Ernie Fitzgerald is the guy who blew the whistle on the sweetheart relationship between the Air Force and the Lockheed Aircraft Corp. Ernie caught the Air Force fudging its books and hiding cost overruns on the C–5A giant transport plane. These overruns were costing the taxpayers millions.

The Air Force managed to fire Fitzgerald under questionable circumstances. Now they are trying to muzzle a public hearing on the dismissal.

Ernie deserves his day in court and with all of the openness and freedom which the law allows.

While I support the Pentagon's right to appeal the court's ruling for an open hearing, I think the more the administration fights this development, the more it destroys the faith of the people in our government and the hope of judicial relief.

I would like to introduce into the Record at this time an editorial from the New York Times discussing the Fitzgerald case.

The editorial follows:

Secrecy Shroud

When Richard M. Nixon was a Senator with a penchant for investigations he strongly defended the right of Government officials to testify frankly before Congressional committees. Unless military men and civilian employes "have complete freedom from reprisal," he said in 1951, "the scheduled hearings will amount to no more than a parade of 'yes' men for Administration policies."

Yet the Nixon Administration now, for reasons difficult to understand, is backing up fact that the cost-overruns and Mr. Fitzgerald, the civilian analyst who in 1968 exposed to a Senate committee the $2-billion cost-overrun by Lockheed on the giant C5A transport. The mystery is increased by the fact that the cost-overruns and Mr. Fitzgerald's testimony about them occurred in the Johnson Administration.

The Air Force discharged Mr. Fitzgerald through the subterfuge of abolishing his job, but rumors were spread that he had engaged in questionable activities involving a "conflict of interest." A White House investigation of these innuendos early in the Nixon Administration cleared the analyst and even brought a recommendation for his promotion, according to columnist Clark Mollenhoff, a former member of President Nixon's staff. Nevertheless, Defense Secretary Laird with White House backing has supported the Air Force in its efforts to make the firing stick and even to deny Mr. Fitzgerald public, not closed, hearings in his bid for reinstatement.

A Federal District Court ruled that the closed hearings before the Civil Service Commission were an unconstitutional denial of due process. But the Justice Department, on Air Force urging, is now appealing this decision, although there is no security reason for secret hearings. The Air Force argument that privacy in such hearings is needed for now to insure preservation of evidence was rejected by the District Court on the indisputable ground that the employe, Mr. Fitzgerald, wants an open hearing.

Mr. Fitzgerald's right to take depositions now to insure preservation of evidence was also upheld by the District Court in response to his plea that some of his key witnesses inside the Air Force already have left or are dead and that files may vanish with time. But even this ruling is being appealed by the Administration.

The Air Force clearly would be embarrassed by open hearings that exposed its mishandling of the C5A contract and its questionable tactics in the Fitzgerald case. But elementary justice and the need to discourage cost-overruns—which exceed $28 billion on current weapons development programs—both suggest that the public interest would be served by the prompt scheduling of open hearings that put the facts before the country.

TUSKEGEE STUDY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. CLAY. Mr. Speaker, on July 26, the New York Times and the Washington Post reported on a study of the effect of syphilis, conducted by the Public Health Service, on 400 black men in Tuskegee, Ala. In the 3 weeks since that report was issued, the horror initially experienced has grown to the point of outrage. We witness continuing accounts of doctors who curiously watched the debilitating effects of syphilis proceed unchecked in 200 human beings. At least seven cases resulted in death.

Alleged statements by these physicians, in justification of this hideous experiment, have been incredibly complacent. They have expressed certainty that, with current knowledge of treatment of this disease and the change in approach to human experimentation, such a study would not be conducted today.

These statements are rather less than convincing however, when one considers the fact, acknowledged by these physicians themselves, that an effective treatment of syphilis with penicillin, had been in active use for at least 20 years. Yet the victims were never even offered this treatment. Just this morning, the Washington Post carried an article from a medical journal which quotes a report by the Public Health Service stating that even the use of the limited treatment available before the discovery of penicillin could have benefited most of the syphilis victims. Apparently the chance to watch the full, deadly effects of this disease proved too enticing to the physicians conducting this study.

This case is particularly abhorrent in view of the deep-seated racism existing in this country. That the lives of a group of poor black men could be deliberately destroyed, reflects the total disregard that whites have historically shown for the lives of black people. The oft-heard charges of genocide, which have been lightly discounted as wild-eyed rhetoric, seem agonizingly close to the truth in this instance.

In a recent article in the Philadelphia Daily News, Mr. Chuck Stone discusses the question of genocide, a question which is increasingly in the minds of a growing number of black Americans. In viewing the Tuskegee study, along with important other factors, such as the disproportionate number of black veterans dying in Southeast Asia, or the failure of the Government to cut off the flow of narcotics from these same Southeast Asian countries into the veins of our black children, even the most moderate must ponder some very ugly possibilities.

Mr. Speaker, I urge this Congress to move quickly with determination to allay the fears of black Americans by taking immediate action to prosecute the figures responsible for this hideous study, and to insure a just reparation for the victims and their families. I include the Washington Post article, and the article by Mr. Stone, in the RECORD:

[From the Washington Post, Aug. 8, 1972]

DOCTORS COULD AID SYPHILITICS IN 1936, MAGAZINE CLAIMS

(By Jean Heller)

NEW YORK, August 17.—U.S. Public Health Service doctors had the knowledge and the medication as early as 1936 to cure black men participating in a federal syphilis experiment in Alabama, but the doctors withheld the treatment, a national medical magazine has reported.

Quoting from PHS' reports on the progress of the experiment, known as the Tuskegee Study, Medical World News reported that only 25 per cent of the untreated syphilitics were normal after several years of study, while all syphilitics treated with the best remedy known at the time were free from the disease.

The Associated Press disclosed last month that doctors at the PHS Center for Disease Control in Atlanta deliberately had denied treatment to participants in the Tuskegee Study, even after the discovery of penicillin, so that autopsies could be performed on those who died.

The treatment of syphilis in the 1930s and early 1940s consisted of weekly doses of mercury and bismuth followed by doses of arsenic. The treatment lasted between 18 months and two years.

CDC doctors have said the doctors who ran the study in the early years chose not to treat some 400 syphilitics with the arsenicals because the treatment could be worse than the disease and sometimes was fatal.

However, Medical World News quoted the CDC report, which indicated that early treatment was better than no treatment at all.

"Adequate anti-syphilitic treatment prevented all forms of clinical relapse . . . whereas only one-fourth of the Negroes with untreated syphilis were normal," the report said.

After disclosure of the study, current CDC officials in Atlanta said their records showed that seven men had died as a direct result of untreated syphilis. They also said at the time that the figure could be higher, and apparently it is.

CDC reports written in 1955, 1961 and again in 1971 said that of 92 untreated syphilitics autopsied between 1935 and 1953, "28 (or 30.4 per cent) had cardiovascular or central nervous system syphilitic lesions as their primary cause of death."

In an earlier report, CDC doctors found untreated syphilis shortened life expectancy among Negroes.

"The fact that nearly twice as large a proportion of the syphilitic individuals as of the control group had died is a very striking one," the report said. "It can be said that the life expectancy of a Negro man between the ages of 25 and 50 who is infected and receives no treatment is, on the average, reduced by about 20 per cent."

Present and past CDC doctors say that Tuskegee and surrounding Macon County, Alabama, were picked for the experiment because the area had the highest syphilis rate in the nation in 1932, when the study was undertaken.

Dr. Donald R. Printz, CDC's chief of clinical research, had said that of the men tested in the area in 1932, 80 per cent had positive blood tests for syphilis.

When CDC was asked to recheck that figure, officials conceded they had misread the areas' population breakdown. "Instead of being 80 per cent syphilitic and 20 per cent uninfected, Macon County in the 1930s was 80 per cent black and 20 per cent white," the medical magazine reported.

[From the Philadelphia Daily News, Aug. 1, 1972]

SYPHILIS AND GENOCIDE

(By Chuck Stone)

It either takes a tough constitution or a rancid morality to sit quietly by and watch 200 men die without doing anything about it.

I call it genocide. Have you got a better name for it?

The act of genocide was even officially sanctioned by the United States Public Health Service.

The experiment began 40 years ago with about 600 black men. Of those 600, about one-third were free of the disease; two-thirds showed evidence of syphilis. Of the syphilitic group, half were treated, but the other half—about 200—received no treatment. And they received no treatment even after penicillin was developed during World War II.

At first blush, the charge of genocide may be considered extravagant rhetoric. But, those 400 black men were "systematically and deliberately destroyed" as a racial group and that's exactly what genocide is.

Even my reaction is a delayed one because I was so revulsed by this official slaughter, I shied away from a comment. What do you say about a group of sadists who wear the snow-white uniforms of medical researchers which permit them to play God with the lives of human beings?

The 13-member Congressional Black Caucus shocked me back into reality with its demand yesterday that "everyone responsible for these hideous acts of crime be brought to justice."

The Caucus also called for reparations to be paid to the families and victims of this 40-year-long experiment.

In its demand for reparations, the Caucus resurrected an idea that enjoyed a wide currency in the black community a few years ago. Former SNCC Director James Forman demanded that America's churches pay reparations to black people for supporting American racism. The idea was contemptuously dismissed as far-fetched, but the Caucus's demand of yesterday gives it a renewed respectability.

"The overall effects of this immoral revelation," continued the Caucus's statement, "extend far beyond the lifelong sufferings of myriad black families and their unborn offspring. It poignantly reflects the deflated value that white people have historically placed upon black lives."

That's an extremely barsh indictment for a group of distinguished elected officials to level against the citizens of their own country.

But its harshness in no way compares to the devaluation of human life that the United States government placed upon the lives of a group of its own citizens.

Sure, in the name of scientific advance, there have been medical experiments in which the victims were injected with a disease or a virus to test the effectiveness of a newly discovered cure. They knew the possibility of death, but they also knew that the medical researchers were hanging in there all the time trying to save their lives.

Not the U.S. Public Health Service this time.

And I think that's an essential difference—that doctors or researchers who usually dedicate themselves to trying to save human beings this time sat casually by for 40 years and watched them slowly die without making any effort to help them to hold on to life.

During the last few years, there has been a rising tide of opinion in the black community that there is a "secret" or "unofficial" plot to wipe out black people.

The continued existence of "detention centers" around the country and some of the cattle round-up methods used by some officials have in dealing with dissent have not diluted that charge.

Family planning or planned parenthood has been widely viewed by many responsible black professionals and leaders as a subtle, but effective effort to destroy the black family and limit its growth.

The high rate of black veterans' deaths in Vietnam (12.5%) compared to the percentage in the armed services (9.8%) worries a black community who see its manhood being systematically wiped out.

And now comes along a U.S.-government-stamped genocide program that takes on some of the coloration of Hitler's systematic destruction of 6 million Jews.

Sure, dismiss the analogy as ridiculous and tut-tut me with the admonition that I'm really being paranoid.

But when you live in a country that deliberately facilitates the deaths of 200 of its citizens of an ethnic group of which you are a part, that's not paranoia.

That's "real-a-noia" and a lot of black people, like the Congressional Black Caucus, are wondering just how much their American citizenship is worth these days.

STUDENTS LOANS

HON. JAMES D. (MIKE) McKEVITT

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. McKEVITT. Mr. Speaker, it was a great deal of pleasure and satisfaction that I learned that Senate Joint Resolution 260 as amended by the House has been sent to the President for his signature.

To me, this measure was essential. Because of the new Higher Education Act and the new formulas, the allocations of funds to the States are yet to be determined. But the important thing is that with this measure we are moving. According to the Office of Education, student loan officers in the various States will soon have an idea of how much money is available and they can plan accordingly. This measure should help alleviate the problem, in most cases.

The fall term is upon us and many students in need of student assistance cannot get their loan application processed. They do not know whether they will be able to pursue their education or not. However, this bill, which will soon be on the President's desk, will assure the loan program and I know that many university and college administrators and students all over the Nation are relieved.

THE NATIONAL NUTRITION, FOOD AND FIBER ACT OF 1972

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. DENHOLM. Mr. Speaker, the future consumer demand for food and fiber at home and around the world is unknown. The need for an abundant quantity of food and fiber—of the highest quality of nutritional value is imperative in America, in Asia, in Europe, and for all mankind. The availability of the essential quantity and quality of nutritional food and fiber at a fair and reasonable cost to consumers is most important in every family budget at home and around the world.

A price and production program based on manipulation of Government controls and vested interests at public expense is not in the interest of people—consumers or producers, of this country or those suffering the misery of famine and starvation elsewhere in the world.

The national nutrition, food and fiber legislation that I am introducing today for the consideration of the Congress emphasizes the importance of people, compensates performance and production as opposed to the concepts of the past that have attempted to influence upward the price of food commodities by programs of scarcity and the expenditure of public funds for nonperformance and nonproduction with no consideration for people—consumers or producers.

Mr. Speaker, I include the proposal that I have introduced today in the RECORD as follows:

H.R. 16485

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, an Act to assure maximum national nutrition with the highest quality and greatest quantity of food and fiber at the lowest possible cost to consumers with emphasis on people, performance and production; and

To achieve a balance in the national economic growth and social stability by reducing or tending to reduce the cost of living, by reversing the pressures of continued inflation and by providing alternatives to economic coercion of national population trends; and

To encourage maximum conservation in the preservation of ecological and environmental values in the optimum utilization of human and natural resources; and for other purposes.

SHORT TITLE

This Act shall be cited as "The National Nutrition, Food and Fiber Act of 1972."

TITLE II—DEFINITIONS

SEC. 101. (a) FARM FAMILY UNIT.—Any person as defined by law, including a spouse and issue, head of a household, widow or widower that derives one-half or more of his or her earned annual gross income from the actual production and sales of food and fiber, or

(b) Any person as defined by law, including a spouse and issue, that derives one-half or more of his or her annual gross income from the ownership of land used in the production of food and fiber under a leasehold, share-crop or tenancy agreement with a producer, but not to exceed an annual sum in the aggregate in excess of one-half of the computed annual aggregate total of a qualified Farm Family Unit, as a producer or producers as defined in subsection (a) of Section 101 and notwithstanding any number of such landlord-tenant relationships the owner or owners of any such land used in the production of food and fiber shall not participate in the aggregate benefits in excess of $20,000.00 per annum as provided for a separate Farm Family Unit producer defined in subsection (a) hereof.

SEC. 102. (a) GROSS ANNUAL SALES.—The combined gross cash receipts first received for food and fiber actually produced by a Farm Family Unit in any calendar year or for such other approved 12-month accounting period, including the gross cash receipts plus the compensatory differential payments, not to exceed in the aggregate a gross combined total in the sum of $20,000 per annum.

(b) The gross annual sales shall constitute the combined amount of gross receipts from sales of food and fiber actually produced plus the compensatory differential payments.

(c) DIFFERENTIAL PAYMENTS.—The computed difference between the average market price and parity as defined by law.

SEC. 103. (a) "CARRY BACK" OPTION.—The Farm Family Unit as defined in subsections (a) and (b) of Section 101 of this title may exercise the option of applying sales against the limits of Gross Annual Sales for any next preceding 24-month period that product cash receipts plus compensatory differential payments were less than the allowable annual aggregate total of $20,000 for any one calendar year or such other approved 12-month accounting period and such carry back shall be first applied to the oldest accounting period at the current computed rate or rates in determining the limits thereof.

(b) "CARRY FORWARD" OPTION.—The Farm Family Unit as defined in subsection (a) or (b) of Section 101 of this Title may exercise the option of applying sales against the limits of gross Annual Sales for any next succeeding 36 month period, provided that the computation of Gross Annual Sales is first applied to the next succeeding calendar year, or such other approved 12 month accounting period, and the then computed rate or rates of the Gross Annual Sales shall be computed at current prices received plus compensatory differential payments not to exceed in the aggregate a sum total of $20,000 per annum.

TITLE III—COST OF LIVING PRODUCTION PAYMENTS

SEC. 101. (a) Notwithstanding any other provisions of law, any Farm Family Unit, that markets food and fiber other than berries, market-garden vegetables, melons or tree fruits and sugar beets or cane, shall receive compensatory payments directly from the Government as a differential computed value not less often than semiannually, equal to the difference between the national average farm market price for each product sold and 90 per centum of parity on the first $20,000 of Gross Annual sales marketed in any one 12 month accounting period when the average market price received on such commodity or commodities is less than the determined value of 90 percent of parity thereon.

(b) Gross Annual Sales in excess of $20,000,000 for any 12 months period by a Farm Family Unit shall not be eligible for the computed differential payment unless applied and computed as provided in subsections (a) and (b) of Section 102 of this Title.

SEC. 102. (a) Any Farm Family Unit may exercise the option of applying sales against the limits of Gross Annual Sales for any next preceding 24 month period that product cash receipts plus compensatory differential payments were less than the allowable annual aggregate total of $20,000.00 for any one calendar year or such other approved 12 month accounting period and such "carryback" shall be first applied to the oldest accounting period at the current computed rate or rates in determining the limits thereof.

(b) Any Farm Family Unit may exercise the option of "carrying forward" product sales against the limits of Gross Annual Sales for any next succeeding 36 month period, provided that the computation of Gross Annual Sales is first applied to the next succeeding calendar year, or such other approved 12 month accounting period, and the then computed rate or rates of the Gross Annual Sales shall be computed at current prices received plus compensatory differential payments not to exceed in the aggregate the sum total of $20,000.00 per annum in such acceptable accounting period of time.

(c) The Gross Annual Sales limitation per Farm Family Unit shall be adjusted not less often than annually with the rate of decline or increase of inflation in the total national economy according to government standards of the recorded national cost of living index.

TITLE IV—ADJUSTMENT PROVISIONS IN TRANSITION

SEC. 101. (a) Notwithstanding any other provisions of law, during the first five years of this Act, if the Secretary of the U.S. Department of Agriculture finds that the production of wheat, corn, cotton, feed grains, or any other commodity of production in any calendar year is excessive in relation to available market outlets and desirable strategic reserves, he may require as a condition precedent to receiving food and fiber parity payments, that each qualified Farm Family Unit shall restrict the acreage of those crops in over production to not less than 75 per cent of the acreage planted or harvested in the immediate past three years. An acreage of cropland equal to that diverted from such production shall be set-aside and used only for approved conservation, grazing, recreational and wildlife purposes upon the condition of approved practices of husbandry as may be prescribed by the Secretary and for a compensatory payment equal to the net average income of all acres of production of the Farm Family Unit.

SEC. 102. In any year in which the Secretary informs producers that an increase in acreage planted to any crop is needed to maintain adequate market supplies and rebuild carryover stocks to more desirable levels, the minimum fiber and food subsidy payments shall be increased by not more than 25 per centum over the level specified in section 1901 of title III of this Act.

TITLE V—CONSERVATION, PRESERVATION, AND RECREATION

SEC. 101. Notwithstanding any other provisions of law, each farm family unit shall be entitled to ecological and environmental improvement payments equal to a maximum of 90 per centum of the actual cost of approved practices for land and water conservation, abatement of pollution, preservation of wildlife habitat, and the development of recreational facilities, not in excess of a maximum of $3,000 per annum or in the alternative a direct payment computation equal to the immediate 3-year average per acre net income of the remaining unit acres of production, whichever is greater for actual performance of prescribed practices of ecological and environmental improvement programs.

(a) The intent and purpose of a national effort of ecological and environmental improvement shall be predicated upon the national interest with emphasis on each Farm Family Unit and community improvement.

(1) Farm Family Unit participation shall be compensated upon performance as prescribed by the Secretary but in no case at a rate less than a sum equal to the net average per acre income of the remaining acres of production of the Farm Family Unit.

(i) Farm Family Unit participation in preservation of wildlife habitat and the development of rural recreational facilities shall be premised upon controlled public access as prescribed by the Secretary of the U.S. Department of Agriculture.

(ii) The Secretary of the U.S. Department of Agriculture in prescribing public access to private lands shall rely upon the recommendations of the local, county and state elected Committee members of the existing Agriculture Stabilization and Conservation Service or such other elected "peer" group thereof.

(2) Farm Family Unit participation shall be emphasized and encouraged for the improvement of the community and national ecological and environmental conditions with preference practices for the Farm Family Unit but including community and regional projects participation as may be approved by the Secretary of the U.S. Department of Agriculture.

TITLE VI—REPEAL OF CERTAIN PAST PRICE-SUPPORT LEGISLATION

SEC. 101. All previous legislation relating to price supports and production controls for wheat, corn and feed grains, now in effect are hereby repealed.

SEC. 102. No regulations issued under existing Federal market orders shall be adversely affected by this Act unless deemed to be in direct conflict with the provisions hereof and in such case the provisos of ths Act shall control, prevail and supersede the provisions of such federal market order(s) that increase or tend to increase consumer costs of food and fiber.

TITLE VII—INVESTMENT IMPROVEMENT INCENTIVE

SEC. 101. Each Farm Family Unit possessed of a vested interest in improvements on land shall be entitled to a 7 per cent investment credit against federal income tax liability in a sum equal to the multiple factor of assessed valuations for improvements in the same manner as prescribed in the Internal Revenue Code for personal property used in the production of income.

SEC. 102. The Investment Improvement Incentive Tax credit shall be otherwise administered consistent with and pursuant to the provisions of the Internal Revenue Code of 1954 and Acts amendatory thereto.

TITLE VIII—ACQUISITION CREDIT FOR FOOD AND FIBER PRODUCTION

SEC. 101. (a) The Secretary of the U.S. Department of Agriculture shall establish and provide a system of long term, low interest rate credit for Farm Family Units in need thereof.

(1) Acquisition credit policies shall not exceed a level rate of interest in excess of 4 per cent per annum to qualified borrowers nor exceed a term of 40 years, either or both.

(2) Policies of credit shall provide for maximum participation of the private banking and credit systems with emphasis on the local banking credit facilities of the community in cooperation with the Farm Credit Systems and existing agencies of the federal government.

(3) Participating loans with approved local banks to Farm Family Units shall be fully guaranteed by the government secured by "black acre" with recourse, and,

(i) Land bank notes shall be negotiable in the commercial money market of the private sector of the national economy fully guaranteed by the Federal Government to preserve liquidity of the participating bank and banking interests and such notes secured by mortgage(s) and guaranteed by the Government shall be interchanged and acceptable by the Farm Credit System or exchanged in the private commercial money market to fully monetize the credit capacity of the borrower in acquisition of real property essential to the production of food and fiber and for other purposes as may be prescribed by the Secretary of the U.S. Department of Agriculture.

(ii) The participating bank or banks shall be paid not less often than semiannually, the difference between the level rate of interest (4 per centum per annum) paid by the borrower on the land acquisition loan, and the current money market rate of interest from funds and authorization granted by the Secretary of the U.S. Treasury through the U.S. Department of Agriculture directly to the participating bank(s) for administration and supervision of the acquisition loans approved to the borrower as a qualified Farm Family Unit. The Government shall have full recourse on all secured real estate mortgages so guaranteed subject only to the priority of the participating bank(s) as mortgagee and the Secretary shall reserve all rights of periodic examinations to verify the security interest of the Government without notice.

SEC. 102. The Secretary of the U.S. Department of Agriculture shall have the authority to prescribe criteria for eligibility, participation and qualifications of banks, borrowers and participants with the advice and counsel of a local "peer" committee, such as the ASCS committeemen or such other designated group acting therein.

SEC. 103. The Secretary of the U.S. Department of Agriculture is directed to issue such regulations as shall be deemed essential and necessary to administer all titles of this Act in a fair, just, objective and orderly manner.

TELEPHONE CONVERSATION—PART III

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. BELL. Mr. Speaker, this is the last in a series of telephone conversations between Lev Lerner of Leningrad and S. J. Lotwin of Los Angeles. It is a followup to the two prior conversations which I inserted this week in the CONGRESSIONAL RECORD:

TELEPHONE CONVERSATION, JULY 9, 1972, BETWEEN LEV LERNER, LENINGRAD, U.S.S.R., AND S. J. LOTVIN, LOS ANGELES, CALIF.

L.L. Hello.

S.L. This is Stuart Lotwin, Lev.

L.L. Yes.

S.L. How are you?

L.L. Bad!

S.L. Bad?

L.L. Yes.

S.L. Would you recap, speaking slowly, what the situation is with you.

L.L. Sometime, about two weeks ago I got the last refusal.

S.L. Yes, I know. Continue on, Lev.

L.L. What?

S.L. Continue, two weeks ago you got the refusal.

L.L. Yes. Exactly—the formula of refusal is that I have in my disposal information which represents the State secrets. But it does not correspond to reality.

S.L. Yes, I know.

L.L. I know that on my first work was the meeting of Technical Committees of which has decided that I have no secret information.

S.L. Very good.

L.L. Because of this meeting there is no reason for the refusal for my whole family. Do you understand?

S.L. Yes, I understand perfectly. Lev, let me say this to you. There was an article in the newspaper in the United States yesterday that said the Russian Authorities are doing this to everyone who is an engineer.

L.L. Yes.

S.L. So, you have not been singled out.

L.L. Yes.

S.L. You see what I mean? Lev, you are now working on textile machinery, is that correct?

L.L. Yes, this is correct.

S.L. Before, what type of product did you work on? Do you know what I mean by product? What type things were you designing for? Do you understand?

L.L. Repeat once more please, loudly.

S.L. What kind of products were you engineering for?

L.L. Before?

S.L. Yes.

L.L. Before I worked as engineer on radio techniques.

S.L. On what?

L.L. Radio techniques.

S.L. O.K. I got that. I understand and we're trying to do something about this and we will. You are still working now though, aren't you?

L.L. No, now my work is on the textile machines.

S.L. Yes, on textile machines; but you're working, yes?

L.L. Yes.

S.L. Yes, good. How is Zina? Is she working?

L.L. She is working but the situation for her work is very unsteady.

S.L. Unsteady. Yes, but she's working now.

L.L. Yes, she is working now.

S.L. Fine! How is everyone otherwise? Is everything well?

L.L. Yes, it is so hard.

S.L. It's what?

L.L. Not very well and not very bad.

S.L. I see, but everyone's O.K. Your parents well?

L.L. Yes.

S.L. That's good. Lev, there's some people here who would like to know why you would like to go to Israel. Could you tell us why?

L.L. Repeat once more, Mr. Lotwin.

S.L. Yes, would you say on the telephone now the reason why you want to go to Israel.

L.L. Yes, I understand. Because we are sure that Israel is our historical and spiritual homeland and it is our national homeland and we could live only in Israel. Do you understand?

S.L. Yes, O.K., fine, very good. Lev, how is Asia? Is she in school? Has she had any trouble in school because of your desire to go to Israel?

L.L. No, there are no troubles in the school.

S.L. Well that's good. So, she has not been affected.

L.L. Yes.

S.L. Lev, there are a couple of other things I wanted to tell you.

S.L. On July 18th, in other words a week from Tuesday, there is a ship arriving in Leningrad that's coming from Hamburg. Our Rabbi is on that ship and he would like to meet you.

L.L. Yes.

S.L. Now, he does not have your telephone number, but I thought if I could give you his name; could you find out what ships are arriving at the port of Leningrad and perhaps meet him at the ship?

L.L. Yes.

S.L. O.K., his last name is Lewis.

L.L. Give him the number of my phone.

S.L. I don't know if he has your telephone number.

L.L. Yes.

S.L. He knows about you. He tried to call you with me on one of the days when we couldn't get through—when President Nixon was there. He wants to meet you but I do not know if he has your telephone number. So, could you find out what ship is coming from Hamburg, Germany to Leningrad on July 18?

L.L. July 18th?

S.L. Yes. His first name is Albert.

L.L. Albert?

S.L. Yes, that's correct.

L.L. The second name?

S.L. Lewis.

L.L. Lewis?

S.L. Lewis, yes correct. He is my Rabbi from Los Angeles.

L.L. Yes, I understand.

S.L. Good, and he would like to meet you and talk to you.

L.L. Yes, we shall wait.

S.L. Then you will try to do that? To meet him?

L.L. Yes, if it will be possible.

S.L. Good, fine. I will try to send him a cable with your telephone number.

L.L. It will be more convenient if he calls to us.

S.L. If he calls you! O.K. Now, I spoke yesterday to Howard Goldenson. Do you remember him?

L.L. Yes.

S.L. Yes, he called me yesterday and we had a very pleasant conversation about you.

L.L. Yes, thank you very much.

S.L. He also gave me the name and address of your relatives in Cleveland, and I will reach them as well.

L.L. Yes, thank you very much.

S.L. Good. There is a man in Cleveland, if we can get to him he can be a big help in getting your visa approved. We're going to try that approach, too.

L.L. Yes.

S.L. O.K. Now, I am glad to hear that you're working and we clearly understand the situation with your visa.

L.L. Yes, yes.

S.L. And I want you to know there are many people here who have been working very hard and you're getting very well known. Yesterday, on Saturday, there was an article in the newspaper about you that has been read—this newspaper is the biggest newspaper in the Western part of the United States—and you are on the first page of it.

L.L. Yes, I understand.

S.L. And you've also been on the radio here.

L.L. Yes.

S.L. And there are newspaper men and radio people who are going to call me in about an hour to learn of our conversation and then to do more about it. So, there's a lot of people who are trying and your name is getting well known in the press and that's got to help.

L.L. Yes.

S.L. And you're trying and you're going to make it, Lev. You understand?

L.L. Yes.

S.L. So, keep your spirits up and your confidence and when it seems bad, don't think that they are only singling you out because it is happening to just about everyone with an engineering degree.

L.L. Yes.

S.L. O.K. So, keep your spirits up because you are going to make it. I am sure of that!

L.L. Yes.

S.L. And I hope it's soon but we're going to have it happen. Now is there anything else you would like to say, Lev, today.

L.L. I want to ask you to say to all our friends that our only one dream is to get the permission for going to Israel and to live with our people in Israeli boundaries.

S.L. Very good, we will and we will have this known by many people as well.

L.L. Yes, thank you very much.

S.L. Lev, would you write a letter to me and I will send you more letters. I think my two letters have not gone through to you.

L.L. Yes, I have sent to you the letter.

S.L. Oh, good, good.

L.L. But did you send me the letter?

S.L. I sent you some letters and I will send you more letters next week. I am going to send you a series of letters including things which you will find interestng to read.

L.L. Yes.

S.L. O.K. I'll send a series of them and I'll send our picture. So if you write; I think if we write to each other every week, whether we get a letter or not, do that because it is good to hear from you, and I think it will be helpful to have letters.

L.L. Yes.

S.L. O.K. Listen, tell Zina's mother that I will give her regards to her brother this week.

L.L. Yes, thank you very much.

S.L. Yes, and also if you will give our regards to your family.

L.L. Yes, and send our greetings to your family, too, and to all our friends.

S.L. I certainly will.

L.L. Yes, thank you very much.

S.L. And what I'll do is I will call you back—probably the beginning of August.

L.L. Yes, thank you but it will be more convenient if it will be on Sundays at the same time.

S.L. Sundays, at this time.

L.L. At the same time, yes.

S.L. The reason we called the other time was because of the people from the newspaper and radio who wanted to talk to you, but we will call you . . .

L.L. It was impossible, yes?

S.L. Yes.

L.L. You couldn't hear me.

S.L. Yes, it was impossible and, I think, deliberate.

L.L. Yes.

S.L. Do you understand?

L.L. Yes, I understand everything.

S.L. So, we'll talk to you the beginning of August this time.

L.L. Yes, thank you very much.

S.L. O.K., fine. So say . . .
L.L. On Sunday at the same time.
S.L. Yes, Sunday. O.K.
L.L. Thank you.
S.L. And Shalom, Lev.
L.L. Shalom to you and to your family.
S.L. Thank you, goodbye now.
L.L. Goodbye.

TRIBUTE TO THE LATE HONORABLE RALPH TYLER SMITH

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. RAILSBACK. Mr. Speaker, I join with other members of the Illinois delegation in expressing a personal sense of loss in the passing of former Senator Ralph Tyler Smith, taken from his family and countless friends in the very prime of a productive and distinguished life.

Born in Granite City, Ill., on October 6, 1915, he was graduated in 1937 from Jacksonville's Illinois College and was awarded a law degree from Washington Law School in St. Louis, Mo., in 1940. He began the practice of his profession in Granite City where he joined the U.S. Naval Reserve immediately after Pearl Harbor. As a commissioned officer, he served for 5 years in both the Atlantic and Pacific combat theaters.

After release from active duty, he resumed the practice of law and then sought elective office in 1954. He served 15 years in the Illinois House where his qualities of leadership were recognized by his selection as majority whip and speaker. He was appointed to the Senate of the United States in September of 1970, and served until January of 1971.

Throughout his career he was known for the loyalty he deeply felt and convincingly demonstrated to his country, his State, his party, and his friends. His strongest public stands were taken on issues of fiscal responsibility. As speaker of the Illinois House, he evinced outstanding legislative leadership and sagacity in gaining enactment, by a closely divided body, of his Governor's programs, including the first income tax in the State of Illinois.

At the time of his death, he was devoting his entire energies to practicing law and to participation in church, fraternal, and community affairs. He had refused to abate his effort notwithstanding earlier heart attacks in the past 2 years. He was a past president of the Optimist Club, director of the Greater Alton Association of Commerce, president of Alton Shrine, elder of the College Avenue Presbyterian Church, and a valued member of many other fraternal and civic groups.

I extend my sincere sympathy to his wife, Mary, and to his daughter, Sharon Lynne. Among their cherished memories of their husband and father is their recollection of his role as a dedicated public servant.

YOUTH, DRUGS, AND MINIMUM WAGES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. CRANE. Mr. Speaker, those who have advocated an increase in the minimum wage as a way in which to help the disadvantaged—the poor, the young, and the black—have produced a situation in which almost exactly the opposite effect is brought about.

Prof. James Tobin, a member of the Council of Economic Advisers under President Kennedy, pointed out that:

> People who lack the capacity to earn a decent living should be helped, but they will not be helped by minimum wage laws, trade union pressures, or other devices which seek to compel employers to pay more than their work is worth. The likely outcome of such regulations is that the intended beneficiaries are not employed at all.

A similar view has been expressed by Dr. Robert M. Reese, executive director of the Ohio Vocational Association. He noted that:

> For years, vocational educators and others have worked diligently to change work laws for youth so that they could obtain experience in employment.

He went on to say, in a letter to columnist Alice Widener, that the recent Senate proposal for a $2.20 minimum wage would "wipe out all the gains we have made in enabling lower-ability, disadvantaged youth to get the motivation of work to stay in school and become productive citizens."

Mrs. Widener, discussing the effect of joblessness among young people and the related rise in narcotics addiction, refers in her article to a question asked by the New York Daily News of an Indiana boy.

The question was:

> How much do you know about the danger of drug addiction?

The answer:

> A whole lot. It's a problem in my hometown . . . Why did these students use drugs? It gave them something to do. I worked every day after school, from 1 p.m. to 9 p.m., so I had plenty to do.

The steady increase in minimum wage laws has made it almost impossible for teenagers to find employment. Such increases, instituted by those who proclaim themselves to be the friends of the "underprivileged," have had an unfortunate result. They have, as with so many Government programs, hurt the very people who were meant to be helped.

I wish to share Alice Widener's column, "Youth, Drugs, and Minimum Wage," with my colleagues. It appears in Human Events of August 16, 1972.

The column follows:

YOUTH, DRUGS, AND MINIMUM WAGE

(By Alice Widener)

Dr. Robert M. Reese, executive director, Ohio Vocational Association, recently wrote in support of my column on youth, work, the minimum wage and child labor laws, "For years vocational educators and others have worked diligently to change work laws for youth so that they could obtain experience in employment."

Dr. Reese went on to say that the recent Senate proposal for a $2.20 minimum wage would "wipe out all the gains we have made in enabling lower-ability, disadvantaged youth to get the motivation of work to stay in school and become productive citizens."

Besides motivation to stay in school, jobs for teen-agers have another great advantage eloquently expressed, Aug. 2, 1972, by an Indiana boy in answer to the New York *Daily News* Inquiring Fotographer, who asked young people, "How much do you know about the danger of drug addiction?"

Larance E. Vinson, 18, a recent high school graduate, Elwood, Ind., replied: "A whole lot. It's a problem in my home town. We've had movies in high school and I know a few students who got sick from overdoses. Why did these students use drugs? It gave them something to do. I worked every day after school, from 1 p.m. to 9 p.m., so I had plenty to do."

That is a most cogent reply. Every member of Congress should read it. Larance obviously put in an eight-hour work day after each school day. Many parents and sociologists might describe such a schedule as cruel. A glance at Larance's handsome, happy, healthy face shining out from the *Daily News* gives the lie to such a judgment.

The young man is obviously the diametric opposite of the pathetic, apathetic or spoiled-rotten idle youth who turns to drugs because he desperately needs, and either consciously or unconsciously wants, "something to do" but isn't trained to do it or spurred on to do it.

Recently it was announced on the noon radio news that the number of teenagers in New York City has soared during the last decade and there are now 70,000 more than in 1960. That is about as many individuals as the entire population of Reno, Nev. With schools closed for three months and teen-age jobs lacking is it surprising there is a tragic increase in street crimes of all kinds, in youth gang warfare, youthful drug addiction, and juvenile delinquency?

When are we going to learn that idleness breeds mischief among teen-agers? When are we going to add up the youth-drugs-unemployment score and quit spoiling our young people by supporting them financially from 13 through 21? When are parents and teachers going to spend as much time in stressing money-jobs education as sex education? Winston Churchill said, "Everyone must work. . . . I do not understand those foolish people who waste their lives killing time till time kills them."

Killing time by young people is maiming and killing many of them through drug addiction arising from idleness. That's what 18-year-old Larance E. Vinson says and he is 100 per cent correct. He should be interviewed on TV nationwide.

HOW CHILDREN LEARN

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. HANSEN of Idaho. Mr. Speaker, at the recent early childhood conference I sponsored in Idaho, three panels were featured on the program. All did an excellent job of pinpointing some of the issues that have come up in the early childhood field and in identifying some of the obstacles that we have to overcome and problems that we must solve as we move ahead to meet the needs of young children.

Dr. Wylla Barsness, assistant professor of psychology at Boise State College, chaired a panel on "How Children Learn." The group discussed some of the ways we can help children get the best possible start on their learning and let them live in the fullest way. Panelists include Margaret Arnold, teacher at St. Michael's Cooperative Preschool in Boise; Corrine Berg, teacher in the Boise Public School kindergartens; Judy Schrag, consultant, Idaho Department of Social and Rehabilitative Service; and Mary C. Smith, kindergarten supervisor, Boise Public Schools.

I would like to include an excerpt from the panel in the RECORD:

HOW CHILDREN LEARN

(By Margaret Arnold)

We are apt to make an artificial distinction between learning and living. We treat preschool and kindergarten programs as experiences to prepare children for the "real" thing to come. But children, and all of us, learn as we experience and every experience provides learning. The question we are asking is "What kind of experiences do we provide?" "How do we let learning happen?" "What are the optimal conditions for learning?"

It is necessary to provide for various elements in a child's early learning environment in order to provide for later development of the child. For example, nutrition of adequate quantity and quality is a necessary environmental element for early development of infants and children. Researchers such as Birch, Platt, and Cravioto have suggested that a critical period for good nutrition exists from 0–18 months and that once this critical period is over, nutrition rehabilitation introduced does not result in the return to normalcy of the affected central nervous system. Their research has shown that children who have experienced acute malnutrition and prolonged malnutrition during infancy and early childhood results in a reduced number of brain cells, reduced brain size and composition, and difficulties in intersensory integration necessary for later learning in school.

A second essential environmental element in early learning is the presence of a climate fostering adequate personality development. A child learns through his feelings as well as his thoughts. The cognitive function is seen as interactive, not independent of the affective function. A child's attitude toward himself as a competent person of worth or as an inept person of little worth will necessarily affect his ability to cope with his environment. It is not necessarily the amount of knowledge and skills which will insure school success, but rather his attitude toward himself as a capable and competent person who can effectively use those skills. An optimal environment fostering personality development stresses genuine relationships with adults who are understanding and supportive of a child's developmental thrusts toward trust, autonomy, and initiative.

Another dimension of an optimal environment for learning is early stimulation. Learning theorists such as Hebb and Piaget have stressed the importance of early sensory and perceptual experiences for problem solving and learning in subsequent periods of development. Researchers have suggested that where the environment rates high in stimulation value, a baby's DQ increases between the ages of 6–12 months—where that stimulation value is low, the baby's DQ is likely to drop. A stimulating environment for the preschool child includes access to many play materials and play experiences. A child learns through his own explorations and through rehearsing and reliving experiences through play. The child, in play, is master of the outcome and thereby develops an increasing ability to cope with the real world.

Other optimal conditions for learning include rich and varied cultural experiences, a social learning environment, and a positive emotional climate.

SUCCESSFUL FARMFEST, U.S.A., ANTICIPATED

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. NELSEN. Mr. Speaker, I wish to express my appreciation to the Congress for its agreement to a joint resolution authorizing the President to invite foreign nations as well as the States of our Union to participate in Farmfest, U.S.A., to be held during September in my congressional district in Minnesota.

I was the original author of this resolution, introduced September 28, 1971, in behalf of our entire Minnesota delegation in the House of Representatives, and I am delighted that it has received favorable consideration.

It may be of interest to our Members to know that anywhere from 250,000 to 500,000 persons are expected to attend Farmfest, which its sponsors believe will be the largest agricultural exposition ever held. The weeklong event from September 11 to 17 on the Bert Hanson farm adjacent to Vernon Center, Minn., will feature world, national, and State plowing contests along with exhibits, demonstrations, and such top-flight entertainment as Bob Hope, Roy Rogers, and Dale Evans and country-western star Charlie Pride.

There is also a good possibility that one or both presidential candidates will appear at Farmfest.

At the present time, some 40 competitors from at least 20 countries around the world will be competing during the exposition for the title of world's best plowman. It will be only the second time that the United States has served as host country for the worldwide plowing matches.

Certainly, this agricultural exposition is an event that will boost worldwide friendship and international farm trade as well as serve as a great showcase for farmers, their products, implements, and agribusiness allies. We are grateful to all those in Minnesota who are working so diligently to make this enormous undertaking successful and memorable.

GOVERNOR REAGAN VETOES IMPORTANT FARM JOBLESS BILL

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. LEGGETT. Mr. Speaker, once again the legislature of my home State of California has pioneered much needed social legislation.

California already has a reputation for progressive legislation concerning education, welfare assistance, and medical aid to the indigent. The California Legislature recently reaffirmed this tradition with their approval of unemployment insurance for farm workers. Unfortunately. Governor Reagan has once again chosen to turn his back on the needs of the people by vetoing this important bill.

California is the breadbasket of the Nation. Its agricultural industry produces 40 percent of all the food and fiber grown in the Nation. The farmworkers are, in turn, the heart of this industry. For too long the farm laborer has been denied the social benefits uniformly granted to all other workers.

There is no reason why someone who works in the field should not be treated with the same dignity and respect that is accorded to white- and blue-collar workers. Farmworkers, after all, are the people responsible for placing the food on our dinner table.

Apparently Governor Reagan does not appreciate the important position of the farm laborer in our society. Moreover, he is apparently blind to other economic benefits to be gained from this legislation.

In the past, farmworkers have been forced to apply for welfare, particularly low wages of the agricultural industry and the seasonal nature of the work. This legislation would have guaranteed a steady income for farmworkers who live by following the harvest around the State. The veto of this bill is a blow to the taxpayers of the State.

At this point in the RECORD, I insert a column from the California AFL–CIO News of August 4, 1972, entitled "Labor Hails Passage of Farm Jobless Pay Bill." Apparently the hailing was too early:

LABOR HAILS PASSAGE OF FARM JOBLESS PAY BILL

Senate action Wednesday giving final legislative approval to a State AFL–CIO bill extending unemployment insurance to farm workers was praised by the Labor Federation this week as "one of the most significant steps the legislature has taken in recent years to help curb the growth of the state's welfare rolls."

That was the comment of John F. Henning, Executive Secretary-Treasurer of the California Labor Federation, AFL–CIO, after the Senate approved AB 205, a labor-backed bill introduced by Assemblyman Jack R. Fenton (D-Los Angeles) on a 21 to 12 vote Wednesday night.

"California's general taxpayer has been obliged for generations to pay the welfare costs of thousands of farm workers who are forced to apply for welfare, particularly from November to March or April every year, largely because of the low wages that have haunted the industry and the seasonal nature of the work.

California agriculture is a $5 billion industry, producing more than 40 percent of all of the food and fiber grown in the nation. There is absolutely no just reason to continue to exclude farm workers from unemployment insurance coverage.

"On the contrary, as the leading agricultural state, California has an obligation to lead the way in bringing farm workers into the mainstream of American life and at the same time easing the welfare costs borne by the state's general taxpayers," Henning declared.

The Senate approved the bill after Senator Nicholas Petris (D-Oakland) urged support for it saying:

"The time has come to lift the mortgage off their backs."

Henning noted that unemployment insurance has long been available to cannery workers, building tradesmen and other workers in seasonal industries.

Voting for the State AFL–CIO-backed bill were:

Senators Alquist (D); Behr (R); Beilenson (D); Collier (D); Dills (D); Gregorio (D); Grunsky (R); Holmdahl (D); Kennick (D); Mills (D); Moscone (D); Nejedly (R); Petris (D); Roberti (D); Rodda (D); Short (D); Song (D); Stiern (D); Teale (D); Wedworth (D); and Zenovich (D).

Opposed were:

Senators Biddle (R); Bradley (R); Burgener (R); Carpenter (R); Coombs (R); Deukmejian (R); Harmer (R); Marler (R); Schrade (R); Stevens (R); Way (R); and Whetmore (R).

TRIBUTE TO J. HAROLD MOORE

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. GUBSER. Mr. Speaker, a distinguished businessman in my congressional district, Mr. J. Harold Moore, will retire on September 1, after serving with the Bell Telephone System for 42 years. He has spent his last 10 years in California as general manager of Western Electric's service operations on the west coast.

I have had the pleasure of touring the Western Electric facility in Sunnyvale with Mr. Moore and particularly noticed the atmosphere of dedication and congeniality among his employees. I am sure this was a direct result of the kind of leadership Mr. Moore has provided. His company and his employees are involved in many community affairs, all of which are designed to make their community a better place in which to live.

Of special note is Western Electric's drug abuse program and the booklet, "Parents Guide to Marijuana," prepared as a community service by the company. Over 5 million copies of this booklet have been published and distributed by Western Electric and other companies and service organizations.

Mr. Moore's personal involvement in community activities has been varied. This year he is general chairman of the U.S. Treasury Department's savings bond drive in commerce and industry. He is past chairman of the Santa Clara County Metro of the National Alliance of Businessmen; and he has served in many capacities with the Santa Clara County United Fund, the Sunnyvale Chamber of Commerce and with Junior Achievement.

There is much more that can be said about this fine gentleman. But in paying tribute to Mr. Moore on the occasion of his retirement, I would like to emphasize that his business successes throughout his entire career have always been turned to the betterment of mankind, a worthy characteristic we should all emulate for a better world.

TELEPHONE PRIVACY—XXXVIII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ASPIN. Mr. Speaker, I reintroduced the telephone privacy bill on May 10, 1972, with a total of 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 36th sampling of these letters into the Record, since they describe far more vividly than I possibly could, the need for this legislation.

These letters follow—the names have been omitted:

Menomonee Falls, Wis.,
August 13, 1972.

Representative Les Aspin,
House Office Building,
Washington, D.C.

Dear Sir: I'd like to voice my support for the bill pending in Congress H.R. 14884! As a typically busy mother—nursery school registration chairman, United Fund, P.T.A., brownies, substitute teaching, channel 10 T.V., auction, sewing and mothering—I don't need any unsolicitated phone calls. Last week alone I had 3 calls within 2 days from the *same* carpet firm—needless to say I wasn't overjoyed! Anything you can do to get this bill passed will be greatly appreciated by many of us.

Sincerely,

——— ———.

Milwaukee, Wis.,
August 9, 1972.

Dear Sir: I would like to voice support for the bill pending in Congress, H.R. 14884, under which all you would need to do is to tell the telephone company that you don't want to be bothered by solicitors. The number of these calls is constantly increasing here and they are extremely annoying.

Sincerely,

——— ———.

St. Francis, Wis.,
August 15, 1972.

Dear Sir: I am writing you and urging you to please help to have bill H.R. 14884 passed. It would be wonderful not to be bothered by all the telephone solicitors.

Thank you.

——— ———.

Milwaukee, Wis.

Mr. Aspin: We are in full support of Bill H.R. 14884 pending in Congress to stop the use of the telephone as a selling media and will urge all our friends to voice their support of this bill.

——— ———.

Cudahy, Wis.,
August 10, 1972.

Representative Lee Aspin: I am writing this note out of desperation, to voice my support for the bill pending in Congress, HR-14884.

I certainly do believe that the public should have some control over telephone solicitors. We pay our monthly telephone bills so we may have the convenience of such a service; not so people out to sell us something can use this service.

Not only are these ever increasing calls a nuisance but, I feel that in the privacy of my own home, I should not have to be subjected to such high pressure and irritating antagonisms.

However, there is another aspect to this issue I also find it awkward and embarrassing at times, when such philanthropic organizations as the veterans, all church groups, and all fund raising campaigners call to ask you to buy, give or canvass the neighborhood for contributions.

I feel guilty saying no to these people but in all practicality we are not financially able to contribute to all the groups that call upon us. We have enough coming to our door, to whom I find it too difficult to say no.

With our complete phone directory services and transportation so readily available, it is my opinion that the consumer can go to the supplier when in need of a service or product. At least my family can and wish to do it this way.

When we are in need, we will *go* get it, but in the meantime we don't want to be bothered by these telephoning agents, who incidently have selected you at random, to be the recipient of a special introducing offer, to receive many free gifts or to allow you to invest in some promising business adventure. How much this will all cost is anyone's guess, but it won't look as good on black and white as it sounds over the phone.

Mr. Aspin, I urge you to continue in your efforts concerning the passage of this bill and I hope your co-sponsors will all work diligently concerning this issue.

Sincerely,

——— ———.

EQUITABLE TREATMENT FOR FOREIGN SERVICE EMPLOYEES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ASHBROOK. Mr. Speaker, on numerous occasions in the past I have called the attention of the House to serious problems of denial of due process and democratic procedures to employees of the Foreign Service of the United States. Since early 1968, when I introduced legislation calling for an appeals mechanism outside the State Department for Foreign Service officers, I have observed with growing incredulity the ever-proliferating devices to which management can resort to deny due process and fairplay to employees. The case of John Hemenway, a former FSO who was selected out of the State Department, is one instance in which State abuses have received public attention. After a strenuous battle, Mr. Hemenway finally was accorded an appeals hearing on the merits of his case and, after over 2 years in process, a decision on his grievance may be shortly forthcoming.

Recently, Mr. Hemenway voiced opposition to amendments to the constitution of the American Foreign Service Association—AFSA—the group which includes many Foreign Service employees in its membership. As AFSA is involved in the affairs of the Foreign Service, Mr. Hemenway's differences with that organization, of which he is a member, could possibly play an important role in the present drive to secure equitable treatment for Foreign Service employees in their grievance recourses. I insert at this point Mr. Hemenway's letter of August 17 to the chairman of the board of AFSA:

WASHINGTON, D.C.,
August 17, 1972.

AMERICAN FOREIGN SERVICE ASSOCIATION,
Chairman of the Board,
Washington, D.C.

DEAR MR. HARROP: In my letter to you of August 11, 1972, I recorded your personal involvement in attempts to censor materials I wish to send to the American Foreign Service Association (AFSA) membership under Article XI, Section 3 of the AFSA By-Laws. This letter records more fully your efforts at censorship, for the record.

In effect, by various devices, you and other members of the AFSA Board have placed obstacles in my way deliberately to make more difficult the exercise of rights of membership, in this case, my opposition to your proposed amendments to the Certificate of Incorporation (Constitution). I do not have to tell you that censorship can be exercised by a variety of means besides outright deletion or excision of material (which the Board also appears ready to do). In my view, the most insidious of your maneuvers are those calculated to delay my access to the members so long that my communications will become moot through tardiness.

Surrogates for censorship used by you and the Board have included: (a) demands for payment for the AFSA mailing list; (b) insistence that my mailing to the membership meet the Board's test of "germaneness"—even though I was opposing the Board's own amendments; (c) restrictions on the length of my statement of opposition circulated to the membership; (d) various artificial contrivances as the requirement that the address stickers I was required to pay for not be removed from the AFSA Club until attached to envelopes I had provided for the mailout.

Delay—one of the key motivations for all censorship—already has resulted from the Board's action.

The purpose of this letter is to set down as a matter of record various attempts by you and the AFSA Board to suppress information I wish to send to the AFSA membership at my own expense. You are obstructing my efforts to inform the membership that the wise course would be to reject the amendments to the AFSA certificate proposed by you and the AFSA Board.

1. *At the June 28, 1972 Annual Business Meeting,* I requested precise information concerning salaries the Board sought to "regularize" by amending the Certificate. No adequate explanation was ever offered at that meeting. To this day no one (outside the Board) knows what must be "regularized". The term "regularize" was used in the July and August *Foreign Service Journal* in transmitting official Board positions endorsing the amendments. The presumption therefore persists among many informed AFSA members in Washington that something is or was not regular with present Board financial arrangements concerning:

(a) Previous borrowing from the scholarship fund;

(b) Borrowing to cover borrowing from the scholarship fund, now presumably paid back;

(c) Payment of salaries to Board members in the approximate amount of the amounts which have been borrowed.

2. *Restriction by you of opposition statement to 600 words* was, in itself, hardly conducive to "openness". When eight amendments are involved, such restrictions are a blatant curtailment of open discussion. It is a dodge for censorship. Simply to cite the language used in the eight amendments and the changes made would have taken more than 600 words!

My protest to this limitation was met by a deadline of only three (3) hours to get a 600 word protest into the *Journal*. Yet, the *Journal* was not mailed for another three weeks, leaving one to wonder why more time could not have been given me. Twenty-four hours would have been a help.

3. *Denied the right of an adequate statement in the Journal, I decided to contact the membership by mail.* This is the right of any member, under Article XI, Section 3 of the By-Laws. Here I was confronted with a host of problems designed to defeat my decision, delay the mailout, or reduce its effectiveness as an oppostion statement. My suggestions that the ballots and arguments of both sides be sent by first class mail were rejected.

4. *Payment for the list* was required from me, personally, although the list seems to have been given to others for no payment on other occasions. It is a requirement of the By-Laws that the Association address the envelopes for such a mailing; the By-Laws make no reference to payment for this service.

5. An Amendment Committee, handpicked by you personally and endorsed by the AFSA Board, which is pushing the amendments, did not contain a single opponent of the proposed amendments despite my specific suggestion that this would facilitate communication.

6. *The right you demanded to censor* my statement to the membership was expressed a number of times, but nowhere more clearly than the demand you had the Executive Director communicate to me on 11 August, 1972, which I made a matter of record in my letter to you of that date. You required that I make a statement as follows:

"I recognize the right of the AFSA Board to examine the contents of my mailing prior to my being allowed to remove the envelopes (bearing addresses) from the AFSA premises."

In my letter to you of 11 August, 1972, I told you this was a crass effort at censorship.

7. *Allegedly to "protect" the AFSA membership list* (in view of the upcoming elections under EO 11636, it was explained), but in reality in support of the censorship mentioned above, I was forced to affix address labels on the envelopes in the AFSA Club Building. My alternative to this arrangement—stated by the AFSA Board—was to pay an additional $84.00 (bringing the total to $184.00). Envelopes and postage extra, of course! There are a number of problems with this position of yours:

(a) It directly suggests that my opposition to the proposed constitutional amendments is somehow disloyal to AFSA—that I would work against AFSA's best interests.

(b) In fact, I am trying to defend the existing Constitution against what I consider improper usurpations by you and the present AFSA Board. Those of our colleagues who are in the field know little of past unauthorized actions of the AFSA Board and I am trying to inform them, against your opposition. You know very well that these amendments are only the first step to facilitate major revisions in the governing By-Laws of AFSA.

8. *When finally given me, the AFSA mailing list was unmanageable*, for it contained more than 10,000 names (AFSA membership is 7,252). Additional time and expense will be required to go through the names (which are jumbled and random) to find the 3,000 or so duplicate or improper names.

9. *Improper attitude of the AFSA Board* was demonstrated on many occasions, but at on time more appallingly than at the August 14, 1972 Board Meeting, which met to censor me, when Mr. Harris suggested that there was nothing to prevent me from using the US mails to contact anyone I cared to contact. His conclusion may have been that, therefore, the AFSA Board was not and could not "censor" me. That misses the point. To defeat the proposed amendments, I must contact AFSA members who are entitled to vote on the issue. To contact the Foreign Service generally through the Foreign Service list serves no purpose; it would greatly increase my costs. I must have contact with the membership; you, Mr. Harris, and the Board are inhibiting that contact and depriving the membership from having my views, which they can either accept or reject.

In sum, as I said in my *Journal* statement which was written on three hours notice, this matter has provided a very severe test for the much-proclaimed "openness" policy of the present AFSA Board. I think, Mr. Harrop, you and the Board have flunked the test. In that you share something in common with Mr. Macomber, whose policies you seem determined to promote—whether or not they are in the interests of the AFSA membership, the Foreign Service of the United States, or, for that matter, even larger interests.

I do not want to labor the point, but if you were really interested in protecting AFSA interests in the affairs of EO 11636, you would realize that possesion of the AFSA membership is irrelevant. The Foreign Service list is far better suited for someone grinding axes in that struggle. Practically all persons on the Foreign Service list (except CIA, DOD, Treasury and the like) can vote under EO 11636. Many people on the AFSA list can *not* vote under EO 11636. But they *can* vote against your proposed amendments to the AFSA Constitution. That is the vote that interests me and should interest the AFSA membership; no doubt that accounts, in part, for your obstructionist tactics in providing me with the AFSA list, as required by Article XI of the By-Laws.

Under your leadership, AFSA has failed to meet your own test of "openness" when you upheld the decision in an undated letter, of Mr. Michael Gannett, who wrote me:

"It should be understood that your additional statement will have to be germaine (*sic*), as judged by the Committee, to the proposed amendmends (*sic*)." (mis-spelling in the original.)

On August 15, 1972, on instructions from the AFSA Board, AFSA Executive Director Gerald Bushnell wrote me the following:

"In reference to items (2) through (6) listed in paragraph six of your *Outline for AFSA Board Meeting 14 August 1972*, the Board was unable to determine the germaneness of the additional material you proposed. . . ."

My items (2) through (6) to which Mr. Bushnell referred, were the following:

(2) A record of my difficulties in attempting to oppose the AFSA Board in these amendments.

(I believe this germane to all of the amendments.)

(3) Extracts from financial reports showing payments that are to be "regularized."

(Pertinent and germane to amendment no. 4.)

(4) Extracts from recent Congressional Hearings showing attempts of AFSA Board members to attempt to influence legislation and to carry on propaganda.

(Germane to amendment no. 4)

(5) Commentary on the ballot as published with the two statements; what to do to recall your ballot if it is already sent before this mailing was received and therefore marked incorrectly through error or misinformation.

(Germane to all of the amendments.)

(6) A return card that acknowledges that the addressee has received this mailing.

(Germane to this opposition mailing.)

You and the Board stand condemned by your own actions and record in this effort to censor me. The membership of AFSA—your own colleagues in the Foreign Service in Washington and in the field—deserve competency from a leadership aggressively dedicated to their interests. In fact, you and the present Board have supported elements of special interest within management circles of the Department of State which is supervising the noticeable decay of all standards in the service—including tenure and security for competent employees. Unfortunately, I have had to conclude that your decisions, individually and collectively as the AFSA Board, have been colored by your own personal future career planning—not the best interests of AFSA and its membership.

You might wish to comment on the "germaneness" of this letter, for I intend to send it to the entire membership of AFSA and to anyone else who might be interested.

Sincerely yours,

John D. Hemenway.

ELLEN FULLARD-LEO: GRANDE DAME OF HAWAII AMATEUR ATHLETICS

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MATSUNAGA. Mr. Speaker, honored in Honolulu earlier this month, on the eve of the summer Olympic Games in Munich, was a lady who was saluted by several generations of amateur athletes, including former Olympians. Mrs. Ellen Fullard-Leo, now 88, devoted 64 amazing years to the advancement of amateur athletics not only in Hawaii but also elsewhere in the world.

Affectionately called the "grande dame of amateur athletics" in Hawaii, Mrs. Fullard-Leo at age 32 became the first woman on the AAU Board, and she still serves in that capacity. Recently, the AAU presented her a veteran's award and made her a life member. As a member of the U.S. Olympic Committee, she also served as an official at the first Pan-Am Games in 1951.

In order that others may derive enjoyment from reading about this delightful person in the world of amateur sports, I am submitting for inclusion in the Record an article entitled "She Has Built Her Life Around Amateur Athletics," which appeared in the Honolulu Star-Bulletin and Advertisers of August 6, 1972, and another, entitled "Mrs. Fullard-Leo, 88, Is Saluted Here," which appeared in the Honolulu Star-Bulletin of August 16, 1972:

[From the Honolulu Star-Bulletin and Advertiser, Aug. 6, 1972]

She Has Built Her Life Around Amateur Athletes

(By Ben Kalb)

When Mrs. Ellen Fullard-Leo got into a taxi a few days ago, the husky Hawaiian driver stared at the 88-year-old lady and said. "You look familiar. I've seen you before." He told her his name and she answered, "Oh, you used to be a boxer for Palama Settlement." That stunned driver nearly jumped out of his seat.

It's not uncommon for Mrs. Fullard-Leo to remember amateur athletes from Hawaii. She's built her life around them. And she doesn't really stun too many people nowadays. They just think she's so amazing anyway, that nothing she could do would surpass anything she's done previously.

They call Mrs. Fullard-Leo the grand dame of amateur athletics. It's appropriate. She's done more to organize and support athletics in Hawaii than anybody else and that's not a public relations man talking, that's fact.

She still keeps an up-to-date record book, but you'd figure at this point in her life everything would just become a blur of numbers with no names attached. Wrong.

"I can entertain myself a whole night by looking at these names and remembering the night they broke the records," said Mrs. Fullard-Leo in her slight English accent. "I like to compare what happens from year to year."

Mrs. Fullard-Leo, the youngest and last survivor of 18 natural and 12 adopted children, became interested in sports because her husband was a champion athlete and her mother always told her, "It behooves a good wife to get interested in what her husband does."

She was the first woman on the AAU Board and now 56 years later she's still there. She has been on the U.S. Olympic Committee and was an official at the first Pan Am Games in 1951. She was recently given a veterans award by the AAU and made a life member.

In May she was named Hawaii Mother of the Year ("I think I'm the only mother that ever won on athletic steam.") And if it wasn't for her, there wouldn't be as many athletic clubs in Hawaii. She's had a hand in organizing and supporting every club from judo to swimming.

Mrs. Fullard-Leo feels the emphasis on sports today is in the wrong place. She believes professionalism has taken over.

"People don't get into athletics today for sport, only to go pro, to sell themselves to the highest bidder for promotion," said Mrs. Fullard-Leo. "I like professional sports because an athlete had to be good to get there. But he's not my idea of a sportsman. He's an entertainer."

She believes the trouble with amateur athletics today is the training schedule. She visited Russia a while back and thinks as far as athletics is concerned they have the right idea.

"The Russians get their physical development when they learn their ABCs. Then when you're 10 or 12 you choose what sport you like. In this country you don't get physical development until high school."

She then dismisses the philosophy that if athletes do start young they will burn themselves out and retire from competition at 20 or so—an age when they should just that enjoying it.

"Promoters and the universities put athletes in the limelight too much. They get away from the spirit of sportsmanship. Like all good things they overdo it. Very often mothers and fathers are to blame. They want to make a name for themselves so they push the kids. I blame the newspapers too. You never see anything amateur. It's always professionals. People just place too much value on competition," said Mrs. Fullard-Leo, herself a sports columnist for the Advertiser from 1950–60.

She stands in back of the Olympics and Avery Brundage "200 per cent" but feels that the purpose of the Games has changed a little.

"The Olympics has become an advertisement for the city that hosts it," said Mrs. Fullard-Leo. "The glamor of the Olympics is lost because we have world championships in every event every year. I don't think the Olympics has lost its original purpose, but a gold medal today isn't as important. People want to cash in on it."

The International Hawaiian Canoe Association is throwing a testimonial for Mrs. Fullard-Leo, Aug. 14. They've rented a banquet room in the Ala Moana Hotel. It's a good choice, but if all the people Mrs. Fullard-Leo has helped in Hawaii decided to attend, they wouldn't even fit into Honolulu Stadium.

[From the Honolulu Star-Bulletin, Aug. 16, 1972]

Mrs. Fullard-Leo, 88, Is Saluted Here

Mrs. Leslie Fullard-Leo, 88, who has devoted some 64 years to the development and promotion of amateur athletics in Hawaii and around the world, was honored Monday at an Aha Aina Hoike held at the Ala Moana Hotel.

She was given award after award; was honored in speech and song and was saluted by former Olympians, officials of both government and athletic groups and was entertained by some of Hawaii's finest singers and dancers.

Mrs. Fullard-Leo was presented with replicas of Olympic medals, a life membership in the International Hawaiian Canoe Association, plaques, trophies, leis and carved canoes. She was honored as the "Grand Dame" of the Amateur Athletic Union, Nationally and Internationally.

Letters and citations were read from President Nixon, U.S. Sen. Hiram L. Fong, Rep. Spark M. Matsunaga, the AAU, the U.S. Olympic Committee, the U.S. Olympians, the Morning Music Club of Honolulu and several other organizations.

She also received letters from the mayors of Johannesburg, South Africa (where she was born) and Victoria, Canada, (where she helped organize amateur swimming.)

In response to all this recognition, the humble but fiesty sportswoman leveled criticism at the University of Hawaii for not having a rowing crew and the Hawaii Visitors Bureau for not cooperating with the local AAU. She stressed how the AAU gets no share of the annual "welfare drive" and even must pay rental for use of public school swimming pools, private tracks and the Honolulu International Center for indoor sports.

> "My 64 years in athletics have convinced me that the best advertising medium extant for any community, is competition by its championship-caliber athletes," she said.
>
> And she gave as examples, Chinese table tennis, South Africa's Gary Player in golf and "that chess game in Iceland."
>
> "And didn't Duke (Kahanamoku) in 1912 swim Hawaii right out of the Sandwich Islands?"
>
> Mrs. Fullard-Leo called for a continued promotion of canoe racing and suggested competition with England as part of Hawaii's celebration in 1978 of the discovery of Hawaii by Capt. James Cook.
>
> "We would send an Hawaiian crew to challenge Oxford in orthodox shell boat racing on the Thames—to be followed by an outrigger canoe race across the English Channel," she suggested.

WHO IS DESTROYING OUR ARMED FORCES? (III)

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCHMITZ. Mr. Speaker, the following is from a UPI dispatch of January 23, 1971:

> The U.S. Army had built a wall around its installation at Cam Ranh Bay to keep out drug pushers and prostitutes. Now, however, the official policy is permitting ladies of the evening to be signed onto its bases officially in central Vietnam to meet American troops in their barracks. The key for admission to such bases is a Vietnamese identity card, a document that any undercover Viet Cong agent can obtain without difficulty. The Army admits that the girls are smuggling dope into the formerly walled installations, as well as posing serious security risks; but says the Army: the risks are worthwhile in the interests of keeping the peace within an increasingly disgruntled and demoralized Army.

That is an example of how Armed Forces policy, which should be building up the morale of our men in uniform, has been contributing to their demoralization in Vietnam. The origins of that policy can be traced to very high levels.

Until June 1970, for instance, two Navy lieutenants were giving morning intelligence briefings to the Chairman of the Joint Chiefs of Staff. Their names were Gordon Kerr and James Pahura, and both were members of the Concerned Officers Movement, an organization which has shown itself to be not concerned about victory over communism, but preferring Communist victory in Southeast Asia.

Going down one step in the chain of command, we come to Adm. Elmo R. Zumwalt, author of the famous Z-Grams. It was these Z-Grams that promulgated more sideburns, more liquor in the quarters, and similar changes in policy leading to what one source in San Diego would call "a dangerous undermining of Navy discipline and morale." It was in San Diego that 180 active and retired admirals voiced their vehement objections to the trend reflected in a New York Times report that:

> San Diego and other Navy towns were filled with off-duty sailors in unpressed dungarees often spotted with grease stains and paint and sometimes ripped.

No wonder a Navy man would comment in the Navy Times for November 1970:

> It is patently obvious Admiral Zumwalt intends to haul the U.S. Navy (willingly or not) into consonance with liberal America as it girds for the 21st century.

As this goes to press, Admiral Zumwalt has hauled the Navy still further in that direction by announcing his capitulation to the Women's Liberation Movement in the form of plans for young ladies to man battle stations aboard ship and perhaps even fly combat missions in Navy aircraft.

These trends were put in clearer perspective upon discovering that on June 2, 1965, Elmo R. Zumwalt became the youngest rear admiral in the Navy while serving as executive assistant and naval aide to Paul H. Nitze, then Secretary of the Navy, now negotiating for President Nixon's Disarmament Agency in Geneva. It was Paul Nitze who headed a five-man committee for the National Council of Churches in 1958 that called for—among other things— opposition to the development of U.S. military strength, except under United Nations control: opposed retaliation by the United States even if attacked; advocated turning over the Strategic Air Command to the United Nations; and urged that Quemoy and Matsu Islands be handed over to the Chinese Communists. Congressman WAGGONNER of Louisiana described this document as "a running theme of appeasement, coexistence, and surrender, the like of which probably cannot be found in any other document this side of the Iron Curtain."

At Fort Carson, Colo., once known as one of the toughest training areas in the United States, the Rocky Mountain News reported November 17, 1971:

> Bikini-clad go-go girls dance nightly in the enlisted men's service clubs. The post has two coffee houses, operated with government funds, where the G.I.'s gather to rap with their commanders, practice arts and crafts and many to vent their anti-Army, anti-Vietnam war views.

This undermining of our military by "pressure from above and pressure from below" follows the classic pattern outlined in Jan Kozak's book "And Not a Shot Is Fired." In a future series I will explore the part that tax-exempt foundations have played and are playing in these developments. Every American would do well to think very deeply on these words of the late Gen. Douglas MacArthur in his annual report as Chief of Staff of the U.S. Army in 1933:

> The unfailing formula for production of morale is patriotism, self-respect, discipline, and self confidence within a military unit, joined with fair treatment and merited appreciation from without. It cannot be produced by pampering or coddling an army, and it is not necessarily destroyed by hardship, danger or even calamity. It will quickly wither and die if soldiers come to believe themselves the victims of indifference or injustice on the part of their government, or of ignorance, personal ambition, or ineptitude on the part of their leaders.

TRAINING AND EDUCATION IN EARLY CHILDHOOD

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. HANSEN of Idaho. Mr. Speaker, three panels at my recent early childhood conference in Idaho singled out some of the issues which are currently of importance in the early childhood field, and identified a number of the obstacles we have to overcome and problems we must solve as we move ahead to meet the needs of young children.

Chairing a panel on "Training and Education in the Area of Early Childhood" was Dr. Everett V. Samuelson, the very distinguished and highly respected dean of the college of education at the University of Idaho. In introducing his panel, Dr. Samuelson said:

> I think that when we say training and education, the first thing is to keep it as broad as possible—the whole idea—so that we won't think only "well, this would be a nice major if you were in college," or that a person must be a professional with umpteen degrees and letters behind his name to deal with children.
>
> The area of training and education should be a part of the long continuum of learning, so we need to think in terms of programs of junior high and high school level and we need to think in terms then of some college curriculums and in graduate work and everything else. By training people in early childhood we not only develop good teachers and good workers but also better parents, so that maybe you could say that there is a two-headed benefit to the area of early childhood.

Panelists were Carolyn Findlay, Idaho Office of Child Development; Dr. Harold Goff, director, education professions development, Idaho Department of Education; Lois C. Moss, home economics instructor, New Plymouth High School, Idaho; Peggy Pletcher, home economist, University of Idaho Extension Service; and Sarah Tracy, director of Child Care Studies, Boise State College.

I include excerpts from the panel in the RECORD:

TRAINING AND EDUCATION IN EARLY CHILDHOOD

(By Lois C. Moss)

> Vocational Home Economics in the Idaho High Schools provides opportunities for training for potential parents. It consists of a semester course proceeded by a general introduction of the subject in Home Economics I. Mostly sophomores and juniors are enrolled in the course.
>
> The over-all objections of the course is to learn how to build a feeling of trust and security in children by meeting and satisfying their basic needs. In trying to accomplish this objective students study the physical, emotional and social needs of children as they develop from infancy to adolescent. Ways of providing creative play are emphasized so the child has the opportunity to advance in sensory, artistic and muscular development.
>
> In about one third of the vocational home economics schools in Idaho a play school is used as a media for teaching child development. This is a very appealing way for students to learn about the development of children. It reinforces learning and at the same time does a service to the community.

Following is an explanation of how New Plymouth's play school is operated.

Fortunately there is available space to set up a play school and storage to keep the equipment the part of the year it is not in use. Girls homemade easels, picture puzzles, play furniture, doll houses and furniture, etc. are used to equip the school. Cast off and extra chairs and desks are borrowed from the elementary school to help equip; plus inflated inner tubes, and parts of junk cars, appliance cartons, blocks salvaged from lumber yards, etc. are used.

The play school is set up in two sessions. The first has children from two and one-half years to five years in attendance for a period of one month. four out of the five school days. Students work with the children, keeping the play and art media within the ability of their age. One class period is set aside to correct wrong procedures, discuss children reactions and plan for the following week. At the end of the younger children's session, the play school is analyzed, and learning procedures and ways of handling children are reemphasized.

Behavioral objectives of children five to school age are then discussed. Additional techniques are taught for development of children. Kindergarten procedures are used with this age group. The play school is repeated with the older children with the follow-up discussion at the end of the session. A comparison of abilities of the two age groups are discussed.

It is felt by many Home Economics educators that the child development classes are the most beneficial to the students. Techniques normally taught only in college classes are learned. The students are much better equipped to raise their own children and many misconceptions are cleared up by this course.

It also benefits the community by allowing a means for pre-school children to be together, learn to play with each other and slightly prepares them for entering the first grade.

IDAHO EXTENSION HOME ECONOMICS PROGRAM

(By Peggy Pletcher)

The University of Idaho Extension Home Economics Program provides education in all aspects of family living. Home Economists are employed in almost every county of Idaho to improve:

Family stability
Consumer competence
Family housing
Family health
Community resource development

Among those being served are:

Young families
Youth
The disadvantaged
The elderly
Professionals in other agencies
The general public

For the purpose of this conference today, I will tell you how extension home economics educates in early childhood development. It is done mainly through three of our programs:

1. 4–H program
2. Young homemaker program
3. Expanded food-nutrition education program

First, the 4–H program:

Through project work in 4–H, girls can gain skills, knowledge and attitudes to enable them to care for young children as baby sitters now and to enable them to provide a satisfactory growth climate for their own children in the future. Many project areas contribute to the girl's education in child development.

In clothing, she learns about children's clothing; in home improvement, she learns how the appearance of the home can influence all family member's happiness; and in art, she can learn the value of creative expression.

But, it is mainly the Foods-Nutrition project and the Child Development project that I want to emphasize. The goal of the Foods-Nutrition project is to promote good eating habits in children that will provide them with good health throughout life. It attempts to help change the national trend in teenage girls' eating. Too frequently their diet of empty calories does not build the body required for the pregnancies of early marriage.

Promoting adequate teenage nutrition today may provide the very best basis for adequate childhood development tomorrow.

The Child Development project itself consists of three units of study of the infant and young child.

1. "Sitting Pretty" is the first project. It emphasizes safety, story-telling and game playing; and skills such as diapering and feeding babies. The project requires 30 hours of child care and the making of a magic bag containing 5 safe toys to entertain children of different age levels.

2. "Toys are Tools" is the second unit. The emphasis is on toys as learning experiences for children. 4–H members learn the value of creative play for children. Again 30 hours of child care are required.

3. "More About Children" is the third project. Activities include helping children to learn a useful skill, to understand nature, and to experience dramatic play. Skills learned are bathing a baby and arranging play areas in the home. In all of these projects the teenager must demonstrate a skill or give a talk. This education is provided to the 4–H member by volunteer adult and older teen leaders who organize and supervise 4–H clubs. The Extension Home Economist trains these leaders.

The young homemaker is another primary educational target in early childhood development. The extension home economist uses radio, television, newspaper, newsletters, workshops, classes, and leader training programs to teach the young mother food needs and clothing needs in young children; creative experiences for children; guidance techniques for children, and human relations skill for all family members.

Intensive training will be given Idaho extension home economists next fall. You can expect a program thrust through increased emphasis on education in child development in 1973.

The third program through which Extension Home Economics teaches is called the Expanded Food-Nutrition Education Program. This education program is relatively new to the United States and very new to Idaho. Three years ago federal money was appropriated for the extension service to promote better health through improved nutrition for low-income and disadvantaged families. This money was used to hire paraprofessionals in 19 counties in Idaho. The Extension Home Economist provided intensive training for three weeks to enable these nutrition aides to work in the homes on a one-to-one basis with homemakers. Further training is provided through a weekly meeting of the aides. Each aide works with about 20 families at one time. While nutrition is the primary emphasis, many contributing areas are covered—money management, referral services, and child development.

Some training materials used with the aides and written in a simple style for the less educated parent are "Talk with Baby," "Play Games With Baby" and "Babies Look and Learn."

When homemakers know how to provide nutritious food for her family, she graduates from the program into a group learning situation.

In summary, we teach the teenager, we teach the young mother, and we teach the para-professional aide. There is a time-worn adage "The hand that rocks the cradle rules the world." Those of us in Extension Home Economics are working to see that it is a loving and capable hand that rocks that cradle.

IS THE WAR IN VIETNAM A RACIST WAR?

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MATSUNAGA. Mr. Speaker, the administration's recent announcement of yet another increase in the bombing of North Vietnam, coupled with the withdrawal of the last U.S. ground combat forces from South Vietnam, makes it imperative for us to examine an aspect of the war which probably has received less than the attention it deserves.

Involved is a factor which will influence our policy in Asia for years to come, and which is already a source of great concern and embarrassment to some of our stanchest Asian allies.

Is the war in Vietnam a racist war?

Years from now, when the tumult and shouting surrounding Vietnam has subsided, history may record that the United States—a predominantly white nation commanding the greatest resources and the most advanced military technology ever known—systematically destroyed its foe—an Asian agricultural nation smaller than North Dakota—merely because its people wore yellow skins.

Would we pursue this policy of massive bombing and total destruction if the foe were a small, white Western nation? That is a crucial question which is being answered in the negative by some of our Asian allies who recall that a Caucasian nation was the first to use nuclear weapons against an Asian nation.

The total number of bombs dropped on North Vietnam exceeds the total dropped by the United States and its allies during World War II. Despite their numerous wars, the Western nations have stopped short of totally destroying their neighbors. However, Asian people on the other side of the world are different—or at least that is the way it must seem to our Asian allies.

I am submitting for inclusion in the RECORD a thought-provoking article by Honolulu Star-Bulletin Columnist William H. Ewing entitled "The Racist Factor in the War," and I strongly urge my colleagues to give more consideration to this important issue:

[From the Honolulu Star Bulletin, Aug. 16, 1972]

THE RACIST FACTOR IN THE WAR

(By William H. Ewing)

The racial factor seems to be an unmentionable aspect of our war with North Vietnam. Yet we all know the vast majority of white Americans regard any race other than Caucasian as inferior. The reason is that the only substantial contact they have had with another race is with black people. Blacks, they believe, are inferior; so, then, are all others except whites.

Here in Hawaii we know better. We Caucasians are aware that we ourselves are often, if not generally, looked down upon by Chinese and Japanese, and not without cause. We are acquainted with their natural and acquired abilities and we know these often exceed our own. But Hawaii is less than one-half of one per cent of the population of the United States, so we don't count for much as an example of national opinion.

Little by little, really at the pace of a microscopic snail, white Mainlanders are beginning to recognize the talents and latent abilities of black people. It may be true that the reason integration is proceeding faster in Mississippi than in Michigan is that Southern whites know blacks better. The Southern whites have stubbornly held off social integration as long as they could—it is a human failing to prefer to be on top—but there are too many black people who have distinguished themselves in too many fields to ignore them longer.

Mainland whites know very little about Asians, however.

The racial factor revealed itself in the Korean War two decades ago when American soldiers referred to Koreans, their allies as well as the enemy, as "gooks," "slopes" and other terms of denigration. Similar terms have become common in Vietnam.

Little is said about the courage of men who, fighting against the most lopsided odds in history, still are able to give a good account of themselves. No matter where you come from, regardless of the color of your skin, it takes a high order of valor to face and even invite death to accomplish a mission. The Viet Cong and the North Vietnamese have it. We have it, too, but that isn't the point. We assume our own men's courage because they are Americans. The point is that the enemy has it also.

From time to time someone has mulled over the question of whether, had Japan collapsed first in World War II, we would have dropped the atomic bomb on the Germans, a Western nation of Caucasian extraction. Nobody can say for certain, but it is my firm conviction that we would not.

To begin with, our allies would have objected. The Bomb was too fearsome an instrument to explode on a neighbor. The Europeans, despite their countless wars, would have shrunk from exterminating one another so ruthlessly. Asians on the other side of the world were different. In any event, history will record that a Caucasian nation was the first to use a nuclear weapon against an Asian.

History also will record that it was a Caucasian nation that, commanding the greatest resources ever known, and possessing a technology beyond even the imagination of its tiny enemy, methodically reduced that enemy—Asian—to the Stone Age.

Our leaders are not so outspoken as to say, as Gen. Curtis LeMay once said, that we are bombing them back to the Stone Age. But this is what is happening. When a nation loses its industry, its communications and its transport, not much is left except agricultural and animal life.

Would we do this to a Western nation? Would we do it to Cuba? Or Chile, or any other Latin American country? Or a European? Of course we would not. However insolent the enemy might be—a word President Nixon once used to describe the North Vietnamese—we would find a way to settle things without such wholesale destruction. The word "wholesale" is used advisedly. When a country smaller than North Dakota is plastered with the tons of explosive being unloaded on North Vietnam, any more limiting term would be inaccurate.

HOW WASHINGTON DECIDES WHAT MEDICINES YOU MAY TAKE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCHMITZ. Mr. Speaker, the following paragraph is from a letter to me from one of my constituents, Mrs. Phil Hardwick of Santa Ana—quoted with her permission:

> I was informed by my doctor's office that the drug Anergex has been taken off the market by the Food and Drug Administration, because they say they have found it ineffective. Both my son and I went through the series of shots for our allergies and found it very effective. . . . This is the one drug my doctor has used on me that really worked and believe me he has tried everything! . . . I hope that you (will) do whatever you can to get Anergex back on the market, to impress upon the Food and Drug Administration that it does work and we need the drug. . . . I really would appreciate it if there is anything you could possibly do."

The following correspondence ensued:

From my first letter to the Food and Drug Administration:

> The enclosed letter from one of my constituents, objecting to your action removing the drug Anergex from the market, is sent to you for comment and further explanation of your action.

From my second letter to the Food and Drug Administration:

> I have your letter of May 10 in response to my inquiry of April 13 following up a constituent's objection to the withdrawal of the drug Anergex from the market. Your letter is couched in very general terms explaining your authority to have such a drug withdrawn and the procedures required to obtain permission to reintroduce it. Your authority to take this action is not in doubt and my constituent is hardly in a position to undertake the procedures for reintroducing the drug to the market. What she needs to know is specifically *why* this drug was withdrawn.

Letter to me from the Food and Drug Administration, June 14, 1972.

> DEAR MR. SCHMITZ: This is in reply to your May 16, 1972 letter further regarding withdrawal of Anergex from the market. Anergex . . . was reviewed by the National Academy of Sciences-National Research Council and subsequently was the subject of an order withdrawing approval of the new drug application (NDA 10-491) published in the Federal Register of June 10, 1971. The Commissioner's finding is based on a lack of substantial evidence that the drug is effective . . . We cannot permit the continued marketing and human administration of Anergex.

Notice that in this correspondence, there is no reference to any findings or even any allegations that this particular drug is harmful to its users; furthermore, it was prescribed by a M.D. after extensive trials of other antiallergic drugs on this patient. The Food and Drug Administration, in its superior wisdom, simply refused to allow the drug to be bought or sold because they found it to be ineffective. Inquiries such as mine hit a solid bureaucratic stone wall. Many other Congressmen have had similar experiences. This is how Washington now decides what medicines you may take.

The same attitude and policies also extend to nutrition and dietary supplements. For several years the Food and Drug Administration has been developing regulations which, once they go into effect, will actually take vitamin pills off the market because of their alleged ineffectiveness. Congressman CRAIG HOSMER's Nutrition Protection Act, which would prevent this action, languishes untouched in committee.

It is bad enough that sufferers from alleregy and dietary problems are being or may be denied relief through actions like this. But it is still worse when people are abandoned to almost certain death by the same kind of bureaucratic arrogance, when a new treatment might save them. That is what is happening with the anticancer agent variously know as Laetrile, Amygdalin, nitriloside, or vitamin B–17, despite solid medical evidence showing that in a substantial number of otherwise terminal cancer cases it has greatly assisted the patient. For it happens that Laetrile does not fit the usual medical categories of anticancer agents; therefore, the Food and Drug Administration has prohibited even its testing by competent medical men. This scandalous situation will be further explained in a subsequent newsletter.

"MANNY" RIDGELL, THE MEMBERS' FRIEND

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. BLATNIK. Mr. Speaker, on Sunday, August 6, the House of Representatives lost a good friend. A. Emmanuel "Manny" Ridgell suddenly passed away. Manny had been the dedicated helper and friend for so many of us, and had been with the House of Representatives so long, that I guess we all assumed he would always be with us. The sudden and unexpected death of this friend of the House, is thus all the more distressing.

Manny had been Superintendent of the House Office Buildings almost as long as I have been in Congress, and he far outranked most Members in time of service to the Congress. Only Chairman CELLER and Chairman PATMAN have served the House longer.

Mr. Speaker, I wish to join my colleagues of the House in paying tribute to the career of this House veteran. He will be dearly missed. I also join my colleagues in expressing my profound sympathy to his wonderful family—a family that is a shining example of living the faith.

My words can bring them little consolation—far less consolation than their living faith brings to the friends Manny left behind in the House of Representatives.

MINNESOTA FARMBOY LEADS ZESTFUL LIFE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. NELSEN. Mr. Speaker, much to my delight, the Washington Star carried a feature article concerning the healthiness and vigor of midwestern farm people, using as an illustration one of my constituents, Dick FitzSimmons of Good Thunder, Minn. I am pleased to insert this article by Andrew Malcolm of the New York Times News Service in the CONGRESSIONAL RECORD. Young FitzSimmons' story serves as an example of the zestful life enjoyed by people in our State of Minnesota and as an example to the Nation:

FARMBOY TYPIFIES HEALTHY AMERICAN

(By Andrew Malcolm)

GOOD THUNDER, MINN.—The stark farmyard light stands nighttime vigil over by the tool shed where the farm's six tractors are resting.

Then, almost stealthily, a thin band of pink light eases up into the Eastern sky over the tasseled tops of the mile-long cornfield.

As if on signal, the crickets' chirping gives way to the birds' singing.

The stars start to fade, and soon the sun is out again, baking the corn and soybeans and anyone not in the shade.

But by then 16-year-old Dick FitzSimmons already has had his first breakfast and done over an hour of grueling calisthenics for the football season.

VERY VERY HEALTHY

A sturdy, 5-foot-10-inches tall, FitzSimmons has long, dark blond hair billowing over his forehead. His tanned hands are strong and toughened. And he is very, very, very healthy.

In fact, young FitzSimmons fits the American Medical Association's latest profile of the healthy American.

The medical group analyzed the nation's disability days, when a citizen's normal activity is restricted because of illness.

On average, it found farm folk healthier than city people, Midwesterners healthier than any other region's residents, men healthier than women, young healthier than old, affluent healthier than poor, whites healthier than blacks, those living with relatives healthier than those living alone and July through September the healthiest months.

Of course, no one person can be selected as the healthiest American. But Dick FitzSimmons, a soft-spoken farmboy here in Good Thunder (pop. 468), 1,100 miles west of Times Square, in the endless flatness that is southern Minnesota, wouldn't be a bad choice.

UP AT 5 A. M.

Dick awakens at 5 a.m., grabs a piece of toast and a pillowcase holding his clean athletic cloths and heads down the dirt road in his 7-year-old Chevelle, the deep-throated mufflers echoing off the towering corn at roadside.

Twelve miles and 15 minutes later he is in the locker room of the Amboy-Good Thunder High School. By 5:50 a.m. he and 50 other football hopefuls are on the field where the mosquitos rise in tribute from the dew-covered grass.

"It's a beautiful morning," barks Coach Rich Bullard "C'mon, FitzSimmons, move it." And he does "move it" for two hours until his once-white T-shirt is soaked with perspiration and dirt and grass stains.

OFF TO THE STATION

Then a shower and a quick drive to Larson's gas station and lunch counter where he downs 20 ounces of milk and a couple of his favorite caramel rolls.

At home young FitzSimmons, his father and some cousins bale straw, expertly stacking over 300 of the dusty 50-pound bales on wagon after wagon under a cloudless blue sky.

Mrs. FitzSimmons, who is finishing her four daily loads of wash, serves lunch at noon, over three pounds of hamburgers, two dozen ears of corn, a salad, cottage cheese, peaches and pitcher after pitcher of cold milk. In the summer Mrs. FitzSimmons buys at least 14 gallons of milk a week.

"But I've never bought any vitamin pills," she says, "We never seemed to need them. We just get lots of fresh air, exercise and work."

OUR NATION SALUTES THE ESTABLISHMENT OF PASSAIC VALLEY COUNCIL, BOY SCOUTS OF AMERICA BY MERGER OF ALTAHA-AHEKA COUNCILS

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ROE. Mr. Speaker, with the ever-growing demand for the learning experiences and unlimited opportunities for self-development and responsible service to our communities and our Nation provided to our youth by the Boy Scouts of America personifying all of the noble traditions of the foundation of our American way of life, I am pleased to call your attention to the contemplated merger of two of our most distinguished councils in my congressional district and the State of New Jersey—the Aheka and Altaha Councils—which will be formally incorporated on September 1, 1972 as the Passaic Valley Council, Boy Scouts of America.

As a member of the National Council of Boy Scouts and having been affiliated for many years as an executive board member of the Boy Scouts of America, Altaha Council, and presently as a member of their advisory committee, I am indeed pleased and honored to participate in commemorating the inauguration of this outstanding coordinated program of these prestigious Boy Scout councils, joining together the exemplary leaders and resources of Scouting in my region and providing comprehensive broader opportunities for our young people. There are presently 10,000 young men being served by the Altaha-Aheka Councils, soon to be known as the Passaic Valley Council.

We are all familiar with the noble traditions of the Boy Scouts of America and their outstanding public service to the people of our Nation in helping our young men to achieve leadership qualities of self-reliance, character building, international friendships, kindness, courtesies and eagerness to serve others. Their highest standards of excellence in exercising measures to "Keep America Beautiful," attain greater communion and understanding among all mankind, and continually developing and serving, by example, in working toward freedom and justice for all people in our Nation and throughout the world are a significant investment in the enrichment and excellence of the quality of our way of life here in America.

The fulfillment of the purposes, goals and aims of these Boy Scouts of America could not be achieved without the strong team effort of volunteer and professional leaders of our communities who, themselves, have spent a lifetime of dedication and devotion to these same true American ideals and now participate unselfishly and willingly of their busy schedules in passing these sterling traditions along to our youth of America.

I wish to commend to you and ask you to join with me in heartiest congratulations and best wishes to the officers and trustees of the Altaha and Aheka Councils, Boys Scouts of America, who have been faithfully fulfilling these major leadership endeavors in the Altaha and Aheka Councils. Following is a list of officers and board members:

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James DeBiaase.
David A. Doyle.
Richard Drukker.
Ralph F. Eastman.
Ellis W. Edge, Jr., Past President.
I. Lloyd Gang, Past President.
Joseph M. Gondola.
Bennett M. Goodman.
Lawrence Gurtman.
Dr. Wallace J. Haddon.
Edwin C. Jennings, Jr.
Robert Y. Johnson.
Sanford Kalb.
Maurice Kanter.
Louis I. Kievit.
Leo Kleinkopf.
Dr. Carlisle Kramer.
Harris N. Leroy.
Alvin Levitt.
Harold Martin.
Jerome S. Morici.
Everette B. Muh.
Herman B. Packer.
Dr. Bernard D. Pinck, Past President.
Daniel Rachles.
John F. Reynolds.
Joseph Ruddy.
Dr. Samuel M. Schlyen.
Martin Stern.
Robert Taylor.
Walter Tencza.
Albert Tiano.
Arthur L. Troast.
Harold M. Warshaw.
Clarence Whitworth.
Edward J. Wolak.
Edgar Y. Wurch.

May I also commend to you and seek, through this historic journal of Congress, national recognition of the outstanding public service to our youth that has been extended by Altaha Council Scout Executive Dale L. Nolen who has served more than 21 years in professional Scouting and the past 6½ years as our Scout executive. Dale's exemplary ability and sincerity of purpose have already been recognized by the National Council, Boy Scouts of America, and effective September 1 he will be assigned to their east central region where his specialized services will be devoted to Boy Scout Councils in the States of Illinois, Indiana, Michigan, Ohio, West Virginia, and Wisconsin.

Mr. Speaker, I know that you and our colleagues will join with me in saluting all of these great Americans and their good works on behalf of the Boy Scouts of America. We do indeeed extend our best wishes to the officers and directors of the new Passaic Valley Council as they commence their merger of the Altaha and Aheka Councils on September 1, 1972.

EDITORIAL COMMENT FAVORS SPEEDY PASSAGE OF YEN CLAIM BILL

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MATSUNAGA. Mr. Speaker, a sense of justice and fair play is something with which Americans, as a people, are richly endowed. This was movingly demonstrated today by the expeditious passage by this august body of the so-called yen claim bill, H.R. 8215, which I introduced, and by the unsolicited editorials, in some instances indignantly insistent in tone, calling for the quick enactment of the measure.

The legislation I introduced is directed toward erasing one of the last vestiges of what has been called "the blackest page in American history." I am referring, of course, to the World War II episode involving some 110,000 Americans of Japanese ancestry and their parents who were uprooted from their homes along the west coast and in Hawaii, deprived of most of their property, and imprisoned in what the Federal Government chose to call "relocation centers," but which were in fact concentration camps, complete with barbed wire fences and armed guards.

Many of these immigrant parents, barred by law until 1953 from becoming naturalized American citizens, held yen certificates of deposit in various U.S. branches of the Yokohama Specie Bank. At the outbreak of World War II, the assets in these branch banks were confiscated, or vested, under the authority of the Trading With the Enemy Act, so that such property would not be used to aid the enemy during the period of hostilities.

When Congress in 1946 enacted a comprehensive plan for allowing claims of legitimate creditors of enemy alien firms and entities whose assets had been vested, payment was expressly barred to creditors who were interned or paroled as "enemy aliens." Former internees who held Yokohama Specie Bank certificates of deposit were thus barred from recovering their hard-earned savings, and to this day they remain unrecompensed.

At least two subsequent acts of Congress served only to underscore and prolong the unfortunate plight of these people in their efforts to recover their Yokohama Specie Bank savings. In 1953, Japanese immigrants were permitted to become naturalized American citizens, and thousands, including these former internees, demonstrated their long-felt loyalty by becoming naturalized citizens of the United States. In 1956, Congress refused to discriminate against internees when it passed the Evacuation Claims Act, which compensated Japanese-Americans for certain property losses suffered during the period of wartime hysteria. Under that act, Congress expressly permitted recovery by those who have been interned and subsequently released.

H.R. 8215 would authorize these Japanese-Americans, some 2,000 in number, to recover from the remaining vested assets of the now-defunct Yokohama Specie Bank in the custody of the U.S. Attorney General.

Addressing itself to the situation of these Yokohama Specie Bank depositors, the Honolulu Star-Bulletin called it "Shocking."

The Evening Star-the Washington Daily News said that the money was "unconscionably—and unconstitutionally—taken from them."

The San Francisco Chronicle informed its readers that "It—H.R. 8215—should be promptly enacted."

The Philadelphia Inquirer said, referring to the bill's provision for flat-out repayment, but no interest—

> After 30 years, it is hardly too soon.

Mr. Speaker, being confident that the Senate will now give speedy consideration to this legislation, I submit these editorial views on H.R. 8215 for inclusion in the RECORD merely as reassuring proof that Americans truly have not lost their traditional sense of justice and fair play. Early Senate passage of the measure, of course, will strengthen this conclusion immeasurably.

[From the Honolulu Star-Bulletin, Aug. 7, 1972]

SHOCKING REPORT

It is shocking to read 27 years after the end of World War II that the U.S. is still holding bank savings belonging to 2,000 Japanese-Americans forced into internment camps in World War II.

The yen deposits confiscated from American branches of Japanese banks total $4.5 million.

Congressman Spark Matsunaga of Hawaii is sponsoring legislation to have the Justice Department give the money back. Many of the original depositors, of course, are dead.

The whole internment episode was a black chapter in U.S. history. Now we learn it is not yet closed.

[From the Evening Star and the Washington Daily News, Aug. 11, 1972]

BALM FOR A BAD CONSCIENCE

That old word "sleazy" is being greased up again and applied to Japanese imports by some groups of American workers who are beginning to feel the sting of competition. There is a special irony in this; first, because more and more Japanese products are remarkable for their good quality (they work, they last, the wheels stay on) and second, because sleazy is the way we have been treating our best import from Japan—Japanese people.

There are disturbing reports of increasing anti-Japanese feeling on the West Coast and elsewhere, along with the nastiness and small cruelties that invariably accompany a regrowth of racism. That young Japanese-Americans are beginning to meet this with a display of refined militancy—a show of cohesion and racial pride—is a normal if somewhat disturbing response.

Nothing can make up for the fact that tens of thousands of American citizens of Japanese descent and their parents were separated from their homes and possessions in the early panic after Pearl Harbor and penned up behind barbed wire in concentration camps while their fellow Americans picked over what they'd left behind. The $38.5 million in property claims which the federal government paid to them in subsequent years is estimated to be less than 10 percent of what they actually lost.

Representative Spark Matsunaga, the Hawaii Democrat, has now won committee approval of a bill to return $4.5 million to one or two thousand Japanese-Americans whose savings were seized in the San Francisco and Seattle branches of the Yokohama Specie Bank. They're not asking for the 30 years of interest this money would have earned, or to get it back at today's conversion rate. Just the money that was unconscionably—and unconstitutionally— taken from them.

"If they could just get back a portion of their life savings," a spokesman for Representative Matsunaga said, "they would be satisfied." In the light of such good nature, anything less than speedy action would be sleazy indeed.

[From the San Francisco Chronicle, Aug. 13, 1972]

Injustice Undone

Congress is moving to undo, in part at least, a grave injustice inflicted upon some 2000 Japanese Americans following the attack on Pearl Harbor, December 7, 1941. A House subcommittee has unanimously approved legislation to restore to them—or their heirs—$4.5 million in bank accounts that were confiscated by the government upon their internment as "enemy aliens."

The funds had been deposited in branches of the Yokohama Specie Bank in San Francisco, Los Angeles and elsewhere and have since been held without interest by the Department of Justice.

It is now intended to return this money to its rightful owners—Japanese who, as noted by Representative Matsunaga of Hawaii, "committed no crime or act of sabotage against the country which they had learned to love and which they called their own." Legislation to effect that can be faulted only because of its tardiness. It should be promptly enacted.

[From the Philadelphia Inquirer, Aug. 12, 1972]

Long Wait for Their Money

One of the more shameful episodes in American history was the herding of some 110,000 Japanese-Americans into detention centers shortly after Pearl Harbor.

Many of them were American citizens, born in this country. All of them had to abandon their homes, their farms, their businesses, their professions. None ever received full compensation for their economic losses, let alone their personal suffering, although Congress did, after World War II, pass legislation providing for the return of at least some of their assets.

Even then they had to fight their case through the courts, and it was not until 1968 that the issue was settled. But even then, not entirely.

For 30 years the Justice Department has been sitting on about $4.5 million which had been confiscated from bank accounts in U.S. branches of a Japanese bank. The money belongs to some 2,000 Japanese-American immigrants who, under the benighted immigration laws on the books at the time, could not become American citizens.

Congress had agreed to compensate only American citizens. "Enemy aliens" were specifically ruled out. Catch-22: Because these people had been forbidden to become American citizens, and even though most of them later did become citizens under a more enlightened immigration provision, they still couldn't get their own money back.

Rep. Spark Matsunaga who, like so many young Japanese-Americans in World War II, volunteered and fought bravely for America, has introduced legislation to return these savings to their rightful owners, many of whom are now in their 80s.

The Hawaii Democrat's bill follows the pattern of the 1968 federal court directive—flat-out repayment, but no interest. Rep. Matsunaga calls for prompt action to redress these grievances of Japanese-Americans. After 30 years, it is hardly too soon.

TELEPHONE PRIVACY—XXXVII

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ASPIN. Mr. Speaker, I reintroduced the telephone privacy bill on May 10, 1972, with a total of 48 cosponsors.

This bill would give individuals the right to indicate to the telephone company if they do not wish to be commercially solicited over the telephone. Commercial firms wanting to solicit business over the phone would then be required to obtain from the phone company a list of customers who opted for the commercial prohibition. The FCC would also be given the option of requiring the phone company, instead of supplying a list, to put an asterisk by the name of those individuals in the phone book who have chosen to invoke the commercial solicitation ban.

Those not covered by the legislation would be charities and other nonprofit groups, political candidates or organizations, and opinion polltakers. Also not covered would be debt collection agencies or any other individual or companies with whom the individual has an existing contract or debt.

I have received an enormous amount of correspondence on this legislation from all over the country. Today, I am placing a 35th sampling of these letters into the Record, since they describe far more vividly than I possibly could, the need for this legislation.

These letters follow—the names have been omitted:

August 10, 1972.

Dear Representative Aspin: My wife and I are 100% for the bill pending in Congress, H.R. 14884. We have had our fill of these nuisance telephone calls.

——— ———.

Dear Sir: We are definitely in favor of your bill to stop salesmen from calling our home peddling real estate, cemetery lots, etc.

They usually interrupt meals, too.

——— ———.

August 4, 1972.

Hon. Les Aspin,
House Office Building,
Washington, D.C.

Dear Sir: The telephone as defined by the United States Government is an instrument protected by law as a means of privacy to the individual and a luxury upon which a tax has been placed.

Unfortunately, for the last few years the telephone has not been an instrument of privacy as we have been plagued almost daily with telephone calls from private agencies soliciting for contributions and in particular by land companies that offer a myriad of techniques to entice the telephone subscriber into purchasing. It has been our experience to receive as many as three telephone calls from the same land company in one day! We have repeatedly expressed that we are not at all interested in their projects but this has been to no avail.

I understand that you are a sponsor of HR–14884 which may serve as a solution to this problem that we citizens are subjected to routinely. I further understand that HR–14884 has not been scheduled for action by the House Committee on Interstate and Foreign Commerce. I, therefore, urge you to vehemently promote this bill for passage and assist the citizenry in acquiring some piece of mind.

——— ———.

August 10, 1972.

Hon. Lee Aspin,
House Office Building,
Washington, D.C.

Dear Sir: We would like to voice our support for Bill HR–14884, pending in Congress.

We don't like being bothered by telephone solicitors and would like to see this bill passed.

——— ———.

August 9, 1972.

Dear Mr. Aspin: I would like to take this opportunity to add my voice in support of the bill pending in Congress, HR–14884. I am only one voice among thousands (at *least*) that cries out for relief from the telephone-pest-salesmen and women. My husband works nights and needs to sleep during the day. I work mornings. This means no one is able to "stand guard" at the phone. Consequently my poor husband is disturbed by countless (some, very RUDE) sales calls. Please, somehow, get this bill passed. It would be a godsend. God bless you for trying!!

——— ———.

August 8, 1972.

Dear Mr. Aspin: I read about the bill you introduced in the House—the Telephone Privacy Act. Didn't know the possibility of help was at hand. I'm writing Senator Tower and Senator Bentsen, as well as Representatives Fisher, Gonzalez, Pickle and Kazen.

May I add that I have heard that the phone advertisers can, electronically, compute numbers using all possible combinations. If this be true, even "unlisted" numbers can be reached. This should be unlawful.

Also, the "long distance" call is being used a lot. I know. The last one I got, I was bathing when told I was wanted on long distance. That was the day that I was rude rude rude, as well as dripping wet!! Naturally, the phone company, "the only one in town, though they try not to act like it" is not anxious to stop long distance calls. In fact, the man I talked to (with phone co.) told me there is not much recourse. To do anything, one must take name of person calling, name of company, etc. and relay this to phone company, who will (I wonder!) tell the offender that R. Lilly is an old sorehead and doesn't want the privacy of her castle invaded. Or, one can, he suggested, "merely hang up." Ho, ho. The same company has called me 5 times within the last 2 months. I have said each time, "Take my name off your list! !"

Hope your bill passes. If not, do please try again and again! !

——— ———.

P.S.—One dear caller, from El Paso, Texas, informed me I would "now hear a recording! How can one vent his spleen on a recording??

THE AGENCIES' ROLES AND RESPONSIBILITIES

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. HANSEN of Idaho. Mr. Speaker, at my recent early childhood conference in Idaho, which I sponsored to focus on the needs of the young children, three panels did an excellent job of pinpointing current issues in the early childhood field and in identifying some of the obstacles that we have to overcome and problems that still must be solved.

A panel on "The Agencies' Roles and Responsibilities to Young Children" was led by Dr. John R. Marks, director, Idaho Department of Public Assistance. In his opening remarks, Dr. Marks said:

I think that there are basically three components of programs that the agencies have and by agencies, we are talking about local, state and federal. They have the responsibility in direct service to children and families. They have a responsibility in the training and education of professional, or para-professional people. They have responsibility in educational and information services to parents-to-be.

I think that there are several components of a program that go within these three that I mentioned. An agency should have a program component involving primary prevention of handicapping and of the condition we call childhood disadvantage. This lies in the areas of health, social conditions, economic conditions, educational areas. All agencies that are involved have responsibilities in the area of early identification of the disadvantaged child and the handicapped child. It may not be appropriate to apply all of our resources to change behavior to many children who do not really have need of it. If we are going to be somewhat selective, then we are going to have to identify the various children who need the programs of the various agencies. There has to be, then, on the part of these agencies, if they are going to intercede, if they are going to discover, some means of intervening early.

I think that all of the agencies involved have a responsibility to have an education information program among the general public as to what the needs are as the agency sees them after filtering the input from the people themselves. I think that agencies too often decide "what is needed" and then proceed to go out and apply these programs to the unsuspecting public with very little input from the public themselves. What do the parents think they need?

Panelists with Dr. Marks were Dr. John Cambareri, director of comprehensive health planning, Idaho Department of Health; Robin McCurdy, education developer, Idaho Regional Training Office, Headstart; and Howard Schrag, director, Idaho Office of Child Development.

I would like to include excerpts from the panel in the RECORD:

AGENCIES' ROLES AND RESPONSIBILITIES

(By Dr. John D. Cambarer)

Dr. Zeigler, as the keynote speaker for the Conference, did an exceptionally fine job of setting the broad and complex parameters for discussion of "early childhood development"—emphasizing as he did the importance of the effects of culture, economics, social status and other factors which relate to the current status of the family and the changing role of the parent.

It was unfortunate (though predictable) that the succeeding speakers have moved from the high plane established by Dr. Zeigler into increasingly pedestrian and parochial discussion of the problems of training teachers, teachers of teachers, teachers of teachers of "para-professional" child health care workers.

Like almost all of the other participants in this Conference, I, too, want to deliver a sermon:

We, at this Conference, are all sinners. We all commit the sin of hubris. The sin of "blinding" pride . . . in our professions, our disciplines, our vocations. We all interpret this enormously complex social crisis in terms of our limited and vested interest. We *cannot* approach solution to the problems of early childhood development only by training personnel to operate child care facilities!

There are *no educational requirements to be a parent!* Anyone who is biologically able can be a parent . . . not just those persons who have had high school, college, or other courses in child care . . . but *anyone* who is biologically able. There are no G.E.D. or equivalent requirements to be a parent and if we, who are participants in this conference, concern ourselves only with training (various levels of) personnel to staff child care facilities we are avoiding the real gut issue of the child development problem.

Moreover, federal legislation and/or federal subvention of training programs for child care personnel, or for establishment of child care facilities merely begs the question . . . it offers only partial amelioration of the symptoms; not a cure for the disease—the "disease" is: That the development of many a child is in the hands of rank amateurs who happen by accident to be parents, who did not want the child (for any of a number of social, cultural, economic or other reasons), and who do not know how to raise him.

I believe the more effective solution is to "train" parents. I believe the only real solution is to ensure that a child is born only to parents who are willing and able to love him, feed him, cherish him, and raise him so that the child develops well and, ultimately, he, too, will be a good parent.

If we are to really solve this problem, then we must "bite the bullet" and not restrict our thinking and talking to "training personnel for child care facilities," but also to thinking about some unpleasant problems such as: Family planning, sterilization, abortion laws, laws prohibiting advertisement and sale of contraceptives, etc. . . . those "nasty" issues which must be talked about and resolved before we can talk realistically about enjoying a society in which each child has the best insurance policy for developing into a mature, productive, and happy adult—namely, parents who want him.

Now, after criticizing previous speakers for their simple and single minded solution to this problem—and after also offering you my own simple, single solution, let me quote from someone who has *not* been quoted previously today: H. L. Mencken, who said (as best I can recall): "To every complex human problem there is a solution which is clean, and simple, and wrong!"

Thank you.

HOWARD SCHRAG

Because the Idaho Office of Child Development is relatively new, I will briefly renew its development up to this point.

It was brought into existence through an Executive Order issued by Governor Cecil Andrus on the 15th day of November 1971. The Office itself is a result of commitment from both the Region X Office of Child Development and the Idaho State Interdepartmental Committee on Children and Youth. The need for the office was largely noted when the Interdepartmental Committee on Children and Youth attempted to acquire information concerning children (ages 0–6) in the State. The Committee ultimately concluded that, although the needs could be somewhat defined, how well they are being met or what services were being provided to meet them were unknown.

As a result of this finding the major objectives of the Idaho Office of Child Development are to assess the needs of children 0–6 in the State of Idaho, assess the services being provided, finding existing gaps and duplications in programs, make an extensive fiscal evaluation of State and Federal program funds, and establish State priorities.

With these objectives in mind the Idaho Office of Child Development has become involved in five major activities. The first, now being completed, is an Agency Service Survey. This survey documents the services now being provided to children ages 0–6 in the State by both public and private agencies. It includes interviewing of day care operators, kindergarten teachers, various public and private agencies offering early screening and diagnosis, etc. The second major undertaking of the Idaho Office of Child Development will be a Clientele Survey. The Clientele Survey is to evaluate the services both needed and being received by children ages one through six. A sample of over a thousand children will be randomly drawn. Need areas such as housing, economics, safety, developmental-skill level, nutrition, child care arrangements, and health will be the major components of the survey. The third major survey will be conducted in conjunction with the Western Interstate Commission on Higher Education and the University of Washington School of Medicine with Doctor Ralph J. Wedgewood, Chairman of the Department of Pediatrics. It will be a survey concerning itself both with consumer and vendor services in the prenatal, perinatal, and postnatal areas. Its compltion is expected by September 1, 1972.

The fourth major undertaking is to obtain community input concerning their views and evaluation of needs for children as they see them in their community. This is being done under the auspices of the 4–C Grant received from the Department of Health, Education, and Welfare, Washintgon, D.C. The major vehicle for obtaining this information is the speak-out. Speak-outs are being held in the major planning areas throughout the State in order to provide adequate input from the various planning regions. In addition to this, the regions are anticipated to continue the organization of an advocate system for children. The fifth major undertaking is a review of the literature extending from preconception through six years of age. This review is vital in that it will form the rationale and basis for further planning and program development of children's services in the State of Idaho.

While the Office is relatively new we are now beginning to evaluate the results of the initial Agency Service Survey. Governor Andrus in his introductory remarks included some of our preliminary findings. In addition to what Governor Andrus covered in his remarks, we have noted two major overall areas of concern while completing the survey. The first area is that of program egocentrism—that is, each program or each agency delivering various programs tends to view their programs in operation as central to the needs and concerns of the community with all other programs being ancillary to virtually nonexistent. This observation correlates with the second finding that coordination between programs is virtually nonexistent. In the various communities quite frequently one program director does not know what another program director in the same community is doing. These problems

> are not typical of Idaho alone. The authors of the recent publication *Day Care—Nightmare* found that the same problem existed in the Berkeley and Oakland, California area.
>
> At this point our data is only preliminary and our research has just begun. We anticipate that information obtained by the various surveys on and relating to the overall needs and services being provided for children will be available by December of 1972.

TRADING IN DEATH

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCHMITZ. Mr. Speaker, the testimony of Antony C. Sutton, research fellow with the Hoover Institution on War, Revolution, and Peace, before the platform committee of the Republican National Convention August 16, 1972:

> There is no such thing as Soviet technology. Almost all—perhaps 90 to 95 percent—came directly or indirectly from the United States and its allies. In effect the United States and the NATO countries have built the Soviet Union—its industrial and its military capabilities. The massive construction job has taken 50 years, since the Revolution in 1917. It has been carried out through trade and the sale of plants, equipment and technical assistance. Fifty years of dealings with the Soviets has been an economic success for the USSR and a political failure for the United States. It has not stopped war, it has not given us peace. The United States is spending $80 billion a year on defense against an enemy built by the United States and West Europe. Even stranger, the U.S. apparently wants to make sure this enemy remains in the business of being an enemy.

On that same date, August 16, I brought Mr. Sutton's evidence and conclusions to the attention of my colleagues in Congress and to the press throughout the country. Here are excerpts from my statement to the House of Representatives:

> Mr. Speaker, the most despicable practice I have encountered in my lifetime is that of successive Republican and Democratic Administrations in carrying on aid and trade with the Communist nations which supply the weapons to kill our men in Vietnam. How any Member of this body, who supports such action, can go home and sleep with a clear conscience, is beyond my understanding. Many of them have sons, like mine, who some day will serve in our armed forces if they are not already doing so, and may well be a target for those weapons whose manufacture we make possible.
>
> In Arlington Cemetery we keep a 24-hour watch over our honored dead, who made the supreme sacrifice to defend our country and freedom against its foes. Their loved ones mourn them still, and will never forget them. Many of these dead would be alive today if we had not done so much to build up and sustain the economy of the Soviet and satellite nations for the last half-century. But as long as the dollars roll in to fill the coffers of the "big money" men who in turn make many of the largest contributions to both Republican and Democrat Presidential candidates, those who profit from aid and trade with the enemy couldn't care less about the cost in blood paid in places like Korea and Vietnam. Business and hyprocrisy of the highest order must be carried on—as usual.

Referring to Mr. Sutton's evidence and conclusions, I said that:

> It is imperative that every Member of this body read what he has to say—and act accordingly.

My statement concluded as follows:

> Mr. Sutton says that "this information has been blacked out by successive Administrations." I intend to see that it is blacked out no longer. . . . For once, let us submerge our differences and unite on an issue on which every man of conscience and honor in this country ought to be able to agree. These facts must not be suppressed or ignored because of concern about face-saving or a desire to pretend that unpleasant truths do not exist. Those who fail to print and publicize Mr. Sutton's evidence do so at the peril of the life-blood of America.
>
> Nor can it be hidden much longer in any case. This story will become too big to kill. You remember the old saying "murder will out." What Mr. Sutton reports is a very sophisticated kind of murder; the bodies involved are those of our own young men, crying out from their graves for justice. The truth about this murder through trade with the enemy is coming out, and it will be heard.

FACING THE REALITIES OF VIETNAM

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. LEGGETT. Mr. Speaker, once again this Congress has chosen not to make a statement in opposition to the war in Vietnam. The deletion of section 13 from the foreign assistance bill can only be regarded as a grevious error.

I supported the retention of the end-the-war provision in the bill because I think the people of this country do want out from Indochina. Nevertheless, we are only playing games with these end-the-war amendments. No amount of rhetoric will hide the simple fact that the war cannot be ended by provisions which pledge withdrawal of U.S. troops contingent upon the prior release of prisoners of war. President Nixon refuses to accept such a limitation, and so do the Communists.

I have had lengthy informal talks with the other side twice in the last year. There is no way that they are going to release our prisoners before we have completely removed all of our troops. In fact, I doubt whether they would even release our prisoners after we had removed all ground, sea, and air support of the Thieu regime.

Let us remember, we are dealing with people that are slightly paranoid. They want that government in the south, and they want us to hand it over to them on a silver platter. Mr. Nixon is not prepared to overtly destroy the South Vietnamese Government, and frankly I cannot blame him.

The NLF and the North Vietnamese feel badly burned by the 1954 Geneva accords. They had control of most of the country; they let that control be negotiated out of their hands. They are not going to allow that to happen again.

So President Nixon is really deceiving us when he intimates that there is serious negotiation going on. No matter how many secret trips Dr. Kissinger takes, until one side fundamentally alters its position, the killing will continue.

The North Vietnamese position is clear. They consider the Saigon government to be the colonial arm of the United States. Thus, they are not willing to exchange POW's for American troop withdrawal unless that withdrawal also includes the Saigon government and Saigon army.

I have discussed this so-called proportional repatriation plan with the other side. At one point they indicated that they would be receptive to such a plan. This was 2 years ago. Since that time they have become increasingly intranisgent.

The POW's are the other side's "ace in the hole." They will be released when we physically remove the Saigon infrastructure in total.

I have spoken against the Thieu regime on this floor a number of times in the past. It is a democary in name only. It suffers from widespread corruption, and engages in the massive violation of individual liberties. Nevertheless, I am not ready to hand this regime over to the Communists, even for the release of our POW's. Neither, however, am I willing to support the continued bankrupting of the United States in a conflict that is as much an economic disaster today as it was a decade ago when we began escalating in Indochina.

It was reported in the August 14, 1972, New York Times that President Thieu is now questioning the strength of the U.S. commitment to South Vietnam. Thieu argues that—

> Six or seven months of heavy bombing would be enough to destroy North Vietnam's economy and war machine and force Hanoi to accept a cease-fire with international guarantees over all of Indochina.

Gentlemen, this argument would be humorous if it was not so deadly. We have been told since 1965 by a variety of "experts" that just a few more months of bombing will insure an allied victory. In each case the predictions turned out to be incorrect.

There is no light at the end of the tunnel, only the flickering hope of those who desire a continued American presence.

The North Vietnamese have been fighting this war for over two decades. A few more months of bombing will certainly not succeed in breaking their desire to fight. The North Vietnamese have demonstrated that they respond to heavy bombing in the same way as did the citizens of London and Berlin during World War II. Bombing does not make them give in; it makes them dig in and fight harder.

We have spent $200 billion in Vietnam and obligated ourselves for another $200 billion in veterans' benefits. By Secretary Laird's own estimates, the Soviet Union and China have only spent $10 billion in Indochina.

I say $200 billion dollars is enough aid. The South Vietnamese have a million men under arms. If they cannot repulse a Communist attack with this kind of force, then I doubt whether they ever will be able to.

What we should seek in Vietnam, then, is not an escalation of the war nor the destruction of the Saigon regime. We should unilaterally deescalate our posture over the next 6 months such that in all of Southeast Asia we only provide an equal and reciprocal force vis-a-vis South Vietnam as the Soviets and Red China assume toward their Communist counterparts. If this means that the United States must deescalate several hundred percent so be it—it might even be President Nixon's secret solution.

Such a posture would neither be a military victory or a defeat. It would let the Southeast Asians themselves determine who among them in a fair contest is the fittest, and the POW's would be returned in due course. I see no other alternative.

Madame Binh of the NLF recently put in concrete the position of the Communist side which has not altered perceptibly in over a year. A portion of her statement and the statement by Xuan Thuy to the 151st plenary Paris Conference follows:

Plenary Session

Following is English text of PRG opening statement by Madame Nguyen Thi Binh at 151st plenary session of Paris meetings, July 20, 1972, as released to press.

Ladies and gentlemen, at the last session of this conference, I pointed out: "Our position is that the South Viet Nam problem should be solved definitely and exhaustively, i.e. the military and political problems should be settled at the same time so that on the basis of the accords reached, the parties will sign a comprehensive agreement to end the war and restore peace" . . .

On the political field, the United States has installed in South Vietnam an administration devoted to it with a huge machine of coercion and repression, instruments to carry out the U.S. policy of war and neocolonialism and to perpetuate the partition of Vietnam . . .

The "U.S. participation in the war" manifests both militarily and politically, therefore, in order to put an end to such a "participation," these two aspects of the problems should be settled simultaneously. The U.S. side pretends to desire an end to its military "participation" without dealing with the political aspect. This simply means that the United States still wants to maintain in South Vietnam the administration it has set up to implement the policy of "Vietnamization" of the war. If so the United States will never be able to put an end to its military "participation"...

In order to put an end to the U.S. "participation" in the military field, we have advanced the proposal that the United States withdraws in safety from South Vietnam all troops, military advisers and personnel, weapons and war materials of the United States and those of the other foreign countries in the U.S. camp by a precise date, at the same time it dismantles all its military bases in South Vietnam and stops all the activities of its air and naval forces and other acts of war against the Vietnamese people. The U.S. government still refuses to set a precise date for its total troop withdrawal, therefore, until now, there is not a basis to discuss and solve this problem. In order to put an end to the U.S. political "participation," we have put forth the proposal that the U.S. stops supporting the bellicose group it has installed, Nguyen Van Thieu resigns and the Saigon administration renounces its policy of repression and coercion against the people.

[Unofficial translation]

Statement by Minister Xuan Thuy, Chief of the Delegation of the Government of the Democratic Republic of Vietnam at the 151st Plenary Session of the Paris Conference on Vietnam (July 20, 1972)

Ladies and Gentlemen: It should be noted that war is only a means for the United States to materialize its political aims. The creation and maintenance of the Saigon administration by the United States constitute a brazen violation of the South Viet Nam people's right to self-determination. Therefore the United States has the responsibility to cease all support of that administration so as to let the South Viet Nam people exercise their right to self-determination. After the agreement on all military and political questions, a cease-fire will take place: Only such a cease-fire can last and really end the hostilities. Once the military and the political questions are agreed upon, all other questions, such as the release of militarymen captured during the war, can be easily settled.

DUE PROCESS AND THE STATE DEPARTMENT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ASHBROOK. Mr. Speaker, on August 4 the News American of Baltimore, Md., called to the attention of its readers the current mess in the State Department and especially in the Foreign Service. As I have noted many times in the past, there is an urgent need for a fair appeals procedure for Foreign Service employees who, unlike those under Civil Service regulations, could not in the past get a fair hearing on their grievances.

Mr. Ned Young, the civil service editor, in his column, "The Federal Log," has done a service for the Hearst papers' many readers by reviewing several cases of State Department employees whose treatment at the hands of the ruling hierarchy was less than equitable.

I insert at this point the column, "Fired Diplomat Gets Hearing," by Mr. Ned Young in the August 4 issue of the News American:

[From the News American (Baltimore, Md.), Aug. 4, 1972]

The Federal Log—Fired Diplomat Gets Hearing

(By Ned Young)

John D. Hemenway, an Annapolis graduate, had spent more than 25 years in the State Department's Foreign Service and was chief of the Berlin section when he was "selected out" (fired) Jan. 17, 1969.

There have been such occurrences in the past.

What makes Hemenway so special is that he has become the first such person in the history of the State Department to obtain under the old rules a grievance hearing before a three-member board of examiners.

He selects one of the examiners. Another is chosen by the State Department, and the third is agreed upon by both sides.

The examiners have conducted at least a dozen hearings to date and heard voluminous testimony, but no decision, at least official, has been reached as yet as to whether or not he should be reinstated.

His service was extended from January to Oct. 4, 1969, and a week before then on September 26, he petitioned Howard P. Mace, then the department's personnel director.

It is reported that the examiner chosen by Hemenway was later in danger of losing his job, due to pressure suddenly brought to bear.

Just recently, Hemenway testified before the Fulbright Committee in opposition to Mace becoming the American ambassador in Sierra Leone. Mace had been nominated for the job by President Nixon.

While Hemenway has gained stature during his period of ordeal in his attempts to prove, officially anyway, that he has been grossly wronged, he is by no means the first member of the Foreign Service to be "selected out" after a satisfactory, if not distinguished, career.

The first such member whose selection out made the headlines, as a result of efforts by himself and friends to become reinstated was Stephen Koczak who also was stationed in Berlin at the time.

Koczak, a cum laude graduate of Harvard who had devoted most of his professional life to the Foreign Service, was fired after he reported a fellow officer was going to East Berlin and telephoning his former mistress in Warsaw.

Despite the efforts of many people, he was never reinstated, and works today as the chief researcher for the American Federation of Government Employes (AFGE).

Perhaps the most famous such case was that of Otto F. Otepka, the State Department's security chief who was demoted from a GS–15 to a GS–14, but never technically fired or selected out.

He nevertheless was placed on leave, and when his leave time ran out, he was placed on leave without pay. This occurred in 1962. In 1967, he was finally granted a hearing, but Dean Rusk, then Secretary of State, upheld the demotion.

Otepka kept fighting, but never won. In 1969, President Nixon appointed him as a member of the President's Board on Subversive Activities.

Charles W. Thomas, a career Foreign Service officer who became an orphan at six years of age, was serving with the American Embassy in Mexico City when he received notice that he was being "selected out."

A diplomat for 18 years, with progressively successful service in West Africa, Central America, the United Nations and Washington, D. C., he was notified in January, 1969, that he was being fired in six months because he had spent an excessive amount of time in the same grade.

It is to be noted that any Foreign Service officer who spends too much time in the same grade is subject to dismissal.

Unable to get another job, Thomas committed suicide. His wife, who is still with the State Department, and who in the past had been rated as outstanding along with her husband when the two worked as a team, is waging a concerted effort along with friends to get her husband reinstated posthumously.

The cases of Hemenway, Otepka, Koczak and Thomas serve as evidence for the contention by many that in the Foreign Service, if not in other agencies, there is what is described as the "hidden government."

The term means that a clique, rather than the rules of government, rules the Foreign Service and determines who works and who doesn't work. In order to keep your job, belonging to the clique is a necessity.

Cliques, of course are nothing new. In fact it is said that the Foreign Service is the last of government agencies to have one—if it does have one.

ARMY'S RECORDS DISPUTE MY LAI FINDINGS

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. STEED. Mr. Speaker, today I entered an article from the Daily Oklahoman describing the efforts of several of the paper's editors to secure release of Army reports dealing with the My Lai incident of 1968. The following story, also from the May 14, 1972, edition summarizes the information obtained from the reports and gives an interesting analysis of the findings. At this time, the editors are continuing their struggle for the release of the "Peers Report," which they believe will shed some additional light on the events surrounding the My Lai tragedy.

The article follows:

ARMY'S RECORDS DISPUTE MY LAI FINDINGS

(By Jack Taylor)

Official records of military units involved in the My Lai massacre, released to the Daily Oklahoman after a 2½-year struggle against censorship, reveal a wealth of new information disputing some findings of the Army's own investigation of the incident.

The records—morning reports kept by three infantry companies and a helicopter company—show there were numerous errors in previous reports of the composition, organization, chronological history and operations of the units during a three-month period encompassing the tragedy at My Lai four years ago.

The records show the Army apparently did not take advantage of official information it had at hand in impounded records when a panel was ordered to investigate a possible cover-up of the incident, raising questions about the findings and conclusions of that investigation.

Although the records were heavily censored when finally released, a detailed study of the documents led to these findings:

Lt. William L. Calley, the central figure at My Lai and the only one of 25 persons charged in connection with the incident to be convicted, apparently benefited from an entry designed to cover his being absent without leave shortly before My Lai.

Lt. Calley and a fellow platoon leader in his unit—Company C, 1st Battalion, 20th Infantry, 11th Light Infantry Brigade, 23rd Infantry (Americal) Division—apparently were sent to Vietnam illegally in the first place.

Reports that Calley's unit received no replacements in the weeks before My Lai are false.

Reports that Calley's unit was decimated by casualties and greatly under authorized strength at the time of the March 16, 1968, assault on My Lai are greatly exaggerated.

Characterization of Calley's unit as composed of up to 92 per cent draftees is disputed, with the ratio between volunteers and inductees actually at about the average of 60 per cent draftee and 40 per cent volunteer.

Calley's unit actually had an overall personnel turnover rate less than the other two companies, which experienced from twice to nearly three times as much turnover.

Findings and conclusions of the Army's investigative panel headed by Lt. Gen. William R. Peers contain numerous errors in unit strength, casualties and events during operations, when compared with the official records.

Neither the Peers panel nor Army prosecutors apparently ever obtained a complete list of personnel assigned to the units involved at the time of My Lai, although such information apparently was already compiled and readily available from at least two different documents in each unit.

The significance of these new disclosures is twofold.

First, they show that descriptions of Charlie Company as a revengeful, kill-crazy, combat-fatigued, ragtag bunch of GIs, stripped of most of their manpower and unable to get replacements, are largely without factual support.

To fix much of the blame on the unit's manpower problems and combat losses is an apparent oversimplification, for in many respects Charlie Company was better off than either of the two companion units in the same task force.

Second, the number of errors discovered in official proceedings—the Army's investigation, the courts-martial and a congressional inquiry—when compared with official records, raises questions about the objectivity and effectiveness of those proceedings, including the court-martial of Lt. Calley.

Such errors in the most basic data raise the possibility of more numerous and far more serious mistakes in the Army proceedings which could have affected the final findings, conclusions and recommendations.

The Peers panel, for example, wrote in its final report a full chapter dealing with "significant factors which contributed to the tragedy at Son My (the village in which the hamlet of My Lai was located)."

However, that entire chapter was censored from the report when released to the public, as were many other important parts of the report. The errors discovered in the Peers report are in the highly excised summary—primarily background information—that was made public.

John F. Lally, assistant counsel for the My Lai Incident Subcommittee of the House Armed Services Investigating Subcommittee, told The Daily Oklahoman many of the conclusions drawn in its final report were based on the testimony of witnesses—primarily Calley's commander, ex-Capt. Ernest L. Medina—rather than on official records.

Both the Peers panel and the House investigating group experienced considerable difficulty jogging the memories of witnesses who could not or would not recall pertinent facts. Yet more than one witness whose memory was previously fuzzy appeared to have a clearer recollection of events when interviewed by The Daily Oklahoman with the benefit of an accurate chronology based on the official records.

When Calley graduated from Officer Candidate School at Ft. Benning, Ga., on Sept. 7, 1967, he was immediately assigned to Charlie Company, then at Schofield Barracks, Hawaii, and already alerted for deployment to Vietnam.

Calley and another lieutenant, Stephan Karl Brooks of Dade City, Fla., then in the battalion's headquarters company, went to Vietnam in December—apparently in clear violation of Army regulations directing that such green officers "will not be ordered to a hostile fire zone unless they have completed four months duty in leadership type positions . . ."

The Army has been asked under what authority they were sent to Vietnam, but so far has not responded. Lt. Brooks was killed in action with another unit in the same division during an extension of his tour in July, 1969.

After the 11th Brigade was assigned to the Americal Division, Company C and two other rifle companies—Company A, 3rd Battalion, 1st Infantry, and Company B, 4th Battalion, 3rd Infantry—were assigned to the special Task Force Barker, set up shortly before the Tet Offensive at the end of January, 1968.

The task force conducted two major operations in February. During the first, Charlie Company lost its first man—Spec. 4 William J. Weber, Calley's radio-telephone operator, who was killed on Feb. 12.

Three more members of the unit were killed when the company stumbled into a minefield on Feb. 25. A fifth man was killed by a booby trap two days before the My Lai assault, according to the morning reports.

This count of five killed is considerably less than the figures previously reported, which have been as high as 12. Actually, Company C experienced no more killed during the first three months of 1968, although Company B recorded 12 dead (nine before My Lai) and Company A had six killed (two before My Lai).

Even the Peers panel's report on the Feb. 13–15 and Feb. 23–24 task force operations contains faulty casualty figures when compared with the records, and possibly even more grave errors.

A comparison of the panel's reconstruction of events in its report with the record on the morning reports shows the Army investigators may even have been confused about which unit was doing what and suffering which casualties. The panel reported Company B suffered only one killed, when the morning reports show two. There is an inference Bravo Company's casualties were inflicted during the first day of the operation, when the two dead actually came on the third day. Company A, however, suffered one dead and a number wounded on the first day, according to the morning reports, raising the possibility the Peers group actually confused the two units.

The Peers panel wrote that the three infantry companies lost three killed and 28 wounded during the second operation. The morning reports do not reflect a single death for any one of those units during that period, and only 19 wounded seriously enough to warrant evacuation.

During the second operation, Lt. Calley, reportedly still shaken by the death of his RTO, was at Vung Tau, the in-country rest and relaxation center, although being permitted an R&R so soon after arriving in Vietnam was highly unusual.

Charlie Company's morning report of Feb. 19 shows Calley left on a three-day R&R at 6:30 a.m. the previous day. He recalled during his court-martial that he was still on R&R eight days later when his outfit stumbled into the minefield.

The morning report of Feb. 24 has an entry that Calley returned from R&R and was present for duty on Feb. 21—four days before the minefield incident. There is no reason to believe he actually was back in his platoon at the time, and an administrative error can be discounted since no correction was made on subsequent morning reports prepared over the next five weeks.

The entry appears designed to cover the fact Calley overstayed his R&R and was AWOL. When asked about it by The Daily Oklahoman, Medina, now a Menominee, Mich., businessman, refused to answer.

The Army has been asked about the discrepancy, but so far has not responded.

Gregory T. Olsen, a machinegunner in Calley's platoon and now a Portland, Ore., policeman, told The Daily Oklahoman he remembers "some talk about Calley overstaying R&R but that's all."

Previous reports about the minefield incident were among the most exaggerated accounts of any ever reported about Charlie Company, with casualties given in a range all the way from one killed and 15 wounded to six killed and 12 wounded, or, as one report lumped them together, 32 killed and wounded. One report described Charlie Company as no longer an effective fighting force after the minefield encounter. And even the Peers panel and House investigating group apparently didn't have the full picture.

The House group, in its report, quoted the task force's operations journal for that day as recording one killed and 15 wounded. The Peers panel, which worked with the same journal and apparently little else in the way of official records, concluded that two died, based on its findings on total casualties.

Actually, the morning report for Charlie Company on that day shows two men killed and at least 11 wounded, although one of the wounded actually was killed and entered under the wrong category on the report—a fact the Army could have ascertained had it checked its own casualty lists in Washington.

Since the Army censored explanations of such report entries, it is difficult to be certain about the extent of the wounded under the applicable category, "reassignment losses." One, for example, was lost to the unit as apparently wounded on that day, but was picked up three days later as back for duty.

There is no doubt, however, about the killed in action, despite the Army's censorship of those explanations: such entries can only be under the category "separations," which is used only when a soldier is dropped from the rolls.

Those entered under that category on the Feb. 25 morning report were Spec. 4 Bobby Wilson, a Bloomington, Ind., youth who was scheduled to go home early because a brother had just arrived in Vietnam; and Pfc. Gustavo Rotger, a New York City draftee. Actually one of those listed as wounded—Pfc. Donnell Bell, a volunteer assigned as a platoon leader's RTO—also was killed rather than wounded on that day, the casualty lists in Washington confirm.

At this juncture the unit strength and availability of replacements became a critical point in reports of contributing factors leading up to the tragedy at My Lai three weeks later. The bleaker the picture, the more it appeared to justify sympathetic attitudes toward the company's misfortune.

At one point during Calley's court-martial, Capt. George C. White, a lieutenant assigned as a platoon leader in Company A at the time of My Lai, testified as a defense witness that his unit had only 50 men on that day—only about one-third what the records actually show.

That is the most extreme understatement, but it is typical of descriptions of the manpower problem in Task Force Barker reported over and over in past months as significant weaknesses plaguing the infantry companies and contributing to a deterioration of morale.

Even the Peers panel's conclusion of Charlie Company's strength in mid-March was erroneous, reporting a total strength of 141 men with five officers, 125 enlisted men plus 11 men attached. There was never a strength report on any of the unit's morning reports in that period—or even stretching back to February—to justify that conclusion, indicating again either a cursory examination of records or the acceptance of witnesses' testimony at face value. The Army has been asked what records, if any besides the operations journal, were scrutinized by the Peers panel but so far has not responded.

Actually the morning reports show all three infantry companies assigned to Task Force Barker were much better off than has previously been indicated, and probably not in any worse shape than many infantry companies fighting in Vietnam in the wake of the Tet offensive. Only the Peers Report, ironically, overestimated the strength situation for Charlie Company in mid-March.

Each of the infantry companies in Task Force Barker was authorized six officers and 158 enlisted men under then existing criteria. Although the Peers report states the change was made in early March 1968 and the previous authorization was six officers and 175 enlisted men, the morning report for Charlie Company on Feb. 27 notes the change actually was effective on Jan. 15, according to U.S. Army Pacific General Order 16, and that the previous strength level was six officers and 164 enlisted men—a change two months earlier and a strength 11 men less than the Peers panel reported.

The records show that contrary to the popular assumption, Calley's unit actually was just barely under its authorized strength at the beginning of 1968 and that the other two companies were the ones sorely in need of replacements, each with about 40 fewer men than Charlie Company.

Except for a few days in mid-February when one of the other units surpassed Charlie Company, the latter remained at strength levels above the other units until its minefield encounter on Feb. 25, despite a heavy influx of replacement into the others. Charlie Company's strength remained on about a par with the other two companies until shortly before My Lai when it dropped slightly below both for the first time.

At the time of the My Lai assault, Company C had 130 men counting attachments, with three away on leave. Company A had 134 with one on temporary duty elsewhere and Company B had 139 with two on leave or TDY. Even accounting for the 20 or so men always left behind to provide administration and logistic support at the base camp and the heavy weapons platoon usually deployed elsewhere, there were considerably more than the handful of men, sometimes reported as low as 70, involved in the assault on My Lai.

Calley's unit lost only one man wounded that day—Pfc. Herbert L. Carter, a Houston draftee who shot himself in the foot because he reportedly was horrified at what was taking place. On the other hand, each of the other companies lost a man killed and several wounded.

Contrary to many previous conclusions, the replacement picture for Task Force Barker was not at all bleak. In the three months encompassing My Lai the three infantry companies got 135 replacements—men straight from replacement depots, not men returning to their units after recovering from wounds, illnesses, leaves, etc. Company C got 20 of them, fewer than the other units because Charlie Company did not have the greatest need, based on its greater strength.

One report bemoaning Charlie Company's plight concluded: "The company had never received any replacements since it came to Vietnam and certainly none since the minefield disaster."

The morning reports show there were 10 replacements before My Lai and one was assigned after the minefield incident. Company A had 69 replacements before My Lai and 70 overall, while Company B had 55 replacements all before My Lai.

During the critical period of Task Force Barker's operations from late January until the My Lai assault, there was an overall gain of 134 men against a loss of 152—only 18 fewer than the number that started out. Company C gained 12 and lost 44 during the period to come up minus 32 overall, while Company A gained 67, lost 68 and was one down, and Company B gained 55, lost 40 and had 15 men more than at the outset.

The overall turnover was far greater in the other two companies than in Charlie Company for the three-month period. Calley's unit had a 97-man turnover, while Company A had a 212-man turnover and Company B had a 145-man turnover.

In addition, the officer turnover in Charlie Company was far less, giving the unit a stability of leadership not enjoyed by the other companies. Company C's officer turnover was five, while Company A's was 11—including four changes of command—and Company B's was nine.

Charlie Company had fewer noncommissioned officers (sergeants) assigned to the unit at the time of My Lai than did the other two infantry companies, with only 20 (the Peers Report said 23). Company A had 34 sergeants while Company B had 32. Part of the reason for that disparity may have been because far fewer promotions were meted out by Charlie Company.

During the three-month period encompassing My Lai, Calley's unit promoted only 27 men compared with 65 promotions in Company A and 83 promotions handed out in Company B. At the time of the My Lai assault, Charlie Company had 64 privates—about 20 per cent more than the other two companies.

During that same period, Company C sent five men on leave or R&R, while Company A sent only one on R&R and granted no leaves and Company B granted five leaves.

Disciplinary problems reflected in Company C's morning reports, despite the Army's efforts to censor any such indication, were less than in either of the other units. Charlie Company shows two men busted to private in January and February, while Company A's morning reports reflect six different indications of disciplinary problems ranging from reductions in rank to AWOLs and confinements, and Company B's reports show three reductions or confinements.

When attempting to determine an accurate accounting of everyone in Charlie Company at the time of the My Lai assault, one Pentagon authority thought at first there was a roster of Charlie Company personnel. After checking, he said apparently neither the Peers panel nor Army prosecutors ever compiled such a list, despite the apparent need to know who might be potential witnesses.

Asked why, he could only reply: "If you can find out why the Peers panel did about half what they did, let me know."

CONGRESS ENDORSES BUSING WHILE TRYING TO RESTRICT IT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCHMITZ. Mr. Speaker, on August 17 and 18, in a debate that dragged on to 1 o'clock in the morning, the House of Representatives passed the legislation which has been presented to the American people as the antibusing bill. The most important fact about this bill—virtually unmentioned in all that has been said about it in the news media—is that it contains the first explicit endorsement that Congress has ever given to busing itself; that is, compulsory transportation of students away from their own neighborhoods because of alleged racial imbalance in neighborhood living patterns.

Since this bill amounts to a Congressional endorsement of busing even though it attempts to limit the scope of the more sweeping Court decisions in this area, I could not vote for it on final passage.

Until now, Congress had consistently and in no uncertain terms rejected compulsory busing of schoolchildren for purposes of racial balance or of desegregation. The Civil Rights Act of 1964 explicitly prohibited such busing though the Federal courts subsequently refused to enforce that section of the act, claiming that their own fantastic interpretation of the Constitution on this point superseded it. From then on through the antibusing amendments added by the House to the Higher Education Act last year, Congress had repeatedly rejected this method of desegregating on the simple and logical ground that every child, regardless of race, creed, or color, should be allowed to attend the public school nearest his home so long as he wished to do so.

The Federal courts defined Congress on this point—first, district court judges and finally, the Supreme Court in the *Swann* case from North Carolina, argued in the fall of 1970 and decided in the spring of 1971. These judges claimed that the 14th amendment's guarantee of equal protection of the laws might require an exchange of schoolchildren among widely separated neighborhoods on the basis of race. They never bothered to explain what then happened to equal protection of the laws for the children who had to be bused against their will and that of their parents, by comparison with others still allowed to attend their neighborhood school. In the fall of 1970, when hearing arguments on the *Swann* case, the Supreme Court refused to accept legal briefs from Members of Congress who had drafted and debated the Civil Rights Act of 1964, explaining just what it was intended to mean.

Faced with this kind of usurpation of power by the courts, Congress could and should have acted long ago—as I have repeatedly urged it to act—under the authority granted to it by article III, section 2 of the Constitution, to prescribe the jurisdiction of the Federal courts, by simply ruling out of Federal court jurisdiction all cases involving transportation of public school students because of their race, creed, or color. The Senate took exactly this action in February of this year, only to reverse itself less than a week later; and the House rejected an amendment to the busing bill just passed, which would have had this effect, by a vote of 174 in favor to 211 opposed.

The bill as finally passed did restrict busing of all public schoolchildren to either the nearest school or to the next nearest, and did reopen cases already decided by Federal judges to make the new restrictions apply to them also. Whether these restrictions will remain in the bill as approved by the Senate, if it is approved by the Senate, remains to be seen. But the bill as passed by the House still says that in formulating a remedy for a denial of the equal protection of the laws, which may involve directly or indirectly the transportation of students, a court, department, or agency of the United States shall consider a series of remedies ending with the construction or establishment of magnet schools or busing to the nearest or next nearest school.

"Magnet schools" is the new term now being surfaced to replace "educational parks"—another example of the familiar gambit of changing the name of an unpopular program without changing its substance. Whatever they are called, the concept of "magnet schools" and "educational parks" is essentially the same: a huge centralized school drawing children from long distances away. Such schools furnish an obvious means of complying with the requirement that court-ordered busing be limited to the nearest or next nearest school, while still forcing children to be transported far away from their neighborhoods. We may expect large urban school districts to begin moving in this direction, and those and other school districts also to take advantage of the clause in the recently passed House bill which specifically authorizes school districts to require busing on their own authority, if school board members and officials wish.

This bill would not stop busing. It is one more example of two steps forward, one step back.

A PARENT'S VOICE OF CONCERN: "WHAT OF THEIR VIEW OF OUR NATION?"

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. MATSUNAGA. Mr. Speaker, the busing provisions of H.R. 13915, "The Equal Educational Opportunities Act of 1972," are surely among the most important legislative provisions which will be considered by Congress this year.

In theory, the Equal Educational Opportunities Act seeks to guarantee every child in America an equal opportunity for a good education. In fact, however, the strict limitations on the use of busing will deny educational opportunity to thousands of children who live in segregated neighborhoods where schools are less than adequate. Moreover, the approval of stringent restrictions on busing would deny to a large segment of our population their right to share in the fruits of American democracy through education and hard work.

The effect of these provisions were well described by Dr. A. Jarrell Raper, a Richmond, Va., parent, in a letter written earlier this year to the Honorable Elliot L. Richardson, Chairman of the President's Committee on School Policy. Dr. Raper has made a copy of his letter available to me. With the thought that my colleagues will find Dr. Raper's letter of interest, I am submitting it for inclusion in the RECORD:

MARCH 6, 1972.

Hon. ELLIOT L. RICHARDSON,
President's Committee on School Policy,
The White House,
Washington, D.C.

DEAR MR. RICHARDSON: My wife and I are white patrons of the City of Richmond's newly integrated and heavily black public school system. I am writing this letter to you in your capacity as a group preparing background material for President Nixon's forthcoming decision on his stance in regards to school integration.

I am deeply alarmed by the political reaction to racial integration in our schools. I use the word "integration" deliberately, because even a brief and cursory look at American residential patterns shows one that meaningful integration in the schools is impossible without transportation of pupils out of their segregated neighborhoods (busing).

My alarm is based on what I believe to be the practical results that would flow from a Constitutional Amendment forbidding assignment of pupils to schools by race. This prediction is based upon intensive personal experience in the Richmond area, upon studies done by competent experts in school integration and resegregation, and upon extensive local conversations with many people of good will engaged for years in matters and organizations furthering interracial contact and understanding.

A Constitutional Amendment would, for Richmond, cause immediate resegregation of most schools into black and white institutions. There would be a few "around the edges" that retained some integration at least for a few years. However, based on past experience in this community the majority of black schools would immediately resegregate, and the majority of white schools with a substantial black minority would do so within a few years. This would be accompanied by and result from rapid population movement (residential resegregation) as the citizens perceived this as the developing national pattern. Whites would never move into black areas, thus destroying a very healthy movement which is already in progress in Richmond at the present time. The pressure upon black families seeking to move into white areas in the face of a national policy of racial separation would be unbearable.

The effect upon the minority (black) self-image here in Richmond would be catastrophic. These people perceive themselves as having been systematically held down and exploited for generations and feel that the Nation and the South is just now beginning to approach an appropriate view of their citizenship. I frankly agree with their view. It is nothing more than the simple history of our nation. You are probably familiar with the educational aspects of such a self-view. Belief that one may, by striving, working hard, and learning, gain some benefits of life for oneself and one's family is the prime motivating force behind school achievement. This would be largely destroyed. It is probable that the black middle class would desert segregated ghetto schools en masse and find space in local private schools or build their own, worsening the racial isolation of the less fortunate students.

The effect on local race relations would be, and already is, very destructive. The blacks would see the larger white community as turning away from what had been previously a national commitment. Relations with local whites would deteriorate. This is already a process here. Recently black parents have told me that there is, State-wide, a black reaction against local "anti-busing" (anti-integration) sentiment in Richmond's suburbs as they interpret this as the whites' position. Thus feeling has been reinforced by recent events at the national level. This is, I believe, just the first corner of the disaster that we can expect if the nation at this point turns back. There are now in the South millions of interracial contacts and even friendships. These are quite real and very important. My own children participate in them, as do my wife and I on the parent level. Such an amendment would destroy these relationships. I've no fear for what I would tell my children as to what is right, and what is wrong, but what of their view of our nation?

It also appears that the image of our nation as being really sincere in its concern for minority groups and for equal opportunity would be badly damaged in the eyes of both races, if such an amendment were ratified. "Equal opportunity" and "democracy" are empty words in a context of segregated inferior schools. This changed pattern of what America's course is really to be would destroy in large measure the influence, now considerable, of moderates of both races, who in the last several years have been using in a positive way all of the Christian, ethical and democratic arguments they can muster as foundations for the ultimate good to our nation of racial integration. A conspicuous movement nationally toward black and white separation would destroy their influence, as they would be seen as impractically idealistic dreamers who did not understand in realistic terms our nation's possibilities and intentions. Their influence would not be soon felt again in the Richmond area, if everything that has been said for the last several years is contradicted at the highest national level.

The effect on radicals of both races would be detrimental to democracy. Frank segregationists would be thoroughly vindicated in their oft repeated view that our nation is not really serious about this problem, that it is they who correctly predicted the future, as they have always said that the white majority was not serious about this matter. The hand of the Black Radicals, now quite weak in Richmond, would be greatly strengthened. Is this not what they have predicted all along? I believe that we could then look for much more racial belligerance and arrogance on both sides, racial bloc voting, further fragmentation of various segments of our society into racial components, and increased demands for local autonomy and community control along racial lines, as the "next best" maneuver in the presence of a national retreat on integration of our society.

Much of what has been described for the City of Richmond would also take place on a national scale, perhaps even more strongly. I regret to say that it is a widespread feeling among white and black middle class racial moderates that President Nixon bears a large degree of blame for inflaming this issue.

The needs of our society are plain for all to see. The educational needs of the black minority are also plain to see, are too long neglected, and can best be met by provision of predominantly middle class classroom environments in those areas where it is geographically possible. Almost all educators agree on this fact.

The real question that remains is the national commitment to justice and to the nation's future. Much is riding on the movements of our government in the next few months. If great care is not taken, trends may be set in motion which will become irreversible, despite later attempts to recover what was lost.

Please be strong enough to obtain for the American people what is best for our nation, not what they think they want. Informed people of both races are in great distress and uncertainty. Please think carefully and deeply.

Sincerely,

A. Jarrell Raper, M.D.

TRIBUTE TO RICHARD POFF

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. ERLENBORN. Mr. Speaker, the Commonwealth of Virginia deserves commendation on two counts.

First, the people of its Sixth District had the good sense 20 years ago to elect Richard Poff to the House of Representatives and, second, the Governor of their State has now appointed Congressman Poff to the Supreme Court of Virginia.

I have nothing but admiration for Dick Poff. He is a man of firm convictions about right and wrong, but also a man of kindly instincts. In Congress, he has been a valued member of the Judiciary Committee. On the bench, I predict he will be a gentleman, knowledgeable in the law and fair in his interpretation of it.

As he leaves this House to take over his judicial duties, I join my colleagues on both sides of the aisle in wishing him well and in congratulating him.

CONGRESS DID RECEIVE THE AMCHITKA ENVIRONMENTAL REPORTS AND IN COPIOUS QUANTITIES

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. HOSMER. Mr. Speaker, I was seriously disturbed when I read in the speech given by our distinguished colleague from Pennsylvania, Representative William S. Moorhead, to the International Platform Association, as printed in the August 14th Congressional Record at page 28818. Mr. Moorhead stated that the administration refused to give the Congress the environmental report on Amchitka nuclear test, thereby confirming the desire of the executive branch to conceal its actions from the Congress.

Mr. Speaker, the first draft of the environmental report concerning the proposed Cannikin experiment on Amchitka Island was released in June of 1970. A redraft was issued in the fall of 1970 and the final environmental report was issued in June of 1971, almost 6 months before the experiment was conducted on November 6, 1971. I have obtained from the Atomic Energy Commission a list of those Members of Congress and others to whom the draft, the redraft, and the final report were sent. I am appending this list below.

Our distinguished Colleague was incorrect in his assertion that Congress was refused this document. Some of its Members and committees even got multiple copies. The referred to list of recipients follows:

Cannikin Draft Environmental Statement Was Released on June 12, 1970

The following State and Federal agencies were provided copies on the dates indicated. Comments were returned from those State and Federal agencies as indicated:

State agencies

DATE SENT AND DATE OF COMMENT

Governor of Hawaii, 1; June 17, 1970; July 14, 1970.

Governor of Alaska, 1; June 17, 1970; none received.

Copies sent to:

Director, Department of Natural Resources, 1; June 17, 1970; none received.

Commissioner, Department of Natural Resources, 1; June 17, 1970; none received.

Commissioner, Department of Health and Welfare, 1; June 17, 1970; none received.

Commissioner, Department of Fish and Game, 1; June 17, 1970; none received.

Federal agencies

Council on Environmental Quality, 7; June 17, 1970; none received.

Department of State, 13; June 17, 1970; July 28, 1970.

HEW, 4; June 17, 1970; October 14, 1970.

DOD, 4; June 17, 1970; July 21, 1970.

Department of Interior, 13; June 17, 1970; July 16, 1970.

Department of Transportation, 2; June 17, 1970; July 22, 1970.

Department of Commerce, 3; June 17, 1970; none received.

Copies of the draft Cannikin statement were also provided to the following for their information:

ALASKA

Senator Ted Stevens, 1.
Senator Mike Gravel, 6.
Rep. Howard Pollock, 1.

HAWAII

Senator Hiram Fong, 1.
Senator Daniel Inouye, 1.
Rep. Patsy Mink, 1.
Rep. Spark Matsunaga, 1.

OTHER DISTRIBUTION

Senator Proxmire's Office, 1.
Robert L. Jones, Ca. Legislature, 1.
Western Interstate Nuclear Board, 1.
President, Aleut Indian League.
Joint Committee on Atomic Energy, 2.

INDIVIDUAL REQUESTORS—16

Rep. Dingell, Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries.
House Appropriations Committee, 1.
Senate Appropriations Committee, 1.

DISTRIBUTION OF REDRAFT CANNIKIN STATEMENT

1971, UNDATED

April 29, 1971

House Appropriations Committee.
Senate Appropriations Committee.

May 4, 1971

Governor William Egan, Alaska.
Alaska Congressional Delegates.
Senator Mike Gravel.
Senator Ted Stevens.
Representative N. J. Begich.
Governor John Burns, Hawaii.
Senator Hiram L. Fong.
Senator Daniel K. Inouye.
Representative Spark M. Matsunaga.
Representative Patsy T. Mink.

(Redraft—Cannikin; Comments Environment Statement; Staff Report)

May 6, 1971

Senator Muskie.
Senator J. B. Allen, Alabama.
Senator Clifford P. Case, New Jersey.
Senator Hiram L. Fong, Hawaii.
Senator Hubert H. Humphrey, Minnesota.
Senator Warren G. Magnuson, Washington.
Senator Robert W. Packwood, Oregon.
Senator Birch Bayh, Indiana.
Senator Alan Cranston, California.
Senator Philip A. Hart, Michigan.
Senator Daniel K. Inouye, Hawaii.
Senator Frank E. Moss, Utah.
Senator Gaylord Nelson, Wisconsin.
Senator William Proxmire, Wisconsin.
Senator John V. Tunney, California.
Senator Henry M. Jackson, Washington.
Senator Stevens, Alaska.

May 6, 1971

Congressman Dingell.
Senator Mike Gravel.
Senator Ted Stevens.

DISTRIBUTION OF FINAL CANNIKIN STATEMENT

Russell E. Train, Chairman, CEQ, 10; with summary sheet; June 23, 1971.

Charles Fabrikant, EPA; 5; with summary sheet; June 23, 1971.

Caspar Weinberger, OMB; 5, with summary sheet; June 23, 1971.

John Quarles, Interior; 18; June 23, 1971.

Roger Egeberg, HEW; 4; June 23, 1971.

Sidney Galler, Commerce; 10; June 23, 1971.

Louis M. Rousselot, Defense; 5; June 23, 1971.

William C. Salmon, State; 12; June 23, 1971.

J. D. Braman, Transportation; 2; June 23, 1971.

Gov. Burns of Hawaii; 1; June 23, 1971.

Gov. Ronald Reagan of California; 1; June 23, 1971.

Governor Daniel J. Evans of Washington; 1; June 23, 1971.

Gov. Tom McCall of Oregon; 1; June 23, 1971.

Hon. Carl Moses Pres., Aleut Indian League; 1; June 23, 1971.

Dr. David, Dir., OST; 1; June 23, 1971.

Stan Robinson, SECY Public Document Room; 1; June 23, 1971.

Edward J. Bauser, JCAE; 20; June 23, 1971.

Gov. Egan of Alaska; 5; June 21, 1971.

Senator Birch Bayh; 1; June 23, 1971.

Senator Mike Gravel; 25; June 23, 1971.

Senator Ted Stevens, Alaska delegate, 1; June 23, 1971.

Representative Nick Begich; 1; June 23, 1971.

Senator Hiram Fong; 1; June 23, 1971.

Senator Daniel Inouye; 1; June 23, 1971.

Representative Spark Matsunaga, Hawaii delegation; 1; June 23, 1971.

Representative Patsy Mink; 17; June 23, 1971.

Senator Muskie; 1; June 23, 1971.

Senator James Allen; 1; June 23, 1971.

Senator Clifford Case; 1; June 23, 1971.

Senator Hubert Humphrey; 1; June 23, 1971.

Senator Warren Magnuson; 1; June 23, 1971.

Senator Robert Packwood; 1; June 23, 1971.

Senator Alan Cranston; 1; June 23, 1971.

Senator Philip Hart; 1; June 23, 1971.

Senator Frank Moss; 1; June 23, 1971.

Senator Gaylord Nelson; 1; June 23, 1971.

Senator William Proxmire; 1; June 23, 1971.

Senator John Tunney; 1; June 23, 1971.

Senator Henry M. Jackson; 1; June 23, 1971.

Representative John D. Dingell; 1; June 23, 1971.

Miss Suzanne Reed, Comm. on Interior & Insular Affairs, United States Senate (Put Room 3204, New Senate Office Building, on envelope only); 1; June 23, 1971.

Kevin O'Brien, Office of Congressman Lloyd Meeds; 1; June 23, 1971.

NTIS Input Section, Department of Commerce, Springfield, Va.; 10; July 7, 1971.

FATHER EICHNER

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. WOLFF. Mr. Speaker, I am very pleased to have this opportunity to pay tribute to a man who is dedicating his life and his energies to the education of young men, many of whom reside within my congressional district. This year, Chaminade High School, at Mineola, has dedicated its yearbook to Father Philip K. Eichner S.M. Father Eichner, himself a graduate of Chaminade, returned to his alma mater in 1966 and in 1967 was named superior of the Marianist Community and president of the school.

Since that time, Chaminade, which was founded in 1930, has grown and flourished. Under his capable direction, a student aid fund was established, the school's finances were stabilized, a new school library created, a new wing added and many other improvements completed. All of this at a time when parochial schools are faced with a continuing financial crisis. His administrative abilities and complete dedication to others merits the appreciation of us all.

We are proud of Chaminade and of Father Eichner and of the young men who graduate from Chaminade each year to become upstanding members of our community.

LIMIT ON FEDERAL SPENDING NEEDED TO STOP BUDGET-BUSTING

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. COLLIER. Mr. Speaker, in looking at the actions taken by Congress on authorization and spending bills it appears that any sense of fiscal responsibility has waned. I doubt whether anyone who has reviewed the budget-busting operations of this Congress can refute this conclusion

Regrettably it is the old political story of making a Christmas tree out of virtually every bill which has broad political sex appeal. In the process are not the budget-busters ignoring the simple fact that we are either obliged to go further into debt in a manner that will cause a new round of inflation or provide the increased taxes necessary to meet these obligations?

Speaking on the floor of the House recently, chairman of the House Appropriation Committee, GEORGE MAHON, of Texas, said:

> The House has busted the President's budget request for new spending authority in fiscal year 1973 that began only three weeks ago by the astronomical sum of $20,770,436,000 . . . Does that bring a chill or tear? Apparently not. Have we been dulled and made insensitive by some virus that is infecting the country?
>
> We must provide more revenue, or we must somehow try to do a little less by way of escalating spending. Do I want to go home—do you want to go home—and tell your constituents that you have supported thus far this session $20 billion in spending authority over the President's budget?
>
> Should the people of this country be expected to endure this sort of treatment at the hands of their elected officials?

Despite an original budget figure well above the previous year, the Congress voted $1.8 billion, or an increase of 23 percent, on the HEW bill. Paradoxically, many Members of Congress who voted against increasing the debt ceiling are the same Representatives who have consistently supported greater deficits through bloated appropriation bills. If we are ever going to get our fiscal house in order, the minority within the House who feel that we should balance our budget will need a great deal more help from some of our colleagues than we have been getting in the past.

I and a few of my Illinois colleagues recently cosponsored our own budget reform proposal which seeks to place an annual spending ceiling consistent with our ability to provide the revenue. If there is any way we can get the Congress to approve this resolution, appropriation measures would be handled in the customary fashion with one important exception. A two-thirds affirmative vote would be required for the House to approve any spending bill which exceeds the provisions of the budget resolution.

It is regrettable that there is not some means of informing the general public with regard to the detailed record of the votes cast by Members of the House of Representatives on appropriation bills. There are plenty of organizations around the country who have a peculiar interest in one area of legislation or another who publicize the votes of Members of Congress on the basis of whether or not they support their peculiar positions. In most instances the Members of this House who support an increase in any appropriation bill regardless of the merit of the subject of the legislation are regarded as friends and those who try to keep spending in line are automatically enemies of their cause. For example, if an amendment is offered to increase an already expanded expenditure for some environmental purpose, the Representative who votes to keep that expenditure within the budget figure is presumed to be in favor of dirty water and dirty air. Such an assumption is usually ludicrous.

Again when an education bill was brought to the floor that provided twice the funds of recent previous years and a Member voted to keep the increased figure within the budget request, he was promptly regarded by many as being indifferent to education. There is hardly a pressure group in the country who does not seek more for their particular program than is put in the budget regardless of how that figure may have already been increased, but that is the political nature of trying to make judgments within the realm of fiscal reason.

I am convinced that the average citizen wants Congress to recognize the basic needs of the people and its essential institutions, but I am not convinced sense of balancing the budget, the fiscal chaos as the means of meeting these needs. Perhaps if there were a method of informing the public which Members of this House do recognize the good fiscal sense of balancing the budget, the fiscal responsibility could be restored before it is too late.

In concurring completely with the remarks of Representative MAHON heretofore quoted, I do so as a Member of this body who has not once in 16 years voted to throw the Federal budget out of balance and if every Member of this House had voted as I have over the years, we would have had a balanced budget every year since 1957. I am proud of that record although I recognize that in some instances it has not been regarded as a political plus by individual groups and organizations who are never satisfied with the amount appropriated regardless of how much of an increase has been provided in the original budget.

I sincerely hope that more of our Members will join us in supporting the budget reform proposal with a spending ceiling consistent with our ability to provide the necessary tax revenues.

LAETRILE: THE CANCER FIGHTER WASHINGTON WILL NOT TEST

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCHMITZ. Mr. Speaker, the following is from a letter to Congressman LOUIS FREY, JR., from Dr. Dean Burk, head of the Cytochemistry Section, National Cancer Institute, May 30, 1972:

> In spite of the aforementioned Food and Drug Administration (FDA) prohibition of Laetrile in interstate commerce, there are well over 1000 cancer-afflicted persons in this country using Laetrile for cancer treatment and amelioration, and a goodly number of noncancer persons using it merely with prevention of development of cancer in view, and these various persons include M.D. physicians as well as laity. I have had considerable personal experience in this regard, for in the past year alone at least 750 persons, including more than 50 physicians, have contacted me for information on the use and availability of Laetrile, and I know of others with approximately the same quantitative extent of similar experience. In over 20 countries of the world, well over 5000 cancer patients have been treated with Laetrile, with, significantly, no demonstrable noteworthy clinical contraindication of its use either alone or in conjunction with virtually any other anticancer agents, chemotherapeutic, radiological, or surgical. Laetrile at physician-prescribed dosages is nontoxic by a factor of 100–1000 times when compared to essentially all anticancer drugs now used with FDA approval. . . .
>
> Although the foregoing Laetrile utilization in this country is proceeding, as indicated, in spite of FDA prohibition, it is even more so because of unwarranted FDA procedures, and lack of FDA scientific and medical justification for its stand, extending to probably unconstitutionality, concerning which many thousands of cancer-afflicted persons and their relatives and physicians are rapidly becoming aware.

In the case of other drugs and medicines removed from the market, as discussed in my newsletter of July 26, 1972, at least some medical tests were cited to show ineffectiveness. But in the case of the anticancer agent Laetrile, the Food and Drug Administration refuses even to make clinical tests. They have ruled Laetrile out because it does not fall within an arbitrary definition that any anticancer drug must be toxic—that is, to some extent poisonous to healthy cells as well as cancer cells.

Incredible as it may seem, some medical bureaucrats have simply decided that no nontoxic substance can ever help cancer patients, and therefore all such substances are to be automatically excluded from the market and no medical evidence in their favor is even to be considered.

If there had been an equivalent of the Food and Drug Administration a century or more ago, it might well have banned, at an enormous cost in human suffering and mortality, both antiseptics and anesthetics, which were strongly opposed by influential elements in the medical community of that day.

This is not a matter of quackery, panaceas or secret remedies. The head of the Cytochemistry Section of the National Cancer Institute is hardly a quack. Far from objecting to testing, or blocking it, this is what Laetrile advocates are asking for, while the supposedly scientific medical establishment is refusing to make the experiments which are the very basis of the scientific method.

I have introduced H.R. 12092 which would override the arbitrary FDA dictate against testing nontoxic anticancer agents and require that this testing be undertaken. This would seem the least that should be done in light of the evidence that Dr. Burk and others have assembled showing that Laetrile can prolong and in some cases save the lives of cancer victims, and the generally agreed upon fact that it does no harm to the patient, while conventional toxic anticancer drugs often have serious side effects precisely because they are toxic.

Millions of dollars are to be spent under the authority of recently passed legislation to search for better treatment or cures for cancer. It would seem that a little of all that money ought to be allotted to find out if Laetrile might be what they are looking for.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 18, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

SENATE—*Tuesday, September 5, 1972*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for Thy care over us in the days just gone, for Thy presence with us in every event and experience of life and for the opportunities awaiting us here. May we give our best in service to the Nation, knowing that in serving it well we also serve Thee. Make strong the heart and mind of the President and all our leaders. Guard the Nation and its citizens from all that is base or evil. God, mend our every flaw "And crown Thy good with brotherhood from sea to shining sea."

We pray in the Redeemer's name. Amen.

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of August 17, 1972, the Secretary of the Senate on August 31, 1972, received the following message from the President of the United States, which was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

As we approach the October date on which pay rates for Federal employees under the statutory pay systems would normally be adjusted, I wish to advise the Congress that I will recommend a pay increase for Federal employees effective January 1, 1973. I believe it is appropriate to point out that section 3 of Public Law 92–210, the Economic Stabilization Act Amendments of 1971, requires that this adjustment this year be delayed until January 1973.

The pay raise required by section 3 of the Economic Stabilization Act Amendments was limited by the terms of the law to the guideline that the Pay Board has established for pay increases throughout the economy, 5.5 percent a year. Clearly it was the intent of this law to see that Federal employees would be treated in a comparable manner with private enterprise employees under the Economic Stabilization Program. In recognition of this intent, on January 11, 1972, I directed that Federal wage employees should also have their pay increase limited by the Pay Board guidelines.

The necessary comparability studies have been completed and, under the Federal Pay Comparability Act of 1970, I will recommend that the increase necessary to achieve comparability, be paid, starting January 1, 1973, the first date our employees will be eligible to receive an increase under the Economic Stabilization Act. Our employees received their full 5.5 percent annual increase last January, and therefore their next increase cannot be effective until January 1, 1973. The provisions of Public Law 92–210 preclude submission of an alternative plan under section 5305(c)(1) of title 5, United States Code.

I believe it is important to express once again my strong personal support for the principle that our Nation's public servants should receive pay that is comparable with pay in private industry. For our Government to operate efficiently in these increasingly complex and demanding times, we must have a civil service of the highest caliber, and to recruit and retain these necessary employees, we must offer them a fair and just wage. Nevertheless, in our efforts to stabilize and revitalize our Nation's economy, it is also appropriate that they be treated the same as employees in the private sector, who are also able to receive such an increase no more frequently than once every 12 months.

RICHARD NIXON.

THE WHITE HOUSE, *August 31, 1972.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of August 17, 1972, the Secretary of the Senate, on August 18, 1972, received the following message from the House of Representatives:

The message informed the Senate that, pursuant to the provisions of section 2 (b), Public Law 89-491, as amended, the Speaker had appointed Mr. BURKE of Massachusetts as a member of the American Revolution Bicentennial Commission, vice Mr. DONOHUE, resigned

The message announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 15474) to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

S. 3726. An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes; and

S.J. Res. 260. Joint resolution to suspend until March 1, 1973, the effectiveness of certain amendments made by the education amendments of 1972 to the guaranteed student loan program.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Under authority of the order of the Senate of August 17, 1972, the Secretary of the Senate, on August 19, 1972, received the following message from the House of Representatives:

That the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force (retired);

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won);

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 10713. An act for the relief of Wilma Busto Koch;

H.R. 11185. An act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, and for other purposes;

H.R. 15474. An act to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia;

H.R. 15580. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes;

S.J. Res. 182. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest—U.S.A. and the world ploughing contest in September 1972; and

S.J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED DURING ADJOURNMENT

Under authority of the order of the Senate of August 17, 1972, the following enrolled bills and joint resolutions were signed by the Vice President, on August 18, 1972:

S. 2166. An act to authorize the establishment of the Grant-Kohrs National Historic Site in the State of Montana, and for other purposes;

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Jr., Memorial Parkway, and for other purposes;

S. 3726. An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes;

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes;

H.R. 2394. An Act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 5158. An act for the relief of Maria Rosa Martins;

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 3734, 3734a, 3734b, or 2737;

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation;

H.R. 12931. An act to provide for improving the economy and living conditions in rural America;

S.J. Res. 260. Joint resolution to suspend until March 1, 1973, the effectiveness of certain amendments made by the education amendments of 1972 to the guaranteed student loan program; and

H.J. Res. 1278. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED DURING ADJOURNMENT

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H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force (retired);

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (nee Won);

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 10713. An act for the relief of Wilma Busto Koch;

H.R. 11185. An act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, and for other purposes;

H.R. 15474. An act to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia;

H.R. 15580. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes;

S.J. Res. 182. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest-U.S.A. and the world plowing contest in September 1972; and

S.J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day."

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of August 18, 1972, the following reports of committees were submitted on September 1, 1972:

By Mr. CRANSTON (for Mr. HARTKE), from the Committee on Veterans' Affairs, with amendments:

S. 2108. A bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence and alcohol or drug abuse disabilities, and for other purposes (Rept. No. 92-1084).

By Mr. HARTKE, from the Committee on Commerce:

S. 3945. An original bill to amend the Interstate Commerce Act, as amended, in order to make unlawful certain property tax assessments of transportation property of common or contract carriers, and for other purposes (Rept. No. 92-1085).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 18, 1972, be dispensed with.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object—if the Senator from Montana will yield to me at this point——

Mr. MANSFIELD. I yield.

Mr. JAVITS. I shall seek at the earliest time a live quorum. I just wish to advise the leadership to that effect. I shall hope to bring that about before any action is taken on second reading of a bill which is over here and at the desk from the House, the so-called busing bill.

I thank the distinguished majority leader.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana. The Chair hears none, and it is so ordered.

A LETTER FROM HANOI

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record a most interesting letter from Hanoi, which was published in the New Yorker under date of August 12, 1972, which I think is worth the consideration of the Senate.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Letter From Hanoi

August 1.—More than any other capital in the world, probably—and maybe in history as well—Hanoi has grown accustomed to living with war. The city takes its lumps less in the heroic style of London during the blitz than in the spirit of New York at rush hour. Life is unpleasant, and there is an evident need to subordinate self to a larger interest. Still, the misery wears a familiar aspect. It comes in short bursts, and people act in the certain conviction that the trouble will somehow be surmounted.

One reason trouble seems routine is that the American bombing is routine. Almost every day around noon, for instance, a pilotless reconnaissance plane flies in to photograph Hanoi. It moves so rapidly that there is no warning of its approach, and there is small chance for hits by either anti-aircraft guns or the surface-to-air missiles, known as SAMs, that the North Vietnamese have received from the Russians. Only the noise of the drone's breaking through the sound barrier announces its advent. It is a startling noise—like a sudden clap of thunder—but after almost four months of bombing hardly anybody in Hanoi bothers to look up. The drone is dismissed with a shrug as "the noon plane."

Even serious air raids—the raids of June 27th, July 4th, and July 22nd—have a regular pattern. Danger is first signalled by a pre-alert, broadcast through loudspeakers all over town, which announces that American planes have been sighted approaching Hanoi, usually from the southwest, at a distance of more than fifty kilometres—about thirty miles. A second pre-alert, soon afterward, announces that the planes are within the fifty-kilometre radius. Then, within a few minutes, the alert itself sounds—a long, wailing siren note that rises, dips, and then rises again. Minutes later, the planes come into sight—fighter-bombers, floating lazily and then diving on targets to drop bombs, which can be heard as they explode though not seen as they fall. As soon as the planes are visible, the racket of the anti-aircraft guns begins. Almost simultaneously, the SAMs can be seen, powered upward by rocket engines that give off a faint red glow. During the raid of July 4th, it was possible to follow the glow of a missile until a plane was struck and sent spinning to earth, trailing a cloud of black smoke. More often, the SAMs miss the planes, enter the upper atmosphere, and explode in a puff of white vapor. Then, suddenly, the planes are gone, and the siren is sounded on a steady note, signalling the all-clear. Several of the embassies here record the raids, both on film and on tape. The diplomats play the films on tapes over and over, and there has developed among them a kind of connoisseurs' taste in raids. One Canadian representative, before playing his recordings of the July 4th raid, remarked to me, "Visually, June 27th was a better raid, but sonically July 4th was superior." Listening to the recording, I had a chance to clock the raid; from first pre-alert to all-clear, it lasted twenty-seven minutes.

Short though the attacks are, they dominate life in Hanoi. A considerable part (some say forty per cent, some say twenty per cent) of the city's population has been removed to places of safety, in the mountains fifty miles northwest of Hanoi and elsewhere. Most of the government leaders seem to have left, apparently for a mountain hideout. Large numbers of young children have been evacuated, and the streets of Hanoi seem, by Asian standards, empty of boys and girls; when I went to change money recently at the state bank (a formidable pile that in French colonial days housed a main office of the Banque de I'Indochine), one of the women tellers had with her her little girl, who had come in from an evacuation camp for a couple of days.

As a further safety measure, virtually all public gatherings have been stopped. No films are being shown. The theatres are shut down, as are all museums. Boating on the Little Lake, a chief recreation spot in downtown Hanoi, has been suspended. The International Club, which has a pool where diplomats used to seek relief from the terrible hundred-degree heat of summer days, has been closed. Sunday Mass at the Cathedral is now said at four-thirty in the morning. The central markets have regulations to discourage shoppers from dawdling over their purchases, and an effort has been made to put decentralized, travelling markets in all neighborhoods.

The extent of the damage done by the bombing is hard to determine, especially for foreigners. We are restricted in our movements, and since even the driving of cars is forbidden, correspondents and diplomats must rely on government-assigned chauffeurs to get around. The general impression among Western diplomats is that, for reasons of morale, the government understates bombing losses. In trips I took outside Hanoi, I saw evidence of considerable destruction and death. The two main bridges leading east from Hanoi to the port of Haiphong have been bombed out, and the port itself in ruins. All the major bridges on the road leading south to the Demilitarized Zone and the front lines have also been destroyed. The textile town of Nam Dinh, about forty-five miles southeast of Hanoi, has been badly battered, and presumably all towns farther south have been even more badly battered. South of Hanoi, I saw two spots where American bombs had seriously damaged the network of dikes that prevents the Red River from flooding in the rainy season (from mid-May through September): near Phu Ly, I saw a sluice gate that had been smashed; south of Nam Dinh, I saw a dike badly cracked and pitted by bomb craters. The hits were probably accidental, since both sites were close to more likely targets—roads and a railroad. But they did take place, and, in a sense—given the extent of the dikes (twenty-seven hundred miles), the number of bombing sorties daily over North Vietnam (about three hundred), and the probable error made by the pilots (quite substantial, in my judgment)—they were bound to take place. If the hitting of the dikes was not deliberate, it was surely predictable.

On the morning of July 8th, I visited a town thirty-six miles east of Hanoi—a trading center called Hung Wen, with a population of about twenty thousand—within twenty-four hours after it had been struck by American planes. The bombs had hit an area about a thousand yards long and five hundred yards wide in the middle of town. According to the local authorities, eighteen blast bombs had been dropped, along with four anti-personnel bombs; each of the latter contains 192,500 steel pellets, which are hurled through the air when the bomb explodes. Seventeen persons were killed and twenty-five wounded. Forty-three houses were destroyed, thirty-six by fire and seven by the force of concussion. One of the houses destroyed belonged to Vo Nguyen Dam. He and two of his children were killed; his wife and three other children survived. In the rubble of their home, I met one of the survivors, a married daughter. She had been burned in the attack, and was poking about in a dazed way. Bits of a body—a charred jawbone, a hank of hair, what looked like a leg—were lying around, and she was trying to assemble them. She kept muttering, "My brother and sister were innocent."

Another destroyed home belonged to Nguyen Van Lam, a seventy-two-year-old grandfather. He said that he was a Catholic and that his family had been saying prayers when the attack came. His wife, his only son, and his grandson had all been killed. He stood in the rubble, a toothless old man dressed in brownish-red pajamas, and raised his fists to the heavens. "I feel deep hatred against the Americans!" he shouted. "As long as I live, I will have hatred in my heart!"

All sixteen beds in the emergency ward of the local hospital were filled. As I entered, I saw a five-year-old boy, his body covered with burns. There was a thirteen-year-old girl whose left leg had been severed just above the knee. There were two children whose bodies were full of steel pellets from the anti-personnel bombs. The doctor who took me around said as we emerged from the ward, "You Americans say you do not mean to kill people. Why, then, do you use anti-personnel bombs?"

Some sections of Hanoi proper have been bombed. I was shown three public-housing projects, comprising about five hundred apartments, that had been destroyed in the raids of June 27th and July 4th. The authorities claim that the raid of July 22nd knocked out a water-purifying plant. I was told that hospitals and schools had been hit in raids during the spring. The industrial power plant for the city has been destroyed, and the electric current that emanates from the remaining power plant is feeble and subject to repeated failure. But otherwise Hanoi is remarkably intact. It bears the aspect of a nineteenth-century French provincial capital, very clean and rather drab, with broad tree-lined avenues and airy public buildings of reddish or mustard-colored concrete. The working day starts around dawn, breaks at eleven for four hours, and resumes at three in the afternoon for another four hours. At the beginning and end of every break, the streets are filled with men and women going to and from offices, shops, and factories. The men wear sandals, cotton trousers, and short-sleeved sports shirts, usually white and open at the neck. The women are dressed in the traditional *ao dai,* and they all seem to have the lissome beauty made so familiar to Americans by the women of South Vietnam. Compared with Saigon, where the streets are messy with beggars, prostitutes, peddlers, and families cooking on the sidewalks, Hanoi has almost no street life. The police and the military, both highly visible in Saigon, are rarely seen in Hanoi; even their manning of checkpoints at the city gates—by soldiers in little huts, which they rarely leave—is discreet.

Most shopping is done in the early morning, and the closest thing to a crowd in Hanoi is the collection of housewives bustling about the central market just after dawn. By making huge purchases of food, both abroad and from peasants at home, and by rationing such goods as rice and cloth, the government keeps the prices of necessities within the reach of a consuming public whose earnings average ninety dong, or thirty dollars, a month. Rationed rice (under a system that allots thirty-three pounds a month to a worker, nineteen to a child, and thirty to a government minister) costs about six and a half cents a pound. When I visited the market, beef was going for about forty-five cents a pound, fresh carp for thirty-five cents a pound, fish sauce for twenty cents a pound, and fresh eggs for a dollar a dozen. Pineapples cost twenty cents apiece, tomatoes thirty-five cents a pound. Ducks were being sold, live, at thirty cents a pound.

Goods other than food are brought at government-controlled department or specialty stores. At one department store, I priced soap at twenty cents a bar for a Russian-made brand and forty cents a bar for a luxury item from East Germany, conical hats at eighty cents apiece, plastic raincoats at a dollar apiece, and sleeping mats at forty cents. Sandals cost four dollars a pair, and shoes were on special sale, reduced from eight dollars a pair to six dollars. A short-wave radio cost three hundred and fifty dollars, a Russian-made camera five hundred dollars. Next to the department store was a tailor shop, and there I found shirts selling for three dollars and fifteen cents apiece, and trousers for four dollars and seventy-five cents a pair. Next to the tailor shop was a Western restaurant—the Restaurant of European Dishes. Its menu, which was displayed, in the Continental style, outside the entrance, included a beef dish for thirty cents, an omelette for thirty cents, and stuffed crab for sixty cents. I had some of the crab, and it was very good.

The availability of fresh seafood in a Hanoi restaurant bears on one of the never-ending American arguments about Vietnam. Despite the mining of the harbors since mid-May, and the intensive bombing of all internal transportation lines, North Vietnam is plainly not paralyzed. Large quantities of goods move at a fairly rapid clip all the time. Trucks provide the chief means of transport, and downtown Hanoi, where the bombing is relatively sporadic, has become a kind of national parking lot. The railways have been cut at all the major rivers, but at night I saw several trains being pulled by steam locomotives on the lines between bridges. One foreign ambassador told me that on a nighttime trip to Haiphong he had counted seven moving freight trains. I myself have no evidence that a way around the mining has been found, but the Swedish Embassy here recently received a consignment of tonic water sent by sea, and curtains sent by ship to the British mission arrived the other day. Rumors persist that the North Vietnamese are unloading freighter cargoes at sea onto landing craft and other shallow-draft wooden vessels, which pass over the mines without activating them.

Laborious individual effort, systematically organized and repeated over and over again, is required to keep transport moving. Pontoon bridges have been set up to replace most of the bombed-out road bridges. Traffic moves in one-way bursts of half an hour each; at fixed times sections of the pontoon bridges are removed to allow passage of river traffic. To supplement the pontoon bridges, ferries—usually barges pushed by river steamers—have been set up at most major crossings. Sections of the railways are constantly being demolished by bombing and are constantly being replaced. Pontoon bridges cannot replace the destroyed railway bridges, but the North Vietnamese move merchandise by rail between bridges, then load it on trucks for the river crossing, and then back on freight cars. The trucks come from all corners of the Communist world—Russia, China, Czechoslovakia, East Germany—and they have been painted brown, numbered, and incorporated into a national fleet. They move mainly by night, with headlights hooded. During the day, they line the streets of Hanoi, parked in the shadow of buildings or trees and often camouflaged with leafy branches.

Underlying this laborious effort is a furious concentration on the war and its object—reunification with South Vietnam. The foremost official expression of this well-nigh obsessive focus is the last will and testament of President Ho Chi Minh, written in May of 1969 and published at his death, on September 3rd of that year. "Even though our people's struggle against U.S. aggression, for national salvation, may have to go through more hardships and sacrifices, we are bound to win total victory," the testament begins. A subsequent passage asserts:

"The war of resistance against U.S. aggression may drag on. Our people may have to face new sacrifices of life and property. Whatever happens, we must keep firm our resolve to fight the U.S. aggressors till total victory.

"Our mountains will always be, our rivers
will always be, our people will always
be;
"The American invaders defeated, we will re-
build our land ten times more beauti-
ful.

"No matter what difficulties and hardships lie ahead, our people are sure of total victory. The U.S. imperialists will certainly have to quit. Our fatherland will certainly be reunified. Our fellow-countrymen in the South and in the North will certainly be reunited under the same roof. We, a small nation, will have earned the signal honor of defeating, through heroic struggle, two big imperialisms—the French and the American—and of making a worthy contribution to the world national-liberation movement."

The six leading officials of North Vietnam—Le Duan, the First Secretary of the Workers', or Communist Party; Truong Chinh, the President of the National Assembly; Vo Nguyen Giap, the Defense Minister; Pham Van Dong, the Prime Minister; Nguyen Duy Trinh, a Deputy Prime Minister and Foreign Minister; and Le Duc Tho, the Politburo member sits on the North Vietnamese delegation to the Paris peace talks—have all sworn allegiance to Ho's testament. Parts of the testament are reprinted under pictures of Ho in markets, offices, and other public places. A placard bearing the line "No matter what difficulties and hardships lie ahead, our people are sure of total victory" is situated at a particularly lovely spot on the shore of the Little Lake in Hanoi. When I remarked to my interpreter that that seemed a queer place to put a call to arms, he replied that, on the contrary, it was entirely appropriate. The Little Lake, he told me, was also known as the Lake of the Restored Sword. In the early fifteenth century at a time when Vietnam was being invaded by the Chinese from the north, the Emperor Le Loi was out boating, and a tortoise surfaced and gave the Emperor a sword. With that sword, the Emperor beat the Chinese. He then went back to the lake and returned the sword to the tortoise. "The lake," my interpreter said, "is the symbol of our will to be a nation."

Another sign of the intense national commitment to the struggle is the Vietnamese radio. The Voice of Vietnam, as the radio is called, is the principal national medium. Among the twenty-one million residents of North Vietnam, there are five hundred thousand private radios and six hundred thousand loudspeaker units to relay broadcasts to the villages and hamlets. "Our main subject is the fight against U.S. aggression," Tran Lam, the director of the Voice of Vietnam, told me. "Our whole program has as its central theme the strength of our people versus U.S. aggression." On one typical morning, broadcasting began at five with a fifteen-minute program for the peasants. The subject, according to Mr. Lam, was "how to achieve high yield in rice cultivation despite the bombing." At five-fifteen, there was a two-part news bulletin. The first part announced "victories achieved in the past twenty-four hours in North and South Vietnam." The second part dealt with "threats to the dikes by U.S. imperialists and the condemnation of their action by the world public." At five-thirty-five, an announcer read the day's lead editorial in *Nhan Dan*, the official newspaper of the Workers' Party; it dealt with an anti-aircraft unit and the techniques used against low-flying American planes. At five-forty-five, there was a children's program on the subject of "how young people in the country should receive city children who are being evacuated." So it went for the rest of the day. The last program at eleven o'clock at night, was a study of "crimes committed by the U.S. and the lackey Thieu [as President Nguyen Van Thieu is always called here] in terrorizing the students of South Vietnam." The sign-off, at eleven-thirty, was an announcement of the number of American planes shot down—with a separate figure for hits on B–52s—since the war began.

This ceaseless concentration on a war waged against heavy odds has caused some Vietnamese, particularly in the leadership circles, to see themselves at the center of world history—a nation anointed to carry the torch of revolution. In a speech published on February 3rd, which is now deemed important as an expression of Hanoi's decision to launch the March 30th offensive in South Vietnam, Truong Chinh, the Assembly President, called Vietnam "the focus of the basic contradictions of human society." Nguyen Khac Vien, the French-educated editor of the scholarly publication *Vietnamese Studies*, with whom I had one of my rare unsupervised interviews, expounded on the theme without any evident self-consciousness. "Vietnam has become the focus of the three conflicts central to the present age," he said, as though he were stating a known fact apparent to the meanest intelligence. "It is the front line in the fight between colonialists and anti-colonialists. It is the front line in the fight between capitalists and Socialists. It is the front line in the international class struggle between the rich and the people."

Hong Chuong, an editor of the Communist monthly theoretical journal *Hoc Tap*, made the same point with what seemed to me melodramatic self-importance. I met him in the *Hoc Tap* offices, which are in a pleasant tower-shaped building overlooking a pond. The reception room was decorated with cases full of historical mementoes, including a first edition of *Pravada*, some medals depicting Lenin and Ho Chi Minh, and some fragments of American bombs. The ashtrays in the reception room were made from bomb casings. I opened the conversation by asking for a few biographical details, and Mr. Chuong told me, "We don't speak about ourselves, because we consider each individual a drop of water in the ocean of the people. But I can tell you that I am a journalist about fifty years old."

I asked Mr. Chuong whether he was born in North or South Vietnam. He said, "We don't make that distinction. Our President, our Prime Minister, and the First Secretary of our Party were born in the South. Our country is one. The problem of partition is a problem that has been made by you American imperialists."

I asked him to tell me about the Vietnamese approach to Marxism and how it differs from the Russian and Chinese approaches. He said, "Our tradition is one of fighting, and we put it in the framework of Leninism. It is not enough to say that we have been fighting for thirty years. We have been fighting for much longer than that. We have made a contribution to Socialism in military thinking. Let me take as an example our national hero Tran Huong Dao. He rose up against the Mongal invasions two centuries before Columbus. These were the same Mongols who took China and India and Europe. They were defeated in Vietnam. Not once but three times we defeated them. And each time, I may say, we took prisoners and released them—fifty thousand each time. I once read an article by an American comparing Tran Huong Dao with Clausewitz. I think that underestimates Tran Huong Dao. Clausewitz existed in the eighteenth century; Tran Huong Dao was five centuries before him. Moreover, Tran Huong Dao was not only a great military writer, as was Clausewitz. He was also a great general of armies. I think Tran Huong Dao is a head taller than Clausewitz.

"But you asked about the originality of Vietnamese Socialism. Here is an example. In Russia, Lenin replaced Kerensky and the Czar. Lenin represented the proletariat, and Kerensky and the Czar represented the bourgeoisie and the nobles. But they were all Russians. In China, Mao Tse-tung replaced Chiang Kai-shek. Mao represented the peasants, and Chiang was a representative of the warloads. But they were both Chinese. In Vietnam, however, Ho Chi Minh replaced the Japanese Fascists and the French colonialists. President Ho was Vietnamese. They were foreigners. Our contribution to Marxism is not a question of doctrine. We have creative minds, and we are not stuck on any formula. One mistake that the Americans always make is to think that we will do what the Russians did or the Chinese did. In that sense, you are dogmatists. But we follow our own ways, and that is why you are being defeated. If there is a single piece of advice I would give to Kissinger, the adviser of Nixon, it would be: Abandom dogmatism. For instance, in chess you can imagine a board full of pieces where the right move will win. You can also imagine a board where most of the pieces are gone and where the right move will also win. We have used both tactics against the Americans."

I said that I was not sure I followed his argument, and he said, "A baby of two cannot understand an adult of forty, but an adult of forty can understand a baby of two. The United States will be two hundred years old in four years. Vietnams is now four thousand years old. Vietnam can understand the two-hundred-year-old United States. But the United States cannot understand the four-thousand-year-old Vietnam. Nixon said recently that the war had lasted eleven years and had been hard and long. For us, it has not been long enough. We have been fighting eleven centuries, not eleven years. We fought eighty years against the French. When we came to understand that we would have to fight against the United States, we were sure it would take longer. We thought it would take a century, and we are ready to fight for a century. But Nixon has only two cards to play now. He can destroy Hanoi. That is one. He can destroy the dikes. That is the other. But we are not afraid. Let him play them. After that, he will be defeated."

After that interview, I told Ngo Dien, the official of the North Vietnamese Foreign Office who had finally approved my application for a visa to Hanoi, that some of his countrymen seemed to me positively fanatical in their single-minded attention to Vietnam and the war. He said, "We are not fanatics. If we were fanatics, we would lynch the pilots when they were shot down, not treat them correctly in prison camps. If we were fanatics, you would not be here." He went on to point out that immoderate boasting was one response of a small and backward country caught up in a war with a great power, and that another response was to show the special modesty personified by Ho Chi Minh. "The example of our President," he said, "has had a great impact on the Vietnamese people."

Perhaps by accident, perhaps by prearrangement, in everything that happened to me thereafter in Hanoi the softer side of the Vietnamese character emerged. A curious instance occurred at a dinner given for me by the Vietnamese press association. Among the guests was Colonel Ha Van Lau, the officer who negotiated the military cease-fire with the French back in 1954, and a former member of the North Vietnamese delegation to the Paris peace talks—a man whom I had come to know as the toughest of the tough. Colonel Lau is now in charge of the office that investigates what the North Vietnamese call American war crimes. In an earlier encounter during my visit to Hanoi, Colonel Lau had described American depredations against his country in the harshest terms. He had flung out his words contemptuously, the way a Spaniard spits. But at dinner he was another person. We talked about President Nixon's visit to China and his trip to the Great Wall. I said that the President's comments had not been distinguished but that it was hard to know how an American President should respond to the sight of the Great Wall. Someone suggested that he should have written a poem. "Better a song," Colonel Lau put in. He said that songs were particularly suitable to memorable places. He said there was one song that always reminded him of Paris. It was sung by an American, Josephine Baker. Did I know it? And suddenly the severe military man, who sometimes, in the fury of his nationalism, affected not to speak French, began to sing, in a voice that wasn't at all bad:

> "J'ai deux amours
> Mon pays et Paris. . . ."

The next day, an interview was arranged with Nguyen Dinh Thi, a writer, whose work ranges from a critique of Aristotle to a song that the national radio uses as its theme. One of his novels, "The Dike That Exploded," was a best-seller. As secretary of the Writers' Union, he has been in touch with literary figures the world over. Yevtushenko had been his guest during a visit to Vietnam. "I liked him very much," Thi said. "But he is an actor. I told him, 'You are the Don Quixote of world literature.'" Thi told me that "by tradition and wisdom and the teachings of Ho Chi Minh, the Vietnamese people have developed a spirit of bitter intransigence in a fight." He went on, "Our people are performing now as the victims of barbarism. I regret that you haven't seen another side of us. We are poor. We are used to a hard life. We have typhoons every year. We do the back-breaking work of cultivating rice. Our tradition is that everybody helps everybody else. We respect literature more than war in our country, and there has never been a military caste here, as there was in Japan. An expression we use all the time is '*Tinh thuong*,' which means a combination of pity, compassion, and love. We know that we live on the edges of the great powers. We see that we have to be prudent and modest. We have a great sense of humanity, a sense of the pity of humanity."

At a reception the day after that, I met Ton That Tung, a distinguished surgeon and a relative of the former emperor Bao Dai. Among other things, Dr. Tung has translated into French the works of To Huu, a leading contemporary poet, who works in the Secretariat of the Workers' Party. I told Dr. Tung that some of his countrymen seemed peculiarly harsh to me—as if fighting were the only way they know of to achieve things. I asked him if there was anything that he found unique in the Vietnamese personality. He said, "You should notice that when we entertain we never lord it over people—we put them wholly at ease. And we don't have religious disputes; except when foreigners were involved, we had toleration for all religions."

He asked me what other impressions I had of North Vietnam. I said something about the need to end the war. Feeling that to be banal, I added that the two sides seemed so far apart and that there was so little mutual trust that I was pessimistic about a settlement. Dr. Tung was not so pessimistic. He said, "I know your people are tired of the war. Do you think our people want to go on fighting forever?"

I found that leaving Hanoi was almost as hard as getting there. Only four regular planes a week come to Hanoi: two small Chinese planes with chancy connections through Nanning to Canton and Hong Kong; an Ilyushin 18, run by Aeroflot, which goes out through Laos; and a converted Second World War Stratoliner, which is run by the International Control Commission set up at the Geneva Conference of 1954, and which also goes out through Laos. Bad weather forced two cancellations, but finally I left aboard the Russian airliner. My chauffeur, my interpreter, and a woman guide from the Foreign Ministry who had supervised my entire trip all came out to the Gia Lam airport to escort me through customs and wait for the plane to take off. As we sipped beer and lemonade in the departure lounge, a good cross-section of the foreign diplomats and journalists stationsd in Hanoi passed in review. They are cut off from normal Vietnamese life by the language barrier and various restrictions, including the prohibition against driving cars.

Much as settlers in the West used to arrange their lives around the pony express, the foreign colony in Hanoi orders its life around the planes from the outside world. Among those I saw were an Arab diplomat, who assured me that a particularly tough statement put out the night before by the North Vietnamese Foreign Ministry was done for "domestic consumption," and an East European diplomat, who said the statement showed that revisionism was finally taking hold in Hanoi. A military attaché observed that he had recently been counting the number of anti-aircraft guns parked along the road from Hanoi to Gia Lam; it was down from ninety-six a week ago to sixty-two—a probable sign that the guns had been moved south toward the front. A West European diplomat observed that though the Paris peace negotiations had resumed, they would probably not get anywhere, because the North Vietnamese did not feel for Nixon the kind of trust they felt for Pierre Mendés-France, who negotiated the Geneva settlement back in 1954. I also saw a Russian diplomat, with whom I shared a bomb shelter at the Foreign Ministry during an air-raid alert, and a Soviet journalist—one of two indistinguishable heavies representing *Pravda* and *Izvestia*, who were known as the speakers of English in Hanoi as Mutt and Jeff. As each of these passing acquaintances talked, my guide drew for me on a napkin the ideograms used to denote their countries. I asked her to draw the characters for America. She did, and then she said, "Literally, the characters mean 'beautiful country.' I wish you Americans would stop behaving in a way that is—I won't say it. I wish you would start behaving again in a way that is beautiful."

JOSEPH KRAFT.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolutions:

On August 19, 1972:

S.J. Res. 260. Joint Resolution to suspend until March 1, 1973, the effectiveness of certain amendments made by the Education

Amendments of 1972 to the Guaranteed Student Loan Program.

On August 20, 1972:

S. 484. An act to designate the Scapegoat Wilderness, Helena, Lolo, and Lewis and Clark National Forests, in the State of Montana; and

S. 3645. An act to further amend the U.S. Information and Educational Exchange Act of 1948.

On August 22, 1972:

S. 559. An act for the relief of Albinila Lucio Z. Manlucu;

S. 596. An act to require that international agreements other than treaties, hereafter entered into by the United States, be transmitted to the Congress within sixty days after the execution thereof;

S. 2704. An act for the relief of Rita Rosella Valleriani; and

S. 2854. An act to amend title 28, United States Code, relating to annuities of widows of Supreme Court Justices.

On August 25, 1972:

S. 2166. An act to authorize the establishment of the Grant-Kohrs Ranch National Historic Site in the State of Montana, and for other purposes; and

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Junior, Memorial Parkway, and for other purposes.

On August 28, 1972:

S.J. Res. 182. Joint Resolution authorizing the President to invite the States of the Union and Foreign Nations to participate in Farmfest—U.S.A. and the World Plowing Contest in September 1972.

On August 29, 1972:

S. 3726. An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes;

S. 3824. An act to authorize appropriations for the fiscal year 1973 for the Corporation for Public Broadcasting and for making grants for construction of noncommercial educational television or radio broadcasting facilities; and

S.J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day".

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 3490. An act to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day"; and

S. 3755. An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes.

The message also announced that the House had passed the following bill and joint resolutions, in which it requested the concurrence of the Senate:

H.R. 8215. An act to provide relief for certain prewar Japanese bank claimants;

H.J. Res. 135. Joint resolution to authorize the President to issue a proclamation designating the week in November of 1972 which includes Thanksgiving Day as "National Family Week";

H.J. Res. 1080. Joint resolution providing the observance of "Youth Appreciation Week" during the seven-day period beginning November 13, 1972;

H.J. Res. 1193. Joint resolution to provide for the designation of the week which begins on September 24, 1972, as "National Microfilm Week";

H.J. Res. 1227. Joint resolution approval and authorization for the President of the United States to accept an Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics on Certain Measures With Respect to the Limitation of Strategic Offensive Arms; and

H.J. Res. 1263. Joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol U.S.A. Day".

HOUSE BILL AND JOINT RESOLUTIONS REFERRED

The following bill and joint resolutions were severally read twice by their titles and referred, as indicated:

H.R. 8215. An act to provide relief for certain prewar Japanese bank claimants;

H.J. Res. 135. Joint resolution to authorize the President to issue a proclamation designating the week in November of 1972 which includes Thanksgiving Day as "National Family Week";

H.J. Res. 1080. Joint resolution providing the observance of "Youth Appreciation Week" during the 7-day period beginning November 13, 1972; and

H.J. Res. 1193. Joint resolution to provide for the designation of the week which begins on September 14, 1972, as "National Microfilm Week"; and

H.J. Res. 1263. Joint resolution authorizing the President to proclaim October 30, 1972, as "National Sokol U.S.A. Day"; to the Committee on the Judiciary.

H.J. Res. 1227. Joint resolution approval and authorization for the President of the United States to accept an Interim Agreement Between the United States of America and the Union of Soviet Socialist Republics Certain Measures With Respect to the Limitation of Strategic Offensive Arms; to the Committee on Foreign Relations.

OUTRAGE AT MUNICH OLYMPIC GAMES

Mr. SCOTT. Mr. President, the shooting at Munich is incredible. Holding citizens of Israel as hostages and attempting to halt the Olympic games so that the Arabs can get their way is unbelievable.

The actions by these irresponsible persons, coming during an event being watched by the free world and others, are vile and barbaric.

The Olympic games have been cast over the years as being nonpolitical. Representatives of other countries, whether in tune ideologically or on the other side, have always been able to put their differences aside to compete. This wholesome activity brings us closer to lasting peace.

But the shooting at Munich can set back all of these gains.

It is hoped that all nations will condemn this barbaric action.

Perhaps the United Nations can summon enough courage to join in condemnation of this inhumanity.

Mr. MANSFIELD. Mr. President, will the distinguished minority leader yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. I wish to join the distinguished Republican leader in the remarks he has just made, about the reprehensible and outrageous events which have occurred at the Olympic games in reference to the killing and detention of the Israeli athletes by Arab terrorists.

It is outrageous. It is reprehensible.

I would suggest most seriously that the Olympic games be canceled in memory of those who have been killed as a result of what has happened there.

Mr. JAVITS. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I should like to associate myself both with the majority and minority leaders. This is piracy against the civilized world. The world simply cannot tolerate this kind of lawlessness. I say this without regard to the ideology or social order of any nation—Communist or free.

Mr. President, the last time a dread event like this occurred, the massacre at the Tel Aviv Airport, a high official in the Arab world expressed sympathy with the terrorists. This was hardly designed to discourage them.

I hope that the world will take careful note and hold strictly to account any nation—Arab or otherwise—which gives sanctuary or in any way gives implicit or express approval to these murderers—and that is all they are.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my statement in the Senate Chamber last June 6 relating to the previous outrage.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF MR. JAVITS

I wish to note that this very morning a United States Air Force plane is bringing back to Puerto Rico the bodies of 16 murdered Puerto Rican Christians who were engaged in a religious pilgrimage to Israel. They were massacred by pro-Arab terrorists at the Tel Aviv airport. This is an outrage that resulted in more than 100 persons being killed or wounded. The citizens of Puerto Rico are American citizens. They serve in the armed forces of the United States, and they are part of our country as much as are the citizens of any State.

These 16 Americans were ostensibly protected by our flag. The responsibility which we have to Americans who travel abroad may well be proven to be devoid of real substance unless our Government does something to dramatize to other governments that we will not countenance airborne terrorism and that we will not countenance any explicit support for such terrorism by any country which has friendly relations with the United States.

I think that the world is appropriately appalled that any people, let alone any nation, would claim credit for such a dreadful and brutal mass murder as took place in the Tel Aviv airport. But credit is being claimed by people in Lebanon who live or who are at least harbored there, and who seem to be training and arming for such international forays.

There was even some satisfaction expressed in Lebanon that this act had been done. We have not seen anyone arrested by Lebanese authorities as a collaborator for this crime, although Arab terrorist organizational spokesmen have come forward and claimed credit publicly for this deed in an office operated openly in downtown Beirut. We heard of a press announcement by an Arab organization's spokesman in Beirut who said, "Our purpose was to kill as many people as possible."

In addition to this, we have the second highest official in Egypt, the Premier of that nation, commenting upon this murder of innocent people in Tel Aviv, including 16 American citizens, that the deed proved, "that we are able to achieve victory over Israel." Actually, the incident proved nothing except that fanatics could be seduced into performing mass murder against innocent travelers.

In my judgment, the United States should require from the government of Lebanon a full accounting of what takes place on its soil involving the murder of Americans. We must demand an investigation to prove or disprove the complicity of those harbored of Lebanese territory in this terrible crime.

What I am seeking to emphasize today is the fact that we are dealing with the killing of American air travelers and not with Arab-Israel relations. We are dealing with the claim that this terrorism and murder originated from Lebanon with which we are friendly, and the statement by the Number Two Man of Egypt that he derives great satisfaction from it. I do not believe the United States can tolerate this wanton barbarism which has resulted in the killing of 16 Americans. There are steps we can take.

We maintain friendly relations with Lebanon and Egypt. American commercial airplanes travel to each of these countries, as do the airlines of the world.

I think our Government has a duty and a responsibility to get to the bottom of the matter of involvement of Lebanon and Egypt, and, if necessary, to cancel or cause our airlines to cancel international flights to both Lebanon and Egypt. In addition, both of these countries solicit American tourism and there is a question whether American tourists should be encouraged to travel to these areas in light of the recent events. I very much hope that the appropriate agencies of the United States Government will immediately look into this matter.

Additionally, I understand that the wounded and other Puerto Rican survivors are people of very modest means and many have even lost their personal belongings in the holocaust. Our government should make arrangements for transportation home of all Puerto Rican Americans involved and provide extended medical care for the wounded.

Mr. JAVITS. Mr. President, today's act is designed to thwart the whole world let alone the small nation of Israel. We simply cannot tolerate it. As men, we must find some way to deal with it. Certainly no sports event, eminent as it may be, should be allowed to stand in the way of concentrating the attention of the world on this dread calamity.

The Arab terrorists have desecrated the Olympic games concept of brotherhood. Any nation that gives them sanctuary or sympathy must be held accountable to all mankind.

Human lives are certainly more important than any sports schedule and the Olympic games schedule must yield to this overriding calamity.

The Arab terrorist action obviously seeks to intimidate the civilized world. We cannot submit to this strategy of of terror.

The distinguished majority and minority leaders have expressed the views of millions and millions of Americans, and I am honored to join them in those views.

Mr. COOPER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. COOPER. I would like to join in the statements just made. There is no greater problem in the world today of a domestic or international nature than the question of the observance of law. This awful event which has just occurred in Munich is a threat to all law-abiding people in the world—wherever they may live.

I agree with the distinguished minority leader that this unhappy event provides an opportunity for the United Nations, in some way, to express its grave concern and to go beyond that, under its commitment to human rights, and express its outrage at this dastardly crime.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Tennessee (Mr. BAKER) is now recognized for 15 minutes.

REVENUE SHARING

Mr. BAKER. Mr. President, this week, the Congress, at long last, goes into the homestretch in the revenue-sharing derby. It is with a sense of considerable relief and optimism that I rise today to make what I hope and expect to be the last in a long series of formal speeches in the Senate Chamber in support of this vitally important legislation.

The concept of general revenue sharing—or "tax sharing" as it was then called—first came to national attention in the early 1960's, when it was proposed by two distinguished economists, Walter Heller and Joseph Pechman. During my 1966 campaign for the U.S. Senate, I pledged to the people of Tennessee that I would make revenue sharing one of my highest legislative priorities. On March 9, 1967, I devoted my "maiden speech" as a freshman Senator to the introduction of the Tax-Sharing Act of 1967. In 1968, both major political parties included support of general revenue sharing in their national party platforms. On September 23, 1969, I introduced on behalf of the Nixon administration the first general revenue-sharing legislation ever proposed by a President of the United States. On February 9, 1971, I introduced a revised version of the President's proposal. I have testified on behalf of general revenue sharing before five different committees of the Congress and made speeches around the country in support of the plan.

Although I never lost faith in the importance of the concept, I must admit that there were times when I was deeply discouraged about the prospects for its enactment into law. In spite of overwhelming support for revenue sharing at every level of State, county, and municipal government, in spite of strong bipartisan support in the national platforms of both political parties, in spite of the urgent pleas of the President of the United States, in spite of a January 1971 Gallup poll showing 77 percent of the American people supporting revenue sharing, and in spite of bipartisan support in both Houses of Congress, the proposal languished in congressional committees.

On April 26 of this year, however, the House Committee on Ways and Means reported H.R. 14370, the State and Local Fiscal Assistance Act of 1972, and the race toward the finish had finally begun. It has been a story of persistence, hard work, willingness to put partisanship aside, and perhaps most important of all, the eminent logic and necessity of revenue sharing.

There is no need for me to dwell on the well-known virtues of the proposal: its capacity to meet, at least in part, the crushing fiscal needs of State and local governments, the beginning of a reversal of the seemingly inexorable flow of revenue and power to the Central Government, the substitution of progressively raised revenues for regressively raised revenues, the vote of confidence it expresses in the capacity of locally elected officials to meet the most immediate needs of their constituencies, the relative certainty that it will provide for State and local fiscal planning for a period of years, the flexibility it offers State and local governments in making fiscal judgments, and on and on.

I realize that there are those who are deeply and honestly concerned by the fact that the Federal Government, which raises these revenues, will surrender to some degree the control that it has over the expenditure of those funds. It seems to me that there are a number of responses to that concern. There are no such thing as Federal dollars; the Federal tax dollar is not created by the Federal Government but through the exertions and productivity of the American people. The simple fact that the Federal Government collects these dollars does not detract from the fact that the dollars themselves derive from the people. Nor are we proposing to relinquish control over more than a tiny fraction of Federal revenues.

I have long believed personally that the most flexible and creative approach to Federal financial assistance is one that involves a mix of three basic forms: general revenue sharing for general governmental purposes, block grants—or so-called special revenue sharing—for broadly defined areas of national concern and priority, and categorical grant-in-aid programs for those programs and projects where it is adjudged that a strong and detailed Federal administrative presence is called for.

As to the simplistic criticism that there are no revenues to share, the fact is that any Federal expenditure during a period of budget deficit—and who can remember when there was not one?—is an expenditure of borrowed moneys. As far as I am concerned, general revenue sharing, which was included in the President's fiscal year 1973 budget submission, is a program of the very highest priority, and if the Congress is worried about budget deficits—as this Senator certainly is—it should pay more attention to the appropriation of funds in substantial excess over what the President has asked for and not so much on obstructing funds that he has asked for. The Congress should also give immediate consideration to the spending ceiling sought by the administration.

Mr. President, when I appeared before the Senate Committee on Finance on June 29 to testify in support of revenue sharing, I appeared in support of S. 3651, a bill which Senator Humphrey and I and 42 other Senators of both parties had introduced on May 30. S. 3651 was identical to H.R. 14370 as reported by the Committee on Ways and Means and passed by the House. I tried to make it as clear as I could to the Senate committee that the importance of enacting a general revenue sharing bill in this Congress far transcended any partisan political credit that might inure to any individual or any political party. I believe that even more strongly today. There have been so many people, at every level of government and of every imaginable political and ideological persuasion, involved in the evolution of this legislation, that there will be more than ample credit to go around for everyone.

I also stressed to the Senate committee that, while I hoped it would make certain changes in the House-passed bill, especially that provision penalizing States with little or no personal income tax revenue, the fact that I had joined together with Senator Humphrey and others to introduce a bill identical to the House bill was a strong indication on my part that I was more than prepared to accept certain elements of the program that I did not believe wise in order to have the concept itself engraved on the statute books of this Nation. While I am personally delighted by many of the changes made by the Senate committee, and while I believe that in most of its particulars the Senate bill is a better bill than the House bill, I reiterate today my own flexibility with respect to the ultimate product. Although I will resist any effort to restore the so-called strings of the House bill that limit the freedom of local and State governments to spend funds as they choose, and although I will resist any significant change in the ingenious distribution formula devised by the Senate committee, it is hard for me to imagine a general revenue-sharing bill so modified that I could not support it.

General revenue sharing is an idea whose time has long since come. In March of 1971 the Harris poll reported that 85 percent of the American people expressing an opinion on the subject gave the 91st Congress low marks for its inaction on revenue sharing. Let it not be said of this Congress that it let slip through its fingers the most innovative and important means for strengthening our federal system that has come along in decades.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes each.

CALL OF THE ROLL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. COOPER. Mr. President, I must object.

The PRESIDENT pro tempore. Objection is heard. The clerk will continue to call the roll.

The second assistant legislative clerk resumed and concluded the call of the roll, and the following Senators answered to their names:

[No. 387 Leg.]

Allen
Baker
Byrd, Harry F., Jr.
Byrd, Robert C.
Cooper
Eastland
Fannin
Griffin
Javits
Mansfield
McClellan
McIntyre
Moss
Packwood
Percy
Randolph
Schweiker
Scott
Spong
Stafford
Talmadge

The PRESIDING OFFICER (Mr. McClellan). A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is instructed to execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allott
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Cannon
Case
Church
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Edwards
Fulbright
Gambrell
Gravel
Gurney
Hart
Hartke
Hruska
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mathias
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Proxmire
Ribicoff
Roth
Saxbe
Smith
Stennis
Stevens
Stevenson
Symington
Taft
Thurmond
Tower
Tunney
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Florida (Mr. Chiles), the Senator from North Carolina (Mr. Ervin), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. Buckley), the Senator from Kentucky (Mr. Cook), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Wyoming (Mr. Hansen), and the Senator from Oregon (Mr. Hatfield) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The PRESIDING OFFICER (Mrs. Edwards). A quorum is present.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be extended for an additional 15 minutes.

Mr. JAVITS. Madam President, reserving the right to object—and I hope not to object—I should like to have a colloquy, if I may, with the permission of the assistant majority leader.

Mr. ROBERT C. BYRD. Well, Madam President, we have to have an extension of the period for the transaction of routine morning business, if there is to be any colloquy. The period has run its course.

Mr. JAVITS. Madam President, I hope that the Senator will not compel me to object. I believe that the points I wish to make are serious and require answers by him. I would simply object. The Senator leaves me no alternative.

Mr. ROBERT C. BYRD. Madam President, in order to accommodate the Senator, I ask unanimous consent that I may proceed for 3 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. JAVITS. I thank the Senator from West Virginia very much.

It is well known that the House has messaged over a bill, called the antibusing bill, and that it is now on the desk in the Senate.

The Senator from West Virginia has checked the rules, just as I have checked them.

The question which I ask the deputy majority leader is whether under the rules, the House bill having come over and being at the desk, there is any procedure as far as the Senator knows by which I can move to send that bill to committee rather than having it on the calendar, assuming that a Senator objects to further proceeding after the second reading.

Mr. ROBERT C. BYRD. Madam President, under the circumstances there is no such procedure.

Mr. JAVITS. Madam President, with the Senator's permission, if he will allow me, may I make an inquiry of the Chair as to whether there is any way I can move to send the so-called antibusing bill to committee if any Member objects to further proceedings after second reading?

The PRESIDING OFFICER. The bill has to be before the Senate to move to refer a bill. If objection is heard after the second reading, the bill will go to the calendar under rule XIV. The only way to reverse that procedure would be for the Senator to take an appeal from the ruling of the Chair.

Mr. JAVITS. I thank the Chair.

May I point out, Madam President, that it is essential for those on my side of the issue to make a record of the fact that we could not send the bill to committee, even though we want to do so. Then when I or some other Senators at a later date when the bill is before the Senate wish to speak, we can be heard on the fact that we were not allowed to use all our options at this time.

The second point I wish to raise is also very serious. That question concerns the issue of surprise. This is an extremely serious bill. I would like to call the attention of the Senate to the fact that we have five bills on the calendar this morning under a unanimous-consent agreement which allows a very brief period, something like 20 minutes, on amendments to each bill.

It is possible that H.R. 13915 could be added to any one of those bills, and although we did not know at the time we agreed to the agreement, the bill will be on the calendar and can be kept hanging over the Senate and can be called up at any moment. We are in a very difficult position today, and we face a whole series of bills which could with, I think, complete unfairness to the parties concerned—certainly to those who oppose the House bill—result in a very sharply curtailed debate on the first day that we are back in session, at a time when we had to take an hour to get a quorum of 51 Senators to transact business.

I am not asking any Senator to stay his hand. It is any Senator's privilege, just as it was my privilege to get a live quorum and do everything I can to defeat the bill. I ask the leadership as to its intentions regarding the matter of surprise, because if the leadership informs the Senate that it will, insofar as it can, not allow the Senate to be surprised and will give adequate notice and an opportunity for debate on this issue, then if a motion is made to table, with the leadership's support, it will probably prevail.

So I raise that question of surprise with the deputy majority leader in this connection at the very outset of this situation.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that I may be permitted to proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Madam President, as to the question of surprise, the distinguished majority leader is here, and I would defer to him on that matter. However, I would say this in response to the distinguished Senator from New York. Insofar as the bills which are scheduled to come before the Senate following the period for routine morning business today are concerned, no nongermane amendment can be offered to any of those bills under the unanimous-consent agreement previously entered into.

Madam President, I yield to the distinguished majority leader if he wishes to respond.

Mr. ALLEN. Madam President, would the Senator yield?

Mr. JAVITS. Madam President, would the Senator allow me to finish this colloquy?

I do not know that the leadership is ready to tell us anything about this matter today. I would certainly hope they would now express their intentions with regard to the question of surprise with respect to this bill that will be on the calendar. I could not get a pledge from 99 Members of the Senate, any of whom could call up this antibusing measure at any time.

After the leadership has expressed itself on the proposition as to whether they will do their utmost to prevent the Senate from being surprised and will give reasonable notice regarding the measure, a motion to table the measure would probably carry. The leadership cannot guarantee that. However, in the absence of the expression of any views by the leadership on this issue, we stand in great jeopardy with this measure on the calendar and not knowing when it might be called up. Any Member of the Senate might say that it is on the calendar and he is perfectly free to call it up.

Mr. MANSFIELD. Madam President, I agree with the remarks made by the distinguished assistant majority leader. As far as the joint leadership is concerned, it has been our consistent policy down through the years never under any circumstances, insofar as we were aware, to take any Member of the Senate by surprise.

It may be of interest to the distinguished Senator from New York to understand some of the difficulties which the majority leader went through before adjournment. It was his intent at that time to try to protect the rights of all Members of the Senate, both those for and against the proposal which will go on the calendar shortly, not because of his personal interest so much, but because of his interest in the rights of Senators whom he has delegated to look after the matter because of the position which he holds.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. Madam President, I ask unanimous consent that I may proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Madam President, I will say as far as the joint leadership is concerned—and I know that I can speak for the distinguished Senator from Pennsylvania, the Republican leader—that there never has been and there never will be any surprises pulled. I would not expect any Senator on any side of this question to conduct himself in that manner. I would assume without question that the leadership would be approached and that if any proposals are offered, the leadership would be made aware of them and on that basis the leadership would then be in a position to notify the appropriate interested parties so that they could be on the floor to protect their own interests at that time.

Mr. JAVITS. Madam President, may I say to the distinguished majority leader that so long as this matter is hanging over the Senate, the whole question of unanimous consents will be very difficult. For example, although I was aware of what the Senator from West Virginia (Mr. ROBERT C. BYRD) referred to, that no amendment not germane to the provisions of the bill can be received, an argument can be made and even an appeal taken from the ruling of the Chair respecting the germaneness of an amendment. And if a Senate majority overruled the Chair, the amendment could go on any bill, even the bills on the calendar today that have a limitation of 20 minutes debate on amendments.

I would hope, Madam President, and I raise this suggestion to the leadership, that it will not foreclose any Member of the Senate from offering a motion on any of these bills. And I would not be so presumptuous as to seek a commitment from any Member. However, I wonder if it would not be prudent to wait until after the adjournment of the Senate when we have done our business today to have this matter definitively settled tomorrow so that Members of the Senate may be here and we may have an opportunity to consult.

The bill will go on the calendar. I have studied the rules carefully. I have consulted with the Parliamentarian. There is no way it can be kept off the calendar, but I felt we should give everyone another 24 hours to catch his breath and to see how we can deal with what will be a sword of Damocles hanging over the Senate during what we hope will be a brief session. There will be a tremendous amount of pressing business to which we all wish to lend ourselves but we do not wish to be deprived of due process with respect to this bill.

Mr. MANSFIELD. Madam President, I would be averse to adjourning at this time because we have made commitments to Members and those commitments should be, will be, and must be kept.

Mr. JAVITS. Madam President, if the Senator will yield, I did not suggest adjourning at this time. I was just suggesting we have an opportunity to catch our breath.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MANSFIELD. Madam President, I ask unanimous consent that I may proceed for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. The morning hour has gone by. Unless there is unanimous consent, this measure will not be called up for a second reading today. It will be called up as soon as there is a new legislative day. I have no desire to stall but I did make the suggestion that perhaps after the business today there be an adjournment. Then there will be a morning hour tomorrow, and that bill can go on the calendar tomorrow. This will give everyone a chance to catch his breath, including the leadership, in order to decide how to deal with this situation so that before it goes on the calendar there could be some assurance to the Senate of what we are faced with.

Mr. MANSFIELD. Madam President, if the Senator will yield, I see nothing to be gained by a 24-hour delay. But in view of the suggestion made, I would defer to the distinguished Senator from Alabama as to his reaction to the suggestion which has been made.

Mr. ALLEN. Madam President, I ask unanimous consent that I may proceed for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Madam President, I have the floor and I would like to propound that question to the distinguished Senator on my time before my time is up.

Mr. ALLEN. Very well. The junior Senator from Alabama has no objection whatever to carrying the matter over for an additional day, provided there is an agreement that the bill receives a second reading on tomorrow, Wednesday—not on the next legislative day, but on Wednesday.

Mr. JAVITS. Yes.

Mr. ALLEN. The 6th of September.

With regard to the remarks of the distinguished Senator from New York with respect to surprise, the junior Senator from Alabama does not know to what the Senator from New York has reference because the junior Senator from Alabama on Thursday, before the recess on Friday, obtained unanimous consent of the Senate, and it appears in the RECORD, that when the message with respect to H.R. 13915 came to the Senate, whether that message came on Thursday before the adjournment or on Friday before the adjournment, he would be given 10 minutes during which time he could make such motions, requests, or comments with respect to that legislation that he deemed fit.

Well, surely, the distinguished senior Senator from New York knew that the junior Senator from Alabama was going to see that the bill received its first reading.

The PRESIDING OFFICER. The additional 3 minutes of the Senator have expired.

Mr. MANSFIELD. Madam President, I ask unanimous consent that I may have an additional 3 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. ALLEN. Surely the distinguished Senator from New York knew that the bill would receive its first reading the day it came over, that under ordinary circumstances it would receive its second reading today, and go on the calendar for Wednesday. So some 48 hours' notice was given as to what was going to be done. It certainly strikes the junior Senator from Alabama as passing strange that the distinguished Senator from New York would say that there is an element of surprise in connection with this legislation.

Now, the Senator pointed out that with respect to the pending bill, on which time is limited, no amendments not germane can be offered; and if a motion is made to bring this measure up for consideration by the Senate, that would be debatable, as the distinguished Senator from New York knows, and the bill itself would be debatable, so there is no element of surprise. The junior Senator from Alabama is at a loss to understand what the distinguished Senator from New York means by saying he does not want to be taken by surprise and that there is an element of surprise in connection with this legislation.

Mr. MANSFIELD. May I say that it was my assumption that what the distinguished Senator from New York was referring to was not in the past tense but in the future tense and that he was trying to protect his rights in that respect. There has been no element of surprise up to this time nor do I anticipate any element of surprise.

Mr. ALLEN. How could there be surprise? The distinguished Senator from New York knows it is going on the calendar. What surprise could there be?

Mr. MANSFIELD. I assume the Senator referred to taking up the bill or offering it as a substitute to another bill.

Mr. ALLEN. All I am trying to do is to get this bill before us so that it will not be necessary to offer amendments, so that the sole issue is whether or not busing by Federal court decree of schoolchildren should be permitted. He is not asking that it be referred through some collateral means. He wants a vote on this bill, which is basically the President's proposal to Congress.

Mr. MANSFIELD. Madam President, I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Montana is recognized.

Mr. MANSFIELD. That was what I assumed the distinguished Senator meant.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. The Senator understands me perfectly and I hope the Senator from Alabama will also. I have no complaint about what occurred. As a matter of fact, everybody has been very accommodating. I was not here at the first reading; I could not be; and yet the leadership was perfectly ready and did protect our rights to see that the second reading was not then carried on by unanimous consent. Nor have I any complaint about the Senator from Alabama nor am I trying to get any commitment from him. He has acted within his rights and he has acted under the rules. The Senator from Alabama knows the rules extraordinarily well for a new Member and he has every right to avail himself of them.

I was directing attention to the problem of the leadership in dealing with so extensive an issue, which could be put on a bill, on which there could be nongermane amendments. I have consulted with the Parliamentarian.

I wish to give notice now that I shall object to any unanimous-consent request which allows nongermane amendments from now until the end of the session. We consider a lot of business here in an hour, in a day, and in a week that might be convenient to the mover and very inconvenient to the overwhelming number of Senators. If Senators wish to speak on matters they have to be here and if they are not here the amendment would be acted on in the absence of speakers, if such an amendment were brought up. The Senator from Alabama, and he is very diligent in his attendance, cannot be here every minute the Senate is in session.

As I have pointed out, the matter will go on the Calendar tomorrow, but it will give us a chance to meet with other Members, to meet with the leadership, to see what we can do in an honorable way to work out the matter to avoid disadvantage to the opponents, but without exacting a promise from the proponents, like the Senator from Alabama, which we could not get.

That was my sole purpose. I state it very clearly. I have learned through a long career here that if matters are laid on the table, justice is generally done, and I have every confidence it will be done in this case.

Mr. MANSFIELD. Madam President, I ask unanimous consent that the time for the conduct of morning business, with a 3-minute limitation on statements therein, be extended until the hour of 11:45 a.m.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Madam President, do I understand also that includes the unanimous-consent request that second reading on the bill we are talking about shall be deferred until tomorrow?

Mr. MANSFIELD. If that meets with the approval of the Senator from Alabama. It will go on the calendar, anyway.

Mr. ALLEN. Yes; if part of the unanimous-consent agreement is that the bill will go to the calendar on Wednesday, the 6th of September.

Mr. JAVITS. In view of the fact that the Chair has already ruled that way, I would simply ask that the unanimous-consent request be that second reading be held. I assure the Senator that will be it. I will not take an appeal.

Mr. ALLEN. But the agreement should also be that the bill will go to the calendar, because, obviously, if objection is not made to further consideration, it will then go to committee.

Mr. JAVITS. The Senator will object to further consideration of the bill, I am sure. I hope he will not cause me the pain of that unanimous-consent request. He should simply leave the matter of second reading to tomorrow. The Chair has already ruled.

Mr. ALLEN. Irrespective of the condition of morning business, it will receive such second reading tomorrow. Then it would be up to the Senator from Alabama to object to further consideration, and it would be on the calendar.

Mr. JAVITS. Would the Chair rule on that? Can the unanimous-consent agreement be stated for the RECORD?

The PRESIDING OFFICER. Without objection, the second reading will be deferred until tomorrow.

Mr. ALLEN. At which time it will take place.

The PRESIDING OFFICER. Without objection, that is so ordered.

Is there objection to the request of the majority leader for the 15 minutes?

Mr. ALLEN. As amended by the request of the Senator from Alabama?

The PRESIDING OFFICER. Yes. Without objection it is so ordered.

Mr. BAKER. Madam President, reserving the right to object—and I shall not object——

Mr. MANSFIELD. All I am trying to do is get the Senate back to the normal calendar.

Mr. BAKER. I want to make one comment on this colloquy, before we go into morning business, about reserving the right to object on the question of the germaneness of amendments. The Senator from Tennessee has great interest in the remark made by the senior Senator from New York, putting the Senate on notice that for the rest of the session he would object to any such unanimous-consent requests for such a provision. I thought I had already made such a request. I hereby notify the Senate and the leadership that in the future I shall continue to make such requests.

Mr. MANSFIELD. Madam President, will the Senator yield?

Mr. BAKER. I yield.

Mr. MANSFIELD. The Senator is correct. Before we reached the stage of considering the unanimous-consent agreement, we had that request cleared with the Senator from Tennessee.

Mr. BAKER. I think this is bad precedent. I think it is bad business. As one Senator, I intend to offer an objection to any future request for unanimous-consent agreements relating to germaneness.

The PRESIDING OFFICER. Without objection, the time requested by the majority leader is granted.

Mr. ROBERT C. BYRD. Madam President, may I ask the Senator from Tennessee and the Senator from New York if I correctly understand what they have just said? I thought I understood the distinguished Senator from Tennessee to say that he will object to any unanimous-consent agreement which would prohibit any nongermane amendments from being offered. I thought, on the other hand, the distinguished Senator from New York indicated he would object to any unanimous-consent agreement that allowed nongermane amendments to be offered.

Mr. BAKER. Madam President, if I can answer on my own behalf, the statement I made previously had been, and it is today, that I will object to any unanimous-consent request that attempts to place a restriction on the offering of nongermane amendments to any matter pending before the Senate.

Mr. ROBERT C. BYRD. I understood the Senator correctly. I wonder if I understood the Senator from New York correctly. If so, we will not be able to get any more unanimous-consent agreements.

Mr. JAVITS. Madam President, the Senator did understand me. Obviously, we have different reasons for our objections. The leadership has already stated—and there are five bills listed for our consideration at this time—that we have an arrangement that contravenes the objection of the Senator from Tennessee (Mr. BAKER). Obviously he has been consulted and it is satisfactory. Of course, the leadership will consult with me also.

Mr. BAKER. May I state that I was not here. I was at Miami Beach, attending the Republican Convention. The Senator from Tennessee was not consulted. I assume the leadership consulted with some member of my staff. However, I take full responsibility for not being here, but, for the record, I did not agree to the provision of this order.

Mr. ROBERT C. BYRD. Madam President, may I say that the leadership on this side of the aisle always consults with the leadership on the Senator's side of the aisle, and in many instances the leadership on the other side of the aisle specifically states that contact has been made with the able Senator from Tennessee or people on his staff. In this instance, I do not recall whether that was done, but, in any event, the leadership on this side of the aisle is aware of the feelings that have been expressed by the distinguished Senator from Tennessee, and, as often as we can, we try to conform to the Senator's requests when we present the unanimous-consent agreements.

As of this moment, no more unanimous-consent agreements can be effectuated unless we find some middle ground, and I am sure the majority leader and I will consult both Senators before we attempt to present any unanimous-consent agreements, but both Senators have the leadership's hands tied, because we cannot devise an agreement that will meet the requirements, as stated, of both Senators.

Mr. BAKER. Madam President, may I offer the comment, in all respect, that I think the Senate can function with the rules as they exist and the precedents as they exist without any unanimous-consent agreements. If the effect is to do that, then that is the effect, but as far as I am concerned, I believe unanimous-consent agreements barring nongermane amendments are bad precedent and bad business for the Senate. While I understand it is a matter of expediting procedure on the part of the leadership, I hope the Senate will accept my notice that I intend to object to every unanimous-consent request to that effect.

Mr. ROBERT C. BYRD. May I say that unanimous-consent agreements barring nongermane amendments are not bad precedent. This type of agreement—I suppose—was entered into many, many times before the Senator from West Virginia became a Senator 14 years ago. It is not bad precedent. It has been going on for a long time. When the majority leader asks unanimous consent for a time limitation on a bill and that the unanimous-consent agreement be printed "in its usual form"——

The PRESIDING OFFICER. The 3 minutes of the Senator have expired.

Mr. ROBERT C. BYRD. Will the Senator from Montana yield me 3 minutes?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. The words of art "usual form" carry with them automatically the provision that no nongermane amendments can be offered, which would indicate that this had been going on a long time. It is not therefore, a matter of setting new precedent.

However, Madam President, I certainly will do everything I can to cooperate with the Senator, and, may I add, the able Senator from Tennessee, Mr. BAKER, is always most cooperative.

Mr. BAKER. Madam President, one final word. The term "precedent" is meant to mean the effect it would have on the future business of the Senate, as far as I am concerned, not the word as it may be compiled by the Parliamentarian. To make it absolutely clear, I intend to object to any requests for the usual form of request if that includes nongermane amendments.

Mr. ROBERT C. BYRD. The usual form always includes nongermane amendments.

I certainly, or the majority leader, will continue to see that the Senator is consulted before agreements are entered into. The Senator is right in saying that the Senate can function without these unanimous-consent agreements, but it will still be functioning on December 31 of this year, I fear, unless we can get unanimous-consent agreements.

I would hasten to assert that we are very much farther along by virtue of the unanimous-consent agreements that have been entered into heretofore than we would have been otherwise.

Mr. BAKER. Madam President, can the Senator from West Virginia assure the Senator from Tennessee that he will be consulting with him before any unanimous-consent requests regarding nongermane amendments are made, for the remainder of this term?

Mr. ROBERT C. BYRD. I personally would not undertake to give the Senator that assurance. I think that is the prerogative of the leadership on the other side. I will only assure the Senator that I will satisfy myself, before making such requests, of his having been contacted by someone—by me or by someone.

Mr. GRIFFIN. Madam President, will the Senator from West Virginia yield to me?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. I thank the assistant majority leader.

The PRESIDING OFFICER. On whose time?

Mr. GRIFFIN. Madam President, may I be recognized for 2 minutes?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. I want to indicate support from the leadership on this side for the position expressed by the assistant majority leader. If we are going to complete the business of the Senate, I agree that it will be necessary to have the cooperation of our colleagues in the future as we have had in the past; that it will be essential to obtain unanimous-consent agreements to the extent possible.

I wish to assure the Senator from Tennessee as well as the Senator from New York that the leadership on this side will be constantly aware of their interest and expressions with regard to unanimous-consent agreements. At the same time, I hope they will not be adamant in opposing all requests for consent agreements because otherwise as has been indicated it should prove to be impossible to obtain any consent agreements.

Mr. JAVITS. Madam President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. JAVITS. I did not make any such flat statement. On the contrary, the reason for the 24-hour delay that the Senator from Alabama (Mr. ALLEN) graciously agreed to was to get our ducks in a row.

I do not feel that way. I have given notice that I want to know about it, but that does not mean that I will not consent. I am not committing myself any more than I am asking the Senate to commit itself.

Mr. GRIFFIN. I appreciate that very much.

Mr. JAVITS. I pointed out, for example, to the Senator from Tennessee that we had five measures here today to which the restriction was applied. I assumed he knew about it. He was gracious enough to say that perhaps his staff did.

I would hope that neither the Senator from Tennessee nor I would lower the curtain on the Senate; but he will have to speak for himself. I just want to know about it, and I hope the leadership will accommodate me as it always has, so that we may exercise our prerogatives.

Mr. GRIFFIN. Madam President, I wish to make it clear that I have no objection to the procedure that has been agreed to here today. As the distinguished Senator from New York and the distinguished Senator from Alabama know, I have great interest in this particular measure myself. I agree with the Senator from New York that there should be no surprise when this measure is taken up. Even though I am on the other side of the issue, I believe we are in accord with respect to the need for, and the importance of, reasonable notice to all Senators.

On the other hand, my great concern is whether the bill will be taken up and considered in this session before we adjourn, and I would hope that if we cooperate with the Senator from New York in making sure that there will be no surprise, perhaps we might have some cooperation in return to insure that this important measure will actually be considered so there will be an opportunity to vote on it—so it will not just rest and die on the calendar of the Senate.

Mr. BAKER. Madam President, will the Senator yield briefly?

The PRESIDING OFFICER (Mrs. EDWARDS). All time for the transaction of routine morning business has expired.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the time for the consideration of routine morning business, with statements therein limited to 3 minutes, be extended for an additional 12 minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BAKER. Madam President, just this brief additional word: I do not want to unduly prolong a procedural matter, but it has great substance, in addition to the precedents it may set for the future.

I am not trying to tie the hands of the Senate. I am not trying to deprive the Senate of the right to proceed on the basis of unanimous consent. I am simply saying that, as I thought I had in the past, I do now serve notice on the Senate that I do not like unanimous-consent agreements that preclude the consideration of nongermane amendments, and that any unanimous-consent agreement which includes that provision will be objected to by the Senator from Tennessee unless we make arrangements to the contrary beforehand.

Mr. ALLEN. Madam President, I commend the distinguished Senator from Michigan for putting his finger on the crux of this issue with respect to bringing before the Senate H.R. 13915, the antibusing legislation.

Yes, there is an obligation not to surprise the opposition. I assume, though, they know the matter is going to be sought to be brought up sometime between now and the 1st of October. But nothing has been said by the opponents of the legislation as to when they would be willing to see the measure come before the Senate and to have a vote thereon. There are two sides of the coin, but obviously the opponents of the legislation want to see only one side of the coin.

With respect to the unanimous-consent agreement, much has been said about objecting to unanimous-consent agreements where nongermane amendments are involved. I want to make this request of the majority leadership: That before such time as a request is made for the setting of an order in which bills will be considered by the Senate, the junior Senator from Alabama will be consulted, in order to make sure that the leadership will, at some stage of the proceedings, include in that priority list the antibusing legislation. I feel inclined, unless I am consulted with respect to the order in which bills will be considered by unanimous consent, to interpose an objection to any further setting of a laundry list of bills to be considered in a certain order.

I have no intention of seeking to surprise the able and distinguished Senator from New York with respect to bringing this bill up. As I pointed out, a mere motion to bring it up is debatable, and I assume there will be at least one Member of the Senate on the floor at all times who would be opposed to bringing it up. It is debatable. Then the matter is debatable if the Senate votes to bring it up. So there can be two series of debates there.

So there seems to be no likelihood that anyone will be taken by surprise. But at some stage of this session of this Congress, if the leadership does not set this bill down for consideration before the Senate, the junior Senator from Alabama and others of like mind do plan to make a motion to bring up the bill. That can only be made, to be effective——

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. ROBERT C. BYRD. Madam President, I yield the Senator my 3 minutes.

Mr. ALLEN. I thank the Senator from West Virginia.

To be effective, it could only be made at the time the unfinished business is disposed of. Otherwise, if the unfinished business is just set aside temporarily, the regular order could be called for, and we would go back to the unfinished business. But once the unfinished business is disposed of, if the leadership has not indicated that it is going to put this bill on the order for consideration during this session of Congress, the junior Senator from Alabama serves notice right now that when the unfinished business is disposed of, he is going to make a motion to bring up for consideration the antibusing legislation.

So that is notice at this time that unless an agreement has been made to bring up H.R. 13915 for consideration by the Senate when the present unfinished business is disposed of, he is going to make a motion that the Senate proceed to the consideration of the antibusing legislation.

Mr. HARRY F. BYRD, JR. Madam President will the Senator yield?

Mr. ALLEN. I yield.

Mr. HARRY F. BYRD, JR. Madam President, the Senator from Virginia associates himself with the comment just made by the distinguished Senator from Alabama. It is a vitally important piece of legislation. The Senate should have an opportunity to vote on it, and I will join the Senator from Alabama in working to see that the Senate does have an opportunity to express its will one way or the other.

Mr. ALLEN. I thank the distinguished Senator from Virginia.

Mr. JAVITS. Madam President, will the Senator yield me 1 minute?

Mr. PERCY. I yield.

Mr. JAVITS. Madam President, on this very issue it has been made clear that the rights are reserved, including the right to move when the unfinished business is over. I think the Senator from Alabama even said "this unfinished business"—to wit, today's unfinished business.

I simply wish, in return, to serve notice that the very purpose of my colloquy with the leadership was to deal with precisely those situations. We might get into a situation in which the floor has to be monitored every minute in order to avoid what I have defined as surprise—to wit, the bringing up of this matter upon the will of any Member at a time when there may be no possibility even to debate it because Senators simply are not here or do not know about it, and business can finish here in a very summary way, on the consent or other calendar.

So I reiterate my hope that we will not legislate by stratagem without in any way trying to deprive any Senator of his rights, but depending on the leadership to see that a full and orderly debate is possible in respect of so important a measure.

For myself, I do not consider that anybody should exact any promises from me, any more than I am exacting promises from anybody else. It is a leadership problem, not a problem for any Member, and I reserve every right I have.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLEN. Madam President, I ask recognition, in order that I may yield to the Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. JAVITS. I reserve every right I have, as does every other Member who is of the same mind as I respecting this measure; and I hope that the leadership, having heard this situation and having seen it, will take proper account of exactly what has transpired.

Mr. ALLEN. The Senator realizes that the unfinished business is Senate Joint Resolution 241, the interim agreement, and in no likelihood, in my judgment, is this matter going to be disposed of today. So the distinguished Senator from New York has ample notice of the intention of the junior Senator from Alabama.

Mr. JAVITS. But one never knows about any of these things. I am not trying to exact any promise from the Senator from Alabama. He should not and could not do it, and I should not and could not do it. We are simply putting it up to the leadership.

Mr. ALLEN. I will try to give the distinguished Senator from New York personal notification of my intention.

THE ATTACK BY ARAB GUERRILLAS AT OLYMPIC VILLAGE

Mr. PERCY. Madam President, this morning the world has learned of the outrage committed by Arab guerrillas at the Olympic Village in Munich. As a result of this outrage, the officials of the Olympic games have delayed those games for 24 hours. The guerrillas have killed two members of the Israeli Olympic contingent and threaten to kill additional Israeli hostages at the rate of one every 2 hours if their demands are not met.

These acts are an outrage against humanity, another in a series of crimes committed by Arab guerrillas against airports, airplanes, and public meeting places. The Arab guerrillas damaged their cause before world opinion. They will find that no outrage, no violence, no desperate actions will advance their goal.

It is time now for the leaders of the Arab world, who for so long have encouraged and inflamed the guerrillas, to call a halt to these senseless acts. How refreshing it would be to hear President Anwar as-Sadat of Egypt speak out against terrorism, stating that such actions ill serve the Arab cause.

I pray that the crisis at Olympic Village will be resolved without further loss of life, and I urge that responsible Arab leadership now assert itself against these senseless acts of terrorism. Should they not yield to reason, I see no reason why we should not then group this type of terrorism along with aircraft hijacking and bombing of aircraft, and seek world reprisals against such actions that offer safe haven for terrorists of this kind.

The first step that should be taken is simply to refuse to land international aircraft at any capitals or any nations that provide a safe haven. These bandits and guerrillas must learn that there is no place on earth they can now go, after committing such acts, and find safe haven, and that they must pay the penalty for their terrorist actions.

Mr. JAVITS. Madam President, will the Senator yield?

Mr. PERCY. I yield.

Mr. JAVITS. Madam President, the words uttered by the distinguished Senator from Illinois are most eloquent and most deserved, and I associate myself with them. The expressions on the floor by the leadership, majority and minority, and other Senators, joined in so eloquently by the Senaotr from Illinois, are very heartening.

The world can put a stop to this, as the Senator has said. I know that he will lend his efforts to this end, as the leadership and other Senators and I will lend ours. Let us hope and pray that this horrible carnage may be ended.

Mr. PERCY. I thank the distinguished Senator.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters which were referred as indicated:

Report of Departments of Agriculture and Housing and Urban Development

A letter from the Secretaries of Agriculture and Housing and Urban Development, transmitting, pursuant to law, a report of those Departments on assistance furnished for nonmetropolitan planning districts in fiscal year 1972 (with an accompanying report); to the Committee on Agriculture and Forestry.

Reports on Overobligations of Appropriations

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, two reports of overobligations of appropriations (with accompanying papers); to the Committee on Appropriations.

Reports on Final Determinations Relating to Indian Claim Cases

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination in respect to Docket No. 275, The Creek Nation, Plaintiff, v. the United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination in respect to Docket No. 342–E, The Seneca Nation of Indians, Plaintiffs, v. United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

Proposed Transfer of Motor Boat

A letter from the Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of the Officers Motor Boat, Hull No. C–12928 to the Admiral Nimitz Center, Fredericksburg, Tex.; to the Committee on Armed Services.

Report on Laos Assistance-Related Funds

A letter from the Assistant Secretary for Congressional Relations, transmitting, pursuant to law, reports showing the Laos assistance-related funds expended during the fourth quarter of the fiscal year beginning July 1, 1971 (with accompanying reports); to the Committee on Armed Services.

Report on Export Control

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on Export Control, for the second quarter of 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Proposed Legislation Relating to Certain Vessels

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials (with an accompanying paper); to the Committee on Commerce.

Proposed Amendment of Communications Act of 1934

A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures (with accompanying papers); to the Committee on Commerce.

Reports of National Railroad Passenger Corporation

A letter from the Vice President, Public Affairs, National Railroad Corporation (Amtrak), transmitting, pursuant to law, a report of that corporation for the months of March and April 1972 (with an accompanying report); to the Committee on Commerce.

A letter from the Vice President, Public Affairs, National Railroad Corporation (Amtrak), transmitting, pursuant to law, a report of that corporation for the month of May 1972 (with an accompanying report); to the Committee on Commerce.

Report on the Great Lakes and St. Lawrence Seaway Study of Insurance Rates

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the Great Lakes and St. Lawrence Seaway Study of Insurance Rates, dated June, 1972 (with an accompanying report); to the Committee on Commerce.

Report of U.S. Travel Services

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on the activities of the United States Travel Service, for calendar year 1971 (with an accompanying report); to the Committee on Commerce.

Proposed Legislation Relating to U.S. Merchant Marine Academy

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to permit not more than thirty persons at a time from foreign countries to receive instructions at the United States Merchant Marine Academy (with accompanying papers); to the Committee on Commerce.

Report on Work Incentive Program

A letter from the Secretary of Labor, transmitting, pursuant to law, a report on the Work Incentive Program (WIN), dated June 1972 (with an accompanying report); to the Committee on Finance.

Report on Cambodian Assistance-Related Funds

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, reports showing the Cambodian assistance-related funds obligated during the fourth quarter of the fiscal year beginning July 1, 1971, and for the entire fiscal year (with accompanying reports); to the Committee on Foreign Relations.

Report of U.S. Information Agency

A letter from the Deputy Director, U.S. Information Agency, transmitting pursuant, to law, a report of that Agency, for the fiscal year 1972 (with an accompanying report); to the Committee on Government Operations.

Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a confidential report on U.S. System for Appraising and Evaluating Inter-American Development Bank Projects and Activities (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Further Improvements Needed in Controls Over Government-owned Plant Equipment in Custody of Contractors", Department of Defense, dated August 29, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Impartial Cost-Effectiveness Studies Found Essential To Selecting New Weapons", Department of Defense, dated August 21, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Economies Available Through Increased Use of the Federal Telecommunications System by Military Installations", Department of Defense, General Services Administration, dated August 24, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Problems of the Atomic Energy Commission Associated With the Regulation of Users of Radioactive Materials for Industrial, Commercial, Medical, and Related Purposes", dated August 18, 1972 (with an accompanying report); to the Committee on Government Operations.

Report on the Budgetary and Fiscal Data Processing System and Budget Standard Classifications

A letter from the Secretary of the Treasury, and Director, Office of Management and Budget, transmitting, pursuant to law, a report on the budgetary and fiscal data processing system and budget standard classifications (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Achievements, Administrative Problems, and Costs in Paying Black Lung Benefits to Coal Miners and Their Widows," Social Security Administration, Department of Health, Education, and Welfare, dated September 5, 1972 (with an accompanying report); to the Committee on Government Operations.

Report on Prototype Desalting Plants

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report on prototype desalting plants (with an accompanying report); to the Committee on Interior and Insular Affairs.

Proposed Concession Contract in Lake Mead National Recreation Area, Nev.

A letter from the Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in Lake Mead National Recreation Area, Nev. (with accompanying papers); to the Committee on Interior and Insular Affairs.

Report on Receipt of Project Proposals

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of project proposals under the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

Report of Persons Employed by the Equal Employment Opportunity Commission

A letter from the Chairman, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report of persons employed by that Commission, for the fiscal year 1972 (with an accompanying report); to the Committee on the Judiciary.

Report on Defector Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered relating to certain aliens (with accompanying papers); to the Committee on the Judiciary.

Suspension of Deportation of Certain Aliens

Two letters from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to the suspension of deportation of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Temporary Admission of Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders relating to temporary admission of certain aliens (with accompanying papers); to the Committee on the Judiciary.

Reports Relating to Third Preference and Sixth Preference for Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference for certain aliens (with accompanying papers); to the Committee on the Judiciary.

Report of Commission on Railroad Retirement

A letter from the Chairman, Commission on Railroad Retirement, transmitting, pursuant to law, a report of that Commission (with an accompanying report); to the Committee on Labor and Public Welfare.

Proposed Amendment of Public Buildings Act of 1959

A letter from the Acting Administrator, General Services Administration, transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended, and for other purposes (with an accompanying paper); to the Committee on Public Works.

Report on Projects To Be Financed and Constructed by the Postal Service

A letter from the Acting Administrator, General Services Administration, reporting, pursuant to law, on projects to be financed and constructed by the Postal Service; to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on Interior and Insular Affairs:

"Assembly Joint Resolution No. 6

"Relative to oil drilling

"Whereas, Well blowouts in federal waters off the California coast have caused damage to the coastline and hardship to the people of this state; and

"Whereas, No adequate oil cleanup system capable of operating in rough seas has been developed as yet, much less deployed; and

"Whereas, Although to date no oil has been produced in water depths greater than 380 feet, future oil production in the Santa Barbara Channel is contemplated at water depths of 700 to 1,500 feet, in spite of the fact that the Santa Barbara region is still suffering from the effects of the disastrous 1969 oil spill in federal waters; and

"Whereas, The residents of California coastal areas have the right to the full protection of their property from oil spill damage and the Santa Barbara Channel spill and numerous other environmentally detrimental offshore oil spill accidents off the Gulf Coast in lesser water depths indicate inadequate protection; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President of the United States and the Department of the Interior to:

"1. Forestall any future oil production in any federal waters until absolute safeguards for production and cleanup to protect the coast have been developed, and full and open hearings have been conducted to satisfy and answer the questions of all concerned citizens of the coastal areas; and

"2. Deny the granting of permits for oil drilling in waters off the coast of California until an underwater fail-safe system of extraction has been demonstrated and an adequate oil cleanup system has been developed and deployed; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, and to the Administrator of the Environmental Protection Agency."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"Assembley Joint Resolution No. 35

'Relative to the Santa Ynez River Flood Protection Project—San Miguelito Watershed

"Whereas. In 1951 and 1952 the United States Soil Conservation Service, in cooperation with the Lompoc Soil Conservation District, constructed the Santa Ynez River Flood Protection Project—San Miguelito Watershed, consisting of a debris basin and earthen channel to carry floodwaters directly across a flood plain to the Santa Ynez River; and

"Whereas, At the time of the original construction the purpose of the project, hereinafter referred to as the Miguelito Project, was to protect 3,000 acres of farmland west of the City of Lompoc, and the project was therefore designed for a capacity of 1,575 c.f.s., which was considered the yield of a 25-year storm for the drainage area; and

"Whereas, Since the construction of the original project in 1951 and 1952, conditions have substantially changed in that (1) the population of the City of Lompoc has increased from 7,500 to 26,000 due primarily to the expansion of Vandenberg Air Force Base, (2) provisions have now been made for the diversion of surface storm waters from the city into the existing Miguelito Channel Project, (3) further expansion of the city is probable due to expected new programs at Vandenberg Air Force Base, and (4) because of recent developments in the state of the science and art of hydrology it has recently been determined that the original estimate of the watershed runoff was underestimated; and

"Whereas, Recent studies now indicate a need for expansion of the existing Miguelito Project so that it will have an increased capacity to a total of 7,700 c.f.s. which is the estimated capacity to safely divert the runoff of a 100-year-frequency storm; and

"Whereas, The presently existing lack of capacity of the Miguelito Project endangers the existing federal and local investment in the present project which could be destroyed by a storm in excess of its capacity; and

"Whereas, The Santa Barbara County Board of Supervisors has advanced $30,000 for the preparation of necessary new bridge designs, which are now completed, and the Santa Barbara County Flood Control and Water Conservation District has funds available and will provide safety fencing for the entire project and will accept the responsibility for maintenance of the project upon completion; and

"Whereas, The City of Lompoc will provide funds for bridge betterments not covered by the Department of Water Resources allocation; and

"Whereas, Due to the foregoing there is an urgent need to immediately construct the necessary improvements for the expansion of the Miguelito Project; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the United States Soil Conservation Service to provide funds for the construction of necessary improvements to increase the level of protection of the Santa Ynez River Flood Protection Project—San Miguelito Watershed; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Administrator of the United States Soil Conservation Service, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of Maryland; to the Committee on the Judiciary:

"Resolution 34

"Joint Resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women

"Whereas, The 92nd Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

"Whereas, This Joint Resolution passed the House of Representatives of the United States on October 12, 1971, passed the Senate of the United States on March 22, 1972, and now has been submitted to a vote of the states; and

"Whereas, The State of Maryland wishes to ratify this proposed amendment to the Constitution of the United States which, when ratified by the Legislatures of three-fourths of the several states, shall be valid to all intents and purposes as part of the Constitution of the United States, viz:

" 'Article

" 'Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

" 'Sec. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

" 'Sec. 3. This amendment shall take effect two years after the date of ratification.'

"Resolved by the General Assembly of Maryland, That the foregoing proposed amendment to the Constitution of the United States is ratified by the State of Maryland to all intents and purposes as a part of the Constitution of the United States; and be it further

"Resolved, That the Governor of the State of Maryland is requested to forward authentic copies of this Resolution, under the Great Seal of the State of Maryland, to the Secretary of State of the United States, to the presiding officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Administrator of General Services of the United States."

The petition of Ronald S. Burgess, of Newton, N.C., praying for a redress of grievances; to the Committee on Armed Services.

A resolution adopted by the National Association of Attorneys General, praying for the enactment of legislation relating to offshore revenue sharing by the Federal Government with coastal States and all other States; to the Committee on Finance.

A resolution adopted by the City Council of Los Angeles, Calif., praying for the enactment of House bill 16058; to the Committee on the Judiciary.

A resolution adopted by the board of directors of Credit Union National Association, Inc., Madison, Wis., expressing appreciation to the President and Congress for their action to provide assistance to Federal credit unions; ordered to lie on the table.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that, on August 18, 1972, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 2166. An act to authorize the establishment of the Grant-Kohrs National Historic Site in the State of Montana, and for other purposes;

S. 3159. An act to authorize the Secretary of the Interior to establish the John D. Rockefeller, Junior, Memorial Parkway, and for other purposes;

S. 3726. An act to extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes; and

S.J. Res. 260. Joint resolution to suspend until March 1, 1973, the effectiveness of certain amendments made by the Education Amendments of 1972 to the Guaranteed Student Loan Program.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that, on August 19, 1972 he presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 182. Joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in Farmfest-U.S.A., and the World Ploughing Contest in September 1972; and

S.J. Res. 213. Joint resolution to authorize and request the President to issue a proclamation designating October 6, 1972, as "National Coaches Day".

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—REPORT OF A COMMITTEE (S. REPT. NO. 92–1086)

Mr. NELSON, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, submitted a report thereon, which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. SCOTT:

S. 3946. A bill to grant a Federal charter to the American Golf Hall of Fame Association. Referred to the Committee on the Judiciary.

By Mr. TALMADGE (by request):

S. 3947. A bill to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. HRUSKA:

S. 3948. A bill to establish a National Institute of Corrections for the purpose of providing Federal, State, and local corrections personnel with continuing education and guidance on methods of treatment and rehabilitation of criminal offenders. Referred to the Committee on the Judiciary.

By Mr. BAKER:

S. 3949. A bill for the relief of Mohan Deva Bhattarai. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 3950. A bill to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia. Referred to the Committee on the District of Columbia.

By Mr. HUMPHREY:

S. 3951. A bill to establish within the executive branch an independent board to establish guidelines for experiments involving human beings. Referred to the Committee on Government Operations.

By Mr. TOWER:

S. 3952. A bill to provide increased job training opportunities for people with limited English-speaking ability by establishing a coordinated manpower training program, a teacher training program for instructors of bilingual job training, and a capability to increase the development of instructional materials and methods for bilingual job training. Referred to the Committee on Labor and Public Welfare.

By Mr. SPONG (for himself and Mr. Sparkman):

S. 3953. A bill for the relief of Datronics Engineers, Inc. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD:

S. 3954. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of a portion of State sales taxes on motor vehicles which are imposed at a rate higher than the general sales tax rate. Referred to the Committee on Finance.

By Mr. DOLE:

S.J. Res. 263. A joint resolution to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war in Vietnam. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HRUSKA:

S. 3948. A bill to establish a National Institute of Corrections for the purpose of providing Federal, State, and local corrections personnel with continuing education and guidance on methods of treatment and rehabilitation of criminal offenders. Referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, I send to the desk a bill to establish a National Institute of Corrections within the Executive Office of the President. I ask that the bill be appropriately referred. In addition, I ask unanimous consent that the complete text of the bill be printed in the RECORD at the conclusion of my remarks.

Mr. President, improving all aspects of the correctional systems of this Nation from the first moment of confinement through parole or probation should be one of the high priority items for action by all levels of government—local, State, and Federal.

For too long we have been guided by the basic philosophy that the best and most effective way to deal with criminal elements in our society is to lock them behind bars for long periods of time and do little or nothing for them during their imprisonment. We have paid far too little attention to developing and implementing rehabilitative procedures that will pay dividends by returning useful and law-abiding citizens to society.

Unless we change the offender while he is incarcerated, the prospects of his returning to society as a law-abiding and contributing citizen are remote indeed. The endless cycle of arrest, imprisonment, release, and rearrest has plagued this Nation for too long. It must be reversed.

The ability of a man who has committed a crime to stay out of trouble once he is released is directly tied to his ability to get and hold a job. Yet, the success of prisons in training convicts for jobs and their ability to get one in the field of that training has been notoriously low. Coupled with this has been the inability of the entire correctional process to get either the money or the staff to do the kind of work it ought to be doing.

Mr. President, the bill that I introduce today has as its rationale the creation of a body of experts whose duty it will be to promulgate to all persons concerned with corrections in this country the best and latest thinking on the subject of corrections.

This approach would insure that there is a comprehensive, integrated and rational approach to this subject. By covering all aspects of the corrections problem, this bill would eliminate the possibility that proposals directed only to fragmented and limited portions of the corrections field will result in inconsistent, contradictory and overlapping recommendations and techniques.

This bill would create a National Institute of Corrections in the White House charged with four main functions: first, a clearinghouse and information center on corrections; second, an educational center; third, a research center; and fourth, development of correctional standards and goals. These functions are carefully detailed in section 5042 of the bill.

The Institute would be headed by a Commission of 14 experts in the corrections field serving as the board of trustees with responsibility for setting policy and affording direction to the permanent staff. Permanent members of the Commission would be the Administrator of the Law Enforcement Assistance Administration, the Director of the Federal Bureau of Prisons, the Administrator of the Youth Development and Delinquency Prevention Administration, the Director of the National Institute of Mental Health, and the Director of the Federal Judicial Center. Nine additional members would be appointed by the President. The Commission would select its own Chairman from among its members.

The day-to-day operations of the Institute would be in the hands of a Director appointed by the Commission. The Director would have sufficient authority to manage the running of the Institute and all of its operations aspects.

One of the important functions of the Institute would be to conduct seminars and workshops and other educational programs aimed at improving the quality of corrections in this country. Sufficient money would be authorized by the bill to carry out the work of the Institute, including the expenses of those participating in the educational programs.

Mr. President, I believe this is a useful proposal consistent with the work of the National Corrections Conference held last December at the direction of President Nixon. At that time the Attorney General indicated that he was directing that a National Corrections Academy be created. Mr. Mitchell said:

> First, as you know, the need for better training and common performance standards among correctional officials is shared by all governmental levels. In this connection I am today directing the Federal Bureau of Prisons and the LEAA to work with the states and localities in establishing a National Corrections Academy. This would serve as a national center for correctional learning, research, executive seminars, and development of correctional policy recommendations. It would cover the whole range of correctional disciplines, from the new employee to the management level. Besides giving professional training of the highest quality, it would provide a continuing meeting ground for the exchange of advanced ideas on corrections. I believe it will be the most effective single means of upgrading the profession and assuring that correction is more than a euphemism for detention. I hope that the members of this Conference will give us the benefit of their ideas on implementing this Academy in the most effective way.

This bill would codify that directive.

It is my hope that the bill can receive early and favorable consideration by the Senate.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that this Act may be cited as the "National Institute of Corrections Act".

SEC. 2. Part IV of title 18, United States Code, is amended by adding at the end thereof of the following new chapter:

"Chapter 404.—NATIONAL INSTITUTE OF CORRECTIONS

"Sec.
"5041. Establishment; purpose.
"5042. Functions.
"5043. Director and staff.
"5044. Powers.
"5045. Commission.
"5046. Location; facilities.
"5047. Educational Programs.
"5048. Admissions.

"§ 5041. ESTABLISHMENT; PURPOSE.

There is hereby established in the Executive Office of the President, an institute to be known as the National Institute of Corrections (hereinafter referred to as "Institute"). It shall be the purpose of the Institute to collect and disseminate useful data regarding the treatment and rehabilitation of criminal offenders; to provide assistance to Federal, State, local, public and private organizations and individuals relating to the treatment and rehabilitation of criminal offenders; and to formulate correctional policy, goals and standards.

"§ 5042. FUNCTIONS.

The institute is authorized—

(a) to serve as a clearinghouse and information center for the collection, preparation and dissemination of all information on crime and corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal offenders;

(b) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities and services for education, diagnosis, prevention, counseling, training, treatment, and rehabilitation with respect to criminal offenders;

(c) to encourage and assist State and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement corrections programs;

(d) to devise and conduct in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay and paraprofessional personnel, connected with the treatment and rehabilitation of criminal offenders;

(e) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several states and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;

(f) to make grants to or enter into contracts with any public or private agency, institution, or individual to carry out seminars, workshops, and training programs authorized by this Act and to evaluate their effectiveness;

(g) to conduct, encourage, and coordinate all forms of research relating to the causes, sociological aspects, prevention, diagnosis, and treatment of criminal offenders;

(h) to make grants to or enter into contracts with any public or private agency, institution, or individual to carry out research programs authorized by this Act; and to prepare reports on the research programs funded under this Act, including a review of the results of such research, an assessment of the application of such results to existing and to new corrections programs, and detailed recommendations for further research to be conducted under this Act; and

(i) to formulate and disseminate correctional policy, goals, and standard recommendations for Federal, State and local correctional agencies, organizations, institutions, and individuals.

"§ 5043. DIRECTOR AND STAFF.

(a) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Commission to serve for a term of four years. The Director shall receive basic pay at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Commission. The Director is authorized to delegate his powers under this Act to such persons as he deems appropriate.

(c) If the Office of Director is left vacant, by resignation or otherwise, the Commission shall appoint a successor who shall serve for the unexpired portion of the term of office.

"§ 5044. POWERS.

The functions, powers, and duties specified in this Act to be carried out by the Institute shall not be transferred elsewhere unless specifically hereafter authorized by the Congress. In addition to the other powers, express and implied, the Institute is authorized—

(a) to request any Federal department or agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute;

(b) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel or facilities or equipment of such departments and agencies;

(c) to confer with and avail itself of the cooperation, services, records, and facilities of State and local government or other public or private agencies, organizations or individuals;

(d) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute;

(e) to compensate consultants and members of any technical or other advisory councils who are not in the regular full-time employ of the United States, at a rate to be fixed by the Director but not exceeding $100 per diem and while away from home, or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently; and

(f) to submit to the President for transmittal to the Congress an annual report of the Institute's operations, activities, financial condition, and accomplishment under this Act, which may include such recommendations as the Institute deems appropriate.

"§ 5045. COMMISSION.

(a) The overall policy and operations of the Institute shall be under the supervision of the Commission.

(b) The Commission shall consist of the Administrator of the Law Enforcement Assistance Administration, the Director of the Bureau of Prisons, the Administrator of the Youth Development and Delinquency Prevention Administration, the Director of the National Institute of Mental Health, the Director of the United States Judiciary Center, and nine persons having training and experience in the area of corrections appointed by the President.

(c) Members of the Commission appointed by the President shall serve for terms of four years and shall be eligible for reappointment, except that for the first composition of the Commission, one-third of the members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms, thereafter each member's term shall be for four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Any member of the Commission designated by reason of his office shall serve without term.

(d) While performing their duties, members of the Commission shall be reimbursed under Government travel regulations for their expenses, and members who are not employed full time by the Federal Government shall receive in addition a per diem of $100 in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) The Commission shall elect, from among its members, a Chairman and Vice Chairman. The Commission shall establish its governing rules of procedure.

"§ 5046. Location; facilities

(a) A suitable location for the Institute shall be selected by the Commission.

(b) Following the selection of a location for the Institute, the Director, with the approval of the Commission, shall:

(1) acquire such property as has been selected pursuant to subsection (a), and

(2) make such arrangements as may be necessary or desirable for the construction, equipping, and organization of the Institute.

"§ 5047. EDUCATIONAL PROGRAMS.

The Commission shall design and supervise such seminars, workshops, and training programs utilizing interdisciplinary approaches (to include law enforcement, judicial, correctional, and welfare as well as probation disciplines) which shall be appropriate to the needs of the Institute's students.

"§ 5048. ADMISSION.

(a) Each candidate for admission to the seminars, workshops, and training programs of the Institute may apply for a tuition grant to the State agency established under title I of the Omnibus Crime Control and Safe Streets Act of 1968 (82 Stat. 198; 42 U.S.C. 3701 et seq.), in the State in which the candidate resides. The Director shall prescribe the form of all applications for admission to the seminars, workshops, and training programs of the Institute and shall make the final decision concerning the admission of all students.

(b) While attending any seminar, workshop, or training program of the Institute and while traveling in connection therewith, including authorized field trips, each student may be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703(b) of title 5, United States Code.

SEC. 3. The table of contents to "Part IV—CORRECTION OF YOUTHFUL OFFENDERS" of title 18, United States Code, is amended by inserting after

"403. Juvenile delinquency__________ 5031"

the following new chapter reference:

"404. National Institute of Corrections ______________________ 5041".

SEC. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. HUMPHREY:

S. 3951. A bill to establish within the executive branch an independent board to establish guidelines for experiments involving human beings. Referred to the Committee on Government Operations.

NATIONAL HUMAN EXPERIMENTATION STANDARDS BOARD ACT

Mr. HUMPHREY. Mr. President, much invaluable research is done by the Federal agencies capable of conducting clinical investigation on human subjects. As a result, countless thousands of lives have been saved. Massive sums of taxpayers' money support such investigations. But despite several attempts to legislate national standards, no such standards exist.

Even as our Nation was shocked by the revelation of a barbaric syphilis study involving black men which had been conducted over a period of 4 decades, human experimentation continued, and continues, with neither controls, review or regulation.

A few days ago, we learned of an experiment conducted in the early 1950's on 840 women. They were given the hormone diethylstilbesterol—DES—and now their daughters, aged 15 to 21, are found to have an alarmingly high rate of malignancies. One girl has died. One of the participants in the experiment, in 1950, was only advised she had been part of an experiment in August 1972.

Laws are needed now. But the Congress must be very careful as to how it proceeds.

Laws which make each agency ultimately responsible for the nature of its own experiments are inadequate. What is needed is not a plethora of guidelines, review panels, commissions, and so forth, but a single body capable of reviewing human experimentation programs, establishing national standards, and having the authority to take quick and decisive action if abuses occur. This body should be independent of the agencies conducting the experiments, and dissociated from the experiments themselves.

For this reason, I propose the establishment of a National Human Experimentation Standards Board.

The National Human Experimentation Standards Board would be a separate agency of the executive branch and would operate unencumbered by the guidelines or policies of any single agency. It would be free of any considerations other than those of a medical, social, and ethical nature. The Board would develop national standards which would apply with equal weight to any human experimentation study where Federal dollars are being spent.

The Congress would indeed be remiss if it established a human experimentation review board or boards selected by, and reporting to, the same official in the Government who might also be responsible for the approval of the study.

The question of independence, therefore, is essential to the establishment of a human experimentation standards board. Of equal importance, however, is that the board, knowledgeable in clinical investigations, be empowered to determine the standards of such investigations. The Congress of the United States should not take such powers onto itself. Indeed, the Congress should facilitate the Board's capability to adapt its standards as new discoveries or clinical advances become established among the medical profession.

WHO VOLUNTEERS FOR MEDICAL EXPERIMENTS?

The Congress would make a serious error in adopting measures which establish informed, voluntary consent as the primary standard governing human experimentation.

We have all personally experienced situations in which we were either subtly or overtly coerced into volunteering for something. Does anyone here honestly believe that there is a total absence of subtle pressures, including psychological pressures, in every case involving prisoners serving extended sentences who volunteer for medical projects in the belief that they might get "good time" before the parole board? Parole boards are under no obligation whatsoever to commit themselves to reducing the sentences of those who volunteer in our prisons; indeed, established policy is the contrary. However, we are all aware of cases such as the Leopold case, where parole has occurred accompanied by public statements indicating that the parole resulted from an exceptional voluntary contribution to the advance of medical science.

I submit that consent is a totally inadequate standard for human experimentation. After all, the tragic case of the Tuskegee volunteers demonstrated beyond any doubt the fact that $50 plus burial expenses served as an inducement to the participants to continue in the study.

Consent is often granted under duress, as in cases where a family member is critically ill, and permission is given to try anything. In general, however, it is not clear that where consent is granted, most people know what they have consented to. In fact, the reverse appears to be true.

The famous medical authority Henry Knowles Beecher of Harvard has recently written a book, "Research and the Individual," which is a monument in the field of human experimentation. He writes:

> Lay subjects, sick or well, are not likely to understand the full implications of complicated procedures, *even after careful explanation.*

Who are the people who have been the subjects of medical experiments? The clear and shocking implications of the most recently revealed experiments indicate that the powerless, the poor, the least educated, and members of minority groups are the likeliest human guinea pigs.

Those who are confined, and for whom the experiment at least appears to be a way out of confinement, volunteer their bodies.

Those for whom as little as a $50 payment, or in the case of prisoners, $1 a day, constitutes an inducement, permit experimentation on their bodies.

Those who have been duped, as in the case of the women—mainly Chicano women—who thought they were being given aids to contraception. They too, are the likely subjects of experimentation.

It is those who cannot understand what is being done to them that constitute by far the largest numbers among human experimentation subjects.

Children, the institutionalized and even mentally retarded, they too are the subjects of human experimentation.

In a Missouri prison, 36 volunteers were paid to take part in a malaria experiment. The prisoners were not offered a reduced sentence. At the conclusion of the experiment when the 36 human subjects were compared to prisoners who had not volunteered, there was no difference whatsoever between the levels of comprehension of the two groups as to the nature of the experiment, or what malaria was. Yet, the volunteers had been briefed and had given their informed consent before participating. The study disclosed that in this case about half the prisoners who volunteered had done so for the remuneration.

J. D. Arnold has conducted several investigations into the nature of human experimentation studies. He writes:

> The stake in medical progress involves all classes of people. There is reason to believe . . . that the lower socio-economic groups are the most acutely concerned.

It may be categorically stated that those most likely to purchase and benefit from newly-tested drugs have virtually no likelihood of ever participating in the tests which make new drugs possible.

In his book, "Research and the Individual," Dr. Beecher cites the work of E. E. Smith, whose article, "Obtaining Volunteers for Research," appeared in a 1962 edition of American Psychology magazine.

According to Dr. Beecher's sources, the U.S. Employment Service is considered to be an extremely good source for obtaining volunteers for human experimentation, and it does not hurt to let the U.S. Employment Service know when the experiment is Government financed.

It is contended in this book that those referred by the U.S. Employment Service are much more amenable than students, who tend to anticipate goals and by virtue of their natural curiosity about what is happening to them, are less desirable. It is apparently not necessary to go through channels to gain the cooperation of the U.S. Employment Service.

Dr. Beecher's book further notes that military reserve units are also considered a good source for human volunteers. Again, there is not much redtape involved and if the project is Government financed, so much the better.

The very fact that Government sponsorship or Government funds facilitate the determination of who becomes a clinical investigation subject must make us extremely chary of how we permit these funds to be used.

Dr. Beecher's book cites several other probable sources for medical research volunteers. Operational military units were said to be good sources because the military volunteers were superior to students in their greater naivete regarding the research. The military volunteers were thought to be better motivated and, of course, much more likely to be available for longer periods of time.

Prisoners and firemen were also among the frequent subjects of medical research involving human beings. Other subjects included students, hospital and laboratory personnel, patient volunteers, and members of certain religious or conscientious objector groups.

Many States have laws and regulations governing the basis for the use of prisoners in human experimentation. Some States, however, do not stipulate in the regulations that the subjects should have given their informed consent prior to the experiment.

Informed consent legislation has proved difficult to interpret. Such language was added to the Food, Drug, and Cosmetic Act of 1962, but no overall, standard policy has resulted as yet.

There is just beginning to be amassed a body of data concerning the mental states of those who volunteer for human experiments. In the past, normal subjects were presumed mentally healthy and were usually only examined in terms of their physical health. One study, however, shows that psychiatric tests indicated psychopathology in 46 percent of those who volunteered for hallucinogen studies and they were thought to have volunteered, in the main, due to their maladaptive personality traits.

I hasten to assure the Congress and the public at large that I would not hamper the extraordinary legitimate research in our Nation which has saved so many lives and brought so many of us from sickness to health. Certainly, the overwhelming majority of research is conducted with the strict observance of both medical and ethical considerations. But we must act very carefully, to protect our country from abuses in experiments on human beings, however rare such abuses might, in fact, be.

Let us recall Hippocrates admonition:

> Life is short, and the art long; the occasion instant, decision difficult, experiment perilous.

WHO CONDUCTS HUMAN EXPERIMENTATION?

Professional estimates indicate that 85 to 90 percent of all clinical investigations are Government sponsored and funded.

It is difficult to determine how many agencies or projects there might be since, in some instances, medical investigations are not clearly stated as involving human subjects.

The principal Federal agencies concerned are the Veterans' Administration, the Department of Defense—the Army, Air Force, and Marine Corps—and the National Institutes of Health.

Even the Atomic Energy Commission can become involved in licensing the use of radioisotopes for experimental purposes.

The Congress should act now. There is every indication that clinical investigations will be enormously proliferated in years to come, as cancer research and other major investigative efforts are stepped up.

LEGISLATIVE ACTION ON CONTROL OF EXPERIMENTS INVOLVING HUMANS

A decade ago, a significant amendment was added to the Food, Drug, and Cosmetic Act to provide a statutory basis for policies governing investigations of new drugs.

According to the provisions of this law, manufacturers were to report to the Secretary, projecting the planned clinical tests and including material on preclinical trials on animals, et cetera.

The persons conducting the clinical investigation were to assume direct responsibility for the patients, supervise them directly, and not give out the drug to anyone else to use while tests were still going on.

Of course, since that time we have seen drugs—such as thalidomide—which were widely distributed before they were finally tested and approved. It was later discovered that thalidomide adversely affected thousands of unborn infants.

The 1962 law also defined a new drug, and included in its definition drugs to which new components were added. Commercial distribution and test marketing of drugs were prohibited until such time as the new drug application was acted upon by the Food and Drug Administration.

Finally, the sponsor of the investigation was to obtain signed statements of informed consent from the participants in the experiment. If the subjects themselves could not sign, however, the decision regarding investigation was to be left to the professional judgment of the investigator.

THE NATIONAL HUMAN EXPERIMENTATION STANDARDS BOARD

The National Human Experimentation Standards Board would be an independent agency in the executive branch of the Government. Its members would be appointed by the President by and with the advice and consent of the Senate.

The members of the Board would be persons of demonstrated knowledge, education, and experience in the field of clinical investigations. Each member would serve for a period of 3 years, and would be eligible for reappointment for one additional term.

The members of the Board would be authorized to appoint personnel, and fix the compensation of the personnel in accordance with the provisions of title 5 of the United States Code.

The Board would make the rules which would govern its functions, and have the right to delegate authority.

Experts and consultants could be made available, under the terms of section 3109 of title 5, United States Code.

The Board could appoint one or more advisory committees to be composed of such private citizens and officials of government at all levels as the Board would deem suitable.

The services and facilities of other agencies of Government would, with their consent, be called upon. Other services of a voluntary and uncompensated nature could be accepted by the Board, notwithstanding the provisions of section 3676 of the revised statutes, and unconditional gifts of services or property could be accepted as well.

The Board could enter into contracts or agreements with other public or private nonprofit entities to conduct studies as required by the provisions of this act.

The Federal agencies are authorized and directed to make available to the Board whatever services or information the Board whenever services or information the Board requests, insofar as practicable.

The Chairman and members of the Board would be compensated, respectively, at levels 3 and 4 of the executive pay schedule.

The Board would have subpena powers, and the right to hold hearings. Those who conducted experiments and failed to respond to the Board could be held in contempt of court.

The Board would establish national guidelines for human experimentation in those projects financed by Federal funds. Any experiment could be reviewed in its formulative stages to insure its compliance with the guidelines.

Where experiments already underway are found not to comply with established guidelines, the Board could obtain an injunction to discontinue the experiment.

The Board would submit an annual report to the President which would be transmitted to the Congress with recommendations regarding legislation.

Mr. President, I ask unanimous consent that the text of the National Human Experimentation Standards Board Act be printed at this point in the RECORD, together with the August 30, 1972, Washington Post article on DES experimentation.

There being no objection, the bill and article were ordered to be printed in the RECORD, as follows:

S. 3951

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "National Human Experimentation Standards Board Act".

ESTABLISHMENT OF BOARD

SEC. 2. (a) There is hereby established, as an independent agency in the executive branch, a National Human Experimentation Standards Board (hereinafter referred to as the "Board").

(b) The Board shall be composed of 5 members to be appointed by the President by and with the advice and consent of the Senate from among individuals who by virtue of their service, experience, or education are especially qualified to serve on the Board. The members shall select a Chairman and a Vice Chairman from among their membership. The terms of office of each member of the Board shall be 3 years except that—

(1) the members first appointed shall serve, as designated by the President, 1 for a term of 1 year, 2 for a term of 2 years, and 2 for a term of 3 years;

(2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed; and

(3) a member shall be eligible for reappointment for one additional term.

(c) Any vacancy in the Board shall not affect its powers and 3 members of the Board shall constitute a quorum except that the Chairman may prescribe a lesser number to constitute a quorum for the purpose of conducting hearings.

(d) Members should be chosen from persons who are representative of the fields associated and concerned with clinical investigations.

ADMINISTRATIVE POWERS

SEC. 3. (a) In order to carry out the provisions of this Act, the Board is authorized to—

(1) appoint and fix the compensation of personnel of the Board in accordance with the provisions of title 5, United States Code;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Board and delegate authority to any officer or employee;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise it with respect to its functions under this Act;

(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 3676 of the Revised Statutes;

(7) accept unconditional gifts of donations of services, money, or property, real, personal, or mixed, tangible, or intangible;

(8) take such actions as may be required for the accomplishment of the objectives of the Board; and

(9) make contracts with public or private non-profit entities to conduct, studies related to the purposes of this Act.

(b) Upon request made by the Board, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Board in the performance of is functions with or without reimbursement.

(c) Each member of a committee appointed pursuant to clause (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall be compensated at the rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

(d) (1) The Board or any duly authorized subcommittee or member thereof may, for the purposes of carrying out the provisions of this Act, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Board or such subcommittee or member may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Board, and may be served by any person designated by the Chairman or such member.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Board, shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or a subcommittee or member thereof, there to produce evidence if so ordered, or there to give testimony touching the matter under inquiry. Any failure of such person to obey any such order of the court may be punished by the court as a contempt thereof.

COMPENSATION

SEC. 4. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Chairman, National Human Experimentation Standards Board."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(96) Members, National Human Experimentation Standards Board (4)."

FUNCTIONS

SEC. 5. (a) It shall be the function of the Board to—

(1) establish guidelines for the involvement of human beings in medical experiments which are funded in whole or in part with Federal funds;

(2) review all planned medical experiments that involve human beings which are funded in whole or in part with Federal funds to determine if the guidelines established under paragraph (1) are being complied with;

(3) obtain an injunction to prevent such experimentation in a case where such experiments are found not to comply with established guidelines; and

(4) prepare and submit an annual report to the President, for transmittal to the Congress recommending legislation, if required, and detailing the performance of the Board during the preceding year.

Testing of DES in Early 1950's Disclosed

(By Bernard Gavzer)

Chicago.—A synthetic female hormone—recently associated with cancer—was given to 840 pregnant women here in 1950–52 as part of a clinical experiment of which they were unaware. The cases are only now being followed up.

The hormone is diethylstilbesterol, also called DES or stilbesterol. In the late 1960s three Boston researchers found "a highly significant association" between DES and vaginal cancer among the daughters of women there who had taken the drug to prevent miscarriage. The daughters were 16 to 23 years old when the malignancies were identified and treated. One of them died.

(Late last year, the Food and Drug Administration said it was requiring the manufacturers of DES and similar hormones to change the prescribing instructions to warn that they must not be used in pregnancy.)

At the time of the Chicago experiment, physicians had no reason to suspect DES of cancer-causing potential in the patients' children.

Dr. Charles McCartney, who participated in the experiment, said its purpose was to determine whether DES was really helpful in preventing complications of pregnancy, as was widely believed then. The answer from the experiment was negative, he said.

The study was conducted at the University of Chicago's Department of Obstetrics and Gynecology among patients at Chicago's Lying-in Hospital from Sept. 28, 1950, through Nov. 20, 1952.

As each woman registered at the hospital's prenatal clinic during that period, she was automatically entered into the experiment. There were 2,162 in all, but the group was subsequently reduced to 1,646. Of these, 840 were given DES. The others received placebos, or tablets containing no drugs.

Which pill the patient received depended on whether she was an even or odd number or consecutive order. Not even clinicians who attended the women know which tablets had DES because they were concealed in a code.

Describing the manner in which the experiment was conducted, the researchers reported:

"Every patient on registering in our prenatal clinics who was thought to be pregnant between six to 20 weeks, inclusive, was offered a box of tablets without charge. Included were women who were known to have complications such as chronic hypertensive vascular disease, diabetes mellitus, or repeated abortions.

"Each patient was told that previous reports indicated that the tablets were of value in preventing some of the complications of pregnancy and that they would cause no harm to her or her fetus." The report appeared in the American Journal of Obstetrics and Gynecology, Vol. 66, 1953.

The chief author of the report was the late Dr. William J. Dieckmann, chairman of the Department of Obstetrics and Gynecology as well as chief of staff of the hospital. He died in 1957.

Dr. McCartney, who participated in the experiment, said Dr. Dieckmann urged the study because "thousands of women were taking stilbestrol and a great deal was written about the increased salvage rate in high-risk pregnancies . . . Dr. Dieckmann was skeptical . . ."

Dr. McCartney said the experiment was conducted in an era in which there was "no such thing as informed consent." He said, "Informed consent is a current regulation. Now they have very rigid controls. It's done by committee and all that. At that time there were no regulations like that . . .

"At the time of the experiment, there was nothing known about the malignancy potential of this material. Indeed, this still has to be determined."

MAY HOLD ANSWER

Dr. McCartney said the Dieckmann study is of particular value today because it may hold the answer to whether there is a time-bomb effect to DES use.

"As the only satisfactory, scientifically controlled study dealing with the administration of stilbestrol," he said, "it provides a basis for studying the long-range effect of use of the drug during pregnancy.

"It would help us a great deal if the patients in the study can be traced."

The job of tracking down the women involved in the experiment and their children has fallen to Dr. Frederick P. Zuspan, chairman of the Department of Obstetrics and Gynecology and chief of staff at Chicago Lying-in. Zuspan did not take part in the experiment. Officials at Chicago lying-in declined to answer questions about the experiment and directed all inquiries to Zuspan.

"I can answer no questions regarding the study or plans for a follow-up," Zuspan said.

However, a follow-up is in the works. It was learned 1,600 letters had been sent over Zuspan's signature.

A Chicago mother who was involved in the experiment said:

"I first learned of it when I received a letter from the university dated Aug. 8, 1972. I had never been told I was part of an experiment.

"I had no trouble conceiving. I had never had a miscarriage or aborted. I already had one child. There were no complications at all about my pregnancy. I was amazed to learn I was in such an experiment."

She does not know whether she received DES or the blank tablets. Her daughter, who will be 21 in October, has had only one serious illness and that resulted from a ruptured appendix.

The identities of the women who participated in the experiment are known only to Chicago Lying-in officials.

The first indication there might be some association between DES-treated mothers and the occurrence of vaginal cancer in their daughters was contained in a report April 22, 1971, in the New England Journal of Medicine.

EACH TREATED WITH DES

Drs. Arthur Herbst, Howard Ulfelder and David Peskanzer, working at Vincent Memorial Hospital, were mystified by seven cases of vaginal cancer which came to the hospital's attention during the period 1966–69. The patient's ages ranged from 15 to 22. This was considered rare. In the detective work that followed, the investigators sought a variety of explanations and discovered that in each case, the mother had been treated with DES during pregnancy.

The scientists then reported:

"There is a highly significant association between the treatment of the mothers with estrogen diethylstilbestrol during pregnancy and the subsequent development of adenocarcinema of the vaginas in their daughters."

They said, "The time of birth of these patients (1946 to 1951) coincides with the beginning of widespread use of estrogens in support of high-risk pregnancy.

"It is likely that more patients with the tumor will appear as girls who were exposed in utero come to maturity. Furthermore, although our eldest patient was discovered at the age of 22 years, it is possible that these tumors will appear in even older women as the 'at risk' populations matures."

The women who participated in the Chicago experiment were given doses of DES early in pregnancy and the dosage was increased regularly. According to the researchers' report, early doses contained five to 25 miligrams of DES. "In the course of pregnancy, doses increased to as much as 150 mg daily in the 34th and 35th week," the researchers said.

Diethylstilbestrol is still in use. It is prescribed primarily for cancer of the prostate in men, and for menopausal symptoms in women, and in some cases for treatment of breast cancer in women. In some drugs it is combined with male hormones.

By Mr. TOWER:

S. 3952. A bill to provide increased job training opportunities for people with limited English-speaking ability by establishing a coordinated manpower training program, a teacher training program for instructors of bilingual job training, and a capability to increase the development of instructional materials and methods for bilingual job training. Referred to the Committee on Labor and Public Welfare.

BILINGUAL JOB TRAINING ACT OF 1972

Mr. TOWER. Mr. President, I am today introducing the Bilingual Job Training Act of 1972.

For some time now, the Federal Government has undertaken in a variety of forms the task of providing equal educational and economic opportunities for our disadvantaged and minority group citizens. In the field of manpower training, which this proposal addresses, some progress has been made in providing job security for our citizens who lack adequate preparation for many employment opportunities. Unfortunately, this progress has not been consistent across the full spectrum of our society. For instance, a great deal more could be done to provide the tools necessary for those with limited English-speaking ability and those whose culture is very different from that of the English-speaking majority.

Coming from the State of Texas, I can speak with some knowledge about the plight of our Mexican American citizens whose primary language is Spanish. There has been progress in providing many Mexican Americans with those skills needed to become productive members of our society. For instance, Operation SER, Jobs for Progress, is a Spanish-speaking organization primarily involved in scope, Operation SER has had a tremendous impact in many communities across Texas. Other Spanish-speaking service organizations have also been very much involved in teaching Spanish-speaking individuals the proper skills in order to achieve economic success and security.

Nevertheless, I have become convinced of the great need for more direction at the Federal level so that these needed skills may be obtained by those in our society who do not speak English as their primary language. While the Department of Labor and other agencies of the Government have in the past 4 years increased their emphasis on assisting these people, it is apparent that more can be done with the resources available to us.

Additionally, many manpower training

programs have been unable to include a component recognizing the simple fact that Spanish—or some other language—is the participant's primary language. Since these programs are English-based the services offered do not reflect the needs of those for whom they are intended.

A number of vocational training institutions in the State of Texas have also been devoting their efforts toward providing job training for persons with Spanish-speaking backgrounds and some excellent programs have been developed. However, almost without exception, the programs embrace a preliminary basic education program, perhaps followed by a pre-vocational program. Both of these programs are aimed at developing enough English-language ability to allow the participants to be trained in conventional English-language courses, or at best in such English-language courses supplemented by coaching in Spanish. Thus, the participant who is interested in job training is forced into a holding pattern before he is even able to enroll in the training he may desperately need and desire. Naturally, the psychological and economic factors involved result in a high dropout rate.

Mr. President, the legislation I am introducing today is intended to assist the bilingual individual in closing the gap between his own ability and that of others in our society caused by his language and his culture. Further, it is intended to allow the participant to utilize his cultural experience rather than sacrifice it. It is most important that we realize that America's Spanish-speaking and other bilingual people want to achieve success in our society while retaining pride in their own heritage. In implementing socioeconomic programs intended to benefit the disadvantaged, Government should keep this in mind so that the programs will effectively utilize the participants' own experience and background.

This basic fact was well stated in a recent report issued by the Inter-Agency Committee on Mexican American Affairs. The report opened with the following paragraph:

> In addressing ourselves to the special problems of the Mexican-American in education, we must keep in mind that the Mexican-American does not want, nor is he going to accept, systems and techniques which may provide a skill at the expense of his culture and identity.

I think it is safe to assume that this premise exists among all people in our Nation whose main language is something other than English. The bill I am introducing today, focuses upon manpower training in a way that would utilize the background of the bilingual person so that it would not become a crutch in his efforts to achieve economic security. At the same time, the programs as implemented, would be flexible enough to allow for English training when needed. It would be, therefore, intercultural in many respects placing emphasis upon the needs of the individual trainee rather than a particular technique or method.

Part B of the legislation provides for assistance to States, local educational institutions and certain private nonprofit organizations to enable them to conduct bilingual training programs primarily in a language other than English. This is the major section of the bill and would receive 65 percent of the funds appropriated.

Part C would provide grants to State and educational institutions so that they could provide training for teachers and related educational personnel to enable them to participate in bilingual job training programs. It would also provide inservice and development programs to improve the qualifications of those persons participating in the programs. In my research on this overall problem, I found that this type of training was greatly needed and was not being given enough priority by the Federal Government to have a significant impact.

Part D is intended to provide for the development of instructional materials such as textbooks and audiovisual materials. I believe that this type of research and development is very important if this manpower training effort is to keep up with our complex and changing technology and occupational needs.

Mr. President, I sincerely believe that this approach can result in very productive results for our governmental effort to assist the disadvantaged. While I am convinced that it can have a lasting positive impact on all segment of the bilingual community, as a Texan I am particularly interested in the Spanish-speaking American. I am convinced that the Spanish-speaking American has a great deal to offer this Nation and is, for the most part, concerned with obtaining equal opportunity in our society. He is singularly uninterested in welfare. An increased job training effort would be welcomed by the Spanish-speaking community. If we are to remove the vestiges of second class citizenry within this community, I think programs such as the Bilingual Education Act, minority enterprise development, and this Bilingual Job Training Act offer the best type of public response.

In considering legislation of this nature one cannot easily disregard the fact that the average median income of Spanish-speaking families is nearly $3,000 below the average for the rest of our population. Nor can one easily disregard the unemployment rate which is also above the national average, or the fact that approximately one out of every five adults of Spanish origin has completed less than 5 years of schooling compared with only one out of 25 for all others.

My proposal, therefore, represents an investment in the future to assist many of our disadvantaged citizens who, through no fault of their own, have experienced many difficulties. Ultimately, as opposed to a welfare program, it represents an investment toward a stronger nation from both a cultural and an economic standpoint. A meaningful program emphasizing job training and economic security will have the effect of reducing welfare dependency and increasing our economic output.

For these reasons, I am hopeful that Congress will give this legislation its very careful consideration. It entails a program that offers great potential for many of our citizens and for the Nation as a whole.

Mr. President, I ask unanimous consent that the full text of this measure be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

BILINGUAL JOB TRAINING

PART A—GENERAL PROVISIONS

SHORT TITLE

SEC. 101. This act may be cited as the Bilingual Job Training Act of 1972.

CONGRESSIONAL STATEMENT OF FINDINGS AND PURPOSE

SEC. 102. The Congress hereby finds that one of the most acute problems in the United States is that which involves millions of citizens, both children and adults, whose efforts to profit from job training is severely restricted by their limited English-speaking ability because they come from environments where the dominant language is other than English; that these persons are therefore unable to help to fill the critical need for more and better-trained personnel in many vital occupational categories; and that such persons are unable to make their maximum contribution to the nation's economy and must, in fact, suffer the hardships of unemployment or under-employment. The Congress further finds that there is a critical shortage of instructors possessing both the job knowledge and skills and the dual language capabilities required for adequate instruction of such language-handicapped persons, and a corresponding shortage of instructional materials and of instructional methods and techniques suitable for such instruction.

It is therefore the purpose of this Act to provide for the conduct of job training programs in the combined languages of English and of the person's dominant language and, further, to provide for the development of skilled instructors and of instructional materials and techniques for bilingual job training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 103. There are hereby authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, and $60,000,000 for the fiscal year ending June 30, 1975, for the purpose of making grants in accordance with the provisions of Parts B, C, and D of this Act: *Provided,* That 65 per centum shall be for grants pursuant to part B of this Act, 25 per centum shall be for grants pursuant to part C of this Act, and 15 per centum shall be for grants pursuant to part D of this Act.

DEFINITIONS

SEC. 104. For the purpose of this Act—

(a) The term "job training" means training or retraining which is given in schools or classes (including field or laboratory work and remedial or related academic and technical instruction incident thereto) under public supervision and control or under contract with a State board or local education agency or is conducted as part of a program designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment in occupations which the Commissioner of Education determines, and specifies by regulation, to be generally considered professional which requires a baccalaureate or higher degree; such term includes guidance and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations to which the students are in training or instruction necessary for students to benefit from such training; the training of persons engaged as, or preparing to become teachers in a job training program; travel of students and job training personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.

(b) The term "Secretary" means the Secretary of Labor.

(c) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(d) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of an educational program.

(e) The term "high school" does not include any grade beyond grade 12.

(f) The term "post-secondary educational institution" means an institution legally authorized to provide post-secondary education within a State for persons sixteen years of age or older who have graduated from or left elementary or secondary school.

(g) The term "private vocational training institution" means a business or trade school, or technical institute or other technical or vocational school, in any State, which (1) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution, and (2) is legally authorized to provide, and provides within that State, a program of training designed to fit individuals for useful employment in recognized occupations.

GENERAL RESPONSIBILITIES OF THE SECRETARY OF LABOR

SEC. 105. The Secretary shall, in addition to the specific responsibilities imposed by this act, (1) develop and disseminate accurate information on the status of bilingual job training in all parts of the nation, (2) evaluate the impact of such bilingual job training on the shortages of well-trained personnel, the unemployment or under-employment of persons of limited English-speaking ability and the ability of such persons to contribute fully to the nation's economy, and (3) report his findings annually to the Congress.

PART B—STATE BILINGUAL JOB TRAINING PROGRAMS

AUTHORIZATION OF GRANTS

SEC. 106. From the sums made available for grants under this part pursuant to section 103, the Secretary is authorized to make grants to States, local educational agencies, post-secondary educational institutions, private vocational training institutions, or to such non-profit organizations especially created to serve a group whose language as commonly used is other than English, in supplying training and employment in recognized occupations and new and emerging occupations, to assist them in conducting bilingual job training programs for persons of all ages in all communities of the States which are designed to ensure that job training programs are available to all individuals who desire and need such bilingual job training.

USE OF FEDERAL FUNDS

SEC. 107. Grants under this part may be used, in accordance with applications approved under section 108, for the following purposes:

(a) Bilingual job training programs for high school students which are designed to prepare them for entry into a work situation upon graduation from high school.

(b) Bilingual job training programs for persons who have completed or left elementary or secondary school and who are available for training by a postsecondary educational institution.

(c) Bilingual job training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment.

(d) Training allowances for participants in bilingual job training programs subject to the same conditions and limitations as those set forth in section 2583 of the Manpower development and Training Act of 1962 as amended by the Manpower Act of 1965.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 108. (a) A grant under this part may be made to State boards of vocational education upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such applications shall—

(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the State board for vocational education;

(2) set forth a program for carrying out the purposes set forth in section 107 and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

(3) set forth a program of such size, scope, and design as will make a substantial step toward achieving the purpose of this act;

(4) set forth policies and procedures which assure an equitable distribution of funds for the purposes stated in section 107 and among the various potential applicant agencies within the State;

(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(6) provide for making an annual report and such other reports in such form, and containing such information, as the Secretary may reasonably require to carry out its functions under this Act and to determine the extent to which funds provided under this part have been effective in improving the training opportunities of persons in the area served, and for keeping records and for according such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) A grant under this part may be made directly to a local educational agency or agencies, or to postsecondary educational institutions, or to private vocational training institutions, or to such non-profit organizations especially created to serve a group whose language as commonly used is other than English, in supplying training and employment in recognized occupations and new and emerging occupations, upon application to the Secretary at such time or times as the Secretary deems necessary, but only if and when the agency of this State which serves the State Board of Vocational Education approves such application in advance. Such application shall conform to the same requirements as those listed under subsection (a) above.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

SEC. 109. (a) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant under the application for the purposes set forth therein.

(b) Payments under this part may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment.

PART C—TEACHER TRAINING PROGRAM

AUTHORIZATION OF GRANTS

SEC. 110. From the sums made available for grants under this part pursuant to section 103, the Secretary is authorized to make grants to States or directly to educational institutions, either public or private, to assist them in conducting training for instructors of bilingual job training programs.

USE OF FEDERAL FUNDS

SEC. 111. Grants under this part may be used for the following purposes: (a) Providing preservice training designed to prepare persons to participate in bilingual job training programs as instructors, aides, or other ancillary education personnel such as counselors, and inservice and development programs designed to enable such persons to continue to improve their qualifications while participating in such programs.

(b) Fellowships or traineeships for persons engaged in such preservice or inservice training.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 112. (a) A grant under this part may be made upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such application shall contain—

(1) a description of the nature, duration, purpose and plan of the proposed training program;

(2) full information as to the capabilities of the applicant institution to teach the job-skills content of the programs for which persons are being trained, including a listing of the job training courses offered by that institution together with the indication of approval by State agencies and/or accreditation by regional or national accrediting associations;

(3) the qualifications of the principal staff who will be responsible for the training including, specifically, information to show that such principal staff is qualified to teach in the language other than English to be used in the bilingual job training program for which the persons are being trained;

(4) a statement of the minimum qualifications of persons to be enrolled in the training program, a description of the processes to be used in the selection of persons to be trained, and the amounts of fellowships or traineeships to be granted to the persons enrolled;

(5) a justification of the amount of grant funds requested; and

(6) such control and fund accounting for Federal funds paid to the applicant.

(b) The Secretary may approve applications for grants under this part only if—

(1) the applications meet the requirements set forth in subsection (a);

(2) the Secretary determines that bilingual job training programs requiring the services of the persons to be trained have been or will be actually conducted in the State or States being served and that enrollees will be selected from or for such programs; and

(3) the Secretary determines that the applicant institution actually has on-going job training programs in the field for which persons are being trained; and that the applicant institution can provide instructors with adequate language capabilities in the language other than English to be used in the bilingual job training program for which the persons are being trained.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

PAYMENTS

SEC. 113. (a) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant under the applications for the purposes set forth therein.

(b) Payments under this part may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment.

PART D—DEVELOPMENT OF INSTRUCTIONAL MATERIALS, METHODS AND TECHNIQUES

AUTHORIZATION OF GRANTS

SEC. 114. From the sums made available for grants under this part pursuant to section 103, the Secretary is authorized to make grants to States, to educational institutions, either public or private, or to other organizations, either profit or non-profit, to assist them in developing instructional materials, methods or techniques for bilingual job training.

USE OF FEDERAL FUNDS

SEC. 115. Grants under this part may be used for—

(a) research in bilingual job training;

(b) training programs designed to familiarize State agencies and training institutions with research findings and successful pilot and demonstration projects in bilingual job training;

(c) experimental, developmental and pilot programs and projects designed to test the effectiveness of research findings; and

(d) demonstration and dissemination projects.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 116. (a) A grant under this part may be made upon application to the Secretary at such time or times, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Such applications shall contain—

(1) a description of the nature, duration, purpose and plan of the project;

(2) the qualifications of the principal staff who will be responsible for the project.

(3) a justification of the amount of grant funds requested; and

(4) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

(b) The Secretary may approve applications for grants under this part only if—

(1) the application meets the requirements set forth in subsection (a);

(2) the program set forth in the application is consistent with criteria established by the Secretary (where feasible, in cooperation with the State educational agency) for the purpose of achieving equitable distribution of assistance under this part within each State.

(c) Amendments of applications shall, except as the Secretary may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

PAYMENTS

SEC. 117. (a) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant under the application for the purposes set forth therein.

(b) Payments under this part may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment.

By Mr. ROBERT C. BYRD:

S. 3954. A bill to amend the Internal Revenue Code of 1954 to permit the deduction of a portion of State sales taxes on motor vehicles which are imposed at a rate higher than the general sales tax rate. Referred to the Committee on Finance.

Mr. ROBERT C. BYRD. Mr. President, I send a bill to the desk and ask that it be appropriately referred.

This bill will correct, what I believe to be, an unjust Treasury Department regulation, administered by the Internal Revenue Service, as it applies to the State of West Virginia, and incidently, also to the State of Vermont.

West Virginia currently has in effect a motor vehicle privilege tax, which until very recently has been treated by the Internal Revenue Service as a sales tax on automobiles. As long as this automobile tax was 3 percent—the same rate as West Virginia's general sales tax—the IRS treated it as a sales tax and West Virginians were allowed to deduct these payments on their Federal tax returns.

Last year, the West Virginia Legislature raised this vehicle privilege tax rate to 5 percent, and IRS has now ruled that since this tax exceeds the 3 percent sales tax rate, none of this amount can be deducted from Federal returns. I believe this is an erroneous and an unfair ruling. My bill, if enacted, will permit West Virginians to deduct 3 percent of this 5 percent automobile privilege tax from their returns, and it would make this provision retroactive to January 1971, in order that those who have purchased automobiles since this tax ruling will be covered.

I ask unanimous consent to include in the RECORD a news clipping from the Huntington, W. Va., Herald-Dispatch of August 30, which further explains the need for such relief as would be provided by my bill.

There being no objection the news article was ordered to be printed, as follows:

WEST VIRGINIA LEGISLATORS SEEK NEW RULING ON TAX DEDUCTION

CHARLESTON, W. VA.—The state's two top legislators are going to Washington to try to obtain relief from a ruling that has deprived West Virginia car buyers of a federal income tax deduction.

Senate President Hans McCourt, D-Webster, said Tuesday he and House of Delegates Speaker Lewis N. McManus, D-Raleigh, plan to go to Washington soon after Congress reconvenes Sept. 5.

After conferring with members of the West Virginia delegation, they will seek a meeting with Rep. Wilbur D. Mills, D-Ark., House Ways and Means Committee chairman, McCourt said.

Their purpose, he said, will be to investigate the possibility of obtaining federal legislation to nullify an Internal Revenue Service ruling involving West Virginia's motor vehicle privilege tax.

The tax is imposed when a car title is issued or transferred. It formerly was 3 per cent of the purchase price, less trade-in. Since the rate paralleled that of the state's 3 per cent sales tax (which does not itself apply to cars), the IRS treated it as a sales tax and permitted taxpayers who itemize deductions to deduct payments of the state tax on their federal returns.

Then last year the legislature raised the vehicle privilege tax rate to 5 per cent. Since the rate now exceeded that of the sales tax, the IRS refused to treat the privilege tax any longer as a deductible sales tax. The IRS would not even permit deduction of the privilege tax portion that equalled the sales tax—that is, 3 per cent of the 5 per cent total.

West Virginians who bought cars last year and paid the 5-per-cent tax were not permitted to deduct the payments on their federal returns. The same thing happened to car buyers in Vermont, the only other state affected by the IRS ruling.

"We don't think that Congress intended to treat people in Vermont and West Virginia any different from people in any other state," McCourt said.

McCourt said he and McManus feel seeking corrective federal legislation is "a better approach" than to try to change state law. He added:

"The speaker and I feel that any way we change our state law (to restore a deduction) is going to cause us considerable problems, either in administration or loss of revenue."

The privilege tax brings in about $23 million a year at the 5 per cent rate. All proceeds are earmarked for the state road fund.

The 1972 legislature considered a bill to separate the 5 per cent tax into two taxes of 3 and 2 per cent, with the view that at least the 3-per-cent tax would be deductible on federal returns. But the lawmakers were unable to develop a version acceptable to the leadership from the standpoint of administrative workability and avoidance of revenue loss, and nothing was passed.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2087

Mr. HRUSKA. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of S. 2087, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police of officers killed in the line of duty. My understanding is that the Senator from South Carolina had thought he was already a cosponsor and had made such a request. This request is made to make sure that he will have his name on it.

I also ask unanimous consent that the names of the Senator from Delaware (Mr. BOGGS), the Senator from Michigan (Mr. GRIFFIN) and the Senator from Illinois (Mr. PERCY) be added as cosponsors of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3812

At the request of Mr. CHURCH, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 3812, a bill to authorize the appropriation of funds to the Department of Transportation for the use of the Washington Metropolitan Area Transit Authority for the purpose of assuring that the facilities of the Metro Rapid Transit System are accessible to the physically handicapped, and for other purposes.

S. 3871

At the request of Mr. BOGGS, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 3871, a bill to amend the Federal Aviation Act of 1958 in order to provide a more effective program to prevent aircraft hijacking, and for other purposes.

S. 3877

At the request of Mr. BELLMON, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3877, a bill to prohibit the impoundment of funds for the Highway Trust Fund.

SENATE RESOLUTION 357—SUBMISSION OF A RESOLUTION TO REFER S. 3953 TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. SPONG, for himself and Mr. SPARKMAN, submitted the following resolution:

S. Res. 357

Resolved, that the bill (S. 3953) entitled "A bill for the relief of Datronics Engineers, Inc.", now pending in the Senate, together with all the accompanying papers, is referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of Sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

The Chief Commissioner is specifically requested to determine the expenses, damages and losses of the claimant to which claimant is entitled by way of equitable or legal relief, attributable in whole or in part, directly or indirectly, to transactions with the United States Navy under contract numbered NBY 48950 awarded on July 19, 1963.

The Congress of the United States waives the defense of lack of privity between the United States and the claimant as a bar to relief or entertainment of a claim for relief commenced under this resolution.

FEDERAL REVENUE-SHARING ACT AMENDMENT

AMENDMENT NO. 1465

(Ordered to be printed and to lie on the table.)

URBAN DIVIDEND AMENDMENT

Mr. JAVITS. Mr. President, in behalf of myself and Senators BROOKE, CASE, INOUYE, MATHIAS, and PERCY, I propose an amendment to the revenue-sharing bill which restores urbanization to the revenue-sharing formula.

This amendment designates an additional $900 million of "no strings" revenue-sharing money as an urban dividend, to be divided annually among the States on the basis of urbanized population. "Urbanized population" carries the same definition as it does in other parts of the Senate bill, but the distribution is made on a simple proportional basis.

The amendment does not change the distribution formula within the States; it changes the amount of money going to each State as a whole. Thus, during the first year almost every State would receive some part of this $900 million, and many of the urban States would recover close to what such States "lost" because of the Senate Finance Committee changes from the House-passed bill.

In my view, the amendment is noninflationary. This is because it is financed largely out of the $300 million annual growth factor which has been written into the basic bill. Section 123(a) of my amendment retains this $300 million only for the last calendar year of operation, that is, 1976. As a result, the amendment, which adds $900 million to the Finance Committee bill in the first year, adds only $600 million in the second and $300 million in the third; for a total additional cost of the amendment over the 5-year period of this bill of $1.8 billion. By 1975, when we should have reached full employment, the annual cost of revenue sharing under my amendment is exactly the same as under the committee bill.

But there is another, more important, reason why the cost of the amendment should not be a bar to its passage. This is because of the rationale for revenue sharing in the first place: that our State and local governments—particularly our urban governments—need the money and will spend it usefully. If we are serious about our rhetoric about reordering our national priorities, now is the time to bring our actions in line with our words.

The amendment we are introducing, therefore, answers a national priority need by restoring urbanization as a factor in the distribution of revenue sharing funds. Passage of the amendment would make revenue sharing dependent upon four variables: general tax effort, relative poverty, population, and concentrations of urban population. The latter factor, which my amendment introduces, would contribute approximately 14 percent to the distribution formula of basic "no strings" revenue sharing money; in other words, 14 percent of that money would be distributed to the States according to urbanization, and the other 36 percent according to the other three factors—general tax effort, relative poverty, and population.

Mr. President, there is general agreement that these four factors comprise the basic package of criteria which most accurately describe the real need of our State and local governments. By the same token, failure to include urbanization ignores a glaring fact which our big city mayors and our urban State Governors know all too well: that the fiscal crunch is felt worst where the concentrations of population are the greatest. It is no exaggeration that in many instances our central cities are disaster areas in need of disaster relief. And, the figures compiled by the Advisory Commission on Intergovernmental Relations—perhaps the most authoritative body in Washington on the subject of State and local government spending—show that the biggest tax increases have come in the urbanized States.

The bill as reported out of the Finance Committee recognizes the needs of big city governments in the formula for distribution of funds within each State; but compared to the House bill it shortchanges the urban States, which must also bear the burden of the cities which are in deep trouble. And it leaves out almost completely those local governments which do not fit within the Census Bureau definition of an urban area.

Mr. President, I ask unanimous consent that the text of the amendment, together with two tables illustrating its effect, be printed in the RECORD.

There being no objection, the amendment and tables were ordered to be printed in the RECORD, as follows:

On page 63, after line 16, insert the following:

Subtitle B—Allocation and Payment of Funds based on Urbanized Population.

Subtitle B—ALLOCATION AND PAYMENT OF FUNDS BASED ON URBANIZED POPULATION

SEC. 121. CREATION OF TRUST FUND.

(a) IN GENERAL.—There is created on the books of the Treasury of the United States a Trust Fund to be known as the Urban Dividend Trust Fund (referred to in this subtitle as the "Trust Fund"). The Trust Fund shall consist of the amounts appropriated to it as provided in this section. There are hereby appropriated to the Trust Fund, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

(1) for the fiscal year ending June 30, 1972, one-half of one percent of the Federal individual income taxes received in the Treasury during such fiscal year;

(2) for the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976, one percent of the Federal individual income taxes received in the Treasury during each such fiscal year; and

(3) for the fiscal year ending June 30, 1977, one-half of one percent of the Federal individual income taxes received in the Treasury during such fiscal year.

The amounts appropriated by paragraphs (1), (2), and (3) shall be transferred from time to time from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such paragraphs. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the amounts required to be transferred.

(b) FEDERAL INDIVIDUAL INCOME TAXES.—For purposes of subsection (a), the term "Federal individual income taxes" means the tax imposed by chapter 1 of the Internal Revenue Code of 1954 on the income of individuals and the tax deducted and withheld at source on wages under chapter 24 of such Code.

(c) TRUSTEES; REPORTS TO CONGRESS.—The Secretary of the Treasury shall be the trustee of the Trust Fund, and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

(d) EXPENDITURES FROM TRUST FUND.—Except as provided in this subtitle, amounts in the Trust Fund shall be available for, and may be used only for, payments by the Secretary to State governments and units of local government under this subtitle. Such amounts shall remain available without fiscal year limitation.

(e) TRANSFERS FROM TRUST FUND TO GENERAL FUND.—The Secretary shall from time to time transfer from the Trust Fund to the general fund of the Treasury any moneys in the Trust Fund which he determines will not be needed to make payments to State governments and units of local government under this subtitle.

SEC. 122. PAYMENTS TO STATE AND LOCAL GOVERNMENTS.

Except as otherwise provided in this subtitle, the Secretary shall, for each entitlement period, pay out of the Trust Fund to—

(1) each State government a total amount equal to the entitlement of such State government for the period (determined under section 123(c)), and

(2) each unit of local government (within the meaning of section 105(d)) a total amount equal to the entitlement of such unit for the period (determined under section 123(d)).

Such payments shall be made in installments during the entitlement period but not less often than once each quarter. Such payments for any entitlement period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a State government or a unit of local government, to the extent that the payments previously made to such government under this subtitle were in excess of or less than the amounts required to be paid.

SEC. 123. ALLOCATION AMONG STATE AND LOCAL GOVERNMENT.

(a) IN GENERAL.—The Secretary shall, for each entitlement period, allocate among the States so much of the moneys appropriated to the Trust Fund for the fiscal year which includes such entitlement period as does not exceed—

(1) $450,000,000, in the case of the entitlement period beginning on January 1, 1972,

(2) $900,000,000, in the case of each of the entitlement periods beginning on July 1 of 1972, 1973, 1974, and 1975, and

(3) $450,000,000, in the case of the entitlement period beginning on July 1, 1976.

(b) ALLOCATION AMONG STATES.—There shall be allocated to each State for each entitlement period an amount which bears the same ratio to the total amount to be allocated for such period under subsection (a) as the urbanized population of that State bears to the urbanized population of all the States.

(c) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—The State government shall be entitled to receive one-third of the amount allocated to that State for each entitlement period. The remaining portion of each State's allocation shall be allocated among the units of local government of that State as provided in subsection (d).

(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—The amount to be allocated to the units of local government within a State under subsection (c) for any entitlement period shall be allocated among such units of local government so that each unit of local government will receive an amount which bears the same ratio to the total amount to be so allocated as—

(1) the payments to which such unit of local government is entitled under subtitle A for the same entitlement period, bears to

(2) the aggregate payments to which all units of local government within the State are entitled under subtitle A for the same entitlement period.

Each unit of local government shall be entitled to receive the amount allocated to it under this subsection.

(e) APPLICATION OF SUBTITLE A.—The provisions of sections 107, 108, 109, and 110 of subtitle A shall apply to the making of payments under this subtitle.

(f) COORDINATION OF PAYMENTS.—To the maximum extent feasible, payments under this subtitle shall be made at the same time and in the same manner as payments are made under subtitle A.

SEC. 124. DEFINITION OF URBANIZED POPULATION.

For purposes of this subtitle, the term "urbanized population", when used in reference to any State, means the population of each area, within such State, which consists of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes. The data used for determining urbanized population under this section shall be the most recently available data provided by the Bureau of the Census, except that where the Secretary determines that the data so provided are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

On page 38, strike out lines 5 through 14, and insert the following:

(2) $5,300,000,000, in the case of the entitlement period beginning July 1, 1972,

(3) $5,300,000,000, in the case of the entitlement period beginning July 1, 1973,

(4) $5,300,000,000, in the case of the entitlement period beginning July 1, 1974,

(5) $5,450,000,000, in the case of the entitlement period beginning July 1, 1975, and

(6) $2,875,000,000, in the case of the entitlement period beginning July 1, 1976.

On page 63, line 17, strike out "B" and insert "C".

On page 63, line 19, strike out "121" and insert "131".

On page 64, line 12, strike out "122" and insert "132".

On page 66, line 5, strike out "123" and insert "133".

On page 67, line 1, strike out "C" and insert "D".

COST OF REVENUE SHARING BILL

[In billions of dollars]

Calendar year	Senate bill		Senate bill with urban dividend amendment	
	Annual cost	Cumulative cost	Annual cost	Cumulative cost
1972	$5.3	$5.3	$6.2	$6.2
1973	5.6	10.9	6.2	12.4
1974	5.9	16.8	6.2	18.6
1975	6.2	23.0	6.2	24.8
1976	6.5	29.5	6.5	31.3

1ST-YEAR DISTRIBUTION OF REVENUE SHARING FUNDS

[In millions]

	House bill	Finance Committee bill [1]	Committee bill with proposed amendment
Alabama	$80.2	$127.6	$137.3
Alaska	6.6	5.5	5.5
Arizona	46.1	55.1	66.2
Arkansas	38.3	60.4	63.2
California	610.8	510.4	633.1
Colorado	59.4	60.0	70.5
Connecticut	72.6	57.5	73.5
Delaware	17.3	12.9	15.6
District of Columbia	26.0	14.1	19.8
Florida	150.0	160.3	191.7
Georgia	103.4	120.7	135.0
Hawaii	25.9	22.7	26.1
Idaho	15.4	21.8	22.4
Illinois	301.8	250.9	310.7
Indiana	113.8	114.6	132.8
Iowa	67.8	84.6	91.0
Kansas	47.7	58.0	64.0
Kentucky	71.8	95.9	104.4
Louisiana	83.2	124.8	137.7
Maine	19.9	34.2	35.5
Maryland	117.5	94.8	114.5
Massachusetts	179.0	143.5	176.4
Michigan	243.7	210.9	253.9
Minnesota	114.1	108.2	122.6
Mississippi	46.0	99.6	102.0
Missouri	$107.6	$108.5	$128.1
Montana	16.7	22.6	23.7
Nebraska	34.5	47.1	51.6
Nevada	12.4	11.9	14.4
New Hampshire	13.5	16.7	18.0
New Jersey	179.7	142.6	188.8
New Mexico	22.5	36.5	38.8
New York	649.6	507.1	615.5
North Carolina	113.0	148.8	158.0
North Dakota	12.0	21.7	22.1
Ohio	227.4	185.4	235.9
Oklahoma	52.9	65.3	73.3
Oregon	60.1	61.8	69.3
Pennsylvania	300.9	290.2	342.8
Rhode Island	25.9	23.1	28.8
South Carolina	57.9	89.5	94.4
South Dakota	13.5	27.6	28.2
Tennessee	79.3	108.1	119.4
Texas	248.3	268.6	321.2
Utah	29.0	34.5	40.1
Vermont	11.0	16.3	16.3
Virginia	115.6	109.7	127.7
Washington	79.1	92.3	106.5
West Virginia	36.4	57.5	60.1
Wisconsin	137.0	147.1	162.8
Wyoming	6.1	10.7	10.7

[1] Excluding social services grant.

AMENDMENT NO. 1466

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1467

(Ordered to be printed and to lie on the table.)

Mr. TAFT. Mr. President, today I am introducing an amendment to H.R. 14370, the Revenue Sharing Act of 1972, which would provide for Federal Government withholding of city income taxes from compensation paid Federal employees. The amendment would apply to all cities with 200 or more Federal employees, and any other city where the Treasury feels it would be beneficial.

The purpose of the revenue sharing bill is to increase the Federal financial assistance to States, and particularly urban areas, which are hard pressed to make ends meet. This amendment would provide an additional source of income for our cities, without requiring increased Federal funding other than the amount necessary to cover administrative costs.

The increment in local funds would result largely from a reduction in tax delinquencies, and an increase in the cities' ability to collect delinquent taxes from Federal employees. Cleveland's tax department estimates that by reducing losses in uncollected taxes, my amendment could increase the city's resources by $300,000 to $400,000 annually. The city of Cincinnati expects the enactment of the amendment to save its taxpayers about $100,000 per year. Similar savings would, of course, be realized by cities in other States.

To help improve the administration of non-Federal taxation systems, the Revenue Sharing Act of 1972 contains a title authorizing the Federal Government to act as a collection agent for State income taxes. My amendment would make a positive contribution along the same lines. It would decrease the administrative burden for our cities' tax collection departments, by relieving them of the necessity to devote extra attention to Federal workers.

In my own State of Ohio, the cities of Akron, Columbus, and Toledo expect that they could each save between $20,000 and $35,000 annually by trimming administrative costs in this manner.

The cities would benefit greatly from my amendment. The greatest benefits, however, would be realized by the hundreds of thousand of civilian Federal workers affected. Because local income taxes are not withheld from the wages of Federal employees, these workers are forced to pay the taxes in lump sums on a quarterly or annual basis. The obligation to pay a substantial amount in local taxes at one time is a serious hardship for many Federal workers. As of last winter, more than one-third of Cleveland's postal workers had not been able to meet this obligation, and owed the city hundreds of dollars per person in back taxes.

My amendment would allow Federal workers to pay their city taxes in the same convenient manner as other workers, by making the payments in even installments throughout the year.

The major organizations representing groups which my amendment would affect strongly support it. These organizations include the National League of Cities, U.S. Conference of Mayors, the National Postal Union, and other major Federal employees' associations. The Treasury Department has historically supported this type of legislation, and I have been informed that the Department's position has not changed.

I hope that the Senate will seize this opportunity to provide additional assistance for our Federal workers and our cities.

AMENDMENTS NOS. 1469 THROUGH 1472

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted four amendments intended to be proposed by him to the bill (H.R. 14370), supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1460

At the request of Mr. TUNNEY, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of Amendment No. 1460, intended to be proposed to H.R. 14370, an act to provide payment to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Thursday and Friday, September 7 and 8, 1972, at 10:30 a.m., in room 2228, New Senate Office Building, on the bill H.R. 13366, to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Massachusetts (Mr. KENNEDY) chairman; the Senator from California (Mr. TUNNEY), and the Senator from Nebraska (Mr. HRUSKA).

ADDITIONAL STATEMENTS

OLYMPIC TRAGEDY

Mr. RIBICOFF. Mr. President, the shocking crime now taking place in Munich is more than an outrage against the Olympic games; it is a direct challenge to civilization.

But this is not the first act of barbarism committed by this same group of demented terrorists. Unless all the nations of the world do what is necessary, it will not be the last. Already, it seems, the tragic lesson of the Lod Airport massacre has been forgotten as the current skyjacking conference is deadlocked with political squabbling.

For too long, Arab terrorists have found refuge and welcome in countries like Lebanon, Syria, and Libya, and Algeria.

For too long, Western nations, including West Germany, have succumbed to terrorist blackmail.

For too long Arab murderers and terrorists have been routinely described as "commandos" and "guerrillas."

Those who deliberately ambush school buses, attack innocent air travelers, and plant bombs in supermarkets are not commandos or guerrillas; they are criminals and outlaws.

Those nations which arm them and permit them to operate on their soil share their guilt directly.

And countries which do not take action against those harboring these madmen, and which do not treat these terrorists as criminals only encourage further the acts of outlawry.

According to the latest report from Munich, two members of Israel's Olympic team have been shot dead and nine others are being held hostage. In 1976, it could be members of the American Olympic team, the German team—or the Russian team.

The Olympic games are supposed to represent the brotherhood of man. Instead, we are witnessing the depths to which man can stoop in seeking to impose their perverse will on others.

Whatever the final outcome of the latest assault on innocent civilians, it is clear that we cannot permit these outrages to continue. The only way to stop these outlaws is to deny them safe haven. They must understand that no place on earth will be a refuge for them.

No nation should be permitted to assist these murderers under any pretext. Whether this means denial of landing rights to certain Arab countries or other measures these will be a small price to pay for protecting our civilization from these new barbarians.

I join millions of Americans in praying for the safety of the Israeli hostages, and I plead with all governments, including our own, to immediately take the steps necessary to put a halt to these crimes.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, according to current Census Bureau approximations, the total population of the United States as of Friday, September 1, was 209,609,246. This represents an inincrease of 191,207 since August 1 of this year, an increase roughly equivalent to the population of Flint, Mich. It also represents an addition of 1,684,388 since September 1, 1971, an increase roughly equivalent to the population of Dallas, Tex.

THE FOURTH ANNIVERSARY OF THE SOVIET INVASION OF CZECHOSLOVAKIA

Mr. MOSS. Mr. President, the Senate was in recess on August 21, the fourth anniversary of the invasion of Czechoslovakia by the Soviet forces. But I cannot allow this infamous anniversary to pass by unnoticed.

August 21, 1968, is particularly ingrained in my mind because on that date I was in the Soviet Union as a delegate to the Seventh World Power Conference in Moscow. How well do I remember the feelings of emptiness I shared with Czech delegates to that conference. We were all shocked at the Soviet Union's brutal action—an invasion which succeeded in snuffing out the flickering hope of liberal reforms brought about by the Alexander Dubcek government. When I asked one Czech delegate if he would return to his home, he replied simply, "Where is my home now?"

Mr. President, the Soviet Union's terrible aggression may indeed have broken the pace of reforms of the first Czech Government in 32 years to receive popular support, but it did not break the spirit of a freedom-loving people. Even today the Czechs carry on the struggle for independence—a struggle which has a history extending at least 350 years. They tasted the liberties of democracy for a brief 20 years between 1918 and 1938, only to have it stamped out by the tyranny of an insidious Nazi occupation and later Communist control.

What effect has this foreign despotism had on Czechoslovakia? The only East European state to remain an effective parliamentary democracy throughout the period 1918–38, Czechoslovakia was politically defeated when Germany, France, Italy, and the United Kingdom geographically sliced up the country in 1938. Militarily, she was defeated the next year when Germany invaded and established a Nazi "protectorate."

For 6 years Czechs were subject to the control of the Nazi war machine. "Liberation" came in 1945, but it was only short lived. According to "Background Notes," of March 1972, compiled by the U.S. Department of State:

> From May 1945 until the spring elections of 1946, a coalition including Communists ruled the country. The democratic elements, led by President Eduard Benes, hoped the So-

> viet Union would allow Czechoslovakia freedom to choose its own form of government, and they aspired to have Czechoslovakia act as a bridge between East and West. This objective was sustained by Czechoslovakia's highly developed economy, its strong democratic traditions, and its readiness to accept a considerable degree of socialization of the economic system. The Communist Party, however, which won 38 percent of the vote in the 1946 elections, held most of the key positions in the Government and gradually managed to neutralize or silence the anti-Communist forces. Under the cover of superficial legality, the Communists seized power in February in 1948.
>
> After a period of severe purging to consolidate its authority (1949–52) the party held a trial of 14 of its former leaders in November 1952 and sentenced 11 to death. Thereafter, the Czechoslovak Communist leadership was characterized by its stability in tenure.

As a result of the repressive Communist dictatorship, Czechoslovakia's economic system suffered as well. "At the time of the Communist takeover in 1948, Czechoslovakia had a balanced economy, including the highest level of industrialization in Eastern Europe." Under the influence of the Communists, great emphasis was placed on heavy industry and capital goods production—throwing the economy out of balance. Quoting from the "Notes" again:

> Waste and inefficient use of resources resulted from the adaptation of centralized planning techniques to the complex Czechoslovak industrial sector. Although the labor force was traditionally skilled and efficient, inadequate material incentives for labor and management contributed to a high labor turnover, low productivity, and unsatisfactory quality. Economic failures reached a critical stage in 1963 following a poor 1962 harvest, balance-of-payments deficits, material shortages, and construction delays.
>
> Communist Party Central Committee members who were displeased with the slow pace of economic reform and resistance to cultural liberalization showed their displeasure (in the mid-sixties)—with broad support—by removing hardliner Antonin Novotny from party leadership in January 1968 and from the presidency of the Republic in March. A long-time party activist . . . Alexander Dubcek, replaced Novotny as principal party leader.

Dubcek recognized the necessity of political and social reforms in addition to granting wider economic freedoms. Therefore, he launched an action program, adopted in April 1968, which set guidelines for a modern, humanistic-socialist democracy which would guarantee freedom of religion, speech, press, assembly, and travel; separate the government from the Communist Party; create independent courts; introduce multiple-choice, secret-ballot elections; and effect economic reforms. Many hardline government leaders were replaced by reform-minded leaders, who pledged to adhere to the interest of all the people of Czechoslovakia. These fundamental changes were promoted by the newly freed public media, dominated by "progressives."

As a result of Dubcek's efforts to liberalize the country, the public began to take an active interest in government and politics. For the first time in 20 years, a national leader enjoyed broad public support. The government's program called for closer contacts with West European countries and Yugoslavia and Rumania. Czechoslovak citizens were allowed to travel freely and tourists were welcomed in Czechoslovakia.

But these reforms which meant so much to the Czech people caused great concern among other Warsaw Pact Communist governments and parties. They viewed it as a serious threat to the stability and security of their own socio-political and economic systems. And why not? History is replete with examples of how the contagious winds of freedom can inspire men to rise up and throw off the bonds of tyranny.

According to the State Department:

> The Soviet Union, with Bulgaria, Hungary, Poland, and East Germany following suit, insisted on a series of meetings with the Czechoslovak leadership, beginning with a meeting at Dresden, East Germany, in March and concluding with the meetings at Cierna and Bratislava (Czechoslovakia) in late July and early August 1968. At each of these meetings, the Czechoslovaks were asked to explain in detail their internal reforms and their developing foreign policy. Warsaw Pact military maneuvers, held in Czechoslovakia in June, were prolonged at Soviet initiative. These and subsequent maneuvers, in western Ukraine and southern Poland brought large numbers of Soviet troops to Czechoslovakia borders.

Mr. President, the Communists could not tolerate the reform movement in Czechoslovakia. The following passage from the "Background Notes" recounts the terrible course of events set in motion while the Senator from Pennsylvania (Mr. Scott) and I were in Moscow:

> On the night of August 20, Soviet, Bulgarian, Hungarian, Polish and East German troops invaded and occupied Czechoslovakia. The Czechoslovak Government immediately declared that the invading troops had not been invited into the country and that their invasion was in violation of socialist principles, international law, and the United Nations Charter. The principal Czechoslovak leaders, were secretly and forcibly taken to the Soviet Union. Under obvious Soviet duress, the Czechoslovaks engaged in a series of negotiations at Moscow on August 23–26 and again on October 2–3, and finally at Prague on October 16. On the latter date, Soviet Premier Aleksei Kosygen, acting on behalf of all of the invading countries, and Czechoslovak Premier Oldrich Cernik signed a treaty which provided for the "temporary" stationing of an unspecified number of Soviet troops on Czechoslovak soil. In November the troops of the other countries and some of the Soviet troops were withdrawn. In addition to accepting the "legalization" of the stationing of Soviet troops in Czechoslovakia, the Czechoslovak leadership was forced to apply strict censorship of all public media and to curb all the reforms promoted by Dubcek.
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> The Czechoslovak Central Committee meeting of November 14–16, 1968, formalized the censorship of the public media; restricted travel abroad; reasserted the authority of the police; made Czechoslovak foreign policy subordinate to Soviet policy; accepted the priority of the interest of the international Communist movement over those of Czechoslovakia; and recognized the obligations of the agreements (all signed under duress) reached at Moscow on August 26 and October 3 and at Prague on October 16.
>
> Alexander Dubcek was removed from the position of General Secretary on April 17, 1969. On September 27, he was removed from the Communist Party Presidium and replaced as President of the National Assembly. Dubcek's followers and supporters were forced out of power.
>
> By October 27, 1969, the Soviets had achieved their basic invasion objectives. The Czechoslovak liberalization movement was dismantled; elements of the orthodox Communist Party were back in control; and Soviet troops remained stationed in Czechoslovakia. On that date General Secretary Gustav Husak, Premier Cernik, and President Svododa signed a joint communique with the Soviets at Moscow which justified the invasion, accepted the Brezhnev doctrine limited sovereignty, avowed that the stationing of Soviet troops in Czechoslovakia was essential to the security of Czechoslovakia's western borders, and opened the way for integration of the Czechoslovak economy with that of the Soviet Union. This relationship was further formalized in a 20-year Soviet-Czechoslovak treaty of "friendship, cooperation, and mutual assistance" signed on May 6, 1970.

Mr. President, the Czechoslovak people have struggled for 350 years to rid themselves of a heavy burden inflicted by foreign oppressors. Since the founding of our Republic, America's greatest moments have come when she shared the burden of the oppressed, and strove to alleviate that burden. Now after 25 years of cold war with the Communists, we are attempting to find new solutions to combating evil and oppression and the denial of civil liberties. As we forge forward in this effort, we are acutely aware of the struggle of the people of Czechoslovakia. We do not and cannot forget that struggle. Their freedom and ultimate independence remain a matter of greatest concern to all Americans. We affirm our commitment to their struggle and share their aspirations on this fourth anniversary of the Soviet invasion.

RURAL DEVELOPMENT ACT OF 1972

Mr. CURTIS. Mr. President, as ranking minority member of the Subcommittee on Rural Development of the Committee on Agriculture and Forestry, I was particularly gratified when President Nixon signed the Rural Development Act of 1972 into law on August 25.

Without doubt, this legislation is the most far reaching ever enacted by Congress to attempt to halt the migration from the countryside to our already overcrowded urban centers.

I think it would be good for all Senators to understand what the President thinks about the Rural Development Act of 1972 and what the Nixon administration has already been doing in the area of rural development. Therefore, I ask unanimous consent that there be printed in the Record the text of the President's signing statement and a Department of Agriculture release with regard to the Rural Development Act of 1972.

I also ask that following these two items the text of two releases from the USDA with regard to other rural development activities be printed.

There being no objection, the items were ordered to be printed in the Record, as follows:

Signing Statement—The Rural Development Act of 1972

During the last year and one-half I have on three separate occasions sent to the Congress proposals designed to marshal more effectively the energies of the private sector and of government at all levels in a cooperative program of rural development. The most important of those proposals are:

Rural Community Development Special Revenue Sharing to provide additional financial resources to State and local government without counterproductive Federal strings attached.

The creation of a Department of Community Development to coordinate and focus all Federal programs for rural and urban community development.

New loan authority for commercial, industrial, and community development under a credit-sharing system which would allow the States themselves to select most of the loan recipients. And strengthening certain of the Department of Agriculture's conservation and environmental programs.

The Rural Development Act of 1972 which has finally been enacted by the Congress—H.R. 12931—incorporates some of the important provisions which I originally proposed:

It authorizes new loans for commercial and industrial development in communities whose population is under 50,000 as well as for various local facilities in communities whose population is under 10,000. These new loans represent a major potential for increasing employment opportunities and modernizing our communities in rural areas.

The new loans which it authorizes would be insured and guaranteed, rather than direct, Federal loans. This means that the private sector can play a major role in rural development and that the inflationary impact on the Federal budget will be reduced.

It authorizes new cost-sharing provisions including those related to improving water quality and conserving natural resources which I proposed on February 1 of this year in my message to the Congress on rural development.

And, it includes various improvements in the administrative machinery of the Farmers Home Administration which would facilitate more effective program administration.

The most disconcerting feature of this act is that it does not include one of my most important proposals for rural development, the substitution of Special Revenue Sharing for categorical grants and instead creates a number of new categorical grant programs. That means more decision-making in Washington instead of decentralized decision-making at the State and local level where the pressing needs actually exist. While this act is praiseworthy in providing additional Federal funds for community development, it unfortunately will also bring Federal decision makers into fields of community activity that were previously free from such outside involvement. In addition, this act—if fully funded—would add $400 to $500 million in expenditures to the Federal budget at a time when it has already been overloaded with large spending increases by the Congress this year.

In short, while I would have much preferred that this act contain the provisions which I proposed and reiterated last February, I believe that it probably represents the best compromise which could be enacted by this Congress. Even with the shortcomings I have noted in this act, it is a significant first step in our determination to strengthen economic opportunity and community life through rural America. I do strongly urge, however, that the Congress act quickly and affirmatively on my Government reorganization and Special Revenue Sharing proposals related to rural development. They hold substantially greater promise than this act does for community development in rural and urban areas. Because this act represents an important step—but only the first of several essential steps—I take pleasure in signing it today. But I look forward to early Congressional action on my other proposals which would provide our communities with the tools so desperately needed to attain this Nation's objective of balanced and beneficial growth.

RICHARD NIXON.

A Boost for Rural Opportunity

WASHINGTON, September 1.—The Rural Development Act of 1972 can remake the face of rural America and broaden opportunity for all Americans—urban as well as rural, Earl L. Butz, Secretary of Agriculture, said today.

The Act confers the major responsibility to coordinate rural development on the Department of Agriculture and provides several new authorities that will help to improve rural economic opportunity and community life. "The result should improve rural America, bolster agriculture and help to relieve urban congestion by reducing migration from farms to city and by encouraging a more balanced national growth," Mr. Butz said.

Highlights of the new legislation include:

1. It authorizes guaranteeing and making loans for commercial, industrial, and community development. Private banks and other lenders could make government guaranteed loans to finance rural job creation.
2. It authorizes substitution of insured for direct loans. This would permit private lenders to assume an increased role in financing rural development and reduce the impact on the Federal Budget of such programs.
3. It authorizes loans to rural youth, and increases the limit for farm operating loans from $35,000 to $50,000.
4. It provides for a number of improvements in the administrative machinery of the Farmers Home Administration which will result in more effective program administration.
5. It authorizes cost sharing in watershed project areas for water quality improvement, water supply, pollution abatement, and ground water recharge. Similar authority along with rural fire protection is provided for Resource Conservation and Development areas.
6. It provides for a program to inventory and monitor soil, water, and related conditions, and a land inventory report at five-year intervals.
7. Funds are provided to expand rural development and small farm research and extension activities through the Land-Grant Colleges and Universities.
8. It provides annual authorizations for pollution abatement grants of $25 million to be made to individuals and an additional $50 million to communities.
9. It authorizes a three-year grant program for rural fire protection of $7 million annually.
10. It provides an increase in the annual sewer and water grant authorizations to $30 million for planning grants and to $300 million for development grants.
11. It authorizes ten-year cost share contracts under the Rural Environmental Assistance Program, and provides for cost sharing under this program for pollution abatement practices.

Mr. Butz said the Department will cooperate with all other governmental agencies and the private sector to find the best possible means to implement the legislation and to exploit its full potential to the advantage of rural residents and rural communities.

The Secretary said considerable planning and advance work must be done to implement and coordinate this legislation with ongoing programs. This planning which is already underway will require several weeks more. Furthermore, congressional appropriations may be necessary to implement certain of the newly authorized programs.

USDA Expands Rural Development Work

WASHINGTON, September 5.—Employees of the U.S. Department of Agriculture and State Cooperative Extension Service devoted 34 percent more time to rural development activities in fiscal year 1972, and helped local leaders organize more than 150 new rural development committees.

In a report to Congress, the Department stated that USDA and Extension employees devoted 4,300 man-years to efforts to stimulate progress in rural America from July 1, 1971 to June 30, 1972, compared to 3,200 man-years the previous fiscal year.

The report said 51 new area or multicounty rural development committees were formed, bringing the number of area committees in the nation to 235, and that more than 100 new county committees were formed, pushing the national total to 2,193.

Much of the report is devoted to accomplishments of specific State and local rural development committees.

For instance, government agencies and church groups helped set up a self-help housing program in a Maryland county where housing was poor and rents were high. The program enabled low-income people to occupy modern homes for up to $10,000 less than they would cost commercially. Cooperation and self-help construction reduced costs.

Another cooperative effort was a three-county area of Missouri in need of a hospital. Local citizens raised more than $300,000, civic clubs and local governments supported the project. Location of the adequately-financed hospital has been decided.

Alabama county committees actively pursued industrial development. The Extension Service studied the chances for more lumber finishing in one area. This contributed to a half-million dollar expansion of a wood products firm in the study area.

The report, transmitted to Congress by Secretary of Agriculture Earl L. Butz, said that rural development must advance on several fronts if it is to succeed.

"This third annual report to the Congress . . . reflects USDA's determination to help local leaders push development ahead," the report stated. "The USDA efforts in broad program thrust areas are aimed at making rural America a better place to live and work," the report said.

Single copies of "Rural Development—Information and Technical Assistance Delivered by the Department of Agriculture in Fiscal Year 1972" are available free upon postcard request to the Office of Information, U.S. Department of Agriculture, Washington, D.C. 20250.

HUD-Agriculture Program Speeds Formation of Rural Planning Programs

WASHINGTON, September 1.—A report issued jointly today by the U.S. Department of Agriculture and the U.S. Department of Housing and Urban Development points to a sharp increase in fiscal year (FY) 1972 over previous years in assistance from both for comprehensive rural development planning by local multicounty organizations.

HUD provided $7.7 million for 260 nonmetropolitan planning districts in FY 1972 compared with $3.4 million for 155 districts in the preceding year, according to the report, submitted to Congress today.

USDA field staffs also increased by 25 percent their technical services for land use planning, housing studies, community facilities planning, citizen participation, and other elements of district planning programs. The Department contributed approximately 316 man-years of such services in FY 1972.

"In cooperation with the Federal Government, the States are now actively seeking better methods to improve planning and management at the local government level and to insure that planning will influence government decisionmaking and area development initiatives," Secretary of Agriculture Earl L. Butz and Secretary of Housing and Urban Development George W. Romney said in sending the report to Congress.

The Housing and Urban Development Act of 1968 authorized USDA and HUD assistance to States for support of nonmetropolitan district planning programs. The Agricultural Act of 1970 requires an annual report on this activity, as well as other USDA and Federal services and programs for rural areas.

The report, issued today, is third in an annual series and is entitled "Financial and Technical Assistance Provided by the Department of Agriculture and the Department of Housing and Urban Development for Nonmetropolitan Planning Districts in Fiscal Year 1972."

Copies may be obtained through Office of Information, USDA, Washington, D.C. 20250 or the New Services Division, Office of Public Affairs, Department of Housing and Urban Development, Washington, D.C. 20410.

THE EXPORT-IMPORT BANK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record a statement by the distinguished Senator from Alabama (Mr. Sparkman).

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Sparkman

On June 11, the Senator from Wisconsin (Mr. Proxmire), Chairman of the Joint Economic Committee, issued a committee report and included in it "a study" entitled "Export Credit Subsidies and U.S. Exports: An Analysis of the U.S. Eximbank," by Professor Douglas R. Bohi of Southern Illinois University.

While the report was issued as a committee report, I knew nothing about it, had not seen it, and certainly did not agree with the conclusions reached. As a matter of fact, I consider the report as being faulty in that it was based on certain premises that simply are not correct.

I was greatly disturbed when I learned that the report presumed to represent the thinking of the full Committee.

I have long regarded the Export-Import Bank as having probably the greatest potential for stimulating export trade by American manufacturers, farmers, and producers of every kind. I have followed its work over the past several years and have been pleased to be able to put through an Act that greatly expanded its possibilities. Very soon, I believe, a report will be issued by Mr. Henry Kearns, President of the Bank, and by his colleagues on the Board. This report, I am confident, will give us a picture of the tremendous job that the Bank has been doing under its new powers. Mr. Kearns and his Board are entitled to the highest commendation for what they have done.

It seems to me rather odd that the Export-Import Bank should be dealt with and criticized as making "subsidized loans." I think that placing these loans in that category is stretching the definition of "subsidized." Actually, the Export-Import Bank makes a profit.

A very fine and objective study of the Export-Import Bank was made by Dr. Howard Piquet, whom many of us recall as being with the Legislative Reference Service for more than 20 years. He is a well-known economist, and is respected internationally.

Other members of the Joint Economic Committee, I know, were likewise surprised and disappointed that the report, which we feel does not correctly represent the majority of the Joint Economic Committee, has been issued in its name.

The study Dr. Piquet made is available. If Senators would like to have a copy, I shall be glad to send a copy to each one requesting it. Excerpts from Dr. Piquet's report were placed in the Congressional Record by Senator Javits on August 17, pages 28703–05. Likewise, I call attention to the statements by Senator Fong and Senator Tower on the same date, page 28705.

BOMBING OF DIKES IN NORTH VIETNAM

Mr. BAKER. Mr. President, much has been written and said recently about the so-called intentional destruction of dikes in North Vietnam by American bombs. If such a policy were, in fact, deliberate or intentional, then it would, indeed, deserve the attention it has drawn, but deliberate it is not.

On June 29, the President was asked in a news conference about reports that the United States was intentionally bombing dikes. He responded that orders were out not to hit dikes because the "results in terms of civil casualties would be extraordinary."

There is not a shadow of a doubt in my mind that this is the policy being scrupulously followed by our pilots, and I am further convinced that any damage done to dikes that was either filmed or shown to visitors was either accidental or a result of knocking out war installations strategically placed on or near North Vietnamese dikes.

Mr. Joseph Treaster recently spent several days on board the U.S.S. *Saratoga* speaking with some of the American pilots who fly the raids over North Vietnam and filed the following story printed on the front page of the New York Times of August 12.

I ask unanimous consent that Mr. Treaster's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Dike Bombing Denied by U.S. Carrier Pilots

(By Joseph B. Treaster)

Aboard U.S.S. "Saratoga" in the Gulf of Tonkin, Aug. 8.—The pilots aboard this aircraft carrier swear that they have never tried to bomb the dikes of North Vietnam and they say they are hurt and irritated that so many Americans at home do not seem to believe them.

The pilots are troubled, too, they say, that some Americans apparently think they are deliberately bombing other civilian targets like schools and hospitals and residential areas.

"The thing that hurts us," said Comdr. Richard Bardone of Pittsburgh, the stocky, curly-haired leader of the pilots on this ship, "is that we make every effort to avoid the dikes. We do not, absolutely not, go after dikes."

Lieut. Comdr. Lew Dunton's eyes flashed, "There are a lot of prisoners in the Hanoi Hilton," he said, "because they were shot down trying to avoid civilian targets. It really galls me."

The pilots and their senior officers scoff at the foreign visitors to North Vietnam who have been quoted as saying they have seen dikes damaged by bombs and that they believed the United States had "deliberately tried to destroy the dikes."

The airmen argue that only isolated damage has been reported—the kind that might likely result from an accident—and they say none of the visitors so far appears to have been qualified to determine whether the damage was done by bombs or other explosives.

"The absurd part about it," one senior officer said, "is that somebody comes up with a hole in a dike and he translates that as meaning we're going after the dikes."

"If we were hitting the dikes with malice or aforethought," the officer continued, "we could clean all of them out in a week without many bombs."

The dikes, the pilots say, are not in well-defended areas and "they'd be a piece of cake."

It seems important to the pilots that they be believed. They put their lives on the line every day and they stand together under an old-fashioned code of military honor. They see themselves as patriots in the service of their country and their President. They would like to have been respected and appreciated. Now they will settle for being believed.

They insist that the President has proscribed the dikes as targets and that they have sometimes increased the risk to themselves to comply with his orders.

An insight into the minds of the pilots came from one senior air officer who said, "Probably the best reason for not hitting the dikes is the fact that the President of the United States has advertised to the whole world that were not hitting the dikes, and we don't want to make a liar out of him."

Not only are the pilots under standing orders not to bomb the dikes, they say, but before each mission they are specifically told again to stay away from them.

During prestrike briefings the pilots say they pore over detailed maps and reconnaisance photographs. Dikes and other "no-no's"—hospitals, churches, clusters of homes and P.O.W. camps, for example—are pointed out and the paths for approaching and departing the targets are planned so as to minimize "collateral" damage.

In some instances, the pilots say, the North Vietnamese have incorporated into the dike system roads, gun positions and missile sites which the United States generally regard as fair game. But, the pilots say, these targets are "off limits" when they are on a dike.

Still, Bardone concedes, "there can be mistakes, especially in a hot environment—where there is heavy antiaircraft fire."

"There is a possibility of a dike being hit," he said. "But I think this is very remote. If it did happen it would be purely accidental."

One pilot on the Saratoga is said to have reported that he accidently bombed a dike, but reconnaissance photographs showed no damage.

Discussing the effect of the bombing on the civilian population of North Vietnam, Commander Bardone said, "most of the targets are isolated, but some are near the civilian population. There is a tremendous amount of secondary explosions and there is debris. There is a lot of overflow and I'm sure this gets over into the populated areas.

"I can't say absolutely that we do not put bombs outside the target area," he continued, "if we put a bomb a couple of hundred feet away from the target it might get into civilian areas. But I'd say 99 per cent of the time it's debris overflow that gets into the civilian areas."

The pilots say that the so-called "smart bombs" that are guided by laser beams and television have greatly reduced the margin of error in bombing. But, they add, even the smart bombs sometimes go astray.

It is routine procedure for pilots under attack by enemy planes to jettison their bombs so they can pick-up speed. These bombs are not armed and are not supposed to explode when they land, but since they weigh several hundred pounds they may have damaging impact.

Another danger to the civilian population, the pilots say, is debris and flak from North Vietnamese antiaircraft guns and missiles. "It all has to come down," said Commander Dunton, who is from Melrose, Mass. "and sometimes it comes down on their heads."

At least once foreign diplomats in Hanoi have said that damage attributed by the North Vietnamese to American planes had actually been caused by Communist missiles.

Citing an example of the official concern for civilian casualties, one senior officer said that before the first big raid this year in the Hanoi-Haiphong area, the attack plan was routinely reviewed in Washington and "they knocked off some targets—some damn fine targets, because they were too close to civilians."

Lieut. Comdr. Grady Jackson, a bombardier-navigator from Indianapolis, said that he and his pilot turned back from a target in the vicinity of Haiphong a few weeks ago because they felt it was too close to civilians.

The pilots know, though, that no matter how painstaking they are, some civilians are likely to be killed.

"Let's face it," said Commander Dutton, who is a boyish-looking 32, "some of the military targets are probably manned by civilians. If you rolled in on the Boston navy shipyard there'd be a lot of civilians hurt. But they are working for the Government war effort. We don't go after those people in their suburban homes and supermarkets."

RETIREMENT OF GORDON F. HARRISON, STAFF DIRECTOR, COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCLELLAN. Mr. President, Gordon F. Harrison recently retired as staff director of the Senate Committee on Rules and Administration after more than 17 years of outstanding service in this important post.

Gordon Harrison served under five chairmen and compiled an outstanding record of achievement—a record that was the capstone of 35 years of faithful and fruitful public service. He served with courage as an officer on the U.S.S. *Franklin* when she was crippled during World War II; with distinction as an attorney in the civil division of the Department of Justice and with integrity and skill as a Senate staff member.

As staff director of the Committee on Rules and Administration, Gordon Harrison was a professional in the finest sense of the word. The test of this is the fact that he is known not only to the members of the committee for which he worked, but to every Member of this great body.

He has served them truly and well. He knows every facet of the Senate and its work and has devoted his considerable knowledge and energy to advising and assisting Members and staff in dealing with questions of law, practice, and procedure that faced them.

Despite his heavy responsibilities, he was always ready to offer advice and help—and not merely with the attitude of a person fulfilling a responsibility—but with the sympathy and courtesy of a friend.

I am certain, Mr. President, that I speak with the full support of the Senate when I salute Gordon Harrison on the occasion of his retirement and wish him many more happy years.

OLYMPIC TRAGEDY

Mr. BOGGS. Mr. President, like many other Senators, I was shocked to learn of the murder of two members of the Israeli Olympic team by Arab guerrillas this morning. I deplore this appalling incident, and I call upon the Arab countries to take whatever action is required to bring an end to the activities of these terrorists.

Their disregard for innocent human life is contrary to the humanitarian principles and the laws of all nations. It must be stopped.

The latest incident of Arab terrorism against Israelis is all the more distressing because it has taken place in the midst of one of man's greatest cooperative ventures. The Olympic spirit of friendly competition and mutual respect has been marred by the hatred of a small band of Arab commandos.

While we pray for the release of the Israeli hostages unharmed, let us resolve to do everything in our power to insure that such an outrage does not happen again.

OUTDOOR RECREATION ON OUR PUBLIC LANDS

Mr. MOSS. Mr. President, a new dimension is developing in outdoor recreation. It is the "open space" dimension—the idea of using open space for whatever recreational opportunity it affords wherever it can be found.

Traditionally we have thought of outdoor recreation as associated with mountains, forests, and water. But in many parts of the country we do not have enough of any of them to meet the explosive demands of our outdoor-hungry, mobile, leisure-timed citizens. Particularly, we do not have enough access roads to those areas which have special attractiveness to allow all of those who seek their recreational benefits to reach them.

So people are looking for an outdoors experience wherever they can find it, and in the Western part of the United States they are finding it more and more often on some of the plains and deserts administered by the Bureau of Land Management. The Bureau is involved in a growing recreation business.

Some 68 million acres of the public land which the Bureau administers are within 120 miles of 16 major urban areas. Much of this land is easily accessible to city dwellers who seek an evening or a weekend away from the tension and pollution that characterizes city life today.

Once they reach the area that is their recreation objective, they are not entirely dependent upon engineered roads. Modern technology has made the lands immediately accessible by the use of a sand buggy, or any other four-wheel drive vehicle—or even just a motorcycle. The normal harshness and aridity and natural restraints of the land are easily overcome. People can roam or explore at will.

The recreationist merely needs to carry his own water, food, and shelter, and he is free from the restraints of city life for a weekend—or a week. Millions of Americans are using our public lands for camping, picnicking, horseback riding, hiking, hunting, fishing, water sports, vehicle competitions, rockhounding and artifact collecting.

Currently, conflicts are building up with this growing use of our public lands for outdoor recreation. Conservation and environmental groups are extremely concerned about natural values of the land which are destroyed by indiscriminate criss-crossings by off-the-road vehicles. There is strong nationwide sentiment for some sort of control of the ORV's. The Bureau of Land Management has drafted regulations to protect natural resources, promote public safety, and minimize use conflicts. These conflicts must be settled, as must the abuse of streams, the scattering of litter, the danger of wild fires, and the other problems which arise from the increasing use of land where there are no sanitary or other types of facilities. And the Congress must consider these problems more carefully in future Bureau of Land Management budget discussions. It may be necessary to give the Bureau some new authorities. But the important thing is that a management program is emerging, and we are aware of our problems and are working toward solutions of them.

A new management plan for the 98-square-mile Little Sahara Dunes Recreation Area in Utah was recently announced by Mr. Robert D. Neilsen, State director of the Bureau of Land Management. The Dunes Area, which is visited by about 100,000 persons each year, is located south and west of Salt Lake City near Eureka, Utah.

A 62-square-mile area within the Dunes is being designated for off-road vehicle use, including Sand Mountain in the southern portion which provides some of the finest competitive hill climbing in the West.

Another section, where dunes provide the best opportunity for sand play, will be off limits to vehicles as a safety measure, as will an area which is ecologically unique which will be designated as the Rockwell Natural Area.

Picnic and campsites with water and sanitary facilities are planned for the north end of the large sand play area, as well as for the sand play area in the southeast portion, and in the center of the site at a point available to both sand play and off-the-road vehicle areas. Facilities are planned for parking, equipment unloading, and sanitation. Some access roads will be constructed to these sites.

Livestock grazing will be allowed to continue and mineral leasing will continue subject to special surface protecting conditions.

I consider the establishment of the Little Sahara Recreation Area in Utah as a great recreational development in the State, and I am hopeful other such developments will follow.

The Bureau of Land Management should be encouraged in this undertaking, and in the many other outdoor recreational programs it is pursuing—its identification and management of primitive areas, of research natural areas, of national conservation areas, and of other designated recreational lands. We need to seek out and develop all areas which have recreational potential in this land. Our existing outdoor recreational facilities of all types are seriously overcrowded.

TERRORISM AT THE OLYMPIC GAMES

Mr. TAFT. Mr. President, even as we discuss here in the Senate, Arab terrorists, calling themselves the Black September Group, have killed two Israelis and are holding others hostage at the Olympic games in Munich. The world is now witnessing on live television coverage an act of unbelievable criminality which is an outrage to all civilized people.

Those who would turn the Olympic games into a spectacle of blood and savagery undermine the very cause which they purport to espouse. Kidnaping and killing do not advance the Arab cause. Kidnaping and killing bring shame, not honor, to the nations which are the homelands of these terrorists. Killing does not advance the cause of religion. Terrorism does not advance the cause of Arab nationalism, and I believe that the Middle East leaders know it. Now is their time to show it. I call upon President Sadat and other Arab leaders to personally convey their outrage to these terrorists. They should do so, not next week, not tomorrow, but this afternoon, while these blood-thirsty terrorists still hold their innocent victims. If Egypt and the Arab States seek a responsible settlement of the problems of the Middle East, this is their hour to demonstrate their concern.

This is blood that can stain the Middle East. This is an hour for statesmanship and an hour for humanity. The Arab leaders, the guerrilla leaders, and their sponsors including the U.S.S.R., must actively demonstrate that the cause of humanity, the cause of peace, and the cause of civilization, are more important than the desire of a few demented terrorists to bring bloodshed and misery to the Jewish people. If they will do so, it can set a pattern to bring a halt to the continuation of repression of the Jews and light a new spark of hope for human freedom and decency under international sanction.

CENTER FOR APPLIED RESEARCH IN THE APOSTOLATE CONTRIBUTES TO BALANCED URBAN-RURAL GROWTH

Mr. HUMPHREY. Mr. President, 67 million people live in nonmetropolitan America, outside of the cities, suburbs, and the urban fringe. Of these, 20 million live in towns of 1,000 to 10,000 populations, and 47 million live in smaller towns or strictly rural areas.

Athough economic, social, educational, and religious characteristics of rural areas vary considerably from region to region, the phenomenon of rapid social change is common to all. This change has resulted from shifts in the economic basis of the population including the decline of the family farm and the rise of rural industry, and from the technological revolutions in transportation, mass media, and so forth, which have greatly altered the traditional rural patterns of social communication.

The resulting breakdown in small-town human, social, and religious values presents a challenge to all our institutions, incuding our churches. Our churches are well aware that they are not called upon to uphold some historical ideal of rural romanticism, but to redeem and reform change, by inserting ultimate religious meaning into the new town and country way of life.

Foremost among the research organizations helping our churches focus on the question of balanced urban-rural growth is the Washington-based CARA—the Center for Applied Research in the Apostolate—the nonprofit, independent but church-related research center founded in 1965 by Catholic church leaders and organizations. CARA's Town and Country Department, which handles the center's nonmetropolitan programs, was founded and is still supported by the vision of the Glenmary Fathers, whose chief concern is the welfare of rural America. The Department's program, directed by the Reverend Bernard Quinn, D., Mass., is largely ecumenical and interfaith in nature as attested by the fact that Father Quinn is also coordinator of the research council of CORA—the Council on Religion in Appalachia.

Because of the major contribution which CARA's nonmetropolitan department is making to our understanding of rural America, I ask unanimous consent to have printed in the RECORD information from Origins—NC Documentary Service and a recent list of the publications from CARA's Town and Country Department. As chairman of the Senate's Rural Development Subcommittee, I believe that the outstanding work of CARA's research program will be of interest to all those interested in the question of rural change and development.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

THE CHURCH IN RURAL AND SMALL TOWN AMERICA—MINISTERING TO THE HEARTLAND

Americans may be flocking to the cities, suburbs and the so-called urban fringe in ever-increasing numbers, but a still sizable segment of our population makes its home in the small towns and rural regions celebrated in our national folklore. In fact, say 1960 figures, 67 million Americans live in non-metropolitan America where tradition has it, human and religious values are best realized. If this was ever really so, church observers today say it is no longer true. The traditional small town religious values are breaking down they say—a consequence of rapid social change. As old patterns disappear and new ways of living emerge, the Church must seek new forms of ministry to serve them. In town and country America, argues the text below, a re-evaluation of the Church's role is demanded as well as the shaping of a ministry that meets the specialized needs of the countryside. The following section on rural ministries was prepared with the help of the town and country department of the Center for Applied Research in the Apostolate (CARA), and features its materials. In the text below, an excerpt from an outline of CARA's town and country research program, the case for a rural ministry is examined. It it followed by questions for a rural ministry taken from the same text.

Sixty-seven million people live in nonmetropolitan America, outside of cities, suburbs, and the urban fringe. Of these twenty million live in towns of 1,000 to 10,000 population, and forty-seven million live in smaller towns or strictly rural areas.—(1960 Census, v. 1–A, p. 1:11.) CARA's interest in town and country research arises from the conviction that the Church's ministry to such a large segment of population is both an important aspect of the over-all American apostolate, and that it presents specialized problems and challenges.

RAPID CHANGE IN TOWN AND COUNTRY

Although economic, social, educational, and religious characteristics of rural areas vary considerably from region to region, the phenomenon of rapid social change is common to all. This change has resulted partly from a shift in the economic basis of population (the decline of agriculture and the rise of rural industry), and partly from the technological revolution (transportation, mass media, etc.), which has greatly altered the traditional rural patterns of social communication.

The change-process in town and country is closely related to the over-all urbanization of American culture, although it would be an over-simplification to explain it entirely on this basis. As Dr. Shirley Green has observed:

> The American culture, (some) would say has become an "urbanized culture" and the problem of the church in town and country is simply this: that it is now belatedly beginning to recognize this fact and the recognition has thrown it into a state of shock. Sometimes I wish I could accept so simple a diagnosis. In my opinion, this over-simplified analysis of the cultural situation reflects a form of "urban fundamentalism" which can only be compared in its blindness to some of the follies of "agrarian fundamentalism" of which some of us in the rural movement have been guilty in times past. The actual facts are much more complex and pluralistic than this urbanization thesis assumes. (The Church and Culture in Crisis in Town and Country [United Church of Christ,] 1964, p. 54.)

This implies that, although town and country problems cannot realistically be considered in isolation from the over-all problem of American urbanization, very real differences requiring specialized attentions will continue to exist and cannot be ignored. The "agrarian fundamentalism" mentioned by Green can be described as the conviction that human and religious values are somehow best realized in a rural atmosphere. As Max Lerner puts it:

> The phrase "small town" has come itself to carry a double layer of meaning at once sentimental and condescending. There is still a belief that democracy is more idyllic at the "grass roots," that the business spirit is purer, that the middle class is more intensely middling. There is also a feeling that by the fact of being small the small town somehow escapes the corruptions of life in the city and the dominant contagions that infest the more glittering places. History, geography, and economics gave each American town some distinctive traits of style that are imbedded in the mind, and the memory of this style is all more marked because of the nostalgia felt, in a largely urban America, for what seems the lost serenity of small-town childhoods. (*America as a Civilization,* Simon and Schuster, 1957, p. 151.)

The reality of social change has now forced perceptive rural leaders to abandon this ideology and image. The new image is still in the process of development; and this creates very special problems for the Church and religion.

In the past, religious values and rural values were considered to have special affinity, and the Church in the small town was considered a "last stronghold against urban paganism." Yet according to the studies of Victor Obenhaus, Arthur Vidich, William Ashdown and others, this hypothesis can no longer be sustained. The evident breakdown of the traditional small town religious values is to be explained partly on the basis of the decline in the "agrarian fundamentalism" with which these values were intertwined, and partly from the secularization process at work in the rest of American life—both factors occasioned by the rapidity of social change.

THE CHURCH'S ROLE

This breakdown in small town values presents a challenge to the Church, because the Church is called upon to redeem and reform this change-process, by inserting ultimate Christian meaning into the newly-emerging town and country way of life. This means that the Church must seek deeper insight into the Christian message and mission as it applies to rural America, must provide the ministry of Word and Sacrament where this is lacking, and make it more effective where it already exists. The Church must examine its own organizational structure so that its ministry becomes truly available and acceptable to every person and within every institution that forms the fabric of rural life. Means of ecumenical cooperation must be sought, in an effort to strengthen the over all Christian witness. A deeper understanding must be achieved about the attitudes, values, social structures, and regional differences which affect people's religious development. And finally, there must be careful and controlled experimentation, in an effort to discover creative new approaches to today's needs.

QUESTIONS FOR A RURAL MINISTRY

1. What is the over-all situation in town and country?

2. What is the religious situation in town and country?

3. What is the past and present response of the Catholic Church to the challenge of town and country? What means is the Church taking to fulfill its responsibility in rural areas, in light of the importance of the town and country apostolate in the over-all mission of the Church?

4. What "philosophy of life" should be developed, to replace the old "agrarian fundamentalism" as the basis for the newly emerging town and country way of life? How can this philosophy be related to solid Christian principles, in order to serve as vehicle for an expression of the Church's catholicity in these areas?

5. In an ecumenical era, what is the theological basis for specifically Catholic witness in areas characterized by Christian pluralism?

6. What are the hierarchical, priestly, religious, and lay roles in the Church's religious and social ministry in town and country?

7. What adaptations in institutional Church structures will be needed in order to serve the changing town and country more effectively?

8. What approach should the Church use in working with the evangelical branch of Protestantism in rural areas?

9. How can the Church achieve ecumenical cooperation with main-line Protestant groups in town and country?

10. What approach should the Church take in working with the so-called "sect religions?"

THE PARISH: GOALS AND PURPOSES

How can the parish apostolate itself be adapted to provide certain types of specialized ministries—such as religious education, counseling and community service—that people in rural areas are coming to expect? At the heart of the problem, according to Rev. Bernard Quinn, director of CARA's town and country program, lies the struggle to define the purpose of the parish today. The parish needs to discover what elements of the Church's over-all mission it can carry out in a highly specialized society like our own, and to concentrate on doing them well. Further, it needs to know what it cannot do, he says, so that instead of feeling threatened, it can encourage the formation of new forms and structures that can. In the excerpt below of his study "Towards a Job Description for the Non-Metropolitan Catholic Parish," Father Quinn lists some of the things he thinks the parish can and should do.

As a local religious organization with residential territorial boundaries, the non-metropolitan parish is in a position to participate in the Church's over-all mission in the following ways:

1. In an age of specialization, it can provide an 'integralist' ministry, a service to the whole man as a total person, in response to those generalized, basic, and elementary spiritual needs that each man has in common with every other. Specialized needs will have to be met at other levels.

2. Its ministry can be directed primarily to persons-as-individuals, in the private dimension of life, rather than to the task of Christianizing the social order. Consequently, the parish must have a 'personal' rather than a 'bureaucratic' flavor, at the same time avoiding the character of an exclusive club.

3. As an organization, the parish can be 'available' to those who seek its ministry, whether they reside within its boundaries or come from the outside. At the same time it can assume responsibility for 'initiative' in seeking out and serving each individual who 'resides' within its boundaries. Thus the Church will have at least one way of making sure that someone is repsonsible for everyone.

4. Its ministry can include both Christian nurture, and evangelistic outreach to the unchurched.

5. As a 'net' structure, containing both good and bad fish, the parish can serve both as a point of focus for the spiritual good of the relatively uncommitted, and as a setting within which the committed can express a higher Christian dedication. As a 'net' structure the parish itself cannot expect to be found at the cutting edge of Christian mission.

6. The parish can be an organization that looks outward as well as inward, and rejoices to have a generous amount of its financial and human resources dedicated to the Church's mission in the world beyond its boundaries.

In this particular job description, the parish is located within the Church's over-all mission, as one important structure among many. In the post-medieval world the parish cannot be "all things to all men," can no longer serve as the Church's all-purpose organization. By consciously divesting itself of certain functions carried in the past but inappropriate to the present, it can be "some things to all men." In today's non-metropolitan world, the parish can remain a vital force as long as it concentrates on doing these "some things" exceedingly well.

FROM THEORY TO PRACTICE: PLANNING AND EXPERIMENTATION

Up to this point an attempt has been made to rough out a tentative job description for today's non-metropolitan parish. Some of the working assumptions underlying the parish's daily operations have been challenged—working assumptions that often are encumbered by unrealistic expectations left-over from a previous age. And at the same time, a matrix has been suggested, within which a modern parish might be able to articulate a new sense of purpose.

Such theoretical speculation can be useful only if skillfully reduced to practice. And in fact, speculation may even be harmful, if practical applications are not made skillfully *enough*.

What is needed here, it seems to me, can be summed up under the rubric of 'planning and experimentation.'

By planning, I mean a conscious process of discovering goals, setting concrete objectives, and devising means of achieving them.

The key word here is 'conscious.' Planning involves an effort to articulate and define goals, objectives, and methods. Conscious planning can be done even in a parish setting, as Lyle Schaller amply demonstrates in the first two chapters of his book, *The Local Church Looks to the Future*. (Schaller also offers much practical advice on methods of involving the entire congregation in the parish planning process.)

The first phase of planning is to articulate general over-all goals; in other words, to define the parish purpose. The present paper has been concerned primarily with certain aspects of this task.

The more crucial phase of planning comes in the effort to translate *purpose* into *objectives*; in other words, to set definite priorities which can serve to balance the various aspects of mission over and against each other. For example, questions like these need to be asked:

1. What percentage of time, effort and resources needs to be devoted to the *nurture* aspect of ministry (congregational care), and what percentage to evangelical *outreach* to the unchurched? Thirty percent to nurture and ten percent to outreach? Seventy-five to nurture and five to outreach? Twenty percent to each?

2. How much effort needs to go into ministry of the Word (catechetics, adult education, and the like), and how much into Worship?

3. What emphasis should be placed on *institutional care*, (administration, finance, and supporting services)? What proportion of finances should be devoted to parish concerns and what proportion to ministries structured outside the parish, and to home or world missions? Fifty percent inside and fifty outside the parish? A percentage of seventy to thirty? Or, perhaps, ninety to ten?

The effort to discover *present* priorities in terms of percentage of time, effort, and funds expended, is salutory. By unmercifully uncovering the parish working assumptions, this effort reveals where the *real* parish priorities lie. It can also lead to adjustment of priorities more in line with what the Church professes its mission in the world to be.

Even after articulating the parish purpose, however, and readjusting its priorities, the task remains of translating these priorities into creative approaches to apostolic action. Some of these approaches will be new; others will represent new ways of doing old things. This is the level of planning where creative ingenuity and imagination come into play, and where the experience of other parishes can be helpful in generating practical ideas for action.

Here the parish enters the area of experimentation, a concept that bears the weight in today's Church, of both favorable and unfavorable connotations. A friend of mine, for example, has defined experimentation as "moseying around like an old cow looking for greener grass." Experimentation can also be a responsible process, whereby the parish, working within a well-defined sense of purpose, and in accordance with definite priorities, seeks to discover new approaches, in a context of calculated risk, which neither denies the possibility of failure nor fears to launch out into the deep.

The territorial parish as an organization has a long history in the Church. Many feel that it is obsolete today. But others feel that—properly renewed—it has a vital contribution to make to today's Church. Perhaps, as has been suggested here, the planning process, involving as it does a concern for purpose, priorities, and experimentation, will be able to help make the task of parish renewal into a hundred-year project instead of a two-hundred-year one. Anyway, there is not a moment to lose.

IN CONTEXT/A CASE HISTORY: A SMALL SOUTHERN TOWN

In the preceding text, it was said that the parish could no longer serve as the "Church's all-purpose organization," but that by divesting some of the functions carried over from its past that are inappropriate to the present, "it can be 'some things to all men,'" and serve well. In the case history below, compiled and written by Father Norman Choate, CARA'S town and country research associate, we see what happened in a small rural parish in the South where Catholics are a minority, when the priests' attempts to serve the community-at-large were caught in a crossfire between the parishoners' expectations and the townspeople's response. The text below is excerpted from Father Choate's report, "Experiments in Town and Country Ministry: Three Case Studies." All names of persons and places in the study are pseudonyms.

Not so very long ago it seemed that the most pressing need was to keep the people close to the church and the parish—a preoccupation that was not without wisdom. In the early years the Catholic Church's concern for its own survival greatly influenced the way in which the priest defined his role. Serving the needs of a large urban parish left him little energy for services to the community. Neither was there much leisure for speculation on the injustices in our midst.

Now that the church is relatively well-established, clergymen are finding that the demands of their calling have undergone radical change. There is great contemporary concern for the poor; but it is generally not the parishioners who are poor. The devices employed by the church in its early years and from which so much of its strength was drawn are simply no longer necessary. It is not uncommon for the St. Vincent de Paul Society, a parish organization founded to feed and clothe the needy, to come to the realization that there are few parishioners who really need their help.

Furthermore, the people of this country are on the move. There is hardly a place where one will not hear pastors speaking of that mobility as a problem. As whites move out of the central cities, leaving the minorities behind, the church in the city is confronted with the need to define the locus of its responsibility. Who will be served—those who stay, who are often not members of the church at all? Or will it be those who go—those whom the church defines as its members and who constitute the community of Christians about which so much is said and written?

In the suburbs, where so many of those leaving the central cities settle, the problems facing the priest are different. Suburban parishes, because they are composed of people who, having moved once, are likely to move again, face all the problems that mobility brings. There is also the question of the approach to be made to people with a new-found wealth and great variety of ways to disperse it. That wealth is intended to bring something vaguely described as security. Some want to respond, from their secure position, to the needs of those they have left behind. These comprise the newly-formed group of liberal Catholics. Others, however, want to enjoy the fruits of their ambition, and not get involved in all that was less pleasant in the past. They are not in sympathy with the clergyman who appears before them with a variety of social causes, demanding that they respond.

Farther away from the central city, in small southern towns such as this study describes, the movement and diversification of industry brings some of the more highly educated Catholics into a culture that is somewhat alien. Those Catholics do not come to reform the existing social system. They come because their jobs brought them there perhaps with the promise of an immediate promotion and a chance for steady advancement.

The movement of population also touches the people who have always lived in small towns. The drain of talent and skill as the young people leave often creates a mentality of defeatism in those who remain behind. Yet it is not only the most talented who leave home. Among those leaving are the least employable—those with the lowest expectation of success at home, who leave with the vague hope that in the city somehow things will be better. This group becomes problematic for the cities in which they settle. A sizeable number return home, after reaching the bitter conclusion that they cannot succeed in the city either. They were a cause of social concern before they left home; they are even more so after they return.

None of this change in our mobile society has been lost on those who are charged with the daily responsibilities of the parish. In all types of areas—cities, suburbs, and towns—priests have begun to turn to those who seem to them to be in need.

It is this "looking outward" that can create difficulties for the parish. The parishioners do not understand why their needs do not receive the same exclusive attention as before. The parish priest continues to serve the people of his parish, but on a more contracted scale. At the same time, with a mandate provided by the Second Vatican Council, he looks outward toward the community, to be of service wherever the needs exist. He begins to move in the direction of a ministry conducted on two levels.

FOOTHILL

It is perhaps in the small southern town with some industry where the parish will most clearly exemplify this two-level ministry, and the problems and success with this new direction implies. Here traditional parish patterns are not likely to be so impervious to change. And here the mobility patterns which pervade the country appear in high relief.

For these reasons, St. Andrews' Parish in Foothill, a small town in a small county in the South, has proved to be a rewarding subject for study. Despite the social and economic characteristics which place it in marked distinction from a large, well-established urban parish, it seems to present something of the future of the church in the United States in microcosm.

Not much of historical note has happened in Foothill, though there was one brief shining hour, in 1825, when gold was discovered in the local streams. The annual "Gold Rush Days" testify to the singular importance of that event. The old courthouse at the center of town has been converted into a museum commemorating the discovery of gold and the promise of a prosperity never fulfilled.

The town is typical of that area, with two exceptions: it contains a small military college, and a small army training base is located nearby. Many of the college students are from out-of-state urban centers, or from military families who have travelled extensively. There is an almost tangible barrier between the students and the townspeople. The young people of the town see the college students as competitors; the older folks find them rather stand-offish and pretentious. Academic pursuits are not accorded high status in Foothill. Neither is the military style, with its penchant for regimentation and commitment to something so abstract as duty.

There is also a small army training base in the county, which utilizes the mountainous terrain for its specialized needs. As with the college, there is a built-in antipathy between the soldiers and their families, and the townspeople. That division is lamented neither by the military administration nor by the town. Foothill is not a shopping center so it stands to lose little by discouraging the soldiers from spending their leisure hour there.

About ten years ago, Foothill benefited from the exodus of the textile industry from New England, when the Worthington Conglomerate built a small plant in the town. This plant employs about 700 people; sizeable for Foothill, but not for Worthington. There are no labor unions in Foothill.

The textile plant brought its own management people from the Northeast, adding yet another element to the town's social fabric. The various strands have been woven into one fabric, but it is clearly not without seams. While the college, the army and the textile industry all provide some prominent citizens for the town, that prominence is more honorary than real, since it carries little real social power. The people who held the power before the outsiders came still hold it, and continue to see the town as an isolated and autonomous entity still very much in their possession. An illustration of the depth of that sense of possession may be seen in the recent indictment of some of the local officials, among them the fire chief, for the burning down of some public buildings. One might hazard the conjecture that some townspeople were quite indignant at the intrusion of the outside investigators who brought the case to light.

One more group of people looms large on the scene in Foothill—the rural poor. It is difficult to categorize them for several reasons. The unemployment rate is not abnormally high, at least for that part of the country. But half of the employed earn wages which place them below the poverty line. There is a substantial school drop-out rate, but apparently most of those who drop out manage to find jobs at home or leave the county.

The crime rates are low and, at least from the reported statistics, the health of the population seems adequate. The two indicators of poverty that seem to be employed most often by the town's socially concerned are the appearance of the homes of poor people and the demeanor and dress of their children at school. Whatever the reality, there is much comment about "our poor." One suspects that the comment stems more from an awareness of the recent and widespread notoriety of the problems of Appalachia than from a firsthand knowledge of the problem itself. When the people of Foothill talk about the poverty-stricken, it is usually in terms of an anonymous "they" who are "out there."

While the various groups in town act very much in awareness of each other, there is no significant social integration apparent to the outside observer. Neither does anyone seem to be much concerned about fusing the different elements.

Most of what is presently familiar to those who live in Foothill is soon to change—for better or for worse. A large and rapidly growing metropolitan center is about an hour's drive from Foothill in one direction and a second is about an hour away in another. It is difficult to image that any area within a hundred mile radius of those growth centers will escape the impact of rapid change. A marked slowing of the emigration from the county, a brisk real estate market, a sizeable increase in capital savings and a growing tourist industry all indicate that Foothill can look forward to new life.

ST. ANDREW'S PARISH

In 1960 the Home Missioners, a group of priests dedicated to serving in non-metropolitan areas of low Catholic population, decided to establish a parish in Foothill, with an attached mission church some twenty-five miles away in Mountainview. What makes the story of St. Andrew's Parish of significance is the ministerial roles which the priests have assumed both in the town and in the parish.

Two factors encouraged the Home Missioners to establish a parish in Foothill: an increasing number of Catholic students on the college campus and the serious shortage of priests in the local diocese. The decision was well advised. The parish has grown in ten years from 5 families to 31. The congregation at this writing numbers 131—a small figure, but one that represents a mean growth rate of 47% a year.

In the relatively short period of its existence, St. Andrew's has taken on all the appearances of a well-established and permanent parish. Operating initially out of a not-too-luxurious one-story rental near the center of town, it has gone on to purchase and renovate a former Protestant church and to build a sizeable parish center next door. This center provides not only living quarters for the pastor and staff, but a parish hall, a club room for the college students, meeting rooms and the pastor's office. The center is more extensive than might have been expected in a parish of this size. Most of the building costs—and a considerable part of the operating expenses—were provided by the diocese and the Home Missioners. It was also undeniably a stroke of good luck to have been able to occupy a long existing church building at the center of town. This avoided the need to be ostentatious about the Catholic presence by thrusting an unfamiliar spire into the Foothill sky.

The growth of the parish is due mostly to the emigration of the textile people, the expansion of the college and the flow of military personnel. While a few of the many unchurched in the area have joined the congregation there has been no significant increase in membership from that quarter.

A small southern town like Foothill has a rapid turn-over in ministers, since the ministers are young and are looking forward to larger pastorates. Only the Southern Baptists, with their large, well-established congregations are exceptions to the general rule. The Protestant clergy have had little reason to look upon the priests in Foothill as competitors, and the priests in turn seem not to have become involved in the less gracious expressions of proselytism. Consequently, relations among the clergymen of the town have been good. There is a desire for frequent fellowship and a certain degree of cooperation.

THE PARISHIONERS

The Catholics who have moved into Foothill have usually come from traditional urban parishes, where the needs of the parishioners have occupied the major portion of the priests' time. In Foothill they find the priests heavily involved in the community and actively working toward a more collegial style in the church. The priests assigned there have been strong personalities, holding strong views. To the parishioners, their actions and the directions they have proposed have been sometimes puzzling, occasionally infuriating and at times delightful. Almost invariably there is a reaction from the people simply because the priests operate differently from what they have experienced in the past. Furthermore, the parish has been established and built largely without the peoples' moral, physical or financial support. The particular freedoms that come from not being financially dependent on the congregation and from belonging to a minority religion, allow for a redefinition of the clerical role. This is an opportunity that has not escaped the priests who have served St. Andrew's. A good deal of the creativity and much of the impact of Catholicism in Foothill has come from the pastor and his staff.

THREE IDEAS THAT WORKED

Part of CARA's town and country research program is to gather information on creative apostolates. CARA's files currently contain data on about 300 rural ministries throughout the United States. Twenty of these ministries were selected for inclusion in the "Town and Country Idea Book" published by program. Its foreword states: "It is hoped that the 'Idea Book' will help multiply their impact beyond the the local area. Good ideas are often hard to come by. Christian stewardship demands that they be shared." With this in mind, "Origins" has printed below three of the programs detailed in the "Idea Book." They include the Rochester diocese's plan for acquainting its middle class and its poor, the Spanish-speaking apostolate of the Toledo diocese and the ministry to vacationing youth devised by the resort town of Lake George, N.Y.

1. ROCHESTER'S HOUSE OF CONCERN

The House of Concern in Penn Yan, New York, through a food-clothing-furniture sales operation, provides a place where middle class women can become acquainted with the poor and discover how best to help.

Father John Hempel, director of the office of human development of the Rochester diocese, and on assignment to Yates County to work among the poor, began the House of Concern in 1968. Father Hempel discovered that 25% of the people in the county were living in "fringe poverty"—barely managing to survive financially, and prone to disaster in case of temporary job loss or sickness. He felt that if middle class people had some way of becoming acquainted with the poor, and learning of their difficulties at first-hand, they would soon discover how they might be able to help. A place where volunteers could sell food, clothing and furniture to the poor at a minimum price, could serve as a concrete focal point where the middle class might learn and the poor might be helped. Thus, the idea for the House of Concern was born.

To set up the House, Father Hempel contacted middle class women living in and around Penn Yan who, by their participation in social action committees in both Protestant and Catholic churches, had already shown the type of concern needed. He explained the rationale behind the proposal and requested their help. Seventy women responded, principally from the local units of the Catholic Daughters of America and the Church Women United.

For $80 a month, the women rented a building formerly used as a garage and automotive parts store. To stock the store, the group contacted several Catholic parishes in the Rochester diocese that agreed to collect canned food, and used clothing and furniture and to deliver them to the store. With sufficient stock on the shelves and a schedule of volunteer workers drawn up, the store opened three days a week to customers who in a short time numbered about 25 families weekly.

A board of directors was soon established for the operation composed of one woman from each of the seven congregations to which the women belonged—Baptist, Catholic, Episcopal, Lutheran, United Methodist, Presbyterian and United Church of Christ.

As the women volunteers came into closer contact with poverty families through the House of Concern, they soon uncovered other urgent needs. The first project to come from this increased awareness was a small clinic offering inexpensive medical and dental care in the neighboring town of Rushville. The women secured a charter for the clinic from the county officials, purchased and renovated a building for its use, and helped raise funds for its operation. The clinic is one example of what is hoped will result from increased contact between the poor and people who out of a Christian concern are seeking ways to help.

2. TOLEDO'S MINISTRY TO MIGRANTS

Each year between May and October approximately 25,000 Mexican-American migrant workers flow in and out of the northern and western sections of the diocese of Toledo. In addition, the diocese contains 30,000 permanent residents who are Spanish-speaking, representing 8% of the total Catholic population.

Priests, sisters and lay persons from parishes that work with the Spanish-speaking have joined together to share ideas, coordinate work, and improve their ministry. They meet monthly to pray and plan their work, as well as to wrestle with their most difficult apostolic challenge: how to serve Mexican-Americans in such a way that their own culture, and particularly their religious culture, can find the proper type of expression in American life.

A six member diocesan department for the Spanish-speaking (a lay director, priest, sister and three other lay persons) assists the apostolate's efforts in various ways, particularly through arranging for part-time placement of clergy in places where migrants swell the population, recruiting sisters to work full time or part time with migrants, arranging training programs in Mexico for priests assigned to the apostolate on a regular basis, and program development. Sisters play an important part in the apostolate to the migrant camps. They provide many of the little services so important for daily survival: helping a house-wife find the best grocery stores, advising on medical care, assisting in buying a car or obtaining a driver's license. They teach religion to children after school, recruit children for the summer schools provided by the state and sometimes serve as full-time volunteers in tutoring programs.

Various services are also offered to permanent residents. Participants in the apostolate, for example, have tried to incorporate Mexican-American cultural elements into their teaching of Christian doctrine. Radio and television programs have been produced, to alert communities to the special needs of the Spanish-speaking. A hymnal has been prepared, containing both old and new Spanish hymns. Programs have been organized for adult religious education and for marriage counseling.

Special centers in Fremont and Toledo, funded jointly by the OEO, offer job assistance, counseling services, health and dental care, legal aid, immigration assistance, housing referrals, and high school equivalency classes. Lay volunteers assist in staffing these centers.

Members of the apostolate have also cooperated with the State Board of Education in sponsoring a leadership training program for Mexican-American residents. To date approximately 165 have participated.

3. LAKE GEORGE: THE SUMMER PLACE

The Lake George Center, Inc., came into being in 1964 to serve the 2000 or 2500 young people who visit Lake George, New York each summer. Most of the young people come to work in the resort's motels, concessions and dining rooms; some, however, come as vacationeers or "wanderers."

The center originated after a minor disturbance on Labor Day weekend, 1963. After hearing rumors that young people from Ft. Lauderdale intended to visit Lake George and "break up the town," and concerned about the crowds of youths that were beginning to gather, anxious officials closed the bars early and called out the fire department to disperse the crowds with water.

Long after the actual disturbance, the community continued to simmer; "simmering" on the part of the churches took the form of general concern for the problems of youth and a specific desire to help the many young people who worked in the resort during the summer. Thus, in the winter of 1964, representatives of the Presbyterian, Episcopal, United Methodist and Catholic congregations held a series of meetings, out of which emerged the Lake George Center, Inc. The center is a non-profit corporation, formed so that the youth ministry would not have a denominational attachment. Although the churches and their members have served on the corporation's committees and have from time to time given both encouragement and financial support, it is the corporation itself and not the local churches that has formally sponsored the ministry.

The first project undertaken by the corporation was to establish a place for young out-of-town summer workers to come. The center, located at first in the room of the Presbyterian Church, and later in a hall donated by a civic club, was to provide both recreation and counseling. For the first three years (1964 to 1966), the center drew young people who used the facilities for a "home away from home"—for inexpensive entertainment, including pool and ping pong, and even for a place to cook.

In 1967 and 1968 the "Summer Place" as the youth center was now called, had become a popular gathering place for all manner of young people: summer workers, vacationers and "wanderers." By 1967 the center was attracting nearly 1000 young people on weekends and from 300 to 500 during the week. Not surprisingly, crowds at times blocked the street. In addition, 1967 marked the beginning of long hair, bare feet, beads and drug abuse at Lake George.

By 1969 community pressure had caused the Summer Place to close. The civic group that had donated the hall informed the corporation that the hall was no longer available for its use. Thus, the Summer Place did not operate during 1969 and 1970.

Although the corporation absorbed the brunt of community displeasure, it continued to minister to young people in other ways. Father Paul Engel, Catholic campus minister at Hudson Valley Community College in Troy, New York, for example, held informal morning "rap" sessions on the beach (a favorite gathering place for "wanderers"), where as many as 25 participants might gather on a given day. In addition, the corporation established an office, directed by a lawyer from Lake George, which helped with housing for young people coming to work at the resort, and involved summer workers in community-oriented programs. This office also recruited young people to inform visitors on busy weekends about town safety regulations.

By 1971 the corporation was again offering a drop-in center, now called "Utopia" and located in the basement of the Episcopal church. This time coke and coffee, magazines, television, discussions, movies, and bands have replaced pool and ping pong. By eliminating pool and ping pong, some of the crowding has been reduced, without seriously affecting the center's popularity. The center provides not only recreational activities, but referrals to agencies able to help with drug problems, mental and physical illness, legal problems, unfair practices and employment counseling.

At the present time, the center receives support from members of the Episcopal, United Methodist, Baptist, United Presbyterial, Jewish, and Catholic churches. Funds for the center's program come from various sources: local churches; the Narcotics Guidance Counsel and the Youth Service divisions of the State of New York; and from Vacationland Interfaith Projects, and ecumenical organization of laymen and ministers concerned with leisure ministries in the Adirondacks.

Currently those concerned with the center are trying to cope with the problem of young people who arrive with sleeping bags, indefinite job plans, no money, and no place to stay. In the summer of 1971, a campsite was provided; eventually the center hopes to be able to provide a hostel where young people can stay while searching for a job.

In general, Lake George Center, Inc., represents a successful ecumenical effort to minister to the young people who work at or visit the resort each summer.

PUBLICATIONS FROM CARA'S TOWN & COUNTRY DEPARTMENT

1. Town and Country Idea Book, edited by James Romer and Bernard Quinn. Brief information on twenty creative rural ministries. [40 pages]

2. Experiments in Town and Country Ministry, by Norman Choate. Three case studies: a rural parish in the South, regional communities in the Diocese of Des Moines, and the Interchurch Coordinating Council in southwestern Missouri. [30 pages]

3. The Changing Context of Town and Country Ministry, by Bernard Quinn. A framework for insight into the social dynamics at work in nonmetropolitan places—from isolated hamlets to rural megalopolis. [42 pages]

4. Toward a Job Description for the Nonmetropolitan Catholic Parish, by Bernard Quinn. Suggested role for the rural parish of the future. [34 pages]

5. Mission, Missions and the Creative Planning Process, by Bernard Quinn. Theological basis for pastoral-missionary action. [30 pages]

6. The Protestant Approach to Town and Country. A Study-Guide for Catholics. [34 pages]

7. Church and Community: Nonmetropolitan America in Transition, edited by Victor Klimoski. Contents: H. Wilson Yates, "Social Change and the Church in Nonmetropolitan Society;" George Donohue and Edward Gross, "The Rural System as an Ideal Model;" William Cofell, "The School and the Church in Changing Rural America;" Edward Henry, "Rural-Urban Balance: Looking Ahead to 1980;" George Tjaden, "Ecumenical Response to Town and Country Mission;" E. W. Mueller, "Is the Church on the Offensive?;" Arleon Kelley, "Tactics for the Church on the Offensive;" Osgood Magnuson, "Planning for Tomorrow." [114 pages]

8. Bibliography: Understanding the Small Community. An annotated bibliography, listing community case studies, works on community theory and rural sociology, and Protestant town and country materials. [64 pages]

9. Supplement to the above: Recent Acquisitions of Cara's Town and Country Library.

10. Booklet: Planning for Action: Aids for Leaders in Church Planning. Practical planning aids for use by local church groups, in popular style. [46 pages]

PROBLEMS OF THE RAILROADS

Mr. TAFT. Mr. President, the report recently issued by the Securities and Exchange Commission on the Penn Central collapse raises very serious questions about the performance of the management of that company and the adequacy of our securities laws in protecting investors. The outrageous management practices which have been reported, if true, should be met with vigorous enforcement action on the part of the SEC and other appropriate agencies.

It would be a serious mistake, however, if we were to conclude that the problems of the Penn Central and other major American railroads are attributable solely to inadequate management. We only deceive ourselves if we believe that good management alone can solve the problems of the Penn Central and other American railroads.

Unfortunately, America's railroads are beset with problems which significantly handicap their ability to remain as viable enterprises. On March 3 of last year I addressed the Senate on the extent to which unprofitable branch lines, unproductive work rules, and archaic rate structures seriously debilitate our Nation's railroads. I introduced a bill which was designed to meet these problems. While the ICC has somewhat facilitated the abandonment of the most unproductive branch lines, we have not done enough in this area and the Congress has failed to act. Recently, I joined with the distinguished Senator from Indiana (Mr. HARTKE) in introducing the Interstate Railroad Act of 1972, which was designed to promote improved service by upgrading main lines. This act would provide to the railroads Federal funds equivalent to the real estate taxes which they pay on their main intercity rights-of-way, which funds would be used for the purpose of improved maintenance of the rights-of-way and roadbeds.

We cannot expect America's railroads to provide good service to shippers and consumers when they are saddled with tens of thousands of miles of unproductive branch lines; when they are forced to retain employees solely because of archaic work rules; when they pay unfair taxes on their rights-of-way; and when they have a rate structure which involves 43 trillion rates on file with the ICC. Years ago, it was popular to blame all of the railroads' problems on the passenger train. Today, it may become fashionable to lay these problems at the door of outrageous management practices.

As questionable as those management practices may have been in the case of the Penn Central, we do the Nation a great disservice if we do not follow through with the fundamental reforms that are required. Unless we are prepared to let America's railroad industry collapse into nationalization, we must understand the necessity of enacting prompt reforms, without further delay.

The Wall Street Journal of August 16 contains an article entitled "Getting the Penn Central Back on Track." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GETTING THE PENN CENTRAL BACK ON TRACK

(By John E. Cooney)

PHILADELPHIA.—Ever since the Penn Central Transportation Co., the rail subsidiary of the Penn Central Co., filed for reorganization in June 1970, the railroad's hierarchy has been roundly drubbed in a series of extensive government investigations exposing blundering mismanagement, titillating scandal and shabby ethical practices. A Securities and Exchange Commission report released threatens "possible enforcement action" against unnamed former officers, directors and advisers to the railroad giant.

Indications are that the circus side of the Penn Central will keep going strong even if the railroad doesn't. Take the fascinating game of pin-the-blame-on-somebody-else being played by former chairman Stuart T. Saunders, ex-president Alfred E. Perlman, and former financial officer David Bevan.

Perlman, for instance, leaked substantial information to a major financial publication for an article on the Penn Central and indicated that it was Saunders who did much to run the railroad aground. Saunders, meanwhile, washed his hands of the affair and said he had no idea of the goings on in which Bevan is accused of manipulating Penn Central funds for his own use. And Bevan retorts by releasing a "diary" purporting to show that he's being made a "scapegoat" and that Perlman and Saunders "failed to do their job" and were "incapable of keeping the railroad solvent."

TIME TO TAKE STOCK

But while the Byzantine machinations and lighter side of corporate intrigue are surfacing as factors that hastened the railroad's inglorious foundering, it's time to question how much of the Penn Central's plight is actually due to the human element. It's also time to take stock of the direction the reorganization is going. And although Congress, for the most part, has testily tried to ignore many aspects of the railroad's situation, it appears that whatever the outcome a greater amount of federal intervention will be needed to determine the future of the railroad and the industry as a whole.

If for no other reason than its vast size, the Penn Central must be dealt with. It has some 20,000 miles of lines criss-crossing 16 states, the District of Columbia and two Canadian provinces. More than a million tons of freight travel its lines each day, and 70% of its traffic involves other railroads using its tracks. And with about half of its passenger operations under the aegis of Amtrak, its lines carry about 300,000 passengers a day. Moreover, it is the largest hauler of mail in the United States.

While its size poses problems other railroads don't have to worry about, unfortunately the Penn Central isn't alone. A look at the rail industry reveals that apart from the embarrassing albatross of past managers who continue to make headlines and an intricate system of leased lines that staggers the mind, the Penn Central is merely a big unhealthy chunk of an unhealthy industry.

Indeed, it becomes obvious that the Penn Central, like much of the rest of the industry, would have had problems no matter what its management was like. In the past several years, five of the nation's 68 Class I railroads have filed for reorganization. (Class I systems have at least $3 million in annual operating revenues.) All five came from the Northeast Corridor that is a Penn Central stronghold. Last year, George M. Stafford, chairman of the Interstate Commission, said at least another dozen major railroads were in shaky financial shape. ICC figures show that while freight revenues rose to $11.8 billion last year from $8.2 billion in 1960, operating income steadily slipped to $702 million from $943 million for the industry during the decade. Railroads have the lowest rate of return on investment of any regulated carriers—about 2.5% last year, also one of the lowest rates for any industry.

Moreover, shifting industry, particularly in the Northeast, has caused a loss of freight revenue. Anthracite coal production, once a staple of the rails, is dying out. Although bituminous coal still provides steady revenues, utilities are increasingly turning to oil and gas for their energy sources. And railroads haven't proven to be very aggressive in seeking new sources of freight traffic.

The obvious question is "What's wrong?" Well, the Penn Central's trustees in their reorganization report issued earlier this year made a checklist of critical problems confronting the giant railroad. If the problems are not solved, chances for a viable reorganization are nil, the trustees warned.

The major crises are three, the trustees said. First, they contend that some 9,800 of the company's 83,000 employees are "surplus" and must be phased out for an annual savings of about $100 million a year. Recent agreements with the United Transportation Union have made significant inroads in this area, but the hardest bargaining may be yet to come.

The trustees next recommended cutting the system's 20,000 track miles almost in half to remove unprofitable and marginal freight lines, which means dealing with state and local opposition as well as hoping for sluggish federal action. Thus far, the trustees have identified about 3,200 miles that they want to let go, but the ICC has approved the abandonment of only 585 miles.

The third condition for profitability is that losses from passenger operations be made up from pockets other than the Penn Central's, which most likely means governmental subsidies or unloading remaining passenger lines. The only Penn Central passenger lines left are commuter trains in a half-dozen major cities.

To the trustees' trio of ills, other rail leaders add amendments. They complain that railroads today are hamstrung by regulations designed to hinder 19th century monopolies, especially in the areas of track abandonment and the payment of local property taxes. These conditions, combined with federal subsidies for highways, waterways, and airways give their competitors an unfair advantage, they grouse. And although railroads have received five rate increases within the past five years, industry spokesmen say costs outstrip the increases and they are seeking yet another rate boost. The average cost of freight cars has risen almost $4,000 a unit to nearly $14,000 in 1971 from what it was in 1960, they say.

The precariousness of the Penn Central's position was seen recently when Tropical Storm Agnes battered the East Coast. The railroad suffered about $20 million in damages and anticipated revenue losses for July of $10 million.

To meet the emergency, the road took drastic steps. It laid off 1,000 employees for expected savings of $1 million monthly. It indicated it may defer payments on equipment obligations for "grace periods" until it becomes a matter of default. The trustees rushed to the reorganization court for authorization to use the remaining $15 million in trustees certificates of the $100 million government-backed loans granted the railroad in January 1971. (Even with the $15 million, the company predicted its cash balance this month will only be $11.8 million.) And William H. Moore, the railroad's president, went begging to Washington along with the heads of other roads for $40 million in emergency funds for storm-damaged railroads.

Indeed, the outlook for the Penn Central appears so gloomy that alternatives to an income-based reorganization are periodically profferred by interested parties. The United Transportation Union, for instance, has called on Congress to study nationalization of the railroad, saying the nation's needs aren't being served by privately-run roads. Richard Joyce Smith, trustee of the bankrupt New Haven Railroad, which is one of the Penn Central's largest creditors as well as the holder of nearly one million shares of the transportation company's stock, has recommended that the company sell off the railroad and retain other assets. Only yesterday Mr. Smith sent a letter to the Penn Central Co. recommending that the holding company file Chapter 10 bankruptcy proceedings.

Just last week, a group of creditors and indenture trustees, including some of the largest banks and insurance companies in the nation, petitioned the reorganization court to ignore the trustees' plans for an income reorganization. "Once it becomes clear that the railroad cannot be reorganized on the basis of earnings, there is no longer any legal basis for further erosion of creditors' security, nor for the further suspension of creditors' rights," the petition declared. The group, however, doesn't offer any alternative reorganization proposals.

SOME GAINS MADE

Strides toward the trustees' objectives thus far haven't been altogether fruitless. Recent agreements with the UTU call for phasing out of some 3,100 firemen through attrition and opened the gates for removing excess train crew members with an initial 285 crews to be reduced. The reductions in this category are minimal, though, compared with the more than 6,000 "surplus" crewmen the railroad feels are on trains.

And the train crew agreement expires Nov. 30, leading some observers to speculate the contract is merely the result of White House pressure to delay a strike threatened for this summer until after the presidential election. Indeed, a similar agreement in 1964 backfired when the contract expired two years later; unions struck and the nation's railroads were forced to replace most of the jobs that had been vacated.

Some gains are perhaps more secure. The company has trimmed the total number of employes to 82,818, or 8.8% from last year at this time. In addition, the net loss for the first six months of this year was $124.8 million, some $3.1 million less than a year ago despite the additional costs of nearly $20 million from Tropical Storm Agnes. And as another gauge of success, the company says that freight service complaints are only averaging four a week compared with a high of 70 in March of last year. Moreover, ICC officials say, customers have actually submitted unsolicited praise for improved freight service conditions, "although they couldn't have gotten any worse," one official says.

Overall, however, the image of the Penn Central remains that of a debilitated Gargantua and in that truth apparently lies its base of power. Since it is so powerless, and yet seemingly so insatiable in its demands, Congress can't shunt it aside.

In fact, Congress is being relentlessly driven to do something about the Penn Central and the rail industry as a whole. Measures taken so far, though, have merely been stop-gap emergency funding. First, there was the unprecedented government-backed $100 million in trustees' certificates. Now there is the prospect that Congress will shell out substantial sums for flood stricken railroads with the Penn Central being a major beneficiary. And just this month, the Senate passed a bill that would authorize up to $3 billion for railroads wanting to buy more box-cars to relieve the shortage in the industry.

There are other bills proposed that would help the railroads. The Surface Transportation Act, for example, would make it easier for railroads to abandon tracks, get government-guaranteed loans, and receive some form of tax aid to keep up track beds. And the proposed Interstate Railroad Act of 1972 envisions the creation of an interstate rail system to promote improved service for both freight and passenger operations by encouraging the use of other railroad's lines through track rights arrangements.

THE ROLE OF CONGRESS

While it becomes increasingly clear that Congress is going to have an ever-larger role in the Penn Central's affairs—ranging from labor reform to box-car modernization—it isn't at all clear what the ultimate nature of that role will be. Neither specific recommendations nor forthright debate on the subject exists. "Congress just doesn't want to deal with the Penn Central right now," says one ICC official.

Meanwhile, the Penn Central keeps lumbering along, its trustees putting a brave face on things and steadfastly maintaining that a traditional reorganization is possible. The trustees have asserted that if their goals are met, the Penn Central may begin "to see light at the end of the tunnel" by 1975 or 1976.

The price of the Penn Central's success, however, may be stiff. The Penn Central may require so much help from Congress in order to meet its goals, that the government will demand a greater voice in the operations of the railroad. A quasi-governmental agency, such as Amtrak, may be created to run marginal or unprofitable freight operations, allowing the railroads to run the more profitable lines. And there will more than likely be increased governmental pressure to upgrade the private railroads' services.

"Someday, Congress is going to look at all the money its bound to put up for the Penn Central and the rail industry generally. It will conclude that it may as well start putting the railroads to better public use than the private interests that own them are able to do because they're trying to turn a profit," concludes the federal official.

REPRESENTATIVE DRINAN REPORTS ON ISRAEL

Mr. RIBICOFF. Mr. President, my good friend and colleague, Representative Robert Drinan, recently reported to his constituents on developments in Israeli-American relations. Bob Drinan is uniquely qualified to offer his observations on this important subject, having involved himself in this area for many years. Since coming to Congress, his eloquent voice has been repeatedly heard regarding America's vital stake in preserving Israel's security and on behalf of Soviet Jews.

Bob Drinan's perceptive reports on his visit to Israel and his lucid testimony before the Democratic Platform Committee have already earned him the respect not only of his congressional colleagues, but friends of Israel everywhere.

In his latest report, Representative Drinan has analyzed the nature of the continuing Soviet role in the Middle East in the wake of the partial Soviet withdrawal from Egypt. Warning that "danger signals are already flashing" with regard to the Soviet drive to control Middle East oil, he contrasted the administration policy with congressional initiatives to assist Israel.

I am confident that as long as Bob Drinan is a Member of Congress, his voice will be heard and his votes counted on behalf of Israel and world peace.

I ask unanimous consent that his news column be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

Israel-American Relations: Recent Developments

(By Congressman Robert F. Drinan)

In May I had the opportunity to visit Israel once again—my first trip there since being elected to Congress in 1970. Several years before when I was Dean of the Boston College Law School, I was honored to lecture at Hebrew University in Jerusalem under the auspices of the Israeli government. I made my recent trip as a fact-finder on behalf of the National Interreligious Task Force on Soviet Jewry.

During my trips I have talked with Israelis from many walks of life—immigrants, "sabras," (natve-born Israelis), workers, students, government officials. In May I conversed at length with Abba Eban, the distinguished Foreign Minister of Israel.

Dramatic and even astonishing changes have taken place in Israel between my trips there. Events of recent weeks—since my last trip—indicate that the Middle East situation is in a state of momentous change.

While the full significance of the partial Soviet withdrawal from Egypt is yet to be assessed, it is only a single piece of a shifting mosaic. Rational behavior and logic have never in the past characterized Middle East politics. But what does remain clear is that the limited withdrawal of Soviet advisers does not mean the end of a significant Soviet role either in Egypt or in the entire Middle East.

Economically and diplomatically, the Russians have scored notable gains in an area not only of great strategic importance, but one which contains two-thirds of the world's known oil reserves. Predictions of an "energy crisis" in our country in the 1980's are linked with an estimate that 50% of American oil will have to come from the Middle East by 1985. The implications of these predictions are certainly ominous for Israel. They could become a nightmare for that country if the United States were in fact to become wholly dependent on Arab oil.

Danger signals are already flashing. Only recently Iraq nationalized the Iraq Petroleum Co.—a consortium controlled by British, French, Dutch, and American oil interests. The Soviet presence in Iraq can be expected to increase as a result, and along with it Soviet domination over Iraqui oil.

Communist bloc nations also provide the Arab oil nations with oil markets, which give the Arab nations more flexibility in their efforts to exert political pressures on the international oil companies. Libya, which is pushing for union with Egypt, has already shown its skill at exerting such pressures. But Russia's target in this area may really be the Persian Gulf, where most of the Mideast oil reserves are located. For decades Britain dominated this area militarily while American oil companies did so economically. Britain's recent military pullout from this area, however, left a political vacuum. Will Russia fill this vacuum?

With the Russians able to meet their own oil requirements, it is not difficult to see why the Soviet Union is actively seeking domination over the sources of Mideast oil. It appears that Russia would like to become the middleman for Mideastern oil, supplying its friends and controlling the oil tap for Western European countries.

How have American policymakers reacted to these key developments? How have we perceived the threat to Israel posed by intensive Soviet and Arab maneuvering in the Middle East? Until the beginning of this year our government's position with respect to Israel had been weak, vacillating, and, in fact, inflammatory.

The historical record shows that a very serious crisis in U.S.-Israel relations exited for the first three years of the Nixon Administration. It began with the Rogers Plan in December of 1969 which called for almost total withdrawal of Israeli forces from all Arab territories—including Sharm-el-sheikh, which is a strategically essential point for Israel. The crisis was aggravated by the Soviet-Egyptian ceasefire violations in August 1970—and the pervasive American silence which followed those blatant violations.

Relations deteriorated further with the refusal of the current Administration to meet Israel's requests for Phantom jets and other advanced weapons so desperately needed. During the first three years of the Nixon Administration, and during Nasser's war of attrition against Israel, only 18 Phantom jets were sold to Israel. This virtual arms embargo by the United States against Israel was being used to force Israel into agreeing to a political settlement not in Israel's or the United States' interest.

This unfortunate situation has now changed—temporarily at least. Israel is now able to buy a variety of weapons from the United States, including Phantom jet aircraft, air-to-ground missiles, M–60 tanks, heavy field guns, C–130 transport planes, and electronic equipment.

Mainly because of actions started in the Congress during the past three years, Israel is now receiving both military credits and direct economic supporting assistance.

In June, Congress passed legislation since signed into law for non-military foreign assistance, including provisions which I had sponsored for $85 million in aid to Israel for the resettlement of Soviet Jewish refugees.

These provisions, like those in previous legislation benefiting refugees from Cuba, Hungary, Czechoslovakia and other countries which persecute dissent and punish minorities, will aid Israel in providing homes and finding jobs for the 40,000 Soviet Jews expected to arrive there this year.

During my trip to Israel in May I was deeply moved by the plight of the Soviet refugees. Most of them are forced to leave Russia with virtually no possessions.

Israel is doing a tremendous job to assist the refugees readjust to a normal life, but Israel, beset with many problems, needs help: It is expected to cost Israel more than one billion dollars in 1972 to resettle the Soviet Jewish immigrants who will enter that country this year. American assistance will now ease that great burden.

Each of these legislative proposals to help Israel was met with Administration opposition when they were introduced.

Throughout Israel's history the Congress has sought to counter the pro-Arab bias and bad advice of the State Department on the Middle East. If the State Department's views had prevailed Israel would have never been born in the first place. During the recent crisis in American-Israel relations the Congress has been the focal point for strong pressures on the Administration to give Israel greater economic, military and diplomatic support. These pressures have included letters from Congressmen to the Secretary of State and to the President calling for Phantom jet deliveries, and otherwise seeking American solidarity with Israel. In September of 1970, over Administration objections, $500 million in military credits for Israel was approved by the Congress by an overwhelming margin. This amendment authorizing military credits for Israel is being extended by Congress through the end of 1973 to ensure continued support. Through these decisive actions a reluctant Administration was repeatedly reminded of the Congress' firm position on the issue of assistance to Israel.

My support for measures to assist Israel diplomatically, economically and militarily is based on my belief that these policies are in the best interests of the United States and of world peace.

I use the words "world peace" with great prudence. During my testimony on Israeli-American relations before the Democratic Platform Committee on June 22, I discussed at length the many clear differences between American military intervention in Indochina and non-interventionist economic and strategic support for Israel. I shall not repeat that analysis here, except to state emphatically that the nature of the United States' supportive role has been vastly different in these two areas. In Indochina, the United States has lost 50,000 American lives and countless billions of dollars. Conversely, we have never sent a single American soldier to Israel; indeed, in 1971, General Moshe Dayan stated emphatically that American manpower, in either a military or advisory capacity, was the last thing in the world Israel wanted.

We must remember that Israel has not asked for American donations of arms or military equipment; rather, it has merely sought authorization to purchase that equipment.

Finally, American self-interest in the two areas is vitally different. Our involvement in Indochina is determined in large part by an unexamined, reflexive and outmoded policy of "containment," which makes it difficult to pursue a rational policy in Southeast Asia. No such "cold war" interests motivate the United States in the Middle East, where we are motivated not by an unrealistic crusade against Communism, but by a genuine commitment to a democratic country to aid it in its struggles against other countries which have openly vowed to destroy it.

A crucial factor in the recent shift in American policies was the courage and steadfastness of the people of Israel and the remarkable qualities and skills of Prime Minister Golda Meir.

At her meeting with President Nixon last December 2nd, she stated Israel's case frankly and eloquently. No American President, or any world leader for that matter, could have failed to be impressed by her courage, compassion and tenacity. This meeting resulted in the temporary shelving of the Rogers' Plan and the beginning of a flow of desperately needed armaments. One wonders, however, what the situation will be after the elections in November. Should President Nixon be reelected will he be more likely to listen to the advice of the President of Standard Oil or the advice of those who have Israel's interest at heart?

One important factor which appears constant is Arab belligerency and unreasonableness. Allies may be fickle—as the French Government has demonstrated—but Israel's Arab enemies have been remarkably consistent in their intransigence. Mrs. Meir's recent eloquent pleas in the Knesset for direct peace negotiations with Egypt were met with total hostility by President Sadat. Until the day when an Arab leader is ready to go before his people and utter the magic words "peace with Israel", Israel must maintain its vigilance and insist upon secure and defensible borders. But if Israel is to persevere in reaching these goals it must have the solid support of the United States Government and of the Congress.

The history of the Middle East since the Six Day War clearly demonstrates that during the times that the United States has lent Israel its diplomatic and military support the chances for peace have improved. Conversely, during the times when Israel was threatened by the United States with a cutoff of assistance and was pressured to commit itself to withdrawal as a precondition to negotiations, the threat of hostilities increased.

A medieval scholar once said—"The height of stupidity and weakness is not to know an enemy from a friend." It would be the height of folly for the United States to ignore this dictum. The United States must continue to treat Israel as a true friend. Failure to do so can only result in tragedy for Israel, for the United States, and for the entire world.

After all, this tiny, beset democratic nation represents the best of everything in which we Americans believe.

RURAL REHABILITATION—THE COUNTY AGENT

Mr. TOWER. Mr. President, I recently read an article entitled "Rural Rehabilitation—The County Agent," which was published in the Journal of Rehabilitation. It was written by Dr. Carl E. Hansen and William F. Weber, who are associated with the rehabilitation counselor education program at the University of Texas at Austin. The article is well worth reading, for it describes a pilot program which could bring information of rehabilitation services to underserved rural communities. The key to this program is the utilization of existing professional manpower—the county extension agent who already works in conjunction with Texas A. & M. University and the U.S. Department of Agriculture. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

RURAL REHABILITATION—THE COUNTY AGENT

(By Carl E. Hansen)

RURAL REHABILITATION PROGRAMS

The delivery of rehabilitation services to the rural American seems to be pretty spotty, varying considerably from one section of the country to another. Mississippi has, for example, established a chain of workshops in small communities to provide vocational evaluation, work adjustment and other services best provided in a work setting.[8] Wood County, Wisconsin, conducted a project to find out what it would take in staff, funds and other rehabilitation resources to rehabilitate everyone in the county in need of vocational rehabilitation services. Half of the 60,000 residents of Wood County live in a rural setting.[5]

The regional medical programs are concentrating on ways of making services more available to those living in rural areas. Mobile units are being proposed in certain regional medical programs to take select medical services to sparsely populated areas. One of the most dramatic examples comes from North Carolina where the regional medical program has established a network of small coronary care units in the rural Smokey Mountain area.[7] The mobile unit concept has also been tried in Oklahoma. The Oklahoma state rehabilitation agency formed a team consisting of a psychiatrist, a clinical psychologist and a psychiatric social worker to travel to rural area rehabilitation offices to work and consult with rehabilitation personnel.[8]

In Wyoming, housewives residing in certain small communities have served as rehabilitation aides for clients of their community.[6] The concept of utilizing housewives as aides in a rural setting gathers further impetus from a study conducted by the University of Utah Regional Rehabilitation Research Institute where the use of aides in the rural areas to facilitate the rehabilitation process is strongly recommended.[5] This same study also noted the need to make the potential client aware of rehabilitation services sooner in rural areas.

For the most part, it appears rehabilitation services are being provided by itinerant rehabilitation counselors covering the rural areas of America. The services are being delivered by rehabilitation counselors seeking out those rural residents, as best they can, that need services.

Isolation [2], low occupational aspiration,[3] unemployment,[4] poverty [10] and lack of education [1] are key words or phrases used by authorities concerned with the problems of the rural American. To date, the sociologist, economist and psychologist have been instrumental in focusing our attention on the rural poor living in America. To this list of concerned professional groups, we can add the rehabilitation counselor. The key concern for the rehabilitation counselor is how to effectively deliver services to the disabled, rural individual.

Numerically, the rural population is shrinking, but the intensity of the problem is increasing. It is increasing to the point where new approaches and dramatic ideas need to be considered for the abatement of some of the problems caused by living in a rural setting.

RURAL POPULATION

The definition of *rural* varies slightly from study to study. The Bureau of the Census defines rural as a town with a population of 2,500 or less. The University of Utah study defined rural as a community of 10,000 population or less.[5] It would appear communities with 10,000 population or less may be considered rural.

The question of a defined rural population becomes somewhat more elusive than a numerical definition if one looks closely at the rural scene. It would appear we have three distinct rural populations to consider. Three populations tied together by an agrarian economy but perhaps little else. Population I may be thought of as those citizens living in a rural town of 10,000 or less. Population II may be thought of as the farmer, either the land owner or tenant farmer. The farmer and the small town dweller are relatively stable in the sense of living location. Population III may be thought of as the migrant rural worker. This individual is not very stable in his living arrangements and is often accepted in the rural community as a necessary evil. The migrant labor force represents a necessary community intrusion to be dealt with at harvest time, beet thinning season, etc. Rapidly developing technology in farm equipment may ultimately spell the demise of this flowing rural work force.

It is the migrant worker we know least about, and who is probably the individual most in need of rehabilitation services. The 1967 Amendments to the Vocational Rehabilitation Act clearly point this out in the amendment dealing with handicapped migratory workers. The amendment was based on the consideration that among migratory workers, as among all groups of low-income people, health problems and disability are more prevalent than among the population generally. Some of this arises from chronic illness long neglected; in other instances it is the result of accidents on the job, on the highway or elsewhere. The special system of project grants to state rehabilitation agencies to pay from federal funds up to 90% of the cost of providing vocational rehabilitation services to handicapped migratory agricultural workers.[9]

COUNTY EXTENSION AGENT

It would appear that one of our first concerns in the delivery of rehabilitation services of the rural American resolves about the need to make the potential client aware of rehabilitation services sooner. Who has continuing contact with the rural scene? Who has rapport established with the rural American? Who has the sophistication to understand a state rehabilitation agency, yet easily communicate with rural individuals sometimes suspicious of "outsiders"? The trend of this thinking leads one to believe the county extension agent

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Footnotes at end of article.

may logically be a source of professional help to the rehabilitation counselor and the disabled, rural individual.

The county extension agent works in cooperation with the A & M university in his state and the United Sttates Department of Agriculture. He is responsible for and provides leadership and direction to agricultural, home economics and related areas of an educational program, which includes working with youth and adults. The Agricultural Extension Service has always had the role and responsibility of providing information about the services of the U.S. Department of Agriculture. One of the bases upon which the Agricultural Extension Service was established and now functions is that of assisting rural Americans to solve their problems.

The county agent could become an extremely viable source in the rehabilitation of the disabled rural individual. Here is an individual assigned to a specific geographical area within a state, operating on the philosophy of helping rural Americans solve their problems. He has continuing contact with the three rural populations this paper earlier developed, his presence is felt in the small town, definitely with the farmers in his assigned region, and with the migrant work force since he is concerned with the crop production of the farmers in his area.

Since the county agent's role by definition is flexible and meaningful to the time, he could well act as a resource person in the dissemination of rehabilitation information and in the referral and establishment of rapport between the client and counselor: Toward this goal of welding forces with the county agent, a possible precedence may be cited. In early 1969, the Texas Department Mental Health and Mental Retardation entered into formal agreement with the Agricultural Extention Service of Texas A & M University to foster public awareness, interest and concern for mental health and mental retardation in the rural and sparsely populated areas of Texas. The Texas project is of a trial nature, covering 42 of the 254 Texas counties. The project aims at utilizing a force of professionals heretofore untapped in the rural regions of America.

It would appear that the county agent's role could be conceived as that of a rehabilitation aide. Conceiving the county agent as a support person may be inaccurate though. Rather, the role of the county agen should be thought of a lateral relationship. A relationship entered into between two agreeing professional groups both concerned about the problems of the rural American. This type of role relationship follows the the thinking of the Sixth Institute on Rehabilitation Services dealing with support personnel where "the concept of support personnel does not refer to reciprocating lateral relationships between the rehabilitation counselor and collaborating occupations such as the social workers, psychologist, physician, etc." [6]

THE COUNTY AGENT'S ROLE

The program plan of action for the county agent might include the following:

1. To refer potential clients to the rehabilitation agency.
2. To increase public awareness and concern for rehabilitation of handicapped persons in rural areas.
3. To act as liaison person between client and counselor as the need arises.
4. To develop recommendations for more effective delivery of services in rural areas.
5. To help stimulate community action programs for handicapped persons at the local level.

These program objectives place heavy emphasis on the county agent to disseminate rehabilitation information. He could do this in his normal course of action, since he is constantly involved with the rural scene. The dissemination of information would be from person-to-person contact, through local meetings, individual consultations, newspaper columns, and radio and television programs. A high percentage of county agents have regular radio programs and prepare weekly newspaper columns for the express purpose of acquainting the public with research information, as well as calling attention to specific educational and community services available to rural residents.

Apart from disseminating information, the county agent could play a vital role in helping as a liaison person between select clients and the rehabilitation counselor. The rural scene may well present a picture of "cultural chasm" between certain rural residents and the rehabilitation counselor. Many rehabilitation studies point out that there are frequently gaps of cultural discrepancy not easily overcome by the counselor on initial contact with certain clients. The county agent may serve as the one person able to bridge this initial gap between client and counselor. Certain farm families, especially in remote regions, have had little contact with agencies providing social services and, therefore, they are sometimes reluctant to admit an "outsider" to their problems. The county agent may be the person available to help allay these feelings of suspiciousness and resistance to aid from a state agency. Many migrant workers certainly present a "cultural chasm." The county agent may be of considerable help, being more attuned to the problems, needs and the very language of the migrant worker.

REHABILITATION'S TRAINING RESPONSIBILITIES

Rehabilitation's commitment in seeing a cooperative plan of this nature take place is in the provision of training for the county agent. This training is needed so he can be knowledgeable about rehabilitation services. The state rehabilitation agency would also have to supply written literature about the services they offer, so each county agent could disseminate informative pamphlets, brochures, etc..It would appear the rehabilitation agency could meet the needs of training by sponsoring short-term workshops. These workshops would not only acquaint the county agent with rehabilitation guidelines, but they would also provide the agent with an insight into the philosophy of rehabilitation. In other words, the county agent needs to not only understand the rehabilitation agencies' services but also the spirit and philosophy of the organization.

Most new program suggestions are viewed with hesitancy due to the additional cost factor and the energy needed to put them into action. Any program of involvement between two professional groups, such as extension agents and rehabilitation counselors, will require an attitude of cooperation and a certain amount of initial energy to get the ball rolling.

The question of money for short-term workshop training is another matter. Energy and desire alone do not always start new program ventures. It would appear though, that the 1967 Amendments to the Vocational Rehabilitation Act allow us to consider some innovative ways in providing services to the migratory agricultural worker. The amendment dealing with the handicapped migratory worker allows the federal government to pay up to 90% of the cost in providing rehabilitation services to the migratory worker. The service of the county agent working in an area where migrant labor is used would logically seem to fit under this amendment. Perhaps some of these funds could be used for training programs, especially in those states having large numbers of migratory workers.

SUMMARY

The county agent appears to be a possible force in the dissemination and understanding of rehabilitation services in the rural areas of America. His contact with the rural community allows him insight and knowledge far greater than most rehabilitation counselors have of the rural scene. His ability to communicate and possibly bridge cultural gaps between select clients and rehabilitation counselors could be useful. The concept has some precedence where in the State of Texas an experimental program between the Department of Mental Health and Mental Retardation and the County Extension Office is in effect to disseminate information about mental health and mental retardation. This precedence could possibly be a starting point for a rehabilitation precedence.

FOOTNOTES

[1] Boyle, R. P. "Community Influence on College Aspirations: An Empirical Evaluation of Explanatory Factors" *Rural Sociology,* 1966, 31, 277–292.

[2] Brown, Josephine C., *The Rural Community and Social Casework* (Rev. Ed.) New York: J. J. Little and Ives, Co., 1953.

[3] Burchinal, L. G., "Differences in Educational and Occupational Aspirations of Farm, Small Town, and City Boys" *Rural Sociology,* 1961, 26, 107–121.

[4] Freedman, R. and Freedman, Deborah, "Farm-Reared Elements in the Nonfarm Population" *Rural Sociology,* 1965, 21, 50–61.

[5] Janzen, Frederick V., MacGuffie, Robert A., Isreal, David A., McPhee, William M., *Factors in Rural Rehabilitation,* Regional Rehabilitation Research Institute Bulletin No. 4, University of Utah, 1969.

[6] Lucas, Harry, Wolfe, Richard R., *Use of Support Personnel in Vocational Rehabilitation,* Sixth Institute on Rehabilitation Services, Rehabilitation Services Administration, U.S. Department of Health, Education and Welfare, 1968.

[7] "Coronary Care Comes to the Smokies," *Roche Medical Image and Commentary,* 1969, Vol. 11, No. 2.

[8] *Delivery of Services,* Staff Paper prepared for NRA Citizens' Involvement Training Institute, March, 1969 (mimeographed).

[9] *Six Steps Forward,* Rehabilitation Services Administration, U.S. Government Printing Office, 1967–0–276–705.

[10] "The People Left Behind." A report by the President's National Advisory Commission on Rural Poverty, September, 1967.

ENVIRONMENTAL CHALLENGE

Mr. MOSS. Mr. President, I have just had brought to my attention the National Wildlife Federation's evaluation of global environmental quality.

This publication was produced in cooperation with the United Nations Conference on the Human Environment which I attended.

Secretary-General Maurice Strong, in a foreword to the publication, emphasizes that the environmental challenge is a challenge to all mankind.

I was particularly impressed with the section on minerals, and in view of the work the Senate Committee on Interior and Insular Affairs has been doing in the area of surface mining reclamation, I ask unanimous consent that the section on minerals be printed in the Record.

There being no objection, the section was ordered to be printed in the Record, as follows:

Minerals—Energy Crisis Looms—Real Crunch: Earth Cannot Support Present Population at Western European Standard of Living

The World Picture on energy and minerals is dominated by this foreboding sequence of facts:

Fossil fuels create energy . . .

Energy runs industry . . .

Industry produces a higher standard of living . . .

All the world aspires to a higher standard of living . . .

There are not enough mineral resources to support 3.7 billion people at a standard of living equal to Western Europe—at least not without important new breakthroughs in technology.

Fossil fuels now provide 97 percent of all energy. Because they are being burned up at such an accelerated pace, experts predict that oil and natural gas wells will run dry within a century—at current consumption rates. Other minerals are in fair supply, with the exception of copper, mercury and silver.

Compounding the problem is the fact that world use of metals and energy has been tremendously uneven. The United States, with only 6 percent of the world's population, consumes 37 percent of the world's energy.

The peoples of Asia, Africa and Latin America are also understandably demanding the fruits of industrialization. But to give every one of the 3.7 billion people on earth an American standard of living would put a fantastic drain on finite mineral resources: 12 times as much natural gas . . . 100 times as much copper . . . 6 times as much petroleum . . . 75 times as much iron as is now produced each year would be needed.

A more optimistic note is sounded by some experts who point out that for many years the United States has had only a 15-year reserve of petroleum. New discoveries, more efficient extraction methods and new technology keep solving the problems—before they reach crisis proportions.

Leaders around the world are gradually waking to the urgent need to step up mining and processing efficiency, and to recycle every single bit of metal. They're also searching for alternate, more efficient sources of power:

Nuclear: Nuclear energy is our best long-term bet. New fission breeder reactors, which convert non-fissionable material into fuel—*while they are producing power*—are being developed, with the Soviet Union in the lead, followed by the United States.

Research is also underway to develop a *fusion reactor* in an attempt to harness the power of the hydrogen bomb. If this long-term project succeeds, fuel will be almost limitless because the oceans supply the heavy water (water enriched in deuterium), the basis of this "fuel." But this is probably decades away.

Solar: Each day the sun's rays deliver the equivalent of one million megawatts to our earth. However, to collect enough solar energy to equal one modern power plant (1,000 megawatt capacity) would require a factory "umbrella" spread over an area of 42 square kilometers. Possible, but hardly practical.

Hydroelectric: The world's water power potential is about four times the total present electric power capacity. But there are two serious drawbacks to developing more: Many people are no longer willing to sacrifice beautiful scenery and productive cropland to produce electric power. And most sites can produce power for less than a century before the reservoirs behind the dams fill with sediment.

Geothermal: Using the natural heat from the Earth's interior can sustain small power plants in local situations. It has been used in Italy for years. More than one oil company is drilling test holes, probing for this energy. However, the potential has been estimated at only 8 percent of the world's total present electric power capacity.

Tourists from industrialized nations traveling through rural Asia and Oceania smile at the local use of paddy husks, coconut shells, jute sticks, and cow dung for heating and cooking. Yet their own children's children may have to resort to such fuels because of drastic energy shortages. Fossil fuels, we must remember, are non-renewable resources and once burned, they're gone forever.

TERRORIST RAID AT THE OLYMPIC GAMES IN MUNICH

Mr. BEALL. Mr. President, I was shocked and distressed to hear of the tragic incident that has marred the 20th Olympiad in Munich, Germany.

These games bring together athletes from all corners of the globe without regard to race, religion, or social, economic, and political systems. The competition actually serves to bring the world closer together and I commend the Olympic officials for the contribution they have made to increasing international understanding and the cause of world peace.

Today's guerrilla raid on the Israeli compound in Munich is an act of unmitigated barbarism. This type of senseless violence has absolutely no place in any peaceful forum where nations meet to increase their awareness of one another. This brutal raid, which was designed to take advantage of the fact that the world's attention is focused on Munich, serves only to weaken the respect for the Arab cause.

The nations directly involved, as well as the rest of the international community, should respond to this barbaric act with determined resolve. I urge the leaders of the Arab world to denounce this criminal act and demand the release of the hostages. The ultimatums should be unequivocally rejected, the terrorists should be captured and tried in accordance with West German law, and the Olympic games should continue—after an appropriate observance of mourning for those participants who have lost their lives.

RURAL MINNESOTA: THE HEALTHIEST PLACE TO LIVE

Mr. HUMPHREY. Mr. President, the New York Times of August 18 contains an article by Mr. Andrew H. Malcolm about a recent study conducted by the American Medical Association revealing its latest profile of the "healthiest American," who, I am proud to report, is a 16-year-old farm boy named Dick FitzSimmons, living near Good Thunder, Minn.

In their study, the AMA found, on the average, that farm people are healthier than city people, Middle Westerners are healthier than any other region's residents, men healthier than women, young healthier than old, affluent healthier than poor, whites healthier than blacks, those living with relatives healthier than those living alone, and July through September the healthier months of the year.

This particular study not only extolls the virtues of farm life with its abundance of exercise, clear air and open spaces, but, in particular, reveals the wonderful and refreshing quality of life of rural Minnesota.

Mr. President, the Senate recently took final action on the Rural Development Act of 1972, which the President subsequently signed. This historic piece of legislation will, if agressively administered, enhance and broaden the opportunities for farm and rural citizens to remain in rural Minnesota as well as other rural regions of our Nation. It will also hopefully make it possible for many millions of other Americans now living in overcrowded cities to choose a life in the countryside or a smaller community if they desire to make that move. According to this latest AMA study, a healthier atmosphere and way of life is also awaiting them there, should they make that choice, especially should that choice be rural Minnesota.

Mr. President, I ask unanimous consent that Mr. Malcolm's article entitled "Midwest Farmboy: A Picture of Health," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Midwest Farmboy: A Picture of Health

(By Andrew H. Malcolm)

Good Thunder, Minn., Aug. 17.—The farmyard light keeps its nighttime vigil over by the toolshed where the farm's six tractors are resting.

Then, slowly, a thin band of pink light eases up into the eastern sky just over the tasseled tops of the mile-long cornfield. As if on a signal, the crickets' chirping gives way to the birds' singing. The stars start to fade. And soon the sun is out, baking the corn and soybeans and anyone not in the shade.

But by then, 16-year-old Dick FitzSimmons has already had his first breakfast and done over an hour of calisthenics for the upcoming football season.

A sturdy 5-foot-10-inches tall, young FitzSimmons has long, dark blond hair billowing over his forehead. His tanned hands are strong and toughened. He is, in fact, the very embodiment of the American Medical Association's latest profile of the healthiest American—a teen-age boy living with moderately affluent parents on a farm in the north-central United States in the summertime.

DISABILITY DAYS

The medical group reached its findings by analyzing the nation's disability days—days when a citizen's normal activity is restricted by illness.

On the average, the A.M.A. found farm folk healthier than city people, Middle Westerners healthier than any other region's residents, men healthier than women, young healthier than old, affluent healthier than poor, whites healthier than blacks, those living with relatives healthier than those living alone and July through September the healthiest months.

For Dick FitzSimmons, a soft-spoken farmboy in Good Thunder (pop. 468), 1,100 miles west of Times Square, as for thousands of other farm residents in towns like Freeborn, Blue Earth and Blooming Prairie, problems like crime and smog are remote.

So on these muggy summer days, life goes on as usual—slowly, physically demanding, fiercely independent and dictated, as always, by nature and a never-ending list of chores.

There is also always something to be repaired. But it would never occur to anyone to call a repairman. If anything is broken, you fix it yourself.

BIG SPREAD

The FitzSimmon's place is a sizable spread, 1,400 acres farmed in partnership by Robert FitzSimmons and his brother, Michael. They raise over 600 hogs, as well as corn, soybeans and oats, and the income brings Robert Fitz-

Simmons—Dick's father—around $17,000 a year.

But it could all be gone tomorrow in the pelting fury of a hailstorm. And it means a lot of six-day work weeks and very long days for everyone in the family.

Dick awakens at 5 A.M. nowadays, grabs a piece of toast and a pillowcase holding his clean athletic clothes and heads down the dirt road in his seven-year-old Chevelle, the deep-throated mufflers echoing off the towering corn at roadside. His tape player blares the Grass Roots singing "Walking Through the Country."

Twelve miles and 15 minutes later he is in the locker room of the Amboy-Good Thunder High School. By 5:50 A.M. he and 50 other football hopefuls are on the field, where the mosquitos rise in tribute from the dew-covered grass.

"A BEAUTIFUL MORNING"

"It's a beautiful morning," barks Rich Bullard, coach of the Chargers. "C'mon, FitzSimmons, move it." And he does, for two hours, until the once-white T-shirt is soaked with perspiration and dirt and grass stains.

Then a shower and a quick drive to Larson's Gas Station and Lunch Counter where he downs 20 ounces of milk and a couple of his favorite caramel rolls.

At home, young FitzSimmons, his father and some cousins bale straw, expertly stacking over 300 of the dusty 50-pound bales on wagon after wagon under a cloudless deep blue sky. Very quickly Dick's clean brown shirt shows the stains of perspiration.

"I don't know why it's never cool when you're putting up hay or straw," he mutters.

Mrs. FitzSimmons, who is finishing her four daily loads of wash, serves lunch at noon—over three pounds of hamburgers, two dozen ears of corn, a salad, cottage cheese, peaches and pitcher after pitcher of cold milk. In the summer Mrs. FitzSimmons buys at least 14 gallons of milk a week.

"But I've never bought any vitamin pills," she says. "We never seemed to need them. We just get lots of fresh air, exercise and work."

She doesn't recall exactly when anyone in her family was last ill. "I think we had someone down in bed back in the early sixties," she says, "and Dick had a sore throat a few winters ago." Last year's medical bills for the 11 members of the family totaled $203.17.

"I guess we just don't have time to be sick," says Dick FitzSimmons as he buckles on his heavy work boots. His afternoons are spent bailing straw, running errands in town, feeding the hogs, overhauling a tractor or his car or turning the soil between crop rows to keep weeds down.

But every so often those tasks are interrupted by one of those awesome, flashing Middle Western thunder storms that come rumbling in off the Western prairie, within minutes soaking Good Thunder's black soil before rolling on eastward.

This summer it has rained more than usual here—and at the right times. The corn is now over seven feet high and many stalks have two ears. So it looks like a bountiful crop to be sold or ground up to feed the pigs. Feeding the pigs is one of Dick's last chores before an early dinner of pork chops, green beans, carrots, a salad, milk and, perhaps, a homemade doughnut or two.

But by 6 P.M. young Mr. FitzSimmons, who is unsuccessfully cultivating a mustache, is back on the football field in Amboy in search of a likely starting assignment as center and middle linebacker. After another shower he discovers his weight is 159 pounds, a loss of nine pounds in two days.

At home around 8:30 he works on his car, tosses a football around with his brothers or telephones his girl friend, Julie Shouts, a sophomore cheerleader. He usually gets to bed by 11. On Friday nights they see a movie in Mankato, 13 miles to the north, or sip a soda at the Pioneer House Cafe in Good Thunder, where Jesse James is reputed to have once shot his horse.

Mr. FitzSimmons, a junior who gets average grades, has no desire to attend college. "Dad keeps saying this land will be ours someday," he says, and I reckon he's right. I'll stick to farming. It's all I've ever known, you know. No one's hanging over your shoulder all the time telling you what to do. I'd just go up a wall."

Besides, he doesn't like cities. He and three friends recently camped in northern Minnesota, visiting a city on the way home. "That Duluth is a mad place," said Mr. FitzSimmons, "tne people are all over you. And all those hills . . ."

FITTING THE HANDICAPPED FOR JOBS

Mr. DOLE. Mr. President, the mentally handicapped face a multitude of problems in their lifetimes, but many difficulties could be minimized if they were only given a chance to lead more independent lives. Gainful employment is one of the surest routes to this independence, for a good job offers the handicapped a chance for self-support and self-respect.

But before an employer hires a mentally handicapped job applicant, he has a legitimate interest in knowing how well the individual will be able to handle the responsibilities and problems of the job. He wants to know how well the individual communicates; can he be understood on the job? How will his fellow employees communicate with him? Can he understand and use the vocabulary required for the position? And if a individual is looking for a job in business or sales, for example, has he been trained to handle money? Can he use the telephone?

A major effort to supply the answers to these questions and to increase opportunities for the mentally handicapped has been initiated at Union High. School counselors can for the first time assure that prospective employees have such skills and can perform all their duties.

A description of the process involved in preparing the handicapped for employment is found in an article written by Velma Krauch for American Education. I ask unanimous consent that the article entitled "Fitting the Handicapped for Jobs," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FITTING THE HANDICAPPED FOR JOBS

(By Velma Krauch)

The noontime rush was just beginning. Customers hurried into the small hamburger shop and headed for vacant stools along the counter. As they seated themselves, Bruce, a 16-year-old part-time student worker who had been setting out silverware and napkins, picked up his order pad. This was the cue for a cameraman waiting nearby to adjust his equipment and focus on Bruce.

"One burger, with onion—and hold the mayonnaise," Bruce called out as he carefully translated the words onto his writing pad in newly learned restaurant code. He hung the order slip on a metal rack above the cook's counter, prepared a plate with lettuce and a slice of tomato, then went back to the counter and his next customer.

Most of the office workers and businessmen who flocked into the restaurant for their quick-order lunch were in a hurry; a few were downright impatient. Bruce, trying to conceal his shyness and nervousness, smiled pleasantly as he took orders. Off to one side, removed from the crush and confusion of the lunch crowd, the cameraman continued with the filming, catching the attention of a few customers who paused to stare. Was a movie scene being shot? A TV documentary perhaps, or maybe something to catch on the six o'clock news?

The fact is that this little episode was none of these things. It was instead a part of a job training program. The cameraman was a television producer-director from the Fullerton Union High School District in the Los Angeles area. He was filming Bruce as part of Project Worker, a special Fullerton High career education program launched in 1968 and designed for handicapped students. The program is more particularly aimed at training and finding jobs for three groups: the educably mentally retarded (those with IQ's that fall below the "normal" range according to standard testing and who have learning difficulties and, more often than not, accompanying emotional problems); the educationally handicapped (those with average and above average IQ's but who are afflicted with learning disabilities in one or more clearly defined areas); and the orthopedically handicapped (those with physical disabilities and, in some cases, learning and emotional difficulties).

Says Nolan Noble, administrator of instructional services, "The handicapped student obviously will be competing at a distinct disadvantage because of his limited learning or physical capabilities. We feel it is our responsibility not only to develop programs that will train these high school students but also to graduate them with skills for which there is a specific demand."

Adds Walter Retzlaff, director of Exceptional Pupil Services and overseer of the project, "We're not babysitting anymore. These students are learning marketable new skills or upgrading those they already possess."

Of approximately 700 students in various special education classes throughout the Fullerton district, some 250 are in Project Workers. Within the district there are three centers for the educable mentally retarded, 12 educationally handicapped sections, and one orthopedically handicapped facility. Classes are small, and any one of them will have students of different abilities working at different grade levels. This variegation succeeds because the emphasis is on the individual—the guiding principle being that each individual is unique and of value, that each has the potential for growth, and that each should have the opportunity to develop that potential.

When a student comes into Project Worker, the staff attempts to find out everything it can about his abilities, aptitudes, and difficulties. Staff members consult in his school records, administer psychological and vocational tests; discuss his condition with teachers, parents, and others who know him well. Priority is placed on searching out the student's own individual needs and special abilities, and his potential for particular kinds of work. Then an attempt is made to match his interests with a suitable job. The emphasis on job training does not mean, however, that academics are left behind.

"If a student's weakness in a certain academic area would prevent him from being hired, then we work on strengthening that weakness in terms of the job he has specifically selected," says John Dewey, a staff vocation specialist. "In some cases, the handicapped person may end up being better trained in that one area than a regular student."

In his beginning year the handicapped student is asked to plot out his personal objectives and goals and start a work-study schedule that calls for classroom-supervised training in such areas as simple office work, washing windows, hosing down patio areas, helping clean laboratories, or setting up for food service in the cafeteria. During this time the teachers closely observe the student's attitudes and performance. Is he able to follow directions well? Is he consistently on time? Does he get along with other people?

"When he demonstrates he's job-ready," says Carol Michael, a department head for the educable mentally retarded, "we place him in an on-campus job situation—the cafeteria, the library, the autoshop, an office, or any number of other available spots. Sometimes with pay, sometimes not. Either way, in most cases the student sets up a pattern of reporting as a regular employee and working for a boss for an established amount of time—usually an hour—each day."

Generally, students hold on-campus jobs during their second year of high school, and most move to an off-campus job during their last two years. Their daily schedule calls upon them to spend two hours on the job, another two hours in regular classrooms, and two hours in special education.

To ready himself for on-the-job training, the student begins an individual study plan. He selects three jobs in which he has an interest and then studies the situations in which he will be expected to perform. His work counselor arranges for him to visit, under supervision, actual work sites in those fields which he has chosen. At these sites he is given an opportunity to talk with workers and potential employers. On the relatively rare occasions when a firsthand visit is not feasible, the staff uses a collection of tapes, slides, pamphlets, and films focused on various job categories.

Students also go through classroom simulations of jobs. If a particular job normally calls upon the employee to work standing up, then the trainee is expected to stand. For one student, a "mockup" station could mean learning to make change from a cash drawer, as was the case for Bruce. For a mechanic trainee, it might mean following directions in repairing automotive equipment, or for a potential nurse's aide, practicing bed-changing techniques with sick patients. During the tape showings and simulation sessions a teacher or teacher aide is in the classroom to guide the student and reinforce his progress.

To illustrate: Bruce chose to work as a waiter in a hamburger drive-in. With his "minimal brain dysfunction" giving him a memory bank on the level of a seven-year-old, Bruce obviously needed special help. His reading was at a third-grade level. Thus remembering instructions and being able to sift out what applied to him was a continual challenge.

Seated at a table with a cash drawer and real money, Bruce drilled on problems of making change as they were flashed on the small TV screen in front of him. The narrator on the screen posed a specific situation, then paused a number of seconds to afford Bruce time to do the necessary computation and then physically to make the proper change. When the correct answer was revealed, Bruce compared the change he had made with the coins and bills shown on the screen.

In addition to working this exercise, Bruce drilled singly or with a teacher memorizing food prices and restaurant order abbreviations. This drill was done in a corner of the classroom using a Carousel slide projector synchronized with tape-recorded narration. The small screen was darkened by folding out hinged wooden sides and top, thereby eliminating the need to darken the entire classroom. Thus by drilling himself daily, Bruce was able to develop the skills he needed to fill the requirements for his chosen job.

Later in the classroom training, when his job choice has been narrowed to a single selection, a student begins learning from videotapes that have been prepared by the district's full-time television technical adviser in cooperation with a work-study coordinator. A videotape library is maintained at the instructional materials center which distributes tapes to all high schools where the project operates. In some cases, training tapes are provided by an individual company or a particular industry.

When a student's performance is seen to be about on a par with that of the worker in the training film, the teacher records the student's actions on videotape for purposes of comparison and evaluation. When the program first began, tapes that displayed students at their maximum proficiency were shown to prospective employers, but this practice proved to be so time-consuming for the employers that it was dropped. Now, interested employers are briefed on a student's competence by a counselor and given a one-page written report on the student's qualifications.

Once a student attains a degree of proficiency in his classroom drills, arrangements are made to place him with an employer participating in the project for on-job training. The employer evaluates him on a quarterly basis. When needed, one of the student's teachers or his counselor is available to consult with the employer.

To insure a steady availability of jobs for the trainees, counselors regularly visit local business firms to solicit their participation in Project Worker. Says one counselor, Carson Hall, "We do a selling job on the advantages of hiring the handicapped. With the help of a three-minute tape we show an employer how we can save him time in recruiting eligible people for jobs that are hard to fill because, for example, of the unusual hours involved. We have a large number of students available at odd hours for full-time or part-time work. And we assure the employer that if one student doesn't work out, we can replace him with another at no cost in time or money to him." To the extent possible, Project Worker attempts to line up jobs that are within walking or bicycling distance of the student's classroom.

When an employer signs up to participate in the program, the counselor provides the students with a written report describing the various conditions and qualifications called for in the job or jobs this employer can offer—whether the student will work inside or outside, whether he will be in cramped quarters, the moving objects he will need to be aware of and what hazards he might encounter, whether the job requires the students to work alone, what special instructions he will be asked to follow. Accompanying this report is a detailed job description and task analysis. The student thus knows in advance what is expected of him before he opts for a particular job.

During his rush-hour filming scene, Bruce was working a daily two-hour, on-the-job shift which is a component part of his special high school curriculum. Subsequent to this "post-employment followup" staged by a counselor, Bruce had an opportunity to view his on-the-job performance and to hear the comments and suggestions of his classmates and his teacher. Actually, the film was designed not only to indicate to Bruce those particular aspects of the job in which he needed to improve but, in showing his accomplishment, to inspire in his classmates a determination to do as well.

Teachers frequently serve as cameramen in the videotaping process. For the more tightly focused evaluative work in a classroom a teacher can use a small, portable taping unit, powered by batteries. When larger areas are involved—service stations, warehouses, or manufacturing plants—the television producer transports regular camera equipment in the district's mobile van.

"Our program is more than 'just another vocational class for the handicapped,'" says one of the teachers in the project. "These kids have hope now. Many of them have been unable to cope with regular classes and could think of themselves only in terms of failing. In Project Worker, one of our first aims is to help them feel better about themselves, to appreciate what they have, and to know that they have a job potential."

Because his job situations is integrated with his school curriculum, Bruce receives work credit for his hours of employment. Also while on the job he is paid $1.65 per hour, the going wage for his job classification. "We don't allow our students to be exploited," says Retzlaff. "If they are capable of performing in their chosen job, we expect them to be paid accordingly and see to it that they are."

Records to date indicate that close to three-fourths of the students in Project Worker are satisfactorily employed, with the number growing as the semester progresses. The program has attracted the participation of 31 companies, some locally owned, some chain-operated. Among them are restaurants, service stations, motels, a supermarket, a department store, manufacturing plants, and an automotive repair shop. Students prepare for such job classifications as assembler, waitress, food preparer, moldmaker, nurse's aide, service station attendant, secretary, office worker, cook, counterman, and sewing machine operator.

And about hiring the handicapped, what do employers say? "Our problems are no greater with them than with other students," says one restaurant manager. "We recognize that the educationally handicapped perform best in set procedures, and if the procedures vary, they may have a tendency to become confused. So we keep an eye on them. Regular students will look for shortcuts, but handicapped students are rigid in hewing to the line."

Then he adds: "But by the same token, they're usually gung-ho because they're holding a paying job, and a certain amount of prestige goes with that. And for us, it's extremely difficult getting consistent, part-time help. These kids can come when we need them. In the case of Bruce, he's one of my best workers—serious, ambitious, and he's learning to think things out on his own."

Says a local manufacturing-plant owner, "Our mentally retarded worker was so well trained when he first came to us that our regular employees took it for granted he could handle more than he really could or should. As a result, he got into a situation where he made the mistake of slipping up on a crucial ingredient in a plastic mixture, which meant some dollars lost for us. But after that, we just made sure someone checked him at this point of the operation. Now he's one of our best workers—reliable, extremely cooperative, and he takes pride in his work. Last summer we hired him full time as a 'regular.' I wish I had more like him."

Project Worker evolved from a concept of Howard Levine, a teacher on one of the eight Fullerton High School district campuses. Levine had already adapted tape-recordings to his approach to teaching the educable mentally retarded and planned to apply for Federal money to support a program that would train such people in job skills. He was thinking of limiting the program to one school. But the idea generated so much enthusiasm that Nolan Noble and Walter Retzlaff proposed an expanded program to be attempted on a districtwide basis. With Superintendent Lenard Murdy lending assistance and support, Project Worker was launched.

Funds came from a Federal grant under title VI–B of the Elementary and Secondary Education Act and also the Vocational Education Amendments. "We ran up our share of wrong-way streets and dead-end alleys until we finally came up with what we believe is a realistic approach," says Retzlaff.

"Now we feel that anyone launching a project of this nature could duplicate it at almost half our original cost."

Understandably, one of the persistent problems is in obtaining personnel who can handle both special education teaching and the technological know-how of videotaping and general television mechanics. Project Worker teachers hold credentials in the field of special education and are required to attend regular inservice workshops during the semester.

Recalls Retzlaff, "We lost a couple of teachers with this new program, but most are very supportive. A few still have reservations, but then there are some so enthusiastic they push us to try new things."

In accenting the positive, one of the satisfying effects of the program has been that the school board and the Fullerton staff have helped make the community think first of the abilities of these young people rather than their disabilities. And in the judgment of Superintendent Murdy:

"Project Worker demonstrates that the educable mentally retarded, the educationally handicapped, and other handicapped students can learn many different tasks, both manipulative and intellectual, when a program of learning is carefully prescribed for each individual. It demonstrates that young people, even those with limited intellectual functioning, can learn when the student is the center of the instructional program. It demonstrates that equality of education is not the same program for all, but the best for each."

URGENT NEED TO CONTROL AIRPORT NOISE

Mr. TUNNEY. Mr. President, in the last few days, two important articles have appeared in the press on the subject of damage from and new attacks on airport noise.

The first article, which appeared on the front page of the Los Angeles Times on August 31, cites evidence from a University of California report that the physical and emotional health of children attending schools near Los Angeles International Airport is being threatened by jet aircraft noise.

According to the report, continuous exposure to a 90-decibel level is a health hazard and peak jet noises in the seven schoolyards surveyed ranged from 95 to 115 decibels. In the classrooms of those schools, jet noises resulted in levels of from 80 to 96 decibels, which, in one example, prevented children from distinguishing among the words "where," "we're," and "wear," because they could not hear the difference in sounds. To the physical and emotional effects from excessive noise must be added these problems in vocal response. Already, two schools around the Los Angeles Airport have been forced to close.

A second article on this subject appeared on the front page of the New York Times of September 3. Entitled "Clamor Against Noise Rises Around the Globe," the article carefully documents the case that noise, "belatedly recognized as the most ubiquitous and most annoying, if not the most deleterious of all the pollutions—is under new attack on many fronts."

Three bills to control noise pollution are now pending before Congress: H.R. 11021, which passed the House earlier this year, and S. 1016, the administration bill, are now pending before the Senate Public Works and Commerce Committees; S. 3342, which I introduced and which is cosponsored by Senator MUSKIE, is pending before the Public Works Committee.

The Air and Water Pollution Subcommittee completed action on S. 3342 on June 8, and the Public Works Committee has given careful attention to the legislation in three markup sessions since that date. While it is commendable that all aspects of the legislation be thoroughly considered, it is noteworthy that this legislation has been the subject of numerous hearings, extensive comment from outside groups, exhaustive staff sessions and discussions by members of the committee. It is to be hoped that the Senate will have a chance to act on the legislation in this session.

I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Aug. 31, 1972]

Hearing Damaged: Jet Noise Threat to Students Told

(By Harry Nelson)

The physical and emotional health of children attending schools near Los Angeles International Airport is being threatened by jet aircraft noise, according to a UCLA study released Wednesday.

Noise levels at Felton Junior High, one of 15 schools under the east-west flight path, are so intense that children incur a high risk of permanent hearing damage, the researchers reported.

There have been examples of children having traumatic responses due to jet noise, school officials report a great number of fights among children at these schools and the air pollution is very high due to fallout of jet exhaust fumes, the UCLA study said.

Teachers are forced either to shout or lose teaching time as the jets fly over, causing strained voices. Sometimes the teachers and staff have had to use bullhorns to be heard, the report said.

EVERY 2 MINUTES

Because the schools are not sound-proofed or air-conditioned, the interruption of classroom activities by jet noise every two minutes results in serious disruption of the learning tasks, according to the report.

"These noise levels (in the classroom) exceed by far any known legal limits (or any criteria) for noise in houses, offices, schools, work places and outdoor recreation areas," wrote Dr. William C. Meecham, a UCLA engineering professor, and graduate student Samuel R. Lane.

Their assertion that the children's physical and emotional health are threatened is based on studies reported in the technical literature showing a relationship between high noise levels and hearing damage, psychosomatic disorders and emotional disorders.

Also, they said, hearing tests conducted by school nurses at Felton Junior High revealed that virtually all of the children tested had some hearing loss.

Airport officials declined comment until they could read the report.

Acoustic experts generally consider continuous exposure to a 90-decibel level as hazardous to mental and physical health.

Using precision sound level meters, the researchers surveyed seven of the 15 schools during the spring semester and found that peak jet noises in the school yards ranged from 95 to 115 decibels and in the classrooms from 80 to 96 decibels.

Airport Junior High at 9000 Airport Blvd. was closed more than two years ago because of noise and safety hazards from airplanes using International Airport. The year before that, school officials closed Westchester Elementary School for the same reasons.

TENFOLD INCREASE IN NOISE

The normal background noise level in a quiet neighborhood is about 45 to 50 decibels. An increase of 10 decibels represents a 10-fold increase in noise. Therefore, 100 decibels is 100,000 times noiser than 50 decibels.

The seven schools surveyed were Felton Junior High, Jefferson Elementary, Buford Elemenetary, Lennox High and Whelan Elementary in Lennox, and Woodworth Elementary and Morningside High in Englewood.

The report quotes a letter written in 1970 by Mrs. Sandrah Pohorlak, a teacher at Jefferson, which begins:

"Tonight my nerves are shot! I struggled all day in a losing battle against those jets. The children couldn't hear me and I couldn't hear them, unless I stood 18 inches away from them.

"A child asked me how to spell 'we're'. I say, 'Use it in a sentence, please. He says, 'I we're my jacket. Then I know very well he has not heard the fine sound distinction between where, we're and wear."

In compensating for the noise the children probably are becoming abnormal in their emotional response and vocal behavior, Meecham and Lane said.

They suggested three ways in which the health hazard might be decreased:

Operate the noiseiest aircraft in such ways as to reduce their noise levels.

Have incoming aircraft touch down on runways at a point one mile west of the present touchdown spot. This would allow them to fly over the school areas at a much higher altitude. Jets use only 4,200 feet of the 12,000-foot runways in landing, the report said.

Have all aircraft land from the west, or ocean side, instead of from the east.

A 10-decibel noise reduction is immediately possible by a reduction in throttle settings, a higher altitude or both as the aircraft approach the critical school areas, the report said.

Changing flight patterns so that all planes would land from the west would virtually eliminate the noise problem for most of the Los Angeles area, according to the researchers.

The Federal Aviation Agency recently announced the airport will begin testing a new landing procedure in which aircraft coming in from the north and west will approach over the ocean.

The new procedure, which will begin Sept. 21, applies only to aircraft landing between midnight and 7 a.m.

[From the New York Times, Sept. 3, 1972]

Clamor Against Noise Rises Around the Globe

(By Gladwin Hill)

WASHINGTON, September 2.—Noise, long tolerated around the world as an inevitable concomitant of accomplishment and progress, is reaching a historic peak of unpopularity.

Belatedly recognized as the most ubiquitous and most annoying, if not the most deleterious of all the pollutions, it is under new attack on many fronts.

The current debate in New York City over a proposed new antinoise ordinance is symptomatic of the growing clamor against din—a movement now involving the United Nations, Federal, state and local governments, science, industry, the legal profession and citizens.

Their common goal is to revitalize a public asset so fundamental that, ironically, it is cited in the first sentence of the Constitution: ". . . to insure domestic tranquility . . ."—a reference that courts have held covers noise. At stake in the effort are countless billions of dollars and possibly the mental and physical health of millions of people.

Evidences of the mounting concern about noise include the following developments:

Only last Wednesday, the University of California reported that children attending schools near Los Angeles International Airport ran the chance of suffering permanent hearing damage and were threatened emotionally because of jet aircraft noise.

The United Nations environmental conference in June pinpointed noise as an important area for international study and control.

Congress is now processing noise control legislation.

The states have begun adopting, comprehensive antinoise laws.

Cities are abandoning ancient ineffectual "nuisance" laws on noise in favor of more enforceable scientific standards.

Courts have been handing down an increasing number of rulings granting citizens physical or monetary relief from noise.

The medical profession, long preoccupied with the specialized problem of noise within industry, is giving more attention to the effects of noise on ordinary citizens.

Industry is giving quietness new emphasis in the design of many kinds of machines.

START BEING MADE

To date, no one has noted any marked increase in quietude across the nation. But many signs suggest that a start is being made on stemming the steady ominous increase in background noise in recent decades, and that an actual rollback of the country's cacophony level may not be far in the offing.

At the same time, the conquest of noise gives indications of being the most intricate and difficult of all efforts against pollution. On the troublesome side are such considerations as the following:

A certain level of noise, probably in an objectionable degree, is inherent in present patterns of urban life—although these can be changed.

Enforcement of antinoise laws is difficult because noise is intangible and so often fleeting.

Amelioration of a major noise source, airplanes, is a legal mare's nest that will be years in resolving.

Although persistent noise has irritated people to the point of murder, and there is evidence it can cause mental illness, noise's long-term effects generally are inconspicuous and scientifically imprecise.

Mobilizing public opinion against noise is difficult because people have become accustomed or even addicted to it (subconsciously, for instance, equating the thud of car doors and the roar of vacuum cleaners with solidity and power).

MEASURED IN DECIBELS

Noise is measured in decibels, on a scale that runs, for practical purposes, from zero, the threshold of human hearing to around 140, in the area of loudness that causes pain and permanent ear damage. Each increase of 10 on the scale represents a tenfold increase in sound intensity.

Thus, while 30 decibels is approximately the quietness of a library, 60 decibels represents a thousandfold increase in noise, and is about the point where it becomes objectionable. This is roughly the equivalent of big-city traffic noise.

Ninety decibels is the Federal limit for all-day exposure of factory workers, and constant exposure to more than 90 decibels can cause permanent hearing impairment.

The noise of jet planes is in the 90-to-120 decibel bracket. The volume of some rock concerts has been measured at over 130 decibels, where even short-term exposure can cause ear damage.

Measurements of environmental noise inevitably fluctuate from place to place and from moment to moment. Therefore there is no ready yardstick of the "noise level" of a community. However, experts concur that the noise level in American cities has been steadily rising rather than diminishing. The Environmental Protection Agency and other authoritative observers have estimated the increase at at least one decibel a year, equivalent to a tenfold increase in a decade. At this rate, they have said, by the year 2000 the general din would be deafening.

EXTENT OF DANGER DEBATED

How grave this danger is is a matter of debate among scientific observers. But most of the emerging evidence tends to substantiate concern about it.

The Environmental Protection Agency's latest figures are that about one out of 20 persons has some hearing impairment, and that in about 25 per cent of these cases, the impairment is "noise-associated."

"We are becoming a nation of auditory cripples," according to Dr. Moe Bergman of Hunter College in New York. "Environmental noise is one of the most serious public health problems, urgently requiring solutions and public controls."

Dr. Jack Westman, a University of Wisconsin Medical School psychiatrist, reported at a recent scientific meeting that housewives' increasing complaints of headaches, stomach upsets and nervous tension "are related to exposure to noise, which brings to the surface submerged tensions and results in emotional outburst."

STUDY MADE IN ENGLAND

A recent two-year study of 124,000 persons in two communities in England disclosed a significantly higher rate of admissions to mental institutions from the group that lived near London's Heathrow Airport, with recurrent exposure to 100 decibel noise.

Dr. Lester Sontag of the Fels Research Institute at Yellow Springs, Ohio, reported in 1969 that his studies of unborn babies "justify our concern about the possibility of fetal damage from such violent sounds as sonic booms."

And Dr. William F. Geber, a pharmacologist at the Medical College of Georgia, reported that rabbits and rats exposed to urban noise levels only 10 per cent of each day had produced 25 times as many defective fetuses as animals kept in a quiet environment.

Apart from bodily trauma, noise's toll is extensive. The World Health Organization has reported that in the United States excessive noise cost: upward of $4-billion a year in compensation payments, accidents, inefficiency and absenteeism.

Noise's depreciation of real estate values also undoubtedly runs into the billions. School buildings in Los Angeles and elsewhere had to be deactivated because airplane and traffic noise cut down effective classroom time by as much as 30 per cent. In Mesa Verde, Colo.; Bryce Canyon, Utah, and other national parks in the West, sonic booms have damaged ancient dwellings and caused landslides. The Air Force has had to pay out about $1-million in sonic-boom damage. The noise element was a big factor in the termination last year of the multibillion-dollar supersonic transport development program.

TWO TYPES OF NOISE

There are two kinds of environmental noise: the noise inherent in 20th-century machines, from kitchen blenders to airplanes; and entirely untoward manmade racket, from the snorting hot rod to the wild neighborhood party.

Four obvious avenues of noise abatement are available:

Making and enforcing laws against unnecessary manmade tumult.

Building quieter machines.

Muffling noise, through better building construction, landscaping and use of sound-absorbers such as trees and shrubs.

Through land use planning, segregating unavoidable community noise sources, such as industrial and commercial activity, heavy traffic and airports, from residential and recreational areas.

Generalized laws against undue noise go back to ancient Rome. Alvin G. Greenwald, a Los Angeles legal expert on noise, has counted more than 12,000 community noise codes in the United States. But until lately there has been little effective use of them.

ENFORCEMENT DIFFICULT

Equipment that will scientifically measure sound and record it can now be obtained for about $1,000. But catching of excessive-noise makers in the act, getting conclusive evidence and prosecuting them is a task most local law enforcement agencies have despaired of. The Los Angeles Police Department, when querried recently, could not produce statistical evidence of a single noise arrest last year despite a municipal antinoise ordinance.

Public apathy has contributed to noise increase. A recent visitor to Stockholm, a city with heavy traffic, heard an automobile horn only three times in three weeks. Yet of all the cities in the United States, only Memphis has achieved a comparable reputation.

Memphis in 1938 simply banned unnecessary horn blowing and began issuing tickets for it. This reduced offenses to a current rate of only about 150 a year. This has won Memphis numerous "quietest city" awards, although some Memphis residents say that in other respects it is not notably quieter than other cities.

STRESS ON VEHICLE NOISE

Until recently the most explicit effort to abate din was the action of a number of states in limiting vehicle noise on highways to around 85 decibels. But here also enforcement has been sketchy.

Federal officials say California has the most comprehensive vehicle noise law. Its state highway patrolmen handed out 18,000 tickets last year for noisy cars. But with only six two-man teams to cover 162,000 miles of highways, the level of enforcement is admittedly low.

The first comprehensive state noise legislation was enacted by New Jersey last January. The law made excessive noise a state offense, with fines up to $3,000, and directed the state's Department of Environmental Protection to draw up antinoise regulations.

The agency is now in the process of implementing that legislation. A 13-member citizen council provided for in the law to review regulations is just being appointed.

"We're trying to frame a model ordinance for communities," the Environmental Commissioner, Richard J. Sullivan, said, so the state won't be in the business trying to deal with noisy neighborhood parties.

"Airplanes we can't do anything about, because the Federal Government has preempted jurisdiction. But we've got to formulate standards and enforcement methods for major noise areas like traffic and industry. A year from now we'll be able to tell you whether we're making any progress."

Illinois, Colorado, and some other states are in similar preliminary stages of noise regulation.

CHICAGO ANTINOISE PROGRAM

In July, 1971, Chicago put into effect the most comprehensive program to curb noise of any American city.

Its 3,000-word ordinance sets noise limits for a dozen categories of sources, from bulldozers to garden tools. The limits range from 94 decibels for heavy machinery down to 55 decibels as the maximum that may emanate from a residence. Progressive reductions bring the limits on vehicles and machinery down as low as 65 decibels by 1980. The law carries a penalty of up to a $500 fine and a six-month jail term.

The law is administered by the city's Department of Environmental Control, under a novel technique designed to overcome the classic obstacle in noise law enforcement: the fact that police officers do not have the time or technical wherewithal to issue citations, while technical people generally do not have police powers.

In Chicago three-man teams comprising two noise inspectors and a police officer cruise the city. When violations are spotted, citations can be issued on the spot.

Under this system, 1,649 cases were brought to court in the year ending last June. Of about 1,000 cases completed to date, convictions were obtained in 809 and compliance was obtained in most of the others. A $5,950 fine was imposed on the Grand Trunk Western Railroad for 40 violations at one of its loading docks.

Since Chicago instituted its program, another group of cities has adopted or moved toward similar legislation. The group includes New York, Washington, Baltimore, Kansas City, Mo., Dallas, St. Paul, Minneapolis and Grand Rapids, Mich.

The proposed New York City ordinance, like Chicago's, sets decibel limits for practically every sort of noise source, including subway trains.

It limits the blowing of auto horns to "emergency use" and provides for the muting of horns starting in 1974. A 76-decibel limit is set on car noise, as perceived at a distance of 25 feet, in the city, and this maximum is to be reduced in 70 decibels in 1978.

Enforcement of the ordinance is assigned to the Police Department, with criminal penalties ranging from a $50 fine to $2,000, and 60-day jail terms.

The proposed ordinance has been challenged by people in the construction industry as entailing undue increases in building costs. It is expected to come to a vote in the City Council around the end of September.

AIRPLANES CITED AS SOURCE

The most acute single source of noise is airplanes. About one out of every 10 persons in the country lives close enough to airports to be bothered by plane noise and the number of airports and the amount of air traffic are expected to multiply in the years ahead.

Abatement of airplane noise is a legal puzzle that has lawyers and public officials, as airport area residents, in a quandary.

The Federal Aviation Administration has jurisdiction over all civilian air traffic and over many aspects of airport design and operation. In 1968 Congress also gave the agency the authority to set noise limits on planes from a design standpoint.

In November, 1968, the F.A.A. promulgated limits of 102 to 108 decibels, as "perceived" from nearby points, for the new "generation" of jumbo passenger planes—the 747's, DC–10's and L–1011's.

The older passenger jets produce from 110 to 120 decibels. Argument has been raging for two years about quieting aircraft engines, with the air transport industry saying "retrofitting" is impractical because it would cost a billion dollars. The F.A.A. is expected to issue some modification requirements within the next few months.

AIRPLANE NOISE CONTINUES

Meanwhile, the F.A.A.'s design limits on plane noise do not necessarily match the amount of racket a plane may make flying over a community, and the F.A.A. does not profess to monitor or police individual flights' noisemaking.

This appeared to leave a jurisdictional gap in which communities could set noise limits for airplane operations. A number of communities have tried this. But the Federal courts have repeatedly invalidated such ordinances as an intrusion on a Federal regulatory area.

A Burbank, Calif., "curfew" banning jet traffic between 11 P.M. and 7 A.M. is before the United States Supreme Court and a contested Inglewood, Calif., regulatory ordinance is headed there.

The jurisdictional gap has left airport operators in the middle. California courts have awarded several million dollars in property devaluation damages to residents around the Los Angeles International Airport and the city of Los Angeles is faced with nearly $5-billion in additional suits. Hundreds of similar suits have been filed in other parts of the country.

The jurisdictional bind was made particularly acute in May when a California court ruled in a case involving the city of Santa Monica that an airport was liable not only for property devaluation but also for compensation for personal annoyance.

This ruling moved Los Angeles officials to exclaim that on that basis they might have to close down the Los Angeles airport, second busiest in the country, lest they incur astronomical damage claims. The problem remains unresolved.

Meanwhile, the state of California, which contends it can legally promulgate aviation regulations as long as they do not conflict with existing Federal enactments, is preparing to put into effect in December flight restrictions aimed at reducing noise. The state fully expects its regulations will be challenged by the Federal Government and the airlines.

The mounting concern about airplane noise convinced Congress it should do something about noise generally.

In December, 1970, it created an Office of Noise Abatement and Control in the Environmental Protection Agency, and directed it to study the problem.

The agency turned in a massive report last January. The House of Representatives in February passed a noise control bill (HR 11021) drafted by Representative Paul G. Rogers, Democrat of Florida.

It directs the environmental agency to establish national noise emission limits for four kinds of machinery: transportation equipment, construction equipment, motors and engines, and electrical equipment. It authorizes the agency to assess civil fines of up to $25,000 for violation of these standards by manufacturers and distributors.

In regard to airplanes the measure gives the environmental agency only an advisory role, leaving authority with the F.A.A.

TOUGHER BILL IN SENATE

The Senate has been considering a more stringent bill (S. 3342) sponsored by Senators Edmund S. Muskie of Maine and John V. Tunney of California, both Democrats.

The chief difference in the Senate bill is that it would give the Environmental Protection Agency comprehensive jurisdiction over aircraft noise—even though the agency has demurred at accepting this responsibility on the ground it lacks technical expertise.

The Senate has completed committee hearings and the next step will be to reconcile House and Senate versions of the legislation.

Both bills give the states leeway to formulate their own noise control regulations as long as they do not conflict with Federal standards. The laws would also provide states with technical assistance from the Environmental Protection Agency in setting up organizations to administer noise-control regulations.

EFFORTS BY INDUSTRY

Industry began sensing the public unhappiness about noise several years back, and doing something about it.

The auto makers have been trying to make cars quieter. New York City last year completed replacing its old fleet of 1,480 clanking refuse trucks with quieter hydraulic-compaction trucks.

Inspired by European progress, American manufacturers have been designing quieter air compressors, a major racket-maker on construction projects. Research is under way to tone down tne noise of diesel trucks, whose snorting often reaches the noise level of jet planes.

New York City is experimenting with such refinements as recorded siren noises for emergency vehicles, which can be focused at street level, rather than actual sirens, which project a needless barrage of sound in all directions.

The "leisure time equipment" industry, involving everything from snowmobiles to hedgeclippers, advanced last year through the National Industrial Pollution Control Council a noise-reduction program for machines. Under it, equipment noise now as high as 92 decibels at a distance of 50 feet would be reduced over the next decade to a maximum of 77 decibels.

LAND USE PLANNING

The least-used tactic to date to lessen noise has been land use planning, because most of the nation's communities are locked in, at least for the time being, to archaic layouts in which noise problems were not considered.

Congress has before it several proposals for Federal-state collaboration in more rational land use, in which noise would be a factor. But the measures have been bogged down in debate, and there is no telling when, if ever, legislation will emerge.

Meanwhile, the chief influence in this direction has been the Department of Housing and Urban Development, which can control many things through its construction financing.

A year ago the agency set noise limits in construction specifications and in the location of buildings financed by H.U.D. As a result plans for a number of big projects have been altered.

A planned residential development near the new Dallas-Fort Worth airport in Texas was relocated. Noise-reduction features were superimposed on the design of a nursing home in New York City. H.U.D. is a party in the environmental-impact delay in construction of the new outlying Los Angeles airport at Palmdale.

Perhaps the nation's most venerable anti-noise campaigner, is Dr. Vern O. Knudsen, an internationally noted acoustics expert and chancellor emeritus of the University of California at Los Angeles.

As far back as 1927, in an era of relative silence, he said: "Americans today are paying in shortened tenure of life and reduced efficiency for the noise amid which they must work and live."

Dr. Knudsen is naturally pleased with the blossoming of public awareness of his favorite problem. But he does not think it's any too soon or too fervent.

"I always used to say, quoting Victor Gruen, that noise and smog are slow agents of death," he said recently. "But in a few years we can change 'slow' to 'sure' if this continues. If everybody gives up, we'll be like the dinosaur."

CARE OF THE MENTALLY RETARDED

Mr. TOWER. Mr. President, I am pleased to join Senators JAVITS and WILLIAMS, and other Senators, in the sponsorship of S. 3759. This legislation is to provide for the humane care, treatment, rehabilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards. Also, it supports the implementation of such standards by Federal assistance and establishes State plans which require a survey of need for assistance to residential facilities to enable them to comply with the standards set forth in this measure. It seeks to minimize inappropriate admissions to residential facilities and develop strategies to stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities.

Mental retardation is one of our Nation's leading health, social, and economic problems. It is widespread, with an estimated 6 million Americans afflicted by it and 120,000 mentally retarded born in the United States each year.

Because of the thousands who reside there, residential care for the mentally retarded demands particular attention. Nationally, 200,000 mentally retarded live in institutions. Texas Department of Mental Health and Mental Retardation facilities were caring for almost 13,000 residents at the close of fiscal year 1971, with over 1,000 on the active waiting list. Also, the quality of residential facilities is crucial due to the greater dependence on their environment than nonretarded individuals. In order to develop their full genetic potential, we must work toward optimum quality in their institutional surroundings.

Texas has made progress in providing for the retarded. New construction was completed at facilities in Corpus Christi, Lufkin, Abilene, Travis, Lubbock, and Richmond, helping to make possible 835 new first admissions during the fiscal year 1971. Also, there was a decrease in the number awaiting admission to mental retardation facilities of over 30 percent.

I am also pleased that Texas institutional programs for the mentally retarded were aided by over $2.9 million in Federal grants.

In order to further aid State, local, and private efforts to improve institutional life for the mentally retarded, I urge passage of this legislation. It will significantly work toward a better life for these mentally retarded who are so dependent on our help.

Specifically, this legislation makes the following provisions:

The bill authorizes $15 million to be appropriated for fiscal year 1973 and each of the 2 succeeding years for State strategy planning. This money is authorized in order to assist the States in comprehensive surveys and analyses of the cost of bringing existing facilities into compliance with the standards of this act and to review existing State plans regarding provision of services and programs for the mentally retarded. It would also aid in the development of strategies which include mechanisms which minimize inappropriate placement in residential facilities and aid in the study of administrative relationships.

Second, it authorizes $15 million to assist the States in upgrading existing residential facilities for the mentally retarded in order to provide the resident with an environment conducive to his development and a fulfilling life. Grants not exceeding $300,000 per institution could be made to cover costs of administering and operating demonstration facilities and training programs.

Third, this legislation would make authorization for appropriations of such sums as are necessary to assist States in meeting the expenses for bringing publicly operated and publicly assisted facilities into compliance with the standards of part C of this act. Priority consideration will be given to those applications whose facilities are in greatest financial need in order to comply with this act. It outlines steps which a State must take in order to receive such grants. Criteria for the amount of grants, payments of grants and maintenance of effort by applicants are also prescribed.

Fourth, this bill provides that 5 years after enactment, no residential facility for the mentally retarded shall be eligible to receive payments either directly or indirectly under any Federal law, unless such facility meets the standards promulgated under part C of this act.

Fifth, for cases in which appropriations for grants under section 1102 of this act do not meet the amount authorized, this legislation authorizes extension of time for the recipients of such grants to comply with the standards of this act.

Sixth, it also makes provision for alternative programs of care to provide community living situations for the mentally retarded other than living-in residential facilities.

Seventh, this legislation establishes a 15-member National Advisory Council on Standards for Residential Facilities for the Mentally Retarded. A majority of this Council shall be representative of consumers of such services. It will advise on regulations implementing standards, study and evaluate such standards to determine their effectiveness, and recommend any changes or improvements in the standards.

Eighth, this bill establishes "Standards for Residential Facilities for the Mentally Retarded." These consist of a detailed and comprehensive description of the standards with which a residential facility must comply in order to qualify for assistance under this act, and eventually, for assistance and funds under any Federal program. These are in the areas of administrative policies and practices, resident living, professional and special programs and services, records, research, safety, and sanitation, and administrative support services.

I believe that these standards and means of Federal assistance will result in significant improvement in the care provided for those who live in residential facilities for the mentally retarded. For the sake of these individuals who are so dependent upon society's help, I urge the passage of this legislation.

NATIONAL FOOD AND FIBER BOARD

Mr. HARTKE. Mr. President, the American farmer is in trouble. For two long decades he has been caught in the grips of an increasingly devastating cost-price squeeze. This squeeze has taken a terrible toll. Every year, 70,000 farm families are forced off their land into our already congested cities. The departure of these families from rural America has now swollen into the greatest mass migration in history. Most of these losses have not been marginal, inefficient farms, but sound, productive units that have produced efficiently down through the years and that could have continued to do so had they been given a chance. Thus, while the productivity capability of America's farm plant has increased dramatically over the past two decades, that increase has been an unrewarding one for the Nation's small- and medium-sized commercial farmer.

The steady and seemingly inexorable demise of the family farmer has, in large measure, been caused by the rise of highly organized big businesses which seek to consolidate their economic power and eventually control this Nation's food supply system. With the independent farmer standing by helplessly, the gigantic corporate interests continue to absorb our productive farmland and turn it into big, depersonalized business units.

With both political parties, the economic power of agribusiness has had far more political clout than individual farmers. The revolutional changes which threaten to alter for all time the face of American agriculture, could not occur without the acquiescence and encouragement of our Government. The American farmer deserves newer and more imaginative thinking from Washington. One such dynamic proposal has come from the Honorable J. J. Exon, Governor of the State of Nebraska. His suggestion for the establishment of a National Food and Fiber Board represents the type of approach which will reverse the current trend of agribusiness.

Mr. President, I ask unanimous consent that Governor Exon's statement on this subject be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

A New House for Agricultural Policy

During the past year, as Governor of one of the Nation's leading agricultural states, I have had the opportunity to visit with many other governors, congressmen and U.S. Senators concerning what I believe to be among the most pressing of problems facing the vast part of our Nation that exists outside the huge metropolitan areas. I refer, of course, to the problems of modern agriculture.

I am convinced that without an economically healthy agricultural production industry, many of the problems facing rural America will never be solved.

Without a healthy agriculture, plans for economic development in many of our small towns will not be able to accomplish established goals, for the economic well-being of small businessmen in rural areas is directly linked to the stability, or lack of it, in earnings of the Nation's farms and ranches.

Even Consumers residing on the 50th floor of a high-rise apartment in New York City have an economic interest in the well-being of those individuals who produce the bulk of this Nation's food and fiber.

If farm and ranch families fail to keep pace with earnings of other sectors of our economy, then the Nation outside the cities may well be drained of the youth and investment opportunities that will be necessary to maintain a steady flow of reasonable priced foodstuffs to the 200 million plus American consumers that depend upon our agriculture.

The solution of the problems of modern

agriculture—unstable and depressed average earnings—lies in the establishment of sound, acceptable and long-range policies.

I am convinced, that the future will offer no improvement in the area of farm policy if we continue present methods of yearly squabbling among ourselves and hoping the Congress will somehow "hit" upon a solution. I believe that what must be done is to establish long-range goals for American agriculture, and once these goals are established develop the detailed programs to reach these goals.

I have devoted considerable time during this past year exploring new approaches to agricultural policy. I have had the opportunity at regional and national governors' conferences and with private visits with other national leaders to present my thoughts on a new house for agricultural policy.

The foundation for a new house for agricultural policy should thus be based on the principle that modern farming must receive a parity of income with other sectors of the economy. Parity of income—equal returns to invested resources—is the foundation. The parity price concept, used for nearly 40 years, is not able to properly evaluate the income situation of modern agriculture. Since farming is a business we must use the measurement tools appropriate for business—returns, not prices.

The second problem area of modern agriculture production is stability, and it is closely related to the problem of returns. Modern business could not operate if the future was completely uncertain. Non-farm business has the capacity to inject stability into market situations by control, to a large degree, of product prices through management of total output. Farms do not have this power—the ability to stabilize output price—and thereby, reduce fluctuations in earnings.

The difficulty is that the cost reducing techniques used by the individual farmers are, by their very nature, also output expanded techniques. The expanded supply often drives prices downward—reducing returns. The change in the quantity of agricultural production is never much in any one year, but enough to cause wide swings in prices and earnings.

I, therefore, suggest that the foundation of a new house for agriculture policy seek stability of agricultural production and prices on an equal footing with the concept of equal returns to invested resources.

I suggest that Congress adopt the concept of stability and parity of resource earnings as the long-term policy goals for modern agriculture and then establish a national food and fiber board to develop the detailed production management programs necessary to insure an adequate supply of food and fiber for the future.

Members of such a board would be nonpartisan, appointed by the president, and would represent all phases of modern agriculture, from the farm-ranch level through to the consumer. Such a board would have broad powers to stabilize agricultural prices by various control and information devices, and to raise earnings of commercial producers by regulating the total quantities produced. Such a board would have major responsibility for the establishment of strategic reserves necessary for price stability. The board would encourage and support farm bargaining associations that also have as their goal the stabilization of an efficient agriculture industry.

This national food and fiber board would provide the focal point for the realization that modern agricultural policy cannot be framed in an arena where the farmer is pitted against the middleman and the consumer. The board would have but one charge, to establish production and marketing control programs—to be implemented by USDA—that will insure production of food and fiber in the most efficient manner by providing stability and reasonable earnings to all concerned.

I might also add that there is some degree of urgency for change in our agricultural policies. First, low earnings in agricultural production today can endanger supply of food in the future. Secondly, the American public is rapidly becoming disenchanted with the inability of past and present programs to "solve" agriculture's problems, and pressures for change might become so great that expediency will be substituted for careful evaluation.

To me, parity of income for agriculture means agricultural resources receive the same income as similar resources are receiving now in the non-agricultural economy. To be more specific, the board should examine the current earnings of typical—highly efficient family farms and compare the returns to management, land, family labor and invested capital to what similar resources are earning in the non-agricultural sector.

Many bases for comparison could be established, and agricultural economists will be required to determine the most equitable measuring rods. However, I suggest that if family labor on our efficient farms is earning wages equal to the average wage of industrial workers, and if returns to land are equal to the returns on industrial bonds, and if returns to invested capital are equal to the average return to stockholders of some broadly based index, then agriculture would be close to parity of income.

The board would require constant information from the agricultural sector as to what earnings are on our efficient farms. One method that could accomplish this—without establishing a vast bureaucracy—would be to draw upon—and coordinate—the ongoing research at our various land grant colleges of agriculture. Farm management specialists in each State have farms under observation and they are continually analyzing the data they receive from these farms on sophisticated computers.

The statistical reporting service of the USDA working through the various State-Federal divisions of agricultural statistics might assume this coordinating function to create a national sample of farms. Farmers selected for the national sample probably should receive some payment to reimburse them for the additional workload that will be associated with the record keeping required to establish their resource earnings.

For the grains, I can visualize the board might use a combination of techniques to adjust production—long-term land retirement for Macro changes in total land use and yearly diversion programs for the Micro adjustments needed to "fine tune" the projected production of certain crops.

The board should activate a strategic reserve of key crops to prevent wide swings in prices caused by unforeseen changes in production or consumption. Food is a basic product, and a program to maintain certain minimum levels in reserve is not only justified, but required for stability in our economy.

Stabilizing the grains will also tend to add stability to the livestock and poultry sectors. I believe stability can be accomplished in the livestock sector without the restrictive controls that are abhorrent to most Americans. I believe that an active information system could be the basis of stability.

Such an active information system would evaluate the data in terms of the impact of observed changes in production on prices in the future, and if these prices appear to be fluctuating above or below a predetermined range, then advise producers of required changes in feeding levels.

If the reactions of producers are sluggish to the degree such that wide fluctuations in price are still occurring, the board could provide incentives for stability through premiums and discounts for various classes of livestock.

Altering the level of premiums and discounts is a sound business practice to accomplish inventory adjustments. In the non-agricultural economy, inventories are constantly being adjusted so that earnings can be stabilized. I am suggesting that agriculture adopt this same concept.

For our smaller farms—and by smaller I mean smaller in terms of total product for sale and not simply acreage—adjusting total production to raise product prices will still leave these farms at depressed income levels. I am firmly convinced that no politically feasible or economically sound price program is capable of raising incomes on our smaller farms to levels deemed adequate—these farms simply produce too little to be meaningfully affected by price programs. Past programs have not raised the small farmer from the poverty position, but the board could generate new thinking in this area based on concepts that retain the dignity of useful labor.

As an example, take the many rural male residents in the 20 to 45 age bracket who do not have large enough production, adequate resources for expansion or opportunity to secure income needed to maintain their families as residents in rural America. This important age group is vital in furnishing replacements to a food production industry where presently the workers' average age is 58 years. A well-trained and qualified labor pool or replacement force is also vital in enticing agri-business or industry to locate in rural America.

I suggest we consider developing a new approach that could have an impact similar to the homestead act that strengthened and settled rural America.

Our modern version of homestead opportunity in rural America could be called the PAL program—a professional agriculture-agribusiness labor force. Men on small farming operations that utilize only a portion of the families' labor capabilities and other individuals anxious to remain residents of a rural community could participate in the PAL program by registering for employment in rural America and thereby immediately secure additional income payments for the family.

Workers registered in the PAL program would be available to both private and public employers requiring temporary help. These employers would reimburse the PAL program for the services of the workers. When opportunity for fulltime employment became available, the PAL member would transfer from the program to a regular employee basis.

The PAL program would retain the dignity of useful labor and could bring immediate hope to rural Americans who are now frustrated in the attempt to provide adequate incomes for their families. This program could aid in reducing the exodus to urban centers and the resulting social problems that are producing unburdenable costs to society.

TERRORISM AT THE OLYMPICS

Mr. BROOKE. Mr. President, the Olympic games symbolize the principles of peace and cooperation among nations. Twenty times in modern history the nations of the world have met for these illustrious competitions.

Today, the vision of peace and human excellence was tragically shattered. Five Arab terrorists, allegedly members of an organization called the Black September, scaled the walls of Olympic Village, reportedly killed two members of Israel's Olympic team, and are currently holding nine other members hostage.

It is reported that these terrorists belong to the same band of willful cowards who hijacked a Belgian airlines jet in 1971, and perpetrated the unbelievably callous slaughter at Lod Airport in Tel Aviv earlier this year.

Mr. President, it is inexcusable that these terrorists should be given sanctuary and allowed to conduct their business by Arab governments or any other government. Their actions shouud long since have been halted by the governments which now cannot but find themselves embarrassed, and their policies threatened by terrorist activity.

In the spirit of cooperation which can bring about the Olympic games, the nations of the world—Communist and free—should band together in concerted action against any and all terrorists, whatever their professed cause.

I pray for the immediate and safe release of the endangered athletes. And I urge President Nixon to issue the sternest possible warning to any nation which might consider aiding or condoning this senseless terrorism.

SPIRIT OF '76

Mr. CRANSTON. Mr. President, we are now in the midst of preparations for the Nation's 200th birthday celebration—the 1976 Bicentennial. Appropriately, this celebration has been characterized by the theme "The Spirit of '76."

California brandy is also enjoying its bicentennial, as it has brought cheer and comfort to generations of Americans for some 200 years. In fact, it can be said that one of the great traditions of American life is the enjoyment of that noble spirit of nature—California brandy—the "soul" of the renowned California grape.

Because of its great heritage and its totally American character, I propose that California brandy be named the "Bicentennial Spirit" as part of the 1976 Bicentennial Celebration. I hope that the Bicentennial Commission will heed this proposal and grant California brandy the recognition it deserves.

SAVAGE BARBARISM AT THE OLYMPIC GAMES

Mr. PACKWOOD. Mr. President, a new spirit has been sweeping the globe for the past several days, thanks to the 1972 World Olympics in Munich. This renewed spirit has been the product of the finest amateur athletic competition in the world. All of us have either seen the superb television coverage provided by the American Broadcasting Co., or read detailed accounts in our daily newspapers. We have all been thrilled by the accomplishments of our own athletes and by athletes of competing nations.

But to see this worldwide, worthwhile competition disrupted by a bunch of craven cowards calling themselves Arab commandos make my blood boil.

These cowards—and I emphasize that they are cowards—have not the courage to fight out their differences man-to-man. Instead, they use the pretext of the World Olympics to seize innocent people and use their lives as pawns in a game that no civilized society will accept.

This savage barbarism must be stopped. The time has come for the United States to seriously consider breaking diplomatic relations with any country which gives these bandits refuge or encouragement.

The civilized world cannot—and will not—stand by for this inhuman level of conduct.

BARBARIC RAID AT THE OLYMPICS

Mr. TALMADGE. Mr. President, law-abiding and peace-loving people the world over are shocked today by the barbaric raid by Arab terrorists on the Israel compound at the Olympics in Munich.

This was a tragic occurrence which can only further inflame the already highly incendiary situation in the Middle East. It not only is a threat to stability in that part of the world, but to peace and unity throughout the rest of the world as well. It is an affront, not only to the splendid athletes who have gathered in Munich, from the free world and the Communist world alike, but also to civilized people everywhere.

One can only guess at the motives of this band of terrorists, other than to create chaos and confusion. However, I hope all the world will join the United States in denouncing this sneak, dastardly attack—including the governments of the Arab States, if indeed they have not become insensitive to public opinion. This was a crime against the world society. It was a violation of every law of human decency.

Our prayers go out for the well-being of the Israel hostages, and every possible effort should be put forth to secure their safe release. Unfortunately, two members of the Israel Olympic athletic delegation have already died, victims of Arab guerrilla brutality. This is the same group which was responsible for the assassination of the Premier of Jordan, and for several aircraft hijackings.

Such terrorism has become characteristic of the Arab dispute with Israel. It has largely prevented the Arab States and Israel from coming together to seek a settlement of their differences in the longstanding Middle East crisis.

So long as insane and dangerously irrational elements of the Arab world are spreading discord and terror, not only in the Middle East but throughout Europe as well, there can never be a suitable settlement of differences in this part of the world. Such harassment and terrorism has become prevalent in the Middle East conflict, and each time the pillars of world peace are shaken.

Terroristic tactics are like attacks of wild, mad dogs, which endanger everyone and everything in their path. They should be dealt with accordingly.

MURDER AT THE OLYMPIC GAMES

Mr. ROTH. Mr. President, all of us are keenly aware that in the past few hours one young man—and possibly two—has been murdered in cold blood at the Olympic games in Munich. Nine athletes are held hostage and countless others endangered by the most ruthless, irresponsible, unforgivable actions possible.

As far as I am concerned, Mr. President, there can be no conceivable excuse or reason for these murders. As great as the differences between Israel and the Arab States may be, they are not so great as to justify this kind of wanton disregard for the lives and safety of young men who were in Munich only for the sake of athletic competition. Those are my sentiments, and I believe they are the sentiments of every other responsible person in the world, regardless of his nationality or religion.

Mr. President, we do not have enough details at this time to know exactly what has happened or to predict what will happen in Munich. But I for one, speaking as a Member of the United States Senate, insist that if the Arab guerrillas escape, they be returned to Germany to stand trial. Furthermore, I believe that if any nation provides refuge for these guerrillas, the United States should take every action appropriate to insure that the guerrillas are returned to stand trial. For these actions, there cannot be and should not be sanctuary.

TWENTIETH ANNIVERSARY OF THE MENTAL RETARDATION NEWS

Mr. DOLE. Mr. President, I wish to take a moment today to recognize an anniversary which means much to the many thousands of Americans who are parents of developmentally disabled children.

Twenty years ago a handful of dedicated pioneers in the field of developmental disabilities started Mental Retardation News, a newspaper to bring the latest information on new developments in the prevention of disability and the care of mentally disabled persons to a special readership who would find this information most valuable.

Starting with a few thousand circulation, this newspaper has grown steadily until now it has a readership of nearly one million around the globe. The newspaper has become the medium through which parents of mentally retarded children, their friends and other concerned persons, as well as physicians, government employees, and legislators, have been able to follow progress and achievements in the developmental disabilities field.

This newspaper has reported for its readers the passage of the developmental disabilities bill, landmark suits for mandatory education and better treatment of developmentally disabled residents of institutions—and stories of courage and triumphs over seemingly insurmountable handicaps. For 20 years it has told of the strides that have been made in bringing mentally disabled citizens into new areas of a more meaningful and fulfilling way of life.

Mental retardation news has been published without interruption since its first issue in August 1952. It is the official publication of the National Association for Retarded Children and has proven to be an exceptional medium for bringing reliable information to concerned citizens throughout the world.

I congratulate this newspaper on its 20th anniversary and for its dedication to serving the mentally handicapped.

TRAGEDY AT THE OLYMPIC GAMES

Mr. SPONG. Mr. President, the Arab guerrilla attack on the Israeli Olympic team is a dastardly and reprehensible act which offends the entire world. It is the product of warped minds and inhumane spirits. It focuses attention not on the plight of Arabs but on the fact that there are elements in the Arab community who, in and of themselves, are incapable of assuming a responsible place among the world of nations.

The act is a blemish upon an ideal that is a symbol to the world—an ideal of nations coming together ever 4 years to compete in fairness and good sportsmanship. The proud history of the Olympic games has been tarnished by a monstrous act against all those who compete and all those who observe.

I know our Nation will cooperate in every way possible to secure the release of those still held hostage, to prevent the loss of further lives, and to restore in some small way a glow to an ideal which should not be defiled.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). The time for the transaction of routine morning business has expired.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will now proceed to consider the following bills, in the following order: S. 2087, S. 16, H.R. 9323, S. 2567, and H.R. 9222.

Debate on each bill is limited as follows: Debate on any amendment to any of the bills will be limited to 20 minutes, to be equally divided and controlled by the mover of the amendment and the manager of the bill, Mr. McClellan, unless the manager of the bill is in favor of the amendment, in which case the time in opposition thereto will be controlled by the minority leader or his designee.

Debate on final passage of any of the said bills shall be limited to 1 hour on S. 2087 and S. 2567 and one-half hour on H.R. 9323, H.R. 9222, and S. 16, with the time for debate on final passage of each bill to be equally divided and controlled by the manager of the bill, Mr. McClellan, and the Senator from Nebraska (Mr. Hruska).

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1972

The PRESIDING OFFICER. The Senate will now proceed to the consideration of S. 2087, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2087) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty.

The Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Public Safety Officers' Benefits Act of 1972".

DECLARATION OF PURPOSE

Sec. 101. It is the purpose of this Act to promote the public welfare by establishing a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents.

Sec. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 521, respectively, as sections 550 through 570;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part G of title I as amended by this Act, the following new part:

"Part H—Death and Dismemberment Benefits for Public Safety Officers

"DEFINITIONS

"Sec. 525. As used in this part—

"(1) 'child' includes a stepchild, an adopted child, an illegitimate child, and posthumous child;

"(2) 'criminal act' means any crime, including an act, omission, or possession under the laws of the United States or a State or unit of general local government which poses a substantial threat of personal injury, notwithstanding that by reason of age, insanity, intoxication or otherwise the person engaging in the act, omission, or possession was legally incapable of committing a crime;

"(3) 'dependent' means a person who was wholly or substantially reliant for support upon the income of a decreased public safety officer;

"(4) 'dismemberment' means the loss of all or a substantial portion of one foot or one hand or legal blindness in one eye;

"(5) 'Intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body;

"(6) 'line of duty' means within the scope of employment or service; and

"(7) 'public safety officer' means a person serving the United States or a State or unit of general local government, with or without compensation, in any activity pertaining to—

"(A) the enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the Armed Forces,

"(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, parolees,

"(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

"(D) firefighting.

"AWARDS

"Sec. 526. (a) Upon a finding made in accordance with section 529, the Administration shall provide the following benefits:

"Loss	*Benefit payable*
Death or multiple dismemberment	$50,000
Single dismemberment	25,000

"(b)(1) Whenever the Administration determines, prior to taking final action, that a death or dismemberment of a public safety officer is one with respect to which a benefit will probably be paid, the Administration may make an interim benefit payment not exceeding $5,000 to the public safety officer, dependent, or dependents entitled to receive a benefit under section 527 of this part.

"(2) The amount of any interim benefit paid under paragraph (1) of this subsection shall be deducted from the amount of any final benefit paid to such public safety officer, dependent, or dependents.

"(3) Where there is no final benefit paid, the recipient of any interim benefit paid under paragraph (1) of this subsection shall be liable for repayment of such amount. The Administration may waive all or part of such payment.

"(c) The benefit payable under this part shall be in addition to any other benefits that may be due from any other source, but shall be reduced by—

"(1) payments authorized by section 12(k) of the Act of September 1, 1916, as amended (4–531(1) of the District of Columbia Code);

"(2) gratuitous lump-sum death or dismemberment benefits authorized by the United States, a State, or unit of general local government without contribution by the public safety officer, but not including insurance or workmen's compensation benefits;

"(3) amounts received under any Federal program, or program of a State or unit of general local government receiving Federal assistance under this title which provides for the compensation of victims of crime.

"(d) No benefit paid under this part shall be subject to execution or attachment.

"RECIPIENTS

"Sec. 527. Upon receipt of a certification from the Attorney General, the Governor or the highest executive officer of a State that a public safety officer has been killed or has suffered dismemberment in the line of duty and the proximate cause of such death or dismemberment was a criminal act or an apparent criminal act, the Administration shall pay a benefit as provided in section 526 of this part as follows:

"(1) If the public safety officer suffered dismemberment, to the public safety officer.

"(2) If the public safety officer was killed—

"(A) to the dependent person or persons specifically designated in the public safety officer's duly executed authorization to receive the benefit provided for in this part;

"(B) if there is no such surviving designated person or persons and no surviving dependent child of such officer, to the surviving dependent spouse of such officer;

"(C) if there is a surviving dependent child or children and a surviving dependent spouse of such officer, one-half to the surviving dependent child or two-thirds to the surviving dependent children of such officer in equal shares, with the remainder to the surviving dependent spouse of such officer;

"(D) if there is no such surviving dependent spouse, to the dependent child or children of such officer, in equal shares;

"(E) if none of the above, to the dependent parent or parents of such officer, in equal shares; or

"(F) if none of the above, to the other dependent next of kin of such officer under the laws of domicile of such State of such officer at the time of his death, in equal shares.

"LIMITATIONS

"SEC. 528. No benefit shall be paid under this part—

"(1) if the death or dismemberment was caused by the intentional misconduct of the public safety officer or by such officer's intention to bring about his death or dismemberment;

"(2) if voluntary intoxication of the public safety officer was the proximate cause of such officer's death or dismemberment;

"(3) in the event the public safety officer was killed, to any person who would otherwise be entitled to a benefit under this part, if such person's actions were a substantial contributing factor to the death of the public safety officer; or

"(4) if a notification of death or dismemberment has not been filed by or on behalf of public safety officer under this part with the Attorney General or the Governor or highest executive of a State within one year after the date of death or dismemberment, unless the Administration finds that the failure to file was justified by good cause.

"PROCEDURE

"SEC. 529. (a) Awards under this part shall be made as follows—

"(1) in the event the death or dismemberment of a public safety officer serving a State or unit of general local government, the notification of such death or dismemberment shall be filed with the Governor or the highest executive officer of the State of service; or

"(2) in the event the death or dismemberment of a public safety officer serving the United States, the notification of such death or dismemberment shall be filed with the Attorney General or his designate.

"(b) The Governor, the highest executive officer of a State, or the Attorney General upon receipt of notification of the death or dismemberment of a public safety officer shall promptly notify the Administration of the pendency of a certification, and, after due investigation, shall certify to the Administration all facts relevant to the death or dismemberment upon which the benefit will be paid.

"(c) The Administration, upon receipt of certification by a Governor or the highest executive officer of a State, or the Attorney General, indicating that a benefit is due under this part, shall pay such benefit.

"(d) The adjudicatory provisions of chapter 5 of title 5 of the United States Code are not applicable to the procedures authorized under this part.

"MISCELLANEOUS PROVISIONS

"SEC. 103. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesignated by this Act, is amended by inserting '(a)' immediately after '569' and by adding at the end thereof the following new subsection:

"'(b) There is authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1973, for the purposes of part H.'

"SEC. 104. Until specific appropriations are made for carrying out the purposes of this Act, any appropriation made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities, or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

"SEC. 105. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

"SEC. 106. This Act shall become effective on the date of enactment and the benefits thereunder shall be retroactive with respect to any dismemberment or death of a public safety officer as defined in part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this Act, which occurred on or after January 1, 1967."

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent that Mr. Gerald Brecher, Mr. Peter Coogan, and Mr. P. J. Mode of my staff be permitted the privilege of the floor during debate on the crime bills that are before the Senate or will come before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I ask unanimous consent that Mr. Malcolm Hawk of the Judiciary Committee staff be granted the privilege of the floor during consideration of the five bills to be under consideration by the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that a member of my staff, Mr. William E. Hancock III, be permitted the privilege of the floor during the discussion of the five bills in question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that none of the time be taken out of either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION ON ECONOMIC OPPORTUNITY ACT CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the conference report on H.R. 12350, the Economic Opportunity Act, is called up before the Senate, there be a time limitation of 20 minutes thereon, to be equally divided between the manager of the conference report, the distinguished Senator from Wisconsin (Mr. NELSON), and the distinguished Republican leader or his designee. It is my understanding that this matter has been cleared with the other side of the aisle.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object to the request—the agreement is satisfactory with the disinguished ranking member of the committee, the Senator from New York (Mr. JAVITS), and also with the Senator from Colorado (Mr. DOMINICK). I do hope, however, that we might have a little notice as to when the matter will be called up so that the Senator from Colorado and others could come to the floor.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the distinguished Senator from Wisconsin (Mr. NELSON), the manager of the conference report, is awaiting the arrival of certain papers before he calls up the conference report.

Mr. GRIFFIN. I thank the Senator very much.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum with the understanding that there be no time charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Wisconsin (Mr. NELSON) may now be recognized for the purpose of calling up the conference report on the Economic Opportunity Act and that the time under the previous order on that conference report not be charged against the time on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, before the Chair rules, let me say I was not here when the unanimous-consent agreement was entered into. I agree with it, but we may be 5 or 10 minutes short in time. Will the leadership assist me if I need 5 or 10 minutes?

Mr. ROBERT C. BYRD. Very well. The leadership will do everything possible to accommodate the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on H.R. 12350, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 18, 1972, at pp. 29143–29149.)

Mr. NELSON. Mr. President, I ask unanimous consent that the joint explanatory statement on the part of the managers be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two houses on the amendment of the Senate to the House bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The points in disagreement and the conference resolution of them are as follows:

The House bill authorized $2,304,066,000 for fiscal year 1972 and $3,000,000,000 for fiscal year 1973. Of these amounts $350,000,000 a year was reserved for local initiative programs and a specific authorization of $500,000.000 for fiscal 1972 and $1,000,000,000 for fiscal 1973 was authorized for Project Headstart.

The Senate amendment authorized the following amounts:

[In millions]

	1972	1973	1974
Department of Labor programs:			
Title IABE	$900.0	$950.0	$950.0
Special NYC	500.0	500.0	500.0
Health, education and welfare programs:			
Headstart	500.0	500.0	500.0
Follow Through	100.0	100.0	100.0
ACTION programs: VISTA	37.0	58.0	
OEO programs:			
Total titles II, III, VI, VII, IX, X	(950.0)	(1,000.0)	(1,000.0)
Local initiative [1]	328.9	328.9	328.9
Legal services [1]	71.5	71.5	71.5
Comprehensive health	114.0	114.0	114.0
Emergency food	62.5	62.5	62.5
Family planning	25.0	25.0	25.0
SOS	8.8	8.8	8.8
Alcoholic counseling	$18.0	$18.0	$18.0
Drug rehabilitation	18.0	18.0	18.0
Environmental action	5.0	5.0	5.0
Rural housing	10.0	10.0	10.0
Consumer action	7.5	7.5	7.5
Design and planning	10.0	10.0	10.0
Youth recreation and sports	6.0	6.0	6.0
T. & T.A., SEOO, R. & D.	117.6	117.6	117.6
Title III migrants	38.0	38.0	38.0
Titles VI and X	18.0	18.0	18.0
Title VII	58.0	58.0	58.0
Other	33.2	83.2	83.2
Add ons:			
Title VII		62.0	62.0
Legal services		100.0	100.0
Rural housing		5.0	5.0
VISTA	16.0		
SOS		21.2	21.2
Urban housing	20.0	20.0	20.0
Special assistance	50.0	50.0	50.0

[1] These amounts are reservations as well as authorization levels.

The conference agreement contains the following authorizations of appropriations:

For title I, Parts A, B, and E (work and training programs) the sums of $900,300,000 for fiscal year 1973 and $950,000,000 for fiscal year 1974;

For Headstart the sums of $485,000,000 for fiscal year 1973 and $500,000,000 for fiscal year 1974;

For Follow Through the sums of $70,000,000 for each of fiscal years 1973 and 1974;

For title VIII (VISTA) the sum of $74,000,000 for fiscal year 1974;

For all OEO-administered programs, titles II, III, VI, VII and IX the sums of $840,000,000 for fiscal year 1973 and $870,000,000 for fiscal year 1974. Of the amounts appropriated for OEO programs, the conference agreement reserves not less than $328,900,000 for programs under section 221 of the Act (Local Initiative) for each fiscal year and not less than $71,500,000 for Legal Services programs under section 222(a)(3) for each fiscal year. The conference agreement further provides that the remaining amounts are to be so allocated that for each fiscal year not less than $18,000,000 shall be used for the Alcoholic Counseling and Recovery program under section 222(a)(8) and not less than $30,000,000 shall be used for the Emergency Food and Medical Services program under section 222(a)(5).

For the balance of the programs operated by OEO, the conferees strongly recommend that the following amounts be made available for each of the programs;

	Fiscal 1973	Fiscal 1974
Comprehensive health	$100,000,000	$100,000,000
Family planning	20,000,000	20,000,000
Senior opportunities	8,000,000	18,000,000
Drug rehabilitation	18,000,000	19,000,000
Environmental action	5,000,000	5,000,000
Rural housing	15,000,000	20,000,000
Consumer action	7,500,000	7,500,000
Design and planning	10,000,000	10,000,000
Youth recreation and sports	4,500,000	4,500,000
T. & T.A., SEOO, R. & D.	109,600,000	109,600,000
Title III (migrants)	36,000,000	36,000,000
Title VI and IX (administration and evaluation)	18,000,000	18,000,000
Title VII (community economic development)	40,000,000	55,000,000

In paragraphs (2) and (3) of section 3(c) of the conference agreement, the term "reserve and make available" is used in connection with the reservation and allocation of funds. By this the conferees mean that the sums required to be "made available" shall be newly obligated during each of the fiscal years for which such sums are required to be made available.

The Senate amendment authorized the Secretary of HEW to establish procedures to assure that not less than 10% of the enrollment opportunities in Project Headstart in the nation be available for handicapped children. There was no comparable House provision. The House recedes.

The House bill extended the authority for programs under the Act for two additional years. The Senate amendment extended the provision for three additional years. The House recedes.

The Senate amendment extended the length of time a person can serve on a community action board from three to six consecutive years and increased the total number of years a person may serve to twelve years. There was no comparable House provision. The conference agreement extends the length of service on a community action board to five consecutive years and increases the total number of years to ten.

The House bill required that the public officials who comprise one-third of each community action agency board be elected officials except where fewer than the requisite number of elected officials were available and willing to serve, in which case appointive public officials could be counted toward fulfilling the requirements of this subsection. There was no comparable Senate provision. The Senate recedes with the understanding that elected officials refers to those with general governmental responsibilities or responsibilies encompassing antipoverty programs—not to officials with limited or administrative responsibilities in specialized areas, such as a water district commissioner.

The House bill established guidelines which must be followed by the Secretary of Health, Education, and Welfare in promulgating fee schedules for the participation of non-low-income children in Project Headstart. No charge could be made with respect to any child who was a member of a family with an annual income less than $4,320. A graduated fee schedule was prescribed up to the level of the lower living standard budget as determined by the Bureau of Labor Statistics. Beyond that point the Secretary is given discretion. There was no comparable Senate provision. The Senate recedes.

The Conference agreement further provides that if the Secretary of HEW certifies that the establishment of such a fee schedule would substantially impair the ongoing Headstart programs, he may postpone their establishment, but under no circumstances may such establishment be postponed beyond April 1, 1973.

The Senate amendment allowed addicts enrolled and participating in methadone maintenance treatment or therapeutic programs to participate in the program. The House bill limited participation to rehabilitated addicts. The House recedes.

The Senate amendment allowed the Director to undertake special programs assisting employers in dealing with problems of employee "drug abuse and dependency." The House bill only allowed programs dealing with "drug abuse." The House recedes.

The Senate amendment required that priority be given to areas within the States having the highest percentage of addicts. There was no comparable House provision. The House recedes.

Both the House bill and the Senate amendment called upon the Director to establish procedures whereby addicts undergoing rehabilitation and participation in this program who, during the course of such rehabilitation, became non-low-income as a result thereof would nevertheless remain eligible to participate in this program until they had completed a full course of rehabilitation. The House bill also made clear that there is to be no exception to income criteria for initial entry into the program. The Senate amendment had no comparable provision. The Senate recedes.

Both the House bill and the Senate amendment established an Environmental Action program through which low-income persons would be paid for working on projects to combat pollution or to improve the environment. The Senate amendment also required that such work projects be those which would not otherwise be performed. There was no comparable House provision. The House recedes. The purpose of the provision in the Senate amendment is to insure that the program be operated in such a way as not to displace persons currently employed in similar tasks, but the conferees wish to make clear that they do not expect the Director to arbitrarily use the language as an excuse for no funding programs authorized under this section.

Both the House bill and the Senate amendment authorized a new program to be known as Rural Housing and Rehabilitation. In addition, the Senate amendment allowed the use of persons enrolled in Mainstream programs in the construction, rehabilitation, and repair of housing for low-income persons under this paragraph. The House recedes. The conferees wish it clearly understood that this new program is intended for a limited number of sponsors in order to fully demonstrate its potential. The conferees expect that the program will be administered in the national office of the Office of Economic Opportunity and that no regionalization of the program will take place until Congress has had an opportunity to assess its effectiveness.

The Senate amendment placed the administrative responsibility for the Youth Recreation and Sports Program with the Director of the Office of Economic Opportunity. The House bill placed such responsibility with the Secretary of Health, Education, and Welfare. The House recedes. The conferees wish to make clear that the Director of the Office of Economic Opportunity is given the discretion to continue to enter into delegation agreements he considers appropriate.

The Senate amendment specifically required the participation of all significant segments of low-income population to be served. There was no comparable House provision. The House recedes.

The House bill and the Senate amendment authorized the Director to provide financial assistance for projects designed to serve groups of low-income individuals who are not being effectively served by other programs under this title. The Senate amendment authorized $50 million for fiscal year 1972 and the two succeeding fiscal years. The House bill authorized $50 million for fiscal year 1972 and such sums as may be necessary for each succeeding fiscal year, creating in effect a permanent authorization. The conference agreement contains the substance of the amendment but eliminates the specific dollar authorizations.

The House bill provided for the equitable distribution of financial assistance under the Act to all significant segments of the low-income population within a State and within a community. The Senate amendment required such equitable distribution only within a community. The Senate recedes.

The conferees urge the Director to exercise authority under this section to the extent appropriate to accomplish its purposes, utilizing funds available under the authorization for programs conducted under title II of the Act.

The House bill prohibited the use of funds appropriated for Teacher Corps or ACTION from being used to finance any activity designed to influence the outcome of any election, or for voter registration, or to pay the salary of any officer or employee of OEO, Teacher Corps or ACTION who in an official capacity engages in such activity. As used in this amendment, "election" and "Federal office" are defined as in the Federal Election Campaign Act of 1971. There was no comparable Senate provision. The Senate recedes.

The House bill required that any standards for day care programs be no less comprehensive than the interagency day care requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968. There was no comparable Senate provision. The Senate recedes.

The Senate amendment amended section 616 of the Economic Opportunity Act to increase the portion of an allocation that may be transferred from one program or activity to another from 15% to 25%. The amendment also deleted the limitation which placed a ceiling on the amount that may be transferred into a program. Existing law provided that such transfers could not result in increasing by more than 100% any program for which there was available $10 million or less or by increasing by 25% any program for which amounts available were in excess of $10 million. The House bill reduced the authority of the Director to transfer earmarked funds to 10% of the amount appropriated or allocated. The House bill further limited the degree to which the program or activity could be increased. The conference agreement increases the portion of an allocation that may be transferred from one program to another to 20 per centum.

The House bill prohibited any funds appropriated for programs administered by the Office of Economic Opportunity or ACTION from being used to finance any activity in which students in higher education perform voluntary or community service where, as a condition for eligibility for funds, an institution is required to award credit to students for training or experience derived from such voluntary or community service. There was no comparable Senate provision. The House recedes.

The Senate amendment prohibited the Director from providing financial assistance to anyone under this Act unless the grant, contract or agreement under which funds are to be provided specifically provides that no person with responsibilities in the operation of such program will discriminate because of race, creed, color, national origin, sex, political affiliation or beliefs. There was no comparable House provision. The House recedes.

The Senate amendment prohibited sex discrimination, to be enforced in accordance with Civil Rights Act procedures. There was no comparable House provision. The House recedes.

The House bill required the national poverty action plan to be presented by December 31, 1971. The Senate amendment required submission by August 1, 1972. The House bill required subsequent plans no later than December 31st of succeeding years. The Senate amendment required subsequent reports on January 31st of each year. The dates provided in both the House and Senate bill presented a situation where it would have been impossible for the agency to comply. Therefore, the conferees dropped the specific date that the national poverty action plan was to be presented to the Congress. It is the intention of the conferees, however, that at the earliest possible date the Office of Economic Opportunity submit such a plan.

Both the House bill and the Senate amendment consolidated all evaluation activities into a single title. They differed in the following respects:

(a) The Senate amendment specified that such evaluations may be made of programs under the Office of Economic Opportunity Act, or related Acts. There was no comparable House provision. The House recedes.

(b) The Senate amendment qualified the directives to develop evaluation standards with the words "to the extent feasible". There was no comparable House provision. The House recedes.

(c) The House bill required the results of evaluation to be considered in renewing financial assistance. There was no comparable Senate provision. The Senate recedes.

(d) The Senate amendment required the Director to exchange data "on a cooperative basis with such agency." There was no comparable House provision. The House recedes.

(e) Under the House bill the Director would "consult where appropriate with States to sponsor jointly funded evaluations" while the Senate amendment read "may consult when appropriate." The Senate recedes.

(f) The House bill required the publication of evaluations where the Senate amendment only required the publication of summaries of such evaluations. The conference agreement requires that summaries prepared by the evaluator be published. The conferees want to make clear that the publication of such summaries in no way relieves the Director from existing obligations to make evaluation reports in their entirety available to the Congress.

(g) The Senate bill authorized the head of any agency administering a program authorized by the Act to conduct evaluations or take other actions authorized under this title but specified that nothing in this section would preclude the Director from conducting such evaluations or taking such actions as otherwise authorized under the Act. There was no comparable House provision. The House recedes.

Both the House bill and Senate amendment established a new title of the Economic Opportunity Act to create a National Legal Services Corporation.

The Conferees regret that it was necessary to delete Title IX, which would have established a National Legal Services Corporation, as a result of the failure to reach agreement with respect to the composition of the Board of Directors and certain other elements of the Corporation.

The Conferees continue to strongly support the existing legal services program and the concept of a legal services corporation and intend to continue to seek appropriate means of expanding the program and insuring its independence, to provide the poor greater access to our system of justice under law.

The Senate amendment established a new program in title II, Design and Planning Assistance Programs, providing for the Director to fund to community-based design and planning organizations to provide technical assistance and professional services to community organizations and to continue existing section 232 programs of a comparable nature. There was no comparable House provision. The House recedes.

The Senate amendment established a new program in title II, Consumer Action and Cooperative Programs, providing for the Director to fund programs in consumer advocacy and protection and to continue existing section 232 programs of a similar nature. There was no comparable House provision. The House recedes.

The Senate amendment established a new program in title II, Urban Housing Demonstration Projects, to authorize the Director to provide financial assistance for demonstration projects in urban areas, and authorized $20.0 million for each of three fiscal years. There was no comparable House provision. The Senate recedes.

While the conferees did not adopt the new specific authority for Urban Housing Demonstration Projects contained in the Senate amendment, they expect the Director of the Office of Economic Opportunity to increase funding of projects to assist low-income families living in neighborhoods characterized by abandonment and deteriorating residential housing to maintain and upgrade existing substandard residential housing in such neighborhoods. The projects are to be carried out by appropriate community based organizations including tenant associations. It is anticipated that such projects may include financial assistance in the form of grants and loans for administrative expenses and to defray costs of repair and moderate rehabilitation, for tenant organization and counseling, management and maintenance services, and for encouragement of home ownership by low-income families. It is anticipated that such projects will be funded from general sources available under the Act, including general demonstration authority and authority under Title VII. Community Economic Development, to the extent consistent with that title; however, no such projects are to be funded from sums made available under the new Rural Housing and Rehabilitation programs.

The Senate amendment prohibited the Director from delegating his functions under section 221 and title VII of such Act, notwithstanding the provisions authorizing delegation of programs of section 602 of the Economic Opportunity Act. There was no comparable House provision. The House recedes.

The Senate amendment combined the existing title I–D Special Impact Program and title III–A Rural Loan Program into a new unified Community Economic Development Program (title VII). This new title provided expanded authorization for grants as well as loans to rural cooperatives. There was no comparable House provision. The House recedes.

The rules of the House forbid managers on the part of the House from accepting Senate amendments that provide for appropriations within authorization bills. It was felt that the transfer of funds from one agency to another and the requirement that interest payments on loans from a revolving fund be returned to the fund rather than to the Treasury would violate the rule against including appropriations provisions in authorizing legislation.

It was therefore necessary for the conferees reluctantly to delete those provisions of title VII that detailed the operation of the newly authorized Community Development and Rural Development revolving funds, to delete those provisions that would have transferred the assets of the existing title III–A loan fund from the Department of Agriculture back to the Office of Economic Opportunity for consolidation with the new Rural Development revolving fund, and to delete those provisions in title VII that would have repealed title III–A. As approved by the conferees, title VII authority for a Rural Development Loan revolving fund will exist in addition to the authority in title III–A for the present Rural Loan revolving fund. It is the intent of the conferees, to the extent not prohibited by law, that the revolving funds authorized by title VII operate as is common with such funds, i.e., that repayments of principal shall be returned to the fund to be available for new loans and that the budget provide for the appropriation of the amount of the interest paid on such loans to the fund, to be used to offset the cost of operating such funds. Further, it is the intent of the conferees that the Office of Economic Opportunity seek to operate the Rural Loan Fund provisions of title VII and those under title III–A in close conjunction pending legislation to transfer the title III–A loan fund to this title. In deleting the language in title VII that detailed the operation of the new revolving funds it was necessary to delete the provision authorizing the use of interest payments to the funds to defray administrative expenses. However the conferees wish to make it clear that it is their understanding that the statutory authority of the Director to make payments out of the existing title III–A revolving fund for "loans, participation, and guarantees" encompasses the same authority as is provided in other federally supported revolving funds to defray such costs as are necessarily incurred in the administration of loans from such revolving funds.

The Senate amendment amended title VIII of the Act by making clear authority for VISTA volunteers to work on environmental problems focused primarily on the needs of low income persons and the communities in which they reside. There was no comparable House provision. The House recedes.

The Senate amendment added a new section to title VI requiring frequent review and revision of the poverty levels based on the changes in the consumer price index. There was no comparable House provision. The House recedes.

The Senate amendment authorized persons who are otherwise eligible and live in public and private institutions to participate in Neighborhood Youth Corps programs. There was no comparable House provision. The House recedes.

The Senate amendment amended section 211 by requiring the Director to insure no local community action agency election be held on a Sabbath Day. There was no comparable House provision. The House recedes.

The Senate amendment amended the Federal Property and Administrative Service Act of 1949 by requiring the GSA to continue its policy of making excess property available to a grantee of any agency under a program established by law for which funds had been appropriated. There was no comparable House provision. The Senate recedes because the rules of the House prohibit House conferees from agreeing to a nongermane Senate amendment.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
AUGUSTUS F. HAWKINS,
WILLIAM D. FORD,
PATSY T. MINK,
ALBERT H. QUIE,
JOHN N. ERLENBORN,
WILLIAM A. STEIGER,
Managers on the Part of the House.

GAYLORD NELSON,
HAROLD E. HUGHES,
ADLAI STEVENSON III,
JENNINGS RANDOLPH,
BOB TAFT,
J. JAVITS,
RICHARD S. SCHWEIKER,
PETER H. DOMINICK,
J. GLENN BEALL, JR.,
Managers on the Part of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, I yield myself 5 minutes.

Mr. President, with the agreement of the distinguished Senator from New York (Mr. JAVITS), the previous conference report was recommitted to conference for the purpose of seeing if we could reach agreement on modifying the two principal points that seemed to be most objectionable to the administration. The first point involved the size of the authorizations in the bill. The other involved the structure of the Legal Services Corporation.

We agreed in the new conference to cut back the authorizations a total of $1,031,900,000 from the authorization for fiscal year 1973, below what the Senate-passed bill had contained, and to make a reduction of $918.2 million from the fiscal 1974 Senate authorization.

The conference agreed to those cutbacks because the size of the authorization was objected to by the administration, and also because there was no point in authorizing more money than it was practicable to get appropriated.

A majority of the Senate conferees were willing to modify the provision for Legal Services Corporation to provide that the President would have full discretion to name all of the appointments to the Board of Directors, subject of course to Senate confirmation. I did not think this was a particularly important point because, in fact, the President had, under the previous conference bill, in his control all of the appointments to the Legal Services Corporation.

I never did understand the technical objections the administration was making. I did not think their objections important on the merits. I did not think they were substantive. But if it was so bothersome to them, I was prepared to move, and did move, in conference that the composition of the Board of Directors of the Legal Services Corporation be modified to provide the President with all of the appointments, without even making any specific reference to the provision that the various national legal services associations could make recommendation, as was provided in the previous bill that was then resubmitted to conference.

The willingness of a majority of the Senate conferees to give outright unlimited apppointments to the President was not assented by a majority of the House conferees.

The House did agree to the reductions in the authorization, which still ended up $200 million above the budget request for fiscal year 1973 and $300 million above the actual spending level for fiscal year 1972.

Since we could not reach agreement on the Legal Services Corporation, we simply agreed that the provision for the Legal Services Corporation be stricken from the bill, and that the legal services program remain within the Office of Economic Opportunity where the program has been administered in past years.

Those are the two modifications made in the conference subsequent to the previous conference report which was recommended back to conference.

Mr. President, I wish to make a fuller statement on the Economic Opportunity Act of 1972 conference report.

The conference agreement meets every objection raised by the President when he vetoed the previous Economic Opportunity Act extension in December of 1971.

Briefly, the Economic Opportunity Amendments of 1972 extends through fiscal year 1974 the life of the Office of Economic Opportunity and such programs as Headstart and Mainstream and other work and training programs administered by HEW and the Labor Department under delegation arrangements from the Director of OEO. The bill establishes a National Legal Services Corporation and also enacts a new title VII, consolidating and expanding the present rural and urban community economic development efforts.

Let me take a moment to review the history of the congressional consideration of this legislation over the past year and to remind the Senate of our efforts to meet the President's concerns in regard to poverty legislation.

The Economic Opportunity Act extension vetoed last December was not legislation lightly enacted. Hearings had spread over 9 months— on OEO programs, on legal services, and on child care. Major compromises were reached within the Congress and between the Congress and the administration.

The major provisions of that legislation—the extension of the OEO, the establishment of a Legal Services Corporation and of a new child development program—were each in response to wide public demand and in line with concerns expressed by the administration.

After the President vetoed the Economic Opportunity Amendments of 1971 in December of last year, we reviewed everything we had included in that legislation and responded to each of the President's objections to that legislation.

In response to the President's objections to the child development title of that bill, we dropped the child development title from this year's Economic Opportunity Act extension altogether. Separate compromise child care legislation has passed the Senate and is pending in the House committee.

In his veto message, the President objected to the earmarking of funds for 15 programs in the 1971 poverty legislation. In this year's conference agreement we have dropped all spending level requirements except on four programs: Local initiative community action programs; legal services; emergency food and medical services; and alcoholic counseling and recovery. For two of these programs—local initiative and legal services—we wrote into the bill the administration's budget level. The conference agreement provides earmarking above the President's budget request only for two programs—it earmarks $30 million for the emergency food and medical services program and $18 million for the alcoholic counseling and recovery program.

In his veto message, the President objected to the provision in last year's bill that would have prevented further delegation of OEO programs to other agencies of the Government without specific congressional authorization. This year's bill responds to the President's objections by substantially modifying the provision with respect to spinoffs of OEO programs.

First, the provision only prohibits the Director of OEO from delegating to other agencies two programs—local initiative community action programs under section 221 of the Economic Opportunity Act and the community economic development program under title VII of the act. Any other program may be delegated administratively without congressional review as authorized by section 602(d) of the Economic Opportunity Act—just as the Job Corps, Headstart, and other programs which originated in OEO have in the past years been spun off to other departments.

Second, even with respect to local initiative and community economic development, the President may transfer such programs by Executive reorganization plan. The antispinoff provision of the pending legislation in no way affects the Executive reorganization authority of the President—which he may exercise with respect to all government programs. Of course, any legislation creating a new department or agency may include provisions transferring OEO programs to such department.

Mr. President, now I come to the Legal Services Corporation that has been the chief matter in disagreement.

We began consideration of a Legal Services Corporation after a consensus developed among lawyers and others interested in the program that the cause of the poor and of equal justice in America would best be served by removing the legal services program from the Office of Economic Opportunity and establishing it as a separate National Legal Services Corporation.

President Nixon himself proposed the establishment of a National Legal Services Corporation. However, the administration's position was that it could not agree with the structure of the Corporation as passed last year and preferred that Congress deal with the legal services program in separate legislation. The conferees reluctantly dropped the Legal Services Corporation from this legislation and will consider it in separate legislation in the future.

In terms of the appropriations authorizations, the conference committee cut a total of $1,031,900,000 from the authorization for fiscal year 1973 below the level which the Senate-passed bill had contained and a reduction of $918,200,000 from the fiscal 1974 Senate authorization.

Let me end with this summary:

In his veto message, the President strongly criticized the child development title in the 1971 extension of the Economic Opportunity Act.

Congress has dropped the child development program from this bill.

In his message the President objected to earmarking funds for some 15 separate programs.

Congress has cut earmarking back to only four programs, two of which are earmarked at precisely the level the President requested in his budget.

The veto message objected to a prohibition against the delegation or transfer of any more programs from the Office of Economic Opportunity.

Congress cut back the antispinoff provisions so that they now cover only two programs and those programs may still be transferred by legislation or pursuant to Executive reorganization plan.

The veto message objected to the provisions regarding the Legal Services Corporation in last year's bill and asked that Congress consider the Corporation in separate legislation.

Congress dropped that title, leaving the legal services program under the control of the Director of OEO.

The Congress has granted what the President requested.

Mr. President, I believe it would be fair to say that the Congress has gone the extra mile to meet the President's concerns in this legislation extending the Economic Opportunity Act.

Our overriding concern was with the need to extend the Economic Opportunity Act so that antipoverty programs may go on. The Office of Economic Opportunity is the one agency in the Federal Government with responsibility for championing the cause of the Nation's poor.

I hope that in accommodating the President by meeting every objection raised in his veto message of last year, we have accomplished that overriding purpose.

Mr. JAVITS. Mr. President, will the Senator yield me 10 minutes?

Mr. NELSON. I yield the Senator whatever time he may need.

The PRESIDING OFFICER. The Senator has only 5 minutes remaining.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have 10 minutes to speak on the conference report.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. Mr. President, as indicated in the conference report, title IX, which would have established a National Legal Services Corporation, was dropped from the bill because it was impossible to reach agreement among the conferees and with the administration and because we were not desirous of seeing a veto of an antipoverty bill. The rock upon which we split was basically the composition of the board of directors. The group representing the House side voted down the idea of a National Legal Services Corporation with the directors appointed by the President and confirmed by the Senate. They wanted to attach some qualifications to the members of the board with respect to where they came from. That was unacceptable to the administration. On the one hand, it was too liberal, on the other hand, it was too conservative, and the corporation fell between both those stools.

Mr. President, it is most regrettable and unfortunate that this fine initiative, which was supported in both Houses previously, and by the administration, as a gifted way in which to establish, for practical purposes, a National Legal Aid Society—and thereby to greatly advance the objective of insuring justice for the poor under our system of law—should have failed and fallen between these two stools.

In that connection, I call the Senate's attention to language in the joint explanatory statement of the committee of conference, which was included at my request and which reads as follows:

> The Conferees regret that it was necessary to delete Title IX, which would have established a National Legal Services Corporation, as a result of the failure to reach agreement with respect to the composition of the Board of Directors and certain other elements of the Corporation.
>
> The Conferees continue to strongly support the existing legal services program and the concept of a legal services corporation and intend to continue to seek appropriate means of expanding the program and insuring its independence, to provide the poor greater access to our system of justice under law.

Mr. President, I thoroughly subscribe to that. I shall devote my efforts in every way toward bringing it about, and I would now like to ask the chairman of the Senate conferees, the Senator from Wisconsin (Mr. NELSON), if I may have his attention, a few questions.

First, does he, as chairman of the Subcommittee on Employment, Manpower and Poverty of the Committee on Labor and Public Welfare, which has jurisdiction of legislation concerning the legal services program, share my desire to proceed at the earliest opportunity with legislation to establish a Legal Services Corporation, or to find other appropriate means of assuring the independence of the program? I yield to the Senator from Wisconsin.

Mr. NELSON. Yes. As the Senator knows, I so stated during the conference. I share that concern, and I regard both the maintenance of the independence of the existing program and the establishment of a corporation or any other appropriate means to increase that independence as of great importance and of a high priority.

Mr. JAVITS. I thank my colleague very much. Second, I ask the Senator from Wisconsin whether he feels with me that the situation calls for an expansion of funding for the legal services program, and that the authorizations which we have in the bill, $840 million for fiscal year 1973 and $870 million for 1974, which amounts are, respectively, $80 million and $110 million above the $760 million requested by the administration for the current fiscal year, 1973, are, therefore, susceptible of increased appropriations above the basic figure of $71.5 million reserved for the legal services program.

Mr. NELSON. Yes, I do.

Mr. JAVITS. Additionally, I ask the Senator whether he agrees with me that various add-on items which we had and which we dropped from this conference report, including $50 million for fiscal 1973 and $100 million for fiscal 1974 for legal services, were dropped solely as a means of getting the total authorization through, and that the deletion of these items in the conference should in no way be construed as a finding by the conferees that the legal services program does not need—as in fact it does—substantially more than the $71.5 million reserved as a minimum.

Mr. NELSON. Yes, I agree with the Senator from New York.

Mr. JAVITS. Would the Senator consider that any Senator is free to seek to increase the appropriation for legal services above the $71.5 million when we reconsider the HEW-Labor appropriations bill, which will be back before us because the basic bill was vetoed by the President?

Mr. NELSON. As the Senator knows, any Senator is within his rights in offering such an amendment, and if it were offered, I would be inclined to support it, myself.

Mr. JAVITS. The Senator also agrees, does he not, that similarly, with the same history, an effort could be made to raise the amount which may be provided by appropriations for special assistance for Senior Opportunities, and for community economic development—I note in regard to the former, special assistance, that in the joint explanatory statement the conferees urged the Director to exercise authority under that section to cover low-income individuals who are not being served effectively by other programs under the community action title; this statement apparently was inadvertently printed in the conference report after a reference to the House provision relating to significant segments, rather than after discussion of the Senate provision, as agreed to by the conferees.

Mr. NELSON. I agree with the Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. President, on another aspect of the conference report, I wish to call the Senate's attention to the fact that there was deleted a Senate amendment, of which I was the author, to authorize the Director of OEO to furnish financial assistance for demonstration projects in urban housing, authorizing $20 million for each of 3 fiscal years. The conferees did not adopt that provision because of their concern over establishing an authorization for a new program and the concern of the chairman of the conferees on the House side that somehow or other to adopt it as a specific authorization might cut down on sums available for the new rural housing and rehabilitation program.

I had no such desire; and therefore, at my request, though it was dropped, the conferees specifically set forth in their agreed statement in the joint explanatory statement of the committee of conference, that:

> While the conferees did not adopt the new specific authority for Urban Housing Demonstration Projects contained in the Senate amendment, they expect the Director of the Office of Economic Opportunity to increase funding of projects to assist low-income families living in neighborhoods characterized by abandonment and deteriorating residential housing to maintain and upgrade existing substandard residential housing in such neighborhoods. The projects are to be carried out by appropriate community based organizations including tenant associations. It is anticipated that such projects may include financial assistance in the form of grants and loans for administrative expenses and to defray costs of repair and moderate rehabilitation, for tenant organization and counseling, management and maintenance services, and for encouragement of home ownership by low-income families. It is anticipated that such projects will be funded from general sources available under the Act, including general demonstration authority and authority under Title VII, Community Economic Development, to the extent consistent with that title; however, no such projects are to be funded from sums made available under the new Rural Housing and Rehabilitation programs.

Mr. President, this is critically important. The conferees expected that it would be done without the specific authorization. The specfic authorization was stricken out only in order to be wary of any interference with the rural housing and rehabilitation. I hope, therefore, that with the good faith shown in this matter, we will not be disappointed by some attitude of holding back by the OEO. The conferees fully intend, and say so, that projects dealing with deteriorating neighborhoods because of their substandard residential housing should be tried out, as the Senate amendment provided.

Mr. President, I regret very much that we are here with what, to me, is a very sad measure, having gone up the hill on legal services and down again, but to me it was simply either a matter of having some antipoverty bill or none at all, the parties having, as I say, separated because of irreconcilable positions on the two sides, not by Senator NELSON or me, but by the majority of the conferees on the House side and by the administration.

We must simply give it a try again. I am convinced that the legal services program is the new departure for the poor. It gives them a sense of dignity which is priceless and will redeem many from the curse of the poverty syndrome because of this sense of dignity and belonging. But it is inadequately funded, and it cannot possibly be run with effectiveness and independence unless it is some kind of an independent entity. The corporate idea is a very gifted one. Every precaution was taken to preserve the overriding public interest in respect to such a corporation. I am confident that we will have to come back to it, and I want to see us do that at the earliest possible moment, to continue what is probably the most gifted single program for the poor. But under the circumstances, I know of nothing else to do except send the President an antipoverty program by accepting this conference report.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield to the able Senator from Ohio, the ranking minority member of the subcommittee.

Mr. TAFT. I just want to say that I echo very strongly the point the Senator has expressed, and to state that I believe very strongly in the type of legal services program considered in the committee and acted upon favorably, not once but twice. I believe it is going to come to pass eventually, if not in the near future.

I hope also that the functions it can perform, not merely the functions presently being performed, and the additional professionalism and real separation from the political process that could come from an independent legal services program, will merit the early attention of the House and the Senate to this matter.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. Is all remaining time yielded back?

Mr. NELSON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the conference report.

The conference report was agreed to.

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1972

The Senate continued with the consideration of the bill (S. 2087) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Arkansas has 30 minutes.

PRIVILEGE OF THE FLOOR—QUORUM CALL

Mr. McCLELLAN. I yield myself 10 minutes.

I ask unanimous consent that the following individuals have the privilege of the floor during the consideration of this bill: G. Robert Blakey, Elizabeth Bates, Kenneth Lazarus, and Thomas Rowe.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, this bill was introduced last fall by Senator HRUSKA and myself at the request of the administration. It was reported upon favorably by the Committee on the Judiciary on August 16, 1972. Introduced in response to the alarming increase in killings of public safety officers, S. 2087 was also considered by the committee as title III of S. 2994 and S. 2995, omnibus victims-of-crime bills. As S. 2087 or in these forms, it was cosponsored by 45 of my colleagues: Senators BAKER, BAYH, BEALL, BENNETT, BIBLE, BOGGS, BURDICK, CANNON, CASE, COOK, CRANSTON, EASTLAND, FANNIN, GRAVEL, GRIFFIN, GURNEY, HANSEN, HART, HARRIS, HOLLINGS, HRUSKA, HUGHES, HUMPHREY, KENNEDY, MANSFIELD, MATHIAS, METCALF, MILLER, MONDALE, MOSS, MUSKIE, NELSON, PELL, PERCY, RANDOLPH, RIBICOFF, ROTH, SCHWEIKER, SCOTT, STAFFORD, STEVENS, STEVENSON, THURMOND, WILLIAMS, and YOUNG.

Mr. President, the statistics on violence involving public safety officers are truly disturbing. During 1971, 125 law enforcement officers were killed by felonious criminal action. This figure represents a 25 percent increase over 1970, when 100 law enforcement officers were slain. Since 1961, 758 officers have given their lives to protect persons and property in our society. The most disturbing statistic is that since 1966, 49 officers have been slain from ambush, 20 of them in 1971.

I recognize that 96 percent of these police slayings are now solved within 30 days by the efforts of local officials, assisted by the special Federal investigative aid authorized by a recent directive of the President. But this high clearance rate is of little moment to the officer's family or dependents. It is important that the murderer be brought to justice, but it is also important that concern be paid to the human and personal consequences of his conduct. This is especially true when it was often society in a real sense that was the target of the defendant's attack.

It is not only the policemen who must brave the risk of a felonious death. Civil disorders and social strife have, in recent years, produced new hazards for firefighters. Two firefighters were killed in the Detroit riots, one in Watts, another in Newark. From 1967 to 1969, over 600 firefighters were injured during civil disorders, and an additional 113 sustained injuries due to acts of individual violence.

Finally, mere reference to a small upstate town in New York—Attica—brings to mind the terrible risk that correction officers must now face in this age of antiestablishmentism, protest, and riot.

It was to meet these sad and tragic facts that S.2087 was introduced. Briefly, S. 2087 would provide a lump-sum gratuity of $50,000 to the dependent survivors of public safety officers killed in the line of duty as the result of a criminal act. In the case of dismemberment, the officer would receive $25,000.

Generally, "public safety officer" is defined as a public servant whose occupation places him in danger of physical injury by a criminal act. The concept is broad. It includes full-time and part-time officers and those who are paid and those who are not.

In the case of dismemberment, the award is paid directly to the officer. In case of death, the award will be paid according to a specified order of precedence to the surviving dependents of the officer. If the officer does not exercise an option to specify other dependent persons as recipients, the award will be paid according to criteria set out in the bill and, of course, if no one qualifies as a dependent, no payment would be made.

The officer must have been acting in the line of duty, and the death or dismemberment must have been suffered as the result of a criminal act or an apparent criminal act.

Unless the administration determines that there were extenuating circumstances, notification must be made to an appropriate official within a year after the death or injury. The official will be, depending upon the circumstances, the Governor or highest executive officer of a State, or the Attorney General.

Upon notification, the Governor or Attorney General will in turn notify the administration, which will make the proper payment. Pending a final determination, the administration may make an interim payment of $5,000.

Benefits under S. 2087 would not be subject to Federal income taxes, according to the Internal Revenue Service.

These benefits would be retroactive to deaths occurring under the specified conditions since January 1, 1967, the year that the number of police murders suddenly increased at such a great and horrifying rate.

Mr. President, in my State, during this period, a sheriff with two of his deputies responded to a call and went out to make an arrest of a person who was threatening the lives of the members of his own family. This person was an ex-convict. When the officers undertook to arrest and apprehend this party who was threatening to kill the members of his own family, he opened fire on them, and the sheriff and both of his deputies were killed.

I just mention that as an illustration of what is happening too many times in our land today.

These persons who are our law-enforcement officers and who risk their lives under such circumstances to protect society, to make our land a safe place in which to live, are generally underpaid. Their standard of income is low. It is very seldom that they have resources in the nature of an estate or income on which their dependents can rely for either security or support.

So, Mr. President, it seems to me—and I believe most everyone will agree—that we owe these officers, these guardians of our safety, some measure of consideration beyond the meager salaries we pay them. Certainly, when they are the victims of crime themselves, we should, as a Government and as a society, make some provision for their dependents.

Mr. President, we are rapidly fashioning new legal weapons and strengthening America's crime-fighting arsenal. But let us not underestimate the long, arduous road ahead before the bell tolls any substantial victory over the curse of crime.

We must continually strike at crime with all legal resources that we can command.

We must marshall all forces of decency, law, and order to reverse crimes destructive tide.

Our commitment is clear: We must be determined to make our homes, our streets, and our places of business safe once again.

In doing so, we must provide for those whose great personal sacrifices too often mark the tragedies in this battle against crime.

Mr. President, I urge the immediate enactment of S. 2087.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. ALLEN). Who yields time?

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, before I begin my remarks, I ask unanimous consent that the name of the Senator from Michigan (Mr. GRIFFIN) be added as a cosponsor of this bill.

The PRESIDING OFFICER. Without objections, it is so ordered.

Mr. HRUSKA. Mr. President, I am pleased to see that this proposal, S. 2087, has been scheduled for Senate consideration today. It is an important, overdue and humanitarian step in the long process of insuring that law enforcement officials know of the breadth of the support the American people give them.

This bill was originally introduced by the Senator from Arkansas (Mr. McCLELLAN) and this Senator in June a year ago as a response to the killings of police officers in various cities that had just taken place at that time. During the period this measure was under consideration by the Judiciary Committee the scope of the bill was expanded, and rightly so, to include all public safety officers—not just policemen—but also sheriffs, correction guards, firefighters, and national guardsmen. I want to commend the staff of the Criminal Laws Subcommittee for the very careful and scholarly work that was done on this bill which enabled it to reach the floor in this improved form today.

Mr. President, I should also like to pay tribute to the valuable work of the distinguished Senator from Arkansas (Mr. McCLELLAN) not only in introducing this measure but also in expanding it, and refining and perfecting it with a persistence of followup which has been most commendable. These actions on his part have served as another demonstration that he is a true and consistent friend and supporter of law enforcement and peace officers. Always in his mind are their interest and their well-being.

Mr. President, for too long public safety officials in this country have literally laid their lives on the line in the cause of duty without adequate financial resources behind them ready to assume the burdens of support should they be wounded or killed. In numerous incidents following the death of an officer, a public subscription had to be undertaken to provide for the survivors.

This inadequate and uncertain practice must end.

The Nixon administration recognized this problem and proposed legislation to correct the resulting situation. The original S. 2087 was the result of the President's concern for our public safety personnel. In commenting on the reasons for this proposal, the present Attorney General, Richard Kleindienst, said:

> Police officers throughout the country are facing a rising tide of violence. This alarming trend can only be reversed by professional police officers who are assured that they and their families will be compensated in a manner commensurate with the risks inherent in law enforcement.

The administration since Mr. Kleindienst's statement has supported the committee in its efforts to expand the bill to all public safety officers.

The bill now before us for consideration would provide a gratuity of $50,000 to the dependents of public safety officers killed in the line of duty as a result of a crime. It also provides a gratuity in the case of dismemberment under the same circumstances: $25,000 for single dismemberment and $50,000 for multiple dismemberment.

At the time this bill was introduced, this Senator commented:

> I believe that the benefits which this bill would provide are richly deserved and will help to enhance the morale of the gallant men in blue who daily put their lives on the line on our behalf. It merits the prompt and favorable attention of the Senate.

My feelings remain the same today.

The latest FBI Uniform Crime Report released last week indicates that a total of 126 law enforcement officers were killed due to felonious criminal action in 1971. This is an increase over 1970 when 100 law enforcement officers were slain. During the 10-year period, 1962–1971, 722 officers were killed.

Eighty-seven percent of these officers were white and 12 percent Negro. The median years of service for the entire period was five and one-half. Thirteen percent had one year or less service, 43 percent had less than 5 years of service, 28 percent had 5 to 10 years, and 29 percent had over 10 years of service. They deserve our support.

Similar facts are available, I am certain, on the other types of public safety personnel that would be covered by this benefit program.

It is for all of these reasons that I believe this is a timely and useful proposal and it is my hope that it will be approved not only by this body but that it will also receive prompt action in the other body before the adjournment of the current session of the 92d Congress.

Mr. President, if any of my time remains, I yield it back. I yield 5 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 5 minutes.

Mr. BOGGS. Mr. President, I wish to express my strong support for S. 2087 which would provide a $50,000 death benefit and a $25,000 dismemberment benefit for public safety officers killed or injured in the line of duty. I join my colleagues in complimenting the distinguished Senator from Arkansas (Mr. McCLELLAN), and the distinguished Senator from Nebraska (Mr. HRUSKA), and the other members of the Judiciary Committee for bringing this important legislation to the floor. I have long advocated this type of benefit, and I am most pleased that the Judiciary Committee has approved it and followed through with it.

I am hopeful that not only will this legislation pass the Senate today, but also that the other body will act on it expeditiously.

At this time, I ask unanimous consent to be listed as a cosponsor of the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOGGS. Mr. President, last year I introduced a similar bill to provide a $50,000 death benefit to the survivors of policemen, firemen, and corrections officers killed in the line of duty. At that time I noted that such a benefit is now paid to the survivors of police officers in the District of Columbia. In addition, special death benefits are now available to State and local law enforcement personnel killed while enforcing Federal law.

While the States have been encouraged to provide comparable benefits for local law enforcement officers, the response has been uneven, resulting in a patchwork of benefits nationwide. Several States, in fact, offer virtually no financial assistance to the survivors of slain law enforcement officers. S. 2087 would correct this inequity by establishing a Federal floor, so to speak, under the benefits that survivors of public safety officers would be entitled to receive.

The committee, I am happy to note, has made a number of significant additions to my original proposal. The definition of a public safety officer has been extended to include highway patrol and National Guard or Armed Forces personnel assigned to civil duty as well as correctional and court personnel in contact with potentially dangerous criminals. I welcome the addition of these persons to my original proposal which covered policemen, firemen, and corrections guards. All of these men and women live daily with potential danger to their well-being and should receive this benefit.

Over the period from 1960 to 1970, the number of public safety officers killed in the line of duty rose sharply. In 1960, 37 policemen and 46 firefighters lost their lives on the job. In 1970, the number had risen to 100 policemen and 115 firefighters. The sharp increase in both categories occurred in 1967 and, therefore, the death and dismemberment benefits available under S. 2087 have been made retroactive to January 1, 1967. I am pleased that this will allow the families of three Delaware State troopers to receive this compensation.

Mr. President, I feel strongly that if we are to continue to attract responsible family men and women into these increasingly hazardous occupations, we must be prepared to provide them with the security of knowing that their families will be provided for should they be severely disabled or killed as a result of their work. The need to fill these jobs with capable men and women and our obligation to them is just as great whether they serve at the Federal, State, or local level.

I urge Senators to approve this legislation.

Mr. HRUSKA. Mr. President, if the Senator would yield, the RECORD should show that when the hearings were held on these and related bills, the Senator from Delaware (Mr. BOGGS) appeared as one of the witnesses. He appeared as one of the witnesses because of his longstanding interest in the field of law enforcement and his desire to support peace officers. I know of his record in this regard when he was Governor of his State. It was a long and consistent and good record. Not only that, but as he has pointed out, he introduced a similar bill that would provide the same benefits.

At this time I acknowledge with appreciation the support the Senator from Delaware gave us during the time of our hearings and I thank him for the fine statement he has made on the floor this afternoon.

Mr. BOGGS. Mr. President, I thank my distinguished friend, the Senator from Nebraska. I am happy to join with him and with other Members of the Senate in moving this legislation forward.

The PRESIDING OFFICER. The bill is open to amendment. Who yields time?

Mr. McCLELLAN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, I yield 3 minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. Mr. President, I thank my distinguished friend, the Senator from Nebraska, and wish to commend both the Senator from Arkansas (Mr. McCLELLAN) and the Senator from Nebraska (Mr. HRUSKA) for the legislation that is before the Senate at this time.

Mr. President, our public safety officers—our policemen and women, sheriffs, correctional guards, firefighters, and National Guardsmen—are a group of men and women who guard that tenuous line that separates us from anarchy. We have become accustomed to the brave deeds and quick responses of these dedicated men and women. However, in the past, our praise and thanks has been pitifully small in comparison to the sacrifices that these people are called upon to make both day and night.

I am pleased to say that with the bill we are considering today, S. 2087, the Congress will begin to deal effectively with some of the harsh realities which face these public service officers and their families. This bill is also a part of S. 2994 which I was pleased to cosponsor. It provides that the families of public safety officers killed in the line of duty may receive up to $50,000 and that those officers who are dismembered may receive up to $25,000 for each limb, up to a total of $50,000. There is no monetary value that we can put on the life of a father, or the arm or eye of a young man; there is no amount of money which could compensate a family for the loss of their loved one. However, this bill does help to ease the loss by insuring that economic deprivation will not be an added burden for the family. The action of the Senate today will see to it that money is coming into the family at a time when its main source of income has been terminated.

Mr. President, in the last 6 years, I have visited with many of the grief-stricken families of police officers killed in the line of duty. In almost every case, these families faced an uncertain future due to the fact that their husbands did not have proper or adequate life insurance. Often, these families were too young to have saved much money. Anyone who has met with families in this situation, as I have, knows that we in the Congress must help ease the burden of these families who have given so much to the communities in which their husbands and fathers served.

I am especially pleased at the retroactivity section of this bill which will cover public service officers killed or wounded in the line of duty since January 1, 1967. Though it is unfortunately true that an arbitrary line has to be drawn in these matters, I feel that the one agreed to is a fair one.

Mr. President, I was pleased to cosponsor this provision as part of S. 2994, and I am pleased to speak in favor of this bill today. I urge my colleagues to join with me in overwhelmingly passing this very important legislation. This can be our way of repaying some of the sacrifices that have been made for the safety and welfare of all of our communities.

Mr. President, I would like to address a question to the Senator from Nebraska. I ask if I might be advised as to what the procedures will be in the House and what action has been taken by that body so that we might expect enactment of this legislation in this legislative year within the next 5 weeks and its signature by the President.

Mr. HRUSKA. Mr. President, I might say that it is our hope that action will be taken. A measure is pending. I do not know the exact extent of the hearings held at this time, but some have been held on this general question. Whether they have been concluded I am not informed. But it is our hope that this bill will receive prompt attention so it can be laid on the President's table for signature into law before this Congress adjourns sine die.

Mr. PERCY. I urge all of us, and I trust we will, to urge our colleagues in the other body to act promptly.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield the Senator 2 additional minutes.

Mr. PERCY. I know that when we adopt this measure today I intend to telephone the superintendent of police in Chicago and advise him of our action, and urge that he, the mayor of Chicago, and other public officials urge upon our colleagues in the Illinois delegation their swift and prompt action in this regard.

I also intend to telephone some of the widows of policemen whose homes I have visited, and the funerals of husbands I have attended, to advise them of what we have done. I know it will mean a great deal from the standpoint of family security. On the first day of business the Senate has addressed itself to this important matter and it will do a tremendous amount to raise their morale and spirits, and the morale and spirits of all police forces in this country.

Again, I commend my distinguished colleague from Nebraska and the distinguished Senator from Arkansas for the leadership that has been provided in this legislation.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. BAYH. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 7, after line 13, add the following new subsection:
>
> "(e) In lieu of the benefit provided under subsection (a), any recipient eligible under section 527 may elect to receive compensation under the provisions of the Federal Employees' Compensation Act, 5 U.S.C., Chapter 81, as if the public safety officer had been covered by such Act."

Mr. BAYH. Mr. President, I wish to join with those who have expressed their deep appreciation to the distinguished senior Senator from Arkansas for the work that he has done in this area to try to provide benefits for our policemen, firefighters, and their families. Some time ago, I introduced a bill that is designated S. 1081. The bill was referred to the Committee on Government Operations. During the deliberations the other day on this particular matter—S. 2087—before the Committee on the Judiciary, I did not feel it appropriate at that time to bring my bill to the attention of the full Committee on the Judiciary. We had four or five sections of a bill; there were controversies; and I did not want to muddy the water or cloud the water but I did want to bring to the attention of the Senate now, the provisions of this measure and ask the Senator from Arkansas if he would give it the most careful consideration.

The amendment which the Senator from Indiana has called up would make available the present Federal Employees' Compensation Act benefits to all policemen and also to firefighters injured in the course of their duty. These same benefits are now available under title 5, United States Code, section 8191, with respect to those injured or who are killed enforcing the law with respect to a Federal crime. So I would want to extend these benefits to all police and firefighters, whether or not they are engaged in Federal law enforcement activities.

The way the law is written now there is a distinction between a policeman killed in a small community while trying to enforce the law with respect to a Federal crime, which may have been committed in a large community and the way that same officer and his family are treated if he is killed in the line of duty in connection with a State crime. It is a distinction which has no merit. And so I would erase that distinction. And I feel that firefighters also should be compensated the same as police. All public safety does not involve law enforcement as such, but firefighters too put their lives on the line daily for us, and they as well as policemen should receive these maximum benefits.

The amendment I have introduced would provide that we give to the police officer or the firefighter, or his or her family, the choice of taking the $50,000 lump sum benefit in the bill as it is, or to receive compensation under the Federal Employees' Compensation Act. In many instances, particularly in the case of a widow with several children or in the case of a long term disability of a police officer or firefighter these benefits would be significantly greater in terms of necessary reimbursement and compensation to that policeman, firefighter, or his family than could be achieved under the $50,000 lump sum payment.

Inasmuch as presently we have this one provision of law under which police can receive these benefits, I wonder if the Senator would consider giving the option to the injured policeman or firefighter—or his family—to take either the $50,000 lump sum or the benefits presently made available under the Federal Employees' Compensation Act for that one particular category of police officers—those involved in Federal law enforcement activities?

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, this amendment presents some issues that, I think, deserve study. I do not think hasty action should be taken. The distinguished Senator from Indiana notes that those who may be killed while undertaking to enforce a Federal law would be entitled to Federal workmen's compensation under existing law. He then proposes that all policemen not enforcing Federal law also come under this legislation.

I would like to make this suggestion to the Senator, who is a member of the Committee on the Judiciary, and who, I note, did not raise this question when the bill was before the committee for consideration. Since he has also introduced a bill to carry out what he seeks to do by this amendment, and that bill is now pending before the Government Operations Committee, I would hope that he might allow that bill to take its due course, and that the Senator would let the committee work its will on it, make a report, and either report the bill favorably or with such amendments as it would deem advisable, and not complicate this bill. I would hope he would let the two issues stand separately.

I would also suggest to my distinguished friend from Indiana that this bill has to go to the House of Representatives. I understand a Member of the House, Representative JACOBS, is interested in the same bill that the Senator from Indiana is discussing. I would like to urge, or suggest, most respectfully, that the Senator let the bill pass as it is, without his amendment, and then, working with Representative JACOBS and others who may share the Senator's views, let the House work its will on the proposal and then let it go to conference. In the meantime we will have an opportunity to study this proposal, and we might be able to reach an accommodation.

But I am not prepared here on the floor to make a snap judgment, in view of the committee's having reported the bill in its present form, and this matter not having been considered by the Judiciary Committee. I would like the Senator to do that.

If we take a vote on it, and it is adopted, of course, it will go to conference; but if it is not adopted, and the House should insert it in the bill, it would make it a little more difficult for the conferences on the part of the Senate to yield to a House provision of that character.

There are some other problems in connection with this proposal that concerns me. I know it leaves it to the dependent to make the election, but what if there is a dependent mother and a child who is under guardianship? Who would make the decision? They both cannot make the decision.

I think there are some possible complications that need to be worked out here. We should not accept this measure in this way. It might take a lot more language than is proposed here to get it into proper form to make it workable.

I say this because I am interested, as the Senator is, in making certain that dependents of officers who may be slain are given some measure of support and security, after they have made the great sacrifice of losing their father or husband, as the case may be.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield this time out of my time.

Mr. HRUSKA. Mr. President, I subscribe to the view and the hope just expressed by the Senator from Arkansas. The solicitude the Senator from Indiana has consistently shown for the welfare and well-being of police officers is well known. I know he has very fine objectives in mind, but it should be recalled that one reason for the bill being in the form it is is to achieve ease and simplicity in making a claim and processing it. We have had no opportunity to get into the very technical matter of engrafting this gratuity or its equivalent in terms of the Federal Employees Act. It is not an act which is within the purview of the Committee on the Judiciary. I do not recall, and I am not currently informed, as to whether it is within the jurisdiction of the Committee on Post Office and Civil Service, the Government Operations Committee, or the Finance Committee, but it is not in the purview of our committee.

I join the Senator from Arkansas in the request that perhaps the amendment could be withdrawn, with the idea of getting it processed in the other body, and then considering it in conference, if they would see fit to come forward with such a proposal.

I yield back the remainder of my time if any there be.

Mr. BAYH. Mr. President, I am inclined to follow the suggestion of my distinguished colleague the senior Senator from Arkansas and my distinguished colleague from Nebraska, but before doing so I would like to point out that the Senator from Indiana does not make this offer of an amendment lightly. I see present in the Chamber the distinguished Senator from Massachusetts (Mr. KENNEDY), who was a part of the discussion in the Judiciary Committee and was vitally interested in this aspect. Senators will remember that the last committee meeting was rather tumultous. The Senator from Indiana would have felt that he was not doing a favor to the Senator from Arkansas or to the Senator from Massachusetts or other Senators by bringing up this specific measure at that time.

Second, the suggestion to pursue it through the Government Operations Committee is one that really holds little hope as far as can be determined from past history. My measure has been before that committee for the best part of 2 years.

We are now discussing what we do as a society to provide sustenance—there is no way we can replace the loss—to those who remain after a policeman or a firefighter is taken from them or left in a disabled condition. It seems to me that we all want to provide the most effective and helpful scheme of benefits, however, our final determination of those benefits is arrived at.

I wanted to point out the reason why the Senator from Indiana felt dutybound to bring this to the attention of the Senator from Arkansas now was that when this measure was last considered, in 1968, in the case of police killed or injured while enforcing Federal law, the Senate position at that time was for a lump sum benefit. The House pursued the route discussed by the Senator from Indiana, and there was a compromise. There was a melding together. It was accomplished. The Senator from Arkansas, I am sure, will remember that, although he brings attention to this matter, the compromise was between the Senate version—a $25,000 lump sum, and the House version—benefits from the Federal Employees Compensation Act. When I remembered that and when I recalled the obstacle in the House with reference to acceptance of the lump sum benefit, I thought it would be helpful to offer this amendment now to facilitate compromise with the House.

If the Senator will bear with me while I point out those instances where I think we have a stronger bill, I will do so and then withdraw my amendment. I intend to pursue it diligently with Members of the House, with the understanding that the Senator from Arkansas and the Senator from Nebraska will proceed with this approach if the House agrees to go along with it.

Under my amendment, a widow without children would get 45 percent of what her husband was earning. And she would get it for life or until she remarried. If she has children, she gets 40 percent plus 15 percent for each child until she remarries, or her children reach the age of 18, or 22 if they are students. This widow's and children's compensation could be as high as 75 percent of the deceased policeman or firefighter's salary.

If we take that amount on a monthly annuity basis for a mother with young children, and compare it with the $50,000 lump sum settlement, we will see that a mother with three small children gets significantly more that way. Invested at 6 percent, $50,000 would yield only $3,000 annually. A widow with three children under my approach would get $7,500 annually.

Or take the cost of an injured or disabled policeman or firefighter. Under this bill, only if a man lost most of his hand or foot or eye would he be compensated at all, and then no matter what the extent of his injury, his highest benefit would be $50,000. Under my approach, such an injured or disabled policeman or firefighter could get the full range of FECA benefits—medical care, rehabilitation, and far more liberal compensation for loss of his limbs, or his eyesight, or his hearing—or any other disability.

Now, if her husband is slain while enforcing a Federal criminal act she would be eligible for these benefits. But if he was not, then she is not eligible. It seems to me it makes no difference how the husband is killed or injured—the need, the sorrow, and the justification are just as great. But any amendment would allow each beneficiary to choose whether he or she wanted the lump sum or the annuity type payment.

The PRESIDING OFFICER. The Senator's time has expired. Does the Senator from Arkansas care to use any additional time?

Mr. McCLELLAN. Mr. President, I yield myself 1 more minute.

I have expressed my views about this matter, and am still hopeful that the suggestion, which I made in all sincerity, will be accepted and that if the House of Representatives brings in a different approach, in the form of payments under a workmen's compensation type plan, for example, then we will try to resolve the matter in conference. If that is the will of the House, and they prefer to do it that way, or if they make amendments to this bill after due consideration of it, and try to bring in a dual plan, so to speak, then we will be in a position to consider the matter in conference.

I am not taking a position unalterably opposed to this proposal; I just do not want to legislate in the dark here.

There are complications in it, in my judgment, that need to be studied and resolved with some intelligent arrangement, and not just haphazardly.

That is the only concern I have. As I say, I am sure the distinguished Senator from Indiana is just as anxious as I am to try to accomplish the same objective that I have.

In reference to the bill in the Government Operations Committee, it may have been there a year or longer, but I do not recall any request for hearings on it, and after all, we do have a heavy workload, some of us, and often we are not able to accommodate every problem that we are presented.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. McCLELLAN. Yes, I am happy to yield to the Senator from Indiana.

The PRESIDING OFFICER. Does the Senator from Arkansas yield himself additional time?

Mr. McCLELLAN. I yield myself 2 additional minutes.

Mr. BAYH. Mr. President, I would like, for the sake of the record and if an amendment is submitted, now or somewhere else, to talk about what we really want to accomplish here.

It has been brought to the attention of the Senator from Indiana that the way the measure is now worded, if a police officer is killed or wounded while enforcing a Federal law, under the law as it is now, he or his survivors would qualify for Federal Employment Compensation Act benefits under section 8191 of title 5.

If he is killed, under the present bill, is it not also true that in addition to the Federal Employment Compensation Act benefits the family would receive an additional $50,000 lump sum?

Mr. McCLELLAN. That is true.

Mr. BAYH. The Senator from Indiana is trying to provide more benefits to firemen and policemen, not less, but I am just pointing that out, to show that there is a discrepancy in the bill as it is now.

Mr. McCLELLAN. I would point out to the distinguished Senator that I would have no objection to reconsidering this aspect of the bill before it is finally——

Mr. BAYH. So that Federal officials who would get killed today would be entitled to both of them, too. The only people who would not be entitled to both are the State and local police and firefighters whom we are trying to help.

The concern that the Senator from Indiana has is that it is pretty difficult to compensate somebody too much who lays down his life.

Mr. McCLELLAN. I realize that, and that in trying to work these things out, as the Senator has discovered here, with all of our work, sometimes we are not able to handle all of these problems at one time, and some of these matters may deserve further consideration. But I hope the bill will not be further complicated.

Mr. BAYH. I shall pursue this with some of our brethren over in the House of Representatives, but I call this to the Senator's attention so that we may all work together cooperatively. We all want to see that our policemen and firemen are fairly and adequately treated. Money cannot replace a father or a husband, nor can we really compensate a young man who loses his arm or his eyes. But we can take what steps we may to make the loss easier to bear, and I hope that we can all resolve these important questions satisfactorily, in the interests of these brave men and women and their families.

Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McCLELLAN. Mr. President, I yield myself 1 additional minute. I thank the distinguished Senator from Indiana. I believe this colloquy has made a valuable contribution to the consideration of this measure and to the debate.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield myself 1 more minute, and yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I call the Senator's attention to page 5, the bottom one-third of the page where it gives the definitions.

(7) Defines "public safety officer," and then (A) states:

> The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the Armed Forces,

Now, this "maintenance of civil peace" refers, I assume, to when the National Guard or the Army or Reserves are called out on public duty.

Mr. McCLELLAN. That is correct.

Mr. STENNIS. Will it apply if the National Guard is called out by the Governor, and not federalized?

Mr. McCLELLAN. It would, because they are acting in the performance of their duty at that time which would be law enforcement.

Mr. STENNIS. So they would not have to be federalized, as we call it, in order to come within the provisions of this act?

Mr. McCLELLAN. No, they would not have to be federalized.

Mr. STENNIS. I thank the Senator.

Mr. McCLELLAN. That is the reason for bringing them within the act, because sometimes the National Guard is called on to help preserve civil order.

Mr. STENNIS. And when they are called on, it is frequently a serious matter.

Mr. McCLELLAN. Yes. I thank the Senator.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. HRUSKA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time is the quorum call to be made?

Mr. McCLELLAN. I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HRUSKA. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. I yield 4 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the problem of crime in the United States has been a matter of great concern to the American people and to Congress in recent years. While main attention has been focused on the necessity for reducing criminal activities and on assisting the victims of crime, the Judiciary Committee has also felt that it is extremely important to focus on the problems of law enforcement personnel in this country. The number of police officers who have been the victims of felonious killings has risen dramatically from 37 in 1961 to 126 in 1971. In addition, it has been found that State and local assistance to the families of deceased policemen and firemen is not adequate. Indeed, there are 18 States which provide no survivors benefits to the families of peace officers slain in the line of duty.

With these factors in mind, S. 2087, the Public Safety Officers Benefits Act of 1972, was conceived. This bill provides for a gratuity of $50,000 to be paid to the dependents of public safety officers killed in the line of duty as a result of a crime. In the case of dismemberment under similar circumstances the sum of $25,000 is to be paid to the victim for single dismemberment and $50,000 for multiple dismemberment. The benefits awarded under this bill would not be subject to Federal income tax.

Mr. President, I believe passage of this bill is most important as I am confident it will accomplish two highly worthwhile purposes. First, it will provide much-needed compensation to the men and their families who are responsible for the public safety of American citizens. Testimony before the Judiciary Committee indicated this bill was supported by the administration and by numerous associations of law enforcement officials, including the National Sheriffs Association and Heroes, Inc., an organization of volunteers to aid the survivors of deceased policemen and firemen. Their testimony, as well as that of others, clearly indicates there is a great need for these benefits and that at present the families who are left when public safety officers are killed suffer severe financial hardship. The cost of appropriate insurance is much higher for these men than for other citizens.

The second reason why I believe this bill should be passed is that I am confident that it will promote and encourage more effective law enforcement. It will certainly provide additional incentive in the recruitment of public safety officers throughout the United States. In addition, it will provide a substantial boost to the morale of public safety officers and their families. The problem of crime in our society greatly affects all Americans and any action which the Congress can take to improve this situation should be taken.

Mr. President, the term "public safety officer" is defined in this bill to be inclusive rather than exclusive and applies to policemen, highway patrolmen, court and prison personnel, and firemen, as well as others. This bill represents a serious attempt on the part of the Congress to provide financial security to public safety officers and their families and to help combat the serious crime rate in this country. I urge the Senate to pass this worthwhile measure.

Mr. KENNEDY. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE II

This title may be cited as the "Public Safety Officers' Group Life Insurance Act of 1972."

DECLARATION OF PURPOSE

SEC. 101. It is the declared purpose of Congress in this title to promote the public welfare by establishing a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental death, and dismemberment insurance, and to assist State and local governments to provide such insurance.

INSURANCE PROGRAM AUTHORIZED

SEC. 102. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by—

(1) redesignating sections 451 through 455, respectively, as sections 421 through 425;

(2) redesignating sections 501 through 521, respectively, as sections 550 through 570;

(3) redesignating parts F, G, H, and I of title I, respectively, as parts I, J, K, and L of title I; and

(4) adding at the end of part F of title I, as amended by this Act, the following new part:

"PART G—PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"SEC. 500. For the purposes of this part—

"(1) 'child' includes as stepchild, an adopted child, an illegitimate child, and a posthumous child;

"(2) 'month' means a month that runs from a given day in one month to a day of the corresponding number in the next or specified succeeding month, except when the last month has not so many days, in which event it expires on the last day of the month and

"(3) 'public safety officer' means a person who is employed full time by a State or unit of general local government in—

"(A) the enforcement of the criminal laws, including highway patrol,

"(B) a correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees,

"(C) a court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees, or

"(D) firefighting.

but does not include any person eligible to participate in the insurance program established by chapter 87 of title 5 of the United States Code or any person participating in the program established by, Subchapter III of chapter 19 of Title 38 of the United States Code.

"Subpart 1—Nationwide Program of Group Life Insurance for Public Safety Officers

"ELIGIBLE INSURANCE COMPANIES

"SEC. 501. (a) The Administration is authorized, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), to purchase from one or more life insurance companies a policy or policies of group life insurance to provide the benefits specified in this subpart. Each such life insurance company must (1) be licensed to issue life, accidental death, and dismemberment insurance in each of the fifty States of the United States and the District of Columbia, and (2) as of the most recent December 31 for which information is available to the Administration, have in effect at least 1 per centum of the total amount of group life insurance which all life insurance companies have in effect in the United States.

"(b) Any life insurance company issuing such a policy shall establish an administrative office at a place and under a name designated by the Administration.

"(c) The Administration may at any time discontinue any policy which it has purchased from any insurance company under this subpart.

"REINSURANCE

"SEC. 502. (a) The Administration shall arrange with each life insurance company issuing a policy under this subpart for the reinsurance, under conditions approved by the Administration, of portions of the total amount of insurance under the policy, determined under this section, with other life insurance companies which elect to participate in the reinsurance.

"(b) The Administration shall determine for and in advance of a policy year which companies are eligible to participate as reinsurers and the amount of insurance under a policy which is to be allocated to the issuing company and to reinsurers. The Administration shall make this determination at least every three years and when a participating company withdraws.

"(c) The Administration shall establish a formula under which the amount of insurance retained by an issuing company after ceding reinsurance, and the amount of reinsurance ceded to each reinsurer, is in proportion to the total amount of each company's group life insurance, excluding insurance purchased under this subpart, in force in the United States on the determination date, which is the most recent December 31 for which information is available to the Administration. In determining the proportions, the portion of a company's group life insurance in force on the determination date in excess of $100,000,000 shall be reduced by—

"(1) 25 per centum of the first $100,000,000 of the excess;

"(2) 50 per centum of the second $100,000,000 of the excess;

"(3) 75 per centum of the third $100,000,000 of the excess; and

"(4) 95 per centum of the remaining excess.

However, the amount retained by or ceded to a company may not exceed 25 per centum of the amount of the company's total life insurance in force in the United States on the determination date.

"(d) The Administration may modify the computations under this section as necessary to carry out the intent of this section.

"PERSONS INSURED; AMOUNT

"SEC. 503. (a) Any policy of insurance purchased by the Administration under this subpart shall automatically insure any public safety officer employed on a full-time basis by a State or unit of general local government which has (1) applied to the Administration for participation in the insurance program under this subpart, and (2) agreed to deduct from such officer's pay the amount of such officer's contribution, if any, and forward such amount to the Administration or such other agency or office as is designated by the Administration as the collection agency or office for such contributions. The insurance provided under this subpart shall take effect from the first day agreed upon by the Administration and the responsible officials of the State or unit of general local government making application for participation in the program as to public safety officers then on the payroll, and as to public safety officers thereafter entering on full-time duty from the first day of such duty. The insurance provided by this subpart shall so insure all such public safety officers unless any such officer elects in writing not to be insured under this subpart. If any such officer elects not to be insured under this subpart he may thereafter, if eligible, be insured under this subpart upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administration.

"(b) A public safety officer eligible for insurance under this subpart is entitled to be insured for an amount of group life insurance, plus an equal amount of group accidental death and dismemberment insurance, in accordance with the following schedule:

If annual pay is—		The amount of group insurance is	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
0	$8,000	$10,000	$10,000
$8,000	9,000	11,000	11,000
$9,000	10,000	12,000	12,000
$10,000	11,000	13,000	13,000
$11,000	12,000	14,000	14,000
$12,000	13,000	15,000	15,000
$13,000	14,000	16,000	16,000
$14,000	15,000	17,000	17,000
$15,000	16,000	18,000	18,000
$16,000	17,000	19,000	19,000

If annual pay is—		The amount of group insurance is	
Greater than—	But not greater than—	Life	Accidental death and dismemberment
$17,000	$18,000	$20,000	$20,000
$18,000	19,000	21,000	21,000
$19,000	20,000	22,000	22,000
$20,000	21,000	23,000	23,000
$21,000	22,000	24,000	24,000
$22,000	23,000	25,000	25,000
$23,000	24,000	26,000	26,000
$24,000	25,000	27,000	27,000
$25,000	26,000	28,000	28,000
$26,000	27,000	29,000	29,000
$27,000	28,000	30,000	30,000
$28,000	29,000	31,000	31,000
$29,000		32,000	32,000

The amount of such insurance shall automatically increase at any time the amount of increase in the annual basic rate of pay places any such officer in a new pay bracket of the schedule and any necessary adjustment is made in his contribution to the total premium.

"(c) Subject to conditions and limitations approved by the Administration which shall be included in any policy purchased by it, the group accidental death and dismemberment insurance shall provide for the following payments:

"Loss	Amount payable
For loss of life	Full amount shown in the schedule in subsection (b) of this section.
Loss of one hand or of one foot or loss of sight of one eye.	One-half of the amount shown in the schedule in subsection (b) of this section.
Loss of two or more such members.	Full amount shown in the schedule in subsection (b) of this section.

The aggregate amount of group accidental death and dismemberment insurance that may be paid in the case of any insured as the result of any one accident may not exceed the amount shown in the schedule in subsection (b) of this section.

"(d) Any policy purchased under this subpart may provide for adjustments to prevent duplication of payments under any program of federal gratuities for killed or injured public safety officers.

"(e) Group life insurance shall include provisions approved by the Administration for continuance of such life insurance without requirement of contribution payment during a period of disability of a public safety officer covered for such life insurance.

"(f) The Administration shall prescribe regulations providing for the conversion of other than annual rates of pay and shall specify the types of pay included in annual pay.

"TERMINATION OF COVERAGE

"SEC. 504. Each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, to the effect that any insurance thereunder on any public safety officer shall cease two months after (1) his separation or release from full-time duty as such an officer or (2) discontinuance of his pay as such an officer, whichever is earlier: *Provided, however,* That coverage shall be continued during periods of leave or limited disciplinary suspension if such an officer authorizes or otherwise agrees to make or continue to make any required contribution for the insurance provided by this subpart.

"CONVERSION

"SEC. 505. Each policy purchased under this subpart shall contain a provision, in terms approved by the Administration, for the conversion of the group life insurance portion of the policy to an individual policy of life insurance effective the day following the date such insurance would cease as provided in section 504 of this subpart. During the period such insurance is in force, the insured, upon request to the Administration, shall be furnished a list of life insurance companies participating in the program established under this subpart and upon written application (within such period) to the participating company selected by the insured and payment of the required premiums, the insured shall be granted life insurance without a medical examination on a permanent plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof. In addition to the life insurance companies participating in the program established under this subpart, such list shall include additional life insurance companies (not so participating) which meet qualifying criteria, terms, and conditions established by the Administration and agree to sell insurance to any eligible insured in accordance with the provisions of this section.

"WITHHOLDING OF PREMIUMS FROM PAY

"SEC. 506. During any period in which a public safety officer is insured under a policy of insurance purchased by the Administration under this subpart, his employer shall withhold each pay period from his basic or other pay until separation or release from full-time duty as a public safety officer an amount determined by the Administration to be such officer's share of the cost of his group life insurance and accidental death and dismemberment insurance. Any such amount not withheld from the basic or other pay of such officer insured under this subpart while on full-time duty as a public safety officer, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial amount determined by the Administration to be charged any public safety officer for each unit of insurance under this subpart may be continued from year to year, except that the Administration may redetermine such amount from time to time in accordance with experience.

"SHARING OF COST OF INSURANCE

"SEC. 507. For each month any public safety officer is insured under this subpart, the Administration shall bear not more than one-third of the cost of insurance for such officer, or such lesser amount as may from time to time be determined by the Administration to be a practicable and equitable obligation of the United States in assisting the States and units of general local government in recruiting and retaining their public safety officers.

"INVESTMENTS AND EXPENSES

"SEC. 508. (a) The amounts withheld from the basic or other pay of public safety officers as contributions to premiums for insurance under section 506 of this subpart, any sums contributed by the Administration under section 507 of this subpart, and any sums contributed for insurance under this subpart by States and units of general local government under section 515 of this part, together with the income derived from any dividends or premium rate readjustment from insurers, shall be deposited to the credit of a revolving fund established by section 517 of this part. All premium payments on any insurance policy or policies purchased under this subpart and the administrative costs to the Administration of the insurance program established by this subpart shall be paid from the revolving fund by the Administration.

"(b) The Administration is authorized to set aside out of the revolving fund such amounts as may be required to meet the administrative costs to the Administration of the program and all current premium payments on any policy purchased under this subpart. The Secretary of the Treasury is authorized to invest in and to sell and retire special interest-bearing obligations of the United States for the account of the revolving fund. Such obligations issued for this purpose shall have maturities fixed with due regard for the needs of the fund and shall bear interest at a rate equal to the average market yield (computed by the Secretary of the Treasury on the basis of market quotations as of the end of the calendar month next preceding the date of issue) on all marketable interest-bearing obligations of the United States then forming a part of the public debt which are not due or callable until after the expiration of four years from the end of such calendar month; except that where such average market yield is not a multiple of one-eighth of 1 per centum, the rate of interest of such obligation shall be the multiple of one-eighth of 1 per centum nearest market yield. The interest on and the proceeds from the sale of these obligations, and the income derived from dividends or premium rate adjustments from insurers, shall become a part of the revolving fund.

"BENEFICIARIES; PAYMENT OF INSURANCE

"SEC. 509. (a) Any amount of insurance in force under this subpart on any public safety officer or former public safety officer on the date of his death shall be paid, upon the establishment of a valid claim therefor, to the person or persons surviving at the date of his death, in the following order of precedence:

"(1) to the beneficiary or beneficiaries as the public safety officer or former public safety officer may have designated by a writing received in his employer's office prior to his death;

"(2) if there is no such beneficiary, to the surviving spouse of such officer or former officer;

"(3) if none of the above, to the child or children of such officer or former officer and to the descendants of deceased children by representation in equal shares;

"(4) if none of the above, to the parent or parents of such officer or former officer, in equal shares; or

"(5) if none of the above, to the duly appointed executor or administrator of the estate of such officer or former officer.

Provided, however, That if a claim has not been made by a person under this section within the period set forth in subsection (b) of this section, the amount payable shall escheat to the credit of the revolving fund established by section 517 of this part.

"(b) A claim for payment shall be made by a person entitled under the order of precedence set forth in subsection (a) of this section within two years from the date of death of a public safety officer or former public safety officer.

"(c) The public safety officer may elect settlement of insurance under this subpart either in a lump sum or in thirty-six equal monthly installments. If no such election is made by such officer, the beneficiary or other person entitled to payment under this section may elect settlement either in a lump sum or in thirty-six equal monthly installments. If any such officer has elected settlement in a lump sum, the beneficiary or other person entitled to payment under this section may elect settlement in thirty-six equal monthly installments.

"BASIC TABLES OF PREMIUMS; READJUSTMENT OF RATES

"SEC. 510. (a) Each policy or policies purchased under this subpart shall include for the first policy year a schedule of basic premium rates by age which the Administration shall have determined on a basis consistent with the lowest schedule of basic premium rates generally charged for new group life insurance policies issued to large employers, taking into account expense and risk charges and other rates based on the special characteristics of the group. This schedule of basic premium rates by age shall be applied, except as otherwise provided in this section, to the distribution by age of the amount of group life insurance and group accidental death and dismemberment insurance under the policy at its date of issue to determine an average basic premium per $1,000 of insurance, taking into account all savings based on the size of the group established by this subpart. Each policy so purchased shall also include provisions whereby the basic rates of premium determined for the first policy year shall be continued for subsequent policy years, except that they may be readjusted for any subsequent year, based on the experience under the policy, such readjustment to be made by the insurance company issuing the policy on a basis determined by the Administration in advance of such year to be consistent with the general practice of life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers.

"(b) Each policy so purchased shall include a provision that, in the event the Administration determines that ascertaining the actual age distribution of the amounts of group life insurance in force at the date of issue of the policy or at the end of the first or any subsequent year of insurance thereunder would not be possible except at a disproportionately high expense, the Administration may approve the determination of a tentative average group life premium, for the first of any subsequent policy year, in lieu of using the actual age distribution. Such tentative average premium rate may be increased by the Administration during any policy year upon a showing by the insurance company issuing the policy that the assumptions made in determining the tentative average premium rate for that policy year were incorrect.

"(c) Each policy so purchased shall contain a provision stipulating the maximum expense and risk charges for the first policy year, which charges shall have been determined by the Administration on a basis consistent with the general level of such charges made by life insurance companies under policies of group life insurance and group accidental death and dismemberment insurance issued to large employers, taking into consideration peculiar characteristics of the group. Such maximum charges shall be continued from year to year, except that the Administration may redetermine such maximum charges for any year either by agreement with the insurance company or companies issuing the policy or upon written notice given by the Administration to such companies at least one year in advance of the beginnnig of the year for which such redetermined maximum charges will be effective.

"(d) Each such policy shall provide for an accounting to the Administration not later than ninety days after the end of each policy year, which shall set forth, in a form approved by the Administration, (1) the amounts of premiums actually accrued under the policy from its date of issue to the end of such policy year, (2) the total of all mortality, dismemberment, and other claim charges incurred for that period, and (3) the amounts of the insurers' expense and risk charge for that period. Any excess of item (1) over the sum of items (2) and (3) shall be held by the insurance company issuing the policy as a special contingency reserve to be used by such insurance company for charges under such policy only, such reserve to bear interest at a rate to be determined in advance of each policy year by the insurance company issuing the policy, which rate shall be approved by the Administration as being consistent with the rates generally used by such company or companies for for similar funds held under other group life insurance policies. If and when the Administration determines that such special contingency reserve has attained an amount estimated by the Administration to make satisfactory provision for adverse fluctuations in future charges under the policy, any further excess shall be deposited to the credit of the revolving fund established under this subpart. If and when such policy is discontinued, and if, after all charges have been made, there is any positive balance remaining in such special contingency reserve, such balance shall be deposited to the credit of the revolving fund, subject to the right of the insurance company issuing the policy to make such deposit in equal monthly installments over a period of not more than two years.

"BENEFIT CERTIFICATES

"Sec. 511. The Administration shall arrange to have each public safety officer insured under a policy purchased under this subpart receive a certificate setting forth the benefits to which such officer is entitled thereunder, to whom such benefit shall be payable, to whom claims should be submitted, and summarizing the provisions of the policy principally affecting the officer. Such certificate shall be in lieu of the certificate which the insurance company would otherwise be required to issue.

"Subpart 2—Assistance to States and Localities for Public Safety Officers' Group Life Insurance Programs

"Sec. 512. (a) Any State or unit of general local government having an existing program of group life insurance for, or including as eligible, public safety officers during the first year after the effective date of this part, which desires to receive assistance under the provisions of this subpart shall—

"(1) inform the public safety officers of the benefits and allocation of premium costs under both the Federal program established by subpart 1 of this part and the existing State or unit of general local government program;

"(2) hold a referendum of the eligible public safety officers of the State or unit of general local government to determine whether such officers want to continue in the existing group life insurance program or apply for inclusion in the Federal program under the provisions of subpart 1 of this part; and

"(3) recognize the results of the referendum as finally binding on the State or unit of general local government for the purposes of this part.

"(b) Upon an affirmative vote of a majority of such officers to continue in such State or unit of general local government program, a State or unit of general local government may apply for assistance for such program of group life insurance and the Administration shall provide assistance in accordance with this subpart.

"(c) Assistance under this subpart shall not exceed one-third of the premiums attributable to the public safety officers enrolled in such State or unit of general local government program or such assistance as would be available to the public safety officers if they were enrolled under subpart 1 of this part, whichever is less, to the extent the amount of coverage under the State or unit of general local governmental program is comparable with the amount of coverage available under subpart 1 of this part.

"(d) Assistance under this subpart shall be used to reduce proportionately the contributions paid by the State or unit of general local government and by the appropriate public safety officers to the total premium under such program: *Provided, however*, That the State or unit of general local government and the insured public safety officers may by agreement change the contributions to premiums costs paid by each, but not so that such officers must pay a higher fraction of the total premium than before the granting of assistance.

"Subpart 3—General Provisions

"UTILIZATION OF OTHER AGENCIES

"Sec. 513. In administering the provisions of this part, the Administration is authorized to utilize the services and facilities of any agency of the Federal Government or a State or unit of general local government or a company from which insurance is purchased under this part, in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

"ADVISORY COUNCIL ON PUBLIC SAFETY OFFICERS' GROUP LIFE INSURANCE

"Sec. 514. There is hereby created an Advisory Council on Public Safety Officers' Group Life Insurance consisting of the Attorney General as Chairman, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, and the Director of the Office of Management and Budget, each of whom shall serve without additional compensation. The Council shall meet not less than once a year, at the call of the Chairman, and shall review the administration of this part and advise the Administration on matters of policy relating to its activity thereunder. In addition, the Administration may solicit advice and recommendations from any State or unit of general local government participating in a public safety officers' group life insurance program under this part, from any insurance company underwriting programs under this part, and from public safety officers participating in group life insurance programs under this part.

"PREMIUM PAYMENTS ON BEHALF OF PUBLIC SAFETY OFFICERS

"Sec. 515. Nothing in this part shall be construed to preclude any State or unit of general local government from making contributions on behalf of public safety officers to the premiums required to be paid by them for any group life insurance program receiving assistance under this part.

"WAIVER OF SOVEREIGN IMMUNITY

"Sec. 516. The Administration may sue or be sued on any cause of action under this part.

"PUBLIC SAFETY OFFICERS' GROUP INSURANCE REVOLVING FUND

"Sec. 517. There is hereby created on the books of the Treasury of the United States a fund known as the Public Safety Officers' Group Life Insurance Revolving Fund which may be utilized only for the purposes of subpart 1 of this part."

Subpart 4—Miscellaneous

Sec. 103. Section 569 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and as redesignated by this Act, is amended by inserting "(a)" immediately after "569" and by adding at the end thereof the following new subsection:

"(b) There is authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, for the purposes of part G."

Sec. 104. Until specific appropriations are made to the Department of Justice or the Law Enforcement Assistance Administration for grants, activities or contracts shall, in the discretion of the Attorney General, be available for payments of obligations arising under this Act.

Sec. 105. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

Sec. 106. This Act shall become effective on date of enactment. Amend the title so as to read: "A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize group insurance programs for public safety officers and to assist State and local governments to provide such insurance."

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. KENNEDY. I yield.

Mr. McCLELLAN. Is this amendment the same as the bill that the Senator has introduced?

Mr. KENNEDY. Yes.

Mr. President, the substance of this amendment is S. 33, which is an insurance mechanism to protect our policemen and firefighters as well as some correctional guards and court officers.

It is a matter with which the chairman of the Subcommittee on Criminal Laws and Procedures as well as the ranking minority member are completely familiar, because it was a separate title of a more comprehensive piece of legislation which was put together and considered in its entirety during the course of the hearings.

I should like to review, for the benefit of the Senate, where we are with regard to S. 33, which, as I have mentioned, in many ways complements S. 2087, which is the gratuity provision for public safety officers.

This concept was introduced in the 1967 study that was made of crime and disorder in this country. On the basis of what was said in that study, I introduced a measure incorporating this concept of insurance for police. It was passed by the Senate in 1970, but in the conference with the House of Representatives, they felt that it had not had full and adequate hearings in the House of Representatives, and therefore it was dropped.

Later, the administration introduced a somewhat different approach to the problems of dependents of policemen, and that was expanded to include firemen and other public safety officers. But it does not provide, for example, for firefighters or policemen who are involved in accidental death on duty or who suffer death or injury from any cause off duty. We know that public safety officers sometimes have a difficult time getting insurance benefits on regular terms because of the hazardous nature of their duties.

Therefore, this mesaure would provide some incentive to public safety officers by an insurance concept which is modeled after the Federal Employees' Group Life Insurance program as well as the servicemen's insurance program, both of which have been remarkably successful.

Some time ago, just before the recess, in an executive session of the Committee on the Judiciary, the complete measure that had been introduced was reduced title by title and voted on separately. This afternoon we are considering some titles of that provision, under the time limitation of 20 minutes on each amendment.

Because of other commitments, the Senator from Nebraska was unable to attend that meeting; but it was felt that, because of his views on this question, we ought to provide him sufficient time to be able to submit minority views on the insurance program. Those views will be submitted by the end of the week.

Therefore, I am in the position of wanting to follow the procedures of the Senate by making sure that when the report comes before the Senate, full opportunity will be given for minority views. I recognize that we may very well be precluded from acting on what I think is a very essential part of our responsibility to our policemen and firefighters, as included in S. 33, by delaying and not offering this as an amendment to the gratuity bill which is before the Senate this afternoon.

I have indicated to the leadership that if, perhaps, I had been somewhat more alert at the time this measure was being considered or the consent agreement was offered 2 weeks ago last Thursday, I would have thought that we ought to consider these measures together. We have waited until this time in the year for consideration of S. 2087, and certainly a few more days in order to do the complete job would not have seemed an unreasonable request by any Member of the Senate, particularly since these features are so complementary.

I understand that there is some question as to the germaneness of this provision, in that, even though it is closely related to the concept of assisting public safety officers, it could be viewed as are two different approaches toward the same end. But the gratuity and insurance bills have been joined in the victims of crime bill since December of last year. Both would amend the Omnibus Crime Control and Safe Streets Act of 1968. They are both amendments to those provisions. The insurance aspect contains a provision concerning overlap with the gratuities aspect so that any reasonable reading of the Senate rules on this, if we do have that issue raised, would certainly come down on the side of including this as a germane amendment.

But I have had a talk with the acting majority leader and I felt that if we were able to know that S. 33 will come to the floor by the early part of next week, and with his assurance that even with the busy schedule outlined here and the significant workload, he would be willing to schedule this program, then I would feel constrained not to press this amendment to a vote. But I would be interested both in the views of the Senator from Arkansas on the general understanding and in the views of the acting majority leader.

How much time do I have remaining, Mr. President?

The PRESIDING OFFICER (Mr. STAFFORD). Three minutes remain on this amendment.

Mr. KENNEDY. I would like to ask the Senator from Arkansas to speak on his time, if he would.

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. McCLELLAN. Mr. President, I may say to the distinguished Senator from Massachusetts, as he knows, I support his bill—or the amendment as such—as a legislative proposition. As the Senator knows, the Subcommittee on Criminal Laws and Procedures of the Judiciary Committee reported an omnibus bill (S. 2994), title II of which contained the provisions of the Senator's amendment.

When the bill reached the full committee, the full committee, for some reason sufficient to it, separated the various titles of the bill and reported them out individually. I was not present at the meeting at the time this proposal was made and agreed to. I had favored bringing all of them out in the omnibus bill. However, that was not done.

A certain time was given, I believe, to the distinguished Senator from Nebraska in which to file dissenting views. He had opposed this provision even in the subcommittee, but he did agree to let it be reported so that the full committee might work its will. I say all of this as a preface to saying that I am glad that the Senator will withdraw his amendment. I am concerned that we might get into a hassle here, where neither side would have an opportunity to do justice to their points of view.

In view of the fact an arrangement has been made with the leadership to bring the Senator's bill up at an early date, I am pleased, indeed, that the Senator will withdraw his amendment.

Otherwise, I know that there would be a question, possibly, of germaneness, but I favor the Senator's bill, and if we get it up next week or in the next few days, it is my intention to support it, and I hope to see it enacted into law.

Mr. KENNEDY. I thank the Senator from Arkansas.

Now, Mr. President, I yield 2 minutes to the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized for 2 minutes.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts. The Senator has stated the situation precisely as he had previously discussed it with me.

I have cleared this matter with the majority leader who stated to me that it would be his intention and his hope to bring up S. 33 at an appropriate time after its appearance on the calendar. This will assure the Senator from Massachusetts of an opportunity to get action on his bill.

Of course, the majority leader cannot make this an ironclad assurance but, knowing him as I do, I think this is ample assurance for the Senator.

Mr. KENNEDY. Mr. President, on that basis, then, I will withdraw the amendment. I just remind the Senate that we have considered this matter on a previous occasion, and passed it this year by a virtually unanimous vote in the full Judiciary Committee. I believe it is essential in giving the necessary kinds of assurances to those who are our first line of defense in the communities, towns, and cities of this Nation, our policemen, firemen, and other public safety officers, to insure that when they are performing their responsibilities and protecting the public good, they will be assured of an insurance system to protect their families, their wives and children. This is a matter of great importance.

On the basis of what my colleague from West Virginia has said and the assurances that the majority leader has given to us, I withdraw my amendment.

The PRESIDING OFFICER (Mr. STAFFORD). The amendment of the Senator from Massachusetts is withdrawn.

Mr. TUNNEY. Mr. President, many of America's qualified young men are reluctant to choose a law enforcement career not because of the hazards of their job, but because of the lack of reasonable benefits for their survivors should they be killed in the line of duty. I am supporting S. 2087 because I believe that it will raise the morale of all law enforcement officers.

As much as I support the death gratuity to survivors and dependents, I think we need to realize that this legislation is only one way in which we are attacking the crime problem. We also must try to eliminate crime at its roots by attacking poverty, illiteracy, deprivation, and unemployment that nurture its growth. I do concede, however, that we must deal here and now with the current manifestations of criminal activity.

When our policemen are being attacked and killed by the lawbreaking element of our society, then I feel that we must directly deal with the problem. We need to insure that any man who enters the law enforcement profession will know that we, as a just and compassionate people, will care for his family in the event that something happens to him because of the hazards of his profession. I feel that the $50,000 death gratuity given to any officer who dies in the line of duty will provide a base for the survivor to pay back debts, handle funeral expenses, and look to the future which must be faced without their loved one.

The death gratuity, as has been pointed out, would provide a minimum Federal floor and would be in addition to any other State or local benefit. This would give each officer the confidence that his family would be well provided for in the event of his death.

Policemen have been special targets of violence in recent months and years. Since their primary mission is to enforce criminal laws, they are subject to vicious attacks in even the most routine day-to-day activity. The burdens of the police are staggering.

During the 10-year period 1962–71, 722 officers have been murdered. Contrasting this tragic loss with Great Britain's experience of 24 English police officers killed in the line of duty in the last 50 years brings into sharp focus the enormity of this growing American problem of assaults on police.

FBI figures indicate that the police patrol car officer is in the greatest danger of losing his life in the line of duty. Detectives and special assignment officers have the next highest incidence of deaths in the line of duty, while the foot patrol officers rank third. We also know that police officers are most likely to be killed while attempting to make an arrest or to transport prisoners.

I think that in addition to compensating policemen's families in the event of their murder, we must also overhaul our correctional system and modernize our courts. As I stated earlier, this bill we are voting on today is a constructive step in the right direction, but we cannot let our efforts in the fight against crime lag with the passage of one good bill. We must keep on until we have streamlined the criminal justice system to function in an efficient manner in this modern day and age.

Mr. MONDALE. Mr. President, I am delighted to speak in support of S. 2087, to provide benefits to survivors of public safety officers killed as a result of criminal action. I was pleased to be cosponsor of S. 2994, introduced by the distinguished Senator from Arkansas (Mr. MCCLELLAN), which included similar provisions.

It is most unfortunate that many State and local governments have no program of compensation for survivors of public safety officers killed in the line of duty. Last year, we were rudely made aware of this great inadequacy by a tragic series of police killings in New York City and Washington, D.C. A few weeks ago, a police officer was killed during a bank robbery in Roseville, Minn. Since a Federal crime was involved, his survivors are entitled to benefits. It is vital that we extend the scope of this Federal program to deaths from criminal action, even where Federal laws are not involved.

I am very pleased that S. 2087 has been broadened to cover other public safety officers, such as firefighters and correctional officers, in addition to policemen. It is also important that part-time and volunteer officers be covered, as the bill would do. A great deal of our public safety protection, especially in fire safety, is provided by volunteer personnel. We should extend them and their survivors the same protection afforded to full-time and paid officials.

Last November I introduced S. 2817, the Compensation to Victims of Crime Act. It included provisions for death benefits for public safety officers. I am pleased to join in supporting action now on legislation along these lines. I hope that we will soon be able to take up the legislation to compensate all innocent victims of violent crime, as proposed in S. 2817 and S. 2994.

Mr. GRIFFIN. Mr. President, the Public Safety Officers' Benefit Act of 1972, which is before us today, would provide a $50,000 death benefit to the family of a policeman or fireman killed in the line of duty. Obviously, there really is no way to compensate the widow and children for such a tragic loss, but it seems to me that society has an obligation to provide at least a measure of financial security in such a situation.

Mr. President, for some time I have been an advocate of legislation that would recognize our debt and appreciation to the policemen, firemen, and prison guards who daily assume extraordinary risks in order to protect the rest of us. I testified before the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee in support of similar legislation. I have stated that:

> These brave men are on the front lines of public safety and protection. It is of the utmost importance that they know the nation stands behind them, appreciates their great efforts, and is concerned with their safety and well-being.

In recent years, civil disorders, riots, and prison rebellions have taken a devastating toll. No group has assumed greater burdens than those men and women who have the responsibility for maintaining order.

Two firemen died in the Detroit riots, one in Watts, another in Newark. During the period from 1967 to 1969, more than 600 firefighters were injured in civil disorders.

Eleven of those held hostage in Attica were killed.

In 1970 alone, more than 100 policemen died as a result of violent criminal activity. Since 1961, 633 police officers have given their lives in the line of duty.

Benefits under this legislation would be available to families of public safety officers killed in the line of duty since January 1, 1967. It is, in my opinion, most appropriate for us to recognize the tremendous sacrifice these men have made and the risks that their colleagues continue to assume daily on our behalf.

Mr. President, I urge the Senate to pass this significant legislation.

Mr. ROTH. Mr. President, in early January of 1972 two fine policemen were gunned down by a criminal in my home State of Delaware. The apparent gunman had been paroled in 1970 declaring:

> When I get out I'm going to get me a pig.

The two young officers met their death responding to a motel holdup. Ronald Leslie Carey died immediately leaving his wife and three children suddenly alone in this world. His partner, David C. Yarrington died in a nearby hospital a short time later and he too left a wife and small baby. The person who committed the murder did not know who his victims would be, he just shot to kill two policemen. Still another Delaware policeman, Trooper William C. Keller, died in a traffic accident in 1971 while on duty.

As statistics, officers Carey and Yarrington who held great promise in the law enforcement profession are two of the 61 policemen who have been killed in the line of duty this year. As human beings, officers Carey and Yarrington demonstrated their ultimate concern for the public when they were struck down as symbols of an orderly society.

Can we, as Americans, tolerate a situation where the young families of these men are left behind to struggle on their own? I believe that it demonstrates the good that is within each American that concern has been shown through the establishment of private groups who come to the aid of police families whose lives have been shattered by such a loss. Also a great number of bills have been introduced in this Congress accepting the financial responsibility and moral obligation to the family of a man who has made this society a better, safer one in which to live.

As we consider S. 2087, the public safety officers death gratuity bill, we must realize it is only just and humane that we should give the public safety officer the security of knowing that his loved ones will be taken care of in their hour of need. By providing a $50,000 death gratuity for those men killed in the line of duty, we will not relieve the horrible suffering and mental anguish that only those who face the death of a family member can know, but we will ease the financial burden on the families of the men we have depended upon to protect us. S. 2087 is retroactive to January 1, 1967, which would allow the families of the three Delaware State troopers to receive this compensation.

The physical risks involved in serving as a policeman today are great. It is a fact that police officers throughout the country are facing a rising tide of violence. This alarming trend can only be reversed by professional police officers who are assured that they and their families will be compensated in a manner commensurate with the risks inherent in law enforcement. During the 10-year period, 1962–71, 722 officers have been murdered. In 1971, alone, a record total of 126 law enforcement officers were killed by felonious criminal action.

A second factor necessitating the enactment of this legislation concerns the wide variance from State to State in survivor benefits. Compensation differs in each State and has as many variations as there are individual agencies and statutory provisions. Benefits under these provisions range from $200 to $400 per month for the surviving widow and dependent children. Death benefits for fatalities suffered in the line of duty often provide only a percentage of the officer's salary. Considering that the salary for first year officers range from $4,575 to $11,112, that does not give a surviving family much to live on. In Delaware, the widows of Carey and Yarrington were eligible to receive 80 percent of the officers pay at the time of his death since there were children involved, but this would be provided only for 400 weeks, or until the children reach 18. The maximum payment the two families can expect per week under Delaware law, is $49.

I believe that $50,000 is the minimum that each officer's family should receive. This will assure them the capital for a basic income which when coupled with benefits from the State or locality, will provide at least a subsistence income.

From the testimony which was delivered during the victims of crime hearings last fall and early this year, we know that most of the officers who have been killed are normally in debt and, due to their job, had difficulty getting insurance. Accidental death coverage for a policeman is two times more costly than that for the normal citizen; waiver of premiums is one time more costly and, on their salary, policemen simply cannot afford to buy heavy insurance coverage.

In addition, we learned that the average police officer has a small bank account, and that in most cases, the widow has not had enough money to pay funeral expenses.

I would like to see the day when the children of Officers Carey, Yarrington, and Keller and others like them might have a better feeling for the profession that their fathers chose, and that perhaps someday might even choose this profession for themselves as well. What we are doing here today is providing security for all those policemen who do face the constant risk of death, assuring them that their families will be protected from financial calamity. In doing so, I think that we will strengthen the desire of those qualified citizens who might consider entering the field of law enforcement. This gratuity is small recompense for the heartbreak of losing a loved spouse or parent and the family breadwinner.

Police officers have demonstrated time and again the sacrifices they are prepared to make for the safety of the public. You cannot blame these same officers for being concerned about the welfare and well-being of their families, wives and children if they should be killed in the line of duty.

The facts have never been more obvious, the crisis never so conspicuous, and the need never so manifest.

PUBLIC SAFETY OFFICERS BENEFITS ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I wish to add my strong support for S. 2087, the Public Safety Officers Benefits Act of 1972, and to urge its passage by the Senate.

This legislation is designed to meet a deserving, and presently unfilled, need to benefit law enforcement officers and their dependents, in cases where the officer is dismembered or killed in the line of duty as the result of a crime. The vast majority of our law enforcement officers do not earn large salaries, and it usually takes all of their resources to support themselves and their families. Moreover, a law enforcement officer, because of his hazardous occupation, has great difficulty in getting any insurance coverage. When he is able to get insurance, the premiums for accidental death coverage are two to three times the normal rate. Therefore, we usually find that most of these officers do not have insurance coverage, simply because they cannot afford it.

The benefits contained in this bill will not be duplicative of those provided by other governmental agencies. We cannot rely upon the States and municipalities to provide this coverage because, as of October 1970, there were 18 States which provided no assistance whatsoever to the immediate survivors of law enforcement officers. There are also many small towns and municipalities throughout the country which do not provide any benefits of this type, or which only provide minimal compensation payments.

This bill will provide a gratuity of $50,000 to the dependents of public safety officers killed in the line of duty as a result of a crime. It will also provide for a gratuity in the case of dismemberment under the same circumstances, at a level of $25,000 for single dismemberment and $50,000 for multiple dismemberment. To qualify for these payments, the officer must have been acting in the line of duty, and the death or dismemberment must have been suffered as a result of a criminal act or an apparent criminal act.

There is a great need to provide a guaranteed minimum payment that will assure substantial benefits to the families of all law enforcement officers. I believe S. 2087 will provide this guarantee and will in turn improve the quality of law enforcement by lifting the morale of those who enforce the law.

Mr. PEARSON. Mr. President, I support S. 2087, a bill to provide death and dismemberment payments for public safety officers or their dependents.

I am particularly pleased to support the bill, as it is similar to legislation which I introduced earlier this year. The bill before us today provides that the United States shall make a payment to any Federal, State, or local public safety officer who has been killed or has suffered dismemberment in the line of duty and the proximate cause of the tragedy was a criminal act or an apparent criminal act. The benefits payable are $50,000 in case of death or multiple dismemberment and $25,000 in case of single dismemberment. As I had hoped, these benefits would be paid not only to law enforcement officers and firemen, but to correctional and court officers as well whose activities are potentially dangerous.

Mr. President, with increasing frequency we are told of public safety officers who have met death or tragic injury while serving our people. During the past 10 years, deaths among public safety officers have increased. The number of law enforcement officers killed has risen dramatically and tragically from 28 in 1960 to 100 in 1970. In the case of firemen, only 58 lost their lives in 1966, but 1970 witnessed 115 fatalities among these brave individuals. Correctional officers also are not immune from these death figures, for in the past 2 years, 18 have been killed.

Government can provide improved training, equipment, and facilities for their public safety officers, but these are of little solace or use to the officer and his dependents once he is killed or permanently injured. Something more must be done for the unsung heroes of our Nation who daily risk their lives, so our citizens may live secure in body and mind.

In addition, present death and disability payments for public safety officers are woefully inadequate. Many States make no provision for such payments and some provide only limited payments. Besides giving financial security on a nationwide scale to those persons already in the public safety profession, this bill may aid in the recruitment and retention of more qualified and dedicated personnel. This is especially important in rural areas where local governments are often not able to offer the benefits to their safety officers which can be found in more populous localities.

One of the marks of a great society is found in the way it cares for those who protect it. As legislators we have the responsibility, indeed the moral obligation, to provide these dedicated people not only with modern training and equipment, but with modern benefits as well. I therefore urge Senators to meet their obligation and join in the support of the bill.

Mr. McCLELLAN. Mr. President, if no other Senator wishes to speak at this time, I ask for a third reading.

The PRESIDING OFFICER. The question on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time on the bill.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

OUTRAGE AT MUNICH OLYMPIC GAMES

Mr. ALLOTT. Mr. President, We can only express outrage and horror that the 1972 Olympic games in Munich have been tragically used by terrorists for their own political ends. As usual the victims of these terrorists are innocent people performing their nonpolitical duty for their country.

The game of the terrorists is always the same: extortion. Civilized people cannot pay their price. Just yesterday Transportation Secretary Volpe called on all nations to band together to prevent hijackings by refusing to harbor hijackers by granting political asylum. That principle should be extended to all acts of terrorism. If the terrorists know they cannot escape justice, they may well think twice about their actions.

One of the unfortunate residual effects which this incident may have could be a dampening of the enthusiasm for the winter Olympics in Colorado in 1976. Having just spent a week traveling through various parts of Colorado, at the very time when the Munich games were being beamed to Coloradans on their television sets, I found renewed enthusiasm for the Olympics and excited anticipation on the part of many that Colorado could enjoy the same kind of spectacular event 4 years hence. It would indeed be a shame if the terrible killings of today would color the Olympic picture unfavorably in the minds of United States and Colorado citizens. I believe the issue should be decided on its merits out in Colorado this November, but the Munich tragedy today does not help those who would make an objective case in favor of the Olympics.

But once again let me state the main point: We call on all civilized nations, nations who are members of the United Nations, not to grant political asylum to criminals and terrorists so that these shameful acts can be stopped.

CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY AND THEFT ACT OF 1972

The PRESIDING OFFICER. Under the previous order the Senate will now proceed to the consideration of S. 16, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 999 (S. 16) to amend title IX of the Organized Crime Control Act of 1970 to provide civil remedies to victims of activities prohibited by said title, and for other purposes.

The Senate proceeded to the consideration of the bill (S. 16) which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as "Civil Remedies for Victims of Racketeering Activity and Theft Act of 1972."

SEC. 101. It is the purpose of this Act to promote the general welfare by strengthening the civil remedies available to the victim of racketeering activity and theft.

RACKETEER CIVIL REMEDIES

SEC. 102. (a) Section 1964 of title 18 of the United States Code is amended by—

(1) inserting in subsection (a) ", without regard to the amount in controversy," immediately after "jurisdiction".

(2) inserting in subsection (b) "subsection (a) of" after "under" each time it appears;

(3) striking the word "action" in subsection (b) and inserting in lieu thereof "proceedings"; and

(4) striking subsections (c) and (d) of such section and inserting in lieu thereof the following:

"(c) Any person may institute proceedings under subsection (a) of this section. In any proceeding brought by any person under subsection (a) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and showing of immediate danger of irreparable loss or damage, a temporary restraining order and a preliminary injunction may be issued in any action before a final determination thereof upon its merits.

"(d) Whenever the United States is injured in its business or property by reason of any violation of section 1962 of this chapter, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by it, and the cost of the action.

"(e) Any person who is injured in his business or property by reason of any violation of section 1962 of this chapter may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(f) The United States may upon timely application intervene in any civil action or proceeding brought under this chapter, if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if it had instituted the action or proceeding.

"(g) A final judgment or decree rendered in favor of the United States in any criminal or civil action or proceeding under this chapter shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(h) Except as hereinafter provided, any civil action under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (d) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of section 1962 of this chapter the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsections (c) and (e) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.".

(b) Section 1965 of title 18 of the United States Code is amended by—

(1) striking out in subsection (d) "action under section 1964 of" and inserting in lieu thereof "civil action or proceeding under";

(2) striking out in subsection (c) "instituted by the United States"; and

(3) inserting in subsection (d) "civil or criminal" immediately before "action".

(c) Section 1966 of title 18 of the United States Code is amended by striking "any civil action instituted under this chapter by the United States" in the first sentence and inserting in lieu thereof "any civil action or proceeding under this chapter in which the United States is a party."

(d) Section 1967 of title 18 of the United States Code is amended by striking "instituted by the United States", and inserting in lieu thereof "or proceeding".

(e) Section 1968 of title 18 of the United States Code is amended by—

(1) striking out "prior to the institution of a civil or criminal proceeding" in the first sentence of subsection (a) and inserting in lieu thereof "before he institutes or intervenes in civil or criminal action or proceeding";

(2) striking out "case" the first time it appears and inserting in lieu thereof "civil or criminal action" in paragraph (4) of subsection (f) and striking out "case" each time it appears thereafter and inserting in lieu thereof "action";

(3) striking out "case" each time it appears in paragraph (5) of subsection (f) and inserting in lieu thereof "action"; and

(4) striking out "case" and inserting in lieu thereof "action" in paragraph (6) of subsection (f).

THEFT CIVIL REMEDIES

SEC. 103. (a) Section 659 of title 18 of the United States is amended to read as follows:

"§ 659. Interstate or foreign shipments by carrier; State prosecutions; civil remedies for victims of theft

"(a) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property which is moving as, or which is a part of, or which constitute an interstate or foreign shipment from any pipeline system, railroad car, wagon, motortruck, or other vehicle, or from any tank or storage facility, station, station house, platform, or depot, or from any steamboat, vessel, or wharf, or from any aircraft, air terminal, airport, aircraft terminal, or air navigation facility, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing, or having reason to know, that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained.

"(b) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other property, which shall have come into the possession of any common carrier for transportation in interstate or foreign commerce, or to break into, embezzle, steal, unlawfully take, carry away, or conceal, or by fraud or deception obtain, with intent to convert to his own use, any of the contents of such baggage, goods, chattels, or other property, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing or having reason to know that it has been embezzled or stolen or otherwise unlawfully taken, carried away, concealed, or obtained.

"(c) It shall be unlawful for any person to embezzle, steal, or unlawfully take, carry away, conceal, or by fraud or deception obtain, with intent to convert to his own use, any money, baggage, goods, chattels, or other porperty from any railroad car, bus, vehicle, steamboat, vessel, or aircraft operated by any common carrier moving in interstate or foreign commerce, or from any passenger thereon, or to buy, receive, or have in his possession any such money, baggage, goods, chattels, or other property, knowing or having reason to know that it has been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained.

"(d) Whoever violates any provision of subsection (a), (b), or (c) of this section shall in each case be fined not more than $5,000 or imprisoned not more than ten years, or both; but if the amount or value of such money, baggage, goods, chattels, or other property does not exceed $100, he shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(e) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

"(f) The Attorney General may institute proceedings under subsection (e) of this section. In any proceedings brought by the United States under subsection (e) of this section, the court shall proceed as soon as practicable to the hearing and determination thereof. Pending final determination thereof, the court may at any time enter such restraining orders or prohibitions, or take such other actions as it shall deem proper.

"(g) Any person may institute proceedings under subsection (e) of this section. In any proceeding brought by any person under subsection (e) of this section, relief shall be granted in conformity with the principles which govern the granting of injunctive relief from threatened loss or damage in other cases. Upon the execution of proper bond against damages for an injunction improvidently granted and a showing of immediate danger of irreparable loss or damage, a temporary restraining order and preliminary injunction may be issued in any action before a final determination thereof upon its merits.

"(h) Whenever the United States is injured in its business or property by reason of any violation of this section, the Attorney General may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover the actual damages sustained by the United States, and the cost of action.

"(i) Any person who is injured in his business or property by reason of any violation of this section may bring a civil action in a district court of the United States, without regard to the amount in controversy, and shall recover threefold the actual damages sustained by him, and the cost of the action, including a reasonable attorney's fee.

"(j) Any civil action or proceeding under this section against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.

"(k) In any civil action or proceeding under this section in any district court of the United States in which it is shown that the ends of justice require that any other party residing in any other district be brought before the court, the court may cause such party to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal thereof.

"(l) In any civil or criminal action or proceeding under this section in the district court of the United States for any judicial district, subpenas issued by such court to compel the attendance of witnesses may be served in any other judicial district, except that in any civil action or proceeding no such subpena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

"(m) All other process in any civil or criminal action or proceeding under this section may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

"(n) The United States may, upon timely application, intervene in any civil action or proceeding brought under this section if the Attorney General certifies that in his opinion the case is of general public importance. In such action or proceeding, the United States shall be entitled to the same relief as if he had instituted the action or proceeding.

"(o) A final judgment or decree rendered in favor of the United States in any criminal action or proceeding under this section shall estop the defendant in any subsequent civil proceeding as to all matters respecting which said judgment or decree would be an estoppel as between the parties thereto.

"(p) Except as hereinafter provided, any civil action or proceeding under this section shall be barred unless it is commenced within five years after the cause of action accrued. Whenever any civil or criminal action or proceeding, other than an action under subsection (h) of this section, is brought or intervened in by the United States to prevent, restrain, or punish any violation of this section, the running of the period of limitations prescribed by this subsection with respect to any cause of action arising under subsection (g) or (i) of this section, which is based in whole or in part on any matter complained of in such action or proceeding by the United States, shall be suspended during the pendency of such action or proceeding by the United States and for two years thereafter.

"(q) A violation of this section shall be deemed to have been committed not only in the district where the violation first occurred, but also in any district in which the defendant may have taken or been in possession of the said money, baggage, goods, chattels, or other property.

"(r) The carrying or transporting of any such money, baggage, goods, chattels, or other property in interstate or foreign commerce, knowing, or having reason to know, it had been embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained, shall constitute a separate violation and subject the violator to criminal penalties and a civil cause of action under this section and the violation shall be deemed to have been committed in any district into which such money, baggage, goods, chattels, or other property, shall have been removed or into which it shall have been brought by such violator.

"(s) To establish the interstate or foreign commerce character of any shipment in any criminal or civil action or proceeding under this section the waybill or other shipping document of such shipment shall be prima facie evidence of the place from which and to which such shipment was made. The removal of property from a pipeline system which extends interstate shall be prima facie evidence of the interstate character of the shipment of the property. Proof that a person was found in unexplained possession of any money, baggage, goods, chattels, or other property, recently embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section, shall be prima facie evidence that such person knew that such property was, or that such person had, embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception such money, baggage, goods, chattels, or other property in violation of this section. Proof that a person bought or received for a consideration substantially below its fair market value money, baggage, goods, chattels, or other property embezzled, stolen, or otherwise unlawfully taken, carried away, concealed, or obtained by fraud or deception in violation of this section shall be prima facie evidence that such person knew that such property was embezzled, stolen, or otherwise unlawfully taken, carried away concealed, or obtained by fraud or deception in violation of this section.

"(t) A judgment of conviction or acquittal on the merits under the laws of any State shall be a bar to any criminal prosecution under this section for the same act or acts. Nothing contained in this section shall be construed as indicating an intent on the part of Congress to occupy the field in which provisions of this section operate to the exclusion of State laws on the same subject matter, nor shall any provision of this section be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this section or any provision thereof."

(b) The analysis at the beginning of chapter 31 of title 18 of the United States Code, for section 659, is amended to read:

"659. Interstate or foreign shipment by carrier; State prosecutions; civil remedies for victims of theft.".

SEVERABILITY

Sec. 104. If the provisions of any part of this Act are found invalid or any amendments made thereby or the application thereof to any person or circumstances be held invalid, the provisions of the other parts and their application to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE

Sec. 105. This Act shall become effective upon the date of enactment.

Mr. McCLELLAN. Mr. President, this bill was originally introduced by Senator HRUSKA and myself on January 25, 1971. It was favorably reported by the Committee on the Judiciary on August 16, 1972.

As reported, it includes the provisions of two proposals by the Senator from Nevada (Mr. BIBLE), one introduced as S. 2426 and the other as amendment No. 994 to S. 2994. It also reflects the provisions of titles IV of S. 2994 and S. 2995, which are omnibus victims of crime bills. In those forms, the bill was cosponsored by 45 of my colleagues: Senators BAKER, BAYH, BEALL, BENNETT, BIBLE, BOGGS, BURDICK, CANNON, CASE, COOK, CRANSTON,

Eastland, Fannin, Gravel, Griffin, Gurney, Hansen, Hart, Harris, Hollings, Hruska, Hughes, Humphrey, Kennedy, Mansfield, Mathias, Metcalf, Miller, Mondale, Moss, Muskie, Nelson, Pell, Percy, Randolph, Ribicoff, Roth, Schweiker, Scott, Stafford, Stevens, Stevenson, Thurmond, Williams, and Young.

Mr. President, on October 15, 1970, the President signed into law S. 30, the Organized Crime Control Act of 1970—Public Law 91-452. Then Attorney General, John N. Mitchell, termed this act "one of the most imaginative and comprehensive proposals to combat organized crime ever introduced in the Congress." Title IX of the 1970 act adapted certain of the time-tested remedies of antitrust law to the typical techniques employed by racketeers to invade legitimate businesses.

As S. 30 passed the Senate, title IX was fashioned as a tool to be employed by the Government against racketeers. Detailed consideration was not then given to carrying the antitrust parallel out by according the private victims of racketeering activity similar civil antitrust-type remedies.

During the processing of S. 30 in the House of Representatives, however, an amendment was added, at the suggestion of Edward L. Wright of Little Rock, Ark., then president of the American Bar Association, authorizing private treble damage suits and the recovery of attorney fees.

S. 16 would round out the implementation of Mr. Wright's idea. In addition to authorizing recovery of treble damages and attorney fees in a private civil action, it would permit the United States itself to sue for actual damages, when it is injured in its business activity, and to intervene in private suits under the act of general public importance.

S. 16 also authorizes private injunctive relief from racketeering activity, regulates the application of the doctrine of estoppel between criminal and civil proceedings, provides for a statute of limitations for civil actions and its appropriate suspension during pendency of criminal actions, and makes applicable to suits under the amended act nationwide venue and service of process provisions.

During the subcommittee's hearings, the American Bar Association voiced its support for this bill, noting that—

> The adoption of as many of the procedures currently utilized in the anti-trust field as possible might be a profitable course of action in any attempt to restrict the entry of organized crime into legitimate business.

At the suggestion of the Senator from Nevada (Mr. Bible), the bill has also been broadened to strike at the massive and costly problem of cargo theft, attacking the middle man of crime by enabling persons in legal possession of goods to sue for treble damages persons responsible for stealing, buying, or reselling goods moving in interstate commerce.

This aspect of S. 16 has received the endorsement of the following organizations: American Institute of Marine Underwriters; American Trucking Associations, Inc.; Association of American Railroads; and Transportation Cargo Security Council.

And I am pleased to note the administration's support of this bill.

All of us are aware of the depth and breadth of the activities of organized crime, and we know of the diversity of its activities. Organized crime strikes at the very heart of the economy of this country. We ought not to deny to the Government or to the victim any legitimate means of halting such activity.

Cargo has become a favorite and lucrative target for organized crime—direct costs of cargo losses are estimated at $1½ billion a year.

So this provision will both aid the victim of organized crime and reduce the profitability of cargo theft, hopefully aiding the average consumer.

Mr. President, I urge the enactment of this bill.

Mr. HRUSKA. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 5 minutes.

Mr. HRUSKA. Mr. President, S. 16 as reported by the Judiciary Committee is a well-conceived and very useful proposal in the field of criminal justice and it is my hope that the Senate will approve it today.

This bill, the Civil Remedies for Victims of Racketeering Activity and Theft Act of 1972, is basically an amalgam of two proposals: The original S. 16 introduced by Senator McClellan and this Senator in 1971 to provide strengthened civil remedies to victims of activities prohibited by title IX of the Organized Crime Control Act of 1970; and S. 2426, Senator Bible's bill to provide a civil action for damages to victims of crimes involving property in interstate or foreign commerce.

The marriage of these two bills is a good one which adds additional weapons to the arsenal of weapons available to combat crime in this country.

Title IX of the 1970 act adapted certain antitrust law remedies to the typical techniques employed by racketeers to invade legitimate business enterprises. S. 16 would extend this principle by providing the individual citizens who are the victims of racketeering activities with antitrust remedies similar to those granted to the Government by the 1970 act. Under this proposal, private civil suits can be a valuable adjunct to governmental actions aimed at organized crime.

Section 102 of the bill would:

Permit the United States itself to sue for actual damages when it is injured in its business or property by reason of a violation of section 1962;

Permit the United States to intervene in private suits of general public importance;

Authorize private injunctive relief from racketeering activity; and

Refine and make applicable parallel language in antitrust provisions relating to the doctrine of estoppel between criminal and civil proceedings, statute of limitations, and nationwide venue and process serving.

The administration supports this portion of S. 16. In testimony before the Criminal Laws Subcommittee, Richard Velde, the Associate Administrator of the Law Enforcement Assistance Administration, said:

> The Department of Justice favors enactment of S. 16. We believe that the extension of civil remedies, as contemplated by this bill, would provide additional valuable tools with which to combat organized crime. Our experience has shown that a two-pronged civil and criminal approach has proved successful in the antitrust area. Organized crime has continued to burden society because, over the years, it has been immensely profitable, and criminal sanctions by themselves do not necessarily reduce the riches. Any legal machinery therefore which would have the effect of rendering organized criminal activity less profitable would take us one notch closer to eliminating the problem. The Department believes that S. 16 would strengthen the existing civil remedies provided by Title IX and accordingly favors enactment.

Section 103 of the bill utilizes time-tested antitrust remedies to provide private persons with a means to recover damages sustained through the embezzlement or theft of cargo in interstate or foreign commerce. This bill would authorize injunctive relief and civil actions to recover threefold actual damages plus costs to those persons who are the victims of this type of illegal activity. Additional authority would be granted to the Attorney General to bring civil suits based on injury to the business or property of the United States and to intervene in other actions brought pursuant to section 659, title 18, United States Code.

With regard to this provision of S. 16, Mr. Velde, speaking for the administration, said:

> S. 2426 [now section 103 of S. 16] would also provide civil relief, in this case to any person who has been injured in his business or property because of a violation of section 659 of Title 18 of the United States Code. That section basically proscribes the embezzlement, theft, concealment, or unlawful receipt or purchase of any money, goods, chattels or baggage which are moving as an interstate shipment of freight or express. The principal target of the section is cargo theft.
>
> The bill would permit any injured party to sue in the appropriate district court for treble damages. The purpose of the bill, clearly, is to help prevent cargo theft by reducing the profitability. Today, cargo thefts result in an added cost to consumers of approximately $1.5 billion annually. Here again, criminal penalties do not always affect the profit of these activities, and the aggrieved party is often no better off after a criminal conviction.
>
> The Department is in favor of enactment of S. 2426 [now section 103 of S. 16]. We believe that the availability of a civil remedy could have a dual effect. First, an injured party would be able to more than recoup his actual loss through a treble damage action. Second, the mere fact that such a civil action is possible could act as a strong deterrent against the fencing and purchase of the stolen property and thereby reduce the profitability of cargo theft, with the ultimate benefit being passed on to the American consumer.

Mr. President, I join with the Senator from Arkansas (Mr. McClellan) in urging my colleagues to vote favorably on the measure with the hope that it will soon ripen into a form that is signable into law by the President of the United States.

I reserve the remainder of my time.

Mr. COOPER. Mr. President, will the Senator yield for questions?

Mr. HRUSKA. I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I do not know of any opposition to the bill and I consider the explanations given by the Senator from Nebraska and the Senator from Arkansas very good, indeed.

Is it not correct that the acts defined in the bill are already crimes?

Mr. HRUSKA. They are, indeed, under the Organized Crime Control Act of 1970 and 18 U.S.C. 659.

Mr. COOPER. Is it correct that a change we made in the bill is to provide jurisdiction shall lie not only in the district where the act occurs, but also in any other district where the defendant might be found or where the property might be found?

Mr. HRUSKA. That is correct, in part. There is a provision for nationwide venue.

Mr. COOPER. Is it not correct that under law the victim can now bring an action for damages?

Mr. HRUSKA. Yes.

Mr. COOPER. What distinction does this bill provide? Does it provide for triple damages?

Mr. HRUSKA. There would be triple damages, plus cost and attorney's fees which is the equivalent remedy available under the law in antitrust cases.

Mr. COOPER. Among other provisions of the bill, is it correct to say that perhaps the most far reaching, and it could be the most effective, is that it would provide to the Attorney General the right to take action under subsection (e) on page 11, that is, to enable the Attorney General to go into the district courts and secure orders which are now appropriate in antitrust actions. Is that the basis for this section?

Mr. HRUSKA. Yes.

Mr. McCLELLAN. I think there is something else that should be observed here. It also enables the citizens to bring his action in Federal court, whereas heretofore he might have had to sue in the State court. This would enable the suit to be brought in Federal court, and it would carry with it all the superior resources of Federal process.

Mr. COOPER. I am not against the legislation. I think it has great merit. But is the purpose of subsection (e) to authorize the Attorney General to proceed against an individual or individuals who conducted unlawful activities? Will it be possible to secure orders to require the divestiture of property in connection with, for instance, unions, banks, hotels, or any other enterprise?

Mr. HRUSKA. It would indeed, have a wide scope.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. I yield 2 additional minutes.

Mr. COOPER. This is important because it is a remedy I did not know now existed. On page 11, line 14, subsection (e) it is stated:

> (e) The district courts of the United States shall have jurisdiction, without regard to the amount in controversy, to prevent and restrain violations of this section by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise: imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons.

Mr. HRUSKA. The thrust of that subsection would arm the Federal law enforcement authorities to prevent violations. It would be a very, very important part of making it less attractive to engage in this type of business.

Mr. COOPER. We know there are unlawful and criminal interests that have moved into banks and all kinds of businesses, with the attempt to take them over, and conduct them for unlawful purposes.

I assume there may be constitutional problems involved, such as taking property without due process. I assume the courts will take care of the constitutional provision.

Mr. McCLELLAN. All these procedures are already well established in the antitrust law. They have court approval on the issue of constitutionality.

Mr. COOPER. That is correct so far as antitrust law is concerned.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. I thank the Senator.

Mr. HRUSKA. Mr. President, I have no further requests for time. I am prepared to yield back the remainder of the time on this side if there is a similar thought on the other side.

Mr. McCLELLAN. Mr. President, if there are no further amendments, I ask that the committee amendment in the nature of a substitute be agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. McCLELLAN. I yield back my time.

Mr. HRUSKA. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

NARCOTIC ADDICT REHABILITATION AMENDMENTS OF 1971

The PRESIDING OFFICER. In accordance with the previous unanimous-consent order the Chair lays before the Senate H.R. 9323, which the clerk will state.

The bill was stated by title as follows:

A bill (H.R. 9323) to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, this bill, which is supported by the administration, was favorably acted upon by the Committee on the Judiciary on August 16, 1972.

The purpose of H.R. 9323 is to amend the Narcotic Addict Rehabilitation Act of 1966 to permit persons within its purview to be enrolled in methadone maintenance programs as an additional mode of available treatment.

The Narcotic Addict Rehabilitation Act of 1966 was designed to provide treatment for addicts accused or convicted of crimes. It also provided for voluntary treatment of other addicts. At the time of the passage of the 1966 act, there were no known means of treatment through maintenance, so the 1966 act only provided for programs designed to terminate addiction. Since then, however, methadone, maintenance has been established as a useful tool in the rehabilitation of heroin addicts.

This view is substantiated by Dr. Jerome Jaffe, Director of the Special Action Office for Drug Abuse Prevention, who stated that such treatment has been effective in the majority of cases, decreasing or eliminating the use of heroin, and enabling patients to cease criminal activities.

Further, the Food and Drug Administration estimates that approximately 50,000 patients are receiving such treatment now, and progress of these patients indicates that this approach is, indeed, an efficient form of treatment.

This bill would not eliminate any forms of treatment already available under the 1966 act, but would simply add methadone maintenance as another form of authorized treatment.

Surely there is no need to elaborate on the severity of the drug problem in our country or the hideous consequences of drug addiction. It is our duty to provide every possible means of dealing with this tragic problem. This additional method of treatment will, hopefully, be the tool that leads to the rehabilitation of many addicts and thereby reduce the crime and loss of life and health that results from drug addiction.

I urge the enactment of this measure.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

I rise to support the words of the Senator from Arkansas (Mr. McCLELLAN) in urging approval of H.R. 9323, a bill to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

Passage of this measure will mean that methadone maintenance programs can be used as an additional method of treatment for persons covered by the 1966 act by redefining the word "treatment" to include control of dependence as well as termination of dependence.

On June 24, 1971, I joined with other Senators in introducing an identical measure (S. 2140) in the Senate at the request of the President and the Department of Justice. This was done to further the President's June 17, 1971 message to Congress on drug abuse.

Mr. President, H.R. 9323 was drafted in recognition of the role of methadone in the treatment of narcotic addiction. Although they must still be regarded as interim steps requiring close supervision, methadone maintenance programs have indicated that they have a definite place in controlling the narcotic addict's craving for heroin. Addicts involved in such programs have in many instances been able to lead productive lives in their communities, rather than making it their sole purpose in life to secure illegal drugs to support their habits.

When the Narcotic Addict Rehabilitation Act was enacted in 1966 the utility of programs which control, rather than terminate, addiction was not contemplated. As a consequence the word "treatment" as it is used in the act does not include maintenance programs like those relying on methadone.

This bill would amend the definition of the word "treatment" in the Narcotic Addict Rehabilitation Act to include services which control as well as eliminate addiction to narcotics. This means that Federal courts would be able to use the authority of the act to place addicts into methadone maintenance programs in appropriate cases, something which they now cannot do. In the words of President Nixon:

> The evidence indicates that methadone is a useful tool in work of rehabilitating heroin addicts, and that tool ought to be available to those who must do this work.

It is my hope that the bill will receive approval and will also receive prompt processing in the other body of Congress.

I yield back the remainder of the time I requested, and at this time yield 5 minutes to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I thank the Senator for yielding to me. We are considering this bill with practically no Senators present, and the importance of it may pass us by, and it should not, because the bill has very serious and important implications for the carrying out by the Federal Government of its responsibilities under this act, which is being amended, and in the office regarding drug abuse which we established in the executive department, under Dr. Jaffe, the Special Action Office for Drug Abuse Prevention and for which we have already provided very large sums of money.

The importance of this measure is that it opens up and recognizes a basic fact. Because of the pressure of the addiction on narcotics addicts and the syndrome of crime which is necessary to maintain it, and that of organized crime, the beastial people who sell, push, and smuggle heroin and other addictive drugs into our country which destroy the lives of the addict and the lives of innocent people around them, the crime syndrome has made the tremendous incidence of crime a national crisis, and an especial crisis for great cities like my own city of New York.

The estimate in the committee report is that to maintain the habit, the criminal activity ranges from several hundred million dollars to several billion dollars a year. I think the latter figure—several billions—is more accurate.

We have in New York City the unhappy distinction of having about half the addicts in the United States, an estimated 250,000, and some estimates go as high as 325,000. The mere concept of maintaining this habit, which is estimated to probably cost $100 a day, just boggles the imagination. When one multiplies 250,000 addicts by $100 each day to maintain the habit, and multiplies that aggregate figure for every day of the year, he can see why I speak of billions of dollars in criminal activity.

The important aspect of this bill, the most creditable aspect of it—and I would like to commend the Senator from Nebraska (Mr. HRUSKA), who, as long ago as January 1971, introduced a bill—is based on the work of two brilliant doctors, to whom the country is so indebted, as the principal sponsors of this type of treatment. I refer to Dr. Marie Nyswander, and her husband, Dr. Vincent Dole. I came in contact with them when I was attorney general of New York, and I was at my wits' end to solve the problem. Marie Nyswander, then a young doctor and researcher at New York University, was the one light I saw. I embraced everything she stood for.

I worked with her as an attorney general in the Association of Attorneys General, and have ever since. This has been a very long period of time. It took very long for us to realize that, where we lack a cure, and where the drug-free therapeutic community was so expensive and it takes such a long period of time in treatment for the addict, the rate of recidivism is in excess of 50 percent; it is an unbelievable situation—methadone, which is itself addictive, and the committee states so frankly, is just the only way.

And yet, what is so shocking, and the point I would make here, is that methadone is the only thing until we discover something else. Methadone maintenance is an interim measure—clearly proven effective for certain addicts—and needed now while the search for antagonists and other effective long-term solutions goes on. Dr. Jaffe says he is pretty close to a solution on an antagonist, which will actually, when taken or ingested, repel the drug, so that you do not have to give the user an addictive drug. As of now, at least we know methadone maintenance offers one solution—not a cure-all for all addicts—but it is a proven treatment modality for certain heroin addicts in order to combat the scourge of heroin abuse which is a plague on our society.

Regrettably, a tremendous effort is being made in some quarters to discredit methadone.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JAVITS. I ask unanimous consent that I may proceed for 5 additional minutes.

Mr. HRUSKA. I yield the Senator another 5 minutes.

Mr. JAVITS. An effort is being made to discredit methadone by pointing out that it is subject to leakage, that some people die of overdoses of methadone, and that it is stolen and gotten out into illicit channels. But, Mr. President, that does not change the fact that it is helpful in most cases. You can steal or hijack anything, or abuse it, whether it is aspirin or some other kind of drug. That should not discredit methadone.

In addition, the effort is made by some to turn to heroin maintenance, which is really keeping the addict in a disabled condition where he cannot work or be a useful member of society, and only compounding the iniquity of the system for heroin production purposes. We would maintain sources which we condemn as illicit to maintain an illicit act. Mr. President, I reject that.

So, Mr. President, this is the only way. There are enormous waiting lists for treatment in methadone maintenance programs. I understand from Dr. Jaffe's office there is a waiting list of 17,000 to 19,000 in New York. That means $2 million in crime a day and that is just for those addicts on the waiting list for methadone maintenance treatment programs.

So I very strongly support this bill, and compliment the committee on the constructive and enlightened approach which has dictated the measure. I also hope the committee will consider it its moral duty to follow through on the question of administration and the question of appropriation, so that these waiting lists, where people want methadone maintenance and cannot get it, and therefore are put out on the streets—we subsidize them in crime by denying them the opportunity they are seeking—that we will adequately finance the methadone maintenance treatment, so that the waiting lists may be cleared up, and hopefully the overwhelming majority of the addicts, until we find a better way, may be put on that program of therapy.

Mr. President, I conclude as follows: Methadone is not the ultimate answer nor a cure-all for all addicts and I am all for seeking a better solution. But in the generality of cases and in the present state of our knowledge the methadone maintenance approach is apparently required. We cannot think only of the addict who has apparently already condemned himself to death and is like a wild animal let loose on society. It is society we are saving with methadone maintenance.

The Senator from Arkansas, when I was on the Judiciary Committee, was the only one who gave me a ray of hope. I could get nowhere with these bills until he incorporated, in a larger bill, what finally resulted as the Narcotic Addict Rehabilitation Act.

Many people, including many of my constituents, have an idea that if a Senator is conservative in his social, economic, or political views, it makes him blind to any problem marked "liberal." Here is an example of two Senators, both of whom pride themselves on what they consider sound conservatism, who are taking a most enlightened approach in a very important and very trying matter. Mr. President, I think that deserves to be emphasized. It is not unique at all; it happens all the time. But it is a striking example which should be called to the attention of the people in the country, who lump so much under the heading "liberal," as if labels were really all that important.

So I am glad that this is being done. The shoe certainly pinches us where I come from. I hope these two influential Senators will lend their aid to the concepts now about to be incorporated in the law.

Mr. McCLELLAN. Mr. President, I yield myself 1 minute.

I thank the distinguished Senator from New York for his compliment. I am grateful for it.

It is true that we sometimes misapply these labels, or we give them a construction—a harsh construction, in many instances—that possibly they do not deserve. Those who are called liberals, or term themselves liberals, or those who are called conservatives, or term themselves conservatives, are joining hands here really seeking legislation to bring about reform. They both subscribe to the same objective and seek to realize it by the same means.

Sometimes they have a different approach but, here we have all been able to agree.

Mr. JAVITS. I thank the Senator.

Mr. President, I believe the report of the committee is a very fine one, contains excellent information, and ought to go in the Record. I ask unanimous consent that the committee report be printed in the Record at this point.

There being no objection, the report (No. 92–1071) was ordered to be printed in the Record, as follows:

Amendments to the Narcotic Addict Rehabilitation Act

The Committee on the Judiciary, to which was referred the bill (H.R. 9323) to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes, having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE

The purpose of H.R. 9323 is to amend the Narcotic Addict Rehabilitation Act of 1966 to permit persons within its purview to be enrolled in methadone maintenance programs as an additional mode of available treatment. This would be accomplished by amending the definition of the word "treatment" in the Act to include the concept of control of dependence in addition to current provision for the elimination of dependence.

STATEMENT

H.R. 9323 is an administration-backed measure that would expand the treatment modalities under the Narcotic Addict Rehabilitation Act of 1966 to include methadone maintenance. An identical bill was introduced in the Senate (S. 2140, introduced by Senators Bayh, Griffin, and Hruska on June 24, 1971) and is currently pending in subcommittee.

When the Narcotic Addict Rehabilitation Act was enacted in 1966, the utility of programs which control, rather than terminate, addiction had not yet come to the fore.

The principal sponsors of methadone maintenance, Drs. Vincent P. Dole and Marie Nyswander, began their program of research in 1964, but as recently as 1967, the *Task Force Report on Narcotics and Drug Abuse* of the President's Commission on Law Enforcement and Administration of Justice indicated that ". . . The results of the methadone maintenance research are fragmentary. No final judgments about its suitability as treatment or as a public health approach are yet possible." See *Report* at p. 16, citing Dole & Nyswander, "A Medical Treatment for Diacetylmorphine (Heroin) Addiction," 193 J.A.M.A. 646 (1965); Dole, Nyswander, et al., "Methadone Maintenance, A Report of Two Years Experience," presented to the Committee on Problems of Drug Dependence, National Academy of Sciences, National Research Council, Feb. 11, 1966.

Subsequent events, however, have established that in appropriate cases methadone is a useful tool in the work of rehabilitating heroin addicts: See Executive Communications, *infra*. Accordingly, President Nixon's June 17, 1971, Message to the Congress on Drug Abuse called for the legislation which is the subject matter of this report.

Methadone is a synthetic opiate that is itself addicting. However, given in adequate doses it blocks the euphoric effects of heroin and does not itself produce euphoria, sedation, or distortion of behavior. Patients achieve functional normalcy and can be drawn out of the addict community to begin new social attitudes and relationships. In sum, the drug fosters the social rehabilitation of the addict. It does not directly meet the medical and psychological problems of heroin addiction, although it might indirectly work in these directions. It seems clear that programs of methadone maintenance can return tortured addicts to responsible roles in the community and help reduce the myriad problems associated with drug abuse.

By amending the definition of the word "treatment" in the Narcotic Addict Rehabilitation Act of 1966, H.R. 9323 would authorize Federal courts to place addicts into methadone maintenance programs in appropriate cases, something which they now cannot do. This would not eliminate the use of other forms of treatment which have elimination—as distinct from control—of addiction as their goal. Nor would it recognize methadone maintenance as more than an interim step in the solution of the far more complex problems which give rise to heroin addiction.

THE HEROIN PROBLEM

The heroin addict is not only a danger to himself but to society as a whole in two distinct ways.

1. In order to maintain his habit, the addict becomes involved in various nondrug offenses of the "fund-raising" variety, most commonly the theft of property. Estimates of the cost of their criminal activity range from several hundred million to several billion dollars per year.

2. Organized criminals, by providing the large amounts of cash and connections necessary for large, long-term heroin supplies, realize approximately $20 million in profits annually.

Numerous studies have corroborated these facts and established that the problems of heroin addiction and crime more generally are completely intertwined. See Hearings on Organized Crime and Illicit Traffic in Narcotics before the Permanent Subcommittee on Investigations of the Senate Committee on Government Operations, 88th Congress, 1st and 2d Sessions (1963 and 1964); Organized Crime and Illicit Traffic in Narcotics, report by Permanent Subcommittee on Investigations (89th Cong., 1st Sess., S. Rept. No. 72 (1965)); Report of the President's Commission on Law Enforcement and Administration of Justice (1967); Task Force Reports on Organized Crime and Narcotics (1967); and The World Heroin Problem, H. Rept. No. 92–298, 92d Cong., 1st Sess. (1971). Therefore, to approach one problem is to approach both. By ameliorating the disease of narcotic addiction, it can also be realistically anticipated that we will stem the growing tide of crime in the country.

CONCLUSION

The Committee is of the belief that H.R. 9323 is a positive measure in terms of providing an additional mode of treatment for heroin addicts and also in terms of its crime control feature. It supplements, rather than supplants, existing treatment procedures, providing yet another alternative to confinement. Accordingly, we recommend that the bill do pass.

EXECUTIVE COMMUNICATIONS

Attached hereto and made a part of this report are the following communications from the Department of Justice:

Office of the Attorney General,
Washington, D.C., June 21, 1971.

The Vice President,
U.S. Senate, Washington, D.C.

Dear Mr. Vice President: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Narcotic Addict Rehabilitation Act of 1966.

That Act was a reflection of the congressional policy that narcotic addicts should be afforded the opportunity to be rehabilitated and restored to health for the benefit of both the individuals and society. To achieve that goal, the Narcotic Addict Rehabilitation Act provides for treatment of addicts who are charged with Federal crimes, and for those who are not so charged upon petition by the addict or a relative.

This legislative proposal would amend the definition of the word "treatment" where it is used in the Act to provide for a more comprehensive effort toward solving the problem of drug addiction. This would be achieved by providing for treatment which controls, as well as that which terminates, addiction. Essentially, the use of methadone would be authorized.

Complete recovery of an addict is not always achieved by complete withdrawal from addictive drugs. The underlying cause of such dependence must be eliminated if one who has ceased to rely on drugs is to be able to retain his independence. When a patient is on a methadone maintenance program, his activities no longer must be centered on the attainment of illicit drugs to support his habit, rather he can channel his energies in a more constructive manner and lead a more normal life, while the basic reason for his drug needs are being explored.

We believe that this change in the Act will be of great assistance in our efforts in this important area of national concern.

The Office of Management and Budget has advised that enactment of this proposed legislation would be in accord with the Program of the President.

Sincerely,

John Mitchell,
Attorney General.

Office of the Deputy
Attorney General,
Washington, D.C., January 3, 1972.

Hon. John L. McClellan,
U.S. Senate.

Dear Senator McClellan: This is in response to your request for information on the value of a methadone maintenance program, and the extent to which this treatment modality would be employed by this Department upon the enactment of S. 2140.

In testimony before a congressional committee in November of this year, Dr. Jerome Jaffe, Director of the Special Action Office for Drug Abuse Prevention, stated:

"Methadone as a maintenance drug has been found to be effective in decreasing the use of heroin or eliminating it altogether in the majority of individuals under treatment. Moreover, significant numbers of patients are able to cease criminal activities and to assume socially acceptable behaviours which are of benefit to them as individuals as well as to their communities."[1]

Dr. Jaffe pointed out that the Food and Drug Administration estimates that up to 50,000 patients are in methadone maintenance programs across the country and data on their progress confirms the acceptability of this method of treatment, its efficacy in reducing illicit drug use and criminal activity, and its beneficial effects toward social and vocational adjustment.

The Council on Mental Health of the American Medical Association has determined that "[a]brupt, complete withdrawal . . . as routine 'treatment' is inhumane, unnecessary, and distinctly contraindicated, even if the patient is in jail."[2] Methadone, when administered in a closely supervised treatment program, permits gradual withdrawal and, for some, long-term maintenance on methadone is required to achieve successful rehabilitation.

The only treatment programs administered by this Department are conducted by the United States Bureau of Prisons. Our programs have emphasized an approach which attempts to alter behavior by dealing with its underlying causes within a therapeutic community. This is more feasible for use in a drug-free institutional setting than is the use of a symptom-oriented approach such as methadone maintenance.

However, in instances where inmates have failed to respond to the therapeutic program, and would be susceptible to the illicit drug traffic outside confinement, methadone maintenance might mean the difference in success or failure for releasee. In such situations as occur in our work release program and in community treatment centers, addicts who are unable to cope with their problems without drugs may be permitted to lead productive lives if maintained on methadone. Hopefully, such maintenance would be temporary, but the evidence is that, for some, lengthy or even permanent maintenance is needed.

While our use of methadone in a maintenance program would certainly be very limited, in those cases where its use is indicated, it would be extremely valuable.

Sincerely,

RICHARD C. KLEINDIENST,
Deputy Attorney General.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic and existing law in which no change is proposed is shown in roman):

TITLE 28—UNITED STATES CODE, JUDICIARY AND JUDICIAL PROCEDURE

Chapter 175. Civil Commitment and Rehabilitation of Narcotic Addicts

* * * * *

Sec. 2901. Definitions: As used in this chapter—

* * * * *

(d) "Treatment" includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by [correcting his antisocial tendencies and ending his dependence on addicting drugs] *eliminating his dependence on addicting drugs, or by controlling his dependence*, and his susceptibility to addition.

* * * * *

TITLE 18—UNITED STATES CODE, CRIMES AND CRIMINAL PROCEDURE

Chapter 314. Narcotic Addicts

* * * * *

Sec. 4251. Definitions
As used in this chapter—

* * * * *

(c) "Treatment" includes confinement and treatment in an institution and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training and other rehabilitative services designed to protect the public and benefit the addict by [correcting his antisocial tendencies and ending his dependence on addicting drugs] *eliminating his dependence on addicting drugs, or by controlling his dependence*, and his susceptibility to addiction.

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TITLE 42.—THE PUBLIC HEALTH AND WELFARE

Chapter 42. Narcotic Addict Rehabilitation

SUBCHAPTER II.—CIVIL COMMITMENT OF PERSONS NOT CHARGED WITH ANY CRIMINAL OFFENSE*

Sec. 3411. Definitions

* * * * *

(b) "Treatment" includes confinement and treatment in a hospital of the Service and under supervised aftercare in the community and includes, but is not limited to, medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict by [correcting his antisocial tendencies and ending his dependence on addicting drugs] *eliminating his dependence on addicting drugs or by controlling his dependence*, and his susceptibility to addiction.

* * * * *

Mr. JAVITS. Mr. President, I have asked my office for late information, and they have just produced it. I cannot say it is final, or the latest, but it is from the Governor of the State of New York, and it confirms Dr. Jaffe's estimate I previously mentioned and it shows that 16,500 are still on the active waiting list for methadone maintenance in New York; and Dr. Jaffe's office estimates that 28,000 represents the waiting list throughout the United States, so serious is the problem. I ask unanimous consent that this letter from the Governor of New York dated May 9, 1972, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, May 9, 1972.

Hon. JACOB K. JAVITS,
Senate Office Building
Washington, D.C.

DEAR JACK: Thank you for your recent letter concerning possible federal funds for the expansion of methadone maintenance treatment programs.

As you may be aware, over the last few months the New York State Narcotic Addiction Control Commission has been discussing with Dr. Jaffe various means of expediting the flow of federal money into New York State for the expansion of drug abuse programs. Dr. Jaffe's office should have recently received a comprehensive proposal which includes our most recent and accurate information regarding waiting lists for methadone programs. In addition, Dr. Jaffe is meeting this week with Howard A. Jones, Chairman of the NACC, to discuss drug abuse problems and programs in New York State.

Presently, approximately 18,500 addicts in New York State are receiving methadone maintenance therapy. Over 16,000 of these are enrolled in programs which are either directly operated by the state or function under contract with the state. We estimate that there are another 16,500 addicts who are waiting to enter a methadone program. Because of our dire financial condition, it was not possible to include funds in the 1972–73 budget to provide the expansion necessary to absorb the additional addicts.

Shortly after the state's methadone maintenance program was originated a computerized central waiting list was established at Rockefeller University. Because of rapid expansion of the program, however, the number of people on the waiting list has increased correspondingly, beyond the present computer capacity. The present waiting list estimate of 16,500, therefore, is not absolutely precise, although we have attempted to eliminate duplicate counting. We are now in the process of establishing an expanded computerized central waiting list which will offer a combined applicant-patient registry base of up to 100,000. This system should be operational within a few months and will provide the precise figures which we are seeking. In the meantime, I trust that Dr. Jaffe will find the available information sufficiently reliable.

I am aware of your continued support and cooperation in our shared objective of obtaining expanded federal support for drug programs in New York State. Your efforts are integrally related to our eventual success and are much appreciated.

Sincerely,

NELSON.

Mr. McCLELLAN. Mr. President, I know of no other requests for time or any amendment to be offered. Therefore, I yield back the remainder of my time.

Mr. HRUSKA. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed for third reading, and the bill to be read a third time.

The bill (H.R. 9323) was read the third time.

AIRCRAFT PIRACY AMENDMENTS OF 1972

The PRESIDING OFFICER (Mr. STAFFORD). In accordance with the order previously entered, the Chair lays before the Senate S. 2567, which the clerk will state.

The assistant legislative clerk read as follows:

A bill (S. 2567) to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes.

The PRESIDING OFFICER. On this bill, there is a time limitation of 1 hour for debate, to be equally divided. Who yields time?

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[1] Testimony of Dr. Jerome H. Jaffe before the Subcommittee on Public Health and Environment, House Committee on Interstate and Foreign Commerce, November 8, 1971.

[2] "Narcotics and Medical Practice," Journal of the American Medical Association, Oct. 25, 1971, vol. 218, p. 4.

*Section 301, Public Law 89–793.

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

This bill was introduced on September 23, 1971, by Senator HRUSKA for himself and Senator PEARSON. It was reported out by the Committee on the Judiciary on August 16, 1972.

Mr. President, undoubtedly each of us has searched for solutions to the frustrating problems of air hijackings and threats concerning the safety of aircraft.

Solutions are not easy to find because these acts involve the lives of many innocent people. The danger to passengers and airline personnel is obvious in the case of hijacking. There is, moreover, no such thing as an "idle threat" because any threat results in fear and apprehension as well as a great loss of time and labor.

Generally, these amendments would tighten present law by: First, establishing specific offenses for threats concerning the safety of aircraft; second, curing certain problems of process for civil penalties under the Federal Aviation Act; and third, clearly classify proscribed acts as felonies or misdemeanors.

Mr. President, hijackings and ominous threats continue. If solutions were easily found we would have stopped these offenses long ago. Meanwhile, we must make every effort to discourage further activity of this sort.

This bill, in my judgment, will have some important impact in that direction. Therefore, I urge its enactment.

Mr. HRUSKA. I yield myself 5 minutes.

Mr. President, I shall make a brief statement explaining and supporting this bill insofar as this Senator is concerned, and then I shall refer to a letter addressed by the chairman of the Committee on Commerce to Senator McCLELLAN, under date of August 18, in which a request is made for a reference of this bill to the Committee on Commerce for its brief consideration under circumstances which I shall outline.

Mr. President, most of the crimes that are committed in this country today have been with us since ancient times: robbery, burglary, rape, murder, assault, arson, forgery, to cite the most obvious examples. A few are new and are the product of the technology that characterizes our age. Of these none is more obvious, none is more fearsome, and none is more difficult to control than aircraft piracy. Almost weekly we read in the press of new attempts to hijack airplanes for monetary, political or publicity reasons. The stories are spectacular, enthralling and often tragic. With hundreds of lives at stake in addition to millions of dollars of complex equipment, the authorities unfortunately are often impotent in their powers to deal with this type of modern criminal.

In recognition of the problem, which is international in scope, 77 countries recently agreed to the text of the Hague Convention for the Suppression of Unlawful Seizure of Aircraft. As my colleagues recall, on September 8, 1971, the Senate unanimously agreed to ratify the convention. This convention will be a useful measure to fill certain gaps in the existing body of international law relative to hijacking. Legislation is now before the Commerce Committee of the Senate which will implement this convention.

S. 2567 is an attempt to enact legislation which will permit law enforcement personnel to combat this problem in the United States. Its ultimate goal is to make domestic air transportation safer. No one can object to that.

To accomplish this task the bill is designed to alleviate the very serious substantive and procedural problems often experienced by Federal agencies in trying to prosecute crimes committed aboard aircraft. The committee report on this bill indicates that the existing framework of statutes covering aircraft hijacking, destruction, and related offenses have proved inadequate in several respects to deal with certain fact situations that occur. Certain activity which should be proscribed is not treated under current law. Irrational penalty sanctions stand in the way of effective enforcement. Procedural restraints at least cause inconvenience and unnecessary expenditures by the Government, and can operate to preclude the imposition of warranted civil penalties.

The bill would make illegal threats to hijack or destroy aircraft. Presently, the conveying of false information in order to do a prohibited act is proscribed, but a threat to do the same act is not. The bill would also provide felony penalties for carrying concealed or dangerous weapons aboard aircraft in situations where the offender is acting willfully and without regard for or with reckless disregard for the safety of human life. The present statute provides only for a misdemeanor in all circumstances where weapons are brought on aircraft. This weapons provision would also be extended to foreign aircraft, thereby enabling Federal prosecutions of those who carry concealed or dangerous weapons aboard aircraft within the United States which are operated by foreign air carriers.

I hope S. 2567, as amended, will be approved in the near future.

Mr. President, referring to the letter from Senator MAGNUSON, chairman of the Committee on Commerce, to the Senator from Arkansas (Mr. McCLELLAN), under date of August 18, the letter was referred to me by the Senator from Arkansas inasmuch as this Senator, together with the Senator from Kansas, (Mr. PEARSON), introduced the measure. It is a request that this bill be referred to the Committee on Commerce because they are currently—hopefully, this week—engaging in executive sessions to process the bill they are considering on this same subject. Another bill, S. 2280, dealing with aircraft hijacking, is the work product of the Senator from Nevada (Mr. CANNON) and Senator MAGNUSON.

This Senator has no objection to extending to the Committee on Commerce and to its chairman the courtesy of referring this bill to them, so that they may consider it for the purpose of suggesting such amendments they might want to suggest or such revision of the bill which could be offered by way of a substitute.

Therefore, so far as this Senator is concerned, the request by Senator MAGNUSON certainly is agreeable. But I would like to have some indication from the Senator from Arkansas as to a time limit or any arrangements for time that he may have in mind in this connection, inasmuch as he is the chairman of the subcommittee reporting the pending measure.

Mr. McCLELLAN. Mr. President, I have no objection to the bill being referred to the Committee on Commerce. In fact, I am one of the Senators who believe that the integrity of committee jurisdiction should be respected, observed and preserved in this body.

There is an element in this measure that deals with interstate commerce, and that committee does have jurisdiction over that aspect of the bill. For that reason, since the chairman of the Committee on Commerce has requested that the bill be referred for his committee's consideration, I have no objection.

But I would suggest a limitation of time, for two reasons. The first is the importance of this matter. I think we should have legislation to deal with this problem as expeditiously as practical. For that reason, I would hope that the bill might be returned to this body by the Committee on Commerce at an early date.

Also, if the bill is to be enacted in this session, if the House to have an opportunity to act on it, it is important that the Senate act and get the measure over there for its consideration as promptly as we can.

For those reasons, Mr. President, I suggest that, as of now, the bill be referred to that committee for, say, 10 to 14 days, to give that committee an opportunity to process it and return it. Senator MAGNUSON, the chairman oi the committee is not present today, and I am not trying to take advantage. I make this request with the further comment that, upon his return, if he concludes that the time is not adequate, I would not oppose a request by him for additional time.

I know that the purpose of this is to try to move the proposed legislation so that it can be enacted in this session of Congress. I do that because of the importance I attach to it.

Mr. HRUSKA. Is that in the form of a motion or a suggestion?

Mr. McCLELLAN. I understood that the Senator was going to make a motion. I just make this as a suggestion, as part of his motion. I hope he will include that suggestion in his motion, unless there is objection from some other Senator.

Mr. HRUSKA. Mr. President, I ask unanimous consent that the letter from the chairman of the Committee on Commerce to the chairman of the Subcommittee on Criminal Laws and Procedures be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C., August 18, 1972.
Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Criminal Laws and Procedures, Senate Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR JOHN: I have just spoken with Senator Robert Byrd regarding S. 2567, and explained to him that I was unaware of the unanimous consent agreement which you asked for scheduling Senate action on this bill September 5. Had I known of your Committee's report, I would have spoken to you earlier.

As you know, this bill provides numerous amendments to the Federal Aviation Act dealing with crimes against air transportation. For that reason, my Committee has an interest and concern in the matter. Presently we are working toward adopting certain amendments dealing with air piracy similar to those in your bill. Our amendments will be considered in executive session by the Commerce Committee hopefully the week of September 5.

Because of the nature of the amendments Senator Cannon and I are considering, they will have to be coordinated with the amendments contained in S. 2567. Therefore, I asked Senator Byrd today to postpone Senate consideration of this bill until you and I have had a chance to discuss this personally. I wish I could have contacted you on the phone but understand that you are out of town. It would be my hope that since this bill, S. 2567 amends the Federal Aviation Act of 1958 that the Commerce Committee might obtain jurisdiction to consider it for at least several weeks.

As you know, S. 2280, another bill dealing with the aircraft hijacking situation is on The Senate Calendar. Senator Cannon and I have not yet called it up because of our intention to seek to add to it Committee amendments which will deal with the hijacking problem in a more comprehensive way.

Therefore it seems wise and prudent that before finalizing such amendments the Committee consider S. 2567 in this regard in order to insure that the Committee amendments and S. 2567 are compatible.

I hope I will have an opportunity to discuss this with you personally on September 5 and I will send a copy of this letter to Senator Byrd so that he will be more fully aware of the situation.

Warmer regards.

Sincerely yours,
WARREN G. MAGNUSON,
Chairman.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield 3 minutes to the Senator from Kentucky.

Mr. COOPER. Mr. President, I do not oppose the motion that is to be made by the Senator from Nebraska.

I want to raise a question; but before doing so, I want to pay my tribute to the Senator from Nebraska (Mr. HRUSKA), the Senator from Arkansas (Mr. MCCLELLAN), and the Judiciary Committee for the bills they have developed and brought before the Senate. Those measures are far-reaching. I have not had the opportunity to study them extensively, but I feel that they offer a hope for the better prosecution of crime.

S. 2567 is a bill designed to find better means of preventing hijacking and of prosecuting those who engage in this cruel and heartless crime, a crime without regard for human life. But we cannot make something a crime except within the Constitution. We cannot write language which flies in the face of the Constitution.

I invite attention to two sections of the bill which disturb me from this viewpoint. One section is on page 2, line 14, section 36, "Imparting or Conveying Threats," and the second section is on page 5, line 8, which contains practically the same language.

It is a definition of crime, not a provision for a civil penalty. It provides:

> Whoever imparts or conveys or causes to be imparted or conveyed any threat to do an act which would be a felony—

It provides that a person who threatens, who says, "I will commit this act" which if committed would constitute a felony, that the statement, in itself, shall be a felony and should be subject to a fine of not more than $5,000 or imprisonment for not more than 5 years, or both.

We have had this issue up a number of times in similar bills that came before the Senate. I know that I have raised this question on former bills, usually without success; but whether we like it or not, the first amendment to the Constitution provides great freedom of speech to an individual. An individual may say, "I will overthrow the Government." I do not like it, and I do not like the individual who says that. There are some people today who are saying just that. But we cannot convict them under the law unless it can be shown that there were some acts committed which would give reason to believe that they would move to overthrow the Government.

As we all know from our law experience one can attempt to commit a crime which does not succeed, but certain actions directed toward the execution of the crime may give authority to designate it a crime punishable by law. In nearly every case, there must be the intent to commit a crime. It is determined by the facts which can be developed as to what the defendant not only said, and what he says may be part of it, and what he did, and what actions he took to carry into execution the threat or the statement that he made. Of course there is case after case which holds that without such intent being proved, there is no crime. The committee itself recognizes that situation.

I have quickly read the report, where it refers to the case of Watts, beginning on page 4, the paragraph reading "This statutory scheme is deficient in two respects," and then through page 5 where it discusses the problem of the inability to cause a threat to be made a crime. It relies on a statute which was interpreted by the Supreme Court in the case of *Watts* v. *United States,* 394 U.S. 705 (1966).

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOPER. Mr. President, will the Senator yield me 1 minute more?

Mr. HRUSKA. I yield 3 additional minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, here the question was where a person was convicted for threatening to kill the President. It was a threat to kill the President. He was convicted and the sentence was upheld in the circuit court of appeals. Upon certiorari to the Supreme Court, the Court reversed the decision on the grounds I have described, that one cannot amend the first amendment to the effect that language alone can become a crime. I want to raise this question because I think it is a serious defect.

Mr. JAVITS. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. JAVITS. I wanted to make this point, that this will go to another committee which gives a chance for another look. I would commend to the manager of the bill and the ranking minority member the question of the appropriateness of the formula. The formula is different for a criminal punishment than for a civil punishment. I agree, it is a basic constitutional question which the Senator from Kentucky (Mr. COOPER) has brought up. It is most admirable that he raises it.

I should like to point out, however, that in the statement on page 4 of the report where we speak of the criminal penalty and responsible persons who convey false information under circumstances in which it was entirely possible that the threat could have been carried out, I respectfully submit to the members of the committee that this is better language, better language for defining the purpose of the act than an apparent determination to carry the threat into execution.

It seems to me from the point of view of proof, we are better off if we require proof of circumstances, that a person was entirely capable of carrying out the threat he was making, whereas an apparent determination is a strictly cerebral proposition. I personally, as a matter of legislative draftsmanship, like the language in the report better than the language in the statute.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield 3 additional minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 additional minutes.

Mr. JAVITS. Then, when we move over to page 2, I would like again to point out the difference between—and this is a civil penalty—the statute would read that whoever imparts or conveys or causes to be imparted or conveyed any false information, knowing the information be false, I think is a better statement than the statement which is in the report, which says:

> Because of the inappropriateness of criminal action . . . against reputable and otherwise responsible persons who convey false information in ill-advised attempts at humor, the committee recommends a civil penalty for such situations.

It seems to me that there, in a civil penalty, if we require willfulness, we at least compel the jury to consider the circumstances under which it was made, and whether the person making it, even if it was a hoax, was serious about the hoax.

For example, I have had complaints about someone boarding a plane who made the flip remark to the stewardess who had asked him, "What have you got in that violin case?" "Oh, a machinegun." Promptly he was collared by a Federal agent and the U.S. attorney felt that perhaps under the law he was guilty.

So that I think with a chance to look at this legal language again, I thoroughly agree with the committee on the need to deal with these matters, but we can deal with them and deal with them effectively with full regard for constitutional rights and civil liberties.

So I simply commend these ideas to the committee.

Mr. HRUSKA. The colloquy furnished by the distinguished Senator from Kentucky (Mr. COOPER) and the remarks of the distinguished Senator from New York are helpful. They are appreciated. We are, in the field of the first amendment, always required to take into consideration the primacy of the Constitution when we attempt to enact statutes which touch its perimeters. But we might recall that even those rights under the first amendment are not absolute and unlimited. They are subject to some limitation. Mr. Justice Holmes remarked that a man was not entitled under the first amendment to cry "Fire" in a crowded theater. The same rule applies in this context.

The suggestion made by the Senator from New York is a very good one. However, the language, "apparent determination to carry the threat into execution," seems to me would be a sufficient lead to bring into the picture in ascertaining the determination of the defendant all the surrounding facts and the real intent of the man who utters it. On page 5 of the report, for example, there is a reference to the idea where one only conveys knowingly information to hijack or to bomb an aircraft in pursuance of a distorted notion of humor. That is one situation. The difference obviously lies in the intent of the actual threat which for a long time has been the basis for departure in terms of sanctions.

May I make this suggestion, inasmuch as there will be a motion to refer this bill to the Commerce Committee pursuant to the request of the chairman of that committee, that this colloquy will serve as a basis for considering a change in the language along the lines the Senator from New York suggests and also along the lines the Senator from Kentucky suggests.

Mr. JAVITS. I thank the Senator very much.

Mr. HRUSKA. Mr. President, may I ask the Senator from Arkansas (Mr. McCLELLAN) if he has any further comment?

Mr. McCLELLAN. Mr. President, I have no further statement except to agree with the statement just made by the Senator from Nebraska that the Commerce Committee should have an opportunity to consider these suggestions. They are suggestions well worthy of consideration.

We are in a sensitive area of constitutional rights and, therefore, the greatest of care should be exercised in the enactment of this proposed statute. Although I note that I find the present language adequate. But I see no reason why the Commerce Committee cannot take note of this colloquy and the suggestions made and give them proper consideration. After the bill is reported back to the floor for further consideration by the Senate, consideration can then be given to amendments.

I would hope that we might be able to let the bill be referred to the Commerce Committee with instructions to return it at an early date. I would suggest that 10 to 14 days from now would be appropriate.

The PRESIDING OFFICER. Who yields time?

Mr. TUNNEY. Mr. President, the need for Federal legislation to insure the safety of international and domestic air transportation has become ever more apparent and increasingly more urgent in recent years. The aviation industry is annually entrusted with millions of lives and billions of dollars of cargo. The growth of the industry has been accompanied by a corresponding increase in criminal activity directed against its operations. Congress has responded to these problems as they have arisen. Enactment of S. 2567—the Air Piracy Amendments of 1972—as reported to the Senate by the Committee on the Judiciary would cure some of the deficiencies inherent in the present treatment of air piracy and related offenses. These amendments are directed toward the inadequacies of existing Federal law concerning the prescription of conduct which falls short of actual air piracy but which involve various degrees of substantial risks to human life and the threat of significant monetary damage.

S. 2567 deals with several insufficiencies that have come to light with recent enforcement attempts under these provisions. Under present law anyone who states that an aircraft will be hijacked or destroyed knowing that information to be false may be punished under Federal law, while one who conveys the same information and instead of knowing the information to be false fully intends to carry out the threatened offense may not be prosecuted under Federal law until such time as his conduct is elevated to the status of an attempt to commit the offense. Such a distinction is not only illogical, but creates obvious prosecutorial difficulties. The amendments proposed in S. 2567 would make threats to commit aircraft piracy or destruction or any of several related offenses punishable by a fine of not more than $5,000 and/or imprisonment for not more than 5 years.

While present law authorizes the use of civil remedies against those who provide false information as to the destruction of an aircraft or aircraft facilities, it permits only criminal prosecution against those who give false information concerning acts of piracy and related crimes. S. 2567 creates a civil penalty similar to that available in destruction cases in such instances:

> [B]ecause of the inappropriateness of criminal action against reputable and otherwise responsible persons who convey false information in ill-advised attempts to humor.

The bill would make two changes in current law with respect to boarding an aircraft while armed with a concealed deadly or dangerous weapon. First, it makes the provision applicable to foreign as well as domestic air carriers, thereby recognizing the responsibility of the United States to contribute to the safety of international air travel. Second, it increases the maximum penalty for the offense from a fine of not more than $1,000 and/or imprisonment for not more than 1 year to a fine of not more than $5,000 and/or imprisonment for not more than 5 years. As the report of the Judiciary Committee noted:

> The misdemeanor penalty (currently in effect) has been adequate in cases of persons who carry weapons such as unloaded pistols or knives aboard aircraft, but do so without any intent to use those weapons while on board. On the other hand, that penalty has not been adequate in cases where the nature of the weapon involved and/or surrounding circumstances indicate a very real danger that the weapon is intended for immediate use or that human life is imperiled.

The amendment would preserve the substance of an exception granted "law enforcement officers of any municipal or State government, or the Federal Government, who are authorized or required to carry arms, or persons as may be so authorized under regulations issued by the Secretary of Transportation, while acting within their official capacities."

The threat of air piracy and related offenses create too great a public peril to escape congressional prohibition. I therefore support S. 2567 and urge its passage.

Mr. HRUSKA. Mr. President, unless there is a further request for time, I ask unanimous consent that the bill (S. 2567) be referred to the Committee on Commerce with the understanding that it will be reported back to the Senate and placed on the calendar not later than September 19, 1972.

This request is based upon the information received by me a few minutes ago that such a request is agreeable with the chairman of the Commerce Committee.

Mr. McCLELLAN. Mr. President, what was the request?

Mr. HRUSKA. The request was that the bill be reported back to the Senate and placed on the calendar.

Mr. McCLELLAN. Would that be with instructions that the committee consider the bill and place it on the calendar or with a request? I think it should be with instructions.

Mr. HRUSKA. Mr. President, I amend my unanimous-consent request in that manner.

The PRESIDING OFFICER. The unanimous-consent request is accordingly modified.

Is there objection to the unanimous-consent request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

COUNTERFEITING AND FORGERY

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement previously entered into, the Chair lays before the Senate Calendar No. 1023 (H.R. 9222), on which there is one-half hour for debate. The clerk will report the bill by title.

The legislative clerk read as follows:

Calendar No. 1023 (H.R. 9222) to correct deficiencies in the law relating to the crimes of counterfeiting and forgery.

The Senate proceeded to the consideration of the bill which had been reported from the Committee on the Judiciary with amendments on page 1, line 9, after the word "a", strike out "money order issued by or under the" and insert "blank money order or a money order issued by or under the"; on page 3, line 5, after the word "or", strike out "retains" and insert "possesses"; in line 25, after the word "machine", strike out "or any postal money order form"; and, on page 4, line 3, after the word "on", strike out "such" and insert "postal".

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, this bill was favorably reported out of the Committee on the Judiciary on August 16, 1972. The bill passed the House on September 20, 1971, having been introduced at the request of the Postal Service to correct certain deficiencies in existing law.

Mr. President, the Postal Inspection Service today faces serious problems in attempting to block traffic by professional criminals in blank money orders stolen in post office burglaries. After being stolen, these money orders are forged and passed throughout the United States. Since the amount of a money order is imprinted by a machine, such machines have also become the target of thieves. The incidents of these thefts have increased as criminal elements have devised new ways in which to subvert security precautions. In fiscal 1970, the potential value of stolen money orders was nearly $8 million. Existing security features prevented this amount of loss from becoming a reality, but clearly the problem is still significant, and we must take these measures to further strengthen the law.

Mr. President, current law, section 500 of title 18, United States Code, does not proscribe illicit trafficking in blank postal money orders. In addition, the present statute does not cover the theft of the processing machines which are used to validate postal money orders.

This bill, as amended, will cure these two basic ills and will recodify existing provisions, improving the language of the provisions.

The bill will also add a "possession" clause to the existing law, enabling direct prosecution for this activity. Now, without such a provision, prosecutors must use other theft statutes and face the problem of establishing the value of the money orders. Further, under current law, theft of a validating machine is only a misdemeanor, because of the low monetary value of the machine.

H.R. 9222 will strengthen the law, so that prosecution in these cases is greatly facilitated. It will also reach the "fences," making dealings in this contraband much riskier, thereby reducing the appeal of this type of criminal activity.

Mr. President, I urge the immediate enactment of this legislation.

Mr. HRUSKA. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, H.R. 9222 is designed to correct certain deficiencies in presently existing law as it relates to the crimes of counterfeiting and forgery of postal money orders. This is basically a technical bill aimed at perfecting 18 United States Code 500. I urge that it be approved.

Under existing statute, Federal authorities are hampered in their efforts to successfully prosecute money order thieves and passers. During fiscal 1971, more than 1,750 thefts at postal facilities took place resulting in the loss of $1,349,000 in cash and stamps and the disappearance of almost 50,000 blank postal money orders. Since each money order may be valid up to a maximum sum of $100, these orders represent a potential sum of nearly $5 million, although other factors insure that criminals cannot hope to reach this amount. Nonetheless, a very significant law enforcement problem remains as a result of these thefts.

Presently, section 500 does not cover illicit trafficking in blank money orders nor does it include the processing machines used to validate the orders. H.R. 9222 will correct these two existing problems as well as making other technical changes in the present law. All of these new additions to the statute will have the effect of making prosecutions by Federal authorities for crimes involving postal money orders both more certain and more feasible with the result that crimes of this type will decline in attractiveness and, hopefully, frequency.

I hope, Mr. President, that the Senate will approve this bill, thus moving it one step closer to enactment.

Mr. President, I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I know of no further amendments or requests for time.

Mr. President, I ask unanimous consent that the committee amendments be agreed to, and that the bill, as amended, be considered as original test for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I know of no other requests for time for any other amendment to be offered. Therefore, I yield back the remainder of any time remaining on this side.

Mr. HRUSKA. I yield back any time remaining to this side.

The PRESIDING OFFICER. All time is yielded back.

The question is on the engrossment of the committee amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9222) was read the third time.

PUBLIC SAFETY OFFICERS' BENEFITS ACT OF 1972

The PRESIDING OFFICER. In accordance with the unanimous-consent order previously entered into the Senate will now proceed to vote on S. 2087. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Mr. President, under the order, as I recall it, 15 minutes will be utilized in calling the roll on this bill, but following this bill, the time on each subsequent bill for rollcalls will be limited to 10 minutes. Am I correct?

The PRESIDING OFFICER. The Chair is advised that the Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New Hampshire (Mr. COTTON) is detained on official business.

If present and voting, the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 80, nays 0, as follows:

[No. 388 Leg.]

YEAS—80

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cooper
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Fannin
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hart
Hartke
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—20

Anderson
Buckley
Chiles
Cook
Cotton
Ervin
Fong
Goldwater
Hansen
Harris
Hatfield
Hollings
Hughes
McGee
McGovern
Metcalf
Mundt
Muskie
Pell
Sparkman

So the bill (S. 2087) was passed.

The title was amended, so as to read: "A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents."

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. McCLELLAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CIVIL REMEDIES FOR VICTIMS OF RACKETEERING ACTIVITY AND THEFT ACT OF 1972

The PRESIDING OFFICER. In accordance with the unanimous-consent order previously entered into, the Senate will proceed to the question of passage of S. 16. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES), is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 389 Leg.]

YEAS—81

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Fannin
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hart
Hartke
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—19

Anderson
Buckley
Chiles
Cook
Ervin
Fong
Goldwater
Hansen
Harris
Hatfield
Hollings
Hughes
McGee
McGovern
Metcalf
Mundt
Muskie
Pell
Sparkman

So the bill (S. 16) was passed.

The title was amended, so as to read: "A bill to amend title 18 of the United States Code to provide civil remedies to victims of racketeering activity and theft, and for other purposes."

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NARCOTIC ADDICT REHABILITATION AMENDMENTS OF 1971

The PRESIDING OFFICER (Mr. STAFFORD). In accordance with the unanimous-consent order previously entered, the Senate will now proceed to vote upon the passage of H.R. 9323. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES), is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGEE), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from New York (Mr. BUCKLEY), the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD), would each vote "yea."

The result was announced—yeas 81, nays 0, as follows:

[No. 390 Leg.]

YEAS—81

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Fannin
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hart
Hartke
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—19

Anderson
Buckley
Chiles
Cook
Ervin
Fong
Goldwater
Hansen
Harris
Hatfield
Hollings
Hughes
McGee
McGovern
Metcalf
Mundt
Muskie
Pell
Sparkman

So the bill (H.R. 9323) was passed.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the bill was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COUNTERFEITING AND FORGERY

The PRESIDING OFFICER. In accordance with the unanimous-consent order previously entered into, the Senate will now proceed to vote on the question of the passage of H.R. 9222. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES), is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 391 Leg.]

YEAS—82

Aiken
Allen
Allott
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Fannin
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hart
Hartke
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McIntyre
Miller
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—18

Anderson
Chiles
Cook
Ervin
Fong
Goldwater
Hansen
Harris
Hatfield
Hollings
Hughes
McGee
McGovern
Metcalf
Mundt
Muskie
Pell
Sparkman

So the bill (H.R. 9222) was passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. HRUSKA. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ACT OF BARBARISM BY ARAB TERRORISTS IN MUNICH

Mr. ROBERT C. BYRD. Mr. President, the senseless act of barbarism in which Arab terrorists have seized innocent participants in the Olympic games as hostages, and slain others, will outrage decent peoples and governments throughout the world.

Do these terribly misguided bandits—these so-called, self-styled patriots—really think that their foul deed will do anything but besmirch the Palestinian cause? No one can possibly have sympathy for attacks such as this. Like the massacre at the Tel Aviv airport, it places its perpetrators beyond the bounds of civilized action.

Mere words cannot express the contempt I feel—a contempt which I am sure that millions upon millions of the world's citizens share—for men who would commit atrocities of this nature.

It is only right and proper that other nations and other governments should join the Israelis in seeking to put a halt to the terrorists' unjustifiable tactics. No citizens of any country anywhere are safe when fanatical madmen can with impunity stage international kidnapings.

To protect their own legitimate interests, it behooves the governments of all the Arab States to use every means within their power to stamp out these guerrilla methods. The world will not long sympathize even with the just aspirations of governments or states which continue to countenance underground warfare of this kind.

The terrorists have alerted the world—not to the rightness of any cause they may otherwise espouse or the justness of any grievances they may otherwise bear, but to the totally unacceptable nature of their conduct to civilized people everywhere. The outlaws who have seized and slain the Israeli Olympic athletes must be apprehended and made to pay the full penalty for their unspeakable crime.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes.

REVENUE SHARING ACT OF 1972

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to the consideration of H.R. 14370, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 1015 (H.R. 14370), a bill to provide payments to localities for high priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. LONG. Mr. President, I believe that those of us who undertook to make the case for the pending business have explained our position in favor of the pending measure in such language as we believe is appropriate for the time being.

I would imagine, however, that some Senators might wish to discuss their views or might wish to engage in some colloquy about the matter. Until some question is raised, however, for the time being, I think those of us who favor the measure have pretty well made our case.

I therefore yield the floor.

AMENDMENT NO. 1468

Mr. RIBICOFF. Mr. President, I support the basic concept of revenue sharing. Many of our State and local governments are faced with a growing fiscal crisis as the demand for governmental services outpaces their ability to raise revenues.

Between the fiscal years 1955 and 1970 State and local general expenditures rose almost three times in current dollar terms—from $33.7 billion to $131.3 billion. During the same period State and local revenues rose from $31.1 billion to $130.8 billion. In order for these State and local governments to keep pace with costs, they have been forced to raise their taxes dramatically. Many of them, however, have reached the saturation point and can no longer maintain their effort.

Regrettably the Federal categorical grant programs designed to aid State and local governments have failed to alleviate their problems and in some instances have even aggravated them. The proliferation of these programs, each with their own regulations and narrow purpose, is confusing beyond belief. Catalogs now have to be published to guide State and local officials through the bewildering inventory of rules and requirements.

Even the process of applying for a grant may represent a distortion of local priorities. In winning Federal funds, State and local authorities effectively tie their own hands because of the matching funds principle behind most grant-in-aid programs. A State or locality which is successful at obtaining Federal grants soon finds that dollars from Washington can limit the scope and number of projects they would like to initiate on their own.

It is time to return some of the money this Nation's citizens send each year to Washington back to their own State and local governments without the usual restrictive conditions attached. It is time to let the people themselves determine how their hard-earned tax dollars should be put to work at the State and local level.

How this new money will be distributed to the States and localities is the critical element in the consideration of the legislation now before us and the issue which demands the Senate's most careful scrutiny.

I do not believe that anyone will argue against the fact that the rejuvenation of our deteriorating cities was one of the prime considerations in the development of the revenue-sharing concept. Yet the Senate Finance Committee has approved a bill which is only partly responsive to our urban problems. The committee's formula for making the initial allocation of the $5.3 billion pure revenue-sharing fund to the States—one-third State population, one-third State relative income, and one-third State general tax effort—is a conscious attempt to penalize those areas with the most explosive and expensive problems.

Even the most casual examination reveals that the committee's formula gives more of the $5.3 billion to those States which need it least and less to those States most in need.

I ask unanimous consent that a table comparing the amounts received of the $5.3 billion pure revenue-sharing fund under the House and Finance Committee formulas by three pairs of States with relatively equal population—one rural and one urban—be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SELECTIVE COMPARISON OF DISTRIBUTION OF $5,300,000,000 "PURE" REVENUE-SHARING FUNDS TO PAIRS OF STATES OF RELATIVELY EQUAL POPULATION (1 RURAL, 1 URBAN) UNDER HOUSE AND FINANCE COMMITTEE VERSIONS

	Millions of dollars				Per capita		
	House	Finance Committee	Amount of change	Percent of change[1]	House	Finance Committee	Amount of change
Mississippi	46.0	99.6	+53.6	+116	20.75	44.93	+24.18
Connecticut	72.7	57.5	−15.2	−21	23.98	18.96	−5.02
North Dakota	12.0	21.7	+9.7	+81	19.42	35.11	+15.69
Delaware	17.3	12.9	−4.4	−25	31.57	23.54	−8.03
Alabama	80.2	127.6	+47.4	+59	23.31	37.05	+13.74
Maryland	117.5	94.8	−22.7	−19	29.96	24.17	−5.79

[1] The percent of change for millions of dollars and per capita is the same.

Mr. RIBICOFF. Even more dramatic evidence of the inequities contained in the committee's formula can be found by studying the per capita amounts local governments receive of the $5.3 billion and the relative role the $5.3 billion will play in each local government's budget.

For example, the average per capita grant to all the local governments in Oakland County, Mich., will be $5.67. In Hartford County, Conn., it will be higher, $14.61, but nowhere near the $30.37 and $32.12 received in Jackson County, Ark., and Acadia Parish, La., respectively.

These same revenue-sharing funds will account for 8.3 percent of the total local government income in Oakland County. Again, Hartford's share is slightly higher, 8.9 percent, but far from the 50-percent level found in the Arkansas and Louisiana localities.

It is true that the formula adopted by the committee for determining each locality's share of its State's allotment does aid cities relatively more than the House bill. That, however, does not compensate for the fact that in the total distribution of the $5.3 billion, urban States and their State governments get far less than their fair share. While the greatest burden of urbanization is obviously borne by municipal governments, we must also recognize that many urban-oriented services are provided by State governments.

The committee has made an attempt to rectify this situation by distributing the $1 billion supplemental social service grant program fund on the basis of urbanized population. By adding this money the committee can correctly claim that all but four States and the District of Columbia fare better under its bill than under the House version. It is easy to see why most States get more—the total fund has been increased by $1 billion. The committee's claim ignores the fact that while most State's total rises, the urban States do not receive as large a percentage of the entire fund as they would have under the House bill. For example, while Connecticut's total rises from $72.6 million to $75 million, its percentage of the total drops from 1.4 to 1.2 percent. The impact can be seen in other States as California's percentage drops from 11.5 to 10.2 percent, Ohio's from 4.3 to 3.8 percent, and Michigan's from 4.6 to 4.1 percent.

More important is the fact that there is no way the Finance Committee can guarantee that the final social service formula will be based solely on urbanization or that this new $1 billion fund will even be in the bill. By basing the distribution of the social service funds solely on urbanization the committee has admitted that its original formula was incomplete and unfair. It is however asking the urban States to now place all their eggs—or funds—in one basket.

I do not believe the Senators from the urban States can accept that logic for the risk is too great.

An example of the risk involved is the fact that the $5.3 billion "pure" revenue sharing fund is a direct appropriation of funds which would be guaranteed every year. The $1 billion social service fund, however, has only been authorized and must still go through the appropriations process. No one can say at this time how much, if any, of that $1 billion will be actually appropriated.

During his opening remarks on this bill the distinguished chairman of the Senate Finance Committee argued that the committee had significantly improved the House bill by eliminating the complex dual formula used for determining the distribution of funds to the States and localities and replacing it with a single formula. This was a step in the right direction. We should, however, take it one step further and eliminate the special social service formula and combine all four factors—population, relative income, tax effort, and urbanized population—into one formula for the entire $6.3 billion fund. We must guarantee that no matter what the final size of the fund each State will receive the same relative share.

I, therefore, introduce an amendment to base the distribution of the entire amount authorized by this bill on the following schedule: 30 percent tax effort, 30 percent relative income, 20 percent population, and 20 percent urbanized population. This formula would give the appropriate recognition to the many problems which led to the development of revenue-sharing legislation and would not penalize any single State or group of States.

I ask unanimous consent that a table detailing each State's share under my formula be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

State allocations under Ribicoff formula

[In millions of dollars]

Alabama	103.9
Alaska	6.9
Arizona	58.0
Arkansas	51.7
California	723.2
Colorado	68.7
Connecticut	91.4
Delaware	17.0
District of Columbia	25.2
Florida	192.2
Georgia	124.1
Hawaii	27.1
Idaho	19.5
Illinois	355.3
Indiana	138.6
Iowa	81.9
Kansas	61.7
Kentucky	87.6
Louisiana	110.3
Maine	29.0
Maryland	112.8
Massachusetts	203.5
Michigan	275.3
Minnesota	116.6
Mississippi	68.0
Missouri	129.1
Montana	20.2
Nebraska	44.1
Nevada	15.8
New Hampshire	17.7
New Jersey	224.3
New Mexico	29.6
New York	723.2
North Carolina	135.5
North Dakota	18.3
Ohio	279.7
Oklahoma	67.4
Oregon	63.0
Pennsylvania	348.4
Rhode Island	30.2
South Carolina	73.7
South Dakota	21.4

Tennessee	104.6
Texas	316.9
Utah	34.7
Vermont	14.5
Virginia	127.3
Washington	105.8
West Virginia	47.9
Wisconsin	150.6
Wyoming	9.5

Mr. RIBICOFF. No formula for apportioning revenue-sharing funds will satisfy everyone, but the formula I propose today would fairly allocate money to the States on the combined basis of relative populations, income, general tax effort, and degree of urbanization. I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

PROGRAM

Mr. GRIFFIN. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I seek recognition for the purpose of asking the distinguished majority leader if he can give us any information about the schedule for the rest of the day and beyond.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GRIFFIN. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, may I say in response to the question raised by the distinguished acting Republican leader that, as he is aware, the pending business is revenue sharing, which is on the second track.

Beginning tomorrow, after the conclusion of the morning business, we will then return to the unfinished business, the interim agreement on offensive weapons.

It is my understanding that the prospects for finishing the consideration of the interim agreement before the end of the week are good, and that it might be possible—and I hope that the Senator from Tennessee (Mr. BAKER) and the Senator from New York (Mr. JAVITS) are here, and I note that they are—to attempt a unanimous consent agreement on my amendment rather than on the whole proposal.

I hope that will be satisfactory. It is my understanding that my amendment is the pending amendment to the unfinished business, the Interim Agreement. And as far as I am concerned, I am willing to agree to a 20-minute limitation, with 18 minutes to the other side and 2 minutes to me, because it is a simple amendment. That might be the start.

Then, of course, we hope to finish both the Interim Agreement on Offensive Weapons and the revenue-sharing bill this week.

Then we will have, as has been announced previously, the military construction appropriations, the military procurement appropriations, and foreign aid measures.

I understand that there may be a hearing in the Foreign Relations Committee this week on the foreign aid bill. Am I correct in that?

Mr. FULBRIGHT. Mr. President, we have a meeting scheduled. I was not aware of the plan on the Interim Agreement measure, which is agreeable to me. We do have an executive committee meeting scheduled.

Mr. MANSFIELD. We will then have H.R. 1, the welfare proposal, which I understand is on the verge of being reported. I think that we should take it up and dispose of it in one way or the other.

We will then have the supplemental appropriations measure, the debt limit extension, various conference reports, also such matters as S. 632, the Water Resources Planning Act, and other measures on the calendar which have already been brought to the attention of the Senate.

I would hope that, to keep things going, amendments will be offered to the revenue-sharing bill this afternoon and that there will be further votes. However, I do admit in all candor that I know of no amendments at the present time to the bill.

Mr. GRIFFIN. Mr. President, I thank the majority leader.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield to the Senator from Tennessee.

Mr. BAKER. Mr. President, I notice in the list of possible bills and proposals to be considered by the Senate that no mention was made of the House-passed antibusing bill.

Mr. MANSFIELD. The Senator is correct. It is not on the calendar.

Mr. BAKER. Mr. President, does the distinguished majority leader have any information that he might give us as to when we might proceed to the consideration of that matter?

Mr. MANSFIELD. I am sorry. I can give no information at this time. However, after discussing the matter with the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT), I will then be in a better position to answer the question.

Mr. BAKER. I thank the Senator.

Mr. MANSFIELD. Mr. President, it would also be anticipated, if it is agreeable with the distinguished Republican leader, that if time and circumstances allow, the Senate will consider S. 3531, the so-called winter Olympic games bill.

Mr. GRIFFIN. Mr. President, I thank the distinguished majority leader.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized tomorrow under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY UNFINISHED BUSINESS BEFORE THE SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the routine morning business on tomorrow, the Chair lay before the Senate the unfinished business, Senate Joint Resolution 241.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO CALL UP H.R. 14370, REVENUE-SHARING BILL, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at no later than 2 o'clock p.m. tomorrow, it be in order for the majority leader or his designee to call up H.R. 14370, the revenue-sharing bill, and make it the second track item, and that at such time as the majority leader or his designee call up H.R. 14370 for consideration, the unfinished business, Senate Joint Resolution 241—the Interim Agreement—be laid aside temporarily and remain in a temporarily laid aside status until the close of business tomorrow or until the disposition of H.R. 14370, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, Senate Joint Resolution 241, authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The pending question will be on agreeing to the amendment (No. 1434) of the distinguished Senator from Montana (Mr. MANSFIELD). No time limitation agreement has been entered into with respect to the interim agreement or any amendment to be proposed thereto. However, it is hoped by the leadership that progress can be made tomorrow with respect to the Mansfield amendment and other amendments, and that some agreement may soon be entered into with respect to the disposition of the joint resolution.

At no later than 2 p.m. tomorrow, the majority leader or his designee will lay aside the unfinished business, and the Senate will then resume consideration of the so-called second track item, H.R. 14730, an act to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes. No agreement has been entered into with respect to time on that bill or amendments thereto.

Rollcall votes may be expected tomorrow, and I would anticipate such.

ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 4:49 p.m. the Senate adjourned until tomorrow, Wednesday, September 6, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 5, 1972:

UNITED NATIONS

The following-named persons to be Representatives of the United States of America to the 27th session of the General Assembly of the United Nations:

George Bush, of Texas.
Christopher H. Phillips, of New York.
Jewel Lafontant, of Illinois.

The following-named persons to be Alternate Representatives of the United States of America to the 27th session of the General Assembly of the United Nations:

W. Tapley Bennett, Jr., of Georgia.
Julia Rivera de Vincenti, of Puerto Rico.
Gordon H. Scherer, of Ohio.
Bernard Zagorin, of Virginia.
Robert Carroll Tyson, of New York.

U.S. DISTRICT COURTS

Herman G. Pesquera, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico, vice Juan B. Fernandez-Badillo, retired.

DEPARTMENT OF JUSTICE

Donald D. Forsht, of Florida, to be U.S. marshal for the southern district of Florida for the term of 4 years, vice Loren Wideman, retired.

NATIONAL LIBRARY OF MEDICINE

The following-named persons to be members of the Board of Regents, National Library of Medicine, Public Health Service, for terms of 4 years from August 3, 1972:

William N. Hubbard, Jr., of Michigan, vice William George Anlyan, term expired.

Eddie G. Smith, Jr., of the District of Columbia, vice Max Michael, Jr., term expired.

Ethel Weinberg, of Pennsylvania, vice George William Teuscher, term expired.

U.S. TAX COURT

Darrell D. Wiles, of Missouri, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office, vice Graydon G. Withey, retired.

U.S. MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Harry C. Olson
Ralph H. Spanjer
Fred E. Haynes, Jr.
Lawrence F. Snowden
Ross T. Dwyer, Jr.
Joseph C. Fegan, Jr.
Leslie E. Brown

The following-named officers of the Marine Corps for permanent appointment to the grade of brigadier general:

William G. Joslyn
Donald H. Brooks
Charles D. Mize
Norman W. Gourley
Paul G. Graham
William R. Quinn
Harvey E. Spielman
Andrew W. O'Donnell

IN THE AIR FORCE

The following-named Air National Guard of the United States officers for promotion in the Reserve of the Air Force, under the appropriate provisions of section 593(a), title 10, United States Code, as amended.

Major to lieutenant colonel

LINE OF THE AIR FORCE

Frederick H. Barnes, [redacted].
Eugene T. Buckner, [redacted].
Loyal E. Carlson, [redacted].
Anthony N. Coccia, [redacted].
William B. Fuller, [redacted].
Jerry L. Godwin, [redacted].
Richard F. Goeke, [redacted].
William D. Harris, Jr., [redacted].
Lloyd E. Harsh, Jr., [redacted].
William J. Ingler, Jr., [redacted].
Hyrle A. Ivy, Jr., [redacted].
Donald T. McGinley, [redacted].
Minor D. Webb, [redacted].

MEDICAL CORPS

Wilbur C. Blount, [redacted].
George B. Eusterman, Jr., [redacted].

MEDICAL SERVICE CORPS

Gene A. Allen, [redacted].

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

David H. Acton
Edward B. Adams
Ray E. Adams
William A. Aegerter
Alfred L. Ahern
Robert S. Aicklen
Kevin M. Alaspa
Bruce E. Alexander
John L. Alexander
Gary Dennis Allard
John M. Allison
Paul H. Amiel
Lorin E. Andersen
Mark N. Andersen
Curtis J. Anderson
Peter K. Anderson
Wayne E. Anderson
Charles A. Appleby
Dennis J. Armstrong
Richard M. Arnberg
Charles S. Arrants
Heber C. Ashbrook II
Andrejs J. Auskaps
David P. Austin
Chris M. Azbill
Robert M. Bach
Glenn M. Bagby
Hudson L. Bailey
Robert R. Bailey III
Simon R. Bakall
Charles Lloyd Baker
Ralph B. Baldridge
James C. Ballard III
Thomas C. Banford
Michael L. Bankester
Arthur H. Barber
Theodore F. Barkerding
Michael S. Barnett
Dennis B. Barrett
John A. Barrett
Vaughn E. Bateman
William J. Bauman
Max F. Baumgartner
Arthur W. Bean
Richard A. Bean
Roland K. Beard III
Scott S. Beardsley
Robert J. Beckman
Samuel E. Becktel
David C. Bender
Michael R. Bender
John K. Bennett
Dennis P. Beres
Edward H. Bergin
Jeffrey M. Berkheiser
Andrew J. Berlo, Jr.
William J. Bernacki, Sr.
Jerel D. Bernardy
Franklin V. Bernhard
David G. Bernier
Michael S. Bertin
Michael D. Besancon
Albert P. Bianchi, Jr.
Robert G. Bickard
Norman S. Biehler
Ronald A. Bifford
George M. Black
William J. Black
James J. Blaine
John H. Blake, Jr.
Alfred E. Blicher
Steven L. Blindheim
Edward H. Blohm, Jr.
Edward C. Bodenheimer
Steven F. Bodie
Bruce Keith Bohnker
Daniel J. Bolander
Albert S. Bond II
Edward J. Bonkoski
John S. Booker
Richard A. Borges
Clifford L. Bouquin
Richard Bradshaw
Patrick Brady
John R. Bandl
Gregory J. Braniff
Randolph B. Brasfield
James D. Bray
Daniel J. Brennock
Michael H. Brewer
Reese H. Bricken
Burton E. Bridge III
Edward T. Brill
Richard T. Brimson
Reginald H. Britt
Carradean L. Brown
Forrest B. Brown
John D. Brown
James Frederick Brunk
Paul W. Bruun
Michael R. Buchanan
Bruce E. Buck
Thomas C. Buckley
Andrew J. Budka
Donald K. Bullard
William L. Burbridge
Arthur C. Burdett
Kevin J. Burke
Michael T. Burke
David P. Burnette
Richard K. Burwell
Donald R. Butcher
Alley C. Butler
William T. Butler, Jr.
Michael L. Buske
Theodore Bybel III
James W. Calhoun III
Robert G. Caliebe
John Calwell
Stephen N. Camarano
Joseph D. Camp
William A. Campbell
Richard W. Cantwell
Richard A. Captor
Freddie F. Carino
Ronald C. Carlile
Raymond H. Carlson
Leonard N. Carota
John H. Carpenter
Robert D. Carpenter
Washington S. Carr
Earl F. Carter, Jr.
William P. Cassada
James L. Charles
Stephen M. Chatot
Daniel C. Chesman
Steven B. Chesser
Bruce J. Chippindale
Robert Cirone
John T. Clark III
William M. H. Clark
Richard B. Clarke
Michael B. Clay
John P. Cleaveland
Scott Cleveland
Dennis E. Clifford
Jay B. Cochran
Craig A. Cochrane
Timothy G. Colburn
Paul M. Cole, Jr.
Robert D. Colenda
Stephen Craig Collins
Charles M. Combs
Michael H. Combs
Michael J. Conant
Douglas H. Conatser
Guy L. Connell
Thomas C. Conran
John W. Conroy
Philip L. Conroy
Farrell W. Corley
James M. Cormani
Robert W. Cosby
Barry M. Costello
Charles S. Crabtree
Peter A. Craig
George P. Crandall
John M. Crawford
William A. Cross
Edwin V. Crowley
Stephen M. Crum
Ricardo A. Cuaderes
Terrence J. Cuny
Jeffrey L. Cupps
Leo F. Dacey
John C. Dailey
John F. Dalby
Terry G. Dallas
Douglas A. Darch, Jr.
Christopher A. Davenport
Bruce B. Davidson
Mark C. Davis
David L. Dawson
Philip M. Dawson
James C. Day
Kenneth E. Dean
Robert M. Dean
Steven M. Dean
Thomas J. Debenedetto
Peter J. Delaney
James L. Delvin
Mario F. Demelas, Jr.
Dean G. Demory
Gregory R. Deprez
Gary W. Deulley
Randall A. Diener
Clyde P. Dietz
Michael J. Dillenburg
Patrick D. Dineen
Brian S. Dinwiddie
Douglas S. Dobson
Michael, Rowland Doerr
Kenneth F. Domboski
James W. Donaldson
Michael J. Donovan
Arthur G. Doty
David J. Dotzert
William F. Dougherty
Barry C. Douglas
Merrill C. Doyle
John J. Driver
Charles H. Drysdale
Dennis B. Dumbauld
Glenn D. Eberling
David A. Eberly
Thomas E. Eckert
Bradley T. Edelman
Bruce J. Edwards
Michael S. Edwards
Gary L. Eckert
John R. Elliott
Hugh T. Elwood
Douglas F. Elzinic
Lucian F. Emerson
Francis A. Empeno
Thomas A. Engelhaupt
Wayne E. Essel
Robert L. Evans
William A. Evans
John R. Exell
Rudolph F. Falkenstein
George W. Farrar
James D. Farrens
William A. Faust
Dennis P. Fedison
William J. Feeney
Gerald C. Feltz
David A. Fencl
Kenneth P. Ferlic
Curtis L. Ferrell
Alan J. Field
Ronald D. Fife
Arthur L. Figliola
Frank P. Filippelli
Michael E. Finley
David F. Finney
Edward K. Fisher
Robert C. Fisher
Charles M. Fleming
John W. Floberg
William R. Foley II
James C. Forney

Charles S. Fowler
James Nicholas Fowler
Charles F. Frasch
Charles L. Fremont
Bruce R. Freund
Michael Frietze
Norman J. Fry
Michael J. Funcheon
James M. Fursman
Glenn P. Gabel
Raymond J. Gajan, Jr.
Richard M. Galecki
John D. Gall
Edward F. Gallagher
Robert M. Galligan
Robert R. Gangewere
Brian E. Gapco
William D. Garner
Bruce T. Garrett
Hugh M. Garvey
Lawrence H. Gaudet
Wilson R. Gawthrop
Danny H. Gerlt
William R. Gibbes
Baylor P. Gibson III
Alan K. Gideon
Robert T. Giffen
Paul R. Gift
John H. Gillette
James K. Gilligan
Gary G. Gisold
James T. Gissendanner
Charles R. Glass
Gary L. Glick
Michael M. Goff
William E. Goins
John P. Goldenstein
Ludwig M. Goldsmith
Robert S. Goneconti
Richard B. Gormly
Derek A. Goudge
Earl C. Grabus, Jr.
Robert H. Granzow, Jr.
Michael M. Graves
Gary L. Greene
Richard L. Greene
James T. Greeno
Kenneth E. Gresham
Andrew E. Grigsby, Jr.
Michael J. Grimsley
Stanley L. Grossman
Tim D. Grotts
Craig A. Grover
David A. Groves
Edward C. Gunderson
Austin B. Gunsel
Clifford A. Haas
Michael R. Hacunda
John P. Hains
James B. Haire
Stephen C. Hallam
Patrick K. Halton
Daniel L. Hambrock
Daniel R. Hammond
Dale R. Hamon
Gary W. Hampson
Lee A. Hanna
Mark A. Hansen
Eric T. Hanson
Paul R. Harbaugh, Jr.
Stuart R. Harding
James M. Harrell
Benny J. Harris II
Jerry M. Harris
Ronald B. Harrison
Stephen R. Hart
Gregory A. Hartnett
Philip M. Harvey
William F. Harward, Jr
Michael D. Hebert
John L. Hegdal
Corry D. Heil
Frederick E. Heimann
Richard D. Heimrich
Theodore R. Helm
Donald R. Henry
George A. Herbert, Jr.
Mark K. H. Herkert
Robert J. Hess
Lawrence E. Hess
Robert K. Heuchling
Frank M. Heule
Kevin D. Higgins
Lawrence E. Hildreth
Stanford H. Hlavka
Michael L. Hoesly
Louis A. Hoffman, Jr.
Steven F. Hoipkemeier
Thomas V. Holder
George B. Holk
Harry L. Holloway III
John D. Holmes
Robert C. Holmes, Jr.
James L. Hood
Ronald B. Hooper
Jon S. Horn
Bruce M. Horton
John F. Hosner
Stephen C. Hotchkiss
Scott E. Hough
John A. Houkom
Patrick J. Hovatter
Charles D. Hoyle
Vernon C. Huber
Michael D. Hudock
Alexander A. Hudson
Denis E. Huelle
Jeffrey A. Hughes
Roger W. Huston
Larry T. Ikeda
George F. Indest III
Alfred L. V. Ingram, Jr.
Darryl W. Ingram
Frank D. Jackson
Danny M. Jacobs
Don E. James
Thomas E. Janora
Charles A. Jedlicka
Edward A. Jennrich
David G. Johnson
Douglas A. Johnson
James M. Johnson
Ralph F. Johnson
Timothy L. Johnson
Henry L. Jones
Marc S. Jones
Royal A. Jones III
John M. Kale
Joseph H. Kannapell
Mark A. Karaffa
Edward D. Kasakoski
Paul F. Kautz
Thomas G. Kay
Terrence J. Kearney
James D. Keele
Michael P. Keen
Phillip D. Keener
Clark T. Kelley
Kevin J. Kelly
Robert M. Kemp
Christopher J. Kemper
Steven R. Kennedy
Frank T. Kent III
Scott V. Kernan
Lorenz J. Kertz
Thomas H. Kiehl
Ronald A. Kiel
William E. Kiesling
Mark C. Kiley
Brian J. Kilgore
Charles R. King
James M. King
John A. Kirkland
William R. Kirkpatrick
Robert H. Kitchen
John C. Klein IV
Donald P. Klindt
John Francis Klingaman
Charles N. Klinger
Norman G. Kluge
Douglas R. Knight
Alvin F. Knox
Roydon M. Kobayashi
Dennis W. Koch
Mark R. Koch
Thomas D. Koehler
Thomas H. Koger
Joseph G. Kohler
Paul V. Konka
John S. Korber
Robert N. Korfmann
Edward D. Koskie
George E. Kovach
Joseph J. Krygiel
Dale M. Kubacki
Raymond R. Kudlick
William B. Kunkle
Thomas G. Kyle
Ronald R. Ladd
Vernon M. Ladd
Paul A. Laedlein
David R. Lamm
Robert L. Lancaster
Milton D. Lane
Jame J. Lang
Norman G. Lapointe
Stephen W. Larimer
Larry E. Larson
Webster R. Lawler
Richard C. Lawton, Jr.
James M. Leavis
William E. Lee
David G. Lees
Alan G. LeFevre
Richard C. Lehmann
John A. Lemoine
Michael A. Lennon
John E. Leonard, Jr.
Raymond E. Leonard
Thomas L. Leonard
Thomas G. Leverage
Henry P. Levine
John M. Lilienthal
Claude D. Lindsey II
William F. Linnehan
Jack S. Lipscomb
Robert D. Littlefield
Vernon C. Lochausen III
Craig J. Lokkins
James C. Lotito
Lloyd R. Lotz, Jr.
Lawrence L. Loudon
Michael D. Low
Harold C. Lowe
Nathaniel Lucas
Daniel E. Lund
Robert E. Lupton
Christopher B. Lussier
Anthony J. Luzynski
John C. McAllister
Larry T. McAlpin
Daniel W. McClung
Patrick M. McCannon
Raymond S. McCord
James L. McCrory
Robert S. McCulloch
William C. McFarland
Thomas P. McGarry
Edward E. McGinnis
Kevin M. McGinniss
Edward A. McGuigan
Michael B. McKay
John W. McKee
James B. McKinney
John T. McLane, Jr.
George M. McMillan
Horace M. McMorrow
Dwight D. McMullin
Christopher P. McNeil
Thomas P. McNamara
Peter L. McVoy
Russell E. McWey
John J. MacArthur
David B. Mackey
Douglas P. Maddelein
Larry G. Madison
Michael H. Mahlock
Kent A. Main
Larry E. Mallow
Leslie Mann III
Richard A. Maples
Mark O. Marcucci
William J. Marcussen
Stephen E. Marhanen
John P. Marques III
Steven C. Marten
Michael L. Martin
Robert J. Martin
Arthur Martinez, Jr.
Philip F. Marzec
Stephen W. Mason
Glenn K. Masukawa
Louis K. Matherne, Jr.
Thomas E. Matyjasik
Stephen C. Maurer
Richard E. Mee
Rodger D. Melin
Michael B. Metcalf
William J. Meyer
Curt J. Michanczyk
Jack D. Michelsen
Phil L. Midland
John W. Miller
Craig S. Mills
Edward M. Milner
Harold J. Mitchell
Jent P. Mitchell III
Lawrence A. Mitchell
Tadashi M. Mitsuoka
Arthur D. Moeller
Robert T. Moeller
Larry E. Moers
John E. Moneghan
Steven D. Monson
Mark A. Montrey
Daniel P. Mooney
Terry L. Moore
John F. Moran
James K. Morgan
John G. Morgan, Jr.
Jacques P. Morrise
Peter A. Morton
Timothy R. Morton
David G. Mountcastle
Gerald M. Moy
David C. Mudge
Warren F. Muldrow
Michael J. Mullaney
Terence P. Mulroy
John D. Mundt, Jr.
Robert W. Murphy
James P. Murray
Keith E. Murray
Michael J. Murray
Thomas W. Murray, Jr.
Steven M. Mutzig
Timothy B. Nachtsheim
John H. Nading
Fred H. Naeve, Jr.
Clifford A. Nancarrow
Mark H. Naster
Charles J. Navin
Jack G. Nazor
Charles C. Neff
Gary L. Neilsson
John L. Nelson
Kevin C. Nelson
Kevin D. Nelson
Richard W. Nelson
Peter Nemeth
William A. Nestlerode
Louis G. Neudorff II
Ivan D. Newton
James C. Newton
Thomas J. Nickerson
Lawrence A. Nielsen
David D. Niven
Geoffrey T. Noble
John M. Noble
Timothy A. Noe
Russell P. Nolan
Thomas E. Nolte
Leslie K. Norford
John H. Northrup
Donald G. Norton
Howard C. Norton
Kerry M. Norton
John J. Noval
John W. Nowitsch
John M. Oakes
James R. O'Hara
William F. O'Hara, Jr.
John C. Olifield
John T. Oliver
Thomas R. Olmsted
Eric G. Olsen
Warren R. Olsen
Thomas D. O'Neil
Robert E. Orcutt, Jr.
Don. P. Oubre
Glenn A. Ousterhout
Charles E. Overturf
Ernest G. Ovitz II
Larry T. Owens
Samuel H. Packer III
Hein F. Paetz
John M. Pagel
Richard N. Papworth
Stephen H. Parfet
Guy K. L. Paris
Robert T. Parrish
Terry L. Parsons
Ronald M. Pate
Jeffrey D. Peace
James C. Peart
Douglas C. Pease
Dale W. Peck
David E. Pedneau
William F. Perdue
Carlos Perez
Craig C. Perry
Henry V. Perry II
William T. Perry
Robert F. Peters
Grant W. Peterson
James W. Peterson
Mark A. Peterson
Ralph A. Peterson
Donald H. Petitmermet
John G. Pfrimmer, Jr.
Charles W. Philpot
Richard F. Piasecki
Douglas E. Pickelsimer
Edmond A. Pietila
David M. Pikla
Cleve B. Pillifant
Edward W. Pinion
Glenn J. Pitman
Robert N. Pohtos
Thomas R. Pomorski
Christopher T. Pratt
Daniel L. Prima
Jerry E. Proctor
Jack D. Punches, Jr.
Donald R. Quartel, Jr.
William E. Ralston
Edgar B. Ramsey
John E. Rannenberg
Carl G. Rasmussen
Steven P. Rautenberg
John Recine
William A. Reed
Walter S. Reichen
James R. Reisporfer
Joseph P. Remes
Armin W. Reschke
Roger R. Reynold
Clark T. Riley
George A. Riley
Robert M. Riley
Walter E. Ringen III
Christopher E. Rinko
Robert A. Rivers
Richard W. Roan
Lawrence G. Roberson
Charles D. Rockwell
Alexander M. Rode
James T. Rodriguez
William Rodriguez, Jr.
James P. Rogers
John P. Rogers
Joseph E. Rogers
George W. Rollings
Joseph G. Romand
Richard R. Romatowski
Merle W. Root, Jr.
Lee R. Roper
Nicklous J. Ross
Thomas J. Ross
William T. Ross
James R. Rothring
David W. Rubio
Forrest E. Ruck
Robert C. Rudy, Jr.
David C. Ruebsamen
Frederic R. Ruehe
Edward S. Ruete
Bernard E. Ruhnke
Paul D. Rula
Melvern R. Rushing
Bruce F. Russell
Francis P. Ryan, Jr.
John W. Ryder
Andrew R. Sallans
David O. Samples
Walter E. Sandefur
Paul S. Sanzo
Bernard M. Satterwhite
Richard J. Savage
Thomas J. Scarpelli
Robert J. Schack
Thomas E. Schaible
Frederic J. Scheibl
Christopher F. Schellhorn
Alan P. Schide
John F. Schleicher
Richard F. Schmidt
Frederick A. Schmitt
Robert L. Schmitt
Jeffrey W. Schneider
Mark J. Schneider
Steven J. Schneider
Robert C. Schules
Joseph H. Schwartzel
James T. Shanley
Steven S. Sherman
Robert N. Sherrill
Larry K. Shipman
James L. Shirk
Ronald B. Short
Kendrick A. Simms
William L. Simpson, Jr.
Peter C. Siska
Robert W. Skaggs
Henry G. Skelton
James R. Sly
Walter Smark
Robert W. Smen
Douglas A. Smith
Glenn R. Smith
Howard G. Smith, Jr.
Jim G. Smith, Jr.
Michael R. Smith
Spencer H. Smith
Stephen E. Smith
Walter M. Smorgans
Allen E. Sneed, Jr.
William H. Snow
Stephen F. Snyder
Martin D. Soblick
Steven B. Sonnenberg
Charles E. Sorenson
Marion P. Soutullo
Gene R. Spangrude
Joseph D. Spann
David J. Spannagel, Jr.
James S. Spear
James D. Speer
Marc A. Spurgeon
Frederick W. Stangl
Richard M. Starr
Paul H. Stasiewicz
Stephen C. Staska
Kip R. Steele
Kenneth M. Stein
Charles M. Stephens
John H. Stephens
Michael L. Stephenson
Clyde E. Sterling
Robert S. Sterling
John F. Stevens
Stanley W. Stevens
Robert W. Stricklen
William G. Stidom
Richard A. Stolz
James R. Stoorza
Michael H. Strole
Sy Strudler
Richard L. Sucheck
Steven A. Sudigala
Nicholas M. Sullivan
Frank L. Swanger
Stephen P. Swinton
Walter J. Szwarc
Raymond Talipsky

Charles Tamburello
James A. Tangen
Chris A. Taylor
Lucius O. Taylor
Timothy B. Taylor
Harold E. Thomas
John K. Thomas
Michael R. Thomas
Thomas H. Thomiszer
Charles B. Thompson
John R. Thorpe
James E. Thurmond
Howard M. Tillison
Richard R. Tinney
John R. Tomasiewicz
Duane W. Toole
Calvin D. J. Trestail
Leighton J. True III
Rodney H. Trump
Thomas S. Tullis
John A. Uldrich
Edwin L. Ulmer
Jay P. Unwin
John L. Urban
David P. Vaillancourt
John A. Vangladeren
Edward B. Vanhaute
James R. Volker
William V. Vonborries
Frederick W. Vosbury
Paul J. Vuchetich
Paul B. Wade
David C. Wagner
Jeffrey Q. Wagner
Raymond E. Wagoner
Gary W. Walker
James D. Wallace
Vincent A. Walsh
Glenn H. Ward
Andrew G. Washington
Douglass C. Watson
Gary J. Watson
Timothy P. Watson
Bryan L. Watts
Stephen E. Watts
John O. Webb, Jr.
Michael R. Webb
Joel N. Weber
John L. Webster
Stephen B. Webster
Walter E. Webster II
Steven E. Wehmeyer
John R. Weir
Michael R. Welch
Gerold W. Weldon, Jr.
John W. Weldon, Jr.
Raymond M. Welsh
Kenneth E. Wenzel
Allan G. Wesley
Lynn G. Wessman
John M. Westhoven
John D. Wherry II
Randy D. Whitaker
Laurence B. White
Robert B. White
William L. White
Donald B. Whitfield
Richard J. Whitney
Patrick S. Wieger
Jeffrey S. Wilburn
Donald J. Wiley
Craig R. Williams
James G. Williams, Jr.
James M. Williams
John S. Williams
Mark P. Williams
Michael R. Williams
Thomas G. Williams
Tyler E. Williams
William J. Willkie
John P. Wilmeth
Bryce H. Wilson
James O. Wilson
John H. Wilson III
Harry R. Wilt
Henry L. Wise
Lance Wismer
James W. Witherspoon
Thomas O. Witthauer
Wayne D. S. Wong
Howard J. Woodard
John A. Woodward
John H. Woodhouse
Randy A. Worley
Charles B. Wright
David K. Wright
Richard C. Wright II
Chris A. Wuethrich
Arthur A. Wydler
Jeffrey N. Wynne
Joseph E. Yarborough
Arthur W. Yaremchuk
Austin G. Young
Donnie C. Young
Joseph B. Young
Roger A. Zajicek
James M. Zalipski
James A. Zayac
Michael G. Zebrowitz
Edward W. Zesk
Alfred E. Zimermann

The following-named U.S. Navy officers to be temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Edward F. Cantow.
Joseph A. Matan.
Joel E. Winker.

The following-named (civilian college graduates) to be permanent captains in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law:

Philip M. Lightfoot, Jr.
Ralph F. Meincke.

Stanford P. Sadick (civilian college graduate) to be a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification thereof as provided by law.

Eugene M. Brandt (civilian college graduate) to be a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

HM3 Michael G. Knight to be a permanent ensign in the Medical Service Corps (allied science) of the Navy, subject to the qualification therefor as provided by law.

Morris K. Terry, U.S. Navy retired officer, to be reappointed from the temporary disability retired list as a permanent lieutenant commander in the Navy, limited duty (aviation maintenance) subject to the qualification therefor as provided by law.

The following-named (civilian college graduates) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Robert S. Betz
James E. Brown
Thomas C. Chestney
Thomas E. Comey
Brad M. Kasson
Robert W. Mariner

The following-named (Naval Reserve officers) to be permanent lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Wayne J. Galante
Robert D. Gear
Ronald F. Harring
John D. Matheson

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

John F. Hensley.
Taras W. Shpikula.

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Dental Corps of the Navy, subject to the qualification therefor as provided by law:

Stephen J. Ancowitz
David R. Hoffman
Peter F. Johnson
John J. Keller
James L. Lippert, Jr.
James D. Moore
Robert L. Pentecost
Bruce J. Sailor
Ernest R. Smith

Robert F. Carey, Jr. (Naval Reserve officer) to be a permanent lieutenant commander in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

The following-named (Naval Reserve officers) to be permanent lieutenants and temporary lieutenant commanders in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Robert F. Brewer
Dennis M. Davidson
Earl P. Dick
Garry L. Holtzman
David G. Kemp
Ernest E. Kundert
Helge A. M. Wanger

The following-named (Naval Reserve officers) to be permanent lieutenants (junior grade) and temporary lieutenants in the Medical Corps of the Navy, subject to the qualification therefor as provided by law.

Edward C. Clark
Dennis L. Depry
Theodore W. Fetter
Howard P. Fischbach III
Dennis L. Johnson
Sandra L. Kachkowski
John W. Knispel
Harry J. Long III
William K. McCord
Donald C. McPhail
Joseph A. Miller
James G. Murphy
Harold W. Nase
Richard E. Otoski
Carsten S. Ronlov
David G. Schwarz
Barry J. Sell
Joseph J. Smith
Peter W. Soballe
William W. Tanner
Louis S. Williams III
John E. Wimmer, Jr.
Christie W. Winkler
John J. Woods, Jr.

The following-named (Navy enlisted scientific education program Candidates) to be permanent ensigns in the Line or Staff Corps of the Navy, subject to the qualification therefor as provided by law:

Richard W. Call
Michael A. McKay
Thomas W. Morrissette
Ronald C. Neyer
Theodore A. Orlando
Gerald L. Paulk
Thomas W. Pearson
Bernard J. Rubin

Berton T. Schaeffer, U.S. Navy officer to be a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Harvey L. P. Resnik (civilian college graduate) to be a permanent commander and a temporary captain in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Ex-Lt. Samuel W. Sax to be a permanent commander in the Line (Special Duty Public Affairs) in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

Kirk K. Kazarian (civilian college graduate) to be a temporary commander in the Medical Corp in the Reserve of the U.S. Navy, subject to the qualification therefor as provided by law.

The following-named chief warrant officers to be lieutenants (junior grade) in the Navy, limited duty, for temporary service in the classification indicated and as permanent warrant officers and/or permanent and temporary warrant officers, subject to the qualification therefor as provided by law.

ENGINEERING

David W. Arnold
Edward E. Barnhart
George A. Brandon
Joseph M. Brown
Robert P. Browngardt
Hoyt N. Burrows
Edwin A. Foskett
Donald L. Gay
Joseph E. Grange
Luther H. Hager, III
Wendell Harris, Jr.
Donald L. Hausauer
Charles E. Hebert, Jr.
George F. Heeger
Douglas L. Hunt
James E. Hutcheson
David R. Hyster
James A. Kerwin
Joseph L. Lacambra
Jerry P. Lane
Wallace R. Lueck
Rodney R. McWane
Walter C. Morgan
Bobby L. Moss
Roger A. Nance
John D. Payton
Carl J. Schultz, III
John E. Sides
John L. Watson
Frank West, Jr.
Albert G. Wolfe
Earl L. Wolford

COMMUNICATIONS

Ernest A. Dirkes.

Philip M. Lightfoot, Jr. (civilian college graduate) to be a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

HOUSE OF REPRESENTATIVES—*Tuesday, September 5, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Humble yourselves in the sight of the Lord and He will lift you up.—James 4: 10.

O God, our Father, whose love never lets us go, whose strength never lets us down, and whose light follows us all our days: in the glory of a new dawn grant unto us the spirit of understanding and courage as we face the tasks before us. May we now and always seek the highest good for our Nation and for all our people.

In these difficult days and trying times let not any shadow of defeat or discouragement depress our minds but may Thy spirit lift us up, hold us steady and make us steadfast that we may ever do justly, love mercy, and walk humbly with Thee.

In the spirit of the Master we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7375. An act to amend the statutory ceiling on salaries payable to U.S. magistrates.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 173. An act for the relief of Mrs. Naoyo Campbell;

S. 2483. An act to provide a national program in order to make the international metric system the predominant but not exclusive system of measurement in the United States and to provide for converting to the general use of such system within 10 years;

S. 2741. An act to amend the Act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such Act;

S. 2816. An act for the relief of Mary Danos Nayak;

S. 3252. An act for the relief of Renato M. Dioquino;

S. 3583. An act for the relief of Gerald Vincent Bull;

S. 3671. An act to amend the Administrative Conference Act;

S. 3835. An act for the relief of Reynaldo Canlas Baecher;

S. 3858. An act to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes; and

S.J. Res. 202. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States.

RESIGNATION AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication:

WASHINGTON, D.C.
August 25, 1972.

His Excellency A. LINWOOD HOLTON,
Governor of Virginia,
State Capitol,
Richmond, Va.

SIR: I hereby tender to you my resignation as a member of the House of Representatives in the Congress of the United States from the Sixth Congressional District of Virginia, effective at the close of business on Tuesday, August 29, 1972.

Sincerely,

RICHARD H. POFF.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.
August 31, 1972.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:55 p.m. on Thursday, August 31, 1972, and said to contain a Message from the President concerning federal pay comparability.

With kinds regards, I am,

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

FEDERAL PAY COMPARABILITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–439)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on Post Office and Civil Service, and ordered to be printed:

To the Congress of the United States:

As we approach the October date on which pay rates for Federal employees under the statutory pay systems would normally be adjusted, I wish to advise the Congress that I will recommend a pay increase for Federal employees effective January 1, 1973. I believe it is appropriate to point out that section 3 of Public Law 92–210, the Economic Stabilization Act Amendments of 1971, requires that this adjustment this year be delayed until January 1973.

The pay raise required by section 3 of the Economic Stabilization Act Amendments was limited by the terms of the law to the guideline that the Pay Board has established for pay increases throughout the economy, 5.5 percent a year. Clearly it was the intent of this law to see that Federal employees would be treated in a comparable manner with private enterprise employees under the Economic Stabilization Program. In recognition of this intent, on January 11, 1972, I directed that Federal wage employees should also have their pay increase limited by the Pay Board guidelines.

The necessary comparability studies have been completed and, under the Federal Pay Comparability Act of 1970, I will recommend that the increase necessary to achieve comparability, be paid, starting January 1, 1973, the first date our employees will be eligible to receive an increase under the Economic Stabilization Act. Our employees received their full 5.5 percent annual increase last January, and therefore their next increase cannot be effective until January 1, 1973. The provisions of Public Law 92–210 preclude submission of an alternative plan under section 5305(c)(1) of title 5, United States Code.

I believe it is important to express once again my strong personal support for the principle that our Nation's public servants should receive pay that is comparable with pay in private industry. For our Government to operate efficiently in these increasingly complex and demanding times, we must have a civil service of the highest caliber, and to recruit and retain these necessary employees, we must offer them a fair and just wage. Nevertheless, in our efforts to stabilize and revitalize our Nation's economy, it is also appropriate that they be treated the same as employees in the private sector, who are also able to receive such an increase no more frequently than once every 12 months.

RICHARD NIXON.

THE WHITE HOUSE, *August 31, 1972.*

PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar. The Clerk will call the first individual bill on the Private Calendar.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 2067) for the relief of Mrs. Rose Thomas.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MARIA LUIGIA DI GIORGIO

The Clerk called the bill (H.R. 2070) for the relief of Maria Luigia Di Giorgio.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. ANNA MARIA BALDINI DELA ROSA

The Clerk called the bill (H.R. 3713) for the relief of Mrs. Anna Maria Baldini Dela Rosa.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CHARLES COLBATH

The Clerk called the bill (H.R. 4310) for the relief of Charles Colbath.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MRS CARMEN PRADO

The Clerk called the bill (H.R. 6108) for the relief of Mrs. Carmen Prado.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

RENE PAULO ROHDEN-SOBRINHO

The Clerk called the bill (H.R. 5181) for the relief of Rene Paulo Rohden-Sobrinho.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CATHERINE E. SPELL

The Clerk called the bill (H.R. 7312) for the relief of Catherine E. Spell.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DONALD L. BULMER

The Clerk called the bill (H.R. 1994) for the relief of Donald L. Bulmer.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

MRS. MARINA MUNOZ DE WYSS (NEE LOPEZ)

The Clerk called the bill (H.R. 5579) for the relief of Mrs. Marina Munoz de Wyss (nee Lopez).

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CARMEN MARIA PENA-GARCANO

The Clerk called the bill (H.R. 6342) for the relief of Carmen Maria Pena-Garcano.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WILLIAM H. NICKERSON

The Clerk called the bill (H.R. 4064) for the relief of William H. Nickerson.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

MARGARIDA ALDORA CORREIA DOS REIS

The Clerk called the bill (H.R. 6504) for the relief of Margarida Aldora Correia dos Reis.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EMILIA RUFFOLO

The Clerk called the bill (H.R. 10142) for the relief of Emilia Ruffolo.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

DONALD P. LARIVIERE

The Clerk called the bill (H.R. 8952) for the relief of Donald P. Lariviere.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MR. AND MRS. JOHN F. FUENTES

The Clerk called the bill (H.R. 11045) for the relief of Mr. and Mrs. John F. Fuentes.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ARLINE LOADER AND MAURICE LOADER

The Clerk called the bill (S. 341) for the relief of Arline Loader and Maurice Loader.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill will be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

FREDI ROBERT DREILICH

The Clerk called the bill (H.R. 2725) for the relief of Fredi Robert Dreilich.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DENNIS YIANTOS

The Clerk called the bill (S. 65) for the relief of Dennis Yiantos.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

WILLIAM JOHN WEST

The Clerk called the bill (S. 2575) for the relief of William John West.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MRS. GAVINA A. PALACAY

The Clerk called the bill (H.R. 4646) for the relief of Mrs. Gavina A. Palacay.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ANKA KOSANOVIC

The Clerk called the bill (H.R. 1777) for the relief of Anka Kosanovic.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

CAPT. RONALD W. GROUT, U.S. AIR FORCE

The Clerk called the bill (H.R. 5668) for the relief of Capt. Ronald W. Grout, U.S. Air Force.

Mr. BROWN of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HAROLD J. SEABORG

The Clerk called the bill (H.R. 6467) for the relief of Harold J. Seaborg.

There being no objection, the Clerk read the bill as follows:

H.R. 6467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to advance Harold J. Seaborg, captain, National Oceanic and Atmospheric Administration (retired), of Edmonds, Washington, to the rank of rear admiral (lower half) on the retired list of the National Oceanic and Atmospheric Administration.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Harold J. Seaborg the sum certified to him by the Secretary of Commerce as being an amount equal to the difference between (1) the retired pay which the said Harold J. Seaborg would have been entitled to receive during the period beginning January 1, 1971, and ending on the effective date of his advancement pursuant to the first section of this Act if during such period he had held the retired rank of rear admiral (lower half), and (2) the retired pay he actually received during such period.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RESCUE MISSION ALLIANCE OF SYRACUSE

The Clerk called the bill (H.R. 10552) for the relief of the Rescue Mission Alliance of Syracuse.

Mr. **BROWN** of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

DONALD W. WOTRING

The Clerk called the bill (H.R. 11047) for the relief of Donald W. Wotring.

There being no objection, the Clerk read the bill as follows:

H.R. 11047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Corporal Donald W. Wotring, United States Marine Corps, retired, service number 2140988, of Savannah, Georgia, is relieved of liability to the United States in the amount of $688.26, representing overpayments of active duty pay for the period beginning July 1, 1967, and ending December 31, 1967, received by him as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Donald W. Wotring an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CPL. BOBBY R. MULLINS

The Clerk called the bill (H.R. 11629) for the relief of Cpl. Bobby R. Mullins.

There being no objection, the Clerk read the bill as follows:

H.R. 11629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That Corporal Bobby R. Mullins, United States Marine Corps, retired, of Fairborn, Ohio, who suffered the loss of both legs as the result of hostile action in Vietnam, is relieved of liability to the United States in the amount of $430.86, which amount represents the total of overpayments paid to him prior to his retirement on May 28, 1968, such payments having been made as a result of administrative error which occurred without fault on his part and without his knowledge. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for the amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Bobby R. Mullins, an amount equal to the aggregate of any amounts already paid by him, or withheld of any sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 7: Strike "$430.86, which amount represents" and insert "$341.49, representing".

Page 1, line 8: Strike "May 28, 1968" and insert "May 30, 1968".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

1ST LT. THOMAS J. TREMBA

The Clerk called the bill (H.R. 11749) for the relief of 1st Lt. Thomas J. Tremba, U.S. Army.

Mr. **BROWN** of Michigan. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The **SPEAKER**. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CLAUDE V. ALCORN AND 21 OTHERS

The Clerk called the bill (H.R. 11814) for the relief of Claude V. Alcorn and 21 others.

There being no objection, the Clerk read the bill as follows:

H.R. 11814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That:

SEC. 2. The transportation of Claude V. Alcorn, Adrian C. Almond, Aubrey V. Ansell, Thomas Armstrong, Gary A. Bailey, Ronald W. Bradshaw, Harry M. Braudrick, John B. Brewington, Fructoso D. Cabanela, Thurston C. Davis, Donald W. Dodge, Marcus L. Hyde, Junior, Peter E. Johnson, James L. Jones, William G. King, Henry E. Mowbray, Jack L. Norris, Charles Ricketts, Junior, Gerald L. Sellers, Bobby L. Templetton, Lee M. Tillman, or K. C. West to Seattle on the NOAA vessels "Davidson" in September 1967, "Oceanographer" in December 1967, "Fairweather" in March 1968, or "Rainier" in May 1968, shall not be deemed transportation at Government expense in connection with a change of permanent duty station for the purpose of computing their entitlement to travel expenses for such change of permanent duty station under the provisions of section 5724 of title 5, United States Code and applicable regulations. The travel expenses of each of the above-named persons in connection with their transfer of duty station to Seattle in 1967 or 1968 shall, upon a request made within ninety days of the enactment of this legislation, be computed or recomputed in accordance with appropriate Office of Management and Budget regulations: *Provided, however,* That in making such computation or recomputation, transportation on board the vessels at the times referred to in this section shall be disregarded: *And provided further,* That if any of the persons named herein has already received payment for such travel, that amount shall be deducted from the recomputed travel expenses and any remainder paid or credited to the employee.

SEC. 3. No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 2, lines 13 and 14: Strike "in accordance with appropriate Office of Management and Budget regulations" and insert "to provide payment of mileage traveled in privately owned vehicles at a rate not to exceed 12 cents per mile and per diem at a rate not to exceed $16 per day for actual travel time between duty stations not to exceed 8½ days".

Page 2, line 23: Strike "in excess of 10 per centum thereof".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNE M. SACK

The Clerk called the bill (H.R. 12903) for the relief of Anne M. Sack.

There being no objection, the Clerk read the bill as follows:

H.R. 12903

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of section 8341 of title 5, United States Code, Anne M. Sack, of Cincinnati, Ohio, shall be considered the widow of the late Robert A. Sack (CSA 1113671), notwithstanding the period of legal separation between their first and second marriages to each other.

With the following committee amendment:

Page 1, after line 7, add the following:

"SEC. 2. The annuity authorized by this Act shall be payable on and after January 3, 1972."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT GIBBONS

The Clerk called the bill (H.R. 11631) for the relief of Robert Gibbons.

There being no objection, the Clerk read the bill as follows:

H.R. 11631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $454.08 to Robert Gibbons in full settlement of his claim against the Government for reimbursement for loss of his household effects and personal property incident to a shipment from Phoenix, Arizona, to Bagdad, Iraq, in connection with his assignment in Iraq pursuant to a grant agreement administered by the United States Information Agency. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, strike "$454.08" and insert "374.30".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OSSIE EMMONS AND OTHERS

The Clerk called the bill (H.R. 5416) for the relief of Ossie Emmons and others.

There being no objection, the Clerk read the bill as follows:

H.R. 5416

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the following named persons the amounts set forth opposite their respective names in full settlement of their claims against the United States for losses and damages they suffered due to the flooding of their lands due to the release of waters of the Wappapello Reservoir on or about September 25, 1965, without warning or notice which would have enabled them to take steps to avoid or minimize losses from the flooding caused by that release:

Tenant	Landlord	Affected acres	Tenants share	Landlords share	Farm numbers
Ossie Emmons, Dudley, Mo	A. R. Pierce, Clarkton, Mo	150	$5,125.00	$2,122.50	B-844
Robert Harrison, Fisk, Mo	Glen Harrison, Big Bend 1719, Poplar Bluff, Mo	65	2,220.84	1,110.41	C-1356
Gail Mansbridge, Fisk, Mo		50	2,562.50		A-3381
H. F. Mansbridge, Fisk, Mo		30	1,538.50		A-3537
Wiley Mattingly, Route 1, Dudley, Mo	Eva Mattingly, Route 1, Dudley, Mo	110	3,757.34	1,879.16	B-1761
Rhea Stone, Route 1 Dudley, Mo		200	10,250.00		B-1557
Ray Henson, Route 1, Dudley Mo	Albert Price, Route 1, Dudley, Mo	100	3,416.67	1,708.83	B-1654
Leon Wilkerson, Fisk, Mo	Bernard Cravens, 818 North Sassafras, Dexter, Mo	150	5,125.00	2,562.50	D-2073
Robert Harrison Fisk, Mo	Juanita Cravens, Fisk, Mo	135	4,612.50	2,306.25	B-647
Robert Huber, Route 1, Campbell, Mo		20 (corn)	2,500.00 1,350.00		H-1746

SEC. 2. No part of each amount appropriated in this Act in excess of 15 per centum thereof shall be paid or delivered or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 2, after line 2, opposite the name "Robert Huber", under "Tenants share" strike "2,500.00" and insert "1,350.00".

Page 2, line 4, strike "15" and insert "10".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SARA B. GARNER

The Clerk called the bill (H.R. 12099) for the relief of Sara B. Garner.

There being no objection, the Clerk read the bill as follows:

H.R. 12099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on such terms as it deems just, the United States Postal Service is authorized to compromise, release, or discharge in whole or in part the liability of Sara B. Garner, Postmaster at the Ryland, Alabama, post office, for the loss resulting from a burglary on February 7, 1971, at that post office.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RICHARD L. KRZYZANOWSKI

The Clerk called the bill (H.R. 15865) for the relief of Richard L. Krzyzanowski.

There being no objection, the Clerk read the bill as follows:

H.R. 15865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Richard L. Krzyzanowski shall be held and considered to have been lawfully admitted to the United States for permanent residence as of February 13, 1966, upon payment of the required visa fees.

With the following committee amendment:

On page 1, lines 6 and 7, after the date "February 13, 1966" strike out the following: ", upon payment of the required visa fees".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Private Calendar.

OLYMPIC TRAGEDY

(Mrs. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.

Mrs. ABZUG. Mr. Speaker, two developments during the brief period of our recess have given pause to civilized men and women the world over. One to which I shall address myself later in the day, is the Soviet Union's demands that Jews who wish to emigrate must be ransomed. The second, which occurred only this morning in Munich, was the murder of two members of the Israeli Olympic team and the kidnaping of 14 others by a group of Arab guerrillas.

This act can only be described as the work of mindless and inhumane fanatics, and our horror at it is heightened by the fact that it intrudes upon the spirit of international cooperation which surrounds and pervades the Olympic Games. I have today cabled the International Olympic Committee asking for suspension of the games until the hostages are released and the danger has passed and I am pleased that they have acted to do so, at least for the present.

We who sit here in Congress, and those who sit downtown at the White House, can and must do more than ask others to act. It is extremely difficult for the United States to move against these terrorists directly, but we certainly can move against those nations which serve as their bases of operations and give them aid and comfort.

We can cut off direct loans and grants to them, especially those of a military character, under our foreign aid program.

We can prohibit their commerce from entering the United States, whether by air, sea, or land.

We can prohibit American-owned aircraft and ships from landing in these countries.

We can bring them before the United Nations and ask it to declare sanctions or embargoes against them.

If this country really has a commitment to world peace and tranquillity, we can demonstrate it by moving economically against those nations which harbor and countenance such international outlaws as those who perpetrated today's tragic events in Munich.

FURTHER OUTRAGES BY ARAB TERRORISTS

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, I wish to express my sense of outrage over the killings in Munich of two Israeli athletes by Arab terrorists. It seems incredible that hate and hostility, so alien to the spirit of the Olympic games, could invade the very village where the great athletes of the world have been quartered in such peaceful relations. Even now as I speak these same Arab terrorists, not content with the tragedy they have inflicted upon the innocent, threatened to kill more members of the Israeli team unless outrageous conditions for releasing their fellow terrorists are met.

I cannot help but wonder, Mr. Speaker, whether the Arab world will evidence in this situation some degree of conscience. They have often in the past gloried in the mindless slayings perpetrated by their own terrorists, but surely now with the weight of world opinion arrayed against them, they will take some steps to call a halt to these outrageous acts. For their failure to do so will clearly indicate that they have no sense of decency, no sense of humanity, no respect for peace.

We call upon the Arab world to take positive action to bring about a release of the athletes held hostage.

OUTRAGEOUS ATTACKS BY ARAB TERRORISTS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, the terrorist attack on the quarters of the Israeli Olympic competitors and the holding of hostages is an outrage to the entire world community. The Olympics have long been a neutral ground for competition among the world's athletes. These Arab criminals have turned it into a political battleground.

The United Nations should take immediate action to end this affront. Past inaction by the UN has given a green light to the Arab terrorists to continue to disrupt world peace and threaten the lives and safety of people virtually everywhere. Instead of being all too quick to pass resolutions condemning Israel as they have done in the past, the UN should be taking a strong stand against Arab intransigence and Arab support for such emissaries of violence as are present in Munich today.

West German Chancellor Willy Brant has shown his own personal courage in taking charge of the situation himself. Since the Olympics are an international activity, UN Secretary-General Kurt Waldheim also should take whatever steps are necessary to release the hostages.

How much longer will the world community have to bear these outrages? Both the United States and Israel have offered fair peace plans to settle the Middle Eastern situation. The Arab States supported by the Soviet Union and the UN have continued their conspiracy of silence and terrorism. Terrorist attacks will never be brought to an end until the world community joins in condemning the Arab States' support for these hoodlums and for an atmosphere of war in which they operate.

CONDEMNATION OF OLYMPIC TRAGEDY

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I have spoken this morning with our Ambassador to the United Nations, George Bush. I have asked him to introduce a motion of censure against the Arab nations of the world who have yet to speak out and condemn the vicious killers who have already taken the lives of two young Israelis taking part in the Olympics in Munich. The gathering together of young people from all nations to take part in this great athletic competition has always been looked on as a way of bringing nations together and creating a common area of understanding in the world. Actions such as the ones that are taking place in the Olympic Village in Munich, endanger the whole future of the Olympics. It is my hope that we here in Congress will also condemn this horrible incident.

SCHOOL BUSING

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, despite the repeated actions of this body in expressing its opposition to forced school busing, thousands of school children are returning to classes this week either on buses or under the pending threat of court-ordered busing.

Just last week we had new evidence of the courts misreading of the will and intent of the Congress in a busing case in Augusta, Georgia. Even in the Detroit metropolitan area where the moratorium bill which I sponsored has delayed massive cross-district busing, the courts seem determined to press on until they can find some new means of justifying such an order.

As the author of the Broomfield amendment to delay implementation of busing until appeals have been exhausted and as one who worked hard for passage of the Equal Education Opportunities Act just a few weeks ago, I am frankly shocked and dismayed.

For all of these reasons, Mr. Speaker, I have signed and placed at the desk today a motion to discharge H.R. 13916, the President's busing moratorium bill from further consideration by the Judiciary Committee. This measure establishes a moratorium on new busing orders until July of 1973 or such time as the Equal Education Opportunities Act is signed into law.

I urge all of my colleagues to give this measure their careful consideration and invite them to join me in this effort to bring an important antibusing measure to the floor for a vote as soon as possible.

While H.R. 13916 is designed to expire on the passage of the Equal Education Opportunities Act, we all know that measure faces, at best, a rocky road in the other body. Passage by the Senate is by no means assured.

Keeping this sobering political fact in mind, and realizing that recent court pronouncements on antibusing legislation have ignored the clear and obvious intent of Congress, I suggest that it is vitally important that H.R. 13916 be brought up for a vote.

It will buy valuable time for this Congress, and if necessary, the Congress that convenes after the fall elections to get to the task of legislating an end, once and for all, to forced busing.

OUTRAGE COMMITTED BY ARAB TERRORISTS

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, the Olympic games have been suspended for 24 hours due to the outrage being committed against the Israeli Olympic team.

Mr. Speaker, I think the fanatics operating throughout the world under the guise "Palestinian Liberation" have forcibly committed the ultimate outrage. There have been previous instances such as the Lod Airport massacre where more people have been killed and endangered; however, never have these international bandits so defied the worldwide community of civilized nations.

I wonder how we would feel, Mr. Speaker, if a group of international bandits were holding our Olympic team as hostages. And particularly since two of our allies, namely, England and Germany, are reported to be allowing offices of two bandit organizations to be operating openly in Munich and London.

It has been reported that the Popular Front for Liberation of Palestine, who have taken credit for the hijacking and bombing of aircraft 2 years ago, has an office operating freely in London and that the Black September Group, who claims credit not only for the present outrage but for the Lod Airport massacre, are operating openly and freely in Munich. I think that it is high time that all of these groups that are so freely breaking international law be placed in the same category as aircraft hijackers and any country allowing them sanctuary be boycotted by all civilized countries.

MRS. JULIA RIVERA VINCENTY

(Mr. CÓRDOVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CÓRDOVA. Mr. Speaker, I am proud to call to your attention the announcement by the President of his intention to designate a distinguished Puerto Rican, Mrs. Julia Rivera Vincenty, as an alternate member of the U.S. delegation to the General Assembly of the United Nations.

Mrs. Vincenty, our secretary of labor and the daughter of one of our great labor leaders, is a woman of great talent and dedication. Her identification with the cause of the working man has helped her perform in an outstanding manner as the secretary of labor in Puerto Rico. Her background and ability, including the cultural ties with Latin America which she shares, along with all of us in Puerto Rico and with millions on the mainland, will be a positive asset to the United States in the difficult task of maintaining a meaningful dialog with other peoples in the assembly of the nations of the world. The President is to be commended on an excellent choice.

THE SUSPENSION OF THE OLYMPIC GAMES

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, the dastardly act perpetrated by the Arab guerrillas should be condemned throughout the world. Olympic officials took the only action they could in suspending the games for 24 hours, but world officials must take immediate remedial action against these cowardly criminals who have grievously sinned against humanity.

WORDS OF CONDEMNATION ARE NOT ENOUGH

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, today the world is witnessing another act of brutal terrorism. It is tragic that the Olympic spirit of good will and brotherhood has been marred by this act of barbarism and murder, but an even greater tragedy is that this act continues the series of brutalities that have been committed against the people of Israel. This assault against Israel's athletes will be condemned, but after it is over little will be done to stop the Arab terrorists that are left to roam the world and strike where they will.

Airplanes have been hijacked and destroyed, innocent passengers have been killed at Israel's Lod airport, and civilians have been injured in the streets of Jerusalem and Tel Aviv—all by Arab terrorists. Immediately after these atrocities there have been words of outrage by the nations of the world; and yet those countries that could take steps to stop the guerrillas refuse to acknowledge their responsibility, say nothing of acting to stop these unconscionable transgressions.

The Security Council refuses to condemn the Arab nations from which these terrorists operate. France refuses to acknowledge its responsibility for having allowed a plane destined for Lod airport to be loaded without security precautions. And in the instance of a more subtle form of brutality, many of the free nations of the world fail to condemn the Soviet Union for first denying its citizens the right of free emigration and then placing an unconscionable ransom on each individual wishing to leave.

Yes, Mr. Speaker, leaders of the world's nations condemn this latest act of terrorism, as one that transgresses the spirit of the Olympics but their exhortations are of little consequence for their protestations of today will be belied by their failure to act tomorrow.

THE SUSPENSION OF THE OLYMPIC GAMES

(Mr. BOGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOGGS. Mr. Speaker, and Members of the House: I concur in the statements, very strong statements, that have been made here by the past several speakers with respect to what has happened in Munich. I was particularly impressed by the remarks made by the gentleman from New York (Mr. KOCH). Violence, unfortunately, is found in too many places in the world today, and despite the reliance that we have on the United Nations, and other peacekeeping organizations, we find very little performance in action against violent agitators anywhere.

This particular violence, because it affects the Olympic games, which have attracted international attention and in which many nations are participating, is brought more forcibly to the attention of the American people. Of course, the committee was absolutely right in susspending the Olympics until such time as this violence ceases.

However, I think more than that, Mr. Speaker, is the need to adopt international sanctions that will prevent and will punish violence of this nature all over the world, wherever practiced.

I have been surprised to see the reluctance on the part of some nations to subscribe to a treaty now being perfected, having to do with hijacking in the air throughout the world, and the return of those who engage in those practices.

Mr. Speaker, I concur in the remarks that have been made, but I also say, as the gentleman from New York said, that words are rather meaningless unless they are followed through with concrete action.

CONFERENCE REPORT ON H.R. 13089, ACCELERATED REFORESTATION OF NATIONAL FORESTS

Mr. FOLEY. Mr. Speaker, I call up the conference report on the bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 14, 1972.)

Mr. FOLEY. Mr. Speaker, I yield to the distinguished gentleman from Iowa (Mr. KYL), the author of the legislation, for the purpose of explaining the action of the conferees.

Mr. KYL. Mr. Speaker, I thank the gentleman from Washington for yielding.

Mr. Speaker, when this bill passed the House on May 3 of this year by a vote of 371 to 5, it was designed to establish a supplemental national reforestation fund. It did that by earmarking a portion of the $65 to $75 million of funds collected on import duties pursuant to section 32 of the act passed August 24, 1935. There is a great deal of discussion about the proper methods of forest management in the United States, but both Houses of the Congress know that if we do not plant trees to harvest in the future there will be none to harvest and therefore this reforestation is important. We are about 5 million acres behind in reforestation. We have additional millions of acres on which trees were never planted.

When the other body passed the bill unanimously, it amended by deleting all references to section 32 and calling for direct appropriation not to exceed $65 million annually.

There are two points worth noting. First of all, although the other body did delete any reference to section 32, under the existing law the Appropriations Committees of the two bodies can transfer funds from section 32 to other appropriations processes, and therefore it is still possible that section 32 funds can be transferred for reforestation.

The $65 million figure is realistic. The Forest Service can utilize that much money in trying to catch up and keep up with the reforestation problems. The House conferees receded. The conferees of both bodies insisted, in total agreement, that if we did not get adequate funding through this process, we would return again to some earmarking program so that we can move forward the programs which are deemed absolutely essential.

I recommend that the conference report be adopted.

Mr. FOLEY. Mr. Speaker, I do not desire to take extensive time but I do wish to point out, as has been indicated by the gentleman from Iowa, that it was the position of the conferees that they would like to have a reasonable time for the appropriation process to be permitted to function in an effort to provide adequate funds for the reforestation which this bill seeks to accomplish.

I direct the attention of the Members of the House to the conference report which indicates that the conferees have agreed to this conventional appropriation process with the clear understanding that this approach should first be tried for a reasonable period of time, and if the evidence indicates that the high priority needed for reforestation effort is not being made, a search for more direct financing methods will continue.

Mr. Speaker, I concur in the motion of the gentleman from Iowa that the conference report be adopted.

Mr. GOODLING. Mr. Speaker, I rise in strong support of H.R. 13089, legislation designed to set up a fund to promote reforestation in our National Forest System. I am a cosponsor of this legislation.

That reforestation is needed in our national forest system is evidenced by the fact that forestry experts estimate that our country is about 5 million acres behind in tree seeding and planting in our national forests.

Something should be done expeditiously to correct this situation, because the trees of our national forests are a valuable natural resource, serving many purposes. Some of these trees will lend a beauty to our American landscape, while others will make a wonderful contribution to the lumber supply that is vital to various phases of our construction industry.

H.R. 13089 is unique in that it would promote a sustained-yield forest management program. This would have the effect of gradually taking up the slack in our lax tree seeding and planting program of the present and establishing a dynamic program of reforestation that will keep us current and in tune with our needs of the future.

The legislation before us would implement a dynamic reforestation program by setting up a Supplemental National Forest Reforestation Fund. This fund would be supported through money which is now made available to carry out various programs popularly referred to as section 32 programs; that is, programs designed to encourage the exportation, consumption, and diversion of agricultural commodities. Funds obtained from imports serve as a guideline for money applied to these activities. In the case of the Supplemental National Forest Reforestation Fund, the amount of money directed to this fund would be equal to the gross receipts from duties under our custom laws on wood and paper and printed matter.

The approach used in H.R. 13089 for raising funds for reforestation is, I feel, superior to various other fund-raising approaches, for most of these are based on a base of timber sales, which involves timber cutting. H.R. 13089, however, gets away from the concept of stimulating the cutting of timber to obtain funds for reforestation practices and, in the process, encourages uniform rather than accelerated timber cutting.

The legislation also contains the beneficial feature of requiring the Secretary of Agriculture to report to the Congress with respect to the "scope of the total national forest reforestation needs, and a planned program for reforesting such lands, including a description of the extent to which funds authorized by this act are to be applied to the program." This would have the effect of providing the Congress with an accurate perspective on the needs for reforestation in our national forest system, along with keeping the funds generated by H.R. 13089 properly oriented in the reforestation program.

H.R. 13089 is constructive legislation. It deserves your support.

Mr. VANIK. Mr. Speaker, I opposed the passage of this legislation in the House on May 3. I feel I must oppose the passage of this conference report.

The bill, as it originally passed the House of Representatives, provided between $65 and $75 million per year for reforestation of national forest lands. This money was to have been supplied out of the section 32 funds, a provision which I objected to since there are several vital child feeding programs dependent on section 32 funds which, at the present time, are not being adequately funded. The conference committee dropped this provision, and now the money will be supplied out of direct appropriations.

I still object to this bill. It is a complete subsidy of the timber industry at taxpayer expense. It provides $65 million in the first year for timber replanting to repair the mistakes and failures of the timber industry to properly reforest cut-over lands. Why should the taxpayers of America pay to restore forests which were cut and ravaged to provide easy profits for the lumber industry. Reforestation should be a contractual liability of those who cut and spoil forest lands. This bill simply bails out the giant timber companies and saves them from the expense of attempting to restore the lands they cut.

On August 26, I received a very vivid description of the clear-cutting and logging practices which the Forest Service is permitting on some Western forests. Mrs. Virginia Aveni of Lyndhurst, Ohio, in my congressional district described some of the logging practices which she saw on her recent vacation to the Teton Forest area:

> August 24, 1972.
>
> Hon. Charles A. Vanik,
> *House of Representatives,*
> *Washington, D.C.*
>
> Dear Mr. Vanik: I hesitated to break into my vacation by driving down the road, only a mile or two away, from our house to look at the clearcutting on Teton Forest, but as the logging trucks were rolling past the house almost daily during the week, I finally broke down and drove up the Mosquito Creek logging road to survey the scene.
>
> On two occasions we followed two roads about fourteen or fifteen miles (six or seven miles on each road) and saw about a dozen swathes which have been cut in the last three or four years. There was no replanting in evidence on any of these areas, those freshly cut or several years old.
>
> A local lumberman told us that thousands of seedling pines had been bought (perhaps raised) in Idaho by the Forest Service, transplanted in the early spring when the snow was still deep at an elevation five thousand feet higher and naturally colder (the sap would have been flowing in the seedlings, of course), and consequently most of them had died! At any rate, we didn't even find them, though we were told we had driven past the transplanted area . . . and let me add that one does not drive over 15 or 20 miles an hour on those roads.
>
> The Mosquito Creek area has steep slopes, thin topsoil, and I'd say a significant amount of that is ending up in the creek and the Snake River in the spring. Isn't protection of the water shed part of the Forest Service's charge? Who is recording the run-off?
>
> Another area I observed is the Brooks Lake section of Shoshone Forest. A clear-cut strip from perhaps 100 feet to 300 feet wide and at least three miles long (we followed it that far on road and by foot before turning around) showed the same damage to an adjacent stream.
>
> These are the only two forests, and relatively small areas at that, which we saw. My neighbor, however, hiked in the Targhee Forest west of the Tetons and returned one afternoon to tell me it was the worst area "aesthetically" she had seen. She told me that they seemed to be cutting "at a terrific rate."
>
> A local geologist . . . described an area in the Wind River Indian Reservation where one can drive for half a day through a clear-cut.

The type of massive clear cutting described in this letter should not be permitted in the first place—and in the second place, the public should not be made to pay for the corrective reforestation. Some may say that this bill is a "conservation measure." It has a conservation effect—but the wrong persons are paying the cost. I am in favor of reforestation; I am for a ban on further clear cutting—but I am also in favor of having those who are responsible for this massive damage to our public lands pay for the repair of that damage.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise to express once again my strong support for the creation of a positive and effective means to finance the reforestation requirements of our national forests.

I am pleased to be a cosponsor of this legislation with its prime mover, the distinguished gentleman from Iowa (Mr. Kyl). We have worked closely with other of our colleagues who are interested in and knowledgeable about the national reforestation problem.

While I must confess to having mixed feelings about the fact that we were unable to obtain the precise method of financing the accelerated reforestation program that was included in our original bill, I do consider this legislation a vital and significant step forward and, most importantly, formal congressional recognition of the need to increase the speed of our reforestation efforts.

Modern, scientific tree management practices can insure trees forever in a way that combines the utilization of forest products with recreational esthetic and ecological enhancement. However, foresighted management requires adequate funding support. The National Accelerated Reforestation Act can provide that funding level even though we face a 10-million acre backlog.

The benefits to be gained from a major reforestation program are great while the costs are relatively small. We must make this investment and the sooner, the better.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 303, nays 1, not voting 127, as follows:

[Roll No. 350]

YEAS—303

Abbitt
Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Aspin
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Bevill
Biaggi
Blackburn
Boggs
Bow
Brademas
Brasco
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrnes, Wis.
Byron
Cabell
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
de la Garza
Dellenback
Denholm
Dennis
Derwinski
Devine
Diggs
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Karth
Kastenmeier
Kazen
Keating
Kee
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Link
Long, Md.
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McDonald, Mich.
McFall
McKay
McKevitt
Madden
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Miller, Ohio
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Monagan
Montgomery
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Rhodes
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scheuer
Sebelius
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Terry
Thomson, Wis.
Thone
Tiernan
Udall
Vander Jagt
Vigorito
Waggonner
Waldie
Ware
Whalen
Whitehurst
Whitten
Williams
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—1

Vanik

NOT VOTING—127

Abernethy
Abourezk
Addabbo
Alexander
Arends
Ashley
Aspinall
Badillo
Baker
Baring
Betts
Biester
Bingham
Blanton
Blatnik
Boland
Bolling
Bray
Byrne, Pa.
Caffery
Camp
Carney
Celler
Chisholm
Colmer
Conover
Corman
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dellums
Dent
Dickinson
Dingell
Dorn
Dowdy
Dwyer
Eckhardt
Eshleman
Evins, Tenn.
Fuqua
Galifianakis
Gallagher
Green, Pa.
Halpern
Hansen, Wash.
Harvey
Hastings
Hathaway
Hawkins
Hays
Hébert
Henderson
Horton
Hull
Jones, Ala.
Jones, Tenn.
Keith
Kyros
Leggett
Lloyd
Long, La.
Lujan
McCormack
McEwen
McKinney
McMillan
Macdonald, Mass.
Mailliard
Mathias, Calif.
Mayne
Michel
Mikva
Miller, Calif.
Mills, Ark.
Mink
Mollohan
Moorhead
Mosher
Moss
Murphy, N.Y.
Nichols
Obey
Pelly
Pepper
Pirnie
Price, Ill.
Pucinski
Reid
Reuss
Riegle
Robison, N.Y.
Roncalio
Rooney, N.Y.
Rostenkowski
Runnels
Ruppe
Ryan
Scherle
Schmitz
Schneebeli
Schwengel
Scott
Seiberling
Shipley
Shoup
Sisk
Spence
Springer
Steed
Steiger, Wis.
Stokes
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Ullman
Van Deerlin
Veysey
Wampler
Whalley
White
Widnall
Wiggins
Winn
Yatron

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Arends.

Mr. Thompson of New Jersey with Mr. Widnall.

Mr. Rooney of New York with Mr. Horton.

Mr. Dent with Mr. Biester.

Mr. Blatnik with Mr. Floyd.

Mr. Addabbo with Mr. Pirnie.

Mr. Hays with Mr. Mosher.

Mr. Shipley with Mr. Schwengel.

Mr. Teague of Texas with Mr. Lujan.

Mr. Leggett with Mr. Pelly.

Mr. Moorhead with Mr. Conover.

Mr. Murphy of New York with Mr. Robison of New York.

Mr. Nichols with Mr. Wiggins.

Mr. Price of Illinois with Mr. Wampler.

Mr. Reid with Mrs. Dwyer.

Mr. Green of Pennsylvania with Mr. Eshleman.

Mr. Evins of Tennessee with Mr. Baker.

Mr. Celler with Mr. Halpern.

Mr. Boland with Mr. Harvey.

Mr. Blanton with Mr. Davis of Wisconsin.

Mrs. Hansen of Washington with Mr. Michel.

Mr. Sisk with Mr. Mailliard.

Mr. Jones of Alabama with Mr. Betts.

Mr. Macdonald of Massachusetts with Mr. Hastings.

Mr. Moss with Mr. Mathias of California.

Mr. Pepper with Mr. Camp.

Mr. Roncalio with Mr. Mayne.

Mr. Ryan with Mr. Dellums.

Mr. Henderson with Mr. Winn.

Mr. Hawkins with Mr. Abourezk.

Mr. Badillo with Mr. Gallagher.

Mr. Davis of Georgia with Mr. Whalley.

Mr. Dingell with Mr. McKinney.

Mr. Davis of South Carolina with Mr. Dickinson.

Mr. Mollohan with Mr. Bray.

Mr. Delaney with Mr. McEwen.

Mr. Ullman with Mr. Keith.

Mr. Van Deerlin with Mr. Riegle.

Mr. Jones of Tennessee with Mr. Scott.

Mr. Hull with Mr. Ruppe.

Mr. Alexander with Mr. Shoup.

Mr. Byrne of Pennsylvania with Mr. Spence.

Mrs. Chisholm with Mr. Pucinski.

Mr. Carney with Mr. Scherle.

Mr. Corman with Mr. Schmitz.

Mr. Kyros with Mr. Steiger of Wisconsin.

Mr. Yatron with Mr. Schneebeli.

Mr. Ashley with Mr. Springer.

Mr. Abernethy with Mr. Thompson of Georgia.

Mr. Aspinall with Mr. Bingham.

Mr. Baring with Mr. Colmer.

Mr. Hathaway with Mr. Long of Louisiana.

Mr. Mikva with Mr. McMillan.

Mr. White with Mr. Eckhardt.

Mr. Fuqua with Mr. Galifianakis.

Mr. Rostenkowski with Mr. Runnels.

Mrs. Mink with Mr. Stokes.

Mr. Steed with Mr. Caffery.

Mr. Danielson with Mr. Dorn.

Mr. Reuss with Mr. Mills of Arkansas.

Mr. Miller of California with Mr. McCormack.

Mr. Seiberling with Mr. Dowdy.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of the clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12350) entitled "An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes."

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks in the RECORD on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERSONAL EXPLANATION

Mr. DAVIS of South Carolina. Mr. Speaker, I entered the chamber just after the conclusion of the last rollcall.

Had I been present to answer my name, I would have voted "yea."

CONFERENCE REPORT ON H.R. 12350, ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The **SPEAKER.** Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 18, 1972.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The **SPEAKER.** Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The **SPEAKER.** The gentleman from Kentucky is recognized for 30 minutes.

Mr. PERKINS. Mr. Speaker, it is my privilege to bring before the House today the conference report on H.R. 12350, the Economic Opportunity Amendments of 1972. This report has but one principal purpose, and that is to extend for an additional 3 years, until June 30, 1975, the basic provisions of the Economic Opportunity Act passed in 1964.

This is the fourth occasion that I have brought a conference report on economic opportunity legislation before you since becoming chairman of the Committee on Education and Labor. I ask myself, in the words of the old World War II slogan, "Is this trip necessary?"

This particular trip is necessary because the President on last December 9 vetoed the bill approved by the House in 1971. So we had to start the proceedings all over again this year.

The Committee on Education and Labor reported its bill on February 1, and on February 17, it was approved by the House by a vote of 234 to 127.

The conference report before us today authorizes the appropriation of $2,359,300,000 for fiscal 1973, and $2,448,000,000 for fiscal 1974, to carry out the purposes of the Economic Opportunity Act.

Subsequent to the President's veto of S. 2007 last December, both the House and Senate made an honest effort to meet his objections.

In his words:

> The most deeply flawed provision of this legislation is Title V, Child Development Programs.

We have met that objection, Mr. Speaker, by eliminating this section entirely. To make it perfectly clear, I will say again, there is no new child development program in the conference report before us today.

The President objected to the legislation passed last fall on the ground that it took away his flexibility to delegate OEO programs to other departments, and prevented him from spinning off successful and continuing programs to the service agencies.

The conference report contains no prohibition on the President's spinoff authority, and the conferees consider that objection as fully satisfied.

The veto message listed two objections to the title of the 1971 act dealing with the Legal Services Corporation. The conference report deletes the entire title, and provides for no change in the existing structure of the Legal Services program.

Mr. Speaker, these were the principal objections stated by the President in his December 10 veto message. More than half of that message dealt with the Child Development title which is no longer in the legislation.

I personally feel that the conference report is good legislation. And, if it does not go as far as I would like to have gone in some programs—the Job Corps and Headstart for instance—I recognize the need for accommodation and compromise in the legislative process.

The Senate and House conferees met in full and free discussion, and this report represents an earnest effort to reach agreement. It is a fair and reasonable agreement, and I unreservedly commend it to you.

I am pleased, Mr. Speaker, that it seems no longer required that we come before the House to defend the philosophy and the concept of the Economic Opportunity Act. Congress and the Nation have accepted it as just and right. Eight years ago, this was a near-revolutionary piece of legislation, dedicated to the proposition that, with a little help, poor people would work themselves out of poverty. The prime requirement was that the door of opportunity be opened.

Congress has tried to open the door. Unfortunately, the tide of inflation and demands for war spending have counttered our efforts in many instances. We simply have not been able to make the kind of spending effort necessary to accomplish the job fully. We still have a long way to go.

Only last month, on July 12, the Bureau of the Census confirmed this unhappy fact. The Bureau reported that the number of Americans in poverty remained essentially unchanged last year.

The number rose in 1970 for the first time in a decade. It had fallen every year from 1961 through 1969.

The Bureau reported that 25.6 million Americans were below the poverty level in March of 1971. The number was 25.4 million a year earlier. Naturally these figures are estimates, and are based on samplings of the population. The poverty level last year was established at an income level of $4,137 for a nonfarm family of four.

These are, of course, shameful figures. No one can take comfort or satisfaction from having 25.6 million of his fellow Americans in poverty. But in 1960, there were 39.8 million below the poverty threshold. We apparently have done something right, somewhere, even if it has not been enough.

Mr. Speaker, I intend to mention only a few of the ongoing programs dealt with by the conference report. I spoke at some length about the OEO programs last February when the bill was before the House. I do, however, want to comment on some of the major ones.

DEPARTMENT OF LABOR PROGRAMS

To carry out the work and training programs created by title I of the Economic Opportunity Act, the conference agreement authorizes the appropriation of $900 million for fiscal 1973 and $950 million for fiscal 1974.

These funds provide for the continued operation of the Neighborhood Youth Corps, a universally popular program.

It also provides funds for the continued operation of the Job Corps—an agency whose downgrading by the Department of Labor I genuinely deplore.

Granted, there were some faults in the original Jobs Corps organization, but by 1969 we had most of them worked out and were beginning to see some real dividends from the program. Centers at Camp Breckinridge in Kentucky and the Gary Center in San Marcos, Tex., are outstanding. Just at that point, an ill-advised decision was made to transfer the Jobs Corps operation to the Department of Labor, and to reduce drastically its scope. The administration fumed and complained about the cost per enrollee, and said it could do better with some little shirttail operations called mini-centers. I don't know how many of those mini-centers they have in operation right now—the last figure I saw indicated something like 23,000 enrollees. But I doubt we are even approaching the 35,000 trainees we once had in the Job Corps before the hatchet work began. Some cost studies I have seen indicate that the mini-centers are even more expensive than the old Job Corps, which looks better all the time.

In a contract study undertaken earlier this year by the Institute of Naval Studies, Center for Naval Analysis, these findings were reported:

> The New Job Corps Centers established after the program redirection of 1969 appear to have higher cost per man month than the previously established centers. The cost differential is due to a large extent to the high costs of off-site training and basic education. In addition to the higher costs, the new centers are at best as effective as the older centers.

The study went on to say that the length of time an enrollee remains on the job appears to bear a strong positive relationship to job placement, wage rates and relocation of trainees outside of their original community. You will remember that a sharply reduced training period was one of the features of the redirected mini-center program.

The report stated:

> Given the importance of the length of time an individual stays in the program, it is significant that the proportion of individuals who complete the Job Corps program has declined sharply between FY 1968 and FY 1972. In addition, the new centers have the lowest completion rates of all center types.

These Department of Labor programs also include mainstream and the concentrated employment program. Both of these have been of great benefit to many sections of the country, and deserve continuance.

There is ample testimony in the files and in hearings on the worth of the Neighborhood Youth Corps. It has performed well for youngsters in the in-school, out-of-school, and summer programs. The broadening of this program contemplated by the conference report is well deserved, and I know the House is in agreement.

HEADSTART

Probably the most significant expansion in funding in this conference report is that involving Headstart, which is surely one of the most popular programs ever undertaken by the Federal Government.

At the time the House acted on the Economic Opportunity legislation last winter, the best estimate we could find was that approximately 1.6 million children were then in need of Headstart services. There is no evidence that the number has decreased today. We are going on the assumption that we are now serving only 1 in 5 of these children. Because of this, the conference report recommends the authorization for Headstart be increased to $485,000,000 for fiscal 1973, and $500,000,000 for fiscal 1974.

FOLLOW THROUGH

To make sure there is a continuity of the learning process produced by Headstart, the conference report also recommends broadening Follow Through, with the authorization being set at $100,000,000 for each of the next 2 fiscal years.

OFFICE OF ECONOMIC OPPORTUNITY PROGRAMS

To fund the programs being carried out by the OEO itself, the conference report recommends the expenditure of $840,000,000 for fiscal 1973 and $870,000,000 for fiscal 1974.

Of this total, $328,900,000 is set aside for local initiative for each of the next 2 fiscal years. This is to cover the operations of the community action agencies. Another $71,500,000 annually for the legal services program is included in that total figure.

COMPREHENSIVE HEALTH

In my opinion, some of the most effective work in the entire antipoverty programs has been done in the field of health care. Poverty is hard enough to bear. But poverty complicated by illness is much worse. With this in mind, the conference agreed to a $100,000,000 authorization for both fiscal 1973 and fiscal 1974.

EMERGENCY FOOD

It has been demonstrated that, even with all of our various feeding programs, we still are not reaching all of the people who need help. The $23,500,000 appropriation for fiscal 1972 just was not getting the job done. There was not enough to go around. And the administrations fiscal 1973 request for $3,500,000 was totally unrealistic in view of the need. For this reason, the conferees agreed that $30,000,000 should be spent annually for emergency feeding programs undertaken by the OEO.

SOS

A program called senior opportunities and services has been especially beneficial among the elderly poor of this country. This is a group all too often forgotten in a youth-oriented society. The conferees recommend spending at the $8,800,000 level for the next 2 years, recognizing that this is but a token operation in comparison to the work to be done in this area.

ENVIRONMENTAL ACTION

The conference report does contain the new program which the House bill proposed last year—a program in the field of environmental action. This is a special emphasis program, providing for payment to low-income people to work on projects designed to combat pollution and to clean up a rapidly degenerating physical environment in America.

I feel the poor can be usefully employed in removing solid wastes, in clearing streams, in carting away all of the unsightly old automobile bodies that choke the roadways and creeks in many places. They can work on projects designed to upgrade the water supplies and improve the processing of sewage. They can plant trees, improve our parks, and help reclaim lands which have sustained ecological damage from mining operations and other forms of man-generated or natural destruction. The conference report recommends a modest $5 million for this new program.

RURAL HOUSING

I am happy to say that the conference report retains the new program of rural housing which the House bill initiated last year. The recommended authorization is $15 million for fiscal 1973, and $20 million for fiscal 1974.

This program could fill a genuine need among the isolated and the poverty bound of the Nation. I know the House agrees.

These, Mr. Speaker, are but a few of the major programs involved in this conference. Members have had an opportunity to study the report, and to see what we have done.

Eight years ago, Congress committed itself to a plan to eliminate poverty for those who want to improve their lot through their own efforts. It has sometimes seemed that we have had to run very fast indeed—as Alice in Wonderland said—to keep from standing still.

We all know that there is much suffering in the land that is keyed directly to poverty. We all want to do something about it. This is simply one more opportunity for us to act.

If we continue to tolerate poverty and the status quo in America, we must know that we shall have to pay a price. The cost of the economic opportunity program is insignificant alongside the long-range cost of maintaining poverty.

I include the following:

[In millions]

	1972 appropriation	1973 budget request	1973 conference report	1974 conference report
Department of Labor programs	$802.9	$900.3	$900.3	$950.0
Headstart	376.3	393.6	485.0	500.0
Follow Through	60.1	57.7	70.0	70.0
ACTION	37.0	56.4	58.0	58.0
OEO total	724.6	760.2	840.0	870.0
Local initiative	(298.6)	(333.6)	(328.9)	(328.9)
Legal services	(61.9)	(71.5)	(71.5)	(71.5)
Comprehensive health	(107.6)	(95.0)	(100.0)	(100.0)
Emergency food	(23.6)	(3.5)	(30.0)	(30.0)
Family planning	(24.0)	(15.0)	(20.0)	(20.0)
SOS	(8.0)	(8.0)	(8.0)	(8.0)
Alcoholic counseling	(1.9)		(18.0)	(18.0)
Drug rehabilitation	(18.0)	(23.0)	(18.0)	(18.0)
Environmental action			($5.0)	($5.0)
Rural housing			(15.0)	(15.0)
Consumer action			(7.5)	(7.5)
Design and planning			(10.0)	(10.0)
Youth recreation and sports	($3.0)		(4.5)	(4.5)
T. and T.A., SEOO, R. & D	(74.6)	($123.3)	(109.6)	(109.6)
Title III	(36.1)	(36.0)	(36.0)	(36.0)
Titles VI and X	(18.5)	(20.6)	(18.0)	(18.0)
Title VII	(26.8)	(30.7)	(40.0)	(40.0)
Other	(22.0)			
Add-ons: Title VIII (VISTA)			16.0	
Total	2,003.7	2,168.2	2,359.3	2,448.0

Mr. ZWACH. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Minnesota.

Mr. ZWACH. Mr. Speaker, I thank the gentleman for yielding, and I note that there is an appropriation for family planning of $20 million. The law still holds that this money cannot be used to promote abortions as pertaining to family planning; is that correct?

Mr. PERKINS. Mr. Speaker, first of all let me say to my distinguished colleague, the gentleman from Minnesota (Mr. ZWACH) that I personally have never been much impressed with the family planning program, but it is in the bill, and it has been in the legislation for several years. The conferees and the minority members supported this provision to a greater extent I think than did the chairman of the committee, but nevertheless it is in here. I am not well versed in this field, but a majority of the Congress felt it worth while when they enacted the legislation. And the Nixon administration recommended $15,000,000 for it in this fiscal year.

Mr. ZWACH. I thank the gentleman.

Mr. PERKINS. Let me say that I am not here advocating abortions, or anything of that kind. And this legislation was never intended to be useful in promoting abortions. I do not believe in that philosophy.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, as the chairman of the committee will recall, when we had the OEO bill before us in the House I joined with the gentleman from New York (Mr. SCHEUER) to try to get the committee on both sides of the aisle to accept an amendment for the aging which we felt was most worthwhile.

We proceeded to offer our amendment upon the assumption that it is bad enough to be poor and then a little worse to be old and also poor but the very worst combination is to be old and poor, and add to that the isolation that comes from living in a rural area. The gentleman from Kentucky may recall that the amendment added $50 million, which divided equally would be only about $1 million per State for projects for the elderly poor in rural areas. This was the first time some pinpointed assistance had been directed to these most worthy recipients.

We are advised that the other body continued to carry this $50 million for these special programs, and yet if I recall the wording of the conference report correctly—and I do not have it before me—that the words "elderly" or "senior citizens" or "older Americans," as the Older American Act calls our "senior citizens," has been stricken from the conference report and the only reference is at page 9 of the report which permits the Director to provide assistance for projects to assist older persons.

We understand that the conferees agreed on the merit of these special programs for our older persons. But I am asking the chairman at this time if that paragraph on page 9 in the report has reference to the Scheuer and Randall amendment? Is this the paragraph which survived the conference—after both bodies had their own separate amendment to provide special projects for the aging?

Mr. PERKINS. It is my understanding that it does have reference to the authorization. In behalf of the older Americans, I certainly agree with the gentleman from Missouri that the Congress has not done enough for older Americans, and we should have done much more in this conference report.

But there was a tendency to cut back on all authorizations and this is one area where we should not have cut back. We gave the administration flexibility, however, as to where they can make an expenditure for the older Americans if it so desires. It is left entirely to the administration—to the people who administer the programs.

Mr. RANDALL. Mr. Speaker, if the gentleman will yield further—the intent of this body was there—the legislative history was written at the time the OEO authorization passed the House. If it was the intent of the other body that $50 million be earmarked for the elderly then regardless of the paragraph on page 9 of the report no matter how it is worded then it remains the legislative intent of both bodies of the Congress that special assistance programs means programs for older persons who may or may not reside in low-income areas and who are not served by other programs?

I thank the gentleman.

Mr. PERKINS. Mr. Speaker, let me mention the comprehensive health program. We have had some of the most effective work in the entire antipoverty programs in the field of health care. With this in mind, the conference agreed to the $100 million authorization for both the fiscal year 1973 and the fiscal year 1974, and hope this will allow for the expansion of these valuable programs.

In further answer to the gentleman from Missouri, the program called "the senior opportunities and service program" has been especially beneficial among the elderly poor of this country. This is a group that is all too often forgotten in a youth oriented society. The conferees recommended spending at the $8,800,000 level for the next 2 years, recognizing that this is but a token operation in comparison to the work to be done in this area.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman.

Mr. RANDALL. Is the so-called SOS program specifically funded at the amount of $8 million, what has long been known as the Senior Opportunities Services?

Mr. PERKINS. That is correct.

Mr. RANDALL. I thank the gentleman and may I be permitted to add that in our congressional district these SOS programs have been of great benefit to our older citizens.

Mr. PERKINS. Mr. Speaker, we should have provided more money for these programs, but there was a tendency to do a lot of penny-pinching on the part of the conferees to make sure that we got a conference report. That was the reason that many of these programs have been cut to the bone. It is the best we could do with the view that we may be able to obtain a conference report and make it veto-proof.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. QUIE).

(Mr. QUIE asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. QUIE. I thank the gentleman for yielding.

As the gentleman knows, we have had some questions on section 19 of the bill, which provides that there shall not be lower standards set on the day-care programs than were established in the Federal Interagency Day Care Requirements of 1968.

Mr. Speaker, on August 31, I received the following letter from the Secretary of HEW Richardson regarding section 19 of the legislation we are considering here today:

WASHINGTON, D.C.,
August 31, 1972.

Hon. ALBERT H. QUIE,
House of Representatives,
Washington, D.C.

DEAR MR. QUIE: I understand that Section 19 of the proposed Economic Opportunity Act Amendments would require that the 1968 Federal Day Care Requirements be minimum requirements. The 1968 Requirements have made an appreciable contribution toward the development of quality child care. However, I believe that comprehensive review and revision of the requirements is now in order for a number of reasons. As you may know the Department, in conjunction with parent groups and child care specialists within and outside government, is currently undertaking such an effort.

The 1963 FDCR were designed primarily for care delivered in day care centers. However, the bulk of all day care today continues to be delivered in a child's own residence or in a small family day care home. The proposed revised standards recognizes the special features of all three major day care settings (centers, family day care homes, and in-home care) and define specific requirements for each to ensure quality care regardless of setting.

One major weakness of the 1968 Requirements has been the difficulty of ascertaining compliance with the standards. The specific standards are frequently imprecise and hard to measure. The proposed revision of the Requirements would not eliminate all of these difficulties, but the new version would increase significantly the Federal Government's ability to effectively measure and enforce the standards. For example:

Definitions have been clarified and made more precise.

Each Federal requirement is accompanied by one or more measurable criteria for evidence of satisfactory compliance.

The components of safe, healthy, and developmental care have been changed, where possible, from general pronouncements of intent to specific criteria.

The revised standards are designed to reflect Federal experience with day care since 1968. For example, on the key issue of staff/child ratios, the 1968 ratios measured the number of *adults* per child, whether or not the adults were qualified caregivers and regardless of whether or not they provided care to the children. Thus secretaries, bus drivers, and custodians could be included. Based on our experience since 1968, there is general agreement among child development specialists that the ratios are more appropriate when defined in terms of the actual hours of qualified *care* provided per child, rather than an arbitrary number of adults present in the facility. We therefore would not want Section 19 to limit our flexibility in dealing with this problem.

Thus our primary concern over the interpretation of Section 19 arises in instances in which a quantitative measure in the 1968 requirements may be lowered in a revised version but would not in any way endanger the quality of care involved. Because we expect revised standards to improve the clarity, enforceability, and specificity of the 1968 requirements, no lowering in quality of care would occur. We would like, therefore, through a colloquy on the House floor, to make it quite clear that designation of the 1968 requirements as minimum requirements does not mean that every revised standard must be as stringent in quantitative measure. Rather the object of designating the 1968 requirements as minimum is to maintain quality.

I believe that our revised standards will represent a significant improvement over the 1968 version—an improvement that will increase both the quality and the quantity of Federal day care programs.

I therefore urge you to utilize the enclosed colloquy to insure a degree of flexibility in the revision of the 1968 standards.

With kindest regards.

Sincerely,

ELLIOT RICHARDSON,
Secretary.

Mr. QUIE. Mr. Speaker, in light of the request from Secretary Richardson, and because it was not the intention of the House through this provision to tie the hands of HEW; for the purpose of establishing legislative history, I would like to ask the Chairman of the Full Committee a question. As you know, experience with the 1968 Federal Interagency Day Care Requirements over the past several years has shown that in some cases the measurement or standard which was promulgated at that time has not really helped to insure the proper quality of care. In many instances, the standard has proven too vague for effective enforcement. In other cases, compliance with the quantitative measure which was chosen has not necessarily resulted in the high quality of care which that measure was intended to foster. As a result of the experience gained since 1968, the Department of Health, Education, and Welfare, is now in the process of reconsidering the 1968 standards, and the expectation is that several of them will need revising in light of that experience. Since we in the Congress recognize that standards must be readjusted over time to respond to changing needs in the rapidly developing field of early childhood, and in considering amendments to the Economic Opportunity Act, we felt it important to include in those amendments a provision, which was written into section 19, insuring that any new standards would maintain at least the level of quality prescribed by the 1968 standards. My question to the gentleman concerns the possible flexibility which HEW and OEO may have to revise the standards. Would this provision prohibit the revision of any standard which has been found to be an ineffective or imprecise measurement of the quality of care or conditions of a day care center?

Mr. PERKINS. Mr. Speaker, let me say to my distinguished colleague, this is designed to give the administration considerable flexibility.

Section 19 of H.R. 12350 requires that any future standards which are adopted by HEW and OEO be no less comprehensive than the 1968 standards. According to the House committee report, this means that the 1968 standards are minimum standards. But the committee did not intend section 19 arbitrarily to prohibit changes and modifications designed to clarify the 1968 standards or to improve their ease of applicability and enforceability. If a particular standard or quantitative measurement in the 1968 requirements was ill-conceived or has been ineffective in meeting its purpose, another approach should be developed. However, there can be no changing of requirements which would have the effect of lowering the quality of care which would be permissible under Federal standards.

In this connection, Mr. Speaker, I am specifically concerned about Secretary Richardson's intentions, as expressed in his letter, with respect to child-staff ratios. While we certainly do not intend that bus drivers, secretaries, and custodians be counted as staff and would welcome clarifications in that regard, the majority conferees would view any reduction in the child-staff ratios contained in the 1968 agreement as lowering the quality of care.

Mr. QUIE. I thank the able chairman.

Mr. Speaker, this is another provision in the OEO conference report that I would also like to highlight at this time, because I feel that it is a very significant and meaningful step forward in our dealing with the handicapped children of this Nation. The conference report contains the following new section:

> (2) The Secretary of Health, Education, and Welfare shall establish policies and procedures designed to assure that not less than 10 percentum of the total number of enrollment opportunities in the Nation in the Headstart program shall be available for handicapped children (as defined in paragraph (1) of section 602 of the Elementary and Secondary Education Act of 1965, as amended) and that services shall be provided to meet their special needs. The Secretary shall implement his responsibilities under this paragraph in such a manner as not to exclude from any project any child who was participating in the program during the fiscal year ending June 30, 1972. Within six months after the date of enactment of this Act, and at least annually thereafter, the Secretary shall report to the Congress on the status of handicapped children in Headstart programs, including the number of children being served, their handicapping conditions, and the services being provided such children.

This section, although part of the Senate bill, represents a culmination of years of activity and interest in behalf of many Members of Congress in both the House and Senate and it reflects our concern that the handicapped be afforded every opportunity that every other citizen is entitled to. This provision is particularly significant in that it is the first time the Congress has directed that opportunities be extended to handicapped individuals as part of regular Headstart programs. It has long been my feeling that although some handicapped children need special services, many severely handicapped youngsters with minimum accommodations and a maximum of understanding can fit into regular programs for normal children.

I want to emphasize that this provision means handicapped under the Federal definition as defined in paragraph 1 of section 602 of the Elementary and Secondary Education Act and not merely individuals who have "handicapping conditions." Throughout the existence of the Headstart program, through its medical component, it has found thousands and thousands of children who have handicapping conditions such as visual problems which require eyeglasses or children with a slight hearing loss speech disorders, or emotional problems. These children have been served under the Headstart programs and will and rightly should continue to be served under this program. It is now hoped that as a result of this amendment that Headstart will serve children who are totally blind, totally deaf, and severely physically and mentally handicapped.

It has been said for years that a child who is poor is handicapped. I would add to that that a child who is poor and also severely handicapped is doubly handicapped and there can be no greater service than to help these youngsters to truly gain a headstart, giving them the opportunity to participate, to grow, and hopefully, benefit through this program.

I think it is important to emphasize the provision which specifies that children who participated in the program last year will not be excluded from participation in the program this year if they are still qualified for enrollment. Since Headstart normally enrolls 4- and 5-year-olds, and there is a general turnover of about 50 percent each year, I can anticipate no problems in meeting the requirements of this section as new enrollment opportunities in programs throughout the Nation open up. It is my hope that Headstart programs throughout the country will actively work with community based organizations for the handicapped as well as schools, universities, and agencies serving the handicapped in every State in an effort to identify, recruit, and assist in helping to place handicapped children in local Headstart programs. I can see no circumstances under which a handicapped child should be denied entrance to a Headstart program if he is qualified and his parents want him to participate.

So that my colleagues can understand the scope of this amendment and how it affects each State, I am inserting at this point in the RECORD a chart produced by the Office of Child Development for Project Headstart showing the new obligational authorities, the number of children, the number of grants, and the number of centers in each State for fiscal years 1971, 1972 and a projected estimate for fiscal 1973:

OFFICE OF CHILD DEVELOPMENT HEADSTART PROGRAM—STATE WORKSHEETS

Name of State	Fiscal year 1971				Fiscal year 1972				Fiscal year 1973 estimate			
	NOA	Number of children	Number of grants	Number of centers	NOA	Number of children	Number of grants	Number of centers	NOA	Number of children	Number of grants	Number of centers
Alabama	9,650,812	13,002	33	240	9,891,480	13,632	32	214	10,249,526	13,500	31	214
Alaska	1,357,571	1,091	3	41	1,413,668	1,580	3	45	1,460,235	1,500	3	44
Arizona	2,403,534	3,562	4	68	2,478,260	2,571	4	59	2,565,022	2,500	6	55
Arkansas	4,755,259	7,003	22	203	5,174,429	7,510	22	193	5,365,061	7,400	22	193
California	24,344,519	19,175	38	672	25,595,743	15,466	40	626	26,486,843	15,400	43	626
Colorado	4,402,596	5,115	23	142	5,136,386	5,088	26	196	5,300,265	5,000	23	196
Connecticut	2,184,146	3,246	13	95	2,159,737	2,728	13	85	2,240,389	2,500	13	85
Delaware	967,288	1,283	5	35	1,001,186	888	3	17	1,039,068	800	3	17
District of Columbia	4,201,441	2,010	3	65	3,718,340	3,729	2	99	3,850,447	2,600	2	99
Florida	11,929,130	14,213	39	285	12,312,342	14,171	37	215	12,752,293	12,400	36	215
Georgia	6,344,679	11,168	34	196	6,938,730	12,306	30	178	7,369,286	10,400	30	178
Guam [1]												

[1] Included in Pacific trust territories.

OFFICE OF CHILD DEVELOPMENT HEADSTART PROGRAM—STATE WORKSHEETS—Continued

Name of State	Fiscal year 1971				Fiscal year 1972				Fiscal year 1973 estimate			
	NOA	Number of children	Number of grants	Number of centers	NOA	Number of children	Number of grants	Number of centers	NOA	Number of children	Number of grants	Number of centers
Hawaii	2, 303, 908	1, 100	4	69	1, 916, 332	1, 178	3	43	1, 971, 229	1, 100	4	43
Idaho	1, 377, 867	1, 264	10	30	958, 460	1, 194	9	30	992, 676	1, 100	9	30
Illinois	13, 443, 645	15, 332	47	408	14, 714, 852	15, 802	45	390	15, 244, 240	15, 800	46	390
Indiana	4, 903, 858	6, 541	32	221	5, 647, 789	7, 254	29	233	5, 854, 307	7, 300	28	233
Iowa	2, 952, 152	3, 515	26	129	3, 108, 671	4, 090	21	85	3, 222, 317	4, 000	21	85
Kansas	3, 804, 944	2, 223	17	50	2, 947, 709	2, 454	18	57	3, 055, 245	2, 800	18	57
Kentucky	9, 447, 495	18, 701	62	520	8, 957, 406	17, 543	56	104	9, 277, 701	16, 600	58	104
Louisiana	8, 162, 138	10, 727	30	194	8, 574, 660	11, 586	30	94	8, 891, 158	11, 300	28	94
Maine	1, 665, 432	1, 851	19	72	1, 777, 972	2, 015	17	75	1, 813, 960	2, 000	16	75
Maryland	3, 885, 370	4, 360	19	142	3, 820, 671	4, 144	21	129	3, 885, 716	4, 200	19	129
Massachusetts	6, 781, 321	6, 496	33	184	6, 986, 667	6, 186	32	173	7, 243, 418	6, 200	31	173
Michigan	7, 273, 368	9, 914	44	352	7, 821, 851	10, 241	41	317	8, 104, 264	10, 300	42	317
Minnesota	3, 672, 624	5, 888	35	228	4, 027, 097	6, 204	29	199	4, 170, 202	6, 200	29	199
Mississippi	35, 040, 296	31, 213	28	497	34, 394, 282	31, 010	27	470	35, 628, 482	31, 600	27	470
Missouri	8, 424, 877	8, 443	19	319	8, 760, 736	9, 315	16	257	8, 797, 527	8, 500	18	257
Montana	1, 164, 349	1, 102	12	32	1, 352, 239	1, 802	11	42	1, 661, 405	1, 900	9	42
Nebraska	1, 790, 314	3, 040	15	78	1, 803, 622	2, 872	13	64	1, 850, 189	2, 100	15	64
Nevada	445, 571	260	3	10	490, 775	398	1	14	549, 349	400	2	14
New Hampshire	861, 034	945	7	21	913, 268	948	6	26	930, 316	700	6	26
New Jersey	8, 464, 145	8, 714	31	226	8, 805, 746	7, 533	28	217	2, 116, 265	7, 200	27	217
New Mexico	2, 399, 737	3, 981	21	92	2, 610, 010	4, 517	18	94	2, 706, 548	4, 500	18	94
New York	23, 479, 231	17, 195	62	385	23, 989, 933	13, 665	60	337	24, 841, 798	13, 600	61	337
North Carolina	9, 644, 806	16, 034	57	409	10, 026, 058	15, 415	54	339	10, 390, 214	14, 500	54	339
North Dakota	350, 255	953	13	20	618, 246	1, 226	13	17	637, 798	1, 000	12	17
Ohio	10, 499, 359	14, 544	52	531	11, 391, 525	14, 951	49	466	11, 799, 960	14, 900	50	466
Oklahoma	5, 977, 033	10, 210	27	268	5, 915, 262	8, 554	26	257	6, 132, 778	10, 400	25	257
Oregon	1, 486, 696	1, 908	18	70	2, 286, 070	1, 880	17	59	2, 364, 409	1, 800	17	59
Pacific trust territories	533, 527	2, 562	8	88	554, 788	2, 408	6	61	574, 304	2, 100	5	61
Pennsylvania	9, 991, 684	13, 002	72	370	10, 657, 500	12, 818	69	371	11, 045, 005	11, 800	69	371
Puerto Rico	6, 233, 980	6, 730	5	257	6, 791, 139	6, 622	3	258	7, 033, 045	6, 700	4	258
Rhode Island	936, 526	1, 280	9	30	97, 462	1, 658	10	32	1, 025, 344	1, 500	9	32
South Carolina	6, 029, 189	10, 563	26	142	6, 277, 101	8, 948	22	141	6, 504, 393	8, 800	22	141
South Dakota	715, 278	974	9	40	661, 859	435	7	34	680, 320	1, 000	7	34
Tenessee	7, 156, 350	11, 742	38	309	8, 234, 810	11, 273	34	279	8, 524, 686	12, 600	26	279
Texas	15, 689, 894	22, 069	91	464	15, 898, 044	20, 548	88	422	16, 478, 625	21, 300	89	422
Utah	1, 241, 367	2, 156	12	55	1, 412, 464	2, 038	10	46	1, 457, 678	1, 500	9	46
Vermont	818, 368	896	8	39	1, 026, 818	995	5	35	1, 071, 165	800	5	35
Virgin Islands	710, 030	540	3	13	723, 056	790	1	13	749, 940	800	1	13
Virginia	5, 110, 614	5, 655	42	191	5, 228, 416	5, 907	43	167	5, 416, 735	5, 900	41	167
Washington	4, 138, 086	2, 913	32	115	4, 331, 955	3, 802	25	121	4, 474, 836	3, 320	25	121
West Virginia	3, 583, 596	5, 697	31	220	4, 135, 961	5, 411	25	355	4, 283, 954	5, 400	24	355
Wisconsin	3, 882, 952	4, 473	33	168	4, 339, 826	5, 372	28	157	4, 495, 161	5, 400	27	157
Wyoming	476, 675	845	7	22	590, 958	1, 492	7	21	610, 510	1, 400	5	21
Indians and migrants	10, 673, 000	11, 495	62	327	12, 214, 000	11, 136	83	432	12, 669, 000	12, 300	84	432
Total	328, 211, 686	390, 914	1, 435	10, 476	344, 484, 373	388, 803	1, 367	9, 450	357, 007, 445	379, 000	1, 358	9, 450

It it my hope that within the next year there will be 37,900 handicapped children participating with normal children in Headstart programs throughout the Nation. Further, I hope that the Office of Child Development will work closely with the Bureau of Education for the Handicapped so that their expertise and experience can be utilized to enrich not only the new handicapped students but the entire Headstart program.

In my years here in the Congress and in the State legislature I have come to know handicapped children and their parents. I have learned from them the terrible impact that being excluded from the benefits of our society has upon their self-identity. To open the door through legislation such as this is an important beginning but I call upon my colleagues and all those concerned about the handicapped throughout the Nation to actively work to make the intent of this law a reality for these children.

I would think all the Members could support this legislation. There were two very strong objections by the administration, I understand, to the conference report as we first agreed on it. One was with respect to the Legal Services Corporation. Rather than work out a Legal Services Corporation in the conference, as the chairman has indicated, we just dropped the Legal Services Corporation and we left the legal services exactly as it is in the present law. I still have a desire for a Legal Services Corporation and my own feeling is the administration wants it, but we can bring such legislation up in the next Congress.

My own feeling is that there ought to be a separate corporation and that the issue of accountability be thoroughly considered. There was always a question as we considered the corporation legislation this time as to whether board members selection procedures in both the House- and Senate-passed bills would be free to vote their independent, personal feelings, or would be bound to reflect the views, interests, or official positions of their organizations. At best they would have been irrevocably bound by formal resolution.

The President, in my opinion, should be free to choose the most qualified persons available. Obviously, he should look to bar leadership both for advice and for talent, but in the final analysis be free to decide not to appoint an individual if he feels that that individual would bring unnecessary controversy to the board, inject partisan politics, or be antagonistic to legal services.

There was a difference of opinion on this issue and rather than get into that fight here I think we did the right thing by dropping it out of the conference report which was the right of conferees under the rules of the House.

Second, the authorization figures were much higher than the administration had asked for, and we cut those back to almost the administration's budget request; $200 million over the budget rather than $900 million per year. I think this legislation gives OEO flexibility and I hope we can pass it so that the people in the OEO and all the Community Action agencies can know what the authorization is they are going to operate under for 2 years. During the last year they operated without an authorization and have been under an appropriation which presumed authorization.

Mr. PERKINS. Let me say in response to the gentleman from Minnesota, we went way out in the majority party to meet the objections of the President. I personally witnessed while we were going on under the continuing resolution, that some of the better programs, such as the emergency food and medical care program, for instance, were being entirely phased out in certain sections of the country and we were not able to do anything about it.

Mr. PERKINS. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, this is the first conference report that I have failed to sign in the number of times I have been a conferee on bills before the Committee on Education and Labor of the House, and this will be the first time that I will vote against the authorization for OEO contained in this conference report.

I do so as a symbol of my extreme displeasure at the manner in which both Houses of the Congress are being bludgeoned—and I use the word advisedly—bludgeoned by the White House on this bill, and particularly with regard to the Legal Services Corporation which was in the original OEO bill.

I would like to take time to explain the history of that legislation and then leave it to history to determine who really killed the Legal Services Corporation.

Mr. Speaker, back in March—March 18, to be exact—of 1971, 100 Members of this body and of the other body introduced a bill, which was in the House H.R. 6361. We introduced the bill because it was our feeling that the legal services program in OEO, while one of the most successful of all the OEO programs, ought to be insulated from political pressure, but not isolated from the needs of the poor.

We recognized, and I believe anyone who has studied this legislation and the activity carried on under it recognized, that the legal services program is a controversial program.

By its very nature it is controversial. All the more reason to insulate it from political pressure if it is going to work correctly. So we set out to do this.

Incidentally, Mr. Speaker, to do this after the recommendation of the Ash Commission of President Nixon and after the recommendations of the American Bar Association, the National Bar Association, the Legal Aid Defenders Association, and every other recognized bar association in the United States.

At the time we introduced that bill the administration also had a bill introduced which created an independent Legal Services Corporation. These two bills varied in some respects, primarily in two.

First of all, there were, by the testimony of almost all of the experts who appeared before our committee, some very serious shortcomings in the administration bill insofar as there were many instances which would provide interference between the individual Legal Services Corporation lawyers and their clients. My recollection is there were at least four instances in which we had testimony that even a lawyer accepting employment with the Legal Service Corporation under these circumstances might well constitute a violation of the professional code of ethics.

These two bills varied in one other very important respect, which is with regard to the appointment of the board of directors, that is, the people who ran or were to run the Legal Services Corporation.

The bill introduced by the 100 Members with strong bipartisan support, provided primarily that some of the selections—I think five of them at that time—were to be made by the President with the advice and consent of the Senate, one was to be made by the Chief Justice of the U.S. Supreme Court, and others were to be made on recommendations of the client and the community and the Legal Services Corporation lawyers, and others were to be made because those people were heads of national bar associations and were recognized as having supported and worked for this legislation.

Under the administration proposal all of the board of directors were to have been appointed by the President with the advice and consent of the Senate. The only admonition was that no more than six of the 11 could have been from any one political party.

We had extensive hearings not only here in Washington, but we traveled, as I recall it, into Louisiana, California, and a number of other places and heard testimony on this legislation. We received the word from the White House that the bill that the 100 Members, the bipartisan bill, had agreed to, was unacceptable particularly because of the composition of this board. We recognize it might provide some problems to the President in exercising his prerogative. We entered into rather intensive negotiations between some of the Members on the Democratic side and some of the Members on the Republican side. These negotiations were carried on in entire good faith on both sides. Particularly I wish to commend the gentleman from Wisconsin (Mr. Steiger), the gentleman from Minnesota (Mr. Quie), the gentleman from Illinois (Mr. Erlenborn), for the fine cooperation and good will which they exercised in attempting to reach a compromise that we felt would be acceptable.

We did reach that compromise. We reached a compromise which we felt would preserve the prerogatives of the President and yet make the Legal Services Corporation a truly independent corporation in the sense that it would be insulated from political activity and political pressure. We brought that bill to the House of Representatives and passed it as a part of the OEO bill by a very substantial margin.

Indeed, we defeated an amendment to cut it out by an overwhelming majority. And it is my recollection, and the gentleman can correct me if I am wrong, that the minority leader of the House voted for this proposal as it went through the House.

It was part of the OEO bill which was vetoed by the President. As the chairman stated earlier, the major objection the President had to that OEO bill, as we all know, was the early childhood development program, but he also had a few choice words for the Legal Services Corporation, indicating his displeasure again and in fact saying we had not gone far enough in protecting his prerogatives on the appointment of this board.

So after the veto we went back to the drawing board again with the same people, and sought a further compromise to further elevate the prerogatives of the President and to lower what we considered to be the insulation for a fully independent Legal Services Corporation, and we brought that back to the House.

We were told that the prerogatives of the President had to be preserved so that only he could appoint people to the board of directors—that was the only way that we could maintain a separation of powers.

I just happen to have before me about six illustrations, the Railroad Retirement Board, the Appalachian Regional Commission, the Farmers Land Bank, the communications satellite program the Federal National Mortgage Association, and others, in which the President has not insisted on his complete prerogative with regard to the appointment of Commissioners. So I think that argument is invalid.

But in any event we made further compromises and we brought that bill back to the House with those compromises, and passed it again through the House, and the Senate was doing the same thing, a bill very similar to ours was being again passed through the Senate. We went into conference and reached agreement again, after compromising and, I might say, we even went beyond the scope of the House and Senate bills to reach that compromise, we went further in the President's direction than either the House or the Senate bills, and would have had a bill here, which provided even more concessions to the President.

After a while, during which some extreme pressures were brought upon the Senate by the White House, the Senate asked for another conference—

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. PERKINS. Mr. Speaker, I yield 3 additional minutes to the gentleman from Washington (Mr. Meeds).

Mr. MEEDS. As I started to say, the Senate asked for a further conference, the conferees were again appointed, and we went back to conference without having brought this bill even to the floor. At that time we were informed that the White House indicated that the Legal Services Corporation, even in the shape it was in then, was still unacceptable, and that if it passed in that form the President would veto it—and we had this on pretty good authority. My preference would have been to pass the bill and let the President veto it, because, you know, if he is going to kill the legal services program it ought at least be buried in the White House, and not here in the Congress, but I was a minority of the conferees. The conferees agreed rather than going as far as the President wanted to go with his appointment of the board, to cut out the legal services program entirely.

Now, it is a kind of a bad choice of alternatives, but I must say that, presented with the alternatives that the President laid down, and the type of board he wanted, and the type of program that presently exists, the present program is probably the best because we at least have some oversight authority.

But to do so—to go as far as the President wanted to go to sign the bill, it seems to me would be to abandon the very reason for creating an independent Legal Services Corporation because it would not be independent at that time.

I do not fault my colleagues on either side of this aisle. Indeed, I have high praise for some of the Members on the Republican side who worked very hard, especially the gentleman from Wisconsin (Mr. Steiger), the gentleman from Illinois (Mr. Erlenborn), and the gentleman from Minnesota (Mr. Quie) to get a bill and to get an acceptable Legal Services Corporation. But I do fault the President of the United States for the pressure that was brought on these conferees to knock this Legal Services Corporation out.

I think the record ought to be amply clear that the total responsibility for killing in 1972 the Legal Services Corporation is the responsibility of the White House—and not the Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. QUIE. Mr. Speaker, one of the problems that we have with the Legal Services Corp., of course, is trying to insulate it from political pressure—and that is what we want to do and what we have done in the past to insulate similar organizations from political pressure is to have the board members appointed by the President and then that they be confirmed by the Senate. This is what the Presidents Corporation would have done.

There is another question of accountability as well. While we have high regard for organizations such as the American Bar Association, the Association of American Law Schools, the National Bar Association, the National Legal Aid and Defenders Association and the American Trial Lawyers Association—there is still the question of their accountability.

In our governmental system, we usually make those who are responsible for administering a program for which Federal funds are appropriated accountable through us to the taxpayers. We have, of course, the General Accounting Office as an arm of the Congress. But the basic argument is accountability during administration not a checkup afterwards.

The administration wanted their legal services corporation—and that is what they wanted in place of what we had agreed to originally in conference. They felt that that would provide for the accountability. But as the gentleman from Washington indicated, we could not agree in conference on the kind of corporation that could get by both the Congress and the White House and, therefore, it was a move on the part of the conferees to drop the corporation at this time—and not the White House.

That was the only thing that we could agree on in conference—that could be agreed on both in conference and in the White House. That is why we bring this report to you now.

Next year, as I indicated earlier, I would like to see us work out a corporation, but there is still going to be an issue before us—the issue of accountability—who will be responsible or how will they be responsible to the taxpayers who put up the money for these programs?

Legal services attorneys are different from other attorneys. Other attorneys in private practice are responsible to their clients and to their law firm, if they belong to a law firm.

But in this case, they are being paid by the Federal Government and in this way we are writing really a new chapter each year as this program develops. I believe it is an absolute necessity for the poor to be able to have the legal services or the services of an attorney just like anyone else who can afford it. That is why I am pleased that we have embarked on this experiment. The last chapter has not been written yet, and I think we will just have to wait for the next Congress to do it.

This bill is much better than the House passed bill from my view. As I said, it drops the corporation, so we do not have that conflict before us now and it reduces substantially the authorization for appropriations.

As I was going over the figures, I see that we have $2,369.3 billion for fiscal year 1973 as compared to $3,090 billion in the first conference reported bill. This represents a reduction of over $700 million.

It is well within the budget ball park. I am satisfied with this legislation.

I did not vote for the bill when it went through the House, but I think it is such a vast improvement over what we passed in the House, that I am certainly constrained not only to vote for it but I urge my colleagues to vote for it.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I shall be happy to yield to the distinguished minority leader, the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I appreciate the gentleman from Minnesota's yielding.

I should like to clarify, if I might, the figures that have been used here. As I understand it, the budget request of appropriations for fiscal year 1973 was $2,168.2 million?

Mr. QUIE. The gentleman is correct.

Mr. GERALD R. FORD. In the conference report which is before us now, the authorization is $2,369.3 million?

Mr. QUIE. The gentleman is correct.

Mr. GERALD R. FORD. And the conference report that was originally proposed but never acted on by the House was for $3,090.2 million?

Mr. QUIE. As I read it over, that is a correct figure from the conference report.

Mr. GERALD R. FORD. The net result is that the conference report for the authorization before us now is roughly $700 million less than the originally proposed conference report?

Mr. QUIE. The gentleman is correct.

Mr. GERALD R. FORD. And roughly $200 million in authorization above the proposed appropriation for fiscal year 1973?

Mr. QUIE. The gentleman is correct.

I would also say to the gentleman that our committee has probably done better on this conference report in staying close to the budget request than on any piece of legislation we have brought before the House.

Mr. PERKINS. Mr. Speaker, I yield to the gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, the gentleman from Washington (Mr. MEEDS), who was in the well a moment ago deplored the fact that provision for the Legal Services Corporation, had been stricken from the conference report. Next, I listened carefully to the ranking minority member of the Committee on Education and Labor, Mr. QUIE—who stated that one of the faults with the corporation was its lack of accountability to the Congress. I agree with the latter view. The Legal Services Corporation provides for little or no control by Congress.

Some of my colleagues may be wondering why I am taking this time. The reason is that I just want to be sure and certain that the Legal Services Corporation is dead. It is sort of like visiting a funeral home, not to pay your respects or condolences, but to be certain and positive that the reports of the demise of the alleged deceased is accurate.

I want to be sure that there is no Legal Services Corporation in this conference report; is that correct, Mr. Chairman?

Mr. PERKINS. That is gone. We go back to the old law, the present law.

Mr. RANDALL. Well I want to add that the Congress has had a most unfortunate experience with creating corporations. In the matter of the Postal Corporation or Postal Service as it is sometimes called we created something like a corporation replete with officers and directors but the Congress lost all contact and control. Today the Service can bring people from anywhere in the United States and put them into postal jobs in any of our districts.

As we understand, this Legal Services Corporation, it is completely beyond accountability to the Congress. They could appoint someone like the notorious William Kunstler, or a person with similar views and pay him a salary of $100,000 a year and none of us in the Congress could do anything about it; is that correct?

Mr. PERKINS. I do not think it would have gone that far.

Mr. RANDALL. You would agree there is the possibility; is that correct?

Mr. PERKINS. I hardly think so. The Legal Services Corporation is a dead duck now.

Mr. RANDALL. Thank you very much, Mr. Chairman.

One more comment. When this bill was before the House I was with the gentleman on the funding for our older citizens; yet with this improvement we still have some grave doubts about the administration of portions of the program. Perhaps the gentleman knows, and I hope my fellow Members know, that we happen to have had the job of chairing the Subcommittee on Government Operations which has been looking into the matter of 60 students who are traveling over in Europe on poverty funds. I can report we will continue this inquiry next week. At this point it looks like nearly half of those or at least more than a third did not come from families within the established poverty guidelines. Also there is some evidence that those who made the trip were related to employees and/or members of the board of directors of the Monmouth, N.J., community action program.

We all recognize the worthwhile overall goals of the poverty program. Is it the gentleman's conclusion, and you have been familiar with the program for years that the administration and management have improved over the years, with the exceptions, of course, of some few incidents like these students improperly traveling abroad? It has been my observation the administration of the poverty program has come a long way in its improvement since the early days when we had the LeRoy Jones Theatre—the "hate-white theatre"—in New York, and other things of that kind.

Mr. PERKINS. Let me state to my distinguished colleague that the Congress in my judgment never intended any such administration of any program of that type. It was an error on the part of someone. As I understand the situation, as soon as the Office of Economic Opportunity found out about the proposal, they canceled out the grant, which they should have done forthwith. That is what I understand, that they did this.

Mr. RANDALL. That points up the importance of the Governor of a State retaining a veto over such programs as legal services. As I understand it the Governor of New Jersey vetoed or canceled the funds for grants for the 60 students to travel abroad as a part of the poverty program.

Mr. PERKINS. The gentleman is correct.

Mr. QUIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. KYL).

Mr. KYL. Mr. Speaker, I take this time to inquire about the language which we find on page 15 of this report, entitled "Rural Programs." Under this legislation we have listed a series of activities that the OEO can carry on as a supplement to existing similar programs under agricultural law.

The first question I would like to ask the chairman of the committee is this: How does this program differ from the Farmers Home Administration law on the books or the new Rural Development Act which was signed into law last week?

Mr. Speaker, I am talking about the language on page 15 of the report, part B—"Rural Programs," starting with the "Statement of Purpose" and then I will get to the "Financial Assistance" part of it. How does this differ from existing law under the Farmers Home or the new Rural Development Act?

Mr. PERKINS. Mr. Speaker, if the gentleman will yield, this is a provision that was in the Senate bill. It was not in the House bill. The conferees agreed to it in conference.

Mr. KYL. But how does it differ from existing law? I do not care where it started. I want to know what it means. I am talking about section 722(a) which says:

> The Director is authorized to provide financial assistance including loans . . .

Mr. Speaker, does it include grants? It says "including loans."

Mr. PERKINS. I construe that to mean loans as well as grants.

Mr. KYL. It is the gentleman's opinion and the committee's opinion that these funds will all be disbursed as loans and not grants?

Mr. PERKINS. I construe this sentence, even though it uses the words "including loans" to mean both.

Mr. KYL. If that is firm in legislative history, let us move forward. Is it assumed OEO would consolidate the Farmers Home Administration loans?

Mr. PERKINS. The Farmers Administration administers this program here, as I understand, through delegations. This has made some change from the present program, presently administered by the Farmers Home Administration.

Mr. KYL. Is this an amendment to the Farmers Home Administration Act?

Mr. PERKINS. No. It is the OEO amendment, but the program is currently operated by the Farmers Home Administration.

Mr. KYL. But all this language on page 15 involving all this action could be administered by Farmers Home Administration? And it will be administered by OEO?

Mr. PERKINS. Section 28 of the conference report specifically prohibits the delegation of title VII.

Mr. KYL. May I ask a further question?

Mr. PERKINS. Let me say to my distinguished colleague that from the outset the Economic Opportunity Act when first enacted into law in 1964 had a rural program in the bill, and that program was delegated to the Farmers Home Administration to administer. This makes some amendments.

Mr. KYL. May I ask the gentleman further, when it comes to establishing new industries, and so forth, is there an antipiracy provision attached to this legislation?

Mr. PERKINS. Let me say to my distinguished colleague that there is no such provision, as I read it. We have very little industry in the rural areas. This is an incentive, as I see it, to try to attract industry to those areas.

Mr. KYL. This originated in the Senate or in the House or somewhere else. Does the gentleman say that if a new industry is set up in a new area, we will pay no attention to whether they steal that industry from some other area of the country or not?

Mr. PERKINS. Let me make this statement. There is no piracy here involved. This is trying to make loans for the purpose of establishing some industry where they do not have industry. I do not believe we are robbing Peter to pay Paul with a provision of this kind.

Mr. KYL. When the rural development bill was before the House, the House apparently did not buy that, and insisted that we have a strong provision.

A moment ago the chairman said that these were all loans, not grants. If the gentleman will look at subparagraph (b), he will see it says:

> The Director is authorized to provide financial assistance to local cooperative associations—

And so on, and then this language:

> for the purpose of defraying all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing—

And so forth.

Are those loans, or are they grants?

Mr. PERKINS. The costs which may be defrayed are specifically listed in section 722(b).

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. QUIE. Mr. Speaker, I yield the gentleman 3 additional minutes.

Mr. KYL. Mr. Speaker, I yield further to the gentleman from Kentucky.

Mr. PERKINS. This is broader language. It could be a defraying of all or part of the costs of establishing and operating cooperative programs for farming, purchasing, marketing, processing, and to improve their income as producers, et cetera. It also says:

> Costs which may be defrayed shall include but not be limited to—
>
> (1) administrative costs of staff and overhead;
>
> (2) costs of planning and developing new enterprises;
>
> (3) costs of acquiring technical assistance; and
>
> (4) initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

Mr. KYL. Let me ask the chairman another question.

If I get 15 low-income farmers together in my area, and they decide to form a cooperative for the purpose of buying and selling, am I to understand that under this language the Government can pay all of their administrative costs, staffing, overhead, and development costs of the enterprise, as well as the costs of acquiring technical assistance and initial capital? Could all of that come forth under this program?

Mr. PERKINS. Under the language it is broad enough to make loans to cover the whole situation.

Mr. KYL. Loans or grants?

Mr. PERKINS. Loans and grants to cover the situation.

Mr. KYL. Are these loans or grants, or are they both?

Mr. PERKINS. It is my construction of the whole section that loans and grants are intended.

Mr. KYL. May I ask the gentleman from Minnesota his construction of the language in this bill? Is it all loans with no grants?

Mr. QUIE. I cannot read it that way myself, because I see it is left open.

The gentleman from Kentucky refers to the fact that this is like the old law. That I have not refreshed myself on, as to whether that is a law which provides for grants or not.

On the aid to cooperatives, groups of poor farmers can get together now under what was the law. We do not have a present law under OEO, because that all expired. Under that law, they could run a cooperative. I doubt they were limited to loans.

Mr. PERKINS. Mr. Speaker, if the gentleman will yield further, we have had loans in the original act ever since we enacted the act in 1964. I do not know whether they intended any grants here or not. In my judgment, it is loose language.

Mr. QUIE. I suggest, from a reading of the articles of the cooperatives, there was grant money involved. I would be glad to stand corrected, but that is my recollection. It seems to me this authority was the salvation of all the authorities in the present law. There is some additional authority, because if you will turn over to part C on the support program, it spells out there in section 731(c) that the director shall provide directly or through grants, contracts, or other arrangements such technical assistance and training of personnel, and so forth. There it is clear and it is spelled out, and we know what they are talking about. You are referring to part (b) of section 722 where the director is authorized to provide financial assistance to local cooperative associations. It was my assumption that it was being done the way it was under the old law and therefore I thought it was being done through grants.

Mr. KYL. Will the gentleman from Minnesota say that the administration under this act would be under the Agriculture Department unless there was specific delegation to the OEO?

Mr. QUIE. I would say it would be under the OEO unless there was a specific delegation by the OEO to the Department of Agriculture.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. I thank the gentleman for yielding me this time.

On that same point—and I hope the gentleman from Iowa will stay here for this discussion—I would like to point out that it would be entirely possible for 15 well-to-do farmers to form a cooperative under the language, at least as a casual reading would so interpret it, because it does not limit participation in the cooperatives to low-income farmers but simply says that these may be assisted in rural areas containing concentrations or substantial numbers of low-income persons. The "low income" refers to areas and not to those eligible to take part in the cooperative's formation. I do not see how this can be read other than to authorize a grant of substantial amounts of money to cooperatives. It says all or part of the cost of establishing and operating the cooperative programs for abstract purposes.

Mr. STEIGER of Wisconsin. Will the gentleman yield to me?

Mr. FINDLEY. I yield to the gentleman.

Mr. STEIGER of Wisconsin. May I again go back to the point that the gentleman from Minnesota made? This is not new authority. Since its inception in the Economic Opportunity Act it has had authority in rural areas and in those sections of the country with substantial concentrations of low-income families, such as in Hawaii, New Mexico, Alabama, and a number of States across the country in which cooperatives have been formed and loans have been granted.

Mr. FINDLEY. Can the gentleman say with certainty that this is the language that has been on the books previously, or is it a redraft of this language?

Mr. STEIGER of Wisconsin. No, I cannot say with certainty, because I do not have a copy of the OEO Act in front of me, but without being able to tell you for certain which words have changed, it is a restatement of the present act. I do understand, however, that the present act authorizes loans only.

Mr. FINDLEY. It seems to me to be wide open authority. Of course, there is a limitation of funds, but within the money available it permits the director of OEO certainly to finance a multitude of operations in areas where cooperatives may be formed.

Mr. PERKINS. Will the gentleman yield to me?

Mr. FINDLEY. Yes. I am glad to yield to the gentleman.

Mr. PERKINS. The intent of this program was to help the poor farmers and cooperatives and not permit the well-to-do cooperatives or farmers to operate under this program. It specifically refers to low-income farmers. Of course, that is reasonable, that a farmer would be able to receive something under this act if he qualifies.

This is an amendment to the original bill. And if you will notice in that paragraph there, section 722, it is clearly loans, and especially section 722(a) where we provide financial assistance "including loans having a maximum maturity of 15 years and in amounts not resulting in an aggregate principal indebtedness of more than $3,500 at any one time, to any low-income rural family where, in the judgment of the Director, such financial assistance has a reasonable possibility of effecting a permanent increase in the income of such families."

That is clearly a loan, and cannot be made to wealthy farmers.

Mr. FINDLEY. The language to which I referrred was subsection (b), and as far as I can see there is no direct relationship between (a) and (b). Subsection (b) authorizes very clearly the granting of sums to provide all or part of the cost of operating cooperatives, and it does not restrict such cooperatives to low-income persons.

Mr. PERKINS. It says:

> The Director is authorized to provide financial assistance to local cooperative associations in rural areas containing concentrations or substantial numbers of low-income persons for the purpose—

And so forth.

Mr. FINDLEY. That refers to the area and is not a qualification for participation in the cooperative.

Mr. QUIE. Mr. Speaker, if the gentleman will yield, I would say that if you go down to where it says:

> Costs which may be defrayed shall include but not be limited to—

And then go to (4), it says:

> initial capital where it is determined by the Director that the poverty of the families participating in the program and the social conditions of the rural area require such assistance.

I think the interpretation of that would be that, first, the family has to be in poverty and, secondly, it has to be in an area where there is a general condition of poverty. It cannot be where there are some poor families in areas where there is affluence, if there is such a thing in rural areas.

Mr. FINDLEY. I want to say to the gentleman further that that may be the intention, but the least that can be said about this section is that it was very sloppily drawn because the words which precede items (1), (2), (3), and (4) say "Costs which may be defrayed shall include but not be limited to—".

Mr. QUIE. I know.

Mr. PERKINS. Mr. Speaker, will the gentleman yield further?

Mr. FINDLEY. I yield further to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, section 723(a) under "Limitations on Assistance" says:

> No financial assistance shall be provided under this part unless the Director determines that—

and I think this clarifies it—

> (1) any cooperative association receiving assistance has a minimum of fifteen active members, a majority of which are low-income rural persons;

That is a limitation that applies to the whole of section 722(a) and 722(b).

Mr. PERKINS. Mr. Speaker, I yield 5 minutes to the disinguished gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time so that I may ask three questions.

First, the chairman, the gentleman from Kentucky (Mr. PERKINS), I am sure recalls the amendment which he offered in committee for a new housing program under OEO for the poor in rural America.

Mr. PERKINS. That is correct.

Mrs. GREEN of Oregon. Is that still in the conference report?

Mr. PERKINS. That is in the conference report?

Mrs. GREEN of Oregon. Is there any provision for coordinating this new housing program for rural people with the multiplicity of other housing programs we already have for rural America?

Mr. PERKINS. Let me say to the gentlewoman from Oregon that this was suggested, planned, and formulated by rural Americans from North Carolina, Wisconsin, and other States who came before the committee saying that the present rural housing programs were completely inadequate and not working, and there was just enough money here in the authorization for the $10 million for an experiment by the OEO. The rural areas of the country by and large have been bypassed completely by the Federal housing efforts.

Mrs. GREEN of Oregon. I remember, the time the gentleman offered it, I called the Committee on Banking and Currency and asked how many housing programs we had for rural America and the answer from the chief of staff was—"Oh, a slew of them."

I said, "How much did we spend last year?" It was several hundred million dollars—I have forgotten how much.

Does the gentleman feel that with the several programs we already have and with several hundred million dollars being spent that if they will not work, that now with a new program under a new agency—OEO— with $10 million it will work. It will eat up new administrative costs in the new bureau or agency—that we can be sure of.

Mr. PERKINS. This is more or less an experiment. I think the money will be well expended and I hope the money is appropriated in order to allow some demonstration projects that will prove beneficial to rural America insofar as housing is concerned.

In my area, the Appalachian area, housing is the greatest problem that we have and the other programs have not worked in the rural Appalachian area.

Mrs. GREEN of Oregon. I thank the chairman. Though, I am not persuaded a "war on poverty" housing program will better insure good programs than HUD or Farmers Home Administration housing programs. The second question goes to the tendency on the part of the OEO experts to transport youngsters to various parts of the world with taxpayers' dollars. The most recent one which has created a great deal of press comment is in regard to the 67 youngsters from New Jersey who were taken on a trip to Europe and to Africa with "War on Poverty" funds. The chairman may recall that a few years ago the OEO took a group of youngsters to South America for the summer months and the explanation from the Director of the OEO at that time was to give them cultural advantages—that rich young people traveled abroad—why was it not all right for poor children to have the same opportunities?

If the chairman recalls, I offered an amendment designed to stop this traveling abroad at taxpayers expense—unless it was to become Federal policy to provide funds for all young people to travel abroad courtesy of the American taxpayers.

Then there was a more recent incident where the OEO brought presidential scholars who qualified under the poverty guidelines—brought them to Washington with all their expenses paid while other presidential scholars in my area and in other areas had to work during the summer picking beans and berries and working in various kinds of activities to pay for their trip back here and to pay for their expenses even though they were also presidential scholars. But OEO paid for the selected ones.

I can recall these three instances and I suspect that for everyone that we know about, there are others that happen.

Would the chairman tell me—is there anything in the conference report that would prevent—I mean an affirmative action or statement on the part of the conferees that the OEO is forbidden from spending poverty funds to take youngsters to foreign countries for the summer or other times, or paying their expenses back here to Washington on trips which other young people pay for with the money they earned? It seems to me very unfair that middle-income kids have to work to pay their expenses—but individuals under the Office of Economic Opportunity have the free ride.

Is there any language that would prevent these kinds of expenditures in the future?

Mr. PERKINS. Let me say to the gentlewoman, in my area not one-third of the youngsters who are eligible to participate in the poverty programs have that opportunity. It was never intended that the program be administered in the way that the gentlewoman describes—traveling abroad and paying expenses—was not the intention of the committee or the part of the Congress.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. PERKINS. I think it is an arbitrary decision where the administrators of a program make decisions of that type and I think they are clearly violating the intention of the Congress and of the law. I do not know of any specific provision in the bill prohibiting traveling abroad because it was intended that these funds be to benefit the poor in the United States.

Mrs. GREEN of Oregon. Then the answer of the chairman is that there is no language that actually would prohibit them from doing this in the future?

Mr. PERKINS. Well, I have not heard of that many instances, but I do know the Governor of New Jersey, our former colleague, vetoed it just as soon as he learned of the situation and as I understand, the grant was canceled because it went far beyond the intent of the Congress.

Mrs. GREEN of Oregon. The third question I would like to ask is this.

During hearings in the committee on the ACTION program, and ACTION sponsored programs connected with colleges and universities where college and university students are doing volunteer work in a community, if the chairman will recall, I brought to the attention of the committee that ACTION required as a criteria for eligibility for Federal funds that any institution of higher education must agree to give students academic credit at that university for community work the students did. If the chairman recalls, I introduced an amendment which would prohibit the OEO from requiring as an eligibility criteria the granting of credit to students. The committee and the House approved this amendment.

The reason I offered the amendment was because it seemed to me that this is a very unwise departure on the part of the Federal Government and of the Congress to get into the internal operation of a college or university and require it to give credit for a specific program for which the university or college itself might or might not want to grant credit.

Mr. PERKINS. I certainly agree with the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Is this provision in the conference report?

Mr. PERKINS. I never have disagreed with the gentlewoman along that line. It is not intended that the OEO interfere with the workings of any college.

Mrs. GREEN of Oregon. But my question, Mr. Chairman: Is that amendment that I offered and that was approved by the House—is that a part of the conference report, or was it deleted?

Mr. PERKINS. I am not certain, but I know that I supported your position. I supported the gentlewoman on that amendment in committee.

Mrs. GREEN of Oregon. I want to direct the attention of the chairman to page 25 of the conference report, it refers to this:

> The House bill prohibited any funds appropriated for programs administered by the Office of Economic Opportunity or ACTION from being used to finance any activity in which students in higher education perform voluntary or community service where, as a condition for eligibility for funds, an institution is required to award credit to students for training or experience derived from such voluntary or community service. There was no comparable Senate provision. The House recedes.

So, I must assume that the House did recede and that it is not a part of the conference report.

Mr. PERKINS. I have had my recollection refreshed by counsel. He tells me, and it is true, that the universities in the country requested that we drop the program because they felt that they could not give credit for the university year for ACTION program, and at the urging of the universities the section was dropped in conference.

Mrs. GREEN of Oregon. You say the universities felt that they could not give credit? That is what my amendment provided—that ACTION or no other agency could require a university to give academic credit for community work.

Mr. PERKINS. If your amendment was adopted, that is correct.

Mrs. GREEN of Oregon. But as a result ACTION may continue to require universities to give credit now because my amendment was deleted in conference.

Mr. PERKINS. No, they are not required to give credit.

Mrs. GREEN of Oregon. You just said, "No, they are not required to give credit"—and yet the House receded on the amendment, so I must assume that ACTION is free to continue its policy to require a college or university to give credit to students funded by Federal programs under ACTION's jurisdiction or the university will not receive the funds.

Mr. PERKINS. It is not required. It is my hope that the universities will work out an agreement with ACTION to their mutual satisfaction and that no one will be forced to do anything against their will.

Mrs. GREEN of Oregon. The chairman says "it is not required"—but neither is it prohibited. I read from the conference report just a moment ago and I fear the conference action will now be interpreted as congressional approval of ACTION's policy in the past. Mr. Speaker, for these three reasons and others, I find myself in a position where I cannot support the conference report. Some individuals may view any vote against "war on poverty" funds the same as a vote against "God, mother, or country." Yet when millions and millions of dollars appropriated to try to end poverty—are indeed spent for other purposes—it seems to me, at a minimum hypocritical, and even a betrayal of the interests of the poor to allow funds to be continually wasted or misspent. In Federal, State, and local funds, this country is spending more than $40 billion a year on programs designed exclusively for the poor; this includes welfare, public housing, food stamps, medical services for ADC, et cetera; programs for which middle-income Americans are not eligible. The OEO or war on poverty funds comprise only a fraction of the total—but of all the other programs to help the poor, I know of few examples that can match OEO in waste, inefficiency and in some instances outright misuse of moneys appropriated.

It is high time we reviewed the duplication, the overlapping, the waste and put money only in those programs that have an affirmative record of accomplishment.

The SPEAKER. The time of the gentlewoman from Oregon has expired.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. William D. Ford).

Mr. WILLIAM D. FORD. Mr. Speaker, I did sign the conference report, and I shall not therefore today vote against the conference report. If I detect the sentiment of the House, it is weary of the efforts to secure passage of legislation extending the Economic Opportunity Act in such a fashion that it will incur no veto by the President. In all honesty I must say that such an appoach is unbecoming the role of an independent legislative branch of the Government.

The conference report authorizations have been reduced to levels below those which can make a meaningful commitment to a major domestic problem; also 2 years' effort to establish a procedure by which legal services programs could be insulated from political manipulation and effectively administered with inputs of professional standards and the needs of poor clients has been thwarted by the threat to the conference that if the Legal Services Corporation were retained in the bill and the funding levels for poverty programs were not substantially reduced, the President would veto the poverty bill for the second time.

Mr. Speaker, George Orwell's prediction for 1984 has missed the mark by 12 years. It is here now just as in the name of peace we are waging war; just as we are repudiating the "welfare ethic" we are doubling the welfare roll during the current administration; just as we have been "moving in the direction of full employment" we have doubled unemployment.

Mr. Speaker, in this stage of events the administration apparently feels free to ignore even recent history for its actions of the day. In connection with the Legal Services Corporation, let me remind my colleagues that on May 5, 1971, with great fanfare the administration submitted its proposal to establish a Legal Services Corporation. The bill, H.R. 8163, was introduced on May 6 by Mr. Quie for himself and Mr. Gerald R. Ford, Mr. Erlenborn, Mr. Dellenback, and Mr. Poff.

That measure called for the formation of an independent Legal Services Corporation governed by an 11-member Board of Directors appointed by the President with the advice and consent of the Senate. No more than six members of the Board could be a member of any one political party.

In this respect the proposal differed markedly from bipartisan legislation introduced by me and by 102 other Members of the House on March 18. There was a marked difference because the legislation of March 18, H.R. 6360 and H.R. 6361, would have truly insulated the Corporation from political manipulation by requiring a 19-member Board of Directors to be composed of six legal organization members—that is the president of the American Bar Association, the president-elect of the American Bar Association, the president of the National Legal Aid and Defender Association, the president of the American Association of Law Schools, the president of the American Trial Lawyers Association and the president of the National Bar Association—six members, three selected by the Clients' Advisory Council and three selected by the Project Attorneys' Advisory Council; five members appointed by the President; one member appointed by the Chief Justice of the United States and one member to be the Executive Director of the Corporation selected by the Board.

Such a composition, in my judgment and in the judgment of the numerous cosponsors of this legislation, would have truly insulated the Legal Services Corporation from political manipulation but at the same time assuring the formulation of sound and effective policies governing the provision of legal services to the poor.

In my judgment, these strong provisions in H.R. 6360 were substantially diluted in the process of clearing the measure through the Education and Labor Committee, when the Legal Services Corporation became a new section in H.R. 10351 reported by the Education and Labor Committee on September 8, 1971 (H. Rept. 92–471).

Mr. Speaker, the legislation to create a Legal Services Corporation received careful study and consideration by the committee. Hearings were held for 6 days in March of 1971, 11 days in April, 10 days in May, and 2 days in June. Subsequently, the proposal was debated and amended in five open legislative sessions of the committee in July.

As the measure passed the House, the Legal Services Corporation Board of Directors was to be appointed largely at the discretion of the President. In this respect the appointing power read as follows:

> Sec. 1004. (a) The Corporation shall have a board of directors consisting of seventeen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:
>
> (1) one member shall be appointed from lists of nominees submitted by the Judicial Conference of the United States;
>
> (2) seven members shall be appointed from among individuals in the general public, no fewer than three of whom shall be members of the bar of the highest court of a jurisdiction;
>
> (3) two members shall be appointed from among individuals who are eligible for assistance under this title after due consideration is given to the recommendations of the client members of the Advisory Council as established in 1003(c);
>
> (4) two members shall be appointed from among former legal services project attorneys after due consideration is given to the recommendations of the attorney members of the Advisory Council;
>
> (5) one member shall be appointed from lists of nominees submitted by the Association of American Law Schools;
>
> (6) four members shall be appointed from lists of nominees submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association. Members appointed under this clause subsequent to the initial board shall be from lists submitted by the American Bar Association, the National Bar Association, the National Legal Aid and Defender Association, and the American Trial Lawyers Association in accordance with procedures established by the board of directors.

Following passage by the Senate, the ensuing conference report gave the President greater control who was to serve on the Board. In this regard the conference report (H. Rept. 92–682) provided:

> "Sec. 904. (a) The Corporation shall have a board of directors consisting of seventeen individuals appointed by the President, by and with the consent of the Senate, one of whom shall be elected annually by the board to serve as chairman. Members of the board shall be appointed as follows:
>
> "(1) Six members shall be appointed from among individuals in the general public, not less than three of whom shall be members of the highest court of a State.
>
> "(2) Two members shall be appointed from lists of nominees submitted by the Judicial Conference of the United States.
>
> "(3) Two members shall be appointed from among individuals who are eligible for assistance under this title from lists of nominees submitted by the Clients Advisory Council.
>
> "(4) Two members shall be appointed from among former legal services project attorneys from lists of nominees submitted by the Project Attorneys Advisory Council.
>
> "(5) Five members shall be appointed as follows—
>
> "(A) one member from lists of nominees submitted by the American Bar Association;
>
> "(B) one member from lists of nominees submitted by the Association of American Law Schools;
>
> "(C) one member from lists of nominees submitted by the National Bar Association;
>
> "(D) one member from lists of nominees submitted by the National Legal Aid and Defender Association; and
>
> "(E) one member from lists of nominees submitted by the American Trial Lawyers Association.
>
> Each initial list and any subsequent list shall include at least three and not more than ten names for each position to be filled.

Despite this, though both Houses approved the conference report extending the Economic Opportunity Act and making provision for the Legal Services Corporation, the President vetoed the measure on December 9, 1971.

On February 2, 1972, following additional hearings and markup of new legislation, the Education and Labor Committee reported H.R. 12350, the Economic Opportunity Amendments of 1972. Again, the measure included provisions for the creation of a National Legal Services Corporation vesting in the President largely the power to appoint the Board of Directors but not vesting in him the total discretion which he had called for in H.R. 8163.

Upon Senate passage of H.R. 12350, House and Senate conferees diligently hammered out the differences in the bill and in a conference report filed on July 26, 1972, made provisions for the creation of a Legal Services Corporation vesting far more discretion in the President in appointing the Board of Directors than was provided in either the House or Senate-passed versions of H.R. 12350.

I had grave misgivings about the propriety and most certainly the legislative wisdom of giving the President more power in the appointment of Directors than either the full House or the full Senate had been willing to do in their original treatment of H.R. 12350. Nevertheless, we were bluntly told by those who were purported to know the wishes of the White House that unless this kind of power and authority over the Board were given to the President there was a very good chance that the President would again veto an extension of the Economic Opportunity Act.

Mr. Speaker, sooner than the ink was dry on this conference report (H. Rept. 92-1246), the rumors were prevalent that the conference report faced almost certain Presidential veto. Undoubtedly this influenced the recommital by the Senate of the conference report.

Mr. Speaker, the new conference report on H.R. 12350 (H. Rept. 92-1367) filed on August 18, 1972, contains a "bare bones" extension of the Economic Opportunity Act. Deleted are the additional authorizations for the Economic Opportunity Act which cleared the House of Representatives in both previous bills. Authorizations for Headstart are sharply reduced and provisions to create a Legal Services Corporation have been deleted entirely.

Mr. PERKINS. Mr. Speaker, I yield the remainder of my time to the distinguished gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I wish to address my remarks to one specific section of the conference report.

Section 16, "Special Assistance," empowers the Director to provide financial assistance for programs designed to serve low-income individuals, particularly the elderly, who are not being effectively served by other OEO programs.

This section is the direct result of an amendment I offered on the floor of the House on February 17, 1972. The amendment in turn was a result of hearings held by Field Subcommittee No. 1 of the Education and Labor Committee in New York in June, 1971.

Testimony was presented to this subcommittee by S. Elly Rosen representing the Association of Jewish Antipoverty Workers. Mr. Rosen contended that the Jewish poor in New York City were not being served by the poverty program.

Upon the conclusion of the hearings, I asked both OEO and the New York City Human Resources Administration, to conduct separate investigations of Mr. Rosen's charges.

These investigations subsequently confirmed the substance of Mr. Rosen's allegations. The reports concluded that large numbers of the poor in New York City resided in areas other than the 20 officially designated poverty neighborhoods and were not, therefore, eligible to participate in OEO-sponsored programs. The reports also noted that the vast majority of OEO programs were designated to serve the young and that the elderly poor who did in fact live in the 20 poverty neighborhoods were not being served by these programs.

New York City reacted to these findings in a positive way. A $1 million grant was obtained from the State for the Jewish Agency for Service for the Aged to establish a citywide program to serve the needs of the Jewish elderly poor whether or not they resided in officially designated poverty areas.

More recently, Human Resources Administrator Jule Sugarman met with representatives of other ethnic groups, Italians, Greeks, and Orientals, to devise programs which will serve the poor amongst them who are not currently being served by OEO programs.

Mr. Speaker, I have supported and will continue to support the Office of Economic Opportunity and its emphasis upon helping the youthful low-income population break the cycle of poverty.

However, there are low-income individuals, primarily the elderly, who are not currently receiving services from OEO either because they reside in areas not within the jurisdiction of community action agencies or because they are elderly and are not part of a prime target population of OEO.

I wonder if the gentleman from Minnesota (Mr. QUIE) would not also attest to the fact that it is the consensus of the Congress and the intent of the Congress that the elderly poor be served in meaningful ways?

Mr. QUIE. Mr. Speaker, if the gentleman will yield, the gentleman is correct. The elderly poor should be served in a meaningful way. But I do not say that we should include them here in a duplicatory program at all. The Older Americans Act is where we intended they be served, but if they are not being served in some instances there, at least there is authority to serve them here. But I hope the Director will not have duplicate programs that will duplicate programs under the Older Americans Act.

Mr. SCHEUER. None of us want duplicative programs, but it is clear that some of the elderly poor are not being served by any Federal program. It is my hope that section 16 will be used by the Director of OEO to support efforts, such as those of New York City, to remedy this situation.

Mr. QUIE. If the gentleman will yield further, another thing that bothers me, and I like it better here, in this language we do not lay out what we are going to do and then do not do it. I think one excellent program was in the nutrition bill but it included more people than we could ever fund. I think we ought to zero in on the target, and not promise to do more than we can do.

Mr. SCHEUER. I thank my colleague, the gentleman from Minnesota.

Mr. QUIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER).

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. STEIGER of Wisconsin. Mr. Speaker, it is with mixed emotions that I rise in support of the conference report. Although the legislation contains many programs of vital importance to the quality of life in our Nation, I feel that we have missed the opportunity to significantly improve the delivery of legal services to the poor. The conferees voted to delete the provision for an independent nonprofit Legal Services Corporation only after making every reasonable attempt at compromise. After more than two intensive years developing the proposal for a corporation, I feel deeply disappointed that we will not see enactment of this measure during this session. Since the independent Legal Services Corporation has twice been approved by the House, I believe my colleagues deserve a full and detailed explanation of the attempt by the conferees to develop a workable compromise.

THE VALUE OF THE LEGAL SERVICES PROGRAM

There is no question, Mr. Speaker, that the legal services program has been one of the most controversial agencies of the Federal Government. That is to be expected, when thousands of heretofore unrepresented citizens gain access to the rights and remedies in law that have been designed for all Americans. Yet in spite of the critical attention focused on the program, it has generally enjoyed the support of leading citizens, both in and out of Government. As Vice President SPIRO T. AGNEW recently told the Texas Bar Association:

> Since the inception of the Legal Services Program, most members of the American Bar have demonstrated their continued and steadfast support for it. In a variety of ways, our profession has proven its sincere interest in providing legal assistance to the poor. This is indeed commendable.
>
> The Legal Services Program has done a great deal of good by furnishing poor people with legal counsel and effective access to the courts. The lawyers in the program have generally reflected great credit on our profession through their dedication to the concept of justice and their willingness to sacrifice self-interest in order to help poor people.
>
> I want to emphasize that I am very much in favor of providing legal services for the poor. Inability to afford counsel should not and must not affect one's right to justice. Furthermore, contrary to what you may have heard, I am not opposed to suits against government to redress grievances. Anyone with a legitimate grievance against a governmental agency or instrumentality should have the opportunity to obtain a resolution of that grievance.

THE PROPOSAL FOR AN INDEPENDENT CORPORATION

As the Vice President has noted, those with legitimate grievances against governmental instrumentalities must have an opportunity to obtain justice. Unfortunately, it has become all too clear that such a program cannot effectively preserve the attorney-client relationship if it is itself an ordinary instrumentality of the Federal Government.

In recognition of the problems created by locating legal services in the Office of Economic Opportunity, the President's Commission on Executive Reorganization declared:

> We believe strong that its (the Legal Services program) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed in an organizational setting which will permit it to continue serving the legal needs

> of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate * * *
>
> Therefore, we recommend that the functions of the Legal Services program be transferred to a non-profit corporation chartered by the Congress.

The proposal to establish an independent corporation received the strong support of President Nixon in the spring of 1971:

> This program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of the system of justice.

MEETING THE CONCERNS OF THE PRESIDENT

Since that time, the debate has centered not on the question of whether there should be a Legal Services Corporation, but rather on the degree of independence that institution should be given. The Congress has felt that the highly respected bar associations and legal aid groups should play a specific role in selecting members for the Board of Directors. Such legislation has twice been approved by both the House and the Senate. The President, however, has expressed a desire to have a free hand to select the Board. Also, in vetoing the initial version of this legislation, the President asked that steps be taken to: first, insure the accountability of the corporation to the American people; second, establish a degree of control by our governmental authorities; and, third, confine the activities of program attorneys to the purposes for which the program was designed—legal representation of the indigent.

Both Houses gave detailed attention to the President's concerns during the spring. In the Senate, every administration-sponsored amendment was accepted on the floor. The conference committee met in July amidst speculation that unless we further altered the legislation, the bill would be vetoed. The veto rumors came only from low-level officials—never from the President himself. I contended that we should not make further changes, since we had been reasonable in giving the President freedom to directly appoint a majority of the Corporation's Board of Directors and to choose the rest from lists submitted by the Nation's highly respected professional bar and legal aid groups. I also argued that any further grant of power to the Executive over appointment to the Board of Directors would unnecessarily weaken the independence of the Corporation from the political process, the very problem this mechanism had been designed to deal with.

The Senate conferees, however, seemed less interested in designing a bill to meet the needs of the legal community than in setting up an organization to fit every requirement of the executive branch.

Mr. Speaker, careful consideration of the conference report submitted to this body on July 26 will demonstrate that the conferees had paid close attention to the issues raised by the President, and forthrightly met every objection. I shall include an analysis of that report in the RECORD following my remarks.

Basically, the conference granted the executive the power to appoint all members of the Board of Directors, removing the requirement that he choose some from mandatory lists submitted by the bar associations and legal aid groups. We insisted, however, that the legislation retain language allowing these knowledgeable organizations to make suggestions to the President for appointments to the Corporation's directorship. The conferees also placed strict prohibitions on lobbying and political activities, and provided for detailed oversight procedures for the Congress and the President.

The conference committee sent the bill back to both the House and Senate for final approval. We were set to vote and forward the bill to the President before the recess, when unexpectedly the Senate conferees decided to recommit the bill for further revisions—a highly unusual procedure.

We had no choice but to return to the conference, where the Senate's representatives told us they still feared a veto. They wanted us to remove even the provision which would allow the legal profession to submit nonbinding recommendations—which the President would be free to accept or reject—for membership on the Board of Directors.

I was convinced that the conference committee had already designed a bill the President could sign. I felt any further weakening of the legislation would break faith with the legal profession and the client community, seriously damaging the delivery of legal services to the needy. The Senate conferees, however, absolutely refused to approve any legislation unless it further undermined the independence of the Corporation. It became clear they had little interest in a strong legal services program, and that we would have no OEO bill unless some further compromise was achieved.

I then proposed that we keep the program within OEO and strengthen it by establishing an associate director for legal services, a prestigious advisory council, and removing the State's veto power. The House conferees agreed to this compromise, but the Senators still refused to go along.

At this point, the House conferees faced a dilemma: would the legal services effort be better off in a watered-down corporation, or would the program fare better by remaining unchanged in OEO? We consulted with a wide variety of project attorneys, client groups, and leaders of the American bar. It was their overwhelming opinion that the Senate's proposal was untenable, and that the program would be more successful in OEO than in an emasculated corporation. Acting on this advice, the proposal for the Legal Services Corporation was stricken from the bill.

Of course, despite this setback, the program will continue to function within the Office of Economic Opportunity. I continue to believe our original proposal was sound, and I remain heartened by the fact that it was twice accepted by both the House and the Senate. I am convinced that in time the administration and future conference committees will see the merit in approving a strong and independent Legal Services Corporation to serve people who cannot afford a lawyer.

The analysis referred to follows:

ANALYSIS OF HOW THE FIRST CONFERENCE REPORT (NO. 92–1246, JULY 26, 1972) MET THE OBJECTIONS EXPRESSED BY THE ADMINISTRATION

I. ACCOUNTABILITY

Both the President and the Congress were given the authority to inspect the records of the Corporation.

The Office of Management and the Budget, and the Office of Economic Opportunity were allowed to review and comment on the budget and other activities of the Corporation.

State Bar associations were given the opportunity to review and comment upon grants to be made in their states.

The Executive Committee was structured to require that three of the five members come from the public appointees of the President.

Advance notice was required of all Corporation meetings, and such sessions were to be open to the public.

The Corporation had to make annual reports to the Congress and the President.

There was to be an annual Congressional review of funding for the Corporation (and it should be noted that the Administration's bill called for three year authorizations.)

Independent audits were to be made annually.

II. CONTROL

The legislation gave the President complete authority to appoint all members of the Board of Directors, and removed all requirements for mandatory lists, retaining only language allowing the bar associations and legal aid groups to submit non-binding recommendations.

The Administration fully controlled the transition since the Director of OEO was made the incorporating trustee.

The authorization for the Corporation was limited to two years (again, it should be noted that the Administration bill offered less control, in that it created a permanent authority.)

III. RESTRICTIONS ON ACTIVITIES

The conferees retained the language of the gentleman from Texas (Mr. Cabell) concerning standards of eligibility for the client community.

A strict prohibition was made on the use of legal services funding for all partisan and non-partisan activities on behalf of political candidates.

All employees of the Corporation were to be covered by the Hatch Act.

Employees of the grantees were strictly prohibited from using their official status or facilities for their private political activities, and the Board was allowed to issue guidelines to circumscribe these activities.

Members of the Board were prohibited from participating in decisions which would have affected programs in which they had an interest.

The outside practice of law was prohibited except in cases of specifically authorized pro bono work.

Soliciting and advertising were prohibited (a concern which had been overlooked in the original administration proposal).

Guidelines for appeals were established.

Neither funds nor personnel were to be utilized in any criminal proceeding. Also, the substance of the amendment offered by the gentleman from Missouri (Mr. ICHORD) was retained, giving the Corporation the authority to limit suits against law enforcement officials arising out of actions or failures to act in connection with criminal convictions.

In addition, strict limitations were placed upon the manner in which legal services attorneys pursue their activities. As Vice-President Agnew has noted, law reform is a legitimate activity, while certain concerns should be kept in mind: "Law reform . . . should be pursued through responsible professional representation before legislatures and governmental agencies and through amicus briefs or intervention in existing cases—not through demonstrations or other high pressure tactics."

The bill reported by the conference committee on July 26 directly addressed the issues raised by the Vice-President:

The House accepted the strict, administration sponsored controls in the Senate bill on legislative advocacy, limiting the role of legal services employees to requests by a client or member of a legislative body.

The legislation also forbade the legal services attorney to identify the grantee or corporation with the cause at issue. This concept reflected the idea that even a private law firm does not necessarily "identify" itself with its client's goals, even though it would provide complete and unqualified representation for its client's interests.

Extra-legal activities, particularly so-called "confrontation politics" were rigidly proscribed. This provision included prohibitions on illegal picketing, boycotting, demonstrations, and any violent activity.

STRENGTHENING THE CORPORATION

Since even this compromise was dropped when the bill was recommitted, the language of the July 26 report is no longer of crucial importance. However, in the interest of clarifying future discussions, I should like to address several items in the July 26 report essential to the development of a viable Legal Services Corporation.

I. TRANSITION PERIOD

Even though the conferees had deleted from section 903 any statutory requirement for the Director of OEO (as trustee) to consult with the National Advisory Committee on Legal Services in carrying out his responsibilities, the conferees, as strongly indicated in the July 26 conference report, fully expected the Director to utilize the expertise of, and consult with the NAC in carrying out each and every responsibility under this section. It was expected that the NAC would be consulted on a regular and periodic basis and would be provided the necessary resources to assist in carrying out these important functions. The conferees were referring to the NAC as constituted on 15 April 1972 as was detailed in the Senate provision in this regard.

The functions of the Director of OEO, as trustee, during the initial approximate 90-day period (until the first meeting of the Board) were limited to the functions specifically outlined in Section 903 (as qualified in Section 905).

The Conferees, and members of the relevant committees felt that the nature, operations, personnel, and commitments of the program in OEO should remain stable during the entire transition period. In fact, Section 916(b) required all personnel employed by the Office of Legal Services in OEO to be transferred to the Corporation. In the opinion of the conferees, it was not intended that the Director of OEO alter the direction or nature of the program during this period. It was hoped that the Director and the Board would cooperate during the second 90 day period in carrying out these sentiments.

II. LEGAL SERVICES LAWYERS SEEKING REFORM ON BEHALF OF THEIR CLIENTS

The Conferees adopted a Senate Amendment slightly altering the language and policy section regarding "securing orderly change" and "resort to orderly means of change" be stricken in favor of "settlement of disputes". This was intended to remove the connotation that legal services attorneys are overly aggressive in seeking change and authorized to seek change by lawless and violent means. Senator Javits stated on page 23259 of the Congressional Record on 29 June 1972 "this is a process of peaceful rather than revolutionary change." Senator Cooper, the proponent of the amendment stated "when I raised this question, I certainly did not want my proposal to suggest any inhibitions upon the right to seek change." Senator Cooper stated further "of course, according to the Canons of Ethics lawyers would represent the people in every proper way that would be required to represent them."

In addition, it was seen as clear from the statute and the reports of both committees that the recipients of legal services must be guaranteed the right to seek any lawful objective through any legally permissible means granted under our system of law. As President Nixon stated on 5 May 1971 in a message to Congress urging the creation of a National Legal Services Corporation: "The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so essential to our judicial process."

III. REGULATION OF PRIVATE POLITICAL ACTIVITIES OF EMPLOYEES OF PROGRAMS ASSISTED BY THE CORPORATION

Section 907 allowed the Board to promulgate appropriate guidelines relating to the private activities of employees of programs assisted by the Corporation. This provision was originally placed in the bill by the previous House/Senate Conference in November 1971. It was tied to the legislatively enacted language regarding the identification of the program or the Corporation with the private political activities of employees. In fact, the Corporation's authority in this area was necessarily limited because a distinction had been made in the legislation between corporate employees who would have been subject to the Hatch Act, and employees of program assisted by the Corporation who would have been restricted only by subsections (1) and (2) of Section 1502(a) of Chapter 15 of Title 5 of the United States Code.

IV. CLIENT ELIGIBILITY

The Conferees accepted the House Amendment, Section 906(a) with regard to the establishment of eligibility standards for clients. This amendment was introduced by the gentleman from Texas (Mr. Cabell) on 17 February establishing the authority for the corporation to prescribe criteria for the establishment of eligibility standards. The statement by Mr. Cabell and the colloquy with other Members indicate clearly that these guidelines should be flexible in terms of criteria and area of the country, that local governing boards would have been allowed to establish their own guidelines under these circumstances, and that this amendment was a further amplification of Section 906(a) (8).

V. CONCLUSION

I should like to note that all the conferees—representing both parties and the full spectrum of views on legal services—signed the July 26 conference report.

Mr. QUIE. Mr. Speaker, in answer to the colloquy with the gentleman from Iowa (Mr. KYL), I indicated to the gentleman that part B on page 15 of the conference report would go to the Office of Economic Opportunity unless the Director delegated it to the Department of Agriculture. When I sat down I realized I had not answered correctly, and on page 20 of the report there is a prohibition against the transfer of title VII of this act to another agency. Therefore it would be administered only by OEO and it would take congressional action in order for the Secretary to transfer it over.

Another comment I would like to make, since the gentlewoman from Oregon raised the question of sending young people to another country, I recall other instances of that nature, and as far as I am concerned one way we could help eliminate some of what I call mismanagement in the operation throughout the years would be to abolish the regional offices.

I do not like the regional offices, because they are not answerable to anyone. OEO finds out after it is done, here in Washington, and then they have the scandal or mismanagement on their hands.

I have always felt that regional office responsibilities ought to be handled through the States. Then if there were a situation like that, the Governor of New Jersey would have been responsible, because the administration in the State would have been under his auspices or under the State auspices. The Governor and the State legislature are answerable to the people of the State.

That is one of the problems with respect to this whole organization and the way it has been operated through the years, that the regional offices are not answerable to the people.

So long as that is the case, we are going to have trouble.

The Federal Government, in its effort to decentralize, moved to regional offices. It decentralized some of the operations, but that has not been effective.

The people in the regional office, when there is an important decision, turn it over to Washington. But the regional offices makes so many mistakes and is just not sufficiently attuned to the needs of the people as they are peculiar to a State.

I have said before in the committee, and back home, and I say here on the House floor, we ought to abolish the regional offices, and then we would have a better administration of Federal programs when the Federal Government deals through State offices.

Mrs. GREEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. I certainly agree that I would much rather see State administration. Then we might have a much better chance for success.

Would the gentleman also agree that if the Congress just wrote into the law that none of these funds were to be spent for travel of young people outside of the States that would cure it?

Also, at one time we had a $150 a month limitation on what could be spent for a disadvantaged young person, and that was first interpreted by the Federal Agency to mean $1,800 a year but more than $150 might be spent in any given month. Later, as I understand it Congress even removed the $150 a month limitation.

If the Congress would provide these provisions in the law itself—it would perhaps put a stop to the nonsense we are constantly confronted with.

Mr. QUIE. I would say the gentlewoman is absolutely correct.

Mrs. GREEN of Oregon. I am sorry it was not in the conference report a few years ago when the first abuses were called to the attention of Congress.

May I ask the gentleman from Minnesota his understanding of the provision so far as institutions of higher education are concerned. As I understand it now, if ACTION has a program and they pay students to work in a community effort—or a voluntary effort for pay, whatever they want to call it, OEO is now in a position to say to the university or the college, "Unless you give these youngsters academic credit at your institution of higher education for the work they have done, you are not eligible for any funds under the program."

Mr. QUIE. I believe we are talking about ACTION now, as having voluntary programs. Other than that caveat, I would say the gentlewoman is correct.

Mrs. GREEN of Oregon. Does the gentleman know of any time in the area of higher education when the Congress has gone into the internal management of colleges and universities and made a requirement that they give credit for specific programs funded by outside agencies?

Mr. QUIE. I would say the Teacher Corps is the one program I am aware of where it is necessary, if they are going to take part in the program, that they get a master's degree as a result of the Teacher Corps program.

Mrs. GREEN of Oregon. That is where they give a degree under the Educational Professions Development Act. But never have we gone to a university and said, "For this particular program of community work—you shall give credit."

Mr. QUIE. No, I do not know of any program where that is said. Of course, we are not saying that in the legislation here, either.

The question the gentlewoman had was whether the authority then remains to do it, and I would say yes, the authority remains. I do not believe they would be going contrary to law if ACTION set up a program and said that as a result of it they had to give credit for it.

I hope they will not operate that way. I hope it will be done on a cooperative basis, so that it is something the institution of higher education wants to do, rather than being something mandated on the part of the Government.

Mrs. GREEN of Oregon. I thank the gentleman.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. In the present law there is a prohibition of Federal control. Section 614 states:

> Nothing contained in this Act shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

That is in the present Economic Opportunity Act, and remains unchanged.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Illinois.

Mr. COLLIER. I have listened to the series of inquiries made by the gentlewoman from Oregon, and I have sensed a great deal of doubletalk here.

One question she asked is why you could not write into this a specific prohibition.

Mr. QUIE. I would say to the gentleman that you can write it in legislation but not here, because this is the conference report. The other body already passed it. We do not have any means of getting at that. We could have done it when the bill passed the House.

Mr. COLLIER. That I understand, but the point is it is not there.

Mr. QUIE. Yes.

Mr. COLLIER. And it could be there. It could be clarified, and we would not have to engage in a lot of doubletalk.

Mr. QUIE. That is right. The scandal occurred too late for us to get it done when the House passed the bill.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 12350, the Economic Opportunity Amendments of 1972.

As a member of the committee of conference on this important legislation, I support the bill and urge its approval by my colleagues. The basic purpose of the measure is to continue the programs first authorized by the Economic Opportunity Act of 1964, with revisions.

The bill extends the antipoverty program for 3 more years so that our Nation can continue its efforts to help improve the lot of the poor. For all programs administered by the Office of Economic Opportunity, the bill authorizes $840 million for fiscal year 1973 and $870 million for fiscal year 1974, with not less than $328,900,000 reserved for local initiative programs for each fiscal year and $71,500,000 reserved for legal service programs for each fiscal year. In all, $2.36 billion is authorized for fiscal year 1973.

Also provided are funds for alcoholic counseling and recovery, emergency food and medical services, comprehensive health, family planning, senior opportunities, drug rehabilitation, environmental action, rural housing, consumer action, design and planning, youth recreation and sports, training and technical assistance, migrant programs, administration and evaluation, and community economic development.

Of particular importance to me are the funds authorized for the Headstart program. Within the conference committee I offered a motion increasing the Headstart program by $35 million to a total of $485 million in the current fiscal year. I am happy that the conference agreed to this increase.

We must not permit a reduction in the support for Headstart, which has proven its value in helping to offset the educational disadvantage of children from low-income families. The great benefits of Headstart should be offered to more children, not less. The conference bill includes the House provision for the establishment of fee schedules for the Headstart participation of non-low-income children. I hope that this can bring the child development benefits of Headstart to children not now eligible to participate.

Deleted from the legislation are provisions to establish a National Legal Services Corporation. Instead, the existing legal services program will be retained.

I urge the adoption of this greatly needed legislation.

Mr. ROYBAL. Mr. Speaker, I rise in support of the Economic Opportunity Amendments, H.R. 12350, which represents a comprehensive legislative program to aid low-income groups in this country.

The number of economically disadvantaged people in the United States today is 25.9 million people or more than 12.8 percent of the country's population. The vast majority of people living in poverty are children, women, the elderly, and the minority groups.

I have consistently sponsored legislation of this type and supported the Equal Opportunity Act proposed during both sessions of this Congress. I would hope that this bill would now receive bipartisan support and that the President would reconsider his past vetoes of similar measures and sign this reasonable compromise into law.

This bill continues the Legal Services program which has provided low-income Americans with greater access to attorneys and appropriate institutions for the orderly resolutions of disputes within our system of justice. The passage of this act will help this country move away from a situation where the size of a person's pocketbook determines not only the quality of legal representation that a person receives but also whether he receives any at all.

This bill also calls for an expanded Headstart program for low- and middle-income children. This will help to promote social interaction between children of all economic backgrounds at a much earlier age.

Next, the passage of the bill will expand the drug rehabilitation program by setting up special programs to promote employment opportunities for rehabilitated addicts and to assist employers who hire former addicts in dealing with addiction and drug abuse among former hard core unemployed. This program gives special priority to veterans and those employers hiring a significant number of veterans.

The bill also provides for an environmental action program whereby persons of low income will be paid for work on projects designed to combat pollution and improve the environment.

Next the bill approves further funding for the Job Corps, the Neighborhood Youth Corps and Vista program.

Last the bill starts an entirely new program known as rural housing development and rehabilitation. It is designed to assist low-income families in rural areas to construct and acquire ownership of adequate housing, to rehabilitate or repair substandard units, and to assist families in obtaining standard housing.

This bill represents a compendium of assistance to the low income and poor of our society and I urge its immediate passage.

Mrs. ABZUG. Mr. Speaker, I rise in support of the OEO conference report, which would extend for 2 years the Economic Opportunity Act of 1964 and initiate sorely needed improvements in the Headstart program.

It is unfortunate that we must consider this particular report today. A bill superior to this one, which provided for a far-reaching child development program and more substantial funding for OEO programs, was passed by the last session of Congress. As you all know, that bill was killed by a cruel and insensitive presidential veto. In its wake, we are left with the improved Headstart program contained in this bill.

The conference agreement before us authorizes appropriations of $3.07 billion for the current fiscal year and $2.9 billion for the coming fiscal year. These appropriations are barely adequate, compared to the original, vetoed funding—and especially compared to the amount of funding that OEO so desperately needs. According to Frank Carlucci, the former Director of OEO, the agency's programs reach only about 11 million of the 24 million Americans the administration admits live below the poverty line; even those who do receive assistance from already understaffed and underfunded OEO programs do not get adequate aid.

It is inconceivable that in the wealthiest nation in the world, with a defense budget in excess of $73 billion, agencies designed to aid the poor should be so impoverished, crippled with a meager budget of $3 billion. We have a responsibility to our forgotten poor, and especially to our children, in whom rest our hopes for a better future.

H.R. 12350 does not include a comprehensive child care program. I had hoped that the Headstart program, its weak substitute, would at least have received more funds. Once again we have a program that appears on paper to be more substantial than reduced funding suggests: Headstart appropriations have been cut from the $1 billion in the House bill to $700 million for the 1973 fiscal year. Reduction of funds means reduction of opportunity, and the end result will be the unrealized potential of many Americans.

I was astounded and dismayed at the action of the conferees in deleting the provisions of the bill providing for the establishment of a National Legal Services Corporation. Such an independent corporation would free legal services from the everyday pressures exerted by politicians and bureaucrats and allowed it to do its great work without such interference. The often-expressed hostility of Mr. Nixon and his friends to OEO legal services makes me fear for its future if it is left within his easy reach.

Other OEO services benefits somewhat from the conference report. The increase in authorized appropriations for VISTA, emergency food, and alcoholic counseling, for example, are welcome, even though they do not begin to approach the amount of funding needed in order for them to be truly effective.

Despite the funding reductions in H.R. 12350, Mr. Chairman, OEO provides vital services to individuals and communities, and I see in the conference report the hope of sustaining financial support, for its programs. Despite President Nixon's veto of comprehensive child care and his harsh and ill-advised criticisms of appropriations basic to minimal maintenance of OEO programs, I urge the adoption of the report.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 223, nays 97, not voting 111, as follows:

[Roll No. 351]

YEAS—223

Abzug
Adams
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Arends
Aspin
Barrett
Begich
Bell
Bennett
Bergland
Biaggi
Biester
Blanton
Boggs
Boland
Brademas
Brasco
Brooks
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Byrnes, Wis.
Carey, N.Y.
Carlson
Carter
Cederberg
Chamberlain
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Collins, Ill.
Conable
Conte
Conyers
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Davis, S.C.
de la Garza
Dellenback

Denholm
Diggs
Donohue
Dow
Drinan
Dulski
du Pont
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frelinghuysen
Frenzel
Fulton
Garmatz
Gaydos
Gibbons
Gonzalez
Grasso
Gray
Griffiths
Gubser
Gude
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Hosmer
Howard
Hungate
Jacobs
Johnson, Calif.

Johnson, Pa.
Karth
Kastenmeier
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Koch
Kyl
Landrum
Lent
Link
McClory
McCloskey
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mallary
Mann
Matsunaga
Mazzoli
Melcher
Metcalfe
Minish
Mitchell
Monagan
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Podell
Powell
Preyer, N.C.
Pryor, Ark.

Quie
Railsback
Randall
Rangel
Rees
Rhodes
Rodino
Roe
Roncalio
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
St Germain
Sarbanes
Scheuer
Shriver
Skubitz
Slack

Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Taylor
Teague, Calif.
Terry
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Vander Jagt

Vanik
Vigorito
Waggonner
Waldie
Whalen
Whitehurst
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young, Tex.
Zablocki
Zwach

NAYS—97

Abbitt
Abernethy
Andrews, Ala.
Archer
Ashbrook
Belcher
Bevill
Blackburn
Bray
Brinkley
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Byron
Cabell
Casey, Tex.
Chappell
Clancy
Clawson, Del
Collier
Collins, Tex.
Crane
Daniel, Va.
Dennis
Derwinski
Devine
Downing
Duncan
Fisher
Flowers
Flynt
Fountain
Frey

Gettys
Giaimo
Goldwater
Goodling
Green, Oreg.
Griffin
Gross
Grover
Hagan
Haley
Hall
Hunt
Hutchinson
Ichord
Jarman
Jonas
Jones, N.C.
Landgrebe
Latta
Lennon
Long, Md.
McClure
McCollister
Mahon
Martin
Mathis, Ga.
Mayne
Meeds
Miller, Ohio
Mills, Md.
Minshall
Mizell
Montgomery

Myers
Pike
Poage
Price, Tex.
Purcell
Quillen
Rarick
Roberts
Robinson, Va.
Rogers
Rousselot
Ruth
Sandman
Satterfield
Saylor
Scott
Sebelius
Sikes
Smith, Calif.
Snyder
Steiger, Ariz.
Sullivan
Talcott
Teague, Tex.
Thompson, Ga.
Thone
Ware
Whitten
Williams
Young, Fla.
Zion

NOT VOTING—111

Abourezk
Addabbo
Alexander
Ashley
Aspinall
Badillo
Baker
Baring
Betts
Bingham
Blatnik
Bolling
Bow
Broomfield
Byrne, Pa.
Caffery
Camp
Carney
Celler
Colmer
Conover
Corman
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dellums
Dent
Dickinson
Dingell
Dorn
Dowdy
Dwyer
Eckhardt
Edwards, Ala.
Eshleman
Evins, Tenn.
Fuqua

Galifianakis
Gallagher
Green, Pa.
Halpern
Hansen, Wash.
Hastings
Hathaway
Hawkins
Hays
Hébert
Henderson
Hillis
Horton
Hull
Jones, Ala.
Jones, Tenn.
Kuykendall
Kyros
Leggett
Lloyd
Long, La.
Lujan
McCormack
McDonald, Mich.
McEwen
McMillan
Mailliard
Mathias, Calif.
Michel
Mikva
Miller, Calif.
Mills, Ark.
Mink
Mollohan
Mosher
Moss
Nichols

Obey
Pelly
Pepper
Pirnie
Price, Ill.
Pucinski
Reid
Reuss
Riegle
Robison, N.Y.
Rooney, N.Y.
Rostenkowski
Ruppe
Ryan
Scherle
Schmitz
Schneebeli
Schwengel
Seiberling
Shipley
Shoup
Sisk
Spence
Springer
Stanton, James V.
Steed
Stokes
Van Deerlin
Veysey
Wampler
Whalley
White
Widnall
Wiggins
Winn
Yatron

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mr. Colmer against.

Mr. Addabbo for, with Mr. Hull against.

Mr. Rostenkowski for, with Mr. Nichols against.

Mr. Price of Illinois for, with Mr. Baring against.

Mr. Dent for, with Mr. Dowdy against.

Mr. Reid for, with Mr. Fuqua against.

Mr. Delaney for, with Mr. Henderson against.

Mr. Widnall for, with Mr. Betts against.

Mr. Horton for, with Mr. Camp against.

Mr. Wampler for, with Mr. Dickinson against.

Mr. Robison of New York for, with Mr. Eshleman against.

Mr. Mosher for, with Mr. Kuykendall against.

Mr. Hillis for, with Mr. Schmitz against.

Mr. Schwengel for, with Mr. Veysey against.

Mr. Mailliard for, with Mr. Spence against.

Mr. Hays for, with Mr. Michel against.

Mr. Dingell for, with Mr. Scherle against.

Mr. Blatnik for, with Mr. Schneebeli against.

Mr. Yatron for, with Mr. Davis of Wisconsin against.

Mr. Ruppe for, with Mr. McEwen against.

Mr. Winn for, with Mr. Wiggins against.

Until further notice:

Mr. Celler with Mr. Bow.

Mr. Hébert with Mr. Edwards of Alabama.

Mr. Bingham with Mr. Broomfield.

Mr. Badillo with Mr. McDonald of Michigan.

Mr. James V. Stanton with Mr. Whalley.

Mr. Jones of Alabama with Mr. Pelly.

Mr. Shipley with Mr. Springer.

Mr. Jones of Tennessee with Mr. Halpern.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Pepper with Mr. Pirnie.

Mr. Leggett with Mr. Mathias of California.

Mr. Stokes with Mr. Riegle.

Mr. Van Deerlin with Mr. Shoup.

Mr. Reuss with Mr. Lujan.

Mr. Green of Pennsylvania with Mr. Hastings.

Mr. Pucinski with Mr. Lloyd.

Mr. Dellums with Mr. Gallagher.

Mr. Hawkins with Mr. Hathaway.

Mr. Sisk with Mr. Abourezk.

Mr. Alexander with Mr. Byrne of Pennsylvania.

Mr. Carney with Mr. Caffery.

Mr. Davis of Georgia with Mr. Corman.

Mr. Danielson with Mr. Mikva.

Mrs. Mink with Mr. Miller of California.

Mr. Mollohan with Mr. McMillan.

Mr. Moss with Mr. Dorn.

Mr. Evins of Tennessee with Mr. Eckhardt.

Mr. Ryan with Mr. Galifianakis.

Mr. White with Mr. Seiberling.

Mr. Aspinall with Mr. McCormack.

Mr. Kyros with Mr. Steed.

Mr. Ashley with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PERSONAL EXPLANATION

Mrs. ABZUG. Mr. Speaker, on August 18, 1972, I was detained on business and missed rollcall No. 346. In the announcement of my position on this vote at pages 29126–27 of that day's CONGRESSIONAL RECORD, the printer inadvertently referred to it as rollcall No. 329.

To set the matter straight. I missed rollcall No. 346, on which I would have voted "yea" had I been present. I was present on rollcall No. 329 and am correctly recorded as having voted "nay" on that occasion.

PERSONAL EXPLANATION

Mr. RONCALIO. Mr. Speaker, I was unavoidably detained in my district and missed the previous rollcall No. 350. Had I been present, I would have voted "yea."

BEVILL OPPOSES GRANTING AMNESTY TO DRAFT DODGERS

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I understand that a Subcommittee on Administration Practice and Procedure of the U.S. Senate has held hearings on granting amnesty to draft dodgers.

A few weeks ago I cosponsored House Concurrent Resolution 543 which states in substance that no amnesty be enacted by the Congress or exercised by the President.

Mr. Speaker, I am strongly opposed to efforts being made to grant amnesty to draft evaders and deserters from our Armed Forces.

Such a move would be grossly unfair to the hundreds of thousands of young men who met their responsibilities and served their country with honor.

Granting amnesty would mean that the 70,000 young men who dodged the draft and are now living in exile in Canada, Sweden, and other foreign countries would be immune from prosecution. It would mean the release of more than 500 draft resisters now serving in Federal prisons. And it would mean releasing the 9,500 soldiers either serving sentences in military stockades or confined there awaiting trial for violation of the Military Code.

Many young men who served in Vietnam did not agree with our Government's decision to send them there. But they went anyway. Thousands of these men were wounded, many were killed, and some were taken prisoner. Granting amnesty to draft dodgers and deserters would be a grave injustice to those who made such great sacrifices.

It is foolish, in my estimation, to think that the majority of those who refused service did so, because of some high moral purpose. Rather, I believe it was a display of total irresponsibility and cowardice.

In my opinion, it is completely out of order to even consider granting amnesty to anyone while we still have men fighting and dying in Vietnam and while there are men being held prisoner by the Communists.

To grant amnesty would set a dangerous precedent which could have grave consequences in future emergency situations which call for military mobilization.

It would also undermine our system of justice by rewarding those who violated our laws and shirked their duty.

Our Nation is a great nation. And one of the reasons it is great is because courageous men and women, down through the years, have taken up arms when it was necessary to fight for those basic rights which America stands for.

Mr. Speaker, I believe it is time to reassess our values and restate our priorities. Let us turn our attention to those who have served; let us meet their needs and help them readjust to civilian life and stop giving so much time and attention to those who turned their back on their country when they were needed.

CONGRATULATIONS TO WINNERS OF OLYMPIC GAMES

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LATTA. Mr. Speaker, I take this time to congratulate all of our winners in the Olympic games. They have performed superbly and brought great honor to this country. However, I particularly wish to single out a winner from Bowling Green State University, David James Wottle, for special praise and commendation. This young man won the 800 meters in 1 minute and 49 seconds. He ran like the champion he is and was so taken in by his win—and rightly so—that he did not remember that he had his hat on when they played our national anthem. When this omission was later called to his attention by the media, he was noticeably shaken and publicly apologized to the people of the United States and further commented that this omission subtracted from the personal satisfaction of his win.

Mr. Speaker, this was an expression of the feelings of a truly great American as well as that of a truly great champion being expressed at the high point of his athletic career and I wish to say to David Wottle that he should not feel badly for his unintentional omission at a time like this. It is only human to forget and this young man may be longer remembered for his heartfelt spontaneous apology to the American people for his forgetfulness at the time of his greatest triumph than he will be for the triumph itself.

AMERICAN GRAIN SALES TO THE SOVIET UNION

(Mr. ROUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, I rise today to protest a situation that has come into the news while the Congress was in recess for the Republican Convention. This is the partially revealed situation regarding American grain sales to the Soviet Union and the resultant effects on the farmers in this country and the whole consumer population.

I was one of those strongly supporting the grain export to Russia when this was announced by the President. I felt that this would be of significant help to the farmer and the American economy given our grain surpluses. But since that time a number of revelations have been forthcoming regarding effects of the purchase, the way in which it has been handled, the kind of favoritism practiced, and the accompanying costs to the American farmer and consumer. These have made me very uncomfortable, and disappointed to say the least. Because I believe this trade could have been a total gain; instead it seems to have had some serious ill effects.

It seems now likely that certain large grain export companies have been privy to advance information concerning the extent of Government subsidy and credit arrangements on export sales of wheat—at least it seems that they have been privy to special and valuable information not given to others equally involved, such as the farmers who grow the crops. Accordingly these companies could purchase wheat before prices went up.

It is estimated that the Russian wheat deal has cost wheat farmers in early harvest areas an estimated $100 million in Government wheat certificate payments. Largely because the rising wheat market could raise the average price to $1.75 per bushel during the July to November marketing period. This will have the effect of reducing the Federal subsidy by approximately 40 cents a bushel. Farmers receive the difference between the average price during that 5-month marketing period and 100 percent of parity, now estimated at $3.03 per bushel, on that portion of their wheat used in domestic markets. Those who sold in July receiving $1.30 to $1.35 per bushel, will find their wheat certificates amounting to only $1.28 per bushel, if the average for the 5-month period is $1.75—making their total return about 40 cents a bushel less than the full parity price. Had they known about the details of the trade expectations, which surely the Department of Agriculture had information on, this need not have happened.

Now, to make matters worse, the USDA has announced that subsidies are getting too high, but they at the same time raised the subsidy from 38 to 47 cents for a period ending 2 days before their announcement. Thus they protected the profits of traders who had been buying on a rising market, but they certainly did not have the farmer in mind.

Upon my return I found a news release from the USDA stating that—

> Every farm region benefited from the record exports of $8.05 billion in fiscal 1972.

The news release went on to say that the 1971–72 export market accounted for at least two-fifths of the U.S. production of wheat.

This is heartening, but I believe, given the story above, it is only a part of the picture. I have some questions I would like the Department to answer about the sale of wheat to Russia:

How much wheat has been sold to Russia?

What price was paid?

Who received the export subsidy and in what amounts over what period of time?

What are the credit terms?

Who pays shipping charges and other costs incidental to the export of the wheat?

What amount of export subsidy is planned for the future? Will it fluctuate with domestic consumption or not?

How does this affect our domestic supply, including our surplus supply?

How much is wheat expected to rise in domestic prices as a result?

I would like to say finally, that I do not object to private corporations carrying out the trade negotiated by the Government. But I do object to their doing so at the expense of: The farmer-producer; of all those processors, such as millers and bakers who rely on wheat; and the American consumer who foots the bill for the subsidy given those selling on the cheaper world market; of the American consumer who suffers a higher cost for domestic wheat products while those buying enjoy a lower cost. So I would like these questions answered. I have today sent a letter to Secretary Butz asking these same questions, but if answers are not forthcoming, I would recommend a congressional investigation of this whole matter.

JACK KEMP PAYS TRIBUTE TO THE MOST REVEREND JAMES A. McNULTY, BISHOP OF THE DIOCESE OF BUFFALO

(Mr. KEMP asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEMP. Mr. Speaker, the people of Western New York and our country have lost an outstanding spiritual leader as the result of the death Monday of the Most Reverend James A. McNulty, bishop of the eight-county Roman Catholic Diocese of Buffalo.

His death is a great personal loss not only to us in Western New York, but to mankind. He loved and served both with a total and tireless commitment. At the same time, however, we offer thanks for the great legacy this man of God left behind after his 72 years of life, 47 of them as an ordained servant of God and his fellow human beings.

Mr. Speaker, Bishop McNulty epitomized all that is good in America and those of the cloth who serve it, and his leadership will continue through his words and works.

Born in New York City and reared in modest circumstances in a family with six children, he was an outstanding student who graduated with honors from Seton Hall College in South Orange, N.J.

At the age of 25, he was ordained into priesthood at the University of Louvain in Belgium.

Even as an assistant pastor of St. Joseph's Church in Jersey City, his leadership, his gift as a speaker, and his concern for people, community and country quickly became evident.

A lifetime advocate of educational opportunity, he was the executive secretary for the Immaculate Conception Seminary fund drive in New Jersey in 1937. Years later, following his installation in 1963 as the 10th bishop of the Buffalo Diocese, he pioneered "Social Christianity," a project to instill a mature and modernized concept of the Christian faith among high school seniors attending public schools.

With other religious leaders, he endorsed a lecture series entitled "Your Neighbor's Faith" to educate the citizens of Western New York in the tenets of various religious beliefs.

In November 1969, he proclaimed that the first, new Roman Catholic Mass in 400 years would be held in the Buffalo Diocese, a year ahead of the national deadline in 1971.

His ecumenical leadership caused Terence Cardinal Cooke, archbishop of New York to observe in 1970 that Bishop McNulty "life is devoted to the cause of unity. His prayers and his works have for their purpose the strengthening of the unity of God's family on earth."

Throughout his career, Bishop McNulty showed compassion and worked for the downtrodden and oppressed.

He impressed upon his followers the urgency of providing opportunity and dignity to America's blacks and declared that the church is "the best friend of the entire Negro community in Buffalo."

When he was auxiliary bishop of Newark, N.J., he chose the poorest parish in that community among the blacks and other economically disadvantaged groups. He carried his concerns for the poor to Buffalo where, among other actions, he inaugurated drives for money and gifts and recruited for priests, nuns, and volunteers to minister to the people of Latin America.

As a result of his efforts, he was named vice chairman of the U.S. Bishops Committee for Latin America.

Bishop McNulty not only spread the word of God in his sermons, but was a leader in the art of religious communication.

In 1951, he founded the Advocate, the official newspaper of the Archdiocese of Newark. During his spiritual leadership of the Buffalo Diocese, the weekly diocesan newspaper, the Magnificat, became one of the leading religious journals in the United States.

Mr. Speaker, Bishop McNulty was faithful to his God, his community, his country, and his fellow man.

We will miss him as a friend. But all of us are grateful for the time he was among us and for the contributions and inspiration he has left behind.

At this point, Mr. Speaker, I extend my remarks by including tributes to the late Most Reverend James A. McNulty which were carried today in the Buffalo Courier-Express:

Leaders in Many Fields Pay Homage to Bishop McNulty

The late Most Rev. A. McNulty, bishop of the eight-county Roman Catholic Diocese of Buffalo since 1963, was described as a deeply religious and dedicated prelate who had great warmth for his fellow man and outstanding qualities of leadership which inspired his diocese.

He was also called "a saint," and a bishop who will "best be remembered for his concern for the poor and needy."

These tributes were among the following eulogies issued in memory of Bishop McNulty:

The Rt. Rev. Harold R. Robinson, bishop of the Episcopal Diocese of Western New York:

"I wish to convey my sympathy to the family and friends of Bishop McNulty. He was a courteous and conscientious man, completely dedicated to his convictions and the traditions of the Roman Catholic Church.

"He was gracious in offering the use of St. Joseph's New Cathedral for my consecration in 1968. This, along with the other kindnesses he has shown to me and other members of the Episcopal Diocese, will not be forgotten. May God rest his soul and bestow abundant blessings upon him."

The Rt. Rev. Msgr. Joseph E. Schieder, pastor of St. Andrew's Church, Town of Tonawanda.

"It has been my privilege to be a personal friend and confidant of Bishop McNulty's for close to 33 years. I have found him to be a brillant scholar, a gentleman under all conditions, genteel, and a master in the practice of Christian charity. Forever dedicated to the teachings of Christ and the Catholic Church, his passing is a severe blow to me leaving a void in my priestly life.

Richard F. Torrey, president of the Buffalo Area Chamber of Commerce:

"Bishop McNulty's death leaves a deep void—a void which will be felt not only by the Catholic Diocese but by the entire Western New York community. He guided his own church during a demanding era of profound change, personally typifying the spirit of religious ecumenism.

"This outstanding spiritual leader brought to the secular community great wisdom, performing an extremely influential role in the field of business, labor and education. Citizens of all faiths mourn his passing."

George L. Wessel, president of the Buffalo AFL-CIO Council:

"I feel that the death of the Bishop is a great loss to the community and I feel that in the years that he has served here as our bishop he provided the spiritual leadership that is necessary in a community of our type with a predominantly Catholic population. I express my regrets and those of the labor movement to the bishop's family."

Sister Mary Charlotte Barton, GNSH, president of D'Youville College:

"The president, the sister and lay faculty members and the staff of D'Youville College join with the Diocese of Buffalo in expressing bereavement on the death of their spiritual leader, the Most Rev. James A. McNulty, bishop of Buffalo. During the period of his guardianship of the diocese, this dedicated prelate patiently and kindly fostered the church, earnestly serving God's people in one of the most trying eras in the development of the Catholic Church.

"Bishop McNulty strove to protect the best interests of the clergy and the people of Buffalo. Perhaps our deceased bishop will be best remembered for his concern for the poor and needy. He was ardent in promoting the annual charity drive which brought results comparable to his concern. We mourn our loss of his gentle leadership while we rejoice in the released and the reward he will receive from almighty God whom he faithfully served."

Dr. Charles A. Banda, Knight of St. Gregory, president-elect of National Federation of Catholic Physicians Guild:

"The Catholic community of Western New York has lost a great prelate. Bishop McNulty was a deeply religious man who worked diligently for the spiritual enlightenment for the members of his diocese."

Dr. Albert Semit, executive vice president of University of Buffalo, in the absence of Dr. Robert L. Ketter, the president:

"The community will mourn his passing. In passing, however, he has left substantial foundation on which a successor can build."

William G. Armstrong, supreme captain general, Ancient and Illustrious Order, Knights of Malta, and a retired Penn Central Railroad employee:

"It is a tragedy to lose such a great man. My prayers certainly go out to him."

Walter J. Thisegron, a Knight of St. Gregory, a trustee of Catholic Charities of Buffalo and member of the budget committee and retired Western Division public relations director, Niagra Mohawk Power Corp.:

"In this age of changes, within and without the church, the role of the bishop in a diocese of the size and magnitude of Buffalo is a staggering one. Bishop McNaulty fulfilled his role as ordinary of the diocese with courage, wisdom and dignity. He was truly a great shepherd of his flock."

John J. Conaiff, director of Catholic Charities:

"If I were asked to describe our beloved Bishop McNaulty in one word, it would be 'charity'—the charity that Christ Himself spoke of. The lay people of this diocese have lost a noble leader, and I have lost a cherished friend."

Charles R. Turner, a Knight of St. Gregory, chairman of the Buffalo Board of Parking and former president of the Area Council on Alcoholism:

"Bishop McNulty was a saint. His knowledge of and dedication to community services was unfailing, especially in the alcoholic field."

Sister Alice Huber, SSJ, president of Medaille College:

"Bishop McNulty probably has lived through one of the most difficult times in the history of the church in America. The rapidly changing society together with the call for renewal in the Church since Vatican II demanded courage and adjustment of both the clergy and the laity. However, I knew him better in affairs of higher education. Bishop McNulty, like his deceased brother (Msgr. John L. McNulty) who had been president of Seton Hall University, was interested in the problems of higher education. Bishop McNulty was concerned for the need for cooperation among area colleges. He had the joy of seeing this dream fulfilled through the establishment of the Western New York Consortium of public and private colleges. My sympathy is extended to his family."

John G. Wick, Knights of St. Gregory, Knights of Holy Sepulchre, President of Merchants Mutual Insurance Co.:

"It is with a deep sense of personal loss that we mark the passing of Bishop McNulty. History will record his accomplishments in the Western New York diocese as one of the most outstanding of a long line of leading churchmen. He was a shepherd to all his flock in the truest sense, and we were most fortunate to have had his sturdy hand at the helm as he steered the Catholic Church through new and uncharted waters. We should should all join in prayerful thanks to him for a job well done."

The Rt. Rev. Msgr. John J. Conniff, director of the diocese's Catholic Charities:

"The death of Bishop McNulty is a great blow to thousands of workers and the clients of Catholic Charities. In every way, he was the bishop of charity and we will greatly miss his support and counsel and encouragement."

Sebastian J. Bellome, Chief Buffalo City Court Judge:

"The passing away of Bishop McNulty is a great loss not only to the Catholic diocese but to the entire community of Western New York. He was a humanitarian without equal and, as the administrator of the Catholic Church in the Buffalo area, his name will go down in history as among the very best. I will greatly miss him personally because he was a good and revered friend."

Rabbi Isaac Klein, Temple Shaarey Zedek:

"With the passing away of Bishop McNulty, the people of Greater Buffalo regardless of race, creed or color lost a friend and a great force for good. A saintly person with a face that radiated gentleness, wisdom and love, he was a source of blessing to the entire community that went beyond the boundaries of the church that he had served so faithfully. Because he was of great spiritual stature, he was respected and loved by all. We of the Jewish community share the sorrow with our Catholic brethren and wish to express to them our deepest sympathy for the loss of a prince of the Church."

HON. RICHARD H. POFF

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, it is with humility that I join my colleagues in saluting one of the outstanding Members of this body upon his retirement after more than 19 years of service.

This is a great loss for us all, because our good friend and colleague, the Honorable Richard H. Poff, is commonly admitted by the Members of the House on both sides of the aisle as the outstanding expert on constitutional law in Congress.

Because of the exceptional background which Mr. Poff applies unswervingly to his voting participation here in the Congress, his voting pattern comes through as one of knowledge, principle, and integrity.

Some will probably say that we should have more like him—I can only say that there will never be another like him, who can combine all the manners and grace of a true Southern gentleman with a keen understanding of our most cherished living document—the Constitution—and be able to apply it consistently to his every action in this body of the people.

I salute my colleague, my mentor, and my friend, and Arlene joins me in wishing him and Jo Ann every happiness in the future as he takes up his position on the highest Court of the Commonwealth of Virginia.

A REPORT OF THE 92D CONGRESS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 10 minutes.

Mr. WILLIAMS. Mr. Speaker, the U.S. economy is continuing strong and is becoming stronger. One year after the President exercised the economic stabilization measures given to him by Congress, it is obvious that they are working. Unemployment is currently 5.5 percent. This 5.5-percent unemployment is lower than it was in the pre-Vietnam war years. As an example, the unemployment rate in 1961 was 6.7 percent.

The inflation rate, which was up to 6 percent annually when President Nixon took office has been reduced to an annual increase of 2.2 percent. It is inflation that steals from the income of everyone and jeopardizes the value of the U.S. dollar.

During the past year, total civilian employment has increased by 2.4 million people, one of the largest 4-quarter increases on record. The Department of Labor has reported that the output per man-hour has increased faster than pay per man-hour for the first time since 1965.

Today, there are 81.7 million people employed, an increase of 5 million over the 76.7 million people that were employed at the end of 1968. Since President Nixon took office, our total armed service personnel strength has been reduced by over 1,300,000, and virtually all of these veterans have been placed in civilian jobs. This rapid increase in civilian employment is higher than the largest increases recorded in the 1960's.

The improvement in our economy is enabling U.S. manufacturers to get back into the world market, and should eliminate the unfavorable balance of trade the United States had in 1971, for the first time in this century. President Nixon's power to impose wage and price controls expires on April 30, 1973, and it is hoped that it will not be necessary to renew this legislation.

Plans for a series of "An Evening With Your Congressman" are being made in an effort to keep me informed of the views of the people. I am planning to spend a series of evenings in the various municipalities of the district to meet with all interested citizens. The evenings will consist of a short talk on the current issues before the Congress, followed by an open question-and-answer period.

The number of U.S. troops in South Vietnam has now been reduced to under 40,000. This means that President Nixon has withdrawn 510,000 American ground troops since he took office, and over 180,500 U.S. ground troops have been withdrawn in the past year.

On August 10, 1972, the House passed a $2.1 billion foreign military assistance bill, H.R. 16029. I voted for this bill to help maintain the military strength of our allies. However, I voted with the majority to strike one section of the bill which directed the President to withdraw all U.S. forces from Vietnam by October 1, 1972, subject to the release of the U.S. POW's held by North Vietnam, the accounting by Hanoi for those reported missing in action, and a cease-fire.

The language which was struck from H.R. 16029 was cruel and misleading to the American people. It held out false assurance of securing the safe return of our missing servicemen and indicated that a U.S. pullout would end the war in Southeast Asia. Neither assumption is reasonable. Any fixed withdrawal date only gives hope to the North Vietnamese, and hinders sensitive attempts at peace negotiations when there is evidence that Moscow and Peking are reducing their aid to North Vietnam.

The language which was struck from H.R. 16029 does not guarantee the return of our missing men and would not end the war, only American involvement in it. President Nixon will have all U.S. ground troops out of South Vietnam this year. However, as long as Communist aggression continues against South Vietnam, we must be able to aid South Vietnam with naval and air support.

All of us desire peace and we want our prisoners released. Those advocating a fixed withdrawal date have no evidence to show that this will be successful. They ignore the past record of Communist aggression, with enslavement of the people of the countries they have taken over.

Early in 1972, Ralph Nader announced that he was going to undertake an investigation of Congress. Since developing some valuable information on automobile safety, Ralph Nader and his graduate students, known as "Nader's Raiders," seem to have become experts on every subject. Since almost everything relating to a Congressman is a matter of public record, most Congressmen assumed that Nader and his student volunteers would simply research the public record.

It was astonishing to learn that one of Nader's interviewers had come to my office to interview me without even making an appointment and at a time when the Banking and Currency Committee, on which I serve, was working on the new housing bill and new disaster loan legislation. When the interviewer learned that I was not available, she left a huge questionnaire with 633 detailed questions to be filled out and stated she would return at a later date for a personal interview. I learned from other Congressman that these interviews took up to 3 hours.

Since I serve on the House Banking and Currency Committee, the House Committee on Standards of Official Conduct, the National Commission on Consumer Finance, and the American Revolution Bicentennial Commission, and usually work 7 days a week serving the needs of my constituents, I informed Mr. Nader that I did not have 3 hours to waste with his interviewer and that I was not going to take the time to answer a questionnaire with the asinine number of 633 questions.

If 15 or 20 individuals or groups decided to investigate the Congress, Congressmen would only have time to give interviews and fill out questionnaires. I believe that the people of the Seventh Congressional District of Pennsylvania want a working Congressman, not a time-waster.

I do meet with my constituents whenever they visit Washington and in my Delaware County office when I am home each weekened in an effort to solve their problems and keep them informed.

President Nixon has hailed "the best news yet on the crime front" the news that serious crime rose only 1 percent in the first quarter of this year—the lowest percentage gain in 11 years. "This represents truly significant progress in this administration's determination to roll back the wave of crime that swept our Nation in the 1960's." In the years from 1961 to 1968, serious crime rose over 100 percent throughout the United States.

Congress has worked hard to provide the necessary tools and weapons for the war on crime. With my support, the Congress has passed a series of important acts including the Omnibus Crime Control Act which improved the organization and management of the Law Enforcement Assistance Administration, the main vehicle for distributing Federal anticrime grants to State and local authorities, the Organized Crime Control Act and several important drug abuse control measures.

Figures showing that we are halting soaring crime rates have been released by Attorney General Kleindienst. A year ago, the rate of increase was 6 percent and in 1970, it was 13 percent. Kleindienst also reported that 80 of the Nation's largest cities report actual reductions in serious crime in the first quarter of 1972. I assure you that I will continue to strongly support all measures that come before the Congress which will help reduce criminal activity.

Effective September 1, 1972, a 20 percent increase in social security recently enacted by the Congress, H.R. 15390, will benefit some 28.7 million Americans. This increas means the social security benefits will have been increased by 58 percent since 1968.

On August 9, 1972, the House passed H.R. 15927, which increases railroad retirement benefits by 20 percent. Just as soon as this bill is passed by the Senate and signed into law by the President, it will mean an increase of 45 percent in railroad retirement since 1970.

Inflation is cruelest to those on fixed incomes, and these increased benefits are to offset the pressure of rising prices on those who are receiving benefits under social security and railroad retirement. While these increases of 20 percent in benefits may seem large, the benefits for an average retired couple will be increased from $223 to $270 monthly.

SOVIET EXTORTION FOR JEWS' EMIGRATION

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, I was appalled to learn of a decision by the Government of the Soviet Union that citizens with higher educations who wish to emigrate must pay retroactively for the cost of their education. Reportedly, this amount will run between $5,000 and $25,000 for each such individual.

It is bad enough in any case for a nation to become a petty extortionist, but in light of the fact that the United Nations Declaration of Human Rights recognizes the basic human right of emigration from one's country and article 121 of the Soviet Constitution purports to grant free education to all Soviet citizens, this action is nothing short of outrageous.

This is clearly an issue which belongs before the United Nations, and I have asked that organization's human rights arm to investigate this matter and, if the reports of it are accurate, to condemn a policy that puts a price tag on so basic a right as the freedom of the individual to live where he or she chooses.

The people of the United States must join with the rest of civilized humanity in condemning this policy, and I call upon the President to express our disapproval in the strongest possible terms.

Mr. Speaker, I include the text of my letter to the United Nations and the text of a message I sent to a recent rally in New York on this issue at the conclusion of my remarks, and I yield back the balance of my time.

The articles follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August 29, 1972.
Ambassador E. KULAGA,
Chairman, United Nations Human Rights Commission, New York, N.Y.

DEAR SIR: I have been appalled to read of a reported decision by the government of the U.S.S.R. to require educated citizens, including Jews, to pay huge fees for exit visas ostensibly to reimburse the state for the cost of their education.

I trust that your Commission will investigate this report immediately and, if it is substantiated, issue a formal condemnation of a policy that puts a price tag on human freedom. The United Nations Charter recognizes the right of emigration from one's country as a basic human right. To require Soviet citizens to pay retroactively for their education makes a mockery of this right and clearly is designed to impose an impossible condition upon Jews and others who wish to emigrate.

The continued silence of the United Nations Human Rights Commission in the face of increasingly severe restrictions of political and religious freedom imposed upon Soviet Jews undermines confidence in the objectivity of our world organization. As one who has never hesitated to protest governmental and private discrimination against minorities and oppressed groups within my own country, I urge you to act immediately on an issue that is arousing anxiety among all those who cherish individual freedom.

Sincerely yours,
BELLA S. ABZUG,
Member of Congress.

MAILOGRAM

Rabbi GILBERT KLAPERMAN,
Greater New York Conference on Soviet Jewry, New York, N.Y.:

I regret that I cannot be present at the rally today. I would appreciate your reading the following message to the assembly: I join with you in protesting the USSR's appalling policy requiring educated Jews to pay ransom for the right to emigrate to Israel. I have called on the United Nations Human Rights Commission to condemn this latest and most shocking violation of individual rights and I pledge to raise this issue before Congress when it reconvenes next week. The American people and American government must join in condemning a policy that places a price tag on human freedom and formally demand that the Soviet government rescind its ransom decree and allow all those wishing to emigrate to do so without impediment and with full dignity and security.

Congresswoman BELLA S. ABZUG.

OUR DAILY BREAD

The **SPEAKER**. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 10 minutes.

Mr. GAYDOS. Mr. Speaker, the sale of 400 million bushels of U.S. wheat to the Soviet Union was hailed at the time of its public announcement as a major breakthrough in the relation of the two countries and the first stage of a burgeoning trade between them.

It is hoped that this analysis and prediction both will prove to be true. Future world peace will depend in large part on the ability of the major military powers to become mutually benefiting trade partners. But, in the interests of truth, the wheat deal now needs an agonizing reappraisal. How well did we Americans make out?

Part of the answer has come now in the appeal of the American baking industry to the Cost of Living Council for approval of an immediate across-the-board increase in bread prices to cover its rising costs. The major cost hike to it is in flour which has jumped from $5.40 to $6.70 per hundredweight under the impact of the heavy Soviet wheat purchases.

Baking industry spokesmen contend that the higher flour cost has placed most breadmakers in a "deficit position" and that a 2- or 3-cent increase is mandatory in each pound loaf of bread sold in the retail bakeries and supermarkets. The result, of course, will be that the already price-harassed American housewife will find herself in the ironic position of taking money from her strained food budget to help feed those once difficult Russians.

Not only this, but the American people already are making tremendous donations to their former cold war opponents in other phases of the wheat deal. Government subsidies paid exporters to hold the U.S. export price at the world market level have climbed according to the Associated Press, from 11 cents a bushel a month ago to around 38 cents now. By rule of thumb, the 38-cent figure works out to $152 million of our tax money in subsidies on the 400 million bushels which the Russians are buying, under terms of the agreement, at the world price which prevailed when the deal was made. We are locked in on this price while the world price currently is climbing rapidly in reaction to the Soviet purchases.

But this is not all by any means. Also to be considered is the fact that the bulk of the Soviet-bought wheat is coming out of storage here—storage for which our Government has paid private elevators 12 cents a bushel per year. Added to the 38-cent subsidy, this means the Russians are getting our wheat at 50 cents a bushel less than it cost us. And this does not include the Government paid interest through the Commodity Credit Corporation on its wheat investments. Some experts place this amount at around 6½ cents a bushel which is added, also would lift our loss per bushel to 56½ cents.

Did we sell our wheat too cheaply? If wheat were in long supply in today's world—if the big wheat producers all were hunting customers—then there could be an argument that any bargain-basement sale would be to our long-range advantage, saving us further storage and interest costs. However, this is far from the case. Wheat is becoming a scarce commodity on the international market. Russia is facing a poor wheat crop this year and consequently needs our grain very badly to feed her people. A recent AP dispatch from Moscow tells of a drive underway there against wasting flour with the quaint slogan, "It is necessary to respect every piece of bread." Australia has had a disappointing harvest. Canada's below-average 1972 yield is sold out. It was necessary, therefore, for the Soviets to turn to us, the only Nation with a wheat surplus. Why then, in view of this, was it in our interest to give Russia a below-cost price?

The wheat deal can be looked at from another angle. By sparing Russia the necessity of paying the full costs of our wheat we have left her with funds for other purposes—funds which can continue to go for arms to North Vietnam, for Soviet missile development, and for Soviet adventures throughout the world—all expenditures to our disadvantage and, in the case of North Vietnam, to our great and tragic cost.

The hopes for a booming United States-Soviet trade to come need not obscure these matters to the American public, or excuse any further deals in which the U.S. housewife, to say nothing of the burdened taxpayer, finds herself shortchanged at the checkout counter. Neither should the wheat deal be sold to us as a diplomatic triumph when in reality it is nothing more than another attempt to use U.S. tax dollars to buy goodwill abroad, an illusionary effort which has cost us so dearly in other giveaway programs.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman.

Mr. MAZZOLI. Mr. Speaker, I would simply like to take this time to commend the gentleman for his well stated remarks concerning this grain sale to the Soviet Union. I join the gentleman and I would like to endorse his remarks.

I would also join with him in seeking some answers for these very difficult and very profound questions, because on the surface this appears to be an excellent, right and proper business arrangement.

But, as the gentleman so aptly pointed out, below the surface there is turbulence and I congratulate the gentleman for taking this time to advise the House and to advise the Nation of these very serious problems.

Mr. GAYDOS. Mr. Speaker, I wish to thank my friend for his interest and commend him for his support. We hope that the State Department will respond and analyze this entire situation, again keeping the interest of the American housewife and the purchaser who pays the 2 or 3 cents increase and keep their interest at heart and hopefully work this situation out and possibly remove the subsidy.

MAJ. GEN. LEO HENRY SCHWEITER

The SPEAKER. Under a previous order of the House, the gentleman from Mississippi (Mr. GRIFFIN) is recognized for 10 minutes.

Mr. GRIFFIN. Mr. Speaker, I rise to pay honor and tribute to a great patriot and soldier, Maj. Gen. Leo Henry Schweiter, who passed away August 23, 1972.

Hank Schweiter was a neighbor of mine in Arlington, Va., for several years where I got to know him as a brilliant man, devoted husband and father who had an intense pride in America and who was totally loyal to his country.

Hank Schweiter had an outstanding military career, and at the time of his forced retirement because of cancer, he served as Chief of Staff, U.S. Army, Vietnam.

Born in Wichita, Kans., on April 16, 1917, General Schweiter graduated from Kansas State College in 1939 with honors and with membership in the national honor society, Phi Kappa Phi. He entered the military service in 1941 after obtaining a master of arts degree and serving as an instructor at the University of Missouri. He was integrated into the Regular Army in 1946.

After his early service as an administrative and tactical officer at various Army Air Corps flying schools in California, he attended the Parachute School at Fort Benning, Ga., in November 1942. Subsequently he served with the 511th Parachute Infantry in the United States and then with the 101st Airborne Division in Europe. While a member of the 101st Airborne Division he made combat parachute jumps behind enemy lines in Normandy the night before D-day, and in Holland; additionally, he participated in the defense of Bastogne. At the end of the war in Europe, when the 101st Airborne Division was inactivated, he was Assistant Chief of Staff, G2.

Back in the United States in 1946 he served with the 82d Airborne Division until September 1947 when he was assigned to Headquarters, Army Ground Forces at Fort Monroe, Va. In 1949 he attended the Command and General Staff College, Fort Leavenworth, Kans. Upon graduation in July 1950 he was assigned to the staff of the X Corps in Korea. While in this assignment he participated in the amphibious landings at Inchon and Wonson and the subsequent evacuation from the Hamhung-Hungnam perimeter in North Korea in December 1950. Later, still in combat in Korea, he served as a battalion commander in the 32d Infantry Regiment, 7th Infantry Division. In October 1951 then Lieutenant Colonel Schweiter returned to Fort Bragg, N.C., where he was assigned to the Joint Airborne Troop Board and to the 82d Airborne Division. While in the 82d Airborne Division he commanded an airborne infantry battalion and the Provisional Reconnaissance Troop, Sky Cavalry, the first air cavalry unit of the U.S. Army.

In March 1956 he was assigned to the newly reactivated 101st Airborne Division at Fort Campbell, Ky. as Assistant chief of staff, G–3. He attended the Army War College at Carlisle Barracks, Pa., during the 1957-58 school year. Upon graduation he moved to Europe where he served as a staff officer in the G–3 Division, Headquarters, USAREUR and as chief of staff of the 8th Infantry Division.

In 1959, he began a 3-year assignment at Fort Bragg, N.C., which successively included duties as G–2 of XVIII Airborne Corps and the Strategic Army Corps, commanding officer of the 2d Airborne Battle Group, 504th Infantry and the first commanding officer of the newly activated 5th Special Forces Group (Airborne).

In July of 1962, he was transferred to Washington, D.C., and served in the Office of the Special Assistant for Counterinsurgency and Special Activities, Office of the Joint Chiefs of Staff. Two years later he was assigned to Headquarters, Department of the Army, Office of the Deputy Chief of Staff for Military Operations, where he became Director of Special Operations.

In January 1967, he became assistant division commander of the 101st Airborne Division at Fort Campbell, Ky.

In the Republic of Vietnam from August 1967 to March 1968 General Schweiter commanded the 173d Airborne Brigade. During November 1967, while under his command, the 173d Airborne Brigade was engaged in bitter fighting around Dak To. In March 1968, General Schweiter was assigned as chief of staff of XXIV Corps which directed U.S. military operations below the DMZ in the northern provinces of South Vietnam. Upon returning to the United States in December 1968 he became deputy commanding general of the U.S. Army Combat Developments Command at Fort Belvoir, Va., the position in which he served until his return to Vietnam for a second tour. General Schweiter's final active duty assignment was as Chief of Staff, U.S. Army, Vietnam, between September 1971 and April 1972.

During his distinguished military career, he won the following awards and decorations:

Distinguished Service Medal with one oak leaf cluster;

Silver Star Medal with one oak leaf cluster;

Legion of Merit with one oak leaf cluster;

Distinguished Flying Cross;

Bronze Star Medal with three oak leaf clusters;

Air Medal with "V" Device and 24 oak leaf clusters;

Army Commendation Medal;

Purple Heart with one oak leaf cluster;

Presidential Unit Citation with one oak leaf cluster;

Order of Orange Nassau, degree of officer, Netherlands;

National Order of Vietnam, Fifth degree;

Vietnamese Army Distinguished Service Order, First class;

Vietnamese Cross of Gallantry with palm;

Vietnamese Chung My Medal, First class;

Presidential Unit Citation, Republic of Korea;

Orange Lanyard, Netherlands;

Fourragere, Belgium;

Fourragere, 1st ARVN Division;

Combat infantryman badge with star; and

Master parachutist badge.

General Schweiter is survived by his mother, Mrs. Bertha Schmid Schweiter, his wife, the former Virginia Pflaum of Wauwatosa, Wisc., and four children, Henry, Gail, Mary Jean, and Caroline.

To all of them, Mr. Speaker, I extend my deep sympathy.

As a part of my remarks, I include the following article which appeared in the Washington Post on August 28, 1972:

EX-ARMY STAFF CHIEF IN VIETNAM

Retired Army Maj. Gen. Leo H. Schweiter, 55, who was chief of staff of the Army in Vietnam at the time of his retirement last May, died Wednesday in Dunham Army Hospital at Carlisle Barracks, Pa.

Born in Wichita, Kan., Gen. Schweiter was a graduate of Kansas State College and held a master's degree from the University of Missouri.

He enlisted in the Army Air Corps in 1941 and served in the European theater with the 101st airborne division during World War II.

Gen. Schweiter was assigned to the 82d Airborne Division in 1945 and after combat during the Korean War was a member of the joint airborne troop board.

In 1959, after a tour of duty in Europe, he was named chief of staff of the 8th Infantry Division. He later was assistant chief of staff, G2, headquarters, XVII Airborne Corps.

In 1961, he was named commanding officer of the 5th Special Airborne Force group, 1st Special Forces.

Gen. Schweiter served in Washington from 1962 to 1964 in the office of special assistant for counterinsurgency and special activities for the Joint Chiefs of Staff. During the next two years, he was in the office of the deputy chief of staff for operations.

He later was at Ft. Campbell, Ky., then was sent to Vietnam. He returned to this country in 1969 to become deputy commanding general of the Army combat developments command at Ft. Belvoir, Va., before becoming chief of staff of the Army in Vietnam.

His many decorations included the Distinguished Service Medal, the Silver Star, the Distinguished Flying Cross and the Bronze Star.

He is survived by his wife, Virginia, and four children, James, Gail, Mary Jean and Caroline, all of Carlisle, and his mother, Mrs. Otto Schweiter, of Wichita.

INTRODUCING AN AMENDMENT TO THE NATIONAL FLOOD INSURANCE ACT OF 1968

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, I am introducing today a bill which is important in each and every congressional district in the Nation. The bill, an amendment to the National Flood Insurance Act of 1968, is intended as a safeguard against future flood disasters where entire flood-prone communities have gone uninsured and have thus required huge expenditures of Federal energy and money for disaster relief which otherwise would not be spent. If adequate flood insurance under the federally subsidized program had been in effect in the areas stricken by Hurricane Agnes—I think we all know who she is by now—if such insurance had been in effect, the savings to the Federal Government would be in millions of dollars and countless manhours of time. Thus the aim of this bill—improve the attractiveness of the current Federal flood insurance program while at the same time encouraging local communities to utilize its provisions.

As I said before, this bill is important to us all. None of us are seers, no one can tell the future. As an example of this lack of foresight I present the city of Harrisburg, capital of the State of Pennsylvania. In the entire city, which lies upon the Susquehanna River Basin, nobody had flood insurance; 70 percent of the flood damage from Hurricane Agnes—need I repeat again, the greatest civil disaster in the history of the republic—70 percent of the damage was in Pennsylvania, and 70 percent of the damage in Pennsylvania was in the Wilkes-Barre and the Wyoming Valley. And in that entire valley, only two people had flood insurance.

This is not a condemnation of the program. This is not a condemnation of the communities who failed to take the necessary actions to qualify for such insurance, nor do I mean to condemn those individuals who were eligible, yet failed to take advantage of it. The problem this time is not in ourselves, but in the stars—no one had the foresight to imagine that they would be stricken. It was Sinclair Lewis who penned a novel in the thirties entitled "It Can't Happen Here", but it can, and it did, and it will. The disaster he was talking about was social and political, this one is natural—and remember this, it can happen to you, and it did happen to me, and it will happen to some of you in the years to come.

The bill I am introducing today would quadruple the statutory flood insurance coverage limits. It would quadruple both the subsidized limits on various types of buildings and their contents, as well as quadrupling the maximum limits of flood insurance coverage. Currently, the subsidized limits on single family residential units are inadequate at a figure of $17,500—my bill raises that limit to $70,000. The limits on other residential units, double blocks, et cetera, and nonresidential structures would be increased from $30,000 to $120,000. The coverage for the contents of a residence would be raised from a maximum of $5,000 to the $20,000 level. I am particularly distressed at the current limit for businesses struck by flooding, oftentimes a completely devastating experience.

The limit for the contents of a business at $5,000 is totally unrealistic. Therefore, my legislation would increase that coverage to $120,000. In each case listed above, nonsubsidized flood insurance could be obtained in an amount double that of the subsidized maximum, at actuarial rates.

To encourage individuals to purchase flood insurance when they reside in a flood-prone area, the bill requires that all individuals, as a condition precedent to receiving Farmers Home, VA, or FHA mortgage insurance, must purchase flood insurance under the Federal program. These flood-prone areas are currently defined by the Department of Housing and Urban Development as any area which has a 1-percent annual chance of flooding.

As a further incentive—this time for the communities—the bill provides that those communities which have been identified as special flood zone areas would be required to participate in the national flood insurance program at the risk of penalty. The penalties are severe—future Federal financial assistance for construction programs such as urban renewal would be reduced, with increasing penalties as a community's failure to act continued.

Beginning July 1, 1976, the VA, Farmers Home Administration, and FHA mortgage insurance and new construction guarantee programs would be curtailed. By 1977, funds for programs such as open space, community facilities, community development, model cities, and so forth, would be reduced by 10 percent. By 1978, another 20-percent reduction would take place; with 30 percent in 1979, and in 1980, 40 percent. Thus, the total reduction amounts to 100 percent in 4 years.

These severe penalties are only, and strictly, for those cities, townships, and boroughs which fail to participate in the flood insurance program and which are located in flood hazard areas. It only makes sense, that if the Federal Government is going to provide Federal funds to build in flood-prone areas, the local communities should be required to take steps to reduce the impact of the flooding.

In addition, this bill broadens the availability of flood insurance to anyone who wishes to obtain it. At the same time, in order to encourage local communities to sign up for the flood insurance program and meet Federal land-use requirements, the premium rates on policies issued in communities which have not been approved for flood insurance would be 25 percent above the subsidized rate offered to residents of approved communities.

One last note, the bill I have introduced will expand the Federal flood insurance program. And you can be sure that in the wake of Hurricane Agnes, it would have expanded of its own accord. As a result, I feel that a $20 billion statutory limit for total coverage in force under the national flood insurance program is an appropriate figure.

H.R. 16521

A bill to amend the National Flood Insurance Act of 1968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "National Flood Insurance Act Amendments of 1972".

INSURANCE LIMITS

SEC. 2. (a) Section 1306(b)(1)(A) of the National Flood Insurance Act of 1968 is amended by striking out "$17,500", "$30,000", and "$5,000" and inserting in lieu thereof "$70,000", "$120,000", and "$20,000", respectively.

(b) Section 1306(b)(1)(B) of such Act is amended by striking out "$30,000" (each place it appears) and "$5,000" and inserting in lieu thereof "$120,000" and "$120,000", respectively.

(c) Section 1306(b)(1)(C) of such Act is amended by striking out "$30,000" and "$5,000" and inserting in lieu thereof "$120,000", and "$120,000", respectively.

PROGRAM LIMITATION

SEC. 3. Section 1319 of the National Flood Insurance Act of 1968 is amended by striking out "$2,500,000,000" and inserting in lieu thereof "$20,000,000,000"

SEC. 4. (a) Chapter I of the National Flood Insurance Act of 1968 is amended by adding at the end thereof the following new section:

"REQUIREMENT OF FLOOD INSURANCE COVERAGE FOR FEDERALLY INSURED OR FEDERALLY GUARANTEED MORTGAGES

"SEC. 1321. (a) No officer or agency of the United States shall insure or guarantee or enter into a contract or commitment for the insurance or guaranty of any mortgage or real estate loan if the property to which such mortgage or loan relates is situated in a flood-prone area as determined by the Secretary under section 1360, unless such property is covered by the flood insurance program under this title (to the extent that such program applies or has been extended to property of the type involved under section 1305 (a) and (b)).

"(b) For purposes of subsection (a), the terms 'insure or guarantee' and 'insurance or guaranty', with respect to mortgages or real estate loans, include or refer to the insurance of any mortgage (or financial institution) under the National Housing Act or title V of the Housing Act of 1949, the insurance or guaranty of any loan under chapter 37 of title 38, United States Code, and any other insurance or guaranty issued under Federal law with respect to a mortgage on real estate or with respect to a loan made to finance the purchase, acquisition, or rehabilitation of real property."

(b) The amendment made by subsection (a) of this section shall apply with respect to mortgages executed and loans made on or after the first day of the seventh month which begins after the date of enactment of this Act (except that such amendment shall not apply with respect to any such mortgage or loan which is executed pursuant to a contract or commitment entered into before such first day).

PROVISION OF FLOOD INSURANCE IN CERTAIN AREAS NOT MEETING REQUIREMENTS OF PROGRAM

SEC. 5. The National Flood Insurance Act of 1968 is amended—

(1) by striking out "The" in section 1305 (c) and inserting in lieu thereof "Except as provided in section 1322, the";

(2) by striking out "After" in section 1315 and inserting in lieu thereof "Except as provided in section 1322, after"; and

(3) by inserting after section 1321 (added by section 4 of this Act) a new section as follows:

"FLOOD INSURANCE COVERAGE IN NONQUALIFYING AREAS

"SEC. 1322. Notwithstanding any other provision of this Act flood insurance coverage may be provided under this title in any State or area (or subdivision thereof) which has not complied with the requirements of section 1305(c) or 1315 if—

"(1) the property with respect to which the insurance is sought is eligible for coverage under section 1305 (a) or (b); and

"(2) the premium charged for the coverage provided is at a rate which exceeds by 25 per centum the rate which would otherwise be chargeable on similar property in a State or area (or subdivision thereof) meeting the requirements of section 1305(c) and 1315."

REDUCTION OF CERTAIN FEDERAL BENEFITS IN THE CASE OF COMMUNITIES NOT PARTICIPATING IN THE FLOOD INSURANCE PROGRAM

SEC. 6. (a) Notwithstanding any other provision of law, in the case of any unit of local government which is determined by the Secretary of Housing and Urban Development under section 1360 of the National Flood Insurance Act of 1968 to be located in an area which has special flood hazards, and which is not participating in the flood insurance program established under such Act, the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Administrator of Veterans' Affairs shall reduce the aggregate Federal benefits for such unit of local government by 10 per centum on July 1, 1977, by an additional 20 per centum on July 1, 1978, by an additional 30 per centum on July 1, 1979, and by an additional 40 per centum on July 1, 1980.

(b) For the purpose of subsection (a), a reduction of the aggregate Federal benefits of a unit of local government shall be carried out by applying the percentages referred to in such subsection to each of the following:

(1) The aggregate dollar amount obligated or expended in connection with any contract or other agreement entered into by such unit under title I of the Housing Act of 1949, title I of the Demonstration Cities and Metropolitan Development Act of 1966, title VII of the Housing and Urban Development Act of 1965, title VII of the Housing and Urban Development Act of 1970, and title VII of the Housing Act of 1961 during the fiscal year ending on June 30, 1977;

(2) The number of dwelling units covered by mortgages insured under section 203 of the National Housing Act in the jurisdiction of such unit which were purchased during the fiscal year ending June 30, 1977;

(3) The number of dwelling units with respect to which the Administrator of Veterans' Affairs furnished financial assistance under chapter 37 of title 38, United States Code, which were purchased during the fiscal year ending June 30, 1977; and

(4) The number of dwelling units with respect to which the Secretary of Agriculture furnished financial assistance under title V of the Housing Act of 1949 during the fiscal year ending June 30, 1977.

POLITICAL PIOUSNESS?

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, piousness is depicted in this morning's Washington Post newspaper. I include the following editorial at this point in the RECORD for the edification of the Members of the House:

MR. NIXON'S SUNDAY ADDRESS

There is a great deal of talk about elitism in politics these days. In its most commonplace and superficial meaning the term has to do with social class and caste and who went to school where and who is urging whom to do what that he himself is exempted from as a matter of social or financial privilege. Another kind of elitism, however, seems to us to require at least as much attention, being both more pernicious and more easily disguised than the obvious kind that goes with being a "limousine liberal." It is the elitism of men in government who hold that you can do one thing and say another and that the people (ever manipulable) will never be the wiser, that what you confide to the Washington press and governmental elite is quite another matter from what you pitch to the public at large. It holds, in other words, that the people are in fact too dumb to recognize distortions of the truth and too mean-minded in any event to respond to anything but an appeal to prejudice.

Cynicism would be another name for this form of elitist thinking. For almost four years now it has run through Nixon administration attempts to explain to the Washington press corps (and to each other) how it is that you can only "sell" a worthwhile program by pretending that it is something quite different from what it is. We bring it up because it reached new heights in the President's address to the people on Sunday.

Thus, Mr. Nixon, who lists as his top legislative priority passage of a welfare reform bill that would at least double the number of persons receiving welfare benefits, inveighs against the "welfare ethic" and those who favor a policy of "income redistribution"— which is exactly what his welfare program is. Again, the man whose administration has, on alternate days of the week, worked to bring us many of the big busing cases before the courts, now demands new laws to turn them back, even laws that could have the side effect of undoing much of the orderly desegregation that occurred in the South before he came to office. Finally, the President whose Labor Department brought us the Philadelphia Plan for hiring fixed numbers of blacks, now calls such schemes "as artificial and unfair a yardstick as has ever been used to deny opportunity to anyone."

If Mr. Nixon really means to run against his own administration this way on the theory that no one will be bright enough to notice, we submit that he will be undertaking a perilous and boomerang-laden course. You can only sermonize for so long on the supposed collapse of the "work ethic," after all, before people start wondering what that has to do with the high rate of unemployment in this country that has been tolerated by the present administration—except, perhaps, as a rather crude diversion. And if you persit in alluding to something called the "welfare ethic" that is indulged by those who want something for nothing and who get it out of the working man's taxes, well the first thing you know there's going to be talk about Lockheed loans and rich farmers' subsidies and milk price supports that rise with campaign contributions and oil depletion allowances and God knows what all else—maybe even the fact that the administration has yet to come forward with any specific proposals of its own for tax reform. Indeed, it is not even inconceivable that what with the Watergate affair and all those hundreds of thousands of dollars shuffling around from bank to bank, the better part of valor might be for this administration not to introduce the subject of ethics at all—work, welfare or otherwise.

The pity of it is that, given the showing of current political polls and the failure of the McGovern campaign to get off to much of a start so far, Mr. Nixon has the luxury of pursuing a straight arrow, straight talk campaign if he wants to. That is, he can dispense with this elitist nonsense—and he should. It's not just that people aren't dumb. They don't like to be talked to as if they were.

VICIOUS ACTS BY ARAB TERRORISTS AT MUNICH, GERMANY

(Mr. DANIELS of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DANIELS of New Jersey. Mr. Speaker, I am very hard put to find words to describe my shock and outrage at the vicious acts of terrorism perpetrated this morning by Arab terrorists at Munich, Germany.

I cannot recall any act so wanton and so devoid of decency, and one more certain to call down upon its perpetrators total condemnation from the world community.

Mr. Speaker, for too long a time Arab terrorists have enjoyed sanctuary from nations whose borders are contiguous to Israel.

Mr. Speaker, it is time for this Nation, and all other nations in the world community, to take whatever action is necessary to see that the Israeli athletes now prisoners are freed and this contemptible act is never repeated.

Specifically, Mr. Speaker, I call upon the Soviet Union which has lent aid and encouragement to the Arab bloc to use its influence in the Middle East to bring the terrorist campaign to a halt. For a long time, the Soviets have encouraged anti-Israel feelings and supplied men and munitions for still another aggression against Israel. In a large measure, their encouragement of Arab terror is at the root of the crisis. It is time for the Soviet Union to put all pressure upon its client states in the Middle East to end the reign of terror.

DISTRESS UPON MURDER AT OLYMPIC GAMES

(Mr. DONOHUE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DONOHUE. Mr. Speaker, I want to join with my colleagues here this afternoon in publicly expressing our deepest common distress and dismay upon the news of the almost unbelievable armed Arab guerrilla band's murderous invasion of the Israeli quarters of the Olympic Athletes' Village in Munich, Germany.

According to the reports, at least one member of the Israeli group has been killed, another has apparently been seriously wounded, and 13 other members of the Israeli athlete teams are being held as hostages with the threat of being killed outright unless certain demands of these terrorists are met.

Mr. Speaker, it is very difficult, indeed, to even try to find words to express the extent of our feeling of outrage in learning about this horrible incident and the circumstances of the place where an occasion upon which it has been committed make it unique in the world annals of criminal violence.

It is nearly impossible for any normal, ordinary, peaceful, law abiding person, anywhere on earth, to understand what these terrorists hope to gain by such an awful deed, but whatever it is, they have certainly made the worst possible approach toward achieving it.

The will and the conscience of all other people everywhere in the civilized world has been turned against them by this senseless barbarism and they are succeeding only in generating a tremendous and united international enmity against whatever cause they may think they are espousing.

Mr. Speaker, as our sense of outrage heightens at this atrocious action, I know we all join in our prayers that this horrendous experience being visited upon innocent Israeli athletes and their supervisors may very, very soon be ended with no further bloodshed, that the perpetrators of this terrible crime will be subdued and properly punished and that appropriate steps will be taken to insure that the possibility of such uncivilized terror to recur again at Olympic games or any other peaceful international assembly will be eliminated.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Corman, for Tuesday, September 5, 1972, on account of official business.

Mrs. Hansen of Washington (at the request of Mr. Boggs), for today through September 22, on account of official business.

Mr. Camp (at the request of Mr. Gerald R. Ford), through September 14, on account of official business.

Mr. Mathias of California (at the request of Mr. Gerald R. Ford), through September 11, on account of official business.

Mr. Ryan (at the request of Mr. McFall), for this week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Goldwater) and to revise and extend their remarks and include extraneous matter:)

Mr. Crane, today, for 5 minutes.
Mr. Williams, today, for 10 minutes.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 5 minutes, today.
Mrs. Abzug, for 10 minutes, today.
Mr. Gaydos, for 10 minutes, today.
Mr. Griffin, for 10 minutes, today.
Mr. Flood, for 10 minutes, today.

Mr. Hechler of West Virginia, for 10 minutes, today, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Perkins, to revise and extend his remarks and to appear after the calling up of the conference report on H.R. 12350 today.

Mr. Quie and to include extraneous matter with his remarks on the conference report on H.R. 12350.

(The following Members (at the request of Mr. Goldwater) and to include extraneous matter:)

Mr. Buchanan.
Mr. Veysey.
Mr. Schwengel.
Mr. Derwinski in two instances.
Mr. Hosmer in two instances.
Mr. Hansen of Idaho.
Mr. Bray in three instances.
Mr. Young of Florida in five instances.
Mr. Coughlin.
Mr. Forsythe.
Mr. Miller of Ohio in six instances.
Mr. Crane.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Griffin in two instances.
Mr. Rarick in three instances.
Mr. Gonzalez in three instances.
Mr. Rodino.
Mrs. Abzug in 10 instances.
Mr. Jacobs.
Mr. Nix.
Mr. Udall in 10 instances.
Mr. Waldie in three instances.
Mr. Hungate.
Mr. Flood.
Mr. Stokes in two instances.
Mr. Pucinski in five instances.
Mr. Cabell.
Mr. Flowers in three instances.
Mr. Harrington.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 173. An act for the relief of Mrs. Naoyo Campbell, to the Committee on the Judiciary.

S. 2483. An act to provide a national program in order to make the international metric system the predominant but not exclusive system of measurement in the United States and to provide for converting to the general use of such system within 10 years; to the Committee on Science and Astronautics.

S. 2741. An act to amend the act of September 7, 1957, authorizing aircraft loan guarantees, in order to expand the program pursuant to such act; to the Committee on Interstate and Foreign Commerce.

S. 2816. An act for the relief of Mary Danos Nayak; to the Committee on the Judiciary.

S. 3252. An act for the relief of Renato M. Dioquino; to the Committee on the Judiciary.

S. 3583. An act for the relief of Gerald Vincent Bull; to the Committee on the Judiciary.

S. 3671. An act to amend the Administrative Conference Act; to the Committee on the Judiciary.

S. 3835. An act for the relief of Reynaldo Canias Baecher; to the Committee on the Judiciary.

S. 3858. An act to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 202. Joint resolution to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States; to the Committee on Education and Labor.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 13089. An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On August 18, 1972:

H.R. 755. An Act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes;

H.R. 2394. An act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 5158. An act for the relief of Maria Rosa Martins;

H.R. 5814.An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737;

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation;

H.R. 12931. An act to provide for improving the economy and living conditions in rural America; and

H.J. Res. 1278. A resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

On August 19, 1972:

H.R. 15580. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes;

H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force (retired);

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won);

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 10713. An act for the relief of Wilma Busto Koch;

H.R. 11185. An act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, and for other purposes; and

H.R. 15474. An act to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 6, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2270. A communication from the President of the United States, transmitting notice of his intention to exercise the authority granted him under section 614(a) of the Foreign Assistance Act of 1971 to waive the requirements of section 514 of the act as it applies to our military assistance programs for fiscal year 1973 to two countries in east Asia, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

2271. A letter from the Deputy Secretary of Defense, transmitting two reports of violation of section 3679, Revised Statutes, and

Department of Defense Directive 7200.1, "Administrative Control of Appropriations Within the Department of Defense," pursuant to section 3679(1)(2), Revised Statutes; to the Committee on Appropriations.

2272. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports showing the Laos assistance-related funds expended during the fourth quarter of fiscal year 1972, revised figures for the first half-year estimates and for the third quarter, and the totals for the entire fiscal year, pursuant to section 505 of the act of November 17, 1971; to the Committee on Armed Services.

2273. A letter from the Secretary of Commerce, transmitting the 100th quarterly report on export control, covering the second quarter of 1972, pursuant to the Export Administration Act of 1969; to the Committee on Banking and Currency.

2274. A letter from the Commissioner of Social Security, Department of Health, Education, and Welfare, transmitting a copy of the notice of proposed rulemaking concerning black lung benefits published in the Federal Register on September 2, 1972; to the Committee on Education and Labor.

2275. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports showing the Cambodian assistance-related funds obligated during the fourth quarter of fiscal year 1972, and for the entire fiscal year, and on the value of Defense Department excess material transferred to Cambodia during the fiscal year, pursuant to section 655 of the Foreign Assistance Act of 1971; to the Committee on Foreign Affairs.

2276. A letter from the Secretary of the Treasury and the Director of the Office of Management and Budget, transmitting the second annual report on the performance of functions and duties imposed on the Office of Management and Budget and the Department of the Treasury by sections 201 and 202 of the Legislative Reorganization Act of 1970, pursuant to section 202(b) of the act; to the Committee on Government Operations.

2277. A letter from the Deputy Director, U.S. Information Agency, transmitting an annual report for fiscal year 1972 on the Agency's disposal of excess foreign property, pursuant to section 404(d) of the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

2278. A letter from the Secretary of the Interior, transmitting a report on prototype desalting plants, pursuant to the Saline Water Conversion Act of 1971; to the Committee on Interior and Insular Affairs.

2279. A letter from the Assistant Secretary of the Interior, transmitting notice of the receipt of project proposals with applications for loans from the De Luz Heights Municipal Water District, Fallbrook, Calif., and the Farmington Area Pressurized Irrigation District, Farmington, Utah, pursuant to section 10 of the Small Reclamation Projects Act of 1956; to the Committee on Interior and Insular Affairs.

2280. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of overnight accommodations, food and beverages, and merchandising, marine, and automobile service station facilities and services for the public at the Temple Bar site within Lake Mead National Recreation Area, Nev., for a 15-year term ending December 31, 1986, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

2281. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 275, *The Creek Nation, Plaintiff*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2282. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 342–E, *The Seneca Nation of Indians, Plaintiffs*, v. *The United States of America, Defendant*, pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2283. A letter from the Chairman, Commission on Railroad Retirement, transmitting the report of the Commission, pursuant to Public Laws 91–377 and 92–46 (H. Doc. No. 92–350); to the Committee on Interstate and Foreign Commerce and ordered to be printed with illustrations.

2284. A letter from the Chairman, Federal Communications Commission, transmitting a draft of proposed legislation to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures; to the Committee on Interstate and Foreign Commerce.

2285. A letter from the vice president for public affairs, National Railroad Passenger Corp., transmitting a financial report of the corporation covering the month of April 1972, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

2286. A letter from the vice president for public affairs, National Railroad Passenger Corp., transmitting a financial report of the corporation covering the month of May 1972, pursuant to section 308(a)(1) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

2287. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2288. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2289. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, together with a list of the persons involved, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

2290. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(1) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2291. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation, together with a list of the persons involved, pursuant to section 244(a)(2) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

2292. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens under the authority contained in section 13(b) of the act of September 11, 1957, pursuant to section 13(c) of the act; to the Committee on the Judiciary.

2293. A letter from the Secretary of Commerce, transmitting a report, together with legislative recommendations, reflecting the results of a study of ways and means to provide reasonable insurance rates for shippers and vessels engaged in waterborne commerce on the Great Lakes and St. Lawrence Seaway beyond the present navigation season, pursuant to section 107(c) of Public Law 91–611; to the Committee on Merchant Marine and Fisheries.

2294. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize the Secretary of Commerce to permit not more than 30 persons at a time from foreign countries to receive instructions at the U.S. Merchant Marine Academy; to the Committee on Merchant Marine and Fisheries.

2295. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials; to the Committee on Merchant Marine and Fisheries.

2296. A letter from the Acting Administrator of General Services, transmitting a request for the withdrawal of approval of various postal construction projects previously approved by the Public Works Committees of Congress, since they will be financed and constructed by the Postal Service under its own authority; to the Committee on Public Works.

2297. A letter from the Acting Administrator of General Services, transmitting a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended, and for other purposes; to the Committee on Public Works.

2298. A letter from the Secretary of Labor, transmitting the third annual report on the work incentive program (WIN), pursuant to section 440 of the Social Security Act, as amended; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2299. A letter from the Comptroller General of the United States, transmitting a report on problems of the Atomic Energy Commission associated with the regulation of users of radioactive materials for industrial, commercial, medical, and related purposes; to the Committee on Government Operations.

2300. A letter from the Comptroller General of the United States, transmitting a report on the need for impartial cost-effectiveness studies by the Department of Defense in selecting new weapons; to the Committee on Government Operations.

2301. A letter from the Comptroller General of the United States, transmitting a report on the U.S. system for appraising and evaluating Inter-American Development Bank projects and activities; to the Committee on Government Operations.

2302. A letter from the Comptroller General of the United States, transmitting a report on the opportunity for greater efficiency and savings through the use of evaluation techniques in the Federal Government's computer operations; to the Committee on Government Operations.

2303. A letter from the Comptroller General of the United States, transmitting a report on economies available through increased use of the Federal Telecommunications System by military installations; to the Committee on Government Operations.

2304. A letter from the Comptroller General of the United States, transmitting a report on the need for further improvements in Department of Defense controls over Government-owned plant equipment in the custody of contractors; to the Committee on Government Operations.

2305. A letter from the Acting Comptroller General of the United States, transmitting a report on achievements, administrative problems, and costs in paying black lung benefits to coal miners and their widows under the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 801); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. **HALEY**: Committee on Interior and Insular Affairs. H.R. 2327. A bill to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes; with an amendment (Rept. No. 92–1368). Referred to the Committee of the Whole House on the State of the Union.

Mr. **HALEY**: Committee on Interior and Insular Affairs. H.R. 6067. A bill to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets Nos. 359, 360, 361, 362, and 363, and for other purposes; with an amendment (Rept. No. 92–1369). Referred to the Committee of the Whole House on the State of the Union.

Mr. **HALEY**: Committee on Interior and Insular Affairs. H.R. 6318. A bill to declare that certain federally owned lands shall be held by the United States in trust for the Burns Indian Colony, Oregon, and for other purposes; with amendments (Rept. No. 92–1370). Referred to the Committee of the Whole House on the State of the Union.

Mr. **HALEY**: Committee on Interior and Insular Affairs. H.R. 8063. A bill to provide for financing the economic development of Indians and Indian organizations, and for other purposes; with amendments (Rept. No. 92–1371). Referred to the Committee of the Whole House on the State of the Union.

Mr. **HALEY**: Committee on Interior and Insular Affairs. H.R. 9294. A bill to authorize the Secretary of the Interior to convey trust title of U.S. Government land within the Devils Lake Sioux Reservation to the Devils Lake Sioux Tribe; with amendments (Rept. No. 92–1372). Referred to the Committee of the Whole House on the State of the Union.

Mr. **HALEY**: Committee on Interior and Insular Affairs. H.R. 10330. A bill to provide for the distribution of judgment funds to the Cheyenne River Sioux Tribe; with amendments (Rept. No. 92–1373). Referred to the Committee of the Whole House on the State of the Union.

Mr. **HALEY**: Committee on Interior and Insular Affairs. H.R. 10489. A bill to provide for the disposition of funds to pay a judgment in favor of the Shoshone-Bannock Tribes of Indians of the Fort Hall Reservation, Idaho, as representatives of the Lemhi Tribe, in Indian Claims Commission docket No. 326–I, and for other purposes; with an amendment (Rept. No. 92–1374). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO (for himself and Mr. Pucinski):

H.R. 16516. A bill to amend section 109 of title 38, United States Code, to provide hospital and medical care to certain members of the armed forces of nations allied or associated with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. CARTER:

H.R. 16517. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAMBERLAIN:

H.R. 16518. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. DRINAN:

H.R. 16519. A bill to amend title II of the Social Security Act to provide that no reduction shall be made in the amount of any old-age insurance benefit to which an individual is entitled if such individual has 120 quarters of coverage, and to provide that an individual with 120 quarters of coverage may become entitled to medicare benefits at age 62; to the Committee on Ways and Means.

By Mr. FISH (for himself and Mr. Peyser):

H.R. 16520. A bill to provide that no State development agency shall be entitled to receive Federal financial assistance in any form unless it provides satisfactory assurance that it will take no action inconsistent with local zoning laws; to the Committee on Banking and Currency.

By Mr. FLOOD:

H.R. 16521. A bill to amend the National Flood Insurance Act of 1968; to the Committee on Banking and Currency.

By Mr. GRAY (for himself, Mr. Morgan, Mr. Garmatz, Mr. Belcher, Mr. Staggers, Mr. Nix, Mr. Leggett, Mr. Van Deerlin, Mr. Pepper, Mr. Anderson of Tennessee, Mr. Brown of Michigan, Mr. Brasco, Mr. Roe, and Mr. Dellums):

H.R. 16522. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. RARICK:

H.R. 16523. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. SYMINGTON:

H.R. 16524. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16525. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions; to the Committee on the Judiciary.

H.R. 16526. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enable units of general local government to increase the numbers of police; to the Committee on the Judiciary.

By Mr. WHALEN:

H.R. 16527. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. WYATT:

H.R. 16528. A bill to clarify the meaning of section 357(c) of the Internal Revenue Code of 1954 with respect to the basis of certain unrealized receivables; to the Committee on Ways and Means.

By Mr. PEYSER (for himself and Mr. Kemp):

H.J. Res. 1294. Joint resolution condemning the actions of the Arab guerrillas at the Olympic Village on September 5, 1972; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

421. By the **SPEAKER**: Memorial of the Senate of the State of Maryland (House concurring), ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

422. Also, memorial of the House of Representatives of the State of Maryland, (Senate concurring), ratifying the proposed amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. STEELE:

H.R. 16529. A bill for the relief John C. Mayoros; to the Committee on the Judiciary.

By Mr. WRIGHT:

H.R. 16530. A bill for the relief of Arturo Aguirre-Alvarado, his wife, Soledad Labra de Aguirre, and their children Graciela Agiurre Labra, Guadalupe Aguirre Labra, Alma Rosa Aguirre Labra, Arturo Aguirre Labra, Jr., Alberto Aguirre Labra, and Beatriz Aguirre Labra; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

274. By the **SPEAKER**: Petition of Ethel W. Satterthwait, Yardley, Pa., et al., relative to the agreements negotiated by the President in Moscow; to the Committee on Foreign Affairs.

275. Also, petition of the Board of Supervisors, Amador County, Calif., relative to the service of Congressman Harold T. "Bizz" Johnson; to the Committee on House Administration.

276. Also, petition of the Committee To Save the People's Downtown, Washington, D.C., relative to the Pennsylvania Avenue Development Corporation Act of 1972 (H.R. 10751); to the Committee on Interior and Insular Affairs.

277. Also, petition of James L. Braley, Bell, Calif., relative to amendments to the Constitution of the United States; to the Committee on the Judiciary.

278. Also, petition of the Board of Supervisors, Milwaukee County, Wis., relative to welfare reforms; to the Committee on Ways and Means.

279. Also, petition of the Board of Directors, Chamber of Commerce of the Americas, relative to trade restrictions; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

ROY AND ELLEN BRIGMAN

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Tuesday, September 5, 1972

Mr. GRIFFIN. Mr. President, two of the finest, most dedicated people I have ever known are Roy and Ellen Brigman, who make it possible each year for many handicapped children to enjoy the experience of camping.

A good friend and Traverse City neighbor, Dr. Robert H. Chase, recently authored an article for the magazine, Lady's Circle, which appropriately pays tribute to these two outstanding Americans and their Camp Roy-El.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GEE, WASN'T I LUCKY I HAD POLIO!

(By Dr. Robert H. Chase)

"Gee, wasn't I lucky I had polio!" The pretty little 11-year-old blonde girl who made this remark surprised none of the people circled around her, for they knew what she meant. She had just finished her first week at Camp Roy-El, a camp for handicapped children in northern Michigan. She'd had a ball. For the first time in her polio-stricken life she had spent seven glorious days living just exactly like other girls not handicapped. She had missed nothing. She had spent these days in the company of other youngsters also handicapped, some worse, some not as bad. The people who listened, with tears in their eyes, as she bade them goodbye, were staff members, "teen-aiders," and other campers who had been to Camp Roy-El before. They all knew what she meant, for this special camp was and is something warm and wonderful, and all who have come in contact with it in any capacity share with the campers the affection and gratitude they have for the founders of Camp Roy-El, Roy and Ellen Brigman.

Twenty years ago Roy and Ellen had a dream. Quite simply, it was a dream in which handicapped children could go to a camp, without charges of any kind, and do all the things unafflicted children do, and lots more. Their dream came into being that year, 1952.

The Brigmans' interest in such a camp had been far from casual. Both in their thirties, Roy was a skilled physical therapist at Munson Hospital in Traverse City, Mich., and Ellen was an elementary grade school teacher at St. Francis School and director of the local Girl Scout camp. Both had seen the effects of disease on young people, particularly the ravages of polio during those days when it was at its worst. Too many times, Roy had seen children crippled by disease or accident limp through life living, or attempting to, in a world of normal, healthy people.

"I learned many years ago," Roy explains, "that sometimes my patients didn't respond as well as I knew they could, and sometimes the reason was that they felt left out and, like any of us, were inclined to feel sorry for themselves. When you're the only handicapped person in a family, in a school, or even in a small community, you're not expected to do the things an unafflicted child can do, and that includes partaking of sports, hobbies, and even work." Then, running his hand through his short-cropped sandy hair, Roy adds, "Ellen and I figured if we could start a camp for youngsters, all handicapped, some hopeless wheel-chair cripples, some even destined to die before they were 15 years old, that this intermingling would provide a healthy atmosphere for both body and soul. Here each youngster would soon realize he wasn't the only one who'd been victimized by fate, and that he too could have some measure of fun."

Their job wasn't easy, but there are few people like Roy and Ellen Brigman. Roy, a former pilot in the Air Force (now a reserve colonel), was more than familiar with the intricate planning that would be necessary to make the camp more than just a dream. Ellen, the teacher knowing how important discipline is in a classroom, realized it would be doubly important in a camp of this kind, for even handicapped children would have to obey such rules as getting to bed on time and being on time for meals and excursions. Quiet and efficient, Ellen was a natural for the job as co-director of the camp. Though never raising her voice, she speaks with the authority of a marine drill sergeant, but is listened to far more carefully. The campers and teenagers alike refer to her affectionately as "Mrs. B," and to Roy, with the same fondness, as "Mr. B."

Home of Camp Roy-El is Gilbert Lodge on beautiful Twin Lakes just eight miles west of Traverse City. Gilbert Lodge is supervised and controlled by the Twin Lakes 4–H Cub, and is rented by them to Camp Roy-El for two weeks every year, usually the last week in July and the first week in August. The rest of the summer, various 4–H and youth groups from around the state also rent it; so the facilities are in use through the entire camping season. The campers live either in cabins or in the lodge proper.

The campers themselves are between the ages of 8 and 21 and come from a variety of communities in the northern half of the Lower Peninsula of Michigan. All of them have some handicap or disability, and the younger ones attend the first week while the teen-age group attends the second week. All are identified as "Handicampers" and their disabilities include those caused by polio, cerebral palsy, muscular dystrophy and other illnesses. Some children are blind or deaf, while others may wear braces, use crutches or be in wheel chairs. Approximately one hundred Handicampers are provided for each summer. Since Roy and Ellen feel there should be a teenaider or staffer for each, that is all they have room for.

As indefatigable as Roy and Ellen are, they still are only two people, and hence they welcome the help of another hardworking couple, Clare and Dorothy Wilder. Dorothy works at the Central Methodist Church in Traverse City during the year and Clare is a brakeman for the C. & O. Railroad. For the last 12 years both Clare and Dorothy have, like Roy and Ellen, given up their entire vacation time to be at Camp Roy-El for both the first and the second weeks. Dorothy is chief cook for the camp, and this means cooking three meals a day for more than a hundred people, half of whom are ravenously hungry, food-destroying boys. Clare is in charge of the craft shop, where the campers may work on projects to take home at camp's end. Over the years the campers have made leather wallets, weather-vanes, stools, bulletin boards, mailboxes and many other things, all finished in a highly competent way. Most of the campers work on craft projects. They don't have to, but they do, even though they may have prosthetic devices instead of arms and even though they may be blind. There are always extra hands and eyes to help them, and they are usually Clare's.

The camp itself has grown, in these 20 years, from 15 campers in 1952 to 110 (for two weeks) in 1971. In 1952, there were 15 teen-aiders (teen-age helpers, both boys and girls, who bathe, dress and even feed the more severely handicapped, or who serve as buddies and helping hands to the less fortunate). In 1971, there were 45. The staff, (all unpaid volunteers, including Roy and Ellen, who receive no renumeration of any kind) has risen from five in 1952 to 38 in 1971, while the budget of $200 in 1952 has mushroomed to $1,000 for the year 1971.

In spite of the 20-fold increase in the budget, Camp Roy-El is in no financial trouble. It is so well received in the Grand Traverse area for the good it does that it has never had a fund-raising drive or had to solicit money in any way. In fact, during 1971 alone, 183 different groups and individuals made cash contributions, the largest being from the state Easter Seal campaign in the name of all the chapters in the area served by Camp Roy-El, and the smallest, 13 cents, from the four-year-old brother of a teen-aider.

While money is no real problem now, how about the year it was started? "Well that first year," Roy says, "we were rather small, ran only one week, camped outdoors and had very little expense. We anticipated a need for $300. We asked the March of Dimes, the Easter Seal campaign and one other agency for $100 each. The other agency wanted to give us the whole $300 or nothing, but we preferred that the support be broader, so we accepted the $200 from March of Dimes and Easter Seal and made it that first year with $6 left over."

The governing body of Camp Roy-El is the Camp Committee, comprised of 12 couples representing all walks of life in the Traverse City area. The committee meets three or four times during the year either to review the just-completed camp session or to start planning for the next year. While some things—meal planning, hours of camp, etc.—remain constant year in and year out, other things are changed from year to year for variety's sake. For example, the committee attempts to rotate the excursions so that each year there are new ones (with the exception of the trip to the Sand Dunes and the boat ride on the bay, which are regulars).

"It isn't always easy to find new and different excursions," says pert Mimi Dixon, for years publicity director of the camp and a member of the Camp Committee. "We really wrack our brains to come up with different things each year. Each camper has his favorite, but the one I think was the most fun for all was the chairlift ride at Crystal Mountain Ski Area. The kids really ate that up, I noticed."

The annual meeting of the Camp Committee is in the spring, where the first order of business is the election of the camp directors. To nobody's surprise, except Roy and Ellen's, they are annually re-elected as directors of the camp for the coming year. This means that while the Camp Committee meets three or four times during the year and works as staff during camp time, the year-around responsibilities of camp, such as corresponding with campers, talking to service clubs, setting up physical exams for the campers by local physicians, etc., are handled by Roy and Ellen. Thus, in addition to the arduous two weeks of camp itself, Roy and Ellen devote the rest of the year to it in one form or another.

Four couples remain from the original Camp Committee—Mrs. Lloyd Kohn, representing herself and her recently deceased husband, the Gordon Grapes, the Harold Hendges and the Ed Perketts. Ed, postmaster of Traverse City, tells why he and his wife Helen have stayed on through the years.

"We both love to help people and have seen the inspiration the camp has been to teenaiders like our two daughters, one of whom is now a physician."

This is an example of the way in which Camp Roy-El benefits not only the Handicampers but the teenaiders who help out. Says Ellen, brushing an imaginary hair back in place, "Roy and I are constantly amazed to see how many of our former teenaiders end up in occupational therapy, physical therapy, schools for the blind and in other related fields. Mostly because of their association with handicapped children. It's wonderful."

Two of Camp Roy-El's best friends and long-time supporters are Governor William G. Milliken and Senator Robert P. Griffin, both of whom have visited the camp many times.

"Camp Roy-El is a remarkable example of American compassion at work," Bob Griffin says. "When you see what is being done there, as Marge and I have, you can't help but be impressed by the actions of the many people who work to make Camp Roy-El possible—people whose only motivation is to help other less fortunate beings."

Governor Milliken, a native of Traverse City, had this to say in a congratulatory telegram on the occasion of Camp Roy-El's 20th birthday. "I've been tremendously impressed with the heart-warming work of Camp Roy-El over the years. It's a highly commendable undertaking in the best American tradition of community initiative and support."

Why such acceptance of a camp for handicapped children? Well, in the first place, people think it's great because it's completely free to the children. They have only to bring their own linens, and to arrange their own transportation to and from camp—they're even given a stamped post card each the day they arrive to mail back to their parents or friends. So, what else? Well, where else could you shoot an actual submachine gun, if you're blind, that is, with a Michigan State Trooper as your instructor? Where else could you make a wallet for your father in the craft shop, particularly when you have no forearms or hands, but prosthetic devices instead? Where else could you square dance to a real live polka band, where else indeed except at Camp Roy-El, on square dance night, all squares are composed of kids in wheel chairs, with teenaiders pushing them through the dosey-do's? Where else could you go on excursions like boat rides on yachts in Grand Traverse Bay and "dunesmobile" rides over the Sleeping Bear Sand Dunes (soon to be a national park)? Where else a train ride with a real steam engine, complete with a real live hold-up along the way? Or where else could you go on a fishing trip to a privately stocked trout pond where you fished till you caught something, and they had it cooked for your supper?

Where else could all this happen but at Camp Roy-El? There are camps and there are camps, and most of us went to them in our youth, and usually tired of them after a year or two. Not so at Camp Roy-El. Whether you're just beginning at eight years of age, or an old hand at 21 (actually some of the campers are older than 21, and are raised to the lofty status of "staff"), you can't wait for the fall, winter and spring to pass, because, with the summer, comes camp time. It's here at Camp Roy-El that, at least for a week, you can leave your world behind and join your fellow handicapped in fun, crafts, excursions, sports and games, all carefully planned by the Camp Committee months before. It's here you do everything an unafflicted child can do, and more. To you, Camp Roy-El is a little bit of heaven, a little bit of something to take the sting out of those Michigan winters, a little bit of something to look forward to for 11 months. It's really the beginning and end of everything in your young life. And, if you're 11 and crippled, and have just spent your first week at Camp Roy-El, that is why you say, "Gee, wasn't I lucky I had polio."

ALIMONY AND EQUAL RIGHTS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. WALDIE. Mr. Speaker, at this time I would like to enter the following article in the Congressional Record. It was written by two dedicated Los Angeles women, Trude Forsher and Marian P. Winston, and appeared in the Los Angeles Times on July 16 of this year. Here Trude Forsher and Marian P. Winston neatly summarized their months of intensive research into the problems of alimony in this country today. It is in the best interest of all of us interested in the current unjust situation to read this article, but it is especially in the interest of those of us who are not concerned.

The article follows:

On Equal Rights: The Myth of the Easy Life on Alimony

(By Marian P. Winston and Trude Forsher)

Now that an Equal Rights Amendment to the Constitution has been passed by Congress, and ratified by 20 of the necessary 38 states, one often hears—over bridge tables, coffee cups, and typewriters—a woman's voice saying:

"Who wants equal rights? I like to have my husband support me. If the women who want equal rights get their way, women will have to support their children themselves, and they won't have any alimony if they get divorced."

In saying so, these women are showing a sense of false security, based on a mistaken impression of the protection that present laws give them. The general impression of the legal rights of women and children to support from husbands and fathers is almost completely at variance with the facts.

What actually are a wife's legal rights to support from her husband during the marriage? "The rights to support of women and children are much more limited than is generally known," reports the President's Citizens' Advisory Council on the Status of Women. It is custom, not law, that causes millions of men to provide for their wives and children.

The Nebraska Supreme Court explains the legal viewpoint as follows: "As long as the home is maintained and the parties are living as husband and wife, it may be said (i.e., the court will say) that the husband is legally supporting his wife and the purpose of the marriage relation is carried out."

In other words, a married woman living with her husband can, with certain exceptions, get only what he chooses to give her. If he fails to provide the necessities of life, she has no recourse except to leave him.

What happens when a marriage does break up? You'd never guess it from the many magazine articles claiming that men are "exploited" and "victimized" by wives who bleed them for huge alimony payments, but an ex-wife's chance of obtaining alimony are statistically very small, except among the wealthy.

Mothers do obtain custody of children in about 90% of the cases, but this is hardly a victory, since very few fathers have any desire to assume the burden of child care. About 10% of divorced fathers receive custody now; when appropriate, the mothers pay money toward the children's support.

An attorney specializing in obtaining custody for men admits that 75% of men clients never express any interest in obtaining custody. In other words, the percentage of cases in which custody represents a victory for the mother is rather low. However, an equal rights law would remove any arbitrary preference for the mother, so that custody cases would be decided on the basis of the best for the children.

March, 1971, census figures (the latest available) show that 6 million families with children under 18 are headed by women—about 12% of all American families. For years the figure stood constant at 10%, but the huge increase in divorces (715,000 in 1970) is making the fatherless family commonplace.

Nine-tenths of women family heads are divorced, separated, or widowed; only a tenth have never been married. These women are raising at least 20 million children—not counting the legally adult children of 18 or older whom the mothers are putting through college.

Not only have the number and proportion of mother-headed families increased, but fatherless families have been getting poorer and poorer, on the average. During the prosperous 1960s, the proportion of men and male-headed families in poverty dropped to an all-time low of 6%, while the proportion of mother-child families in poverty went up to 36%.

The reason, clearly, is that more and more housewives were set adrift by divorce, separation, or desertion, with the children on their hands to support as well as to care for.

The proportion of nonpoor fathers who condemn their children to poverty by providing little or no support has been going up, regardless of good times or bad. California State Social Welfare Board figures for 1966 show that 70% of welfare children received no support from their fathers. Now the figure is about 90%—and the welfare families are only the tip of the iceberg.

But what about alimony and child support payments? Divorced men are supposed to be supporting their ex-wives in parasitic idleness, according to the usual myth. And equal rights would certainly eliminate any such one-sided arrangement based on sex alone. But do women have the privilege of alimony now?

Among the very wealthy—the cases that get into the papers—alimony is certainly a reality, and the amounts may be quite large. But for the rest, alimony is a myth. In well over 90% of all divorce cases in the United States, the wives don't even ask for alimony, and when they do, they often don't get it.

In 12,000 Chicago divorces, for instance, only 7% of the wives even asked for postdivorce alimony. In 1942–43, when the Kansas State Judicial Council published alimony statistics, the Kansas courts awarded alimony in about one case out of 100.

A California judge estimates that in his county not more than 2% of women are granted postdivorce alimony and 10% are awarded temporary alimony during divorce proceedings. The same story is reported by the 575 domestic relations judges and commissioners surveyed by an American Bar Assn. committee in 1965: Alimony is seldom requested and even more seldom granted.

Moreover, in the few cases that involve something called alimony, the grant is often not really alimony but money given to the wife to pay her husband's debts. Out of six "alimony" awards in a series of cases studied in Kansas, three were for the purpose of paying such debts.

We know of several cases in California where the wife's company credit union financed a car or other large purchase for the husband. After the divorce, the husbands arranged to make the payments to their ex-wives to transmit to the credit union—and called the payments "alimony."

If a man is in a taxable bracket, he has a financial incentive to pay "alimony" instead of child support. Alimony, if paid for 10 years or more, is excluded from the man's taxable income and the woman must pay the taxes on it. The same is not true of "child support," on which the man pays the taxes.

In some cases, the wives are not aware of the tax burden they are accepting by agreeing to alimony rather than child support. Of course, their attorneys should warn them.

Why do so many people believe that the alimony burden is prevalent? We have no answer.

Is it because alimony used to be common, when wives were nearly all dependent? No, because alimony was not common then. The Census Bureau kept statistics on alimony until 1922. At the turn of the century, alimony was requested in only 13.4% of the divorces and was granted in 9.3%. The all-time high apparently was in 1922, when alimony was decreed in 14.7% of cases.

We say "awarded" or "decreed," not "paid" because monetary divorce awards—meaning alimony and child support—are the least complied with and the least enforced of all cases outside small claims court. Prof. Henry Foster of the New York University Law School told the Practicing Law Institute that 50% to 90% of New York court orders for alimony and child support are never enforced. Although national statistics are lacking, this degree of nonenforcement seems to be typical.

In a 10-year study of child support orders issued in 1955 in Wisconsin, 79% of the fathers simply did not obey the court orders. Only 13% were in full compliance, and 8% made some payment, however small. Approximately 90% of the men in white-collar occupations and 80% in blue-collar occupations were in defiance of the court order at some time.

By the end of 10 years, only 36% of those defying the court order had any legal action taken against them. Similar results are reported from Ohio and other states.

Many men do, of course, comply with support awards. Conscientious fathers manage to make support payments even during periods of unemployment, as reflected in the fact that support-nonsupport figures show no relationship to unemployment figures.

But does this relieve the mother of the financial burden? Not really, because most "child support" awards represent about half the actual cost of the child's expenses. The average award in California is about $75 per month, which is less than half what the public pays to support children in nonprofit institutions and foster homes. Thus the mothers are supplying half or more of the money, as well as all the care, and are doing this on salaries that average half of what a man earns.

Far from eliminating the right of children to support from absent parents, the Equal Rights Amendment might well increase them. The Citizens' Advisory Council on the Status of Women states: "A case could be made under the equal rights amendment that courts must require divorced spouses to contribute in a fashion that would not leave the spouse with children in a worse financial situation than the other spouse."

Lawyers report that many judges say that if women want to be equal they should not ask for alimony or child support—this despite the fact that equality is not yet the law, and that child support is a right of the child, not of the parent. Ironically, the women these judges are penalizing are the unliberated housewives and mothers who have devoted themselves to their families for 15 or 20 years or more instead of developing their earning power.

A recent change in the California divorce law would probably be found in violation of equal rights. The Hayes-Stacey amendment to the 1970 Family Law Act, which passed the Assembly unanimously, makes two changes in the former method of dividing community property. Both of them work to the disadvantage of wives.

A woman's earnings while separated from her husband used to be her sole and separate property; now they are community property, liable for her husband's debts. That in itself might seem a step toward equality—but the amendment also provides that a wife's expenses during the period before the divorce are to be subtracted from her half of the community property, not from the community property as a whole. The husband's expenditures continue to be subtracted from both halves.

As a result, says attorney Amy White Fixler, a conscientious lawyer can only advise the wives to file for divorce at the first inkling of marital trouble. "You just can't tell a woman to hang in there, hoping for a reconciliation, and use up her half of the property," says Mrs. Fixler, "knowing that there isn't going to be anything left to use in rearranging her life and supporting her children."

Where did the idea ever come from that women have the economic advantages in marriage and divorce? Probably from the same place that spread the equally false notion that women own a disproportionate share of the wealth of the country.

Actually, of course, the 51% majority of women receives about one-quarter of all the income, owns 26% of the shares of stock, similar shares of the real estate, and far less of the business proprietorships, and leaves estates that average half of what men leave.

PENNSYLVANIA JOINT COMMITTEE REPORT ON TOCKS ISLAND

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Tuesday, September 5, 1972

Mr. SCOTT. Mr. President, I come forth to acknowledge and applaud the report on the Tocks Island multipurpose development recently approved by our Pennsylvania General Assembly Joint Legislative Air and Water Pollution Control and Conservation Committee.

This Pennsylvania committee was created over 4½ years ago out of our concern for enhancing our human environment. The committee is comprised of 18 members, nine from the senate and nine from the house. It is thoroughly bipartisan in its makeup and includes some of our outstanding Pennsylvania conservationists.

Last fall the committee toured the site of the authorized Tocks Island development on and around the Delaware River between Pennsylvania and New Jersey. It also held 2 days of public hearings, receiving testimony from some 50 different parties, both governmental and nongovernmental. It then conducted its own further analyses, and has followed and evaluated continuing developments to the present concerning Tocks Island. Its report approved August 16, 1972 is a model of mature, responsible deliberation.

It establishes that there are certain fixed human water resource needs in and around the Delaware basin and, as shown by the area's recent history, that the environmental effect of not meeting them, or deferring the undertakings necessary to do so, is fraught with disaster. It enumerates and evaluates the various alternatives proposed for meeting these urgent needs, and sets forth a complete and clear description of the authorized Tocks Island development. It is the committee's conclusion that none of the various alternatives "meet those essential human needs adequately, as appropriately, or as economically as the authorized Tocks Island water conservation project." It is also the committee's conclusion that this project "be carried out to avoid significant adverse effects," and to this end it recommends several steps in the interest of enhancing fish values and providing reasonable assurance against pollution of Tocks Island Reservoir's waters.

Mr. President, I recommend the committee report to all concerned with our need to develop and conserve our essential water resources in order to sustain the lives of our people and enhance the quality of their human environment. I ask unanimous consent that the report and its transmittal letter be printed in the RECORD.

There being no objection, the report and letter were ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF PENNSYLVANIA,
Harrisburg, Pa., August 16, 1972.

Hon. MILTON J. SHAPP,
Governor, Commonwealth of Pennsylvania, Main Capitol, Harrisburg, Pa.

DEAR GOVERNOR SHAPP: Attached is a copy of a report on the Tocks Island Project that was adopted this date by the Joint Legislative Air and Water Pollution Control and Conservation Committee.

It is the hope of the Committee that Pennsylvania affirms its commitment to bear its appropriate share of the cost of the regional water pollution control program presently under consideration by the Delaware River Basin Commission. Further, that Pennsylvania take adequate measures to insure that the fishery of these waters will be enhanced through proper construction of terraced fish passage pools and that all other environmental considerations mentioned therein are properly fulfilled.

Respectfully,

JOHN F. LAUDADIO, Sr.,
Chairman.
R. BUDD DWYER,
Vice Chairman.

[Joint Legislative Air and Water Pollution Control and Conservation Committee]

REPORT ON AUTHORIZED TOCKS ISLAND MULTIPURPOSE DEVELOPMENT, UPPER DELAWARE RIVER, PENNSYLVANIA, NEW JERSEY, AND NEW YORK

Last fall members of the Committee toured the site of the authorized Tocks Island Project, on and around the Upper Delaware River between Pennsylvania and New Jersey, and held two mornings of public hearings on it in Stroudsburg, Pennsylvania.

The Committee received statements, testimony and related data from some fifty different parties representing diverse points of view on Tocks Island. These materials, from National, State and local interests, both governmental and nongovernmental, have been studied by the Committee and partly summarized by staff. The members conducted additional analyses and have followed continuing developments involving Tocks Island.

PROJECT BACKGROUND, STATUS

The Delaware River drains portions of the States of Pennsylvania, New Jersey, New York and Delaware. The matter of equitable sharing of its interstate waters has been extensively litigated (e.g., *State of New Jersey* v. *State of New York, Commonwealth of Pennsylvania, Intervenor*, 283 U.S. 336 (1931), 347 U.S. 995 (1954))), and extensively studied over the years. A major portion of this State's population, and its capital investment, economy and labor force depend on the waters of the Delaware River.

The authorized Tocks Island Project is the key structure in the approved Plan for conservation of those waters, prepared by Federal and State agencies and adopted by Congress and by the Federal-interstate Delaware River Basin Compact Commission. Due to the importance of these waters to Pennsylvania, and to the Delaware River's destructive vagaries, ranging from drought disaster to flood devastation, Tocks Island Project has been supported by all Pennsylvania Governors and Senate and House congressional delegations concerned, many of whom played leading roles in its inception, authorization and appropriations.

Tocks Island was authorized under President Kennedy in 1962, following extensive studies under President Eisenhower after the River's disastrous floodings of the nineteen fifties. Its preconstruction planning was accelerated under President Johnson following the River's disastrous droughts of the 'sixties. Its National Recreation Area was authorized in 1965. Combined development of its hydroelectric purpose by underground generation and transmission was authorized under President Nixon in 1970.

About 29 percent of the land needed for the Project's Dam, Reservoir and Beach Area, and about 46 percent of that needed for its National Recreation Area, has been acquired. The Dam is now ready for construction, pending clearance by the President's Council on Environmental Quality (noted below). DRBC is processing the application for administrative approval of its power aspects. Tocks Island's scheduled completion date is 1980.

PROJECT DESCRIPTION

The authorized Tocks Island Project consists of its Dam at River mile 217 six miles above Delaware Water Gap, its Reservoir Lake extending 37 miles up to Matamoras, its Beach Area of 10,000 acres surrounding its 100-mile Reservoir shoreline, and its National Recreation Area preserving another 47,000 acres from the Water Gap around the outer boundaries of the Beach Area. Also, as now proposed by DRBC and other agencies, the remaining upper 80 miles of the Delaware, from the top of the Reservoir at Matamoras up to Hancock, New York, would be preserved as a wild and scenic river.

Dam. Tocks Island Dam will resemble a sloping hill, rising 160 feet from River bed to elevation 455 feet MSL. It will be 3,200 feet long from shore to shore and vegetated on its downstream face. Its New Jersey side will have a series of terraced fish passage pools, overflow spillway, underground River passage conduits, underground power generating facilities (these latter also connected by underground conduits to an enlarged existing hydroelectric pool on the ridge beside the Dam), and underground transmission lines.

Reservoir. Including 2,500 acres now occupied by the River, the Reservoir's normal water surface will cover 12,500 acres, at elevation 410 feet MSL. As shown by upstream flow records, downstream water requirements and Project purposes, Reservoir lake level will vary seasonally and with the daily vagaries of the weather. In ninety (90) percent of the years: it will rise from elevation 410 to higher levels on brief occasions during the spring rain and snowmelt season. Those occasional rises will be brief, as between every April 1 through July 1 all excess inflows are released (within River channel limits) for shellfish downstream. During summer dry season its level starts declining from elevation 410 as releases are made to augment River low flows downstream and to make Reservoir flood storage space available by late summer-early fall flood season. From July 1 through Labor Day it will decline about seven feet to about elevation 403. In winter it will reach its lowest annual level, about elevation 393, and then start rising back to its springtime normal at elevation 410. Excluding occasional rises from these levels due to heavy rains, during average water years Reservoir annual seasonal variation thus will total 18 feet.[1]

Beach Recreation Area. This is to develop Tocks Island's direct or water recreation potential. This Area, to have fourteen major beach developments, comprises about 10,000 acres with Reservoir at normal elevation 410. As it declines to elevation 403 by the end of the recreation season, this will expose 1,240 acres; its decline to its annual winter low at elevation 393 will expose another 2,100 acres. Beaches will be sanded down to elevation 385 feet MSL. Any objectionable flats will be eliminated by dredging. Operation of the underground power facilities, involving underground exchange of certain water between the Reservoir and the enlarged existing pool, will cause a gradual decline in Tocks Reservoir level in the evening, and a corresponding gradual rise in it during Reservoir daytime recreation hours. During recreation season this daily variation will total about nine inches, or about the same as the existing daily variation in this part of the River.

National Recreation Area. This is to develop Tocks Island's indirect or land recreation potential. This Area preserves another 47,700 acres outside the Beach Recreation Area.

Access to the Reservoir and Recreation Areas will be controlled at National Recreation Area entrance roads. Together the Beach and Recreation Areas will accommodate 4 million visitor-days annually (one person present for part or all of a day). As additional recreation facilities can be funded in years ahead, it is estimated that after 1990 the two Areas together will accommodate as many as 10 million visitor-days annually. This latter means a combined maximum of 141,000 people within the 110-square mile Project Reservoir and Recreation Areas on a summer Sunday. About 47 of those square miles are in Pennsylvania.

PROJECT PURPOSES

There are acknowledged public needs in and around the Basin for flood protection, water supply, water recreation, and electric energy. The way Tocks Island Project meets these is noted below.

Flood Control. Protection is needed against disasterous flooding of the Delaware Valley. The floodings of 1955 caused untold damage along the River and tributaries from above Matamoras to below Trenton, *Presidential Disaster Declarations,* (August 20, 22, 1955). Whole communities and parts of communities were wiped out. The most concentrated property loss occurred around the Delaware-Lehigh confluence, 34 River miles below Tocks Island. Tocks Island gives protection against this menace.

Water Supply. Over 20 million people in and around the Basin depend on Delaware River waters. The 1961–1967 Delaware Basin drought necessitated a *Presidential Disaster Declaration* (August 18, 1965). All forecasts show a substantial increase in this area's consumptive water requirements. DRBC's forecasts show they will more than double over the next fifty years. Conservation storage of Delaware River water is need to supply this increased requirement, and to provide sustained River flow to keep sea water back from Philadelphia's Delaware River water supply intakes and Southern New Jersey's underground fresh water sources. Tocks Island, with a steady water supply yield of 630 million gallons a day or 980 cubic feet a second, provides 60 percent of this required conservation storage.

Water Recreation. There is great increase in the water recreation need of the public within or within a short distance of the Delaware Basin. According to the U.S. Interior Department, no section of the country has greater need for the water recreation Tocks Island Reservoir provides.

Electric Energy. New capacity for supplying peak public electric needs and system reliability is needed. (Peak public needs are those occurring daily, of a few or more hours duration, in excess of baseload plants output.) Tocks Island provides 1.3 million kilowatts of hydroelectric capacity for supplying peak public needs and pickup of baseload plant load in the event of outage. This capacity is subject to several statutory requirements for protection of the Damsite environment, including underground powerhouse, transmission lines and water conduit facilities, preservation of Sunfish Pond and Kittatinny ridge, and enlargement and use of the existing hydroelectric pool near the Dam.

PROJECT COST

Tocks Island Project's Federal cost is (1971 prices): Dam, Reservoir, Beach Recreation Area: $257 million.[2] About half of this is to be repaid, $74 million by water supply and at least $50 million by power, for a net Federal cost of not more than $133 million. None of this $133 million, for Tocks Island flood control and direct recreation, is repayable by State or local governments.

National Recreation Area: $87 million.[3] None of this, for Tocks Island indirect recreation, is repayable by State or local governments.

Additional cost assignable to Tocks Island may be some share of the cost of any regional water pollution control program (noted at p. 11) that will also protect its water quality. Additional income is annual tax revenues of $5.5 million to $6 million produced by its power.

As of Fiscal year 1973, commencing July 1, 1972, Congress has appropriated $50 million for the Dam, Reservoir, and Beach Recreation Area; and $37.4 million for National Recreation Area land. For Fiscal year '73 President Nixon requested and Congress appropriated $14.8 million for the Dam, Reservoir and Beach Area. Nothing was requested or appropriated this year for the National Recreation Area, as its appropriation authorization of $37.4 million for land is exhausted.

PROJECT ALTERNATIVES

The existence of those public water resource needs met by Tocks Island is not denied. The possible alternative ways urged by some for meeting them are collected and noted below.

Flood Control. A series of smaller dams on the tributaries. These would not supply the needed level of protection and would cost more than Tocks Island flood control. Flood plain zoning, i.e., preventing new development in areas vulnerable to destructive floodings, will not protect existing communities and plant investment.

Water Supply. (A) Hudson River, (B) Flood Skimming, (C) Desalination, (D) Restrict Water Use.

(A) Hudson River. By court allocation New York can withdraw up to 800 million gallons daily (mgd) of Delaware Basin water from NY's reservoirs in its part of the upper Basin—provided it operates them to insure a dependable Delaware mainstem flow (1130 mgd) down at the NY border. For this purpose NY constructed three large reservoirs,

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Footnotes at end of article.

the last in 1967, and elaborate aqueduct, systems. These collect Delaware tributary flood flows early in the year for release throughout the year, partly to the NYC area, and partly to the mainstem downstem. (In dry periods the required release to the mainstem provides as much as two-thirds of its total flow down at the NY border, and the release to NYC can supply only 482 of the 800 mgd authorized.) As this arrangement delivers certain Delaware Basin water from NY's part of the Basin to New Yorkers living outside of it (in the Hudson River watershed), some maintain that water should flow to downstream Basin States instead, and NYC should draw all of its supply from the Hudson. This alternative maintains it would substitute for Tocks Island to meet increased requirements downstream. This is contradicted by studies now completed under the recent Northeastern Water Supply Act of 1965. In any event such an alternative would be expensive: this NY reservoir system, financed by NY alone, is valued at many hundreds of millions of dollars; Tocks Island water supply storage costs $74 million. This alternative presents legal problems also.[4]

(B) Flood Skimming. By court allocation NJ can withdraw up to 100 mgd of Delaware Basin water for consumption outside its part of the Basin. If NJ provides Delaware Basin water storage for releasing to the mainstem such water as will compensate for NJ withdrawals in excess of 100 mgd, NJ can withdraw additional Basin water "without limitation" for non-Basin consumption.[5] Water demand already exceeds dependable supply in parts of NJ, that State has determined the increased needs of Northeastern NJ must be met by Delaware Basin storage, and has declared its need for 300 mgd of Tocks Island storage. The "flood skimming" alternative to Tocks Island some urge for NJ involves electrically pumping the Delaware's flood flows through large conduits to enlarged or new reservoirs built inland by NJ to meet its increased non-Basin requirements. This is rejected as unreliable, inadequate to meet demands, and uneconomical by NJ State and DRBC analyses, most recently by the U.S. Geologic Survey, and by studies completed under the Northeast Water Supply Act. Also it fails to meet increased water supply needs of Southeastern Pennsylvania and the Wilmington, Delaware area, and to provide Basin storage releases to the mainstem required to compensate for any additional NJ trans-Basin withdrawals.

(C) Desalination. This has been conducted on small, experimental bases and some urge it as an alternative to Tocks Island. This would involve large plants at or off the coast, extensive piping running inland therefrom, and new power facilities for pumping that water to diverse delivery points. Corps, DRBC and Northeast Water Supply Act studies show this has major technological and environmental constraints. It is also inordinately expensive. DRBC studies show that for 300 mgd of water, desalination costs 33 cents, Tocks Island 4.2 cents.

(D) Restrict Water Use. Conservation of water has become a national priority. Methods urged to reduce its consumption include raising its price, increased use of water meters, reducing its use in household chores and food preparation, installing or modifying toilets, dishwashers and washing machines to use less water, and re-use of waste water. However necessary, and encouraged, these do not materially reduce or eliminate increased future need. The possibilities of the other method urged, reducing consumption of water available for cooling electric plants, depend on public electric requirements, improvements in generator efficiency and waterway capacity to dissipate heat without adverse effect.

Water Recreation. Tocks Island Reservoir will have a water surface covering nearly twenty square miles with a 100-mile shoreline, all accessible to the public. According to Interior: there is an acute public need for water recreation in the area, Tocks Reservoir has tremendous water recreation potential, and no comparable publicly owned water recreation resource, or opportunity for one, exists in the area. A possible plan primarily for non-water recreation, briefly sketched by National Park Service personnel at the Council of Environmental Quality's request, involves eliminating Tocks Reservoir and using its land only for an enlarged Recreation Area. This would entail enormously increased, additional non-reimbursable expenditures for a land Recreation Area. It would not meet public need for water recreation or other known water resource requirements. It would require statutory change.

Electric Energy. Tocks Island has substantial power potential: it provides one of the area's most needed commodities (peaking power) largely by facilities also required for other purposes. Some urge construction and operation of numerous new natural gas or oil-fired combustion turbine or combined cycle peaking power installations instead. A detailed environmental, economic, technical comparison of Tocks Island and its peaking alternatives is a matter before and will be made by the administrative licensing agencies.

COMMITTEE VIEWS

The Delaware River Basin service area is the most populous, heavily industrialized area in the country. It is subject to disastrous flooding, disastrous drought, pressing public needs for energy and for water recreation. The environmental effects of failing to meet this area's water resource requirements are out of the question.

The Tocks Island Project to supply those urgent water resource requirements "significantly affects the quality of the human environment" of this area (PL 91–190, National Environmental Policy Act). The Committee is satisfied that the alternatives explored do not meet those essential human needs adequately, as appropriately, or as economically as the authorized Tocks Island water conservation Project.

The Committee is insistent that Tocks Island Project be carried out to avoid significant adverse effects, and to this end makes the following recommendations:

I. The U.S. Fish and Wildlife Service reevaluation of Tocks Island (July 1971) establishes that the difference in fish with and without Tocks Island is not large, that resident fish in its Reservoir will "increase substantially", that there will be "small but significant improvements in River fishing both below and above the Dam, and "that no fish and wildlife-related basis is apparent that justifies objecting to construction of either the Tocks Island Dam and Reservoir or" its recently authorized hydroelectric development. It is also now established that a series of terraced fish passage pools will be constructed (costing over $7 million) between the Dam's overflow spillway and the ridge on its New Jersey side, and that the Fish and Wildlife Coordination Act provisions are adequate to insure its recently authorized power facilities are so designed to prevent significant adverse effect on fish. It is the Committee's position that in the construction of Tocks Island Project all appropriate arrangements be incorporated for the preservation and enhancement of fish.

II. Concern has been expressed that migration of fish through the Reservoir may be hampered or prevented by inappropriate water currents. It is the Committee's position that efforts to insure such migration be sustained and expanded, as appropriate.

III. Concern has been expressed that Pennsylvanians will not enjoy unrestricted access to fishing opportunities on the New Jersey shore of the Reservoir. The proposed Reservoir fishery management plan provides a fishing license from either State will entitle a person to fish anywhere in the Reservoir or along its shores. It is the Committee's position that this proposed plan be adopted.

IV. Earlier this year, after completing its analyses of Tocks Island's revised comprehensive environmental report, the Council on Environmental Quality recommended its construction not begin before the Governors affirm their States will pay their share of a water pollution control program providing reasonable assurance that the eutrophication potential of Tocks Island Reservoir will be minimized. This should not cause undue delay, CEQ noted.[6] The Congressional reports accompanying the Act appropriating the money President Nixon requested this year for Tocks Island's construction also recommended (June 1972) it not begin before the Governors provide that affirmation. It is now established that the cost of this program is $53 million, and that the State and local share of it is substantially reduced by the financial assistance provisions of the Federal Water Pollution Control Act. This program's regional approach has been commended by both the CEQ and the Environmental Protection Agency. The Committee appreciates that regional water pollution control will be required for this area regardless of the presence of Tocks Island, and that implementation of the approved program including Tocks Island may provide certain water pollution control economies for Pennsylvanians and other people of this region not available without it. In the interest of minimizing the Pennsylvania State and local share of the cost of this $53 million program, it is the Committee's position that the Federal government assume the maximum Federal portion of that cost allowed by Federal Water Pollution Control law. It is also the Committee's position that the State, through DRBC or otherwise, affirm it will bear its appropriate share of the cost of this program providing reasonable assurance that the eutrophication potential of Tocks Island Reservoir will be minimized.

FOOTNOTES

[1] In wet years it could total as little as two feet. Once in 100 years, in drought, it could total as much as 54 feet, down to a winter low at elevation 356 Basin water is not replenished.

[2] Excluding $38 million for the originally authorized above ground power plant, saved by underground development of the Project's hydroelectric pumped storage and streamflow power by non-Federal interests recently authorized by Congress.

[3] Assuming congressional enactment of legislation authorizing another $31.4 million expenditure for land within the Recreation Area's boundaries, but excluding increased costs for required recreation facilities.

[4] The Supreme Court pointed out respecting this New York diversion "from the watershed of that [Delaware] river to the watershed of the Hudson River in order to increase the water supply of the City of New York", that: "The removal of water to a different watershed obviously must be allowed at times unless States are to be deprived of the most beneficial use on formal grounds. In fact it has been allowed repeatedly and has been practiced by the States" (*State of New Jersey v. State of New York and City of New York, Commonwealth of Pennsylvania, Intervenor*, 283 U.S. 336, 343).

[5] The compensating storage releases are needed downstream for keeping sea water back from Philadelphia and southern NJ's fresh water sources, for pollution control flows, and for shellfish.

[6] The remaining environmental question earlier raised by CEQ, involving Reservoir seasonal variation (p. 3, above), was satisfactorily clarified.

LARRY ROBINSON IS "BULLISH" ON CLEVELAND

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. STOKES. Mr. Speaker, Larry Robinson believes in the old concept of "boosterism" for the city of Cleveland, Ohio, and it is impossible to remain unaffected by his contagious optimism about Cleveland's potential. His optimism, moreover, is channeled into innumerable, constructive community activities. He puts his principles to work every day of the year.

On July 19, 1972, Larry Robinson received much-deserved kudos in a local magazine, Our Town. I would like to share this brief—but important—article with my colleagues today:

LARRY ROBINSON

Larry Robinson believes in the future of Cleveland. "I grew up here—this is my home—that's why I want to do something about it."

Larry is President of J. B. Robinson Co., Jewelers, an eight-store chain with its main offices in downtown Cleveland on the eighth floor of the Euclid-Ninth Street tower.

His list of community activities reads like a book—President of the City Club, a trustee of the Greater Cleveland Growth Association, and a trustee of the Cleveland Institute of Music.

In addition, he is a director of the University Circle Development Foundation, the Cleveland Convention and Visitors Bureau, the Cleveland Chapter of Phi Beta Kappa, and served on the Cleveland Area Arts Council, and . . . well the list goes on and on.

He explains his involvement this way, "The businessman is always solving problems. I felt that people skilled at solving problems professionally might become more involved at solving problems of the city and the state."

Larry first began to make his presence felt in this city little more than ten years ago when his father died and left him a small, three-man, jewelry wholesaling business in downtown Cleveland.

Despite the fact that he was then working for a large corporation whose holdings then included the Empire State Building, Larry left it all behind to go into business for himself.

"Well, you know, the difference between a small business and a giant corporation is basically a matter of adding zeroes to the annual volume.

"The independent retailer does everything the Corporate President does only he doesn't work through a comptroller, a sales marketing man, a personnel director and the rest. He does it all himself."

And Cleveland is the place to be in business for yourself according to Larry. "It's a great expanding market of good, solid people. Among chain operations, this is a lower credit risk area which makes it a good area to do business in."

Once his business was established, Larry turned in the mid-1960s to civic involvement.

"Visitors judge a whole city by its downtown," he explained, and so expends a great deal of effort on downtown Cleveland starting with his own store which, according to Larry, carries the selection of at least five average jewelry stores.

To Larry, downtown represents a definite cycle that has led to his deep involvement in the City Club. "The City Club is the oldest forum in Cleveland designed to stimulate thought about Downtown Cleveland.

"And a healthy Downtown will help to bring together different thoughts and people from all professions." This, in turn, will bring to light more ways to improve the Downtown area and the City in general . . . which will in turn stimulate further thought, and so on.

"There must be more awareness of Greater Cleveland's potential," he went on to explain.

And Cleveland's potential is limitless as J. B. Robinson's recent growth shows. Starting as that small, three-man wholesale jeweler, Robinson's in the last twelve years has grown to ten times the original volume to one of the largest retail jewelers in the country.

"We did it with only one rule—to try and understand what customers want and to satisfy those desires."

The formula worked very well, especially when combined with hard work and perseverance.

The same virtues Larry applies in his approach to finding ways and means of helping improve the quality of big cities.

Especially the one he grew up in.

SOME CENTRAL PLANNING HINTS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. CRANE. Mr. Speaker, as my colleagues know, I have not failed to express my differences with the administration on those subjects where we disagree. One of these areas is the question of whether or not wage and price controls were a wise decision when they were implemented last year.

I did not believe it was wise then, and I do not believe it will solve the problem today.

The following editorial from the Wall Street Journal of August 31, in several succinct paragraphs gives a graphic example of why wage and price controls will not, and cannot, work in a specific area—that is, the automobile industry.

I insert the editorial at this point in the CONGRESSIONAL RECORD:

SOME CENTRAL PLANNING HINTS

A few suggestions on how to run the auto industry from Washington:

1. Require the manufacturers to install costly emission control and safety devices.

2. When the companies apply for price increases to cover the costs of these devices, ask them not to.

3. Even if they trim their demands, have the Price Commission deny the increases to General Motors and Ford, since these two appear to be going through the permissible profit-margin ceiling.

4. Chrysler and American Motors can't be denied on the profit-margin gambit, so give them the increases they want. It won't matter because either:

a) They won't want their prices to get out of line with GM and Ford, so will be forced by free-enterprise type competition to hold prices steady even though their profits fall further behind those of GM and Ford. Or

b) They will effect the price increase, in which case they will sell fewer cars than GM or Ford, due to the free-enterprise type price system taking hold. In which case,

5. To preserve free enterprise, have the Justice Department bring antitrust proceedings against GM and Ford for having gobbled up an unconsciopably high percentage of the market. After these giants are broken up into smaller, less efficient but more competitive units, in the interests of the free enterprise system, repeat the cycle by,

6. Require the manufacturers to install costly emission control and safety devices.

JACKSON: MISSISSIPPI'S CAPITAL CITY

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. GRIFFIN. Mr. Speaker, in 1792, a young French-Canadian, Louis LeFleur, established a trading post on a bluff of the Pearl River. Thirty years later in 1822, the Mississippi Legislature elected to establish its new capital city on this site. Thus, the long colorful story of Jackson, Miss., began 150 years ago.

Jackson has over the past 150 years grown to become a modern, progressive metropolitan city striving to meet the challenge of a great future.

All Mississippians are indeed proud of their capital city, its past and its future. And in this sesquicentennial year we join in saluting the great progress that has been a part of Jackson and look to even greater years ahead.

I take pride today in sharing with my colleagues the interesting and colorful story of Jackson and its potential for the future that recently appeared in the magazine, Mississippi News & Views.

JACKSON—150 YEARS

(By Dr. R. A. McLemore)

The rolling forested hills that were to become the site of Mississippi's capital city were untouched by Europeans in 1821. The Indians lived in the forests and won a livelihood from its denizens and the creatures of the gently flowing streams. They loved the beauty of the land but were finally forced to cede it to their white brothers. The white man wanted the land because he knew it would produce an abundance of cotton, the "white gold" of that era.

The unresolved question of the Constitutional Convention of 1817 and of subsequent legislative sessions was the location of a capital. The legislature wisely sought a site near the center of the state. The searching party sent out by the legislature in 1821 looked at many sites, but their preference was LeFleur's Bluff on Pearl River. Their convincing arguments for this choice location won the approval of the legislature. The site was ordered surveyed, a capitol erected, and the name of the hero Major General Andrew Jackson given the embryonic city.

Jackson welcomed its first legislative session in December, 1822, and though living accommodations were primitive the state's business was transacted and the lawmakers departed. The lands on the bluffs around Pearl River were not as productive as the loess soils farther westward, nor was it as easy to get cotton to market as it was from other areas. Since the economic health of a community depended upon the amount of cotton produced in its vicinity, Jackson grew slowly. The city was almost abandoned in 1828, and the legislature considered removing the capital to a more favored area. The difficulty of reaching an agreement and opening of Indian lands to the north saved the city and provided opportunities for growth.

The railroads laid their lines to reach Jackson, and thus the capital became the crossroads of the iron horse in the state. The city's central position made it the center of commerce for the interior. By the outbreak of the Civil War, Jackson had become a respectable city of over 3,000 souls. There were many of the amenities of life, such as gas lights, good hotels, a beautiful capitol building, many elegant homes, including the governor's mansion, and an abundance of churches, newspapers, professional people, and a few manufacturing establishments.

The pleasant tenor of life in Jackson was wrecked by the tragedies of the Civil War. The city was occupied on four different occasions by enemy forces. On the second occupation in 1863, the facilities that supported the war effort were systematically destroyed and the stricken city was referred to as "Chimneyville." The difficulties of earning a livelihood made recovery from the war a slow and tedious process. The railroads were rebuilt, and new ones were added. The factories were gradually restored, and new enterprises began to develop. The manufacture of lumber took on new importance as the market became more lucrative. The cotton seed was utilized in the manufacture of various oil products. Millsaps College and Belhaven College were opened to give the capital city prestige as an educational center. The cultural life of the city was enhanced by the formation of drama groups, choral organizations, study clubs, and the presentation of traveling artists. Life in Jackson had become again rich and satisfying when the twentieth century opened.

Perhaps Jackson's greatest asset in its rise of the dominant municipal area in Mississippi was the concentration of governmental agencies in the city. At the beginning of the twentieth century government was relatively unimportant as an employer of labor and conductor of enterprises. The new century was characterized by a tremendous change. The state and federal governments entered many new fields of service and consequently expanded the labor force in governmental agencies. Their development had a greater impact on Jackson than on any other city. Another change that influenced the growth of the city was the migration of farm workers to the city. The growth of the population made it necessary for the city to promote an active industrialization program in order to provide jobs for the people. The intensive industry building program resulted in Jackson becoming one of the most highly industrialized areas in the state. This in turn increased the population of the city.

Jackson also became the principal finance center in the state during the twentieth century. The banking industry began a healthy growth in the early part of the century but met reverses during the depression of the 1930s. This was followed by a reorganization of the banking system and new growth that placed the city in the forefront of the financial communities of the state. Banking growth was supplemented by the development of insurance companies. Mississippi had been negligent in taking advantage of the opportunities of this industry, but the twentieth century witnessed a healthy growth in this field. Another field was the rise of savings and loan associations. These organizations stimulated thrift and savings among the citizens and provided funds for housing and other projects.

The cultural life of Jackson was enriched by many activities. Jackson State College became a public institution and established a record as one of the fastest growing institutions of higher learning in the state. Mississippi College, Belhaven College, Millsaps College, and Tougaloo College were centers of cultural activity. Hinds Junior College began its service in the 1920s and became a particularly important force in the technical life of the area. The Jackson Symphony Orchestra, the Little Theatre, the Opera Guild, the Art Association, the Ballet Guild, the Choral Society, the Junior League, the Old Capitol Museum, and many other organizations contributed to the cultural growth of the city. Jackson became the principal medical center of the state with the University Medical School, Baptist Hospital, St. Dominic's Hospital, Veterans' Hospital, Hinds General Hospital, and Doctors' Hospital providing leadership in the field. These developed the largest concentration of medical personnel in Jackson of any center in the state.

The religious life of the citizens was strengthened by the numerous church organizations that served the community.

The 150th anniversary of the founding of Jackson marks the realization of dreams that far exceeded the wildest expectations of the first settlers. If comparable achievements are to mark the years ahead, heavy responsibilities rest upon the citizens of today.

LETTER TO SENATOR KENNEDY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. DERWINSKI. Mr. Speaker, last week in a major mailing, a letter from Senator Edward Kennedy was evidently directed to hundreds of thousands of individuals in support of Senator McGovern.

The tone of the letter was more anti-Nixon than pro-McGovern and that is understandable given the intellectual bankruptcy of the McGovern campaign and the ill-disguised animosity of the Kennedys for the President.

Usually when a mailing of this sort is misdirected, a number of Members take to the floor to answer. In this case, I was spared the task of preparing a reply since a dedicated Illinois taxpayer, Mr. Jim Reichardt of Carol Stream, Ill., was kind enough to send me a copy of his response to the senior Senator from Massachusetts.

The letter follows:

Carol Stream, Ill., *August 31, 1972.*

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Friend: Thank you for your kind invitation to join the McGovern Million Member Club. Since I am one of your typical poverty people, I cannot afford the dues. I am sure that you will not discriminate against me because of my financial status, and thereby exclude me from the club. So, I am asking you, as a friend, to pay my dues for me. I'm sure you can afford the $25, and after all, you did address me as friend.

A word of criticism. Membership in the club only entitles one to a membership card and a button. I think we should also get a secret decoding ring. This way, members of the club, who have a special "in" in the McGovern campaign, could use their rings to find out what the good Senator means when he indicates he is behind someone 1,000%, or when he promises everyone $1,000. (By the way, what ever happened to that? I could have used the dough to become a member of the club!)

Thanks again for your letter. It isn't every day that I get a letter from a Famous Personage who considers me a friend. You are certainly a good friend to have, because I happen to know that you are worth several million clams and are intensely interested in helping us poverty folk.

Let me know how the club goes and make sure that I get an invitation to the first meeting. I am anxious to get to know the other 999,999 members. They must be a great bunch of guys.

Sincerely,

Jim Reichardt.

GUARANTEED STUDENT LOAN PROGRAM

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 17, 1972

Mr. QUIE. Mr. Speaker, the Congress is solving the most current problems related to the guaranteed student loan programs, with Senate Joint Resolution 260, but this resolution delays the implementation of the recent guaranteed student loan amendments only until March 1, 1973. In the meantime, we must plan for the period beyond March 1.

Some individuals—including Members who participated in the conference on the Education Amendments of 1972—have been suggesting that the new amendments to the guaranteed student loan do not require a so-called needs analysis. It is true that the conference report—now Public Law 92–318—does not mention a needs test specifically. But I can say as one who was very much involved in our negotiations with the other body that some form of a needs analysis was clearly intended.

Under the old provisions, there was an arbitrary ceiling of $15,000 adjusted family income beyond which no student could receive Federal interest subsidies on any guaranteed loan. Those below this arbitrary ceiling received a Federal interest subsidy on every guaranteed loan. For a family of four, this adjusted income of $15,000 amounts to a gross income of closer to $19,000. The adjusted figure does not reflect the number of children one family has in postsecondary education at one time. This is a shortcoming of such an approach.

There were two major concerns of the conferees. One was to open up the interest subsidy provisions to some students above the adjusted $15,000 who could demonstrate real need. The father might have recently became unemployed. There might be a serious medical or business setback. Whatever the reason, it was argued that some students above $15,000 were actually in greater need of the subsidy than some students below that level.

The second major concern was the fact that many students under $15,000 could get no-interest loans for non-education purposes through periods up to 7 or 8 years. It has not been rare to hear of students using these loans for trips abroad, cars, honeymoons and even investments. Indeed, many parents jump at the chance to get $1,500 interest free money each year during the time their children are in college.

The conferees attempted to meet both of these problems. First, we allowed the educational institution to declare that a student whose adjusted family income was above $15,000 to be "in need," thus qualifying him for a subsidized loan.

Second, we agreed that for all students—those whose need was "presumed" because their income was less than $15,000 and those whose need was specifically "determined" by the educational institution—the educational institution would make a recommendation as to the amount of the subsidized loan each student needed.

The way this recommendation is determined is spelled out in the law. The financial aid officer determines the total cost of attending the institution. I should mention here that the conference report mistakenly restricted the definition of "cost." I hope technical amendments will soon correct this so that "total costs" will reflect all legitimate expenses related to attendance.

From this total cost figure for each student is subtracted "the expected family contribution with respect to such student plus any other resources or student aid reasonably available to such student." The "other resources" include grants, scholarships, other loans, and so forth.

Much of the controversy in recent weeks has centered on the required determination of "expected family contribution." This determination has been made for many years as part of the other Federal student aid programs. It has never been part of the guaranteed student loan program until the recent amendments. I do not know how anyone can comply with the law and not go through some sort of analysis of family income and assets. This is more popularly referred to as a "needs test."

The Office of Education, in its July 18 interim regulations, told the schools to use any of the several needs tests which have been approved for the other programs. That meant for thousands of students a rather complex parental confidential statement that took several weeks to process. My own hope is that OE can find a much simpler needs analysis system. That would solve most of the problems we have seen since July.

Mr. Speaker, I should also say that one major assumption behind the changes in the law was the assumption that students could continue to receive nonsubsidized guaranteed loans. We should not restrict the availability of guaranteed loans. We should only restrict the amount of loans for which the Federal Government pays the interest. These interest costs are growing rapidly, as the following table indicates:

Fiscal year:	
1970	$96,558,000
1971	150,341,000
1972	192,062,000
1973 (estimate)	215,000,000

What we intended with the recent amendments was that these interest subsidies would go to students to the extent they showed a need. So naturally some students who received large subsidized loans in the past without this needs determination would now qualify for smaller subsidized loans. But we did not intend to cut them off from guaranteed loans of which they paid the 7-percent interest.

I understand that the fact of the situation is that few banks are willing to exceed the institution's recommendation for a subsidized loan and that few banks are willing to make nonsubsidized loans at all. The reason for this latter problem is that banks find it much easier and less costly to bill the Government for one large sum rather than bill each individual student for the interest.

Something must be done to solve this problem. Many students are absolutely dependent on receiving a guaranteed loan. And they are willing to pay 7-percent interest. If the banks continue to discriminate against those students who do not qualify for a subsidy, then we should consider eliminating the subsidy for all students since it is usually the student who pays off the loan once he becomes a wage earner rather than the family. We should look into the question of who actually repays these loans and whether or not an interest subsidy based on the student's family's income makes any sense at all.

ADM. HAROLD R. STARK, U.S. NAVY—1880–1972

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. FLOOD. Mr. Speaker, my home State of Pennsylvania has produced many military and naval leaders who have risen to high positions in the Armed Forces, among them Adm. Harold R. Stark of my hometown of Wilkes-Barre, whom I knew for many years and always held in the highest esteem.

A graduate of the U.S. Naval Academy in 1903, he was promoted through grades to the rank of admiral, a rank obtained on August 1, 1939, when appointed as Chief of Naval Operations in the crucial period preceding the outbreak of World War II in Europe. A dedicated naval officer of outstanding ability with the background of a distinguished career afloat and ashore, he was a leader for naval preparedness before the attack on Pearl Harbor.

Because of his high position he was in the vortex of intrigue and propaganda that preceded U.S. entry into the war and dealing with forces beyond his control he unavoidably became involved in the consequences of Pearl Harbor but was supported by such eminent naval leaders as Adm. Ernest J. King.

After being relieved as Chief of Naval Operations, in March 1942, he became the Commander of U.S. Naval Forces in Europe—the same position held during World War I by Adm. William S. Sims on whose staff he has served, 1917–19.

Admiral Stark continued in the European command until August 1945, and gained distinction. He retired from active duty on April 1, 1946.

Admiral Stark died on August 20, 1972, at the age of 91. In order that the details of his life and career as reported in two newspapers of our Nation's Capital may be recorded in the permanent annals of the Congress and thus be made readily available for historians, I quote the obituaries as parts of my remarks as follows:

[From the Washington Post, Aug. 21, 1972]

ADM. HAROLD R. STARK, FORMER NAVAL CHIEF, DIES

(By Martin Weil)

Adm. Harold R. Stark, chief of naval operations when the Japanese attacked Pearl Harbor, died yesterday after a heart attack at his home here. He was 91.

Admiral Stark earned much praise and many decorations for his service before Pearl Harbor and after it, but the attack on Dec. 7, 1941 cast a shadow over his career that was not quickly dispelled.

Shortly after Pearl Harbor, Adm. Stark was relieved of his duties as chief of naval operations, and given the lesser post of commander of American naval forces in European waters.

His command included American Naval forces involved in the Normandy landings of June, 1944, and for this service, he received the distinguished service medals of both the Navy and the Army.

However, on June 13, 1944, Fleet Adm. Ernest E. King, wartime chief of Naval Operations, signed a statement saying that Adm. Stark, and Adm. Husband E. Kimmel, the commander of the Pacific Fleet during Pearl Harbor, "lack the superior judgment necessary for exercising command commensurate with their rank and their assigned duties."

On Aug. 13, 1945, three months after the surrender of Germany, Adm. Stark received a testimonial dinner from the British Admiralty Lords. He sailed for home, Aug. 17 and arrived on Aug. 21.

But a few days later a Navy board report on Pearl Harbor criticized him and Secretary of Defense Forestal directed that he be barred from any future position of responsibility.

At this time, Adm. King protested bitterly in Adm. Stark's behalf. However, after several months of service in the office of chief of naval operations here, Adm. Stark was detached from all active duty, on April 1, 1946, and ordered to the retired list.

In a book published six years later, Adm. King came vigorously to the defense of both Adms. Stark and Kimmel and the Army commander in Hawaii at the time of Pearl Harbor, Gen. Walter C. Short.

Adm. King called them "scapegoats . . . sacrified to political expediency."

Adm. Stark himself had been a fervent advocate of preparedness after becoming chief of Naval Operations in 1939.

"We must translate our potential strength into immediate readiness, and . . . we must stay ready," he said in a 1940 speech. "My position is that we should have a Navy second to none," he said in testimony before Congress.

In a broadcast on Oct. 27, Navy Day, 1940, he said that the nation should prepare for "the possibility of simultaneous attacks on either or both oceans."

Adm. Stark was born at Wilkes-Barre, Pa. in 1880, graduated in 1903 from Annapolis where he was a member of the crew.

In one of his early assignments, he served aboard the USS Minnesota when the battleship made a round the world cruise that ended in 1909 with a fleet review by President Theodore Roosevelt.

Afterwards came several destroyer commands. It was in 1914 when he commanded the destroyer Patterson that the future admiral, then a lieutenant, met his future commander in chief, Franklin D. Roosevelt.

Mr. Roosevelt, then assistant secretary of the Navy, was on board the Patterson off the Maine coast when he saw Lt. Stark at the helm. Describing himself as an experienced navigator who knew the coast, Mr. Roosevelt asked to relieve the young officer.

Lt. Stark reportedly replied: "I am in command here and responsible for the ship. I doubt your authority to supersede me. If you can offer any helpful suggestions I should be glad to hear."

It was 25 years later that Mr. Roosevelt, who apparently was impressed by the young officer's response, picked Adm. Stark over 59 others who outranked him for the Navy's No. 1 post.

In the interim, Adm. Stark distinguished himself in a number of posts. During World

War 1, he won the Distinguished Service Medal for taking a flotilla of reconditioned, broken-down destroyers from Philippine waters to the Mediterranean, where they harassed German and Austrian submarines.

His later posts included service as aide to two Navy Secretaries, commander of Navy cruisers, and chief of the bureau of ordnance in the Navy Department, where he became known as a believer in the theory that victory went to the side with the biggest guns.

He lived here at 4900 Glenbrook Rd. NW. Survivors include two daughters.

[From the Washington Star and News, Aug. 21, 1972]

ADM. HAROLD STARK, 91, DIES; FIGURE IN PEARL HARBOR ROW

Retired Adm. Harold R. Stark, 91, whose role as chief of naval operations at the time of the attack on Pearl Harbor later embroiled him in national controversy; died yesterday at his home on Glenbrook Road NW.

Despite having been awarded four Distinguished Service Medals—including one for his role as chief of naval operations—during his four decades in the Navy, Adm. Stark was a prominent figure in the search for a culprit during several post-war investigations of the surprise Japanese attack on Pearl Harbor in 1941.

A 1945 Navy Court of Inquiry criticized Adm. Stark and Rear Adm. Husband E. Kimmel for being "inadequate in emergency, due to the lack of superior judgment necessary for exercising command . . ."

But in 1948, Adm. Ernest J. King, who headed the inquiry, asked that the critical section of his report be withdrawn.

Four months after Pearl Harbor, President Franklin D. Roosevelt replaced Adm. Stark with Adm. King as chief of naval operations.

Adm. Stark went on, however, to distinction as commander of U.S. naval forces in Europe before and during the 1944 D-Day Allied invasion of Normandy.

For his role in that campaign, he received two Distinguished Service Medals—one an Army citation awarded by Gen. Dwight D. Eisenhower.

He retired in 1946 from active duty. His death came after a long illness, including a stroke last January.

A native of Wilkes-Barre, Pa., Adm. Stark entered the U.S. Navy Academy in 1899. There he acquired his career nickname, "Betty"—which stuck after he was required as a plebe, or freshman, to recite repeatedly a quotation attributed to one of his military ancestors: "We must win today, or Betty Stark will be a widow tonight."

During World War I, he earned his first Distinguished Service Medal as commander of a squadron of small and old destroyers hurriedly fitted out in the Philippines and dispatched to the Mediterranean at a season when the southwest monsoon was at its height.

Stark's efficient leadership in spite of many difficulties, in a time much shorter than had been considered possible, and the squadron arrived in the Mediterranean in excellent condition in time to take an active and efficient part in the antisubmarine campaign there and in the Atlantic, the citation said.

After World War I, he held posts of increasing responsibility on land and at sea, including serving as aide to two Navy secretaries here. He was named chief of the bureau of ordnance and rear admiral in 1934 after commanding the battleship U.S.S. West Virginia for a year.

When President Roosevelt chose Adm. Stark as chief of naval operations in 1939, he jumped over 59 officers with more seniority.

It was a time of buildup for war and Stark was a leader in pressing for a strong Navy. In a nationwide radio broadcast in 1940, he warned of "the possibility of simultaneous attacks in either or both oceans."

Later, his Distinguished Service Medal for his service as CNO from 1939 to 1942 cited his efforts "to effect a high state of training for war and the building of a 'two-ocean Navy.'"

After commanding the naval forces in Europe during the American campaign there, he returned to Washington for about six months in the office of the chief of naval operations, spending most of his time preparing testimony for Navy and congressional inquiries into Pearl Harbor.

His many U.S. awards and decorations were supplemented by a long list of honors from foreign governments, including Britain, France, Brazil, Norway, Poland, the Netherlands and Belgium.

Stark Field at Terminal Island, Long Beach, Calif. was named in honor of him in 1941.

Adm. Stark was a member of the Westmoreland Club in Wilkes-Barre, the New York Yacht Club and the Army and Navy Club, the Army-Navy Country Club, and the Chevy Chase Club here. He was also active in a variety of Navy organizations, including the Navy Relief Society.

His wife, the former Katherine Rhoads, died previously. He leaves two daughters, Mrs. Edwin W. Semans and Mrs. Harold P. Gillespie, both of Washington, three grandchildren and two great-grandchildren.

OPERATION DRUG ALERT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. HUNGATE. Mr. Speaker, at a time when we are all concerned with drug abuse, I would like to call the attention of my colleagues of the resolution adopted by Kiwanis International at its 57th annual convention in Atlantic City, N.J., in connection with the continued outstanding success of "Operation Drug Alert."

DRUGS AND ENVIRONMENT

A Resolution adopted by the delegates to the 57th Annual Convention of Kiwanis International in Atlantic City, New Jersey, June 21, 1972.

Kiwanis is dedicated to the idea that to build means to grow.

To meet new challenges, we must continuously expand our horizons while promoting the activities and programs which have been the measure of our growth.

While we have made excellent progress with Operation Drug Alert and a good beginning on Project Environment, the need for and importance of these programs continue.

Therefore be it resolved, That we re-endorse the sponsorship of Operation Drug Alert and Project Environment, urging all Kiwanians to increase their efforts to implement these programs.

Be it further resolved, that we oppose the legalization of the manufacture, distribution, or use of marijuana and hashish, except for scientific or medical purposes.

And further, in the absence of self imposed controls by the legitimate drug manufacturers, we support legislation at federal, state, provincial and municipal levels, aimed at controlling the production, importation, exportation and distribution of amphetamines and barbiturates except to meet the realistic requirements of the medical profession.

And in keeping with our concern for our youth,

Be it further resolved, that a youthful first offender who is only involved in possession of, or use of less than one ounce of marijuana, be charged with a misdemeanor offense according to the state or provincial law.

Be it further resolved, that a second offender, a grower, a transporter or a proven pusher or seller shall be filed upon as a felony and be held under the felony laws of each respective state or province.

PRACTICES WHAT HE PREACHES

HON. EARLE CABELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. CABELL. Mr. Speaker, a personal friend and excellent staff writer of the Dallas Times Herald, OT Hampton, has written a most interesting article on the career of Col. Gordon A. Foubister who leads the Texas Salvation Army. I have admired Colonel Foubister for many years and know him to be a man who combines his religious faith with a humanistic and direct approach to solving the problems of our society. The article is as follows:

PRACTICES WHAT HE PREACHES

(By OT Hampton)

"Charity can put a new suit on a man, but it takes the grace of God to put a new man in the suit."

Col. Gordon A. Foubister peddles that kind of personal philosophy as he goes about the day-by-day, night-by-night job of keeping the Salvation Army in Texas in marching shape.

He's a sincerely religious man, yet, since he joined up with the "Army" in 1936, he's learned to rely heavily on his Scotch-like common sense to help the needy help themselves.

"I've found, in my long dealings with people and their problems, you can never change a man's circumstances until you change the man," he said. "Preaching the gospel is part of it. Then you've got to get out there where the problems are and do something about them."

Foubister practices what he preaches.

He "gets out there where the problems are," even though he's the Salvation Army's top officer in Texas. He still has a youthful zeal for work.

While being interviewed by The Times Herald, he interrupted himself three times to give advice to a mobile field crew he'd just dispatched to the Snyder flood scene in West Texas.

"Those flood victims can't wait," he explained. "Their needs have to be filled today."

Foubister grew up with other people's problems. He's the fourth generation member of his family in the army and his daughter, Capt. Ted Dalberg, has already started a fifth-generation tradition.

"I can still see my father and mother standing in front of saloons, conducting street meetings," the colonel said. "I was there, too, playing my cornet and mandolin. It wasn't easy, believe me. Times were hard in those days and our problems were many."

He said the Army kept his parents on the move most of the time, making it necessary for him to attend 12 different schools.

"We were always moving," he said. "I never did have time to spend much time with my friends."

Finally, after graduation from high school and business college, Foubister made up his mind about his future.

"I told father I wanted to devote my life to the Salvation Army," he recalled. "He signed me up immediately. He said he and mother had prayed that would be my decision. They were really thrilled."

After a long course in the Salvation Army's training school in Chicago, Foubister was sent to the Citadel Corps in Omaha in 1936. Then, like clockwork, he advanced up through the ranks in Illinois, Iowa, Michigan, Minnesota and Missouri.

WORK ETHIC RECEIVES LABOR DAY TRIBUTE

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. COUGHLIN. Mr. Speaker, in commemorating Labor Day, I think it is appropriate that we join the President in paying tribute to the work ethic which has impelled Americans and their forebears for many generations.

Working men and women who are formally honored on Labor Day have contributed significantly through the years in helping the United States reach its status of the one nation in history that has done so much for so many people. Their continued contributions will help us reach the full potential of which this Nation is capable.

I insert in the CONGRESSIONAL RECORD this editorial published in the Philadelphia Inquirer on Labor Day, September 4, 1972, which indicates the depth of commitment to their jobs of working people in the United States:

[From the Philadelphia Inquirer, Sept. 4, 1972]

"MAN IS MADE TO WORK"—AND THERE LIES SATISFACTION

This being Labor Day, it seems an appropriate time—even at the risk of sounding a bit old fashioned—to say a good word for work.

The work ethic, to get more formal about it, is by no means dead in this country. But it does seem to be ailing.

Workers today, says Wickham Skinner, a professor of business administration at Harvard, "have a fundamentally different ethic about what a person ought to do with his life. The typical worker is . . . more anxious to get away from the job."

And that's particularly true of the young, according to Frederick Herzberg, a professor of management at the University of Utah and an expert on industrial psychology. Many younger workers, he says, feel "no personal obligation for productivity, work quality or work discipline."

It doesn't take an expert in industrial psychology to sense this, of course.

We had a phone call recently, for example, from a businessman who was puzzled by the fact that he had had just one answer—in this period of high unemployment—to an advertisement for a machine shop trainee who would start at $5,200 a year. plus generous benefits, and have good opportunities for advancement.

We also had an applicant of our own who wrote not to ask for a job but something called "a valid journalistic work experience." In case we missed the point, he explained that "it is of utmost concern to me that I not be burdened, for very long, with the trivial types of reporting that so many new prospects are confronted with at the outset of their jobs."

Why? Why it is that an increasing number of people don't want to work at all, or want to work as little as possible, or don't want to be "burdened" with anything they consider trivial?

One popular explanation in that in this highly automated and increasingly impersonal society of ours too many jobs have become dull, boring, routine and monotonous.

That assumes, however, that in the good old days there were no such jobs. But that assumption is just as erroneous as another many workers make, namely that there's nothing but glamor in the executive suites. They'd be surprised how many hours the boss spends on routine details.

There is some validity, all right, to change in work patterns noted by Dr. Hans Selye, director of the University of Montreal's Institute of Medicine and Experimental Surgery and author of the book "The Stress of Life." "Formerly a craftsman would make a table from beginning to end and get a great deal of satisfaction. Today, one person makes the legs, another the top and still another paints so that no one person has made the article and no one is gratified."

But it is also true, as Prof. Herzberg reminds us, that there were plenty of dull jobs in the past, too. So what has changed? The typical worker, then, he says, "would bear his life on a Mickey Mouse job and gather his psychological income from social traditions, ethnic traditions, religious traditions, and family traditions." But now many of those traditions, religious traditions, and of those * * * and more workers are discontented with their lives as a whole.

Which is exactly why work itself needs to be understood as something not to be avoided or, at best, endured but something to be pursued as a source of satisfaction.

"Man is made to work, to do something that makes demands on him," says Dr. Selye. "With the decline of so many other values and nothing new to replace them, work is one of the few areas where man can find a sense of worth and enjoyment."

That doesn't mean that everybody has to be president of the company, either.

"There's just as much satisfaction in being a bricklayer and building walls well as there is in being a scientist," Dr. Selye concludes. "Everybody, no matter how low he may be in the scale of mental development, has something to give, something that he wants to express, some valve for letting off steam."

It's called work, and it remains a value which merits our individual and national respect.

RED CROSS CERTIFICATE OF MERIT

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. HOGAN. Mr. Speaker, recently the American National Red Cross honored one of my constituents, Miss Catherine A. Bohn, 19, by presenting the Red Cross Certificate of Merit, its highest award.

Miss Bohn received the award because of her quick-thinking and knowledgeable actions in an emergency. She saved the life of a man who had been bitten by a copperhead snake.

While many people would panic or find themselves helplessly immobilized in such an extreme crisis, Miss Bohn quickly put into action her Red Cross training and drew on her own courage and resourcefulness. She applied a constricting band above the wound, used a bobby pin to make the fang punctures bleed, and sucked the wound to remove as much venom as she could.

Miss Bohn was later informed by medical authorities that without her first aid the victim in all probability would have died.

In this era when people spend so much time criticizing the younger generation, oftentimes unfairly, it is my pleasure to be able to commend Miss Bohn for actions which are a credit to her generation and to any generation. To my mind, such courage and heroism in a person of any age are truly humbling. One wonders how one would react in an emergency, and though some people believe themselves to be calm enough to handle such crises, it is indeed a rare person who has the combination of the first aid knowledge and quick thinking calmness that Miss Bohn has shown. Our society is truly in debt to those few.

CONGRESSMAN REPORTS SURVEY RESULTS

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. FORSYTHE. Mr. Speaker, earlier this summer I asked my constituents to respond to questions soliciting their views on major issues facing our Nation.

Hoping that their feelings will be of interest to my colleagues, I am including the results of my questionnaire in the RECORD at this point:

RESULTS OF QUESTIONNAIRE

1. Southeast Asia: What is the best policy to follow?

1. Reintroduce ground troops and take necessary action to win the war, 8%.

2. Continue withdrawal, but provide air and naval power to help curb North Vietnam's invasion of the South, 44%.

3. Publicly set a date for absolute withdrawal of all U.S. forces from Southeast Asia, in return for all U.S. prisoners of war, 41%.

4. Continue President's withdrawal program, but not provide air and sea support regardless of military efforts made by North Vietnam, 7%.

2. War Powers: Do you support legislation restricting the President's use of armed forces in combat for more than 30 days without prior Congressional approval?

1. Yes, 55%.
2. No, 36%.
3. Undecided, 8%.

3. Military Spending: How would you characterize present U.S. expenditures for defense?

1. Too high, 60%.
2. Too low, 12%.
3. About right, 28%.

4. Economy: Do you believe the Economic Stabilization Program is:

1. Stopping the rise in inflation and improving employment, 22%.

2. Reducing inflation only, 14%.

3. Improving employment only, 3%.

4. Not having a positive effect upon either factor in the economy, 61%.

5. Pollution: What do you consider most important in combatting pollution?

1. Finding ways to reduce the number of motor vehicles using the highways, 10%.

2. Initiating a "pollution tax" based on

the amount of pollutant discharged by industry into the atmosphere, 14%.

3. Enacting stricter anti-pollution laws, 53%.

4. Requiring industry to control pollution, with the cost reflected in the price of the production, 23%.

6. Elderly: Do you believe Congress should:

1. Provide better retirement benefits, 32%.

2. Improve medical benefits, 10%.

3. Find ways to reduce tax burdens for senior citizens, 38%.

4. Concentrate on other services and needs, such as nursing homes, special food programs, transportation and recreation, 19%.

7. National Health Program: Which would you prefer?

1. No national health insurance program, 20%.

2. A program financed by tax revenue and operated by the federal government with benefits for all citizens, 29%.

3. A federally-mandated program financed by employer and employee contributions, 14%.

4. A program financed by tax revenue and operated by the federal government with benefits only for persons in need and for catastrophic illness, 11%.

5. A mandatory program financed with a combination of tax revenue, employee and employer contributions, 27%.

8. Welfare: Which of the following do you favor:

1. Establishing a minimum annual income for every American, with strict job training and work requirements, 35%.

2. Maintaining the present welfare system, 1%.

3. Reduce welfare benefits, limiting food stamp program, and establish government work program for those who are able, 64%.

9. Transportation: In what area would you prefer concentration of transportation funds?

1. Operating funds for mass transit systems, such as bus and train lines, 15%.

2. Construction and improvement of highway system, 14%.

3. Development of new mass transportation systems, and expansion of facilities like the Philadelphia-Lindenwald High Speed Line, 71%.

10. School Desegregation: What is the best way to resolve the problem of school desegregation?

1. Adopt President Nixon's moratorium on school busing and enact his recommended Equal Educational Opportunities Act, 21%.

2. Adopt a constitutional amendment prohibiting busing to achieve racial balance, 28%.

3. Using busing as a means of integrating schools in hopes of providing equal education, 6%.

4. Reform the tax system to remove the reliance of school districts from the property tax and equalize spending for education, 45%.

11. School Financing: If you agree that public education should be less dependent upon the local property tax, which would you prefer:

1. A value-added (national sales) tax, 39%.

2. Increased federal income tax, 13%.

3. State Income Tax, 19%.

4. Combination of above, 27%.

12. Age:

1. 18–20, 5%.

2. 21–35, 27%.

3. 36–45, 18%.

4. 46–55, 22%.

5. 56–64, 14%.

6. 65 and over, 13%.

13. Do you consider yourself a:

1. Republican, 39%.

2. Democrat, 16%.

3. Independent, 45%.

14. County of Residence:

1. Burlington, 51%.

2. Camden, 33%.

3. Ocean, 17%.

IDAHO—"THE SPARKLING LAND"

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. HANSEN of Idaho. Mr. Speaker, each year additional thousands of Americans and visitors from other lands are seeing Idaho for the first time as they vacation in our rugged and magnificent State. While all of them are inspired to conversational superlatives in describing the attractions of Idaho, few have the opportunity of seeing their high thoughts in print. One of the outstanding exceptions is Emma Louise Philabaum whose accomplished writing on Idaho as "The Sparkling Land" appeared in the August 26 issue of the Christian Science Monitor.

IDAHO—"THE SPARKLING LAND"

The mountains of Idaho have beckoned us for a long time, even though there are pine-clad hills only two hours from our home. Finally it was decided; we must see these unfamiliar highlands that have lured travelers and trappers as long as men roamed the mountain west.

We journeyed over this state of wide contrasts from southern to northern border, through farmlands and desert plains, river valleys and mountain fastnesses. From now on, as long as memory lasts, we shall think of Idaho as the sparkling land.

The sparkle is no illusion. It is everywhere . . . luminous, radiant, adding extra grandeur to the already grand mountains and sage-blue flatlands.

Mountain air always has a crystal quality, yet this alone cannot explain the light burnishing the Idaho landscape.

Most of this brightness comes from the incandescent sun that blazes in a sky so fiercely blue that eyes ache to view it. Then the land and all that grows upon it also seem to snatch at the light, to catch it, collect it . . . and flash it back in myriad ways and colors.

Mile on mile the highways follow twisting creeks turned into long silver ribbons tying together the broad meadows. And the magnificent rivers—the placid Snake and the furious Salmon—have that same shimmer all along their white-capped breadths. The rocky gorges they have carved shine in infinite colors, layered evidence of the earth's shaping in aeons past.

Trees always have seemed creators of shade, yet here they become sources of light. Golden glints spark from the needles of breeze-stirred evergreens. Aspen leaves flash on-and-off spots of reflected sun against the patterned ground.

Across the face of a shimmering meadow, pink-tasseled grasses blush. And light from the weaving emerald blades riffles onto wildflowers of endless variety.

The flowers make their own bright points of neon hue. A whole valley turns golden with daisies and black-eyed Susans. Deep blue lupine and pentstemon make tall spikes of pigment along the roadside. Lacy yarrow—three times as large as that blooming at home—tosses back a white reflection. And there are more—vermillion cups, purple bells, magenta torches—whose names we do not know but whose luster we shall not forget.

The water glistens most—and illumines the land. Every bend in the road brings us to another canyon . . . and another tumbling shaft of silver liquid. Spring comes late to the high country, and these cascading streams we see in every crevice still hold the icy light of the thawing heights. High above we glimpse the glow cast from the last snow patches. And on the smooth, tree-lined swaths, now spring green, we envision the white flame that must radiate from ski slopes wrapped in winter.

Stopping to picnic by one of these sunny streams, we see a dozen tints reflected from the agate- and crystal-strewn creek bed. The static rocks are as many-hued as the blossoms that dip their heads along the water's edge.

The sun, a clear, all-encompassing white through the long day-light hours, takes on a new quality at sunset. We see it begin to break and splinter and finally dissolve. Each atom of air becomes a single dot of glit, bathing the folded beige hills in golden mist.

Even on blackest nights, the light leaves tardily, outlining the pines in dusky silhouette against the blue-black horizon. Though the sky keeps an almost daytime brightness, stars appear in such piercing profusion that the universe seems to stretch its boundaries.

At dawn, the abrupt Idaho sunrise startles the earth with its suddenness and brilliance. All the trees stir with the orange light and the breeze that seems always to accompany it. The small creatures of the forest scurry about, their fur alight with morning flame.

Each bright day brings renewed radiance to the sparkling land.

MAKES OLYMPIC QUARTER FINALS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. JACOBS. Mr. Speaker, I am sure all Americans are proud of the outstanding performances these past several days by members of the U.S. Olympic team in Munich, Germany. And the people of Indianapolis, Ind., can take special pride in the tremendous abilities of native son Marvin Johnson, a graduate of Crispus Attucks High School.

Last night Americans had the opportunity to see this young man perform, with the grace and skill recalling the world's great boxers, in his march to the gold medal in the middleweight finals. With the brilliant coach and trainer, Mr. Colin Chaney of St. Rita's, in his corner, this young athlete brought the fans to their feet in defeating the 29-year-old West German, Ewald Jarmer.

I'm sure my colleagues will indulge my own pride in sharing with them the following news item from this morning's Indianapolis Star:

MAKES OLYMPIC QUARTER FINALS

Middle-weight Marvin Johnson of Indianapolis, Indiana, punished West Germany's Ewald Jarmer for three rounds to gain a unanimous decision and advance to the Olympic boxing quarter finals yesterday.

The eighteen-year-old American belted his scar-faced opponent about the ring with a dangerous left uppercut. But Johnson, a southpaw, failed to floor his more experienced opponent. Jarmer, twenty-nine, seemed to have only one thing in mind, to reach the final bell without a knockout. Johnson, who won thirty-nine of his fifty-seven previous fights, gained the decision on all five score cards by a wide margin. His next opponent will be Alejandro Montoya of Cuba who beat Britain's William Knight by a second round technical knockout.

CARL T. ROWAN COMMENTS ON "WATERGATE CAPER"

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. NIX. Mr. Speaker, the Philadelphia Evening Bulletin on Monday, September 4, carried an excellent commentary by Mr. Carl T. Rowan, who asked: Do we really care? The caption over the commentary was: "Little public outcry over 'Watergate caper'". I believe the theme of the article and the points made are most worthy of note and should be called to the attention of all Americans.

LITTLE PUBLIC OUTCRY OVER "WATERGATE CAPER"

(By Carl T. Rowan)

WASHINGTON.—It would be in the spirit of charity to give everyone the benefit of doubt and say that a secret $25,000 gift to the Nixon reelection fund had nothing to do with the grant of a new Minnesota bank charter to the donor, Dwayne Andreas.

But the evidences of big favors for big money keep piling up in this Administration. I call your attention again to that remarkable, almost incredible, revelation on "Meet the Press" two weeks ago by Clark MacGregor, the former Minnesota congressman, who heads Mr. Nixon's reelection campaign.

MACGREGOR STORY

MacGregor said the lawyer for a generous Democratic donor had awakened him at half-past midnight to plead with him not to reveal his client's name. Keeping "faith" with people like this donor was MacGregor's justification for not revealing those who gave $10 million to the Nixon campaign through last-minute maneuverings, just in time to beat the new campaign reporting law.

Was it Andreas' lawyer who telephoned MacGregor? Andreas had reasons to fear embarrassment. Here was the friend and No. 1 supporter of Sen. Hubert H. Humphrey, playing financial footsie with "the enemy."

If it wasn't Andrea's lawyer who telephoned MacGregor with the plea for secrecy, then it means someone else among the givers of that secret $10 million has something to hide. And that only deepens the pall of shame that lies about this fund, part of which former Commerce Secretary Maurice Stans funneled through Mexico so as not to reveal the name of the donors.

OTHER CASES

If the Andreas case stood alone, one could be accused of politicking for suggesting there is a scandal here. But there are other cases of this Administration's ladling out favors to persons connected with campaign contributions.

The ITT affair, involving a donation of $200,000 to the cost of the Republican convention (if held in San Diego) at the same time the Justice Department was dropping court action to block ITT mergers, has faded from the headlines. But the memory lingers on.

There was the matter of dairy price supports which I wrote about. Through various channels, the dairy people pumped at least $329,000 (in 1971) into the fund to reelect Mr. Nixon. Suddenly, then-Secretary of Agriculture Clifford Hardin decreed a hike in price supports worth at least $400 million a year to the dairy industry.

LAW AND ORDER?

It is manifestly clear to me that this Administration is about as sanctimonious over "law and order" as the next one. Imagine the No. 1 fund-raiser for a President of the United States with a secret slush fund of at least $350,000 in his personal safe. At least $114,000 from that fund winds up in the Miami bank account of a man arrested with, and believed to be the leader of, a team of accused burglars bugging Democratic Party headquarters.

Imagine Stans claiming "no knowledge" of how $114,000 from his slush fund is spent. It is more than any sane American can swallow.

Yet, Stans offers only evasive talk in which he tries to discredit a report by the General Accounting Office. The White House also offers only silence.

Americans are left only to hope that Attorney General Kleindienst is going to order a vigorous investigation which opens the way to indictment of officials in the Committee to Reelect the President. To suggest that this is likely, however, is to insult the intelligence of the people.

On the other hand, there is pathetically little public outcry. It is as though the people have become inured to corruption, considering it the new American way of life, as it long has been in some Asian lands.

INTERNATIONAL OUTRAGE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. CRANE. Mr. Speaker, the horrifying tragedy that has befallen the innocent civilians representing the State of Israel at the Olympic games in Munich offends the sensibilities of all civilized men. And yet, in quantitative terms, this cowardly and reprehensible deed does not compare with the violence at Lod international airport earlier this year. The truth of the matter, Mr. Speaker, is that this is but one more outrage in a chain of outrages perpetrated by terrorist fanatics against innocent civilians, many of whom at the Tel Aviv Airport were not even Israelis. But, such is the nature of terrorism.

It is high time all civilized nations rise up in condemnations of such atrocities. Nations of the world should refuse sanctuary to such elements. A desirable first step would be to reach an international agreement refusing sanctuary anywhere to skyjackers. In the Middle East, the Arab States which still permit terrorist organizations to operate within their borders should take the initiative in purging themselves of such elements with a vengeance.

The problems between Arabs and Israelis are complex and delicate. Hopefully, in time, they will be resolved without further conflict. But atrocities such as this most recent one can only injure efforts at reaching an amicable settlement and simultaneously bring shame and mortification to all responsible Arabs in whose name these self-styled leaders in the war against Israel conduct their barbarous activities. If the Arab countries sheltering terrorist organizations act with dispatch, they can restore lost prestige, ease international tensions, and hopefully, prevent repetitions of these senseless tragedies by those at war with all standards of decency and humanity.

TEAMSTERS SET LETTUCE DEBATE STRAIGHT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. VEYSEY. Mr. Speaker, in Extensions of Remarks, August 3, 1972 (page 26779 I corrected some misinformation circulated to the Members in a letter July 31 by one of our colleagues urging the boycott of lettuce not bearing the seal of the United Farm Workers—UFW.

On August 9, our colleague attempted a refutation of my principal points that: no lettuce workers are on strike in California or Arizona, and since all lettuce marketed in the East is harvested under union contract, we are being asked to take sides in a jurisdictional dispute between the Teamsters and the UFW.

I was happy to note that our colleague conceded:

> It is understood that there is no strike in progress at the present time.

Unfortunately, he persists in denying that a jurisdictional dispute between two unions exists. He stated,

> The jurisdictional dispute that did arise soon after the termination of the grape strike was settled over 16 months ago on March 26, 1971, in Los Angeles, Calif. This information was reconfirmed by conversations with representatives of the two unions here in Washington and with officers of the Western Conference of Teamsters in California.

Our colleague does not identify which officers of the western conference of Teamsters are the source of his information, but I would like to insert a letter below dated August 21, 1972, from the international director of the western conference of Teamsters at my request narrating the inability of all parties in the lettuce dispute to come to an acceptable agreement following an arrangement worked out May 7, 1971, between the Teamsters, the UFW, and the AFL–CIO.

I draw particular attention to the last sentence:

> As a consequence, the Teamsters consider their contracts with the growers to be both valid and in full force.

If two unions contesting over the organization of the same workforce does not constitute a "jurisdictional dispute," what does?

The letter follows:

WESTERN CONFERENCE OF TEAMSTERS,
Burlingame, Calif., August 21, 1972.

Hon. VICTOR V. VEYSEY,
U.S. Congressman,
Washington, D.C.

DEAR CONGRESSMAN VEYSEY: On May 7, 1971, I and some of my associates in the Teamsters Union met with Albert Woll and Joseph Keenan as representatives of the AFL–CIO, Cesar Chavez and aides from the United Farm Workers and Herb Fleming, Andrew Church and others representing growers with Teamster contracts.

On that occasion the Teamsters proposed, and it was agreed to by the other participants, that the growers sit down with representatives of the AFL–CIO and United Farm Workers in an attempt to work out an agreement that would be acceptable to all parties. In the event this was done, the Teamsters agreed they would turn over to the United Farm Workers all of the approximately 170 contracts in existence between them and the growers.

Representatives of the concerned parties met at intervals during the next several months but failed to come to any solution or acceptable agreement. As a consequence, the Teamsters consider their contracts with the growers to be both valid and in full force.

Very truly yours,

EINAR O. MOHN,
International Director.

HEALTH CARE—THE 92D CONGRESS

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. SCHWENGEL. Mr. Speaker, since I first came to Congress, I have had a strong interest in health care. I have been a member of the Republican Task Force on National Health since it was created and we have studied the problem, trying to devise an effective program to decide how our health care dollars can best be applied.

Of course, this is a very complex, interrelated area. We can rarely isolate and attack a problem, expect it to disappear, and then attack another problem. A comprehensive approach is obviously needed and too often lacking.

Listed are the bills concerning health care which have at least had hearings during this Congress and which I support. As you can see, there is a strong emphasis on research and study. I have faith in our ability to find new cures and treatments for damaging disease, such as cancer and sickle-cell anemia, as well as the troublesome common cold.

Unfortunately, the social problems of increasing health costs and lack of care in rural areas and for the poor will not yield as easily. Often we do not define or understand the causes of a problem before we propose a hasty or dramatic solution. Action on many fronts is needed, from the training of more personnel to the social causes of drug and alcohol abuse. There are no reasons why a Nation as rich as ours cannot afford to provide health care to all the people at reasonable cost.

The list referred to follows:

HEALTH CARE, 92D CONGRESS

Public Law 92–13, H.R. 5674 (House Report 92–121) Commission on Marihuana and Drug Abuse: During the 91st Congress, the Commission on Marihuana was established to study the extent of marihuana use in the United States, the efficiency of existing marihuana laws, the pharmacology of the drug, its immediate and long-term effects physically and phychologically, its relationship to aggressive behavior and crime, its relationship to other drugs, and the international control of the drug. There was an original expenditure limit of $1 million, however, subsequent amendments expanded the duties of the Commission.

The Commission's duties now consist of an intensive study of such subjects as the relationship of drug abuse to personality traits, especially as regards a tendency to be prone to drug abuse, the relationship of peer group, and family relationships to susceptibility to drug abuse, and the degree to which social tensions locally and nationally (such as poverty, war, social permissiveness, availability of drugs, leisure time activities, personal and family use of alcoholic beverages, media exposure, especially rock music and underground papers) contribute to drug abuse.

The Commission will employ experts in various areas and will conduct hearings across the country. Also as a key to stopping drugs, the Commission will meet with officials from countries where drugs originate.

Public Law 92–255, H.R. 12089 (House Report 92–775) Action Office for Drug Abuse Prevention: This bill sets forth the national policy toward controlling drugs and drug addiction. The government recognizes that education, treatment, rehabilitation, research, training of personnel, and law enforcement are all interrelated with the drug problem. The Action Office for Drug Abuse Prevention will be the focal point in the Federal government for coordination of comprehensive, long-term programs aimed at combatting the drug abuse now prevalent in the United States.

The Office is set up as a component of the Executive Office of the President. It is the duty of the Director to establish the objectives and implement the policies which will govern Federal drug abuse prevention programs.

The bill authorizes the Director to recommend changes in other Departments to overcome bureaucratic apathy. The Director is expected to act decisively and promptly and is given wide powers to do so. By giving him these powers it is expected that new or modified programs will be more effective in combatting drug abuse. As a final method of causing action, the Director is given powers similar to those held by OMB over drug related programs.

Research and development are to be encouraged and facilities can be provided. The Director is given broad budget powers to speed programs he deems especially productive. This Act also provides for the treatment of drug problems in Mental Health Centers, Veterans Hospitals and public health facilities.

H.R. 9936 (House Report 92437) Drug Listing Act of 1971: Awaiting Conference.

This Act would require the drug companies to list with the Secretary of Health, Education and Welfare, the drugs currently marketed. It would have to be updated semiannually. It would provide information including ingredients, labels, advertising, etc. Secretary would be able to determine better if the drug fell under the jurisdiction of a new law. Could be used as a source to check if labelling was deficient.

It is basically a consumer protection plan.

MEDICAL PERSONNEL

Public Law 92–52 (H.R. 7736, House Report 92–249) Medical Student Loan Extension Act of 1972: Extends the student loan and scholarship provisions of the Public Health Service Act. This allows that the 35% of entering medical students who need aid beyond what is normally granted to receive that aid necessary in order to allow qualified but disadvantaged students to continue pursuit of the understaffed medical profession.

PERSONNEL

H.R. 15859 (not voted yet).

Emergency Medical Services Act of 1972 (Report Ordered Filed 8/15/72): Provides that the Secretary may determine the feasibility of establishing through expansion and improvement of existing services or otherwise and operating emergency medical service system for an area through projects (one per area) which are undertaken by public and/or private groups or individuals.

Allows the Secretary to make grants for projects to plan the establishment of a workable system.

$5 million authorized to be appropriated for fiscal year 1973 and $10 million for fiscal year 1974.

Allows the Secretary to make grants to cover up to 50% of the operating cost of such a system during the first two years of operation. Grants under this authority are not to exceed $150 million. Allows the Secretary to make grants for research into emergency care methods. Grants under this authority are not to exceed $10 million in 1973; $20 million in 1974.

May make grants to cover up to 50% of the cost of expansion or improvement of existing facilities, but not to exceed $10 million.

Secretary shall create an Inter-Agency Technical Committee to evaluate programs and proposals.

H.R. 8629 (House Report 92–258, conference report 92–578, Public Law 92–187) Comprehensive Health Manpower Training Act of 1971: Act extends the grant assistance provided for construction of research and teaching facilities and adds loan guarantees and interest subsidy authority for teaching facilities.

Schools may apply for funds to update facilities.

Private schools may be eligible for assistance.

Portions of affiliated hospitals and outpatient facilities which are geared to teaching are eligible for assistance.

Provides the schools with grants based on the number of students enrolled.

Provides grants to allow a two-year medical school to convert to a full school of medicine.

Provides grants to schools of veterinary medicine.

Provides grants to schools of pharmacy, optometry, and podiatry.

Sets requirements a school must meet to qualify for a grant—application required.

Provides loan forgiveness for students who will serve in under-staffed areas.

Authorizes grants for the training of teachers in health fields.

Provides draft exemption to those who practice in shortage areas for more than four years.

Public Law 92–158, H.R. 8630 (House Report 92–259, Conference Report 92–577) Nurses Training Act of 1971: Provides money for grants for construction or expansion of nurses training centers.

Also provides loan guarantees.

Allows for construction of interim teaching facilities.

Provides for start up grants for new schools.

Provides up to 85% loan forgiveness over a 5-year period for service to a non-profit agency; 85% over three years for shortage area.

DISEASE CONTROL

H.R. 13592 (House Report 92–923, Public Law 92–294) Sickle Cell Anemia Control Act: Secretary can make grants to develop information, and research project relating to sickle cell anemia.

H.R. 11302 (House Report 92–659, Conference Report 92–722, P.L. 92–218) National Cancer Attack Act of 1971: Provides that all programs aimed at conquest of cancer will be coordinated.

Establishes a National Cancer Institute—Accelerates the attack on cancer.

Sets up a date bank to collect and disseminate cancer date—worldwide.

Eliminates a hold of funds by anyone except the President (overrides OMB).

Sets up a National Cancer Advisory Board.

Authorizes the President to request additional appropriations beyond the original authorization.

H.R. 13501 (House Report 92–940, Public Law 92–305) National Institute of Arthritis, Metabolism, and Digestive Disease: Places consideration of digestive disease under the Institute by changing the title.

Expedites consideration of digestive Disease Research.

H.R. 15081 (House Report 92–1108) National Heart, Blood Vessel, Lung and Blood Act of 1972 (In Conference): Enlarges the authority of the National Heart and Lung Institution to advance the attack against heart, blood vessel, lung and blood disease.

Coordinates the programs relating to the research and treatment.

Authorizes up to $1.2 billion over a three-year period.

Places emphasis on informing the public of the effect of reduction of known risk factors.

H.R. 14455 (House Report 92–1107) (In Conference) Communicable Disease Control Programs: Extends the Public Health Service Act provisions which authorizes grants to state and local government for communicable disease programs.

Authorizes money for control of tuberculosis, measles, VD, and other communicable diseases.

H.R. 15475 (House Report 92–1185) (not voted on yet) (Passed House) National Advisory Commission on MS: Establishes a National Advisory Commission on multiple sclerosis to determine the most effective means of finding causes and cures and treatments of MS.

Directs the study of the possible means of financial support to research.

H.R. 15474 (House Report 92–1184) (not voted on yet) (Passed House) National Cooley's Anemia Control Act: Establishes a national program to provide support for research into Cooley's Anemia.

Sets up agency to test, screen, and counsel those susceptible.

Distribution set up for information on the disease.

AGING

H.R. 14424 (House Report 92–1026) (Passed House, pending in Senate) National Institute of Aging: National Institute of Aging is established.

Purpose—to research the aging process, and special health problems of the aged.

Allows for treatment of aged in mental health facilities.

Noise Control Act of 1972 (H.R. 11021, H.R. 92–842): Requires all Federal agencies to promote noise control.

EPA given consultant status with all noise regulations decisions—may order review of lenient regulations.

Requires publication of noise information.

Requires publication of a list of major products constituting a noise hazard.

Enables the Administrator to set standards for new products.

Leave the State to control the operation or movement of products covered under this statute.

Can request review of standards set by the Federal Aviation Agency.

Requires labeling of noisy products.

Allows penalties of up to $25,000 per violation of noise standards.

Allows citizen to file court action.

Requires manufacturers to keep record of the tests they run to check compliance.

Directs the Administrator to find low emission products and push for use by Federal agencies.

MUNICH OLYMPIC TRAGEDY

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. ROSENTHAL. Mr. Speaker, mere indignation and condemnation by the international community over the wanton slaughter of two members of the Israeli Olympic team and the seizure of others in Munich today are no longer sufficient responses if this type of outrage is to be prevented in the future. The unwillingness of the international community to respond in a meaningful way to previous incidents of this kind is as responsible for the present tragedy as the madness of the assassins themselves.

I am today asking the Secretary of State to advise the House Foreign Affairs Committee on what steps the United States intends to take—itself and with other nations—to punish any government which offers sanctuary or encouragement to international murderers and air pirates.

Positive steps can and must be taken by the United States, the United Nations, and other individual countries to end once and for all the actual or threatened murder of totally innocent civilians for political or other purposes. International accords must be reached which provide for the mandatory punishment of any nation which offers refuge to international outlaws, including expulsion from the U.N. and stern economic sanctions by members of that body. Anything less deserves scorn and condemnation by all those throughout the world who respect the sanctity of life and the rule of law.

TOO MUCH CONCERN

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. DERWINSKI. Mr. Speaker, in my judgment, taxpayers of the country are not being deceived by the demagogues who preach of tax reform and who, in the same breath, envision new Government spending programs.

The evergrowing, costly Federal bureaucracy has clearly become too much of a burden on the average American.

A very effective, timely editorial commentary in the press publications of August 18, should, I believe, be read by all the Members, especially since we have all returned from our districts and, I am sure, are now aware of the wrath of the taxpayers.

The editorial follows:

TOO MUCH CONCERN

Congresswoman Edith Green of Oregon asked the Library of Congress to compile the total amount of funds a family could receive if that family took advantage of all public assistance programs available. On the basis of two hypothetical families—one a mother with four children ranging in age from preschool to the college level and the other a mother with eight children ranging from preschool to college—Mrs. Green was advised that the first family could collect a total of $11,513 a year under various programs of federal aid ranging from health care to scholarships. The second family, if all available federal programs were utilized, could have an annual income of over $21,000. Commented Mrs. Green, "Now for those people across the country who are saying this is a government that does not have any concern for the poor . . . I suggest they look at these programs."

A lot of taxpayers are also looking at the programs and do nct like what they see—a country that is being overwhelmed by the adverse ratio between producers and non-producers.

TAX CREDIT FOR HIGH SCHOOL AND GRADE SCHOOL TUITION

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. DULSKI. Mr. Speaker, the question of tax assistance for parents and guardians of students attending non-public schools is a subject of wide interest.

The House Committee on Ways and Means has resumed hearings on this vital matter and a witness at Tuesday's hearing was Charles J. Ruppert of Buffalo, N.Y., representing two parents' organizations from my district.

Mr. Ruppert was the founder about three years ago of the organization of parents of high school students, the Parents' Council of Independent Schools. He is a past president and now serves the group as secretary. Mr. Ruppert also appeared on behalf of the parents of elementary school students whose organization is known as the Federation of Home School Associations.

In his testimony, Mr. Ruppert spells out very well the case for providng a tax credit for those parents of elementary or high school students who pay tuition. There are several suggested formulas for the tax credit, including the one I proposed last May. And on which I testified before the committee on August 17.

The need for help for those families is clear and a tax credit obviously is the best approach. In view of the developing support for action, I am hopeful that the committee will make recommendations promptly.

Mr. Speaker, as part of my remarks, I include the text of Mr. Ruppert's excellent testimony today:

TESTIMONY OF CHARLES J. RUPPERT AT HEARING BEFORE HOUSE COMMITTEE ON WAYS AND MEANS, SEPT. 5, 1972

Mr. Chairman, Honorable ladies and gentlemen:

I am Charles J. Ruppert and I am speaking on behalf of the Parents' Council of Independent Schools and the Federation of Home School Associations of the Diocese of Buffalo. These organizations represent over 100,000 parents of approximately 70,000 children in the non-public schools in the Western New York area. I am Secretary and past-President of the Parents' Council of Independent Schools and father of eight children, all of whom have been or are presently being educated in the Buffalo Catholic School System.

I would like to speak briefly on the necessity of maintaining freedom of choice in education, secondly, the economic problems afflicting parents who exercise this choice by sending their children to non-public schools and, thirdly, the urgent need for financial relief for parents via some form of tax credit.

While our Constitution and courts have guaranteed us this freedom of choice, it is more and more becoming an economic impossibility to exercise this choice. The need to preserve this freedom of choice is highlighted by the fact that in many underprivileged areas, parents choose to send their children to non-public schools.

As an example, in a recently consolidated Inner City parochial school in the City of Buffalo, approximately 80% of the 800 students are non-Catholic and their parents are paying $60 per year to exercise this freedom of choice.

DIVERSITY IN EDUCATION

The non-public schools provide a diversity which our educational system would otherwise lack. They not only provide knowledge but also a system of values which inform the moral and ethical choices one must make throughout his life.

The more one appreciates the quality of education provided by the typical non-public school, the more urgent their preservation becomes. In the Diocese of Buffalo, for example, standard tests demonstrate that children in Catholic elementary schools exceed the national average by an ever-increasing margin as they progress from kindergarten through grade eight. This phenomenon occurs despite the fact that the distribution of IQ's among the student population is normal.

Inasmuch as a pluralistic society has been part and parcel of this country since its very inception, it is absolutely necessary that a realistic freedom of choice in education be maintained. It appears that Russia and the United States are the only two countries that discriminate against non-public schools.

The economic problems afflicting parents who exercise this freedom of choice of education by sending their children to non-public schools continue to mount. These parents make many sacrifices to support the two school systems.

For the average working man and the underprivileged this freedom of choice is fast disappearing. The inflationary pressure afflicting non-public schools with a resultant increase in the cost of tuition is fast making the exercise of this precious freedom an economic impossibility for more and more parents.

Mothers are going to work, fathers are working two jobs, and discrimination is occurring within families where some children are sent to non-public schools and others must attend the public schools because of a shortage in family funds.

Present unemployment rates of 11% in Niagara County and 9½% in Erie County serve to compound these economic problems.

SPIRIT OF FAIR PLAY

All Americans are enjoying the benefits produced by both school systems but the fact that some Americans are penalized by exercising this freedom of choice offends the Americans spirit of fair play.

For example, it costs the Catholic community in New York State approximately $172 million a year to operate the parochial schools. In New York State alone, it would cost taxpayers over $400 million to absorb the students in these schools.

In the span of five years, it has been necessary to increase tuition in our diocesan high schools from $150 to $400, further increases in tuition are inevitable. More and more, the average family can no longer afford to send their children to non-public schools.

The average per pupil cost in the Buffalo Diocese in $216 in the elementary schools and $550 in the secondary schools. This is well below the average per pupil expenditure of $1,400 in New York State's public schools. Obviously, a tax credit of only a few hundred dollars would help restore balance to our plural educational system.

RECOMMENDS TAX CREDIT

It is therefore our recommendation that some form of tax credit be given directly to the parents. It is my understanding that over fifty tax credit bills have been submitted to this Committee and it is our hope and prayer that you will see fit to recommend one that most suits our immediate needs.

It is also our recommendation that tax credit for tuition be extended only to the parents whose children attend schools meeting State and Federal educational standards and conforming to the Civil Rights Act of 1964. All the non-public schools represented by our organizations have been approved by the New York Education Department.

It is not our intention, now or in the future, to expect government to support the entire cost of tuition for non-public schools. However, we must keep in mind that time is of the essence and too little or too late could be chaotic.

In closing, I wish to thank this Committee for your interest and concern and I trust you will submit a tax credit bill that will enable us to maintain our freedom of choice in education.

BEN CHERNER—A GREAT LOSS FOR ALABAMA

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. FLOWERS. Mr. Speaker, our State of Alabama lost a great public servant in the untimely death of Ben Cherner on August 27. A two term member of the Alabama Legislature, he was one of its acknowledged leaders. Whatever Ben Cherner participated in, he did so with enthusiasm and ability.

It was a privilege for me to have known him well as a friend, and I know that he will be greatly missed by all.

I include in the RECORD two articles appearing recently in the Bessemer News and the Birmingham Post-Herald:

[From the Bessemer News, Aug. 27, 1972]

BENNETT CHERNER

Bessemer people who had worked with Bennett Cherner on local-level projects knew we had something special in this young man.

And the shock waves that erupted here at his untimely, sudden death Sunday afternoon were felt in the four corners of the state, as he had made his unusual talent for getting things done known statewide in his tenure as a member of the Legislature.

Such a pity that such a brainy, knowledgeable man as Ben Cherner was taken by death, at barely half of his Biblically-allotted three score and ten years.

He never sought publicity, although he was thankful for what he got, and thus it may be that many Bessemer citizens probably are not aware of the really effective civic work he did for us.

At the time of his death he was busy promoting a "Sell Bessemer" plan to create an industrial park at the new airport, he being a member of the Airport and Industrial Park Authority.

The other projects in which Mr. Cherner was interested, business and civic, are too numerous to mention here, but it can truthfully be said these interests covered an extremely wide and varied area.

Ben's ability to see through extraneous matters to the core of a problem was perhaps his greatest asset. Our city, our state, can ill afford to lose such a promising mind coupled with unusual ability.

No man is irreplaceable, of course, but Ben Cherner comes close.

As Shakespeare wrote: "Now cracks a noble heart. Good night, sweet prince."

[From the Birmingham Post-Herald, Aug. 27, 1972]

BEN CHERNER

Although he was a very modern model of a legislator, State Rep. Ben Cherner, whose sudden death on Sunday diminishes this entire community, was an exemplar of the best of all the old time traditions of public service.

For one thing, Mr. Cherner was probably as hard-working a Legislator as has ever sat in the state capitol. He also was as well informed on public affairs in general and the operation of the State Legislature in particular as any legislator in memory.

Candidates seek public office for a variety of reasons, personal and otherwise. Generally, however, most of them will say that they merely seek only an opportunity to serve. Ben Cherner said that, too, when he first ran for the Legislature. What set him so distinctively apart was that he really did seek an opportunity to serve. And he did serve well.

Reporters and other observers of the Legislature soon learned that if they wanted to understand a piece of legislation or a course of action they would be wise to check with Ben Cherner. He always knew. From his first day in the Legislature he made it his business to understand every proposition made to the Legislature and to determine for himself a course of action which, in his opinion, would best serve the people of Jefferson County.

A fine intelligence and a creative spirit distinguished all of Ben Cherner's service in the State Legislature. He will be sorely missed by his fellow legislators and by all whom he represented so well. It cannot be said of many but it certainly can be said of Ben Cherner: he left his community and his state better than he found them and his example of service should inspire office seekers for a long time to come.

ARAB TERRORISTS STRIKE AGAIN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. RODINO. Mr. Speaker, the shock has worn off a bit now. The cruel message of this morning's radio commentator has ended: The initial attack occurred at 4:30 a.m.; the Israeli wrestling coach was immediately killed; an additional team member was fatally wounded; all 14 members of the Israeli Olympic team are being held hostage. The captors have stated that if their demands are not met, one hostage will be killed every 2 hours. The Black September terrorist organization, the most violent of all Palestinian groups, has acknowledged responsibility for these acts. Once again, Arab terrorists have taken innocent lives and used them as objects for protest and for pawn.

The Bonn cabinet has already met and stated that they will come through with all demands asked of them. They have offered money for the ransom of these Israeli prisoners but their offer has been coldly truned down. I am told that seven of the hostages were former inmates in concentration camps a few miles from where this morning's injustice took place.

Prime Minister Golda Meir has called for the suspension of the Olympic games. Early this afternoon her request was granted.

I am deeply distressed and extremely frustrated by this brutal behavior. Whatever terrorist activities take place, no action, no settlement has yet been strong enough to stop the Palestinian destruction of life. I pray for an end to this unfair method of resolving differences while I remain with all the world anxiously awaiting further news of this horrid situation.

WHY WE SERVE

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. BUCHANAN. Mr. Speaker, during the Fourth of July festivities in Birmingham, Ala., a city which it is my privilege to represent in the Congress, Brig. Gen. R. C. Cartwright, one of this Nation's finest military officers, delivered an outstanding address which well answers the strident voice of cynicism in the United States.

General Cartwright is currently assistant commander of the 3rd Infantry Division, now stationed in Germany. He holds an A.B. degree from San Francisco State College and an M.B.A. from the University of Missouri. The general has a distinguished record in Vietnam, having served as commander of the 108th Artillery Group stationed along the Demilitarized Zone and later as deputy commanding officer of the U.S. Army Support Command at Cam Ranh Bay. Prior to his current assignment, he was special assistant to the Comptroller of the Army in Washington, where he was Director of Management, Review, and Analysis.

General Cartwright's words of encouragement are particularly fitting in this day when we hear prophets of gloom continually expounding about this Nation's problems. The address of this distinguished black American points to a hope for the future, which so many in our country feel today, and to a spirit which must be kept alive if we are to conquer the problems we face.

I include the text of General Cartwright's remarks, because they represent but another aspect of what is right with America:

WHY WE SERVE

(By Brig. Gen. R. C. Cartwright)

Congressman Buchanan, distinguished guests, and members of WBRC–TV audience.

It is a distinct honor to be here today to represent the Army in this outstanding 4th of July celebration. During my Army career, I have seen many 4th of July celebrations—but none like this. It is most impressive and I am proud to be a part of it. I congratulate the city of Birmingham and station WBRC for this truly fine effort.

Flying here from Europe yesterday, on my way to Birmingham, I looked down on this great land of ours through the window of the plane. I saw the green farmlands—the cities and towns—the beautiful hills and woods—and the lakes and streams as they passed beneath the plane. And I couldn't help but recall those great poetic lines:

Breathes there a man with soul so dead
Who never to himself has said
This is my own—my native land!

These lines by Sir Walter Scott are to me what this celebration is all about. We are saying that we are proud of our great country—proud to be a part of it. It is our country—for better or worse. And it is this undefinable feeling of pride and patriotism that we express today.

Americans have always had this feeling of pride in our land—from our beginning days as a colony. We have had to make our own destiny, and often against heavy odds. To recall a little of the flavor of those early days, a prominent Englishman named Samuel Johnson said in March 1775, "The American Colonists are a race of convicts and ought to be thankful for anything we allow them short of hanging." This was the prevailing attitude among our British rulers at the time.

It is small wonder that American Colonists—patriots like George Washington, Jefferson, Adams, Hancock and many others—reacted negatively to the British view, and to British actions. In June of 1776, the Continental Congress passed a resolution that said,

"Resolved that six companies of expert riflemen be raised in Pennsylvania, two in Maryland and two in Virginia; that each company consist of a captain, three lieutenants, four sergeants, four corporals, a drummer or trumpeter and sixty-eight privates; that each company as soon as completed shall march and join the Army near Boston, there to be employed as light infantry under the command of the Chief Soldier of the Army." With this resolution, the United States Army was born.

From this humble beginning, the Army—lacking in supplies, in manpower, in food and weapons—even in shoes—in fact, lacking in everything but courage and fortitude—went on to force the British to surrender at Yorktown in 1781.

In the years that followed, the Army and our sister services whose representatives are here on the platform with me today, have compiled a magnificent record protecting the American people and the American way of life from its foreign enemies. We exist for one purpose—to serve the American people in defense of their liberty and freedom. As one of our senior leaders said, "The Army belongs to the people, and it is made up of the people. It draws its officers and soldiers from every walk of life—from every part of America. The Army—and all of the Armed Services—are cross sections of American life."

In today's world, The Armed Services are stationed across the United States, and around the world, protecting our precious freedoms. The Seventh Army in Europe is one of these units. It is part of NATO—the North Atlantic Treaty Organization. NATO is the military shield in which Army, Navy and Air units of the United States combine with forces from 14 other nations against the threat of Communist aggression. The Third Infantry Division, of which I am a part, is one of the four and one-third U.S. divisions in Europe making up part of the NATO shield. We are there to protect the United States. We are there because it is cheaper, easier and safer to protect our country from east of the Rhine River—working together with the joint forces of 14 other nations—than it would be to do it alone, from somewhere on the eastern coast of America.

The Third Infantry Division is called the "Marne Division" because of its unyielding defense of a sector along the Marne River during World War One. Through more than 50 years—and three major wars—the Marne Division has compiled a combat record unsurpassed in American military history, as attested by the 49 Marnemen who have won their nation's highest award, the Medal of Honor.

Today, in Europe we are in a constant state of combat readiness as part of the deterrent to the spread of Communism. This calls for highly motivated, well trained soldiers, dedicated to the principles of freedom. These men reflect in their professionalism and pride the finest spirit of our American life.

As symbols of this commitment of service to you, two Marne men are here with me today. Staff Sergeant Stanley P. Lowry, who is holding the Third Division flag with its 26 battle streamers and 3 Presidential Unit Citations is a native of Birmingham. Staff Sergeant James A. Miller, holding the national colors, is a native of Sumter, South Carolina. These outstanding noncommissioned officers are two of your representatives in Europe, protecting your freedom—and you have every right to be proud of them today—and of all of the soldiers, sailors and airmen who are manning the outposts of freedom here and overseas.

But pride is not enough—and the military cannot do everything. For we have some problems in America that must be faced. I have read many statements that America is in real trouble. And I must admit that in some ways, it seems true. Old Glory has never fallen so close to earth. Some of our embassies and installations have been stoned and attacked, we've been involved in a number of conflicts on foreign soil. Our young men have died for ideals which don't seem to mean much to some Americans.

The truth is, America's real trouble doesn't lie in the rice paddies of Vietnam, in the masses of China or the endless turmoil of the Middle East. Our real trouble lies in places like the playgrounds of St. Louis, the hillside mansions of San Francisco and the slums of Chicago. A disease is slowly eating at the lives of Americans in the small towns—and in the big industrial cities like Birmingham. The disease is cynicism—a lack of faith.

This is the age of the cynic—"The man who knows the price of everything and the value of nothing", as Oscar Wilde once said. It is the year of the unbeliever—the era of doubt. We've killed all our sacred cows, overexposed our faults and destroyed many of the images—and there is nothing much left to respect—too little old fashioned love of country, God and family. There are people who stare at their shoelaces when the national anthem is played. They don't want to be seen at a political rally, or a town hall meeting. Other people are not sure they want to be caught with their eyes closed during public prayer. Our heroes are often the bad guys who get away with things. And patriotism—pride in our country, the old, hand over heart, flag waving, singing patriotism is fast going out of style—it's embarrassing. Our form of government is the same; we still say America stands for the same things; the fundamentals haven't changed—we have, you and I. To prove it, next time at a gathering, ask someone to sing America and see what happens.

Our enemies know this, for they have seen the pictures in the papers and on TV, of the discontented marching around the country. They have distorted and blown up our mistakes, and they have been driving steel wedges into the wall of our solidarity. They say, don't attack America—wear it down gradually and it will eventually fall of its own corruption. This sneering cynicism, once stamped out by the bloody feet of a tattered Continental Army in 1776, has risen again. This daily "let George do it" attitude lights the way for the Viet Cong in the swampy jungles of Vietnam. This "better Red than dead" cancer may be more dangerous than all the Communist mortar shells, for it kills the spirit and vitality of America. Democracy is a frail and fragile instrument, made of hope, prayer, confidence and American ingenuity—and held together by pride, and 4th of July patriotism—and it is in danger today.

But I do not want to sound like a prophet of doom and gloom, because I really am not. I think America will come out of this period of cynicism—in the long run of our history, it will seem as a short temporary detour on our road of progress.

In fact, I think our best days are still ahead of us—for several reasons. One is that we have identified our national problems now. We know what they are: ecology, pollution, quality education, civil rights, poverty and the rest. The problems are out on the table. We can talk about them, and we do—and this is the vital first step. And, we are moving to solutions—not always quick or easy solutions—often halting and unsure, with much noise and debate. But we are shouldering our burdens and moving again in the right direction—and we will succeed.

Just as important, we have good material to work with. This younger generation, the "now generation", is the finest we have produced. When they are given meaningful jobs to be done—and provided with good leadership—and respect for their effort, and their ideas—they cannot be surpassed. I see them every day in the Army, and I know you can depend on them when it counts. They are superb—and they will help us solve these national problems better than we could ever do by ourselves.

Finally let me observe that our national spirit—our sense of concern for our country and its people—is returning. I sense it in my daily contacts and in my travels. The spirit of the 70's was so well stated by President John Kennedy when he said, "Ask not what your country can do for you; ask what you can do for your country". I see this spirit expressed in many forms. It is on the rise and it will pull us through.

Yes, America's future is bright—brighter than ever before. And in the America of the future, we will pause on future 4th of Julys—and in the noble words of our song, "America the Beautiful", we shall look across our spacious skies, our amber waves of grain, our purple mountain majesties, and we will know that God has truly shed his grace on our country—and crowned our good with brotherhood—with peace—with pride in our country—from sea to shining sea.

THREAT TO EDUCATIONAL TV

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. HARRINGTON. Mr. Speaker, the President's recent veto of the Corporation for Public Broadcasting appropriations bill may have dealt a damaging blow to the important and innovative cultural and educational programing provided by public TV. One of the leading noncommercial stations, WGBH in Boston, detailed the extensive cutbacks it will have to make, both in program quality and quantity. Such a result is the product of the long line of administration efforts to undermine freedom of the press in this Nation.

I urge all my colleagues to read the inserted articles from the Boston Globe. One of them reveals the problems facing public television in Boston and many other cities in the wake of the veto. The other is an editorial examining the impact of President Nixon's action on the future of noncommercial television.

The articles follow:

NIXON VETO OF PUBLIC BROADCASTING BILL SEEN LEADING TO SEVERE CHANNEL 2 CUTBACK

(By Percy Shain)

A severe cutback in broadcasting activity will become necessary at WGBH–TV (Channel 2) as a result of President Nixon's veto of the $155 million appropriations bill for public broadcasting, it was revealed last night.

Old shows will be reduced in episodes and new shows will never get off the ground because of the action, David O. Ives, Ch. 2 president, said in a statement issued from his island home on Naushon.

At the same time, Rep. Torbert MacDonald, chairman of the House subcommittee on communications, blasted the last-minute veto as an "incredible sacrifice of the public's interest on the altar of partisan politics. Despite Nixon's shallow protestations I am absolutely convinced that this Administration has decided that their interests will best be passed by muzzling the voice of public broadcasting directly."

"WGBH has been very active in developing plans for new programming—exciting plans dependent on Federal funding," said Ives. "Now those plans must be shelved, for how long we just don't know.

"Of those programs WGBH is currently producing for the national audience of the PBS network, we are already constrained by limited funds to less than a full season's run. At present our grant support for The Advocates extends to no more than 26 programs—the shortest season for this series in four years on national television. Zoom, which was a runaway success this season, is assured of only 33 new programs—far short of the year-round service it should be.

"Perhaps more damaging is the blow to totally new programs. WGBH has developed a number of series that would be pioneering in their fields. Some of them have already reached the stage of pilots.

"Two in particular were virtually certain of being funded, if the CPB's (Corporation for Public Broadcasting) appropriation for this fiscal year had been at least somewhere in the $55 to $65 million range.

"One of these new program projects would launch, here in Boston, a permanent first rate production unit for the making of science-documentaries, children's series, and even some co-productions with the foreign broadcasters whose achievements in science far outshadow anything American television, short of moon shot coverage, has ever mustered.

"Another new program project jeopardized by the veto would be a fresh, dramatic and useful weekly treatment of the causes and curses of crime in our cities.

"Locally, moreover, this setback will hurt our news and public affairs programming most. We have been counting on an increased annual CPB grant for community services to help make up the difference in support for the Reporters when the Ford Foundations's partial grant for this new local news operation ceases as of Aug. 31.

THREAT TO EDUCATIONAL TV

It has been argued that government financing of television, even on a partial scale, involves the same risks as would government subsidy of an otherwise free press. What government gives, government can take away (as President Nixon now has done), and therein lies the constant threat of control.

There is something in this. And in the radio and television industry the threat of control and hence of government suppression of all criticism is aggravated by licensing laws.

What needs to be emphasized, however, in assessing President Nixon's last minute veto of a two-year, $155 million appropriation for the Corporation for Public Broadcasting, is that public, or educational, TV magnificently serves one of the main purposes of the land-grant colleges established by the Morrill Act 110 years ago. There can be no sound criticism of them, and no President has dared to impoverish them.

"A nation that acts by the will and judgment of the people," said the author of the land-grant college act, Rep. Justin Smith Morrill, of Vermont, "must make available to the people the knowledge and spirit of the civilization they are expected to sustain and develop." This is precisely what public TV has been doing.

The Carnegie Commission paraphrased the Morrill philosophy when it fostered the Public Broadcasting Act of 1967, setting up the system under which such public service stations as Boston's superb WGBH, better known, perhaps, as Channel Two, operate today. President Lyndon B. Johnson also said much the same thing in his State of the Union message in January of that year:

"We must develop educational television into a vital public resource to enrich our homes, educate our families and to provide assistance in our classrooms."

* * * * *

The President has not succeeded in wrecking Public TV entirely—not yet, anyway. There are still foundation grants and individual donations. And at the last minute, the Senate joined the House in passing a resolution to keep it going at the present level of funding—$39 million—pending new legislation. But serious question remains as to why he tried at all, especially in view of the Congress's overwhelming support of the project—the House approved the appropriation 256 to 69 and the Senate, 82 to 1, surely enough to override the veto.

He is convinced, the President said in his veto message, that "the problems posed by Government financing of a public broadcast system are much greater than originally thought."

* * * * *

DR. MELVIN R. POSTON—OPTOMETRIST OF THE YEAR

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. WALDIE. Mr. Speaker, in the July 1972 Optometric World, there appeared an article praising a constituent of mine, Dr. Marvin R. Poston, an optometrist from Danville, Calif.

I would like to take this opportunity to place this article in the CONGRESSIONAL RECORD.

DR. MARVIN POSTON, FIRST BLACK TO BE NAMED "OPTOMETRIST OF THE YEAR" BY AOA

Dr. Marvin R. Poston, a prominent, black, Oakland, Calif., citizen and optometrist, was named the 1972 national "Optometrist of the Year" by the American Optometric Association. He is the first black to be so honored in AOA history.

The honor, in recognition of Dr. Poston's public service contributions to his community and profession, was announced at a 75th anniversary tribute and awards evening held as part of the association's annual congress in St. Louis, Mo. More than 2,000 optometrists and their guests attended the function.

The national award of the 17,300-member association, which represents the nation's largest vision care profession, follows Dr. Poston's selection as the California "Optometrist of the Year" in March. He was the first black ever given the honor in California.

A resident of Danville, Calif., Dr. Poston has practiced optometry in downtown Oakland for over 31 years.

One of his major interests has been youth and he has devoted many hours to his work with the Alameda County Juvenile Delinquency Committee. He has served as president of the Northwest Branch of the Young Men's Christian Association and as a member of the board of directors of the Oakland area YMCA. He is also a member of the board of directors and Minority Adoption Committee of the Children's Home Society of Northern California.

Concerned with the renewal of his urban community, Dr. Poston has served as a member of the board of the Oakland Council for Social Planning and as a member of the Danville Renewal Corporation. He is director of the Oakland/Fukuoka (Japan) Sister City Committee and is an active member of the Oakland NAACP, the Oakland Rotary Club, the board of directors of the Contra Costa County Tuberculosis Association, and the African Methodist Episcopal Church.

Dr. Poston has been an organizing member of at least four major vision care programs in the Bay Area and throughout California. These include the West Oakland Health Group, where he is vice president and chairman of the center's eye group; the Children's Vision Center of the East Bay; vision screening programs for the East Bay Skill Center; and the California Vision Service, a prepaid vision care plan covering over 700,000 eligible participants in California.

Dr. Poston has served as co-chairman of the Merritt College Optometric Assistants' Advisory Committee and as a member of the Public Advisory Council on Education for Oakland Public Schools. He also is a member of the board of directors and treasurer of the community Committee for African Students and works with the University of California at Berkeley and the American Optometric Association in minority recruitment programs.

The noted optometrist is a past president and currently a member of the California State Board of Optometry. He is a past president of the Alameda and Contra Costa Counties Optometric Society. He has also served as a member of the Long Range Planning Committee of the California Optometric Association.

Dr. Poston resides at 567 El Pintado Road in Danville.

BALLOTS, NOT BULLETS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. STOKES. Mr. Speaker, on August 30, 1972, as Gov. George Wallace was leaving the hospital after two more operations, reporters pressed him for his comments on the political scene. He fended off the questions, saying that he had not had much time for politics, that he was concentrating on getting well. The newscaster reporting the story added that Governor Wallace had told a friend that:

> If I had all the money in the world—if I was the king of Siam—I'd give it all up just to be able to walk again.

The really tragic part of this vignette is that it never had to be. The shooting of George Wallace—and of Dr. Martin Luther King, Senator Robert Kennedy, President John Kennedy, and Malcolm X—could easily have been prevented. It is not too late, of course, to start thinking about ways to prevent future killings and maimings.

Congressman William L. Clay discussed some of the means of prevention in an article he wrote for The Boston Globe. His column appeared on July 25, 1972 and it contained a number of important, provocative ideas on the subject of political assassinations. His thoughts range from the need for gun control legislation, through media overexposure of assassins, to a discussion of the violent society in which we live.

I hope that Congressman Clay's ideas receive the wide discussion they certainly merit. For this reason, I include his column for the benefit of my colleagues:

Opposition to Men Like Wallace Must Be by Ballot, Not Bullets

(By Congressman William L. Clay)

George Wallace stood opposed to the leadership of the late John F. Kennedy. He stood in the schoolhouse door blocking the entrance and orders of integration carried by former Attorney General Robert Kennedy.

For Dr. Martin Luther King, Jr., it is fair to say that George Wallace held only contempt—for they stood at the very opposite ends of the political and ideological spectrum. Until two months ago, the only thing these men shared in common was that both had the spotlight in center stage debating national issues. And it must have been that spotlight which attracted the senseless bullets that struck each of them.

No matter how repugnant the politics of George Wallace, nothing is more regretful than the notion that these men who inspire controversy and/or who seek to lead this nation are fair game for thousands of kooks, misfits and degenerates.

Assassinations and attempted assassinations are only so prevalent because of availability of firearms is prevalent. Many argue that strict gun control would not eliminate political assassinations. This may be a fact. But it is also a fact that the abundance of guns in America, the deification of those who possess them and the false sense of security experienced by gun owners contribute significantly not only to assassinations, but to 28,000 other deaths each year in America.

George Wallace was not shot because of his views. The shots came from a man who was probably void of politics. If the would-be assassins of this country believe they will become heroes in the eyes of those who renounce their political targets, let us make as clear as we can to these demented minds that they are wrong. Assassins are despicable to all Americans—about that, at least, there is consensus in this country.

The men who commit these acts are weak and faceless—and they should remain nameless. If it is the promise of notoriety which drives their sick minds, it should be deprived them.

It is unlikely that there are any "bullet-proof" guarantees to protect public office seekers from assassins, especially since those who have aimed the guns over this last decade came alone, unnoticed and silent. Nevertheless, it may be very important at this time for those of us who disagree with George Wallace to speak up. We have sought and we will continue to seek to defeat the influence of George Wallace. But we join the supporters of George Wallace in a deep concern for his welfare. The only thing we would want cast against him is the vote.

The Wallace philosophy will not be overcome by gunfire or by any other violent act. Americans do not make heroes of men who bring such tragedy.

We must also be concerned for the welfare of the nation as a whole—for if men are not allowed to go to the public to seek the vote, what is to become of the democracy we have strived to practice?

MAN'S INHUMANITY TO MAN

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

JACKSON, MISS.

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. GRIFFIN. Mr. Speaker, education plays a key role in the development and growth of any area. The city of Jackson has made great strides in its growth because of the dramatic steps it has taken in its educational program to offer unlimited opportunity for all citizens.

I am especially pleased to note that recent figures for cities of comparable size—100,000 to 250,000—show that Jackson, Miss., has the highest educational level in the South and 10th highest in the United States. This is certainly an outstanding achievement and a fine tribute to a growing city.

I am sure that with the new innovate education plans being developed, Jackson will continue to enjoy a prosperous and expanding future.

I include, as a part of my remarks, an editorial from the Jackson Clarion-Ledger on this subject.

Educational Level of Jackson Is 10th Highest in United States

Many impressive facts and figures are listed in "Change and Challenge—The Story of Jackson, Mississippi Today" issued by City Hall officials as a dramatic reminder of our city's amazing progress and vast potential for future growth.

Among the most gratifying phases of this handsomely illustrated brochure is the section devoted to education. Its text notes that our area's educational facilities run the gamut—from nursery school to graduate school with everything in between.

City schools include 37 elementary facilities, ten junior high schools, and seven senior high schools. There is also a state school for the deaf and for the blind. Most of these facilities have a complete array of advanced equipment and are in excellent condition. They serve the student demand well. Approximately 75 percent of the City school system's graduates go on to college. The City also has a number of private schools at each level.

An exciting new project to centralize the City's public schools into a unique creative learning concept is being planned. Two educational plazas will be constructed for fifth and sixth graders in areas where there are presently no homes. One plaza is scheduled for North Jackson and the other in Southwest Jackson. Both will have about 2,000 students, and employ the latest teaching techniques.

The program of the City's schools include closed circuit instructional television, special computers, teaching teams, creative organizational patterns, and new courses.

The Jackson area offers a wide choice of institutions of higher education. There are five 4-year colleges, two junior colleges, the University of Mississippi Medical Center, the Universities Center and the Jackson School of Law in the metropolitan area. The unique Universities Center is a joint venture of the University of Mississippi, Mississippi State University, Jackson State College, and the University of Southern Mississippi. It offers undergraduate subjects, a graduate degree program, and statewide educational television.

One of the most important facts about Jackson in the area of education though, is the average Jacksonian's general educational level. Based on the U.S. Census report of 1960 (these figures will be even higher when the 1970 Census figures are available), the average Jacksonian has completed 12.1 years of school. In cities of comparable population—100,000 to 250,000—this is the HIGHEST general educational level in the South, and 10th highest in the entire United States. In the important area of college education, 13.4 percent of all adults are college graduates, making Jackson 2nd HIGHEST in the South and 8th HIGHEST in the nation. These remarkable figures speak for themselves regarding the quality of education the average Jacksonian has received.

SENATE—*Wednesday, September 6, 1972*

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Dear Lord and Father of mankind, as we pause this day in Thy presence and share in the grief of all peoples before the horror of shattered young life which so sears the conscience of all men, teach us once more the hard lesson that hate begets hate, evil nourishes evil, and violence reproduces violence. Teach us the higher truth of the oneness of the race, that every man's suffering and sin is our suffering and sin, for we are all involved in humanity.

By some miracle of divine grace, may the innocent suffering of today atone for the sins of yesterday and bring cleansing and forgiveness to our broken world. May the shock of events drive a war-weary world to the ways of peace and concord. May there come over the world a renewal of the ideals of good sportsmanship and a resurrection of that spirit of universal good will and fraternity which endures all pain and abides all time.

Help us here to labor ceaselessly for that kingdom whose builder and maker is God. Amen.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12350) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, September 5, 1972, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Republican leader and myself, may I say it would be our hope that the policy will continue which was inaugurated before adjournment for the Republican National Convention, that committees would hold only necessary meetings, and that they will clear with us, if they would—and I use these words in their best sense—any meetings which they may be contemplating.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum briefly.

The PRESIDING OFFICER (Mr. GAMBRELL). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRAGEDY AT MUNICH—SENATE RESOLUTION 358, EXPRESSING THE SENSE OF THE SENATE ON THE TRAGIC KILLINGS OF ISRAELI OLYMPIC TEAM MEMBERS OF THE 20TH OLYMPIAD AT MUNICH

Mr. MANSFIELD. Mr. President, a resolution can express our sympathy to the families of the victims and to their homeland, but it can in no way diminish the tragedy of Munich. That tragedy points up the fact that the Olympic games have become a forum not for sports, primarily, but in specific instances, a means for political, ideological, social, and racial expressions of the most violent kind.

It seems to me that too much emphasis has been placed on gold, silver, and bronze medals, on commercialism, on nationalism. In these games, we tend to place stress above all else, on the superiority of nations.

What of equality among nations? What does superiority prove?

What has the tragedy at Munich accomplished, except to disturb the shaky and dangerous balance in the Middle East and to emphasize that violence in the end defeats its own ends?

In lending itself to displays of violence, of defections, of anarchy, of dispute and dissension, and even of madness, the arena of the Olympics has strayed far from its original concept of peace and unity among all men. There are individual triumphs and there are national triumphs; there are gold, silver, and bronze medals. But none of these can have any meaning when they are accompanied by what we have witnessed in Munich.

The tragedy of Munich should make us review our concept of these games and even ponder their ultimate worth. The nations of the world should address themselves to this grave question at once.

A fitting memorial for the dead demands no less.

Mr. President, for myself and on behalf of the distinguished Republican leader (Mr. SCOTT), Senator JAVITS, Senator RIBICOFF, Senator ALLEN, Senator ROBERT C. BYRD, Senator COOPER, Senator GAMBRELL, Senator BAKER, Senator SAXBE, Senator GRIFFIN, Senator EASTLAND, Senator MCGOVERN, Senator SPONG, Senator METCALF, Senator BROOKE, and Senator PERCY, I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GAMBRELL). The resolution, with its preamble, will be stated.

The assistant legislative clerk read as follows:

> Whereas, with profound sorrow and deep alarm the Senate is informed of the events surrounding the killing of eleven members of the Israeli Olympic team participating in the Twentieth Olympiad at Munich, and
>
> Whereas, such actions are to be condemned as inimical to the interests and aspirations of the civilized world, be it hereby
>
> *Resolved,* That the United States joins with the world in mourning the loss of Israel's athletes and extends its deepest sympathy to the people of Israel and to the families of those so tragically lost and be it further
>
> *Resolved,* That all means be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid or comfort to acts of murder and barbarism such as those just witnessed at Munich and that the Secretary of the Senate be directed to communicate these sentiments and expressions to the Secretary of State for appropriate transmittal.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SCOTT. Mr. President, there is a depth of irony in this tragedy, rarely reached, beyond the scope of the writer's pen. The reason for holding the games at Munich, 36 years after the bitter episode of the 1936 Olympic games where man's inhumanity to man was exemplified by the greatest beast in human form in this century and his behavior toward some of our athletes; it was the hope of the resurgent nation of West Germany that the memory of that inhumanity might be erased by the manner, the spirit, and the universality with which the games would be observed.

So here is the tragedy of what the Government of West Germany hoped to achieve and what happened in the outcome. Here is the tragedy involving the loss of life of youth caused by the madness of men blinded to all considerations save their misguided political impulses toward the vilest form of crime. These men ought to have no sanction anywhere in all the world. There should be no cave in which they can hide. And in all the reaches of our earth there ought to be no refuge for the mad murderer who kills for political purpose to evade the consequences of his crime.

I think of what Shakespeare wrote:

> How sour sweet music is,
> When time is broken and no proportion kept.
> So is it in the music of mankind.

Here is has been broken by the harsh discord and by the cacophony of these brutal murders.

I join in sadness with the distinguished majority leader in this resolution and in the hope that there will be found nowhere in the world a sanctuary for men of evil intent, of vile and murderous consummation, the totally unworthy perpetrators of contemptible misdeeds.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays to be taken at the end of the morning business.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I think the gratitude of every Member of the Senate must go to the majority and minority leaders for the initiative they have taken at such a tragic hour. There was greater loss of life at the Lod Airport outside of Tel Aviv, also committed by terrorists. However, in that case it was committed by Japanese. However, this is not a quantum of loss of life. It is a symbol and it involves the feelings of outrage of all mankind when mankind is desecrated and when the lives of youthful athletes are snuffed out with such dreadful barbarism as demonstrated in this instance.

I think I know as much about the Israelis as many here. They are brave men. They have faced grave perils in order to make a state. And they have successfully made one, a state which our President has affirmed his commitment to help survive.

These young men will not be intimidated. They expect to abide for a purpose and to be honored in a morality and expect to continue doing as they tried to do in Germany. Their sacrifice and their deaths are meaningful.

The majority and minority leaders have put their fingers on the real issues here. What appalls the world is that any nation can give sanctuary to these terrorists, that they can issue press statements, and maintain sources of raising revenue and have the approval even of prime ministers for their acts of barbarism which should cut them off from any civilized contact with all nations of the world.

We are the leader of the free world. The Soviet Union is the leader of the Communist world. There must be no clearer duty for us than to lead with all our strength, all our influence, and all of our prestige if we are to preserve mankind and cut off from the rest of mankind any nation which, as the resolution so eloquently states, "gives sanctuary, support, sympathy, aid, or comfort to acts of murder and barbarism such as those just witnessed at Munich." This refers to acts of any kind or character committed by an enemy of all mankind, not just the Arabs.

This is the most complete act of anarchy we have witnessed in our history. We simply have to address it. We have the means. They cannot survive if they have no place to go. But they do have places to go to receive sympathy, aid, equipment, and training. Our assembled view that we desire to stop such acts in the future by our power and strength in the world, if implemented, will go a long way toward stopping them. This is a matter of morality. And I hope that this is the purpose which we will serve.

Mr. RIBICOFF. Mr. President, I commend our majority and minority leaders for introducing this resolution displaying their understanding of the sentiments of the U.S. Senate and all the people of this country.

Mr. President, it is not enough to merely express sorrow and deplore the tragedy in Munich. The shocking crimes perpetrated at the Olympics yesterday will be repeated elsewhere unless our Government takes resolute action—in concert with other nations—or unilaterally—against those Arab nations which still harbor and encourage these cold-blooded assassins. Permit me to be specific in this regard. The "Black September" terrorist gang that organized this carnage and acknowledges responsibility issued its official statements from Cairo. And it was Egypt that refused to agree to return the Israeli hostages if they were flown there.

Syrian and Iraqi newspapers are already glorifying the Munich assassins as martyrs and are endorsing their bloody work.

These Arab terrorists operate openly in Beirut and have bases elsewhere in southern Lebanon.

Libya and Algeria offer lavish financial aid and training to these criminals.

It is time our own country began to call a spade a spade and imposed sanctions against these countries. Either they stop aiding and abetting the wanton murder of innocent civilians or the United States should cut all ties—diplomatic, commercial and transportation with them—as this resolution offered today strongly recommends.

How ironic it was to read the newspaper yesterday and find that the efforts of the United States to protect commercial aviation by appropriate action against skyjackers and assassins were being torpedoed by protests from the Soviet Union, England, and France. The Soviet Union, England, France, and all civilized nations should join with the United States in imposing strict sanctions against those nations which harbor terrorists when they take over aircraft or seize hostages and spirit them to foreign countries.

The time has certainly come for realistic action and for all nations to join with the United States to make sure that we do away with the madness that is abroad in the world today.

Mr. ALLEN. Mr. President, the submission of the resolution which is to be voted on at the end of morning business is most appropriate. I am glad that there will be a yea-and-nay vote on the resolution to emphasize this matter and to show the unanimity that exists in the U.S. Senate with regard to this matter throughout the entire country in the condemnation of this dastartedly mass murder.

I appreciate very much the majority leader and the Republican leader allowing me to be one of the cosponsors of the resolution.

Mr. President, I rise to express the sense of shock and outrage of the people of Alabama over the insane attack yesterday upon the Israel Olympic team by Palestinian guerrillas.

Alabamians share with all other Americans the sickening feeling of revulsion that criminal minds have perpetrated the murders of these fine young men who were taking part in an international athletic event which is based on peaceful competition, not on politics and militant aggression and indiscriminate destruction.

The perpetrators of these mass murders must be punished and steps must be taken by the world community to assure that politics by assassination will not be tolerated. The people of Alabama grieve with the families of the victims and with the people of Israel who are struggling bravely for their existence as a nation and as a free people.

Mr. President, I yield the floor.

Mr. SPONG. Mr. President, I thank the majority leader and the minority leader for their submission of this resolution this morning. I am privileged to act as a cosponsor of the resolution.

I speak this morning as a former sports writer. I mourn for the dead; I mourn for the spirit of the Olympic games, which has been so desecrated; I mourn for the irony of a situation in which these savage crimes were committed in Munich, near Dachau, the scene of so much earlier horror.

We must condemn those who perpetrated these acts. The civilized world must act to condemn those who participated and those organizations that fostered and encouraged these acts. The United States must lead the way in this condemnation.

Again, I thank the majority leader and the Republican leader for the introduction of the resolution.

Mr. BAKER. Mr. President, I express my gratitude to the distinguished majority leader and the distinguished Republican leader for taking the initiative in offering this resolution this morning. I express my appreciation to my colleagues in the Senate who cosponsor this resolution with the distinguished leadership.

It seems to me that at this point it might be appropriate to realize what we cannot do, and to underscore what we can do, for although we cannot expect to change the hearts of men or the motives of terrorists bent on violence and destruction on future occasions, we can create an atmosphere in the public arena—not in the sports arena but in the international public arena—that serves notice that such barbaric conduct will not be tolerated by the world community, and that is what we are about today in this resolution offered by the leadership of the Senate. We are serving notice to those so inclined that barbaric, inhumane conduct of the type experienced in Munich will not be accepted by the world community. We are serving notice that the United States is a moral nation, we are strong, and we are outraged. We are serving notice we will not condone activity of this sort in the future.

Nothing can restore life to the Israeli participants in the Olympic games but we are going to do whatever may be within our power and grasp to prevent other athletes, other victims, and other people in other circumstances from suffering the same fate.

Mr. President, I enthusiastically support this urgent resolution.

Mr. COOPER. Mr. President, I join other Senators in expressing my shock and sadness over the events that have occurred in Munich. It is a tragedy that indicates a growing crisis in the history of mankind. It is sad to think that after all the years that have elapsed since the classic Greek civilization, since these Olympic games were founded, that we still have in the world the mentality which could devise and perpetrate the crimes we have witnessed.

It brings into question also the law of nations, the law and values of the civilized world, and whether nations, and ours among them, will be able to join together to find means to prevent as best we can these awful acts against human beings and against law itself.

I sympathize with the families whose children have been lost and I think also of the deterioration of civilization itself.

Mr. GAMBRELL. Mr. President, I was deeply shocked to learn of the senseless violence and the tragic murders initiated in Munich yesterday by Arab terrorists. The brutal attack up the Olympic village, where the long sought goal of international peace and brotherhood was being furthered, is an outrage to be deplored by the entire world community. I have asked that my name be added to the Mansfield-Scott resolution condemning these attacks.

This terrorism will not serve to add any credence to the claims and demands of these terrorist groups. As evidenced by the international representation at the Olympic stadium this morning at the memorial services for the dead, the world's sympathies are extended to the countrymen and the families of the dead. I, too, would extend my sympathies to the families and friends of these brave athletes who were only trying to represent their nation in a nonpolitical celebration of world cooperation.

The perverse political goals which spawned this senseless attack have been repudiated by myself and others on many occasions. I am sure that other Senators and people throughout the world share my own firm convictions that the Israeli position in the Middle East must be securely maintained and that the outrageous events in Munich will in no way alter those convictions.

Mr. SAXBE. Mr. President, the senior Senator from Oregon (Mr. HATFIELD) is in Oregon today. Late last night, he released his reaction to the killing of the Israeli athletes in Munich.

I ask unanimous consent that his comments appear at this point in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

HATFIELD REACTION TO MUNICH KILLINGS

Senator MARK HATFIELD called the killings in Munich a "reprehensible and outrageous act by demented men."

"Such senseless violence affects us all for it betrays the ideals of human dignity upon which our civilization is based."

Mr. ROTH. Mr. President, I am pleased to join with other Senators voting for this resolution. Frankly, I do not believe that words can adequately describe the shock and outrage which I personally feel as a result of this terrible incident. But perhaps this resolution, while it cannot help those who have already died, will make it clear to other would-be terrorists—wherever they may be and whoever they may be—that terrorism and senseless killing can never further a cause, however noble. Whatever the motivation, such senseless attacks as yesterday's can only cost the lives of the innocent and unprotected.

I wish there were something I could say or do to undo the events of the last 36 hours, but there is not. As I indicated yesterday, the acts of the guerrillas amount to senseless, brutal, and wanton murder. There is no question that the surviving Arabs should be tried and brought to the bar of justice to pay for their crimes. That will do little to console a grieved world, but perhaps it will deter others who might wish to attract support for a cause in this insane manner.

It should be emphasized, however, that the primary responsibility for curbing the reprehensible activities of these terrorists falls upon the Arab nations themselves, and particularly upon Lebanon and Syria who have failed to suppress the terrorist groups on their territories. The time is long past due when the leaders of these countries must take that act of political courage which King Hussein took when he jeopardized his throne to suppress the Arab terrorists in Jordan and again yesterday when he condemned the activities of the terrorists in Munich as an affront to the "Arabic name, image, moral heritage, and cause."

Mr. HUMPHREY. Mr. President, I know I speak the sense of the Senate when I express dismay and deep indignation at yesterday's tragic development at the Olympic games. The tragedy is not Israel's alone; it is the world's.

I support the resolution before this body. It is essential that our Government take the lead in urging the United Nations and, through it, the international family of nations to recognize that the demands of civilization require all nations to renounce the senselessness and horror of guerrilla terrorism so that those misled and deranged pariahs of mankind come to know that they stand denounced by all nations and groups of all religious and political persuasion.

There can be no asylum any place in the world for those who would engage in these brutal acts of inhumanity. Only with this uniform expression of outrage and commitment can we hope to end these acts of terror which shame us all.

I know that I speak for all Americans when I express my condolences to the Government and the people of Israel and most particularly to the families of those who were struck down yesterday.

Mr. BAYH. Mr. President, words are inadequate to express the outrage and horror which one feels regarding the tragedy in Munich. The attack by the Arab terrorists certainly has marred the Olympics.

But its real damage goes much further. It is a direct challenge by violent fanatics on civilized society. It reminds all the world of the constant danger which confronts Israel and its citizens, even as Israel seeks to live in peace with its neighbors. The murder of the Israeli athletes and their coaches is, quite simply, an unspeakable act representing the lowest possible form of human behavior.

There are several points that must be noted in this tragic incident.

Terrorism by certain Arab groups has been going on unremittingly since the 1967 war. Too often the world community has been blasé about the death and mayhem spread by these terrorists. This time the horror was enacted before the world community, on global television, and there must not be any minimizing of the dastardly attack on the Israelis.

Moreover, there must be a worldwide awareness that several Arab nations provide continuing refuge for such terrorists. The countries which provide a haven for persons unwelcome elsewhere cannot escape their share of guilt for this and other acts by the guerrillas who find sanctuary within their borders. The full weight of the world community must be brought to bear on those nations lest inaction be somehow interpreted as condoning the protection afforded the guerrillas.

This body and this country should join as forcefully as possible with the rest of the world community in condemning without qualification the murder of the Israelis and other repugnant acts by Arab terrorists. We must add to that a stern admonition to the nations where terrorists receive financial and moral support to stop sheltering such international outlaws.

Our sympathy goes out to the families of the victims of this tragedy and to all of Israel, for truly this is an assault on an entire nation of freedom-loving people who ask for only one thing—to live in peace—a peace has been denied to them for the quarter century of their nation's existence.

Mr. President, I join with Senators in the strongest possible expression of condemnation for an act which has cast a dark cloud across our entire globe.

Mr. MONDALE. Mr. President, in sorrow and anger I ask this body to approve Senate Joint Resolution 358, condemning the outrage in Munich and extending the sympathy of the U.S. Senate to the victims' families, to the surviving members of the Israeli Olympic team, and to the people and Government of Israel.

Yesterday's atrocity in Munich was the consumate expression of terrorist savagery, brutality, and cynicism. For the sake of principle, politics was dragged into the sports arena, and there it was transformed into cold-blooded murder. In the name of principle, the most basic principles—of international law, national sovereignty, and, above all, human decency—were violated with deliberate and unprecedented barbarism.

There are many familiar words to describe the Munich tragedy, and they come quickly to our lips. Yet even as we speak them—even as we call the massacre senseless and savage and appalling—we know they do not fully express the emotions that Members of this body and American citizens everywhere feel today.

I urge, therefore, the unanimous approval of this resolution.

Mr. BEALL. Mr. President, the tragic end to the terrorist raid at the Israeli compound in Olympic village brings great sorrow into the hearts of people the world over. I join with citizens everywhere in extending sympathy to the families and countrymen of the Israeli Olympians who lost their lives in this barbaric act.

This tragic event should serve as a grim reminder that terrorism is in no way an answer for a people's problems and cannot be condoned in any society.

The continuation of the Olympics will hopefully demonstrate that decent people will not be intimidated by violence and that the spirit of brotherly love and good will must prevail among the peoples of the world.

Mr. COOK. Mr. President, the senseless tragedy at Munich has dealt a crippling blow to the spirit of world harmony which the Olympic games had so ably promoted. The savage and barbaric slaughter which a small group of deranged men have perpetrated in Germany must sicken everyone who values human life.

The peoples of the world have almost unanimously condemned the wanton and ruthless murders committed by the Palestinian terrorists. This, I believe, is a display of the honest desires of all nations for a world of peace and brotherhood. But expressions of outrage do nothing to stop these aberrations on mankind.

The nations upon which terrorists rely for support and sanctuary must show their contempt for such acts by turning their backs on these violent creatures. Those nations must cooperate with the rest of the world in flushing out cancerous elements, and bringing them to justice before the peoples of the world.

I hope that our strong urge to strike out in retribution does not obscure our continuing efforts to bring worldwide peace, and to rid the world of the hatred which led to yesterday's tragic events. We mourn for those who have died so pointlessly; we mourn also that such abhorrent crimes still blight our civilization.

Mr. CASE. Mr. President, I am deeply grieved by the tragic loss of life in Munich. My condolences go out to the families of those who died and to the whole State of Israel at this awful moment.

The heinous conduct of the Palestinian terrorists must be universally condemned. Their mindless violence ranks with history's most despicable acts.

Mr. KENNEDY. Mr. President, all Americans and people throughout the world share sorrow and pain over the tragic loss of life in Munich. The senseless deaths of Israel's athletes is a crime against humanity and the reconciliation and brotherhood of the Olympic spirit.

We must deplore this depravity. But we must also be reminded that the world is wracked with the pain of senseless acts—which grossly violate common decency and human dignity, and paralyze constructive efforts to ameliorate tensions and solve problems and meet the aspirations of all people for peace and a better life.

We have been witnessing an extraordinary degree of political violence in recent times—in all parts of the world by individuals and governments alike. This condition cries out for more concern and action by responsible governments and the United Nations. Let us hope that constructive efforts for a better world can work their will in the months ahead.

Mr. BUCKLEY. Mr. President, the terrorist murders of Israeli athletes at the Olympic games site in Munich is a uniquely reprehensible act. It not only violates every norms of civilized behavior but does so in a place dedicated, ironically enough, to the noble concepts of peace and brotherhood. The whole world stands in pity and sorrow and anger before this monstrous act.

Our grief and our stunned acknowledgement of the enormity of this deed should serve as reminders that whenever terrorism is allowed to flourish, the whole fabric of civilization is endangered. The bloody logic of a particular kind of fanaticism and terrorism reached its ultimate conclusion in Munich. It achieved its end—violence and murder—partially because the inflamed rhetoric of some leaders had assured the terrorists that any crime they might commit would be absolved by history because of its being committed in the name of an allegedly higher cause. In the Olympic site we have seen the logical consequence of the condoning of terror. Yet all over the world, at this moment, apologists for terrorists with different causes, but the same methods, weave insidious arguments to justify their deeds.

In retrospect, the young Israelis are the victims of careless words as well as unspeakable deeds. For too many years, too many intelligent, articulate men and women have given to terrorism the intellectual and moral facade it needs to survive.

There will be those, inevitably, who will state that these and other murders are somehow or other justified because committed in pursuit of some holy cause. We have heard such sophistical arguments before and we will hear them again. But out of our sorrow at the wanton killings in Munich, out of our pity we must draw the strength to do what we can to insure that terrorism, wherever it appears, by whomever it is committed, and in whatever cause, will be condemned for what it is: a cowardly and monstrous act deserving nothing but the contempt of civilized men and women all over the world.

Let us resolve that whenever and wherever we can in our country and abroad we will challenge the rhetoric of violence and the sophistry of ideological arguments seeking to give to terrorism a cloak of respectability. No historical imperative, no noble cause, no greater end is served by the deliberate premeditated and cold-blooded terrorist murder of innocent human beings. During their lives the Israeli victims were living symbols of what man can accomplish when he turns his energy and his discipline and his desire for excellence to constructive ends. In their deaths they have become symbols of all of the innocent men, women, and children who have become victims of terrorists' fanaticism all over the world.

Mr. SCHWEIKER. Mr. President, I rise in support of Senate Resolution 358, a resolution expressing the sense of the Senate condemning the terrorist killings yesterday at the 20th Olympiad in Munich, Germany. I am joining as a cosponsor of this extremely timely resolution.

Mr. President, the tragedy at Munich yesterday has stunned the entire world, and has inflicted a heavy loss upon the entire world as well.

Today we mourn for those who were slain in the aftermath of this senseless, destructive terrorist raid on the Israeli athletes' dormitory.

We mourn with the people of Israel, united in tragedy as one family, as it grieves for its fallen athletes.

We mourn with the people of Germany, for whom this will always stand as a sad event in their history.

We mourn for the spirit of the Olympic games, stained by this brutal deed that made senseless conflict take the center stage away from the classic Olympic theme, cooperation among nations.

And we mourn for the loss of sanity in our world today, as terrorists can roam the world and commit such desperate, brutal acts against innocent victims.

Each time there is an airplane hijacking, or a bomb planted in a public place, or a massacre such as the recent one at Lod Airport in Israel, the authorities responsible for law and order face a difficult choice.

More stringent security measures can always be imposed. The right to travel itself can be more restricted. But a determined and clever terrorist can find ways to circumvent the tightest of security. And each time there are more restrictions imposed, the public pays a price for this added security in terms of individual liberty.

There are no easy answers, Mr. President, but when an incident like this occurs, in our own country or abroad, we have a responsibility to ponder the problem and consider what steps might be taken to help prevent such tragedies in the future. We must at the same time make it clear that terrorists who attempt such foul deeds in the future against perfectly innocent victims will have the full condemnation of the people of the United States and their Government.

Mr. JACKSON. Mr. President, the unspeakable act which we have just witnessed at Munich is the latest in an incredible series of atrocities committed by Arab terrorist groups and their recruits against innocent people at the indulgence of the international community. Unless we put an end to this indulgence for the terrorists and the nations which aid and abet them, it will not be the last.

I hesitate to call it the most awful yet, because it is impossible to make such an evaluation when the history of horrors perpetrated by these terrorists in recent years includes—and the list is by no means exhaustive—attacks on El Al planes in the airports of Athens, Zurich, and Munich; explosions in crowded Jerusalem marketplaces and in the Tel Aviv central bus terminal; the bombing of an El Al office in Athens; the bombing of a Jewish-owned department store in London; the assault on an Israeli school bus; the destruction in flight of a Swissair plane; the rocketing of an Israeli home for the aged; the recent massacre at Lod Airport; and all the hijackings and attempted hijackings. The death toll from this squalid war against civilians inside and outside Israel is staggering.

Mr. President, no Israeli, no friend of Israel, no one anywhere in the world who has any contact or connection with Israel will be safe from these terrorists until the international community makes it clear that it will not submit to their murderous blackmail. The only way to stop the terrorists is to hold responsible the nations which serve as their training and fueling grounds and which welcome them back after their exploits. Sovereign nations must no longer be permitted to avoid blame for the terrorist outrages made possible by their support. The international community, once and for all, must take steps to isolate the countries which protect those who commit crimes against humanity.

I believe that we should seriously explore avenues of restricting the participation of such states in normal international commerce and communications until such time as they bring under control the terrorists operating within their territory. I strongly support today's Senate resolution and I hope that it will encourage our Government to initiate appropriate proposals along these lines.

Mr. EAGLETON. Mr. President, yesterday at the 20th Olympiad in Munich, the nations of the world watched in horror as mindless terrorism took 16 lives. The victims of this outrage were not just the Israeli athletes, but all of us.

The achievement of political objectives by violent means can never be tolerated. Those who have perpetrated this crime have only contributed to the ultimate defeat of their movement. The resolve of those who are committed to a free and secure Israel will only be strengthened.

The Jewish people reached their promised land only after centuries of adversity and persecution. It was only seven Olympics ago that the nation of Israel was born. When the members of the Israeli Olympic team came to Munich, they felt great pride for their nation. But, when they died, they were not only citizens of Israel, they were Olympians—they belonged to the brotherhood of nations.

This weekend, Jews around the world will observe their High Holy Days. It is a time for reflection and a time for renewal. It will be diffcult this year, but despite the tragedy experienced in Munich, let us all seek renewal.

It is said that Jews seek God earnestly, not only to find Him, but to discover themselves. Perhaps as we share the grief of the Jewish people, we, too, can find the thread of faith in our fellow man—so difficult to see in the twilight of Munich—that will help us to rediscover ourselves.

MAYHEM AT MUNICH

Mr. MATHIAS. Mr. President, self-centered and irresponsible political forces have shattered the dream of the Olympics and have dealt a vicious blow to the hopefulness and enthusiasm of thousands of young men and women who came to Munich seeking no greater reward than the right to compete in peaceful athletic rivalry with their peers from all over the world.

It is important that the whole world condemn this resort to violence at a moment when mankind is expressing its aspirations for peace through participation in the Olympics. It is especially important, particularly within the Arab world, that there be no condonation, no sympathy, and above all no sanctuary for those who have perpetrated this crime.

I, of course, extend every possible condolence to the families of those who have died and to those who are suffering at this time, but I think the lesson for the world to learn is that there can be no compromise with violence and disorder of the kind that we have seen in Munich.

The Senate has properly condemned the Munich mayhem by unanimous resolution and I consider it a solemn responsibility to be a cosponsor of that measure.

TERRORISM AT THE OLYMPICS

Mr. GURNEY. Mr. President, for the past week, many of us have been following the progress of the summer Olympics in Munich with great interest and enthusiasm—interest in seeing who would win, enthusiasm in watching athletes of all nations compete in a spirit of goodwill among nations.

Coming on the heels of a relaxation of world tensions, the games were adding fuel to the hope that friendly competition within a framework of international peace and cooperation could finally become a reality. Perhaps nothing underscored this hope more than the fact that an Israeli team was competing a scant 30 miles from the site of an infamous concentration camp that, less than 30 years ago, was dedicated to the extermination of countless numbers of innocent people of the Jewish faith.

The tragic events of yesterday indicate that these fond hopes were premature. By wantonly killing 11 members of the Israeli Olympic team, eight Arab lunatics have shown themselves to be no less barbaric and no more considerate than those who gave the orders at places like Dachau.

The enormity of the crime becomes all the more unbelievable when one considers the consequences. The perpetrators of this atrocity could not have believed that their cause, or the cause of world peace, would be helped by such a futile display of blackmail and cold-blooded murder. If they wished to draw attention to their cause, they succeeded, but it will be the type of attention that one gives brigands of the very worst kind.

Peace between Arabs and Israelis can only come when such tactics are discarded and both parties sit down and negotiate face to face in the same spirit of cooperation envisioned by the Olympics.

This type of guerrilla action is totally repugnant to the spirit of the Olympics and to the conscience of the world. It defies words to condemn it; yet it must be condemned in the strongest possible terms. I am sure people around the world are as appalled as I am by this slaughter of part of the Israeli Olympic team. We can only hope that there is no repeat of this senseless bloodshed and that other would-be terrorists realize that there can be no profit from it. In my view, the best way to repudiate the terrorists and to honor the memories of those Israeli Olympic participants who have been killed, is to finish the games for which they trained so hard. That would be a fitting memorial to their dedication and to the ideal upon which the Olympics were founded.

Finally, I think I speak for all Americans in expressing the most profound sympathy to the families of those killed in this tragedy. In this time of sorrow, let us hope that the Olympic ideal, an ideal for which their loved ones died, is not allowed to be buried with them.

OLYMPIC SPIRIT BETRAYED

Mr. HARTKE. Mr. President, the cruel and wanton terrorist activity in Munich transgresses all humane instincts.

The spirit of the Olympic games, long a symbol of peace and brotherhood, has been irrevocably violated. This act of terrorism not only impugns the spirit of the Olympics but undermines the quest for peace among all people.

This senseless slaughter has made us painfully aware that violence and bloodshed pervades even the most peaceful international exchanges.

This killing reinforces our need to rededicate our lives and activity to securing world peace so that in the future young men and women cannot only go to the Olympics without fear of injury but so that all men and women can live without fear for their personal safety.

It is even more tragic that this incident occurs so close to the commemoration of the Jewish New Year, which is a time of deep thought and introspection. It is a time when part of the observance means that each man asks himself, "What did I do wrong by my fellow men and by my fellow man?"

It is time for the United States—and for the world—to reevaluate the depth of our actions to achieve peace. We must ask ourselves have we done all we can to secure peace for our fellowmen. We can never relent from our quest for world peace.

That all men shall live in peace and in a just and free world is not wishful thinking but must be an ongoing goal, renewed each day and reemphasized by positive action toward that goal.

MUNICH'S TERRIBLE TRAGEDY

Mr. CHURCH. Mr. President, the terrible tragedy that has occurred at the Olympic games in Munich horrifies the world. Yesterday's reign of terror perpetrated by Arab guerrillas will live in infamy. My sympathy goes out to the families of the victims and to Israel, the ultimate object of this awful act.

In the very midst of the international arena of peaceful, competitive sport, these Arab assassins did their bloody work; their obscenity can only tighten tensions in an already volatile Middle East, where pressures will now build for reprisal and revenge.

Before this black September recedes into history, an outraged world must insist upon the rooting out and suppression of the guerrilla organization responsible for the Munich murders. The Arab governments must come to grips with the escalating crimes being committed by Arab fanatics against the people of Israel. As the New York Times editorialized today:

> A central question behind yesterday's outrage is who backs the small handful of Arab fanatics immediately involved. Who encourages and finances them? Who offers them safe havens for plotting their murderous deeds and their escape? The answers are not far to seek. These criminals have much sympathy in Arab nations. Often in the past, responsible Arab officials in different countries have had only praise for particular acts of terrorism. It surprised no one that a communique of the Munich terrorists was clandestinely distributed in Cairo yesterday, for Egyptian officials have applauded similar outrages before, notably the massacre at Lod Airport a few weeks ago. The primary responsibility for ending these crimes is that of the Arab states. Never has that responsibility been more clear-cut . . . The fundamental issue is whether there can be effective common action against fanatics and criminals who recognize no boundaries or limits to their depredations. Any nation willing to tolerate or condone such outrages by word or deed deserves outlawry by the civilized world.

I ask unanimous consent that editorials from today's Washington Post and New York Times, plus articles on Arab-Palestinian guerrilla terrorists, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

[From the Washington Post, Sept. 6, 1972]

An Olympic Tragedy

The moral depravity of the Palestinian terrorists at Munich is of a piece with their tactical and political clumsiness. Plainly, by invading the Israeli Olympic compound they thought to dazzle the world and secure the release of other Arab terrorists imprisoned in Israel. Instead, they brought near universal abloquy upon themselves and their methods and their motives, and failed to gain release of their comrades. But in this unspeakable tragedy, the Israeli hostages were apparently killed.

The Palestinians planned their operation better for publicity than success. They failed to consider that, on principle, Israel does not submit to terrorists' blackmail; for this reason alone, the operation could not have succeeded. Earlier, they further erred by killing two Israelis—who, characteristically, resisted—and thereby devalued their own hand: a dead hostage is worthless. The Palestinians further failed to consider how they would pass the files of marksmen which the Germans were sure to put in place. They did not understand that the special German purpose in hosting the 1972 Olympics—to atone for the 1936 "Nazi Olympics" in which Germans humiliated, among others, Jews—made it virtually certain that Chancellor Brandt would not countenance any faintly similar stain.

It was fitting that the Olympics were suspended while the tragedy unfolded. With gratifying courage, the head of the Egyptian Olympic team denounced the murder of the Israeli wrestling coach. The State Department, in an unusually unequivocal comment, went beyond simply deploring the violence to declare that all countries with "a stake in the international system" must deny such criminals the means—presumably meaning the sanctuary—which alone makes their acts possible.

Fortunately for the host of non-violent Palestinians, their welfare and political future do not depend on the deeds of the few psycopaths among them. In the last year or two, progress in Israeli-Palestinian peaceful coexistence has been widely remarked: the routine two-way commerce across the Jordan River and the summer visits of some 150,000 Palestinians to Israeli-occupied territories are conspicuous parts of it. Israelis' guilt for their own past mistreatment of Palestinians is another potent and positive factor: the current storm, over the Meir government's refusal to honor past pledges and let Arabs return to their old homes in the border villages of Berem and Ikrit, is a case in point.

It is terrible that bloodshed interrupted the Olympics in Munich, but less and less can such episodes clog the incipient flow of Jewish-Palestinian accommodation in the Mideast.

[From the New York Times, Sept. 6, 1972]

Murder in Munich

That Arab fanatics could engage in indiscriminate murder, kidnapping and aerial hijacking was proved long ago. But yesterday's murderous assault in Munich plumbed new depths of criminality. By choosing the Olympic Games as the occasion for their bloody foray, the Arab terrorists made it plain that their real target was civilized conduct among nations, not merely Israel or the Israeli athletes captured and killed yesterday. If the Olympic Games could provide a setting for release of their homicidal hatreds, then the same threat would hang over every United Nations meeting and all other international gatherings called to promote peace and friendship among nations.

The action of the West German authorities in refusing to let the terrorists fiy out with their hostages became a tragic necessity after Egypt had rejected an appeal from Chancellor Brandt for guarantees that captive athletes would be returned. The cost in casualties was horrendous, but the desperate gamble to free the Israelis and to make unthinkable any repetition of such outrages was undertaken only after the Germans offered ransom and substitute hostages to save the lives of the hapless captives.

The sympathy of the civilized world goes out to the families of the victims as well as to the nation that was the immediate object of this heinous plot. It was particularly ironic that this bizarre event in which Jewish lives were again sacrificed took place in West Germany, host to the first Olympic Games on German soil since Hitler presided over the 1936 competition in Berlin. In the wake of yesterday's mass tragedy, it would be a desecration of everything for which the games supposedly stand to continue the 1972 contests. The most fitting expression of global revulsion at the monstrous crime of the Arab terrorists would be cancellation of the rest of the schedule.

A central question behind yesterday's outrage is who backs the small handful of Arab fanatics immediately involved. Who encourages and finances them? Who offers them safe havens for plotting their murderous deeds and their escape? The answers are not far to seek. These criminals have much sympathy in Arab nations. Often in the past, responsible Arab officials in different countries have had only praise for particular acts of terrorism. It surprised no one that a communique of the Munich terrorists was clandestinely distributed in Cairo yesterday, for Egyptian officials have applauded similar outrages before, notably the massacre at Lod Airport a few weeks ago. The primary responsibility for ending these crimes is that of the Arab states. Never has that responsibility been more clear-cut.

In the Middle East itself, the dreadful attack on the Israelis at the Olympics must represent a further setback to the search for a negotiated settlement and a lasting peace, and certainly does irreparable harm to the cause of the Palestinians in whose name such atrocities are perpetrated.

The primary challenge of the Munich crimes is to the international community. The fundamental issue is whether there can be effective common action against fanatics and criminals who recognize no boundaries or limits to their depredations. Any nation willing to tolerate or condone such outrages by word or deed deserves outlawry by the civilized world.

Fedayeen Fulfill 1971 Vow by Major Raids Abroad

(By Eric Pace)

"We shall continue the struggle," a member of the Arab commando Central Committee declared a year ago in Amman, Jordan, and since then the commandos have staged a succession of major attacks outside Jordanian soil.

In their statements, the various guerrilla spokesmen have long been saying that they were using violence to dramatize their grievances and to harry Israel and her supporters.

The guerrillas' ultimate aim is to bring about the dismantling of Israel somehow. They argue that it was unjustly established on land that rightly belonged to the Palestinian Arabs.

Before the 1967 Arab-Israeli war, the fledgling Palestinian guerrilla movement went about its business largely behind Israeli lines. But since then, and since the Jordanian Army offensives against the commandos in 1970 and 1971, the guerrillas or fedayeen, have often found it more expeditious to mount their raids abroad.

It was the 1970 crackdown that gave rise to the name of the shadowy Black September organization. In a statement issued in Cairo yesterday, the group claimed responsibility for the attacks on the Israeli Olympic team in Munich.

In November, 1971, four Palestinians assassinated the Jordanian Premier, Wasfi Tal, at Cairo's most luxurious hotel, the Sheraton, and when they were arrested they said they were members of the Black September group. Last February, an Egyptian state security force freed them on bail of $2,300 each.

"SCORCHED EARTH"

At the time of the assassination, Arab informants in Beirut, Lebanon, reported that the organization had come into existence in July, 1971 and had issued a statement at the time saying it would mount a "scorched-earth" policy against the Jordanian regime of King Hussein.

But soon afterward, a Jordanian Government spokesman charged that Black September was really only "a mask used by Fatah to hide its treacherous schemes." Al Fatah is the main guerrilla organization.

But no Arab commando group claimed responsibility for the next major guerrilla incident, the hijacking of a Lufthansa jumbo jet to Aden, the desolate capital of Southern Yemen, last February.

The West German Government was reported to have paid a $5-million ransom to the Arab gunmen who took over the plane, which had carried more than 100 passengers including a son of the late Senator Robert F. Kennedy.

Guerrillas, in Cairo, Take Responsibility for Attack

Cairo, Sept. 5.—An Arab guerrilla organization called Black September claimed responsibility today for the attack on Israeli athletes' quarters at the Olympic Village in Munich.

The group, in a statement handed to foreign journalists, demanded the release of Arab guerrillas held by Israel and threatened to "liquidate" the Israelis held hostage in Munich if West Germans tried to storm their position in the Olympic quarters.

The organization's statement, on four mimeographed pages headed "Communique of the Operation in Munich," was distributed to news agency offices.

The statement said that "our revolutionary forces" were "taking over, right now, the Israeli house at the Olympic Village in Munich." It said, "All members of the Israeli delegation in the house are under armed arrest."

List of Demands

About six words were cut out of the paper at the beginning of the next sentence, which read, "We demand of the Israeli military authorities in occupied Palestine to comply strictly with the following."

A list of demands was then given, calling for the release of Arab guerrillas held in Israel.

The statement also warned against what it called "tricky maneuvers or delaying tactics of any sort." If the Israeli authorities used any, they "will pay then for their arrogance and their disregard for human rights and lives, as well," the statement added.

The second part of the statement termed Israel "an American client state" and said she posed a permanent threat to the people of the Middle East.

Method of Release Specified

Cairo, Sept. 5.—The document said to have been distributed by the Black September guerrilla organization said that the released prisoners were to board any non-Israeli plane and fly to any Arab capital other than Amman, Jordan, or Beirut, Lebanon.

After their safe arrival, it said, negotiations could begin with West German authorities for the release of the Israeli hostages and the departure of the Arab guerrillas. Black September will tolerate no compromise, it said.

No Surprise in Beirut

Beirut, Lebanon, Sept. 5.—The Black September guerrilla organization's claim of responsibility for the attack on Israeli athletes in Munich came as no surprise here.

Arabs have been expecting the radical group to retaliate for Israelis' storming of a hijacked Belgian Sabena jetliner to the Tel Aviv airport last May.

Black September guerrillas had hijacked the plane with 100 persons aboard to Tel Aviv and demanded the release of guerrillas held in Israeli prisons. Israeli soldiers disguised as airline servicemen attacked the plane, killed two male hijackers and captured the two Arab women helping them. Black September vowed vengeance.

Late in May, three Japanese terrorists acting on behalf of the Popular Front for the Liberation of Palestine, a Marxist group, attacked the Tel Aviv airport with machine guns, killing 28 persons and wounding 72.

The Black September organization is made up of about 200 young guerrillas who were members of Al Fatah, the main guerrilla organization. Some observers believe Black September is a secret Fatah arm, operated by Fatah's intelligence unit.

Black September was so named to symbolize the plight of the Palestinian guerrillas, suppressed by King Hussein of Jordan in September, 1970. The group first appeared last November when four of its men assassinated the Jordanian Premier, Wasfi Tal, in Cairo.

The group also claimed responsibility for an attempt on the life of a former Jordanian Ambassador in London, the sabotaging earlier this year of a factory in West Germany that manufactured electric generators for the Israeli Air Force, and the blowing up of the oil complex at Trieste, Italy, in August.

Black September's activities have evoked mixed Arab reactions—disapproval from most governments and support from some Palestinians and other Arabs.

Arabs appeared today to be stunned by the action in Munich. Their immediate reaction was dismay.

Lebanon indicated disapproval when the Government radio made no mention of the developments in Munich. Other Arab radios reported the attack without comment.

Lebanese wondered whether Israelis would find an excuse for an attack in Lebanon. They noted that the guerrillas here had kept their promise made in June to freeze all operations against Israel from Lebanon.

The Lebanon-Israeli border has been quiet since then. This followed Israeli land and air attacks on guerrilla bases and villages in southern Lebanon.

Guerrilla Denial Reported

Beirut, Sept. 5.—A Lebanese Government spokesman said tonight that the Palestine Liberation Organization, the over-all guerrilla group, had denied any connection with the guerrilla attack in Munich.

The spokesman said the Palestinian officials here had reported that the organization had nothing to do with Black September.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Gambrell). Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes with the statements made therein limited to 3 minutes each.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, may I be recognized for 3 minutes?

Mr. ROBERT C. BYRD. Mr. President, I yield 3 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

EQUAL EDUCATIONAL OPPORTUNITIES ACT OF 1972

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Gambrell). The Senator will state it.

Mr. JAVITS. Mr. President, the Chair is about to lay before the Senate for a second reading a measure from the House, popularly known as the antibusing bill. My parliamentary inquiry is this: Is there any way under the rules by which at this time by motion or otherwise that bill can be referred to a committee?

The PRESIDING OFFICER. Under the practices and precedents of the Senate there is no way in which that can be done at this time.

Mr. JAVITS. I thank the Chair.

Mr. ALLEN. Mr. President, will the Senator yield for a moment?

Mr. JAVITS. I yield.

Mr. ALLEN. As a matter of fact, has not the Senator himself used this very same method in the past to get bills on the calendar without going to committee?

Mr. JAVITS. The Senator said that yesterday.

Mr. ALLEN. Yes. The Senator is not taken by surprise because he used this very same strategy 15 years ago, I believe.

Mr. JAVITS. There is no claim as to surprise, as the majority leader said yesterday, about the past; it is only as to the future.

Mr. ALLEN. I assure the distinguished Senator from New York there will be no element of surprise in the efforts of the Senator from Alabama to see that the Senate has an opportunity to vote on this most important issue, and he hopes most sincerely that the joint leadership will arrange to schedule this bill for early consideration by the Senate; and I believe that the leadership is going to do that. The Senator from Alabama is going to urge and plead, if necessary, with the joint leadership to set this matter down for consideration by the Senate. Only on failure to prevail on the leadership to bring the matter up will the Senator from Alabama resort to other methods to get a vote.

Mr. JAVITS. I know of few issues before us in which the views of the Senator from Alabama and the Senator from New York are as clear.

Mr. ALLEN. I thank the Senator

The PRESIDING OFFICER. The Chair now lays before the Senate H.R. 13915 for second reading. Under rule XIV each bill must be read three times on different days. This bill was received from the House on August 18 and was read the first time, at which time objection was heard to its second reading. It will now be read the second time.

The assistant legislative clerk read the bill by title, as follows:

> An act (H.R. 13915) to further the achievement of equal educational opportunity.

Mr. ALLEN. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama.

Mr. ALLEN. I object to further proceedings at this time on the bill.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar under rule XIV.

Is there further morning business?

DR. GUILLERMO SEVILLA-SACASA

Mr. COOPER. Mr. President, 29 years ago, on July 30, 1943, Dr. Guillermo Sevilla-Sacasa, a great diplomat, jurist, politician, and parliamentarian, presented his Letters of Credence as Ambassador of Nicaragua to President Franklin Delano Roosevelt.

Since then, Ambassador Sevilla-Sacasa has represented eight Nicaraguan rulers before six Presidents of the United States of America, Presidents Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon; and before nine Secretaries of State: Hull, Stettinius, Byrnes, Marshall, Acheson, Dulles, Herter, Rusk, and Rogers. He has dealt with 10 Chiefs of Protocol, Summerling: Woodward, Simmons, Buchanan, Duke, Hand, Abell, Symington, Mosbacher, and Smoak. It may be the only case in the history of universal diplomacy and particularly in representation in our country.

Ambassador Sevilla-Sacasa, a man of extraordinary talent and ability, has given honor to Nicaragua and its administrations along the years of his meritorious career. He was a judge at 21, member of the Chamber of Representatives at 25, speaker of the house at 27 and, in later years, he was also a Senator. It is a remarkable history in the life of a man and proves him to be one of the most valuable statesmen of his country and one of the true values of this continent.

As Delegate of Nicaragua, he signed the Charter of the United Nations at the San Francisco Conference in 1945 as well as the Charter of the Organization of American States in 1948. He has represented his country Nicaragua in more than a hundred international conferences, among them, in 1944, the historic Conference of Bretton Woods, from which have emerged the International Monetary Fund and the International Bank for Reconstruction and Development. At the present time he is Governor for Nicaragua of the Bank.

In 1946 he presided over the Council of the Organization of American States. In 1968, as Vice President, he headed several sessions of the General Assembly of the United Nations. On July of 1970 and on October of 1971, he also headed the Security Council. He has presided at international meetings, among them, the Inter-American Conference on Copyright, the 10th meeting of Consultation of Ministers of Foreign Affairs, the Inter-American Commission on Nuclear Energy, the Commission of the 21, peace commissions, fact-finding missions, and lately the special mission that the Security Council of the United Nations sent to Senegal to investigate serious charges by the Government of Senegal against Portugal and the authorities of Guinea—Bissau. His report, as is widely known, contained important conclusions and recommendations and was approved by the Security Council with its special commendation. The other members of the mission were the Ambassadors of Belgium, Burundi, Japan, Poland, and Syria.

It was my honor and pleasure to serve with Ambassador Sevilla-Sacasa in the General Assembly of the United Nations in Paris in 1951. I was a member of the delegation of the United States, and Ambassador Sevilla-Sacasa participated as chief of the Nicaraguan delegation. His interventions in the debates were always timely; he reasoned with wise judgment and magnificent eloquence.

In this Chamber we have also applauded him when, during many years, on the occasions of the joint sessions of Congress, when he has come to the House of Representatives, meeting with our House and Senate as dean heading the diplomatic corps. His personality, gentility and dignity have been greatly appreciated by all of us.

He is a family man. He and his distinguished wife, Mrs. Lillian Somoza de Sevilla-Sacasa, have had nine children, all of them born in this Capital, where they have studied and are still studying at the present time.

Of his career as Ambassador to our Government we have heard only praise. He is respected and esteemed as a capable statesman, diplomat, and friend.

I wish that my words be registered in the RECORD as a tribute to a man of worth at the initiation of his 30th year of effective diplomatic service. He has understood and been a friend of the United States, but he has always represented faithfully his country, Nicaragua; and these characteristics mark his excellence as the Ambassador of Nicaragua.

Mr. SAXBE. Mr. President, I join the Senator from Kentucky (Mr. COOPER) in recognizing the services to his country of Dr. Guillermo Sevilla-Sacasa. This gentleman has served his country extremely well, and the relationship between the United States and Nicaragua has profited thereby.

I had occasion to visit Nicaragua and to feel the warmth of their regard for the United States, and a great deal of that I attribute to the representation of his country here by Dr. Sacasa.

The 29 years that he has served as Ambassador to this country have been years in which the two countries have drawn closer together, and have not been thrust apart. The economic relationships between the United States and Nicaragua have been friendly and profitable to both countries, and I hope the feelings that exist will continue, and I know they will as long as Dr. Sacasa or men like him represent his government in the United States.

Mr. JAVITS. Mr. President, I wish to acknowledge the extraordinary and outstanding service of His Excellency Dr. Guillermo Sevilla-Sacasa, the Nicaraguan Ambassador to the United States for the past 29 years. Since July 1943, Ambassador Sevilla-Sacasa has proved himself outstanding in his role as dean of the Diplomatic Corps in the United States as Ambassador and as the Nicaraguan Representative to the United Nations and to the Council of the Organization of American States. Serving as the Dean of the Diplomatic Corps since January 1958, under four American Presidents, he is an exemplary elder statesman whose advice and leadership has been of inestimable benefit to the international organizations and offices where he has served and especially to his country.

Ambassador Sevilla-Sacasa is the recipient of over 30 honorary degrees from American and European nations, and he has served as the President of the Chamber of Deputies of Nicaragua. It is an honor to call to the attention of the Senate the fine service of this experienced statesman and to wish him a happy birthday, his 64th, this Friday, September 8.

Mr. CHURCH. Mr. President, I join my Senate colleagues today in saluting my friend, the doyen of the diplomatic corps, His Excellency Dr. Guillermo Sevilla-Sacasa, who recently began his 30th year of service in Washington, D.C.

Ambassador Sevilla-Sacasa has daily displayed his friendship and good will toward the American people. In the course of his professional work, he has been helpful to the U.S. Government time after time, arranging, mediating, and participating in critical diplomatic negotiatons. I, for one, hope that the Ambassador has kept a diary of his service in Washington, and will one day write his memoirs of what he saw and what he did.

During his long and distinguished tenure, the former parliamentarian and judge has represented his Government during years presided over by Presidents: Franklin Delano Roosevelt, Harry S. Truman, Dwight D. Eisenhower, John F. Kennedy, Lyndon B. Johnson and Richard M. Nixon . . . an extraordinary record.

Besides his numerous diplomatic duties in Washington, Ambassador Sevilla-Sacasa serves as Nicaragua's Representative at the United Nations General Assembly in New York City. He was an original signer of the U.N. Charter.

Mr. MANSFIELD. Mr. President, Ambassador Guillermo Sevilla-Sacasa completed, on July 30, his 29th year as Ambassador of Nicaragua to the United States. Before his service as Ambassador, he had served his country as a judge, a member of the chamber of representatives, and a senator.

During his tenure as Ambassador, he has served as his country's representative to the United Nations on numerous occasions, and I had the honor of serving with him in the General Assembly in Paris in 1950.

Ambassador Sevilla-Sacasa was a signer of the Charter of the United Nations, and has served as his country's representative in the Organization of American States.

He is now the dean of the diplomatic corps in Washington, and we have noted his dignity and courtesy to the diplomatic corps and to Members of Congress.

He is a devoted family man.

I join in congratulating Ambassador Sevilla-Sacasa and Mrs. Sevilla-Sacasa on his service to his country.

Mr. PASTORE. Mr. President, whenever this Senate of the United States meets in joint session with the House, it is an event of historical importance.

It is a time of pageantry, too, as the diplomatic corps representing the nations of the world parades to its place of honor.

The burst of applause is first of all for the head of that parade, the dean of the diplomatic corps. He is my good friend as he is the friend of all of us and friend of our country, the Ambassador of his own Nicaragua, the Honorable Guillermo Sevilla-Sacasa.

Ambassador Sacasa was already long established when I came to the Senate 22 years ago and it is to mark his 30th year in Washington that I speak today.

The gracious personality that I have enjoyed on numberless occasions was developed in an earlier Nicaraguan career that earned Dr. Sacasa laurels as a jurist, parliamentarian, and statesman.

As a youth of 21 years, he was already a judge. Four years later he was a member of the Nicaraguan House of Representatives and within 2 years its speaker—and then senator in his Government and now at Washington he can count eight Nicaraguan rulers he has represented here.

Six Presidents of the United States have received him since that July 30, 1943, when he was presented to Franklin Delano Roosevelt at the White House.

To cover the same span of years his friendship has included nine Secretaries of State, nine Chiefs of Protocol, and four Supreme Court Justices.

International affairs have commanded his talents—United Nations, the Organization of American States, the American Commission on Nuclear Energy, among them.

The rollcall of his responsibilities is most prestigious, but most of us count personally the years of our friendship with his genial personality, the delight of every gathering, a warm-hearted family man shared with his distinguished wife, Mrs. Lillian Somoza de Sevilla-Sacasa, the love of nine children, all born within the circle of this city of Washington.

So this is a tribute to personal and international friendship, hands and hearts across the American continent, and a grateful accolade to a great citizen of the world, Ambassador Guillermo Sevilla-Sacasa.

Mr. SPARKMAN. Mr. President, today I want to join some of my colleagues in congratulating Ambassador Sevilla-Sacasa of Nicaragua on the occasion of his completing 29 years as Ambassador to the United States. As everyone knows, he has for many years been the dean of the Ambassadors in Washington.

I had the privilege in 1950 of serving as a delegate in the General Assembly of the United Nations. He was there at that time. I enjoyed my association and my service with him. He has represented his country in the United Nations many times and is the member of the Organization of American States representing Nicaragua.

During his career, he has received many honorary degrees. He and his wife are the parents of nine children.

He has been a great representative of his country and a most popular Ambassador in Washington. He and his country have been our great friends. I congratulate his fine country for having had for these many years such an able and outstanding representative in the ambassadorial corps in Washington.

THE ANTIBUSING BILL

Mr. BAKER. Mr. President, I wonder if I might have the attention of the distinguished majority leader for a moment.

Mr. MANSFIELD. Yes.

Mr. BAKER. On yesterday I inquired of the distinguished majority leader what plans, if any, might be contemplated by the joint leadership on how soon we could expect action on the so-called antibusing bill. Today we have the bill going to the calendar on objection to its further consideration at this time. Since it is on the calendar, I wonder if the leadership today can give us any more information than we were able to get yesterday on when this bill might be placed before the Senate for consideration.

Mr. MANSFIELD. Mr. President, unfortunately, I am unable to reply affirmatively because, following my usual custom, it is my intention to discuss this matter with the distinguished Republican leader, and after that has been done, then the joint leadership may be in a better position to answer the question raised by the distinguished Senator from Tennessee.

Mr. BAKER. I thank the distinguished majority leader. I would simply say the Senator from Tennessee is most anxious for the Senate to proceed to the earliest possible consideration of this most important bill. I would strongly urge the joint leadership to give consideration to its earliest possible action. The schools of my State, and other States as well, having just opened, it is a matter of paramount importance, and I think it is important that the Senate consider it as early as possible.

Mr. MANSFIELD. I understand. The Senator's suggestion will be kept in mind.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON DEPARTMENT OF THE ARMY RESEARCH AND DEVELOPMENT CONTRACTS

A letter from the Deputy Assistant Secretary of the Army (R. & D.), transmitting, pursuant to law, a report on Department of the Army Research and Development Contracts, for the 6-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

PERMANENT RESIDENCE FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered relating to permanent residence for certain aliens (with accompanying papers); to the Committee on the Judiciary.

FINANCIAL AUDIT OF THE MILITARY ORDER OF THE PURPLE HEART OF THE U.S.A., INC

A letter from the Adjutant General, Military Order of the Purple Heart, transmitting, pursuant to law, a financial audit of that order, for fiscal year 1972 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Maryland; to the Committee on the Judiciary:

"HOUSE JOINT RESOLUTION No. 102

"House Joint Resolution ratifying a proposed amendment to the Constitution of the United States relative to equal rights for men and women

"Whereas, The 92nd Congress of the United States has passed a Joint Resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

"Whereas, This Joint Resolution passed the House of Representatives of the United States on October 12, 1971, passed the Senate of the United States on March 22, 1972, and now has been submitted to a vote of the states; and

"Whereas, The State of Maryland wishes to ratify this proposed amendment to the Constitution of the United States which, when ratified by the Legislatures of three-fourths of the several states, shall be valid to all intents and purposes as part of the Constitution of the United States, viz:

" 'ARTICLE

" 'SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

" 'SEC. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

" 'SEC. 3. This amendment shall take effect two years after the date of ratification.'

"*Resolved by the General Assembly of Maryland*, That the foregoing proposed amendment to the Constitution of the United States is ratified by the State of Maryland to all intents and purposes as a part of the Constitution of the United States; and be it further

"*Resolved*, That the Governor of the State of Maryland is requested to forward authenic copies of this Resolution, under the Great Seal of the State of Maryland, to the Secretary of State of the United States, to the presiding officer of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Administrator of General Services of the United States."

The petition of Matilda B. Snowberger, of Williamsburg, Pennsylvania, expressing opposition to the Genocide Treaty; to the Committee on Foreign Relations.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore on today, September 6, 1972, signed the enrolled bill (H.R. 13089) to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Public Welfare, with an amendment:

S. 2818. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the administration of the drug diethylstilbestrol (DES) to any animal intended to use as food, and for other purposes (Rept. No. 92-1088).

By Mr. BENTSEN, from the Committee on Armed Services, with an amendment:

S. 3905. A bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes (Rept. No. 92–1089).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 909. A bill for the relief of John C. Rogers (Rept. No. 92–1092);

S. 2714. A bill for the relief of M. Sgt. William C. Harpold, U.S. Marine Corps (retired) (Rept. No. 92–1093);

H.R. 1860. An act for the relief of David Capps (Rept. No. 92–1094);

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell (retired) (Rept. No. 92–1095);

H.R. 5315. An act for the relief of Gary R. Uttech (Rept. No. 92–1096); and

H.R. 10635. An act for the relief of William E. Baker (Rept. No. 92–1097).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 995. A bill for the relief of Ronald K. Downie (Rept. No. 92–1090); and

S. 3257. A bill for the relief of Gary Wentworth, of Staples, Minn. (Rept. No. 92–1091).

COMMUNICABLE DISEASE CONTROL AMENDMENTS ACT OF 1972—REPORT OF A COMMITTEE (S. REPT. NO. 92–1087)

Mr. KENNEDY, from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance, and for other purposes, submitted a report thereon, which was ordered to be printed.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Wesley G. Campbell, of California; T. Marshall Hahn, Jr., of Virginia; Anna J. Harrison, of Massachusetts; Hubert Heffner, of California; William H. Meckling of New York; William A. Nierenberg, of California; Russell D. O'Neal, of Michigan; and Joseph M. Reynolds, of Louisiana, to be members of the National Science Board, National Science Foundation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. McINTYRE:

S. 3955. A bill to amend the Economic Stabilization Act of 1970 to provide for the pass through of extra costs reasonably attributable to an increase in the minimum wage. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PROXMIRE:

S. 3956. A bill for the relief of Kamal Antoine Chalaby. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 3957. A bill for the relief of Mr. Cacarias Gonzales Tagamolila. Referred to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3958. A bill to amend the Wild and Scenic Rivers Act; and

S. 3959. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments. Referred to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 3960. A bill for the relief of Mr. and Mrs. Karl Emil Christiansen. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McINTYRE:

S. 3955. A bill to amend the Economic Stabilization Act of 1970 to provide for the pass through of extra costs reasonably attributable to an increase in the minimum wage. Referred to the Committee on Banking, Housing and Urban Affairs.

FAIRNESS AMENDMENT TO THE ECONOMIC STABILIZATION ACT

Mr. McINTYRE. Mr. President, the Senate and the House of Representatives have both recently passed legislation providing for increased minimum wages.

It is anticipated that in the near future the Senate and House conferees will submit to Congress a conference report reconciling the differences in the bills passed by both Houses. In view of the fact that our economy is presently under wage and price controls, serious questions arise as to the effect and manner in which minimum wage increases will be implemented.

The Congress will create economic turmoil if it increases the minimum wage without appropriately amending the Economic Stabilization Act of 1970. The effects of a minimum wage increase on both employees and employers should be fully considered by the Congress simultaneously with a minimum wage increase.

Under Price Commission regulations, manufacturers are allowed to increase prices on their products to the extent that such price increases are necessitated by increased production costs. Included among the permissible allowed price increase elements are increased wages paid to employees. This, however, is not the case with retailers and wholesalers. While the Price Commission has exempted from price control small business firms with 60 or fewer employees, those retailers and wholesalers employing more than 60 persons are still allowed only those price increases directly attributable to increased cost of the products they sell.

When the new minimum wage legislation is passed, we will have a situation where manufacturers will be allowed to increase the cose of their products as related to increased wages but wholesalers and retailers will not.

On the employees side, the question of equity also arises in that employees at or near the minimum wage will be allowed up to a possible 25-percent increase in salary while workers earning somewhat more than minimum wage would be held to 5.5 percent guidelines established by the Pay Board.

Mr. President, fairness and good sense dictate that it should be made explicitly clear that the Pay Board is empowered to allow employers to raise beyond the 5.5-percent guidelines, wages of workers whose wages would normally be increased to reflect the customary differential existing among wage earners. The so-called economic phenomena identified as the "ripple effect" is no more than an affirmation of the fact that wages are relative. The current across-the-board 5.5-percent guidelines of the Pay Board would not permit, however, the operation of the "ripple effect" for wage earners above $2.75 an hour whose wages have customarily been related to wage earners directly affected by minimum wage levels under the Fair Labor Standards Act. This amendment will correct this inequity for employees.

On the employer's side, it is axiomatic that wage increases of up to 25-percent and increased wage-related fringe benefit costs will create greatly increased pay roll costs. Here again, fairness and good sense dictate legislation that would direct the Price Commission to permit those increased costs to be offset through higher prices as is presently permitted for manufacturers. If Government legislation requires increased costs, it should certainly allow those costs to be recouped in the only manner feasible, through increased prices. This is presently denied to wholesalers, retailers, and related commercial enterprises. This amendment will correct this inequity for these employers.

This amendment would permit all workers to seek and employers to pay increased wages to those employees whose wages bear a customary relationship to workers earning at or near minimum wage levels. Furthermore, this amendment would instruct the Price Commission to allow retailers and wholesaler employers to offset their increased costs occasioned by the increases in the minimum wage and wage-related fringe benefit costs—social security, unemployment compensation insurance, et cetera—by increasing prices accordingly.

I would like to make it clear, however, that this amendment precludes the employer from realizing increased profits as a result of increases in productivity gained through wage increases. The amendment clearly states that—

> To the extent that productivity gains would result in increased profits, such price increases shall be diminished proportionately.

The bill is simply designed to allow employees to receive increases in their wages and to maintain the same balance between wages and prices as was present before the passage of wage increases under the Fair Labor Standards Act.

Mr. President, I ask unanimous consent that this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3955

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(f)(1) of the Economic Stabilization Act of 1970 is amended by inserting immediately after "under such Act" the following: "nor to preclude or limit the payment of any increase in wages to employees whose wages have customarily been related to wages of employees directly affected by an increase in wages pursuant to the Fair Labor Standards Act of 1938 in an amount reasonably necessitated to maintain such customary relationship; and in the event of any increase in wages pursuant to the Fair Labor Standards Act of 1938 to employees directly affected by an increase in such wages as well as to employees whose wages have customarily been related to those of the directly affected employees, the employer paying such increases shall be permitted to increase his prices to the extent reasonably necessitated by such increase in wages and wage related fringe benefits payable to him. To the extent that productivity gains would result in increased profits, such price increases shall be diminished proportionately."

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3958. A bill to amend the Wild and Scenic Rivers Act. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of myself, and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT), I introduce by request a bill to amend the Wild and Scenic Rivers Act of 1968—Public Law 90-542.

Section 7b of the act prohibits the Federal Power Commission from licensing any project on or directly affecting any of the 27 rivers listed for study as potential additions to the system. The prohibition is for a 5-year period following enactment of the act—until October 2, 1973—and for an additional period under certain circumstances.

The bill which I introduce today would extend the 5-year moratorium for an additional 5-year period from which time it is expected that studies would be completed on all of the 27 areas.

The bill would also amend section 16 of the act and increase the authorization for the acquisition of lands and interests in land for eight river areas in the initial system from $17 million to $36 million. It is estimated that an additional $19 million is needed to complete acquisitions at the river areas as follows:

Rio Grande River, New Mexico	$100,000
St. Croix River, Minnesota and Wisconsin	1,000,000
Rogue River, Oregon	8,800,000
Middle Fork Clearwater River, Idaho	2,100,000
Feather River, California	3,500,000
Middle Fork Salmon River, Idaho	1,000,000
Eleven Point River, Missouri	2,500,000
	19,000,000

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3959. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments. Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, on behalf of the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT) and myself, I send to the desk for appropriate reference a bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments.

Mr. President, this measure was submitted and recommended by the Department of the Interior, and I ask unanimous consent that the executive communication accompanying the draft proposal be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., August, 10, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments."

We recommend that the bill be referred to the appropriate Committee for consideration and that it be enacted.

The bill would authorize the Secretary of the Interior to engage in feasibility studies of six potential Reclamation projects. Reconnaissance studies (or comparable information) indicate preliminarily that the projects are economically desirable, financially justified, and enjoy good local support. Feasibility studies are warranted. Authorization of feasibility studies as proposed by this bill is required by section 8 of the Federal Water Project Recreation Act of July 9, 1965 (79 Stat. 217; 16 U.S.C. 4601-19).

Supplementary statements containing information on the six potential projects and justification for seeking feasibility study authority are enclosed.

The effects of the potential projects on water quality, recreation, fish and wildlife, historic, scenic, archeologic, aesthetic and other environmental values will be considered fully in the proposed feasibility studies.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely yours,

JAMES R. SMITH,
Assistant Secretary of the Interior.

S. 3959

A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following potential water resource developments—

(1) Cache Creek Project in Comanche, Cotton, Tillman, Jackson, and Kiowa Counties in southwestern Oklahoma.

(2) Garrison Diversion Unit, M&I Water Facilities, Pick-Sloan Missouri Basin Program, in central North Dakota.

(3) Oahe Unit, M&I Water Facilities, Pick-Sloan Missouri Basin Program in east-central South Dakota.

(4) Three Forks Division, Pick-Sloan Missouri Basin Program, in Gallatin and Madison Counties, northwest Montana.

(5) Tucumcari Project in San Miguel County in east-central New Mexico.

(6) Uncompahgre Project Improvement and Extension in Montrose and Delta Counties in the vicinity of Montrose and Delta, Colorado.

CACHE CREEK PROJECT, OKLAHOMA

Location: The drainage basin of Cache Creek and its tributaries lying primarily in Comanche, Cotton, Tillman, Jackson, and Kiowa Counties in southwestern Oklahoma.

Project Data: Reconnaissance Report, April 1971, based on April 1970 prices and an interest rate of $5\frac{1}{8}$ percent.

Total construction cost[1]	$42,504,000
Adjustments	
Total allocation	42,504,000
Program goals	
M&I water (A.F./yr.)	27,000
Cost allocation	
M&I water (A.F./yr.)	39,820,000
Fish and wildlife	197,000
Recreation	2,487,000
Total	42,504,000
Benefit-cost ratio	1.25 to 1.00

[1] Based on one of several alternatives studied.

Description: The investigation will provide a feasibility appraisal of the water resources of the area and of potentialities for their development for municipal and industrial water supplies, pollution abatement, recreation, fish and wildlife, and flood control purposes.

The project as presented in the reconnaissance study would consist of the potential Cookietown dam and reservoir, which would regulate the flows of Deep Red Creek in southwestern Oklahoma, and an aqueduct system about 23 miles in length to deliver water supplies to Lawton, Oklahoma, including Fort Sill. It would also provide flood control, fish and wildlife, and recreational benefits. Water quality control releases would be made to Cache Creek below Lawton. The feasibility of providing municipal water to Altus, Oklahoma, would also be studied.

Status: A reconnaissance report was completed in April 1971.

Justification: A separate investigation now underway to develop an Oklahoma State Water Plan is scheduled for completion in fiscal year 1974. An interim appraisal was completed in fiscal year 1967. This appraisal included a tentative statewide physical plan which featured opportunities for the transfer of water from water surplus areas to meet the needs of water deficient areas in Oklahoma. The interim appraisal included consideration of a dam and reservoir site at the Cookietown site on Cache Creek.

Phenomenal population growth—92.5 percent from 1940 to 1950 and 77.5 percent from 1950 to 1960—taxed many of the necessary utilities and services of the Lawton area, especially municipal and industrial water supplies. This growth, together with the paucity of water supply sources in the area, caused local officials to become concerned with locating and developing additional water supplies. While it was recognized that the ability of the Cache Creek Basin to supply local needs would be a part of the Oklahoma State Water Plan, the progression of the State plan to individual project studies will likely require a period of several years. Because of this situation, an independent reconnaissance study of the Cache Creek potential was carried out by the Bureau.

The reconnaissance report completed in April 1971 on the "Cache Creek Project, Oklahoma" established that when needed, streamflows in the Cache Creek Basin constitute the most favorable surface water resource of significant volume and suitable quality available to Lawton, but that such supplies are not needed to meet Lawton's needs in the near future. However, other severe water shortages in southwestern Oklahoma appear to justify more immediate study and development of the water resources of the Cache Creek Basin. Southwestern Oklahoma is the most critical area in the State from the standpoint of the development of adequate quantities of suitable quality water to meet requirements. At the present time, there are two weather modification contracts in operation. The Cache Creek Basin is located in this area and is one of the few remaining water sources.

In recognition of the critical situation, the Oklahoma Water Resources Board has requested that investigations for the Oklahoma State Water Plan be confined to the southwestern part of Oklahoma and that a feasibility report be prepared that would evaluate the potentialities of making water deliveries to points of need outside the Cache Creek Basin, including the city of Altus, as well as meeting in-basin needs when they occur.

Local interest: The Oklahoma Water Resources Board is extremely interested in the completion of a feasibility report as this potential project appears to provide for local needs within the Cache Creek Basin as well as the most logical means of alleviating water shortages in the southwestern part of the State.

Feasibility investigation costs: $275,000, 3–4 year study.

GARRISON DIVERSION UNIT M. & I. WATER FACILITIES PICK-SLOAN MISSOURI BASIN PROGRAM, NORTH DAKOTA

Location: Central North Dakota in Bottineau, Eddy, La Moure, McHenry, McLean, Nelson, Renville, Sargent, Sheridan, and Wells Counties.

Project data: Reconnaissance studies of January 1972 (draft of reconnaissance report).

First Phase (cities of Lansford, Harvey, and Fessenden)

Total construction cost	$2,700,000
Adjustments (assignment from Garrison Diversion Unit)	1,370,000
Total to be allocated	4,070,000
Allocations:	
Municipal and industrial water (750 acre-feet per year)	1,270,000
Recreation, fish and wildlife	2,800,000
Total	4,070,000

Benefit-cost ratio at 5⅜ percent 1.2:1.0

Second Phase (11 or more cities and four industrial areas)

Total estimated investigation costs and construction costs to be determined prior to initiation of each investigation.

Description: The purpose of this investigation is to develop detailed plans for delivery of municipal and industrial water from Garrison Diversion Unit (under construction) to several municipalities and industrial areas that may need water from the Unit. Of the municipalities proposed for water service from the authorized initial stage of Garrison Diversion Unit, feasibility investigations have been completed only for the city of Minot. The initial stage of the Minot extension proposed as a result of that investigation has been authorized and is now under construction.

The *First Phase* of the study is concerned with three municipalities in the project service area: Lansford (population 296), Harvey (population 2,361), and Fessenden (population 815).

Under plans formulated during reconnaissance studies, water would be conveyed from canals of the Garrison Diversion Unit to multipurpose or single-purpose storage reservoirs to supply municipalities during peak water demand periods and during the winter when canals would not be operated. The multipurpose reservoirs would be developed for recreation and fishing uses if feasible.

Feasibility investigations will consider alternative plans for water service in more detail and evaluate the future demands for the communities as well as costs and benefits of the proposals.

The *Second Phase* of the study is concerned with other communities and possible industrial areas. In preliminary studies, the municipalities of Glenburn (population 381), Granville (population 282), and New Rockford (population 1,969) were identified as communities with a potential need for water in the near future. Eight additional communities (combined population 2,966) were identified as possibly needing water, but further studies would be required. Total water requirements for the communities in the Second Phase and possible industrial areas would total over 16,000 acre-feet.

Status: Reconnaissance studies were conducted during 1970–71 to reevaluate the need for municipal and industrial water deliveries from the authorized Garrison Diversion Unit. The three communities of Lansford, Harvey, and Fessenden were selected for initial feasibility investigations.

Justification: Lansford, Harvey, and Fessenden now obtain water from wells, which do not provide water of sufficient quantity or of desirable quality (present supply 1,000 to 2,600 p.p.m. TDS). A supply of better quality water is needed to meet demands of the present level of population and for future growth. Fessenden and Harvey are located in the central section of Garrison Diversion Unit near some of the principal supply features. The towns are not within the irrigation service areas of the initial stage of the Unit but are within a service area of about 60,000 acres proposed for future irrigation. The town of Lansford is near the 104,000-acre service area of the Souris section of the initial stage. Typical of many small agricultural towns, Lansford and Fessenden experienced population losses of about 15 percent during the last decade while Harvey showed no growth. Irrigation is expected to have an impact on all of these communities and, with a good water supply, total population is expected to increase from 3,472 in 1970 to 5,100 by year 2020. Multipurpose aspects of the water service plans could provide, with development of needed facilities, recreation and fishing use estimated at 180,000 days annually.

Similar needs for additional water of better quality exist at other communities, which would be studied in the Second Phase of the investigation.

Interest: The Garrison Diversion Conservancy District has urged, since initiation of construction of the Unit, that plans for providing water service to municipalities be completed in advance of availability of water from the Unit, now forecast for the late 1970's. This interest was reaffirmed by resolution dated October 1971. Lansford has expressed interest in studies of plans for water service by resolution dated December 1971. Fessenden has indicated by resolution an interest in obtaining water at a point closer to the town as well as an increased supply. Harvey has advised by letter its concern about future water supplies and its interest in study of plans to supply water from Garrison Diversion Unit.

As construction of Garrison Diversion Unit progresses, the communities in the Second Phase of the investigation are expected to evidence further interest in studies of methods of obtaining water from the Unit.

Feasibility investigation costs:

First Phase: $220,000, 2–3 year study.

Second Phase: Investigation costs will be determined prior to initiation of the studies.

OAHE UNIT M. & I. WATER FACILITIES, JAMES DIVISION PICK-SLOAN MISSOURI BASIN PROGRAM, SOUTH DAKOTA

Location: East-central South Dakota in Bon Homme, Brown, Davison, Faulk, Hand, Hanson, Hughes, Hutchinson and Spink Counties.

Project Data: A reconnaissance study dated January 1972 was prepared for service to the city of Redfield. This service would be considered to be the first phase of the project.

First phase (city of Redfield)

Total construction costs for service to Redfield	$930,000
Adjustments (assignment from Oahe Unit)	845,000
Total to be allocated	1,775,000
Allocations:	
Municipal and industrial water (2,580 acre-feet annually)	1,395,000
Recreation, fish and wildlife	380,000
	1,775,000
Benefit-Cost Ratio at 5⅜ percent	2.8:1.0

Second phase (sixteen or more cities)

Total estimated investigation costs and construction costs are to be determined prior to initiation of investigation.

Description: The purpose of this investigation is to study the feasibility of furnishing a municipal and industrial water supply of adequate quality and quantity to meet the current and future water needs of several municipalities that may need water from the Oaha Unit.

The First Phase of the investigation is concerned with furnishing municipal water to the city of Redfield, South Dakota (2,943 population in 1970 water service area), and provide an assured supply for a projected population of 11,500.

Under the plan being considered, a water supply would be obtained from the Redfield Canal, a proposed supply feature included in the initial stage of development of the Oahe Unit. The proposed M&I facilities would store and deliver the raw water to the city's existing facilities for treatment and distribution. The proposed features would include a canal turnout delivery structure, a terminal storage reservoir with 1,260 acre-feet capacity, a pumping plant, and a 2-mile transmission pipeline. The storage reservoir located northwest of Redfield, would store water for peak summer demands and for winter months when Redfield Canal would be inoperative.

Alternate plans of development, such as utilizing the flows in the James River, would also be studied.

The *Second Phase* of the study is concerned with other communities. In previous studies of Oahe Unit, 16 communities (combined population of 47,336) were identified as needing municipal water upon development of the Unit. The total water requirements would be over 20,000 acre-feet.

Status: A brief reconnaissance evaluation of the plan for the city of Redfield was completed in January 1972. Reconnaissance studies of other communities were made in the early 1960's as part of project-wide investigations for the Oahe Unit.

Justificaton and needs: Redfield's 1970 population of 2,943 is presently supplied with water obtained from two wells, exceeding 1,000 feet in depth. A quality comparison of the existing well-water supply with that which could be obtained from the proposed Redfield Canal of the Oahe Unit (supplying Missouri River water) is as follows:

SOURCE AND TOTAL DISSOLVED SOLIDS

Existing wells, 2,180 p.p.m.[1]

Missouri River water, 550 p.p.m.[2]

The existing ground-water source is also very high in sodium, sulphates, and chlorides and contains iron. This poor quality approaches and sometimes exceeds limits of recommended Public Health Service drinking water standards. The proposed Missouri River supply source would be greatly superior in quality to that of the existing wells.

Redfield is located immediately adjacent to the proposed Oahe Unit lands in the West

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[1] Average TDS of both wells—South Dakota Public Water Supply Data—1971.

[2] Projected quality with full upstream development of Missouri River.

Lake Plain Area. It is anticipated that this municipality will grow as a result of the economic and social impacts it will experience from over 50,000 acres of nearby irrigation development under the Oahe Unit. There is also a need for increased water recreation near the city, which could be met by a storage reservoir.

The benefits of an improved water supply quality will enhance living standards and conditions in the community to provide a better standard of living. The increased water supply will enable Redfield to prepare itself for the expanded community development which is anticipated to occur from irrigation development to adjacent rural areas.

Water is anticipated to be available from works of the Oahe Unit in the late 1970's, and early completion of feasibility investigations of the M&I water supply for Redfield would permit construction to be completed by that time.

Similar needs for additional water of better quality exist at other communities, which would be studied in the Second Phase of the investigation.

Interest: The Oahe Conservancy Sub-District has urged that feasibility investigations be initiated for municipalities which may receive water from the Unit early enough that plans can be completed in advance of availability of water. In the authorized plan for the Oahe Unit, canal-side water service was anticipated for 17 communities. Need developed since the earlier studies for water service to an additional community, the city of Redfield, which would be one of the first areas to receive water from the Unit. Therefore, the conservancy sub-district has urged that a feasibility investigation be made for a water supply for the city of Redfield, with studies of other communities to follow as the need is demonstrated by continuing studies of the Oahe Unit. The conservancy subdistrict is also interested in the possibilities of including sufficient water in planned systems to serve nearby small towns and the rural communities.

The city of Redfield formally advised the Bureau of interest in feasibility studies of its water needs in January 1972 and is interested in Federal construction of the conveyance and storage system because of long-term financing needs and possibilities of including needed recreation and fish and wildlife in a multipurpose plan.

The city of Miller, which would be in the Second Phase of the investigation, advised of its need for water in March 1972 and requested that the Bureau of Reclamation make a feasibility investigation.

Feasibility investigation costs:

First Phase: $100,000, 2-3 year study.

Second Phase: Investigation costs will be determined prior to initiation of the studies.

THREE FORKS DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM, MONTANA-WYOMING

Location: In drainage basin of Madison River in Madison and Gallatin Counties, southwestern Montana, and in Yellowstone Park, northwestern Wyoming.

Project data: Reconnaissance study of November 1971.[1]

Total construction cost	$1,128,000
Adjustments	----------
Total to be allocated	1,128,000
Allocations:	
Recreation and sport fishing	910,000
Flood control (not evaluated)	----------
Externalities	218,000
Total	1,128,000
Benefit-cost Ration (7% discount rate)	3 to 1

[1] Based on National Economic Development alternative. Allocations exclude $34,000 reimbursable interest during construction.

Description: The purpose of this investigation is to evaluate in more detail alternative plans for management and development of the Madison River Basin. Madison River rises in Yellowstone Park and flows in a northerly direction through Gallatin and Madison Counties to join with the Gallatin and Jefferson Rivers at Three Forks, Montana, forming the Missouri River. The basin has a drainage area of 2,240 square miles.

The detailed studies will involve multiobjective planning of Federal and State agencies; local planning groups and individuals; and private recreation and other companies concerned with future development of the Madison River Basin.

Alternative resource management and/or development plans will be formulated to maximize or emphasize the national economic development, regional development, and environmental quality objectives. A selected plan may evolve from these alternatives or a compromise alternative plan may be formulated and recommended.

Status: An advance multiobjective planning study was made in November 1971 under the Western United States Water Plan to test new planning guidelines for evaluating water and land resource projects, at that time being proposed by the Water Resources Council. Existing information was used for the study, as supplemented by a brief investigation by participating agencies.

Justification: Agriculture is probably the most important enterprise in the basin. The agricultural economy of the basin ranges from an integrated livestock-cash crop type of agriculture in the lower basin to extensive livestock ranching in the upper basin. Because of low annual rainfall, irrigation is required for stabilized crop production and has been practiced in part of the area for over 80 years.

Next in importance are recreation and sport fishing, which provide a large portion of the economic activity in summer months. The Madison River is widely known as a "blue ribbon" trout stream, and enjoys a favorable position in respect to western travel routes to nearby Yellowstone Park.

The area is one of declining population (Madison County population, 5,014) with low per capita income levels and general underemployment.

The development of more irrigation would require additional diversions of water from Madison River, which without additional regulation might adversely affect the fishery. Additional regulation could enhance the fishery. The Madison River from Hebgen Lake to Ennis Lake is being considered as an addition to the Wild and Scenic Rivers System, requiring special consideration for any type of development. Emphasis of the recreational aspects of the basin may preclude private uses of the lands, adversely affecting the present agriculturally-oriented economy. Additional river management may be the best solution to these problems. Solution of such problems requires a detailed feasibility study.

Interest: Federal, State, and local planning agencies are interested in a complete evaluation of the Madison River Basin, not only from development possibilities but from a management standpoint. As more and more lands are devoted to private uses, the possibilities for exchange of public lands for lands along the river becomes more difficult. Inclusion of the river as a possible recreational river under the Wild and Scenic Rivers Act also becomes more difficult.

Feasibility investigation costs: $100,000, 2-3 year study.

TUCUCMARI PROJECT, NEW MEXICO

Location: In San Miguel County in east-central New Mexico.

Project data: Reconnaissance Report, October 1971 based on April 1971 price levels and an interest rate of 5⅝ percent.

Total construction cost	$1,329,000
Adjustments	72,000
Total allocation	1,411,000
Allocations:	
Irrigation [1]	705,500
Fish and wildlife [2]	646,300
Recreation [2]	59,200
Total	1,411,000
Benefit-Cost Ratio	2.4:1.0

[1] Fully reimbursable

[2] Nonreimbursable

Description: The investigations are directed to means for improving the water supply for the Tucumcari Project. The project, operated by the Arch Hurley Conservancy District, has experienced increased irrigation water shortages because of sediment encroachment in Conchas Reservoir and long extended drought conditions. One method of increasing the water supply would be by installing crest gates on Conchas Dam to improve the quantity of water supply and extend the life of the project by providing additional storage capacity to offset sediment accumulations. When Conchas Dam was constructed, provisions were made for the future installation of drum gates. The five drum gates would be 9 feet high and 60 feet long and would operate automatically to control the reservoir level to a maximum elevation of 4210 above sea level.

Status: A reconnaissance report was completed in October 1971.

Justification: Drought conditions in New Mexico during recent years prompted officials of the Arch Hurley Conservancy District through their Congressional representative to request studies of water development possibilities to improve the long range water situation of the District. In addition, sediment enroachment in Conchas Reservoir is gradually depleting irrigation storage capacity. At times, the district has found it necessary to deliver water to the irrigation canals when the reservoir level dropped below the level of gravity flow.

Local interest: Interest has been evidenced by the requests for the study of means for possible improvement in the water supply situation from Arch Hurley Conservancy officials who represent the irrigators of the District. State water officials are anxious to utilize all possible water supplies of the area and are giving full support to the investigations. City of Tucumcari officials are also supporting the water conservation studies and the improvement program.

Remarks: Rehabilitation and betterment programs have been successful in conserving water for the Tucumcari Project but extreme shortages have still resulted during recent dry years because of insufficient regulation of the surface runoff.

Feasibility investigation costs: $50,000, 1-2 year study.

APRIL 1972.

UNCOMPAHGRE PROJECT IMPROVEMENT AND EXTENSION, COLORADO

Location: Gunnison River Basin in Montrose and Delta Counties in west-central Colorado in the vicinity of the towns of Montrose and Delta.

Project data: Special Report on the Need for Improvement and Extension, Uncompahgre Project, January 1972.

The following three plans were evaluated at an interest rate of 5⅝ percent.

[In dollars]

	Improvement plan	Extension plan	Improvement and extension plan
Total construction cost	43,000,000	45,200,000	88,200,000
Adjustments	500,000	3,900,000	4,400,000
Total allocation	43,500,000	49,100,000	92,600,000
B/C ratios	1.2:1	1.9:1	1.6:1

IMPROVEMENT AND EXTENSION PLAN

Program Goals	Allocation
Irrigation (ac) Supplementary 83,800	$17,110,000
M&I Water (af/yr) 20,000	26,940,000
Salinity Control	9,580,000
Flood Control	200,000
Recreation	34,790,000
Fish and Wildlife	1,780,000
Residential Improvement	2,200,000
Total	92,600,000

Description: The Uncompahgre Project is one of the oldest Federal Reclamation projects, having been one of the first five projects authorized for construction following passage of the Reclamation Act of 1902.

The project presently provides approximately 356,000 acre-feet of water annually from the Gunnison and Uncompahgre Rivers for irrigation of about 83,800 acres of land along both sides of the Uncompahgre River. The original project facilities included the Gunnison Tunnel, diversion structures, and conveyance and distribution systems which were started in 1904 and substantialy completed in 1922. The Taylor Park Reservoir, with a capacity of 106,200 acre-feet, was completed in 1937.

Early construction by the Bureau utilized the available natural resources of earth and timber. Canal and lateral sections were unlined and diversion works, drops, chutes, bridges, etc., were nearly all of timber construction. Over the years the Uncompahgre Valley Water Users Association has had to replace or line many of the original structures because of high leakage, rotten timber, or flood waters. The replacement of these structures has added to the operation, maintenance, and replacement costs of the project. Current payments under contract will reach $120,000 annually by 1978 and operation, maintenance, and replacement costs in 1968 totaled about $405,000. As operation, maintenance, and replacement and construction costs continue to increase, the irrigator's financial burden will also increase. Corrective action is needed to reduce OM&R costs.

Feasibility investigations are needed to find solutions to these problems through improving project facilities; reducing the high operation, maintenance, and replacement costs; improving service to the area; and by enhancing the multiple-use of project facilities by including recreation, fish and wildlife, stream regulation, water quality improvement, flood control, power generation, and municipal and industrial water uses.

The improvement plan would include modifications and additions to the existing project facilities and operational procedures to increase the project water supply, reduce project operation and maintenance costs, provide flood protection, improve the general appearance of the area, and reduce salinity contributions from the area. New facilities would include a 10,000 acre-foot Coal Creek Reservoir for regulation of irrigation supplies and a flood protection channel. The plan would provide for lining of canals and laterals of replacement with pipe, improving land drains, and replacing various diversion dams, canal and lateral structures.

The extension plan of the Uncompahgre Project would involve construction of the Dominguez Dam which would form an essentially nonfluctuating lake in the Gunnison River with a capacity of 298,000 acre-feet, and associated facilities for recreational development. The recreational facilities which are in great demand would be provided at the lake formed by Dominguez Dam.

The extension plan would also provide municipal and industrial water, lake fishery and waterfowl habitat, and control for water quality and sediment. The plan would be adaptable to power at the dam and to stage development of pump storage hydroelectric power facilities as the need for such facilities is demonstrated.

Status: Reconnaissance investigations were initiated in FY 1971 and a "Special Report on Need for Improvement and Extension, Uncompahgre Project." has been prepared.

Justification: The Uncompahgre and Lower Gunnison areas contribute a substantial quantity of salts to the Colorado River system. Improvements in irrigation systems and in efficiency of use of water on farms will aid in reducing salinity, which will be a major purpose of this investigation.

Officials of the Uncompahgre Valley Water Users Association are concerned with the need for replacing antiquated structures, lining canals, and improving the distribution system. The project provides the major source of income for this area and loss of the supply of water by failure of conveyance systems or features could have serious adverse effects upon the economy of the area. Many of the farmers need more reliable water sources to improve their economic status.

Local needs and interest: Replacement of deteriorated structures and placement of lining in canals, laterals, and drains would result in water savings, improve the general appearance and safety, reduce O&M costs, reduce seepage losses and the resultant salinity contribution to the river system, and increase the utility of various areas—particularly those being converted to residential use.

The Uncompahgre Valley Water Users Association has urged the Bureau of Reclamation to make a complete study of the project at the earliest opportunity to find a means of stabilizing the economic condition of the area. The following organizations have passed resolutions supporting the investigations: Colorado Water Conservation Board, Colorado River Water Conservation District, City of Grand Junction, and the Grand Junction Chamber of Commerce.

Feasibility investigation costs: $800,000; 4–5 year study.

Mr. ALLOTT. Mr. President, the bill sent to the desk for appropriate reference authorizes six feasibility studies. One of the feasibility studies is in connection with improvements and extension of the Uncompahgre project in Montrose and Delta Counties, Colo.

The Uncompahgre project is one of the oldest Federal reclamation projects in the Nation, having been authorized in 1903. As the reconnaissance report shows, many of the features of the project are in dire need of modernization. The Uncompahgre Water Users Association, the operating entity, has done a commendable job of maintaining and modernizing major features. But, within its limited resources, the full modernization of the entire system would extend over a period of several decades. If the feasibility study shows the project to be feasible, Federal assistance in this project could compress that modernization to a fraction of the time necessary otherwise, thereby allowing the greater efficiencies and the conservation of precious water supplies to be realized at a much earlier date.

There is another factor involved which adds to the urgency of the completion of the proposed feasibility study, and that is a question of salinity in the Colorado River. Only a very small part of the 565 miles of canals and laterals are concrete lined, and losses amount to nearly a third of the water. Those transmission losses percolate through the underlying saline Mancos shale and thereby substantially add to the salt load of the Gunnison River, a tributary of the Colorado River. It is estimated that an average of about 393,000 tons of soluble salts are derived annually from the project area.

As Senators know, the salinity question of the Colorado River has become a thorny problem, both nationally and internationally. All those interested are anxious to see that the salt content of the Colorado be stabilized and ultimately reduced, and the lining of the canals in the Uncompahgre Valley can make a significant contribution to the solution of that problem. Canal lining, and piping through urban areas is contemplated by the reconnaissance report.

In the project area the agricultural crops produced are approximately 10 percent of fruit production, 10 percent of dairying, and the remaining 80 percent of a combination cash crop—such as malting barley, sugar beets, and onions—and livestock production. There are also contemplated benefits for municipal and industrial water and substantial recreation and fish and wildlife benefits.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2818

At the request of Mr. Proxmire, the Senator from Massachusetts (Mr. Kennedy) was added as a cosponsor of S. 2818, a bill to ban the use of diethylstilbestrol (DES) in fattening livestock.

S. 3614

At the request of Mr. Williams, the Senator from Texas (Mr. Bentsen) and the Senator from South Carolina (Mr. Hollings) were added as cosponsors of S. 3614, the Education for All Handicapped Children Act.

S. 3634

At the request of Mr. Mondale, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 3634, a bill to provide continued rail transportation in rural America.

S. 3758

At the request of Mr. Nelson, the Senator from Connecticut (Mr. Ribicoff), the Senator from California (Mr. Tunney), the Senator from Arkansas (Mr. Fulbright), and the Senator from Kansas (Mr. Pearson) were added as cosponsors of S. 3758, a bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails.

S. 3792

At the request of Mr. Jackson, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 3792, a bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the National Wilderness Preservation System, and for other purposes.

S. 3846

Mr. TOWER. Mr. President, I am pleased today to cosponsor S. 3846, the Narcotic Addict Treatment Act of 1972, which would establish necessary registration and security requirements for physicians and hospitals which use narcotic drugs, such as methadone, in drug abuse treatment and detoxification programs.

During the past 2 years, we have been waging an ever-escalating battle to control the spread of drug abuse. The administration is to be commended on its international initiatives to curtail the flow of heroin into this country and in its domestic law enforcement efforts, such as the drug abuse law enforcement program, which is designed to get the drug pusher off the streets and out of our communities.

We have also begun to wage another battle—the battle of treating and rehabilitating an estimated 500,000 heroin addicts so that they can rejoin society and lead normal, useful, and productive lives.

Unfortunately, we know very little about treating drug abuse. Basically, there are two approaches—one is methadone and the other is the therapeutic community. Hopefully, in the near future, we will be able to develop more effective and successful methods. In the meantime, we need appropriate legislation to ensure that methadone does not become a drug abuse problem in its own right.

Methadone is a synthetic drug invented by the Germans in World War II as a painkiller. Today, it is used by many drug treatment programs because it relieves the addict's craving for heroin without giving the addict a sense of euphoria. Although methadone is as addictive as heroin, a person on methadone maintenance can continue to function in a normal manner. However, it is highly dangerous. A normal adult dosage is almost certainly fatal to a child or to any person who does not use heroin or methadone.

In 1968, there were fewer than 400 patients enrolled in methadone treatment programs in the entire Nation. Today, various estimates place the number of persons in methadone programs as high as 60,000. In 1964, the Bureau of Narcotics and Dangerous Drugs established a production quota of methadone for medical purposes at 900 pounds. The production quota for 1972 is slightly over 5,700 pounds. Because of methadone's rapid rise as an acceptable mode of treatment, and consequently, its rapidly increasing use, the opportunity for diversion for illicit purposes has increased.

In the first 9 months of last year, the Bureau of Narcotics and Dangerous Drugs, through undercover agents, purchased or seized 138,181 dosages of methadone from various illicit sources. To cite one example, methadone overdoses resulting from the illicit diversion of the drug were responsible for 14 percent of the narcotic-related deaths in Washington, D.C., in 1971. Such overdoses have been responsible for nearly 40 percent of the recorded deaths this year. The Narcotic Addict Treatment Act of 1972 is essential if we are going to prevent this potentially useful drug, an ally in the fight against drug abuse, from becoming another drug enemy.

S. 3846 provides that all practitioners who utilize narcotic drugs in the treatment of narcotic addiction must register separately with the Attorney General. In order for the registration to be approved, an applicant must show that he is qualified to engage in the type of addict treatment for which registration is sought in accordance with the medical standards determined by the Secretary of Health, Education, and Welfare. Second, this act establishes standards regarding the security of the narcotic drug stock and requires the compilation of records which indicate the full chain of receipt and distribution of these narcotic drugs. In view of the desire to make meaningful medical treatment available to as many narcotic addicts as possible, it is necessary to establish these realistic controls as soon as possible.

I would like to note that hearings have been tentatively scheduled. I am hopeful that Congress will act quickly on this measure before methadone's potential for treatment is undermined by its potential for abuse.

S. 3881

At the request of Mr. CHILES, the Senator from Alaska (Mr. GRAVEL) was added as a cosponsor of S. 3881, a bill to provide that meetings of Government agencies and of congressional committees shall be open to the public.

S. 3905

At the request of Mr. BENTSEN, the Senator from Mississippi (Mr. STENNIS), the Senator from Virginia (Mr. SPONG), the Senator from Georgia (Mr. TALMADGE), the Senator from Texas (Mr. TOWER), the Senator from Louisiana (Mr. LONG), the Senator from Alabama (Mr. SPARKMAN), the Senator from Florida (Mr. CHILES), the Senator from Arkansas (Mr. McCLELALN), the Senator from Arizona (Mr. GOLDWATER), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Maine (Mrs. SMITH), the Senator from Maryland (Mr. BEALL), the Senator from Arizona (Mr. FANNIN), the Senator from South Carolina (Mr. THURMOND), the Senator from Montana (Mr. MANSFIELD), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Michigan (Mr. HART), the Senator from Missouri (Mr. SYMINGTON), the Senator from Wisconsin (Mr. NELSON), the Senator from Colorado (Mr. DOMINICK), the Senator from Ohio (Mr. SAXBE), the Senator from Nevada (Mr. CANNON), the Senator from South Carolina (Mr. ERVIN), the Senator from Maine (Mr. MUSKIE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 3905, a bill to establish a survivor benefit plan for members of the Armed Forces in retirement, and for other purposes.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 89

At the request of Mr. THURMOND, the Senator from Nevada (Mr. CANNON), the Senator from Colorado (Mr. ALLOTT), the Senator from Rhode Island (Mr. PELL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Maryland (Mr. MATHIAS), the Senator from Nevada (Mr. BIBLE), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from North Dakota (Mr. BURDICK), the Senator from Michigan (Mr. GRIFFIN), and the Senator from New York (Mr. BUCKLEY) were added as cosponsors of Senate Concurrent Resolution 89, on behalf of the prisoners of war and missing in action.

SENATE RESOLUTION 359—SUBMISSION OF A RESOLUTION CONCERNING THE PRINTING OF CERTAIN LEGISLATIVE PROCEEDINGS RELATING TO THE DEATH OF FORMER SENATOR HICKENLOOPER

(Referred to the Committee on Rules and Administration.)

Mr. MILLER submitted the following resolution:

S. RES. 359

Resolved, That the legislative proceedings of the Congress relating to the death of the former Senator from Iowa, Mr. Hickenlooper, be printed as a Senate document. That document shall be prepared, printed, bound, and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses, on behalf of Members of Congress dying in office, are printed under sections 723 and 724 of such title.

FEDERAL REVENUE-SHARING ACT—AMENDMENTS

AMENDMENTS NOS. 1473, 1474, AND 1475

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY (for himself and Mr. HARRIS) submitted three amendments intended to be proposed by them jointly to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENTS NOS. 1476 AND 1477

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY (for himself, Mr. STEVENSON, and Mr. HARRIS) submitted two amendments intended to be proposed by them jointly to the bill (H.R. 14370), supra.

AMENDMENT NO. 1478

(Ordered to be printed and to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1479

(Ordered to be printed and to lie on the table.)

TAX REFORM

Mr. KENNEDY. Mr. President, on behalf of myself and Senators HART, PROXMIRE, and RIBICOFF, I send to the desk an amendment to H.R. 14370, the revenue-sharing legislation, and I ask that it may lie on the table and be printed.

The purpose of the amendment is to require the administration to submit a comprehensive program of tax reform for consideration by Congress at the earliest possible opportunity. The amendment contains two simple provisions. The first would require the President to submit a preliminary tax reform plan to Congress no later than October 31, 1972. The second would require the President to submit a final plan by March 31, 1973.

Above and beyond the purpose of the amendment, however, is the overriding goal that the American people should be informed before election day of where the administration stands on the critical issue of tax reform. For months, a tide has been rising across the country for such reform. Millions of ordinary men and women want reform, and it is long past time that they knew where their leaders stand.

We know where GEORGE MCGOVERN stands. In a major address last week in New York City, he discussed in detail his plans for comprehensive tax reform, and laid the groundwork for a thoughtful and constructive debate in the weeks ahead.

But we do not know where President Nixon stands. Indeed, if he stands where we think he stands, he is for no reform at all, but simply a perpetuation of the existing tax system—a system that flouts the basic principle of our progressive income tax and turns it instead into a Swiss cheese of loopholes, incentives, shelters, and safe harbors for the special interests and the few who have the wealth and expertise to profit from such provisions.

The amendment we are offering is an entirely appropriate addition to the pending revenue sharing legislation. At a time when the Federal Government is about to embark on a major, long-awaited, bipartisan program of distributing large amounts of Federal income tax revenues for use by State and local governments, it is especially important that those tax revenues be collected fairly from all the people. With this legislation, new demands of the order of tens of billions of dollars are being imposed on the Federal Treasury. To me, there could be no more outrageous or unfair distortion of the principle of revenue sharing than to maintain the many flagrant inequities that now exist in the way our tax laws operate.

Often before, as in the surtax debates of 1968 and 1969, the goal of tax reform has been effectively coupled to major Federal revenue legislation. We can do no less today, at a time when the need for reform is now more urgent than ever before.

In a sense, the amendment we propose is a token of good faith. Let the debate on tax reform go on, but let it go on in an informed and evenhanded way, so that when the 93d Congress convenes in January 1973, we can begin to write tax laws that fairly reflect a mandate of our citizens. Only then will we have a revenue code that represents the real interests of all the people.

Mr. President, I ask unanimous consent that the amendment may be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 73, after line 3, insert the following new section:

"SEC. 144. SUBMISSION OF PROPOSALS FOR TAX REFORM.

"(a) Not later than October 31, 1972, the President shall submit to the Congress preliminary proposals for a comprehensive reform of the Internal Revenue Code of 1954.

"(b) Not later than March 31, 1973, the President shall submit to the Congress final proposals for a comprehensive reform of the Internal Revenue Code of 1954."

AMENDMENT NO. 1480

(Ordered to be printed and to lie on the table.)

VOTER REGISTRATION

Mr. KENNEDY. Mr. President, on behalf of the Senator from Alaska (Mr. STEVENS) and myself, I send to the desk an amendment to H.R. 14370, the pending revenue sharing legislation, and I ask that it may lie on the table and be printed. The purpose of the amendment is to provide a voluntary program of Federal financial assistance to State and local governments to carry out programs of voter registration.

The issues surrounding this proposal are well known to every Member of the Senate. Of all the democratic nations of the Western World, the United States ranks among the lowest in voter turnout. In large part, the problem is caused by our antiquated system of voter registration, which makes the path to the polls an obstacle course for the voter instead of the easy process it ought to be.

We know that many States and many local governments are anxious to improve their voter registration procedures, but simply do not have the funds to do so. The amendment we are proposing is an appropriate answer to the problem, and its principal provisions have already received extensive consideration by the Senate earlier in this Congress. The amendment is an entirely fitting addition to the revenue sharing bill, since it is designed to help State and local governments pay for the cost of expanding the most basic right in our democratic society, the right to vote. If we are to act in time to provide any assistance at all this year, then we must act now.

Mr. President, I hope that the amendment will be accepted by the Senate, and I ask unanimous consent that it may be printed in the RECORD, together with a brief summary of its provisions.

There being no objection, the amendment and summary were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1480

At the end of the bill, insert the following new title:

TITLE IV—VOTER REGISTRATION

SEC. 401. This title may be cited as the "Voter Registration Act of 1972."

SEC. 402. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER II—VOTER REGISTRATION

"Sec.
"401. Definitions
"402. Establishment of Voter Registration Administration
"403. Functions of the Administration
"404. Grants to defray costs of voter registration
"405. Grants to increase voter registration activities
"406. Grants to modernize voter registration
"407. Grants for voter registration by mail
"408. Technical assistance and fraud prevention
"409. Applications for grants
"410. Regulations
"411. Authorization of Appropriations

"§ 401. DEFINITIONS.

"As used in this chapter—

"(1) 'Administration' means the Voter Registration Administration;

"(2) 'State' means each state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

"(3) 'grant' means grant, contract, or other appropriate financial arrangement.

"§ 402. ESTABLISHMENT OF VOTER REGISTRATION ADMINISTRATION.

"(a) There is established within the Bureau of the Census, Department of Commerce, the Voter Registration Administration, hereafter referred to in this chapter as 'Administration.'

"(b) The Administration shall consist of an Administrator and two Associate Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator and Associate Administrators shall serve for terms of four years each, and may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party.

"(c) Except as otherwise provided, the Director of the Bureau of the Census, until such time as the members of the Administration are appointed, is authorized to exercise the duties and powers of the Administration created and established by this chapter.

"§ 403. FUNCTIONS OF THE ADMINISTRATION.

"(a) The Administration shall—

"(1) make grants, in accord with the provisions of this chapter, upon the request of State and local officials, to States and political subdivisions thereof to carry out programs of voter registration;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) obtain such facilities and supplies, and appoint and fix the pay of such officers and employees, as may be necessary to carry out the purpose of this chapter;

"(4) prepare and submit to the President and the Congress on March 31 following each biennial general Federal election a report on the activities of the Administration and on voter registration procedures in the States and political subdivisions thereof, including recommendations for such additional legislation as may be appropriate; and

"(5) take such other actions as it deems necessary and proper to carry out its functions under this chapter.

"(b) The Administration shall not publish or disclose any information which permits the identification of individual voters.

"§ 405. GRANTS TO INCREASE VOTER REGISTRATION.

"(a) The Administration is authorized to make grants to any State or political subdivision thereof to establish and carry out programs to increase the number of registered voters. Such a program may include—

"(1) expanded registration hours and locations;

"(2) mobile registration facilities;

"(3) employment of deputy registrars;

"(4) door-to-door canvass procedures;

"(5) absentee registration procedures;

"(6) re-registration programs;

"(7) public information activities; and

"(8) other activities designed to increase voter registration and approved by the Administration.

"(b) A grant made under this subsection shall be equal to 50 percent of the fair and reasonable cost, as determined by the Administration, of establishing and carrying out such a program. A grant made under this section shall not be in excess of 10 cents for each eligible voter in the State or political subdivision receiving the grant.

"§ 406. Grants To Modernize Voter Registration.

The Administration is authorized to make grants to any State or political subdivision thereof for planning, evaluating, and designing the use of electronic data processing or other appropriate procedures to modernize voter registration. A grant made under this section shall not be in excess of one-half sent for each eligible voter in the State or subdivision receiving the grant, or $15,000, whichever is greater.

"§ 407. Grants for Voter Registration by Mail.

The Administration is authorized to make grants to any State or political subdivision thereof to carry out a program of voter registration by mail. A grant made under this section shall be equal to the fair and reasonable cost, as determined by the Administration, of establishing and operating a registration-by-mail system. Forms available for registration by mail shall conform to such regulations as the Administration may prescribe, including the use of bilingual forms where appropriate. Such forms shall be widely available for distribution in post offices and other public locations and for distribution by private individuals and organizations.

"§ 408. Technical Assistance and Fraud Prevention.

"The Administation is authorized to provide technical assistance, including assistance in developing programs for the prevention and control of fraud, to any State or political subdivision thereof for improving voter registration and voter participation. Such assistance shall be made available at the request of States and political subdivisions thereof, to the extent practicable and consistent with the provisions of this chapter.

"§ 409. Applications for Grants

"Grants authorized by section 404, 405, 406, or 407 of this chapter may be made only upon application to the Administration at such time or times and containing such information as the Administration may prescribe. The Administration shall provide an explanation of the grant programs authorized by this chapter to State or local election officials, and shall offer to prepare, upon request, applications for such grants. No application shall be approved unless it—

"(a) demonstrates, to the satisfaction of the Administration, that the applicant has primary responsibility for registering voters within its jurisdiction;

"(b) sets forth the authority for the grant under this chapter;

"(c) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this chapter, and provides for making available to the Administration, for purposes of audit and examination, books, documents, papers, and records related to any funds received under this chapter; and

"(d) provides for making such reports, in such form and containing such information, as the Administration may reasonably require to carry out its functions under this chapter, for keeping such records, and for affording such access thereto as the Administration may find necessary to assure the correctness and verification of such reports.

"§ 410. Regulations.

"The Administration is authorized to issue such rules and regulations as may be necessary or appropriate to carry out the provisions of this chapter.

"§ 411. Authorization of Appropriations.

"For the purpose of carrying out the provisions of this chapter, there is authorized to be appropriated the sum of $45,000,000 for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.".

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11 Voter Registration................ 401".

Sec. 403. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"(132) Administrator and Associate Administrators (2), Voter Registration Administration, Bureau of the Census.".

Summary of Kennedy-Stevens Voter Registration Amendment

1. Principle.—a voluntary, not mandatory, program of Federal financial assistance to State and local jurisdictions to defray the cost of carrying out voter registration programs.

2. *Grants available to State and local governments:*

10 cents per eligible voter to defray the cost of existing registration programs.

50% of the cost of new programs to expand registration, such as deputy registrars, mobile registrars, and extended hours for registration. Maximum grant of 10 cents per eligible voter.

Grants to plan computerized registration systems. Maximum grant of one-half cent per eligible voter or $15,000, whichever is greater.

Grants to pay full cost of registration-by-mail programs.

3. Administration of program.—by a bipartisan Voter Registration Administration created in the Census Bureau. The Director of the Census is authorized to carry out the program until the new Administration is appointed.

4. Fraud prevention.—the new Administration is specifically authorized to provide technical assistance to State and local governments for the prevention and control of fraud.

5. Authorization.—$45,000,000 a year for each of the fiscal years 1973, 1974, and 1975.

AMENDMENT NO. 1481

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1483

(Ordered to be printed and to lie on the table.)

Mr. CURTIS submitted an amendment intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1484

(Ordered to be printed and to lie on the table.)

Mr. BUCKLEY submitted an amendment intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1485

(Ordered to be printed and to lie on the table.)

Mr. GURNEY. Mr. President, I am today submitting an amendment to the Revenue Sharing Act of 1972 which would provide for badly needed reforms in our Nation's local property taxes.

One of the most persuasive arguments for general revenue sharing has been that it would reform our local property taxes and alleviate the heavy burden placed on this tax resource by growing demands for local government services. This legislation, as reported by the Finance Committee, would indeed mitigate these problems by providing badly needed funds for our local governments. However, it does not address itself to the equally important problem of vast inequities and disparities in local assessing practices.

We all know of situations where local assessment rolls are distorted and inaccurate. Assessments in more than one State range from less than 40 percent of market value in one jurisdiction to over 80 percent in other jurisdictions of the same State. It is no wonder that we see a loss of faith and credibility in local governments. It is no wonder that citizens of such areas question the fairness and honesty of our tax systems and governments.

My amendment would require that each tax assessment jurisdiction come within 15 percent of the statewide assessment level of its respective State. It would not dictate to the States what level or method of taxation any State is to use; it would merely insure that whatever assessment standard is used in a State is applied uniformly throughout that State.

The amendment provides for a simply applied and administered reform of local property tax assessments. The only reports required are standard ones that should be available for any tax assessment jurisdiction, and they are to be filed with the Secretary of the Treasury, who is elsewhere required by this legislation to maintain similar records for each unit of local government participating in revenue sharing. Each assessment jurisdiction is given until the end of 1974 to bring its assessments into line with its own State's standards before any penalty is imposed. This is a simple and reasonable reform which could have very far-reaching effects on the public confidence in the fairness and equity of one of our most visible and well-known systems of taxation.

Hearings before the Intergovernmental Relations Subcommittee of the Committee on Government Operations and studies by the Advisory Committee on Intergovernmental Relations together with protests from all over the country have emphasized the growing unrest in our Nation over unfair and in some cases dishonest tax assessment practices. There are growing appeals for Federal action to correct the situation.

I feel that such action is needed and will inevitably come, but I would hope to see it come soon, and without undue interference with the right of a State's people to tax themselves as they see fit.

My amendment accomplishes this by leaving for State and local determination the methods and levels of taxation, but still requiring that whatever method is selected by law be applied uniformly and fairly throughout each State.

Certainly the Federal Government should not allocate billions of dollars for the relief of local tax systems without provisions to insure a meaningful reform of badly abused local property tax assessments.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT No. 1485

On page 73, following line 3, insert the following:

SUBTITLE D—LOCAL PROPERTY TAX REFORM

DETERMINATION OF THE PROPERTY TAX FAIRNESS FACTOR

SEC. 151. (a) Prior to December 31 of every even numbered year beginning with 1974 the chief executive officer of each Local Assessment Authority receiving funds under this Title shall report to the Secretary the Local Assessment Ratio, the Projected Property Market Value, and the sum of all real property tax assessments for his Local Assessment Authority.

(b) The Secretary shall determine and publish the Property Tax Fairness Factor for each Local Assessment Authority.

SEC. 152. If the Secretary determines that the Property Tax Fairness Factor for any Local Assessment Authority is less than .85, or if he determines that any Local Assessment Authority has failed to comply substantially with any provision of this subtitle, he shall notify the chief executive officer of that Local Assessment Authority that if it fails to take corrective action within 90 days from the date of receipt of such notification further payments to it shall be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

DEFINITIONS

SEC. 153. (a) For purposes of this subtitle, the term "Local Assessment Authority" means any unit of local government which is legally responsible for assessing real property for tax purposes.

(b) For purposes of this subtitle, the term "Local Property Sales Sample" means the sum of the fair market values, as determined by a qualified appraiser, of a representative sample of real properties within the jurisdiction of a Local Assessment Authority.

(c) For the purposes of this subtitle, the term "Local Property Assessment Sample" means the sum of the assessed values recorded by a Local Assessment Authority for the properties included in a corresponding Local Property Sales Sample.

(d) For the purposes of this subtitle, the term "Local Assessment Ratio" means the ratio determined by dividing a Local Assessment Sample by the corresponding Local Property Sales Sample.

(e) For the purposes of this subtitle, the term "Projected Property Market Value" means the result obtained by dividing the sum of all real property tax assessments for a Local Assessment Authority by the Local Assessment Ratio for the same Local Assessment Authority.

(f) For the purposes of this subtitle, the term "State Assessment Ratio" means the ratio determined by dividing the sum of all real property assessments reported to the Secretary by the Local Assessment Authorities within a state by the sum of the Projected Property Market Values for the corresponding Local Assessment Authorities.

(g) For the purposes of this subtitle, the term "Property Tax Fairness Factor" means the result obtained by dividing the Local Assessment Ratio of a Local Assessment Authority by the State Assessment Ratio for its respective State.

HIGHWAY CONSTRUCTION AUTHORIZATIONS—AMENDMENT

AMENDMENT NO. 1482

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. KENNEDY (for himself and Mr. WEICKER) submitted an amendment intended to be proposed by them jointly to the bill (S. 3939) to authorize appropriations for the construction of certain highways.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 1462

At the request of Mr. HARTKE, the Senator from Connecticut (Mr. RIBICOFF) and the Senator from California (Mr. CRANSTON) were added as cosponsors of Amendment No. 1462, intended to be proposed to the bill H.R. 14370) to provide payments to localities for high-priority expenditures to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1465

At the request of Mr. JAVITS, the Senator from California (Mr. TUNNEY) was added as a cosponsor of Amendment No. 1465, intended to be proposed to the bill (H.R. 14370) to provide payment to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

ADDITIONAL STATEMENTS

ACCOMPLISHMENTS OF PRESIDENT NIXON'S FOREIGN POLICY

Mr. SCOTT. Mr. President, a column by C. L. Sulzberger, published in the New York Times of August 18, presents some interesting and noteworthy comments on the accomplishments of President's Nixon's foreign policy.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRST NIXON, THEN SHRIVER

(By C. L. Sulzberger)

BELGRADE, YUGOSLAVIA.—From the standpoint of the American international position I believe the very best outcome of this year's U.S. election would be the renewal of Richard Nixon's mandate for another four years in a campaign which allowed Sargent Shriver to gain a national stature sufficient to enable him to run as the principal Democratic candidate in 1976.

Mr. Shriver has not yet made his mark but, an energetic, intelligent and compassionate man, he is in some respects the best endowed of any of the Kennedy clan for the highest office in the United States, even though he has yet to persuade the public. He is running as Number 2 this time on a ticket hampered by some strange concepts of how diplomatic and defense policy should be elaborated, but he now has a chance for widespread exposure.

Mr. Shriver's eventual prospects are, however, of less present importance than the immediate prospects of Mr. Nixon and most Americans would be astonished at the alarm occasioned in a broad spectrum of opinion overseas at the longshot chance that George McGovern might win the November vote and proceed to honor some of the promises he has made.

This opinion is by no means limited to right-wing governments as in Spain or Greece or to Asian states with which we are linked such as South Vietnam or Thailand. It is fervently held in NATO; it is a matter of utmost concern in Israel; and it is endorsed in many left-wing circles which fear the global power balance might be disastrously tilted should anything approaching McGovern's foreign and defense pledges become the basis for American policy.

As but one example I cite the opinion of Milovan Djilas, former second man in Communist Yugoslavia's hierarchy who is now on the outs with Marshal Tito but who is a profound thinker on political matters and with much experience abroad, Djilas told me:

"President Nixon's trips to Peking and Moscow represented a very impressive historical act. They showed that Nixon understands what Communism is. President Johnson played on the conflict between the Russians and the Chinese. That is a classical kind of policy. But Nixon saw that it would be better to have good relations with both of them—while at the same time remaining strong. He knows you can't afford to be weak."

The big event of the past four years, according to Djilas, is that the Americans have demonstrably proven they won the Cold War and this has altered the entire world picture. He doesn't like the Vietnam conflict and confesses he has never felt a personal sympathy for Mr. Nixon, based on what he has read of him, but he thinks Mr. Nixon fully understands foreign policy requirements.

"The United States won the Cold War," he reasons, "because of the internal disintegration of Communism. Because you remained strong you were able to accelerate this inevitable process. Nixon's Peking and Moscow trips were a result. But the U.S. should neither overestimate nor underestimate that victory. You won because you are a nonideological country and thus were able to avoid a stalemate like that which prevailed between Christianity and Islam after their wars, a victory for neither side.

"The New Left and those influenced by it think the U.S. is racked by crisis but the so-called crisis in American society is largely imaginary. Race and class and generation gaps do exist but there is no fundamental crisis. The crises you have are aspects of the difficulty of adjusting to the electronic and technological revolutions of our time.

"But you have emerged stronger on the world scene because the Communist world divided into factions while, at the same time, the United States succeeded in enlarging some of the basic democratic ideas—like individual human rights—thus helping to erode the Communist system.

"And economically you succeeded in pressing the Marxist world into collaboration with you. You proved the truth of your theory that no economic system can develop isolated from others. And you stayed strong enough."

It is interesting that, although this analysis comes from a Marxist heretic, it resembles similar statements I have heard in various Western European countries, often from foreign observers who habitually preferred Democratic Presidents in the United States.

They feel Mr. Nixon is in line with the traditional postwar American outlook and they are scared of what Mr. McGovern might be tempted to do because of verbal commitments already made.

VETERANS EDUCATION AND TRAINING ACT AMENDMENTS OF 1972

Mr. TOWER. Mr. President, our institutions of higher learning will very soon be opening their doors to begin the new school year. Among those returning to college and university campuses, or beginning their college educations, will be up to 50,000 Texans who are Vietnam era veterans.

Since World War II, the United States has assisted its veterans in their efforts to obtain postsecondary schooling, either at colleges and universities, or at any of a wide variety of vocational institutions. These benefits serve as an expression of the Nation's gratitude for the sacrifices made by its veterans. Further, these benefits encourage and often enable the veteran to pursue his education, thereby improving his opportunities for employment. This education and training is often the key to the veteran's successful transition to civilian society where he can contribute to the welfare of his Nation.

Over the years, Congress has attempted to increase the educational benefits offered to veterans in order to keep pace with rising educational and living costs. The program was never envisioned as a way to pay the entire costs of a veteran's education; but it was designed to encourage him to pursue his education. The benefits, together with private resources or a part-time job, should be sufficient to enable the veteran to attain the education he seeks.

This is not the case today. The average yearly cost of a college education in 1952 was $968. The monthly allowance offered to a single veteran full-time student at that time was $110. Today, the average annual cost for college tuition, books, and fees is about $1,940—more than twice the 1952 cost; yet, the monthy education allowance presently offered our veterans is only $175.

Congress has been moving to rectify this situation, but not rapidly enough. More than a year ago, I cosponsored S. 2161, the Senate version of the Veterans Education and Training Act amendments. This bill would bring the educational allowance for veterans more in line with increasing educational costs. Last February, the House of Representatives passed a version of this proposed legislation which would increase the monthly allowance for a single full-time veteran to $200. On August 3, more than a month ago, the Senate passed another version of this legislation, which I supported, to raise that figure to $250 a month. Shortly after Senate passage, I had a discussion with Assistant Deputy Veterans' Administrator Richard Roudebush to insure that the Veterans' Administration would be prepared to implement the new legislation in time for the opening of school this fall. He assured me that the VA was ready and could implement the increase after an agreement on the bill by a joint House-Senate conference committee.

Unfortunately, even though the congressional leadership had 11 working days to call that conference before Congress recessed, the conference was not called, and now we cannot expect an increase in veterans educational benefits to be implemented by the beginning of the school year. This is indeed regrettable. No doubt some of our Vietnam veterans who need and desire additional education and training, especially with the high unemployment rate for Vietnam era veterans, have been forced to forgo their educational plans because they cannot afford to under the present programs.

It is exceedingly difficult for me to understand why the leadership of the two bodies could not convene a conference and pass final legislation in time to take effect this month; but the fact is that they did not. I am confident that a final Veterans Education and Training Act will be forthcoming from this Congress. It would take effect immediately upon enactment by the President and I know that the VA will act to implement the benefit increases rapidly.

The Veterans Education and Training Act is good legislation and it is needed legislation. It should have been passed already. I urge Senators to work together—and as expeditiously as possible—to resolve any legislative differences for the sake of our Vietnam era veterans.

PUBLIC SAFETY OFFICERS BENEFITS ACT OF 1972

Mr. TALMADGE. Mr. President, the Senate acted yesterday to install what I believe to be a long overdue program. The Senate voted funds to provide for direct payments to beneficiaries of law enforcement officers or firemen killed in the line of duty, or compensation to these men themselves in the event of the loss of a limb.

In so doing, the Senate gave recognition to men whom I have long regarded as unsung heroes in our society—particularly in recent years. These men, in the final analysis, are the average citizen's frontline of defense against lawless elements that have pervaded our society and against mayhem and destruction that have already cost untold millions upon millions of dollars in public and private property damage.

I was proud to support this bill. I am glad to see this expression of concern for public safety officers and firefighters at a time when there seems to be so much handwringing over the unfortunate condition of criminals. Policemen and firemen have a hard row to hoe in this day and time, when law and order are virtually falling apart and when constituted authorities are held up to scorn, ridicule, and physical abuse. It is unfortunate, indeed, that we have seen so many instances of law enforcement officers being attacked or subjected to criticism while criminal and lawless elements are permitted to go about their business as usual. The sad fact is, it is not uncommon at all to read of citizens on the street attacking policemen trying to arrest a criminal suspect, or throwing bricks at firemen and fire trucks at the scene of a major conflagration, which often was the result of arson or rioting. In this kind of work, endeavoring to maintain the peace or salvage valuable property from utter destruction, I for one do not believe policemen or firemen could be overcompensated or their creditable performances overemphasized.

The act passed by the Senate yesterday calls for the payment of $50,000 for death or multiple dismemberment, and $25,000 for a single dismemberment. Of course, neither the Senate nor anyone else can totally make up for the loss of a policeman's or fireman's life in the line of duty, or his tragic disability, but this legislation constitutes at least an important step in the right direction.

A CALL FOR A WHITE HOUSE CONFERENCE ON THE HANDICAPPED

Mr. TOWER. Mr. President, a few years ago, the refrain of a popular song asked the listener to "walk a mile in my shoes." Perhaps every American should take a few moments out of their busy lives to consider what it would be like to be a handicapped person. Let us put ourselves in their "shoes."

If we were confined to wheelchairs, we would discover the difficulty of locating housing with doorways wide enough to pass through and with ramps instead of stairs. If we found a job, we might not be able to take it because the round trip taxicab fare might be more than we would earn and there are no other modes of public transportation which can accomodate wheelchairs.

If we could stand in the shoes of a deaf child, we would live in a world full of sound but only know silence. A fire siren or a ringing telephone would convey no meaning. We would need special training in order to be able to learn to participate in society, to communicate with our family and friends, and to learn the skills necessary to gain employment. But, the special school in our community might already be handling twice as many children as it can serve effectively, and we might be placed on a waiting list already containing the names of hundreds of other deaf children.

If we were elderly and our eyesight was failing, we might soon begin to withdraw from active participation in our community. If we lived in a rural community, we would be far removed from expert medical advice and from any agency capable of helping us adjust to our handicap. We would begin to have difficulty taking care of our personal needs. Because of our failing eyesight, we might easily fall on the stairs and break a hip or a limb. Within a few short months, we might regress from an independent active person to one who requires the full-time care and assistance of others. That might mean a nursing home and leaving our friends behind.

Handicapped people are not hypothetical people. They are real people who live in every large and small community in our Nation. With only a minimum of effort, we can realize at least some of their limitations, their difficulties, frustrations, and disappointments.

The American people have come a significant distance toward full recognition of the special needs of the handicapped. We have made great strides toward providing special education for handicapped children. Greater efforts are being made to remove architectural barriers and to increase the accessibility and utility of public transportation systems. The handicapped are gaining recognition as competent and reliable employees.

On August 18, the day of our recent recess, the Senate passed Senate Joint Resolution 202, which authorizes and requests the President to call a White House Conference on the Handicapped. I cosponsored that legislation and I hope that the House of Representatives will act with the dispatch in approving this measure.

A White House Conference on the Handicapped could provide a focal point on the needs of all of the Handicapped. It could review our past efforts to meet these needs; it could evaluate our present efforts; most importantly, it could tell us what we must do in the future. It would provide a forum from which the handicapped themselves could inform the American people of their needs so that the doors of opportunity could be opened and so that every handicapped person could be able to participate in our society—his society—to the best of his ability.

OFFICE OF TELECOMMUNICATIONS POLICY

Mr. ALLOTT. Mr. President, the Office of Telecommunications Policy of the Executive Office of the President will be 2 years old this September. As Director since its inception, Clay T. Whitehead has instilled life into an organization about which many persons were dubious.

When President Nixon sent his Reorganization Plan No. 1 to Congress in February 1970, I and many other Senators shared some apprehensions about the effectiveness and the propriety of the OTP. However, the President's message convinced me of the necessity of an effective policy group such as OTP has become. The fact that the OTP has become so effective is a tribute to its young and dynamic Director, Clay Whitehead.

Mr. President, OTP has made its presence felt throughout the entire communications industry and here on Capitol Hill. It has not infringed upon the FCC. Where the FCC and the industry needed assistance, as in the recent cable compromise which Mr. Whitehead effected, OTP has provided such assistance. The FCC domestic satellite decision, though not final, was close to OTP's proposal of open entry to competitors. In addition, the Office has brought about the reduction of the amount of spectrum space used exclusively by the Government from 46 to 26 percent. Mr. Whitehead has tackled the politically sensitive public broadcasting issue. It is now apparent, despite the initial protests, that some of the public broadcasting people realize that balance and objectivity are essential elements in the broadcasting world.

But what of the future? Mr. Whitehead is attentive to the complex issues which concern the Congress and the industry. As Chairman of the President's Committee on Cable, Mr. Whitehead will bring forward constructive guidelines for substantive discussion in the Congress. In addition, a number of other issues—such as license renewal, access demand, the Fairness Doctrine, copyright legislation, and counteradvertising—are on his agenda. OTP has provided and will continue to provide valuable service to the Congress and the American people.

Mr. President, I ask unanimous consent that a deserved tribute to Mr. Whitehead and the OTP, an article from the July 10 issue of Television/Radio Age, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Inside the FCC—In 1 Year, Whitehead Has Turned the OTP Into a Dynamo

Just about a year ago, many Washington communications experts—both in and out of government—maintained vigorously that Clay T. Whitehead, director of the Office of Telecommunications Policy and adviser to the President, had no political clout and that his ideas would get nowhere. They scoffed at his claim of speaking for the President on communications matters; they predicted his proposals on domestic satellites, transatlantic cables and various aspects of broadcasting would be ignored by the FCC.

"Nobody has tried to blow him out of the water because he hasn't *done* anything yet," one government lawyer said then. A year later, Whitehead has demonstrated that his ideas are heeded at the White House. His proposals, with slight modifications, have been accepted by the FCC. And in the process, he has made some powerful enemies.

Rep. Tobert McDonald (D-Mass.), chairman of the House Communications Subcommittee, attempted to persuade the House to cut OTP's appropriation for next year for $3 million to $1 million. He accused Whitehead of meddling, exceeding his authority and generally wasting public funds. Whitehead felt the ensuing floor debate was "constructive, clearing the air," and that it resulted in "a vote of confidence in the institution" when the House voted to approve the $3 million budget. OTP has a staff of 65.

SOME CONGRESSMEN FEEL HE'S OFF BASE

"Some members of Congress have priorities they feel we should devote our attentions to that are different from ours and the President's," Whitehead feels, but generally his relationship with Congress is okay.

President Nixon held an informal meeting with broadcasters recently (with Whitehead present) where he gave his support to ideas expressed in previous Whitehead speeches, such as the need for stability in license renewal and the dangers of government interfering with broadcasters' editorial judgement in choosing subjects of importance.

We talked with Whitehead about his office's projects and accomplishments just prior to his departure on a three-week tour of the Far East where he will discuss international communications policies with top authorities in the Philippines, Japan, Australia.

His office is drafting legislation on license renewal for consideration by Congress. He stressed that OTP strives to present bills "not in sweeping terms but targeted legislation that has a good chance of passage—"that's what makes us different from a think tank." Whitehead formerly was with the Rand Corporation.

He is also taking a thorough look at the Fairness Doctrine. "We're hopeful that the FCC will be able to correct some of the problems they have studied in hearings. But there is a chance that the courts won't let them. We're considering what kind of legislation makes sense, if legislation is really necessary," he says.

CHAIRMAN OF COMMITTEE STUDYING CABLE TV

Whitehead is chairman of a cabinet-level committee studying the future of cable television, now drafting its final report. He feels the FCC rules on expansion of cable, importation of distant signals and copyright exclusively are not the final word. He adds that the agreement he helped engineer between cable, copyright and broadcast interests was legitimate in that it helped cable develop at a time "that emotional arguments were being made on fairly narrow economic grounds." He thinks an election year is not a good time for a big legislative fight on what cable should be permitted to do and that the compromise averted inaction or chaos.

One subject likely to be covered is the extent of the FCC's authority over cable. A narrowly divided Supreme Court recently upheld the FCC's right to require cable operators to originate programs. Whitehead feels the 5–4 split and the confusion in both dissenting and concurring opinions reflect "the complexity and many-dimensional nature of this problem." He agree with Chief Justice Warren Burger (who joined the majority in the 5–4 vote with some seeming reluctance) that if the FCC is to have such broad powers, they should be specifically granted by Congress. Otherwise, Whitehead suggests, what would prevent the FCC's passing on the content of motion pictures on grounds that the great majority are later shown on television? He questions whether the FCC should be able to compel operators who went into the business of retransmitting signals to become program producers.

FAVORS LESS, RATHER THAN MORE, REGULATION

Whitehead consistently favors the side of less—rather than more—government regulation, a proclivity that has not endeared him to many bureaucrats. The FCC's recent decision of ownership and operation of domestic satellites was close to OTP's "open entry" proposal. The Commission went further than Whitehead would have in requiring a financial showing by applicants. "Although we are basically in agreement with the FCC's decision, we have some problem with the restrictions placed on AT&T and Comsat. It may make it harder for these companies to serve the public and that may be counterproductive," he points out. OTP had recommended that the FCC grant all applications for domestic satellites without financial restrictions in essence.

Among the office's accomplishments is reduction of the amount of spectrum space used exclusively by the government from 46 per cent of the spectrum to 26 per cent. Since government agencies have always been jealous of that space assigned to them, this is an impressive achievement. OTP's responsibilities with regard to the governmental spectrum are similar to those of the FCC in relation to broadcasting and land mobile and safety and special radio allocations. The office has also been instrumental in a revision of the emergency broadcasting system, Whitehead adds.

FEELS UNDERSTANDING, SOLVING PROBLEMS HIS JOB

He has spent the majority of his time in getting OTP "reasonably well-established, developing a philosophy and understanding of the problems," he feels. Next comes "finding solutions and getting them implemented—through FCC rules, legislation and the other ways the government operates."

One of Rep. McDonald's criticisms of Whitehead was his speechmaking before industry groups. Whitehead feels it is an important function of his office to "call attention to the seriousness to the country of the instability we're witnessing in the broadcast business."

License challenges and access demands "go beyond the broadcasters' economic interests—although those are perfectly legitimate—and beyond the political interests of challenging groups, although they, too, are often legitimate, to a major question of how we are going to handle mass media in this country."

Another point of controversy between McDonald and Whitehead is the financing of public broadcasting. Whitehead believes the issue had become too politically emotional to push for settlement this year. "There was sufficient question about structure that we thought it would be more constructive to consider permanent financing at another time." The congressman charged that Whitehead, on behalf of the Administration, was attempting to bring television under his thumb and stifle its news programming.

AREA OF WORK IS IMPORTANT BUT NOT WELL-PUBLICIZED

Whitehead points out that much of OTP's work is in fields that get great emphasis "but not much press." Proposed amendments to the Communications Act in the common carrier field are being drafted. Whitehead's trip will be concentrated on international agreements. "The FCC, being an independent agency, cannot represent the President; the State Department does not have the manpower or expertise."

Perhaps Whitehead's clearest accomplishment is changing the tune of those who had said he wasn't doing enough to a complaint that he is doing altogether too much.—Mal Oettinger.

INTERVIEW WITH ATTORNEY GENERAL RICHARD KLEINDIENST

Mr. HRUSKA. Mr. President, in the latest issue of U.S. News & World Report the editors have published a wide-ranging interview with Attorney General Richard Kleindienst. In it the Attorney General discusses the work of the Department of Justice in the fields of civil rights, crime, antitrust, electronic surveillance, drugs, and a number of additional subjects. I believe that this interview serves as a very good and constructive window on the work of this Department and the policies of the Nixon administration.

In order that Senators may have an opportunity to read Mr. Kleindienst's words, I ask unanimous consent that the complete text of the interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

INTERVIEW WITH ATTORNEY GENERAL KLEINDIENST

What are the major problems in law enforcement? Are business mergers a cause for worry? How would Nixon proposals curb school busing?

Official answers to such questions are given by the nation's chief legal officer, who came to the conference room of "U.S. News & World Report" for this exclusive interview.

Q. Mr. Attorney General, what do you see as the main task—the No. 1 priority—of the Justice Department at this time?

A. For the next several years, our priorities would be as follows, and not ranked in any particular order: a continuation of a vigorous enforcement of antitrust laws, civil-rights laws and laws against organized crime and narcotics, and a continuation of our support to State and local agencies in their fight against street crime. Prison reform also should be included.

If we can maintain through the next Nixon Administration the momentum that we've established in the last 3½ years, then I think many of the problems that seemed almost insoluble four years ago will be reduced to what I like to refer to as just normal irritants in any free society.

Q. In the field of civil rights, what is your main problem now? Schools? Jobs? Voting rights? Housing?

A. Let me start out with a general statement:

This Administration has felt that racism and discrimination exist in all parts of our country. We have not, for short-run political expediency, singled out any particular section of the country with respect to enforcing civil rights. Our efforts have been on a nationwide basis, and I think that lends validity to the enforcement and acceptance of the enforcement of these laws.

Our main emphasis, in relative terms, has been on two areas: the so-called *de jure* segregation in schools in the South, and on discrimination in employment.

One of the facts that I don't think we have been able to get across to the public—or some parts of the news media have been unwilling to report—has been the almost miraculous achievement of the Nixon Administration with respect to the school-segregation problem in our Southern States.

When we came into office in 1969—15 years after the Supreme Court's ruling against school segregation—we found that, in spite of all the breast-beating and the rhetoric, only about 5 per cent of Southern school districts had desegregated to become what the courts call a unitary school system.

Two and a half years after President Nixon was elected, almost 90 per cent of the school districts in the South had been converted to a unitary system. I think that argues very well for the techniques and the manner in which President Nixon approached this task, as compared with the manner in which the two preceding Administrations approached it.

Q. How did the Nixon Administration do it?

A. What President Nixon did that was different was that he persuaded citizens of the South—black and white—to come together, acknowledge the obligation imposed by law and work it out, without making it an inflammatory local or parochial political matter.

I think the mistake that had been made in the past, particularly in the 1960s, was that in order to get some temporary political advantage in Northern cities, the preceding Administrations had an overemphasis on sending outsiders into the South to do this.

But, regardless of the techniques, the fact is that President Nixon had created a situation where now, in most Southern cities and communities, there is more integration, more mixing of black and white youngsters in the public schools, than you would find in such Northern cities as Detroit, Philadelphia, Cleveland, Chicago and New York.

This leads us to one of the predicates for the President's proposed school legislation. Having substantially eliminated *de jure* segregation in the South, we now find ourselves at the point where we should have a national standard to achieve two things: quality education for all children, and the elimination of racial or discriminatory practices everywhere.

That was the basis of the President's proposal to the Congress last March. I hope that when this election is over and Congress gets itself back to the serious business of national issue, it will take up what the President has offered and come out—for the first time—with a national standard for the education of our children.

Q. What is the Justice Department doing about discrimination in employment?

A. To me, any form of racial discrimination is wrong, and I hesitate to put one form of discrimination above any other. But in terms of giving our minority groups the wherewithal to participate fully in our society, I think certainly one of the most important places to start is employment.

There are many practices of many labor unions—practices that were legal when they grew up, just as segregated schools were once legal in the South—which as a result of job-protection clauses and seniority systems now operate either to exclude minority people or make it very difficult for them to enter the unions.

One of the most dramatic situations we had in 1969 was in the motion-picture industry on the West Coast. They have many very highly specialized guilds in that profession and, because of the economic changes in that industry as a result of television, many of those guilds found themselves not seeking new members. Through long, hard negotiations, we were able to obtain very substantial changes that opened up that field to minority groups.

Through the so-called Philadelphia Plan that was enunciated by this Administration, and through the many suits that we have filed on an industry-wide basis, we have opened doors in the building-construction trades.

We've also gone into white-collar employment where large companies, though hiring blacks in some lower-level managerial positions, were laggard in promoting them. Through the filing of carefully selected court cases, we have broken down those attitudes.

Q. Are you getting a growing number of complaints about discrimination against women?

A. Yes, we are.

Q. Is this likely to become a serious problem?

A. I don't think it's going to be a too severe problem. I think the American woman is really rather privileged, because in an enlightened society she has more choices available to her than the male does. She can decide whether to be a housewife and mother, a part-time housewife and part-time careerist, or devote herself entirely to a professional career.

But, of course, we do not have as much equality of opportunity for women as there should be. Many women complain that they are paid less than men for doing equivalent tasks, that they are not treated equally in advancement, or that they are not hired in the first place.

Q. What is the situation in housing? Are complaints of discrimination still rising?

A. Until we have eliminated racism from our society, I think we're going to have continued pressure with respect to violations of the law in this area. But, at least from the standpoint of national policy, we've turned the corner, and I think that the gains each year hereafter are going to be on a progressive scale.

Q. Can you explain why some groups of civil-rights lawyers have resigned from the Justice Department, complaining that its enforcement of the laws is not vigorous enough?

A. We've only had one group who actually resigned—and the next day they announced their support of Senator George McGovern's candidacy for President. So I interpret their action as political.

Previously, in 1969, we had a rather awkward situation in Mississippi involving a school-desegregation case. We had one lawyer resign then and one that we had to discharge. But other than these cases, in some 3½ years of normal turnover of lawyers, I would say we've had fewer resign from the Civil Rights Division than in the previous Administration.

Q. Why do you think so many black leaders are critical of the Nixon Administration's civil-rights record?

A. I think there's a very simple explanation. Black leaders in this country are predominantly Democratic, and they realize that if just a rather modest percentage of black persons started voting Republican, they would probably not win a national election. So I think that for just rather short-range political reasons they have not been fair about recognizing our efforts in this area.

I might add that this is not good for the civil-rights movement in this country. I think it has operated, in some respects, to detract from the desire of many people to end racial discrimination in America.

Q. How large is the Civil Rights Division of your Department, and how does it compare with those in previous Administrations?

A. We have about 140 lawyers in the Civil Rights Division now, and when the former Attorney General, John Mitchell, and I came into the Department, there were only about 100. We have requested authorization for 198 for the next fiscal year.

Q. In the civil-rights field, right now the big dispute seems to be about busing pupils for school integration. Congress has passed some measures intended to curb busing. What effect do you think those measures will have?

A. Congress has not yet addressed itself to the real busing problem, quite frankly. They passed a so-called moratorium, but they avoided the real issue. They have left it up to federal district judges—some 400 of them all over the United States—to legislate on an individual, case-by-case basis.

So you have a federal district judge in Detroit coming up with one solution; another judge in Richmond, Va., with another solution; in Nashville, another and in Denver, yet another.

I think that has been one of the reasons why the busing problem has become so inflammatory.

What we really need is a national policy. The comprehensive legislation that the President offered last March after many months of diligent study is the only responsible approach to this problem.

Q. What would the President's proposals do that the congressional measures do not?

A. President Nixon's approach takes into account these three things:

No. 1, as a result of our effective enforcement, we now have substantially eliminated the dual school system in the South, so that the South is either equal to or ahead of the North in desegregation. Therefore, we can now treat the problem on a national basis.

No. 2 is the desire to provide quality education for all our children.

No. 3 is to have a uniform standard with respect to what you do to eliminate racial segregation.

AIM IS TO UPLIFT POOR SCHOOLS

Q. How would the Nixon measures curb busing?

A. The President's proposal says that, consistent with the Supreme Court's latest ruling, busing may be used where necessary as a last resort—but only as the last arrow in your bow.

It also says—as the Supreme Court suggested—that you do not bus very young children long distances and into a strange environment.

The aim is to uplift poor schools with monetary support to provide equality of education for all.

Then there is the President's moratorium bill which says there will be no more busing orders—no new busing—until next July 1, until Congress has time to pass subtantive legislation to lay down new rules.

Q. Congress has passed a moratorium on busing—

A. But the language of the congressional moratorium is really so vague that no one can determine with certainty its applicability. In the Detroit case, for instance, there is a very serious situation where a federal judge, in effect, wiped out long-established city, county and school-district boundaries to compel busing of pupils between city and suburban districts. That also was the effect of the ruling in Richmond. This raises a real question as to whether a federal judge has the constitutional power to change the basic political-subdivision lines.

Q. Would the President's measures bar such orders as those in Richmond and Detroit?

A. Yes. The decisions in the Detroit and Richmond cases would not be consistent with the President's legislation.

Q. Would you favor a constitutional amendment to limit busing, as some people have proposed?

A. Well, you might eventually have to get to that point. But I believe the President—and I know that I as a citizen—would much prefer to have it done by thoughtful, responsible legislation enacted by the representatives of the people in Congress.

Q. Turning to the subject of crime: Are you making any real progress in curbing crime?

A. I think we have made dramatic progress. To begin with, I think there has been a change in concept and attitude with respect to crime, under this Administration.

By way of preface, let me say this:

I believe that crime derives from several general causes. No. 1 is the natural imperfection of the human being. As long as you have imperfect human beings, you're going to have crime.

Crime also derives from ignorance, poverty, lack of training and bad environment. That's why in this Administration we applaud and support those long-range programs of our Federal Government—some 67 billion dollars' worth of them last year—which, over a long period of time, are calculated to uplift and improve our general society; eliminate poverty, ignorance and racism.

In the meantime, however, we—unlike some of our predecessors—feel that there has to be enforcement of the law. So we in the Department of Justice have concerned ourselves with the specific of enforcing the law. The evidence of how well we've done that is rather compelling.

One example is Washington, D.C., the nation's capital. When this Administration took over in January, 1969, this city was fast getting the reputation as being the crime center of America. And this is a federal city, under control of the Federal Government.

President Nixon quickly presented to Congress a program calculated to improve the whole system of criminal justice in Washington. Today, it has the fastest decreasing crime rate of any major metropolitan area in the U.S.

Q. What caused this change in Washington's crime rate?

A. It came about much the same way that it is coming about in some other areas.

When this Administration began, Washington had 13 federal judges who could try felony cases. They tried 2,000 felonies in 1952 and they tried 2,000 felony cases in 1968—and yet the number of felonies reported had mushroomed to 16,000. Today, there are 55 federal judges in the District of Columbia who can try felonies.

When we got here, the police force numbered about 2,900 officers—only 10 or 15 per cent of whom were black in a city that is more than 70 per cent black. Today, Washington has 5,200 police officers, and about 35 or 40 per cent of them are black. It has the best program of police-community relations in the country. We have more than doubled the number of prosecutors and of defense attorneys.

So what we have done here in 3½ years is to bring the whole system of criminal justice in the District of Columbia up to date.

Q. How about crime in other cities?

A. Through the efforts of the Law Enforcement Assistance Administration, the same thing—on a much slower basis—is going to occur all over the United States. Witness the figures that were recently reported for the first quarter of this year, in which the increase in crime nationwide was only 1 per cent. In the first quarter of the year before the increase was 6 per cent, and it was 13 per cent in the year before that.

An important factor has been the hundreds of millions of dollars that the Nixon Administration has provided State and local agencies through the Law Enforcement Assistance Administration.

This is a revenue-sharing project which enables States and cities to do essentially what the District of Columbia has done. When we got here, the LEAA appropriation was about 63 million dollars. Our first year it was bumped up to 268 million, the next year to 529 million, last year to 699 million—and next year it will be about 850 million dollars.

This federal money is going back to the States on a block-grant basis to give them the police, the courts, the judges, the penitentiaries and the prosecutors to bring law enforcement up to date.

And I would like to say this about block grants:

There was great debate in Congress in 1968 over whether these LEAA monies should be administered as usual by some bureaucrat in Washington, or whether they should be administered by the States through their own planning agencies, with just general supervision from Washington.

I think the manner in which Congress decided that question—and which has been supported by the President—is the best approach, because what Mississippi needs to curb crime might be different from what is needed in New York. I believe the revenue-sharing concept of President Nixon is best illustrated by the block-grant program of LEAA.

Q. There have been charges that some of these LEAA funds have been misspent. Are you looking into those charges?

A. We have been aware of them and have taken the initiative with respect to correcting any misuses. With so much money and so many people involved, it should be no surprise that some misspending has occurred. But the amount of misspending has been very small, and in each case where it has been found, the Department of Justice has gone in with investigative and corrective measures.

CRACKDOWN ON LEADERS IN CRIME

Q. How is the Justice Department doing with its fight against organized crime?

A. I'm glad you asked that question. There isn't a politician, Democrat or Republican, who wouldn't willingly say, "I'm against organized crime." The question is, what do you do about it?

In 1968, Congress debated whether to pass a law giving the Justice Department the right to institute electronic suveillances of organized-crime figures under the supervision and control of a federal judge.

The Attorney General at the time, Ramsey Clark, said if Congress passed that law he would not encorce it. Congress passed the law, and he wouldn't enforce it.

John Mitchell, when he became Attorney General, said he would enforce that law. And in the last 3½ years we have done so. We've instituted some 600 electronic surveillances against organized-crime figures, pursuant to a court order and under court supervision.

The results have been about 2,400 arrests and about 1,600 indictments of organized-crime figures—including what we regard as at least one half of the so-called leadership of the crime organizations.

We have built up our strike forces against organized crime from seven to nearly 20. We have effective co-operation now between all branches of the Government. And the President created the National Council on Organized Crime to plan the strategy to eliminate this menace.

I predict that if President Nixon is given another four years in office, the scourge of organized crime will be reduced to manageable proportions.

Q. There was a recent court ruling against wiretapping—

A. One U.S. district judge held the congressional act authorizing wiretapping to be unconstitutional.

Q. Are you still using wiretaps?

A. Yes, and that ruling is being appealed. I would not expect it to be upheld, particularly in view of the Supreme Court's latest ruling on wiretapping. The Court ruled we could not wiretap without a court order in investigations involving purely domestic subversion. But for even domestic organizations that have a substantial link with foreign governments, the President still has the power to institute wiretaps without a court warrant.

Q. Before the Supreme Court ruling, how many wiretaps were you using in domestic-security cases?

A. When that Supreme Court decision came down, I think we had to discontinue six surveillances which I felt were barred under that decision. All told, including those six, I think we had a total of only 29 security-case surveillances in operation at that time.

We have gone as high as 50 or 55 wiretaps in security cases at a particular period of time. But that is substantially less than the number under previous Administrations. I think the greatest number was under the Kennedy Administration, when there were more than 100 in operation.

Q. Are you able to use wiretap evidence in court in criminal cases?

A. Sure, if you make a proper application and a judge issues an order and you do the wiretapping for the period specified by the judge. The virtue of the law is that it provides evidence you couldn't get otherwise.

Q. How important is the wiretap weapon to a prosecutor?

A. It's indispensable against organized crime. In such cases, witnesses lie under oath or they are intimidated not to testify, or sometimes they are killed. So wiretapping can get us the evidence we need to convict these syndicate members.

Q. L. Patrick Gray, the acting Director of the Federal Bureau of Investigation, said recently that he favors the licensing and registration of all privately held firearms. Do you agree with him?

A. No, I do not.

Q. Why not?

A. In the first place, you can't apply such a rule uniformly in a complex society like ours. To apply that rule to a farmer or a rancher or a sportsman, let's say, out West on the same basis that you would in New York City, just doesn't argue for an understanding of the kind of country we live in.

Secondly, I think enforcement of such a law would be practically impossible. New York for many years has had a law against possessing firearms without a permit. Yet it is estimated there are some 700,000 illegally possessed firearms in New York City.

The end result, I think, would be that your honest, law-abiding citizen would register his gun, but the criminal type—with access to millions of guns—would not. If you take New York City as an example, I don't think a mere law requiring registration of firearms would cause any appreciable diminution in deaths caused by guns.

Q. You mentioned penal reform as one major task for your Department. What is wrong with our penal system, and how serious is the problem?

A. I think the social problem emanating from the prisons in this country is one of the most serious we have.

When you look at the fact that 75 per cent of those persons who are convicted of felonies are rearrested within four years of their release from prison, then—whether you look at it from a humanitarian standpoint or as a matter of just strictly dollars and cents—you've got to say to yourself that we are doing something wrong in our penitentiaries.

Instead of sending offenders to institutions of rehabilitation, so that when they come out they have a better chance of being a useful part of society, what you're really doing is sending them to places that almost guarantee they will be worse when they come out than they were when they went in.

Q. Are federal prisons as bad as State prisons?

A. No. The federal penitentiary system is a model, comparatively. But it still has a long, long way to go.

There is no rational justification, in my opinion, for putting 2,000 men or women in big fortresses like our prisons at Atlanta, Ga.; Leavenworth, Kans., or Lewisburg, Pa., that do not carefully dichotomize the inmates according to their age, background, education and the severity of their crimes, and then divide them into groups with programs calculated to reconstruct and rehabilitate human beings.

The President, long before the revolt at the Attica, N.Y., prison, presented to Congress the country's first long-range, comprehensive program for reforming penitentiaries. Congress has provided the wherewithal to do a part of this program, but has not really addressed itself to the problem. And this is going to be one of the great challenges for the next four or five years. This is a matter I've had an interest in for many years.

Q. Recently, we've had a rash of uprisings in which prisoners demand that Governors or other public officials come to negotiate with them while they are holding hostages at the point of a gun—

A. I don't approve of that kind of thing. I don't believe you can solve the penal problem by being intimidated by inmates to do things not consistent with good prison management. That is not the answer.

Q. Should a Governor refuse to bargain with prisoners under such conditions?

A. It all depends on what the prisoners' demands are. If there are legitimate grievances, I think a Governor or a State legislature has a duty to look into them and make proper corrections. But there is no duty on any public official to acquiesce to unreasonable demands of prisoners—many of whom have become politicized in the last several years.

CURBS ON DRUGS: "DRAMATIC"

Q. Is the use of narcotics a serious and growing problem for your department?

A. It's a serious problem—but it's not growing. I think it would have grown had it not been for President Nixon's aggressive programs. The success of those programs has been dramatic. It's an across-the-board effort—internally, externally, in medicine, education, research, enforcement, customs controls and foreign relations.

I believe that with the continuation of these programs, four or five years from now the drug problem can be reduced to an ordinary irritant.

Q. Moving into the antitrust field, what is the policy now in dealing with big companies that are merging, first into one line of business and then into another—the so-called conglomerates?

A. The Johnson Administration took the view that Congress should enact a new law to deal with that type of merger and, therefore, did nothing to stop conglomerates.

We felt that existing statutes, combined with the rulings that have been handed down by the Supreme Court, gave the Government the power it needed.

I signed the complaints against the International Telephone & Telegraph Company when it acquired the Hartford Fire Insurance Company, Canteen Corporation of America and Grinnell [Grinnell Company, Inc.]. We filed many other complaints against large conglomerates.

Our approach is this:

We feel that it is a violation of the law if the acquisition of a company by one of these conglomerates will interfere with competition from other companies that have been competing with the acquired firm, whether that results from reciprocal buying arrangements that can be used by the conglomerate, or just from the nature of the industry involved.

Q. Does that policy still stand?

A. It certainly does.

Q. Why did you take that position?

A. It was estimated, when President Nixon was elected, that if the wave of mergers continued, within six or seven years about 80 per cent of the productive capacity of this country was going to be in the hands of about 100 corporations. And that doesn't argue well for a relatively dynamic, free, competitive economic society.

I don't think it would be fair to say that the approach we instituted was the sole reason why conglomerate acquisitions have subsided. But I would say it was one of the important reasons.

Q. Have the courts sustained you in your approach?

A. We have not had a Supreme Court ruling, because we've been able to get the companies to accept consent decrees and settlements of that kind. However, some cases still are in the process of litigation.

Q. Are you worried about the fact that mergers seem once again to be increasing?

A. We have no objection to mergers per se. What we say is: If you are going to merge or acquire another company, we want to look at the merging companies in terms of their relative positions in the market and what that market would be like after the acquisition. If it's a highly diversified field, the merging and acquiring companies together might not have a pre-eminent position, and we will let them go ahead.

But if, as in the ITT-Hartford Fire case, you are acquiring the world's largest fire insurance underwriter and, at the same time, you're taking over one of the largest manufacturers of fire-safety equipment, if you own the Sheraton hotel chain and the Avis car-rental system—if all these businesses are large and have a strong position in their markets, that's an entirely different matter. Then we look at the probable economic impact, and we have guidelines that we apply.

Q. Are these the same guidelines that were laid down by the Johnson Administration which, in effect, barred any large company from taking over another firm in the same line of business or of any supplier or customer?

A. Our guidelines are more strict.

Q. How so?

A. I mean that they are being enforced, and I think there's a lot of difference in that respect. This Administration has been more vigorous—and that is generally true of Republican Administrations—in the enforcement of the antitrust laws than the Democrats.

Q. Have you filed more antitrust complaints?

A. We have filed more complaints than any of the past five Administrations. You have to go back to 1942 to find a greater number of antitrust suits brought during a year's time.

Q. You brought up the ITT case. Why did you decide not to press for a Supreme Court decision on that case?

A. We had appealed in the ITT-Grinnell merger case and were contemplating possible appeal in the other ITT cases, involving acquisitions of Hartford and Canteen, in the event we were to lose those cases in the lower courts.

On the one hand, we had very adverse findings by the federal district court in the Grinnell case, which also adversely affected the Hartford case.

Ultimate success on the facts of those two cases, was thus seriously in doubt.

On the other hand, we were advised that there were significant problems in terms of the effects on the shareholders and possibly on the economy of a Hartford divestiture.

Judge Richard McLaren, who formerly headed the Antitrust Division, recommended to me, and I approved, a settlement which would eliminate all the anticompetitive effects we saw in those cases and, at the same time, avoid the problem of a possible loss in the Supreme Court.

This settlement, amounting to a divestiture involving a billion dollars in annual sales, as well as a bar on significant future acquisitions by ITT, is the largest divestiture in modern history. As such, it serves as a stern warning to those who believe that a conglomerate can operate outside the antitrust laws.

PROBLEMS OF U.S. FIRMS ABROAD

Q. Do American companies need more leeway under the antitrust laws in their operations overseas?

A. I think that is a legitimate area of study and inquiry.

Q. Why do you think that?

A. An American company is subject to our antitrust laws on its activities here in the United States. When that company goes abroad to do business, its activities overseas are still subject to the U.S. laws, but its foreign competitors are covered by different laws which tend to be less restrictive. They may be able to work in cartels, to carve up the market, and our companies can't enter into arrangements of that kind.

You also have to consider that our companies already are at a disadvantage because of higher labor costs.

It seems to me that we've got to look at the problem carefully to see whether we can't make it possible for them to be more competitive and less inhibited.

Q. Can't you just say that a company is O.K. if it obeys the U.S. law while operating in this country, and obeys the foreign antitrust laws when operating abroad?

A. It isn't that simple, but that is the essence of the problem.

Q. Mr. Kleindienst, there have been reports in recent weeks that some militant groups of young voters are planning multiple voting on a wide scale in the November elections—with each young person voting in several different precincts or communities. One method reported is for a college student to vote in the town where he attends college and also cast an absentee ballot in his home town. Is there any way the Justice Department can prevent this?

A. If such plans were carried out on a very wide scale, there wouldn't be adequate facilities or resources in the Federal Government to deal with it. But if any voter violates the law, he can be prosecuted. And if there is substantial abuse, we will certainly pursue it.

Q. How large is the Justice Department?

A. We have about 47,000 employes in 17 divisions.

Q. How many of these are lawyers?

A. I would say about 3,000. We're the biggest law firm in the world.

INDUCTION OF EIGHT OUTSTANDING ATHLETES INTO BASEBALL HALL OF FAME

Mr. TAFT. Mr. President, the height of success, in any field of endeavor, is recognition by one's colleagues. Success can best be measured by others in the same field, others who have had the same goals, and those who know the real challenges of the profession.

On August 7, 1972, eight men were so honored in Cooperstown, N.Y. Eight outstanding athletes were inducted into the National Baseball Hall of Fame. Induction into this society not only recognizes the prowess and talent of the individuals on the baseball diamond, but also acknowledges their dedication and high integrity.

Baseball has long been considered the national sport. It implies so much more than athletic ability; it implies teamwork, self-imposed disciplines, character, and devotion. It carries a responsibility as well. These men have excelled in their sport, and they have excelled in the watchful eyes of youngsters playing in sandlots. They have proven themselves to be worthy of the attention and admiration of these youngsters. They have proven themselves to be men of outstanding character, men for the boys to revere.

Perhaps the best way to understand these men is to read their acceptance speeches. The speeches reflect the pride of accomplishment, and the true reward for dedication to one's profession.

I ask unanimous consent that their induction speeches be printed in the RECORD, with the hope that youngsters across the country will realize that dedication and integrity are the rewards of those who merit them.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

ACCEPTANCE SPEECHES BY INDUCTEES, AUGUST 7, 1972

Yogi Berra.—I have to put on my glasses . . . Thank you Commissioner. I guess the first thing I should do is thank everybody who made this day necessary. But since this is the most important day of my life I want to get it right, so that's why I'm gonna read it. I'm really happy to be here today. Thank God I made it. I always loved the game of baseball. I gave it everything I had. I'm glad I had a chance to play as long as I did. I hope my being here will be an inspiration for every boy in America. I can't begin to thank everyone who helped me achieve this goal—scouts, teammates, managers, broadcasters, and photographers. But I have to mention Bill Dickey who gave me some pointers on catching that put me on the right track and of course Casey for having enough faith in me to play me in the lineup every day, and also George Weiss, who gave me my first contract with the New York Yankees. Being with them was a dream come true. And now the Hall of Fame. But I couldn't have made it without the cooperation of my family. Carmen is a perfect baseball wife. She planned our entire lives around the game. And Larry, Timmy, and Dale always knew it was the right way. I wish they would stand up. My only regrets are for those who didn't live to see this day—my mother, my father, who died several years ago, my brother John, and Gil Hodges who died this year. I want to thank the Yankees and the Mets the only two organizations in baseball I worked for. I would like to thank all of my loyal fans who supported me all these years. I hope they are proud of me today; also my friends who came to share this day with me. I want to congratulate all the men who are being inducted here today. And last of all I want to thank baseball. It has given me more than I could ever hope for, and I hope that when I am through with this game I will put something back. Thank you very much.

Joshua Gibson.—His son Josh, Jr.: Mr. Commissioner, baseball inductees, and Hall of Famers. It's a great thrill and honor today to accept baseball's highest award for my father Josh Gibson, Sr. I would like to thank the Hall of Fame Committee for recognizing such a great talent. The whole Gibson family and the city of Pittsburgh is very proud of this award. And before I leave here, which I'll finish up in a few minutes, I would like to say something personal to my father. "Wake up, Dad. You just made it in."

Vernon Louis Gomez.—Thank you, Mr. Commissioner, members of the Hall of Fame Committee, old timers who voted me in, the new inductees and others who are here. This is indeed the greatest pleasure I've ever had in my life and batting so high in the line up, third, I'm not used to this and so I really don't know what to say but I know that there is nobody up here any happier than I am today; and I also, like Yogi, want to thank the New York Yankees for giving me the chance, and my teammates who scored so many runs and helped me and Joe DiMaggio who ran down all my mistakes and certainly last, but not least, the late Johnny Murphy, who the last couple of years that I pitched, if it wasn't for John I wouldn't be here either, believe me; and to my wonderful family, sitting out there—my wife, June, my son, Dutane, my son-in-law, Steve, my daughter Sharon—I've got the first three rows—and my son-in-law, Dr. Banas, my two grandsons, John and Andy, and my daughter Vernona—I wish you'd stand, please—and some more Gomez' at home that couldn't make it. Again, thank you so much. I only hope that I can live up to the expectations of so many wonderful and great players who have gone into the Hall of Fame before me. Thank you very much.

William Harridge.—Will's grandson, William Harridge, III.: Thank you very much, Mr. Commissioner. I'm very pleased that my mother is sitting down in the front row and myself to be here in Cooperstown today to receive this plaque. I'm sure that my grandfather would have liked to have been here for it. Thank you.

Sanford (Sandy) Koufax.—Thank you, Mr. Commissioner and distinguished members of the Hall of Fame. I don't really have any speech to make today, only a great deal of thanks to a lot of people, so many of them that I don't think I can thank them all by name. There are some I would like to thank. My career started in 1955 in Brooklyn and a very inglorious career it started as, and I think the first group of people I would like to thank are those who had enough faith in me that I'd be standing here some day, a lot more faith than I did, to be honest, and I had times I would possibly be tempted to go look for a job somewhere for those first six years. One man, a pitching coach that we had, that was with the Dodgers for ten years, Joe Becker, pushed me, shoved me, embarrassed me and made me work; and thank God for him. Being a pitcher, I feel that it is sometimes a very solitary, very lonely, sort of thing. Baseball players are wont to say pitchers are a different breed. I think sometimes you're all alone and you feel like, well, everybody on the other team is against you, and they are. The only other one that seems to be close, the only friend you have, is the catcher; and I'd like to thank every catcher who ever caught in any ball game I was ever in—two in particular: Roy Campanella, who is here today and caught the very first one, and John Roseboro, who caught most of the others. I'd like to thank all the other players that I ever played with for their help, their support. I'd like to thank the Dodger organization, Mr. O'Malley, his son Peter is here today—the only organization I ever played with. I'd like to thank Walter Alston, also, the only manager I ever played for. There's so many others to thank, I think right now I must thank my parents and my wife, not for what they've done for me, but for what they are. I'd also like to take this opportunity to thank all you people here, both inside the fence and outside the fence, for how good you've been to me and tell you just how much I appreciate being here today and how lucky I feel to be in such distinguished company. Thank you.

Walter Buck Leonard.—First I'd like to thank all of the various committees and the Commissioner for selecting me as a candidate for the Baseball Hall of Fame. It was something that I'd never dreamed about, something I'd never think would happen, for we in the Negro Leagues weren't eligible to even take part in the Hall of Fame ceremonies. In our leagues we played mostly for the fun of it and a little money. The reason why it was so far from us, first we had to get into the major leagues and also play ten years in the major leagues and qualify—that is, to receive enough votes from the committees to be eligible to be selected for the Baseball Hall of

Fame. That was so far from us in the Negro Leagues until we just would read about the Hall of Fame, and that's all. Sometimes we used to criticize the Hall of Fame for selecting various players for the Hall, and we made our selections for the Hall of Fame. However, we had fun and we enjoyed doing that. The greatest moment until the present time of my life was in February, in New York City. Monte Irvin, who works in the Commissioner's office, called and asked would I come from North Carolina to New York to select an all-star Negro team from the old Negro Leagues. I told him yes, I would be happy to. I arrived in New York on a Monday afternoon, called, and he came over and said "stay here and I'll pick you up in the morning, we're going to the meeting." He came over on a Tuesday morning and we went across the hall to the Americana Hotel to the meeting, and we saw the Commissioner standing over there. I asked Monte: "What's he doing over here?" He said, "Well, he wants to sit in on the meeting." Then they opened the door and there was all those cameras, men, lights; and I asked Monte, I said, "What they gonna do now?" and he said, "They're going to name Josh Gibson for the Baseball Hall of Fame." So they were arranging the platform, and after they got everything arranged—the Commissioner, Campanella, Larry Doby, Irvin on the platform—they said "Come up here Buck we want you to sit on the platform" I said "For what?" "They're going to ask you some questions about Josh Gibson. You played with him nine years and you ought to know quite a few things about him," I went up and sat on the rostrum, and the Commissioner began to talk. He said—these might not be the exact words, but something like this—He said, we have met here today to make an announcement," he said "The committee has seen fit to elect Josh Gibson to the Baseball Hall of Fame." Well, everybody clapped. "The Committee has also seen fit"—and I started sweatin'. Sweat was meetin' right under there and fallin' down on my new suit. So then he said they have also seen fit to select Buck Leonard for the Hall of Fame. I was speechless. All the cameras started clinking, and lights went on, and I was already sweatin'. So they said, "Say something." I said, "I don't have anything to say. Somebody ask me a question. Maybe I can answer that." So they began to ask questions—"How do you feel?" It was the greatest moment of my life, being at that time selected for the Baseball Hall of Fame. Now, we in the Negro Leagues felt like we were contributing something to baseball too, when we were playing. We played with a round ball and we played with a round bat. And we wore baseball shoes and wore baseball uniforms, and we thought that we were making a contribution to baseball. We loved the game, and we liked to play it. If we didn't, we wouldn't have played, because there wasn't any money in it. But we thought that we should have and could have made the major leagues, and all of us would have desired to play in the major leagues because we felt and we knew that that was the greatest game. Sometimes we baseball players think our greatest thrill comes from something that we do on the baseball field, but my greatest thrill did not come from a home run that I hit nor a catch that I made or stealing a base. I ought not to have said that, maybe, but anyway my greatest thrill came from what somebody did for me, and that was select me for the Baseball Hall of Fame. I will do everything in my power to honor and uphold the integrity of baseball. I will do everything in my power to try to take care of this selection and this induction into the Baseball Hall of Fame. Again I want to say this: It is nice to receive praise and honor from men, but the greatest praise and honor comes from our Lord and Saviour Jesus Christ. Thank you.

Early Wynn.—Thank you, Mr. Commissioner, distinguished guests, ladies and gentlemen. I don't know how come my hands are so wet and my throat so dry. That Buck is a tough guy to follow. I don't believe the words are within me to express my gratitude for being elected into the Hall of Fame. But a little unlike Yogi, I was trying to figure out for the past few days who made this necessary. And it goes back a long ways. My mother and father. My mother for wanting me to stop football; my father for playing catch with me so often, being associated with people like Mr. Clark, the Old Fox, Griffith—Calvin Griffith—Ossie Bluege, and so many in those twenty three years in the majors and five years in the minors that I cannot remember. I just wish that I could have been better than I was. And I think of the players today. I wish I had felt like this, that every time I played a game I was wanting to be an All-Star, play in the World Series, and be elected to the Hall of Fame. And I have. Thank you.

Ross Middlebrook Pep Youngs. His daughter, Mrs. Caroline Thompson.—Mr. Commissioner, guests; on behalf of my mother and myself I want to thank you so very much for paying this great honor to my father. I want particularly to thank the sports writers for remembering him such a long, long time. Thank you.

END SEEN FOR SHIRLEY HIGHWAY BUS LANE—OR "WHO'S BEING TAKEN FOR A RIDE?"

Mr. ALLOTT. Mr. President, in a continuing effort to inform the Senate on important developments concerning the Interstate 95 bus operation in the Washington, D.C., area, I ask unanimous consent that two items be printed in the Record. The first is an article from the Washington Post of Sunday, September 3; the second is the relevant portion of the transcript of my weekly radio report which deals with the busway project.

There being no objection, the items were ordered to be printed in the Record, as follows:

End Seen for Virginia Bus Lane

(By Jack Eisen)

The Virginia Highway Department plans to abandon the reserved express bus lane on Shirley Highway when reconstruction of the road is completed in 1975, requiring buses to mix with automobiles and trucks in rush-hour traffic.

The plan, disclosed in a letter recently written by State Highway Commissioner Douglas H. Fugate, already has caused anxiety among backers of the bus project, which is nationally cited as an example of how buses can provide efficient rapid transit service in urban areas.

The express bus experiment, funded in part by the federal government, has become so popular that recent statistics show more people riding buses during the rush hours than using automobiles on Shirley Highway. From its initial start of less than 2,000 passengers in 1969, the buses have now attracted 18,420 riders a day.

Fugate's letter has prompted the steering committee of Washington area officials that arranged the express bus project to call for a special meeting with Virginia highway officials early in October.

Kenneth M. Wilkinson, transportation planning engineer for the Virginia department, said his agency always has regarded the reserved bus lane as an expedient during the Shirley reconstruction and has made no secret of its eventual plan to abandon it.

As now used, the busway is a single lane in the median of Shirley. It will be replaced by two reversible lanes carrying traffic toward Washington in the morning and toward the Virginia suburbs in the evening.

George A. Avery, former chairman of the Washington Commission who headed the original Shirley steering committee, recalled yesterday that a consultant on the widening recommended that buses be given permanent preference over automobiles in its two middle lanes.

Under the proposal, the entry of traffic into those lanes would be metered, with buses permitted to use them at all times but automobiles barred when the lanes reached near capacity.

"If you know a bus is going to get stuck in any jam that does occur," Avery said, "the incentive to get on the bus will be lost."

Wilkinson said the highway department feels that the newly widened Shirley Highway, eight lanes for most of its length including the two middle lanes, will provide enough capacity for all traffic to move swiftly.

He said the department will install closed-circuit television to provide surveillance of traffic conditions, but has no plans for metering.

Experience in many metropolitan areas has shown that motorists will crowd a freeway with as many cars as it can hold. Some cities, such as Chicago, have tried metering to prevent jams.

Fugate's decision to abandon the bus priority system was disclosed in a letter written Aug. 15 to Evelyn Kitay, a staff member of the Motor Vehicle Manufacturers Association in Washington. A copy of the letter was obtained from another source.

In the letter, Fugate declared:

"It is the department's intention at the present time to use the reversible lane for mixed traffic when these lanes have been completed to the Potomac River (in 1975).

"According to the last report dated July of this year of the AB&W Transit Co. (which operates the Shirley express buses), there were less than 200 buses using the exclusive lanes during the 2½-hour (rush-hour) period the lanes are open to them . . .

"This means that there would be less than three buses each two minutes per mile on two lanes of highway during the peak conditions.

"The reversible lanes are so critically needed for the inbound and outbound peaks (that it does not appear to be reasonable for the lanes to be reserved for the exclusive use of buses.

"Commuting habits of people could change over the year," Fugate concluded, "and if such a change resulted in extensive use of rubber-tired mass transit vehicles, the department, I am sure, would be glad to reexamine its position."

Statistics compiled by the Northern Virginia Transportation Commission (NVTC) and the Metropolitan Washington Council of Governments have shown that since the busway was opened in 1969, bus patronage has continued to increase month by month.

Initially, Avery recalled, fewer than 2,000 bus pasengers were traveling on Shirley. By mid-1971, just before the first new federally financed buses were purchased for the project, 10,371 pasengers were riding the buses in and out each day. Last month, the total reached 18,420.

However, federal funds from the Department of Transportation that are underwriting the Shirley express bus project will expire in December, 1974, several months before the extension of the widened highway to the river is slated to open.

Rail transit service is not planned by the Metro system through the Shirley Highway corridor. By 1979, however, Metro service is scheduled for Springfield and Franconia, with the trains operating through Alexandria.

Weekly Radio Report

Paul Weyrich. Turning to another topic, Senator Allott, an active member of the Transportation Appropriations Subcommittee, had this observation on the plans to close the Interstate 95 bus only lanes:

Senator ALLOTT. Of course, the Interstate 95 bus-only lanes applies to the Washington, D.C., area. Here we have, in practical terms, a fine example of what I have been talking about for several years. The Virginia Department of Highways and the Federal Highway Administration permitted two lanes to be used for buses only during rush hours. In a recent Senate speech I said the experiment was a qualified success, even though it is no substitute for rail rapid transit. Now the Virginia Highway department says that 18,000 passengers is not enough to justify the lanes being used for buses only. It says it will have to open the lanes to general traffic when the highway is completed. I think every city which chooses the "trojan bus" approach offered by the highway people to solve its mass transit problem can find itself in the same predicament. After it builds bus lanes, the highway people can dictate that there is insufficient traffic to justify buses alone, so the lanes have to be used for other purposes.

PAUL WEYRICH. Senator Allott says he has been skeptical of the highway department's interest in mass transit for just this reason.

Senator ALLOTT. On the surface some of the highway people seem to be genuinely interested in mass transit, even if they do limit their interest to buses only. Underneath, however, some of these highway people probably see the "bus lane" approach as a clever way to build more highways under the cover of mass transit. I believe that transit authorities and city planners had better take a long hard look at the kind of technology they choose to solve their transit problems. They might find that they have elected to operate buses on exclusive lanes, only to later learn that the buses must be mingled with cars and trucks and they are right back where they started from.

PAUL WEYRICH. This has been news from Senator Gordon Allott. This program came to you from our studios in the United States Senate, Nation's Capitol in Washington.

CALL TO FEAR

Mr. CHURCH. Mr. President, the presidential nominating conventions have been held, the most recent being the Republican Party's convention. The proceedings, particularly President Nixon's speech of acceptance of his renomination, have generated considerable comment in the newspapers.

Two such comments appeared in the New York Times during August—one an editorial entitled "Call to Fear," published on August 29, 1972, the second, an article entitled "The Making of the President," written by Tom Wicker, and published on August 24, 1972. Both editorialized comments point out that, although certain initiatives by the President in foreign policy could have been prominent elements in a constructive acceptance speech, the President inexplicably chose, in the words of the New York Times's editorial, to devote "most of his energies to calling upon the electorate to fear Senator McGOVERN and the Democrats." This, concluded the New York Times editorial, "is no happy augury for a reasoned and responsible discussion of the Nation's serious problems."

I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

CALL TO FEAR

President Nixon's acceptance speech to the Republican National Convention was an extraordinary address for an incumbent to deliver. Instead of expounding the accomplishments of his own Administration and explaining how he plans to extend and improve upon them in the next four years, Mr. Nixon devoted most of his energies to calling upon the electorate to fear Senator McGovern and the Democrats.

"In asking for your support, I shall not dwell on the record of our Administration which has been praised, perhaps too generously, by others at this convention," he said. Coming early in the speech this sentence sounded like a bit of engaging modesty, until it became evident that it was, in fact, a line concocted to enable him to pivot away from his own record and make a savage, partisan attack on the opposition.

Except for a concluding "upsweep" section on the hope for peace, the thrust of the speech was overwhelmingly negative. It was as if Mr. Nixon has not been President at all but is still the office-seeker and partisan sharpshooter, ever on the attack. It was also an intellectually tired and empty speech—one that fell back on old material and barely reworked "cheer lines" from previous campaigns.

Thus, the quote from Lincoln about America being on God's side was lifted from the last paragraph of the first Nixon acceptance speech in 1960. The passage about Tanya, the Russian girl, was the same one that he used in his address to the Russian people earlier this year. "Peace is too important for partisanship," is a slight variation of the line Mr. Nixon used in the last campaign to avoid any discussion of how he intended to "end the war and win the peace" in Vietnam.

Indeed, Wednesday night's speech had the same purpose as the carefully crafted "basic speech" which he repeated over and over again in 1968 and—with some different phrases—in 1960. That purpose is not to engage in the democratic process of debate, of argument and counter-argument, of explaining problems to the people and trying to guide them in the direction a leader thinks they should move. Mr. Nixon seeks the opposite. He seeks to obscure the hard choices, to package issues in ways that sound pleasing to listeners but actually commit him to nothing, and thereby to evade a leader's responsibility rather than to exercise it.

There can be little doubt that Mr. Nixon's performance was effective in partisan terms. With the skills he has relied upon in a quarter-century of campaigning, he set up straw men and bravely struck them down. He placed the well-calculated innuendo; he deployed the usual dubious or unprovable statistics; he made complex issues pivot like dancing bears and leap through rhetorical hoops; he stirred fear and then came down firmly on behalf of convictions shared by everybody.

"I believe in the American system." And who in this campaign does not?

"We have launched an all-out offensive against . . . permissiveness in our country." What does it actually mean, if anything, to launch an attack on permissiveness?

Dusting off an applause line from his 1968 standard speech, Mr. Nixon said, "I want the peace officers across America to know that they have the total backing of their President in their fight against crime." Does that mean they did not have the backing of President Kennedy or President Johnson? Or that Senator McGovern in pro-crime?

"Let us be generous to those who can't work without increasing the tax burden of those who do work," Mr. Nixon said. No one can be generous and thrifty at the same time; the President's own welfare reform plan would involve substantial additional Federal expenditures. In like vein, the President denounced the local property tax but said nothing about the broad-based tax that would have to be imposed to take its place.

The taint of demagoguery sadly infected even the President's discussion of the Vietnam tragedy and also of his initiative toward China and Russia, where his critics would readily concede his constructive efforts. Mr. Nixon laid down three unexamined but applause-provoking criteria for a Vietnam peace. He promised never to abandon American prisoners of war, but did not say how endless bombing would get them back. He promised never to impose a Communist government on South Vietnam, but did not explain how he would end a war in which the political future of South Vietnam is the central issue. He promised never to "'stain the honor of the United States of America," but did not say why it is honorable to rain bombs on the Vietnamese people because they are Communists at the same time that he is making friendly overtures to far more powerful Communist nations.

If he keeps to the pattern of his past campaigns, President Nixon will reiterate endlessly between now and November what he said on Wednesday evening. Sections of the speech may be omitted or their order of delivery shuffled on other occasions, but this is probably "the speech" for the Nixon campaign. If so, it is no happy augury for a reasoned and responsible discussion of the nation's serious problems.

THE MAKING OF THE PRESIDENT

(By Tom Wicker)

MIAMI BEACH, Aug. 23.—You understand, of course, if you've been watching television from Miami Beach, that President Nixon has put an end to the war in Vietnam—"so bloody, so costly, so bitterly divisive," says the Republican platform, when Mr. Nixon came to power.

But then you also understand—surely you do—that anyone who wants us to get out of Vietnam on any terms other than Mr. Nixon's is "bemused with surrender." In fact, although Mr. Nixon already has ended the war in the prologue of the platform, in the very same prologue the Republicans declare that the nation's choice this year is one between "negotiating or begging with adversary nations."

You really have to hand it to Mr. Nixon and the Republicans. Here at Miami Beach they have shown themselves past masters of some of the finest political arts—having it both ways, turning black into white, and making something out of nothing. These techniques are in the finest American political tradition, Democratic as well as Republican, and can only be admired by connoisseurs.

With what matchless cool, for instance, the platform deplores the undeniable fact that before Mr. Nixon zoomed off to Peking, "the isolation of the People's Republic of China, with one-fourth of the world's population, went endlessly on." No voter could suspect from such chiseled prose that either the Republicans or Mr. Nixon ever had anything to do with that wicked isolation, and that is what politics is all about.

Moreover, this is the "open door convention" of the "open door party." Every convention speaker has managed to suggest what a splendid contrast this makes to the rigidly controlled Democratic convention of last month. Nothing is said, naturally, of actual results in the admission of young people, women, blacks; who need to know the facts?

The "open door" does not, naturally, extend to Republican convention headquarters at the Doral Beach Hotel. There, a prominent sign proclaims "this hotel is closed to the public" and the security men, some with menacing bulges under their jackets, others with Graustarkian jackets and caps, swarm like the Nixon Youth that are bused from rally to rally here. But this fortress mentality and Mr. Nixon is not even in residence at the Doral does not surface in the righteous "open door" rhetoric; the people aren't entitled to know everything.

Speaker after speaker warns here of the profound threat to the free enterprise system posed by the extremists said to have stolen the Democratic party from rightful heirs the Republicans seem to consider remarkably virtuous. These speakers do not say who imposed wage and price controls on the economy, or whose policy failures made those controls more or less necessary. But let us not ask too much of fallible human beings.

Let us not inquire, for instance, how the Republicans can defiantly declare their flat opposition to "programs or policies which embrace the principle of a Government-guaranteed income," when only three years ago Mr. Nixon became the first American President to propose a program embracing precisely that principle—his once-vaunted Family Assistance Plan. Pat Moynihan, rest in peace.

And it is reassuring, isn't it, that the open-door party also vowed to "continue to defend the citizen's right to privacy in our increasingly interdependent society"? It may, of course, be unfortunately true that the Nixon Administration has heretofore boasted of its wiretapping and bugging policies, which ultimately had to be curbed by the Supreme Court, but perhaps this is nit-picking. Watch what we say, not what we do, or vice versa in some cases.

And what fair-minded man would try to make a connection between the Democrats' troubles with organized labor and the fact that this year's Republican platform promises a continued search for "realistic and fair solutions to emergency labor disputes"—in sharp contrast to the 1968 plank on which Mr. Nixon was elected, which said emergency strike legislation was "imperative"? Everybody is entitled, after all, to grow and mature in office; no politics in that.

Of course, the open-door party and its President are "irrevocably opposed to busing for racial balance." And though it may seem superficially contradictory, they also "strongly oppose the use of housing or community development programs to impose arbitrary housing patterns on unwilling communities." But, really, nothing could be more logical, because if you don't want to bus black kids into white neighborhoods, you certainly don't want their black families moving in next door.

It's that kind of thing that makes the Republicans and Mr. Nixon what they are. Come to think of it, it's that kind of thing that makes American politics.

EQUALITY FOR THE DISABLED

Mr. DOLE. Mr. President, millions of Americans face discrimination literally every hour of their lives because they suffer from some physical or mental handicap. The following article describes this discrimination with surprising accuracy. Entitled "The Disabled Speak," the article appeared in the International Rehabilitation Review, second quarter 1972, and presents the results of a survey conducted with the assistance of the United Handicapped Groups of Ontario, Canada, under the guidance of Mr. Wilfred Race. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DISABLED SPEAK

(Note.—The following article presents the results of a survey conducted with the assistance of the United Handicapped Groups of Ontario, Canada under the guidance of Mr. Wilfred Race. It was undertaken as a part of a larger study by Dr. Keith Armstrong, Executive Director of the Canadian Rehabilitation Council for the Disabled and Rehabilitation International National Secretary. Dr. Armstrong is also Chairman of the Rehabilitation International Social Commission.)

There are three basic approaches to an examination of the needs of the disabled. The first is through the eyes of the professional—doctor, teacher, therapist, psychologist or social worker. Unfortunately, because of the degree of specialization demanded by present day accumulations of knowledge, the professional person gains expertise in a comparatively narrow area of the individual's total needs.

The second is through the eyes of the institution, either the government or a structure within the private sector of society. Together they represent the attitudes of society towards the disabled, and the privileges or limitations which society imposes upon the disabled person, but do not necessarily reflect the real needs of the disabled.

The third approach, and the one which will be emphasized throughout the present study, is the viewpoint of the disabled person himself—which will very likely be in conflict with the needs as defined by the professional, or made possible through the institution.

THE DISABLED IN TODAY'S SOCIETY

The average handicapped person (in Ontario) today is confronted by an environment which severely restricts his function as a member of society. The environment is fraught with barriers of both a physical and social nature, frequently combining to produce a lifestyle of fear, frustration, failure and even despair. The root of much of the emotional distress of the handicapped adult lies in a public which does not understand his strengths and, instead, judges him solely in terms of the debilitating effect of his disability.

THE SOCIAL REVOLUTION

The social revolution of the past quarter century has had a profound effect upon how disabled people see themselves. Disablement has been, until recently, seen as a personal tragedy afflicting the life of the victim and, possibly, his immediate family, but of inconsiderable concern to society. The democratic conventional wisdom of the day dictated the accommodation of the majority as the first duty of state, and those whose circumstances did not conform to the norm may have been regarded with compassion, but not understanding.

Apparently, the disabled accepted these conditions and did not feel the social and physical infrastructure of society should adapt to their particular requirements. They saw their plight as an act of the gods. Those determined to overcome their limitations usually found sympathetic response, but the initiative lay entirely with the disabled themselves. The disabled had not yet discovered the strength inherent in their own numbers.

Gradually, more enlightened thinkers realized that disabled people could be trained to perform certain useful functions, and to the limited extent that this was done, vocational training programs touched the lives of a few disabled people. The vast majority were left to fall back on their own limited resources.

The majority of those given access to special training had sustained a disabling condition at a later stage in life, after having demonstrated their usefulness to society as non-disabled persons. This kind of program assuaged the public conscience, by compensating those who had become disabled while engaged in some form of socially accepted activity. Society did not feel particularly responsible for those suffering from congenital conditions of the debilitating effect of disease.

Disabled people, therefore, became the object of many charitably minded individuals and organizations who ascribed to them an inferior status and self-assumed the responsibility of determining what was best for them.

The liberalization of social thought and the shift in emphasis of the democratic philosophy to a greater respect for the rights of minorities have had a remarkable and salutory effect on the way minority groups regard themselves. These developments have manifested themselves in a variety of movements such as tenants' associations, poor people's conferences and women's liberation. In keeping with other minority groups, the disabled have come to realize that they too have a right to the better life, and that if the structure of society and accepted social values must be altered to achieve this, then we should get on with the job.

THE NEEDS OF THE DISABLED AS EXPRESSED BY THE DISABLED THEMSELVES

The following observations are those of a representative sampling of disabled adults living in Ontario. The information was obtained by holding group meetings and individual interviews with persons having a wide variety of physical disabilities, representing all age groups between 18 and 65 and reflecting experience within a broad socio-economic milieu. Factual information quoted from the interviews were not in all cases verified by the interviewers. They represent, however, circumstances as they are understood by the disabled, and this in itself can be highly significant.

Architectural barriers are undoubtedly the most universal complaint voiced by disabled persons because they severely hinder those affected by a broad spectrum of disabling conditions. They limit all kinds of everyday activities, from the weekly grocery shopping or going for a beer at the local pub to job-hunting or taking a vacation.

The question of architectural barriers extends far beyond access to public buildings—it embraces as well public washrooms and telephones, revolving and excessively heavy doors, turnstiles and rubber skid mats at shopping center entrances and high friction carpeting. Even the vertical alignment of elevator buttons can pose a serious problem to a person in a wheelchair. Difficulties are also caused by roadways and sidewalks needing repair and by curbs at crossings, which are particularly dangerous when icy.

Housing.—There is probably no issue facing disabled persons which produces more genuine anxiety than the lack of appropriate living accommodations. Parents of disabled persons living at home are apprehensive as to what will happen when they can no longer provide care and it is equally a source of fear to the disabled person who can foresee only a bleak future of institutionalization. Disabled married couples often cannot find housing at a price they can afford and suited to their limitations.

Many disabled persons requiring only a minimal degree of personal assistance are placed in hospitals for the chronically ill and in old persons' nursing homes. A case in point is a woman of about 40 years of age in a Northern Ontario community who shares a room in a nursing home with four women all over the age of 75. This young woman has never experienced any peace and quiet or privacy.

Many disabled people distinctly prefer their own private residence. In many cases, financial obstacles are the only deterrent to this. Several people therefore felt that financial assistance should be available for those on limited incomes to help cover the cost of maintenance or a down payment on a home.

Transportation.—Lack of inexpensive transportation constitutes a major obstacle to the mobility of many physically disabled people, which is essential if one is to join society. Many handicapped people are reluctant to ask friends and relatives to meet their local transportation requirements. There is, therefore, a very widespread feeling that a local transportation allowance or subsidy should be provided. Several instances were cited in which a disabled adult could not attend a workshop because he could not find transportation.

Many taxi drivers will not accept the responsibility or burden of picking up a handicapped fare. As one woman put it, "it is remarkable how many taxi drivers develop heart conditions whenever they see a handicapped client."

The blind are regarded with envy by some people with other disabilities because of special transportation arrangements made for them in many cities.

Large metropolitan areas present even greater problems for the physically handicapped—the inaccessibility of public subway systems has been well documented. Proposed bans of vehicular traffic in the cores of downtown areas would place the disabled in an even more disadvantageous position.

Recreation and leisure time activity has probably received less attention than any other facet of the life of a disabled person. This is rather surprising, since most handicapped people have more time on their hands than does the average individual. Service clubs in some centers sponsor picnics and holiday parties for the disabled, but this doesn't begin to provide the answer and often carries overtones of philanthropy.

The highly beneficial effect of sports and recreation programs has been demonstrated by numerous severely handicapped people who have gone on to obtain employment as a result of recognizing their capabilities through such programs.

Employment.—The search for competitive employment can be an agonizing experience for the physically disabled. Restricted qualifications, prejudiced employers and a general lack of public understanding all militate against his success.

A lot of criticism has been levelled at employment agencies, which many felt only pay lip service to the desirability of hiring them. One young interviewee claims to have considerable skill in operating film projectors, but upon answering an advertisement for a projectionist at a local theater was rejected because the manager felt he would not be able to properly operate a fire extinguisher.

A handicapped girl in her twenties, a public school teacher prior to the onset of her disability, was unable to get a job in a local bank because she had "too much education." She is now working as a receptionist for a local medical doctor.

A young cerebral palsied man, given the "brush-off" whenever job-hunting, was refused employment as a mail sorter in the post office and told he was too handicapped to handle the work. This same man was denied a government disability pension on the grounds he was not sufficiently handicapped.

As to the degree of accommodation that an employer should be expected to make for a minor deficiency in employee performance, there is a difference of opinion. The majority interviewed thought that an employer should demand as much of a disabled employee as from any other, believing that if a handicapped worker is coddled he will slacken off. Others feel that if special consideration is made, the disabled worker will feel obligated to produce at his maximum. Some also maintain that governments should subsidize employers of disabled workers to the extent that their output falls short of established production standards. It should be noted, however, that this latter approach has the support of only a small percentage of those interviewed.

Appliances.—Most complaints concerning appliances dealt with the high cost and general lack of information as to availability. Some of the respondents had asked their doctors for information on equipment to assist the disabled and discovered even they were largely unaware of what was available and where it could be obtained.

Workshops.—The majority of criticism aimed at workshops was directed at the low rate of pay and unsuitability of tasks for the marginally disabled. The workshops, for the most part, are not required by law to pay the minimum wage, which has led to charges of exploitation.

Pensions and income security.—The current system of disability allowances came in for a lot of criticism on two major fronts: the difficulty of securing a pension and its inadequacy once secured. Many people find it hard to accept that children of well-to-do parents qualify for the disability pension, whereas a disabled housewife whose husband works does not. One young man unsuccessfully applied for a pension for 10 years and finally succeeded the tenth year by changing his doctor.

The present system of allowing earnings of only $25 a month (or $75 averaged over three months) was described as "degrading," "encouraging cheating," and "lacking in all incentive to improve one's position."

Case workers.—Closely related to the subject of disability pension is the attitude adopted by many case workers in this field. Disparaging epithets were often used in referring to such personnel, largely by those who felt humiliated by them. In all fairness to the caseworker, it is felt that the system is more often to blame than its representatives. Quite a large number of people felt that social workers dealing with the disabled should be given special training or orientation to obtain a greater understanding of their problems.

Public understanding.—Many were concerned with finding ways and means of promoting a better public understanding of the needs of the disabled. Opinions varied as to the extent that society now recognizes the disabled as equals, and these opinions can often be correlated to the severity of the handicap afflicting the individual. The more severely disabled describe public attitudes in terms of "being treated like a child," "patronizing," and even "rude."

Television programs and films projecting a positive attitude towards the disabled were mentioned as highly valuable. However, the overwhelming majority of disabled people were of the opinion that the onus rests with the disabled themselves to secure a favorable public image by their own example.

Institutionalization.—A major danger of lengthy hospitalization is the dependency which may be developed on the institutional environment itself. A case in point is that of Pete, aged 22, a paraplegic as a result of a motorcycle accident. At the time of the accident Pete had a large circle of friends, including his fiancee. After a year of confinement he eventually lost contact with all old friends, including his fiancee. Pete has now reached the stage where the hospital is his world, confiding to the interviewer that the possibility of discharge fills him with dread. He stated that he deliberately pretends to be making no progress in physiotherapy treatments in the hope he will be retained at the hospital.

The interviewers were told this case was not unusual and that this was one of the dangers inherent in making the rehabilitation environment so pleasant that it becomes a substitute for the real world.

ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. ALLOTT. Mr. President, the Senate was in recess on a grim and instructive anniversary—the August 21 anniversary of the 1968 Soviet invasion of Czechoslovakia. It is especially important that we not forget to commemorate this date this year.

The news from Czechoslovakia continues to be both grim and predictable. The puppet Czechoslovakian Government—a pliable instrument of the Soviet regime whose bayonets and tanks installed it—is continuing the customary mixture of purges and repressions by which Socialist governments secure themselves.

August 21 will mark another "Soviet Day of Shame." It is a special pity that the Soviet Government cannot content itself tormenting its own poor subjects. Surely the Soviet Union could more profitably export something besides armored divisions.

The most unfortunate thing is that the Soviet Union may feel the need to try to impose its will on Czechoslovakia for as long as the spirit of liberty is alive in the brave and long-suffering Czechoslovakian people. That will be a long, long time.

THE NEEDS OF NURSING HOME PATIENTS

Mr. CHURCH. Mr. President, as chairman of the Senate Committee on Aging I have taken a special interest in the welfare of the nearly 1 million residents in our 23,000 nursing homes.

To be sure, nursing homes are still very much a subject of controversy. And I believe there is a growing and unfortunate trend to criticize all nursing homes under a blanket indictment.

There are, I want to emphasize, some very fine nursing homes across the country, and I can state categorically that there has been great improvement in the last 10 years.

At the same time, there are serious problems. Our study and preoccupation with these problems, I am afraid, sometimes adds to the impression that there is nothing positive in the nursing home field.

For example, I do not believe most Americans realize the full extent of the needs of nursing home patients. It takes long hours and devotion to provide nursing home residents with the kind of care that we would like to see given our loved ones.

In this regard, the Idaho Health Facilities Association recently held a meeting in Coeur d'Alene, Idaho—bringing together some of the Nation's leading experts to discuss these problems. A paper presented at this meeting by Dr. Elsie A. Giorgi, associate professor of medicine at the University of California at Irvine, is so insightful that I bring it to the attention of the Senate. It provides a good account of the fundamental requirements for a good nursing home.

It is clear to me that what is needed immediately is a crash program to provide in-service training to nursing home personnel. Only with proper training can these personnel, no matter how dedicated, come to grips with the problems of the infirm elderly.

Mr. President, I ask unanimous con-

sent to have Dr. Giorgi's paper, entitled "Extended Care Facilities: Educational Course-Medical Aspects," printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

EXTENDED CARE FACILITIES EDUCATIONAL COURSE—MEDICAL COURSE

(By Elsie A. Giorgi, M.D.)

INTRODUCTION

The values of a society are determined not so much by its scientific achievements as it is by the way it cares for its people, especially those who cannot care for themselves. This challenge is particularly pertinent to those involved in health care, both professional and non-professional. The doctor (both physician and dentist) is the most fortunate member of this confraternity. By virtue of his education and training, he is predominantly involved with the diagnosis and biologic cure of acute illness, relatively clearly defined and even at times glamorous. Unfortunately, too often this is accomplished to the point of virtual neglect and even lack of awareness of the physical restorative and psycho-social and economic resocialization aspects.

It is quite obvious that the medical profession in this country has opted for technical and technologic excellence often to the point of detriment to common, every-day care of people. Such things as epidemiology, immunizations, antibiotics, superbly skillful surgical procedures, and incredibly proficient gadgetry have combined to prolong the average life span—unfortunately without sweetening it appreciably. The result is obvious and at times devastating. We are now left with a predominance of serious chronic illness applicable to about 45% of our people—requiring over 70% of all health care services. Thus, the doctors' role must of necessity change. Unfortunately, he (or she) is quite reluctant to acknowledge this and even more unwilling to relinquish centrality to the other health disciplines much more adept at managing the care of the chronically ill.

Our greatest challenge is to redefine the entire gamut of health care services towards a more sensible approach to the true needs of people with a common goal—rapid and optimum functional restoration of that patient—placing him central to our efforts. Levels of care must be based on levels of need, and we must strive for quality care for all rather than luxury care for a few. Essential to these goals is the redefinition of the roles of each member of the team. In this configuration—especially in view of the preponderance of chronic illness—the Extended Care Facility—its personnel, equipment, and philosophies—emerges as a very significant component. Regulations as well as moral implications demand of the E.C.F. much more than the past concept of a place where people go to die or to be discarded and segregated from the mainstream of living.

Pursuant to these introductory remarks, I have divided this presentation into three parts to include discussion of: (1) the various phases of illness and the salient features of each, particularly as associated with a clearer definition of roles; (2) the biologic and psycho-social aspects of chronic illness and aging; and (3) the implications of all three for the Extended Care Facility.

PHASES AND SALIENT FEATURES OF ILLNESS AS SEEN IN E.C.F.

All phases of illness are seen in the E.C.F.—chronic, sub-acute, and acute. Chronic illness is of course predominant. The definition of chronic illness is quite vague to many of us. To some, it means illness of low-grade severity. It once meant an illness that lasted more than thirty days, which made the time element important. A more pertinent concept is that defined by the World Health Organization which states that . . . chronic illness is one for which there is no cure and the patient is still alive. The implications are obvious and grim. In the first place, if there is no cure, the physician's role—predominantly diagnostic and curative—is certainly less significant. Secondly, the problems are mainly functionally restorative and psycho-socially supportive with grave economic implications—all of which requires great skill and patience.

Under these conditions, it is easy to see that the roles of the nurse, the social worker, the physical and occupational therapist, and allied professions and para-professions assume prime significance. The administrator is equally important. He must be aware of each of their functions and must be supportive of them from every aspect.

In sub-acute illness, particularly, the nurses' role emerges as central to care. It requires predominantly a "laying on of the hands" with frequent discussion with the physician as contrasted with chronic illness which involves all disciplines in a conjoint effort and with relatively infrequent discussion with and fewer visits by the physician. In the chronic phase, very frequently the social worker emerges as the most central discipline, especially when psycho-social worker emerges as the most central discipline, especially when psycho-social and economic factors predominate. Acute interval illness can and does occur in the Extended Care Facility. All must be alerted to the associated signs and symptoms and must be quick to act if disaster is to be served.

Thus, it is obvious, that at various phases, the various disciplines are central to management of care with the other disciplines used previously as consultants. At all times, however, for optimum management of the patient's problems, we must be guided by his or her needs rather than spurious, self-centered and self-serving professional roles. Thus, in reality, the patient becomes central to all care.

No longer can we consider the role of the para-medical or ancillary professions as one of "handmaiden" to the physician or that of the para-professional as the "scut-worker." Each must contribute to the best of his ability and confer frequently with each other in a conjoint effort based on the patient's needs at any one time. This is the essence of a true team approach.

BIOLOGIC AND PSYCHOSOCIAL ASPECTS OF AGING AND CHRONIC ILLNESS

Figures I and II appended to this paper describe the scope of the problem with relation to chronic illness (Slide I–II) as well as comparison of incidence of degenerative or chronic disease with other large categories. It is very obvious that chronic or degenerative illness predominates. Since it is also obvious that the elderly are most frequently involved, it makes good sense to describe the biologic aspects of aging as a framework.

It has been said that the relationship between aging and disease has thus far generated more heat than light. I certainly agree. Perhaps the most significant point to make about the biologic aspects of aging is that aging, of itself, is not synonymous with illness and disability. The basic cause of these is always some disease process which *can* be dealt with in terms of preventive, curative, and rehabilitative services. By and large, then, we can and should dispense with the well-known cliche—"What do you expect at your age?"—hurled in answer to complaints made by anyone approaching old age—which nowadays, I'm told, is over thirty-five. There is a vast difference between senescence, which is physiologic, and senility, which is pathologic.

Taken in its broader sense, as part of the continuum of human growth and development, aging can be defined as that period during which growth and development have ceased, but change is still taking place. Barring catastrophic illness, which takes place at any age, those changes should be gradual, permitting adjustment and adaptation towards homeostatic maintenance. There is a general slowing up—but the demands for energy and speed are also less. The reason for this is as yet obscure. The real challenge is to maintain optimum balance between these two. Unfortunately, this cannot be achieved in aging if it has been neglected prior to then.

If it were possible to ever make a simple statement about any period of man's life span—we might sum up the characteristics of aging with the observation that there is less elasticity and latitude and more rigidity and limitation. This applies not only to the biologic, but to the psycho-social as well. The elderly are a very conservative crowd—they like what they're used to—a fact which must be kept in mind at all times in programming for their health needs.

In this discussion, I would like to review the biologic aspects of aging under two headings, as follows: A. The more frequently occurring changes and their associated health problems; and B. The health care needs of the elderly.

A. *Biologic changes and associated health problems*

1. More Frequently Occurring Physical and Physiologic Changes

Loss of elastic tissue producing such conditions as pulmonary emphysema, skin changes, loss of dentition and hair.

Decreased tolerance for temperature and other weather.

Decreased tolerance for certain foods, especially carbohydrates and fats.

Decrease in immunity.

Changes in vision and hearing.

Altered sensorium—memory for recent events impaired and memory for past increased.

Demineralization of bone—osteoporosis.

Destructive changes in joints—osteoarthritis.

Decreased gastro-intestinal mobility.

Diminished endocrine function.

Increased rigidity of the circulatory system and associated decreased capacity for adequate circulation.

Decreased muscle mass and tone.

Decreased energy and tolerance for exercise.

Decreased sexual capacity.

In general, then, degenerative conditions predominate and the mechanisms for balance (homeostasis) are less effective. There is increased vulnerability with slow response to illness and with slow recuperation after disruption or illness. All of this has been beautifully summed up in one concise phrase by the poet, W. H. Auden: "So children run high fevers on slight provocation while the organs of the old suffer in silence."

By and large, the common denominators for all of these changes are: decreased blood supply through athero and arteriosclerosis; decreased endocrine secretion—also very likely a function of the former; and actual wear and tear through use, trauma, and neglect.

2. There Are Also Some General Principles Which Should Be Kept In Mind

We do not abruptly become old. The whole process of human growth and development is a continuum and there is a biologic and psychosocial cumulative effect. Thus, neglect in the pre-geriatric years takes its toll in later years.

There are individual differences. It is very true that "getting" old is universal, but how we "grow" old is very personal.

There are class, cultural, and economic factors involved with attitude towards health. Health has different meaning for different people. To the poor, it may mean the absence of illness or even just the absence of pain. They may present for care only when it hurts—too often when the condition is irreversible. The life styles of people must be understood if we are to be of real help.

3. Associated Health Problems

Some of the health problems of special concern in aging are those which are mainly responsible for transformation of the well aged into the sick and disabled aged. These are:

Cancer.—Older patients are more likely to have cancer than younger ones. For example, lung cancer is becoming or is now the most frequent malignancy; carcinoma of the breast is particularly important in women; prostate cancer is very frequent in men; involvement of the gastrointestinal tract is important in all older people.

Generally, the malignancy seen in older patients is the result of pathologic states that may have been active for as long as 20 years, and a program for early detection of malignancy must be encouraged beginning in the pre-geriatric years.

Cardiovascular diseases

Essential Hypertension.—This is characterized by increased peripheral resistance and elevation of both the diastolic and systolic blood pressure, and it is a dangerous concomitant of the tendency to hyperreaction—to tensions. However, drug therapy is sometimes effective, with special care given to reducing the pressure gradually so as to prevent insufficiency in the central nervous system or renal blood flow. Also, there is a great need for programming life styles towards decrease of tension states.

Diastolic Hypertension.—This must be distinguished from the more common arteriosclerotic hypertension (systolic hypertension) which is less amenable to anti-spasmodic treatment, which should not be used.

Atherosclerosis and Arteriosclerosis.—This is perhaps the most significant condition in the aging because of its progressive action in the arteries of the heart and brain, and because it is seen most frequently. Progress in diagnosis and treatment of this condition will make a great dent in general morbidity and mortality rates among the aged. However, arteriosclerosis is neither inevitable nor irreversible, and some of it is preventable. Proper medical supervision and responsibility by the patient for activity and diet patterns are the inter-related and indispensable foundations for effective medical management in the prevention and treatment of this condition.

Cerebral Thrombosis.—The discovery of the prophylaxis for this vascular condition is one of the major objectives of medical research. If we cannot do too much at this point in the way of prevention, at least when it strikes we can avoid many of its disabilities by aggressive treatment during the acute condition and a vigorous rehabilitation program.

Peripheral Vascular Disease.—It is generally recommended that individuals with this condition eliminate smoking. Also, that they be particularly careful about proper hygiene and care of extremities.

Diseases of the Endocrine Glands.—These glands may function inadequately, but the patient can live with the condition as long as they do not fail completely. However, endocrine function has a significant effect on other conditions, and has a great impact on normal functioning and every-day activities. Consider, for example, the effects of thyroid or adreno-cortical insufficiency, the problems following menopause, or diabetes. All of these—including the menopause—can be treated. Replacement hormone therapy in women is now conceded by most authorities to be of proven value.

Obesity.—The patient should be aware of the harmful consequences of overweight. He should be helped in any necessary readjustment of caloric intake and food habits. Where necessary, there should be instituted a weight reduction program, which in the case of the aged must be rigorous, although not drastic, to achieve significant weight loss.

Musculoskeletal Disease.—Muscular insufficiency causes very common disabilities which are usually preventable and which can be corrected. Generally speaking, insufficient attention is given by both physician and patient to the patient's potential for physical training and postural exercise. Too often both practitioner and patient underestimate the elderly patient's capacity and need for regulated, but regular, exercise. The effect on bone is particularly important. Endocrine changes cause a deficiency in the protein matrix which leads to inadequate incorporation of calcium and phosphorous. This condition is known as osteoporosis. Lack of exercise further complicates this condition since inactivity contributes to loss of calcium in the bones.

B. Some specific health care service requirements of the elderly and chronically ill

Accident Prevention.—The risk of accidents among the elderly is increased by such general physical changes as impaired vision and hearing, loss of sense of smell, and slower reflexes. Older persons should be aware of those changes. They should be conscious of their possible effects and be aware of their own specific limitations. Healthy older adults need not limit their activities because of the higher incidence of accidents among the aged. Nevertheless, knowledge as to how and where accidents occur and awareness of one's physical and emotional state can cut down the incidence and dangers of accidents.

Prevention of Exposure to Excesses in Climate.—Extreme heat (which upsets normal fluid and mineral balance); extreme cold (which causes narrowing of blood vessels and may therefore put a greater strain on the heart); extreme dampness (with its higher incidence of upper respiratory infections); over-exposure to sun, heavy winds or any other extreme of weather.

Maintenance of Good Appearance.—Good appearance can boost and maintain one's morale and self-image. Therefore, the elderly should be encouraged to take pride in their dress and appearance.

Mobility.—Whether it takes the form of walking, driving, or the use of public transportation, mobility—the ability to get about—is basically important to the older adult's independence and feelings of self-esteem, and it has a very direct bearing on his physical health. Mobility is essential to the business of daily living—shopping, visiting a clinic, or one's physician, taking care of one's business and other activities. Mobility is essential to maintaining one's relationships with family and friends. Mobility makes possible new interests and activities and therefore adds zest to living.

Drugs and Medicines.—Careful instructions as to use. Avoid self-diagnosis, self-medication, and cross-medicine. (The elderly often prescribe for themselves and for each other.)

Discard old medicines.

Clear labeling of all medicines.

The health practitioner (all disciplines) must be aware of the side effects of medication.

Housing.—The familiar surrounding is important to the elderly. Too often we insist they move to be near married children. This often results in their leaving home and friends to live in single room furnished apartments which result in depression and disengagement. This is a very individual thing, and the wishes of the elderly must be respected. Too often we treat ourselves, rather than them.

Maintenance of Family Role.—This is a major factor in emotional well-being of the aging. Every effort should be made to promote a meaningful relationship with children and grandchildren, especially with the loss of spouse.

Food, Nutrition and Eating.—If food habits have been basically sound, little change is necessary except an understanding that digestive processes slow down and meal size and spacing must be adjusted. Caloric intake should be cut down to a level consistent with the degree of activity. Fasting or drastic dieting is very poor. Some of the foods difficult to digest are those that are fried, highly seasoned, contain large amounts of fats and carbohydrates, gravies and heavy sauces, and some raw fruits and vegetables. A sudden and persistent loss of appetite should receive prompt and complete medical attention. Eating alone should be avoided. Every effort should be made to maintain eating as a social occasion.

Complete Health Insurance Coverage.—It has been estimated that Medicare Plan A covers only about 40% of health care bills; and Plan A plus Plan B, only about 60%. There is great need for supplemental and catastrophic illness coverage. It is unfortunate that income is at its lowest at a time when health care needs are greatest and most costly.

Maintenance of Work Role.—This was beautifully expressed by Ethel Shanas as follows: "In our society a man's employment is not only a means of making a living, his occupation in itself is a social role, and employment in and of itself can assure his social status." In general, people are happiest in our work oriented society if they are able to continue at their jobs as long as possible. Here, I would like to introduce the concept of a "second job" after retirement. Why not train for this in the pre-retirement years? The aging could very easily be trained as aides in the human services, especially in health and education—the seriously undermanned fields. Here, also, we must recognize the need for some changes in our retirement rules. It is senseless to preserve the concept of enforced retirement at 65 in the presence of an increasing life span. Man is living more and more of his years in retirement—suffering from "retirement rot"—often unnecessary. This, too, is very individual and personal. There are some who prefer leisure and the rocking chair. Their choice should be respected.

Programming for Leisure.—Satisfying and constructive use of leisure time is a key factor in the morals and self-image of the aging individual. Where such use of leisure time also involves some sports activity and exercise, it becomes an important contributory factor to promoting and maintaining physical health. In general, there is a very strong relationship between good health and active living which should carry over from one's working days to retirement; the meaningful and satisfying use of leisure is the means by which this carry-over can be achieved.

Mental Hygiene.—The first rule of mental hygiene is to keep open the channels of communication with one's surroundings. However, some reminiscing is also necessary. The pattern of "life review" and reminiscence is prevalent among the aging and should not be construed as abnormal. It is necessary for the attainment of candor, serenity, and wisdom.

Encourage Good Personal Health Habits

Eye Hygiene.—Regular eye examinations; prompt medical attention to eye injuries and inflammations; good light for reading and working.

Care of the Feet.—Too often, neglected foot problems can cause the aging to become homebound prematurely and unnecessarily.

Hearing.—Should be checked in annual examinations. Hearing aids should be encouraged when needed. Deafness tends to isolate the elderly.

Physical Activity and Exercise.—Should be maintained and encouraged. It contributes to general muscle tone, including the heart and circulation. Insofar as possible, continuation of accustomed physical activities should be encouraged with some modification of pace and quantity.

Sleep.—The amount required varies greatly. In general, it is carried over from the middle years. It is a mistaken notion that the elderly require less sleep.

Care of Teeth.—Teeth can remain in good condition throughout life if they receive proper care. Certainly inadequate teeth should be corrected. They are vital to good nutrition.

Sexual Needs.—Sexual needs and desires do not undergo an abrupt change with advancing years. The sex organs change more than does the individual's sexual needs. The capacity for reproduction ebbs more rapidly than does the strength of the sexual desire; and when the latter does change abruptly, it is generally symptomatic of some psychological factors in the individual. Erich Fromm's statement should be remembered here. He intimated that sexual desires and prowess take origin "from the head up."

Society, including the aged themselves, lack general understanding of the sexual urges, capacities, and expression in older people. Social conditioning is a particularly important factor in the sexual attitudes and practices of older persons—with women, more than men—dominated by social custom and restraints in early and later life. However, here again, the individual's history largely conditions his sexual pattern and attitudes. Those who have not undergone any particular complication or difficulty in a life of sexual and other relationships do not experience new problems in aging.

According to Kinsey, 80%–85% of married couples between 60 and 65, and 70% of those between 65 and 70 years of age engage in sexual intercourse. Fifty per cent of men retain their potency after 70. There is also, according to Kinsey, little decrease in sexual desire by women after menopause. Removal of the uterus and ovaries does not decrease the sexual desire and capabilities.

Sexual activity has little or no effect on the general health of average aged individuals. It may involve greater exertion for the male than for the female, since it is more of a strain on the heart and arteries of the male, though not dangerous for the healthy person.

Protective Services.—Too often, the aging are the victims of schemers who take advantage of their anxieties and diminished capability for understanding. They need an advocate—one whom they can consult before signing agreements and contracts.

All of these health care requirements are to be kept in mind with relation to the E.C.F. patient. All may not be pertinent during the patient's stay in the E.C.F., but they become applicable on discharge and should be considered in designing the treatment and discharge plan.

FURTHER IMPLICATIONS FOR THE EXTENDED CARE FACILITY

These come chiefly under five headings: (1) recognition of effect of decreased tolerance and homeostatic potential; (2) awareness of individuality; (3) the patient's need for a role if we are to avoid disengagement; (4) need for clearer definition of central and team roles of personnel; and (5) need for an ongoing treatment and referral plan.

(1) Decreased Tolerance and Homeostatic Potential: This is particularly significant when acute interval illness occurs. The elderly may not react with fever or even elevated white blood count. A change in his appearance or attitude should be sufficient to alert the staff to investigate thoroughly. Intolerance for changes in temperature and for carbohydrate and fat must be of prime consideration.

(2) Awareness of Individuality: This is of prime importance in programing. There are no blueprints for this. No one type of occupation or recreation can be applied generally. Life styles must be considered. These include racial, ethnic, and individual considerations. It is most important to remember that the elderly dislike change. They like what they're used to. The mere fact of inclusion of some of their personal belongings—pictures, favorite chairs, small tables, etc.—can spell the difference between success and failure in therapy.

(3) Need for a Role: The disengagement of the patient can become pronounced and extremely pathologic once he is confined to an extended care facility. He should be encouraged to take as active a part as possible in his own management and the management of others. His contacts with those outside must also be promoted.

A therapeutic community approach is very helpful. Self-governing committees are of proven value in this respect. Assignment of chores for self-management is also very good. All of this requires imagination and enthusiasm on the part of the staff.

I have often felt how good it would be if we could arrange for vocational programs—such things as bring in "homework" for compensation. There are many in-house assistance programs which the elderly and chronically ill can accomplish. All of these should be encouraged.

How good it would be if an area of the E.C.F. could be set aside as a day child care center using the patients in the role of custodians and even teachers and recreationists. There is a very definite compatibility between the child and the grandparent figure. This would help the child, the busy mother, and the chronically ill not only from the standpoint of role and validation through labor, but also as a source of income.

(4) Definition of Central and Team Roles: This must be accorded much more than lip service. There should be frequent discussion promoting these concepts as policy. The administrator is the most likely member to undertake this function. He cannot and must not be isolated in his office cubicle. Too often his chief concerns are related to business and fiscal managerial problems. He must lead in designing programs of value to all.

(5) On-going Treatment and Referral Plan: The care of the patient does not begin with entrance into the E.C.F. Neither does it end with discharge from the facility. Of prime importance is the establishment of basic requirements prior to transfer into the E.C.F. A complete description of the patient's status including historical, physiologic, and biochemical aspects as well as other diagnostic and treatment reports should accompany him. To often the patient is relegated to the role of chronic illness without proper evaluation. We should be particularly suspicious of the term "chronic brain syndrome" and should insist that this be followed by the words "secondary to —." Too often there is a totally or relatively curable condition underlying this such as congestive heart failure, pernicious anemia, surgically amenable partially occluded vessels, medication abuse (iatrogenic), and even brain tumor. There are many more, to be sure. I am certain you also recall instances of this type. A very productive and simple approach would be to refer to the P.D.R. or the A.M.A. Manual of Pharmaceuticals, reviewing the side effect of the medications the patient is on—especially if and when his condition changes or he is exhibiting bizarre behavior or is out of contact.

There should be frequent discussion by the team of an on-going treatment and referral plan to include discharge plans. The latter particularly should not be considered precipitously and hurriedly at the last moment. The physician should be included in these. If he cannot be present, a conference telephone is a good method to insure his participation. He can be telephoned at his office when his patient is being discussed. The patient and his family or surrogate family members responsible for him must also be brought into the picture. The ultimate goal should be restoration and resocialization. Figure 111 describes this process graphically (slide).

These are some of the chief and minimal requirements for a good E.C.F. program. Far from "pie in the sky," they can certainly be achieved. It merely requires a little less emphasis on the patients' health insurance latitudes and limitations and a little more on what are his needs towards optimum restoration and resocialization.

Although it is very true that there are obstacles to achievement of a good program, it is equally true that if we continue to complacently accept the status quo, we are guilty of "hiding behind the institution and the regulations"—which is nothing more than an evasion of responsibility. Many improvements are possible, even under the present structure. We simply must do better all around. We must identify unmet needs and do everything possible to change the provisions or inadequacies which interfere with addressing those needs. This is our true challenge as health professionals and practitioners. In this context, later this afternoon we will consider the deterrents and then attempt some recommendations to overcome those deterrents.

LOCAL TRANSIT COMPANIES AND SCHOOL BUS SAFETY

Mr. ALLOTT. Mr. President, for sometime I have expressed concern that the Department of Transportation was not realistically evaluating the problems of local transit companies, which transport schoolchildren, as regulations concerning schoolbus safety are propounded.

I have received copies of letters by George F. Pellissier, general manager of Holyoke Street Railway Co., in Holyoke, Mass., to Mr. Herbert J. Scheuer, of the American Transit Association, and to Secretary of Transportation John Volpe. Also included is a letter from Amalgamated Transit Union, division 537, to John Volpe. These letters set out, in specific terms, the case I attempted to make in behalf of those transportation operators in the school transportation business. They are most impressive and I believe they should be read by all Department of Transportation officials concerned with the problem. For that reason, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

HOLYOKE STREET RAILWAY CO.,
Holyoke, Mass., August 7, 1972.

Mr. HERBERT J. SCHEUER,
American Transit Association,
Washington, D.C.

DEAR MR. SCHEUER: In reference to the Highway Safety Program Standard No. 17, it appears that Transit Companies will become the victims of discrimination if the uniform standard is adopted for state highway programs. The experts, in order to add greater emphasis, use phrases such as "precious cargo" when referring to the transportation of school children. The transit companies feel that all individuals transported including the driver fall under this same description and our goal is always the same—no accidents—therefore no deaths nor injuries. To reach a fair and honest appraisal in formulating safety standards the following criteria should be considered:

That transit type buses, regardless of age, are structurally stronger; heavier in weight and have wider aisles than the "Yellow School Buses",—thus they withstand shock from impact better and with less damage to the vehicle which in turn means less serious injuries to the occupants. With wider aisles the occupants can be evacuated from the vehicle more quickly. This fact is very important when fire engulfs the vehicle after a collision. Transit buses operate on the more safe Diesel fuel.

Transit Companies maintain shop facilities so that repairs, maintenance, and inspections of vehicles are done in a more systematic manner.

Most transit vehicles are garaged in heated buildings, consequently they are in better operating condition in the winter months than vehicles stored outside.

Transit type buses provide better vision for the driver in the area immediately in front of the bus as the engine is in the rear. This feature of design also adds greater protection if and when the vehicle is struck in the rear.

Transit Companies conduct safety meetings periodically to provide the operator with the best available information concerning highway safety and to review the driving records of all personnel. These meetings tend to serve as a reminder that there can be no relaxing in providing safe transportation.

Regarding the request for comments concerning Standard 17, the following factual information should be considered by all interested parties when promulgating ideas and standards relative to school bus transportation:

School bus transportation is the safest mode of transportation in the United States based on the number of persons transported daily. Proportionately, more children are killed or injured while walking to and from school.

About sixty percent of the fatalities charged to school busing occur outside the vehicles and not related to the actual operation of the school bus. It is in this area that a concerted effort should be made to reduce accidents.

Color of the vehicle has not been the cause of more accidents involving school bus transportation as indicated by the Safety Record compiled by transit companies while performing this service. Their vehicles are generally driven by full time experienced operators who earn their livelihood by providing safe transportation. Good driving habits are acquired by the hours spent in operating over the streets and highways with all the hazards that traffic presents.

Buses transporting school children should be designed with aisles as wide as transit buses to permit safer and faster ingress and egress. It would also provide more comfort for the older children by eliminating the practice that allows three to a seat based on the antiquated rule of thirteen inches of seating space per pupil.

During the school year commencing September 1971 and ending June 1972, the Holyoke Street Railway Company transported approximately eight thousand school children daily, to and from school, using fifty seven buses and operating about fifty percent along franchised routes. The cost performing this service amounted to an average of about three dollars per student. Reimbursement to the cities involved amounted to about seventy-five percent, as State Statute provides that additional reimbursement will be granted to the cities if a common carrier performs the service. This law was placed in effect to help maintain public transportation.

Over fifty percent of the gross revenue of our company is attributed to providing school bus transportation. Without this source of revenue, we would be unable to continue operations.

During the school year, three students reported minor injuries and the total of the claims amounted to less than seventy five dollars.

Attached to this letter are copies of letters sent to the Honorable John A. Volpe last year asking his consideration in allowing transit carriers to be exempt from part of Standard 17 requirements.

I hope that all of this information will be of some help in preventing the acceptance of the arbitrary sections that this Standard 17 contains. I am sending copies to Senator Gordon Allott of Colorado, as he appears to favor transit companies in this issue.

Very truly yours,

GEORGE F. PELLISSIER,
General Manager.

HOLYOKE STREET RAILWAY CO.,
Holyoke, Mass., August 23, 1971.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR SIR: The Holyoke Street Railway Company, a common carrier in the Commonwealth of Massachusetts, and doing business as a local transit company for more than eighty years, desires to state its objections to the recommendations in the Highway Safety Program Standard No. 17 that would eliminate the transit industry from the school bus business.

The Transit Industry has and will continue to perform the various segments of transportation which include school busing efficiently, safely and at a lower cost through consolidation rather than by division of the services. We are equipped to handle the demands of transportation without additional costs as we are able to use our equipment more effectively.

Transit buses are considered safer because of their better construction, wider aisles for ease in ingress and egress and must operate with a more safe diesel fuel. They are maintained by full time qualified mechanics and are operated by full time drivers, many of whom have more than twenty years of experience for which there is no substitute. We operate generally on city streets at relatively lower speeds and not on State and Federal Highways where higher speeds have to be maintained because of the faster moving traffic with its resulting hazards. It is for this reason alone that we contend that operating standards should not be country or state wide, but rather for given areas because of the differences in operating conditions. In fact, local school boards have the power to determine the requirements necessary for safe transportation and the decision should be left to them.

As a former Governor of the Commonwealth, you are familiar with the Transportation Act of 1964 whereby Section 7–B of Chapter 71, as amended, provides for additional reimbursement to cities and towns using the local common carrier in their school bus transportation. This was done to help maintain local transit by private carriers who were having financial problems. The siutation has worsened over the past seven years because of higher costs and today school bus transportation accounts for over fifty percent of our gross revenues. The promulgation of Standard #17 would force companies like ours out of business and bring about the institution of more Transit Authorities which is not, as has been proven, a satisfactory substitute for private enterprise. Most Transit Authorities, including the Massachusetts Bay Transit Authority, are deficit ridden operations with most cities and towns seeking through legislation to withdraw because of the high costs involved. I ask that you and your committee members do not cause this to happen in our area, as it is not a satisfactory substiute for the services that we are rendering at the present time.

I believe that school bus transportation is the safest form of transportation in the United States. I believe also that the statistics on injuries and fatalities include the accidents of school buses while doing camp work; buses used in charter service; and children injured or killed while waiting at school bus stop, or crossing the street on the way to the school bus stop; and others injured or killed outside of school buses. These types of accidents have no bearing on the school bus itself, or its specifications or equipment, and its deletion from the accident records would greatly improve the image of school busing and its safety record.

In conclusion, Mr. Secretary, we and the Transit Industry, ask that your final decision be based on sound and honest judgment with safety, as well as economic factors considered. We ask that opinions of school bus manufacturers and Educators be weighed and considered in their proper prospective; that the same treatment be afforded the views of Transit Companies so that a decision can be rendered that will not be arbitrary and force companies to close their doors with the resultant loss of employment for many dedicated union members.

Respectfully yours,

GEORGE F. PELLISSIER,
General Manager.

DIVISION 537,
AMALGAMATED TRANSIT UNION,
Holyoke, Mass., August 10, 1972.

Hon. JOHN A. VOLPE,
Secretary of Transportation,
Washington, D.C.

DEAR SIR: In reference to the recommendations of the United States Department of Transportation concerning the color of school buses, Division No. 537 of the Amalgamated Transit Union wishes to state its objections to the proposed legislation.

The most important reason for objecting to these proposals is that of our job security. Because our Company obtains approximately sixty percent of its gross revenues from school bus transportation, the loss of this source of revenue would force the Company out of business with the resulting loss of our employment.

Our membership has been providing drivers and mechanics in the operation of school transportation for over forty years. We are competent drivers who have served both regular passengers and school children in a safe and reliable manner. More than one third of our membership have been in the employ of the Holyoke Street Railway Company for ten or more years. We have enjoyed steady employment during these years and have had an excellent relationship with the Management.

We believe that driving buses is an occupation and not a hobby. It is a full time job with our men which requires a high degree of skill acquired only by the experience gained through hours of operating time. The Department of Transportation desires safety in all forms of transportation, so we, therefore feel that professional drivers best meet their standards and priority should be given transit companies.

The membership of Division No. 537 respectfully requests that you vote against any recommendations that would bar transit companies from the opportunity of providing school bus transportation, thus preserving our jobs and keeping local transit operation.

Very truly yours,

E. H. DEDRICK, *President.*

NATIONAL ENVIRONMENTAL RESEARCH CENTER, CINCINNATI, OHIO

Mr. TAFT. Mr. President, on June 28 ground was broken for the new National Environmental Research Center in Cincinnati, Ohio. I had planned to attend that ceremony along with other members of the Ohio delegation, but the press of business and several votes on the floor of the Senate prevented me from doing so.

On that occasion, Bill Ruckelshaus, Administrator of the Environmental Protection Agency, delivered the principal address, and he was most favorably re-

ceived by the people in attendance. I think his remarks at Cincinnati that day deserve wider circulation than they have received. So that Senators may have the benefit of reading them, I ask unanimous consent that they be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Dedication of National Environmental Research Center, Cincinnati, Ohio, June 28, 1972

(By William D. Ruckelshaus)

The most characteristic activity of 20th Century man has been his relentless drive to master the natural world. We have begun the conquest of time and space; we have provided unprecedented comforts and stabilized our food supply. We have extended life spans and opened up opportunity for millions, and we can even see the dawn of genetic and behavioral engineering in the distance.

We Americans have taken justifiable pride in these accomplishments. But as a nation hell-bent on progress and the good life, we are something like the little boy who came home everyday with skinned knees. His mother asked: "Why do you fall down all the time?" The boy answered: "Because I always run faster than I can."

The movement to protect and preserve our natural environment reflects a widespread, grassroots realization that though we learned to run fast, we may have been running faster than we should. In the process we have fouled the air, the water and the earth, and discovered that even the oceans are not too big to be contaminated.

President Nixon determined when he came to office that this ruination of our common environment had to stop. He asked that we stringently enforce the water pollution laws and we in EPA have done so. He asked us to set rigorous air quality standards under the Clean Air Amendments of 1970 and we have done that too.

But perhaps most important of all for the long run is our scientific activity. One of the major EPA functions mandated by the President's Reorganization Plan No. 3 is to monitor pollution, research its adverse effects and devise new methods and equipment to control it.

This fiscal year EPA is budgeting about $160 million for research and monitoring. About 40 percent of this goes for work in our own laboratories, 40 percent to universities and other non-government institutions, and 20 percent by transfer of funds to other federal agencies.

The facility we are starting here today will be a vital component of this endless search for new knowledge that can be put to practical use for the benefit of mankind. It will pull together all our research activity in the Cincinnati area into one efficient complex of laboratories. It will encourage the further development of environmental sciences here at the University of Cincinnati and it is bound indirectly to foster the growth of control equipment industries in this part of the midwest region.

We are expecting much of this facility based on the excellent work done so far at the Center.

I think this nation is well on its way to a new era of environmental stewardship. We are beginning to realize that the earth itself, the whole biosphere, is an environment from which we cannot insulate ourselves. If we alter that environment we must also protect it and correct the abuses of the past. We must learn to foresee the full effects of our actions on the world of the future, so that human beings and the whole panoply of natural resources stay in balance.

The National Environmental Policy Act, signed by President Nixon on the first day of the nineteen seventies, expressed this objective very succinctly: "to encourage productive and enjoyable harmony between man and his environment." So we have made a firm commitment to maintain the life-support system of spacecraft earth and all systems must remain "A-okay."

Our success will depend utterly on the dedicated scientist. Every age has its symbols and its heroes. The white-coated researcher locked in his laboratory, unravelling the secrets of nature with great effort and repeated applications of midnight oil, freely giving his findings to the world for whatever use can be made of them, has been a childhood hero to many of us. And he may yet save the world if we use his findings with restraint.

The prime goal of modern society has been knowledge because knowledge meant progress. But knowledge, as Adam discovered, is not an unmixed blessing. With knowledge must come responsibility.

Applied science is changing from a period of extraordinary and unquestioned growth and innovation to a time of caution. Until recently, it seemed there was nothing we could not do. Now, we are repeatedly and most cogently reminded that we depend on living processes for survival—processes we only dimly understand and cannot control or supplant.

The conclusion is inescapable that from now on our applications of technology will be monitored, subjected to critical review, and modified in advance to meet social requirements. This does not mean we should discontinue or slow the development of new technology, rather that we need to better understand the human and environmental impact of its ultimate use. In the long run, this will be less expensive than having to undo our mistakes after the fact.

Scientists will have to be more active in the public forum, laying out the facts and helping to formulate and clarify issues. When complex questions confound the layman there is no subtitute for solid evidence and informed advice. I am not saying that any opinion, expert or otherwise, can expect to dominate the formation of policy but merely that sound policy making is impossible without a full exposition of all relevant data.

The image of the disinterested scientist breaking down the barriers of ignorance, wiping out misconceptions, discovering new facts, laying the foundation for knowledge, progress and peace—this image has been enormously influential as an ideal of humanitarianism and public service.

It will continue to be, if we treat technology as a means, and never as a goal in itself.

When historians of the future look back on this period, they will say it was an age of enlightenment when man first understood that his limitless capacity to innovate always takes place within nature, not outside it, and that preserving the life systems of the earth is our most sacred task.

With science integrated into the total culture of mankind, I have no fear for the future. Man will not only survive, but prosper, and advance in wisdom as a guardian of the Earth.

ACTION DUE ON GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, we are now in the final home stretch of the 92d Congress. Congress will adjourn sine die—we hope—by the end of this month, or certainly by the middle of October. Little time remains to act on the significant issues pending before this Congress.

One of the significant issues pending is the Genocide Convention. The Convention was approved by the Foreign Relations Committee in May of 1971 by a vote of 10 to 4. It has been awaiting floor action since then. In fact, it has been awaiting action much longer than that—the Genocide Convention was originally submitted for ratification in 1950, by President Truman, and for 21 years the Convention was on the agenda of the Foreign Relations Committee.

Mr. President, the Genocide Convention deserves consideration. Seventy-six nations have ratified it. Its merits have been debated exhaustively, and every objection to the Convention has been considered and dismissed. The Convention has the backing of the Attorney General and the Secretary of State—the two administration officials with jurisdiction over the Convention. There is no reason for the Senate to postpone action on this issue.

Mr. President, I urge that we proceed to consider this matter without further delay.

TRIBUTE TO ADMIRAL STARK

Mr. SCOTT. Mr. President, a native of Wilkes-Barre, who gave his all to the United States of America in her time of need during World War II, passed away recently. Adm. Harold Raynsford Stark was a loyal American, a respected Pennsylvanian, and a courageous commander.

I ask unanimous consent that an article published in the Wilkes-Barre Times Leader of August 21, 1972, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Admiral Harold Stark, Who Built Navy Before Pearl Harbor, Dies at 91

Admiral Harold Raynsford Stark, chief of naval operations from August 1939 to March 1942, and commander of United States Naval Forces in Europe prior to and during the Allied invasion of Normany, died at the age of 91 on Sunday morning at Washington, D.C. following a long illness.

Admiral Stark went to Washington to become chief of naval operations at a time of great world tension. In September 1939, only a month after his arrival, Hitler invaded Poland and general hostilities erupted in Europe. Admiral Stark foresaw the possibility of American involvement and in the face of existing strong isolationist public opinion he was able to convince Congress of the need for naval strength that could control both the Atlantic and Pacific Oceans. Under his guidance, a strong Navy, including all of the necessary supporting vessels and bases, was planned and actual construction was initiated. When this country was eventually drawn into the war by the Japanese attack on Pearl Harbor, the Navy had achieved a vastly improved state of readiness.

For his accomplishments while chief of naval operations. Admiral Stark was awarded the Navy's Distinguished Service Medal. The citation noted his "responsibility for building and administering the largest peacetime Navy in the history of the country," and stated that "Due to his exceptional qualities of leadership and his outstanding ability full reliance was placed upon his advice and counsel by the Secretary of the Navy, by the Congress and by the President of the United States as evidenced by the executive measures adopted for the Naval service to effect a high state of training for war and the building of a 'two-ocean navy'."

DECORATED BY EISENHOWER

In March of 1942 the duties of the chief of naval operations were combined with those of the commander in chief of the United States Fleet by executive order of President Roosevelt. Admiral Stark was then sent to command all United States Naval Forces in Europe, a post he held until August 1945. The command embraced all United States Naval forces assigned to the invasion of Normandy. He was awarded the Army's Distinguished Service Medal by General Eisenhower because of the major role he played in the naval phase of the liberation of Europe. The citation stated—

"Admiral Stark was responsible for the planning, preparation and coordination of the United States Naval aspects of the launching of the campaign for the liberation of Europe. Through keen foresight and exceptional administrative ability Admiral Stark was able to plan for and meet the necessary personnel and material requirements for this enormous operation. Only through his untiring efforts was the accomplishment of this successful invasion completed."

He was also awarded the Navy's Distinguished Service Medal for his work during this period. The citation read in part:

"Serving as Naval Advisor to the United States Member of the European Advisory Commission in addition to his duty as senior United States Naval representative in Europe, Admiral Stark rendered distinguished service not only as a Naval administrator but also as a highly skilled and diplomatic emissary in his relations with Allied authorities, contributing vitally to the success of the Normandy invasion and the post-invasion operations leading to the victorious termination of the war in Europe. His performance of this exacting and important assignment was characterized by exceptional tact, intelligence, professional integrity and gallant devotion to duty, reflecting the highest credit upon himself, the United States Naval Service and his country.

AFRICA IN 1917 WAR

In 1917, when the United States was drawn into World War I, Admiral Stark, then a commander, was in command of the Torpedo Flotilla, Asiatic Fleet. He led a squadron of small and old destroyers, hurriedly fitted out in the Philippines, to the Mediterranean at a season when the southwest monsoon was at its height; the squadron thereafter took an active and efficient part in the antisubmarine campaign in the Mediterranean. For this extraordinary service, he was awarded the Navy's Distinguished Service Medal and the Order of the Crown of Italy.

During the years prior to World War I, Admiral Stark participated in the "around the world" cruise with the U.S. Battle Fleet in a "show of the Flag" under President Theodore Roosevelt. He commanded the destroyers Porter, Stringham, Lamson, Patterson and served in the Cruiser Brooklyn.

Prior to World War II, Admiral Stark served as chief of the bureau of ordinance from November 2, 1934 until August 27, 1937 and in May 1938 he was given command of cruisers, battle force with his flag in the light cruiser USS Honolulu. Other post World War I duties included those in the USS North Dakota, USS West Virginia, USS Nitro, Naval Proving Ground at Dahlgren, Virginia, and Naval Powder Factory at Indian Head, Maryland.

Because he had been chief of naval operations when the Japanese attacked Pearl Harbor, he was an interested party when the Navy in 1944 convened its Court of Inquiry into the circumstances surrounding the Japanese attack on Pearl Harbor. He was later a witness before the congressional inquiry into the attack.

DECORATED BY OTHER NATIONS

In addition to the Distinguished Service Medals already mentioned; Admiral Stark was awarded the following foreign decorations for World War II service: British Honorary Knight Grand Cross of the Military Order of the British Empire; the French Legion of Honor, rank of commander; the French Croix de Guerre with Palm; the Brazilian Grand Master of the National Order of the Southern Cross; the Norwegian Order of St. Olaf; Chevalier of the Order of Polonia Restitute, First Class from Poland; the Knight Grand Cross of the Order of Orange-Nassau with Swords from the Netherlands Government; and Grand Officer of the Croix de Guerre (1940) with Palm, from Belgium.

BORN IN WILKES-BARRE

Admiral Stark was born in Wilkes-Barre on November 12, 1880. He was graduated from the Naval Academy with the class of 1903. He made his home in Washington, D.C. at 4900 Glenbrook Road since his retirement in April 1946.

Admiral Stark is survived by two daughters, Mary (Mrs. Edwin W. Semans) and Katharine Rhoads (Mrs. Harold P. Gillespie), both of Washington, D.C., three grandchildren and two great grandchildren. His wife, the former Miss Katherine Adele Rhoads of Wilkes-Barre, predeceased him.

He was a member of the Westmoreland Club in Wilkes-Barre, the Army and Navy Club of Washington, D.C.; Army and Navy Country Club, Arlington, Va.; the Chevy Chase (Maryland) Club; and the New York Yacht Club.

He held life memberships in the Navy League of the United States, the United States Naval Academy Alumni Association, the Navy-Marine Residence Foundation, the Retired Officers Association, and was an Honorary Vice President of the Naval Historical Foundation.

Active on behalf of the Navy Relief Society during both his active duty and retirement years, he was president of the society during his term of office of chief of naval operations.

JOB TRAINING PILOT PROJECTS IN FEDERAL PRISONS

Mr. BROCK. Mr. President, on August 15 the Senator from Illinois (Mr. Percy) introduced S. 3922 to establish job-training pilot projects in Federal prisons. I was delighted to have the opportunity to join him in sponsoring this legislation and want to add my comments and encourage the support of my colleagues.

Hearings on the conditions of our prisons before the Subcommittee on Penitentiaries convince me the phrase "prison reform" needs to be understood in carefully defined terms.

For many it is a sort of conversation piece. Everyone professes to be in favor of prison reform, just as they are against sin. But when one asks what should be done, the answers range from making cells more homelike, to improving the manners of the guards.

Senator Percy's proposal establishes the type of practical, down-to-earth program which could make prison reform a reality. For it would combat the two great problems associated with imprisonment: Boredom and recidivism.

Mr. President, "boredom" is a word that sounds harmless enough, but as someone remarked, boredom can be one of the most destructive forces in society.

He was talking about society in its normal free sense. I would assure him that in prisons boredom is endemic and can result in the most brutal or perverted type rising to dominance over an apathetic herd of men or women inmates.

Genuine job training, related to the real, outside world, rather than the present make-work or mere prison maintenance work, would offer the most effective antidote to boredom of which I can conceive.

The second problem, recidivism, is closely related to the lack of constructive activity in most prisons today. During the subcommittee hearings, testimony was submitted by many closely associated with our prison system, including attorneys, corrections officials, and former convicts.

They all agreed on the difficulty in reestablishing one's credentials in order to obtain a job with any future in it, if one had served time.

It seems clear to me, however, that if a former convict could produce evidence as to having received job training while in prison in terms of what our manufacturing or service industries look for today, he would find many more employment doors opening up for him. He would then be far less likely to revert to crime as a way of living.

The human and material savings resulting from this program seem so promising that I intend to work as closely as possible with Senator Percy to persuade Congress to agree to its enactment.

RAYMOND GIVENS

Mr. CHURCH. Mr. President, recently, retired Idaho Supreme Court Justice Raymond Givens died in a Boise hospital. Today I pay tribute to him.

Judge Givens was a dedicated public servant, a man whose life encompassed the entire history of Idaho since statehood, yet who looked to the future as one of the authors of a proposed new State constitution.

Perry Swisher, an Idaho columnist, summed up the essence of Judge Givens' career, I believe, in a recent article in the Intermountain Observer of Boise. He wrote:

> He was born six years before Idaho's constitution was written. He practiced law, served as a prosecutor, an assistant attorney general, a legislator, a district judge and then for nearly 30 years as a supreme court justice. Yet . . . this tells you almost nothing. What matters is that Judge Givens summoned all that experience into holding up to the light every phrase of our basic governing documents. More important, he used his years and energy to show others how to do it. And how to do it carefully, critically, and dispassionately that we do not thoughtlessly accept—or reject—the way we rule and are ruled and how we got this far.

Mr. President, I ask unanimous consent that Mr. Swisher's column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Judge Raymond Givens

(By Perry Swisher)

A death is what prompts the obituary, but a life is its subject.

The cost accounting in today's chain newspapers usually relegates death notices to the lower-paid and therefore greener reporters. So what you learn about the way a man lived may be confined to some unedited mortuary epitaph describing the widow's burden: "He was an ardent sportsman" or "Mr. Johnson was fond of horses."

Other men's lives instruct our own. Or

should. And as this past decade of assassinations drives home, we are most open to what a man was and what he did at the moment his mortality and our own touches us—at his death.

Last weekend Judge Raymond Givens died in a Boise hospital. I didn't know it when I left the state Sunday morning. It was a shock to come home on Thursday morning to word that he was gone and the funeral was already over.

The substance of Judge Givens' life can't be dismissed by a cost-accounted obituary. Nevertheless, the contrast between the power of his spirit and the poverty of the obit frames my intended subject well: The quality of the offering of public service in this particular primary is out of all proportion to the attention the people have so far invested.

The central fact about Judge Givens' 88 years of life is that he became a public man, stayed that way, and then by the most remarkable self discipline I have seen first hand, made sure that his public service became a public asset.

He was 81 when Robert Smylie, then governor, appointed the judge as chairman of the Idaho constitutional revision commission. I wasn't alone in this: In spite of my respect I wondered why Smylie chose such a frail old man for such heavy duty.

Near the end of the commission's six-year labor on the constitution, we were scheduled into a hearing on the top floor of the Idaho State University student union building. By then Judge Givens was walking with the aid of an aluminum frame. I told him I was sorry but the building had no elevator. "Well, damn it then, carry me up," he said, and while we did I thought, as I do now, how much of the public effort comprising Idaho's history had been gathered into and expressed from one frail body.

He was born six years before Idaho's constitution was written. He practiced law, served as a prosecutor, an assistant attorney general, a legislator, a district judge and then for nearly 30 years as a supreme court justice. Yet, like his obituary, this tells you almost nothing. What matters is that Judge Givens summoned all that experience into holding up to the light every phrase of our basic governing documents. More important, he used his years and energy to show others how to do it. And how to do it so carefully, critically and dispassionately that we do not thoughtlessly accept—or reject—the way we rule and are ruled and how we got this far.

Using this column to remark on him takes away space but adds meaning to what I'd wanted to write about. We are well served, our society enriched, when public life draws talents on the scale displayed by the present contest for U.S. senator.

Robert Smylie has been identifying and sharpening the issues. ISU President-on-leave William E. Davis is finding new warmth and concern in himself by responding to the so-called ordinary people who take the measure of a campaigner. The talents of Lawyer-Dr. Glen Wegner—couldn't we simply hire him without this election fuss? Rose Marie Bowman is giving a newly attractive meaning to being gutsy.

The woman as citizen is, in this campaign, injecting vitality when it is needed. The wives of Rep. Jim McClure and former Rep. George Hansen were secret and not-so-secret (in that order) major assets. Now we meet Polly Davis, Lynn Wegner, Byron Johnson's lustrous Marie. They are more than decorations.

They appeal because their heads and hearts work without being plugged into a kitchen outlet. It is part—and welcome!—of the new politics, even if it is also as old as Abigail Adams and Dolly Madison.

The 1972 field of candidates and their partners represents a commitment that will still be bearing fruit long after my obituary—"he liked trees," probably—has been proofread. Remembering Judge Givens, I celebrate that.

BANGLADESH EMERGES

Mr. CHURCH. Mr. President, the August issue of Harper's magazine contains a graphic and detailed report of the early days of the new nation of Bangladesh. Mr. Lawrence Leamer, a former Peace Corps volunteer in that area of the world, has written a vivid account of the atmospherics in Bangladesh following its successful fight for independence.

With Bangladesh's application for United Nations membership currently being held up, and with Career Officer Hermann Eilts being nominated as America's first Ambassador to Dacca, it is timely to recall the anguish and joys Bangladesh recently experienced.

I call, then, this special report, "Bangladesh in Mourning," to the attention of the Senate, and ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Harper's magazine, August 1972]

Bangladesh in Mourning—A New Nation Emerges From a Terrible Darkness

(By Laurence Leamer)

On the night Bhutto announced that he would free the Sheik, the young men who had fought the war and the young men who wished they had fought the war and the poor men of Dacca came out into the streets. Soon the small groups of men, men lithe by race and lithe by diet, and swathed in lungis, the long cotton skirt of Southeast Asia, merged into a mass that surged through the dusty, smoky haze of the evening streets. "Joi Bangla, Joi Bangla, Sheik Mujib, Sheik Mujib," they shouted; and when a television movie camera approached they drew to it, moths to fire, and jumped before the camera, thousands of brown hands flashing up into the klieg lights.

The Mukti Bahini guerrillas fired their Sten guns into the air, for they had no other instruments of celebration, but some refused, knowingly, saying it was best to conserve ammunition. Many of the young men looked up at the great orange moon that had just risen over the cement and clay bamboo walls of the city, and stood awed, scarcely believing, for the mountains of the moon were formed into the shape of Bangladesh. There were some few who realized that their country had no distinct shape and in that alone it mirrored the mountains of the moon, but most took it as the most wondrous of signs.

Even before dawn they began arriving. They traveled by launch and dugout on the rivers that are the arteries of Bangladesh, the water mud-brown and thick as blood, and full of katla and hilsa and the other large fish that jump up into the air so that the water below seems as thickly populated as the land above. They traveled by steamer on the two great rivers, the Ganges and the Brahmaputra, passing across the grayish-blue water that faded into the grayish-blue sky, moving among square-masted fishing noaykas, keeping far from the narrow strips of shore that give way to more water, more boats. They traveled by bus and truck and car across this land they call their mother, across the vast flatness of the land, past burned villages, fallow fields.

They traveled on trains, the cinders and smoke passing along the body of the train and out into the yellowish-brown landscape that stretched out, relieved only by occasional villages of bamboo and mud clustered among palm and banana trees, and then further back another village, and another, back beyond the eye, beyond the horizon. They traveled by foot, walking along the narrow paved roads into the city, into Dacca that now on the tenth of January was full of the dryness and dust of the winter season. They came carrying flags that tailors had stitched together, sewing red circles onto the green backgrounds, and then out of golden cloth cutting outline maps of Bangladesh—each one a crazy patchwork of indentations—and affixing them onto the red circles. In their hands they cradled malas of marigolds and roses, and they walked with banners and posters of exaltation and joy.

Soon the streets filled with the rhythmic chatter of Bengali, with layer upon layer of emotion and anticipation, with tens and tens and tens of thousands of Bengalis hurrying toward the racecourse or the airport or the road between.

Today the Sheik would return, return to them after nine months in prison, after horror beyond horror, after . . . there was no reason any longer to think about it. Today he would return, know how they loved him, know how he embodied them and they him; now it would be all right.

Sheik Mujib had become Bangladesh. The Bengalis are a race of talkers, and words and ideas mesmerize them, have a life of their own that often makes their implementation seem almost irrelevant. But Sheik Mujib could take the most extravagant and dramatic rhetoric and charge it with reality, with the reality of his own struggle and his own sense of the Bengali people. For almost a quarter of a century he had fought for the Awami League, the middle-class Bengali party that sought to wrest control over East Pakistan from the dominant West Pakistanis. The government realized the potential of this Bengali nationalism, and they imprisoned Sheik Mujib for a total of ten and one half years. They kept him in solitary confinement. They tortured him. They denied him books and writing material. And each jail term only further tightened Sheik Mujib's grip on the Awami League and his leadership of this movement for provincial autonomy.

In the December 1970 election, the first free election in Pakistani history, the Awami League won 160 of the 162 seats allotted to East Pakistan. President Yahya Khan postponed the meeting of the National Assembly and began negotiating with Sheik Mujib. Bengali Army officers and political leaders warned Sheik Mujib that Yahya was merely stalling until he had reinforced the Pakistan Army in East Pakistan, but Sheik Mujib would not listen.

On the evening of March 25, 1971, the tanks and half-tracks rolled out of the cantonment and fanned out across Dacca, to crush the Bengalis. At one-thirty in the morning the Pak soldiers went to the home of Sheik Mujib. Some hours before, the Sheik had learned what was to come and the students and politicians had pleaded with him to leave, to go underground, but he had refused. He knew full well if he were to escape, if for his failures he were to suffer less than others, then he would break his covenant with the Bengali people. He was a brave man surely. He sent his friends away, and he waited until they came and took him away to prison in West Pakistan.

He would be returning now, his covenant sanctified anew. The lands stood barren, corpses still unburied, factories silent, bridges demolished, the people hungry, but now they would begin again. He was more than a great leader to them, the father of their country. He was *Bangabandhu*, the friend of Bengal. He had a power that entered into the realm of the spirit. To see him, to touch him, was to receive what the Hindus called *darshana*, Sanskrit for "holy audience."

In the upstairs back room of the city Awami League office, Aftab Uddin Ahamed, a seller of trinkets and baubles, lay on a wooden cot, his lips as dry as the last leaf of autumn, his hair matted and snarled, his face unshaven. The week before he had promised Allah that he would take no food or water until Sheik Mujib returned. Not far from Dacca Airport, in a bamboo hut near the brown swamp at the outer edge of the poor community of Nakhalpapra, Kumila Khatoo rested on a mat on the mud floor. A week before when she had heard that Bhutto, the new president of Pakistan, would release the Sheik, she had begun to fast and say her prayers, and she lay there in her cotton sari and her single bracelet, waiting.

The return of Sheik Mujib symbolized victory not only over the West Pakistanis but over centuries of oppressors. The Aryans, the Moguls, the British all had dominated Bengal; and to all, the Bengalis had proved a treacherous and volatile race. At times they might pour their emotions into poetry and song. At times they might seem obsequious and fawning, even more so than a subject people need be, and then once again they would rise in violent revolt. With the creation of Pakistan in 1947, the Muslims of East Bengal had rid themselves of the Hindus who had dominated the commerce in the major cities and owned most of the large land holdings. But they had merely exchanged overlords. West Pakistan remained a semi-feudal land dominated by a few dozen families, and this oligarchy soon expanded its hegemony over land to commerce and industry as well, and to East Pakistan as well as to West.* Only now, with this independent Bangladesh, would the Bengalis rule their own land.

At the airport they waited, then, on this fine warm morning, the bureaucrats, ministers, officials, officers, diplomats, journalists, Mukti leaders, and student leaders. The Bangladesh Army, Navy, and Air Force units stood at attention in their new uniforms, standing as tall as if they thought that their caps could touch the sun.

Peons had already laid out two red carpets, one to grace Sheik Mujib's path as he met Bengali dignitaries, and a second for greeting the diplomatic community; both carpets were shiny and pink, covered with black marks and purple water stains. Here they stood, then, the elite of Bangladesh. Even stripped of their garments they would appear a race apart from those who waited outside the airport gates. In South Asia the prosperous wear some of their wealth on their bellies, their jowls, their thighs. Syed Nazrul Islam, the acting President, a plump man, full of sensuous well-being, stood swathed in white flowing pants and shirt and sleeveless "Mujib" vest that covered his fleshy, moist skin. Tajuddin Ahmed, the acting Prime Minister, wore green pants and shirt and sandals; and he too had a cherubic face, a stomach like the Chinese god of wealth, and a neck ringed with fat.

These cabinet ministers had fled to India when the Pak repression had begun, and they had formed a government-in-exile. They had spent much of their time feasting and drinking in Calcutta, and the struggle in Bangladesh had grown far beyond them. They had squandered their time. They had formulated no real plans. They had returned to Dacca five days after the end of the war, escorted by the Indian Army, armed only with their rhetoric and their devotion to Sheik Mujib. The Awami League really had no ideas. The party lived solely on the fervor of its nationalism and the belief that life in Bangladesh would have to change.

The student leaders, too, stood near the apex of this hierarchy of fervor. Unlike the common people they loved *their* Sheik Mujib. "Whatever is done by the people of Bangladesh is not beyond the knowledge of Sheik Mujibur Rahman," Nura Alam Siddique, president of the pro-Awami League Student League would say, and his three colleagues would nod in approval. At the airport the four student leaders and the ministers came together touching, holding hands, hugging. The ministers were not pandering to the student leaders, for the universities, the colleges, the schools had provided most of the boys and young men who joined the Mukti Bahini and fought the Pak Army. These students generally did not join for ideological reasons or out of loyalty to the Awami League. They fought out of outrage and idealism. They fought, too, many of them, because they had little choice, because the Pakistanis were hunting down Bengali youth, because the Pakistanis considered a fresh face or a youthful body proof enough of treachery.

The four student leaders were not masters of this movement, and they trafficked mainly in symbol, speech, and rhetoric. In this, however, they had few peers. They had given Bangladesh its flag, and they would give this day its perfect symbol. The Sheik was to have ridden from the airport to the racecourse in a black Mercedes, but the night before the students had said no, that would not do. And they had brought an old blue open truck to the airport, a truck decorated with red-and-blue bunting, with tires as smooth as glass, and a front windshield shattered by a bullet, and they said that the Sheik would sit here on a brown sofa in the back of the truck, that here he should greet his people.

PESTILENCE

The student leaders and the cabinet ministers would stand beside the Sheik, and directly behind in a jeep would come some of the Mukti force. Here Sheik Helal Uddin, a twelve-year-old cousin of Sheik Mujib's, decided he would ride. He sat now in the airport café at a table by himself wearing his olive-green uniform, stuffing unbuttered bread into his mouth. The café was crowded with journalists and officials hurriedly having tea and bread, and Sheik Helal Uddin sat there, the only child in the room, alone at his table. He was small, small even for his age, well under five feet, and sinewy, so shy that he seemed to have a perpetual blush on his face. Yet he had a certain pride and confidence that allowed him to sit there alone, untroubled by those who wanted a seat.

On the night of March 25, when the repression began, Helal Uddin had realized something was wrong, though he did not know what it might be. He had run away from his family in Khulna and gone to Faridpur, his uncle's home district. There he stayed with his grandparents. One night they learned the Pak Army was coming, and they fled across the river. As he looked back, he could see his house on fire. A week later they returned and found the village burned to the ground and corpses lying with their throats cut open. The Pak soldiers had machine-gunned or bayoneted the men to death, and they had raped the women and burned the houses and the fields, and now the boys who were still alive were going to join the Mukti Bahini.

Helal Uddin went with them to the village of Kaliganj in Khulna district. The Mukti captain told Helal Uddin that he was too young, he could not even lift a rifle. But, finally, the captain let him stay. He learned to put magazines in the machine guns, though he could never quite manage to take one out. They traveled by night and slept by day, and only after liberation in December did they come out in the open. It was then that they found the men huddled in the hold of a boat. The men were afraid, and when the guerrillas found arms in the boat, they admitted that they were Razakars, members of the Pak paramilitia. The Razakars led them to their camp where the Mukti found still more Razakars, until they had 204 in all. The guerrillas took their prisoners to the village where the Razakars said they had stayed. The village had been burned down, and the people who were still alive said that the Razakars had done it, had taken their rice and looted their homes and killed their men; and now even the Mukti captain, who at first had wanted merely to imprison the Razakars, agreed that they should be killed. And so they killed them, and Sheik Helal Uddin drove his bayonet into the bellies of six of them.

The liberation struggle aged such boys far beyond what usually passes for manhood and maturity. There had been rites of passage, of horror and heroism, beyond words, beyond comprehension. At first to the Bengali people themselves the Pakistani oppression had remained just another pestilence, along with floods, money-lenders, disease, famine. Then in November 1970 a great cyclone came raging up out of the Bay of Bengal. Half a million died, and those who keep records of such things called the cyclone the greatest natural disaster in human history. The Pakistani government did almost nothing to relieve the suffering, to feed the starving, to bury the rotting, bloated bodies of the drowned. This conscious disdain aroused the dormant, passive feelings of the Bengali people and drove them to a peak of fury.

In March 1971, when Sheik Mujib called for a noncooperation movement to force Yahya Khan to grant East Pakistan provincial autonomy, all across East Bengal the shops, the offices, the factories, the mills closed, and even those who had known Gandhi and his movement stood awed at the discipline and will of the Bengali people.

On the evening of the twenty-fifth, when the Awami League office in the great port city of Chittagong received the telephone call saying that the Pakistani tanks were moving through Dacca, the party workers spread out across the city shouting the news. The Bengalis came out in the streets in the dark hours of the early morning. They yelled "*Joi Bangla*" (Victory to Bengal), and they walked and ran toward the army cantonment where the Pakistanis were killing hundreds of Bengali recruits in their sleep. The Bengalis carried spears, rifles, shotguns, bows and arrows, and *daos*, the curved knife of Bengal, and they took up positions in the hills and trees and roads that surround the great cantonment area stretching for miles on the edge of the city. Some of the Bengalis were so fierce in their fury, so outraged, that they could not be held back, and they ran forward into the cantonment until they were cut down by machine-gun bursts, a few of them rising again to throw their spears arching up into the sky.

That night the East Bengal Regiment (EBR) of the Pak Army revolted. In the early morning hours, Major Zia Rahman led a contingent of the 8th EBR out of the cantonment to regroup in the Kalurghat area. There he met Captain Harun of the East Pakistan Rifles (EPR), the Bengali border patrol, and they formed what was the first Bangladesh liberation army. Shopkeepers opened their gun shops, the police their armory, the gun clubs their arsenals, sportsmen their gun cases. Merchants gave rice and cloth and cigarettes and medicine. The women of the city prepared food and the people donated money—rickshaw drivers a few annas, rich men thousands of rupees.

For several days the Bengalis held out, keeping the Pak Army penned up in the cantonment, undaunted by the shelling from the PNS *Babur* in the harbor and the sniping from Pak soldiers holding fortified positions in the city. When the Pakistani soldiers first came out of the cantonment they deceived the Bengalis by dressing as civilians, carrying the flag of Bangladesh, and shouting *"Joi Bangla."* When the first four tanks came out of the cantonment soon afterward, it is said that some of the students decided they would have to be stopped. The people of the city would need more time to escape. Already, on March 26, the Bengalis had dug trenches in front of the K-Rahman Ice Cream factory along the route where the tanks would have to come. The plan was for some of the students to fire guns at the tanks, to attract them so that they would come rumbling over the ditches where other boys would lie crouched with mines. The boys who were to divert the tanks could not afford to fail, so they stood up openly and fired their guns, and they were killed by machine-gun bullets. The boys in the ditches could not afford to fail either, so they pressed the mines up against the bottoms of the tanks without setting the timers, and they died in the explosions.

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* Twenty families controlled 66 percent of the industrial capital and over 80 percent of the banking. The GNP grew at over 5 percent a year, but by 1970 the vast majority of the people were either no better or not substantially better off than they had been two decades before, and 15 to 20 percent may have been worse off. Between 1950 and 1960 the average daily consumption of food declined from 2,010 to 1,970 calories, and the intake of protein was less than half that of inmates in German concentration camps during the last days of the second world war. Whatever the poor of the West suffered, those in the East suffered tenfold. Back in 1951–52, per capita income in the East had been 85 percent of the West's, but by 1967–68 it had fallen to 62 percent.

TERROR

When the first Mukti Bahini guerrilla units entered Bangladesh in late April and May, they began to eliminate collaborators from the villages. In the Chittagong area, as all across Bangladesh, these Mukti Bahini were mainly students from homes of prosperous or moderate circumstances. Now they were terrorists. They went into villages, and when they knew they could trust the villagers, they would tell them that they were Mukti and then ask them if any collaborators or Razakars lived there.

By the summer months the Mukti had killed most of the collaborators who lived in isolated villages, and the Pakistani Army was growing less assured, venturing out of its barracks and cantonments into the countryside only in strong numbers and only by day. The soldiers were Punjabis, Afghans, Kashmiris, Sindhis, and Baluchis—martial peoples, manly races. They looked toward the Middle East for their culture, and often to the past for their dreams, to the Mogul rule. What could they think of these Bengalis, then, these soft brown little men in skirts, prone to gasps of emotion, to tears even, so proud of their Bengali culture, a culture as much Hindu as Muslim, a people more South Asian than "true" Pakistani? These Bengalis were kafir, nonbelievers, or so the West Pakistanis thought, and they hated them and their land, this land that had nothing of the austere grandeur of the desert, this land that now in the monsoon had become an immense and frightening expanse of water.

There had been no more sleek and pampered army in all of Asia, a proud force that twice had fought the Indians with awesome courage. Now, though, they were slowly turning into a rabble masquerading in the uniforms of an army; lieutenants and NCOs raped the same women; officers and men shared the same loot. They were growing bloated, prowling the land for booty and women, burning villages. They had no intention of risking their lives when they did not have to.

By August the Mukti could begin to attack police stations in the countryside and cut off communications. The Pakistanis placed bamboo spikes along the rail line between Dacca and Chittagong to prevent the guerrillas from creeping in to attack passing trains. They doubled their guard on major buildings and strategic areas, and they began talking nervously about the role Indian infiltrators were playing in the guerrilla activities. That was the basis of their propaganda, but they simply could not believe these Bengali boys could be harassing them so.

The first major operation in Chittagong took place on the evening of August 15. Thirty-three Mukti commandos dropped into the water of the port. They wore swimming trunks and flippers. They swam on their backs with only the tips of their noses above water. In their arms they cradled eight-pound chemical mines. Sentries fired out across the water, emptying their rifles at shadows. The commandos attached their mines to eleven ships, including merchant ships and patrol boats, and as they swam back across the river the explosions rocked the port; the youths, all of them, escaped into the night.

PLAGUE

They had such pride in their victory, this victory of the Bengali people. None would ever mock their courage again. None would call them a race of poets and women. If only that pride, that joy, could transform their horrors into mere memories, the horrors that mocked them, mocked their liberation, mocked their pride, mocked their joy.

Some at least could pretend to forget, but what about men such as Mohammed Ul Haque? Before the troubles Haque had been doing well enough. He was a truck driver, but he had managed to save enough to start a little shop selling cigarettes and *pan,* the betel nut that South Asians love to chew. He took too much *pan* himself so that the indentations between his teeth had turned black, matching the color of his hair and bristly moustache. He was usually on time at the garage where he picked up the fifteen-ton refuse truck that he drove through Chittagong while two workers dumped garbage and dead animals into the back.

Early in April Haque's employer, Asgar Hussain, who leased vehicles to the municipality, came to him and said that from now on he would have to carry dead bodies. The army sent a supervisor and six outcaste sweepers, who before had worked in the hospitals handling dead bodies and cutting up corpses for postmortems.

From morning to night they worked, trip after trip, only twenty or twenty-five bodies at a time so that they could cover the loads with tarps. They drove to the municipal garbage dump and buried the bodies in great trenches. Haque would drive to the Wireless Colony where the Biharis, the Urdu-speaking refugees from Bihar and Uttar Pradesh, lived, and they would empty corpses from rooms in the high school piled full of bodies. He would drive to the tannery, and they would remove the bodies of women who had bled to death from the way they had been raped. He would drive along K.C. Dey Road, the Hindu quarter, where building after building had been razed, and the pink inner walls of the houses stood open to the air like flesh, and the putrid stench led them to the rotting corpses.

Even for the sweepers, the lowest of the low, it was sometimes too much. They were paid extra rupees. They could take any money found on the bodies and pull off rings and jewelry. But some of them refused to put severed heads into the truck or pick up arms and legs. After two months or so the work let up, to six trips or less a day, and in the fall the Army took over the work completely. Yet even now, at times, it seems as if the stench of those bodies is on Haque, as if when he talks about those days he becomes touched with death itself.

And what has it all done to A.K.S. Afsaruddin? What is there in that face now, as he sits at his desk in the East Pakistan Railway office in Chittagong, that thin ascetic *Mullah's* face, the lips as thin as coins, the eyes so close together there is scarcely room for his high narrow nose, the sparse white beard, the teeth the color of old ivory? It is not the eyes—there are forty-two-year-old men with watery eyes; no, it is the voice, the shudder, the shriek that stays in the voice even when he whispers.

He went back to Faiz Lake at the end of January. He saw the skulls, thirty or more, lying there in a neat geometric pile. He could smell the rotting flesh. He found the scarf of the *Mullah,* the priest of Punjabi Lane, lying in the grass along with bits and pieces of saris and shirts, and it drove him near mad.

Afsaruddin had gone to the mosque that morning of November 10 to say his prayers. When he and the priest and the three other good Muslims who came there each morning left the mosque at about 5:30 A.M., they met a Bihari from the Wireless Colony nearby. "You'll have a bad time today," the Bihari reported. "You Bengalis have killed four of our people."

The Bengalis knew what this might mean. The Biharis were the most loyal Pakistanis of them all. Most of them lived in their own communities, and the Pakistan government rewarded their fidelity with middling positions and minor economic privilege. In Chittagong over a hundred Biharis had died in two days of communal rioting in early March; more had died in the uprising at the end of March when they had sheltered Pak soldiers and sided with the Army. Since then the Biharis had been taking their revenge. They had expanded their grievances so much that their stories passed beyond the mere realm of mere exaggeration to one of pure deceit.

Most of the Bengalis who lived in Punjabi Lane, and the Biharis in the Wireless Colony next door, worked for the East Pakistan Railway. In letter, threat, and whispered gossip the Biharis had been questioning the patriotism of all ranking Bengali railway personnel, and they had seen to it that most of them were killed.

"Where did this happen that you are threatening us?" Afsaruddin asked.

"Up the road."

The five religious Muslims walked along the road into a wooded area past the furthest outskirts of the community. As they turned the bend in the road where the four bodies lay in the dust, they came upon a thousand or so Biharis armed with lathis, swords, iron rods, shotguns, rifles, daggers, and kukris. They ran down the road. They ran screaming through Punjabi Lane warning people to flee, and Afsaruddin and Akbar Hossain, one of the other morning worshippers, ran onward to get help from the police.

Afsaruddin was a good Muslim, for years a strong believer in Pakistan, and he still had faith, some faith, in the authority of the state. He begged the police to come; he pleaded, he even went to the two superintendents of police, a Bengali and a West Pakistani. "These are minor matters," the West Pakistani said. "We'll take care of it." The Bengali at last agreed to send a detachment of police, but they got only as far as Pahartali station in the Wireless Colony.

"Nothing is happening," the Bihari officer in charge told them, and they returned to their Chittagong headquarters. Afsaruddin learned that just outside the railway station at the Wireless Colony, the Biharis had stopped the trains that brought the Bengali workers into the railway shops and offices. They stopped the 7:30 A.M. train, and they stopped the 8:10 as well. They had rifles and daggers and Sten guns, and they herded the people together and took them somewhere. But where? Reports of missing people were coming into the police station now, and there was near panic, and still Afsaruddin could find nothing; no proof, no bodies. Not until that evening did he go to the Pahartali bazaar, where he met Gofron Bhuyia, a twenty-eight-year-old shopkeeper with small eyes and a thin face, its triangular shape accentuated by a trim beard.

"Why are you running around like this!" Bhuyia asked. "Why are you running around like this! Looking for bodies! They are on the other side of the hill!"

Bhuyia had been up early sorting out merchandise in his little shop next to the mosque in Punjabi Lane when the Biharis surrounded the community. They forced him to go with them up the road toward an inlet of Faiz Lake, a man-made reservoir surrounded by thickly foliaged hills, and one of the most popular scenic places in all of East Pakistan. He could hear voices ahead pleading, begging for mercy. They pushed him up off the road onto a field drenched with blood. He saw headless bodies, their hands still tied behind their backs. He fell to his knees. They began tying his hands behind his back. He flailed out with his one free hand and lunged forward, running toward the inlet, plunging into the water, swimming away under a shower of bricks and rifle fire.

He swam to the far side of the inlet where a small hill rose up out of the water, a hill covered with brambles and vines. He had lost his shirt and *lungi* and sandals, and he tore his way through the foliage, clawing a path part way up the hill where he stumbled exhausted into a thicket of thorns. The Biharis walked around the inlet. Some of them came within a few feet of him, but finally they went away.

After lying there a half hour or so, Bhuyia cleared a tiny open spot for himself and looked out across the inlet . . . stunned . . . he could not move . . . think . . . only look . . . hour after hour. They tied their arms and legs together. Those who resisted they stuck with daggers, chopped off their heads and threw the bodies into a ditch. The rest they pushed forward toward the lake where they cut off their heads with great butcher knives. They had drums of acid they would pour on the corpses to disfigure them beyond recognition. Women . . . men . . . children . . . for hours he lay there before he crawled away.

The Biharis still were keeping the road blocked off so Afsaruddin and three other Bengalis crept through the woods until they reached the inlet. The moon had risen. It was like the feeding grounds of some race of ancient predators. There could not be so many bodies. In his horror Afsaruddin counted. He wanted a record of it. That was what he must do. Five hundred bodies lying there. Five hundred. How many more, legs and arms showing in the ditches, half-covered by dirt, who knew; but five hundred, he had counted, he knew. He had lost all reason, all rationality; he did not care for his life. This would not go unnoticed, five hundred bodies.

The next day Afsaruddin went to the military authorities and begged them to bury the bodies properly, to bury them as Muslims and not just leave them there naked, their private parts showing. He called up the Circuit House, the army headquarters. They told him to shut up and asked his name. He hung up and that evening went back to Pahartali bazaar.

There he met the glass cutter who said he had seen more bodies in the narrow valley across Faiz Lake. Afsaruddin was the chronicler of the horror now, the witness, and he would go there, yes, he would go there and see those bodies too and count them. And so they went—Afsaruddin, the glass cutter, and a third man—to the other side of the lake up the hill to where the Pak Army had dumped the trucks, bodies, decomposing bodies, strewn there, women, girls, young, twenty, thirty, some could scarcely be fifteen, lovely girls, girls of good family, their light skin alive in the moonlight, and their bellies swollen, so many of them, they were pregnant, three or four months pregnant, and their abdomens had been cut with a cross, he did not fear now, he did not fear, he did not fear, 1,082 he counted, 1,082, they must have been kept at the cantonment, 1,082, he did not fear, the third man fainted and they dragged him down to the lake and doused his head in water until he came to, and then they returned to Chittagong.

He would go to the press, he would go to the world, he would tell. He knew the Daily Azadi, the Chittagong newspaper, and he went there the next day, but they said they could not write anything. He telephoned Dacca and talked to a high Bengali official. He tried to get a plane ticket to Dacca to tell him, but he could not. He went to the Superintendent of Police's office, time and time again he went, and because of him and because of Bhuyia's complaints as well, the police agreed to look into the matter. And then a Bengali intelligence officer came up to him and told him that his name had been leaked out. If he did not leave he would be killed. And so he fled, wearing a lungi instead of his usual flowing white pants and shirt.

He has returned to the railway office now, but still it is with him. At times he is quiet, and then it wells up in him again, he remembers, and he will sob and sob, again and again, until he is scolded or shamed into being quiet.

There is nowhere Afsaruddin can go to forget. There is nowhere any Bengali can go. Even at the airport waiting for the Sheik there are boys who had to suck the penises of Pakistani jawans. At the end of the runway in the bunkers there are bras and pieces of saris, and the cantonment is near where they found girls wearing only shorts, their hair clipped, so they could not hang themselves with their saris or the tresses of their hair. That stench, that death is on everyone, on everyone but the Sheik; the Sheik was not here. He has suffered, but he has not been here; there is a purity to him and to his suffering, and he alone can purge this land of all this, can bring them peace, can bring them peace, can bring them peace.

THE BELOVED

The Royal Air Force Comet comes out of the eastern sky and passes across Dacca, and then, turning slowly, drops to earth. As the great silver and blue plane touches down, trailing a spume of dust, a single gasp surges through the Bengalis waiting on the tarmac. "Our beloved leader is here. Our beloved leader is here," a voice, a voice on the precipice of hysteria, announces over the public address system. "He is back after ten months. All the friends and soldiers and workers, we appeal to you to be disciplined. Our beloved leader is here."

The people begin sliding past the cordon of soldiers, and these youths of sixteen or seventeen are themselves so awed, so overcome, that they turn dumfounded toward the plane. He is there. He is there in the doorway. *"We appeal to you to be disciplined."* Hundreds of Bengalis rush through the cordon. They must touch him. They must get to him, touch him. *"Do not rush.* Do not rush. We appeal to you to be *disciplined."* The ministers and high officials leave their places along the red carpet and push toward the gangplank. *". . . to be disciplined. Our beloved . . ."* They must touch him. The ministers hurry up the staircase and garland Sheik Mujib. For a moment he cries, and then he controls himself and walks down to the ground and is engulfed in his welcomers.

The fifty-one-year-old Sheik is tall, almost six feet tall, far taller than most Bengalis, and his head and shoulders move above the crowd, a face transfigured, beyond mere emotion, the gray hair and moustache and full features quintessentially Bengali. The Bengali soldiers are trying to forge a pathway for him, screaming, begging, beseeching people to move, to get back, give *Bangabandhu* some room, don't let him be trampled. *". . . rush. Do not rush . . ."* He is a presence above them, above the day, greeting his troops and the diplomats and then, still walking slowly, moving to the truck. Students and cameramen and onlookers, who have no business there, are climbing onto the truck, jumping on the hood, and the student leaders push them off, bending their fingers and arms until they drop to the ground.

The Sheik and the ministers and the student leaders are on the truck, and the motorcade moves past the cement walls of the airport, and now finally the Sheik sees his people. They are all Bangladesh has, all that Bangladesh can give him, and his face begins to come alive. The two-and-one-half mile route from the airport to the racecourse is a narrow tunnel through rickshaw wallahs, farmers, mill workers, peddlers, business people; students and young people line the route, this their last certain act of devotion. Sheik Mujib merges with the thirty others in the truck, and the truck merges with the soldiers who walk beside and the youths who clap and dance their way down the road, and the procession merges with the people who fall in behind, until the Sheik and the truck and the procession and the people all are one organism.

"Joi Bangla. Joi Bangla. Joi Bangla." Victory to Bengal. Victory to Bengal. Victory to Bengal. *"Sheik Mujib Zindabad. Sheik Mujib Zindabad."* Long live Sheik Mujib. Long live Sheik Mujib. Thousands and thousands of young brown faces, thousands of them. Behind the procession a gigantic plume of dust rises up off the road, a hundred feet up into the air, diffusing into a grayish mist. The people throw garlands and white pigeons and rose petals, and the hood of the truck is soon a mass of flowers, a nest for the pigeons. Each moment the Sheik's face becomes more vivid, more graced with the emotions of the day, and the people stand there crying with their joy. They want nothing, these people, these hundreds and thousands of people. Give them work to earn enough for rice and a little fish twice a day; that is enough, that is everything, that is all they ask of their Sheik.

Even now they shield him, their bodies shield him. He cannot see that the *bustees*, the crude bamboo huts that once lay along the road, are no longer there, burned down by the Pakistanis. He cannot see the gray MPA hostel that the Pakistanis used as a prison and torturing center, or the private house behind where they slaughtered Bengalis and no one dares venture even now.

Adur Rahman stands along the road, his tears turning to laughter, his laughter again to tears. During the troubles the Pakistanis picked him up and took him to the MPA hostel. They stripped him naked, hung him from the ceiling, and beat him with a rubber hose and cane until blood came from his nose. They tortured him in ways he will not talk about. For long afterward he thought it better far to be dead than to have such memories. But today it is all gone; he is filled with joy.

The crowd presses around the truck like fish swirling in a net, and their joy, their emotion, becomes almost a physical presence. For two and one half hours the truck has passed along the road, through the people, and now, turning into the great open field at the racecourse—no, it is not possible, people, people, back into the haze of the afternoon sun, the earth is nothing but people, they hang off trees, the fruit of the trees, pressing toward him, a million people pressing toward him. Sheik Mujib cries. He takes his white handkerchief from his pocket, and he stands there, the tears washing down his face, smiling and crying, the tears streaming down.

The truck inches onto the field. They are no longer simply a crowd. There are currents, waves, ripples that pass through them, and in the distance they are like an immense field of jute swaying in the warm winter sun. The truck cannot move quite up to the speaker's platform, and the Sheik must get down and walk the last few yards. They had seemed so gentle, so tranquil in their movements, so like a field of jute, but now that mass is pressing upon him, trying to touch him, grabbing at him. They thrust and shove toward him; he appears half dazed, he is jostled and elbowed and pushed; if he should stumble, God knows what would happen. His protectors claw and pummel a path for him, dragging people off the staircase, and half lift the Sheik up to the speaker's platform.

He stands before them now. They have been waiting, many of them for eight hours or more sitting in the sun without food or drink, and they cheer, they shout *"Joi Bangla, Joi Bangla"*; shouts beyond exaltation, deep groaning shouts that burst out of them as if they were ridding themselves of tumors. The shouts, the *Joi Banglas,* surge forward, from behind him, to the sides, rolling up to the platform and beyond. He stands wiping his tears with his fine long hand, scarcely moving, scarcely able to move. While he stands there many of the dignitaries surround a young woman volunteer who has brought a thermos of ice water. They squabble, fighting for a cup of water, two, three cups more, before they walk away, satiated.

"Brothers and sisters of Bangladesh," he begins. "On this auspicious day I remember at the outset those farmers, laborers, students, and intellectuals who embraced martyrdom in the hands of the barbarous Pakistani Army during the last nine months." His voice is an elemental force, like a tidal wave or an earth tremor; a voice that comes not from him but up from the ground; a voice that embodies all the pain, the anguish, the joy; a voice that has claws to it, his every word tearing at the air. "I pray for the salvation of their departed souls. My lifelong desire is fulfilled today. My Golden Bengal is today an independent and sovereign state."

He is speaking extemporaneously but each sentence, each thought, has rhythm and pace, the emotions of each phrase, each idea, rising above what he said before, its excesses, its emotions made tolerable only by what has come before. The young Awami League leaders stand behind Sheik Mujib, and although they are preventing thousands of Bengalis from seeing their leader, they refuse to move. They stand proudly, arms folded, finally sitting down when the speech is more than half over.

"We will not cry anymore," Sheik Mujib says, and as he speaks he is crying. "'Oh my Golden Bengal I love thee,' Kabiguru Rabindranath Tagore once said, 'Oh mother Bengal you have created seventy million Bengalis but you have not allowed them to grow to manhood.' But this is no longer true of the people of Bangladesh. The people of Bangladesh have proved to the world that they are a nation of heroes."

He carries his people far beyond their troubles; he charges the whole struggle with meaning, and as he takes his people from emotion to emotion, memory to memory, hope to hope, he says what has to be said. He has been in prison during nine months of the most momentous changes a nation could go through, and yet he is able to speak as if he had never left the country, as if he had led the liberation struggle with his language and a gun. He does not have to ask his advisers what to say this day. He knows. He quiets the hatred against the Biharis by asking the non-Bengalis to become true Bengalis. He knows his country needs massive aid from abroad and he calls for that aid with pride.

The afternoon is ending in a purple haze, and the setting sun turns his face golden. The people are quieting now, swaying to the rhythms of his words, and now his speech crescendoes. He drives his emotions, his language, up to the edge of uncontrol.

"The new Bengal will grow up. The people of Bangladesh will be jubilant, happy, free, and will have enough to eat. That is the goal of my life. Today I appeal to Allah to give me that blessing.

"My dear brothers, there are still 400,000 Bengalis in West Pakistan.

"My dear brothers, I know the conspiracy has not yet ended.

"Bengalis, be vigilant against conspiracy.

"I cannot speak anymore. Let me pray."

Sheik Mujib leads the people in prayer, and then he shouts, "Joi Bangla."

"Joi Bangla."

"Joi Bangla."

"Joi Bangla."

"Joi Bangla."

"Joi Bangla."

"Bangladesh omor." Bangladesh is immortal.

"Hoi. Hoi." It is. It is.

"Bangladesh omor."

"Hoi. Hoi."

"Bangladesh omor."

"Hoi. Hoi."

"Shaheed smriti." To the memory of the martyrs.

"Omor Hoak." Let it be immortal.

"Shaheed smriti."

"Omor hoak."

"Shaheed smriti."

"Omor hoak."

Sheik Mujib sits down on the floor of the platform and his friends come and surround him and look at him with great love. They fan him with their hands. "Oh my God, oh my God, oh my God," he cries. All the emotion has drained out of him and out of the day, and as the sun sets behind a distant mosque, the people pass from the racecourse, pass quietly away, fading into the dust.

II

There would be no more days like that one. There would be speeches and ceremonies, many of them, but they would not be the same. Two days later Sheik Mujib took office as Prime Minister. He arrived at Banga Bhavan, Bengal House, wearing the same traditional costume of wide white pants, billowing shirt, and sleeveless vest that he had worn on his return to Bangladesh. On this day, however, he traveled not in an open truck but in a closed black Mercedes. As he walked into the main lounge, an elegant room rich with chandeliers, he passed among diplomats, high officials and their brilliantly dressed wives. Awami League leaders, army officers, and an occasional petty bureaucrat. The audience applauded with the appropriate mixture of fervor and restraint, and the dignitaries, understanding the substance of power and the rituals of its celebration, listened with rapt attention as Sheik Mujib took his oath.

The new Prime Minister and his government confronted problems of almost unprecedented magnitude. The conflict had so thoroughly devastated Bangladesh that it would take two to three billion dollars just to repair the damage, the largest job of rehabilitation since the days of the Marshall Plan after World War II. Relief ships could not even come into the port of Chittagong because mines and sunken ships still blocked the harbor. The rail line between Chittagong and Dacca, the great passageway for goods and materials, was not yet open. The farmers needed seed to plant their annual crop of wet rice if the people of Bangladesh were not to be dependent on relief food for another year. Before the monsoon, five months away, there would have to be permanent bridges on the roads; the temporary structures would wash away, leaving Bangladesh a chain of isolated islands. Tons and tons of food had to be stored in warehouses across the country by then, or the people would go hungry.

Sheik Mujib counted on help from the developed world as well as on the nearly unanimous support of the Bengali people. The millions of refugees who had fled across the border or to remote villages did not wait for promises of sustenance or seed before they began returning home, and the roads and rivers were full of people. When the villagers reached their homes, as often as not they found that the Pakistanis had burned them and the monsoon rains had melted down the mud walls.

The villages had almost no seed or bullock or money, and when a rumor spread across Bangladesh that all those who had filled out the green application cards at the Labor Exchange would be given work, the people left their villages by the tens of thousands. The officials at the various Labor Exchanges told them that there was no work, but the villagers did not believe them, and they came, five, six, then ten thousand a day, to Dacca alone. Their *lungis* and bewildered faces set them apart from the people of the city, and once they had their green cards, they hurried out of Dacca.

The government seemed almost paralyzed. East Pakistan had been a provincial government. Now, with the West Pakistani bureaucrats gone, with many of the Bengali officers dead and those who remained alive suspect for remaining alive, and with Bihari clerks and minor officials afraid to come to their offices, this same provincial government was required to administer the affairs of what had become the world's eighth largest nation. Those administrators who had remained in the country during the liberation struggle were not willing to risk their positions by making decisions. They merely shuffled papers and passed memos up to the highest levels of government. The cabinet ministers ended up dealing with matters that clerks should have handled. They worried about questions of visas and protocol. They named a national flower, a national bird, and a national marching song. They simply had no idea, no sense of the size of Bangladesh's problems. At the present rate, the population would double in twenty-three years, growing from 75 million to 150 million in what was already one of the world's most densely populated countries. Zahur Ahmed Chowdhury, then Minister of Labor, Health and Family Planning, was said to have three wives and twenty-two children. When the government announced its first list of priorities, birth control ranked twentieth.

Favor seekers besieged the government. The poor of the countryside and of the cities asked very little, but many Bengalis thought they should be able to cash in their anguish for businesses belonging to Biharis and West Pakistanis, for import licenses, for teaching posts, for government sinecures. A great many administrative vacancies did exist, and Awami Leaguers began acquiring them. Some of them were grasping men, puffed up with their new importance. There would be money now, bridge contracts, road contracts, positions managing the industries the government would be taking over, and they and their friends were available. They would do favors, certainly, but for a price. Many of these bureaucrats did not even come to work regularly, and Sheik Mujib had to begin making spot checks on offices to see just which officials were at their desks.

The Prime Minister worked from early morning until after ten at night, but he spent hours of his time more like a *sirdar,* a village chieftain, than the Prime Minister of a great country. He loved his people. He felt a great need to greet delegation after delegation of students, soldiers, villagers, anyone who did not have anything critical to say. He listened to politicians and business people and bureaucrats, listened as they asked for favors or proffered advice, listened because he thought himself the physical embodiment of the nation, listened because it was his job to listen. His decisions often depended on who had talked to him last, and that was much the way the Pakistanis had run the government.

Sheik Mujib still could charge the symbols and rhetoric of the liberation struggle with meaning and intensity, and that was the function he preferred above all others. He flew to Calcutta, 150 miles from Dacca, and the people came out to see him by the millions. Sheik Mujib had become a symbol of *their* identity as Bengalis; West Bengali intellectuals had, in fact, begun to accuse India of exploiting West Bengal, just as a decade before the Bengalis of the East had accused the Pakistanis.

Sheik Mujib flew to Moscow. Here he signed trade agreements that saddled Bangladesh with further economic burdens. He had little choice because the Western countries were not sending anywhere near the amount of aid he had expected, and the Western voluntary agencies were merely dabbling in relief. They had come, Uncle Erik's Children Help, the Red Cross, Save the Children Fund, the United Nations, OXFAM, Ramakrishna, Seventh-Day Adventists, Mennonites, CARE, fifty some organizations in all. Over seventy Red Cross workers stayed in the Intercontinental hotel, a spendid high-rise with $20 rooms, cheeseburgers, and French cuisine. Traveling from famine to famine, holocaust to holocaust, from Peru to Biafra to Bangladesh, these relief workers were not that much different from diplomats or foreign correspondents. They brought in all the wrong things: 250,000 sets of long underwear from Germany, baby food, canned herring, heavy blankets, used Western clothing.

Bangladesh needed bulldozers, trucks, bridgebuilding equipment, boats. Bangladesh needed money, money to pay workers to unload goods or to repair roads, money to buy what they needed as they needed it.

The government was doing almost nothing to repair the damaged roads and bridges, and the villagers were trying to fix them with their bare hands. Even by March work had still not begun clearing the Chittagong harbor, and across Bangladesh the soldiers and Mukti Bahini were doing almost no rehabilitation work. The soldiers themselves, particularly the younger officers, had begun to speak openly against the Indian Army that in December had defeated the Pak forces and freed Bangladesh. Since then Mrs. Gandhi had proven extremely generous in her aid. But the soldiers knew by now that the Indian Army had carried the Pakistani arms back over the border, leaving the Bangladesh Army as little more than a police force. The Indians sent truckload after truckload of mill equipment back over the border too, and much of the jute crop as well.

In many areas the Mukti Bahini were maintaining law and order, but in other areas guerrillas merely roamed the countryside. They had nothing really to tell the villagers—no guidance, no direction—but the villagers deferred to them nonetheless. In certain districts the Mukti went out at night hunting down leftist revolutionaries who believed in an ideology similar to that of the pro-Maoist Naxalites of West Bengal. Some of these groups had sided with the Pakistanis during the struggle, but some of them had fought for the liberation of Bangladesh, and often the Mukti Bahini did not make a distinction between the two. The Maoists gathered arms and waited. They believed that soon the people would turn to them. A few of the Mukti Bahini did join with the Maoists, but only a few. Most could find nothing for their idealism and joy and dedication to build on. Their hatreds, their youthful arrogance did build day by day. The worst were those who had done the least during the time of trouble, and the worst lived in Dacca. The only direction they had was the direction of their hatred, and that was toward the Biharis in their communities of Mirpur and Mohammedpur on the outskirts of Dacca.

At the end of January major fighting broke out in Mirpur, and the grayish smoke of shelling hovered over the city. The government began moving out busloads of Biharis, sending them off with no more than a bundle of belongings, taking the women and children to refugee camps, the men to prison. Relief workers and journalists were not allowed to enter Mirpur because the government said that in certain sections the Biharis had built bunkers and other fortifications and were planning a final resistance. Several journalists did manage, finally, to get into the city, and they found that this was not true. The Biharis had given up their weapons. They were afraid, and they had little food or water.

It was not the Bengali people, the mourners, the stricken, who were treating the Biharis so, but the highest authority of the state. The *jawans* and police must have understood this, accepted it as their license, for the EBR officers and police officials lost control of their men. In Mirpur and Mohammedpur they could not stop them from looting; they could threaten and command, but the looting did not stop.

The people of the cities were growing fearful again. Before they had feared the Pak Army; now they were not sure just what they had to fear. They did fear the bands of *dacoits*, who before had robbed with daggers and *daos*, and now entered homes carrying submachine guns and automatic rifles. They did fear those Mukti Bahini who were hijacking cars at will. Most of all, though, they feared the unknown, the future. Many of those who had been the most critical of the Awami League government had now grown quiet, and those who at first had been euphoric now expressed doubts.

By spring the people were coming, thousands of them a day, to live in Dacca, and their crude shacks spread across the landscape, along railway tracks and roads, wherever they could find a bit of space. They were always there waiting in front of Sheik Mujib's house in Dhanmandi: villagers waiting bullock and seed standing around smoking the tiny cigars called *bidis*; distant relatives and friends more distant still from the Sheik's home district of Faridpur ready to ask one favor or another; students with petitions and poems for *Bangagandhu;* union delegations demanding higher wages. When Sheik Mujib left his house he might say a few words to them and they would shout, "*Joi Bangla.*" Then he would step into the back seat of the Mercedes, and the car would rush into the city, past the ornamental lake near Dhanmandi where every day more of the homeless built their *bustees* until soon it seemed their bamboo shacks would cover the very road on which the Prime Minister traveled.* At the gate to President's House, across the street from a field where trenches full of human bone had been found, the chauffeur would nudge the car through a crowd of laborers, rickshaw drivers, Indian *jawans*, and villagers. Once inside the compound, Sheik Mujib would get out and hurry into his office.

Outside the curtained, glass doors to the Prime Minister's office, the petitioners waited, ten, fifteen, twenty of them. They all had what they considered reasons of the utmost urgency why they should see the Prime Minister, and they whispered their requests into the ears of the men who controlled Sheik Mujib's schedule. These men who surrounded the Sheik were the sort who always gravitate toward power, *Mosahab* they are called in Bengali, yes-men, their hands as smooth as satin, their language as smooth as their hands. They were just where they wanted to be, and they were marvelously adept at turning away those petitioners whom they did not want the Prime Minister to see.

One afternoon after Sheik Mujib had been Prime Minister for a month, he sat on a white couch in his long, high-ceilinged office talking to a journalist. "Oh, yes, my boy," he said, "my people have fought empty-handed against the mighty forces of Pakistan." He spoke scarcely above a whisper, the words sighing out of him:

"My people are a brave people, brave not only now but brave for hundreds of years. My people know how to die."

Sheik Mujib lived on pure and perfect emotion. He drew his listener into him, into his Bangladesh, and by fiat, by his mere presence in the room, the listener became a part of Sheik Mujib's Bangladesh. To discuss the realities of the country would be to sully the emotion, and the journalist continued talking in tones of reverence and awe.

"What amazes me," the journalist said, "is that when you came back, you had been in prison for nine months, and yet you knew exactly what to say."

"I know them. They know me. I love them. I love my people and my people love me. And I know their minds and I know their courage. And I know their sincerity, and they know my sincerity. And whatever I say the people will do. There is absolutely no question about it."

His every word embraced his people, and he insisted on their embrace. His feelings went beyond arrogance or pride. This was a vision, a vision that sustained and hurt him, and he was true to it, for he carried his emotion out before him like an open wound.

"What about the situation now? the journalist asked finally. "I see the Labor Exchange. Every day there are more people coming, people by the thousands looking for work."

"It's a serious problem, the unemployment problem," Sheik Mujib said. "Our factories aren't working. I have to arrange it. I can make new industries."

"But some of your most dedicated workers are growing pessimistic," the journalist said. "They say that opportunists are coming in and taking positions. They say that enough is not being done."

"Nothing of the kind. Nobody is coming in," Sheik Mujib answered in a voice touched with irritation. He could brook no criticism. It hurt him so. "I have my own program I am following. I am a clear-cut man. I believe in a secular state. I believe in socialism. The whole problem is that all the workers, all the students have lost something."

"Then it's just a normal reaction?"

"No reaction. No reaction. Don't say it's a reaction. One or two persons may say things. But there are so many people here in Bangladesh who joined with Yahya Khan, the Razakars. These people might talk, but the people who have sacrificed, the people who have suffered, they know how they have achieved their independence. And they love me, no doubt."

Sheik Mujib ended the interview abruptly. There were some students among those waiting to see the Prime Minister, but many of the young people were growing weary of Sheik Mujib and his rhetoric, and they had begun to doubt him. Sheik Mujib embodied Bangladesh and Bengal and the Bengalis, and to doubt him was to doubt themselves, their whole struggle, and to be filled with self-loathing and despair.

Despite them and despite Sheik Mujib and his government, though, the life of Bangladesh, the life of the countryside, was reasserting itself. The villagers were rebuilding their homes and planting their fields. In the summer the great rains of the monsoon fell upon the land, covering the parched and fissioned earth, covering the crumbling bunkers of the Pak Army, covering what remained of the skeletons and the tank tracks and the other rubbish of war, covering all with a blanket of water, and, as it always did this time of year, *Sonar Bangla*, golden Bengal, appeared luxuriant and fertile and rich with promise.

APPALLING RISE IN MEDICAL CARE EXPENDITURES

Mr. BROCK. Mr. President, the appalling rise in medical care expenditures in the United States has drawn much attention in this session of Congress—Americans now spend close to $70 million per year, or some 7 percent of the gross national product, on health and health care. This is a larger commitment to health than is made by any other nation on earth. And, yet, far too many incidents are cited to illustrate that we are not doing enough to provide quality health care for all Americans.

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* At the end of March, government trucks moved the 5,000 or so squatters from the park near Sheik Mujib's home to empty lots five miles from Dacca.

Several of the current proposals in the Senate to rectify this situation approach this problem with a monolithic, totally Government-controlled program which would dismember the third largest industry in the country and could leave the health consumer in a far worse position than he faces today. In shaping new Federal programs we must make every effort to preserve the benefits which come from a pluralistic, competitive approach to modern health care.

Even without all-inclusive legislation now before Congress, the health care industry is making significant strides to improve health delivery and reduce the cost of care to the consumer. While certainly much remains to be done, I invite to the attention of Senators to the July announcement by the Hospital Corp. of America of Nashville, Tenn. HCA announced major reductions in room rates at the North Shore Hospital in Miami, Fla. The reduction will amount to an across the board cut for room and board of 10 percent and is coupled with new plans for a $3 million modernization program to further improve patient care and operating efficiency at the North Shore facility.

Mr. President, I believe this reduction serves notice that America's health care industry can be competitive while preserving quality care. We in Congress must stimulate such competition by urging the use of such cost-cutting techniques as a centralized purchasing, better coordination, specialized facilities among hospitals within the same community, and more efficient utilization of professional staffs and facilities.

I congratulate the Hospital Corp. for this reduction. I hope that other hospitals will follow its lead.

Mr. President, I ask unanimous consent that the text of the reduction announcement be printed in the Record.

There being no objection, the announcement was ordered to be printed in the Record, as follows:

Announcement

Miami, Fla., July 26.—North Shore Hospital, a non-profit 270-bed facility managed by Hospital Corporation of America, today announced major reductions in room rates that will save patients an aggregate of approximately a half-million dollars annually.

Officials said the reductions would cut some room rates by as much as $11 per day. and would reduce total room and board costs to the patient by approximately 10 per cent.

Dr. Fred Gunion, president of the North Shore Board of Trustees, said the reductions resulted from the greater economies and improved service achieved under Hospital Corporation management of the facility and were accomplished "despite the nationwide trend toward spiralling health care costs."

The health care industry drew special attention in the Phase II Economic Program because costs to the consumer were rising at a rate substantially greater than the overall rate of inflation.

HCA began operating the Miami facility under a management contract one year ago, reorganized its operation, and extensively expanded its services.

HCA President John A. Hill said, "We know of no other major hospitals that are even considering reductions in charges, and most are seeking approval for increases. This just illustrates what can be done about the rising cost of hospitalization in this country." Hill serves as a member of President Nixon's Health Care Advisory Committee.

It was also announced today that HCA would begin immediately a $3 million modernization program at the Miami hospital that will further improve patient care and operating efficiency.

Hill said, "It normally takes two years for us to turn around the operations of a hospital we acquire or manage, and to fully realize the benefits of our management systems. What we are announcing here today is the result of only one year of management of this hospital."

Reductions range from $11 on highest price private rooms, from $75 per day to $64 per day, to $6 on four-bed rooms, cut from $42 to $36. Compared with figures in a recent Miami Herald Survey of area hospital charges, North Shore is one of the lowest in total patient daily room rates, even before these reductions.

HCA did not increase rates when it assumed responsibility for managing the facility last year. Slightly adjusted radiology and physical therapy charges were the only pricing change instituted by the corporation, and these are more than offset by the room rate reductions announced today. Hill said that no charges are being increased.

Gunion explained that "patient room rates are the part of the hospital bill which most patients pay out of their own pockets. Most other hospital charges are fully covered by some form of insurance or other reimbursement program, so we selected room rates as the area for reduction most beneficial to the average patient."

Hill said that virtually all of the Company's 40 hospitals have rates "at least competitive with other hospitals in their areas."

"We are constantly seeking ways to reduce operating costs while improving patient care," Hill said, "and to pass these savings along to our patients."

HCA owns most of its hospitals and has built 14 of them, with 12 more under construction now. The firm is the largest in its field, with more than 6,000 beds in operation in 12 states. Hill said the Company manages the other hospitals for other owners, and is actively seeking more such situations.

"We believe this achievement proves what we have been saying all along." Hill continued, "that our company can manage hospitals effectively, can reduce the rate of inflation at least in our own operations, while still producing a reasonable profit margin."

Major cost savings were achieved at North Shore through improvements in food service operations, business office operations, and housekeeping, developing better cost and billing controls in several departments, and in general management of the facility which resulted in major reductions in personnel costs.

In addition to these changes, which also improved patient care and services, North Shore Hospital arranged for 24-hour professional coverage of the emergency room, instituted pharmacy procedures including a unit-dose system and patient profile system, negotiated contractual arrangements for anesthesia, installed telemetry systems for cardiac patients permitting constant monitoring at a central nurses' station, added new, specialized X-ray equipment, developed operating manuals for all departments, installed an EEG department, and established a program to improve the effectiveness of regular emergency procedures drills.

North Shore Board President Gunion gave full credit for the cost reductions to "HCA administration and systems." Gunion said. "It is really amazing that we are able to cut rates when most American hospitals, including several in Miami, are increasing charges to patients."

Members of the Board attended a press conference here today at which the rate reductions and expansion program were announced. Others present include Dr. Thomas F. First, Vice Chairman and Chief Medical Officer of HCA, Robert P. Brueck, Senior Vice President, Robert Crosby, Regional Vice President and former administrator of the hospital, and E. A. Goodwin, administrator of North Shore. A special guest was Dr. Norman West, President of the Federation of American Hospitals.

Members of the Board of Trustees of North Shore Hospital are: Dr. Fred A. Gunion. President, Dr. Robert N. Lee, Vice President, Dr. George L. Richards, Secretary. Dr. P. J. Hanson, Dr. Harris E. Cuckku, Dr. Ludwig Ungaro, Dr. H. Macil, White, Dr. John R. Hilsenbeck, Dr. Charles Biggane, Dr. C. L. Wilson, and Dr. James H. Stage, President of the medical staff.

Included in the planned modernization and expansion of the hospital announced today are completion of one floor for an additional 89 beds, 38 of which will be available in November, central air conditioning enlarging, complete carpeting of the facility, enlarging obstetrical unit, enlarging pharmacy and adding doctors' lounge and other new areas; plus general renovation of the entire building. Planned by the Nashville architectural firm of Gresham and Smith, the construction program is scheduled in such a way that a minimum of 270 beds will be maintained in operation throughout the building process.

The project involved $2.8 million in construction and $300,000 in new equipment.

HCA is headquartered in Nashville, Tenn., where it was formed less than four years ago. Its stock is listed on the New York Stock Exchange.

SUCCESS FOR METHADONE PROGRAM

Mr. JAVITS. Mr. President, as the author of the "Drug Addict Treatment and Rehabilitation Act of 1971" (S. 2840), a bill designed to promote the establishment of comprehensive State and local methadone maintenance programs, I am pleased to commend to the attention of Senators the editorial entitled "Cutting Addict Crime," published in today's New York Times.

The Senate yesterday passed an admirable bill on this subject, H.R. 9323, I have long urged the establishment of more methadone maintenance programs, a proven treatment modality, in order to combat the scourge of heroin abuse which is a plague on our society. The editorial cites a New York City report which gives encouraging evidence that voluntary entrance into New York City's methadone maintenance program materially reduces drug addict crime. For those drug addicts in treatment for 13 months or more, patients who had at least two arrests in the year prior to their admission into the program, there was a 96-percent decrease in arrests.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Cutting Addict Crime

Encouraging evidence that voluntary entrance into the city's methadone maintenance program by drug addicts materially cuts their tendency to commit crimes is provided in a report to Mayor Lindsay and his Narcotic Control Council from Health Services Administrator Gordon Chase.

While the study of criminal arrest rates is based on random sampling of the nearly 10,000 addicts in the city's methadone program, Mr. Chase considers it "one of the largest documented arrest studies ever conducted by an addict treatment program." Made in cooperation with the Police Department, the study shows a dramatic decline in the arrest rates of addicts. An accompanying graph depicts the figures for male patients who had had two or more arrests in the year prior to their admission into the city's methadone program. Those in treatment for thirteen months or more, a sizable group, showed an astonishing 96 per cent decrease in arrests. For those newer in the program, the drop in arrests is less spectacular but still very substantial. (Graph not printed in the Record.)

The relationship between arrests and crimes has to be considered simple and direct; thus, the study's revelation that addicts in methadone treatment commit far fewer crimes strongly implies that to expand methadone treatment programs is to make the city safer still.

Unquestionably, there is need for some caution. Methadone blocks an addict's craving for heroin and generally enables him to function productively in society, but it is nonetheless a potentially lethal drug that must be carefully administered by competent medical personnel. Sloppily run programs conducted by unscrupulous private physicians have resulted in an inexcusable diversion of methadone and turned it into a destructive article of illegal commerce on the streets.

The substitution of one addictive drug for another, methadone for heroin, can hardly be considered a wholly satisfactory response to the city's drug problem. Work must go forward, as it is, on the development of improved methadone and other narcotic antagonists less lethal to uninitiated users. Even more important is the task of weaning methadone addicts from this substitute drug and returning them to an altogether drug-free status.

But what the city's study of police records shows is a salutary impact for the existing methadone program. Society has an interest both in reclaiming its addict population, estimated at perhaps 150,000 persons in this city alone. It also has an interest in reducing the risk of criminal attack by drug-crazed addicts desperate for the next fix. The city's study of arrest rates for addicts in its methadone program argues strongly for that program's rapid expansion to include the thousands of addicts now on waiting lists and actively seeking help.

DENVER METRO TRANSIT—EXCITING THINGS HAVE BEEN HAPPENING

Mr. ALLOTT. Mr. President, since Denver Metro Transit took over the operation of the Denver Tramway Co., exciting things have been happening. Service has been improved. Ridership has sharply increased—which is just the opposite of what is happening in most American cities.

A concise, but interesting and factual story of the success of Denver Metro Transit is told in the August 1972, issue of Colorado Municipalities. The article is authored by Ed Ruetz, who, since he came to Colorado 12 years ago, has been in the forefront of the campaign to improve the transportation picture in Denver. Reutz is now director of Information Services of Denver Metro Transit. I commend this article to the Senate. It tells what can be done by efficient, effective transportation management.

Mr. President, I ask unanimous consent that Mr. Ruetz' article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DENVER METRO TRANSIT: SERVING 16.6 MILLION PASSENGERS ITS FIRST YEAR

(By Ed Ruetz)

"Denver Tramway says it may not be able to continue operations if transit union demands are too high," read headlines in the Denver Post and Rocky Mountain News in the winter of 1971. Indeed the Tramway, like many other privately-owned systems, found that hauling passengers for profit in a city that was fast becoming one of the most auto-oriented in the United States did not work. The company, in an attempt to conserve resources and maintain service on the more heavily-patronized lines, was caught in the classic transit industry spiral of decreasing service on marginal or unprofitable lines, reducing frequency and hours of service, outright abandonment of some lines, and raising fares. Each round of fare increases brought a mathematically-predictable decline in ridership.

Denver's Mayor and Council had been watching the situation in public transportation with great interest since early 1970. Also watching were the Department of Transportation's Urban Mass Transit Administration, the local news media and the more than 50,000 daily riders of the Tramway.

While the city and others were watching the decline of the public transit system, there was also a growing awareness in and out of government that transportation played a major role in the quality of the life-style of the community. The public transportation system, if properly exploited for its ability to move great numbers of people to and from the city center and to outlying locations, could have a major impact on such problems as air pollution and the inordinate amount of land that is turned over to the movement and storage of automobiles. These considerations as well as those involving the desirability of providing transportation for those citizens, who, for whatever reason, did not have an automobile, went into the decision by the city to approach the Tramway Company about a sale of the system to the city.

A bond election for $4 million to provide the city's share of funds for a purchase of the system was first defeated in September of 1970, but by November, when resubmitted to the voters, it won overwhelming approval with 76 percent voting in favor of city ownership.

In a recent speech, Mayor William McNichols recounted the events leading up to the city acquisition of the system. He described the first meeting with officials of the Tramway as "very short". It has become apparent that condemnation proceedings would be needed to determine a price for the 214 buses and facilities at 350 South Santa Fe Drive in Denver. With condemnation proceedings launched, April 18, 1971 was set as the date for the takeover of the system. It was in this takeover that Denver met a problem now confronting many other cities faced with the necessity of keeping the transit system in operation—who is going to manage and operate it? A Cincinnati-based firm, ATE Management & Services, which had gained expertise in the operation of publicly-owned transit systems, was chosen from among four competitors. The Mayor and the Council reached a consensus that if the city was to run the system, it would be run well and not on a bare-bones, crisis basis. ATE sent Houston P. Ishmael to Denver to operate what had been the Denver Tramway. Ishmael brought with him a staff dedicated to the proposition that the advantages of the transit system must be sold to the community, and in order to do that, the city must have a system that is a source of pride.

In the time that ATE has been responsible for the operation of public transportation in Denver, a significant change has taken place. What had a 15 percent annual decline in patronage on the Tramway had become a 20 percent gain on Denver Metro Transit. Coaches were now operating to more locations, in and out of Denver. The public was asked to pick a new color scheme for the coaches and suggestions on service improvements were earnestly solicited from the public. Attractive new "Board Here" signs with the Transit system's phone number included replaced the rather sterile "Bus Stop" signs which had dotted locations in the city since 1928.

Service in suburban communities was expanded on a contract basis since the Denver City Charter prohibits the extension of city services to outlying communities unless contracted for. The formula worked out by ATE provides credits to the suburban communities for fares originated in those communities. In the first round of adjustments for the suburban service, Denver Metro Transit refunded some $40,000 to the suburbs because of the higher-than-expected patronage coming from them.

The improvements in the Denver system have drawn national attention. While most transit systems are attempting to halt the decline in usage, the passenger gains in Denver appear dramatic. While some of the initial success of city operation of the system has been credited to Coloradans who believe public transit is a major tool in solving many environmental problems, the gains of the past year must also be credited to a city and transit system that are trying hard to respond to the needs of the citizens of the community. This first year of city operation saw 16.6 million passengers use Denver Metro Transit, that's more than 1.1 million over the previous year. ATE is far from satisfied however, Marketing Director Peter C. Weiglin says, "We've managed to get the easy ones, now we're after the hard ones, those who must be shown that we do offer an attractive alternative to the automobile."

OIL COMPANIES PAID 6.7 PERCENT IN INCOME TAXES IN 1971

Mr. PROXMIRE. Mr. President, according to official records at the Securities and Exchange Commission, the 18 largest oil companies paid a grand total of 6.7 percent of their net income in Federal income taxes. This is significantly less than they paid in 1970 or in the few years prior to the passage of the 1969 Tax Reform Act. In 1970, after restating their income, these companies paid 9.1 percent of their income in Federal income taxes. In terms of actual money paid to the Federal Treasury, this means these 18 oil companies paid $114,672,000 less in 1971 than they did in 1970.

If the public cry for tax reform means anything, it means that situations like this cannot continue to exist. When companies earning over $10 billion a year pay only 6.7 percent of their actual net income in Federal income taxes and individuals earning just over $10,000 a year who file a joint return have to pay 32 percent, it is clear that our tax code is not equitable.

I realize that the petroleum industry's

standard defense is "Yes, admittedly, we pay less in Federal income taxes, but we pay more in foreign and local taxes." That is no reason why the Federal taxpayers should have to subsidize exploration in the Middle East. Why should the American taxpayer have to subsidize exploration for cheap Middle Eastern crude which is too insecure, according to the Government, for him to use? And even if we add the foreign and State and Federal taxes together, the total is still less than many companies have to pay just for Federal income taxes.

Mr. President, these figures are a clear example of the need for tax reform. I ask unanimous consent that the analysis and table from U.S. Oil Week be printed in the RECORD.

There being no objection, the analysis and table were ordered to be printed in the RECORD, as follows:

MAJOR OIL COMPANY FEDERAL INCOME TAXES FALL

Despite the small cut in the oil depletion allowance, the percentage of federal income taxes paid by major oil companies fell last year.

A survey of federal taxes, buried in the annals of the Securities and Exchange Commission, showed 18 top companies paid these amounts and the percentage of their net income they represent:

	Tax	Percent
Standard (New Jersey)	$211,542,000	7.7
Texaco	30,000,000	2.3
Gulf	31,062,000	2.3
Mobil	85,700,000	7.4
Standard (California)	14,000,000	1.6
Standard (Indiana)	63,462,000	14.5
Shell	43,738,000	14.9
Arco	11,115,000	3.8
Phillips	32,734,000	15.0
Sun	41,081,000	17.4
Union (California)	11,750	7.9
Amerada Hess	22,552,000	9.3
Getty	31,585,000	15.1
Conoco	6,240,000	2.1
Cities Service	9,934,000	8.4
Marathon	14,000	6.1
Standard (Ohio)	1,245,000	2.0
Ashland	23,954,000	46.3

Not only the percentage paid but the actual tax was lower than in 1970 in many cases.

A table showing profit and taxes for the past five years begins on page 3.

Figures for previous years have been radically revised from earlier figures given SEC possibly because of audits or changes in accounting provisions and methods.

Figures in this issue update substantially numbers in the Oct. 25, 1971 table published in U.S. Oil Week. But the October table shows tax and profit reports going back to 1962 that may have been revised.

Annual reports published for shareholders by many large oil companies show income taxes as vastly higher than the federal tax paid to the U.S.

The SEC allows refiners to lump together federal, state and foreign taxes along with sums set aside to pay taxes at a later date.

Thus the "provision for income tax" in annual reports can be totaled by refiner and other trade associations to give the impression the large companies are paying a high federal income tax.

But in the 10K reports filed at the SEC, the federal, foreign and state taxes are broken out.

Some companies don't even break out these figures in the 10K reports making it extremely difficult to come up with the figures in this table.

Often, companies with the lowest federal income taxes are the hardest to get the figure from.

SEC rules require publicly held firms to report their federal income taxes, but many resist.

U.S. Oil Week publishes these figures annually because of the significance given by marketers to low federal taxes of refining companies as compared with marketers not involved in crude oil production.

This year the figures taken on a new significance as federal tax avoidance becomes a national issue.

WHAT FIGURES SHOW

Curiously the figures show in many cases that the larger the company the smaller the tax percentage.

That's because the larger firms are involved abroad where royalties may sometimes be treated as federal income taxes paid to foreign governments thus becoming a tax credit against federal tax owed Uncle Sam.

Some of these revisions from previous years show important trends. Earlier after-tax figures showed Ashland Oil & Refining's after tax net growing in recent years, while revised figures show a steady drop.

By keeping concentrating on marketing and avoiding the spending to find and produce crude oil, especially abroad. Ashland has burdened itself with the highest tax percentages among large oil companies.

Ashland's poor performance is especially important to marketers because of its policy of supplying independent brand gasoline marketers.

Since Ashland has an unusually small branded marketing program, its name is not widely known across the nation.

But through supply or ownership Ashland has been the company with enough private label representation nationally to rank it high.

What fate lies ahead for Ashland now as it branded refiner competitors move quickly into the low-priced gasoline field?

Marathon, another big supplier of private branders, unlike Ashland has kept its federal income tax to an unusually low figure by investing heavily in crude oil production, particularly abroad.

But Marathon and Continental have suffered, the figures show, from north African governments taking a bigger bite out of crude oil profits abroad.

This bigger bite is called foreign income tax and thus keeps Marathon and Conoco domestic taxes low . . . and 2.1% respectively.

Another price conscious marketer, Amerada Hess, now benefits from the outstanding tax advantages of crude oil production at home and abroad.

Figures given to SEC show Hess 15.1% federal income tax, a much lower percentage than Hess Oil & Chemical paid before it was merged with the crude oil heavy Amerada Petroleum.

Ohio Standard's federal taxes were so low in 1970 that the after-tax profit was higher than before-tax profit.

Despite a net income of $65,848,000 that year, Sohio won a $6,918,000 credit from the Treasury Department.

One important consequence of federal oil tax policy is its effect on the alleged energy crisis.

Tax treatment of income earned abroad has encouraged the search for oil abroad at the expense of drilling at home.

The API last week said drilling to find oil and gas has fallen more than 50% in the past 15 years.

It may be that oil producers think the prospects for finding big pools of oil in the U.S. have waned.

If so it would strengthen marketer claims that more oil be imported from abroad where oil is plentiful instead of using up dwindling crude oil supplies at home.

FEDERAL INCOME TAXES—18 MAJOR OIL COMPANIES

[Dollar amounts in thousands]

Company and year	Net income before tax	Federal income taxes	Federal tax as percent of net	Foreign, state income taxes	Foreign, state as percent of net	Net income after tax
Standard (New Jersey):						
1967	$2,061,000	$166,000	8.1	$700,000	34.0	$1,195,028
1968	2,313,587	233,999	10.1	802,907	34.0	1,276,681
1969	2,069,697	265,789	12.8	756,269	36.5	1,047,939
1970	2,474,748	268,273	10.8	896,938	36.2	1,309,537
1971	2,736,717	211,542	7.7	1,063,175	38.8	1,462,000
Texaco:						
1967	892,428	17,500	1.9	124,400	13.9	750,528
1968	1,006,246	23,800	2.3	162,800	16.1	819,646
1969	952,854	7,250	.7	175,800	18.4	769,804
1970	1,137,666	73,250	6.4	242,400	21.3	822,016
1971	1,319,468	30,000	2.3	385,600	29.2	903,868
Gulf:						
1967	955,968	74,142	7.8	303,539	31.8	578,287
1968	977,321	8,005	.8	342,997	35.1	626,319
1969	992,005	4,264	.4	377,183	38.0	610,558
1970	990,197	11,892	1.2	427,939	43.2	550,366
1971	1,324,914	31,062	2.3	732,451	55.3	561,401
Mobil:						
1967	599,796	26,900	4.5	187,503	32.3	385,393
1968	680,979	22,000	3.2	228,271	33.5	430,708
1969	736,403	41,800	5.7	260,088	35.3	434,515
1970	873,951	95,600	10.9	295,644	33.8	482,707
1971	1,152,639	85,700	7.4	526,144	45.6	540,795
Standard (California):						
1967	$791,962	$12,900	$1.6	$369,669	$46.7	$409,393
1968	569,431	16,700	2.9	100,900	17.7	451,831
1969	590,386	10,900	1.8	125,700	21.2	453,786
1970	658,517	29,700	4.7	174,000	26.4	454,817
1971	855,692	14,000	1.6	330,600	38.6	511,092
Standard (Indiana):						
1967	372,323	74,021	19.8	17,437	4.7	280,865
1968	399,526	74,682	18.6	15,350	3.8	309,494
1969	408,548	64,524	15.7	22,991	5.6	321,033
1970	394,539	56,018	14.2	24,502	6.2	314,119
1971	437,021	63,462	14.5	31,859	7.3	341,700
Shell:						
1967	342,022	44,940	13.1	12,233	3.6	284,849
1968	387,767	63,378	16.3	12,298	3.2	312,091
1969	308,451	5,464	1.7	11,836	3.8	291,151
1970	274,681	34,285	12.4	3,191	1.1	237,205
1971	292,175	43,738	14.9	3,833	1.3	244,604
Arco:						
1967	233,976	7,273	3.1	33,773	14.4	192,930
1968	239,225	2,225	9.3	38,165	15.9	201,285
1969	279,932	3,963	4.0	47,282	16.9	228,687
1970	263,406	10,622	4.0	43,280	16.4	209,504
1971	295,245	11,115	3.8	85,428	28.9	198,702

FEDERAL INCOME TAXES—18 MAJOR OIL COMPANIES—Continued

[Dollar amounts in thousands]

Company and year	Net income before tax	Federal income taxes	Federal tax as percent of net	Foreign, state income taxes	Foreign, state as percent of net	Net income after tax
Phillips:						
1967	$199,074	$59,163	$29.7	$7,595	3.8	$132,316
1968	174,931	52,255	29.9	11,496	6.5	111,180
1969	177,868	32,584	18.3	15,174	8.5	130,110
1970	185,739	35,191	18.9	16,759	9.0	133,789
1971	217,303	32,734	15.0	20,091	9.2	164,478
Sun:						
1967	221,249	45,906	20.7	16,060	7.3	159,283
1968	230,369	45,652	19.8	19,070	8.2	165,647
1969	228,787	49,651	21.7	25,585	11.2	153,551
1970	223,086	56,957	25.5	27,054	12.1	139,075
1971	236,070	41,081	17.4	43,373	18.4	151,616
Union (California):						
1967	163,820	10,400	6.3	8,457	5.2	144,963
1968	164,232	5,955	3.6	7,045	4.3	151,232
1969	171,430	8,800	5.1	9,400	5.4	153,230
1970	137,211	7,540	4.6	15,210	9.4	114,461
1971	147,357	11,750	7.9	20,900	14.2	114,707
Amerada Hess:						
1967	128,640	10,188	7.9	43,343	33.7	75,109
1968	159,668	11,281	7.0	57,799	36.2	90,588
1969	133,447	2,406	1.8	46,385	34.8	84,656
1970	183,208	6,648	3.6	62,550	34.1	114,010
1971	240,003	22,552	9.3	84,202	35.1	133,249
Getty:						
1967	141,192	11,517	8.2	11,609	8.2	118,166
1968	112,798	4,842	4.3	9,706	8.6	98,250
1969	148,329	19,323	13.0	9,738	6.6	119,268
1970	159,144	34,909	21.9	13,089	8.2	112,396
1971	209,439	31,585	15.1	46,911	22.4	130,943
Conoco:						
1967	239,210	30,031	12.5	62,369	26.1	146,810
1968	239,293	12,475	5.2	78,875	33.0	147,943
1969	246,675	3,394	1.4	88,406	35.8	154,875
1970	300,847	19,262	6.4	121,338	40.3	160,247
1971	292,428	6,240	2.1	176,760	60.4	109,428
Cities Service:						
1967	$165,289	$32,347	$19.6	$5,105	3.1	$127,837
1968	138,613	12,683	9.1	4,594	3.3	121,336
1969	165,418	27,254	16.7	4,766	2.9	133,398
1970	151,562	27,169	17.9	5,816	3.8	118,577
1971	117,574	9,934	8.4	3,173	2.7	104,467
Marathon:						
1967	138,520	3,700	2.7	60,962	44.0	73,858
1968	155,335	4,350	2.8	67,659	43.6	83,326
1969	170,657	3,250	1.9	77,929	45.6	89,478
1970	196,412	8,200	4.2	101,680	51.8	86,532
1971	229,390	14,000	6.1	147,176	64.2	68,214
Standard (Ohio):						
1967	104,614	29,594	28.3	8,412	8.0	66,608
1968	113,054	38,100	33.7	5,394	4.8	69,560
1969	99,193	42,601	42.9	5,183	5.2	51,409
1970	65,848	6,918	10.5	4,252	6.5	68,514
1971	60,462	1,245	2.0	7,508	12.4	54,199
Ashland:						
1967	86,829	25,669	29.9	4,236	4.9	55,924
1968	84,259	26,392	31.3	4,908	5.8	52,959
1969	89,082	27,631	31.0	3,719	4.2	57,732
1970	71,542	29,278	40.9	3,605	5.0	38,659
1971	51,788	23,954	46.3	4,029	7.8	23,805
Total for 18 companies:						
1967	7,837,912	682,191	8.7	1,976,702	25.2	5,179,019
1968	8,146,634	654,324	8.0	1,970,234	24.2	5,522,076
1969	7,969,162	620,848	7.8	2,063,434	25.9	5,284,880
1970	8,742,304	797,876	9.1	2,479,247	28.4	5,465,181
1971	10,215,685	683,204	6.7	3,713,213	36.3	5,819,268

THE TRAGEDY OF THE NATION'S CORRECTIONAL SYSTEM

Mr. BELLMON. Mr. President, September 9 marks the first anniversary of a recent great American tragedy. One year ago Saturday the inmates at New York's Attica Prison rioted and 43 people were killed, including 11 guards. The tragedy lies not just with Attica but with this Nation's correctional system.

As shocking as that incident was, the conditions that prevailed then in that prison and others still prevail today, despite the existence of several legislative proposals for penal reform.

Ben Bagdikian, of the Washington Post, observed that 8,000 Americans are sent to prisons and jails every day. Ninety-seven percent of them eventually return to society, and from 40 to 70 percent of them commit new crimes. He concluded that:

> If theirs is an average experience, they will, in addition to any genuine justice received, be forced into programs of psychological destruction; if they serve a sentence most of it will not be by decision of a judge acting under the Constitution but by a casual bureaucrat acting under no rules whatever; they will undergo a significant probability of forced homosexuality, and they will emerge from this experience a greater threat to society than when they went in.

Norman Carlson, the Director of the U.S. Bureau of Prisons, is of the opinion that—

> Anyone not a criminal will be one when he gets out of jail.

President Nixon has stated:

> No institution within our society has a record which presents such a conclusive case of failure as does our prison system.

Before Attica, on January 28, 1971, Senator SAXBE introduced S. 400, a bill which would establish a Criminal Justice Reform Administration in order to provide assistance to encourage States and localities to undertake comprehensive criminal justice reform. This bill, the Model Criminal Justice Reform Act, is still sitting in the Government Operations Committee.

My own bill, S. 662, introduced to the Senate on February 8, 1971, which would assist States and Federal institutions "in improving their penal and post adjudicatory programs," is still sitting in the Judiciary Committee.

Other significant penal reform measures were introduced after the Attica tragedy.

On October 20, 1971, Senator BURDICK introduced the "Offender Rehabilitation Act," S. 2732. Although this bill did not concern itself directly with prisons, it is concerned with allowing the ex-offender to rehabilitate himself. Specifically, any first offender—except murderers, rapists, and the like—who keeps himself within the law for a number of years after his release from the penitentiary will be able to ask for the nullification of his criminal record. This bill, if it becomes law, would become an important part of the rehabilitation process. A man's old record would not follow him around like a ghost. He will be able to get a job, vote, and serve on a jury just like any other citizen. The Subcommittee on National Penitentiaries has completed one series of hearings and revisions in the 11 months since this bill was introduced for our consideration.

Senator BAYH introduced the "Omnibus Correctional Reform Act" on November 22, 1971. His bill, S. 2894, would, "provide financal assistance for State and local small community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling to develop specialized curriculums; the training of educational personnel and the funding of research and demonstration projects, to provde financial assistance to encourage the States to adopt special protection services; to establish a Federal Corrections Institute." His bill still resides in the Subcommittee on National Penitentiaries.

Senator McCLELLAN sponsored S. 2939, on November 29, 1971, the "National Commission on Corrections," a bill which would review and study Federal, State, and local correctional systems, institutions, and programs for personnel qualifications, facilities, health, safety, employment training and counseling, meals, living conditions, family life, recreation, cultural and religious activities. This bill is still in the Subcommittee on National Penitentiaries.

Senator JAVITS proposed S. 3049, the "National Correctional Standards Act," on January 24 of this year. His bill would, "provide minimum standards in correction with certain Federal financial assistance to State and local correctional, penal and pretrial institutions and facilities." Hearings have begun in the Subcommittee on National Penitentiaries.

Senator PERCY sponsored S. 3185, the "Federal Corrections Reorganization Act," which would promote "more effective operations and management of the Federal corrections system by reorganizing certain functions and creating new organizations." The Subcommittee on Criminal Laws and Procedures.

In addition, there have been a host of other bills covering specialized areas of criminal justice, such as drugs, pretrial detention, and correctional staff training.

A year ago, I told this body that

> Prison riots are a blot on the fabric of our society . . . our prisons are severely lacking in the kind of activities to keep a prisoner suitably occupied. Training programs are inadequate and are not geared to real-life situations in business or industry. The term "corrections system" is a misnomer, because there is neither a system nor much correction.

A year has passed and still no legislation has been passed. Even the bills presently before the various subcommittees offer little more than "bandages" to modify or improve our present prison system. And even these bandages have not been made available for use.

A year ago, I told this body that,

> The Federal Government has both the resources and the responsibility to develop and support a correctional system that corrects instead of aggravating crime.

And I called for action "to correct the mistakes of the past and to lay the ground work for a better system of truly correcting those who are imprisoned for breaking the law."

Mr. President, I am sorry to say that these 12 months have been largely nonproductive so far as new legislation is concerned. Despite Attica and continuing similar incidents in our State and Federal prisons, prison reform still seems to have a very low priority with Congress. There have been no significant changes in prisons across the country. And only a very few experimental programs have come forth which try to achieve success in ways that are different from our old patterns of failure. Let me tell you about three such experimental programs.

First. The "Pennsylvania Project," funded by the Department of Labor, takes a randomly selected group of offenders and places them in an unlocked group living situation, and puts them through labor union training. During this period of time they earn full wages, pay taxes, pay for their room and board, and support their families.

Second. Under the California Probation Subsidy, the State gives the local units of government a certain amount of money for every offender placed on probation rather than in an institution. That money, in turn, is used for a program of intensive probation. This program saves California money, as well as providing the offender with a truly effective means of rehabilitation. This program is one of the programs California has instituted to save the State's taxpayers $200,000,000. California prisons and juvenile institutions are emptying, and crime has gone down.

Third. In Massachusetts, the director of juvenile corrections has dismantled all State juvenile institutions and has substituted group homes, intensive probation, and private treatment programs.

These three programs among others represent the direction corrections may take in order to stem the rising tide of crime. In the United States as a whole, crime is still high, many of these crimes being committed by bitter, unrehabilitated ex-convicts.

America gets back the people it sends to prison. We are not doing enough to assure that they are better citizens after prison than before.

Mr. President, I make no claim to be an authority as to the direction correctional reform must take. Based upon my experience as Governor, my reading of the crime statistics, and my observations as a Member of the Senate, I am convinced that Congress is not demonstrating proper concern. We simply are not acting in a timely way to prevent future Atticas. How many more riots must occur and how many more percentage points must our crime rate increase to motivate the Congress into action?

A new session of Congress will begin soon. As responsible representatives of the people of this Nation, I feel we cannot afford to waste another year as we have wasted a year since Attica. Correctional reform should be at the top of all priority lists for next year—perhaps there is still time to avoid future Atticas if we act without further delay.

ARMY SURVEILLANCE

Mr. NELSON. Mr. President, last week the Senator from North Carolina (Mr. ERVIN) released a staff report of the Constitutional Rights Subcommittee entitled "Army Surveillance—A Documentary Analysis." This report publicly reveals for the first time the shocking and extensive degree to which the U.S. Army has monitored the activities of ordinary citizens and civilian organizations and filed ths raw information away in thousands of files, dossiers, and computer data banks. Analyzing only a portion of the military's actual intelligence-gathering efforts and their data files, this report documents the Army's overzealous and dangerous invasion of first amendment rights of speech, assembly, religion, press, and petition, and the danger which these activities pose to the privacy and freedom of all citizens.

The report concluded that the Army's snooping was useful for "no legitimate—or even illegitimate—military purpose" in controlling civil disturbances. Still there appears to have been over 350 separate Army record centers containing files on over 100,000 civilians. Furthermore, these files contained raw data on the intimate private lives of law-abiding citizens gathered by a variety of dubious and covert means.

In the September 5, 1972, issue of the Evening Star and Daily News, James J. Kilpatrick summarized the staff report's analysis of the Army's civilian surveillance activities and raised the specter of George Orwell's 1984. More important, Mr. Kilpatrick framed a question and an answer which anyone concerned with maintaining individual liberties in this country must carefully ponder:

> How did this outrageous invasion of constitutional rights get started? It was for the best of motives: The Army wanted to prepare itself for the threat of internal revolution and major civil disorders. Then the cancer of bureaucracy went to work. People had to appear to be "doing something." Vast quantities of useless material piled up, and the technological wonders of computerized data processing did the rest.

The warning that erosions of individual liberties often begin in the most innocuous of ways has been sounded many times previously. Perhaps one of the more eloquent statements was made by Mr. Justice Sutherland in a dissenting opinion in the case of Associated Press against Labor Board, decided in 1937:

> Do the people of this land—in the providence of God, favored, as they sometimes boast, above all others in the plenitude of their liberties—desire to preserve those so carefully protected by the First Amendment: liberty of religious worship, freedom of speech and of the press, and the right as freemen peaceably to assemble and petition their government for a redress of grievances? If so, let them withstand all *beginnings* of encroachment. For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

The Constitutional Rights Subcommittee's staff report on Army surveillance of civilians and James J. Kilpatrick's column eloquently call attention to a most flagrant beginning of constitutional encroachment, I ask unanimous consent that the column entitled "Surveillance Report Has Orwellian Parallels," which was published in the Washington Evening Star and Daily News, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star and Daily News, Sept. 5, 1972]

SURVEILLANCE REPORT HAS ORWELLIAN PARALLELS

(By James J. Kilpatrick)

If it has been some time since you read "1984", let me recommend a return to George Orwell's classic; and then read a supplement to it. The supplement, published only a few days ago, is titled, "Army Surveillance of Civilians: A Documentary Analysis." We are not far from Orwell's bright cold day in April, when the clocks were striking thirteen.

This is a bone-chilling report, prepared for the Senate Subcommittee on Constitutional Rights under the direction of Chief Counsel L. Baskir. The document achieves dramatic impact by not being dramatic; it sounds a thundering warning without raising its voice. For many years, politically active Americans have been wondering: Were they suffering a kind of paranoia, or was Big Brother really watching them? Answer: He was watching.

The report covers some familiar ground, already traversed in hearings before Sen. Sam Ervin's subcommittee, but it contains much that is new. It transpired through the hearings last year that over a period of decades, going back at least to the time of Franklin Delano Roosevelt, the Army had been systematically gathering intelligence on civilians who might cause trouble. In the ensuing uproar, thousands of files and dossiers were destroyed, or so it was said, and orders went out to halt the surveillance.

Were the dossiers in fact destroyed? Has the surveillance ceased? Baskir leaves the questions unresolved. "It is unlikely," he says, "that we will ever know the extent to which the monitoring and the data banks have been cut back."

Baskir's report stops at Dec. 31, 1970. At that time, by his estimate, Army Intelligence "had reasonably current files on the political activities of at least 100,000 civilians unaffiliated with the armed forces." The Army then was maintaining more than 350 separate records centers. Some of these were enormous: Fourth Army Headquarters at Fort Sam Houston, Tex., had the equivalent of 120,000 file cards on "personalities of interest." At Fort McPherson, Ga., the Third Army had dossiers on 4,672 persons and 2,220 organizations.

Some of the most elaborately computerized files were maintained by the Continental Army Command, known as CONARC. At the press of a button, the computer could search through "2,269 pages of detailed summaries of the political beliefs and activities of nearly 5,500 persons." The information was known as "plink," computer shorthand for "personality link."

The plink on Subject No. 000001641, married female, Massachusetts, contained this derog info: "Has written a number of letters to U.S. Government officials, civil defense officials, and to newspapers. The letters are generally very critical of federal and local government because what she considers the futility of a civil defense program and refusal of countries to disarm."

The Army's dossiers, many of them drawn, like the foregoing plink, from FBI records, covered the whole landscape of political activity. The National Committee for a Sane Nuclear Policy, in one coding system, had Dossier No. ZA 00 90 26. The National States Rights Party was nearby: Dossier No. ZA 00 90 97.

Baskir's somber observation, in a concluding statement, evokes the Orwellian nightmare: "What separates military intelligence in the United States from its counterparts in totalitarian states," he says, "is not its capabilities, but its intentions." And he adds: "This may not wholly reassure many Americans."

How did this outrageous invasion of constitutional rights get started? It was for the best of motives: The Army wanted to prepare itself for the threat of internal revolution and major civil disorders. Then the cancer of bureaucracy went to work. People had to appear to be "doing something." Vast quantities of useless material piled up, and the technological wonders of computerized data processing did the rest.

Assuming that most of the dossiers have indeed been shredded, and most of the tapes wiped out, what is to prevent a recurrence of such surveillance in the future? That practical question, says Baskir, "remains to be considered." Thus ends his report, and we are left to wonder, to go back to Orwell, when our clocks will start striking.

PROTECTION OF SURVIVORS OF PUBLIC SAFETY OFFICERS

Mr. MONDALE. Mr. President, I am pleased that the Senate has now taken action on legislation to provide a $50,000 death benefit to the survivors of public safety officers killed as a result of criminal actions. We still have some unfinished business in the form of other legislation to provide them life insurance coverage. This is equally necessary to protect their survivors against financial hardship which may result from deaths of such officers not suffered in the line of duty.

Last year, a tragic series of police officers' killings took place in New York City and in Washington, D.C. A few weeks ago, a police officer was killed during a bank robbery in Roseville, Minn.

The Nation's conscience has been shocked by the rise in violence in our society. Public safety officers have borne an unfair share of this burden. In a 1970 survey it was revealed that 18 States still provide no financial assistance to the immediate survivors of law enforcement officers. Many small cities and towns similarly provide no such benefits. The situation with respect to other public safety officers is even worse.

We owe these brave men, and their families, the best law enforcement systems that we can devise. Substantial help, under the Law Enforcement Assistance Act, has been provided to make this possible. But, in the best of circumstances, death and serious injury will still threaten public safety officers. We must, therefore, assure that their families will not be left helpless if they meet an untimely death in seeking to protect us.

Last year, I introduced legislation to provide a national program for the compensation of all victims of violent crime. It included a special provision for a $50,000 death benefit for public safety officers. It it is very gratifying that the Senate has now taken action along these lines.

I am especially pleased that the bill which the Senate has passed was extended to cover firefighters and other public safety officers, as in my own bill. The original bill, in accordance with recommendations of the administration, was limited to policemen. I think that firefighters, correctional officers, national guardsmen, and sheriffs deserve the same protection.

I am also pleased that the bill covers part-time and volunteer officers.

A significant amount of our public safety protection, especially in firefighting, is provided by such personnel. We must assure them and their survivors the same protection as full-time and paid officers.

The bill also provides benefits in the event of dismemberment suffered by a public safety officer. It would offer $25,000 for single dismemberment and $50,000 for multiple dismemberment.

Another important feature of this legislation is that the benefits would not be subject to Federal income taxes. We have been advised that the payments would be regarded in the same fashion as workmen's compensation and, hence, would not be taxed.

The bill would cover deaths or dismemberment of public safety officers occurring as a result of criminal action on and after January 1, 1967. This date would cover the period during which we have experienced a shocking increase in felonious attacks on public safety officers.

In the 6 years from 1961 through 1966, about 50 killings per year, on the average, were reported for police officers in the United States. During the next 5 years, the average number of felonious police killings had risen to 80 or almost double the earlier figure.

Mr. President, we can never adequately express our appreciation to the gallant men and women who daily risk their lives as public safety officers. There is no way that we can repay their survivors if they are killed in line of duty. But we can spare them the severe financial hardship which they often suffer. I hope that the Congress will speedily complete action on this bill.

As I have indicated, the bill deals with only a part of the problem. Public safety officers frequently have difficulty purchasing life insurance protection—either individually or in groups. All too often, their on-the-job risks are regarded as too high for insurance companies to accept.

But it is hard to believe that they often cannot purchase life insurance to protect their families against the normal risks of death not connected with their jobs. Or such insurance may be available only at very high, or even prohibitive, rates. It is clear that Federal action is needed here, too.

I am pleased to be a cosponsor of two bills which would provide Federal assistance for the establishment of group life insurance programs for public safety officers. These bills—S. 2994, introduced by the Senator from Arkansas (Mr. McCLELLAN), and S. 2995, introduced by the Senator from Massachusetts (Mr. KENNEDY)—are pending in the Judiciary Committee.

I have been advised that the committee plans to consider them soon. I hope that the Senate will be able to act on them at an early date.

When a public safety officer is killed in line of duty, whether by criminal action or otherwise, the conscience of the community is shocked. Indeed the traumatic experience for his family may be more acute than that suffered from a death through natural or accidental causes. However, the financial plight of the family will be equally serious. Thus, we must fill the gap in insurance protection offered to public safety officers.

The Federal Government recognizes its special responsibilities in this regard for its employees. It provides for Federal contributions to group life insurance protection for its personnel. The Federal Government has now recognized its interest in improved law enforcement and public safety programs. It is not fair to call upon members of our community to serve as public safety officers and to expose their families to the unreasonable financial hazards which are created by the absence of satisfactory life insurance programs.

The two bills which I have cosponsored would provide for employee contributions to the cost of life insurance. A Federal contribution would be authorized to assure that a program would be available to all officers and that the costs would not be prohibitive.

Mr. President, I commend the efforts that have been put forth in support of these bills to help protect the survivors of public safety officers. I urge that the earliest possible action be scheduled by the Judiciary Committee and by the Senate on the life insurance legislation. I will do everything I can to assist in enacting this vital measure.

U.S. RECOGNITION OF CUBA

Mr. GURNEY. Mr. President, a July 14, 1972, editorial published in the Miami newspaper, the Voice, makes some excellent points concerning whether this country ought to recognize Fidel Castro's Communist regime. In light of recent reports concerning the boasts of Cuban Air Force Minister Roual Castro, younger brother of Fidel Castro, over the increased numbers of Soviet missile-launching boats obtained by Cuba this year, it would seem to be especially appropriate to place this article in the Record.

I ask unanimous consent that the editorial, entitled "Why Should the Castro Regime Be Recognized?" be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Why Should the Castro Regime Be Recognized?

(By George H. Monahan)

Should the United States at this time resume normal relations with Castro's Cuba?

This is the question brought before both political parties by the Latin American Division of the U.S. Catholic Conference. On page one of this issue, The Voice reprints a column by Dale Francis, who lived in Cuba for two years where he was Director of the Defense of the Faith in the Matanzas diocese. Mr. Francis is well appraised of the political situation on the Communist-controlled island and spells out his opposition to relaxation of the American blockade at this time.

About one month ago, when the Latin American Division's director, Father Frederick McGuire, C.M., suggested the change in the U.S. relationship with Cuba, he stressed that the statement reflected only the opinion of his agency. He said the 10-year-old embargo can in no way be justified today because it imposes "needless hardship and suffering on the most directly affected . . . the poor, the sick, the aged, and the very young."

It should be pointed out that the embargo was initially imposed by President John F. Kennedy as an immediate result of the Cuban missile crisis and was designed to prevent the importation of arms and other strategic materials. Later, Castro himself imposed restrictions upon packages received by mail from the U.S. containing food, medicines and other goods of humanitarian value sent to the people of Cuba. The dictator claimed exiles in this country had secreted a bomb in a parcel which exploded in the Havana Post Office. Parcels coming from the U.S. that had been stored in the Cuban Customs for many months then were confiscated and never delivered to the designated recipients. The Red dictator also emphasized that no other packages from the U.S. would be accepted and he said American medicines and food were not wanted.

Actually, today hundreds of tons of medicines and food are being sent to Cuba from people in the U.S. through Spain, Canada and Mexico.

The editors of this newspaper feel a number of major points must be considered before a normalization of relationship between the two countries can be considered.

First, a profound revision in Cuba's policies toward its neighbors in Latin America must take place.

Despite the fact that Chile, which has been flirting with the left since it elected a Communist president, has recently normalized its relations with Cuba, other Latin nations opposed any change at this time. And, their opposition is justifiable as long as Castro continues to train and support armed revolutionary bands in these countries. Cuba, in this circumstance deserves to be excluded from recognition by the rest of the hemisphere.

Second, the U.S. has patiently but apprehensively stood by while Castro has continued a protracted campaign of harrassment and infiltration in this country. The director of Cuba's fishing fleet, who defected to the U.S. a few months ago, testified before congressional hearings that Castro's fishing boats were being used to smuggle U.S. students and left wing sympathizers in and out of Cuba in order to receive instruction in communist ideology, as well as basic training in sabotage and guerrilla warfare. Also, he said, tons of narcotics are being smuggled into this country by these same ships.

Third, as long as Cuba continues to serve as a base for Soviet nuclear submarines and warships, we feel there can be little hope for amity between America and Cuba.

As long as the U.S. allows food and medicines to continue to pass through the blockade, we can see little complaint about inhumane treatment. Of course, we feel that peace and harmony should prevail among nations but in this case, it seems that some first moves toward this direction rest squarely on the shoulders of Fidel Castro—not on the government of the United States.

DEMONSTRATIONS DURING 1972 REPUBLICAN NATIONAL CONVENTION

Mr. GURNEY. Mr. President, 2 weeks ago in Miami Beach, Fla., the second of this country's major party conventions occurred. I had the privilege of attending as a delegate and the distinct honor of participating in the proceedings. However, I would like to address my remarks here today to the actions of some of those who sought to divert attention from the proceedings inside the convention hall and to the streets outside. While on the whole things functioned fairly smoothly, a determined group of 2,000 to 3,000 individuals attempted disruptions of the delegates to the convention and of the citizens of Miami Beach.

The major reason why the problems were not worse than they were was that the radical movement was unable to assemble the kinds of numbers that they are accustomed to acquiring in their efforts to paralyze the Nation. However, there were numerous instances of extensive property damage and physical abuse to delegates and others who were proceeding on their own business.

The situation is best summed up by Mr. Paul M. Brunn, the distinguished publisher of the Miami Beach Sun Reporter, in two columns published in the August 2 and 25, 1972, issues of the Daily Sun Reporter. I ask unanimous consent that the articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Another "Horror Show"

(By Paul M. Bruun)

Following the conclusion of the Democratic Convention in July, I—along with many others to be sure—was reassured because conditions had remained calm in Miami Beach. I had hoped that perhaps our visiting non-delegates in Flamingo Park had awakened to a number of important realizations—not out of resignation, but from a new wisdom gleaned from the non-productiveness of the stormy "horrow shows" staged in the past.

For it is true that the various targets of the radical movement have not "caught fire," as was expected, and there has been increasing disgust and disenchantment evidenced among high school students and young working people with political radicalism, even in the strongholds of the counterculture.

However, my hopes were to be dashed to the winds, for once again we are witnesses to the spectacle of the "borderline nuts" putting themselves above the interests of the majority of Americans and engaging in another mindless orgy of the ugliest kind—in the name of democracy—because of their so-called political convictions.

My emotions are clearly taxed and I am deeply distressed by these events. (Of course, if I were a strategist in the Soviet Union, I would be delighted by America's lowered and flabby image in the eyes of the rest of the world.)

What is this country coming to when individuals select the laws they will or will not obey? Is this mayhem and horror to be a permanent part of the fabric of our lives? Do these people really believe they are doing the nation a public service?

How can we function as a free and open society and live sanely when the rights of honorable, law-abiding citizens are recklessly and flagrantly trampled upon by irresponsible mobs who are obviously protesting to gain attention for political power?

What is so incredible to me is that these acts have been perpetrated by those who claim to have formulas for reforming our society. However, their fantasies have no relationship to the real world.

No one is more vehemently against the Vietnam War or any war than I. Yet, I am "turned off" more than words can describe by those who, in the name of peace, engage in such actions. In their view, apparently every one of them has the inalienable right to engage in volatile behavior if they are angered by another person or persons.

I've tried hard to understand the motives and meaning behind this kind of mindless destructiveness, but it is unbelievable to me that this small minority of people want the right to be heard and yet, by their acts, deny those of opposing view the same freedom of speech. Indeed, reasoned argument is thrown to the winds and replaced by insults, accusations and vehement condemnations. However, political activism and freedom of dissent does not justify this kind of interference with the rights of others, any more than respect for law and order justifies oppression . . .

The American people are fed up with and deplore this shabby performance. But it is not enough to merely believe in law and order. Each of us must Speak out in not uncertain terms and demand that law and order be preserved, for by silence we are in essence granting, approval to their acts. We must all join together in calling for a return to mutual respect and civility and the right to be free from this plague of political violence on the part of these misguided few.

With this kind of levelheaded attitude, our young people will in fact arrive much faster into fuller partnership with the so-called "establishment" and find it responding to their hopes and aspirations. Indeed—as evidenced by passage of the 18-year-old vote—their vigor, energies, intelligence, compassion, idealism—their innovative and fresh concepts—traits we all admire—are needed in the political process and in the urgent work ahead of us in building America. But only when they are prepared for that trust can they serve as a vital force in our society.

I must state that, quite frankly, I have been completely nauseated and "turned off" by the behavior of the young radicals I encountered over the past week. They exhibited the most appalling lack of self-discipline and disrespect for authority I have ever witnessed.

These were apparently pampered, coddled youngsters whose parents undoubtedly failed to paddle their ——— when they deserved it for fear of "spoiling their personalities." As a result, they are "children", both in temperament and discretion, who delight in pulling the wool over the eyes of their elders, and are apparently incapable of looking after their own interests, to say nothing of the interests of our country.

Are these the kind of people who are truly dedicated to the task of making this a better world in which to live? I think not.

On the other hand, it was a distinct pleasure for me to be in the company of neat, clean shaven young Republican supporters and workers during the course of the Convention whose warmth and friendliness rekindled my faith in the generation that will follow us.

It was obvious to me that the traits of integrity, courtesy, self-discipline, reliability, and a desire to do a good job, had been properly instilled in these youngsters, and these qualities will, as a result, stay with them the rest of their lives.

In my judgment, these young people have the kind of character and well-trained minds that will permit them to respond to the vagaries of life, and hence they are qualified for future leadership roles. Moreover, they recognize that the world without differences in view would indeed make for a very dull existence, but that the civilized approach is to talk—not fight—about these differences.

One essential ingredient in achieving social reforms is patience—a virtue which is markedly absent in all young people.

But the human spirit, their spirit, has been set free in America, and fate has thereby granted this Nation a great gift and a great destiny for which we should all be thankful.

Our young generation must, therefore, turn from strategies of "escape" to those of a "genuine commitment". With this type of approach I have every confidence that they will be eminently successful in bringing us to the fulfillment of that destiny.

WHAT DO YOU SAY WHEN YOU ARE PROVEN WRONG?

(By Paul M. Bruun)

Yes: What can you say when you've said you're sorry? I watched ice picks being stuck into the tires of private cars, buses and trucks in disbelief. I saw the covers of rear-engined buses opened and the ignitions wrecked, which stalled our buses on our streets. Windows were smashed, much damage, all unwarranted, was done. This newspaper suffered tremendous damage because many of our vending machines were completely wrecked.

Such havoc was the traffic on Wednesday that I was late to a deposition in an attorney's office. Returning, I spent 60 minutes moving two blocks on 17th Street. I finally gave up, left my car in the front yard of our personal friends, the Dr. Herman A. Phillips, and walked to my office. The bridge at Alton and Dade was closed to northbound traffic, thus inconveniencing thousands of hometown, law-abiding citizens who deserved better.

For many years, a liberal attitude has prevailed in Miami Beach. Today it has proven to be the wrong way. The darlings of the hippies, etc., and those who were the darlings of the Yippies, etc., fed them chicken soup and contributed to the begging of these bums with as much as $45 per day per beggar. But they now know that those of us who protested long, loud and strong, against providing a haven for the unclean trash that does not want to work, were right, and that Miami Beach's Mayor Chuck Hall—who marched with them and who "vouched" for them—and for their behavior, as did many more well-meaning and impractical people—were wrong.

Again I have to congratulate Councilmen Herbert Magnes, Leonard Weinstein and Harold Rosen—who were not suckered in as was I—on their opposition to the position that only by providing Flamingo Park could the rebels-without-a-cause be controlled.

I succumbed to the pressure of law enforcement officials who told me that without Flamingo Park, the entire cause was hopeless. Many still say that without Flamingo Park, things would have been worse.

If any of the destructive scum of this earth, wearing the false guise of being sincere protesters, had been injured, hurt, or become ill, the full facilities of our great south Florida would have been instantly placed at their disposal.

Now those of us who have suffered considerable financial losses and had our time and schedules aborted, have to pay for our individual losses. The non-delegates on the other hand, go on their merry way unharmed to further their useless existence, preying on those who will sympathize with whatever becomes their next "cause".

Every day in every way liberalism is proving that our laws and our courts are for the lawless. Does the average citizen, caught in the clutches of our law enforcement officers, have the instant justice that the lawless scum who had gone mad were provided?

Admittedly our police officers "kept their cool," which is magnificent. The heads of those wreaking destruction, however, should have been cracked open. I would register no protests had our emergency wards been filled with cracked heads instead of our jails filled with smirking, sneering, uncontrollable animals gone mad.

Perhaps the nation, and unfortunately the entire world, have been treated to a practical lesson in just how democracy doesn't work, a disgraceful happening. I can't but help think the disorderly actions and law-breaking of those who had placed at their disposal our hospital facilities, have gained for President Richard Nixon millions of votes. Hopefully, their bastardly behavior has served to awaken those mad for McGovern that if this is his "youth corps," then God help us if McGovern is elected.

I talked to some of these rebels-without-a-cause. One had the guts to tell me that "if it rains tomorrow, you have to get up and go to work, but if it rains, I don't have to get up and go to work." For this parasite, the hard-working fools of this nation—decent citizens such as you and me with jobs—pay and pay and pay. Yes, the non-delegate leaders who promised us such safety have surely proven that their word is useless, that they are damn liars, not fit to associate with decent people.

I wonder what those pious religious leaders who provided some of them with a place to bed down think today. There can be no compromise with the lawlessness. Our nation and the world were treated to a brand of lawlessness that surpasses that of the North Vietnam invasion of South Vietnam about which they were protesting.

For the appeasement that I was suckered into, I apologize. I did what the experts, the professionals told me to do, saying that I had no other choice. Now, I'm sorry.

RETIREMENT OF GORDON F. HARRISON

Mr. STENNIS. Mr. President, the staff director of the Committee on Rules and Administration, Mr. Gordon F. Harrison, retired recently after long and distinguished service in that capacity. I wish to pay a tribute to this outstanding member of the Senate staff.

For more than 17 years, Gordon Harrison demonstrated the highest standards of professional competence. His knowledge and energetic cooperation have been at the disposition of all Members of the Senate, and the assistance he has given them in a very wide variety of problems has been extremely valuable.

His personal characteristics made him particularly effective in the performance of his difficult duties. His judgment and integrity lead him to sound conclusions and recommendations, and his quick intelligence, tact, and ability to get along with others enabled him to carry out decisions with minimum delay or disruption. He has found the time to hear and give full consideration to all the staff members who consulted him over the years. The office of every Senator is indebted to him.

After a very long career of public service, including service in the Navy in World War II, as a lawyer in the Department of Justice, and many years with the Senate staff, this fine gentleman has accepted a well-earned retirement. I congratulate him on his accomplishments and extend to him my very best wishes for the future.

NAMING OF CHARLESTON NAVAL STATION ENLISTED CLUB FOR J. ELLIOTT WILLIAMS

Mr. THURMOND. Mr. President, the Navy recently honored Medal of Honor Winner J. Elliott Williams by naming the Charleston Naval Station enlisted club for him. I think it is highly appropriate that the outstanding service of this courageous American be recognized in this way.

Mr. Williams was awarded the Medal of Honor for action in the Mekong Delta on October 31, 1966, when two Navy river patrol boats under his command sank 65 enemy craft. Mr. Williams was a superior leader. The men serving under him during his 11 months in Vietnam won 131 combat decorations and 80 purple hearts. Only one of his men died in combat.

Retiring from active duty in 1967 as a boatswain's mate first class, Mr. Williams has continued to serve his fellow citizens as U.S. marshal in South Carolina.

He has set a high example of patriotism, dedication, and conduct for others to emulate. As long as the United States can produce men like J. Elliott Williams, we will remain strong and free.

Mr. President, I ask unanimous consent that the accounts of the ceremonies honoring J. Elliott Williams at the Charleston Naval Station be printed in the RECORD.

There being no objection, the accounts were ordered to be printed in the RECORD, as follows:

BOATSWAIN'S MATE FIRST CLASS JAMES E. WILLIAMS (RETIRED)

Petty Officer Williams received the Medal of Honor in 1968. The citation reads:

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a member of River Section 531 during combat operations on the Mekong River in the Republic of Vietnam. On 31 October 1966, Petty Officer Williams was serving as Boat Captain and Patrol Officer aboard River Patrol Boat (PBR) 105 accompanied by another patrol boat when the patrol was suddenly taken under fire by two enemy sampans. Petty Officer Williams immediately ordered the fire returned, killing the crew of one enemy boat and causing the other sampan to take refuge in a nearby river inlet.

Pursuing the fleeing sampan, the U.S. patrol encountered a heavy volume of small arms fire from enemy forces, at close range, occupying well-concealed positions along the river bank. Maneuvering through this fire, the patrol confronted a numerically superior enemy force aboard two enemy junks and eight sampans augmented by heavy automatic weapons fire from ashore. In the savage batle that ensued, Petty Officer Williams, with utter disregard for his own safety, exposed himself to the withering hail of enemy fire to direct counterfire and inspire the actions of his patrol. Recognizing the overwhelming strength of the enemy force, Petty Officer Williams deployed his patrol to await the arrival of armed helicopters.

In the course of this movement he discovered an even larger concentration of enemy boats. Not waiting for the arrival of the armed helicopters, he displayed great initiative and boldly led the patrol through the intense enemy fire and damaged or destroyed fifty enemy sampans and seven junks. This phase of the action completed, and with the arrival of the armed helicopters, Petty Officer Williams directed the attack on the remaining enemy force. Now virtually dark, and although Petty Officer Williams was aware that his boats would become even better targets, he ordered patrol boats' search lights turned on to better illuminate the area and moved the patrol perilously close to shore to press the attack. Despite a waning supply of ammunition the patrol successfully engaged the enemy ashore and completed the rout of the enemy force.

Under the leadership of Petty Officer Williams, who demonstrated unusual professional skill and indomitable courage throughout the three hour battle, the patrol accounted for the destruction or loss of sixty-five enemy boats and inflicted numerous casualties on the enemy personnel. His extraordinary heroism and exemplary fighting spirit in the face of grave risks inspired the efforts of his men to defeat a larger enemy force, and are in keeping with the finest traditions of the United States Naval Service.

NAVAL STATION, CHARLESTON, S.C.

Naval Station's Enlisted Club was named Thursday for J. Elliott Williams, of Columbia, who received the Medal of Honor among other decorations for heroism in the Republic of Vietnam.

A capacity audience of 300 watched Capt. R. H. Blount, Station Commanding Officer, unveil a showcase containing a picture of Williams and the citation which accompanied the highest military award for valor. He presented a plaque to Williams to commemorate the occasion.

Afterwards the men and women eligible to use the facility lined up with invited civilian guests to shake the honoree's hand and to ask for his autograph. Many had served with him in Vietnam or elsewhere or knew persons who had been associated with him.

Williams, 41, South Carolina's U.S. Marshal, was transferred to the Fleet Reserve in 1967, after 20 years service, with the rate of boatswain's mate first class. He said he considered the naming an honor not for himself alone but for him as a representative of all enlisted personnel.

All platform guests praised Williams' actions. Capt. J. E. McEnearney, Navy Resale System Field Operations Officer, Brooklyn, N.Y., saluted the former enlisted man for exploits, "which have become legendary".

U.S. Representative Mendel J. Davis said the nation has nothing to fear so long as it can produce men like Elliott Williams. Others commending Williams were Capt. E. P. Flynn Jr., representing Rear Admiral H. J. Kossler, Sixth Naval District Commandant, who was ill, and Lieutenant Commander B. V. Dennis, destroyer tender Yellowstone chaplain.

A telegram from U.S. Senator Strom Thurmond (R-SC) expressed regrets that a "critical" vote for the Naval Trident submarine program prevented his presence here. He described the club naming as "appropriate recognition" of Williams, who has had a "high standard of patriotism, dedication and conduct for others to emulate".

Special guests included Mrs. L. Mendel Rivers, U.S. District Judges R. W. Hemphill and R. F. Chapman, State Representatives Julian LeaMond, Sidi Limehouse and Herbert Fielding, North Charleston Mayor John E. Bourne and Trident Chamber of Commerce President Dr. Gordan Stine.

Also, State Republican Party Chairman Ken Powell, of Columbia, and former chairman, Raymond A. Harris, of Darlington; Capt. J. R. Primm, Supply Center, Commanding Officer, and Capt. Whitney P. Jones, C.O., Southern Division, Naval Facilities Engineering Command.

Family members present were Mrs. Roy Williams, the honoree's mother; wife, Elaine, and children Deborah, James, Michael, Charles and Gail.

Ceremony music was by the Sixth Naval District band and dance music by the combo. Members of the advisory board were introduced. Buffet included ham and turkey sandwiches, shrimp salad, Swedish meatballs and party franks.

Williams received the Medal of Honor for action October 31, 1966, during which 57 enemy craft were sunk by the efforts of the two river patrol boats he commanded.

Military decorations won by Williams during Vietnam service are Medal of Honor, Navy Cross, Silver Star Medal, Navy and Marine Corps Medal, Bronze Star Medal, with Combat "V" and star indicating a second Bronze Star, Navy Commendation Medal with Combat "V", Purple Heart with star in lieu of a second Purple Heart and Vietnam Gallantry Cross with star indicating a second award.

Other medals and awards include the Vietnam Service Medal (one star), Republic of Vietnam Campaign Medal, National Defense Service Medal (one star), United Nations Service Medal, Korean Service Medal (two stars), Korean Presidential Unit Citation and five awards of the Good Conduct Medal.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE TRAGIC KILLING OF ISRAELI OLYMPIC MEMBERS

The Senate continued with the consideration of Senate Resolution 358.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the names of the following Senators be added as cosponsors of the resolution (S. Res. 358): the distinguished Senator from Rhode Island (Mr. PELL), the distinguished Senator from Washington (Mr. MAGNUSON), the distinguished Senator from Iowa (Mr. HUGHES), the distinguished Senator from Michigan (Mr. HART), the distinguished Senator from Nevada (Mr. BIBLE), and the distinguished Senator from Oklahoma (Mr. HARRIS).

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I ask unanimous consent that my name be added as a cosponsor.

Mr. MANSFIELD. I am delighted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a total of 92 Senators have now cosponsored this resolution, and I ask unanimous consent that their names be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

COSPONSORS OF SENATE RESOLUTION 358

Senators Aiken, Allen, Allott, Anderson, Baker, Bayh, Beall, Bentsen, Bible, Boggs.

Senators Brock, Brooke, Buckley, Burdick, Harry F. Byrd, Jr., Robert C. Byrd, Cannon, Case, Chiles, Church.

Senators Cook, Cooper, Cotton, Cranston, Curtis, Dole, Dominick, Eagleton, Eastland, Edwards.

Senators Ervin, Fulbright, Gambrell, Gravel, Griffin, Gurney, Hansen, Harris, Hart, Hartke.

Senators Hatfield, Hollings, Hughes, Humphrey, Inouye, Jackson, Javits, Jordan of North Carolina, Kennedy, Long,

Senators Magnuson, Mansfield, Mathias, McClellan, McGee, McGovern, McIntyre, Metcalf, Miller, Mondale.

Senators Montoya, Moss, Muskie, Nelson, Packwood, Pastore, Pearson, Pell, Percy, Proxmire.

Senators Randolph, Ribicoff, Roth, Saxbe, Schweiker, Scott, Smith, Sparkman, Spong, Stafford, Stennis.

Senators Stevens, Stevenson, Symington, Taft, Talmadge, Thurmond, Tower, Tunney, Weicker, Williams, Young.

The PRESIDING OFFICER. The question is on the adoption of the resolution (S. Res. 358) offered by the Senator from Montana and 91 other Senators. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PELL), the Senator from Montana (Mr. METCALF), and the Senator from Wyoming (Mr. McGEE) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD) and the Senator from Maryland (Mr. MATHIAS) would each vote "yea."

The result was announced—yeas 82, nays 0, as follows:

[No. 392 Leg.]

YEAS—82

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Fannin
Fulbright
Gambrell
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
McClellan
McIntyre
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—18

Boggs
Cannon
Ervin
Fong
Goldwater
Gravel
Griffin
Harris
Hatfield
Hughes
Magnuson
Mathias
McGee
McGovern
Metcalf
Montoya
Mundt
Pell

So the resolution (S. Res. 358) was unanimously agreed to. The preamble was agreed to.

Mr. BOGGS subsequently said: Mr. President, due to a necessary commitment in Seaford, Del., earlier today, I could not be on the Senate floor at the time the Senate voted on Senate Resolution 358. Had I been here, I would have voted in favor of this important resolution.

Nevertheless, I learned about the resolution prior to its consideration, and asked that I be listed as a cosponsor for I feel very strongly the sense of profound sorrow expressed by the resolution.

I fully endorse the resolution's expression of sympathy to the people of Israel and the members of the families of the slain athletes.

I also support fully the declaration condemning anyone or any nation which gives sanctuary, support, sympathy, aid, or comfort to the evil persons, and their backers, who undertook these barbaric acts.

While the Olympics may never recover the joyful and friendly spirit that prevailed only a couple of days ago, I am hopeful that the terrible events of Munich will lead eventually toward a more peaceful world.

This great tragedy must show the Arab extremists that violence gains nothing. The hope for the future in the Middle East is face-to-face peace talks between the Arab nations and the people of Israel.

We in the United States and the other nations of the world can best memorialize the 11 slain Israelis by working toward such a conference and a peaceful, responsible settlement in the Middle East.

Nothing less is acceptable.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The **PRESIDING OFFICER.** Under the previous order, the Chair now lays before the Senate the unfinished business, Senate Joint Resolution 241, which will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that a conference report is ready to be called up; and because it has priority, I am willing to await consideration of the Mansfield amendment to the interim agreement.

UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT—CONFERENCE REPORT

Mr. HARRY F. BYRD, JR. Mr. President, I submit a report of the committee of conference on H.R. 2, and ask for its immediate consideration.

The **PRESIDING OFFICER** (Mr. GAMBRELL). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The **PRESIDING OFFICER.** Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of August 16, 1972, at pp. 28362–28363.)

Mr. HARRY F. BYRD, JR. Mr. President, this bill passed the House of Representatives on a recorded vote of approximately 330 to 30, an overwhelming vote. It passed the Senate on a voice vote, and then it went to the committee of conference.

There was a disagreement between the House and the Senate in regard to various aspects of this proposal. The House conferees were adamant in their position on one phase of this measure; namely, that the establishment of a Uniform Services University should be authorized immediately. The House receded on the other differences of viewpoint between the House and the Senate.

The purpose of this measure is to try to find some means to keep in the armed services and bring to the armed services a sufficient number of doctors and dentists and other medical officers. The armed services are having great difficulty today in retaining doctors and other professional medical men.

The Department of Defense, the House of Representatives, and the Senate feel that steps must be taken by way of additional scholarships and by the establishment of this university to be assured that the armed services, without the draft, will have sufficient medical personnel for the future.

The Senate conferees did not get all they wanted from the conference. That is the normal procedure, I take it. But the Senate was able to modify some of the House provisions in regard to scholarships which the Senate felt were too liberal.

MAJOR POINTS OF DIFFERENCE BETWEEN SENATE AND HOUSE VERSIONS OF H.R. 2

Mr. President, there were six major points of difference between the House and Senate versions of H.R. 2 and these had to do with:

First. The establishment of a Uniformed Services University of the Health Sciences.

Second. Scholarship program benefits.

Third. A scholarship student attending a university which either disestablished ROTC or barred armed services' recruiters from its campus.

Fourth. Statutory numerical limitations on promotion of medical and dental officers to general and flag officer rank.

Fifth. Scholarship payback period.

Sixth. Technical amendments to the House version of H.R. 2.

I ask unanimous consent that at this point there be printed in the RECORD an outline of the major differences between the House and Senate versions of H.R. 2.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

OUTLINE OF THE MAJOR DIFFERENCES IN THE SENATE AND HOUSE VERSIONS OF H.R. 2—THE UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT OF 1972

ISSUE	HOUSE VERSION	SENATE VERSION
1. The Uniformed Services University of the Health Sciences (University).	**Provides authority to establish the University within 25 miles of the District of Columbia. The University would be so organized as to graduate not less than 100 medical students annually, with the first class graduating not less than 10 years after enactment of the bill. Cost: Estimated at $102 million over a 10-year period and includes salaries of faculty members in addition to construction costs.**	**Provides for a feasibility and desirability study of the University in place of the House bill provision authorizing such a University.**
2. Scholarship program and benefits.	Provides for a medical scholarship program under which a maximum of 5,000 scholarships at any one time would be granted to persons to attend civilian medical schools. As a condition to receiving such a scholarship, a person would have to agree to serve at least one year of military service for each year of training received. The House version of the scholarship program provides that:	Provides for the medical scholarship program but reduces the total scholarship benefits payable to a student below that recommended by the House. The Senate version of the scholarship program provides that:
	1. The full cost of the student's medical school tuition and fees be paid by the Government.	1. The full cost of the student's medical school tuition and fees be paid by the Government (same as House version).
	2. Each student serve on *active duty* as a Reserve officer in grade O–1 (2nd Lt./Ensign).	2. Each student serve on *inactive duty* as a Reserve officer in grade O–1 (2nd Lt./Ensign) except for 45 days per year when he would serve on active duty in grade O–1.
	3. Each student receive the full pay and allowances of grade O–1: $8,642 for a student with dependents and $8,250 for one without dependents (in addition to medical school tuition and fees).	3. Each student receive a monthly stipend of $400 except when he is on active duty when he would receive the full pay and allowances of grade O–1. Under the Senate version a student with dependents would receive in pay and allowances about $5,285 per year and one without dependents $5,235 (in addition to medical school tuition and fees).
3. Scholarship student attending a university which either disestablished ROTC or barred armed services' recruiters from its campus.	Prohibits a scholarship student from attending a university which has taken either of these actions.	Permits a scholarship student to attend a university which has taken either of these actions.
4. Statutory numerical limitations on promotion of medical and dental officers to general and flag officer rank.	**Removes all statutory numerical limitations on the promotion of medical and dental officers to general and flag officer rank.**	**Continues the present statutory numerical limitations on promotion of medical and dental officers to general and flag officer rank. The Senate report requires the Department of Defense to study the question of increased promotion opportunities for medical corps officers and to report its findings to the Senate Committee on Armed Services not later than January 1, 1973.**
5. Scholarship payback period.	Limit the duration of the scholarship program to courses of study of not more than *four* years duration.	Varies the length of the scholarship program depending on the period required for a medical degree; certain medical school curricula, for example, may require 6 years for completion of the medical degree.
6. There were several technical amendments made to the House version of the bill, some of which were recommended by the Department of Defense and others by the Senate Committee on Armed Services. These technical amendments were accepted by the House conferees and were included in the text of the conference report.		

DIFFERENCE NO. 1—THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Mr. HARRY F. BYRD, JR. Under the House-passed bill, authority was provided to establish the university within a radius of 25 miles of the District of Columbia. The university would be so organized as to graduate not less than 100 medical students annually, with the first class graduating not less than 10 years after enactment of the legislation.

The Senate amendment deleted authority for the establishment of a Uniformed Services University of the Health Sciences, and substituted a provision providing for a feasibility study to determine the desirability of establishing such a university as provided in the House language. The feasibility study proposed by the Senate amendment was essentially designed to reexamine the entire proposal as contained in the House-passed bill. In accordance with the Senate language, the study was to be conducted by the Secretary of Defense and the results reported back to the President and the Congress not later than 1 year after the date of enactment of the act.

The House conferees were adamant in their support for the university. They pointed out that a feasibility study of the university would serve no useful purpose since the subject had been fully studied both within and without the Department of Defense. In addition, the House conferees pointed to the strong endorsement by the Secretary of Defense, the national shortage of doctors which this university would help alleviate, and the outstanding Government medical facilities in the Washington area which this university would make use of.

Although the Senate conferees were concerned over the apparent lack of consensus within the administration and the various health professions for establishing such a university, they ultimately receded on their position with an amendment which reduced the first year authorization funding for design, planning and construction to $15 million rather than the $20 million contained in the House-passed bill. In addition, the amendment proposed by the Senate conferees would require future line item annual authorizations before appropriations for construction could be provided in subsequent years for the university.

DIFFERENCE NO. 2—SCHOLARSHIP PROGRAM AND BENEFITS

Both the House and Senate versions provided for a scholarship program under which a maximum of 5,000 scholarships at any one time would be granted to persons to attend civilian medical schools. As a condition for receiving such a scholarship, a person must agree to serve at least 1 year of military service for each year of training received.

The House version of H.R. 2 would permit a scholarship student to serve on active duty as a Reserve O–1 and receive the full pay and allowances of pay grade O–1—second ensign—which would amount to $8,642 for a student with dependents and $8,250 for a student without dependents—in addition to full medical school tuition and fees. The Senate version would require each student to serve on inactive duty as a Reserve O–1 and receive a monthly stipend of $400 per month except when he was on active duty for 45 days per year when he would receive the full pay and allowances of grade O–1. Under the Senate version a student with dependents would receive in pay and allowances about $5,285 per year and one without dependents $5,235—in addition to full medical school tuition and fees.

HOUSE RECEDES ON SCHOLARSHIP PROGRAM BENEFITS

The Senate conferees maintained that the scholarship provisions of the House were too liberal for someone in a student capacity. Under the House version a scholarship student could receive almost $12,000 in total benefits per year as opposed to about $8,000 per year under the Senate version. The House conferees attempted to increase the stipend amount to $500 per month because of their concern with attracting sufficient numbers of scholarship students but the Senate conferees held to their position and the House conferees receded.

DIFFERENCE NO. 3—SCHOLARSHIP STUDENT ATTENDED A UNIVERSITY WHICH EITHER DISESTABLISHED ROTC OR BARRED ARMED SERVICES' RECRUITERS FROM ITS CAMPUS

The House version of H.R. 2 contained a provision which prohibited the detailing of scholarship students to any institution of higher learning if that institution had adopted a policy which bars recruiting personnel of any of the Armed Forces from the premises of that institution, or if such institution of higher learning had directed the disestablishment of Reserve Officer Training Corps units at the institution despite the desire of the Armed Forces to continue such training at the institution. The Senate version of H.R. 2 permitted a scholarship student to attend such schools.

The House conferees believed that the schools in question should not receive any benefits under this legislation from the Department of Defense either directly or indirectly in view of the apparent policy of the institutions to divorce themselves completely from any affiliation with the Armed Forces of the United States. The Senate conferees felt that this would be unfair and undue financial hardship for students attending such schools. Many of these students, for example, may have played no part in the disestablishing of the ROTC unit or the barring of recruiters and in some cases may even have opposed these actions.

In addition, the Senate conferees held the view that adoption of the House prohibition would have a serious impact on the Department's ability to attract the numbers and quality of students required by the scholarship program. The Senate conferees pointed out that approximately 9 percent of all students now attending medical schools are in schools which would be directly affected by this prohibition. Therefore, they argued that notwithstanding the merits or demerits of the principle embodied in the House prohibition, the overriding urgency of the physician shortage problem required elimination of the House prohibition. The House conferees therefore reluctantly receded and concurred in the Senate action.

DIFFERENCE NO. 4—STATUTORY NUMERICAL LIMITATIONS ON PROMOTION OF MEDICAL AND DENTAL OFFICERS TO GENERAL AND FLAG OFFICER RANK

The House version of H.R. 2 removed all the statutory numerical limitations on the promotion of medical and dental officers to general and flag officer rank. This action was taken to provide the Armed Services with additional career incentives for medical and dental officers.

The Senate conferees did not concur in this House action, although they conceded that increased promotion opportunity was essential for officers in the Medical Corps. The Senate report on H.R. 2, however, did require the Department of Defense to study the question of increased promotion opportunities for medical officers and to report its findings not later than January 1, 1973. The Senate conferees were also reluctant to remove all statutory limitations in this regard and pointed to the Department of Defense opposition to the House provision.

In view of the adamant position of the Senate conferees on this issue, the House conferees reluctantly receded with the understanding that the respective Committees on Armed Services would, if necessary, take early legislative action on this problem shortly after the convening of the 93d Congress.

DIFFERENCE NO. 5—LENGTH OF SCHOLARSHIP PROGRAM

Under the House version of H.R. 2, the scholarship program was limited to courses of study of not more than 4 years' duration. Under the Senate version of H.R. 2, courses of study could extend to as much as 6 or more years' duration.

The Senate conferees pointed out that recent changes and innovations in medical training, and medical school curricula, have resulted in some courses, for example, requiring as much as 6 years for the completion of training for a medical degree. Therefore, the Senate conferees urged that the language be made sufficiently flexible to encompass these innovations in medical training as well as others that might occur in future years. The House concurred with the Senate conferees on this issue and receded without amendment.

DIFFERENCE NO. 6—TECHNICAL CHANGES

The House conferees agreed to several technical amendments to the House version of H.R. 2, which had been recommended by the Department of Defense and the Senate Committee on Armed Services. Since these were of a technical nature, they do not require further explanation.

CONCLUSION

In closing, Mr. President, I urge Senate adoption of the House-Senate conference report on H.R. 2. As I have indicated, the Senate receded on the Uniformed Services University issue and the House conferees receded on every other major point of difference between the Senate and House verisions of H.R. 2. I believe there was real compromise on both sides. The result is a responsible piece of legislation which will help solve potentially critical medical and allied science manpower shortages in the armed services in the years to come.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. This bill has troubled me a great deal, because in our Appropriations Subcommittee on Health, Education, and Welfare, for several years we have been facing the problem that many medical schools in this country are trying to expand, trying to accommodate more students, some of them seeking to advance from 2-year courses to 4-year courses. In our Appropriations Subcommittee we have tried to be as liberal as possible in aid to these schools, based on the number of new and extra students they can take in, because student after student after student is being turned away.

When you have a large number of established medical schools in the country that are struggling to increase their facilities and accommodate more students and, thus, increase the number of doctors that will go into practice, to begin all over again and establish a separate institution to produce doctors for the armed services, I fear, will have the result of further starving our attempts to be as liberal as possible in promoting and helping to establish medical schools to increase their personnel and the number of students.

I do not feel that so strongly that I want to oppose this measure, because this measure, in itself, I suppose, in that it trains doctors, will have a certain effect on the civilian population and will relieve for medical services in the civilian population perhaps some now that—in other words, the more doctors the armed services have, the more the general supply of doctors will be.

I do think that the Senate should bear in mind, because in a few days now we will be trying, probably, to revise and prepare the HEW appropriation bill that will not meet with a further veto, that we will have to be as frugal as possible in it. Many programs clamor for attention. I feel that, perhaps, right at the time we are trying to place the emphasis on helping medical schools to increase their output, this measure, in a sense, could do more harm than good.

I merely express my feeling about this. I am not trying, at this late point, to throw a roadblock in the way. But I do think it should be borne in mind that if we are going to do this, there are things we should do to open up and make more available medical school training for our civilian population in our established medical school training for our civilian population in our established medical schools.

Mr. HARRY F. BYRD, JR. Mr. President, if I could respond briefly to the distinguished Senator from New Hampshire, the Committee on Armed Services had doubts about the proposal, just as the Senator from New Hampshire has. For that reason, it was recommended by the committee and approved by the Senate that, instead of authorizing the establishment of such a university at this time, the better approach would be to have a feasibility study and have the Department of Defense report back to Congress at the end of 3, 4, or 6 months, after obtaining additional information.

That was the basis on which the Senate went to conference with the House. The House conferees were unanimous and adamant in their determination that the establishment of such a university be authorized now.

The House conferees receded on all the other points at issue but they would not recede on this particular point. The House conferees feel strongly that this would be helpful to the armed services in getting adequate medical personnel into the armed services and retaining adequate personnel.

I might say that the view just expressed by the Senator from New Hampshire represents to a considerable extent the view of this Senator.

Mr. COTTON. I gathered that. I cannot help feeling that if scholarships were established in the regular medical schools for the training of physicians for the armed services, with the understanding that if they accept a scholarship they will be available for the armed services, in that way we would get more dollar for dollar than by creating and building a new university. I think that, probably, I gather, is the opinion of the Senator from Virginia. I am sure that the Senate conferees did their best on this, and I commend them for it.

Mr. DOMINICK. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. If I may, I would first yield to the distinguished Senator from Mississippi (Mr. STENNIS) and then I will be happy to yield to the Senator from Colorado.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia, but I have in mind making some remarks that will take longer than to ask just a question, so that I believe if the Senator from Colorado wants to ask a question he would be more in order to speak at this time.

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I want to congratulate the distinguished Senator from Virginia, first of all, for the work he did on the bill when it first came before the committee, and second, for the fight he put up in the conference.

Mr. President, I elected not to sign the conference report. I think I am the only one, aside from the Senator from New Hampshire, who did not sign it. I did not sign it for the very reasons that the Senator from New Hampshire was bringing up, plus the comments made by the distinguished Senator from Virginia.

I do not think that there is anything in the establishment of a building for the purpose of educating doctors or reeducating doctors in the armed services which will contribute a single thing, with the possible exception of adding to the burden of the taxpayer. I do think that the fellowship program is a good idea. The idea of having physicians being able to go back to their colleges and do things of that kind and reeducate themselves in medical science is good. But, heaven knows, we now have the medical manpower training bill, which I worked hard on in the Committee on Labor and Public Welfare, and which the Senate and House passed last year, which is specifically designed to increase the number of doctors.

I see nothing wrong in having the kind of program where, for the purpose of going through medical school on a scholarship, the student will agree to serve a certain amount of time in the armed services, which is the fellowship program that the Senator from Virginia suggested.

But, for the life of me, I cannot understand why we should pour our money into concrete when we already have more than adequate concrete around the country for the purpose not only of educating doctors but also of many other people.

I am not going to ask for a rollcall vote on this, but I have a statement in opposition, and I want my position as being against this conference report made publicly known, and therefore state as follows:

Mr. President, I elected not to sign the conference report on H.R. 2 as an indication of my total opposition to the establishment of the Uniformed Services University of Health Sciences—USUHS. However, let me stress that I do support the expanded medical scholarship program, the other major feature of the bill.

Regarding the USUHS, the Senate Armed Services Committee recommended the requirement for such a university be examined further and the full Senate, in approving H.R. 2, upheld this recommendation. The House, on the other hand, approved the establishment of the university. In the conference, the Senate receded to the desire of the House.

I disagree with the contention that a special institution is required to provide opportunities for armed services' health professionals to be involved with an academic environment at certain points in their careers, thus improving retention. Let me stress it is the special institution I object to, not the need to return to an academic environment. However, there are ample civilian institutions the Department of Defense can turn to for this training.

Mr. President, last year the Comprehensive Health Manpower Act was passed in which authorization for programs in the bill totaled $2.9 billion for fiscal 1972–74 as follows: $816.1 million in fiscal 1972, $963.8 million in fiscal 1973, and $1.1 billion in fiscal 1974. One feature of the bill provided construction assistance grants for schools in the health professions. In this area the bill authorized $10 million per year for each of fiscal 1972–74 for grants to new schools of medicine, osteopathy and dentistry; authorized $118 million in fiscal 1972, $138 million in fiscal 1973, and $156 million in fiscal 1974 for special projects grants for schools in the health professions; and authorized $20 million in fiscal 1972, $15 million in fiscal 1973, and $10 million in fiscal 1974 for grants to schools with serious financial problems.

These authorizations represent major investments by the American taxpayers in the medical school system of this country. Now to ask them to pay another $101.7 million, the estimated startup costs of the institution over a 10-year period, plus an annual operating cost of $21 million after that, under the assumption, retention of military doctors will be improved if they can study at their own medical university, just does not make good sense. How much uniqueness is there in military medicine? Surely there is not enough to justify an entire new university.

Mr. President, the Senate hearings on H.R. 2 contain a letter to Chairman STENNIS from the Association of American Medical Colleges which makes some excellent points in opposition to the USUHS, and I believe these points bear repeating. The association states:

> The resolution of the problem [striving to meet the armed services' requirements for health professionals] appears to be inextricably tied to increasing the number of well-trained physicians graduated by American medical schools who have an affinity for a career in military medicine and to reducing the turnover rate of career medical officers in the armed services who retire to civilian life.

This, of course, represents a statement of the problem I believe we can all agree with. The letter then continues:

> The Association of American Medical Colleges does not believe that the establishment of a self-contained government medical school would adequately meet either of those objectives.

The reasoning behind this belief has been thoughtfully set forth by the prestigious National Academy of Sciences:

> The academic preparation for medicine and other professional careers in health involves a carefully integrated process of education, training, and controlled experience which must be carried out in a broad and diverse community setting which will permit encounter with the full range of diseases, disabilities and health problems. . . . The manner in which this broad community base could be developed for a purely military medical school seems to present a number of difficulties. More importantly, little would seem to be gained from such a step that would compare with the sizable contributions that could accrue both to the nation at large as well as to military needs by continuing the expansion of our existing system of state and privately supported medical institutions for the health professions. It is this series of institutions with their deep community roots and involvement that can provide the soundest base for the development of the highly qualified professionals

> needed to cope with the full range of health and medical problems, civilian and military.

The association then makes a proposal in lieu of the establishment of a USUHS which—

> Calls for the development of close professional relationships between academic institutions and nearby military programs and installations. If adequately developed, these relationships could provide the setting for a desirable enrichment of military medical life, permitting career military medical personnel to participate in educational and research activities in close association with academic programs.

Again, the association refers to the comments of the National Academy of Sciences regarding this approach:

> Steps could be taken to expand in a carefully planned manner the relationships between major DOD medical facilities and adjacent centers of medical research and education. In this fashion a series of university-based educational and research centers could be developed within the defense system of medical installations which would provide the opportunity to bring academic capability to bear upon the problems of military medicine and permit DOD medical officers to enrich their careers through research and teaching in an academic setting in close association with their professional peers.

This type of approach makes a great deal of sense and would make full use of assistance already authorized by the Congress for health manpower training.

Mr. President, opposition to establishment of a USUHS without further study has also been expressed by Senators JAVITS and KENNEDY. In their capacity as members of the Labor and Public Welfare Committee, they wrote to me jointly on June 15, 1972, and said:

> We were pleased also that the Senate turned aside for the present the House proposal for a Uniformed Services University of the Health Sciences. The proposal clearly seems to demand further study. Nearly every important, recognized education organization opposes such a government medical school. And the Administration appears uncertain of its position. Considerable disagreement on this issue between the Department of Health, Education and Welfare and the Defense Department appears in the record of the hearings. A feasibility study of the establishment of such a school, as proposed by the Senate, may well show that it is unnecessary in meeting the health personnel requirements of the armed services, that special scholarships, increased service pay and allowances and higher numbers of M.D.s can meet those requirements more efficiently.

As their letter points out, the administration seems uncertain of its position, and there is disagreement between HEW and the Department of Defense. While the Defense Department understandably is supporting the USUHS, there seem to be waverings even within their own ranks, as evidenced by statements on other proposals regarding health professionals, namely the scholarship program and special pay and bonus provisions.

During the hearings on H.R. 2 the Department of Defense stated:

> At the present time we are retaining less than one percent of the two-year non-career physicians in the Armed Forces. Of those physicians who participate in our military residency programs, we are retaining between 25–30 percent.

It is clear then that exposure to military medical training programs increases the retention factor by 25 to 30 times. The Surgeon General of the Army, Lt. Gen. Hal B. Jennings, corroborated this in his testimony before the Senate committee, indicating it is reasonable to assume that the scholarship program will provide a retention rate of at least 25 to 30 percent. The Department of Defense indicated in an answer for the record that a 50-percent retention of scholarship students during the early years of the program—1980 to 1985—and 25 percent thereafter would probably meet their career needs. It is quite possible that the scholarship program will provide this kind of retention.

To solve the compensation problem for health professionals after a scholarship student has completed his payback time under the scholarship program the Department of Defense has asked the Congress to approve a generous special pay and bonus provision.

In a letter dated March 22, 1972, forwarding the "Uniformed Services Special Pay Act of 1972," (S. 3410 introduced by Senator ALLOTT) the General Counsel of the Department of Defense, J. Fred Buzhardt, stated in regard to the special pay and bonus provisions—in the proposed legislation—for officers in the health professions that—

> The combined effect of special pay and the proposed bonus is expected to solve the health professions retention problem. This will permit a significant reduction in the number of these professionals required, a corresponding reduction in training investment, and improved health care for the armed forces.

The Department of Defense is on record as saying that its medical special pay and bonus provision proposal are expected to solve its problem in the retention of health professionals.

Let us not delude ourselves that solving the health professional retention problem can be done cheaply. It cannot. But we are trying to solve the problem in the wrong way by authorizing the USUHS. Further, it seems obvious to me that the Department of Defense is not unanimously behind the concept of a USUHS and is simultaneously pursuing its own separate course to solve the retention problem through the special pay and bonus proposals. Surely, we do not need nor can we afford both.

I think it is also worthwhile to point out that a good deal of the problem of retention of health professionals in the Armed Forces is the matter of their utilization or misutilization once they are in the armed services. The General Accounting Office—GAO—produced a study, dated December 16, 1971, entitled, "Improvements Needed in Establishing Requirements for, and Uses of, Medical Professional Personnel in the Military Services," concluded that there is some misutilization of medical manpower in the armed services.

The Department of Defense generally agreed with the findings of the GAO report. In fact, Dr. Richard S. Wilbur, Assistant Secretary of Defense—Health and Environment—in his testimony before the committee stated in regard to the recommendations of the GAO study:

> Many of the suggestions they make are good ones; we are already engaged in implementing some of them.

Deputy Assistant Secretary of Defense for Health Resources and Programs, Mr. Vernon McKenzie, in a letter to the committee dated February 23, 1972, explained a statement made by Secretary Laird in his annual Defense Department report—fiscal year 1973 that the Department of Defense would be returning—

> Some thousands of physicians, dentists and other medical personnel to civilian communities.
>
> Secretary Laird's statement refers to planning now underway as part of our efforts to attain an all-volunteer medical force. Under our plans we would, through increased efficiency, be able to return large numbers of health professionals to civilian communities without replacement. Moreover, under our plans, as Secretary Laird pointed out, there would be no decrease in the high quality medical care which we provide for our beneficiaries. Our plans cover improvements in the number and quality of clerical help available, new equipment, new facilities with more treatment rooms per physician and more offices per dentist. They cover more and even better trained paramedical workers. They also involve the avoidance of duplication of effort within each service and between services. By the coordination of functions of adjacent health facilities of the same or different services, we believe we can improve physician and patient satisfaction.

The Department of Defense anticipates reduction from 15,587 physicians in the armed services in fiscal year 1971 to 12,800 in fiscal year 1974, and 11,000 in fiscal year 1975. Certainly the Department of Defense appears to be taking imaginative steps in overcoming the misutilization of health professionals in the armed services, thereby reducing their number, and thus eliminating one of the major disincentives to retention of these professionals.

In regard to the point of increasing retention of health professionals in the armed services by increasing their opportunities of being involved in an academic environment at certain points in their careers, the exchange in the Senate committee hearings between Dr. Wilbur and Senator BENTSEN is worth noting:

> Dr. WILBUR. As I was saying earlier, we have lost many of our excellent men to academic institutions because they can't have academic status or have difficulty having academic status while they are in the military and because they wish to teach they leave us for civilian institutions.
>
> Senator BENTSEN. Why don't you have a program like the State Department? The State Department, when you have a man who has been on tour for a period of time and you want to give him a sabbatical, they have a program where they can send him to a university and he doesn't lose his status with the State Department and he can choose a university almost of his choice and go down and teach for a period of 9 months and that is a real refresher.
>
> Dr. WILBUR. That is my other package that I will be back with later—my retention package, Senator. I am very delighted you mentioned that because that will be of help to me. Yes, I propose to come up with just that sort of plan.

Secretary of Health, Education, and Welfare Elliot Richardson, in a letter to the committee, dated January 26, 1972, favored the scholarship program and strongly opposed the medical university. In regard to the retention of armed services health professionals, Secretary Richardson advocated:

> Expansion in a carefully planned manner of the relationships between major DOD medical facilities and adjacent centers of medical research and education. One promising result of these relationships might be the development of a series of research and training centers developed in conjunction with the related academic institutions to be devoted to problems of broad health significance but of special importance to the military; for example, tropical medicine, the management of trauma, environmental stress and disability, etc.

Mr. Richardson believes that there is room for a fruitful relationship between military medical services and private centers of medical research and education. Dr. Wilbur is evidently in full agreement with this approach as he is hoping to implement a plan by which he would give military health professionals an opportunity to be involved in an academic environment at certain points in their careers.

All of the above, in my opinion, clearly shows there is little enthusiasm for the establishment of a USUHS. In addition, a review of the hearings conducted by the Subcommittee on General Legislation of the Senate Committee on Armed Services will reveal the opposition to this institution by many distinguished organizations.

Mr. President, I ask unanimous consent that a list of the organizations be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

LIST OF ORGANIZATIONS

American Association of Dental Schools, Chicago, Illinois.

American Dental Association, Washington, D.C.

American Medical Association, Chicago, Illinois.

American Nurses Association, New York, New York.

American Public Health Association, Washington, D.C.

American Veterinary Medical Association, Washington, D.C.

Association of American Medical Colleges, Washington, D.C.

Federation of Associations of Schools of the Health Professions.

University of West Virginia School of Medicine, Morgantown, West Virginia.

Mr. DOMINICK. Mr. President, the retention problem for health professionals exists now and requires solutions that can be in force when the draft expires next year. All of the resources described by those who oppose establishment of the USUHS are available now, or could be available immediately through congressional or administrative action. Even under the most ideal conditions construction and beginning of operation of the USUHS is at least 5 years away.

It seems to me it is time we took advantage of the improvement in resources already provided by the American taxpayer. The facilities are available to provide the in-service training for medical personnel at appropriate times in their service careers. The Federal Government has been more than generous in assisting these civilian medical institutions in meeting the expanding demand for health professionals, and I foresee no major problem in these civilian institutions participating in this program.

Now, Mr. President, I would like to speak briefly about the scholarship provisions of H.R. 2.

The scholarship program approved in H.R. 2 is more generous than any previous public or private medical scholarship program. Under the scholarship program a student will receive not only full payment of tuition and fees but also a minimum of $5,200 per year. After a scholarship student completes his medical school education, he is then eligible for promotion to the pay grade of captain/lieutenant with the full pay and allowances of that grade. Currently, these pay and allowances are in excess of $14,000 for a married man not including tax advantages, medical, commissary and exchange privileges, and so forth. A scholarship student will earn, after medical school, in excess of $14,000 for perhaps 1 year of internship and 3 years of residency. This is considerably more, I am told, than he could expect to earn in civilian life while completing his intern and residency training. Thus, a scholarship student who begins his first year of medical school under the program could expect to receive substantially more than his civilian counterpart for the next 8 years—assuming 4 years of medical school and 4 years of intern and residency training. At the time he completes his mandatory service—payback time—his annual pay, at today's rates, would be $19,000. If he undergoes specialty training and incurs an additional obligation, his grade and annual pay at that time would be lieutenant colonel/commander and $30,000 respectively.

In conclusion, Mr. President, I strongly believe the problem can be solved without authorizing the USUHS, through the scholarship program and the special pay and bonus proposals, through administrative actions already being implemented or considered by the Department of Defense, and through programs already authorized by Congress for health manpower training assistance. Many authorities in the field of professional health services agree with my assessment and have so stated. I remain convinced the position adopted by the Senate was the proper one, and I regret we did not prevail in conference. It is my hope the Appropriations Committees of the Congress will also recognize the lack of need for this project and refuse to appropriate the necessary funds.

Mr. THURMOND. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to take this opportunity to commend the distinguished Senator from Virginia for his outstanding leadership in this matter. I do not know of any man in the Senate for whom I have higher respect than the able Senator from Virginia. He has gone into this question very deeply. He has given it great thought.

There is no question that we have in this country today a tremendous shortage of medical personnel. There is no question, in my mind, that we need more doctors, and that we need more dentists. By establishing this medical services university for the Armed Forces it will help to relieve that shortage.

I realize that it might be possible to get some medical personnel educated in a cheaper way and in some other manner but the trouble is, who will do it? Every medical university in this land is overcrowded.

The Medical University of South Carolina today has so many applications waiting that the number of applicants is far greater than the number of people they can accommodate. Many of them have to be turned back.

This measure will provide more medical staff for the people of America. I do not know what the situation will be. It might be that it will be extremely difficult for the armed services to obtain personnel. However, by having its own medical university, the armed services, in my opinion, will be able adequately to fill the medical positions in the armed services.

I can understand that there is great cost involved. I do not generally like to vote for any measure that involves great cost to the Government. I think that my record on economy shows that. However, I think that this is the best step for the armed services and for the country to take.

I commend the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I thank the Senator from South Carolina, and I now yield to the Senator from New Hampshire..

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, I appreciate the work done by the Senator from South Carolina. And I also commend the Senator from Virginia for the work he has performed.

I do not think that many people realize, although many in the Senate realize, that through the years we have year after year in our subcommittee faced this medical school problem. When one establishes a new medical school, it is not merely a case of building the buildings. It is not a case even of adding a laboratory to an institution. Even to advance a 2-year medical school course, the premed course, to a full 4-year medical school course, as they are doing in Dartmouth in my State, costs many millions of dollars in investments in the facilities themselves, the highly technical facilities necessary to train physicians and surgeons.

I think that this new venture will result, if it is going to prove to be efficient, in a terrific outlay before we get through with it. And I think that it will not add nearly as many personnel to the reservoir of doctors available to the armed services as it would if we were more liberal in responding, and we have tried to be as liberal as we could, to medical school after medical school all over this country which are seeking, even the 4-year ones, to expand their facilities.

I feel constrained to take the same position that my distinguished friend, the Senator from Colorado, takes. And while I will not ask for a rollcall vote, I feel that I must go on record as being opposed to the conference report.

Mr. HARRY F. BYRD, JR. Mr. President, I yield now to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Senator from Virginia. With his indulgence and with the indulgence of the Senate, I want to go beyond merely asking questions.

The slight division that exists among us underscores the thoroughness with which the subject matter has been gone into here, the seriousness of the problem and of our efforts to find possible solutions.

I have been familiar with this problem, that the military has, with reference to doctors for a good number of years. Coming as I do from a rural State, and from a rural area of that State, I do not think that anyone here is more acutely aware than I am of the need for doctors for our rural people. They are suffering.

Frankly, I have urged the military to get along with fewer doctors. I want the number reduced in order that we could have more doctors for the civilians. However, I am fully convinced in the light of the times and today's trends that the only possibility for the military to retain a sufficient nucleus for their medical corps is to have a medical school of their own to which they can attract some talented young men and inspire them and instruct them along the lines of making a career of military medicine.

The services are now able to retain less than 1 percent of the doctors that are brought into service. These figures are alarming. The services are just not able to cope with the conditions existing in outside life for these physicians. Military medicine has had many of the most distinguished men in the medical profession. I think in terms of General Heaton, now retired, who was one of the most outstanding men I have known since I have been here. He served for several terms as Surgeon General of the Army. Walter Reed Hospital was under his command. He was the personal physician for General Eisenhower when he was President. General Heaton was a man of outstanding administrative ability as well as being a great surgeon. I have talked with him for years about these problems and have consulted with him about the bill.

I am convinced of the need for this. I wanted to resist the services having their own medical school. However, I became convinced of the need for this because of years of experience with the problem and particularly now when the services are able to keep less than 1 percent of the physicians and surgeons.

We resorted to the Selective Service System to augment the number of personnel that the services can keep. However, those procedures have now collapsed. We are going to drop the Selective Service. The President announced that there would be no more Selective Service after June 30, 1973. We already knew that would be so unless Congress were to pass another law, because the law expires by its own terms on June 30 of next year. So does the draft for the doctors, the medical men. We had a draft for them for awhile. However, it was merged into one selective service. And that will expire on June 30.

We are faced with a situation about which we have to do something. We have the scholarship program and it is tightened up considerably from that in the House bill, so as to put it on a down to earth basis. I think it will be helpful. However, that is not enough.

I am converted and fully convinced that in order to keep a nucleus of the medical corps within the Services we will have to go to the other plan.

The Selective Service will expire. That is the major point that was in the minds of the conferees—that we had to do something about this.

There is another factor that ought to be mentioned, I think. The location for a new medical school is limited to Washington and the surrounding area. This is not to try to favor this area, but because of the unusual situation here from which the medical school would benefit.

I briefly read from the report:

Within the environs of the Nation's Capital, for example, may be found the National Institutes of Health, the Armed Forces Institute of Pathology, the Armed Forces Radiobiology Research Institute, the National Library of Medicine, Walter Reed Army Institute of Research, Walter Reed Hospital, the Naval Medical School and Research Institute, the Naval Hospital at Bethesda, Andrews Air Force Base Hospital, the Walter Reed Army Institute of Nursing, and the Hospital of the Veterans' Administration.

Mr. President, there is an amazing background of medical resources that would be available to this service school here once it is established.

This is not an open-ended authorization. There is a limit of 1 year and they will have to come back every year. So I think we have put in every safeguard and restriction that was reasonable in connection with this entire project. If it were not felt to be a necessary step by those supporting it, this bill would not be before the Senate. I hope the Senate will see fit to adopt the conference report.

Mr. HARRY F. BYRD, JR. I thank the able Senator from Mississippi.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. FULBRIGHT. How much is authorized?

Mr. HARRY F. BYRD, JR. The first year authorization is $15 billion.

Mr. FULBRIGHT. For construction?

Mr. HARRY F. BYRD, JR. That is correct.

Mr. FULBRIGHT. What is the estimate for operation?

Mr. HARRY F. BYRD, JR. For design, planning, and construction the amount is $15 million.

Mr. FULBRIGHT. What is the estimate for operation after that?

Mr. HARRY F. BYRD, JR. Approximately $20 million a year is the estimate.

Mr. FULBRIGHT. Do I understand that the Senator from New Hampshire feels that if this money were distributed among existing institutions it would create a better result?

Mr. HARRY F. BYRD, JR. Perhaps the Senator from New Hampshire should answer that question. I understand his position is as the Senator has stated it.

My position is that I would prefer, instead of authorizing this university at the present time, to have a more detailed study and a feasibility study before the authorization is enacted. But, as I mentioned earlier, the House conferees were adamant on this point. The House conferees receded from their position on other matters at issue with the Senate, particularly the size of the scholarships, which many of us in the Senate thought were too liberal, and the Senate conferees thought in this regard it would have to make some compromise also.

Mr. FULBRIGHT. I do not know how much study has been given to it, but in my State I am sure our existing institutions could use a little assistance. We have had physical facilities for a number of years greater than we could finance in furnishing the operation. We had a very fine, large hospital but we were short of funds for operation and there was a good deal of complaint. It is true there was a demand by students to go there but we were short of funds for the operation, not for the building.

I thought the Senator from New Hampshire had a point. This could well serve the military and at the same time increase the facilities and the capacity of facilities in the overall view.

When we speak of this amount of money it should go far in helping those institutions in being, many of which are starved for funds.

Mr. STENNIS. Will the Senator yield on that point?

Mr. FULBRIGHT. I shall yield in just a moment.

I refer to the concentration. We already have this great concentration. The Senator from Mississippi mentioned the very large concentration of facilities here. I am sure it is true of many States. I think they would benefit by the scholarships and by an increase in funds for operation. I think it would be beneficial to the military and the country as a whole.

I sympathize and agree with the point of view of the Senator from New Hampshire. I regret this kind of money could not be made available for increasing the capacity of existing institutions in administering these services. It is too late to do anything about it but I am sympathetic to the point of view of the Senator from New Hampshire.

Mr. HARRY F. BYRD, JR. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I regret that I interrupted the Senator from Arkansas, but I thought he had concluded.

I was going to raise the point that even though we do not have the figures available here, a great deal of Federal support already goes to most of the medical schools, whether they are State-owned or privately owned. It has become a very substantial part of their support, as I understand it.

I have the privilege of serving on the subcommittee with the Senator from New Hampshire, where he renders a very valuable service. I refer to the HEW Subcommittee on Appropriations, where we have this problem and where we have support for these medical schools.

In my judgment we would be taking very little away from all of the multitude of medical schools that receive Federal assistance, and they deserve it, by having this establishment here, for the purpose I already outlined.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. COTTON. Mr. President, I thank the distinguished Senator from Arkansas for his observations. The Senator from Washington (Mr. MAGNUSON) is the chairman of our subcommittee, and I serve as the ranking minority member. As most members of the Committee on Appropriations know, it is up to the chairman and the ranking minority member to really listen to most of the voluminous evidence that comes before us. For years now we have been straining everywhere with all of our resources, when there is competition for so many of these programs, to try to eke out assistance for medical schools in this country. Most of them have a somewhat different problem than I gather from the Senator from Arkansas exists in his institutions.

They need more room, they need more buildings, more dormitories, and laboratories, they need more equipment, and the students are just waiting for them if they could be accommodated. Now, they are turned away. I cannot help feel that dollar for dollar, not criticizing the military at all, my suggestion would be more beneficial. The civilian medical schools are attached to the best universities in this land. It has been my observation that these old schools are better equipped, and it would be beneficial if they were given the financial backing to extend their facilities. We have a number of them that have been struggling along and have only had 2-year courses and then students have had to seek admittance to other medical schools that extend 4-year courses.

With the moneys we have been able to eke out, we have followed the practice of furnishing to medical schools assistance contingent on the additional students they were able to take in and also a system of scholarships and fellowships.

I am not speaking disparagingly of his effort, which has been so well described by the Senator from Mississippi, but it seems to me that when we have going institutions with years of experience and with the valued faculty that has long been trained in training young medical students, that we have a dollar investment, and that it would be best and most effective to invest in that. It would not be a difficult matter at all to establish scholarships so that there would be an appropriate proportion of those students who had scholarships under contract—scholarships under which they agreed to furnish their services to the armed services.

But we are really talking about a situation where we are locking the door to the stable when the cows are out. It is a thing that has gone all the way through and gone through the final conference with the House and Senate. I know the Senator from Virginia exercised his usual careful judgment. There is no one who is more careful and more sparing in the use of Government funds.

My position is entirely in accord with that of the Senator from Colorado's. I just feel that in this new departure, we are departing from the best medical and best fiscal practice.

Mr. DOMINICK. Mr. President, if the Senator will yield, we still have one more feather to put on this chicken, and that is when it comes before the Appropriations Committee, because the scholarship programs we have in here are separate from funding for construction of universities. So we could still go ahead, in the appropriation process, give funds to medical schools under the agreement that students would go into the service for 5 years, and still not find enough money for construction.

I assure the Senator from New Hampshire that, if, as, and when, there are hearings, I will be up here in opposition to the construction funds and in favor of the scholarship funds.

Mr. COTTON. I am glad to hear that.

Mr. HARRY F. BYRD, JR. Mr. President, I want to say, in that connection, that when the appropriation comes before the Senate, I shall listen very carefully to the views of the distinguished ranking Republican member on the Appropriations Subcommittee, the Senator from New Hampshire (Mr. COTTON).

I want to make my position on this clear. I do not want to mislead the Senate in any way. I opposed one provision in the bill, namely a Uniformed Services University. I opposed it before the subcommittee which I chaired; I opposed it in the full Committee on Armed Services, which, by a closely divided vote, sustained the position I took. When we came into conference, we ran into an entirely different problem.

The house conferees were determined on this issue, and the Senate conferees felt that, if we were going to get any bill at all, and this is only part of the total legislation, the Senate conferees must be prepared to make some compromise, just as the House conferees compromised by accepting all other revisions written into the bill by the Senate and the Senate Committee on Armed Services.

So the total package—the conferees report—is not to my liking in every respect. Nevertheless, it was the best the Senate conferees could do in our negotiations with the House of Representatives. The purpose of the legislation is to obtain and retain qualified medical personnel for the armed services.

Mr. KENNEDY. Mr. President, this conference agreement reflects a conscientious effort by the House and Senate conferees to come to terms with the problem of recruiting physicians for the U.S. Armed Services. Given our changing military draft system, it will be increasingly difficult in months and years ahead to recruit a sufficient number of qualified physicians to fill these needs. Without the draft, the military services are not in a position to compete in the marketplace for health professionals. The number of physicians available is substantially below our Nation's need, and the incomes they make are considerably higher than are possible in the armed services.

The Senate Health Subcommittee, which I chair, has encountered this same recruitment problem with respect to the Public Health Service Commissioned Corps. The PHS Corps is also one of the Nation's uniformed services, and is available to young physicians as a means of fulfilling their draft obligation. The Commissioned Corps staffs the Indian Health Services, the Communicable Disease Center in Atlanta, Ga., the National Health Service Corps, the Public Health Service hospital and clinic system, and a variety of other important medical posts. The possibility of serving in these difficult posts as a means of satisfying military draft obligations has been a primary recruitment factor in bringing young physicians and other health professionals into the Public Health Service. Like the other uniformed services, the Public Health Service Commissioned Corps cannot effectively compete for health professionals without this incentive.

The Congress has already taken several steps to alleviate the shortage of physicians in our Nation. The Comprehensive Health Manpower Training Act of 1971 offered expanded Federal support to our Nation's medical schools in exchange for expanded enrollments. If funded at its full authorization levels, this law would eliminate our Nation's shortage of physicians by 1978.

Also the Congress is currently considering legislation that would adjust pay scales for military health service personnel to be more competitive with income levels of health professionals in the civilian sector. Ultimately, greater availability of physicians, plus more competitive salaries should help resolve the military's problems of recruitment.

The conference report before us, however, offers several additional recruitment advantages to the military. First, it establishes a substantial scholarship program for health professional students who will commit themselves to several years of military service. In addition to paying educational expenses, the program pays the student and his dependents a small but livable salary for up to 6 years of medical study. This scholarship program matches very closely the scholarship program established for the Public Health Service Commissioned Corps in S. 3858, which was reported by the Health Subcommittee, and passed by the Senate on August 18, 1972. It is important that these programs be comparable, and that the Public Health Service be given devices for attracting physicians and other health professionals that are equally enticing to those used by the military.

H.R. 2 also establishes a uniformed services university of the health sciences. The intent is to enhance medical careers in the military service by creating teaching posts in this institution, as well as to attract young students to obligate themselves to a period of military service in exchange for a medical education. Given the current national shortage of medical school capacity, the availability of 100 or more additional places should certainly serve as an effective recruitment device. Every year, thousands of qualified students are turned away from medical and other health professional schools in this country simply because there is not room. Many of these students will undoubtedly be attracted to exchange military service for medical education. In addition, of course, a quality institution will be able to attract students who are inclined to a military way of life.

However, a military medical school raises a number of important questions. First, it raises the possibility of a special and separate health educational system being established in the country which is not compatible with institutions in the civilian sector.

Second, it assumes a Federal responsibility for the direct training of future Federal/military personnel which is without precedent.

I have long been convinced that the health educational institutions in our Nation must be reformed in order to respond to the challenges that face us in our country. I have also been convinced that these institutions are capable of producing the personnel we need, given adequate Federal support, and incentives and opportunities for change. Because of these misgivings, I am pleased that the Senate insisted on establishing an annual line item authorization for this new university. This will allow a close annual review by both the authorizing and appropriation committees of the progress in planning and implementing the university.

Overall, I believe H.R. 2 offers some important mechanisms for the training and recruitment of physicians, and I congratulate the committees on their work. The Health Subcommittee will watch progress on both these programs very closely for their applicability in other areas.

Mr. HARRY F. BYRD, JR. Mr. President, I move the adoption of the conference report.

The motion was agreed to.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. ROBERT C. BYRD. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana, No. 1434, to Senate Joint Resolution 241.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I rise to speak in support of the amendment to Senate Joint Resolution 241 which has been offered by the Senator from Washington. This amendment simply expresses the reasonable understanding of the Congress about the future relationship on strategic matters between the United States and the Soviet Union. This is an entirely appropriate moment for the Congress to share the responsibility with the President for the making of an important component of our foreign policy.

As I understand it, the Jackson amendment would simply state three understandings of what U.S. policy should be with respect to the forthcoming second round of negotiations with regard to strategic arms limitation.

First, the amendment provides that the failure of the United States and the U.S.S.R. to achieve a permanent treaty on offensive arms which would have the effect of limiting the threat to the ability of our land-based strategic deterrent forces to survive a Soviet first strike would jeopardize our "supreme national interests."

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. BUCKLEY. Certainly.

Mr. FULBRIGHT. I was under the impression that we were going to vote on the pending amendment. The amendment the Senator is addressing his remarks to has not been offered, is that correct? Is it correct that the Jackson amendment has not been offered?

Mr. BUCKLEY. It certainly has been the subject of widespread speculation and discussion.

Mr. FULBRIGHT. I mean it has not been called up. It is not before the Senate; is that correct?

Mr. BUCKLEY. It has not been offered; no.

Mr. FULBRIGHT. I would like to try to clarify the situation before us, if I could. The Senator from Montana has offered his amendment as the pending business. Is it the purpose of the Senator from New York not to allow a vote on the Mansfield amendment today?

Mr. BUCKLEY. No. I believe, with all due respect to the distinguished chairman, that in considering the Mansfield amendment one must also keep in mind the alternative, which we all know will be offered in due course, namely, the Jackson amendment. Therefore, by speaking in favor of the Jackson amendment, I impliedly am speaking against the Mansfield amendment.

Mr. FULBRIGHT. I do not want to be misunderstood. The Senator has a perfect right to speak about it. I am trying to understand what the parliamentary situation is.

The request has been made for a package unanimous-consent agreement on all amendments. I and some other Senators interested in this matter have declined to make that agreement. However, we are—I am, and I think all of those interested in my point of view are—perfectly willing to proceed to vote on all of these amendments as they arise. That is, we are not disposed to delay consideration of the resolution or any amendments thereto, and I have thought we would be able to proceed to consideration of all amendments, and disposition of this matter today or possibly tomorrow.

What I am trying to understand is whether or not it is the position of Senators who support the position of Senator Jackson that they will not allow a vote on any amendments unless they get an overall agreement on all amendments. I am only inquiring what the situation is; that is all.

Mr. BUCKLEY. I regret that I am not in a position to speak for the Senator from Washington. I am sure he could clarify his position.

Mr. FULBRIGHT. I would like, if the Senator will allow me, to make my position very clear that I am prepared to proceed to a vote on the pending amendment and all subsequent amendments in order, and without any undue delay whatever. There is no disposition on my part or that of anyone associated with me and interested in this matter to delay any vote at all. We can dispose of this amendment today if the Senate will permit, or certainly tomorrow, because I think it requires a matter of only a few minutes. According to Senator MANSFIELD's statement that he made yesterday, he will use only a few minutes. I certainly would not take more than 5 minutes on it. But we do object to tying down all amendments and all freedom of debate in the Senate.

As the Senator knows, the rules of the Senate, absent unanimous consent, provide for debate. Rule XXII was a matter of debate here in the Senate for many years, and many of us fought very hard and long to prevent its emasculation. I object to, by unanimous consent, emasculating freedom of debate.

I am opposed to delay. I am more than willing, as a matter of fact anxious, to dispose of this matter. I want to make my position clear that I am not anxious to delay any vote at all. I am prepared to move rapidly to dispose of all amendments and the resolution itself.

I think it would be very useful if those supporting the Jackson amendment would make their position clear on the parliamentary matters. I am not arguing about the substance of it at this time.

Mr. **BUCKLEY**. I thank the Senator from Arkansas for his observations, but as I say, I do believe that we have before us one of the very critical matters involving not only foreign relations but the future security of the United States. I believe it is of such critical importance that it is necessary that we fully understand the implications of each amendment that comes before us.

As I say, I personally feel that the way to analyze the merits of the Mansfield amendment is really to talk about the Jackson amendment. It is for that reason that I would like to proceed with my remarks about the Jackson amendment, in the hope that those who might be inclined to vote in favor of the Mansfield amendment would reserve judgment until they consider the alternatives which will be presented to them.

Mr. **MANSFIELD**. Mr. President, will the Senator yield?

Mr. **BUCKLEY**. Certainly.

Mr. **MANSFIELD**. Just as a matter of information, could the Senate have the benefit of knowing how long the Senator intends to address it?

Mr. **BUCKLEY**. About 15 or 20 minutes.

Mr. President, as I understand it, the Jackson amendment would simply state three understandings of what U.S. policy should be with respect to the forthcoming second round of negotiations with regard to strategic arms limitation.

As I mentioned earlier, the first of these understandings would provide that the failure of the United States and the U.S.S.R. to achieve a permanent treaty on offensive arms which have the effect of limiting the threat to the ability of our land-based strategic deterrent forces to survive a Soviet first strike would jeopardize our "supreme national interests."

This aspect no more than restates the obvious. It is well understood that the terms of the interim agreement provide for a significant quantitative advantage in favor of the Soviet Union in both intercontinental and submarine launched ballistic missiles. Moreover, because of the very large size of some Soviet missiles, the interim agreement provides a 4- or 5-to-1 advantage for the Soviet Union in terms of the most important long-term measure of the capacity of a ballistic missile force, namely its payload capacity or "throw weight."

It is important to appreciate that if the Soviet Union were to achieve the same level of warhead design sophistication which the United States now enjoys on a production line basis, they could deploy up to five times as many independently targeted warheads on their ballistic missiles as could the United States.

The United States will be able to accept the quantitative inferiority embodied in the interim agreement only if the agreement is truly "interim." At the present time, the United States enjoys a 2-to-1 margin in the number of deployed warheads over the Soviet Union. This advantage is one which is certain to disappear over the next few years as the Soviet Union deploys its own multiple warheads.

It has been argued that the Soviet Union would require 5 or more years to deploy multiple warheads, and thus there is ground for complacency for the duration of the interim agreement. The record on the subject suggests that there is no such ground.

It took the United States 7 years to go from fission bomb development to thermonuclear bomb development—from 1945 when the first A-bomb was detonated to 1952 when the first H-bomb was detonated. The Soviet Union detonated their first A-bomb in 1949, but detonated their first H-bomb only 5 years later. They developed the technique for artificial earth satellites—Sputnik—ahead of the United States, and have shown a willingness to expend resources for strategic nuclear forces far beyond the requirements of simple deterrence. It took the United States only 3 years to develop the hardware for its own multiple warheads. It would be highly imprudent for the Congress to assume that the Soviet Union would be so technologically retarded that it would be incapable of developing and deploying multiple warheads within a 5-year period.

It seems to me most likely that if we allow the imbalance in the interim agreement to remain beyond the 5-year term of the agreement, the threat to our land-based deterrent would become stark.

Mr. President, it is important that we understand that the language of the Jackson amendment is not substantially different from language used by administration witnesses in hearings on the interim agreement before the Committee on Foreign Relations and the Committee on Armed Services. These witnesses made it clear that the development by the Soviets of the ability to threaten the survivability of our land-based deterrent forces would in fact prove an unacceptable threat to our national security. While they did not necessarily agree as to precisely when the Soviet Union would be able to threaten the survival of our deterrent forces, none doubted that the Soviet Union had the basic elements with which to do so if the life to the agreement were extended beyond its 5-year-term.

By accepting the amendment under consideration, Congress simply reinforces the idea that it correctly understands the interim agreement to be in fact "interim" in effect and in no way a permanent solution to the problem of appropriate strategic nuclear force levels with respect to either ICBM's or SLBM's.

The second element of the Jackson amendment represents nothing more than commonsense. No negotiated agreement can be considered "stable" if it fails to insure that there will be no disadvantage for either side. All the amendment does is to apply to a permanent agreement limiting offensive strategic weapons the logic of the ABM treaty which places equal limits on each side with respect to the number of ABM interceptors which can be deployed by either side. If an ABM treaty were offered which provided the Soviet Union with a permanent 4- or 5-to-1 advantage in the critical parameter of ABM capacity, such a treaty would undoubtedly be overwhelmingly rejected by Congress as well as by the American people, and with good reason.

The Jackson amendment would apply the commonsense principle of "no disadvantage" by requesting that any future treaty "not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union."

It is difficult to see how any exception can be taken to such a proposition. As mentioned earlier, the United States can "live with" temporary inequality, but permanent inequality can only be a source of conflict.

The third element of the Jackson amendment places the Congress squarely on record as supporting those research and development and procurement efforts which will assure the maintenance of a strategic force which will leave no doubt as to the United States intent to preserve a position of nuclear parity. The Senate has wisely approved the funding for the current effort for the B-1 bomber and the Trident submarine and missile program. The Jackson amendment would emphasize the fact that Congress will not permit the deterrent capacity of any element of our strategic forces to degrade over time.

There is no more important effort Congress can make than to assure a continuing high level of research and development for it is our only reliable hedge against technological surprise, and our only insurance policy against Soviet evasion. Research must be pressed far more vigorously than it has in the past because of the risks inherent in any arms limitation agreement—more so because the pending agreement is merely "interim" in nature.

Finally—and this is another area in which I believe that the Mansfield amendment is defective, because the Jackson amendment describes the fundamental understandings of the Senate which are in accord with those who negotiated the SALT accords—this statement of the Senate's position will provide the President with the maximum in bargaining strength in the second round of SALT, while placing Congress squarely on record as supporting a sensible permanent agreement limiting offensive weapons on a basis which will yield neither nation any long-term advantage.

Mr. President, it is for these reasons that I urge that the Mansfield amendment not be adopted and that, instead, the Senate regard favorably the proposals which are incorporated in the amendments which will be submitted by the Senator from Washington.

NATIONAL HEART, BLOOD VESSEL, LUNG, AND BLOOD ACT OF 1972—CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Massachusetts (Mr. Kennedy), I submit a report of the committee of conference on S. 3323, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Stevenson). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the Congressional Record of August 16, 1972, at pp. 28358–28360.)

Mr. MANSFIELD. Mr. President, I understand that this has been cleared on all sides.

Mr. JAVITS. Mr. President, I am honored to have been referred to as the "father" of the National Heart Institute—having introduced on June 9, 1947, H.R. 3762, joined by then Senator, now Representative, Pepper, of Florida, which provided for the establishment of the Heart Institute within NIH—I am particularly pleased to endorse strongly and to encourage my colleagues to support the conference report on the National Heart, Blood Vessel, Lung, and Blood Act of 1972 (S. 3323), which I cosponsored with the Senator from Massachusetts (Mr. Kennedy).

This legislation would establish a national commitment to combat heart disease—the Nation's No. 1 killer, killing more than 1 million persons annually, and leading health problem—and other major causes of death and disability.

This legislation will permit us to launch a more effective effort against heart, blood vessel, lung, and blood diseases in accordance with the President's commitment to give, and I quote from his state of the Union address:

increased attention to the fight against diseases of the heart, blood vessels and lungs, which presently account for more than half of all the deaths in this country.

The major differences between the Senate- and House-passed bills were that the Senate bill contained provisions relating to emergency medical services; established prevention programs—in accordance with a most worthwhile amendment offered by the ranking minority member of the Health Subcommittee, the Senator from Pennsylvania (Mr. Schweiker); and authorized $1.470 billion over a 3-year period, while the bill passed by the House authorized appropriations of $1.290 billion. In essence, the conference agreement retained the emergency medical service and prevention programs provisions and split the money figures, authorizing $1.380 billion.

Mr. KENNEDY. Mr. President, all of the differences between the respective versions of the bill have been resolved, and this resulting bill contains all of the essential elements of an effective program to combat these major diseases. The essence of the Senate-passed bill is contained in the conference report.

Last year, Mr. President, the Congress enacted sweeping legislation in respect to the conquest of cancer. Heart disease claims twice as many victims as does cancer. And the bill the Senate has before it now is designed to do all that is necessary in order to advance the attack against these diseases.

The bill calls for the Director of the National Heart and Lung Institute of the NIH to carry out a comprehensive program for, first, research into the cause and the prevention of all forms of heart, lung, and blood diseases; and second, research into basic biological processes in respect to the heart and lung; third, research into techniques, drugs, and devices used in the diagnosis and treatment of persons suffering from these diseases; fourth, establishment of programs for field studies and large-scale testing and demonstration of preventive therapeutic and rehabilitative approaches, including emergency medical services for persons suffering from heart and lung diseases; fifth, public and professional education relating to all aspects of these diseases.

The bill, Mr. President, also includes special prevention and control programs for these diseases. These prevention and control programs have been modeled after similar programs which were included in last year's cancer legislation. For this special program, the bill authorizes a total of $105 million for 3 years.

The bill also authorizes the Director of the Heart and Lung Institute to provide for the development of 15 new centers for basic and clinical research into the diseases of the heart, blood vessels, and blood. In addition, the bill authorizes the development of 15 additional new centers for basic and clinical research into lung diseases, including bronchitis, emphysema, asthma, cystic fibrosis, and other lung diseases of children.

As a result of the conference, Mr. President, the bill now requires that the 15 centers in respect to heart and blood diseases shall also be utilized for prevention programs, including programs to develop improved methods of detecting individuals with a high risk of developing heart disease, programs to develop improved methods to eliminate those factors which cause those individuals to be vulnerable to heart diseases, and programs to develop more skilled health professional manpower in the area of prevention.

In addition to the funds which are authorized for the special prevention and control program, the bill authorizes a total of $1.275 billion over the next 3 years. This fund level is a compromise between the Senate and House bills.

Mr. President, the Senate Health Subcommittee has worked very hard on this legislation, and I believe that the conference report we bring to the Senate is an excellent one. Without question, the Heart and Lung Institute at the NIH along with the other research institutes at the NIH need to get on with the effort envisioned by the legislation. I am convinced that with a sustained effort on their part, we will increase the likelihood of making significant advances against these diseases which claim such a heavy toll in death and disability.

I urge the adoption of the conference report.

Mr. MANSFIELD. I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. MANSFIELD. Mr. President, I have listened with interest to the remarks of the distinguished Senator from New York (Mr. Buckley) in his opposition to the so-called Mansfield amendment to the interim aid agreement on offensive weapons, which is now the pending business.

It distresses me to find that he takes issue with the remarks of the President of the United States as contained in the declaration of principles issued by the President of the United States and the General Secretary of the Central Committee of the CPSU.

For example, let me point out that the second declaration of the declaration of principles signed by Richard Nixon, President of the United States of America, at Moscow, on May 29, 1972, is the exact equivalent of the amendment offered by the Senator from Montana, now speaking—an amendment, incidentally, cosponsored by the distinguished ranking Member of this body, the Senator from Vermont (Mr. Aiken), the Senator from Kentucky (Mr. Cooper), the Senator from New York (Mr. Javits), and the Senator from Idaho (Mr. Church).

It is difficult for me to understand how anyone can be for what the President of the United States has agreed to in Moscow and to stand up on the floor of the Senate and argue against the proposal which is now before the Senate.

Mr. President, the stabilization that is sought under phase I of SALT means that each side will be assured of the total validity of the other's deterrent capacity. The importance of such assurance is not diminished, I think, by the approval of new weapons development such as those contained in the military procurement authorization bill. But the importance of SALT would, indeed, be diminished, if not obliterated, if it were suggested that the agreement, rather than stemming the tide of arms development, should be construed as a signal to increase this Nation's might unilaterally to a point beyond that of sufficiency or that of providing sufficient retaliation as a deterrent.

The issue before the Senate, therefore, is whether this Nation is prepared to take a first step toward some limitation or whether it will, instead, continue the saber-rattling so long a part of the arms race in which we have now been engaged for nearly three decades. Either we begin now to end the arms race or we do not. Either we take this step—and do so in good faith—or we do not.

The SALT Treaty ratified so overwhelmingly on August 3 set out the framework for this important initiative. It is within that framework—limiting defensive weapons—that the idea of strategic weapons is made valid and totally creditable. This is the great breakthrough occasioned by phase I of SALT. With it, this Nation need not continue in the arms race and its lack of participation need not impair its security in the least. With it this Nation can determine the sufficiency of its deterrence on its own and without comparison to the offensive deterrence of the Soviet Union. Phase I, in effect, codifies the concept of sufficiency; a doctrine that permits an independent and autonomous judgment as to how much of a deterrent force is enough. If what we have is sufficient, we need no more. That we can eliminate an enemy 10 times over with existing force is enough; it is all we need. That another party's force can eliminate us 20 times over is of no concern. Redundance is not and should not be a part of our national policy.

In that light, I might ask, what does the pending amendment do to enhance the resolution before the Senate?

It makes it clear beyond question, I believe, that we endorse expressly the declaration signed by the President which is designed to ease and avoid military confrontations to the greatest extent possible. Most important, I think, is that part of the declaration which would deny advantage to one side or the other. As it is stated: "both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent."

They are inconsistent. That is what the President signed. And it is to affirm that endorsement that this amendment is proposed.

With it, and with the underlying SALT agreement, this Nation is not denied its obligation to remain strong and to maintain a sufficient deterrent force. That national goal remains totally secure.

What we do say, however, is that this small step away from arms escalation should not be twisted into an augmentation of the arms buildup. Let us use SALT as a signal for further and more comprehensive agreements, and not as a signal to obtain a new defense posture, one which is unilateral and could only add to the danger of military confrontation.

Mr. President, I am prepared to vote on this. I am prepared to enter into a reasonable agreement on this amendment and I do so because of the fact that, on yesterday, it was made crystal clear—if I may use a well known phrase—that there would be no unanimous consent agreements entered into for a package for any bill which may come before the Senate.

So, Mr. President, if there is no chance of getting a reasonable agreement, it is my intention to move to table the pending amendment. I shall vote against the tabling motion but I think we should have a little movement.

Therefore, Mr. President, I move to table my own amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield for just a moment? Will he withhold his request?

The PRESIDING OFFICER (Mr. BENTSEN). The motion is not debatable.

Mr. FULBRIGHT. I thought the Senator from Montana said if he could get a reasonable amendment?

Mr. MANSFIELD. A reasonable amount of time.

Mr. FULBRIGHT. I suggested yesterday that he would take 20 minutes. Has the Senator reason to believe that we cannot get an agreement to vote in 20 minutes?

Mr. MANSFIELD. That is correct.

Mr. President, I move to table the pending amendment and suggest the absence of a quorum so that I may ask for the yeas and nays.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the motion of the Senator from Montana to table his amendment No. 1434.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from North Carolina (Mr. ERVIN), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. McGEE), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is absent to attend the funeral of a friend.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kentucky (Mr. COOK) is detained on official business.

On this vote the Senator from Kentucky (Mr. COOK) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Kentucky would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 31, nays 52, as follows:

[No. 393 Leg.]

YEAS—31

Allen
Allott
Baker
Beall
Bellmon
Bennett
Boggs
Brock
Buckley
Cotton
Curtis
Dole
Dominick
Fannin
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Miller
Packwood
Roth
Saxbe
Scott
Smith
Sparkman
Taft
Thurmond
Tower
Weicker

NAYS—52

Aiken
Anderson
Bayh
Bentsen
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cooper
Cranston
Eagleton
Eastland
Edwards
Fulbright
Gambrell
Gravel
Hart
Hartke
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Mansfield
McClellan
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Schweiker
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tunney
Williams
Young

NOT VOTING—17

Cannon
Cook
Ervin
Fong
Goldwater
Griffin
Harris
Hatfield
Hughes
Magnuson
Mathias
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell

So the motion to lay the Mansfield amendment on the table was rejected.

Mr. MANSFIELD. Mr. President, once again I will make an effort——

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. The Senate will not proceed with its business until there is order. Those Senators who are conversing will please take their seats.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, I wonder if it would be possible to reach a time limitation just on the pending amendment. Efforts have been made but so far they have been unsuccessful. I would point out to the membership on the basis of statements made yesterday that the Senate has been told that agreements covering a package would be objected to. That is every Senator's right, just as it is to object to a unanimous-consent agreement on a pending amendment. But I would point out that not later than the hour of 2 p.m. the Senate on the second track turns to the revenue-sharing bill. I would point out this is a most important Interim Agreement on Offensive Weapons which the President of the United States consummated.

I would point out that the language of the pending amendment quotes in toto the second declaration of the declaration of principles issued in Moscow and signed by President Richard Nixon and the General Secretary of the Communist Party, Leonid Brezhnev.

So, in an attempt to achieve a little movement, I made a motion to table, which I voted against as I stated I would. Now, in an attempt to get something beyond motion—a little action—I would like to request of the distinguished Senator from Washington if he would consider the possibility of a brief limitation on the pending amendment so that we could at least get that far along the road to consideration.

Mr. SCOTT. Mr. President, will the distinguished Senator yield to me first, very briefly?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I would just like to underscore the request of the distinguished majority leader. The calendar is running against us, and we are all much aware of the passage of time and of the overhanging burden of legislation. I hope we can come to some agreement.

Mr. MANSFIELD. I appreciate the comments of the distinguished Republican leader.

I yield to the distinguished Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JACKSON. Mr. President, as the Senate knows, I have made very clear my willingness to reach a unanimous-consent agreement affecting all the amendments. Realistically, the amendment that the Senate must face up to is the amendment that I cosponsored with 30 colleagues, and it is in this area where the problem of consent has been encountered. I think if we are going to be realistic, we must face up to that issue, and I am ready and willing, as I have been from the very first day, to enter into a unanimous-consent agreement on all the amendments and final action on the pending resolution, but I cannot turn around and approve a hit and miss approach. If we do that, then we run into the problem of motions to table, among other things, on which no notice need be given. Given that approach, Senators, of course, will not have an opportunity to be advised in advance when the vote is going to take place. But I am ready and willing, as I have been from the very beginning, the very first day, to reach a unanimous-consent agreement on all amendments and on final action on the resolution.

Mr. MANSFIELD. What the Senator from Washington has said is correct, but the leadership, apart from the amendment of the Senator from Montana which is now pending, is faced with a dilemma. We were told by two Senators on yesterday that they would object to any package unanimous-consent agreements. Now we are told by the distinguished Senator from Washington—and he has been most consistent—that he will agree to nothing but a package unanimous-consent agreement. If we continue to operate on that basis, the Senate will face an impasse which it will not be able to bypass unless the preference of individual Senators will give way to the desires of the Senate as a whole.

Mr. BAKER. Mr. President, will the Senator yield briefly on that point?

Mr. MANSFIELD. Yes.

Mr. BAKER. Mr. President, on yesterday I was one of the two Senators who indicated that he would object to any unanimous-consent request that included a prohibition against nongermane amendments. I did not mean to say on that occasion, and I thought I did not say, that I would object to all unanimous-consent agreements otherwise employed.

As far as I am concerned, a package is fine as long as it does not include a prohibition against nongermane amendments or unless there is first an opportunity for me to examine such a unanimous-consent agreement.

In this particular case I have no objection to a provision in the proposed unanimous-consent agreement against nongermane amendments. I believe I have never so objected, but I want to preserve my right to object to any such proposal for the remainder of this term. In this case I have no such objection. I certainly do not want to stand in the way of an agreement that will expedite action.

Mr. MANSFIELD. I appreciate that statement. The Senator was aware that the leadership was trying to protect his right on the basis of statements made not only on yesterday but on previous times.

What is the attitude of the distinguished Senator from New York, who indicated he might have some reservations to unanimous-consent agreements under certain circumstances?

Mr. JAVITS. Mr. President, if the Senator will yield, the Senator from New York wished to provide against unanimous consents which allowed nongermane amendments. If, as the Senator from Tennessee (Mr. BAKER) says, he is not going to raise that objection with respect to this matter, I certainly do not, because it does exactly what I want, to wit, permits only amendments that are germane.

Mr. MANSFIELD. Then, Mr. President, it appears the two objections which I had assumed would come from the other side have now been laid aside temporarily.

I would like at this time to ask the distinguished chairman of the committee if he would give consideration, along with his interested colleagues—and he has to talk with them—to a package agreement for a time limitation on each amendment, a time limitation on the measure itself, and perhaps a time certain on which a final vote could be taken.

Mr. FULBRIGHT. Mr. President, if the Senator will yield, we did discuss this question. I have discussed it with a number of my colleagues, some of whom have amendments at the desk. We were reminded that the Senate used to pride itself on freedom of debate. This is a proposed limitation on all aspects of the measure, including all amendments, even those which have not yet developed and which could develop. This kind of limitation is unusual and inappropriate for important measures. We are quite willing to agree to a time limitation on the Senator's amendment and on every amendment as it comes up, reserving the right, on new amendments that may come up, to have additional time.

There is no disposition on my part, or on the part of any of those associated with me in this matter, to delay action. I personally believe we could dispose of the matter today—not, of course, by 2 o'clock, but in the course of a few hours—if we could proceed under the traditional rules of the Senate, and not by unanimous consent.

All of those who have amendments say they will not agree to the requirement of the Senator from Washington that there be a limitation on every amendment and that that must be agreed to—in other words, the package.

It is true that the Senator has taken this position from the beginning. I only point out that it is not the traditional way for the Senate. It operates under rule XXII, among others, which used to be considered important in the Senate, and I still consider it important. I would personally not be disposed to agree to the Senator from Washington's proposal lest we put ourselves in a straitjacket on all amendments and the final disposition of the bill.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JACKSON. I would point out to the Senator that, in connection with the treaty that was submitted to this body by the President covering agreement with the Soviet Union on antiballistic missiles, we entered into a unanimous-consent agreement, and I agreed to that at the outset, and made clear then that I would do the same on the interim agreement. So, speaking of precedent, there have been many, and there is the one just before this one in which we agreed to a stipulated time of debate and vote by unanimous consent. That is not unusual in this body.

Certainly, with a number of Senators being away, I cannot agree to a situation in which, if I bring my amendment up, a motion to table can be offered at any time. I want to cooperate, and I have from the very beginning, as the Senate knows, because I made it clear, when both of these Moscow accords were submitted by the President, that I would agree to a unanimous consent. That worked out well on the ABM debate, and I do not see why we cannot apply that same principle to the interim agreement.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. PASTORE. It strikes the Senator from Rhode Island that the crucial amendment which we have to face up to is the so-called Jackson amendment, of which I am a cosponsor.

I was wondering if we could not consider, as a minipackage, not only that the Mansfield amendment be voted on at a time certain, but that it be followed by the so-called Jackson amendment, to be voted on at a time certain, without a motion to lay the amendment on the table.

Mr. MANSFIELD. That would be agreeable to me, if it could be done.

Mr. FULBRIGHT. May I inquire of the Senator, what about amendments to the Jackson amendment? Would they be subject to motions to table?

Mr. PASTORE. Well, the agreement would have to cover the amendments to the Jackson amendment.

Mr. FULBRIGHT. I would be perfectly willing to vote on this amendment. As I understand, the Jackson amendment has not been offered yet.

Mr. PASTORE. That is true, but everybody knows he is going to offer it.

Mr. FULBRIGHT. When he offers the Jackson amendment, I think we could get agreements on each one as they are offered, but there may be some additional ones. We do not know what is going to happen either on the Mansfield amendment or on amendments to the Jackson amendment.

Mr. PASTORE. Well, if amendments and bids for agreement are to multiply, it strikes the Senator from Rhode Island we are going to be here until Christmas.

Mr. FULBRIGHT. Does not the Senator from Rhode Island agree that the Senate rules provide for freedom of debate, and that this business of unanimous consent has grown up largely on routine legislation?

Mr. PASTORE. I know, but that is for freedom of debate, not frustration; and it is not limitless. I mean there comes a point where the will of the Senate has to be expressed. I do not know how the Jackson amendment is going to fare, but I do know it is a crucial amendment, and if it is defeated, that is the end.

On the other hand, if it is to prevail, I do not think any attempt to dilute it would carry. If it is the will of the Senate to accept the Jackson amendment in an unadulterated form, I do not think any attempts to weaken it will succeed, and the need here is to bring about a decisive test. The Senator from Montana moved to lay his own amendment on the table in order to exercise some kind of a test. The will of the Senate has been expressed, and we have refused to lay it on the table. Therefore, it is the active, pending business. All I am suggesting is that we vote on the Mansfield amendment, and I shall vote for it, and then, if the Jackson amendment comes up, I shall vote for it, too.

Mr. FULBRIGHT. I agree with the Senator. I am willing to vote on the Mansfield amendment immediately, and then consider the Jackson amendment.

Mr. PASTORE. Yes.

Mr. FULBRIGHT. Why does not the Senate do that? Why does the Senator say now we have got to agree to a limitation on all possible amendments to the Jackson amendment?

Mr. PASTORE. Because I have a pretty good idea just what they are, and the Senator from Arkansas knows what they are.

Mr. FULBRIGHT. I do not see why we do not proceed to vote on them.

Mr. PASTORE. The point is, we keep talking and do not vote on anything.

Mr. FULBRIGHT. I will stop talking. Let us vote.

Mr. MANSFIELD. Mr. President, there is a lot of sparring going on on this bill. It has been going on for some time. I would hope that a time would come when Senators would subordinate their personal feelings and personal desires and consider the position in which the Senate finds itself during these particular days covering the beginning of a political campaign and covering the matters which confront us in these weeks and maybe months ahead, keeping in mind the fact that this is a presidential proposal which was consummated at great length by men in whom we all have confidence—I refer to Ambassador Smith and his colleagues, and I certainly refer to the President of the United States, who signed this in behalf of all of us.

To go on like this, I do not know where it is going to end, but I would hope, in view of the fact that there is no possibility at this moment of achieving an agreement, that the Chair would put the pending amendment to the Senate for a vote.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the amendment of the Senator from Montana.

Mr. JACKSON. Mr. President, I just want to say to the Senator from Montana that I am willing to sit down again and see if we can find some area of agreement here much along the lines suggested by the Senator from Rhode Island, and that is to get an agreement for a time certain to vote on the Mansfield amendment and my amendment, together with the amendments thereto. I am willing, certainly, to make another try at it. But I believe that we are not going down the right road here to bring this to an early and final solution unless we face up to the main controversy, which is the amendment that I along with some 30 Senators have cosponsored. I think the sooner we face up to that, the sooner we can bring this to a final conclusion. I am willing to explore, this afternoon, other alternatives to those we have discussed as a possible means of trying to resolve it. But I want to again emphasize that the unanimous-consent approach has just been applied to a treaty, which is a permanent obligation unless terminated by either party, and when we apply unanimous-consent procedures in that kind of situation, it seems to me that we ought to at least be willing to treat the pending matter, which is not a treaty, on the basis of some reality, and that is that we can dispose of this matter very rapidly if we reach a unanimous agreement.

The facts are, I think, that we have the votes to carry my amendment. That is the reason for the delay. If the parties agree that they are willing to have a vote, why can we not agree to it under proper stipulation, so that Senators, many of whom, on both sides of the aisle, are in and out, will know when that vote is going to occur? That is all.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. JACKKSON. Without a unanimous-consent agreement, you cannot do it. I am not going to fall into the trap of having someone make a motion to table without warning, and without being able to advise other Senators who want to be heard and to vote.

Mr. MANSFIELD. Will the Senator yield?

Mr. JACKSON. I yield.

Mr. MANSFIELD. Mr. President, going back to the SALT Treaty, there were no reservations or understandings offered. It came in clean, and it was disposed of clean. Therefore, there was no need, really, for a unanimous-consent agreement in the sense that one would be desirable for the present legislation.

The Senator is against a piecemeal time limitation on amendments. He has a point of view, but would he be against a vote on the pending amendment at this time, without any time limitation being tied to it?

Mr. JACKSON. I do not want to agree at this time——

Mr. MANSFIELD. I am not asking for a time limitation now. This is just a vote.

Mr. JACKSON. No; as I say, I do not want to agree on this one amendment at this time.

Mr. MANSFIELD. No; I am not asking for an agreement. Is the Senator prepared to vote on this amendment at this time without any agreement?

Mr. JACKSON. No. No; not at this time. I want to see if we can make another try, to see if we can reach an agreement, because we need to know what amendments are going to be offered. I have an idea as to some, and I think we ought to be able to be in a position to have an understanding about when these amendments are going to be offered and when we are going to get some votes. Otherwise, there will be no order. If a Senator does not want to bring up an amendment at a given time and there is no unanimous-consent agreement, he can go on talking indefinitely.

Mr. MANSFIELD. Yes; but——

Mr. JACKSON. And I understand the problem. It is my amendment that the time is being consumed on. I have been ready from the very first day, and I made it clear over and over again——

Mr. MANSFIELD. Mr. President, the Senator's amendment has not been offered. It has just been talked about. All we are doing—and this includes all of us—is tilting at windmills. We are getting nowhere. We might be satisfying our own ego, our own sense of well-being, but as far as the Senate is concerned, we are not subordinating our personal desires to what the institution itself should be doing, and we are all going to pay for the machinations which are going on, and nobody is going to benefit—nobody—but all of us will lose because of it.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me?

Mr. JACKSON. I will just make one final statement on this.

If the vote on the Mansfield amendment would solve the problem, I would agree, but it would not solve the problem. Why delude the Senate? Whom are we kidding?

For some reason, the moment my amendment was offered, it caused the pending business to be set aside for a whole week. Since when do we get into a situation in this body that, when a Senator offers an amendment, the pending business is set aside for a whole week? These are the facts. And a special meeting of the Committee on Foreign Relations was held to discuss my amendment. Does not a Senator have a right to offer amendments to a pending bill? What is unusual about it? Who delayed? Not the Senator from Washington. I made it clear right from the beginning, and I have tried my very best to work with the leadership on both sides to reach a unanimous agreement to vote. In fairness, I think these facts ought to be pointed out.

If the vote on the Mansfield amendment would solve the problem right now, I would agree immediately. But I am not going to indulge in fictions and try to delude the people of this country that by agreeing to vote on the Mansfield amendment, we have agreed to go right ahead and act on this whole matter. I think we have to face up to the real issue, and the real issue is our simple amendment that stipulates, in effect, that in any follow-on agreement on strategic arms limitation with the Soviet Union, it should be the policy of the United States to achieve equality. That is the issue before the Senate, and I believe that the sooner we face up to that issue, the sooner we will be able to get a final vote.

Mr. MANSFIELD. Mr. President, the issue is not equality. Everybody believes in equality.

The suggestion was made to the distinguished Senator from Washington that the word "overall" be inserted for "equality." That was turned down. It is equality in specific fields.

I do not know what we are trying to seek when we have enough TNT in this country and in the world to account for 15 tons applicable to every man, woman, and child on the face of the globe.

I would hope that we would get away from this sparring and this moving for advantage and get down to the business which confronts the Senate and this country, which is far more important than the business of any individual Senator. The sooner we can reach an accommodation of our divergent views, the better off the Senate is going to be.

So far as I am concerned, I am willing to agree to any kind of time limitation to bring this matter to a head and to trust the judgment of the Senate as a whole.

I certainly am disappointed, when the Mansfield amendment, so-called, is given the prestige and the credibility it has received this afternoon; because it is not that important—it is just an affirmation, word for word, of the second declaration in the declaration of principles issued by the President of the United States and the Chairman of the Communist Party in the Soviet Union, a declaration to which they affixed their signatures. It is a simple statement of what they stand for. Either they believed in what they did or they did not.

Unfortunately, the administration is against its own language. It is hard to understand. It is simple language to which the President affixed his signature. What are they for? What they did? Or are they for an amendment which they say is fine, but they do not believe in its interpretation? The administration is trying to have it both ways. If they have ever got themselves in a box—and it is their own fault—they got themselves in a box on the Jackson amendment. They are for it, but they are not for its interpretation. What are they for? We would like to know.

Mr. SYMINGTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. SYMINGTON. Mr. President, in support of the position just taken by the majority leader, on the first of June, at the joint session, the President of the United States stated:

> I ask from this Congress and I ask from the Nation the fullest scrutiny of these accords. I am confident such examination will underscore the truth of what I told the Soviet people on television just a few nights ago, that this is an agreement in the interest of both nations.

What the majority leader has said about the position of the administration in this matter is of special interest. It has been my understanding they are for this amendment. It has also been my understanding that they are against it in any case an interpretation of it.

I would present to the Senate that this extended discussion and delay is putting us all in an increasingly difficult position if we are sincere in wanting to work out a meaningful arms control agreement; because pretty soon the leaders of the Soviet hardliners in that nation, comparable to the hardliners in this Nation, are going to be able to go to the Soviet people, under their controlled system, and say, "The President of the United States now admits that when he spoke to you about the fairness of this agreement, he was not telling you the facts."

To me, it is regrettable indeed that we are placing ourselves in such a position.

Mr. FULBRIGHT. Mr. President, in order at least to clarify the air, I had said in prior debates that I would move to table Senator JACKSON's amendment. I have no desire to table it if we can get to a vote on the merits and the opportunity to amend it. I can say without any reservation that I would not move to table it—certainly not without prior notice and without an agreement. At the same time, I would make no agreement and I would not make a motion to table it without agreement with the Senator.

I have said that more or less in the same spirit in which the Senator from Montana has moved simply to get some action, to get some kind of test on it. But I would not make a motion to table the Jackson amendment without prior notice.

Next, I wanted to clarify the fact that there is no need for further negotiations about a package agreement. If no one else wishes to object, I shall object to a package agreement; but in that connection, I would take very limited time on any amendment, including the pending business or the Jackson amendment.

The point is that the practice of the Senate always has been, prior to recent times, to proceed under the rules of the Senate, without unanimous consent. To do otherwise was quite unusual. I do not object to the unanimous consent procedure on routine matters or on matters of lesser importance than this. I consider this an extremely important matter. The Committee on Foreign Relations voted unanimously to approve it. The President and his spokesmen submitted it to the country, both in the joint session and at the White House, without any reservations. The House has approved it without any reservations, with an overwhelming vote—I think there were only seven votes against it in the House of Representatives—328 in favor of it, without any amendments.

As a Member of the Senate and as a member of the Committee on Foreign Relations, I am not going to agree to put the Senate in a straitjacket on these votes. I am perfectly prepared to vote now, immediately, on this matter, and within a very brief time on any amendments to the Jackson amendment; but I insist upon abiding by the rules as I think the traditions of the Senate have interpreted them.

I submit that the Senator from Washington is endangering the entire measure. His action raises very serious questions as to whether his purpose is to kill the agreement itself because in his view it does not provide for equality. Of course, I join the views of the Senator from Montana completely, that the agreement does provide equality, overall equality. That was the thrust of the President's view as he made his views known at the joint session and through Dr. Kissinger and others. So I would regret very much if this agreement is killed but, at the same time, I am not going to agree to a package deal. It is up to the Senator from Washington. He must take the responsibility of holding this up, as he has held it up now, as he says, because he wants a package deal. There will be no package deal as long as I am able to stand on the floor of the Senate. I am not going to agree to a package deal. I want to make that clear so that we do not delay it any longer. It is entirely up to the Senator from Washington whether we vote now on this amendment and on succeeding ones.

For my part, I am unable to see why, if he has the votes as he says he has—and I do not disagree, because I do not know—but if he has them, the Mansfield amendment can be disposed of before 2 o'clock, so far as I am concerned, if he wants us to go ahead and allow us to vote on it. But I am not going to agree at this time to a unanimous-consent agreement.

Mr. JACKSON. Mr. President, the way to bring debate of this kind to a conclusion, of course, as the Senator from Arkansas well knows, is to enter into a unanimous-consent agreement. I must say that the business of the Senate would come to a complete halt if we did not have unanimous-consent agreements at each session of Congress. We have a long series of them. I see no reason in the world why, if they want to vote on it, we cannot agree to vote at a specific time.

I point out in this whole business—I cannot find out how many amendments to my amendment there really are—that any reasonable person would want to enter into an agreement and understand when those amendments will take place so that Senators can be here at that time.

I am amazed it would be said that the unanimous-consent process has not been used in connection with important legislation. We do it at every session of Congress. I am ready and willing to cooperate with the leadership in expediting this matter, as I have from the outset when we brought up the ABM treaty.

One other word, Mr. President, and I am not going to get into the substance of this debate at this moment—I will have some remarks to make in just a moment—but there seems to be the impression going around that we are trying to modify or change what was agreed to in Moscow. That is not what is before the Senate. What is before the Senate is an effort on the part of the junior Senator from Washington to implement the Fulbright doctrine. Senators will recall that the Fulbright doctrine suggested that the Senate give its advice—and not just its consent—on these matters, and that not all policy be made downtown. The Senator from Washington is trying to implement the Fulbright doctrine.

All we are doing here, Mr. President, is offering an amendment that suggests certain policy guidelines that represent the views of the body that will have to pass on the follow-on treaty.

What is wrong with that?

The objective is to achieve strategic parity or equality in the follow-on treaty. That is the thrust of our amendment. We are not trying to modify the interim agreement. Our amendment is not a modification of the interim agreement. Some people have sown confusion on this point. The administration itself has made it clear they would never have agreed to the interim agreement as a final treaty because it provides for a substantial disparity of forces vis-a-vis ours and the Soviet Union's.

The whole objective of our amendment is to provide for advice by the Senate relating to negotiations of the follow-on treaty on strategic offensive forces. I shall speak in a moment on that in some detail.

I would point out further, Mr. President, that there is a great opportunity here for the Soviets to roll back their strategic forces. We hear so much talk about how to save money. Of course we all want to do that in defense. But, would it not be wonderful and sensible if the Soviet Union would announce that it will cut back its forces, its ICBM forces from 1,618 land-based to 1,000, and that they will hold their submarine building program to 42, where it is right now, one ahead of ours?

We cut back our ABM missile sites from four to two, and our negotiators knew full well that it would end up being just one—and the conferees in connection with the military procurement bill have already set that at one.

Mr. AIKEN. Mr. President, will the Senator from Washington yield for one or two questions?

Mr. JACKSON. I yield.

Mr. AIKEN. May I ask the distinguished Senator from Washington whether he is opposed to the position of the President in regard to the interim agreement as stated on June 15 of this year?

Mr. JACKSON. Well——

Mr. AIKEN. Is he opposed to the position of the President?

Mr. JACKSON. On June 15 the President spoke at some length about the Moscow accords. Nothing he said then detracts from the need for my amendment, which, I might add, the White House supports.

Mr. AIKEN. Then he opposes the position taken by the President on June 15 of this year——

Mr. JACKSON. That is not what I said.

Mr. AIKEN (continuing). And which would be approved on the part of the Senate by the Mansfield amendment.

Mr. JACKSON. As the Senator knows, I voted for the ABM treaty. I did not concur and I do not concur in this interim agreement without some understanding as to what the policy of the government will be in connection with the negotiations for a follow-on treaty that is to take place pursuant to this interim agreement.

Mr. AIKEN. Then the Senator from Washington is opposed to the position taken by the President on June 15?

Mr. JACKSON. I hope to be able to support the interim agreement, with the Jackson amendment. I think there are many other Senators who feel the same way.

Mr. AIKEN. Would approval of the Mansfield amendment nullify the Jackson amendment if that were also approved later? Would that not solve the problem so far as the Senator from Washington is concerned?

Mr. JACKSON. The Mansfield amendment is not related at all to my amendment.

Mr. AIKEN. But the Senator's amendment is not before the Senate.

Mr. JACKSON. Of course not. I was not born yesterday. I am not offering an amendment at this time since, without a unanimous agreement, a motion to table could be offered at any time at any hour. I want to get an agreement here so that we can vote under orderly procedures.

Mr. AIKEN. In opposing the Mansfield amendment, one has to oppose the position of the President as stated after the treaty and the Interim Agreement had been signed.

Mr. JACKSON. I do not believe that follows. In fact, the White House has endorsed my amendment.

Mr. AIKEN. There is no other interpretation in the minds of the people of this country. One either approves the position of the President or he does not. Personally, I think that the President has done everything within his power to bring war to an end and restore peace to this world. But what is going on here is convincing millions of people in this country that he is not doing that. I believe that he is. But there are so many others that are using this almost farcical situation here in the Senate to say that he did not mean it at all.

Mr. JACKSON. Mr. President——

Mr. AIKEN. The attitude of the Senator from Washington in opposing the President gives greater credence to that belief.

Mr. JACKSON. I am not opposing the President. Let me comment on something that is very clear to the American people. I hope the Senator will stay on the floor just for a moment. I believe that the American people—and the great majority, I think, of the Members of this body—understand the objective of trying to achieve strategic parity with the Soviet Union. That is what my amendment suggests as a matter of policy, and my amendment is supported by the White House.

How in the world can a Senator go to his constituents and say, "Well, I voted against the amendment that had as its objective a negotiation to achieve parity and equality with the Soviet Union in strategic arms"?

Parity is what our politicians on both sides of the political aisle in this country have been insisting upon for years—as a minimum.

I am suggesting that if the Senate adopts the barebones agreement that is before us without some policy statement to make it clear that we want to achieve strategic equality in the ongoing negotiations, it can only result in trouble.

Mr. MANSFIELD. Mr. President, if the Senator will yield, he has made the assertion that that is what the politicians on both sides are in favor of, what the Senator is advocating. I think that the Senator is correct. The politicians are.

Mr. JACKSON. I will let each Senator decide that question.

Mr. AIKEN. Mr. President, the American people have been told repeatedly that we have not only equality with the Russians in this field, but that we have superiority in many fields.

Mr. JACKSON. We are talking about the future. As the Senator knows, my amendment is a policy statement relative to strategic arms negotiations that will get underway this fall.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. TOWER. Mr. President, does the Senator from Washington agree that given their present momentum in advancing their military technology, both qualitatively and quantitatively, and given our current lack of momentum, the Soviets would, in the absence of an equitable agreement, in a short period of time achieve or exceed superiority?

Mr. JACKSON. I do not think there is any doubt about that. This is what the argument is all about. For the life of me, I cannot understand how the Senate would deny this Nation a policy guideline which stipulates to our SALT II negotiators that when they proceed to meet with the Russians in Geneva in October, next month, it shall be their objective to adhere, for offensive strategic weapons, to the principle of equality that obtains in the ABM treaty. What in the world is wrong with that?

I know of the other extraneous arguments that are brought up—that we have a lot of warheads in Europe. Those warheads are under the enormous nuclear threat posed by comparable Soviet forces, and those comparable forces cannot be ignored.

The Senator has talked about a situation where we are not trying to compare apples and oranges, but are trying to compare oranges and oranges—and that is, their ICBM's with our ICBM's and their land-based forces with our land-based forces. And I think our amendment is a reasonable proposal for the Senate to adopt as a guideline for our negotiators.

Mr. TOWER. Mr. President, if the Senator will yield further, does the Senator believe that if the Soviet Union could achieve or did achieve absolute superiority and if we allowed ourselves to be in a position of inferiority, they would not be somewhat more reluctant to negotiate an agreement on trade tariffs?

Mr. JACKSON. The Senator is correct. And not only would that be true, but I would say that Soviet strategic superiority would be the most destabilizing development that could take place on this planet. The risktaking that Moscow would engage in and the adventurism that the Soviets are prone to undertake from time to time would increase manyfold. And the increasing effects on the problems of world diplomacy would be enormous—if the Soviets achieved superiority. I do not think there is any doubt whatever of that. It is the political implications that could be the most serious. There has been a tendency, I think, to interpret the relative strategic posture of the two countries in terms of a nuclear race. I think Soviet strategic superiority would have its greatest impact on the diplomatic and political situation and the future chances of individual liberty.

Mr. TOWER. Does not it sometimes appear that we profess too much our innocence of any desire to engage in military confrontation? Does not the historical record show that the United States has always acted with vigorous restraint? In the period since World War II, we could have at one time or another fought a preemptive war and won it and won it decisively. We have been provoked many times.

Does the Senator think that the United States actually chooses war as a matter of policy and that the United States would try to impose its will on the rest of the world because of the superiority of our military establishment? I do not think that anyone believes that is so.

Mr. JACKSON. I cannot believe it. No other country in the history of the world had available to it the destructive capability that was a monopoly and that was held by the United States. We then exercised a great degree of restraint in the post-World War II period.

Mr. TOWER. Mr. President, in 1948, for example, when we were severely provoked and when it was apparent that the Soviets were treating our post-war agreement as a scrap of paper and backing up their actions with a blatant show of force, did we not show great restraint? We could have indeed fought a preemptive war and won it.

Mr. JACKSON. The Senator is correct. In 1948 the Soviet Union took over Czechoslovakia by a show of military force and directed the subversion from within. We had a nuclear monopoly at that time. At that time the Soviet Union did not have any nuclear weapons. It was not until August or September of 1949 that they were able to achieve their first nuclear capability.

In Korea and in other situations we could have, if we had made it a matter of national policy, reserved the right to use nuclear force. However, we made it very clear that we would not do so. Not only that, but at the end of World War II, as the Senator will recall, we offered the Acheson-Lilienthal proposal involving on our part a turning over of the nuclear arms to an international body under the U.N., and the Soviet Union vetoed that proposal.

Mr. TOWER. The Senator is absolutely correct. That would lead me to believe that the Soviet Union does not have any fear of the United States being an aggressor nation that chooses to use war as a national policy.

It appears to me that the Soviet Union does want national superiority for one reason, and that is so that it can impose its will on the rest of the world.

Some people say, "What difference does it make if the Soviet Union has superiority?" I think it makes this difference. If they are superior, it is unlikely that we will ever fight a war. However, what is likely is that they will be able to achieve their goals through their nuclear force.

Mr. JACKSON. Nuclear blackmail.

Mr. TOWER. The Senator is correct, nuclear blackmail.

Mr. JACKSON. Ballistic blackmail. Some people have warned about that. I warned about it in a speech in 1956.

The tendency has been to treat strategic arms as an action-reaction type of thing, particularly in terms of a nuclear war. Too many people overlook the fact that it is the diplomatic and foreign policy implications of this power in the hands of the Soviet Union that we have to be thinking about, and how they will be using that power to achieve their foreign policy objectives without fighting a war, so to speak. I believe that is what the Senator is referring to.

Mr. TOWER. The Senator is correct. I concur. Does it not follow that we must then necessarily negotiate from a position of present military strength if we are to achieve a limitation of strategic arms that will continue to lead the people of the world to feel reasonably sure in their aspirations toward self-determination.

Does it not occur to the Senator from Washington that actually the adoption of his amendment would strengthen the hand of the President in these negotiations and actually perhaps result in a better agreement in the final analysis than if we failed to serve notice that we will not accept inferiority? It occurs to me they would be much more willing to negotiate and that it would strengthen the hand of the President.

Mr. JACKSON. I agree with the Senator from Texas. The objective we all seek is to bring about a stabilization of forces in the world so there will be less of a threat to the peace of the world. Secondly, in time there can actually be a reduction of the money that has to be spent on all sides in connection with the armament program of the countries that are involved. This is what we are trying to do.

As I said a moment ago, I would like to see the Soviet Union follow the example we set when we rolled back on our ABM forces. We had four sites authorized, we cut back and agreed to two in the ABM treaty—which in effect was really one, and the Soviets did no cutting back.

There is the greatest opportunity now that I have ever experienced in my lifetime, with the two nations going to Geneva, for the Russians to agree to cut back their intercontinental ballistic missile forces, land based and sea based, to a point of equality or parity with the United States. This would save money for the Soviet Union and it would save money for the United States. If we want to make headway, as we all do, in trying to limit and control arms, I think the amendment I will offer at the appropriate time will help our Government achieve that objective. This is the kind of objective we all seek in order to bring about the kind of stabilization we want for all mankind in this troubled world.

Mr. TOWER. I completely concur with the remarks of the Senator. This is extremely constructive and I believe it is necessary. I hope that at such time as the Senator offers the amendment the Senate will adopt it.

Mr. JACKSON. I thank the Senator.

Mr. President, I shall be brief in my remarks today as the Senate continues its consideration of the interim agreement on strategic offensive weapons. I have already spoken several times on this important matter and I shall have more to say as the debate progresses and as the arguments of those who oppose my effort to offer guidance for future SALT negotiations are brought before us. Today I wish to dwell for a moment on my belief that the adoption of my amendment to the SALT authorizing resolution could be a great step toward a winding down of United States-Soviet strategic arms competition and toward the achievement of a stable strategic balance.

Let me say, first, that I share the view of the administration and, I believe, a majority of the Senate, that the interim agreement is not the basis for and is unacceptable as a permanent treaty. Such a treaty must provide for United States-Soviet equality. The present U.S. advantage in strategic weapons technology, which now offsets Soviet numerical superiority, cannot be assured in a long term treaty. What may be a tolerable basis for an interim agreement, therefore, would be intolerable as the basis for a treaty. It is for this reason that I have sought, along with 30 of my colleagues, an amendment that would place the Senate on record in support of a future SALT agreement that adheres, for offensive weapons, to the principle of equality that obtains in the agreement signed in Moscow on defensive weapons.

I must say, Mr. President, that I am

puzzled at the continuing refusal of the severest critics of U.S. strategic weapons procurement and deployment programs to join with me in calling upon the Soviet Union to reverse its weapons buildup and content itself with equality with the United States in strategic offensive weapons.

Senators opposing our amendment have often called for restraint in strategic weapons programs, urging that we "take risks for peace." I would like to hear those same Senators urge the Soviet Union to refrain, for example, from proceeding beyond the 42 nuclear submarines they now have either operational or under construction.

Mr. President, the Soviets are permitted but certainly not obligated to build 62 nuclear submarines of the Polaris type under the interim agreement. The United States, as Senators know, is limited to 44 such boats although, in reality, we will have only 41 during the life time of the 5-year interim agreement. I find this disparity disquieting as I have said before and I would very much like to see it narrowed. I am certain that many Senators share my view on this point.

Why, then, should the Soviet Union not stop building submarines at their current level—which is reliably reported by our intelligence sources to be 42 Y-class submarines? Alternatively, why should the Soviet Union not halt its construction program after it places its 44th Y-class submarine under construction thereby limiting itself to the number to which we, on an interim basis, are limited? Either formula, in my view, would be very much preferable to the further expansion of Soviet submarine forces beyond 42 to, in the extreme, as many as 62 submarines. Surely all Senators can agree that it would be a most desirable result of the follow-on SALT negotiations if some formula along these lines could be arranged. I propose that a leveling on the basis of equality such as this should be the central objective of the SALT II deliberations when they resume later this autumn. And I have offered my amendment advising the President that he ought to seek such a treaty to enable the U.S. Senate, which must ratify any treaty to emerge from these continuing talks, to express itself along these lines in advance of the negotiations.

Of course, the sort of eventual submarine balance outlined here is merely one example of the way in which I believe that the principle of equality can contribute to a reversal of the trend of the last several years in which we have seen the unrelenting growth of Soviet strategic forces. Such a result would greatly increase the security of our own nuclear deterrent, possibly enabling the United States to avoid future strategic programs that might otherwise be required to meet our strategic objectives.

One could easily multiply the examples of the stabilizing effects of the equality principle. Under the limits agreed to on an interim basis and now before the Senate, the Soviets have an advantage in missile throw weight that, while already very large, is subject to still further increases. As things now stand, the overall Soviet intercontinental missile throw weight is approximately four times our own. Now, as many Senators know, the overall throw weight of a nation's missile force determines, in the final analysis, the nature and size of the attack that it can deliver. Assuming that technology tends to equalize out in the long run—and it always has in the past—it is generally true that the greater the throw weight, the greater the capability of the force and the greater the number of warheads that can be delivered by it. It is, by the way, because of these considerations that we cannot assume that the central U.S. advantage in the present strategic situation—our superior number of warheads—would continue, under any long-term SALT II treaty, to offset the considerable Soviet throw weight advantage.

Part of this enormous Soviet throw weight advantage is made up of their older, liquid-fueled SS-7 and SS-8 ICBM's. Would it be unreasonable to propose that, as part of a SALT II agreement, the Soviets dismantle these weapons and thereby bring their ICBM throw weight down—and closer to our own? This would be a move in the direction of fairness. And it would be a move in the direction of slowing the arms buildup by beginning to narrow the now considerable disparity between the larger Soviet force and our own smaller one.

There is an added reason why the dismantling of the Soviet SS-7 and SS-8 missiles would be a step in the right direction. These weapons are obsolete. The United States, which once possessed a substantial force of equivalent weapons, abandoned them long ago. Senators doubtless recall the Atlas and Titan I missiles that used to be a significant part of the U.S. inventory. Under the interim agreement the Soviets are permitted to exchange the obsolete SS-7 and SS-8 missiles for new submarine launched missiles on a one-for-one basis. But the United States, which has already retired its equivalent Atlas and Titan I missiles, is granted no such trade-in privilege. So the dismantling of the SS-7 and SS-8 missiles, of which there are over 200, would be a move in the direction of equality in terms both of throw weight and the trade-in provisions of the interim agreement.

Again, Mr. President, the Soviets presently have under development new ICBM's which, in the view of our experts, would enable them to increase still further their missile throw weight without going beyond the 1,618 ICBM's permitted under the interim agreement. The actual deployment of these new weapons would widen rather than narrow the current disparity by increasing the present four to one Soviet advantage still further. Should we not propose, as the basis for a SALT II agreement, that the overall effect should be a narrowing of the gap between our respective forces? If the Soviets are intent on deploying new and bigger missiles, should there not be, as a basis for SALT II, some compensating reductions in other Soviet systems so that we move closer to, rather than further from, United States-Soviet equality? Or better yet, perhaps they can be persuaded to refrain from deploying bigger missiles in the first place. Surely such a result would increase our security and enable us both to forego new strategic programs and make it possible for both countries to have more funds available for important domestic programs.

Mr. President, I pointed out earlier that the Soviets are free but not obligated to build the full complement of 62 submarines, and I suggested that the principle of equality in my amendment points to the wisdom of their stopping with a smaller number. As Senators know, under the ABM treaty the United States is free but not obligated to build a missile-defense site around Washington, D.C. We have, for good reasons, elected not to exercise our right and option to deploy an ABM to defend our capital. I would urge that the Soviets consider the wisdom of likewise refraining from exercising their option with respect to deploying additional nuclear submarines.

Mr. President, the world would be very much safer if SALT II were to result in an agreement which, because it was based on the principle of equality, brought Soviet force levels into line with our own. Costly arms programs could be obviated. The foundation would be laid for reductions on both sides leading to smaller and more secure strategic forces requiring lower budgets and reducing present uncertainties.

Now, some Senators might argue that the Soviets would never agree to a SALT II treaty based on the principle of equality agreed to in the ABM treaty. Such a decision on the part of the Soviets would be regrettable and, let me add, it would be indefensible. The United States cannot and should not be forced to accept a SALT treaty on offensive weapons that departs from that principle.

Mr. President, I urge my colleagues to join with me and the other cosponsors in supporting an amendment that could lead to a turning around of the strategic build-up that has, with intensity increasing since 1965, threatened to upset the strategic balance. Many of my colleagues have frequently come to this Senate chamber to urge, to argue, to implore the United States not to develop or deploy strategic weapons. Where are they now when the subject is to get the Soviets to reduce their strategic forces to achieve an equalization and a stabilization that would serve the cause of peace? If ever there was a time for the Senate to advise both the President and the Presidium, this is it.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 5416. An act for the relief of Ossie Emmons and others;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 11629. An act for the relief of Cpl. Bobby R. Mullins;

H.R. 11631. An act for the relief of Robert Gibbons;

H.R. 11814. An act for the relief of Claude V. Alcorn and 21 others;

H.R. 12099. An act for the relief of Sara B. Garner;

H.R. 12903. An act for the relief of Anne M. Sack; and

H.R. 15865. An act for the relief of Richard L. Krzyzanowski.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 5416. An act for the relief of Ossie Emmons and others;

H.R. 6467. An act for the relief of Harold J. Seaborg;

H.R. 11047. An act for the relief of Donald W. Wotring;

H.R. 11629. An act for the relief of Cpl. Bobby R. Mullins;

H.R. 11631. An act for the relief of Robert Gibbons;

H.R. 11814. An act for the relief of Claude V. Alcorn and 21 others;

H.R. 12099. An act for the relief of Sara B. Garner;

H.R. 12903. An act for the relief of Anne N. Sack; and

H.R. 15865. An act for the relief of Richard L. Krzyzanowski.

REVENUE SHARING ACT OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 14370, the Revenue Sharing Act, be laid before the Senate and made the pending business, in accordance with the previous agreement.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Mr. LONG. Mr. President, those of us in favor of the measure have explained the bill to the extent we think is appropriate at this time. We hope that any Senators who desire to offer amendments would confine themselves to amendments germane to the bill, that they would offer their amendments or at least explain them, and offer the Senate an opportunity to vote on them.

Those of us in favor of the bill brought it to the Senate before the recess. We explained the committee's position, on behalf of both the Democrats and the Republicans on the Committee on Finance. We were ready to vote and to debate amendments yesterday; we had none of our own to offer. The leadership twice suggested the absence of a quorum to prevent the bill from going to third reading.

We would hope that if Senators do not want the bill passed without amendments—which would be perfectly fine with the committee—they would present themselves and explain their amendments. Otherwise, we would suggest that the bill be advanced to third reading.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Tower). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

AMENDMENT NO. 1468

Mr. RIBICOFF. Mr. President, I call up my amendment No. 1468 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record.

The text of the amendment is as follows:

On page 38, line 15, strike out everything after the word "States" through line 23 and insert:

"(1) 40 percent of the funds available under subsection (a) of this Act, shall be allocated to the States for such entitlement period so that each State receives an amount which bears the same ratio to the total amount to be allocated to all the States for such period as—

"(A) the sum of the population of that State and its urbanized population bears to

"(B) the sum of the populations determined under paragraph (A) for all the States.

"(2) 60 percent of the funds available under subsection (a) of this Act shall be allocated to the States for such entitlement period so that each State receives an amount which bears the same ratio to the total amount to be allocated to all the States for such period as—

"(A) the general tax effort factor of that State multiplied by the relative income factor of that State bears to

"(B) the sum of all the products determined under paragraph (A) of all the States."

On page 56, line 6, add a new subsection:

"(f) For purposes of this subtitle, the term 'urbanized population', when used in reference to any State, means (A) the population of each area, within such State, which consists of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes, or, if greater, (B) 30 percent of the population of such State (determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes). The data used for determining population and urbanized population under this section shall be the most recently available data provided by the Bureau of the Census, except that where the Secretary determines that the data so provided are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations."

On page 64, strike lines 13 through 20 and insert:

"(a) In General.—The Secretary shall allocate to each State, for each entitlement period beginning on or after January 1, 1973, the following amounts (but not exceeding $500,000,000, in the case of the entitlement period beginning January 1, 1973):

"(1) 40 percent of the funds available under section 121 of this Act, shall be allocated to the States for entitlement period so that each State receives an amount which bears the same ratio to the total amount to be allocated to all the States for such period as—

"(A) the sum of the population of that State and its urbanized population and bears to

"(B) the sum of the population determined under paragraph (A) for all the States.

"(2) 60 percent of the funds available under section 121 of this Act, shall be allocated to the States for such entitlement period so that each State receives an amount which bears the same ratio to the total amount to be allocated to all the States for such period as—

"(A) the general tax effort of that State multiplied by the relative income factor of that State bears to

"(B) the sum of all the products determined under paragraph (A) of all the States. On page 66, strike lines 5 through 23 and insert:

"Sec. 123. Definitions and special rules for application of allocation formulas.

"(a) In General.—For purposes of this subtitle—

"(1) Population.—Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

"(2) Income.—Income means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

"(3) Personal income.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

"(4) Dates for determining allocations and entitlements.—Except as provided in regulations, the determination of allocations and entitlements for any entitlement period shall be made as of the April 1 immediately preceding the beginning of such period.

"(5) Intergovernmental transfers.—The intergovernmental transfers of revenue to any government are the amounts of revenue received by that government from other governments as a share in financing (or as reimbursement for) the performance of governmental functions, as determined by the Bureau of the Census for general statistical purposes.

"(6) Data used; uniformity of data.—

"(A) Generl rule.—Except as provided in subparagraph (B), the data used shall be the most recently available data provided by the Bureau of the Census or the Department of Commerce, as the case may be.

"(B) Use of estimates, etc.—Where the Secretary determines that the data referred to in subparagraph (A) are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

"(b) General Tax Effort Factor of States.—For purposes of this subtitle—

"(1) In general.—The general tax effort factor of any State for any entitlement period is (A) the net amount collected from the

State and local taxes of such State during the most recent reporting year, divided by (B) the aggregate personal income (as defined in paragraph (3) of subsection (a)) attributed to such State for the same period.

"(2) STATE AND LOCAL TAXES.—

"(A) TAXES TAKEN INTO ACCOUNT.—The State and local taxes taken into account under paragraph (1) are the compulsory contributions exacted by the State (or by any political subdivision of the State) for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay), as such contributions are determined by the Bureau of the Census for general statistical purposes.

"(B) MOST RECENT REPORTING YEAR.—The most recent reporting year with respect to any entitlement period consists of the years taken into account by the Bureau of the Census in its most recent general determination of State and local taxes made before the close of such period.

"(c) GENERAL TAX EFFORT FACTOR OF COUNTY AREA.—For purposes of this subtitle, the general tax effort factor of any county area for any entitlement period is—

"(1) the adjusted taxes of the county government plus the adjusted taxes of each unit of local government within that county area, divided by

"(2) the aggregate income (as defined in paragraph (2) of subsection (a)) attributed to that county area.

"(d) GENERAL TAX EFFORT OF UNIT OF LOCAL GOVERNMENT.—For purposes of this subtitle.—

"(1) IN GENERAL.—The general tax effort factor of any unit of local government for any entitlement period is—

"(A) the adjusted taxes of that unit of local government, divided by

"(B) the aggregate income (as defined in paragraph (2) of subsection (a)) attributed to that unit of local government.

"(2) ADJUSTED TAXES.—

"(A) IN GENERAL.—The adjusted taxes of any unit of government are—

"(i) the compulsory contributions exacted by such government for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessments for capital outlay) as such contributions are determined by the Bureau of the Census for general statistical purposes,

"(ii) adjusted (under regulations prescribed by the Secretary) by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to expenses for education.

"(B) CERTAIN SALES TAXES COLLECTED BY COUNTIES.—In any case where—

"(i) a county government exacts sales taxes within a unit of local government and transfers part of all of such taxes to such unit without specifying the purposes for which such unit may spend the revenues, and

"(ii) the Governor of the State notifies the Secretary that the requirements of this subparagraph have been met with respect to such taxes, then the taxes so transferred shall be treated as the taxes of the unit of local government (and not the taxes of the county government).

"(e) RELATIVE INCOME FACTOR.—For purposes of this subtitle, the relative income factor is a fraction—

"(1) in the case of a State, the numerator of which is the per capita income of the United States and the denominator of which is the per capita income of that State;

"(2) in the case of a county area, the numerator of which is the per capita income of the State in which it is located and the denominator of which is the per capita income of that county area; and

"(3) in the case of a unit of local government, the numerator of which is the per capita income of the county area in which it is located and the denominator of which is the per capita income of the geographic area of that unit of local government.

For purposes of this subsection, per capita income shall be determined on the basis of income as defined in paragraph (2) of subsection (a).

"(f) For purposes of this subtitle, the term 'urbanized population,' when used in reference to any State, means (A) the population of each area, within such State, which consists of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes, or, if greater, (B) 30 percent of the population of such State (determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes). The data used for determining population and urbanized population under this section shall be the most recently available data provided by the Bureau of the Census, except that where the Secretary determines that the data so provided are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations."

Mr. RIBICOFF. Mr. President, I ask unanimous consent that Mr. Theodore Leary of my staff be permitted the privilege of the floor during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I support the basic concept of revenue sharing. Many of our State and local governments are faced with a growing fiscal crisis as the demand for governmental services outpaces their ability to raise revenues.

Between the fiscal years 1955 and 1970 State and local general expenditures rose almost three times in current dollar terms—from $33.7 billion to $131.3 billion. During the same period State and local revenues rose from $31.1 billion to $130.8 billion. In order for these State and local governments to keep pace with costs, they have been forced to raise their taxes dramatically. Many of them, however, have reached the saturation point and can no longer maintain their effort.

Regrettably the Federal categorical grant programs designed to aid State and local governments have failed to alleviate their problems and in some instances have even aggravated them. The proliferation of these programs, each with their own regulations and narrow purpose, is confusing beyond belief. Catalogs now have to be published to guide State and local officials through the bewildering inventory of rules and requirements.

Even the process of applying for a grant may represent a distortion of local priorities. In winning Federal funds, State and local authorities effectively tie their own hands because of the matching funds principle behind most grant-in-aid programs. A State or locality which is successful in obtaining Federal grants soon finds that dollars from Washington can limit the scope and number of projects they would like to initiate on their own.

It is time to return some of the money this Nation's citizens send each year to Washington back to their own State and local governments without the usual restrictive conditions attached. It is time to let the people themselves determine how their hard-earned tax dollars should be put to work at the State and local level.

How this new money will be distributed to the States and localities is the critical element in the consideration of the legislation now before us and the issue which demands the Senate's most careful scrutiny.

I do not believe that anyone will argue against the fact that the rejuvenation of our deteriorating cities was one of the prime considerations in the development of the revenue-sharing concept. Yet the Senate Finance Committee has approved a bill which is only partly responsive to our urban problems. The committee's formula for making the initial allocation of the $5.3 billion pure revenue-sharing fund to the States—one-third State population, one-third State relative income, and one-third State general tax effort—is a conscious attempt to penalize those areas with the most explosive and expensive problems.

Even the most casual examination reveals that the committee's formula gives more of the $5.3 billion to those States which need it least and less to those States most in need.

Even more dramatic evidence of the inequities contained in the committee's formula can be found by studying the per capita amounts local governments receive of the $5.3 billion and the relative role the $5.3 billion will play in each local government's budget.

For example, the average per capita grant to all the local governments in Oakland County, Mich., will be $5.67. In Hartford County, Conn., it will be higher, $14.61, but nowhere near the $30.37 and $32.12 received in Jackson County, Ark., and Acadia Parish, La., respectively.

These same revenue-sharing funds will account for 8.3 percent of the total local government income in Oakland County. Again, Hartford's share is slightly higher, 8.9 percent, but far from the 50-percent level found in the Arkansas and Louisiana localities.

It is true that the formula adopted by the committee for determining each locality's share of its State's allotment does aid cities relatively more than the House bill. That, however, does not compensate for the fact that in the total distribution of the $5.3 billion, urban States and their State governments get far less than their fair share. While the greatest burden of urbanization is obviously borne by municipal governments, we must also recognize that many urban-oriented services are provided by State governments.

The committee has made an attempt to rectify this situation by distributing the $1 billion supplemental social service grant program fund on the basis of urbanized population.

Mr. President, I want to take this opportunity to thank our distinguished chairman for the gracious comments he made in opening the discussion of this bill. At that time he kindly commented on the contributions that I and other Senators had made. I thank the Senator from Louisiana and also the Senator from Utah (Mr. BENNETT) for trying to work out a formula that would add additional sums of money for those States that would receive lesser amounts than those provided in the House bill.

Mr. President, by adding this money the committee can correctly claim that all but four States and the District of Columbia fare better under its bill than under the House version. It is easy to see why most States get more—the total fund has been increased by $1 billion. The committee's claim ignores the fact that while most State's total rises, the urban States do not receive as large a percentage of the entire fund as they would have under the House bill. For example, while Connecticut's total rises from $72.6 million to $75 million, its percentage of the total drops from 1.4 to 1.2 percent. The impact can be seen in other States as California's percentage drops from 11.5 to 10.2 percent, Ohio's from 4.3 to 3.8 percent, and Michigan's from 4.6 to 4.1 percent.

More important is the fact that there is no way the Finance Committee can guarantee that the final social service formula will be based solely on urbanization or that this new $1 billion fund will even be in the bill. By basing the distribution of the social service funds solely on urbanization the committee has admitted that its original formula was incomplete and unfair. It is however asking the urban States to now place all their eggs—or funds—in one basket.

I do not believe the Senators from the urban States can accept that logic for the risk is too great.

During his opening remarks on this bill the distinguished chairman of the Senate Finance Committee argued that the committee had significantly improved the House bill by eliminating the complex dual formula used for determining the distribution of funds to the States and localities and replacing it with a single formula. This was a step in the right direction. We should, however, take it one step further and eliminate the special social service formula and combine all four factors—population, relative income, tax effort, and urbanized population—into one formula for the entire $6.3 billion fund. We must guarantee that no matter what the final size of the fund each State will receive the same relative share.

My amendment distributes the entire amount authorized by the bill on the following schedule: 30 percent tax effort, 30 percent relative income, 20 percent population, and 20 percent urbanized population. This formula would give the appropriate recognition to the many problems which led to the development of revenue-sharing legislation and would not penalize any single State or group of States.

No formula for apportioning revenue-sharing funds will satisfy everyone, but the formula I propose today would fairly allocate money to the States on the combined basis of relative populations, income, general tax effort, and degree of urbanization. I urge the Senate to adopt this amendment.

Mr. President, I ask unanimous consent that a table detailing each State's allocation under my amendment, the House bill, and the committee bill be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STATE ALLOCATIONS IN MILLIONS OF DOLLARS FOR THE HOUSE, FINANCE COMMITTEE, AND RIBICOFF FORMULAS

	House bill	Finance Committee	Finance Committee increase over House	Ribicoff	Ribicoff over House	Ribicoff over committee
Alabama	80.2	138.2	58.0	103.9	23.7	−24.3
Alaska	6.6	6.3	−.3	6.9	.3	.6
Arizona	46.1	64.7	18.6	58.0	11.9	−6.7
Arkansas	38.3	65.2	26.9	51.7	13.4	−13.5
California	610.8	644.4	33.6	723.2	112.4	78.8
Colorado	59.4	71.8	12.4	68.7	9.3	−3.1
Connecticut	72.6	75.0	2.4	91.4	18.8	16.4
Delaware	17.3	15.8	−1.5	17.0	−.3	1.2
District of Columbia	26.0	20.4	−5.6	25.2	−.8	4.8
Florida	150.0	194.6	44.6	192.2	42.2	−2.4
Georgia	103.4	136.4	33.0	124.1	20.7	−12.3
Hawaii	25.9	26.4	.5	27.1	1.2	.7
Idaho	15.4	23.6	8.2	19.5	4.1	−4.1
Illinois	301.8	316.2	14.4	355.3	53.5	39.1
Indiana	113.8	134.5	20.7	138.6	24.4	4.1
Iowa	67.8	91.6	23.8	81.9	14.1	−9.5
Kansas	47.7	64.5	16.8	61.7	14.0	−2.8
Kentucky	71.8	105.2	33.4	87.6	15.8	−17.6
Louisiana	83.2	138.9	55.7	110.3	27.1	−28.6
Maine	19.9	36.7	16.8	29.0	9.2	−7.7
Maryland	117.5	116.3	−1.2	112.8	−4.7	−6.5
Massachusetts	179.0	179.5	.5	203.5	24.5	24.0
Michigan	243.7	257.9	14.2	275.3	31.6	17.4
Minnesota	114.1	124.0	9.9	116.6	2.5	−2.6
Mississippi	46.0	105.1	59.1	68.0	22.0	−37.1
Missouri	107.6	129.9	22.3	129.1	21.5	−.2
Montana	16.7	24.3	7.6	20.2	3.5	−4.1
Nebraska	34.5	52.0	17.5	44.1	9.6	−7.9
Nevada	12.4	14.7	2.3	15.8	3.4	1.1
New Hampshire	13.5	18.1	4.6	17.7	5.2	−.4
New Jersey	179.7	193.0	13.3	224.3	34.6	31.3
New Mexico	22.5	39.0	16.5	29.6	7.1	−9.4
New York	649.6	625.1	−24.5	723.2	73.6	99.1
North Carolina	113.0	161.5	48.5	135.5	22.5	−26.0
North Dakota	12.0	23.2	11.2	18.3	6.3	−4.9
Ohio	227.4	241.1	13.7	279.7	52.3	38.6
Oklahoma	52.9	74.0	21.1	67.4	14.5	−6.6
Oregon	60.1	70.0	9.9	63.0	2.9	−7.0
Pennsylvania	300.9	347.6	46.7	348.4	47.5	.8
Rhode Island	25.9	29.3	3.4	30.2	4.3	.9
South Carolina	57.9	95.9	38.0	73.7	15.8	−22.2
South Dakota	13.5	29.3	15.8	21.4	7.9	−7.9
Tennessee	79.3	120.4	41.1	104.6	25.3	−15.8
Texas	248.3	326.0	77.7	316.9	68.6	−9.1
Utah	29.0	40.6	11.6	34.7	5.7	−5.9
Vermont	11.0	17.4	6.4	14.5	3.5	−2.9
Virginia	115.6	129.6	14.0	127.3	11.7	−2.3
Washington	79.1	107.8	28.7	105.8	26.7	−2.0
West Virginia	36.4	61.8	25.4	47.9	11.5	−13.9
Wisconsin	137.0	164.3	27.3	150.6	13.6	−13.7
Wyoming	6.1	11.5	5.4	9.5	3.4	−2.0

Mr. LONG. Mr. President, the House of Representatives received from the administration a formula that would distribute revenue-sharing funds by taking into account the population of a State and the relative tax effort that the people of that State were making to help themselves.

Looking at it from the Senate point of view, it is very difficult to justify the type of thing that was done from that point forward.

The reason I say that, Mr. President, is that by the time the House got through changing the formula, not only had the House added $300 million to the amount of funds in the bill, but they had also proceeded to reduce the money available to 29 States. The House Ways and Means Committee worked out a far more complicated formula than was suggested to them by the administration, and that committee, supported by the House under a closed rule whereby the bill could not be amended, not only increased the total amount by $300 million but it proceeded to reduce the funds to 29 States—more than half of all the States.

Oddly enough, the States that got the biggest slash in the help they would receive are the poorer States of the Union. That is very difficult to justify. For example, Mr. President, we in Louisiana apparently had the dubious fortune of leading the list. Louisiana is one of the lowest income States in the United States.

It is a State that has about the average population. It is one of those States that is making the greatest tax effort to help itself. Under the House measure, Louisiana would take the biggest cut, the largest of any State under the House proposal. The reduction would be $18 million.

Then the House turned to the largest and wealthiest States of the Union—give them an increase over the amount of funds they would be provided in the administration bill.

Let us take California. California, being one of the largest and wealthiest States, is most able to take care of itself. Under the House formula, California would receive an increase of $20 million.

Let us take New York. New York is one of the wealthy States of this Nation and one of the most populous. New York would receive an increase of $115 million.

Connecticut is not one of the largest, but it is clearly one of the wealthiest and one of the most affluent States in the

Union, enjoying the overflow from the New York metropolitan area. It is a State in such good shape that it strongly resisted the income tax because it has a very high percentage of affluent people, which is one of the conditions that one would look for in judging the need for revenue sharing. Connecticut received an increase of $13 million under the House formula.

Mr. RIBICOFF. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I will yield in a moment if the Senator will permit me a moment or two more.

Let us take Mississippi, the lowest income State in the United States. Compared to what Mr. Nixon recommended, the House proceeded to give Mississippi a cut of $15 million.

And so it goes. Oklahoma is one of the low income States. It had one of the biggest cuts. Washington, a relatively low income State, numbered fourth highest among the States which had their funds cut under the House formula.

States such as Iowa, New Mexico, Arkansas, and Tennessee would lose money under the House proposal as compared to the recommendations made by the administration.

Mr. President, those of us in the Senate looked at the same problem, and we concluded that it was fair to consider the tax effort people are making by taxing themselves.

Having done that, the members on the Committee on Finance felt it would be appropriate to add one other factor and that was the relative income of the people of that State. So we multiplied the population by two things: One, the tax effort the people are making to help themselves, and, two, to then multiply the first product by the inverse of per capita income so that the poorer the people in the State are, the more they get. In other words, the more they do to help themselves out of their means, the more they get. In doing it that way we came up with a formula that the spokesman for the administration said he thought was an improvement on what the House had done and what the administration had recommended.

The recommendation that the Senator from Connecticut makes moves back in the direction of the mistake I think was made in the House to begin with, where 29 States—more than the majority of the States of the Union—received less help. The Senator goes beyond that, since under his formula only 15 States would receive more, and they are the more wealthy and affluent States.

I have no apology for the fact that we added $1 billion to the bill as a tradeoff to end this 3 for 1, open-ended matching for social services of an undefined nature, which is an expense rising to levels that no one ever anticipated and which is threatening to bankrupt the Federal Government.

We suggested as part of that package that this $1 billion should be distributed on the basis that would take into account urbanization. There is support for this formula because it is in the urban areas where the Federal Government sustained the greatest expenditure of funds for those purposes. This is the argument the Senator made in the committee, and considering the fact that it is in those States that the spending for those social service programs would be implemented, it was fair to add an urbanization formula.

I can understand the cities have their problems, but cities have problems because they have people. Rural areas also have problems because they have people. We are seeking to help millions and improve city services. I would be the first to agree that there are inadequate services—inadequate garbage collection, inadequate trash collection, inadequate law enforcement. The same formula we apply in distributing money among the States to help to meet those problems takes these poor people into account and causes them to get a lot more money compared to the House bill—it causes them to get a lot more money in Watts and central Los Angeles than in Beverly Hills. All of that makes good sense, but it does not make much sense to reduce the amount of money that goes to rural areas and the poor people there in the effort to asssit people who live in the large metropolitan areas where perhaps sanitary services are not everything that is desired. In some respects you would be taking funds away from rural people who cannot afford even a flush toilet.

It would make better sense to retain the benefits that the committee provided to try to help finance these 35 poorer States and to retain the bill in its present position. When we go to conference we may well have to concede some or part of what the Senator is advocating. The House will insist on its figures and we will insist on our figures. The House provided more money for affluent States than the Senate did. We may have to compromise and yield to some degree to their position. I am certain they will be compelled to yield to ours. What the Senate sees here is not the final result, and one should keep in mind that when we go to conference we are looking at House figures as they appear on page 4 of the committee report. These large and more populous States and more affluent States that would receive more benefits in the House bill would find the Senator's amendment more to their advantage. I think it would be best that the Senate should not agree to the amendment.

I yield to the Senator from Connecticut.

Mr. RIBICOFF. Mr. President, I would like to point out to the distinguished Senator that the idea of the revenue sharing came into being because of the great problems the cities of America suddenly found themselves confronted with in the mid-1960's. The pressure arose as it became self-evident that the cost of running the cities had become so high it was becoming impossible for cities to provide services. This was further compounded by the fact that the cost of supplying services in the big cities exceeded the cost of supplying the same services in the small towns of America. So we find the big cities, whether they are in New York or California, with their backs against the wall, losing industries and services and being confronted with one problem after another.

For this reason I have tried to work out a formula that I think is equitable to every section of the Nation. I am realistic enough to know that the formula the chairman worked out with the overwhelming majority of the Committee on Finance does favor numerically in dollars more States than my formula. But by adding an urbanization factor I think we strike an equitable relationship between all States.

Let us take the State of Louisiana, the distinguished Senator's State. May I say that no other State is better represented in the Senate than the State of Louisiana. Whenever a formula comes up before the Committee on Finance the State of Louisiana never comes out second best to any State in the Union. I take my hat off to the Senator for protecting his State, but those from urban States are so outvoted in the Committee on Finance that urban problems are overlooked and bypassed.

Under the House bill Louisiana receives $83.2 million; under the proposal of the Committee on Finance Louisiana would receive $138.9 million, a fantastic increase. Under my proposal the amount would be $110.3 million, which is still $27.1 million over the House bill.

I am trying to point out we have a nation with problems in the 50 States and we should try to work out formulas whereby each State does not just look after its own interests. I recognize that rural areas have problems that are similar to problems of the big cities. I have tried to strike a balance by taking the three factors the Senator from Louisiana mentioned and adding in urbanization, which recognizes the special problems of the American cities.

In this way practically every State gets a fair share instead of setting 35 States against 15.

Mr. LONG. With all due deference to the able Senator—and he does a magnificent job; I am very proud to serve on the same committee with the distinguished Senator from Connecticut—it is not the State of Louisiana that does best as compared with the House bill; it is the State of Mississippi. The reason for that is that Mississippi has more poor people and also because Mississippi suffered somewhat the same fate as did Louisiana—because they took a big cut on the House side.

In any event, the Senator's argument would assume that it made good sense to do what the House of Representatives did when it took a recommendation that sought to take into account the fact that many poor people were doing the best they could to help themselves with their problems, whether they lived in a city or a rural area, and shifted away from that formula toward one which favored the relatively wealthy States, in ways which nobody could defend under any stretch of the imagination, and gave favored treatment to areas like Beverly Hills and Scarsdale over the poorest city areas—an utterly indefensible result.

We on the Finance Committee proposed only one formula. We proposed that the same formula would apply not only to a State, but also to the subdivisions within that State. The formula works by taking the relative per capita income, and the relative tax effort of those people, and multiplies those two factors by the State's population.

It amused me to see what the metropolitan area papers said when it was assumed that, since large States like New York and California received less as a result of the committee action, it was rural oriented. When the formula was put in the computer to work out the allocation of funds, it could be seen that cities in New York and California, like cities in Illinois and Michigan, which needed help the most would get lots of help. And at whose expense? At the expense of the very wealthy suburbs, which really did not need any assistance at all.

Every one of us on the committee—I know I can speak for myself, and I think I speak for everyone on the Finance Committee—made a breakdown of how this proposal would work, community by community, and concluded that it did the most poetic justice that the mind and logic of man could suggest, because those who were trying to help themselves with their problems were given the most help, and those who were given the least help were those with the most income and the least need for help. Those which had high incomes and were able to help themselves, but did not do much about it, did not make out as well.

We on the committee were consistent. We advocated the same distribution formula for distributing funds within the States that we advocated for distributing among the 50 States.

I found it somewhat amusing this morning to read an editorial in the great metropolitan Washington Post, which said that the formula that we applied within the States made good sense, and we were to be applauded for that, but it did not like the idea of applying that same formula insofar as distributing funds among the States is concerned.

I might say that by applying the same formula among the States as within the States, makes sense and provides justice. We have provided statistics for every State. Senators will find it works out fairly and justly.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. While my colleagues have been discussing the problem of the big cities, I have been provided with a list of eight of our largest cities to show Senators how the Finance Committee version takes care of them as compared with the House version.

Under the House version, New York would have had $20.12 per capita. Under the committee version, it will receive $33.13, which is more than a 50-percent increase.

Chicago would have received $17.49 under the House version. Under the committee version it will get $23.75.

Philadelphia would have received $21.21. Under the Senate committee version, it will receive $28.49.

Detroit would have received $17 under the House version. It will get $28.09 under the Senate committee version.

Los Angeles would have received $10.55. The Finance Committee raised that to $14.58.

San Francisco, instead of $19.59, will get $31.21.

St. Louis, instead of getting $21.39, will get $26.84.

And Newark, which is held up to us as a city with probably the greatest ghetto problem in the country, would have its share raised from $15.89 to $26.03.

Under the Ribicoff proposal there would be an additional increase for all of these cities except for St. Louis, and there might be a slight drop for St. Louis.

I submit that the differences which I have read, which range as high as a 50-percent increase in the Senate committee's version over the House version, are great enough, and I do not think we need to add additional funds for those metropolitan, urbanized areas, when we consider how well we have treated them in the Finance Committee.

Mr. RIBICOFF. Mr. President, will the Senator yield for a short comment?

Mr. BENNETT. I yield.

Mr. RIBICOFF. I think it should be pointed out to my distinguished colleague from Utah that in urban-oriented States, many of the city and urban services are provided by the States, and, therefore, the urban State governments have additional burdens and costs which predominantly rural States do not have. So, by providing additional funds for those States, it enables those States to give services to the cities and enables the States themselves to continue as viable organizations.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. HARTKE. I would like to commend the Senator from Connecticut (Mr. RIBICOFF) for proposing to do something about one of the severest problems we have, and that is how to straighten out our cities, and not permit them to sink into their own mud and mire.

There is no question but that the proposal in the Finance Committee bill does provide more money for the cities, but, as the Senator from Connecticut has pointed out, the reason is that we added a billion dollars. If we add a billion dollars to a $5 billion program, we are going to provide more money for more people. As long as the people in the cities have to look exclusively to the city governments for the solution of their problems, serious problems will continue to grow. We are going to have to do something about the cities very soon.

In the process of providing revenue, I think we at least recognize that some of the problems can be solved if we can provide some financial assistance to the cities. The difficulty with the arguments made by those defending the Finance Committee proposal is that they are still not cognizant of the problems of city life.

I happen to be the only member of that committee who ever served as a city mayor. I came from a rural area originally, and later served as mayor of a city, and I can say quite honestly that poverty in rural areas is not the same as poverty in the cities. It is not as demeaning to the personality. Some may argue that poverty is poverty, but that is not true. As a young boy on the farm, I understood what it was to be poor, but I did not understand what it was not to be able to have open air, not to have recreational opportunities of any kind, or to be able to have your own garden or milk your own cow.

Today the cities are not even as they were when I was a youth, or even as they were when I was a mayor. They are piled up with garbage, they are piled up with crime, they are piled up with sewage, they are piled up with increasing debt, and they have no relief in sight. I think the Senator from Connecticut would agree that the total amount of money in this bill, if all the money were given to the cities, would not even begin to touch the problems of the cities.

Mr. RIBICOFF. I think the Senator is absolutely correct. The cities keep going downhill. Unfortunately, I cannot name a single city that is really getting better, because the financial problems of the cities keep getting worse and their populations keep increasing. I cannot think of a worse job than that of Mayor of a middle-sized or large city in this country. Populations keep shifting, the middle classes keep going to the suburbs, industries keep going to the suburbs, the income-producing property deteriorates and, taxes get higher. Every mayor in every city is caught in the vicious cycle of being a consistent loser. That situation does not prevail in either the rural areas or the suburbs of America.

We should be anxious about saving the fabric of American society, because once our cities fall apart, the fallout will affect the rural areas and the suburbs.

Mr. HARTKE. The Senator from Connecticut occupies a rather unusual position in this body because of his background and experience, which are probably without equal. He is a former Governor of his State and a former member of the President's Cabinet. In his own words he left the Cabinet to go where the action is. I share his frustration in seeing action that fails to result in performance.

We are constantly faced with the problem that the cities themselves, in looking for a solution, must turn to the Federal Government. For example, I talked with the mayor of Logansport yesterday. He said, "I am operating under a mandate from the Environmental Protection Agency to clean up the sewage of the city of Logansport. I have an application in for Federal funds. The State of Indiana is not willing to make its contribution; it does not have the funds to do so. So the difficulty is that I am faced with the proposition where I do not have enough funds. I do not have enough assistance to take advantage of funds available from the Federal Government and yet the Federal Government is telling me that our sewage problem is clouding the future of the city of Logansport, Ind."

That is just one place; its experience can be multiplied over and over again. I am certain that the Senator from Connecticut is well aware of the fact that the welfare load is such that if we ever expect to be able to break the welfare cycle, and I hope to goodness we can, we are going to have to give the cities some help with a part of that burden. As long as we are going forward with a program which recognizes only a part of the cities' problems the end result is going to be deterioration of the cities and a gradual slowing down of the whole course of the U.S. Government.

The difficulty is that those of us who take this stand, perhaps including the Senator from Connecticut, may be jeopardizing our seats. I commend the Senator from Connecticut for his effort, and will do everything I can to support him, and congratulate him for making this move forward.

Mr. RIBICOFF. I commend the Senator from Indiana for his deep knowledge and concern with all the problems that come before the Finance Committee. There are few Members of this body who understand the problems of economics and finance as does the Senator from Indiana.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), and the Senator from Mississippi (Mr. Stennis) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), and the Senator from New Hampshire (Mr. McIntyre) would each vote "nay."

Mr. SCOTT. I announce the Senator from Hawaii (Mr. Fong), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield) would vote "nay."

The result was announced—yeas 24, nays 61, as follows:

[No. 394 Leg.]

YEAS—24

Bayh
Bible
Boggs
Brooke
Buckley
Case
Cranston
Gravel
Hart
Hartke
Inouye
Javits
Kennedy
Pastore
Ribicoff
Roth
Saxbe
Schweiker
Scott
Stevens
Stevenson
Tunney
Weicker
Williams

NAYS—61

Aiken
Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Humphrey
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
Mathias
McClellan
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pearson
Percy
Proxmire
Randolph
Smith
Sparkman
Spong
Stafford
Symington
Talmadge
Thurmond
Tower
Young

NOT VOTING—15

Cannon
Fong
Griffin
Harris
Hatfield
Hughes
Magnuson
McGee
McGovern
McIntyre
Metcalf
Mundt
Pell
Stennis
Taft

So Mr. Ribicoff's amendment (No. 1468) was rejected.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Roth) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the joint resolution (H.J. Res. 55) proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mr. Pucinski, Mr. Hawkins, Mr. Meeds, Mr. Quie, Mr. Ashbrook, and Mr. Ruth were appointed managers on the part of the House at the conference.

QUORUM CALL

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. HARTKE. Mr. President, I call up my amendment No. 1461 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 61, beginning with line 21, strike out through line 2 on page 62, and insert in lieu thereof the following:

"(5) individuals employed in jobs financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages which are not lower than whichever is the highest of (A) the minimum wage which would be applicable to that individual under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer."

Mr. HARTKE. Mr. President, I ask unanimous consent that the Senator from Minnesota (Mr. Humphrey) be listed as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, the amendment which I have called up deals with the question of the general revenue sharing bill.

The PRESIDING OFFICER. Would the Senator suspend for a moment?

The Senate will please be in order so that the Senator from Indiana can be heard?

The Senator may proceed.

Mr. HARTKE. Mr. President, the general revenue sharing bill, as reported by the Senate Finance Committee, provides that $30 billion in Federal funds be distributed to States and localities over the next 5 years. Unfortunately, the legislation omits any provision that fair and adequate labor standards shall be observed in the spending of this money. The pending Hartke amendment makes it clear that States and localities must spend revenue-sharing funds under the prevailing wage concept.

It is true that the law as presently drafted carries a "no strings" label on the funds. It is not true, however, that in order to insure that States and local communities will be able to decide how to get the most for the money, the basic rights of workers must be abandoned.

Various kinds of wage protection have been incorporated in Federal and State labor legislation to insure that contracts would not be awarded to employers whose idea of competitive bidding is to undercut prevailing wages. Obviously, it is not the intent of this Congress that persons employed in jobs financed wholly or in part by funds allocated under this statute shall be paid wages which are lower than the prevailing rates of pay for persons employed in similar occupations in the same locality. Nor is it the intent of this Congress that revenue-sharing funds be used by those who would destroy the basic rights of labor to pirate business away from fairminded employers.

Prevailing wage legislation is needed as a protective corollary to the practice of awarding Government contracts to the lowest bidder. Unless all bidders are required to pay prevailing wages to their employees, the lowest bidder would become the one who paid the workers the least. Government contracts would then become the vehicle for exploiting workers. Prevailing wage laws offset this tendency by requiring that all bidders abide by existing community wage standards for the type of work being contracted out by the Government. Such laws do not raise or lower wages in the community. They merely assure that the existing community wage standards for such work are to be paid when work is done for the Government and paid for with Government money.

Prevailing wage laws have been in existence for nearly a century. First they applied only as a criterion for establishing wage rates for blue-collar Federal employees. Later this standard was extended to Federal Government contractors. In recent years, Congress attempted to close loopholes in prevailing wage legislation so that the principle would apply to all types of Government contracts—whether for construction, manufactured goods, or services. Now that Federal funds are to be turned over to the States and localities to spend, these wage protections must be extended as well. Otherwise, Congress will just be enacting a new loophole.

Mr. President, the pending Hartke amendment includes a clearly defined statement in terms of the obligation of the States and localities to guarantee that the money is spent under a "prevailing wage concept." In no case should any worker paid with general revenue-sharing funds be paid less than the minimum wage incorporated in the Fair Labor Standards Act which has been approved by Congress.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that George Krumbhaar, counsel to the Joint Economic Committee, be granted the privilege of the floor during the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RIBICOFF. Mr. President, I commend the Senator from Indiana for his amendment.

The Federal Government should not be giving away millions of dollars without some requirement that the States and localities pay wages in revenue sharing assisted programs similar to those prevailing in their own areas for similar work.

I fully support this amendment offered by the Senator from Indiana and the next one he intends to offer which would reinstate the Davis-Bacon provisions which the Senate Finance Committee regrettably eliminated.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. RIBICOFF. I yield.

Mr. PASTORE. Mr. President, did I understand the Senator from Connecticut correctly when he said that the Davis-Bacon provision inserted in the House bill was deleted by the committee?

Mr. RIBICOFF. The Senator is correct. Davis-Bacon Act protection was accorded in the House bill, but the Finance Committee eliminated it. But that is the subject of the Senator from Indiana's next amendment.

Mr. PASTORE. And this one provides, as I understand it, for the prevailing wage.

Mr. HARTKE. This provides for the prevailing wage.

Mr. PASTORE. In the particular community.

Mr. HARTKE. The Senator is right, in the particular community. The difference is that the Davis-Bacon protection was provided in the House bill. I have a series of formats which will cover this idea which has been basic in Congress for a long time.

Mr. PASTORE. I understand.

Mr. FANNIN. Mr. President, would the Senator yield?

Mr. HARTKE. I yield.

Mr. FANNIN. To answer the question of the distinguished Senator from Rhode Island, I think we should have clarification of this matter. This goes farther than I think the Senator from Indiana seeks to go, because it requires that individuals employed in jobs financed in whole or in part by revenue sharing must be paid the higher rate, the Federal minimum wage that is applicable to the job or State or local minimum wage.

For the most part, in comparable Federal employment the prevailing wage is higher. So it really is not paying the local wage rate for a comparable job. It is paying a higher rate.

So there is a vast difference. We are getting back to the Davis-Bacon Act when we do that. And of course the Davis-Bacon Act was in the House bill. We have illustrations of why the Davis-Bacon Act would be very detrimental to a local employer as compared to the rate that is now in existence in the local communities. To give an example, in the city of Page, Ariz., the minimum wage rate for common labor was about $2.50 an hour. However, it would be under the Davis-Bacon Act because the Government had a plant there. So, it would be $7.90 an hour under the amendment now offered by the distinguished Senator from Indiana.

There is a vast difference in paying $2 50 which is the wage rate paid in the local community, and going into a job that pays $7.90 an hour.

Mr. HARTKE. I do not disagree with the statement of the Senator, but the Emergency Employment Act is identical with this language. I have discussed it with the Secretary of Labor and the Secretary of the Treasury and they have indicated they support this type of legislation.

Mr. FANNIN. I do not want anybody to be misled into thinking they are going to have the local wage rate because it is not the local wage rate. This is the highest of all these wage rates. Does the Senator agree that is what the language states?

Mr. HARTKE. It is the highest of the, prevailing wage rate in the community. The Federal minimum wage or the State minimum wage. This is exactly what we did in the Emergency Employment Act. The Senator may complain about what it does and the Senator may complain about what Congress has done in the past. However, I am saying that if you are going to take Federal funds and distribute them the same standards should apply for specific contracts by the Government.

Mr. FANNIN. There is a vast difference because if a local community has a small job and they are going to do it with their own facilities they would be forced to pay these rates and to bring in a contractor doing work under a union contract. In the case to which I referred they would have to pay three times as much for this work.

It was brought out during the hearings that many times it is less costly for a community not to use Federal funds, such as Hill-Burton funds for hospitals, or funds for work of that nature, because they are forced to pay wages that sometimes are three times as high. In Utah some communities have turned down funds of this nature because if they utilize them they would have to pay an average of three times as much as they would otherwise.

Mr. HARTKE. Yes; the Senator may be a little confused on what we are trying to do. In the first place, if the Federal minimum wage is higher, that would apply. If the prevailing wage is higher, that would apply.

Mr. FANNIN. I think it is clear that when the Senator says the highest, they would have to pay three times as much.

Mr. HARTKE. If the prevailing rate is higher they would get that, but if the minimum wage is higher they would get the national rate. That is all we are saying.

Mr. FANNIN. For instance, in Maryland, in a small community, under the Senator's provision, they would not be paying the wage rate that was prevailing there; that would be the Federal contract in operation at the time, and if that contract called for a wage rate under Davis-Bacon, they would come in and establish the wage rate not from the standpoint of that small town, but from the working contract.

Mr. HARTKE. All of this is handled by the Department of Labor.

Mr. FANNIN. Yes, it is. Of course it is. It forces the payment of a wage rate that is totally unrealistic. There is no problem as far as many jobs are concerned where they must pay a wage rate, not in the area but in that community.

Mr. HARTKE. Let me say that the Senator may be pointing to a specific case but over the years the Labor Department has testified on this before the committee that as far as they are concerned, when they establish a prevailing rate in the area, that prevailing rate is neither inflationary nor excessive in that area. This is being administered properly and if it is being administered properly it is not a problem.

Mr. FANNIN. We can give many illustrations where it is applied by the Department of Labor, and it has been so excessive that they have not been able to utilize Federal funds.

Mr. HARTKE. Let me say to the Senator that this is a procedure which has been administered by the Department of Labor. They have stated it does not provide inequities and that it is being done properly.

I am trying to provide the same basic rights that would apply if this were a Federal project under the Emergency Employment Act.

Mr. FANNIN. When the Senator talks about Federal contracts it is different than Federal funds being utilized by local communities.

Mr. HARTKE. That is correct.

Mr. FANNIN. I realize as far as States are concerned the Davis-Bacon Act applies on Federal projects. But why apply it to a local community project where it will cost them two or three times as much?

Mr. HARTKE. Because if you appropriate this money for a project identically the same procedure would result.

Mr. FANNIN. You could not say it is a Federal project like building a plant or some large facility. We are talking about local community projects.

Mr. HARTKE. I understand what the Senator is saying. The Senator does not approve of the standard wage concept. I cannot argue with the Senator if he does not accept the standard wage concept. I cannot make him accept it. But this is what it does. It is well established in law and it has been affirmed repeatedly by Congress. We are only trying to put something back in this bill that has been previously approved by Congress, something that has been recognized by the House, something that has been recognized by the Treasury as a proper approach and by the Department of Labor as a proper approach. The administration is prepared to support it.

I find it difficult at this time to go ahead and try to contradict anyone who is opposed to the prevailing wage concept. If it is good for Federal projects it is good for projects funded with Federal money.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield.

Mr. COTTON. The Senator is talking about the prevailing wage and the minimum wage. I want to be clear in my mind as to what the amendment means. It means that the Davis-Bacon Act shall apply to all wages expended under the funds in this act. Is that correct?

Mr. HARTKE. There are two amendments I am presenting. This is the prevailing wage concept. The Davis-Bacon Act uses the same concept but it is applied to construction workers alone. The Davis-Bacon Act has been on the books for a long time and that same basic rate applies to all employees. This deals with nonconstruction employees. If the prevailing wage is in that area, an area established by the Department of Labor, those wages shall be paid to any project funded under these funds. In addition, there is a provision that if a minimum Federal wage is higher than a prevailing wage, then it would apply. If the prevailing wage is higher, then it would apply.

Mr. COTTON. I am cognizant of the provisions of the Davis-Bacon Act. The only weakness of it was that the Secretary of Labor could declare any part of the United States he saw fit as one community so that in one fell swoop he put Boston, Mass., wages into effect in every remote community in my State and throughout New England.

When the Senator talks about prevailing wages in this amendment, he is applying the Davis-Bacon principle to nonconstruction workers. That is what the amendment does, does it not?

Mr. HARTKE. I am willing to accept that. That is a fair interpretation. Really, we are proposing the prevailing wage concept. What the Senator is saying is correct. I do not dispute for a moment that the area is designated by the Department of Labor.

Mr. COTTON. I have never complained about the principle of the Davis-Bacon Act except for the fact it has been enforced and because of the authority of the Labor Department, the Labor Department can declare all of the area east of the Mississippi as a locality if it so chooses, and it means we have that standard set. That is exactly what happened in New England.

Mr. HARTKE. The Senator is exactly right in his assessment and analysis of how the Davis-Bacon Act works. As a practical matter, it will not do that. If the Senator from New Hampshire would like to change the authority of the Secretary of Labor to designate the areas to be covered, that should be done in a separate amendment. All I am saying is that the concept, of which the Senator approves, should be involved in this legislation because this involves Federal funds. If the Senator from New Hampshire wants to change the Secretary of Labor's authority to designate areas, that is entirely different. All I am desiring here is equity of treatment, equity in the assessment of workers. If we are going to use Federal funds, then the same basic principle should apply.

Mr. COTTON. I thank the Senator for his clarification. The Senator from New Hampshire recognizes that he is powerless, and has been for 18 years, to revise the Davis-Bacon Act, and does not intend to try. But what the Senator's amendment really means is that if the Davis-Bacon Act applies, which in our locality, for instance, means that the prevailing wage of Greater Boston and Massachusetts shall prevail, every time we construct something in a little community in northern New Hampshire, where living conditions and living costs, and everything else, are different, it will make sure that funds that the Government borrows and pays interest on to distribute under the guise of revenue sharing—though it is not revenue; it is borrowed money—in every center in every remote locality in this country shall be used under the standard of the Davis-Bacon Act, or, if it is not a construction job, it shall be spent on a basis similar to the standard under the Davis-Bacon Act—in other words, you pay metropolitan wages in "Bingtown."

Mr. HARTKE. Let me comment for just a moment on what the Senator from New Hampshire has said. Let me read the language from the amendment. It says the Fair Labor Standards Act shall apply. That is an old law. It says the minimum wage law, which we passed in this Congress, shall apply. Subsection (C) reads:

> The prevailing rates of pay for persons employed in similar public occupations by the same employer.

That is a provision of the amendment. It is certainly very limited in scope.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. PASTORE. Does the Senator's amendment mean that if a mayor of a city who received that money augmented his police department, all additional policemen who come aboard shall be paid the same wages as those who were there already?

Mr. HARTKE. The Senator helps make it very clear.

Mr. PASTORE. Let me take this a step further so that there will be no misunderstanding. Let us assume that in that city there are certain Federal employees and municipal employees, and a secretary working on the Federal payroll gets $10,000 a year, but a secretary working under the municipal payroll gets $6,000 a year. Under the Senator's amendment, a new secretary engaged by the city will be paid how much?

Mr. HARTKE. Her salary would be the salary being paid by the city, unless the Federal minimum wage was in excess of that.

Mr. PASTORE. It would be in my particular case.

Mr. HARTKE. Yes.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. LONG. I do not understand the amendment, and I must beg the Senator's indugence while I try to get it straight in my mind. As I understand it, under the amendment, subsection (B) provides that a person must be paid the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer.

This subsection (C) is already in the committee bill, I believe. Is it not?

Mr. HARTKE. Yes.

Mr. LONG. So what we are really talking about, then, are subsections (A) and (B), "individuals employed in jobs financed in whole or in part out of its trust fund will be paid wages which are not lower than whichever is the highest of (A) the minimum wage which would be applicable to that individual under the Fair Labor Standards Act of 1938 if section 6(a)(1) of such act applied to the participant and if he were not exempt under section 13 thereof."

Then, am I to understand that if this is a category that is not subject to the minimum wage, the minimum wage shall nevertheless be applied to that category?

Mr. HARTKE. That is right.

Mr. BROCK. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. BROCK. Let me cite a case. Some of our communities are making an effort to get people off the welfare rolls, and they are taking them off and leaving their welfare payments intact, but they are paying them additional amounts for training type of work in order to give them a job skill and an opportunity to acquire meaningful employment later on. Would this proposal force the authorities to pay them at the Federal minimum wage?

Mr. HARTKE. Is the Senator speaking about trainees?

Mr. BROCK. I am speaking about people who are not clearly defined as either trainees or employees. Maybe they are both, but there are plenty of programs in which they are in training categories, whether they are trainees or not. The fact is that they are given low skill jobs at low pay which is supplementary to the subsistence pay which they normally receive as unemployed, in order to give them an opportunity to acquire a step up on the productivity ladder.

It looks to me like the Senator is pretty well eliminating the underemployed and the unemployed and the poor from participation in this program, because he is pricing them out of the market.

Mr. HARTKE. The Emergency Employment Act would apply there. What the Senator is saying is that if they are trainees they are going to receive trainee's assistance. I want to make sure they receive income which comes within the minimum wage standard established in the State.

Mr. BROCK. If the trainee was receiving $1.20 an hour, would he not be required to have his wage raised to the Federal minimum wage, under the Senator's amendment?

Mr. HARTKE. Not unless the provisions of the Fair Labor Standards Act applied. I go back to the Fair Labor Standards Act, as amended and passed recently. All we are saying, in substance, is that all these provisions of law which have heretofore applied under the Fair Labor Standards Act, the Emergency Employment Act, and the Minimum Wage Act shall apply if we are going to provide money under the revenue sharing concept, and not permit the Government to be a participant in cutting down wages. The Senator from Rhode Island put it correctly. If there are going to be trainees, they are to be paid trainees' wages, but if a person is going to be put on the payroll, he should be paid the same as those already there.

Mr. BROCK. The Senator is talking as though these were Federal projects. He says they should be paid the same. These are not Federal projects. The whole purpose is to give some flexibility to local government to respond to its own problems and the problems of its constituents.

If we are going to establish this kind of a criterion, without any flexibility at all, it seems to me we would inhibit their ability to respond to those needs.

Mr. HARTKE. No, I cannot agree with that analysis at all. The truth of it is that what we are doing here is providing Federal funds to local communities with no strings attached. All I am saying is that the gift shall not be one which goes in and undermines the prevailing local wages of the State and the minimum wage scales of the Federal Government. That is what we are saying. What we are saying is that this measure, cannot be used to prevent paying these employees the same rate as the same employers pays to other similar employees. In other words, it cannot be used to promote wage discrimination.

Mr. BROCK. I have seen some unions claim that every training program that is devised is an effort to cut the wages of their membership below the prevailing wage, though I think that is a ridiculous argument.

Mr. COTTON. Mr. President, will the Senator yield to me for just one remark?

Mr. HARTKE. I would be glad to yield.

Mr. COTTON. The Senator from Indiana, with his usual clarity, who has a faculty for getting down to brass tacks and presenting a question so that everyone can understand it, put a question to the distinguished Senator from Indiana asking if, in a city, secretaries working on a Federal payroll were receiving $10,000 a year, and secretaries working on the payroll of the city were receiving $8,000, and the amendment of the distinguished Senator from Indiana were adopted, what would the secretaries receive under this amendment, and the Senator's reply was $8,000.

Since the Senator's answer to that question, I have read his amendment again very carefully, and if that is what they would receive, then I cannot read plain English, because the amendment says distinctly differently. It says:

> whichever is the highest of (A) the minimum wage which would be applicable to that individual under the Fair Labor Standards Act . . . . (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer."

It says "whichever is the highest."

Mr. HARTKE. Will the Senator permit me to try to explain that?

Mr. COTTON. That is what I want.

Mr. HARTKE. No. 1, that secretary— and I understand that is what the Senator is concerned about——

Mr. COTTON. Yes.

Mr. HARTKE. If the Federal minimum wage were the highest wage, the hypothetical secretary would receive that wage. If the State law provides a higher minimum wage, then she would get the minimum State wage.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. PASTORE. In order to clarify this, what the Senator is actually saying is this, that in no case will anybody be paid less than the minimum wage. That is what it amounts to, is it not?

Mr. HARTKE. The employee will be paid the minimum Federal wage or the minimum State wage, or, in other words, what everybody else gets from the same employer for employment in the same category. He will be paid whatever minimum other employees receive who are working for the city.

Mr. PASTORE. It strikes the Senator from Rhode Island that even without inserting this provision in the law, one would expect the particular mayor to do exactly what the Senator is trying to have him do by inserting it in the law.

Mr. HARTKE. That is right.

Mr. PASTORE. Because all the Senator from Indiana is trying to do is to make sure that they will not use this money to undercut prevailing wages. That is all he is trying to say. In other words, all he is saying is that for the comparable job already being performed, if they add to it new personnel, they have got to pay that new personnel the same amount of money.

Mr. HARTKE. Yes.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARTKE. I am glad to yield to the Senator from Louisiana.

Mr. LONG. The more I read this amendment, the more it seems to me the Senator is not saying what the Senator from Rhode Island says he is saying. The more I read this, the more it looks to me like they have to pay whichever is the highest of three levels. The first is the prevailing wage they pay their own employees. This point was in the House bill, and the committee has left it in this bill, and that point we are not arguing. But in addition, they have to pay whichever is the highest of two other amounts. They would have to pay whichever is the higher, the Federal minimum wage, even though that does not apply to them, or if they have a State or local minimum wage which is higher than the Federal minimum, they would have to pay that wage, even though that does not apply to that particular employment.

The committee found no objection if you have to pay at least as much as you are paying your own policemen. But the amendment would provide that even though the Federal minimum wage law does not apply to city policemen, you still have to pay at least the Federal minimum wage. Even though it does not apply to city police, you have to pay that, unless you have a State minimum wage law which is higher than the Federal minimum wage, then you must pay that.

So, you take a three-way deal, and whichever one is highest of the three is what you are going to pay. Is that not correct?

Mr. HARTKE. Surely. The Senator——

Mr. LONG. Even though right now none of them apply to you?

Mr. HARTKE. Will the Senator permit me to comment?

Mr. LONG. Yes; I am asking the Senator to.

Mr. HARTKE. The Senator is correct. But that is the way it is in the Emergency Employment Act. All I am saying is, if they are going to use Federal money, they are going to pay the Federal minimum wage. That is all the Senator from Indiana is saying.

Mr. LONG. I hope the Senator from Rhode Island heard the answer of the Senator from Indiana that what I said is correct, and here are three minimum wage principles, and you have to pay the highest of those three, even though none of them is applicable to you as the law stands now.

The Senator in effect says, "Yes, the reason they ought to do that is because the Federal Government is paying 90 percent of the costs or 50 percent of the costs and, therefore, they ought to pay the highest of those three." Whether the Federal Government is paying 90 percent of the expense or whether it is paying 50 percent, they will pay the highest of the three.

In this case, however, the Federal share might not be 90 percent. It might not be 50 percent. It might be just 1 percent, and the increased cost of applying this minimum wage rule might be more than the value revenue sharing would bring to the city. So it could be a very heavy burden.

We in the committee found no objection at all to saying that they will pay people the wage rate which persons employed in similar public occupations by the same employer are paid. As a result if they hire a policeman, they will pay him the same as they are paying other policemen. We found no objection to that. But if you take two other rules, neither of which otherwise would apply, and say, "You will pay the second if that is the higher," and then add a third, and say "You will pay that if that is the higher," that may be a reasonable requirement where the Federal Government is putting up 90 percent of the cost of a project, but where the Federal contribution may be only 1 percent or less than 1 percent, that is a very strained requirement to put on the payment of Federal aid.

A lot of the mayors want to take this revenue-sharing money and put it right into their operating budgets. That would mean everything they have added through revenue sharing, which might be only 2 to 5 percent of their operating budgets, might be consumed with this wage increase, so there is a question as to whether they are going to show a net gain at all, or whether they will have to levy a tax on their people to take advantage of the revenue sharing.

Mr. President, the majority of the committee felt that we should not put that unnecessary strain on this effort to help State and local governments, and every move that the Senate Finance Committee made to change this bill that had anything to do with requirements was not to put requirements on, but to take requirements off. We did feel that the provision that would require the payment of the same prevailing wage that they are paying other employees in the same type employment was reasonable, and that it should be in the bill. But in view of the fact that the Federal funds might only be 2 percent or 5 percent of a budget of the city or community we were seeking to aid, it occurred to us that the other strings might exceed the value of the revenue sharing.

Frankly, that is one reason why the cities are so concerned about the prospect of having revenue sharing subject to annual appropriations. They fear that every time a revenue-sharing bill goes through the Senate just for the regular annual amount, they might get an amendment such as this, which might cost them more than the revenue sharing would be worth to that community. That was the point made by many of them.

I must say that the AFL–CIO and its various groups have been consistent. In the first place, they were against revenue sharing completely. They felt that it ought to be handled like any other Federal program, with every condition attached to it that conscience and good judgment and logic could suggest, and that many of those amendments should be on there to provide an employer every opportunity to give the employee better pay and working conditions and shorter hours. But it was also their position that if you are going to pass this bill the Federal Government should put the hammer hold on the community and make them do what the AFL–CIO thought should be done.

That is, after all, the one big fear about revenue sharing—that we would attach strings to revenue sharing that would become so burdensome that by the time the communities met all requirements, they might have been better off to have forgotten about the whole idea.

While I think the Bacon-Davis concept is properly applied where the Federal contribution is sufficient and substantial so that a community can undertake the burden placed on it by having to pay a much higher wage rate, I can recognize the possibility that in many communities this requirement might prove to be a trap, because a board of county commissioners or a local community might make the mistake of taking the revenue-sharing money and putting it in their operating budget, so that revenue sharing would be a part of their total expenditures.

I would commend section (C) of this amendment, but I do have reservations about sections (A) and (B), in view of the fact that for some communities this is not going to be a large share of their budget.

Mr. BENNETT. Mr. President, will the Senator yield for the purpose of a unanimous-consent request?

Mr. HARTKE. I yield.

Mr. BENNETT. Mr. President, at the request of the Senator from Illinois (Mr. Percy), I ask unanimous consent that Robert Vastine, a member of his staff, have the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that the name of the Senator from Connecticut (Mr. Ribicoff) be added as a cosponsor of amendments 1461, 1462, 1463, and 1466.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. I yield to the distinguished Senator from Idaho.

Mr. CHURCH. Mr. President, I think I shall support the amendment offered by the distinguished Senator from Indiana, but it does point up the internal contradiction that lies at the heart of the proposed legislation.

As I recall, when President Nixon first proposed revenue sharing, his argument was that it would strengthen the State and local governments. None of us could dsagree that both State and local government in this country need additional revenue. But when it comes from Congress, it is very likely to come with strings attached. Even though the President, in his original proposal, said that he would insist upon no conditions except the basic constitutional requirement relating to nondiscrimination between races, already we are adding new conditions.

The particular condition that the Senator from Indiana seeks to add is one that I think is praiseworthy. Therefore, I shall vote for it.

I do not know how you get away from imposing conditions that seem to be reasonable when you are doling out Federal money. Therein lies the internal contradiction. It is not possible to have it both ways. It is not possible to have a revenue-sharing program without strings attached.

This is just the beginning of a series of knots that will be tied in this, and subsequent Congresses, which will restrict and regulate the use of revenue-sharing funds by State and local governments. Therein lies the internal contradiction.

As we increase the Federal allotment to State and local governments, we will also enlarge upon the degree of Federal control over the use of the funds. In the end, instead of strengthening State and local governments, we will weaken them still further. As they become more dependent upon Federal funds, we will erode away the independence of State and local governments. In the name of giving them additional strength, we will in fact impose further Federal limits on their freedom of action. Thus, our federalism is fed more and more out of the Federal Treasury, and State and local governments continue to decline. That is why I doubt that I can support this legislation on final passage. At the very least, it is my intention to vote against this bill, unless Congress and the President are willing to raise the money to pay for it.

At the moment, we do not have any revenue to share. Faced with a $38 billion deficit this year, the Federal Government is much worse off than most of the State and local governments the bill purports to help. Unless we have the gumption to raise the money we propose to share, instead of adding still further to the enormous national debt, I shall vote against this bill on final passage.

But I do want the Senator to understand that I appreciate the fact that we should not extend Federal funds, without laying down certain conditions that we feel are fair and proper. Because the particular conditions contained in this amendment seem to me to be praiseworthy, and because they are consistent with previous policy adopted by Congress as it relates to the disposition of other Federal moneys. I am constrained to support the amendment that the Senator offers.

Mr. HARTKE. I thank the Senator. I think he points up exactly what the difficulty is with the whole problem.

This is something which has been discussed in the Committee on Finance The whole idea of taking Federal money and doling it out could have been obviated if we had some type of tax credit scheme. Unless we do this, we are going to have to proceed with the idea that we are taking the taxpayers' money and are putting it into the Treasury. If we do not adopt this amendment, we will have two separate standards. One of them will be applied where the appropriation process is gone through. In this case, they will not go through the appropriations process, which I find rather peculiar, but I will support the committee's position on it. In good conscience, I never did think it was a position which was defensible.

If you are going to appropriate money, the Appropriations Committee should be the appropriating body. But ultimately that issue too will be settled on the floor of the Senate.

If we do not apply this standard in the revenue-sharing bill, then we ought to repeal it in such legislation as the emergency employment legislation. There is no difference. If Federal money is being given to the States to be used on local projects, we should not use two standards.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. LONG. The Senator is aware that even if we tried to help the States by way of a tax credit, there is nothing to keep any Senator from offering an amendment on any revenue bill to put any conditions he desires on that tax credit, including the ones the Senator from Indiana has in his amendment. If the Senator wants to help the local communities and the States with the problem of the increasing restrictions on Federal aid, the only way we can do this is through restraint, by keeping the strings off in our actions on the floor of the Senate or in the House. That is the problem, whether we go by way of the tax credit, the tax deduction, or an appropriation, it makes no difference. It is a problem of restraint right here. It is the courage to say, "Yes, I would like to see them get more money in a way they can really use it." If you want to help them you should be saying, "I do not think I should be putting strings on this appropriation, this tax credit, or this tax deduction, because if I do, it will undermine the independence of the government and the ability of the local people and the local officials to do what they are trying to achieve."

In any event, the same problem remains. If the Federal Government wants to help the communities, it has the power, whether it goes the tax credit, tax deduction, or the appropriation route, to put on the strings. The restraint has to be the restraint of the individual elected representative not to put the strings on.

Many more types of strings can be suggested for the cities if we want to further restrict their benefits from revenue sharing. Many ideas have occurred to me that would be good conditions, but I dropped them, because I was persuaded meritorious though I thought they were, that if we put all the strings on, it would defeat the purpose of the bill.

Mr. HARTKE. Let me say to the Senator from Louisiana that I think the issue is clear. Under the Emergency Employment Act if we hire someone, he receives the highest of the Federal minimum wage, the State minimum wage, or the prevailing wage rate for similar employees. Failure to adopt the Hartke amendment would put the city in the ridiculous position of paying an Emergency Employment Act employee, at one rate, and a revenue sharing employee at a different rate. Both would be financed by Federal money.

Mr. LONG. It is a question of whether we are paying 100 percent Federal money, 90 percent Federal money, 50 percent Federal money, or one-half of 1 percent Federal money. The Senator would apply the concept to them even though the Federal contribution is less than 1 percent.

Mr. HARTKE. The Federal Revenue Sharing Act is a 100-percent contribution from the Federal Government and from the deficit, as Senator CHURCH said. We are taking 100 percent Federal money. Not one penny is being required to be donated by the State or collected by the State.

Mr. LONG. By the time the revenue-sharing money gets to the city employee, it might represent one-half of 1 percent Federal revenue sharing. What the Senator is proposing here might require the community to pay 20 or 50 percent for additional wages. In that situation, it would be well advised to take the revenue-sharing money and put it over into one isolated area of expenditure which would not be subject to the Davis-Bacon Act, because it has a high wage rate attached to it, where this requirement would not give them any problem rather than using it in something else which is far more needed. That would create a severe problem, in my judgment.

Mr. HARTKE. All the Senator is saying is, "I do not like the prevailing wage concept." Those who vote against this amendment will be voting against the wage concept embodied in the Emergency Employment Act. Some people may want to do that. I do not think that Congress would like to find itself in that anomolous position.

Mr. LONG. If we are talking about 100-percent Federal money, I would be willing to go along with the amendment, or even 50 percent and I would go along with that, but when the Federal contribution is 1 percent that, I think, Senator, is going a little bit too far.

Mr. HARTKE. All I can say is that this is a 100-percent contribution from the Federal Government. The State does not make one assessment. The local community does not make one assessment. This is 100-percent Federal money—$30 billion in the next 5 years.

Mr. FANNIN. Mr. President, the Senator says this is 100-percent Federal money. Does not the Senator agree that an employee can work 1 day for a city or a local community on a job and the next day he would be, perhaps, working on a job financed by revenue sharing. So that he would have two different wage scales and they would be forced to employ that person on a different basis. As the bill now stands, the worker must be paid no more than the prevailing rate for persons employed in a similar job. Is that not true?

Mr. HARTKE. That is right, but, really, I cannot conceive of anyone here doing it differently. Maybe the Senator from Arizona would like to.

Mr. FANNIN. Does not the Senator agree that the bill now requires that a worker must be paid no lower than the prevailing rate for persons employed in a similar job by a local government?

Mr. HARTKE. That is right, a policeman and another policeman would get the same salary no matter whether it is this Government or a local government.

Mr. FANNIN. They would be paid a fair wage by the State or local government, so that then they would get Federal funds. When they have a person that comes under revenue sharing, then they have to raise the wage rate as much as three times the amount.

Mr. HARTKE. The Senator can point to examples, of course, but all I am saying is that if we use Federal funds, Federal laws, and fair labor standards will apply.

Mr. FANNIN. The language was discussed in committee and, on the basis on which it is now proposed to the Senate, was overwhelmingly voted. It was a vote, I think, something like 8 to 2. So it is something that was thoroughly considered. If the Senator applies his principle that he is talking about here in his amendment, it would preclude a local government in many instances from taking advantage of revenue sharing. It would be precluded, because it would be more advantageous not to pay two or three times the wage rate for a construction job or some particular service. It would be better off not to accept the funds.

Mr. HARTKE. All I can say to the Senator from Arizona is that he does not like the prevailing wage standard. He also does not like the minimum standards. His record is consistent on that score. He has opposed every minimum wage to come before the Senate. That is all right with me. If he is not for the Fair Labor Standards Act, that is his privilege. But I say again that if we use

Federal money, then the Federal wage standards should apply to the workers.

Mr. FANNIN. It is not the prevailing wage rate the Senator would apply but a wage rate inconsistent and not intended by the revenue-sharing program.

Mr. HARTKE. I am perfectly willing to concede to the Senator that he can vote against this amendment, but I cannot conceive of the rationale that makes a distinction between the Emergency Employment Act, which this Congress adopted, and the revenue-sharing bill.

Mr. FANNIN. We have great unemployment in this country today, and we are trying to provide employment for as many people as we can who, perhaps, are not skilled to the extent that they can justify the construction wage rate or a high wage rate in the construction industry. Here we are saying that if a worker comes to work, we will pay him this amount, but if he goes to another job, in a local community, we will pay him one-third that much. This is just not consistent. It will work a hardship on the community. It is also a very unrealistic way to handle the wage earner. I cannot understand why the Senator is not satisfied with the provision that we now have in the bill that does require a minimum wage rate to be paid. That is very inconsistent, to my way of thinking, not to provide for this, as on page 61, section 5, it does specifically spell out that the person is protected. This would increase the prevailing wage rates being paid in the community. I hope that the Senator's amendment is rejected. It would be very detrimental to the revenue-sharing bill. It will probably mean that many communities in this Nation will not be in a position to use these funds. In fact, it would be more advantageous for them to do the work themselves than to go to the Federal Government for the revenue-sharing funds.

Mr. HARTKE. Mr. President, if the Federal Government is going to try to afford some type of relief to the local communities, I do not think it should contribute to the destruction of the local minimum wages. I do not think it should contribute to the destruction of the minimum wage standards set by the State. I do not think it should contribute to the destruction of the prevailing rates being paid.

The end result of a failure to agree to the amendment would be a steady deterioration in the Davis-Bacon law that has long been adopted and approved by Congress. This would be a step backward for the working people.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I yield.

Mr. COOPER. Mr. President, may I ask the Senator from Indiana whether his amendment would authorize payment prescribed under the Fair Labor Standards Act to an individual who otherwise would be exempt?

Mr. HARTKE. Yes; it would.

Mr. COOPER. Would the Senator from Indiana tell me how his amendment would accomplish that? If one reads the amendment, it would not seem to do that. It says:

> Individuals employed in jobs financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages which are not lower than whichever is the highest of (A) the minimum wage which would be applicable to that individual under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, * * *

If the Fair Labor Standards Act does not apply to an individual, he is exempt. Would the Senator's amendment then cause him to be covered by the Fair Labor Standards Act? Would the act be applicable? Is the Senator, in effect, writing an amendment to the Fair Labor Standards Act rather than talking about revenue sharing?

Mr. HARTKE. The fact is that the minimum wage would be applicable to that individual. In other words, it would apply to all those individuals and others who are presently exempt.

Mr. COOPER. Mr. President, I will give an illustration. Assume Mr. Smith is unemployed, and he secures employment in a job which is partly financed by revenue-sharing funds. It is a position which is at present or at the time this measure becomes law is exempt from the Fair Labor Standards Act. Would the amendment require the minimum wage to be paid to him?

Does the Senator's amendment amend the Fair Labor Standards Act so as to provide that the minimum wage be paid to an individual who would otherwise be exempt? That is an easy question to answer.

Mr. HARTKE. Yes, it would.

Mr. COOPER. Then, the Senator's amendment in effect amends the Fair Labor Standards Act?

Mr. HARTKE. Insofar as those funds were used, the Senator is correct.

Mr. COOPER. Is that not a change? I want to vote for the Senator's amendment. However, if it is correct that the Senator is seeking to amend the Fair Labor Standards Act indirectly. I want to know that, and I would not vote for the amendment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. HUMPHREY. It is my interpretation—and I think we ought to get this clear from the language that is here—that what we are really saying is that there are really three or four options which apply for the wage standard under this particular amendment.

The first is:

> Will be paid wages which are not lower than whichever is the highest of (A) the minimum wage which would be applicable to that individual under the Fair Labor Standards Act of 1938 . . .

Mr. COOPER. I understand that.

Mr. HUMPHREY. Then it also says that those that are exempt continue to be exempt. That is what it says here. It says that those that are exempt under the Fair Labor Standards Act of 1938, as amended, would continue to be exempt.

Mr. COOPER. That is what I thought.

Mr. HUMPHREY. That is what I thought as a cosponsor. But if it is not, I do not want to be a cosponsor.

Mr. COOPER. The Senator from Indiana just said the opposite.

Mr. HUMPHREY. Mr. President, I think there is a misunderstanding here. The next option is the State or local minimum wage for the most nearly comparable covered employment, and the other is the prevailing rates of pay for persons employed in similar public occupations by the same employer.

In other words, what we are really saying here is that the wages to be paid will be the highest of those three possibilities, the possibilities under the Fair Labor Standards Act, as amended, with the exemptions that are presently in the law. That is my understanding.

Mr. COOPER. That is the way I understood it.

The language confuses me. I do not think the amendment is necessary, because, if the Fair Labor Standards Act applies, we are simply saying in this amendment that it does apply. And if it says further that it does not apply, it does not add anything to it. I wonder what its purpose is. If it is an attempt to amend the Fair Labor Standards Act, then I want to know.

Mr. HARTKE. Mr. President, I have discussed this matter with the chairman of the Labor Committee, the Senator from New Jersey (Mr. WILLIAMS). I do not think a lot of harm could be done by interpreting the amendment along the lines suggested by the Senator from Minnesota because, as I understand it, the law passed by the Senate leaves practically no exemptions anyway.

As far as I am concerned, if the Senator wants to make that clear and make sure that those who are presently exempt would continue their exemption, I would be willing to accept that change in the Hartke amendment.

Mr. COOPER. Mr. President, I would like to know if the Senator from Indiana agrees with the interpretation of his cosponsor the Senator from Minnesota (Mr. HUMPHREY).

Mr. HARTKE. I will agree to that.

Mr. HUMPHREY. Mr. President, I would like to ask one other point here.

I think the Senator from Louisiana has made a very valid point in reference to funds under revenue sharing coming to the local treasury—municipality, county, or State. Let us say that only about 5 percent or 3 percent of those funds actually go for the payment of services. This amendment would require that Federal standards such as we apply under Davis-Bacon, mass housing, or urban transit and so forth would be used. I think we ought to change this amendment to read as follows: "individuals employed in jobs financed in whole or in which more than 50 percent of such funds comes out of its trust funds . . ."

Then, we have not changed the basic standards which we have today in categorical grants and public construction. Then, we meet what I consider to be a very persuasive argument on the part of the Senator from Louisiana. I am not the main author of this amendment, but

I do try to be informed. I sat here and I listened to the debate. While I am strongly in favor of the general thrust of the Hartke amendment, and I join him in it, so far as I am personally concerned I believe it would be better legislation and sounder practice if we add these provisions to the bill, to state: "Individuals employed in jobs financed in whole or in which 50 percent of the funds come out of the trust funds under paragraph 1."

Mr. LONG. While I do not like the idea of any strings to money we are going to make available to the cities and communities, I have felt that something may be said for them where the Federal contribution is substantial. I voted to apply the Davis-Bacon Act, I would vote to apply it again where the Federal contribution is 50 percent, 75 percent, or 90 percent. But frankly, I did not vote for the first Hartke amendment and if I did not vote for one I would not expect to vote for the second. Number 1461 relates to the minimum wage and number 1462 applies to the Davis-Bacon Act. If I voted for one I would expect to vote for the other.

If you are looking at the situation of a city such as San Francisco, which has a very fine and able mayor who testified before us, where revenue sharing will be about 5 percent of his overall budget, it might be wages are very high there, but there are many other cities where wages are not high and it could be that by applying the Davis-Bacon concept to other city employees they would be barred from using this money unless they made wage increases larger than the shared revenue.

Admittedly, there are ways that people could get around this Hartke amendment, such as using the money to buy only fire trucks and other equipment, so that the provision would not apply.

Frankly, I would say that it would not be a bad compromise to say that this rule shall apply to situations where expenditures of funds from the local revenue sharing trust fund represents 50 percent or more of the wages which are paid to employees on a project.

Mr. HARTKE. I understand the Senator to say that if the amendment along the lines of the suggestion of the Senator from Minnesota were adopted in this amendment—does he anticipate he would expect to amend the amendment applying the Davis-Bacon Act, in the same fashion?

Mr. LONG. Yes.

Mr. HARTKE. That the Senator would want the same limitation?

Mr. LONG. Yes.

Mr. HARTKE. The Davis-Bacon Act deals with construction contracts on Federal projects. All we are saying is that the Davis-Bacon Act shall be applied to revenue-sharing funds used by local communities.

Mr. HUMPHREY. But that is almost all Federal funds, or 75 percent of Federal funds. There is a lot of difference in that and having county or municipal funds from a local district.

Mr. HARTKE. I cannot argue the fact that there may be some local money used, but I can find no one who would disagree with me that there is no local tax and no State tax and that it is 100 percent Federal funds.

I wish to point out this is not the end; this is just the beginning. This is just a foot in the door. Next year, they will be back for $20 billion. This is just the beginning and we had better get principles fixed in our minds.

The benefits of revenue sharing should not come at the expense of the working people.

Mr. HUMPHREY. The problem is that in many areas there is not a sufficient amount of money. In many major communities, the teachers are highly organized. In my State, the problem of the teachers is that there is no money. You cannot get money from an empty treasury. The purpose of revenue sharing is to put money in the treasury. It will permit hospital workers, teachers, and other workers to get a fair wage. We should be careful here that we do not destroy what we are trying to get. I am for revenue sharing. I know that some are not. But I am not going to adopt amendments that will destroy revenue sharing. But I do want to see standards to make it what we hope it will be and not destroy certain standards that already are established.

That is why I am saying we should accept the language I have proposed, which does not upset the apple cart and does not destroy the standards and it may reenforce the measure. My proposal was to include:

> Individuals employed in jobs financed in whole or in which 50 percent of the funds come from trust funds.

Then, you have applied Davis-Bacon because the Davis-Bacon standard applies where there are Federal contracts in construction and not where some little local school district that does not get Federal funds is going to build a schoolhouse. It is where you have Federal contracts and Federal standards. If we were to modify it, it would improve the language.

I know there are those who believe there should not be any modification. I appeal to the author of the amendment to take what I consider to be a major step. Maybe it is not all he wants, but it gets at what we hope to accomplish here and it does not overly extend the matter.

Mr. HARTKE. First, this is not Davis-Bacon.

I just want to make clear it is not. This is the prevailing wage concept which is embodied in the Davis-Bacon Act. As the Senator says, it does not weaken it. This is a revolutionary concept, if we take the wording the Senator from Minnesota is talking about.

Mr. HUMPHREY. All it really says is as follows. Here is revenue sharing, shall we say, in the city of Marshall, Minn., of $125,000. That goes into the community treasury. That is what it is for. It goes in there. If that represents 3 to 4 percent of the amount of money that is available for the prevailing wage in that community so that we can have somebody working in the park or somebody working in a hospital, is the Senator going to tell me that we have to apply all Federal standards for that 3 percent?

Mr. HARTKE. Does the Senator want to do away with the Federal minimum wage?

Mr. HUMPHREY. May I say to the Senator that is included in his amendment. Where we do have standards in present Federal law—and those that are the highest in this instance—they prevail. That is right here.

Mr. HARTKE. I understand that, but how does the Senator get to the 50 percent?

Mr. HUMPHREY. That is for the areas where we do not have Federal standards that apply. For example, if we have Federal standards for minimum wages for hospital workers—it does not make any difference whether they are in Isanti County or in Westchester—it means they are to be paid the minimum wages. The hospital worker in this instance is covered by the Federal Labor Standards Act.

Mr. HARTKE. That is what the amendment says now.

Mr. HUMPHREY. That is correct. Let us take an instance where they are not presently covered, such as working in a park.

Mr. HARTKE. If it is exempt today, it stays exempt.

Mr. HUMPHREY. That is right.

Mr. HARTKE. Where does the 50 percent come in?

Mr. HUMPHREY. That is protection so the amendment would not be interpreted as meaning that if 2 percent of the revenues goes to pay for a park program, they are going to be able to impose Federal standards on the park worker.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The call of the roll was resumed.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Does the Senator from Indiana withhold his request for a quorum call?

Mr. HARTKE. Mr. President, I ask unanimous consent that the request for the quorum call be suspended, if ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have been ordered.

Mr. LONG. Mr. President, it seems to

me that if we are going to apply the minimum wage concept we ought to include the Davis-Bacon provision in the same motion. I do not believe it should be applied, but I do not think we should vote on a part of this concept without knowing the full implications of it. I therefore send to the desk an amendment, which is the next numbered amendment of Senator HARTKE and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The assistant legislative clerk read Mr. LONG's amendment to the amendment, as follows:

On page 1 at the beginning of the amendment insert the following:

"(5) that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction financed in whole or in part out of its trust fund established under paragraph (1) will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and that with respect to the labor standards specified in this paragraph the Secretary of Labor shall act in accordance with Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and".

On page 61, line 21, strike "(5)" and insert "(6)".

Mr. LONG. Mr. President, this was the next numbered amendment of the Senator from Indiana (Mr. HARTKE). It is at the desk. This amendment would seek to apply the Davis-Bacon Act, as well as the minimum wage concept, in order to make complete the Senator's proposal.

It would seem to me we might as well face this issue as one proposition. Basically that is what it is. I do not see any point in the Senate's voting on part of a theory and then, having become committed to a part, being asked to go along with the rest of it. If the Senate is going to vote for the proposal, it should not vote for just a part of it.

Frankly, Mr. President, if this is to be done, it ought to be done across the board. I would hope the sponsor of the previous amendment, being the same Senator, would be willing to agree to this amendment.

Mr. HARTKE. Mr. President, I would prefer that this not be done, because we are dealing with two separate items.

In the first place, the Senator from Louisiana is exactly right. Amendment 1462 was intended to be called up. But the history of the Davis-Bacon Act is just a little bit different than the history of the Prevailing Wage Act, which I talked about previously. The Davis-Bacon Act provision was included in the House-passed bill and was dropped by the Senate committee in reporting the bill to the floor.

In other words, what we have is two different ideas. The previous amendment, without this second amendment, was not in the original House-passed bill, and I would hope that we could deal with these matters separately.

Mr. LONG. It would seem to me, Mr. President, that it is all the same idea, all the same concept, that as a condition of some mayor getting revenue sharing, even though it might be only 1 percent of the overall budget, that if this money finds its way into any of his activities where he is paying for the services for the people, it implies a wage increase. Of course, some of us fear that by the time we got through voting for a revenue-sharing bill, the whole thing would be used up in wage increases. Some fear that the mayors might just take all the money and give themselves a pay raise, so that revenue sharing would be of no benefit to anyone else.

This is a danger one has to confront, if he is willing to trust local governments. I believe that in the long run they have a way of serving the public interest, even though in the short run they sometimes develop defects which we necessarily complain about.

Certainly the principle is the same in this amendment as in the Senator's previous amendment—that implicit in getting the revenue-sharing money is a requirement that if any of this money finds its way into your services, you must have the burden of paying a higher scale of wages in a greater number of situations than you would otherwise pay. This, in many cases, might well mean that the increased cost would then exceed what was being received through revenue sharing, a strain which might place a burden so heavy that it would completely negate all the benefits of the more than $6 billion.

Mr. ALLOTT. Mr. President, will the Senator yield for a question?

Mr. HARTKE. Will the Senator yield a moment?

Mr. LONG. I yield to the Senator from Colorado.

Mr. ALLOTT. I would like to ask him, first of all, referring to the first amendment offered by the Senator from Indiana, if the reference there to the exemption under section 13 thereof refers to exemption for city, State, and county employment?

Mr. HARTKE. Yes, it does.

Mr. ALLOTT. I thank the Senator from Indiana. I hope I can get the floor in a little while and make a few remarks about this bill.

Mr. LONG. If the Senator desires to speak to it, I am willing to yield.

Mr. HARTKE. Let me make a comment first. I would hope the Senator from Louisiana would permit us to vote on these matters separately. After all, we have a 40-year history on the Davis-Bacon Act. It was born in the depths of the depression, under President Hoover. At that time, the idea was that there was a need to protect the wage earner from being victimized by contractors who might otherwise take advantage of situations where the Federal Government was trying to provide money for local items. That bill was passed in 1931. Since that time we have repeatedly adopted the provisions of that act. Some people have objected to it, but generally speaking, the whole idea has never been seriously open to question.

The fact still remains that the House of Representatives did include this provision in its bill, and for that reason I would hope that we could deal with these matters in an organized fashion, rather than lumping them all together.

Mr. LONG. In any event the Senator will have two separate votes, if the Senate resists the amendment.

Mr. HARTKE. I would like to have them considered separately, if I could.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARTKE. If the amendment as offered by the Senator from Louisiana as an amendment to the amendment of the Senator from Indiana is voted on in this fashion, would it preclude a vote on the amendment No. 1461, which is amended by the present amendment of the Senator from Louisiana?

The PRESIDING OFFICER. If amendment 1462 were adopted, then the vote would occur on amendment No. 1461 as amended by the adoption of amendment No. 1462. In other words, 1462 and 1461 together.

Mr. HARTKE. I understand that. What I asked is a different question. I am trying to find out the effect of the vote.

If there is a vote upon the amendment of the Senator from Louisiana as an amendment to amendment 1461, which was the original amendment offerred, and in the event that amendment fails, would that preclude the separate introduction of that amendment at a later date, to be considered by itself and not as a part of amendment No. 1461?

The PRESIDING OFFICER. No, it would not.

Mr. HARTKE. In other words, I want to make this very clear: The parliamentary situation is that a vote upon the amendment of the Senator from Louisiana would not constitute a prior vote upon the merits of that proposition, even though the words are identical?

The PRESIDING OFFICER. It would not. The reason it would not is that the Senator from Louisiana has slightly changed the language, so that they are not identical.

Mr. HARTKE. Oh, he has changed the language?

The PRESIDING OFFICER. He has changed the language to make it conform as an amendment to amendment No. 1461.

Mr. HARTKE. Then, as I understand, the parliamentary situation is that no matter what the results of the action on amendment 1462 as it now appears as an amendment to 1461, it could still be considered as an amendment in the first degree?

The PRESIDING OFFICER. That is correct.

Mr. HARTKE. And the reason for that is that as an amendment in the second degree it could only be considered as an amendment to the amendment already introduced?

The PRESIDING OFFICER. That is correct.

Mr. HARTKE. Could I further clarify this? If amendment 1462, which is of-

fered now as an amendment by the Senator from Louisiana, but was originally introduced by the Senator from Indiana, is adopted as an amendment to amendment 1461, and then the amended amendment were to fail, would it preclude the second introduction of either of these amendments, to be considered and voted on separately?

The PRESIDING OFFICER. No, it would not.

Mr. HARTKE. I thank the Chair.

Mr. LONG. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LONG. Am I correct in my understanding that if the amendment is agreed to, it would remain subject to further amendment, either by language added at the end or by language added to the portion of the amendment that had not yet been amended?

The PRESIDING OFFICER. The Senator is correct.

Mr. BROCK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BROCK. Was the amendment of the Senator from Louisiana offered as an amendment in the nature of a substitute or additional language to 1461?

The PRESIDING OFFICER. It was a perfecting amendment.

Mr. BROCK. As additional language?

The PRESIDING OFFICER. Adding language.

Mr. BROCK. I thank the Chair.

Mr. TOWER. Mr. President, the net effect of the two amendments being offered by the Senator from Indiana will be, I think, to place the worst possible strain on this revenue sharing money that we could cook up here.

The whole idea is to give this money to State and local governments so that they can spend it at their discretion. One of the principal motivations behind this is to supplement the incomes of State and local governments that have reached perhaps the limits of expendable resources.

Actually, I think that most people who support the idea of revenue sharing look at it as pretty much of a temporary or transient thing, that many of us would prefer to see the sources of money now preempted by the Federal Government returned to State and local governments so that they would not have to receive the money back down through the bureaucracy again.

I think we take a great deal away from the local decisionmaking process when we insist upon placing strings of this kind. The net effect will be to drive up the cost of programs that are funded under this revenue sharing proposal. The net effect will be that State and local governments will have less in terms of real money to spend for their projects that are funded partially or wholly by these revenue sharing funds, because they will be compelled to pay inflated wages. This is going to punish small towns, because wage rates are going to be calculated as being those of the next biggest metropolitan area nearby.

For example, the small town of Athens, Tex., would have to pay the highest union negotiated rates in Dallas, and this perhaps would make the use of revenue sharing money uneconomical for small towns.

The effect of Davis-Bacon is to punish small contractors and, again, to punish rural areas and to stifle and inhibit development in small towns and rural areas.

The Senator from Indiana mentioned some 40 years of experience with Davis-Bacon. That experience has led us to believe that we should consider very seriously the repeal of Davis-Bacon as it applies to federally funded housing projects, because the experience is that it has made low-income housing more costly and has tended to keep these projects out of the smaller towns in the rural areas.

We have already had 3 days of testimony on this subject in the Committee on Housing, Banking, and Urban Affairs, and it has made a voluminous record that shows conclusively that Davis-Bacon is an inhibition on the prohibition of standard housing for low-income families and for elderly people.

We should not keep perpetuating this evil, particularly in a revenue-sharing proposal that is designed to leave as much to the local decisionmaking process as possible.

Regardless of whether the amendment of the Senator from Louisiana to the amendment of the Senator from Indiana is adopted, in either case, this amendment should be resoundingly defeated, because it would defeat the whole purpose of revenue sharing.

Mr. HARTKE. Mr. President, I understand what these people are saying. They do not like the Davis-Bacon Act, the minimum wage concept, or minimum standards on State and Federal levels. That is what this is going to boil down to.

I thought we had that pretty well cleared up when we talked it over with the Labor Department and the Treasury Department, and both agreed that these amendments were in order.

Senator Scott is in the Chamber now, and I yield to him.

Mr. SCOTT. Mr. President, I have been asked by the administration to advise the Senate that the administration finds fully acceptable the four labor protective amendments proposed to the revenue-sharing bill by the Senator from Indiana (Mr. Hartke). These amendments have been reviewed by the Department of Labor, as well as the Treasury Department, and it is the considered judgment of the administration that these basic labor protectives will strengthen the operation and administration of the general revenue-sharing program.

I will add, for myself, that I realize that there is a wide division of opinion here—there is on this side of the aisle—but I am asked to make this statement, and I do so in accordance with the request of the administration.

Mr. HARTKE. I thank the distinguished minority leader, because we did discuss these proposals with the administration. There were a couple of other amendments we discussed with the administration, and they felt that they could not go along with them and they should not be adopted. Therefore, we did not offer those amendments. They are at the desk. We intend to offer just the four which have been discussed with the administration.

I again want to express my thanks to the distinguished minority leader for making that statement and to thank the administration for the cooperation they have given us on this measure. We worked with them long hours to make sure that the best interests of all concerned—the workers, the municipalities, and the Federal Government—were all protected. I express my personal thanks to the Secretary of Labor and the Secretary of the Treasury for their cooperation in this matter.

Mr. LONG. Mr. President, I must say that I, being on this side of the aisle, do not regard myself as being privy to as much communication with the White House as when a Democrat occupied the position now occupied by President Nixon.

I sat in a joint session in the House of Representatives when the President announced this principle, and he said there should be no condition other than a condition that there would be no discrimination. Knowing no more than that, when we acted on this measure, I felt that I was supporting what the President had said and what we all applauded when he said that we ought to help these communities and that there should not be any strings except one, which was totally unnecessary anyway—no discrimination. I do not think the Constitution would let you discriminate because of race, color, or creed—and soon it is to be amended to provide that you cannot discriminate because of sex.

Not having voted because someone from the White House communicated with me, but having voted because something made common sense to me, I felt that I should vote to do what I thought was best for these communities and that we should apply a minimum of strings.

I think that if Senators are going to vote for the first Hartke amendment, they should vote for the other one, because they will be asked to vote that way, and they should not vote in the blind, thinking that they are only voting to apply the minimum wage concept when they are really voting to apply a major increase in the cost of government to most local and city governments and in many cases a large increase to State governments. In some instances, it may well be that the cost of the labor increases might exceed the revenue-sharing benefit.

I would hope that if these amendments should be agreed to, the AFL–CIO might decide that they are for the bill after all. They testified against it. I guess if in some cases the benefit to them is more than the benefit to the community or the taxpayers, they might decide that they favor the bill.

I do think that the idea of a minimum of strings is good, but if some are to apply, I think we ought to recognize that we are going to vote on a larger grouping. I hope the amendment I have offered, which would put these two amendments together, will be agreed to.

Mr. PASTORE. Mr. President, I want to say a word or two with reference to the overdoing of the subject of cost.

It is my experience, and I think it has been the experience of most Members of Congress, that usually the minimums that are set are always far below prevailing wages. I think we are overdoing this afternoon the idea of how much more it is going to cost and stressing what a great burden it is going to be to the municipalities and to the States. I think that the element of fright is being overemphasized this afternoon. I do not think any real peril is involved here. It is nothing more than simple justice in the four amendments and I hope they will all be adopted.

Mr. FANNIN. Mr. President, I think we should review the purposes of the committee action that was taken, which was to allow the localities to pay the wage rates prevailing in their own communities——

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Arizona yield for the purpose of my making a unanimous-consent request?

Mr. FANNIN. I am very happy to yield to the Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished majority leader to make the following request, which has been cleared with the distinguished manager of the bill, the Senator from Louisiana (Mr. Long), with the distinguished ranking minority member, the Senator from Utah (Mr. Bennett), and with the distinguished Chairman of the Committee on Appropriations, the Senator from Arkansas (Mr. McClellan).

I ask unanimous consent that at no later than 12:30 p.m. tomorrow, it be in order for the distinguished majority leader or his designee to lay aside the unfinished business and call up H.R. 14370, the measure now before the Senate, and that the amendment to be offered by the Senator from Arkansas (Mr. McClellan) on behalf of the Appropriations Committee, amendment No. 1450, then be the pending question, the time on that amendment to be equally divided between the manager of the bill (Mr. Long) and the Senator from Arkansas (Mr. McClellan); and that the vote on that amendment occur no later than 4:30 p.m. tomorrow.

The PRESIDING OFFICER (Mr. Tunney). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Arizona for yielding.

Mr. FANNIN. Mr. President, to review the purposes of the committee action that was taken to allow the localities to pay the wage rates prevailing in their own communities rather than to require the payment of unrealistic, higher wages which often are imposed under the area-wide concept of Davis-Bacon, we should take into consideration why this was done. It was done in order that we could have the local communities sponsor the projects which are needed projects that would employ people at the wage rates prevailing in the community. This bill, as I have stated many times, applies only to the local communities and not to State projects. It has no effect on the little Davis-Bacon acts of the States. It does require that workers must be paid no lower than the prevailing rates for persons employed in similar jobs by such local governments.

If this is changed, then we kill the whole concept of revenue sharing because we will place a barrier on the communities in utilizing the funds and in many cases make it more beneficial for them to supply their own funds. Either that, or not even have the projects at all, because of the excessive wage rates that will be required so far above the wage rates now prevailing in the communities.

There are fair wage rates being paid, and I have given many illustrations. I gave the one in my own State of Arizona, in the northern part of the State, in the small town of Page, where the beginning wage rate for a common laborer is around $2.50 an hour. But here, if we apply this principle, because there is a power plant there, would the wage rate be $7.50 an hour for a laborer. In this town they pay $5 an hour to a mechanic, but because of Davis-Bacon it would be $10.90 an hour; for a carpenter from $5 to $9.32 an hour, if the Davis-Bacon Act applies. It is $10—more than double. This shows exactly what would happen. It would not be beneficial for the community to accept the revenue-sharing program. The community would be better off to go ahead and finance its own.

So, Mr. President, I hope that we will be able to maintain by what is intended in the original revenue-sharing program and that we will have the provisions now in the bill take precedence.

Mr. President, I feel that it is very important we give full consideration to what is involved. I do not feel that we have. This is a fair and equitable bill. It should be noted that the committee retained the nondiscriminatory provisions of the bill. It has other provisions in it which are fair and equitable to the employee, to the city and to the community involved. If we go ahead and make these changes that are desired by the Senator from Indiana, I am afraid we will kill the whole benefit of this legislation.

Mr. LONG. Mr. President, I ask for the yeas and nays on my amendment to the Hartke amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Tunney). The question is on agreeing to the amendment of the Senator from Louisiana (Mr. Long) to the Hartke amendment.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), the Senator from Rhode Island (Mr. Pell), the Senator from Oklahoma (Mr. Harris), and the Senator from Washington (Mr. Magnuson) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. Fong), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Illinois (Mr. Percy) and the Senator from Oregon (Mr. Hatfield) would each vote "yea."

The result was announced—yeas 86, nays 0, as follows:

[No. 395 Leg.]

YEAS—86

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McClellan
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—14

Cannon
Fong
Griffin
Harris
Hatfield
Hughes
Magnuson
McGee
McGovern
Metcalf
Mundt
Pell
Percy
Taft

So Mr. Long's amendment to Mr. Hartke's amendment (No. 1461) was agreed to.

Mr. LONG. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> At the end of amendment 1461 as amended add the following: "(7) Paragraphs (5) and (6) of this subsection shall apply only if the funds paid from the trust fund for the laborers and mechanics employed by the contractors and subcontractors referred to in paragraph (5) or the wages paid which are referred to in paragraph (6) constitute 50 percent or more of such wages."

Mr. LONG. Mr. President, this is the amendment that was suggested, in effect, by the Senator from Minnesota (Mr. Humphrey). I think it makes good sense. We have applied the Davis-Bacon Act first to Federal contracts where the Federal Government is paying all the expense. We had a right to do so. Subsequently, when we had aid to State programs and the Federal Government was paying as much as 90 percent of the cost of building a highway or 75 percent of the cost of building an airport, we agreed with organized labor when it said, "In view of the fact the Federal Government is paying the overwhelming proportion of this cost it should increase the wage ceiling on the States by making them comply with the Davis-Bacon Act." It has been extended to the point where we have applied it in some cases where the Federal Government is paying 50 percent of the cost of a highway or improvements under the Hill-Burton Act.

Under revenue sharing, however, there will be cases where the Federal Government share would be no more than 1 percent. As a matter of fact, Federal revenue-sharing funds under this bill will be only 5 percent of the overall State and local revenue. In county after county and in small city after small city, under the Davis-Bacon Act, these little communities will find revenue sharing might increase their costs by 15 or 20 percent on construction or other projects.

It would seem fair that if the Davis-Bacon Act, which is a Federal wage standard for Federal construction projects where the Federal Government is paying the majority of the cost, is to be imposed on those localities, it should apply only where the Federal contribution is at least 50 percent because that is the lowest degree of Federal matching known to me.

It seems reasonable to me, as suggested by the Senator from Minnesota, that if the Davis-Bacon Act and the other prevailing wage concept suggested in this amendment are to be applied to the local government as a condition of revenue sharing, it should be applied only to a project on which revenue-sharing funds represent at least 50 percent of the total cost. If it is less than that, we do not have a typical Federal matching program, and it would be setting a new precedent in theory to require the Davis-Bacon Act to be applied where the Federal contribution is less than 50 percent.

On that basis we would be saying that revenue sharing is going to pay for 50 percent or more of the project, we will require that the Davis-Bacon Act apply. Keep in mind, if revenue sharing is just added to the general operating budget, it is only going to be about 5 percent of it—on the average. If it is less than 50 percent, which is the lowest percentage now required to bring the Davis-Bacon Act into operation, then this provision applying the Davis-Bacon Act, in addition to the other requirement, would not be necessary.

I think that is a reasonable proposition, and it would seem to me that this amendment should be agreed to.

If Senators really want revenue sharing to impose no greater burden on State governments than the additional money to be passed to them, it would seem unreasonable to make an increase in the labor costs inevitable. In community after community the increase in labor costs could exceed the benefits of the revenue sharing bill.

I am normally content to vote for things that organized labor would suggest, but if this exceeds the revenue sharing to be available to a community, then the purpose portrayed to the American people for revenue sharing would be defeated.

Therefore, I think in fairness this amendment should be agreed to.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MILLER. Suppose we have a situation where there is a construction project by the municipality and only 15 percent of the revenue sharing is going to go into it. Under the Senator's amendment the Bacon-Davis Act would not apply, but what would be the standard that would apply? Would it be the committee standard?

Mr. LONG. It would be the law that exists right now. Let me put it this way. There would be no additional standards imposed by this bill if the revenue sharing contribution is only 15 percent of the total wages paid on the project.

Mr. MILLER. I wish to ask a further question. The Senator will recall that the bill of the Committee on Finance when we reported it provided that the wages to be paid should be no lower than the prevailing rates for persons employed in similar jobs by local governments.

Now, is that still going to be in the bill if we adopt the Senator's amendment?

Mr. LONG. Senator, that is in the Hartke amendment, and because it is in the Hartke amendment, my amendment to the Hartke amendment would apply to it. The Hartke amendment, as the Senator knows, provides that the higher of any one of three categories has to be paid.

Mr. MILLER. That has been deleted. That has been superseded, has it not?

Mr. LONG. No. That is in the Hartke amendment.

The Hartke amendment seeks to strike the part of the committee bill which does what the Senator is discussing at this moment.

Mr. MILLER. Then, do I understand that what we have before us is an amendment by the Senator from Indiana which would take the higher of those three standards, namely, the prevailing wage, the minimum wage, Federal or State and local minimum wage?

Mr. LONG. Yes.

Mr. MILLER. And we have on top of that the application of the Davis-Bacon Act, and now the Senator is proposing that the 50-percent cases shall be the ones covered by the entire Hartke amendment, as amended?

Mr. LONG. That is correct.

Mr. MILLER. All right. And that will leave the other cases without any standard except whatever exists now, without any application on the part of the pending legislation?

Mr. LONG. Well, Senator, it would be the other situation that the Senator is discussing——

Mr. MILLER. The 15 percent, for example?

Mr. LONG. In the situation where the Senator would like the city or county to pay its new employees the same wage scale it is paying its old employees, as was provided in the committee bill, that would be superseded by the Hartke amendment.

If that should be the case, and the Senator from Iowa would like to offer an amendment to correct that and say that the employer only is expected to pay the new employees the same wages as the old employees, and the 50-percent requirement I am offering would not apply in that case, I would be happy to agree to such an amendment. But I am talking about what the Hartke amendment intended if it were fully implemented by the Senate—the way it would be if passed. Under that amendment an employee must be paid the same as others in the same line of work. If the State minimum wage is higher, however, it applies, even though the employee is not covered now by the State minimum wage; if the Federal minimum wage is higher, it applies even though an employee is now exempt from it. If the Davis-Bacon Act applies, he would have to be paid under the Davis-Bacon Act. So we have all those standards applying, and the highest wage would have to be paid.

I would simply say that, on this four-step bill, where a State would have to pay higher and higher wages as a condition of getting revenue sharing, it would have to do that only when the Federal contribution is as much as 50 percent of the wage cost of a project.

Let us assume that a State or a city wanted to build a new sanitary sewerage system and it was going to pay for it out of the revenue-sharing funds. The Davis-Bacon Act would apply. If it was going to build a hospital, the Davis-Bacon Act would apply. But if the funds were to be applied to the operating budget, the minimum wage rules would not apply if the revenue-sharing funds were 5 percent, or even 1 percent, of its overall operation.

Mr. MILLER. It would not have to comply with the Davis-Bacon Act because it was under 50 percent, but if I understood the Senator correctly, it would have to comply with the other three standards as set forth in the original Hartke amendment.

Mr. LONG. Under the amendment that I am offering, the 50-percent rule would apply to all of the Hartke amendments, both the three minimum wage concepts and the Davis-Bacon Act concept. If the amendment should be agreed to and the Senator wanted to offer an additional amendment to do what the committee had agreed to do in the first instance without the 50-percent limit I would be happy to support it as a part of the bill.

Mr. MILLER. I thank my colleague from Indiana. I would like to have the Senator from Indiana comment on this. I have a feeling that we may be leaving a gap here. I was here when the debate was being carried on earlier, and I was impressed with the Senator's suggestion of 50 percent, but I am not clear in my mind yet, after we adopt the amendment—and I am sure we will—where that leaves us with the 5, 10, or 15 percent and whether we are going to cover the three-factor original Hartke amendment or whether it will be the will of the Senate to adopt the Senate Finance Committee's approach, which I thought was pretty good. I would like to get a comment from my friend from Indiana.

Mr. LONG. That remains to be seen. The Hartke amendment has not been agreed to yet. If it is not agreed to, of course, the committee's original provision would prevail.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. Does not the amendment offered by the Senator from Louisiana vitiate the action we took unanimously on his amendment? All one would have to do is use the money in operating expenses and it would vitiate the amendment adopted unanimously just a moment ago. Is that not so?

Mr. LONG. It could have been gotten around before. Revenue sharing funds could be spent on supplies rather than labor, and the Davis-Bacon Act would not have applied, anyway.

Mr. PASTORE. That is right. All we are doing here is suggesting to every municipality to put the money into operating expenses and then it does not have to pay minimum wages.

Mr. LONG. Mr. President, I offered the amendment a moment ago, as I explained, because I did not think we ought to vote on this concept of imposing a very heavy wage increase on State and local governments which may well exceed every nickel they will get under revenue sharing. I do not think we ought to impose that heavy burden on them in a step-by-step procedure by which they are asked to do something which is referring to a minimum wage, and then some other thing, and then something else. It is my thought that if we are not talking about Davis-Bacon, we ought to make it clear, and if we are going to vote for that concept, we ought to put the Davis-Bacon concept into it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. We keep saying this step is going to result in an increase in wages. That has not been proved on this floor. Will someone please prove to me, in a documentary way, by substantial documentation, that if we adopt these four amendments we are raising wages in every city and town in this country? That has to be proved. I have not been convinced. I have heard here only that we are going to try to knock out the amendment put in by the House and try to defeat the four amendments that have been approved by the administration and have been sponsored by the Senator from Indiana.

Mr. LONG. I do not think the Senator heard the speech made by the Senator from Arizona (Mr. FANNIN). He emphasized the result of having the Davis-Bacon Act wages.

Will the Senator from Arizona please refer to those figures?

Mr. FANNIN. Yes. I have figures supplied for Page, Ariz. Right now the wages paid for a laborer are $2.50 an hour. Under Davis-Bacon, they will be $7.50 an hour. A mechanic is now paid $5 an hour. If Davis-Bacon applies, it will be $10.50 an hour. A carpenter receives $5 an hour. It will be $9.32 an hour under Davis-Bacon. An electrician receives $5 an hour. It will be $10.10. A painter receives $4.50 an hour. It will be $7.85. A truck driver receives $3 an hour. It will be $7.75 under these provisions.

So this is something that we can and have documented, and there are many other illustrations that could be used. We do not even need to go any farther than to some of these small, coastal counties in Maryland and Virginia to find similar situations, where they would come to the Washington area to set the wage rate that would be applied. So there is just as much differential for those areas as I have illustrated in the small town of Page, Ariz.

Mr. PASTORE. Does not the Senator from Arizona agree that if we are going to begin spending Federal money, and we have the Davis-Bacon Act which applies to Federal contributions and Federal contracts, the same standard should apply here?

Mr. FANNIN. It depends on what we are trying to achieve. Are we trying to do something for these communities? Are we trying to achieve greater employment? I think that would be the answer.

We are trying, through this legislation, to help these communities. We would certainly defeat that attempt if we had the Davis-Bacon Act apply in these situations.

Mr. PASTORE. Well, I hope we are not trying to encourage scab wages.

Mr. FANNIN. No, we are not. The committee bill, as far as that is concerned, would not be affected by the Davis-Bacon Act. It requires that workers must be paid no lower than the prevailing rates for present employees in similar jobs in the same locality.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. FANNIN. I am pleased to yield to the Senator from Utah.

Mr. BENNETT. I would like to try to clarify the matter further by giving another illustration.

Here is a little town of 500 people. They decide to provide their local policeman or constable, or whatever he is, with an automobile, and they have got to build a one-car shed to put that automobile in.

As I understand it, under the Hartke amendment, that community must pay Davis-Bacon wages to the carpenter that they employ to build that $300 or $400 shed. There is no exception.

It seems to me that there should be some dividing line of size before you begin to impose on this little community the Davis-Bacon schedules, that are always developed from the nearest metropolitan community.

We were talking in the committee about the situation in Utah. In southern Utah, I understand they used the Las Vegas, Nev., wage schedules to develop Davis-Bacon schedules for communities of 200 or 300 people, 200 miles away, in the depths of the Utah Desert.

I think this 50-percent proposal is a good rule of thumb for making sure that we do not impose these very high levels on such a job as building a one-car garage. Is it the understanding of the Senator from Arizona that if the Hartke amendment were to apply, and Davis-Bacon were to be put in on an unlimited basis, it would be necessary to pay that carpenter the Davis-Bacon wages, for a job of that size?

Mr. FANNIN. I think it very definitely establishes that that is true, that it would apply, and it would work a tremendous hardship on the community. The garage is a good illustration, or if we are talking about facilities for the police department, or whatever it might be that needed services. It would be a tremendous obligation for that community.

Mr. DOMINICK. Mr. President, will the Senator from Arizona yield?

Mr. FANNIN. I am pleased to yield to the Senator from Colorado.

Mr. DOMINICK. We had a situation that occurred in southern Colorado, in the San Luis Valley, where, with Federal funds, they were developing a community center building in a Mexican-American community.

They were already to let the contract when the Labor Department came in and said, "We have got to find out what the prevailing wage is." But, instead of going to their own locality, they went to find out what it was in Denver. The net result was that it increased the cost of the program by about two and one-half times, and they were about to cancel the whole contract.

We therefore went to the Labor Department and asked them to review it again. It is still in the process of review. The time for the start of construction and completion of the job has already been postponed by at least 6 to 8 months, and maybe a year, simply because of this problem.

My question is this, if the Senator can tell me: What is this 50 percent rule we are talking about here? How would that affect a revenue sharing grant which would be given to that same locality? What would they then have to do, with this 50-percent rule? Suppose they wanted to build a community building in this Mexican-American community?

Mr. FANNIN. If this is a project that is over 50 percent financed by Federal funds, then, of course, Davis-Bacon would apply in this instance. In the other instance, the Hartke amendment would apply. But in the first instance, it is my understanding that the requirement would still be that the workers must be paid at rates no lower than those paid by the local community for similar jobs.

Mr. DOMINICK. In the illustration I gave, it would have worked no hardship if they were figuring on the prevailing rates in the local community.

As I understand the Senator, what we are now saying is that the 50 percent proposal we have before us is better than it otherwise would be, but still does not give them much freedom of action to determine what to do with the funds they otherwise would have?

Mr. FANNIN. The Senator is correct. It was not in accord with the intention of the committee insofar as the handling of these funds is concerned. It was the committee members that the communi-overwhelming intent and opinion of the ties should have freedom in this regard, but it would require them to pay prevailing wage rates for similar jobs in that same community, so it was fair and equitable, but it did not have the strings attached that we will now have attached.

Mr. MILLER. Mr. President, will the Senator from Arizona yield for a question?

Mr. FANNIN. I am pleased to yield to the Senator from Iowa.

Mr. MILLER. I understood, from the Senator's colloquy with the Senator from Colorado, that if less than 50 percent Federal money was going to go into the construction of that building, the prevailing wage rates would apply.

Perhaps they would, but I do not see that they would under the bill as amended by the Hartke amendment, because the Hartke amendment strikes that portion of the Finance Committee bill which provides for the prevailing wage. It strikes it all out, starting on line 21 and running over through line 22 on page 62, and that is the part of the Finance Committee's bill which provides for paying wages which are not lower than the prevailing wages. The Hartke amendment strikes that out, and covers those three factors of a local minimum wage, Federal minimum wage, and another factor.

Mr. FANNIN. If I may answer the Senator's question, the item the Senator is talking about is the prevailing wage for similar employment. That is the provision of the Hartke amendment.

Mr. MILLER. But the Hartke amendment adds those other two factors, and says "whichever is the highest."

Mr. FANNIN. That is right.

Mr. MILLER. If it just said prevailing wage, then I would not be confused, but it goes on to those other two.

Mr. FANNIN. I agree with the Senator that there is some confusion in that regard. I think the distinguished Chairman made it plain that it was his intention that this would apply; but, of course, if anyone wanted to clarify it completely, another amendment could be offered, if there was a question in the Senator's mind as to whether this would apply.

Mr. MILLER. I thank the Senator. I wonder if the Senator would yield for a further comment.

Mr. FANNIN. I yield.

Mr. MILLER. I hope that the Senator from Indiana, when he does get the floor—he has been waiting patiently—will comment on the situation in which the prevailing wage would apply except when it goes to Federal money, in which event Davis-Bacon would apply, because I think there is confusion in the way in which the amendment of the Senator from Louisiana would be added to the Hartke amendment.

Mr. HARTKE. Mr. President, the Senator has spoken of confusion. If this amendment is adopted, it will put the biggest bookkeeping job we have ever seen upon every local government. They will have to manipulate their budgets and spending so that they can put 49 percent in each situation. So that it is only 49 percent Federal. They will hire every accountant, every Philadelphia lawyer—and a few from Las Vegas—to make sure they can accommodate themselves to this type of situation.

Quite honestly, what we have here is an attack on the Davis-Bacon Act.

After all, the House of Representatives put this in the bill. It was taken out in the Finance Committee. Many things are taken out in the Finance Committee of which I do not approve. But we are now on the floor of the Senate.

I want to read the statement made by Senator Scott, which was made at the request of the administration. We talked to the people at the Labor Department. We talked to the Secretary of Labor. We talked to the people at the Treasury Department and the Secretary of the Treasury. The administration is fully in accord with the principles of the four amendments I have before the Senate at this time. Senator Scott said this, and I want to repeat it for the benefit of the Senate:

> Mr. President, I have been asked by the administration to advise the Senate that the Administration finds fully acceptable the four labor protective amendments proposed to the Revenue Sharing Bill by the Senator from Indiana (Mr. Hartke). These amendments have been reviewed by the Department of Labor, as well as the Treasury Department, and it is the considered judgment of the Administration that these basic labor protectives will strengthen the operation and administration of the general revenue sharing program.

That is the considered judgment of this administration.

Herbert Hoover would turn over in his grave if he saw what was being done on the floor of the Senate to the two Republicans who sponsored the measure—Mr. Davis, a Republican Senator, and Mr. Bacon, a Republican Representative. Mr. Hoover requested this type of language. The same arguments were made then. Through the years we have tried to build it up. If Senators want to gut the whole idea of paying fair wages to labor, if they want to take this country back to the idea that contractors and cheap labor can be brought into their local communities then they would vote for this amendment.

If the Long amendment is adopted, I think it would cure the unemployment of all accountants and bookkeepers in the United States. Every community from size 10 up, every county and every city, would have to employ a bookkeeper to make sure that they were below the 50 percent figure, so that they could pay less than fair wages to people who work for a living. That is the issue.

Mr. LONG. Mr. President, the Senator read a statement from the White House which initially was a great surprise to me, because I had not been kept informed about what was the White House position.

I offered the amendment we are talking about, and I am positive that the White House was not in a position to advise the Senator how to vote for my amendment, because it did not know I was going to offer the amendment. So, as a practical matter, with respect to the amendment I have offered, if you are going to impose these great additional labor expenses on the communities, it makes all the sense on earth that the Federal contribution ought to be substantial.

So I think it would be very presumptive of the Senator to assume, even if he were standing here as the minority leader, that the President of the United States would insist that the Davis-Bacon Act be complied with, even though the Federal contribution be a mere one-half of 1 percent. Nobody had a chance to ask Mr. Nixon about that, because nobody knew I was going to offer an amendment. Sometimes I cannot keep up with him, and it works both ways. He did not know I was going to offer the amendment. I do not know how anybody, without keeping in touch with him, could say that the President would not be for my amendment and would be for the Hartke amendment.

It seems to me that if this sort of cost increase is to be imposed, the Federal contribution should be substantial. The lowest degree of Federal matching in any program with which I am familiar—and I stand to be corrected if somebody will show me that I am wrong—is 50 percent. In most instances, it would be more than that.

I yield the floor, Mr. President.

Mr. PASTORE. Mr. President, I think we are beginning to kick a dead horse.

It strikes me—and it already has been said—that this contribution that will be made under revenue sharing will amount to approximately 5 percent. The biggest responsibility of any municipality is education—paying their teachers and building their schools. It strikes me that if any municipality is going to be burdened by the Davis-Bacon Act, all they have to do is to put this money into their educational budget. Every community today is confronted with the financial problems of education. I do not think that this afternoon is the time or this is the excuse that we should do anything to disrupt and destroy the philosophy of the Davis-Bacon Act.

I repeat: If in Arizona it will be difficult for officials without straining their own budget, to accept this money and put it into any channel that would subject them to the Davis-Bacon Act, then all they have to do is to put these shared funds into education, and they would have to put less of their local money into their budget for education. They could use the Federal contribution to do precisely that.

It would be a dangerous course for us, after the Davis-Bacon Act has become an integral part of the philosophy of Federal contribution, to destroy it here this afternoon. I hope we will not do it.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. FANNIN. When the Senator suggests putting it in education, does he want all the employees of his educational system under the Davis-Bacon Act?

Mr. PASTORE. No. As a matter of fact, the law provides that in that particular case the Davis-Bacon Act only applies to construction.

Mr. FANNIN. The provisions of the Hartke amendment go beyond the Davis-Bacon Act.

Mr. PASTORE. No. He has already explained it by saying that if you engage more police officers, all the amendment means is that the new men that are engaged have to be paid the same wages as the prevailing wages being paid to other police officers. The Davis-Bacon Act has to do only with construction.

Mr. FANNIN. Amendment No. 1461 does not even mention construction.

Mr. PASTORE. Well, it was amended by the Senator from Louisiana.

Mr. FANNIN. It has not been amended yet.

Mr. PASTORE. Yes, that was adopted.

Mr. FANNIN. But it has not been finalized.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Muskie). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Muskie). Without objection, it is so ordered.

Mr. LONG. Mr. President, I have discussed this matter with the Senator from Indiana (Mr. Hartke), and some of those who agree with him and some of those who agree with me, who have suggested to us a compromise to modify my amendment, which I personally would be willing to agree to. I propose to modify it where the figure of 50 percent appears by reducing that to 25 percent. The amendment is at the desk. The change would be simply this, that for the provisions of the Hartke amendment to take effect, Federal participation in the project would have to be as much as 25 percent.

Mr. HARTKE. Mr. President, this is an acceptable compromise to the extent that we can make some progress, to do it this way. Under such circumstances, I would be willing to accept that modification.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana as modified.

The amendment as modified was agreed to.

Mr. HARTKE. Mr. President, I understand that the yeas and nays have been ordered on my amendment.

The PRESIDING OFFICER. The Senator is correct.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent, out of order, that the vote on the pending amendment to the interim agreement on offensive weapons, the so-called Mansfield amendment, occur not later than the hour of 12 noon tomorrow, and that the vote be on the amendment as offered with no amendments attached thereto, and that it does not preclude the right of the Senator from Washington (Mr. Jackson) to offer his amendment.

Mr. JACKSON. Mr. President, reserving the right to object—I want to state that I have been in touch with the majority and minority leaders, and I should like to be explicit on this matter, that adoption of the Mansfield amendment will not in any way prejudice the amendment that I intend to offer with some 40 cosponsors.

Mr. MANSFIELD. That is correct. It was so stated.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. JACKSON. Mr. President, I want to say that from the very beginning I have favored and supported a unanimous-consent agreement in connection with the pending interim agreement. I would hope that tomorrow Senators would agree on a time certain to vote on my amendment, especially in light of the many cosponsors and the several amendments thereto. We have established some movement now in connection with the Mansfield amendment and I would hope that we could reach agreement tomorrow on a time certain for voting on my amendment.

If not, I, as one Member of this body, am prepared to join and file a petition for cloture, if that is the only way we can get to a vote. I want the record to be straight and clear on that, because I have tried from the very beginning to get an early vote on the amendments pending.

UNANIMOUS-CONSENT AGREEMENT TO VOTE ON APPROPRIATIONS COMMITTEE AMENDMENT

Mr. BENNETT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah will state it.

Mr. BENNETT. Earlier we had an unanimous consent agreement to vote on the McClellan amendment to the pending measure at 4:30 p.m. tomorrow afternoon and I understood that was to be set back half an hour. Has it been set back?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—in conformity with the suggestion made by the distinguished Senator from Utah (Mr. Bennett), and the request having been cleared with the able Senator from Louisiana (Mr. Long) and the able Senator from Arkansas (Mr. McClellan), that the vote on the Appropriations Committees amendment occur tomorrow at 5 p.m.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

ORDER FOR UNFINISHED BUSINESS TO BE LAID ASIDE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the unfinished business is laid aside temporarily tomorrow, it remain in a temporarily laid-aside status until the close of business tomorrow or until the disposition of the Revenue Sharing Act of 1972, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. FANNIN. Mr. President, I move to table the amendment of the Senator from Indiana (Mr. Hartke) as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona.

Mr. FANNIN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arizona to table the amendment of the Senator from Indiana (Mr. Hartke) as amended.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGee) and the Senator from Washington (Mr. Magnuson) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. Fong), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), the Senator from New York (Mr. Javits), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield) and the Senator from Illinois (Mr. Percy) would each vote "nay."

The result was announced—yeas 28, nays 56, as follows:

[No. 396 Leg.]

YEAS—28

Allott
Bellmon
Bennett
Buckley
Byrd, Harry F., Jr.
Cotton
Curtis
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fulbright
Goldwater
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Packwood
Roth
Stennis
Thurmond
Tower
Young

NAYS—56

Aiken
Allen
Baker
Bayh
Beall
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Gambrell
Gravel

Hart
Hartke
Hollings
Humphrey
Inouye
Jackson
Kennedy
Mansfield
Mathias
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—16

Anderson
Cannon
Fong
Griffin
Harris
Hatfield
Hughes
Javits
Magnuson
McGee
McGovern
Metcalf
Mundt
Pell
Percy
Taft

So the motion to lay on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Nevada (Mr. Cannon), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Montana (Mr. Metcalf), and the Senator from Rhode Island (Mr. Pell) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. McGee) and the Senator from Washington (Mr. Magnuson) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. Fong), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), the Senator from New York (Mr. Javits), the Senator from Illinois (Mr. Percy), and the Senator from Ohio (Mr. Taft) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. Hatfield) and the Senator from Illinois (Mr. Percy) would each vote "yea."

The result was announced—yeas 58, nays 26, as follows:

[No. 397 Leg.]

YEAS—58

Aiken
Allen
Allott
Baker
Bayh
Beall
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cranston
Eagleton
Gambrell
Gravel
Hart
Hartke
Hollings
Humphrey
Inouye
Jackson
Kennedy
Mansfield
Mathias
McIntyre
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NAYS—26

Bellmon
Bennett
Buckley
Byrd, Harry F., Jr.
Cotton
Curtis
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fulbright
Goldwater
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Roth
Stennis
Thurmond
Tower
Young

NOT VOTING—16

Anderson
Cannon
Fong
Griffin
Harris
Hatfield
Hughes
Javits
Magnuson
McGee
McGovern
Metcalf
Mundt
Pell
Percy
Taft

So Mr. Hartke's amendment, as amended, was agreed to.

Mr. HARTKE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. RIBICOFF. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Muskie). On behalf of the Vice President and pursuant to Public Law 89-491, the Chair appoints Senator Joseph M. Montoya to be a member of the American Revolution Bicentennial Commission in lieu of Senator John O. Pastore, resigned.

The PRESIDING OFFICER. On behalf of the Vice President, and pursuant to Public Law 91-452, the Chair appoints the following Senators to be members of the Commission on the Review of the National Policy Toward Gambling: John L. McClellan, Howard W. Cannon, Marlowe W. Cook, and Edward J. Gurney.

APPOINTMENT OF CONFEREE

Mr. PASTORE. Mr. President, I ask unanimous consent that the Senator from Washington (Mr. Magnuson) be appointed as a conferee on the bill, H.R. 14989, making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year 1973, vice Senator Allen J. Ellender, deceased.

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9323. An act to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes; and

H.R. 12350. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1463

Mr. HARTKE. Mr. President, I call up my amendment No. 1463, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 61, line 17, strike "and".
>
> On page 61, between lines 20 and 21, insert the following:
>
> "(5) no part of the funds it receives under this subtitle will be expended for the purpose of inducing any business or industry operating in another State or locality to leave that State or locality and transfer its operations to the State or county in which the government receiving such funds is located; and".
>
> On page 61, line 21, strike "(5)" and insert "(6)".
>
> On page 62, between lines 2 and 3, insert the following: "Any person or class of persons harmed, or which demonstrates a reasonable expectation of harm, by an expenditure of funds by a State government or unit of local government contrary to the provisions of paragraph (5) may bring an action in the appropriate district court of the United States, without regard to the amount in controversy or the citizenship of the parties, for such injunctive or other relief as the court may consider appropriate (other than the awarding of any monetary damages)".

Mr. ROBERT C. BYRD. Mr. President. will the Senator from Indiana yield?

Mr. HARTKE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—having cleared this request with the Senator from Louisiana (Mr. Long), the Senator from Indiana (Mr. Hartke), and the Senator from Utah (Mr. Bennett)—that time on amendment No. 1463, now pending, and time on amendment No. 1466, which will be offered immediately following the disposition of amendment No. 1463, be limited to 30 minutes on each, to be equally divided between the Senator from Louisiana (Mr. Long) and the Senator from Indiana (Mr. Hartke).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that time on each remaining rollcall vote today be limited to 10 minutes, with the warning bell to be sounded after the first 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, I would like to state, for the benefit of the Senate, that it is my intention, if we can dispose of these amendments with a relatively short argument, that the entire time would not be necessary.

I repeat the message previously delivered by the distinguished minority leader, which confirms the previous discussions I have had with the administration concerning the two amendments with which we will proceed at this time. The administration said that these amendments have been reviewed by the

Department of Labor as well as the Treasury Department, and the administration considered that these provisions would strengthen the operation of the general revenue-sharing program.

The amendment I have called up at this time provides the assurance that general revenue sharing funds will not be misused to pirate industry from one community to another. It would fly in the face of the intent of this bill if one community with a large amount of available revenue sharing funds were able to lure industry and jobs away from another community.

In 1968, this body curbed an abuse when some local communities extended their full faith and credit to giant corporations, enabling them to float tax-free bond issues in behalf of industrial development. Prior to that action, giant corporations floated bonds of limitless amounts for the construction of new facilities at interest rates far lower than would have been paid if they had gone into the general bond market.

One of the abuses that led this body to act against the practices of unlimited industrial bond financing was the proposal by United States Steel Corp. to finance a facility in Lorain, Ohio, through the sale of $80 million of industrial bonds by the county of Lorain. The magnitude of the loss of tax funds to the Federal Treasury and the erosion of the tax-free bond market spurred us to act. Now we have specific restrictions as to amount and procedure for floating these tax-free bonds for corporate benefit.

Earlier, in 1965, this body also acted under the Economic Development Act to specifically forbid the use of Federal funds in behalf of so-called runaway corporations. That act specifically provided that funds could be used to enlarge a company's operations or provide for expansion of a company into a new territory. However, the legislation sought to prevent a community from receiving Federal funds, developing an industrial park, and then enticing industries from other localities to relocate.

It has been the consistent intent of Congress to curb the practice of industrial piracy wherein either Federal funds are used or the tax-free bond obligations of a local jurisdiction are utilized.

Now we are faced with a situation in the Revenue Sharing Act before us whereby this very abuse could conceivably reoccur. It is possible that the no-strings funds in this legislation may be utilized by a State or a local jurisdiction to establish an industrial park or to offer some special low-tax or no-tax inducement for the purpose of pirating an industry into its locale.

Commonsense dictates that the $30 billion of Federal funds that are being turned over to the States and localities in this legislation must have at least basic Federal guarantees against exploitation and misuse. One such possible misuse—as we have learned in the past—is industrial piracy.

I hope such an abuse will never occur. I hope it is not contemplated by any recipient community, but I do believe that we have the responsibility to specify in this legislation that we do consider industrial piracy an improper use of revenue sharing funds.

Mr. President, the pending Hartke amendment makes that stipulation clear. We should not allow the revenue sharing bill to leave the floor of the Senate without this basic safeguard for the rights of the workers as well as for the rights of a community to protect its industrial base against possible piracy by another locality that is bankrolled by no-strings revenue sharing funds.

Mr. President, I reserve the remainder of my time.

Mr. LONG. I yield myself 5 minutes.

Mr. President, I do not know how Senators individually are going to vote on the revenue sharing bill, but I do know that Senators who have had a chance to discuss this revenue sharing bill with representatives of local governments, with county commissioners, with mayors, and with State legislators have found that if you want their approval say that you are in favor of a revenue sharing bill with no strings attached. This they approve of. It sounded good when President Nixon stated that he wanted no strings other than against discrimination, which, after all, is against the Constitution anyway.

But, Mr. President, the administration, the same men who said they wanted no strings attached, have already attached two. One to assure that wages paid will be no lower than prevailing wage rates, and a second to add the Davis-Bacon proposition. Now, here comes the third amendment to say that none of this money can be used to attract industry from somewhere else.

Let us look at the situation of a community. They decide that in order to survive, they will have to build a little industrial park. Theoretically, if whoever comes in had a plant nowhere else, and he is not moving anywhere, then apparently he has complied with the third Hartke amendment; but, on the other hand, how would they know?

It may be that the company is expanding its facility. How would one decide whether it is just moving one machine, or moving a whole plant? That type of thing, Mr. President, would be the subject of litigation. This amendment would give rise to taxpayer lawsuits, and would tie the money up in litigation. This is one more string that would require more auditing and more questions asked about whether you could or could not use the money for industrial parks. Of course, all of that is contrary to the philosophy of the bill, that this ought to be of some help to State and local governments which they can count on to use for whatever they might need.

Some of these communities might be badly distressed, with a lot of people out of work, needing to find somebody to locate there. Some of them may need a payroll 10 times as badly as the area from which a machine might be moved.

As I say, Mr. President, this is one more basis for trying to trace the funds, trying to audit the funds, trying to check on them, and trying to put in more strings. And this will not be the end of it, either. The same Senator, the Senator from Indiana, has another amendment behind this one to say that if even a nickel of the revenue-sharing money goes into an urban transit system, there will be more strings that have to be obeyed.

In addition to the strings that applied when the Federal Government was going to make grants to pay for the entire cost, or 80 percent of the cost, of urban mass transit improvement, now we are told that if even a nickel of this revenue-sharing money goes to repair a local trolley car or to an urban transit system, the towns have to comply with all the strings and conditions that exist in the Urban Transit Act.

Mr. President, if Senators do not want revenue sharing, I suggest that the thing to do is vote for one amendment, and then another, each appealing on the face of it, but which add up to so much auditing and so many strings that the poor local people will have to throw up their hands and say, "We had best just forget about it."

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. AIKEN. Is it the Senator's argument that if a community uses this revenue, or the share allocated to it, to improve its roads and schools and fire department, to improve the community, and, as a result, an industry moves in from another State and locates in that community, would that be a violation of the law as proposed in this Hartke amendment?

Mr. LONG. No, I think it is really intended to apply only in a situation where something well beyond ordinary services is provided to a particular industry. But there are all kinds of problems that arise even in connection with that.

For example, if you give them any more police protection than ordinarily provided, someone could file a taxpayer lawsuit and throw the whole procedure into litigation.

Mr. AIKEN. Do not all communities frequently expend funds to improve their localities, with the express purpose of inducing industries to locate there?

Mr. LONG. Of course they do.

Mr. AIKEN. If industries came over the border from another State, it seems to me it could constitute a violation of the law as proposed in this amendment.

Mr. LONG. Of course they do, and of course that opens up the basis for a taxpayer suit, which is expressly authorized by the amendment, to start arguing about the matter, whether this industry is actually coming from somewhere else or whether it is a new industry in fact. And whether, if it came from somewhere else, it was induced to do so by the use of revenue sharing funds. It is one more complication, one more string.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LONG. I yield myself 2 more minutes.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. Along the same line,

suppose a community takes space in a newspaper in the metropolitan city in the State, saying, "We want new industry," and suppose some inquiries develop. And without building an industrial park or without investing money in bricks and mortar, a new industry comes as a result of the advertising. Would that subject a community to the same prohibition?

Mr. LONG. I am sure the Senator did not intend it, but a taxpayer lawsuit could challenge it and could tie up the revenue sharing money and any other money involved with it, on the theory that it is all a violation of a Federal law to do anything of that sort.

Mr. BENNETT. As a matter of fact, if, under any circumstances, any new industry moved into the community and the community was using revenue sharing funds for any purposes, you have the basis at least of a delaying action to the point where the industry would say, "We can't wait around for that. We'll go somewhere else."

Mr. LONG. That could very well happen, even though the case might ultimately be lost. It could tie them up in court quite a while, trying to prove this was not an industry moving from somewhere, that it was a new enterprise or an expansion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARTKE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 10 minutes, and the Senator from Louisiana has 8 minutes.

Mr. HARTKE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. LONG. I yield back the remainder of my time.

Mr. HARTKE. I would like to make one comment. The administration has approved of this amendment.

I yield back the remainder of my time.

Mr. LONG. Mr. President, when we agreed to yield back the time, the Senator wanted to make a further statement, and now I think I ought to do so.

There is no limit to the strings that the mind of man can conceive to place on this bill. While we were thinking about the bill, even before we could discuss it with the administration witnesses, I thought of a half dozen very desirable strings that could be added. I was persuaded to drop the whole idea only because the more I talked to the mayors and the State legislators and the county commissioners and the Governors and everybody concerned with local governments, the more I became convinced that even though it might be a good idea that people should not do one thing and another, the less desirable it appeared to try and regulate them in this bill. By the time we would get through putting all these strings on this bill, with all the good things I could think of that people should not do and should do, and all the good things the House Members can think of, which we took out of the bill, desirable though they may be, the bill would be unworkable. In the last analysis, if you believe in revenue sharing as a concept, you ought to have some faith and confidence that a local government would know how to spend the money. If you do not have any faith in local government or State government, you ought to vote against revenue sharing and have nothing to do with it. If you are for the concept of sharing some revenue, on the theory that the people in the local community ought to know better how to spend it than we would, then you ought not vote to add these strings, each of which has some appeal. By the time Congress gets through putting strings on it, not just the first time but the second and third times, you would wish you never heard of the idea.

You can see these amendments—they are added in the Senate; it cannot be done in the House—march in: Here is Davis-Bacon, here is urban transit, here is a condition labor would like to have to give them a little advantage in negotiating a good contract, here is something this group wants, and here is something somebody else wants. And you want to make sure they do not use the money to give the mayor a pay raise.

So many strings can be added to it that they negate the whole thought, which is that the Federal Government has taxed away so much money from the people at the local government levels that we ought to send some back.

Mr. BENNETT. Mr. President, will the Senator yield me 2 minutes?

Mr. LONG. I yield.

Mr. BENNETT. This amendment is very loosely drawn. It depends on the word "inducing." If the amendment said that none of these funds could be used to subsidize an industry brought in from the outside, that would be one thing. But to say that it cannot be used to induce, it means, if you want to go to the limit, that the mayor cannot talk with anybody in business on the outside and suggest, "We have a fine place here," because part of the mayor's salary may have been paid for out of revenue sharing funds.

I can understand the principle behind this thing, but it is so loosely drawn that if a recalcitrant taxpayer really got his back up, he could almost stagnate the operation of that community whenever any official made a move to try to persuade somebody to come in and go into business in the town. I think that for that reason the amendment should be defeated.

Mr. HARTKE. Mr. President, how much time remains to both sides?

The PRESIDING OFFICER. The Senator from Indiana has 10 minutes, and the Senator from Louisiana has 3 minutes.

Mr. HARTKE. Mr. President, I yield back the remainder of my time, with no further statements of any kind.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Indiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE) would vote "yea."

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 26, nays 56, as follows:

[No. 398 Leg.]

YEAS—26

Bayh
Burdick
Case
Church
Cranston
Eagleton
Hart
Hartke
Humphrey
Inouye
Jackson
Kennedy
Mansfield
McIntyre
Mondale
Montoya
Moss
Nelson
Pastore
Proxmire
Ribicoff
Schweiker
Stevens
Symington
Tunney
Williams

NAYS—56

Aiken
Allen
Allott
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fulbright
Gambrell
Gravel
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
Miller
Muskie
Packwood
Pearson
Randolph
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevenson
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—18

Anderson
Bellmon
Cannon
Fong
Goldwater
Griffin
Harris
Hatfield
Hughes
Javits
Magnuson
McGee
McGovern
Metcalf
Mundt
Pell
Percy
Taft

So Mr. HARTKE's amendment (No. 1463) was rejected.

AMENDMENT NO. 1466

Mr. HARTKE. Mr. President, I call up my amendment No. 1466 and ask that it be stated.

The PRESIDING OFFICER (Mr. HART). The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record.

The text of the amendment is as follows:

On page 63, between lines 16 and 17, insert the following:

(d) Conditions Applicable To Use of Revenue Sharing Funds for Urban Mass Transportation Projects for Which Other Federal Financial Assistance Is Available.—

(1) In General.—The terms and conditions applicable under section 3(e)(4) of the Urban Mass Transportation Act of 1964 to any expenditure by a State government or unit of local government for a purpose for which a grant of money or other assistance is available under that Act shall apply, under regulations prescribed by the Secretary, to any expenditure for such purpose out of funds received under this subtitle by a State government or unit of local government.

(2) Enforcement.—If the Secretary determines that a State government or unit of local government has failed to comply with the provisions of paragraph (1), he may withhold payments to that government in accordance wtih the provisions of subsection (b). Any person or class of persons harmed, or demonstrating a reasonable expectation of harm, by an expenditure of funds by a State government or unit of local government in violation of the provisions of paragraph (1) may bring an action in the appropriate district court of the United States, without regard to the amount in controversy or the citizenship of the parties, for such injunctive or other relief as the court may consider appropriate (other than the awarding of any monetary damages).

(3) Regulations.—Within 90 days after the date of enactment of this Act, the Secretary shall, by regulation, issue a catalog of purposes and projects to which this subsection applies setting forth the terms and conditions which, under paragraph (1), are applicable to expenditures under this subtitle.

Mr. HARTKE. Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, this is the final amendment I intend to call up tonight.

The amendment requires compliance with the labor protection provisions of the Urban Transportation Act in urban transportation projects financed or assisted by Federal funds generated through the Revenue Sharing Act of 1972. This amendment meets the need for legislative equity and administrative order, as well as maintaining the integrity and credibility of laws passed by Congress. There should be no opportunity left for the possibility of bypassing the declared policy of the United States as expressed by previous acts of Congress.

As a result of extensive hearings and debate in 1963–64, Congress determined that the public interest would best be served by providing for the protection of existing employee interests affected by transit projects financed by Federal funds. These legislative requirements were originally enacted in the Urban Mass Transportation Act of 1964. The arrangements contained therein have been affirmed and reaffirmed by Congress over the years by periodic congressional review of the Urban Mass Transportation Act and the inclusion of similar provisions in the High-Speed Ground Transportation Act, and in the Washington Metropolitan Transportation Compact. Through this process of review and reaffirmation, these protective arrangements have achieved basic nonpartisan acceptance. Including and reiterating this national policy in the Revenue Sharing Act of 1972 would assure that the possibility of a double standard treatment of projects by applicants and/or by the administration would be avoided.

More than 500 such protective arrangements in projects involving almost $4 billion have been certified by the Secretary of Labor since the enactment in 1964. Thousands of workers have retained precious retirement benefits, job security, insurance, hospital and medical coverage, and other valuable rights and benefits. Conversely, failure to reaffirm in this legislation the national policy requiring compliance with recognized labor protections would deprive more than 100,000 workers in the transit industry of basic rights and interests, including not only their rights of organization and collective bargaining, but also pension rights accumulated after long years of struggle and financial sacrifice.

Unfortunately, the good faith of the parties cannot be relied upon to carry out the laws of the country. For instance, one city, which was able to obtain Federal funds from sources other than the Urban Mass Transportation Act, took over the local transit system. It then proceeded to deprive employees of all of their rights and benefits, including destruction and enforced liquidation of a funded pension plan which many retirees and workers approaching retirement age were counting on. Because Federal funds were available which did not assure basic employee protections, such as are now provided for in the Urban Mass Transportation Act of 1964, that city's administration callously destroyed the hard-won rights and benefits of employees who had earned them after a lifetime of service to the public. There are far too many similar examples to let this need go unanswered.

Mr. President, the Senate will make a substantial contribution to public order, to the avoidance of conflict, to administrative and legislative equity, by setting forth these clear-cut guidelines in the public interest. That is the intent of the pending amendment. I urge its adoption.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HARTKE. I will be glad to yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I am pleased to see that the Senator from West Virginia, the chairman of the Public Works Committee (Mr. Randolph), is on the floor. Of course, I know that the Mass Transportation Act was not reported from the Public Works Committee. It was reported from the Committee on Commerce. However, we have some joint jurisdiction.

I will ask this question first. I am familiar with section 3(e)(4), which relates to workers. And it is applicable to the Mass Transportation Act.

Does the Senator intend that those provisions applying to the Mass Transportation Act shall apply, as the language states on page 2, "for a purpose for which a grant of money or other assistance is available under that act" to any project for which the revenue-sharing funds may be used, the same as under the Mass Transportation Act?

Mr. HARTKE. No. If the funds are available under the Mass Transportation Act, it would apply if revenue-sharing funds are used to acquire a mass transportation system.

Mr. COOPER. What are some of those purposes? Is the Senator talking about the Philadelphia plan?

Mr. HARTKE. No. We are talking about the guarantee of pension rights and employee rights.

Mr. COOPER. If any of these funds are used under the Mass Transportation Act, the same rules would apply, would they not?

Mr. HARTKE. I think they would. I just want to make sure that they would.

Mr. COOPER. I have listened to the Senator's statement, and with all due deference, I could not determine what the specific purpose was.

Mr. HARTKE. I think the Senator from Kentucky may be entirely right. What he is saying is that the Mass Transportation Act would apply under any circumstances. I think he is right. I want to make sure that it is covered in this bill and that is the purpose of the amendment.

Mr. COOPER. That is if it is related only to the Mass Transportation Act. However, I do not want to be redundant.

Mr. HARTKE. All I am doing is trying to make sure that the provisions of that act will apply. If they apply anyway, it does no harm to make sure that we do it through this amendment.

Mr. LONG. Mr. President, the Finance Committee was not the committee that handled the Urban Mass Transportation Act. However, we did have the opportunity, as all other Senators did, to sit on the floor and vote on amendments and hear them explained to us insofar as we could escape other legislative duties during that time. And the best way that I can understand this problem is that we were asked by the union leaders—and a majority of the Members complied with their urging in this regard—to include first one condition and then another condition in there to protect union labor.

That was fine with us. We undertook to protect the pension rights and the other rights. I do not have them all before me. They were not timid about making demands, and I applaud them for that, because they are not supposed to be timid when speaking for those whom they represent. If a city is going to take over a private transportation system and operate it and guarantee all of the pension rights that the employees were guaranteed, that was all right with me. And it also seemed all right to most Senators, because this involved funds we were appropriating out of Federal money, and if these companies were going to pay for these things, why should we not do these various things for labor if we think it desirable?

However, the Senator would provide that if $1 of this money were going to pay the mayor's salary and the mayor would be in charge of operating that company that went broke, he will have to do all of these things that we put in the Mass Transportation Act, and the Federal Government will have to pay for it. That is an entirely different matter. It is the same principle as where the contribution might be only 1 percent or average out to 5 percent of the cost of operating the city government or county government. We are now asked to make them comply with all the conditions in the Mass Transportation Act if any of that money whatever, directly or indirectly, finds its way into the bus system or any other transit system in the city, for that matter.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HARTKE. Mr. President, that is not the case. This deals only with the acquisition of a company. For example, if the city government through revenue-sharing should apply those funds to a bus company, it should meet all of the conditions which that bus company had to meet.

Mr. LONG. That is fine if the Federal Government is paying the money under the Urban Mass Transportation Act to acquire a bus system. However, if the city is obligating itself to take over a system because the operator went broke—and maybe the reason for going broke was because he undertook to do so many things for labor that it bankrupted him—and we are only contributing about 1 percent at best under the revenue proposal, I think it unreasonable to impose these conditions. It would be a reasonable proposal if the Federal Government was going to pick up all or most of the cost. It would become an unreasonable proposal when the Federal Government is going to pay for 5 percent or maybe for 1 percent of the cost of taking over this transportation system.

Mr. HARTKE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HARTKE. Mr. President, I want to make two things clear. One of them is that it is not the way the Senator said, and the second is that it deals with the city where funds are applicable under the Mass Transportation Act.

Mr. LONG. What we are saying in the principle of this amendment is somewhat like the principle the Senator was advocating in the case of the other amendment. If we in Congress pass these Federal laws at the urging of these groups, it means that if we are going to spend any other money for education, we have to comply with all the requirements we put in the education laws, and if we spend any more money for highways, we have to comply with all the requirements we put in the highway legislation.

All we are going to pay is 5 percent, but they would still have to comply with all the different requirements. When we talk about the Federal Government paying all or 50 percent of the cost, that is one matter, but where the Federal Government might not be paying any of it, people might be taken to court. The local government's books would have to be audited about whether a single revenue sharing nickel was allowed to get into the trolley car system, and the highway system, I suppose. All of this was a good idea when we voted on Federal aid highways. But now the Senator wants to make all of this apply even though the Federal Government might only be paying 5 percent of the money and to me that is an unreasonable proposition.

The most unpopular thing that one can do is to go before the county commissioners or the State legislature and make a speech and say, "I voted to add conditions, and I found a whole bunch of good ideas I voted to impose on you." Frankly, I believe I can beat this one. I have thought of half a dozen conditions to put on this one that would beat it to death. For instance, put a referendum on it and have everyone vote whether to use the money this way or that way. That would be a far better amendment than we have here to comply with all the conditions of the Mass Transit Act, if the city takes over the bus system because it went broke.

While these strings may be good, they impose a heavy burden in many cases when all the city is getting is perhaps 1 percent, 2 percent, or 5 percent from the Federal Government to share the burden of the cost.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. I think the implication of this amendment is that the Federal Mass Transit Act is faulty. It does not do its job. Therefore, we must take this completely unrelated bill and strengthen the Mass Transit Act by imposing an additional burden on the local community. If all these problems exist they should be taken care from the point of view of the Mass Transit Act and not from this point of view.

Mr. LONG. It is perfectly all right with me to impose these conditions that the Senator from Indiana wants, if we are paying for it, but this is a very unreasonable condition. It means that every mayor, every county commissioner, governor, and State head has to study these conditions. We have not heard the end of it when Senators have meritorious ideas telling counties and cities how to operate.

Mr. President, I hope the amendment is not agreed to.

Mr. HARTKE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. HARTKE. Mr. President I just want to say that what we are trying to do here is to make sure we do not have two parts of the Federal Government doing two different things. We are trying to provide the means under the Mass Transit Act to provide funds for the cities for the acquisition of these transit systems. If they do acquire them, with funds appropriated under the Mass Transit Act, the law provides that the people working there shall not be deprived of their rights. I am saying that it makes good sense to provide the same basic protection for those employees when their rights are involved in an acquisition with Federal funds provided by revenue sharing. This is 100-percent Federal money. We are talking about acquisition and not operation. If we are going to take Federal funds from revenue sharing and acquire the interest of, say, O. Roy Chalk in town, the rights of D.C. Transit employees should not be abrogated.

If it is good in one case it is good in another case.

Mr. President, has the time expired on the other side? If it has, I am prepared to yield back my time.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. LONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Louisiana has 9 minutes remaining and the Senator from Indiana has 7 minutes remaining.

Mr. HARTKE. I yield for a question.

Mr. MILLER. Mr. President, I merely want to make clear what this section 3 (e)(4), referred to in line 6, page 1 of the Senator's amendment is. Is that the acquisition of a transit facility?

Mr. HARTKE. Yes.

Mr. MILLER. In other words, the amendment goes only to the acquisition. Is that correct?

Mr. HARTKE. Yes.

Mr. MILLER. I thank the Senator.

Mr. HARTKE. As the Senator from Kentucky said a while ago, it is a question of whether this legislation is needed. We want to make sure that the labor protectives in the mass transit act apply to acquisitions made with revenue-sharing funds.

Mr. LONG. Mr. President, under the Senator's logic we can take every desirable condition that has been put on aid to education from the kindergarten to a postgraduate degree and say if 1 nickel of revenue-sharing money finds its way into the schools, colleges, or kindergartens they must comply with all of those conditions. When you put those conditions on they must pay the cost to comply. Here we say if even 1 nickel of revenue sharing gets into the hospital, for instance, it must comply with all of the conditions of the Hill-Burton Act; if 1 nickel gets into the highway program all of the conditions on Federal aid to highways must be met. We have standards for the construction of sewers. The county would have to comply with all the Federal standards for the construction of a sanitary system. If they want to put in a day care center, they would have to comply with all the Federal conditions for day care centers. The problem is there are so many conditions that the local governments could not comply with all of them without a tremendous burden, if they were to get even 1 nickel of revenue-sharing money.

Those examples are just as logical as someone's union rights. There is no end to the conditions the minds of men could conceive along this line. If Senators are against the bill, they should vote for the amendment. These are the kinds of things that everybody agrees will kill revenue sharing—or the sorts of conditions that local governments would find it difficult to comply with.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Is all time yielded back?

Mr. HARTKE. Mr. President, these amendments were not thought up in the dark. We discussed them with the Treasury. They informed the Senate through the Senator from Pennsylvania (Mr. SCOTT) that it was their considered judgment that they would strengthen the operation of the general revenue-sharing program.

I hope that in the interest of bipartisanship this amendment can be agreed to.

The PRESIDING OFFICER (Mrs. EDWARDS). All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Indiana. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Nevada (Mr. CANNON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Rhode Island (Mr. PELL), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

Mr. SCOTT. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), and the Senators from Ohio (Mr. TAFT and Mr. SAXBE) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Illinois (Mr. PERCY) would each vote "nay."

The result was announced—yeas 27, nays 54, as follows:

[No. 399 Leg.]

YEAS—27

Bayh
Brooke
Case
Church
Cranston
Eagleton
Gravel
Hart
Hartke
Humphrey
Inouye
Jackson
Kennedy
Mansfield
Mathias
Mondale
Montoya
Moss
Pastore
Proxmire
Ribicoff
Schweiker
Scott
Stevenson
Symington
Tunney
Williams

NAYS—54

Aiken
Allen
Allott
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fulbright
Gambrell
Gurney
Hansen
Hollings
Hruska
Jordan, N.C.
Jordan, Idaho
Long
McClellan
McIntyre
Miller
Muskie
Nelson
Packwood
Pearson
Randolph
Roth
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—19

Anderson
Bellmon
Cannon
Fong
Goldwater
Griffin
Harris
Hatfield
Hughes
Javits
Magnuson
McGee
McGovern
Metcalf
Mundt
Pell
Percy
Saxbe
Taft

So Mr. HARTKE's amendment (No. 1466) was rejected.

Mr. LONG. Madam President, I move to reconsider the vote by which the amendment was rejected.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Madam President, there will be no more rollcall votes tonight.

ORDER FOR ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that on tomorrow, immediately after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY BEFORE THE SENATE THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that immediately following the period for the transaction of routine morning business tomorrow, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO PERMIT THE SWITCHING OF TRACKS TOMORROW

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that it be in order, at no later than 1 o'clock p.m. tomorrow, for the distinguished majority leader or his designee to lay aside the unfinished business and call up the second track item, the revenue-sharing bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. ROBERT C. BYRD. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 976.

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate the amendment of the House of Representatives to the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, which is to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Motor Vehicle Information and Cost Savings Act".

DEFINITIONS

SEC. 2. For the purpose of this Act:

(1) The term "passenger motor vehicle" means a motor vehicle with motive power, designed for carrying twelve persons or less, except a motorcycle, trailer, or multipurpose passenger vehicle.

(2) The term "multipurpose passenger vehicle" means a motor vehicle with motive power designed to carry twelve persons or less, which is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) The term "passenger motor vehicle equipment" means any system, part or component of a passenger motor vehicle as originally manufactured or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory, or addition to a passenger motor vehicle.

(4) The term "property loss reduction standard" means a minimum performance standard established for the purpose of increasing the resistance of passenger motor vehicles or passenger motor vehicle equipment to damage resulting from motor vehicle accidents or for the purpose of reducing the cost of repairing such vehicles or such equipment damaged as a result of such accidents.

(5) The term "bumper standard" means any property loss reduction standard the purpose of which is (A) to eliminate or reduce substantially physical damage to the front or rear ends (or both) of a passenger motor vehicle resulting from a low-speed collision (including but not limited to a low-speed collision with a fixed barrier), or (B) to reduce substantially the cost of repair of the front or rear ends (or both) of such a vehicle when damaged in such a collision; but such a standard may not specify a specific dollar amount for the cost of repair of a vehicle damaged in such a collision.

(6) The term "manufacturer" means any person engaged in the manufacturing or assembling of passenger motor vehicles or passenger motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(7) The term "make" when used in describing a passenger motor vehicle means the trade name of the manufacturer of that vehicle.

(8) The term "model" when used in describing a passenger motor vehicle means a category of passenger motor vehicle based upon the size, style, and type of any make of passenger motor vehicle.

(9) The term "motor vehicle accident" means an accident arising out of the operation, maintenance, or use of a passenger motor vehicle or passenger motor vehicle equipment.

(10) The term "Secretary" means the Secretary of Transportation.

(11) The term "insurer of passenger motor vehicles" means any person engaged in the business of issuing (or reinsuring, in whole or part) passenger motor vehicle insurance policies.

(12) The term "damage susceptibility" means susceptibility to physical damage incurred by a passenger motor vehicle involved in a crash or collision.

(13) The term "crashworthiness" means the protection that a passenger motor vehicle affords its passengers against personal injury or death as a result of a crash or collision.

(14) The term "motor vehicle" means any vehicle driven or drawn by mechanical power manufactured primarily for use on the public streets, roads, and highways, except any vehicle operated exclusively on a rail or rails.

(15) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(16) The term "interstate commerce" means commerce between any place in a State and any place in another State, or between places in the same State through another State.

(17) The term "United States district courts" means the Federal district courts of the United States and the United States courts of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Canal Zone, and American Samoa.

(18) The term "person" means any individual, association, corporation, or institution.

TITLE I—BUMPER STANDARDS

FINDINGS AND PURPOSE

SEC. 101. (a) The Congress finds that it is necessary to reduce the economic loss resulting from damage to passenger motor vehicle accidents.

(b) It is the purpose of this title to reduce the extent of such economic loss by providing for the promulgation and enforcement of bumper standards.

SETTING OF STANDARDS

SEC. 102. (a) The Secretary shall, by rule, promulgate bumper standards for passenger motor vehicles or passenger motor vehicle equipment manufactured in the United States or imported into the United States, other than passenger motor vehicles or items of passenger motor vehicle equipment which are intended solely for export (and are so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which are exported. Any such standard shall seek to obtain the maximum feasible reduction of costs to the public and to the consumer, taking into account:

(1) the cost of implementing the standard and the benefits attainable as the result of implementation of the standard;

(2) the effect of implementation of the standard on the cost of insurance and prospective legal fees and costs;

(3) savings in terms of consumer time and inconvenience; and

(4) considerations of health and safety, including emission standards.

(b) Bumper standards under this title shall not conflict with motor vehicle safety standards promulgated under title I of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391, et seq.).

(c) In promulgating any standard the Secretary may for good cause shown exempt any make, model, or class of passenger motor vehicle manufactured for a special use, including occassional off-road operation, if such standard would unreasonably interfere with the special use of such passenger motor vehicle.

(d) The Secretary shall establish the effective date of any bumper standard when finally promulgating the standard, and such standard shall apply only to passenger motor vehicles or passenger motor vehicle equipment manufactured on or after such effective date. Such effective date shall not be—

(1) earlier than the date on which such standard is finally promulgated, or

(2) later than eighteen months after final promulgation of the standard unless the Secretary presents to Congress and publishes a detailed explanation of the reasons for such later effective date.

In no event shall the Secretary establish an effective date which is earlier than July 1, 1973.

(e)(1) All rules establishing, amending, or revoking a bumper standard under this title shall be issued pursuant to section 553 of title 5 of the United States Code, except that the Secretary shall give interested persons an opportunity for oral presentation of data, views, or arguments, and the opportunity to make written submissions. A transcript shall be kept of any oral presentation.

(2) The Secretary may also conduct a hearing in accordance with such conditions or limitations as he may make applicable thereto, for the purpose of resolving any issue of fact material to the establishing, amending, or revoking of a bumper standard.

JUDICIAL REVIEW

SEC. 103. (a) Any person who may be adversely affected by any rule issued under section 102 of this title may at any time prior to sixty days after such rule is issued file a petition with the United States Court of Appeals for the District of Columbia, or any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or his delegate. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his rule, as provided in section 2112 of title 28, United States Code.

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in a hearing, in such manner and upon such terms and conditions as the court may deem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his rule, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a) of this section, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(d) The judgment of the court affirming or setting aside, in whole or in part, any such rule of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(e) The remedies provided for in this subsection shall be in addition to and not in lieu of any other remedies provided by law.

POWERS OF THE SECRETARY

SEC. 104. (a)(1) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(2) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to any function of the Secretary under this title.

(3) The Secretary is authorized to require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe.

(4) Any of the district courts of the United States within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(b) All information reported to or otherwise obtained by the Secretary or his representative under this title which information contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code, shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this section shall authorize the withholding of information by the Secretary or any officer or employee under his control from the duly authorized committees of the Congress.

(c)(1) The Secretary is authorized to request from any department, agency, or instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such information to the Department of Transportation upon request made by the Secretary.

(2) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title.

(d) The Secretary shall conduct such research as is necessary for him to carry out his functions under this title.

INSPECTION AND CERTIFICATION

SEC. 105. (a) Every manufacturer of passenger motor vehicles or of passenger motor vehicle equipment shall establish and maintain such records, make such reports, and provide such items and information, including the supplying of vehicles or equipment for testing, as the Secretary may reasonably require to enable him to determine whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title and shall, upon request of an officer or employee duly designated by the Secretary, permit such officer or employee to inspect vehicles and appropriate books, papers, records, and documents relevant to determining whether such manufacturer has acted or is acting in compliance with this title and bumper standards prescribed pursuant to this title. Such manufacturer shall make available all such items and information in accordance with such reasonable rules as the Secretary may prescribe.

(b) For purposes of enforcement of this title, officers or employees duly designated by the Secretary, upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge, are authorized (1) to enter any factory, warehouse, or establishment in which passenger motor vehicles or passenger motor vehicle equipment is manufactured, or held for introduction into interstate commerce or are held for sale after such introduction; and (2) to inspect such factory, warehouse, or establishment. Each such inspection shall be conducted at reasonable times and in a reasonable manner and shall be commenced and completed with reasonable promptness.

(c) (1) Every manufacturer or distributor of a passenger motor vehicle or an item of passenger motor vehicle equipment shall furnish to the distributor or dealer at the time of delivery of such vehicle or item of equipment by such manufacturer or distributor a certification that each such vehicle or item of equipment conforms to all applicable Federal bumper standards.

(2) Paragraph (1) of the subsection shall not apply to any passenger motor vehicle or item of passenger motor vehicle equipment which is intended solely for export (and is so labeled or tagged on the vehicle or equipment itself and on the outside of the container, if any) and which is exported.

PROHIBITED ACTS

SEC. 106. (a) No person shall—

(1) manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States, any passenger motor vehicle or passenger motor vehicle equipment manufactured on or after the date any applicable Federal bumper standard takes effect under this title unless it is in conformity with such standard;

(2) fail to keep specified records or refuse access to or copying of records, or fail to make reports or provide items or information, or fail or refuse to permit entry or inspection, as required under this title or any rule issued thereunder; or

(3) (A) fail to furnish a certificate required by section 105(c), or (B) issue a certificate required by such subsection to the effect that a passenger motor vehicle or passenger motor vehicle equipment conforms to all applicable bumper standards, if such person knows, or in the exercise of due care has reason to know, that such certificate is false or misleading in a material respect.

(b) (1) Paragraph (1) of subsection (a) shall not apply to the sale, the offer for sale, or the introduction or delivery for introduction in interstate commerce of any passenger motor vehicle or any passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale. Nothing contained in this paragraph shall be construed as prohibiting the Secretary from promulgating any standard which requires vehicles or equipment to be manufactured so as to perform in accordance with the standard over a specified period of operation or use.

(2) Paragraph (1) of subsection (a) shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that the vehicle or item of equipment is not in conformity with applicable bumper standards or to any person who, prior to such first purchase, holds a certificate issued under section 105(c) to the effect that the vehicle or item of equipment conforms to all applicable Federal bumper standards, unless such person knows that such vehicle or such equipment does not so conform.

(3) A passenger motor vehicle or passenger motor vehicle equipment offered for importation in violation of paragraph (1) of subsection (a) shall be refused admission into the United States under joint regulations issued by the Secretary of the Treasury and the Secretary; except that the Secretary of the Treasury and the Secretary may, by such regulations, provide for authorizing the importation of such vehicle or equipment into the United States upon such terms and conditions (including the furnishing of a bond) as may appear to them appropriate to insure that any such vehicle or such equipment will be brought into conformity with any applicable Federal bumper standard prescribed under this title, or will be exported or abandoned to the United States.

(4) The Secretary of the Treasury and the Secretary may, by joint regulations, permit the temporary importation of any passenger motor vehicle or passenger motor vehicle equipment after the first purchase of it in good faith for purposes other than resale.

(c) Compliance with any Federal bumper standard issued under this title does not exempt any person from any liability under statutory or common law.

ENFORCEMENT

SEC. 107. (a) Whoever violates subsection (a) of section 106 may be assessed a civil penalty of not to exceed $1,000 for each violation. With respect to violations of paragraph (1) or (3) of subsection (a) of section 106, a separate violation is committed with respect to each passenger motor vehicle or each item of passenger motor vehicle equipment which fails to conform to an applicable bumper standard or for which a certificate is not furnished or for which a misleading or false certificate is issued; except that the maximum civil penalty shall not exceed $400,000 for any related series of violations.

(b) (1) Upon petition by the Secretary or by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title, or to restrain the sale, offer for sale, or the introduction or delivery for introduction in interstate commerce, or the importation into the United States, of any passenger motor vehicle or passenger motor vehicle equipment which is determined, prior to the first purchase of such vehicle or such equipment in good faith for purposes other than resale, not to conform to applicable bumper standards prescribed pursuant to this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views, and, except in the case of a knowing and willful violation, shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of this title, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(3) Actions under paragraph (1) of this subsection and under subsection (a) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

(4) In any actions brought under paragraph (1) of this subsection and under subsection (a) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.

CIVIL ACTION

SEC. 108. (a) Any owner of a passenger motor vehicle who sustains damages as a result of a motor vehicle accident because of noncompliance with any applicable bumper standard may bring a civil action against the manufacturer of that vehicle in the United States District Court of the District of Columbia, or in the United States district court for the judicial district in which that owner resides, to recover the amount of that loss, and in the case of any such successful action to recover that amount, costs and reasonable attorneys' fees shall be awarded to that owner.

(b) Any such action shall be brought within three years of the date on which the damages are sustained.

PUBLIC ACCESS TO INFORMATION

SEC. 109. Subject to section 104(b), copies of any communications, documents, reports, or other information sent or received by the Secretary in connection with his duties under this title shall be made available to any member of the public, upon request, at cost.

EFFECT ON STATE LAWS

SEC. 110. (a) Except as provided in subsection (b) of this section, no State or political subdivision thereof shall have any authority to establish or enforce with respect to any passenger motor vehicle or passenger motor vehicle equipment offered for sale any bumper standard which is not identical to a Federal bumper standard.

(b) (1) Until a Federal bumper standard takes effect with respect to an aspect of performance of a passenger motor vehicle or of an item of passenger motor vehicle equipment, this Act shall not affect the authority of a State to continue to enforce any bumper standard which is applicable to the same aspect of performance of such vehicle or item of equipment and which was in effect or had been promulgated on the date of enactment of this Act.

(2) This section shall not affect the authority given to the Administrator of the Environmental Protection Agency by section 209(b) of the Clean Air Act (42 U.S.C. 1857f-6a(b)).

(3) The Federal Government or the government of any State or political subdivision thereof may establish a bumper standard applicable to vehicles or equipment procured for its own use which is not identical to the Federal standard under section 102 if such requirement imposes an additional or higher standard of performance.

AUTHORIZATION

SEC. 111. There is authorized to be appropriated to carry out this title $5,000,000 for fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

REPORTS

SEC. 112. The Secretary shall report to the Congress and to the President not later than March 31 of each year on the progress in carrying out the purposes of this title. Each such report shall contain a statement of the cost savings that have resulted from the administration of this title, and include such recommendations for further legislative or other action as the Secretary determines may be appropriate.

TITLE II—AUTOMOBILE CONSUMER INFORMATION STUDY

CONSUMER INFORMATION

SEC. 201. (a) During the first year after enactment of this Act the Secretary shall conduct a comprehensive study and investigation of the methods for determining the following characteristics of passenger motor vehicles:

(1) The damage susceptibility of such vehicles.

(2) The degree of crashworthiness of such vehicles.

(3) The characteristics of such vehicles with respect to the case of diagnosis and repair of mechanical and electrical systems which fail during use or which are damaged in motor vehicle accidents.

(b) After reviewing the methods for determining the characteristics enumerated in subsection (a), the Secretary shall make specific recommendations for the further development of existing methods or for the development of new methods.

(c) After the study has been completed the Secretary is authorized and directed to devise specific ways in which existing information and information to be developed relating to (1) the characteristics of passenger motor vehicles enumerated in subsection (a), or (2) vehicle operating costs dependent upon those characteristics (including information obtained pursuant to section 205 of this title), can be communicated to consumers so as to be of benefit in their passenger motor vehicle purchasing decisions.

(d) The Secretary shall compile the information described in subsection (c) and furnish it to the public in a simple and readily understandable form in order to facilitate comparison among the various makes and models of passenger motor vehicles with respect to the characteristics enumerated in subsection (a).

(e) The Secretary, not later than February 1, 1975, shall establish procedures requiring the automobile dealers to provide insurance premium rates to prospective purchasers that would enable the prospective purchasers to compare the difference in costs for auto insurance on the various makes and models of passenger motor vehicles.

ADMINISTRATIVE POWERS

SEC. 202. In order to carry out his functions under this title the Secretary is authorized to—

(1) appoint and fix the compensation of such employees as he deems necessary without regard to the provisions of title 5, United States Code, governing appointment in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed $100 per diem;

(3) contract with any person for the conduct of research and surveys and the preparation of reports; and

(4) appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, such advisory committees, representative of the divergent interests involved, as he deems appropriate for the purposes of consultation with and advice to the Secretary. Members of advisory committees appointed under paragraph (4) of this section, other than those regularly employed by the Federal Government, while attending meetings of such committees or otherwise serving at the request of the Secretary, may be compensated at rates to be fixed by the Secretary but not exceeding $100 per day, and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently. Members of such advisory committees shall, for the purposes of chapter 11, title 18, United States Code, be deemed to be special Government employees.

COOPERATION OF FEDERAL AGENCIES

SEC. 203. (a) The Secretary may request from any department, agency, or independent instrumentality of the Government any information he deems necessary to carry out his functions under this title; and each such department, agency, or independent instrumentality is authorized and directed to cooperate with the Secretary and furnish such information to the Department of Transportation upon request made by the Secretary.

(b) The head of any Federal department, agency, or independent instrumentality may detail, on a reimbursable basis, any personnel of such department, agency, or independent instrumentality to assist in carrying out the duties of the Secretary under this title.

HEARINGS AND PRODUCTION OF DOCUMENTARY EVIDENCE

SEC. 204. (a) For the purpose of carrying out the provisions of this title, the Secretary, or on the authorization of the Secretary, any officer or employee of the Department of Transportation may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, papers, correspondence; memorandums, contracts, agreements, or other records as the Secretary, or such officer or employee, deems advisable.

(b) In order to carry out the provisions of this title, the Secretary or his duly authorized agent shall at all reasonable times have access to, and for the purposes of examination the right to copy, any documentary evidence of any person having materials or information relevant to the study authorized by this title.

(c) The Secretary may require, by general or special orders, any person to file, in such form as the Secretary may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary under this title. Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary with such reasonable period as the Secretary may prescribe.

(d) Any United States district court within the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a subpena or order of the Secretary or such officer or employee issued under subsection (a) or subsection (c) of this section, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(e) Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

(f) Any information which is reported to or otherwise obtained by the Secretary or such officer or employee under this section and which contains or relates to a trade secret or other matter referred to in section 1905 of title 18 of the United States Code shall not be disclosed except to other officers or employees of the Federal Government for their use in carrying out this title. Nothing in the preceding sentence shall authorize the withholding of information by the Secretary (or any officer or employee under his control) from the duly authorized committees of the Congress.

INSURANCE INFORMATION

SEC. 205. (a) Insurers of passenger motor vehicles, or their designated agents, shall, upon request by the Secretary, make such reports and furnish such information as the Secretary may reasonably require to enable him to carry out the purposes of this title.

(b) Such reports and information may include, but shall not be limited to—

(1) accident claim data relating to the type and extent of physical damage and the cost of remedying the damage according to make, model, and model year of passenger motor vehicle, and

(2) accident claim data relating to the type and extent of personal injury according to make, model, and model year of passenger motor vehicle.

(c) In determining the reports and information to be furnished pursuant to subsections (a) and (b) of this section, the Secretary shall—

(1) consider the cost of preparing and furnishing such reports and information;

(2) consider the extent to which such reports and information will contribute to carrying out the purposes of this title; and

(3) consult with such State and insurance regulatory agencies and other agencies and associations, both public and private, as he deems appropriate.

(d) The Secretary shall, to the extent possible, obtain such reports and information from the insurers of passenger motor vehicles on a voluntary basis.

(e) Every insurer of passenger motor vehicles shall, upon request by the Secretary, furnish him a description of the extent to which the insurance rates or premiums charged by the insurer for passenger motor vehicles are affected by the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles. Such insurer shall also furnish the Secretary upon request such information as may be available to such insurer reflecting the effect of the damage susceptibility, crashworthiness, and cost of damage repair and personal injury involved relating to each of the various makes and models of passenger motor vehicles upon risk incurred by insuring each such make and model.

(f) The Secretary shall not, in disseminating any information received pursuant to this section, disclose the name of, or other identifying information about, any person who may be an insured, a claimant, a passenger, an owner, a driver, an injured person, a witness, or otherwise involved in any motor vehicle crash or collision unless the Secretary has the consent of the persons so named or otherwise identified.

(g) The information required by this section shall be furnished at such times and in such manner as the Secretary shall prescribe by regulation or otherwise.

PROHIBITED ACT

SEC. 206. No person shall fail or refuse to furnish the Secretary with the data or information requested by him under this title.

INJUNCTIVE RELIEF

SEC. 207. Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to

the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of section 206. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views and shall afford him reasonable opportunity to achieve compliance. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief. Paragraphs (3) and (4) of section 107(b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

CIVIL PENALTY

SEC. 208. (a) Whoever violates section 206 shall be subject to a civil penalty of not to exceed $1,000 for each violation. A violation of section 206 shall constitute a separate violation with respect to each failure or refusal to comply with a requirement thereunder; except that the maximum civil penalty under this subsection shall not exceed $400,000 for any related series of violations.

(b) Any civil penalty under this section may be compromised by the Secretary. In determining the amount of such penalty, or the amount agreed upon in compromise, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(c) Paragraphs (3) and (4) of section 107 (b) shall apply to any action under this section in the same manner as they apply to actions under section 107.

APPROPRIATIONS AUTHORIZED

SEC. 209. There are hereby authorized to be appropriated to carry out the provisions of this title $3,000,000 per fiscal year for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.

TITLE III—DIAGNOSTIC INSPECTION DEMONSTRATION PROJECTS

POWERS AND DUTIES

SEC. 301. (a) The Secretary shall establish motor vehicle diagnostic inspection demonstration projects, inspections under which shall commence not later than January 1, 1974.

(b) To carry out the program under this title, the Secretary shall—

(1) make grants in accordance with subsection (c) and furnish technical assistance to States; and

(2) consult with the Administrator of the Environmental Protection Agency.

(c) (1) Any demonstration project under this title shall be conducted by, or under supervision of, a State in accordance with the application of the State submitted under section 303, and may provide for the performance of diagnostic inspection services either by public agencies or by private organizations, but no person may perform diagnostic inspection services for profit under any such program.

(2) Not less than five nor more than ten demonstration projects may be assisted by the Secretary under this title. No more than 50 per centum of the projects so assisted may permit diagnostic inspection services to be performed under the project by any person who also provides automobile repair services or who is affiliated with, controls, is controlled by, or is under common control with, any person who provides automobile repair services.

ELIGIBILITY AND CRITERIA

SEC. 302. (a) A State may be eligible for grants or other assistance under this title if the Secretary determines on the basis of an application by such State that such State will undertake a motor vehicle diagnostic inspection demonstration project which meets the requirements of subsection (b) of this section.

(b) (1) A motor vehicle diagnostic inspection demonstration project shall be designed, established and operated to conduct periodic safety inspections of motor vehicles pursuant to criteria established by the Secretary by regulation and emission inspections pursuant to criteria established by the Secretary by regulation in consultation with the Administrator of the Environmental Protection Agency.

(2) Such project shall require an additional inspection of any motor vehicle subject to the demonstration (as determined by the Secretary)—

(A) whenever the title to such motor vehicle is transferred to another person unless the transfer is for the purpose of resale; and

(B) whenever such motor vehicle sustains substantial damage to any safety-related or emission-related system or subsystem, as prescribed by the Secretary.

(3) To the greatest extent practicable, such inspections shall be conducted so as to provide specific technical diagnoses of each motor vehicle inspected in order to facilitate correction of any component failing inspection.

(4) A demonstration project shall provide for reinspection of vehicles which initially fail to meet the safety and emission standards established for the project after repair.

(5) Each project shall provide to the Secretary information and data relating to the development of diagnostic testing equipment designed to maximize the interchangeability and interface capability of test equipment and vehicles, and information, and data relating to the costs and benefits of such projects, including information and data relating to vehicle-in-use standards, vehicle designs which facilitate or hinder inspection and repair, the standardization of diagnostic systems and test equipment, the capability of the motor vehicle repair industry to correct diagnosed deficiencies or malfunctions and the costs of such repairs, the relative costs and benefits of the project, the efficiency of facility designs employed, recommendations as to feasible reject levels which may be employed in any such project, and such other information and data as the Secretary may require.

APPLICATIONS AND ASSISTANCE

SEC. 303. (a) A grant or other assistance under this title may be obtained upon an application by a State at such time, in such manner, and containing such information as the Secretary prescribes, including information respecting categories of expenditures by the State from financial assistance under this title.

(b) Upon the approval of any such application, the Secretary may make a grant to the State to pay each fiscal year an amount not in excess of 90 per centum of those categories of expenditures for establishing and operating its project which the Secretary approves. Federal financial assistance under this title shall not be available with respect to costs of inspections carried out after June 30, 1976, under such a project. Any equipment purchased with Federal funds may be retained by a State for its inspection activities following the demonstration project with the approval of the Secretary. Payments under this subsection may be made in advance, in installments, or by way of reimbursement.

AUTHORIZATION

SEC. 304. There is authorized to be appropriated to carry out this title $10,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1974; and $25,000,000 for the fiscal year ending June 30, 1975.

TITLE IV—ODOMETER REQUIREMENTS

FINDINGS AND PURPOSE

SEC. 401. The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

DEFINITIONS

SEC. 402. As used in this title—

(1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.

(2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.

(3) The term "transfer" means to change ownership by purchase, gift, or any other means.

UNLAWFUL DEVICES

SEC. 403. It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

UNLAWFUL CHANGE OF MILEAGE

SEC. 404. It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

OPERATION WITH INTENT TO DEFRAUD

SEC. 405. It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

CONSPIRACY

SEC. 406. No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

LAWFUL SERVICE, REPAIR, OF REPLACEMENT

SEC. 407. Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing shall be attached to the left door frame of the vehicle by the owner or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

DISCLOSURE REQUIREMENTS

SEC. 408. It shall be unlawful for any transferor to fail to give the following written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled.

It shall be a violation of this section for any transferor knowingly to give a false statement to a transferee under the provisions of this section. The Secretary shall prescribe by regulation the manner in which information shall be disclosed under this section and in which such information shall be retained.

PRIVATE CIVIL ACTION

SEC. 409. (a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of—

(1) three times the amount of actual damages sustained or $1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with a reasonable attorney's fee as determined by the court.

(b) An action to enforce any liability created under subsection (a) of this subsection, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

INJUNCTIVE ENFORCEMENT

SEC. 410. (a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views. The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) Paragraphs (3) and (4) of section 107 (b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

EFFECT ON STATE LAW

SEC. 411. This title does not—

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws,

except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

EFFECTIVE DATE

SEC. 412. This title shall take effect ninety calendar days following the date of enactment of this Act.

REPORT

SEC. 413. One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.

Mr. ROBERT C. BYRD. Madam President, I move that the Senate disagree to the House amendment and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. HART, Mr. MOSS, Mr. COOK, and Mr. GRIFFIN conferees on the part of the Senate.

PROGRAM

Mr. ROBERT C. BYRD. Madam President, the program for tomorrow is as follows:

The Senate will convene at 10 o'clock a.m.

After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, Senate Joint Resolution 241, authorizing the President to approve an interim agreement between the United States and the U.S.S.R.

The pending question at that time will be on the adoption of amendment No. 1434 by Mr. MANSFIELD. Under the order previously entered, a vote will occur on the Mansfield amendment at no later than 12 noon. That will be a yea-and-nay vote, the yeas and nays having been ordered previously.

At no later than 1 p.m. tomorrow, the unfinished business will be laid aside, and the Senate will return to the consideration of the second-track item, H.R. 14370, the so-called revenue sharing bill.

The pending question at that time will be on amendment No. 1450 by Mr. MCCLELLAN. It is the Appropriations Committee amendment. There will be a yea-and-nay vote on the adoption of that amendment at 5 p.m. tomorrow.

Following the disposition of amendment No. 1450, the Appropriations Committee amendment, further amendments will be in order. They are expected to be called up. Several are at the desk. Yea-and-nay votes will occur thereon. Tomorrow will be a long day, a busy day, with several year-and-nay votes. Hopefully, the way can be cleared for passage of the revenue sharing bill on Friday—hopefully.

ADJOURNMENT UNTIL 10 A.M.

Mr. ROBERT C. BYRD. Madam President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and at 7:53 p.m. the Senate adjourned until tomorrow, Thursday, September 7, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 6, 1972:

DEPARTMENT OF STATE

Marion H. Smoak, of South Carolina, acting chief of protocol for the White House, for the rank of Ambassador.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Donald Harry Cowles, [redacted], U.S. Army.

Maj. Gen. Elmer Hugo Almquist, Jr., [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Stanley R. Larsen [redacted], Army of the United States (major general, U.S. Army).

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular Army of the United States, from temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be lieutenant colonel, Regular Army and lieutenant colonel, Army of the United States

Bouton, Irma V., [redacted].

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be major

Loftus, Martin R., [redacted].

To be captain

Friday, Vernon W., [redacted].

To be first lieutenant

Jeffrey, Timothy B., [redacted].

To be second lieutenant

Leeling, Gerald J., [redacted].

The following-named persons for appointment in the Regular Army of the United States, in the grades specified, under the provisions of title 10, United States Code, sections 3283 through 3294 and 3311:

To be major

Simpkins, William J., [redacted].

To be captain

Bateman, Robert E., [redacted].
Becker, Carl F., [redacted].
Beebe, John E., [redacted].
Bogart, Marc D., [redacted].
Boron, Robert S., [redacted].
Brinkman, Larry K., [redacted].
Davis, Albert L., Jr., [redacted].
Edmister, James R., [redacted].
Fitzmorris, William H., [redacted].
Hamlin, Elvin R., [redacted].
Harris, Jasper R., [redacted].
Jeffrey, Gary D., [redacted].
Lowe, Jack H., [redacted].
Nathan, Harold S., [redacted].
Schultheis, William F., [redacted].
Sisler, Gary L., [redacted].
Speer, William L., [redacted].
Uechi, Michael, D. S., [redacted].
Walker, John D., [redacted].
Welch, Denise F., [redacted].
Wilke, Gary M., [redacted].

To be first lieutenant

Aldridge, Ronald G., [redacted].
Bailey, Mary A., [redacted].
Beaty, Helen C., [redacted].
Borkowski, Thomas V., [redacted].
Bowen, Kenneth G., [redacted].
Bowen, Troy L. Jr., [redacted].
Bryant, Charles L., [redacted].
Charters, Margaret L., [redacted].
Corcoran, Diane K., [redacted].
Cottell, Philip G., Jr., [redacted].
Davis, Donald A., [redacted].
Deaderick, Robert D., [redacted].
Diem, Michael H., [redacted].
Edge, Marion J., [redacted].
Edmund, William P., III, [redacted].
Gandy, Jess E., [redacted].

Gilles, James A., [redacted].
Goodwin, Richard T., Jr., [redacted].
Gottbehuet, Sandra L., [redacted].
Griffiths, Richard K., [redacted].
Hayden, Thomas A., [redacted].
Hooks, Thomas W., [redacted].
Hughbanks, James C., [redacted].
Jenkins, Craig A., [redacted].
Johnson, Carl W., [redacted].
Johnson, Leland C., [redacted].
Jones, Brian S., [redacted].
Keefe, Kenneth, L., [redacted].
Kingsley, Robert S., [redacted].
Kirby, Bobby G., [redacted].
Knight, Kirk M., [redacted].
Lacy, Warren S., [redacted].
Lamb, Ivan F., [redacted].
Larson, James C., Jr., [redacted].
Lee, Malcolm S., [redacted].
Lowe, Marilyn M., [redacted].
Lowrance, Lynn M., [redacted].
Mackeil, Edward J., [redacted].
Mahek, Barry W., [redacted].
Marszalek, Mitchell M., [redacted].
Martin, Jerry A., [redacted].
McAlear, Hugh M., [redacted].
McLeod, Sandra R., [redacted].
Michael, Larry J., [redacted].
Millikin, Bert A., [redacted].
Nagy, William W., [redacted].
Nicholas, Bertram A., Jr., [redacted].
Odowd, Edward C., [redacted].
Osborne, William H., [redacted].
Panter, Stephen D., [redacted].
Pelchat, Herve E., [redacted].
Peters, Clarice J., [redacted].
Rohrer, Wilma J., [redacted].
Sauer, Richard L., [redacted].
Seipert, Lloyd Roman, [redacted].
Short, Augden W., Jr., [redacted].
Stinson, Joe A., [redacted].
Sullivan, Andrew L., [redacted].
Tormey, Robert D., [redacted].
Watts, Walter J., [redacted].
Weis, Joseph R., [redacted].
Wiemers, Darlene M., [redacted].
Williams, William K., [redacted].
Winter, Donald C., [redacted].
Wright, David K., [redacted].
Zelenka, Ernest K., [redacted].

To be second lieutenant

Allen, Barry K., [redacted].
Anderson, William F., III, [redacted].
Arrol, Lawrence G. J., [redacted].
Astheimer, Peter F., [redacted].
Bossi, Harry D., II, [redacted].
Brown, Leslie D., [redacted].
Buechler, Ronald R., [redacted].
Button, Patrick W., [redacted].
Christopher, Jon B., [redacted].
Craig, Jay A., [redacted].
Crosby, Gordon E., III, [redacted].
Curtin, Lawrence M., [redacted].
Davis, Jerry D., [redacted].
Davis, Richard W., [redacted].
Delaney, Richard P., [redacted].
Ditoro, Peter, Jr., [redacted].
Esping, Jon A., [redacted].
Fenwick, Douglas L., [redacted].
Gaylord, Robert E., [redacted].
Higgins, John W., [redacted].
Hogg, James L., [redacted].
Jaynes, Robert H., Jr., [redacted].
Johnson, Darryl A., [redacted].
Kamp, Harvey P., [redacted].
Kitchens, George L., [redacted].
Lynch, Daniel J., [redacted].
Maloney, James P., [redacted].
Maxwell, Clarence E., [redacted].
Menard, Robert L., [redacted].
Mitchell, John C., [redacted].
Motley, Campbell M., [redacted].
Moudy, James D., [redacted].
Nebeling, George A., [redacted].
Phillips, Ruth A., [redacted].
Pufpaff, Duane M., [redacted].
Reid, William C., [redacted].
Roche, James F., [redacted].
Romines, Robert B., [redacted].
Seacord, James M., [redacted].
Stewart, Mary E., [redacted].
Terrell, Clark W., [redacted].
Vela, Joe D., Jr., [redacted].
Young, Carey B., [redacted].
Zelazny, Robert C., [redacted].

The following-named distinguished military students for appointment in the Regular Army of the United States, in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2106, 3283, 3284, 3286, 3287, 3288, and 3290:

Adam, Gary L., [redacted].
Alverson, Darrell R., [redacted].
Assmus, Thomas E., [redacted].
Atkins, Robert M., Jr., [redacted].
Baldwin, Brian C., [redacted].
Bartholomew, Wynn E., [redacted].
Beal, Douglas R., [redacted].
Becker, Dale E., [redacted].
Beninato, Frank P., [redacted].
Bevilacqua, Frank P., [redacted].
Biggar, William M., [redacted].
Boss, Stephen D., [redacted].
Browell, Douglas K., [redacted].
Bryant, James J., [redacted].
Buttram, Kevin, [redacted].
Calvary, Roger W., [redacted].
Campbell, Wallace L., Jr., [redacted].
Candage, Raymond L., [redacted].
Cantrell, Merton T., [redacted].
Chambers, Charles A., [redacted].
Colonna, Edward N., [redacted].
Condry, Gary L., [redacted].
Dascoulias, Peter G., [redacted].
Dennis, Norman D., Jr., [redacted].
Earl, James D., [redacted].
Farano, Anthony J., [redacted].
Flowers, Lee E., [redacted].
Forck, Frederick J., [redacted].
Fox, Joseph W., Jr., [redacted].
Freckleton, Robert N., [redacted].
Garretson, Jeremiah F., [redacted].
Gerecke, Stephen L., [redacted].
Goering, Kenneth D., [redacted].
Gomez, Reuben, [redacted].
Graf, John M., [redacted].
Graham, Richard C., [redacted].
Gramling, Norman W., [redacted].
Grasser, William J., [redacted].
Grimstad, Paul T., [redacted].
Hagan, Howard J., [redacted].
Hall, David B., [redacted].
Harris, Michael N., [redacted].
Harrold, Glenn J., [redacted].
Hartsfield, Jimmie C., [redacted].
Hawkins, Steward K., [redacted].
Holsclaw, Steven S., [redacted].
Honeychuck, James A., [redacted].
Howard, George P., [redacted].
Hummel, Joseph R., Jr., [redacted].
Izzo, John O., [redacted].
Jackson, David M., [redacted].
Jimenez, Raul E., [redacted].
Jones, Delbert L., [redacted].
Keating, Everett L., Jr., [redacted].
Kinser, Carl V., [redacted].
Krempp, Michael E., [redacted].
Laage, John M., [redacted].
Lane, Herbert M., [redacted].
Lipovsky, Gerald F., [redacted].
Lott, Gary R., [redacted].
Luque, Roger L., [redacted].
Lyster, Eugene A., [redacted].
Maggio, Joseph V., [redacted].
Martin, Lavelle, [redacted].
Mattingly, Paul R., [redacted].
Metcalfe, Hal G., [redacted].
Miller, Kenneth W., [redacted].
Mingus, Monte L., [redacted].
Moore, Michael E., [redacted].
Mote, Kim A., [redacted].
Mullenix, Michael P., [redacted].
Nations, Thomas V., [redacted].
Neff, Robert O., [redacted].
Nicholls, Lewis D., [redacted].
Owen, Terry W., [redacted].
Orme, Allyn J., [redacted].
Parantha, Charles J., [redacted].
Parrish, Richard W., [redacted].
Pauling, Jack A., [redacted].
Payne, Rodney M., [redacted].
Pedraza, Felix L., [redacted].
Pedraza, Felix M., [redacted].
Pless, Donald E., Jr., [redacted].
Porter, Francis S., [redacted].
Pounds, William D., [redacted].
Purcell, Michael D., [redacted].
Ringler, Richard W., [redacted].
Robertson, Glenn S., [redacted].
Sass, James F., [redacted].
Schrepel, Lee W., [redacted].
Smith, Nicholas A., [redacted].
Snedden, Robert A., [redacted].
Stanton, Edgar E., III, [redacted].
Stefanic, Peter P., Jr., [redacted].
Taguba, Antonio M., [redacted].
Thedford, William P., [redacted].
Thompson, Thomas A., Jr., [redacted].
Tindall, Donald R., [redacted].
Tortorici, Frank, [redacted].
Troy, William J., [redacted].
Tschorn, Reginald R., [redacted].
Vance, Billy F., [redacted].
Vrabel, Jeffrey S., [redacted].
Vucich, James J., [redacted].
Ward, Frank T., [redacted].
Weimer, Michael B., [redacted].
Willey, James P., [redacted].
Williams, Edward W., Jr., [redacted].
Willie, Douglas D., [redacted].
Wood, Samuel A., [redacted].
Young, Michael S., [redacted].

The following-named scholarship students for appointment in the Regular Army of the United States in the grade of second lieutenant, under provisions of title 10, United States Code, sections 2107, 3283, 3284, 3286, 3287, 3288, and 3290:

Barnhill, Danny R., [redacted].
Briggs, Roy R., [redacted].
Burkett, Michael L., [redacted].
Conover, Bruce R., [redacted].
Chiarelli, Peter W., [redacted].
Chiffelle, Robert L., [redacted].
Dekanter, Scipio, [redacted].
Evans, Paul, [redacted].
Ferguson, Jimmy D., [redacted].
Frey, Lynn C., [redacted].
Garrison, George L., [redacted].
Grable, Lawrence D., [redacted].
Hickle, Edwin A., [redacted].
Hood, Melton W., [redacted].
Konish, Richard F., [redacted].
Leggiero, Charles M., [redacted].
Mahr, Alfred V., [redacted].
Mancuso, Joseph J., Jr., [redacted].
O'Brien, Michael J., [redacted].
Perez, Jesse M., [redacted].
Riggs, Richard D., [redacted].
Shearer, Jay N., [redacted].
Stegbauer, William D., [redacted].
Twiddy, Kenneth M., [redacted].
Ward, Edward E., [redacted].
Whitehead, Myron E., [redacted].
Williams, Richard J., [redacted].

IN THE NAVY

The following-named Reserve officers of the Navy for permanent promotion to the grades indicated:

Captain, line

David S. Ailes
Malcolm R. Bailey
Arthur Coday
Harold C. Craig
William J. Diffley
Hoyt L. Duff
William J. Dyckman, Jr.
Charles D. Gilpin
Thomas R. Golden
Donald C. Hamann
Ludolph O. Koven, Jr.
Alexander C. Kuegler, Jr.
Arthur A. Lavenau
Raymond E. Lilly, Jr.
William D. McClure
Jack G. McDonell
Leo R. Norgart
Julian E. Ortiz
James R. Pavelle
Harry V. Samis
John J. Stusnick
Richard A. Vessie
Charles V. Wilhoit, Jr.
Leo P. Zeola

Captain, Supply Corps

Marion Dargan, Jr.

Captain, Chaplain Corps

Paul A. Johnson
James A. Powell

Captain, Dental Corps

Irvin Sontag

Captain, Nurse Corps

Mary F. Cannon

Commander, line

Phillips A. Ammons, Jr.
Frank X. Azzarita
John A. Barden
Paul R. Bennett
Tomas V. Carlos
Lucius B. Day, Jr.
John F. Donnelly, Jr.
Frederick R. Ellis
Leo H. Green, Jr.
Elliott B. Hadley, Jr.
Raymond B. Harter
James R. Hutson
Arthur S. Keller
Leonard J. Lees
John F. Mahaffey
Donald J. McPherson
Robert L. Musso
Henry W. Putek
Leon R. Shelley
Charles S. Thornton
John W. Widtfeldt

Commander, Supply Corps

Eugene M. Riddick

IN THE NAVY

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line, subject to qualification therefor as provided by law:

Abelson, David D.
Adney, William M.
Airgood, Robert P.
Alcott, Roy J.
Allen, Charles T.
Allphin, James A.
Anderson, Bert M.
Anderson, Thomas F.
Arnold, John S.
Aubrey, Richard D.
Austin, John D., Jr.
Bailey, Bernis H.
Baldwin, Marvin D.
Ball, William L., III
Barber, John T.
Barnes, Thomas D., II
Baumann, Scott R.
Baxter, Robert M.
Beaugureaw, Denis F.
Beck, William J.
Benson, Rodney L.
Bertsch, Roger B.
Bibbins, Thomas A.
Biggers, Edward M.
Bishop, John E.
Bock, Jim B., Jr.
Bogstad, Joseph W.
Bollenbacher, Robert A.
Bonds, John M.
Bovey, Robert D., Jr.
Bradfield, Robert W., II
Brians, Wallace S.
Brines, Stephen J.
Brown, Don M.
Browne, Chad W.
Browning, Jonathan E.
Buck, Stuart F.
Buckalew, Alman L., Jr.
Buckingham, John S.
Burgess, Ross W.
Bush, Thomas L.
Caceres, Raul A., Jr.
Cadden, Frank M.
Campbell, Joe
Campbell, William R.
Cannelos, George J.
Cannis, Robert M.
Carlsen, Kenneth H.
Carr, Gregory L.
Carter, Alden R.
Cassidy, Edward T., Jr.
Cast, Frederick A., Jr.
Caswell, Gary J.
Cataldi, Richard A.
Cate, Francis R.
Cavender, William K.
Cebulski, Raymond J.
Chalfant, Barry H.
Champney, Robert K.
Chevrier, John M.
Clayton, Richard E.
Coffin, William M.
Conner, John M.
Conway, Michael R.
Cook, Carroll E., Jr.
Creech, James R.
Crenshaw, Keith V.
Crooks, Daniel A.
Culet, James P.
Culpepper, James C.
Curley, William H.
Cutler, Thomas J.
Dalessandro, Vincent R., Jr.
Dameron, Ott H.
Daniel, John H., III
Davis, Scott H.
Davis, William O.
Delong, Glenn E.
Dempsey, Francis B.
Devanney, John C.
Diem, Robert P.
Dillon, Terry M.
Donalson, Paul J.
Doyle, Geoffrey N.
Dreesen, Robert W., Jr.
Duvall, George E.
Eason, Richard A.
Elfers, Glen E., Jr.
Elmore, Craig W.
Erickson, Phillip A.
Falls, Larry W.
Farlow, Irl R.
Farmer, Roger A.
Feierabend, Richard C.
Ferenbach, Vincent C.
Fike, Raymond F.
Fischer, Michael H.
Ford, Jerry W.
Franicola, Robert A.
Frank, Stephan D.
Freed, Rodney W.
Fuellenbach, Joseph C
Fuller, John R.
Gabriel, Steven B.
Gallegos, Richard E.
Gant, Steven J.
Gardner, Gregory L.
Gibson, Robert L.
Giesemann, Frank T.
Good, James L.
Gospodarec, Donald S.
Gravitt, Patrick D.
Gray, Richard E.
Gray, Robert J.
Grehawick, Gregory D.
Gross, Albert C.
Grove, Dale M.
Haddock, Joseph W., III
Hamilton, David E.
Handlers, Robert G.
Hanna, Norman W., II
Hansen, Gregory L.
Hargrove, James W., Jr
Harnish, Thomas O.
Harris, Jeffrey K.
Harris, John A.
Haser, Gerald D.
Hastings, James J.
Haushalter, Jeffrey R.
Hearn, Hamilton D., Jr
Helsley, Ronald E.
Hickey, Charles D.
Hickman, William F.
Higdon, Ronald G.
Hildebrandt, Thomas G., Jr.
Hilton, Hugh A.
Hipp, Spencer, H.
Hirt, Keith A.
Holcombe, Horace T.
Honey, Michael L.
Horton, Ronnie R.
Hougham, John R.
House, Frederick A.
Humberd, Calvin C., Jr.
Humrighouse, Eugene B., Jr.
Hunter, Peter G.
Illing, William R., Jr.
Isele, Charles P.
Jackson, Douglas L.
James, Gary B.
Jamison, Michael E.
Johnson, Don M.
Jones, Fred C.
Julian, Robert W.
Karcewski, Stanley J.
Keeney, Merle A.
Kelly, David L.
Kernan, Joseph E.
Ketring, Michael E.
Key, Kenneth W.
Kingery, Donald L.
Kissell, Peter B.
Kley, William J.
Koning, Jack A.
Korinis, Peter W.
Krum, Duane
Krumholz, Kenneth A.
Kutys, John V., Jr.
Lackey, Herman E., Jr.
Lambright, Ralph E.
Landers, Jerome C.
Lane, Roy J., Jr.
Laney, Jack T.
Lanoux, Steven M.
Laplace, Edwin F.
Larson, David R.
Latourrette, John A.
Laturno, Raymond J., III
Lear, Richard B.
Leeder, Frederic G.
Leleux, Wayne J.
Leonard, Ronald O.
Liebschner, Douglas V.
Liles, John U., Jr.
Lineman, John J.
Lockhart, Stanley D.
Lortz, Paul C.
Lowe, Douglas T.
Ludington, Stephen P.
Luebbecke, Donald S.
Lukens, Larry A.
Lunde, Walter A., Jr.
MacDonald, Joseph M.
Martin, Roy L., Jr.
Martinez, Luis C.
Maxwell, Stephen H.
May, Albert L.
Mayfield, Paul K.
McClain, William C., Jr.
McCullough, David G.
McDonald, John A., Jr.
McGee, Willie E., Jr.
McIntosh, John M., Jr.
McKaige, George T., Jr.
McLaughlin, Peter C.
McMacken, Patrick B.
McManuis, Charles M.
Meihaus, Harry E., Jr.
Melchioris, Charles J.,
Melton, Joseph E.
Mendenhall, Dennis L.
Merrill, Dean R., Jr.
Meyer, Charles G.
Mickett, Thomas G.
Miller, John P.
Milner, George M.
Mink, Charles E.
Moneymaker, Patrick D.
Morin, Paul R.
Morrell, Michael F.
Mulderig, John F.
Musselman, Stephen O.
Muth, Michael A.
Naeve, Jerry M.
Nelson, Gary S.
Nesbitt, Charles D.
Neylon, Paul M.
Noll, Robert B.
Oberender, Paul D.
O'Connell, Brian J.
O'Connell, John T., Jr.
O'Keefe, Michael J.
Oliver, Richard E.
Oliver, Richard H.
Packard, Michael J.
Paloma, James F.
Parra, Milton H., Jr.
Patteson, Walter R., Jr.
Peck, Robert S.
Pellegrino, Richard L.
Peterson, Charles C.
Pfahler, Timothy G.
Picquet, Roger T.
Piotrowski, James M.
Pompey, Charles S.
Posey, Charles F.
Potter, Wilburn M.
Prescott, Leonard F., III
Price, Gene H.
Purnell, Erl G.
Reaves, Keith C.
Rebeske, John J., III
Reid, James E.
Reinauer, Robert M.
Renuart, Robert F.
Resinger, Stanley R.
Rist, Donald F.
Rizzi, Robert A.
Robert, Eugene R.
Rodes, George T.
Roe, John A.
Rondolone, Nicholas
Rose, Carlos D.
Rounds, Frederic N.
Rounds, Terrence W.
Rush, James C., Jr.
Russell, Thomas G.
Sadler, George R.
Saltzman, Marc P.
Satoris, Frank K.
Schaefer, Edward M.
Schroeder, Kurtis D.
Schwoerer, Barry F.
Scott, John K.
Seymour, Hubert E., III
Shea, Robert W.
Shelton, Randolph W.
Shepherd, Douglas R.
Sherrange, Daniel T.
Shirley, Charles C., Jr.
Shrock, Steven D.
Silverman, George M.
Singleton, Jerry B.
Skrief, John N.
Slates, Terrence P.
Sledge, Loyd D.
Sloan, Patrick B.
Smith, Gregory W.
Smith, Harold M., Jr.
Smith, John H.
Smith, John V., Jr.
Smith, Randal E.
Smith, Richard A.
Smith, Roger W.
Smith, Roy C.
Smith, Tracy R.
Sniffin, Edward M.
Snyder, Jack R.
Staeheli, Bruce W.
Stanton, Bruce W.
Stewart, Timothy L.
Stiff, Peter E.
Stromquist, David W.
Stroop, Patrick A.
Sujdak, Edward J., Jr.
Sullivan, Larry M.
Swain, Philip F.
Swingle, Howard D.
Szender, Stephen J.
Taylor, Robert B.
Thomas, William C.
Thomsen, Leon F.
Tieszen, Dwayne A.
Tomich, David B.
Tower, Dennis R.
Tredway, Robert J.
Trever, James E.
Turner, Dennis J.
Turner, Harry G.
Tyler, Gary L.
VanBuskirk, Dennis J.
VanHoften, James D. A.
VanNostrand, Clark R.
Vernon, Carl W.
Walker, Jon B.
Warren, David F.
Warrenfells, James C.
Wayman, Charles L., Jr.
Weir, Michael W.
Welsh, Rodney R.
Widhalm, Kenneth C.
Wilbricht, Thomas E.
Wildridge, George A., Jr.
Willey, James F.
Williams, James D.
Williams, Thomas R.
Williams, Wallace B., Jr.
Williscroft, Robert G.
Wilson, Freddie R.
Wilson, George M.
Wilson, John R., Jr.
Witkowski, Christopher J.
Woomer, Charles W., III
Wright, William E., Jr.
Wyluda, Stanley L., Jr.
Yordan, Carlos M., Jr.
Young, Dan R.

Lt. James A. Johnson, Medical Corps, U.S. Navy, for temporary promotion to the grade of lieutenant commander in the Medical Corps, subject to qualification therefor as provided by law.

Comdr. Selig Solomon, U.S. Navy for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of lieutenant commander and the temporary grade of commander.

Comdr. Raymond D. O'Brien, U.S. Naval Reserve for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of commander.

Comdr. Wayne C. Buck, Medical Corps, U.S. Naval Reserve, for temporary promotion to the grade of captain in the Medical Corps subject to qualification therefor as provided by law.

Lt. Wesley L. Hanson, Jr., U.S. Navy, for temporary promotion to the grade of lieutenant subject to qualification therefor as provided by law.

The following-named Naval Reserve officers for permanent promotion to the grade of commander in the line subject to qualification therefor as provided by law:

Benson, Harold
Broughton, Stanley I.
Edinger, John S.
Wright, Edwin S.

Ens. William L. McKinney, U.S. Navy for transfer to and appointment in the Supply Corps in the permanent grade of ensign.

The following-named officers of the U.S. Navy for temporary promotion to the grade of chief warrant officer, W–3 subject to qualification therefor as provided by law:

Abang, Leopoldo
Abernathy, Charles M., Jr.
Abhugh, Dean Roger
Acosta, Felix Estephen
Acosta, Hector
Adair, George Charles
Adams, Dale Daniel
Adams, Donald Eugene
Adelwerth, Robert Thomas
Adrian, James Edmund
Aguilar, Antonio Castro, Jr.
Ahearn, William Henry, Jr.
Akley, Larry Donald
Alabado, Gregory Paterno
Algar, Leslie Barker
Alger, Richard Lyle
Allen, Ethan Edward
Allen, Herman Edward, Jr.
Allen, Kenneth Robert
Allender, Edwin Lee
Alley, Larry K.

Almand, Richard M.
Alston, David Matthew
Alvarez, Honorio Balugay
Amoss, Robert George
Anderson, Donald Eugene
Anderson, Herman Carl
Anderson, J. Quinton
Anderson, Robert
Anderson, William Barron, III
Andresen, Robert Lloyd
Andrews, William Murry
Andrucyk, Joseph Thomas
Anthony, Patrick Leroy
Armfield, Alfred Emanuel S.
Armstrong, Rodger Bruce
Arnold, Sidney Cary, Jr.
Arreola, Joe Asperin
Arsta, Charlie Lee
Artley, Fred Clarence
Ashworth, Robert Arthur
Atchison, Roger George
Aterrado, Ricardo Jornales
Ator, Roy Earl
Ausen, John Martin
Ausmus, Dewey Lee
Austin, Virgil Bennie
Aversano, Anthony Joseph
Aycock, Joe Edward
Ayers, Wayne Plymale
Baernhatler, Klaus
Bagley, Raymond Calvin
Bailey, Defort
Bailey, Carl Thomas
Bailey, William Dean
Baker, Boyce Walton
Baker, Gene Monroe
Ball, Bradley Jay
Ball, Gary Edward
Ball, Robert Arthur
Ballard, John Charles
Balstad, Richard Harold
Barber, Charles Edward
Barber, R. D.
Barber, Rex Alton
Barclay, Ray Franklin, Jr.
Barfield, Havis Warren
Barker, Harvey Ward
Barnes, Donald Alvin
Barnes, Earl Dean
Barrett, William Jay
Barry, Charles Todd
Bartholomew, David Lynn
Bartke, Harrold Lincoln
Bassett, William Edward
Batton, Sam Lewis
Batze, Warren Karl
Bavuso, Matteo
Baxter, Lowell Clyde
Beard, Marshall Douglas
Beardin, Larry Don
Beare, Lloyd Allen
Beason, Edward Patterson
Beatty, Arthur
Beckett, Terrence Nolan
Bednorz, Clark Otto
Bedrosian, Jack Andrew
Beeman, James Leslie
Beezley, Shirley Ray
Behling, Norman Fred, Jr.
Beigel, Simon
Belanger, Paul Gordon
Bell, John Blake
Bell, John Stanley, Jr.
Bence, Ronald Paul
Bennett, Thomas Robert
Benning, Vale Jean
Berkley, Philip Elroy
Berry, Donald Orland
Berry, Jack William
Bertram, Wayne Russel
Bertrand, Richard Earl
Bettis, Bobby Gerald
Beverley, John Louis, Jr.
Beyer, Frederick Perry
Billick, Dan Richard
Bique, Robert Eugene
Bird, Harry Ralph
Bishop, Frank Neal
Bishop, James Fletcher, Jr.
Blackie, John Allison
Blackmon, Joe Lynn
Blackwell, Andrew Pinkney
Blanchard, Raleigh T.
Blevins, Toney
Blondin, Paul Gerald
Bobo, Billy Joe
Bobo, Harold
Bobo, Jerry Lyn
Bohl, Arthur Walter
Bolden, Joseph Wylie
Bolding, Larry Lawson
Bolton, Harold Leslie, Jr.
Bonebrake, Richard Reed
Bonham, J. C.
Book, Roy Lee
Borgmann, Frederick William
Bothe, James John
Bourn, Melvin Frank
Bowen, Ronald Newton
Bower, Walter Francis
Box, Charles Leon
Boyd, Curtis Foltz
Boyd, Gordon William
Boyer, James Joseph
Boyle, David John
Bradley, Dennis Lorn
Bradley, Gene Francis
Brammer, Russell Gordon
Brandon, Earl Leroy
Brantley, Gilbert Earl
Brayman, Thomas Edward
Breitwieser, Gene Paul
Brenner, Robert Frederick
Brewer, Clayton Robert
Brewer, Warren Arthur
Brice, Allen Guy
Briden, Marvin Mat
Britts, Haven Jennings
Brooks, Edgar Tearl
Brooks, William Albert
Brown, David Andrew
Brown, Edwin Lynn
Brown, James Peter, Jr.
Brown, Lovell Harrington
Brown, Richard Francis
Brown, Richard Arnold
Brown, Robert Edward
Brown, Roger Jerome
Brown, Theodore Edward
Brown, William David, Jr.
Browngardt, Robert Peter
Browning, Bobby Dale
Brueggeman, James Edward
Bruhl, Terry Joseph
Brunner, Waldo Joe
Bryant, James Timmon
Buchanan, Robert William
Boute, Raymond E.
Burbridge, Robert Lee
Bureker, Robert Joseph
Burford, Vernon Alexander
Burns, Robert John
Burris, William Oscar
Burton, John Cicero, Jr.
Butler, Clyde Lewis
Butler, Robert Edmund
Butzine, William Charles
Byrne, Edward Matthew
Byrne, Robert Gene
Cale, George William
Callahan, Alvin Edward
Camaisa, Rody Bautista
Campbell, Cager Wayne
Campbell, Donald Leo
Campbell, Willis Eugene
Campbell, Leonard Malcolm
Campbell, Donald Leroy
Campbell, Troy Joel
Canfield, Merton Aldo
Cannon, Jamie Ross
Cantrell, James Gilbert
Caretti, Louis Silvio
Carey, John Dale
Carne, Richard Glenn, Jr.
Carrigan, Charles Dean
Carroll, Charles Henry
Carroll, Charles Earl
Carson, Allison Ledford, Jr.
Carter, Charles Taylor
Caton, Robert Nelson
Catts, Ross Eldridge
Chamberlain, Charles Edward
Chambers, Harold Dean
Chaney, Ronald Bryan
Chapman, Davey Sinclair
Chastain, David McRay
Cherry, Stephen Wallace
Chisum, Ronald Leroy
Chitwood, Orvis Hugh, Jr.
Christensen, Robert James
Christian, Stanley Morris
Christian, Jerry Deland
Christophersen, Oscar Edward
Church, Richard Lewis
Clark, Donald Denney
Clark, James Wesley William
Clark, Jimmy
Clark, Robert Eugene
Clark, Thomas Everett, Jr.
Clarke, Alfred Richard
Clay, Marland Joe
Clements, David Lawrence
Cline, Gerald Duane
Cloonan, John Thomas
Cloughley, Richard Eldon
Coakley, Doyle Lorenza
Cochran, Dennis Daniel
Cochran, Kenneth Lee
Coffin, Kennth Ward
Coffman, Cherlan Henry
Cohan, Paul
Cole, Jerry Roger
Collins, Floyd
Columb, Ortha Irene
Connell, James Larry
Connors, Charles Robert
Conti, Charles William
Conwell, Robert Allen
Cook, Thomas Morris
Cooney, John Francis
Cooper, Donald James
Cooper, Gary David
Cormier, Edward Norris, Jr.
Corothers, John Malphus
Cortez, Ira Bryan
Costigan, John James
Countryman, Larry Dean
Coupland, Steve Joel
Cox, Anderson Hunter
Cox, Elbert David
Cox, Frank Edward
Cox, Frederick McCoy
Cozart, William Rhett
Cradic, Boyd Wilbur
Crain, Robert Levan, Jr.
Crane, Alvin Edward
Cregger, Charles Edward
Crickman, Frederick Paul
Crim, Edwin Nelson, Jr.
Crisp, Floyd Alan
Crookshanks, Dayton Ray
Crouch, Glenn Gordon, Sr.
Crowder, James Dunn
Cubbedge, Carlon Eugene
Cudia, David Timothy
Culberson, Edward Merrill, Jr.
Cultrera, John
Culver, Louis Jean, Jr.
Cummings, Paul Dean
Custodio, Fridelino Abrau
Cutler, William Donald
Daily, William Claude
Dallamura, John Patrick
Damme, Richard Wayne
Dapper, William Wesley, Jr.
Daugherty, David Arnold
David, Clyde Frank
Davies, Thomas William
Davis, Arthur Allen, Jr.
Davis, Bobby Gene
Davis, Edward Shedric, Jr.
Davis, Neil Carter
Davis, William Leighton
Day, Raymond Francis, Jr.
Day, Thomas Francis
Dean, Alvin Earl
Dechene, Phillip Edward
Dejesus, Yolando Cruz
Delancey, James Douglas
Delaney, Donald James
Delong, Richard Clair
Demsey, George Phillip
Devall, Franklin Wendell

Devoid, Ralph Edwin
Dimare, Joseph James
Dinkins, Charles Leroy
Dirkes, Ernest Anton
Dodds, Robert Leroy
Doehring, Robert Franklin
Donnellan, David Francis
Donohoe, James Patrick
Donovan, Gene Dee
Doris, Michael Alan
Dorso, John Michael
Doty, Roger Otto
Dougherty, Thomas James
Dove, Gene Francis
Dowell, Billy Ray
Downie, Donald Arnold
Dragone, Joseph Anthony, Jr.
Dreiling, Richard Edward
Drier, Melvin Franklin
Driscoll, Richard Francis
Driver, John Edward
Drurey, Harold Leroy
Dryfka, John Edmund
Dubose, James Tracy
Duffey, Mark Edward
Dumond, James Carl
Dunnagan, Alvia Jerald
Dunning, James Leslie
Duquette, Wilfred Boland
Duran, John Joseph
Dyer, Frederick Earl
Eastlick, Arthur Lee
Eayres, Charles Francis
Edmundson, William Harris
Edwards, Bernard Darriel
Edwards, Kenneth Paul
Edwards, Robert Arthur
Edwards, Thomas McCord
Eggett, Andrew J.
Eiben, Norman George
Eifert, Arlington Joseph
Eldredge, Robert Cecil
Ellis, Richard W.
Emberton, James Merle
Emms, Walter Frank
Emswiler, Robert Byers
Eney, Neilson Eugene, Jr.
Engle, Leroy Eugene
English, Samuel Anthony
Ennis, James W.
Eno, Richard Gene
Espy, Ira John
Etten, Gary Albert
Etzel, John Adam
Evans, Charles Dean
Everett, Arthur Byron
Evergin, James Floyd, Jr.
Ezell, James Frederick
Fairchild, John Omer
Farlow, Roger Kent
Faulkner, Norman Harrison
Favaro, Duane Elwood
Ferdinandsen, Alan Thomas
Ferguson, Carl Edwin
Fernandez, Anthony Paul
Ferrara, Bernard Joseph
Ferren, Donnie Leon
Feuerbacher, August Anthont
Fielding, John Thomas
Fields, Gordon Pearson
Finch, Herbert
Finister, Harold Leon
Fisher, Robert Fulton
Fisher, Robert, Jr.
Fisk, Ronald Lewis
Fitzgerald, Thomas Maurice
Flanagan, Robert Paul
Fleming, Bertle
Flinner, William Wade
Floe, Dale Merlin
Flora, Jimmy Joe
Flowerree, Robert Dale
Floyd, George Francis
Flynn, Kevin Anthony
Folkers, Dale Carl
Folsom, Charles Beatty
Foltz, Richard John, Jr.
Foose, James Dean
Ford, John Robert
Ford, William Patrick
Foskett, Edwin Albert
Foss, Harry Carson, Jr.
Foster, Max Frank
Foster, Charles Lee
Fowler, Boyd Cannon
Fowler, John Jay
Frederick, Virgil Edward
Free, Dale Kenneth
Freese, Allen Paul
Frey, Lyn
Fridell, Robert Allen
Friedenreich, Robert
Fries, Ralph Jacob
Fritz, Daniel Elmore
Gadaire, George Eugene
Gagnon, Leo Ernest Joseph
Garcellano, Rudolfo Lagrosa
Garcia, Leon Tabuso, Jr.
Garoutte, Larry Charles
Garrahan, Richard
Garrett, Leo Edward
Garthwaite, Robert Leroy
Gatdula, Jesus Lopez
Gates, Richard Wesley
Gebbie, Larry Allen
Geno, Harold
George Charles Edward, Jr.
Gessl, James Joseph
Gibbens, Richard William
Gibbons, Thomas Gerald
Gibson, James Barnes, Jr.
Gibson, Richard Ernest
Giles, James
Gillians, Charles Roland
Gillum, Jerry Lee
Gipson, Harold Herbert
Girard, Donald Dean
Giunta, Joseph Francis
Giusti, Gerald John
Glisson, Joseph Hardy
Glover, Andrew Lee
Gobeli, Wendell Lewis
Godfrey, Emory Norris
Goeke, Keith Nathaniel
Goerg, Frederick Clarence
Golinski, Matthew George
Goodell, Edward Christopher
Goodwin, John Thomas
Gordon, Harold Leroy
Gorring, James Richard
Goss, Marlin Earl
Gott, Vernon Lee
Goudy, Robert Keith
Goyette, Richard L.
Grace, Michael John
Graff, Clinton George, Jr.
Grange, Joseph Ellison
Grant, Donald Chester
Graves, Charles Richard
Graves, Harold Wade
Gray, Charles Rolland
Green, Robert Duane
Greene, Bobby Eugene
Gregory, James Alden
Gregory, Thomas
Gremp, Robert Erwin
Grigg, Richard
Griggs, Edward Cole
Gross, Eugene
Gross, Jerry Lee
Gschwend, David August
Gunn, Terrell Lawson
Gutierrez, Zoilo Rosario
Gwinn, Everette Alton
Hackett, George R., Jr.
Haffner, Gerald Robert
Haffner, Guy Allen
Hagensick, John Richard
Haggard, Henry Clay
Hahn, Joseph Louis
Haimes, Arthur Stewart
Hair, Richard Allen
Haire, James
Hale, Douglas Alma
Hale, Roy Gordon
Hall, Alfred Lynn
Hall, Gerald Orville
Hall, Kenneth George
Hall, Neely Cornelius, Jr.
Hall, Richard Wendell
Halliday, Alvin Leroy
Hallinan, Joan Elizabeth
Hamblin, Arthur Ray
Hammond, Riley Green
Hampton, Jackie Garrett
Hampton, Robert Dean
Hanley, Claude Rayburn
Harder, Thomas John C.
Hardin, Don Ralph
Harman, Frederick George
Harmer, Donald Walter
Harrell, Horace Jackson
Harrington, Curtis Ronnie
Harrington, Festus Marcel
Harris, Lester Leroy
Harris, Thomas Eugene
Harrison, Jerry Dale
Harrison, John William
Harry, Robert Meade
Hart, Monte A.
Hartfield, Daniel Thomas
Hartsock, Thomas Parkhurst
Harvey, James Lawrence
Harvison, Lynn Doyal
Hassall, David Reed
Hasselbacher, Delmar Earl
Hathaway, William Kent
Haugen, Clinton Jerome
Haugland, David Vernon
Haupt, Lloyd
Hause, Richard Marvin
Haushalter, James Aloysius
Hauswirth, George Jay Duane
Havenstein, Gene Leon
Havrilesky, Peter
Hawes, Jessie Norman, Jr.
Haworth, James Ray
Hayden, James Nicholas
Hayes, Harry Howard
Hayes, James Patrick
Hayes, Lon Leroy
Hazard, William Lavern
Headrick, Jay Clark
Hebert, Charles Edward, Jr.
Heckel, Frederick Ross
Held, Rene
Helton, James Nathaniel
Henderson, William Howard
Hennings, Elwood Wayne
Henningsen, Leigh Alvin
Henrikson, Donald Earl
Henry, James, III
Henry, Kirby Dean
Henry, William Ralph
Hestekin, John Alvin
Huechert, Richard Herman
Hewitt, Earl Joseph, Jr.
Hickam, Curtis James
Hickey, Edmund Burke
Hicks, Daniel Earl
Hicks, Edward Kent
Hicks, William James
Hill, Allen Thomas
Hill, Dixon Lee
Hill, James Lyle
Hill, Robert Wallace
Hine, Jerry Gordon
Hisey, Howard Alan
Hobbs, Hurshel, Benton, Jr.
Hogan, Tommy Edward
Holdcroft, William James
Holder, Roy Stephen
Hollins, Willie, Jr.
Hollis, Lon Earl
Hollon, Maurice Calvin
Holmes, Doyle Edward
Holt, Lonnie Dean
Horn, William John
Hornbrook, Charles Buford, Jr.
Hornung, Eugene Herman
Horton, Walter Gerald
House, Malcolm Joseph
Hovestadt, Robert Francis
Howard, Bobby Joe
Howard, Donald Reed
Howard, Frank William
Howard, James Elijah, Jr.
Howard, Jimmy Earl
Howard, Roy Elzie
Hubbard, Calvin Edward
Hudson, Charles Talmage
Hudson, John William, Jr.
Hughes, Charles Earl

Hughes, Richard Larry
Hughes, Roy Dean
Hughes, William Heber
Humler, Paul Edward
Hunter, Thomas George
Hurd, William David
Huston, John William
Huston, Kenneth Dale
Huszar, Martin Wayne
Hutcheson, James Edward
Hutt, Eden Alan
Hyde, Frank Clare
Hymas, James Ellis
Iannetta, John Michael
Ide, James Kenneth
Irizarry, Carlos Andrew
Isenhour, Roger Dean
Jackson, Harold Bell, Jr.
Jackson, Robert Burns
Jackson, William Virgil
Jacobs, Thomas Edward
James, Bobby Campbell
James, Robert Owen
James, William Joseph
Jankowiak, James Gordon
Jasper, William Dale
Jaye, Kenneth
Jeffcoat, James Mark
Jensen, Gordon Mark
Jensen, James Cecil
Jessen, Carl Dean
Jewkes, Ronald Kale
John, Paul Maret
Johnson, Arthur Lee
Johnson, Charles Delbert, Jr.
Johnson, James Weldon
Johnson, Thomas Scott, Jr.
Johnston, Robert Harry
Johnston, James Edward
Johnston, Wilford Paul
Joiner, Hollis King
Jones, Carlos
Jones, David Lee
Jones, Edgar Joseph
Jones, Gerald Wayne
Jones, Gordon William
Jones, Stanley Clayton
Jordan, Albert Lee
Jordan, Boykin B.
Julian, Karl Douglas
Kadrlik, Milo Wenol
Kale, James Edward
Karcher, Raynor John
Kasmark, John Melvin
Kauffman, Wayne Brinton
Kaufman, Leonard
Keefer, Walter Beirne, Jr.
Kehoe, Raymond J.
Kellum, William Clayton, Jr.
Kelly, Carl Junior
Kelly, Richard Charles
Kennedy, Bruce Harmon
Kennedy, Robert Lee
Kenyon, Larry Lee
Kenyon, Robert Joseph
Kern, Phillip Eugene
Kerwin, James Albert
Kidd, James Burch
Kilgore, Herman L.
Kilpatrick, James Hoyt, Jr.
Kincade, Jerry Glen
King, George Hoover, Jr.
King, Robert Otto
Kirkpatrick, Gerald E.
Kjellberg, Gerald Lynal
Kleis, Louis Paul, Jr.
Knall, Daniel John
Knapik, Paul Peter, Jr.
Knight, Donald Wilder
Knowles, Gordon Clark
Kolodziej, Robert Francis
Krueger, Lloyd Eddy
Krug, Norman Edward
Kuder, Arlen Charles
Kuhnert, Howard Julius, Jr.
Kummet, Marvin Louis
Kushlan, Arthur Allen
Kwiatkoski, Eugene Edward
Ladell, Leonard Alvin
Laing, Thomas Walter
Lane, Donald Paul
Lane, Richard Dale
Langenohl, Frederick Charles
Langmaid, Robert Vance, Jr.
Lapointe, William Joseph
Largent, William Edwin
Larkin, James Michael
Larsen, Raymond Howard
Laughland, Ronald William
Lavaliere, Wayne, Edward
Lavan, Thomas Joseph
Lawrence, James Ross
Lawson, George
Layton, Ralph Stewart, Jr.
League, Howard Burtis
Leblanc, Albion Claude
Lechtenberg, Richard Clem
Lee, Delbert Clark
Lee, Robert Kenneth
Lee, Ronald Allen
Lege, Ranson Paul
Lentz, Joe Blane
Lesperance, Robert Francis
Lessard, Kenneth Alfred
Lewis, Donald Ray
Lewis, George Clinton
Lighthart, Lloyd William
Link, Spencer Frederick
Linkous, Roger Dayman
Linn, Paul Edward
Lisk, John Clayton
Lister, Robert Corley
Little, Benerson Vernon
Little, Charles E.
Little, William Theodore, Jr.
Livingston, John Stanley
Locke, Gary Winfred, Jr.
Lockey, Donald Lee
Loftis, Garland Thomas, Sr.
Logan, David Joseph
Logan, William Harry
Londot, Jack Lane
Loney, James Eldredge
Long, Homer Richard
Long, Rex Hayden
Loonam, John Francis
Lopez, Clyde Cecil
Lopez, Leopoldo
Lormor, Eugene Harold
Love, Charles Edward, Jr.
Love, Thomas Jefferson
Lovejoy, Jay Edward
Lowdermilk, Richard Francis
Lowen, Kenneth James
Lucas, John Roy
Lucero, Seferino
Lucie, George Rexford
Luther, Ellsworth Russell, Jr.
Lutz, James Robert
Lyles, James Ferrell
Lynch, William Alan
Lynn, William Jackson
Macdonald, Richard Cushing
Macy, Ervin Burk
Maggard, Andrew James
Maghan, David Allan
Mahar, Joseph Chester
Mahoney, David William
Maisch, Robert Reinhold
Majchrowicz, Edward John
Majure, Charles Reese
Malboeuf, Ernest Joseph
Malone, Robert Grant
Manges, Joseph
Mansmith, James Eugene
Markle, Donald Franklin
Marquiess, Francis Floyd
Marsh, Robert Dean
Marsh, William Harry
Marshall, Leo Roy
Marshall, Guy Allen
Martin, David Frank
Martin, Kenneth Ronald
Martin, Norman Richard
Martz, Robert Charles
Mason, George Julius
Massetti, Ennio
Mathews, Carl Leon
Mathis, Jimmy Dale
Matteson, Robert Alan
Matura, Adolph Rudolph, Jr.
May, Bobby E.
Mayers, Joseph
Mayo, Jimmy David
Mays, Robert William
McCarthy, Joseph Edward
McCleer, James Lawrence
McClimont, Thomas Eugene
McClung, James Richard
McCool, Jame Jonas
McCreight, James David
McCusition, Donald Ray
McCullough, Leo Frank
McDaniel, Robert Lee
McDermott, James Thomas
McDonald, Robert Loren
McDonough, James Francis
McFalls, James Edward
McGee, Thomas Earl
McGowan, John Patrick
McGowan, Kenneth Arthur
McGuire, David Nelson
McLaughlin, Delmer Daynus
McMullen, John Roland
McVay, Charles Roy
McWane, Rodney Reynolds
Meadows, Billy Dowell
Medice, Robert Leroy
Meeks, Wilbur Lee
Melton, William Gene
Mendez, Rafael
Menhennett, James R.
Metzger, William Marvin
Meyn, Paul Walter
Michielson, Dennis Clark
Middleton, Leroy Ryan
Miles, Paul
Miller, Clyde Dudley
Miller, Paul Howard
Miller, Richard Sterling
Miller, Roy Allan
Miller, Sydney Kie Henry
Milligan, Donald Ray
Mills, Charles William
Milne, Marion Keith
Mina, Melanio Gonzales
Minnehan, David William
Mitchell, Donald Ray
Mitchell, Elmer Ray
Moeller, John Arthur
Moen, Rodney Charles
Mooney, Derbert Drew
Moore, Earl Stanley
Moore, Lavonne Hendricks
Moore, Phillip, Jr.
Mora, Jesus Ronaldo, Jr.
Moratto, Franciso Russell
Moreau, Armand Roland
Morgan, Charles Franklin
Morgan, Charles Edward
Morgan, Walter Claude
Morris, Elbert Milburn
Morris, Robert Leet
Morrison, Herbert Eugene
Morrow, Walter Samuel
Moschette, Charles John
Moseley, Benny Joe
Moss, Bobby Leon
Moyer, Milton John
Mudryk, Raymond
Mueller, John C.
Mueller, Robert Arthur
Mullen, George Augustine
Mumford, Donald Emerson
Munn, Kenneth Lee
Murphy, Leslie Edward
Murray, Wendel Albert
Murtomaki, Charles Heusa
Myers, Ira Redden
Nason, Richard Osman
Nassar, Albert Nicholas
Neal, John Robert
Nechvatal, Charles James
Neel, Jack Franklin
Nelson, Roland William
Neste, Carl Alfred
Netterfield, David James
Neville, Thomas Arthur
New, Melvin Roger
Nichols, Paul Malcolm
Nicol, William Werner
Noel, Ronald Eugene
Nolan, Arthur George

Normandin, Raymond Henry
Norris, Robert Gene
Nowling, Clyde Junior
Nunan, Robert Emmett
Nusbaum, Walter Enoch
Oakes, James Ralph
Ogilvie, Joseph Lee
O'Keefe, James Thomas
Olander, Raymond Edward
Oliver, Richard Henry
Olsen, Frederick Lee
Olshefski, Anthony Chester
Olson, John Theodore, Jr.
O'Meally, John Lawrence
O'Neal, William Thomas
Oppenborn, Jerold Carl
Orosco, Santiago
Owens, Terry D.
Page, Alfred Leonard
Palmer, Charles Frank
Palmer, Richard William
Panovec, Joseph Victor
Parker, James Arren
Parker, Robert Elwin
Parnell, Charles Dickson
Parr, James William
Parsons, James Franklin
Partesius, John Scott
Pasco, John Pasqual
Patino, Donald Verdi
Patkus, Joseph Thomas
Patterson, Robert MacGregor
Paul, Anthony
Pearce, Gary Clifford
Pecora, James Eugene
Pedersen, George Tandrup, Jr.
Peele, Franklin D.
Peebles, Alvin Dunnavant
Peirsol, Keith Lavern
Pelletier, Ronald Wilbrod
Percival, William Lee
Pereira, Raymond Carl
Perritti, Frank Victor, Jr.
Perry, Allen Burrell
Perry, Junior Lacie
Peszynski, Walter Franklin
Peters, Gerhart Judson
Peters, John Wesley
Peters, Leonard Mahealani
Peterson, James Holgar
Petrick, Robert George
Pettit, Jimmie Laverne
Petty, Albert Leonard, Jr.
Petzold, Clarence Henry
Phillips, James Edgebert, Jr.
Pickens, Thomas Grover
Pior, Thomas Royse
Piszko, Martin Nicholas
Pittman, Norwood Thomas
Plantz, Vernon Alfred
Pletcher, Thomas Ray
Plourde, Ronald S.
Pohl, Matthew John
Ponciroli, Donald Lawrence
Poppe, Larry Dean
Porter, David Percy
Porter, Thomas Eugene
Postel, Keith Elwin
Potts, Louis Eldren
Preti, Wilfred Joseph
Price, John Edward
Pridgen, Joel Bernard
Priolo, Gary Philip
Pritchard, Jimmie Don
Proctor, Robert Eugene
Propst, Edward Russell
Quiniano, Hilario Llorente
Rabold, Frank Lloyd
Ragghianti, Charles Frank
Rahmann, Calvin John
Rakfeldt, Harry Ottomar
Ramirez, Rodolfo Sahagun
Rand, Verl Allen
Ranguette, John Anthony
Rasmussen, Anker Martin
Ratcliff, Thomas Preston
Ratliff, Thomas Linwood
Ray, Harold Lonzo
Reed, Frank Guy
Reed, Robert Vern
Reel, George William
Regan, Carl Eddie
Reindehl, Philip Wells
Rhudy, Carl E.
Rice, Charles Oliver
Rice, Glenn, Jr.
Rich, Jerome Elliott
Richardson, James M.
Richardson, Donald Charles
Richter, Ronald William
Riddle, Richard Arnold
Riddlebarger, Devereaux P.
Ridge, James Alfred
Riegger, Robert Ronald
Rietz, Warren Eugene
Rife, Neal Dwayne
Rigg, Donald Arthur
Riggs, George Charles
Riley, Thomas Ellsworth
Rinehart, Walter Ronald
Rinehart, Eugene Victor, Jr.
Ritz, Richard Charles
Ritzel, Charles James
Roberts, John Ross, Jr.
Roberts, Laymor B., Jr.
Robertson, Bernard Lee, III
Robey, Olen Wilbur
Robinson, Earl Almack
Robinson, Frank Jeffrey
Robinson, Richard Stanton
Rochford, Robert Edward
Rockwood, Donald James, Jr.
Roddan, Ronald John
Rodgers, Carl Todd
Rogers, Thomas Eudene
Rohrscheib, James Vincent
Romano, James Michael
Romo, Carl James
Ross, Albert James Jr.
Ross, Johnny Edward
Rossignol, Donald J.
Roywadowski, Francis John
Runyon, Donald Ralph
Ruspoli, Frank Joseph
Russell, Frazier
Russell, Perry Bedford
Ruth, Herbert Merton
Rutland, Roger Wayne
Ryan, Royal Gene
Ryder, Gene Burnett
Ryder, Leon Elmer
Sala, Salvatore Louis
Salinas, Amando Santos
Salt, Joseph Timothy
Salvati, Donald Joseph
Sanger Duane Michael
Santonil, Rosendo Torres
Satterthwaite, Cecil Thane
Satterwhite, Dudley Marshall
Sawyer, Carl William
Scarcelli, James Pietro
Schadroderick, Francis
Schaefer, Andrew Charles
Schaffer, Lawrence Carl, Jr.
Scheine, Murray
Schelin, Theodore Carl
Schier, Robert Martin
Schlehr, Paul Raymond
Schmid, Walter Adolf
Schmidt, Curtis John
Schraud, Henry Frank
Schroeder, William
Schuhl, Robert Wegand
Schultz, Carl John
Schwartz, Ronald Eugene
Scott, Joseph Murdock
Sears, James Arthur
Seedorf, Ronald Frederick
Seegar, Marion Lloyd
Shaffer, Clarence William
Shaffer, John Oscar
Shaw, Richard Dale
Shaw, Richard Alan
Shears, Howard Franklin, Jr.
Sherrill, James Durwood
Sherry, Ronald Eugene
Shevling, Robert Louis
Shierling, Johnnie Wayne
Shinabery, Willard Edwin
Shoop, Ronald Arthur
Short, Leonard William
Shorten, Russell Kenneth
Shreve, Julius George
Siemers, Uwe
Silverberg, Eric Gustav
Simcox, Carl E.
Siver, Donald Frank
Siverly, John Edward
Skaw, Larry Roger
Skelley, Willard Richard, Jr.
Skipper, John William
Sloope, Charles Edgar
Slover, David Franklin
Sluder, George Theodore
Small, Frederick Eugene
Smith, Darrel Ogle
Smith, David Weaver
Smith, Donald Gene
Smith, Herbert Merrill
Smith, Howard Patrick
Smith, James L.
Smith, Larry Eugene
Smith, Lee Ervin
Smith, Lester Clark
Smith, Maurice Wesley
Smith, Robert Clyde
Smith, Robert John
Smith, Ronnie Lee
Smith, William Dennis
Snow, Homer Eugene
Snyder, Larry Dean
Snyder, Ralph Oscar
Soderlund, John Henry
Solak, Lawrence Edward
Solberg, James McKinley
Soriano, Fernando C., Jr.
Sosnovske, David Edward
Souders, Ralvin Allen
Soulia, Oscar George
Sowers, Bobby Gene
Sparks, Howard Frank
Spatt, Frank Ronald
Spear, Earl Jay
Spears, Buddy Wayne
Spears, Tommie Edward
Speh, Warren Glenn
Speir, William Franklin
Spinelli, Anthony Joseph
Springer, Thomas Lu
Squire, Orin Leroy
Sronce, Frank Thomas
Stanek, David Monroe
Stanford, Johnny Grey
Stanko, George Edward
Stanko, John Alex
Stanley, Jerry Stewart
Stansell, Walter Terry
Stapp, Alton Eugene
Stapp, Clyde Kellison
Stauffer, Robert George
Stendel, James Clinton
Stephens, Hugh Lawson
Stepherson, Gerald D.
Stepp, Robert Lee
Stevens, Richard Omer, II
Stevens, William David
Stewart, Bobby Leon
Stewart, Lowell Thomas
Stiffler, James William
Stockman, James Beasley
Stockton, Robert Leighton
Stogner, Lawrence Edward
Stone, Ernest Ralph, Jr.
Stoneking, Thomas Clinton
Story, Richard Harry
Stowe, Abraham Ronald
Stowe, Dorothy Jean
Strange, Gary Eugene
Strong, Franklin Eugene
Stuart, John Edward
Stuck, James Roland
Stuke, John Herbert
Sutter, William Winston
Sutton, Frank Clare
Swanson, Raymond Peter
Sweet, Ralph William
Swope, Ronny Lee
Sykes, James
Taczala, Edmund Joseph
Tanner, Marshall, Elliotte, Jr.
Tanner, William Earl
Tapp, Clovis Henry
Tarantino, John Floyd
Tarr, Robert Michael

Tarter, Arlan Gilmore
Taylor, Donald Walter
Taylor, Henry Harrison
Taylor, James Benjamin
Taylor, Stanley Carl
Terry, Robert Joseph
Tevis, John
Tharp, Arnett Rolland
Thatcher, Marvin George, Jr.
Thiel, John William
Thomas, Donald Ralphael
Thomas, Gordon Joel
Thomas, Lee Harworth
Thompson, Merrill Keith
Thompson, James Edward
Thompson, Stelio Guy
Thompson, Byron Haywood
Thompson, Robert Edward
Thompson, Robert Miller
Thompson, Frank Lawrence
Thompson, Jerry David
Thomson, Bruce Lindsay
Thornburg, Fredric Earl
Thornhill, Billy Harold
Timmons, Bobby Joe
Tims, Charles Edward
Tingle, Jerry
Todd, Samuel Spencer
Toomey, Thomas Patrick
Tosatto, Francis L.
Toth, Ernest Andrew
Townsend, Paul, Jr.
Trammell, William James
Treadway, Alton Glen
Troino, Rocco John
Tucker, Charles Wayne
Turley, Brian Dale
Turner, Donald Paul
Turner, George Edgar, Jr.
Turner, James Sunday, Jr.
Turner, James Phillip
Turpin, Billy Howard
Turpin, Thomas Richard
Tuttle, Donald Eugene
Twombly, Bennett Clayton
Underwood, Melvin Eugene
Uptegrove, Edwin Wayne
Vaccard, John William
Valeu, Bennie Joe
Vancleave, Jerry Maddux
Vanhee, Richard Charles
Vanicek, Errol Dean
Vanness, Henry Arthur
Vasseur, Roy Delano
Vaughn, David William
Veatch, Robert Loyd
Ventgen, Robert John
Verbic, Alan Robert
Vertress, Ronald Grey
Vettese, Anthony
Villanueva, Anastacio Lazaro
Villemaire, Albert Joseph
Vollmar, William Earl
Wade, Phillip Morris
Walcott, Clarence, Jr.
Walden, Billy Frank
Walker, Arthur Thomas
Walker, John Anthony, Jr.
Wall, Liberty Boy
Wallace, George William
Walsh, William Francis
Walter, Fredrick Sebastian
Walters, Chester Huel
Walters, John William
Ward, Bobby Jerrel
Warner, Eugene Knox
Warren, Harry Edward
Warren, Robert Lee
Warson, Duane Eugene
Watson, Chester Arthur, Jr.
Watson, Donald Reed, Jr.
Watson, John Lawrence
Watts, William Henry
Weathers, Billy Todd
Weaver, Robert Hugh
Weaver, Sterrie L.
Webb, Elvin Bernell
Webb, Ernie Maurice
Weber, John George
Weeks, Bill Frank
Weesner, Jack William
Wegrzyn, Raymond
Welch, Robert Walton
Wells, Harold Adolph
Wenter, Gary Earl
Wertz, Bruce Neal
Wesley, Philip Clyde Martin
West, Frank, Jr.
Wharton, Billie Eugene
Wheatley, Claude Isaac
Whisenhunt, Michael David
Whitaker, Lawrence Winans
Whitchurch, Charles Leroy
White, Billy Ray
White, John Philip
Whited, Fred Lewis
Whiteley, William Burton
Whitlow, Bobby Ray
Wiedenbeck, Elmer Wilfred
Wiles, Dwight Eldon
Wilke, James Gerald
Willecke, Waldo Lyle
Williams, Donald Paul
Williams, Frank Larry
Williams, Thomas Yeaman
Wilson, Charles Lee
Wilson, Earl Glen
Wimberley, Clay Allen
Winslow, Hal Worth
Wise, John Thomas
Wiski, Richard Frank
Witt, Lloyd Gordon
Wolfe, Myron Dean
Wolking, Fred Louis
Wood, Donald Frank
Wood, Richard Eliot
Wood, Ronal Dewey
Woodman, William Jack
Woodruff, James Earl
Wooten, Donald Clifton
Worley, James Lloyd
Worley, Melvin Eugene
Wreath, Clarence Frank
Wright, Larry William
Wyatt, William Douglas
Yanik, Ronald Valerian
Yarbrough, Thomas Albert
Yavorosky, Vincent Michael
Yeater, Edward Thomas
Yeatts, Harold
Yoneda, Minoru Mickey
York, Robert Ronald
Young, Donald Edgar
Zabetakis, Nick
Zeitler, George Dean
Zengen, Ralph Harold, Jr.
Zinn, David Sterling
Zobb, Louis John
Zuber, Sammy Dale

The following-named women officers of the U.S. Navy for permanent promotion to the grade of lieutenant in the line subject to qualification therefor as provided by law:

Akerman, Margo L.
Beam, Kathleen S.
Boynton, Johnnie M.
Bradley, Billie J.
Bruton, Kathryn J.
Carranza, Linda J.
Cortner, Cara A.
Dailey, Eleanor C.
Dersch, Lynnette R.
Dowd, Peggy R.
Downing, Gayle M.
Dugan, Kathleen M.
Dunn, Sharon L.
Dustin, Deborah L.
Fisher, Mary M.
Hawkes, Nancy J.
Heaxt, Sandra E.
Henley, Sally S.
Holmes, Sandra L.
Hughes, Michele M.
Jarosz, Elizabeth A. M.
Johnson, Martha S.
Karr, Elizabeth M.
Kennedy, Sandra K.
Kohlmeyer, Jean L.
Krueger, Patricia G.
Marzola, Antoniette
May, Nola J.
McAnallen, Shirley J.
McCulloch, Bonnie M.
Metcalf, Wendy J.
Mitchell, Sharon I.
Moczygemba, Elaine D.
Mohr, April D.
Moore, Marilyn J.
Moriarty, Ann J.
Morton, Janice C.
Moyher, Linda L.
Newill, Patricia E.
O'Malley, Margaret M.
Oskam, Margaretha I.
Perry, Earlyn F.
Ratz, Trudi
Reynolds, Sharon A.
Ricarte, Heloise B.
Roberts, Elaine N.
Rodes, Joann
Rudd, Pamela S.
Sanders, Jo A.
Sherfey, Faith L.
Skalisky, Mary V.
Stagg, Frances L.
Tate, Lynn D.
Tesoriero, Rita
Tolini, Dorothy A.
Weber, Sandra L.
Weishaar, Pamela J.
Whitehead, Martha L.
Wood, Nancy E.
Ziegler, Catherine

The following-named officers of the United States Navy for permanent promotion to the grade of lieutenant junior grade) in the line and staff corps, as indicated, subject to qualification therefor as provided by law:

LINE

Aubrey, Richard D.
Austin, John D., Jr.
Bailey, Bernis H.
Barnes, Thomas D.
Baumann, Scott R.
Bibbins, Thomas A.
Brians, Wallace S.
Buck, Stuart F.
Brines, Stephen J.
Caceres, Raul A., Jr.
Cadden, Frank M.
Cannelos, George J.
Cannis, Robert M.
Carlsen, Kenneth H.
Creech, James R.
Dameron, Ott H.
Davis, Scott H.
Donaldson, Paul J.
Doub, Mark
Eason, Richard A.
Feierabend, Richard C.
Gant, Steven J.
Gray, Richard E.
Hanson, Wesley L., Jr.
Harris, John A.
Hastings, James J.
Henson, Lovell K.
Hildebrandt, Thomas G., Jr.
Hollister, Stephen J.
Hughes, Michele
Jones, Fred C.
Julian, Robert W.
Korba, Michael J.
Lane, Roy J., Jr.
Larson, David R.
Laturno, Raymond J., III
Lear, Richard B.
Leeder, Frederic G.
Ludington, Stephen P.
McMacken, Patrick B.
Moneymaker, Patrick D.
Moss, Dennis R.
Musselman, Stephen O
O'Connell, Brian J.
O'Connell, John T., Jr.
Osterhoudt, Robert R.
Patteson, Walter R., Jr.
Piotrowski, James M.
Rizzi, Robert A.
Robert, Eugene R.
Rondolone, Nicholas
Schuster, Mark G.
Scott, John K.
Shea, Robert W.
Smith, Harold M.
Waite, Robert C.
Staeheli, Bruce W.
Smith, Richard A.
Stromquist, David W.
Thomsen, Leon F.
Tomich, David B.
Turner, Dennis J.
Widhalm, Kenneth C.
Wilson, John R., Jr.
Witkowski, Christopher J.

SUPPLY CORPS

Archer, Raymond A., III
Bobulinski, Robert A.
Fowler, George O., III
Gibbs, David M.
Lamb, James H.
Lengkeek, Dale R.
Long, David L.
Wheaton, Kenneth W.

CIVIL ENGINEER CORPS

Fehlig, Charles J.
Hart, Stephen L.
Huddleston, Geoffrey E.
Parker, Robert V.

NURSE CORPS

Lyons, Doris A.
Trump, Patricia A.
Tynan, James F., Jr.

Lt. (j.g.) Lisalee A. Wells, U.S. Navy, for transfer to and appointment in the Judge Advocate General's Corps in the permanent grade of ensign and the temporary grade of lieutenant (junior grade).

Robert G. Caliebe (Naval Reserve Officers Training Corps candidate) to be a permanent ensign in the line of the Navy, subject to qualification therefor as provided by law.

The following-named lieutenant commanders of the line and staff corps of the Navy for temporary promotion to the grade of commander pursuant to title 10, United States Code, Section 5787, while serving in, or ordered to, billets for which the grade of commander is authorized and for unrestricted appointment to the grade of commander when eligible pursuant to law and regulation subject to qualification therefor as provided by law:

LINE

Youngberg, Guy M.

SUPPLY CORPS

Bishop, William C.
Jarrett, William A.

IN THE MARINE CORPS

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel:

Vincent A. Albers, Jr.
Terence M. Allen
James O. Allison
Warren L. Ammentorp
Earl W. Bailey
Nicholas K. Bodnar
James R. Bowser, Jr.
George L. Bruser
William E. Buckon
Richard R. Burritt
Guy R. Campo
George B. Crist
Robert L. Christian, Jr.
David A. Clark
John W. Clayborne
Charles W. Collier
James K. Coody
Gorton C. Cook
Richard L. Critz
James L. Day
John J. Donahue
Philip J. Dooley
Alfred N. Drago
Ronald P. Eckmann
Donald J. Fulham
Samuel J. Fulton
Donald L. Gaut
Dwayne Gray
Edward F. Grayson, Jr.
Macdonald Greer
Thomas L. Griffin, Jr.
Robert G. Haggard
Herbert M. Hart
Richard E. Hawes, Jr.
Howard R. Henn
Donald H. Hildebrand
Charles W. Hoffner
John S. Hollingshead
Robert C. Hughes V.
Maurice H. Ivins, Jr.
Paul G. Janssen
Malcolm S. Jolley, Jr.
John J. Keefe
Robert J. Keller
Frank R. Koethe
Leo J. Leblanc, Jr.
George G. Long
Theodore J. Lutz, Jr.
Robert J. Lyons
Joseph A. MacInnis
Robert E. McCamey II
Roland D. McKee
Walter J. McManus
John J. Metzko
Robert J. Mille
Edison W. Miller
Richard G. Moore
Thomas R. Morgan
Rhys J. Phillips, Jr.
Ronald M. Proudfoot
Thomas M. Reedy
George H. Ripley
J. W. P. Robertson
John F. Roche III
Dale W. Sanford
Lawrence R. Seamon
Robert M. Searles
Roy A. Seaver
Rufus A. Seymour
James L. Shanahan
William F. Sheehan
Eugene E. Shoults
John D. Shoup
Robert E. Switzer
Wylie W. Taylor, Jr.
Stanley G. Tribe, Jr.
Archie Vanwinkle
Billy F. Visage
Carroll R. Vorgang
Anthony G. Waite
Phillip C. Walker
Vonda Weaver
Joseph K. Weiland
William Weise
Rondell K. Wood

The following-named officers of the Marine Corps Reserve for temporary appointment to the grade of colonel:

James F. Burke, Jr.
Joseph R. Dobbratz, Jr.
Ernest L. Ittner, Jr.
Edward J. Lamontagne
Frank G. McLenon
Karl N. Mueller
Leo J. Naquin, Jr.
Elmer F. Pattillo
William A. Tate

HOUSE OF REPRESENTATIVES—*Wednesday, September 6, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Seek good and not evil, that you may live: And so the Lord will be with you.—Amos 5: 14.

Eternal Spirit, in whom is our strength, with whom is our peace and from whom comes our hope for life in this moment of prayer we wait upon Thee for Thy forgiving grace and Thy empowering spirit.

We share in the sorrow of all people at the deeds of violence which have taken the lives of fine men. Teach us all, Our Father, that hatred does not work and that only good will can heal the hearts of nations.

Strengthen the families of those slain with Thy sustaining presence and lift the burden of violence from the hearts of men.

In these baffling and bewildering days grant unto us the willingness to walk in the ways of wisdom and the will to work for a world in which men are free, where justice rules the minds of men, and where peace reigns in the hearts of nations. Make us and our country great and good in spirit that we may be channels through which Thy purposes come to new life in our day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment, a bill of the House of the following title:

H.R. 9323. An act to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2) entitled "An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 16. An act to amend title 18 of the United States Code to provide civil remedies to victims of racketeering activity and theft, and for other purposes; and

S. 2087. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents.

RECESS OUT OF RESPECT FOR MURDERED ISRAELI ATHLETES

Mr. PODELL. Mr. Speaker, I rise of course in despair over the events yesterday at Munich. I ask that the House stand in recess for 30 minutes out of respect for the 11 Israeli athletes who were killed so barbarically yesterday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess until 12:30 o'clock p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 30 minutes p.m.

EXPRESSION OF SYMPATHY TO PEOPLE OF ISRAEL AND FAMILIES OF THOSE WHOSE LIVES WERE LOST AT MUNICH

Mr. CELLER. Mr. Speaker, I offer a resolution (H. Res. 1106) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1106

Whereas with profound sorrow and deep alarm the House is informed of the events surrounding the killing of eleven members of the Israeli Olympic team participating in the Twentieth Olympiad at Munich, and

Whereas such actions are to be condemned as inimical to the interests and aspirations of the civilized world, be it hereby

Resolved, That the United States joins with the world in mourning the loss of Israel's athletes and extends its deepest sympathy to the people of Israel and to the families of those so tragically lost, and be it,

Further resolved, That all means be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid, or comfort to acts of murder and barbarism such as those just witnessed at Munich and that the Clerk of the House be directed to communicate these sentiments and expressions to the Secretary of State for appropriate transmittal.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from New York (Mr. CELLER) is recognized.

Mr. CELLER. Mr. Speaker, supplementing the resolution which has been read by the Clerk, I wish to indicate that I personally believe that the Olympic games at Munich should now be terminated.

There is world protest against the brutal holocaust of these Arab murderers against the Israel athletes. The spirit of the Olympic games has been crushed. The continuation of the Olympic games would be a vivid condemnation of these horrendous acts.

The entire civilized world is aroused at these murders—apparently covertly or overtly applauded by some Arab nations. These beastly attacks can only be compared to the destruction of, say, the Sistine Chapel or the mutilation of the sacred scrolls of the temple or the murder of innocent defenseless bystanders.

The Olympic games stand for fair play and strenuous but just competition and harmony among nations. But these unspeakable crimes are the very antithesis of those laudable aims.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, yesterday the world witnessed at Munich an act of barbarism and brutality in the killing of unarmed members of the Israel Olympic team—an act which has few parallels in the annals of international crime.

It is the latest in a series of murders which has made the whole globe a battlefield and every civilian a possible victim.

Murder is loose in the world—murder that may strike at any place—any time. Who would have dreamed that the friendly relationships of the Olympic games would be shattered by the death-dealing chatter of machineguns?

It is one thing to act and to resolve, as we do today, Mr. Speaker, in this resolution which is good—but that is not enough. The hijackings continue—killings go on—and criminals are given haven by nations who should punish them rather than protect them.

Mr. Speaker, I urge the President to take steps to mobilize the nations of the world to halt this murder madness.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, I commend the distinguished dean of the House, the gentleman from New York (Mr. CELLER) for introducing this very timely resolution. I am one of the sponsors. I expressed sentiments very similar to those set forth in the resolution yesterday in a speech on the floor of the House.

I can only add that the gentleman from Illinois (Mr. YATES) of course is eminently correct in saying that the time has come to implement the international organizations so that piracy of this kind and banditry and outlawry, whether it be committed in the air as is now the subject of an international conference or whether it be committed against the innocent participants in a great athletic event dedicated to world amity, will be recognized as a challenge to these organizations and to the American Government.

I commend the gentleman from Illinois for his very timely suggestion.

I join, too, Mr. Speaker, in expressions of profound sympathy and regret that this great international event which has come to be known in modern history as well as in ancient times as a symbol of peace, should be so desecrated.

Mr. PODELL. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York (Mr. PODELL).

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from New York yield for an observation or comment?

Mr. PODELL. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Speaker, the only way despicable acts of murder and terrorism like that which occurred in Munich will be stopped is if doors all over the world are shut to such assassins.

While deeply mourning the deaths of the Israeli Olympic team members so senselessly slain by Arab terrorists in Germany, I agree completely with the action called for by Senate Resolution 358—that the civilized world ostracize any peoples or nation giving sanctuary or refuge to international outlaws of the Black September stripe.

In committing their outrages and delivering their ultimatums, Arabs terrorists ultimately seek escape. They attempt to find their way to a place of refuge.

In the case of the Munich affair, the announced destination was Cairo. It is my information that West German officials contacted the Egyptian Government but received no satisfaction from them during the time that negotiations with the terrorists still were in progress. This, to me, is shocking.

There should be no hiding place for assassins like the Arab terrorists. There should be no place to which they can flee after executing their hideous plots. I know of no other way in which such assassins can be stopped.

Mr. Speaker, I urge strong support for House Resolution 1106.

Mr. PODELL. Mr. Speaker, I thank the gentleman from Michigan.

Mr. Speaker, I rise in support of the resolution and in despair over the events in Munich yesterday. Yesterday the world paid a heavy price for its continued refusal to uproot and destroy terrorist violence. Yesterday a small group of Palestinian terrorist butchers showed that not only can they hire Japanese gunmen to slaughter innocent American airline passengers; not only can they hijack and blow up civilian aircraft; but also they can sink to new levels of barbarism—they can destroy the world's latest and most glorious efforts to work, play together and compete together in a healthy atmosphere of peace and mutual respect.

Is it to be that nowhere in this world can people compete in peace and work and play together? Has suspicion replaced respect? Have sharp words replaced friendly competition?

The Olympic games are continuing, as they should continue, but they should continue in a new spirit, in a spirit of mourning for the 11 lost lives of the Israeli Olympians and for the lost peace and lost friendship. They should continue with the full realization that the games have been disrupted by acts of insane violence. They should continue with the full consciousness that everyone is responsible for what happened yesterday. They should continue with the full understanding by spectators and participants alike and the world over that a price was paid for ignoring past terrorist actions.

They should continue if only to allow the world not to divorce itself from yesterday's massacre and not to divorce itself from the Olympic games with glib excuses about outside agitators and a few fanatic lunatics.

The entire world bears responsibility for the killings yesterday. How did these terrorists get Russian Kalashnikov automatic rifles? Who paid for them? Who filled the orders? Who allowed them to train? Where did these terrorists train? What country permitted them to organize? What country in the Middle East permitted them and gave them the incentive to continue world terrorist acts? Who distributed yesterday's statement in Cairo to the press extolling these feats of butchery? Why on the very same day did the Soviet Union in Egypt reject a strong United States and Canadian antihijacking and antiterrorist proposal?

Yesterday's massacre was not just the insane act of one small group. It was permitted and even encouraged by a calloused world, determined to ignore that which does not hit them over the head or poke them in the eyes.

The House of Representatives here must take the leadership until this terrorism stops. All civilized nations should make a common cause in denying these terrorists and assassins the aid and comfort of a place to flee, hide, and conceal themselves. Civilized man must deny them the sanctuary required to plot their outrages. The rabid dog and the killer shark have no place among ordinary people and the family of man must now in unison and unanimously agree in compact on this common cause that terrorists of all cloth be denied a haven and brought to justice.

I ask that international terrorism be ended. I ask that we salvage the 20th Olympiad with just such an agreement, signed by all of the participating nations of the world, that no nation may harbor such criminals or encourage such criminal terrorism; and if they do, then the nations of the world should enter into an agreement to boycott these countries, stop trading with these countries, because these countries do not have civilized concern for the people of the world.

Mr. WOLFF. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I am glad to yield.

Mr. WOLFF. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I rise with heavy heart. The outrageous crime against the community of mankind perpetrated yesterday in Munich by Arab terrorists will be remembered forever for the consummate evil it represents.

The world is shaken by this wanton act of violence and nothing can ever be quite the same again. It clearly demonstrates the fanatical nature of the Black September movement and the madness of its followers. It shows again for all the world to see just how utterly irresponsible the leaders of the Arab nations are. Only King Hussein of Jordan raised his voice against those who brought on this crime. The rest were as silent as the sphinx. Yesterday, I took the floor to ask Arab leaders to act.

President Sadat of Egypt had an opportunity to come to the assistance of those held hostage, but he did not. He was asked to do so by Chancellor Brandt of West Germany, but he obviously could not be bothered by something so unimportant as the lives of 11 Jews. He must stand condemned before the world for his arrogant and blatant refusal to act. Too, Syria's response, hailing the terrorists' murders reaches a new low in savagery. Terror like this cannot be permitted to rule our society.

I am afraid, Mr. Speaker, that we have not seen the end of this yet—consequences are yet to come to the Arab world. We must hope that it too does not fall on the innocent.

Mr. Speaker, I urge the passage of this resolution.

Mr. HOSMER. Mr. Speaker, will the gentleman from New York yield?

Mr. WOLFF. I am glad to yield.

Mr. HOSMER. Mr. Speaker, I rise in strong support of the resolution (H. Res. 1106) to express my strong despair and repugnance to the violent events which occurred in the Olympics and to urge the unanimous passage of the resolution.

Mrs. GRASSO. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentlewoman from Connecticut.

Mrs. GRASSO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I join in support of this resolution.

Mr. Speaker, in the Munich massacre, we mourn once again the persecution of the Jews.

The Olympic games, designed for the demonstration of peace and good will among nations, became the setting for the wanton and brutal slaughter of young Israeli athletes by Palestinian assassins.

The world was witness to the long night of terror and the bloody drama that left in its wake the lifeless bodies of men of good will who, in good faith, had journeyed from a proud homeland to join their peers in the traditional Olympic games. Many questions about the adequacy of security and the tactics for rescue remain unanswered.

As the Jewish world begins observance of a new year, a bitter truth is once again brought home. The terror of the night, as much as the arrows of the day, represent an ever present threat to the preservation of the Jewish homeland.

In this sad time, the tears of the world are joined in the grief of family and friends of these tragic victims.

Mr. EDMONDSON. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Oklahoma (Mr. EDMONDSON).

Mr. EDMONDSON. Mr. Speaker, I thank the distinguished dean of the House for yielding to me on this resolution, and I strongly support its passage.

I should like to be associated with the remarks made by the able gentleman from New York (Mr. CELLER), the eloquent remarks of our colleague (Mr. PODELL), and the strong statement which was issued yesterday by our distinguished Speaker of the House.

All Americans, I am sure, are appalled by this terrible act of violence which has cast such a terrible shadow over a great international event. All Americans, I am sure, will join me in the hope that our Government will do all in its power within the United Nations to secure effective international action to put an end to acts of violence and terror of this kind.

Mr. SIKES. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Speaker, there is no way the Congress of the United States or the American people can adequately express our sympathy and concern for the events at the Olympic games. I have introduced a resolution of sympathy for those who died, for their families and friends, and for their nation. But more is needed than an expression of sympathy. We should do more than say we are sorry for what happened in Munich.

America and the world must move to end this kind of terrorism once and for all. I believe we can bring an end to acts of violence such as the tragic event which has horrified the world, and bring an end to incidents such as skyjackings and bombings.

The way to end these acts, Mr. Speaker, is to give the international criminals no place to hide, no country to run to, no haven from prosecution.

This is not too much to ask. It has been needed far too long. From the ashes of the Olympic tragedy, we can build a true monument to those who died—an international agreement among all responsible nations that those who engage in tactics of desperation such as this will not be welcome on the shores of any nation. Only when terrorists of any nation, whether they be Arab or American, learn that they have no place to hide or to scheme will there be an end to acts of insane violence.

People committed these murders, not nations. The Arab countries are no more to blame for the deaths of the Israeli athletes than Americans are to blame when terrorists from our shores hijack an airliner and flee to a more friendly shore.

Let us place barriers around the boundaries of every nation at the earliest possible moment. Let us begin at once, through international agreement or through the United Nations, to reach firm agreement with all other nations and let it be known that international criminals will be hunted down and punished.

Only in this way can world nations fully express their concern and assure the peoples of the world that an end to these tragic incidents is in prospect.

Mr. MONAGAN. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Connecticut (Mr. MONAGAN).

Mr. MONAGAN. I thank the gentleman for yielding.

Mr. Speaker. I wholeheartedly support the resolution by the distinguished gentleman of New York (Mr. CELLER) which I have been proud to cosponsor, and hope that it will receive the unanimous approval of the House.

One can only express horror and regret at the irrational slaughter of the Israeli Olympians in Munich. As with those who seek to gain results by violence elsewhere in the world the purpose here was to terrify people into action. As is so often the case, the result in this instance will be the opposite of that sought by the killers. Their purpose, if any, was to advance Arab supremacy but the result will be to sharpen the differences between the adversaries and make meaningful Arab progress more difficult.

It is tragic that this senseless act should have come at a time when Arabs and Jews of good will appeared finally to be moving toward some Middle East settlement. Perhaps it was this that the terrorists sought to prevent.

The games will go on as I am sure the fallen would have wished but the sympathy of the world goes to these gallant athletes' families and the nation of Israel.

Mr. SCHEUER. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I should like to congratulate the leadership of the House and the distinguished dean of the New York delegation for sponsoring this legislation. I believe all of my colleagues who have preceded me have spoken meaningfully and from the depths of their hearts.

We must make absolutely sure that this matter does not end with platitudinous expressions of regret. We have had too much of this recently.

Last May, after three Japanese terrorists, acting on behalf of the Popular Front for the Liberation of Palestine, massacred 28 persons at Lod Airport, expressions of shock and dismay from all over the world poured into Jerusalem.

Last November the world was again shocked by the assassination of a Premier of one country in the capital of another and, once again, worldwide condolances poured into Amman.

Similar expressions of concern were voiced after numerous airplane hijackings, the attempt on the life of a former Jordanian Ambassador in London, the sabotaging of a West German factory, and the destruction of an oil complex in Italy.

Mr. Speaker, I could go on and on, but the point is embarrassingly self-evident.

The time has come for the international community to condemn these people for what they are—insane madmen—and to declare them and the countries which give them sanctuary international outcasts.

Admittedly, the prospects for such effective international action do not appear to be good. For example, Munich came virtually on the heels of a rejection of an international treaty on hijacking. At the very time men were being senselessly slaughtered in Munich our friends and allies, France and Britain, joined by the Soviet Union, were leading an effort to reject a treaty designed to deal precisely with just this international crime.

The incident in Munich is now tragic history; at the very least, it should shame these countries—our allies and pillars of Western civilization—to take strong and effective action not only against hijacking but also—and most especially—against those countries which harbor and nurture and give sanctuary to these guerrilla groups responsible for these outrageous acts of terrorism.

One step toward effective international action of the type which is urgently required would be to strengthen Interpol's ability to keep track of the international movements of known terrorists and to inform various countries of the presence of these individuals within their jurisdiction.

To me, it is a tragedy that Interpol, the only international police agency with the potential for this type of program, has a budget of less than $1 million per year—less than the police budget of Fargo, N. Dak. Surely the United States and the other member countries can do much better than this.

Mr. Speaker, the time for talk has long since past. The incident in Munich is an affront not only to the spirit of the Olympics, but to the very essence of human decency. Strong, effective international action must be taken now.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Speaker, I know I join all Americans in expressing my deep sympathy to the families and friends of the Israeli Olympic athletes who were senselessly slain in Munich yesterday.

Since the time of the ancient Greeks, the Olympic games have represented man competing against man in peace. Even during the Greek wars, athletes going to the Olympics were free to pass the enemy lines to participate. Yesterday, this was not the case.

In today's world seldom a day goes by without murder and death on the front page of our papers. Yet, this tragedy seems to go beyond the normal news events that horrify the public. Through television we became witnesses to the Olympics. We had grown to admire the accomplishments of these athletes, whether black or white, from a free or Communist country, whether Christian, Jew, Buddhist, or Moslem.

We admire them for their skill. And as they swam and fought and ran to new records it seemed that these young people were capable of truly great things. Now we mourn the death of 11 of their numbers.

And if the tragedy of spoiling the ageless spirit of the Olympics was not enough, the tragedy of the day was made even greater by the fact that once again "a knock on the door" took the lives of Jews in Germany. This tremendous, joyful event which was to mark the new Germany made us have memories of the old.

It must be said that under impossible circumstances the German Government did their best. We in the United States have learned that it is impossible to deal on rational terms with these extremist groups. The nations of the world should join together in making sure that no nation is a home for these international outlaws.

As with other tragedies that have occurred, we must go on. Hopefully, we can learn from the past.

This Friday at sunset will be Rosh Hashanah, the Jewish New Year. This Rosh Hashanah marks year 5736 on the Jewish calendar. Let us pray that this year will bring peace to the land of Israel and that the tragic events of the XX Olympiad will never occur again.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, I join in supporting and endorsing this highly necessary resolution presented by the Speaker, the majority and minority leaders in condemning the unlawful and murderous actions of the Palestinian terrorists at Munich. These Arab murderers must be apprehended and convicted of the international crimes which they inflicted on the Israeli athletes in cold blood, displaying a vengeance against people that could only be carried out with help outside of their small criminal band of terrorists.

The Congress of the United States, the people of America, and the world are startled that such a dastardly crime could be successfully executed by a small band of criminals on innocent citizens of a neighboring nation. It is indeed terrible that a crime involving bloodshed and murder could interrupt such a world-renowned event as the Olympic contests. All Europe and nations of the world will hold the Arabian people in contempt if these guilty criminals are not brought to justice. Any nation giving these criminals sanctuary without incarcerating them until they have answered for the unspeakable crimes which they committed against innocent representatives of their neighbors participating in the world-renowned athletic event should be condemned by all peace-loving and law-abiding people of the world.

The Congress, by this resolution, has gone on record speaking for all citizens of the United States in condemnation of the Munich murders and are demanding that the guilty parties be brought before the bars of justice and suffer a just penalty for their crimes.

STATEMENT OF MAYOR RICHARD GORDON HATCHER, OF GARY, IND., ON THE MUNICH CRIMES

Mr. Speaker, Mayor Richard Gordon Hatcher of Gary, Ind., has today ordered the flags throughout the city to be flown at half-mast in commemoration of the memory of the athletes from Israel who were the unfortunate victims of the Arab terrorists at Munich.

I include with my remarks the statement of Mayor Hatcher which he released today in condemning this dreadful international crime. Mayor Hatcher's statement follows:

> This barbaric killing of members of the Israeli Olympic team is a crime against humanity which cries out for compassion for the victims, their families and countrymen and a full indignation of each of us against the perpetrators. I join my fellow Americans and fellow citizens of the world in condemning these brutal and senseless acts.
>
> We must reaffirm our commitment that violence and terrorism are unacceptable substitutes for reason and order and apply whatever appropriate sanctions exist against terrorists and any who aid and abet them.
>
> We extend to Prime Minister Golda Meir and all Israelis our genuine sympathy and our assurance that neither they nor anyone must stand alone against this sort of act.
>
> I have ordered the American Flag at City Hall lowered to half-staff as a token of our concern and urge all my fellow citizens of Gary to join me in that jesture. We call upon the leaders of the world and support the forces of peace to find a lasting solution to the problem of the Middle-East—but we must never seek justification for acts of terrorism.

Mr. CELLER. Mr. Speaker, I yield such time as he may use to the gentleman from New York (Mr. KOCH).

Mr. HUNT. Mr. Speaker, will the gentleman yield to me?

Mr. KOCH. I yield to the gentleman.

Mr. HUNT. Mr. Speaker, I take this opportunity to associate myself with this resolution and rise in full support of it.

It would appear, as one of the gentlemen who spoke prior to me, my colleague from New York, said, the acts of barbarism must be eliminated, but knowing what they are and when they are to be committed is impossible.

The bad feature of this situation today is that we have so many people who have such a low regard for human life. Back in Biblical days we had Cain and Abel, and there has been no change since then. The tragedy of our society is we have no way of ferreting out these people who have such warped and depraved minds that they desire to commit atrocities such as this one in Munich against the Israeli athletes.

I think it is high time that we spent more money on this matter and that the Secretary of State should be contacted and have this matter brought to his attention. We should put more money into the Interpol situation.

I am a former member of a law enforcement group. I am a firm believer that we should know more about these terrorist groups than we do. If we look back to World War I, to Anton Pavolik with his Ustachi from Yugoslavia and Albania and the Montenegros, we see precedents for groups such as this group forming the Black September group, who take credit for this atrocity. It is about time civilization and civilized nations brand them once and for all and in doing so make sure that the law carries a penalty commensurate with the crime in which they have become involved. Capital punishment must be the prospective penalty.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Speaker, I appreciate the gentleman yielding to me.

I know how much he is involved with this problem.

I seek this time because as a member of the Committee on Foreign Affairs of this House, under the leadership of the great Sol Bloom, of New York, in 1945 I introduced into the House what became known as the Israel resolution calling for the House and the Congress to declare in that area a free and sovereign state to be known as the nation of Israel. Even in those days there was nothing of this sort between the opposing parties, so that today, so many years later, to know of this fantastic outrage is just as appalling now as it would have been then.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. KOCH. I am glad to yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of the resolution. The savage and senseless murder of 11 members of the Israeli Olympic team has shocked the people of the entire world. The slaughter by Arab terrorists serves as a reminder of the historic plight of the Jewish people—and of the vulnerability of all people to such acts of insane barbarism.

It is particularly sickening that this would happen at the Olympics, where the rival forces of the world are expected to put aside their differences to join in open, healthy athletic competition.

The tragedy is further heightened by the fact that the mass murder occurred in Munich, Germany, where a generation ago the Jewish people were the victims of terrorism and planned extermination to a degree unparalleled in the history of the world.

The Arab terrorists have hurt their cause with this latest act of savagery; they stand condemned today in the eyes of the entire civilized world.

Our hearts and prayers go out to the families of the 11 Israeli martyrs. Yet, while the families' suffering is most direct, the murder of the young athletes is ultimately a loss for all mankind.

Mr. KOCH. Mr. Speaker, first of all, I would like to thank the majority leader (Mr. Boggs), the chairman of the Committee on the Judiciary (Mr. Celler) who is my mentor and dear friend, and our colleague Sidney Yates for having brought this resolution so quickly to the floor of the House at this moment when the agony is with us.

The Jewish people throughout the ages have had more than their share of martyrs. I will not recount them. It is not necessary.

The 11 young Israeli murdered in Munich are now martyrs. They were struck down by a combination of events beyond their control. Their deaths will never be forgotten. They will be revered by generations to come for their courage as are the martyrs of the Massada who left such an indelible imprint on Jewish tradition and history. The "Olympic Eleven" murdered as they were will symbolize for Jews and non-Jews, for all time to come, the triumph of innocence over savagery. They are never to be forgotten and always to be revered, while their murderers, like Cain, are forever to be reviled.

But what is so terribly important to mark is that this was not an isolated incident. The fact that these terrorists could come to Munich and engage in this slaughter arises because the world has stood by uttering only pious words when comparable incidents have occurred.

When the 28 innocent civilians were struck down at Lod Airport, it was the French, who permitted the thugs to board the plane with machineguns on a French plane going to Israel, and then said they bore no responsibility for the massacre. And yesterday, for those who watched this unbelievable scene taking place before their eyes, it was even more unbelievable to learn that Egyptian officials at the highest level declined to give the German Government any assurances that if the 11 hostages and Arab terrorists were permitted to leave for Egypt, the hostages would be returned immediately.

There have been too many occasions when nations in the U.N. Security Council or the General Assembly have exonerated and sometimes even lauded attacks by terrorists coming from Lebanon and Syria on the people of Israel—and gone on to censure Israel, the victim who only asked for simple justice.

When nations and international forums do this, they provide the climate for murder and barbarism. And we ought not be surprised when these acts follow. The latest illustration of a failure to act is noted in today's New York Times reporting that the Soviet Union, Great Britain, France, and Egypt refused to support an antihijacking treaty offered by the United States providing that joint international sanctions be taken against any country not punishing or extraditing hijackers, or not releasing planes, crewmen, and passengers. I say those countries bear responsibility for what happened yesterday.

In his infinite wisdom, God will succor the innocent and punish the guilty.

Mr. BOLAND. Will the gentleman yield?

Mr. KOCH. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I commend my colleague, Congressman Koch, for his forceful and sensible statement on the Munich tragedy. It is shocking that the spirit of brotherhood and friendship characteristic of the Olympic gathering should be shattered by the senseless assault by Arab terrorists. This is a tragic affront to men of goodwill everywhere.

I join with my colleagues in condemning these incredible acts of barbarism and extending our deepest sympathy to the families of the victims of the Arab fanatics.

The outrage is heightened by the fact that the terrorists chose the Olympic games as the setting for their criminal conduct. That an event designed to promote peace and understanding among nations should be so challenged is a threat to the international community. I call on all nations of the civilized world to seek the means of ostracizing any person or nation giving sanction, support or sympathy to the perpetrators of such heinous acts.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from Missouri (Mr. Symington).

Mr. SYMINGTON. Mr. Speaker, I rise in support of the resolution.

What was noble was gathered there: The graceful, the gifted, the disciplined, the self-denying who had each climbed the steep and rocky slope to the summit of human excellency, where they stood serene above the clouds, deeply breathing the pure air of achievement.

Children of Israel, whom we mourn, were among them. Poets of movement, they stood still, hand in hand, above the clamor of nations and the sulfur of war.

What could bring them down, these angels of our best nature, and with them our hearts and our hopes? Nothing. They are there yet, radiating a more eternal flame than ever a man made or torch bearer carried across continents and seas, history, memory, and time.

What of those who did the deed? Perhaps in some charnel retreat evil with its darkest smile conveys awards no man covets and nature itself reviles.

Was it a victory for evil? Let that question be judged when civilization has buried its honored dead, and then truly honored them by adopting the measures embraced in this resolution.

The gentleman from New York, my friend, Mr. Koch, is correct when he describes these fallen heroes as martyrs. They died surely for peace, but their sacrifice would stand as a reproach upon every Member of this Chamber unless and until we pass this resolution.

Mr. CELLER. Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. Staggers).

Mr. CLANCY. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Ohio.

Mr. CLANCY. Mr. Speaker, I rise in support of this resolution.

Mr. CLANCY. Mr. Speaker, people of all nations deplore the horrible tragedy yesterday at the 20th Olympiad in Munich. I was shocked, as I am sure were all my colleagues here and decent, civilized men and women around the world. It was a dastardly, bestial act.

A small band of fanatic terrorists was unreasoning. They seized the world, its attention centered on the Olympics, in an insane grip. There is no way to compromise with such fanatics as these. One can not help but wonder about the abandonment of the death penalty when unpredictable killers like these are loose. Will the unknown murderers in the world today be discouraged if the murderous guerillas who were captured yesterday are simply punished by a few years in prison?

This year's Olympics had displayed the best that was in mankind and most nations' athletes had won a share of the glory. Men and women from countries of opposite philosophies had met in the arenas. They had competed according to the rules and the losers had graciously congratulated the winners.

Then, from out of the darkness burst a small band of guerrillas intent, really, on only one thing—to publicize to the world their hatred for another people. You know the story; how they crashed into the quarters of the Israeli athletes, how they held them hostage and, finally, how 11 Israelis were slaughtered and a policeman and four guerrillas were dead from their senseless, radical and criminal act.

We join with all people in mourning the loss of Israel's finest and we extend our deep sympathy to the people of that gallant country, especially to the families of those who lost their lives. I sincerely hope that the adoption of this resolution will contribute in some way to the elimination of dastardly acts like we witnessed in Munich yesterday.

We can never condone what occurred there and it is our fervent hope that civilized peoples everywhere unite in such a way that we will never again witness such an act.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Pennsylvania.

Mr. MORGAN. Mr. Speaker, I strongly support this resolution. I believe that the Congress should express immediately and forcefully its condemnation of those who planned, participated in, or condoned the murders which occurred yesterday at Munich, its sympathy with the families and friends of those whose lives were lost, and its determination to join with other nations in taking such action as may be possible and appropriate to prevent further acts of brutality against the innocent.

I am confident that all Americans, regardless of how they stand on any issue, are horrified by what happened in Munich. All sane and rational people realize that such an act must inevitably bring harm to the cause which it purports to advance.

I feel confident that most of the people of the Arab States do not advocate the murder of innocent people as a means of attaining their objectives.

We must recognize, however, that there are terrorist organizations within the Arab countries and that some Arab governments condone and even support their activities.

The U.S. Congress should make clear to such organizations and such governments where we stand and that we are determined to stamp out terrorism.

Mr. PASSMAN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Louisiana.

Mr. PASSMAN. Mr. Speaker, I rise in strong support of this resolution.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Ohio.

Mr. HAYS. Mr. Speaker, I rise in support of this resolution.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, the tragic episode in Munich yesterday defies all that is logical and humane. Our expressions of outrage and shock ring hollow when compared to the monstrous act they attempt to describe.

This act of terror by the Arab guerrillas must be condemned by all peoples of all countries of the world. Not just Israel has suffered by this wanton killing of 11 of its finest countrymen. Mankind has suffered as barbarism again is loose in our so-called civilized world.

I heartily support this resolution condemning the Munich killings and I most enthusiastically support the call that no country grant safe haven to any of these terrorists who may still be running loose.

The tragedy of Munich has many faces. First, naturally, we grieve for the innocent victims who had dedicated so much of their lives to peaceful competition through international sport. Next, we grieve that what seemed to be small but steady progress toward some sort of solution to the Middle East problem might have been lost in the gunfire and death at Munich.

And we also grieve that such a noble endeavor as the international Olympic games should be the scene of such a bloody deed. In a world too often wracked by killing, the Olympic games existed as a fresh wind of hope which swept the world every 4 years. It is the grand example of international accord and brotherhood.

In our revulsion today over the acts of the terrorists, we must realize that the Olympic games was only an unwitting victim. The future of these great contests must not be jeopardized by the insane actions of a group of terrorists. I am confident they won't be, and that the spirit and the fact of the Olympics will survive this outrageous act.

Mr. Speaker, I urge this body give unanimous approval to this resolution today.

Mr. FRELINGHUYSEN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of the resolution.

Mr. Speaker, I rise in support of this resolution. I wish to add my voice to the growing international chorus expressing shock, anger, and horror at the events that occurred in Munich yesterday. These self-styled Palestinian commandos are no better than international murderers. Two years ago King Hussein of Jordan was severely criticized in certain quarters for his handling of the commando problem in his country. In the light of brutal acts such as those perpetrated yesterday we can understand how dangerous these Palestinian outlaws are, and what the result would have been had they been successful in seizing control of an entire nation such as Jordan.

Yet it is not enough to condemn this wanton killing. The recent wave of international banditry that has climaxed in the brutal deaths of 11 innocent Israeli athletes points up to need for firm international action to contain and control these outlaws. Steps must be taken to make certain that this kind of terrible deed can never happen again.

Mr. STAGGERS. Mr. Speaker, I want to thank the distinguished gentleman from New York for yielding to me. I further want to congratulate the distinguished leaders of this House, the Speaker, the majority leader, as well as our colleagues on the other side of the aisle, for setting aside the business of this body for a short time in order to voice our horror and grief over the tragedy at Munich. An appalling outburst of malice and venom has invaded the peaceful field of international sports where some of our best and most friendly young men and women were trying to build understanding and good will. The whole world stands in stunned unbelief. Our deepest sympathy goes out to all involved, the families of the slain contestants, the nations which joined in the festival of peace, the public officials who tried desperately to promote harmony and friendliness. It is a tragedy which should unite us all in a determination to overcome the evil in our hearts which has produced so much violence through the recent years. I know not what steps justice may suggest in the case, but I do pray that whatever is done may allay passions worldwide, and not stir them to further vengeance. May what is best in our natures rise to supplant the fiendish which lurks so close to the surface.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Mr. Speaker, I would like to associate myself with the remarks of the distinguished chairman of the House Interstate and Foreign Commerce Committee, Mr. STAGGERS.

The senseless slaying of the Israel delegation is a tragedy of many dimensions.

It is a personal tragedy to those who died and to their families. They have my deepest sympathy and my prayers.

It is a tragedy for the young State of Israel, which has had to struggle merely to survive in an often hostile environment, to lose these outstanding young people who were competing in an atmosphere of peace and harmony.

We can also share the sense of tragedy felt by the people of the Federal Republic of Germany who hosted the games and whose nation was invaded for the purpose of committing terror and disrupting everything for which the Olympic games stand and toward which West Germany had worked.

And it is a tragedy to the world that a group of young people participating in the Olympics in the spirit of international unity and who would perhaps have been leaders of Israel efforts toward peace in the future, died with their lives yet before them.

It is a grim and tragic fact that just as the courage and excellence which they displayed are a part of the reality of our times, so as well is the kind of brutality and inhumanity represented by the terrorists.

This is why it is so difficult to achieve instant peace or early solutions to the world's problems.

It does, however, seem a crime against life and history that in this era when there is so much basis for hope for peace, justice, and humanity among men, the violent acts of irrational individuals and terrorist groups have so marred the record of our times.

The Olympic games and the atmosphere in which they are held are a part of that hope for humanity, but they have been shattered by a group whose goals were not peace and unity but destruction and hate.

It is for us, the living, to pursue the goal of peace and justice for all the peoples of the world to insure that that minority which represents those who would inflict terror and spread hate will not prevail.

Mr. MAYNE. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Speaker, I rise in support of this resolution.

Mr. MAYNE. Mr. Speaker, I rise in support of the resolution, House Resolution 1006. At sunset this Friday, September 8, the Jewish festival marking the beginning of Hebrew year 5732—Rosh Hashana—will be held. I am sure there will be little festivity this Rosh Hashana in the homes of my Jewish friends, as they think of the many Israeli homes grieving from the loss of loved ones, the 11 young Israeli athletes whose lives were snuffed out in their very prime by senseless terrorism.

Surely all civilized peoples, whatever their race or creed, whether Jews, Christians, Hindu, Muslim, or Marxist-atheist, were shocked by the barbaric and dastardly abduction and murder of these young men. No cause, no rationale can excuse or justify this unprovoked terrorism against innocent parties whose only "crime" was their rightful pride in representing their nation in international athletic competition. The acts of these assassins were completely inimical to the interests and aspirations of the civilized world. Any individuals, groups, peoples or nations encouraging such terrorism or giving asylum, solace, and comfort to its perpetrators earn the contempt of all civilized mankind, and should be considered as pariahs, undeserving of any further contact with the civilized world.

Great progress had been made toward establishing just and lasting peace in the Middle East. We must not allow the terrorists to thwart these efforts, divide those seeking peace and exacerbate frictions, possibly escalating reciprocal acts of vengeance and reprisal into all-out conflict—for that was the very purpose of their acts of terrorism. The death of the athletes should instead spur on the efforts to stop the useless bloodletting and seek lasting peace in the area, and to cooperate internationally in preventing any further such tragedies in the future. I am sure the slain athletes, proud of their prowess and abilities, were keenly aware of the importance of the Olympics and would have strongly opposed any suggestion that the Olympics be terminated. The Olympics have over the years helped to build bridges between the nations, bringing their finest young men and women together to share a common love of sports, pride in self- and team-accomplishment, and spirit of competition and fair play. The Olympic Games have tended generally to break down the artificial barriers between peoples, to build understanding and to strengthen recognition of the international community of interests, best furthered by international cooperation. The continuation of the Olympiad, and of the Olympics in the future, is a fitting memorial to these Israeli athletes—if the Olympic torch is dropped and allowed to go out, they may indeed have died in vain.

I join with all my colleagues and the world in mourning the loss of the Israel athletes and in extending our deepest sympathy to their loved ones and to the people of Israel. I urge the adoption of the resolution proposed by our distinguished colleague from New York (Mr. CELLER), and further urge its implementation by the Secretary of State and President Nixon.

Mr. EILBERG. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Speaker, I would like to associate myself with the remarks of the gentleman in the well.

Mr. EILBERG. Mr. Speaker, the murder of 11 members of the Israeli Olympic team is a barbaric crime not only against the people of Israel, but against all of the civilized peoples of the world.

The barbarians who committed this act are nothing more than common criminals and to dignify them with any title or label which indicates that they were anything more than murderers would be a grave mistake. They came with only one intention—to kill.

The United States must join with Israel and the other civilized nations in mourning the loss of these fine young athletes and their coaches.

This senseless act has brought us closer to the brink of a society where violence and death are the only means of settling arguments or disputes. We can only hope that it does not lead to further acts of violence and terrorism.

The people of the United States and our Government must do everything it can to make sure that nothing like this ever happens again. Everyone involved in this brutal murder must be caught and punished and we should support any means necessary to bring this about.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I too desire to associate myself with the remarks of the gentleman in the well in support of this resolution.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman from West Virginia for yielding.

I want to associate myself with his remarks concerning the recent tragic events at the Olympics in Munich, Germany.

Let me also take this opportunity to express my support for the resolution offered by the gentleman from New York (Mr. CELLER), condemning the killings of the Israeli Olympic team members by Arab terrorists and sending the condolences of this body to the families of the victims.

Mr. Speaker, many of us have spent considerable time in the past few days watching the Olympics games on television. They have provided an example of superlative athletic competition carried on among young men and women representing many nations.

A spirit of comradeship and understanding has prevailed among the participants despite political antagonisms which may exist among their home countries. The Olympic games had given us an idea of what a world based on peaceful competition—rather than violence and warfare—could be like.

That vision has been marred, perhaps indelibly, by the wanton actions of a few extremists. Their barbarisms must be condemned by all peoples everywhere.

It is my hope that this event does not engender further violent acts of retribution. Threats of reciprocal violence against Arab diplomats which have been made by groups such as the Jewish Defense League must not be carried out and every effort made to prevent them. Any such acts would only compound the villainy which already has been perpetrated and sully the heroism of the Israeli victims.

Let us also pray that the Israeli Government practice restraint in its reaction to these tragic killings. Exacting retribution against Lebanon or its other Arab neighbors will not restore the dead to life, but only perpetuate the cycle of violence which so long has plagued the Middle East.

In our expressions of sorrow, and condolence, let us not forget the people of Germany. Two of its sons—a policeman and a helicopter pilot—were killed during the crisis and our sympathy must also go to their families.

The fact that Israelis, Germans, and Arabs died in this clash at the Olympics points up the international character of tragedy. The solution lies not in the retribution of one nation against another but in action through an international forum such as the United Nations. It is my hope that the U.N. will take up the problem of terrorism in its next session and deal with it effectively.

Our own Nation should take the lead in this effort. Terrorism has no place in a civilized world; it must be eliminated.

Our task will not, however, be an easy one. We have seen this week how difficult it can be to achieve agreement among nations on the related issue of airplane hijacking. Nevertheless, we must persevere toward the day when innocent persons need no longer fear for their lives because of the unreasoning hatred, of extremist madmen.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding, and I would like to associate myself with the remarks of the gentleman in the well in support of this resolution. Mr. Speaker, I rise in support of the resolution just offered out of a feeling of great personal sadness that such a heinous crime could take place and out of a feeling of anger that steps have not been taken before this to end the atmosphere of war and killing that has led to this catastrophe.

Numerous times I have stood here in this Chamber calling for action by the President, by the United Nations and by other free world countries to work for peace in the Middle East and in other parts of the world. Yet the killing continues and it is sanctioned by those nations which unscrupulously support anarchists bent on the destruction of their fellowman.

Whenever a nation gives sanctuary to a murderer or a terrorist, a hijacker, or a kidnapper, a drug dealer or extortionist, that nation is encouraging further criminal acts. In recent months we have seen an escalation of violence against innocent parties. Hijackings of jet aircraft have reached record proportions this year. Bombings and terrorists acts have escalated. Now we have witnessed the worst; the Olympics—once sacred for its neutrality—has been converted into a battleground by this political act of aggression.

Those of Jewish faith throughout the world have run the gamut of emotions in the last few days. The successes of Mark Spitz, the young American of Jewish faith who won the unprecedented seven gold medals and set seven world records, has lifted their emotions to the heights. Now this holocaust in the Olympic village has plunged them into the depths of despair.

Certainly no blame can be placed on the people of Germany who in extending themselves to everyone at the Olympics have shown themselves to be the best of host nations. And certainly the actions of Chancellor Willy Brandt in taking personal charge are to be commended.

In the words of the resolution, I extend my deepest sympathy to the people of Israel and to the families of those so tragically lost. Moreover, I pledge my own personal resolve to carry out the final clause of the resolution: to cut off from contact with civilized mankind any peoples or any nation giving support to acts of murder and barbarism. Those who perpetrate such acts are little more than animals or barbarians. And those who sanction such acts deserve even less acknowledgement.

I further urge upon this body to continue its strong support for the state of Israel and for peace in the Middle East and the rest of the world. Let us bring about a lasting peace through the strength of nations—not through the terrorist acts of a few.

Mr. CAREY of New York. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. CAREY of New York. Mr. Speaker, I thank the gentleman from West Virginia for yielding to me, and I also wish to identify myself with the remarks of the gentleman in the well.

Mr. Speaker, I rise in support of the Joint Resolution of sorrow and condemnation of the violence at the Olympic games in Munich, Germany.

Mr. Speaker, it is now time for all nations—countries of the free world, the Soviet Union, the People's Republic of China, and developing countries—to join in condemning the outrageous violence perpetrated by the Arab terrorists against the Israeli athletes. At the very least, the International Olympic Committee and the German Government must combine to provide an indemnification to the families of those who were the innocent victims of terrorism.

The brutral horror of 1936 is brought back to us in 1972. The very laudable objective of using Munich as an Olympic site has become a bloody and horrifying contradiction.

At every level—the Presidential, the diplomatic, and, most certainly, in the United Nations—the harboring of terrorist groups must be condemned with sanctions that have meaning and impact. Strict sanctions must be adopted against those countries which continue to arm these madmen and offer them refuge.

Similar criminal acts have been perpetrated against airline passengers, innocent travelers on road and rail, tourists, and leaders of nations seeking peaceful means to solve international problems.

Senseless violence must stop, and our Nation must take the lead in insuring an end to terrorism.

The 11 Israeli martyrs gave their lives for all of us and now it is our duty to give our total support to ending terrorism, especially against the innocents of Israel.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from California.

Mr. ANDERSON of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I also rise in strong support of this resolution.

Mr. Speaker, I sadly rise in support of House Resolution 1106, a resolution expressing sorrow for the Israeli Olympic team and condemning the cowardly act of terrorism in Munich.

To me, the Olympic games have represented the ideal of a community of nations coming together in a peaceful pursuit of international competition and understanding. The Olympics have been a dream of a future world where nations could live together in harmony without the threat of violence.

Today, that dream has been shattered.

The Nation of Israel has also represented a dream—a dream of a haven for the Jewish people to come together in forming a nation free from the fear of persecution, violence and hatred.

Today, that dream remains strong, yet saddened by the tragic loss of 11 of their sons.

Innocent blood has once again been spilled reminding us that we must remain on constant guard against the vain and dastardly acts of international degenerates who would wipe the Israeli Nation from the face of the earth.

Those who planned, supported and participated in the senseless massacre at Lod Airport in Tel Aviv, followed by the barbaric murders at the Olympic village in Munich have earned the condemnation and the scorn of every American.

Those who would strike under the cover of darkness at innocent people, rather than stand and fight on equal terms, deserve the censure and condemnation of every person in every society.

Mr. Speaker, the political assassination of 11 Israeli Olympic athletes by a group of international animals was a crime against humanity and we, as a nation, must do everything within our power to eradicate this cancer which feeds upon violence.

Mr. Speaker, the other cheek has been turned once too often—now is the time to say never again.

Mr. KARTH. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Minnesota.

Mr. KARTH. Mr. Speaker, I wish to associate myself with the remarks made by the gentleman from West Virginia.

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Speaker, I would like to associate myself with the remarks just made by the gentleman from West Virginia, Mr. STAGGERS.

Mr. Speaker, yesterday, the tragic crime at the Olympics was the most dastardly act of history. It makes one almost ashamed to be a human being that such a thing could have been done. When mankind desperately needs new and better bonds of brotherhood, and when the Olympics were giving us just that, this event, so contrary, makes one cry out in despair. May its horrow and depravity make us each determined that we in our daily lives shall persist to work ever harder for the brotherhood of man, so despicably wounded by this crime against mankind and its aspirations.

Mr. CELLER. Mr. Speaker, I yield to the gentlewoman from Massachusetts (Mrs. HICKS).

Mrs. HICKS of Massachusetts. Mr. Speaker, during this very sad period of mourning, I rise in protest to the barbaric acts committed in Munich, West Germany, which caused the death of Israeli athletes. The whole world is stunned and saddened by these senseless acts of lunacy. At a time when the world's greatest athletes gathered to participate in the Summer Olympics, these acts are even more shocking. The Olympic games represent man's oldest and noblest efforts to foster friendship, understanding, and reconciliation among the peoples of the world. This tragedy rightfully aroused anger at this act of violence perpetrated against a noble nation and the civilized world committed by those who betrayed the spirit of the Olympic games.

To the people of Israel, I extend my profound sorrow and express my sense of outrage at these callous attacks on our brothers from Israel.

Mr. CELLER. Mr. Speaker, I yield to

the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Speaker, I rise in support of this resolution and associate myself with the remarks of the dean of the House of Representatives, the gentleman from New York (Mr. CELLER) and our other colleagues who have spoken in support of the resolution.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, I thank the gentleman from New York for yielding.

Mr. Speaker, the entire world is shocked and outraged by the slaughter of the fine Israeli athletes by Arab terrorists.

September 5 shall always be remembered as a day of infamy and Black Tuesday in world history. I hope the United Nations will finally face up to their responsibilities and actively condemn and censure those persons and the nation causing this inexcusable and ferocious jungle-type conduct.

Those persons who always deplore capital punishment might have some second thoughts when dealing with these murderers. Can Israel accept the annihilation of 11 of their finest representatives by mere conviction and possible imprisonment of guilty terrorists who slaughter innocent people? I think not.

The eye for an eye philosophy may have a deterring effect on possible future conduct, and this situation cannot be permitted to slide by without positive, strong, firm action.

The President properly called Golda Meir immediately, and all nations offer their sympathy and concern to the survivors of the victims and to all the people of Israel.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Speaker, I would like to join with my colleagues in support of this resolution.

It is certainly a low point in the world's quest for peace when terrorism, death, and politics are interjected into the Olympic games. Peace in the Middle East has not been furthered by this act. Certainly, all nation's must join together to prevent those terrorists from destroying the very delicate quest for a solution.

The loss of the Israel athletes is certainly a great tragedy.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Speaker, I thank the gentleman from New York (Mr. CELLER) for yielding.

Mr. Speaker, I join in expressing my gratitude to the leadership for bringing this resolution to a vote with such expedition, and I express also the sympathy of all my constituents for those whose lives were so senselessly lost, including those who attempted to protect them, the West German citizens.

Mr. Speaker, it occurs to me and it occurs to all of us quite often that hateful words are akin to hateful deeds. This is no time for hating anybody, but I was particularly distressed to read reports of remarks in the Egyptian press alleging the horrible acts that occurred in the last several hours were the consequence of a desperate people who were driven to these acts.

We have heard that same thing about rapists, murderers, and robbers in our own country and we reject that kind of logic out of hand.

I think that Kipling said it best when he said:

> They only said intimidate and talked and
> wend their way.
> By God the boys who did the work were
> better men than they.

The people who do the hateful talk in the world produce in lesser minds and lesser people the brutish, hateful acts.

So, whereas, this is not a time for hate perhaps it is a time to pause and place some responsibility—and maybe for me, and all the rest of us, to look into our own hearts and wonder if we have ever said a hateful thing that was not necessary and which should not have been said, if we can ever look forward to a time when we would resist such temptation. Particularly, I would make that appeal on the part of my country to the leaders of other countries, whether Egypt or elsewhere—to remember that somebody makes a hateful speech and at the other end human beings lie dead.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from New York (Mr. REID).

Mr. REID. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, I rise in strong support of the resolution before the House today and I join with all Members in extending our deepest sympathy to the families of those slain in Munich and in a broader sense to the entire family that is Israel.

We have witnessed an act of treachery against mankind at the 20th Olympiad, at an international occasion wherein each country sends its best ambassadors in an attempt to have peaceful competition. This terrible act is unparalleled and should redound across the world as an act against humanity.

Mr. Speaker, I believe three things here are required.

First, I believe it is unconscionable for the Olympics not to end its endeavors at this point. To continue the Olympics and not pay the deepest kind of respect to this tragic action would be a desecration.

Second, I think the United States in particular must show very strong leadership so that, once and for all, all nations who have given sanctuary and comfort, direct or indirect support to violence, to guerillas, and to those who would kill without mercy and without thought will know once and for all that this is something the United States will not tolerate and something the United States is determined to put an end to.

For too long there have been statements out of Cairo saying they could not take responsibility. Yet it is high time that nations take responsibility in the clearest sense and in the fullest meaning of that for actions perpetrated by people sheltered on their soil.

And in case anyone is in doubt on this question, it is very clear that the press release describing the attack by Black September was being distributed in Cairo almost simultaneously with the action itself. I think that speaks volumes.

Finally, aside from the United States taking the leadership to see if we cannot put an end—as we must put an end to hijacking—to this kind of violence, we must recognize that the statesmen of the world have failed to deal with the fundamental refugee question in the Near East. Until we do something to address ourselves to a lost generation and until certain Arab States recognize they must no longer use the refugee question as a political football, we are apt to continue to see repeated violence.

So I hope we will take a longer range view and work to resolve equitably the refugee question, while taking the strongest possible measures against any country that continues to give comfort and sanctuary to those who would wantonly destroy life.

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. REID. I yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. Mr. Speaker, I take this opportunity to associate myself with the remarks of the gentleman from New York. I believe the gentleman has adequately and poignantly stated many of the facets of this problem.

Mr. Speaker, I urge unanimous approval of the resolution.

Mr. REID. Mr. Speaker, I thank the gentleman from South Carolina.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Maryland (Mr. LONG).

Mr. HARRINGTON. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Massachusetts.

Mr. HARRINGTON. Mr. Speaker, when will the violence end? Once again, the world has been jolted by sudden, shocking murder of innocent people. Once again, millions of Americans have been drawn to their television sets to witness the tragedy of senseless wasting of human life. Once again, the best of humans have been cut down by the worst.

Certainly, this latest crime is most evil for it has been accomplished in one of the few places where men of all nations and ideologies can compete in an atmosphere of friendship and peaceful cooperation. And it is most evil because a nation which has suffered far too much, which has seen its citizens shot down in its airports, slaughtered in its cities, must now endure the killing of its finest young men in a land of bitter memories.

Mr. Speaker, all nations should not only condemn the deeds of the Arab terrorists, but more importantly to take action against those countries who are harboring and supporting these international bandits.

Mr. LONG of Maryland. Mr. Speaker, I congratulate the gentleman from New York, the chairman of the Judiciary Committee (Mr. CELLER), for sponsoring this resolution. I think this is one additional instance of the great leadership the gentleman has demonstrated in this House over the years.

I believe we are all baffled by this latest in a long series of crimes against the little State of Israel, whose only defense has been to build a great nation, a distinguished nation in the face of endless adversity. If this incident, this horrible tragedy, serves any purpose at all, it will be to jolt the nations of the world into finally taking seriously these hijackings and kidnapings.

Mrs. GRIFFITHS. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. I rise in support of the resolution, and to extend my sympathy to the Israelis, and to hope that out of this tragedy there will be forthcoming a sense of commitment in the world for peace for all.

Mr. BRINKLEY. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Georgia.

Mr. BRINKLEY. Mr. Speaker, I thank the gentleman for yielding and rise to associate myself with his remarks and those of the gentleman from Indiana (Mr. JACOBS).

Last night I waited by the television until those fateful words from ABC were spoken, "They are all gone." In my hand was the Evening Star in which the pictures of the Israeli hostages were printed. All gone, in the flower of their lives. A wave of sadness engulfed me which was intensified by the pictures.

"Thou shalt not kill" goes the Biblical commandment. Why was it so cruelly violated?

Let the word go out that we still believe in mercy—that it is good and right. But in order to secure that mercy for prospective future victims, examples must be made of the perpetrators of this act and any other such recurring act.

Mr. HANLEY. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from New York.

Mr. HANLEY. Mr. Speaker, I thank the gentleman for yielding. I want to associate myself with the remarks in support of this resolution.

Mr. Speaker, once again it was the knock in the middle of the night. Once again the mindless terrorists have struck a blow to our Israeli brothers. Once again we can only shake our heads and wonder when this inhumanity to these brave and tormented people will stop.

In moments of shock and horror, it is difficult to put into words the deep emotions swirling inside. To me this act is incomprehensible. It is senseless to their own professed cause as well as being a monumental insult to all the peoples of the world. People such as this should hardly be accorded the dignity of being treated as human beings, because their acts were subhuman. Not only were their acts cruel and merciless, but they themselves were cowardly in their cause and their cause itself bankrupt of any human ideal.

My heart truly goes out to those loved ones of the Israeli martyrs. I can only be reminded of the tragic past and pray to the Lord that such insanity will someday come to an end. All of us, regardless of faith or color, regardless of nation, must live on this earth in peace together. We must work together toward this end or forfeit that which is common to us, our humanity. It is this we must cherish and protect. Life is a great gift, and the reverence for life must someday come to transcend politics.

I can only hope that these remaining Olympic games are dedicated to those who died, and that the people of those games learn well from this tragedy so that the spirit of brotherhood that the games have symbolized is revived and carried in all of our hearts. Not just for a few days, but for our remaining years.

Too many have died in vain for us to forget so quickly.

Mr. DOWNING. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Speaker, I wish to associate myself with the remarks of the gentleman in the well.

Mr. Speaker, I share with my colleagues the sadness of this hour. The senseless, premeditated killing of these fine young men is a shocking, despicable act of what must be lunacy.

The Olympic games have always constituted a world forum where young people throughout the world can gather and compete on honorable terms. It offered an opportunity for better understanding among the peoples of the world. Now there is a pall over the image of this great event caused by a few people whose motivations must have come from Satan himself. Any explanation of these happenings is difficult and unsure. Unfortunately, the world seems infested with too many sick people who have lost their desire to live but do not have the courage to die by their own hands. They seize upon the most convenient political controversy, terrorizing and killing innocent victims before they themselves are killed in what they mistakenly deem a "blaze of glory."

To think that people of this ilk have snuffed out the precious lives of these promising young men is a sorrowful thing indeed.

Most nations of the world have joined together in their expressions of sympathy over the consequences of this tragedy, but there are a few nations whose reactions are strange. These countries actually seem to be condoning these acts rather than condemning them. They hold their doors open to give sanctuary to the perpetrators regardless of the crimes they commit. Some kind of retaliatory action should be taken against these few nations, and it seems to me that the Security Council of the United Nations is the place to start. They should not be allowed to continue their membership in that body unless they comply with reasonable rules of civilized behavior.

I extend my deepest sympathy to the people of Israel and especially to the bereaved families of those who have suffered such a tragic loss.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. LONG of Maryland. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman from Maryland's yielding.

I wish to join in the commendation of the leadership for bringing out this resolution, and join in sympathy extended to the bereaved.

I certainly am in support of the two finding clauses and the first resolving clause. I do, however, based on our action in the past, sometimes later deemed precipitous when enacted while overwrought with emotion, want to raise a simple point of information about those who have constructed and drawn the second resolve by simply inquiring: What does it mean when it says, "that all means be sought by which we may in the civilized world cut off from contact any peoples giving sanctuary," and so forth? Would this amount to sanctions of those giving sanctuary? Could it mean complete withdrawal and walling off from the civilized world? If so, are we not in a spirit of overwrought sympathy and deepest heartfelt emotion almost going as far as those who have wreaked the despicable and the impulsive crime against mankind? I would simply like an explanation of the second resolving clause.

Mr. LONG of Maryland. Is the gentleman addressing his remarks to the gentleman from New York (Mr. CELLER)?

Mr. HALL. I would hope if the dean of our House had heard me, or those who are around and supporting him, that they could answer that question. My purpose would be served by simply pointing out that it is at least vague in meaning and perhaps overdrawn.

Mr. LONG of Maryland. I yield to the gentleman from New York, and yield back the remainder of my time.

Mr. CELLER. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. I thank the chairman for yielding.

Mr. Speaker, I want to join with others of my colleagues in expressing deep shock and distress over the tragedy that yesterday befell the members of Israel's delegation to the Olympic games at the Olympic village in Munich, West Germany.

Responsible people everywhere cry out against this type of terrorism. Their hearts go out to the families and friends of the victims concerned, and their deep sympathy is extended to Israel.

It is indeed heartening that this tragedy has not put a stop to the Olympic games and that, after due recognition is extended the victims, the games will be continued. This serves notice on those who are inclined toward terrorism that they cannot destroy this spirit of international cooperation, friendly competition, and good will among nations.

There are dangerous currents of violence loose in the world today, and the Olympic games have served as a symbol of world cooperation and peace. In effect, it has been a pageant that has brought the entire world together in friendship, enabling peoples of the various countries to understand the hopes and fears of those of other countries.

The great shadow of tragedy that has fallen on the Olympic games in Munich should serve, then, as a signal to all peoples of the world that they must constantly be on guard against terrorism, for it lurks in all kinds of corners and hides in the hearts of treacherous men. It manifests itself in airplane hijackings, airport attacks, and now it has escalated to international proportions. It is obvious that these terrorists are seized by madness, that they are totally unpredictable, irresponsibles and that they will resort to any devilish means to obtain their evil ends.

The United Nations must do everything in its power to curb and control this menace of terrorism. It must use every authority at its command and all powers of persuasion it possesses to eliminate this terror to decent human beings. The U.S. Ambassador to the United Nations, the Honorable George Bush, should exert every effort to see that the United Nations pursues such a course.

The countries of the world must be urged to confront these terrorists. They must refuse to give them refuge. They must desist from providing them with arms and forbid them from operating in their borders. They must take prompt and strong legal action against them, knowing that only in this way can this sordid type of humanity be stamped out.

If all the countries of the world will cooperate in this regard, they will be able to eliminate a terror that threatens the deep respect and regard that each decent country has for the other. The dark shadow that has recently fallen on the Olympic games will become dissipated, and the countries of the world will be able to meet at future events in an Olympian effort for athletic excellence and international peace, good will and understanding.

Mr. ROSENTHAL. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from New York.

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman.

Mr. BAKER. Mr. Speaker, I rise in support of the resolution offered by the distinguished gentleman from New York, the dean of the House of Representatives.

Mr. Speaker, today is a black day for America and for all civilized nations. Today, we awoke to the tragic news that Arab terrorists have killed 11 representatives of the Israeli nation at the Olympic games.

I join with all men of good will in deploring these murders. And I call for immediate action to prevent future bloodshed.

The responsibility rests with nations who condone to the slightest degree such actions by their nationalists. International violence in all forms, including blatant hijacking of aircraft, can only be suppressed by isolating nations who give aid and comfort in any way to international criminals.

These latest shootings, by a band of armed Arab guerrillas calling themselves the "Black September" group, are the latest in a long list of terrorist acts. Clearly, we cannot tolerate these continuing violations of accepted international codes of conduct.

The recent tragedy in Munich raises questions of great importance to the future of the Olympics.

The games were established to bring together the finest athletes from throughout the world, in friendship and in peace. Over the years, international politics have been allowed to get in the way of sportsmanship.

But never before have political events forced the games to a complete halt.

At the beginning of this year's Olympics, Rhodesian athletes were barred from competition for political reasons. This action set a bad precedent. The Olympics should be open to all—regardless of political ideology. This is not the proper time or the place to display international differences.

The killings in Munich also raise the question of security at future Olympiads.

All nations must share responsibility for adequate precautions to insure the safety of those competing in the Olympic games. The Olympic village should be considered international territory, and as such, should be patrolled by international law enforcement officials. No one host country should be asked to bear the enormous burden of security for future Olympics, in the light of today's world tensions.

Olympic officials have announced the games will resume September 7 following a fitting memorial to the slain Israeli athletes. By resuming the games, we can demonstrate our commitment to international sportsmanship. Despite this great setback, we can show that violence by a few will never stop the progress made through efforts of many toward international peace.

No one can erase the tragedy of what has happened. No one can restore the murdered victims to their loved ones. But, hopefully, this incident will help us to learn new ways of ending bloodshed and finding international peace.

Mr. ROSENTHAL. Mr. Speaker, in the first instance I want to commend the distinguished chairman of the Judiciary Committee, the House itself, and the Speaker, and the leadership, for bringing this very timely matter to the attention of the membership.

Obviously, the American people and Members of this House, their Representatives, are deeply concerned and alarmed, and they, as the resolution suggests, suffer with profound sorrow the action that took place in Munich yesterday.

Many of the previous speakers here today not only expressed their sorrow and alarm, but some expressed their anger at certain nations of the world for having been involved in providing refuge for terrorists that led up to this kind of situation.

I think the gentleman from Missouri raised a pertinent question when he asked, putting it another way. What responsibility do nations in the civilized world have for their part in permitting the perpetration of these dastardly acts?

I suggest to my distinguished colleague from Missouri that what happened is, when governments and nations condone acts of violence and terrorism, they set a climate of approval for these kinds of situations.

In other words, those nations, which border as neighbors to the State of Israel, have given sanctuary to terrorists and have, in a governmental sense, indicated their approval—not their condemnation but their condonation of these acts.

It would seem to me, that when these nations offered refuge for hijackers, when they have offered refuge for those who have publicly acclaimed terrorism as a final resolution of their difficulties, those nations ought to lose their rights in the body of nations, for example in the United Nations.

Specifically, when Syria, Lebanon, and the United Arab Republic have willingly given the hand of friendship to terrorists, they ought to suffer the loss of whatever the membership of the United Nations can bring for those acts.

What I mean to suggest is that these nations have used the vehicle of the Security Council and the United Nations to bring their resolutions of condemnation of the State of Israel.

This may not be an appropriate time to discuss the larger issue, but the issue of what happened at Munich would never have come up if we had previously addressed ourselves to the larger issue.

What I suggest to my distinguished colleague from Missouri is that nations really ought to be expelled from the United Nations, from the civilized world, if we are going to develop a society of peace, understanding, goodwill, and tranquil relations between people.

It would seem to me that the United Nations is going to have to face this issue as to nations which harbor terroristic criminals, and they are going to have to lose the right to vote.

I remember learning in law school that one of the tenets when coming to a court of equity—which really the United Nations is—is that one must come in with clean hands. Nations that harbor terrorists do not meet that requirement.

I believe the gentleman from Missouri addressed himself to the question of what is the responsibility of the civilized world, and I am happy to yield to the gentleman from Missouri.

Mr. HALL. I believe the gentleman misconstrued my question. I hope, on reading the literal RECORD back—and he will note that I have not asked to revise and extend my remarks—he will find that he has done so. My question addresses itself simply to a point of information.

What are "all means" that are intended "to cut off from contact with civilized mankind any people who give sanctuary," or perpetrate these other despicable and repulsive actions?

I quite agree with the gentleman that our United Nations, as ineffectual as it has been and will be under its present regulations, should be the one to whom we can all turn for proper restitution, if there is any such, in the judgment of mankind, for such a repulsive act as we witnessed at Munich.

I quite agree that the other side of the question is the question of sanctuary by adjoining nations.

I am just as strong as the gentleman is against the pogroms against these people through too many generations. Like others I went to war to stop some.

My question still, is a point of information—What is meant in the second resolving clause literally and figuratively? Will this be another Tonkin Gulf Resolution which will come back to haunt us because we have not examined the rhetoric on the first day, fraught with emotion, after this dastardly deed? Will we wall off and seal off offending nations?

I simply want to reflect on what civilized mankind can do "to cut off from all contact," any particular errant nation in any one instance.

Mr. ROSENTHAL. I am going to yield to the gentleman from Illinois, but first let me say that I can only offer my own opinion as to what this means.

I also want to affirm that I did not want to misstate or to misread the gentleman's remarks. I believe the question of responsibility to the civilized world and what this resolution means is a very pertinent inquiry. I, for one, am very pleased the gentleman brought that up.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. ROSENTHAL. I yield to the gentleman from Illinois.

Mr. YATES. I would say to the distinguished gentleman from Missouri that I would interpret the meaning of the resolution as stated in my remarks. I said that I would urge the President of the United States to take all steps as might be necessary to carry out this resolution, by all legal means. I used a phrase like "to mobilize the nations of the world to bring an end to the murders." I do not include acts of war, if that is what the gentleman has in mind.

I had in mind that the President would initiate action in the United Nations, before international agencies such as the International Air Association, that he would seek agreements to stop flights into the lands of nations which harbor hijackers and murderers, that he would take steps to call meetings and assemblies of nations of the world to consider what should be done to stop the murder that is loose.

That is the purpose of this resolution, to obtain action and to urge the Executive to give tangible recognition to the shocking events taking place. Nothing—nothing has been done to date. Something must be done to restore a rule of law between nations by seeking the full cooperation of all nations.

Mr. HALL. Mr. Speaker, with this legislative record, the purpose I sought has been served.

Mr. ROSENTHAL. Mr. Speaker, I yield to the gentleman from California (Mr. BURTON).

Mr. BURTON. I thank the gentleman for yielding.

I would like to commend the gentleman in the well, Mr. ROSENTHAL of New York, for his introduction of this resolution.

Today is a day of mourning. The Olympic stadium, scene of the world's greatest athletic competition was used this day for a memorial service. The Olympic flame still burns but it cannot dispell the darkness which has fallen over the spirit of this Olympiad.

Words are inadequate to express the shock and outrage which I feel, which men of goodwill the world over feel, at that heinous crime which has been perpetrated against the Israeli Olympic team and against human decency itself by Arab terrorists in the past 24 hours.

World opinion must cry out against such deeds. Those who foster terrorists within their borders must bear the responsibility for the acts of those terrorists. The world community, through the United Nations, must condemn this violence and apply necessary sanctions against those who violate not only the sovereignty of Israel and her people but the conscience of all mankind.

The world these days is a very troubled place. The Olympic games have provided the peoples of the world through their countries at least one forum where mankind can get together and compete on honorable terms and to learn a little bit about one another and hopefully to understand one another a little bit better and, therefore, also hopefully, to lay a basis for mankind's resolving its differences amicably rather than by war.

The absolutely unforgivable and mindless terror and killing perpetrated by an element of what is reported to be the Palestinians comes as a shock to every decent man and woman on the face of the earth.

I would hope that not only this House and the other body but also the administration would make not only our views known in terms of words but take whatever effective action is necessary to inhibit and deter any future occurrences of this outrageous nature.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. FINDLEY. Mr. Speaker, it is my understanding that the procedures we are under right now do not permit the consideration of any amendments. It is my feeling that the language of the resolution is not specific enough in regard to the sorrow of the American people concerning the loss of life by the West German policemen as well as the loss of life by the Israeli athletes. Had the procedures permitted the offering of an amendment, I would have offered an amendment to insert after the words "twentieth Olympiad" the words "and two West German policemen" and then in the first resolving clause, after the word "Israel" add the words "and West Germany."

Mr. CELLER. Will the gentleman yield?

Mr. FINDLEY. Of course.

Mr. CELLER. I would think that the wording originally embraces exactly what the gentleman has in mind. It reads as follows:

> The deepest sympathy to the people of Israel and to the families of those who so tragically lost . . .

So that the words are all-embracing and would include the families of the Germans as well as the Israelis.

Mr. FINDLEY. I am sure that construction is possible and I am glad to have the author of the resolution clarify that as being his intent.

Mr. BOGGS. Will the gentleman yield?

Mr. FINDLEY. If I have the time, I will be glad to yield.

Mr. BOGGS. Just so that the RECORD might be abundantly clear.

I can say that it is the intention of the authors of this resolution to express the genuine sympathy and sorrow and all of the other expressions contained in this resolution to the West German police officers and their families, who gave their lives in defense of these athletes. That is absolutely the intention of the resolution, and the gentleman does the House a service by making sure that that is made part of the RECORD.

Mr. FINDLEY. I thank the gentleman from Louisiana. The sorrow to the families of those Germans who are lost by this tragedy is certainly no less keen than to the families of the Israeli athletes.

Mr. Speaker, I yield back the balance of my time.

Mr. DRINAN. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Speaker, the atrocity perpetrated yesterday by Arab assassins upon members of Israel's Olympic team in Munich consumes humanity with revulsion and fear.

We wonder what terrible characteristic of homo sapiens could it be which can devise and execute brutality of this sort. We wonder whether the counterpart of man's capacity for beauty and ennoblement is a capacity for grotesque destruction not possessed by any other species. We fear that no punishment, no retribution can relate to such an act and that we are powerless to respond.

Decent men of every ideology must join together to condemn and prevent such acts as this. I believe, in the words of the resolution before the House today, that all means must be sought by which nations giving sanctuary, sympathy, or support to such acts as these may be cut off from contact with civilized mankind.

I have previously sponsored legislation which would sanction nations which do not prosecute or extradite air hijackers, and I am fully prepared to support similar legislation under which our Nation would take vigorous sanctions against nations which give comfort to Arab or other assassins.

Mr. Speaker, this is not the first time the Olympic games have been a stage for international political activity. Hitler sought to exploit the 1936 Olympics for his own warped purposes.

Nor, as we all recall with horror, is this the first time Jews have been assassinated in Germany.

Nor, as I remember too vividly from being at Lod Airport in Tel Aviv a few hours after that Arab terrorist atrocity, is this the first, or second, or third, or 10th case of terrorist murder by those who associate themselves with Arab guerrilla groups.

I call on every Arab leader in the United States and throughout the world to follow the example of Jordan's King Hussein and excoriate such acts unequivocally.

I urge the United Nations to place the subject of international terrorism on the agenda of its General Assembly for the most effective remedial action the leaders of mankind can devise.

The families of the 11 assassinated athletes, Israel, and Jews throughout the world have suffered an irreparable loss. I mourn for them and with them. But this is not only a loss for them; it is a loss for all of humanity. If international brotherhood has even a shadow of potentiality, then all men must come together to stop these massacres. There is no place within humanity where such creatures as the assassins of Munich can be harbored.

Mr. Speaker, I insert at this point a thoughtful and moving editorial from today's Boston Globe entitled "The Shocking Crime in Munich":

THE SHOCKING CRIME IN MUNICH

Civilized people all over the earth have reacted with a deep sense of shock, horror and outrage to the murder of two members of the Israeli delegation to the Olympics in Munich murder of 11 members of the Israeli by an Arab guerrilla vengeance squad.

But shock, horror and outrage are not enough. A way must be found to end such banditry. Eleven hostages are dead.

Avery Brudage, president of the International Olympic Committee, was entirely right to order the suspension of the games for 24 hours or until the hostages are freed, as had been demanded by Israeli Prime Minister Golda Meir. To have let the games continue while this crime went unchecked would have been most callous, not to say reprehensible.

But suspending or canceling the games is not enough, either. Nor is it enough for the perpetrators of this ghastly crime—the eighth Arab guerrilla attack against targets in West Germany in 4 years—to be caught and punished. To deter any repetition, the Arab nations themselves, who have allowed the guerrillas to remain organized ought to make unmistakably clear their refusal to allow them an asylum of any kind.

Failure to make this clear would only antagonize world opinion against them and lose what hope they may have for a settlement of the problem of the Palestinian Arabs.

For the Black September organization responsible for the current atrocities represents nothing but its own small and utterly criminal revenge movement. It was the same organization that engineered the massacre last May 30 at Tel Aviv's Lod International airport, supplying money and arms to three Japanese gunmen who killed and wounded scores of passengers. It also assassinated Jordan's Premier Wasfi Tell in Cairo last November.

Granting any of its outrageous demands could have led only to more such attacks.

The guerrillas are, among other things, airplane hijackers and saboteurs. And perhaps not entirely by coincidence, their latest heinous action came even as delegates of 17 nations were meeting in Washington to discuss a new international treaty to deal with air piracy.

Initially at least, at this conference the Soviet Union opposed a United States-Canadian proposal to require signatory nations to suspend air services with any nation that did not punish or extradite plane hijackers or saboteurs. But the chief Soviet delegate did not object to requiring extradition if the requirement were attached to one of the existing three treaties.

By some such method, or by having the United Nations Security Council impose such sanctions, a way has to be found to end all international plane hijacking, and thus to stop such tragedies as the outrage in Munich before they get started.

Mr. METCALFE. Mr. Speaker, will the gentleman yield?

Mr. DRINAN. I yield to the gentleman from Illinois.

Mr. METCALFE. Mr. Speaker, 3 weeks ago I stood here on the floor of the House of Representatives, talking to members of the U.S. Olympic team. There was a common spirit of togetherness and good will from both sides of the aisle that day as we wished our athletes well and talked anxiously of the XX Olympiad in Munich, Germany.

Today I speak again about the Olympics—not to members of the U.S. Olympic team, but to my colleagues here in the House; and not with the same enthusiasm, but with the solemn knowledge that another country which also wished its athletes well in the Olympics, will not be greeting them when the games are over.

There is so much left to be said and negotiated in settling the whole Middle East conflict, and yesterday's murders in Munich by Arab terrorists make any settlement now seem so far out of reach. And yet, there is nothing that can be said today to quell the exasperation and frustration that was felt yesterday as the world waited in terror to hear the inevitable—the outrageous slaying of 11 members of the Israeli Olympic team.

In all 17 are dead now—two members of the Israeli team killed in the early morning dawn; the other nine killed during an exchange of gunfire with the German police at an airport, where four Arab terrorists were killed, one Munich policeman was killed, and one West German military helicopter pilot. It was indeed an insane 17 hours during the whole terrifying ordeal that has opened up new wounds in this whole Middle East conflict.

The scene in Munich that I heard about in the news yesterday was such a different one than the one I had just left in West Germany not 24 hours before. All of Munich and West Germany then had been in the festive mood of the 20th Olympiad. I had seen athletes from opposing countries embracing in the ecstacy of victory and there were tears of happiness from some whose months and months of training had finally paid off with a gold, silver, or bronze medal.

Now those tears have turned to pain—the pain of knowing that some fellow Olympians will not even have the chance to test their training, which was why they had come to Munich in the first place. Now they will not even be returning home to Israel alive. And suddenly the gold, the silver, and the bronze are less important.

The cheers of the millions of spectators gathered in Munich to watch the games will not be the same now, I know, as the XX Olympiad continues.

My own personal condolences and heartfelt sympathy are extended to the families of the decreased Israeli athletes, the surviving members of the Israeli team, and to all of Israel.

We can only hope now that these outrageous terrorist tactics will help shock the world back to sanity, where such violence will not be bred and will not be allowed to continue.

Mr. CELLER. I yield to the gentleman from Illinois (Mr. PUCINSKI).

Mr. PUCINSKI. Mr. Speaker, I rise in support of this resolution and urge its adoption. The barbaric act of terrorism which occurred in Munich yesterday literally paralyzes the mind from shock and leaves one in total disbelief that man could be so totally brutal to his fellowman.

The adoption of this resolution merely expresses our outrage at this inhumanity, but it will do little to prevent the recurrence of this shocking terrorism.

I believe the time has come when the free world must examine the relationship of these violent acts of terrorism and the Arab republics from which these terrorists stem.

The world can no longer view in silent indignation this violence against humanity itself.

I am calling upon the President and the American people to lead the way in exploring every shred of evidence which suggests that there is some covert relationship between these terrorists and the countries from which they come or between these terrorists and the Arab governments in their respective countries.

These Arab nations can no longer plead innocence for they have taken no steps to curtail this scandalous exportation of terrorism from within their boundaries.

The United States did not hesitate to sever diplomatic relations with czarist Russia in the 1880's, because of the pogroms against Russia's Jewish citizens.

Nor should we hesitate today to impose the most severe economic sanctions and quarantine against these Arab nations that have played the same role—directly or indirectly—in encouraging this terrorism.

I refuse to believe that the world must learn to live with this new violence against humanity. I believe that Egypt, above all, should be singled out for failing to deal in any manner against these terrorists. Syria and Lebanon fit into the same mold and should be likewise quarantined.

The United States should also examine the relationship of Red China to these guerrillas. It is an open secret that Red China is the principal source of financial aid to the Palestinian terrorists and its occurs to me that if the newly carved friendship between Peking and Washington is to have any meaning, Red China will have to use her influence in persuading the terrorists she finances to abandon their outrageous conduct.

Only by acting firmly to stem this wave of world terrorism can American and the free world survive. For indeed, how secure is our own freedom if the 11 Israeli delegates to the Olympics had to give their lives to the recklessness of these terrorists.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Speaker, men and women of good will mourn today for the innocent victims of an unthinkable crime committed yesterday at the Olympic Village in Munich. It is appropriate that we mourn. But it is essential that we act.

Society simply cannot afford to continue to permit those who planned this atrocity, the Lod Airport massacre last June, and other terrorist assaults to circulate freely, at liberty to plan and execute further atrocities. They must be found and they must be punished.

How can this be done? The Arab terrorists responsible for yesterday's murders enjoy the safe haven provided by several governments of the Middle East. There is no secret which governments these are: even as today's mourning began, Syria was hailing the Arab murderers as martyrs, and the government of Lebanon, aware of its complicity by openly harboring terrorist groups, was preparing for expected reprisals by Israel. The Black September Movement itself reportedly is financed from Libya.

We can all understand and appreciate the outrage which underlies the movement in Israel for immediate and massive reprisals against the Palestinian terrorists and those nations which encourage and protect them. We must remember that Israel has been under a state of siege from these groups ever since it became a nation. And while the major powers of the world engaged in the politics of oil and spheres of influence, Israel defended herself against those openly pledged to destroy her.

It has long been clear that only firm and concerted action by the nations of the world will bring this campaign of terror to an end. A necessary first step would be an international economic boycott against nations encouraging and supporting Arab terrorist groups and it is appropriate that the United States take the initiative in establishing such a boycott.

We must also press on with the effort to produce strong, uniform international standards for airline and airport protection, for international travelers remain the prime targets of terrorist groups.

Finally, the United States can and must take the unilateral step of immediately cutting off all forms of assistance to nations failing to seek out and prosecute these terrorists.

This is no time for mere wringing of hands and useless rhetoric. Who knows when the next attack will come or who the targets will be? If we wish to memorialize those members of the Israeli Olympic team who died at Munich yesterday, we must make certain that their lives are the last to be lost because of international apathy toward the Arab terrorists.

Mr. BURKE of Massachusetts. Mr. Speaker, I know all the Members of this House share my sadness over yesterday's tragic events in Munich, Germany, the host city during this, the XX Olympiad. Eleven Israeli participants in this year's Olympics were cut short in the prime of their lives, unwitting victims of international politics at its worse at a time and in a place where politics was supposed to be absent. This latest display of the depth of human depravity and man's inhumanity to man must shock the sensitivity of men of good will the world over, whatever their political persuasion and whatever their views about the Middle East controversy. Our hearts go out to the families and to the nation which has endured this tragic loss of some of these best exemplars of that nation's youth.

The reaction in some circles to this tragic turn of events has been to demand the termination of the Olympics as a gesture of world outrage; however, such a reaction it seems to me is to play into the hands of those who perpetrated this dastardly deed and to give them a recognition which they do not deserve. Once the idea gains a foothold, that terrorists and international renegades, whether they be hijackers, bombers, kidnappers, or just ruthless murderers, can bring any nation, much less the world, to a halt then their sick appetites for publicity and power to influence the course of events will be whetted and encouraged. In this case, the guerrillas will have achieved one of their immediate objectives of interrupting an international event which has the attention of the whole world.

At a time like this, it is well to remember what spirit still clings to the tradition of the Olympics, as a period of time set aside when nations often in disagreement and in opposition send their best examples of physical accomplishment to compete, man against man and team against team, in an atmosphere free of international and national politics and considerations. In other words, at a time when the transcendental human element which is so often lost sight of in the human race because of national differences is supposed to reign supreme. None of us are naive enough to feel that any Olympics has ever really lived up to this almost impossible goal but in the very shortcomings and occasional displays of national pettiness one can feel that the world is better off for having tried and the goal looms the nobler for all the shortcomings and failures to achieve it. I am convinced that the world needs this goal before it today more than ever and that there is still much to be gained and little to be lost from continuing the Olympics and in doing so, heighten the disgust and utter revulsion that men the world over, including the Middle East, will feel toward actions of such ruthless depravity. In classic Greek terms, the evil that was perpetrated, the obvious innocence of the victims, the genuine horror of the nations of the world, adds an element to the drama unfolding at Munich which captures for mankind all the forces afoot in the world today—the good and the evil, fate and selfcontrol, victory and defeat, the greatness and the baseness that is life itself.

Mr. O'NEILL. Mr. Speaker, the incidents of yesterday in Munich marring the games of the XX Olympiad are tragic illustration of the savagery and barbarism which a few dedicated fanatics can bring to entire nations, and indeed the world. That such an attack should occur at the Olympic games, one of the last vestiges of true international cooperation and spirit, makes the crime even more heinous. It is fitting and proper for us to mourn the deaths of the 11 Israeli athletes, who came to Munich to compete in contests of skill and strength, not to engage in armed battle with Arab extremists. However, such unnecessary and inhuman carnage cannot be allowed to pass without declaring the need for greater efforts on the part of all nations to curtail and control such terrorist activities.

The Arab nations cannot be excused for their blatant complicity in the murder of the defenseless, unarmed Israeli competitors. It is unfortunate that at a time when Arab-Israeli relations were entering a new phase of hope, the Arab governments thought it unnecessary to take the requisite measures to flush out these deranged radicals. It is inexcusable that while West German officials sought to negotiate for the lives of the Israeli hostages, no assistance of any kind was offered by the Arab world.

Contrarily, the Egyptians announced that they would refuse to discuss the release of the hostages with anyone but the guerrillas, and the Syrian Government has already termed the slain terrorists martyrs. This type of response can only guarantee continued bloodshed and violence.

Until the Arab countries make it abundantly clear that they intend to control and eradicate guerrilla operations stationed within the safety of their borders, reprisals are inevitable, and within the rounds of escalating retaliation: So vanishes the hope of peace in the Mideast.

If we have come to the juncture in history when a few extremists can control the destinies and lives of millions of people then we must take steps to insure that these individuals are never allowed to activate their plans for worldwide anarchy and destruction.

I join my colleagues in mourning for the slain athletes and their bereaved families and I call on the Arab world to indicate through positive action its intention to rid the Middle East and the world of these senseless terrorists.

Mr. MACDONALD of Massachusetts. Mr. Speaker, I sent the following telegram to all rabbis in the Seventh District of Massachusetts:

> The appalling tragedy in Munich has stunned everyone in the civilized world and I want to extend to you and your congregation my deepest sympathy for the death of the Israeli competitors in the Olympic Games.
>
> It is especially bitter that this outrage was committed on the eve of the high holy days, and especially tragic that it was committed against representatives of a brave people who have demonstrated the qualities of independent spirit to which all Americans have responded. We must search diligently and wisely for ways to banish from civilized lands these outlaws who debase human dignity with their killings and kidnappings. We must reject the standard which sanctifies violence and bloodshed and we must elevate the goals of peace and understanding among men of all nations. I pledge you my support in the effort to prevent any recurrence of these terrible crimes.
>
> TORBERT H. MACDONALD,
> *Member of Congress.*

Mr. DULSKI. Mr. Speaker, I join my colleagues in supporting wholeheartedly the pending resolution of condemnation.

The violence at the Olympic games in Munich yesterday was despicable.

Words really are inadequate to describe my sorrow and disgust that this great international athletic event should be marred in any way, let alone by the violent disruption which occurred during those long hours on Tuesday.

There has been no evidence of politics or unrest in the Olympic events themselves. The participants are there for one purpose: To compete in their athletic specialty against the best athletes from around the world. Their goal was victory—for themselves, for their team, and for their country.

Eleven members of the Israeli delegation to the Olympics are dead as a result of the day of terror. What a sickening tragedy.

I commend the leadership for giving first priority to the pending resolution which should be adopted by acclamation.

Mr. SCOTT. Mr. Speaker, the entire House will want to support this resolution. No one believes in senseless killing, certainly when the victims are the cream of the youth of their country.

In recent years we have had domestic tragedies; acts of violence committed without any rhyme or reason; public officials and others the victims of unbalanced minds sometimes brought about by extreme hatred.

This is more than a tragedy for one nation or one people. All the world shares a common concern for lawlessness and a disregard for the lives of others. We must find to way to maintain the rule of law both domestically and at the international level.

I am sure the people of Virginia join others throughout the world in condemning this vicious act and extending our sympathy to the families of those who lost their lives.

Mr. COUGHLIN. Mr. Speaker, as it has come to their ancesters down through the centuries, there was a knock at the door of the apartment where Israeli athletes and coaches were staying at the XX Olympic games in Munich.

That knock followed by the crashing of the door and a barrage of machine gun fired by Arab terrorists set in motion a tragedy of immense proportions which leaves humanity grieved and humiliated.

Eleven Israeli athletes and coaches. the pride of their youth of whom so many others had died in defending their country, are dead in the aftermath of a day of horror and revulsion. The spirit of the Olympic games, where political and nationalistic antagonisms were put aside, is shattered. Even in barbaric days of old, Olympic contestants were provided safe passage to compete in the games.

All the civilized world sorrows—for the families and friends of the dead Israelis, for the depraved murders and kidnappings that demean human life, and for the misguided guerrillas whose actions so irreparably set back the cause for which they seek purported justice.

The knock on that door in Olympic Village reminded us only too forcefully we are a finely-honed razor's edge away from events which could trigger much diwerviolence and bloodshed.

For the German people, atoning for the 1936 Nazi-tained Olympics, the killings came as an even greater shock. In their compassion and good will, they had worked to make the Munich events a new and honorable chapter to remember against Auschwitz, Buchenwald, and Dachau.

For the world community, the glimmerings of a peace agreement between Israel and Egypt abruptly have been dimmed in an orgy of bloodshed. The uneasy truce in the Middle East again faces another setback.

What more can be learned from this tragedy? We have witnessed skyjackings and shootouts, kidnappings, and blackmail, and the horrendous massacre at the Lod Airport.

Regardless of vast political differences, all nations of the world must unite to deny sanctuary to skyjackers, kidnappers, and blackmailers who commit international crimes. The United Nations must end its cynical favoritism of cliques of nations to condemn forcefully and unequivocally the latest outrage, to salvage its fast-sinking prestige and, to seek immediate international agreements for the extradition of criminals.

While Israel and its people grieve, I know they have faced adversity and sorrow before and will find renewed strength and inspiration in the deaths of their countrymen. The spirit of Israel, which so impressed me when I visited there last year, will rise above this terrible grief.

As the Jewish High Holy Days approach with the start of Rosh Hashana at sundown Friday, I join with men of good will everywhere to extend my sympathy to Israel and its citizens on the deaths of these fine 11 young men. I hope and pray that this convulsive tragedy will, in some way, bring much closer the day when nations of the world and conflicting political antagonists can resolve their differences without resort to war and to violence.

Mr. BROTZMAN. Mr. Speaker I rise in support of this resolution. What happened in Munich was a tragic incident perpetuated by a group of madmen. Their actions should be abhorrent to every decent person in the world community. This depravity will accomplish nothing possible for those who unleashed it, and worse yet, it nearly wiped out the small, but gallant team of splendid young Israeli athletes who devoted so many years of their lives qualifying themselves for Olympic competition. We extend our heartfelt sympathy to their loved ones, and to the families of the West German policemen who gave their lives.

Mr. FULTON. Mr. Speaker, the indescribable act of barbarism committed at Munich yesterday has brought tragedy mourned by the entire world.

A group of fanatical murderous bandits, for no sane or rational purpose, committed an atrocity for political purposes as base and vile as one might imagine.

Our hearts and prayers today go out to the families of those innocent Israeli Olympiad performers and their families just as they did yesterday in the future hope that they might be released unharmed.

These were random innocents who were caught in a web of fanatic madness which they had no hand in weaving and for which they had absolutely no responsibility.

Their only crime, in the eyes of their murders, was that they were Israelis, nationals of a nation which has valiantly and vigorously fought to justly defend its political and geographical integrity against full scale invasions and untold military aggressions.

In a political context this tragedy demands an immediate settlement of the Middle Eastern conflict. In recent days there have been reports and indications that a settlement was, until yesterday, possibly imminent. At least the climate was reported to have improved markedly.

The Munich tragedy must not be permitted to destroy this climate though a deterioration would certainly be understandable.

Hopefully it will demonstrate, particularly to the Arab nations, that the fanatical elements within their borders which they seemingly are unable to control do not serve their national interests but militate against them.

The Olympic games will and should continue; not simply in the spirit of free sport but as a memorial to the Israeli athletes and their sacrifice as well as a demonstration that acts of madness will not cower or intimidate peoples throughout the world who hold firmly to the belief that all political or other differences between nations or groups and individuals within nations should be settled by reason, logic and law rather than wanton, merciless and irrational violence.

Mr. FRENZEL. Mr. Speaker, it would be hard to find a person who would not support this resolution. The atrocity at Olympic Village in Munich has shocked and shamed the entire world. The next act of terrorism may take place in our country or on our aircraft.

Arab Nations who harbor, nurture, and finance these guerrilla terrorists must accept the responsibility for their murders and piracy. We, and other nations of civilized world, must draw the line now, or see chaos rule the world.

All possible methods must be used from U.N. sanctions, to unilateral sanctions, to international embargoes on air traffic. Our inaction—our tolerance of guerrilla murders, bombings and terrorism—has only encouraged more terrorism.

This is a fine resolution, but words and resolutions won't do anymore. If this country is not willing to initiate action, and demand similar action from other nations, the resolution will remain just words. I favor the resolution, but I favor, even more strongly, immediate actions which will demonstrate our outrage, clearly and economically, to those Arab nations who have sponsored these acts of terrorism and murder.

Mr. SEIBERLING. Mr. Speaker, • of course, I support the resolution. Surely, it is the least any of us can do. But none of us can help feeling, along with our grief, a deep sense of frustration. It is not only that we cannot restore to life the spirited young men so senselessly cut down at the very peak of their vitality. That is tragedy enough, God knows.

What is especially frustrating, however, is the apparent inability of established institutions to prevent this type of barbarous act that seems to be occurring with increasing frequency. Perhaps, if the recommendations in this resolution are followed, we will be able eventually to start reversing this trend.

But going beyond the prospect of better enforcement measures, surely the time has come for a converted effort by all nations—a "crash program"—to end the festering Palestinian refugee problem. One can hope that a genuine offer of a massive program of resettlement and economic assistance would, if effectively presented, appeal to the mass of refugees and isolate the fanatics and opportunistic politicians who thrive on the refugees' misery and hopelessness. Certainly the United States, which took the lead for all of Western Europe in developing the Marshall plan, should be able to assume leadership in developing a way out of the Palestinian refugee morass.

Mr. Speaker, for years we have tended to believe that a solution of the Palestinian refugee problem could only take place as part of an overall settlement of the Arab-Israeli conflict. But is it not just possible that a massive effort now to resettle the refugees could win a breakthrough toward settlement of the larger conflict? Certainly it is worth a try.

We might even be so bold as to hope that a successful effort to solve this problem could, by its example of fruitful nonviolent action, help bring an end to the violence that is every day cutting down the lives of young and old alike in Indochina, in Northern Ireland, and elsewhere.

If men of goodwill can unite, in this moment of common shock and sorrow, to reassert their common humanity, then truly those dead Olympians shall not have died in vain.

Mr. NIX. Mr. Speaker, the terrorist murders of Israeli athletes in Germany yesterday is an attack on the entire civilized international community.

In 1 day the Olympic games whose history goes back to ancient times when nations declared truces in their wars in order to hold the games, has been endangered as an institution.

In 1 day peace in the Middle East and negotiations for such a peace has been set back years. Such setbacks in the Middle East threaten the peace of all of us.

In 1 day, international travel, communication, and commerce between civilized nations have been endangered because all tourists of every nation are endangered, the irrational followers of causes may pick on the citizens of any nation to gain attention for themselves.

This is an intolerable situation.

If and when the surviving terrorists reveal their intended destination, the civilized international community must be prepared to take steps against that nation who may have given encouragement for such an act.

Piracy was not ended as a threat on the high seas until all nations agreed to treat piracy as an international crime. Such agreements were reached when the nations of the world realized that such acts were a threat to all of them.

The publicly stated determination of the United States to enter into common action with other nations on the diplomatic front can encourage other nations to join with us.

I extend my condolences to the families of the Olympic martyrs. Their loss is a loss to each of us. The world is a sorrier place today because of the events of September 5.

Mr. KING. Mr. Speaker, I rise in support of the resolution introduced by the gentleman from New York (Mr. CELLER) expressing profound sympathy to the families of the Israeli Olympic team who were murdered during the Arab guerrilla attack at the Olympic games in Munich.

The vicious attack by the Arabs was indeed a crime against the world society. The attack has made an indelible blemish upon an ideal that is a symbol to the world—an ideal of nations coming together every 4 years to compete in fairness and good sportsmanship. As far as I am concerned, Mr. Speaker, there can be no conceivable excuse or reason for these murders. There are no differences so great as to justify this kind of wanton disregard for the lives and safety of young men who were in Munich only for the sake of athletic competition.

I join with President Nixon and all Americans in expressing my heartfelt sympathy and condolences to the people of Israel and to the families of the Israeli Olympic team who were murdered in Germany this week.

Mr. Speaker, I also want to express my condolences to the good people of West Germany who worked long and hard to make the 1972 Olympics a showcase to the world. They had succeeded impressively until the outrageous attack by the Arab terrorists. Unfortunately for the Germans, the 1972 Olympics will always be remembered most of all for the terrorists' attack by the Arabs.

Mr. RODINO. Mr. Speaker, I rise in support of House Resolution 1106. Yesterday, immediately upon learning of the initial attack of the Black September terrorist organization and the shocking murder of two members of the Israeli Olympic team, I expressed my deep distress and extreme frustration at this uncivilized brutal behavior. I stated in the RECORD:

> Once again, Arab terrorists have taken innocent lives and used them for protests and for pawn.

But the subsequent events which occurred since 4:30 a.m. have left me unable to merely emphasize my personal alarm and my own sorrow at this tragedy.

Eleven men have been killed. The lives of 11 men have been destroyed by the seething fanaticism of armed terrorism. I therefore join my thoughts and feelings with the sentiments of all those in this Chamber today and am proud to cosponsor House Resolution 1106. The chorus of our voices speaks loud and clear to the rest of the world and I pray that the depth of our commitment and the trembling anger of our words will help bring an end—a final end—to such outrageous acts.

Mr. DERWINSKI. Mr. Speaker, I join in support of House Resolution 1106 which expresses the deep sympathy we all feel at the death of the Israel athletes who were participating in the Olympics at Munich, Germany. The expeditious processing of this resolution by the House leadership is recognition of the feeling in the Congress when we heard of the tragedly perpetrated by the Arab terrorist group.

There is nothing but condemnation that anyone could possibly feel for the actions of such a wild band. I join Members of the House in expressing deepest regrets to the families of the slain Israeli athletes and to all the Olympic participants who are so appalled and shocked by this tragedy.

In addition, Mr. Speaker, I must express my dismay at statements made by officials of the radical governments in Syria and Iraq in which they attempt to defend and legitimatize this barbaric and senseless action by the terrorist group. There can be no doubt of the political and moral bankruptcy of the present Iraqi and Syrian regimes as evidenced by their public pronouncement of their support of the perpetrators of this tragedy.

This tragedy also demonstrates the obstacles that lie in the path of the efforts to produce permanent peace in the Middle East. We are all aware of the continuing diplomatic efforts of the administration to bring about a permanent solution to the Middle East crisis. Certainly, extreme emotionally motivated crimes such as these senseless killings demonstrate the continuing problems that lie ahead.

Mr. Speaker, all the athletes participating in the Olympics have been called upon to renew their dedication to the noble spirit and great traditions of the Olympic program and, certainly, as witnesses to this tragedy they will honor and respect the memory of the slain Israel athletes. They certainly join all of us in the hope and prayer that further tragedies like this, under any circumstances or at gatherings, can and must not take place.

Mr. McCLORY. Mr. Speaker, I rise in strong support of the resolution (H. Res. 1106) offered by my distinguished colleague from New York (Mr. CELLER).

Mr. Speaker, as I join in shocked disbelief of the events in Munich which brought death and terror at the scene of the XX Olympiad—I pray that from this tragedy there may arise a spirit of renewed faith in mankind—and an era of calm.

Mr. Speaker, the treachery evidenced in today's world which has reached a peak in the infamous murders of members of the Israeli Olympic team—is revolting to the entire civilized world.

Mr. Speaker, Jews and Gentiles alike in our Nation mourn the death of those who have suffered from the guerrilla warfare waged in the Olympic village. We mourn for their families—and we extend sympathy to all whose lives are darkened by this stark tragedy.

Mr. STRATTON. Mr. Speaker, like every other Member of this House I am deeply shocked and saddened by the tragic events that have taken place at the Olympic games in Munich during the past 24 hours. I fully favor the pending resolution as an expression of our deep distress and concern as a national legislative body.

The loss of these Israeli athletes and their trainers and coaches in connection with an historic international event intended to encourage friendship and understanding has profoundly upset all Americans.

One searches with extreme difficulty for a formula that would vent this kind of insane terrorism and violence from disrupting the normal procedures of our civilized society. Yet the truth is that so far no such formula has been found. For years now our international airlanes have been harassed by increasingly wild and violent actions, some of them perpetrated by the same group that was responsible for Munich. Yet the nations of the world are still unable to reach basic agreement on how to deal even with international hijackers.

It is equally difficult to know how to prevent this desperate, insane brand of Arab terrorism which has struck again in Munich—without turning the world into a virtual fortress.

But perhaps the enormity of the events in Munich will have in the long run a beneficial result. Perhaps now at long last the whole world will find itself sufficiently revolted by what has happened to begin moving to put an end to the sanctuaries that have thus far given these terrorist groups the chance to operate. Because what happened yesterday in Munich could happen tomorrow in New York or London or Rome. Until now there has been hesitation on the part of many states to believe that these terrorist organizations in their insane drive against Israel posed any real threat to their own security. Yesterday's events have demonstrated how completely wrong that assumption is.

So Mr. Speaker, as we mourn the loss of the Israeli team members in the senseless Munich tragedy, let us hope that their death will prove to have speeded the day when the civilized, law-abiding nations of the world will join hands to outlaw once and for all the senseless, destructive, violent actions of international, outlaw, terrorist groups that brought on this tragedy.

Mr. WILLIAMS. Mr. Speaker, the ancient Greeks gave us the splendid spirit which is the basis of the Olympic games. They also gave us the great tragedies. Yesterday, in a wanton display of total disregard for human life and the Olympic spirit, a band of political assassins merged the high endeavor of the Olympics and the deepest of tragedy in a chain of events that has shaken the world.

There are no words to describe the international feeling of grief following the senseless death of 11 Israel athletes who were brutally murdered. I saw one news account which referred to a "daring commando attack." Mr. Speaker, an armed attack on athletes who have gathered in peace and brotherhood cannot be called daring. It was treacherous, it was cowardly, it was murderous but, it was in no way daring. Even the ancient Greeks respected the Olympic spirit so much that athletes on their way to compete were given safe passage through the ranks of warring armies.

Mr. Speaker, no civilized nation can condone such barbaric behavior, Today, I call upon the Soviet Union to meet its obligations to the community of nations. The Russians have fostered an air of anti-Semitism both within their own nation and throughout the Middle East. They have aided Arab extremists with financial and military aid. Their own actions have buttressed the totally unreasonable demands of Palestinian guerrilla organizations. It must stop. The Communists must exert whatever powers they have to bring these animalistic attacks on unarmed civilians to a stop.

There have been recent recommendations that all international air service be halted to any nation which gives refuge or help to any air pirate. Mr. Speaker, today I suggest that the U.S. Olympic Committee introduce a motion with the International Olympic Committee calling for each nation to repudiate all acts of violence, and, specifically, this repulsive attack against the Israeli team in Munich, which are contrary to the Olympic spirit. I further suggest that any nation which does not adopt this motion and issue a censure against these terrorist acts, and, specifically, the current one, be barred from all future participation in Olympic competition.

Let there be no mistake, the civilized world cannot ignore this situation in hopes that it will go away. We cannot count on the pressure of international world opinion to resolve this question. In recent years we have all seen that Arab terrorists do not care that they are operating contrary to all accepted norms of civilized conduct. They do not hesitate to slaughter innocent civilians wherever they may be. International flights are subject to hijackings or bombings as long as these fanatics are allowed to exist. Innocent travelers are liable to be gunned down without warning. And, now we see that even international gatherings for peaceful purposes are subject to these terror tactics.

Mr. Speaker, mark my words, it will not end. John Donne said it long ago, "no man is an island, no man stands alone." We are all the targets of these terrorists acts, we are all the victims. Thirty years ago the world stood by while unarmed European Jews were being slaughtered. Now, the Arabs are attacking Israelis, but they do not stop from killing innocents, no matter what their nationality or religion. We must band together with all other civilized nations to eradicate this new plague before it strikes terror into every corner of the world.

Mr. BROOMFIELD. Mr. Speaker, the tragedy at Munich is an outrage and an act of piracy against the entire civilized world. We can only hope that magnified as it was by worldwide television coverage and coupled with the growing monotony of violence in Northern Ireland it will serve to open the eyes of the world.

The bloody interruption of the international Olympic games and the desecration of their concept of brotherhood is a direct and bold challenge to all of the organized governments and civilized people of the world.

It calls for an equally direct and clear reply.

Everyone of those governments and peoples must express outrage in the strongest possible language and follow with actions which will isolate and destroy those who act as outlaws against mankind.

Since the Olympic games are an international event the United Nations should take the lead in this action. In the past the U.N. has been quick to condemn Israel and by its actions has given the green light to Arab terrorists and their impersonal violence.

Now is the time for the world organization to take a strong stand against Arab intransigence and Arab support of these emmissaries of violence. This sort of action should have been taken the last time we witnessed such a slaughter just a few months ago in the massacre at the Tel Aviv Airport. The non-Israeli world was characteristically noncommital then and some officials of the Arab world even expressed sympathy with the terrorists.

That is the kind of irresponsibility that encourages further international tragedies of the sort we witnessed in Munich.

The civilized world must clearly condemn these senseless murders for what they are; but we must not make more of them than that.

It would only compound the tragedy to mistake the action of these few psycopaths for the will of millions of nonviolent Palestinians.

It would be an equally tragic mistake to allow this senseless act of violence to affect the steadily improving relations between Israel and the Arab-Palestinian world.

In the past year or two great progress has been made toward peaceful coexistance between Israel and the Arab nations, especially along the Jordan River.

The routine two-way commerce that has developed across that river and the summer visits of some 150,000 Palestinians to Israeli-occupied territories are clear evidence of this progress.

The real message is that kidnapping and murder of Israelis in Munich is not going to win sympathy for the Palestinian refugees in Syria or Lebanon. It is and must be counterproductive and it has in fact, reduced the sympathy which has existed.

There are legitimate grievances among the Palestinian refugees just as there are legitimate grievances among the peoples of Northern Ireland. But violence only delays, not advances, recognition and redress of these grievances.

Mr. PRICE of Illinois. Mr. Speaker, words cannot express the feelings I have over the outrageous killings of the Israeli Olympic team members.

This cowardly and dastardly attack on humanity has no explanation beyond the fact that a few sick minds have reigned terror on an already beleaguered people.

That the Olympic games, the world symbol of intense but peaceful competition, have been reduced to the spectacle of bloodshed and violence is tragic. But the real tragedy is the blatant hostility of the terrorists whose distorted views have taken the lives of men who have worked so hard to represent their nation with honor and dignity.

There is no question that the Games must continue as a memorial to the courageous spirit of the Israeli Olympic team. The games now symbolize the brave dedication of the Israeli athletes to the ideas of peaceful competition and sportsmanship.

What has occurred underscores the importance of the U.S. commitment to Israel. If terror can be inflicted on an Israeli athletic compound at the Olympic village in Bavaria, there is little doubt that Israel's hostile neighbors could feel emboldened. Israel must maintain her security and vigilance and the United States must continue to meet her moral commitment to the integrity of the State of Israel and her noble people.

In closing, Mr. Speaker, I extend my sincere condolences to the people of Israel and the families of the slain Israeli athletes.

Mr. MAZZOLI. Mr. Speaker, in common with all Members of this body, I rise to express my shock and dismay at the mass murder of 11 members of the Israeli Olympic contingent by Arab guerrillas in Munich yesterday. That the setting of the Olympic games should have provided an opportunity for a barbaric act of this kind to be committed, makes the crime all the more incomprehensible and heinous.

More than any other world event, the Olympic games have provided an opportunity for the citizens of all nations to meet in friendship. Athletes from Communist-bloc nations have met in friendly competition with those of the western democracies. And until yesterday, those of Israel and the Arab nations had enjoyed similar experiences.

This tradition of competition among the states and nations of the world in the Olympic games has persisted for more than a thousand years. The memorial service for the 11 slain Israelis, attended by more than 80,000 persons in the Olympic stadium in Munich, testifies to the extent and depth of this tragedy.

It is to be hoped that calls for revenge against the Arab nations as a means of mitigating the loss of the Israelis athletes will go unheeded and that the issue will be resolved in the knowledge that further bloodshed and terror cannot rectify the dastardly act.

Crimes of this magnitude call for action by all the nations of the world—not only in the condemnation of such acts, but in taking the required steps to halt such barbarism. In this instance the Arab nations should be the first to initiate efforts to halt international terrorism.

As has been already been pointed out by some of our colleagues, crimes by guerrilla bands, whether they be murder, piracy, the skyjacking of aircraft, and the taking of passengers as hostages, can be halted only when all nations deny refuge to such criminals. Undoubtedly, it is the knowledge that certain nations will grant sanctuary to them that encourage terrorists to undertake such crimes.

I am hopeful that the United States will take the lead, as we have endeavored to do in the cases of air piracy, to secure the international outlawing of such atrocities.

Mr. ADDABBO. Mr. Speaker, I rise in support of the resolution to express the shock and outrage of this Chamber over the tragic and senseless killings in Munich, Germany. The members of the Israel Olympic team will be remembered and memoralized in many forums in every corner of the world and the passage of House Resolution 1106 will place this body on record in that respect.

Beyond expressing our feelings, however, I hope that we will redouble our efforts to find a way to bring an end to the violence which has characterized world events during the past decade. The mass murder of Jewish people, or any other people, is not only uncivilized but must be met with firm and determined action to prevent any possible recurrence.

Specifically, I am planning to ask the chairman of the House Committee on Appropriations on which I serve, to order an immediate review of all U.S. assistance to nations in the Middle East which harbor or give help to any kind of terrorists. Such a review could lead to legislation requiring that all U.S. economic or military assistance to such nations be terminated immediately upon a determination by the President that a foreign country has failed to cooperate in international efforts to prevent terrorist activities of the type which occurred in Munich this week.

Similar fund cutoffs could also be appied to nations which give sanctuary to skyjackers or others who attempt to cause international terrorism. It is time to make it clear to those nations of the world, particularly those in the Middle East, that decent people in all parts of the world will no longer tolerate the vicious, destructive acts of international madmen. I hope that by taking this action, we will shock the Arab nations into reality and cause them to enter direct negotiations with Israel to bring about a just and lasting settlement of the Middle East crisis.

Mr. ROUSH. Mr. Speaker, I would like to express my deep regret, my profound sympathy, and my serious concern over the recent slaying of the Israeli athletes who came to the Munich Olympics to celebrate international cooperation and found instead a partisan, nationalistic sentiment that resulted in their untimely deaths.

It is a tragic irony. The plot organized and carried out by the Arab terrorists was outrageous. I offer my profound sympathy first to the families of those slaughtered athletes, and then to the courageous people of Israel who sent them to so ably represent their nation. Their future achievements, their contributions have been brutally cut off. My deep regret is that their lives have been needlessly, senselessly, and uselessly taken. The nation of Israel as well as their families suffer an irreparable loss. So do we all.

My serious concern is also for the shock rendered people all around the world who traditionally look upon the Olympics as a unique arena for displaying the nobility of competitive spirit, the physical prowess of men and women from all over the world, and the universal enthusiasm associated with the Olympic games through thousands of years of human development. Instead of celebrating the oneness of mankind, the brotherhood of all demonstrated through athletic competition, the site of the Olympics has been turned into a mass murder scene and a blot upon the history of mankind.

It is my hope that these events will long be remembered as a warning to us all lest a rigidly and aggressively partisan spirit take hold of any; and my hope that the original goals of the Olympic games will not be lost or tarnished. We owe this as a debt to the people of Israel. That we can scarce do without this important contribution to universal human understanding.

Mr. DE LA GARZA. Mr. Speaker, it is tragically true that the horrors of the dark ages are being matched by the cruelties of the 20th century. We think of this as a civilized world, but the concept applies in the face of the fact that this century has brought about two global wars, innumerable attacks on one nation by another, bloody civil conflicts, assassinations of world leaders, and constantly recurring acts of group and individual violence.

Against this background, free men everywhere feel with deep concern the brutal, savage, and inhuman act of the so-called Palestine guerrillas, against the members of the Israeli team to the XX Olympiad. The whole civilized world should condemn this action.

We extend our heartfelt sympathy to the people of Israel, to the families of the fallen martyrs who went to Munich in peace, to compete as free men, and to participate as individuals and as a nation, like the members of our country's team, to further the cause of peace by friendly competition.

Mr. PATMAN. Mr. Speaker, it was some

30 years ago that a great Republican statesman who was a candidate for the Presidency wrote a book called "One World," the theme of which was that all the people of earth are sons of the Father, bound together in one human family and inhabiting one small planet. I have never forgotten the words spoken by this man, Wendel Wilkie, about anti-Semitism in America—he called it a criminal movement and considered every anti-Semite a traitor to America.

The Arab terrorists who killed 11 Israelis in Munich are traitors to all humanity. It was evil and wicked, a murder so shameful that people talking about it unconsciously avert their eyes with a sense of mass guilt. A crime of this magnitude and horror touches each of us with the blood of martyrs, and cracks the shell of hypocrisy like an earthquake whose lethal warning is that our one world is foul with hate. Mr. Speaker, we in America have seen the work of the assassin, we know the anguish of the Israeli people and our hearts go out to them in sympathy.

Mr. Speaker, it is my belief that all the diverse populations of this earth are today united in sorrow and commiseration with this small nation bereaved of its stalwart Olympians, and that with the Lord's guidance we will yet come to an era of universal understanding—One World with liberty, justice, and peace for all.

Mr. PICKLE. Mr. Speaker, there are times that the words of mankind are not adequate to express the emotional reaction to uncivilized acts. We can use the usual words, such as "horror," "shocked," or "repulsed," to refer to the murder of the Israeli athletes, but these words somehow ring hollow.

This is why I want to add my voice in supporting House Resolution 1106.

Because this resolution expresses the collective sense of individuals of highly diverse views, and indirectly, of all Americans, it is more than just words.

All Americans are numbed by the barbarous murder of the Israeli athletes. Our hearts cringe and grow weak at the thought that, when the strongest and most talented athletes of the world come together in friendly competition, the world of hate and violence to destroy them.

Some say that the Olympics are naive in trying to create an atmosphere of universal cooperation and tranquility. Now that the world of hate and violence have brought the spirit of the Olympics to its knees, does this mean that we are to stop seeking our dream of world harmony because such a dream is naive. Let us affirm that it does not.

And let us also affirm that in this maddening world of political assassinations, and of attempts to kill and terrorize whole populations, that the tendency to dismiss murder and sorrow as commonplace will never overcome the ability for people to have collective grief and pain.

Let us pray that these young people are forever remembered in reverence, and in a spirit of rededication to trying to make the dream of the Olympics a reality.

Mr. Speaker, for now, we can only lower our heads and try to show our sorrow—not only has the proud nation of Israel been attacked, but so has humanity.

Mr. BINGHAM. Mr. Speaker, there are times when words seem inadequate to express our feelings. This is such a time.

I share with my colleagues a sense of outrage, indeed a sense of shame, that human beings should be capable of such cruel and senseless evil. One is even tempted to ask whether such creatures deserve to be called human.

One of the tragic ironies of this massacre is that it should have happened in Germany—the scene of incredible and abominable massacres of Jews in the past. In fairness, however, one must salute the gallantry of those German officials who offered to become hostages in place of the Israelis, though such gallantry might well have been unnecessary had German officials in the first place provided proper security for the Israeli team, particularly in the wake of apparent intelligence reports that a terrorist attack was possible.

Supporters of the Arab cause against Israel may essay to absolve the Arab leaders of guilt, arguing that the commandos were members of a small lunatic fringe. Yet it is significant that as of this afternoon—Wednesday, September 6—only King Hussein of Jordan, of all the Arab leaders, has made a statement condemning and disavowing the acts of the terrorists.

I can find only one small grain of comfort in what has happened: certainly the killings by Palestinian terrorists, especially in the setting of the Olympics, will not serve the Arab cause, but will, on the contrary, give rise to worldwide sympathy for the Israelis.

So for the Israelis themselves and their friends, the Munich massacre will only strengthen their resolve to take all feasible steps in the future to thwart the evil designs of such international bandits as the Palestinian terrorists.

Mr. GUDE. Mr. Speaker, yesterday's tragic and shameful events in Munich have stunned and saddened all of us. Our deepest condolences go out to the families and friends of the victims of such senseless killings. Indeed, we must mourn for ourselves as well, for in a larger sense, we shall all bear the burden of this massive blow to the cause of international brotherhood and peace. How ironic it all seems that such an outrage should occur at what is perhaps the one world event which up to this time has symbolized international cooperation and harmony. How horrifying it is that such an outrage might occur at all.

I join with my colleagues in the deepest sense of grief. I join with the President in his repudiation of these international outlaws and murders who take pride in the destruction of life. I call upon the Arab countries who continue to harbor these terrorists to take decisive action against them once and for all. The killing must stop. The hatred and fear must end.

Mr. FLOOD. Mr. Speaker, no words are sufficient to express the feelings of this body, the sorrow and anger mixed, toward what has transpired in Munich; and if I may be permitted a personal note, I am deeply saddened as a member of the human race by these events.

What has transpired, the deaths of 11 innocent men at the hands of armed thugs, will live in infamy. These Israeli men who dedicated their lives to the peaceful pursuit of athletic competition cannot be allowed to have died in vain. The profound feelings of regret we all feel today cannot be allowed to wither into an apathy tantamount to forgiveness for the murderers and their cohorts. This Nation, and the community of nations around the world, must dedicate themselves to eradicating the poison within our midst. It is with this sense of dedication that I support the resolution calling for the civilized world to cut off from contact with civilized mankind any people or any nation giving sanctuary, support, sympathy, aid, or comfort to acts of murder and barbarism such as those just witnessed at Munich. I urge in the strongest possible terms the quick elimination of all means of support for these international outlaws.

If the murderers are brought to trial and justice is meted out in measure to their heinous crimes—it will not suffice us. If the guerilla training camps are disbanded and children returned to the practice of games and not war—it will not suffice us. If the countries which harbor these assassins become pariahs of the international community—it will not suffice us. We shall only be satisfied when all vestiges of the criminals, their crimes, and their apologists are wiped clean from the sullied face of the earth.

Let us not forget, these were men who died needlessly. Men with families, with wives, and children—innocent men who were victims of madness and who were victims of an ancient quarrel which had been distorted into modern insanity by a band of godless fanatics. It is perhaps a sad commentary for us all that the solution is ancient as well as the quarrel. The solution is brought to mind by these words one sage penned long ago:

> And he shall judge among the nations, and shall rebuke many people; and they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more.

Mr. Speaker, I say amen.

Mr. BIESTER. Mr. Speaker, within a matter of hours, we have witnessed the heights and depths of the state of world affairs and human interrelationships.

For the past week, we have seen the nations of the world exercising national pride on the playing fields of the Olympic games at Munich. All races, religions and political ideologies have been represented. The competition has been fierce and spirited, but it has been friendly and good-natured. The Olympic games had been reassuring to us all—that the peoples of the world could come together as strangers to compete and then depart as friends. While not distracting us entirely from our search for solutions to the everyday problems that continue to perplex us on both the national and interntional levels, the Olympics had provided a comforting thought—that international rivalries could be measured in seconds run, kilos lifted and points scored rather than in indices of human destruction.

Then, during that tragic 24-hour period in Munich, all the good that this quadrennial event can accomplish—both now and in the future—was jeopardized and challenged by the actions of a group of ultraradical terrorists.

But what is more, the senseless murder of the members of the Israel Olympic team has damaged the fragile piecing together of peace in the Mideast. The failure of most Arab leaders to denounce the action can only serve to make more tenuous all our efforts toward world peace.

The dilemma faced by the authorities at Munich, in attempting to save the hostages without giving into the extremists' demands, is one which is confronting more and more governments. Airplane hijacking has become a key factor in attempts to obtain money or achieve political ends through the use of human hostages. Until the nations of the world agree on international sanctions to deter such extremist groups and misguided individuals from even considering such acts, political blackmail of the sort that struck at Munich is encouraged to continue. It must be made absolutely clear that such actions will not be condoned in any manner by any country. When no haven exists, when no place of escape is available, then, hopefully, this intolerable situation will be no more.

But, Mr. Speaker, it is my belief that what is best in the human spirit will endure. The spirit of international understanding will survive this shock of terror. Also, the force of the tragedy itself, by the horror of the example will lead those who have been its witness to recoil from violence and find a new collective identity and brotherhood in peace in the wake of these tragic events.

Mr. Speaker, one is never certain that he speaks for all of his constituents on any matter of public concern. But in this instance I know each family, each person, in my congressional district would wish me to speak for them in supporting this resolution and to express our condolence and sorrow to the grieving families of these fine men whose memories must live long after the triumphs and contests this week in Munich.

Mr. WIDNALL. Mr. Speaker, about noontime yesterday, during the television commentary from Munich, one of the reporters made a very trenchant observation about the Arab terrorists. Having himself been held prisoner last April by these thugs, he recited the series of hijackings and kidnapings this gang had attempted through the years. He observed that, as hours passed during each of those past incidents, the chances of survival for the hostages and of failure for the thugs increased. For in the end, he reported, the Arab guerrillas never had the courage to be fully committed.

This time these loathsome people repeated their act and again tried to get out of town, their demands unmet. But the police gave them no choice at a nearby military airport. The thugs died, in shooting initiated and ended by the police. These self-appointed revolutionaries who represent no one but their small, sick, and cowardly cadre did not then stop at two deaths, as one of their pack, in a final note of mindlessness, hurled a grenade into a helicopter filled with bound hostages.

A group of gangsters have outraged the world by attempting to defile a contest of athletics which purports to bring people of the world together. They deserve no more mention on the floor of this House than a total condemnation and a warning to their cowardly group that the world rises in revulsion of their goals and their tactics.

These are not revolutionaries, they are murderers. They do not believe in a cause but feed upon the blood of innocents and the terror of captives. We must recognize these Arab terrorists for what they are: a small group of demented murderers. Let their heinous act go not further in its significance and import.

Of course, I support House Resolution 1106, which expresses our deep sympathy for the victims who were members of the Israel Olympic team for their families and for their great nation.

Mr. PEPPER. Mr. Speaker, this Nation must take immediate steps to bring to justice those who give aid and comfort to the perpetrators of such an outrageous act of barbarism as has occurred at the 20th Olympiad.

Eleven fine, young Israeli athletes and their coaches are now dead, victims of a senseless crime. We cannot bring them back to life.

But we can serve notice here and now on any country harboring associates of these villains that they will no longer be permitted to enjoy the respect of the world community of nations.

It is a well-known fact that the Black September terrorists operate out of bases in Egypt and Lebanon. These terrorist bases must be uprooted and the criminals brought to justice. Sufficient pressure must be brought to bear on both countries to see that they take whatever steps are necessary to eliminate these bases of operation.

Today I offer a resolution which would cut off all relations with any country aiding this terrorist group or permitting it to operate. There have been rumors that we may resume diplomatic relations with Egypt, and we do have an ambassador in Lebanon.

This legislation will cut off direct loans and grants to such nations, whether military or economic.

This legislation will prohibit American-owned aircraft and ships from landing or putting into ports of such nations.

This legislation calls on the United Nations to declare sanctions and embargoes against such nations.

This legislation provides that all means shall be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid, or comfort to acts of murder and barbarism such as those just witnessed at Munich.

Let us set a policy from this day forth that outlaws will find refuge only in outlaw nations.

Mr. GIAIMO. Mr. Speaker, I am joining Representative EMANUEL CELLER and Representative SIDNEY YATES today in introducing House Resolution 1106, a resolution condemning the killing of Israeli athletes by Arab terrorists in the Olympic village at Munich, and extending sympathy from the United States to the State of Israel and to the families of the deceased.

It was with a great sense of outrage that I heard of this news, Mr. Speaker. The previous acts of terrorism perpetrated by this particular Arab group—the hijacking of a Belgian airliner, the assassination of the Prime Minister of Jordan, the multiple attempts to have hundreds of hardened Arab terrorists released from jails in Israel—have all been wrapped in tragedy and have all seemed to originate in warped, sadistic, uncivilized minds.

What can we offer the people of Israel in such times as this? Our official sympathy as a nation, of course, but also our resolve to stand with them—to do whatever has to be done, be it economic, military or diplomatic action, to isolate those people or nations who would give sanctuary or support to Arab terrorists.

I feel in my heart, Mr. Speaker, that this killing was so barbarous, so incredible, that nothing this body or even the Government of our Nation can do will ever erase its memory. So close to the seemingly dormant memories of Dachau and Buchenwald, Munich has again been the scene of a persecution of Israeli people, and there is little of consolation or reparation that we can find.

Our resolve, however, to stand by Israel, and to eradicate the presence and influence of Arab terrorists, must be stronger than ever, and it is that resolve, as well as our official sympathy, which this resolution is intended to foster and strengthen. I urge that it be adopted by this House of Representatives.

Mr. RIEGLE. Mr. Speaker, I find myself at a loss for words to describe the grief I feel over the senseless murder of the Israeli Olympic athletes. I can only join my colleagues here in Congress and the millions of shocked Americans to express my outrage over such terrorist tactics—and my deepest heartfelt sympathy for the families and countrymen of the fine young athletes who died yesterday.

For me, the Olympics have always stood out as a high water mark in international efforts of cooperation and peaceful relations. That they should be marred by politically-motivated lunatics is a tragic development which not only casts a dark shadow over the 1972 Olympics, but also leaves a deep mark of sorrow in the hearts of people all over the world.

The ironic tragedy of this event is that it occurred at a time when there appeared some prospect of a peaceful resolution of the Israeli-Arab differences. So I urge all people in the world to condemn the use of such terrorist activities and to work together peacefully to help solve our urgent international problems.

Mr. ANNUNZIO. Mr. Speaker, it is with heartfelt sorrow that I join my colleagues in the House of Representatives today to express my shock and deep concern over the Olympic tragedy.

The massacre of 11 members of the Israeli Olympic team participating in the XX Olympiad at Munich by the Palestinian terrorists is an act of moral depravity that can be regarded only with universal contempt and revulsion. That the Arab terrorists chose the Olympic games—which over the decades have been regarded as a symbol of world cooperation and friendship—to carry out this violent deed only compounds the tragedy.

For too long Arab terrorists have found refuge and sanctuary in countries such as Syria, Algeria, and others. Those nations that permit this sanctuary share the heavy guilt for the bloodshed that took place yesterday at Munich. The fanatical and tyrannical acts of a band of outlaws can no longer be condoned or tolerated by those countries in the free world which are committed to world peace and tranquillity.

I want to commend my distinguished colleagues, Honorable EMANUEL CELLER, and Honorable BENJAMIN ROSENTHAL, from New York, for their action in introducing a resolution in the Congress today resolving that all means be sought by the civilized world to cut off from contact with civilized mankind any nations giving sanctuary to acts of murder and barbarism such as those we have just witnessed at Munich. I am in complete agreement with these sentiments and urge our Secretary of State to implement this resolution through appropriate diplomatic channels.

With a heavy heart, I extend my deepest sympathies to the people of Israel and to the families and friends of those who so tragically lost their lives at the 1972 Olympic games.

Mr. RHODES. Mr. Speaker, the terrible and tragic events that took place yesterday in Munich are hard to believe and impossible to understand.

In any setting the irresponsible, barbaric acts of the Arab revolutionaries would have outraged the public conscience. Yet, this was not just any setting; this terrorism took place at the Olympic games, where men from all over the world had come to compete peacefully and respectfully in athletic events.

These terrorists desecrated not only the Olympic concept of brotherhood, but also the elementary basics of humanity.

It is particularly obscene that these sick barbarians interrupted an international event that has been a sign of hope for peaceful international exchange. Their acts of terror must sicken and outrage the people of the world.

Whatever actions need to be taken to stop this type of dastardly crime must be taken. Unfortunately, however, whatever is to be done cannot return the victims of yesterday's inexcusable brutality. The victims, dedicated individuals who worked and sacrificed to gain membership on the Israeli Olympic team, are gone. My prayers and sympathy go out to the families of the innocent victims, and to the survivors of the Israeli team, who have lost close friends and teammates.

Mr. DONOHUE. Mr. Speaker, yesterday, I joined with my colleagues in publicly expressing my horror upon learning of the tragic acts of barbarism and murder perpetrated by an armed band of Arab terrorists at the Israeli quarters of the Olympic Village in Munich, Germany.

As the outrage of the tragedy at Olympic Village continued, it was my fervent hope that such senseless terrorism would be speedily resolved without any further loss of life among the innocent and decent members of the Israeli Olympic team and security people involved.

Today, my hope, and the hopes of civilized people around the world were tragically shattered by the announcement that the barbarous actions of the Arab terrorists had resulted in the terrible murder of all nine Israeli hostages.

Mr. Speaker, this baseless crime is a revolting violation of every law of human decency. It is a crime against every nation in the world. The mindless fanatics who have visited this savage intrusion upon the world can only bring shame and outrage public conscience of nations everywhere.

Those who have turned the Olympic games from a drama of wholesome and peaceful athletic competition into a drama of blood and savagery demand that all of us, as civilized people, resolutely determine that never again will innocent persons be forced to pay the horrendous price of such outlawry.

Mr. Speaker, as we express our heartfelt sympathy to the families and loved ones of the innocent victims of this awful crime, it is only right and proper that all nations join with the people of Israel in a resounding declaration that a common and united way must be and will be found to prevent any recurrence of such an inhuman visitation of brutal piracy and murder upon any group of innocent persons in peaceful assembly anywhere in the civilized world.

Mr. GROSS. Mr. Speaker, I join with the many others on the House floor this afternoon in protesting the outrage that has been perpetrated at Munich. I will support the resolution although I regret its final proviso which is too broad in its demand for sanctions.

I believe this is a matter for the President and the State Department. It would have been much better had there been the opportunity to consider at greater length and amend the resolution. However, the murder of innocent people, citizens of Israel and Germany, cannot be condoned under any circumstance and I say again that under the circumstances I will support the resolution.

Mr. McDADE. Mr. Speaker, we have witnessed yesterday the most tragic and despicable spectacle which has ever intruded upon the peace of the Olympic games.

The brutal attack of the Palestinian guerrillas upon the Olympic team of the nation of Israel is deserving of the condemnation of the entire world.

I know every Member of Congress and, indeed, the whole American people will join in extending their deepest sympathies to the families of those Israeli athletes who were so tragically slain and to the families of those who were killed or wounded in the vain attempt to rescue the athletes.

No words could adequately express our feelings at this outrage. We can only mourn with the rest of the world.

Mr. PRICE of Texas. Mr. Speaker, the record of the 1972 Olympics games at Munich, Germany, has been stained with shame and with the blood of 11 young athletes whose only ambition had been to win honor for their nation through peaceful competition on the sports field.

This year, 1972, has been the year when politics have captured center stage at the Olympics. We first witnessed the humiliating and disgraceful expulsion of young Rhodesian athletes, not because they lacked enthusiasm or the spirit of sportmanship, but because their government was branded a leper by others who were in no position to judge.

Yesterday the grief of reasonable men everywhere was added to greatly by the unbelievable and barbaric murder in coldblood of 11 young Israeli athletes who also wished to represent their country at the games.

Mr. Speaker, the Bible warns us that those who live by the sword shall perish by the sword. If we have only violence and hatred to look forward to each time men of different backgrounds and persuasions draw together, how can the world hope for peace?

I join in extending my deepest sympathies to the families of the slain athletes and to their countrymen who have been the victims of a terrible crime. Our words cannot bring back to life those who have been murdered; but can those deaths perhaps shock and shame us into realizing the fragility of the thread upon which world peace hangs and the daily monumental task facing each of us to work and pray for its preservation?

Mrs. HECKLER of Massachusetts. Mr. Speaker, there is, it seems, no sanctuary from horror and blood, even at the Olympic games.

Cannot the nations of the world gather together for sport without the Horsemen of Death taking part?

Cannot Israel exist as a nation, peacefully, as a haven for people too long terrorized, without its right to exist constantly challenged and without its athletes murdered on one of the world's most festive stages?

Cannot Israel participate in the world community without its every effort bathed in blood?

It seems not.

This is the larger meaning of yesterday's barbarism in Munich. This is what we should ponder as we condemn the savagery for what it is.

Pondering this, I propose that the leaders of all the nations gathered in the Olympic Village go there, and before their young people, answer these questions.

I propose they use the spotlight and the place and the moment in history to bring to trial man's violence and to reach a verdict of peace.

Mr. HORTON. Mr. Speaker, I rise to join in supporting the resolution which is before us, offering an expression of national shock at the inhuman acts which occurred yesterday at the Olympic games in Munich. Our sympathy, while sincere, cannot bring back the lives of the

Israeli athletes and the German personnel who died. Our expressions of disgust and anger will not, unfortunately, do anything to change the outlook or the tactics of the Palestinian guerrillas who somehow feel that their terroristic tantrums will avenge the decision of the United Nations nearly 25 years ago to permit the formation of the State of Israel.

The invasion of the Olympic compound and the seizure of members of the Israeli Olympic team will have no good repercussions, not for the institution of the Olympic games, not for the German Government, not for Arab nations which have willingly harbored Palestinian radicals—not for anyone.

Yet, there is a continuing lesson in this brand of Arab terrorism, last exemplified in the senseless attack carried out at Lod Airport in Israel. The lesson is that these people are so bound up, so entranced by the terrorist dogma they have been fed, that they have lost any instincts for survival. They will stop at nothing to kill, to disrupt, or to destroy—even at the risk of certain death for themselves.

The entire law enforcement, crime prevention, and national defense systems of the civilized world are based on the assumption that all human beings will look after their own survival—even one's mortal enemies. But where we must deal with mentalities which feel they have nothing to lose—or worse yet, are anxious to sacrifice their own lives for some twisted cause, the task of preventing death and destruction at the hands of such persons is an overpowering one.

Mr. Speaker, the language of the resolution before us now does suggest one means of dealing with this terrorist insanity. I quote:

> *Resolved*, That all means be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid or comfort to acts of murder and barbarism such as those just witnessed at Munich and that the Clerk of the House be directed to communicate these sentiments and expressions to the Secretary of State.

The fact that some nations in the Arab world are willing to harbor the very groups who train, arm, and educate these terrorists is anathema to the human conscience. The fact that terrorists such as these who killed the Israeli athletes, and those who slaughtered innocent civilians at Lod Airport are held up as national heroes in some Arab lands is even more despicable.

The only way these terrorists can survive and continue their mission of death is to continue receiving aid and comfort from civilized governments which either support them or willingly look the other way as they carry on their insanity. These governments must be made to feel the brunt of world opinion in the form of sanctions against them in the world community.

The political pressures from within, which have kept Arab leaders from denouncing these terrorists must be equalled and exceeded by political, diplomatic, and economic pressures from the outside world. These countries must be made to pay a price for their willingness to condone the sick heroics of these suicidal Arab terrorists.

I hope, before the impact of the initial shock of this tragedy is lost on the people of the world, that all nations will have some better understanding of the situation that the State of Israel is up against. The people of this small nation must face the prospect of this brand of terrorism every day of every year. Any Israeli citizen, or any Jew, for that matter, may consider himself a potential target of these groups when circumstances fit the whim of the terrorists. This is why it is so vital that any peace which is finally arrived at in the Middle East be one where Israel can be assured of some real security from the death, destruction, and uncertainty which she has been forced to live with and expect since her birth as a nation.

Thus, Mr. Speaker, I will enthusiastically support this resolution, and I will follow up my support by urging the administration to act quickly to seek ways to sanction those nations who have allowed these sick minds to take root and to flourish on their soil.

Mrs. ABZUG. Mr. Speaker, it is difficult to find words to express my feelings in this moment of sorrow and anger. A dozen innocent people—part of the thousands of individuals gathered together for a nonpolitical celebration of international amity and physical endeavor—have become the victims of a senseless and wanton act of violence.

While the act itself was apparently that of a few desperate individuals, there is little doubt that they and their fellows have received and continue to receive aid and comfort from a number of Arab Governments. As the text of this resolution indicates, the United States and the other nations of the civilized world must take action to compel these host countries to put an end to Arab terrorist activities within their borders. As I have previously indicated, our own country can and should take such actions as cutting off direct foreign aid funds, particularly military funds, to such host countries, by prohibiting the entry of their goods into the United States, by prohibiting American-flag ships and planes from landing within their borders, and by seeking sanctions and embargoes on the part of the United Nations.

How many times must we and the rest of the world wring our hands at this sort of banditry before we insist that it be brought to an end? Nor need we answer violence with violence. The steps which I have outlined above are stringent and are certain to have the desired effect, yet all are economic in nature. I think that they are not only advisable, but necessary, and I hope that we will act to implement them as soon as possible. As we mourn this loss, let us make sure that it is the last.

Mr. CELLER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. YATES. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 346, nays 0, not voting 85, as follows:

[Roll No. 352]

YEAS—346

Abbitt
Abernethy
Abourezk
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Aspin
Badillo
Baker
Barrett
Begich
Belcher
Bell
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Blanton
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dennis
Derwinski
Devine
Diggs
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edmondson
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Hogan
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Lennon
Lent
Link
Long, Md.
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mallary
Mann
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Perkins
Pettis
Pickle
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie

Quillen
Randall
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scheuer
Schneebeli
Scott
Sebelius
Seiberling
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—85

Abzug
Anderson, Ill.
Ashley
Aspinall
Baring
Blackburn
Blatnik
Brasco
Camp
Carney
Colmer
Conover
Corman
Davis, Ga.
Davis, Wis.
Dent
Dickinson
Dingell
Dorn
Dow
Dowdy
Dwyer
Edwards, Ala.
Evins, Tenn.
Fish
Fuqua
Galifianakis
Gallagher
Green, Pa.
Hagan
Halpern
Hansen, Wash.
Hathaway
Hawkins
Hébert
Henderson
Hillis
Hull
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kee
Leggett
Lloyd
Long, La.
Lujan
McDonald, Mich.
McEwen
McMillan
Mailliard
Mathias, Calif.
Mikva
Miller, Calif.
Mink
Mollohan
Mosher
Nichols
Obey
Pelly
Pepper
Peyser
Pirnie
Price, Ill.
Railsback
Rarick
Rooney, N.Y.
Rostenkowski
Ruppe
Ryan
Scherle
Schmitz
Schwengel
Shipley
Sisk
Spence
Springer
Stanton, James V.
Van Deerlin
Vander Jagt
Vanik
Veysey
Whalley
White
Wiggins
Winn

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 14896, AMENDING NATIONAL SCHOOL LUNCH ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I could not hear the title of the bill.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read the title of the bill.

Mr. GERALD R. FORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, PUCINSKI, HAWKINS, MEEDS, QUIE, ASHBROOK, and RUTH.

CONFERENCE REPORT ON S. 3442, COMMUNICABLE DISEASE CONTROL AMENDMENTS OF 1972

Mr. STAGGERS submitted the following conference report and statement on the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance, and for other purposes:

CONFERENCE REPORT (H. REPT. 92-1376)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. This Act may be cited as the "Communicable Disease Control Amendments Act of 1972".

TITLE I—COMMUNICABLE DISEASE CONTROL PROGRAMS

SEC. 101. Section 317 of the Public Health Service Act (42 U.S.C. 347b) is amended to read as follows:

"GRANTS FOR VACCINATION PROGRAMS AND OTHER COMMUNICABLE DISEASE CONTROL PROGRAMS

"SEC. 317. (a) The Secretary may make grants to States and, in consultation with the State health authority, to agencies and political subdivisions of States to assist in meeting the costs of communicable disease control programs. In making a grant under this section, the Secretary shall give consideration to (1) the relative extent, in the area served by the applicant for the grant, of the problems which relate to one or more of the communicable diseases referred to in subsection (h)(1), and (2) the design of the applicant's communicable disease program to determine its effectiveness.

"(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Except as provided in paragraph (2), such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(2) An application for a grant for a fiscal year beginning after June 30, 1973, shall—

"(A) set forth with particularity the objectives (and their priorities, as determined in accordance with such regulations as the Secretary may prescribe) of the applicant for each of the programs he proposes to conduct with assistance from a grant under this section;

"(B) contain assurances satisfactory to the Secretary that, in the fiscal year for which a grant under this section is applied for, the applicant will conduct such programs as may be necessary to develop an awareness in those persons in the area served by the applicant who are most susceptible to the diseases referred to in subsection (h)(1) of the importance of immunization against such diseases, to encourage such persons to seek appropriate immunization, and to facilitate access by such persons to immunization services; and

"(C) provide for the reporting to the Secretary of such information as he may require concerning (i) the problems, in the area served by the applicant, which relate to any communicable disease referred to in subsection (h)(1), and (ii) the communicable disease control programs of the applicant.

"(3) Nothing in this section shall be construed to require any State or any agency or political subdivision of a State to have a communicable disease control program which would require any person, who objects to any treatment provided under such a program, to be treated or to have any child or ward of his treated under such a program.

"(c)(1) Payments under grants under this section may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this section.

"(2) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies (including vaccines and other preventive agents) or equipment furnished to such recipient and by the amount of the pay, allowances, travel expenses, and any other costs in connection with the detail of an officer or employee of the Government to the recipient when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment, or in detailing the personnel, on which the reduction of such grant is based.

"(d)(1) There is authorized to be appropriated $11,000,000 for the fiscal year ending June 30, 1973, $11,000,000 for the fiscal year ending June 30, 1974, and $11,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs for tuberculosis.

"(2) There is authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1973, $6,000,000 for the fiscal year ending June 30, 1974, and $6,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs for measles.

"(3) There is authorized to be appropriated $23,000,000 for the fiscal year ending June 30, 1973, $23,000,000 for the fiscal year ending June 30, 1974, and $23,000,000 for the fiscal year ending June 30, 1975, for grants under this section for communicable disease control programs other than communicable disease control programs for which appropriations are authorized by paragraph (1) or (2).

"(4) Not to exceed 50 per centum of the amount appropriated for any fiscal year under any of the preceding paragraphs of this subsection may be used by the Secretary for grants for such fiscal year under (A) programs for which appropriations are authorized under any one or more of the other paragraphs of this subsection if the Secretary determines that such use will better carry out the purposes of this section, and (B) section 318.

"(e) The Secretary shall develop a plan under which personnel, equipment, medical supplies, and other resources of the Service and other agencies under his jurisdiction may be effectively utilized to meet epidemics of, or other health emergencies involving, any disease referred to in subsection (h)(1). There is authorized to be appropriated to the Secretary $5,000,000 for the fiscal year ending June 30, 1973, $5,000,000 for the fiscal year ending June 30, 1974, and $5,000,000 for the fiscal year ending June 30, 1975, for costs incurred in utilizing such resources in accordance with such plan.

"(f)(1) Except as provided in section 318 (g), no funds appropriated under any provision of this Act other than subsection (d) may be used to make grants in any fiscal year for communicable disease control programs if (A) grants for such programs are authorized by this section, and (B) all the funds authorized to be appropriated under that subsection for that fiscal year have not been appropriated for that fiscal year and obligated in that fiscal year.

"(2) No funds appropriated under any provision of this Act other than subsection (e) may be used in any fiscal year for costs incurred in utilizing resources of the Service in accordance with a plan developed in accordance with that subsection if all the funds authorized to be appropriated under that subsection for that fiscal year have not been appropriated for that fiscal year and obligated in that fiscal year.

"(g) The Secretary shall submit to the President for submission to the Congress on January 1 of each year a report (1) on the effectiveness of all Federal and other public and private activities in preventing and controlling the diseases referred to in subsection (h)(1), (2) on the extent of the problems presented by such diseases, (3) on the effectiveness of the activities, assisted under grants under this section, in preventing and controlling such diseases, and (4) setting forth a plan for the coming year for the prevention and control of such diseases.

"(h) For the purposes of this section:

"(1) The term 'communicable disease control program' means a program which is designed and conducted so as to contribute to national protection against tuberculosis, rubella, measles, Rh disease, poliomyelitis, diphtheria, tetanus, whooping cough, or other communicable diseases (other than venereal disease) which are transmitted from State to State, are amenable to reduction, and are determined by the Secretary to be of national significance. Such term includes vaccination programs, laboratory services, and studies to determine the communicable disease control needs of States and political subdivisions of States and the means of best meeting such needs.

"(2) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands, and the District of Columbia.

"(i) Nothing in this section shall limit or otherwise restrict the use of funds which are granted to a State or to an agency or a political subdivision of a State under provisions of Federal law (other than this Act) and which are available for the conduct of communicable disease control programs from being used in connection with programs assisted through grants under this section."

SEC. 102. The amendment made by section 101 of this title shall apply to grants made under section 317 of the Public Health Service Act after June 30, 1972, except that subsection (d) of such section as amended by section 101 shall take effect on the date of enactment of this Act.

TITLE II—VENEREAL DISEASE PREVENTION AND CONTROL

SEC. 201. This title may be cited as the "National Venereal Disease Prevention and Control Act".

SEC. 202. (a) The Congress finds and declares that—

(1) the number of reported cases of venereal disease has reached epidemic proportions in the United States;

(2) the number of patients with venereal disease reported to public health authorities is only a fraction of those treated by physicians;

(3) the incidence of venereal disease is particularly high among individuals in the 20–24 age group, and in metropolitan areas;

(4) venereal disease accounts for needless deaths and leads to such severe disabilities as sterility, insanity, blindness, and crippling conditions;

(5) the number of cases of congenital syphilis, a preventable disease, in infants under one year of age increased by 33⅓ per centum between 1970 and 1971;

(6) health education programs in schools and through the mass media may prevent a substantial portion of the venereal disease problem; and

(7) medical authorities have no successful vaccine for syphilis or gonorrhea and no blood test for the detection of gonorrhea among the large reservoir of asymptomatic females.

(b) In order to preserve and protect the health and welfare of all citizens, it is the purpose of this Act to establish a national program for the prevention and control of venereal disease.

SEC. 203. Part B of title III of the Public Health Service Act is amended by adding immediately after section 317 thereof the following new section:

"PROJECTS AND PROGRAMS FOR THE PREVENTION AND CONTROL OF VENEREAL DISEASE

"SEC. 318. (a) The Secretary may provide technical assistance to appropriate public authorities and scientific institutions for their research, training, and public health programs for the prevention and control of venereal disease.

"(b)(1) The Secretary is authorized to make grants to States, political subdivisions of States, and any other public or nonprofit private entity for projects for the conduct of research, demonstrations, and training for the prevention and control of venereal disease.

"(2) For the purpose of carrying out this subsection, there is authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years.

"(c)(1) There is authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and for each of the next two fiscal years, to enable the Secretary to make grants to State health authorities to assist the States in establishing and maintaining adequate public health programs for the diagnosis and treatment of venereal disease. For purposes of this subsection, the term 'State' means each of the several States of the United States, the District of Columbia, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico.

"(2) Any State desiring to receive a grant under this subsection shall submit to the Secretary a State plan for a public health program for the diagnosis and treatment of venereal disease. Each State plan shall—

"(A) provide for the administration or supervision of administration of the State plan by the State health authority;

"(B) set forth the policies and procedures to be followed in the expenditure of the funds paid to the State under this subsection;

"(C) provide that the public health services furnished under the State plan will include the provision of Statewide laboratory services (including dark field microscope techniques for the diagnosis of both gonorrhea and syphilis), which services will be provided in accordance with standards prescribed by regulations, including standards as to the scope and quality of such services;

"(D) contain or be supported by assurances satisfactory to the Secretary that (i) not less than 70 per centum of the funds paid to the State under this subsection will be used to provide and strengthen public health services in its political subdivisions for the diagnosis and treatment of venereal disease; (ii) such funds will be used to supplement and, to the extent practical, to increase the level of funds that would otherwise be made available for the purposes for which the Federal funds are provided under this subsection and will not supplant any non-Federal funds which would otherwise be available for such purposes; and (iii) the plan is compatible with the total health program of the State;

"(E) provide that the State health authority will from time to time, but not less often than annually, review and evaluate its State plan approved under this subsection, and submit to the Secretary appropriate modifications thereof;

"(F) provide that the State health authority will make such reports, in such form and containing such information, as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary finds necessary to assure the correctness and verification of such reports;

"(G) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds paid to the State under this subsection; and

"(H) contain such additional information and assurances as the Secretary may find necessary to carry out the purposes of this subsection.

The Secretary shall approve any State plan and any modification thereof which meets the requirements of this paragraph.

"(3)(A) Grants under this subsection shall be made from allotments to States made in accordance with this paragraph. For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated under paragraph (1) for such year among the States on the basis of the incidence of veneral disease in, and the population of, the respective States; except that no State's allotment shall be less than $75,000 for any fiscal year.

"(B) Any amount allotted to a State (other than the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Commonwealth of Puerto Rico) under subparagrah (A) for a fiscal year and remaining unobligated at the end of such year shall remain available to such State, for the purposes of which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Secretary, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this subsection, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under subparagraph (A) to the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, or the Commonwealth of Puerto Rico for a fiscal year and remaining unobligated at the end of such year shall remain available to it for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purposes for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallotted by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such named States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this subsection, and any amount so reallotted to any such named State shall be in addition to any other amounts allotted and available to it for the same period.

"(4) The amount of any grant under this subsection for public health programs under an approved State plan shall be determined by the Secretary, except that no grant for any such program may exceed 90 per centum of its cost (as determined under regulations of the Secretary). Payments under grants under this subsection shall be made from time to time in advance on the basis of estimates by the Secretary or by way of reimbursement, with necessary adjustments on account of previous underpayments or overpayments.

"(d)(1) The Secretary is authorized to make project grants to States and, in consultation with the State health authority, to political subdivisions of States, for—

"(A) venereal disease surveillance activities, including the reporting, screening, and followup of diagnostic tests for, and diagnosed cases of, venereal disease;

"(B) casefinding and case followup activities respecting venereal disease, including contact tracing of infectious cases of venereal disease;

"(C) interstate epidemiologic referral and followup activities respecting venereal disease;

"(D) professional and public venereal disease education activities; and

"(E) such special studies or demonstrations to evaluate or test venereal disease control as may be prescribed by the Secretary.

"(2) For the purpose of carrying out this subsection, there is authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"(e)(1) Grants made under subsection (b) or (d) of this section shall be made on such terms and conditions as the Secretary finds necessary to carry out the purposes of such subsection, and payments under any such grants shall be made in advance or by way of reimbursement and in such installments as the Secretary finds necessary.

"(2) Each recipient of a grant under this section shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant was given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(3) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of grants under this section that are pertinent to such grants.

"(4) The Secretary, at the request of a recipient of a grant under this section, may reduce such grant by the fair market value of any supplies or equipment furnished to such recipient and by the amount of pay, allowances, travel expenses, and any other costs in connection with the detail of an officer or employee of the United States to the recipient when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such recipient and for the purpose of carrying out the program with respect to which the grant under this section is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies, equipment, or personal services on which the reduction of such grant is based; and, in the case of a grant under subsection (c), such amount shall be deemed a part of the grant to such recipient and shall, for the purposes of that subsection, be deemed to have been paid to such recipient.

"(5) All information obtained in connection with the examination, care, or treatment of any individual under any program which is being carried out with a grant made under this section shall not, without such individual's consent, be disclosed except as may be necessary to provide service to him. Information derived from any such program may be disclosed—

"(A) in summary, statistical, or other form, or

"(B) for clinical or research purposes, but only if the identity of the individuals diagnosed or provided care or treatment under such program is not disclosed.

"(f) Except as provided in section 317(d) (4), no funds appropriated under any provision of this Act other than this section may be used to make grants in any fiscal year for programs or projects respecting venereal disease if (1) grants for such programs or projects are authorized by this section, and (2) all the funds authorized to be appropriated under this section for that fiscal year have not been appropriated for that fiscal year and obligated in that fiscal year.

"(g) Not to exceed 50 per centum of the amounts appropriated for any fiscal year under subsections (b), (c), and (d) of this section may be used by the Secretary for grants for such fiscal year under section 317.

"(h) Nothing in this section shall be construed to require any State or any political subdivision of a State to have a venereal disease program which would require any person, who objects to any treatment provided under such a program, to be treated or to have any child or ward of his treated under such a program."

TITLE III—PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

SEC. 301. Section 1001(c) of the Public Health Service Act is amended by striking out "$90,000,000" and inserting "$111,500,000" in lieu thereof.

And the House agree to the same.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

EDWARD M. KENNEDY,
HARRISON WILLIAMS,
GAYLORD NELSON,
TOM EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
RICHARD SCHWEIKER,
JACOB K. JAVITS,
PETER H. DOMINICK,
BOB PACKWOOD,
J. GLENN BEALL, Jr.,
ROBT. TAFT, Jr.,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

I. AUTHORIZATION OF APPROPRIATIONS FOR COMMUNICABLE DISEASE PROGRAMS

The Senate bill provided a single authorization of appropriations for section 317 communicable disease programs, as follows:

$90 million for fiscal year 1973.
$90 million for fiscal year 1974.
$90 million for fiscal year 1975.
$90 million for fiscal year 1976.
$90 million for fiscal year 1977.

The aggregate amount of the House amendment's authorization of appropriations for section 317 communicable disease programs was—

$85 million for fiscal year 1973;
$85 million for fiscal year 1974; and
$85 million for fiscal year 1975.

The authorizations of appropriations for each of the 3 fiscal years are made in the House amendment in the following manner;

(1) $50 million for grants for communicable disease control programs for veneral diseases.

(2) $10 million for grants for such programs for tuberculosis.

(3) $5 million for grants for such programs for measles.

(4) $20 million for grants for such programs for other diseases.

Up to ½ of the amount appropriated for any fiscal year for grants under one category of programs could be used for grants under other categories of programs.

The conference substitute authorizes appropriations for three fiscal years for communicable disease programs. Authorizations are separately made for the following three categories of communicable disease programs: Programs for tuberculosis, programs for measles, and programs for other communicable diseases. The amounts authorized to be appropriated for each of the three fiscal years are—

(1) $11 million for grants for communicable disease programs for tuberculosis,

(2) $6 million for grants for such programs for measles, and

(3) $23 million for grants for such programs for other diseases. The aggregate amount authorized to be appropriated for each of the three fiscal years is $40 million. No funds are authorized to be appropriated under section 317 for programs respecting veneral disease since the conference substitute adopts the Senate bill's provisions for a separate program of assistance for such programs. The conference substitute adopts

the provision of the House amendment which permits up to one-half of the amount appropriated for any fiscal year for grants under one category of programs to be used for grants under other categories of programs. (See item IX infra).

II. GRANTS TO POLITICAL SUBDIVISIONS

The Senate bill replaces the requirement in existing law that the State health authority must give its approval before a grant may be made to political subdivisions of the State with a requirement that the State health authority must be consulted before such a grant may be made.

The House amendment has no comparable provision.

The conference substitute adopts the provision of the Senate bill.

III. CONSIDERATION OF LEVELS PERFORMANCE IN PREVENTING AND CONTROLLING COMMUNICABLE DISEASES

The Senate bill replaces the requirement in existing law that the Secretary in making a grant is to consider the levels of performance in preventing and controlling communicable diseases with a requirement that he consider the design of the public health program to assure effective performance in preventing and controlling such diseases.

The House amendment has no comparable provision.

The conference substitute requires the Secretary to consider the design of an applicant's communicable disease program to determine its effectiveness.

IV. APPLICATION REQUIREMENTS

The House amendment requires applications for grants to contain such information as the Secretary may require; and, in addition, requires an application for a grant for any fiscal year after fiscal year 1973 to—

(1) set forth the objectives (and their priorities) of each program for which assistance is sought;

(2) contain assurances that the applicant (A) will conduct appropriate programs to develop in persons most susceptible to communicable diseases an awareness of the importance of immunization, (B) will encourage such persons to seek immunization, and (C) will facilitate access by such persons to immunization services;

(3) contain assurances respecting venereal disease programs; and

(4) provide for making certain reports to the Secretary.

The Senate bill has no comparable provision.

The conference substitute is the same as the House amendment, except that to conform to the adoption of a new separate program of assistance for venereal disease programs the required assurances relating to venereal disease programs is omitted.

V. EDUCATION PROGRAMS

The Senate bill provides that the Secretary may make grants and contracts for projects to make persons aware of the consequences of communicable diseases and of the availability of programs for immunization against such diseases. $5 million is authorized for fiscal year 1973 and for each of the next 4 fiscal years.

The House amendment and the conference substitute require applicants for grants to give assurance that they will carry out such programs (see item IV supra).

The conference substitute is the same as the House amendment.

VI. PLANNING FOR EPIDEMICS AND OTHER HEALTH EMERGENCIES

The House amendment directs the Secretary to develop a plan for utilization of Federal resources under his jurisdiction to meet epidemics and other health emergencies involving communicable diseases. $5 million is authorized for fiscal year 1973 and for each of the next 2 fiscal years for costs incurred in utilizing such resources in accordance with the Secretary's plan.

The Senate bill has no comparable provision.

The conference substitute adopts the House amendment.

VII. LIMITATION ON SOURCE OF FUNDS FOR COMMUNICABLE DISEASE CONTROL PROGRAMS

The Senate bill provides that no funds appropriated pursuant to any provision of the Public Health Service Act (other than section 317) may be used for any program for which funds appropriated under section 317 may be used, except that venereal disease programs could be funded under the new section 318 as well as section 317.

The House amendment has no comparable provision.

The conference substitute is the same as the Senate bill except that (1) up to 50 percent of the funds appropriated under section 317(d) may be used for venereal disease programs under section 318 and up to 50 percent of the funds appropriated under section 318 may be used for communicable disease programs under section 317, (2) the limitation is extended to apply to funding of costs incurred by the Secretary in meeting epidemics and other health emergencies (see item VI supra), and (3) the limitation is not to apply in a fiscal year if all funds authorized to be appropriated for that fiscal year have been appropriated and obligated. The conferees intend to prohibit the making of grants under other sections of the Public Health Service Act principally for, or limited for use in, communicable disease control programs. The conferees do not, however, intend to preclude the award of grants under other sections of the Act for use in programs that involve communicable disease programs as ancillary or subsidiary features.

VIII. ANNUAL REPORT

The Senate bill provides that the Secretary's annual report is to cover the effectiveness of all activities (not just those assisted under section 317) for the prevention and control of communicable diseases.

The House amendment revises the reporting requirement to require (1) the report to be submitted on January 1 of each year, (2) the report to contain an assessment of the problems presented by communicable diseases and the effectiveness of the programs assisted in preventing and controlling such diseases, and (3) the report to set forth a plan for the coming year for the prevention and control of communicable diseases.

The conference substitute combines the provisions of the Senate bill and the House amendment.

IX. VENEREAL DISEASE PROGRAM

The Senate bill adds a new section 318 to title III of the Public Health Service Act to authorize the Secretary (1) to conduct and render assistance for research and training in, and for public health programs relating to, the prevention and control of venereal disease, (2) to make project grants for the conduct of research, demonstrations, and training with respect to the prevention and control of venereal disease, (3) to make grants to States for establishing and maintaining public health programs for the diagnosis and treatment of venereal disease, and (4) to make project grants to States and, in consultation with the State health authority, to political subdivisions for the conduct of certain venereal disease prevention and control programs. For the grants described in clause (2) there is authorized to be appropriated $15 million for fiscal year 1973 and for each of the next 2 fiscal years; for the grants described in clause (3) there is authorized to be appropriated $30 million for fiscal year 1973 and for each of the next 2 fiscal years; and for the grants described in clause (4) there is authorized to be appropriated $30 million for fiscal year 1973 and for each of the next 2 fiscal years.

The House amendment contains no separate program for assistance for venereal disease under communicable disease programs.

The conference substitute is the same as the Senate bill except that—

(1) it is made clear that the assistance described in clause (1) of the description of the Senate bill is technical assistance only,

(2) the authorization of appropriations for the project grants described in clause (2) of such description is set at $7.5 million for each fiscal year,

(3) the authorization for the program grants described in clause (3) of such description is set at $25 million for each fiscal year,

(4) the authorization of appropriations for the project grants described in clause (4) of such description is set at $30 million for each fiscal year,

(5) a provision in section 317 protecting the right of persons to refuse treatment under programs for which assistance is authorized is made applicable to venereal disease programs assisted under this section, and

(6) the provision in section 317 placing a limitation on the source of funds for programs is made applicable to funding for the venereal disease programs for which assistance is authorized.

X. PROJECT GRANTS AND CONTRACTS FOR FAMILY PLANNING SERVICES

The Senate bill increases the authorization of appropriations for project grants and contracts for family planning services under title X of the Public Health Service Act for fiscal year 1973 from $90 million to $127,300,000.

The House amendment contains no comparable provision.

The conference substitute adopts the provision of the Senate amendment, except that the authorization of appropriations for fiscal year 1973 is set at $111.5 million.

XI. PROJECT GRANTS FOR HEALTH SERVICES DEVELOPMENT

The Senate bill increases authorization of appropriations under section 314(e) of the Public Health Service Act for fiscal year 1973 from $157 million to $179 million for grants under that section to cover part of the cost of (1) providing services to meet health needs of limited geographic scope or of specialized regional or national significance, or (2) developing and supporting for an initial period new programs of health services.

The House amendment and the conference substitute contain no comparable provision.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
ANCHER NELSEN,
TIM LEE CARTER,
Managers on the Part of the House.

EDWARD M. KENNEDY,
ALAN CRANSTON,
HARRISON WILLIAMS,
TOM EAGLETON,
GAYLORD NELSON,
HAROLD E. HUGHES,
CLAIBORNE PELL,
WALTER F. MONDALE,
RICHARD SCHWEIKER,
JACOB K. JAVITS,
PETER H. DOMINICK,
BOB PACKWOOD,
J. GLENN BEALL, Jr.,
ROBERT TAFT, Jr.,
Managers on the Part of the Senate.

MEMORIAL IN HONOR OF SEABEES OF U.S. NAVY

Mr. NEDZI. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the joint resolution (H.J. Res. 55) proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Page 3, line 3, strike out "Interior." and insert: "Interior, or, if the memorial is erected on public grounds belonging to or under the jurisdiction of the District of Columbia, the government of the District of Columbia."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN REPORTS

Mr. YOUNG of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

WHEAT RESEARCH AND PROMOTION

Mr. YOUNG of Texas. Mr. Speaker, on behalf of the Committee on Rules, I call up House Resolution 1093 and ask for its immediate consideration.

The Clerk read the resolution of follows:

H. RES. 1093

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13514) to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Nebraska (Mr. MARTIN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1093 provides an open rule with 1 hour of general debate for consideration of H.R. 13514 for wheat research and promotion.

As wheat production throughout the world increases, our export of wheat products declines. Due to the keen competition the total volume of wheat exported is gradually reducing.

The purpose of H.R. 13514 is to provide a program to expand the market for wheat products for human consumption within the United States.

A wheat industry council would be established, composed of 15 voting members and seven additional members, one of whom shall be a USDA official. The members are to be appointed by the Secretary of Agriculture.

The council will be a nonprofit, nongovernment, tax-exempt organization. Its purpose will be to develop research, education, and promotion plans to expand the use of wheat for human consumption here at home.

Its expenses and costs of administration within the USDA will be paid from assessment funds, to be imposed on each hundredweight of processed wheat intended for human use within the United States: 1 cent per hundredweight the first year and not more than 2½ cents in subsequent years; the amount of assessment to be added as a separate item to invoice by initial and subsequent processors. However, a processor shall not pay an assessment if the buyer certifies that the wheat will not be used within the United States.

The council has authority to collect assessments, including court costs and attorneys' fees, and is to conduct or contract for projects. It will be responsible to and subject to audit by the Secretary of Agriculture.

Processors, who shall serve without pay as collection agents, shall make a monthly report to the council.

It is estimated that approximately $2.6 million will be raised the first year and no more than $6 million in each succeeding year.

Cost to the USDA is estimated at $55,000 per year for each of the next 5 years.

Mr. Speaker, I urge the adoption of the rule.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 1093 provides for open rule with 1 hour of debate on H.R. 13514 to establish a program for research and promotion to expand markets for wheat markets.

The bill establishes a Wheat Industry Council composed of 15 voting members and seven additional members, appointed by the Secretary of Agriculture. The voting members must be selected from nominees chosen by the Wheat and Wheat Foods Foundation, a private industry organization representing wheat producers, processors, and end-product manufacturers. The purpose of the Council is to administer the program and collect assessments, which are to be levied on processed wheat. For the first year, the assessment will be 1 cent per hundredweight of processed wheat, which is expected to raise about $2,600,000.

The cost to the Government as a result of this bill is about $55,000 for administrative costs per year. However, it is expected that the Government will be reimbursed from assessments, according to a letter from the Department of Agriculture.

Mr. Speaker, I support this legislation, and support the rule, and urge its adoption.

Mr. Speaker, I yield 2 minutes to the gentleman from California, (Mr. TEAGUE).

Mr. TEAGUE of California. Mr. Speaker, in the past I have supported bills similar to this proposal now before us dealing with other commodities such as cotton, potatoes, and other farm crops. However, all of those bills had an important feature that this bill does not have, and that is that they all provided for a referendum whereby the farmers themselves were given an opportunity to vote whether they wanted to engage in such a program. So, Mr. Speaker, in its present form I am opposed to this bill. I understand there will be an amendment offered that requires a referendum. If that were to be adopted the bill would be greatly improved, although there are some other features that I do not particularly like, and which I will discuss at a later time.

Mr. Speaker, I thank the gentleman for yielding.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PURCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 13514) to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. PURCELL).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 13514, with Mr. ROUSH in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. PURCELL) will be recognized for 30 minutes, and the gentleman from California (Mr. TEAGUE) will be recognized for 30 minutes.

Mr. TEAGUE of California. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this speech that I am about to make is really an attack on the bill in its present form.

I very much hope that the bill will be amended in such a way so that some of the remarks I am now about to deliver will not be applicable to the bill in its final form.

Mr. Chairman, I rise in opposition to H.R. 13514.

This bill, which would place an additional and unnecessary burden on the already overburdened pocketbooks of American consumers, is certainly not needed at this time.

We all know that wheat prices are rising and that bread, cookies, cake, and other wheat products are rising right along with them.

Wheat processors in fact have asked the Price Commission for authority to raise prices on these foods even further.

Now the House has before it the opportunity to express itself clearly on the question of whether we are in favor of imposing another $2 to $6 million annually on the consuming public for the purpose of financing further wheat research, sales, and promotion efforts.

I say the answer to that question should be a resounding "No" because of three reasons.

First, the bill duplicates the efforts of an existing wheat promotion and research agency created just 2 years ago by Public Law 91-430. This agency, called the National Wheat Institute, has over $2.5 million now available to it for carrying out the same kind of programs as described by this bill.

The National Farmers Union pointed out this fact during the hearings on the bill when Mr. Barton of that organization said:

> Third, the National Wheat Institute, financed by inverse subsidies on wheat exports, is a functioning agency charged with the same objectives as the agency to be created in the proposed legislation. This group is totally under the control of producers. If there is need for any additional research and promotion, it would be preferable to expand the funds available to the National Wheat Institute rather than to create a rival competing administrative structure with identical objectives.

Second, the bill does not give individual producers or processors the chance to either express their disapproval of the program or to apply for a refund of any assessments made against them.

This feature, which was rejected by the committee on a 19 to 13 vote, makes this program different from the research and promotion programs that now apply to such commodities as potatoes, cotton, dairy products, and marketing order crops.

Mr. William Kuhfus, president of the American Farm Bureau Federation, stated his organization's position on this matter as follows:

> Accordingly, we believe that it would be an injustice to wheat producers to institute the proposed program without a two-thirds favorable vote in a producer referendum.
>
> We also believe that it would be undesirable to depart from the precedent followed in the Cotton and Potato Promotion Acts which provide for refunds to producers who do not wish to participate.

Mr. Joseph Creed, representing the Biscuit and Crackers Manufacturing Association of America, stated his organization's position as follows:

> The Association's membership believes the financing of such a program should be on a voluntary basis or alternatively, if assessments are levied by law, each end product manufacturer should have the option to have his assessment refunded.

Mr. D. M. Mennell, president of the Mennell Milling Co. of Fostoria, Ohio, stated his view as follows:

> Additionally, this bill is unique in that there is no provision for any kind of referendum, and there is no means of escaping the tax if you are opposed to it. Bills similar to this one, such as the recent potato act, contain both of these features.

Yes, Mr. Chairman, this bill denies individual choice—it creates an excise-tax structure in the hands of private citizens which in and of itself is of questionable constitutional validity—and it prevents both farmers and processors from any effective channel of opposition to the plans that the Wheat Industry Council may conceive.

My third and final reason for opposing this bill is that two major farmer organizations, the Farm Bureau and the Farmers Union, which more often than not fail to agree, do agree that the bill in its present form is unsatisfactory.

Thus, if the farmers do not want the bill and consumers derive no benefit from it, why in the world should the House approve it?

I say we should not.

Mr. PURCELL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, in partial answer to the statements made by my distinguished colleague and my dear friend, the gentleman from California (Mr. TEAGUE), I would say this bill does not in more than the slightest way compare with the cotton checkoff in which the producer is paying a checkoff. In this instance the producer is not paying. In this instance the flour mill is the point where the so-called checkoff is occurring and the money is collected. As far as the amount of money is concerned, that is in the National Wheat Institute. This was a one-opportunity situation in which the money that was created by the inverse subsidy was in the Department of Agriculture, which was one amount of money which was given to the National Wheat Institute for basically the purposes we are speaking of here. This fund does not replace itself and, therefore, would not be a reliable source of money to rely upon.

My distinguished friend, I think, indicated that there were organizations against this. I would like to have the record show the charter members of this organization. I would say that this concept of self-help, this desire to have a united effort in research to show that wheat has the kind of nutrition that it actually has, this effort in order to try to have a complete understanding across all segments of the wheat industry, has been in process for over 10 years.

These are some of the organizations that are for this bill: the National Association of Wheat Growers; Western Wheat Associates, Inc.; the Great Plains Wheat, Inc.; the U.S. Durum Growers Association; the Kansas Association of Wheat Growers; the Montana Grain Growers Association; the Nebraska Wheat Growers Association; the Oklahoma Wheat Growers Association; the South Dakota Wheat Producers, Inc.; the Texas Association of Wheat Growers; Wyoming Wheat Growers Association; Oregon Wheat Growers League; Washington Association of Wheat Growers; Idaho State Wheat Growers Association; Kansas Wheat Commission; Nebraska Wheat Commission; North Dakota State Wheat Commission; South Dakota Wheat Commission; Colorado Association of Wheat Growers; Colorado Wheat Administrative Committee; Oregon Wheat Commission; Washington Wheat Commission; Idaho Wheat Commission. Those are the producers.

The processors, some of which are these: the Bulgur Associates; the Millers' National Federation; National Association of Flour Distributors; National Soft Wheat Millers Association.

Then the end-product manufacturers—some of the organizations that are for this bill are these: Associated Retail Bakers of America; American Bakers Association; Biscuit and Cracker Manufacturers' Association; National Macaroni Manufacturers Association.

Mr. Chairman, these organizations and others have worked on this legislation. They do understand the effect of it.

We have the most universal support across the board in the entire industry of wheat and of the food industry that has ever been seen before.

I would urge the consideration of the facts I have just given.

I reserve the remainder of my time.

Mr. TEAGUE of California. Mr. Chairman, I yield 2 more minutes to the gentleman from Texas for the purpose of answering some questions.

It is not clear to me who is going to pay this $6 million annual assessment if the housewife is not going to pay for it at the grocery store. Can the gentleman please explain to me who is going to pay it?

Mr. PURCELL. Yes, I will be very glad to explain it. The assessment will be at the point where the wheat is milled into flour—either 1 cent or not more than 2½ cents per hundredweight. It will not exceed 150th of a penny.

The figures, I believe, are universally accepted as explaining the relationship of the cost of the wheat to the cost cf the bread, that it takes right at 60 cents per bushel increase in the cost of the price of wheat to legitimately add one penny to the legitimate cost of the wheat in the loaf of bread.

So this is one one-hundred-fiftieth of a penny that is added. This is a long, long way from 60 cents. So it will be paid by the millers. It will be absorbed by them, or it cannot be passed back to the producer, as I view it.

I do not believe it is a legitimate argument to say that the cost to the consumer is going to be of such a nature that it can ever be noticed legitimately.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield for a question?

Mr. PURCELL. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I thank the gentleman.

I should like to ask this question: I realize this tax or assessment is not going to be put back on the farmer or on the producer of wheat, because this is being charged to the miller, but who is going to pay for the increased cost of the flour they mill?

Mr. PURCELL. As I just said, the actual increased cost of the flour is so infinitesimal that my belief is the miller will pay for it. If it is passed on, again it is so infinitesimal I believe it will not be noticed, because of the necessary increase in the cost of wheat to the tune of about 60 cents a bushel, which would be so much more.

Mr. TEAGUE of California. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PRICE) for the purpose of directing some questions to the gentleman from Texas (Mr. PURCELL).

Mr. PRICE of Texas. Mr. Chairman, I should like to ask the chairman of the subcommittee this question: In the bill, as we passed it out of the subcommittee, there was an amendment adopted which gave the producer the right to vote. Then the bill went to the full committee, where this was stricken from the bill. That is correct, is it not?

Mr. PURCELL. The gentleman is a member of the committee. His recollection is as good as mine.

Mr. PRICE of Texas. Right. What I wanted to find out was, if the actual producer does not have the opportunity to vote upon this legislation, it would seem to me we were cramming this down their throats without giving the wheat producers the opportunity to vote upon something which affects them.

Mr. PURCELL. I will say to the gentleman, this objection was raised in the subcommittee and again in the committee. In the committee it did not prevail. So the gentleman's views are the same, and the prevailing view of the committee is the same.

Mr. PRICE of Texas. I have a further inquiry, Mr. Chairman.

On page 14 of the bill, in section 17, it says:

> The council shall, subject to the provisions of section 9, develop and submit to the Secretary for his approval, research, education, and promotion (including paid advertising) plans or projects for wheat and wheat foods, to encourage and make more efficient the growing, distribution, and marketing of wheat and wheat foods, and to stimulate expanded sales and uses thereof.

It would seem to me, for legislative history, we should ask: Would this include research in new forms for livestock feed, also? It seems to me we are missing the point here in expanding the use of wheat, as to livestock feed. Will this research constitute promotion of the use for livestock feed?

Mr. PURCELL. I will say to the gentleman, his recollection of the proceedings is as good as mine, but the entire purpose of the bill is spelled out in the early paragraphs of it, for human domestic use.

Mr. PRICE of Texas. Yes. I, for one, would like to consider offering an amendment which would include, research for livestock feeds also after all this research is done, that there be some research done as to use for livestock feed, because of the grain produced above our domestic consumption, almost 14 to 17 percent of the ration in livestock feed is now being fed wheat. I hope that the research, for history here, will show some of this research would go for that.

Mr. PURCELL. I do not know what the research of history would show, but the point of processing is where this money is collected. I do not know of any livestock feed that is made as the result of the milling of flour, other than shorts or by-products. If the gentleman has in mind a bill for the development of wheat as livestock feed, I believe it would have to be done in a different way from what this bill provides.

Mr. PRICE of Texas. I thank the gentleman.

Mr. PURCELL. Mr. Chairman, I yield to the distinguished chairman of the committee, the gentleman from Texas, whatever time he may consume.

Mr. POAGE. Mr. Chairman, I think it should be kept in mind that this legislation is legislation designed simply to develop and publicize the uses of wheat as human food. It is a great human food; it is one of the best human foods, and it has been recognized as the staff of life since Biblical times.

It is still the staff of life. The public should know it, and we should have a way of enabling the public to know it. This bill provides that way.

It does not impose a burden upon anyone. This talk about how this is going to increase the cost of bread is based upon a complete failure to understand the wheat market and the bread market. There is about 2½ cents worth of wheat going into a loaf of bread today that will sell at anywhere from 25 to 30 cents. In other words, less than 10 percent of the cost of a loaf of bread is accounted for by the cost of the wheat that goes into that loaf of bread. This bill at its maximum could only cost 2½ cents per 100 pounds of wheat, and that is about 1⅔ bushels of wheat. In other words, it could cost about 1½ cents per bushel. A bushel of wheat will make about, I believe, 68 or 69 1-pound loaves of bread. If you divide 1½ cents by 68 or 69, you will find how much extra cost is involved in this. It is something so infinitesimal that even the bakers cannot pass it on.

The bakers are supporting this bill. The gentleman from Texas rightly said that the bakers organization is supporting the bill. The processing organization is supporting the bill, because they want the facts known about the uses of wheat and the fact that it is one of our most acceptable food products. They are willing to pay this infinitesimally small cost. When it is divided into the 1.6 billion bushels of wheat that the United States will grow, you will find you will get about one and one one-hundredth of a cent or something of that kind extra per bushel of wheat. It is just so small an amount that you cannot find any way of passing it on without grabbing extreme and excessive profits.

Yet who of you, who of you, have stood on this floor and protested when the transportation of those commodities went up in cost?

I am not kicking about it. Possibly the increases were justified but in the last 2 or 3 years the labor production costs have gone up seven or eight times more than this will cost. Who among you have stood here and protested these various wage increases and who has said that it was robbing the consumer? Who among you have stood here and protested that the wages of somebody who worked in some of the steps that make bread have gone up?

I am not suggesting these increases were wrong. Possibly those rate increases were justified, but who stood here and protested when these wages went up? The cost of a loaf of bread is about one-tenth wheat, about one-tenth other ingredients, and about eight-tenths wages. Who stood here and protested and said that the consumer was being robbed? Here, we are trying simply to see that the advantages of wheat can be made known to the public, and we are told, "Oh, it is going to rob the poor people."

I just want you to bear in mind that this thing is not a raid. It is not a burden on the living costs of some poor people. That thing is an effort to enable the producers of one of our great commodities to present that commodity for what it is as one of our finest food products, in the hope that the public will use more bread, more wheat, more of those commodities that give the most for the money that we spend.

If you want to reduce the actual cost of living of the American people, the simplest way to do it—and I wish that those of you who are concerned primarily with that problem—the simplest way to do it is to present the intrinsic value of wheat products. The United States probably eats less bread per capita than almost any other civilized country in the world. The other countries of the world, or most of them, know the value of bread. We do not.

We ought to learn the value of bread, and when we do, our people are going to find that they can have a better standard of living with a lesser expenditure of funds. That is what this bill intends to provide. This is not an anticonsumer bill. This is a bill that will provide for better distribution of the food resources of the United States.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Texas.

Mr. PRICE of Texas. Mr. Chairman, since you have been very active on this bill, and like you say——

Mr. POAGE. Where does the gentleman get that idea? He is on both the subcommittee and the full committee, and I am not on the subcommittee. Where did the gentleman get the idea that I have been very active? Did I appear before his subcommittee?

Mr. PRICE of Texas. No, but the gentleman is on the full committee.

Mr. POAGE. Did you ever hear me speak on this before the full committee?

Mr. PRICE of Texas. Does the gentleman want me to ask the question or just sit down?

Mr. POAGE. I have the floor. You want to ask a question. I just asked you where you got the idea that I was very active.

Mr. PRICE of Texas. You were out on the committee, Mr. Chairman, as chairman of the committee.

Mr. POAGE. Did you hear me speak on this bill?

Mr. PRICE of Texas. No, I did not.

Mr. POAGE. That is correct.

Mr. PRICE of Texas. All right, then I would like to ask a question. The Farmers Union of Texas says that here in its present form the estimated $2.66 million per year cost of the bill would have to be borne by either the farmers or consumers to the extent that the consumers would pay the bill. They state this is not without any resource on the private Wheat Industry Council which would justify this particular promotion scheme to finance this bill in order that the interests of the producers and farmers may not be adequately protected.

That is the whole objection I have to this bill, that it seems to me we are ramming this bill down the throats of the people without giving them the opportunity to say whether they do want it or do not want it. I just wanted to make those remarks.

Mr. POAGE. I am happy to have the gentleman's remarks, and I would like to make some remarks about what the gentleman has had to say.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I will but not at this moment. First let me make some remarks about what the gentleman said—and I do not know if the gentleman intends to vote for this bill or against the bill. The gentleman has not said. I did not hear his voice in the committee and I do not know where he stands on the bill.

I did not speak on the matter in the committee but I am for the bill. I think the bill is a good bill. I think the bill will enable the American people to have better food for a less expenditure of money than they can get otherwise.

The Texas Farmers Union—or was it the Bureau? Which does the gentleman refer to?

Mr. PRICE of Texas. The Texas Farmers Union.

Mr. POAGE. The Texas Farmers Union is one of those high-class organizations in our State for which I have a very high regard and respect. They are a general farm organization and they seek to give direction to every commodity in the State. I have not observed the wheatgrowers objecting to the bill. The Texas Farmers Union is not a commodity organization. It is a general farm organization, and it finds objection to the bill.

I would not say that the bill could possibly be perfect because I have never known of a perfect piece of legislation to come out of this Congress. After all, we are human beings, and we try to prepare legislation and no legislation is perfect. But I believe that we have a pretty good bill here, and one that I think will do a great deal of good.

The gentleman has suggested that someone has got to pay. Is the gentleman saying that someone has to pay the $1.5 million the referendum will cost out of the 1.6 billion bushels of wheat. Each bushel of wheat weighs 60 pounds, so you can make some sort of a calculation by multiplying 1.6 billion by 60, and you can find how much it adds to the cost of a loaf of bread. The gentleman could hardly figure that, it is so small.

Mr. PRICE of Texas. No, I certainly agree that this is not going to cost the consumers anything, because the processors received increases in their bread prices, and that has raised the cost to the buyers.

Mr. POAGE. Let us find out if the gentleman from Texas believes what the Texas Farmers Union says. He says it will not cost the consumers anything, and he just said that the Texas Farmers Union said it is either going to cost the consumers or the producers. Is the gentleman contending it is going to cost the producers of wheat in Texas a substantial amount of money?

Mr. PRICE of Texas. It says that it is going to assess the producers from 1 to 2.5 cents per hundredweight to produce wheat.

Mr. POAGE. That is all the money involved in this bill, about 1.5 cents per hundredweight which is paid by the processors. That is all the money involved now.

Mr. PRICE of Texas. But it will cost——

Mr. POAGE. Wait just 1 minute. The gentleman is citing as authority that in effect, either the consumer or the producer should pay this. He has said now that the consumer is not going to pay it. Are you saying now that the producer is going to pay it?

Mr. PRICE of Texas. It says here that the council will raise it from an assessment of between 1 and 2.5 cents per hundredweight of wheat intended for human consumption, so that does not cost the producer 1 to 2.5 cents per hundredweight.

Mr. POAGE. Does the gentleman say it is going to cost the producer 2.5 cents per hundredweight?

Mr. PRICE of Texas. That is what it says, the council says so itself.

Mr. POAGE. I am not talking about the council, but it is your contention that the bill will cost from 1 to 2.5 cents per hundredweight?

Mr. PRICE of Texas. That is what the council said.

Mr. POAGE. I know what the council said, but I am talking about what BOB PRICE said.

Mr. PRICE of Texas. Yes, it will, because this thing is just being rammed down the throats, and telling the farmers out there that if you are farming this farm, if you do not want to participate we will jam it down your throats and charge you 2.5 cents per hundredweight.

Mr. POAGE. I will give the gentleman time for further explanation, but is the gentleman saying this will cost the wheat producer 2.5 cents?

Mr. PRICE of Texas. Yes, I think it will.

Mr. POAGE. You think it will? All right, I think it is clear that the processors will pay the bill. It is probably too small to pass on or back.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman.

Mr. GROSS. It certainly is going to cost somebody something—who is it?

Mr. POAGE. Certainly, it is going to cost some $2,600,000 when it gets in full operation.

Mr. GROSS. Well.

Mr. POAGE. That somebody is probably going to be——

Mr. GROSS. Going to be who?

Mr. POAGE. The processor and the baker, both of whom are supporting the bill because they recognize that by this kind of program, they will be able to present their product in a better way to the public and, therefore, have a wider distribution of their products—and it becomes a kind of advertising cost to them, and I have often been told that advertising reduces costs.

Mr. TEAGUE of California. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, the colloquy just concluded might lead a spectator to the conclusion that this really is not going to cost anybody anything and that it is going to make money for the American people. If there is any substance to that line of argument, maybe we are pikers in providing just 1 cent to 2½ cents per 100 pounds. Maybe we ought to go to 5 cents or 6 cents and really save the American people a lot of money.

It is my feeling that this bill is ill timed. It comes at a very bad time, with wheat prices rising so substantially, and, secondly, it is a costly item that is not beneficial to the American people, whether in their role as consumers or in their role as producers of wheat.

Further, it is my contention that this is a very regressive measure which will, indeed, hit poor people harder than other people in the population.

The distinguished chairman of the committee in his explanation of the bill said it is simply a bill to authorize promotion, education, and research in wheat and wheat uses.

It certainly is that. But this statement would lead to the conclusion that, first of all, there is no money for research and promotion available through an agency of the Federal Government for wheat research and promotion today. That certainly is not true. There is now more than $2 million lying in a public account available for wheat promotion and research that has not been spent and it has been available for almost 2 years.

That raises the question as to whether we should rush into an act like this to authorize still more money for wheat research and promotion given the fact that the National Wheat Council established by authority of legislation passed about 3 years ago by this Congress—that this council has not yet been able to figure out what to do with more than $2 million for wheat research and promotion.

Secondly, we ought to recognize that the force of law is not required to permit the millers of wheat to assess themselves and spend money for wheat research, promotion, and education. They can do it all on their own without the Congress being involved at all. In fact, that very procedure has been adopted with good effect by several organizations. I think of the livestock producers, also of the American Soybean Institute which 3 years ago established a 1 cent per bushel deduction and which has had good voluntary cooperation among its members in raising money for market development for soybeans and soybean products.

So we do not have to pass a law in order to permit the millers of the United States to raise money among themselves for wheat education, research, and promotion.

The other item I mentioned was the effect of this law upon poor people. I do not think anyone will argue against the contention that I will now make—and that contention is that as the income of the family unit goes down, reliance of the family unit on wheat products goes up. In other words, the poorer the family, the more important are wheat products in the diet of that family.

As pointed out in the colloquy just completed, the affluent people do not use wheat products nearly as abundantly as poor people. So the cost of this program, whatever that cost is, and assuming it is passed on to the consumer—certainly a fair assumption—has to go someplace. The millers are now pleading with the Cost of Living Council for an increase of 1 cent to 3 cents per loaf of bread. It could hardly be expected, therefore, that these same millers will absorb another $2 million to $6 million in their balance sheet.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, as one who formerly was in the baking business I think I could tell the gentleman where this cost of this program can come from. In the first place included in the distribution cost of bread, there is what is known as a "return" policy. In most stores, if the bread is in a retail store for more than one day it is picked up and returned to the bakery. I believe, if included in this bill, a study should be made of the savings that could accrue alone from the elimination of such a policy, no returns, but reduced prices, we could save the consumers of this Nation a minimum of 1 cent to 2 cents a loaf.

Mr. FINDLEY. I will say in response to the gentleman's comment that I believe a study of the distribution system in this country is highly desirable. We have committees and subcommittees of Congress that can very well undertake such a study, but I think the gentleman will also recognize our private sector is highly competitive at almost every level. I believe if savings could be effectuated by the procedure the gentleman has outlined, it would have been done long ago. But nevertheless I want to acknowledge that a study of this question would be entirely appropriate.

Mr. WOLFF. During World War II this practice was eliminated. If we can save 1 cent or 2 cents a loaf, we can certainly accommodate all the costs of this program.

Mr. FINDLEY. If we can save 1 cent or 2 cents a loaf, let us pass that on to the consumer and forget this costly bill now before us.

Mr. WOLFF. That is correct. Let us pass it on to the consumer.

Mr. FINDLEY. Mr. Chairman, I would like to conclude by quoting a gentleman quoted earlier. Mr. D. M. Mennel, president of the Mennel Milling Co. of Fostoria, Ohio, said in his letter to the committee, printed in the hearing record:

> I question seriously the moral and ethical nature of taxing the consumer for the purpose of persuading that same consumer to use any specific product. It seems to me such a concept can proliferate into further fragmentation of pressures on consumers in behalf of all sorts of products and pressure groups creating higher costs for the consumer, possibly with nebulous benefits.

Mr. Chairman, the question before the House today is this: Do we want to add $6 million to the cost of wheat products, while domestic and world prices for wheat are at high levels?

Domestic wheat prices underwent the biggest 1-month price increase in 25 years in the month ending August 15. The price received by farmers jumped 14 percent from $1.32 a bushel to $1.51—the greatest 1-month increase since October 1947. Just 1 year ago, the price of wheat was $1.28.

The futures market also reflects this price increase. Yesterday, March and May wheat futures closed in the $2.04 to $2.06 range. Just 2 months ago that figure was 25 to 30 cents lower.

This situation has led to a dramatic increase in the price of flour. On July 7, flour was selling for $5.35 per hundredweight. On August 23, it peaked at $6.15 to $6.25. The price remains over $6.

What has caused these prices to increase? In part, we would have to assume the massive sales of wheat to foreign countries has driven prices upward—certainly a desirable situation. The Russian sales have received most of the attention. But other sales have been made to many nations because of the poor crop season in much of the world. As the private domestic companies making the sales have bought in the open market, prices have climbed. Certainly the farmer is entitled to these higher prices. But with costs to consumers climbing—and inflation being the result—there must be a limit. It certainly makes no sense to use the force of law to push wheat—and bread—prices still higher.

The Department of Agriculture unintentionally contributed to this situation by raising the export subsidy on wheat to stabilize world prices. As domestic prices rose, the subsidy was increased. I opposed this policy and presented my arguments to Department officials. The Department of Agriculture has now altered its position and no longer is supporting the wheat exports at the fixed rate.

With rumors of a world wheat shortage, and a possible depletion of U.S. wheat supply, prices, remain high.

What does this have to do with the bill before us today? Last week, the American Baker's Association asked the Cost of Living Council for an immediate, across-the-board increase in bread prices of 1 to 3 cents a loaf. Clearly, the wheat price situation is contributing to the spiraling increase in the cost-of-living.

The proponents of this bill say that the assessment provided in the bill would result in only a fraction of a cent increase cost to end-product manufacturers of wheat products. They argue that this new expense could be absorbed. But with the current high wheat prices and the baker's request for a price increase pending, it is evident that a new expense will not be absorbed. Adding to the baker's expenses can result only in an increase in price to consumers. The inflationary spiral would go on.

I do not question for a minute the extreme importance of wheat products to our diets. We should all consume more than we do. Nor do I question the farmer's right to receive a fair price for the wheat he produces.

It should be noted that the National Wheat Institute, a board established by an earlier farm bill, now has more than $2 million in a public fund earmarked for wheat research and promotion. This money has been available for expenditure for some time, but no decision has been made as to how to spend it. The money for this fund came from a tax on wheat exports that was in effect about 3 years ago. It has been available for nearly 2 years. Only $50,000 has been spent.

Until the Institute has found a prudent way to invest the $2 million, I see no hurry in establishing another research fund.

This bill would only add to the inflationary problem, a problem we can help solve if we make prudent judgments.

Soon, the House Committee on Agriculture will open hearings on wheat prices. Until the time when a report is filed, a bill that would increase wheat prices should not be considered by this House.

Mr. Chairman, I think the bill ought to be rejected.

Mr. TEAGUE of California. Mr. Chairman, I yield 6 minutes to the gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. Mr. Chairman, I rise in support of H.R. 13514, the Wheat and Wheat Foods Research, Education and Promotion Act, and strongly urge its passage.

As the Representative of the congressional district that grows more wheat than any State in the Nation, I want to say that the need for this bill goes to the needs of our Nation.

The purpose of this legislation is to provide for a program of research, education, and promotion for market development and to utilize wheat and wheat products to eliminate hunger and malnutrition at home and abroad.

This is landmark legislation since it is the culmination of several years' efforts to develop a program acceptable to: First, wheat producers; second, processors, and third, end-product manufacturers of wheat foods. This proposal, the product of industry discussions since the early 1960's, authorizes these three segments of the wheat and wheat foods industry to work together to establish, finance, and administer a coordinated research, promotion, and education program.

Under the bill, a wheat industry council is to be established composed of 15 voting members and seven additional members. The council is to be established to administer the program and collect assessments. The Wheat and Wheat Foods Foundation will submit to the Secretary of Agriculture the names of 15 nominees and 15 alternates for council voting membership; one-third of each group to be selected from producer, processor and end-product manufacturer members. Terms are 1 fiscal year with eligibility for renomination.

Not less than 90 days prior to the beginning of each fiscal year, the council shall recommend to the Secretary of Agriculture the amount to cover the expenses of the council for the fiscal year. To finance the program, the assessment shall be 1 percent per hundredweight of processed wheat, and in each succeeding year the rate of assessment may be increased in relation to the approved budget needs, but the rate of assessment shall not exceed 2½ cents per hundredweight of processed wheat. It is estimated that approximately $2,600,000 will be raised the first year and the maximum amount for each succeeding year would not exceed $6 million.

I want to specifically point out that this legislation was not reported by the House Agriculture Committee without considerable discussion and debate. The matter of a referendum for program ratification was suggested. However, it was rejected by the committee due to cost estimated at close to $1.5 million, almost the level of assessments for the first year and a burdensome Federal expenditure if the referendum was rejected. Also, a national referendum among 1,700,000 wheat growers would be a cumbersome exercise since there is no "checkoff" on wheat. The interest of the wheat producer is recognized as a one-third partner with processors and end-product manufacturers in the Wheat Industry Council and in the Wheat and Wheat Food Foundation.

The proposed assessment should in no way be a burden to consumers. At the minimum of 1 cent per hundredweight of flour or processed wheat product, or even at the maximum of 2½ cents per hundredweight, the amount per pound of bread is too small to pass on to consumers. There is no way of adding one one-hundred-and-fiftieth of a cent to the price of a pound loaf of bread. Conceivably, however, the cost at some future time could become part of a rising cost "mix"—ingredients, labor, transportation, packaging, and so forth—sufficient to justify an increase in price. As a safeguard, the Secretary of Agriculture has the authority to stop the program at any time he feels it does not serve the public interest.

In view of the present wheat surplus and the concern regarding hunger and malnutrition at home and abroad, it is important that we launch a full-scale wheat utilization program. Research in human nutrition extends to almost all dietary and psychological considerations. Nutritional education on high protein wheat foods will extend to all foods and cannot help but benefit consumers, especially those of low income who rely most heavily on products of wheat.

Despite the proven value of high protein wheat in recommended diets, per capita consumption of wheat foods has dropped more than 50 percent in the past 60 years, from more than 200 pounds per person a year to less than 112 pounds.

Studies being presently carried on show that a diet high in carbohydrates, including cereals, serves to lower the levels of cholesterol which is widely accepted as an index to an individual's susceptibility to heart disease. Further work is urgently needed to reevaluate the role of cereal protein in human nutrition.

Mr. Chairman, in summary, I believe quite strongly that the program envisioned by H.R. 13514 will represent an investment, rather than a cost, on the part of wheat producers throughout the Nation. The investment I refer to not only includes the obvious and primary intent of this program—to revitalize the wheat and wheat foods industry and improve the farm income picture—but I think this program can also be of substantial benefit to our efforts to combat hunger and malnutrition and to assist in providing needed nutritional and dietary research relating to heart disease.

This bill will help the consumer get tastier and more nutritious wheat products and will help the farmer who raises the wheat to feed a growing and hungry world. All I ask is that you give it a chance.

I would like to underline one other question my good colleague from Illinois (Mr. FINDLEY) has raised, and that is the value of a referendum, and I should like to bring it to your attention specifically.

In my district, which encompasses 57 counties, I have approximately 35,000 Farm Bureau members, somewhere around there. I do not know how many members of the National Farmers Union there are in my district. I did want to emphasize this, because it is very important when they say what the national group of any organization says, because we want the grassroots reaction.

Of these 35,000 Farm Bureau members, not one has said one word to me in opposition to this bill. Neither have their State organizations. I think that speaks well on the subject of what the people out there who are working with the problem and the project have to say.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. SEBELIUS. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I should like to congratulate the gentleman on his remarks and support him on this legislation.

At a time when America is divided on so many issues, it is indeed encouraging that wheat producers, processors of wheat, the millers, and end-product manufacturers, the bakers, are finding common agreement with unions serving those industries on the urgent need for our approval of the Wheat and Wheat Foods Research, Education and Promotion Act. The legislation represents a new kind of American ingenuity in solving a common problem in the public interest.

The 150,000 members of the Bakery and Confectionery Workers' International Union of America as well as grain millers and maritime trades are very much concerned that H.R. 13514 be passed as reported out by committee.

I have worked with representatives of unions, of industry, and producers on this legislation and know that western New York and Buffalo workers have a vital stake in its passage. Their welfare, job security and future of this great industry are involved.

Not only the bakery and confectionery workers are concerned, but also the grain millers, the maritime trades, and all those concerned with the processing and shipping of wheat. Hopefully we will be able to extend the shipping season on the Great Lakes in order to take greater advantage of the purpose of this act—to provide for research, education, and promotion of expanded markets for wheat.

Devoted men in labor and management have spent 10 years developing a unique concept dedicated to the goal of improving popular diet through research, education, and promotion. The proposed measure gives adequate representation to all concerned—yet serves a pressing, universal consumer need for improved popular diet. The cost of this effort would not be charged to government or to taxpayers, but to the industry itself—through an assessment on processed wheat products; that is, flour in an amount so small—one one-hundred-and-fiftieth of a cent per loaf of bread—that it cannot be passed on to consumers nor back to farmers. Yet the revenues thus accumulated would accomplish untold benefit for those immediately concerned as well as the public—benefits in nutrition research, consumer education, and in the better use of our agricultural bounty.

It is one thing for the wheat producer, the miller, or the baker to cite the urgent need for research, education, and promotion on behalf of wheat products. But it is quite another to hear Dr. Mark Hegsted, professor of nutrition at Harvard and Chairman of the Food and Nutrition Board, National Academy of Sciences, National Research Council. Here is what Dr. Hegsted says:

> Increased cereal consumption in this country would be beneficial and cereals provide the major hope for feeding the world now and in the future. Yet we are grossly unprepared to make many crucial decisions because we simply do not know enough about human nutrition and the role cereal products can play in meeting nutritional needs. Most current research focuses on the negative aspects of cereals in human nutrition. This current tendency to downgrade

> cereals will not be changed unless an appropriate body of knowledge is developed. . . .

Earlier, in testimony on the act, Dr. Hegsted said:

> Cereal products have been taking a beating repeatedly in the public press in regard to their nutritional content. Certainly, much of this criticism is invalid. Nevertheless, this has weakened the confidence of the public in cereal products in general. I think one of the primary problems is that the cereal industry has relatively little ammunition to combat these kinds of attacks.
>
> I think they need an aggressive research program.

Mr. Chairman, what is the promise in the Wheat and Wheat Foods Research, Education and Promotion Act for the public good? Let me quote Dr. Olaf Mickelsen, professor of nutrition, Michigan State University. The key word here is "indicates," meaning simply that signs point in the directions cataloged by Dr. Mickelsen, but more work needs to be done. Dr. Mickelsen says:

> Work carried out in recent decades *indicates* that: (1) wheat has an ameliorating effect on blood cholesterol which may be important in reducing cardiovascular deaths; (2) wheat reduces the incidence of dental caries in children; (3) wheat contains proteins of such high biological value that normal young men can be maintained in excellent health for long periods when wheat is their only source of protein; (4) wheat lowers the blood urea level which may be efficacious in the reduction of renal (kidney) diseases; and (5) wheat provides and economical and adequate means of providing a nutritious diet for large numbers of people now that food is considered a critical factor in human survival.

If Dr. Mickelsen is right—and his view is supported by many other scientists—what more do we need to approve an act already supported by wheat producers, millers, bakers, and macaroni manufacturers—an act in which they would foot the bill for such research? In this day when we ponder billion dollar budgets, the amount involved in the act is not great. But more importantly, it would generate its fund for research, education, and promotion without cost to the Government or the taxpayer.

Mr. Chairman, there are those who may ask—in the light of massive wheat sales to Russia—whether we need this measure providing for a domestic program of research, education and promotion. If anything, the purchases by U.S.S.R. reflect the high regard of wheat in that country—contrasted to the low esteem in which the product is held by many Americans. Russia, according to the press, plans a campaign in this year of drouth and possible famine to remind its citizens of the value of breadstuffs.

The role of wheat as a civilizing influence has long been recognized. Now it again becomes an instrument of foreign policy and international friendship. What better proof do we in this country require to demonstrate the urgent need for our approval of the Wheat and Wheat Foods Research, Education and Promotion Act?

The sale of wheat to Russia does not diminish but rather heightens the points of argument in favor of H.R. 13514. Bread is important in Russia and the rest of the world—as a source of essential nutrients, as a food for both masses and classes, as a cornerstone of good diet. This measure will help make wheat important again in the United States—where per capita consumption has continued to drop—from more than 200 pounds per person 60 years ago to about 110 pounds today—while disease and mortality attributed to such changes in diet have increased.

Mr. Chairman, this measure will help make American wheat important again the world over.

The export potential which is very real to us in Buffalo, points up the great benefits to be derived by opening up and developing the St. Lawrence Seaway as the means to export wheat on a year-round basis from the Great Lakes region.

I think it is also important to point out that the agreement to ship 50 percent of the grain in American bottoms is presently the topic of trade discussions still underway as a result of Secretary Peterson's recent visit to Russia and Poland. On May 11, 1972, in a floor speech I called attention of the remarks of Thomas W. "Teddy" Gleason, president of the International Longshoremen's Association. I said:

> Mr. Gleason's address was particularly timely, in that it expressed his union's concern with possible United States-Soviet trade agreements which may result from President Nixon's planned trip to Russia later than month.
>
> Mr. Gleason won sustained applause when he reported his union has informed the administration that longshoremen will "gladly" work Soviet ships, "if for every ship we work, they will release three prisoners of war."
>
> Thus, this leader of dockworkers joined our President in linking a North Vietnamese Communist response to Soviet influence.
>
> Mr. Gleason also reported that our President was aware of a similar ILA stance when he visited China.
>
> Mr. Gleason declared: "We are not going to work those Communist ships unless we can buy something for our people."
>
> I believe as Mr. Gleason does, that the workers and all the people of this country should obtain the fullest, possible benefits from this trade.
>
> I also support the ILU's effort to win an agreement to ship surplus commodities overseas on "a 50-50 basis," that is 50 percent of the grain and other commodities on ships carrying the American flag and 50 percent on ships carrying flags of other nations.

Mr. Chairman, I shall urge Secretary Peterson to continue to press for this agreement.

Last year, in 1971, not even a million tons of general cargo were exported from the United States directly through the Seaway. We think this probably is one-fifth of potential. If we could just double this tonnage, the value to the U.S. companies involved could be estimated at well over $25 million a year. Professor Schenker* of the University of Wisconsin, in his paper of January 1972, used $24/ton as the savings. His paper shows so clearly other benefits and, in fact, multiplying effects for the Nation derived from these savings.

Again, I think of wheat in terms of its great export potential and think what an open seaway can do for us to reduce the costs of getting our goods to foreign markets and thereby making them more competitive in more places. Here is a real opportunity to enhance our export position and create more prosperity and more jobs in Buffalo and in the country.

Mr. TEAGUE of California. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, I rise in opposition to this legislation.

I ask that the Members of the House examine just what is being sought here. What is being sought is authority to contract out to some private council, which is to be created by this legislation, the power to tax—the power to tax anywhere from 1 cent the first year to 2½ cents per hundredweight of wheat after that which passes through the processors.

This is the kind of thing which even back in Biblical days created a tremendous amount of trouble recorded in the Good Book, contracting out to somebody else the sovereign power to tax.

After that is done by the bill before us, it would further compound the felony by contracting out the expenditure. The money which is to be raised under the color of the sovereign power of the U.S. Government being prostituted by some council would then be permitted to be expended by that same nongovernmental body for such purposes within the limits of the legislation as it may see fit. Fifteen percent of the expenditure could conceivably go right smack out the back door to advertising agencies as commissions.

That simply does not make sense.

There is not even a provision in the proposed bill, as the gentleman from Illinois (Mr. FINDLEY) would provide, to let the people who do not want to take part in this flim-flam scheme out of it.

When somebody comes on the floor and says this is not going to cost the Government anything, I say first that in the report it is stated it is going to cost $50,000 or $55,000 a year just to set up this privilege in the private hands of the wheat council to raise and expend millions of dollars. That is the direct cost to the Department of Agriculture. Then there is the cost to the people of this money that is going to be spent, the $2.6 million to $6 million. That is not going to come out of a pump. None of these people in this business will pay it, so it is obviously going to come out of the pockets of the fellow who is the end of the line, the buyer, the consumer. It is another tax on the consumer. It is in the nature of a value added tax that adds no value.

This is a tax we are asked to let somebody who is not even a responsibly elected official impose. I simply cannot see that. Nor can I understand the argument of the gentleman from Kansas that this has something to do with improving dietary practices. If the gentleman wants to practice medicine, let him go to a hospital, and let him practice medicine after he gets a medical degree.

When people tell me that to eat wheat will reduce cholesterol, I can also say that it will lay on fat and do a lot of other things to the body.

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*Reference: Special Report No. 15, Extending the St. Lawrence Seaway Navigation Season: A Cost Benefit Approach by Eric Schenker.

But neither one of us should be in the Houses of Congress practicing medicine, and we certainly should not be legislating for a program that will let some advertising agency go out to sell something to somebody which might do a lot of medical harm.

I never approved this cotton council thing, but one does not eat cotton.

I never approved this potato council thing, and one does eat potatoes, which makes it worse. But the very worst of all is this Wheat Council thing which is totally dictatorial.

Mr. FINDLEY. Will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Illinois.

Mr. FINDLEY. There is a precedent for a tax of this sort. The gentleman just alluded to it under the cotton checkoff. However, under the cotton checkoff program the people involved, namely, the producers who have the most direct cost to bear by such a program, are permitted a referendum. Furthermore, they are permitted the opportunity for a refund.

Mr. COTTER. Mr. Chairman, I rise in total opposition to H.R. 13514.

The bill is designed to promote the sale of wheat, but the legislation is particularly ill-timed and seemingly unnecessary. The demand by the Soviet Union for U.S. wheat and the reports of the Chinese interest in purchasing U.S. wheat leads me to conclude that there is very little reason for this wheat promotion program.

Some Members object to this legislation because farmers and grain processors have very little choice in participating in this program. This is a very real concern and one that I share.

My main concern, however, is that the cost of this program will be passed on to the U.S. consumer.

My opposition is further prompted by the bureaucratic foulup over the Soviet grain agreement. This agreement was held by our Government as a constructive means of reducing the U.S. wheat surplus. After the agreement went through, it was discovered that the Soviet Union wanted more wheat than we had available. One result of this shortage was that the price of wheat increased and bakers and flour manufacturers petitioned for an increase in price of such food products as bread, and baked goods. So instead of protecting the American consumer, which should be the highest priority of our Government during the wage-price controls, the Department of Agriculture entered into an open-ended agreement with the Soviet Union without any consideration of the effect on the American consumer.

I have written to Secretary Butz urging him to put unused wheatfields into production. The U.S. taxpayer currently pays over $1 billion to wheat farmers not to grow wheat. Further, I have asked the President to hold up the Soviet wheat agreement until he can assure the U.S. consumer that he will not pay higher prices for bread.

Until I receive concrete assurances from both the President and the Secretary of Agriculture that the U.S. wage earner is protected from higher food prices, I cannot support such programs as embodied in this legislation.

Mr. TEAGUE of California. Mr. Chairman, I have no further requests for time.

Mr. PURCELL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Wheat and Wheat Foods Research, Education, and Promotion Act".

LEGISLATIVE FINDINGS

SEC. 2. (a) Wheat and its products are a basic source of the Nation's total supply of human foods. They are sold on the countrywide market, as wheat or wheat products. Substantial quantities thereof move in interstate commerce from producers to consumers. Recurring periodic surpluses impair purchasing power and financial stability of wheat producers, adversely affect farm credit, disorganize and disrupt the agricultural and general economy of the United States, create uncertainty for consumers, impinge on the general welfare, and burden interstate commerce. The production, processing, manufacturing, and marketing of wheat and its products within the United States directly affect the welfare and security of the Nation.

(b) It has long been found to be in the public interest to have a reasonable balance between the supply and demand for wheat and wheat products produced and sold in this country for use as human foods. Increasing need for food adds a humanitarian dimension and a note of urgency. The distribution, manufacture, and sale of wheat and wheat foods have become major instruments of national policy as well as important factors in the nutrition of consumers.

(c) In order to increase demand for wheat and wheat foods, and to advance the public interest, it is necessary to establish a research, education, and promotion program which will provide:

(1) Research: coordinated and programed to amplify and to extend, without duplication, existing research programs for the purpose of exploring in the public interest such areas as: the nutritional values of wheat and wheat foods and the possibility of new and improved wheat foods which by the nature of research will contribute to knowledge of nutrition in general and understanding of all wheat foods in particular, or increase their value; improved techniques of production and distribution of wheat and wheat foods; and market research, including consumer attitudes.

(2) Education: to communicate existing and new product knowledge, uses, and values in nutrition; nutrition education; in the establishment of school or community nutrition programs; in the preparation and distribution of materials for food editors and writers in all media, leaders of government, and school authorities.

(3) Promotion: including public relations, advertising, trade advertising, merchandising projects, and events and programs for special market areas and market research to determine the most effective methods of presentation of the consumer benefits to be derived from wheat and wheat foods as human foods.

(d) The implementation of such research, education, and promotion will, among other things, (1) contribute to professional and public knowledge, understanding, and appreciation of wheat foods and their relationship to other human foods in approved diet; (2) improve the market for wheat and wheat foods; (3) stimulate appreciation of the need for, and greater use of, wheat and wheat foods as an essential part of a balanced diet; (4) reduce and strive to eliminate the need for regulatory controls on the production and marketing of wheat; (5) help improve the effectiveness of world food programs through better utilization of wheat foods; and (6) contribute to those sectors of the National and State economies dependent in whole or part on the industrial vitality of those associated with the production, processing, and end product manufacture of wheat and wheat foods.

DECLARATION OF POLICY

SEC. 3. It is therefore declared to be the policy of the Congress and the purpose of this Act (1) to authorize and provide for the establishment of an orderly procedure for the development, financing, and carrying out of an effective, continuous, and coordinated program of research, education, and promotion designed to maintain and expand markets for wheat and wheat products for use as human foods within the United States, and (2) to require the Secretary of Agriculture to utilize the services and counsel of industry organizations and groups to the maximum extent in the development and administration of programs of research, education, and promotion under this Act.

DEFINITIONS

SEC. 4. For the purposes of this Act—

(a) The term "council" means the Wheat Industry Council established pursuant to section 5 of this Act.

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "end product" means any product in which processed wheat or wheat grown within the United States is a material or ingredient, and which is intended for use as human food within the United States without further processing other than final preparation thereof for consumption by the ultimate consumer on the premises where sold or final preparation by the ultimate consumer for personal, family, or household use.

(d) The term "end product manufacturer" means any person who produces an end product.

(e) The term "person" means any individual or any partnership, corporation, association, or other business entity.

(f) The term "processed wheat" means any substance produced for use as an end product, or as a component of an end product, by changing wheat grown within the United States in form or character by any mechanical, chemical, or other means.

(g) The term "processor" means any person who during the period of twelve months immediately preceding the date as of which the determination is made (1) produced processed wheat from five thousand bushels or more of wheat or from the equivalent thereof in previously processed wheat, or (2) bought for resale to other processors or to end product manufacturers without further processing processed wheat produced from five thousand bushels or more of wheat.

(h) The term "Secretary" means the Secretary of Agriculture, or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and perform the duties of the Secretary.

(i) The term "United States" means the several States and the District of Columbia, but does not include any territory or possession.

(j) The term "wheat producer" means any person who grows wheat within the United States for market.

(k) The term "year" or "fiscal year" means the period from the effective date of this Act to the beginning of the next fiscal year of the United States Government and each fiscal year of the United States Government thereafter.

ESTABLISHMENT OF WHEAT INDUSTRY COUNCIL

SEC. 5. (a) There is hereby established a nonprofit organization to be known as the Wheat Industry Council (hereinafter referred to as the "council") which shall not be an agency or establishment of the United States Government.

(b) No part of the net earnings of the council shall inure to the benefit of any private person, and it shall be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Act of 1954 and as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code.

(c) The Council shall be composed of fifteen voting members and seven additional members. One of the additional members shall be the Secretary or an official of the Department designated by him. The fifteen voting members and alternates therefor shall be appointed by the Secretary from nominees submitted for his consideration as hereinafter provided. The additional members shall meet and confer with the voting members of the council but shall not be entitled to vote or hold any council office.

PROCEDURES FOR THE NOMINATION AND APPOINTMENT OF MEMBERS AND ALTERNATE MEMBERS TO THE WHEAT INDUSTRY COUNCIL

SEC. 6. (a) Within thirty days after the enactment of this Act, and not less than thirty days prior to the beginning of each fiscal year in which this Act becomes effective, the Secretary shall request the Wheat and Wheat Foods Foundation, a nonprofit corporation organized and existing under the laws of the State of Illinois, the membership of which is limited to persons who are or who represent producers, processors, or end product manufacturers, to submit the names of fifteen persons for consideration by the Secretary as nominees for appointment to the council as voting members, and the names of fifteen additional persons, each for consideration by the Secretary as a nominee for appointment as an alternate to a designated voting member of the council. Each of said nominees for appointment as voting members or alternates shall be a member of, or an officer, director, or employee of a member of, the Wheat and Wheat Foods Foundation, selected to represent the views and interests of that segment of the industry on whose behalf he was designated, namely producer, processor, or end product manufacturer. Five of the persons so selected as nominees for appointment as voting members of the council and the five persons so selected as nominees for appointment as their alternates shall qualify on the basis of membership in the producer segment, a like number of each on the basis of membership in the processor segment, and a like number of each on the basis of membership in the end product manufacturer segment. Any one or more of said nominees, voting members, and alternates may be a director, officer, or executive committee member of the Wheat and Wheat Foods Foundation.

(b) The additional members, other than the Secretary or his designate, shall be selected at large by the Secretary, two from each of the three segments of the industry referred to in subsection (a) of this section.

APPOINTMENT OF NOMINEES BY THE SECRETARY

SEC. 7. (a) (1) Upon receipt of the request of the Secretary for nominees as provided in section 6, the board of directors of the Wheat and Wheat Foods Foundation is requested to choose fifteen nominees and a like number of alternates for consideration by the Secretary for appointment as members or alternates, as the case may be, to the Wheat Industry Council. If any such nominee or alternate nominee is rejected by the Secretary in his discretion, the Secretary shall request the board of directors of the Wheat and Wheat Foods Foundation to submit the name of another nominee or alternate nominee in lieu of the one rejected, which nominee or alternate nominee, as the case may be, shall be subject to the same eligibility requirements, and shall represent the same segment of the wheat industry (producer, processor, or end product manufacturer), as the nominee or alternate nominee rejected by the Secretary.

(2) An alternate voting member of the council shall act in the place of the member for whom he is an alternate during such member's absence or when designated to do so by the member for whom he is an alternate. In the event both a member and his alternate are unable to attend a council meeting, the voting members of the council present may designate another alternate of the same classification (producer, processor, or end product manufacturer) to serve in such member's place for that meeting. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

(b) A council member shall be appointed to serve for one fiscal year and his term shall expire on the last day of the fiscal year for which he was appointed, except that each member shall hold office until his successor shall have been appointed and shall have taken office. Council members may be removed for cause by the Secretary. Vacancies for unexpired terms on the council shall be filled by the Secretary in the manner herein prescribed for the appointment of members for a regular term. A member shall be eligible for reappointment if again selected for nomination pursuant to subsection (a) of this section.

(c) Members of the council, and their alternates, shall serve without compensation but shall be paid their necessary travel, subsistence, and other expenses incurred in the discharge of their official duties. The Secretary or other officer or employee of the United States appointed to the council shall serve without compensation in addition to that received by him as an officer or employee of the United States, subject, however, to the provisions of section 18 of this Act relating to reimbursement by the council to the Department for actual administrative expenses incurred by the Department.

GENERAL POWERS AND DUTIES

SEC. 8. (a) The council shall meet at least annually and at other times upon call of the chairman. Special meetings of the council may be called at any time upon reasonable notice, as required by its rules and regulations, by a quorum of the members of the council or by the Secretary.

(b) The chairman of the council shall be selected by the voting members of the council and shall hold office at the pleasure of the council or until his membership on the council expires.

VOTING REQUIREMENTS FOR COUNCIL ACTIONS

SEC. 9. A majority of the voting members of each of the three groups represented on the council shall constitute a quorum. All decisions, recommendations, or other actions of the council shall require a majority vote of the voting members present from each of the three groups represented on the council (producers, processors, and end product manufacturers). All such decisions, recommendations and actions of the council shall be subject to approval by the Secretary. The Secretary shall not take any action with respect to any matter concerning which the council is authorized to act unless and until such action receives the requisite approval by the voting members of the council as provided in this section.

AUTHORITY OF COUNCIL TO ISSUE RULES AND REGULATIONS

SEC. 10. The council may adopt rules and regulations governing the manner in which its business may be conducted and its powers exercised.

AUTHORITY OF COUNCIL TO SUE AND BE SUED

SEC. 11. The council may sue and be sued in the same manner, in the same courts, and to the same extent that a corporation may sue and be sued. Notwithstanding other provisions of law, for jurisdictional and venue purposes the city in which the principal office of the council is located will be considered its official residence.

AUTHORITY OF COUNCIL TO ISSUE RULES STATES

SEC. 12. The council may enter into and carry out such contracts or agreements as are necessary or desirable in the conduct of its business, including the borrowing of money for administrative expenses pending the collection of assessments as herein provided. The council shall have no authority to obligate the United States, and none of its notes or obligations shall be guaranteed by or collectable from the United States. Claims against the council shall be enforced only against the assets of the council, and no liability for the debts or actions of the council shall exist against either the United States, or any agency or agent thereof, or any member, officer, employee, or agent of the council in his individual capacity.

OBLIGATIONS AND EXPENDITURES; SETTLEMENT OF CLAIMS

SEC. 13. The council shall determine the character of and the necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed, and paid. It may make final and conclusive settlement and adjustments of any claims by or against the council or of the accounts of its officers, employees, agents, and contractors.

EMPLOYMENT OF PERSONNEL; REQUIREMENT OF PERSONAL BONDS

SEC. 14. (a) The council may appoint such committees and officers and employ such personnel as it may deem necessary for the conduct of its business; establish conditions of employment, discharge, and leave; fix the amount of and pay their compensation; and define their authorities and duties. All such committees, officers, and employees shall be subject to the general supervision and control of the council and its rules and regulations adopted pursuant to section 10 of this Act, and shall be subject to reimbursements for expenses as prescribed in section 7(c) of this Act. The council may require and pay for bonds for employees, officers, agents, or contractors.

(b) Members of the council, other than the Secretary or his designee, and employees of the council shall not be deemed to be Federal employees for any purpose and shall not be subject to the provisions of laws relating to Federal employment.

UTILIZATION OF FEDERAL AND STATE FACILITIES AND SERVICE

SEC. 15. The council may, with the consent of the department or agency concerned, accept and utilize on a reimbursable or nonreimbursable basis, the officers, employees, facilities, services, and information of any department or agency of the United States or of any State or of any political subdivision of any State.

GENERAL POWERS OF COUNCIL

SEC. 16. The council shall have such other powers as may be necessary or appropriate for the exercise of the powers vested in it and the effective performance of the duties imposed on it by this Act.

RESEARCH, EDUCATION, AND PROMOTION PROGRAM

SEC. 17. The council shall, subject to the provisions of section 9, develop and submit to the Secretary for his approval, research, education, and promotion (including paid advertising) plans or projects for wheat and wheat foods, to encourage and make more efficient the growing, distribution, and marketing of wheat and wheat foods, and to stimulate expanded sales and uses thereof in present or new forms for use as human food within the United States. Any such plan or project shall be directed toward increasing the general demand for wheat and wheat foods without reference to private brands or trade names and without specific benefit to any individual or restricted group of producers, processors, or end product manufacturers to the exclusion of other individuals or groups within the industry. Funds collected to finance said plans or projects shall be expended on behalf of, and in proportion to, the assessment on the end products represented by such assessment. No research, educational, or promotional effort shall employ false or unwarranted claims in behalf of wheat and wheat foods nor against competing foods and products. Any such plan or project must be approved by the Secretary before becoming effective.

COUNCIL BUDGET

SEC. 18. The council shall submit to the Secretary for his approval a budget for each fiscal year showing the anticipated expenses and disbursements of the council in the administration of this Act, including the probable costs of research, education, and promotion plans or projects within the scope of section 17 of this Act. The council will include in such budgets only the actual administrative expenses, as determined by the Secretary, which may be incurred in the performance of assigned, necessary services within the Department in connection with the administration of this Act.

AUTHORITY TO INCUR EXPENSES

SEC. 19. The council is authorized to incur such expenses as the Secretary finds are reasonable and necessary to carry out the functions of the council under this Act during any fiscal year. The payment of such budgeted expenses, as well as the costs of the administration of this Act within the Department as provided in section 18, shall be made from funds collected as prescribed in section 20.

ASSESSMENTS

SEC. 20. Not less than ninety days prior to the beginning of each fiscal year, the council shall recommend to the Secretary the amount of the pro rata assessment it determines will be necessary to cover the estimated expenses of the council and the Department in administering the provisions of this Act during such fiscal year. In determining the amount of such assessment the council shall take into consideration the total volume of wheat it estimates will be processed during such year for use as human food in the United States. Subject to the approval of the Secretary, such pro rata assessment shall become effective for such fiscal year on the first day of such fiscal year. Such pro rata assessment shall be imposed on persons designated in section 21 with respect to each hundredweight of processed wheat intended for use, or for end product manufacture for use, as human food within the United States. For the first year of council operations the rate of such assessment shall be one cent per hundredweight of processed wheat; and in each succeeding year the rate of assessment may be increased in relation to approved budget needs, but the rate of assessment shall at no time exceed two and one-half cents per hundredweight of processed wheat. Subject to such regulations as may be adopted by the council as provided in section 21, the amount of the assessment shall be added by the processor as a separate item, so identified, to his invoice for the processed wheat at the time of its sale to another processor or to an end-product manufacturer, and any processor to whom it is sold shall likewise add the amount of such assessment as a separate item, so identified, to his invoice at the time of its sale to another processor or to an end product manufacturer. A processor may accept and rely upon a certificate received by him in good faith from a person to whom he sells processed wheat, certifying in accordance with applicable regulations promulgated as hereinafter authorized, that such processed wheat is not being purchased for use, or for resale for use, or for end-product manufacture for use, as human food within the United States, and upon receipt of such certificate said processor shall be excused from invoicing to said purchaser an assessment with respect to such processed wheat and from paying any assessment with respect thereto.

COLLECTION AND RECORD OF ASSESSMENTS

SEC. 21. The pro rata assessment to be imposed pursuant to section 20 with respect to any hundredweight of processed wheat shall be imposed upon and payable by one of the following persons:

(1) the initial processor or a subsequent processor thereof if the same constitutes, or is a material or ingredient in, an end product produced by said processor; or

(2) the end product manufacturer who purchases the same from a processor for use as a material or ingredient in producing an end product; or

(3) the processor who purchases the same from a processor if he does not resell it to another processor, or to an end product manufacturer, or for use other than as human food within the United States.

The amount of an assessment imposed on an initial processor as provided in clause (1) above shall be due and payable to the council within such time, not to exceed sixty days after the sale by him of the end product produced by him, as shall be prescribed by regulation. The amount of an assessment imposed on an end product manufacturer as provided in clause (2) above or on a subsequent processor as provided in clause (1) or (3) above shall be due and payable to the preceding processor from whom the manufacturer or subsequent processor purchased the processed wheat in respect of which the assessment is imposed, within such time, not to exceed sixty days after such purchase, as shall be prescribed by regulation. The amount of an assessment added by a processor as a separate item to his invoice for processed wheat pursuant to section 20 shall not become due and payable by said processor to the council, or, as the case may be, to the processor from whom he purchased the processed wheat, until after receipt thereof by him from the purchaser to whom it is so invoiced by him. Processors shall serve without compensation as collection agents for the council. Each processor who collects an assessment from a purchaser of processed wheat shall be obligated to remit the same to the council, or, as the case may be, to the processor from whom he purchased the processed wheat. The collection and remittance of the assessment in all cases shall be made, reported, and recorded at such times and in such manner as shall be established by rules and regulations adopted by the council and approved by the Secretary.

FAILURE TO PAY ASSESSMENT

SEC. 22. (a) The council may maintain in its own name a civil action against—

(1) any processor who (A) fails or refuses to invoice any subsequent processor or end product manufacturer for the assessment imposed as provided in sections 20 and 21 of this Act; or (B) fails or refuses to record, report, or remit to the council any assessment as provided in sections 20 and 21 of this Act, or

(2) any subsequent processor or end product manufacturer who fails or refuses to pay the amount of any assessment pursuant to the provisions of this Act,

to recover the amount of any such assessment, and shall be entitled to recover court costs and reasonable attorney's fees in any such action in which the council prevails.

(b) A processor shall promptly notify the council of the failure or refusal of any person to pay to such processor the amount of any assessment made against such person under this Act.

AUTHORITY TO CARRY OUT PROJECTS

SEC. 23. Any approved research, education, or promotion plan or project may be carried out by the council directly or under a contract with an agent or other organization, public or private, including an agent or organization whose officers, directors, employees, or agents are also members, employees, or agents of the council. Any such contracting agent or organization shall be required to maintain accurate financial and other records which will be subject to regular audit and review by the council and the Secretary.

COUNCIL RESPONSIBILITIES

SEC. 24. The council shall be responsible to the Secretary for the efficient and effective performance of its duties and functions, including, but not limited to, the collection, handling, safekeeping, disbursement, and accounting of funds, subject to good accounting practice and regular audit of records by the Secretary; the recording of processing statistics that serve as a basis for collections; contracting for necessary services to carry out the approved program; the employment of qualified personnel; the policing of collections; processing information and disbursements; and other responsibilities of good management.

REPORTS AND RECORDS

SEC. 25. (a) Whenever a program becomes effective as provided herein, each processor shall, at such times as may be prescribed in regulations promulgated by the Secretary, report to the council, in such detail and on such forms as shall be provided by the council, the total hundredweight of processed wheat intended for use, or end product manufacture for use, as human food within the United States in the immediately preceding month, by types designated by the council. Upon request of the council, made with the approval of the Secretary, each processor shall also furnish to the council, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the council to perform its duties under this Act.

(b) Whenever a program becomes effective as provided herein, each processor shall establish books, records, and other information necessary to the orderly and accurate collection of any assessment duly prescribed, and shall thereafter maintain such books, records, and information for a period of three years, the same to be made available for examination by the Secretary or duly authorized persons on request.

(c) All reports and records submitted by processors to the council and received by it pursuant to the provisions of this section shall at all times be in custody of one or more confidential employees designated by the council. No member of the council, nor any employee thereof, nor any employee of the Department, shall disclose to any person, other than the Secretary upon request therefor, any data or information obtained or extracted from such reports and records which might affect the trade, position, financial condition, or business operation of a particular producer, processor, or end product manufacturer, except that such data and information may be combined, and made available to any person, in the form of general reports in which the identities of individual producers, processors, or end product manufacturers are not disclosed. Such data and information may also be disclosed to any extent necessary to effect compliance with the provisions of this Act and the regulations issued thereunder, including publication of the name of the processor or his customer who has refused to comply with the requirements of this Act.

ACCOUNTING AND CARE OF FUNDS

SEC. 26. (a) Moneys collected, handled, or disbursed by the council shall be handled only by persons under bond, and similar bonds shall be required of all persons or agents, accepting council funds or contracts to carry out council activities, programs, or projects approved by the Secretary. Monthly statements of cash account, quarterly analyses of expenditures, and annual financial statements, the latter in the form of an audited report certified to by a firm of certified public accountants, shall be made to the Secretary by the council. Any periodic statement of audit by the Secretary shall be made available to the council.

(b) The confidential employees of the council referred to in section 25(c) of this Act or any other confidential employee appointed by the council shall serve as treasurer thereof and shall receive all moneys and shall countersign, together with one or more members of the council designated by it for such purpose, all checks in disbursement of moneys. Income in excess of expenditures shall be held in United States Government or federally approved depositories for Government funds, or may be invested for the account of the council in short-term United States Government securities as directed by the council. A working reserve of funds may thus be accumulated but it shall not exceed at any time more than the following year's total estimated expenditures of the council. Should such moneys exceed the annual estimated expenditures of the council, the rate of assessment shall be lowered to maintain the amount held in reserve at a level equal to not more than one full year's annual estimated expenditures. Except as provided in section 23 of this Act, no part of such moneys or the net earnings thereon shall inure to the benefit of any member or employee of the council or private person or individual.

PROHIBITION ON USE OF FUNDS TO INFLUENCE GOVERNMENT POLICY OR ACTIONS

SEC. 27. No funds collected by the council under authority of this Act shall be used for the purpose of influencing governmental policy or action.

REGULATIONS AND ENFORCEMENT

SEC. 28. The Secretary is authorized to issue such orders, rules, and regulations as may be necessary to carry out the provisions of this Act and the powers vested in him by this Act.

COURT JURISDICTION

SEC. 29. The several district courts of the United States are vested with exclusive jurisdiction to entertain suits in the name of the United States or the council, without regard to jurisdictional amount, to enforce, and to prevent and restrain any person from violating this Act, or any order, rule, regulation, or agreement made or issued pursuant thereto. Such action may be brought in any district in which such person may be found. A civil action authorized to be brought under this Act in the name of the United States shall be referred by the Secretary to the Attorney General for appropriate action.

ENFORCEMENT AUTHORITY

SEC. 30. Whenever the Secretary has reason to believe that any processor, or his customer, council member, officer, or employee, or a contracting person or contracting agent, or any employee of any of the aforenamed, or any other person or entity subject to this Act, has violated or is violating the provisions of this Act, or any order, regulation, rule, or agreement issued pursuant to this Act, the Secretary shall have the power to institute an investigation. If the Secretary determines therefrom that there is probable cause for institution of a civil action, he shall refer the matter to the Attorney General for appropriate action. For the purpose of any investigation instituted by the Secretary, he is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents the Secretary believes relevant to the inquiry; and, if necessary, to invoke the aid of any district court of the United States, within the jurisdiction of which such investigation or proceeding is carried on, to enforce compliance. Any failure to obey an order of any such court may be punished by such court as a contempt thereof.

PERSONAL LIABILITY

SEC. 31. No member of the council, or any member serving as trustee as provided in section 32 below, or any employee, representative, or agent thereof shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person, for errors in judgment, mistakes, or other acts, either of commission or omission, as a member, trustee, employee, representative, or agent, except for acts of dishonesty.

TERMINATION OF ACT

SEC. 32. (a) Within one hundred and twenty days following the end of five years from the date of enactment of this Act, and, within one hundred and twenty days following the end of each five-year period thereafter (so long as the Act continues in effect), the council shall review the progress made toward attaining the objectives of this Act, whereupon the voting members thereof shall prepare a report of such progress for the Secretary. If the council's report to the Secretary by the voting members thereof does not unanimously recommend the continuation of this Act it shall automatically terminate at the end of such one hundred and twenty days.

(b) Notwithstanding the provisions of subsection (a) of this section, or the amendment or repeal of this Act, in the event of the termination, at any time, of all programs under this Act, the members of the council shall, for the purpose of liquidating the affairs of the council, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at time of such termination. Any funds collected from assessments and not yet remitted to the council at the time of such termination shall be remitted to the council.

(c) The trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the council and of the trustees, to such person as the Secretary may direct; and (3) upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all the funds, property, and claims vested in the council or the trustees pursuant thereto.

(d) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section shall be subject to the same obligation imposed upon the council and upon the trustees.

(e) Any funds collected from assessments hereunder and remaining unexpended in the possession of the council or the trustees at or after the termination of all programs, shall be distributed in such manner as the Secretary may direct: *Provided*, That such funds shall be returned on a pro rata basis to the processors who remitted funds to the council, and such processors shall return the funds on a pro rata basis to the other processors or end product manufacturers from whom collected, except that each processor may retain therefrom an amount which will reimburse him for applicable accounting expenses as determined by the Secretary.

PRESERVATION OF RIGHTS

SEC. 33. The termination of all programs under this Act or of any regulation issued thereunder shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this Act or any regulation issued thereunder, or (2) release or extinguish any violation of this Act or any regulation issued thereunder, or (3) affect or impair any rights or remedies of the Secretary, or of any other person, with respect to such violation.

SEPARABILITY CLAUSE

SEC. 35. There are hereby authorized to be appropriated thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons or circumstances shall not be affected thereby.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 35. There are hereby authorized to be appropriated such funds as are necessary to carry out the provisions of this Act. The funds so appropriated shall not be available for payment of the expenses or expenditures of the council in administering any provisions of this Act.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 6, line 17, strike out the period after the word "market" and insert the following: "and who planted at least 15 acres in the previous year."

Page 29, line 4, strike out the words "35. There are hereby authorized to be appropriated" and insert in lieu thereof the words "34. If any provision of this Act or the application".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: Page 6, line 24, insert the following new section and renumber subsequent sections accordingly:

"SEC. 5. The Secretary shall conduct a referendum among producers, processors, and end product manufacturers of wheat who, during a representative period determined by the Secretary, have been engaged in the production, processing, or manufacture of wheat for the purpose of ascertaining whether the creation and operation of the Council set forth in this Act is favored or approved. No powers shall be exercised under this Act by the Council unless the Secretary determines that the question of the creation and operation of the Council is favored or approved by not less than two-thirds of the producers voting in such referendum and by processors and end product manufacturers who, during such representative period, have engaged in the processing and manufacturing of wheat and have processed or manufactured more than 50 per centum of the total wheat processed or manufactured during such representative period: *Provided*, That in the event both producers and processors favor the creation and operation of the Council as set forth in this Act, the Council shall reimburse the Secretary for all costs incidental to the conduct of the referendum."

Mr. FINDLEY. Mr. Chairman, this amendment is patterned after similar provisions in other commodity check-off authorizations. I offer it as an effort to make a thoroughly bad bill a little better, but I want to assure my colleagues that I do not feel the acceptance of this amendment makes the bill itself acceptable. It will still be a bad bill for the consumers, and if the attitude of the American Farm Bureau Federation, the farmers union organization, is any guide to the attitude of farmers—and I think it is—it is also a measure that is bad for the farmers as well.

Nevertheless, if this bad legislation ever becomes law, I think it would be a terrible injustice on the part of this body to have the legislation go forward without a provision in it permitting those most directly affected by the check-off which is authorized by this bill to have a voice in either approving or disapproving that check-off.

Now, this provides that two-thirds of the producers who under the terms of the legislation are producers of 15 acres of wheat or more and 50 percent of volume of the processors and end users of wheat must approve of the proposal on establishment of the Council, in other words, before it can have effect. Then it provides further that in the event that approval does not occur, that the cost of the referendum must be borne by the Council. That is paid out of the proceeds of the check-off.

I understand an effort will be made to strike out that proviso, but I hope that that proviso will remain. I think here again it is an act of injustice to the American people to have this benefit which will relieve them of a substantial part of the expense of setting this program into motion, a program that has been advertised as a completely self-financing program. If this proviso is eliminated, I would think——

Mr. PURCELL. Will the gentleman yield?

Mr. FINDLEY. I yield to the gentleman from Texas.

Mr. PURCELL. I would ask the gentleman what would be his idea as to what would happen if his views were to prevail and the referendum failed. Who would then pay for having the referendum?

Mr. FINDLEY. The long-suffering taxpayers of the United States would pay, and I would consider that an injustice. That is why even with this referendum provision I consider the bill——

Mr. PURCELL. But the gentleman is asking that the Government pay for the referendum.

Mr. FINDLEY. The referendum would of course have to be paid for. If the Council is established and created and has resources as it would under this bill, then I think it is only proper that the Council itself pay the bill, but if the referendum fails to authorize the establishment of the Council, then there is no Council, no fund available to the Council, to cover the cost of the referendum.

Mr. PURCELL. Thank you.

Mr. FINDLEY. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. SEBELIUS TO THE AMENDMENT OFFERED BY MR. FINDLEY

Mr. SEBELIUS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. SEBELIUS to the amendment offered by Mr. FINDLEY: On page 1 of the amendment, line 16, strike the colon and insert a period and strike out the words "*Provided*, That in the event both producers and processors favor the creation and operation of the Council as set forth in this Act, the Council shall reimburse the Secretary for all costs incidental to the conduct of the referendum."

Mr. SEBELIUS. Mr. Chairman, I do not want any part of the gentleman's amendment; let me make that clear. I think it is a waste of money, a waste of energy, because of the very smallness of it. We are dealing in fractions; we are dealing in fractions of a cent as far as cost of a loaf of bread. However, it is my opinion that the cost of a referendum will exceed the first year collection. Therefore, under my amendment the Secretary would hold the election, as in so many other programs, he would be the one that conducts it, and the cost paid by the Secretary. I think this would satisfy the National Farm Bureau and the National Farmers Union on the subject that they want the farmers consulted about this even though it is a very, very small thing.

The only other thing they mention is the checkoff, and, of course, the checkoff is in such small sums, that all of the little farmers would not ask for theirs back. A large farmer that has 50 or 60,000 bushels, such as out in my district, some of them would want theirs back, and the little man would be paying for it. I would earnestly urge the adoption of the amendment to the amendment to the gentleman from Illinois.

If we are going to have a referendum, let us have it on the basis of fairness, and let it be handled in that manner.

Mr. PURCELL. Mr. Chairman, I rise in opposition to the amendment, and I move to strike the requisite number of words.

Mr. Chairman, I want to associate myself with what my distinguished colleague, the gentleman from Kansas (Mr. SEBELIUS) has just said. I am opposed to the amendment offered by the gentleman from Illinois (Mr. FINDLEY), but the amendment offered by the gentleman from Kansas (Mr. SEBELIUS) to the Findley amendment would make the original amendment much less objectionable.

I would just point out, Mr. Chairman, that for over 10 years every segment of the wheat industry has been working diligently to reach agreement. This is unique in any industry through history, and I think it is particularly unique among the agricultural industry because these people are independent thinkers.

They are from various parts of the country. They have various backgrounds. Yet they have welded together an idea of a system that they are willing to work under. This does not require a referendum that will cost, if I remember correctly, an estimated $1.5 or $1.6 million, about all that the bill itself would ever generate under the first year of operation.

Now there are some farm organizations that are against this bill that have said they would like to have the referendum and I will not repeat and bore the Members by going over the associations, but I think it is safe to say that every wheat growing association in the United States, every milling association in the United States, and all the end-product associations—of course, there are some individual people and companies that have not been totally for this—but this is the nearest thing to a real and absolute agreement that there could be among the members of the agricultural industry that it has ever been my privilege to know about.

So I would say that this suggestion by my longstanding good friend, the gentleman from Illinois (Mr. FINDLEY) should not be adopted. Although he says it is like the cotton checkoff thing, it really is not because in the cotton program the producers are paying the checkoff. In this the producers are not having the money collected from them, and therefore they do not have the concern. I have not had any single individual other than the officers of two of the farm organizations ask me to oppose this bill because of the referendum factor. The membership—those people who are farmers—people who are wheat farmers across this country, whatever organization they may belong to, are in favor of this bill as far as I can ascertain, as it is.

The referendum would be terribly expensive, it would not be handled at the producer level as far as the money being collected is concerned. So I would urge the defeat of the amendment offered by the gentleman from Illinois (Mr. FINDLEY) and would say then that the amendment offered by the gentleman from Kansas (Mr. SEBELIUS) to that amendment would at least be much less objectionable.

Mr. HOSMER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, what is being asked today is what the Wheat Flour Institute and the Millers National Federation and others have been unable themselves to accomplish by their own effort and you are being asked to do it for them by legislative fiat.

They have been trying to get a promotional deal together and some money to promote the sale of wheat products for quite a time and they have not been very successful at it.

Now they come in today and they want you to bail out their failure by passing a law that establishes a wheat industry council that, by Government fiat, goes out and collects money and spends it for these promotional purposes.

What the gentleman from Illinois wants to do is at least to give some of the people involved in the process of producing the country's wheat an opportunity to vote on it. Those who oppose his amendment do not even want to give them that opportunity. They just want you, by law, to do something they have not been able to do already, give them a wheat tax, and put them in a nice niche here to promote a particular product at consumers' expense.

Now I say to you that at least they ought to give us an opportunity for this referendum to decide whether they want to get into this kind of sticky wicket at all.

But more than that, I say that after defeating the amendment by the gentleman from Kansas and adopting the amendment by the gentleman from Illinois, this legislation certainly ought to be defeated. It violates every single instinct and every single, to my mind, constitutional legality that is involved here.

Even though the previous cotton and potato councils were not attacked on constitutional grounds, certainly it is time that somebody ought to get around to thinking about the fundamental constitutional questions involved here and indeed relegate these things back to free enterprise where they belong.

It is getting to be a habit—every time somebody gets into a free enterprise situation where they lose instead of gain, they come to the Congress and want a law passed to take care of them.

The Lockheed loan was such an instance. I voted against it. And there are other proposals brought in here, when a risk was involved, somebody lost on account of the risk, and now they then run to their Congressmen and Senators and want a law passed to bail them out.

These people in the wheat business want a law passed even before they get into deep trouble. What they ought to be doing, of course, is free enterprising in agriculture in this country and getting out of these subsidies programs altogether and let supply and demand come back into balance.

Then we will have the kind of agricultural industry that can make some money and does not need subsidies, crutches, and promotion gimmicks financed by questionable tax gimmicks like the one before us.

Mr. TEAGUE of California. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would like to very briefly express my conviction once more that as bad as this bill is in many respects, it would be improved considerably if the Findley amendment were adopted providing for a national referendum, so I do support the Findley amendment.

I oppose the Sebelius amendment to the amendment on the grounds that if the referendum is to be held, it ought to be paid for by the wheat council rather than the taxpayers. This whole bill is their idea and they ought to be willing to pay the cost of it. So I support the Findley amendment and oppose the Sebelius amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. SEBELIUS) to the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken; and on a division (demanded by Mr. SEBELIUS) there were—ayes 22, noes 33.

Mr. SEBELIUS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The question was taken; and on a division (demanded by Mr. PURCELL) there were—ayes 39, noes 13.

So the amendment was agreed to.

AMENDMENT OFFERED BY MRS. SULLIVAN

Mrs. SULLIVAN. Mr. Chairman, I offer a series of amendments, and ask unanimous consent that they be considered en bloc.

The Clerk proceeded to read the amendments.

Mrs. SULLIVAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read. They are all conforming amendments.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

Mr. POAGE. Mr. Chairman, the Chair never has ruled on the question, when the question was put, of considering these amendments en bloc. I want to reserve a point of order on that. I have no objection to considering them en bloc if the gentlewoman would drop the one amendment in relationship to page 7 that attempts to establish a private organization as the source of representation for the new members of the council. The rest of the bill places the appointment under the hands of the Secretary and does not give any private organization a right to control any part of the council. By this amendment the one relating to page 7 clearly confines the selection of members of the council, or one-fourth of the council, to those who belong to a particular private organization. I think that is entirely improper, and I would not want to agree to consider that en bloc with the best of the amendments.

The CHAIRMAN. Does the gentleman object to the request of the gentlewoman that the amendments be considered en bloc?

Mr. POAGE. Yes; unless the gentlewoman will withdraw the one.

Mrs. SULLIVAN. I will withdraw my request for unanimous consent to consider the amendments as read.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the amendments.

The CHAIRMAN. Is there objection to the request that the amendments be considered en bloc?

Mr. POAGE. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard. The Clerk will reread the first amendment.

The Clerk read as follows:

> Amendment offered by Mrs. SULLIVAN: Page 4, line 25, immediately after "groups" insert "and consumers".

Mrs. SULLIVAN. Mr. Chairman, before I proceed with an explanation of these amendments, because every one dovetails into the next one throughout the entire bill, in order to include a consumer group, I would like to answer—if he would like to have it answered—the gentleman's argument that one is a private group and the others are not.

Mr. PURCELL. Mr. Chairman, will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from Texas.

Mr. PURCELL. I see no reason why we cannot accept the amendment on page 4, line 25. I have no argument against this.

Mr. FINDLEY. Mr. Chairman, I move to strike the last word.

I want to say that I am very much in sympathy with what the gentlewoman from Missouri is attempting to do here. As I interpret it, she is attempting to bring the voice of the consumer into the deliberations of the council, and that is certainly entirely appropriate because of the effect of this program on consumer prices. I do have concern about the selection of an organization known as Consumers Union, or any other organization, to be the official representative of the consumer.

I do not know much about the Consumer Union. I am sure the gentlewoman from Missouri is much more informed about the organization than I. At this moment, I am not prepared to give official sanction to the Consumers Union as the agency best equipped to select the consumer people to serve on this council.

My reason for striking the last word also is to state that this is a complicated situation because of the interrelationship of these amendments. I am not even sure what the amendment now pending would do.

Because of my concern about the designation of the Consumers Union I am constrained to oppose this amendment and the other amendments. I would, however, support the amendment series of the gentlewoman from Missouri if, instead of the Consumers Union, the executive branch could somehow be identified as the agency to make the selection of the consumer representation. This has been done for similar boards and commissions in the past.

Under the circumstances, having not clearly heard the language and not realizing the various interrelationships of the amendments, I am not able to draft amendments to the amendments. Because of that, with deep regret, I am constrained to oppose the amendment.

Mrs. SULLIVAN. Mr. Chairman, I should like to answer the gentleman.

Mr. FINDLEY. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, the amendments I have offered en bloc do not in any way change the thrust or the purpose of this bill, which is, and I quote:

> To enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States.

My amendments contribute to that purpose and goal. In fact, my amendments seek to improve and fortify this program by trying to insure that the expansion of wheat consumption would be consistent with the nutritional needs of the consumers.

This is new legislation, Mr. Chairman. It does not amend existing law. It provides for the establishment of a council composed of 15 private citizens from three different categories of private groups; wheat producers, wheat processors, and wheat product manufacturers. My amendments add a fourth category of private citizens involved in wheat use who could be represented on this council, and that is, the other consumers of wheat food products. Certainly it is just as necessary to the purposes of this bill to include in it those who buy and eat the products as it is to include those who grow and process them.

Mr. FINDLEY. May I ask the gentlewoman a question?

Mrs. SULLIVAN. Yes.

Mr. FINDLEY. Why has the gentlewoman chosen the Consumers Union to occupy such a prominent role in this process?

Mrs. SULLIVAN. Because it is the only group I know of in the United States which has made a study of consumer needs and consumer problems.

Mr. FINDLEY. But is its membership really sufficiently large so that it could really express the view of the consumer?

Mr. POAGE. Mr. Chairman, I move to strike the last six words.

Mr. Chairman, this is the point I was trying to make with the author of the amendment awhile ago. I find no objection to including consumers in this group. I believe that is a good idea. It is perfectly sound. But the next amendment to be offered by the gentlewoman from Missouri says that the term "consumer" means any person within the United States who consumes wheat or wheat products.

That is a fair definition of "consumer." It is the actual definition of "consumer." Consumers include more than those who belong to any one group. Now, producers of wheat include more than those that belong to any one farm organization. I do not say that the representatives here that represent producers must be members of the Farmers Union or the Farm Bureau or the NFO or any other farm organization, but what we say here is they must be "producers." Period.

Mrs. SULLIVAN. Will the gentleman yield?

Mr. POAGE. I am glad to yield to the gentlewoman.

Mrs. SULLIVAN. Who would choose the wheat producer representatives on the Council?

Mr. POAGE. The Secretary of Agriculture. And I think he should choose your consumers, too.

Mrs. SULLIVAN. Does he know every Tom, Dick, and Harry who produces wheat? He would just take the recommendations of this private foundation; would he not?

Mr. POAGE. He might very well, but still this gives the Secretary the authority to make the selections and not some nonofficial group. I think we must keep our Government within the range of designated authorities. I do not think you can go out and say some group—and I do not care whether it is yours or mine or someone else's—has the right to control and dictate the regulations of any of these programs of the U.S. Government. Of course, any member of any commission is going to belong to something. He may belong to the Knights of Columbus or he may belong to some other organization, but he is appointed not because of his membership in some private organization but, rather, because of his familiarity with and his background in the work for which he is appointed.

Mrs. SULLIVAN. Will the gentleman yield again?

Mr. POAGE. Surely.

Mrs. SULLIVAN. The wheat processors and the producers and the end-product manufacturers are going to recommend names to the Secretary?

Mr. POAGE. Doubtlessly. And so can the consumers group.

Mrs. SULLIVAN. That is exactly what the Consumers Union would do under my amendment. It would recommend names.

Mr. POAGE. Certainly they can.

Mrs. SULLIVAN. The Secretary would make the selections from the names submitted by Consumers Union.

Mr. POAGE. I have no objection to the Consumers Union or Ralph Nader recommending names. But I do not believe the Secretary ought to be instructed by law to say that only members of a certain organization can represent the people of the United States. I just think when we get into that situation we are going to say they have to belong to the Baptist Church.

Mr. HOSMER. Will the gentleman yield?

Mr. POAGE. Yes.

Mr. HOSMER. I think the gentleman should understand that he is not talking about the U.S. Government or any arm thereof. What they are appointing members of here is the Wheat Industry Council, a nonprofit, non-Government, tax-exempt organization. I was bothered in the beginning by this business about the Consumers Union, too. When I examined it and learned of this council being outside the Government, which, incidentally, has the power to tax up to $6 million a year on the production of wheat, then I figured we have let the doors open and the floodgates wide open to anything. So I would suggest that the gentlewoman from Missouri has a perfect right to have the consumers industry or associations or anybody else she chooses to name to be nominees for these appointments to this nonprofit, non-Government, tax-exempt organization.

Mr. POAGE. May I ask the gentleman what is his question. I yielded for a question. What is the gentleman's question? I have been listening attentively.

Mr. HOSMER. My question is does the gentleman know what he is talking about?

Mr. POAGE. I hope I know what I am talking about, but I find I never know——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. POAGE was allowed to proceed for 2 additional minutes.)

Mr. POAGE. I have found from a good many years of experience that I never know all there is to be known about what is being talked about on the floor.

I find very few Members who do. There are those who feel that they do know all about any subject. I am not one of that group. I do know that the bill as presented proposes to have the Secretary of Agriculture select 15 members. The gentlewoman from Missouri has suggested 20, and I am willing to accept the 20. The Secretary would appoint them. They come from different groups; they do not come from private organizations, and the third or fourth of her amendments would require that this group come from a particularly named private organization. I just think that is a very bad practice for this legislative body to get into, to name private organizations to carry out these programs.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from New York.

Mr. WOLFF. Would it be advisable to amend the recommendation made by the gentlewoman in having the people, the consumers appointed by the consumers advising the President?

Mr. POAGE. I think they should be appointed just like the rest of the members are appointed, by the Secretary of Agriculture. I see no reason why they should be appointed differently from the other members of the Council.

I am perfectly willing to accept the gentlewoman's suggestion that we have consumers on this Council, all of her amendments except the one which names the particular group that is going to name one-fourth of the members. If you will bring that amendment into the same rules I am willing to accept all the others.

Mrs. SULLIVAN. The bill now gives the Secretary the right to name the industry members to the Council, but from a list to be submitted to the Secretary by these three private interest groups represented in the Foundation named in the bill. In my amendment, another private group, Consumers Union, would make the nomination of the consumer representatives. The wheat producers and growers and manufacturers are all private groups. The Council set up by the bill is a private group. I thank the gentleman from California for emphasizing that point.

Mr. POAGE. The difference is this: Those are groups that are formed by virtue of the business in which they are engaged, and the lady very fairly defines "consumer" in her second amendment. I think it is a factual definition, and having defined it as being any person in the United States who consumes wheat products, I think it should apply to the rest of the bill.

Mr. LINK. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from North Dakota is recognized for 5 minutes.

Mr. LINK. Mr. Chairman, I find myself pretty much in accord with the amendment offered by the gentlewoman from Missouri. I would hope that we can reach an accord here and take cognizance of the fact that as I understand her amendment it merely provides that Consumers Union recommend appointees to the Secretary of Agriculture in the same manner that the Wheat and Wheat Food Foundation submit names as provided under sections 6 and 7 of the bill.

In that respect her amendment does not substantially differ from the procedure that is outlined in the bill for the process provided for establishing the composition of the Commission.

So, it is on that point that I think there is sufficient safety, to insure that a private organization does not have undue influence in the make up of the council.

If, in the wisdom of the Secretary, he does not find that the recommendations by Consumers Union are acceptable, he does not have to appoint them. In my understanding of the gentlewoman's amendment, it does not carry that the appointees recommended by Consumers Union are necessarily members of Consumers Union, but that Consumers Union be designated as a consumer representative group for the purpose of recommending nominees.

I have personal knowledge of the work, quality, and organization of Consumers Union for many, many years. I am satisfied that they would be an acceptable consumers' group to recommend to the Secretary those nominees who would be available for his consideration in recognizing consumers' interests on the final council that we are setting up here this afternoon.

I would like to be in a position to support this kind of an amendment. I think this is good legislation, and adds to the strength of the total bill.

Mrs. SULLIVAN. Mr. Chairman, would the gentleman yield?

Mr. LINK. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. Mr. Chairman, what I object to in this bill is that the consumer pays for this whole prorgam, and let us not kid ourselves about it; he or she pays the bread tax to raise the money to mount the propaganda campaign, and has no say whatsoever in how the money will be spent, what research is to be undertaken, how the facts are to be presented in preparing handout material for food editors, writers, and to all the media, or what advertisements will be purchased to propagandize the consumer benefits. That is the reason that I was asking to have the consumer interests represented.

If I may have the attention of the Chairman for a moment, in this amendment where we say that each of such nominees appointed as voting members or alternates shall be put forth by the Consumers Union, I would not mind changing that, if it would meet his objections, by changing it to the Consumer Federation of America, which is a federation of consumer groups throughout the Nation.

In other words, we want people appointed who we feel will speak for the consumers. The Consumer Federation could provide a list of names to be selected by the Secretary as voting and nonvoting consumer members of this Council.

The Federation has affiliates in most States and in almost every city in the country, representing consumer interests.

I wonder if the gentleman from Texas would object to that?

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. PRICE of Texas. Mr. Chairman, I move to strike the requisite number of words.

I would like to ask the gentlewoman from Missouri (Mrs. SULLIVAN) some questions.

First, why pick out just the Consumers Union? And who are these people? Could the gentlewoman enlighten us on that?

Mrs. SULLIVAN. I could not give the gentleman one name representing the Consumers Union, except that they get out a Consumer's Report every month on the testing that they have made on a myriad of things that are produced, including products. The Consumers Union is a nonprofit corporation, and their money is obtained through the sale of subscriptions to the magazine.

Mr. PRICE of Texas. In all fairness, what would we do about possibly other organizations such as some of the consumers federations of America, and organizations of that nature? Why pick out just this group?

Mrs. SULLIVAN. Because these are the people who have devoted time to study consumers' affairs, and they would be just as appropriate to name members to serve on this council as those who are interested in producing wheat, and the wheat processors.

Mr. PRICE of Texas. Will the gentlewoman from Missouri answer one other question, then? Under her amendment would the consumers' bloc have a vote over specific projects undertaken by the wheat council?

Mrs. SULLIVAN. I think they would have the same vote, their vote would be of the same value as those of the wheat council.

Mr. PRICE of Texas. Would they have the veto power?

Mrs. SULLIVAN. If others had the veto power, this group would have the veto power. They would have the same powers.

Mr. PRICE of Texas. Mr. Chairman, I thank the gentlewoman from Missouri.

Mr. QUIE. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, I see the gentleman from Illinois here who has his referendum amendment adopted. I was wondering if he will now offer an amendment to include consumers as part of the referendum as well, and it would be necessary for two-thirds of them to support it also?

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. FINDLEY. I am afraid that would up the cost of the referendum considerably above the $1½ million estimate that has been referred to here today and I would add further that I think the Members of this body actually should see themselves as representatives of consumer interests and vote accordingly when the time for the passage of this bill comes. When that time comes, I hope the vote will be "No."

Mr. QUIE. I have supported the concept of this legislation. I think the concept is good. I know there is some problem about the referendum of producers and processors and manufacturers, and that has been adopted.

But when, as has been indicated, you pick one consumer group to select nominees, I would oppose such an amendment. Consumers should benefit from research of this nature but all consumers should have a voice, not just one group.

It seems to me, from what the Cotton Council has done in research, and what has been done by some of the other fibers and what has been done by the dairy industry, has been of benefit to consumers and not a detriment to them. Wheat certainly is a wholesome food.

I think this is just going beyond an effort to make this a good piece of legislation, but to try and bog it down so that it will never be able to function.

So I would think if people are opposed to the legislation, this might be a way of making certain that it goes down to defeat.

As I said before, I liked the concept of this bill and would have supported it as it came from the committee. My reasons are this:

Never before in our history has there been such widespread interest in food components and nutritive value of various foods. Nutritional needs vary with age. Historically, wheat has been consumed in different products from infancy through old age.

It is being suggested by some eminent nutritionists that wheat contains certain proteins which are of great importance to youth, that wheat can lower cholesterol, and that it is helpful in reducing kidney disease. Unbiased research is necessary to confirm these anticipated benefits.

One of my many concerns is adequate nutrition for schoolchildren. It is ironic that in an age of unprecedented affluence, children suffer some of the effects of malnutrition. It is essential that children and adolescents be taught the importance of eating a proper diet. Having five children of my own, I know how difficult a task it is to convey this information to children.

This bill would authorize the use of funds to try to educate children as well as other age groups of the benefits from eating wheat and wheat products.

Under the language of the bill, the Secretary of Agriculture would have to approve all of the plans and proposals for wheat research, education, and promotion so that the public interest would be protected even though no tax dollars are involved directly.

I favor self-help programs of this type and am pleased that the Wheat and Wheat Foods Foundation comprised of producers, processors, and manufacturers have been able to reach agreement on this self-help program. Members may recall that I opposed the Legal Services Corporation because the selection of the Board of Directors would have been removed from the authority of the President. In that instance, the Board of Directors would have had control over the use of tax dollars. In this instance, the Wheat Industry Council will be using funds assessed upon processors, so I do not object to the method of selecting the Council.

Mr. DE LA GARZA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Chairman, I have just been discussing this matter with the gentlewoman from Missouri and the chairman of the subcommittee, the gentleman from Texas, and I believe this thing can be worked out satisfactorily to everyone with the language that the gentlewoman now suggests—of allocating a national association of consumers to make the nominations.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentlewoman.

Mrs. SULLIVAN. I understand that the name "Consumers Union" may not be familiar to everyone in this Congress, so I suggest a change in the amendment to "Consumer Federation of America"—which means consumers and their representatives all over the United States.

I would be perfectly happy to amend my amendment by changing the words "Consumers Union" to "Consumer Federation of America."

Mr. POAGE. I would think, and I understand that is satisfactory with the chairman of the subcommittee, that with that change we could accept all the amendments and do it en bloc.

Mrs. SULLIVAN. Mr. Chairman, I ask unanimous consent to amend my amendment by changing the name from Consumers Union to Consumers Federation of America.

The CHAIRMAN. The Chair would like to clarify the situation.

Pending before the Committee at the present time is one amendment offered by the gentlewoman from Missouri which occurs on page 4, line 25. This is the only amendment presently pending before the Committee.

The Chair will at this time put the question on that amendment.

The question is on the amendment offered by the gentlewoman from Missouri (Mrs. SULLIVAN).

The amendment was agreed to.

AMENDMENTS OFFERED BY MRS. SULLIVAN

Mrs. SULLIVAN. Mr. Chairman, I offer the remaining amendments at the desk and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mrs. SULLIVAN: Page 5, line 5, immediately after "Industry" insert "and Consumer", and on page 6, line 20, strike out "(k)" and insert in lieu thereof "(i)" and immediately after line 19, insert the following new subsection:

"(k) The term 'consumer' means any person within the United States who consumes wheat or wheat products."

Page 6, line 24, immediately after "industry" insert "and consumer" and on line 26, immediately after "industry" insert "and consumer", and on page 7, line 10, strike out "fifteen" and insert in lieu thereof "twenty", on line 11, strike out "seven" and insert in lieu thereof "nine", and on line 13, strike out "fifteen" and insert in lieu thereof "twenty".

Page 7, line 21, immediately after "industry" insert "and consumer", and on page 9, line 1, strike out "(b)" and insert in lieu thereof "(c)", on line 4, immediately before the period insert ", and two from consumers as referred to in subsection (b) of this section", and immediately above line 1, insert the following new subsection:

"(b) Within the same time period specified in subsection (a) of this section, the Secretary shall request Consumers Union, a nonprofit corporation organized and existing under the laws of the State of New York, to submit the names of five persons for consideration by the Secretary as nominees for appointment to the council as voting members, and names of five additional persons, each for consideration by the Secretary as a nominee for appointment as an alternate to a designated voting member of the council. Each of such nominees for appointment as voting members or alternates shall be selected and put forth by Consumers Union on the basis that he or she is qualified to serve the legitimate interests of consumers of wheat products, in his or her capacity on the Wheat Industry and Consumer Council. Any one or more of such nominees, voting members, and alternates may be a director, officer, or executive committee member of Consumers Union."

Page 9, line 8, strike out "is" and insert in lieu thereof "and Consumers Union are", on line 9, strike out "fifteen" and insert in lieu thereof "twenty", on line 12, immediately after "industry" insert "and consumer", on line 15, immediately after "foundation" insert "or consumers Union, whichever is applicable,", on line 19, strike out "segment of the wheat industry" and insert in lieu thereof "classification", and on line 20, strike out "or" and immediately after "manufacturer' insert, ", or consumer", and page 10, line 4, strike out "or" and immediately after "manufacturer" insert ", or consumer".

Page 11, line 18, strike out "three groups" and insert in lieu thereof "four classifications (producer, processor, end-product manufacturer, or consumer)", on line 21, strike out "three groups" and insert in lieu thereof "four classifications", on line 22, strike out "and", and on line 23, immediately after "ufacturers" insert ", and consumers".

Page 1, above line 1, amend the title to read as follows: "A Bill to enable wheat producers, processors, end-product manufacturers, and consumers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States, to the extent consistent with nutritional needs of consumers."

Mr. ABBITT (during the reading). Mr. Chairman, the amendments having been read one time, I ask unanimous consent that they be considered as read and printed in the RECORD.

The CHAIRMAN. The Chair will advise the gentleman that there has been a change in one of the amendments.

Mr. ABBITT. I did not know that.

The CHAIRMAN. Is there objection to the request that the amendments be considered en bloc as read?

The Chair hears none.

The Chair would like to clarify this once more. Is there objection to the request that the amendments be considered en bloc?

Mr. GROSS. Mr. Chairman, reserving the right to object, I should like to ask the gentlewoman by how many members will her amendment increase the Council?

Mrs. SULLIVAN. Five members, the same as the other three groups.

Mr. GROSS. Would that raise the total number to 25 or 30, or how many?

Mrs. SULLIVAN. From 15 to 20. There are three groups now represented under this bill, and this would raise the number to one more group and five more members.

Mr. GROSS. In total what does that make?

Mrs. SULLIVAN. Twenty.

Mr. GROSS. Are there not others that would associate with the Council?

Mrs. SULLIVAN. No. To my knowledge there are just 15 members under the present bill to be appointed by the Secretary.

Mr. GROSS. How much money is it going to take to fund this Council?

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Texas.

Mr. POAGE. There are 15 voting members and seven not voting. They are represented as members of the Council but they do not have a vote.

Mr. GROSS. I do not care whether they vote or not. What I am trying to get at is this: If the council is increased is it going to cost more and will we be confronted with a bill to increase the Federal contribution to this thing?

Mrs. SULLIVAN. If the gentleman will yield, I cannot answer that question for the gentleman from Iowa, but I do not think it will increase the contribution of the Government to this Council.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri that the amendments be considered en bloc?

There was no objection.

PARLIAMENTARY INQUIRY

Mrs. SULLIVAN. Mr. Chairman, I have a parliamentary inquiry.

Must I again ask unanimous consent to change the name Consumers Union to the name Consumers Federation of America?

The CHAIRMAN. The Chair had understood that the gentlewoman had made the change before she submitted the amendment. Has the gentlewoman made the change in her amendment?

Mrs. SULLIVAN. I did make the request. I do not know if I did it at the proper time.

The CHAIRMAN. Will the gentlewoman send it to the desk?

The Clerk will report the portion of the amendment that the gentlewoman is asking unanimous consent to change.

The Clerk read as follows:

Amendment offered by Mrs. SULLIVAN: Page 7, line 21, immediately after "industry" insert "and consumer", and on page 9, line 1, strike out "(b)" and insert in lieu thereof "(c)", on line 4, immediately before the period insert ", and two from consumers as referred to in subsection (b) of this section", and immediately above line 1, insert the following new subsection:

(b) Within the same time period specified in subsection (a) of this section, the Secretary shall request Consumers Union, a nonprofit corporation organized and existing under the laws of the State of New York, to submit the names of five persons for consideration by the Secretary as nominees for appointment to the council as voting members, and names of five additional persons, each for consideration by the Secretary as a nominee for appointment as an alternate to a designated voting member of the council. Each of such nominees for appointment as voting members or alternates shall be selected and put forth by Consumers Federation of America on the basis that he or she is qualified to serve the legitimate interests of consumers of wheat products, in his or her capacity on the Wheat Industry and Consumer Council. Any one or more of such nominees, voting members, and alternates may be a director, officer, or executive committee member of Consumers Union.

The CHAIRMAN. Is there objection to the unanimous consent request?

Mr. PRICE of Texas. Mr. Chairman, reserving the right to object, I should like to ask the gentlewoman, what is this organization? Who are these people? And of whom do they consist? How are they different from the Consumers Union?

Mrs. SULLIVAN. The Consumer Federation of America is made up of consumer groups all over the United States. They do have meetings. They formed a national federation called the Consumer Federation of America. They devote a great deal of time and study to consumer affairs, and what their relation is to the Consumers Union, I do not know.

Mr. PRICE of Texas. I thank the gentlewoman.

The CHAIRMAN. Is there objection to the unanimous-consent request?

There was no objection.

Mrs. SULLIVAN. Mr. Chairman, I have some very serious doubts about this legislation in its present form and that is why I have prepared and offer a series of amendments which would bring the consumer interest into this program. Right now, it is there in name only in that the consumer is the target of a promotion campaign authorized by the bill. The bill would set up a $6 million fund, paid for by consumers and collected under Government auspices as a kind of bread tax, to be used to brainwash the consumer about wheat products.

I am not in a position to know if the wheat industry at this point needs the stimulus of a $6 million a year government-sponsored advertising campaign to get consumers to buy more wheat products. I do know that wheat prices have risen about 30 percent recently because the Russians are interested in buying huge amounts of American wheat. So we already face a significant rise in bread prices and prices of other foods containing wheat. The Nixon administration lets all of these farm commodity price increases pass on through to the consumer without any hindrance under price control regulations. Now this bill would add an additional $6 million a year to consumer prices of wheat products in order to set up an advertising and public relations program to get consumers to buy more wheat products—so that increased demand for wheat can then bring about an additional increase in wheat prices.

CONSUMER PAYS FOR PROGRAM BUT HAS NO SAY IN IT

What I object to most is that the consumer, who pays for this whole program—he or she pays the bread tax to raise the money to mount the propaganda campaign—has no say whatsoever in how the money will be spent, or what research is to be undertaken, or how the facts are to be presented in preparing handout material for food editors and writers in all media, or what advertisements will be purchased to propagandize the "consumer benefits" from increased consumption of wheat by the American consumer.

The interests of the sellers of wheat in expanding sales are not necessarily to the best interests of consumers. When an industry spends its own money to promote a commodity, that is their business. But when they assess what amounts to compulsory Federal bread tax on the public in order to promote wheat product sales, with the Government forcing the collection of this tax for a private enterprise group, then we have a right to insist that the money be spent only for the dissemination of honest information.

GIVING CONSUMER A VOICE IN USE OF FUND

Hence, my amendments change this proposed 15-member Wheat Industry Council into a 20-member Wheat Industry and Consumer Council, give consumers equal representation with wheat farmers, millers, and bakers—five from each of four groups instead of from three groups—and would have the consumer representatives selected by the Secretary of Agriculture from a list submitted to him by the Consumer Federation of America, in the same way he selects the 15 industry representatives from a list provided by the Wheat and Wheat Foods Foundation, a private organization. Consumers Union is the largest consumer membership group in the country—and one which has expertise and laboratory facilities and objective knowledge of food technology and nutritional information.

As the information I will place in the record clearly indicates, some of the proponents of this promotional enterprise to brainwash the consumers about wheat products intend to use this Council to combat nutritionists, whom they define as food faddists and quacks, on the nutritional value of white bread as now constituted. Let me say that not everyone who questions the value of today's commercial white bread is a "food faddist" or "quack." But in view of the attitude expressed in the hearings, it is imperative that we have qualified consumer representatives on the board supported by this bread tax, to make sure the information disseminated is factual, and scientifically honest.

Mr. Chairman, I urge adoption of these amendments to channel the money raised under the proposed bread tax into worthwhile consumer-oriented activities.

SELECTION OF COUNCIL MEMBERS

H.R. 13514 as presently written provides that the Wheat and Wheat Foods Foundation, a nonprofit Illinois corporation, would submit the names of 15 nominees and 15 alternates to the U.S. Secretary of Agriculture, five of which would represent producers, five processors, and five end-product manufacturers. The Secretary of Agriculture would appoint these people to the Council or, if he rejects one or more of them, would request submission of additional names from the Wheat and Wheat Foods Foundation.

My amendment provides for nomination and appointment of the consumer representatives in a similar way, except that the names of consumer members and alternates would be submitted by Consumers Federation of America rather than the Wheat and Wheat Foods Foundation which has no consumer membership. The Consumer Federation of America is a nonprofit, tax exempt organization with affiliates throughout the Nation. The Consumer Federation is an appropriate organization to nominate consumer representatives for the Wheat Industry and Consumer Council, comparable to the Wheat and Wheat Foods Foundations for representatives of the three industry segments.

My amendment also adds two nonvoting consumer members to the Council, to balance the two nonvoting members from each of producers, processors, and end-product manufacturers already provided in the bill.

INCREASING THE PRICE OF BREAD

Consumers have a vital interest in H.R. 13514—and therefore should be directly represented—for at least two reasons.

First, it is clear that consumers will be paying the cost of the research and advertising program under this bill, in the form of higher prices for bread and other wheat products. Although the program will be financed by a collection from processors of up to 2.5 cents per hundred weight of processed wheat, there is little question that the processor firms will pass along this cost to the consumer.

It is estimated that $2.6 million will be raised the first year, and this is expected to increase to $6 million in subsequent years. The proponents of the bill say that this would increase the prices to the consumer of bread and other wheat foods only by a small amount.

At a time when the price of food is increasing faster than virtually any other item in the Consumer Price Index, should we load even a small increase onto the price of bread and other basic foods unless it can be clearly justified? Perhaps more to the point, do we dare add another increase to food prices at this time without giving the consumer any voice in deciding how this higher cost in foods can be expected to contribute to improved nutrition or some other desirable objective?

ASSURING OBJECTIVE INFORMATION

Second, consumers have an interest in the type of research and promotion that will be carried out pursuant to this bill.

During the hearings held May 3 on H.R. 13514 by the House Agriculture Committee, a number of witnesses from wheat grower organizations, processors, and bakeries claimed that this legislation could serve consumers by documenting and publicizing the nutritional value of wheat foods. This is of course plausible. But without consumer representation on the Council, which will decide what kinds of specific research and promotion to undertake, how do we know that legitimate interests of consumers will be taken into consideration at all?

Indeed, in the absence of consumer representation, how can we be sure the result will not be research and promotion designed to defend and expand sales of wheat producers per se, regardless of how consumers would be affected?

That consumer interests might be ignored is suggested by a statement made in the May 3 House Agriculture Committee hearing by Walter W. Dolch, representing the Associated Retail Bakers of America:

> Food faddists and quacks circulate unfounded attacks on white bread. Even some scientists report experiments from which they draw erroneous conclusions unfavorable

to wheat foods. If we have the research and educational capabilities possible under this act, I doubt that an enlightened public would give credence to such statements and reports.

Mr. Dolch is a director and member of the executive committee of the Wheat and Wheat Foods Foundation, and in that capacity might well be among those suggested for membership on the Wheat Industry Council which would administer the wheat promotion program under H.R. 13514. Certainly, with this type of orientation represented, the Council must also include consumers to afford balanced decisions on the kinds of promotional activities to be carried out.

DEPARTMENT OF AGRICULTURE QUESTIONS OBJECTIVITY OF GROUP

The U.S. Department of Agriculture itself has raised serious questions about the structure of the Wheat Industry Council in this bill. Under Secretary of Agriculture J. Phil Campbell, in a letter of May 2 addressed to Chairman POAGE of the Agriculture Committee, questioned the wisdom of delegating governmental powers to a strictly private agency—the Wheat Industry Council—as this bill would do.

Under Secretary Campbell also said:

> There also is a question as to whether the proposed delegation to the [Wheat and Wheat Foods] Foundation adequately recognizes the interests of non-members of the Foundation who might now or in the future be directly affected by the program. Authorizing legislation for other commodity research and promotion programs contains provisions for public hearings, referenda, and assessment refunds. This bill does not contain such provisions.

Although the Department of Agriculture did not explicitly recommend that consumer representation be included, consumers' interests would certainly be among the most conspicuously affected interests without membership on the Foundation.

Mr. Chairman, if the sponsors and supporters of this bill have the nutritional interests of consumers in mind, then they should be willing to accept my amendments so that consumer interests are explicitly protected. In any event, I am confident that the Members of the House—mindful of the extreme pressures on the consumers' food budget at the present time—will insist that the consumers' voice be heard in any wheat promotion program authorized by this bill.

My amendments will assure the consumer such a voice, and I urge their adoption.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from Missouri.

The amendments were agreed to.

AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. WOLFF: Page 21, line 2, after "SEC. 24." insert "(a)", and between lines 12 and 13 insert the following:
>
> (b) The council shall undertake a study with respect to (1) the effect of total wheat sales by the United States on the wholesale and retail prices of bread within the United States; and (2) research (under item 5, page 4) to determine feasible methods by which world wheat program subsidies may be reduced or eliminated. The council, within one year after the date on which the members of the council are initially appointed pursuant to section 7, shall report to Congress on the results of the study required by this subsection.

Mr. PURCELL. Mr. Chairman. I have had an opportunity to examine this amendment and I, for the chairman of the committee, accept this amendment.

POINT OF ORDER

Mr. TEAGUE of California. Mr. Chairman, I rise to make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman on his point of order.

Mr. TEAGUE of California. Mr. Chairman, the point of order is that this amendment, the proposed amendment, seems to be clearly nongermane. The fundamental purpose of the proposed wheat council is to conduct research, to engage in advertising and promotion of wheat and wheat products. The proposed amendment here goes beyond the fundamental purpose of the bill a long, long way and gets into problems that are not a part at all of H.R. 13514, and therefore seems clearly to be nongermane.

Mr. WOLFF. Mr. Chairman, the gentleman who made the point of order indicated that the bill intended to enable wheat producers, processors, and end-product manufacturers to engage in an updated program of research. This is exactly what this amendment purports to do. In addition, the bill itself is intended to promote, maintain, and expand markets. Markets are groups of people that are willing and able to buy.

All that we are trying to find out here are ways and means by which we can expand markets for wheat and wheat products, and to find out what relationship there is with matters that are outside the general control of our own, to be able to bring into focus the effect of this upon total wheat sales.

As Members will note, the amendment as it was originally set up perhaps did not conform. However, I have adjusted the amendment in order to conform to the research under item (5) on page 4, which includes world food programs. The item (5) indicates that we will help improve the effectiveness of world food programs through better utilization of wheat foods. My amendment intends to do just that.

The CHAIRMAN (Mr. ROUSH). The Chair is prepared to rule.

The Chair has had an opportunity to examine the amendment offered by the gentleman from New York. The amendment offered by the gentleman from New York has included in it a study with respect to the effect of total sales by the United States on wholesale and retail prices, and refers to feasible methods by which subsidies might be eliminated.

The Chair would call attention to the title of the bill before the committee, which is:

> To enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States.

The Chair would also call attention to section 2, on page 4, subparagraph (5), which has the following language:

> Help improve the effectiveness of world food programs through better utilization of wheat foods;

The Chair rules that the amendment offered by the gentleman from New York is germane, and overrules the point of order.

The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. WOLFF. Mr. Chairman, the amendment which I offer today is prompted by what appears to be a developing pattern of increased American export wheat sales. Recently there has been a great deal of concern about the terms of the just concluded United States-Soviet grain agreement. I myself spoke out here in this Chamber almost 1 month ago on the potential of this agreement to raise our domestic bread prices.

Now, grave doubts have been raised about the integrity of the negotiations themselves which lay the foundations for the $750 million grain deal. I was pleased to note that my able colleague from Texas (Mr. PURCELL) last week announced that he plans to have his subcommittee investigate the circumstances surrounding the Soviet wheat sale agreements. Many questions that have been raised certainly need to be answered. I might add that the Department of Agriculture has yet to reply to my almost 1-month-old request for a report of the impact which the pact might have on our own market.

My amendment is very straightforward and I think it will serve as a useful guide to the work of the Wheat Industry Council which the bill would establish. The amendment calls for the Wheat Industry Council to make a study of the effect of wheat exports on domestic bread prices at both the wholesale and retail levels. It also provides that the Council undertake a study of the feasible methods by which export subsidies might be reduced or eliminated.

Mr. Chairman, it seems to me that a bill which creates the machinery charged with establishing, financing, and coordinating a program of research, education, and promotion to expand markets for wheat should address itself to these two questions, namely, the effect upon U.S. domestic bread prices and U.S. export subsidies.

The current situation in which the consumer and the taxpayer wind up effectively footing the bill of an export grain agreement twice—by paying higher bread prices and contributing their tax dollars toward the payment of subsidies—is, I feel, unfair and unworkable.

Adoption of my amendment would solicit the input of the Wheat Industry Council which might help to make future export grain sales—and some are clearly in the offing—more economically sound on the domestic front. In creating this Council, which is of prime importance to the wheat industry itself, enactment of this amendment would very clearly stress the importance of protecting the people who in one way or another will ultimately pay for its work, the consumer and the taxpayer. For these reasons, I urge my colleagues to join in support of this amendment.

Mr. TEAGUE of California. Mr. Chairman, I rise in opposition to the amendment.

It seems to me to be a most unlikely eventuality that a group of consumers, advertising men, and scientists who would constitute the membership of this Wheat Council with perhaps a few farmers thrown in is really equipped to deal with such a highly difficult and technical subject as our whole wheat export program. I have no doubt these questions may need review, but I do not believe this is the group to do it.

Therefore, I feel very definitely this proposed amendment should be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The question was taken; and on a division (demanded by Mr. WOLFF) there were—ayes 23, noes 50.

So the amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the eighth word.

Mr. Chairman, I should like to ask someone who is knowledgeable with respect to this bill why the council is provided with an unlimited number of confidential employees.

Mr. PURCELL. If the gentleman will point out the place in the bill he is referring to, I would be glad to try to answer his question.

Mr. GROSS. It is page 22, line 9, under paragraph (c), wherein it provides:

> All reports and records submitted by processors to the council and received by it pursuant to the provisions of this section shall at all times be in custody of one or more confidential employees designated by the council.

Mr. PURCELL. Well, I will just say that this is the normal way of any business carrying on its business. They would not want it to be in the custody of anyone in whom they did not have confidence.

Mr. GROSS. And going to page 23 of the bill, with regard to funds, it is stated that the funds accruing to the council will also be in the custody of confidential employees.

Mr. PURCELL. I certainly would not want unconfidential employees.

Mr. GROSS. Is there no Government money involved in proposal?

Mr. PURCELL. Not that I know of.

Mr. GROSS. In any provision of the bill, especially under either paragraph (c) or paragraph (b)?

Mr. PURCELL. The only Government money involved is to set this up and to have the Secretary have the oversight to see what he wants. The money that is to be used by this is generated by the industry.

Mr. GROSS. Who audits the books?

Mr. PURCELL. I am sure that those who audit all books of agencies set up by this Congress.

Mr. GROSS. Since Government funds are involved in the support of this program, is there any provision that the General Accounting Office may take a look at the books?

Mr. PURCELL. I am sure that there is; yes, sir.

Mr. GROSS. In this bill?

Mr. PURCELL. I do not know whether it is in this bill. I do not think we have to have provision in every bill for the General Accounting Office to look at books under laws this Congress grants.

Mr. GROSS. If the money is to be entrusted only to confidential employees, how would the General Accounting Office get a look at the financial operations?

Mr. PURCELL. If the gentleman would yield, I just stated that this is the provision, as far as I know, that every organization in any way similar to this is set up.

I am not being facetious when I say that we are just contending that the employees of this group, this Commission, this organization shall be those that handle the business of it.

Mr. GROSS. Is there any intent now on the part of the gentleman or the House Agriculture Committee to establish a corn industry council? There is presently no corn industry council, and it is one of the largest food crops in the country and in the world, for that matter.

Mr. PURCELL. Is the gentleman saying corn industry council?

Mr. GROSS. Yes. Are you thinking of proposing a check off on corn farmers?

Mr. PURCELL. Well, they have sources of use in a broader sense than wheat has had. The gentleman from Iowa is very fortunate to have mainly the livestock feed industry, the alcohol industry, and things other than what the wheat industry has had.

If the gentleman is interested in an institute similar to this for corn, we would be glad to consider his request.

Mr. GROSS. I will say to the gentleman from Texas that I am not at all interested in a checkoff for corn farmers. Let me say to the gentleman that I have listened intently this afternoon to all of the debate on this bill, and I have yet to hear a good, substantial reason for a checkoff on the products of wheat farmers for the purposes as stated in this bill. I am not at all convinced of its merits. I will vote against the bill, because I am against checkoffs, compulsory or otherwise, for farmers.

If there is some necessity for a checkoff, let the processors of wheat make that checkoff on their own industry and do their own promoting. Why should there be any compulsion saddled on the producers? And I am not in favor of any Federal aid for administration of this promotion. This country needs a Wheat Industry Council, financed by the Federal Government and consumers, about as much as the Russians need a vodka industry council or the people of Japan need a zaibatsu industry council.

Mr. Chairman, I hope this bill will be defeated.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GONZALEZ: On page 24, after line 16, add:
>
> SEC. 27a. No person working for the United States Government in any capacity having to do with the production, consumption, or regulation of food products shall commence employment, direct or indirect, with a private, for private enterprise engaged in the production or consumption, purchase or sale, of such regulated commodities for a period of two years after his separation from the government.

POINT OF ORDER

Mr. TEAGUE of California. Mr. Chairman, I have not had the opportunity to read the amendment, but nevertheless I make the point of order that it is not germane, as I understand the reading of the amendment.

The CHAIRMAN. The Chair would ask the gentleman from California to state the reasons for his point of order.

Mr. TEAGUE of California. Mr. Chairman, I have not seen the amendment, but it seemed to deal with the subject of conflict of interest, which is not in any way involved in this bill.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. GONZALEZ. Yes, Mr. Chairman; I would.

Mr. Chairman, I would like to say first that I do apologize for not having sufficient copies for the two sides, but the amendment itself is very simple. It is indeed a conflict of interest amendment. It would do the same thing in the area of governmental employment in the Office of the Secretary of Agriculture that we do for the Department of Defense.

We have laws regulating the employment by Government personnel that have been engaged in the procurement of contracts from going to work for a private firm within a stated period of time after their separation from the Government. That is all I am attempting to do with regard to Government employment.

With respect to the point of order on germaneness, on page 24, section 28, we talk about the Secretary. Now, this secretary is not a private secretary, it is the Secretary of Agriculture whom we are talking about. And under this act he is authorized to issue such orders, rules and regulations as may be necessary to carry out the provisions of this act, and the powers vested in him by this act.

If it is germane for the Secretary of Agriculture to have enforcement powers over the portions of this legislation that we are enacting, then what is wrong with him having enforcement powers showing clearly that the Congress does not approve of any Government employee who by virtue of his employment is in direct contact with private enterprise, and then when he leaves he does so under questionable circumstances, under the best of situations.

Mr. GERALD R. FORD. Mr. Chairman, if the gentleman from Texas will yield, let me say that on the substance I do not think I have any objection to the content of the amendment, none whatsoever, but because we were unable to have a copy of the amendment prior to the submission of it, I am not clear on how broad it is. Does it go beyond wheat sales and wheat promotion? Is it going to restrict the officials in the Department from having those who are not connected with wheat sales getting employment?

I must say that the language is somewhat difficult for us to understand in order to discuss the substance as well as the germaneness of the amendment.

Mr. GONZALEZ. If the distinguished minority leader, the gentleman from Michigan (Mr. Gerald R. Ford), thinks it advisable, perhaps we could call for a second reading of the amendment. I do not believe it is that broad. I think it is broad enough to make it uniform in its applicability. I think it clearly states the intention of the Congress, and I do not think it would in any way be objected to by those who in good faith would like to promote wheat and wheat products, or other food products.

So, Mr. Chairman, I would ask unanimous consent that we have a second reading of the amendment.

Mr. Chairman, I ask unanimous consent that the amendment be reread.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk reread the amendment.

The CHAIRMAN. For what purpose does the gentleman from Michigan (Mr. Gerald R. Ford) rise?

Mr. GERALD R. FORD. Mr. Chairman, after having heard the amendment reread, I would like to be heard further on the point of order made by the gentleman from California (Mr. Teague).

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. GERALD R. FORD. Mr. Chairman, I think it is absolutely crystal clear that the amendment is not germane to this proposal before us at the present time. It has a far broader application than the basic intent of this particular legislation. It covers all employees of the Department of Agriculture, and as a matter of fact of the Government. So it is not just limited to the Department of Agriculture. For that reason I think the proposal is not germane under any circumstances under the rules of the House.

The CHAIRMAN. Does the gentleman from Texas wish to be heard on the point of order?

Mr. GONZALEZ. Yes, Mr. Chairman.

I wish to emphasize that this act, if we approve of it, brings the Government in and it clearly states in section 28:

> Sec. 28. The Secretary is authorized to issue such orders, rules, and regulations as may be necessary to carry out the provisions of this Act and the powers vested in him by this Act.

My amendment is not any broader than is required to cover not only this circumstance, but will have uniform applicability with respect to employment in this particular section having to do with production, consumption and regulation, and particularly regulation of food products.

I think if we had clearly emphasized this doctrine, we could have saved ourselves the embarrassment and pain of the Billy Sol Estes deal, for instance, which would have been clearly within the confines of congressional policy. I think this will clearly and fundamentally point out to any Government employee, particularly in the regulated field that he shall be in the same premise as Department of Defense employees.

The CHAIRMAN. The gentleman is arguing the substance of his amendment and is not addressing himself to the point of order.

Does the gentleman wish to be heard further on the point of order?

Mr. GONZALEZ. I thought I was arguing on that.

The CHAIRMAN. In the opinion of the Chair, the gentleman was arguing the substance of his amendment and was not addressing himself to the point of order.

Does the gentleman wish to be heard further on the point of order?

Mr. GONZALEZ. Yes, Mr. Chairman; I would like to do that.

If the Chairman please, I would like to add that my amendment is germane—as germane as section 28 inasmuch as in our legislation we are bringing in the Secretary of Agriculture to enforce and to carry out the will of the Congress, as expressed in this particular bill.

The CHAIRMAN. The Chair is prepared to rule. The ruling will be brief.

The purpose of the bill before the Committee is to provide a program for research, education, and promotion to maintain and expand markets for wheat. This is to be implemented by regulations issued by the Secretary of Agriculture.

The gentleman's amendment goes beyond the purpose of the bill, in the opinion of the Chair. It goes to all persons working for the U.S. Government in any capacity and encompasses all food products.

This prohibition against employment is a matter which should properly be under the jurisdiction of another committee of the House of Representatives. For these reasons the Chair is constrained to rule that the amendment is not germane and the point of order is sustained.

Mr. GONZALEZ. Is the Chair amenable to reason?

The CHAIRMAN. The Chair is a reasonable man, but the Chair has ruled and the reasonable ruling stands.

Are there any further amendments? If not, under the rule the Committee will now rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Roush, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 13514) to enable wheat producers, processors, and end-product manufacturers of wheat foods to work together to establish, finance, and administer a coordinated program of research, education, and promotion to maintain and expand markets for wheat and wheat products for use as human foods within the United States, pursuant to House Resolution 1093, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TEAGUE of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 122, nays 234, not voting 75, as follows:

[Roll No. 353]

YEAS—122

Abbitt
Abernethy
Abourezk
Alexander
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Aspin
Bennett
Bergland
Bevill
Blanton
Boggs
Bolling
Brinkley
Brooks
Brotzman
Broyhill, N.C.
Burleson, Tex.
Burlison, Mo.
Burton
Cabell
Caffery
Carter
Casey, Tex.
Chappell
Collins, Ill.
Culver
Curlin
Davis, S.C.
de la Garza
Denholm
Derwinski
Downing
Dulski
Edmondson
Esch
Evans, Colo.
Fisher
Flood
Flynt
Foley
Fraser
Frenzel
Fulton
Garmatz
Gettys
Gonzalez
Gray
Griffin
Hagan
Hansen, Idaho
Harrington
Hays
Henderson
Hicks, Wash.
Hungate
Ichord
Johnson, Calif.
Jones, N.C.
Kastenmeier
Kazen
Kemp
Kyl
Kyros
Landrum
Leggett
Lennon
Link
McClory
McCollister
McCormack
McFall
Mahon
Martin
Mathis, Ga.
Matsunaga
Mayne
Meeds
Melcher
Mills, Ark.
Mizell
Montgomery
Natcher
O'Hara
O'Neill
Passman
Perkins
Pickle
Poage
Preyer, N.C.
Price, Tex.
Purcell
Randall
Rarick
Roberts
Roncalio
Roy
Sebelius
Seiberling
Shriver
Sikes
Skubitz
Smith, Iowa
Staggers
Steed
Stephens
Stubblefield
Stuckey
Symington
Taylor
Teague, Tex.
Thone
Udall
Ullman
Waggonner
Wampler
Whitten
Winn
Wolff
Wright
Young, Tex.

NAYS—234

Adams
Addabbo
Anderson, Calif.
Annunzio
Archer
Arends
Ashbrook
Badillo
Baker
Barrett
Begich
Belcher
Bell
Betts
Biaggi
Biester
Bingham
Blackburn
Boland
Brademas
Bray
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Byrne, Pa.
Byrnes, Wis.
Byron
Carey, N.Y.
Carlson
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Tex.
Conable
Conover
Conte
Conyers
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Delaney
Dellenback
Dellums
Dennis
Devine
Dickinson
Diggs
Donohue
Drinan
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Fascell
Findley
Flowers
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frey
Gaydos
Giaimo
Gibbons
Goldwater
Goodling
Grasso
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Haley
Hall

Hamilton
Hammerschmidt
Hanley
Hanna
Harsha
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hunt
Hutchinson
Jacobs
Jarman
Johnson, Pa.
Jonas
Karth
Keating
Kee
Keith
King
Kluczynski
Koch
Kuykendall
Landgrebe
Latta
Lent
Long, Md.
McCloskey
McCulloch
McDade
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mallary
Mann
Mazzoli
Metcalfe
Michel
Miller, Ohio
Minish
Minshall
Mitchell
Mollohan
Monagan
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nelsen
Nix
O'Konski
Patman
Patten
Pettis
Pike
Pirnie
Podell
Powell
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Quillen
Rangel
Rees
Reid
Reuss
Rhodes
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Rooney, Pa.
Rosenthal
Roush
Rousselot
Roybal
Runnels
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scheuer
Schmitz
Schneebeli
Schwengel
Shoup
Slack
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Steele
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Sullivan
Talcott
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Vigorito
Waldie
Ware
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion
Zwach

NOT VOTING—75

Abzug
Anderson, Ill.
Ashley
Aspinall
Baring
Blatnik
Bow
Brasco
Broomfield
Camp
Carney
Colmer
Corman
Davis, Ga.
Davis, Wis.
Dent
Dingell
Dorn
Dow
Dowdy
Dwyer
Edwards, Ala.
Evins, Tenn.
Fish
Fuqua
Galifianakis
Gallagher
Green, Pa.
Halpern
Hansen, Wash.
Hathaway
Hawkins
Hébert
Hull
Jones, Ala.
Jones, Tenn.
Lloyd
Long, La.
Lujan
McClure
McDonald, Mich.
McEwen
McMillan
Mailliard
Mathias, Calif.
Mikva
Miller, Calif.
Mills, Md.
Mink
Mosher
Nichols
Obey
Pelly
Pepper
Peyser
Railsback
Rooney, N.Y.
Rostenkowski
Ruppe
Ryan
Scherle
Scott
Shipley
Sisk
Smith, Calif.
Springer
Stanton, James V.
Van Deerlin
Vander Jagt
Vanik
Veysey
Whalley
Wiggins
Wilson, Charles H.
Wyatt

So the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Brasco against.

Mr. Jones of Tennessee for, with Mrs. Abzug against.

Mr. Blatnik for, with Mr. Vanik against.

Mr. Dingell for, with Mr. Dent against.

Mr. Long of Louisiana for, with Mr. Ryan against.

Mr. Nichols for, with Mr. James V. Stanton against.

Mrs. Mink for, with Mr. Green of Pennsylvania against.

Mr. Colmer for, with Mr. Rooney of New York against.

Mr. Dowdy for, with Mr. Hawkins against.

Mr. Evins of Tennessee for, with Mr. Carney against.

Mr. McClure for, with Mr. Dow against.

Mr. Jones of Alabama for, with Mr. Railsback against.

Mr. Galifianakis for, with Mr. Mills of Maryland against.

Until further notice:

Mr. Pepper with Mr. Wiggins.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Dorn with Mr. Bow.

Mr. Ashley with Mr. Broomfield.

Mr. Aspinall with Mr. Camp.

Mr. Davis of Georgia with Mr. Davis of Wisconsin.

Mr. Corman with Mr. Smith of California.

Mr. Mikva with Mrs. Dwyer.

Mr. Miller of California with Mr. McDonald of Michigan.

Mr. McMillan with Mr. Edwards of Alabama.

Mr. Sisk with Mr. Fish.

Mr. Shipley with Mr. Ruppe.

Mrs. Hansen of Washington with Mr. Wyatt.

Mr. Hathaway with Mr. Mosher.

Mr. Hull with Mr. Halpern.

Mr. Gallagher with Mr. McEwen.

Mr. Fuqua with Mr. Scherle.

Mr. Baring with Mr. Floyd.

Mr. Charles H. Wilson with Mr. Lujan.

Mr. Mailliard with Mr. Pelly.

Mr. Peyser with Mr. Mathias of California.

Mr. Scott with Mr. Vander Jagt.

Mr. Springer with Mr. Whalley.

Mr. THOMPSON of New Jersey and Mr. LATTA changed their votes from "yea" to "nay."

Mr. SYMINGTON changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MARIHUANA MUST NOT BE LEGALIZED

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, several proposals have been made in Congress in recent months designed to legalize the possession of marihuana.

I strongly oppose these proposals. Each year literally thousands of young people in the United States die from an overdose of drugs. Many of these young people started on marihuana and went on to harder drugs.

I believe marihuana is dangerous and legalizing its possession will lead to a wider use by our young people.

Even if you accept the argument that only 1 percent of marihuana users go on to heroin, this would still constitute a tremendous problem since there are now millions using it. It is estimated that as many as 12 million Americans have used marihuana in recent years.

In a report to the second session of the 91st Congress, the House Select Committee on Crime stated:

> No rational or sensible approach to the narcotic and dangerous drug problem can slide over the subject of marihuana use. Admittedly, the number of people from whom our committee has heard was limited. But of the hundreds of young people who have offered their comments, we heard from only one young narcotic dependent or dangerous drug abuser who had not first started his or her habit or abuse by experimenting with marihuana.

It is now unmistakably clear that the United States will not be able to conquer the rising danger from drugs without a deep commitment from the public and a firm, direct approach from elected officials.

We must root out this threat to society, to the family and to the individual. We must redouble our efforts to shut off the supply and growth of marihuana in this country. This is the only way we can eliminate this serious problem.

ANNOUNCEMENT AS TO VOTE

(Mr. DANIELSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, on Tuesday, Septtmber 5, 1972 I was unable to return to Washington, because of business in my district, and therefore I missed roll No. 350 and roll No. 351.

On roll No. 350, a record vote on the conference report to accompany H.R. 13089, I would have voted "yea", if I had been present. This measure will provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation.

If I had been present and voting, on roll No. 351, I would have voted "yea". This was the vote on the conference report on H.R. 12350, to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964.

OMNIBUS PENAL REFORM ACT OF 1972

(Mr. DELLUMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DELLUMS. Mr. Speaker, last spring I introduced the Omnibus Penal Reform Act of 1972. The bill consisted of original legislation built around what I felt was the most progressive proposals for penal reform introduced in Congress. I sent copies of the bill to nearly 100 Federal prisoners as well as to criminal lawyers and experts in penology and requested that they all review the proposal and make suggestions for improvement.

The response to this mailing was incredible; many Federal prisoners said it was the first piece of legislation which realistically confronted the problems of penology in the United States today. At the same time, the prisoners, due to their uncanny insight into the true nature of the prison system, made many suggestions to close loopholes, improve language, and to make the bill much more effective. Experts in penology and criminal lawyers were able to be most helpful and commented on both the form and content of the bill.

Consequently, the act has been thoroughly revised by the legislative staff. It now represents, I believe, the most workable, progressive, and comprehensive piece of penal reform legislation to be introduced in the House of Representatives.

Many penologists and prison authorities say prisons have changed—that prisons are for rehabilitation, not for punishment. Despite these claims, rebellions at Attica, San Quentin, Soledad, and virtually every other major penitentiary have aptly demonstrated they are wrong. Prisoners across the land continue revolting against brutalizing and inhumane conditions. The sad truth is that in many instances prisons are no different today than at the turn of the century. For example, the Federal Government operates one of its largest institutions at Atlanta. It was built in 1910, and is just as oppressive today as then. Certainly, it is not an atmosphere in which rehabilitation could take place.

We must realize that no person is made more fit to function as a member of society through systematic corporal punishment. And despite claims to the contrary, such punishment exists in prisons today. I have seen the scars. We must also realize that prisoners are entitled to every human and moral right as members of free society. Confinement in a penitentiary is certainly punishment enough and is in itself a most extreme act of retribution by society. Any prisoner will tell you that the sexual and psychological tortures one goes through in prison leave their mark stamped indelibly on the individual's pysche.

Prisons—the backbone of the criminal justice system—reek of injustice and inhumanity. They also have a very definite class characteristic—there are very few white collar criminals in penitentiaries. White collar criminals responsible for millions—if not billions—of dollars worth of crime annually are not in prison. Prisons are full of people who have committed $10 or $15 robberies; prisons are full of people who told me that in order for them to survive in what they see as a most oppressive economic atmosphere they went outside the law to provide food and shelter for their families. For them, prisons are the final defense in the maintenance of a social order that insures the affluence of certain segments of society at the expense of others.

And exploitation does not stop when one reaches prison—it increases. Prisoners are paid minimal wages—they perform virtually slave labor for the Government, which receives a handsome profit in the process. The U.S. Penitentiary at Atlanta—the oldest and most experienced are here—has the highest average sentence per prisoner in the Federal system. It is here where the Federal prison industry produces a major share of its products. We are told that there is extensive rehabilitation in the process—rehabilitation that somehow takes place on outdated machinery that has little or nothing in common with machinery in outside industries. We should ask why such an extensive "rehabilitation" program should be in an institution where the average prisoner is serving a 20 or 30 year or life sentence, instead at institutions where prisoners are serving 2 or 3 year sentences and could benefit from training programs. The situation at Atlanta cannot help but make one wonder if prison authorities are more concerned with making a profit from the exploitation of captive and free labor than with the rehabilitation of the prisoner population.

It is my sincere hope that Congress will see fit to pass this legislation. The uprisings and tragedies we have experienced in our Nation's prisons clearly demonstrates the need for a massive overhaul of the system. If we are truly concerned with penal reform, we must treat the causes, and not the symptoms of the problem.

I would like to extend my most sincere thanks to those people who made valuable contributions to the development of the act: staff members Lee Halterman, Ron Allen, David Long, and Chris Ramer; Frank Callahan and George Mische of the National Coordinating Committee for Justice Under Law; Irby Sprouse and Willie Harris of USP Atlanta; attorneys Fay Stender and Patti Roberts; and to all the others whose efforts made this bill a reality.

At this time I would like to submit to the record a summary of the revised Omnibus Penal Reform Act of 1972.

SUMMARY

The "Omnibus Penal Reform Act of 1972" is divided into eight titles. Five sections expand and solidify prisoners' rights, two titles are concerned with reorganization of the United States Board of Parole, and one title restores voting rights of felons once they have successfully completed their sentence. If passed into law, each title would independently represent a major progressive change in penological practices. However, despite this independent nature, each title highly complements the other sections of the measure.

TITLE I MINIMUM STANDARDS

Establishes the National Prison Standards Administration, as an independent agency in the Executive branch. The Administration would promulgate and enforce rules to insure minimum standards in prisons, including:

No discrimination on grounds of race, sex, language, religion, national or social origin, wealth, or political beliefs.

Establishment of living quarters taking into account prisoners age, sexual preference and criminal record; adequate and private sanitary facilities and minimum standards with respect to cubic content of air, floor space heating and ventilation in living quarters.

Adequate medical, psychiatric and dental care; pre-natal care for women.

Minimum standards for food preparation and service.

Restrictions on corporal punishment and solitary confinement.

Written regulations of appropriate prison behavior which will be provided to every prisoner upon admission.

Restriction on prison authorities from inspecting incoming mail except for the purpose of detecting contraband. Mail to government officials, courts, or attorneys to be serviced only by employees of the United States Postal Service.

Allowance of at least three visits a week, and that visitors need not be on an approved list.

Unimpeded availability of newspapers, periodicals, radio and television; media not to be restricted for ideological reasons.

Protection of prisoner property.

Comprehensive vocational training, rehabilitative and work release programs.

Restrictions on nature of prison work and establishment of maximum work hours.

Title I also provides up to a five year/$5000 sentence for prison authorities who deprive or attempt to deprive a prisoner of rights granted under this title. Such a provision provides prisoners with a minimum assurance that their rights will be protected.

TITLE II MINIMUM WAGES

Provides for minimum wages equal to the highest minimum wage rate in effect under Section 6 of the Fair Labor Standards Act of 1938 for all Federal prisoners working in prison industry. Also gives prisoners the right to form unions for the purpose of collective bargaining regarding their employment.

TITLE III FAMILY VISITATION

Provides at least 12 days of furlough a year for prisoners with satisfactory conduct records.

TITLE IV COMMITMENT AND TRANSFER

Instructs the Attorney General to designate as initial place of confinement the institution nearest the person's place of residence suitable for inmates of the prisoner's classification, and stipulates that no transfer shall be made to another place of confinement solely for punitive reasons unrelated to a clear and present danger to the physical safety of the transferred prisoner, other prisoners, or of prison officials and employees.

TITLE V FEDERAL PRISONERS IN STATE INSTITUTIONS

Provides protection under federal prison regulations for all federal prisoners quartered in state or local institutions.

TITLE VI REENFRANCHISEMENT

Reenfranchises felons to vote in Federal elections after they have successfully completed their term of sentence, probation or parole.

TITLE VII PAROLE

Restructures the Parole Board into a national board and five regional boards. This decentralization of parole powers will bring the prisoner closer to the individuals who make parole decisions. Also provides that the boards proportionately reflect the racial and ethnic composition of the prison population.

Gives the prisoner the right to examine all documents that were used in the parole determination hearing. This enables the prisoner to more readily ascertain why parole was denied or why certain restrictions were placed on the parole.

Sets up provisions for goodtime allowances for parole. The longer a parolee maintains good conduct, the shorter the term of parole.

Entitles the parolee to an attorney at revocation hearings and the opportunity to confront and cross-examine witnesses, as well as stipulating that there be a full and complete hearing record.

TITLE VIII STATE PLANS

Provides federal assistance to the states for improvement of state parole programs and to develop and operate community oriented for the supervision of and assistance to parolees.

THE ECONOMY AT MIDYEAR

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 15 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the Joint Economic Committee recently issued its report on the 1972 mid-year review of the economy.

It is the opinion of the minority members of that committee that the new economic policy, instituted just over a year ago, has succeeded in stimulating economic growth and in reducing inflation.

Because we believe that this performance speaks for itself, we confine our views to a brief discussion of the general economic situation and some of the principal economic indicators. I include the minority views in the RECORD at this point:

THE 1972 MIDYEAR REVIEW OF THE ECONOMY REPORT OF THE JOINT ECONOMIC COMMITTEE—CONGRESS OF THE UNITED STATES, AUGUST 28, 1972

MINORITY VIEWS ON THE 1972 MIDYEAR REVIEW OF THE ECONOMY

I. Introduction

In our views on the Committee Report on Price and Wage Control published approximately 3 months ago, we asked certain questions regarding the success of the New Economic Policy in stimulating employment and economic growth and reducing inflation. In our opinion, the answers to those questions are becoming increasingly obvious. We now have available economic data for almost a full year period under the NEP. Because the strength of our economic performance in the last 6 to 9 months is so clear, in these views we wish to let this performance speak for itself, discussing the general economic situation and some of our principal economic indicators briefly, and forgoing all too common election year rhetoric regarding the economy.

II. Employment and unemployment

From second quarter 1971 to second quarter 1972, total civilian employment increased by 2.4 million persons, one of the largest four-quarter rises in employment on record. In the last 2 months, this exceptional growth in total employment has been reflected in the overall unemployment rate, which has dropped substantially, from 5.9 percent in May 1971, where it had held for several months, to a level of 5.5 percent in June and July. The 3 percent rate of rise in employment from second quarter 1971 to second quarter 1972 is higher than the largest increases recorded in the 1960's and may be compared to the increase at an annual rate of 0.1 percent recorded in the four quarters preceding the adoption of the New Economic Policy last August.

We believe that continued expansion should enable us to reduce the overall unemployment rate further by the end of this year, to the neighborhood of 5 percent, inasmuch as the factors which caused a stable unemployment rate over the last year in the face of extraordinary growth in employment are expected to abate somewhat. Specifically, further large reductions in the Armed Forces are not now contemplated. Also, growth in the total labor force may be expected to return to a more normal level, since many of those persons who are drawn back into the labor force as economic conditions improve have already reentered the job market.

III. Inflation

In the last 6 months we have seen a substantial drop in the rate of increase in consumer prices. For the month of June 1972 the rise in the Consumer Price Index (CPI) was 0.1 percent, seasonally adjusted. The annual rate of change for second quarter 1972 was 2.2 percent, down substantially from the 3.6 percent annual rate of increase in the first quarter of the year. The progress made under the Economic Stabilization Program in combating inflation is apparent upon a comparison of the price increase record in the 10 months since August 1971 with the 8-month period prior to inauguration of the New Economic Policy. In the first 8 months of 1971, the CPI rose at a seasonally adjusted annual rate of 3.8 percent, compared with an increase at an annual rate of 2.7 percent since last August. The rate of change on an annual basis in the price of food dropped from 5 percent in the pre-August period to 3.3 percent from August 1971 through June 1972.

The Wholesale Price Index has also showed a smaller rate of increase in the post-August 1971 period. In the first 8 months of 1971, the annual rate of increase in the WPI, as seasonally adjusted, was 5.2 percent, compared to an annual rate of increase of 4 percent from September 1971 through July 1972. The annual rate of increase in prices of industrial commodities dropped from 4.7 percent in the earlier period, to 2.8 percent in the past 11 months. On the other hand, in the 8 months prior to the start of the Economic Stabilization Program, from January through August 1971, prices of farm products, processed foods, and feed rose at an annual rate of 6.5 percent, seasonally adjusted, compared with an annual rate of increase of 7.2 percent in the 11-month period from September 1971 through July 1972.

During July 1972 industrial commodities rose in price by only 0.2 percent. However, prices of farm products and processed foods and feed rose 1.8 percent. In the 6-month period which ended in July 1972, the all commodities WPI rose at a seasonally adjusted annual rate of 5.2 percent, with the rise in the last 3 months of the period almost double that in the first 3 months. This acceleration was attributable entirely to sizable increases in prices of food products in May and June and, especially, July. However, with 30 percent more heavy cattle on hand today compared with a year ago, increased supplies of meat in the months ahead are expected to be reflected in an easing of prices.[1]

IV. Real wages and productivity

The sharp growth in employment and progress against inflation have been accompanied by very encouraging gains in real wages and productivity. From 1965 to 1970, the spendable weekly wages of the average production worker rose substantially. However, his real wages declined, the dollar increases being entirely consumed by inflation. Since the beginning of 1971, this trend has been reversed, with real wages rising over the last 18 months. From June 1971 to June 1972, the real spendable weekly wages of the average production worker rose by 4 percent, as compared to an average annual increase of only 1.3 percent between 1960 and 1968.

As for productivity, recent large increases in output per man-hour have greatly improved prospects of returning to price-cost stability in the U.S. economy. Over the past three quarters, productivity increases in the private nonfarm economy have averaged about 5 percent at an annual rate—double the long term average rate of about 2½ percent from 1950 to 1970.

Because of the more rapid gains in productivity, unit labor cost—the cost of the amount of labor needed to produce a given amount of goods or services—has increased over the past three quarters in the private nonfarm economy at an average annual rate of only 1½ percent even though compensation per man-hour climbed at a rate of 6½ percent.

For the second quarter alone, the results were even more dramatic. The combination of smaller increases in wages, due to the administration's wage-price guidelines, and a large gain in productivity brought a slight decline in unit labor costs—the first since 1965. This stabilization of unit labor cost in the second quarter was accompanied by a significant reduction in the rate of inflation. The implicit price deflator for the private nonfarm economy, a broad measure of prices, increased at an annual rate of only 1.8 percent in the second quarter.

In the late 1960's, the combination of small productivity increases and large wage increases brought substantial increases in unit labor cost. As a result, prices rose sharply. Productivity started advancing at a faster pace with the economic recovery of 1971; the 3.7 percent increase that year was the largest in 7 years.

Part of the gain in 1971 was due to cost-cutting efforts by business firms following slower sales growth in 1970, and part was due to the general expansion of the economy that enabled business to operate at a higher and more efficient level of production. Thus, productivity gains usually are above average during expansionary periods. In the long run, however, productivity depends primarily on machines and other productive facilities, the education, motivation, skill, and experience of the labor force, and technological progress through research and development.

In the immediate future, continued above average gains in productivity can be expected as the economy continues to expand at a rapid pace. Moreover, new plant and equipment will be coming on stream at a faster rate. This should reinforce the cyclical increases in productivity.

V. 1972 economic performance

So far this year the economy has shown great strength. In second quarter 1972, the Department of Commerce has estimated that Gross National Product rose at an annual rate of 9.4 percent in real terms, while prices, as measured by the implicit price deflator for GNP, rose at an annual rate of 1.8 percent. These figures may be compared with first quarter 1972, in which real output increased at an annual rate of 6.5 percent, and prices rose by 5.1 percent. The increase in real output in the second quarter was the largest since 1965. Similarly, prices, as measured by the GNP implicit price deflator, rose at a rate in the second quarter that was the lowest in over 6 years (excluding the period of the price-wage freeze).

From the third quarter of 1971 through the second quarter of 1972, real output has increased at an annual rate of 7.5 percent; this compares to an increase in real GNP of only 2.2 percent in the full year between third quarter 1970 and 1971. The annual rate of increase in real output in the first half of 1972 at 7.8 percent makes it very likely that the $100 billion target increase in Gross National Product during 1972 will be met.

The relative strength of the current recovery is apparent from the table below.

Real GNP, six quarters after trough [1]

Recoveries following recessions of:	*Percent*
1954	7.2
1958	5.5
1961	8.9
1970	8.1
Average	(7.4)

[1] Percentage increase from previous cyclical peak.

Examination of some of our principal economic indicators shows, in our opinion, and in the opinion of the economic forecasting community generally, that the strong economic growth experienced in the last three quarters will continue.

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[1] Senators Miller and Pearson state: "It seems only fair to point out that only 16 cents per consumer dollar is being spent for food—compared to 20 cents 12 years ago."

Leading Indicators

In the last 6 months, the index of leading economic indicators has risen from 133.1 to 142.5, an increase of more than 7 percent, or 14 percent on an annual basis. The rise in the index in the last year, from July 1971 through June 1972, from 125.5 to 142.5, translates to an annual rate of gain of 13.5 percent. This record gives no hint that the present expansion may be ending or past its peak.

Manufacturing Activity

Manufacturing activity in the first 6 months of this year evidenced an expanding economy. In second quarter 1972 manufacturers' total new orders for goods were 14.5 percent above the level of second quarter 1971 and 3.3 percent above first quarter 1972. In the important durable goods category, new orders in the second quarter of this year were a very strong 19.6 percent above the same quarter in 1971 and 5.2 percent above first quarter 1972. Nondurable goods, although not this strong, were still good. Total second quarter 1972 nondurable new orders were 8.8 percent above second quarter 1971 and 1.2 percent above first quarter 1972.

Manufacturers' shipments were also up strongly. Second quarter 1972 total manufacturers' shipments were 10.2 percent above second quarter 1971 and 2.8 percent above first quarter 1972. The durable goods component of total shipments was even stronger, with second quarter 1972 total shipments running at a level 11.6 percent above second quarter 1971 and 3.8 percent above first quarter 1972.

Very encouragingly, manufacturing inventories are beginning to show strength. The June rise in manufacturers' inventories of $697 million was the largest gain in more than 2 years. This 0.7 percent gain in a single month followed a May rise in inventories of 0.4 percent. These fairly substantial back-to-back monthly increases followed a period of approximately a year and a half in which inventories were relatively stable. A rise in inventories has been long awaited as an indicator of business confidence that a sustained general economic expansion is underway. We believe that the May and June inventory performances reveal that business is exhibiting such confidence.

Industrial Production

Industrial production, at the end of the first half of 1972, had risen for 8 months in a row. In June 1972, the index of total industrial production stood at 113.3, as compared to an index of 105.6 in August 1971, when President Nixon inaugurated the new economic policy. The change from August 1971 through June 1972 was equal to 8.7 percent at an annual rate. From the end of 1971 through June 1972, industrial production has increased at an annual rate of 9.6 percent.

Housing

Private housing starts played a strong role in the vigorous economic performance so far this year. From January through June, housing starts averaged almost 2.4 million on an annual basis. The strength of this figure is apparent upon a comparison with the projected housing starts for 1972, 2.2 million, made by the Council of Economic Advisers at the beginning of the year. The performance to date is more than 8 percent above that projection, and 9.3 percent above the annual rate of housing starts in the last 6 months of 1971. Additionally, housing activity in the first half of this year ran at an annual rate 23.6 percent above the rate of housing starts in the first half of 1971. Although the May and June, 1972 starts, at annual rates of 2,331,000 and 2,298,000, respectively, are somewhat below the average for full half year, they are both substantially above the CEA projection for the full year. We expect demand for new housing to remain at a high level through the rest of 1972, with satisfaction of this demand aided by readily available mortgage money.

Construction Awards and Expenditures

In the first 6 months of 1972, construction contracts showed good strength, the level in the value of construction contracts rising to 15 percent above that in the first half of 1971. This 15-percent increase represents an average monthly gain of nearly $1 billion over the 1971 period. During the month of June, residential building contracts rose 26 percent above the year earlier level, to $4.38 billion from $3.46 billion in June 1971.

New construction expenditures have also been strong. Total new construction expenditures during June, at a seasonally adjusted annual rate of $123.3 billion, were up 0.7 percent from May's $122.4 billion. The June level was 13.6 percent above June 1971's $108.5 billion adjusted annual rate and 6.7 percent above December's 1971 $115.6 billion.

Retail Sales

Consumer confidence is also up. Although retail sales have remained somewhat changeable from month to month, the underlying trend in the last several periods has been encouraging. Total retail sales in the second quarter of 1972 ran at a level 3.2 percent above total sales in first quarter 1972, and 9.1 percent above sales in second quarter 1971. In the important durable goods category, total second quarter 1972 retail sales were 3.6 percent above total first quarter 1972 sales and a strong 13.0 percent above second quarter 1971 sales. The nondurable goods performance, although not as strong, was still good. Total second quarter sales were 2.7 percent above first quarter 1972 sales and 7.0 percent above second quarter 1971 sales.

During July, according to Department of Commerce preliminary figures, total retail sales rose to $37.36 billion from June's $36.67 billion, a rise of 2 percent in 1 month. Total July sales were 11 percent above those of July 1971.

Consumer Installment Credit

In the 10 full months since the inauguration of the New Economic Policy for which data is available, consumer installment credit outstanding, which is a sensitive barometer of public confidence in the economy, has shown exceptional strength. From September 1971 through June 1972, the average monthly increase in total consumer installment credit outstanding has been $1.09 billion. June 1972's increase of $1.33 billion was the fourth gain in a row of more than $1 billion and the third highest monthly increase ever recorded, falling behind only May 1972's record $1.44 billion rise and March's $1.36 billion increase.

The outstanding strength in this area is apparent upon comparing the more than $1 billion average monthly increase from September 1971 through June 1972 with the performance in the first 8 months of 1971. From January through August 1971, total consumer installment credit outstanding, as seasonally adjusted, rose monthly only an average $494 million, or less than half of the September 1971–June 1972 average. Given the exceptional performance from March through June of this year, when the average monthly increase in total installment credit outstanding was in excess of $1.3 billion, we believe that consumer confidence and the purchasing activity which that confidence stimulates will fuel further our already very strong economic expansion.

VI. Conclusion

The real test of economic policy is not whether we can create instant, perhaps short-lived, wealth for a few Americans, but rather whether we can create sustainable, long-term levels of prosperity and full employment. The test cannot be met by following the path of instant prosperity, but rather by setting long-range goals and constantly striving to attain them. We believe that the trends now underway show promise of fully meeting that test, and of ushering in a new era of responsible decisionmaking in economic policy.

THE OLYMPIC TRADGEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 5 minutes.

Mr. ROBISON of New York. Mr. Speaker, to paraphrase, it is the best of times and the worst of times; it is the season of light and the season of darkness. During the first 10 days of the XX Olympiad we had everything before us—young people of all races and nations living the lofty ideal of brotherhood during one of those rare periods when human beings put away their worst instincts and, for a short time, live as the great philosophers say they should. And, then, we had nothing before us in the wake of another terrible atrocity, another media event, which starkly reminded us that there is no hallowed ground in our time.

This morning's news that the XX Olympiad will continue is a consoling note for me, a fit memorial to the 11 Olympians who are now dead. The games may now be more a ritual of mourning than a joyful coming together; yet this is a more appropriate tribute to the slain Israelis than the silence of empty playing fields. If the people of the world cannot isolate 16 days in every fourth year for a time of peaceful competition, they can, at least, resolve that murderous anarchy will not blunt the redeeming spirit which seeks that peace.

Mr. Speaker, we found a new sadness yesterday. It was, perhaps, more painful than the many others that have come during these last several years, because we are now sure that it will come again. For me, and for a billion other witnesses throughout the world, yesterday was the "worst of times" in an age which tries so desperately to be the "best of times." But it is necessary to continue to try, and it is that decision that gives us a new sense of purpose, and of hope.

TRIBUTE TO THE LATE FRANK MEYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. GERALD R. FORD) is recognized for 5 minutes.

Mr. GERALD R. FORD. Mr. Speaker, every member of this House knows how important it is to have a capable and loyal office manager. On Friday, August 25, death took Frank Meyer, who had been my administrative assistant for 17½ years. Frank was the finest of administrative assistants, and—more than that—he was a splendid human being.

I was not alone in my high regard for Frank Meyer. Everyone who knew him, including the President of the United States, looked upon him as an outstanding individual. A message from the President to Frank's family was read at the funeral service, and it spoke for everyone who had come into contact with Frank and knew of his tremendous attributes.

Frank's great ability and his deep integrity were known to the men and women at the Grand Rapids, Mich., Press, as well as to others of my constituents, and so it was appropriate that the Press should pay tribute to Frank editorially in the days after his death. With the permission of the House, I would like to insert that editorial tribute to Frank Meyer at this point in the RECORD. The editorial follows:

[From the Grand Rapids (Mich.) Press, Aug. 29, 1972]

The Man Behind the Man

Frank A. Meyer had been teaching history and government for 17 years at Grand Haven's Central Junior High School when he decided to take advantage of an opportunity to work in Rep. Gerald R. Ford's office for a year. For Frank Meyer this was the golden opportunity to check theory against practice. He found the experience fascinating and after teaching another year he returned to Washington, in 1955, to become a permanent member of Ford's staff.

When Mr. Meyer died here unexpectedly last Friday, while visiting the congressman's local office, Ford said that in his judgment he "was the finest administrative assistant on Capitol Hill."

We can believe it. Affable and efficient, scholarly but not pedantic, Frank Meyer was one of the easiest of men to meet. If it was in his power to answer a question or fill a request, he did so promptly and cheerfully. He was rarely seen or heard by the constituents of Ford's district, but we are sure that Ford would be the first to attest that it was Frank Meyer who made his office run as if it were hooked up to some atomic clock.

He was one of the hundreds of men and women who labor in anonymity to keep Congress functioning. Whenever we found ourselves tempted to refer scornfully to the thousands of federal employes in Washington as "bureaucrats," we remembered that Frank Meyer was one of them; perhaps one of the finest but not unique. He, too, represented the people in the Fifth District.

CHARLES RUPPERT SPEAKS OUT ON BEHALF OF PRIVATE EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, yesterday a friend and constituent of mine, Charles J. Ruppert, of Buffalo, N.Y., testified in behalf of the Parents' Council of Independent Schools and the Federation of Home School Associations of the Diocese of Buffalo in favor of legislation to provide a tax credit for tuition payments to private elementary and secondary schools.

He presented an excellent case for promoting freedom of choice in our system of education and for providing a measure of tax relief to the parents of children in private schools.

I have cosponsored legislation for an income-tax credit plan which would allow parents of a nonpublic school child to deduct from their final tax liability an amount equal to one-half of the tuition paid up to an overall limit of $500 per dependent. By providing assistance directly to the parents of schoolchildren and not the schools, I believe that this tax-credit concept is consistent with constitutional criteria.

Mr. Speaker, I include the text of Mr. Ruppert's statement which I feel is an important contribution to the hearing record and which deserves the attention of my colleagues in the Congress:

Oral Testimony of Charles J. Ruppert at a Public Hearing Before the House Committee on Ways and Means

Mr. Chairman, Honorable ladies and gentlemen:

I am Charles J. Ruppert and I am speaking on behalf of the Parents' Council of Independent Schools and the Federation of Home School Associations of the Diocese of Buffalo. These organizations represent over 100,000 parents of approximately 70,000 children in the non-public schools in the Western New York area. I am Secretary and past-President of the Parents' Council of Independent Schools and father of eight children, all of whom have been or are presently being educated in the Buffalo Catholic School System.

I would like to speak briefly on the necessity of maintaining freedom of choice in education, secondly, the economic problems afflicting parents who exercise this choice by sending their children to non-public schools and, thirdly, the urgent need for financial relief for parents via some form of tax credit.

While our Constitution and courts have guaranteed us this freedom of choice, it is more and more becoming an economic impossibility to exercise this choice. The need to preserve this freedom of choice is highlighted by the fact that in many underprivileged areas, parents choose to send their children to nonpublic schools. As an example, in a recently consolidated Inner City parochial school in the City of Buffalo, approximately 80% of the 800 students are non-Catholic and their parents are paying $60 per year to exercise this freedom of choice. The non-public schools provide a diversity which our educational system would otherwise lack. They not only provide knowledge but also a system of values which inform the moral and ethical choices one must make throughout his life.

The more one appreciates the quality of education provided by the typical non-public school, the more urgent their preservation becomes. In the Diocese of Buffalo, for example, standard tests demonstrate that children in Catholic elementary schools exceed the national average by an ever-increasing margin as they progress from kindergarten through grade eight. This phenomenon occurs despite the fact that the distribution of IQ's among the student population is normal.

Inasmuch as a pluralistic society has been part and parcel of this country since its very inception, it is absolutely necessary that a realistic freedom of choice in education be maintained. It appears that Russia and the United States are the only two countries that discriminate against non-public schools.

The economic problems afflicting parents who exercise this freedom of choice of education by sending their children to non-public schools continue to mount. These parents make many sacrifices to support the two school systems. For the average working man and the underprivileged this freedom of choice is fast disappearing. The inflationary pressures afflicting non-public schools with a resultant increase in the cost of tuition is fast making the exercise of this precious freedom an economic impossibility for more and more parents. Mothers are going to work, fathers are working two jobs, and discrimination is occurring within families where some children are sent to non-public schools and others must attend the public schools because of a shortage in family funds.

Present unemployment rates of 11% in Niagara County and 9½% in Erie County serve to compound these economic problems.

All Americans are enjoying the benefits produced by both school systems but the fact that some Americans are penalized by exercising this freedom of choice offends the American spirit of fair play. For example, it costs the Catholic community in New York State approximately $172 million a year to operate the parochial schools. In New York State alone, it would cost taxpayers over $400 million to absorb the students in these schools.

In the span of five years, it has been necessary to increase tuition in our diocesan high schools from $150 to $400, further increases in tuition are inevitable. More and more, the average family can no longer afford to send their children to non-public schools. The average per pupil cost in the Buffalo Diocese is $216 in the elementary schools and $550 in the secondary schools. This is well below the average per pupil expenditure of $1,400 in New York State's public schools. Obviously, a tax credit of only a few hundred dollars would help restore balance to our plural educational system.

It is therefore our recommendation that some form of tax credit be given directly to the parents. It is my understanding that over fifty tax credit bills have been submitted to this Committee and it is our hope and prayer that you will see fit to recommend one that most suits our immediate needs.

It is also our recommendation that tax credit for tuition be extended only to the parents whose children attend schools meeting State and Federal educational standards and conforming to the Civil Rights Act of 1964. All the non-public schools represented by our organizations have been approved by the New York State Education Department. It is not our intention, now or in the future, to expect government to support the entire cost of tuition for non-public schools. However, we must keep in mind that time is of the essence and too little or too late could be chaotic.

In closing, I wish to thank this Committee for your interest and concern and I trust you will submit a tax credit bill that will enable us to maintain our freedom of choice in education.

Mr. Speaker, as Mr. Ruppert indicates, we may be facing a demise of most non-public school education in the United States within not too many years if current trends continue or accelerate. Many public school systems are currently in the throes of a financial crisis stemming principally from the fact that local and State revenues have not kept pace with spiraling costs. However, to the extent that financial difficulties have affected most school systems in recent years, they have affected private schools—which have no tax base—even more.

More than 5.2 million boys and girls are currently attending elementary and secondary schools which are not a part of the public school system, and it has been estimated that if most or all private schools were to close or turn public, the added burden on public funds by the end of the 1970's would exceed $4 billion per year in operations, with an estimated $5 billion more needed for facilities. As Mr. Ruppert points out, in our State of New York alone, it costs the Catholic community in New York State approximately $172 million a year to operate the parochial schools, but it would cost over $400 million to absorb these students into the public schools.

As an advocate of strengthening our commitment to public education, I also believe that Congress must protect and encourage the private option. The private option should not be available only to the wealthy. That is not the American way.

And America is richer for the diversity of those groups which prefer a distinctive schooling.

The private and parochial elementary and secondary schools of America make an essential contribution to pluralism in our society and provide an alternate and vital choice in our system of education. Private schools of various kinds are able to draw upon financial resources not available to public institutions—and which would not otherwise be available to education. They provide diversity, choice, and healthy competition to traditionally public education and serve the public purpose by providing the means for a substantial group of Americans to express themselves socially, ethnically, culturally, and religiously through education institutions. Our private and parochial schools and colleges add a dimension of spiritual value to education which is invaluable to the moral fiber of the Nation itself; and in my view, it would be a tragedy of the first magnitude if tax-supported State schools were to drive private institutions out of existence.

Without question, respect for the doctrine of church-state separation and restraints placed on private school aid by court decisions in interpreting provisions of the Constitution have greatly limited available options. However, the first amendment to the Constitution, which enjoins the separation of church and state, also specifies that nobody shall be prevented from exercising his right to freedom of religion. Forcing a parent to take his child out of private school, because he cannot afford to support two separate school systems is an obvious infringement of the right to religious protection under the first amendment itself. I feel it is essential that we maintain the integrity of the doctrine of church and state and that the State should be neutral in its dealings with religion, but nonetheless the doctrine of separation does not require that the State be hostile to religion. The tax credit approach appears to be constitutionally permissible, and I hope that the Ways and Means Committee soon reports out a measure that will meet the challenge of rescuing our hard-pressed private schools.

OLYMPIC TRAGEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKinney) is recognized for 5 minutes.

Mr. McKINNEY. Mr. Speaker, like most Americans, I have been an avid spectator the past week, enamored with a young little Russian named Korbut and proud of a tall lanky American named Wottle. For me, there was not only a national pride but a universal pride in all men, in all nations.

The events of September 5 remind us again that nothing is sacred within the sphere of world politics, not even on the Mount Olympus which we keep reserved for our best athletes. If we reflect on the events of the week leading up to this tragic event we can single out instances when politics overrode fairness, ideology overrode judgment. Unfortunately, it is the young who suffer—the greatest resource of any nation.

The XX Olympics were too beautiful. The feeling of brotherly love and pure competition was too real to believe. For once, we were given a chance to share intimately the triumph of victory and the agony of defeat. And once again, we must bear the burden of a few fanatics who have taken something beautiful away from us.

As German Chancellor Willy Brandt proclaimed yesterday, it is hard to consider the possibility that we should continue "to play games" in the aftermath of this tragedy; but, at the same time, should we stop such an event to satisfy the perpetrators of this infamous deed?

Although I have no real power in this matter, I feel that the games should continue because they symbolize the only hope we have, our young people; the young people who embody the dedication which is needed to overcome the injustice of this world. And finally, the Olympics bring to every man, be he American or Kenyan, Russian, or Hungarian, the pride in self and country which ultimately is the key to all hopes for the world peace.

ACTS OF INSANITY AT OLYMPICS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Fish) is recognized for 5 minutes.

Mr. FISH. Mr. Speaker, the shock and outrage I feel today at the enormity of the act perpetrated in Munich by the lunatic Black Septemberist Palestine group is impossible for me to express. It is difficult for me to remember when I have felt more outrage, or more helplessness in my outrage.

Man can cope with sanity as it tends to follow logical patterns which we can all understand. But acts of insanity such as the massacre of the Israeli athletes, outside of the realm of human reason as they are, tend to develop not understanding, but helpless shock.

Mr. Speaker, like so many of my colleagues, my sympathy goes out not only to the people of Israel who suffered this tragic loss—a loss made doubly shocking in a nation so small and so close knit—but also to the German people. For this, the XX Olympiad was to Germany a symbolic welcome back into the international brotherhood of nations—the first Olympic games held in that country since 1936. It was planned, and until this tragic occurrence, was developing into a meeting of joy and splendor. Therefore, in this tragic hour, my heart goes out also to the people of Germany.

But today I also sorrow for the world. The rising tempo of these sporadic acts of bloody terror is only too apparent to us all. The terror of plane hijacking, the massacre at the Lod airport, the bloodshed in Northern Ireland, all indicate a rapid rise in anarchist madness sweeping our earth. Yesterday, it was the Israeli athletes who were the victims of this madness.

Tomorrow it could be some other group, some other people. It could be Americans or Russians or French or German.

Therefore, Mr. Speaker, I call upon the leaders of this Nation to join with the leaders of all other nations both through direct efforts by our Government and through the United Nations, to develop an international program to root out this bloody sickness.

These terrorist bands do not spring from nowhere. They must receive arms. They do receive support. They do have havens of sanctuary. We must cut off this support; we must end these sanctuaries.

Therefore, I urge that every sanction short of war be taken against any nation which harbors or refuses to cooperate in this needed international effort to end the activity of these international bands of madmen. For after witnessing the development of guerrilla tactics on a national scale for two full decades, we today are spectators of the horror of international guerrilla warfare.

Air piracy can be ended. Terrorist activities on the international scene can be ended. But such an end can only be brought about through international cooperation and effort.

Mr. Speaker, let us in this Nation, as a memorial to those tragically dead Israel athletes, dedicate ourselves to this task. Let us act firmly and swiftly as we would to prevent a rabies epidemic. For just as mad dogs cannot be permitted to run loose in the streets, these international mad dogs cannot be allowed to roam our world.

DEPRAVITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. Wyman) is recognized for 5 minutes.

Mr. WYMAN. Mr. Speaker, words are inadequate in the aftermath of the outrage at Munich. The brutal abduction and slaughter of innocent Olympic participants by Arab terrorists was an act whose savagery has stunned the minds of civilized men the world over. Such barbarity cannot be tolerated. Nothing can excuse the senseless taking of innocent lives. Justice for the three surviving terrorists should be swift, firm, and final.

To the families of the victims, both Mrs. Wyman and myself extend our prayers and our deepest, most heartfelt sympathy in their tragic loss.

Every positive step must be taken to apply all possible sanctions against any nation granting sanctuary or asylum to such murderers. In this it is good that President Nixon has directed Secretary of State Rogers to immediately initiate action to obtain international agreement on the application of such sanctions.

BICENTENNIAL CHAIRMAN'S COMPANY GETS PRICE BREAK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, Norton Simon Inc., whose chief executive officer David Mahoney is the Chairman of the American Revolution Bicentennial Commission received a rare price exception soon after the wife of a top Price Commission official submitted a proposal to the American Revolution Bicentennial Commission.

It is impossible to determine whether ARBC Chairman David Mahoney's company received this price break because of his connection as ARBC Chairman. But there is strong evidence that something stinks here.

It is clear that employees of Norton Simon Inc. attempted to use Mr. Mahoney's position as ARBC Chairman to influence the Price Commission's determination of Norton Simon's request for a price increase in excess of the Price Commission's guidelines.

Mr. Speaker, I believe an investigation by both the Justice Department and by the current Congress is warranted. As many of my colleagues know the House Judiciary Committee is planning a series of hearings on the whole controversy surrounding the American Revolution Bicentennial Commission. I am sure that the committee will also wish to consider documents and information I am publicly releasing today.

Mr. Speaker, I am placing in today's RECORD documents which reveal that on April 4, 1972, Norton Simon Inc. applied for a price exception to the Price Commission in Washington for one of its subsidiaries, the United Can Co. As I am sure my colleagues know price exceptions for large corporations like United Can are considered rare.

On May 17, Mrs. Joyce Leanse, wife of Jay Leanse, the head of the Price Commission's Office of Price Exceptions, submitted a proposal for involving the aging in the bicentennial activities by having them make souvenirs. Mrs. Leanse, who is a consultant to the National Council on Aging, sent her proposal to the ARBC through Robert Glickman, one of Norton Simon's top executives. Mrs. Leanse wrote that her proposal would have excellent PR potential."

At this point Mr. Glickman forwarded Mrs. Leanse's proposal to Mahoney's secretary with the following note:

> Joyce Leanse is the wife of Jay Leanse, head of the Price Commission's Office of Price Exceptions and someone with whom Don Surdoval has been in contact.

Mr. Surdoval is the comptroller of Norton Simon Co. who apparently was in charge of getting the price exception for the company.

Mr. Mahoney's secretary, Mrs. Irene Mack, then sent the proposal to Harry C. Allendorfer, Jr., the Director of the Bicentennial Commission Executive Secretariat, with the following note:

> Please treat this with TLC (tender loving care). Norton Simon needs the Price Commission's good will.

On June 2, 15 days after Mrs. Leanse had originally sent her proposal to Glickman, Norton Simon's request for a price exception was approved and the company on July 28 received an approval for a 2.9-percent price increase in the price of cans.

I have learned Mrs. Leanse's proposal is presently being seriously considered by the Bicentennial Commission.

Apparently some of Norton Simon's executives believe that Mr. Mahoney's position as ARBC Chairman can and should be used for the profit of their own company. If the bicentennial celebration is to be a truly nonpartisan affair the administration says it wants, then it cannot become a tool for bestowing favors upon individual corporations.

The material follows:

[Decision and order of the Price Commission, Washington, D.C.]

REQUEST FOR EXCEPTION

Name of petitioner Norton Simon, Inc.
Re United Can Co.
Date of filing April 4, 1972.
Case No. EP 1382.

1. On the basis of examination by the Price Commission of the facts submitted by the above company in connection with its Request for Exception; and

2. On the basis of the determination by the Price Commission that (a) The company has historically adjusted prices at different times to reflect material (metal) cost increases and non-metal cost increases; (b) The price increases approved by the Commission January 21, 1972, reflect only the increased cost of materials (tinplate); and (c) The facts and circumstances demonstrate that the Economic Stabilization Program would inflict a serious hardship by not allowing the company to request recovery of non-metal cost increases incurred prior to the date of the last price increase, but after March 15, 1971:

It is hereby *Ordered*, That the Request for Exception to 6CFR 300-12 defining "allowable costs" be approved, thereby allowing the petitioner to request on Form PC-1 a price increase which reflects non-metal cost increases incurred after March 15, 1971.

BERT LEWIS,
Executive Director.

Date. June 02, 1972.

MAY 23, 1972.

Mrs. JOYCE LEANSE,
Consultant on Senior Centers, The National Council on the Aging, Inc., Washington, D.C.

DEAR JOYCE: I was pleased to receive your letter this morning.

The idea sounds intriguing and I've sent it directly to Dave Mahoney's office where I know the matter will receive prompt attention.

We had a nice visit with the Eshman's and presume you did too. Let's not give up on trying to get together. Best to Jay.

Cordially,

ROBERT GLICKMAN.

IRENE: As I mentioned to you, Joyce Leanse is the wife of Jay Leanse who is head of the Price Commission's office of Price Exceptions and someone with whom Don Surdoval has been in contact.

BICENTENNIAL COMMISSION,
Washington, D.C.

Capt. HARRY C. ALLENDORFER, Jr.,
American Revolution Bicentennial Commission, Washington, D.C.

Capt., please treat this with TLC. Norton Simon Inc. needs the Price Commission's good-will.

Thanks,

IRENE.

THE NATIONAL COUNCIL ON
THE AGING, INC.,
Washington, D.C., May 17, 1972.

Mr. ROBERT GLICKMAN,
Norton Simon Inc.
New York, N.Y.

DEAR BOB: Noting an article in today's paper which identified David J. Mahoney as chairman of the American Revolution Bicentennial Commission, I am taking the liberty of sending you a first draft of a prospectus the Subcommittee on Aging of the Interagency Craft Committee (representatives from government and private agencies interested in crafts, recognized by President Nixon) presented to the larger group just yesterday incorporating an idea related to the Bicentennial (see page 6).

Responding to a suggestion that the Bicentennial Commission is concerned about an adequate supply of souvenirs made in America, and also being aware of the focus of the Bicentennial on American handcrafts, but in addition recognizing that American Craftsmen tend to be reluctant to produce souvenir items, the National Council on Aging is recommending that Senior Center members and other older persons participating in craft programs throughout the United States could very well be the "manufacturers" of a sizable portion of the quantity of souvenirs necessary to meet the needs of the Bicentennial celebration.

The involvement of older persons in preparation for the Bicentennial seems an appropriate association—one that might have excellent P.R. potential. National Council on the Aging provides a logical vehicle for the implementation of this involvement because of our extensive constituency among Senior Centers and other agencies providing services for older people.

I would appreciate your comments and/or action with regard to presenting the document to Mr. Mahoney for his consideration.

My best to Sue. Hopefully, we will get together soon.

Sincerely

(Mrs.) JOYCE LEANSE,
Consultant on Senior Centers.

MEMORANDUM

To Members of the Interagency Craft Committee.
From Joyce Leanse, Chairman, Subcommittee on Aging.
Date: May 16, 1972.

The Subcommittee on Aging of the Interagency Craft Committee met on two occasions to consider the merit of and direction for a proposal to incorporate the talents of older people in craft programs, as well as to extend and improve the quality of these programs and the products thereof.

There was general agreement regarding the value and importance of a coordinated effort which would focus on older persons and their contribution to handcrafts as well as upgrade present programs.

The Subcommittee agreed for the Chairman to develop a prospectus to be submitted to the Interagency Craft Committee. We respectfully solicit your further comments, ideas, and recommendations for action—especially with regard to the resources available from your respective agencies.

INTRODUCTION

One of the major issues facing the nation today is the problem and the potential of its older people. Currently there are 20 million aged individuals; that is to say, every tenth American is 65 or older. The recently held White House Conference on Aging identified income as one of the most pressing needs of older persons in America—one quarter of the elderly do live in poverty and their numbers are increasing. Poverty of the pocketbook, however, is not the only deprivation suffered by this group. Their loss of work role or child-rearing role leaves them with a purposelessness and meaninglessness that robs them of a sense of dignity and self-worth. Older people also suffer from loneliness as their circle of family and friends is diminished by the passing of time. Limited mobility and lessened physical stamina coupled with the lack of economic resources exacerbates the negative consequences of the aging process creating an almost self-fulfilling prophecy of society's attitude toward its older population—they are a problem. But older persons also represent a potential for America. They provide a vast reservoir of talent, skill, and knowledge that has yet to be fully appreciated, let alone tapped.

The National Council on the Aging believes that the development and extension of the American Handcrafts Industry can both uncover the potential of the elderly in our nation and assist in meeting some of their problems to the mutual advantage of the industry and older persons.

OLDER PEOPLE AND HANDCRAFTS—A NATURAL RELATIONSHIP

There is a natural association between older persons and handcrafts. Having been raised prior to the extensive use of production-line products and also during a time when the ability to produce handmade items was a component of everyone's education passed from parent to child, older people represent a valuable resource for a variety of crafts techniques and information. Those who were foreign born bring a rich heritage in handwork adding to our traditional skills. Many older people are exceptionally competent in such crafts as knitting, weaving, crocheting, metalwork, and woodwork, and there are few elderly men without background in some manual trade and few older women without manual skills developed through "housewifery" if not actual trade. Their interest in maintaining these handskills is demonstrated by the extensiveness of craft programs in Senior Centers and other programs for older persons. However, though ubiguitous, these craft programs need further development to better meet both the economic and psychologic needs of older people.

SENIOR CRAFT PROGRAMS TODAY

At the present time craft programs for older people tend to be recreational and diversionary and only incidentally related to economic development. Few groups recognize the paucity of their programs—even for recreational purposes. Too often the focus of the activity is on busywork with the same simple articles being made over and over again. There seems to be little consideration of the psychological gain to the participants when the program is rich and varied. The existence of this situation reflects the limitations of program directors, not older people. When high standards of workmanship and design are encouraged, not only are they met, but much greater satisfaction is achieved by the participants. Most of the instruction readily available to older people, however, is deficient in both inspiration and technique. Yet the country abounds with qualified craftsmen, including older people themselves, capable of meeting these needs—A link must be established.

ECONOMIC DEVELOPMENT OF CRAFT PROGRAMS

The economic gain to be realized from senior craft production has been slow to materialize. To be sure most senior craft programs are in facilities with a counter available for display and sales purposes, some even have boutiques or special outlets for sales, and they all conduct or participate in seasonal bazaars or fairs to which the public is invited to purchase the handmade items. But the real business of selling has been sadly neglected.

Among the major problems of all craft programs, in Senior Centers and otherwise, is the lack of managerial and entrepreneurial skills. Yet, there are older people today, retired from business and professions, extremely knowledgeable and talented in these areas. To develop links between these able persons and the craft programs which need them not only helps to meet the deficiencies of the programs, but puts to use business experience gained over a lifetime.

THE CRAFT INDUSTRY AND THE ELDERLY

William R. Seymour, Farmers Cooperative Service, USDA, in summarizing the importance of the craft industry notes:

(a) The availability of under-utilized physical and human resources in rural areas

(b) Craft production is readily adaptable to differing local circumstances and economic settings

(c) New and expanding markets for crafts

(d) Added income is realized by the individual craftsmen and their communities, and

(e) The desirability of preserving our heritage as expressed through crafts and rural arts.

Each of these points underscores the need for further involvement of older persons in craft programs. In rural and urban areas as well, the elderly represent a vastly underutilized human resource. In addition, the Senior Centers where they gather have the potential to become craft production centers for the economic benefit of the individual producers and the communities in which they live. The adaptability of craft production permits the development of a cottage industry for the home-bound or more isolated individuals as well as assembly-type efforts for the less creative persons. As older persons contribute to the growing market for crafts they swell the constituency rosters for the private and government agencies which serve the industry and add to the ranks of those who advocate for supportive legislation. And finally, it would seem appropriate for the elderly to be a part of the preservation of a heritage to which they have contributed so much and to which they have much yet to give.

A NATIONAL CRAFT PROGRAM FOR OLDER PEOPLE

There are mutual benefits to be realized from an association between older persons and the crafts. For the craft industry to realize the full potential of the vast reservoir of talent, skills, and knowledge of older persons relevant to craft production and entrepreneurial development and for the elderly to gain the full psychological, social, and economic benefits of viable, well-managed craft programs, a comprehensive coordinated national program must be effected.

The National Council on Aging, a private non-profit voluntary agency providing training, technical assistance and consultation to organizations concerned with the field of aging is interested in working with a consortium of government and private agencies which can contribute to such a national program.

NCOA, through its National Institute of Senior Centers and the professional staff of its field offices in each of the federal regions, is in contact with over 2,000 Senior Centers throughout the country as well as numerous OEO Senior Opportunity and Service Programs, Model City Agencies, and Tribal Councils. Utilizing this extensive network of agencies in the field of aging, NCOA is presently working with the Office of Economic Opportunity, the Department of Housing and Urban Development and the Department of Labor to focus their programs so they will have a greater impact on the needs and concerns of older people.

A similar approach with crafts would help to assure older people and the handcraft industry that mutually beneficial programs would be developed. At the present, training programs are conducted for craftsmen, but they are not as widely available as is needed. These could be further developed and made more generally available utilizing resources of the Department of Education and the Department of Agriculture's Farmers Cooperative Service and Extension Services.

A national coordinating effort could provide also the necessary linkages which would enable individual programs to avail themselves of the skilled craftsmen in their areas unknown to them, retired persons with relevant business knowledge and training (SCORE has indicated interest in further developing this component of the program), as well as potential marketing outlets, contacts, etc. A "talent bank" within each Senior Center and other older person programs could be developed, and if funds were available, could be coordinated at a regional or national level facilitating the use of such information.

Among the problems frequently mentioned when extensive marketing of crafts is considered are those of quality, quantity, and production time. Regional or national coordination could assist in meeting these problems in a variety of ways. Designs could be developed and then the products produced in multiple sites including the homes of individuals, Homes for the Aged, Community Mental Health Facilities, Senior Centers, etc. To facilitate quality control, kits could be distributed with the pre-designed, pre-cut materials. (The packaging of these kits could be a further economic development component of the craft program.) The availability of many programs producing a similar item would contribute to making and meeting quantity and production time obligations.

Such an approach would not appeal to all craft producers—certainly not the true craftsmen. But, as noted previously, not all older persons are talented craftsmen, though most have manual skills, and there are sufficient numbers of these older people presently making handmade items simply as busywork, whose efforts could be redirected to give them increased satisfaction as well as some monetary reward.

An example of how this program might be applied responds to the expressed need of the Bicentennial Committee for American-made souvenirs. It has been suggested that American craftsmen do not like to create souvenirs, yet, it would seem inappropriate for the souvenirs sold for the Bicentennial to be other than American made. Many Senior Citizens, however, would be thrilled to participate in the preparation for the Bicentennial. It even seems appropriate for them to have such a role. Not only do they themselves represent a part of our country's heritage, but this heritage is cherished by them. The project could be coordinated by National Council on the Aging with the Bicentennial Commission and other appropriate agencies including those which would have the necessary funding resources.

NCOA recommends that a pilot project be developed in one of the federal regions to test a coordinated effort to improve and extend craft programs for older persons and to make available and better utilize the talents of older people in these programs.

STATEMENT RE MURDER OF 11 MEMBERS OF ISRAELI OLYMPIC TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 5 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, today the world we live in seems to be a cruel and savage place where the most intelligent inhabitants periodically revert to horrible barbarism.

On a day when countries were to join together in friendly international competition in sports, the nations of the world can only unite in paralyzing grief over the brutal murder of 11 members of the Israeli Olympic team. This callous and bloody attack on the Israeli athletes will come to be viewed as an attack on civilization itself. It will, in all probability, beget violent retaliation in other parts of the world. It validates the maxim that among men, nothing is sacred, and leaves a residue of desperate sorrow.

All too often are we subjected to the ferocity of madmen and fanatics. The world recoils in shock and anger. A degree of tranquility returns only to be shattered by the gunfire of the next assassin, terrorist, or madman.

I would like to take this opportunity to extend my deepest sympathy to the families of the dead Israeli Olympians. I am sure that my remarks reflect the somber attitude of my constituency in Pennsylvania.

MUNICH TRAGEDY AND THE NEW YEAR

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. COTTER) is recognized for 5 minutes.

Mr. **COTTER**. Mr. Speaker, on Friday, the New Year, 5733, begins a year of special significance for the Jewish people and the Jewish Nation. This year the proud Nation of Israel will celebrate its 25th anniversary.

This New Year, however, begins in sadness. The horror of the Olympics, in which 11 Israelies were senselessly murdered has deeply etched the conflict of the Middle East in the conscience of the world. If there is any solace to be had from this tragic event, it is that the world now more fully understands how the Nation of Israel is daily fighting for its existence.

The people of Israel have surmounted formidable obstacles in developing this proud nation. It is a testament to the viability of Israel that people from all over the world overcame tremendous, even inhuman, obstacles in immigrating to Israel. All official governmental restraints designed to impede immigration to Israel should be resolved.

The burdens placed on the families of the slain Israeli athletes cry out for vengeance and retribution, yet I am hopeful when the deep and justifiable passions of the moment subside that this tragedy of Munich will impel both the Israelies and the Arab people to work for a lasting peace.

I know that I express the hopes of my colleagues that this New Year which begins in sadness will bring in the peace and tranquility that both the people of Israel and the people of the Middle East desire and need.

I fervently hope and pray that the year 5377 will be a year of peace for the entire world.

I heartily endorse the resolution before us today, condemning such horrible acts and urging that all nations refuse to grant sanctuary to these international terrorists.

THE TRAGEDY AT MUNICH

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. MURPHY) is recognized for 5 minutes.

Mr. **MURPHY** of Illinois. Mr. Speaker, the senseless slaughter of members of the Israeli Olympic team is an appalling example of man's inhumanity to man. Men who dedicated years of their lives to athletic excellence lost ther lives to fanatics driven by a cause that is incomprehensible to rational men.

The killings were flagrant violations of the spirit of Olympic brotherhood so evident in Munich during the weeks of competition. Thousands of athletes from around the world competed without regard to race, religion, or national origin. They met in good faith with malice toward none expecting to remember the days in Munich as the highlight of their young lives. They now will leave Germany deeply saddened and undoubtedly hardened by the events of these last few days.

The Israelis were used as bargaining chips in an effort by Arab terrorists to regain Arab prisoners. Until men recognize that all human life is precious—Arab and Israeli, South Vietnamese and North Vietnamese, Indian and Pakistani—inhumane acts such as the Munich tragedy will continue.

THE CONTINUING FAILURE BY THE AGRICULTURE DEPARTMENT TO PROPERLY FUND THE ADMINISTRATIVE REQUIREMENTS OF THE FARMERS HOME ADMINISTRATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE), is recognized for 15 minutes.

Mr. **BURKE** of Massachusetts. Mr. Speaker, I am resorting to the unusual step of calling the attention of the Members of this House to a serious situation which has been plaguing the Massachusetts delegation in the Congress for sometime and that is the continuing failure by the Agriculture Department to properly fund the administrative requirements of the Farmers Home Administration, not only in Massachusetts but, indeed, throughout New England.

The timing of my presentation today is no accident. It follows by 1 or 2 working days the arrogant display of callous disregard for the economic well-being of New England by the same Secretary of Agriculture in steamrolling through Congress a hastily drafted, poorly conceived bill whose main objective was to suspend the operation of export controls on hides. The New England delegation voted practically as a man against this bill and against giving veto power to a Secretary of Agriculture who has again and again in his handling of the food price controversy and the hide situation displayed that his primary loyalty is to any section of the country but New England.

This man who seems to be in Washington for the sole purpose of carrying the brief for powerful cattle interests rather than administering his Department for the benefit of all the country including the consumers who are being gouged with skyrocketing food prices, the factory workers of New England who must earn their living working in the once proud shoe and leather industry, the families who must buy shoes for their children especially at this time of the year as school begins again. These people have a right to expect that a Government department as powerful and as heavily staffed as the Agriculture Department will protect their interests as well as the interests of the powerful farm and cattle lobby.

Because of the complete unwillingness of the Secretary of Agriculture to understand the problems which plague an urbanized, highly populated area such as New England and not run his Department solely for the interest of other sections of the country, I am afraid as a New England Congressman I am left with little alternative to focus my attention increasingly—daily if necessary—on the countless ways in which the Department of Agriculture discriminates against the economic interest of the citizens of my region.

Fellow colleagues, a few years ago, a man whose campaign for the Presidency did not seem to get very far made headline news in a memorable way when it was pointed out to him that his policies seemed to ignore the economic interests and political attitudes of New England. His angry comeback was that the country as a whole would be much better off if someone sawed New England off and floated it out to sea.

Mr. Speaker, that man never went on to become President and not surprisingly, carried not one New England State. However, I am afraid that subsequent victorious candidates seem to be adopting his fabled retort as their own policy. I can think of no better example of this policy of ignoring the interests of the New England section of this Nation than the policies pursued increasingly by the Department of Agriculture.

For several years now, as I indicated, the New England delegation has been in continuing contact with the Department of Agriculture over the need to increase the administrative appropriations for the Farmers Home Administration. This is the agency which is entrusted with administering the principal program of aid to low- and moderate-income urban and rural residents who wish to live in rural areas. Believe it or not, there are rural areas in New England, even in an industrial State like Massachusetts. As a matter of fact, 208 towns of the Commonwealth's 351 communities are eligible beyond question for farmers home loan services.

Mr. Speaker, there are over 1.7 million families and unrelated individuals in our commonwealth with an adjusted annual income of $9,500 or less who are potentially eligible to seek assistance under the Farmer Home program as this program has been developed and expanded by succeeding Congresses since 1949. I am not saying that all of these cases would qualify after applications were reviewed but what I am saying is that a paltry three county offices for the whole Commonwealth of Massachusetts and four loan officers serving a total State population of over 5 million is clearly inadequate to handle the workload in Massachusetts.

For some months now, the backlog in applications in the three county offices in Massachusetts have been running at a rate of 550 applications. If a family applies today for a housing loan in one of these county offices, it must wait over 7 months for processing. In the usual situation, families have become resigned to waiting 1 to 2 years for a loan with only the assurance that they are a "basically eligible borrower." The plight of these families becomes even more poignant when it is remembered with the Farmers Housing Administration is their only hope for home loan or home repair since the regulations stipulate they must be unable to obtain credit elsewhere.

Many of the towns in Massachusetts should be eligible for assistance from the Farmers Home Administration for the vital program of sewerage facilities, yet none of the 209 potentially eligible towns in Massachusetts are likely to receive this assistance since water and sewage grants and loans require a lengthy application and planning procedure. As a matter of fact, the situation is not much better in the other New England States. One office in Monteplier, Vt., is expected to service administratively an entire five-State area with smaller funds than any other State office. Yet, no other State office in America is asked to administer farmers home programs in as many as five States.

Mr. Speaker, I find it repugnant that five New England States receive barebone, totally inadequate administrative funding for this program. The only possible explanation that five New England States find themselves ranking 42d, 44th, 48th, 49th and 50th in the Nation in amount of administrative funding received is that it is no accident but seems to be the result of a deliberate policy decision. The $90,000 received by Connecticut, $82,000 received by Massachusetts, and the $44,000 received by Rhode Island in 1971 for administrative purposes suggests this is no way to run a program like the farmers home program.

Mr. Speaker, there seems to be an all-too-clear corollary between the amount of administrative funding received and the amounts of loans that were made. It is just the way it works out—if a State does not have funds to administer the program the loans are just not made.

The comparison with other States is, indeed, discouraging. The northeast section of the country including Maine and such heavily populated states as New York, New Jersey, and Pennsylvania received only 7.16 percent of the administrative funds under this program in 1971, while the north central section received 27.50 percent and the south received a lopsided 51.03 percent. In sharp contrast to Massachusetts, North Carolina, a highly rural state with a smaller total population than Massachusetts received more administrative funds in 1971 than all states but two.

These funds supported 153 loan officials who made loans to 6,872 families totaling $92,320,000. The situation is even more incredible when one realizes that the agency, in both North Carolina and Massachusetts, makes its housing loans to families with an average adjusted income of approximately $6,000. In Massachusetts, census data indicate that there are 376,288 families and unrelated individuals who earn about this amount while in North Carolina, there are only 208,349 such families and unrelated individuals. While one never expects things to be equal or perfect in Government, I certainly think that this situation is so unequal as to be intolerable to a Congressman from Massachusetts.

There is no question that the problem here stems from the Department of Agriculture's outdated conception of its principal function as the spokesman and guardian for States with a high percentage of rural population. Thus, in the process, the Department has managed to ignore the fact that the intent and purpose of the Farmers Home Loan Administration has been changed since its inception so as to specifically include families in urban areas desiring to leave especially crowded inner cities and relocate in rural areas. This is no longer a program only for farmers. It is one thing to read the statutes; but to look at the way in which the Agriculture Department is administering this program, it is clearly a program run for and by farmers.

Mr. Speaker, I am tired of seeing Massachusetts ranked in the top 10 States in the Nation in terms of contributions to Federal revenue but at the bottom of the list in terms of return from the Federal Government under Federal programs. Nowhere is this more noticeable than in programs administered by the Department of Agriculture. The taxpayers of Massachusetts from my congressional district are sick and tired of footing a disproportionate share of the bill for farm subsidy programs and programs like the one I have been discussing today. And yet, when we try to be included under these programs, we find ourselves deliberately excluded from the proceeds.

Mr. Speaker, no one will ever convince me that the Agriculture Department expects Massachusetts to participate fully in this program when it gives us four loan officers to cover the whole State. I do not expect Massachusetts or New Hampshire or Connecticut or Rhode Island to be at the top of any rurally oriented program. But I do expect them to be given a fair chance to participate when the citizens of these States clearly qualify under the terms of the enabling legislation for a Federal program. Fair is fair and I am tired of seeing New England get the short end of the stick.

No one can accuse us of being quick to criticize in this particular situation. For years, we have been negotiating, discussing, writing with the Agriculture Department in an attempt to seek administrative relief and some recognition that we exist and have constituents who qualify under these programs. But to date, we have been ignored. As a matter of fact, the Secretary of Agriculture has yet to respond to presentations made in July about the inequities of this program.

Mr. Speaker, unless and until Massachusetts and the rest of New England have a delivery system capable of making the Farmers Home Loan program available to the residents of their area, the impression will continue to be fostered by the powers that be in the Agriculture Department that New England really is not interested in this program. It is a vicious circle when low funding is justified on the grounds that very few loans are made in New England.

Very few loans will be made in New England until increased funding is available. I just hope that today I might break some of this continuing vicious, narrow, circular logic which feeds on itself in presenting these facts to you. It is time that the Secretary of Agriculture woke up to the needs of his national constituency and stopped slavishly guarding the special interests he seems to think he was appointed to represent in Washington.

WHAT'S RIGHT WITH AMERICA? HERE'S ONE ANSWER

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, a seemingly popular criticism of our society today is that we have produced a culture of dissident youth who are degenerates and drug orientated. This degradation must cease and a realization made that a majority of junior citizens should not be categorized for the actions of a radical minority.

This subject was recently called to my attention in reviewing the actions of 16 members of the Youth Fellowship of the Elton United Methodist Church of Elton, Pa., an area of my congressional district of Pennsylvania which I am proud to represent. These young adults traveled to a small community, Phillippi, in West Virginia, to offer material and spiritual assistance to peers and elders afflicted with the scourge of poverty and destitution.

The counselors for this group were Scott and Karen Lehman, both college students. Neither desired any recognition for their achievements. Scott described his desire to remain anonymous by saying—

> Why can't we just go down and do what we set out for, to help these people because we want to, without a big hallaboloo?

I will not offer any rhetorical appraisal of the efforts of these students, but I will allow their mother's description of them to serve as a description of many young people in this country:

> No violence, no sit-ins, just hard work and a love for their fellow man and a desire to help make life a little easier for someone less fortunate.

The following article from the Johnstown Tribune Democrat of Johnstown, Pa., offers a more detailed description of the efforts of these young people in my District and I believe my colleagues will find it of interest.

ELTON YOUTHS WILL ASSIST AT MISSION

The Youth Fellowship of the Elton United Methodist Church leaves for a special kind of vacation on Sunday: They are going to Phillippi, W. Va., to stay at the Heart and Hand Mission House for a week. While there, they will do some construction work, distribute clothing and help wherever they are needed.

The young people, ranging in age from 12 to 18, have been planning the project for two years. They have sold Christmas candy and submarine sandwiches and have held other events to raise money for the trip.

"Imagine kids working like slaves just to go down and do more work," said the Rev. John Sass, their pastor.

TAKING CLOTHING

Besides willing hands for working, the group will take clothing for distribution at the mission house. The young people will reside in the mission's church and do their own cooking.

The group will travel in a rented bus driven by Mrs. Alice Oldham of Elton. Mrs. Oldham has been a licensed bus driver for four years. Mrs. Eleanor Kinsey of Walters Avenue, director of the Youth Fellowship, will accompany the group as will Miss Karen Lehman of Elton, an adviser.

MONAGAN AMENDMENT AIDS DRUG FIGHT

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, after more than a year of controversy and legal battles, the alleged Paraguayan drug trafficker Auguste Ricord has been extradited to the United States, and is now awaiting trial in New York. This extradition marks an important victory in the U.S. war against narcotics. It is a victory in which the Congress, through section 481 of the foreign aid program, played a major role.

Section 481, which I offered in committee, calls for a halt in aid to any nation which fails to cooperate in combating international drug traffic. In April of 1972, I wrote to Secretary of State William Rogers to express my concern over the delays in the Ricord case. Mr. David M. Abshire, Assistant Secretary of State for Congressional Relations, informed me at that time that the text of section 481 had been "communicated" to the Paraguayan Government.

After further delay in Paraguay, this "communication" was strengthened through the visit to that country of Mr. Nelson Gross, the State Department's senior adviser for international narcotics control. As Mr. Gross later confided, he unequivocally advised Paraguayan officials that some $11 million of U.S. aid would be terminated under section 481 if Ricord were not extradited. Shortly afterward, the extradition decision was delivered. Section 481 clearly provided the crucial leverage in this case which had stymied the United States for over a year. It is to be hoped that the Ricord trial will unearth additional links in the international network which brings illegal heroin to the United States.

The Ricord case will, of course, not dry up the supply of drugs now available to pushers. Experience has shown that as one source is severed, a new connection quickly fills the vacuum. And as the recent report by the Cabinet Committee on International Narcotics Control concluded—

> The development of multilateral drug control efforts has been slow largely because of widely varying national attitudes toward the drug problem.

These differences can be, and are, skillfully exploited by the illicit international trader.

What the Ricord case does show is that section 481 provides a diplomatic tool which works. It is a tool which alone will not halt drug traffic, but which will play an important role in dealing with the drug menace. The Ricord extradition is a small, but important first step. It has put drug traffickers on notice that they may no longer be able to hide behind the indifference of their government.

PRESERVATION OF PUBLIC LANDS IN AMERICA

(Mr. ROUSH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROUSH. Mr. Speaker, throughout the United States, a rising chorus of public opinion is being heard to save and restore the natural features of America's public lands. Few if any outdoor uses equal the proportionate increase of the demand for wilderness experiences. My own State of Indiana, while lacking large areas typically found in the West, began to preserve intact the finest small vestiges of nature found on State lands when the general assembly enacted a measure drafted by the Indiana Izaak Walton League to create an Indiana system of nature preserves. Similar in principle to wilderness preservation, about 30 areas within the State's lands have by now been dedicated as nature preserves, since enactment of the law in 1967. The Izaak Walton League and other conservationists in Indiana are now encouraging the managers of our one national forest, the Hoosier, to identify, and begin restoration toward wilderness preservation, a suitable portion of these Federal lands. The U.S. Forest Service has this executive authority, and virtually all of America's conservation organizations are urging the Forest Service to use it as the most immediate step toward enlarging the national wilderness preservation system—particularly in the heavily populated Eastern States.

There are, of course, a number of areas in the Eastern States within the national forest system which now qualify for preservation under the Wilderness Act of 1964, a law it was my privilege to support when this great national policy was originally enacted. Mr. Speaker, it is mystifying to me that while the Wilderness Act has been law for some 8 years now, the Forest Service has suggested few areas of public lands under its jurisdiction in the Eastern States for wilderness preservation. It should be noted that many lands in these States managed by agencies of the Department of the Interior have become designated wilderness areas, and many others are now pending. The Bureau of Sport Fisheries and Wildlife now has 12 areas totaling 43,000 acres of designated wilderness in the East; eight additional areas totaling 380,000 acres are pending before Congress, and six more areas totaling 58,000 acres are under wilderness study. The National Park Service has recommended two areas encompassing 194,000 acres for wilderness designation, and seven more areas totaling nearly 3 million acres are under wilderness study in eastern national parks.

But we have seen no such action within our national forests of the Eastern States. In my opinion, there is no justification for this lack of action. The 1964 Wilderness Act has all of the instrumentalities needed for application to Eastern as well as Western States, and it would serve little purpose to balkanize America into arbitrary eastern and western regions with a different preservation or restoration policy in each, as proposed by some. If additional legislation parallel to but separate from the 1964 Wilderness Act is needed, it should not be framed to fragment the process whereby the Congress creates a national wilderness preservation system.

For these among a number of reasons, I was most pleased when a bill to create 11 wilderness areas in the Eastern States was introduced in the other body by the chairman of the Interior Committee. I was pleased also that the Senator from Indiana, VANCE HARTKE, was among the cosponsors, and that the measure, S. 3792, enjoyed bipartisan support through cosponsorship of Senator BUCKLEY.

In that same spirit, my colleague, ELWOOD HILLIS and I introduced a companion bill to that offered by Senator JACKSON. Our bill would create 11 areas of wilderness within the national forest system. I particularly emphasize that these are Federal lands owned by all of the people of the United States, including the 4.5 million citizens of Indiana. Led by the Indiana Izaak Walton League, I am well aware that many thousands of Indiana residents are deeply concerned that we are rapidly losing the wilderness qualities that still remain in the Nation, and especially the heavily populated eastern region. These qualities are being lost for at least two reasons: We have not moved as rapidly as we should in identifying and designating adequate Federal land areas under the 1964 act; and the rapidly growing demand has produced considerable wear on the inadequate system that has thus far been created. Indeed, there are only 2 years left for the administration to complete the national study of potential wilderness areas specified in the Wilderness Act we passed 8 years ago. I feel it is unfortunate that the administrations under both of our most recent Presidents have not produced recommendations at a suitable pace to fulfill what we had in mind in 1964.

It is also our hope that with this bill as a stimulus, additional areas will be added in the Interior Committee and that the Forest Service will be encouraged to set aside other areas by executive authority that can be added to the national wilderness preservation system at the earliest possible future date.

It has been said by a few that eastern U.S. forest lands do not qualify for wilderness designation because, first, most of them are less than the 5,000 acres suggested in the 1964 act; and second, most of them are too disturbed to meet the quality test of this act.

It is my interpretation of the act, supported by the overwhelming preponderance of the Nation's citizens' conservation organization including the Indiana Izaak Walton League, that neither of these arguments are valid in considering the 11 areas we propose for designation. The smallest, 6,000 acres, more than meets the size test; but even if it were less than 5,000, the Wilderness Act provides an alternative criterion that a proposed area merely be "of sufficient size as to make practicable its preservation and use in an unimpaired condition." Within that context, sites of just a few acres have already been designated as wilderness in the Eastern States. As for the question of disturbance prior to designation, the 1964 act is adequately flexible in its language that a proposed area "generally appears to have been affected primarily by the forces of nature." The Congress has already given meaning to this provision in creating wilderness areas that have been partially disturbed, and even a few that include permanent incompatible structures. That is not to say we have approved of such disturbance in the past, and certainly not in the future; but it is an acknowledgment that we are no longer dealing in perfect choices. There is in fact hardly an area of America anywhere that does not bear some imprint of our civilization. But we must preserve what we can, restore by careful stewardship some of the best that has already been disturbed, and act with the sense of urgency and priority we intended when we enacted the wilderness law of 1964.

WHY DID MIKE BALL HAVE TO DIE?

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, on June 14, 1972, Thomas Michael Ball was crushed to death by a roof fall at Franklin No. 25 mine of the Hanna Coal Co. at New Athens, Ohio.

Why did Mike Ball have to die?

The official fatality report of the Bureau of Mines states that he "never received a formal course of instruction designed to train him in the performance of his duties as a shot-firer and timberman," adding as a cause of the fatality that "the victim with only 12 days underground mining experience being permitted to work alone while installing temporary roof support in face areas." The report also scored "the general laxness on the part of management, its supervisors, and employees to follow sound proven roof support and roof testing practices" and also "management's failure to enforce the company's approved roof control plan and other policies designed to eliminate substandard conditions and practices which result in roof-fall accidents."

ANOTHER CONSOLIDATION COAL CO. FATALITY

The Hanna Coal Co. is a division of Consolidation Coal Co., owned by Continental Oil. Here is a mine employing 423 men, of whom 391 worked underground, with a daily average production of 6,700 tons of coal. This is no fly-by-night concern, but should be a modern, careful, and responsible mining operation where reasonable care is exercised in an occupation which is known to be the most hazardous in the Nation. The Bureau of Mines fatality report states:

> An examination of the operator's accident record book revealed that 13 accidents attributed to falls of roof, rib, or face have occurred at this mine in 1972.

The report went on to state:

> In the April and May reports, unsafe acts, inadequate maintenance of working places, hazardous methods or procedures, and unsafe positions of workmen were listed as the causes of accidents during these two months. During the first 6 months of this year, 12 fatalities have occurred in 11 mines wholly owned or operated by the Consolidation Coal Company.

Mike Ball was only 22 years of age when he died. Right after he graduated from Cadiz High School in his hometown of Cadiz, Ohio, in 1968, he joined the Navy and put in 14 months of meritorious service in the Vietnam combat area.

LIFE OF ONE HUMAN IS PRECIOUS

People are shocked by the headlines of disasters like Farmington, Hyden, Buffalo Creek, and Blacksville. But the world little notes nor long remembers the death of one human being. Yet the passing of Mike Ball symbolizes everything that is terribly wrong with the coal industry, the Bureau of Mines, which should be enforcing the Mine Safety Act, and the present leadership of the United Mine Workers of America, whose officials seem more concerned with clinging to their office and their ill-gotten funds instead of a day-to-day insistence that the law must be enforced.

I have personally called to the attention of John Corcoran, the president of Consolidation Coal Co., the parent company controlling the Hanna Coal Co., the shocking facts concerning Mike Ball's death. Mr. Corcoran's answer to the August 11 letter below—which I wrote him was marked "Personal and Confidential" so I am not at liberty to release its contents. I can only conclude that little will be done beyond rhetoric. Why must this brutal negligence continue?

NO ANSWER FROM DEPARTMENT OF THE INTERIOR

Four weeks ago, I asked the Secretary of the Interior—see below August 10 letter—to invoke sections 109 (b) and (c) of the Federal Coal Mine Health and Safety Act of 1969 and prosecute the Hanna Coal Co. for its deliberate failure to protect its employees and for violations of the 1969 law. The Secretary of the Interior has not seen fit to acknowledge or respond to my August 10 letter. I sent a copy of that letter to the U.S. Attorney General, who responded in typical bureaucratic fashion that the case was still in the Department of the Interior.

Who is protecting the coal miners of this Nation?

MAKING THINGS EASIER FOR COAL OPERATORS

Who is insuring that more Mike Balls will not continue to be killed?

On August 29, 1972, the Department of the Interior issued a special press release which stated that henceforth assessments for violations of the Mine Safety Act would be imposed in the field. What was the official reason? Here it is in the unvarnished language of the Department of the Interior. "This would insure that assessment officers are more accessible to coal mine operators who wish to protest proposed assessments."

POLITICIZING THE BUREAU OF MINES

In 1969, the Congress gave the Nixon administration the power to protect coal miners and enforce mine safety. We gave them the power to impose fines up to $10,000 for safety violations. Then the White House put a Republican fundraiser and politician named Edward D. Failor in charge of collecting these assessments. Failor had never been near a coal mine. He had spent his political life raising campaign contributions from oilmen, industrialists, and bankers who control the coal mining companies. They paid Failor a salary of $36,000—as much as the Director of the Bureau of Mines. And he did his work well for the special interests, reducing assessments by $2.7 million by the end of 1971, according to the General Accounting Office. The Pittston Coal Co., owner of the mine which caused the Buffalo Creek disaster, had 15 of 37 assessment cases covering mine safety violations reduced by nearly $130,000. Now that the Republican campaign has started, Edward D. Failor has officially left the Bureau of Mines to join the Committee for the Reelection of the President, where he will be assessing for campaign purposes those companies whose mine safety assessments he so skillfully reduced.

PRODUCTION MORE IMPORTANT THAN PROTECTION

On July 29, a big groundbreaking ceremony was held over at Beckley, W. Va., for the new $13.5 million Federal Mine Health and Safety Academy. All the top brass of the Bureau of Mines were there plus Assistant Secretary of the Interior Hollis M. Dole. There was a frantic internal argument within the Bureau of Mines and the Department of the Interior as to whether a critic of mine safety practices like Congressman HECHLER should be even invited to listen at this ceremony. They were afraid I might ask some questions about the curriculum or be critical in public. They solved the problem by shunting me off the platform and making sure I did not speak at the ceremony where the big shots were celebrating their concept of progress in coal mine safety. To top it off, Assistant Secretary of the Interior Hollis M. Dole had the gall to tell his mine safety audience in Beckley that the No. 1 problem facing this Nation is the energy crisis and the Beckley area was really helping solve this energy crisis by maintaining a high production of coal.

PRIORITY SHOULD BE ON MINER'S SAFETY

The preamble to the Federal Coal Mine Health and Safety Act of 1969 states:

> The Congress declares that the first priority and concern of all in the coal mining industry must be the health and safety of its most precious resource—the coal miner.

I charge that this priority is being ignored by the Bureau of Mines and the coal industry. It is all very well to spend $13.5 million to build a Federal Mine Health and Safety Academy. But what academy is going to train Hollis Dole that the safety of the coal miner demands top priority? What academy is going to train the top officials of the Bureau of Mines in the strict enforcement of the mine safety law? What academy is going to train the White House to keep the fundraising politicians out of the assessment of mine safety violations? What academy is going to train the officials of the Hanna Coal Co. not to send young men like Thomas Michael Ball to die needlessly?

It does little good to pass a strict mine safety law unless those who enforce the law really believe in it. The only way to prevent tragedies like the loss of Thomas Michael Ball is through a complete change in attitude by the Bureau of Mines, the coal industry, and the present leadership of the United Mine Workers of America.

SEQUEL TO THE BECKLEY GROUNDBREAKING

A little over a month following the groundbreaking for the Federal Mine Health and Safety Academy, Assistant Secretary Dole was scheduled to return on August 31, 1972, to address the first graduating class. Included in his prepared remarks was this incredible statement:

> You must reconcile the requirements for mine safety with the need for efficient production.

I always thought the first priority should be placed on the safety of the individual coal miner. Yet, Secretary Dole's speech to the new safety graduates put a great deal of emphasis on the "energy crisis" and the need for higher production, capped by the outrageous statement that mine safety must be "reconciled" with efficient production.

Because of illness, Secretary Dole did not make it to Beckley, so his prepared speech was given by Paul Zinner, Assistant Director for Planning, U.S. Bureau of Mines.

The text of Secretary Dole's address and other documents are appended:

Remarks of Paul Zinner, Assistant Director for Planning, U.S. Bureau of Mines, Substituting for Hollis M. Dole, Assistant Secretary of Mineral Resources, Department of Interior, Before First Graduating Class of the Mine Health and Safety Academy, Beckley, W. Va., August 31, 1972

It is a pleasure to return to Beckley and join in the ceremonies which attend the graduation of the first class to enter the Mine Health and Safety Academy. Those in the audience who are veterans of the groundbreaking ceremony a month ago will remember that it truly appeared that the Good Lord didn't want the event to take place—at least not on the 29th of July. I suppose that one of the few benefits of that wild downpour was the fact that a lot of words that were intended to be said that day—including some of mine—never got out of the speakers' coat pockets. I do not remember just what I actually did say then, and I'm sure that no one else does either. But one of the things I intended to say was that the fine new buildings which will one day be the home of the Beckley Academy will serve as a specific reminder of the vitality of the political process in our open society. Dedicated men and women of both parties recognized a problem, and joined in the actions that were needed to effect a solution. I am grateful that they did so, and I am delighted to be here for this glad occasion.

The Mine Health and Safety Training Program, of which this class is an essential part, answers a deep and longfelt need, recognized and articulated by both the Federal Coal Mine Health and Safety Act and the Metal and Nonmetallic Mine Safety Act. Both directed the Secretary of the Interior to expand the function of mine health and safety education and training—an effort which the Administration of President Nixon has actively and wholeheartedly supported.

The members of this class are the product of the formal institute for the teaching of mine health and safety practices which resulted from those Acts. Over the years, thousands will follow in their footsteps to form the vital corps of inspectors and safety engineers so critical to the growth and performance of our mining industries.

It is hard to realize just how vast our mineral requirements are going to be in another 20 or 30 years. Between now and the close of this Century—and that is only 28 years away—we are going to need 22 billion tons of coal; 3½ billion tons of iron; 90 million tons of copper; 33 million tons of lead. Demand for uranium can be expected to expand by 8 times. All in all, our mineral requirements in the Year 2000 are expected to be 4 times what they are in 1972.

To meet this challenge the scale of mining operations must be expanded greatly. Vast amounts of capital will have to be raised; technology for both extraction and processing must be improved; problems of access to better deposits must be solved; the environmental and social costs of mining and mineral processing must be reduced to the practical minimum; skilled and professional manpower must be recruited and trained in numbers far exceeding those to which we are accustomed.

But by far the greatest challenge—because unless we successfully meet it nothing else will be of any consequence—is the matter of mine health and safety. I suggest that quite apart from the obvious humanitarian considerations, there are the most practical reasons why our mines—especially our coal mines—must be transformed into safe and healthful places to work. The survival of the mining industry depends on it. One of the most persistent problems the coal industry has had to contend with is a chronic shortage of workers—especially young workers—underground. The pay is good. Most coal mining is done in regions of relatively high unemployment. Yet the industry has rarely in recent years been able to satisfy its full requirements for mine labor. And the average miner is a man in his late forties or early fifties which means that the mine force is superannuated by at least 10 to 15 years.

If there is to be the expansion in mining activity that the Nation requires, tens of thousands of new young workers must be persuaded that there is a future for them in mining. And we can start by removing the threat to their lives, health, and safety that mining has historically entailed.

This is why the Training Program is of such immense importance. It represents a clean break from the empirical, improvised, on-the-job training efforts which have been the mainstay of the inspector training program. Here in Beckley, we shall have a place where a formal, integrated curriculum can be developed which will cover *all* essential aspects of the practice of mine health and safety. We shall have here the resources and the commission to develop new knowledge in these fields, to propagate and publish that knowledge; to develop a body of doctrine which will serve as the basis for the uniform practice that is so sorely lacking in our present inspection programs. Ever since it was recognized as a serious objective, mine health and safety has suffered from the piecemeal, random harvest of discrete bits of knowledge which appeared to have some utility to the program. In the vernacular of the young, Beckley represents at long last, a chance to get it all together.

I am deeply gratified to note the presence of so many younger men in this, the first graduating class. We need many, many more. Our present crops of mine inspectors reflects the problem of the aging work force I have already commented on with regard to the miners themselves. This is no criticism of the competence of our older inspectors. It is an observation that walking, crawling, and climbing throughout a mine is a job for young men, rather than for those who by long years of service have earned the right to less demanding conditions.

This first class—26 in number—is but a sample of a greatly enlarged training and education effort which will eventually encompass a student body of some 600. While the basic core of this group will be Bureau of Mines employees, a susbtantial number of spaces—up to 250—will be available for State mine safety agencies and for the mining industry itself. When the new building is completed sometime in 1975, the Academy will be able to turn out inspectors at the rate needed to supply the expanding requirements for this unique and vital capability.

To you who are about to begin your careers as mine safety inspectors I have a few words of counsel. My first observation is that the circumstances of your employment will cast you in a difficult role, not only in your relationship with mine management, but with union officials and the individual miners themselves. Yet men's lives will literally depend upon the quality of your judgment and the vigor of your enforcement actions. You can make no compromise which in any way permits a needless hazard to those whose health, lives, and safety are your responsibility. Having said this, I must add that you should not deport yourselves as adversaries of those with whom you must deal—you must avoid at all costs the pointless, futile, self-defeating game of Cops and Robbers with mine management. Your business is leadership in mine safety. You must reconcile the requirements from mine safety with the need for efficient production. It is not a question of either/or. The requirement is for both, and your capacity for leadership will be tested by it. For the law not only specifies diligent attention to mine health and safety, it demands as well that private enterprise be fostered and encouraged to develop the mineral resources of the Nation for the benefit of its people.

Your mission is therefore to help the miner, his union, and his employer to accomplish the mining operation with the least possible injury and danger. You are there not only to inspect, but to instruct, and your success in the former will be directly in proportion to your success in the latter. For in the last analysis, accidents are caused by carelessness, by error, by ignorance, and the day-to-day control of these rests with the individual worker, with the union, with management, not the inspector who enters the mine perhaps no more often than 3 or 4 times a year.

An inspection draw a picture of conditions as they are at a given moment. It can call attention to past errors and present deficiencies. It has no way of controlling the events that take place the next day, the next week, or the next month. Only those who operate the mine can do that.

My second charge to you as career inspectors is to shun the persistent illusion that has been shared by management, by union leadership, by the miners themselves, and by the general public: namely that mining is inherently a dangerous occupation, and that death and injury are a normal part of the cost of doing business. This illusion may have been valid in the past, but it is now totally at odds with reality. There is *nothing inherent* in mining operations that dictates a lifetime of peril to those engaged in them. We have the knowledge and capability *now* to make the miner's life at work as safe as it is in his home. But realizing this objective will take a reversal of this false and fatalistic notion that the problem of mine safety is beyond solution. Let the reversal begin here, in Beckley, in this Training Program, with this graduating class. Beyond this, there must be a closely coordinated, resolute set of actions on the part of all connected with the mining business: inspectors, miners, union officials, company management, State and Federal regulatory agencies, and extending to the schools where the practice and profession of mining are taught. Everyone has a piece of the action. Everyone bears some responsibility.

Mine safety is *not* an impossible dream. Together we can make it a reality.

BACKGROUND ON THOMAS MICHAEL BALL

Born in Cambridge, Ohio, March 22, 1950. His father was a Wage and Hour investigator with the U.S. Department of Labor. Mike was the youngest of four children, who are Mrs. Sue Bollman (Age 30, living in Denver, Colorado; phone 303–756–7990); Joe, 25; and Cathy, 24 (an accountant living in Cleveland.) Joe's phone number is 614–942–2228.

In 1960, the Ball family moved to Cadiz, Ohio, a proud little town which is the county seat of Harrison County. Cadiz is in the center of a strip-mined area, where the Hanna Coal Company is king. Like most strip-mined areas, the town and county both declined in population in the 1960's. The 1970 population of Cadiz is 3,060, down 6.1% from 1960. Harrison County declined—5.5% in population from 1960, there being only four counties in the state with a greater decline in that decade.

Cadiz was designated as the "proudest small town in America" in 1938 when a group in Hollywood sought out an American town with a population under 5,000 having the most illustrious roster of famous sons. Cadiz boasts of being the birthplace of Clark Gable, the home of President Lincoln's Secretary of War, Edwin M. Stanton, the abolitionist Bishop Matthew Simpson, and John A. Bingham, who served 16 years in Congress and was a post-war minister to Japan . . . The population of Cadiz is 11.4% Negro, and 15.4% over 65 (Ohio has only 9.4% over 65). Cadiz is located southwest of Steubenville, about 25 miles from the Ohio River.

Mike was quiet, well-behaved, somewhat introspective, and serious-minded. He played end on the varsity football team at Cadiz High School, where he graduated in 1968. He was interested in photography, and loved to hunt for grouse, groundhogs, and rabbits. He was about six feet tall, with a moustache and thick, black, wavy hair.

During his senior year in high school, he enlisted in the Navy, received a standard 120-day deferment to finish and graduate from high school, and went into the Navy on July 1, 1968. He was sent to Great Lakes Training School and wound up 16th in a class of 90, many of those above him having college backgrounds. His original ambition was to be a Marine "green beret", but his mother argued strongly against this. But he got his wish to be associated with the Marines when he was sent to Camp Lejeune for training in the fleet marine medical school, where he wound up 58th in a class of about 300.

In January, 1971, Mike was sent to Vietnam, where he served as a medic attached to the 3rd Marine Division. He also took parachute training in Okinawa. He returned home on emergency leave when his father suffered a stroke in March, 1972. His father died on May 26, 1972, and Mike went to work at the Franklin No. 25 mine of the Hanna Coal Company in New Athens, Ohio, about 11 miles from Cadiz.

Mike left about 6:45 every morning for the drive to New Athens. His brother Joe had been working at the preparation plant at the same mine. Mike hated the idea of working underground, but the pay was $42 a day, and he figured he could raise enough money to help his mother and perhaps save during the summer so he could quit and start college in September.

He had no training or instructions for his job as shot-firer and timberman. After seven days on the job, he was assigned to work alone without supervision.

REPORT OF FATAL COAL MINE ROOF-FALL ACCIDENT, FRANKLIN NO. 25 MINE, HANNA COAL CO., DIVISION OF CONSOLIDATION COAL CO., NEW ATHENS, HARRISON COUNTY, OHIO, JUNE 14, 1972

(By Paul J. Gregor)

INTRODUCTION

This report is based on an investigation made pursuant to the provisions of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742).

A roof-fall accident that occurred about 12:30 p.m., Wednesday, June 14, 1972, near the face of No. 52 room, 2 left section off main west, Crabapple extension, resulted in the death of Thomas M. Ball, shotfirer and timberman. Ball, Social Security No. 272–44–5348, was 22 years of age, and had 12 days of underground mining experience, all at this mine. He was single.

The Bureau of Mines was notified of the accident and death at 1:45 p.m. on June 14, 1972, by a representative of the Hanna Coal Company, Division of Consolidation Coal Company. An investigation by the Bureau of Mines was started the same day.

This report is based on information obtained by interrogating company officials and employees and from investigations at the scene of the accident which reportedly had not been disturbed.

GENERAL INFORMATION

The Franklin No. 25 mine, at New Athens, Harrison County, Ohio, is being developed in the Pittsburgh No. 8 coalbed, which averaged 60 inches in thickness in the areas being mined. A total of 423 men was employed. Of this total, 391 worked underground on 1 maintenance and 2 coal-producing shifts a day, 5 days a week. The daily production averaged 6,700 tons of coal, loaded in 1 continuous-mining and 8 conventional mining sections. The Crabapple extension of the mine is a recently developed area in another hill and interconnected to the older part of Franklin No. 25 mine by a track haulageway, and 6 of the 9 mining sections were operating in this area.

The method of mining in the Crabapple area consisted of driving 10 main entries 16 feet wide on 50-foot centers; room entries 14 feet wide in sets of 3 on 42-foot centers, and rooms 18 feet wide on 29-foot centers to a depth of 300 feet. Pillars were not recovered.

Coal and a 10 to 12-inch draw rock that overlayed the coalbed were broke down with compressed air utilizing an airdox shell 3½ inches in diameter which ruptures a shear strip when an air pressure of 10,500 pounds is reached. The draw rock was loaded with the coal.

The immediate roof in the accident area consisted of approximately 5 feet of unconsolidated shale and limestone, and the primary roof was massive limestone of an undetermined thickness.

The approved roof control plan for conventional mining in 18-foot rooms required 84-inch roof bolts, 3 abreast, to be installed, on 3-foot centers crosswise, 54-inch centers lengthwise, and to within 5 feet of the uncut face. A similar plan was in effect for 20-foot wide rooms except that roof bolts were to be installed on 4-foot centers crosswise. A minimum of 4 temporary roof supports was required to be set in sequence on not more than 5-foot centers, with 3 of the supports to be set from left to right and the fourth support to be set in the center of the working place not more than 5 feet inby the No. 2 temporary roof support. The first 3 of these supports were to be installed not more than 5 feet inby permanent supports prior to roof bolting operations or the performance of any other work inby the last permanent supports. A copy of the plan was posted on the bulletin board in the bath house. The present roof control plan was approved on January 14, 1972. The roof in the Crabapple area at the time of the approval was similar to the roof in the older part of the mine, therefore, a separate plan was not deemed necessary.

The investigation was conducted by Bureau of Mines personnel, and those persons furnishing information and/or present during the investigation were:

HANNA COAL CO.

Jesse L. Shepperd, Vice President—Underground Mines.

William Trump, General Superintendent—Underground Mines.

Joseph E. Turkal, Sr., Assistant General Superintendent—Underground Mines.

C. William Parisi, Safety Director—Consolidation Coal Company.

Julius Olzer, Chief Inspector—Consolidation Coal Company.

Lewis Jesalosky, Safety Director—Hanna Coal Company.

James M. Faunda, Superintendent.

Dominic Capers, General Mine Foreman.

Dewey Piccin, Safety Engineer.

William Faunda, Safety Engineer.

Donald J. Kidd, Section Foreman.

Victor Bernardi, Section Foreman.

George J. Kanopsic, Assistant Mine Foreman.

UNITED MINE WORKERS OF AMERICA

William S. Howard, Safety Coordinator—District 6.

Walter Ludwig, Safety Committeeman.

Steve Skukan, Safety Committeeman.

John Yemich, Safety Committeeman.

Glenn Donaldson, Roof Bolter Operator.

OHIO DIVISION OF MINES

Henry C. Roberts, Deputy Mine Inspector (Roof Control).

UNITED STATES BUREAU OF MINES

Robert T. Davis, Subdistrict Manager.

Ronald Keaton, Safety Specialist—Washington, D.C. Office.

Gerald Young, Coal Mine Inspection Supervisor.

Francis S. Wood, Federal Coal Inspector.

Paul J. Gregor, Federal Coal Mine Inspector.

The Hanna Coal Company is a Division of Consolidation Coal Company, and the Continental Oil Company is the present organization. The management structure for the mine consists of a superintendent, mine foreman, assistant mine foreman, shift foreman, and a section foreman for each coal-producing section.

James M. Faunda is the designated official in charge of health and safety for the mine. Lewis Jesalosky is the Safety Director and is in overall charge of health and safety for Hanna Coal Company. C. William Parisi is the Safety Director for all Consolidation Coal Company mines. The company is a member of the Holmes Safety Association, and weekly safety meetings are conducted with the employees. The company has established employee training programs in first aid, methane detection, roof-control, and the use of self-rescuers. However, supervisory personnel were the only employees who had received classroom training in roof-control and methane detection. A mine rescue team is maintained at the mine. Dewey Piccin, Safety Engineer, attended a Bureau of Mines class designed to train instructors in roof and rib control, coal mine ventilation, first aid, self-rescuers, and methane detectors. The operator's program of training and retraining personnel to carry out functions of the Federal Coal Mine Health and Safety Act of 1969 has been submitted to the Bureau of Mines.

Representatives of management stated that all new employees received initial instructions from the safety engineer, and the employee's immediate supervisor about the hazards associated with underground coal mining. A new inexperienced employee spends the first day of employment observing general mining practices in the company of his immediate supervisor. He then begins to participate in the work activities helping experienced miners, but is not to be permitted to work alone until he has received three weeks of training and experience.

The investigation disclosed that the initial training program for inexperienced employees was not followed inasmuch as Ball (victim) was assigned duties which required him to work alone, beginning the eighth day of his employment. Ball had never attended a formal training program designed to train him in the performance of his duties as a shotfirer and timberman. The extent of his training was that which was gained through actual experience and verbal instructions received while working 7 days under the supervision of Victor Bernardi, 1 day from Don Dombroski and 4 days from Donald Kidd, Section Foreman. Kidd stated that although he was the immediate supervisor on the section at the time of the accident, Ball had only worked under his supervision 4 days due to a transfer in supervisory personnel in which Kidd replaced Bernardi as Section Foreman on the 2 left section. Kidd also stated that if he had been aware of Ball's inexperience he would not have permitted him to work alone while installing temporary supports.

Kidd, Bernardi, and Dombroski were certified by the State of Ohio, Division of Mines and each had several years mining experience. Their supervisory experience ranged from 2 to 5 years. All three supervisors have received training in first aid, methane detection, roof and rib control, and the use of self-rescuers in training classes conducted by the company.

The last regular Federal inspection of the mine, a combination health and safety inspection, was completed April 10, 1972, and subsequent spot inspections were made at monthly intervals.

DESCRIPTION OF ACCIDENT

The 2 left main west section crew, under the supervision of Donald Kidd, Section Foreman, entered the mine at 7:30 a.m., Wednesday, June 14, 1972, and arrived at the working section about 8:10 a.m. Kidd made an examination of the working places and in his opinion no hazardous conditions existed although he was aware of the absence of roof coal in various areas throughout the working section.

Ball (victim) had shot down six cuts of coal before going to lunch at 11:30 a.m. Shortly thereafter, Kidd, passing by the "dinner hole", was questioned by Ball as to what duties he was to perform after lunch. Kidd then instructed him to install temporary roof supports in No. 53 room. Shortly after lunch Kidd made a visual examination of the roof in No. 53 room where Ball and Ronald Carter, roof bolter operator, were setting temporary roof supports. He considered the roof to be normal and he did not issue Ball any specific instructions except that he was to proceed to No. 52 room to install temporary roof supports. At approximately 12:15 p.m. Kidd examined the face of No. 52 room (scene of the accident) for methane and other hazardous conditions. He stated that he could not observe the condition of the roof near the face due to the fact that the loading machine was in the place and it had not been cleaned up. From what he observed the roof appeared normal, but he made no test by the sound and vibration method. After the fall of coal was cleaned up in No. 52 room, the loading machine operator did not set any temporary room supports prior to leaving the room inasmuch as this was normal procedure at the mine.

At 12:30 p.m. Glenn Donaldson, roof bolter operater and eyewitness, was tramming the roof-bolting machine into No. 52 room to install roof bolts. He stated that he observed Ball standing on the right side of the place with his back toward the face, either holding or attempting to install a post. When he got within approximately 15 feet of Ball, he saw the roof fall, striking Ball. He immediately ran to summon aid.

Kidd was near the loading point when he heard Donaldson call. He ran into the room and began to help the loading crew and Donaldson remove the rock which was on Ball's head and shoulders. The rock was removed with the aid of posts used for leverage and Kidd then instructed crew members to get a stretcher, while he attended Ball. He stated that he was unable to detect a pulse, and while crew members transported Ball to a mine car, he called the mine office to summon a doctor and an ambulance. The New Athens, Ohio, Volunteer Fire Department responded to the call and was awaiting with an emergency vehicle at the Crabapple portal when Ball was brought to the surface. He was taken to the Harrison Community Center at Cadiz, Ohio, where he was pronounced dead at 1:05 p.m. by Dr. Lawrence Wu. Death was attributed to a fractured skull.

The investigation revealed that the roof which fell measured 9 feet 4 inches in width by 8 feet 4 inches in length, and the thickness of the fallen rock varied from 0 to 11 inches. The rock broke when it fell and the portion lying on Ball (victim) was 5 feet 6 inches in width, 5 feet in length, and ranged from 5 to 11 inches in thickness. Ball had installed one temporary roof support 6 feet 2 inches from the left rib and 7 feet 7 inches in by the last complete row of roof bolts. The height and width of the working place was 6 feet 5 inches and 18 feet, respectively.

The distance between the last complete row of installed roof bolts and the back of the undercut in No. 52 room was 17 feet 3 inches and indicated that the loading machine operator had been either inby the last row of roof bolts or in a hazardous zone near the last bolts during clean-up operations. The operating controls on the loading machine, as measured with a tape, were 14 feet 6 inches from the tip of the gathering arms. The mining machine used in 2 left main west section was equipped with a 10-foot cutter bar.

During the investigation, the roof was observed to be wet due to moisture deposited by the warm humid air entering the mine and cracks were observed in the immediate roof strata and in the voids from which roof material had fallen. There was loose roof between the installed roof bolts, and ribs were overhanging at many locations throughout the working section. Temporary roof supports that had been installed in No. 51 room, adjacent to the scene of the accident, were set haphazardly in that temporary supports were either installed at roof cavities or wherever they could conveniently be installed. In addition, observations in the face areas of three working places revealed draw rock overhanging the faces and incomplete bolting patterns. In the No. 52 room, a single roof bolt had been installed in the center of the room 4 feet inby the last complete row of bolts. Reportedly, the flanking roof bolts needed to complete this row of bolts had not been installed due to draw rock overhanging the face.

An examination of the operator's accident record books revealed that 13 accidents attributed to falls of roof, rib, or face have occurred at this mine in 1972. These accidents resulted in three lost time injuries in addition to the fatality. In the April and May reports, unsafe acts, inadequate maintenance of working places, hazardous methods or procedures, and unsafe positions of workmen were listed as the causes of accidents during these two months. During the first 6 months of this year, 12 fatalities have occurred in 11 mines wholly owned or operated by the Consolidation Coal Company. These deaths resulted from 6 unintentional roof and rib falls, 5 haulage accidents (2 occurred at surface operations), and 1 machinery accident. Certainly, these accident records show clearly that a greater effort will have to be exerted by corporate officials, company officials, mine management, and employees to prevent mine injuries.

The mine was undergoing a roof control evaluation and training survey at the time of the accident. A summary of hazardous conditions and practices observed during the survey are as follows: The employees were lax in examining and testing the roof before installing temporary roof supports. The majority of the men installing temporary roof supports were shotfirers with very little experience in the face areas. Some of the recently hired men stated that they had not been instructed in the proper method of roof-testing. In many instances temporary roof supports were installed more than 5 feet inby permanent supports, widely spaced, installed loosely, and not of proper length. Several corners had been cut off leaving exposed roof which was not adequately supported. Cap blocks were not utilized in some instances where tender roof conditions existed, especially where the roof coal was missing. Several rooms had been driven in excess of the maximum 20-foot width specified in the approved roof control plan. Some roof-bolting machine operators were observed applying too much thrust on the roof-bolt wrench against the bearing plates resulting in a variance of the applied torque. Inadequately supported roof was observed at various locations in the active sections of the mine. The hazardous conditions and practices observed were corrected before the survey was concluded.

Based upon the hazardous roof conditions and practices observed during the accident investigation, and the summation of the roof control evaluation and training survey, it was the consensus of the Bureau of Mines investigators that the approved roof control plan was not being complied with and the company's roof control program was definitely inadequate. In view of this, the company's roof support plan is currently being revised and will be submitted for approval as soon as the revisions are completed.

CAUSE OF ACCIDENT

The general laxness on the part of management, its supervisors, and employees to follow sound proven roof support and roof testing practices precluded the detection of a dangerous roof condition and its ultimate failure. Although not listed in chronological order, this roof fall and death were a result of a culmination of:

1. Installed temporary roof supports being in many instances more than 5 feet apart, more than 5 feet inby permanent supports, of improper length, or loosely set,

2. Thomas M. Ball (victim) having never received a formal course of instruction designed to train him in the performance of his duties as a shotfirer and timberman,

3. The victim with only 12 days underground mining experience being permitted to work alone while installing temporary roof support in face areas,

4. Management's failure to enforce the company's approved roof control plan and other policies designed to eliminate substandard conditions and practices which result in roof-fall accidents,

5. The failure of management to establish a procedure by which trainees are readily identifiable and the lack of communication between the safety department, supervisory personnel, and employees relative to

the type, extent, and control of training new employees before they are required to work alone, and

6. Management's failure to analyze and utilize the data logged in the accident record books in the prevention of injuries from roof-falls.

REQUIREMENTS

1. Management shall comply with the approved roof control plan in its entirety which shall include the training of all underground employees in safe roof support procedures.

2. Employees shall not be permitted to work alone in underground areas of a mine until their work habits have been thoroughly evaluated by management. Consideration should be given to establishing a training period of at least 6 months duration for all inexperienced employees.

3. Supervisors and employees shall comply with company rules which prohibit unsafe conditions and practices relating to sound proven roof support principles.

4. A definite program or procedure shall be established so that trainees can be readily identifiable by visual observation.

5. Working faces shall be "squared up" and overhangs eliminated to facilitate the installation of roof bolts according to the approved plan.

6. Management shall analyze all accident reports to determine the causes of accidents and take positive action when it is evident that a trend in unsafe practices, conditions, and work habits have developed.

NOTICES AND ORDERS

Violation—Section 75.200

The roof control plan was not being complied within No. 52 room, 2 left off main west section. Temporary roof support was installed a distance of 7 feet 7 inches in by the last row of permanent supports. A Notice of Violation No. 1 P.J.G. was issued June 15, 1972, on Form 104(b) requiring that this violation be abated by 11:00 p.m. on June 16, 1972. This violation was abated on June 19, 1972, when meetings were held with section employees and the roof control plan was explained to them by the safety engineer.

Imminent danger—Section 104(a)

A fatal roof-fall accident has occurred in the 2 left section off main west. This closure order is issued pending the completion of an investigation to determine the cause of the accident and means to prevent a similar occurrence.

Action taken

Order No. 1 P.J.G. was issued on June 14, 1972, on Form 104(a) requiring that all persons, except persons referred to in Section 104(d), be withdrawn and prohibited from entering the 2 left off main west section. The roof was scaled, overhangs were pulled down, and additional roof bolts were installed throughout the working places in the 2 left off main west section where fragile roof conditions were observed during the investigation of the fatal accident. The Order was terminated on June 19, 1972.

Respectfully submitted,

Paul J. Gregor,
Federal Coal Mine Inspector.

Washington, D.C.,
August 10, 1972.

Hon. Rogers C. B. Morton,
Secretary of Interior,
Department of the Interior,
Washington, D.C.

Dear Secretary Morton: On June 14, 1972, a roof fall at the Franklin No. 25 mine of the Hanna Coal Company, a division of Consolidation Coal and Continental Oil companies, at New Athens, Ohio, occurred killing Mr. Thomas M. Ball—a shotfirer and timberman.

Mr. Ball was, according to the Bureau of Mine's fatality report only "22 years of age" when he died. The report also states that he had a mere "12 days of underground mining experience, all at this mine" when he died.

The Bureau's report states:

"The company is a member of the Holmes Safety Association and weekly safety meetings are conducted with the employees. The company has established employee training programs in first aid methane detection, roof-control and the use of self-rescuers. *However supervisory personnel were the only employees who had received classroom training in roof-control and methane detection.*

* * * * *

"Representatives of management stated that all new employees received initial instructions from the safety engineer and the employee's immediate supervisor about the hazards associated with underground coal mining. A new inexperienced employee spends the first day of employment observing general mining practices in the company of his immediate supervisor. He then begins to participate in the work activities helping experienced miners, *but is not to be permitted to work alone until he has received three weeks of training and experience.*

"The investigation disclosed that the initial training program for inexperienced employees was not followed inasmuch as Ball (victim) was assigned duties which required him to work alone beginning the eighth day of his employment. Ball had never attended a formal training program designed to train him in the performance of his duties as a shotfirer and timberman. The extent of his training was that which was gained through actual experience and verbal instructions received while working 7 days under the supervision of Victor Bernardi, 1 day from Don Dombroski and 4 days from Donald Kidd, Section Foreman. Kidd stated that although he was the immediate supervisor on the section at the time of the accident, Ball had only worked under his supervision 4 days due to a transfer in supervisory personnel in which Kidd replaced Bernardi as Section Foreman on the 2 left section. *Kidd also stated that if he had been aware of Ball's inexperience he would not have permitted him to work alone while installing temporary supports.*" (Italic supplied.)

According to the Bureau's report the Superintendent of the Mine, Mr. James M. Faunda, "is the designated official in charge of health and safety for the mine," pursuant to section 107(d) of the Federal Coal Mine Health and Safety Act of 1969, not the Hanna Coal Company's Safety Director, Mr. Lewis Jesalosky.

1. Please explain why this lesser company official is so designated under the statute.

The Bureau's report also states that Hanna's "program of training and retraining personnel to carry out functions" of the 1969 law "has been submitted to the Bureau of Mines."

2. (a) I would appreciate your advising me when this "program" was "submitted" to the Bureau, and when the Bureau expects to approve or reject it.

(b) Also, please advise me of the procedures followed by the Bureau of Mines for notice and public reviewing of such programs particularly by miners and their representatives.

Finally, the report lists the "Cause of Accident" as follows:

"The general laxness on the part of management, its supervisors, and employees to follow sound proven roof support and roof practices precluded the detection of a dangerous roof condition and its ultimate failure. Although not listed in chronological order, this roof fall and death were a result of a culmination of:

1. Installed temporary roof supports being in many instances more than 5 feet apart, more than 5 feet in by permanent supports, of improper length, or loosely set;

2. Thomas M. Ball (victim) having never received a formal course of instruction designed to train him in the performance of his duties as a shotfirer and timberman;

3. The victim with only 12 days underground mining experience *being permitted to work alone* while installing temporary roof support in face areas;

4. *Management's failure* to enforce the company's approved roof control plan and other policies designed to eliminate substandard conditions and practices which result in roof-fall accidents.

5. The *failure of management* to establish a procedure by which trainees are readily identifiable and the lack of communication between the safety department, supervisory personnel, and employees relative to the type, extent, and control of training new employees before they are required to work alone, and

6. *Management's failure* to analyze and utilize the data logged in the accident record books in the prevention of injuries from roof-falls." (Underlining supplied.)

This is a shocking litany of management's deliberate failure to protect its employees, insist on proper safety practices and procedures, and to obey the requirements of the 1969 law. In my opinion, the Hanna Coal Company and its officials should be prosecuted under section 109(b) and (c) of the law for these failures. I am today sending a copy of this letter to the Attorney General and urging him to do so promptly. A copy of my letter to him is enclosed.

The Hanna Coal Company's poor record of training is not unique in the coal industry. Other coal mine operators are as equally negligent as Hanna. This is clearly shown by the following data derived from some of the Bureau's accident records:

1. Two welders, age 20 (6 months mining experience) and 26 (9 months mining experience) crushed to death on January 8, 1972, at Peabody Coal Company strip mine in Kentucky.

2. A maintenance man, age 19 (with 26 days experience) killed on January 10, at an underground mine of the C & W Mining Company in Ohio.

3. Scoop operator, age 25 (5 months and 11 days experience) killed on January 19 at the Young Branch Coal Company in Virginia.

4. Surface construction worker, age 29 (8 months experience), electrocuted on March 20 at the Wolf Creek Collieries, Inc., Mine No. 4, in Kentucky.

5. Scoop operator, age 21 (10 months experience) injured on March 27 and died on March 31, in an underground mine of the Island Creek Coal Company (Pondfork A. Mine) in West Virginia.

6. Underground laborer, age 37 (4 months experience) killed on May 6 at the Johns Creek Elkhorn Coal Corp., No. 2, in Kentucky.

7. General laborer, age 48 (4 months experience) injured on July 26, and died two days later, at the Eastern Association Coal Corporation (Delmont Mine), in Pennsylvania.

And, of course, Mr. Thomas Ball.

This is only a sample of inexperienced miners who have been killed at coal mines. There are many other examples of miners with longer mining experience who are killed only after a few days or weeks on the job.

It must be obvious to Bureau officials—it certainly is to me—that coal operators are negligent in training miners *before* they enter the mine and *before* they are allowed to perform normal mine duties. Yet little has been done to halt this unsafe practice.

I urge that the Bureau take immediate steps to correct this situation. If the present standards and regulations are not adequate for this purpose, they should be quickly changed. The current situation is intolerable.

Sincerely,

Ken Hechler.

Washington, D.C.,
August 10, 1972.

Hon. Richard Kleindienst,
Attorney General of the United States, Department of Justice, Washington, D.C.

Dear Mr. Attorney General: Enclosed is a copy of a letter I have today sent to the Secretary of the Interior concerning the recent death of Mr. Thomas M. Ball, at a Hanna Coal Company mine in Ohio.

The letter clearly indicates that criminal prosecution is warranted against the company and its officials under sections 109 (b) and (c) of the Federal Coal Mine Health and Safety Act of 1969. I strongly urge that you promptly institute such proceedings.

You should also note the Bureau's fatality report on Mr. Ball states as follows:

"An examination of the operator's accident record books revealed that 13 accidents attributed to falls of roof, rib, or face have occurred at this mine in 1972. These accidents resulted in three lost time injuries in addition to the fatality. In the April and May reports, unsafe acts, inadequate maintenance of working places, hazardous methods or procedures, and unsafe positions of workmen were listed as the causes of accidents during these two months. During the first 6 months of this year, 12 fatalities have occurred in 11 mines wholly owned or operated by the Consolidation Coal Company. These deaths resulted from 6 unintentional roof and rib falls, 5 haulage accidents (2 occurred at surface operations), and 1 machinery accident. Certainly, these accident records show clearly that a greater effort will have to be exerted by corporate officials, company officials, mine management, and employees to prevent mine injuries."

Sincerely,

Ken Hechler.

Department of Justice,
Washington, D.C., August 23, 1972.

Hon. Ken Hechler,
House of Representatives,
Washington, D.C.

Dear Congressman: Reference is made to your letter of August 10, 1972, to the Attorney General requesting that the Department of Justice promptly initiate proceedings against the Hanna Coal Company of Ohio for violations of the Federal Coal Mine Health and Safety Act of 1969.

In response to our request for information in this matter, the Solicitor's Office, Department of the Interior, advised that the Bureau of Mines' report of the accident has been referred by the Bureau to the Solicitor's Office for evaluation. We are further advised that the Solicitor's Office has requested the Bureau to conduct additional investigation into some aspects of the evidence discussed in the report.

As you can certainly appreciate, it would be virtually impossible for us to properly review and evaluate a matter for criminal prosecution under the Act without the benefit of the Bureau's investigative report, expertise, and intimate knowledge of the facts. Should evidence of willful violations of the Act be indicated in the Bureau's report, we are confident that Interior will refer such evidence to this Department for evaluation. In this event, you may be assured we will give the matter our immediate attention.

Sincerely,

Henry E. Petersen,
Assistant Attorney General.

Washington, D.C.,
August 11, 1972.

John Corcoran,
President, Consolidation Coal Co.,
Pittsburgh, Pa.

Dear John: On June 14, a roof fall occurred at the Franklin No. 25 mine, New Athens, Ohio. The mine is owned by the Hanna Coal Company, a division of the Consolidation Coal and Continental Oil companies.

The Bureau of Mines report on the roof fall states that it "resulted in the death of Thomas M. Ball, shotfirer and timberman," and that he was 22 years old and had only "12 days of underground mining experience, all at this mine."

Consol's safety director and chief inspector were present during the investigation of this roof fall.

The report states:

"An examination of the operator's accident record books revealed that 13 accidents attributed to falls of roof, rib, or face have occurred at this mine in 1972. These accidents resulted in three lost time injuries in addition to the fatality. In the April and May reports, unsafe acts, inadequate maintenance of working places, hazardous methods or procedures, and unsafe positions of workmen were listed as the cause of accidents during these two months. *During the first 6 months of this year, 12 fatalities have occurred in 11 mines wholly owned or operated by the Consolidation Coal Company.* These deaths resulted from 6 unintentional roof and rib falls, 5 haulage accidents (2 occurred at surface operations), and 1 machinery accident. Certainly these accident records show clearly that a greater effort will have to be exerted by corporate officials, company officials, mine management, and employees to prevent mine injuries." (Italics supplied.)

This record does not include the 9 deaths that occurred at your Blacksville mine in West Virginia on July 22.

It is shocking to learn that one of the Nation's leading coal producers is responsible for nearly one-fourth of the coal mine fatalities in the Nation so far this year. Last year, Consol had the dubious distinction of ranking second in the Nation in coal mine fatalities. Then, of course, there is the nonfatal injuries for which statistics for 1971 and 1972 are apparently not yet available.

Desipte your recent disclaimer concerning the Bureau's release of "statistics" of violations at Blacksville, I think that this record does "indicate a callous disregard of the law" and "unsafe conditions" at Consol's mines.

But this horrible record is understandable when one reads the Bureau's findings concerning Mr. Ball's death. They are:

"The general laxness on the part of management, its supervisors, and employees to follow sound proven roof support and roof testing practices precluded the detection of of a dangerous roof condition and its ultimate failure. Although not listed in chronological order, this roof fall and death were a result of a culmination of:

1. Installed temporary roof supports being in many instances more that 5 feet apart, more than 5 feet inby permanent supports, of improper length, or loosely set;

2. Thomas M. Ball (victim) *having never received a formal course of instruction designed to train him in the performance of his duties as a shotfirer and timberman.*

3. The victim with *only* 12 days underground mining experience being permitted to work alone while installing temporary roof support in face areas;

4. *Management's failure* to enforce the company's approved roof control plan and other policies designed to eliminate substandard conditions and practices which result in roof-fall accidents.

5. The *failure of management* to establish a procedure by which trainees are readily identifiable and the lack of communication between the safety department, supervisory personnel, and employees relative to the type, extent, and control of training new employees before they are required to work alone, and

6. *Management's failure* to analyze and utilize the data logged in the accident record books in the prevention of injuries from roof-falls." (Italic supplied.)

If the miners of this Nation knew of this record and could vote on retaining or not retaining Consol's current managament team, I feel certain that they would vote to throw that team out of office.

By failing to properly train and retrain employees, to instill in all their employees, a sense of safety consciousness, and, most importantly, to insure that *all* Federal and State safety rules are fully observed, Consol officials are clearly negligent and should be replaced. Consol needs management people who will devote greater personnel time and effort to health and safety than production. This means *all* Consol mine officials whatever their title—not just the Safety Directors. Until this is done, I predict that Consol will continue to lead or nearly lead the Nation in mine deaths.

I urge that you personally take charge of Consol's health and safety program and initiate steps to drastically reduce injury and fatality rates at *all* Consol mines for the remainder of this year and thereafter.

I would be interested in learning what actions you take or plan to take to achieve this.

Sincerely,

Ken Hechler.

WORLD ORDER STRATEGY COMMITTEE, MEMBERS OF CONGRESS FOR PEACE THROUGH LAW

(Mr. DRINAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DRINAN. Mr. Speaker, I have the honor to chair the World Order Strategy Committee of our bipartisan, bicameral organization, Members of Congress for Peace Through Law MCPL now has 134 members—32 Senators and 102 Representatives, from both parties and every region of the country.

The World Order Strategy Committee was created by MCPL several months ago for the purpose of examining the basic assumptions on which American foreign policy is based.

Our committee is very fortunate to have 13 exceedingly able and dedicated members—public servants who believe that a careful review of the fundamental questions of how to obtain peace through law is a necessary enterprise. They are Senators Alan Cranston, of California; Harold Hughes, of Iowa; and Bob Packwood, of Oregon; and Representatives Richard Bolling, of Missouri; Paul Findley, of Illinois; Donald Fraser, of Minnesota; Paul McCloskey, of California; Patsy Mink, of Hawaii; Henry Reuss, of Wisconsin; Fred Schwengel, of Iowa; John Seiberling, of Ohio; and Charles Whalen, of Ohio. We have six Republicans and eight Democrats in all.

Our committee has undertaken an inquiry into the following fundamental questions:

SEVEN FUNDAMENTAL QUESTIONS

First. What kind of international political order do you want your grandchildren to inherit?

Second. What is U.S. national security?

Third. Is the balance of power concept consistent with international peace and national security?

Fourth. Is the policy of deterrence an

adequate response to our need for security?

Fifth. Does U.S. foreign policy contribute to the ability of peoples to select governments of their own choosing?

Sixth. How do existing disparities among nations in wealth and human well-being affect U.S. national security?

Seventh. What should be the fundamental principles of U.S. foreign policy?

These are obviously questions of exquisite difficulty. The process of arriving at even tentative answers will be long and arduous. However, we believe these questions must be asked and discussed very seriously if world order is ever to be more than an idle dream.

COMMITTEE HOLDS HEARINGS

To begin our inquiry, the committee held a series of six hearings. Each of the six distinguished citizens who testified reflected on the fundamental questions. The contributions of Prof. John Kenneth Galbraith, Hans Morganthau, and Robert W. Tucker, Dr. Richard J. Barnet, Norman Cousins and C. Maxwell Stanley to our work were so outstanding that I would like to bring their statements to the attention of all of our colleagues.

The hearings of the World Order Strategy Committee are open to the public and every Member of Congress is invited to attend and join us in discussion with the witnesses.

On behalf of the committee I welcome the assistance of all Congressmen and Senators as we continue to seek new, practical answers to the fundamental questions which the United States and mankind must answer if we are to survive.

A brief biographical sketch of each of our witnesses to date, and summaries of their statements follow:

JOHN KENNETH GALBRAITH

Professor John Kenneth Galbraith was born in Ontario, Canada and was educated at the University of Guelph, the University of California and Cambridge University in England. Assistant Professor of Economics at Princeton University, 1939–40, he also served as Economic Advisor to the National Defense Advisory Committee, 1940–41. Between 1941 and 1943, he was at the Office of Price Administration, first as Assistant Administrator in charge of the Price Division and then as Deputy Administrator.

He was a Member of the Board of Editors of *Fortune* magazine 1943–48 and was Director of the Office of Economic Security Policy, Department of State in 1946. He has served as Chairman of the Americans for Democratic Action and as U.S. Ambassador to India, 1961–63. A Visiting Fellow of Trinity College, Cambridge University, 1970–71, he is currently Paul M. Warburg Professor of Economics at Harvard University, where he taught from 1934–39 and from 1948 to the present.

His numerous publications include *A Contemporary Guide to Economics, Peace and Laughter* (1971), *Who Needs the Democrats and What It Takes To Be Needed* (1970), *How To Control The Military* (1969), *Ambassador's Journal* (1969), *How To Get Out of Vietnam* (1967), *The New Industrial State* (1967, second edition, 1971), *The Affluent Society* (second revised edition, 1969), *Economic Development in Perspective* (1962), *American Capitalism, the concept of countervailing power* (1952, second revised edition, 1955), and *Beyond the Marshall Plan* (1949).

STATEMENT BY PROF. JOHN KENNETH GALBRAITH, BEFORE THE WORLD ORDER STRATEGY COMMITTEE OF MEMBERS OF CONGRESS FOR PEACE THROUGH LAW, JUNE 27, 1972

(1) There is advantage in being compelled to state the basic problem of our foreign policy in brief compass. This is a field where meaning is ordinarily disguised by words, the more words the better the disguise. It is one reason why discussion of foreign policy tends to be intellectually inferior even to the more suspect forms of sociology. Its reputation is saved principally by the circumstance that those who discuss foreign policy have a superior social position, more self assurance, a lesser awareness of what they do not know, and somewhat better tailoring.

(2) The effects of American foreign policy in the last quarter century have been regionally very diverse. Western Europe and Japan were the areas of failure and war in the first half of this century. Here, on the whole, the policy has been a success. Economies have been strong; nationalism has receded. We are now suffering competitively in relation to these parts of the world. That, however, has been the consequence of incompetent economic management here at home. In Singapore this week, former Secretary of the Treasury John Connally was generous enough to say that he thought that Britain had a sound economy. He was wise not to mention the state of the American economy from which he had just taken the precaution of detaching himself.

(3) In relation to the Communist states things have also improved in these last years. For this we must give credit to the recent initiatives of Mr. Nixon. They have moved us perceptibly away from the cold war terror which so effectively enthroned the military and so extensively destroyed civilian reason in the fifties and sixties. (It was unreason, it must be added, which Mr. Nixon had previously done much to enhance.) Our great need in relation to the Soviet Union is to avoid the risk of further confrontation. We cannot continue to depend on the insane assumption that the Russians will always back down. And the further need is to negotiate an effective arms limitation agreement. We cannot afford another arms limitation like last which (in the Administration view) is only acceptable if associated with a large increase in arms expenditure. Arms limitation of this kind could only be treated adequately by the late Lewis Carroll.

(4) The area of our misfortune in foreign policy in the last twenty-five years has been in the Third World. This—at the Bay-of-Pigs, in the Dominican Republic, in Bangladesh and above all in Laos, Cambodia and Vietnam—has been the theatre of all our disasters. Here, repeatedly, we stumbled. It is obvious that something is very wrong with our policy toward this part of the planet—unless, of course, the disasters were really a succession of righteously conceived initiatives all misconstrued as mistakes by the American people. However popular in Washington at the time and still in the memoirs of those involved this is a proposition it would be unwise to accept.

(5) The source of our disasters was the belief that we had a special mission to put down Communism in the Third World. Our policy in Asia, Africa and Latin America, beginning in the late forties, was based firmly on the premise that this was our mission. It was, perhaps, the most disastrous conception since the Crusades. The effort was unnecessary, impossible of accomplishment and deeply wounding to ourselves.

(6) The task was unnecessary because, questions of who endowed us with this unique moral responsibility apart, it makes little difference whether a poor rural country calls itself communist or not. It is poor and rural before it does so; it will be mostly poor and rural afterward. It could be that there is more hope of change under the Communists. If so, it is a hope that we would not be wise to frustrate. As to the impossibility of influencing the inner life of these countries, that is surely the lesson that we have learned in Vietnam. Few can believe that the hundreds of billions we have spent, the tens of thousands of lives we have lost will much change the course of history in that country. In the end the people we are fighting—the people who have so manifestly demonstrated their vitality—will be the people who will dominate the country. The people we are supporting will have either changed sides or joined their bank accounts in Paris and Switzerland.

(7) I am a little uneasy about those who ascribe our effort to save the Third World from Communism exclusively to economic interest. Stupidity and the tenacity of the military and civilian bureaucracy in pursuing whatever error on which they are engaged, are forces of greater power than we commonly admit. Markets in the Third World countries are unimportant as compared with those of Europe, Canada and Japan. Raw materials will continue to flow in from these countries regardless of political developments. And as we (and the Germans) learned in World War II, substitutes can almost always be found. The error was, rather, one of misapprehension. To the successful men who ran our foreign policy in the years following World War II and their military and academic acolytes, Communism seemed a malignant and pervasive thing. They understood little about it (it is not something you encounter in a corporate law practice) but they knew it to be bad. Unless averted, it would take over all nations including eventually our own. This was also a period when it was sound personal strategy to denounce Communism on all occasions of public ceremony. And, as always, many were persuaded by their own speeches. Finally it was the further assumption of Mr. Acheson and Mr. Dulles and Mr. Rusk and their compatriots in the Establishment that an economic and political system that, undeniably, would have been unpleasant for them—and Americans in general—must also be unpleasant for everyone in the world. In fact for the poor peasant or the landless laborers or the marginal urban worker in the Third World it makes little difference what his government calls itself. It is his knowledge, affirmed by the experience of centuries, that whatever happens he, most probably, will get kicked ———. He does not respond much to lectures on liberty. He is effectively enslaved by his poverty—and by the landlords, tax collectors, money lenders, thieving officials and other predators who keep him so enslaved. No one has so little freedom as the men who must struggle to stay alive. That we have been able to do little to persuade poor people to accept the American mistrust of Communism is not surprising.

(8) That our effort has been deeply damaging to ourselves need hardly be stressed. What the Vietnam War has cost us in lives and money is a staple in our oratory. So also is the political and social division that it has caused. We are now beginning to see how this useless enterprise has corrupted and demoralized the armed forces—especially the Army. We note with varying degrees of grief that our political graveyards are filled with the carcasses of the men who guided or defended the War. Even our successful wars have caused great strains. An unnecessary and unwinable one produces not strain but desolation.

(9) But even more attention must be paid, I believe, to the effects of our anti-communist preoccupation on our government. Over the quarter century that we were concerned with swatting Communists, we created a vast bureaucracy for that purpose—military formations, military missions,

intelligence missions, other assorted and clandestine spooks, a vast convocation of persons committed to proving by propaganda, technical instruction, capital assistance or pius example that we and not the Communists were the wave of the future, and an even more vast planning, recruiting and supervisory apparatus here in Washington. I do not deplore all of this activity. The aid and information effort responded to a generous and compassionate instinct that is the best feature of our foreign policy and our life. But much reflected a hard-nosed conviction that Communism was a simple operational conspiracy that could be watched and countered and eventually defeated by essentially military means. Much of our military establishment is related to this task in the Third World. We do not need aircraft carriers for countering Soviet carriers. The Soviets have none. We need them for the kind of work they are now doing in Vietnam. The bureaucracy created for protecting the Third World against Communism by whatever the euphemisms that task is described—is not only large and expensive but, given its size, complexity and secrecy, it is all but impossible to control. No one effectively controls the CIA as it chases the Communist across Laos—or even inquiries as to what Laos means to us.

(10) Thus the lesson. There is plenty to do in the developed world. But the first task of our foreign policy is to reform and reform drastically our policy in the Third World. Our effort to keep Communism out of the Third World is unnecessary, impossible, impressive only in its capacity for self-inflicting wounds. More than words are required. The bureaucracy is involved. We must disestablish the military formations, the military missions, the military bases, the military aid, the intelligence operations which are primarily related to keeping Communism out of Asia, Africa and Latin America. That bureaucracy will not give up without a struggle—or without inventing some imaginative names for those who suggest such sensible action. However, let us not be without a response. The response is to inquire what those who defend past and existing policy have accomplished with the lives and the money they have used up with such abandon.

(11) On the affirmative side it must be our policy to recognize all governments in the Third World and make no distinction between those that are bad and those that are good. (I am puzzled as to why, with all the journeys to Peking and Moscow and Warsaw it is never possible to make a brief journey to Havana. Are Communists only tolerable when they involve a nice trip?) And we must extend to those nations that are serious in purpose and non-larcenous in tendency all the material and technical help that a rich country properly affords its poorer neighbors. This we must do but this is all we do. I invite conservatives to reflect this is no radical policy. The more grandiose ambitions of these past years were an aberration. This policy takes us back to an earlier and more sensible relationship. Where the poor lands are concerned we return to the policy of the Good Neighbor.

(12) The countries of the Third World are no more ready for Communism than for capitalism. (Marx would have been appalled by the idea of experimenting with Communism in India or Indonesia or any country of Africa). But one point must be made and with all candor. It cannot be assumed that all countries of the Third World will eschew communist experiment. Probably some will try it. The practical consequence will be more terminological than real. There is no magic by which Communism suddenly makes countries strong and powerful. But this is not the point. The point concerns our own course of action. We have no special license or obligation to intervene. There is nothing we need do about such a decision and nothing we can do about it. And we now know that it will make things much worse both for the country in question and for ourselves if we try to do something about it. This conclusion is not based on theory. It is, alas, based on a quarter of a century of solid and disastrous experience.

HANS J. MORGENTHAU

Professor Hans J. Morgenthau, born and educated in Germany, practiced law there before coming to the United States in 1937. He has taught in Europe and at universities in the United States, including the University of Chicago (1943–71). He was at the Princeton Institute for Advanced Studies in 1958, at the Washington Center for Foreign Policy Research, 1958–60, and was a senior fellow at the Council on Foreign Relations, New York in 1966.

He has been a consultant to the Department of Defense, 1963–65, and to the Department of State, 1949–51 and 1963 to the present. Director of the Center for the Study of American Foreign Policy from 1950 to 1971, he is currently Leonard Davis Distinguished Professor of Political Science at the City College of the City University of New York.

Among his many publications are *Science: Servant or Master?* (1972), *Truth and Power, Essays of a Decade* (1970), *The Origins of the Cold War* (with Arthur Schlesinger, Jr. and Lloyd C. Gardner, 1970), *A New Foreign Policy for the United States* (1969), *Politics in the Twentieth Century* (1962, 2nd edition 1968), *The Purpose of American Politics* (1960), *Dilemmas of Politics* (1958), *In Defense of the National Interest* (1951), *Principles and Problems of International Politics* (with Kenneth W. Thompson, 1950), *Politics Among Nations* (1948, 4th edition, 1967), and *Scientific Man versus Power Politics* (1946).

HIGHLIGHTS OF TESTIMONY OF PROF. HANS J. MORGENTHAU, BEFORE THE WORLD ORDER STRATEGY COMMITTEE OF MEMBERS OF CONGRESS FOR PEACE THROUGH LAW, JUNE 29, 1972

If one looks at international politics from a global, long-range perspective, one is compelled to conclude that the foreign policy of the United States, as that of all other nation states, has become obsolescent. The modern technologies of transportation, communications, and warfare have rendered the nation state as obsolete as a principle of political organization as the first industrial revolution of the steam engine did feudalism. The foreign policies of individual nations, if they were determined with perfect rationality, would have to seek a government whose reach would be commensurate with the actualities and potentialities of modern technologies, that is, a world government.

The continuation of national foreign policies, oblivious of these actualities and potentialities is not only irrational, but it also undermines the legitimacy of national governments. For these governments derive their legitimacy from their ability and willingness to protect and promote the life, liberty and pursuit of happiness of their citizens. Yet national governments, in full possession of the implements of modern technology, have become the main threat to those individual values for the sake of which they are supposed to have been established. Thus national governments, far from supporting national security in terms of the integrity of the nation's territory and institutions, have become the main threat to national security.

As long as we live in so irrationally a world, we must make the best of what we have in order to minimize the threats not only to our liberty and pursuit of happiness but to our very physical survival. The balance of power has been the main instrument to preserve at least a modicum of peace and order in the world. While I am aware of its defects, I am also aware of what the world would be like without it. It would either sink into complete anarchy, or fall victim to totalitarian world conquest. Thus a balance of power policy is indispensable as long as the ultimate goal of a world government is out of reach.

What has been said of the balance of power applies also to deterrence. It is a highly dangerous instrumentality, which might well prove to be ineffective in the long run. But in a world of sovereign nation states it is the main device for the mutual restraint of nuclear powers.

Since the foreign policy of the United States with regard to the domestic development of other nations has essentially supported an anticommunist status quo, it has contributed to the ability of peoples to select governments of their own choosing only insofar as these peoples are willing to choose non-communist governments. In other words, we made a choice and then supported the peoples concerned insofar as their choice coincided with ours or, as Vietnam clearly shows, we have tried to impose our choice upon the people.

I do not believe that the existing disparities among nations in wealth and human well-being affect directly United States national security. The reasons for these disparities are diverse and complex, and the United States has only a very limited capacity for diminishing them. These disparities may indeed become the source of local political conflicts. But such conflicts will not affect American security adversely if the United States takes care not to get involved in them.

I find it impossible within the compass of this statement to elaborate the fundamental principles of United States foreign policy. I have tried to do this in *A New Foreign Policy for the United States*, of which a revised edition will be published at the beginning of 1973.

RICHARD J. BARNET

Richard J. Barnet is a graduate of Harvard College and Harvard Law School. After serving in the U.S. Army as a legal officer specializing in problems of international law, he studied foreign and military policy as a Fellow of the Harvard Russian Research Center. During the Kennedy Administration he served in the Department of State and the U.S. Arms Control and Disarmament Agency and was a consultant to the Department of Defense. In 1963, Mr. Barnet was one of the cofounders and is now a codirector of the Institute for Policy Studies in Washington, an independent research and education center devoted to the study of public policy.

Among his publications are *Roots of War* (1972), *Can The United States Promote Foreign Development* (1971), *The American Manifesto: what's wrong with America and what we can do about it* (with Marcus G. Raskin) (1970), *The Economy of Death* (1969), *Intervention and Revolution: The United States in the Third World* (1968), and *Security in Disarmament* (edited with Richard A. Falk) (1965).

STATEMENT BY DR. RICHARD J. BARNET BEFORE THE WORLD ORDER STRATEGY COMMITTEE OF MEMBERS FOR PEACE THROUGH LAW, JULY 25, 1972

There is much confusion today about the terms "isolationism" and "internationalism". Both simple rationality and morality dictate that the US do what it can to promote an international environment in which war, poverty and exploitation of the weak by the strong are ended. Such a global focus is necessary because the overshadowing problems that face mankind are inherently global. Neither pollution nor war can be kept within national boundaries. There are practical reasons why even the greatest nation cannot continue to flourish in a world environment in which millions of people around the world are fighting a losing battle for survival. That the strategy for making it to the twenty first century must transcend the nation-state is obvious. No longer able to defend its territory against nuclear weapons, the nation-state, even the most powerful nation-state, is obsolete.

At the same time it seems increasingly clear that the "internationalism" practised by the United States in the last generation has been ill-conceived. It has increased conflict among nations. It has led to a militarization of foreign policy, not only among the great nations but increasingly, as a consequence of competition over the Third World, among the new nations as well. It has weakened the United States by encouraging our leaders to take on global tasks that were inherently impossible, such as the maintenance of a client state in South Vietnam, and, by diverting energy and resources from the reconstruction and strengthening of American society, the ultimate source of national security, it has led to a loss of confidence in ourselves.

The new internationalism from which a more hopeful world order can evolve must start with a much more honest notion of the role the US is playing in the world and a less grandiose picture of the role Americans can play.

The essence of the old internationalism was that the US was the global problem solver, that Americans had a mission to manage social change around the globe for the mutual benefit of ourselves and the rest of mankind. Amidst the rubble of World War II, with much of the world destroyed and America miraculously unscathed, that was an easy illusion to acquire. But the reality is that we do not know whether the American candidates to run Vietnam, Brazil, Greece, Nigeria, Congo or Chile are better or worse for the people of those countries than the alternatives we have spent so much money and destroyed so much to prevent. I personally believe that in almost every case they have been worse. But even if we could be really sure that the American model of development was the answer the costs in imposing American solutions would make the management of social change around the world impossible.

A new internationalism that could help us to evolve toward a rational global order would recognize that not only is the United States unable to play the role of problem solver but that as the world's most powerful producer and employer of armaments and the consumer of half the world's consumable resources we are a major part of the problem. The United States cannot force change around the world, except temporarily and at great cost, but it can exert enormous influence by what it does and by what it seeks.

The Number One Nation sets the tone of international relations. What we have told the world by what we do is that the massive accumulation of armaments is indispensable to greatness and that matters of face and prestige are more important than whether hundreds of thousands of people live or die. We tell the world daily by what we do that we regard international law as irrelevant whenever it appears to forbid some military operation we have decided to undertake whether it be fire storms, crop destruction, population relocation, or the bombing of dikes. We can hardly expect that other nations, less powerful and more desperate, will exercise greater restraint whenever their "vital interests" are deemed to be involved.

The first principle of a new internationalism would be a drastic cutback on the use of force in the promotion of day to day foreign policy. The most important function of disarmament and a significant reduction of the military budget would be to signal to the world that the United States has adopted, not a new "profile," but a new policy of downgrading the use of force and coercion in the conduct of foreign relations.

If the United States is to deemphasize military force in its dealings with the outside world we will have to transcend old ways of thinking about foreign policy. To a great extent, we have conceived of international relations as a gigantic game, a deadly one to be sure, but a game nonetheless. We have assumed that if we are able to exercise control over some country in Asia, Africa, or Latin America we have "won" and the Russians have "lost." The exercise of control has often been an end in itself rather than the concrete purposes for which control is sought. The new internationalism would take seriously some of our traditional rhetoric about promoting self-determination. Instead of treating any potential independent weak country as a "power vacuum" which must be filled by US power before someone else gets there, the goal of policy should be to preserve and protect independence. We should challenge the Soviet Union and other great powers to competitive non-intervention and declare that colonialism and foreign domination of any kind are the most serious obstacles to political and economic development.

The preservation of cultural traditions and of the possibility of diverse forms of political experimentation are vital to global survival. Americans do not win if struggling nations throw over their own cultural traditions because of the pervasive influence of our own. Still less do we win if the Cubans, North Vietnamese, or the Chileans fail in the experiments they are undertaking. It is still the policy of the United States to complicate the life of countries which undertake social experiments that appear to reproach the American Way of Life. We know so little about what is necessary for economic and political survival into the twenty first century that we should encourage and nurture all efforts at decolonization and development, not seek to destroy them. There is no reason why revolutionary communist governments in Cuba, North Vietnam, or other countries constitute threats to US national security except the fact that we have engaged our prestige to prevent them from pursuing their own national policies. There is nothing to suggest that posing a military threat to such regimes has a liberalizing effect upon their policies.

A new internationalism, then, would be premised on a much more relaxed attitude about internal political and economic development around the world. It would mean ending assistance to repressive regimes in the hope that we are thereby avoiding "something worse". According to the old internationalism "stability" was probably the most important goal of American foreign policy. But in a world on the brink of mass starvation, in which old structures perpetuate misery and despair and the widening gap between rich and poor, "stability" is a death warrant in many parts of the globe. The United States can never demilitarize its foreign policy unless we are prepared to accept, even to welcome, radical change in areas of the world where there is no rational alternative.

Finally, a new internationalism would recognize an obligation on the part of the world's most powerful nation to enter into a process for the redistribution of wealth and power on a global scale. The renunciation of extreme interventionist policies would already begin such a process. But the United States must face the fact that present consumption patterns pose a basic obstacle to a just and peaceful international order. There is a conflict of interest between the people of the developed countries, especially our own, and the people of the poor countries that cannot be glossed over. To deal with this conflict it will be necessary, I believe, to develop new attitudes toward the operations of international business and towards the control of technology.

NORMAN COUSINS

Norman Cousins, editor of *World* Magazine, was educated at Teacher's College, Columbia University. Before assuming the editorship of *The Saturday Review*, which he held from 1940 until 1971, he was Educational Editor of *The New York Evening Post*, 1935–1936, and Managing Editor of *Current History* Magazine, 1936–1939. He has been both President and Honorary President of the United World Federalists and has been President of the World Association of World Federalists since 1965. A recipient of the Eleanor Roosevelt Peace Award, 1963, and a speech writer for several Presidents, Cousins was also Co-Chairman of the National Committee for a Sane Nuclear Policy, 1957–1963, and Co-Chairman of the Citizens' Committee for a Nuclear Test Ban Treaty in 1963. He was instrumental in developing the "Hiroshima Maidens" program, which provided for US medical treatment of victims of the Hiroshima atomic bombing and training for Japanese plastic surgeons.

Among his many publications are: *Present Tense* (1967), *In Place of Folly*, (1961), *Dr. Schweitzer of Lambarene* (1960), *Who Speaks for Man?* (1953), *Talks with Nehru* (1951), *Modern Man is Obsolete* (1945), and *The Good Inheritance* (1941).

STATEMENT BY NORMAN COUSINS, BEFORE THE WORLD ORDER STRATEGY COMMITTEE OF MEMBERS OF CONGRESS FOR PEACE THROUGH LAW, AUGUST 1, 1972

Since the end of the Second World War, U.S. foreign policy has gone through a series of unworkable assumptions or theories in the effort to achieve security.

The first theory was that we could have security through monopoly of nuclear power. The military head of the Manhattan District Project made the flat statement that the Soviet Union, "which couldn't produce the equivalent of an Ingersoll watch, would be unable to produce a nuclear bomb within twenty years." This confident analysis was made in 1946. Within two years, the Soviet Union was preparing to detonate its first fission weapon.

The collapse of the theory of nuclear monopoly led to the theory of nuclear supremacy. This theory was badly dented when the Soviet Union was the first to develop a thermonuclear explosive to fit into its missile delivery system. Included in the Soviet nuclear arsenal today are bombs with 400 times the destructive force of the nuclear bomb that destroyed Hiroshima.

Next came the notion of "massive retaliation." We served notice that any country that intended to launch a surprise attack on the U.S. should know we had a "second-strike capability" that would enable us to devastate the country of the attacker in a matters of hours. The trouble with this theory was that what we were actually taking about was a mutual suicide pact. For a nuclear exchange would probably be a total one in its effects. Another difficulty with the "second-strike capability" argument was that the military scientists in this country and elsewhere were busy devising the means for crippling such capability by a potential enemy.

All these notions of security come under the heading of "balance of terror." Whether with respect to monopoly, supremacy, or deterrent, they all have a common origin in the theory of overwhelming military force. But the "balance of terror" theory is deeply flawed. It assumes that a potential enemy will be so impressed by the harm that may be done to him that he will exercise restraint in his own policy. The theory, however, doesn't work too well with irrational men in power who are unmoved by the threat of man-made holocausts. Would Adolph Hitler, that last night in the Berlin bunker when the entire city was on fire, have hesitated to press a button that would have cremated the entire human race—if such a button had been available to him? The singular fact that has not yet impressed itself on the human mind is that responsibility and high office do not necessarily go together, and that it has sometimes happened that the higher the station in government, the greater the madness.

In any event, the "balance-of-terror" assumption is about to be wedded to an equally unworkable and ancient theory known as the "balance of power." Over the past few months, a series of statements from the top foreign policymakers in government indicate that we are embarked on a new "balance of power" course. What kind of "balance of power?" It is possible that the new design envisions a new relationship between the United States and China. The fascination such a combination holds for its architects in the U.S. is that it could bring together the most populous nation in the world with the most powerful. This new configuration would have the effect, its proponents believe, of containing the Soviet Union on virtually every level. A supposed side benefit is that it might help provide leverage against the explosive economic expansion of Japan.

Seeking security through a balance of power, however, is like seeking security through an arms race. Nothing remains static. The nation or nations against which a balance of power is sought try to shift the balance in their own favor. Already, there are dynamic signs that the Soviet Union is trying to offset a Sino-American relationship by forging new ties to the members of the European community. The NATO concept, the main purpose of which was to contain the Soviet Union, never became a fully functioning reality. Its most serious weakness was that the nations involved came to feel they were more the adjuncts of U.S. foreign policy than full partners in an enterprise designed to meet their intrinsic needs. The current formation of a European Community enjoys a natural historical flavor and offers the realistic prospects of economic and even political benefit. Such a development, in the minds of most of its members, is far more appealing and sensible as a design for living than NATO—even though the U.S. has gone to great pains to emphasize there is no conflict or inconsistency between the two.

Be that as it may, the present trend in Europe is away from and not towards the United States—a fact that the Soviet Union is not ignoring, especially in view of the new rapport between the U.S. and China. This does not mean that the Soviet Union in very short order will seek to become a full-fledged member of the European community. But it is by no means far-fetched to suggest that new patterns or economic exchange and cooperation may be pursued between Western and Eastern Europe. Despite the ready use of the term "East" in the United States to describe the U.S.S.R., the Russians have always regarded themselves historically as Europeans—a proposition which finds no disagreement from the Chinese. Looking back on the predatory assault of their country by outsiders, the present Chinese leaders make no distinction between Russia, England, France, or any other Western nation.

The central question, of course, is whether a new balance of power is likely to work. Balance-of-power advocates draw a large degree of encouragement from their interpretation of the history of the Congress of Vienna which, in their view, provided several decades of stability. The trouble with this view is that it neglects a large amount of history leading up to it and an equally large amount of history leading away from it. The Congress of Vienna set a historical stage for the massive eruption that came much later and that was known as the First World War. In the long-term perspective of history, the balance-of-power approach to world politics has been pockmarked by innumerable wars. The documentation is to be found in sources as diverse as Thucydides, Gibbon, and Machiavelli.

The greatest single difficulty with the Congress of Vienna argument, however, has to do with scale. The arena today is not Europe but the entire world. Not sixty million people but three billion people are involved. The weapons at the disposal of international lawbreakers are not manually operated cannons but explosives that can shatter entire cities and produce gross alterations in the conditions that make life possible.

What distinguishes the world situation today from Europe at the time of the Congress of Vienna is that war at one time could be regarded as an acceptable instrument of foreign policy; victory conferred benefits that could be obtained in no other way. But "victory" as a concept had an entirely different meaning at that time from what would happen in a nuclear war. Can a nation consider itself victorious if two-thirds of the enemy's population has been killed compared to one-third of its own, or if four-fifths of an enemy's cities and industrial capacity have been devastated compared to two-fifths of its own? What meaning is to be attached to "victory" if a blanket of radioactivity covers the world, enfeebling life, poisoning land and water, and condemning future generations to a fragmented and twisted existence?

The notion of security through balance-of-power—like war itself—is outworn, unworkable, chaotic, and infinitely combustible. If our foreign policy is to work, it must deal with new realities.

The first reality is that security can be achieved not through the pursuit of force or the use of force but the control of force.

The second reality is that the conduct of nations outside their own boundaries must be regulated in the common interest.

The third reality is that such regulation calls for the creation of a world organization capable of defining and enforcing acceptable standards of international behavior.

The fourth reality is that a world organization now exists. That organization is called the United Nations.

The fifth reality is that the United Nations has been an adjunct to the foreign policies of the member nations, rather than an organization capable of transcending the policies of those members. It is not yet an instrument for dealing with points of conflict involving the foreign policies of major nations.

The sixth reality is that the most important business on earth today is the development and conversion of the United Nations into a world organization that can represent the world's peoples in all the ways that are essential to a planet that is both a single life-support system and a single geographic unit. Whether with respect to world breakdown because of war, environmental poisoning, exhaustion of resources, or overcrowding, the overriding need today is for a workable and responsible world approach to world problems.

The seventh reality, finally, is that security for the American people is not separable from security for the Russian people or the Chinese people or the Nigerian people or any other. Any plan for peace for the American people begins with a fatal flaw if it is not broad enough, quite literally, to embrace the world.

The politician or statesman who understands that all peoples now share the same history is in the best position to serve his own people. Only those statesmen who can see the whole are qualified to deal with the parts.

ROBERT W. TUCKER

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Among his publications are: *A New Isolationism: Threat or Promise?* (1972), *The Radical Left and American Foreign Policy* (1971), *America and the World* (1970), *Nation or Empire? The debate over American foreign policy* (1968), *Force, Order and Justice* (with Robert E. Osgood) (1967), *Just War and Vatican II; a critique* (1966), *The Just War; a study in contemporary American doctrine* (1960), and *The Law of War and Neutrality of the Sea* (1957).

STATEMENT OF PROF. ROBERT W. TUCKER, THE JOHNS HOPKINS UNIVERSITY BEFORE THE WORLD ORDER STRATEGY COMMITTEE OF MEMBERS OF CONGRESS FOR PEACE THROUGH LAW, AUGUST 2, 1972

I appreciate the opportunity to appear before the World Order Strategy Committee of Members of Congress for Peace through Law. The Committee is to be commended for undertaking this fundamental reassessment of United States foreign policy. For too long inquires into the guiding assumptions of American foreign policy have been neglected largely because of the prevailing conviction that the validity of these assumptions was self-evident. As such, they did not require serious examination and debate. Differences might arise from time to time over the wisdom of a particular application of these assumptions but not over the assumptions themselves.

It is significant that even the events of very recent years—above all, the Vietnam war—have not led to widespread and critical questioning of the guiding assumptions of American foreign policy. For the most part, the disaffection and opposition the war gave rise to did not go to the nerve roots of our policy. The debate the war provoked seldom led critics to ask the fundamental questions this Committee has set out. In particular, the debate over Vietnam only seldom raised the basic question that I should like to concentrate upon in these brief remarks: What is United States national security?

However difficult it may be to give a satisfactory answer to this question, the importance of the question itself scarcely need be labored. In the post World War II period the principal justification of American foreign policy has rested on the assumption that America's role and interests in the world by and large reflected the necessities of national security. To be sure, these necessities might on occasion be misinterpreted. They might on occasion be distorted through exaggeration, as critics found them to be in Vietnam. Nevertheless, the assumption that our role and interests have on the whole been required by the demands of national security remains largely unchallenged to this day.

This is not to say that the essential rationale of American foreign policy has been explicitly cast solely in terms of our vital self-interests as a nation. On the contrary, the distinguishing mark of this rationale has been its fusion of the self-interested and the altruistic, of realism and idealism. Thus in what is now the historic expression of the policy of containment, the Truman Doctrine, President Truman declared that a willingness "to help free people to maintain their free institutions and their national integrity against aggressive movements that seek to impose upon them totalitarian regimes . . . is no more than a frank recognition that totalitarian regimes imposed on free peoples, by direct or indirect aggression, undermine the foundations of international peace and hence the security of the United States." The assistance to Greece and Turkey, which formed the immediate purpose of President Truman's address, was to be understood in these terms as was the effort to reconstruct and defend Western Europe. The American intervention in the Korean conflict followed along similar lines, as did the subsequent expansion of American commitments in Asia. So, too, the intervention in Vietnam has been justified by successive administrations both in terms of America's security interests and in terms of the freedom and self-determination of the South Vietnamese people.

Despite the apparent consistency of the rationale given for American foreign policy, it is clear that the altruistic side of that rationale has in recent years markedly declined in significance. There is no need to review once again the developments that have led to this decline. Suffice it is to say here that well before the Vietnam intervention the attempt to represent American policy as vindicating the principles of freedom and self-determination had worn rather thin. A claim that initially had been persuasive when applied to Western Europe subsequently was only seldom persuasive—or even plausible—when applied elsewhere. If American policy cannot fairly be charged with the deliberate subversion of these principles, it just as clearly cannot be credited with promoting them at the expense of other interests. To the question the Committee poses—Does United States foreign policy contribute to the ability of peoples to select governments of their own choosing?—the answer must probably be on balance no. The reason for this is not a devotion to traditional, and frequently repressive, regimes for their own sake but rather a devotion to stability—which is all too often a euphemism for the status quo—and a conviction that such regimes are least likely to challenge American interests, whether strategic or economic. In a word, despite our persistent profession of commitment to freedom and self-determination, we have behaved very much as other great yet conservative powers have behaved throughout history.

The point has been frequently made that the expansiveness of America's postwar conception of its security is not so much the result of equating security with traditional notions of the balance-of-power as it is of equating security with an international environment receptive to the nation's institutions and interests. On this view, the roots of the aberration that ultimately led to a Vietnam were implicit in the Truman Doctrine with its insistence that security is a function not only of a balance-of-power between states but of the internal order maintained by states, and not only by some states but by all states. The Truman Doctrine, with its presupposition of a world in which America would be the preponderant power able to impose, if necessary, its vision of order and stability on those who might seek to challenge that vision, thereby equated America's security with interests that clearly went well beyond conventional security requirements.

Although there is much to be said for this view, it is a mistake to conclude that once the vision of the Truman Doctrine is abandoned we will thereby cease to identify our global role and interests with our security. If the present Administration has not abandoned the outlook expressed in the Truman Doctrine, it has certainly modified this outlook very substantially. The marked de-emphasis on the ideological commitment of past years has, if anything, gone beyond the demands of most conventional critics. Yet it cannot be said that this change has resulted either in a substantially modified view of our role and interests in the world or in our propensity to equate our role and interests with our security. Thus a successful outcome of the conflict in Vietnam continues to be seen as indispensable to American security. More broadly, the maintenance of the postwar structure of American commitments is still equated with the maintenance of the nation's security.

Is the latter equation persuasive or even plausible? It would not seem so. Certainly, it would not seem so if by security we mean primarily physical security—security against direct attack. Whereas only a generation ago it was reasonable to see America's security, including her physical security, largely in terms of conventional balance-of-power calculations, today that view is no longer reasonable. Whereas a generation ago it was plausible to find in alliances an indispensable hedge against an uncertain future, today the indispensability of alliances is no longer plausible. The principal reason for this change, this radical change, in the conditions of American security is clear enough. For the state that can now destroy any other state or combination of states, nuclear weapons have conferred what has heretofore proven unachievable—a surfeit of deterrent power.

It is indeed the case that in the extreme situation the great nuclear power is absolutely vulnerable with respect to its great adversary. But this ultimate vulnerability cannot be significantly reduced—let alone removed—by any alliance the great nuclear power may form—or retain. In other than the extreme situation, nuclear weapons confer a degree of security on their principal possessors that great powers seldom, if ever, enjoyed in the past. Provided that America maintains the strategic forces necessary to deter attack, alliances cannot enhance a physical security that is no longer dependent on what transpires outside the North American continent. Thus a Soviet Union in control of Western Europe would still not be a Soviet Union posing a markedly greater threat to America's physical security than the Soviet Union of today. However undesirable the other consequences of so extreme, and improbable, a situation, its consequences for security would not be comparable today with what they would have been a generation ago when security was calculated primarily in terms of geographic position, manpower, industrial concentration, etc.—that is, in terms of conventional balance-of-power calculations.

If retention of the postwar system of comments is to be justified in terms of a narrow concept of security, the grounds for doing so must be other than conventional balance-of-power calculations. Can these grounds be found in the nuclear proliferation that would presumably attend a substantial contraction of American commitments? There is no gainsaying the argument that, all other things being equal, the greater the number of states possessing nuclear weapons the greater the chances of a nuclear conflict. States that do not have nuclear weapons cannot be tempted to use them. The relevant question here, however, is not whether nuclear proliferation increases the chances of nuclear conflict, but whether this increase is such as to have any practical significance for America's security.

The answer to this question depends upon the assumptions that are made about the character of American security interests and, more generally, the nature of a nuclear peace. If it is assumed that America retains unchanged her present interests, then proliferation is indeed likely to increase the danger of America becoming involved in nuclear conflict. But this assumption establishes a vital American security interest in non-proliferation only by begging the question of how our vital security interests should be defined. If the assumption that America retains her present interests is not made, the threat to American security arising from the further spread of nuclear weapons must depend very largely upon the argument that nuclear peace is indivisible.

The argument for an indivisible nuclear peace obviously cannot be based upon historical evidence. A nuclear peace may prove at least as divisible as any other peace men have known. Given the expected consequences of employing nuclear weapons, it may in fact prove even more divisible. Nor is it only the hazards of entering a nuclear war that may henceforth be expected to militate in favor of a divisible peace. Yesterday, peace was indivisible to the degree that an imbalance of military power was the possible (even the probable) price of choosing isolation from a conflict involving the other major states. Today, peace is divisible to the degree that a balance of deterrent power would be at worst unaffected, and at best improved, by choosing isolation from a nuclear conflict involving other nuclear powers.

In a system governed by a conventional balance of power, the fear of being isolated was, with rare exception, synonymous with the fear of vulnerability to attack by superior forces. Thus, the conclusion was drawn, and hardened into dogma, that peace is indivisible, that the principal military powers must be all at peace or all at war. In a system governed by a balance of deterrent nuclear power, however, the fears of isolation and vulnerability to attack are no longer synonomous. To this extent, we must reverse what has come to be one of the received truths of the age, namely, that nuclear weapons have created a "community of fate." Instead, the effects of these weapons have been to make peace more divisible than it has been in a very long time.

If America's physical security no longer depends upon retaining the postwar structure of commitments, is this structure nevertheless required for our material well-being? With respect to the economic dimensions of security, the orthodox view—and, indeed, the radical view as well—is that our economic involvement abroad has become critical to our national well-being and that for this reason alone we must retain substantially intact the postwar structure of commitments. Yet the evidence does not bear out the argument of America's dependence on her foreign economic interests in the sense that without these interests the American economy could not function as presently constituted. And even if this presumed dependence were accepted as a fact, it does not follow that the abandonment of our postwar role would thereby result in the sacrifice it is assumed that the preservation of these interests is in turn dependent upon preserving the present structure of America's political-military commitments in the world. In the undeveloped states, what threat there is at present to America's economic interests is not likely to be turned away by persisting in a policy of alliance and intervention. If anything, our recent experience in the Third World points to the conclusion that the future costs of pursuing an interventionist policy will outweigh by far any reasonable expectation of material benefit.

At any rate, it is not in the undeveloped and unstable areas that this nation's economic interests are increasingly concentrated but in the developed and capitalist countries. Clearly, these interests would be placed in jeopardy if one were to assume the control of Western Europe and Japan by hostile powers. This altogether improbable contingency apart, there are no persuasive grounds for believing that our economic interests in the developed states rest on our present political-military role. These interests primarily reflect reciprocal economic advantage rather these advantages are no longer apparent, there is little evidence to support the view that our alliances will continue to provide an indispensable incentive to compromise on issues of trade, investment and monetary reform. Indeed, what evidence there is points to the rather peripheral significance of our alliances as a means of obtaining economic leverage.

Although neither our physical integrity nor our material well-being preclude a substantial modification of, even a radical change in, the global role we continue to play, it may nevertheless be argued that the maintenance of this role is required for the vitality and integrity of our institutions. Security cannot only be seen in its physical and material dimensions; it must also be considered in a more subtle and intangible, though no less important, dimension. Thus, America's global role and the system of American commitments have been, and continue to be, justified on the grounds that they are necessary to prevent the prospect of a world in which America's political, economic, and cultural frontiers, of a world in which societies that share our culture, institutions and values might very possibly disappear. In such a world, it is argued, America would find it difficult, if not impossible, to realize her promise as a nation.

It may be readily conceded that a world from which America was shut out would inevitably affect the vitality of our institutions and the quality of our domestic life. The question that must be raised, however, is whether this prospect is indeed likely, or even plausible, if the nation were no longer to play the role it has played for the past quarter of a century. To those who take the position that it is only the American presence and American power which hold back the forces of darkness, the answer is self-evident. Yet those who take this position must in effect deny, even while they may formally acknowledge, the vast changes in the world that have occurred since the last great war, changes that have not only transformed the bases of America's physical security but of our security in the greater-than-physical sense as well.

In large part, the changes in America's greater-than-physical security are the consequence of constraints that have emerged to limit the use of force, particularly by the great powers. In their mutual relations, it has long been apparent that the great nuclear powers are inhibited by the common realization of the dangers inherent in direct confrontation. In their relations with the weak, the strong are also increasingly inhibited, however, by the ever rising costs of employing force. As against a population determined to resist, the costs of military conquest and pacification have become exorbitant. They have become exorbitant not only because of the politicization of peoples but because of the growing conviction that force is no longer a legitimate instrument of national policy save when employed in self-defense or in pursuit of liberation from an alien and oppressive rule.

These constraints clearly do not justify the conclusion that force is no longer a usable instrument of national policy. They do support the view that the utility of force has sharply declined and that it has done so in a very brief period. Moreover, that decline has occurred concomitantly with, and partly facilitated, the emergence of a world that shows every sign of becoming more pluralistic. In consequence, the fear that could once be seriously entertained—the fear that a hostile power or combination of powers might succeed in uniting a world from which America would be effectively shut out—can no longer be seriously entertained.

If these considerations have merit, the time has surely come when the inflated view we have long taken of our security requirements must be seriously challenged. It is not American security—whether in its physical or greater-than-physical sense—that a drastically reduced American role in the world would jeopardize but American influence. The price of substantial change in American foreign policy—and this must above all mean change in the structure of American commitments—is to be found in the prospect of a world in which American influence, though still considerable, would markedly decline.

It is this prospect of a reduced American role that successive administrations have insistently identified as a threat to the nation's security, just as it is the same prospect that has prompted the pursuit of an interventionist policy. The determination not to lose America's preponderant position in the world continues almost undiminished today, despite the novel methods employed of late to preserve this preponderance. Novel methods aside, however, it is the reluctance to accept a more modest role that largely accounts for opposition to substantial change in alliance relationships. It is the same reluctance that largely accounts for the devotion to "partnerships" without equality, "regionalism" without dominant regional powers, and change without instability.

Would the realization that the nation had settled for a far more modest role in the world prove internally debilitating? In the wake of a war that has had corrosive domestic effects, the question may appear to many as absurd. It is by no means so. There is nothing self-evident about the conviction, so central to isolationist thought in the past, that places an almost consistently negative assessment on the domestic effects of foreign policy. But if the relationship between foreign and domestic policy is not always negative, the experience of recent years affords a striking illustration of the circumstances in which it will be so. Although the domestic effects of the Vietnam war are often exaggerated out of all proportion, the undisputed point remains that Vietnam has had debilitating effects at home. Even if it is assumed that the future costs of maintaining America's present role and interests in the world will not prove as exorbitant as the war in Vietnam, these costs will still prove considerable. For the world is more recalcitrant today than ever. It is also more unmanageable than ever before because the restraints on the use of power by the would-be guardians of order are greater than they have ever been.

C. Maxwell Stanley

C. Maxwell Stanley was born in Corning, Iowa in 1904. He received both his B.S. and M.S. from the University of Iowa. He received the Alfred Nobel prize in 1933. He was President of the United World Federalists between 1954 and 1956, and again between 1964 and 1966. He has been a member of its council since 1947. He is also a member of the World Association of World Federalists and was chairman of its council from 1958 to 1965. He is currently on the National Board of Directors of the United Nations Association of the U.S.A.

Mr. Stanley is Chairman of the Board of Stanley Consultants Inc., and of HON Industries, Inc. He is President of The Stanley Foundation and has chaired over 30 gatherings, including twelve Strategy for Peace Conferences and seven Conferences on the United Nations of the Next Decade, in this capacity.

He has just returned from a June trip to the Soviet Union, where he and his wife Betty spent three weeks at the invitation of the USSR Academy of Sciences. He delivered several addresses and spoke with leaders of several Soviet institutes.

He is the author of *Waging Peace: A Businessman Looks at United States Foreign Policy, The Consulting Engineer*, and numerous articles in professional journals.

STATEMENT OF C. MAXWELL STANLEY BEFORE THE WORLD ORDER STRATEGY COMMITTEE OF MEMBERS OF CONGRESS FOR PEACE THROUGH LAW, AUGUST 9, 1972

My name is C. Maxwell Stanley. I am a professional engineer and Chairman of the Board of Stanley Consultants, Inc., international consultants in engineering, architecture, planning, and management. I am also Chairman of the Board of HON Industries Inc., a leading manufacturer of metal office furniture and material handling equipment. For over a quarter of a century, I have been deeply concerned with the foreign policy of this country, particularly as it relates to world peace and security. I have been active in several private organizations, seeking to influence a more enlightened foreign policy for the United States. I have traveled widely and have participated in numerous international conferences concerned with world organization. In addition, I am President of The Stanley Foundation, which for many years has encouraged study and education aimed at strengthening international organization. In this capacity I have chaired over thirty gatherings, including twelve Strategy for Peace Conferences concerned with US foreign policy and seven Conferences on the United Nations of the Next Decade. I have written and spoken extensively on these matters and am author of the book "Waging Peace," captioned "a businessman looks at United States foreign policy."

In responding to your invitation to testify before this committee, I speak as an individual, seriously concerned about the inadequacies of the foreign policy of my country.

Mr. Chairman, the first question listed in your communication inviting me to testify was, "What kind of international political order do you want your grandchildren to inherit?" May their legacy be a world where "nations shall learn war no more" and where they may live in human dignity with the peoples of the world of every race, creed, and color. This legacy demands an international political order that assures secure peace with freedom, justice, and hope—not only for my grandchildren, but for all grandchildren.

I urge the United States to act with boldness and urgency to achieve such an international political order, responsive to our great heritage of "life, liberty, and pursuit of happiness." To do so we need a viable and consistent national strategy to gain the desired international political order, plus the will and determination to implement the strategy. Unfortunately, neither the will nor the strategy exists in the United States today. Despite recent important steps taken to lessen international tensions, we have no long-range strategy. Our leaders' rhetoric about peace and freedom is too seldom translated into action proposals for United States foreign policy. This situation is neither partisan nor unique to the present or past administrations.

The changing climate

Although an adequate strategy must start with today's realities, it must also be compatible with the probable world climate in the decades ahead. Neither the frustrations of the post-World War II era nor nostalgic recollections of former generations provide suitable guides for the years ahead. The accelerating pace of science and technology, together with the collapse of colonialism, have brought about startling changes in the nature of the world community. The influence of these two major factors has been intensified by the political and economic decisions of many nation states. Hence, we dare not rely on our postures and policies of the past: we must reach to the future.

In my judgment the following trends must inevitably shape world affairs in the decades ahead. These are current trends already noted and examined by scholars and observers of the international political scene.

The number of actors on the world stage has increased dramatically. With the collapse of colonialism, the number of sovereign nations has increased from 67 at the end of World War II to more than 140, with others on the horizon. Though considered sovereign and equal, they vary greatly in population, economic and social development, and political power and sophistication. Their interests and concerns are equally disparate.

The impact of nuclear deterrence is eroding. Though second strike nuclear capability may restrain any temptation of a superpower to launch a nuclear strike, it exerts minimal restraint upon the use of force by non-nuclear weapon states. They, too, recognize that the superpowers dare not use these weapons against each other nor any other nation lest the conflict escalate to a nuclear holocaust. Nuclear deterrence will become obsolete as a mechanism to preserve world order.

Global threats to the quality of life, and perhaps life itself, are enlarging. Burgeoning populations drain the earth's resources and contribute to the deterioration of the global environment. Rampant pollution of sea and air knows no national boundary. The finiteness of the earth's resources places limits on its life-support capability. Such threats can only be dealt with on a global basis.

The gap between the affluent and the poor nations is expanding. Despite two generations of emphasis on economic and social development, most developing nations are falling further behind. This fact is documented in a recent analysis released by the United Nations.[1] Though living standards continue to rise in the developed countries, most developing nations are hard pressed to maintain standards with their rapid population growth. The so-called North-South confrontation may soon displace the East-West confrontation which has paralyzed international cooperation the last 25 years.

The economic interdependence of nations is growing. Both developed and developing nations are increasingly dependent upon vast networks of commerce, trade, and communication. Their economies are affected by the erratic action of an inadequate monetary system. Long before the world's population reaches the 7.0 billion predicted for the year 2000, shortages and imbalances of the world's resources will become evident. The world increasingly constitutes a single ecosystem, as well as a single biosystem.

Bipolarity is waning. Though it will prevail for some time, the winds of change are blowing. New centers of power are emerging: the People's Republic of China, Japan, and the European Economic Community. Various middle powers are exerting greater influence on specific issues. The developing nations exert political, and sometimes moral, power when they concur and work together on specific issues. As bipolarity wanes, the United States and the Soviet Union will be less dominant in world affairs.

Security

But what will constitute security for the United States of for any other nation in the decades ahead? Security is without question the fundamental purpose of a foreign policy. The concept of national security has historically been closely linked to military power. Nations have sensed security when their land, sea, and air forces were of sufficient strength to deter or repel attack from their presumed enemies. Alliances and balances of power have been arranged and advantage has been taken of geographical position. In weighing security, nations have also judged both the sincerity and the military power of allies.

National security in the last analysis is a judgment, a state of mind, however it is evaluated. Major elements in such a judgment include assessment of threat of invasion or military challenge, as well as the degree of confidence a nation has in the world community. Powerful nations have, on occasion, widened the objectives of national security to include the ability to roam the seas and the skies unhampered, and the freedom to intervene in the affairs of lesser nations in pursuit of their own national interests. Hence, a close relationship often develops between national security and unrestrained exercise of national sovereignty, at least by powerful nations.

Historical concepts of national security will be outmoded due to the impact of science and technology in the changing climate of the decades ahead. The power and instant deliverability of nuclear weapons are rapidly undermining the foundation upon which national security has previously rested: the threat and use of national military power. Those possessing nuclear weapons recognize they cannot be used—that nuclear war must be avoided. Because these weapons provide license of total destruction, all-out war as a practical instrument of national policy is outdated. *Increments of usable political power, as well as national security itself, are not necessarily measured by the possession or expansion of nuclear power.* Incremental additions to nuclear strength are not meaningful additions to national security when nuclear arsenals are already stocked with excessive overkill.[2]

Concurrent with the demise of nuclear deterrence as an adequate cornerstone for national security, resort to balance of power politics is likewise increasingly less effective. *Balance of power manipulations with nuclear weaponry are uncertain, dangerous, and destabilizing.* They tend to undermine adherence to the Nonproliferation Treaty, accelerate the race for more sophisticated weapons, and foster a continuing climate of suspicion and fear.

Security in the decades ahead requires a new approach compatible with changing conditions. Security cannot be assured solely through national military power; no nation can be secure unless all are secure.

The historic dependence upon military power for national security is inadequate for still another reason. *It has no capacity to cope with non-military threats.* burgeoning population, rampant pollution, and diminishing resources. National security can be undermined by deterioration of the global environment or by imbalances between population, resources, and desired quality of life. Hence, concerted worldwide action against these common enemies of all peoples is important to our national security. It is irrational to presume we can advance toward secure international political order without dealing effectively with these problems.

Acceleration of economic and social development of the developing nations is also related to the security of the United States. Failure to achieve visible and viable progress often causes unrest and conflict within these nations. Such occurrences often invite intervention from without and lead to indirect major power confrontations, or worse. The resulting instability and chaos in an increasingly interdependent world is hardly conducive to security.

Moreover, the cooperation and support of these less fortunate nations are essential to the achievement of desired objectives of the developed nations: peace and security and effective global responses to environmental threats. The developing nations are far more concerned with their more immediate problems of economic and social development. *As developed nations assist them* in the achievement of their goals, *they are more likely to cooperate* in the establishment of an alternate security system and a viable plan to attack nonmilitary global threats.

One other aspect of national security should be mentioned: the domestic climate within our country. Until we put our house in order, our credibility abroad will suffer. Other nations cannot understand our failure to cope with several of our trying problems. *Though we are envied abroad for our great affluence, we are pitied for our inability to use our human and natural resources* to eliminate poverty, to cope with our deteriorating urban centers and congested transportation systems, to judiciously restore law and order, and to redirect domestic resources from massive military investments to the provision of equal opportunities in housing, education, employment, health, and civil liberties for all Americans. Were we to more adequately deal with these matters, we would not only restore much of the good will we once enjoyed but also expand our own self-confidence—both important elements to national security.

Criteria for tomorrow's world order

The international political order of tomorrow, to be acceptable to nation states, must effectively deal with the needs and aspirations of the peoples of the world. A tolerable world order should:

1. Provide security to all nation states against aggression and the threat of military force.

2. Permit self-determination by each nation state in its idealogical, cultural, governmental, and economic affairs; i.e., freedom for diversity.

3. Provide the means for the peaceful and just resolution of controversies between nation states and between the nationals of various states.

4. Deal effectively with the mounting global threats to the quality of life, and perhaps life itself.

5. Enhance and, as necessary, regulate trade, commerce, communication, and interchange among nation states.

6. Promote a reasonable pace of economic and social development.

7. Advance respect for human rights and dignity with greater justice.

An international political order fulfilling these criteria will be quite different from the present system in which nation states exercise unlimited sovereignty and unilateral decision-making. Vast and effective international cooperation must be marshaled and focused upon the urgent, long-term, expanding needs of the world community.

Pragmatically, *global problems must be managed as they arise.* Prompt decision and positive action in the interest of many must not be stalemated by the opposition of few. *The needs of the world community must be several, even though at times they conflict with the perceived short-term interests of some nations.* The world community must act in its common, enlightened self-interest to assure peace and security, even as it eliminates the use of war. It must effectively cope with the threats that jeopardize quality of life upon this earth.

Effective institutions on the world level are an essential prerequisite to the vast international cooperation required to meet the above criteria. Such institutions need sufficient autonomy or sovereignty to permit prompt decision and effective action within broad guidelines and policies established by the world community. To maintain peace and security, some degree of police authority seems desirable. To peacefully resolve controversy, juridical mechanisms must function. To be relatively independent, a reliable source of revenue is called for. Greater effectiveness is demanded of world organization than that now provided by the United Nations. Handicapped by lack of autonomy, by one nation-one vote representation, and by the veto, the United Nations has great difficulty in reaching decisions promptly and acting effectively in the interests of the world community.

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[1] *Statistical Yearbook for 1971*, United Nations Publishing Service, New York, New York.

[2] For comments supporting this position, refer to the text of the congressional briefing by Dr. Henry A. Kissinger, Assistant to the President, June 15, 1972.

The challenge before nation states is to modify the United Nations and/or create other organization. Required authority must be delegated and controlled without undue encroachment upon national sovereignty. Unfortunately, this challenge must be answered soon for time is of the essence. We dare not await the development of broader world community sufficient to support some form of federal world government with limited powers, although this may likely be the ultimate solution.

More effective world organization must be established soon through treaties or through the legislative processes now available in the United Nations. In this manner new units may be established to deal with specific functions—i.e., an ocean regime—or better UN procedures and mechanisms may be developed. In either case, workable decision-making processes must result and sufficient authority must be delegated.

The creation of the required institutions will be a herculean task, raising questions concerning autonomy, sovereignty, authority, and representation. Every reasonable effort should be exerted to achieve the required institutions through revision and modification of the United Nations. *Nothing less than effective institutions can* provide the mechanisms and procedures needed to *assure international peace and security and deal with other global problems.*

Strategy

Any effective strategy for US foreign policy will, of necessity, be dual in nature. It must incorporate a strong thrust toward desired new patterns of international political order. But as achievement of these new patterns requires time, a suitable strategy should also deal with current issues and crises within the confused parameters of the nation-state system.

Basic Policy

Agreed fundamental objectives are mandatory to give direction to strategy. Several of these might be:

Establish as US policy the early achievement of an acceptable alternate security system capable of assuring secure peace with freedom, justice, and progress, preferably, but not necessarily, through the strengthening and improvement of the United Nations.

Expand and continue research, both private and governmental, on all aspects of the creation and operation of such an alternate security system. This will develop details of the desired international political order, support proposals an negotiations, and react to emerging attitudes and postures. Why not a minimal appropriation of perhaps ten percent of the current cost of military research and development?

Advocate and support the achievement of an alternate security system through available diplomatic and public channels and seek new ones. No other activity warrants higher priority. Why not designate an Under Secretary of State, adequately staffed, to assume full-time responsibility for this activity?

Develop bipartisan support, strong and continuing, for the creation of an international political order capable of assuring our national security. The President and his administration, the Congress, and the public must all lend support. Isn't bipartisan support for new patterns toward peace and security as important as that now enjoyed by the military establishment's efforts to maintain peace through force?

Action

The ten following action proposals would contribute to an international climate more favorable to world organization and deal with specific problems pressing for resolution. These actions would improve the credibility of the United Nations and raise the probability of revising it into the more effective and viable organization the world is waiting for. These recommended actions should be undertaken cooperatively with other nations supporting such concepts.

1. *Normalize diplomatic and trade relations with all nations regardless of their ideology.* Expanded contact and trade could provide considerable economic benefits and contribute to a more stable international order.

2. *Check and reverse the arms race.* The accords of the recent Moscow summit encourage SALT II. This opportunity and others should be pursued diligently to advance not only arms limitation but arms reduction and first steps toward disarmament. More nuclear and near-nuclear weapon nations should be involved in negotiations. I have long believed the United States could provide potent leadership through the judicious use of independent initiatives such as limited reduction of arms and/or military budgets. Such arms limitation and reduction is vital to achievement of better world order.

3. *Use and support the United Nations to the fullest extent practicable.* Although the United Nations has substantial weaknesses, it is what nations made it and is the only world organization in existence. The United Nations can be strengthened and made more effective within its present Charter. We do the world and ourselves a disservice when we bypass, neglect, or downgrade this organization.

4. *Work for the creation of a viable ocean regime.* The world has a fleeting opportunity to avoid a race to "colonize the seabeds" by acting promptly to establish a global ocean regime, preferably associated with the United Nations. Preserving freedom of the seas and conserving its resources—the common heritage of man—requires acceptable global management. An effective regime would be a positive contribution to world order.

5. *Continue support for an effective United Nations role in pollution matters.* Initial steps taken at the recent Stockholm Conference on the Human Environment need to be augmented and expanded along the lines proposed by our State Department.

6. *Enlarge the peacekeeping capability of the United Nations.* Great strides can be taken to make UN peacekeeping, peacemaking, and conflict resolution more effective. A UN peace force would be found indispensable if agreement were reached on guidelines for its deployment and management.

7. *Resolve the financial issues of the United Nations.* The organization is sadly hampered by its current uncertain and inadequate sources of revenue. The total UN budget for 1970 was but $1.1 billion, miniscule compared to the $204 billion the world spends on its armed forces. Independent sources of revenue should be explored: the financial issue is critical.

8. *Support the International Court of Justice.* As a strong advocate of a rule of law on the world level, the United States should be in the forefront of those using and advocating greater use of the World Court. Repeal of the Connally Reservation would be a good start.

9. *Reconstruct our approach to economic assistance for the developing nations.* We need a sensible and adequate program, giving special attention to the transfer and availability of science and technology and to the multilateral approaches through United Nations specialized agencies and cooperatively with other nation states. Economic aid should be completely separated from military aid.

10. *Expand support for stabilization of global population.* Quality of life for the world's citizens will be jeopardized if populations continue to grow at alarming rates. United Nations and multilateral programs, including vast research programs, warrant enlarged support to curb population growth rates.

Dedication

The creation of an effective international political order will be a difficult and trying task, requiring a change in deeply entrenched patterns of national action at home and abroad. Extreme nationalism must be subdued and the sensible use and limited delegation of sovereignty exercised. Moreover, the establishment of this new order will be time-consuming—no instant creation has surfaced. Massive acts of persuasion, together with broad educational programs, will be essential, again both at home and abroad.

It is my judgment, however, that there is more support for such action than we realize. The inadequacies of the present system of international politics are increasingly recognized, as is the seriousness of the hazards confronting the world.

My numerous contacts with world diplomats, statesmen, and scholars convince me that numerous middle and lesser powers would enthusiastically join in positive action toward an effective international political order were they convinced of great power support. President Nixon's visits to the People's Republic of China and to the Union of Soviet Socialist Republics indicate some willingness to break out of shackles that have deadlocked world affairs for the last two decades. On a June visit to the Soviet Union as a guest of the USSR Academy of Sciences, I sensed the doors had been opened slightly, inviting greater cooperation. A careful and patient nurturing of these beginnings offers hope that we dare not overlook. One could be cautiously optimistic, if the nations of the world, and particularly the great powers, were to recognize that their common interest in a safe and sane world could be achieved through a more effective international political order.

But if the United States is to take advantage of these tenuous opportunities, we must successfully challenge several preconceived concepts and postures. Until this is done, the will and dedication essential to provide leadership toward a better world political order will not be developed. Until our President and his administration publicly challenge archaic concepts of world politics and our Congress rises above deep-seated prejudices and fears to investigate and legislate toward these ends, the United States will be less than a positive force for a new and adequate international political order. Such leadership would force debate on the issues, leading to a positive strategy. Though efforts to develop a new international political order must be supported by the public, *initiative and dedication to do so must originate with the elected leadership of this country.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. VANDER JAGT (at the request of Mr. GERALD R. FORD), from September 6 through September 18, on account of appointment as the personal representative of the President to attend the official opening of the Yugoslavia World Trade Fair.

Mr. CARNEY (at the request of Mr. O'NEILL), for September 5 through September 15, on account of official business (investigation of the Committee on Interstate and Foreign Commerce).

Mr. CORMAN, for Wednesday, September 7, 1972, on account of official business.

Mr. Yates, for tomorrow, September 7, to attend funeral of dear friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Goldwater) and to revise and extend their remarks and include extraneous matter:)

Mr. Brown of Ohio, for 15 minutes, today.

Mr. Robison of New York, for 5 minutes, today.

Mr. Gerald R. Ford, for 5 minutes, today.

Mr. Kemp, for 10 minutes, today.

Mr. McKinney, for 5 minutes, today.

Mr. Fish, for 5 minutes, today.

Mr. Wyman, for 5 minutes, today.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Rooney of Pennsylvania, for 5 minutes, today.

Mr. Cotter, for 5 minutes, today.

Mr. Murphy of Illinois, for 5 minutes, today.

Mr. Burke of Massachusetts, for 15 minutes, today.

Mr. Eilberg, for 10 minutes, on September 7.

Mr. Annunzio, for 10 minutes, on September 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Hechler of West Virginia and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $977.50.

Mr. Drinan and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the Record and is estimated by the Public Printer to cost $1,402.50.

(The following Members (at the request of Mr. Goldwater) and to include extraneous material:)

Mr. Riegle.
Mr. Esch.
Mr. Derwinski in three instances.
Mr. Gerald R. Ford.
Mr. Shriver.
Mr. Broomfield in five instances.
Mr. Whitehurst in two instances.
Mr. Lent in three instances.
Mr. Hosmer in two instances.
Mr. Collier in five instances.
Mr. Smith of New York in two instances.
Mr. McCloskey in two instances.
Mr. McClory.
Mr. Ashbrook in three instances.
Mr. Frelinghuysen.
Mr. Steiger of Arizona.
Mr. Chamberlain.
Mr. Wyatt.
Mr. Carter.
Mr Veysey.
Mr. Zion.
Mr. Bell.
Mr. Erlenborn.
Mr. Landgrebe in five instances.
Mr. Thompson of Georgia.
Mr. Wyman in two instances.
Mr. Nelsen.
Mr. Price of Texas.
Mr. Conte.

(The following Members (at the request of Mr. Denholm) and to include extraneous matter:)

Mr. Rosenthal in five instances.
Mr. de la Garza in 10 instances.
Mr. Begich in 10 instances.
Mr. Eilberg in 10 instances.
Mr. Rarick in three instances.
Mr. Gonzalez in three instances.
Mr. Roybal in 10 instances.
Mr. Harrington.
Mr. Boggs in two instances.
Mrs. Hicks of Massachusetts.
Mr. Drinan in two instances.
Mr. Karth.
Mr. Rodino.
Mr. Fulton in two instances.
Mr. Cotter.
Mr. Moorhead in three instances.
Mr. Delaney.
Mr. Downing.
Mr. Helstoski in five instances.
Mr. Hanna in two instances.
Mr. Gibbons.
Mr. Ichord.
Mr. Mahon.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 16. An act to amend title 18 of the United States Code to provide civil remedies to victims of racketeering activity and theft, and for other purposes; to the Committee on the Judiciary.

S. 2087. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a Federal minimum death and dismemberment benefit to public safety officers or their surviving dependents to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 9323. An act to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes; and

H.R. 12350. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 13089. An act to provide for acceleration of programs for the planting of trees on national forest lands in need of reforestation, and for other purposes.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Thursday, September 7, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2306. A communication from the President of the United States, transmitting an amendment to the request for appropriations transmitted in the budget for fiscal year 1973 for the Department of Health, Education, and Welfare (H. Doc. No. 92–351); to the Committee on Appropriations and ordered to be printed.

2307. A communication from the President of the United States, transmitting proposed supplemental appropriations for the legislative branch for fiscal years 1972 and 1973 (H. Doc. No. 92–352); to the Committee on Appropriations and ordered to be printed.

2308. A letter from the Deputy Assistant Secretary of the Army (Research and Development), transmitting a list of all contracts for Army research and development in the amount of $50,000 or more which were awarded during the period January 1 through June 30, 1972, pursuant to section 4 of Public Law 557, 82d Congress; to the Committee on Armed Services.

2309. A letter from the secretary, Foundation of the Federal Bar Association, transmitting the audit report of the foundation for the fiscal year ended September 30, 1971, pursuant to section 14 of Public Law 662, 83d Congress; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 15859. A bill to amend the Public Health Service Act to authorize assistance for planning, development and initial operation, research, and training projects for systems for the effective provision of health care services under emergency conditions; with amendments (Rept. No. 92–1375). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee of Conference. Conference report on S. 3442 (Rept. No. 92–1376). Ordered to be printed.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1108. A resolution providing for the consideration of H.R. 16188. A bill to amend the Immigration and Nationality Act, and for other purposes (Rept. No. 92–1377). Referred to the House Calendar.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 14386. A bill to continue until the close of June 30, 1974, the existing suspension of duties on certain forms of copper; with amendments (Rept. 92–1378). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 16299. A bill to provide for a 2-year extension of the existing treatment provided for accrued vacation pay (Rept. No. 92–1379). Referred to the Committee of the Whole House on the State of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs. H.R. 16012. A bill to authorize the Secretary of the Interior to construct, operate, and maintain various Federal reclamation projects, and for other purposes; with an amendment (Rept. No. 92–1380). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 11449. A bill to provide that the United States disclaims any interest in a certain tract of land (Rept. No. 92–1381). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 10857. A bill to authorize the Secretary of Agriculture to exchange certain national forest lands within the Carson and Santa Fe National Forests in the State of New Mexico for certain private lands within the Piedra Lumbre Grant, in the State of New Mexico, and for other purposes (Rept. No. 92–1382). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 9018. A bill to modify the boundaries of the Santa Fe, Gila, Cibola, and Carson National Forests in the State of New Mexico, and for other purposes; with amendments (Rept. No. 92–1383). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. Report on an inquiry into freight car shortages (Rept. No. 92–1384). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL of Virginia:

H.R. 16531. A bill to provide for medals of recognition for all police and firemen in the District of Columbia; to the Committee on District of Columbia.

By Mr. DELANEY:

H.R. 16532. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 16533. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. DELLUMS:

H.R. 16534. A bill to establish minimum prison and parole standards in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. FRASER:

H.R. 16535. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of a dependent 62 or more years of age the support test shall be satisfied if the taxpayer contributes $1,500 or more to the support of such dependent; to the Committee on Ways and Means.

H.R. 16536. A bill to amend the Social Security Act to provide that the Secretary of Health, Education, and Welfare (in the case of the old-age, survivors, and disability insurance program or the medicare program) or the appropriate State agency (in the case of any of the public assistance or medicaid programs) shall be liable for attorney's fees incurred by an individual in successfully challenging a decision which denies him the benefits or assistance, or reduces or limits the benefits or assistance, to which he is entitled under such program; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 16537. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FULTON:

H.R. 16538. A bill to exempt parts and accessories to be used on local transit buses from Federal excise tax; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 16539. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 16540. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 16541. A bill to provide that a certain percentage of money received by the United States from royalties and rentals of any seabed within the national jurisdiction of the United States shall be paid to the State of the United States adjacent to any such seabed and that a certain percentage shall be distributed to other States of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KOCH:

H.R. 16542. A bill to protect nondisclosure of information and sources of information coming into the possession of the news media; to the Committee on the Judiciary.

By Mr. KUYKENDALL:

H.R. 16543. A bill to amend the Social Security Act to provide that future increases in retirement or disability benefits under Federal programs shall not be taken into consideration in determining a person's need for aid or assistance under any of the Federal-State public assistance programs; to the Committee on Ways and Means.

By Mr. MANN:

H.R. 16544. A bill to amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 to provide increased penalties for distribution of heroin by certain persons; to the Committee on Interstate and Foreign Commerce.

By Mr. METCALFE:

H.R. 16545. A bill to amend the Public Health Service Act to improve the program of medical assistance to areas with health manpower shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PUCINSKI:

H.R. 16546. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

By Mr. ROGERS (by request):

H.R. 16547. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

By Mr. ROUSH (for himself and Mr. Hillis):

H.R. 16548. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STEPHENS:

H.R. 16549. A bill to suspend the duty on cyclohexanone oxime until the close of December 31, 1972; to the Committee on Ways and Means.

By Mr. COLLIER:

H. Con. Res. 691. Concurrent resolution expressing the sense of Congress with respect to the withdrawal of American troops from South Vietnam, and for other purposes; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Con. Res. 692. Concurrent resolution expressing the sense of the Congress with respect to the discriminatory schedule of exit fees recently decreed by the Soviet Union as part of a campaign against Jews seeking to emigrate to other countries; to the Committee on Foreign Affairs.

By Mr. THOMPSON of Georgia (for himself, Mr. Bray, Mr. Kuykendall, Mr. Podell, Mr. Symington, Mr. Scheuer, and Mr. Kemp):

H. Con. Res. 693. Concurrent resolution expressing the sense of Congress that the United Nations should impose sanctions against countries harboring terrorists; to the Committee on Foreign Affairs.

By Mr. CELLER (for himself, Mr. Boggs, Mr. O'Neill, Mr. Gerald R. Ford, Mrs. Grasso, Mrs. Abzug, Mr. Rooney of New York, Mr. Eilberg, Mr. Halpern, Mr. Koch, Mr. Mikva, Mr. Podell, Mr. Rosenthal, Mr. Scheuer, Mr. Wolff, Mr. Yates, Mr. Fascell, Mr. Giaimo, Mr. Boland, Mr. Pucinski, Mr. Evans of Colorado, Mr. Edwards of California, Mr. Sikes, Mr. Harrington, and Mr. Nix):

H. Res. 1106. Resolution expressing the sense of the House on the tragic killings of Israeli Olympic team members at the 20th Olympiad at Munich.

By Mr. CELLER (for himself, Mr. Bingham, Mr. Nix, Mr. Sarbanes, Mr. Thompson of Georgia, Mr. Rodino, Mr. Brasco, Mr. Biaggi, Mr. Morgan, Mr. Danielson, Mr. Symington, Mr. Edmondson, Mr. Flood, Mr. Monagan, Mr. Reid, Mr. Carey of New York, Mr. Hays, Mr. Badillo, Mr. Drinan, and Mr. Annunzio):

H. Res. 1107. Resolution expressing the sense of the House on the tragic killings of Israeli Olympic team members at the 20th Olympiad at Munich; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H. Res. 1109. Resolution expressing the sense of the House on the tragic killings of Israel Olympic team members at the 20th Olympiad at Munich; to the Committee on Foreign Affairs.

By Mr. SIKES:

H. Res. 1110. Resolution expressing the sense of the House with respect to the murder of the Israel delegates to the Olympic games; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LONG of Maryland:

H.R. 16550. A bill for the relief of the estate of Peter Boscas, deceased; to the Committee on the Judiciary.

By Mr. MANN:

H.R. 16551. A bill for the relief of Renato M. Dioquino; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 16552. A bill to donate certain surplus railway equipment to the Hawaii chapter of the National Railway Historical Society, Inc.; to the Committee on Government Operations.

By Mr. ROGERS (by request):

H.R. 16553. A bill for the relief of Charles P. Bailey; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

TESTIMONY OF DR. EUGENE LINSE

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. KARTH. Mr. Speaker, the House Committee on Ways and Means has been holding hearings on a matter of importance—H.R. 16141—a bill that would allow tax credits for parents of children attending private elementary and secondary schools.

I am pleased that a distinguished member of my congressional district, Dr. Eugene Linse, the president of Citizens for Educational Freedom, testified before the committee on a vital section of H.R. 16141, title II.

I believe the testimony of Dr. Linse is of particular significance as we consider this important legislation. With that in mind I now place in the RECORD his testimony and commend it to our colleagues:

TESTIMONY BY EUGENE LINSE, PH. D.

As President of Citizens for Educational Freedom, I thank you for this opportunity to testify in regard to Bill H.R. 16141. CEF membership and its Board of Directors include citzens of every race, creed and color. CEF has a 13-year record of support for nonpublic education.

Without question, CEF endorses the philosophical position of the President and the many Members of Congress who have endorsed this Bill. My testimony today is therefore directed primarily to Title II of H.R. 16141.

Why aid such parents? Because nonpublic schools that these parents choose:

(1) provide freedom of choice; learn a benchmark of our American ideology;

(2) offer friendly and helpful competition to the public schools; beneficial to both republic sectors of American education on every level;

(3) they supplement the public system and educate 5 million children, and save the taxpayers 3 billion dollars annually, as Professor Kraushaar has noted in his new book;

(4) respond to the needs of minority groups in some of the large metropolitan areas these schools enroll one-third of all the students and are a stabilizing factor in changing neighborhoods of the poor and lower middle class families;

(5) most of these nonpublic schools in addition to the three R's also stress spiritual and moral values in fashion not permitted to Government-operated schools.

Far from being diverse over the course of our history, these schools have contributed to a wholesome variety in the educational enterprise of this country and are an essential part of the school system. They have helped us to avoid Government monopoly in education.

Congress, by amending the higher education bill a few weeks ago, found a way to strengthen the position of nonpublic schools. All institutions of higher learning, including those sponsored by various religious denominations, now benefit in capital expenditure provisions and in a generous system of grants available to students in any of these colleges and universities, up to $1,400 per student.

As yet something similar has not been done for parents whose children attend nonpublic Elementary and Secondary Schools. Members of both political parties recognize this need. Both are currently advocating the concept of educational tax credits as a Constitutional way of aiding these parents who now face the difficult task of meeting increasing tuition costs. H.R. 16141 possesses elements found in all 41 bills on tax credits that have been introduced in Congress while they differ in details, they all have the same purpose: help these parents by giving them at least some credit for their educational expenses. H.R. 16141 opposes the $200 tax credit per pupil. A much more realistic figure would be $400 per pupil less than 50 percent of the current expenditure alone in public education in the poorest of states.

Tax credits, except for educational expenses, are not a new idea the Federal Government currently permits credit for a variety of reasons, such as, for retirement incomes, for business investments, and certain types of foreign taxes.

The Government allows large corporations credit for business expansion. Theologically a loss in Federal revenue is incurred in granting such credits actually, through the creation of more employment by expansion, Government income is increased in succeeding years through taxes received from such corporations and their employees. Another example is the credit granted to retired persons. Here the purpose is to help our Senior Citizens remain self-supporting.

Tax credits for expenses paid to nonpublic schools are very similar in nature. A limited, reasonable amount of tax credit will help parents who wish to have their children attend such schools. The Supreme Court ruled in 1925 that parents have this right but today many of these parents, after paying their share of taxes for public schools, are financially unable to exercise this right.

How shall we summarize this argument? Nonpublic schools are a necessary part of the Nation's educational system by providing competition and diversity, they are a safeguard against monopoly, perhaps even against inefficiency, and save taxpayers 3 billion annually. Further, whether children attend a church-related school or a public school is a moot question as long as the school meets educational requirements and observes the regulations of the 1964 Civil Rights Act.

Are tax credits Constitutional? We answer: President Nixon thinks so, the Presidential Commission thinks so, the large number of you Congressmen and your colleagues think so, some leading constitutional lawyers think so. The Supreme Court has never objected to the idea of tax credits in principle while rejected other forms of assistance.

From these recent decisions, it is evident that the following criteria must be found in any Act which provides aid: (1) the Act must have a secular purpose; (2) the primary effect of the Act must not inhibit or advance the cause of religion; (3) the Act, in its implementation, must not involve "excessive entanglement" of Government and religion. Tax credits legislation meets all of these criteria:

(1) the secular purpose is clearly the education of children in those fundamental skills required of all citizens;

(2) the primary effect of Title II of H.R. 16141 is to help parents exercise their Constitutional rights of selecting schools for their children. The Bill neither helps nor hurts religion, while a failure to enact such legislation may inhibit the free exercise of religion. The Supreme Court has stated in the 1963 Sherbert Case: ". . . No State may exclude individual Catholics, Lutherans, Mohammedans, Baptists, Methodists, nonbelievers, Presbyterians, or members of any faith because of their faith or lack of it, from receiving the benefits of public welfare legislation."

(3) there is no entanglement of Govrenment with religion in this Act; there is nothing different here than in any tax credit or deduction currently allowed in law.

I wish to thank you for this opportunity to present position of Citizens for Educational Freedom on pending tax credits legislation.

CATCH 22, INDIAN STYLE

HON. ALAN CRANSTON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 6, 1972

Mr. CRANSTON. Mr. President, on February 2, 1972, I introduced a bill (S. 3113) to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif.

I am extremely pleased that the Interior and Insular Affairs Committee, meeting in executive session this morning, ordered S. 3113 favorably reported. I hope the Senate will move quickly to pass this bill.

The lands described in S. 3113 constitute a small, 20-acre tract of vacant public domain land, now managed by the Bureau of Land Management, adjacent to the town of Bridgeport in Mono County, Calif. The intended beneficiaries of S. 3113 are the 60 members of the Bridgeport Indian Colony. The bill enjoys the support of the townspeople of Bridgeport, and has been endorsed by the Mono County Board of Supervisors in a unanimous resolution adopted on January 18, 1972. In addition, Congressman Harold T. Johnson, of California, whose district includes Mono County, has introduced legislation identical to S. 3113 in the House of Representatives.

That, in a nutshell, is a description of S. 3113. Yet, it does not begin to tell the whole story. I should like to take a few minutes, Mr. President, to provide the Senate with some historical data relating to California Indians, in general, and the Bridgeport Indian Colony, in particular. I should also like to discuss briefly some of the issues raised by S. 3113 which so concern the Department of the Interior that it has recommended against enactment at this time.

Mr. President, the history of the Federal Government's relationship with California Indians is one of promises unfulfilled and responsibilities ignored. Most California Indians are landless today because the United States refused to ratify 18 treaties negotiated between 1851 and 1852 by three Federal agents and the majority of California Indians. These treaties would have granted some 8.5 million acres of land to native California Indians in exchange for their agreement to relinquish claim to all other State lands. And to add insult to injury, the unratified treaties were lost in the Senate's secret archives until 1906 when they were discovered accidentally by a clerk.

In the meantime, Congress, in 1853, enacted a California Land Title Registration Act which required registration on penalty of forfeiture. Most Indians were illiterate, and most were living in remote areas. The result was the loss of those lands which had not already been surrendered in reliance on the treaties. The Dawes Allotment Act of 1887 shattered the last remnants of Indian land. And the final blow to California Indians came in 1953 when Congress established an official policy of termination; that is, ending the trust status of the land and, thus, eliminating Federal Indian services for the people. The Rancheria Act of 1958, which applied only to California, has resulted in the termination of 36 rancherias and 1,500 Indians.

The Bridgeport Indian Colony consists today of some 60 members, all of whom are descendants of Indians who have continuously occupied their present site since before the white man came to California. Despite this continuous occupation, the General Land Office, predecessor of the Bureau of Land Management, issued a patent under the Desert Land Act to a non-Indian in 1914 which included the site then and now occupied by the Bridgeport Indians.

This patent was granted in spite of an explicit requirement prohibiting the granting of a land patent on land occupied by Indians.

The Bridgeport Indians have continued to occupy the site, although the lands are presently "owned" by several non-Indian heirs and grantees of the original patentee. Early in 1968, one of the "owners" formally demanded that the Indians vacate "his" portion of the tract. Through the intervention of California Indian Legal Services, eviction proceedings have been held in abeyance but time is growing short. The cloud of eviction proceedings hanging over the Bridgeport Indian Colony is but another instance of the wrongful taking of lands continuously occupied by native Americans and a further erosion of the meager land base of California Indians.

That the Bridgeport Indians had their lands illegally taken from them is beyond dispute. The question then is one of reparations.

The simplest and fairest solution, in my judgment, is to provide the Bridgeport Indian Colony with a new land base. This solution would enable the Bridgeport Indian families to begin to build a new, secure life without challenging the non-Indian families which claim title to the land the colony now occupies.

The transfer of the small, 20-acre tract of unoccupied and vacant public domain land described in S. 3113 would not involve land acquisition costs for the Federal Government.

Housing is perhaps the most critical problem facing the families of the Bridgeport Indian Colony. Twelve of the 19 Indian families now occupy totally substandard housing. Eleven of the families have no sanitation facilities or running water, but must use dilapidated outhouses and share two outside water faucets which freeze during the winter where temperatures often dip to —30° in the Sierras. Five homes have only wood-burning stoves for heat. Three families have no refrigerators. Seven live in marginally adequate trailers or houses.

To make matters worse, Mr. President, only three of the 19 families have a fully employed member. The rest are unemployed. The average educational attainment of adults in the community is eighth grade.

The colony's desire to improve its living conditions is the chief reason for my bill. The land is situated adjacent to the town of Bridgeport, and convenient hookups for utilities, water, and sewage are available. Securing a trust land base will enable the colony to devote its considerable energies and meager resources to obtaining adequate housing.

Mr. President, the Department's report on S. 3113 recommends against enactment of my bill at this time, pending completion of a study of other situations in which tribes are seeking lands beyond their present reservation boundaries. The Department has also reiterated its general policy not to provide Federal trust land to unrecognized tribes.

It is my conviction that deferring action on S. 3113 until the Department gets around to completing some vague study is just a stalling tactic. The Bridgeport Indian situation has already been studied. We know the facts. And we have got a solution that appears to be acceptable to all parties involved. Why wait for another study? If the administration is as committed to the principle of "self-determination" as President Nixon indicated in his July 8, 1970, message to Congress, then let us proceed. The Bridgeport Indian Colony is ready to take affirmative steps to determine for themselves a better, brighter future. Delay in the transfer of a mere 20 acres of public domain land is all that stands in their way.

Finally, I would like to speak to the question of Federal "recognition." As I understand it, an Indian is recognized by the Federal Government as an Indian if he is a member of a tribe or band which has a Federal trust land base. To be recognized means eligibility for the special Federal Indian services of the Bureau of Indian Affairs and the Indian Health Service. Recognizing the importance of this, I inquired about how a tribe or band not now recognized gains the treasured status of Federal recognition. How? By living on Federal trust land. And how does a group of landless Indians obtain a Federal trust land base? Only by being recognized.

And so, Mr. President, we have come up against Catch 22, Indian style. As you may recall, Catch 22 in Joseph Heller's well-known novel specified that a concern for one's own safety in the face of real and immediate dangers was the process of a rational mind. Thus, Orr, who was crazy, could be grounded. All he had to do was ask. But as soon as he asked, he would no longer be crazy and would have to fly more missions. Thus, he could never be grounded.

The Bridgeport Indians are up against the same kind of absurd logic. The Department is saying to them that they cannot have a trust land base because they are not now recognized, but they cannot be recognized until they have a trust land base.

Mr. President, the 60 members of the Bridgeport Indian Colony are faced with eviction from the lands they and their ancestors have always occupied. They have no place to go. They have asked for our help. They are supported by the local townspeople, the Mono County Board of Supervisors, their U.S. Representative, and their two U.S. Senators. The land transfer will not involve any outlay of Federal money, and it will solve a tangled land title dispute for the Indians as well as for the non-Indian owners.

The Department, in recommending against S. 3113, has shown little understanding of the unique situation of the Bridgeport Indians by forcing them onto the merry-go-round of a Catch 22.

I am delighted that the Interior Committee took a positive position on S. 3113, and I hope the Senate will be as generous.

HOW VIETNAMIZATION UPSET RUSSIA'S PLANS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. CRANE. Mr. Speaker, both during the Korean war and during the current war in Vietnam many critics, both in our own country and abroad, have repeatedly advanced the view that those on our side were unenthusiastic about the war effort, were not as committed as the enemy, and could not hold their own in battle. These arguments were set forth as a basis upon which to call for American withdrawal and, in effect, surrender to the enemy. If our allies will not fight, the argument has gone, then we should not fight for them.

The fact is that during the Korean war our allies fought bravely. The enemy soldiers, men we were told were devoted to the Communist ideology, refused to return to their own country when the war ended and repatriation efforts were initiated to exchange prisoners. It turned out that these men fought not because of their ideological disposition concerning communism, but out of fear. Given a choice, they chose freedom. The arguments of the critics about Korea were clearly proven to have been false.

Now their arguments concerning Vietnam are being proven equally false. Our allies in South Vietnam are fighting bravely and are succeeding in defeating enemy efforts. For some reason, their valor and bravery has not been heralded in the press. Critics do not like to be proven wrong and they attempt to keep the evidence of their inaccuracy from the public, at least as much as it is possible to do so in a free society.

After a recent visit to Vietnam a British Member of Parliament, Philip Goodhart, reported that—

> Most of the American advisers in Vietnam have gone now . . . But on the battlefields of An Loc and Quang Tri the Army of South

Vietnam has proved that the transformation scene is in full swing. The best South Vietnamese units are earning a reputation which the Koreans themselves might well envy. One objective of the current North Vietnamese offensive was the destruction of Southern morale. In fact, after four months of battle, the morale of the South Vietnamese forces has never been higher.

Mr. Goodhart points out that the Hanoi offensive was launched at least in part because of prodding from the Soviet Union. In this sense, he notes, the policy of Vietnamization has upset Russian plans in this area. He writes:

At the beginning of the offensive intelligence experts estimated that the North Vietnamese were prepared to lose 120,000 men to achieve victory. Independent observers believe that the 120,000 casualty figure may already be within sight, and there are no visible victories on any front . . . In 1968, the Tet offensive effectively broke President Johnson's administration. The 1972 offensive might well clip the wings of the Moscow hawks.

It is clear that the picture painted of events in Vietnam by antiwar critics has no relationship to reality. I wish to share with my colleagues the important report by Philip Goodhart, M.P., as it appeared in the London Daily Telegraph of Thursday, August 3, 1972. That report follows:

[From the London Daily Telegraph, Aug. 3, 1972]

WALKING TALL IN SOUTH VIETNAM

(By Philip Goodhart, M.P.)

"Do you know why this division is called the White Horse Division?" my companion asked, pointing at some Korean soldiers who were walking past the Vietnamese café at which we were sitting. I shook my head. "It's because the battle of White Horse Hill was the first damned battle in which the damned South Korean Army didn't take to their damned feet and run—but look at them now, they're superb. In the end our work paid off."

My companion was an American colonel who had fought with distinction in Korea. At the time that we were talking, September 1966, the Korean White Horse Division had recently moved into the Vietnamese province where he was a senior adviser. The Koreans would visit the local villages and smash bricks with their bare hands. The Vietnamese listened with some attention when the Koreans went on to say that anyone who caused trouble could be broken as easily as the bricks.

At that time, many of the senior and middle-rank American advisers in Vietnam had served in Korea training the Koreans, and used constantly to reiterate their hope—and sometimes their belief—that the Vietnamese forces would eventually undergo a transformation like that of the Koreans.

Most of the American advisers in Vietnam have gone now. Some have retired. Some have been killed. But on the battlegrounds of An Loc and Quang Tri the Army of South Vietnam has proven that the transformation scene is in full swing. The best South Vietnamese units are earning a reputation which the Koreans themselves might well envy. One objective of the current North Vietnamese offensive was the destruction of Southern morale. In fact, after four months of battle, the moral of the South Vietnamese forces has never been higher. In the words of Lt-Gen. Nguyen Van Minh, Commander of III Corps, whose troops held An Loc against a furious Communist assault, "my men are now three inches taller."

What matters for the future of South Vietnam is the fact that the recent battles have been won without an obtrusive American presence on the ground. The American advisers brought with them candy and kindness and guns and ammunition and transport and communications and knowledge, but they could not bring morale. Indeed, it is arguable that the pride of the South Vietnamese Army was once buried under a pile of American divisional insignia and Coca Cola bottletops. But now, four months after the launching of the North Vietnamese offensive, there are just two American combat battalions left in South Vietnam, and the South Vietnamese Army can record some success on every front.

Admittedly, this position has been achieved at substantial cost. Since the offensive began, 15,000 South Vietnamese soldiers have been killed; some of the best young officers have been knocked out; a number of attractive towns have been destroyed; 600,000 refugees have fled from their homes. Both sides have thrown vast quantities of material into the battle.

Over the battlefields the American Air presence is still a noisy and effective reality. On a clear day Communist positions west of Hue and Quang Tri have sometimes been hit by more than 2,000 tons of bombs. During the whole of the Cassino campaign, Allied bombers dropped 700 tons of bombs in support of the troops. Of course the American air intervention has had an important effect on Vietnamese morale. "That is the spirit of air bombing" my Vietnamese companion remarked, as we passed a particularly beatific-looking plaster angel in Saigon recently, "entirely symbolical, of course." The American bombing has been far from symbolical, but the bombing could not have been half so effective if the South Vietnamese soldiers had not held so well on the ground.

It is estimated that the initial planning for the current offensive was begun in February 1971, and that active preparations on the ground began in 1971—the final deployments and orders for the offensive were given in February 1972. There is substantial evidence that the Russians, at every phase, encouraged Hanoi to go ahead with their offensive.

ROCKET'S AIM

Some degree of the Soviet Union's direct involvement is shown by the deployment of the SA 7 "Strella" rocket. The SA 7 is a sophisticated infra-red heat-seeking rocket, very similar to the British "Blowpipe" or American "Redeye" missile launchers. It can be carried and fired by one man.

The SA 7 is reasonably effective against fixed-wing aircraft, but it was expected that the effect on helicopters would be devastating—and the South Vietnamese forces are heavily dependent on helicopter supply and support. The Russian decision to hand over the SA 7—which has not been made available to other Russian allies—was clearly a blow aimed at the South Vietnamese jugular vein.

Every North Vietnamese army regiment on every front now has an SA 7 section, and in view of the difficulty of training and deployment, a decision to equip the North Vietnamese with the SA 7 can hardly have been taken later than October, 1971. Engine shielding, exhaust deflection and advanced flying techniques have helped to reduce the impact of the introduction of the SA 7. The fact that the widespread use of the SA 7 has not had the devastating effect on American and South Vietnamese helicopters that many people first feared is not the fault of the Russians.

Why did the Russians decide to encourage Hanoi to launch an offensive in March 1972? There are probably three main reasons. First, it is clear from the conversation of Soviet diplomats in a number of capitals that the Soviet Government knew that Vietnamisation was working and that the power of the South Vietnamese Government within its own borders was increasing.

Secondly, the Russians and the North Vietnamese both knew that a successful offensive in the spring of 1972 would give powerful support to the "peace" movement in America at the beginning of the election campaign.

Thirdly, there is some sign that the Russians were getting fed up with the constant drain of supplies to North Vietnam. At the beginning of 1972 American commanders estimate that up to 1,000 Russian lorries a week were being destroyed on the Ho Chi Minh trail. The Soviet Union was prepared to make more sophisticated equipment available only if Hanoi was prepared to try to impose a decisive defeat on the South. The Russians, like the Americans, have been finding the physical cost of supporting their Vietnamese allies increasingly burdensome.

The result has been a catastrophe for the Soviet hawks. Some allied experts have argued in the past that a plethora of sophisticated equipment has encouraged the Americans and the South Vietnamese to adopt unsuitable tactics. In 1971 and 1972, the Soviet gift of tanks, rockets and heavy artillery provided an irresistible inducement to the North Vietnamese to adopt tactics for which they were temperamentally unsuited and inadequately trained.

At the beginning of the offensive intelligence experts estimated that the North Vietnamese were prepared to lose 120,000 men to achieve victory. Independent observers believe that the 120,000 casualty figure may already be within sight, and there are no visible victories on any front. Meanwhile, the reputations of those who advocated this offensive policy have clearly suffered in both Moscow and Hanoi. In 1968, the Tet offensive effectively broke President Johnson's administration. The 1972 offensive might well clip the wings of the Moscow hawks.

Despite these terrible losses, the North Vietnamese army—particularly near Hue—still retains some offensive capability and could inflict damaging local defeats, but now the North Vietnamese army faces an enemy that expects to win. The ordinary South Vietnamese soldier has often had a claim on our sympathy. Now he should command our respect.

SCHOOL PRAYER AMENDMENT IN REPUBLICAN PLATFORM

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, September 6, 1972

Mr. SCHWEIKER. Mr. President, I am deeply gratified that the 1972 Republican platform contains a strongly worded plank in favor of school prayer. As a member of the Republican platform committee, and a longtime supporter and cosponsor of the school prayer amendment, I gave my strong support to the school prayer plank. In addition, I advised platform committee Chairman JOHN RHODES of the strong support for school prayer by a number of organizations with which I have been in contact, including Citizens for Public Prayer, the National Back to God Movement, and Citizens for Public Reverence.

It has been 10 years since the Supreme Court ruled to ban prayer from public schools and buildings. In that time, respect for other persons, respect for individual integrity, and respect for our institutions has been weakened. I believe the Supreme Court was misguided in its decision. I know the majority of citizens share my belief.

I am encouraged by the strong stand the leadership of the Republican Party has taken on the school prayer issue, and I am hopeful that Congress will move swiftly to restore the right of prayer to our citizens.

The text of the Republican platform plank on school prayer follows:

We affirm our view that voluntary prayer should be freely permitted in public places—particularly by schoolchildren while attending public schools—provided that such prayers are not prepared or prescribed by the state or any of its political subdivisions and that no person's participation is coerced, thus preserving the traditional separation of church and state.

McGOVERN "ELITES" TO PURIFY US ALL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. DERWINSKI. Mr. Speaker, certainly, we recognize the natural tendency of political commentary to reflect the partisan view of an individual, and I believe it behooves us to study objective reports of the political scene. Therefore, I direct the special attention of the Members to a column in the New World of August 25th by Father Andrew M. Greeley which is, in my judgment, a very scholarly commentary on the makeup of McGovern supporters.

McGOVERN "ELITES" TO PURIFY US ALL

(By Father Andrew M. Greeley)

Among other things, the 1972 campaign is an attempt by those who are the intellectual and cultural elites of the country—and by their own standards are also an elite of moral concern and ethical sensibility—to take over political power. They have already taken over the Democratic party, and their sights are now set on the White House.

Forty-five per cent of the McGovern delegates at the Democratic convention had attended graduate school as opposed to 4% of the national population. They were very much concerned, of course, about "balanced" delegations—although none of them suggested that there should be adequate representation for the 89% of the American population which did not go to college, or even for the 60% of the young people who never went to college.

As one McGovern enthusiast said to me when I expressed doubt that Gloria Steinem or Bella Abzug spoke for very many American women. "But they know what the interests of women really are and most women don't." This is elitism pure and simple; but that's what the name of the game is.

As for moral sensitivity, consider Shirley MacLaine's comment that the Daley delegation was so old she didn't know how they got out of bed in the morning. Most people would consider such a crack to be cruel, vicious and politically inept, but one must understand that the elites consider youth to be clean and pure and the rest of us to be immoral and corrupt. There is no need to abstain from offending the old or the ethnic or the workingman. They are politically finished. The legions of the young are going to deliver the country into the keeping of people like Miss MacLaine.

Obviously, Mr. McGovern himself is not so naive. Yet those of us who have never voted for a Republican in all our lives would like to be able to distinguish between Mr. McGovern and some of his supporters, but it does not seem to be a distinction that he himself is prepared to make.

Nor is it just a washed-up movie actress with lots of money who hates the old. Listen to Tom Wicker, the movement's representative on The New York Times, describe the labor leaders of the country. "They were still mumbling threats and recriminations around their frayed cigars—elephants on their way to the boneyard."

Well, maybe. But many Americans still have some reservations about whether they are ready to turn political and moral power over to the elites. Many intellectuals will agree, but the sectarian intellectuals see a way to power and they are grabbing for it.

Where these sectarian intellectuals stand is nicely outlined by Arnold Beichman (himself an intellectual) in his new book, "Nine Lies About America." Anyone wishing to know what the sectarian intellectuals really think about the rest of us should read the book.

Among the lies Beichman documents are: "America is a fascist country," "America means genocide," "the American worker is a honky," "our political system is a fraud," "American values are materialistic," "America is insane," "the American people are guilty." The people who believe these things hate the rest of us, make no mistake about it.

In fact, there was much hatred at the Democratic convention. The pro-McGovern journalists sang the praises of the delegates for drinking less than delegates at previous conventions. But many of these delegates did not need to drink; they were getting their kicks other ways. Political rhetoric is frequently abusive, yet it is harmless because no one takes it seriously, neither those who use it nor those who are attacked by it. But when Allard Lowenstein and Father Drinan attack Mr. Nixon there is pure venom in their voices. They not merely want to beat him; they want to destroy him because he is "immoral."

And not only Mr. Nixon, I think. One of the female crazies said that it was a "purifying" convention. Right! The old and the corrupt and the uneducated and the ethnic were purified right out of the party. The Chicago delegation, duly elected under the laws of the State of Illinois was purified because it was old and immoral. The labor leaders were purified because they were on their way to the boneyard. But the purification has just begun. Now the party has been purified, next the nation.

What does Mr. McGovern think of all this? His admirers say he is a decent, honorable man who is not an extremist. But if he has repudiated the purifiers, he has yet to do it in a very loud voice.

Who are these people that are going to use the young of the nation to purify the rest of us? Listen to Norman Podhoretz, who knows them all too well from having associated with them most of his life. They are unwilling "as a class to understand themselves as part of the common run of mankind, to understand their own implication in the common run of human experience . . . the intellectuals have been trained to believe that they transcend the common destiny by virtue of the power of their minds."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

CASPER MATHER, WELL-KNOWN ALASKAN, DIED AT 97

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. BEGICH. Mr. Speaker, on July 19, 1972, Casper Mather, well-known Tsimpsean wood carver and one of the five remaining pioneers of New Metlakatla, died at Ketchikan General Hospital at the age of 97. I would like to pay tribute to this man who symbolized a generation that dimly remembered the days in Alaska before the white man and looked forward to conquering the difficulties of a new way of life.

Casper Mather was born in 1875, and, as a young boy accompanied Father William Duncan, a missionary sent from England, to their new home on Annette Island in Alaska. Father Duncan had a profound influence on Casper Mather's life, and Casper believed that "Christianity was the greatest gift of the white man to our people." He, himself, was a staunch Christian who preached to his people on Sundays, both in English and in his native tongue. On one occasion, accompanied by his wife, Casper went to many churches in New York, Chicago, and other cities to tell the congregations of the missionary work among the Indians. He was chosen because he "knew more about Alaska than anyone else."

Casper had traveled extensively throughout Alaska. When he was a young man during the gold rush, he went to Chilkoot Pass and packed loads for men who wanted to dig for gold. In Casper's words, "They were all crazy; it was hard work, but we made lots of money." Later, he traveled all over Alaska, learning about the land and its people. He trapped fur animals, fished for Alaska salmon, and did all of the many things Indians had learned to do to earn a living in the rugged climate.

At one time, he even had a ship captain's license. He and his brother Paul knew how to pilot boats, had grown up on the water, and knew all about the rocks and islands where they lived. Father Duncan encouraged them to read books on navigation and steam engines, which they did before going to Juneau and passing the examination. Nearly 50 years later, during World War II, the Coast Guard called him, renewed his old license, and asked him to be ready in case he was needed.

His wife and 12 children were claimed by the tragedy of tuberculosis. Alone during his later years, Casper earned his living by carving totem poles, peace pipes, war clubs, bows and arrows, and other wooden objects for the tourist trade. The art of wood carving had been passed down to him through many generations, and the long hours of careful and loving attention were evident in the hand-carved figures. Casper was a real artist in wood and each of this productions were authentic, taken from the lore of his wood carving ancestors or the legends of his people. Some of the designs were borrowed from other Canadian and Alaskan tribes, with the influence of the Tlingit and Haida tribes, among others, being seen in his work. Each figure was carved with great care and concentration with his handmade tools.

The totems he carved told ancient legends of his people, stories of battles and other happenings, or of the lineage of an Indian family. But, even more importantly, the wood carvings of Casper Mather will serve as a reminder of a man who has become such an unforgettable part of Alaskan history.

EQUAL OPPORTUNITY ACT

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. LANDGREBE. Mr. Speaker, in passing the Equal Opportunity Act, I feel that the House of Representatives has made a historic decision to restore the inherent balance in our Federal system between the power of the courts and the legislature. But more than this, by our action we have reaffirmed the right and the power of Congress to enforce the equal protection laws as they are guaranteed under the 14th Amendment.

These two actions should serve as a turning point for the renewal of the Federal structure and serve notice at the same time that we will not desist from our efforts to see that every American receives the equal protection of the laws of our land.

It would be valid at this point to refer directly to the words of the 14th Amendment:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

The amendment goes on to state, however that "Congress shall have the power to enforce, by appropriate legislation the provisions of this article." This, then, is the crux of the matter before us. It must be clearly understood that Congress is specifically given the power of enforcing the guarantees of this amendment to the Constitution by specific legislation. Up to this point, Congress has failed in its appointed duty and left this task to the Federal courts. Congress has allowed the courts to assume a legislative role completely at variance with the Constitution; the passage of this bill will redress that imbalance.

The Supreme Court, in its historic ruling in Brown against the Board of Education, found de jure school segregation to be unconstitutional. Since that time subsequent court decisions have found that de facto segregation, resulting from neighborhoods being predominantly of one racial group, is also unconstitutional.

In the absence of Congressional action, the lower Federal courts have issued a wide variety of remedies to insure that all school children have equal educational opportunity. One of the many remedies drawn up by the courts was the extensive transportation of pupils from one school to another often over long distances.

The result of all this court action has been a new evil to match the older one of racially segregated schools. That evil is the disruption of communities and the transportation of school children to achieve social goals. I strongly concur with the President's statement that "schools exist to serve children, not to bear the burden of social change." It is wrong to expect that our schools can be the sole factors in achieving social change.

There were many reasons why I objected to the use of forced busing as a major means of ending discriminatory schooling.

First, I felt that Congress had to reassert its duty to enact legislation and to secure the rights guaranteed under the Constitution in the 14th Amendment. I could not stand by and see this power usurped by the Federal courts.

Second, I feel that our governmental structure must sustain the rights and responsibilities vested by the States in the local school boards.

Third, we dare not allow the legitimate concerns of parents to be muffled by Federal regulation. The enforced busing orders of the courts resulted in just such a disruption of peoples' lives.

Fourth, forced busing does not really contribute to solving the racial problems in America. On the contrary, it compounds the problem by stirring up emotions in many communities throughout the country.

Above all, the undue attention which forced busing has attracted has diverted attention from what must be our prime area of concern—that of improving the quality of education for all students.

In addition to this, we must face the hard fact that quality education can only take place in an orderly atmosphere. Discipline and learning go hand in hand and to achieve that end we must make a major effort to reduce the present chaos in the classroom.

A NEW LIGHT ON RURAL DEVELOPMENT

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. CARTER. Mr. Speaker, the rural areas of our Nation must be viewed as one of our most valuable resources. I deeply feel that the development of our rural areas should be carried out in a manner which includes local interest and participation. I wish to submit the following article pertaining to this matter from Rural Electrification magazine, entitled "A New Light on Rural Development," by James V. Smith, Administrator of the Farmers Home Administration.

[From Rural Electrification, August 1972]

A NEW LIGHT ON RURAL DEVELOPMENT

(By James V. Smith)

When I heard that one rural community had been polled on its interest in rural development and had overwhelmingly refused to take part in it, I was amazed and a little shocked. Why would a community reject improvement? In this particular case, the residents thought "rural development" meant that a factory would invade their community and they did not want it.

To me rural development is a package involving ideas, initiative and action programs that will bring new life and new opportunity to rural areas. If communities we serve think it means only bringing in a factory, we have not told our story well enough.

We must inform rural people of the many things that can be done, and of the importance of local participation and initiative. . . .

The most important contacts must be made by the states and counties. Rural Development Committees should use every possible avenue to advise each community of the opportunities to determine its destiny. The town, community, or area can select the kind of help it wants from the dozens of programs available to it.

Some will decide that they need factories and other alternative sources of employment. Some will emphasize new homes, which will improve the local economy by providing work and an expanded tax base. Others will continue their present course. If communities are to be improved, the needs must be assessed and plans worked out. Then help can be sought.

The Farmers Home Administration promotes rural development through three major thrusts: A rural housing program provides funds for single-family dwellings, rental units, and self-help housing. Farmer programs help families purchase or improve farms, provide short-term operating funds, and help restore farming operations disrupted by natural disaster. Community services loans permit thousands of families in rural areas to enjoy an adequate water supply for the first time. Industry finds ideal locations along these water lines. This means jobs and real and viable rural development spearheaded by USDA.

FEDERAL CIVILIAN EMPLOYMENT, JULY 1972

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. MAHON. Mr. Speaker, I include a release highlighting the July 1972 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures, together with a fiscal year 1972 summary of payroll costs and average employment:

SUMMARY OF PAYROLL COSTS AND AVERAGE FEDERAL CIVILIAN EMPLOYMENT—FISCAL YEAR 1972

The total annual payroll cost of civilian employment in the Legislative, Judicial and

Executive Branches of the Federal Government in fiscal year 1972, ended June 30, 1972, was $31,717,000,000. This was $2,170,000,000 higher than in the preceding fiscal year, and an all-time high.

Total average federal civilian employment in all three Branches for the 12 months of fiscal year 1972 was 2,879,379. This was a decrease of 15,511 as compared with total average employment in fiscal year 1971.

This summary of annual payroll costs and average employment for fiscal year 1972, following practice of many years standing, is submitted along with the Joint Committee's regular monthly report for July 1972 which carries payroll figures for June, the last month of fiscal year 1972. Figures are from reports certified by the agencies as compiled and published monthly by the Joint Committee on Reduction of Federal Expenditures.

PAYROLL COSTS—FISCAL YEAR 1972

Within the *Executive Branch* payroll costs in fiscal year 1972 totaled $31,193,000,000, an increase of $2,114,000,000 over the previous year. The following tabulation shows Executive Branch annual payrolls, broken between civilian and military agencies, for the past 10 years—fiscal years 1962–72:

[In rounded amounts]

Fiscal year	Executive branch—Civilian employee payrolls		
	Civilian agencies	Defense Department	Total [1]
1962	$7,898,000,000	$6,318,000,000	$14,216,000,000
1963	8,659,000,000	6,603,000,000	15,262,000,000
1964	9,297,000,000	6,818,000,000	16,115,000,000
1965	10,043,000,000	7,102,000,000	17,145,000,000
1966	10,875,000,000	7,732,000,000	18,607,000,000
1967	11,727,000,000	8,668,000,000	20,395,000,000
1968	12,919,000,000	9,395,000,000	22,314,000,000
1969	13,840,000,000	10,298,0001000	24,138,000,000
1970	15,621,000,000	11,213,000,000	26,834,000,000
1971	17,480,000,000	11,599,000,000	29,079,000,000
1972	18,992,000,000	12,201,000,000	31,193,000,000

[1] Excludes pay for foreign nationals not on regular rolls ($533,000,000 for fiscal year 1972); includes pay for disadvantaged persons employed under youth opportunity programs ($93,000,000 for fiscal year 1972).

Payroll for the *Legislative Branch* in fiscal year 1972 totaled $412,000,000 an increase of $42,000,000 over the previous year. Payroll for the *Judicial Branch* in fiscal year 1972 totaled $112,000,000, an increase of $14,000,000 over the previous year.

AVERAGE EMPLOYMENT—FISCAL YEAR 1972

Civilian employment in the *Executive Branch* during the 12 months of fiscal year 1972 averaged 2,839,163 as compared with 2,857,014 in fiscal year 1971. This was a decrease of 17,851 in average employment.

The average Executive Branch employment total of 2,839,163 for fiscal year 1972 includes an average of 2,530,037 full-time employees in permanent positions; the total of 2,857,014 for fiscal year 1971 includes an average of 2,526,088 full-time permanent employees. This was an increase of 3,949 in average full-time permanent employment.

The following tabulation shows average employment for the Executive Branch, broken between civilian and military agencies, for fiscal year 1962–72.

Fiscal year	Average civilian employment, Executive branch		
	Civilian agencies	Defense Department	Total [1]
1962	1,373,484	1,058,676	2,432,161
1963	1,417,937	1,063,720	2,481,657
1964	1,434,104	1,042,552	2,476,656
1965	1,443,376	1,024,482	2,467,858
1966	1,500,349	1,074,080	2,547,429
1967	1,605,919	1,234,474	2,840,393
1968	1,654,973	1,280,853	2,935,826
1969	1,655,976	1,305,664	2,961,640
1970	1,694,157	1,264,207	2,958,364
1971	1,694,897	1,162,117	2,857,014
1972	1,710,991	1,128,172	2,839,163

[1] Excludes foreign nationals not on regular rolls (averaging 99,684 for fiscal year 1972); includes employment of disadvantaged persons under youth opportunity programs (averaging 33,543 for fiscal year 1972).

Average employment for the *Legislative Branch* in fiscal 1972 was 32,072, an increase of 1,437 over the previous year. Average employment for the *Judicial Branch* in fiscal year 1972 was 8,144, an increase of 903 over fiscal year 1971.

THE MONTH OF JULY 1972

Total civilian employment in the Executive, Legislative, and Judicial Branches of the Federal Government in the month of July was 2,854,913 as compared with 2,865,303 in the preceding month of June. This was a net decrease of 10,390, primarily due to reductions in Postal Service and Defense Department employment, partially offset by increases in regular seasonal employment and summer employment of the "disadvantaged" under youth opportunity programs.

Executive Branch

Civilian employment in the Executive Branch in the month of July, as compared with the preceding month of June, follows:

	July	June	Change
Civilian agencies	1,717,474	1,715,608	+1,866
Military agencies	1,095,160	1,107,761	−12,601
Total, civilian employment	2,812,634	2,823,369	−10,735

The civilian agencies of the Executive Branch reporting the largest increases during the month of July were Agriculture with 8,928, HEW with 4,314, Interior with 3,487, Veterans Administration with 2,902 and Treasury with 1,626. The largest decrease was in Postal Service with 21,231. In the Department of Defense the largest decreases were reported by Army, Air Force and Navy.

Total Executive Branch employment inside the United States in July was 2,663,630, a decrease of 7,440 as compared with June. Employment outside the United States in July was 149,004, a decrease of 3,295 as compared with June.

The total of 2,812,634 civilian employees of the Executive Branch reported for July 1972 includes 2,468,423 full time employees in permanent positions—a decrease of 37,265 from the preceding month of June.

Legislative and judicial branches

Employment in the Legislative Branch in July totaled 33,998, an increase of 307 as compared with the preceding month of June. Employment in the Judicial Branch in July totaled 8,281, an increase of 38 as compared with June.

Disadvantaged persons

The total of 2,854,913 reported by the Committee for July includes 61,112 disadvantaged persons employed under Federal opportunity programs. This is an increase of 7,692 over June due to the hiring of temporary summer aids.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the Joint Committee report, on personnel employed full-time in permanent positions by executive branch agencies during July 1972, showing comparisons with June 1972, June 1971 and the budget estimates for June 1973:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1971	June 1972	July 1972	Estimated June 30, 1973 [1]
Agriculture	84,252	82,511	81,320	83,400
Commerce	28,435	28,412	28,172	29,700
Defense:				
Civil functions	30,063	30,585	29,856	31,300
Military functions	1,062,741	1,009,548	994,011	1,005,800
Health, Education, and Welfare	104,283	105,764	105,946	99,500
Housing and Urban Development	16,030	15,200	15,164	16,000
Interior	57,570	56,892	56,166	56,900
Justice	42,662	45,446	45,572	46,300
Labor	11,352	12,339	12,374	12,600
State	23,398	22,699	22,715	22,800
Agency for International Development	13,477	11,719	11,486	11,800
Transportation	68,482	67,232	66,099	69,200
Treasury	90,135	95,728	95,600	99,200
Atomic Energy Commission	6,920	6,836	6,781	6,900
Civil Service Commission	5,324	5,260	5,259	6,000
Environmental Protection Agency	5,959	7,835	7,887	8,500
General Services Administration	38,076	36,002	35,708	39,400
National Aeronautics and Space Administration	29,478	27,428	27,253	26,800
Panama Canal	13,967	13,777	13,651	14,000
Selective Service System	5,569	5,791	5,759	6,100
Small Business Administration	4,004	3,916	3,829	4,000
Tennessee Valley Authority	13,612	14,001	14,000	14,000
U.S. Information Agency	9,773	9,255	9,285	9,400
Veterans Administration	158,635	163,179	164,241	174,100
All other agencies	31,333	33,499	33,533	34,600
Contingencies				5,000
Subtotal	1,955,530	1,910,854	1,891,667	1,933,300
U.S. Postal Service	564,782	594,834	[3] 576,756	618,500
Total [2]	2,520,312	2,505,688	2,468,423	2,551,800

[1] Source: As projected in 1973 budget document; figures rounded to nearest hundred.

[2] Subject to revision.

[3] July figure excludes 2,901 disadvantaged persons in public service careers programs as compared with 3,250 in June.

UNSUBSIDIZED HOUSING PROGRAMS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. HANNA. Mr. Speaker, the claims of the incumbent administration notwithstanding, the Nation's accomplishments in meeting the housing needs of our people have not been without severe problems and some pain. Not the least of these has been the exposure of the inadequacies of certain of our Federal housing programs.

An article in the August 1972, edition of the Mortgage Banker states very succinctly, yet quite adequately, the fears and concerns I have both felt and expressed from time to time. I commend to my colleagues Mr. Jackson's observations as to the efficacy of the retention within HUD of the Federal unsubsidized housing programs:

UNSUBSIDIZED HOUSING PROGRAMS SHOULD BE SPUN OFF FROM HUD

(By Philip C. Jackson, Jr.)

The Mortgage Bankers Association (MBA) is convinced that the Federal Housing Administration's unsubsidized programs cannot be sustained as part of the operations of the Department of Housing and Urban Development offices where they must compete with subsidized housing and community development programs. The unsubsidized programs can be managed more effectively—to the benefit of all parties involved, including HUD—if separated within HUD or spun off in a federally chartered, private, and mutually-owned corporation. MBA has given this matter serious study and consideration.

The prevailing concern over the future course of subsidized housing programs of FHA ignores the persistent decline of FHA's unsubsidized programs. Yet, the unsubsidized programs, specifically the mutual mortgage insurance (MMI) programs, have served this nation well for nearly four decades. These programs helped lift a seriously depressed industry off the ground in the thirties. They provided the base for the nationwide mortgage market that developed in the postwar years and contributed most significantly to the task of catching up with the massive housing shortage that faced the nation in 1945. They provided a vehicle attractive to borrowers because of the low borrowing cost, and to investors because of the protection of insurance and assurance of standard appraisals, inspections, and underwriting procedures. Throughout its entire history, the mutual mortgage insurance program was privately-oriented and supported by private lenders. Throughout its entire history, premiums and fees have more than covered operating expenses and losses under the MMI program.

Despite this unqualified success, MMI programs are falling into disuse. The evidence is clear. More and more builders of unsubsidized homes, and sellers of existing unsubsidized homes, are having difficulty in participating in the FHA system because of mounting delays and complexities in its underwriting process. This process is not an even swap between FHA and conventional mortgage markets. When builders and sellers refuse to "go FHA," they cut off many low-income families from the housing market and reduce the flow of funds into local market areas. Conventional lenders, then, have less competition and are free to charge higher interest rates.

NEW EMPHASIS IS GIVEN SUBSIDIZED HOUSING

As the Secretary of Housing and Urban Development has stated on numerous occasions, this difficulty is an outgrowth of the dual role FHA has been required to play as an insurer of credit-worthy mortgage loans ***and*** **as** the vehicle through which housing subsidies to the poor have been distributed. As a result, FHA has been unable to play either role well.

An unsubsidized system of mortgage insurance can rely on the fact that most home purchasers are sound financial risks, knowledgeable of the facts of the real estate market and able to conduct real estate transactions in a sound manner. In writing insurance for such a market, it should be possible to provide prompt service with a minimum of administrative overhead and paper work.

In contrast, the subsidized market is characterized by uninformed buyers motivated by a desperate need for shelter. Purchasers not only need assistance in the costs of housing, but also training in the techniques of personal financial management and the preservation of the real estate. Due to the lack of dependable market data, appraisals are made with difficulty under these programs. All of these factors make processing an application and servicing a loan complicated, expensive, and time consuming.

As policy has developed, HUD has been forced to place its primary emphasis on the subsidized sector of the market. As the distributor of federal housing subsidy funds, HUD has the responsibility of assuring that they are properly and effectively administered. Further, the successful administration of housing subsidy programs had direct impact on the broad responsibility of the department for community development.

The question then moves another notch forward: Can a system be devised which would retain the unsubsidized market, mortgage insurance function within HUD and still be workable? Our industry is working with HUD Commissioner Gulledge on revisions in procedures with this goal in mind. Among other features, the revisions would place increased reliance on outside fee appraisers and mortgagee analysis of credit requirements.

Yet, even if these changes prove successful in improving the quality of service to the unsubsidized buyers and sellers, they would not change the fact that market programs will continue to be the stepchild of the department—eating the leftovers after the administrative requirements of the subsidized programs have been satisfied. Furthermore, the unsubsizided programs will continue to be burdened by the legislative process which controls appropriations for personnel and authorizations for insurance activity.

MUTUAL MORTGAGE INSURANCE STILL NEEDED

Some have pointed with satisfaction to the reduced role of mortgage insurance in the private market as evidence that government participation is no longer needed in this field, and that non-government-sponsored private sources are now adequately and competently serving this function. True, the sustained period of inflating real estate values since 1935 has finally encouraged supervised lenders to enlarge maximum permissible loan-to-value ratios. The success of these programs does not mean that FHA mutual mortgage insurance has out-lived its mission of broadening—both economically and geographically—the nation's housing market.

The FHA system offers the one effective means so far devised for providing a nationwide flow of mortgage funds. The Federal Home Loan Bank System, despite its participation program and the operation of the Federal Home Loan Mortgage Corporation, cannot do it. The commercial banking system, without the backing of FHA insurance, cannot do it. Life insurance companies have found FHA insurance necessary for nationwide lending. Only substantial and unlikely changes in federal and state laws could lessen the national market's dependence on FHA.

Finally, it is essential that the FHA mortgage insurance system exist as an adjunct of the private mortgage market with ample reserves (the Mutual Mortgage Insurance Fund) and secondary financial facilities (the Federal National Mortgage Association) to withstand a period of sharp or prolonged adversity.

BOLD NEW STEP NEEDED

If it is concluded that a continuing, self-sustaining federal system of mortgage insurance is needed, the question then becomes: What changes, if any, are necessary in order to make it more effective? What is needed is not a revision within HUD, but a bold, new step forward to create an organization that has a primary goal to improve and expand the present market-oriented system, and will find more economical ways to perform present functions. One obvious way to create such a new organization would be for the Congress to charter a new federal mutual mortgage insurance corporation. This corporation may remain subject to the general supervision of the Secretary of HUD, as national banks are subject to the supervision of the Comptroller of the Currency.

The corporation may be controlled by a broadly representative board of trustees appointed by the President. The capital for the corporation initially should be derived from a transfer and continuance of the existing $1.4 billion in reserves of the FHA mutual mortgage insurance fund. This would provide a reserve sufficiently large to be an adequate base for expanded operations. Thereafter, the affairs of the corporation should be carried by the fees and premiums charged participants. The charter should provide that the reserves shall be invested in such obligations as are legal investments for Federal Reserve Banks. The corporation should be subject to all of the requirements of the civil rights legislation applicable to other private financial institutions.

HUD SPECIALISTS NUCLEUS OF PRIVATE CORPORATION

The management and staff of the new mutual corporation would operate under the direction of the trustees. The initial employee nucleus might be derived from those personnel now in HUD having special training and skill in the underwriting and appraisal processes. Adequate provision for continuing retirement, tenure, and fringe benefits similar to that available under Federal Civil Service should be available to those employees who desire to transfer. Thereafter, additional staff would be added according to the current or future needs of the corporation's activity.

The operational goal of management should be to build a highly competent team of experts in the skills of underwriting and appraisal to serve the interests of their policyholders and participants. In addition, the same team may, by contract, serve the department for appraisal, underwriting, construction analysis, and engineering functions. Further, the corporation should be able to contract to employ its special skills to liquidate foreclosed properties acquired by HUD or other agencies of the federal government which acquire private housing through the operation of various laws.

The proposed changes aim to:

1. Make housing available at lower cost to a larger number of American families.

2. Reduce the level of federal expenditures by removing one of the current functions and, as a consequence, lowering the number of federal employees.

3. Make the federal unsubsidized mortgage insurance system more responsive to current demand by eliminating imbalances attendant to the legislative process.

4. Provide HUD with a specialized team of experts in appraising, credit underwriting, and construction analysis, thus enabling the department to concentrate on its much more difficult responsibilities of human relationships and urban development.

5. Avoid confusion between welfare- and market-oriented functions, each of which requires specialized talent and training.

There is widespread support for these constructive proposals. After 40 years of changes in the fiscal and social environment, FHA should face this natural evolution. It would be a giant step forward for the nation's housing programs.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the Record the August 21, 1972, edition of the news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help my colleagues be informed of actions and developments across the Nation preparing for the 200th anniversary of our country in 1976. The bulletin is compiled and written by the ARBC Communications Committee staff. The bulletin follows:

Bicentennial Bulletin

The National Association of Negro Musicians held its annual convention in New York City recently. Keynote speaker Dr. Walter F. Anderson, director of music programs for the National Endowment for the Arts, suggested a national archive of the works of black musicians and composers. Dr. Anderson stated that the nation's Bicentennial celebration would be an appropriate time for such recognition of the musical contributions of black Americans.

The Florida Bicentennial Commission adopted a half-million dollar budget for 1972–73. Largest expenditures are grants of $130,000 to Third Century USA and $100,000 to Interama. Lt. Gov. Tom Adams, Chairman of the Florida Commission, said $42,230 has been allocated as "seed money to be disbursed to 16 scattered communities on a matching fund basis for local Bicentennial projects. The purpose of this money is not to stage a celebration—we would oppose such use of the funds—but to stimulate the development of meaningful programs."

Kenneth Fulk, Secretary of the Iowa ARBC, reported that the State Commission has set up preliminary planning organizations in all but two of Iowa's 99 counties. Fulk said when the Commission receives federal funds, an additional staffer will be hired "to go to the schools and colleges. We really want to get students involved; after all this fall's freshmen are the class of '76."

Fort Frederick State Park in western Maryland recently held a two-day Bicentennial preview with a three-hour re-enactment of authentic Revolutionary War drills, drums, music, musketry and crafts by the First Maryland Regiment. In the afternoon other demonstrations that typified colonial life in Maryland were presented.

Hon. George F. McDonald Jr., Chairman of the Rhode Island Bicentennial Commission, announced at a press conference that the Commission's plans to restore the Old State House on North Main Street in Providence are nearly complete. The building, built in 1762, witnessed gatherings which included George Washington, Rochambeau and Lafayette, as well as the adoption of the State's Act of Independence on May 4, 1776.

The Nebraska ARBC recently elected officers, and State Senator Wayne Zeibarth was chosen chairman by the 15-member Commission. . . . Gov. George Wallace of Alabama has appointed Bobby Bowick as director of the Alabama ARBC. . . . Gov. Wendell Ford of Kentucky recently announced that Charles J. Hellmann has been appointed executive director of the state's Bicentennial Commission.

Hawaii Bicentennial Chairman, Thurston Twigg-Smith, wrote the ARBC that receipt of the State Commission's federal grant "is really a lifesaver. It's exactly the boost we need." With the money, the Commission intends to open a permanent office and create a staff to assist in planning and implementing celebration projects.

The City of Lansing (Mich.) is proposing a Michigan Bicentennial Park, a historical-cultural-educational-recreational complex occupying 130 acres of Grand River waterfront, to the State ARBC. "The entire thrust of the Michigan Bicentennial Park concept is to provide a dynamic, exciting urban park in the center of the state capital for the people of Michigan," said Clarence H. Rosa, design committee chairman for the city's ARBC Committee.

Ann Hawkes Hutton, ARBC Commission Member and author-historian of Bristol (Pa.), has been included in the 37th Edition of *Who's Who in America*. Mrs. Hutton, who is also chairman of the board of the Washington Crossing Foundation, is recognized for her definitive research on the year 1776.

After receiving a federal grant check, P. Bradley Morrah, Chairman of the South Carolina ARBC said, the Commission hopes to be "self sustaining, without any additional burden to the taxpayer" for the state's part in the Bicentennial. He further stated that the Commission plans a "grand celebration" involving all the agencies in the state, counties and even individual commissions in the larger cities.

David L. Davies, Chairman of the ARBC of Oregon, announced that the state's federal grant will assist in the establishment and operation of the State Bicentennial Commission. Davies pointed out that the Nation's 200th anniversary will be centered on individual and local activities. "Oregon with its history and outstanding local leadership record can well be in the vanguard of the states in the observance of the Bicentennial in 1976."

On July 25th, the National Association of the Physically Handicapped, Inc. resolved: "Whereas, 1976 will mark the 200th 'Birthday' of the United States of America; and whereas, plans are currently being formulated for a uniquely diversified celebration, not just in one particular U.S. city, but scattered across the country with one city in each state being selected to develop a Bicentennial Park Project: and Whereas, many of these proposed projects include great potential for the redesigning and rebuilding of city environments which are more compatible with human needs; now let it be resolved that NAPH join with other organizations of and for the handicapped in making 1976 the target year on which all of our needs and rights will have been recognized and responded to by a society which will once and for all include *every* individual in America within the concept of a Barrier-Free Design."

John Conrad, Chairman of the North Dakota ARBC, reports that the money from State's federal grant will be used for informational materials and guidebooks encouraging local involvement in the Bicentennial.

SECRETARY OF THE NAVY WARNER SPEAKS AT THE KEEL-LAYING OF THE U.S.S. "VIRGINIA"

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. DOWNING. Mr. Speaker, on the first day of our recess just concluded, the Secretary of the Navy, the Honorable John W. Warner, led a most distinguished group of visitors into the First Congressional District of Virginia with the high purpose of authenticating the keel of the U.S.S. *Virginia*, the sixth vessel of the U.S. Navy to bear the name of our State.

Those of us who shared the occasion at the Newport News Shipbuilding & Dry Dock Co. were deeply moved by the eloquence of Secretary Warner's remark which is inscribed upon the authenticated plate of the vessel:

> My mission is to pledge to bring a generation of peace to my children, to your children, and hopefully to children the world over.

The keel was authenticated most appropriately by Secretary and Mrs. Warner's 13-year-old daughter, Virginia.

We are proud to have the opportunity to build another great vessel for our peacetime Navy in Newport News.

We are proud indeed to have the opportunity to share the feelings of Secretary Warner.

I am proud to include them in the Record so that all of the Members might share the opportunity which was ours on a sunny August day:

Remarks by Honorable John W. Warner, Secretary of the Navy—Keel Laying of U.S.S. "Virginia" (DLGN–38), Newport News, Va., Saturday, August 19, 1972

Greetings and amenities:

Admiral Rickover's eloquence has set the tenor—for today's occasion—he has ordered the helmsman to set a course that will pay honor not only to our great state but to the ladies of Virginia.

I fervently hope that the thundering tide of women's lib will not wash out to sea the old traditions emanating from ancient times whereby it is the woman who imparts to a ship its spirit. Mariners facing the unknown perils of a vast and trackless sea, put their faith not only in a stout ship but in that unseen guiding spirit provided by ladies who participate from the laying of the keel to the sponsor's thrust of the bottle to slip her from land to sea.

My current service to the Navy as Under Secretary and Secretary is nearing the four-year mark and I daily pause to pay respect to those who have entrusted me with the responsibility of being "top hand" in the Navy. It has been not only an honor for me but for my family, particularly today when my daughter inscribes her initials in the keel of this great ship.

You may fairly ask of me why should a girl of but 13 be the one to impart her spirit to this ship. My message to my daughter and to her generation is simple. It is to tell her and all the children throughout the free world that this ship will protect them only if they protect it.

I would also like to share with you a story I told my daughter about one of the most memorable events of my life—my visit to the Moscow summit with the President of the United States.

There, in full view of the citizens of the Soviet Union, he laid a wreath at the cemetery which commemorates the brave people who died during the siege of Leningrad in World War II. He told the people of the Soviet Union that he saw at the cemetery a picture of a 12-year-old girl. She was a beautiful child. Her name was Tanya. The pages of her diary tell the terrible story of war. In the simple words of a child, she wrote of the deaths of the members of her family. "Geine in December, Grannie in January, Leka next, then Uncle Vasya, then Uncle Lyosha, then Mama and then the Savichevs," and then finally, these words, the last words in her diary, "all are dead. Only Tanya is left."

Unlike Tanya's generation, we in this country have been fortunate, by the grace of God, to have been free of foreign invaders for many generations.

One reason for this blessing has been the high seas which surround our island nation—oceans which have made it impossible for anyone to attack us, oceans which have given us in the past the time needed to build our strength when danger has threatened.

The defense of our country has always depended, upon control of the seas. We have listened with comfort and security to their gentle wash upon our shores. We must never allow that lullaby to send us off to sleep.

The oceans no longer provide that protection. Today a danger can come overnight and can come stealthily, hidden beneath the surface of these once friendly seas.

We must carry the message to today's children, to this generation experiencing change now, that leisure without liberty is an empty victory, that idealism without labor and energy betrays rather than serves their hopes for the betterment of mankind.

One of America's most priceless assets is the idealism which motivates its young people. Always have they strived to make this a better world. Today's youth is an exception only because they seem to be trying harder. They long to divert their labor and energy from material pursuits to thoughts, dreams and creation for the betterment of all mankind.

We don't fault this goal; in fact, in secret many of us have similar dreams. We don't wish to dampen these dreams, but our experience has shown that now you should gain an awareness of the responsibilities you must soon shoulder.

One of these responsibilities—of co-equal importance to any other—you must assume is that of participating in national defense. Some may elect to serve in uniform, others may elect to work in great shipyards such as this one, where for generations the hands of Virginians have built the finest ships to be found anywhere in the world, and others may elect to support national defense through indirect means. But all must be aware and all must shoulder the responsibility.

I view today's ceremony as a passing of the mantle of responsibility from the sponsor of the last ship to bear the name Virginia to my daughter and her generation. As this new generation takes up its responsibilities to work toward a more peaceful world, let us think of Tanya and the other children throughout the world who have not enjoyed the blessing of freedom we have known so long in this country.

As President Nixon has stated, let us do all that we can to insure that no other children will have to endure what Tanya did and that your children and ours, all the children of the world can live their full lives together in friendship and in peace.

As the great mass of the next U.S.S. Virginia rises above her keel, aided by skills and talents of our finest craftsmen, we shall begin to see another instrument of peace cloaked in spartan grey. We welcome her birth today.

LONGS WIN FREEDOM OF INFORMATION SUIT AGAINST IRS

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. MOORHEAD. Mr. Speaker, among the many cases involving the Freedom of Information Act (5 U.S.C. 552) that have come to the attention of the Foreign Operations and Government Information Subcommittee is that of Mr. and Mrs. Philip H. Long of Bellevue, Wash. and their long struggle with the Internal Revenue Service bureaucracy.

The Longs' case, the subject of discussion with IRS officials who testified in April before our subcommittee during hearings on the administration of the Freedom of Information Act, has now been decided by the Federal court in Seattle, Wash., and the information requested—the IRS "closing agreement handbook"—has been turned over to them by order of the court.

The struggle over this information consumed 8 months and vast expenditures of time and money both on the part of the plaintiffs and untold sums of U.S. taxpayers' dollars in IRS administrative and Justice Department attorneys' time in fighting the public's right to know. Yet this case is but one of many pursued by the Longs in their determined efforts to force the IRS to live up to the law of the land. I commend these outstanding Americans for their courage and perseverance. They are fighting the battle of many millions of our fellow citizens against the secrecy-minded bureaucrats of the IRS and other executive agencies.

Mr. Speaker, at this point I include an article by the distinguished tax writer, Mr. E. Edward Stephens commenting on the court decision in the Long case, appearing in the Washington Star-News for August 27, 1972:

COUNSEL FOR THE TAXPAYER—IRS LOSES A ROUND

(By E. Edward Stephens)

Dear Counsel:

In past columns, you have exposed the Internal Revenue Service's failure to comply with the 1967 Freedom of Information Act. Have any taxpayers gone to court and forced IRS to furnish documents?

Yes. On Aug. 9, Philip H. Long and his wife, Susan, chalked up a glorious victory in the U.S. District Court at Seattle, Wash.

It was a day of emancipation for all American taxpayers. IRS warriors were ordered to appear before Judge William T. Beeks, to be told what they must do to get in step with the Freedom of Information Act, now in its sixth year of operation.

This is the first time taxpayers have prevailed over the deft maneuvers of IRS and Justice Department lawyers in a freedom-of-information case. They did it without counsel too.

At a cost topping $10,000, Phil and Sue have mastered the Freedom of Information Act. Contact them at 4885 Lakehurst Lane, Bellevue, Wash. 98006, if IRS turns you down for requested information. These courageous, unselfish people will tell you what to do. No charge.

For Phil and Sue, it's been a long, hard struggle. Their original request for the desired documents was made a year and 8 months ago. IRS and Justice Department attorneys shot the works in an all-out drive to keep the information door closed.

The Longs stuck to their guns. With their backs to the wall, they filed some 300 pages of legal briefs and memoranda to establish their right to know.

The Freedom of Information Act was passed to force bureaucrats to disclose, upon request, nearly every kind of information they compile at public expense. But IRS officials virtually ignored it. They went right on brushing off taxpayers who dare to ask for a peek at manuals, statistics and similar documents that the Service stamps "for internal use only" or "for official use only."

IRS disclosure staff members, headed by Donald O. Virdin, have flaunted the act so arrogantly that they were raked over the coals last April by the House Foreign Operations and Government Information subcommittee, chaired by William S. Moorhead, D-Pa. The committee's staff director, William G. Phillips, said IRS was the "most flagrant" of all U.S. agencies in violating the act. IRS policies had almost become a "national scandal," he said.

Phil and Sue wanted to examine the IRS "closing agreement handbook." This is a bible used by service employes in negotiating agreements with taxpayers affecting their tax liabilities.

Judge Beeks found that the handbook isn't "solely" related to IRS internal personnel functions, as its attorneys contended. The service must come across, he ruled, because the book "clearly" affects members of the public—taxpayers.

The Longs also wanted to examine audit statistics that IRS had compiled at public expense. For many years, earlier reports of the same kind were prominently displayed on shelves of the Treasury Department library, open to the public. But they were whisked away last March—along with row on row of other statistical reports—when embarrassing figures were published in this column.

The library shelves still are as bare as a night club fan dancer. And that's the way IRS moguls want to keep them. So service lawyers argued that such statistics are exempt from disclosure under the Freedom of Information Act.

But Judge Beeks ordered IRS to hand them over. He said they're "entirely factual" and not "inextricably intertwined" with any IRS policy-making process, as IRS attorneys contended.

Phil and Sue have sent a load of statistics to me. In columns to come, I'll let you in on some secrets that IRS has been keeping from you.

CONGRESSIONAL REFORM

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. ESCH. Mr. Speaker, the wisdom of the division of powers in our Constitution between the Executive and the Congress has been continuously reemphasized in history. Unfortunately, as the Federal Government has grown more complex Congress has not equipped itself with the tools necessary to maintain itself as an independent and effective partner in our Federal system. This problem could perhaps be best summed up in a statement by James Madison in 1788. He said:

> I believe that there are more instances of abridgement of the freedom of the people by the gradual and silent encroachment by those in power than by violent and sudden usurpations.

An independent role for Congress has been proscribed because as our federal system has become more complex we have not taken the same care the Executive has to modernize its functions. The result is that Congress is unable to handle the new and complex problems which face our Nation.

Five years ago I wrote a paper entitled, "The Need for Reform." In it I said:

> If Congress is going to remain a viable force in our federal system, then it must squarely face the need for change. It must fill the void left by its failure to exercise effectively its oversight obligation. It must adopt reforms which make it physically and structurally possible to review what administrations have done with the laws it has passed. It must be willing to take a long hard look at its rules and traditions to determine which ones are inconsistent with the times and then be willing to adopt the necessary changes.

Since that time, myself and a number of my colleagues, have worked to bring about reforms to meet these challenges. Our efforts have centered on five areas: First, information sources for Congress; second, congressional structure and staffing; third, definition of the congressional role in warmaking powers; fourth, definition of the congressional role in budget and financial control, and fifth, campaign financing reform.

INFORMATION SOURCES FOR CONGRESS

In many legislative areas the only source of information for Members comes directly from the executive. Obviously, if Congress is to play a viable role in the making of policy and in the drafting of legislation it must develop independent sources of information. This is especially critical in technological areas where many Members of Congress have a distinct lack of expertise. This problem was never better demonstrated than with recent consideration of the supersonic transport. Proponents of the SST claimed that the supersonic plane would create few if any environmental problems. The opponents of the SST claimed that the proposed "dodo bird" as many of the environmentalists liked to call it, would wreak havoc on our ecosystem through massive amounts of noise and air pollution. The controversy involved complex scientific considerations, and Members of Congress were besieged by information from both sides of the issue. While much of this information was helpful, it would have assisted many Members of Congress to have an independent analysis of the technological implications of the plane. In more generalized issue areas, such as the energy crisis which faces our Nation today, Members of Congress could truly benefit from an independent technological assessment of alternatives in resolving the competing demands of energy and ecology. The solution which I have supported in the last few Congresses and which passed the House during this past session is for the creation of an Office of Technology Assessment. The OTA would operate in a similar manner to that of the Congressional Reference Service and the Government Accounting Office which provides independent sources of information for Congress in research areas, and in the case of the latter, a postaudit of Federal programs.

A second area of concern relates to the congressional role in determining our Federal budget. The record of Congress on budgets in the last 15 years has been consistently poor. Congress never once takes the time to consider the budget as a package. Members of Congress have very little information on a comparative basis of budget categories. How can Congress reasonably expect to deal with the budget and to deal with changing national priorities if it does not consider a comprehensive picture of the budget? It would be helpful to Members of Congress to have the budget computerized so that comparative analysis can be made on categories, much the same as is done within the departments in the executive.

Congressional information on oversight of Federal programs could also be improved. The Government Accounting Office which performs this function for the Congress has been recently reorganized. While the quality of reports done by GAO has been high, it has been consistently limited in staff. I believe this is unfortunate as the basis for an improved congressional information flow is there. The need to upgrade this system as we go into the 1970's and 1980's remains an important task.

CONGRESSIONAL STRUCTURE AND STAFFING

The manner in which Congress organizes itself can have a significant impact on how it is able to respond to the issues facing it.

One of the most detrimental aspects of the present structure is that which bases committee chairmanship on seniority. There are some 16 chairmen of key committees in the House and the Senate over 70 years of age. While age is not necessarily an indication of competency, many instances of roadblocks to significant national legislation can be attributed to the seniority system during this and other sessions. A more rational system would require a vote of confidence in each session by the chairman's colleagues to insure that the person who can handle the job serves as chairman—a system that Republicans have adopted for choosing their ranking members on each committee.

A second problem relating to congressional structure is the limited availability of minority staff on the committees. Most of the work of the Congress is done in the committee and much of that work, particularly in the area of analyzing complex legislation, is carried on by that staff. It seems illogical to me that the minority party is not guaranteed adequate staffing.

If Congress is to be truly responsive to the people then it must open up its deliberations to the people. The first steps at this were taken in the Legislative Reorganization Act of 1970. One section of that act initiated an easier procedure for requesting recorded teller votes on the floor of the House, a procedure which had heretofore allowed the Members to hide their votes under a layer of parliamentary subterfuge. Several years ago my own Committee on Education and Labor, became the first committee in the Congress to make all of its hearings open to the public. This included the markup sessions where legislation is actually written. I believe all the committees should undertake such a reform so that citizens are better able to find out how their Representatives voted on any given legislation.

A final question relating to congressional structure concerns the rule which allows Members of Congress to revise the substance of their remarks in the daily CONGRESSIONAL RECORD. I believe it is important that we limit this practice to grammatical and stylistic changes so that the substance of what is said on the floor or in committee will be an accurate record.

REASSERTING THE CONGRESSIONAL ROLE IN WARMAKING POWERS

It has become especially clear with the Vietnam conflict that Congress' role in war-making powers has been greatly reduced from that originally prescribed in the Constitution. During the last two sessions of Congress I, along with several other Members, have proposed legislation which would limit the ability of the President to get us into armed conflicts overseas without congressional assent. Those who have supported the President's actions have claimed that he has some mystical implied powers which give him the right to, by himself, take this country into war. In our representative system, foreign policy decisions, especially the decision to go to war, should be made on the broadest possible base. If this is not done in future conflict situations, we can expect to receive the same indication that our representative system is breaking down which was so obvious during the height of the conflict in Vietnam. During this session, the Senate was able to pass a measure which would prohibit the President from sending unauthorized troops overseas without congressional assent, unless it could be shown that they were protecting American lives and property. This legislation gives the President adequate emergency powers so that he could handle emergencies while Congress is acting. However, it limits his ability to carry on extended conflicts. Many of the opponents of this legislation say that Congress cannot act rapidly enough in crisis situations. It has been demonstrated to me time and again that this characterization is patently untrue. When Congress needs to act, it can act.

The House has also passed war powers legislation during this session but clearly the intent of the manager of the House bill was to prevent the issue from being seriously considered. I am hopeful that during the next session of Congress we will be able to pass a meaningful war-powers bill.

BUDGET AND FINANCIAL CONTROL

The divergence between congressionally established perogatives in budget and fiscal matters and the level of congressional activity in this area has been extremely great. First, this has been caused by the overall level of Federal spending. This year the budget will exceed $240 billion. The budget document runs over 1,100 pages and is divided into 14 separate appropriations measures. At no time in congressional consideration is the budget ever examined from a comprehensive point of view. There is no cost comparison being done. How can we talk of seriously restructuring our national priorities when Members of Congress cannot really sit down and consider alternatives?

The ability of individual Members of Congress to become involved in tax and appropriations measures is also limited. Most authorities on the budget agree that subcommittees in each House make the preliminary decisions which are assented to for the most part by the full Appropriations Committee and then are given minimum consideration on the floor. This means that the members of the Appropriations Committee hold a great deal of personal power on the budget. A similar position is present on tax matters with members of the House Ways and Means Committee and the Senate Finance Committee.

Congress still works through a two-step budgeting process which requires authorization before funds can be appropriated. The folly of this system is best demonstrated through the record of education appropriations and authorizations. In fiscal year 1971, the level of authorized expenditures for Federal programs in education amounted to over $11 billion. In the same time period, however, the appropriations for those programs amounted to only $4 billion.

In recent years, the President has felt it necessary to impound appropriated funds to help balance budget expenditures. This takes away congressional perogatives in the appropriations area. Impoundment of funds has been criticized from many quarters. However, Members of Congress should realize that part of the responsibility for wise budgeting falls on their shoulders. In March of this year I introduced the Fiscal Responsibility Act of 1972.

H.R. 15509 would make a start at reorganizing the congressional appropriations process and other budgetary procedures. Congress has traditionally been very late in passing appropriations bills. Last year the last appropriations bill was passed 252 days into the fiscal year. Although this budgeting procedure can be patched up through supplemental and continuing appropriations, these measures are hardly adequate to fit the needs of our system. The first title of the Fiscal Responsibility Act reestablishes the fiscal year to coincide with the calendar year. Basically, this would allow Congress 12 months to consider the budget instead of the 6 it now has. The second title of the bill requires that at the beginning of each budgetary cycle, Congress establish an expenditure limitation taking into account all the competing priorities in the budget. This would help Congress to consider the budget as a financial document rather than 14 separate appropriations bills. The third title of the Fiscal Responsibility Act regulates the President's ability to impound funds. It establishes two types of impoundments—one a pro rata or percentage impoundment allowing the President to impound funds in a department or agency on a percentage basis. If this percentage funds cut is applied to all bureaus in that agency or department equally, the President is required to notify the Congress of his impoundment. Either House of Congress then has 60 days to disagree with that impoundment. Congressional action will force him to cease the impoundment. If the President wants to target his impoundment against a specific program or agency, he must notify the Congress in advance. Either House then has 30 days to disagree with this impoundment. The final title of this bill calls for a comprehensive year-long study involving the leadership of both Houses of Congress as well as the Comptroller General of the United States in looking at the congressional budgeting process. The study should produce alternatives to the present inadequate system. One additional provision of the bill is an indemnification clause which requires that after the Federal Government has established a payment schedule, that it must keep to that schedule or face the burden of paying extra costs incurred as a result of the delay. The Fiscal Responsibility Act obviously will not solve all of our Federal problems relating to budget and fiscal problems. However, I think that it is a step in the right direction.

CAMPAIGN FINANCING

Access to the political system is an important aspect of a representative government. The 1970 election proved to me and to many other Members of Congress that the cost of political campaigns was jeopardizing the potential for participation for most Americans.

While realistic campaign guidelines have yet to be established the first step has been taken by the Campaign Reform Act of 1971. The act limits the amount that can be spent on the electronic media in political campaigns. As one who has worked many hours for the first reform in financing of political campaigns since the Fair Campaign Practices Act of 1925, I was particularly pleased by the passage of this legislation. It also requires detailed reporting of expenditures so that an elected official's campaign expenditures become a matter of public record. I have favored opening campaign finances to public view for all of my public life. Denying the public access to information on campaign financing seems somewhat analogus to the come-ons used by carnival barkers at the county fair. The public interest will be served if during this first election with new reporting requirements, they inform themselves on their candidates financing and press for enforcement of the provisions against those who are not complying with its requirements.

The Tax Reform Act of 1971 made a step toward involving more citizens in the political process. Beginning with this election, taxpayers can deduct up to $50—$100 for couples—or count up to $25—$50 for couples—as a tax credit on their income tax returns for political contributions. This tax benefit will encourage wage earners to get involved in campaigns.

All of the ideas discussed in this paper set as their goal a more responsive and responsible government. While many of these reforms will move Congress toward that goal, the key in my mind to a more responsive and responsible government is based on continued citizen involvement. Deeper citizen involvement in all our congressional districts would insure that Members of Congress could not do their job without consulting their constituency. It would insure that innovative legislative proposals do not become lost in an antiquated congressional structure. It would insure that the budget document would be a financial plan of competing priorities, and that that document was studied carefully and intensively. It would insure that Congress come to grips with the question of crisis-management. In short, a greater degree of citizen involvement would insure that Congress begins to reestablish the responsibilities they have let slip through their hands to the Executive.

In the Youngstown Sheet & Tube case, Justice Jackson admonished the Congress that the tools belonged to the man who can use them. The wisdom of Justice Jackson applies to all powers of Congress.

DRUG ADDICTION

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. HARRINGTON. Mr. Speaker, few issues facing us today are the subject of as much concern, and as much misinformation, as that of drug addiction. Everyone agrees that we ought to do something about the problem, but much of what is done is misguided because it is based on false premises about the situation. There is an organization in Massachusetts which is doing a good deal to correct this situation by circulating correct and thoughtful information about drug addiction and its attendant problems. It is called the Committee for a Sane Drug Policy and the set of questions and answers attached to these remarks are an example of the work this committee has been doing to advance public understanding of drug addiction and the role that Government ought to play in combating it:

QUESTIONS AND ANSWERS ON "THE BRITISH SYSTEM"

Question.—What is "the British system" for treating heroin addiction?

Answer.—In Britain addicts can get daily heroin from the government. Official clinics dispense a range of services—medical care, detoxification, encounter groups, family casework—but they get almost all addicts under care by starting where they're at—on the needle. Addicts are seen weekly and given a prescription for their drug—injectible heroin, injectible methadone, oral methadone, or a combination of these. The prescription can only be filled at a pharmacy on a daily basis. Doctor and patient together decide which form of treatment the patient can make use of.

Q.—What are the goals of the British system?

A.—The ultimate goal in treating the addict is to help him to become drug free.

Until that happens and in the cases where it doesn't, the goal is to help him function as normally as possible and to keep him under medical care to minimize the secondary complications of addiction such as overdose reactions and infections from unsterile needles. The goal for society is to avoid addict-induced crime and to prevent the rise of a black market in addictive drugs.

Q.—Is this system a new development?

A.—No, the British have always handled addiction as a medical, not a criminal problem. When drug control legislation was first enacted in the 1920's, doctors were given wide discretion to treat addicts as their professional practice dictated. Such treatment has consistently included the provision of addictive drugs. Since 1968, however, prescription of heroin for purposes of maintenance has been confined to special government clinics and to certain hospitals.

Q.—How large a population of addicts does Britain have?

A.—Under 3000.

Q.—Why have some people claimed that "the British system" is a failure?

A.—During the 1960's the rate of addiction in Britain began to climb alarmingly. Between 1958 and 1968 the number of persons known to be receiving any kind of addictive drug rose from 442 to 2,782. The number receiving heroin rose during these ten years from 68 to 2,240 and their average age dropped until 33% were teenagers. Investigation revealed serious over-prescription by a small handful of doctors with the resultant surplus of heroin creating a "gray market" and many new addicts. Concern about this problem led the British to restrict prescription for addicts to newly established government clinics as of April 1968 and prompted many observers abroad to conclude prematurely that the British approach had failed. In 1969, however, the rate of addiction slowed and in 1970 the number of addicts seen at the clinics actually decreased [1]—and this despite improved reporting procedures.

Q.—Are there some addicts unknown to medical authorities?

A.—Yes, but studies have shown their number to be small.

Q.—Isn't methadone a preferable drug for maintenance?

A.—Yes, methadone, a synthetic relative of heroin, is longer acting and needs to be administered only once a day instead of every 4 to 6 hours. Accordingly, British doctors try to persuade addicts to switch drugs, but if a patient is managing well on heroin, he is generally permitted to remain on it. The number of patients receiving heroin, either alone or in combination with other drugs, has been reduced from 81% in 1968 to 31% in 1970. Contrary to the practice in this country, however, three quarters of the addicts on methadone choose and are allowed to inject it like heroin.

Q.—Does heroin do physical harm?

A.—Unadulterated heroin administered by sterile procedures in a tolerance-related dose does nothing injurious to a person already addicted. A study at Lexington Hospital in 1970 of 31 chronic opiate addicts, whose years of addiction averaged 35 years, concluded, "opiate effects *per se* must be differentiated from the medical complications associated with the hectic way of life pursued by youthful heroin addicts. While there is ample evidence that the aberrant way of life followed by most heroin abusers has both acute and chronic medical consequences (i. e.—tetanus, overdose, hepatitis, endocarditis) there is insufficient scientific basis for maintaining that long-term use of opiates—in and of itself—is related to any major medical condition."

Q.—Can persons maintained on heroin function normally?

A.—Yes, other things being equal. Of course many British addicts have severe social and personal problems, including multiple drug use, which limit their functioning. 40% of British addicts are, however, employed. (And one youthful group of 218 addicts receiving intensive services at St. Clement's Treatment Center had an employment record which rose from 10% to an average of 55–56%.)

Q.—Can an addict be stabilized on a given dose of heroin, or will he always crave more?

A.—British doctors do stabilize patients on a set dose and even reduce the dosage gradually in many cases. They admit a lot of "haggling" occurs between doctor and patient over the amount of drug to be given, but patients can usually be persuaded to content themselves with a fixed dose if assured that they won't experience withdrawal.

Q.—Does Britain have a black market in heroin?

A.—There are illegal transactions of heroin in Britain. Addicts do sometimes share or sell some of their own legal supply, although the more skilled and careful prescription in the clinics has sharply reduced the illicit circulation of addictive drugs. There is also a small black market in "Chinese heroin" from Hong Kong. The large scale, organized traffic in narcotics which attracts criminal investment in this country, however, does not exist in Britain where the low price of legal heroin makes competition unprofitable. (A bottle of 100 heroin tablets, worth $1000 on the streets of New York, retails at $2.16.)

Q.—Is there any relationship between British addicts and crime?

A.—Britain remains free of the kind of street crime which has plagued American cities in recent years, in part because addicts don't have to maintain expensive habits by stealing. This does not mean that British addicts are never involved in crime. A study in 1969 of 111 addicts showed that 41% had convictions for non-drug related offenses prior to their first use of heroin. 34% of the 111 reported current involvement in non-drug related crime.[2] Thus, although the provision of heroin may not reform persons disposed to criminal activity, the amount of addict crime in this sample did decrease after the addicts became involved with a clinic.

Q.—Is it illegal for a person to possess heroin without a medical prescription?

A.—Yes. The maximum punishment for illegal possession is seven years and for trafficking fourteen years in jail. In 1970, 226 persons were convicted for unlawful possession of heroin, down 52 from the year before. (6,682 convictions were obtained in 1970 for offenses involving cannabis.)

Q.—Are British addicts ever cured of their drug habit?

A.—Yes, but the number successfully rehabilitated remains small. St. Clement's Treatment Center reported that 86 of 218 patients treated between 1968 and 1970 were taken off drugs altogether and were not using opiates 6 months later. Many of these patients were, however, abusing alcohol, hallucinogens, barbiturates, etc. Britain has not found an answer to multiple drug use by young people.

Q.—Could heroin be legally given to addicts in this country?

A.—Yes. The Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 provides that any research with a drug in Schedule 1 (e.g., heroin) requires registration with the Bureau of Narcotics and Dangerous Drugs and approval from the Secretary of Health, Education, and Welfare and from the Food and Drug Administration. To gain approval, a proposal would have to satisfy various criteria, including the provision of adequate safeguards against diversion of the drug and community support for the project. Proposals would also have to receive state approval. Thus until the idea becomes a lot more acceptable than it is at present, it will remain a difficult and discouraging project for any medical program to undertake.

Q—Have there been proponents for heroin maintenance in this country?

A—Yes. A number of well-documented books advocating legal heroin for addicts have been written, the best known being Alfred R. Lindesmith's *The Addict and the Law* (Vintage Book, $1.95). Groups supporting heroin maintenance have included the New York Academy of Medicine (1955), the Joint Committee on Narcotic Drugs of the A.M.A. and the A.B.A. (1958, 1961), the Council of Judges of the National Council on Crime and Delinquency (1964, 1971), the San Francisco Committee on Crime (1971), Americans for Democratic Action (1971), Committee for a Sane Drug Policy (1971), the Special Committee on Crime Prevention and Control of the A.B.A. (1972), and the new Drug Abuse Council (Washington, New York, 1972). Currently, the Vera Institute of Justice in New York is seeking government approval for a concrete proposal offering a highly structured heroin maintenance program to 300 hard core addicts who have refused or failed in that city's methadone program.

FOOTNOTES

[1] The number of addicts known to the Home Office during 1969 peaked at 2,881. The number actually receiving drugs at the end of the year, however, was just 1466. In 1970 that end of the year figure was reduced to 1430. The 2600 figure often cited in recent reports about English addicts is apparently the approximate number of addicts known to the Home Office during 1970.

[2] B. V. Stimson and A. C. Ogborne, "A Survey of a Representative Sample of Addicts Prescribed Heroin at London Clinics, " *Bulletin on Narcotics*, 12:4, October–December 1970.

TAKING TANGLEWOOD OUT OF THE WOODS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. CONTE. Mr. Speaker, of the many outstanding events that take place in my district each year, one that consistently attracts thousands of delighted visitors is the annual Berkshire Festival of the Boston Symphony Orchestra held in the Music Shed at Tanglewood.

The recently completed 1972 summer season was the most successful ever. More than 257,000 people enjoyed the brilliant concerts given by the Boston Symphony in the unparalleled natural beauty of Tanglewood.

I would like to take this opportunity to applaud the symphony for its high standards of excellence and for the many hours of pleasure it accords its listeners. An article reviewing this past season at Tanglewood appears in today's edition of the Christian Science Monitor and I now include it along with my remarks:

TAKING TANGLEWOOD OUT OF THE WOODS

(By Louis Snyder)

(NOTE.—With bolder and more innovative programming, the Boston Symphony's 35th Berkshire Festival last month chalked up an 18 percent increase in attendance over 1971. Armed with better ecological manners (there was a marked decreased in litter) and a substantial musical curiosity, this year's audiences were obviously delighted to see some of the festival's traditional cobwebs brushed away.)

LENOX, Mass.—Over the vast green expanse of Tanglewood, the morning after the final Berkshire Festival concert doesn't seem to differ much from year to year. Gone are the warming-up sounds of a blossoming student oboist from the direction of Music Center headquarters; no longer faced with large, expectant crowds to please, the groundskeepers who are usually cutting grass and raking paths are out of sight, and bird families that nest in the rafters of the huge Music Shed finally have the place to themselves again.

Looking south through the pines, nothing obscures the serene, Giottesque landscape in which Lake Mahkeenac nestles—a view that admittedly often kept Nathaniel Hawthorne from writing when he spent more than a year within sight of it, here on the former Tappan estate in 1850–51.

On Aug. 21, 1972, the day after the Boston Symphony's 35th Berkshire Festival had ended, the Tanglewood scene, cool but drenched with sunshine, was predictably quiet. Yet only yesterday afternoon, 12,884 people had gathered here for Mahler's Eighth—the climax of a summer of almost unprecedented popularity.

Now the grounds were without as much as a discarded program or an empty picnic box to testify to even one concertgoer's presence. In fact Tanglewood's operations manager, James Kiley, is reported still amazed at the sudden ecological bent of this season's audiences: "Almost nothing to be picked up next day," he is quoted as saying.

AN "UNBELIEVING SQUARREL"

But the return of good ecological manners wasn't the only distinguishing feature of the festival summer of '72, one recalled, as a lone squirrel streaked unbelieving across the deserted lawn. For 24 scheduled BSO concerts, 8 open rehearsals, Tanglewood-on-Parade (an annual day of musicmaking), and Boston Pops at Tanglewood, more than 257,860 arrived to listen.

There were some, too, not included in this figure, who partook of recitals and concerts by Fellows of the Berkshire Music Center, others who crowded the West Barn for productions staged by the two-year-old Music Theater Project, and those who bent an ear to the five contemporary "festival-within-a-festival" concerts presented by the Berkshire Music Center and the Fromm Music Foundation, marking the latter's 20th anniversary.

The grand total attendance represented an 18.5 percent increase over 1971, and as one gazed at the empty, shadowy shed pondering why, the squirrel scampered back bearing an unidentifiable but substantial prize between his teeth.

NEW EXCITEMENT IN AIR

In retrospect, reawakened interest and burgeoning response came as no surprise. Almost from the beginning of this Tanglewood season, except for a few early rain-drenched filled the Berkshire air. A Beethoven weekend, which reunited the whole orchestra for the summer, with retiring music director William Steinberg and director-elect Seiji Ozawa in charge, racked up a count of 26,903 listeners—the Saturday-evening audience for the Ninth Symphony being the largest (14,851) since 1963.

Leonard Bernstein's appearance in a Brahms program drew 13,374 devotees, either of the composer or the conductor or both; Eugene Ormandy, on two nights before opening his own Saratoga-Philadelphian festival, attracted more than 14,000 to hear him conduct the BSO; Colin Davis renewed his love-feast with the orchestra and 26,730 hearers in three concerts; and in single engagements, Aldo Ceccato, James Levine, Stanislaw Skrowaczewski, and Karel Ancerl, with noted soloists and tempting programs, made honorable showings.

It remained for BSO associate conductor Michael Tilson Thomas to come forth with the two musical blockbusters of the summer—the premiere, in a BSO tribute to the Fromm Foundation, of Charles Wuorinen's Fromm-commissioned Concerto for Electrified Violin and Orchestra (with Paul Zukofsky as soloist), and the first repetition, in wider-open spaces than Boston's Symphony Hall, of Olivier Messiaen's "Et Exspecto Resurrectionem Mortuorum," in which winds, brass, and particularly percussion anticipate the tonal terror and grandeur of Judgment Day.

ELEMENT OF DARING

Mr. Thomas, who has never given the impression of being a fearfully treading angel where challenging scores are concerned, rose mightily to both occasions, and in doing so contributed the element of daring on a large scale that finally brought Tanglewood programming out of the traditional woods.

Stories circulated at Tanglewood about the incompatibility of composer and some BSO musicians during rehearsals of the Wuorinen piece (age-old music history repeating itself), and indeed there were a few boos from the audience at the first performance.

So was it the music? The performances? The weather? The economy?

Thomas D. Perry Jr., the orchestra's manager since 1954, wryly admitted that he couldn't be sure. "Managers always know why things go wrong," he explained, "but when they go as well as they have this summer, we're nonplussed."

As might have been expected, Mr. Perry was not without his theories, however. Despite the tremendous cost of maintaining Tanglewood—the concert season is only eight weeks long—and the necessity for maintaining the musicians as though they were on tour ("after all, in Boston, they are at home, but here they must naturally receive per diem rates"), the festival represents a special challenge. To keep Tanglewood, like any finely attuned mechanism, in working order—a 707 aircraft was cited—it must be used often and to best advantage. Thus, for audiences' sake as well as its own, the BSO must not rely exclusively on repeats of its Boston programs (a general complaint several years back), but regard Tanglewood as a place where it can serve a new repertory and a new public.

For the past several years, Ozawa, as artistic director with Gunther Schuller at Tanglewood (Bernstein is its adviser), has been conscious of this need to appeal to audiences who are now coming armed with a substantial musical curiosity—not as a group of potluck listeners. Unusual works, ancient and modern, have crept into the regular festival programs, and for Tanglewood have been reserved a number of special ones, seldom undertaken because of their large musical demands, like Berlioz "Damnation of Faust," Beethoven's Missa Solemnis, and this year's Eighth Symphony of Mahler.

The formation of a Tanglewood Festival Chorus, based in Boston, under John Oliver's direction, has also made such projects more feasible. And the obvious eagerness of listeners to hear these rarities live, under optimum conditions, is indicative of the catholicity of taste existent these days among record collectors.

INTEGRAL PART RESTORED

In forming the Music Theater Project two summers ago with Ian Strasfogel as its head, the Berkshire Music Center has restored an integral part of the festival scene to do what its name implies—present innovative staging of music drama, with the operatic cobwebs brushed away. In a small cleverly converted barn on the property, turn-away audiences have sought out short pieces by Harrison Birtwistle, Erik Satie, Ligeti, Offenbach, and this summer a tailor-made premiere—Robert Selig's "Chocorua"—along with the Brecht Weill "Jasager" and Monteverdi's "Coronation of Poppea."

And during the Fromm events, Collage, an offshoot of the BSO itself, comprising six young orchestra members and three outside recruits, made a promising official debut in extraordinary performances of works in the contemporary idiom, which is their raison d'etre. Now if enough modern pieces can be found really worthy of their talents. . . .

"I sense a sea change in these audiences," Mr. Perry remarked. It has been happening gradually, but it's very evident this summer. Many new people and more young ones are coming to the concerts—they really appreciate the sweep of Tanglewood and its very denial of the traditional concert-hall ritual. They come to absorb the beauty of the music and the place. And they obviously respect it from the way they treat it—plenty of applause when they're pleased, and almost no litter at all!"

So the shining statistics may spring from the "new audience," more favorable weather than usual, restored pride within the orchestra itself ("They're playing again with that 'we're-really-something' air," an old-timer noticed), fresh programming, the economy, or another coming of age for Tanglewood after some years of being taken for granted.

Whatever it is, Tanglewood in 1972 was full of the vitality and promise that must have prompted Miss Gertrude Robinson Smith, the festival's tireless founder and advocate, to say in 1936: "There are all kinds of things that can be done musically. Let your imagination go as far as you like and you will not go too far."

The message, like Hawthorne's view, happily is still with us.

REMOVAL OF FEDERAL EXCISE TAX APPLIED TO SPARE PARTS FOR PRIVATELY OWNED URBAN TRANSIT BUSES

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. FULTON. Mr. Speaker, I am today introducing legislation which would seek to remove the 8-percent Federal excise tax currently being levied against privately owned bus companies when they purchase spare parts for their vehicles.

This action, I believe is not only the natural second step following 1971 legislation lifting the 10-percent tax from original private-line bus purchases; it is a necessary step to help keep many of these private mass transit firms operating.

Currently, 938 of our Nation's 1,079 urban transit systems are privately owned. Many, such as several of the lines serving Washington, D.C., and the Nashville Transit Co. serving my own constituency, face growing deficits—deficits which can only grow larger by keeping this tax is effect. Within the past 17 years, 258 cities have lost their transit systems and many more have either required local subsidies or outright municipal purchase to continue operations. This trend must be reversed.

The Congress in 1970 recognized that aid for urban mass transit was required when it approved a multimillion-dollar capital grant program. Yet balanced against this is the $800,000 to $1.9 million in Federal excise taxes estimated to be demanded yearly of private buslines purchasing spare parts. A discrepancy clearly exists when we offer financial assistance yet continue to demand a counterproductive tax.

Private bus company spare part levies flow into the $85 million highway trust fund, constituting perhaps 2 percent of the fund's total revenues. This is not a great percentage from the Government's point of view; however, it is quite a bit to those buslines affected. A look at the current estimated excise tax expenditures of a few private buslines amplifies the point:

1. Nashville Transit Company (Nashville, Tennessee):

Federal excise tax	$9,700
Number of buses	117
F.E.T./bus	$82.90

2. Louisville Transit Company (Louisville, Kentucky):

Federal excise tax	$12,000
Number of buses	197
F.E.T./bus	$60.91

3. Niagara Frontier Transit System (Buffalo, New York):

Federal excise tax	$21,000
Number of buses	483
F.E.T./bus	$43.50

4. Milwaukee & Suburban Transit Corporation (Milwaukee, Wisconsin):

Federal excise tax	$24,000
Number of buses	538
F.E.T./bus	$44.60

5. New Orleans Public Service, Inc. (New Orleans, Louisiana):

Federal excise tax	$49,000
Number of buses	494
F.E.T./bus	$99.20

As my colleagues can see, these excise taxes add up to a considerable amount, particularly considering the financial pressures many of these lines currently face.

Mr. Speaker, my legislation would ease the burden, and provide even a small measure of retroactivity by exempting from the tax those vehicle parts already sold by manufacturers to dealers, but not yet in use at the time of the bill's enactment. It is a measure I believe sorely needed by our Nation's private mass transit industry—and a measure designed, and I hope destined to build rather than "overtax" those systems upon which America in the future must increasingly depend.

RAMSEY CLARK OVERSTEPS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. DERWINSKI. Mr. Speaker, a very thoughtful and objective editorial commentary on Ramsey Clark's recent visit to North Vietnam was carried by the Chicago Daily News of Wednesday, August 16. The points made are still pertinent as the performance of Mr. Clark since he returned from Hanoi shows that the analysis in this editorial was eminently correct.

The editorial follows:

RAMSEY CLARK OVERSTEPS

It is hard to think of a precedent for Ramsey Clark's treating with an acknowledged enemy of the United States and his return with conditional "agreements" signed, on Clark's own word, by Hanoi's deputy premier and minister of foreign affairs.

The mildest question the action raises is: By what authority does Citizen Clark undertake negotiations with the Hanoi government in obvious contravention of negotiations already being carried on by the duly installed government of the United States?

Clark may disagree with the administration as violently as he pleases and criticize as loudly and publicly as he pleases. That is any citizen's privilege.

But it is not his privilege to intercede or interfere in disputes between the United States and a foreign power. As a lawyer and former attorney general of the United States, he must have some knowledge of the Logan Act. And if his excuse rests on the premise that this is an undeclared war, it is a shaky premise, indeed. Fifty thousand American dead bear witness to the fact that it is indeed a war, far too grim and important to brook interference by any private zealot or political crusader. No one has given Ramsey Clark authority to act as agent for the American people; he knows well enough what course the law prescribes for one seeking that right.

As a matter of fact, Clark's astonishing indiscretion caps the climax of the whole parade of politically motivated visitors who have trouped to Hanoi, listened to the gospel as propounded by the Communist government, taken a guided tour of prison camps and dikes and bombed areas, lent themselves to the artful propaganda devices of Radio Hanoi, and returned to challenge anew the morality of the Nixon administration.

It isn't necessary to hold any brief for the President to perceive how this strengthens the Communist hand at the Paris negotiations and encourages them to raise their price for peace.

At the same time it strikes us as miserably poor politics. The Democrats' thesis that Vietnam betokens moral laxity on the Republicans' part rings hypocritical against the low moral tone of this ploy, and we believe it will so strike the American public.

Sen. McGovern cannot, of course, be held responsible for the words or actions of Clark or Jane Fonda or any other private citizen working in his behalf. But McGovern has it in his power to repudiate this particularly dangerous kind of trifling with the national interest and he should do it promptly. The Vietnam War is a valid issue, but it can be handled on a responsible level without a covey of bumbling amateurs trying to take over the execution of U.S. foreign policy.

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting the August 28, 1972 edition of the news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help my colleagues be informed of the plans and activities underway across the country in preparation for the observance of this Nation's 200th anniversary in 1976. The bulletin is compiled and written by the staff of the ARBC Communications Committee of which I am vice chairman. The bulletin follows:

BICENTENNIAL NEWS,
Washington, D.C., August 28, 1972.

The third quarter Commission meeting of the ARBC will be held in Washington, D.C. instead of Atlanta, Ga. on September 7 and 8. The Atlanta meeting is being rescheduled for December.

At the first meeting of the Mississippi American Revolution Bicentennial Commission in Jackson, Gov. William Waller told the gathering of state and local dignitaries the Commission was created, "to see that Mississippi has her proper place in the celebration of the nation's 200th year of successfu government." Hon. James P. Coleman is Chairman of the Commission and Perry Anderson Snyder is the recently appointed Director.

A seminar about the American Revolution Bicentennial celebration was held at North Dakota State University in Largo on August 8. In the morning, "A Call to Action," the official ARBC film was shown and information about the Bicentennial was provided. During the afternoon session, discussion centered on how communities in North Dakota can plan for their participation in the 1976 celebration. Joseph Satrom, Exec. Director of the Commission, and other members of the State Commission attended the meeting.

Alexander A. Bleimann, Grand Master of the Richmond District Grand Lodge, Free and Accepted Masons, and General Chairman of the Richmond Masonic Bicentennial Committee, reports that his group is actively working on plans for 1976. He also noted "There is no other group in the country which is so well connected with the Bicentennial than the Masonic Fraternity. General George Washington, a Master of the Virginia Lodge, entrusted important affairs of the new Republic and the war itself to his generals who were all Masons."

The ARBC Speakers Bureau annual report includes the following statistics: ARBC Staff and Commission members addressed 83 groups in 29 states. Audiences covered were service and professional organizations, historical societies, media associations, travel groups, universities and elementary and secondary schools.

Beginning in September the United States Travel Service will initiate a series of nationwide grassroots "Selling of America" working seminars which will take place between the 50 state travel directors and the highest level foreign and domestic staffs of USTS. James T. Hamilton III, Acting Assistant Secretary of Commerce for Tourism said, "The accelerated Bicentennial-invitation program is designed to meet the challenge of President Nixon's July Fourth radio address, in which he called on all levels of government, the travel industry and the American business community to seek means of attracting more foreign visitors to the United States during the celebration."

Allston Jenkins, President of the Philadelphia Conservationists, Inc., suggested in a letter to the Commission that "the commemoration of our nation's bicentennial be directed toward local and regional re-enactment of historic events of our past." He submitted a sample proposal: A covered wagon train to follow the Oregon Trail from St. Louis to Oregon making camp at night, where the vacationing public could join in a chuckwagon supper, camp-fire, and song fest. Several trains could take part at intervals of 100 miles or so.

Students in grades K–12 in the Jefferson County Schools, Steubenville, Ohio have submitted creative writings for an American Heritage Publication. A volume will be developed for each year of the Bicentennial Era, and Dr. A. Eileen Cozart, Research, Curriculum and Evaluation, Department of Education, welcomes guest writings from schools across the country. A few suggested titles are: "My Community and Its Place in History"; "Memories of Growing Up in Rural America . . . or In a City in America"; "My School 50 Years Ago," "Symbols of America." Credit lines will be given to pupil, teacher, grade and school. Dr. Cozart emphasized that the project is not a contest but an involvement of children and young people toward a publication dedicated to the celebration of the nation's 200th anniversary. Send manuscripts to Dr. Cozart at the Court House, Steubenville, Ohio 43952.

Items from the August *Virginia Independence Bicentennial News:* The 225 young men entering Hampden-Sydney College will have the honor of graduating in the 200th year of the college's founding. Two of the original trustees of the college were James Madison and Patrick Henry. . . . At the University of Virginia, restoration of the Rotunda in accordance with Jefferson's original plan for it, is now underway as a result of the University's Bicentennial Planning Committee effort. . . . On July 4, Alexandrians began an 8-month "Think-On Bicentennial," designed to solicit ideas for the city's observance of the anniversary. Final date for the submission of ideas is February 22, 1973.

At a meeting of the Board of Education, City School District, Syracuse, (N.Y.) members resolved: "That the Board of Education and the staff of the City School District support in principle and in every way possible the efforts of the City, County, State, and Nation in creating a worthwhile and meaningful experience for the Bicentennial Celebration planned for 1976."

The Oklahoma Bicentennial Commission recently sponsored a workshop in Oklahoma City. Governor David Hall and other dignitaries heard *Reader's Digest* senior editor, Robert O'Brien and Commission Member, Clarke T. Reed praise Oklahoma's early efforts to organize. Mrs. Gladys Warren, Chairman of the Commission, reported "Ideas are pouring in and many of them are excellent."

Prof. Richard P. McCormick, Commission Member, presented a check of $13,500 (first installment of the $45,000 Federal grant) to Governor William T. Cahill on August 9th in Trenton, New Jersey.

The ARBC of Connecticut has begun an ambitious publications program consisting of 30 to 40 booklets of some 60 pages each. The first five booklets, due to be published next year, will be on the following topics: Connecticut, The Provision State; Connecticut in the Continental Congress; Connecticut Military Leaders in the Revolution; Stamp Act Crisis in Connecticut; and Negroes in Connecticut during the Revolutionary Period. The Commission is currently negotiating a publishing contract with Pequot Press of Chester, Connecticut. Eric Hatch Commission Chairman, has expressed the hope that one of the purposes to be served by the program will be to stimulate public school teaching of the Revolutionary War history in the State.

UGANDA PERPETRATES INJUSTICE ON DESCENDANTS FROM ASIA

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. McCLORY. Mr. Speaker, in connection with the apparent efforts on an international scale to reduce racial and ethnic prejudice—particularly the large-scale national efforts in this country to judge citizens on an equal basis, it is quite astounding to read of the action taken recently by the government of Uganda against some 50,000 permanent residents of that country of Asian citizenship or descent.

According to unconfirmed information emanating from Uganda both citizens and noncitizens of Uganda who trace their backgrounds to India and Pakistan are being summarily deported with a 90-day deadline and without any compensation for their homes and other properties.

Mr. Speaker, this action by a black African country, evidencing the most heartless prejudice and injustice, appears to have evoked little criticism among the great civil rights leaders of this and other nations.

Mr. Speaker, I hope that prejudice and injustice of this type will not be overlooked or condoned because the perpetrators in this instance are black. Indeed, if we are to establish a world free of prejudice and injustice, we must treat all citizens alike regardless of their race, color, or other identifying characteristics.

Mr. Speaker, I am attaching herewith a recent article an editorial which appeared in the August 15 issue of the Christian Science Monitor, which is illuminating on this subject:

ASIAN-EXPULSION ORDER STANDS—UGANDA FRUSTRATES BRITISH ENVOY

(By Frederic Hunter)

NAIROBI, KENYA.—At it faces the threat of 50,000 British-Asians deported to its shores in less than 90 days, Britain finds its relations with Uganda becoming ever more like a nightmare.

Britain faces two dilemmas. First it is trying to negotiate a matter of extreme delicacy from a position of extreme weakness. Second it is seeking to negotiate with a regime which refuses to play the game of international relations by the rules practiced in international diplomacy.

The nightmare is that Britain has yet to talk directly with the government of Gen. Idi Amin on this matter of obvious mutual importance.

AMIN WON'T CONFER

On his arrival here in Nairobi from Uganda late Sunday afternoon, Geoffrey Rippon, a senior British minister sent to negotiate with General Amin, acknowledged that he had failed in his bid to meet the eratic Ugandan leader. He had been in Kampala almost two full days. Mr. Rippon said his schedule had been agreed in principle with General Amin before he left London Friday night.

Mr. Rippon appeared not only frustrated and embarrassed, but also puzzled. "I can't make General Amin meet me," he said. "I won't bite him."

The British minister's problem is that he is approaching the Amin expulsion order as a policy matter to be negotiated. General Amin refuses to negotiate.

Mr. Rippon stated that he had written the Ugandan leader a personal letter outlining the practical problems involved in the mass movement of thousands of people. He also expressed hopes that negotiations at some level could begin soon.

FOREIGN-EXCHANGE EDICT

In an attempt to solve the problem created by Uganda's shortage of foreign exchange, General Amin has signed a decree prohibiting the export of foreign exchange from Uganda. Thus it appears the Uganda Government intends to deport the Asians without letting them take any assets with them. This decree, if enforced, will magnify Britain's difficulties in caring for the refugees once they start to arrive.

It is presumed that Mr. Rippon is having discussions with ministers of the Kenya and Tanzania governments during brief visits there.

Originally the British Government is thought to have hoped these governments, especially that of Kenya, could bring pressure to bear on General Amin. But this hope has all but dissolved.

EVERYONE LOSES

At this point, the whole affair appears to be one in which no party stands to gain.

The affected Asians suffer the uncertainties of knowing that Uganda intends to deport them, that Britain is prepared to take them only as a last resort, and that an ill-disciplined Ugandan Army and police force await them if they exceed the early November deadline.

Other Asians, thinking themselves Uganda citizens, are seeing their citizenship documents rejected—and in some cases destroyed—by examiners of the Amin government. Does this mean that they become stateless? If so, where do they go before the time limit runs out?

CRASH PROGRAM

The British must mount an expensive crash program to house, feed, and assimilate tens of thousands of possibly penniless refugees at a time when its own race relations are delicate. In addition, Britain's unemployment hovers near the 1 million mark and its labor relations are tense.

For its part, Uganda stands to suffer a period of extreme economic dislocation and readjustment.

General Amin's seizure of power has already caused a chaotic upheaval in the economy, with five of Uganda's seven principal exports declining last year and its foreign assets falling by more than one half at a time when military expenditure doubled.

The deportation order is likely to deprive Uganda of its most economically knowledgeable and entrepreneurial class. While the deportations will undoubtedly Africanize the economy, it will be an economy which operates at a much lower level.

THE PLIGHT OF UGANDA'S ASIANS

Whatever one might think of Ugandan President Amin's impulsive action in expelling 50,000 Asians holding British passports, there is no denying Britain's moral duty to accept responsibility for the Asians. And this the British Government has said it will do.

At the same time the sudden influx of thousands of East African Asians would put a tremendous burden on Britain's capacity to absorb nonwhite immigrants and risk igniting racial tensions.

Britain therefore is justified in asking for the cooperation of other members of the Commonwealth, and particularly of India and Pakistan, in seeking a solution of this acute human problem.

The number of nonwhite immigrants entering Britain after World War II and decolonization attained such proportions in the '60's that the Labour government of Harold Wilson had to introduce legislation to reduce the flow.

Under pressure from his right wing, Conservative Prime Minister Edward Heath added still more controls. The existing legislation permits 3,500 East African Asians with British passports to enter Britain each year with their families provided they have special work vouchers. This annual quota, which covers Kenya and Tanzania as well as Uganda, will now have to go by the board, even if other Commonwealth countries come to the rescue by accepting some of the expelled Asians.

There seems little hope of persuading General Amin to revoke his decision. His move was designed to enhance his own position and popularity by playing on his people's distrust of the Asians, who have long represented a prosperous middle class dominating Uganda's commercial and professional life. The most that can be hoped for is an extension of the General's 90-day deadline for the Asians' departure.

The problem of nonwhite immigrants has been a continuing embarrassment for both Labour and Conservative governments in Britain. The European Commission on Human Rights is currently investigating cases of Asians with British passports who have been refused entry to Britain and have been shuttlecocked from country to country with no place to go.

In accepting responsibility for the Ugandan Asians the Heath government has taken the only honorable course open to it.

A MESSAGE FROM THE AMBASSADOR OF ITALY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. RODINO. Mr. Speaker, recently a group of New Jersey residents traveling through Europe with the Ace Alagna Civic Association met with the American Ambassador in Rome. As a matter of protocol, never before had the Ambassador met with so large a group in the Embassy. It was indeed a historic occasion.

I am most pleased to learn of so warm and special a gathering. Ambassador Graham Martin exchanged views with Mr. Alagna and with a great many members of the group. All agreed it has been a highly informative get together. Following the August 4 visit, the Ambassador wrote the following letter which appeared in the Italian Tribune News of September 1. I would like to share his words with you at this time:

ROME,
August 8, 1972.

Mr. ACE ALAGNA,
Publisher, Italian Tribune News,
Newark, N.J.

DEAR MR. ALAGNA: It was a pleasure to meet the group which called on me on August 4. We speak of the "special relationship" which unites Italy and the United States. There are many historical reasons for this, not the least being factors related to the unification of Italy. The strongest bond, however, is one of blood.

When our nation soon celebrates its bicentennial of our independence, one-tenth of our population will be composed of Americans of Italian origin. Such citizens take great and highly justified pride in their "mother country," with its vast repository of culture spanning millenia.

Since there is this special identification, such Americans also should have particular interest in the Italy of the present and future, not only of the past.

Aside from its highly important role within Europe itself, Italy is a key member of the Atlantic Alliance. As such it is one of our most important Allies. The continuation of Italy as a strong and viable member of the Alliance is a matter of concern to all Americans and particularly to those of Italian descent. I therefore hope that the members of the group whose visit I so much enjoyed will have as a remembrance of their trip not only a renewal of their great Italian heritage, but also an interest in Italy as a friend and Ally of the United States.

Sincerely,

GRAHAM MARTIN.

NIXONIAN AMERICA: A STEADY COURSE

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. GERALD R. FORD. Mr. Speaker, it is refreshing to read the comments of a newspaper columnist who has no ax to grind but is interested only in shoveling aside verbal garbage and getting at the facts. That is the kind of material that comes from the typewriter of Nick Thimmesch. His column which appears in the Sunday, August 27, edition of the Chicago Tribune is the best proof of that. Thimmesch writes the truth, and I would like to give that truth the widest possible circulation. In that spirit, I place Nick Thimmesch's August 27 column in the RECORD at this point.

NIXONIAN AMERICA: A STEADY COURSE

(By Nick Thimmesch)

MIAMI BEACH.—As President Nixon arrived here for his coronation, it's fair to ask, what kind of government has he given the United States since he was inaugurated? And how effective was he in keeping that balance, vital to our kind of society, between freedom and order? What's gone on since 1969?

The Vietnamese war goes on, but differently. Nixon brought more than 500,000 troops home, drastically reduced U. S. casualties, but the American war is now in the air and on the water in enormous scale. North Viet Nam is no longer a fearful colossus backed to the hilt by China and the Soviets. And the world is as tired of Hanoi's intransigence as it is of our marathon show of military might.

The American people are disgusted with the war, but not making a major decision on it as they were four years ago. The showboating by McGovern on how to end it all, including Pierre Salinger's illicit diplomacy, amounts to pesky politics. It's Nixon, Dr. Henry Kissinger, President Thieu, and the Communists in North Viet Nam and elsewhere who will settle this ordeal.

BOND IS UNRAVELING

The bipartisan foreign policy bond began to unravel before Nixon took office, and now it's a jumble of yarn. The President has most of the Senate behind him on the Strategic Arms Limitation Talks agreements and the new relations with China and the Soviet Union, but there's growing dissent on his right to make war and his wisdom in keeping high levels of troops in Europe. Since military strength has been an instrument of U.S. foreign policy for a generation, the demand to reduce it, for better or worse, comes out as a new form of isolationism. This situation clearly developed in the Nixon years.

The President's Peking and Moscow trips are celebrated as surprising turnabouts for him. But I think his handling of the economy is an even greater surprise. Nixon putting in price-and-wage controls and presiding over record budgets? But inflation seems curbed, and the April-thru-June economic growth rate of 9.4 per cent is lively and encouraging. Unemployment is expected to drop to 5 per cent and employment is at a record 83 million.

Democratic noise to the contrary, there's been no backdown of government involvement in housing, Social Security, education, health, and welfare. And the Environmental Protection Agency, created by Nixon, is as much cursed by industry as it is by anyone else. The administration has not pushed hard enough to make welfare reform and revenue sharing realities instead of bright new concepts, but the Democrats are equally to blame for that.

There is much bellowing in civil libertarian circles about repression and suppression by the Nixon administration. But Jerry Rubin and the Chicago 7 are free and so is Angela Davis. Daniel Ellsberg benefited from a decision by Nixon's Supreme Court. Law enforcement authorities feel the pendulum on law-and-order has some distance to go before it's swung back to their side.

Some Americans need to be loved a little more by their President than others. Blacks don't feel such love from Nixon, but there have been no major urban riots since he took office. Blacks increasingly fall into the middle class and its afflictions. Tell blacks that under Nixon the civil rights budget tripled, that he made a record number of appointments of blacks to top positions, and that record school integration was achieved in his years, well, most blacks won't believe it.

THE SOCIAL ORDER

The McGovernite college youth don't believe it, either, but there are 18 million nonstudent youths who don't feel that antagonistic.

More action against hard drugs, and less against soft. More long hair, and less opposition to it. A freer movie screen, stage, and printed expression, and less worry about it. More government and more distrust in it. More talk about the urban and mass-transit crises, and only nominal effort to relieve them.

So this is Nixonian America. Steady as she goes, straight ahead, but not fast enough for some. Scarcely any glamor. Overall, the President has a steadier hand on his rudder, which is the U.S. government, than McGovern has on his, which is his campaign.

MISS TEENAGE AMERICA

HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. ZION. Mr. Speaker, I am extremely proud to bring to the attention of my colleagues the fact that Miss Teenage America hails from my own congressional district.

Lovely, 17-year-old Carla Tevault of Petersburg, Ind., has just won this high honor in the 13th annual Miss American Teenager Pageant at New York City.

Carla, who is now beginning her freshman year at Indiana University has brought much pride to Petersburg and southern Indiana. She has brown hair and green eyes, is 5 feet, 8 inches tall, and weighs 123 pounds. A pageant spokesman said that Carla was chosen for her poise, appearance, and personality.

In a locality famous for pretty, intelligent, and all-around wholesome young ladies, we are all delighted with this young lady and the honors she has so recently brought to her home community and her State.

VERY REVEREND WARREN F. DICHARRY DEDICATES NEW ST. THOMAS CHURCH

HON. HALE BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. BOGGS. Mr. Speaker, during the recess, I attended dedication services for the new St. Thomas Church in Long Beach, Miss. This is not a new congregation; its roots go deep into the history of the area. The services were held to dedicate a new church to replace a structure lost in the terrible fury of hurricane Camille on Sunday, August 17, 1969. The sermon was delivered by the Very Reverend Warren F. Dicharry, rector of St. Mary's Seminary, Houston Tex. In his sermon, Father Dicharry gave a moving account of the strength and determination of people who, having lost everything, retained their faith and will to rebuild their homes and their communities. I am inserting Father Dicharry's sermon in the RECORD and calling it to the attention of my colleagues.

SERMON FOR THE DEDICATION OF ST. THOMAS CHURCH

Your Excellency, Bishop Joseph Brunini, Very Reverend Cecil Parres, Provincial of the Vincentian Fathers, the Honorable Hale Boggs, the Honorable William Skellie, the Right Reverend Monsignor Michael Campbell, Members of the Long Beach Ministerial Alliance, Father William Pittman, Very Reverend and Reverend Fathers, Beloved Sisters, Parishoners, and Friends of St. Thomas Parish . . . It is always a source of joy to participate in the dedication of a new church. But it is a source of very special joy indeed to assist in the dedication of the new Saint Thomas Church here at Long Beach, Mississippi. For this is not just a new church; it is a resurrected church, a church risen from the ruins and, as such, a shining symbol of the extraordinary faith and courage of the priests, sisters, and people of this parish.

Three years ago, on Sunday, August 17, 1969, Long Beach was ravaged by the fiercest hurricane ever to strike the United States. I need not describe it, for those of you who were here that night can never forget the screaming wind, the pounding water, the deadly darkness, the tragic loss of life. I was in Rome when it all happened, but about two weeks later I came here with my brother, Father Harold Dicharry, to see if we could recover any of his belongings from the ruined rectory. I was absolutely appalled at the desolation all around: the demolished homes, the uprooted trees, the washed out streets, the town literally swept away from the shore. But perhaps the most vivid picture in my memory as in yours is the one which was also carried in newspapers around the country—the picture of St. Thomas Church shattered beyond repair. And even more moving was the picture of the parishioners of St. Thomas gathered next to the devastated church and participating in the Holy Sacrifice of the Mass offered by your pastor, Father Frank O'Malley, on the very first Sunday after the disaster.

Your unselfish and unshakeable faith on that occasion and ever since has been an inspiring example to us all. Your own homes were damaged or destroyed, but your immediate thought was that of rebuilding the House of God. Your own businesses were in many instances literally wiped out, but you were determined to "be about your Father's business" and to restore His worship in a worthy edifice.

The new St. Thomas Church stands today as the fruit of your courageous faith. In a kind of present-day paraphrase of Our Lord's own words regarding His resurrection, you have said in effect: "Destroy this temple and in three years we will raise it up again!" And you have been true to your word.

Yes, St. Thomas Church has risen from the ruins, and what a worthy tribute it is to your devotion! Shining white in the bright Mississippi sun, this beautiful church, even more than its predecessor, is truly (in the words of the dedication plaque) "a beacon for fishermen and a symbol of Catholic faith." Standing boldly on the very edge of the Gulf, it demonstrates your complete and childlike confidence in your Heavenly Father. In its perfect proportions, its balance between the vertical and the horizontal, it proclaims to everyone who sees it your own dual dedication to the love of God and the love of your neighbor. In its memorial chapel are preserved the crucifix and statue of Our Lady from the old church, thus keeping a sense of continuity with the past glorious traditions. And in its simple but beautiful interior, it bespeaks your ardent desire to worship God in awareness of His Presence and in appreciation of His Liturgy. These surroundings form a pressing invitation to "worship God in spirit and in truth." Here, it is easy to take to heart St. Paul's reminder to the Romans: "Offer yourselves as a living sacrifice holy and acceptable to God, your spiritual worship" and to the Ephesians: "Follow the way of love, even as Christ loved you. He gave Himself for us as an offering to God, a gift of pleasing fragrance."

Yes, it is indeed a source of great and special joy to be here for the dedication of the new, the resurrected, St. Thomas Church. But we are here for more than the dedication of a physical structure. We are here to dedicate and consecrate anew the Church, that is, the People of God dwelling and worshipping in this area. It is in this sense that St. Paul addresses his epistles to the Church of God which is at Corinth, to the Churches in Galatia, and so on. It is in this spirit that he challenges the Corinthians as follows: "Are you not aware that you are the temple of God, and that the Spirit of God dwells in you. If anyone destroys God's temple (and he is referring to disunity and factionalism), God will destroy him. For the temple of God is holy, and you are that temple." And perhaps even more explicitly he declares to the Ephesians: "You form a building which rises on the foundation of the apostles and prophets, with Christ Jesus Himself as the capstone. Through Him the whole structure is fitted together and takes shape as a holy temple in the Lord; in Him you are being built into this temple, to become a dwelling place for God in the Spirit."

Today, therefore, we are here to perform the dedication not only of this beautiful church but also and especially of you, the priests, the sisters, and the people of this parish, invoking upon you God's choicest blessings and graces in order that you may commit and consecrate yourselves anew to His love, His worship, and His service. The word church, which comes to us from the Greek by way of the Teutonic, means "the Lord's House." May Jesus Christ, whom St. Thomas the Apostle acknowledged as "my Lord and my God," take possession as Lord, not only of this structure, but of each and everyone in this parish. May He be truly and completely the Lord, that is, the Master, the Ruler, the very Heart and Center of your lives. May He, with each celebration of the Eucharistic sacrifice in this church, grant you the grace to offer yourselves completely to Him, with Him, in Him, and through Him to the Father, so that, as the bread and wine are transformed into His Body and Blood, you too may be transformed spiritually into Him. And may He be able to say of you as He said at the conclusion of His Sermon on the Mount: "Anyone who hears My words and puts them into practice is like the wise man who built his house on rock. When the rainy season set in, the torrents came and the winds blew and buffeted his house. But it did not collapse, for it had been solidly set on rock."

"May the Lord bless you and keep you. May He let His Face shine upon you and be merciful to you. May He look upon you kindly and give you peace." In the name of the Father and of the Son and of the Holy Spirit. Amen.

TEAMSTERS CHARGE LETTUCE BOYCOTT "RAIDS" THEIR UNION

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. VEYSEY. Mr. Speaker, the August 28 issue of U.S. News & World Report contains a factual refutation of the oft-repeated story that the lettuce dispute in California is an attempt to unionize impoverished laborers. The facts once again are shown to be that at least 70 percent of the lettuce grown in California is already harvested by members of the Teamsters Union, and 15 percent by the United Farm Workers Union headed by Cesar Chavez. Little if any nonunion lettuce is shipped out of the State.

The article clearly shows the lettuce boycott is not a crusade to organize unprotected workers, but simply a public relations power play by one union against another. The Teamsters aptly call it a raid on their membership. I hope my colleagues will not be taken in by the deceptive call to boycott nonunion lettuce.

The article follows:

[From the U.S. News & World Report, Aug. 28, 1972]

WE'VE BEEN ASKED ABOUT . . . CAMPAIGN TO BOYCOTT LETTUCE

A drive is intensifying for a nationwide consumer boycott of one of the country's important farm products—the iceberg lettuce grown in the rich valleys of California and Arizona. The stakes in this campaign are high.

On one side is the militant United Farm Workers Organizing Committee headed by Cesar Chavez. It is seeking to organize the 15,000 farmhands who harvest and field pack about two thirds of the lettuce consumed in the U.S.

On the other side are growers, many of them large corporations, whose yearly crops bring them about 175 million dollars. They oppose the Chavez effort on the ground that they already have contracts with a rival union.

If a major part of the consuming public, through the boycott, can be persuaded to stop buying head lettuce in stores or eating it in restaurants, the UFWOC hopes to pressure growers into recognizing their union as the sole bargaining agent for field workers.

AFTER GRAPE BOYCOTT

The lettuce fight, so far, is running the same course as the grape boycott organized by the union about five years ago. That drive was so successful that most California growers of table grapes were finally forced to sign up with the union headed by Mr. Chavez.

There is this difference, however: The UFWOC, which is affiliated with the AFL–CIO, this time may be on a collision course with the powerful Teamsters Union.

The Teamsters already have contracts to represent the workers of about 170 California and Arizona growers. These cover approximately 70 per cent of all lettuce produced in the two States. The UFWOC, on the other hand, has four growers under contract, covering about 15 per cent of lettuce output. The remaining 15 percent is harvested by nonunion labor.

The Chavez union does not recognize the Teamster contracts. At the Keene, Calif., headquarters of UFWOC, union official Hub Segur says:

"There is no such thing as a Teamster contract. It's a piece of paper used by the growers for public-relations purposes. Dues aren't collected, and there is no administration of benefits. The industry is just using those so-called contracts as a disguise for the fact that workers aren't organized."

"THIS IS A RAID . . ."

The Teamsters do not agree. Einar Mohn, director of the Western Conference of Teamsters, put it this way:

"We consider our contracts still valid. This is not a jurisdictional dispute, since we have contracts. This is a raid on our membership by UFWOC."

The lettuce boycott began officially on May 3. But it did not come to widespread attention until the Democratic National Convention, when it was endorsed—with a television audience listening in—by about 20 State delegations. Senator Edward Kennedy (Dem.), of Massachusetts, in his Convention appearance, supported both the Democratic tickets and the campaign against nonunion lettuce.

The UFWOC claims that any lettuce sold without its symbol—a black eagle—is nonunion, even though it might bear a Teamsters' label. So far there has been only sporadic picketing of stores, but more of this action is likely.

The Farm Workers' boycott is being endorsed by the United Auto Workers, other unions, mayors of big cities and some Governors.

Marshall Ganz, UFWOC boycott coordinator, says: "After just three months of organizing, we're at the same level it took us two years to reach in our boycott of table grapes."

Full-time workers are setting up local boycotts in 40 cities, Mr. Ganz claims.

MEANING TO GROWERS

The union says that each person who abstains from buying lettuce for a year will cost the growers $15. But growers assert that the boycott has shown no effect, so far, on the demand for lettuce and that, in fact, the latest quotations by the State market news service indicates that "demands exceeds supply."

A carton of 24 heads of lettuce has been bringing around $3, compared with about $2 in late July. Tom Merrill, whose family operates a 3,000-acre farm in Salinas, Calif., commented:

"Seems as though every time they try to crank up the boycott, the price of lettuce goes up a bit."

California's position on the dispute, as stated by William F. Cowan, chief deputy director of the State's department of agriculture, is this:

"The claim that California iceberg lettuce is 'nonunion' is ridiculous. The truth is that more than 85 percent of all head lettuce harvested in California and Arizona is harvested under union contracts.

"Some of the Teamster Union contracts in the Salinas Valley go back 30 years. California's State government has taken no steps to support this boycott which is a jurisdictional dispute between two unions."

How do farm laborers fare in the lettuce fields? The Chavez union declares they are underpaid. State officials say that, in 1972, California lettuce workers have hourly earnings ranging from $5.70 to $7.41, on a piecework basis. Their working conditions, the State says, are "far better" than those found in any other State.

As the drive for a lettuce boycott gains momentum, some officials foresee the battle lines being formed more clearly between the Chavez union and the Teamsters. In that event, they feel, those caught in the cross fire will be the growers and, increasingly, the American public.

FORMER CHIEF JUSTICE EARL WARREN SPOKE TO A GATHERING OF CONGRESSIONAL INTERNS

Hon. PETER H. B. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. FRELINGHUYSEN. Mr. Speaker, on August 1, former Chief Justice Earl Warren, who is Chairman of the United Nations Association of the United States, spoke to a gathering of congressional interns at the Library of Congress, Coolidge Auditorium. I include his interesting and informative remarks for the RECORD:

REMARKS OF CHIEF JUSTICE EARL WARREN

On behalf of the United Nations Association of the United States, it is a pleasure to welcome you to this conference on the UN.

Also, at the very outset, I want to express my deep appreciation to Representative Fraser and his colleagues on the House Foreign Affairs Committee, including its outstanding staff; to Senator McGee; to Undersecretary-General F. Bradford Morse, and to your colleagues on the Bipartisan Committee of the Congress for helping us make this day possible. And may I also express my thanks to all of you for the interest that has brought you here.

Let me also bring you a word of reassurance. Despite the indications on the program, I am *not* going to talk for half an hour.

I guess the program planners assumed some of you might find it difficult to get here by 9:45 on a summer day and used this device to make certain Mr. Mooney would be able to start promptly at 10:15. From what I have heard of his presentation, I am happy to yield time to him.

Time, however, is not the measure of my delight in being with you. For me, it is a welcome opportunity. There must never be a generation gap in relation to the concern which brings us together—the urgent need to stop the killing of our fellow man; to protect and enrich the future of the human race, and of this small planet that is our home.

Science and technology are changing the physical environment and our social relations so substantially and at such an accelerating rate that the methods and institutions on which society depends are lagging far behind. Too often these methods and institutions have become inadequately responsive to the needs of today—and grossly inadequate to the needs of tomorrow.

Discontent and demands for change are not only understandable, they are essential.

These comments with special force to the methods and institutions by which we handle relations between nation-states and problems that are of common concern to the family of man.

For centuries, war and the threat of war, however barbaric, have been used for the pursuit of national interests; but on a scale that mankind could tolerate. Now, virtually within your lifetimes, and certainly within mine, we have brought about a fundamental change in the nature of war. Warfare now has become so destructive of man, of his works, of his essential environment, it is no longer either rational or tolerable.

Warfare as a method for settling disputes must be eliminated—and eliminated rapidly. Institutions strong enough and fair enough to resolve the conflicting interests of nation-states must be bulit—and built rapidly.

The United Nations is our starting point.

I know that, for many of you, the United Nations is a piece of the "Establishment", to be looked on with suspicion and doubt. I suspect that, for most of you, it is a disappointment. That is a feeling I understand and share.

I was Governor of California when the Charter of the United Nations was signed in San Francisco. My hopes that mankind was at last turning the corner, away from the barbarism that had culminated in the Second World War, were as high as the hopes of men could be.

But it is absolutely vital that we realize the root of our disappointment is not in the Charter of the United Nations. Instead, it is in ourselves—in our unwillingness to insist that nation-states use and develop the United Nations as a new and different way for handling their relations and their mutual problems.

All of us, in every nation—without regard for ideology, race, or religion; and without regard for fundamentally changed conditions—are permitting relations between states to be conducted in essentially the same way that has prevailed for the past two thousand years. The continuation of these attitudes and habits pose the gravest peril for the whole human race.

I ask you to read the Charter of the United Nations. Then ask yourselves if it does not provide—as our Constitution has provided—the base for building new and dynamic relations between men and their institutions.

We Americans have been given time to develop the resources of the Constitution. We members of the human race do not have so much time to develop the resources of the Charter of the United Nations.

All that I have said is merely background to the expression of my profound agreement with the statement of purpose in the Program of this conference which asserts that "if we are going to build effective institutions to help shape our nation's priorities, the task cannot be done without the younger generation's values, ideals, and vitality." I would only add that the situation requires another important attribute of youth, and that is impatience.

Currently, we are witnessing a *negative* form of impatience in the reluctance of the Congress to appropriate funds for the United Nations itself, as well as for many related programs.

What we need to witness is a *positive* form of impatience that demands to know why we continue to tolerate the Connally amendment which condemns the World Court, and its capacity to build a body of world law, to idleness; why there are not more initiatives to develop the peacekeeping as well as the peace-building functions of the United Nations; why the United States fails to ratify conventions relating to human rights, and why such a massive portion of our resources, both human and material, are devoted to the instruments of war and destruction rather than to the institutions of peace and human development.

The United Nations can only be what the member states make it. Admittedly, the United States cannot, by itself, build a more effective United Nations. But, most assuredly, a more effective United Nations will not be built without strong, persistent leadership from the United States.

I believe the Charter of the United Nations is an inspiring expression of our deepest instincts as a people and our highest interests as a nation-state. I believe it to be sorely neglected. I believe your generation has no more noble or exciting opportunity than to give it vitality.

You have on your side the fact that science and technology are imposing disciplines that clearly go beyond the capacities of nation-states. Problems such as abuse of the environment, management of seabed resources, modification and control of climate, the uses of outer space, satellite communications, and so on, all require some multinational framework for solution. Inescapably, they are bringing us face to face with the imperative of bringing a worldview to the affairs of man.

Also on your side is the fact that the same science which threatens to destroy us all, has also made it possible, for the first time, for man to live bountifully upon this planet.

But only man himself will civilize our global village and make it habitable.

The United Nations provides the means for achieving greatly—*if* we are willing to use it. The will to do that must now—and in the future—bridge all generation gaps. Let us waste no more time. Let us do all we can, beginning now, to build a world in which we can, in the words of the UN Charter, live together in peace with one another, as good neighbors.

Thank you again for being here, and for giving me the opportunity to be with you.

PEOPLE DO CARE

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. EILBERG. Mr. Speaker, one of the many complaints we hear about our society today is that people do not care about anyone but themselves.

We have all heard reports about persons being beaten or robbed or killed while a crowd watched and did nothing. So I am happy to report to you today about a group of men, the Philadelphia Fire Officers Union, who went out of their way to help someone else.

Recently, the Sisters of Mercy, in my city, Philadelphia, acquired a new and more modern home for their vocational school and convent. Unfortunately, they did not have the money to pay for the transportation of the equipment and furnishings for the school and their residence.

When George A. Yeager, president of the officers union, heard about the sisters' problem he asked the members, all officers of the Philadelphia Fire Department, if they would help the nuns make the move.

Yeager also asked the Crown Cork & Seal Co. for some help. The company responded by giving the fire officers the use of six tractor trailers. The company also offered to supply the drivers, but they were not needed.

On August 12 of this year 75 officers, from every civil service grade in the department, three of their sons, one retired fireman, and one off-duty fireman arrived at the old school at 8 a.m. Five hours and 10 trailer loads later, four floors of furniture and equipment had been moved.

The move saved the sisters some $7,000 and restored the faith of a great many people in their fellow man.

OUR BOMBS FALL ON PEOPLE

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. McCLOSKEY. Mr. Speaker, most of the Nation shares a sense of dismay today over the senseless slaughter of Israeli athletes in a political terrorist action. As in the case of the assassinations and assassination attempts by which we have lost four national leaders in our own country in less than 10 years, we wonder whether or not the world is seeing a growing acceptance of violence as a means of political protest. We wonder whether or not our national taste for violence in television, movies, and current literature may not play a part in the motivation of individuals to commit acts of seemingly senseless tragedy.

It seems to me, Mr. Speaker, that as the world's largest and most powerful nation, enjoying a standard of living unparalleled in history, we should specifically question what part is played in the encouragement of terrorists around the world by the fact that the United States is daily killing and maiming hundreds of innocent civilians in North Vietnam. At the same time, as we deplore Palestinian terrorism or Irish terrorism, might we not also consider a cessation of the indiscriminate killing which necessarily accompanies our devastating air war in Southeast Asia.

What American child can be taught respect for human life when our national policy is to indiscriminately destroy the lives of Vietnamese civilians our pilots never see?

If our national policy is to use antipersonnel bombs and napalm against the villages and countryside of Vietnam, what do we tell our children about the value of human life? Are we not guilty of hypocrisy in wringing our hands over 11 Israeli lives when we daily acquiesce in the expenditure of millions of dollars to kill many times that number of Vietnamese? What kind of nation have we become?

We are reported to have over 200 B-52's and more than 400 fighter bombers operating in Southeast Asia. The heaviest raid of the war on North Vietnam was reported only a few days ago, involving over 200 planes. What only 12 planes could do in killing and maiming innocent Vietnamese children was well described by Howard Professor George S. Wald's eyewitness account of the bombing of the Thanh Hao hospital in North Vietnam last December 26. The following part of Professor Wald's account should give us pause today as we express our unanimous shock over yesterday's events in Munich:

[From the Washington Monthly, May 1972]

OUR BOMBS FALL ON PEOPLE

(Excerpts from Professor George Wald's account of the bombing of Thanh Hao)

I visited a dispersed portion of the Thanh Hoa provincial hospital which opened in September, 1970. It is three and a half kilometers from town, and, I was told, about three kilometers from the nearest strategic objective. There is a complex of low buildings of bamboo and thatch and two rather handsome brick buildings are under construction. Across the road there is a technical school, training students to be assistant doctors and pharmacists.

At 9:35 a.m. that Sunday, a group of four planes dropped 10 explosive bombs, one ton each, near the hospital. This was followed at 10-minute intervals by two further groups, each of four planes, dropping cluster bombs. I was told that each cluster bomb contains 300 pellet bombs, spherical, about two and five-eighths inches in diameter, with plastic jackets. The cluster bomb explodes in the air, releasing the pellet bombs, which are intended to explode just above the ground, where they will do the most damage. The pellet bombs in this instance did not contain pellets, but the casing itself fragmented into small rectangular pieces of metal each about four by 10 millimeters. Each pellet bomb breaks into about 300 such fragments. The one I was shown had a casing marked L22, was khaki in color, and had been manufactured in August, 1971.

The bombing of the hospital completely destroyed two of the buildings and heavily damaged another. One of the buildings destroyed had been for traditional medicine (Chinese and Vietnamese hospitals ordinarily offer patients a choice between traditional and western forms of treatment). The second building destroyed was the dental clinic. In all, nine persons were killed and 11 wounded. Of the nine killed, four were patients, the others were medical workers and their children. Of the 11 wounded, one was an assistant doctor, one a nurse, and seven were children. Of the seven persons in the nurse's family, four were killed, including her husband and three children. The wounded assistant doctor lost a boy in the raid, and two of his other children were wounded. The first bomb to hit a building threw bodies of patients as far as 20 meters; the head of one patient was found three days later 100 meters away.

I saw and photographed the dental clinic, flattened by the blast from a bomb that had fallen nearby. I also examined the bomb, which had been dug out, and another, a dud.

I then went through the wards of the hospital, going from bed to bed and examining the patients' records. They included the following:

Girl, Xuong, aged eight. Lower spinal cord cut by a pellet from a fragmentation bomb. Lower body permanently paralyzed.

Baby girl, Thao, three months old. She was being held by her grandfather. Her father had been killed in the bombing; her mother, wounded in the backbone, is in the hospital in town. The baby still has a pellet under her jawbone which will be removed later.

Boy, Chien, three years old. A bomb fragment tore his left arm so badly that the arm had to be amputated just below the shoulder.

Young male, Manh, 20 years old. He was being treated by traditional medicine and was about to be discharged when the bomb struck. Open skull wound with some brain damage, bone broken in forearm, pellet in chest, all results of a fragmentation bomb.

Male, An, 34 years old. Another patient in traditional medicine. Both lower legs shattered and in a cast. Also, so much skin was lost from scraping against the ground that skin grafting will be needed later.

Boy, Thinh, nine years old. Right foot torn off. Crutches.

Boy, Jaing, 13 years old. Son of the vice director of the medical school. Fragments in chest that entered through back.

Boy, Hung, 10 years old, son of an assistant doctor. His big brother was killed instantly in the raid, the head blown off and the body disemboweled. Blast wounds on arm. His sister had one buttock blown off.

Girl, Mai, 13 years old, and her sister, Huong, eight. Their mother was a student in the school, being trained as an assistant doctor. The mother and brother were killed instantly. The girls' father had recently been killed in the war. These children had only superficial injuries to feet and other parts. They now, however, have no family.

Boy, Phuc, 12, son of a pharmacy student in the school. A penetrating skull wound, exposing the brain, with some brain damage. He was operated on four hours later.

It was just a cloudy Sunday morning, the morning after Christmas. The visibility was poor, but good enough to bring three groups of planes over this area. As the Associated Press reported on January 3, 1972:

Bad weather over North Vietnam forced U.S. pilots to pass up a number of important military targets during last week's heavy air raids, the Pentagon acknowledged yesterday for the first time . . . the results of the bombing were not as successful as hoped.

METRICATION

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. GIBBONS. Mr. Speaker, for some time now I have advocated our conversion to the metric system of weights and measurement which is now used by or is coming into use in virtually all of the other countries of the world.

At a time when we are experiencing some of the worst balance of trade and balance of payments difficulties in our history, it is becoming increasingly important that we adopt the measurement system used by all of our trading partners if we are not to be badly hampered in our efforts to increase our exports and improve our trade and payments positions.

The metric system is not really a new departure for us. Congress authorized its general use way back in 1866, but has never acted to implement the metric system on a national basis. Nonetheless, we were one of the first countries of the world to adopt a decimalized currency, and the metric system is already used by our scientists and pharmacists and in more than 10 percent of our manufacturing—especially in manufacturing for export markets.

The Secretary of Commerce has reported to Congress that we should indeed convert to general, although not exclusive, use of the metric system over a 10-year period, which would allow the conversion to become effective gradually and with minimal cost and confusion. Also, a whopping 90 percent of American industries surveyed by the Commerce Department have expressed their support for the metric system.

I have joined with a number of my colleagues in the House in sponsoring legislation which would make it our national policy to encourage the substitution of metric measurements in this country and to help educate the American people in the use of the metric system—which is, after all, not so difficult to learn.

It is unfortunate that Congress has not exercised leadership in the area of metrication by considering this legislation, and I sincerely hope that we will remedy this failing in the near future.

S. Dillon Ripley, Secretary of the Smithsonian Institution, has suggested in a recent article on the importance of our early conversion to the metric system, that we begin now to increase our working knowledge of the system by simple means such as the use of "yardsticks" which measure length in both inches and centimeters. I think this is a good idea, and I would like to insert Mr. Ripley's article at this point in the RECORD:

[From Smithsonian magazine, September 1972]

THE VIEW FROM THE CASTLE

The problem of standard weights and measures keeps popping up in the United States with increasing frequency, and the solution is becoming increasingly clear: If we are ever going to adopt the metric system, let us get on with it.

Standardizing is especially urgent these days, partly because the United States is currently suffering from an unfavorable balance of trade abroad. It has been reported that any drop in our export of "measurement-sensitive products" such as vacuum pumps, typewriters and computers could darken the picture.

In 1969, the export of these instruments amounted to some $14 billion. Since we are in a deficit position, the loss of revenue from them would be far more crucial. Consider that the majority of nations use the metric system, and we naturally must provide them with metric instruments.

In 1866, the metric system was given legal status by Congress, but did not take the place of the old English system from which our system was originally derived. Actually, the imperial yard goes back to the Middle Ages. In 1893, the United States went off the British standard and began computing its yard and pound from metric standards. This was just as well, since the imperial yard, made of bronze, showed itself to be badly out of whack around the turn of the century—the microscopic inconsistencies are caused by shrinkage.

The standard meter is now firmly based on a specific wavelength of light which shows virtually no variation. The days of the imperial yard are numbered.

Britain is committed to go on the metric system in 1975. That leaves the United States standing almost alone—we and our Canadian neighbors—still resisting full commitment to the meter.

It would seem most sensible, therefore, to declare for the metric system once and for all. In 1968, Congress passed a law directing the Secretary of Commerce to study the problem of measurements. The study recommended that the United States adopt the metric system. Currently bills have been introduced and efforts proposed to make the switch, more or less gradually from a yardstick to a meter stick. (One meter equals a yard plus 3.37 inches.)

The easiest way to start converting would be to have hardware stores order yardsticks a meter long with the figures printed on both edges. That would explain things in the home. In time people would begin talking about centimeters instead of inches; a "foot" would come to mean only something on which you walk, rather than that untidy unit of measure which got going in the dim past. All planners, economists and research workers in this country would applaud such a sensible change, not least our Smithsonian scientists who, like the rest of the scientific community have been educated to use the metric system.

The framers of the Constitution recognized the importance of a uniform system of measurement and expressly gave Congress the power to "fix the standard of weights and measures." Now is the time to begin the arduous but necessary task of converting our archaic and chaotic system of measures to the metric system which is in almost universal use. For once, quaint historic charm should give way to common sense.

WHY A DIFFERENT MINIMUM WAGE FOR YOUNG PEOPLE?

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. ERLENBORN. Mr. Speaker, when the House in May passed H.R. 7130, to amend the minimum wage law, it insisted on a different minimum wage for young people than that paid to adults. The other body, however—and, of course, a few House Members—found it difficult to understand the value of a youth differential wage to young people, to their employers, and to education.

In a recent letter to me and to several other members of the Education and Labor Committee, David F. Howlan, personnel officer at Amherst College, Amherst, Mass., gives us specifics on the significant and adverse impact of a law that excludes the youth employment provision of the House-passed bill. I commend his letter to my colleagues with the reminder that Amherst is but one of some 8,000 institutions providing secondary education.

The letter follows:

AMHERST COLLEGE,
Amherst, Mass.

Recently the Congressional Quarterly reported that HR 7130, the Minimum Wage bill, may go to conference providing certain differences can be resolved. This step is necessary, I assume, because of the Senate's passage of S 1861 which differs in many respects with HR 7130. As Personnel Officer of Amherst College, I wish to call to your attention one provision of the House bill that is particularly pertinent to college and university administration and which, I feel, should be retained in HR 7130 or any subsequent compromise bill. That provision is Youth Employment.

As you recall, under HR 7130 as reported, employers were permitted to hire full time students at wages equal to 85% of the applicable minimum wage or $1.60 per hour ($1.30 for agricultural labor), whichever was higher. Certification by the Labor Secretary stating that the student worker would not displace an adult worker was required. The Erlenborn substitute, later adopted, permitted the employment of youths in any field under the age of 18 and students under age 21 at 80% of the applicable minimum wage or $1.60 an hour ($1.30 for agricultural labor), whichever was greater. On July 20, 1972, the Senate passed its version of the Minimum Wage Bill, but the amendment that would have authorized the employment of youths under 18 and students under age 21 at wages below the applicable adult minimum was defeated.

The impact of a law upon Amherst College that excludes the youth employment provision of the Erlenborn substitute would be significant and adverse. The following is a summary of the reasons why:

1. FINANCIAL AID

The Financial Aid Program of Amherst College includes employment of students in part time capacities to assist them in financing their college education. Such part time work is an integral part of a "self-help" concept at Amherst. Earnings are paid to the students by the College for services rendered; the costs are, therefore, tantamount to scholarship money for the students on financial aid. Many of these positions do not require the constant attention and effort by the student, and, in fact, permit studying while on duty. Other positions are flexible enough so that students may complement working hours with classroom hours. Generally the work they perform is limited in scope, i.e., duties are only portions of normal full time positions.

During this past fiscal year 875 of 1250 students were on the Student Payroll at some time or another. Funds expended for this purpose totaled $239,536 of which $19,233 were federal monies for the College Work Study projects. The hourly rate for student positions ranges from $1.60 to $3.50 per hour. Amherst College has a job classification system whereby the rates for different positions have different values. A raise in minimum rates, therefore, means that all rates would have to be adjusted upward. To raise the minimum wage from $1.60 per hour to the provisions of HR 7130 applicable to colleges and universities, i.e., to $1.80 per hour after passage and $2.00 per hour the following year means a 12.5% increase in cost to the College for each year. This amounts to about $30,000 each year. S 1861 would incur the same obligation except an additional year's increment to $2.20 per hour was added to that bill which would result in another round of increases.

The Financial Aid Program is supported primarily by College funds. To increase the minimum wage without concomitant increases in income from tuition charges and endowment literally means reducing the number of hours that can be spent for student payroll purposes. This in turn curtails the number of employed students and, therefore, the educational opportunity for many students. It is inflationary in terms of economics and deflationary in terms of educational opportunity.

2. ADMINISTRATION

The Erlenborn substitute removes the certification procedure of the Labor Secretary's office requiring a statement that student workers are not displacing adult employees. The current provision of the law is phrased in such a way that it requires renewals for such certification and, to say the least, it appears cumbersome and unrealistic to administer. The House bill, as was passed, is simple and applicable to the employment of youths and students all over the country. Moreover, it would encourage the employment of young people at a time in their lives when they need hope and opportunity. The responsibility is on the employer to meet the requirements of the law, much the same as other provisions of the Fair Labor Standards Act. It appears to me, therefore, to be impractical to go through the exercise of certification for such a sizable block of the work force. We do not need more administrative detail.

3. GENERAL FINANCES OF THE COLLEGE

Student labor does help the College in achieving its goals as an educational institution as well as providing an opportunity for students to pay their way through school. Amherst has employed students for as long as anyone can remember. As a private college it has limited resources so that a significant increase in costs immediately creates additional hardships on budgets that are already stretched beyond income. To meet rising costs productivity has been improved, but some of the improvements in productivity have also resulted in fewer jobs. The Minimum Wage bill is but one piece of employment related legislation that has affected colleges and universities in recent years. Social Security, Unemployment Insurance, the Occupational Safety and Health Act, to name a few, have contributed to increased costs and administration. Amherst is only one of over 1700 institutions of higher education in this country; the impact of this bill on student labor is obvious.

Thank you for any attention you may give this letter and good luck in your deliberations.

Sincerely,

DAVID F. HOWLAND,
Personnel Officer.

FLETCHER THOMPSON REPORTS FROM CONGRESS

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. THOMPSON of Georgia. Mr. Speaker, I include the contents of my newsletter, which is being mailed tomorrow, in the CONGRESSIONAL RECORD in order that it may be made available to all the Members who receive the CONGRESSIONAL RECORD and are not on my mailing list:

FLETCHER THOMPSON REPORTS TO YOU

AID AND COMFORT TO THE ENEMY

From July 8 through July 30, Jane Fonda broadcast psychological warfare propaganda messages from Radio Hanoi directed against American Servicemen. *Former Attorney General Ramsey Clark in August visited Hanoi and North Vietnam and while never condemning the North Vietnamese for their tens of thousands of murders and atrocities he spoke for North Vietnam against the United States.* Both Clark and Fonda allowed themselves to be used by the Communists. Why?

"HANOI JANE" BROADCASTS

Jane's broadcasts were typical Tokyo Rose and Axis Sally type material from Radio Hanoi. In trying to discourage American Servicemen and get them to disobey orders, she broadcast comments such as the following. *"The men who are giving you orders are war criminals . . . Why do you follow orders? . . . How does it feel to be used as pawns . . . You may be shot down . . . even be killed . . . but for what? . . . Tonight, when you are alone, ask yourselves . . . can you justify what you are doing? . . . Why do you follow orders telling you to destroy a hospital or bomb schools?"* In short, Jane Fonda for about a two week period, never condemned the enemy for their atrocities, never asked them why they would not comply with the Geneva Convention on the treatment of American POWs, but instead tried to demoralize American Servicemen through psychological warfare broadcasts over Radio Hanoi. Miss Fonda knows her charges are not true. Even though she is a famous actress she must answer for her actions.

NO ONE IS ABOVE THE LAW

Printed below are the remarks I made to the U.S. Congress when I called for an investigation of Jane Fonda. I have also requested an investigation into Ramsey Clark's activities.

[From the CONGRESSIONAL RECORD, July 20, 1972]

Mr. THOMPSON of Georgia. Mr. Speaker, I never cease to be amazed how people who grow up in a land of freedom and opportunity, such as the United States, can turn upon this their own country blindly taking the side of a totalitarian enemy. Actress Jane Fonda has made a trip to North Vietnam and has broadcast one or more times over Radio Hanoi directing her remarks to American servicemen. Obviously she is trying to demoralize them and attempting to get them to disobey orders. On July 17, 1972, she spoke over Hanoi radio and said in part:

"This is Jane Fonda speaking from Hanoi, and I'm speaking particularly to the U.S. servicemen who are stationed on the aircraft carriers in the Gulf of Tonkin, in the 7th Fleet, in the Anglico Corps in the south of Vietnam.

I visited a hospital today, the Bach Mai hospital. I saw a huge bomb crater in the center of the hospital. It was obviously dropped there on purpose. With the kind of bombs, the kind of techniques that have been developed now, you know, particularly you pilots know, that accidents like that don't happen. This was no accident. It destroyed wards filled with patients. It destroyed hospital equipment. It killed some doctors. It is a terrible thing to see what has been done.

"Why? Why do you do this? Why do you follow orders telling you to destroy a hospital or bomb the schools?"

Miss Fonda knows that there are no orders to bomb hospitals but to the contrary every effort is made to avoid them.

The thrust of her statements truly appear to be designed to cause the American troops to disobey the orders of their country. Frankly, I am astounded that an American, even Miss Fonda, would so overtly side with an enemy who has an officially announced policy of causing terrorism in South Vietnam. An enemy who have assassinated more than 30,000 schoolteachers, policemen, and civic officials through brutal ambush in South Vietnam. An enemy who have bombed school buses, cafes, indiscriminately, and who at every opportunity will lob a rocket into a city, caring not where it hits, only that it creates destruction and terror.

Clearly Miss Fonda is giving aid and comfort to the enemy and clearly she is closing her eyes deliberately and intentionally against the terror of the enemy. She is closing her eyes to the brutal mass executions by the North Vietnamese during the Tet offensive when 4,000 South Vietnamese were executed at Hue and then buried in a common grave by bulldozers.

Clearly Miss Fonda has chosen the enemy's side, the side of an enemy so brutal that when they have taken towns in South Vietnam they have systematically gone about murdering and executing civic officials who believe in democracy and the right of the South Vietnamese to determine their own destiny.

Some say Miss Fonda is making her statements to further her career as an actress that publicity, good or bad, helps an actress' career. If this is her reason, her actions are all the more despicable. If her reason is to cry out against human suffering, why does she not decry the brutal terrorist tactics of the North Vietnamese. The fact that she only condemns her own country and not the enemy puts the lie to any statement she may make that she is concerned about human suffering. Jane Fonda by her failure to cry out against the terrorist tactics of the North Vietnamese is putting a lie to any statement she may make that her concern is for humanity.

It is obvious by her actions that Miss Fonda's concern lies in one of two realms. One, she desires to see a Communist dictator seize control over the people of South Vietnam by whatever means they desire to employ, or two, she is so cold and callous to human suffering that she would use the emotion of the Vietnam war as a vehicle by which she obtains publicity hoping that this will further her movie career and put green Yankee dollars in her bank account.

It is interesting that there has not been even one report in the press of any statement attributed to Miss Fonda where she has condemned the North Vietnamese for their massive land invasion against South Vietnam last spring. I wonder if she at any time mentioned to the North Vietnamese the slaughter of the thousands of South Vietnamese civilians, including children, women, and old men as they fled the ruthless North Vietnamese invader. I wonder if Jane Fonda ever asked the North Vietnamese why they had a deliberate policy of trying to cause terrorism through extremist actions in South Vietnam. I wonder if Jane Fonda ever brought up the question of American POW's and why the North Vietnamese will not adher to the Geneva Convention regarding the treaty of POW's.

In my opinion Jane Fonda is a despicable individual not deserving of any of the fruits of this country. The actions of Jane Fonda, as reported over Radio Hanoi, I sincerely believe constitute treason against this country and I have requested the Attorney General to fully investigate the matter with the aim of bringing treason charges against Miss Fonda. For me to do any less would be to neglect the duty I owe to all loyal Americans.

NO CONCERN FOR VICTIMS IN SOUTH VIETNAM

I sent to Jane Fonda dozens of pictures of North Vietnamese atrocities: *The burning of babies and old women with flame throwers, people who have had their heads cut off,* hospitals, schools, orphanages and churches destroyed by the North Vietnamese and asked her to denounce these documented acts of murder and atrocities against the South Vietnamese. But Jane will not criticize the North Vietnamese!

Because the pictures are so horrible I am not going to reprint them here but printed below are pictures *showing war supplies stored along dikes and North Vietnamese anti-aircraft guns on top of a dike* firing at American airplanes as they pass. This is the reason some dikes have been hit. [Pictures are not printed in Record.]

MIDDLE EAST WAR PREVENTED

Few people know how President Nixon helped prevent a major war in the Middle East when Syria started to invade Jordan in 1970. Because Jordan was preventing Al Fatah guerrillas from raiding Israel from Jordanian bases, Syria planned an invasion of Jordan. President Nixon contacted Ambassador Rabin and asked how long Israel would be able to ignore the invasion, and how long it would take for Israel to wipe out the Syrian column if they moved. *The President is reported to have told the Soviet Union that they had better use their influence to get the Syrian column to turn around, otherwise Israel would be forced into massive action.* Consequently, the Russian advisors left the Syrian tank columns when they reached the Jordanian border and the Syrians abandoned their invasion of Jordan. Thus, a new war was stopped before it started!

THE NEW JERSEY SPORTS COMPLEX: POLLUTION, PROBLEMS, AND THE PUBLIC

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. HELSTOSKI. Mr. Speaker, recently, Mr. William Walsh of Rutherford, N.J., wrote a very timely and interesting article concerning the building of the New Jersey Sports Complex and the myriad problems related to it.

Mr. Walsh is a respected journalist for the Herald-News of Passaic and most knowledgeable on the issues surrounding the proposed New Jersey Sports Complex and its impact on the environment and the public.

I call this article to the attention of my colleagues because many communities throughout the United States are faced with problems similar to what we are facing in northern New Jersey.

Mr. Walsh places into proper perspective the desire to build large complexes without due consideration being given to pollution, sewage, waterways, and other environmental factors, along with dangers faced by the public. In essence, the challenge is how to obtain truly balanced planning and usage of great stretches of estaurine areas.

Mr. Speaker, the very informative article by Mr. Walsh follows:

[From the Passaic (N.J.) Herald-News, Aug. 20, 1972]

THE NEW JERSEY SPORTS COMPLEX: POLLUTION, PROBLEMS AND THE PUBLIC

(By William Walsh)

The autumn winds rustle the cattails as they bend gently toward the New York skyline as if to point out the Empire State Building standing majestically in the distance.

But here among the cattails and wandering waters of the New Jersey Hackensack Meadowlands there is only desolute quiet, broken only by the distant hum of vehicles, moving on Routes 3 and 17. For here lies 18,000 acres of undeveloped land, considered by land appraisers as the most valuable real estate in the nation."

Less than 20 years ago an acre in the meadowlands could be purchased for $500. Today, an acre is worth $110,000.

On this property now owned by the state, the N.J. Sports Authority, created by an act of the State Legislature in 1971, is set to build a race track, football stadium for the N.Y. Giants, a motel, and an amusement area, to be opened by 1975.

Following the N.J. State Supreme Court's decision, upholding the constitutionality of the Sports Complex Act, the Court ordered that hearings be held on the environmental impact of such a complex on 750 acres and its affect on the surrounding municipalities adjacent to the meadowlands.

For five weeks testimony was presented by various experts on ecology, engineers, and scientists, before the Hearing Committee, composed of members of Hackensack Meadow lands Development Commission and the State Department of Environmental Protection.

Leading the fight against the present plans of the sports complex is Alfred A. Porro, Jr., Lyndhurst attorney, who represents the National Audubon Society and local towns adjacent to the sports complex site.

Porro, who has specialized in marshlands and meadowlands development, and is adviser to the U.S. Commission on Marine Science, Engineering & Resources, said the other day, "Pollution sweeps through rivers and coastal zones in a bolero of death."

The attorney claims that New Jersey, along with the entire nation, faces a challenge—how to obtain truly balanced planning and usage of great stretches of estuarine areas.

He contends that the N.J. Sports Authority has not planned for the protection of the environment in their sports complex, but actually will create conditions that will be dangerous to human life and further pollute the whole meadowlands area.

A casual look at the Hackensack River reveals bottles, cans, old tires, oil drums, and other wastes flowing merrily toward Newark Bay and the open sea.

Ironically, dead birds and fish were found recently in back of the office building in the meadowlands, occupied by the state's Hackensack Meadowlands Development Commission.

In testimony given at the hearings, Dr. Robert N. Rickles, former air resources deputy administrator for New York City, stated, "Unless the sports complex is planned with adequate mass transportation and unless automobile traffic to the site is limited sharply, the existence of the complex will create serious air pollution problems and create circumstances which could be harmful to the public health."

Rickles, who holds a PhD. degree in chemical engineering, said that even short exposures to carbon monoxide from automobile exhausts could endanger the health of persons over 40 with susceptibility to heart failure.

The argument that Porro, Rickles and other experts have presented at the hearings is that the sports authority has failed to plan properly and that the major problems are: air pollution; sewerage; construction procedures; and the Hackensack Meadowlands Master Plan.

Air Pollution—90 per cent of air pollution will be caused by emissions from idling automobiles and buses in the parking lots. In a report prepared for the N.J. Sports Authority by Dr. Jack McCormick & Associates, environmental firm, the report states in part: "Approximately 18,000 cars and 400 buses will attempt to leave the site in one hour, and these volumes, even though distributed by direction, will overload available capacities. For example, the projected peak hour departure volume is 5,900 cars."

The above estimate, incorporated in McCormick's report, was prepared by Wilbur Smith and Associates, nationally known traffic study experts. Smith's estimates are considered conservative by some since it is now expected that traffic volume will be closer to 25,999 cars and 800 buses to handle the expected 80,000 football fans alone.

As far as traffic generated by baseball games, the Smith report stated, "This traffic could total 21,000 cars and 400 buses on weekdays. These conditions are substantially worse than the 18,000 cars projected for football games, and it is unlikely that any improvement, other than substantial rail access. could be achieved."

Add to these traffic volumes anticipated, the heavy weekend normal traffic flowing eastbound on Route 3 on Sundays and southbound on Route 17—all heading toward New York City and other points adjacent. Added to the Route 3 traffic will be additional heavy Sunday traffic funneling onto Route 3 from the N.J. Turnpike at Secaucus. Additionally, many vehicles leaving the Giants stadium parking lots will be headed north on Route 17 to Route 80 eastbound, joining other heavy traffic headed for the George Washington Bridge.

No comprehensive plan has yet been presented by the sports authority to explain how such massive traffic disgorging from the sports complex site will be handled.

The Bergen County Police, a force of 115 men, would not be able to supply enough manpower to direct the flow. The department is responsible for patroling and directing traffic on county roads only, of which there are 540 miles in the County. Not more than 30 men are on road duty during any given eight hour shift.

Local police municipalities in the surrounding towns of Carlstadt, East Rutherford, Hasbrouck Heights, and Rutherford, will have no responsibility to direct such traffic and could not supply manpower even if requested in an emergency.

Private security guards hired by the sports authority would be limited to handling traffic only on the complex site and would be legally barred from directing traffic on state highways.

Sewerage—All reports show that the Bergen County sewerage plant, located in Little

Ferry, is overloaded. Porro told the hearing officers that sewerage generated from the sports complex could not flow into the county processing plant with present facilities.

Dr. C. J. Touhill of Enviro-Engineers, leading experts on problems of solid waste disposal, raised the serious question, still unanswered by the sports authority, of waste pollution disposal. He pointed out that the Little Ferry Sewerage Treatment Plant is already over-loaded. Dr. Touhill believes the only practical solution would require the authority to have their own sewerage control plant at a cost of $3 to $5 million.

Construction procedures—It is estimated by engineers that it will require 3 million cubic yards of landfill to prepare the sports complex site for construction.

How will such an enormous amount be transported to the 750 acres? The Sports Authority plans are to bring the fill up the Hackensack River on barges and then pipe it under high pressure water lines onto the site. Again, engineers estimate it will require 30 billion gallons of water to dredge the fill onto the site.

To complete the process in reverse, the water will then be piped back into the river, carrying with it waste pollution materials.

Richard Plunkett of the National Audubon Society, said recently, "The construction schedule to complete the sports complex by 1975 will devastate the environment in the meadowlands." He pointed out that construction firms, working under specific completion date assignments in their contracts, will have little interest in protecting the environment from the massive effects of heavy construction and the resultant pollution caused.

Hackensack Meadowlands master plan—The Master plan has projected 200,000 new residents in the Carlstadt meadowlands and another 200,000 coming to work in the industrial parks, a total of 400,000 persons using transportation adjacent to the sports complex.

The Meadowlands Commission went into effect in 1969, and issued their Master Plan in 1970. They did not, originally, contemplate a race track in the sports complex.

On Sept. 9, 1970, the N.J. Racing Commission noted: "It is clear to us and it will soon be equally clear to the public that the racetrack in the proposed location is incompatible with the Meadowland Commission's plans for the best use of the meadowlands."

Pollution and politics go together. Take for example, the "Wetlands Act", passed by the State Legislature in 1970. The Act states that no property owner can dredge or fill in property under water in order to protect and preserve the marshlands.

However, the "Wetlands Act" excluded the Hackensack Meadowlands from the law. Porro concludes that the meadowlands was left out of the Act in order to allow the continuing dumping of refuse and garbage there.

More than 35,000 tons of garbage from Bergen, Hudson, and Essex Counties are dumped in the meadowlands each week.

The most critical question raised by Dr. Touhill is "The New Jersey Sports Authority has agreed to remove all of the garbage that has been deposited in 750 acres (the sports complex site) over a half century." However, their report doesn't say where they would move a possible 260 million to 400 million cubic feet of solid waste.

No estimate has been made of the possible millions of dollars it would cost even if there was a place to dispose of it.

Dr. Rickles, in concluding his testimony before the hearing commission, observed, "Clearly, the problem without adequate mass transit, to empty traffic on weekends from the sports complex, will be chaotic . . . the same cannot be said for air pollution—it will not be chaotic—simply deadly.

Giant sports fans may well have to come equipped with gas masks to watch the football games, and may spend tortuous hours fighting their way home unless solutions to these major problems are found before 1975. So far, the sports authority does not seem to have any of the answers.

In a recent article in the National Geographic magazine, entitled "Can We Save Our Salt Marshes", Porro stated in an interview with the author, Professor Stephen Hitchcock, "Man is outwitting himself. Technology has taught us to conquer, and many marshes have lain undisturbed only because man at first couldn't modify them. Scientists say, for nature's sake—and for man's sake—don't blacktop it all. The scales must tip in favor of conservation and restoration. Land for development must be found elsewhere."

ALTERNATIVES TO THE PRESENT SYSTEM OF SOLID WASTE DISPOSAL

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. GUDE. Mr. Speaker, each summer I sponsor an intern program for a number of high school juniors from my congressional district. During the 3 weeks they are here they listen to prominent speakers, take a number of tours, and participate in individual research for my office.

Out of this research have come many valuable and timely reports. In particular, Miss Amy Kyle's analysis of solid waste disposal alternatives has been chosen by my Intern Selection Committee as the best report. I believe that an examinaiton of this report would be helpful to our understanding of the problem and the possible solutions.

Five other students deserve special recognition for their reports. They are Miss Lisa Smith, Mr. Jeff Francis, Mr. David Carbone, Miss Linda A. Mallin, and Miss Martha King.

Miss Kyle's paper and a list of the other participants in my program follow:

ALTERNATIVES TO THE PRESENT SYSTEM OF SOLID WASTE DISPOSAL

(By Amy Kyle)

"And man created the plastic bag and the tin and aluminum can and the cellophane wrapper and the paper plate and the disposable bottle and this was good because Man could then take his automobile and buy all his food in one place and he could save that which was good to eat in the refrigerator, and throw away that which had no further use. And pretty soon the earth was covered with plastic bags and aluminum cans and paper plates and disposable bottles and there was nowhere left to sit down or to walk and Man shook his head and cried, 'Look at all this God-awful litter." [2]—ART BUCHWALD, 1970.

American industry produces an astounding amount of disposable packaging. Fifty billion cans and fifty billion bottles are discarded annually.[3] In 1966, 1,804,000,000 pounds of plastics (20% of the total plastics produced) were used in packaging. By 1976, this figure is expected to double.[4] Half of the paper produced is used for packaging (25.2 of 46.6 million tons in 1966).[5] 800 million pounds of waste are produced daily in the U.S.[6] In addition to ordinary household wastes are all mining, construction and hospital wastes, and junked automobiles. All these "wastes" have to be dealt with, preferably in a way that retains some of their value and is also ecologically sound.

At this time, 90% of the refuse collected is either burned or deposited in a landfill. Neither is particularly satisfactory. Landfill operations derive a small value from the refuse; landfill is worth about $1 a ton [7] where it is needed. Understandably, many localities have no swamps to fill in or ski slopes to construct and for these, the land used is lost. New York City, for example, consumes 200 acres a year with its landfill operations. 94% of U.S. landfills [8] have been labeled unsanitary by the Public Health Service.[9] In ideal circumstances, landfill is objectionable for only two reasons: 1) It requires extensive tracts of land; 2) It does not permit any of the valuable elements of the trash to be retained.

Incineration is the other major method of solid waste disposal. About 75% of the incinerators currently in use contribute to air pollution [10] and after burning, a residue of twenty percent or more remains. While relatively pollution-free incinerators can and have been constructed, three major hurdles face them: 1) They have to conform to rigid standards; 2) Plastics corrode flues; 3) The combination of the rigid standards and the damage caused by the corrosive plastics makes them expensive to operate, usually about $7 a ton.[11]

These two methods do not provide for the recovery of any useful material from trash. Because trash is the only "resource" that is increasing, it seems advisable to develop methods and then employ the methods to take advantage of the materials in it.

Economics is important in the development of alternate ways for dealing with this problem. No venture can be inordinately expensive and still succeed. The return has to help pay for the process; therefore, trash should be examined to see what materials of value it contains.

Paper constitutes the major portion of trash. (see table 1) For the values, assume that it is recycled to the original industry. Food yard and garbage compose the second largest portion. They are valuable as compost. The remainder is made up of very little of any one material and, in that form, has only fuel value.

POTENTIAL VALUES IN TRASH

	Percent by weight	Potential value of component	
		Dollars per ton of component	Dollars per ton of trash
Paper, paperboard	50	100	50
Ferrous metal	9	20	2
Aluminum	1	200	2
Glass, ceramics	10	10	1
Garbage, yard waste	20	[1] 5	1
Miscellaneous, plastics, textiles, etc	10	[2] 5	.50

[1] Value as compost.
[2] Value as fuel.

The value of paper in trash dwarfs the other values. However, several hurdles stand between trash and this value. 1) This is the upper limit; 2) Several obstacles exist between the dump and the industiral stockpile. These figures should be used only as a yardstick to compare various methods. Other factors that need to be considered: 1) The cost of separating the material from trash and converting it to a usable form, including the processing losses and degradation of materials; 2) The existence of a market to absorb recycled materials that is close enough to the production site to allow shipping at reasonable cost; 3) The degree of

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Footnotes at end of article.

difficulty involved in disposal of final residue after other materials are removed.

Using these criteria, we can compare varilous methods:

A. INCINERATION

Two possible things of value may be obtained from incinerators. They are heat recovery and material recovery from the residue. In Europe, the heat produced in the inceneraters is successfully used to run steam generators. The major drawback is in the fact that the paper is used as a fuel which is of low value compared to its recycling value as shown in Table 1. The residue contains many valuable components. (See Table 2.) The US Bureau of Mines has developed a process that can separate the elements of this residue by a relatively simple screening process at a reasonable cost of $4 a ton. It seems possible that an incinerator using the heat and the residue might be able to operate near the breakeven point. However, with the increased strictness of air pollution standards, it appears doubtful that this is the most feasible alternative in many cases.

TABLE 2.—*Composition of typical municipal incinerator residue*

[Percent by weight]

Tin cans	17
Other iron and steel	11
Other metals	2
Glass	44
Ceramics, stone, bricks	2
Partially burned or unburned organic matter	9
Ash	15

From the U.S. Bureau of Mines, Report 7204, 1968.

B. PYROLYSIS

Like incineration, pyrolysis involves a "burning" process, but in this case air is excluded and the heat is applied externally. It produces charcoal and some ash similar to the ash remnant of incineration. Other products include methyl alcohol, acetic acid and some heavier oils; however, these are not likely to be readily marketable. At this time, a plant in Delaware is being constructed to operate under this system which would handle 500 tons of garbage a day. The process will include a composting step to handle the bulk, the removal of metal and glass, and the pyrolysis of the residue.

A related process is being developed by the Firestone Rubber Company. It is designed to deal with the problem caused by old, worn tires. Tires can be pyrolyxed to yield about 45% solid carbonized residue with the remaining 55% a mixture of gases and liquids similar to petroleum compounds.

The importance of this process lies in its ability to convert organic matter into charcoal, which then can be sold for fuel. This process shows a potential for simplifying the problems of extracting heat values from the refuse and also meeting pollution standards.

C. COMPOSTING

This process involves the biological oxidation of organic parts of trash to a stable and ecologically acceptable form. Usually the organic material is shredded and left to cure in windrows which are turned over after a three to five week period, or in large rotating cylinders for three days. Sewage sludge is used to moisten the compost. The process costs $5–10 per ton. About ½ to ⅔ ton is made from one ton of garbage, which is screened to remove plastic, metal, and large glass pieces. It is low in nutritive value and is best used in reclamation of barren or dry land or strip mined slopes. It can also be used to stabilize steep slopes and road embankments. It can also be used in certain specialized crops.

At this point, compost has low value. The trend is toward creating it, not to sell, but as a way of changing unwanted organic wastes into a substance suitable for the environment. This process has a number of disadvantages; (1) Incineration and pyrolysis will accomplish the same end and will produce usable heat and less residue; (2) It is produced in cities but can be used only in rural areas; (3) The disposal of the substance may become a problem. Composting is not likely to become a solution in itself. Used in combination with other procedures, it could prove useful.

D. CELLULOSE FIBER RECOVERY

Twenty percent of the 55 million tons of paper produced yearly in the US is made from waste paper, most of which comes from commercial courses. 70% of it comes from corrugated board or newsprint which is sorted, baled, and shipped by commercial dealers or volunteers to paper mills. There is a good market for these fibers. The problem arises in their separation from the remainder of the refuse. Several approaches are being tried: 1) Removing paper from raw trash and selling it; 2) A procedure developed by Black Clawson, Co. which involves pulping raw garbage directly in a machine similar to a large-scale kitchen blender. Mechanical separation of cans, shoes, bones, glass and other non-disintegratables occurs, then a fine screen catches the cellulose fibers. Most of the fiber can be recovered and the glass and metal can also be sold.

The US Forest Products Lab in Madison Wisconsin combines "dry sort" methods with the wet pulp method. The FPL wants to develop a method for the upgrading of crude pulp to high quality, material, which is necessary before it can replace virgin timber in "any" ways. A problem encountered in this research stems not from the "casual" contaminants, like dirt, in the paper, but in the waxes, pigments, and plastics added to the paper by the manufacturers.

A second problem encountered in this, as is all, attempts at recycling, is its effect on the market. 78% of the paper produced is discarded. Successful reclaiming of these fibers could allow the introduction into the market of high quality fibers of a quality comparable to that of virgin timber. These processes seem to show great promise of eventually being successful in their aim.[12]

E. PRODUCTION OF METHANE GAS FROM ORGANIC WASTES

Organic wastes can be converted to methane (natural) gas. This process would be most effective in coping with the tremendous amount of animal waste produced at feedlots each year (estimated to be 13 billion tons, seven times that of urban areas).[13] Centralizing of food processing and animal feeding makes it difficult to return wastes to the soil which practice ignores the chemical emergy in carbon compounds. Composting causes C—C bonds and C—O bonds to be broken and CO_2 and H_2O to be formed. The solar energy of photosynthesis is dissipated. When methane is produced, this energy is retained for later use.

Organic wastes, even dilute sewage, spontaneously yield methane. Unlike the pyrolysis process, this procedure needs water. In the absence of oxygen, micro-organisms transform wastes in an action called anaerobic digestion, yielding a gaseous mixture of about 72% methane and the remainder a a combination of CO_2, ammonia, hydrogen, and small amounts of mercaptans and amines. 50–80% is transformed into volatile products. The remainder can be used as landfill, incincerated, or pyrolyzed.

This is an important development because methane is becoming more and more widely used, being relatively pollution free: 1) It is easily cleaned of potential pollutants; 2) It leaves no ash; 3) Combustion is more complete than with oil or petroleum. Although methane is the most desirable fossil fuel it is in the shortest supply. This process provides a renewable energy source. Methane would be produced near the population. Gas distribution systems are already in operation; there would be few transportation problems. It would cause no change in the lifestyle of the American people.

The potential appears to be enormous. Agricultural and urban solid wastes total 1.5 billion tons a year. Each pound of organic waste will produce ten cubic feet of methane for a possible total of 30 trillion cubic feet per year, which is 1½ the total consumption of natural gas today, $6–9 billion worth.

There would be a considerable cost to developing facilities from the fermentation of the organic wastes with sewage water for seven days. Underground tanks would have to be installed, but the costs have to be weighed against the cost of developing new gas resources and transporting gas from distant regions.[14]

In solving the trash problem, a new technology needs to be developed for making products from nonvirgin sources. The attitude that everything is made to be used and then discarded is slowly changing. The technology is needed. There is no reason that trees should be cut down at the rate that they are when the average load of garbage contains the same percentage (50%) of fibers used in making paper that a tree does. Reusing our waste is not impossible, but it will take some effort.

Funds have to be appropriated to allow the Bureau of Solid Wastes Management to conduct the necessary research. Also, a program of Federal subsidy of recycling projects should be begun to help commercial recyclers begin to catch up to the industrialists who have a great head start. Miners of the nation's waste should be given all the tax privileges and advantages long enjoyed by users of the nation's natural resources. In any case, an attempt should be made to stop unnecessary exploitation of our resources by use of already used materials available.

FOOTNOTES

[2] Small, William E. *Third Pollution*. New York, Praeger. 1971. p. 89.

[3] "A Costly Cure" *Forbes*. January 1, 1971.

[4] Ibid. Small. p. 23.

[5] Ibid. p. 27.

[6] Ibid. p. 32.

[7] Grinstead, Robert R. "the New Resource". *Environment*. December 1970.

[8] "The Garbageman's Lament" *Newsweek*. June 29, 1970.

[10] Butrico, Frank L. "Solid Wastes and Land Pollution". *Current History*. July 1970.

[11] Ibid. Grinstead.

[12] Ibid. p. 7.

[13][14] Bohn, Hinrich L. "A New Clean Gas". *Environment*. December 1971.

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1. Bohn, Hinrich L. "A New Clean Gas" *Environment*. December 1971 p. 4–7.
2. Carpenter, Richard A. "Information for Decisions in Environmental Policy" *Science*. June 12, 1970 p. 316.
3. Carter, Steve "BIRP Proves Practical and Economically Feasible in Phoenix, Arizona" *American City*. December 1971 p. 28.
4. "Industrial Alcohol from Waste Paper" *Chemistry*. November 1971.
5. "A Costly Cure" *Forbes*. January 1, 1971.
6. Gardner, Richard N. "For Global Initiative" *Saturday Review*. July 4, 1970.
7. Grinstead, Robert R. "The New Resource" *Environment*. December 1970.
8. Marx, Leo "American Institutions and Ecological Ideals" *Science*. November 27, 1970.
9. McHenry, Joseph A. "How to Doctor a Quarry for Landfill" *The American City*. December 1970.

10. "Re-Using Wastes to Loop the System" *National Parks.* January 1970.

11. "The Garbageman's Lament" *Newsweek.* June 29, 1970.

12. "The Return of the Returnables?" *Newsweek.* Sept. 21, 1970.

13. Quigley, Carroll "Our Ecological Crisis" *Current History.* July 1970.

14. Small, William E. *The Third Pollution.* New York Praeger, 1970.

15. Xanten, William A., "Let's Speak up on Solid Wastes" American City.

LIST OF 1972 INTERNS

Debra Ann Bichner, Sherwood High School.
Mary V. Bobinger, Academy of the Holy Cross.
Mary Brady, Ursuline Academy.
David Carbone, Atholon High School.
Hugh Carroll, Good Counsel High School.
Thomas P. Carter, Wheaton High School.
Anne Bruton, Regina High School.
Elliot Chabot, Peary High School.
Pamela Cooper, Academy of the Holy Names.
Bill Cochran, Alholton High School.
Steve Cooper, J. F. Kennedy High School.
Michael Curley, Rockville High School.
Deborah S. Dorman, Woodward High School.
Melanie G. Dorsey, Holton Arms School.
Brenda Joyce Eden, Arundel High School.
Julie Femiano, Glenelg High School.
Josephine Ferraioli, Damascus High School.
Ward W. Fetrow (Chip), Damascus High School.
Kris N. Foster, Gaithersburg High School.
Jeff Francis, Paint Branch High School.
Gordon Gottlieb, Einstein High School.
Stephen B. Heiman, Sidwell Friends School.
Debbie Jones, Immaculata Preparatory School.
Laurie Kahn, Sidwell Friends School.
Kristie A. Kenney, Magruder High School.
Martha E. King, Howard High School.
Sharon Kothe, Notre Dame Academy.
Elizabeth Gail Korn, Walter Johnson High School.
Michael Kowler, Springbrook High School.
Amy Kyle, Montgomery Blair High School.
Deborah Linn, Einstein High School.
Elizabeth Litrel, J. F. Kennedy High School.
Ann MacNaughton, Winston Churchill High School.
Linda Ann Mallin, Howard High School.
Paul D. Mannina, Peary High School.
Ellin Marans, Springbrook High School.
Michael R. McKinley, Wilde Lake High School.
Robert Miller, Sidwell Friends School.
Margaret Ann Murch, Sherwood High School.
Mary O'Donnell, Ursuline Academy.
Karen Orlansky, Bethesda Chevy Chase High School.
Howard Present, Bethesda Chevy-Chase High School.
Sharon L. Ramsburg, Glenelg High School.
Anne Reinburg, The Academy of the Holy Cross.
Quinn Scamahorn, Montgomery Blair High School.
William Short, Wootton High School.
Lisa Smith, Academy of the Holy Names.
Joshua E. Teichman, Wheaton High School.
Gerald Vetter, Gaithersburg High School.
Neal S. West, Woodward High School.
Gordon A. Whitt, Paint Branch High School.
Elizabeth Williams, Walter Johnson High School.
Nancy Winkler, Wilde Lake High School.
Nicki Markman, Winston Churchill High School.
Garth Weldon, Duke University (formerly from Damascus)
John Daly, University of Maryland (formerly from Good Counsel High School).

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. SMITH of New York. Mr. Speaker, it is my privilege each month to insert in the RECORD the monthly calendar of the Smithsonian Institution. The September calendar of events follows:

SEPTEMBER AT THE SMITHSONIAN

Sunday 3—Concert: *Songs by Stephen Foster,* featuring Jan DeGaetani, mezza-soprano; Leslie Guinn, baritone; Gilbert Kalish, piano and melodeon; Robert Sheldon, flute and keyed bugle. The musical instruments are from the collection of the Division of Musical Instruments, and were used in the recent recording by these artists, 3 p.m. The Renwick Gallery, 17th and Pennsylvania Avenue, N.W. Limited seats available. For FREE tickets call 381–5010.

Wednesday 6—Exhibition: *Red Groom's Astronaut.* A wood, cloth, acrylic and plastic sculpture of astronaut David Scott on the moon by an artist considered to be "one of the freshest and most original young American artists . . ." The 11-foot-high sculpture was created in December 1971–January 1972 as part of a larger construction and was first displayed at the Guggenheim Museum. National Portrait Gallery, through November 19.

Design film: *Music Rack.* Wendell Castle, woodcraftsman and artist, is shown making a complex music rack. Continuous half-hour showings beginning at 10:30 a.m.; last showing at 2:30 p.m. The Renwick Gallery.

Thursday 7—Exhibition: *A Century of Weather & Crop Service.* Marking 100 years of cooperation between the Department of Agriculture and Commerce in providing weather reports and forecasts to farmers, and going back to 1849 when Joseph Henry, as the first Smithsonian Secretary, pioneered the nation's weather mapping network. Weather maps and measuring devices from then to now are included as well as a teleprinter providing the latest weather information from headquarters in Suitland, Md. First floor, National Museum of History and Technology. Through December 31.

Thursday 13—Design films: *Glas-leerdam.* Dutch film on the design and manufacture of glass. Continuous half-hour showings from 10:30 a.m.; last showing 2:30 p.m. The Renwick Gallery.

Friday 15—Film: *C & O Canal documentary*—a filmed account of citizen action that succeeded in preserving the historic canal along the Potomac. British-made, the film offers an opportunity to see how others view the workings of the U.S. citizens in achieving a public purpose. Opening program of the fall lecture series sponsored by the National Parks and Conservation Association. 8 p.m. Natural History Building auditorium.

Exhibition: *The Way of Good and Evil: Popular Religious Lithographs of 19th Century America.* Fifty-six prints including Biblical, moralizing and temperance movement themes, selected from the Harry T. Peters "America on Stone" Collection. National Collection of Fine Arts, through November 12.

Fifth anniversary celebration—Anacostia Neighborhood Museum. Activities will include a parade of drum and bugle corps, speeches by Smithsonian and city dignitaries, and the preview opening of an exhibit entitled *Evolution of a Community, Part II* (see Sept. 16). Food will be available at modest prices. 6:30–9 p.m., 2405 Martin Luther King Jr. Avenue, S.E. The public is invited.

Saturday 16—Exhibition: *Evolution of a Community, Part II.* The history of Anacostia is brought up-to-date from the post World War II years with the last of a two-part exhibition. A survey made in the community disclosed five main areas of concern and frustrations shared by Anacostians: housing, unemployment, education, drugs and crime. These concerns are the subjects of the five sections of the exhibit. Photographs, text, drawings, video tape programs and a slide/tape show trace the development of the problems and tell where the community is today. Anacostia Neighborhood Museum. Through 1973.

Sunday 17—The Gospel Truth '72—a jazz/gospel music festival. Twelve well-known, local groups will perform from 1–6 p.m. at Cedar Hill, home of Frederick Douglass, 14th and W Streets, S.E. The program is being presented by the Anacostia Neighborhood Museum in cooperation with the National Capital Parks as part of the Museum's 5th Anniversary Celebration. Food and soft drinks will be sold. The public is invited.

Wednesday 20—Lecture: Man and Cosmos: *History of the Solar System.* Lecturer: Owen Gingerich, Smithsonian Astrophysical Observatory. First in a series of nine lectures sponsored by the National Air and Space Museum and the SAO, and designed for the Washington academic and professional community. The series will provide a comprehensive and current survey of man's past, present, and future concepts of the solar system, with particular emphasis on the results of space science research during the past decade. One-hour lecture followed by question and answer period. 7:30 p.m., History and Technology Building auditorium. Free admission, limited seating. The public is invited.

Design film: *Design and Man.* A filmed look at industrial and commercial design and the design process. Continuous half-hour showings beginning 10:30 a.m.; last showing, 2:30 p.m. The Renwick Gallery.

Tuesday 26—Exhibition: *The Right To Vote.* Ballot boxes, taxpayer lists, Suffragette manifestos, as well as cartoons, posters, and clothing, tracing the history of voting rights as they have been extended to the landless, soldiers, blacks, women, Indians, and 18-year-olds. Museum of History and Technology, through January 31, 1973.

Wednesday 27.—Lecture: Man and Cosmos: *The Sun.* Lecturer: A. G. W. Cameron, Yeshiva University. Sponsored by the National Air and Space Museum and the Smithsonian Astrophysical Observatory (see September 20 for series details. 7:30 p.m. History and Technology Building auditorium. Free admission, limited seating. The public is invited.

Design films: *With These Hands.* A narrated film showing eight artist-craftsmen working in their studios. Continuous half-hour showings beginning 10:30 a.m.; last showing 2:30 p.m. The Renwick Gallery.

Lunchbox forum. Subject to be announced. 12 noon. Room 449 Smithsonian Institute "Castle" Building. Sponsored by the National Air and Space museum.

Thursday, 28.—National Capital Shell Club: *Informal discussion,* conducted by staff members of the Smithsonian's Division of Mollusks, 7:30 p.m. *Monthly meeting,* 8:25 p.m. Room 43, National History Building. Public is invited.

Friday 29.—Exhibition: *The Hand and the Spirit: The Religious Impulse in American Art, 1700–1900.* Over 120 paintings and sculptures in the first major exhibition ever held documenting specifically religious intent in American art that developed both in the "high" art of Sargent, Copley, Eakins, West and other trained professionals and the "native," or folk, art of Fine Arts. Special Exhibition Gallery, NCFA, through November 5.

CREATIVE SCREEN FILM SERIES

September 7, 9—*Bouquet, The Art of the Conservator.*

September 21—*November, Zagret, Bits; Multiple man.*

Program begin 11:15 a.m., 12:15 & 2:15 p.m. National Collection of Fine Arts.

FIFTH ANNIVERSARY OF ANACOSTIA NEIGHBORHOOD MUSEUM, SEPTEMBER 15, 1967–72

The Anacostia Neighborhood Museum opened five years ago as an experimental extension of the Smithsonian Institution—an idea that grew out of a conference on museums and education, co-sponsored by the Smithsonian in August 1966. The building, that houses the museum is a former neighborhood movie theater that had also been used as a skating rink, dance hall and a church. The area citizens played a major role in establishing and operating the museum and local youth groups did much of the work of renovating and decorating both the exterior and interior of the building. John R. Kinard whose background included a wide range of self-help programs in both the United States and Africa, was appointed the museum director. Mr. Kinard and his staff have emphasized exhibits that have been suggested by the neighborhood residents and have presented such varied activities as free jazz concerts, exhibits on the history and development of the Anacostia area, and the role of black people in science and art.

The anniversary will be celebrated with a parade, speeches, the opening of a new exhibit and a jazz/gospel music festival (see September 15, 16 and 17 in the Calendar listings below).

DEMONSTRATIONS

Museum of History and Technology

Music Machines—American Style. Mechanical and electronic music machines. Monday through Friday, 1:30 p.m., 2nd floor.

Spinning and Weaving—Wednesday and Thursday, 1–2 p.m.

Machines Tools. Wednesday, Thursday, Friday, 1–2 p.m.

Musical Instruments. Temporarily discontinued.

Hand-Set Printing Presses. Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3rd floor.

DRUGS: A SPECIAL EXHIBITION

Schedule of Special Activities

Arts and Industries Building

September:

1—Films: *Brian at 17 and Epitaph.* Continuous showings 10:30 a.m.-12:30, 1:30–5:30, 6:30–8:30 p.m.

2–3—*New York Free Theater.* Performances at 1:30 and 4:30 p.m.

4—*Inner Voice of Lorton.* Performances at 1:30 and 4:30 P.M.

5—Films: *Slow Death* and *A Day in the Death of Donnie B.* 10:30 a.m.-12:30, 1:30–5:30, 6:30–8:30 p.m.

6—*Inner Voice of Lorton.* Performances at 1:30 and 4:30 p.m.

7—Films: *The People Next Door and Curious Alice.* 10:30 a.m.–12:30, 1:30–5:30, 6:30–8:30 p.m.

8—Films: *Changing* and *Darkness.* 10:30 a.m.–12:30, 1:30–5:30, 6:30–8:30 p.m.

9–10—Film: *THX1138.* 10:30 a.m.–12:30, 1:30–5:30, 6:30–8:30 p.m.

11—Panel discussion: *Medical and Non-Medical Implication of Drug Treatment Modalities:* Two-hour programs at 10:30 a.m. and 2 p.m. Original papers will be presented, followed by a full panel discussion with time devoted to questions from the audience.

12—Films: *The Opium Trail* and *U.S.* 10:30 a.m.–12:30, 1:30–5:30, 6:30–8:30 p.m.

13—Films: *Drugs of Abuse* and *11:59, Last Minute To Choose,* 10:30 a.m.–12:30, 1:30–5:30, 6:30–8:30 p.m.

14—Films: *Ebena* and *To Find Our Life,* 10:30 a.m.–12:30, 1:30–5:30, 6:30–8:30 p.m.

15—Films: *Skezag* and *David.* 10:30 a.m.-12:30, 1:30–5:30, 6:30–8:30 p.m.

(For further scheduling or last-minute changes, call 737–8811.)

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversation growing out of the Institution's many activities, is broadcast every Sunday on WGMS–AM (570) and FM(103.5) from 9–9:30 p.m. The program schedule for September:

3rd—*The Importance of Continental Drift.* Nicholas Hotton and Erle Kauffman, paleontologists at the National Museum of Natural History, discuss the effects continental drift may have had on living things.

10th—*Exploring Queen of Sheba Land.* Archeologist Wendell Phillips tells of his adventurous explorations to the sand-covered Old Testament cities of Southern Arabia; *Too Busy Having Fun,* Mrs. Alice Roosevelt Longworth, daughter of President Theodore Roosevelt, reminisces about her days in the White House.

17th—*The 1972 Festival of American Folklife.* Part I. A sampling of the people and music that make the Folklife Festival one of the Smithsonian's most popular events.

24th—*The 1972 Festival of American Folklife.* Part II.

UPCOMING EVENTS

Classes and workshops

International Filmmakers. 14-week class beginning September 13. Beginning in October, workshops and classes for both adults and young Associates, in many subject areas. A detailed schedule is available from the Associates office, Smithsonian Institution, Washington, D.C. 20560.

Performing art series

10-week series of five performances and five informal discussions on alternate Wednesdays beginning October 18. Performances will be at the John F. Kennedy Center for the Performing Arts and the discussions will be held in the Freer Gallery of Art with distinguished persons associated with the performing companies or a well-known critic or expert in the field. The series must be purchased as a whole. $66.50 Associate members; $75, non-members. Registration deadline: September 25.

Women at work

Luncheon/Lecture Series. October 5, 26 and November 15. $25 Associate members; $30 non-members.

Domestic study tours

(Call Mrs. Kilkenny, 381–5910).

Olympic National Park: September 16–22.

Instruction in Photography (Maine): Sept. 24–29.

Arizona Astronomy Weekend: Oct. 6–9.

Blockade-Runners' View of the Carolinas: Oct. 12–27.

Sanibel Island, Florida: Nov. 5–10.

Nature's Past (Florida's West Coast): Nov. 12–19.

Day tours

(Call Moya King, 381–5157).

Along the Brandywine River: Oct. 4 or 11. 7:45.

Winterthur: Tour of the rooms and private park of the Henry Francis du Pont Museum. 7:45 a.m.–6:15 p.m. Sept. 30 or Oct. 14. $25 Resident Associates, $30 non-members.

Winterhur: In-depth study of American Queen Anne furniture and American silver Nov. 4, 7:30 a.m.–6:15 p.m. Nov. 4. $30 Resident Associates, $35 non-members.

Alexandria's Heritage. Walking tour. Sept. 14 or 21. $18.50 Resident Associates; $21.50 non-members.

CONTINUING EXHIBITIONS

Arts and industries building

Air Force Art. A selection of paintings marking the 25th anniversary of the U.S. Air Force and depicting the milestones in the history of its operations. On display indefinitely.

Freer Gallery of Art

Recent Accessions in Japanese Art. Approximately twenty works of art including paintings, metalwork and ceramics purchased by the Freer Gallery during the past ten years.

Museum of Natural History

The Shadow of a Stone Age Hunter. The unique remains of a 30,000-year-old Stone Age human, excavated from a cave in Spain and preserved in plastic by Smithsonian technicians. The photograph above shows the mound of earth removed from its original location in the Santander cave and readied for shipping to the U.S. The exhibit, with diagrams and text, will be on display through October, when it will be returned to Spain.

Museum of History and Technology

Olympic Stamps. Paper college designs by Lance Wyman, die-proofs and full uncut sheets of four new postage stamps issued for the XX Olympiad at Munich, Germany. Through September.

Music Machines—American Style. Barrel organs and player pianos to the most up-to-date high fidelity equipment. Tapes of the machine sounds are played and excerpts from filmed musical productions shown throughout the day, as follows:

September 1–21 Highlights from MGM Musicals.

September 22–28 Songs of Disney.

Atlantic Cable. Paintings, photographs and artifacts documenting the technological triumph of 1858 when the first undersea cable was completed linking North America with Europe.

National Collection of Fine Arts

Sculpture of Hiram Powers. Selections from the contents of the 19th century artist's Florence studio, including a model of the famous "Greek Slave" and other full-length marble and plaster sculptures and portrait busts of famous Americans. On view indefinitely.

National Portrait Gallery

Notable Women from the Gallery's Collection in Honor of Women's Week. Fifteen portraits from the permanent collection in a special exhibition to commemorate the anniversary of the 19th Amendment. Portraits include those of Edna St. Vincent Millay and Harriet Beecher Stowe.

Ira Aldridge. Rare oil portrait of this black American actor (1807–1867), recently acquired by the Portrait Gallery. The portrait painting by Henry Perronet Briggs, depicts the famous tragedian dressed as Othello, considered to be his greatest role.

HOURS

Smithsonian museums are open seven days a week from 10 a.m.–5:30 p.m. Cafeteria, MHT, 11 a.m.–5 p.m.

Summer hours—10 a.m.–9 p.m.—will continue through Labor Day for the History and Technology Building, the Natural History Building, and the Arts and Industries Building.

National Zoo buildings are open from 9 a.m.-6 p.m. seven days a week.

Anacostia Neighborhood Museum is open 10 a.m.–6 p.m. weekdays, 1–6 p.m. weekends.

FOREIGN STUDY TOURS

For members of the National and Resident Associates. For further details on tours, listed below, write Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

1972

Pakistan and Afghanistan: Oct. 9–Nov. 8 (Waiting list only).

Antique Tour in London: **Nov. 2–10, $475.**

1973

Peru: **Archaeological sites. Feb. 8–March 5.**

Morocco: **March 6–27.**

Cave Paintings: **April 2–26.**

Middle East: **April 21–May 16.**

Baroque Tour of Germany and Austria: May 13–June 4.

African Safari: July 17, three weeks.

International Aerospace Tour: Sept. 10, 2 weeks.

Sites of Civilization: Oct. 6-28. Waiting list only.

PUPPET THEATRE

The Hullabaloo Election of Osbert or Jess. A new, original production beginning September 13 by Allan Stevens and Co. Hullabaloo is the story of Osbert Peabody Wright and Jessica Sweetwater as they campaign for the top prize in puppetland—President of the Puppet Theatre. All the trappings of a real-world campaign abound—parades, rallies, rumors and image-making—and the children in the audience vote to elect the candidate of their choice. Performances will be in the auditorium of the History and Technology Building, through November 12. The schedule is 10:30 and 11:30 a.m., Wednesday through Friday, and 10:30 a.m., 12:30 and 2:30 p.m. Saturday, Sunday and holidays. Children's admission is $1; adults, $1.25; groups of 20 or more, 75 cents (S.I. Employees and Resident Associates admission, 75 cents). Reservations are recommended. Call 381-5395. The Puppet Theatre is presented by the Smithsonian's Division of Performing Arts.

The Marvelous Land of Oz will be performed September 1-4 at 11 a.m., 12 and 1 p.m.

MUSEUM TOURS

Group tours are available by appointment at the following museums:

National Portrait Gallery—381-6285.
National Collection of Fine Arts—381-6541.
The Renwick Gallery—381-5811.
Freer Gallery of Art—381-5344.

MUNICH MASSACRE

HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. WYATT. Mr. Speaker, the Munich massacre yesterday makes imperative immediate appropriate international action to prevent such tragedies in the future. I wish to share with my colleagues my telegram to Secretary of State William P. Rogers in which I call for the United States to initiate such action:

SEPTEMBER 6, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: All decent citizens of the world are as frustrated as they are sorrowful and outraged at yesterday's Munich massacre. Some aggressive action simply must be taken to prevent the repetition of the senseless killing of innocent people.

I respectfully urge that you immediately convene an international convention on terrorist, murder and kidnapping. The purpose of this convention would be to obtain agreement among the nations of the world that each signator country would refuse sanctuary to all persons involved in acts of "international terrorism and kidnapping" or attempts at such crimes. I would urge that such proposed agreement would specifically include skyjacking. All nations signing should agree to apply economic and other sanctions to any country failing to join in the agreement. Under the agreement each country would surrender quickly to any other country in which the criminal act occurred any persons so accused.

The time is past to sit idly by and ring our hands as we see innocent people murdered, kidnapped and even tortured. We must take swift and effective action to make certain that the entire world knows that such acts can be undertaken with no possibility of escape.

WENDELL WYATT,
Member of Congress.

TEAMSTERS PENSION FUND AND ORGANIZED CRIME

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. STEIGER of Arizona. Mr. Speaker, before the recent recess I inserted in the CONGRESSIONAL RECORD the first part of an article that appeared in the August issue of the magazine Overdrive. I would now like to call your attention to the second part of the article, "How the Central States Pension Fund Finances the Nevada Schemes of Organized Crime."

The article follows:

HOW THE CENTRAL STATES PENSION FUND FINANCES THE NEVADA SCHEMES OF ORGANIZED CRIME—PART 2

KANSAS CITY MAFIA AND THE LANDMARK

Las Vegas' Landmark Hotel is another example of the link between organized crime and the Fund, although this hotel/casino was apparently built without the assistance of the Moe Dalitz group.

The developer was Frank Caroll (also known as Frank Badami and Frank Caracciolo), whose only convictions are two gambling fines paid in the 40's. In 1968, an assault and battery charge was filed against him (and later dropped) after he allegedly dragged an interior decorator through a casino by his hair.

Construction on the building that was later to become the Landmark began in 1961. The next year, financing difficulties arose. On November 3, 1962, Caroll met with the following persons in Kansas City in an attempt to secure money:

ROY LEE WILLIAMS GETS IN THE ACT

Roy Lee Williams, head of Local 41 in Kansas City and Joint Council 56, is currently being prosecuted by the Justice Department's Strike Force for embezzling $20,000 from the Local. His trial for embezzlement some years ago ended with his being acquitted, although four others charged in the same incident were convicted!

Nick Civella, "executive vice president" of the Kansas City Mafia, whose record contains dozens of arrests. Nick and his brother Carl are among the 9 individuals active in organized crime who are officially banned from setting foot in Nevada casinos.

Morris (Snag) Klein, Civella's "financial adviser," and who served time in prison for his part in the Kansas City vote fraud scandals of the 1940's. Since then, he has been convicted of income tax evasion.

Motel Grezebrenacy, better known as Max Jaben, an admitted gambler who is also banned from Nevada casinos. Jaben served time in prison later for income tax evasion.

The results of the meeting were that Williams would attempt to arrange a Pension Fund loan, with those present receiving a "fee" for their part. It took four years, but finally Caroll was granted a Fund loan of $5,500,000 in August, 1966. The loan was made to Frank Caracciolo and Plaza Tower, Inc., a company controlled by Caroll. In September, it was reported that Caroll was complaining because it cost him $500,000 to get the loan, with percentages of this amount going to individuals in four cities. Caroll also received three other loans in August: one from Buffalo Enterprises for $357,500, one from Pacific Finance Loans in Los Angeles for $257,500; and the third one—$700,000—came from a Kansas City attorney.

ADDITIONAL FUND MONEY

These amounts apparently weren't enough to complete construction of the Landmark, because in August, 1967, an additional Fund loan of $2,600,000 was made to Caroll.

A curious situation then arose in March, 1968, which is yet another example of the fast and loose methods of the Fund trustees. Although the Fund had loaned $8,100,000 to Caroll, he hadn't applied for a gambling license from the Nevada Gaming Control Board. If a person is denied such a license, he of course cannot operate a gambling establishment in Nevada. But this is exactly what happened. Caroll withdrew his application before the Board after it began probing into how he had obtained his financing. Two months later, the Pension Fund began foreclosing on the loans.

The Landmark hadn't opened yet when Caroll began searching for a buyer. The Howard Hughes organization agreed to purchase it, but the deal was not completed until June 30, 1969, the day before the Landmark officially opened for business. According to Tom Bell, a lawyer for Hughes Tool Company, the Landmark was purchased for $17.3 million in cash, with $8.1 million of that going to pay off the Pension Fund loan.

HOWARD HUGHES IN DEBT TO FUND

That should be the end of that particular escapade, but Overdrive has unearthed information which throws a question mark over the affair. According to the records of the Pension Fund, Caroll's $8.1 million loan was not paid off by Hughes Tool Company. A Pension Fund document states that the Caroll loan was "taken over" by Hughes Tool Company. This means that part of the purchase arrangement was that Hughes take over the unpaid Caroll loan and pay it off. Verifying this is another document turned up by Overdrive, an agreement between the Fund and Hughes Tool Company and Hotel Properties, Inc. (the Hughes company which operates some of his businesses in Nevada). The terms of this agreement, dated June 30, 1969 (the same day Hughes bought the hotel), state that Hughes will repay the $8.1 million in quarterly payments of $202,500 beginning October 1, 1969. In looking at Fund records this year, entries show that the loan has been paid so far as originally scheduled.

Sources familiar with the Hughes operation report that it is his practice to pay cash in any transaction. The Landmark deal is a radical deviation from that pattern. One might wonder why Hughes would change his practices; particularly since he now is dealing with the Pension Fund. Numerous attempts were made to have this question answered by Hughes officials, but they refused to discuss the matter.

OVER $20 MILLION IN CIRCUS CIRCUS

Jay Sarno and Stanley Mallin seem to have a unique influence with the Pension Fund that few others do. As far back as 1957, the pair had been wheeling and dealing multimillion dollar schemes through the Fund. Their current operations in Las Vegas, though, prove to be the most interesting.

These two men have arranged Pension Fund loans of more than $43 million for just two Las Vegas casinos.

Circus Circus, a recently-built casino on the Strip (the hotel section is still under construction), has received a total of $18,100,000 thus far, with an OK given for them to pick up $4,583,000 more whenever they want it. This amount of money has only been loaned since February, 1971, which indicates that the Fund must have had plenty of faith in a nonexistent venture to pour in that much money. And perhaps their faith was slightly misplaced. On June 27, the Internal Revenue Service slapped a $1,191,463 lien on Circus Circus, charging that taxes had been unpaid from December 31, 1970 through March 31, 1972. Within 24 hours, however, who should come streaking in with a bag full of cash to bail out Circus Circus but Allen Dorfman, one of the chief kickback artists connected with the Fund and who is a smooth operator when it comes to funneling money out of the United States.

AND $20 MILLION IN CAESAR'S PALACE

The other casino Sarno and Mallin have been involved in is Caesar's Palace. Since 1965, the Fund has dumped $20,413,000 into it. Yet today, almost $18 million is still due the Fund. Operating Caesar's Palace is a company called Desert Palace, Inc., a subsidiary of the actual owners, Lum's, Inc.

One clue to the type of ownership which has been at Caesar's Palace can be seen as far back as 1965. Overdrive has learned that after the first Fund loan of almost $10 million was made, a meeting was held in Palm Springs, California, in October, 1965. The purpose of the meeting was to discuss the division of ownership of Caesar's Palace. Attending that meeting were Mafia members Vincent Alo and Anthony Salerno, New England Mafia associate Elliott Paul Price, and convicted professional sports fixer Jerome Zarowitz (Mr. Zarowitz is no small time operator; he attempted to fix an NFL championship game).

Until recently, Zarowitz and Price were part of the management group running Caesar's Palace. In December, 1970, federal officials discovered a lock box of Zarowitz' on the casino premises. Inside was over $1 million in $100 bills. Another official of Caesar's Palace during this time was Nathan Jacobson, whose current involvement is King's Castle casino near Lake Tahoe.

KINGS CASTLE AND BANKRUPTCY

Caesar's Palace isn't the only venture involving Fund money that Jacobson has been connected with. In May, 1969, he began receiving the first of what were to be a series of four loans totaling 9.7 million. The money was used for the construction of Kings Castle, a hotel casino near Reno.

Almost as soon as Kings Castle was open, however, there were financial problems. This past January, Jacobson said he was going to "reorganize" his operation. But a few weeks later, Kings Castle was closed and in bankruptcy court. The Pension Fund at this time claimed that Jacobson was in default on $7 million in loans, and that he hadn't made any payments for four months. Overdrive has learned that this was a slight misstatement. The actual situation was that Jacobson hadn't made a payment on any of the loans for five months, his past due payments alone were $700,000, and the total still due on the loans was $10,425,000—$700,000 more than he borrowed in the first place. But that isn't the final cost. A source close to the Fund reports that the Union is paying $50,000 per month for guards and maintenance of the vacant buildings. At this rate, by August, $300,000 more will have to be tacked onto the total which has been poured into the project.

As far as information which has been publicized, Jacobson seems to be the only person involved as a principal on Kings Castle. Overdrive has discovered, though, that the amounts cited so far, and the persons connected with this project, are far from complete.

HIDDEN INTERESTS

Other documents show that a company called Sierra Tahoe Investment Corporation received Pension Fund loans of $2,600,000 in February, 1965, and $700,000 in December, 1965. Further information shows that most of this money is still unpaid, and, in fact, it has been thrown in the Kings Castle bankruptcy proceedings as money due the Fund. Yet this money was for an ill-fated venture on the same site presently occupied by Kings Castle. It was called Lake Tahoe Hotel.

Although financial records show that this money is owed by the corporation, OVERDRIVE has obtained documents showing that the loans were made to individuals: $700,000 lent to Cal Kovens, and $2,600,000 borrowed by Harold Riel and Roy Gene Lewis. The background of two of these men is worth noting.

FRAUD CONVICTIONS OF BORROWERS

Cal Kovens has been involved with a number of multi-million Pension Fund loans dating back almost to its formation. So involved was Kovens, in fact, that he has been convicted four times of mail fraud, once of wire fraud, and once of conspiracy to commit fraud, in connection with these loans. As recently as 1967, he was connected with some of the events leading to the Beverly Ridge Estates Fund loan, its bankruptcy and the recent federal indictments arising out of it.

Roy Gene Lewis is currently under indictment for fraud and perjury in connection with his involvement in Beverly Ridge Estates. During that period of time, Lewis was an official of the Los Angeles Building and Safety Commission, a body which made several favorable decisions for Beverly Ridge. While he was doing this, he was also identified as having a financial interest in the project. When this conflict of interest was discovered, pressure was exerted to have him resign. One of those who used his influence to keep Lewis in his city post was Frank Matula, a convicted liar, officer of Los Angeles Local 396 and a trustee of the International. Subsequently, though, Lewis was forced to resign.

"THE WEIRDEST DEAL I'VE SEEN"

In July, the bankruptcy court announced that a buyer for Kings Castle had been found, but his identity wouldn't be revealed until after the details had been worked out toward the end of July. The proposed purchaser, OVERDRIVE has learned, is a Reno psychiatrist, Richard C. Gilmore. The sale has not been finalized, Dr. Gilmore said, and if it doesn't go through, he will lose the $30,000 he had already put up. When asked why he would risk losing $30,000, he replied that it was better to be out that amount instead of millions if those details weren't taken care of.

And the sale may very well fall through. One person has said that the Teamsters don't want Gilmore in because he's "not their kind of people." A look at Jacobson's recent activities seem to confirm this: Jacobson is currently under indictment for kidnapping and extortion. Trial is tentatively set for September.

And as one lawyer familiar with the Kings Castle bankruptcy proceedings remarked in bewilderment: "This is the weirdest deal I've ever seen."

RIVERSIDE BANKRUPTCY AND A BAIL-JUMPER

In nearby Reno, the Riverside Hotel sports a lengthy history of involvement with the Fund. The first loan to the hotel was $2,750,000, and was made in October, 1962. Two months later, the Riverside promptly went bankrupt. The person who arranged the loan for a kickback ranging between $60,000 and $100,000 (there is a discrepancy because of bounced checks involving the payoff, and it is not known whether all the graft due was finally paid) was Benjamin Dranow.

Dranow's involvement with the Fund goes way back to 1958 when he borrowed $1 million from the Fund to operate the J. W. Thomas Department Store in Minneapolis. Under Dranow's guidance, the store went bankrupt, with Dranow grabbing $116,431 and running. His close association with Hoffa led to his entanglement with several other multi-million dollar Fund loans. When the legal dust settled a couple of years after the Riverside kickback, Dranow had a record showing bail jumping and convictions for mail fraud, wire fraud, bankruptcy fraud and income tax evasion.

The Riverside Hotel subsequently was taken over by new owners who immediately received a Fund loan of $2 million. That was in 1969. Now, the balance due on that loan is $2,200,000.

Only four Nevada loans have been discovered which are not connected with gambling and apparently are not controlled by organized crime. Two of them, however, have run into financial difficulties.

A $475,000 loan was obtained by Hank Greenspun, publisher of the Las Vegas Sun, but it has since been repaid.

TEAMSTER OFFICIAL AND NON-UNION TAXIS

Homer (Dutch) Woxberg, former secretary of Local 224 in Los Angeles, received a $225,000 loan in 1962 to operate Checker Cab in Las Vegas. An attempt was made to hide the fact of Woxberg's ownership by having an outfit called Ardmore Leasing obtain the loan, but it was discovered anyway. Perhaps such effort was devoted to concealing ownership because Woxberg was still a Union official, and the drivers for Checker were non-Union. This loan was finally paid off just this year.

In 1965, Chris Jo, Inc., borrowed $1,500,000 from the Pension Fund to operate Decatur Shopping Center in Las Vegas. It wasn't successful, and a Trustee's Deed Upon Sale filed in August, 1969, shows that the Pension Fund took it over because of Chris Jo's default on the loan. The next month, a new buyer was found who picked up the loan (which still showed a balance due of $1,483,000). The terms for the new loan are unavailable, but one document shows the same balance due in March of this year.

SKATING TO BANKRUPTCY

Another Las Vegas enterprise that received a Fund loan and then ran into money troubles was the Las Vegas Ice Palace, a public skating rink. A Fund loan was made in December, 1967, for $580,000, but less than two years later, it went bankrupt, still owing the Fund $612,857. In November, 1971, it reopened as Ronnie Robertson's International Ice Palace, and received a $700,000 Fund loan.

A company called Marlee, Inc., picked up a $1,955,000 loan from the Valley Bank of Nevada in September, 1968, for construction of a gambling casino in downtown Las Vegas. Upon completion of the casino—called the Carousel—the Pension Fund bought the loan from the bank. Almost all of that money is yet to be repaid. At one point last year, Marlee was in default on ground rent, tax and insurance escrow for the period June, 1970 through January, 1971 to the tune of slightly under $100,000. Yet Al Garbian, the owner of the Carousel, was able to borrow another $40,000 from the Fund in September, 1971.

THE ALADDIN HOTEL

The most recent Pension Fund loan to a gambling casino that has been uncovered is one made on March 27 to the Aladdin Hotel for $3 million. One of those signing for the loan was a convicted bookmaker, Sam Diamond. Diamond also is president of the Aladdin. His involvement with Nevada gambling goes way back. It was reported that in 1947 he was one of several gangsters who got together less than 24 hours after mobster Bugsy Siegel was shot to death. They met in order to determine how to gain control of the Flamingo Hotel, which Siegel had been running. It has also been learned that Morris Shenker received a $500,000 fee this year for his part in the sale of the Aladdin by Recrion Corporation.

COMMUNIST REVOLUTIONARY RECEIVING FEDERAL FUNDS UNDER THE PROVISIONS OF THE EMERGENCY EMPLOYMENT ACT OF 1971

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. ICHORD. Mr. Speaker, Congress recently passed the appropriations bill for the Department of Labor for the fiscal year ending June 30, 1973, providing for an allotment of $1,250 million for expenses necessary to carry into effect the Emergency Employment Act of 1971. The act was later vetoed by the President. At the outset, I want to make it clear that I do not question the great benefits which this act has brought about in reducing unemployment. It has provided many vital public services which prior to the passage of the act had been drastically curtailed because of a lack of local and State revenues. No problem facing this Nation has been more thoroughly documented than the plight of our State and local governments as they grapple with unemployment problems and declining resources.

However, I am concerned over the fact that Federal funds allotted under this act are being funneled to pay the salary of an individual who is a self-admitted active member of the Venceremos, an avowedly revolutionary organization seeking the overthrow of the U.S. Government by force and violence. Since January 31, 1972, David Ransom, an active member of the Venceremos organization, has been holding the responsible position of community development specialist with the housing concern committee of Redwood City, Calif. He is drawing a salary in excess of $10,000 from Federal funds being channeled into Redwood City from San Mateo County, under the provisions of the Emergency Employment Act.

Last October, the Committee on Internal Security, which I chair, held hearings with regard to two Maoist groups, the Revolutionary Union and its more violence-prone splinter group, Venceremos. It was clearly established that both organizations are Marxist-Leninist groups unalterably devoted to the idea that violent revolution in the United States is inevitable and desirable. It was the finding of the committee that the Revolutionary Union and the Venceremos constitute a potential threat to the internal security of the United States. For those desiring further information concerning the insidious nature of these two organizations, copies of the committee's report are available from the committee and the Government Printing Office.

Shortly after David Ransom received his appointment as a Community Development Specialist, he was interviewed by a reporter for the Redwood City Tribune, and the results of the interview were reported in the February 8, 1972, issue of that newspaper. During the interview Ransom admitted that he was an active member of the Venceremos organization. He stated he assumed city officials were aware of his activist background when he was hired to fill the new housing aide post. He also admitted having been the editor of a west coast underground newspaper which was published during the period 1967 to 1969. Since receiving his appointment as a Redwood City housing aide, Ransom has continued his active participation in the affairs of the Venceremos.

I wrote to the Secretary of Labor on February 23, 1972, enclosing a copy of the Redwood City Tribune news article. I pointed out that the payment of Federal funds to Ransom, who is actively working with an organization devoted to the overthrow of the Government by force and violence, is a serious misuse of the taxpayer's money. I requested the facts concerning Ransom's appointment. It was not until June 16, 1972, some 4 months later, that I finally received a reply to my letter. On that occasion, Malcolm R. Lovell, Jr., Assistant Secretary for Manpower, far from being disturbed by this obvious misuse of taxpayer's money, stated that the program guidelines under the provisions of the Emergency Employment Act do not allow for the hiring or discharge of participants on the basis of political affiliation, and since there was no evidence of specific illegal activity on the part of Ransom, the Department of Labor was not in a position to take any action to remove him from his position.

Certainly, legitimate political affiliations cannot and should not be the basis for adverse action against an employee receiving Emergency Employment Act funds, but is it not a distortion of our language to put violent revolution in the category of political activity? It is totally unrealistic for the Labor Department to impose on itself guidelines so restrictive that it cannot take into account an individual's active participation in an organization devoted to the overthrow of the Government. If this is the Department's idea of being consistent with public service guidelines under the act, then it is high time to draw up new guidelines, particularly for those individuals who are occupying positions of responsibility.

If there is one thing that is of vital concern to all of us—it is what is done with the people's money—the money they appropriate through us for various Federal undertakings. The taxpayers of the United States, whose incomes are depleted each year by a multibillion dollar defense budget to insure the security of the Nation, are being further tapped to insure the comfortable Federal financial security of an individual whose conduct demonstrates deep and abiding hostility to the United States. This certainly constitutes a maladministration of the act and a perversion of our responsibility to the taxpayers.

Mr. Speaker, the Venceremos is not just an insignificant extremist group. It has regularly conducted classes in revolutionary tactics, guerrilla warfare, and sabotage, as well as holding periodic training sessions in the use of rifles, handguns, and automatic weapons. It is an organization ready to take up arms against the Government. Although some judicial decisions insist on very broad permissiveness under the protection of the first amendment, we are not bound to subsidize the participants in revolutionary planning. Eminent jurists have declared that the Constitution is not a suicide pact.

Since the Department of Labor has indicated that Ransom's employment is consistent with the public service guidelines under the act, I must question how many more David Ransoms are receiving Federal doles.

Mr. Speaker, I am sure many of our colleagues will agree that it is clearly not in the public interest to allocate Federal funds to an individual who favors the violent overthrow of our democratic society. But it is not enough to abhor this situation. It calls for action on the part of the Secretary of Labor, who has the responsibility for the administration of the Emergency Employment Act. Surely, it is not asking too much for the Secretary to counsel the State and local governments that persons who are active in the affairs of revolutionary organizations should not be eligible for responsible positions under the provisions of the act. It seems to me that the public service employment guidelines must be thoroughly reviewed by the Labor Department to determine what corrective measures are necessary in coping with this type of situation. If the dilemma cannot be resolved by administrative regulations, then it is the obligation of the Secretary to make recommendations for remedial legislation.

I am hopeful that the Secretary of Labor will take appropriate steps to rectify this situation, without making it necessary for the Congress to consider some form of amendment to the act, establishing conditions of employment which are more clearly in the national interest.

I insert at this point in my remarks articles from the Redwood City Tribune and Birmingham News along with copies of my correspondence with the Department of Labor in regard to this matter:

[From the Redwood City (Calif.) Tribune, Feb. 8, 1972]

RANSOM HIRED FOR RC STAFF

(By Ken Rowe)

David Ransom, a 31-year-old former college instructor, underground press editor, anti-war and civil rights activist, ghost writer and congressional candidate, has been hired as a staff aide to work with the Redwood City Housing Concerns Committee.

Ransom has been assigned to work in the city's Planning Department office. He will be paid $889 per month, under the federal Emergency Employment Act, to aid the committee. A primary concern of the committee is to foster development of low-income housing in the city.

A native of New York and a graduate of Harvard University, Ransom, who earned a master's degree in English from Stanford, quit Stanford's doctoral program "to work in the community." He had worked at Stanford as a teaching assistant and English instructor.

Ransom was an editor of the Peninsula Observer, an "underground" bi-weekly tabloid which ended publication on the Peninsula in September of 1969.

An anti-war activist since 1965, Ransom was the 1968 Peace and Freedom Party candidate in the 11th Congressional District, running against incumbent Rep. Paul N. (Pete) McCloskey Jr., and San Bruno Democrat Urban Whitaker. Ransom culled only a couple of thousand votes, but presented an anti-war platform which political observers termed "articulate."

Ransom was a leader in hte successful, residentalist fight which blocked the Willow Expressway project in Menlo Park last year, an effort which he said "saved 400 units of low-and-moderate-income housing."

Viewed by some observers as a "radical," Ransom is a member of the revolutionary Venceremos organization. He said he assumes city officials were aware of his activist background when he was hired to fill the new housing aide post, but added in an interview that the format of application forms precluded listing of his political affiliations.

Ransom, a bachelor and a resident of 410 Park St., Redwood City, recently has been unemployed. He has been associated with the Pacific Studies Center, a humanities research organization, since 1969.

Ransom also was the ghost-writer for "P.O.W., Two Years With the Viet Cong," a book by George E. Smith, a former U.S. Army Green Beret soldier captured by the Viet Cong and later released. Smith's story is, in part, sympathetic to the Viet Cong.

[From the Birmingham News, July 27, 1972]

TAX MONEY PAYS GOOD SALARY TO COMMUNIST REVOLUTIONARY

(By Robert S. Allen)

WASHINGTON.—Money voted by Congress to create employment is being used to pay good slaries to avowed Communist revolutionaries and other extremists.

How many is not known. But in one definitely established case, the Labor Department is refusing to do anything on the ground that it's up to the local authorities who hired the Communist revolutionary.

That was the startling brush-off experienced by Rep. Richard Ichord, D-Mo., chairman of the House Internal Security Committee, when he asked Labor Secretary James Hodgson to crack down. After months of stalling, Ichord finally got a letter from Assistant Secretary Malcolm Lovell passing the buck to the local officials.

Indignantly, Ichord told Lovell:

"In view of the findings of the Internal Security Committee that the Revolutionary Union and Venceremos organizations constitute a potential threat to the internal security of the United States, it is difficult for for me to justify the expenditure of Federal funds for the salary of a publicly admitted active member of the Venceremos."

The Communist extremist is being paid $868 a month by the Redwood City, Calif. Housing Concerns Committee—with funds provided by the Emergency Employment Act.

This measure, passed by Congress in 1971 with a $750 million appropriation, authorizes the Secretary of Labor to enter into contracts with units of Federal, state and local governments, public agencies and institutions to undertake public service projects designed to create jobs—with the U.S. Treasury paying the bill.

Last February, Ichord got wind that the Redwood City agency had hired an admitted member of the Venceremos and wrote the Labor Secretary citing the extremist nature of the Venceremos—a "violence-prone splinter of the Maoist Revolutionary Union."

Ichord pointed out that sworn testimony, in the hands of his committee "clearly established that both organizations are Marxist-Leninist groups unalterably devoted to the idea that violent revolution in the United States is inevitable and desirable, and that members of these groups expect to take an active, armed part in the anticipated revolution.

"I know you will agree that the payment of Federal funds to one who is actively working with an organization devoted to the overthrow of the government by force and violence is a serious misuse of the taxpayers' money."

Chairman Ichord was sorely mistaken!

Not only was the Labor Department apparently unconcerned, but it took its leisurely time to tell him so, and then only after Ichord wrote a second letter asking what was going on. Again, several months elapsed before he finally heard from Assistant Secretary Lovell, who loftily disclaimed Labor Department responsibility on three typically bureaucratic grounds:

The city hired the Venceremos Communist revolutionary and is paying him $868 a month to develop "new approaches to solving low-income housing problems."

The city is satisfied with the job he is doing and "as long as his performance remains satisfactory, they have no problem with his continuing in the position."

The Redwood City personnel officer maintains there is no "violation of the Public Employment Program guidelines."

In this alleged technicality, Assistant Secretary Lovell fully concurred. He informed Ichord:

"As our program guidelines do not allow for the hiring or discharging of participants on the basis of political affiliation, and we have delegated authority to hire within our guidelines to agent jurisdictions . . . the Department is not in a position to take any action to remove him from his position."

Understandably, Rep. Ichord was shocked and outraged. In reply, he sharply reprimanded the Labor Department:

"It appears to me that the difficulty lies in inadequate Public Employment Program guidelines. Certainly, legitimate political affiliations cannot be the basis for adverse action against an employee under the program, but I believe it is totally unrealistic to impose guidelines so restricted that you cannot take into account an employee's active participation in an organization devoted to the overthrow of our government."

In a 200-page report published last month, titled "America's Maoists: The Revolutionary Union, The Venceremos Organization," the Internal Security Committee, brands them as the "two principal Maoist organizations in the U.S." Also that they are "a part of the larger revolutionary scene and adds significantly to the sound and fury of the politically disaffected."

"By constant emphasis on firearms in the context of their use against police and public authorities," continues the report, "they create a climate encouraging to those inclined to resolve grievances against the government by violent action . . . They have gathered firearms and explosives and have trained members in their use under anticipated guerrilla warfare conditions.

"The Revolutionary Union already had one delegation in Red China. Members of RU were ordered to seek employment in plants having military contracts and in telephone companies."

According to the report the Revolutionary Union was formed in 1968 in Palo Alto, Calif., with the prime tenet of "an armed overthrow of the government." Principal organizers included "II. Bruce Franklin, a dedicated Communist revolutionary who was a professor at Stanford University, his wife Jane Franklin, Robert Avakian, a leftist political activist in the San Francisco-Berkeley area, and Leibel Bergman, a dedicated longtime Communist."

In January 1971, there was a split in the RU organization over basic ideological differences. Dissidents, under the leadership of Bruce Franklin, formed their own organization with the name Venceremos.

This group has no known connection with the Venceremos Brigade, made up of U.S. youths who have gone to Cuba for the ostensible purpose of cutting cane. Most of them are members of the leftist Students for a Democratic Society, which several years ago produced a violence-prone, extremist splinter group called Weathermen.

Early this year, the Revolutionary Union published a pamphlet in which it described itself as a "national Communist organization made up mainly of workers, students, blacks, browns, Asians, native Americans and whites." It also declares, "We must join together into a single Communist party, with the discipline, division of labor, and strategy and tactics capable of leading the immediate struggle of the people and, when the time is right, organizing the people to deal the death blow to the imperialist-capitalist system."

FEBRUARY 23, 1972.

Hon. JAMES D. HODGSON,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a copy of a newspaper article which alleges that one David Ransom, an admitted member of the revolutionary organization "Venceremos" was appointed to an $868.00 per month job with the Redwood City, California Housing Concerns Committee and that his salary will be paid from Emergency Employment Act funds. I understand that this Act is administered by the Department of Labor.

The Committee on Internal Security heard testimony in October, 1971 concerning the Revolutionary Union and its more violence-prone splinter group, Venceremos, which clearly established that both organzations are Marxist-Leninist groups unalterably devoted to the idea that violent revolution in the United States is inevitable, and desirable, and that the members of those groups expect to take an active, armed part in the anticipated revolution.

I know you will agree that the payment of Federal funds to one who is actively working with an organization devoted to the overthrow of the Government by force and violence is a serious misuse of the taxpayers' money.

I will be most appreciative if you will furnish me with facts concerning the allegations in the enclosed article.

Very truly yours,
RICHARD H. ICHORD,
Chairman.

APRIL 11, 1972.

Hon. JAMES D. HODGSON,
Secretary of Labor, U. S. Department of Labor, Washington, D.C.

DEAR MR. SECRETARY: Under date of February 23, 1972 I wrote to the Department calling attention to a newspaper article which alleged that one David Ransom, a member of the revolutionary organization "Venceremos," has been appointed to a job with the Redwood City Housing Concerns Committee and that his salary would be paid from funds administered by the Department of Labor. I expressed my view that payment of Federal funds to a member of an organization seeking the overthrow of the government was a misuse of taxpayers' money and I requested facts concerning these allegations.

As of this date I have not received a reply to my letter. I would be most appreciative for an early response to my inquiry about this matter.

Sincerely yours,
RICHARD H. ICHORD,
Chairman.

MAY 15, 1972.

Hon. JAMES D. HODGSON,
Secretary of Labor, U.S. Department of Labor, Washington, D.C.

DEAR MR. SECRETARY: I have not as yet received a response to my request of February 23, 1972 for information pertaining to an allegation that the salary of David Ransom, a member of a revolutionary organization, would be paid from funds administered by your Department.

The prompt attention of your Department to this inquiry of nearly three months ago and my letter of reminder of April 11 would be greatly appreciated.

Sincerely yours,
RICHARD H. ICHORD,
Chairman.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., June 16, 1972.

Hon. RICHARD H. ICHORD,
Chairman, Committee on Internal Security, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I am very sorry for the delay in responding to your letters. We have made inquiries through our regional office concerning Mr. David Ransom and have now received a reply.

Mr. Ransom was hired by Redwood City on January 31, 1972 as a Community Development Specialist. His job has to do with developing new approaches to solving low income housing problems.

The City is aware of the article from the Redwood City Tribune dated February 8, 1972, which you enclosed with your letter. The City states that they are satisfied with Mr. Ransom's performance during the time he has been on the job and that as long as his performance remains satisfactory, they have no problems with his continuing in his present position.

The City personnel office takes the position that there has been no violation of the Public Employment Program guidelines. The project officer concurs with this position.

As our program guidelines do not allow for the hiring or discharging of participants on the basis of political affiliation, and we have delegated authority to hire within our guidelines to agent jurisdictions on one hand, and as we have only the allegations of a newspaper article and no evidence of specific illegal activity on the part of Mr. Ransom on the other hand, the Department is not in a position at this time to take any action to remove him from his position.

We have also reviewed the City's position and the PEP guidelines with our Solicitor's Office. It is their opinion that if there is no evidence of illegal activity or poor program performance, we should not interfere with the City's hiring and selection process.

If I can be of further assistance, please let me know.

Sincerely,
MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

JUNE 26, 1972.

MALCOLM H. LOVELL, Jr.,
Assistant Secretary for Manpower, U.S. Department of Labor, Office of the Assistant Secretary for Manpower, Washington, D.C.

DEAR MR. LOVELL: Coincidental to the receipt of your letter concerning the employment of admitted Venceramos member David Ransom by Redwood City, California under the Emergency Employment Act, I have just submitted a report to the House furnishing details concerning the revolutionary objectives of the Revolutionary Union and Venceremos. I am enclosing a copy of the report for your information and guidance. Information concerning Ransom appears on pages 124–6 and 131.

In view of the findings of the Committee on Internal Security that the Revolutionary Union and Venceremos organizations constitute a potential threat to the internal security of the United States it is difficult for me to justify the expenditure of Federal funds for the salary of a publicly admitted active member of Venceremos.

It appears to me that the difficulty lies in inadequate Public Employment Program guidelines. Certainly, legitimate political affiliations cannot be the basis for adverse action against an employee under the above program but I believe it is totally unrealistic to impose on yourselves guidelines so restrictive that you cannot take into account an employee's active participation in an organization devoted to the overthrow of the Government.

Very truly yours,
RICHARD H. ICHORD,
Chairman.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., August 25, 1972.

Hon. RICHARD H. ICHORD,
Chairman, Committee on Internal Security, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of June 26, 1972, in which you enclose a copy of your Committee's report to the House on the objectives of the Revolutionary Union and the Venceremos Organization. This report contains information about Mr. David Ransom, a Public Employment Program participant in Redwood City, California, about whom we have had previous correspondence.

We certainly share your concern about the appropriateness of Mr. Ransom's employment. However, the Public Employment Program gives to local elected officials maximum flexibility in the design of the program and the selection and rejection of individual applicants for employment. Therefore, as long as a local jurisdiction is operating its Public Employment Program in keeping with the constraints of the Act and the Regulations and Guidelines issued pursuant thereto, we do not feel it appropriate for the Federal Government to intervene in what is essentially a local personnel transaction.

We have, however, made known to local officials information about Mr. Ransom's background.

As indicated in our letter of June 16, 1972, our review of the Redwood City Public Employment Program showed the City to be operating its program in accordance with the Act. Please be assured that we will continue to monitor closely the Redwood City Public Employment Program to insure its continued adherence to program standards.

We appreciate your interest in this matter.

Sincerely,
MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

CONDEMNING THE ACT OF TERROR AND MURDER AGAINST ISRAELI CITIZENS

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. DELANEY. Mr. Speaker, the wanton murder of Israeli citizens by Palestinian guerillas at Munich, Germany is an unprecedented act of international terrorism and an outrage against humanity.

It is impossible to believe that in such a serene setting of peace and international cooperation an insane act of this nature could happen. It leaves an indelible stain on civilized society.

I join with men and women of decency throughout the world in condemning this unspeakable atrocity, and I extend my deepest sympathy to the families of these tragic victims.

QUESTIONNAIRE RESULTS FROM THE FOURTH DISTRICT OF PENNSYLVANIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 5, 1972

Mr. EILBERG. Mr. Speaker, each year I conduct a poll, by mail, of my constituents. I continue to find this technique a valuable and useful tool in helping me to better represent the people of my district.

Last May I mailed my annual questionnaire to every household in my district in Philadelphia. The results have been tabulated and I am now mailing them to the more than 152,000 households in my district.

At this time I enter this most recent report to my district in the RECORD:

JOSHUA EILBERG REPORTS TO THE PEOPLE,
AUGUST 1972

Dear Friend: The results of the questionnaire I mailed to you during the spring have been tabulated and, as I promised, I am sending the results to every home in the Fourth Congressional District. This year it is clearer than ever that you want the Federal government to concentrate on solving domestic problems such as crime and drugs and the nation's economic problems.

Many of you made additional comments about the quality of life in our cities. Most of the complaints centered on the fear of increasing crime and drug abuse and the fact that the average working man's take-home-pay buys less and less every week. In addition there were a great many complaints about the pollution of our environment and the quality of our public transportation and school systems.

As your representative in Congress I have tried to find solutions to these problems by introducing and supporting legislation designed to meet our needs as individuals and those of society as a whole.

Crime must be fought on two levels, law enforcement and prevention. Right now four out of every five felonies are committed by "graduates" of our prison system. In addition to punishing criminals for their crimes we must rehabilitate them so that they do not commit more crimes when they are released. For this reason I have introduced a bill to improve our prison system. I am also supporting proposals to improve and strengthen our police forces, such as the Emergency Crime Control Act.

Drug abuse is still increasing. This year I supported measures designed to cut off all aid to, and place economic sanctions on, countries which do not help us in the fight against the drug traffic. In addition, I am a sponsor of the Narcotics Addict Treatment and Rehabilitation Act of 1972, Military Addicts Bill and the Drug Abuse Control Corps Bill.

Tax relief and reform must be accomplished quickly. Our present tax laws place too great a burden on those in the middle income group. For this reason I have sponsored legislation to close tax loopholes for the wealthy and big business, which would give the government more than $4 billion almost immediately, along with proposals to help the single tax payer and working couples.

Our environment is still under a continuous attack from all sides. Part of the problem is the fact that enforcement of the new tougher anti-pollution laws causes economic hardships for both labor and business. In order to break down this barrier I am sponsoring the Small Business Pollution Abatement Loan Assistance and Worker's Readjustment Assistance Act, which provides funds to business to help it comply with the new laws. It also gives workers reimbursement for lost wages, job training, employment services and moving expenses when they lose their jobs due to permanent or temporary shutdowns caused by the new environmental regulations.

Your voice is heard. On the reverse side you will find the results of the questionnaire reported by percentage. I want to thank all of you who took the time to respond and all of those who added their own thoughtful comments.

With best wishes.

Sincerely,

JOSHUA EILBERG.

CONGRESSMAN JOSHUA EILBERG REPORTS YOUR VIEWS

[Rounded off to nearest percentage "No response" not tabulated]

		Yes	No	Undecided
1. Do you believe the President's program of wage and price controls is working?		16	67	14
2. Do you favor the President's method of giving big business tax breaks so extra money can "trickle down" to the average taxpayer or do you favor direct tax relief for the individual taxpayer as one means of stimulating the economy?				
Trickle down	10			
Direct aid	90			
3. Nonessential Government spending must be cut. If you were writing the Federal budget which program would you cut first? (check one)				
(a) Crime	0.01			
(b) Defense	15			
(c) Education	.02			
(d) Foreign aid	48			
(e) Health	0			
(f) Highways	.02			
(g) Housing	.01			
(h) Pollution control	.01			
(i) Space	15			
(j) Welfare	16			
4. Do you have more money to spend for luxuries now than you did in past years?		18	75	6
5. Federal revenue sharing is about to become a reality. Which of the following problems facing Philadelphia do you think the funds should be used to help solve?				
(1) Police and fire protection	40			
(2) Environmental protection	29			
(3) Public transportation	24			
(4) Capital improvements	7			
6. (a) Should the Federal Government administer a comprehensive national health care insurance plan?		69	21	10
(b) If yes, which plan do you favor? (check one):				
(1) Federal health insurance for the poor; Government payments to help all other families meet costs of catastrophic illnesses	14			
(2) Comprehensive national health insurance for all Americans, financed partially from increased social security taxes and partially from Federal general revenues	43			
(3) Health care plan similar to medicare for entire population; option for individuals to purchase approved private insurance plans instead of national plan	29			
(4) Voluntary income tax credit for purchase of private health insurance; free health benefits for the poor	7			
(5) Establishment of Federal standards for health benefits provided by private insurers; benefits for poor subsidized by Federal and State funds	7			
7. (a) Law enforcement officials agree that 40 to 60 percent of all crime is caused by drug addicts who need money to support their habits. Do you think a system of Government operated clinics—similar to the present system in England—which supply drugs to addicts free or for a small charge would help to solve this problem?		46	40	14
(b) Congress has given the President the power to cut off aid and use other economic weapons against countries which do not act effectively to break the drug pipeline which operates within their borders and ends in this country. Do you think we should cut off aid to such countries as Thailand, Laos, Cambodia, and Vietnam if they do not cooperate in this area?		90	5	5
(c) Would you favor economic sanctions against France, Turkey, and Middle Eastern and South American countries if they do not cooperate fully in solving this problem?		88	7	5
8. (a) Elimination of penalties for the possession of marihuana if it is only for personal use was recently recommended by a Federal commission headed by former Governor Raymond P. Shafer. Do you approve of this idea?		37	55	8
(b) Do you favor the legalization of marihuana?		22	67	10
9. Do you approve of busing as a means of integrating children?		8	88	4
10. (a) Would you support additional controls over air and water pollution and increased use of Federal funds for such programs?		87	9	4
(b) Are you satisfied with the program being made to clean up the environment?		13	72	14
(c) Are you prepared to bear some of the cost of cleaning up the environment either in the form of increased taxes or higher prices from some goods and services?		60	32	8
11. (a) Were you upset by the charges that the Justice Department approved the takeover of the Hartford Fire Insurance Co. by ITT after ITT promised to give a political party $400,000?		70	21	9
(b) Do you think this indicates that big business has too close a relationship with government?		79	13	8
(c) Do you feel Richard G. Kleindienst should be confirmed as Attorney General?		25	42	32
12. (a) Do you believe you are being told the truth by the Administration about the war in Indo-China?		19	70	10
(b) Do you feel the media are reporting the war accurately?		24	60	16
(c) Do you support the President's policy in Vietnam and the rest of Indo-China?		41	48	11
(d) Would you support an immediate pull out from Vietnam if the North Vietnamese release the Americans they are holding prisoner?		76	16	7
13. Do you feel Russia and the United States should try to impose a settlement on Israel and the Arab countries?		33	55	11
14. What do you think are the three most pressing problems facing America today? Pleaselist in order of urgency. (Using a weighted point system, the following results were tabulated.)[1]				
1. Crime and drug abuse	37.9			
2. Vietnam	17.9			
3. Economy	17.3			
4. Environment	8.3			
15. What is the one local problem which troubles you the most?[2]				
1. Crime and drug abuse	43.2			
2. Mass transportation	8.3			
3. Funds for education	6.8			
4. Taxes	6.8			

[1] The remaining 18.6 percent included welfare, education, taxes, racial problems, Government operations, and foreign policy.

[2] The remaining 34.9 percent went to a wide range of problems.

MAJ. GEN. LEO HENRY SCHWEITER

HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. SHRIVER. Mr. Speaker, it was with deep personal sorrow that I learned of the passing on August 23 of a distinguished American and patriot, Maj. Gen. Leo Henry Schweiter. General Schweiter was a native of Wichita, Kans., which is in my congressional district, and he was part of a pioneer family which contributed significantly to the progress of Wichita.

He was a dedicated soldier. His outstanding service to our country extended over a 31-year period beginning in 1941. At the time of his retirement because of cancer, General Schweiter was Chief of Staff of the Army in Vietnam.

His many decorations included the Distinguished Service Medal, the Silver Star, the Distinguished Flying Cross, two Purple Hearts, and the Bronze Star.

It is my privilege to be well acquainted with members of the Schweiter family, and I know the great personal loss which they and our Nation have suffered. I take this opportunity to salute and pay tribute to the memory of a brilliant general, Leo Henry Schweiter.

Mrs. Shriver and I join in extending our heartfelt sympathy to his wife, Virginia, his four children, and to his mother, Mrs. Otto Schweiter of Wichita.

As a part of my remarks, I include an article from the Wichita, Kans., Eagle which reported the death of General Schweiter.

RITES FOR EX-WICHITAN GEN. SCHWEITER TUESDAY

Maj. Gen. L. Henry Schweiter, 55, Carlisle, Pa., former chief of staff, USARVN (U.S. Army, Republic of Vietnam), and former Wichita resident, services at 3 p.m. Tuesday in Arlington (Va.) National Cemetery Chapel. He died Wednesday in a Carlisle hospital after a long illness.

A native Wichitan, Schweiter was graduated from Kansas State College, Manhattan, in 1939 and commissioned as a second lieutenant. He entered the military service in 1941 after obtaining a master of arts degree and serving as an instructor at the University of Missouri, Columbia.

During World War II, Schweiter saw action in the defense of Bastogne, Belgium, during the Battle of the Bulge.

As a lieutenant colonel, he participated in landings at Inchon and Wonson, Korea and commanded a battalion in the 32d Infantry Regiment, 7th Infantry Division.

Between the Korean War and the Vietnam conflict, Gen. Schweiter served in command positions in the United States and Europe and held key staff positions with the joint Chiefs of Staff.

Schweiter was promoted to brigadier general in 1966 and to major general in 1968.

He received the Distinguished Service Medal; the Silver Star with Oak Leaf Cluster for gallantry; two Purple Hearts; the Bronze Star Medal with three Oak Leaf Clusters and the Distinguished Flying Cross.

Survivors include his widow, Virginia; a son, Henry James, and three daughters, Gail Ann, Mary Jean and Caroline, all at home; his mother, Mrs. Bertha Schweiter, Wichita; a brother, Otis, San Anselmo, Calif., and two sisters, Mrs. William A. Nixon, Wichita, and Mrs. Lyman Bratzler, Lansing, Mich.

STOP THE BOMBING

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mrs. ABZUG. Mr. Speaker, as the bombing of North Vietnam continues and as the mining of the ports of that country continues it must become clear to all that we are not winding down the war in Southeast Asia but merely changing its character. We have replaced our ground troops in South Vietnam with Air Force personnel in Thailand and Navy personnel off the coast, but the devastation continues unabated.

I would like to call to your attention a TV editorial that was heard on the CBS affiliate in New York City:

WCBS–TV EDITORIAL

Subject: Stop the bombing
Spokesman: Sue Cott
Broadcast: August 17, 1972, 6:55 p.m.

Last week the American combat role ended in Vietnam. But American involvement was far from over. Because as the ground war was grinding to a halt, the air war had reached a new high. We find this accelerated massive air war disturbing and baffling. For past experience proves that this is a bankrupt policy.

According to the Cornell University Air War Study Group's report, by the end of last year the United States had dropped three times as many bombs on Indochina than were dropped on all of Europe, Asia and Africa in World War II. But this brutal punishment did not bring North Vietnam to its knees—nor did the bombing prevent supplies from reaching its troops. Rather the population of North Vietnam was mobilized to meet the challenge and rebuild the roads and bridges knocked out by American bombs.

Now the United States is once again committing enormous manpower and fire power to the air war. And there is no question that this vast deployment of power and technology has made life more difficult for the North Vietnamese. But it still doesn't seem to be bringing the end of the conflict any closer. Even commanders in the field have admitted that there has been little tangible effect on the war itself.

The bombing however, has had a tangible effect in human terms. For whether it is official policy or not, many civilians have been killed—or made homeless. And ironically more in South Vietnam than in the North. The Cornell Study estimates that there were over a million civilian casualties and six million refugees in South Vietnam. What's more, the devastation of this rural society has been ruinous.

If we really want to save Vietnam, let's stop the bombing before there's nothing left to save.

A TRIBUTE TO THE LATE MOST REVEREND JAMES A. McNULTY

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. SMITH of New York. Mr. Speaker, on Labor Day afternoon the Niagara frontier lost a great spiritual and community leader. The Most Reverend James A. McNulty, Bishop of the Roman Catholic Diocese of Buffalo since 1963, entered the heavenly fellowship of saints on that day.

During the last decade, Bishop McNulty has led his church in western New York to new plateaus of strength and spirituality, and he has ever been an outstanding ecumenical leader in the Buffalo and western New York community.

Bishop McNulty was a great leader, a good friend, and a fine citizen. His presence was enriching to all of us, and his passing is mourned by all of us.

WAGE-PRICE FREEZE POLL

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. EILBERG. Mr. Speaker, the morning newspaper in my city, the Philadelphia Inquirer, polls its readers on various topics several days a week.

On Monday, September 4, the paper published the results of the survey on the question, "Do you think the wage-price freeze has been a success?" The response was 81.3 percent "no," and 18.7 percent said "yes."

The results of this poll indicate clearly the feeling of the general public about the administration's economic policies. They have been a disaster for the workingman and his family.

As one of the persons who called the paper stated:

> Nixon has succeeded in freezing wages better than he has succeeded in freezing prices.

At this time I enter into the RECORD the results of the poll and the comments which accompanied them:

DO YOU THINK THE WAGE-PRICE FREEZE HAS BEEN A SUCCESS?

How you voted: no—81.3 percent; yes—18.7 percent.

SAMPLE "NO" COMMENTS

"Not to the working man" . . . "There are too many special favors" . . . "It is only enforced selectively" . . . "Nixon has succeeded in freezing wages better than he succeeded in freezing prices" . . . "This is another crazy scheme of the Nixon administration" . . . Control the government spending and they will have done something."

SAMPLE "YES" COMMENTS

"I am glad he had the courage to do it" . . . "Particularly since the public has profited from it" . . . "Without controls inflation would be a lot worse" . . . "A public success as far as it goes" . . . "I am very well pleased with it." . . . "For the working man it has been a success."

CHIEF BARRON'S ACHIEVEMENT

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. FLOWERS. Mr. Speaker, I am delighted to bring to the attention of my colleagues and others an article about Chief George Barron of the Bessemer Police Department. This interesting story appeared in the August 31 edition of the Bessemer News:

CHIEF BARRON'S ACHIEVEMENT

As a fellow veteran of World War II and among those who have educated children and seen them off to establish homes of their own, we stand in awe of the achievement of George Barron, chief of police in Bessemer.

As were so many of us veterans of the Great Depression, Mr. Barron did not enjoy a formal (i.e., college) education, but got a taste of it in attending a pretty rigid FBI National Institute course.

That, however, was nothing to the undertaking Mr. Barron entered into, in entering Samford University as a freshman, subject to all the rules and regulations (so far as curricula was concerned) as the freshmen fresh out of high school.

For about three and a half years Mr. Barron's days were divided into four parts: school, work, study and sleep, with the latter sometimes the sufferer.

Although there are numerous cases in which people even older than Mr. Barron have entered college classes and successfully completed them, we still think it's a feat well worth commending.

It must have taken some of the stamina that Mr. Barron exhibited in Marine Corps fighting during World War II, for him to have hung in there and completed the course.

In doing so, incidentally, he becomes (according to Commissioner Ed Porter) the only police chief in Alabama to have a BS degree in police administration.

We add our congratulations to the many he has received.

SALUTE TO COAST GUARD IN ALASKA

HON. NICK BEGICH

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. BEGICH. Mr. Speaker, the Coast Guard in Alaska has a tremendous responsibility to safeguard the enormous shoreline of the State with the small number of vessels and craft available. Yet, they have done yeoman service, not only in the patrolling of Alaskan waters, and the apprehension of violators, but in other areas as well. Today I would like to salute the Guard for their efforts in two very unique situations which happened last month.

On August 8, 1972, the Coast Guard cutter *Confidence* while on patrol, intercepted an SOS from what was believed to be a Gibson Girl emergency radio in the Shumagin Island group. Later they monitored the words "Chirikof Island" and "no food." Weather was poor, and aircraft were unable to pinpoint the location of the transmission. The *Confidence* placed land parties ashore, and it was subsequently learned that Kodiak Airways had placed a group of persons on Chirikof Island 2 weeks before, and the party was to have come out 3 days before the transmission was received. Weather had precluded their removal. Late in the evening of August 8, the *Confidence* located seven very hungry people. Case closed.

St. Lawrence Island is in the Bering Sea, closer to the Siberian Peninsula than to the Seward Peninsula. This very isolation can cause difficulties, as happened in early August. The entire village meat supply was in imminent danger of spoiling when unusually high summer temperatures, coupled with problems with the freezing system, raised the temperatures in the village of Savoonga's freezer facility. The Coast Guard personnel took part in transporting 2 tons of salt to the Island which was used to keep the freezer brine at a safe operating temperature, thus saving the village meat supply.

In both instances, the actions of the Coast Guard were above and beyond the call of duty. I am certain that my colleagues join me in saluting the efforts of the U.S. Coast Guard in Alaska, and in thanking them for the extra concern they have so ably demonstrated in these instances.

Thank you.